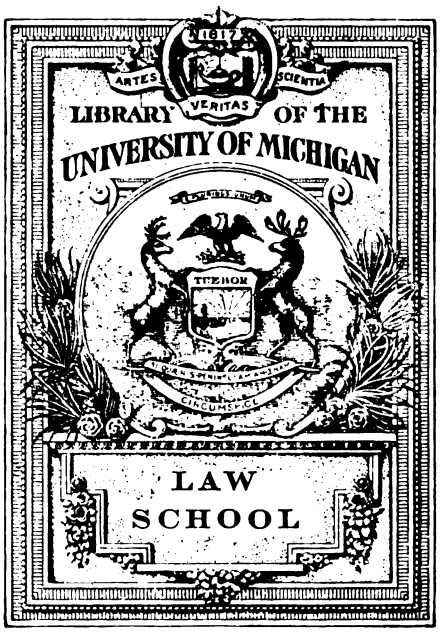

A LAW-DICTIONARY AND GLOSSARY,

Interpreting such Difficult and Obscure

Words and Terms,

As are found either in

Our *Common* or *Statute*, *Ancient* or *Modern*,

LAWS.

With References to the several *Statutes*, *Records*, *Registers*, *Charters*, *Ancient Deeds*, *Manuscripts* and *Law-Books*, wherein the Words and Terms are used.

By THO. BLOUNT, of the *Inner-Temple*, Esq;

The Third Edition.

To which are added

Near Three thousand Words, Collected from all the Laws of the *Saxon*, *Danish* and *Norman* Kings: And from all the Ancient Books of the Common Law, from the *Monasticon Anglicanum*, *Du Fresne*'s Glossary, *Chronicon Saxonicum*, and the Volumes lately published by Dr. *Gale*.

ALSO

An Explanation of all the Ancient Names of the Inhabitants, Cities, Towns, Villages and Rivers of GREAT BRITAIN.

Collected formerly by Mr. *Camden* and others, and necessary for Understanding the History and Laws of this Realm.

By W. NELSON, of the *Middle Temple*, Esq;

In the *SAVOY*:

Printed by *Eliz. Nutt*, and *R. Gosling*, Assignees of *Edw. Sayer* Esq; for *D. Browne*, *J. Walthoe*, *J. Nicholson*, *B. Tooke*, *D. Midwinter*, *B. Cowse*, *M. Wellington*, *R. Gosling*, *W. Mears*, *J. Browne*, *J. Hooke*, *F. Clay*, and *E. Nutt*. 1717.

TO THE READER.

IT was the Opinion of the greatest Lawyers of the last Age, (particularly of Sir *Edward Coke*) That a Dictionary explaining the Terms of the Law, would be very useful to the Students of the Common Law, and others; to the End, that the Explanation of the ancient Words, and the true Sense of them, might be understood *per verba notiora*. *Coke* on *Littl. fol.* 106. *b.* & 325. *a.*

THERE was but one Book of that Nature then extant, Entituled, *The Terms of the Law*, which, according to my Lord *Verulam*'s Opinion in his *Proposition touching the Compiling and Amendment of the Laws of England*, was at that Time but indifferent (though since in later Editions very much augmented and improv'd) and that made him wish for a better; *wherein should be comprized, not only the Exposition of the Terms of the Law, but of the Words of all antient Records and Precedents.* Such an Intimation from a Man of so great Judgment and Learning, might probably incite Dr. *Cowell*, to compile and publish his Book called *The Interpreter*; which at first was in so much Esteem, that my Lord Keeper *Littleton* used it for a Common-Place-Book: And yet Mr. *Blount* tells us 'tis very defective; for he, by the Assistance of some Books which were published since the Doctor wrote, and by a constant Application to this Study, hath compiled a Law-Dictionary, with an Addition of above Fifteen hundred Words.

'TIS true, he hath so far complied with my Lord *Verulam*'s Wish, as to explain some antient Words; but he hath omitted more than he hath explained; for, wanting the help of several Books which have been lately published, I may say of him as he did of Dr. *Cowell*, that his Book is useful *pro tanto*.

HE who carefully peruseth all the *Saxon*, *Danish*, and *Norman* Laws published by *Brompton*, *Lambard*, and others; and all the antient Books

reating of the Common-Law, as *Bracton*, *Fleta*, *Glanvill*, &c. will find them very difficult to be understood without the help of this *Dictionary*; for the *Jus Anglorum* of the *Saxons*, the *Danelaga* of the *Danes*, and our *Common Law*, which from thence was collected by the *Normans*, are all delivered in very abstruse and uncommon Words; as for Instance, in *Leg. H.* 1. we read, *De quibuscunq; impleitatur aliquis, Furch & Furdong habeat*; that is, *Let him have Time to advise*; which we now call an Imparlance; and where the *Latin* is plain, the Sense is obscure; as in the same Law; *In aliis quærat accusatus consilium*, i. e. *diem consilii*, or a Day to be advised what to plead.

THIS made a Third Edition of a *Law-Dictionary* necessary; and for that purpose I have perused all the Books mentioned both here and in the Title-Page, and many more; and particularly *Ingulphus*, *Eadmerus*, *Matt. Paris*, *Matt. Westm.* the *Decem Scriptores* and others, and confined my self chiefly to explain such Words and Terms as may conduce to the understanding the History and Laws of this Realm.

AND because we have the Opinion of another great Lawyer, Sir *John Dodridge*, in his *English Lawyer*, *fol.* 75. that *Etymologies, if they be rightly used, and drawn from the Final Cause, or from the Effect, do not only yield an Argument of good Consequence, but also afford Illustration and Delight*; and knowing that many of our Laws and Customs proceed from a *Saxon* Original, I have carefully examined every Word which is derived from thence, either by Mr. *Somner's Lexicon*, or by Mr. *Benson's Thesaurus Saxonicus*, lately published, and have corrected those Mistakes which are in the former Editions; so that according to the Opinion of that Lawyer, I have made this Edition not only necessary but delightful.

Advertisement.

TO the end the Reader *may readily know the Series of our Kings from the Conquest, and, for the most part, in what King's Reign a Charter without Date is made, by its Title; and again, in what Year of our Lord every King reigned, and how long; I have prefix'd a necessary* Table *to that purpose.*

I have also given such of the Saxon *Characters, as are different from the Common* English; *since, through the want of some Knowledge in that Language, Authors have committed many Errors; the Word* Gretlunna *being by some mis-written* Gressline, *by others* Garsumnie, *by others* Grossome, *and by some* Grellame. Gethbreche *occurs in some,* Gethbreche, Grithbrich, Greatbreach, Grichbreach *and* Greachbreach: *So for* [illegible] *and* [illegible] (Were or Wite) *we meet with* Pere *and* Pite, *and the like of divers other Words.*

BEFORE the Conquest, Charters were usually dated, sometimes by Olympiads *and* Indictions; *sometimes by* Calends, Nones, *and* Ides; *but most frequently by the Year of our Lord. After the Conquest, Dates were commonly omitted, especially in the Deeds of Subjects, till the latter end of King* Edward the Second's *Days; and thenceforth the Year of the King's Reign, or that of our Lord, was constantly inserted: So that Deeds, made since the Conquest, and found without Date, may be presumed to be in Time before that King's Reign.*

WITNESSES Names were added in the Body of the Deed, and with the same Hand that wrote it, till King Henry the

Eighth's *Time*; *but now changed into* Indorsements, *where the Witnesses subscribe their own Names. Yet I have seen an Indenture, dated* 33 Hen. 8. *which neither had any Subscription of the Parties Names, or any Witnesses within, or Indorsement without, it being only Seal'd by the Parties to it.*

ADDITIONS *to Persons Names in publick Writings and Pleadings, and the Places of their Residence were very rarely inserted, till the Statute of* 1 Hen. 5.

IN my Progress, where any ancient Charters or Records were judged to be extraordinary, either for Matter or Form, I have transcribed them at large, but the generality are abridg'd, to avoid Prolixity.

I need not apologize for the Latin, *where it occurs, since both in ancient, as well as modern Times, our Law-Pleadings, Charters and Records were always expressed* forensi latinitate, *which is acknowledged not to be of the purer sort; And the Diphthong* Æ, *of old seldom used, I have now supply'd.*

TO some Words I have added the variæ lectiones *I met with, as* Churchesset, Fleuemesynne, Dirute, Scabatte, Barnage, Ualet, &c. *To others, the Etymons, which sometimes proved the more difficult, is that divers of our Law-Terms of Birth since the Conquest, are* voces hybridæ, *mungrel Words,* Saxon, or French *Latiniz'd;* as Carecta *from the* Sax. Carr *Cart:* Bracheta, *from the* Fr. Brachet, *a Brache, or Bitch-hound;* Marettum *from the* Fr. Maret, *Marsh-ground; not without a Mixture sometimes of* British *and other Languages.*

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

The *SAXON* CHARACTERS which differ from the VULGAR.

A Titular and Chronological TABLE *of our* KINGS *and* QUEENS *from the Conquest, to the Year* 1717.

KINGS Names and Titles.	Began their Reigns	Reigned Ye.	Mon.	Dayes	Since they Reigned	
1 Wilhelmus Rex; Wilhelmus Rex Anglorum; *and* Wilhelmus Rex Anglorum, Princeps Normannorum atque Cynomannensium.	1066 *Octob.* 14	20	11	22	630 *Sept.* 9	
2 Wilhelmus, Rex Anglorum, & Wilhelmus Dei Gratia, (*and* nutu Dei) Rex Anglorum.	1087 *Sept.* 9	12	8	17	617 *Aug.* 5	
1 Henricus, Rex Anglorum; Henricus Dei gratia, Rex Anglorum; *and* Henricus gratia Dei, Rex Anglorum & Princeps Normannorum; *called also in some Records,* Henricus Vetus.	1100 *Aug.* 1	35	4	1	582 *Dec.* 1	
Stephanus, Rex Anglorum; *and* Stephanus Dei gratia, Rex Anglorum.	1135 *Decemb.* 1	18	11	18	563 *Oct.* 25	
2 Henricus, Rex Angliæ, Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ.	1154 *Octob.* 25	35	9	8	528 *July* 6	
1 Ricardus, Rex Angliæ, Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ.	1189 *July* 6	9	9	0	518 *April* 6	
1 Johannes, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, & Aquitaniæ, & Comes Andegaviæ.	1199 *April* 6	17	7	0	501 *Oct.* 19	
3 Henricus, Dei gratia, Rex Angliæ, Dominus Hiberniæ, Dux Normanniæ, & Aquitaniæ, & Comes Andegaviæ: Anno Regni 44, *he Styl'd himself,* Henricus Dei gratia, Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ,	1216 *Octob.* 19	56	1	9	445 *Nov.* 16	
1 Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. *In Records sometimes named* Edward of Westminster.	1272 *Nov.* 16	34	8	6	410 *July* 7	
2 Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. *And,* 14 Regni, *added* Comes Pontivi & Monstroill. *Pat.* 14 *Ed.* 2. *Par.* 1. *m.* 14. *Styl'd also* Edw. of Carnarvan.	1307 *July* 7	19	7	5	390 *Jan.* 25	
3 Edwardus, Dei gratia, Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ. Anno 13 Regni *he omitted* Dux Aquitaniæ. *He was also called* Edward of Windsor, *and was the first that constantly used* Post Conquestum *in his Title, to distinguish the King* Edwards *after the Conquest, from those before it.*	1327 *Jan.* 25	51	5	7	348 *June* 21	
2 Ricardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, *called* Rich. of Bourdeaux.	1377 *June* 21	12	3	18	318 *Sept.* 29	
4 Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ, *called* Henry of Bullingbroke.	1399 *Sept.* 29	13	6	3	305 *Mar.* 20	
5 Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ. *Et Anno Regni* 8, Hen. Dei Gratia, Rex Angliæ, hæres & Regens Franciæ, & Dominus Hiberniæ, *called also* Henry of Monmouth.	1412 *Mar.* 20	9	5	24	295 *Aug.* 31	
6 Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1422 *Aug.* 31	38	6	8	257 *Mar.* 4	
4 Edwardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1460 *March* 4	23	1	8	234 *April* 9	
5 Edwardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 *April* 9	0	2	18	234 *June* 22	
3 Ricardus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1483 *June* 22	2	2	5	232 *Aug.* 22	
7 Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ.	1485 *Aug.* 22	23	10	16	208 *April* 22	

KINGS Names and Titles.	Began their Reigns.	Reigned Ye. Mon. Days.	Since they Reigned.
8 Henricus, Dei gratia, Rex Angliæ & Franciæ, & Dominus Hiberniæ. *Et Anno* 10 *Regni*, Henricus octavus Dei gratia, &c. *Anno* 13 *Regni*, Fidei Defensor *was added*. *Et Anno* 22 *Regni*, in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput, *was added*. *Et Anno Regni* 34, Rex Hiberniæ *was added*.	1509 *April* 22	37 10 2	170 *Jan.* 28
6 Edwardus Sextus, Dei gratia, Angliæ, Franciæ & Hiberniæ Rex, Fidei Defensor, Et in terra Ecclesiæ Anglicanæ & Hiberniæ supremum caput.	1547 *Jan.* 28	6 5 19	164 *July* 6
Queen Mary *summon'd her first Parliament by the same Title, but soon after omitted* Supremum Caput. *After she Married* King Philip, *she used her own and his Titles*, &c.	1553 *July* 6	5 4 22	159 *Nov.* 17
Elizabetha, Dei gratia, Angliæ, Franciæ & Hiberniæ Regina, Fidei Defensor.	1558 *Nov.* 17	44 4 16	115 *Mar.* 24
1 Jacobus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1602 *Mar.* 24	22 8 2	92 *Mar.* 27
1 Carolus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1625 *Mar.* 27	23 10 3	68 *Jan.* 30
1 Carolus Secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1648 *Jan.* 30	36 0 8	32 *Febr.* 6
2 Jacobus Secundus, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1685 *Febr.* 6	4 0 7	*Abdicated Dec.* 29. 1688
Gulielmus & Maria, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Rex & Regina, Fidei Defensores. *But Queen* Mary *dying Decemb.* 28, 1694, *King* William's *Title then was* Gulielmus Tertius, Dei Gratia, &c.	1689 *Febr.* 13	13 0 23	15 *Mar.* 8
Anna, Dei gratia, Angliæ, Scotiæ, Franciæ & Hiberniæ Regina, Fidei Defensor. *But upon the Union of the two Kingdoms in the Year* 1706, *she used* Magnæ Britanniæ *instead of* Angliæ, Scotiæ.	1702 *Mar.* 8	12 4 24	3 *Aug.* 1
Georgius, Dei gratia, Magnæ Britanniæ, Franciæ & Hiberniæ Rex, Fidei Defensor.	1714 *Aug.* 1	*Crown'd October* 20. 1714.	*Now reigning.*

CARMEN TECHNICUM

Regum Reginarumque Angliæ.

W*Il.* Conq. *Wil.* Rufus, *Henri*, *Steph. Henq*; secundus,
Ric. John, *Henricus*, tres *Edward*, *Riq*; secundus,
Post hos regnavit quartus, quintus quoque *Henri*,
Hen. sextus, *Edward* quartus, quintusq; *Ricardus*
Tertius, *Hen.* Sept. & Oct. *Edwardusque*, *Maria*,
Eliz. Jac. Carolus primus, *Carolusque* secundus,
Postq; secund. *Jacob.* Tunc cum *Maria Gulielmus*.
Tunc Gul'mus solus: Post hunc regnavit & *Anna*.
At (nunc gubernans) successit *Georgius Annæ*.

A Law-Dictionary:

INTERPRETING

Such difficult WORDS and obscure TERMS,

As are found, either in our Common or Statute, Ancient or Modern,

LAWS.

A.

AB, in the Beginning of any Place comes from the word Abbot, and signifies, That either the Place belonged to some Abbey, or that an Abbey was founded there.

Abactors (*abactores*) were stealers of Cattle or Beasts, by Herds or great numbers; and were distinguished from *Fures*. *Nam qui ovem unam surripuerit, ut* fur *coercetur, qui gregem, ut* abactor. *M. S.* 'Tis derived, *ab abigendo*, for when Cattle are stoln, they are certainly driven away:

Nocte miser quadam somno graviore sepultus,
Amisit taciti furto prædonis abactos.

Abacus, *i. e.* Arithmetick. It properly signifies a Table on which Dust was strewed, where the Ancients made their Characters, *Liberalium artium peritus, abacum præcipuè & lunarum cursum peritus. Knighton, lib.* 1. *cap.* 3.

Abarnare, To discover to a Magistrate an Offence committed secretly. *Sax.* **Abarnian**, *manifestare: Si homo furtivum aliquid in Domo sua occultaverit & ita fuerit* abarnatus, *&c. Leges Canuti, cap.* 104.

Abarstick, insatiable, from a. *privative*, and the Sax. **Berstan**, *disrumpi*, who has so large a Belly, that tho' 'tis full it will not burst.

Abate (from the French *abatre* or *abbatre*, *i. e.* To fell, break down or defeat utterly) signifies properly, to diminish or take away; and in our Law-writers it has a like Signification: For to *abate* a Castle or Fortlet (*Old Nat. Br. fo.* 45.) in *Westm.* 1. *cap.* 17. is interpreted to beat it down. And to *abate* a Writ, is to defeat or overthrow it by some error or exception. *Briton, cap.* 48. As he that puts out the Possessor is said to *disseise*; so he that steps in between the former Possessor and his Heir, is said to *abate*. And in the Stat. *De conjunctim Feoffatis*, 34 *E.* 1. The Writ shall be *abated*, that is, shall be disabled or overthrown. So in *Staundford's Pleas of the Crown, fo.* 148. The Appeal *abates* by Covin, *i. e.* The Accusation is defeated by Deceit. *Anno* 11 *Hen.* 6. *cap.* 2.—*The Justices shall cause to be* abated *and quashed the said Writ.* See *Intrusion.*

Abatement (Fr.) is sometimes used for the Act of the *Abator*; as the *Abatement* of the Heir into the Land, before he has agreed with the Lord. *Old Nat. Br. fo.* 91. Sometimes for the Affection or passing the Thing *abated*; as *Abatement* of the Writ. *Kitchin, fo.* 214. And in this signification 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 Incertainty of the Allegation, by misnaming the Plaintiff, 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 either of the Parties, before Judgment had, and for divers other causes: Upon which defaults, the Defendant may pray, That the Writ or Plaint may *abate*; that is, the Plaintiff's Suit against him, may cease for that Time. To prevent the *Abatement* of Writs of Error, see the Statute of 16 *Car.* 2. *cap.* 2. Sir *Edward Coke* says, *Abatamentum* is a word of Art, and signifies an Entry by Interposition. On *Littl fo.* 277. where he shews the Difference between *Abatement, Disseisin, Intrusion, Deforcement, Usurpation*, and *Purpresture.*

Abatude, *i. e.* diminished, *moneta abatuda* is Money clipp'd or diminished in value: *Si tempore solutionis hæc moneta fuerit* abatuda *sive deteriorata. Charta Simonis comitis Leicestriæ, Anno* 1209. *Du Cange in verbo.*

Abawed Ang. *terrified*, from the Fr. *Esbahir, attonitum reddere.*

Abay or Abey, Ye shall sore *Abey* it, *i. e.* you shall

shall suffer great Pain, or you shall pay dear for it: From the word *Buy*, the initial Letter A being added.

Abbacy, (*abbatia*) is the same to an Abbot, as Bishoprick to a Bishop: We may call it his *Paternity*. *Talis* Abbatia (*quæ Paternitas Latino nomine dicitur*) *funditus removeatur*. Concil. Meldens. *Anno Dom.* 845. *cap.* 10. The Word is used *Anno* 34 & 35 *Hen.* 8. *cap.* 17, 18. *Sciant,—quod ego Isabella Comitissa Pembr. pro salute animæ meæ—Dedi Deo* & Abbatiæ *de Nutteleg. totam Wickham juxta prædictam* Abbatiam, &c. sine dat.

Abbat or **Abbot**, (*Abbas* Sax. Abbuð) A Spiritual Lord, that has the Rule and Preheminence over a religious House. He is by *Justinian* termed *Archimandrita*, by others *Cœnobiarcha vel Archimonachus*. Of these, some in *England* were *mitred*, some not: The *mitred* were exempt from the Jurisdiction of the Diocesan, having Episcopal Authority within their Precincts, and being also Lords of Parliament; which were called *Abbots Soveraign* (*Anno* 9 *Rich.* 2. *cap.* 4. and *Abbots General*) the other sort were subject to the Diocesan in all Spiritual Government. And as *Abbots*, so were there Lord Priors also, who both had exempt Jurisdiction, and were Lords of Parliament, as appears by Sir *Edw. Coke*, *de Jure Eccles. fol.* 28. Of which *Lords Abbots* and *Priors* that sat in Parliament, some Authors reckon but Twenty-six: Sir *Edw. Coke* says they were Twenty-seven *Abbots* and two Priors. (On *Lit. fol.* 97.) In the Parliament 20 *Rich.* 2. there were but Twenty-five *Abbots* and two Priors. But in the Summons to the Parliament at *Winton*, *Anno* 4 *Edw.* 3. (*in Dorso claus. ejusdem An. Membran.* 41.) I find more named, to which I have added the Founders out of the *Monasticon Anglicanum*.

Abbots and Priors.	*Founders Names.*
1 Abbot of St. *Austin's* in *Canterbury*.	*Ethelbertus Rex*, *Anno* 602.
2 Abbot of *Ramsey*.	*Ailwinus Semi Rex*, 969.
3 Abbot of *Peterborough*.	*Wulferus Rex*, 664.
4 Abbot of *Croyland*.	*Ethelbald Rex Merciæ*, 726.
5 Abbot of *Evesham*.	*Egwin. Episc. Wigorn*, 708.
6 Abbot of St. *Benet de Hulmo*.	*Canutus Rex*, *Anno* 1026.
7 Abbot of *Thornby*.	*Wil. Albemarle sub Hen.* 2.
8 Abbot of *Colchester*.	*Eudo Dapifer*, *Hen.* 1.
9 Abbot of *Leicester*.	*Rob. Bossue*, *Comes Leic.* 1141.
10 Abbot of *Winchcomb*.	*Kenulphus Rex Merciæ*, 789.
11 Abbot of *Westminster*.	*Seabert. Rex Occid. Sax.* 604.
12 Abbot of *Cirencester*.	*Henricus Primus*, 1133.
13 Abbot of St. *Albans*.	*Offa Rex Merciæ*, 795.
14 Abbot of St. *Mary York*.	*Alanus Comes Britanniæ*, 1088.
15 Abbot of *Shrewsbury*.	*Roger. Comes Montgom.* 1081.
16 Abbot of *Selby*.	*Gulielm. Conquestor*, 1078.
17 Abbot of St. *Peter's*, *Gloucester*.	*Offric. Rex Northumb.* 700.
18 Abbot of *Malmesbury*.	*Maidulfus Hibern. Scot.* 648.
19 Abbot of *Waltham*.	*Haraldus Rex*, 1036.
20 Abbot of *Thorney*.	*Ethelwoldus*, & *Edgarus Rex*, 972.
21 Abbot of St. *Edmond's*.	*Canutus Rex*, 1020.
22 Abbot of *Beaulieu*.	*Johannes Rex*, *Anno Regni* 6.
23 Abbot of *Abingdon*.	*Cissa Rex*, *Anno* 675.
24 Abbot of *Hyde*.	*Aluredus Rex*, 922.
25 Abbot of *Rading*.	*Henricus Primus Rex*, 1125.
26 Abbot of *Glastonbury*.	*Inas Rex Occid. Sax.* 708.
27 Abbot of *Osney*.	*Rob. Fitz-Nigel Doily*, 1129.
28 Prior of *Spalding*.	*Jo. Talbois*, *Com. Andegav.* 1074.
29 Prior of St. *Johns* of *Jerusalem*.	*Jordanus Briset & Ux. ejus*, 1100.
30 Prior of *Lewes*.	*Will. de Warren*, *primus Comes Sur.* 1708.

To which were afterwards added,

31 Abbot of St. *Austin's*, *Bristol*.	*Henricus Secundus Rex*.
32 Abbot of *Bardeney*.	*Rex Ethelredus*, 712.
33 Prior *de Semplingham*.	*Sanctus Gilbertus*, 1131.

To these also *Henry* the Eighth added the Abbot of *Tavistock*. And in the *Teste* to *Magna Charta*, the Names of some other *Abbots* are inserted, among the great Men of the Realm. An Abbot with the Monks of his House, who are called the *Convent*, made a Corporation, and he was not chargeable with the Act of his Predecessor, if it were not by their common Seal, or for such Things as came to the use of the House.

The *Bishops* complained that the *Monks* invaded their Rights and Privileges, I mean at the Time when the *Abbots* were first mitred; and they were very much offended, because in Synods and Councils there was no distinction between them in their Habits, for both were mitred and alike; thereupon Pope *Clement* the 4th ordered, that the *Abbots* should wear their Mitres embroidered with Gold, but without Jewels; but those of the Order of *Premonstratenses* wore no Miters, because they would not seem to be elevated with those Things which were worn by Popes and great Prelates.

Abballaba, *Appleby*, a Town in *Westmorland*.

Abbatiy (*Anno* 31 *Hen.* 8. *cap.* 13.) See *Abbacy*.

Abbrochment (*abbrocamentum*) the buying up whole Wares, before they are brought to Market, or out of the Fair or Market, and selling the same by Retail. *M. S. de Placit. coram Rege Ed.* 3. *penes Job. Trevor Mil.*

Abbundum. See *Abington*.

Abbus æstuarium, *Humber* in *Yorkshire*.

Abbuttals (from the Fr. *abutter* or *abouter*, i. e. *terminare*) are the Buttings or Boundings of any Land, East, West, North, or South; declaring on what other Lands, Highways, or other Places it does *abut*: As in *Croke's Reports*, 2 *Part*, *fol.* 184. *The Plaintiff hath fail'd in his Abuttals*, that is, in setting forth how the Land is abutted and bounded. *Latera autem nunquam aiunt* abuttare; *sed terram proximam adjacere.—Those* (says *Camden*) *that have written of Limits, say, That certain Hillocks or Piles of Earth, which they termed* Botentines, *were set in Limits. Hence peradventure our* Buttings *and Boundings*.

Abditorium, A Chest in which Reliques were kept; 'tis mentioned in the *Monasticon*, *pag.* 173. *Item unum Coffur, & una pyxis de Ebore ornata cum argento deaurato, item tria* Abditoria, *&c.*

Abeched is an old Word, and it signifies to be satisfied, from the Fr. *Abbecher*, to feed.

Aberemurdum. See *Eberemurdum*.

Abergevenny. See *Gobannium*.

Abessed, *i.e.* humbled, from the Fr. *Abbaisser*, to *depress*, from hence we derive the *English* words *Abase* and *Base*.

Abet (from the *Saxon* a, ad *vel* usque, and **Beteren**,

terent, *i. e. emendare, excitare*) signifies to encourage, incite or set on. The Substantive *Abetment* is used for an encouraging or instigation. *Staundf. Pl. Cr. fol.* 105. And *Abettor* or *Abettator* for an Instigator or setter on. *Old Nat. Br. fol.* 21. But both Verb and Noun are always used in the evil Part: As *Abettors of Murder* are those that command, counsel, or maintain others to murder: And in some Cases such *Abettors* shall be taken as Principals, in other, but as Accessaries, and their Presence or Absence at the Deed-doing makes a difference in the Case.

Abettator, an Abettor. See *Abet.*

Abeyance or **Abbayance**, (from the Fr. *bayer*, *i. e.* To gape after, or expect; as those are said, *Bayer a l'argent, qui spe atque animo incumbunt pecuniæ*) in *Littleton, cap. Discontinuance, Sect.* 56. is thus used, *The Right of Fee-simple lies in* Abeyance; that is, as himself interprets it, only in the Remembrance, Intendment and Consideration of the Law. Sir *Edw. Coke* calls it *in gremio Legis.* The Frank-tenement of the Glebe of a Parsonage is in no Man, during the Time the Parsonage is void, but is in *Abeyance.* And it is a Principle in the Law, *That of every Land there is a Fee-simple in some Man, or it is in* Abeyance. Considering this with the Signification of the *French* word, it is probable our ancient Law-Books signify hereby a kind of hope or longing expectance; because those Things that are in *Abeyance*, though for the present in no Man, yet are they in hope and expectation belonging to him who is next to enjoy them. For I find also in the *French*, that *Bayard* is a Man that gapes or gazes earnestly at a Thing. And this *Abeyance* may be compared to that which the *Civilians* call *Hæreditatem jacentem.* See *Coke on Litt. fol.* 342. *b.* And *Plowden, casu Walsingham.*

Abigeus, for *Abigens*, signifies a Thief who hath stoln many Cattle, *viz. Si quis suem surripuit fur erit, & si quis gregem* Abigeus *erit. Bract. l.* 3. *c.* 6.

Abingdon, anciently *Abbundun*, a Town in *Berkshire*, so called soon after *Cissa*, King of the West *Saxons*, built an Abbey there; for before that Time it was called *Cloveshoam* alias *Cloveshoe*, where the famous Council was held: The old Book of that Abbey tells us, *Hic sedes Regia, hic cùm de Regni præcipuis & arduis tractaretur negotiis concursus fiebat Populi, &c.*

Abisherfing (According to *Rastal's* Exposition) is to be quit of Amerciaments before whomsoever, for Transumption proved. The word originally signifies a Forfeiture, or an Amerciament, and is much transformed in the Writing, since more probably it should be *Misbersing*, *Misbering*, or *Miskering*, according to the learned *Spelman.* It seems by some Authors to signify a Freedom or Liberty; because he that has this word in any Charter or Grant, has not only the Forfeitures and Amerciaments of all others for transgressions within his Fee; but also is himself free from all such Control, by any within that compass.

Abjuration, (*abjuratio*) a forswearing or renouncing by Oath; a sworn Banishment, or an Oath taken to forsake the Realm for ever. For as *Staundford (Pl. Cr. lib.* 2. *cap.* 40.) saith, the Devotion towards the Church (first in *Edward* the Confessor's Time, and afterward till 22 *Hen.* 8.) was so zealous, That, if a Man, having committed Felony, could recover a Church or Church-yard, before he were apprehended; he might not be thence drawn to the usual Trial at Law; but confessing his Fault to the Justices, at their coming, or to the Coroner, and before them or him, give his Oath finally to forsake the Realm: The Form and Effect whereof you may read in *De Officiis Coronatorum*, and in *Horn's Mirror of Justice, lib.* 1. *cap. Del Office de Coroner. Quando aliquis abjuravit regnum, Crux ei liberata fuit in manu sua portanda in itinere suo per semitas regias, & vocabatur vexillum sanctæ Ecclesiæ*, Essex, *Plac. Hil.* 26 *Ed.* 3. But this grew at last to be but a perpetual confining 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 *Hen.* 8. *cap.* 14. It is enacted 21 *Jac. cap.* 28. That hereafter no Sanctuary, or Privilege of Sanctuary, shall be allowed; and consequently *Abjuration* is taken away, 2 *Instit. fol.* 629. See *Sanctuary.* Robertus le Tailleur *de Drayton, qui suspensus fuit apud Abyngdon, relictus pro mortuo sub furcis, furtexit & fugit ad Ecclesiam de Abyngdon, & ibidem cognovit se esse latronem, & abjuravit Regnum coram Coronatore, &c.* Anno 14 Ed. 1.

Abladium, Corn mowed or reaped.

Abocellus, 'Tis mentioned in *Petrus Blesensis Serm.* 18 & 43. and signifies one who is Blind.

Abolition (*Anno* 25 *Hen.* 8. *cap.* 21.) A destroying or putting out of Memory; *Institutæ actionis peremptio.* The Leave given by the King or Judges to a criminal Accuser to desist from further Prosecution.

Abridge (from the Fr. *Abreger*) to make shorter in words, holding still the whole Substance; but in Law it seems to signify, for the most Part, the making a *Declaration* or *Count* shorter, by substracting or severing some of its Substance. 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; and if the Tenant pleads *Non-tenure*, or such like Plea to parcel of the Land demanded, in Abatement of the Writ; the Demandant may *abridge* his Plaint or Demand to that parcel, that is, he may leave out that part, and pray the Tenant may answer the rest, to which he has not yet pleaded any Thing: The cause is, for that in such Writs the certainty is not set down, but they run in general. And tho' the Demandant hath abridged his Plaint or Demand in Part, yet the Writ remains good still for the rest. *Brook, tit. Abridgment. Anno* 21 *H.* 8. *cap.* 3.

Abridgment of a Plaint. See *Abridge.*

Abrocamentum, The buying Goods by Wholesale before they are brought to the Market, and selling them again in Parcels. See *Abbrochment.*

Abrogate (*abrogo*) to disannul, take away, or repeal; as to abrogate a Law, *i. e.* To lay aside or repeal it, *Anno* 5 & 6 *Edw.* 6. *cap.* 3. See *Prorogue.*

Absentees or **Des Absentees**, was a Parliament so called, held at *Dublin*, 10 *May*, 28 *H.* 8. And mentioned in *Letters Patent, Dat.* 29 *H.* 8. See *Coke's* 4 *Inst. fol.* 354.

Absoniare was a Word used by the *English Saxons* in the Oath of Fealty, and signified to shun or avoid, *viz. Volo esse Domino meo B. fidelis & credibilis, & amare quod amat &* Absoniare *quod* absoniat *per Dei rectum. Du Cange.*

Abuttals. See *Abbuttals.*

Ac, Some Words which begin with *Ac*, are derived from the Sax. Ac, which signifies an Oak.

Accapitum and **Accapitare**, the same with Relief, *viz. Capituli Domino accapitare*, i. e. to pay a Relief to the chief Lord. *Fleta, lib.* 2. *cap.* 50.

Accedas ad Curiam (Lat.) is a Writ that lies for him who has received false Judgment, or fears partiality in a Court-Baron, or Hundred-Court, being directed to the Sheriff, as appears by *Dyer, fol.*

fol. 169. *num.* 20. as the Writ *De falso judicio* lies for him that has received such Judgment in the County-Court: The Form whereof you may see in *Fitz. Nat. Br. fol.* 18. and in the *Register*, *fol.* 9. *b.* where it is said this Writ lies for Justice delayed, as well as falsly given; and that it is a *Species* of the Writ *Recordari*.

Accedas ad Vicecomitem is a Writ directed to the Coroner, commanding him to deliver a Writ to the Sheriff, who having a *Pone* delivered him, doth suppress it, *Reg. of Writs*, *fol.* 83.

Acceptance (*acceptatio*) is a taking in good Part, and a tacite kind of agreeing to some former Act done by another, which might have been undone or avoided, if such *Acceptance* had not been: For example, if *Baron* and *Feme*, seized of Land in Right of the Feme, make a joint Lease or Feoffment by Deed, reserving Rent; the Baron dies, the Feme accepts or receives the Rent: By this the Feoffment or Lease is made good, and shall bar her to bring the Writ *Cui in vita*. *Coke on Littleton*, *fol.* 211. *b.*

Accessory or **Accessary** (*particeps criminis*) from the Lat. word *Accedo*. Thus, *Qui alium* accedit *in vitio perpetrando* most commonly signifies one that is guilty of a felonious Offence, not principally, but by Participation, as by Command, Advice or Concealment, and is of two Sorts. 1. *Before the Offence or Fact*, is he that commands or procures another to commit Felony, and is not himself present; but if he be, then he is also a Principal. 2. *After the Offence*, is he that receives, assists, or comforts any Man, that has done any Murder or Felony, whereof he hath knowledge. He who counsels or commands any Evil, shall be judged *accessary* to all that follows upon it, but not to another distinct Thing. As, I command one to beat another, and he beats him, so that the other dies of it, I shall be *accessary* to his Murder. But if I command one to steal a white Horse, and he steals a black one; or to burn such a House, which he well knows, and he burns another, I shall not be *accessary*. Where the *Principal* is pardoned or hath his Clergy, the *Accessary* cannot be arraigned; there being a Maxim in the Law, *Ubi non est principalis non potest esse accessorius*: For it appears not by the Judgment of Law, that he was *Principal*; but if the *Principal*, after Attainder, be pardoned, or hath his Clergy allowed him, there the *Accessary* shall be arraigned. See Sir *Edward Coke's Institutes*, 2d *Part*, *fol.* 183. In the lowest and highest Offences, there are no *Accessaries*, but all are *Principals*; as in Riots, Forcible Entries, and other Transgressions *vi & armis*, which are the lowest Offences. So in the highest, which is *crimen læsæ Majestatis*, there are no *Accessaries*; but in Felony there are, both before and after. *Coke on Littl. fo.* 71. There cannot be an *Accessary* before the Fact in Manslaughter; because that is sudden and unprepensed. See more in *Staundf. Pl. Cr. lib.* 1. *cap.* 45, 46, 47, 48. *Accessaries* in Petit-Treason, Felony, Murder, shall not have their Clergy, *Anno* 4 & 5 *Phil. & Mar. cap.* 4.

Accola, an Husbandman who came from other Parts to till the Land, *ò quòd adveniens terram colat*, and is thus distinguished from *incola*. ff. Accola *non propriam, propriam colit* incola *terram*. *Du Fresne.*

Accollage, A Ceremony used in Knighthood by the King's putting his Hand about the Knight's Neck, from the Fr. *accoller*, *collum amplecti*.

Accompt (*computus*) is taken for a Writ or Action, which lies against a Bailiff or Receiver, who ought to render an *accompt* to his Lord or Master, and refuseth. And by the Statute of *Westm.* 2. *cap.* 1. if the Accomptant be found in arrear, the Auditors that are assigned to him, have Power to award him to Prison, there to remain till he makes Agreement with the Party. But if the Auditors will not allow him reasonable Expence and Costs, or if they charge him with more Receipts than they ought, his next Friend may sue a Writ *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, and to warn the Lord to appear there at a certain Day. See *Fitzh. Nat. Brev. fol.* 116.

Accord (French) Agreement, Concordance, Consent. Particularly it is an Agreement between two or more, where any Person is injured by a Trespass, Offence, or Contract, to satisfy and content him with some Recompence, which, if executed, and performed, shall be a good Bar in Law, if the other Party (after the *Accord* performed) bring any Action for the same.

Accouped, His Conscience *accouped* him thereof: From the Lat. *adculpare*. *Pierce Ploughman*, *fo.* 77. *par.* 1.

Accroche (Fr. *accrocher*) to hook, clasp, or grapple unto. It is used (*Anno* 25 *Edw.* 3. *Stat.* 3. *cap.* 8.) as *Encroach*. In *France*, even at this Day *Accrocher un Proces*, signifies to stay a Suit, or to delay the proceeding of it for a Time. See *Encroachment*.

Acemannes ceaster, **Acamanni civitas**. See *Bath.*

Acephali, those who acknowledge neither King, Church, or superior Lord, but are so poor, that they had not a Tenement by which they might acknowledge any Superior. *Du Cange*, vide *Leges H.* 1. *cap.* 21.

Achat (French *Achet*, *i. e.* A Bargain or Purchase) is used for a Contract or Bargain. *Brook*, *tit. Contract*. *Purveyors* were by Parliament 36 *Ed.* 3. ordained to be then after called *Achators*.

Acknowledgment-money is a Sum of Money paid by some Tenants, at the Death of their Landlord, in *Acknowledgment* of their new one. — *Solvet* xii d. *ad recognitionem cujuslibet novi Domini de* Hope, &c. *Ex libro Cart. Priorat. Leominstriæ*; and called in Latin, *Laudativum vel laudemium*, *à laudando Domino.*

Acles, A Place or Field where Oaks grow, from the Sax. Ac, *quercus* & Leas, *locus*, we find it in several Authors, *viz.* in *Asser*, in the Life of *Ælfred*, in *Florence* of *Worcester* 851. and in *Ethelward*, *lib.* 4. *Hist. Angl. cap.* 3. *Du Cange.*

Acquietandis plegiis is a Writ lying for a Surety against the Creditor that refuseth to acquit him, after the Debt is paid. *Reg. of Writs*, *fol.* 158. Where it appears, that this is a *Justicies*.

Acquietantia de Shiris & Hundredis, *i. e. Quòd Prior non debet facere sectam ad Comitatum Norwici vel in Hundredo pro Manerio de Rudhum cum pertin.* Ex Regist. Priorat. de Cokesford.

Acquittal (from the French *acquiter*, to free, acquit, or discharge) most commonly signifies a Deliverance, Discharge, and setting free from the suspicion or guilt of an Offence; and is twofold, *Acquittal in Law*, and *Acquittal in Fact*.

Acquittal in Law is when Two are appealed or indicted of Felony, one as Principal, the other as Accessary; the Principal being discharged, the Accessary is by consequence also freed. And in this case, as the Accessary is acquitted by Law, so is the Principal in Fact. *Staundf. Pl. Cr. fol.* 168. *Acquittal* is also where there is a Lord, Mesne, and Tenant; and

and the Tenant holds Lands of the Mesne, and the Mesne holds over of the Lord Paramount. Now the Mesne ought to *acquit* the Tenant of all services claimed by any other for the same Lands; for the Tenant must do his Service to the Mesne only, and not to divers Lords for one parcel of Land. See *Coke on Littleton, fol.* 100.

Acquietare, *i. e.* To pay: *Tenentur hæredes testamenta patrum & aliorum prædecessorum suorum servare & debita eorum* acquietare. *Monasticon*, 1 *Tom.* 199.

Acquitance (*acquietantia*) is a Release or Discharge of a Debt formerly due. But the Verb *acquit*, the Participle *acquitted*, and the Noun *acquittal*, signify also a Discharge or clearing from an Offence objected; as *acquitted* by Proclamation. *Smith de Rep. Ang. p.* 76. *Staundf. Pl. Cr. fol.* 168. *Brook tit. Acquittal.*

Acre (from the Germ. **Acker**, *i. e. ager*) is a parcel of Land, containing in length forty Perches, and four in breadth, or to that quantity, be the length more or less. And if a Man erect any new Cottage, he must lay four *Acres* of Land to it, after this Measure. *Anno* 31 *Eliz. cap.* 7. With this Measure agrees *Crompt. in his Jur. of Courts, fol.* 222. Though he says, according to the Custom of divers Countreys, the Perch differs, being in some places, and most ordinarily, but sixteen Foot and a half; but in *Staffordshire* twenty-four Foot, as was adjudged in the Case between Sir *Edward Aston*, and Sir *John B.* in the *Exchequer*. In the Statute concerning sowing Flax, (24 *Hen.* 8. *cap.* 4.) eightscore Perches make an *Acre*, which is forty multiplied by four. Also the Ordinance of measuring Land, 33 *Edw.* 1. agrees with this Account.

Acroisia, *i. e.* Blindness: The right Word is *Aorasia*, we read it in the *Monasticon*, p. 694. *Inter medios homines qui ei insidias retenderant, quasi* acroisia *percussos ad instar Elisæi transierunt. Du Fresne.*

Actilia, Military Utensils. *Quilibet paratus sit cum* actiliis *& harnesiis, &c. & quicunq; habet decem libras in bonis & non habuerit omnia cremorum* actilia, *perdat omnia bona. Du Cange.*

Action (*actio*) is thus defined by *Bracton, lib.* 3. *cap.* 1 *&* 3. *Actio nihil aliud est quam jus prosequendi in judicio quod alicui debetur*; and is divided into *personal, real*, and *mixt*. See *Coke's* 2 *Inst. fol.* 40.

Action personal is that which one Man hath against another, by reason of any Contract for Money or Goods, or for Offence done by him, or some other Person, for whose Fact he is by Law answerable.

Action real is that whereby the Demandant claims Title to any Lands or Tenements, Rents, or Commons, in Fee simple, Fee-tail, or for Life. And every *Action real* is either *Possessory*, that is, of his own Possession or Seisin; or *ancestrel*, of the Seisin or Possession of his Ancestor. *Coke, lib.* 6. *fol.* 3.

Real Actions, as *Writs of Right, Writs of Entry, &c.* and their several Appendixes, as *Grand Cape, Petit Cape, Receipt, View, Aid-Prayer, Voucher, Counter-plea of Voucher, Counter-plea of Warranty, Recovery of Value*, were several great Titles in our *Year Books*, but now much out of use. *Preface out of Rolle's Abridgment.*

Action mix'd is that which lies indifferently for the Thing detained, or against the Person of the Detainer; and is so called, because it hath a *mix'd* Respect, both to the Thing and the Person: Or (as others define it) is Suit given by the Law to recover the Thing demanded, and Damages for Wrong done: As in Assize of *Novel Disseisin*, which Writ (if the Disseisor make a Feoffment to another) the Disseisee shall have against the Disseisor, and the Feoffee, or other Ter-tenant to recover not only the Land, but Damages also. And so in an Action of *Waste* and *Quare Impedit*.

Actions are also divided into *Civil, Penal*, and *Mixt*. *Coke, Vol.* 6. *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.*

Action Penal aims at some Penalty or Punishment in the Party sued, be it corporal or pecuniary: As in the Action *Legis Aquiliæ* in the Civil Law; and with us, the next friends of a Man feloniously slain or wounded, shall persue the Law against the Offender, and bring him to condign Punishment. *Bracton, lib.* 3. *cap.* 4.

Action mixt, is that which seeks both the Thing whereof we are deprived, and Damages, or a Penalty for the unjust detaining of it: As in an Action for Tithe upon the Statute 2 *&* 3 *Edw.* 6. *cap.* 13. *Item est alia* Actio mixta, *quæ dicitur* Actio Hircisciundæ, *& locum habet inter eos qui communem habent hæreditatem, &c.* See *Coke on Littl. fol.* 262. *b.*

Action is also (according to the Form of the Writ) divided into such as are conceived to recover, either the simple Value of the Thing challenged, or the double, treble, or quadruple. As a *Decies tantum* lies against *Embracers. Fitz. Nat. Br. fol.* 171. And against Jurors that take Money for their Verdict of either or both Parties: And to be short, any other Action upon a Statute, that punishes any Offence by Restitution or Fine, proportionable to the Transgression.

Action is *Prejudicial* (otherwise termed *Preparatory*) or else *Principal*. *Prejudicial* is that which grows from some question, or doubt in the *Principal*: As if a Man sue his younger Brother for Land descended from his Father, and it is objected, he is a Bastard. *Bracton, lib.* 3. *cap.* 4. *num.* 6. This Point of Bastardy must be tried, before the Cause can further proceed; and therefore is termed *Prejudicialis, quia prius judicanda.*

Action is either *Ancestrel* or *Personal, Staundf. Pl. Cr.* 59. *Ancestrel* seems to be that which we have by some Right descending from our *Ancestor*; and *Personal*, which has beginning in and from our selves. There is also *Action Ancestrel Droitwel*, and *Action Ancestrel Possessory*; which see in *Coke's* 2 *Inst. fol.* 291.

Action upon the Case (*actio super casum*) is a general Action given for redress of Wrongs done to any Man without force, and by Law not especially provided for, and is now most in use. For, where you have any occasion of Suit, that neither has a fit Name, nor certain Form already prescribed; there the Clerks of the *Chancery*, in ancient Time, conceived a fit Form of Action for the Thing in question, which the *Civilians* call *Actionem in Factum*, and we, *Action upon the Case*.

Action upon the Statute (*actio super Statutum*) is an Action brought against a Man, upon an Offence against a Statute, whereby an Action is given, and lay not before. As where one commits Perjury, to the prejudice of another, he, who is endamaged, shall have a Writ upon the Statute, and his Cause. And the Difference between an *Action upon the Statute*, and *Action Popular*, is, where the Statute gives the Suit or Action to the Party grieved, or otherwise to one Person certain, that is called *Action upon the Statute*. But where Authority is given by the

Statute to every one that will so sue, that is *Actions Popular*.

Action is Perpetual or Temporal, (*Perpetua vel Temporalis*) and that is called *Perpetual*, whose force is by no Time determined. Of which sort were all Civil Actions among the ancient *Romans*, *viz.* Such as grew from Laws, Decrees of the Senate, or Constitutions of the Emperors; whereas Actions granted by the *Prætor*, died within the Year. So we have in *England*, *Perpetual* and *Temporary Actions*, and I think all may be called *Perpetual*, that are not expressly limited. As divers Statutes give Actions, so they be pursued within the Time prescribed; namely, the Statute of 1 *Edw.* 6. *cap.* 1. gives Action for three Years after the Offences committed, and no longer; and the Statute of 7 *Hen.* 8. *cap.* 3. doth the like for four Years; and that of 31 *Eliz. cap.* 5. for one Year, and no more. But as by the Civil Law, no Actions were so perpetual, but that by Time they might be prescribed against: so in our Law, though Actions may be called *Perpetual*, in comparison of those that are expressly limited by Statute, yet is there a Means to prescribe against Real Actions after five Years, by a Fine levied, or a Recovery suffered; as you may see in the words, *Fine*, *Recovery*, and *Limitation of Assise*.

Action of a Writ is a Term used, when one pleads some Matter, by which he shews the Plaintiff had no cause to have the Writ he brought; yet it may be, he might have another Writ or Action for the same Matter. Such a Plea is called *A Plea to the Action of the Writ*. Whereas, if by the Plea it should appear, That the Plaintiff has no cause to have an Action for the Thing demanded, then it is called *A Plea to the Action*.

Actionare, i. e. *In jus vocare*, or to prosecute one at Law. *Thorn's Chronic. Du Cange.*

Acton, see **Aketon**, i. e. *Sagum militare*; *quicunque non habuerit* actonem & *basinetum*, *habeat unum bonum haubergellum*.

Acton Burnel. A Statute so called, made 13 *Edw.* 1. *Anno* 1285. ordaining the *Statute-Merchant* for Recovery of Debts, and was so termed, because made at *Acton Burnel*, a Castle, anciently of the *Burnels*, afterward of the *Lovels*, in *Shropshire*.

Acts of Parliament are positive Laws, which consist of two Parts, *viz.* Of the Words of the *Act*, and the Sense of it; both, which joined together, make the Law.

Actuary (*actuarius*) is the Scribe that registers the Acts and Constitutions of the Convocation. Also an Officer in the Court Christian, who is in nature of a Register.

Adcredulitare, To purge himself of an Offence by Oath: *Qui in Collegio fuerit ubi aliquis occisus est*, adcredulitet *se quod eum non percussit*: *Leges Inæ. cap.* 36. *apud Brompton.*

Addition (*additio*) signifies a Title given to a Man over and above his Christian and Surname, shewing his Estate, Degree, Mystery, Trade, Place of Dwelling, &c. *Additions of Estate* are these, *Yeoman*, *Gentleman*, *Esquire*, and such like. *Additions of Degree* are those we call Names of Dignity, as *Knight*, *Lord*, *Earl*, *Marquess*, and *Duke*. *Additions of Mystery* are, *Scrivener*, *Painter*, *Mason*, &c. *Addition of Town*, as *Dale*, *Thorp*, and such like. And where a Man hath houshold in two Places, he shall be said to dwell in both; so that his *Addition* in either may suffice. That *Knave* was anciently an *Addition*, See *Knave*.

By the Statute of 1 *H.* 5. *cap.* 5. it was ordained, That in Suits or Actions where Process of Outlawry lies, such *Additions* should be to the Name of the Defendant, to shew his Estate, Mystery, and Place where he dwells, and that the Writs, not having such *Additions*, shall abate, if the Defendant take exception thereto; but not by the Office of the Court. And this was ordained, to the Intent that one Man might not be troubled by the Outlawry of another; but by reason of the certain *Addition*, every Person may bear his own burden. See 2 *Part Institut. fol.* 595 & 666. And the Statute 27 *Eliz. cap.* 7. See *Chop-Church*.

Addoubors. See *Radoubors*.

Adeling, or **Ethling**, (From the Saxon *Adelan*, i. e. *nobilis*) was a Title of Honour among the *Angles*, properly appertaining to the Successor of the Crown. For King *Edward* the Confessor being himself without issue, and intending to make *Edgar* (to whom he was great Uncle by the Mother's Side) his Heir to this Kingdom, called him *Adeling*. *Hovoden parte poster. Annal. fol.* 347 a. *Vide Legat. Edw. Conf.* and more of this in *Spelman's Glossarium*.

It was usual for the *Saxons* to join the word Ling to the Christian Name, which signified a Son, or the Younger: As *Eadmundling* for the Son of *Edmond*; so that *Adeling* signified the Son of a King.

Adhamire, *Alhamire*, *afirmare*, to promise or oblige himself before a Magistrate to do a Thing. *Du Fresne.*

Ad inquirendum is a Writ *Judicial*, commanding enquiry to be made of any Thing touching a Cause depending in the King's Court, for the better Execution of Justice, as of *Bastardy*, and such like. Whereof see great Diversity in the Table of the *Register Judicial*, *Verbo*, *Ad inquirendum*.

Adjournment (from the Fr. *adjournement*) is when any Court is dissolved for the present, or put off, and assigned to be kept again at another Day or Place. *Adjournment in Eyre* (*Anno* 25 *Edw.* 2. Statute of *Purveyors*, *cap.* 18.) is an Appointment of a Day, when the Justices in *Eyre* mean to sit again. And in 2 *Edw.* 3. *cap.* 11. *Adjournment* has the like signification. See *Prorogue*.

Adiratus, *i. e.* A Price or Value set upon Things stoln or lost, as a Compensation to the Owner, *viz. Poterit enim rem suam petere ut* adiratam *per testimonium proborum hominum*. *Bracton, lib.* 3. *tract.* 2. *cap.* 32. So in *Fleta*, *lib.* 1. *cap.* 38. *Poterit rem sum petere civiliter ut* Adiratam, *&c.*

Adjudication, (*adjudicatio*) A giving by Judgment, a Sentence, or Decree, *Anno* 16 & 17 *Car.* 2. *cap.* 10.

Ad jura Regis is a Writ that lies for the King's Clerk, against him that sought to eject him to the Prejudice of the *King's Title* in right of his Crown. Of which see *Register of Writs*, *fol.* 61 *a.*

Adleiare, otherwise *Alcier* in Fr. is to purge himself of a Crime by Oath. In the Laws of King *Alfred*, *in Brompt. Chron. cap.* 4. *Si se velit* adleiare, *&c. cap.* 13. *Si accusetur*, *inde* adleiet *se per Sexaginta hidas*, *&c. Du Cange.*

Admeasurement (*admensuratio*) is a Writ which lies for bringing those to Reason, or a Mediocrity, that usurp more than their Share. And this in two Cases, the one termed *Admeasurement of Dower*, (*Admensuratio Dotis*) where the Widow of the deceased holds from the Heir, or his Guardian more, in the Name of her Dower, than of Right belongs to her. *Register of Writs*, *fol.* 171. *b.* *Fitz.*

Nat. Br. fol. 148. in which case the Heir shall be restored to the Overplus. The other, *Admeasurement of Pasture*, (*Admensuratio pasturæ*) which lies between those, who have Common of Pasture appendant to their Freehold, or Common by Vicinage, in case any of them surcharge the Common with more Cattle than they ought, *Register fol.* 156. & *Fitz. Nat. Br.* 125.

Adminicle (*adminiculum*) Aid, help, support. *Anno* 1 *Ed.* 4. *cap.* 1.

Administrator (Lat.) is he that hath the Goods of a Man dying Intestate, committed to his Charge by the Ordinary, and is accountable for the same whensoever it shall please the Ordinary to call him thereto. An Action lies against him, and for him, as for an Executor; and he shall be charged to the Value of the Goods of the Intestate, and no further; if it be not by his own false Plea, or by wasting the Goods of the Dead. If the *Administrator* die, his Executors are not *Administrators*; but it behoves the Court to grant a new *Administration*. If a Stranger, who is neither Administrator nor Executor, take the Goods of the dead, and administer of his own Wrong, he shall be charged and sued as an Executor, and not as Administrator. See the Statutes of *Westm.* 2. *cap.* 19. and 31 *Edw.* 3. *cap.* 11.

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

Admiral (*Admiralius, Admirallus, Admiratus, Capitaneus* or *Custos Maris*, from the Germ. Ampt. i. e. *Munus* or *officium*, meer *Mare*, and al *totus*, the *Spaniards* call him *Almirante quasi* al meer Ampt.) signifies an High Officer, or Magistrate, that hath the Government of the King's Navy. See the Statutes 13 & 15 *Rich.* 2. *cap.* 5. and 3 & 4 *H.* 4. *cap.* 11. 28 *Hen.* 8. *cap.* 15. and 27 *Eliz. cap.* 11. This Officer is in all Kingdoms of *Europe* that border on the Sea. He hath cognizance of the Death, or Maim of a Man, committed in any great Ship, riding in great Rivers, beneath the Bridges thereof, next the Sea; also to arrest Ships in great Streams, for the Service of the King or Commonwealth, and hath Jurisdiction in such Streams, during the same Voyages. And it appears, that anciently the *Admirals* of *England* had Jurisdiction of all Causes of Merchants and Mariners, happening not only upon the main Sea, but in all foreign Parts within the King's Dominions, and without them, and were to judge them in a summary Way, according to the Laws of *Oleron*, and other Sea-Laws. See *Prynne's Animadversions on* 4 *Inst. pag.* 75. & *seq.* He was in our ancient Records stiled *Capitaneus Marinariorum*.

Admission (*admissio*) is when the Bishop, upon examination *admits* a Clerk to be able, and says, *Admitto te habilem*. *Coke on Littl. fol.* 344. *a.*

Admittendo Clerico is a Writ granted to him, who hath recovered his Right of Presentation against the Bishop in the *Common Bench*. The Form whereof read in *Fitz. Nat. Br. fol.* 38. and *Register of Writs, fol.* 33. *a.*

Admittendo in Socium, Is a Writ for the Association of certain Persons to Justices of Assise formerly appointed. *Register of Writs, fol.* 206. *a.*

Admitted, (*Anno* 28 *Hen.* 8. *cap.* 7.) Annulled or made void.

Ad Pontem, *Paunton in Lincolnshire.*

Adquieto, the same as *acquietare*, *i. e.* to pay: *Petitum est ut Clerus adquietaret novem millia Marcarum. Mat. Paris. Anno* 1267.

Ad quod damnum is a Writ that lies to the Sheriff to enquire what hurt it may be for the King to grant a Fair or Market in any Town or Place; or for the King, or any other Person, to grant any Lands in Fee-simple to any House of Religion, or other Body Politick. For in such case the Land so given, is said to fall into a *Dead-Hand*; that is, such an Estate and Condition, that the chief Lords lose all hope of Heriots, Service of Court and Escheats, upon any traiterous or felonious Offence committed by the Tenant. For a Body Politick dies not, nor can perform personal Service to the King, or their Mesne Lords, as single Persons may do. And therefore it is reasonable, that before any such Grant be made, it should be known what prejudice it is like to work to the Grantor. Of this read more in *Fitz. Nat. Br. fol.* 221. And see *Mortmain*.

Ad terminum qui præterit is a Writ of Entry, that lies where a Man, having leased Lands or Tenements for Term of Life or Years, and after the Term expired, is held from them by the Tenant or other Stranger that enjoys the same, and deforceth the Lessor. Which Writ lies for the Lessor's Heir also. *Fitz. Nat. Br. fol.* 201.

Advent (*adventus*) is the four Weeks preceding the Birth of Christ; *Durandus* tells us, it was instituted by St. *Peter*: The first Week in *Advent* is that which is farthest from the Feast of the *Nativity*, and that which is nearest, is that which is the last, as you may see by this Distich,

> *Andreæ festo vicinior, ordine quovis,*
> Adventum *Domini feria prima elit.*

'Tis the Time from the Sunday that falls either upon St. *Andrew's* Day, or next to it, till the Feast of *Christ's Nativity*, (Sir *Edward Coke's Inst.* 2d *Part, fol.* 265. says, *Advent* ends eight Days after the *Epiphany*; but it is a Mistake) wherein our Ancestors reposed much Reverence and Devotion, in reference to the approaching solemn Feast. For, *In Adventu Domini nulla Assisa debet capi. Int. Placita de temp. Regis Johan. Ebor.* 126. Whereupon there was a Statute ordained, *Westm.* 1. *cap.* 48. That notwithstanding the said usual Solemnity and Time of rest, it should be lawful (in respect of Justice and Charity, which ought at all Times to be regarded) to take Assizes of *Novel Disseisin, Mort d'Ancester*, and *Darrein Presentment*, in the Time of *Advent, Septuagesima*, 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 is forbidden, without special Licence, according to these old Verses,

> *Conjugium* Adventus *prohibet*, Hilarique *relaxat*:
> Septuagena *vetat, sed* Paschæ Octava *redueit*:
> Rogatio *vetitat, concedit* Trina potestas.

See *Rogation Week*, and *Septuagesima*.

Ad ventrem inspiciendum is a Feminine Writ, mentioned in the Statute of *Essoins, Anno* 12 *Edw.* 2. See *Ventre inspiciendo*.

Adultery (*Anno* 1 *H.* 7. *cap.* 4. **Adoutery**, *Adulterium, quasi ad alterius thorum*) is properly spoken of married Persons; but if only one of the two, by whom this sin is committed, be married, it makes *Adultery*; which was severely punished by the ancient Laws of this Land; not to mention the *Julian Law*, among the old *Romans*, which made it Death. *Edmundus Rex* Adulterium *affici jussit instar Homicidii*. LL. suarum cap. 4. *Canutus Rex*

Rex hominem adulterum in exilium relegari jussit, feminam nasum & aures præcidi. LL. par. 2. cap. 6. & 50. *Qui uxoratus faciet Adulterium, habet Rex vel Dominus superiorem, Episcopus inferiorem.* LL. Hen. 1. cap. 12. *Domesday. tit.* Chent, Rex, Dover. — *De* Adulterio *per totam* Chent, *habet Rex hominem, Archiepiscopus mulierem, exceptâ terrâ St. Trinitatis, S. Augustini, & S. Martini, de quibus Rex nihil habet. Et tit.* Cestre Civitas— *Vidua, si se non legitime commiscebat xx s, emendabat, puella vero x s.* The Penalty of this Sin was called Lairwite by our *Saxons.* See in 2 *Part Coke's Instit.* the notable Case of *Margaret*, the Wife of *John de Camois*, who, with the Consent of her Husband, lived in Adultery with Sir *William Panell*, yet lost her Dower. See *Dower.*—*Rex---vic. South.* --*Præcipimus tibi quod diligenter inquiri facias per legales homines de Visa.* Candeur. *si* Robertus Pincerna, *habens suspectum* Will. Wake *qui cum uxore sua* Adulterium *committeret, prohibuit ei ingressum domus suæ, & si idem* Will. *post prohibitionem illam, domum ipsius* Roberti *ingressus,* Adulterium *prædictum commisit, inde præfatus* Robertus *mentulâ eum privavit, & si Inquisitio dederit, quod ita sit, tunc eidem* Roberto *& suis qui cum eo erant ad hoc faciend. ter. & catalla sua, occasione illâ in manum nostram seisita, in pace esse facias, donec aliud inde tibi præcipimus, & veritatem illius inquisitionis. G. fil Petri Justic. & Baronibus nostris de Scacc. scire fac. Teste G. fil. Petri Com.* Essex *apud Wadestoke.* 3 *Nov.* --Claus. 14 Joh. m. 2. Perhaps this might be in some Degree, pursuant to a Law made by *William* the Conqueror, *That whoever forced a Woman, should lose his Genitals.*

Advocatione decimarum is a Writ that lies for the Claim of the fourth Part or upward of the Tithes that belong to any Church. *Register of Writs, fol.* 29. *b.*

Advocati were those we now call Patrons, *viz.* Those who were the Founders of Churches, and who reserved to themselves and their Heirs, a Liberty to present a Person to the Ordinary upon any Avoidance.

Advowtry. See *Adultery.*

Advow, *aliàs* avow, (*advocare*) To justify or maintain an Act formerly done. For example, One takes a Distress for Rent, or other Thing, and he that is distrained, sues a *Replevin.* Now the Distrainer, justifying or maintaining the Act, is said to *Avow.* Hence comes *Advowant* and *Advowry. Old. Nat. Br. fol.* 43. *Bracton* useth the *Latin* word in the same Signification (as *Advocatio disseisinæ*) *Lib.* 4. *cap.* 26. And I find in *Cassaneus de Consuet. Burg. pag.* 1210. *advocare* in the same Signification. And *pag.* 1213. the Substantive *Desavohamentum*, for a Disavowing or refusing to Avow. The Signification of the Word is to bring forth any Thing, *viz.* when stoln Goods were bought by one, and sold to another, it was lawful for the right Owner to take them wherever they were found, and he in whose Possession they were found, was bound, *advocare, i. e.* to produce the Seller to justify the Sale; and so on till they found the Thief.

Afterwards the Word was taken for any Thing which a Man acknowledged to be his own, or done by him, and in this Sense 'tis mentioned in *Fleta. lib.* 1. *cap.* 15. *Par.* 4. *Si Vir ipsum in Domo suâ susceperit, nutrierit & advocaverit filium suum.*

Advowee, *aliàs* Avowe, (*advocatus*) is used for him that hath right to present to a Benefice, *Anno* 25 *Edw.* 3. *Stat.* 5. Where we find also *Advowee Paramount*, for the highest Patron, and is spoken of the King. *Advocatus est ad quem pertinet jus Advocationis alicujus Ecclesiæ, ut ad Ecclesiam, nomine proprio non alieno, possit præsentare. Fleta, lib.* 5. *cap.* 14. *Fitz. Nat. Br. fol.* 39. useth it in the same Signification. See *Avowe.*

Advowzen, (*advocatio*) A right to present to a Benefice; as much as *Jus Patronatûs* in the Canon Law. The Reason why it is so termed, is, because they that originally obtained the Right of presenting to any Church, were Upholders of, or great Benefactors to that Church, either by building or increasing it; and are therefore sometimes termed *Patroni*, sometimes *Advocati*, sometimes *Defensores. cap.* 4. & 23. *De jure Patronatûs in Decretal.* And *Advowzen* (being a Bastard-French Word) is used for the Right of presenting; as appears by the Statute of *Westminster, Anno* 13 *Ed.* 1. *cap.* 5. And *Advowry* is used in the same Sense in the Statute of *Provisors*, 25 *Edw.* 3.

Advowzen is of two Sorts, *Advowzen in Gross*, that is, Sole, not adhering to any Manor, as parcel of its Right; and *Advowzen Appendant*, which depends upon a Manor, as appurtenant to it, termed by *Kitchin* an *Incident* that may be separated from the *Subject.* Of this *Skene, De verbor. sign.* hath these Words, *Dicitur Advocatio Ecclesiæ, vel quia Patronus alicujus Ecclesiæ ratione sui juris advocat se ad eandem Ecclesiam, & asserit se in eadem habere jus Patronatûs, eamque esse sui quasi clientis loco, vel potius cum aliquis (nempe Patronus) advocat alium jure suo ad Ecclesiam vacantem, eumque loco alterius (veluti defuncti) præsentat, & quasi exhibet.*

Aourni Portus, *Ederington.*

Ægales Byrig, from the Sax. *Aylesbury.*

Aelmesfeoh, *Pecunia eleemosynaria, scilicet, denaria Sancti Petri.* See *Almsfeoh.*

Aery or Airy of Goshawks, *rectius* Eyery, (from the French Eyre, i. e. *ova*) is the proper word in Hawks, for that we generally call a *Nest* in other Birds. So it is used *Anno* 9 *H.* 3. *c.* 13. in the Charter of the *Forest*, and in divers other Places.

Æfica, *Netherby* upon *Esk* in *Cumberland.*

Aesnecy. See *Esnecy.*

Æstimatio Capitis. (Sax. pene, i. e. *precium hominis*) King *Athelstan*, in a great Assembly held at *Exeter*, declared what Mulcts were to be paid *pro æstimatione Capitis*, for Offences committed against several Persons according to their Degrees, the *Estimation* of the King's Head to be 30000 *Thrymsæ*; of an Archbishop or *Satrapa*, or Prince, 15000; of a Bishop or a Senator, 8000; of a Priest or a Thane, 2000, *&c. Cressy's Church Hist. fol.* 834. *b.* & *LL. Hen.* 1.

Æstivalia, A Sort of thin Boots worn in Summer, æstivalibus *largis seu botis pro Calceamentis utuntur. Addit. ad Matt. Paris. pag.* 162. *Calceamenta pedum sunt caligæ & æstivalia. Ibid. pag.* 168.

Ætate probanda is a Writ that the King's Tenant, holding in chief by Chivalry, and being Ward by reason of his Nonage, obtained to the *Escheator* of the County where he was born, or sometimes where the Land lay, to enquire whether he were of full Age to take his Lands into his own Hands. *Register of Writs, fol.* 294. *Fitz. Nat. Brev. fol.* 253. Now disused.

Afferers, (*Afferatores,*) probably from the Fr. *Affer, i. e.* To confirm or affirm,) are those that are appointed in Court-Leets upon Oath, to settle and moderate the Fines of such as have committed Faults arbitrarily punishable, and have no express Penalty set down by Statute. The Form of their Oath

Oath you may see in *Kitchin, fol.* 46. The Reason of this Appellation seems to be, because those that are appointed to this Office do *affirm* upon their Oaths, what Penalty they think in Conscience the Offender hath deserved. We find this Word used in *Rot. Parl.* 14 *Ed.* 2. & *Anno* 25 *Edw.* 3. *Stat.* 7. (viz.) *The same Justices before their rising in every Sessions, shall cause the Amerciaments to be affeered.* And to the same Effect, *Anno* 26 *Hen.* 6. *cap.* 6. *Kitchin, fol.* 78 joins these three Words, as *Synonyma's, Affidati, Amerciatores, Affirares. Bracton* hath *Affidare mulierem,* to be betrothed to a Woman, *Lib.* 2. *cap.* 12. But I find in the Customary of *Normandy, cap.* 20. this Word (*Affeure,*) which the Latin Interpreter expresseth by (*Taxare,*) that is, to set the Price of a Thing, as *Æstimare, indicare, &c.* which Etymology seems to be best.

Afferi. See *Averia.*

Affidatio Dominorum, an Oath taken by the Lords in Parliament, *Anno* 3 *Hen.* 6. *Rot. Parl.* See *Commendator.*

Affidatus signifies a Tenant by Fealty, also a Retainer. — *Ego* Rogerus de Fisnid. *dedi, &c.* Will. Walensi *pro suo servitio unam acram & perchiam terræ, &c. Pro hac donatione & concessione devenit prædictus* Wil. Affidatus *meus, &c. Affidati non propriè vassalli sunt, sed quasi vassalli, qui in alicujus fidem & clientelam sunt recepti, recommendati dicti.* Laurentii Amalthæa. *Affidatio accipitur pro mutua fidelitatis connexione, tam in sponsalibus, quam inter Dominum & Vassallum. Proles de affidata & non maritata, non est hæres. M. S.* Penes Arth. Trevor, Arm.

Affidiatus, the same with *Affidatus.*

Affinage, Refining of Metal, (Fr. *Affinage,*) *Purgatio metalli, inde* Fine & Refine.

Affirm (*Affirmare*) signifies to ratify or confirm a former Law or Judgment. So is the Substantive *Affirmance* used, *Anno* 8 *H.* 6. *cap.* 12. And so is the Verb it self by *West, Parte secunda Symbol. tit. Fines, Sect.* 152. If the Judgment be *affirmed, &c.* As also by *Crompton* in his *Jurisd. fol.* 166. 19 *Hen.* 7. *cap.* 26.

Affirmare, the same with *Firmare, (i. e.) to shut: Obtulit duo monilia & jussit ei feretro indelebiliter ad memoriam sui clavis fortiter* affirmari, Matt. Paris. Anno 1251.

Afforare, to set a Value or Price on a Thing: *Et quod amerciamentu prædictorum tenentium* afforentur *& taxentur per sacramentum parium,* Charta Anno 1316. *Apud* Thorn. Du Cange.

Afforciamentum, (Fr. *Efforcement,*) *pro reparatione murorum & aliorum* Afforciamentorum *dictæ Civitatis,* Pryn's Animad. on Coke, fol. 184. Here it signifies Fortifications. — *Faciendo unam sectam per* Afforciamentum *ad Curiam de Dunham Mary* Carta Will. de Tabley, temp. Ed. 1. *quare.* See *Efforcement.*

Afforciare signifies to add, encrease, or make stronger, (*viz.*) *Cum juratores in veritate dicendâ sunt sibi contrarii de consilio curiæ* afforcietur *assisa ita quod apponantur alii juxta numerum majoris partis quæ dissenserit,* Bract. Lib. 4. cap. 19. that is, *Let the Witnesses be encreased.*

Afforciatus, a thin Cloath, used for Caps: *Item Capa Roberti de Moyne de* afforciato *albo, &c.* Du Cange.

Afforest, (*Afforestare,*) to turn Ground into Forest. *Charta de Foresta, cap.* 1. *Anno* 9 *Hen.* 3. See more in *Forest.*

Affray (of the Fr. *Effrer, i. e.* a Fright) signifies a Skirmish or Fighting between two or more. *Lamb.* in his *Eirenarcha, Lib.* 2. *cap.* 3. saith, It is oft-times confounded with *Assault:* But they differ in this: That an *Assault* is only a Wrong to the Party; an *Affray* is a common Wrong: And therefore both are enquirable and punishable in a Leet. An *Affray* may also be without Word or Blow given; as, if a Man shew himself furnished with Armour or Weapons, not usually worn, it may strike a Fear into others unarmed. And so it is used, *Anno* 2 *Edw.* 3. *cap.* 3.

Affrettamentum, the Freight of a Ship; from the French *Fret,* which signifies the same. *Sciatis quod cum, ut accepimus, nuper in quadam causa maritima pecuniaria viginti & quinque librarum, prætextu* affrettamenti *medietatis cujusdam Craieræ, vocatæ La Christopher de Boston, &c.* Pat. 11 Hen. 4. par. 1. m. 12.

Affri, vel **Affra,** Bullocks, or Plough Horses. *Vicecomes liberet ei omnia catalla debitoris, exceptis bobus &* Affris *carucæ, Westm.* 2. *cap.* 18. *& Communiam pasturæ ad decem boves & duos* Affros *in prædictis pasturis,* Mon. Angl. 2. par. fol. 291. 2. And in *Northumberland,* to this Day, they call a dull or slow Horse a *False Aver,* or *Afer. Spelm.*

Agalma, the Image or Impression of a Seal: *Ego Dunstanus hanc libertatem crucis* agalmate *consignavi.* Charta Edgari Regis pro Westmonastariæ Ecclesiâ, Anno 968.

Age (*ætas,* Fr. *Aage*) signifies that Part of Man's Life, which is from his Birth to his last Day. But in Law it is particularly used for those especial *Times* which enable Men or Women to do that which before, for want of Age, and consequently of Judgment, they might not do. These in a Man are two; at fourteen Years he is at the Age of Discretion; twenty one Years is his Full Age. *Littleton, Lib.* 2. *cap.* 4. In a Woman there were six Ages observed: First, At seven Years of Age her Father might, of old, distrain the Tenants of his Manor, for Aid to marry her; for at those Years she may consent to Matrimony, *Bracton, Lib.* 2. *cap.* 36. *numb.* 3. Secondly, At nine Years old she is dowable; for then, or within half a Year after, she is able *Promereri dotem & virum sustinere, Fleta, Lib.* 5. *cap.* 5. *Littl. Lib.* 1. *cap.* 5. which *Bracton* does notwithstanding limit unto twelve Years. Thirdly, At twelve Years she is able finally to ratify and confirm her former Consent to Matrimony. Fourthly, At fourteen, is enabled to receive her Lands into her own Hands, and should be out of Ward, if she were at this Age at her Ancestor's Death. Fifthly, At sixteen Years she should be out of Ward, though at the Death of her Ancestor she was under fourteen: The Reason is, Because then she might take a Husband able to perform Knight's Service. Sixthly, At twenty one Years she is able to alienate Lands and Tenements. Also, at the Age of fourteen a Man is enabled to chuse his own Guardian, and to claim his Land holden in Socage, *Dyer, fol.* 162. which *Bracton* (*Lib.* 2.) limits at fifteen Years, with whom *Glanvile* also agrees. And at fourteen a Man may consent to Marriage, as a Woman at twelve. At the Age of fifteen Years a Man ought to be sworn to the Peace, *Anno* 34 *Edw.* 1. *Stat.* 3. The Age of twenty one did compel a Man to be a Knight, that had twenty Pounds Land *per Annum* in Fee, or for Term of Life, *Anno* 1 *Ed.* 2. *Stat.* 1. Which Statute is repealed, 17 *Car.* 1. *cap.* 10. That Age also enables him to make Contracts, and manage his Estate; which, until that Time, he cannot do with Security of those that deal with him. The Age of twelve Years binds to Appearance before

the Sheriff and Coroner, for Enquiry after Robberies, *Anno* 52 *Hen.* 3. *cap.* 14. The Age of twenty four Years enables to enter an Order of Religion, without Consent of Parents, *Anno* 4 *Hen.* 4. *cap.* 17. See *Coke* on *Littl. fol.* 78. *b.*

Age Prier (*Ætatem precari*, or *ætatis 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 rest till he come to full Age; which the Court, in most Cases, ought to grant. This is otherwise in the *Civil Law*, which enforceth Children in their Minority to answer by their Tutors or Curators.

Agelocum. *Littleborough* upon *Trent.*

Agenfrida, *i. e.* the true Lord or Owner of any Thing; (*viz.*) *Si porcus non fuerit ibi sæpius quàm semel, det* agenfrida *unum solidum*, Leg. Inæ, cap. 50. apud Brompton, cap. 45.

Agenhine. See *Hoghenhine.*

Agent and Patient, is when one is the Doer of a Thing, and the Party to whom it is done: As where a Woman endows her self of the fairest Possession of her Husband.

Ager Terræ, is the same with an Acre of Land; (*viz.*) *Rex Willielmus misit justiciarios per omnes Angliæ Comitatus & inquirere fecit quot* agri *vel* jugera terræ, *&c.*

Agilde, *i. e.* a Person so vile, that whoever killed him was to pay no Mulct for his Death: From the *Sax.* A Privative, and Gildan, *solvere.*

Agiler, an Observer or Informer: From the *Sax.* A Privative, and Gilt, *culpa.*

Agist (from the Fr. *Giste*, *i. e.* a Bed or Resting-place, or from *Gister*, *i. e. Stabulari*) signifies to take in, and feed the Cattle of Strangers in the King's Forest, and to gather the Money due for the same, *Charta de Foresta*, *cap.* 9. The Officers that do this are called *Agistors*, in English *Guest*, or *Gist takers*, *Crom. Jurisf. fol.* 146. These are made by the King's Letters Patent, and he hath four of them in every Forest, where he hath any Pannage. In what their Office consists, see *Manwood*, *Part* 1. *of Forest Laws*, *p.* 336. Their Function is termed *Agistment*, & *Agistage*; as, *Agistment upon the Sea-Banks*, *Anno* 6 *Hen.* 6. *cap.* 5. This Word *Agist* is also used for the taking in of other Mens Cattle into any Man's Ground at a certain Rate *per* Week. See 4 *Part*, *Instit. fol.* 293.

The Word *Agist* is also metaphorically taken for a Charge or Burthen on a Thing; (*viz.*) *Terræ ad custodiam maris* agistatæ. (Seld. Mar. Claus. pag. 191.) *i. e.* Charged with a Tribute to keep out the Sea.

So *Terræ* Agistatæ are Lands whose Owners are bound to keep up the Sea-Banks, *Spelm. in Romney-Marsh.*

Agitatio animalium in Foresta, the Drift of Beasts in the Forest. *L. L. Forestæ.*

Agius, *i. e.* Holy; (*viz.*) *Ego triumphalem trophæum agiæ Crucis impressi*, Monasticon 15, 17, 122.

Agreement, (*Agreementum*, *Plowden*, *fol.* 17) is a Joining or Putting together of two or more Minds in any Thing done, or to be done: And this is in three Manners, 1. An Agreement executed at the Beginning. 2. An Agreement after an Act done by an another, and is executed also. 3. An Agreement executory, or to be done. The first is such, whereof mention is made in the Statute of 25 *Edw.* 3. *cap.* 3. of Cloths, which saith, *That the Goods bought by Forestallers, being thereof attainted, shall be forfeited to the King, if the Buyer thereof have made* Gree *with the Seller.* Where the Word *Gree*, which is otherwise called *Agreement executed*, signifies Payment for the Things, or Satisfaction. The second is, where one does an Act, and another agrees or assents thereunto afterwards. The third, is when both Parties at one Time are *agreed* that such a Thing shall be done in Time to come; which is *executory*, in regard the Thing is to be done afterwards.

Aid (*auxilium*) is all one in Signification with the French *Aide*, and differs only in Pronunciation, if we take it as it is used in our vulgar Language. But in our Laws it hath divers Significations, as sometimes it signifies a Subsidy, *Anno* 14 *Edw.* 3. *Stat.* 2. *cap.* 1. sometimes a Prestation due from Tenants to their Lords; as toward 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 seven, *Register of Writs*, *fol.* 87. *a.* And that at what Rate themselves listed. But the Statute of *Westm.* 1. *Anno* 3 *Ed.* 1. ordained a Restraint herein upon common Persons, being Lords, and tied them to a constant Rate. And 25 *Edw.* 3. *Stat.* 5. *cap.* 11. provides, That the Rate set down by the former Statute should hold in the King, as well as in other Lords: Of which I find Mention in the Statute of 27 *Hen.* 8. *cap.* 10. This Imposition seems to have descended to us from *Normandy*, (or rather from a more ancient Original, *viz.* the Feodal Laws.) For in the *Grand Customary*, *cap.* 35. you have a *Tractate*, entituled, *Des aides Chevelz*, *i. e. De auxiliis capitalibus*: Whereof the first is, *A faire Eine fitz de son Seigneur Chevalier*, *i. e.* To make the eldest Son Knight. The second, *Son aince fille marier*, *i. e.* To marry the eldest Daughter, *&c.* Both these, and all Charges incident thereunto, are taken away and discharged by Statute, 12 *Car.* 2. *cap.* 24.

But the Word *Aid* differs from *Tax* in Signification: For Taxes were formerly levied at the Will of the Lord upon any Occasion whatsoever; but Aids could not be levied, but where it was lawful and customary so to do; as to make the eldest Son a Knight, to marry the eldest Daughter, or to redeem the Lord from Prison. *Du Cange in verbo auxilium.*

The Word *Aid* 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 to give Strength both to the Party that *prays in Aid* of him, and also to avoid a Prejudice growing toward his own Right, if not prevented. But this Course of Proceeding is of late disused. *Fitz-Herbert* mentions both *Prier in Ayde*, and *Prier Ayde de Patron*, *&c.* *Auxilium petere à patrono*, *Nat. Br. fol.* 50. *d.* and the *New Book of Entries*, *verbo*, *Ayde de parcener*, *fol.* 421. The Word is also found in 13 *Rich.* 2. *cap.* 17.

This *Aid-prier*, or *Aid-prayer*, is sometimes also used in the King's Behalf, that there be no Proceeding against him till his Counsel be called, and heard what they can say, for avoiding the King's Prejudice or Loss in the Cause in Hand. Also a City or Borough, that hath a Fee-Farm of the King, may *pray in Aid* of him, if any Thing be demanded of them relating thereto. Of this you may read the Statute *De Bigamis*, *Anno* 4 *Edw.* 1. *cap.* 1, 2, & 3. 14 *Edw.* 3. *Stat.* 1. *cap.* 14. and 19 *Car.* 2. *cap.* 8. *Vide Resceit.*

Ait, and *Ai*, the same with *Ey.*

Ailata, for *Aplata*.

Aile (of the Fr. *Aieul*, *i. Avus*) signifies a Writ that lies, where the Grandfather, or Great Grand father, called by us *Besaile*, but in true French *Bisayeul*, was seised of any Land or Tenement in Fee-simple the Day he died, and a Stranger abateth or enters the same Day, and dispossesseth the Heir, *Fitz. Nat. Br. fol.* 222. See *Plowden, fol.* 449. *b.* — *with the Custom of* Aile *and Appurtenances in* Dorset, *Rot. Parl.* 4 *Edw.* 3.

Aire of Hawks. See *Aerie*.

Akiton. See *Haketon*.

Al, Ald. Words which begin with *Al* or *Ald* in the Names of Places, signify Antiquity, as *Alborough, Aldworth, &c.* From the *Sax.* Ealo, i. e. *Vetustus*.

Alanius Fluvius, the River *Avon* in *Wiltshire*.

Alaunius Fluvius, the River *Aine* in *Northumberland*.

Alb. See *Camisia*.

Alba Firma. *Census annualis qui Centenario sive Domino Hundredi penditur. Ideo* Alba *dicta, quòd non ex more prisci seculi in annona quæ tunc* Black Mail *nuncupata fuit (hoc est, census vel firma nigra) sed argento, qui census albo reddebatur*, Spelman. *Duplex est tenura in Com. Westmorland. scil. una per* Albam firmam *& alia per Cornagium, &c.* 2 Part, Inst. fol. 10.

Albergellum, the same with *Halsberga: Omnis homo, &c. habet albergellum, (i. e.* A Defence for his Neck,) *& capellum ferreum, lanceam & gladium*, Hoveden, pag. 611.

Alborough. See *Esurium*.

Album, used for white Rent, or Rent paid in Silver, *Com. Pas.* 6 *H.* 3. *Rot.* 1. *Dorso*.

Alder, *i. e.* the first. *Alder best, i. e.* the best of all. *Alder liefest*, (*i. e.*) the most dear.

Alderman. This was one of the three Degrees of Nobility amongst the *Saxons: Ætheling* was the first, and *Thane* the lowest; but *Aldrman* was the same as our Earl. The Word was disused in the later Ages of the *Saxons*, and in its Place the Word *Earl* was introduced. 'Tis certain that it was used in King *Athelstane*'s Reign.

'Tis true, it literally imports no more than *Elder*; but among the *Saxons* it signified a Duke, an Earl, a Nobleman, and sometimes a General; but then he was called *Heretoga*, (viz.) *Mercna Heretoga*, Alderman of *Mercland*; which Title he had in relation to his Military Power: But the Title *Alderman* shewed his Civil Jurisdiction; which Title afterwards was applied to a Judge, as in the Reign of King *Edgar*, *Alwin*, the Son of *Æthelstane*, is called *Aldermannus totius Angliæ, i. e.* as *Spelman* tells us, *Justiciarius Angliæ*.

There was likewise *Aldermannus Hundredi*: Which Dignity was first introduced in the Reign of *H.* 1. Among his Laws, *cap.* 8. we read, *Præsit autem singulis hominum novenis decimas, & toti simul hundredo unus de melioribus, & vocetur* Aldermannus, *qui Dei leges & hominum jura vigilanti studeat observantiâ promovere*. Du Cange. See *Senator*.

At this Day we call them *Aldermen* who are Associates to the Civil Magistrate of a City or Town Corporate, 24 *H.* 8. *cap.* 13. See *Spelman's Glossarium* at large on this Word.

Alecenarium, a Sort of Hawk called a *Lanner*. See *Pitura*.

Alfet, the Cauldron in which Boiling Water was put for the Criminal to dip his Hand up to the Elbow, and there hold it for some Time. *Du Cange*.

Alepiman, (*Alepimannus*,) — *Omnis* Alepiman *de toto Soca de Hecham, debet singulis annis unum denarium de Chevagio; & operabitur per tres dies in autumpno, exceptis illis qui ab hac servitute liberi sunt.* Consuetudinar. de Hecham Prior. Lew. M. S. pag. 21. *Videtur* Alepimannos *istos mancipia fuisse; Chevagii enim solutio servitutis indicium est*, Spelman. Countrey Servants.

Aler san jour (Fr.) is *verbatim*. To go without Day. The Meaning whereof is, To be finally dismissed the Court, because there is no Day of farther Appearance assigned. *Kitchin, fol.* 104.

Alestake, a May-Pole, and called *Alestake* because the Countrey People drew much Ale there: But some will have it to be not like our May-Poles, but rather a Stake drove into the Ground, with a Sign on it, that Ale was sold there.

Ale-silver, A Rent or Tribute yearly paid to the Lord Mayor of *London* by those that sell *Ale* within the City. *Antiq. of Purveyance, fol.* 183.

Ale-taster is an Officer appointed in every *Court-Leet*, and sworn to look to the Assize and Goodness of Bread and *Ale*, or Beer, within the Precincts of that Lordship, *Kitchin, fol.* 46. where you may see the Form of his Oath.

Alias. Vide *Capias Alias*.

Alien (*Alienare*) signifies to transfer the Property of any Thing to another Person. To *Alien in Mortmain* is to make over Lands or Tenements to a Religious-House, or other Body Politick. See *Mortmain*. To *alien in Fee* is to sell the Fee-simple of any Land or Tenements, or of any in corporeal Right. *West.* 2. *cap.* 25. *Anno* 13 *Edw.* 1.

Alien, (*Alienus*,) one born in a strange Countrey. It is usually taken for the contrary to *Denizen*, or a natural Subject, that is, a Stranger never enfranchised, *Brook, Denizen* 4, *&c.* Yet a Man born out of the Land, so it be within the limits of the King's Obedience beyond the Seas, or of English Parents out of the King's Obedience, so the Parents, at the Time of the Birth, be of such Obedience, is no *Alien*, but a Subject to the King, *Stat.* 2. 25 *Edw.* 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. See *Denizen*.

Alifred, an old Word, signifying *allowed*. From the *Sax.* Alifred, *i. e. Permissus*, which is derived from the *Sax.* Alifun, to permit. From whence we say in English, *Such a one hath Leave*, &c.

Alimony, (*Alimonia*,) Nourishment, Maintenance. But in a legal Sense it signifies that Portion or Allowance which a married Woman sues for upon any occasional Separation from her Husband, wherein she is not charged with *Elopement* or *Adultery*. This *Alimony* was anciently expressed by *Rationabile Estoverium*, Reasonable Maintenance. *Rex Vic. Bucks salutem. Præcipimus tibi quòd de Maritagio Emmæ de Pinckency uxoris Laurentii Penire, qui excommunicatus est, eò quòd prædictam Emmam affectione maritali non tractat, eidem Emmæ* rationabile estoverium *suum invenias, donec idem Laurentius vir suus eam tanquam uxorem suam tractaverit, ne iteratus clamor ad nos inde perveniat.* T. 29 Aug. Anno Regni nostri 7. Rot. Claus. 7 Hen. 3. p. 1. m. 3.

Alimote. See *Halimote*.

Allaunds, Hare-hounds, *Ab Alanis, Scythiæ gente*; as *Molossos* from *Molossi*, a People of *Epirus*.

Allay, (Fr.) is used for the Temper or Mixture of other Metals with Silver or Gold, *Anno* 9 *Hen.* 5 *Stat.* 2

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 the Coining, and to make it the more fusile. *Anto. Faber. de Nummariorum debitorum solutionibus, cap.* 1. *Anno* 4 *Hen.* 7. *cap.* 2.

Allegiance, the Faith which we owe to the King, formerly called *Ligence* from the Latin *Alligare* & *Ligare*, *i. e. Ligamen fidei.*

Allegiare, i. e. *Juxta Legem se à crimine, quo impeditur, liberare.* Spelman.

Aller Good. The Word *Aller* is used to make the Expression signify superlatively: So *Aller Good* is the *Greatest Good.* Sometimes *Alder.*

Allocation, (*Allocatio,*) a Placing or Adding unto: Also Allowance made upon an Accompt. Used in the *Exchequer.*

Allocatione facienda is a Writ directed to the Lord Treasurer and Barons of the *Exchequer*, upon a Complaint of some Accomptant, commanding them to allow him such Sums, as he hath by virtue of his Office lawfully and reasonably expended. *Register of Writs, fol.* 206. *b.*

Allodial. This is where an Inheritance is held without paying to any Lord or Superior: And therefore is of another Nature from that which is *Feodel* or *Beneficiary.* From the *Sax.* a Privative and Leob *vassallus*, or rather Leof, *Dominus, i. e.* Held without any Burthen or Vassallage, or without a Superior.

Alluminosus, *i. e. Mucidus.*

Illuminor (from the Fr. *Allumer*, to lighten or kindle) is used for one who by his Trade coloureth or paints upon Paper or Parchment. And the Reason is, because he gives *Light* and Ornament by his Colours to the Letters, or other Figures, coloured. The Word is used *Anno* 1 *Rich.* 3. *cap.* 9. Now we call him a *Limner.*

Almaria, for *Armaria*; *i. e.* the Archives of a Church, a Library. *Omnia etiam Ecclesiæ* Almaria *confregit, chartas & privilegia quædam igne cremavit.* Gervas. Dorob in R. 2.

Almery. See *Ambrey.*

Almitas, *i. e.* Holiness. *Hæc tibi exposui ut certior sis de* almitate *hujus emeriti viri, &c.*

Almner, or **Almoner**, (*Eleemosynarius,*) is an Officer of a King or Prince's House, whose Function is carefully to collect the Fragments of Meat and Victuals, and distribute them every Day to the Poor; charitably to visit the Sick and Leprous, Prisoners, Poor Widows, Needy Persons, and those that have no constant Abode; likewise to receive and faithfully distribute Cast Horses, Robes, Money, and other Things given in Alms: He ought also to excite the King with often Admonitions, especially on Festival Days, to be bountiful in giving Alms; and to beseech that his rich Robes may not be given to Parasites, Maskers, Stage-Players, or the like, but may go towards the Increase of his Alms. *Fleta, Lib.* 2. *cap.* 22.

Almos, the same with *Alms.*

Almesfeoh, or **Almesfeot**, (Sax. *i. e.* Alms-Money,) that is, *Peter-Pence*, anciently paid in *England* on the First of *August*, and given by King *Ina*: Called also *Romefeoh*, *Romefeot*, and *Heorthpening.* Selden's *History of Tithes*, *pag.* 217. See *Peter-Pence.*

Almutum. This was a Garment which covered the Head and Shoulders of the Priest: *Quæsivit Episcopus in quali habitu esset? respondum est, quòd in tunica de Burneto & Almutio sine cuculla.* W. Thorn. 1330.

Alnage, (Fr. *Aulnage*,) Ell-measure, the Measuring with an Ell. *Anno* 17 *Edw.* 4. *cap.* 5. See *Alnager.*

Alnager, or **Alneger**, (Fr. *Aulner*, *i. e.* a Measurer by the Ell,) signifies a sworn Publick Officer, who by himself or Deputy looks to the Assize of Woollen Cloth made through the Land, and to the Seals for that Purpose ordain'd, *Anno* 25 *Edw.* 3. *Stat.* 4. *cap.* 1. and 3 *Rich.* 2. *cap.* 2. who is accountable to the King for every Cloth so sealed in a Fee or Custom thereunto belonging, 17 *Rich.* 2. *cap.* 2. Read of this more, 27 *Edw.* 3. *cap.* 4. — 1 *Hen.* 4. *cap.* 13. — 7 *Ejusdem, cap.* 10. — 11 *Ejusdem, cap.* 6. — 13 *Ejusdem, cap.* 4. — 11 *Hen.* 6. *cap.* 9. — 31 *Ejusdem, cap.* 5. — 4 *Edw.* 4. *cap.* 1. — 8 *Ejusdem, cap.* 1. and 1 *Rich.* 3. *cap.* 8. There are now three Officers relating to the Regulation of Cloth; all which were anciently comprized in one Person. These bear the distinct Names of *Searcher, Measurer*, and *Alneger*; which last, though it be a Tautological Expression, (*Aulnage* and *Measure* being the same Thing denoted in two Languages) yet long Usage and Custom have brought them to two distinct Offices; and that which anciently was called *Alnage*, from whence the *Alnager* takes the Name, who was no more but *Measurer* in Signification, is now become Collector of the Subsidy granted to the King by the before recited Statutes, still holding the Name *Alnager*, because the Collection of that Subsidy was by *Edward* the Third committed to the Charge of the *Alnager*, and he nevertheless not abridged of his Measuring and Searching, till by his own wilful Neglect they became separated, and that by distinct Laws: Insomuch as there is now a peculiar *Measurer*, who ought no allow the Assize of Length and Breadth to every particular Cloth made in *England* and *Wales.* And because the Subjects of this Land should not be abused, an Office of *Searching* is established by Act of Parliament, whose Officer ought by his Seals, judiciously and diligently affixed, to denote the Defaults and casual Abuses which each particular Cloth contains. All these Offices were anciently under the Cognizance of the *Alnager*, as you may read at large in a Treatise, entituled, *The Golden Fleece*, printed *Anno* 1656. See 4 *Instit. fol.* 31.

Alne, a River in *Northumberland.*

Alnetum, a Place where Alders grow, or a Grove of Alders. — *Unum Pomarium, & unum* Alnetum, *& unum Sokemannum, & decem libratas terræ.* Pat. 16 H. 3. Par. 1. m. 8. It also often occurs in *Domesday.*

Alodarii, Lords of Free Manors, Lords Paramount. *Quando moritur* Alodarius, *Rex inde habet Relevationem terræ, &c.* Domesday, tit. *Kent*, and *Coke's* 1 *Inst. fol.* 1, & 5. See *Fee.*

Alodium, in *Domesday*, signifies a Free Manor, *Coke on Litil. fol.* 5.

Alone. *Whitley* in *Northumberland.*

Alperium, *i. e.* a Purse. 'Tis mentioned in *Fleta, Lib.* 2. *cap.* 82. *par.* 2. (*viz.*) *Triturarices ac ventrices nequicquam bladi sustentur in suis sotularibus, cirotecis*, aloveriis, *bursis, pannameris vel sacculis.*

Altarage, (*Altaragium,*) comprehends not only the Offerings made upon the *Altar*, but also all the Profit which accrues to the Priest by reason of the *Altar*, *Obventio Altaris.*

Northampton, ss. *Inter ordines sive decreta de Termino Sancti* Mich. Anno 21 Eliz. *in* Scaccario *remanentes, & in custodia Rememoratoris Regis inter alia continetur sic.*

Jovis, 12 Die Nov.

UPon the hearing of the Matter betwixt Ralph Turner, *Vicar of* West-Haddon, *and* Edward Andrews, *it is ordered, That the said Vicar shall have, by reason of the words* (Altaragium cum manso competenti) *contained in the Composition of the Profits assigned for the Vicar's Maintenance, all such Things as he ought to have by these Words, according to the Definition thereof made by the Reverend Father in God,* John, *Bishop of* London, *upon Conference with the* Civilians, *viz.* David Hewes, *Judge of the Admiralty,* Bartholomew Clark, *Dean of the Arches,* John Gibson, Henry Jones, Laurence Hewes, *and* Edward Stanhop, *all Doctors of the Civil Law; that is to say, By* Altaragium, *Tithes of Wooll, Lamb, Colt, Calf, Piggs, Gosslings, Chickens, Butter, Cheese, Hemp, Flax, Honey, Fruits, Herbs, and such other small Tithes, with Offerings, that shall be due within the Parish of* West-Haddon.

Vicarius de Tikhill *habeat totum* Altaragium, *ita quod nomine* Altaragii *contineantur omnes obventiones, decimæ & proventus ipsius Ecclesiæ de* Tikhill, *exceptis decimis bladi, Leguminum, & feni,* &c. Ordinatio *Walteri* Archiep. *Ebor.* Anno 33 Pontificat.

Oblationes sive nummorum, sive panum, tali vel tali Altari, vel ex devotione vel ex consuetudine, aut a Parochianis, aut ab extraneis factæ, Altaragii *nomine consebantur.* Gloss. in Mat. Paris.

Vicaria in Ecclesia Sancti Martini de Stamford consistit in toto altaragio dictæ Ecclesiæ, Monasticon, 2 Tom. pag. 881. & Tom. 3. pag. 139.

Alto & Basso, or **In Alto & in Basso.** *Pateat universis per præsentes quod* Willielmus Tylar *de* Tetton, *&* Thomas Gower *de Almaseres posuerunt se* in Alto & in Basso *in arbitrio quatuor hominum, viz. — de quadam querela pendente inter eos in Curia de* Wyggemore *ad sectam prædicti* Willielmi *versus prædictum* Thomam. *Et prædicti quatuor homines judicaverunt & ordinaverunt quod — Die, Anno 2. Hen. 5. — Ipse Prior venit & Bogo similiter & pouunt se in gratiam, misericordiam & voluntatem Regis,* de Alto & Basso, *ut sibi mandantur Turri London. Vi.* Glos. *in Script. &c.* Plac. coram Rege, Hil. 18 Edw. 1. By this is meant the absolute Submission of all Differences, small and great, high and low. *Nos & terram nostram alte & basse ipsius Domini Regis supposuimus voluntati.* Du Cange.

Altus Justiciatus. See *Justiciatus.*

Alvetum for *Alnetum. Habet alvetum insula permaximum,* Matt. Westm. 169.

Amabyr, vel **Amubyr,** (Br.) *Pretium virginitatis Domino solvendum.* L. L. Eccl. Hoeli Dha. Regis Walliæ. *Puella dicitur esse desertum Regis, & ob hoc Regis est de ea* Amubyr *habere.* The Custom was in Honour of *Clun,* till such Time as *Henry* Earl of *Arundel* by his Deed, dated *ult. Aug.* 3 & 4 *Phil. & Mar.* in Consideration of 60*l.* released it to all his Tenants there by the Name of the Custom of Amabyr and Cheuse. See *Chevage.*

Ambactus, *i. e.* a Servant or Client.

Ambidexter. (Lat.) He that useth his Left Hand as well as his Right; that plays on both Sides. But in the legal Acception it signifies, that Juror or Embraceor who takes Money on both Sides for giving his Verdict; for which he forfeits ten Times so much as he takes. 38 *Edw.* 3. *cap.* 12. *Crompt. Just. of P. fol.* 156. *b.*

Ambia, (Sax. ambep, Lat. *Ambora,*) a Vessel among our Saxons, the Quantity now not known; but I have seen in an old Deed mention of (*Ambra Salin.*) *Leg. Adelstan.*

Ambry, the Place where the Arms, Plate, Vessels, and every Thing which belonged to House-keeping were kept; and probably the *Ambry* at *Westminster* is so called, because formerly set apart for that Use; or rather the *Almonery,* Lat. *Eleemosynaria,* an House adjoining to an Abbey, in which the Charities were laid up and distributed to the Poor.

Ame. (King's Proclamation, 1663.) See *Aume.*

Amenable (from the Fr. *Amener,* i. e. To bring or lead unto,) Others write it *amainable,* (from the Fr. *Main,* a Hand,) tractable; that may be led by the Hand, or governed; that may be brought or fetched in. It is applied in our Law-Books to a Woman that is supposed governable by her Husband.

Amendment, (*Amendatio,*) signifies the Correction of an Error committed in a Process, and espied before or after Judgment; and sometimes after the Party seeking Advantage by the Error. *Brook, Tit.* Error and Amendment.

Amerciament (from the Fr. *Merci,* i. e. *Misericordia*) signifies the pecuniary Punishment of an Offender against the King, or other Lord in his Court, that is found to be in *Misericordia,* i. e. to have offended, and to stand to the *Mercy* of the Lord. There is a Difference between *Amerciaments* and *Fines*: These, as they are taken for Punishments, are Punishments certain, which grow expressly from some Statute; but *Amerciaments* are arbitrarily imposed by the Judge. See *Rastall, fol.* 78 & 214. *Manwood* (in his First Part of *Forest-Laws, pag.* 166.) makes another Difference, as if an *Amerciament* were a more easy and merciful Penalty, and a *Fine* more sharp and grievous. Take his Words: *If the Pledges for such a Trespass appear by common Summons, and not the Defendant himself, then the Pledges shall be imprisoned for the Defendant's Default: But otherwise it is, if the Defendant himself appear, and be ready in Court before the Lord Justice in Eyre to receive his Judgment, and to pay his Fine. But if such Pledges make Default, they shall be Amerced, but not* Fined. So that an Amerciament is for a small Fault, and a Fine for a great one. The Author of the *New Terms of Law* saith, That *Amerciament* is most properly a Penalty assessed by the Peers or Equals of the Party amerced for an Offence done; for which he puts himself upon the Mercy of the Lord. Who also mentions an *Amerciament Royal,* and defines it to be a pecuniary Punishment laid upon a Sheriff, Coroner, or such like Officer for the King, by Justices, for some Offence. *Ratcliff,* Baron of the *Exchequer,* 2 *Hen.* 7. *fol.* 7. See *Misericordia.*

Amette, Priestly Garment. From the Lat. *Amictus.*

Amicia, (the same with *Almutium,*) a Cap made with Goat's or Lamb's Skins: That Part of it which covered the Head was square, and one Part of it hung behind, and covered the Neck. 'Tis mentioned in the *Monasticon,* 3 *Tom. pag.* 36. *Pannulas autem hujus amicianum caprinas esse volumus vel agninas.*

Amictus was the uppermost of the six Garments worn by Priests; it was tied round the

Neck, *ne inde allinguam transeat mendacium*; and it covered the Breast and Heart, *ne vanitates cogitet. Amictus. Alba, Cingulum, Stola, Manipulus, & Planeta.*

Amittere legem terræ, To lose the Liberty of Swearing in any Court, or (as Sir *Edward Coke* says) to become infamous, is used by *Glanvil. (Lib. 2. cap. 3.)* for the Punishment of the Champion overcome or yielding in Battel, upon a Writ of Right; and of Jurors found guilty in a Writ of Attaint. *Selden's Titles of Honour.*

Ammailure, to Enamel. 'Tis often mentioned in the *Monasticon*, 3 *Tom. pag.* 170, 332.

Ammobragium, — *Quæ quidem terræ de nobis tenebantur, per certa servitia & per* Ammobragium, *quod ad quinq; solidos extenditur, cum acciderit.* Pat. 7 Ed. 2. m. 7. *intus.* Q. Is not the same with *Amabr.*

Amnitum Insulæ, Isles upon the West Coast of *Britain.*

Amortization, (*Amortizatio*, Fr. *Amortissement.*) *Est prædiorum translatio in* manum mortuam, *quod tamen fiat venia Principis non fiat. Jus* amortizationis *est privilegium seu licentia capiendi in* manum mortuam. In the Statute *De libertatibus perquirendis, Anno* 27 *Edw.* 1. the Word *Amortisement* is used. See *Mortmain.*

Amortize (from the Fr. *Amortir*,) is to alien Lands or Tenements to any Corporation, Guild or Fraternity, and their Successors; which cannot be done without Licence of the King, and the Lord of the Manor. *Anno* 15 *Rich.* 2. *cap.* 5. See *Mortmain*, and the Statute of *Amortizing Lands* made *tempore Edw.* 1.

Amoneus manum. See *Oster la Main.*

Amyttc, the Garment with which the Priest, in Sacrificing, covered his Head and Shoulders. From the Lat. *Amictus.*

An, Jour, & Waste, (*Annus, Dies, & Vastum.*) Look *Year, Day, and Waste.*

Analogium, a Pulpit.

Anavus, i. e. *Mendosus.*

Anar, i. e. a King.

Ancalites, the Hundred of *Henley.*

Ancaster. See *Crococalana.*

Ancestor (*Antecessor*) is well known. But we make this Difference betwixt that and *Prædecessor*: The first is applied to a natural Person, as *L. S. & Antecessores sui*; the other to a Body Politick or Corporate, *Episcopus Winton. & Prædecessores sui.* Coke on Littl. *Lib.* 2. *cap.* 4. *Sect.* 103.

Ancestrel, As *Homage Ancestrel*, i. e. Homage that hath been done or performed by ones *ancestors.* See *Homage.*

Anchorage, (*Ancoragium.*) a Duty taken of Ships for the *Pool* of the *Haven* where they cast *Anchor. M. S. Arch. Trever. Ar.* For no Man can let any *Anchor* fall on the King's Ground in any Port without paying therefore to the King's Officers appointed by Patent.

Ancient, (Fr. *Ancien.*) In *Grey's-Inn* the Society consists of *Benchers, Ancients, Barristers*, and *Students* under the Bar; where the *Ancients* are of the more ancient Barristers. In the *Inns of Chancery* there are only *Ancients* and *Students*, or *Clerks*; and among the *Ancients*, one is yearly the *Principal*, or *Treasurer.* In the *Middle Temple*, *Ancients* are such as are past their *Reading*, and never read.

Ancient Demain (*Vetus Patrimonium Domini*) is a Tenure, whereby all the Manors belonging to the Crown in the Days of Saint *Edward*, or *William* the Conqueror, were held. The Number and Names of which Manors, as of all other belonging to common Persons, after a Survey of them, he caused to be written in a Book, now remaining in the *Exchequer*, called *Domesday.* 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 Demain. Kitchin, fol.* 98. Of these Tenants there are two Sorts: One that held their Land frankly by Charter; the other by Copy of Court-Roll, or by Verge at the Will of the Lord, according to the Custom of the Manor. *Briton, cap.* 66. *numb.* 8. The Benefits of this Tenure consist in these Points: 1. The Tenants holding by Charter cannot be impleaded out of their Manor, or if they be, they may abate the Writ, by pleading their Tenure before or after Answer made. 2. They are free of Toll for all Things concerning their Sustenance and Husbandry. 3. They may not be empanelled upon any Inquest. See more of it *Fitz. Nat. Br. fol.* 14. *d. & fol* 228, *&c.* By whom it appears, these Tenants held originally by plowing the King's Land, plashing his Hedges, or such like, towards the Maintenance of his Houshold: In which regard they had such Liberties given them, wherein, to avoid Disturbance, they may have Writs to such as take the Duties of Toll, as likewise Immunity of Portage, Passage, or such like. No Lands ought to be accompted *Ancient Demain*, but such as are held in *Soccage.* See *Monstraverunt* and *Demain.*

Ancienty, (Fr. *Ancienneté*, Ancientness,) in the Statute of *Ireland*, 14 *Hen.* 3. is used for Eldership or Seniority. As, *The Eldest Sister can demand no more than her other Sisters, but the chief Mease, by reason of her* Ancienty.

Andatex Lucus, (*Anderida.*) Mr. *Camden* was of Opinion, that *Newenden*, in *Kent*, situated near the Wood called *Ander*, was the Place where a famous Castle was built by the *Romans*, to defend the Sea-Coasts from the *Saxon* Pirates; which Town was called *Brittenden* by the *Saxons.* And being decayed, but rebuilt, soon after a Monastery was founded by the *Carmelite* Friers, in the Reign of *Ed.* 1. it was called *Nevenden.* But Mr. *Somner* was of another Opinion: He rather thinks it was *Pevensey*, because that is near the Sea-Coast; but the other is more remote.

Andena, a Swath in Mowing. See *Dole.* It likewise signifies, As much Ground as a Man could stride over at once.

Anelacius, a short Knife or Dagger. 'Tis mentioned in *Mat. Paris. viz. Loricâ erat indutus, gestans* Anelacium *ad Lumbare*, pag. 277.

Anfeldtyhde. *Et si* Anfeldtyhde *sit, immergatur manus post lapidem, vel examen usque ad wristle.* Leg. Adelstan, cap. 19. *apud* Brompton. Mr. *Somner* tells us it should be *Ansealtiple*, i. e. a Simple Accusation; For the *Saxons* had two Sorts, *viz. Simplex & Triplex*: That was called a single Accusation when the Oath of the Criminal and two more was sufficient to discharge him; but his own Oath, and the Oaths of five more, were required to free him *a triplici Accusatione.*

Angaria, — *Terram liberam ab omnibus* Angariis *& Exactionibus*, &c. *Ad S. Petrum Eliam Asmole, Arm.* From the Fr. *Angarie*, i. e. Personal Service; that which a Man is bound to perform in his own Person. *Prestationes* Angariarum *&* Perangariarum *plaustrorum & navium*, Impressing of Ships.

Angelica Vestis was a Monkish Garment, which Laymen put on a little before their Death, that they might have the Benefit of the Prayers of the Monks. It was from them called *Angelicus*, because

cause they were called *Angeli*, who by these Prayers *animæ saluti succurrebant*. And therefore where we read the Word *Ad succurrendum* in our old Books, it must be understood of one who had put on the Habit, and was near Death. *Siquis ad succurrendum metu mortis se loco prænominato dederit, illic recipietur.* Monasticon, 1 Tom. pag. 632. So likewise *De susceptis in morte*, *i. e.* Those Dying Men who had put on the Habit.

Angild is a Compensation, according to the single Value of a Criminal. From the *Sax.* An *una*, & Gild *solutio*, *Si villanus furatus fuerit, &c. Et habeas plegium, admoneas eum de* Angildo.

Anhlote, (from the *Sax.* An *una*, & Hlote *portio*,) a single or single Tribute or Tax. *LL. Wil.* 1. *cap.* 64. See *Scot and Lot*.

Aniented (*Anentized* in Stat. 1 R. 3. c. 2. from the Fr. *Aneantir*, *i. e.* To make void,) signifies abrogated, annihilated, or brought to nothing. *Littleton, Lib.* 3. *cap. Warranty*, and 3 *Inst. fol.* 40.

Animalia otiosa are such which are not used for to plow; as Sheep, Hogs, &c. *Fleta, Lib.* 4. *cap.* 26. *Par.* 15. *Si fiat districtio per oves & bestias carucarum, cum sint alia* animalia otiosa, *&c.*

Annats (*Annates*) are all one with First-fruits. *Anno* 25 *Hen.* 8. *cap* 20. The Reason is, because the Rate of First fruits paid of Spiritual Livings is after one Year's Profit. Annates *more suo appellant primus fructus unius anni sacerdotii vacantis, aut dimidium eorum partem*, says *Polydore Virgil de Inven. rerum, Lib.* 8. *cap.* 2. Note, *Annates*, *Primitiæ*, and *First fruits*, are all one. *Coke's* 12 *Rep. fol.* 45. See *First fruits*.

Annealing of Tile (*Anno* 17 *Ed.* 4. *in principio*) signifies the burning or hardening of Tile, and comes from the *Sax.* On-ælan, *accendere*.

Annis nubiles, (Lat) when a Woman is said to be *infra annos nubiles*, that is, under the Age of twelve Years; unmarriageable. *Coke's* 2 *Inst. fol.* 434.

Dominicary Days (*alias anniversarii*) were, of old, those Days wherein the Martyrdoms or Deaths of Saints were celebrated yearly in the Church; or the Days whereon, at every Year's End, Men were wont to pray for the Souls of their deceased Friends, according to the Custom of Roman Catholicks, mentioned in the Statute 1 *Ed.* 6. *cap.* 14. and 12 *Car.* 2. *cap.* 13. This was in use among our ancient *Saxons*, as you may see in *Lib. Rames, Sect.* 134. *Anniversaria dies ideo reperitur defunctis, quoniam nescimus cuilibet eorum causa habeatur in alia vita.* This was the Reason given by *Alcuinus* in his *Divine Offices*. It is sometimes taken *pro Annualis*, which is an Office celebrated every Day in the Year for the Dead.

Anno Domini is the Computation of Time from the Incarnation of our *Lord JESUS*, and is used in publick Writings, sometimes with, and sometimes without, the Year of the King's Reign. As the *Romans* made their Computation from the Building of the City of *Rome*, and the *Greeks* by *Olympiads*; so Christians, in Remembrance of the happy Incarnation of our *Saviour*, reckon their Time from thence. *The Day of the Month, the Year of our Lord and Saviour Christ, and the Year of the King's Reign, are the usual Dates of Deeds.* Coke's 2 Inst. fol. 675.

Annoisance, alias **Nuisance**, (Fr. *Nuisance*, *i. e.* Hurt or Offence,) hath a double Signification, being used as well for any Hurt done either to a publick Place, as Highway, Bridge, or Common River; or to a private, by laying any Thing that may breed Infection, by incroaching, or such like Means: As also for the Writ that is brought upon this Transgression; whereof see more in *Nusance*. The Word *Annoisance* I find *Anno* 22 *Hen.* 8. *cap.* 5.

Annua Pensione is a Writ (now disused) whereby the King having an Annual Pension due to him from an Abbot or Prior, for any of his Chaplains, (whom he should think good to nominate, being as yet unprovided of sufficient Living,) demands the same of the said Abbot or Prior; and also wills him, for his Chaplain's better Assurance, to give him his Letters Patent for the same. *Register of Writs, fol.* 265, 307. and *Fitz. Nat. Br. fol.* 231. Where you may see the Names of all the Abbeys and Priories bound to this, in respect of their Foundation or Creation.

Annuale, the yearly Rent or Income of a Prebendary.

Annuity (*Annuus 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 Recovery of such a Rent. *Register of Writs, fol.* 158. *Fitz. Nat. Brev. fol.* 152. *Annuity* is otherwise defined to be a certain Sum of Money granted to another in Fee simple, Fee-tail, for Life or Years, to receive of the Grantor or his Heirs, so that no Freehold be charged therewith; whereof a Man shall never have Assize, or other Action, but a Writ of *Annuity*. *Doctor and Student*, (*Dial.* 1. *cap.* 3.) shews several Differences between a Rent and an *Annuity*: Whereof the first is, That every Rent, be it Rent-charge, Rent-service, or Rent-seck, is issuing out of Land; but an Annuity chargeth the Person only, *viz.* the Grantor or his Heirs that have Assets by Descent. The second is, That for the Recovery of an Annuity no Action lies; but only the Writ of Annuity against the Grantor, his Heirs, or Successors; but of a Rent, the same Actions lie as do of Land, as the Case requires. The third Difference is, That an Annuity is never taken for Assets, because it is no Freehold in Law; nor shall it be put in Execution upon a Statute-Merchant, Statute-Staple, or *Elegit*, as a Rent may. *Dyer, fol.* 345. *numb.* 2. *Coke* on *Littl. fol.* 144. *b*.

Ansa, ad **Ansam**, near *Logleshall* in *Essex*.

Anscote, the same with *Angild*. (*LL. Will.* 14 *cap.* 64.) See *Scot and Lot*.

Ansel Weight. See *Aunsel*.

Ansul. See *Aunsel Weight*. *De pede, pollice, cubito, & palmo, de* Ansul *balancibus & mensuris*. Thorn. Chron.

Anteiuramentum & Diæjuramentum, which by our Ancestors was called *Juramentum Calumniæ*. In which they were so strict, that both the Accuser and Accused were obliged to make this Oath before any Trial or Purgation, *viz.* The Accuser was to swear that he would prosecute the Criminal; and the Accused was to make Oath, on the very Day that he was to undergo the Ordeal, that he was innocent of the Fact of which he was charged. *Leg. Athelstan. apud Lambard* 23. If the Accuser failed, the Criminal was discharged; if the Accused, he was intended to be guilty, and was not to be admitted to purge himself by the Ordeal. *Leg. H.* 1. *cap.* 66.

Antistitium is a Word used in the old Histories, and signifies a Monastery.

Antithetarius. 'Tis mentioned in the Title of a Chapter in the Laws of *Canutus*, (*viz. Capite* 47.) but not in the Chapter itself. The Meaning

Meaning of the Word is, Where a Man endeavours to discharge himself of the Fact of which he is accused, by recriminating, *i. e.* by charging the Accuser with the same Fact.

Antivestæum, the Cape of *Cornwall*.

Apatisatio is an Agreement or Compact made with another. 'Tis mentioned in *Upton, Lib.* 2. *cap.* 12. *De officio militari, viz. Concedimus per præsentes bonum & salvum conductum, ac salvam gardiam sive securitatem* Apatisationis.

Aplata, *i. e.* For certain: *Si verbum non direxerit ut* ailata *sit*, for *aplata*. Leg. Adelstan, cap. 6.

Apoziare, *i. e.* To be reduced to Poverty, *viz. Permisit suos spoliare patriam*, Aporiare *vulgus*. Walsingham in R. 2. Sometimes it signifies To shun, or Avoid, *viz. In civitate degentes, in refectorio pompaticas lascivasque secularium delicias ut melancholiam* aporiantes.

Apostare, *i. e.* To violate, *viz. Qui leges apostabit terræ suæ, reus sit apud Regem.* Leg. Edw. Confessoris 35.

Apostata capiendo is a Writ (now out of use) that lay against one, who having enter'd and professed some Order of Religion, broke out again, and wandered the Countrey, contrary to the Rules of his Order. The Form whereof, with other Circumstances, you shall find in the *Register of Writs, fol.* 71, & 267. and *Fitz. Nat. Br. fol.* 233.

Apparator, (*Anno* 21 *Hen.* 8. *cap.* 5.) a Messenger that cites Offenders to appear in the Spiritual Court, and serves the Process thereof.

Apparlement (of the Fr. *Pareillement*, *i. e.* likewise, or in like Manner) signifies a Resemblance, or Likelihood; as *Apparlement of War*, mentioned in our Statutes.

Apparura, (*Et omnes Carrucas, cum tota* Apparura. Plat. in Itin. apud Cestriam, 14 *H.* 7.) seems to signify the Furniture or Apparel of the Plow; as we read, the Tackle, Apparel, and Furniture of a Ship, 22 & 23 *Car.* 2. *Stat.* to prevent the Delivery up of Ships.

Appeal (Fr. *Appel*) is as much as *Accusatio* with the *Civilians*: For, as in the Civil Law, Cognizance of Criminal Causes is taken either upon Inquisition, Denunciation, or Accusation; so in ours, upon *Indictment* or *Appeal*, *Indictments* comprehending both *Inquisition* and *Denunciation*: And *Accusation* or *Appeal* is a lawful Declaration of another Man's Crime, (which by *Bracton* must be Felony at least,) before a competent Judge, by one that sets his Name to the Declaration, and undertakes to prove it, upon the Penalty that may ensue of the contrary. For the whole Course of an *Appeal* I must refer you to *Bracton, Lib.* 3. *tract.* 2. *cap.* 18. *Smith de Republ. Angl. Lib.* 3. *cap.* 3. *Britton, cap.* 22, 25. and to *Staundf. Pl. Coron. Lib.* 2. *cap.* 6, 7, *&c.* An *Appeal* is commenced two Ways, either by *Writ* or *Bill*: *Appeal by Writ*, is when a Writ is purchased out of the *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 this Writ to the Sheriff to be recorded. *Appeal by Bill* is, when a Man of himself gives up his Accusation in Writing to the Sheriff or Coroner, offering to undergo the Burden of appealing the Person therein named.

This Point of our Law, among others, is drawn from the *Normans*, which appears plainly by the *Grand Customary, cap.* 68. where there is set down a solemn Discourse both of the Effects of this *Appeal*, *viz.* The Order of the Combat, and of the Trial by Inquest; which, by our Law, is in the Choice of the Defendant. See *New Book of Entries, verbo Appel. Book of Assizes, fol.* 78. and 3 *part. Inst. fol.* 131.

Appeal of Maihem is an Accusing of one that hath *maimed* another. But that being no Felony, the Appeal thereof is but in a manner an Action of *Trespass*; because there is nothing recovered but Damages. *Bracton* calls this *Appellum de Plagiis & Mahemio*, and writes a whole Chapter of it, *Lib.* 3. *Tract.* 2. *cap* 24. See *Coke, Vol.* 4. *fol.* 43. *a.* In King *John*'s Time there is recorded an *Appeal* against a *Jew*, *Qui fecit ementulari quendam nepotem suum.*

Appeal of wrong Imprisonment is used by *Bracton* for an Action of wrong or false Imprisonment. *Lib.* 3. *Tract.* 2. *cap.* 25.

Appeal (from *Appello*, To call, because *Appellans vocat reum in judicium*, *Coke* on *Littl. Lib.* 2. *cap.* 11.) is divers Times used in our Common Law, as in the Civil, which is for a Removing a Cause from an inferior Judge to a superior; as an *Appeal to Rome*, *Anno* 24 *Hen.* 8. *cap.* 12. and 1 *Eliz. cap.* 1. So St. *Paul* appealed from *Festus* to *Cæsar*. But more commonly for the private Accusation of a Murderer, by a Person who had Interest in the Party murdered; or of any Felon by one of his Complices in the Fact. See *Approver*; and see *Coke* on *Littl. fol.* 287. *b.*

Appellor, or **Appellant**, is he who hath committed some Felony, or other Crime, which he confesses, and now *appeals*, that is, accuses others who were Complices with him. And those that are so appealed are called *Appealees*. *Anno* 28 *Edw.* 1. & 27 *Edw.* 2. *cap.* 1. See *Approver*.

Appendant (*Appendens*) is an Inheritance belonging to another that is more worthy; as *Adjunctum principali* with the *Civilians*, or *Adjunctum subjecto* with the *Logicians*. An Hospital may be *appendant* to a Manor, *Fitz. Nat. Br. fol.* 142. Common of Fishing *appendant* to a Freehold, *Westm.* 2. *cap.* 25. *Anno* 13 *Edw.* 1. *Appendants* are ever by Prescription. See *Coke* on *Littl. fol.* 121. *b.*

Appennage, or **Apennage**, (Fr.) the Portion of the King's younger Children in *France*; a Child's Part. They have in *France* a Fundamental Law, which they call the *Law of Apennages*, whereby the King's younger Sons have Dutchies, Counties, or Baronies, granted to them and their Heirs, or Heirs Male of their Bodies; the Reversion reserved to the Crown, and all Matters of Regality, as Coinage, Levying Taxes, and the like. It is derived *ab Appendendo*, or, from the *German* Word Apanage, which signifies a *Portion*. See *Gerard du Hevlen, & Spel. Glossar. in voce* Appennagium.

Appertinances, (*Pertinentia*) are Things both *corporeal*, belonging to another Thing, as to the more principal; as Hamlets to a chief Manor, Common of Pasture, Turbary, Piscary, and such like; and *incorporeal*, as Liberties, and Services of Tenants, *Brit. cap.* 39. Where it may be observ'd, that he accounts Common of Pasture, Turbary, and Piscary, to be Things *Corporeal*. See *Common*.

Appleby in *Westmorland*. See *Abbellaba*.

Applumbatio is the incorporating several Metals together. See *Bract. Lib.* 2. *cap.* 2. *Fleta, Lib.* 3. *cap.* 2. *paragraph* 12.

Appodiare is a Word used in our old Historians, and it signifies, To lean on any Thing, To prop up a Thing, *&c. Walsingham, Anno* 1271. *Mat. Paris. Chronicon Aulæ Regiæ Anno* 1321.

Apponere signifies To pledge or pawn: *Acceptâ à fratre Gulielmo summâ non modicâ Normanniam illi apposuit. Neubrigensis, Lib.* 1. *cap.* 3.

Apportionment (*Apportionamentum*) is a Dividing of a Rent into two Parts, according as the Land (whence the whole Rent issues) is divided among two or more. As if a Man have a Rent-service issuing out of Land, and he purchaseth Part of the Land, the Rent shall be *apportioned*, according to the Value of the Land. So if a Man let Lands for Years, reserving Rent, the Rent shall be *apportioned*. But a Rent-charge cannot be *apportioned*, nor Things that are personal. As if one holds Land by Service, to pay to his Lord Yearly at such a Feast a Horse or a Rose, there if the Lord purchase Part of the Land, this Service is totally extinct; because such Things cannot be divided without Hurt to the whole. Yet in some Cases a Rent-charge shall be *apportioned*: As if a Man hath a Rent-charge issuing out of Land, and the Father purchaseth Part of the Land charged in Fee, and dies, and the Purchase 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 though the Commoner, in such Case, purchase Part of the Land wherein the Common is Appendant, yet the Common shall be *apportioned*. But in this Case, Common Appurtenant, and not Appendant, by such Purchase, is extinct. *Coke, lib.* 8. *fol.* 97.

Appositum, — *Ita quod prosicua Manerii prædicti nomine* Apporti, *quolibet anno præstita et in subventionem sustentationis ejus, solverentur*. Mon. De Fano 22 Ed. 3. n. 72. *Linc.* It seems to be deduced from the Fr. *Apport*, which, besides the Common, signifies the Revenue, Gain, or Profit, which a Thing brings into its Owner. And in the Place cited it is used for an Augmentation given to an Abbot, for his better Support, out of the Profits of a Manor.

Apposal of Sheriffs is the Charging them with Money received upon their Account in the Exchequer, 22 & 23 *Car.* 2. *All for better Recovery of Fines due to His Majesty.*

Apposer. See *Foreign Apposer.*

Apprendre, (Fr.) Fee or Profit. *Apprendre*, (*Anno* 2 & 3 *Edw.* 6. *cap.* 8.) Fees or Profit to be taken or received.

Apprentice (Fr. *Apprenti*, and that from *Apprendre*, To learn, whence the Fr. *Apprentissage*, and our *Apprenticeship*) is one that is bound by Covenant to serve a Tradesman or Artificer a certain Time, (for the most Part seven Years,) upon Condition that the Master shall, during that Time, instruct him in his Art or Mystery. Sir *Tho. Smith* (in his *Rep. Angl. lib.* 3. *cap.* 8.) says, They are a kind of Bondmen, differing only in that they are Servants by Covenant, and for a Time. Antiently Benchers in the Inns of Court were called *Apprentices of the Law*, in Latin *Apprenticii Juris nobiliores*, as appears by Mr. *Selden*'s Notes upon Mr. *Fortescue*, p. 2. So the Learned *Plowden* styles himself. Sir *Henry Finch* in his *Nomotechnia* writes himself *Apprentice del Ley*: And Sir *Edward Coke* in his 2 *Part. Instit. fol.* 56. says, *Apprenticii Legis* in Pleading are called *Homines consiliarii, & in Lege periti*. And in another Place, — *Apprentices, and other Counsellors of Law.* See *Orig. Jurisdict. fol.* 143. *a.* and the *Stat. of Champerty*, 33 *Ed.* 1.

Appropriation (*Appropriatio*, from the Fr. *Approprier*, i. e. *Aptare*, *Accomodare*,) signifies the severing a Benefice Ecclesiastical (which originally, and in Nature is *Juris Divini*, & in *Patrimonio nullius*) to the proper and perpetual Use of some Religious House, Bishoprick, College, &c. So called, because Parsons, not being ordinarily accounted *Domini*, but *Usufructuarii*, having no Right of Fee-simple, are by reason of their Perpetuity accounted Owners of the Fee-simple, and therefore called *Proprietarii*. Before the Time of *Richard* the Second it was lawful (as it seems) to *appropriate* the whole Fruits of a Benefice to an Abbey or Priory, they finding one to serve the Cure. But that King ordained, That in every Licence of *Appropriation* made in *Chancery*, it should expresly be contained, that the Diocesan of the Place should provide a convenient Sum of Money to be yearly paid out of the Fruits towards the Sustenance of the Poor in that Parish, and that the Vicar should be well and sufficiently endowed, *An.* 15 *Rich.* 2. *cap.* 6. See the *Poor Vicars Plea*. To make an *Appropriation*, (after Licence obtained of the King in *Chancery*,) the Consent of the Diocesan, Patron, and Incumbent, is necessary, if the Church be full; if it be void, the Diocesan and the Patron, upon the King's Licence, may conclude it. *Plowden* in *Grendon's Case, fol.* 496. To dissolve an *Appropriation*, it is enough to present a Clerk to the Bishop, and he to institute and induct him: For that once done, the Benefice returns to the former Nature. *Fitz. Nat. Br.* 35. *Coke, lib.* 7. *fol.* 13. and *Cowl. Brit.* 161.

Approve, (*Approbare*,) To augment, or (as it were) To examine to the utmost. For Example, *To approve Land* is to make the best Benefit of it by encreasing the Rent, &c. *Anno* 9 *Hen.* 6. *cap.* 10. Bailiffs of Lords in their Franchises are called their Approvers: And by what follows, you may see what Kind of Approvers or Improvers were formerly in the Marches of *Wales*, authorized by the Prince thereof. *Richard de Lyngein* Improver *del such Commission nostre tre-dout Seignour le Prince deins le Counte de Hereford, & le Marches adjeyngnant, a tous ceux qui ceste Lettres verront ou orront, salutz. Sachez moy aver grant a une Janin de Brompton loyal & leige home nostre Seignour le Roy, & a ses servants, de vendre & acheter bests & herbez deins le Counte de Hereford, & le Marche adjeyngnant, sans empechement ou arrest de nul uy, come loyal & leige hommes, a son propre use & entresse, sans refreshment des Rebels de Gales. Et ceste ma Lettre serra son Garrant. En tesmoignage de quel chose a ycelle j'ay mise mon Seal. Don a Lemestre le xi. jour de Julet le anu de Regne le Roy Henric le quart apres le Conquest, quarte.* — See 2 Part. Instit. fol. 472. — *Quod nullus libere tenens infra Baroniam illam se* appruirare *posset de waste sua, &c.*

Appreyare also occurs in old Records, as, approyare *vasta*, — and *vastis* approyatis.

Approveamentum, — *Cum omnibus* Approveamentis, *& aliis pertinenciis suis.* Mon. Angl. 2 part. fol. 607. b. Improvement.

Approvement (*Anno* 43 *Eliz. cap.* 11.) is the same with *Improvement*; but it is more particularly used for the enclosing Part of a Common by the Lord of the Manor, leaving sufficient nevertheless for the Commoners.

The Word *Approvement* properly signifies the Profits of a Farm: *Posuerunteque custodes qui medio tempore exitus & approviamenta terræ ad opus illorum custodient.* Walsingham, pag. 57.

Approver (*Approbator*) is one who confesseth Felony committed by himself, and appeals or accuses others to be guilty of the same; and is so

called,

called, because he must prove that which he hath alledged in his Appeal. This Proof is by Battel, or by the Countrey, at his Election that appealed. The Form of this Accusation you may in Part gather by *Crompt. Just. of Peace, fol.* 250, & 251. That this is done before the Coroner, either assigned to the Felon by the Court, to take and record what he saith, or else called by the Felon himself, and required for the Good of the Commonwealth so to do. The *Approver's* Oath, when he begins the Combat, you may see in the last Page of *Crompton*, as also the Proclamation by the Herald. Of the Antiquity of this Law read at large in *Bracton, lib.* 3. *Tract.* 2. *cap.* 21, & 33. *Staundf. Pl. Cor. lib.* 2. *cap.* 52. *cum seq.* and 3 *Part. Instit. fol.* 129. See *Prover. Cum probator perfecerit quod promisit vocatur ei conventio, fiducia ei vitam habeat & membra, sed in regio remanere non debet, etiamsi velit Regio inconstire*, saith *Bracton*. See *Fleta, lib.* 2. *cap.* 52. *par.* 42. and *Staunford's Pleas of the Crown, cap.* 52.

Approvers of the King (*Approbatores Regis*) are those that have the Letting of the King's Demeans in small Manors, to his best Advantage. *Anno* 51 *H.* 3. *Rot.* 5. And in the Statute of 1 *Edw.* 3. *cap.* 8. the Sheriffs did call themselves the *King's Approvers*.

Appuare is to take to his own Use or Profit, viz. *Damni vastarum & boscorum, &c.* appuare *se possunt de vastis, &c.* W. 2. *cap.* 50.

Aquagangium signifies the same as *Aquagium. Eadem modo fiat & observetur in omnibus aquigangiis infra precinctum dicti maricii.*

Aquage, (*Aquagium, q. Aquæ Agium, i.e. Aquæductus & Aquagangium,*) — *Non licebit alicui de cætero facere damnum vel furcas aut alia impedimenta in aliquibus landeis, margingiis, fossatis sive aquagiis adjacentibus in marisco predicto.* Ordinatio Maricii de Ramsey facta tempore *Hen.* 3. & *Edw.* 1. *pag.* 72. See *Watergang*.

Aqua Salis, Bath in *Somersetshire*.

Araice, (Angl.) to raise, from the Fr. *arracher, Evellere*.

Aracium. See *Haracium*.

Arad, or Arad, in *Domesday Anno Arad*, (i. e.) interpreted; from the *Sax.* Ræden, to *expound*, *mode Ang.* Read.

Araire. *In arado conjurare*, &c. To make Oath in the Church, or in some other Holy Place; for, according to the *Saxonian* Laws, all Oaths were made in the Church upon the Relicks of Saints.

Aratra, Lands proper for Tillage. In *Domesday, Tit. Esse fuerunt*, 20 *aratri, 20 aratri, 2 Ruscat, 4 Aratra, &c.*

Aratrum Terræ; As much as can be tilled with one Plough. *Hæc maneria est 30 aratrorum. Thorn. Anno* 616. See *Carucata terræ*.

Aruera Terræ is the Service which the Tenant is to do for his Lord in plowing his Land.

Arbitrator (Lat.) is an extraordinary Judge or Commissioner in one or more Causes, between Party and Party, chosen by their mutual Consents. The *Arbitrement* is either general, that is, including all Actions, Quarrels, and Demands; or special, which is of one or more Matters, Facts, or Things, specified. The *Civilians* make a Difference between *Arbiter* and *Arbitrator*; for though they both ground their Power upon the Compromise of the Parties, yet their Liberty is diverse; for *Arbiter* is tied to proceed and judge according to Law, with Equity intermingled; *Arbitrator* is permitted wholly to his own Discretion, without Solemnity of Process, or Course of Judgment, to hear and determine the Controversy committed to him; so it be *Secundum Arbitrium boni viri*. See *Alto et Basso*.

Arbitrement. See *Arbitrator*.

Arca Cyrographica, or Cyrographorum Judaeorum, was a Common Chest with three Locks and Keys, kept by certain Christians and Jews, specially designed for that Purpose, wherein all the Contracts, Mortgages, and Obligations, belonging to the Jews were kept, to prevent Fraud; and this by Order of King *Richard* the First. *Hoveden's Annals, Parte posteri. pag.* 745.

Archery was a Service of keeping a Bow for the Use of the Lord, to defend his Castle. *Johannes de Arcubier qui tenet de Domino Rege in capite per serjantiam* Archeriæ. Co. Litt. Sect. 157.

Arches Court (*Curia de Arcubus*) is the Chief and Ancientest Consistory that belongs to the Archbishop of *Canterbury*, for debating Spiritual Causes; and is so called from *Bow-Church* in *London*, (dedicated to the *Blessed Virgin*) where it was kept. And the Church is so called of the Fashion of the Steeple or *Cloister* thereof, whose Top is raised on Stone-Pillars, built *Arch-wise*, like so many *Bent Bows*.

The Judge of this Court is termed *the Dean of the Arches*, or *Official of the Arches Court*. *Dean of the Arches*, because with this Officialty is commonly joined a peculiar Jurisdiction of thirteen Parishes in *London*, termed a *Deanry*, being exempted from the Authority of the Bishop of *London*, and belonging to the Archbishop of *Canterbury*, of which the Parish of *Bow* is one, and the chief, because the Court was there kept.

The Jurisdiction of this Judge is ordinary, and extends itself through the whole Province of *Canterbury*. So that upon any Appeal made, he forthwith, and without any further examination of the Cause, sends out his Citation to the Appellee, and his Inhibition to the Judge from whom the Appeal was made. Of this read more in *Historia de Antiq. Eccles. Britan.* and 4 *Part. Instit. fol.* 337.

Archive, (*Archivum*, from *Arca*, a Chest or Chest,) the Rolls, or a Place wherein Ancient Records, Charters, and Evidences, (that belong to the Crown and Kingdom,) are kept. Also the *Chancery* or *Exchequer Office*.

Ardesiæ were a Sort of Tiles of a blue Colour, like our *Cornish Slate*.

Areche is an old Word, signifying To divulge; from whence we derive the Word *Reckon*.

Arcrisement. — *To the great Arcrisement and Estonysement of the Common Law.* Rot. Parl. 21. Ed. 3.

Aricanium, (*Kenchester* near *Hereford*.

Ariere ban is the Edict of the King, commanding all his Tenants to come into the Army: If they refuse, then to be deprived of their Estates. From the *Sax.* Here *Exercitus*, and Ban *Edictum*.

Argentarius Biles is mentioned in *Gerv. Tilbury*: *Et dicitur qui ab inferiori scaccario ad superius defert loculum examinandi* argenti; *ubi videtur* miles *poni pro gregario famulo*.

Argentum Album, mentioned in *Domesday*, signifies Bullion, or Silver uncoined, according to *Camden*: For in those Days such passed from one to another in Payment. *Sumitur pro ipso hoc metallo pensili, non signato.* Spelm.

Argentum Dei, God's-Penny, *i. e.* Earnest-Money, or Money given in Earnest of a Bargain. *In Lincolnshire* called *Erles*, or *Arles*: — *Et cepit de predicto Henrico tres denarios de* Argento Dei *pro manibus.* Gestr. 3 Edw. 3. See *Convention*.

Argumentosus, is a Word mentioned by our Historian *Neubrigensis*, and signifies Ingenuous. *In pictura quoque opera* Argumentosa *noscamus.* Lib. 1. cap. 14. *Mores argumentosos, &c.*

Arma dare, *i. e.* To make a Knight. *Quem etiam premature militem fecit, donatum chlamyde coccineâ, gemmato balteo, cum Saxonico cum vaginâ ferreâ.* Malmsb. lib. 2. cap. 2. *De Athelstano.* So in *Hoveden*, part 1. *Post hoc in beldmadâ Pentecostes filium suum Henricum apud Wolm.* Armis *Militaribus honoravit.* And in *Walsingham*, pag. 507. *Die Dominicâ in vigiliâ Purificationis Edwardus juvenis suscepit* Arma *militaria.* 'Tis true, the Word *Arma* in these Places signifies only a Sword; but sometimes a Knight was made by giving him the whole Armour, *viz. Lanfrancus Dorobernensis Episcopus cum de ferreâ induit, & galeam capiti imposuit, signo & Regis filio militiæ cingulum in nomine Dei cinxit.* Ordericus Vitalis, lib. 8. de Henrico, &c.

Arma deponere was enjoined when a Man had committed an Offence. *Leg. H. 1. cap. 68.*

Arma libera were a Sword and a Lance, which were usually given to a Servant when he was made free. *Leg. Wall. cap. 65.*

Arma molita were sharp Weapons: They are called *Arma molita* by *Bracton*, *Lib. 3. cap. 19. par. 2.* And *Arma amolita* by *Fleta*, *Lib. 1. cap. 33. par. 6.*

Arma mutare was a Ceremony used to confirm a League or Friendship.

Armandiæ, or **Jus Armandiæ**, *Habent Principes plura Jura sive Regalia, ut sunt* Armandiæ, *quod exponitur per aliquos esse jus faciendi fieri Arma; & per alios esse Litera quæ sunt publica & regalia, quod defensionem & protectionem, ut prohibeant ne fiat quidquam, si nisi Litera publica impetrentur.* M. S. notat. *Antiquæ viæ Regiæ* penes Thomam Street, Servien. ad Legem.

Arma rebellata. This was when a Man was convicted of Treason or Felony. Thus our Historian *Knighton*, speaking of *Hugh Spenser*, tells us, *Suspendierunt eum uno vestimento cum* Armis *suis rebellatis. Lib. 3. pag. 2546.*

Armicate is any Sort of Punishment decreed or imposed by the Judge. *Malmsbury, lib. 3. pag. 97. Walsingham, p. 430.* At first it was to carry a Saddle at his Back in Token of Subjection, (*viz.*) *Nudis vestigiis equestri sellam ad satisfaciendum humeris ferret.* Thus *Brompton* tells us, that in the Year 1176 the King of *Scots* promised *Henry* the Second at *Jorks*, *Lanceam & sellam suam super Altare sancti Petri ad perpetuam hujus subjectionis memoriam offerre.*

Arms, (*Arma*) in the Understanding of Law, are extended to any Thing that a Man wears for his Defence, or takes into his Hands, or useth in his wrath, to cast at or strike another. *Crompt. Just. of Peace, fol. 65. a.* So *Armorum appellatio non ubique scuta & gladios, & galeas significat, sed & fustes & lapides.*

Armi are also what we call in Latin *Insignia*, Ensigns of Honour.

Arpen, or **Arpent**, (Fr.) an Acre or Furlong of Ground: The most ordinary one, called *L'Arpent de France*, is one hundred Perches square, after eighteen Foot to the Perch; some account it but half an Acre. This Word is often found in *Domesday*. *Quatuor* Arpenni *vineæ noviter plantatæ.* Tit. *Middlesex.* —*Septem acras terræ & unum* Arpentum *quæ me contingebant per Escbaietam.* Ex Reg. Priorat. de *Wormyt, fol. 7. b.* where *Arpen* seems to be some Quantity less than an Acre. Hence *Arpentator* is used for a Measuret of Lands.

Arraiatio Peditum, the Arraying of Foot Soldiers. *Rot. 1. Ed. 2. p. 1. m. 3.*

Arrain, or **Arraign**, (from the French *arranger*, *i. e.* To set a Thing in Order, or in his Place,) hath the same Signification in Law: For he is said to *arraign* a Writ of *Novel Disseisin*, who prepares and fits it for Trial before the Justices of the Circuit. *Old Nat. Br. fol. 109. Lindlade, pag. 78.* Hath the Word in the same Sense, *viz. The Lesse arraignesh an Assise of Novel Disseisin.* To *arraign an Assise* is to cause the Tenant to be called, to make the Plaint, and to set the Cause in such Order, as the Tenant may be forced to answer thereto. *Cokes on Littleton, fol. 260. b.* Also a Prisoner is said to be *arraigned*, when he is indicted and brought forth to his Tryal; *Arraigned* within the Verge upon Murther. *Stamford Pl. Cor. fol. 158.* The Manner of this *Arraignment* you may read in Sir *Thomas Smith's Rep. Angl. lib. 2. cap. 22.* The Learned *Spelman* is of Opinion it should be written *Arraine*, from *Arraiare*, and that from the old French *Arraisnir*, *i. e. Juraii, promittere, solemniter profiteri.* But this must be a Mistake: For in the Register we find no such Word as *Arraiare*, but in all the Writs of Assise 'tis *Arraisnerit*: And so it is in the Year Books, and in *Fitz. Nat. Br.* The true Derivation is from the Fr. *Arraisonner*, *i. e. Ad rationem ponere*, *viz.* To call a Man to answer in Form of Law. And this comes from the Barbarous Lat. *Adrationare*, *i. e. Plaintare*; So that when a Criminal is arraigned, 'tis *ponere eum ad rationem.*

Array, Arrayed in Barbarous Latin is *Arraiatus*, *i. e.* Well appointed or provided; and that comes from the old French Word *Arroyer*, or *Arrer*. Thus we read in *Ingulf's Chron. Gentes sufficienter munitas & arraiatas*: And in *Knighton*, *Lib. 3. Radius suæ fortitudo, &c. distincta & bene arraiata.* So that it signifies, in a particular Manner, Military Order; but now a Ranking or Setting forth a Jury of Men empanelled upon Oath. *1 Edw. 6. c. 14.* Hence the Verb to *Array* a Panel. *Anno 8 H. 8. rot. 1.* and *Old Nat. Br. fol. 157.* That is, To set forth the Men empanelled one by another. The *Array* shall be quashed. *Bracton.* By the Statute every *Array* in Assise ought to be made four Days before. *Brook, tit. Panel. num. 10.* To challenge the *Array*. *Fitzhin. fol. 92.* See *Challenge.* To lead and conduct Persons armed and arrayed. *14 Car. 2. cap. 3.*

Arrayers (*Arraiatores*) is used in the Statute, 12 *Rich. 2. cap. 6.* for such Officers as had Care of the Soldiers Armour, and did see them duly accoutred in their Kinds. Such were the Commissioners of *Array*, appointed by King *Charles* the First, in the Year 1642. *Rex Dei gratia Rex Angliæ, Dominus Hib. & Dux Aquit. dilectis & fidelibus suis Johanni de Oxlesbury & Johanni de Fortin, Justiciariis & Arraiatoribus hominum in Wapentachio de Barkeston, salutem. Cum ad repellendam Scotorum malitiam, qui regnum nostrum hostilitèr sunt ingressi, homicidium, depredationes, incendia & alia mala — ortia perpetrando versus partes Australes Scotiæ, &c. Inde Scoti cum voto pacis sibi ut pro certo didicimus quod vicinitatem nostram Kanleoli ista die Martis se congregare proponunt, &c. Hos considerantes periculum, &c. Omnes homines defensibiles & potentes ad pugnandum ejusdem Wapentachii tam milites quam alii, &c. Teste meipso apud North-Averton xxii die Junii, Anno regni nostri primo.*

Arrearages, (from the Fr. *Arriere retro*,) the Remain of an Accompt, or a Sum of Money remaining

maining in the Hands of an Accompt[illegible]. It is sometimes used more generally for any Money unpaid at a due Time; as *Arrears* of Rent.

Arrenatus, Arraigned. *Stephanus Rabae, Vic. Lele.* arrenatus & ad rationem positus de hoc quod, &c. Rot. Parl. 21. Ed. 1.

Arrentare is a Word often mentioned in our Histories, and it signifies To rent, *viz. Nec terra vel tenementa eorum ad necessione* arrententur. *Charta, Ed.* 1. And in the *Monasticon*, 2. *Tom.* pag. 274. viz. *Reddendo nobis per Annum* 56 *solidos ad quos vasta & assarta sua in diversis foresiis* arrentanda *assignavit* arrentabantur.

Arrentation, (from the Span. *Arrendare*, *q. Ad certum redditum dimittere*, *Ordin. Foresta*, 34 *Edw.* 1. *cap.* 5.) signifies the Licencing an Owner of Lands in the Forest, to enclose them, (*Bassa haia & parvo fossato*, *i. e.* with a low Hedge, and small Ditch, which is according to the Assise of the Forest) under a yearly Rent. *Saving the Arrentation* is a saving Power to give such Licences for a yearly Rent. Rents for Purprestures *arrentati*. *Anno* 22 *Car.* 2. *cap.* 6.

Arrest, Fr. a Stop or Stay, and is metaphorically used for a Decree, or Determination of a Cause debated or disputed *pro ardition*; as *Arrest du Senat*, *i. e. Placitum Curiæ*. With us *Arrest* is taken for the Execution of the Command of some Court or Officer of Justice; and a Man stopped, stayed, or apprehended for Debt, *&c.* is said to be *arrested*, which may be called *The Beginning of Imprisonment*. See *Hawkins*.

To move or plead in *Arrest* of Judgment, is to shew Cause why Judgment should be staid, notwithstanding the Verdict be given. To plead in *Arrest* of taking the Inquest upon the former Issue, is to shew Cause why an Inquest should not be taken, *&c. Brook, tit. Repleader*. For preventing of *Arrests* of Judgments, see Statute 16 & 17 *Car.* 2. *cap.* 8.

Arrestandis bonis ne dissipentur is a Writ which lies for him whose Cattel or Goods are taken by another, who during the Controversy doth or is like to make them away, and will hardly be able to make Satisfaction for them afterward. *Register of Writs, fol.* 126.

Arrestando ipsum, qui pecuniam accepit ad proficiscendum in obsequium Regis, &c. is a Writ which lies for the Apprehension of him that hath taken Prest-Money for the King's Wars, and hides himself when he should go. *Register of Writs, fol.* 24. *b.*

Arrestis facto super bonis mercatorum alienigenorum, &c. is a Writ which lies for a Denizen against the Goods of Strangers of any other Countrey, found within this Kingdom, in Recompence of Goods taken from him in that Countrey, after he hath been denied Restitution there. *Register of Writs, fol.* 129. *a.* This among the ancient *Civilians* was called *Clarigatio*, now barbarously *Represalia*.

Arretted, *Arrectatus, quasi, Ad rectum vocatus*, that is, Convented before a Judge, and charged with a Crime. It is sometimes used for Imputed or laid unto; as, No Folly may be *arretted* to one under Age. *Littleton, cap. Remitter. Chaucer* useth the *Verb* Arretteth, *i. e.* Layeth Blame, as it is interpreted. *Bracton* says, *Ad rectum habere Malefactorem*, *i. e.* To have the Malefactor forth coming, so as he may be charged, and put to his Trial, *Lib.* 3. *tract.* 2. *cap.* 10. And in another Place, *Rectatus de morte hominis*, Charged with the Death of a Man.

Arruta, — *Hoc Scriptum factum apud Sutton Courtney*, 30 *Die Dec.* 4 *Edw.* 3. *Inter Dominum Hugonem de Courtenay in parte una & Ric. de Stanluke & Johannem uxorem ejus ex altera, testatur, quod idem Dominus Hugo in ultimbium — remisit — eisdem Ricardo & Johanni — omnimoda opera, viz.* Arruras, *Messiones & Carriagia, & alia quæcunque opera — Et ipsi eum dabunt* Bedlet, *&c. Penes Tho. Wallascote de Surrey prædict. Ar.* And in the Black Book of *Arrest* I find *Diloperandis* Arruræ, which signifies Days Works of plowing. For, of old, Customary Tenants were bound to plow certain Days for their Lord.

Arrura, *Aut vel argenti oblatio purgationis ergo vel exilium*. Where it is said in *Domesday*, *Reddit* 50 *Arruras*, it is meant of lawful and approved Money, whose Allay was tried by Fire.

Art and Part is a Term used in *Scotland* and the North of *England*. When one is charged with a Crime, they say, He was *Art and Part* in committing the same, *i. e.* That he was both a Contriver, and acted his Part in it.

Arthel, (*Anno* 26 *H.* 8. *cap.* 6. — And that no Person or Persons shall hereafter, at any Time, cast any Thing into the Court within Wales, or the Lordships Marches of the same, by the Dean or Maître of an *Arthel*, by reason whereof the Court may be letted, disturbed, or discontinued for that Time, upon Pain of, &c.) is a *British* Word, and is more truly written Arddelw, which the *South Wallsmen* write Arthel, and signifies (according to Dr. *Davis*'s Dictionary) *Astipulari, Asserere, Vindicare; Asseris, Vindicatio*; Angl. A vouch. Example; O delir Dyn, 'ai ledzad yn ei Law rhaid iddo gaffo Arddelw cyfreithlon, i fwzw ei ledzad oddiwrthe, i. e. If a Man be taken with stolen Goods in his Hands, he must be allowed a lawful Arddelw (Vouchee) to clear him of the Felony: Which is Part of the Law of *Howel Dda*; but probably was so [illegible] in *Henry* the Eighth's Time by the Delay [illegible] emption of Felons and other Criminals from [illegible] stice, that Provision by this Statute was made against it. According to the Laws of *Howel Dda*, every Tenant holding of any other than of the Prince or Lord of the Fee, paid a Fine *pro defensione Regis*, which was called Arian Arddel.

Articles of the Clergy (*Articuli Cleri*) are certain Statutes made touching Persons and Causes Ecclesiastical, *Anno* 9 *Edw.* 2. and *Anno* 14 *Edw.* 3. *Stat.* 3.

Arundinetum, Ground, or a Place where Reeds grow. 1 *Inst. fol.* 4. *b.*

Ascensorium, *i. e.* Steps by which one ascends. *Brevis est scala, non laboriosa, tribus tantum distincta ascensoriis. Petrus Blesensis.* Term. 24.

Ascisterium (*Archisterium, Assisterium, Acisterium, Ascysterium, Architrium, Arcisterium*) is a *Greek* Word, and signifies a Monastery. It often occurs in our old Histories. *Du Cange.*

Asecreta, a Secretary.

Assach, or **Assath**, (*Anno* 1 *H.* 5. *cap.* 6.) was a strange Kind of Purgation, used of old in *Wales*, by the Oaths of 300 Men: For so I find it explicated in ancient M. SS. Assach *est un Jur. de* 300 *homes in Gales*; and is now abrogated.

Assart, (Fr. *Essarter*, *ab* A *privativa* & Sart *Sylva*, in the *German* Tongue, To glade, or make Glades in a Wood, To make plain, To grub up, or clear a Ground of Bushes, Shrubs, *&c.* and fit it for Tillage,) is (according to *Manwood*, *cap.* 9. *numb.* 1.) an Offence committed in the Forest, by plucking

plucking up those Woods by the Roots which are Thickets and Cover for the Deer, and by making them plain as Arable Land; which is the greatest Offence or Trespass that can be done in the Forest, to Vert or Venison, containing as much or more than *Waste*: For whereas *Waste* of the Forest is but the Felling and Cutting down the Coverts, which may grow again; *Assart* is a Plucking them up, and Destroying them; which is confirmed out of the Red Book of the *Exchequer*, in these Words, *Assarta vero dicuntur quæ apud Isdurum excisitos nuncupantur, quando Foresta vetusta vel Dumosa, pascuis & tutibulis ferarum opportuna, succidunturur: Quibus succisis & radicitus evulsis, terra subvertitur & excolitur.* And again out of *Register of Writs*, *fol.* 257. in the Writ *Ad quod Damnum*, in case where a Man sues for a Licence to *assart* his Grounds in the Forest, and to make it several for Tillage. So that it is no Offence if done with Licence. To this *Bracton* may be added, (*Lib.* 3. *cap.* 38.) who saith, That these Words, *Bosnus efficitur* Assartum; signify as much as *Reducta ad culturam*. Of this you may read more in *Cromp. Jurisd. fol.* 203. and in *Charta de Foresta*, *Anno* 9 *Hen.* 3. *cap.* 4. where it is written *Assire*. And in *Manwood*, *part* 1. *pag.* 171. That which we call *Assartum*, is elsewere termed *Disbosatio*. *Quietus de Essartis* we find in a Charter of Privilege, granted by *Henry* the First to the Abbot of *Ramesi*. *Sect.* 198. And in *Pat.* 18 *Ed.* 3. *pag.* 1. *m.* 19. —— *Et quibusdam* Sartis, *quæ* Sartaverunt *homines ipsius Ecclesiæ*, *&c.* And elsewhere *Exsare* occurs. Besides the Derivation before mentioned, *Spelman* was of Opinion that it is derived from the Lat. *Exarare*, which is To pull up by the Roots: For sometimes 'tis wrote *Essare*. Others derive it from *Exaratum*, which signifies To plow or cut up; and by Contraction *Exartum*.

Assart was also anciently used for a Partel of Land assarted, as appears by this Charter of *Roger* Earl of *Mortimer*: *Sciant, quod ego* Rogerus de Mortuo mare *Dedi Adi Pistori pro servitio suo decem acras terræ super* Mughedone *inter pratum quod fuit Petri Budelli & viam quæ vadit per medium* Mughedone. *Dedi etiam eidem Adi Duo* Asarta *in la Hope, quæ appellantur* Ordrichefruding *&* Aldichefruding, *in quibus* Asartis *continentur quinque acra ad eandem mensuram tredecim acrarum super* Mughedone, *&c. Hiis testibus*, Ade Salvag. Walt. de novo Menul, *&c. Penes* Thom. Bridgwater, *Gen.*

Assart-Rents were Rents paid to the Crown for Forest Lands *assarted*, Stat. 22 *Car.* 2 *cap.* 6.

Assartments. *Rot. Parl.* 51 *Ed.* 3. seems to be used in the same Sense.

Assault (*Assultus*) is a violent Injury offered to a Man's Person, of a higher Nature than *Battery*; for it may be committed by offering a Blow, or by a terrifying Speech, (*Lamb. Eiren. lib.* 1. *cap.* 3.) As to rebuke a Collector with foul Words, so that he departed for Fear without doing his Office, was taken for an *Assault*: To strike a Man, though he was not hurt with the Blow, was adjudged the like. 22 *Lib. Ass. Plac* 60. For *Assaults* does not always necessarily imply a Hitting, or Blow; because in Trespass for *Assaults* and *Battery* a Man may be found guilty of the *Assaults*, and excused of the *Battery*, 25 *Edw.* 3. *cap.* 24. The Feudists define it thus: Assultus *est impetus in personam aut locum, sive hoc pedibus fiat, vel equo aut machinis aut quacunque alia re assilitur.* Zasius de Feud. pag. 19. num. 38.

Assay of Weights and Measures (from the the Fr. *Essay*, *i.e.* a Proof or Trial) is the Examination used by the Clerk of the Market. *Register of Writs*, *fol.* 279. — *Ac Assisam & Assiam panis, vini & cervisiæ.* Paten. 37 Hen. 8. Tho. Marrow.

Assayer of the King (*Assayator Regis*, Fr. *Assayeur*) is an Officer of the Mint, for the due Trial of Silver, indifferently appointed between the Master of the Mint, and the Merchants that bring Silver thither for Exchange. *Anno* 2 *Hen.* 6. *cap.* 12. Vessels of Gold shall be *assayed*. *Anno* 28 *Edw.* 1. *cap.* 20. and 18 *Car.* 2. *cap.* 5. *Mandatum est.* Will. Hardel, *Clerico, quod convocatis in præsentia sua omnibus monetariis*, Assayatoribus, *custodibus, operariis & aliis ministris de Cambiis Regis London. & Cantuar. per visum & testimonium illorum provideat, quod tot & tales operarii sint in prædictis Cambiis, qui sufficiant ad operationes regias faciendas, ne Rex pro defectu hujusmodi ministrorum dampnum incurrat.* T. apud Woodstoke, 10 Junii. Claus. Hen. 3. m. 6.

Assecurare, *i.e.* To give Security, from the Fr. *Assecurer*. *Adsecuravit in manus Domini Regis, &c.* Rog. Hoveden, Anno 1174. Du Fresne.

Assedation, the Setting the King's Rents. *Ubi Ballivus Regis pactâ sibi mercede prædia Regis minore pretio elocat.*

Assembly unlawful is the Meeting of three or more Persons to do an unlawful Act, though they do it not. *Lamb. Eiren. lib.* 1. *cap.* 19. See *Unlawful Assembly*.

Assessor, (*Fleta*, *lib. cap.* 15. useth it, *quasi Ordinator*, *Collocator*, *Dispositor*.) We now use it for him that assesseth Publick Taxes: As, two Inhabitants in every Parish were *Assessors* for the *Royal Aid*; that is, rated every Person according to the Proportion of his Estate. *Anno* 16 & 17 *Car.* 2. *cap.* 1. Also an Officer in the Presbyterian Assemblies.

Assets (Fr. *Assez*, i.e. *Satis*) signifies Goods *enough* to discharge that Burden, which is cast upon the Executor or Heir, in satisfying the Testator's or Ancestor's Debts or Legacies. In *Brook*, *tit. Assets per descent*, you shall find, that whoever charges another with *Assets*, charges him with having *enough* descended, or come to his Hands, to discharge that which is in Demand. Of this there are two Sorts, *Assets per descent*, and *Assets enter mains*.

The first is, where a Man enters into Bond, and dies seised of Lands in Fee-simple, which descend to his Heirs, and are therefore chargeable as *Assets* in his Hands: But if the Heir *alien* the Lands before the Bond be put in Suit, he is discharged. *Assets enter mains*, is when a Man dies indebted, leaving to his Executors sufficient to discharge his Debts and Legacies, that is *Assets in their Hands*.

Assewiare, To drain Water from Marsh-Grounds. — *Quod ipsi Marisium prædictum* Assewiare, *& secundum legem Marisci, Wallis includere & in culturam redigere.* — *Et Marisium illum sic* Assewiatum, *inclusum & in culturam redactum tenere.* Mon. Angl. 2 Vol. fol. 334.

Assidere, or **Assedare**, To tax equally. *Provisum est generaliter quod prædictæ quadragesimæ hoc modo* Assideatur *& colligatur.* Mat. Paris. Anno 1232. Sometimes it signifies To assign an Annual Rent, to be paid out of a particular Farm, as *Manerium Rex Stephanus dedit & assedit eis pro centum marcis.*

Assign (*Assignare*) hath two Significations: One *general*, as to appoint a Deputy, or to set over a Right to another; in which *Briton* (*fol.* 122.) saith, This Word was first brought into use in Favour of Bastards, who, because they cannot pass under

the Name of Heirs, were therefore comprised under that of *Assigns*. The other *special*, as to point at, or set forth, *viz.* To *Assign Error* is to shew in what Part of the Process Error is committed. To *Assign false Judgment* is to declare how and where Judgment is unjust. To *Assign a false Verdict*. *Old Nat. Brev. fol.* 17, 19, & 112. To *Assign Waste* is to shew wherein especially the Waste is committed. *Register of Writs, fol.* 72. *Assign* in the general Signification is used, *Anno* 20 *Edw.* 1. and 11 *Hen* 6. *cap.* 2. in these Words; *Justices assigned to take Assises*. And the Substantive *Assignment* hath the same Signification; as, the *Assignment* of a Lease is the Setting over or Transferring the Lessee's Interest to another.

Assignee is he that is deputed or appointed by another to do any Act, or perform any Business, or enjoy any Commodity; and he may be so either by *Deed*, or in *Law*. *Assignee by Deed* is when a Lessee of a Term sells and assigns the same to another, that other is his *Assignee by Deed*. *Assignee by Law* is he whom the Law so makes, without any Appointment of the Person; as an Executor is the *Assignee* in Law to the Testator, who dies possessed of a Lease made to him and his *Assigns*. *Perkins* (*tit. Grants*) says, An *Assignee* is he that possesses or enjoys a Thing in his own Right; and *Deputy* is he that does it in the Right of another.

Assignment of Dower. See *Establishment of Dower*.

Assimulare, *i. e.* To put together. 'Tis mentioned in *Leg. H.* 1. *cap.* 8. *De viâ regiâ*, viz. *Tantæ verò debet esse, ut inibi duo carri sibi possint obviari & bubulci de longo stumbli sul possint* Assimulare, *&c.*

Assisa, *Capi in modum Assisæ*, *i. e.* When the Defendant pleads to the Assize without taking any Exception to the Count, Declaration, or Writ.

Assisa cadit, *i. e.* when there is such a plain and legal Insufficiency, that the Complainant can proceed no farther on it. *Fleta, lib.* 4. *cap.* 15.

Assisa cadit in juratam is where the Thing in Controversy is so doubtful, that it must necessarily be tried by a Jury. *Fleta, lib.* 4. *cap.* 15. *Bracton, lib.* 2. *cap.* 7.

Assisa Continuanda is a Writ directed to the Justices assigned to take an Assise for the *Continuance* of the Cause, in case where certain Records alledged cannot in Time be procured by the Party that would use them. *Reg. of Writs, fol.* 217.

Assisa Prorogenda is a Writ directed to the Justices of Assise, to stay Proceeding by reason of the King's Business, wherein the Party is employed. *Reg. of Writs, fol* 208, & 221.

Assise, is derived from the French *Assis*, *i. e. Assessum, Locatum, Definitum*, and is diversly used. *Littleton* (*Cha. Rents*) says it is *Æquivocum*, and sets down three Significations of it: *One*, as it is taken for a Writ; *another*, as it is used for a Jury; the *third*, for an Ordinance, *i. e. Assise* is a Writ directed to the Sheriff for the Recovery of Possession of Things immoveable, whereof your self or Ancestors have been disseised: And this is as well of Things corporeal as incorporeal Rights, being of four Sorts; *viz.*

Assise of Novel Disseisin (*Assisa novæ Disseisinæ*) lies where a Tenant in Fee-simple, Fee-tail, or for Life, is lately disseised of his Lands or Tenements, Rent-service, Rent-seck, or Rent-charge, Common of Pasture, Common Way, *&c.* and divers other such like, of which you may read *Glanvile, lib.* 10. *cap.* 2. *Bracton, lib.* 4. *tract.* 3. *Briton, cap.* 70. *Reg. of Writs, fol.* 197. *Fitz. Nat. Br. fol.* 177. *West.* 2. *cap.* 25. 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 *Assise*, for Recovery of Possession in such Places, within forty Days after the Force, as the ordinary *Assisa* is in the County. *Fitz. Nat. Br. fol.* 7.

A tut ceus ke cest escrit oirunt ou verrunt Raymunde de Ginges *salut. Come* Hawise de Veere *mey empleda devant Juistices en le jeer de* Chelmsford *par un Brief de* Novel disseisin *de un chemin ke je avoy estoppee ou luy & ses tenants de son Manor de* Dunham *soloyent & deuyent aler, karier & chaseer seersur le Marchye de* Raylee, *sans nul disturbance en ses chemin kest appellee* Martinslane *ke se estent de le mesom Ada Martin deskes au chemin kest appelle* Graunchevedi *Je pur moy & mes heires voile & graunt a lavantdit* Hawise *& a ses heires & a ses avantdits tenants de* Dunham *kil eent le avantdit chemin sauns nul disturbance de moy ou de mes heirs a tuts jours a aler chaseer & karier sicome est avantdit. En tesmoinance de cest chose Je dure ay donne ma lettre patente ensolee de mon sele devant* Sire Williaum *de Lamburne*, Nicolas de Barenton, *&c. donne a* Chelmsford *le Meskredy procheint avant le Feste St.* Simon *&* Jude, *le an tresisime du regne le Roy* Edward. *Penes* Will. Andrew *Baronet. Dom. Manerii de* Dunham, *alias* Downham.

Assise of Mort d'Auncestor (*Assisa mortis Antecessoris*) lies where my Father, Mother, Brother, Sister, Uncle, Aunt, *&c.* died seised of Lands, Tenements, Rents, *&c.* that he had in Fee-simple, and after his Death a Stranger abates: And it is good as well against the Abator as any other in Possession. How likewise this is extended, see *Bracton, lib.* 4. *tract.* 3. *per totum, Briton, cap.* 70. *Fitz. Nat. Br. fol.* 114. *Reg. of Writs, fol.* 223.

Assise of Darrein Presentment (*Assisa ultimæ præsentationis*) lies where I or my Ancestor 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 my Disturbance. And how otherwise this Writ is used, see *Bracton, lib.* 4. *tract.* 2. *Reg. of Writs, fol.* 30. *Fitz. Nat. Br. fol.* 195.

These *Assises of Novel Disseisin, Mordancester, Darrein Presentment, De Communia Pasturæ*, were instituted by *H.* 2. in the Place of Duels: And therefore *Glanvile* tells us, That *Magna Assisa est Regalis beneficium, clementiâ principis de consilio procerum populis indultum, à quo vitæ hominum & status integritati tam salubriter consulitur, ut in jure quod quis in libero soli tenemento possidet, retinendo, duelli casum homines declinare possunt ambiguum, &c.* Lib. 2. cap. 7.

Assise de Utrum (*Assisa Utrum*) lies for a Parson against a Layman, or a Layman against a Parson, for Land or Tenement, doubtful whether it be Lay-fee or Free Alms. And of this see *Bracton, lib.* 4. *tract.* 5. *cap.* 1. & *seq. Briton, cap.* 95. The Reason why these Writs are called *Assises* may be divers: First, because they settle the Possession and Right in him that obtains by them. Secondly, They were originally executed at a certain Time and Place appointed: For by the *Norman* Law the Time and Place must be known forty Days before the Justices sit on them: And by our Law there must be likewise fifteen Days of Preparation, except they be tried in the standing Courts at *Westminster*, as appears by *Fitz. Nat. Br. fol.* 177. *d*, *e*. Lastly, They may be called *Assises*, because they are tried most

most commonly by especial Courts, set and appointed for the Purpose, as may be well proved, not only out of the *Customary* of *Normandy*, but our Books also: Which shew, that in ancient Times Justices were appointed by Special Commission, to dispatch Controversies of Possession, one or more, in this or that only County, as occasion fell out, or Disseisins were offered, and that as well in Term-time, as out of Term. Whereas of later Days, we see that all these Commissions of *Assises*, of *Eyre*, of *Oyer* and *Terminer*, of *Gaol-Delivery*, and of *Nisi prius*, are dispatched all at one Time, by two several Circuits in the Year, out of Term, and by such as have the greatest Sway of Justice, being all of them the King's Justices of either Bench, *Barons* of the *Exchequer*, or *Serjeants* at Law.

Assise, 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 Assise of *Novel Disseisin*, *Assisa venit recognitura*, which is as much as to say, *Juratores venerunt recognituri*. He gives this reason why the Jury is called an *Assise*; because, by Writ of Assise, the Sheriff is commanded, *Quod faciat duodecim liberos & legales homines de vicineto, &c. videre tenementum illud, & nomina eorum inbreviari, & quod summoneat eos per bonas summonitiones, quod sint coram Justiciariis, &c. parati inde facere recognitionem, &c.* This is (as he should have spoken shorter) *Metonymia effectis*; for they are called the *Assises*, because they are summoned by vertue of the Writ so termed. And yet the Jury summoned upon a Writ of Right, is likewise called the *Assise*, as himself there confesseth. Which Writ of Right is not an Assise; but this may be said to be *κατ' ἐξοχὴν*, or abusively so termed. *Assise* in this Signification is divided, *in magnam & parvam. Glanvile, lib. 2. cap. 6. & 7. &c.* and *Briton, cap.* 12. Where it appears, wherein the *Great Assise* differs from the *Petit Assise*. The former four kinds of *Assises* used in Actions only Possessory, are called *Petit Assises*, in respect of the *Grand Assise*. For the Law of Fees is grounded upon two Rights: One of Possession, the other of Property. And as the *Grand Assise* serves for the Right of Property; so the *Petit Assise* serves for the Right of Possession. *Horn's Mirror of Justices, lib. 2. cap. De Novel Disseisin.*

Assise in the third Signification, according to *Littleton*, is an Ordinance or Statute of *Assise*; as the Statute of *Bread* and *Ale* made *Anno* 51 *Hen.* 3. is termed the *Assise* of Bread and Ale (*Assisa panis & cervisiæ*) *Reg. of Writs, fol.* 279. *b.*

Assise of the Forest (*Assisa de Foresta*) is a Statute or Condition, touching Orders to be observed in the King's Forest, *Manwood, Part.* 1. *pag.* 35. *Crompton* in the Court of Justices of the Forest, *per totum, fol.* 146. & *seq.* And *Assise of the King, Anno* 18 *Edw.* 1. *Stat.* 1. called, *The Statute for View of Frank-Pledge*. These are called *Assises*, because they set down and appoint a certain Measure, Rate, or Order in the Things they concern. Of *Assise*, in this signification, *Glanvile* also speaks, *Lib.* 9. *c.* 10. *in fine. Generaliter verum est quod de quolibet placito quod in comitatu deducitur & terminatur, misericordia, quæ inde provenit, vicecomiti debetur: Quæ quanta sit, per nullam assam generalem determinatum est.* Thus *Littleton*'s Division.

But in other Law Writers we find this word (*Assise*) more diversly used, than this Author hath noted. For it is sometimes 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: For example, we say, when Wheat, &c. is of this Price, then the Bread, &c. shall be of this *Assise*. This word is further taken, for the whole Process in Court upon the Writ of *Assise*, or for some Part thereof, as the Issue or Verdict of the Jury. For example, *Assises of Novel Disseisin, &c. shall not be taken, but in their Shires, and after this manner*, &c. Mag. Char. cap. 12. And for it seems to signify, *Wolsin*, *Lib.* 25. in these words, *Let the Disseisor alleage no false Exceptions, whereby the taking of the Assises may be deferred, &c.* And *Anno* 1 *Hen.* 6. *cap.* 2. Assises *awarded by default of the Tenants, &c.* Lastly, by *Marton, cap.* 4. *An.* 33. *certified by the* Assise; *quit by the* Assise, *&c.* And in this signification *Glanvile* calls it *Magnam Assisam domini Regis: quæ ex duodecim ad minus legalium hominum Sacramentis consistit*, L. 2. c. 7. *Bracton* uses it in like sort, as, *Assisa cadit in tenementum, & Assisa cadit in perambulationem*, *Lib.* 4. *cap.* 39. *Fleta* defines an *Assise* in this signification, thus: *Assisa nihil aliud est, quam quædam congnitio duodecim hominum juratorum, per quam Justiciarii certiorantur de veritate in brevi contenta.* And *Assise* also, thus signifying, is said sometime *in modum juratæ*; in manner of an *Assise*, when only the Disseisin in question, is put to the Trial of the Twelve; in manner of a Jury, when any Exception is objected to disable the Interest of the Disseisee, and is put to be tried by the Twelve, before the *Assise* can pass.

Assise is further taken for the Court, Place, or Time, when and where the Writs and Processes of the *Assise* are handled or taken. And in this signification *Assise* is general; as when the Justices go their several Circuits, with their Commission, to take all *Assises* twice in the Year, that is called *The General Assise*. It may likewise, in this signification, be *special*; as if an especial Commission be granted to certain Persons (as was often done in ancient Time, *Bracton, lib.* 3. *cap.* 127. for taking an *Assise* upon one Disseisin or two; this would be called a *Special Assise*. And in this very signification *Glanvile* uses it, *Lib.* 9. *cap.* 12. See *Cok.* 4 *Inst. fol.* 158.

Concerning the *General Assise*, in the most usual signification, thus the Learned Sir *Fr. Bacon*.

ALL the Counties of this Realm (says he) *are divided into six Circuits, and two Learned Men are assigned by the King's Commission to every Circuit, who ride twice a Year through those Shires allotted to their Circuit; these we call* Justices of Judges of Assise, *who have five several Commissions by which they sit.*

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

The second is of Gaol-Delivery, *and that only to the Judges themselves, and the Clerk of the* Assise Associate; *by this Commission they are to deal with every Prisoner in Gaol, for what Offence soever he be there.*

The third Commission is directed to themselves only, and the Clerk of Assise, *to take* Assises, *by which they are called* Justices of Assise; *And the Office of these Justices, is to do Right upon Writs called* Assise, *brought before them by such as are wrongfully thrust out of their Lands.*

The fourth is to take Nisi Prius, *directed to none but the Judges themselves, and their Clerks of* Assises; *by which they are called* Justices of Nisi prius.

The fifth is a Commission of Peace *in every County of their Circuit. And all the Justices of Peace, having*

no lawful impediment, are bound to be present at the Assises, to attend the Judges, as occasion shall fall out; if any make default, the Judges may set a Fine upon him at their Pleasure and 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. See more in Sir Fr. Bacon's Use of the Law, fol. 14. usque 21.

This excellent Constitution of the Judges Circuits and Assises, was begun by Hen. II. Anno 1178 though somewhat different from what they now are.

Assizers, (assisores) sunt qui assisas conducit, aut vexationes imponunt. Spelman. In Scotland (according to Skene) they are the same with our Jurors, and their Oath is this.

Ite that ten suith tay,
Ano na suith conceal, far nathing we may;
Sa far as we are charg'n upon this Assise,
Be God himself, & be our part of Paradise;
And as we will answear to God, upon
The dreadful day of Doome.

Assithment, A Wiregeld or Compensation by a pecuniary Mulct: From the Preposition *Ad*, and the Sax. Sitte, *Vice*: *Quod vice supplicii ad expiandum delictum solvitur.*

Assnasare, from the Sax. Aynayan, *impingere*: It signifies to carry his Pike so carelessly that a Man is killed with it, *Si quis hastam humero gestarit in quam alius sorte fortunâ impegerit, æquum esse videtur capitis æstimationem sine omni mulcta ei imperari.* Leges Alfred, cap. 39. *Si autem oculos* assnasset, *reddat veram vejus, &c.* cap. 38. See *Possibilitas.*

Association (*associatio*) is a Patent sent by the King (either of his own Motion, or at the Suit of the Plaintiff) to Justices appointed to take Assises of *Novel Disseisin*, or of *Oyer* and *Terminer*, &c. to take others unto them, as Fellows and Colleagues in that Affair. The examples, and sundry uses thereof, you may find in *Fitz. Nat. Br. fol.* 185. and 111. But more particularly in *Reg. of Writs, fol.* 201, 206, 223.

Assoile (*absolvere*) signifies to deliver, pardon, or set free from an Excommunication. *Staundf. Pl. Cr. fol.* 72. to this Effect;—otherwise the Defendant should remain in Prison till the Plaintiff was *assoiled*; that is, delivered from his Excommunication. So in *Hen.* 4. *cap.* 10. Mention being made of King *Edward* the Third, it is added, *Whom God assoil:*

Henric. Duc: de Lancastre, Count de Leicestre, de Derby & de Nicole, Senescal Dengletre, A touts ceux que ceste endenture verront ou orront salut en Dieu; Come nostre chete & bien ame cousin John le Blount eit en nostre mein renduz seissaunte acres de terre ou les appurtenances en Salford en nostre Duchée de Lancastre les quels il avoit a luy & a ses Heirs du don & Feofment nostre tres honore Seigneur & pere, que Dieu assoile, &c. Dat. 30 Edw. 3. penes Wal. Kirkham Blount. Bar.

Assotte, To *assotte* a Woman, that is, to be mad after a Woman.

Assumpsit (from *assumo*) is a voluntary Promise made by Word, whereby a Man assumes or takes upon him to pay or perform any Thing to another. This word comprehends any verbal Promise made upon consideration, which the *Civilians* express diversly, according to the nature of the Promise, calling it sometimes *Pactum*, sometimes *Promissionem*, *Pollicitationem*, or *Constitutum.*

Assumption, i. e. The Day of the Death of a Saint, so called; *Quia ejus anima in cœlum assumitur.* Du Cange.

Tandem claraulica, Reginæ adsumptio cælis,
Regi parentis adest.——

Ast Passage. See *Traiectum.*

Astrarius hæres (from *astra*, the Hearth of a Chimney) *dicitur ille cui antecessor in vita sua (per chartam) hæreditatem restituit.* 1 Inst. fol. 8. b.

Astrihilthet or **Astrihilthet**. (Sax.) *Hi qui pacem Regis habent, vel manu vel brevi, ei fideles existant—Qui si minus consultus in pace quam habet, per superbiam alicui fortisfecerit, damnum restaurat & iterum tantundem, quod Angli vocant* Astrihilthet. LL. Divi Edwardi, cap. 30. See Hoveden, pag. 606.

Astrum signifies a Fire-Place, but afterwards taken for the whole House: *Villanis autem in veteribus astris suis commorantibus non competit hujusmodi remedium.* Fleta, Lib. 4. cap. 2. parag. 8. de Nativis.

Atager was a Saxon Dart, or rather a Cross-bow; from the Saxon Atton, *mittere*, & Gap, *telum*: 'Tis mentioned in *Flor. Wigorn, pag.* 211. viz. *In manu sinistrâ clipeum cum umbonibus aureis & clavis deauratis, in dextrâ lanceam auream quæ lingua Anglorum* Hatager *nuncupatur.*

Ath, Otha, Athe, an Oath.

Atherwan, an Hoggard, or one who looks after Hogs.

Atia. See *Odio & Atia.*

Atilia, i. e. Utensils or Country-Implements: *Remaneant duo equi carectarii cum carectâ & triginta sex boves cum quatuor carucis & atiliis.*

At large. See *Verdict at large. Littl. fol.* 98. To vouch *at large*, *Old. Nat. Br. fol.* 108. To make title *at large*. *Kitchin, fol.* 68. See *Bar.*

Atrebatii, *Berkshire.*

Atrium signifies a Court before the House, and sometimes a Church-Yard.

Attach, (*attachiare*. From the Fr. *attacher*, i. e. *figere, nectere, alligare*) signifies to take or apprehend by Commandment or Writ. *Lamb.* (in his *Eiren. lib.* 1. *cap.* 16.) makes this difference between an *Arrest* and an *Attachment*, that an *Arrest* proceeds out of an inferior Court by Precept, and an *Attachment* out of higher Courts, by Precept or Writ; and that a Precept to Arrest, hath these formal Words, *Duci faciat, &c.* And a Writ of *Attachment* these, *Præcipimus tibi quod* attachies *talem & habeas eum coram nobis, &c.* Whereby it appears, that he who Arrests, carries the Party arrested to another higher Person to be disposed of forthwith; he that *attacheth*, keeps the Party attached, and presents him in Court at the Day assigned in the *Attachment*. Yet an *Attachment* sometimes issues out of a Court-Baron, which is an interior Court, *Kitchin, fol.* 79. There is another difference, in that an Arrest lies upon the Body of a Man, and an *Attachment* sometimes on his Goods; which makes it in that particular differ from a *Capias*, in being more general: For a Man may be *attached* by an hundred Sheep (*Kitchin, fol.* 263.) but the *Capias* takes hold of the Body only. See *Skene, Verbo, Attachiamentum.*

Attachment by Writ differs from a Distress or *Distringas*, in this, That an *Attachment* reacheth not Lands, as a Distress doth, and that a Distress toucheth not the Body (if it be properly taken) as an *Attachment* doth, yet are they divers Times confounded; as may appear by *Glanvile, lib.* 10. *cap.* 3. and

and *Fleta, lib.* 2. *cap.* 66. Howbeit, in the most common use, an *Attachment* is an apprehension of a Man by his Body, to bring him to answer the Action of the Plaintiff. A *Distress*, without a Writ, is the taking of a Man's Goods for some real Cause, as Rent-Service, or the like, whereby to force him to Replevy, and so to be Plaintiff in an Action of *Trespass* against him that distrained him. See *Distress*.

Attachment out of the Chancery is had of course, upon an *Affidavit* made, That the Defendant was served with a *Subpœna*, and appears not; or issueth upon not performing some Order or Decree. After the Return of this *Attachment* by the Sheriff, *Quod non est inventus in Balliva sua*, another *Attachment with Proclamation* issues out against him; and if he appears not thereupon, then a *Writ of Rebellion*. *West. Part.* 2. *Symbol, tit. Proceedings in Chancery*.

Attachment of Privilege is, by vertue of a Man's Privilege, to call another to that Court, whereto he himself belongs, and in respect whereof he is privileged, to answer some Action. *New Book of Entries*. Verbo, *Privilege, fol.* 431.

Foreign Attachment is an Attachment of Goods or Money, found within a Liberty or City, to satisfy some Creditor of his within such City or Liberty. And by the Custom of some Places, as *London*, &c. a Man may *attach* Money or Goods in the Hands of a Stranger, whilst he is within their Liberty. As if *A.* owes *B.* 10 *l.* and *C.* owes *A*, 10 *l.* *B.* may *attach* this 10 *l.* in the Hands of *C.* to satisfy himself for the Debt due from *A.* See *Calthrop's Reports, pag.* 66.

There is likewise an *Attachment of the Forest*, which is one of the three Courts there held; the lowest is called the *Attachment*; the mean, *Swanimote*; the highest, the *Justice in Eyre's Seat*. This *Court of Attachments* seems to be so called, because the *Verderors* of the Forest have therein no other Authority, but to receive the *Attachments* of Offenders against Vert and Venison, taken by the rest of the Officers, and to enrol them, that they may be presented or punished at the next *Justice-Seat*, *Manwood, part.* 1. *pag.* 93. And this *attaching* is by three Means, by Goods and Chattels; by Body; Pledges, and Mainprize; or by the Body only. The Court is kept every forty Days throughout the Year. See *Crompton* in his *Court of the Forest*. The Diversity of *Attachment* you may see in *Register of Writs*, under the word *Attachiamentum, in Indice*.

Attaint, (*attinctus*) as it is a Substantive, is used for a Writ that lies 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 surmount the Sum of 40 *s.* What the Form of the Writ is, and how in use, is expressed in *Fitz. Nat. Br. fol.* 105. and *New Book of Entries, fol.* 84. The Reason why it is so called, is because the Party that obtains it, endeavours thereby to *touch* or *stain* the Jury with Perjury, by whose Verdict he is grieved. And if the Verdict be found false, then the Judgment anciently was, That the Jurors Meadows should be ploughed up, their Houses broke down, their Woods grubbed up, and all their Lands and Tenements forfeited to the King: But if it pass against him that brought the *Attaint*, he shall be imprisoned and grievously ransomed at the King's Will. See *Glanvile, lib.* 2. *cap.* 19. *Smith de Repub. Angl. lib.* 3. *cap.* 2. 11 *Hen.* 7. *cap.* 21. and 23 *Hen.* 8. *cap.* 3. In what diversity of Cases this Writ is brought, see *Reg. of Writs, in Indice*. It was anciently called *de Brevi Convictione*. See *Coke on Lit. fol.* 294. *b.*

Attainted (*attinctus*) is used particularly, for such as are found guilty of some Crime or Offence, and especially of Felony or Treason. Yet a Man is said to be *attainted* of Disseisin. *Westm.* 1. *cap.* 24. & 36. And so it is taken in *French*, as *Estre attaint & vaincu en aucun cas, i. e.* to be cast in any Case: *Briton, fol.* 75. uses the Participle *Attaint* in the Sense we say *attainted unto*. A Man is *attainted* by two Means, by Appearance, or by Process. *Staundf. Pl. Cr. fol.* 44. *Attainder* by Appearance is by Confession, by Battel, or by Verdict. *Confession* (whereof *Attaint* grows) is twofold; one at the Bar before the Judges, when the Prisoner, upon his Indictment read, being asked *Guilty* or *Not Guilty*, answers *Guilty*, never putting himself upon the Jury; the other is before the Coroner in Sanctuary, where he, upon his Confession, was in former Times constrained to abjure the Realm, which kind also, of the Effect, is called *Attainder by Abjuration*, *Staundf.* 182. *Attainder by Battel* is when the Party appealed by another, and chusing to try the Truth by Combat, rather than by Jury, is vanquished. *Attainder by Verdict* is when the Prisoner at the Bar, answering *Not guilty* to the Indictment, hath an Enquest of Life and Death passing upon him, and is, by their Verdict, pronounced guilty, *Idem, fol.* 108, & 192. *Attainder by Process*, otherwise called *Attainder by Default*, or *Attainder by Outlawry*, is where a Party flies, or doth not appear, until he hath been five Times called publickly in the County-Court, and at last, upon his Default, pronounced or returned *outlawed*. The same Author (*fol.* 108.) makes a Difference between *Attainder* and *Conviction*; with whom agrees the Statute, *Anno* 34 & 35 *H.* 8. *cap.* 14. and *Anno* 1 *Ed.* 6. *cap.* 12. in these words, That then every such Offender, being duly thereof convicted or attainted by the Laws of this Realm, &c. And I find by *Staundf. (Pl. Cr. fol.* 66.) That a Man by our ancient Laws, was said to be *convicted* presently upon the Verdict (*Guilty*) but not to be *attainted*, until it appeared he was no Clerk, or being a Clerk, and demanded by his Ordinary, could not purge himself. And in one word it appears, That *Attainder* is larger than *Conviction*; *Conviction* being only by the Jury: And *Attainder* is not before Judgment. *Perkins, Grants, num.* 27, 29. Yet it appears by *Staundf. fol.* 9. that *Conviction* is sometimes called *Attainder*: For there he says, the Verdict of the Jury does either acquit or *attaint* a Man. And so it is, *Westm.* 1. *cap.* 14. and likewise in many ancient Writers, *viz. Et qui aliter quam sic fecit, & de hoc convictus fuerit & attaintus ponatur in carcere*. Du Cange.

This ancient Law touching the Conviction and Purgation of Clerks is altered by 23 *Eliz. cap.* 2. as you may read in *Clergy*. See *Indicted*.

Attainder (*attincta* and *attinctura*) is when a Man hath committed Treason or Felony, and after Conviction, Judgment hath passed upon him. The Children of a Person *attainted* of Treason cannot be Heirs to him, or any other Ancestor. And if he were noble and gentle before, he and his Posterity are made base and ignoble: This Corruption of Blood cannot be salved, but by Act of Parliament. See *Attainted*, and *Felony*.

Attaniatus. See *Pelf*.

Attegia, a little House, from the Lat. *Adtegendo*; 'Tis mentioned in *Ethelward, Lib.* 4. *Hist. Angliæ, cap.* 3. *viz. Pellunt ingenuos pellem, Attegias figunt in oppido*.

Attendant (*Attendens*) signifies one that owes a Duty or Service to another, or depends on him: For Example, There is *Lord*, *Mesne*, and *Tenant*; the *Tenant* holds of the *Mesne* by a Penny, the *Mesne* holds over by two Pence: The *Mesne* releases to the *Tenant* all the Right he hath in the Land, and the Tenant dies; his Wife shall be endowed of the Land, and she shall be *Attendant* to the Heir of the third Part of the Penny, and not of the third Part of the two Pence: For she shall be endowed of the best Possession of her Husband. And where the Wife is endowed by the Guardian, she shall be *Attendant* to the Guardian, and to the Heir at his full Age. *Kitchin, fol.* 209. with whom *Perkins* in *Dower* 424. agrees.

Attermining, — Also such as will purchase Attermining of their Debts, shall be sent into the Exchequer. *Ordinatio de libertatibus perquirendis, Anno* 27 *Edw.* 1. It comes from the Fr. *Attermoye*, *i. e.* He that hath a Term or Time granted for the Payment of a Debt. So in this Statute it seems to signify the Purchasing or Gaining a longer Time for Payment of a Debt. Attermiment *quærentes usque in proximum Parliamentum.* Westm. 2. cap. 24.

Attillamentum, Furniture or Tackle. 'Tis mentioned in *Fleta, lib.* 1. *cap.* 23. *par.* 9. *Batellus, i. e.* (the Boat,) *cum omni vario & Attillamento.* So in *Leg.* 2. *cap.* 85. writing of a Carter, *viz. Ejus est ferre phoenum*, Attillamenta, *&c. Carectis appendentia.*

Attorney (*Attornatus*) is he that is appointed by another Man to do any Thing in his Stead; as much as *Procurator* or *Syndicus* in the *Civil Law*. *West* defines them thus, *Attorneys are such Persons as by the Consent, Commandment, or Request of others, set to and take upon them the Charge of their Business, Part.* 1. *Symbol. lib.* 2. *sect.* 550. In ancient Time those of Authority in Courts had it in their Power, whether to suffer Men to appear or sue by another than themselves, as is evident by *Fitz. Nat. Br. fol.* 25. in the Writ *Dedimus potestatem de Attornato faciendo*, where it is shewed, That Men were driven to procure the King's Writs or Letters Patent to appoint *Attornies* for them: But it is since provided by Statutes, that it should be lawful so to do without any such Circuit, as appears by 20 *Hen.* 3. *cap.* 10. — 6 *Edw.* 1. *c.* 8. — 27 *ejusdem, Stat.* 2. — 12 *Edw.* 2. *cap.* 1. — 15 *ejusdem, cap. unico.* — 7 *Rich.* 2. *cap.* 14. — 7 *Hen.* 4. *cap.* 13. — 3 *Hen.* 5. *cap.* 2. — 15 *Hen.* 6. *cap.* 7. and 17 *Hen.* 7. *cap.* 2. And you may see great Diversity of Writs in the Table of the *Register*, wherein the King by his Writ commands the Judges to admit of *Attorneys*; whereby there grew at last so many unskilful *Attorneys*; and so many Mischiefs by them, that for restraining them it was enacted (4 *Hen.* 4. *cap.* 18.) That the Judges should examine them, and displace the Unskilful. And again, (33 *Hen.* 6. *cap.* 7.) That there should be but a certain Number of them in *Norfolk* and *Suffolk*. In what Cases a Man at this Day may have an *Attorney*, and in what not, see *Fitz. ubi supra.*

Attorney is either general or special. *Attorney General* is he who by general Authority is appointed to manage all our Affairs or Suits; as the *Attorney General of the King*, which is as much as *Procurator Cæsaris* was in the *Roman* Empire. *Attorney General* of the Duke. *Cromp. Jurisd. fol.* 105. *Attorney Special* or *Particular* is he that is imployed in one or more Causes particularly specified; of whom you may read more at large in *Glanvile, lib.* 11. *cap.* 1. and *Briton, cap.* 106. There are also, in respect of the divers Courts, *Attorneys at large* and *Attorneys special* belonging to this or that Court only. The Name is borrowed of the *Normans*, as appears by the *Customary, cap.* 65. Our old Latin Word for it seems to be *Responsalis. Bracton, lib.* 4. *cap.* 31.

Attorney of the Court of the Dutchy of Lancaster (*Attornatus Curiæ Ducatus* Lancastriæ) is the second Officer in that Court; and seems, for his Skill in Law, to be there placed as *Assessor* to the Chancellor of that Court, being for the most Part some Honourable Person, and chosen rather for some especial Trust reposed in him, to deal between the King and his Tenants, than for any great Learning; as was usual with the Emperors of *Rome* in the Choice of their Magistrates.

Attournment (from the Fr. *Tourner*, *i. e. Vertere*) is an Acknowledgment of the Tenant to a new Lord: As when one is Tenant for Life, and he in Reversion grants his Right to another; it is necessary the Tenant for Life agree thereto, which is called *Attournment*, without which nothing passeth by the Grant. But if the Grant be by Fine in Court of Record, he shall be compelled to attorn. *Stat.* 27 *Hen.* 8. *cap.* 16. The Words used in *Attournment* are these; *I agree me to the Grant made to you*; or, (more commonly,) *Sir, I attorn to you by Force of the same Grant*; or, *I become your Tenant*; or deliver to the Grantee a Penny by way of *Attournment*. *Littl. lib.* 3. *cap. Attournment*; where you may find divers other Cases whereto *Attournment* appertains; and that it is the Transposing of those Duties which the Tenant owed his former Lord to another, as his Lord. *Attournment* is either by Word or by Act, voluntary or compulsory, by the Writ *Per quæ servitia*, (*Old Nat. Br. fol.* 155.) or sometimes by Distress. *Fitz. Nat. Br. fol.* 147. It may be made to the Lord himself, or to his Steward in Court. *Kitchin, fol.* 76. There is *Attournment in Deed* and *Attournment in Law*. *Coke, Vol.* 6. *fol.* 113. *a.* *Attournment in Law* is by Act, which though it be no express *Attornment*, yet in Intendment of Law it is of equal Force. *Coke on Litt. fol.* 309.

Attrap, from the Fr. *Attraper*, *comprehendere*. *Unde Angl.* A Trap.

Attornato faciendo vel recipiendo is a Writ, which a Man owing Suit to a County, Hundred, or other Court, and desiring to make an *Attorney* to appear for him there, (whom he doubts the Sheriff or Steward will not otherwise admit) purchaseth, to command him to receive such a Man for his *Attorney*, and admit his Appearance by him. The Form and other Circumstances whereof, see in *Fitz. Nat. B. fol.* 156.

Avage, or Avilage, is a Rent or Payment which every Tenant of the Manor of *Writtel* in *Essex*, upon St. *Leonard's* Day, 6 *Novemb.* pays to the Lord, *viz.* for every Pig under a Year old, *ob.* for every Yearling Pig 1 *d.* and for every Hog above a Year old 2 *d.* for the Privilege of *Pannage* in the Lord's Woods.

Auca, *i. e.* a Goose, *viz. Similes pennir* Auca rum. *Marlin. pag.* 159.

Audience Court (*Curia Audientiæ Cantuariensis*) is a Court belonging to the Archbishop of *Canterbury*, of equal Authority with the *Arches*, though inferior both in Dignity and Antiquity, and is held in the Archbishop's Palace. Of which you may read more in the Book entituled, *De Antiquitate Ecclesiæ Britannicæ Historia*, and 4 *Inst. fol.* 337.

Audiendo & terminando is a Writ, or rather a Com-

a Commission, directed to certain Persons, when any Insurrection or great Misdemeanour is committed in any Place, for the Appeasing and Punishment thereof; of which you may read at large in *Fitz. Nat. Br. fol.* 110. See *Oyer and Terminer.*

Audita querela, is a Writ that lies against him, who, having taken a Statute-Merchant, or Recognisance in the Nature of a Statute-Staple, or a Judgment or a Recognisance of another, and craving or having obtained Execution of the same from the Mayor and Bailiffs, before whom it was enter'd, at the Complaint of the Party who entered the same, upon Suggestion of some just Cause why Execution should not be granted; as a Release, or other Exception. This Writ is granted by the Lord Chancellor of *England* (upon View of the Exception suggested) to the Judges of either Bench, willing them to grant Summons to the Sheriff of the County where the Creditor is, for his Appearance at a certain Day before them. See more in *Old Nat. Br. fol.* 66. and *Fitz. Nat. Br. fol.* 102.

Auditor (Lat.) is an Officer of the King, or some other great Personage, who yearly, by examining the Accompts of all Under-Officers accomptable, makes up a general Book, which shews the Difference between their Receipts or Charge, and their Allowances, commonly called *Allocations*: As namely, the *Auditors* of the *Exchequer* take the Accompts of those Receivers who receive the Revenues of the Augmentation, as also of the Sheriffs, Escheators, Collectors, and Customers. Of which see the Statute 33 *Hen.* 8. *cap.* 83. and 4 *part. Inst. fol.* 106.

Auditor of the Pipe, or Impress, are also Officers in the *Exchequer*, who take and make up the great Accompts of *Ireland*, *Berwick*, the Mint, and of Money imprested to any Man for His Majesty's Service. See *Practice of the Exchequer, p.* 83.

Auditor of the Receipts, is an Officer of the *Exchequer*, who files the Tellers Bills, and makes an Entry of them, and gives in every Week to the Lord Treasurer a Certificate of the Money received. He makes also *Debentures* to every Teller before they pay any Money, and takes their Accompts. See 4 *part. Instit. fol.* 107.

Auditores is the same with *Audientes*, *i. e.* the Catechumens, or those who were newly instructed in the Mysteries of the Christian Religion, before they were admitted to Baptism; and *Auditorium* is that Place in the Church were they stood to hear and be instructed. 'Tis that which we now call *Navis Ecclesiæ*. And in the primitive Times the Church was so strict in keeping the People together in that Place, that the Person who went from thence in Sermon-Time was excommunicated; it was so decreed by the Fourth Council of *Carthage*, *cap.* 24. viz. *Sacerdote verbum facienti in Ecclesia qui egressus de* Auditorio *fuerit excommunicetur usque ad.*

Aveltera. 'Tis mentioned in *Matth. Paris, pag.* 516. and it signifies *Lower Germany*: *Orta est contentio inter Flandrenses qui habitant de* Aveltere *& Francos illis partibus, &c.*

Aventuræ, *i. e.* Tournaments, or Military Exercises on Horse-back. 'Tis mentioned in *Addit. Mat. Paris. pag.* 149. *Quod nulli conveniens habere niandum, vel bundandum, nec ad alias quasumque* Aventuras. 'Tis derived from the Lat. *Bravia.*

Aventure, *Rectius* Adventure, is a Mischance, causing the Death of a Man, without Felony; as when he is suddenly drowned or burnt by any Mischance or Mischance, falling into the Water or Fire. *Britton, cap.* 7. where you may read how it differs from *Misadventure*, which see.

Average, (Fr.) a certain Quantity of Oats paid to a Landlord in Lieu of some other Duties, or as a Rent from the Tenant.

Avenor (*Avenarius*, from the Fr. *Avoine*, *i. e.* Oats) is an Officer of the King's, who provides Oats for his Stable; and is mentioned *Anno* 13 *Car.* 2. *cap.* 8. *Omnibus enim liberatis quorumcunque, sive Accipitrariorum, sive falconariorum, sive* Avenariorum, *ad ejus* (*Sc.* Constabularii Angliæ) *Officium spectat, si præsens fuerit, nisi forte Dominus Rex ad idem aliquem prius assignaverit.* Bundel. Petitionum in Turr. London. Anno 10 Edw. 1. In *Rot. Parl.* 21 *Edw.* 3. there is also Mention of the *Avenors* of the King, Queen, and Prince.

Averia, (*quasi* Overa, from the Fr. *Oeuvre*, & *Ouvrage*, *vel* Operagium.) In *Domesday*, *Grentbrigshe. Rex Fordham, sed tamen semper inveniat* Averam *vel* 8 *d. in Servitio Regis*; that is, a Day's Work of a Plough, or 8 *d.* 4 *Inst. fol.* 269.

Average (*Averagium*, from *Averia*, *i. e.* Cattle) signifies Service which the Tenant owes the King, or other Lord, by Horse or Ox, or by Carriage with either: For in ancient Charters of Privileges we find *Quietum esse de* Averagiis. Others probably derive it from the French, *Ouvrage*, or *Oeuvre*, *i. e. Opus.* In the Register of the Abbey of *Peterborough* (*in Bibl. Cottom.*) it is thus explicated; Averagium, *hoc est quod Nativi deberent in antiquâ servitute ducere bladum annuatim per unum diem de Pilesgate apud Burgum, vel carriare turbas de marisco ad Maner. de Pilesgate cum carettis & equis suis.* *Anno* 32 *H.* 8. *cap.* 14. and 1 *Jac. cap.* 32. It is used for a Contribution that Merchants and others do proportionably make towards their Losses, who have their Goods cast into the Sea for the Safegard of the Ship, or of the Goods and Lives of them in the Ship, in Time of a Tempest. And this Contribution seems to be so called, because it is proportioned after the Rate of every Man's *Average* or Goods carried. In this last Sense it is also used in the Statute 14 *Car.* 2. *cap.* 27.

Average is also a little Duty which those Merchants, who send Goods in another Man's Ship, do pay to the Master of it, for his Care of them, over and above the Freight: For in Bills of Lading it is expressed, — *Paying* so much *Freight for the said Goods, with Primage and* Average *accustomed.*

Aver-corn is such Corn as by Custom is brought by the Tenant's Carts or Carriages to the Lord's Granary or Barn. The Word occurs in *Thorn's Chron. fol.* 1912. *col.* 2. and elsewhere.

Averdupois. See *Avoir de Poids.*

Averia properly signify Oxen or Horses used for the Plough, but in a general Sense any Cattle; *viz. Homines per* Averia *sua, viz. Equos & boves, & affras graviter distrinxit.* W. Thorn in Edw. 2. 'Tis used in the same Sense in *W.* 2. *cap.* 18. *Let the Sheriff deliver all the Cattle of the Debtor, exceptis bobus & affris carucæ.*

Averia captis in Withernam is a Writ for taking Cattle to his Use, who hath his Cattle unlawfully taken by another, and driven out of the County where they were taken, that they cannot be replevied. *Reg. of Writs, fol.* 82. When Mention is made of one Beast, we say, *Quidam equus, vel quidam bos*: When of two or more, we do not say *Equi* or *Boves*, but *Tot averia.*

Averland. — *Item Cellarius liberæ solebat capere annis singulis de quibus de suum opus in omni vico, nisi ante ostia*

estia eorum qui habebant Averland. Mon. Angl. 1. par. fol. 302. a. It seems to have been such Land as the Tenants did plow and manure, *cum averiis suis*, for the proper Use of a Monastery or Lord of the Soil: *Quod autem nunc vocatur* Averland, *fuit terra rusticorum*, *ibid.* which was subject to *Averages*, or the Lord's Carriages.

Averment (*Verificatio*, from the Fr. *Averer*, *i. Verificare*, *Testari*) signifies commonly an Offer of the Defendant to make good or justify an Exception pleaded in Abatement or Bar of the Plantiff's Action; and it signifies the Act as well as the Offer of justifying the Exception. For *Anno* 34 *Ed.* 1. *Stat.* 2. The Demandants will offer to aver by the Assise or Jury, &c. In the English *Nat. br. fol.* 57. *These Errors shall be tried by* Averment, *&c.* And in 15 *Hen.* 6. *cap.* 1. The Defendants shall have their Averment, to say, that, &c. *Averment* is twofold, *viz. General* and *Particular*: A *General Averment*, which is the Conclusion of every Plea to the Writ, or in Bar of Replications, or other Pleadings (for Counts, or Avowries in Nature of Counts, need not be *averred*) containing Matter affirmative, ought to be *averred* with an *Hoc paratus est verificare*, *&c.* *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. *Coke on Littl. fol.* 362. *b.*

Averpeny (*quasi Average-penny*) is Money contributed towards the King's *Averages*, or Money given to be freed thereof. *Rastal's Exposition of Words.* Averpeny, *hoc est, quietum esse de diversis Denariis pro* Averagiis *Domini Regis.* From the King's Carriages, *cum Averiis.* 1 Inst. fol. 35. — *Haberet* & Averpeni, scil. *pro singulis triginta aeris duos denarios.* Monast. Angl. fol. 302. a.

Augmentation (*Augmentatio*) was the Name of a Court erected 27 *Hen.* 8. to the End the King might be justly dealt with, touching the Profit of such Religious Houses, and their Lands, as were given him by Act of Parliament the same Year, not printed. For the Dissolving which Court, there was Authority given Queen *Mary* by the Parliament held the First of her Reign, *Sess.* 2. *Ca.* 10. which she afterwards put in Execution by her Letters Patent. The Court took Name from this: That the Revenue of the Crown was thought to be much *augmented* by the Suppression of the said Houses, many of which the King reserved to to the Crown.

Augusta, *London.*

Avisage. See *Avage.*

Avirunatus is mentioned in the *Monasticon*, 1 *Tom. pag.* 850. and it signifies an Oar, *viz. Debet bothus super pedes suos quo profundius poterit intrare, & dum ultra ire nequiverit*, avirunatum *unum octo pedibus longum, introrsus de diverso lanceando propellere, & à loco quo* Avirunatus *ille transnatare desierit spatio* 40 *pedum per chordam debet mensurari, ibique signum in aquam infigi.*

Avis Sancti Martini, *i. e. Cornix*, so called, because this Bird appears about the Feast of Saint *Martin*: *Si à sinistrâ in dextram* Avis Sancti Martini *volaverit*, *&c.* Pet. Blesensis Epist. 65.

Aula, *i. e.* a Court-Baron. Aula *ibidem tenta 4 die August. &c.* *Aula Ecclesiæ* is that which we now call *Navis Ecclesiæ*: *In medio* Aulæ *majoris Ecclesiæ decentur sepultus est.* Eadm. lib. 6. pag. 141.

Aulneger. See *Alnager.*

Aumonier, (Fr. *Aumosnier.*) See *Almoner.*

Auncel-Weight (*quasi, Hand sale Weight*, or from *Ansa, i. e.* the Handle of the Ballance) is a Kind of Weight with Scales hanging, or Hooks fasten'd at each End of a Beam or Staff, which a Man lifted up upon his Forefinger, or *Hand*, and so discerned the Equality or Difference between the Weight and the Thing weighed: In which because there was wont to be great Deceit, it was forbidden by 25 *Edw.* 3. *Stat.* 5. *cap.* 9. 34 *Ejusdem*, *cap.* 5. and the Even Ballance only commanded; Notwithstanding it is still used in some Parts of *England*; and by some judged to be Meat sold by poising in the *Hand*, without putting it into the Ballance. By a Constitution made by *Henry Chicheley*, Archbishop of *Canterbury*, *Anno* 1430. *Pro abolitione ponderis vocati* Le Auncel-weight, seu Scheft, seu Pounder, *&c.* (*Dolose quodam stateræ genere*) *qui utitur Excommunicandus.*

Auncient Demain. See *Ancient Demain.*

Auntiatus, *i. e.* Antiquated. *Sicut charta eorum* Auntiata *est*, *& libertas anterior.* Brompton, lib. 2. cap. 24. par. 6.

Avoidance hath two Significations: 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, *&c.* See *Vidance.*

Avoirdupois, or Averdupois, (Fr. *Avoir du Poids*, *i. e. Habere pondus*, *aut justi esse ponderis*,) signifies, First, A Kind of Weight different from that which is called *Troy-Weight*, containing but twelve Ounces in the Pound, whereas this hath sixteen. And in this Respect it is probably so called, because it is of more Weight than the other. Secondly, It signifies such Merchandizes as are weighed by this Weight, and not by *Troy-Weight*, as in the Statute of *Tork*, 9 *Edw.* 3. *in Pratw.* 27 *Edw.* 3. *Stat.* 2. *cap.* 10. and 2 *Rich.* 2. *cap.* 1. See *Weights.*

Avolta, *i. e. Concamerarie*, *Tholus.* 'Tis mentioned in *Mat. Paris. in vitis Abbatum St. Albani*, viz. *Eadem quoque Capella in arduum surgens super eam crepidinem*, (for *concamerationem*,) *quæ vulgò* Avolta *dicitur*, *Dormitorii diminutionem supplet.*

Avon-River. See *Alanius.*

Avowee, (*Advocatus.*) *Briton* (*cap.* 29.) saith, That *Avowee* is he to whom the Right of *Advowson* of any Church appertains; so that he may present thereunto in his own Name; and he is called *Avowee*, for a Difference from those that sometimes present in another Man's Name; as a Guardian that presents in the Name of his Ward; and for a Difference also from those who have the Lands whereunto an *Advowson* appertains, but only for Term of their Lives, or of Years, by Intrusion or Disseisin. See *Advowee.*

Avowry (Fr. *Advouerie*) is where one takes a Distress for Rent, or other Thing, and the other sues *Replevin*; then the Taker shall justify in his Plea for what Cause he took it: And if he took it in his own Right, he ought to shew that, and so *avow* the Taking, which is called his *Avowry*. But if he took it in the Right of another, then, when he has shewed the Cause, he shall make Conusance of the Taking, as Bailiff or Servant to him in whose Right he did it. *Terms of Law*, *Anno* 21 *Hen.* 8. *cap.* 19. For the more speedy and effectual Proceeding upon Distresses and Avowries for Rents, see the *Stat.* 17 *Car.* 2. *cap.* 7.

Aures. The cutting off the Ears was a Punishment inflicted by the *Saxon* Laws on those who robbed Churches; and afterwards on every Thief. *Fleta*, *lib.* 1. *cap.* 38. *par.* 16. And this Punishment

ment was not only for Theft, but for many other Crimes. *Upton de Militari Officio, pag.* 140.

Auricularius, A Secretary: *Quem sibi* amicularium & auricularium *constituerat.* Mon. Ang. pag. 120.

Aurum Reginæ. *Rot. Parl. Anno* 52 *Hen.* 3. *m.* 25. See *Queen-Gold.*

Auscultare. Because the reading Prayers with a graceful Tone or Accent made some Impression on the Hearers, there was a Person appointed in the Monasteries to hear the Monks read, who directed them how, and in what manner they should do it before they were admitted to read publickly in the Church, or before the People, and this was called *Auscultare, viz.* to read or recite a Lesson: *Quicunque lecturus vel cantaturus est aliquid in Monasterio, si necesse habeat ab eo (viz. Cantore) priusquam incipiat, debet* auscultare. Lanfrancus in decretis pro ordine Benedict, cap. 5.

Austurcus and **Ostureus**, A Goshawk; whence we usually call a *Faulkoner*, who keeps that kind of Hawks, an *Ostringer.* Some ancient Deeds have reserved *Unum Austurcum*, as a Rent to the Lord.

Autumn. Some computed the Years by Autumns, but the *English Saxons* by Winters: *Tacitus de moribus German.* tells us, that the ancient *Germans* knew the other Divisions of the Year, but did not know what was meant by Autumn; and *Linwood* tells us, when the several Seasons of the Year begin,

Dat Clemens Hiemem, dat Petrus ver Cathedratus,
Æstuat Urbanus, Autumnat Bartholomæus.

Autumnalia are those Fruits of the Earth which are ripe in Autumn or Harvest; 'tis mentioned in *Hengham Magn. cap.* 5. *Ista autem ultima lex potest vadiari ad salvandum* autumnalia *aut redditum assisum.*

Auxilium ad filium militem faciendum & filiam maritandam was a Writ directed to the Sheriff of every County, where the King or other Lord had any Tenants, to levy of them reasonable *Aid*, towards the Knighting his Son, and the Marriage of his eldest Daughter. See *Aid. Fitz. Nat. Br. fol.* 82. and *Anno* 12 *Car.* 2. *cap.* 24. taken away by that Statute.

Auxilium Vicecomiti, a Payment or Aid anciently due out of some Manors to the Sheriff: For the Manor of *Stretton* in *Warwickshire* was freed from this Payment by Charter, 14 *H.* 3. *m* 4.

Auxionarii—*Dicunt etiam quod in domibus illis apud* Sheles *sunt manentes Pistores & Brasiatores*, Auxionarii *&* Auxionatrices *Panis & Cervisiæ & aliarum rerum, &c.* Pla. Parl. 18 *Ed.* 1. Properly Brokers, but here it seems to be used for Retailers of Bread and Ale.

Await (13 *Rich.* 2. *cap.* 1. **It is Ordained, That no Charter of Pardon from thenceforth shall be allowed before any Justice for Murder or for the Death of a Man, slain by** Await, **Assault, or Malice prepensed, Treason, or Rape of a Woman, unless the same be specified in the Charter, &c.**) Seems to signify that which we now call *Way-laying*, or lying in *Wait.*

Award (from the Fr. *agarder*; *Propriè est Judicium ejus, qui nec à lege nec à Judice, datur, ad dirimendam litem, sed ab ipsis litigantibus eligitur*) is the Judgment of him who is chosen by two or more Parties at variance, to determine the Controversy between them. *Dictum, quod ad custodiendum seu observandum partibus imponitur.* Spel.

Awm, (Teut. **Ohm**, i. e. cadus, *vel mensura*) 1 *Jac. cap.* 33. and 12 *Car.* 2. *cap.* 4. A Measure of Rhenish-wine, containing forty Gallons: Yet I find in a very old printed Book thus.—**The Rood of Rhenish-wine of Bordeaight is ten Awames, and every Awame is fifty Gallons.** Item, **the Rood of** Antwarp **is** xiiij Awames, **and every** Awame is xxxv **Gallons.**

Axe and **Axen** come from the *Saxon* verb **Axian**, *i. e.* to demand, and from hence our *English* word *ask.*

Axe, now **Exe**, 'tis a Town in *Devonshire.*

Axelodunum, *Hexam* in *Northumberland.*

Axminster, from the *Sax.* Acran mynster, so called, because scituate near the River.

Ayd. See *Aid.*

B.

Baccinium, a Bason or Vessel to hold Water to wash the Hands: *Non tapetæ, non mountergia, non* Baccinia, *&. nil omnino per violentiam exigatur.* Simeon Dunelm. Anno 1126. Mon. Ang. Tom. 3. pag. 191.

Bachelor. (*baccalaureus.* Fr. *Backelier*, i. e. *tyro.*) whence I gather those that are called *Bachelors* of the Companies in *London*, are such of each Company as are towards the Estate of those that are employed in Council, but as yet are Inferiors. For every Company of the Twelve consists of a Master, two Wardens, the Livery, (which are Assistants in Matters of Council, or at the least, such as the Assistants are chosen out of) and the *Bachelors*, who are yet but in expectance of Dignity among them, and have their Function only in Attendance upon the Master and Wardens.

Bachelor was anciently attributed to the Lord Admiral of *England*, if he were under a Baron. This word is used, *Anno* 13 *Rich.* 2. *Stat.* 2. *cap.* 1. and signifies as much as *Knight-Bachelor* does, 3 *Ed.* 4. *cap.* 5. that is, a *Simple Knight*, not a *Knight Banneret*, or *Knight of the Bath. An.* 28 *Ed.* 3. we find a Petition recorded in the Tower, beginning thus, *A nostre Seigneur le Roy monstrent votre* Simple Bacheler, *Johan. de Bures, &c.*

Sachez nous Roger de Mortimer *Seigneur de Wygemore, avoir donne & grante a nostre chier* Bachiler, *Monsieur Robert de Harley, pour son bon service & pour cent livres de argent, la garde du Corps Gilbert Filz & heir Sir Johan de Lacy, ensemblement ove le marriage mesmes celuy Gilbert deyns age esteant en nostre garde, &c. Donne à Penebrugge l'an du Regne le Roy Edward Filz le Roy Edward unzyme.* Yet *Camd* in his *Brit. fol.* 176. makes a Question whether these *Bachelors* were not of a middle Degree between *Simple Knights* and *Esquires.* In *Pat.* 8 *Rich* 2. *par.* 1. *m.* 4. *Johannes de Clanvou* is stiled *Bacalarius Regis.* See *Banneret.*

Backberend (*Sax.*) signifies *bearing* upon the *back*, or about a Man; *(rem furto sublatam dorso ferens) Bracton* uses it for a Sign or Circumstance of manifest Theft, called by the *Civilians, Furtum manifestum*, which he defines thus, *Ubi latro deprehensus est seisitus de aliquo latrocinio*, sc. **Handhabend** or **Backberend**, *& insecutus fuerit per aliquem cujus res illa fuerit, Lib.* 3. *tract.* 2. *cap.* 32. *Manwood* (2 *Part For. Laws*) notes it for one of the four Circumstances or Cases, wherein a Forester may arrest the Body of an Offender against Vert or Venison in the Forest. For by the Assise of the Forest of *Lancaster* (says he) *taken with the manner* is, when one is found in the King's Forest in any of these

these four Degrees, *Stable-stand*, *Dog-draw*, *Back-bear*, and *Bloody-hand*. Which see in their proper Places.

Badget (from the Fr. *Bagagier*, *i. e.* a Carrier of Luggage) signifies with us one that buys Corn or Victuals in one Place, and carries it to another, to make profit by it. See *Crompton's Just. of Peace*, *fol.* 69, 70.

Badiza, Badecester. See *Bath*.

Bagavel. *Edw.* 1. by his Charter granted to the Citizens of *Exeter*, a Collection of a certain Tribute upon all manner of Wares brought to that City to be sold, towards the paving the Streets, repairing the Walls, and Maintenance of the City, commonly called in old *English*, **Bagavel**, **Bethugavel**, and **Chipping-gavel**. *Antiq. of Exeter*.

Bahadum is mentioned in *Fleta*, *lib.* 2. *c.* 21. and signifies a Chest or Coffer.

Bail (from the Fr. noun *Bail*, *i. e.* a Guardian or Gaoler) is properly used for the freeing or setting at Liberty one arrested or imprisoned upon Action, either Civil or Criminal, under Surety taken for his Appearance at a Day and Place certain. *Bracton*, *lib.* 3. *tract.* 2. *cap.* 8. *num.* 8 & 9. The Reason why it is called *Bail*, is, because by this Means the Party restrained is *delivered* into the Hands of those that bind themselves for his forthcoming. There is both *Common* and *Special Bail*; *Common Bail* is in Actions of small Prejudice or Concernment, being called *Common*, because any Sureties in that case are taken; whereas in Causes of greater Weight, as Actions upon Bond or Specialty, *Special Bail* or Surety must be taken, as Subsidy-Men at least, and they according to the Value. *Manwood*, in his first Part of *Forest-Laws*, *pag.* 167. says, there is a great Diversity between *Bail* and *Mainprise*: For he that is *mainprised*, is always said to be at large, and to go at his own Liberty out of Ward, from the Time he is *mainprised*, till the Day of his Appearance: But otherwise it is, where a Man is let to *Bail* by four or two Men, by the Lord Chief Justice in *Eyre*, 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 Prison: So that he who is so *bailed*, shall not be said by the Law to be at large, or at his own Liberty. See *Lamb. Eiren. lib.* 3. *cap.* 2. *pag.* 330. *Bail* is also a certain Limit within the Forest, as it is divided into the Charges of several Foresters. *Crompton* in the Oath of *Bow-bearer*, *fol.* 201. See *Mainprise*, and 4 *Instit. fol.* 178.

Bailiff. (*Balivus*) As the Name, so the Office itself in ancient Time was answerable to that of *France*, where there are eight Parliaments, which are high Courts, whence lies no Appeal; and within the Precincts of those several Parts of that Kingdom, which belong to each Parliament, there are several Provinces to which Justice is ministred by certain Officers called *Bailiffs*. So in *England* we see several Counties, in which Justice hath been ministred to the Inhabitants by the Officer, whom we now call *Sheriff* or *Viscount*: (the one Name descending from the *Saxons*, the other from the *Normans*.) And though I cannot expressly prove, That the *Sheriff* was ever called a *Bailiff*, yet it is probable that was one of his Names also; because the *County* is often called *Baliva*, a *Bailiwick*. As namely, in the Return of a Writ, *Non est inventus in* Baliva *mea*, *&c.* *Kitchin Returna Brevium*, *fol.* 285. And in the Sheriff's Oath, the County is called his *Bailiwick*. I think the word *Bailiff* used in *Magna Chart. cap.* 28. and 14 *Edw.* 3. *Stat.* 1. *cap.* 9. comprieth as well *Sheriffs* as *Bailiffs* of Hundreds, who were anciently called **Styphmary**.

But as the Realm is divided into Counties; so every County is again divided into Hundreds; within which it is manifest, that in ancient Time the King's Subjects had Justice ministred to them by the several Officers of every Hundred, which were called *Bailiffs*, as those Officers do in *France* and *Normandy*, being chief Officers of Justice within every Province. *Grand Customary of Norm. cap.* 1. And it appears by *Bracton*, (*lib.* 3. *tract.* 2. *cap.* 34. *num.* 5.) that *Bailiffs of Hundreds* might hold Plea of Appeal and Approvers. But since that Time these Hundred-Courts (certain Franchises excepted) are by the said Statute of 14 *Edw.* 3. swallowed in the County-Courts, as you may read in *County* and *Hundred*. And now the *Bailiff*'s Name and Office is grown into such Contempt, at least these *Bailiffs* of Hundreds, that they are now but bare Messengers and Mandataries within their Liberties, to serve Writs, and such vile Offices; for which see *Crompt. Just. of Peace*, *fol.* 49. *a.* Yet is the Name otherwise still in good esteem; for the Chief Magistrates in divers Corporate-Towns, are called *Bailiffs*, as of *Ludlow*, *Leominster*, *&c.* And again, there are certain Persons to whom the King's Castles are committed, who are called *Bailiffs*, as the *Bailiff* of *Dover* Castle.

These ordinary *Bailiffs* are of two sorts, *Bailiffs Errant*, and *Bailiffs of Franchises*. *Bailiffs Errant* (*Balivi Itinerantes*) are those whom the Sheriff appoints to go up and down the County to serve Writs, Summon the County, Sessions, Assises, and such like. *Bailiffs of Franchises* (*Balivi Franchesiarum aut Libertatum*) are those who are appointed by every Lord within his Liberty, to do such Offices therein, as the *Bailiff Errant* does at large in the County. Of these read Sir *Tho. Smith de Repub. Angl. lib* 2. *cap.* 16. There are also *Bailiffs of the Forest* (*Manwood*, *part.* 1. *pag.* 113.) and *Bailiffs of Husbandry*, belonging to private Men of good Estates, whose Function is well known. See *Cacherelli*.

The Office or Duty of a Bailiff of a Manor, or Houshold (which in ancient Time seems to have been all one.) *Fleta* well describes, *Lib.* 2. *cap.* 72, & 73. The word *Balivus* is derived from *Baal*, i. e. *Dominus*; *quia Balivi dominantur suis subditis*, *quasi eorum Magistri & Domini*.

Bailiff of a Commote (in *Wales Balivus Commoti*) seems to have some Power of Judicature within the Precincts of the Commote. For thus we read in *Stat. Walliæ*, Balivi *autem* Commotorum *de cætero teneant Commotos suos*, & *justiciam faciant* & *exerceant inter litigantes*.

Bailiff of the Moot. See *Moot*.

Bamberga, an iron Armour which covered the Legs in Time of War.

Balcanifer for **Baldakinifer**, *i. e.* a Standard-bearer; 'tis mentioned in *Matt. Paris. Anno* 1237. viz, *eâ die* Balcanifer, *qui ut alii*, *qui ceciderunt*, *cruentissimam de se reliquit hostibus victoriam*, *&c.*

Baldakinus. The richest Cloath, now called *Brocade*, made with Gold and Silk: *Tumba sancti Alborni obtulit optimum* Baldakinum, *Matt. Westm. Anno* 1260. *Dominus Rex veste deauratâ factâ de pretiosissimo* Baldakino *sedens*. Matt. Paris. Anno 1247. See *Baudekin*, so called, because it was formerly brought from *Babylon*, which in *Latin* was called *Baldacum*.

Bale (Fr.) A Pack, or a certain Quantity of Merchandise; as a Bale of Spicery, of Books or Thread.

Thread. I find the Word in the Statute 16 *Ric.* 2. *cap.* 1. and still in use. And *Ballot* (Fr.) a little Pack.

Balenger seems to have been a kind of Barge, or Water-vessel, by the Statute 28 *H.* 6. *cap.* 5.

Balenger rather signifies a Man of War, *tandem pene solus fugiens in* Balingario. *Walsingh.* in R. 2. *Hostes amoverunt quinque vasa bellica qualia* Balingarias *appellantur.* Idem.

Baleuga, A Territory or Precinct. —*Cum tali libertate, quod per totam* Baleugam *possit capere forisfactum suum.* Charta Hen. 2. Recorded in the Dutchy-Office. See *Bannum* & *Banleuca.*

Baleys, A Rod: *Ferens in manu virgam quem vulgò* Baleys *appellamus.* Mat. Paris. Anno 1252.

Balistarius, A Balister or Cross-bow Man. *Gerrard de la Warr* is recorded to have been *Balistarius Domini Regis,* &c. 28 & 29 *Hen.* 3. *n.* 25.

Baliva. Statute of *Malbridge,* 52 *Hen.* 3. *cap.* 2. —*Ubi* Balivam *habeat vel jurisdictionem.* Here *Baliva* is well expounded by the Statute it self; for in this Place it signifies Jurisdiction. *Coke's* 2 *Inst. fol.* 105.

Balivo amovendo is a Writ to remove a *Bailiff* out of his Office, for want of sufficient living within his *Bailiwick. Reg. of Writs, fol.* 78.

Balkers or **Balcors.** See *Conders.*

Ballare. 'Tis mentioned in *Fleta, lib.* 2. *cap.* 87. and it signifies *Scopis expurgare.*

Ballium, A sort of Fortress or Bulwark: *Eam civitatem cum exteriori* Ballio *castri bellatorum suorum insultibus occupavit.* Matt. Westm. Anno 1265.

Ban or **Bans** (*Bannum,* from the *British* **Ban,** i. e. *Clamor*) is a Proclamation or publick Notice given of any Thing; any publick Summons or Edict. This word *Bans* we use in publishing matrimonial Contracts in the Church before Marriage, to the end, if any Man can speak against the Intention of the Parties, either in respect of Kindred, Pre-contract, or otherwise, they may take their Exception in Time. And in the Canon Law, *Banna sunt Proclamationes sponsi & sponsæ in Ecclesiis fieri solitæ.* Yet our word *Banning* seems to come thence, being an Exclamation or Cursing. *Bracton* mentions *Bannus Regis,* for a Proclamation, or Silence made by the Court, before the Congress of the Champions in a Combat, *Lib.* 3. *tract.* 2. *cap.* 21. —*In terra suæ ditionis* Bannum, *i. e. Interdictum misit, quod est prohibitio ut nullus fur vel latro esset, &c.* Hist. Norm. edit. Anno 1619. fol. 85. b.

Bancale is a covering for a Bench, 'tis mentioned in several Places in the *Monasticon,* 1 *Tom. pag.* 222. viz. *Septem scannorum tegmina vulgò* Bancalia, *&c.*

Bane, (from the *Saxon* bana, A Killer or Murderer) signifies the Destruction or overthrow of any Thing; as I will be the *Bane* of him, is a common saying: And he who was the Cause of another Man's drowning, is said to be *Labane,* i. e. *Malefactor. Bracton, l.* 2. *tract.* 8. *cap.* 1.

Banneret, (*Banerettus, Eques vexillarius,* or *Miles vexilliferus*) is a Knight made in the Field, with the Ceremony of cutting off the Point of his Standard, and making it a *Banner,* according to Sir *Tho. Smith* in his *Repub. Angl.* Others add, That Blood must be first drawn in the Field. They are allowed to display their Arms in a *Banner* in the King's Army, as *Barons* do. *Camden* in his *Britan. fol.* 109. hath these words, *Baneretti, cum Vassalorum nomen jam desierat, à Baronibus secundi erant; quibus inditum nomen à Vexillo: Concessum illis erat Militaris virtutis ergo quadrato vexillo (perinde ac Barones) uti, unde & Equites Vexillarii à nonnullis vocantur, &c.* Some maintain a *Banneret* ought not to be made in a Civil War, but I find in Sir *Richard Baker's Chron. fol.* 260. That *Henry* the Seventh made divers *Banerets* upon the *Cornish* Commotion, in the Year 1495. Of creating these Knights, read *Seager-Norroy* his Book, *Lib.* 2. *cap* 10. and *Selden's Titles of Honour, fol.* 799. That they are next to Barons in Dignity, appears by the Statute 14 *R.* 2. *c.* 11. and 5 *Rich.* 2. *Stat.* 2 *cap.* 4. They were anciently called by Summons to Parliament. And we find a *Banneret* for praying a Pardon for a Murderer, contrary to the Statute, is subject to the same punishment with a Baron. 13 *Rich.* 2. *Stat.* 1. *cap.* 1. *Will. de la Pole* was created *Banneret* by *Edward* the Third, by Letters Patent, *Anno Regni sui* 13. *Memb.* 13. Those *Banerets* who are created *sub Vexillis Regiis, in exercitu Regali, in opere belli, & ipso Rege personaliter præsente, explicitis,* take Place of Baronets; as appears by the Letters Patent for Creation of Baronets. See *Coke's* 4 *Inst. fol.* 6.

Bangor. See *Bonium.*

Banishment (Fr. *Bannissement*) hath a known Signification; but there are two Kinds of it, one voluntary and upon Oath, whereof you may read *Abjuration*; the other upon compulsion for some Offence or Crime; as if a Lay-Man succour him, who, having taken Sanctuary for an Offence, obstinately refuses to abjure the Realm, he shall lose his Life; if a Clerk do so, he shall be *banished. Staundf. Pl Cr. fol.* 117.

Bank (Lat. *Bancus,* Fr. *Banque*) hath two Significations; the first, (and that most noble) is a Seat or Bench of Judgment, as *Bank le Roy,* the King's Bench, *Bank de Common Plees,* the Bench of Common Pleas, or the *Common Bench,* called also in Latin, *Bancus Regius* & *Bancus Communium Placitorum.* The second is a Bank, where a great Sum of Money is let out to use, returned by Exchange, or otherwise disposed to Profit. *Jus Banci,* or the Privilege of the Bench, was anciently allowed only to the King's Judges, *qui summam administrant justitiam*; for inferior Courts, such as Court-Barons, and Hundred-Courts, were not allowed that Privilege; since, at this Day, the Hundred-Court at *Freibridge* in *Norfolk,* is held under an Oak at *Geywood*; and the Court for the Hundred of *Woolfey* in *Herefordshire,* is held under an Oak near *Ashton* in that County, which is called, *The Hundred-Oak.* See *Free-Bench.*

Banker (Fr. *Banquier*) is best interpreted by the Words of a late Act of Parliament, *Whereas several Persons, being Goldsmiths and others, by taking or borrowing great Sums of Money, and lending out the same again, for extraordinary hire and profit, have gained and acquired to themselves the Reputation and Name of* Bankers, Annis 22 & 23 Car. 2.

Bankrupt, (*quasi Bancus ruptus*) because when the Bank or Stock is *broken* or exhausted, the Owner is said to be a Bankrupt. *Anno* 34 *Hen.* 8. *cap.* 4. and 1 *Jac.* 15. he is thus described.

ALL and every such Person and Persons using, or that shall use the Trade of Merchandise, by way of Bargaining, 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 of this Realm, or any the King's Dominions, or Denizen, who at any Time since the first Day of this present Parliament, or at any Time hereafter, shall depart the Realm, or begin to keep his other House or Houses, or

or otherwise to absent him or herself, or take Sanctuary, or suffer him or herself willingly to be arrested for any Debt or other Thing, not grown or due, for Money delivered, Wares sold, or any other just or lawful Cause, or good Consideration or Purposes; or hath or will suffer him or herself to be outlawed, or yield him or herself to Prison; or willingly, or fraudulently hath, or shall procure him or herself to be arrested, or his or her Goods, Money, or Chattels to be attached, or sequestred, or depart from his or her Dwelling-house, or make, or cause to be made, any fraudulent Gift or Conveyance of his, her, or their Lands, Tenements, Goods, or Chattels, to the Intent, or whereby his, her, or their Creditors, being Subjects to him, as aforesaid, shall, or may be defeated or delayed for the Recovery of their just and true Debt; or being arrested for Debt, shall, after his or her Arrest, lie in Prison six Months, or more, upon that Arrest, or any other Arrest or Detention in Prison for Debt, and lie in Prison six Months upon such Arrest or Detention, shall be accounted and adjudged a Bankrupt to all Intents and Purposes.

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

Bannitus. An Outlaw, or banished Man, —*Vobis præcipimus, quod ridem Cancellario vid insequendo arrestand. & capiend. dictos malefactores & Bannitos*, &c. *Pat.* 15 *Ed.* 3. *part.* 3. *dors.* 8.

Bannum & Banleuga. A Territory, Precinct, or the Continent within the utmost Bound of a Manor or Town; so it is used 47 *Hen.* 3. *Rot.* 44. Carta *Gauti* Regis Cœnobio Thorneiæ—*Notum facio, me eleemosynam nostram Christo concessisse & omnibus Sanctis suis—viz. primo terram illam à Twiwella usque Thorney, ubi* Bannum *nostrum cessat*: *Banleuca de Arundel* is used for all comprehended within the Limits or Land adjoining, and so belonging to the Castle or Town. *Seld. Hist. of Tithes. pag.* 75.

Banquerium. See *Bincale*: Fleta, Lib. 2. cap. 6. *Debet disponere, & cameræ tapetis & Banqueriis ornentur, &c.*

Barator. See *Barrator*.

Barbican (*Barbicanum*) A Watch-Tower, Bulwark, or Breast-work. *Mandatum est Johanni de Kilmyngton Custodi Castri Regis & Honoris de* Pickering, *quoddam* Barbicanum *ante portam Castri Regis prædicti muro lapideo, & in eodem* Barbicano *quandam portam cum ponte versatili, &c. de novo facere, &c. T. Rege*, 10 *Aug.* Claus. 17 Edw. 2. m. 39. *Fontem etiam duplici muro circundatum habentem* barbicanum *novem turribus circumseptum.* Rand. de Diceto, Anno 1188.

Barbicanage; (*barbicanagium*) Money given to the Maintenance of a *Barbican*, or Watch-Tower. *Carta* 17 *Ed.* 3. *m.* 6. *n.* 14. 'Tis a Tribute towards the repairing or building a Bulwark: 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 976. *De kaiagio, muragio, paagio*, barbicanagio, & *de operibus castrorum, &c.*

Barca, A Barque: *Navis mercatorum & quæ merces exportat.* Gloss. Sax. Ælfrici, A Flotship.

Barcaria or **Barcarium**, (from the Fr. *Bergerie*) A Sheep-coat, and sometimes a Sheep-walk: *M. 5. de Placit. Ed.* 3. See *Bercaria & Barkary*.

Bard *alias* **Beard.** See *Clack*.

Bar-fee is a Fee of xxd, which every Prisoner, acquitted of Felony, pays to the Gaoler. *Crompt. Just. of Peace, fol.* 158.

Bargain and Sale, is properly a Contract made of Manors, Lands, and other Things, transferring the Property thereof from the *Bargainor* to the *Bargainee*, which ought to be in consideration of Money: It is a good Contract for Land, &c. and the Fee passeth, tho' it be not said in the Deed, *To have and to hold to him and his Heirs*, and though there be no Livery and Seisin given by the Vendor; so it be by Deed indented, sealed, and enrolled; either in the County where the Land lies, or in one of the King's Courts of Record at *Westminster*, within six Months after the Date of the Deed. 27 *Hen.* 8. *cap.* 16. Such *Bargain and Sale* may also be made by Lease and Release, without Livery or Enrolment.

Bargaret is an obsolete Word, signifying a Shepherd, from the Fr. *Berger*.

Barghmaster. See *Berghmaster*.

Barilium, A Barrel. —*Et propter hanc donationem prædictus Thomas dedit mihi unum* Barilium *Vini, &c.* Carta Hen. de Oilli, tempore *Hen.* 2. See *Barrel*.

Barkary (*barkaria, corticulus*) A Tan-house, Hearth-house, or House to keep Bark in. *New Book of Entries, tit. Assise. Corp. Polit.* 2.

Baron (*baro*) hath divers significations. First it is a Degree of Nobility next a Viscount. *Bracton*, (*Lib.* 1. *cap.* 8. *num.* 4) says, *Sunt & alii Potentes sub Rege, qui dicuntur* Barones, *quasi, robur belli.* In which signification it agrees with other Nations, where *Baroniæ* are as much as *Provinciæ*: So as *Barons* are 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 is probable, that of old here in *England*, all those were called *Barons* that had such Seigniories or Lordships, as we now call *Court-Barons*, who are at this Day called *Seigneurs* in *France*: And not long after the Conquest, all such came to the Parliament, and sate as *Peers* in the Lords House. But when by Experience it appeared, that the Parliament was too much thronged with such Multitudes, it was in the Reign of King *John* ordained, That none but the *Barones Majores* should for their extraordinary Wisdom, Interest, or Quality, be summoned to Parliament. After that again, Men seeing this Estate of Nobility to be but casual, and depend merely upon the Prince's Pleasure, they obtained of the King Letters Patent of this Dignity to them, and their Heirs Male; who were called *Barons by Letters Patent*, or by Creation, whose Posterity are now by Inheritance those *Barons* that are called Lords of the Parliament, of which kind the King may create at his Pleasure.

Nevertheless, there are yet *Barons by Writ*, as well as *Barons by Letters Patent*. Those *Barons* who were first by Writ, may now justly also be called *Barons by Prescription*, for that they and their Ancestors have continued *Barons* beyond the Memory of Man. The Original of Barons by Writ, *Camden* (in his *Britan. pag.* 109.) refers to *Henry* the Third. *Barons by Letters Patent*, or Creation, commenced 11 *Rich.* 2. For then *John Beauchamp* was created Baron of *Kederminster*. The manner of such Creation read in *Selden's Titles of Honour, fol.* 687. *Fern's Glory of Generosity, pag.* 125, 126. To these *Seager* (*lib.* 4. *cap.* 13. *Of Honour, Civil, and Military*) adds a third kind of Baron, calling them *Barons by Tenure*, which are some of our ancient Barons, and likewise the Bishops, who, by vertue of Baronies annexed to their Bishopricks, always had Place in the Lords House

House of Parliament, and are termed *Lords Spiritual.*

But in former Days all Men were called *Barons:* 'Tis certain the King's Tenants were so called, *viz. Si quis* Baronum *meorum, comitum, vel aliorum qui de me tenuit mortuus est.* Mat. Paris. Anno 1110. *Fecit notificari per totam Angliam ut* Baro *quisquis terram tenens de Rege in capite, &c.* Mat. Westm. pag. 317.

Afterwards it signified only Noblemen; *Nam si illi* Barones *post mortem Pepini sic sano consilio egerunt ut pax inter fratres Regis & inter Regni* Primores *ac populum esset.* Where 'tis plain that *Barones* and *Primores* have the same Signification. *Du Cange.*

Baron, in the next Signification, is an Officer, as *Barons of the Exchequer*; of whom, the Principal is called *Lord Chief Baron*, (*Capitalis Baro*;) and the three other are his Assistants in Causes of Justice between the King and his Subjects, touching Matters appertaining to the *Exchequer* and the King's Revenue. The *Lord Chief Baron* is the Chief Judge of the Court; and in Matters of Law, answers the Bar, and gives Order for Judgment thereupon. He alone in the Term-time sits upon *Nisi prius*, that come out of the *King's Remembrancer's* Office, or out of the Office of the Clerk of the Pleas, which cannot be dispatched in the Mornings for want of Time. He takes Recognizances for the King's Debts, for Appearances, and observing Orders. He takes the Presentation of all the Officers in Court under himself, and of the Lord Mayor of *London*, and sees the *King's Remembrancer* give them their Oaths. He takes the Declaration of certain Receivers Accompts of the Lands of the late Augmentation made before him by the Auditors. He likewise gives the two *Parcel-makers* Places by virtue of his Office.

The *Second Baron*, in the Absence of the Lord Chief Baron, answers the Bar, and takes Recognizances as aforesaid. He give yearly the Oath to the late Mayor of *London*, for the true Accompt of the Profits of his Office. He takes certain Receivers Accompts, and examines the Letters and Sums of Sheriffs foreign Accompts; as also such Accompts of Escheators and Collectors of Subsidies, Excise, and Taxes, as are brought by the Auditor of the Court.

The *Third Baron*, in the Absence of the other two, answers the Bar, and takes Recognizances as aforesaid. He gives yearly the Oath to the late Mayor and Gauger of *London*, for their true Accompting. He also takes certain Receivers Accompts, and examines the Letters and Sums of such of the former Accomptants as are brought unto him.

The *Fourth Baron* is always a Cursitor of the Court. At the Days prefixed he takes the Oaths of all High Sheriffs, and their Under-Sheriffs, Bailiffs, and other Accomptants, for their true Accompting. He takes the Oaths of all Collectors, Comptrollers, Surveyors, and Searchers of the Custom-Houses, that they have made true Entrances in their Books. He apposeth all Sheriffs upon their Summons of the Pipe in open Court; and informs the rest of the *Barons* of the Course of the Court, in any Matter that concerns the King's Prerogative. He likewise examines such Accompts as are brought to him.

These *Barons of the Exchequer* are ancient Officers: For I find them named in *Westm.* 2. *cap.* 11. *Anno* 13 *Ed.* 1. And they are called *Barons*, because *Barons* of the Realm were wont to be imployed in that Office. *Fleta, lib.* 2. *cap.* 24. Their Office is to look to the Accompts of the King, and to that End they have *Auditors* under them; as also to decide all Causes appertaining to the King's Revenue, coming into the *Exchequer* by any Means, as in Part is proved by the Statute of 20 *Edw.* 3. *cap.* 2. and 27 *ejusdem, Stat.* 2. *cap.* 18. 5 *Rich.* 2. *Stat.* 1. *cap.* 9. and 12 & 14 *ejusdem, cap.* 11. Whereupon they have been of late Persons learned in the Laws; whereas in ancient Time they were *Majores & Discretiores in Regno, sive de Clero essent, sive de Curia.*

There are also *Barons of the Cinque Ports*, *Anno* 31 *Edw.* 3. *Stat.* 2. *cap.* 2. and 33 *Hen.* 8. *cap.* 10. which are two in every of these Towns, *Hastings, Winchelsey, Rye, Rumney, Hithe, Dover*, and *Sandwich*, who have Places in the Commons House of Parliament. See *Selden's Titles of Honour at large, fol.* 687. *& seq.*

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

The Chief Magistrates of *London* were also called *Barons* before there was a Lord Mayor, as appears by the City-Seal, as also by their ancient Charters, — *Henricus* 3 *Rex. Sciatis nos concessisse & hac præsenti Chartæ nostræ confirmasse* Baronibus *nostris de Civitate nostra* London. *quod eligant sibi* Mayor *de seipsis singulis annis, &c.* See *Spelman's Gloss.* at large upon this Word.

Barones Regis were either of the King's Family, or those who held their Lands immediately of him.

Baronet (*Baronettus*) is a Dignity or Degree of Honour which hath Precedency before all *Bannerets, Knights of the Bath*, and *Knights Bachelors*, except such *Bannerets* as are made *sub vexillis Regiis, in exercitu Regali, in aperto bello & ipso Rege personaliter præsente.*

This Order of *Baronets* King *James* created in the Year 1611, with such Precedency as abovesaid, and other Privileges, *&c.* as may appear in *Rot. Pat.* 10 *Jac. part.* 10. *m.* 8. & 14 *Jac. par.* 2. *m.* 24. with an *Habendum sibi & Hæredibus masculis, &c.* See *Banneret.* Where *Baronets* are mentioned in our old Statutes and ancient Authors, it is mistaken for *Bannerets.* 2 *Inst. fol.* 667. and *Selden's Titles of Honour, fol.* 736.

Barony (*Baronia*) is the Dignity, Territory, and Fee of a *Baron*: Under which Notion are comprehended not only the Fees and Lands of *Temporal Barons*, but of Bishops also, who have two Estates: One as they are Spiritual Persons, by reason of their Spiritual Revenues and Promotions, as was the Tribe of *Levi* among the *Israelites*: The other grew from the Bounty of our *English* Kings, whereby they have *Baronies*, and Lands so called, and are thereby *Barons* or Lords of Parliament. In ancient Time thirteen *Knights Fees* and a Quarter made up a Tenure *per Baroniam*, which amounted to 400 Marks *per Annum.*

This *Barony* (as *Bracton* says, *Lib.* 2. *cap.* 34.) is a Right invisible: And therefore, if an Inheritance be to be divided among Coparceners, though some capital Messuages may be divided, yet *Si capitale Messuagium sit caput Comitatus, vel caput* Baroniæ, they may not be parcelled. The Reason is, *Ne sic caput per plures particulas dividatur, & plura jura Comitatuum &* Baroniarum *deveniant ad nihilum, per quod deficiat regnum, quod ex Comitatibus & Baroniis dicitur esse constitutum.* The Manor of *Burford*, in the County of *Salop*, was found by Inquisition,

 capt.

capt. 40 *Edw.* 3. *Tenéri de Rege ad inveniendos 5 homines pro Exercitu Walliæ; & per servitium* Baroniæ, and the Lord thereof (Sir *Gilbert Cornwall*) is called *Baron of Burford*; but is no *Baron* of Parliament.

The *Baronies* belonging to Bishops are, by some, called *Regalia*, because *ex solâ liberalitate Regum eis olim concessa & à Regibus in feudum tenentur*; and those Royalties did not consist in one *Barony* alone, but in many; for *Tot erant* Baroniæ *quot majora prædia*. *Stubbs*, writing of the Archbishops of *York*, tells us, That *Rex iratus tres* Baronias *Archiepiscopatu Eboracensi ex antiquo collatas & eidem annexas seisiri fecit*.

Barrafter, (*Barrasterius*, *Repugnarius Causidicus*.) See *Utter-Barrafter*.

Barrator, or **Barater**, (Fr. *Barrateur*, *i. e.* a Deceiver,) is a common Mover or Maintainer of Suits, Quarrels, or Parts, either in Courts, or elsewhere in the Countrey, and is himself never quiet, but at Variance with one or other. *Qui cum Terentiano Davo omnia perturbat*. To this Purpose read *Lamb. Eiren. pag.* 342. who says also, That *Barretor* (for so he writes it) may come from the Latin *Barathro* or *Balatro*, a Vile Knave, or Unthrift; and, by a Metaphor, a Spot in a Commonwealth. See the Statute of *Champerty*, 33 *Edw.* 1. *Stat.* 2. and *Westm.* 1. *cap.* 32. *Skene*, in the Word *Barratry*, says, That *Barrators* are Simonists, so called of the Italian Word *Barratarin*, signifying Corruption or Bribery in a Judge, giving a false Sentence for Money: Whom you may read more at large; as also *Hortensius Cavalcanus*, in his *Tract. de Brachio Regio*, *par.* 5. *num.* 66.

Barr (Fr. *Barriere*, Lat. *Barra*) signifies legally a Destruction for ever, or taking away for a Time the Action of him that hath Right; and it is called a *Plea in Bar* when such a *Bar* is pleaded. *Coke on Littl. fol.* 372. *Plowden*, in *Colthirst*'s Case, *fol.* 26, & 28. and *Brook*, *tit. Barre*, *numb.* 101. and 5 *Hen.* 7. *fol.* 29.

This Word is also used for a Material *Bar*, as the Place where Serjeants at Law or Counsellors stand to plead Causes in Court, or Prisoners to answer their Indictments; whence our Lawyers, who are called to the *Bar*, or licenced to plead, (in other Countreys called *Licentiati*,) are termed *Barrasters*, 24 *Hen.* 8. *cap.* 24. See *Blank-Bar*.

Barrel (*Barrillum*) is a Measure of Wine, Oil, *&c.* containing the eighth Part of a Tun, the fourth of a Pipe, and the Moiety of a Hogshead, that is, thirty Gallons and a half, *Anno* 1 *Rich.* 3. *cap.* 13. But the Quantity of this Vessel seems to differ according to the Liquor; for a *Barrel of Beer* contains thirty six Gallons, the Kilderkin eighteen, and the Firkin nine. A *Barrel of Ale* thirty two Gallons, the Kilderkin sixteen, and the Firkin eight. *Anno* 23 *Hen.* 8. *cap.* 4. and 12 *Ch.* 2. *cap.* 23. — The said Assise of 32 Gallons of Wine-measure, which is about 28 Gallons of old Standard, well packed, and containing in every Barrel usually a thousand full Herrings, at least, is and shall be taken for good, true, and lawful Assise of Herring Barrels. *Anno* 13 *Eliz. cap.* 11. The *Eel-barrel* contains 30 Gallons. *St.* 2 *H.* 6. 13.

Barriers (Fr. *Barrieres*) signifies with us, that which the *French* call *Jeu de Barres*, *i. e. Palæstra*, a Martial Exercise of Men, armed and fighting together with short Swords within certains *Bars* or Rails, whereby they are severed from the Beholders: Now disused.

Barter (from the Span. *Barratar*, *i. e.* To sell cheap, or deceive or cheat in Bargaining) signifies with us to exchange one Commodity for another, to truck Wares for Wares. *Anno* 1 *Rich.* 3. *cap* 9. And so *Bartry* the Substantive. 13 *Eliz. cap.* 7. The Reason may be, because they that chop and change in this Manner do endeavour, for the most Part, one to over-reach or deceive the other. See *Barrator*.

Barton, in *Devonshire* and the West of *England*, is used for the Demesn Lands of a Manor, for the Manor-House it self, and, in some Places, for Out-houses and Fold-Yards. In the Statute 2 & 3 *Edw.* 6. *cap.* 12. *Barton Lands* and *Demesn Lands* are used as *Synonyma's*. See *Berton*.

Base Court (Fr. *Cour Basse*) is any Court not of Record, as the *Court-Baron*. Of this read *Kitchin*, *fol.* 95, 96, *&c.*

Base Estate (Fr. *Bas Estat*) signifies that Estate which *Base Tenants* have in their Lands. *Base Tenants* are those (according to *Lamb. verbo Paganus*) who perform inferior *Villanous* Service to their Lords. *Kitchin*, *fol.* 41. makes Base-tenure and Frank tenure to be Contraries, and puts Copyholders in the Number of *Base Tenants*; where it may be gathered, that every *Base Tenant* holds at the Will of the Lord; yet, that there is a Difference between a *Base Estate* and *Villenage*; which *Fitzherbert*, in his *Nat. Br. fol.* 12. seems to confound. For to hold in pure Villenage is to do all that the Lord will command him. So that if a Copyholder have but a *Base Estate*, he, not holding by the Performance of every Commandment of his Lord, cannot be said to hold in *Villenage*. But Copyholders are by Custom and Continuance of Time grown out of that extream Servitude, wherein they were first created.

Base Fee. See *Base Estate*.

Basels (*Baselli*) a Sort of Coin abolished by *Hen.* 2. *Anno* 1158. *This Year the King altered his Coin, abrogating certain Pieces called* Basels. *Hollinsh. pag.* 67.

Basetard, or **Basillard**, in the Stat. 12 *Rich.* 2. *cap.* 6. signifies a Weapon; which Mr. *Speight*, in his Exposition upon *Chaucer*, calls *Pugionem vel secam*. A Poniard; *Arripto* Basillardo *transfixit Jack Straw in gutture*, Knighton, lib. 5. *Cum alio* Basillardo *penetravit latera ejus*. Idem, pag. 2731.

Basileus, *i. e.* a King. 'Tis mentioned in several of our Historians, and seems peculiar to the Kings of *England*. *Monasticon*, *Tom.* 1. *pag.* 65. *Ego Edgar totius Angliæ* Basileus *confirmavi*. So in *Page* 84, 93, 102, 140, 218, 236. and 2 *Tom. pag.* 838, 840, 841. *Flor. Worcest. pag.* 617. *Ingulphus*, *pag.* 884. *Malmes.* 58. *Mat. Paris.* 156, 157. *Hoveden*, *pag.* 426, 435.

Basnetum, a Basnet or Helmet. By *Inq.* 22 *Edw.* 3. after the Death of *Laurence de Hastings*, Earl of *Pembroke*, thus; — *Quod quidem manerium* (*i. e.* de Aston Cantlore) *per se tenetur de Domino Rege in Capite*, *per servitium inveniendi unum hominem peditem*, *cum Arcu sine corda*, *cum uno* Basneto *sive Cappa*, *per xl. dies*, *sumptibus suis propriis*; *quotiens fuerit guerra in Wallia*.

Bassinet, a Skin with which the Soldiers covered themselves. From the *Sax.* Baring, *Chlamys*.

Bastard, (*Bastardus*, from the British Bastaerd, *i. e. nothus*,) is he or she that is born of any Woman not married, so that the Child's Father is not known by the Order of Law; and therefore is called *Filius Populi*.

Cui pater est populus, pater est sibi nullus & omnis:
Cui pater est populus, non habet ipse patrem.

Such *Bastard* cannot inherit Land as Heir to his Father, nor can any Person inherit Land as Heir to him, but one that is Heir of his Body. *Littl. Sect.* 401.

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

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

If one marry a Woman, and die before Night, and never bed her, and she have a Child after, it seems it shall be accounted his Child, and Legitimate. See the *English Lawyer*, 117.

If a Man or Woman marry a second Wife or Husband, the first being living, and have Issue by that second Wife or Husband, such Issue is a *Bastard*. 39 *Edw.* 3. 14. 7 *Hen.* 4. 49. 18 *Edw.* 4. 26.

If a Woman elope with a Stranger, and hath a Child by him, her Husband being *infra quatuor maria*, this is Legitimate, and shall inherit the Husband's Lands. 44 *Edw.* 3. 10. 7 *Hen.* 4. 10.

The Punishment of the Mother and reputed Father of a *Bastard*. *Anno* 18 *Eliz. cap.* 3.

He that gets a *Bastard* in the Hundred of *Middleton*, in *Com. Kent*, forfeits all his Goods and Chattels to the King. *M. S. de temp. Edw.* 3.

Before the Statute 9 & 3 *Edw.* 6. *cap.* 21. one was adjudged a *Bastard*, *Quia filius Sacerdotis*, *Ins. Plac. de temp. Joh. Reg. Lincoln.* 42.

Bastard (*Bastardium*) — *Absque armis, gladiis & Bastardiis, &c. Claus.* 17. *Rich.* 2. *dorso*; A Kind of Weapon.

Bastardy (Fr. *Bastardage*) signifies a Defect of Birth, objected to one born out of Wedlock. *Bract. lib.* 5. *cap.* 19. How *Bastardy* is proved, or to be enquired into, if it be pleaded, see *Rastal's Entries, tit. Bastardy, fol.* 104. and the *Stat.* 9 *H.* 6. *cap.* 11. *Kitchin, fol.* 64. mentions *Bastardy Special*, and *Bastardy General*. The Difference whereof is, That *Bastardy General* is a Certificate from the Bishop of the Diocess to the King's Justices, after Enquiry made, that the Party enquired of is a *Bastard*, or not a *Bastard*, upon some Question of Inheritance. *Bastardy Special* is a Suit commenced in the King's Court, against him that calls another *Bastard*: So termed, because *Bastardy* is the principal Case in Trial, and no Inheritance contended for. Whereby it appears, that in both these Significations, *Bastardy* is rather taken for an Examination or Trial, whether a Man's Birth be defective or illegitimate, than for *Bastardy* it self. See *Brook, tit. Bastardy*, and Dr. *Ridley*'s Book, *pag.* 203, 204.

Baston, (Fr.) a Staff, Club, or Cowlstaff. But in our Statutes it signifies one of the Warden of the *Fleet*'s Servants or Officers, who attends the King's Courts with a Red Staff, for taking such to Ward, as are committed by the Court. *Anno* 1 *Rich.* 2. *cap.* 12. 5 *Eliz. cap.* 23. See *Tipstaff*.

Batable Ground was the Land lying between *England* and *Scotland*, heretofore in Question, when they were distinct Kingdoms, to which it belonged. *Anno* 23 *Hen.* 8. *cap.* 6. and 32 *ejusdem, cap.* 6. As if we should say, *Litigious* or *Debatable Ground*; for by that Name *Skene* calls Ground that is in Debate or Controversy betwixt two. *Cam. Brit. tit. Cumberland.*

Batellus. See *Batus*.

Bath, called by the *Britains* Badiza, and *Aqua solis* by the *Saxons*. See *Aqua solis, Acemannes ceaster, Bathan cester, Bathon*, Lat. *Aquamanni Civitas, i. e.* The City of Sick Men, which resort thither; now called *Bath*, in *Somersetshire*.

Batitoria, *i. e.* a Fulling-Mill. 'Tis mentioned in the *Monasticon*, 2 *Tom. pag.* 832. viz. *Usque ad stagnum molendini ipsius Willielmi cum* Buetorio (for *Batitoria*) *& agardino sua ubique, &c.*

Batswaine, (from the Sax. Bat, a Boat and Swain, a Servant,) a Mariner or Boatswain. *Domesday.*

Battel (Fr. *Bataille*) signifies a Trial by Combat. The Manner whereof being long, full of Ceremonies, and now disused, we must refer you to *Glanvile, Lib.* 1. *cap.* 3, 4, 5. *Bracton, Lib.* 3. *tract.* 2. *cap.* 21. *fol.* 140. *Briton, cap.* 22. *Smith de Rep. Angl. lib.* 2. *cap.* 7. and *lib.* 3. *cap.* 3. *Coke on Littl. fol.* 294. and on *Westm.* 1. *fol.* 247. See *Combat.*

Battery (from the Fr. *Batre, i. e.* To strike; or Sax. Batte, *i. e. Fustis*) is a violent Striking or Beating a Man; who (in regard it tends to the Breach of the Peace) may therefore either indict the other Party, (whereby he is finable to the King) or have his Action of Trespass, of Assault and *Battery* against him, (for every *Battery* implies an *Assault*,) and recover so much in Costs and Damages as the Jury will give him, which Action will lie as well before as after the Indictment. But if the Plaintiff made the first Assault, then the Defendant shall be quit, and the Plaintiff shall be amerced to the King for his false Suit. In some Case a Man may justify the beating another in a moderate Manner, as the Parent his Child, the Master his Servant or Apprentice, *&c.* This the *Civilians* call *Injuriam personalem*.

Batus, (Sax. Bat,) a Boat. And *Batellus*, a little Boat. — *Concessit etiam idem Hugo Wake pro se & Hæred. suis, quod prædictus Abbas & Successores sui & Ecclesia sua de Croyland habeant tres* batellos *in Harnolt, &c.* Charta. Edw. 1. dat. 20 Julii, 18 Regni. See *Libera Batella*.

Baubella. 'Tis mentioned in *Hoveden*, in *R.* 9. and signifies precious Stones or Jewels, *viz. Tres partes Thesauri sui & omnia* Baubella *sua divisit.*

Baudekin, or Cloth of Baudekin, (*Boldicum & Baldekinum*, Anno 4 Hen. 8. cap. 6.) *Erat pannus aura rigidus, plumatoque opere intertextus*; yet some Authors account it Cloth of Silk only. See *Baldekin*.

Bay, or Ben, is a Pond-head made up of a great Height to keep in 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 Passage or Flood-gate, called the *Penstock*. Also a Harbour where Ships ride at Sea near some Port. The Word is mentioned *Anno* 27 *Eliz. cap.* 19. *Buchan.* in his *Hist. Scot. fol.* 7. writes it Bei, and expounds it by *Sinus maris*.

Beacon, (from the Sax. Beacen, *i. e. signum*,) *Anno* 8 *Eliz. cap.* 13. is well known. Hence *Beaconage*, Money paid towards the Maintenance of a Beacon; and we still use the Word *To beacon*, from the Saxon Beacnian, To nod unto, or Signify. See the Statute 5 *H.* 4. and *Dors. Pat.* 28 *Hen.* 6. *par.* 2. *m.* 21. *Pro signis, Anglicè* Beacons, *& Vigiliis.*

gilius. And *Prin's Animad. on 4 Instit. fol.* 134, & 135. See *Firebare.*

Bead, or Bede, (Sax. **Beab,** *Oratio.*) So that to say *Our Beads*, is to say *Our Prayers.* They were most in use before Printing, when poor People could not go to the Charge of a Manuscript Prayer-Book. These are mentioned in 27 *Hen.* 8. *cap.* 26. and 3 *Jac. cap.* 5.

Beam is that Part of the Head of a Stag where the Horns grow; from the Sax. **Beam,** *i. e. Arbor*; because they grow out of the Head as Branches out of a Tree.

Bearding, alias **Barding,** of Wooll. See *Clack.*

Bearers, — Justices of Assize shall enquire, hear, and determine of Bayntenors, Bearers, and Conspirators, and of those that commit Champarty, &c. *Anno* 4 *Edw.* 3. *cap.* 11. Such as *bear* down or oppress others; Maintainers.

Beasts of Chase (*Feræ Campestres*) are five: The Buck, the Doe, the Fox, Marten, and Roe, *Manwood*, 1 *Part. pag.* 342. and 2 *Part. cap.* 4. *num.* 2.

Beasts of the Forest (*Feræ Sylvestres*) are the Hart, Hind, Hare, Boar, and Wolf. *Manwood, Part.* 2. *cap.* 4. *num.* 1.

Beasts and Fowls of Warren are the Hare, Coney, Pheasant, and Partridge. *Manw. Part.* 2. *cap.* 4. *num.* 3.

Beastials. See *Bestials.*

Beau-pleader (Fr. *Beau-plaider, i. e.* To plead fairly) is a Writ upon the Statute of *Marlbridge*, 52 *Hen.* 3. *cap.* 11. whereby it is provided, That neither in the Circuit of Justices, nor in Counties, Hundreds, nor Courts-Baron, any Fines shall be taken of any Man for *Fair Pleading*, that is, for not pleading fairly or aptly to the Purpose; upon which Statute, this Writ was ordained against those that violate the Law herein. See *Fitz. Nat. Br. fol.* 270. whose Definition is to this Effect: The Writ upon the Statute of *Marlbridge* for not *Fair Pleading* lies where the Sheriff, or other Bailiff in his Court, takes Fine of the Party, Plaintiff, or Defendant, for that he *pleads* not *fairly, &c.* And it was as well in respect of the Vicious Pleading, as of the Fair Pleading, by Way of Amendment. 2 *Part. Instit. fol.* 122.

Bedel, (*Bedellus,* Sax. **Bydel,**) a Crier or Messenger of a Court, the Keeper of a Prison or House of Correction, and Under-Bailiff of a Manor. *Manwood, par.* 1. *fol.* 281. says, A *Beadle* is an Officer or Servant of the Forest, who makes all Manner of Garnishments of the Courts of the Forest, and all Proclamations, as well within the Courts as without, and executes all the Processes of the Forest: He is like a Bailiff-Errant of a Sheriff in a County. *Edgarus interdixit omnibus ministris, id est, Vicecomitibus,* Bedellis, & *Bailivis in Patria Girvivorum, — Ne introcant fines & limites dicti Maristi.* Ingulphus Hist. Croyl.

Bedelary (*Bedelaria*) is the same to a *Bedel*, as Bailiwick to a Bailiff. *Lit. lib.* 3. *cap* 5. *Wil. filius Adæ tenet* Bedelariam *Hundredi de Macclesfield, &c.* Ex Rot. Antiq.

Bederepe, alias **Bidrepe,** (Sax.) is a Service, which some Tenants were anciently bound to perform, *viz.* To *reap* their Landlord's Corn at Harvest, as some yet are tied to give them one, two, or three Days Work, called in some Places *Boon-Days.* — *Debent venire in Autumpno ad precariam quæ vocatur* a le **Bederepe.** Plac. in Craft. Pur. 10 Hen. 3. Rot. 8. Surrey. See *Magna Precaria,* and *Precaria.*

Bedeweri are those which we now call *Banditi,* profligate and excommunicated Persons. The Word is mentioned in *Mat. Paris. Anno* 1258. *Sicque facta est pax dispersis prædonibus quos* Bedeweros *vocant.*

Belerium, the same with *Antivestæum.*

Belgæ, *i. e.* the Inhabitants of *Somersetshire, Wiltshire,* and *Hampshire.*

Belisama Fluvius, *Ribbel* in *Lancashire.*

Belundiuta, for **Blodwita,** *i. e.* an Amerciament for shedding Blood. *Leg. H.* 1. *cap. ult. Qui vulnus alicui faciat, in cooperto, in nudo, pro singulis unciis* 10 *denar. & remaneat de cæteris iclibus* & *belunditis, & vita domino decidat, si sanguis decidat.*

Benefice (*Beneficium*) is generally taken for any Ecclesiastical Living or Promotion, be it Dignity, or other; as *Anno* 13 *Rich.* 2. *Stat.* 2. *cap.* 2. where Benefices are divided into Elective and Donative. So it is used in the Canon Law. *Duarenus de Beneficiis, lib.* 2. *cap.* 3.

Beneficio primo Ecclesiastico habendo is a Writ directed from the King to the Chancellor, to bestow the Benefice that shall first fall in the King's Gift, above or under such a Value, upon this or that Man. *Reg. of Writs, fol.* 307. *b.*

Beneficium was an Estate in Land at first granted for Life; and it was called *Beneficium,* because it was held *ex mero Beneficio* of the Donor. These Tenants were bound to swear Fealty to the Donor, and to serve him in the Wars: They were only Usufructuaries at first, and no more; and most commonly such Estates were given to Military Men, that they might be more firmly bound to perform Military Services. At length, by the Consent of the Donor or his Heirs, these Estates were continued to the Posterity of the Donee, subject to the same Services as before. And those which were given by Kings, were called *Regalia Beneficia.* But sometimes such Benefices were given to Bishops and Abbots, subject also to the like Services, *viz.* to provide Men to serve in the Wars; and when they, as well as the Laity, had obtained a Property in these Lands, they were called *Regalia,* which upon the Death of a Bishop returned to the King till another was chosen. Thus we read in *Randulphus de Diceto, Anno* 1093. *viz.* That *W.* 2. commanded that the City of *Canterbury,* which Archbishop *Lanfranck* held of him *in Beneficio,* and that the Abbey of St. *Albans,* which was enjoyed by him and his Predecessors, should for the future be held by Archbishop *Anselme in Alodium Ecclesiæ Cantuariæ perpetuo jure.* And thus began Feodatary Estates, which we now call Fee-Simple.

Benerth was a Service which the Tenant render'd to his Lord with his Plough and Cart. *Lamb. Itin pag.* 202. and *Coke on Littl. fol.* 86. *a.* Sometimes called *Binryrden* and *Benyrden.*

Benevolence (*Benevolentia,* Favour, Good-will) is used both in the Chronicles and Statutes of this Realm, for a voluntary Gratuity given by the Subjects to the King. *Stow's Annals, pag.* 701. By the Statute of 1 *Rich.* 3. *cap.* 2. it is called *A New Imposition.* But *Stow, pag.* 791. saith, That the Invention grew from *Edward* the Fourth's Days. You may find it also (*Anno* 11 *Hen.* 7. *cap.* 10.) to be yielded to that worthy Prince in regard of his great Expences in Wars, and otherwise. See *Coke's* 12 *Rep. fol.* 119, 120. It is in other Nations called *Subsidium Charitativum,* given sometimes

times to Lords of the Fee by their Tenants, sometimes to Bishops by their Clergy. *Cassan. de Consuet. Burg. pag.* 134, 136. By Act of Parliament, 13 *Car.* 2. *cap.* 4. it was given to His Majesty K. *Charles* the Second.

Benones. High Cross.

Benrip. —*Tenentes de Whitborn in Com. Heref. debent pro quadam consuetudine quæ vocatur* Benrip, *viz. pro quinque operationibus in termino Beati Michaelis, 5 d.* Liber niger Heref. See *Bedrepe.*

Berbiage. (*Berbiagium*) *Nativi tenentes Manerii de* Calistoke *reddunt per An. de certo reditu vocat.* Berbiag. *ad le* Bokeday xix s. MS. Survey of the Dutchy of *Cornwal.*

Berbicaria, A Sheep-Down, or Ground to feed Sheep: *Leg. Alfredi, cap.* 9. *Et quod de* Berbicaria, *&c.* Sometimes 'tis wrote *Bercheria, Mon.* 1 *Tom. pag.* 308.

Bercaria, (from the Fr. *Bergerie*) A Sheepcoat or Sheepfold. In *Domesday* it is written *Bergvarium. Coke's Inst. Part* 2. *fol.* 476. *Mandatum est Roberto de Lexinton, quod Abbati de Miraval faciat unam* Bercariam *in pastura de Fairfield ad oves suas custodiendas.* Claus. 9 Hen. 3 m. 12. *Dedi sexaginta acras terræ, ad unum* Bercariam *faciendum* — *Mon. Ang.* 2. *p. fol.* 599. *a.* where it seems to signify a *Sheep-walk* or *Pasture.*

Berefellarii, i. e. *Permerdati:* There were seven Church Men so called, anciently belonging to the Church of St. *John* of *Beverley.* —*Sed quia eorum turpe nomen* Berefellariorum *patens risui remanebat, dictos septem de cætero non* Berefellarios, *sed* Personas *volumus nuncupari.* Pat. 21 Ric. 2. par. 3. m. 10. per Inspex.

Berefreit, Berefreid, *i. e.* a great wooden Tower: *Videns autem Rex se non ac disposuerat profi-cere, lignam turrim quam* Berefreit *vocant erexit.* Simeon Dunelm. Anno 1123.

Beregafol, *i. e.* A Tribute of Barley, from the *Saxon* Bere, *hordeum &* Gafol, *Tributum.*

Berewicha, Domesday. *Istæ sunt* Berewichæ *ejusdem Manerii.* Villages or Hamlets belonging to a Manor. See *Berwica.*

Berewis. See *Berwica.*

Berghmaster, vulgarly **Barmaster** and **Barmer** (from the *Sax.* berg. *Mons*; *quasi,* Master of the Mountain) *Præfectus seu Curator fodinæ.* A Bailiff or chief Officer among our *Derbyshire Miners,* who among other Parts of his Office, does also execute that of *Coroner* among them. —*Juratores dicunt, quod in principio quando Mineralistes veniunt in campum mineras quærentes, inventa mineta, venient ad Balivum qui dicitur* Berghmaster, *& petent ab eo duas Metas, si sit in novo campo, & habebunt unam, scil. pro inventione, & aliam de jure Minerarorum, & unaquæque meta continet quatuor Perticatas, & ad foveam suam septem pedes, & unaquæque Perticata erit de 24 pedibus, &c.* Esc. de An. 16 Edw. 1. num. 34. See *Bergmoth,* and Sir *J. Pettus* his *Fodinæ Regales.* The *Germans* call a Mountaineer, or Miner, a **Bergman.**

Berghmoth or **Berghmote,** vulgarly **Barmote.** —*Juratores dicunt etiam quod Placita del* Bergmoth *debent teneri de tribus septimanis in tres septimanas super mineram in Peccо.* Esc. 16 Edw. 1. ut supra. This **Berghmoth** or **Berghmote,** comes from the *Saxon* berg, *i. e. Mons,* and mote or gemote, *conventus: Quasi,* the Court held upon a Hill, for deciding Pleas and Controversies among the *Derbyshire* Miners; of which, thus Mr. *Manlove,* in his ingenious Treatise of their Customs.

	—*And Sute for* Oar *must be in* **Berghmote Court,**
3 Edw. 6.	*Thither for Justice* Miners *must resort:*
Art. 9.	*If they such Sutes in other Courts commence,*
3 & 4 Phil. &	*They lose their due* Oar-debt, *for such offence;*
Ma. Art. 16.	*And must pay Costs; because they did proceed*
	Against their Custom: Miners *all take heed.*
3 Edw. 6.	*No Man may sell his* Grove, *that's in contest,*
Art. 20.	*Till Sute be ended; after the* Arrest.
3 & 4 Phil. &	*The Seller's* Grove *is lost by such Offence,*
Ma. Art. 26.	*The Buyer fined for such Maintenance.*
16 Edw. 1. c. 2.	*And two great Courts of* **Berghmote** *ought to be*
3 Edw. 6. Ar.	*In every Year upon the* Minery,
10.	*To punish* Miners *that transgress the Law,*
3 & 4 Phil. &	*To curb Offenders, and to keep in awe.*
Ma. Art. 19,	*Such as be* Cavers, *or do rob Mens* Coes;
30 & 33.	*Such as be* Pilferers, *or do steal Mens* Stows;
	To order Grovers, *make them pay their part,*
	Joyn with their Fellows, or their Groves *desert;*
	To fine such Miners *as Mens* Groves *abuse,*
	And such as Orders to observe refuse;
3 & 4 Phil. &	*Or work their* Meers *beyond their length and* Stake;
Ma. Art. 31.	*Or otherwise the* Mine *and* Rake;
	Or set their Stows *upon their Neighbors Ground,*
	Against the Custom, or exceed their Bound:
Ibid. Art. 45.	*Or Purchasers, that* Miners *from their way*
	To their Wash-troughs *do either stop or stay;*
	Or dig or delve in any Mans Bing-place;
26 Edw. 1.	*Or do his* Stows *throw off, break, or deface;*
cap. 2.	*To fine Offenders, that do break the Peace,*
3 & 4 Phil. &	*Or shed Mans Blood, or any Tumults raise;*
Ma. Art 28.	*Or Weapons bear upon the* Mine *or* Rake;
	Or that Possession forcibly do take;
	Or that disturb the Court, the Court may fine
	For their Contempts (by Custom of the Mine)

And

And likewise such as dispossessed be,
And yet set Stowes against Authority;
Or open leave their Shafts, or Groves, or Holes,
By which Men lose their Cattle, Sheep, or Soules.
And to lay Pains, that grievance be redrest,
To ease the burdens of Poor-men oppress.
To swear Berghmaysters, *that they faithfully*
Perform their Duties on the Minery;
And make Arrests, and eke impartially
Impanel Jurors, *Causes for to try;*
And see that Right be done from time to time
Both to the Lord, and Farmers on the Mine.

Beria, A large open Field: And those Cities and Towns in *England* which end with that Word, are built in plain and open Places, and do not derive their Names from Boroughs, as Sir *Henry Spelman* imagines. *Du Cange.*

Berkshire. See *Atrebatii.*

Bernagium. See *Brenagium.*

Bernet. (*Incendium* from the *Sax.* byrnan, to burn) is one of those Crimes, which, by *Henry* the First's Laws, *cap.* 13. *emendari non possunt*: It signifies *Domus combustio*, according to MS. *Bibl. Cotton. tit.* Vitellius. *C.* 9. Sometimes it signifies any capital Offence, *Leges Canuti apud Brompt. cap.* 90. *Leg. H.* 1. *cap.* 12. 47.

Berocsire, in *Domesday* is used for *Berkshire.*

Berquaria. See *Berbicaria* and *Bercaria.*

Berquarii & **Bercarii**, Shepherds. *Domesday.* See *Bercaria.*

Berras assartare (Pet. in Parl. 18 *Ed.* 1.)

Bereithatch in the Court-Rolls of the Manor of *Chuton* in *Com. Somerset*, is used for Litter for Horses.

Berruuich. See *Berwica*: *Habet Rex* Edwardus *unum manerium* Derbie *nominatum cum sex* Berruuich.

Bersa, (Fr. *Bers*) A limit, compass, or bound, —*pasturam duorum Taurorum per totam* Bersam *in Foresta nostra de Chipenham*, &c. Mon. Ang. 2 par. fol. 210. a. A Park Pale.

Bersare (from the *Germ.* Bersen, to shoot) —*Bersare in Foresta mea ad tres arcus*: (Charta Ranulfi Comitis Cestriæ, Anno 1218.) that is, to hunt or shoot with three Arrows in my Forest.

Bersarii were properly those that hunted the Wolf, from the *Saxon* bæpp, *Lupus.*

Bersatrix (from the Fr. *Bercer*, to rock) a Rocker. *Rex—Sciatis quod pro bono servitio, quod dilecta nobis Matilda de Plumton*, Bersatrix *Edwardi Comitis Cestriæ, filii nostri carissimi, eidem filio nostro impendit, Concessimus eidem Matildæ decem marcas percipiend. singulis annis ad Scaccarium nostrum*, &c.) Pat. 10 Edw. 3. *pa.* 1. *m.* 30.

Berselet (*Berseleta*) A Hound. —*Ad Bersandum in Foresta cum novem arcubus & sex* Berseletis. Charta Rog. de Quincy.

Berton (*Bertona*, from the *Sax.* Bere, *hordeum*, & ton, *villa*) *Est area in aversa parte ædium ruralium primariarum, in qua horrea, stabula & viliores officii ædificia sita sunt, & in qua foventur domestica animalia & negotiationes rusticæ peraguntur.* —*Rex Thesaurario & Baronibus suis de Scaccario salutem. Quia volumus quod Castrum nostrum Glocestriæ, nec non & Tina* & Bertona *Gloc. corpori dicti Comitatus nostri Gloc. annectantur*, &c. Claus. 32 Edw. 1. m. 17. It comes from the *Saxon* Bere, which signifies Barley, and from thence comes Bern, a Barn, *i. e.* Bere-ern, a Place for Barley; and Berepton, a Barn-floor; and so Bastton, which signifies a Farm, and is always distinct from a Manor.

Bertonarii. —*Cum Bertona terris & tenementis, quæ* Bertonarii *modo tenent ad voluntatem*, Charta Johannis Epis. Exon. dat. 24 Dec. Anno 1337. Doubtless these were such as we now call Farmers, or Tenants of *Bertons*, Husbandmen, that held at the Will of the Lord. In *Devonshire* they call a great Farm or Mansion, a *Berton*; a small Farm, a *Lyoing.*

Berwica, A Hamlet, or Village appurtenant to some Town or Manor; often found in *Domesday*; from the *Sax.* Berepica, a Corn-Farm: *Maneriuum minus ad majus pertinens; non in gremio Maneri, sed vel in confinio vel disjunctius interdum situm est.* Spelman. So in the Donation of *Edward the Confessor*, *Tothill* is called, *The Berwick of Westminster.* Cam. Brit. fol. 816.

Berwick upon Tweed. See *Borcovicus* and *Tuesis.*

Bery or **Bury**, The Vill or Seat of a Nobleman, a Dwelling-House, a Mansion-House, or Court, a chief Farm. From the *Sax.* Beorg, which signifies an Hill or Castle; for heretofore their Seats were Castles situate on Hills, of which we have still some Remains. The chief House of a Manor, or the Lord's Seat, is still so called in some Parts of *England*; as in *Herefordshire* there are the *Beries* of *Stockton*, *Luston*, *Hope*, &c. anciently used also for a Sanctuary.

Besaile (Fr. *Bisayeul*, *Proavus*; the Father of the Grand-father) signifies a Writ that lies where the Great Grand-father was seised of any Lands or Tenements in Fee-simple the Day he died; and after his Death a Stranger abates or enters the same Day upon him, and keeps out his Heir, &c. The Form and further Use of this Writ, read in *Fitz. Nat. Brev. fol.* 221.

Besca, A Spade or Shovel: (From the Fr. *bescher*, to dig or delve) —*In communi pastura turbas, cum una sola besca, fodient & nihil dabunt.* Prior. Lew. Custumar. de Hecham. pag. 15. Hence perhaps, —*Una* bescata *terræ inclusa*, (*Mon. Angl. Par.* 2. *fol.* 642. *a.*) may signify as much Land as one Man can dig with a Spade in a Day.

Bestials (Fr. *Bestiails*) *i. e.* Beasts or Cattle of any sort: *Anno* 4 *Edw.* 3. *cap.* 3. it is written *Bestail*; and is generally and properly used for all kind of Cattle. Mentioned also in 12 *Car.* 2. *cap.* 4. *i. e.* Cattle used when the King is in his Progress.

Betaches. —*Et Hibernicos sic admissos ad legem prædictam more Anglicorum pertractari mandamus, jure nostro & aliorum Dominorum in bonis & catallis Nativorum, qui vulgariter in illis partibus* Betaches *nominantur*, &c. *i. e.* Lay-men using Glebe Lands. *Pat.* 14 *Ed.* 2. *p.* 2. *m.* 21. *intus.*

Bethugavel. See *Bagavel.*

Beverly. See *Petuaria.*

Bewared is an old Word, signifying expended, from the *Saxon* pafne, i. e. *Merx*, for before the *Britons* and *Saxons* had plenty of Money, they traded in Exchange of Wares.

Bibroci. The Inhabitants of the Hundred of *Brey* in *Berks.*

Bicarium. (Fr. *Bicchier*, Ang. *a Pitcher*) 'Tis mentioned in *Fleta, Lib.* 2. *cap.* 14. *par.* 2. by the Name of *Picium*, viz. *Clericum eorundem officiorum qui de expensis dicta, viz. Panis, vini, & cervisiæ, piciorum, cyphorum, salis, & hujusmodi respondeat.*

Bidale, or Bidall. (*Precaria potaria*, from the *Sax.* Bidban, *i. e.* To pray or supplicate) is the Invitation of Friends to drink *Ale* at the House of some poor Man, who thereby hopes a charitable Contribution for his Relief; still in use in the West of *England*, and falsly written *Bildale* in some Copies of *Bracton, lib.* 4. *cap.* 2. *num.* 18. And mentioned 26 *Hen.* 8. *cap.* 6. See *Sothale.*

Bidding of the Beads (*Anno* 27 *Hen.* 8. *cap.* 26.) was anciently an Invitation or Notice given by the Parish Priest to his Parishioners at some special Times to come to Prayers, either for the Soul of some Friend departed, or upon some other particular Occasion. And to this Day, our Ministers do usually, on the Sunday precedent, *bid* such Festivals, as happen in the Week following, *Holidays*; that is, desire or invite their Parishioners to observe them. *Bidding* comes from the *Sax.* Bidban, *i. e.* To desire or intreat; and Bead in that Language signifies a Prayer.

Bidrepe (*Bidripe*) See *Bedrepe.*

Biduana, *i. e.* Fasting the Space of two Days; 'tis mentioned in *Mat. Westm. pag.* 135. and in *Flor. of Worcester, pag.* 63. *Biduana suscipiunt omnes Episcopi in Mediolani.*

Biga, properly a Cart, or Chariot, drawn with two Horses, coupled side to side; but in our ancient Records it is used for any Cart, Wain, or Waggon. —*Et quod eant cum Bigis & carris cum cæteris plaustris super tenementum suum, &c.* 2 *Mon. Ang. fol.* 256. b.

Bigamus is he that hath married two or more Wives, or a Widow, as appears in the Statutes, 18 *Edw.* 3. *cap.* 3. and 4 *Edw.* 6. *cap.* 12. *Coke's Inst. Part* 2. *fol.* 273.

Bigamy (*Bigamia*) signifies a double Marriage, or Marriage of two Wives; it is used for an Impediment to be a Clerk, *Anno* 4 *Edw.* 1. 5. Upon those words of St. *Paul* to *Timothy*, Chap. 5. 2. (*Oportet ergo Episcopum irreprehensibilem esse & unius uxoris virum.*) Upon which the Canonists founded that Doctrine, That he that hath married a Widow, is by their Interpretation, taken to have been twice married. And both these, they not only exclude from holy Orders, but deny them all Privileges that belong to Clerks. But this Law is abolished by 1 *Edward* 6. *cap.* 12. and 18 *Eliz. cap.* 7. which allow, to all Men that can read, as Clerks, though not within Orders, the Benefit of Clergy, in case of Felony not especially excepted by some other Statute. *Brook, tit. Clergy.*

Bigot is a Compound of several old *English* words, and it signifies an obstinate Person, or one who is wedded to an Opinion, *viz. Rollo*, the first Duke of *Normandy*, refused to kiss the King's Foot, unless he holding bussed him for that purpose, it being an Ceremony used in Token of Subjection for that Dukedom with which the King at that Time invested him; those who were present, taking Notice of the Duke's Refusal, advised him to comply with the King's Desire, who answered them *Ne se Bigot*, whereupon he was in derision called *Bigot*, and the *Normans* are still so called.

Bilage (Sax.) See *Bilaws.*

Bilancia deferendis is a Writ directed to a Corporation, for the carrying of *Weights* to such a Haven, there to weigh the Wool that such a Man is licenced to transport. *Reg. of Writs, fol.* 176. a.

Bilaws or By-laws (*Bilaginei*, from the Gothish By, *Pagus*, and lagen: *Lex*, or from the Sax. Bilage, *i. e. Leges villæ & pro re natu conditæ*) are particular Orders made in Court-Leets or Court-Barons by common assent of the Tenants, for the good of those that make them, in some particular Cases, whereto the publick Law does not extend. *Coke, Vol.* 6. *fol.* 63. *Kitchin, fol.* 45. & 79. In *Scotland* they are called *Laws of Burlaw* or *Birlaw*, which are made and determined by the Consent of Neighbours, elected by common Consent in the *Birlaw-Courts*, wherein Knowledge is taken of Complaints betwixt Neighbour and Neighbour; which Men, so chosen, are Judges and Arbitrators to the effect aforesaid, and are called *Birlaw-men.* For Bawr or Bawrman in *Dutch*, is *Rusticus*, and so Birlaw or Burlaw, *Leges Rusticorum. Skene.* By Stat. 14 *Car.* 2. *cap.* 5. the Wardens and Assistants for making and regulating the Trade of *Norwich* Stuffs, are impowered to make *By-Laws, &c. Anno* 20 *Car.* 2. *cap.* 6.

Bilinguis signifies in the General, a double-tongued Man, or one that can speak two Languages; yet it is used for that Jury which passeth in any Case betwixt an *Englishman* and an Alien, whereof part must be *Englishmen*, and part Strangers. *Anno* 28 *Edw.* 3. *cap.* 13.

Bill (*Billa*) is diversly used: First, as a Security for Money under the Hand and Seal of the Debtor, and is without condition or forfeiture for Non-payment. 2. *Bill* is a Declaration in Writing, expressing either the Wrong the Complainant hath suffered by the Party complained of, or else some Fault committed against some Law or Statute of the Realm. This *Bill* is most commonly addressed to the Lord Chancellor of *England*, especially for unconscionable Wrongs done, sometimes to others having Jurisdiction, according as the Law whereon they are grounded does direct; It contains the Fact complained of, the Damages thereby sustained, and Petition of Process against the Defendant for Redress. See more in *West. par.* 2. *Symbol. tit. Supplications.*

Billa vera (Lat.) the Bill is true. The Grand Enquest, empanelled and sworn before the *Justices of Eyre, &c.* endorsing a Bill (whereby any Crime punishable in that Court is presented to them,) with these two Words signify, thereby that the Presentor hath furnished his Presentment with probable Evidence, and worthy further consideration. Whereupon the Party presented is said to stand *indicted* of the Crime, and tied to make answer to it, either by confessing or traversing the Indictment: And if the Crime touch his Life, it is yet referred to another Enquest, called the *Enquest of Life and Death*, by whom, if he be found guilty, then he stands convict of the Crime, and is by the Judge to be condemned to Death. See *Ignoramus* and *Indictment.*

Billets of Gold. (Fr. *Billot*) Wedges of Ingots of Gold, mentioned 27 *Edw.* 3. *Stat.* 2. *cap.* 14.

Bill of Store, is a kind of Licence granted at the

the Custom-house to Merchants, or others, to carry over such *Stores* or Provisions as are necessary for their Voyage, Custom-free.

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

Billus, A Stick or Staff, which in former Times was the only Weapon for Servants. *Leg. H.* 1. *cap.* 70. *Si liber servum occidat, reddat parentibus* 42 *musas & unum billum mutilatum dominus servi pro manbota*: And in *cap.* 78. *Si quis in servum transeat, in signum hujus transitionis billum vel strublum, vel deinceps, ad hunc modum servitatis arma suscipiat, & in manum Domini mittat.*

A Bind of Eels. See *Stick of Eels.*

Binobium. *Binchester.*

Biothanetus, one who deserves to come to an untimely end: *Ordericus Vitalis*, writing of the Death of *Will. Rufus*, who was shot by *Walter Tyrell*, tells us, That the Bishops considering his wicked Life and bad end, thought him *Ecclesiastica veluti* Biothanetum *absolutione indignum.* Lib. 10. p. 782.

Bipertijocum. See *Jocum partire.*

Birlaw. See *Bilaw* and *Byrlaw.*

Birrettum, A thin linen Cap made close to the Shape of the Head.

Bisacutus, An iron Weapon cutting on both Sides: *Fecit eidem unam plagam mortalem de quadam* bisacuta. Fleta, Lib. 1. cap. 33.

Bisantium, A *Besantine* or *Besant*, an ancient Coin, so called, because first coined at *Constantinople.* I have seen an old Lease of Land reserving *unum Bisantium, vel duos solidos*; yet some think it was of greater Value.

Bi-scot. 9 *Edw.* 3. At a Session of Sewers held at *Wigenhale* in *Norfolk*, it was decreed, That if any one in those Parts of *Marchland*, should not repair his Proportion of the Banks, Ditches and Causeys, by a Day assigned, *xii d.* for every Perch unrepaired (which is called a *Bilaw*) should be levied upon him. And if he should not by a second Day given him, accomplish the same; then he should pay for every Perch *ij s.* which is called **Bi-scot.** *Hist. of Imbanking and Dreyning, fol.* 254. *a.*

Billa (*à Gal. Biche*) *Cerva major*, a Hind. —— *Decimam venationis nostræ, scil. de Cervis*, Bissis, *Damis, porcis & laiis.* Mon. Angl. Vol. 1. fol. 648. a.

Bissextile (*Bissextilis*) Leap-Year, so called because the sixth Calends of *March* are in that Year twice reckoned, *viz.* on the 24th & 25th of *February.* So that *Leap-Year* hath one Day more than other Years, and is observed every fourth Year, being first devised by *Julius Cæsar*, to accommodate the Year with the Course of the Sun. And to prevent all doubt and ambiguity that might arise thereupon, it is provided by the Statute *de Anno Bissextili*, 21 Hen. 3. That the Day increasing in the *Leap-Year*, and the Day next before, shall be accounted for one Day, &c. *Briton, fol.* 209. and *Dyer*, 17 *Eliz.* 345.

Black mail (Fr. *Maille*, *i. e.* A Link of Mail, or small piece of Metal or Money) signifies in the Counties of *Cumberland, Northumberland*, and *Westmorland*, a certain Rent of Money, Corn, Cattle, or other Consideration, paid to some inhabiting upon, or near the Border, being Persons of Name and Power, allied with certain Moss-Troopers, or known Robbers within the said Counties; to be thereby by them freed and protected from the danger of those Spoil-makers. *Anno* 43 *Eliz. cap.* 13. See *Mail.* *Black-money* also, mentioned 9 *Edw.* 3. *cap.* 4.

Black mail also signifies the Rents formerly paid in Provisions of Corn and Flesh.

Blackrents (*redditus*) the same with *Black-mail.*

Bladarius. Used in our Records for a Corn-Monger, Meal Man, or Corn-Chandler. *Pat.* 1 *Edw.* 3. *par.* 3. *m.* 13. See *Puleterius.*

Black-Rod, or *Gentleman Usher of the Black-Rod*, is chief Gentleman Usher to the King. He is called in the *Black-Book, fol.* 255. *Lator virgæ nigræ*, and *Hostiarius*; and elsewhere *Virgi-bajulus*: His Duty is *Ad portandam Virgam coram Domino Rege, ad Festum Sancti Georgii infra Castrum de Windesore.* He hath also the keeping of the Chapter-house Door, when a *Chapter* of the Order of the Garter is sitting; and in the Time of Parliament, attends on the *House of Peers.*

He hath a like Habit with the *Register* of the Order, and *Garter* King of Arms; which he wears at the Feast of St. *George*, and all Chapters. He bears a *black Rod*, on the Top whereof sits a Lion, Gold; which *Rod* is instead of a Mace, and hath the same Power and Authority. His Fee is now 38 *l. per Annum.* This Officer hath been anciently constituted by Letters Patent under the Great Seal.

Blade (*Bladum*, Fr. *Bled.*) *Nostro sermone de frugibus tantum intelligitur, præsertim etiam in herba.* Spel. But the *Saxon* Blæd signifies more generally Fruit, Corn, Hemp, Flax, Herbs, &c. or the Branches or Leaves of Trees or Herbs, whilst they grow: *Universis*—Will. de Mohun *salutem, Sciatis me remisisse & quietum clamasse Domino* Reginaldo de Mohun *fratri meo totum Manerium meum de Tor* —— *Salvo mihi instauro meo & blado*, &c. (sine dat.) *i. e.* Excepting my Stock and Corn on the Ground. Hence *Bladier* is taken for an Ingrosser of Corn or Grain: *Sciant* — *quod ego* Willielmus Alzeton, *consensu & voluntate* Beatricis *Uxoris meæ, Dedi* — *Agathæ Gille pro duabus Marcis Argenti & una* mensura bladi, *duas solidatas reditus in villa Leominstr. illas scil. quas* Walterus de Luda *solebat mihi reddere pro quadam terra quæ est inter soldas Adæ Talcurteis & Feodum Johannis Reading. Habend. &c.* (sine dat.) Ex libro Chartar. Priorat. Leominstriæ.

Bladus, A Sky-colour, *Mon.* 3 *Tom. pag.* 170.

Blanda. See *Landa.*

Blanhornum, *i. e.* A little Bell, or rather *Tricimium*, viz. *Pecoris tricimium, & canis oppa & blanhornum, horum trium singulum est unum solidum valens*: From the *Saxon* Blan, *cessans*, & Hornn, *cornu.* Leg. Adelstan, cap. 8.

Blank-Bar is the same with what we call a *Common Bar*, and is the Name of a Plea in Bar, which in an Action of Trespass is put in to compel the Plaintiff to assign the certain Place where the Trespass was committed. It is most used by the Practisers in the Common Bench, for in the King's Bench the Place is commonly ascertained in the Declaration. *Croke*, 2 *Part. fol.* 594.

Blank-Farm, A white Farm; that is, where the Rent was paid in Silver and not in Cattle.

Blanks (Fr. *Blank*, *i. e. candidus*) A kind of Money, coined by King *Henry* the Fifth, in the Parts of *France* which were then subject to *England*, the Value whereof was 8 *d.* *Stow's Annals, pag.* 586. These were forbidden to be current in this Realm, 2 *Hen.* 6. *cap.* 19. The Reason why they were called *Blanks*, was, because at the Time these were coined in *France*, there was also a piece of Gold

Gold coined, called a *Salus*; from which, this of Silver was in Name distinguished by the Colour.

Blasarius, an Incendiary.

Blatum, *Bulnesse* in *Cumberland*.

Ble, with a single e, signifies Sight, Colour, *&c.* with a double e, it signifies Corn. At *Boughton* under the *Blee*. *Ch. fo.* 54.

Blench: To hold Land in *Blench*, is by Payment of a Penny, a Rose, a Pair of Gilt Spurs, or such like Thing, if it be demanded in Name of *Blench*, *i. e. Nomine albæ firmæ*. See *Alba firma*.

Blestum, *Old-Town* in *Herefordshire*.

Blinks, Boughs broken from Trees, and cast in a Way where Deer are likely to pass.

Blissom. This is when a Ram goes to the Ewe: From the *Teuton.* **Bletz**, the Bowels; or from **Bletzen**, To accomodate. 'Tis corruptly called *Blossom* to this Day.

Bloated Fish or Herring (*Anno* 18 *Car.* 2. *cap.* 2.) are those which are half dried; perhaps from the Sax. **Blotan**, To kill, and offer in Sacrifice.

Blockwood. See *Logwood*.

Blodus, a Sky Colour. *Mon.* 3 *Tom. pag.* 170.

Blomary, (*Anno* 27 *Eliz. cap.* 19.) the first Forge in an Iron Mill, through which the Iron passeth before it comes to the *Finary*.

Blondus. See *Blundus*.

Bloodwit, or **Bledwite**, (compounded of the Sax. **Blod**, *i. e. sanguis*, and **pita**, *multa*,) is a Word used in ancient Charters of Liberties, and signifies an Amercement for shedding of Blood; so that whosoever had it given him in his Charter, had the Penalty due for Bloodshed. *Skene* writes it *Bloudveit*, and says *Veit*, in *English*, is *Injuria*; and that **Bloudveit** is an Amerciament or *Unlaw* (as the *Scotch* call it) for Wrong or Injury, as Bloodshed is: For he that hath *Bloodveit* granted him, hath free Liberty to take all Amerciaments of Courts for Effusion of Blood. *Fleta* says, *Quod significat quietantiam misericordiæ pro effusione sanguinis*, Lib. 1. cap. 47. **Bledwite**, i. e. *Si aliqui pugnantes ad invicem in* Rudham *& extraxerint sanguinem*, Prior *habebit inde amerciamenta in Curia sua.* Ex Reg. Priorat. de Cokesford. See *Witam*, *Jurare per Witam*.

Bloody Hand is one the four Kinds of Offences in the King's Forest, by which the Offender is supposed to have killed a Deer. See *Backberend*. In *Scotland*, in such like Crimes, they say, *Taken in the Fact*, *or with the Red Hand*.

Blossom, the same with *Blissom*.

Blubber, (*Anno* 12 *Car.* 2. *cap.* 18.) a Kind of Whale-Oil, so called before it is thoroughly boiled, and brought to Perfection.

Blundus, one with yellow Hair, *Sicut pater suus tenuit tempore Regis Willielmi* Blundi. Meaning *William Rufus*. Du Cange.

Bock-hord, a Place where Books, Evidences, Writings, or other like Muniments, are kept, as the Rolls; from the Sax. **Bock**, *i. e. Liber*, and **Hord**, *Thesaurus*.

Bocland, (Sax) *Terra Hæreditaria vel testamentalis, quasi*, Bookland. A Possession, an Inheritance, a Territory, Farm, or House with Land belonging to it, held by Evidence in Writing. **Bocland** *vero ea possidendi transferendique lege coerebatur, ut nec dari licuit nec vendi, sed hæredibus relinquenda erat, in scriptis aliter permitteretur*; Terra *inde* Hereditaria *nuncupata.* L L. Aluredi cap. 36. See *Charterland*, and *Landhoc*. See *Glossarium in decem Scriptores*. See *Charterer*. This was one of the Titles which the English *Saxons* had to their Lands, and was always in Writing. There was but one more, and that was *Folkland*, i. e. *Terra popularis*, which passed from one to another without any Writing.

Bodies Politick. See *Corporation*.

Bodvary. See *Varis*.

Boilary or **Bullary of Salt**, (*Salina*) a Salt-House, or Salt-pit, where Salt is boiled and made. *Coke on Littl. fol.* 4. *b.* From the Fr. *Bouillon*, a Boiling or Bubbling.

Bolarium. See *Belerium*.

Boldagium. See *Bolhagium*.

Bolhagium, a little House or Cottage: From the Sax. **Bold**, *Domicilium*.

Bollis, a Bowl: *Unum baculum processionale cum uno* bolle *argenteo pro magnâ cruce imponenda*. Mon. Tom. 2. pag. 666.

Bolmeng, Mesling Corn or Bread. From the Sax. **Bold**, a Village, and **Mong**, *Miscela*; because Countreymen eat this Bread.

Bolting, at *Greys-Inn*. The Manner is thus; An *Ancient* and two *Barristers* sit as Judges, three *Students* bring each a Case, and the Judges chuse which of them shall be argued: Which done, the *Students* first argue it, then the *Barristers*. It is inferior to *Mooting*, and may be derived from the Saxon **Bolt**, a House; because done privately in the House for Instruction. In *Lincoln's-Inn*, in Vacation Time, *Monday* and *Wednesday* are the Bolt-Days; *Tuesday* and *Thursday* the Moot-Days: But in Term-time, *è contra*.

Bona fide. We say that is done *Bona fide*, which is done really, with a good Faith, without Dissimulation or Fraud. It is used *Anno* 12 *Car.* 2. *cap.* 18. and 15 *Car.* 2. *cap.* 5.

Bona gestura, Good Abearing, or Good Behaviour, — *Et si per favorem vel aliquos manutentores remuerit invenire sufficientem securitatem de sua* Bona gestura *erga Balivos & Comburgenses, &c. à prædicto Burgo ejiciatur.* MS. Codex de LL. Statutis & Consuetud. Burgi Villæ Mouhtgomer. fol. 15.

Bonaght, or **Bonaghty**, was an Exaction in *Ireland*, imposed on the Subjects at the Will of the Lord, for Relief of the Knights called *Bonaghti*, who served in the Wars. *Antiq. Hibern. pag.* 60. *Camden* in his *Britan. tit. Desmond.* says, *James* Earl of *Desmond* imposed upon the People those most grievous Tributes of *Coin*, *Livery*, *Cocherings*, *Bonaghty*, *&c.*

Bona notabilia. Where the Party dying hath at the Time of his Death Goods or good Debts in any other Diocess, or peculiar Jurisdiction within that Province, besides his Goods in the Diocess where he dies, amounting to the Value of 5 *l.* at the least, he is said to have *Bona notabilia*; and then the Probat of his Will, or granting Administration, belongs to the Archbishop of the Province, whether it be within that of *Canterbury* or *York*. But this does not prejudice those Diocesses where, by Composition or Custom, *Bona notabilia* are rated at a greater Sum. *Book of Canons*, 1 *Jac. Can.* 92, 93. *Perkins*, *sect.* 489. See *Probat of Testaments*.

Bona Patria, an Assise of Countreymen or Good Neighbours: Sometimes it is called *Assisa bonæ Patriæ*; when twelve or more Men are chosen out of any Part of the Countrey to pass upon an Assise: Otherwise called *Jurateres*, because they are to swear judicially in the Presence of the Party, *&c.*

ty, &c. according to the Practice of *Scotland*. See *Assisors*.

Bond, Bondage, and **Bondmen.** See *Nativus*. *Bondmen* in *Domesday* are called *Servi*, and differed from *Villani*. — *Et de toto tenemento, quod de ipso tenet in* Bondagio *in Soca de Nortone cum pertin.* Mon. Angl. 2 par. fol. 609. a.

Bonda, a Master of a Family.

Bonis Arrestandis is a Writ; which see in *Arrestandis Bonis*.

Bonis non amovendis is a Writ to the Sheriffs of *London*, &c. to charge them that one, against whom a Judgment is obtained in an Action, and who prosecutes a Writ of *Error*, be not suffered to remove his Goods, till the *Error* be tried. *Reg. of Writs, fol.* 131. *b.*

Bonium, *Bangor* in *Flintshire*.

Booting or **Boting Corn,** certain Rent-Corn anciently so called. The Tenants of the Manor of *Haddenham*, *in Com. Bucks*, heretofore paid *Booting-Corn* to the Prior of *Rochester*. *Antiquity of Purveyance, fol.* 418. Perhaps it was so called, 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, &c. See *Bote*.

Borcovicus, *Berwick* in *Northumberland*.

Bord, a Jest. From the Fr. *Bourde, fabula*.

Bordaria, a Cottage: From the Sax. Bord, *Domus*. Monasticon, 1 Tom. pag. 37. *Cum* 18 *Servis*, 16 *Villanis*, & 10 Bordis, *cum* 60 *acris prati*.

Bordagium, The Tenure of *Bordlands*, which see. *Item ordinatum est, quod omnes qui terras & tenementa tenent per* Bordagium, *habeant super singulis* Bordagiis, *quæ per prædictum servitium tenentur, capitalem quandam mansionem in loco ad hoc consueto*, &c. Ordinat. Justic. Itin. in Insula de Jersey. This was a Sort of Tenure which subjected a Man to the meanest Services: He could not sell his House without the Leave of the Lord.

Bordarii, or **Borduanni,** often occur in *Domesday*; by some esteemed to be Boors, Husbandmen, or Cottagers; which are there always put after Villains. *Dicuntur* Bordarii *vel quod in tuguriis* (*quæ Cottagia vocant*) *habitabant, seu villarum limitibus, quasi* **Borderers.** Spelm. *Tenentes per servitia plus servilia quam villani, & qui tenent nisi paucas acras* M. S. But see *Bordlands*.

Bord-halfpenny (Sax. Bord, *Tabula*, and Halpeny, *Obolus*) is Money paid in Fairs and Markets for setting up Tables, *Boards*, and Stalls, for Sale of Wares. *In antiquis Chartis multi immunes fiunt ab ista solutione*, says *Spelman*. It is corruptly writ *Borthalpeny* and *Brodhalpeny* in some Authors.

Bord-lands, the Lands which Lords keep in their Hands for the Maintenance of their *Board* or Table. *Est Dominicum quod quis habet ad mensam suam & propriè, sicut sunt* **Bord-lands** *Anglicè*, i. e. *Dominicum ad mensam*. Bract. lib. 4. tract. 3. cap. 9. num. 5. Which Possession was anciently termed *Bordage*. *Sax. Dict. verbo Bord*. And the *Bordarii* (often mentioned in *Domesday*) were such as held those Lands which we now call *Demain Lands*. See *Antiq. of Purveyance, fol.* 49.

Bordlode was a Service required of the Tenant to carry Timber out of the Woods of the Lord to his House.

Bord-Service is a Tenure of *Bord-lands*; by which some Lands in the Manor of *Fulham*, *in Com. Middlesex*, and elsewhere, are held of the Bishop of *London*, and the Tenants do now pay six Pence per Acre in Lieu of finding Provision anciently for their Lord's *Board* or Table.

Borg-breche, (Sax.) a Violation of Suretyship, Pledge-breach.

Borow, or **Borough,** (Sax. Borhoe, Fr. *Burg*,) signifies a Corporate Town, which is not a City. *Anno* 2 *Edw.* 3. *cap.* 3. As also such a Town or Place as sends Burgesses to Parliament, the Number whereof you may see in *Cromp. Jurisd. fol.* 24. Probably *Borhoe* was anciently taken for those Companies consisting of ten Families, which were combined to be one another's Pledge. See *Bracton, lib.* 3. *tract.* 2. *cap.* 10. and *Lambard's Duty of Constables, pag.* 8. *Verstegan* says, That *Burg* or *Burgh*, whence we say *Borough*, signifies a Town having a Wall or some Kind of Enclosure about it; and that those Places which in old Time had among our Ancestors the Name of *Burg* or *Borough*, were one Way or other fenced or fortified: Yet sometimes it is used for *Villa insignior*, or Country Town of more than ordinary Note, not walled.

Borow-head, alias **Headborow,** (from the Sax. Borhoe and *Head*,) signifies (according to *Lambard*, in his *Treatise of Constables*,) the *Head-Man* or Chief Pledge of the Decury or *Borow*, chosen by the rest to speak and act in their Name in those Things that concerned them.

Borow-holders, alias **Burtholders,** *quasi*, *Borhou-ealders*, are the same with *Borow-heads*. *Bracton* calls them *Borghy-Alders*, *Lib.* 3. *tract.* 2. *cap.* 10.

Borow-English (Sax. Borhoe Englise) is a customary Descent of Lands, whereby in all Places, where this Custom holds, Lands and Tenements descend to the youngest Son, or, if the Owner have no Issue, to his youngest Brother, as in *Edmunton. Kitchin, fol.* 102. And the Reason of this Custom (according to *Littleton*) is, For that the youngest is presumed in Law to be least able to shift for himself.

Borow Goods devisable. These Words are found in the Statute of *Acton Burnel*, 11 *Edw.* 1. As before the Statutes of 32 & 34 *Hen.* 8. no Lands were *devisable* at the Common Law but in ancient Baronies; so perhaps, at the making of the aforesaid Statute of *Acton Burnel*, it was doubtful whether Goods were devisable but in ancient *Borows*. For it seems by the Writ *De rationabili parte bonorum*, anciently the Goods of a Man were partible between his Wife and Children.

Borrel-Folk, *i. e.* Countrey People, from the Fr. *Bourre*, i. e. *Floccus*: Because they covered their Heads with such Stuff. *Chau. Fab. of the Apparator, fol.* 43.

Borsholder, the same with *Headborough*, from the Sax. Borhey-Ealder, i. e. *Fidejussor primarius*.

Bortbalpeny. See *Bord-halpeny*.

Boscage (*Boscagium*) is used for that Food which Wood and Trees yield to Cattle, Mast: From the Ital. *Bosco*, *Sylva*. Howbeit *Manwood* says, To be quit *de Boscagio*, is to be discharged of paying any Duty of Wind-fall-Wood in the Forest.

Boscaria, — *Ut ipsi possunt domos &* Boscaria *satis competentia ædificare*. — *Mon. Angl.* 2. *p. fol.* 302. It may either signify Wood-Houses, from *Boscus*; or Ox-Houses, from *Bos*.

Boscus is an ancient Word used in the Law of *England*, for all Manner of Wood. The *Italians* use *Bosco* in the same Sense, and the *French*, *Bois*. *Boscus* is divided into High-wood or Timber, (*Haut-bois*,) and Coppice or Under-wood, (*Sous-bois*.) High-wood

wood is properly called *Saleus*, and in *Fleta Macrèmium*. — *Cum una Carecta de mortuo* Bosco. Pat. 10. H. 6. par. 1. m. 4. *per Inspex.*

Bostar, *i. e.* an Ox-stall. 'Tis mentioned in *Mat. Paris. Anno* 1234. and in *Ingulphus*, *Fecit tum horreum*, Bostaria, *Ovilia, &c.*

Bote, (Sax) Compensation, Recompence, Satisfaction, or Amends. Hence *Man-bote*, *alias Monbote*, Compensation or Amends for a Man slain, who was bound to another. In King *Ina*'s Laws, set out by *Lambard*, *cap.* 96. you may see what Rate was ordained for Expiation of this Offence. Hence also our common Phrase, *To boot*, i. e. *Compensationis gratia.* See *Hedge-bote*, *Plow-bote*, *Housebote*: And see *Skene*, *verbo Bote.*

Boteless. In the Charter of *Hen.* 1. to *Tho.* Archbishop of *York*, it is said, That no Judgment or Sum of Money shall *acquit* him that commits Sacrilege; but he is in English called **Boteless**, *i. e.* without Emendation. *Lib. albus penes Cap. de Suthnes. Int. Plac. Trin.* 12 *Edw.* 2. *Ebor.* 48. We retain the Word still in common Speech. See *Fridstol.*

Botha, a Booth, Stall, or Standing, made in Fairs or Markets. — *Et duas mensuræ liberas ad* Bothas *suas faciendas.* Mon. Angl. 2 par. fol. 132.

Botiler of the King (*Pincerna Regis*, *Anno* 43 *Edw.* 3. *cap.* 3) is an Officer that provides the King's Wines, who (according to *Fleta*, *Lib.* 2. *cap.* 21.) may by virtue of his Office, out of every Ship laden with Sale-Wines, *Unum dolium eligere in prora navis ad opus Regis, & aliud in puppe, & pro qualibet pecia reddere tantum* 20 *solid. Mercatori. Si autem plura inde habere voluerit, bene licebit, dum tamen precium fide dignorum judicio pro Rege apponatur.*

Bottomry, or Bottomary, (*Fœnus nauticum*, *Anno* 16 *Car.* 2. *cap.* 6.) is when the Master of a Ship borrows Money upon the Keel or Bottom of his Ship, and binds the Ship itself, That if the Money be not paid by the Day assigned, the Creditor shall have the Ship. *Ceo* Bottomage *est quand argent est borrow sur Keil del Neif, & le Neif oblige al payment de ceo. Viz. Si ne soit pay al temps, que l'auter avera le Neif.* Latch's Rep. fol. 252. Scarborough's Case.

Others define it thus; When *I. S.* lends Money to a Merchant, who wants it to traffick, and is to be paid a greater Sum at the Return of the Ship, standing to the Hazard of the Voyage; and tho' the Profit be above Six *per Cent.* it is not reckoned Usury.

Bovata terræ is as much one Ox can plow in a Year; *Octo* bovatæ terræ *faciunt carucatam terræ, octo carucatæ faciunt unum Feodum Militis.* 28 *acræ faciunt* Bovatam *terræ.* Mr. S. in notis in Statut. — *Cujus singulæ* Bovatæ *sunt quindecim acræ terræ.* Mon. Angl. par. 3. fol. 91. b. See *Oxgang.*

Bouche of Court, or (as the Vulgar call it) **Budge of Court**, is to have Meat and Drink scot-free there: For so is the Fr. *Avoir Bouche à la Cour*, to be in Ordinary at Court. Sometimes it is extended only to Bread, Beer, and Wine. And this was anciently in use as well in the Houses of Noblemen, as in the King's Court; as appears by this Indenture.

CESTE Endenture fait parentre lui Nobles hommes Monsieur Tho. Beauchamp, *Counte de Warwyke, d'une part, & Monsieur* Joh. Russel *de Strengesham Chivalier d'auter part, tesmoigne, que le dit Monsieur* Johan *est demoure ove le dit Counte pur terme de sa vie, pur la pees & pur guerre, & prendra pur la pees du dit Counte annuelement vynt livres, de la vie du dit Monsieur* Johan, *del Manoir le dit Counte de Chedworth en le Countee de Gloucester, & pur la guerre quarant livres, & serra paie annuelement es termes de la Nativitee Seinte John le Baptiste & de Nowel per ovels portiones des issues du dit Manoir de Chedworth, per les mains del gardein de mesme le Manoir, & averà le dit Mons.* Johan *pur la pees, quant il serra mande de venir al dit Counte,* Bouche au Cour *pur lui mesme, un Chamberlein & un Garson, feyn, provendre &* Ferrure *pur trois Chivaulx pur la temps de sa demoure, Et pur la guerre le dit Mons.* Johan *Mountra lui mesme convenablement, & averà* Bouche au Cour, *ou liverie pur lui mesme, un Chamberlein & trois Garsons, ou gages al afferant & feyn, provendre &* Ferrure *pur cynk chivaulx en manere come autre de son estat, ove le dit Counte, prendront. Et si il preigne prisoner, soit entre le dit Counte & le dit Mons.* Johan, *si come il fait parentre lui & autres Bachilers de sa retenue pur terme de vie. Et voet & grante le dit Counte per cestes presentes Lettres, que si la dite rent annuele de* xx l. *pur la pees, ou de* xl l. *pur la guerre soit a derere & nyent paye pur un moy apres aslcun des termes avantditz, que bien lise au dit Mons.* Johan *ou son Attornie en celle partie en le dit Manoir de Chedworth destreindre pur les arrearages de la dite rent, &c. Donne a nostre Chastel de Warwyke le* xxix. *jour del moys de Marcz l'an du regne le Rey* Richard Second, *puis le Conquest, sisme.*

Boverium, or Boveria, an Ox-house or Ox-stall. — *Ad faciendum ibi* Boverias *suas & alias domos usibus necessarias, &c.* Mon. Angl. 2 par. fol. 210. a. *Loca ubi stabulantur* Boves; according to *Gloss. in* X. *Scriptores.*

Boverton in *Glamorganshire.* See *Bovium.*

Bovium, *Antiquis*, now *Boverton.*

Bound (*Banda*) — *Secundum metas, meras, bundas, & Marchias Forestæ*, 18 *Edw.* 3. *Itin. Pick.* fol. 6. Sir *Edw. Coke*, in 4 *Inst.* fol. 318. derives it from the *Saxon* Bunna; but the *Saxon* Dictionary affords no such Word.

Bow-bearer is an Under-Officer of the Forest, whose Oath will inform you the Nature of his Office, in these Words:

I Will true Man be to the Master of this Forest, and to his Lieutenant; and in their Absence I shall truly over-see, and true Inquisition make, as well of sworn Men as unsworn in every Bailiwick, both in the North Bail and South Bail of this Forest, and of all manner of Trespass done, either to Vert or Venison, I shall truly endeavour to attach, or cause them to be attached, in the next Court of Attachment, there to be presented, without any Concealment had to my Knowledge. **So help me God.** Crompt. Jurisd. fol. 201.

Bracenarius, (Fr. *Braconnier*,) a Huntsman. *Rex mandat Baronibus quod allocent Rob. de Chadeworth Vic. Linc.* lvi. s. vii. d. *quos per præceptum Regis liberavit Joh. de Bellovento pro putura Septem Leporariorum & trium Falconum & Lanerar. & pro vadiis unius* Bracenarii *a die Sancti Joh. Bapt. Anno* 14 *usq; ad Vigil. Sancti Mich. prox. sequen. utroq; die computato, viz. pro putura cujuslibet Leporarii & falconis* i. d. ob. *& pro Vadiis prædicti* Bracenarii *per diem* ii. d. Com. de Anno 26 Edw. 1. Rot. 10. in Dorso.

Bracetus, a Hound. 'Tis mentioned in the *Monasticon*, 2 *Tom. pag.* 283. viz. *Concedo eis* 2 *Leporarios* & 4 Bracetos *ad Leporem capiend.*

Bracheta, *Canis fœmina, quæ Leporem vel Vulpem ex odore persequitur, vulgo* a Brache, Gal. *Brachet.* — *Et duos Leporarios & quatuor* Brachetas *ad capiendum Leporem & Vulpem.* Charta 11 Ed. 2.

Bracina, a Brew-house *M. S. penes* Wil. Dugdale, *Mil.*

Bracinum, a Brewing: The whole Quantity of Ale brewed at one Time, for which *Tolsester* was paid to the Lord in some Manors. See *Gavelcester.*

Brage, *Broughton* in *Hampshire.*

Brampton. See *Bremenium.*

Brancaster. See *Branodunum.*

Brandy, a Kind of Spirit, or Strong-water, made chiefly in *France*, and extracted from the Lees of Wine or Cyder, mentioned in the Act, 20 *Car.* 2. *cap.* 1. Upon an Argument in the *Exchequer*, *Anno* 1668. whether *Brandy* were a *Strong-water* or *Spirit*, it was resolved to be a *Spirit.* But 25 *Nov.* 1669. by a Grand Committee of the whole *House of Commons*, it was voted to be a *Strong-water*, perfectly made. See the Stat. in Pursuance thereof, 22 *Car.* 2. *cap.* 4.

Branodunium, *Brancaster* in *Norfolk.*

Branogenium, *Worcester.*

Brasiare. *Cujusvis Uxor* Brasiabat *intus & extra civitatem Heref. dabat* x *denarios.* Domesday. To brew.

Brasiatrix, a She Brewer. *Siqua* Brasiatrix *ebrasiaverit Cervisiam*, solvet *Tolsester. Reg. Priorat. de Thurgarton.*

Brasium, Malt. In the ancient Statutes *Brasiator* is taken for a Brewer, from the Fr. *Brasseur*; and at this Day also for a Malster or Malt-maker. It was adjudged, 18 *Ed.* 2. *Quod venditio* Brasii *non est venditio Victualium, nec debet puniri sicut venditio Panis, Vini & Cervisiæ & hujusmodi contra formam Statuti.*

Breach Carnium. *Per* Breach Carnium *Thomas Crew, (Magister Hospitalis Sanctis Johannis Baptistæ extra portam borealem Cestriæ) clamat, quod omnes tenentes sui, infra eorum libertates residentes, sint quieti de venditione carnium.* Pla. in Itin. apud Cestriam 14 Hen. 7.

Bread of Treet or Trite, (*Panis Tritici*,) Bread mentioned in the Statute of *Assise of Bread and Ale*, 51 *Hen.* 3. *Stat.* 1. where we read of *Wastel Bread*, *Cocket Bread*, and *Bread of Treet*, which I think do gradually correspond with what we now call *White*, *Wheaten*, and *Boulted* or *Coarse Bread.* Heretofore in Religious Houses they distinguished Bread by these several Names, *Panis Armigerorum*, *Panis Conventualis*, *Panis puerorum*, and *Panis famulorum.* Antiq. Not. See *Cocket.*

Breccæ, (perhaps from the Fr. *Breche*, a Breach in a Wall.) I have seen a Deed with Covenant for Repairing *Muros* & Breccas, *portas & fossata Castelli.* Sine Dat. — *De* Brecca *aquæ inter Woolwich & Greenwich supervidend.* Pat. 16 Ric. 2. Dorso.

Bred is used by *Bracton*, *lib.* 3. *tract.* 2. *cap.* 15. for Broad, *Too long and too bred.*

Breede, is a *Saxon* Word, and signifies *Deceipt: Testimonium est & cognitio quod ibi* Breede *sit.* Leges Canuti, cap. 44.

Breduna, which we now call a *Bridegroom.*

Brehon. The *Irish* call their Judges and Lawyers *Brehones*; and thereupon the *Irish* Law was anciently called the *Brehon Law.* See 4 *Inst. fol.* 358.

Breisna, Weather Sheep. *Concedo Deo & monachis* 30 *Breisnas singulis Annis.* Monast. Tom. 1. cap. 406.

Bremenium, *Brampton* in *Northumberland.*

Brementuracum, *Brumpton* in *Cumberland.*

Brenagium, the Payment in Bran, which the Tenant was to make to feed the Lord's Hounds.

Brentwood. See *Cæsaromagus.*

Bretoyse, or **Bretois**: — *Sciant — quod ego Henricus de Penebrugge Dedi — Omnibus liberis Burgensibus meis Burgi mei de Penebrugge omnes libertates & liberas consuetudines* secundum legem de Bretoyse *nundinis & feriis appertin. secundum tenorem Chartæ Domini Henrici Regis quam habeo. Habendum*, &c. Sine dat. *Secundum legem de* Bretoyse, must certainly signify *Legem Marchiarum*; or, The Law of the *Britains* or *Welshmen*: For *Penebrugge* (now *Pembridge*) is a Town in *Herefordshire*, bordering upon *Wales.*

Brettenham. See *Cambretonium.*

Brevibus & Rotulis liberandis is a Writ or Mandat to a Sheriff, to deliver unto the new Sheriff, chosen in his Room, the County, and the Appurtenances, with the Rolls, Briefs, Remembrances, and all other Things belonging to that Office. *Reg. of Writs, fol.* 295. *a.*

Bribery (from the Fr. *Briber*, To devour, or eat greedily) is a great Misprision, when any Man in judicial Place takes any Fee, Pension, Gift, Reward, or Brocage, for doing his Office, but of the King only. *Fortescue, cap.* 51. and 3 *Instit. fol.* 145.

Bribour (Fr. *Bribeur*, *i. e.* a Beggar) seems to signify in some of our old Statutes, one that pilfers other Mens Goods; as Cloaths out of a Window, or the like.

Bricheminus. *Idem quod Chimine, Anglice* a Way, *in piscariis & mariscis in* Bricheminis & *semitis.* Du Cange.

Bricolls, an Engine, by which they beat down Walls.

Brief (*Breve*) signifies a Writ, whereby a Man is summoned or attached to answer any Action; or (more largely) any Writ in Writing, issuing out of any of the King's Courts of Record at *Westminster*, whereby any Thing is commanded to be done in order to Justice, or the King's Command, and is called a *Brief*, or *Breve*: *Quia* Breviter & *paucis verbis intentionem proferentis exponit & explanat, sicut regula juris rem quæ est* Breviter *enarrat*, says *Bracton, lib.* 5. *Tract.* 5. *cap.* 17. *num.* 2. Also Letters Patent, or a Licence from the King or Privy Council, granted to any Subject to make a Collection for any publick or private Loss, is commonly styled a *Brief.* See *Writ.*

Briga, (Fr. *Brigue*, *i. e.* Debate or Contention,) — *Et posuit terram illam in* Brigam & *intricavit terram*; scilicet, *per diversa fraudulenta Feoffamenta*; *Ideo committitur Maresc* Ebor. Hil. 18 Edw. 3. Rot. 28.

Brigandine, (Fr.) a Coat of Mail, or a Fashion of ancient Armour, consisting of many jointed and scale-like Plates, very pliant unto and easy for the Body, mentioned *Anno* 4 & 5 *Phil. & Mar. cap.* 2. Some confound it with *Haubergeon*; and some with *Brigantine*, (in writing which there is only the *d* turned into *t*) which signifies a low, long, and swift Sea-Vessel, having some twelve or thirteen Oars on a Side.

Brigantes, *Yorkshire*, *Lancashire*, Bishoprick of *Durham*, *Westmerland*, and *Cumberland.*

Brig-bote or **Brug-bote**, *Significant quietantiam reparationis Pontium. Fleta, lib. 1. cap. 47. Pontis refectio vel restauratio.* It is compounded of (*Brig*) a Bridge, and (*Bote*) which is a yielding of amends, or supplying a Defect. See *Bote* and *Selden's Titles of Honour, fol.* 622. Arcis pontisque constructio.

Broccage, (*Broccaginm, Anno* 12 *Rich.* 2. *cap.* 2.) the Wages, Hire, or Trade of a Broker. *Anno* 1 *Jac. cap.* 21. it is written *Brokerage. An.* 11 *H* 4 *num.* 28. not printed. —*Ex* Broccagio, *vel alio sinistro pacto.* Rot. Stat. 31 Ed. 3. m. 11, 12.

Broccella.—*Dedi unam* Broccellam *vocat.* Rahag. *Reg. de Thurgarton.* Dr. *Thoroton* interprets it a Wood. I have not elsewhere met with the Word; nor know I whence to derive it.

Brochia (from the Fr. *broc, Quod lagenam majorem aut cantharum significat.*) *Si quis teneat per servitium inveniendi Domino Regi, certis locis & certis temporibus, unum hominem & unum equum & Saccum cum* Brochia *pro aliqua necessitate, vel utilitate exercitum suum contingentem. Bracton, lib.* 2. *tract.* 1. *cap.* 6. By which it should seem *Saccus* was to carry the dry, and *Brochia* the liquid Things. See *Saccus.*

Brodhalfpeny, *Rectius Bordhalfpeny*, signifies a small Toll, by Custom paid to the Lord of the Town, for setting up Tables, *Bords*, or Booths, in a Fair or Market: From which, they who are freed by the King's Charter, had this Word in their Letters Patent; insomuch, as now the Freedom it self (for shortness of Speech) is termed *Brodhalfpeny.* See *Bordhalfpeny.*

Broggars, from the Fr. *Bragard*, a gay, vain Person, who lives in luxury, and that from the old *French* word *Braguerie, i. e.* braving or swaggering.

Brokers (*Broccatores, Broccarii & Auxionarii*) are of two Sorts, the one an *Exchange Broker*, whose Trade is to deal in Matters of Money and Merchandise between *Englishmen* and Stranger-Merchants, by drawing the Bargain to particulars, and the Parties to Conclusion; for which they have a Fee or Reward. These are called *Broggers, Anno* 10 *Rich.* 2. *cap.* 1. and in *Scotland Broccarii*, that is (according to *Skene*) Mediators or Intercessors in any Transaction, Paction, or Contract, as in Buying, Selling, or Contracts of Marriage. *Broggers of Corn* is used in a Proclamation of Q. *Elizabeth* for *Badgers*, *Baker's Chron. fol.* 411. He that would know what these *Brokers* were wont, and ought to be, let him read the Statute 1 *Jac. cap.* 21. The other is the *Pawn-Broker*, who commonly keeps a Shop, and lets out Money to poor and necessitous People upon Pawns, not without Extortion for the most Part: These are more properly called *Friperers* or *Pawn-takers*, and are not of that Antiquity or Credit as the former; nor does the said Statute allow them to be *Brokers*, though now commonly so called. The original of the Word is *Sax. viz.* from Bpeacan, to break, and from thence comes Bpocob, *i. e.* a Trader broken, or a Bankrupt, and that from Bpoc, which signifies Misfortune, which is often the true Reason of a Man's breaking; so that *Broker* came from one who was a broken Trader by misfortune, and none but such were formerly admitted to that employment, and they were to be Freemen of the City of *London*, and allowed and approved by the Lord Mayor and Aldermen for their Ability and Honesty, and they took an Oath to behave themselves faithfully.

Brothel-houses. King *Henry* the Eighth, by Proclamation 30 *Martii*, 37th of his Reign, suppressed all the Stews or **Brothel-houses**, which long had continued on the Bank-side in *Southwark*; for that they were prohibited by the Law of God, and Law of this Land. 3 *Inst. fol.* 205. And *Rot. Parl.* 14 *R.* 2. *num.* 32.

Bruarium & **Bruyrium.** —*Sciant quod ego Thomas de Estleya miles dedi*—*totam terram meam de Morton, cum* Bruario *quod vocatur le* Chaleng. *Ex M. S. penes* Will. Dugdale *Arm.* Heath, or the Ground where Heath grows. See *Bruyere.*

Bruck-bote (from the Germ. **Bruck**, *i. e. Bridge* and **Bote**, *i. e.* Compensation) signifies a Tribute or Contribution towards the mending or re-edifying of Bridges, whereof many are freed by Royal Charter; and thereupon the Word is used for the very Liberty or Exemption it self. See *Pontage* and *Brig-bote.*

Bruella, Perhaps a little Wood or heathy Ground. —*In Dominicis Bosciis Domini Episcopi, scil. in* bruellis *ex parte australi Regii itineris.* Reg. Priorat. de Wermley, fol. 24.

Bruneta, *i. e.* Dyed Cloth: *Viginti tunicæ de bono* bruneto: 'Tis sometimes wrote *Burneta*, viz. *differentia inter* brunum *colorem &* burnetam; *brunus enim color potest fieri ex lana absque tinctura*, viz. Russetum: Burnetum *vero requirit tincturam & artificium hominis quoad colorem.* Lyndewood.

Brunettum. See *Burneta.*

Bruscia, i. e. *Burnetum. Charta nostra confirmavimus centum acras tam de terra quam de* Bruscia *de manerio de Riveria.* Monast. Tom. 1. pag. 773. Sometimes it signifies a Wood.

Brusdus, **Brudatus**, *i. e*, embroidered: *Casulam unam per totam* brudatam. Monast. 1 Tom. pag. 210. In some Books 'tis *Brullatus* and *Brustatus, septem capas* Brullatas, Thorn, *Quinque capas sericas auro* Brustatas. Monast. 301.

Brushment (*Charta Forestæ, cap.* 14.) Brushwood. *Sciatis nos dedisse licentiam quatenus totam terram suam quæ sita est infra metas forestæ de Rotelard, & quantum ibi habent Brullii possint excolere, & convertere ad terram arabilem.* Monast. pag. 952.

Brusua & **Brusula**, Browse or Bruchwood. *Mon. Ang*, 1 *par. fol.* 773.

Bruyere (Fr. *Bruyere*, Lat. *Bruyrium, erica, quasi ericetum*) Heath and Heath-ground. *Pastura xi quarentenarum & dimid. longitudine & latitudine.* Bruaria 2 *leucarum longitudine & latitudine*, Domesd. *Tit. Dorset. Eccles. Creneburn. Ingelingham. Hac autem appellatione Forenses vocant steriles camporum solitudines, licet ericam non edant*, Heath-ground, Spel.

Bucklarium, A Buckler. —*Et quod malefactores noctanter cum gladiis &* Bucklariis, *ac aliis armis, &c.* Claus. 26 Edw. 1. m. 8. intus.

Buckstall. —*Et sint quieti de Chevagio, Hondpeny, Buckstall, & Tristris, & de omnibus misericordiis, &c.* Privileg. de Semplingham. By the Stat. 19 *Hen.* 7. *cap.* 11. it seems to be a Deer-hay, Toyl, or great Net to catch Deer with; which by the said Statute is not to be kept by any Man that hath not a Park of his own, under pain of 40 *l.*

To be quit of *Buckstalls*, i. e. *Ubi homines convenire tenentur, ibidem convenire ad stableiam faciendam circa feras & ad easdem congregand. quietum esse de hac servitio, quando Dominus chaceaverit.* 4 Inst. fol. 306.

Buck-wheat (Mentioned in the Statute 15 *C.* 2. *cap* 5.) is otherwise called *French Wheat*, and well known. In *Essex* it is called *Blank*; in *Worcestershire, Crap.*

Budge, Lambs Fur.

Budge of Court. See *Bouche.*

Buggery (According to Sir *Edward Coke*, *Rep.* 12. *pag* 36.) comes from the Ital. *Buggerare*, to Bugger, and is described to be *Carnalis copula contra naturam, & hoc vel per confusionem specierum, sc.* a Man or a Woman with a brute Beast; *vel sexuum*, A Man with a Man, or a Woman with a Woman. This Offence committed with Mankind or Beast, is Felony without Clergy; it being a Sin against God, Nature, and the Law, and was brought into *England* by the *Lombardi*, as appears by *Rol. Parl.* 50 *Edw.* 3. *num.* 58. See the Stat. 25 *Hen* 8. *cap.* 6. revived 5 *Eliz.* 17. *Fitz. Nat. Br. fol.* 269. *b* In ancient Time such Offenders were burnt by the Common Law. This most detestable Sin was justly excepted out of the Act of *General Pardon*, 12 *Car.* 2. *cap.* 8.

Bull (*Bulla*, Ital. *Bolla*) was a gold Ornament or Jewel for Children, hollow within, and made in fashion of a Heart to hang about their Necks; but now it is most usually taken for a Brief or Mandate of the Pope, or Bishop of *Rome*, from the Lead or sometimes golden Seal affixed thereto; which *Matthew Paris*, *Anno* 1237. thus describe. *In* Bulla *Domini Papæ stat imago Pauli à dextris Crucis in medio* Bullæ *figurata, & Petri a sinistris.* The Word is often used in our Statutes, as 28 *Hen.* 8. *cap.* 16. 1 & 2 *Phil. & Ma. cap.* 8. and 13 *Eliz. cap.* 2. *Non solum sigillum significat imprimens & impressum, sed ipsas etiam literas bullatas & interdum schedulam seu billam. Misit quoque Archiepiscopus* (Cantuariæ) *Regi & Concilio suo schedulam sive* Bullam, *in hunc modum continentem, &c.* Spelm. *William de Brinkle* recovered by Verdict against *Otho*, Parson of the Church of *Beston*, 10 l. *Pro substractione unius* Bullæ Papalis *de Ordinibus, alterius* Bullæ *de legitimatione, & tertiæ* Bullæ *de veniam exorantibus pro animabus antecessorum suorum.* Trin. 4 Edw. 3. Rot. 100. Bulla, *Olim sigillum significans.* Gloss. in x Scriptores. *Per hanc Chartam* aurea Bulla *munitam.* Charta 15 Johannis, n. 31. intus.

Bullenger. The Commons do Petition, that certain Commissions lately sent to Cities for the making of certain Boats and *Bullengers*, being done without consent of Parliament, might be repealed. *Rot. Parl.* 2 *Hen.* 4. *num.* 22. See *Balenger*.

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

Bullion seems also to signify of old, a Quantity of Salt, according to *Gervase of Tilbury*, writing of the Salt Springs in *Worcestershire*.

Bulnette in *Cumberland*. See *Blatum*.

Bultel is the Refuse of the Meal after it is dressed by the Baker; also the Bag wherein it is dressed. I find the Word mentioned in *Assisa panis & Cervisiæ. Anno* 51 *Hen.* 3. Hence *Bulted Bread*, coarse Bread.

Bunda. See *Bound*.

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

Burcifer Regis (*Pat* 17 *Hen.* 8. *par.* 1. *m.* 2.) Purse-bearer, or Keeper of the King's Privy Purse.

Burdare, *i. e.* To jest or trifle: 'Tis mentioned in *Knighton*, viz. *In tantum erat affabilis Regi, quod burdando petebat à Rege nundinas sibi concedi pro leporariis & canibus, &c.* So in *Matt. Paris. Addit. pag.* 149. *Quod nulli veniant ad turniandum, vel* burdandum, *nec ad alias quascunque Aventuras, &c.*

Burg, (*Burgus*). See *Burgh* and *Borough*.

Burgage (*Burgagium*, Fr. *Bourgage*) is a Tenure proper to *Boroughs*, whereby the Inhabitants by ancient Custom, hold their Lands or Tenements of the King, or other Lord of the *Borough*, at a certain yearly Rent. It is a kind of *Saccage*, says *Swinburn*, *pag.* 3. *Sect.* 3. *num.* 6 *Ad militiam non pertinet, habetur ideo inter ignobiles tenuras.* Mentioned 37 *Hen.* 8. *cap.* 20. *Item non utimur facere fidelitatem vel Servicium forinsecum Dominis feodorum pro terris & tenementis nostris, nisi tantummodo redditus nostros de eisdem terris exeuntes; quia tenemus terras & tenementa nostra per* Servicium Burgagii, *ita quod non habemus* Medium *inter nos & Dominum Regem.* MS. Codex de LL. Statutis & Consuetud. Burgi-villæ Mountgomer. à temp. Hen. 2. *Burgage* was also anciently used for a Dwelling-house in a *Borough-Town*.

Sciant —Quod ego Editha filia Johannis de Aula in ligea virginitate & potestate mea dedi —Deo & Beatæ Mariæ & omnibus Sanctis & Eleemosynariæ Leominstr. pro salute Animæ meæ —In liberam, puram & perpetuam Eleemosynam totum illud Burgagium *cum edificiis & pertin. suis quod jacet in Villa Leominstr.* Ex libro chartarum Priorat. Leom.

Burgagium liberum was when the Tenants had paid their yearly Rent to the superior Lord, they were free from all other Services.

Burgbote (Sax. Burg, Burh, *Burgus*, and Bote, *compensatio*) A Tribute or Contribution, towards the building or repairing of Castles or Walls of Defence; or towards the building of a *Borough* or City. From which divers had exemption by the ancient Charters of the *Saxon* Kings; whence it is ordinarily taken for the Liberty or Exemption it self. *Rastal. Significat* (says *Fleta*) *quietantiam reparationis murorum civitatis vel Burgi.* Lib. 1. cap. 47.

Burgemote (Sax.) *Curia vel conventus* Burgi *vel Civitatis*; the *Borough-Court*,—*Et habeatur in anno ter* Burgesmotus, *& Schiremotus bis, nisi sæpius sit, & interfit Episcopus & Aldermannus, & doceant ibi Dei rectum & seculi.* LL. Canuti. MS. cap. 44.

Burgesses (*Burgarii & Burgenses*) are properly Men of Trade, or the Inhabitants of a Borough or walled Town; yet we usually apply this Name to the Magistrates of such a Town, as the Bailiff and *Burgesses* of *Leominster*. But we do now usually call those *Burgesses* who serve in Parliament for any such Borough or Corporation. *Filius vero* Burgensis *ætatem habere tunc intelligitur, cum diserte sciverit Denarios numerare & pannos ulnare & alia paterna negotia similiter exercere.* Glanvile, lib. 7. cap. 9. In *Germany*, and other Countries, they confound *Burgess* and *Citizen*; but we distinguish them, as appears by the Stat. 5 *Rich.* 2. *cap.* 4. where the Classes of this Commonwealth are thus enumerated. **Count, Baron, Banneret, Chivaleer de Countee, Citezein de Citee, Burgeis de Burgh.** See the Statute of *Merton*, *cap.* 7. and *Coke on Littl. fol.* 80.

Burgh, Burh, Borough, are derived from the *Saxon* Burgh, i. e. *Oppidum, Castrum*; or rather from the *Goth.* Berg, *Rupes, Saxum*: For in ancient Times, Towns were built on Hills, and afterwards removed into Vales for the scarcity of Water on Hills.

Burghbrech *aliàs* **Borghbrech** (*Sax.* Burhbryce, i. e. *Fidejussionis fractio, vel plegii violatio*) *Angli omnes decemvirali olim fidejussione pacem regiam stipulati sunt; quod autem in hanc commissum est,*

Burghbrech *dicitur, ejusque cognitio & vindicta, Regiis Chartis, plurimis credebantur, pro quorum dignitate, mulcta alias levior fuit, alias gravior.* Vide LL. Canuti, cap. 55. **Burghbrich**, i. e. *Lapsio libertatis aut septi.* Gallice, *blesmure de Courte ou de close.* Polychr. lib. 1. cap. 50.

Burgherish. —*Istæ consuetudines pertinent ad Taunton,* **Burgherish**, *Latrones, Pacis infractio, Hamsfare, Denarii de Hundret & Denarii S. Petri, &c.* MS. Camdeni penes Will. Dugdale, Armig. Quære.

Burghware (*q. burgi vir*) A Citzen or Burgess. *Willielmus Rex salutat Willielmum Episcopum & Goffredum Portgrefium & omnem* **Burghware** *infra London.* Charta Willielmi sen. Londinensibus confecta.

Burglary (from the *Sax.* **Burgh**, *Domus* or *Arx*, and **Lapon**, *fur. Coke, lib. 4. fol. 39.*) is a felonious entring into another Man's Dwelling-house, wherein some Person usually inhabits, or into a Church, in the Night-time, with Intent to commit some Felony therein; as to kill some Man, steal somewhat thence, or to some other felonious Act, though he execute it not. The like Offence by Day, we call *House-robbing* or *House-breaking*, by a particular Name. How many ways *Burglary* may be committed, see *Crompt. Just. of Peace, fol.* 28, 29, 30. and 3 *Part, Inst. fol.* 363. It shall not have Benefit of Clergy. *Anno* 18 *Eliz. cap.* 7.

Buri, *i. e.* Husbandmen: 'Tis mentioned in the *Monasticon*; 3 *Tom. pag.* 184. viz. *In Upton sunt* 18 *Villani*, 11 *Bordarii & duo* **Buri** *& presbyter.*

Burlimen. See *Sucking.*

Burneta, *i. e.* Cloath made of dyed Wool: *Brunus Color* may be made with Wool without dying, which we call Medleys or Russet; but a burner Colour must be dyed.

Burrochium, A Barroch, or small Wear, where Weels are laid in a River for the taking of Fish.

Bursa, A Purse. *Reddendo inde ad* **Bursam** *Abbatis* vi d. *ad Festum Sancti Michaelis*, &c. Ex lib. Chartarum Prioratus Leominstr.

Bury. See *Berrie.*

Busca & **Buscus** (Fr. *Busche*) Underwood, Billet, also Brushwood. *Rex, dilectis & fidelibus suis Rad. de Sandewico & Johanni de Blund.* —*quod rogorum artifices ipsos rogos qui in Civitate* (London) *& villis prædictis, ex* Busca, *vel carbone Bosci fieri consueverunt, jam de novo, præter solitum, ex carbone marino concremant & componunt.* Pat. 35 Edw. 1. m. 4. dorso. See *Busta.*

Burtholders. See *Borow-Holders.*

Busones for **Barones**: 'Tis mentioned in *Bracton, Lib. 3. cap.* 1. viz. *Justiciarii vocatis ad se* 4 *vel* 5 *vel pluribus de majoribus Comitatus qui dicuntur* Busones Comitatus *& ad quorum nutum dependet votum aliorum, &c.*

Busca, *i. e.* A great Ship.

Busca, *& Bustus*, —*& unum Caracatum* **Bustæ** *singulis septimanis in Bosto prædicto.* Mon. Angl. 1 par. fol. 473. b. Firewood, properly the loppings of Trees. *Et auxi Johan. Ate Gate prist* buche *& Carboun à la mountance* xxviij s. iij d. *saunz paiement.* Pla. Parl. 14 Edw. 2. Elsewhere I find, *cum spinis & bustis*, where it seems to signify Trowse or Tynet for repair of Hedges.

But (*Butticum*) Every **But** of **Malmsey** to contain at the least 126 Gallons, *Anno* 1 *Ric.* 3. *cap.* 13. There is also a Measure called a *Salmon-But*, which contains 84 Gallons, *Lib. Assis. & Stat.* 2 *H.* 6. 11.

Butescarles. See *Buzcarles. Chronicon, Sax. pag.* 172.

Butterage of **Mines** signifies that Imposition upon Sale-Wine brought into the Land, which the King's Butler, by vertue of his Office, may take of every Ship; that is, two Shillings of every Tun of Wine imported by Strangers. *Rot. Parl.* 11 *Hen.* 4. *Anno* 1 *H.* 8. *cap.* 5. See more in *Butler of the King*, and *Prisage.* The Stat. 12 *Car.* 2. *cap.* 24. for taking away of *Purveyance*, **Does not extend to prejudice the ancient Duties of Butlerage, and Prisage of Mines, but they are to continue as before the making this Act.** See *Calthrop's* Reports of special Cases, *pag.* 23. and 4 *Inst. fol.* 30.

Buttum terræ, A But of Land. —*Dedi decem acras & unum* Buttum terræ, *cum capuciis & Sidlingis prati ad eandem terram pertinentibus.* Charta M. de Sibbeford, penes Wil. Dugdale, Mil.

Buzcarles or **Buscarles** (*Buscarli & Butbscarli*) *Sunt qui portus nauticos custodiunt*: Mariners or Seamen. *Quando Rex ibat in expeditionem vel terra vel mari; habebat de hoc Manerio aut* xx *sol. ad pascendos suos* Buzecarl. *aut unum hominem ducebat secum pro honore quinque Hidarum.* Domesd. tit. *Wilisc. Wilton.* And *Selden's Mare clausum, fol.* 184. where it is written *Butsecarli.* See *Batswain.*

Buzones Judiciorum. *Placita de temp. Johannis Regis. Gloc.* 139 See *Busones* Comitatus.

Bydalle, (*Anno* 26 *Hen.* 8. *cap.* 6.) See *Bid-ale.*

Bye, **Bee**, Words ending in *Bye* and *Bee* are derived from the *Saxon* **Bye**, which signifies a dwelling Place or Habitation.

Byrlaw or **Laws of Burlaw**, (*Leges Rusticorum*, from the *Germ.* **Baur**, i. e. *Rusticus*, & **Lauth**, *Lex.*) Laws made by Husbandmen, or Townships, concerning Neighbourhood, to be kept among themselves. *Skene, pag.* 33. See *Bilaws.*

Byrn and **Byrnan**, i. e. *Lorica.*

C.

Cablish (*Cablicium*) among the Writers of the Forest Laws, signifies *Brush-wood*, or *Browse-wood. Cromp. Jurisd. fol.* 163. But Sir *Henry Spelman* thinks it more properly signifies *Wind-faln-wood*, because it was written of old *Cadibulum*, from *cadere*: or, if derived from the Fr. *Chablis*, it also signifies *Wind-faln-wood. Item dicunt, quod* Cepped. *& Cablicia vento prostrat. valent per an. dimid. Marcæ.* Inq. de an. 47 *H.* 3. *nu.* 32. *Et debent habere quicquid vento prosternitur præter* Cablicium, *quod pertinet ad Dominum Regem.* Rieley Pla. Parl. fol. 652.

Cacherellus, *i. e.* An inferior Bailiff: 'Tis mentioned in *Thorn*, viz. *Seneschallus & custodes nostri diligenter inquirant de injuriis per* Cacherellos *Vicecomitis, &c.*

Cacia. See *Chacea.*

Cacor and **Chasor**, *i. e.* An hunting Horse, *viz. Dederunt mihi unum* Chasorem, in another Charter 'tis writ *cacorem, Leg. Willi.* 1. *cap.* 22, 23. Mr. *Selden* tells us, that he did not understand the Signification of this Word in the History of the Foundation of the Abbey of *Kingswood* in *Gloucestershire.*

Cade of **Herrings** is 500, of *Sprats* 1000, *Book of Rates*, fol. 45. Yet I find anciently 600 made the *Cade of Herrings*, six score to the Hundred, which is called *Magnum Centum.*

Cadet, The younger Son of a Gentleman.

Caep gildum, *i. e.* the restoring Goods or Cattle, from the *Sax.* **Leap**, *Merx*, & **Gilban**, *solvere.*

Caermarthen. See *Maridunum.*

Cæsaromagus. *Brentwood* in *Essex.*

Calangium & **Calangia**, Challenge, Claim, or Dispute. *Sciant —quod ego Godefridus de Doddensul, cum assensu Amiliæ uxoris meæ, dedi —Deo & Beatæ Mariæ & Dominis meis Priori & Conventui Wigorn. in pura & perpetua eleemosyna unam acram terræ—sine aliqua reclamatione seu* calangio, &c. sine dat. penes Thomam Chyld. Arm. *Boscum, qui fuit in* Calangio *inter ipsum & Walterum.* Mon. Angl. 2 par. fol. 252. b.

Calcaria. *Tadcaster* in *Yorkshire.*

Calcetum, Calceata, *Calcea* & *Catia*, a *Causey* or *Causway*, a hard Way: *De ligno & tabulis* Calcetum *solidum viatoribus fecit.* Du Cange. See *Causey.*

Calcyth, The Place where a Council was held, supposed to be *Kelcheth* in *Lancashire.*

Calefagium, A Right to take fuel yearly: *Confirmamus panagium, herbagium &* Calefagium *in forestâ nostrâ.*

Calendring of Mortted-stuffs (mentioned 5 *Hen.* 8. *cap.* 4. and 25 *ejusdem. cap.* 5) signifies to smooth, trim, and give them a Gloss; it is a Trade both in *London* and *Norwich.*

Calends (*Calendæ*) properly the first Day of every Month, being spoken by it self, or the very Day of the New Moon, which commonly fall out together: If *Pridie* be placed before it, then it signifies the last Day of the foregoing Month, as *Pridie Calend. Maii*, is the last Day of *April.* If any number be placed with it, it signifies that Day in the former Month, which comes so much before the Month named; as the tenth *Calends* of *October*, is the twentieth Day of *September*, because, if one begin at *October*, and reckon backwards, that twentieth Day of *September* is the tenth Day before *October.* In *March, May, July*, and *October*, the *Calends* begin at the sixteenth Day, in other Months at the Fourteenth, which *Calends* must ever bear the Name of the Month following, and be numbered backward from the first Day of the said following Months. See more in *Hopton's Concordance, pag.* 69. And see *Ides. Dictum de Kenelworth* is dated the Day before the *Calends* of *November, Anno* 1256. In the Dates of Deeds, the Day of the Month, by *Nones, Ides*, or *Calends*, is sufficient, 2 *Inst. fol.* 675.

Caliburne, The famous Sword of King *Arthur*: *Hoveden & Brompt. in vitâ R.*

Caliver, A great Gun.

Calked, *i. e.* Cast up, also calculated.

Callena. See *Gallena.*

Callis, The King's Highway: 'Tis mentioned in *Huntingdon, Lib.* 1. viz. *Tantæ autem gratiæ inhabitantibus fuit* Britanniæ, *quod quatuor in eâ* Calles *à fine in finem construxerunt regiâ sublimatos auctoritate, &c.*

Calumniare, To Challenge, or lay Claim unto. —*Ista terra* calumniata *Will. Chernet.*—— Domesday. *tit.* Hantscire.

Camadolunum, Ruins near *Almondbury* in *Yorkshire.*

Cambozitum, *Cambridge.*

Cambretonium, *Brettenham* in *Suffolk.*

Cambridge. See *Camboritum.*

Camisia, A Garment of the Priest, called the *Alb*: *Inditus camisiâ lineâ quæ communi nomine dicitur* Alb. *Pet. Blesensis, Serm.* 41.

Camoca, A Garment made of Silk, or something better: *Unum vestimentum pro ferialibus diebus album de* camoca. Monasticon, Tom. 3. part 2. pag. 81.

Camalodunum, *Malden* in *Essex.*

Campertum, Used for a Corn Field. *Alicia de Chapele furabatur* 35 *garbas de* Camperto *Regis, de quo facto indictata, fugit ad Ecclesiam.* Pet. in Parl. 30 Ed. 1.

Campfight. See *Champion*, and 3 *Inst. fol.* 221.

Campus Martii, Mai, was an Assembly of the People every Year upon *May-day*, where they confederated together to defend the Kingdom against Foreigners and all Enemies. *Leges Edw. Confessor. cap.* 35. *Denuo in* Campo Martii *convenere, ubi illi qui Sacramentis inter illos pacem confirmavere, Regi omnem culpam imposuere.* Sim. Dunelm. Anno 1094. *Du Cange.*

Candlemas-day, (Sax. Candelmœssse) The Feast of the Purification of the Blessed Virgin *Mary*, (2 *Febr.*) instituted in Memory and Honour, both of the Presentation of our Blessed Lord, and the Purification of the Blessed Virgin in the Temple of *Jerusalem*, the fortieth Day after her happy Childbirth, performed according to the Law of *Moses, Levit.* 12. 6. It is called *Candlemas*, or a *Mass* of *Candles*, because, before *Mass* was said that Day, the Church blessed, that is, deputed or set apart for sacred Use, *Candles* for the whole Year, and made a Procession with hallowed *Candles* in the Hands of the Faithful, in Memory of the Divine Light, wherewith Christ illuminated the whole Church at his Presentation, when old *Simeon* styled him, *A Light to the Revelation of the Gentiles, and the Glory of his People* Israel, St. *Luke* 2. 32. This Festival-day is no Day in Court, and is the *Grand Day* of *Candlemas* Term in the Inns of Court.

Canes opertiæ. —*Et debent habere* Canes opertias *ex omni genere canum, & non impediatas.* Antiq. Custumar. de *Sutton Colfield.* Dogs with whole Feet, not lawed.

Canfara, A Trial by hot Iron, formerly used here, which see in *Ordeal*, *à candente ferro*: *Si inculpatio sit, & se purgare velit, eat ad ferrum callidum, & adlegiet manum ad* canfaram *quod non falsum fecit*: Where *canfara* is interpreted for *candens. Du Cange.*

Canipulus, A short Knife or Sword: *Ne qui viator* canipulum *deferret vel arcum.* Rad. de Diceto, Anno 1275.

Canonium, *Chelmesford* in *Essex.*

Cantel (*Cantellum*, velut *quantillum*) is that which is added above Measure. *Nullum genus bladi vendatur per cumulum seu* Cantellum, *præter Avenam, Brasium & farinam.* Stat. de Pistor. cap. 9.

Canterbury. See *Dorobernia.*

Cantred, or rather *Cantref*, (*Cantredus*) signifies an hundred Villages, being a *British* word compounded of the adjective **Cant**, *i. e.* an Hundred, and **Tret**, a Town or Village. In *Wales* the Counties are divided into *Cantreds*, as in *England* into *Hundreds.* The word is used *Anno* 28 *Hen.* 8. *cap.* 3. See *Commote.*

Capacity, (*capacitas*) An aptness to contain or receive. Our Law allows the King two *Capacities*, a Natural, and a Politick: In the first, He may purchase Lands to Him and His Heirs; in the later, to Him and His Successors. And a Parson hath the like.

Caparo, a Hood, Cap, or Covering, for the Head. 'Tis mentioned in *Mat. Paris. Anno* 1227. viz. *Concedant eis pannos probationis videlicet duas tunicas sine capucio, & Cingulum & Braccas &* Caparonem *usque ad Cingulum.*

Cape (Lat.) is a Writ judicial touching Plea of Lands or Tenements; so termed (as most Writs are) of that word, which carries the chief Intention,

tion, or end of it. And this Writ is divided by *Cape Magnum* and *Cape Parvum*: Both which (as is before said in *Attachment*) take hold of Things immoveable, and seem to differ in these Points. First, Because *Cape Magnum*, or the *Grand Cape*, lies before Appearance, and *Cape Parvum* afterward. Secondly, The *Cape Magnum* summons the Tenant to answer the Default, and over to the Demandant. *Cape Parvum* summons the Tenant to answer to the Default only; and therefore is called *Cape Parvum* or *Petit Cape*. *Old Nat. Br. fol.* 161, 162. Yet *Ingham* saith it is called *Petit Cape*, not because it is of small Force, but that it consists of few Words.

Cape Magna in the *Old Nat. Brev.* is thus defined: Where a Man hath brought a *Præcipe quod Reddat* of a Thing that touches Plea of Land, and the Tenant makes Default at the Day to him given in the Original Writ, then this Writ shall go for the King to take the Land into his Hands; and if the Tenant come not at the Day given him thereby, he loseth his Land, *&c.* A Form of this Writ you may see in the *Reg. Judicial. fol.* 1. *b.* Of this Writ, and the Explication of its true Force and Effect, read *Bracton, lib.* 3. *tract.* 3. *cap.* 1. *num.* 4, 5, *&* 6.

Cape Parvum, or *Petit Cape*, (in *Old Nat. Br. fol.* 162.) is thus defined: Where the Tenant is summoned in Plea of Land, and comes at the Summons, and his Appearance is recorded, and at the Day given him prays the View, and having it granted makes Default, then shall issue this Writ for the King, *&c.* The Difference betwixt the *Grand Cape* and *Petit Cape* (which in Effect or Consequence are alike) is, that the *Grand Cape* is awarded upon the Defendant or Tenant's not appearing or demanding the View in such real Actions, where the Original Writ does not mention the Parcels or Particulars demanded; and the *Petit Cape* after Appearance or View granted. Its Form see in *Reg. Jud. fol.* 2. and *Fleta, lib.* 6. 44.

Cape ad Valentiam is a Species of *Cape Magnum*, so called of the End whereto it tends, and (in *Old Nat. Br. fol.* 161.) thus described: Where I am impleaded of Lands, and I vouch to warrant another, against whom the Summons *Ad Warrantizandum* hath been awarded, and the Sheriff comes not at the Day given; then, if the Defendant recover against me, I shall have this Writ against the Vouchee, and shall recover so much *in Value* of the Lands of the Vouchee, if he hath so much; if not, then I shall have Execution of such Lands and Tenements as descend to him in Fee; or, if he purchase afterwards, I shall have against him a Resummons; and if he can say nothing, I shall recover the *Value*. This Writ lies before Appearance. Of these, and their divers Uses, see the Table of the *Reg. Judicial. verbo*, Cape.

Capellus ferreus, an Helmet, or Iron Headpiece. See *Halsberge*. *Quicunque laicus habuerit in catallis ad valentiam decem marcatorum habeat Halbergellum & Capellum ferri & lanceam.* Hoveden, pag. 61. *Haberet Albergellum & Capellum ferreum & lanceam.* Idem, ibid.

Cape of Good Hope (*Capo de Bon Speranza*) is a Promontory of the Continent of *Africa*, which extends it self into the Sea towards the South, at 36 Degrees beyond the Line; and was named *Cabo de Bon Speranza* by *John* II. King of *Portugal*, under whom it was discovered by *Barth. Diaz*, about the Year 1491, and is mentioned in the Stat. 12 *Car.* 2. *cap.* 13.

Capias is a Writ of two Sorts: One before Judgment, called *Capias ad Respondendum*, where the Sheriff upon Original, or other Writ in a Personal Action, returns *Nihil habet in Baliva nostra*. The other is a Writ of Execution after Judgment, being also of divers Kinds; as *Capias ad Satisfaciendum*, *Capias pro Fine*, *Capias Utlagatum*, after Judgment, *&c.*

Capias ad Satisfaciendum is a Writ of Execution after Judgment, lying where a Man recovers in Action Personal; as for Debt, Damages, Detinue, *&c.* in the King's Court. In which Case this Writ issues to the Sheriff, commanding him to take the Body of him against whom the Debt is recovered, who shall be put in Prison till he make Satisfaction.

Capias conductos ad proficiscendum is an Original Writ, which lies by the Common Law against any Soldier that hath covenanted to serve the King in his Wars, and appears not at the Time and Place appointed, directed to two of the King's Serjeants at Arms, to arrest and take him wheresoever he may be found, and to bring him *Coram Consilio nostro*; with a Clause of Assistance. 4 *Inst. fol.* 128.

Capias ad Satisfaciendum infinite, (22 *&* 23 *Car.* 2. Act for Relief of Soldiers.)

Capias in Withernamium de Averiis is a Writ lying for Cattle in *Withernam*. *Reg. of Writs, fol.* 82 *&* 83. See *Withernam*,

Capias in Withernamium de Homine is Writ that lies for a Servant in *Withernam*. *Reg. fol.* 79, *&* 80. See *Withernam*.

Capias pro Fine is where one, being by Judgment fined to the King upon some Offence committed against a Statute, does not discharge it according to the Judgment. By this therefore his Body is to be taken, and committed to Prison until he pay the Fine. *Coke, lib.* 3. *fol.* 12. Or where, upon a *Non est factum* pleaded, his Plea is by Evidence, or his own After-acknowledgment, not made out or verified, and the like.

Capias Utlagatum is a Writ which lies against him who is outlawed upon any Action Personal or Criminal; by which the Sheriff apprehends the Party outlawed, for not appearing upon the *Exigent*, and keeps him in safe Custody till the Day of Return, and then presents him to the Court, there farther to be ordered for his Contempt, who (if in the Common Pleas) was in former Times to be committed to the *Fleet*, there to remain till he had sued out the King's Charter of Pardon, and appeared to the Action. At present, in the *King's Bench*, the *Outlawry* cannot be reversed, unless the Defendant appear in Person, and by a Present of Gloves to the Judges, obtain their Favour to reverse it. And in the *Common Pleas* the Defendant (not being an Executor or Administrator) is now to give good Bail (which he is allowed to do by Attorney) to answer the Action, if the Debt or Damage demanded be 20 *l.* or above, and to pay the Plaintiff's Charges, before the *Outlawry* be reversed. And by a special *Capias Utlagatum* in the same Writ, the Sheriff is commanded, and may seize all the Defendant's Lands, Goods, and Chattels, for the Contempt to the King; and the Plaintiff may (after an Inquisition taken thereupon, and returned into the *Exchequer*) obtain a Lease of the Lands extended, and a Grant of the Goods, whereby to compel the Defendant to appear; which, when he shall so do, and reverse the Outlawry, are to be restored to to him. See *Old Nat. Br. fol.* 154. and *Table of Reg. Judic. verbo*, Capias.

Capita Baroniarum, the chief Seats of Barons. *Bracton.*

Capitagium. See *Chevage.*

Capitale, *i. e.* the Thing which is stolen, or the Value of it. 'Tis mentioned in *Leg. H. 1. cap.* 59 viz. *Si furtum redimendum* Capitale *redimentes conjectent*; *i. e.* If the Theft be redeemed, let the Thing stolen, or the Value of it be returned.

Capitale vivens, *i. e.* Live Cattle. *In Leg. Æthelstani. Reddam de meo proprio decimas Deo, tam in* Vivente Capitali, *quam in mortuis fructibus terræ.*

Capite (from *Caput*, i. e. *Rex, unde tenere in Capite*, i. e. *Tenere de Rege, omnium terrarum Capite*) was a Tenure which held of the King immediately, as of his Crown, were it by Knights Service or Soccage. *Broke, tit.* Tenures, 46, 94. *Dyer, fol.* 123. *num.* 38. But by Stat. 12 *Car.* 2. *cap.* 24. all Tenures by Knights Service of the King or of any other Person, Knights Service *in Capite*, or Soccage *in Capite* of the King, and the Fruits and Consequences thereof, are taken away and discharged. And all the Tenures of all Manors, Lands, *&c.* held either of the King, or of any other Person, to be construed and taken for ever to be turned into free and common Soccage. And all Tenures hereafter to be created by the King, upon any Gifts or Grants of Manors, Lands, *&c.* are by Statute ordained to be in free and common Soccage only, and not by Knights Service, or in *Capite*, and are to be discharged of all Wardship, *&c.*

Capitilitium. See *Chevage.* 'Tis what we now call *Poll-Money*:

Improba Romani poscunt à Rege tributa,
Cujus ad arbitrium disponitur omne Tributum,
Et Capitalitiam *cogunt appendere summam.* Du Cange.

Capititium, a Covering for the Head. Sometimes it signifies a Collar of a Coat. 'Tis mentioned in Statute *H.* 4. *Anno* 1. *Quod si aliquis miles, vel aliqua persona minoris status, det aliquam libertatem pauni vel* Capitiorum *contra formam statuti, &c.*

Captale. 'Tis mentioned in *Leg. Ina, cap.* 42. *apud Brompton*, and it signifies Cattle; *viz. Rusticus curtillum debet esse clausum æstate simul & hyeme, si disclausum sit & introeat alicujus vicini sui* Captale, *&c. nihil inde recipiat.* See *Capitale.*

Caption, (*Capcio.*) When a Commission is executed, and the Commissioners Names subscribed to a Certificate, declaring when and where the Commission was executed, that is called the *Caption*; which commonly begins thus; — *Virtute istius Commissionis nos, &c.* or, *Executio istius Commissionis patet in quadam Schedula annexata, &c.*

Capture, (*Capura,*) the Taking a Prey, a little Gain, in Arrest, or Seisure. *An.* 14 *Car.* 2. *c.* 14.

Caput Baroniæ is the Castle or Chief Seat of a Nobleman, which is not to be divided among Daughters, (if there be no Son,) but must descend to the eldest Daughter, *Cæteris filiabus aliunde satisfactis.*

Caput Jejunii is in our Records used for *Ash-wednesday.*

Caputia (from *Caput*, the Head) is used for the Head, or Hade, of any Land; — *Cum* Caputiis *& Sidlingis prati.* See *Buttum terræ.*

Caputagium. *In cujus facti memoriam etiam quatuor denarios* de Caputagio meo, *sicut mos secularis est talibus facere, super Altare Dominicum prædicti loci gratanter imponens* — Dugdale's Warwickshire, fol. 193. a. I think it may signify Head, or Poll-Money, or the Payment of it. See *Chevagium.*

Car and **Char.** The Names of Places beginning with *Car* and *Char* signify a City; from the *Brit.* **Caer**, *i. e.* City; as *Carlisle, &c.*

Carcan is sometimes expounded for a Pillory.

Carcarium, a Prison. LL. *Canuti Regis.*

Carcatus, Loaden; as a Ship with her Freight. — *De torpire cujuslibet magnæ navis* Carcatæ *cum rebus venalibus* 4 *denar.* Pat. 10 R. 2. part 1. m. 30.

Carcellage, the Fees paid to a Gaoler when the Prisoner is discharged.

Careta and **Carectata**, (Sax. Ceaꝛ, *unde* Car,) a Cart, or Cart-load. — *Faciant precaria de Carucis* & Carecta, i. e. *De aratro & carro.* Custumar. Prior. Lewes, *MS.* — *Quinque* Carectatas *claustræ, ad prædictæ terræ claustrum sustinendum.* Mon. Angl. 2 part. fol. 320. a.

Caretarius & **Carectarius**, a Carter. *Sciant — quod ego Herewardus Pril Dedi — In liberam, puram & perpetuam Eleemosynam Deo & Altari B. Mariæ in Conventuali Ecclesia Leominstr.* xii. d. *annui redditus provenientes de quodam Messuagio in Marisco quod fuit Ricardi* Caretarii, *&c.* Sine Dat. Ex libro Chart. Prior. Leominstr. See *Carreta.*

Caritia, Dearth, Scarcity, Dearness, — *Rex Majori & Vic. London. Sciatis Querela Archiepiscoporum, Comitum, — quod de Bobus, Vaccis, multoribus, &c. magna & quasi intollerabilis est* Caritia *hiis diebus sub, &c.* Pat. 8. Ed. 1. m. 14. mitis.

Cark is a Quantity of Wool, thirty whereof make a Sarpler. *An.* 27 *Hen.* 6. *c.* 2. See *Sarpler.*

Carlisle. See *Luguvallum.*

Carno seems to signify an Immunity or Privilege. *Cromp. Jurisd. fol.* 191. *Prior de Melton se & homines suos immunes clamat ab omnibus Amerciamentis in Foresta & ab omnibus Geldis, Footgeldis, Buckstalls, Tritis,* Carno *& Sumag. &c.* Itin. Pick. fol. 168. b. *Tributum aliquod fundi domino debitum*, says *Spelman.*

Carpemeals, a coarse Kind of Cloth, made in the North of *England*, and mentioned *Anno* 7 *Jac. cap.* 16.

Carr, (*Carrus,*) in some Places it is a Kind of Cart with Wheels; in others a Sled, drawn and sliding on the Ground. — *In loco, in quo sumetur quod opus fuerit ad reparationem domorum, carucarum,* Carrorum, *& cæterorum supellectilium domus.* Charta Gaufredi de Lamay mil. Abbati de Burgo.

Carragium, the same with *Cariagium*, a Carriage.

Carrat, a Weight of four Grains.

Carrectata terræ. See *Carucata terræ. Quod cum ipsa teneat de ipso duas* Carrectatas terræ *in Coningston per homagium, unde duodecim carucatæ faciunt unum feodum militis.* Co. Litt. Sect. 95. See *Carecta.*

Carreta (*alias Carrecta*) was anciently used for a Carriage, Wain, or Cart-load. *Sciant præsentes & futuri, quod ego* Henricus de Ribesford *Dedi,* — Rogero *filio* Ade *Pistoris pro Homagio & Servitio suo totum pratum meum de* Wiggemore. *Reddend. inde annuatim mihi & hæredibus meis ipse & hæredes sui unam* Carretam *fœni rationabilem & bene fœnatam, &c.* Sine dat. Penes Tho. Bridgwater, Gen.

Carrick, or **Carrack**, (*Carrucha,*) a Ship of great Burden; so called of the *Italian* Word *Carica*, or *Carco* a Burden or Charge: Mentioned 2 *Rich.* 2. *cap.* 4. *Walf. in R.* 2. *pag.* 322. *Obviat magnis caggenibus, & sex* Carricis *refertis vini speciebus.* And as they were used in Trade, so they were also in War; as *Walsing. in H.* 5. *fol.* 394. viz. *Galli conduxerant classem magnarum navium* Carricarum, *&c. quæ regnum Angliæ molestarent.*

Cartel. See *Chartel.*

Caruca, a Plough.

Carucagium was a Tribute imposed on every Plough for the publick Service. *Regi concessa est per totam Angliam* Carucagium *de qualibet carruca duo solidi argenti.* As Hidage was a Taxation by Hides of Land, so *Carucage* was by Carucates of Land, which at first was but 4 *d.* for every Plough. — *Dederunt S. Edmundo de qualibet Carucata terræ in tota Episcopatu quatuor Denarios annuos, quod usque modo, ob de causa,* Carucagium *est appellatum.* Mon. Angl. 1 par. fol. 294. a.

Carucate, or **Carbe of Land**, (*Carucata terræ*, of the Fr. *Charrue*, i. e. *Aratrum*) *Quantum terra una Carro & Aratro fari & coli potest.* A Plow-land; which in a Deed of *Tho. de Ardern*, 19. *Edw.* 2, is declared to be one hundred Acres, by which the Subjects have sometimes been taxed; whereupon the Tribute so levied was called *Carvagium*, or *Carucagium*. *Bracton, lib.* 2. *cap.* 26. *numb.* 8.

Carucata boum, a Team of Oxen. *Et duas* Carucatas boum. Mon. Angl. 2 par. fol. 155. num. 33.

Carucata terræ, a Plow-land, may contain Houses, Mills, Pasture, Meadow, Wood, *&c.* *Coke in Litt. Sect.* 119. *Carucata* is sometimes also used for a Cart-load, *Una* Carucata *ligni in Foresta nostra, quæ appellatur defensa.* Mon. Angl. 2 par. fol. 311. a. *Littleton* (*cap. Tenure in Socage*) saith, that *Soca idem est quod Caruca*, a Soke or Plough-land are all one. *Stow*, in his *Annals, pag.* 271. says, *King* Henry *the Third took* Carvage; *that is, two Marks of Silver of every Knight's Fee, towards the Marriage of his Sister* Isabel *to the Emperor.* *Rastal*, in his Exposition of Words, says, *Carvage* is to be quit, if the King shall tax all the Land by *Carves*; that is, a Privilege whereby a Man is exempted from *Carvage*. *Skene* says it contains as great a Portion of Land, as may be tilled in a Year and a Day by one Plough, which also is called *Hilda* or *Hida terræ*, a Word used in the old *British* Laws. The Word *Carve* is mentioned in the Statute of *Wards* and *Reliefs* made 28 *Edw.* 1. and in *Magna Char. cap.* 5. *Anno* 1300. *Facta est Pax inter Johannem Regem Angliæ & P. Regem Franciæ, &c. Et mutuavit Regi Franciæ* 30 *millia Marcarum; pro quibus collectum est* Carvagium *in Angliâ, scil* iii. s. *pro quolibet aratro.* Ex Registro Priorat. de Dunstaple in Bibl. Cotton. See *Coke in Littl. fol.* 69. *a.* The same with Plough-land. See *Hida*.

Casatum and **Casata**, (from the Ital. *Casa*, i. e. *Domus*;) *Habitaculum cum terra idonea ad unam familiam alendam*; *al. al.* Casamentum: *Saxonibus nostris* Hide; Beda, *Familia*.

Ego Forterus, *famulus famulorum Dei, pro redemptione animæ meæ, unum* Casatum *dedi Aldberto Abbati, quæ sita est juxta fluvium Æsce, ad portam quæ dicitur* Bledenithe *ad insulam parvam, & ad Ecclesiam beati* Martini *Confessoris, in proprium substantiam. Habendum, Donandumque cuicunque voluerit. Qui hanc chartam infringere tentaverit, sciat seipsum à Communione Sanctorum separatum & ab omnipotenti Deo.* ✠ *Ego* Forterus *consensi & subscripsi. Acta est autem hæc donatio Anno* DCCXII. *Indictione prima.* Ex Reg. Glaston. Cœnob. penes Rad. Sheldon, Arm.

Cassata is the same with *Hida*. *Rex Angl. Ethelred de* 310 Cassatis *unum triorem, &c. Hoveden, Anno* 1008, and *Henry Huntingdon*, mentioning the same Thing, instead of *Cassata* writes *Hida*. *Du Cange*.

Cashlite is a *Saxon* Word, and signifies a Mulct; *Si autem post Excommunicationem, &c. venerit forisfacturam suam quæ Anglicè vocatur* Drenhynnerre *sive* Cashlite, *pro unaquaque vocatione Episcopo reddat, &c.* Du Cange.

Cassidile, a little Sack, Purse, or Pocket: *Bruxulis in* Cassidili *toxicum melitum.* Mat. Westm.

Cassii, the Hundred of *Caishow* in *Hertfordshire*.

Cassiterines, the Isles of *Silly*.

Castel, or **Castle**, (*Castellum*,) is well known. *Certum est Regis Hen.* 2. *temporibus* Castella 1115. *in Angliâ extitisse.* Every *Castle* contains a Manor; so as every Constable of a *Castle* is Constable of a Manor. 2 *Part. Inst. fol.* 31.

Castel-guard Rents are Rents paid by those that dwell within the Precinct of any *Castle*, towards the Maintenance of such as watch and ward the same. 22 & 23 *Car.* 2. *Act for settling certain Rents in Trustees.*

Castellain, (Fr. *Chastellain*,) the Lord, Owner, or Captain of a Castle, and sometimes the Constable of a Castle, or fortified House. *Bracton, lib.* 5. *tract.* 31 *cap.* 16. and *lib.* 2. *cap.* 32. *num.* 2. and used in like Sense, 3 *Edw.* 1. *cap.* 7. It is sometimes taken for him that hath the Custody of one of the King's Mansion-Houses, though not a Castle, or Place of Defence. 2 *Part. Inst. fol.* 31. *Manwood, Part* 1. *pag.* 113. saith, There was an Officer of the Forest called *Castellanus*, who had the Command of all or part of the Forest. Of the Use and Extent of this Officer in *France*, see *Cowgrave's Dictionary, verbo* Chastellain.

Castellarii, (*Castillarium & Castellatus.*) — *Et unum Toftum juxta* Castellarium. Mon. Angl. 2 Par. fol. 402. a. *Comes* Alanus *habet in suo* Castellatu 200 *Mansuria.* Domesday. The Precinct or Jurisdiction of a Castle.

Castellatio. This was the Building any Castle without the Leave of the King; which it was unlawful to do. *Hæc mittant hominem in misericordiâ Regis*, viz. *Infractio pacis, Infidelitas & proditio, despectus de eo*, Castellatio *sine licentiâ.* Du Fresne.

Castel-ward (*Castelgardum, vel Wardum Castel*) is an Imposition laid upon such as dwell within a certain Compass of any Castle, towards the Maintenance of such as watch and ward the Castle. *Magna Charta, cap.* 20. and 32 *Hen.* 8. *cap.* 48. It is sometimes used for the very Circuit itself, which is inhabited by such as are subject to this Service; as in *Stow's Annals, pag.* 632. — *Et capere ibidem* Castel-ward, viz. *De qualibet districtione infra feodum ipsius Ducis capr. ad Castrum* (de Halton) *ducti & ibidem una de hausâ, si per totam noctem pernoctaverit, quatuor Denar.* Pl. apud Cestriam, 31 Edw. 3. See *Stagium*.

Caster and **Chester**: The Names of Places ending in *Caster* and *Chester*, are derived from the Sax. Ceastren, which signifies a City, Town, or Castle; or rather from the Lat. *Castrum*: For the Names which end with this Termination were given by the *Romans* to those Places where they built Castles.

Castle. See *Castel*.

Castor and **Castritius**, a Weather Sheep. *Castores enim boni, velleribus communiti cum matricibus bidentibus.* Du Cange. Monasticon, pag. 888. 55 *Acras terræ & pasturam ad ducentas oves, octo* Castritios *& sexdecim boves, &c.*

Casu consimili is a Writ of Entry, granted where Tenant by Courtesy, or Tenant for Life, aliens in Fee or in Tail, or for another's Life. It takes Name from this; That the Clerks of the *Chancery* did, by their common Consent, frame it to the Likeness of the Writ called *In Casu Proviso*, according

according to the Authority given them by the Stat. *Westm.* 2. *cap.* 24. Which (as often as there happens a new Case in *Chancery*, something like a former, yet not specially fitted by any Writ) authorizes them to frame a new Form answerable to the new Case, and as like some former as they may. And this Writ is granted to him in Reversion against the Party to whom the said Tenant so aliens to his Prejudice, and in the Tenant's Lifetime. The Form and Effect whereof read at large in *Fitz. Nat. Br. fol.* 206.

Casula, a certain Garment belonging to the Priests, *quasi minor casa*; because it covered him over. Sometimes 'tis taken for *Cuculla*; for both have the same Signification: *Cucullam non esse dicimus quam alio nomine* Casulam *vocamus.* And from hence we call it a Cassock;

— *Casulaque capax à forfice forma*
Post longas habituræ plicas contracta ministris.

Casu Provisio is a Writ of Entry, given by the Statute of *Gloucester, cap.* 7. in Case where a Tenant in Dower aliens in Fee, or for Term of Life, or in Tail, and lies for him in Reversion against the Alienee. *Fitz. Nat. Br. fol.* 205.

Catals. See *Chatteli.*

Catallis captis nomine districtionis is a Writ that lies within a Borough, or within a House, for Rent, going out of the same; and warrants a Man to take the Doors, Windows, or Gates, by way of Distress for the Rent. *Old Nat. Br. fol.* 66.

Catallis Reddendis is a Writ which lies where Goods, being delivered to any Man to keep till a certain Day, are not upon Demand delivered at the Day. It may be otherwise called a *Writ of Delivery.* See more of it in the *Reg. of Writs, fol.* 139. and in *Old Nat. Br. fol.* 63. This is answerable to *Actio Depositi* in the Civil Law.

Catapanus, Catepanus, Catipanus, the same with *Capitaneus*, a Captain.

Partibus Ausoniis Gallorum terror habetur
Ex qui Normannos Catapan *abscedere fecit.*

Catapulta, a Warlike Engine to shoot Darts; a Sling. *Edmundus Willoughby tenet unum Messuagium & sex Bovatas terræ in Carleton ut de Manerio de Shelford per servitium unius* Catapultæ *per annum pro omni servitio.* Lib. Schedul. de Term. Mich. 14 Hen. 4. Not. fol. 210.

Catastropus signifies an Archdeacon: *Adulfe Herefordensis Ecclesiæ* Catascopus. Du Cange.

Catchpol, (*Cachepollus* and *Cacepollus, quasi*, one that *catches* by the *Poll*,) though now taken as a Word of Contempt, yet in ancient Times it was used, without Reproach, for such as we now call *Serjeants of the Mace*, Bailiffs, or any other that use to arrest Men upon any Action. *Anno* 25 *Edw.* 3. *Stat.* 4. *cap.* 2. — *Hospitalarii tenent in Hereford unum Messuagium quod Philippus filius Odonis tenuit per Serjantiam* Cachepolli, *quod eis legavit in puram eleemosynam.* Rot. de Serjantiis in Heref. temp. Hen. 3.

Cathedra marmorea. See *Lapis Marmoreus.*

Cathedral. See *Church.*

Cathedratick (*Cathedraticum*) is a Sum of 2 *s.* paid to the Bishop by the inferior Clergy, *in Argumentum subjectionis & ob honorem Cathedræ.* See *History of Procurations and Synodals, pag.* 82. See *Synodus.*

Cattieuchlani, were the Inhabitants of *Hertfordshire, Bedfordshire*, and *Buckinghamshire.*

Catzurus. — *Wil. Fitz-Alan dat Regi duos bonos* Catzuros *pro habendis duobus Feriis, &c.* Rot. Fin. 6. Joh. M. 13. Qu. if not miswritten for *Chacuros*; which see.

Cauleis, (*Anno* 6 *Hen.* 6. *cap.* 5.) (*Cauties*, 1 *Edw.* 4. *c.* 1.) It should probably be written *Causeways*, from the old *French* Word *Caux*, now *Cailou* a Flint; and is well known to signify Ways pitched with Flint, or other Stone; for the *Via Appia* in *Italy* is a *Causeway*, made of Black *Flint-stones*; — *Pro ponte & calceto reparand.* Pat. 18 Hen. 6. pag. 2. m. 22. I have seen it written *Calceya, Caseia*, and *Calsetum*, in old Records: Perhaps from the Ital. *Calzata.*

Caursines (*Caursini*) were *Italians* by Birth, and came into *England* about the Year 1235, terming themselves the *Pope's Merchants*, driving no other Trade than letting out Money, and had great Banks thereof in *England*, and differed little from *Jews*, save that they were rather more merciless to their Debtors. Some will have them called *Caursines, quasi, Causa ursini*, Bearish and cruel in their Causes; others *Caursini*, or *Corsini*, as coming first from the Isle of *Corsica.* The then Bishop of *London* excommunicated them. See *Mat. Paris. p.* 403.

Causa Matrimonii Prælocuti is a Writ which lies in case where a Woman gives Lands to a Man in Fee, to the Intent he shall marry her, and he refuseth to do it in any reasonable Time, being thereunto required. The Form and further Use of it, see in *Reg. of Writs, pag.* 66. and *Fitz. Nat. Br. fol.* 205.

Causam nobis significes is a Writ directed to a Mayor of a City, or Town, *&c.* who was formerly by the King's Writ commanded to give Seisin to the King's Grantee of any Lands or Tenements, and delays to do it, willing him to shew Cause why he so delays the Performance of his Duty. *Coke, lib.* 4. *Case, Communalties des Sadlers, fol.* 55. *b.*

Causea, the same with *Calcea, Calceta*, which we call a *Causway*: *Quotidie venerunt Franci ad* Causeam, *inire hastiludium cum Anglis.* Knighton. So in the *Monasticon*, 1 *Tom. pag.* 275. *Inceptum fuit* Causetum *novi vici ante portas Abbatiæ.*

Causennæ. See *Gausennæ.*

Cautione admittenda is a Writ that lies against a Bishop, holding an excommunicated Person in Prison for his Contempt, notwithstanding he offers sufficient Caution or Assurance to obey the Orders and Commandments of Holy Church from thenceforth. The Form and further Effect whereof, see in *Reg. of Writs, pag.* 66. and *Fitz. Nat. Br. fol.* 63.

Cay, a Kay or Water-lock. Sometimes it signifies an House; *De quadam* Caia *& domo, &c.* From the Brit. Cae, which is a Fence; and not from the Sax. Cæg, *Clavis.*

Ceapgild. (Sax. Ceap, *pecus*, and Gild, *solutio.*) *Pecudis seu mercimonii restitutio.*

Cellerarius, alias **Cellarius**, *Officialis est in Monasterio qui fratrum stipendia servat & administrat.* M. S. In Monasteries he was in Nature of a Steward, *qui totius Abbathiæ curam gerebat. Cellerarius propter dignitatem Officii, secundus pater est in Monasterio.* Mon. Ang. par. fol 302. a.

Celestrines, a Sort of Sky-colour'd Cloth; so called from *Cæruleo, vel Cælesti Colore.* 1 R. 3. c. 8.

Cenegild. This is an Expiatory Mulct, paid by one who kills another to the Kindred of the Deceased. From the Sax. Cinne *Cognatio*, and Gild *solutio.* See *Mægbote* and *Kenegild.*

Ceni magni. See *Iceni.*

Cenio, The River near *Tregony* in *Cornwal.*

Cenninga, This is Notice given by the Buyer to the Seller, that the Thing sold is claimed by another, that he might appear and justify the Sale; from the *Saxon* Cennan tean, i. e. *auctorem advocare*: 'Tis mentioned in the Laws of *Athelstan apud Brompton, cap.* 4. viz. *Diximus de ignotis pecoribus ut nemo habeat sine Testimonio hominis hundredi, &c. & sit hoc bene credibile, & nisi alteratrum habeat, nolumus ei permittere* Cenningam *aliquam.*

Censaria —*Et debent habere mortuum boscum in* Censaria *de la verne in Foresta de Savernge, &c.* Pet. Parl. temp. Ed. 3. A Farm, from the Fr. *Cense*, which so signifies.

Censarii. —*Domesday. tit. Everwic. Achum.* —*Ibi sunt nunc* 14 Censarii, *habentes septem Carucatas.* Farmers.

Censumorthidus, *i. e.* A dead Rent, like that which we call *Mortmain*: 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 61. *Sint omnino liberæ Cellæ Ecclesiæ cum redditibus & servitiis, debitis &* Censumorthidis.

Censure, or *Custuma vocata* Censure, (from the Lat. *Census*, which *Hesychius* expounds to be a kind of personal Money, paid for every Poll.) is, in divers Manors in *Cornwall* and *Devon*, the calling of all Resiants therein above the Age of sixteen, to swear Fealty to the Lord, to pay *ii d.* per *Poll*, and *i d. per An.* ever after; as *Cert-money* or *Common Fine*; and these thus sworn, are called *Censers.*— Item *erat quædam Custuma quæ vocatur* Censure, *proven. de illis qui manent in Burgo de* Lostreythiel. *Survey of the Dutchy of* Cornwall.

Century. See *Hundred.*

Ceola, A great Ship: 'Tis mentioned in *Malmesbury, Lib.* 1. *cap.* 1. viz. *Placidoque ventorum favore, tribus longis navibus, quas illi* Ciolas *alias* Ceolas *vocant, Britanniam advehebantur.*

Ceorl, *i. e.* Churl. See *Cheorl: Rustici si* Ceorli *& fœminæ pueros habent.*

Cepi Corpus, is a Return made by the Sheriff, upon a *Capias* or other Process for the like purpose, that he hath *taken the Body* of the Party. *Fitz. Nat. Br. fol.* 26.

Ceppagium, The Stumps or Roots of Trees which remain in the Ground after the Trees are felled: *In Fleta, Lib.* 2. *cap.* 41. *par.* 24. *Qui forestarii ceperint coopertiones,* ceppagia *& escheatas quercum sive aliarum arborum, &c.*

Ceragium, Cerage, *i. e.* Waxscot, or a Payment to find Wax Candles in the Church. See *Waxshot*: 'Tis mentioned in *Matt. Paris.* viz. *Si Ecclesia petat* Ceragium *vel beretum, &c.*

Certificando de recognitione Stapulæ is a Writ directed to the Mayor of the Staple, *&c.* commanding him to certify the Lord Chancellor of a *Statute Staple* taken before him, in case where the Party himself detains it, and refuseth to bring it in. *Reg. of Writs, fol.* 152. The like may be understood of *Certificando de Statuto Mercatorio, fol.* 148. *De Certificando in Cancellariam de Inquisitione de Idemptitate nominis, fol.* 195. *Certificando quando Recognitio, &c. Certificando quia actum est de brevi super Statutum Mercatorium, fol.* 151. And *Certificando in loquela Warrantiæ, fol.* 13.

Certificat (Lat.) is used for a Writing made in any Court to give Notice to another Court of any Thing done therein: For example, a *Certificat* of the Cause of *Attaint* is a Transcript made briefly by the Clerk of the Crown, Clerks of the Peace, or of Assise, to the Court of *King's Bench*, containing the Tenor and Effect of every Indictment, Outlawry, or Conviction, or Clerk attainted, made or pronounced in any other Court. *Anno* 34 *Hen.* 8. *cap.* 14. *Brook, fol.* 119.

Certification of Assise of Novel Disseisin. (*Certificatio Assisæ novæ Disseisinæ, &c.*) is a Writ granted for the re-examining or review of a Matter passed by Assise before any Justices. Of which see *Reg. of Writs, fol.* 200. and the *New Book of Entries, verbo, Certificat of Assise.* This is used when a Man (appearing by his Bailiff to an Assise brought by another, hath lost the Day; and having something more to plead for himself, as a Deed of Release, *&c.* which the Bailiff did not, or might not plead for him) desires a farther Examination of the Cause, either before the same Justices, or others; and obtains Letters Patent to them to that Effect; (The Form of which Letters, see in *Fitz. Nat. Brev. fol.* 181.) and that done, brings a Writ to the Sheriff, to call, both the Party, for whom the Assise passed, and the Jury that was empanell'd on the same, before the said Justices at a certain Day and Place. And it is called a *Certificate*, because therein mention is made to the Sheriff, that upon the Party's Complaint of the defective Examination, or Doubts yet remaining upon the Assise passed, the King hath directed his Letters Patent to the Justices, for the better *certifying* themselves, whether all Points of the said Assise were duly examined. Of this read *Bracton, lib.* 4. *cap.* 13. *num.* 4. and *Horn's Mirror, lib.* 3.

Certiorari is a Writ issuing out of the *Chancery* to an inferior Court, to call up the Records of a Cause there depending, that Justice may be done therein, upon complaint made by Bill, that the Party who seeks the said Writ, hath received hard dealing in the said Court. See the Forms and Uses of it in *Fitz. Nat. Br. fol.* 242. as also the *Register*, both *Original* and *Judicial* in the Tables, *verbo, Certiorari. Crompton*, in his *Justice of Peace, fol.* 117. says, 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 nostra*, or in the *Common Bench*, and then, *Justiciariis nostris de Banco.*

Cert-Money, (*quasi, Certain Money*) Head-money or Common Fine, paid yearly by the Resiants of several Manors to the Lords thereof, *Pro certo Letæ*, for the certain keeping of the *Leet*; and sometimes to the *Hundred.* As the Manor of *Hook* in *Dorsetshire*, pays *Cert-money* to the Hundred of *Egerdon.* This in ancient Records is called *Certum Letæ.* See *Common Fine.*

Cervisarii. The *Saxons* had a Duty called Drincelean or Drinkelean, i. e. *Dona potationis honoraria, quibus scil. prædiorum Dominus à Vassallo honoratur & excipitur.* Whence those Tenants were in *Domesday*, called *Cervisarii*; from *Cervisia*, Ale, their chief Drink; though *Cervisarius* vulgarly signifies a Beer or Ale Brewer.

Cessavit is a Writ that lies in divers Cases, as appears by *Fitz. Nat. Br. fol.* 280. upon this general Ground, *i. e.* That he against whom it is brought, hath for two Years neglected to perform such Service, or to pay such Rent, as he is tied to by his Tenure, and hath not upon his Lands or Tenements sufficient Goods or Cattle to be distrained. See *Fleta, lib.* 5. *cap.* 34. *sect. visa sunt.* See *Cessavit de Cantaria. Cessavit de feodi firma. Cessavit per biennium, in Reg. of Writs, fol.* 237, 238. and *New Book of Entries, verbo, Cessavit.* It lies not, but

for annual Service, Rent, and such like, not for Homage or Fealty.

Cesses (*Anno* 22 *Hen.* 8. *cap.* 3.) seems to signify Assessments or Taxes. *Cesse* or *Ceasse*, in *Ireland*, is an Exaction of Provision of Victuals, at a certain Rate for the Deputy's Family, and the Soldiers in Garison. *Antiq. Hibernia.*

Cession, (*Cessio*,) a Ceasing, Yielding-up, or Giving over. *Si un Parson ou Deem en Angliterre prist un Evesquery en Ireland, ceo fait le primier Eglise void par* Cession. Latch's Rep. fol. 234. — *Ratione vacationis Prioratus prædicti, per* Cessionem *Fratris Rogeri de Wellington, ultimi Prioris, &c.* Claus. 13 Edw. 3. pag. 1. m. 38.

Cessor, (Lat.) a Loiterer or idle Fellow: But we use it for him who *ceaseth*, or neglects so long to perform a Duty, as he thereby incurs the Danger of Law, and is liable to have the Writ *Cessavit* brought against him. *Old Nat. Br. fol.* 136. And note, where it is said *The Tenant ceaseth*, without any more Words, it is to be understood, that the Tenant *ceaseth* to do what he ought, or is bound to do, by the Tenure of his Lands or Tenements.

Cessure, or Cesser, is also used for ceasing, giving over, or departing. *Westm.* 2. *cap.* 1.

Cestui qui vie (in the French, *Cestui à vie de qui*) is he for whose Life any Land or Tenement is granted. *Perkins, tit. Grants*, 97.

Cestui que use (an Abstract of the Fr. *Cestui ab use de qui*) is an usual Phrase, signifying him to whose Use any other Man is enfeoffed in any Lands or Tenements. See the *New Book of Entries*, verbo, *Uses*, and in *Replevin, fol.* 508. *col.* 3. and, *verbo*, *Trespass*, *fol.* 606. and *fol.* 128. *in b. col.* 3. *num.* 7. *Anno* 1 *Rich.* 3. *cap.* 1. and *Coke, lib.* 1. *fol.* 133. *Anno* 12 *Car.* 2. *cap.* 30.

Cestui qui trust is he who hath a *Trust* in Lands or Tenements committed to him for the Benefit of another. *Anno* 12 *Car.* 2. *cap.* 30.

Chacea, the Way through which Cattle are drove to Pasture, commonly called in some Places a *Drove-Way*. *Ut si quis omnino viam obstruat vel* chaceam *per quam ingredi solet pastura.* Bracton, lib. 4. cap. 44.

Chacurus (from the Fr. *Chasseur*, a Hunter) a Hound or Dog for the Chase, a Courser. See *Dextrarius*. It is mentioned also in *Rot. Pin.* 7. *Johannis.*

Chafewax is an Officer in *Chancery*, that fits the Wax for the sealing Writs, and such other Instruments as are there made to be issued out. So in *France*, *Calefactores ceræ sunt, qui regiis literis in Cancellaria ceram imprimunt.* Corasius.

Chaffers (*Anno* 3 *Edw.* 4. *cap.* 4.) seem to signify Wares or Merchandize; for *Chaffering* is yet used for Buying and Selling.

Chaldron, or Chalder, of Coals contains thirty six Bushels heaped up, and according to the Bushel sealed for that Purpose at *Guild-hall* in *London*. *Anno* 16 & 17 *Car.* 2. *cap.* 2. It is written *Chaudron*, *Anno* 9 *Hen.* 5. *cap.* 10. (perhaps from the Fr. *Chaud*, *i. e.* Hot,) and in *Pat.* 19 *Rich.* 2. *p.* 1. *m.* 13. *Chaldra.* It should weigh 2000 Pound Weight.

Chalking. The Merchants of the Staple require to be eased of divers new Impositions, as *Chalking*, Ironage, Wharfage, *&c.* *Rot. Parl.* 50 *Edw.* 3.

Challenge (from the Fr. *Chalenger*, i. e *sibi asserere*) is used for an Exception taken either against Persons or Things; *Persons*, as, in Assise, to the Jurors, any one, or more of them; or in case of Felony, by the Prisoner at the Bar. *Bracton, lib.* 2. *tract.* 2. *cap.* 22. against *Things*, as a Declaration. *Old Nat. Br. fol.* 76.

Challenge to the Jurors is either made to the *Array*, or to the *Polls*: To the *Array* is, when the whole Number is excepted against, as partially empanelled; To the *Poll* is, when some one or more are excepted against, as not indifferent. *Challenge to the Jurors* is also divided into *Challenge Principal*, and *Challenge per Cause*, *i. e.* upon Cause or Reason. *Challenge Principal*, otherwise called *Peremptory*, is that which the Law allows without Cause alledged, or further Examination. *Lamb. Eiren. lib.* 4. *cap.* 14. As a Prisoner at the Bar, arraigned upon Felony, may peremptorily *Challenge* twenty, one after another, alledging no Cause, but his own Dislike, and they shall be put off, and new taken in their Places. But in Case of High Treason no *Challenge Peremptory* is allowed. *Anno* 33 *Hen.* 8. *cap.* 23. Yet there seems to be a Difference between *Challenge Principal* and *Challenge Peremptory*; *this* being used only in Matters criminal, and barely without Cause alledged, more than the Prisoner's own Fancy. *Staundford Pl. Cor. fol.* 124. *That* in Civil Actions for the most Part, and with assigning some such Cause of Exception, as, being found true, the Law allows. For Example: If either Party alledge, that one of the Jurors is the Son, Brother, Cousin, or Tenant, to the other, or married his Daughter, this Exception is good, (if true,) without further Examination of the Party's Credit. How far this *Challenge* upon Kindred extends, see in *Plowden, Casu Vernon, fol.* 425.

Also in the Plea of the Death of a Man, and in every Real Action, and in every Action Personal, where the Debt or Damages amount to forty Marks, it is a good *Challenge* to any Juror, that he cannot dispend 40 *s. per Annum* of Freehold, *Anno* 11 *Hen.* 7. *cap.* 21. The Ground of this *Challenge* you may see in *Fleta, lib.* 4. *cap.* 8. *Challenge upon Reason or Cause* is, when the Party does alledge some such Exception against one or more of the Jurors, as is sufficient, upon Acknowledgment of the Truth of it; as, if the Son of the Juror have married the Daughter of the adverse Party. *Kitchin, fol.* 92. where you may read what *Challenges* are commonly accounted *Principal*, and what not. See the *New Book of Entries*, on this Word *Challenge*; which was anciently Latined by *Calumnia*, as appears by *Bracton, lib.* 3. *tract.* 2. *cap.* 18. See *Coke on Littl. fol.* 156, 157, *&c.* and *Calangium.*

Chamberdekins (in the Parl. Roll more properly written Chamber-Deacons) were certain poor *Irish* Scholars, cloathed in mean Habit, and living under no Rule; banished *England* by Stat. 1 *Hen.* 5. *cap.* 7, 8.

Chamberer (Fr. *Chambriere*) is used for a *Chamber-Maid*. *Anno* 33 *Hen.* 8. *cap.* 21.

Chamberlain (*Camerarius*) is diversly used in our Chronicles, Laws, and Statutes; as, *Lord Great Chamberlain of* England, *Lord Chamberlain of the King's House*; the *King's Chamberlain*, (*Anno* 13 *Ed.* 3. *cap.* 41. — 17 *Rich.* 2. *cap.* 6.) to whose Office it especially appertains to look to the King's Chambers and Wardrobe, and to govern the Under-Officers belonging thereto. *Fleta, lib.* 2. *cap.* 6, 7. *Chamberlain of any of the King's Courts*, 7 Edw. 6. cap. 1. *Chamberlain of the* Exchequer, 51 Hen. 3 Stat. 5. and 10 Edw. 3. cap. 11. *Chamberlain of* North-Wales, Stow, pag. 641. *Chamberlain of* Chester, *and Chamberlain of the City of* London, *Cromp. Jurisd. fol.* 7. To which Chamberlainships of *London*

don and *Chester* do belong the receiving of all Rents and Revenues appertaining to those Cities; and to the *Chamberlain of* Chester, (when there is no Prince of *Wales*, and Earl of *Chester*,) the Receiving and Return of all Writs coming thither out of any of the King's Courts.

There are two Officers of this Name in the *Exchequer*, who keep a Controlment of the *Pell* of *Receipts* and *Exitus*, and certain Keys of the Treasure and Records, and the Keys of the Treasury, where the Leagues of the King's Predecessors, and divers ancient Books, as *Domesday*, and the *Black Book of the Exchequer*, remain. This Officer is mentioned in the Statute 34 & 35 *Hen.* 8. *cap.* 16. There are also *Under-Chamberlains* of the *Exchequer*, which see in *Under-Chamberlain*. The *Latin* Word seems to express the Function of this Officer: For Camerarius *dicitur à* Camera, *i. e. Testudine sive fornice) quia custodit pecunias, quæ in* Cameris *principè reservantur.*

Chambers of the King, (*Regiæ Cameræ*,) the Havens or Ports of the Kingdom, so called in our Records. V. *Mare Clausum, fol.* 242.

Chambre depinct, anciently St. *Edward*'s *Chamber*, now called *The Painted-Chamber*, often mentioned in our Parliament-Rolls by that Name.

Champarty, (from the Fr. *Champ*, a Field, and *parti*, divided; because the Field or Land in question is commonly divided between the *Champerter*, who maintains the Suit, and the Person in whose Name and Right he sues) signifies a Maintenance of any Man in his Suit, upon Condition to have Part of the Thing (be it Land or Goods) when it is recovered. This seems to have been an ancient Grievance in our Nation; for notwithstanding the several Statutes of 3 *Edw.* 1. *cap.* 25. — 13 *Edw.* 1. *c.* 49. — 28 *Edw.* 1. *c.* 11. 33 *Edw.* 1. *Stat.* 2, & 3. and 1 *Rich.* 2. *cap.* 4. and a Form of Writ framed to them; yet 4 *Edw.* 3. *cap.* 11. it was again enacted, That whereas a former Statute provided Redress for this in the *King's-Bench* only, (which in those Days followed the Court,) from thenceforth it should be lawful for Justices of the *Common-Pleas*, and Justices of *Assize*, in their Sessions, to enquire, hear, and determine this, and such like Cases, as well at Suit of the King, as of the Party. How far this Writ extends, and the divers Forms of it applied to several Cases, see *Fitz. Nat. Br. fol.* 172. *Reg. of Writs, fol.* 183. and *New Book of Entries*, *verbo, Champarty*. Every *Champarty* implies a *Maintenance*, *Crompt. Jurisd. fol.* 99. See also 3 *Part. Inst. fol.* 208. *Nullus Minister Domini Regis manuteneat Placita vel Querelas in Curia sua ad* Campertem *inde habend.* Rot. Parl. 21 Edw. 1. *Alias* Campipartem.

Champartors (in the Words of the Statute) are, They who move Pleas or Suits, or cause them to be moved, either by their own Procurement, or by others, and sue them at their proper Costs, to have Part of the Land in Variance, or Part of the Gains. Anno 33 Ed. 1. Stat. 2. in fine.

Champion (*Campio*) is taken not only for him that fights the Combat in his own Case, but for him also that does it in the Place or Quarrel of another. *Bracton, lib.* 3. *tract.* 2. *cap.* 21. *numb.* 14. who also seems to use this Word for such as held of another by some Service; as, *Campiones faciunt Homagium Domino suo*, Lib. 2. *cap.* 35. *Horneman*, *de verbis feudalibus*, defines it thus, *Campio est Combator pro alio datus in duello, & Campo dictus, quia circus erat decertantibus definitus.* And therefore it is called *Campfight*. See *Coke*, and Sir *Edward Byshe*'s Notes upon *Upton*, where *fol.* 36. you will find, that *Henricus de Fernburg*, for thirty Marks Fee, did by a Charter under the Seal covenant to be *Champion* for *Roger*, Abbot of *Glastonbury*, *Anno* 42 *Hen.* 3. See *Inst. fol.* 221.

And here it may not be improper to mention a few Things concerning Champions, which I find in our Law-Books and Histories, *viz.* they were usually hired, and therefore they were accompted infamous Persons. *Bracton, lib.* 3. *cap.* 18. *Non recipit in mercenarium, & famosus erunt.* Monks, Ecclesiasticks, and generally any Person might hire them, except Parricides, and those who were accused of very great Offences; but Churchmen were first to have Leave of the Bishop.

Before the Champion came into the Field, he was to shave his Head, and make Oath that he believed the Person who hired him was in the Right, and that he would defend the Cause to the utmost of his Power; which was always done on Foot, and with no other Weapon but with a Stick or Club, and a Shield. And before he engaged with his Adversary he always made an Offering to the Church, that God might assist him in the Battel.

The Punishment of a Champion overcome in Battel, and likewise of the Person for whom he fought, was various: If it was the Champion of a Woman, he was burnt, and the Champion hanged: If it was of a Man, and not for a capital Crime, he not only made Satisfaction, but had his Right hand cut off; and the Man was to be close confined in Prison till the Battel was over.

Champion of the King, (*Campio Regis*,) whose Office is at the Coronation of our Kings to ride into *Westminster-Hall*, armed *Cap-a-pe*, when the King is at Dinner there, and throw down his Gauntlet by Way of Challenge, pronounced by a Herald, That if any Man shall deny or gain-say the King's Title to the Crown, he is there ready to defend it in single Combat, *&c.* Which being done, the King drinks to him, and sends him a gilt Cup, with a Cover, full of Wine, which the *Champion* drinks, and hath the Cup for his Fee.

This Office (ever since the Coronation of King *Richard* the Second, when *Edwin Fitzalle* exhibited his Petition for it) was adjudged from him to Sir *John Dymocke*, his Competitor, (both claiming from *Mermion*,) as producing better Records and Evidence; and hath continued ever since in the worthy Family of *Dymocke*, who hold the Manor of *Scrivelsby* in *Lincolnshire*, hereditary from the *Marmions*, by Grand Serjeanty, *viz.* That the Lord thereof shall be the King's *Champion*, as aforesaid. *Comid. in parl. Pin. Mich.* 1 *Hen.* 6. Accordingly Sir *Edward Dymocke* performed this Office at the Coronation of his Majesty King *Charles* the Second, 23 *April*, 1661.

Chancellor (*Cancellarius*) was at first only a Notary or Scribe under the Emperor, and was called *Cancellarius*, because he sat *intra Cancellos*, to avoid the Crowd of the People. But this Officer in late Times is greatly advanced, not only in our, but in other Kingdoms; for he is the chief Administrator of Justice, next to the Sovereign. All other Justices in this Kingdom are tied to the Law, but the *Chancellor* hath the King's absolute Power to moderate the written Law, governing his Judgment by the Law of Nature and Conscience, and ordering all Things *juxta æquum & bonum*. Wherefore *Staundford* (in his *Prærog. cap.* 20. *fol.* 64.) says, The

The *Chancellor* hath two Powers; one absolute, the other ordinary; meaning, that though by his ordinary Power, in some Cases, he must observe the Form of Proceeding as other inferior Judges, yet in his absolute Power he is not limited by the written Law, but by Conscience and Equity, according to the Circumstances of Matter. And though *Polydore Virgil*, an Alien, undertaking to write the History of *England*, supposed he did not mistake when he makes our *William* the Conqueror the Founder of our *Chancellors*; yet our industrious Antiquary, Mr. *Dugdale*, can shew us his Error in the many *Chancellors* of *England* long before that Time, which are mentioned in his *Origines Juridiciales*, and Catalogue of Chancellors, whose great Authorities under their Kings were, in all Probability, drawn from the reasonable Customs of Neighbour Nations, and the Civil Law.

He that bears this Magistracy is called *The Lord Chancellor of England*, (which is the highest Honour of the Long Robe,) being made so *Per traditionem magni Sigilli sibi per Dominum Regem*, and by taking his Oath. And by the Statute 5 *Eliz. cap.* 18. the *Lord Chancellor* and *Keeper* have one and the same Power; and therefore since that Statute, there cannot be a *Lord Chancellor* and *Lord Keeper* at one and the same Time; but before there might, and hath been. Yet see *Keeper*. See *Fleta, lib.* 2. *cap.* 12, 13. and *Coke's* 4 *Instit. fol.* 78, 79. Divers Inferior Officers are also called *Chancellors*; as,

Chancellor in Cathedral Churches. His Office is thus described in the *Monasticon*, 3 *Tom. pag.* 24. in the Statutes of *Litchfield*, *viz.* whether he is Resident, or not, his Duty is *Lectiones legendas in Ecclesia per se vel per suum vicarium ministrare, male legentes emendare, scholas confirmare, sigilla ad causas confirmare, litteras capituli facere & consignare, libros servare, quotiescunque voluerit prædicationes in Ecclesia vel extra Ecclesiam prædicare, & cui voluerit prædicationis officium assignare.* Ibid. pag. 339.

Chancellor of the Dutchy of Lancaster, (*An.* 3 *Ed.* 6. *cap.* 1. and *Anno* 5 *ejusdem, cap.* 26.) whose Office is principal 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 Court.

Chancellor of the Exchequer, (*Anno* 25 *Hen.* 8. *c.* 16.) whose Office hath been thought by many to have been created for the qualifying Extremities in the *Exchequer*: He sits in the Court, and in the *Exchequer*-Chamber; and, with the rest of the Court, orders Things to the King's best Benefit. He is always in Commission with the Lord Treasurer for letting the Lands that came to the Crown by the Dissolution of Abbeys, or otherwise; and hath, by the Statute of 33 *Hen.* 8. *cap.* 39. Power with others to compound for the Forfeitures upon Penal Statutes, Bonds, and Recognizances, enter'd into to the King; he hath also a great Authority and Jurisdiction in the Manage and Dispose of the Royal Revenue, and concerning the First-Fruits, as appears by the Acts for uniting them to the Crown.

Chancellor of the Order of the Garter. Stow's Annals, pag. 706. *Chancellor of the Universities*, *Anno* 9 *Hen.* 5. *cap.* 8. and *Anno* 2 *Hen.* 6. *cap.* 8. *Chancellor of the Court of Augmentations*, 27 *Hen.* 8. *c.* 27. — 32 *ejusdem, cap.* 20. & 33 *ejusdem, cap.* 39. *Chancellor of the First-Fruits*, 32 *Hen.* 8. *cap.* 45. *Chancellor of Courts*, 32 *Hen.* 8. *cap.* 28. *Chancellor of the Diocess*, 32 *Hen.* 8. *cap.* 15, *&c.* anciently called *Episcopi Ædicula*.

Chance-Medley (from the Fr. *Chance*, i. e. *Lapsus*, and *Mesler*, i. e. *Miscere*,) signifies the casual Slaughter of a Man, not altogether without the Fault of the Slayer. *Staundf. Pl. Cor. lib.* 1. *cap.* 8. calls it Homicide by Misadventure. *West* calls it Homicide mix'd, (*Par.* 2. *Symbol. tit. Indictments, Sect.* 5.) and defines it thus: *Homicide mix'd* is, when the Killer's Ignorance or Negligence is joined with the *Chance*: As if a Man lop Trees by the Highway-Side, by which many usually travel, and cast down a Bough, not giving warning to beware of it, by which Bough one passing by is by *Chance* slain. In this Case he offends, because he gave no Warning, that the Party might have taken better Heed. See *Skene, verbo, Melletum*, who says this is called *Chaudmeddle* in *Scotland*.

Chancery (*Cancellaria*) is the Grand Court of Equity and Conscience, moderating the Rigour of other Courts, most strictly tied to the Letter of the Law, whereof the *Lord Chancellor of England* is the Chief Judge, *Crompt. Jurisd. fol.* 41. or else the *Lord Keeper* of the Great Seal, since the Statute of 5 *Eliz. cap.* 18. The Officers belonging to this Court, are the Lord Chancellor, or Keeper of the Great Seal, who is sole Judge here; the Master of the Rolls, (anciently called *Gardein des Rolls*,) who in the Lord Chancellor's Absence heareth Causes, and gives Orders, 4 *Instit. fol.* 97. Twelve Masters of the *Chancery*, who are Assistants, and sit by Turns on the Bench; the Six Clerks, who have each of them about fifteen Clerks under them, in Nature of Attorneys in the Court; two Chief Examiners, who have five or six Clerks a-piece; one Chief Register, who hath usually four or five Deputies; the Clerk of the Crown; the Warden of the *Fleet*, the Usher, Serjeant at Arms, and Crier of the Court; the Cursitors and their Clerks; the Clerks of the Petty-Bag; the Clerk of the Hanaper; the Comptroller of the Hanaper; the Clerk of Appeals; the Clerk of the Faculties; the Sealer, the Chase-Wax; the Clerk of the Patents, Clerk of Presentations, Clerk of Dismissions, Clerk of Licences to alienate, Clerks of the Enrolments, Clerks of the Protections, Clerks of the *Subpœna's*, Clerk of the *Affidavits*, *&c.* Which see described in their several Places. See *Coke's* 4 *Inst. fol.* 82.

Changer is an Officer belonging to the King's Mint, whose Function chiefly consists in exchanging Coin for Bullion brought in by Merchants, or others. *Anno* 2 *Hen.* 6. *cap.* 12. where it is written (after the old Way) *Chaungeour*.

Chantry. See *Chauntry*.

Chapel (*Capella*, Fr. *Chapelle*, i. e. *Ædicula*) is of two Sorts; either adjoining to a Church, as Parcel of it, which Persons of Quality build, *Ut ibidem familiaria Sepulchra sibi constituant*; or else separate from the Mother Church, where the Parish is wide, and is commonly called a *Chapel of Ease*, because it is built for the Ease of one or more Parishioners that dwell far from the Church, and is served by some inferior Curate, provided at the Charge of the Rector, or of him that hath Benefit by it, as the Composition or Custom is. *Ad Capellam non pertinet Baptisterium neque sepultura. Selden*, of Tithes, p. 265.

There is also a *Free Chapel*, which seems to be such as hath perpetual Maintenance towards the Upholding it, and the Curate's Stipend, by some Lands or Rents charitably bestowed on it, without the Charge of the Rector or Parish. *Anno* 37 *Hen.* 8. *cap.* 4. *Anno* 1 *Edw.* 6. *cap.* 14.

Chapelry (*Capellania*) is the same Thing to a *Chapel*, as a Parish to a Church, *i. e.* the Precinct and Limits of it. Mentioned in the Stat. 14 *Car.* 2. *cap.* 9. — Capellania *Sancti Oswaldi*, *Mich.* 32 *Edw.* 1. *Coram Reg.* Glouc.

Chaperon, (Fr. in Lat. *Humerale* and *Caputium*,) mentioned in the Stat. 1 *Rich.* 2. is the Hood anciently worn by the Knights of the *Garter*, being Part of the Habit of that Noble Order. Also the little Escutcheon fixed in the Forehead of the Horses that draw the Herse at a Funeral.

Chapiters (Lat. *Capitula*, Fr. *Chapitres*, *i. e.* the Chapiters of a Book) signifies a Summary or Content of such Matters as are to be enquired of, or presented before Justices in Eyre, Justices of Assise, or of Peace in their Sessions. Thus it is used, *Anno* 3 *Ed* 1. *cap.* 27. — And that no Clerk of any Justice, Escheator, or Commissioner in Eyre, shall take any Thing for delivering Chapiters, but only Clerks of Justices in their Circuits. And again, *Anno* 13 *ejusdem*, *cap.* 10. — The Sheriff shall certify the Chapiters before the Justices in Eyre, how many Writs he hath, and what, &c. *Briton* (*cap.* 3.) useth the Word in the same Signification. *Chapiters* are now most usually called *Articles*, and are delivered by the Mouth of the Justice in his *Charge* to the Inquest; whereas in ancient Time (as appears by *Bracton* and *Briton*) they were, after an Exhortation given by the Justices for the good Observation of the Laws, and the King's Peace, first read distinctly in open Court, and then delivered in Writing to the Grand Inquest; which the Grand Jury or Inquest were likewise to answer upon their Oaths affirmatively and negatively, and, not as they do now, put the Judges to make long and learned *Charges* to little or no Purpose, who not remembring the Transgressors, against the Design of those *Articles*, do think their Oaths and Duty to God and the King, and their Countrey, well enough performed, if they only present those few, of many more, Misdemeanors, which are brought unto them by way of Indictment. The same Order of *Articles*, *Lambard* wishes might still be observed. *Eiren*, *lib.* 4. *cap.* 4. *pag.* 393. *Horn* (in his *Mirrour of Justices*) calls them *Articles*, and expresses what they were wont to contain. *Lib.* 3. *cap. Des Articles in Eyre.*

Chaplain, or **Chapellain**, (*Capellanus*) is now most commonly taken for him, who is depending on the King, or other Noble Person, to instruct him and his Family in Spirituals, and Say Divine Service in his House, where commonly they have a private Chapel for that Purpose. The Statute 21 *Hen.* 8 *c.* 13. ordains what Person may privilege one or more Chaplains to discontinue from their Benefices, in respect of their particular Service.

Chapter (*Capitulum*) signifies *Congregationem Clericorum in Ecclesia Cathedrali, Conventuali, Regulari vel Collegiata*: And in another Sense, *Locum in quo fiunt communes tractatus Collegiatorum.* It hath other Significations, not worth mentioning here, which you may read in *Lyndewode's Provin. Glss. verbo, Capitulum.* This Collegiate Company or Corporation is metaphorically termed *Capitulum*, (signifying originally a little Head,) it being a Kind of Head, not only to rule and govern the Diocess in the Vacation of the Bishoprick, but also in many Things to advise the Bishop when the See is full. See *Panormitan*, *in cap. Capitulum extra de rescriptis.* — *Ad Dedicationes, ad Synodos, ad Capitula venientibus sit summa Pax.* LL. Edwardi Confess. cap. 3.

Charge. See *Chapiter.*

Charolare, *i. e.* To dance; *Cogens quamplurimos viros & mulieres Anglicos mixtim* Charolare *nudos & psallere ante se.* See *Mat. Westm. Anno* 1305.

Charre of Lead. *La* Charre *de plumbo constat ex* 30 fotinellis, *& qualibet* fotinella *continet* 6 Petras, *exceptis duabus libris, & qualibet* Petra *constat ex* 12 *libris.* Assisa de ponderibus Rob. 3. R. Scot. cap. 22. sect. 2.

Chart, (*Charta*,) Paper, Parchment, or any Thing to write on: Also a Card, mentioned 14 *Car.* 2. *cap.* 33. See *Charter.*

Charta Magna contains several Privileges and Liberties which were granted to the Church and State by *Edward* the Confessor, and some which were granted by *Henry* I. but those were only relating to the feudal Laws which were imposed on the People by *William* I. so that nothing new was added by him.

King *Stephen* and King *Henry* II. confirmed the *Magna Charta* of *Henry* I. and *Richard* I. took an Oath at his Coronation to abolish all Evil Customs, and to observe all Just Laws; which was an implicite Confirmation of the Charter it self.

King *John* took the like Oath: But a Difference arising between him and Pope *Innocent* III. concerning the Election of an Archbishop of *Canterbury*, he was for the most Part of his Reign embroiled in Wars both at home and abroad; 'till at length at *Runingmede* (a Place between *Windsor* and *Staines*) he confirmed the Charter, and soon after broke it; and thereupon the Barons took up Arms again; so that his Reign ended in Wars, and *Henry* III. an Infant, succeeded; in whose Reign it was several Times confirmed, and as often abrogated, even after the most solemn Engagement to observe it. As for Instance: In the 37th Year of his Reign he came to *Westminster-Hall*, and there (in the Presence of the Nobility, and of the Archbishop and Bishops in their Pontifical Habits, with lighted Candles in their Hands) the Charter was read, the King all that while laying his Hand on his Breast; and when it was read, the Bishops extinguished the Candles, and threw them on the Ground; and every one said, *Thus let him be extinguished, and stink in Hell, who violates this Charter.* Then the Bells rung, as a Sign that every one rejoiced, and approved what was done. And the King himself said, *So help me God; I will faithfully and inviolably observe all these Things, as I am a Man, a Christian, a Soldier, and a King.* And yet the next Year he invaded the Rights of the People. And at length the Barons took up Arms, and beat his Army at the Battel of *Lewes* in *Sussex*, and took him and his Son, *Edward* I. Prisoners. But the Prince escaping, he beat the Barons in a Battel at *Evesham*, and restored his Father to his Royal Dignity. And then the King, though Conqueror, confirmed this Charter, and the Charter of the Forest, in the Parliament of *Marlbridge*, in the 52d Year of his Reign, and died five Years afterwards in Peace. And his Son *Edward* I. not only confirmed these Charters, but in the 25th Year of his Reign he made an Explanation of the Liberties and Privileges therein granted to the People; and added some which were new, which are called *Articuli super Chartas.* And thus *Magna Charta* was then confirmed, and more than thirty Times since. See *Magna Charta.*

Chartel, (Fr. *Cartel*,) a Letter of Defiance, or a Challenge to a single Combat; in use when those Combats were in Practice, to decide difficult

and not otherwise to be determined Controversies in Law.

Charter (*Charta*, Fr. *Chartres*, i. e. *Instrumenta*) is usually taken for written Evidence of Things done between Man and Man: Whereof *Bracton*, *lib.* 2. *cap.* 26. *num.* 1. says thus, *Fiunt aliquando Donationes in scriptis, sicut in chartis, ad perpetuam rei memoriam, propter brevem hominum vitam.* — And (*Num.* 12.) *Et sciendum quod* Chartarum *alia regia, alia privatorum; & regiarum, alia privata, alia communis, & alia universalis. Item, privatorum alia de puro Feoffamento & simplici, alia de Feoffamento conditionali sive conventionali, & secundum omnia genera Feoffamentorum fieri potest. Item, privatorum alia de recognitione pura vel conditionali. Item alia de quieta clamantia, & de confirmatione, &c.* *Briton* likewise, in his 39th *Chapter*, divides *Charters* into those of the King, and those of private Persons.

Charters of the King are those whereby the King passeth any Grant to any one Person, or more, or to any Body Politick; as a *Charter* of Exemption, that a Man shall not be empanell'd upon any Jury. *Kitchin*, *fol.* 314, and 177.

Charter of Pardon, whereby a Man is forgiven a Felony, or other Offence committed against the King's Crown and Dignity. *Brook*, *tit. Charter of Pardon.*

Charter of the Forest, wherein the Laws of the Forest are comprised. *Anno* 9 *Hen.* 3. *Crompt. Jurisd. fol.* 147. *Pupilla oculi. par.* 5. *cap.* 22. *Manwood*, *pag.* 1. *fol.* 1. Where he sets down the Charters of *Canutus*, and *fol.* 17. that which was made 10 *Hen.* 3. with the Charter of the Forest. Of these *Charters* you have a long Discourse in *Fleta*, *lib.* 3. *cap.* 14. who particularly expounds every substantial Part of a Deed of Gift. See *Magna Charta.*

Charterer. So in *Cheshire* they call a Freeholder. Sir *P. Ley's Antiq. fol.* 356.

Charter-Land (*Terra per Chartam*) is such as a Man holds by Charter, that is, by Evidence in Writing, otherwise called *Freehold*. *Anno* 19 *Hen.* 7. *cap.* 13. and *Kitchin*, *fol.* 86. This in the *Saxons* Time was called **Bockland**, which was held (according to *Lambard*, in his Explication of those Words, *verbo*, *Terra ex scripto*) with more commodious and easy Conditions than **Folkland** was, that is, Land held without Writing; because that was *Hæreditaria, libera atque immunis*; whereas, *Fundus sine scripto censum pensitabat annuum, atque officiorum quadam servitute est obligatus; Priorem viri plerumque nobiles, atque ingenui, posteriorem rustici ferè & pagani possidebant. Illam nos vulgò* Freehold *& per* Chartam; *hanc* ad voluntatem Domini *appellamus.* Thus *Lambard.*

Charter-Party (Lat. *Charta partita*, Fr. *Chartre parti*, *i. e.* a Deed or Writing divided) is that among Merchants and Sea-faring Men, which we commonly call a *Pair of Indentures*, containing the Covenants and Agreements made between them, touching their Merchandise and Maritime Affairs. *Anno* 32 *Hen.* 8. *cap.* 14. and 12 *Car.* 2. *cap.* 18. *Leigh's Rep. fol.* 225. *Ballo's* Case, and 2 *Instit. fol.* 673.

Chartis Reddendis is a Writ which lies against him that hath Charters of Feoffment entrusted to his Keeping, and refuseth to deliver them. *Old Nat. Br. fol.* 66. *Reg. of Writs*, *fol.* 159.

Chase (Fr. *Chasse*) signifies two Things: First, A driving of Cattle to or from any Place. Secondly, It is a Place of Receipt for Deer and Wild Beasts, of a middle Nature, between a Forest and a Park, being commonly less than a Forest, and not endued with so many Liberties, as the Courts of *Attachment*, *Swanimote*, 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. *Crompton*, in his *Jurisd. fol.* 148. says, A *Forest* cannot be in the Hands of a Subject, but it forthwith loseth its Name, and becomes a *Chase*: And yet, *fol.* 197. he says, A Subject may be Lord and Owner of a Forest; which, though it seems a Contradiction, yet both Sayings are in some Sort true: For the King may give or alienate a Forest to a Subject, yet so, as when it is once in the Subject it loseth the true Property of a Forest; because the Courts called the *Justice-seat*, *Swanimote*, and *Attachment*, do forthwith vanish, none being able to make a Lord Chief Justice in *Eyre* of the Forest but the King; as *Manwood* well observes, *Part* 2. *cap.* 3, & 4. Yet it may be granted in so large a Manner, as there may be *Attachment*, *Swanimote*, and a Court equivalent to a *Justice-seat*, as appears by him in the same Chapter, *numb.* 3. So that a *Chase* differs from a *Forest* in this, because it may be in the Hands of a Subject, which a *Forest*, in his proper and true Nature, cannot; and from a *Park*, in that it is not enclosed, and hath not only a larger Compass, and more Variety of Game, but of Keepers also, and Officers. See *Forest.*

Chastellaine, a Noble-woman: *Quasi* Castelli *Domina.*

Chattels, or **Catals**, (*Catulla*,) comprehend all Goods moveable and immoveable, except such as are in Nature of Freehold, or Parcel of it, as may be collected out of *Staundf. Prærog. cap.* 18. and *Anno* 1 *Eliz. cap.* 2. *Chattels* are either *Personal* or *Real*. *Personal* may be so called in two Respects: One, because they belong immediately to the *Person* of a Man, as a Bow, Horse, &c. The other, for that being any Way injuriously withheld from us, we have no Means to recover them but Personal Actions. *Chattels Real* are such as either appertain not immediately to the Person, but to some other Thing, by way of Dependency, as a Box with Charters of Land, Apples upon a Tree, or a Tree it self growing on the Ground, *Cromp. Just. of Peace, fol.* 33. Or such as are issuing out of some immoveable Thing to a Person, as a Lease or Rent for Term of Years. See *Bracton*, *lib.* 3. *cap.* 3. *num.* 3, & 4. *Chattels* are *bona quæcunque mobilia & immobilia; propriè tamen ea bonorum pars, quæ in animalibus consistit, a quorum* capitibus *res ipsæ aliàs* capita *aliàs* capitalia *dictæ sunt.* Spelman.

Chaumpert. — *Et quod tam prædicta xiii. virgatæ terræ, quam terræ, unde dicta quater-viginti quarteria frumenti annuè provenient, de nobis in Capite per servitium, vocatum* Chaumpert, *viz. Undecima garba, nobis per manus tenentium terrarum earundem, annuatim solvendæ, tenentur.* Pat 35 Edw. 3. par. 2. M. 18. Hospitali de *Bowes* infra Insulam de *Guernesey.*

Chaunce-Medley. See *Chance-Medley.*

Chaunderia. — *Et si Cervisiam putidam brasiabit, amittere debet* Chaunderiam *& Brasii valorem ad voluntatem Ballivorum.* MS. de LL. liberi Burgi Villæ de Montgomery, fol. 12.

Chaunter, (*Cantator*,) a Singer in the Choire. *Anno* 13 *Eliz. cap.* 10. At St. *David's* in *Pembrokeshire*, the *Chaunter* is next to the Bishop; for there is no Dean. *Cam. Britan.*

Chauntry, (*Cantaria*,) *Ædes sacra; ideo instituta & dotata prædiis, ut Missæ ibidem* Cantarentur

pro anima fundatoris & propinquorum eius. These were usually little Chapels, or particular Altars, in some Cathedral or Parochial Church, and endowed with Lands, or other Revenue, for the Maintenance of one or more Priests, to officiate as abovesaid. Mentioned 37 *H.* 8. *cap* 4. — 1 *Ed.* 6. *cap.* 14. and 15 *Car.* 2. *cap.* 9. Of these *Chantries* there were forty seven belonging to St. *Paul's* Church in *London*; for which see Mr. *Dugdale's* History of that Church.

Sciant — quod ego Reginaldus Suard dedi — Willielmo Crumpe Capellano Cantariæ *beatæ Mariæ de Tarpol unam parcellam pasturæ, &c Dat. apud Leominstre die Martis prox. post Festum Sancti Hillarii, Anno 7 Hen.* 5.

Chauntry-Rents (22 *Car.* 2. *cap.* 6.) are Rents paid to the Crown by the Servants or Purchasers of *Chauntry-Lands.*

Chawdzen of Sea-Coals, *Anno* 9 *Hen.* 5. *cap.* 10. See *Chaldron.*

Check-Roll is a Roll or Book containing the Names of such as are Attendants and in Pay to the King, or other great Persons, as their Household Servants. *Anno* 19 *Car.* 2. *cap.* 1. It is otherwise call the *Chequer-Roll, Anno* 24 *Hen.* 8. *cap.* 13. *Anno* 3 *Hen.* 7. *cap.* 13. and seems to be a Word abstracted or derived from the *Exchequer*; which see. *Clerk of the Check,* see in *Clerk.*

Chelindza, a Sort of Ship. *Obligavit se imperator ad* 100 Chelindras *&* 50 *Galeias ducendas ultra mare.* Mat. Paris. Anno 1238.

Chelmsford. See *Canonium.*

Chemin. See *Chimin.*

Chence. See *Amabyr.*

Chensers, (*Anno* 27 *H.* 8. *cap.* 7.) such as paid Tribute or *Cense*, Quit-Rent, or Chief-Rent: For so the Fr. *Censier* signifies.

Cheozles Werding, the Curtilage of a Countryman or Clown.

Cherches, a Sort of Tribute.

Chester. See *Deva.*

Cherset. See *Churchesset.*

Chevage (*Chevagium,* from the Fr. *Chef,* i. e. *Caput, Census Capitis*) signifies a Tribute or Sum of Money formerly paid by such as held Lands in Villenage, or otherwise, to their Lords in Acknowledgment; and was a Kind of Head or Poll-Money; whereof *Bracton, lib.* 1. *cap.* 10. says thus; *Chevagium dicitur recognitio in signum subjectionis & Dominii de capite suo.* It seems also to be used for a Sum of Money, yearly given to a Man of Power, for his Countenance and Protection, as to their Chief *Head* or Leader. *Lambard* (*lib.* 2, *cap.* 5. *Eirenarch.*) writes it *Chivage*: We now call it *Chiefage. Est & apud Wallos* Chevagii *genus quod* Amaby *vocant, Principi Walliæ pro maritandis filiabus, olim ab omnibus (ut asserunt) hodie à quibusdam (etiam liberis) persolutum,* says *Spelman* on the Word Chevaginm. See *Coke on Littl. fol.* 140.

That 'tis taken for a Sum of Money appears in a Charter of *H.* 3. *Mandatum est quod prædictum festum Sancti Edwardi vice Regia teneant & solenniter celebrent ad custum* (the Costs) *Regis &* Capitagium *Regis & Reginæ, &c.* Du Cange, Additiones.

The Jews, (whilst they were admitted to live in *England*) paid *Chevagium* or Poll-Money to the King; as appears by *Pat.* 8 *Edw.* 1. *par* 1. *m.* 15. And it was 3 *d.* for every Head, paid yearly at *Easter,* in Token of their Servitude. *Stat. de Judaismo.*

Chevantia, Goods. *Quod idem prioratus pene destructus & possessiones suæ ad plurimos terminos per plurimis* Chevanciis *alienatæ existunt.* Mon. 1 Tom. pag. 629.

Chevasia, (*Chevescium,*) the same with *Chacea*; *Donationes etiam fecit Abbati, &c. de tota terrâ suâ arabili cum* Chevesciis. Mon. 2 Tom. pag. 629.

Chevisance, (Fr. *Chevissance,*) an Agreement or Composition made; an End or Order set down between a Creditor and a Debtor; or sometimes taken for an indirect Gain or Booty. Lord *Verulam* in his *Hen.* 7. But in our Statutes it is most commonly used for an unlawful Bargain or Contract. As 37 *Hen.* 8. *c.* 9. 13 *Eliz. c.* 5, & 8. and 12 *Car.* 2. *cap.* 13. In *Rot. Parl.* 21 *Edw.* 3. it is written *Cheevances.*

Chevitiæ and **Chevisceæ,** (*Chevez,*) Hades at the End of plowed Lands. — *Novem acras terræ cum* Chevisciis *ad ipsas pertinentibus.* Mon. Angl. 2 par. fol. 116. and Pat. 9 Edw. 2. Par. 2. m. 2.

Chief. See *Capite.*

Chiefage. See *Chevage.*

Chief Pledge, (*Plegius vel vas Capitalis,*) *Anno* 20 *Hen.* 6. *cap.* 8. See *Borough-head.*

Childwit (Sax.) signifies a Power to take a Fine of a Bond-woman, unlawfully begotten with Child. *Prior habeat Gersumam de Nativa sua impregnata sine licentia maritandi.* Ex Registro Priorat. de Cokesford. Every reputed Father of a base Child, gotten within the Manor of *Writtel,* in *Com. Essex,* pays to the Lord for a Fine 3 *s* 4 *d.* where it seems to extend as well to Free as Bond-women; and the Custom is there yet called *Childwit. Quicunque illam culpam fecerit, vocat* Childwit, *Archiepiscopus aut totam aut dimidiam emendationis partem habebit quietum esse de* Childwit. Du Cange.

Chimin (Fr. *Chemin,* i. e. *aditus, via,*) signifies a Way; which is of two Sorts: The King's Highway, and a Private Way. The *King's Highway* (*Chiminus Regius*) is that in which the King's Subjects, and all others under his Protection, have free Liberty to pass, though the Property of the Soil, where the Way lies, may perhaps belong to some private Man. A *Private Way* is that in which one Man, or more, have Liberty to pass, either by Prescription, or 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 holds principally and solely in it self; *Chimin appendant* is that which a Man hath as appurtenant to some other Thing; as, if he hire a Close or Pasture, with Covenant for Ingress and Regress through some other Ground, in which otherwise he might not pass. See *Coke on Littl. fol.* 56.

Chiminage (*Chiminagium*) signifies a Toll for Wayfarage through the Forest. *Cromp. Jurisd. fol.* 189. *Telonium quod in Forestis exigebant Forestarii à plaustris & equis oneris causâ eò venientibus.* Charta Forestæ, cap. 14. *Nullus Forestarius de cætero, qui non sit Forestarius de Feodo, reddens nobis firmam pro baliva sua, capiat* Chiminagium *aliquid in Balliva sua, &c. — Et quædam Consuetudo vocat.* The Feudists call it *Pedagium.* This in *Pulton, fol.* 6. is falsly printed *Chimmage*; and in a Record in the *Tower* I find *Chimage.*

Chiminage, *inter Rostormel & Lestreishiel quondam ad xii d. per ann.* MS. Survey of the Dutchy of *Cornwal.*

Chimney-Money, otherwise called *Hearth-Money.* By Statute 24 *Car.* 2. *cap.* 2. Every Fire-Hearth and Stove of every Dwelling, and other House within England and Wales, (except such

such as pay not to Church and Poor;) shall be chargeable with two Shillings per Annum, payable at Michaelmas and Lady-Day, to the King and his Heirs, &c. Which Payment is vulgarly called *Chimney-Money*. See *Smoak-Silver* and *Fuage*.

Chipp, Cheap, Chipping, signifies the Place to be a Market-Town: From the Sax. Leapen, Lyppan, *Emere*; as *Chippenham*, *Cheapside*, *&c.*

Chippingavel, rectius *Cheapingavel*, Toll for Buying and Selling. See *Bagavel*.

Chirgemot, Circgemot, or **Chirch-gemot**. (Sax.) *Forum Ecclesiasticum*. — *Quosque* Chirgemot *Discordantes inveniet, vel amore congreget, vel sequestret judicio*. LL. Hen. 1. cap. 8. and 4 Inst. fol. 321.

Chirograph, (*Chirographum*, or *scriptum Chirographatum*) Anciently, when they made a *Chirograph*, or Deed, which required a Counter-part, as we call it, they engrossed it twice upon one Piece of Parchment contrary-wise, leaving a Space between, in which they wrote in great Letters the Word *CHIROGRAPH*; and then cut the Parchment in two, sometimes even; sometimes with *Indintura*, through the Midst of the Word, concluding the Deed with, — *In cujus rei Testimonium utraque pars mutuo scriptis præsentibus, fide media sigillum suum fecit apponi*. This was afterwards called *Dividenda*, because the Parchment was so divided or cut. And the first Use of these *Chirographs* was in *Henry* the Third's Time. See *Indenture*. *Chirograph* was also of old used for a Fine. — *Promittens fideliter fide media sub juramento præstiti, quod in adventu Justiciariorum prox. erraniium levari faciam* Chirographum *de prædicta Remissione, &c.* Charta Nestæ de Stanley sine dat. in Registro de Wormley. And the Manner of Engrossing the Fines, and Cutting the Parchment in two Pieces, is still observed in that Office, which is called the *Chirographer's Office*. But as to Deeds, that was anciently called a *Chirograph*, which was subscribed by the proper Hand-writing of the Vendor or Debtor, and delivered to the Buyer or Creditor; and it differed from *Syngraphus*, which was in this Manner; *viz.* Both Parties, as well the Creditor as Debtor, wrote their Names, and the Names of the Witnesses, and the Sum of Money borrowed, either in Paper, or on a Piece of Wood, and the Word *Syngraphus* in Capital Letters in the Middle; which Letters were cut in the Middle, and one Part delivered to each Party, that upon comparing them (if any Dispute should arise) they might tally, and so put an End to the Difference.

The *Chirographs* were called *Chartæ Divisæ*, *Scriptæ per Chirographum divisæ*, *Charta per Alphabetum divisæ*, as the *Chirographs* of all Fines are at this Day.

Chirographer of Fines, (*Chirographus Finium & Concordiarum*, of the *Greek* χειρόγραφοι, *i. e.* a Writing of a Man's own Hand, whereby he acknowledges a Debt to another,) signifies that Officer in the *Common Pleas*, who engrosseth Fines in that Court acknowledged into a perpetual Record, (after they are examined, and fully passed by other Officers,) and that writes and delivers the Indentures of them to the Party. *Anno* 2 *Hen.* 3. *cap.* 8. — 2 *Hen.* 4. *cap.* 8 and *Fitz. Nat. Br. fol.* 147. *n.* This Officer makes two Indentures, one for the Buyer, another for the Seller, and makes one other indented Piece, containing also the Effect of the Fine, which he delivers to the *Custos Brevium*, which is called the *Foot of the Fine*. The *Chirographer* also, or his Deputy, proclaims all the Fines in the Court every Term, according to the Statute, and endorseth the Proclamations upon the Backside of the Foot thereof; and always keeps the Writ of Covenant, and the Note of the Fine. See *Tabling of Fines*, *Anno* 23 *Eliz. cap.* 3. and 2 *Part. Inst. fol.* 468.

Chivage. See *Chevage*.

Chivalry, (*Servitium Militare*,) comes from the Fr. *Chevalier*, i. e. *Eques*, and signifies a Tenure of Land by Knights-Service; whereby the Tenant was bound to perform a Service in War unto the King or the Mesn Lord, of whom he held by that Tenure. The further Explication of which Tenure, and the several Branches of it, may be omitted, since by Stat. 12 *Car.* 2. *cap.* 24. All Tenures by Knights-Service of the King, or of any other Person, Knight-Service in Capite, or Socage in Capite of the King, and the Fruits and Consequences thereof, happened, or which shall or may happen or arise thereupon, or thereby, are taken away and discharged: And all Tenures of Houses, Manors, Lands, &c. shall be construed and adjudged for ever to be turned into free and common Socage, &c.

Chocagium, the same with *Ceppagium*. In *Picardy* they are called *Choques*; and with us *Chucks*, *vulgo* Chips.

Choral (*Choralis*) may relate to any Person, that by virtue of any of the Orders of the Clergy, was in ancient Time admitted to sit and serve God in the Choire: In Latin *Chorus*. Accordingly Mr. *Dugdale* (in his History of St. *Paul's* Church, *pag.* 172.) says, There were anciently *Six Vicars Choral* belonging to that Church.

Chose, (Fr.) Thing: It is used with divers Epithets; as *Chose Local* is such a *Thing* as is annexed to a *Place*. For Example; A Mill is *Chose Local*. *Chose Transitory* seems to be that Thing which is moveable, and may be taken away or carried from Place to Place. *Kitchin*, *fol.* 18. *Chose in Action* is a Thing incorporeal, and only a Right; as an Annuity, Obligation for Debt, a Covenant, Voucher by Warranty, and generally all Causes of Suit for any Debt or Duty, Trespass or Wrong, are to be accounted *Choses in Action*. And it seems *Chose in Action* may be also called *Chose in Suspence*; because it hath no real Existence or Being, nor can properly be said to be in our Possession. *Brook*, *tit. Chose in Action*.

Chop-church (*Ecclesiarum permutatio*) is a Word used 9 *Hen.* 6. *c.* 65. *a.* By the Sense of which Book it was in those Days a Kind of Trade; for the Judges say it was a lawful Occupation, and a good Addition: Yet *Brook* in his *Abridgment* calls it not an Occupation, but a Thing permissible by Law. It was (without Doubt) a Nickname given to those that used to change Benefices; for to *chop and change* is an usual Expression to this Day. I have also read *Church-Chopper*, for him that used to make such Changes, — *Alii vero quorundam satorum zizaniæ, subversorum Justitiæ, & inauditæ abusionis inventorum, ut illis verbis utamur* Choppe-Churches, *communiter appellati, mediante dolosa intervenientes, execrabili ardore avaritiæ, quandoque in subdolis permutationibus, hos nimia inæqualitate Beneficiorum, ac illis quandoque obtentis Beneficiis, fucatis coloribus totaliter destituunt & defraudant*. Litera missa omnibus Episcopis suffraganeis Domini contra Choppe-Churches. An. 1391. Spelm. de Conc. Vol. 2. fol. 642.

Church. See *Fabrick Lands*, and *Matrix Ecclesiæ*.

Church-Reve, a Churchwarden. *Præpositus Ecclesiæ* or *Gardianus Ecclesiæ*; of whom, thus *Chaucer*, speaking of the Jurisdiction of Archdeacons;

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

Churchwardens (*Ecclesiæ Gardiani*) are Officers yearly chosen by Consent of the Minister and Parishioners, according to the Custom of every Place, to look to the Church, Church-yard, and such Things as belong to both; and to observe the Behaviour of their Parishioners, for such Faults as appertain to the Jurisdiction or Censure of the Court-Ecclesiastick. These are a Kind of Corporation, enabled by Law to sue, and be sued for any Thing belonging to the Church, or Poor of their Parish. *Anno* 12 *Hen.* 7. *cap. ult.* See *Lambard's Duty of Churchwardens.*

Churchesset, — *Et de esserto & de prato & de* Chirset *ejusdem villæ, &c.* Chart. de Anno 1 Ed. 3. numb. 3. And *Pat.* 13 *Edw.* 4. *par.* 2. *m.* 17. it is written **Cherchez**; but the true *Saxon* is Cynic-ceat. See *Ciriceat.*

Christmales denarii was a tribute paid by the Clergy to the Bishop at *Easter*; which was afterwards condemned as simoniacal: *Nec propter Synodum, aut propter* Chrisma, *nec propter aliquam Ecclesiasticam causam Episcopo Dunelmensi aliquod debitum sive aliquam consuetudinem debet.* Ric. Prior. de Hagustad, Lib. 2. cap. 3.

Cilurnum, *Collerford* in *Northumberland.*

Cinque-Ports (*Quinque Portus*) are those special Havens that lie towards *France*, and therefore have been thought by our Kings to be such as ought most vigilantly to be preserved against Invasion. In which Respect they have an especial Governor or Keeper, called, by his Office, *Lord Warden of the Cinque Ports*, and divers Privileges granted them, as a peculiar Jurisdiction; their *Warden* having the Authority of an Admiral among them, and sending out Writs in his own Name. See *Gardein of the Cinque-Ports*, and the Statute 32 *Hen.* 8. *cap.* 48. See *Quinque Portus*, and 4 *Inst. fol.* 222.

Cippus, A Pair of Stocks to put Offenders in. — *Habeant necnon* Cippos *& conclusoria in singulis villis, ad correctionem delinquentium.* Mon. Angl. 2 Par. fol. 349. a.

Circa, *i. e.* a Watch: From which *Circuitor*: *Quatuor Circuitores Monasterii quos alio nomine* Circas *vocant, juxta præceptum sancti Benedicti certis horis circuire debent Monasterii officinas.* Du Cange.

Circada, a Tribute which was paid to the Bishop or Archdeacon for visiting the Churches. *Du Fresne.*

Circuit of Action (*Circuitus Actionis*) is a longer Course of proceeding to recover the Thing sued for than is needful: As, if a Man grant a Rent-charge of 10 *l.* out of his Manor of *Dale*, and after the Grantee disseiseth the Grantor, of the same Manor, who brings an Assise, and recovers the Land, and 20 *l.* Damages; which being paid, the Grantee brings his Action for 10 *l.* of his Rent due during the Time of the Disseisin, which he must have had if no Disseisin had been. This is called *Circuit of Action*; because, whereas the Grantor was to receive 20 *l.* Damages, and pay 10 *l.* Rent, he might have received but 10 *l.* only for Damages, and the Grantee might have kept the other 10 *l.* in his Hands by way of *Detainer* for his Rent, and so have saved his Action. *Terms Leys.*

Circumspecte Agatis is the Title of a Statute made in the Thirteenth of *Edward* the First, *Anno Domini* 1285. prescribing certain Cases to the Judges, wherein the King's Prohibition lies not. *Coke, lib.* 7. *fol.* 44. *Lib.* 5. *fol.* 67. and 2 *Part Inst. fol.* 487.

Circumstantibus (*i. e.* By-standers) signifies the Supply or Making up the Number of Jurors, (if any impanell'd appear not, or appearing be challenged by either Party,) by adding to them so many of those that are present or *standing by* as will serve the Turn. 35 *H.* 8. *c.* 6. and 5 *Eliz. cap.* 25.

Cirencester. See *Corinium.*

Ciricceat, (Sax. Cynic-ceat, *Vectigal Ecclesiasticum, frumenti tributum.*) *Church-scot*, a certain Portion, Tribute, or Payment, made to the *Church*, of Corn, Fruit, or any other Thing. *Fleta* calls it *Ciresed, quasi, Semen Ecclesiæ debitum. Joh. Southam ad Festum. S. Martini in Tome debet* 1 *Gallinam (de redditu) & 5 Gallinas de* Chirseat. *Custum. Monast. de Bello. fol.* 87. *a.* This Tribute was anciently payable at the Feast of St. *Martin*, as appears by *Domesday*, and called by Sir *Edward Coke Church-seed. Coke on Littl. fol.* 88. *b.* See *Churchesset.*

Cirliscus homo, a Churl, or Countryman.

Cisinus, a Beast whose Skin was used to make rich Garments.

Cisinus obrepsit & vestitura potenter
Marturis, & spolio non leviore Bever.

Citatio ad instantiam partis, (22 & 23 *Car.* 2. *Stat.* for laying Impositions on Proceedings at Law.)

City (Lat. *Civitas*, Fr. *Cité*) is a Word which hath obtained since the Conquest: For in the Time of the *Saxons* there were no Cities, but all great Towns were called *Burghs*; and even *London* was then called *Londen Burgh*, i. e. *London Borough.* And long after the Conquest the Word City is used promiscuously with *Burgh*, as in the Charter of *Leicester* 'tis called both *Civitas* and *Burgus*; which shews that my Lord *Coke* was mistaken, when he tells us that every City was or is a Bishop's See: Nor had *Gloucester* then any Bishop, though it is called a City in *Domesday.* And he himself observes in another Place that *Cambridge* was a City by ancient Record, *viz. Mich.* 7 *R.* 1. *Rot.* 1. tho' it never had a Bishop. And in the Stat. 11 *H.* 7. *cap.* 4. 'tis called *Cambridge* Town.

So that though the Word City signifies with us such a Town Corporate as hath usually a Bishop and Cathedral Church, yet 'tis not always so. And *Crompton* reckoning our Cities, leaves out *Ely*, tho' it has a Bishop and a Cathedral Church. *Anno* 35 *Eliz. cap.* 6. *Westminster* is called a *City*; and it appears by the Statute 35 *Hen.* 8. *cap.* 10. that then there was a Bishop of *Westminster.* But by Letters Patent, dated 21 *May*, 2 *Eliz.* (pursuant to an Act of Parliament of 1 *Eliz.* not printed) the Revenues of that late Monastery were vested in the *Dean and Chapter of the Collegiate Church of Westminster*, which hath caused Error in the Pleadings of some Cases, by styling it the *Cathedral*, for *Collegiate* Church of *Westminster.* *Cassaneus de Consuetud. Burgun. pag.* 15. saith, That *France* hath within its Territories 104 *Cities*; and gives his Reason, because there are so many Seats of Archbishops and Bishops.

Clack; as, to *clack*, *force*, or *bard*, alias *beard*, good Wooll. *Anno* 8 *Hen.* 6. *cap.* 22. Whereof the first, *viz.* To *clack Wool*, is to cut off the Sheep's Mark, which makes it weigh less, and so yield the less Custom to the King. To *force Wool*, is to clip

off the upper and hairy Part of it. To *bard* or *board* it, is to cut the Head and Neck from the rest of the Fleece. *Noverit universitas vestra nos vendidisse & concessisse 62 saccos lanæ de collectione nostra sterii nostri sine* Clack & Lok, God & Card *nigra grissa vilem ruyssin, &c. sine pelle.* Du Cange.

Cladeo. See *Cleio.*

Claga. See *Cleta.*

Claim (*Clamium*) is a Challenge of Interest in any Thing that is in the Possession of another; or, at least, out of his own; as *Claim* by Chattels, *Claim* by Descent, *&c.* *Old Nat. Br. fol.* 11. & *Dominus infra annum* Clamium *qualitercunque apposuerit. Bracton, lib. 3. cap.* 10. See the Definition and divers Sorts of *Claim* in *Plowden, Casu Stamd, fol.* 359.

Clamea Admittenda in itinere per Attornatum is a Writ whereby the King commends the Justices in *Eyre* to admit one's *Claim* by Attorney, who is employed in the King's Service, and cannot come in his own Person. *Reg. of Writs, fol.* 19. *b.*

Clap-board (*Anno* 31 *Eliz. cap.* 11.) is Board cut in order to make Cask or Vessels.

Clarentius. See *Herald.*

Clarigarius Armorum, an Herald.

Clario, a Trumpet. *Statimque clangebant* Clariones *& Tubæ.* Knighton, Anno 1346.

Classiarius, a Seaman, or Soldier serving at Sea. — *Omnesque ejus Capitaneos, Milites & Classiarios.* — Charta Caroli I. Imperatoris Thomæ Comiti Surr. dat. in urbe Londinensi, 8 Junii, 1522.

Classicum, a Ring of Bells. *Proprie est concentus omnium instrumentorum simul sonantium. Campanis per totam civitatem ad* Classicum *pulsantibus.* Du Cange.

Claud, (*British,*) a Ditch. — *Per illud rivulum usque ad quoddam* Claud *juxta Coetmaur.* Charta Lewlini Principis Walliæ, dat. Anno 1198.

Claves Insulæ, *i. e.* the Keys of the Island. In the Isle of *Man* all ambiguous and weighty Cases are referred to Twelve, whom they call *Claves Insulæ.*

Clavigeratus, *i. e.* a Treasurer of a Church. *Aliter Willielmus Wallingford* Clavigeratus. Monast. 1 Tom. pag. 184.

Clause Rolls (*Rotuli Clausi*) contain all such Matter of Record as was contained in *Close Writs.*

Clausentum, *Southampton.*

Clausura, an Inclosure, or that which fences it. — *In sepibus, in* Clausturis, *in communibus.* 2 Mon. Angl. fol. 403. *a.* 39.

Clausum Fregit. Mr. *Somner*, in his *Saxon Dictionary*, conceives the Original of those much used Words in our Law-Pleading might come from the *Saxon* Ebep-bryce, which signifies *Hedge-breaking*, the Boughs which close the Top of the Hedge being usually called *Etheringes.*

Clausum Paschæ. *Stat. of Westm.* 1. *Leudemaine de la Close de Pasche*; that is, *In Crastino clausi Paschæ*, or, *in Crastino Octabis Pasche*, which is all one; *viz.* The Morrow of the *Octas of Easter.* 2 *Part. Inst. fol.* 157. — *Ad Curiam coram visu Franci Pleg. tent. apud* Maurdin *die Jovis prox. post Festum* Clausi Paschæ Anno 17 Edw. 4. *Testatum fuit quod, &c.* Clausum Paschæ, *i. e. Dominica in Albis; sic dictum, quod Pascha* Claudat.

Clausura Heye, — *Johannes Stanley Ar. clamat quod ipse & hæredes sui sunt quieti de* Clausura Heye *de Macclesfield*, scil. *Clausura unius Rodæ terræ circiter bajam predict.* Rot. Plac. in Itinere apud Cestriam, Anno 14 Hen. 7. See *Claustura.*

Clawa, a small Measure or Quantity of Land. *Unam* Clawam *cum pertinentiis.* Monast. 2 Tom. pag. 250. Probably from the Sax. Clea, *Angulus*, a Nook of Land.

Cleia, Cleta, Claeta, a Hurdle. *Si murdrum invenitur ad cubi custodiatur per dies sunt* Cleiam. Leges H. 1. cap. 92. *Item pro* 18 *Cladibus faciendis ad ovile seu domum.* Somner, Gavel, fo. 199.

Cleptor, a Thief or Rogue. *Dum quum Dapifer meum in manibus pessimi* Cleptoris *me vulnerasset, miles erpera.* Hoveden, Anno 1191. Fol. Wenc. pag. 464.

Clergy (*Clerus*) is diversly taken; sometimes for the whole Number of those who are *De Clero Domini*, of our Lord's Lot or Share, as the Tribe of *Levi* was in *Judea*; sometimes for a Plea to an Indictment or an Appeal, and so by *Staundford* (*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 in 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 case of Murder. *Coke, lib.* 4. *fol.* 46. *a.* This Liberty is mentioned *in Articulis Cleri*, Anno 9 *Edw.* 2. *c.* 16. And what Persons might have their *Clergy*, and what not, see *Staundf. Pl. Cor. lib.* 2. *cap.* 42. & 43. Yet there are many Statutes made since he wrote that Book, whereby the Benefit of *Clergy* is abridged; as, *Anno* 8 *Eliz. cap.* 4. & 14 *Eliz. cap.* 5. — 18 *ejusdem, c.* 6. & 7. — *Anno* 23 *Eliz. cap.* 2. — 29 *ejusdem, cap.* 3. & 31 *ejusdem, cap.* 12. and 39 *ejusdem, cap.* 9. & 18. Of this see *Crompton's Justice of Peace, fol.* 102. & 105. and *Lambard's Eiren. lib.* 4. *cap.* 14. And note, that the ancient Course of Law in this Point is much altered: For by the Statute of 18 *Eliz. cap.* 7. Clerks are no more delivered to their Ordinaries to be purged; but now every Man to whom this Benefit is granted, tho not in Orders, is put to read at the Bar after he is found guilty and convicted of such Felony, and so burnt in the Hand, and set free for the first Time, if the Ordinary's Commissioner or Deputy standing by do say, — *Legit ut Clericus*; or otherwise he suffers Death for his Transgression. *Coke.*

As to the Clergy in general, though they claim an Exemption from all secular Jurisdiction, yet *Matthew Paris* tells us, That soon after *William* the First had conquered *Harold*, he subjected the Bishopricks and Abbeys who held *per Baroniam*, (and who till then were exempted from all secular Service,) that they should be no longer free from military Services; and for that Purpose he in an arbitrary Manner register'd how many Soldiers every Bishopric and Abbey should provide, and send to him and his Successors, in Time of War, and having placed these Registers of Ecclesiastical Servitude in his Treasury, those who were aggrieved departed out of the Realm.

But the Clergy were not till then exempted from all secular Service; because by the Laws of King *Edgar* they were bound to obey the secular Magistrate in three Cases, *viz.* Upon any Expedition to the Wars, and to contribute to the building and repairing Bridges and Castles for the Defence of the Kingdom.

'Tis probable that by *Expedition to the Wars*, it was not intended that they should personally serve, but

but contribute towards the Charge. One they must do, as appears by the Petition to the King *Anno* 1267, *viz. Ut omnes Clerici tenentes per Baroniam vel Feudum laicum, personaliter arma praeferent contra Regios adversarios, vel saltem Servientes in expeditione Regis mitterent, quantum pertinet ad tantam terram vel tenementum.* Their Answer was, That they ought not to fight with the Military, but with the Spiritual Sword, that is, with Prayers and Tears; that they ought to maintain Peace, and not War; and that their Baronies were founded in Charity, for which Reason they ought not to perform any military Service.

Clerico admittendo is a Writ directed to the Bishop for the admitting a Clerk to a Benefice, upon a *Ne admittas* tried and found for the Party that procures the Writ. *Reg. of Writs, fol.* 31.

Clerico capto per Statutum Mercatorum, &c. is a Writ for the Delivery of a Clerk out of Prison, who is imprisoned upon the Breach of a Statute Merchant. *Reg. of Writs, fol.* 147.

Clerico convicto commisso Gaolæ in defectu Ordinarii deliberando, is a Writ for the Delivery of a Clerk to his Ordinary, that was formerly convicted of Felony, by reason his Ordinary did not challenge him according to the Privileges of Clerks. *Reg. of Writs, fol.* 69. *a.*

Clerico infra sacros ordines constituto, non eligendo in Officium, is a Writ directed to the Bailiffs, &c. that have thrust a Bailiwick or Beadleship upon one in Holy Orders, charging them to release him. *Reg. of Writs, fol.* 143. *a.*

Clerk, (*Clericus,*) Hath two significations; one, as it is the title of him that belongs to the Holy Ministry of the Church, under which, where the Canon-Law hath full Power, are, not only comprehended *Sacerdotes & Diaconi,* but also *Subdiaconi, Cantores, Acolyti, Exorcistæ, & Ostiarii.* And in this signification, a Clerk is either *Religious,* (otherwise called *Regular,*) or *Secular.* *Anno* 4 *Hen.* 4. *cap.* 12. The other denotes those, who by their function or course of Life, practise their Pen in any Court, or otherwise; as, *the Clerk of the Rolls of Parliament, Clerks of the Chancery,* &c. whose peculiar Office shall be set down in order.

This word *Clericus* comprehends all sorts of Priests, Deacons, and others in Holy Orders, either Secular or Regular; but more properly a Minister or Priest, as one who is more peculiarly called *in sortem Domini.* *Poor Vicar's Plea, fol.* 13. Yet *Johannes Sawel Clericus Domini Regis,* (*Cil. Edw* 1,) was supposed to signify Secretary, or Clerk of his Council. *Antiq. of Nottinghamshire, fol.* 317.

Clerk of the Acts is an Officer of good account in the Navy-Office, who receives and records all Orders, Contracts, Bills, Warrants, and other Businesses, transacted by the Lord Admiral and Commissioners of the Navy; and is mentioned in the Stat. 16 *Car.* 2. *cap.* 5. and 22 & 23 *Car.* 2.

Clerk of Assise (*Clericus Assisarum*) is he that writes all Things judicially done by the Justices of Assise in their Circuits. *Cromp. Jurisd. fol.* 227.

Clerk of the Bails (22 & 23 *Car.* 2. *cap.* of impos. on Proceedings at Law) is an Officer belonging to the Court of *King's Bench.*

Clerk of the Check is an Officer in the King's Court, so called, because he hath the *Check* and Controlment of the Yeomen of the Guard, and all other ordinary Yeomen, belonging either to his Majesty, the Queen, or Prince; either giving leave, or allowing their Absences or Defects in Attendance, or diminishing their Wages for the

same. He also nightly by himself, or Deputy, takes the view of those that are to watch in the Court, and hath the setting of the Watch. The Officer is mentioned *Anno* 33 *Hen.* 8. *cap.* 12. There is an Officer of the same Name in the King's Navy, and mentioned *Anno* [illegible] *Car.* 2. *cap.* 1.

Clerk of the Cleft (*Anno* 10 *Car.* 2. [illegible]) keeps an account of the Moneys collected and kept in a *Cleft,* for the use of sick and maimed Seamen and Mariners.

Clerk of the Crown (*Clericus Coronæ*) is a Clerk or Officer in the *King's Bench,* whose function is to frame, read, and record all Indictments against Traitors, Felons, and other Offenders there arraigned or indicted upon any public Crime. He is otherwise termed *Clerk of the Crown Office.* And *Anno* 2 *Hen.* 4. *cap.* 10. [illegible] *of the Crown of the King's Bench.*

Clerk of the Crown in Chancery (*Clericus Coronæ in Cancellaria*) is an Officer there, who by himself or Deputy, is continually to attend the Lord Chancellor, or Lord Keeper, [illegible] and prepares, for the Great Seal of *England,* [illegible] Matters of State, by Commission, or the [illegible] either immediately from His Majesty, or by Order of His Council; as well ordinary as extraordinary, *viz.* Commissions of Lieutenancy, of Justices Itinerant, and of Assises, of *Oyer* and *Terminer,* of Gaol-Delivery, and of the Peace, with their *Writs of Association,* and the like. Also, all General Pardons upon Grants of them, at the King's Coronation, or at a Parliament, where he sits in the Lords House in Parliament-time, into whose Office the Writs of Parliament, made by the Clerks of the Petribag, with the Names of Knights and Burgesses elected thereupon, are to be returned and filed. He hath also the making of all Special Pardons, and Writs of Execution upon Bonds of Statute-Staple forfeited, which was annexed to his Office in the Reign of Queen *Mary,* in consideration of his continual and chargeable Attendance: Both these before being common for every *Curfitor* and *Clerk* of the *Court of Chancery* to make.

Clerk of the Deliveries is an Officer in the *Tower,* who takes Indentures for all Stores issued thence.

Clerk of the Errors, (*Clericus Erratum,*) in the Court of *Common Pleas,* does transcribe and certify into the *King's Bench,* the Tenour of the Records of the Cause or Action; upon which, the *Writ of Error* (made by the *Curfitor*) is brought, there to be judged and determined. The *Clerk of the Errors* in the *King's Bench,* does likewise transcribe and certify the Records of such 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 Transcript from the *Clerk of the Errors,* and delivering it to the *Lord Keeper,* there to be determined, according to the Statutes 27 *Eliz.* 8. and 31 *Eliz.* 1. The *Clerk of the Errors in the Exchequer* does transcribe the Records, certified thither out of the *King's Bench,* and prepares them for Judgment in the Court of *Exchequer,* to be given by the Justices of the *Common Pleas,* and Barons there. See 16 *Car.* 2. *cap.* 2. and 20 *Ejusdem, cap.* 4.

Clerk of Essoins (*Clericus Essoniarum*) is an Officer belonging to the Court of *Common Pleas,* who keeps the *Essoin-Rolls,* and hath for every Execution to bar the Essoin, in case where the Party hath omitted his Time, six Pence. He hath also the providing of Parchment, and cutting it out into

into Rolls, and marking the Numbers upon them, and the Delivery out of all the Rolls to every Officer, the receiving them again when they are written, and the binding and making up the whole Bundles of every Term; and this he doth as Servant to the Chief Justice. For the Chief Justice is at charge for the Parchment of all the Rolls; for which he is allowed, as the Chief Justice of the *King's Bench*, besides the Penny for the Seal of every Writ of Privilege and Outlawry, the seventh Penny taken for the Seal of every Writ under the Green Wax, or Petit Seal, in the Court of *King's Bench* and *Common Pleas* respectively, the said Lord Chief Justices having annexed to their several Offices or Places, the Custody of the said Seals belonging to each Court.

Clerk of the Estreats (*Clericus Extractorum*) is a Clerk belonging to the *Exchequer*, who Termly receives the *Estreats* out of the Lord Treasurer's Remembrancer's Office, and writes them out to be levied for the King. He also makes Schedules of such Sums estreated, as are to be discharged. See the *Practice of the Exchequer*, *pag.* 82.

Clerk of the Hamper, or Hanaper, (*Clericus Hanaperii*) is an Officer in *Chancery*, (*Anno* 2 *E.* 4. *cap.* 1.) otherwise called *Warden of the Hamper*, in the same Statute, whose Function is to receive all the Money due to the King for the Seals of Charters, Patents, Commissions, and Writs; as also Fees due to the Officers for enrolling and examining the same, with such like. He is tied to attendance on the Lord Chancellor, or Lord Keeper daily in the Term-time, and at all Times of Sealing, having with him leather Bags, wherein are put all Charters, *&c.* After they are sealed, those Bags, being sealed up with the Lord Chancellor's private Seal, are delivered to the Comptroller of the Hamper, who upon Receipt of them, doth, as you shall read in his Office. This *Hanaper* represents a shadow of that which the *Romans* termed *Fiscum*, which contained the Emperor's Treasure.

The *Exchequer* was anciently so called, because *in eo reconderentur* Hanapi *& scutræ cæteraq; vasa quæ in censum & tributum persolvi solebant*; thus we read in the *Monast.* 1 *Tom.* pag. 943. *Rex, &c. Cum de gratiâ nostrâ speciali & pro quodam fine, &c. solut. &c. in* Hanaperio *nostro concesserimus*: Or it may be so called, because the yearly Tribute which Princes received, was in *Hampers* or large Vessels full of Money.

Clerk of the Juries, or Jurata Writs, (*Clericus Juratorum*) is an Officer belonging to the Court of *Common Pleas*, who makes out the Writs called *Habeas Corpora* and *Distringas*, for Appearance of Juries, either in Court, or at the Assises, after the Jury or Panel is returned upon the *Venire facias*. He enters also into the Rolls the Awarding of these Writs, and makes all the Continuance from the going out of the *Habeas Corpora*, until the Verdict be given.

Clerk Comptroller of the King's House, whereof there are two, is an Officer in the Court that hath Authority to allow or disallow the charges and demands of Pursuivants, Messengers of the *Green-Cloth*, or other like. He hath also the oversight and controlling of all Defects and Miscarriages of any the inferiour Officers, and to sit in the Counting-House with the superiour Officers, *viz.* The Lord Steward, Mr. Treasurer, Comptroller, and Cofferer, either for correcting, or bettering Things out of Order. This Officer is mentioned *Anno* 33 *Hen.* 8. *cap.* 12.

Clerk Marshal of the King's House seems to be an Officer that attends the Marshal in His Court, and records all His Proceedings. *Anno* 33 *Hen.* 8. *cap.* 12.

Clerk of the King's Silver (*Clericus Argenti Regis*) is an Officer belonging to the Court of *Common Pleas*, to whom every Fine is brought, after it hath been with the *Custos 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 recorded in the Rolls of the Court. And his Entry is in this Form: He puts the Shire in the Margin, and then saith, *A. B. dat. Domino Regi dimidium marcam* (or more according to the Value,) *pro licentia concordandi cum C. D. pro talibus terris, in tali villa, & habet chirographum per pacem admissum, &c.*

Clerk of the King's Great Wardrobe (*Clericus Magnæ Garderobæ Regis*) is an Officer of the King's House, that keeps an Accompt or Inventory in writing, of all Things belonging to the King's Wardrobe. Mentioned *Anno* 1 *Edw.* 4. *cap.* 1.

Clerk of the Market (*Clericus Mercati Hospitii Regis*) is an Officer of the King's House, (*Anno* 1 *Edw.* 4. *cap.* 1. and *Anno* 13 *Rich.* 2. *cap.* 4.) whose Duty is to take charge of the King's Measures, and to keep the Standards of them, that is, the Examples of all the Measures that ought to be through the Land: As of Ells, Yards, Lagens, Quarts, Pottles, Gallons, *&c.* Of Weights, Bushels, and such like; and to see that all Measures in every Place be answerable to the said Standard. *Fleta, lib.* 2. *cap.* 8, 9, 10, 11, 12. Of which Office, as also of our diversity of Weights and Measures, you may there find a Treatise worth the Reading. *Briton* also, in his 30 *Chap.* saith in the King's Person, to this effect: *We will that none have Measures in the Realm, but we our selves; but that every Man take his Measures and Weights from our Standards.* And so goes on with a Tractate of this matter, that well shews the ancient Law and Practice in this Point. Touching this Officer's Duty, you have also good Statutes. *Anno* 13 *Rich.* 2. *cap.* 4. and *Anno* 17 *Car.* 2. *cap.* 19. See 4 *Inst. fol.* 273.

Clerk of the Nichils or Nihils (*Clericus Nihilorum*) is an Officer in the *Exchequer*, who makes a Roll of all such Sums as are *nihiled* by the Sheriffs upon their Estreats of *Green-Wax*, and delivers the same into the Lord Treasurer's Remembrancer's Office, to have execution done upon it for the King. See the Stat. 5 *Rich.* 2. *cap.* 13. *Stat.* 1. and *Practice of the Exchequer*, *pag.* 101. See *Nihil.*

Clerk of the Ordnance is an Officer in the *Tower*, who registers all Orders touching the King's Ordnance.

Clerk of the Outlawries (*Clericus Vilagariarum*) is an Officer belonging to the Court of *Common Pleas*, being only the Servant or Deputy to the King's Attorney-General, for making out Writs of *Capias Utlagatum*, after Outlawry; the King's Attorney's Name being to every one of those Writs. And whereas seven Pence is paid for the Seal of every other Writ, betwixt Party and Party, there is but a Penny paid for the Seal of this Writ, because it goes out at the King's Suit.

Clerk of the Paper-Office is an Officer in the *King's Bench.*

Clerk of the Parcels is an Officer in the *Exchequer.*

Clerk of the Parliament-Rolls (*Clericus Rotulorum Parliamenti*) is he that records all Things done

done in the High Court of Parliament, and engrosseth them fairly in Parchment Rolls, for their better Preservation to posterity. Of these there are two, one of the *Lords House*, another of the *House of Commons*, *Cromp. Jurisd. fol.* 4 & 8. *Smith de Rep. Angl. pag.* 38. See also *Vowel's* Book, touching the Order of the Parliament. See *Fleta, lib.* 2. *cap.* 12. *par.* 31.

Clerk of the Patents, or of the Letters Patent under the Great Seal of *England*, was erected 18 *Jac.*

Clerk of the Peace (*Clericus Pacis*) is an Officer belonging to the Sessions of the Peace. His Duty is, in the Sessions, to read the Indictments, to enrol the Acts, and draw the Process: To record the Proclamations of Rates for Servants Wages, to enrol 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 licenced to shoot in Guns, and to certify 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. *Lambert's Eiren. lib.* 4. *cap.* 3. *fol.* 379.

Clerk of the Pell (*Clericus Pellis*) is a Clerk belonging to the *Exchequer*, whose Office is to enter every *Teller's Bill* into a Parchment-Roll, (called *Pellis Receptorum*) and also to make another Roll of Payments, which is called *Pellis Exituum*, wherein he sets down by what Warrant the Money was paid, mentioned in the *Stat.* 22 & 23 *Car.* 2. for *Subsidy*. This Officer is called in ancient Records *Clericus Domini Thesaurarii*.

Clerk of the Pettibag (*Clericus Parvæ bagæ*) is an Officer of the *Chancery*, of which sort there are three, and the Master of the *Rolls* their chief. Their Office is to record the Return of all Inquisitions out of every Shire; to make all Patents of Customers, Gaugers, Comptrollers, and Aulnegers; all *Conge d'Esires* for Bishops; all *Liberates* upon Extents of Statute-Staples; the Recovery of Recognizances forfeited; and all *Elegits* upon them; the Summons of the Nobility, Clergy, and Burgesses to the Parliament; Commissions directed to Knights, and others of every Shire, for assessing Subsidies; Writs for the Nomination of Collectors for Taxes; and all Traverses upon any Office, Bill, or otherwise; to receive the Fees for Homages due to the Lord Great Chamberlain, of the Nobility, Bishops, &c. This Officer is mentioned 33 *Hen.* 8. *cap.* 22.

Clerk of the Pipe (*Clericus Pipæ*) is an Officer in the *Exchequer*, who, having all Accompts and Debts due to the King, delivered and drawn out of the Remembrancers Offices, charges them down into the great Roll; and is called *Clerk of the Pipe*, from the Shape of that Roll, which is put together like a Pipe; formerly he was called, *Ingrossator magni Rotuli*, *Contrarotulator* Pipæ, *duplex ingrossator*, and now *Clerk of the Pipe*, he also writes Summons to the Sheriff, to levy the said Debts upon the Goods and Chattels of the Debtors; and if they have no Goods, then he draws them down to the Lord Treasurer's Remembrancer, to write Estreats against their Lands. The ancient Revenue of the Crown remains in charge before him, and he sees the same answered by the Farmers and Sheriffs. He makes a Charge to all Sheriffs of their Summons of the Pipe and Green Wax, and sees it answered upon their Accompts. He hath the drawing and ingrossing all Leases of the King's Land. In *Henry* the Sixth's Time, he was called *Ingrossator Magni Rotuli*.

Clerk of the Pleas (*Clericus Placitorum*) is an Officer in the *Exchequer*, in whose Office all the Officers of the Court (upon especial Privilege belonging unto them,) ought to sue, or to be sued upon any Action, &c. See the *Practice of the Exchequer*, *pag.* 86. and 4 *Inst. fol.* 107.

Clerk of the Privy Seal (*Clericus Privati Sigilli*) there are four of these Officers that attend the Lord Privy Seal, or (if none such) the Principal Secretary, writing and making out all Things that are sent by Warrant from the Signet to the Privy Seal, and are to be passed to the Great Seal; as also to make out (as they are termed) *Privy Seals* upon any special Occasion of His Majesty's Affairs; as for Loan of Money, and such like. Of this Officer and his Function, you may read the Statute 27 *H.* 8. *cap.* 11. He that now is called the *Lord Privy Seal*, seems in ancient Time to have been called *Clerk of the Privy Seal*, and to have been reckoned, notwithstanding, in the Number of the great Officers of the Realm. Read the Statute 12 *Rich.* 2. *cap.* 11.

Clerk of the Rules, mentioned 22 & 23 *Car.* 2. is an Officer in the Court of *King's Bench*.

Clerk of the Sewers (*Clericus Suerarum*) is an Officer appertaining to the Commissioners of Sewers, writing all Things that they do by virtue of their Commission, for which see *Sewers*: And see the Statute of 13 *Eliz. cap.* 9.

Clerk of the Signet (*Clericus Signeti*) is an Officer attendant continually on His Majesty's Principal Secretary, who always hath the Custody of the Privy Signet, as well for sealing His Majesty's private Letters, as also such Grants as pass His Majesty's Hand by Bill signed. Of these there are four 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 *Hen.* 8. *cap.* 11.

Clerk of the Supersedeas is an Officer belonging to the Court of *Common Pleas*, who makes out the Writ of *Supersedeas*, (upon the Defendant's appearing to the *Exigent*,) whereby the Sheriff is forbidden to return the *Exigent*.

Clerk of the Treasury (*Clericus Thesaurarii*) is an Officer belonging to the *Common Pleas*, who hath the Charge of keeping the Records of the Court, and makes out all the Records of *Nisi Prius*, hath the Fees due for all Searches, and hath the certifying all Records into the *King's Bench* when a Writ of Error is brought: Also he makes all Exemplifications of Records being in the Treasury. He is taken to be the Servant of the Chief Justice, and removeable at his Pleasure, whereas all other Officers are for Term of Life. There is also a Secondary or Under-Clerk of the Treasury for Assistance, who hath some Allowances. And likewise an Under-Keeper, who always keeps one Key of the Treasury-door, and the chief Clerk of the Secondary another; so as the one cannot come in without the other.

Clerk of the Warrants (*Clericus Warrantorum*) is an Officer belonging to the Court of *Common Pleas*, who entreth all Warrants of Attorney for Plantiff and Defendant, and inrols all Deeds of Indentures of Bargain and Sale, which are acknowledged in the Court, or before any Judges out of the Court. And he estreats into the *Exchequer* all Issues, Fines, and Amerciaments, which any way grow due to the King in that Court, and hath a

standing Fee of ten Pounds of the King, for making the same Estreats. See *Fitzh. Nat. Br. fol.* 76.

Cleronimus, *i. e.* An Heir: In the *Monasticon*, 3 *Tom. pag.* 129 we read, That King *Edgar* gave another a certain Portion of Land for Life, with Liberty, that *Post vitæ suæ terminum quibuscunque* Cleronymis *impune derelinquat.*

Cletæ, (Fr. *Clays*) Hurdles to fold or keep Sheep in. *Tenentes de Hampton debent quærere sex summas virgarum apud Boscum de Haya juxta Heref. ad* cletas *mundinarum faciendas.* Lib. Niger. Heref. fol. 61.

Clevum, *Glocester.*

Clitons, Not only the eldest, but all the Sons of Kings; we meet with it often in old Authors, *viz.* In the Charter of King *Æthelred*, in *Matt. Paris. pag.* 158. *Etbelstanus Etbryth, &c. cum* clitonis *Epitheto subscribunt*: So in Mr. *Selden*'s Notes upon *Eadmerus*, *Ego Edgar, &c. Ego Edmund* Clito *Legitimus præfati Regis, &c.*

Clive, Cliff, The Names of Places beginning or ending with *Clive* or *Cliff*, signifie a Rock, from the Sax. Clif, *Rupes.*

Cloth was an unlawful Game, forbidden by the Statute of 17 *Edw.* 4. *cap.* 3. and seems to have been the same with our *Nine-Pins*; elsewhere called *Closh-cayls.* *Anno* 33 *Hen.* 8. *cap.* 9.

Clove is the two and thirtieth Part of a Weight of Cheese, *i. e.* eight Pound. *Anno* 9 *Hen.* 6. *cap.* 8. See *Waga.*

Clovelhoe. See *Abingdon.*

Clown. See *Colonus.*

Clypeus, One of a noble Family, *Clypei prostrati*: A noble Family extinct: *Sic nobilis* clypeus *ille Marescallorum tot & tantis hostibus Angliæ formidabilis evanuit*, Matt. Paris. 463. And *Matt. Westm.* speaking of the Family of *Pembroke* being extinct.

Cnipulus. See *Canipulus.*

Cocceum, *Ribchester in Lancashire.*

Cocherings, An Exaction or Tribute in *Ireland*; now reduced to chief Rents. See *Benaghi.*

Cocket or **Coket**, (*Cockettum.*) is a Seal belonging to the King's Custom-House. *Reg. of Writs, fol.* 192. *a.* Also a Scroll of Parchment sealed and delivered by the Officers of the Custom-House to Merchants, as a Warrant that their Merchandises are customed. *Anno* 11 *Hen.* 6. *cap.* 16. Which Parchment is otherwise called *Literæ de Cocketo*, or *Literæ testimoniales de Cokette.* Reg. fol. 179. *a.* So is the Word used, *Anno* 5 *&* 6 *Edw.* 6. *cap.* 14. And 14 *Edw.* 3. *Stat.* 1. *cap.* 21. None shall make Wools to be Cocketted, but in the Name of him to whom the Wools be. Anno 13 Rich. 2. cap. 9. *Inquisitio & Placitum contra quosdam qui lanas non* Cockettatas *consumatas extra regnum duxerunt.* Inter Recorda de Rec. Scacc. Mich. 26 Edw. 3. *Et Dilectus sui capiant ad Caput pontis de* Berewyk *omnes homines venientes cum lanis, coriis vel pellibus vendendis, sine ligno quod vocatur* Coket. Pla. Parl. 21 Ed. 1.

Cocket is also used for a sort of Measure, as we may see in *Fleta, Lib.* 2. *cap.* 9. *Panis vero integer quadrantalis frumenti ponderabit unum* Coket *& dimidium*: It is also used for a distinction of Bread in the Statute of Bread and Ale, made 51 *Hen.* 3. The words are, When a quarter of Wheat is sold for xii d. the Wastel Bread of a Farthing shall weigh vii l. and xvi s. but Bread-Cocket of a Farthing, of the same Corn and Bulter, shall weigh more than Wastel by iii s. And Cocket-Bread made of Corn of lower Price, shall weigh more than Wastel by v s. Bread made into a Simnel, shall weigh iii s. less than Wastel; Bread made of the whole Wheat, shall weigh a Cocket and a half; so that a Cocket shall weigh more than a Wastel by v s. Bread of Treet shall weigh two Wastels; and Bread of common Wheat shall weigh two great Cockets. When a Quarter of Wheat is sold for xviii d. then Wastel-Bread of a Farthing, White and well baked, shall weigh iv l. x s. when for ii s. iii l. viii s. &c. By which we may perceive that *Wastel-Bread* was the finest, *Cocket-Bread* next, then Bread of Treet, and lastly, Bread of Common Wheat; as we now call the finest Bread, Wastrel, or *French* Bread, the second sort White Bread, the third Brown, or Houshold Bread, *&c.* In *Oxford* anciently they had a coarse Bread called Buterkyn, *hoc est, Panem furfuraceum vel afrum.* Hist. Oxon. fol. 158. *b.*

Cocksetts, *i. e.* The meanest sort of Men: corruptly for *Cotsetis*, that is, Cottagers: *Villani vero vel* Cocseti, *vel perdingi, vel qui sunt viles vel inopes personæ non sunt inter legum judices numerandi.* Leges H. 1. cap. 29.

Cocodones was a sort of *French* Money, very bad: *Prohibita est moneta alienigenarum surreptitia & illegitima quam polardos*, Cocodones *& Rosarios appellabant, qui paulatim & latenter loco irrepserunt Sterlingorum.* Walsingham in Ed. 1. 1300. See *Pollardus.*

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

Codicil is used as an Addition annexed to a Testament, when any Thing is omitted, which the Testator would add, explain, alter or retract; and is the same with a Testament, but that it is without an Executor. See *Swinb. pag.* 1. *sect.* 1. and *Touchstone of Wills, pag.* 21, 22.

Cofferer of the King's Houshold, is a principal Officer of the Court, next under the *Comptroller*, who, in the Compting House, and elsewhere, hath a special Charge and Oversight of other Officers of the Houshold, for their good Demeanor and Carriage in their Offices, and pays their Wages. This Office is mentioned *Anno* 39 *Eliz. cap.* 7.

Coggleshall, in *Essex.* See *Anna.*

Cognitions. See *Colenages.*

Cognitor. See *Conisor.*

Cognitiones, Ensigns, Arms, or rather a military Coat painted with Arms: *Quam viderunt hostes Christi armis, vexillis & cognitionibus picturatam, &c.* Mat. Paris. 1250.

Cognitionibus Sumendis, is a Writ to a Justice, or other that hath Power to take a Fine, (who having taken it, desires to certify it into the Court of *Common Pleas*) commanding him to certify it. *Reg. of Writs, fol.* 68. *b.*

Cognizance (Fr. *Conisance*, *i. e. Cognitio*) is used divers; sometimes signifying the Badge of a Waterman, or Servant, Man's Sleeve, which is commonly the Giver's Cost, whereby he is discerned to belong to this or that Noble or Gentleman: Sometimes an acknowledgment of a Fine, or Confession of a Thing done; as, *Cognisceus facito. Bract. lib.* 3. *tract.* 2. *cap.* 32. *num.* 2. And to make *Cognizance* of taking a Distress: Sometimes as an audience or hearing a Matter judicially; as to take *Cognizance*. Sometimes a Power or Jurisdiction; as *Cognizance of Plea* is an Ability to call a Cause or Plea out of another Court, which no Man can do but

but the King, except he can show Chartes for it. *Mounsd, Par. 1. pag. 68.* For such Cognizance lies not in Prescription.

Cogs (*Cogones*) seems to be a kind of Vessel or Boat, upon the Rivers *Ouse* and *Humber*, mentioned in the Statute 23 *H. 8. cap.* 18. Also (saith Sir Jo. Spelman) I find in *Matth. Westm. Anno Dom.* 1066. *Venit ad hoc in Angliam* (Rex Noricorum) *navibus Cogginibus adventus.* About *Scarborough* they have still a sort of small Vessels, which they call *Coggles*, *i. e.* little Cogs.

Cogu are seems to be a sort of coarse Cloaths made in divers Parts of *England*, mentioned in the Stat. 13 *Rich. 2. cap.* 10. Where there is mention also of *Cagmen*, that is, Buyers, Makers, or Dealers in such *Cogmare*.

Cohua is a promiscuous Multitude of Men in a Market or Fair, and *Cohuagium* is a Tribute paid by those who meet there: *Quietus ab omni Theloneo, passagio, Pontagio, Cohuagio, pallagio, &c.* Du Cange.

Coif, (*Coifa*, Fr. *Coiffe*,) Our Serjeants at Law are otherwise called *Serjeants of the Coif*; from the *Lawn Coif* they wear on their Heads, under their Cap, when they are created, and always after. See *Serjeant*, and *Matth. Paris* in *Anno* 1258. and *Fortescue de L.L. Angliæ, cap.* 50.

The use of it was to cover *tonsuram Clericalem*; otherwise called *Corona Clericalis*, because the Crown of the Head was close shaved, and a border of Hair left round the lower Part, which made it to look like a Crown. See *Tong*.

Coin, (Fr. *Coin*, i. e. *Angulus*, which probably verifies the Opinion of such as hold the ancientest sort of *Coin* to be cornered, and not round) any sort of Money *coined*. *Cromp. Just. of P. fol.* 220.

Coinage, (*Cunagium*) Besides the general Signification, relating to Money, it is by a Law provided, That all the Tin in *Cornwall*, after it is cast and wrought, shall be weighed and marked by the King's Officers, with a Lion Rampant, which is called *Coinage*. *Briton, fol.* 186. and *Anno* 12 *Hen.* 7. *cap.* 4. Some Authors write it *Cunage*.

Cointeses are Garments made of Silk or finer Linen: *Mille enim milites & amplius vestiti serico, ut vulgariter loquamur* Cointeses *in nuptiis et festis Regis apparuerunt.* Matt. Paris 1252.

Coket. See *Cocket*.

Colbroke. See *Poniers*.

Colchester. See *Colonia*.

Colberts, (*Colibertus*) *Sunt tenentes in libero Socagio per liberum redditum*, MS. Of such as of Villains were made Freemen, *Domesday*. But they had not an absolute Freedom, they were better than Servants, but yet they had superior Lords to whom they paid certain Duties, and in that respect they might be called Servants, tho they were of a middle Condition between Freemen and Servants.

Libertate carens Colbertus *dicitur esse.* Du Cange.

It seems to be the same with *Colinus*, which see.

Collateral, (*Collateralis*) Sideways, or which hangs by the Side, or comes in Sideways, not direct. As *Collateral Assurance* is that which is made over and beside the Deed it self, as if a Man covenant with another, and enter Bond for performance of his Covenant, the Bond is termed *Collateral Assurance*; because it is external, and without the Nature and Essence of the Covenant. And *Crompton (Jurisd. fol.* 185.) saith, *That to be subject to the feeding of the King's Deer is* Collateral *to the land within the Forest.* So we may say, That Liberties to pitch Booths or Standings, for a Fair in another Mans Ground, is *Collateral* to the Ground. The private Woods of a common Person, within a Forest, may not be cut without the King's Licence, for it is a Prerogative *Collateral* to the Soil. *Mounsd, Part* 1. *pag.* 66.

Collateral Warranty. See *Warranty*.

Collation of a Benefice (*Collatio Beneficii*) signifies properly the bestowing a Benefice by the Bishop, who hath it in his own Gift or Patronage, and differs from *Institution* in this, That *Institution* into a Benefice is performed by the Bishop, at the Motion or Presentation of another, who is Patron of it, or hath the Patron's Right for the Time. Yet *Collation* is used for *Presentation*, *Anno* 25 *Edw.* 3. *Stat.* 6.

Collationem facit non potest mutare Ministerium is a Writ 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, during the Suit between the King and the Bishop's Clerk, is departed this Life. For, Judgment once passed for the King's Clerk, and he dying before Admittance, the King may bestow his Presentation on another. *Reg. of Writs, fol.* 31. *b.*

Collegiate Church is that which consists of a Dean and Secular Canons, as that of *Westminster*.

Collerium. See *Gilermus*.

Collusion (*Collusio*) is a deceitful Agreement or Compact between two or more, for the one Party to bring an Action against the other to some evil Purpose; as to defraud a third Person of his Right, *&c.* See the Statute of *Westminster* 2 *cap.* 32. and 3 *Hen.* 6. *cap.* 26. which gives the *Quare Impedit* and Enquiry in such Cases. See *Brook, tit. Confession, and Reg. of Writs, fol.* 1. *a.* Gifts made by *Collusion*, see in 50 *Edw.* 3. *cap.* 6.

Colonia, *Colchester* in *Essex*.

Colonus, An Husbandman or Villager, who was bound to pay yearly a certain Tribute, or a certain Tides in the Year to plough some Part of the Lord's Land, and from hence comes the word *Clown*. He was called by the *Saxons* Ceburle, and by the *Dutch* Boinze.

Colour (*Color*) signifies a probable Plea, but in truth, false; and hath this end, to draw the Trial of the Cause from the Jury to the Judges. As in an Action of Trespass for taking away the Plaintiff's Beasts, the Defendant saith, That before the Plaintiff had any Thing in them, he himself was possessed of them, as of his proper Goods, and delivered them to *A. B.* to deliver to him again, when, *&c.* And *A. B.* gave them to the Plaintiff; and the Plaintiff supposing the Property to be in *A. B.* at the time of the Gift, took them, and the Defendant took them from the Plaintiff, whereupon the Plaintiff brings his Action. — This is a good *Colour*, and a good Plea. See *Doctor and Student, lib.* 2. *cap.* 13. And *Brook, tit. Color in Assise, Trespass, &c. fol.* 104.

Colpicium. — *Hæc Charta Chirographata testatur, quod Dominus Willelmus de Merle dedit* — *R. Peny servienti suo Colpicium Mellagium de B. cum una Colpicata terræ, & pasturæ ad duas boves, infra bosum de Wilton* Colpicis *infra bosum prædictum facienda, & imbersum faciendis, donec ad perfectionem pervenerint, quod se contra omnimodam inimicitiam defendere poterit.* I suppose by *Colpicis* is meant Samplers, or young Poles, which being cut down make Leavers or Listers,

Lifters, in *Warwickshire* called *Colpices* to this Day.

Colpo, A Crust, or rather a small Wax-Candle, à Copo *de Cere*; *Hoveden* tells us, that when the King of *Scots* came to the *English* Court, as long as he staid there, he had every Day, *De Liberatione triginta Sol, & duodecim Vasellos Dominicos, & quadraginta grossos longos* Colpones *de dominica Candelâ Regis, & octoginta* Colpones *de alia Candelâ*. Anno 1194.

Comatio, *i. e.* cutting of the Hair: *Si quis Dominum suum occidat, si capiatur, nullo modo se rediment; sed de ejus* Comatione, *&c. damnatur*. Leg. H. 1.

Combat (Fr.) signifies as much as *Certamen, pugna*: But with us it is taken for a formal Trial between two Champions, of a doubtful Cause or Quarrel, by the Sword or Bastom; of which you may read at large in *Glanvile, lib.* 14. *cap.* 1. *Bracton, lib.* 3 *tract.* 2. *cap.* 21. *Briton, cap.* 22. *Horn's Mirror of Justice, lib.* 3. *cap. Des Exceptions in fine proxime, & cap. Juramentum Duelli. Dyer, fol.* 301. *num.* 41, 42. The last Trial by *combat* was admitted 6 *Car.* 1. between *Donnold* Lord *Rey* or *Rhee*, Appellant, and *David Ramsey* Esq; Defendant, Scotchmen, in the Painted Chamber at *Westminster*, before *Robert* Earl of *Lindsey*, Lord High Constable, *Thomas* Earl of *Arundel*, Earl-Marshal, with other Lords; where, after the Court had met several Times, and Bill, Answer, and Replication put in by the Parties, and Counsel heard, with other Formalities, it was at last determined, that the Matter should be referred to the King's Will and Pleasure, whose Favour enclined to *Ramsey*. See *Coke on Littl. fol.* 294. *b. Origines Juridiciales, fol.* 65. and *Spelman's Gloss.* at large, *verbo, Campus*.

Comitatus, a County. *Ingulphus* tells us that *England* was first divided into Counties by King *Alfred*, and Counties into Hundreds, and those again into Tithings; and *Fortescue* writes that *Regnum Angliæ per* Comitatus *ut regnum Franciæ per Ballivatus distinguitur*. Sometimes 'tis taken for the County-Court, as in *Magna Charta, cap.* 35. and *Fleta, lib.* 2. *cap.* 52. *Nullus* Comitatus *teneatur nisi de mense in mensem*. Sometimes 'tis taken for a Territory or a Jurisdiction of a particular Place, as in *Mat. Paris. Anno* 1234. *Infra metas illas continentur quædam prædia & etiam Civitates & Castra, quas* Comitatui *suo assignare præsumunt*. So in *Chartâ H.* 2. *apud Hoveden*: *Castellum de Nottingham cum Comitatu, &c. De firmis mortuis & debitis de quibus non est spes, fiat unus Rotulus, & intituletur* Comitatus, *& legatur singulis annis super Comitatum Vicecomitum*. Claus. 12 Edw. 1. M. 7. Dorso.

Comitatu Committo is a Writ or Commission, whereby the Sheriff is authorised to take upon him the Charge of the County. *Reg. of Writs, fol.* 295. *Coke's Rep. lib.* 3. *fol.* 72. *a.*

Comitatu & Castro Committo is a Writ, whereby the Charge of a County, with the keeping of a Castle, is committed to the Sheriff. *Reg. of Writs, fol.* 295.

Comitiva, *i. e.* a Companion or Fellow Traveller. 'Tis mentioned in *Brompton* in *H.* 2. *viz. Filio suo mandavit ut sororem suam &* Comitivam *ejus reverenter susciperet*. Sometimes it signifies a Troop or Company of Robbers, as in *Walsingham, Anno* 1366. *Interpellaverunt auxilium Regis Angliæ contra magnas* Comitivas, *&c.*

Commandry (*Præceptoria*) was a Manor or chief Messuage, with Lands and Tenements appertaining thereto, belonging to the Priory of St. *John* of *Jerusalem* in *England*; and he who had the Government of any such Manor or House was called the *Commander*, who could not dispose of it but to the Use of the Priory, only taking thence his own Sustenance, according to his Degree, who was usually a Brother of the same Priory. *New Eagle*, in the County of *Lincoln*, was, and still is, called the *Commandry of Eagle*, and did anciently belong to the said Priory: So were *Slebach* in *Pembrokeshire*, and *Shengay* in *Cambridgeshire*, *Commandries* in the Time of the Knights-Templers, says *Camden*. — These in many Places of *England* are termed Temples; as *Temple Bruere* in *Lincolnshire*, *Temple Newsum* in *Yorkshire*, *&c.* because they formerly belonged to the said *Templers*. Of these read *Anno* 26 *Hen.* 8. *cap.* 2. and 32 *ejusdem, cap.* 24. See *Preceptories*.

Commandment (*Præceptum*) hath a divers Use; as the *Commandment* of the King, when upon his mere Motion, and from his own Mouth, he casts any Man into Prison. *Stamdf. Pl. Cor. fol.* 72. *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 Safe-custody than Punishment. A Man committed upon an *Ordinary Commandment* is replevisable. *Pl. Cor. fol.* 73. *Commandment* is again used for the Offence of him that willeth another Man to transgress the Law, or to do any Thing contrary to the Law; as Murder, Theft, or such like. *Bracton, lib.* 3. *tract.* 2. *cap.* 19. which the *Civilians* call *Mandatum*.

Commarchio, the Confines of the Land. *Imprimis de nostris Landimeris*, Commarchionibus. Du Cange.

Commendam (*Ecclesia Commendata vel custodia Ecclesiæ alicui commissa*) is a Benefice or Church-Living, which being void is *commended* to the Charge and Care of some sufficient Clerk, to be supplied until it may be conveniently provided of a Pastor. And that this was the true Original of this Practice, you may read at large in *Durandus, De sacris Ecclesiæ Ministeriis & Beneficiis, lib.* 5. *cap.* 7. He to whom the Church is *commended* hath the Fruits and Profits thereof only for a certain Time; and the Nature of the Church is not changed thereby, but is as a Thing deposited in his Hands in Trust, who hath nothing but the Custody of it, which may be revoked. When a Parson is made Bishop, there is a *Cession* 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. *Latch's Rep. fol.* 236, 237. See *Ecclesia commendata, in Gloss.* 10. *Scriptor*.

Commendatary (*Commendatarius*) is he that hath a Church-Living *in Commendam*; which see.

Commendatory Letters are such which are writ by one Bishop to another, in Behalf of any of his Clergy, or other of his Diocess, travelling thither, that they may be received among the Faithful, or that the Clerk made be promoted, or that Necessaries may be administer'd to both. Several Forms of these Letters may be seen in our Historians, as in *Bede, Lib.* 2. *cap.* 18. *Simeon* of *Durham, Anno* 1125. *&c.*

Commendatus. *In eadem Villa tenet Ailvi* Commendatus *Antecessori* (Mallet) 60 *Acras pro Manerio*. Domesday, Suffolk. One that lives under the Protection of a great Man. *Differre videntur* Vassallus, Affidatus, & Commendatus; *Hic nempe Patrono teneri fide & obsequio, sine juramento aut aliqua tenura*;

centura; Ille fide & juramento, sed itemque sine tenura; Vassallus *autem his omnibus*, says *Spelman*.

Commerciones, Commarciones, those who live in the Confines or utmost Limits of a Place. *Si quis inter* Commarciones *regni nostri roberium fecerit*. Du Cange.

Comminalty (Fr. *Communauté*) includes all the King's Subjects. So in *Art. super Cartas*, 28 *Edw.* 1. *cap.* 1. *Tout le Communé d'Engleterre* signifies all the People of *England*. 2 *Instit. fol.* 539.

Commissary (*Commissarius*) is a Title of Ecclesiastical Jurisdiction, appertaining to such a one as exercisetb Spiritual Jurisdiction 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 by the Canonists called *Commissarius*, or *Officialis foraneus*. *Lyndewode's Provin. cap.* 1. And is ordained to this special End, That he supply the Bishop's Jurisdiction and Office in the Out-places of the Diocess, or else in such Parishes as are peculiar to the Bishop, and exempted from the Jurisdiction of the Archdeacon. For where either by Prescription or Composition Archdeacons have Jurisdiction within their Archdeaconries, as in most Places they have, this *Commissary* is but superfluous, and oftentimes vexatious to the People. Therefore the Bishop, taking Prestation-Money of his Archdeacons yearly *pro exercitio Jurisdictionis*, as it is ordinarily called, does, by super-oneratiug their Circuit with a *Commissary*, not only wrong Archdeacons, but the poorer Sort of Subjects much more. *Cowel.* And see 4 *Inst. fol.* 338.

Commission (*Commissio*) is with us as much as *Delegatio* with the *Civilians*, and is taken for the Warrant or Letters Patent which all Men (exercising Jurisdiction, either ordinary or extraordinary) have to authorize them to hear or determine any Cause or Action. Of these see divers in the Table of the *Reg. of Writs*, and see *Brook, tit. Commission*. Yet this Word is sometimes extended farther than to Matters of Judgment, as the *Commission* of Purveyors or Takers, *Anno* 1. *H.* 4. *cap.* 48. which seems to be null by the Statute for taking away Purveyance. *Anno* 12 *Car.* 2. *cap.* 24. The High Commission-Court, which was founded upon the Statute 1 *Eliz. cap.* 1. is also abolished by Act of Parliament, 17 *Car.* 1. *cap.* 11. and that again explained by another Act, 13 *Car.* 2. *cap.* 2.

Commission of Association (mentioned 18 *Eliz. cap.* 9.) is a Commission under the Great Seal to associate 20 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* 15 *Hen.* 8. *Coke*, 12 *Rep. fol.* 26.

Commission of Rebellion (*Commissio Rebellionis*) is otherwise called a *Writ of Rebellion*, and issues when a Man after Proclamation issued out of the *Chancery* or *Exchequer*, and made by the Sheriff, to present himself under Pain of his Allegiance to the Court by a certain Day, appears not. And this *Commission* is directed by Way of Command to certain Persons, three, two, or one of them, to apprehend, or cause to be apprehended, the Party as a *Rebel*, or Contemner of the King's Laws, wherever they find him within the Kingdom, and bring, or cause him to be brought, to the Court upon a Day therein assigned. The Form of it you have in *West. Pract. Touching Proceedings in Chancery, Sect.* 24.

Commissioner (*Commissionarius*) is he that hath Commission, as Letters Patent, or other lawful Warrant, to execute any publick Office; as Commissioners of the Office of Licences, of Alienation. *West. Par.* 2. *Symb. Tit. Fines, Sect.* 106. *Commissioners in Eyre. Anno* 3. *Edw.* 7. *cap.* 26. with many such like.

Committee is he or they to whom the Consideration or Ordering of any Matter is referred, either by some Court or Consent of Parties to whom it belongs: As in Parliament, a Bill being read, is either consented to and passed, or denied, or neither, but referred to the Consideration of some certain Persons, appointed by the House farther to examine it, who thereupon are called a *Committee*. *Committee* of the King. *West. par.* 2. *Symb. tit. Chancery, Sect.* 144. This Word seems to be strangely used in *Kitchin, fol.* 160. where the Widow of a King's Tenant being dead, is called the *Committee of the King*, that is, one committed by the ancient Law of the Land to the King's Care and Protection.

Commoigne, (Fr.) a Fellow-Monk, that lives in the same Convent. 3 *Part Inst. fol.* 15.

Common (*Communis, i. e. Quod ad omnes pertinet*) signifies that Soil or Water whereof the Use is common to this or that Town or Lordship; as *Common of Pasture*, (Commune Pasturæ,) *Bracton, lib.* 4. *cap.* 19, & 40. *Common of Fishing*, (Commune Piscariæ,) *Idem, lib.* 2. *cap.* 34. *Common of Turbary*, (Commune Turbariæ, *i. e.* of digging Turves,) *Idem, lib.* 4. *cap.* 41. *Common of Estovers*, (Commune Estoveriorum,) *Kitchin, fol.* 94. &c. *Common* is divided into *Common in Gross*, *Common Appendant*, *Common Appurtenant*, and *Common per Cause de Vicinage*.

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 Heirs; and it is commonly called by Deed of Grant or Speciality. *Old Nat. Br. fol.* 37. & 39.

Common Appendant and *Common Appurtenant* are in a manner confounded, as appears by *Fitz. Nat. Br. fol.* 180. and are defined to be a Liberty of *Common appertaining* to, or *depending* on, such and such a Freehold; which *Common* must be taken with Beasts commonable, as Horses, Oxen, Kine, and Sheep, being accounted fittest for the Ploughman, and not of Goats, Geese, and Hogs. But some make this Difference, That *Common Appurtenant* may be severed from the Land whereto it pertains, but not *Common Appendant*; which (according to *Sir Edward Coke, lib.* 4. *fol.* 37.) had this Beginning: When a Lord enfeoffed another in arable Lands, to hold of him in *Socage*, the Feoffee, to maintain the Service of his Plough, had at first, by the Courtesy or Permission of his Lord, *Common* in his Wastes for necessary Beasts, to ear and compost his Land; and that for two Causes: One, for that it was tacitly implied in the Feoffment, by reason the Feoffee could not till or compost his Land without Cattle, and Cattle could not be sustained without Pasture; so by Consequence the Feoffee had, as a Thing necessary and incident, *Common* in the Wastes and Land of the Lord. And this appears by the ancient Books, *Temp. Edw.* 1. *Br. Common* 41. and 17 *Edw.* 2. *tit. Common* 25. and 20 *Edw.* 3. *tit. Admeasurement* 8. and by the Statute of *Merton, cap.* 4. The second Reason was, for Maintenance and Advancement of Tillage, which is much regarded and favoured by the Law.

Common per cause de Visinage, (*i. e. Common* by reason of Neighbourhood) is a Liberty that the Tenants of one Lord in one Town have to *common* with the Tenants of another Lord in another Town. Those that challenge this Kind of *Common*, (which is usually called *Intercommoning*,) may not put their Cattle in the *Common* of the other Town; for then they are distrainable; but turning them into their own Fields, if they stray into the Neighbour-*Common*, they must be suffered. *Common of Pasture* the *Civilians* call *Jus compascendi*.

Common Bench, (*Bancus Communis*, from the Sax. Banc, *i. e.* a Bank or Hillock, and metaphorically a Bench, High-Seat, or Tribunal.) The Court of *Common Pleas* was anciently so called, *Anno* 2 *Edw.* 3. *cap.* 11. because (saith *Camden* in his *Britan. pag.* 113.) Communia *Placita inter subditos ex jure nostro, quod* Commune *vocant, in hoc disceptantur*, that is, The Pleas or Controversies between common Persons are there tried. And the Justices of that Court in Legal Records are termed *Justiciarii de Banco*. *Coke on Littl. fol.* 71. *b.* See *Common Pleas*.

Common Day in Plea of Land (*Anno* 13 *Rich.* 2. *Stat.* 1. *cap.* 17.) signifies an ordinary Day in Court, as *Octabis Hilarii, Quindena Paschæ, &c.* which you may see in the Statute of 51 *Hen.* 3. concerning general Days in the Bench.

Common Fine (*Finis Communis*) is a certain Sum of Money which the Resiants, within the View of some Leets, pay to the Lord thereof, called in divers Places *Head-Silver*, in others *Cert-Money*, or *Certum Letæ*, and *Head-Pence*; and was first granted to the Lord towards the Charge of his Purchase of the Court-Leet, whereby the Resiants had now the Ease to do their Suit-Royal nearer home, and not be compelled to go to the *Sheriff's Turn*: As in the Manor of *Sheapshead*, in *Com. Leic.* every Resiant pays 1 *d. per Poll* to the Lord at the Court held after *Michaelmas*, which is there called *Common Fine*. There is also *Common Fine* of the County; for which see *Fleta, lib.* 7. *cap.* 48. and the Statute of 3 *Edw.* 1. *cap.* 18. But the Clerk of the Market shall take no *Common Fine*: *Anno* 13 *Rich.* 2. *cap.* 4. For *Common Fine* the Lord cannot distrain without a Prescription. *Godfrey's Case, Coke's* 11 *Report*. See *Cert-Money*.

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

Common Intendment is Common Understanding or Meaning, according to the subject Matter, not strain'd to an exotick Sense. *Bar, in Common Intendment* is an Ordinary or General Bar, which commonly disables the Declaration of the Plaintiff. Of *Common Intendment*, a Will shall not be supposed to be made by Collusion, *Coke on Littl. fol.* 78. *b.* See *Intendment*.

Common Law. After the Decay of the *Roman* Empire, three Sorts of the *German* People invaded the *Britons*; *viz.* the *Saxons*, the *Angles*, who were a neighbouring People, and the *Jutes*: From the last came the *Kentish* Men, and the Inhabitants of the Isle of *Wight*; from the *Saxons* came the People called *East*, *South*, and *West Saxons*; and from the *Angles* came the *East Angles*, *Mercians*, and *Northumbrians*. As these People had different Customs, so they inclined to the different Laws by which their Ancestors were governed; but the Customs of the *West Saxons* and *Mercians*, who dwelt in the Midland Counties, being preferred before the rest, were for that Reason called *Jus Anglorum*; but the particular Names were *West-Saxonlage*, and *Merchenlage*; and by these Laws those People were govern'd for many Ages. But the *East Saxons* being afterwards subdued by the *Danes*, their Customs were introduced, and a third Law was substituted, which was called *Dane-Lage*.

The *Danes* being over-come by the *Normans*, *Henry* Bishop of *Winchester*, who was nearly related to the Conqueror, told our Historian *Gervas of Tilbury*, That upon due Consideration of all those Laws and Customs the Conqueror abrogated some, and established others; to which he added some of his Countrey Laws, which he judged most to conduce to the Preservation of the Peace, and the Quiet and Ease of the People. And this is what we now call the *Common Law*.

Not that this was the Original of the *Common Law*; for *Ethelbert*, the first Christian King of this Nation, who lived in the Sixth Century, made the first *Saxon* Laws, which were published in *English* by the Advice of some Wisemen, whom he called to his Assistance, which continue to this Day. 'Tis true, King *Alfred*, who lived 300 Years afterwards, is called *Magnus juris Anglicani Conditor*; not because he first made that Law, but because, being the first sole Monarch after the *Heptarchy*, he collected all the *Saxon* Laws (which were made in the Space of 300 Years) into one Book, that is, he collected the best, and rejected the rest, and commanding them to be observed through the whole Kingdom, which before affected only several Parts thereof, it was therefore properly called the *Common Law*, because it was *common* to the whole Nation; and soon after it was called the *Folc Right*, *i. e.* the *People's Right*. The Word *Common Law* hath three Significations: First, It is taken for the Laws of this Realm simply, without any other Law joined to it; as when it is disputed what ought of Right to be determined by the *Common Law*, and what by the Spiritual Law, or Admiral's Court, or the like. Secondly, For the *King's Court*, as the *King's-Bench* or *Common Pleas*, only to shew a Difference between them and the Base Courts, as Customary Courts, Court-Barons, County-Courts, Pipowders, and such like; as when a Plea of Land is removed out of Ancient Demesn because the Land is Frank-fee, and pleadable at the *Common Law*, that is, in the King's Court, and not in Ancient Demesn, or any other Base Court. Thirdly, and most usually, by the *Common Law*, is understood such Laws as were generally taken and holden for *Law*, before any Statute was made to alter the same; as, neither Tenant for Life, nor for Years, were punishable by the *Common Law* for doing *Waste* till the Statute of *Glou. cap.* 5. was made, which gives Action of *Waste* against them: But Tenant by *Courtesy*, and Tenant in *Dower*, were punishable for it before the said Statute. See *Law*, and *Merchenlage*.

Common Pleas (*Communia Placita*, or *Bancus Communis*) is one of the King's Courts, now constantly held in *Westminster-Hall*, but in ancient Time moveable, as appears by *Magna Charta*, *cap.* 11. 2 *Edw.* 3. *cap.* 11, and *Pupilla oculi, par.* 5. *cap.* 22. *Cowin*, in the Preface to his *Readings*, saith, That till *Henry* the Third granted the Great Charter there were but two Courts, called the *King's Courts*, *viz.* the *Exchequer*, and the *King's-Bench*, which were then called *Curia Domini Regis*, and *Aula Regis*, because it followed the Court or King; and that upon the Grant of that Charter the Court of

of *Common Pleas* was erected, and settled in one Place certain, *viz. Westminster-Hall*; and therefore after that, all the Writs ran *Quod sit coram Justiciariis meis apud Westm.* whereas before the Party was commanded by them to appear, *Coram me vel Justiciariis meis*, simply, without Addition of Place, as he well observes out of *Glanvile* and *Bracton*, the one writing in *Henry* the Second's Time, before this Court was erected, the other at the later End of *Henry* the Third's Time, who erected it. All Civil Causes, both Real and Personal, are, or were in former Times, tried in this Court, according to the strict Law of the Realm; and by *Fortescue*, *cap.* 50. it seems to have been the only Court for Real Causes. The Chief Justice thereof is called the *Lord Chief Justice of the Common Pleas*, accompanied with three or four Judges, Assistants, or Associates, who are created by Letters Patent, and, as it were, enstalled or placed on the *Common Bench* by the Lord Chancellor and Lord Chief Justice of the Court, as appears by *Fortescue*, *cap.* 51. who expresseth the Circumstances thereof. The rest of the Officers belonging to this Court, are the *Custos Brevium*, three *Prothonotaries*, otherwise called *Prenotaries*, *Chirographer*, 14 *Filazers*, 4 *Exigenters*, *Clerk of the Warrants*, *Clerk of the Juries*, or *Jurata Writs*, *Clerk of the Treasury*, *Clerk of the King's Silver*, *Clerk of the Essoins*, *Clerk of the Outlawries*, *Clerk of the Errors*. Whose distinct Functions read in their Places. See *Common Bench*, and 4 *Inst. fol.* 99.

Commorth. See *Comorth*.

Commote, (Br. **Cwmmwd**, *i. e. Provincia*,) in *Wales*, is half a *Cantred* or Hundred, containing fifty Villages. *Stat. Wallia*, 12 *Ed.* 1. and 21 *H.* 8, *cap.* 26. *Wales* was anciently divided into three *Provinces*, *North-Wales*, *South-Wales*, and *West-Wales*, otherwise called *Powysland*; and each of these were again subdivided into *Cantreds*, and every *Cantred* into *Commotes*. Sir *Jo. Dodridge's History of Wales*, *fol.* 2. So *Brecknockshire* is found to have three *Cantreds*, and eight *Commotes*, *History of Wales*. It signifies also a great Seigniory, and may include one or divers Manors. *Coke on Litt. fol.* 5. 'Tis Sir *Henry Spelman's* Opinion, that a *Commote* is half an Hundred; but *Sylvester Giraldus*, in his *Itinerary of Wales*, tells us 'tis but a quarter of an Hundred, viz. *Gruffino filio Resi unius* Commoti *solum, id. est, quartæ partis Cantredi, &c.* Itinerar. lib. 1. c 2.

Commune. See *Commonalty*.

Commune Concilium Regni Angliæ. See *Parliament*.

Communi Custodia is a Writ that did lie for that Lord whose Tenant, holding by Knight's-Service, died, and left his eldest Son under Age, against a Stranger that enter'd the Land, and obtained the Ward of the Body. *Old Nat. Br. fol.* 89. But this Writ is become obsolete since Wardships were taken away by the Stat. 12 *Car.* 2. *cap.* 24.

Communication, (*Communicatio*,) a Talking, Consultation, or Conferring with. Where there is only a *Parley* betwixt two, and no perfect Agreement that is, no such Contract between them as on which to ground an Action, it is called a *Communication*.

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

Comorth, (*Comorthus*,) from the *British* **Cymmorth**, (*Subsidium*,) a Contribution; *Subsidium à pluribus collatum*. *Anno* 4 *Hen.* 4. *cap.* 27. And 26 *Hen.* 8. *cap.* 6. prohibits the levying any such in *Wales*, or the Marches, *&c.* It seems this *Comorth* was gathered at Marriages, and when young Priests said or sung their first Masses, and sometimes for Redemption of Murders or Felonies.

Companage, (Fr.) all Kind of Food, except Bread and Drink. Some Tenants of the Manor of *Feskerton* in *Com. Nott.* when they performed their Boons or Work-Days to their Lord, had three Boon Loaves with *Companage* allowed them. *Reg. de Thurgarton*, cited in the *Antiquity of Nottinghamshire*. Yet the learned *Spelman* interprets it be *Quicquid cibi cum pane sumitur*.

Companion of the Garter is one of the Knights of that most Noble Order. *Anno* 24 *Hen.* 8. *cap.* 13. See *Garter*.

Compellativum, an Adversary or Accuser. Among the Laws of King *Athelstan* we read that the Bishop should *in* Compellativum *adlegationem docere ne quis alium perperam cogat jurejurando vel in ordalio*.

Compositio Mensuratum is the Title of an ancient Ordinance for Measures, not printed, and is mentioned in the Statute of 23 *H.* 8. *cap.* 4.

Compromise (*Compromissum*) 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* defines a *Compromise* or Submission to be the Faculty or Power of pronouncing Sentence between Persons at Controversy, given to Arbitrators by the Parties mutual private Consent, without publick Authority. *Part.* 2. *Symbol. tit. Compromise*, *Sect.* 1.

Comptroller. See *Controller*.

Compurgator, one that by Oath justifies another's Innocence. See *Law* and *Oath*.

Computation (*Computatio*) is the true Account and Construction of Time; to the End neither Party do Wrong to the other, nor that the Determination of Time be so left at large, as to be taken otherways than according to the just Judgment of the Law: As if Indentures of Demise are engrossed, bearing Date 11 *May*, 1679, to have and to hold the Land in *S.* for three Years from henceforth, and the Indentures are delivered the fourth Day of *June* following; in this Case, *from henceforth* shall be accounted from the Day of the Delivery, and not from the Date; and if the Indenture be delivered at four of the Clock in the Afternoon of the said fourth Day of *June*, the Lease shall end the third Day of *June*, in the third Year: For the Law, in this *Computation*, rejects all Fractions or Divisions of the Day, for the Incertainty, which is always the Mother of Contention. So where the Statute of Inrollments, made 27 *Hen.* 8. *cap.* 16. is, That Writings shall be inrolled within *six Months* after the Date thereof; if such Writings have Date, the six Months shall be accounted from the Date, and not from the Delivery; but if they want Date, then it shall be accounted from the Delivery. *Coke*, *lib.* 5. *fol.* 1.

If any Deed be shewed to a Court at *Westminster*, it shall remain in Court (by Judgment of the Law) all the Term in which it is shewed; for all the Term is but as one Day in the Law, *Coke*, *lib.* 5. *fol.* 74. If a Church be void, and the Patron does 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 twenty eight Days in the Month, but according to the Kalendar. See *Kalendar-Month*.

Com-

Computo (Lat.) is a Writ so called, of the Effect, which compels a Bailiff, Chamberlain, or Receiver, to yield his *Account*. *Old Nat. Br. fol.* 58. It is founded on the Statute of *Westm.* 2. *cap.* 2. And it lies also for Executors of Executors, 15 *Edw.* 3. *Stat. de provis. victual. cap.* 5. Thirdly, against the Guardian in *Soccage* for Waste made in the Minority of the Heir. *Marlb. cap.* 17. And see further in what other Cases it lies, *Reg. of Writs, fol* 135. *Fitz. Br. fol.* 116.

Con, the same with Ken.

Conable, (Fr. *Convenable, i. e.* Convenient or Fitting,) — We ordain that there be made a Hache of Conabyl heythe, crestyd with Pikes of Herne, to kere the entry of your Kechyne, that no strange peopille may enter with certain Clekets, advised be you, and be your Steward, to such persons, as you and them think ho nesse and Conabel. Artic. Decani & Capit. S. Pauli Priorat. S. Helenæ. Dat. 21 *Junii*, 1439.

Concagii, the Barony of *Kendall*.

Concealers (*Concelatores*) are such as find out *concealed* Lands, that is, such Lands as are privily kept from the King by common Persons, having nothing to shew for their Title or Estate therein. *Anno* 39 *Eliz. cap.* 22. and 21 *Jac. cap.* 2. They are so called from *Concelando*, as *Mons* from *Movendo*, *per Antiphrasin*. See 3 *Part. Inst. fol.* 188. where the Author calls them *Turbidum hominum genus*.

Concessi, (a Word much used in Conveyances.) In Law it creates a *Covenant*, as *Dedi* does a *Warranty*. *Coke on Littl. fol.* 384.

Concord (*Concordia*, Agreement) is, by a peculiar Signification, defined to be the very Agreement between Parties, who intend the levying a Fine of Lands one to the other, how and in what Manner the Lands shall pass. But in the Form of it, many Things are to be considered. *West, par.* 2. *Symb. tit.* Fines and Concords, *Sect.* 30. whom read at large.

Concord is also an Agreement made (upon any Trespass committed) betwixt two or more; and is divided into *Concord Executory* and *Concord Executed*. See *Plowden*, in *Reniger* and *Fogassa's* Case, *fol.* 5, 6, & 8. where it appears that the one binds not, as being imperfect; the other absolute, and ties the Party: Yet by some other Opinion, in the same Case, it is affirmed, that *Agreements Executory* are perfect, and bind no less than *Agreements Executed*.

Concubinage (Fr.) signifies properly the keeping a Whore for one's unchaste Use: But it is used as an Exception against her who sues for Dower, alledging thereby that she was not Wife lawfully married to the Party, in whose Lands she seeks to be endowed, but his *Concubine*. *Britton, cap.* 107. *Bracton, lib.* 4. *tract.* 6. *cap.* 8. who tell us, That *Concubinage* may be lawful, *Quoad haeredem & haereditatis Successionem*; but not *Quoad dotem*, *Lib.* 3. *cap.* 28. By which it must not be intended such a *Concubinage* which tends to Fornication, but such as was allowed in Scripture to the Patriarchs, *viz. Secundum legem Matrimonii, infra dignitatem tamen uxoris ducitur*.

Condace, *Congleton* in *Cheshire*.

Condercum, *Chester upon the Street*, in the Bishoprick of *Durham*.

Conders (from the Fr. *Conduire, i. e.* To conduct,) are such as stand upon high Places, near the Sea-coast, at the Time of Herring-fishing, to make Signs with Boughs, *&c.* to the Fishers which Way the Shole of Herrings passeth, which may better appear to such as stand upon some high Cliff on the Shore, by a Kind of blue Colour they cause in the Water, than to those that are in the Ships. These are otherwise called *Huers*, (of the Fr. *Huyer, i. e. Exclamare*,) and *Balkers*, *Directors*, and *Guiders*, as appears by the Statute 1 *Jac. cap.* 23.

Condis, a Ridge of Land, *Quandam parcellam cujusdam* Condis *juxta Campum ipsorum*. Du Cange.

Condition (*Conditio*) is a Manner, Law, Quality, or Restriction, annexed to Mens Acts, qualifying or suspending the same, and making them uncertain whether they shall take Effect, or no. *West, par.* 1. *Symb. lib.* 2. *sect.* 156. In a Lease there may be two Sorts of *Conditions*; *Condition collateral*, or *Condition annexed to the Rent*. *Coke, lib.* 3. *Penant's Case, fol.* 64. *Collateral Condition* is that which is annexed to any Collateral Act; as, that the Lessee shall not go to *Paris*. *Ibidem, fol.* 65. *Condition* is also divided into *Condition in Deed* or *Fact*, and *Condition in Law*; which otherwise may be termed Condition expressed, and Condition implied. *Perkins, tit. Conditions*.

Condition in Deed is that which is knit and annexed by express Words to the Feoffment, Lease, or Grant, either in Writing, or without Writing: As, if I enfeoff a Man in Lands, reserving a Rent to be paid at such a Feast, upon Condition, if the Feoffee fail of Payment at the Day, then it shall be lawful for me to re-enter.

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

Cong and Kep. *Bracton, lib.* 2. *cap.* 37. *num.* 3. *Faemina in tali aetate, (i. e.* 14 & 15 Annorum) *potest disponere Domui suae, & habere* Cong. & Kep. Cong, in the *Saxon*, signifies *Calculus*, *Computus*; and Kep, *Clavis*. So that a Woman was then held to be of competent Years, when she was able to keep the *Accounts* and *Keys* of the House. And *Glan. lib.* 7. *cap.* 9. hath somewhat to the same Purpose.

Confederacy (*Confederatio*) is when two or more confederate or combine themselves to do any Damage to another, or to commit any unlawful Act. And though a Writ of Conspiracy does not lie, 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, though nothing be put in Execution: which appears by the Book of 27 *Assis. Placit.* 44. where two were indicted of *Conspiracy*, each to maintain other, whether their Matter were true or false; and though nothing were supposed to be put in Practice, the Parties were enjoined to answer, since the Thing is forbidden by Law. So in the next *Article*, in the same Book, Enquiry shall be made of *Conspirators* and *Confederators*, which bind themselves together, *&c.* This *Confederacy*, punishable by Law before it be executed, ought to have four Incidents: First, It must be declared by some Matter of Prosecution, as by making of Bonds or Promises the one to the other. Secondly, *Malicious*, as for unjust Revenge. Thirdly, It ought to be *false* against an Innocent: Lastly, To be out of Court, voluntary. *Terms de la Ley.*

Confirmation (*Confirmatio*) is a strengthening or confirming an Estate to one, who hath the Possession by a voidable Title, though not at present void; as a Bishop grants his Chancellorship by Patent for Term of the Patentee's Life: This is no void Grant, but voidable by the Bishop's Death, except it be strengthen'd by the Dean and Chapter's *Confirmation*. See more of this in *West*, *p.* 1. *Symb. lib.* 2. *sect.* 500. *Fitz. Nat. Br. fol.* 169. *b.* and *Littleton*, *lib.* 3. *cap.* 9.

Confiscate, from the Lat. *Confiscare*, and that from *Fiscus*, which originally signifies a Hamper, Pannier, or Basket; but, Metonymically the Emperor's Treasure, which was anciently kept in such Hampers: And though our King keeps not his Treasure in such Things, yet (as the *Romans* said) such Goods as were forfeited to the Emperor's Treasury for any Offence, were *Bona confiscata*; so say we of those that are forfeited to our King's *Exchequer*. And the Title to have these Goods is given to the King by the Law, when they are not claimed by some other; as, If a Man be indicted for feloniously stealing the Goods of another, where in Truth they are the proper Goods of him indicted, and they are brought in Court against him, who, being asked what he saith to the said Goods, disclaims them; by this Disclaimer he shall lose the Goods, though he be afterwards acquit of the Felony; and the King shall have them as *Confiscate*; but otherwise, if he had not disclaimed them. See more in *Staundf. Pl. Cor. lib.* 3. *cap.* 24. Note, *Confiscare* & *Forisfacere* are *Synonima*, and *Bona confiscata* are *Bona forisfacta*. 3 *Inst. fol.* 227.

Confrairie, (Fr.) a Fraternity, Fellowship, or Society; as, the *Confrairie de Saint George*, or *de les Chevaliers de le bleu Jartier*. Selden.

Confreres, (Fr. *Confreres*,) Brethren in a Religious House; Fellows of one and the same House or Society. *Anno* 32 *Hen.* 8. *cap.* 24.

Congeable (from the Fr. *Congé*, *i. e.* Leave, Licence, or Permission,) signifies as much as lawful or lawfully done, or done with Leave or Permission; as, *Their Entry of the Disseisee is congeable. Litt. sect.* 420. and 2 *par. Coke*, *fol.* 31.

Conge d'Accorder, (Fr. *i. e.* Leave to accord or agree.) I find it in the Statute of *Fines*, *Anno* 18 *Edw.* 1. in these Words: — When the Writ Original is delivered in Presence of the Parties before 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'Eslire (Fr. *i. e.* Leave to choose) signifies the King's Permission Royal, to a Dean and Chapter, in Time of Vacation, to choose a Bishop. *Nat. Br. fol.* 169, 170. — *Gwin*, in the Preface to his *Readings*, says, The King of *England*, as Sovereign Patron of all Archbishopricks, Bishopricks, and other Ecclesiastical Benefices, had of ancient Time free Appointment of all Ecclesiastical Dignities, whensoever they became void, investing them first *per Baculum* & *Annulum*, and afterwards by his Letters Patent; and that in Process of Time he made the Election over to others under certain Forms and Conditions; as, That they should at every Vacation, before they chuse, demand of the King *Conge d'Eslire*, that is, Leave to proceed to Election, and then, after the Election, to crave his Royal Assent, &c. And he affirms, King *John* was the first that granted this, which was afterward confirmed by *Westm.* 1. *cap.* 1. and again by *Articuli Cleri*, *cap.* 2.

Congildon. 'Tis mentioned in *Leg. Ina*, *c.* 23. and signifies Joint-payment, or one who is a Companion with another in such a Payment or Tribute.

Congius, an ancient Measure of six *Sextarles*; which is about a Gallon and a Pint. *Et reddat quinque* Congios *cerae & unum Tdromelli, & triginta panes cum pertinentibus palmentariis.* Charta Edmundi Regis de Anno 946. See *Sextary*.

Congleton. See *Condate*.

Conjectare, To contribute. *Warum & compositionem mortis* Conjectare. In Legibus Alured. cap. 21, & 32.

Coningeria, a Cony-borough, or Warren of Conies. *Item dicunt, quod idem Dominus potest capere in duabus* Coningeriis, *quas habet infra Insulam de Vecta*, 100 *Cuniculos per annum, & valet quilibet Cuniculus* 2 *d.* Inq. de Anno 47 H. 3. n. 32.

Conisance. See *Cognizance*.

Conisor, alias **Cognisor**, (*Recognitor*,) is used in the passing of Fines for him that acknowledges the Fine; and the *Cognizee* is he to whom the Fine is acknowledged. *Anno* 32 *H.* 8. *cap.* 5. *West*, *pa.* 1. *Symb.* 2. *sect.* 49. and *par.* 2. *tit.* Fines, *sect.* 114.

Conjurare is where several confirm a Thing by Oath.

Conjuratio is an Oath; and *Conjuratus* is the same with *Conjurator*, *viz.* one who is bound by the same Oath. *Ernaldus Marescallus juratus idem dicit per omnia quod filius Andreae* Conjuratus *suus.* Mon. 1 Tom. pag. 207.

Conjuration (*Conjuratio*) signifies a Plot or Confederacy, made by Persons combining themselves together, by Oath or Promise, to do some publick Harm. But it is more especially used for the having personal Conference with the Devil, or some Evil Spirit, to know any Secret, or to effect any Purpose. *Anno* 5 *Eliz. cap.* 16. The Difference between *Conjuration* and *Witchcraft* seems to be, Because the one endeavours by Prayers and Invocation of God's powerful Name to compel the Devil to say or do what he commands him; the other deals rather by friendly and voluntary Conference or Agreement with the Devil or Familiar, to have her or his Desires served, in Lieu of Blood, or other Gift offered him, especially of his or her Soul. And both these differ from *Enchantment* or *Sorceries*; because those are personal Conferences with the Devil, as is already said; and these are but Medicines and ceremonial Forms of Words, (called commonly *Charms*,) without Apparition. *Cowel.*

Conobium Urbs, *Caerleon upon Conway* in *Caermarthenshire*.

Conabius Fluvius, *Conway* in *Wales*.

Conredium, the same with *Corody*; which see. *Abbas & Monachi ejus loci per totum annum post obitum suum totum* Conredium (*sicut in vita sua perceperint*) *habere debent, quod alitus indigenti pro animâ suâ erogabitur.* Mon. 1. Tom. pag. 149.

Consanguineo is a Writ, which see in the *Reg. of Writs*, *de Avo*, *Proavo*, & Consanguineo. Fol. 226.

Conservator of the Truce and Safe-Conducts, (*Conservator induciarum & salvorum Regis Conductuum*,) was an Officer appointed in every Sea-Port under the King's Letters Patent, and had 40 *l.* for his yearly Stipend at the least. His Charge was to enquire of all Offences committed against the King's *Truce* and *Safe Conducts* upon the main Sea out of the Franchises of the *Cinque-Ports*, as the Admirals were wont to do, and such other Things as are declared *Anno* 2 *Hen.* 5. *cap.* 6. Touch-

ing this Matter, see also Statute of 4 Hen. 5. cap. 7.

Conservator of the Peace (*Conservator vel Custos Pacis*) is he that hath an especial Charge, by Virtue of his Office, to see the King's Peace kept. Before the Time of King *Edward* the Third, who first erected Justices of Peace, there were sundry Persons who, by the Common Law, had Interest in keeping the Peace: Of those, some had that Charge, as incident to the Offices they bore, and so included in the same, that they were called by the Name of their Office only; others had it simply, as of it self, and were thereof named *Custodes Pacis*, Wardens or Conservators of the Peace. See *Lamb. Eirenar. lib. 1. cap. 3.* The Corporation of the great Level of the Fens does consist of one Governor, six Bailiffs, twenty *Conservators* and Commonalty; as by the Act 15 *Car. 2. cap. 17.* appears. The Chamberlain of *Chester* is a *Conservator* of the Peace in that County, by Virtue of his Office. 4 *Inst. fol.* 212. And Petty Constables are by the Common Law *Conservators* of the Peace, *&c.* *Conservators* of the Privileges of the Hospitalers and Templers, *&c.* *Westm. 2. cap.* 43. See 4 *Inst. fol.* 341.

Consideratio Curiæ. 'Tis often mentioned in Law Pleadings: *Ideo* Consideratum *est per* Curiam, *i. e.* 'Tis adjudged by the Court; for *Consideratio Curiæ* is the Judgment of the Court, *viz.* as in *Matt. Paris. Addit. pag.* 97. *Semper paratus est stare ad* Considerationem *parium suorum*; and in the 2 *Hen. pag.* 221. *Abstulit ei dictam terram per* Considerationem Curiæ *suæ, &c.*

Consideration (*Consideratio*) is the material Cause, the *Quid pro quo* of any Contract, without which no Contract binds. This *Consideration* is either expressed, as if a Man bargain to give five Pounds for a Horse; or implied, when the Law it self inforces a *Consideration*; as if a Man come into a Common Inn, and there stay some Time, taking Meat and Lodging, or either, for himself and his Horse, the Law presumes he intends to pay for both, though there be no express Contract betwixt him and his Host; and therefore if he discharge not the House, the Host may stay his Horse. *Fulb. Parl. tract.* Contracts, *fol.* 6.

Consilium (*Diei Consilii*) was a Time allowed for the Accused to make his Defence, and answer the Charge of the Accuser. *Non aliis quærat accusatus* Consilium, *& habeat ab amicis & paribus suis, quod nulli jure debet defendi, &c.* Leges H. 1. c. 46. And in the next Chapter, *Si quis a justitia Regis implacitatus ad* Consilium *exierit.*

Consistor, a Magistrate so called; as, *Testibus Rogero de Gant, Willielmo* Consistore *Cestriæ, &c.*

Consistory (*Consistorium*) signifies as much as *Prætorium*, or Tribunal. It is commonly used for a Council-House of Ecclesiastical Persons, or the Place of Justice in the Court-Christian; a Session or Assembly of Prelates. Every Archbishop and Bishop of every Diocess, hath a *Consistory Court* held before his Chancellor or Commissary in his Cathedral Church, or other convenient Place of his Diocess, for Ecclesiastical Causes. See 4 *Inst. fol.* 338. — *Sciatis vos omnes & cæteri mei fideles, qui in Anglia manent, quod Episcopales Leges, quæ non bene secundum Sanctorum Canonum præcepta, usque ad mea tempora, in Regni Anglorum fuerunt, communi Concilio Archiepiscoporum meorum & cæterorum Episcoporum & Abbatum & omnium Principum Regni mei, emendandas judicavi. Propterea mando & Regia Authoritate præcipio, ut nullus Episcopus vel Archidiaconus de Legibus Episcopalibus amplius in Comitatu placita teneant, nec causam, quæ ad regimen animarum pertinet, ad judicium secularium hominum adducant, &c.* This Law, made by the *Conqueror*, seems to give the Original of the *Bishop's Consistory*, as it sits with us divided from the *Hundred*, or *County-Court*, wherewith in the *Saxon* Time it was joined. And, in the same Law of his, is further added, *Hoc etiam defendo, ut nullus laicus homo de Legibus quæ ad Episcopum pertinent, se intromittat, &c.* Selden's Hist. of Tithes, pag. 413, 414.

Consolidation (*Consolidatio*) is used for the combining and uniting two Benefices in one. *Brook. tit. Union*, and *Anno* 37 *Hen. 8. cap.* 21. This Word is taken from the Civil Law, where it signifies properly an Uniting of the Possession, Occupation, or Profit, with the Property: As, if a Man have by Legacy *Usum-fructum fundi*, and afterwards buy the Property or Fee-simple (as we call it) of the Heir; this is called a *Consolidation*. See *Union and Unity of Possession*, and the Stat. 22 *Car. 2. cap.* 11.

Conspiracy, (*Conspiratio*,) though both in *Latin* and *French* it be used for an Agreement of Men to do any Thing, either good or bad; yet in our Law-Books it is always taken in the evil Part. *Anno* 4 *Edw. 3. cap.* 11. — 3 *Hen. 7. cap.* 13. — 1 *Hen. 5. cap.* 3. and 18 *Hen. 6. cap.* 12. As also *New Book of Entries, verbo Conspiracy.* In which Places *Conspiracy* is taken more generally, and confounded with *Maintenance* and *Champerty*: But, in a more special Signification, it is used for a Confederacy of two, at the least, falsly to indict one, or to procure one to be indicted of Felony. And the Punishment of it, upon an Indictment of Felony, at the King's Suit, anciently was, That the Party attainted lose his Frank-Law, to the End he be not impanelled upon Juries of Assizes, or such like Employments, for testifying the Truth; and if he have to do in the King's Court, that he make his Attorney; and that his Lands, Goods, and Chattels, be seised into the King's Hands, his Lands estreated, (if he find no better Favour,) his Trees razed, and his Body committed to Prison. 27 *Lib. assis.* 59. *Crompton's Just. of Peace, fol.* 156. *b.* This is called *Villanous Judgment* or Punishment. See *Villanous Judgment.* But if the Party grieved sue upon the Writ of *Conspiracy*, then see *Fitz. Nat. Br. fol.* 114. *D.* 115. *I. Conspiracy* may be also in Cases of less Weight; as *Conspiracies* made by Victuallers, touching selling of Victuals, shall be grievously punished. See 37 *Hen. 8. c.* 231 and 3 *Part. Inst. fol.* 143.

Conspiratione is a Writ that lies against *Conspirators*. *Fitz. Nat. Br. fol.* 114. *d. Crompton's Jurisd. fol.* 209. See also the *Register, fol.* 134.

Conspirators are (according to the Statute) Those that do confeder, or bind themselves by Oath, Covenant, or other Alliance, that every of them shall aid and bear the other falsly and maliciously to indict, or cause to indite, or falsly to move or maintain Pleas: And also such as cause Children, within Age, to appeal Men of Felony, whereby they are imprisoned, and sore grieved; and such as retain Men in the Country, with Liberties or Fees to maintain their malicious Enterprises: And this extendeth as well to the Takers, as to the Givers. And Stewards and Bailiffs of great Lords, which by their Seigniory, Office, or Power, undertake to bear or maintain Quarrels, Pleas, or Debates, that concern other Parties

Parties than such as touch the Estate of their Lords, or themselves. Anno 33 Edw. 1. Stat. 2. — 2 Part. Inst. fol. 384. and 562.

Constable (*Constabularius*) is a *Saxon* Word compounded of Lynig, or Lyng, and Steaple, which signify the Stay and hold of the King. *Lamb. Duty of Constables, num.* 4. But I have seen it derived from *Comes Stabuli*, which seems more probable; because we had this Officer, and many others, from the *Caesarean Laws* and Customs of the Empire, as well as from the *Saxons*. But this Dignity, which originally was to take Care of the King's Stables, was afterwards made Military; and the *Comes Stabuli* was then the chief General, called by our *Saxon* Ancestors *Heretochii*.

The Word is diversly used: First, for the *Constable of England*; of whose great Dignity and Authority we find many Proofs in our Statutes and Chronicles. His Function consists in the Care of the common Peace of the Land, in Deeds of Arms, and Matters of War. *Lamb. ubi supra.* With whom agrees the Statute of 13 *Rich.* 2. *cap.* 2. *Stat.* 1. which says, To the Court of the *Constable* and Marshal it appertains to have the Conusance of Contracts and Deeds of Arms and of War out of the Realm, and also of Things that touch War within, as Combats, Blasonry of Arms, &c. But it may not meddle with Battel in Appeals, nor generally with any other Thing that may be tried by the Law of the Land. See *Fortescue, cap.* 32. and 4 *Inst. fol.* 123. and especially *Prynne's Animad. on* 4 *Inst. fol.* 71. Anciently he was called *Princeps Militiae Domus Regis.*

The *Constable of England* was first created by *William* the Conqueror, and continued till the 13 H. 8. It was an Hereditary Dignity, and descended to Females; and the *Constable* held several Manors of the King, as being *Constable of England.* But it being so powerful a Dignity, it became troublesome to the Crown, and therefore was laid aside by *Henry* VIII. and not created since, but upon particular Occasions.

Out of this High Magistracy of *Constable of England*, (says *Lambard*,) were drawn those Inferior Constables, which we call *Constables of Hundreds* and *Franchises*; and first ordained by the Statute of *Winchester*, 13 *Edw.* 1. which appoints, for Conservation of the Peace, and View of Armour, two Constables in every Hundred and Franchise, who in *Latin* are called *Constabularii Capitales*, High Constables; because Continuance of Time, and Increase both of People and Offences, hath under these made others in every Town called *Petit-Constables*, in *Latin Sub-Constabularii*, which are of like Nature, but of inferior Authority to the other. The making a *Petty Constable* belongs to the Lords of divers Manors, *Jure Floda.* Of these read *Smith de Rep. Angl. lib.* 2. *c.* 23. Besides these, there are Officers of particular Places, called by this Name, as *Constable of the Tower*; *Strandf. Pl. Cor. fol.* 152. *Anno* 1 *Hen.* 4. *c.* 13. *Constable of the Exchequer*, *Anno* 51 *Hen.* 3. *Stat.* 5. *Constable of* Dover *Castle*, *Cam. Britan. pag.* 239. *Constable* of the Castle of *Windsor*; *Constable* of the Castle of *Carnarvon*; *Constable* of the Castle of *Conway*; *Constable* of the Castle of *Hardleigh*, in the County of *Merioneth*; *Constable* of the Castle of *Beaumaris*; *Constable* of the Castle of *Carmarthen*; *Constable* of the Castle of *Cardigan*; *Constable* of the Castle of *Lancaston*; *Constables* of the Castles of *Rothlan*, *Chester*, and *Flint*, *&c. Constable* of the Castle of *London*, (for so *Baynard's* Castle was anciently called,) and *Robert Fitz-Walter* was *Constable* thereof, and Banner-bearer of that City by Inheritance. But these are *Castellani* properly, as *Lambard* notes, though confounded in Name with the other. See the Statute *Anno* 32 *Hen.* 8. *cap.* 38. — *Manwood, par.* 1. *cap.* 13. mentions a *Constable* of the *Forest*. And *Hen. Lord Bourchier* was *Constable* of the King's Army, 10 *Ed.* 3. *Baronage of England*, 2 *Part, fol.* 51. *b.*

Constat (Lat.) is the Name of a Certificate, which the Clerk of the *Pipe*, and Auditors of the *Exchequer*, make at the Request of any Person who intends to plead or move in that Court, for Discharge of any Thing. *Anno* 3 *&* 4 *Edw.* 6. *cap.* 4. and 13 *Eliz. cap.* 6. The Effect of a *Constat* is the certifying what does *constare* upon Record, touching the Matter in Question; and the Auditor's Fee for it is 13 *s.* 4 *d.*

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 evident upon *Record*. Also the Exemplification under the Great Seal of the Inrolment of any Letters Patent is called a *Constat. Coke on Litt. fol.* 225. *b.* The Difference between a *Constat*, *Inspeximus*, and *Vidimus*, you may read at large in *Page's Case*, 5 *Rapport.*

Consuetudinarius, *i. e.* a Ritual or Book, containing the Rites and Forms of Divine Offices, or the Customs of Abbeys and Monasteries. 'Tis mentioned in *Brompton*, who writing of *Osmond*, Bishop of *Salisbury*, tells us, that *Composuit ordinalum Ecclesiastici officii quem* Consuetudinarium *vocant.*

Consuetudinibus & Servitiis is a Writ of Right Close, which lies against the Tenant that deforceth his Lord of the Rent or Service due to him. Of this see more in *Old Nat. Br. fol.* 77. *Fitz. Nat. Br. fol.* 151. and *Reg. of Writs, fol.* 159.

Consul, in our Law-Books, signifies an Earl: For *Bracton, lib.* 1. *cap.* 8. tells us, that as *Comes* is derived from *Comitatu, sive a Societate*, so *Consul* is derived from *Consulendo*; *Reges enim vulgi sibi associant ad* Consulendum *& regendum populum Dei.* So in the Laws of *Edward* the Confessor, *cap.* 2. *Quod modo vocatur Comitatus olim apud Britones temporibus Romanorum vocabatur* Consulatus, *& quemadmodo Vicecomites tunc temporis Viceconsules vocabantur.*

Consultation (*Consultatio*) is a Writ whereby a Cause, being formerly removed by *Prohibition* from the Ecclesiastical Court, or Court-Christian, to the King's Court, is returned thither again. For if the Judges of the King's Court, upon comparing the Libel with the Suggestion of the Party, find the Suggestion false, or not proved, and therefore the Cause to be wrongfully called from the Court Christian, then upon this *Consultation* or Deliberation they decree it to be returned again; whereupon the Writ in this Case obtained is called a *Consultation.* Of this you may read, *Reg. of Writs, fol.* 44, 45, *usque* 58. *Old Nat. Br. fol.* 32. *Fitz. Nat. Br. fol.* 50. The Statute of the Writ of *Consultation*, *Anno* 24 *Edw.* 1. and *Part. Inst. fol.* 105.

Countenement (*Contenementum*, as *Calvin contenementum suum*) signifies his Countenance, Credit, or Reputation, which he hath, together with and by reason of his Freehold. And in this Sense does the Statute of 4 *Edw.* 3. and 34 *Edw.* 3. *cap.* 71 and *Old Nat. Br.* use it, where *Countenance* is used for *Contenement*. The Armour of a Soldier is his Countenance; the Books of a Scholar, his Countenance, and the like. *Coke*, 2 *Part. Inst. fol.* 28. *Bracton, lib.* 3. *Tract.* 2. *cap.* 1. *num.* 3. And Sir *Henry*

Henry Spelman says, *Contenementum est æstimatio & conditionis forma, quæ quis in Repub. subsistit.*

But I rather think that *Contenement* signifies that which is necessary for the Support and Maintenance of Men according to their several Qualities, Conditions, or State of Life; as in *Magna Charta, viz.* 'tis enacted that a Freeman shall not be amerced, but *secundum magnitudinem delicti, salvo sibi* Contenemento *suo, & mercator eodem modo salvâ merchandisâ, & villanus salvo Wainagio*; that is, as *Glanvile* tells us, He should be amerced *secundum quantitatem feodorum suorum & secundum facultates, ne nimis gravari inde videantur vel suum* Contenementum *amittere.* Lib. 9. cap. 8.

Contingent Use is a *Use* limited in a Conveyance of Land, which may or may not happen to vest, according to the Contingency expressed in the Limitation of such *Use.* See *Chudleigh*'s Case in *Coke*'s 1 *Rep.*

Continual Claim 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 disseised of Land, into which, though I have a Right, I dare not enter for fear of beating, it behoves me to hold on my Right of Entry at my best Opportunity, by approaching as near it as I can once every Year, as long as I live; and so I save the Right of Entry to my Heir. See more in *Littleton, verbo, Continual Claim. New Book of Entries, ibidem,* and *Fitz. lib.* 6. *cap.* 53.

Continuance is as *Prorogatio* in the Civil Law: Example; *Continuance* until the next Assise. *Fitz. Nat. Br. fol.* 154. *F.* and 244. *D.* in both which Places it is said, If a Record in the Treasury be alledged by the one Party, and denied by the other, a *Certiorari* shall be sued to the Treasurer, and the Chamberlain of the *Exchequer*; who, if they certify not in the *Chancery* that such a Record is there, on 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 Assise. In this Signification it is likewise used by *Kitchin, fol.* 202, and 199. and *Anno* 11 *Hen.* 6. *cap.* 4. And *Continuance of a Writ* or *Action* is from one Term to another, in Case where the Sheriff hath not returned or executed a former Writ, issued out in the said Action.

Continuando is a Word used in a special Declaration of Trespass, when the Plaintiff would recover Damages for several Trespasses in the same Action: For, to avoid Multiplicity of Suits, a Man may in one Action of Trespass recover Damages for forty or more Trespasses; laying the first to be done with a *Continuance* to the whole Time in which the rest of the Trespasses were done; and is in this Form, *Continuando transgressionem prædictam, &c. à prædictâ die, &c. usque* such another Day, including the last Trespass.

Contours. See *Counters.*

Contrabanded Goods (from *Contra*, and the Ital. *Bando*, an Edict or Proclamation) are those which are prohibited by Act of Parliament, or the King's Proclamation, to be imported into, or exported out of this or other Nations.

Contracausator, *i. e.* a Criminal, or one prosecuted for a Crime. 'Tis mentioned in *Leg. H.* 1. *cap.* 61.

Contract (*Contractus*) is a Covenant or Agreement between two, with a lawful Consideration or Cause. *West, pa.* 1. *Symb. lib.* 1. *sect.* 10. As, if I sell my Horse for Money; or covenant, in Consideration of 20 *l.* to make you a Lease of a Farm; these are good *Contracts*, because there is *Quid pro quo.*

Usurious Contract is a Contract to pay more Interest for Money than the Laws and Statutes of this Realm allow. It is a *Devastavit* in an Executor, to pay a Debt upon an *Usurious Contract. Noy's Reports, fol.* 129.

Contrafaction, (*Contrafactio*) a Counterfeiting; as, *Contrafactio sigilli Regis.*

Contra formam Collationis was a Writ that lay against an Abbot, or his Successor, for him, or his Heir, who had given Land to an Abbey for certain good Uses, and found a Feoffment made thereof by the Abbot, with Assent of the Tenants, to the Disinherison of the House and Church. This was founded on the Statute of *Westm.* 2. *c.* 41. See *Reg. of Writs, fol.* 238. and *Fitz. Nat. Br. fol.* 210.

Contra formam feoffamenti is a Writ that lies for the Heir of a Tenant, enfeoffed of certain Lands or Tenement by Charter of Feoffment of a Lord, to make certain Services and Suits to his Court, and is afterward distrained for more than is contained in the said Charter. *Reg. of Writs, fol.* 176. *Old Nat. Br. fol.* 162.

Contramandatio Placiti (*Leges Hen.* 1. *cap.* 59.) seems to signify a Resulting, or giving the Defendant further Time to answer; an Imparlance, or countermanding what was formerly ordered.

Contramandatum is a lawful Excuse, which the Defendant by his Attorney alledgeth for himself, to shew that the Plaintiff hath no Cause to complain. *Si, dies placiti sit* Contramandatus. Leges H. 1. cap. 59.

Contrapositio, a Plea or Answer. *Si quis in placito per justitiam posito sui vel suorum causam injustis Conterminationibus vel* Contrapositionibus *disforciet, hanc perdat.* Leg. Hen. 1. cap. 34.

Contrarients. *Tho.* Earl of *Lancaster* taking Part with the Barons against King *Edward* 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 called *Rotulum Contrariensium.*

Contratenere, To withhold. *Si quis decimas* contrateneat. Leg. Alfredi apud Brompton, c. 9.

Contribules, (*Contribuales*,) Kindred, or Cousins. *Si quisquam cognationis suæ sumpsit eum postea, ireus sit omnium quæ habebit erga Regem, & portet faidum erga* contribuales *mortui*; that is, Let him be accounted as an Enemy to the Kindred of the dead Man. *Lamb. pag.* 135.

Contributione facienda is a Writ that lies where more are bound to one Thing, and one is put to the whole Burden. *Fitzherbert* (*Nat. Br. fol.* 162.) brings these Examples: If Tenants in Common or Joint, 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 its 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 performs the whole; then may she have this Writ to compel the Refuser to a *Contribution.* *Old Nat. Br.* (*fol.* 103.) frames this Writ to a Case, where one only Suit is required for Land, and that Land being sold to divers, Suit is required of them all, or some of them by Distress, as entirely, as if all were still in one. See *Reg. of Writs, fol.* 176.

Controller, (Fr. *Controrolleur*) We have divers Officers of this Name; as, *Controller of the King's Houshold*, Anno 6 Hen. 4. cap. 3. *Controller of the Navy*, 35 Eliz. cap. 4. *Controller of the Customs*, Cromp. Jurisd. fol 105. *Controller of* Calais, 21 R. 2. cap. 18. *Controller of the Mint*, 2 Hen. 6. cap. 12. *Controller* of the Castle of *Chester*; *Controller* of *North-Wales*; *Controller* of the Excise, *&c.*

Controller of the Hamper is a Officer in the *Chancery*, attending the Lord Chancellor daily in the Term-time, and upon Seal-days. His Office is to take all Things sealed from the Clerk of the Hamper, inclosed in Bags of Leather, and to note the just Number and Effect of all Things so received, and enter the same in a Book, with all the Duties appertaining to his Majesty, and other Officers, for the same, and so charges the Clerk of the Hamper with it.

Controller of the Pipe is an Officer of the *Exchequer*, who writes out Summons twice every Year to the Sheriffs to levy the Farms and Debts of the Pipe, and keeps a Controlment of the Pipe, and was anciently called *Duplex Ingrossator*.

Controller of the Pell is also an Officer of the *Exchequer*; of which Sort there are two, *viz.* the two Chamberlains Clerks, that do or should keep a *Controlment* of the Pell of Receipts and Goings-out. This Officer was originally one who took Notes of any other Officer's Accounts or Receipts, to the Intent to discover him, if he dealt amiss, and was ordained for the Prince's better Security: For Proof whereof, read *Fleta, lib.* 1. *cap.* 18. and the Stat. 12 *Edw.* 3. *cap.* 3.

Controver, (Fr. *Controuveur*,) He that of his own Head devises or invents false or feigned News, 2 *Inst. fol.* 227.

Convenable, (Fr.) Agreeable, Suitable, Convenient, or Fitting. *Anno* 27 *Edw.* 3. *Stat.* 2. *cap.* 21. and 2 *Hen.* 6. *cap.* 2. See *Covenable*.

Covennos Insula, *Convey* at the Mouth of the *Thames*.

Conventicle, (*Conventiculum*,) a little private Assembly or Meeting for the Exercise of Religion; first attributed in Disgrace to the Schools of *Wickliff* in this Nation, above 200 Years since, and now applied to the Illegal Meetings of the Non-conformists, and is mentioned in the Stat. 2 *Hen.* 4. *c.* 15. 1 *Hen.* 6. *c.* 3. 16 *Car.* 2. *cap.* 4. & 22 *ejusdem*, *cap.* 1.

Conventio is a Word much used both in ancient and modern Law-pleadings for an Agreement or Covenant. For Example take this pleasant Record:

Ex libro Rotulorum Curiæ Manerii de Hatfield (juxta Insulam de Axholme) in Com. Ebor.

Curia tenta apud *Hatfield* die Mercurii Proxo post Festum — Anno xio Edw. 3.

RObertus de Roderham *qui optulit se versus* Johannem de Ithen *de eo quod non tenent* Conventionem *inter eos factam, & unde queritur, quod certo die & anno apud* Thorne *convenit inter prædictum* Robertum *&* Johannem, *quod prædictus* Johannes *vendidit prædicto* Roberto *Diabolum ligatum in quodam ligamine pro* iiid ob. *& super prædictus* Robertus *tradidit prædicto* Johanni *quoddam* obolum-earles (*i.* earnest money) *per quod proprietas dicti Diaboli commoratur in persona dicti* Roberti *ad habendam deliberationem dicti Diaboli, infra quartam diem prox' sequent. Ad quam diem idem* Robertus *venit ad præfatum* Johannem, *& petit deliberationem dicti Diaboli, secundum* Conventionem *inter eos factam; idem* Johannes *prædictum Diabolum deliberare nolitis, nec adhuc vult, &c. ad grave damnum ipsius* Roberti lx sol. *Et inde producit sectam, &c. & prædictus* Johannes *venit, &c. Et non dedicit* Conventionem *prædictam. Et quia videtur Curiæ quod talé placitum non jacet inter Christianos, Ideo partes prædicti adjournantur usque in Infernum, ad audiendum judicium suum, & utraque pars in misericordia, &c. Per Willielmum de Stargell Senescallum.*

Conventione is a Writ that lies for the Breach of any Covenant in Writing. *Reg. of Writs, fol.* 185. *Old Nat. Br. fol.* 102. *Fitzherbert* (*Nat. Br. fol.* 145.) calls it a *Writ of Covenant*; who divides *Covenants* into personal and real, making a Discourse of both; as also how this Writ lies for both.

Conventuals are those Religious Men who are united together in a *Convent* or Religious House. See *Frier Observant*.

Conventual Church. See *Parish*.

Conversos. The Jews here in *England* were formerly called *Conversos*, *viz.* because they were converted to the Christian Religion. *Henry* III. built an House for them in *London*, and allowed them a competent Provision or Subsistance for their Lives; and this House was called *Domus Conversorum*. 'Tis mentioned by our Historians *Matt. Paris.* and *Matt. Westm. Anno* 1244. But by reason of the vast Expences of the Wars, and the Increase of these Converts, they became a Burthen to the Crown; and therefore they were placed in Abbeys and Monasteries for their Support and Maintenance. But the Jews being afterwards banished, *Edward* III. in the fifty first Year of his Reign, gave this House for the Keeping of the Rolls; and 'tis the same which is at this Time enjoyed by the Master of the Rolls.

Convicaneus, *i. e.* one of the same Street or Parish. *Populus autem istic vadit ad conditum Episcopi; quo & cæteri ejus* Convicanei *vadunt.*

Convict (*Convictus*) is he that is found guilty of an Offence by Verdict of a Jury. *Staund. Pl. Cor. fol.* 186. Yet *Crompton*, out of Judge *Dyer's Commentaries*, 275, saith, That *Conviction* is either when a Man is outlawed, or appears and confesseth, or else is found guilty by the Inquest. *Cromp. Just. of Peace, fol.* 9. *Conviction* and *Attainder* are often confounded. See *Attaint* and *Attainted*.

A Convict Recusant is he that hath been legally presented, indicted, and *convict*, for refusing to come to Church to hear the Common-Prayer, according to the Statutes, 1 *Eliz.* 2. — 23 *Eliz.* 1. and 3 *Jac.* 4. And this is commonly understood to be a *Popish Recusant*; though any others that refuse to come to Church for the Purpose aforesaid, may as properly be called *Recusants*. See *Jury*.

Convivium signifies the same Thing amongst the Laity, as *prebendary* doth amongst the Clergy; *i. e.* when the Tenant, by reason of his Tenure, is bound to provide Meat and Drink for his Lord once or oftner in the Year. *Potentibus vero non causâ convivandi sed pro Monasterii utilitate quoties expedierit obviandi intra infraque Monasterium licentiam habent.* Selden in Eadmer. pag. 150.

Convocation (*Convocatio*) is the Assembly of all the Clergy to consult of Ecclesiastical Matters in Time of Parliament: And as there are two Houses of Parliament, so are there two Houses of *Convocation*; the one called the *Higher Convocation*

House, where all the Archbishops and Bishops sit severally by themselves; the other *The Lower Convocation House*, where all the rest of the Clergy sit; that is, all the Deans and Archdeacons, one Proctor for every Chapter, and two Proctors for all the Clergy of each Diocess; In all 166 Persons. *Anno* 25 *Hen.* 8. *cap.* 19. See *Prolocutor*.

Conus, Coin. *Eos etiam qui* Conos *faciunt in occultis & vendunt falsariis pro pecunia*. Leg. Ethelredi, cap. 36.

Conusance. See *Cognisance*.

Conusant, (Fr. *Connoissant*,) Knowing, Understanding, Apprehending. — *If the Son be* Conusant, *and agrees to the Feoffment*, &c. Coke on Littl. fol. 159 b.

Conusor. See *Cognizor*.

Conwey, See *Convoyns*.

Coopertio, the Head or Branches of a Tree cut down. *Inquiratur qui ceperint* Coopertiones, *ceppagia & escaetas quercuum sive aliorum arborum*. Addition to *Matt. Paris*.

Coopertorium, *i. e.* Culmen. *Concessi eisdem fragium scalia, & Coopertia sufficientia in omnibus mariscis & communibus villæ*. Monast. 1 Tom. pag. 813.

Coopertura, a Thicket or Covert of Wood. *Charta de Foresta*, *cap.* 12. *Equus Cooperturæ*, a Horse covered or harnessed.

Coparceners, (*Participes*) otherwise called *Parceners*, are such as have equal Portion in the Inheritance of their Ancestor. *Littleton*, (*Lib.* 3.) says, *Parceners* are either by Law or by Custom: *Parceners by Law* are the Issue Female, which (in Default of Heir Male) come in Equality to the Lands of their Ancestor. *Bracton*, *lib.* 2. *cap.* 30. *Parceners by Custom* are those, who, by the Custom of the Country challenge equal Part in such Lands, as in *Kent* by *Gavelkind*. Of these you may read more at large in *Littl. lib.* 3. *cap.* 1. & 2. and *Brixton*, *cap.* 27. The Crown of *England* is not subject to *Coparcenary*. *Anno* 25 *Hen.* 8. *cap.* 22.

Cope (from *Copia*, Plenty) is a Custom or Tribute due to the King, or Lord of the Soil, of the Lead Mines in the *Wapentake of Wilksworth*, *in Com. Derby*; of which, thus Mr. *Manlove*, in his Treatise of those Liberties and Customs, printed 1653.

— *Egress and Regress to the King's Highway,*
The Miners have; and Lot *and* Cope *they pay.*
The Thirteenth Dish of Ore within their Mine,
To the Lord, for Lote, *they pay at Measuring Time.*
Six pence a Load for Cope *the Lord demands,*
And that is paid to th' Berghmasters *hands*, &c.

See also Sir *John Pettus's Fodina Regales*, on this Subject.

Copia libelli deliberanda is a Writ that lies in Case, where a Man cannot get the Copy of a Libel at the Hands of the Judge Ecclesiastical. *Reg. of Writs*, *fol.* 51.

Coppa, a Cutting. *Pacti sunt homines de halimoto fingere suos omnes* Coppare *extunc & deinceps & sic per* Coppas *omnes decimas suas ipsi & heredes sui*, &c. *legitime dare*. Thorn. in Chron.

Copphold (*Tenura per Copiam Rotuli Curiæ*) is a Tenure for which the Tenant hath nothing to shew but the *Copy* of the Rolls, made by the Steward of his Lord's Court. For as the Steward enrols and makes Remembrances of all other Things done in the Lord's Court; so he does also of such Tenants as are admitted in the Court to any Parcel of Land or Tenement belonging to the Manor, and the Transcript of this is called the *Court-Roll*, the *Copy* whereof, the Tenant keeps as his only Evidence. *Coke*, *lib.* 4. *fol.* 25. *b.* This is called a *Base Tenure*, because it holds at the Will of the Lord. *Kitchin*, *fol.* 80. *cap. Copyholds*. *Fitzherbert* (*Nat. Br. fol.* 12.) says, It was wont to be called *Tenura in Villenage*; and that *Copyhold* is but a new Name; and yet it is not simply at the Will of the Lord, but according to the Custom of the Manor; So that if a *Copyholder* break not the Custom of the Manor, and thereby forfeit his Tenure, he seems not so much to stand at the Lord's Courtesy for his Right, as to be displaced at his Pleasure. These Customs are infinite, varying in one Point or other, almost in every several Manor.

Copyholders do, upon their Admittances, pay a Fine to the Lord of the Manor of whom the Lands are holden; which Fines are in some Manors certain, in others incertain. Those which are incertain, the Lord rates as he pleases; but if it exceeds two Years Value, the Courts of *Chancery*, *King's-Bench*, *Common-Pleas*, or *Exchequer*, have, in their several Jurisdictions, Power to reduce the Fine to that Value.

Copyholds are a Kind of Inheritance, and called in many Places *Customary*: Because the Tenant dying, and the *Hold* being void, the next of the Blood, paying the Customary Fine, as two Shillings for an Acre, or such like, may not be denied his Admission. Secondly, Some *Copyholders* have by Custom the Wood growing upon their own Land, which by Law they could not have. Thirdly, Others held it by the Verge in Ancient Demesne; and though they hold by *Copy*, yet are they in Account a Kind of Freeholder: For if such an one commit Felony, the King hath *Annum, diem & vastum*, as in case of Freehold. Some others hold by Common Tenure, called *Mere Copyhold*, whose Land, upon Felony committed, escheats to the Lord of the Manor. *Kitchin*, *fol.* 81. *Cha. Tenants per Verge in Ancient Demesne*. This is the Land which (in the *Saxon* Time) was called Folkland. *West* (*Par.* 1. *Symbol. lib.* 2. *sect.* 646.) says, *A* Copyholder *is he who is admitted Tenant of any Lands or Tenements within a Manor, which, Time out of Mind, by the Use and Custom thereof, have been demisable to such as will take the same by* Copy *of Court-Roll, according to the Custom the said Manor*, &c. Where you may read more on this Subject. See *Freebench*.

Coraage (*Coragium*) is a Kind of Imposition extraordinary, growing upon some unusual Occasion; and it seems to be of certain Measures of Corn: For *Corus tritici* is a Measure of Wheat. *Bracton*, *lib.* 2. *cap.* 116. *num.* 6. who in the same Chapter, *num.* 8. hath these Words: — *Sunt etiam quædam communes præstationes, quæ servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex venerit; sicut sunt* Hidagia, Coraagia, & Carvagia, & *alia plura de necessitate, & ex consensu communi totius Regni introducta*, &c.

Coram non judice. — In a Cause whereof they (the Judges) have not any Jurisdiction, and then it is *Coram non judice*. 2 *Part Croke's Rep. fol.* 351. *Powel's* Case.

Cord of Wood ought to be eight Foot long, four Foot broad, and four Foot high, by Statute.

Cordage (Fr.) is a general Appellation for Stuff to make Ropes, and for all Kind of Ropes belonging to the Rigging of a Ship. Mentioned 15 *Car.* 2. *cap.* 13. *Seaman's Dictionary*.

Cordewan, *i. e. Cordubo* Leather, or Leather made with Goat-skins. *Malaga Civitas ubi est copia de* Cordowan, Hoved. in vita R. 1. pag. 715. *Calceamenta quæ de vili corio quod vulgariter Bazam dicitur, in alutam, id est*, Cordewan, *civiliter commutavit.* Mat. Paris. in vita Abbat. Sancti Albani.

Cordiner, (vulgarly *Cordwainer*,) from the Fr. *Cordouennier*, a Shoe-Maker, and is so used in divers Statutes, as 3 *Hen.* 8. *cap.* 10. — 5 *ejusdem, cap.* 7. and others.

Coreres, i. e. *Cataracta. Et cum corporibus suis ad sepulturam suam in Eleemosynâ, & cum suis piscibus & Coretibus anguillarum & cum toto territorio suo.* Du Fresne.

Corinium, *Cirencester* in *Gloucestershire.*

Coriscus, for *Codiscus*, a Little Book.

Corizani, *Northampton, Leicester, Rutland, Lincoln, Nottingham*, and *Derbyshires.*

Corium Forisfacere, *i. e.* Condemned to be whipp'd; which was the Punishment of a Servant. *Si quis* Corium *suum* Forisfaciat *& ad Ecclesiam incurrat, sit ei verberatio condemnata. Corium perdere*, the same. *Corio carere*, the same. *Corium redimere*, to compound for a Whipping. *Corio componere*, to be whipp'd.

Cornage (*Cornagium*, from *Cornu*, a Horn) was a Kind of Grand Serjeanty: The Service of which Tenure was to blow a *Horn* when any Invasion of the *Scots* was perceived. And by this many Men held their Land Northward, about the *Pitts-Wall.* *Camd. Britan. pag.* 609. and *Littleton, fol.* 35. *Cornagium*, (says an old Rental,) *vocat.* Romgeld, q. *Neatgeld.* But by Stat. 12 *Car.* 2. *cap.* 24. all Tenures are turned into free and common Soccage. Sir *Edward Coke* (*on Littl. fol.* 107.) says, *Cornage* is also called in old Books *Horngeld*: But *Quære*; for they seem to differ much. See *Horngeld*, and 2 *Inst. fol.* 9. See *Wardecorne.*

Cornare, To blow in the Horn. *Faciat* Cornare *ne videatur furtive facere.* Mat. Paris. p. 181.

Cornabi, *Warwick, Worcester, Staffordshire*, and *Cheshire.*

Cornu, a Drinking-horn. *Et* Cornu *mensæ meæ ut senes monasterii bibant inde in festis Sanctorum.* Du Cange. Sometimes it signifies an Ink-horn. *Ipso Domino Radulfo testante qui tenuit* Cornu *dum scriptor notavit, &c.* Mon. 1 Tom. pag. 559.

Cornwall, the *Cape.* See *Antivestæum.*

Corody, or **Corredy**, (*Corrodium*, from *Corrodo*, also *Connedium* and *Cornedium*,) signifies 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 reasonable Sustenance of such a one of his Servants, or Vadelets, as he thinks good to bestow it on. The Difference between a *Corody* and a *Pension* seems to be, That a *Corody* is allowed towards the Maintenance of any of the King's Servants in an Abbey: A *Pension* is given to one of the King's Chaplains, for his better Maintenance, till he may be provided of a Benefice. Of both these, read *Fitzh. Nat. Br. fol.* 250. who sets down all the *Corodies* and *Pensions* certain that any Abbey, when they stood, was bound to perform to the King.

Corody seems to be ancient in our Laws; for in *Westm.* 2. *cap.* 25. it is ordained that an Assise shall lie for a *Corody.* It is also apparent by the Stat. 34 & 35 *Hen.* 8. *cap.* 26. that *Corodies* belonged sometimes to Bishops and Noblemen from Monasteries. Tenure in *Frankalmoin* was a Discharge of all *Corodies* in it self. Stat. 1 *Edw.* 3. *cap.* 10. See 2 *Part. Inst. fol.* 630.

Sciant —— quod nos Radulphus *Abbas Monasterii St.* Johannis de Haghmon *& ejusdem loci Conventus, ad instanciam & speciale rogatum excellentissimi & reverendissimi Domini nostri* Thomæ *Comitis* Arundeliæ & Surreiæ, *Dedimus* —— Roberto Lee *unum* Corrodium *pro termino vitæ suæ, ejendo cum Abbate Monasterii prædicti* Armigerum, *cum uno* Garcione & *duobus equis; capiendo ibidem esculenta & poculenta sufficientia pro seipso, sicut Armigeri Abbatis, qui pro tempore fuerint, capiunt & percipiunt; & pro Garcione suo, sicut Garciones Abbatis & Armigerorum suorum capiunt & percipiunt; capiendo etiam pro equis suis fœnum & prebendum. —— Et quod idem* Robertus *habeat vesturam Armigerorum, &c. Dat.* 3 Hen. 5. Mon. Angl. 2 par. fol. 933. a.

Corodio Habendo is a Writ, whereby to exact a *Corody* of an Abbey, or Religious House. See *Reg. of Writs, fol.* 264.

Corona mala, or **Mala corona.** The Clergy were formerly so called, who abused their Character. *Radulphus cognomento Clericus quia copiose literatus fuit, &* Mala Corona *quia militaribus exercitiis inserviens:* Willis Gemel. lib. 7. cap. 10.

Corona Clericalis. See *Coif.*

Coronare Filium, To make one's Son a Priest. Anciently Lords of Manors, whose Tenants held by *Villenage*, did prohibit them *Coronare Filios*, lest he should lose a Villain by their entring into Holy Orders. *Inq. per H. Nott. tit. Brayles.*

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*; to certify into *Chancery* both the Election, and the Name of the Party elected, and to give him his Oath. See *Westm.* 1. *cap.* 10. *Fitzh. Nat. Br. fol.* 163. and *Reg. of Writs, fol.* 177.

Coroner (*Coronator*, à *Corona*) is an ancient Officer of this Land, (for Mention is made of his Office in King's *Athelstan*'s Charter to *Beverley, Anno* 925.) and is so called, because he deals wholly for the King and Crown. There are four of them commonly in every County, in some fewer, and in some Counties but one: They are chosen by the Freeholders of the same by the King's Writ, and not made by Letters Patent. *Crompt. Jurisd. fol.* 126. This Officer, by the Statute of *Westm. cap.* 10. ought to be a sufficient Person, that is, the most wise and discreet Knight that best would and might attend upon such an Office. There is a Writ in the *Register, Nisi sit Miles, fol.* 177. *b.* whereby it appears it was sufficient Cause to remove a *Coroner* chosen, if he were not a Knight, and had not an hundred Shillings Rent of Freehold. The Lord Chief Justice of the *King's Bench* is the *Sovereign Coroner* of the whole Realm in Person, *i. e.* wheresoever he is. *Lib. Assisarum, fol.* 49. *Coke, lib.* 4. *Case of Wardens, &c. of the Saddlers, fol.* 57. *b.* The Office of a *Coroner* especially concerns the Pleas of the Crown: But what anciently belonged to him, read at large in *Bracton, lib.* 3. *tract.* 2. *cap.* 5, 6, 7, & 8. *Briton, cap.* 1. *Fleta, lib.* 1. *cap.* 18. and *Horn's Mirror, lib.* 1. *cap. del Office del Coroners.* But more aptly for the present Times, *Staundf. Pl. Cor. lib.* 1. *cap.* 51.

There are also certain special *Coroners* within divers Liberties, as well as these ordinary Officers in every County; as the *Coroner of the Verge*, which is a certain Compass about the King's Court, whom *Crompt.* in his *Jurisd. fol.* 102. calls *The Coroner*

roner of the King's House; of whose Authority, see *Coke's Rep. lib.* 4. *fol.* 46. By certain Charters belonging to some Colleges and Corporations, they are licenced to appoint their *Coroner* within their own Precincts. Of this Office, see also 4 *Inst. fol.* 271. *Smith de Rep. Angl. lib.* 2. *cap.* 21. and *Lamb. Eirem. cap.* 3. *pag.* 380. And of the *Coroner's* Office in *Scotland*, read *Skene, verbo Iter.*

Corporal Oath. See *Oath.*

Corporation, (*Corporatio,*) a Body Politick, or a Body Incorporate; so called, because the Persons are made into a *Body*, and of Capacity to take and grant, *&c.* And this Body Politick or Incorporate may commence and be established three Manner of Ways, *viz.* by *Prescription*, by *Letters Patent*, or by *Act of Parliament*. Every Body Politick or Coporate is either *Ecclesiastical* or *Lay*: *Ecclesiastical* is either *Regular*, as Abbots, Priors, *&c.* or *Secular*, as Bishops, Deans, Archdeacons, Parsons, Vicars, *&c.* *Lay*, as Mayor, Commonalty, Bailiff, and Burgesses, *&c.* Also every Body Politick or Corporate is either Elective, Presentative, Collative, or Donative. And again, it is either Sole or Aggregate of many, which last is by the *Civilians* called *Collegium* or *Universitas*. *Coke on Littl. fol.* 250. and 3 *Inst. fol.* 202.

Corpus-Christi Day, (being always on the next *Thursday* after *Trinity-Sunday*) is a Feast instituted in the Year 1264, in Honour of the Blessed Sacrament: To which also a College in *Oxford* is dedicated. It is mentioned in 32 *Hen.* 8. *cap.* 21. By which Statute *Trinity*-Term is appointed for ever to begin the Morrow after this Feast.

Corpus cum Causa is a Writ issuing out of the *Chancery*, to remove both the Body and Record, touching the Cause of any Man lying in Execution upon a Judgment for Debt, into the *King's-Bench*, *&c.* there to lie till he have satisfied the Judgment. *Fitz. Nat. Br. fol.* 251. *E.*

Corrector of the Staple is an Officer or Clerk belonging to the Staple, who makes and records the Bargains of Merchants there made. *Anno* 27 *Edw.* 3. *Stat.* 2. *cap.* 22, *&* 23. The *Romans* called them *Mersarios.*

Corredium & Conredium, the same with *Corrodium*. See *Corody*: — *Et decimam totius* Conredii *mei.* Mon. Angl. 1 Vol. fol. 587. a.

Corrody. See *Corody.*

Corruption of Blood (*Corruptio Sanguinis*) is an Infection growing to the State of a Man, (attainted of Felony or Treason,) and to his Issue: For as he loseth all to the Prince, or other Lord of the Fee, as his Case is, so his Issue cannot be Heirs to him, or to any other Ancestor by him. And if he were Noble or a Gentleman before, he and his Children are thereby ignobled and ungentiled. But if the King pardon the Offender, it will cleanse the Corruption of Blood in 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 afterward; but so cannot they, who were born before the Pardon. Yet note, there are divers Offences made Treason by Act of Parliament, whereof though a Man be attainted, yet his Blood by Provisoes therein is not corrupt, nor shall he forfeit any Thing but what he hath for his own Life; for which see the several Statutes of 5 *Eliz. cap.* 1, 11, *&* 14. — 18 *Eliz. cap.* 1. — 31 *Eliz. cap.* 4. and 1 *Jac. cap.* 12.

Corselet, (Fr.) signifies a little Body, in *Latin Corpusculum*. It is used with us for an Armour to cover the whole Body or Trunk of a Man, (*Anno* 4 *&* 5 *Phil. & Mar. cap.* 2.) wherewith the Pikemen, commonly placed in the Front and Flanks of the Battel, are armed, for the better Resistance of the Enemy's Assaults, and surer Guard of the Gunners placed behind or within them. See *Barret's Discourse of War, Lib.* 3. *Dial.* 2.

Cosned Bread (from the Sax. Cosp, *Execratio* and Nedde, *compulsus*) was a Kind of Superstitious Trial used by our *Saxons*; by a Piece of Barley Bread, first execrated by the Priest, and then offered to the suspected guilty Person, to be swallowed in Way of Purgation: For they believed a Person, if guilty, could not possibly swallow a Morsel so accursed; or if he did, it would choak him. The Form was thus: *We beseech thee, O Lord, that he who is guilty of this Theft, when the exorcised Bread is offered to him in order to discover the Truth, that his Jaws may be shut, his Throat so narrow that he may not swallow, and that he may cast it out of his Mouth, and not eat it.* Du Cange.

Corsepresent (from the Fr. *Corps presente, i. e.* the Body presented) signifies a *Mortuary*, *Anno* 21 *Hen.* 8. *cap.* 6. And the Reason why it was thus termed seems to be, that where a *Mortuary* after any Man's Death became due, the *Body* of the best or second Beast was, according to the Custom, offered or presented to the Priest, and carried along with the *Corps.*

In nomine Patris, & Filii, & Spiritus Sancti. Ego Brianus de Brompton, *Sen. Anno Domini* MCCLXII. *in vigilia Apostolorum* Simonis *&* Judæ *condo Testamentum meum. Volo corpus meum sepeliri in Prioratu Majoris Malvernia inter Predecessores meos, & cum corpore meo* Palefridum *meum, cum hernesio &* Equum summarium, *cum lecto meo, &c.* In codice M. S. penes Gul. Dugdale, Mil.

Corstopitum, *Morpeth* in *Northumberland.*

Cortis, (*Curtis,*) a Court or Yard before the House.

Corvesarii, *i. e.* Coblers. *Qui corio veteri utuntur, viz. Prohibeo ut nec mercator nec institor nec permentarius nec* Corvesarius, *&c. volens emere vel vendere non vendat.*

Corus, a certain Corn-Measure heaped up, from the *Hebrew Cora*, which signifies a Hill: For eight Bushels of Wheat, in a Heap, are of the Shape of a little Hill; and probably a *Corus* of Wheat was eight Bushels. *Decem* Coros *tritici sive decem quarterin.* Bracton, lib. 2. cap. 16. parag. 7.

Cosets, and Coset, the same with *Cottage.*

Cosduma, the same with *Custom* or *Tribute. In Curte vero de Foria habere solebat quinq; solidos* Cosdunales *in Anno.* Mon. 1 Tom. pag. 562.

Cosenage (Fr. *Cousinage, i. e.* Kindred, Cousinship) is a Writ that lies where the *Tresail* (that is, *Tritavus*, the Father of the *Besail*, or Great-Grandfather) being seised in Fee at his Death of certain Lands or Tenements, and dies, a Stranger enters, and abates; then shall his Heir have this Writ of *Cosenage.* The Form whereof, see in *Fitz. Nat. Br. fol.* 221. Of this also read *Briton* at large, *cap.* 89. *Nor is there any Affinity or* Cousinage *between them.* Stat. 4 Hen. 3. cap. 8.

Cosening is an Offence, whereby any Thing is done deceitfully in or out of Contracts, which cannot be fitly termed by any especial Name. *West. pa.* 2. *Symb. tit. Indictments, Sect.* 68. It is called *Stellionatus* in the Civil Law.

Cosmus, *i. e.* Clean.

Costrellus, (*Costarex*,) a Flaggon. *Habebit de Cellerario 5 albos panes & Costrellos suos plenos Cervisiæ.* Mon. 2 Tom. 550.

Cotage (*Cotagium & Chota*, from the Saxon Cote) is a House without Land belonging to it. *Anno* 4 *Edw.* 1. *Stat.* 1. And the Inhabitants of such *Cotages* are called *Cotagers*. By a later Statute of 31 *Eliz. cap.* 7. no Man may build a House, unless he lay four Acres of Land to it; so that a *Cotage* is properly any little House that hath not four Acres of Land belonging to it. — *Dedit* Chotam, & *quendam campum junctum huic* Chotæ. Mon. Angl. 1 par. fol. 201. b.

Cotarius, a *Cotager*.

Cotarii, *Debent talliari ad voluntatem Domini; facere servitia incerta; nihil dare, nihil vendere, nihil proprium habere, nec possunt acquirere, nisi ad promotionem Domini sui.* Ex libr. irrot. Eccl. Christi Cantuar. fol. 211.

Cote, **Cot**, and **Coat**. The Names of Places beginning or ending with these Syllables signify a little House or Cotage; from the Sax. Cote, *i. e. Casa*.

Cote, Refuse or Clotted Wool.

Coterelli (Fr. *Coterauux*) were anciently a certain Kind of peasantly Outlaws; but used in our Records for *Cotagers*, *Qui Cotagia & Cartilagia tenent*. Coke, 2 Inst.

Cotswold, several Sheep-Cotes, and Sheep feeding on Hills: From the Sax. Cote, *Casa, i. e.* a *Cotage*, and Wold, a Place where there is no Wood.

Cot-gare is a Kind of Refuse Wool, so clung or clotted together, that it cannot be pulled asunder. *Anno* 13 *Rich.* 2. *Stat.* 1. *cap.* 9. where it is provided, That neither Denizen nor Foreigner make any other Refuse of Wools but Cot-Gare and Villein. So the printed Statute. But in the Parliament-Roll of that Year it is *Cod-land* and *Villein*. *Cot* or *Cote* signifies as much as *Cotage* in many Places, and was so used by the *Saxons*, according to *Verstegan*.

Cotland, alias **Cottethland**. Lib. Ramef. Sect. 256. — *Dedit prædictus Abbas prædicto Hugoni pro tota terra quæ tunc temporis à S. Bededicto idem Hugo tenebat, unam* Cothsethlandam *cum libero servitio in villa quæ dicitur* Slepe *& unum Maignagium in foro ejusdem villæ*, — Cothsethlandam *hic intelligo* Cotæ *sedem, & prædii quidpiam ad eandem pertinens.* Spelman. — *De una* Cothlanda *terræ in* Wathford. Pat. 9 Ed. 2. par. 2. m. 2.

Cotlanda, and **Cotlandum**, the same with *Cotagium*. 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 325. *Item una Virgata terræ, cum dimidio unius* Cotlandi, *&c.*

Cotseti, (*Cotmanni*,) those who live in *Cotages*. Leg. H. 1. cap. 30. *Villani vero vel* Cotseti *vel perdingi, vel qui sunt hujusmodi viles vel inopes personæ non sunt inter Legum judices numerandi.*

Cotuca, Coat-Armour. *Ad arma prosiliunt & milites quidem super armatura* Cotucas *induerant vocat.* Quarteloys. Walsing. pag. 114.

Coucher, or **Courcher**, signifies a Factor that continues in some Place or Country for Traffick; as formerly in *Gascoign*, for buying Wines. *Anno* 37 *Edw.* 3. *cap.* 16. *Coucher* is also used for the General Book, in which any Religious-House or Corporation register their particular Acts. *Anno* 3 & 4 *Edw.* 6. *cap.* 10.

Covenable, (Fr. *Convenable*,) Fit, Convenient, or Suitable. — That every of the same three Sorts of Fish be good and covenable, as in old Time hath been used. 31 Edw. 3. Stat. 3. cap. 2. Plowden, fol. 472. a.

Covenant (*Conventio*) is the Consent or Agreement of two or more in one Thing, to do or perform somewhat. *West, par.* 2. *Symb. lib.* 1. *Sect.* 4. It seems to be as much as *Pactum* or *Conventum* with the *Civilians*. *Covenant* is either *in Law*, or *in Fact*. Coke, *lib.* 4. *Nokes*'s Case, *fol.* 80. Or *Covenant Express*, and *Covenant in Law*. *Idem, lib.* 6. *fol.* 17. *Covenant in Law* is that which the Law intends to be made, though it be not expressed in Words; as, If the Lessor demise and grant *B.* Acre to the Lessee for a certain Term, the Law intends a *Covenant* on the Lessor's Part, that the Lessee shall, during the Term, quietly enjoy his Lease against all lawful Incumbrances.

Covenant in Fact is that which is expresly agreed between the Parties. There is also a *Covenant merely personal*, and a *Covenant real*. *Fitz. Nat. Br. fol.* 145. who seems to say, a *Covenant* is that whereby a Man ties himself to pass a Thing real, as Lands or Tenements; or to levy a Fine of Land, *&c.* *Covenant merely personal* is where a Man covenants with another by Deed to build him a House, or to serve him, *&c.* See *Conventio*.

Covenant is also the Name of a Writ; for which see *Conventione*, and *New Book of Entries*, *verbo Covenant*.

Noverint universi præsentes scriptum Chirographatum inspexerint vel audierint, quod xviii. *die* April. *Temporis quarto* MCCLX. *ita convenit inter nos* Hugonem de Okelesthorp *&* Adam *filium* Ade de Thower, *generum ejusdem* Hugonis, *scilicet quod ego* Adam *non dabo, impignorabo, vendam, nec alienabo aliquam partem terræ meæ de quo fui vestitus & seisitus prædicto die, nec tenementi mihi contingentis nomine hereditatis, sine voluntate & assensu prædicti* Hugonis *vel heredum suorum; Et quod amabilem tractabo uxorem meam, filiam prædicti* Hugonis; *Et nisi fecero, ibo per septem dies subsequentes nudus per medium forum de* Harwode *quando plenius fuerit, secundum ordinationem dicti* Hugonis. *Omnia autem præscripta fideliter & sine fraude observanda pro me & hæredibus meis, tactis sacrosanctis, juravi & affidavi; Et ne istud alicui hominum veniatur in dubium, nos prædicti* Hugo *&* Adam *sigilla nostra partium hisce mutuis scriptis appositimus. His testibus*, Stephano Sterry, *tunc Chirographar. Civitatis Ebor.* Daniele de Tottie *Clerico*, Richardo de Waleys *de Accentum*, Ade de Northfolch, Thoma Edwyn *Aldutario de Ebor. & aliis.* Ex M.S. penes Gul. Dugdale, Mil.

Covenant, (*Fœdus*,) the late solemn League and Covenant, first hatch'd in *Scotland*, was a seditious Conspiracy too well known to need any Explication. It was voted Illegal and Irreligious by Parliament in *May*, 1661, and Provision is made against it by the Statute 14 *Car.* 2. *cap.* 4. where it is declared to have been imposed on the Subjects of this Realm against the known Laws and Liberties of the same.

Covent, or **Convent**, (*Conventus*) signifies the Society or Fraternity of an Abbey or Priory; as *Societas* does the Number of Fellows in a College. *Bracton, lib.* 2. *cap.* 35.

Coverture, (Fr.) any Thing that covers, as Apparel, a Coverlet; but it is particularly applied to the State and Condition of a married Woman, who by our Law is *Sub potestate viri*, and therefore disabled to contract with any to the Prejudice of her self or Husband, without his Consent and

Privity; or, at least, without his Allowance and Confirmation. *Brook, hoc titulo. Omnia quæ sunt uxoris, sunt ipsius viri. Vir est caput mulieris. Sine viro respondere non potest. Bracton, lib. 2. cap. 15. & lib. 4. cap. 24.* And if the Husband alien the Wife's Land, during the *Coverture*, she cannot gainsay it during his Life. See *Cui ante divortium*, and *Cui in vita*.

Covine (*Covina*) is a deceitful Compact or Agreement between two, or more, to deceive or prejudice a third Person; as, If Tenant for Life conspires with another, that this other shall recover the Land which the Tenant holds, in Prejudice of him in Reversion. *Plow. Com. fol.* 546. Dr. *Skinner* takes it to be a Corruption from the Lat. *Conventum*, and therefore writes it *Coven*.

Count (Fr. *Conte*) signifies the original Declaration in a Real Action, as *Declaration* is in a Personal. *Fitz. Nat. Br. fol.* 26. *Libellus* with the *Civilians* comprehends both. Yet *Count* and *Declaration* are sometimes confounded, as *Count in Debt. Kitchin, fol.* 281. *Count* or Declaration in Appeal. *Pl. Cor. fol.* 78. *Count* in Trespass. *Briton, cap.* 26. See *Declaration*.

Countee (Fr. *Comte, à Comitando*, because they *accompany* the King) was next to the Duke, the most eminent Dignity of a Subject before, as well as since, the Conquest: And those who in ancient Time were created *Countes*, were Men of great Estate and Dignity: For which Cause the Law gives them great Privileges; as, their Persons may not be arrested for Debt, Trespass, *&c.* (because the Law intends that they assist the King with their Counsel for the Publick Good, and preserve the Realm by their Prowess and Valour;) they may not be put upon Juries. If Issue be taken, whether the Plaintiff or Defendant be a *Countee*, or not, this shall not be tried by the Country, but by the King's Writ. Also the Defendant shall not have a Day of Grace against a Lord of the Parliament, because it is intended he attends the Publick. And of old the *Countee* was *Præfectus*, or *Præpositus Comitatus*, and had the Charge and Custody of the County, whose Authority the Sheriff now hath. *Coke, lib.* 9. *fol.* 46. and is therefore called *Viscount*. See *Earl*.

Countenance seems to be used for Credit or Estimation. *Old. Nat. Br. fol.* 111. And likewise *Anno* 1 *Edw.* 3. *Stat.* 21 *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 Debtors Countenance.** See *Contenement*.

Counter (from the Lat. *Computare*) is the Name of two Prisons in *London*, the *Poultry Counter*, and *Wood-street Counter*; wherein if any enter, he is like to *account* ere he get thence.

Countermand is where a Thing formerly executed, is afterward by some Act or Ceremony made void by the Party that first did it; as, If a Man makes his last Will, and devises his Land to *I. S.* and afterward enfeoffs another of the same Land; here this Feoffment is a *Countermand* to the Will, and the Will void as to the Disposition of the Land.

Counter-plea signifies a Replication to *Ayde Prier*: For when Tenant by Courtesy, in Dower, or other Real Action, prays the View or Aid of the King, or him in the Reversion, for his better Defence; or else, if a Stranger to the Action begun desires to be received, to say what he can for the Safe-guard of his Estate, that which the Demandant alledgeth against this Request, why it should not be admitted, is called a *Counter-plea*. In which Sense it is used 25 *Edw.* 3. *Stat.* 3. *cap.* 7.

Counter-rolls. — **That Sheriffs shall have Counter-rolls with the Coroners, as well of Appeals as of Conquests,** &c. Anno 3 Ed. 1. cap. 10.

Countors (Fr. *Contours*) have been taken for such Serjeants at Law, as a Man retains to defend his Cause, or speak for him in any Court for their Fee. *Horn's Mirror, lib.* 2. *cap. des Loyers.* And of whom thus *Chaucer*,

> — **A Sheriff had he been; and a Contour,**
> **Was no where such a worthy Vavasour.**

They were anciently called *Serjeant-Contours*. *Coke on Littl. fol.* 17. *a.*

County, (*Comitatus*,) — *Quod modo vocatur* Comitatus *olim apud Britones temporibus Romanorum vocatur Consulatus; & qui modo vocantur vicecomites tunc temporis viceconsules vocabantur.* Leg. Edw. Confessor. cap 2. And even in the Confessor's Time a County was called *Consulatus, viz. Fecit summoniri per universos Angliæ Consulatus nobiles sapientes & suæ Legi eruditos.* Leg. Edw. Confessor. cap. 1. It signifies the same with *Shire*, the one coming from the *French*, the other from the *Saxons*; both containing a Circuit or Portion of the Realm, into which the whole Land is divided, for the better Government of it, and more easy Administration of Justice: So that there is no Part of this Nation that lies not within some *County*; and every *County* is governed by a yearly Officer, whom we call a *Sheriff*. *Fortescue, cap.* 24. Of these *Counties* there are four of special Mark, which therefore are termed *Counties Palatine*, as *Lancaster, Chester, Durham*, and *Ely*. *Anno* 5 *Eliz. cap.* 23. We read also anciently of the *Counties Palatine* of *Pembroke* and *Hexam*, *Anno* 33 *Hen.* 8. *cap.* 10. (which last did belong to the Archbishop of *York*.) — **This Act, or any Thing therein contained, shall not extend to the County Palatine of Hexam, within the County of Northumberland, ne to the County Palatine of Ely, within the County of Cambridge, &c.** But by the Stat. 14 *Eliz. cap.* 15. this County Palatine of *Hexam* was stripp'd of its Privileges, and reduced to a Part of the *County* of *Northumberland*. The chief Governors of these *Counties Palatine*, by special Charter from the King, did heretofore send out all Writs in their own Names, and did all Things touching Justice as absolutely as the Prince himself in other Counties, only acknowledging him their Superior and Sovereign. But by the Statute 27 *H.* 8. *cap.* 24. this Power is much abridged; to which I refer the Reader, as also to *Cromp. Jurisd. fol.* 137. and 4 *Inst. fol.* 204, and 221.

Besides these *Counties* of both Sorts, there are likewise unto some Cities some Territory, Lands, or Jurisdiction annexed, as the County of *Middlesex*, by King *Henry* the First, to the City of *London*: The County of the City of *York*, *Anno* 32 *Hen.* 8. *cap.* 13. *Chester, Anno* 43 *Eliz. cap.* 15. *Canterbury, Lamb. Eiren lib.* 1. *cap.* 9. *Norwich, Worcester, Coventry, Exeter, &c.* The County of the Town of *Kingston upon Hull*, 32 *H.* 8. *cap.* 13. *Newcastle upon Tine, &c.* The County of the Town of *Haverford West*, 35 *Hen.* 8. *cap.* 16.

County is, in another signification, used for the *County-Court*, which the Sheriff keeps every Month, either by himself or his Deputy. *Anno* 2 *Edw.* 6. *cap.*

cap. 25. *Cromp. Jur. fol.* 221. *Bracton, lib.* 3. *cap.* 7. and *tract.* 2. *cap.* 12.

The word *Comitatus* is also used for a Jurisdiction or Territory among the *Feudists*. See *Comitatus*.

Counting-House of the King's Houshold (*Domus Computus Hospitii Regis*) commonly called the *Green-Cloth*, in respect of the green Cloth on the Table; where sit the Lord Steward, the Treasurer of the King's House, the Comptroller, Master of the Houshold, Cofferer, and two Clerks Comptrollers, for daily taking the Accompts of all Expences of the Houshold, making Provisions, and ordering Payment for the same; for the good Government of the King's Houshold-Servants, and for paying the Wages of those below Stairs. *Vide* 39 *Eliz. cap.* 7. and 4 *Inst. fol.* 131.

County-Court, (*Curia Comitatus*) is by *Lambard* otherwise called *Conventus*, and divided into two sorts; one retaining the general Name, as the *County-Court* held every Month by the Sheriff, or his Deputy the Under-sheriff. The other called the *Turn*, held twice every Year; of both which, you may read in *Cromp. Jurisd. fol.* 231. This *County-Court* had, in ancient Times, the Cognition of great Matters, as may appear by *Glanvile, lib.* 1. *cap.* 2, 3, 4. by *Bracton*, and *Briton* in divers places, and by *Fleta, lib.* 2. *cap.* 62. but was abridged by *Magna Charta, cap.* 17. and much by 1 *Edw.* 4. *cap. unico.* It had also, and hath the Determination of certain Trespasses and Debts under forty Shillings. *Briton, cap.* 27 & 28.

Before the *Courts* at *Westminster* were erected, the *County-Courts* were the chief *Courts* of this Kingdom: Amongst the Laws of King *Edgar*, this is one, *viz.* Let the *Hundred Court* be kept as anciently, &c. and let there be two *County-Courts* in a Year, in which *County-Court* there shall be a Bishop and an Alderman or Earl, where one shall judge according to the Common Law, and the other according to the Ecclesiastical Law.

This is the Foundation of the united Power of the Bishop and Earl to sit and try Causes in one Court; the Conjunction of which Powers mutually to assist each other, is as ancient as the *English* Government it self; but these Powers were separated by *William the Conqueror*, and soon after all the Ecclesiastical Business was brought into the Courts, so called, and the Law business into the *King's Bench*.

Courracier, (Fr.) A Horse-courser. 2 *Inst. fol* 719.

Coursitour. See *Cursitor*.

Court, (*Curia*) signifies the King's Palace, or Mansion; and more especially the Place where Justice is judicially administred, of which you may find thirty-two Sorts in *Crompton's Jurisdictions* well described; whereof most are Courts of Record, some not, and therefore are accounted *Base Courts*, in comparison of the rest. Besides these, there are also *Courts Christian, Smith de Rep. Angl. lib.* 3. *cap.* 6. which are so called, because they handle Matters especially appertaining to *Christianity*, and such as without good Knowlege in Divinity, cannot be well judged of, being held heretofore by Archbishops and Bishops, as from the Pope, because he challenged the Superiority in all causes Spiritual; but since his Ejection, they hold them by the King's Authority, *Virtute Magistratus sui*, as the Admiral of *England* doth his Court: Whereupon they send out their Precepts in their own Names, and not in the King's, as the Justices of the King's Courts do. And therefore, as the Appeal from these Courts did lie to *Rome*, now by the Stat. 25 *Hen.* 8. *cap.* 19. it lies to the King in his *Chancery*. *Vide Coke's* 4 *Inst.*

Court of the Admiralty (*Curia Admiralitatis*) was erected (as some hold) by *Edward* the Third, for deciding maritime Causes; and the Title of its Judge is *Suprema Curiæ Admiralitatis Angliæ Locumtenens, Judex sive Præsidens.* For the extent of its Jurisdiction, see *Prin's Animadv. on the* 4*th Inst.*

Court-Baron, (*Curia Baronis*) is a Court which every Lord of a Manor, (who in ancient Times were called *Barons*) hath within his own Precincts. *Barons*, in other Nations, have great Territories and Jurisdiction from their Sovereigns; but here in *England*, what they are and have been heretofore, see in *Baron*. Of this *Court*, and *Court-Leet*, read *Kitchin*. Sir *Edward Coke, lib.* 4. among his Copyhold Cases, *fol.* 26. *b.* says, That this Court is twofold after a sort; and therefore, if a Man, having a Manor, grant the Inheritance of the Copyholders to another, the Grantee may keep a Court for the customary Tenants, and accept Surrenders to the use of others, and make both Admittances and Grants; the other Court is of Freeholders, which is properly called the *Court-Baron*, wherein the Suiters, that is, the Freeholders, are Judges; whereas of the other, the Lord or his Steward is Judge. This therefore is more properly *Curia Baronum, i. e.* the Court of Freeholders, (for so *Barones* does also signify) over whom the Lord of the Manor presides. See *Halimote* and *Thane*.

Court of Chivalry, (*Curia Militaris*) otherwise called the *Marshal-Court*; the Judges of it are the Lord Constable of *England*, and the Earl *Marshal* of *England*: This Court is the Fountain of the *Marshal-Law*, and the Earl *Marshal* is both one of the Judges, and to see execution done. See *Constable*, and 4 *Part Instit. fol.* 123.

JEhan, filz, frere, & uncle au Roys, Duc de Bedford, *& d'*Anjou, *Conte* Richemond *& de* Kendal, *& Conestable d'*Angleterre, *a nostre treschere Cousin* Jean Duc de Norfolk, *Mareshal d'*Angleterre *salut. Nous vous mandons & chargeons qui vous facez arrestre & venir devant nous ou nostre Lieutenant a* Westminster *a la Quinsiesm du Saint* Hillaire *prochain venant* William Clopton *du Counte de* Suffolke *Esquier, pour adunques respondre devant nous ou nostre Lieutenant, en la* Cour de Chivalrie, *a* Robert Eland *Esquier de Comte de* Nichol *de ce que le dit* Robert *adunques luy sur mettra par voie de Armes, ad & apposé le Seel de ces Armes a un faux & forge fait, as domages du dit* Robert *de* C l. *&c. Donne soubz le seel du nostre Office, &c.*

Court Christian, (*Curia Christianitatis*) so called, because, as in secular Courts, the King's Laws do sway and decide Causes; so in Ecclesiastical Courts, the Laws of *Christ* should rule and direct; for which Cause, the Judges in those Courts are Divines, as Archbishops, Bishops, Archdeacons, *&c. Lyndewode's* words are these: *In curia Christianitatis, i. e. Ecclesiæ, in qua servantur Leges Christi, cum tamen in foro regio serventur Leges mundi.* 2 Part Inst fol. 488. See before in *Court*.

But under the specious Pretence of judging according to the Laws of *Christ*, there was a Complaint made against the Bishops long before the Reformation, That they had extended their Jurisdiction so far, that they had left very little Business for the secular Judges; for they assumed the Judicature over the Clergy, and every one who had Ton-

Tonsure; and for that purpose they would cause a great number of Boys to be shaved: And tho' they had no legal Jurisdiction, in criminal Cases, of the Clergy, but only in the Execution of the Sentence, which was Degradation; yet they judged likewise in those Cases, and in all spiritual Causes whatsoever, in cases of Tithes and other profits arising to the Church; in Cases relating to the Faith and Sacraments; in Cases of Heresies; of any Violence done to the Church or to the Clergy; of Fornication and Adultery; of the Privileges of those who had taken upon themselves the Sign of the Cross; of all matrimonial Causes; of Bastardy and Legitimation; of last Wills and Testaments, and of Lands and Tenements which were given in Alms; of Usury, &c. *Du Cange.*

Court of Delegates is the highest Court for Civil Affairs that concern the Church; the Jurisdiction whereof was established by 25 *Hen.* 8. *cap.* 19. From the highest Court of the Archbishop of *Canterbury*, there lies an Appeal to this Court, and from this to no other. See *Delegates.*

Court of the Legate was a Court obtained by Cardinal *Wolsey*, of Pope *Leo* the Tenth, in the ninth Year of *Henry* the Eighth, wherein he had Power to prove Wills, and dispense with Offences against the Spiritual Laws, &c. And was but of short Continuance.

Court of Peculiars (*Curia Peculiarium*) is a Spiritual Court, held in such Parishes as are exempt from the Jurisdiction of the Bishops, and are peculiarly belonging to the Archbishop of *Canterbury*, in whose Province there are fifty-seven such *Peculiars.*

Court of Pie-Powders. See *Pie-Powders.*

Court of Requests (*Curia Requisitionum*) was a Court of Equity, of the same Nature with the *Chancery*, but inferior to it; principally instituted for the relief of such Petitioners, as in conscionable Cases addressed themseves by Supplication to His Majesty. Of this Court the *Lord Privy Seal* was chief Judge, assisted by the *Masters of Requests*, and had beginning about the 9 *Hen.* 7. according to Sir *Julius Cæsar*'s Tractate on this subject. *Mich.* 40 & 41 *Eliz.* in the Court of *Common Pleas*, it was adjudged upon solemn Argument, That this *Court of Requests*, or the *Whitehal*, was no Court that had Power of Judicature, &c. See 4 *Part Inst. fol.* 97.

Courtilage. See *Curtilage.*

Cousinage. See *Cosenage.*

Coustangium, or **Coustamentum**; the same with *Custantia*: It signifies Costs.

Couthutlaugh (from the *Sax.* Couth, *sciens*, & Utlaugh, *exlex*) is he that willingly receives a Man outlawed, and cherishes or conceals him. In which case he was, in ancient Time, subject to the same Punishment that the *Outlaw* himself was. *Bracton, lib.* 3. *tract.* 2. *cap.* 13. *num.* 2.

Cradle, or rather **Crail**, An Engine to catch Fish.

Cranage, (*Cranagium*) is a Liberty to use a *Crane* for drawing up Wares from the Vessels, at any Creek of the Sea, or Wharf, unto the Land, and to make profit of it. It signifies also the Money paid and taken for the same. *New Book of Entries, fol.* 3. *Anno* 22 *Car.* 2. *cap.* 11.

Crappa, *Anglice* **Crap**: The Seeds of a Weed in Corn, *Abjectio vero bladi & Crappa hujusmodi, quæ in Anno remanserit, recolligitur ac potius triturentur.* Fleta, lib. 2 cap. 82.

Craspicis, *i. e. Piscis crassus*, A Whale.

Crastino Sancti Vincentii (*i. e.* the Morrow after the Feast of St. *Vincent* the Martyr, which is 22 *Januarii*) is the Date of the Statutes made at *Merton, Anno* 20 *Hen.* 3.

Cravare, *i. e.* To impeach, viz. *Si homicida divadiatur ibi vel Cravetur, si vitam, &c.* Leg. H. 1. cap. 30.

Cravent or **Craven.** In a Trial by Battel, upon a Writ of Right, the ancient Law was, That the Victory should be proclaimed, and the Vanquished acknowledge his Fault in the Audience of the People, or pronounce the horrid word *Cravent*, in the Name of *Recreantise*, &c. and presently Judgment was to be given, and after this, the *Recreant* should *amittere liberam legem*, that is, he should become infamous, &c. See 2 *Part Inst.* 247, 248. If the Appellant join Battel, and cry *Craven*, he shall lose *liberam legem*; but if the Appellee cry *Craven*, he shall be hang'd. 3 *Inst. fol.* 221.

Craper seems to be a kind of small Sea-Vessel or Ship, mentioned in the Stat. 14 *Car.* 2. *cap.* 27. *Et transitus Craerarum & Batellorum cum victualibus & aliis necessariis, &c.* Pat. 6 Ric. 2. Part 2. m. 13.

Creamer, A foreign Merchant, a Pedlar, one who hath a Stall in a Fair or Market.

Creansor (*Creditor*, of the Fr. *Crayance*, *persuasio*) signifies him that trusts another with any Debt, be it in Money or Wares. *Old. Nat. Br. fol.* 67. *Anno* 38 *Edw.* 3 *cap.* 5.

Creast-tile. See *Roof-tile.*

Creation-money, (*Stat. Car.* 2. *cap.* 24.)

Creche, A drinking Cup: 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 104. *Vasi vero quod* Creche *nuncupatur septem pollices continet, viz. ad profunditatem a summitate unius usque ad profundum lateris alterius.*

Creek, (*Creca*, *Sax.* Cpecca) is a Part of a Haven, where any Thing is landed from the Sea. So that when you are out of the main Sea within the Haven, look how many landing Places you have, so many *Creeks* may be said to belong to that Haven. See *Cromp. Jurisd. fol.* 100. *a.* This word is mentioned in the Stat. 4 *Hen.* 4. *cap.* 20. (where 'tis said, — *in great Ports of the Sea, and not in* Crykes *or small Arrivals*) 5 *Eliz. cap.* 9. and 14 *Car.* 2. *c.* 28. and in *Plow. Case, Renyger & Fogassa.*

Cremil, The same with *Crimson.*

Crepare oculum. To put out an Eye: *Si quis alii* crepat oculum *solvat ei sexaginta sol.* Leg. H. 1. cap. 93.

Cro, **Croy**, signifies marsh Land: *Et quia paludosis hujus* Croyland *ut ipsum nomen indicat, nam crudam terram & cænosam significat.* Ingulphus, *pag.* 853.

Crocards, A sort of Money, very base. See *Pollards.*

Crocca Cowellet, i. e. *Olla simul bullit*, from the *Saxon* Cpocca, i. e. *Olla*, and Pellen, *bullire. Si plures aliqui faciunt homicidium quorum* Crocca Cowellet, *si velint simul componant.* Leg. H. 1. cap. 78.

Crocium, *i. e.* A Mulct or Compensation for a Fault: *Pretium hominis occisi.* In a Grant of *H.* 2. we read, *exceptis forestallis, thesauro invento*, Crociis. Du Cange.

Croco-Talana, *Ancester* in *Lincolnshire.*

Crocus, curled Hair: *Pryn. Ch. Lib. Angl. Tom.* 2. *pag.* 479. *Sciatis quod potestatem vobis dedimus, capillos Clericorum nostrorum, longos crines habentium, & ad* Crocos *capillorum suorum deponendos, &c.*

Croft (Sax.) *Croftus & Crofta*, A little Close or

or Pitle, enclosed, near a Dwelling-House, for any particular Use. *Possunt etiam dicti Monachi de eisdem marisis versus occidentem jacentibus, pro se & hominibus suis, includere* Croftos, *sive pratum juxta pontem separaliter, quantum illis placuerit.* Ingulf. In some ancient Deeds *Crusta* occurs, as the *Latin* word for a *Croft*; but *cum Croftis & Crostis* is most frequent. *Croft* is translated by *Abbo Floriacensis, in Prædium*, a Farm.

Croises (*Cruce signati*) is used by *Briton* (*cap.* 122.) for *Pilgrims*, because they wear the Sign of the Cross upon their Garments. Of these, and their Privileges, read *Bracton, lib.* 5. *part* 2. *cap.* 2. and *part* 5. *cap.* 29. And the *Grand Customary of Normandy, cap.* 45. Under this word are also signified the Knights of St. *John of Jerusalem*, created for the Defence of Pilgrims; and all those worthy Men of the Nobility and Gentry of *England*, who, in the Reigns of King *Henry* the Second, *Richard* the First, *Henry* the Third, and *Edward* the First, were *Cruce signati*, as dedicating and lifting themselves to the Wars, for the Recovery of *Jerusalem* and the *Holy Land*. *Greg. Syntag. Lib.* 15. *cap.* 13 & 14.

Crozier, the pastoral Staff of a Bishop, so called *à similitudine crucis*.

Crosses, It was usual in former Times for Men to erect *Crosses* on their Houses, by which they would claim the Privileges of the Templars or Hospitallers, to defend themselves against their rightful Lords; this was condemned by the Statute *W.* 2. *cap.* 37. It was usual also in those Days to set up *Crosses* in places where the Corps of any of the Nobility rested, as it was carried to be buried, that *à Transeuntibus pro ejus anima deprecetur.* Walsingham, Anno 1291.

Cruftum was a Garment of Purple mixed with many Colours; *Duas patenas argenteas auro ornatas, cum duobus Urceolis & cruftio aureo.* Mon. 1 Tom. pag. 210.

Crypta, A Chapel or Oratory under Ground: *Egresso Icto inventu, accepta absconsa se noxest vadit per cryptam.* Du Cange.

Cuckingstool, or Coketstool, (*Tumbrellum.*) is an Engine invented for the punishment of Scolds and unquiet Women, by Ducking them in the Water, called in ancient Time a *Tumbrel*, and sometimes a *Trebuchet*, *Lamb. Eiren. lib.* 1. *cap.* 12. *Bracton* writes this word *Tymborella*. *Kitchin*, (*cap. Charge in Court-Leet, fol.* 13. *a.*) says, Every one having view of Frank-pledge, ought to have a *Pillory*, and a *Tumbrel*. This was in use even in our *Saxons* Time, by whom it was called Scealfingstole, and described to be *Cathedra, in qua rixosæ mulieres sedentes aquis demergebantur*: Dennis a Punishment anciently inflicted upon Brewers and Bakers transgressing the Laws, who were thereupon, in such a Stool or Chair, to be ducked and immerged *in Stercore*, some muddy or stinking Pond. This I find also anciently written, Cogingstale. See *Pandoxatrix*. And in *Domesday*, it is called *Cathedra Stercoris*. Some think it a Corruption from Duckingstool; others from Choaking-stool; *quia hoc modo demersæ aquis ferè suffocantur.*

Cudgeach, A Pledge or Surety.

Cudgeaugh. See *Cotbutlaugh*.

Cui ante divortium is a Writ, which 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, during the Marriage, she could not gainsay it. *Register of Writs, fol.* 233. *Fitz. Nat. Br. fol.* 204.

Cui in Vita, is a Writ of Entry, which a Widow hath against him to whom her Husband alienated her Lands or Tenements in his Life-time, which must specify, that, *During his Life*, she could not withstand it. *Reg. of Writs, fol.* 232. *Fitz. Nat. Br. fol.* 193. See the *New Book of Entries*, *verbo, Cui in vita.*

Cuillieurs des gentz. *Whereas Murthers*, Cuillieurs des Gentz, *Robberies, &c. are done and committed without Number, &c.* Cotton's Abr. of Records, fol. 62. 21 Edw. 3. 9.

Culagium, is when a Ship is laid in the Dock to be repaired. *M. S. Arth. Trevor, Arm. de Plac. Edw.* 3.

Culpatura, A smiting or cutting, from the Fr. *Couper*, to cut: *Qui autem forisfacit in foresta Regis de viridi, sive per* Culpatiram, *sive per Esbranchaturam, sive per foditionem turbarum, sive per Exterriationem motæ, sive per* culpationem *sub nemore, sive per essartum, &c.* Hoveden, page 784.

Culprit is compounded of two words, *i. e. Cul* and *Prit*, viz. *Cul*, which is the Abbreviation of *Culpabilis*, and is a Reply of a proper Officer in the behalf of the King, affirming the Party to be guilty after he hath pleaded Not guilty, without which the Issue is not joined: The other word *Prit* is derived from the *French* word *Prest*, *i. e.* ready; and 'tis as much as to say, That he is ready to prove the Party guilty: And this we find to be often the Form of Pleading in civil Causes, as in Trespass, the Defendant pleaded Not guilty, the Plaintiff replied by his Counsel, *Crest prest au que cy*, viz. he was ready to prove him guilty.

Cudreath, the same with *Cudgeach*.

Cultura, A parcel of arable Land, Dr. *Thoroton*, in his *Nottinghamshire*, englishes it, a *Wong*. It often occurs in old Writings, as *totam illam* Culturam *quæ vocatur* Watercroft.

Culvertage, (*Culvertagium*, from *Culum & vertere*, to turn tail.) *Omnes cum equis & armis, justa sub nomine* Culvertagii *convenire.* Matth. Paris, fol. 232. That is, under the Penalty of Cowardise, or being accounted Cowards. See *Gloss. in x. Scriptores.*

This is the Opinion of some Men, but without any Foundation; it rather signifies some base Slavery, or the confiscation of Estate, *viz. Rex Mandavit Vicecomitibus ut nulli remaneat qui arma portare possit sub nomine* Culvertagii & *perpetuæ servitutis*: And in another Place, *Nihil magis quam opprobrium* Culvertagii *metuentes*, Mat. Paris. Anno 1212. It seems therefore to be the same with *Couvrir le feu*, for when a Lord seizes his Vassal's Estate as forfeited, he is said *Couvrir le feu*, to cover, or put out his Fire. *Du Cange.*

Culward and Culherd, *Salva Summonitione de* Culward. *Charta Willielmi de Tabley temp. Edw.* I. seems to be the same with *Culvertage*, or Cowardise.

Cuna Cervisiæ, A Tub of Ale. *Domesday.* See *Rusta*. And to this Day, in *Cheshire*, a brewing Vessel is called a *Cuna*.

Cunage, (*Cunagium*) — *De* Cunagio *Stannariæ & de amptione totius Stanni in Com. Devon. & Cornub.* Rot. Pat. 21 Edw. 3. See *Coinage*.

Cunation, *Manlborough*, or the *Kennet*.

Cuneus Monetæ, *Qui tenet manerium de Lilleshon in Com. Midd. per serjantiam custodiendi* Cuneum Monetæ *Domini Regis. i. e. Sigillum ferreum quo nummus cuditur*; the King's Stamp for Coinage. Hence comes our word *Coin, quasi, Cune. Sciens quod*

quod concessimus venerabili Patri nostro Ciceſtr. *Episcopo, quod habeat* Cuneum *suum in Civitate* Ciceſtriæ, &c. *T.* 29 *Apr.* Claus. 6 Joh. m. 3.

Cuntey-Cuntey is a kind of Trial, as appears by *Bracton*, in their words, *Negotium in hoc casu terminabitur per* Cuntey-Cuntey, *sicut inter Cohæredes.* —And, *in brevi de recto negotium terminabitur per* Cuntey-Cuntey, which seems to be as much as the ordinary Jury, *Bracton, lib.* 4. *tract.* 3. *cap.* 18.

Curagulus, one who taketh care of a Thing: *Ego Edmundus Rex Anglorum &* Curagulus *multarum gentium*, Monasticon, 2 Tom. in a Charter of King *Edmond.*

Cura Monasterii, an Officer so called, who had the Charge of the Monastery: *Cura cum ipsis remanente qui cum ipsis manducet.* Du Cange.

Curfeu, (*Ignitegium*, of the Fr. *Couvrir feu*, (*i. e.* Cover the Fire) signifies an Evening Peal, by which the *Conqueror* commanded every Man to take warning, for raking up his Fire, and putting out his Light: So that in many Places at this Day, where a Bell is customarily rung towards Bed-time, it is said to ring *Curfeu. Hill.* 3 *Rich.* 2. *Coram Rege, Rot.* 8. *London.*

Curia, It was usual for the Kings of *England* to assemble the Bishops, Peers, and great Men of the Kingdom to some particular Place, at the chief Festivals in the Year, and this Assembly is called by our Historians, *Curia*; because there they consulted about the weighty Affairs of the Nation, and therefore it was sometimes called *Solemnis Curia, generalis Curia, augustalis Curia*, and *Curia publica*, &c. See *Court.*

Curia advisare vult is a Deliberation which the Court sometimes takes, before they give Judgment in a Cause, wherein there seems to be any Point of Difficulty; for which, see the *New Book of Entries* on this word.

Curia Baronum. See *Court-Baron.*

Curia Claudenda is a Writ that lies against him who should fence and enclose the Ground, if he refuse or defer to do it. *Reg. of Writs, fol.* 155. *Fitz. Nat. Br. fol.* 127. *New Book of Entries, verbo*, Curia Claudenda.

Curialitas Angliæ, See *Curtesy of* England.

Curia Militum, A Court so called, anciently held at *Carisbroke Castle* in the Isle of *Wight.* —*Et idem Dominus Willielmus de Insula debet facere sectam ad curiam Domini Castri de Carisbroc, de tribus septimanis in tres septimanas in Curia, quæ vocatur* Curia Militum. Inq. de Anno 47 Hen. 3. n. 32.

Curia Penticiarum. Id est, *Curia in civitate* Ceſtriæ *coram Vicecomite ibidem in* Aula Penticia *ejusdem Civitatis.* Pl. in Itin. apud Ceſtriam, 14 *Hen.* 7. It is probable this Court was originally kept under a *Pentice*, or Shed covered with Boards, and thence took denomination.

Curio, *Corebridge* in *Northumberland.*

Curnock is four Bushels, or half a Quarter of Corn. *Fleta, lib.* 2. *cap.* 12.

Curriculus, the Year, or course of a Year: *Actum est hoc annorum Dominicæ incarnationis quatuor quinquagenis & quinquies, quinis lustris & tribus* Curriculis, *i. e.* the Year 1028, for 4 Times 50 makes 200, and 5 Times 200 makes 1000, 5 *lustra* are 25 Years, and 3 *Curriculi* are three Years.

Cursitors, (*Clerici di Cursu*) Of these there are in the *Chancery* twenty, who make out original Writs, and are a Corporation of themselves, and to every Clerk are appointed certain Counties. 2 *Inst. fol.* 670. These are called *Clerks of Course*, in their Oath 18 *Edw.* 3.

Cursones terræ. *Sciant quod ego Willielmus Crump dedi — Henrico de Stockton unam dimidiam acram & duos* Cursones terræ *meæ in Lyston*, &c. Dat. 14 E. 2. Seems to signify Ridges of Land.

Cursoriæ were a sort of light Ships, *viz.* swift Sailors; the word is mentioned in *Hoveden* in *R.* 1. *Applicuerunt ibi Naves & Buscie* 500 *exceptis Galeis &* Cursoriis: *Brompton* calls them *Cursarii.*

Curtesy of England, (*Jus Curialitatis Angliæ*) is where a Man takes a Wife seised of Land in Fee-simple, Fee-tail general, or as Heir in Tail special, and hath issue by her, Male or Female, born alive; if the Wife die, the Husband shall hold the Land during his Life, by the Law of *England*; and he is called *Tenant by the* Curtesie *of* England; because this Privilege is not allowed in any other Realm, except in *Scotland*, where it is called *Curialitas Scotiæ.*

I do not find any such Privilege before the Conquest, here in *England*; but it was a Custom before that Time used in *Normandy*, and probably derived from them; it was called in their Language, *Veuveté, de quo sic jura & consuetud.* Norman. cap. 121. viz. *Consuetudo est in* Normannia *ex antiquitate approbata, quod si quis uxorem habuerit ex qua hæredem aliquem procreaverit, quem natum vivum fuisse constiterit, sive decesserit, totum feodum quod maritus possidebat ex parte uxoris suæ tempore quo decesserit, ipsi marito quamdiu ab aliis cesserit nuptiis remanebit.*

Curtein (*Curtana*) was the Name of King *Edward the Confessor*'s Sword, which is the first Sword that is carried before the Kings of *England* at their Coronation. *Matth. Paris. in Hen.* 3. And it is said, the Point of it is broken, which may argue an Emblem of Mercy.

Curtilage, (*Curtilagium*) from the Fr. *Cour*, Court, and *Saxon* Leagh, *locus*: A Yard, Backside, or piece of Ground lying near a Dwelling-house, where they sow Hemp, Beans, and such like. *Persolvunt* (decimam) *Lactis, hortorum*, Curtilagiorum, *Lanæ*, &c. Provinciale Angl. lib. 3. tit. de Decimis. —*Et si in* Curtilagio *alicujus bladum seminaretur, decimam garbam illius bladi, sicut in campis, percipiet.* Inq. 36 Hen. 3. *Mihi dici videtur* Curtilagium (says *Spelman*) *a* Curtillum *& ago, scil. locus ubi curtis vel curtilli negotium agitur.* It is mentioned *Anno* 4 *E.* 1. *cap. unico. Anno* 35 *Hen.* 8. *cap.* 4. and 39 *Eliz. cap.* 2. See *Coke, Vol.* 6. *fol.* 64. *a.* and *Bulstrode's Rep.* 2 *par. fol.* 113. *Cum quodam gardino &* Curtilagio, 15 *Edw.* 1. *n.* 34. by which it seems to differ from a Garden.

Curvare and **Curvatus.** See *Cravare.*

Cussantia, the same with *Costagium*, which signifies Costs.

Custode admittendo, and **Custode amovendo**, are Writs for the admitting or removing Guardians. *Reg. of Writs, in indice.*

Custodes libertatis Angliæ Authoritate Parliamenti, Was the Style or Title in which Writs, and other judicial Proceedings did run, in the *Rump-time*, that is, from the Decollation of King *Charles* the First, till the Usurper *Oliver* was declared Protector, &c. mentioned in the Statute of 12 *Car.* 2. *cap.* 3.

Custodiam dare was a Gift or Grant for Life: *Tradidit autem Rex Willielmo filio Aldelmi civitatem Wexfordiæ in custodiâ, &c.* Du Cange.

Custom (*Consuetudo*) hath the same Signification with us as with the *Civilians*, being by both accounted a part of the Law. Consuetudo *quandoque pro lege servatur*, (saith *Bracton*) *in partibus ubi fuerit*

fuerit more utentium approbata; longævi enim temporis usus & Consuetudinis non est vilis authoritas, Lib. 1. *cap.* 3. *Custom* is a Law or Right not written, which being established by long use, and the consent of our Ancestors, and those of our Kindred, that are *ultra Tritavum*, hath been and daily is practised. So that, allowing the Father to be so much older than his Son, as *pubertas*, or the Years of Generation require, the Grandfather so much older than him, and so forth *usque ad Tritavum*, we cannot say this or that is a *Custom*, except we can justify it hath continued so one hundred Years: For *Tritavus* must be so much elder than the Party that pleads it; yet, because that is hard to prove, it is enough for the proof of a *Custom*, if two or more Witnesses can depose they heard their Fathers say, it was a *Custom* all their Time, and that their Fathers heard their Fathers also say, it was so in their Time. If it be to be proved by Record, the continuance of one hundred Years will suffice. Sir *Jo. Davis's Rep. in Præf. & fol.* 32.

Custom is either *general* or *particular*: *General* is that which is currant through *England*, whereof you shall read divers in *Doctor and Student, lib.* 1. *cap.* 7. *Particular*, is that which belongs to this or that Lordship, City or Town.

Custom differs from Prescription, that being common to more; *Prescription*, for the most part, particular to this or that Man. Again, *Prescription* may be for a shorter Time than *Custom*, *viz.* for five Years or less. Out of our Statutes you may have greater Diversity, which see collected in *Cowel's Institutes, tit. de usucap. & longi temp. præscript.*

Custom is also used for the Tribute or Toll (called *Tonnage* and *Poundage*) which Merchants pay to the King for carrying out and bringing in Merchandise. *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 21. and 12 *Car.* 2. *cap.* 4. In which signification it is latined, *Custuma, Reg. of Writs, fol.* 138. *a*, and 4 *Inst. fol.* 29. And lastly, for such services as Tenants of a Manor owe to their Lord.

Customary Tenants (*Custumarii, vel Tenentes per consuetudinem*) are such Tenants as hold by the *Custom* of the Manor, as their special Evidence. These were anciently Bondmen, or those that held *Tenura Bondagii*: *Et omnes illi qui tenuerunt in Bondagii tenura solebant vocari* Custumarii. MS. de Consuetud. man. de Sutton-Colfeild de Anno 3 Edw. 2. See *Windas* and *Copyhold*.

Custom-house is a House in *London*, where the King's Customs are received, and the whole Business relating thereunto, transacted. *Anno* 12 *Car.* 2. *cap.* 4.

Custos brevium is an Officer belonging to the Court of *Common Pleas*, and made by the King's Letters Patent, whose Office is to receive and keep all the Writs returnable in that Court, and put them upon Files, every Return by it self, and to receive of the Prothonotaries all the Records of *Nisi Prius*, called the *Postea's*. For they are first brought in by the *Clerks of the Assise* of every Circuit to the *Prothonotary*, who entered the Issue in that matter, to enter the Judgment. And four Days after the Return thereof, (which is allowed to speak in Arrest of Judgment) the *Prothonotary* enters the Verdict and Judgment thereupon, into the Rolls of the Court, and afterwards delivers them over to the *Custos Brevium*, who binds them into a Bundle. He makes Entry also 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 levied. The Fines, after they are engrossed, are thus divided between the *Custos Brevium*, and the Chirographer; this always keeps the Writ of Covenant, and the Note; the other keeps the Concord, and the Foot of the Fine, upon which Foot, the Chirographer causeth the Proclamation to be endorsed, when they are proclaimed. In the Court of *King's Bench* there is likewise a *Custos Brevium & Rotulorum*, who fileth such Writs as are there used to be filed, and all Warrants of Attorney, and transcribeth or maketh out the Records of *Nisi Prius, &c.*

Custos Cignorum Regis. See *King's Swanherd.*

Custos placitorum Coronæ (*Bracton, lib.* 2. *cap.* 5.) seems to be all one with him, whom we now call *Custos Rotulorum*. Of which I find mention in the Writ *De odio & atia. Reg. of Writs, fol.* 133. *b.*

Custos Rotulorum is he who hath the Custody of the *Rolls* or Records of the Sessions of the Peace, and of the Commission of the Peace it self. He is always a Justice of Peace and *Quorum*, in the County where he hath his Office; and, by his Office, he is rather termed an Officer or Minister, than a Judge; because the Commission of the Peace, by express words, lays this special Charge upon him, *Quod ad dies & loca prædicta, Brevia, Præcepta, Processus & Indictamenta prædicta coram te & dictis sociis tuis venire facias.* Lamb. Eiren. *lib.* 4. *cap.* 3. *pag* 373. where you may read more touching this Office. Who shall appoint the *Custos Rotulorum* in every County, see 37 *Hen.* 8. *cap.* 1. and 3 & 4 *E.* 6. *cap.* 1. 2 *Inst. fol.* 674.

Custos of the Spiritualities (*Custos spiritualitatis vel spiritualium*) is he that exercisetb the Spiritual or Ecclesiastical Jurisdiction of any Diocese, during the Vacancy of the See; the Appointment of whom, by the Canon Law, appertains to the Dean and Chapter. But with us in *England*, to the Archbishop of the Province, by Prescription. Howbeit, divers Deans and Chapters (if *Gwin* say true in his *Preface* to his *Readings*) challenge this by ancient Charters from the Kings of this Land.

Custos treugarum, Keeper of the Truce. *Edward* the Third constituted by Commission two *Keepers of the Truce* between him and the King of *Scots*, with *Nos volentes* Treugam *sive sufferentiam prædictam quantum ad nos pertinet observari*, &c. Rot. Scotiæ 10 Edw. 3. m. 36. intus.

Cuba, The same with *Cupa*, a Cup.

Cyclas, A long Garment, close upwards, and open or large below: *Matth. Paris.* speaking of the Citizens of *London*, tells us, they were *Sericis Vestimentis ornati*, cycladibus *auri textis circumdati.* Anno 1236.

Cynebote, the same with *Cenegild*.

Cyppus. *Et debent habere amerciamenta de expeditatione canum, mel & nuces &* Cyppos *per totam Forestam.* —— Ryley's Pla. Parl. fol. 652. *Du Fresne*, in his new *Glossarium*, says it signifies *rete*, a Net; but *quære*.

Cyreath. i. e. *Jusjurandum electum*, viz. *Quod quis cum aliis conjuratoribus à majori numero electis præstat*: We read it amongst the Laws of King *Athelstane*, *cap.* 15. viz. *Et jurent quod illud pecus intertiatum*, (i. e. sequestred) *in peculio suo natum est, sine Rimath & stet thes.* Cyreath, *i. e. Jusjurandum electum super* 20 *Den.*

Cyrichyrce, (Sax.) Irruptio in Ecclesiam *LL. Eccl. Canuti Regis.*

Cyrtecent, (Sax.) *Vectigal Ecclesiæ, Ecclesiæ census. Primitiæ seminum quisque ex eo dato Domicilio, in quo ipso natali die Dominus commoratur.* Spelm. de Concil. vol. 1. fol. 563. See *Churchesses*.

D.

Dagus. See *Deis*.

Dailus, Daila, Dalus, A certain Measure of Land, *viz. Et totum* Dailam *marisci tam de rosa quam de prato, &c.* Monasticon, 2 Tom. p. 211. In some places 'tis taken for a Ditch or Vale, *hinc Anglice*, a Vale is called a *Dale*. *Du Cange*.

Daiis. See *Deis*.

Dakir. According to the *Stat.* 51 *Hen.* 3. *De Compositione ponderum & mensurarum*, A Last of Hides consists of twenty *Dakirs*, and every *Dakir* of ten Hides. But by 9 *Jac. cap.* 33. one Last of Hides or Skins is twelve Dozen. See *Dickir*.

Dalmatica, A Garment with large open Sleeves, used at first only by Bishops, so called, because it first came from *Dalmatia*:

Candida ut extensis nitent Dalmatica *rugis,*
Fimbria nec errat huic sine lege laevis.

Dalus. See *Dailus*.

Damage (Lat. *Damnatio*, Fr. *Dommage*) signifies generally any hurt or hindrance that a Man receives in his Estate, but particularly, a Part of that the Jurors are to enquire of, when the Action (be it real or personal) passeth for the Plaintiff. For after Verdict given of the principal Cause, they are asked their Consciences touching *Costs* (which are the Charges of Suit, called by the *Civilians Expensæ litis*) and *Damages*, which comprehend a Recompence for what the Plaintiff or Demandant hath suffered by means of the Wrong done him by the Defendant or Tenant. *Coke on Litt. fol.* 257.

Damage Feisant, (Fr. *Dommage Faisant*, *i. e.* doing Hurt or Damage) As when a Stranger's Beasts are *doing hurt*, or spoiling the Grass, Corn, Woods, &c. of another Man, without his Leave or Licence. In which case the Party whom they damage, may take, distrain, and impound them as well in the Night as Day. But in other cases, as for Rent, Services, and such like, none may distrain in the Night. *Stat. De Districtione Scaccarii, Anno* 51 *Hen.* 3.

Dan, The better sort of Men had the Title of *Dan*, as the Spaniards *Don*, from the Latin *Dominus*.

Danegelt, or Danegeld (Gelt in *Dutch* signifies Money) was a Tribute laid upon our Ancestors of 1 s. after of 2 s. for every Hide of Land, through the Realm, for clearing the Seas of *Danish* Pirates, which heretofore greatly annoyed our Coasts. *Gild. Britan.* 140. King *Ethelred* being much distressed by the continual Invasion of the *Danes*, to procure his Peace, was compelled to charge his People with heavy Payments, called also *Danegelt*. As first, he paid 10000 *l.* then 16000 *l.* then 24000 *l.* after that 36000 *l.* and lastly 48000 *l.* to the *Danes*. This *Danegelt* was released by St. *Edward* the Confessor, but levied again by *William* the First and Stephen. Released by *Henry* the First, and finally by King *Stephen*. See *Hoveden, par. post. Annal. fol.* 344. 4. *Spelman's Glossarium*, and *Selden's Mare clausum. fol.* 196. — *Et sint quieti de Lene*, Danegeld & *Gaywithinne & de omnibus aliis consuetudinibus, &c.* Charta Hen. 7. Ballivis & Burgens. Mountgomer.

Danelage. See *Merchenlage*.

Dannonii, *Cornwall* and *Devonshire*.

Dannoniorum promontorium, The *Lizard* in *Cornwall*.

Danum, *Doncaster* in *Yorkshire*.

Dardus, *i. e.* A *Dart*. In *Wales* an Oak is called *Dar*, and *Dart* is *Telum*.

Scuta tonant, dardique volant.

Dare ad remanentiam (*Glanvile, lib.* 7. *cap.* 1.) To give away in Fee, or for ever. See *Remainder*.

Darrein is a Corruption from the French *Dernier*, *i. e. Ultimus*; and we use it in the same Sense, as

Darrein Continuance. See *Continuance*.

Darrein Presentment, (*ultima Præsentatio.*) See *Assise of Darrein Presentment*.

Date, The ancient Deeds had no *Dates*, but only the Month and the Year, to signify that they were not made in haste, or in the space of a Day, but upon longer and more mature Deliberations; and the King's Grants began with these Words, *Præsentibus & futuris, &c.* but the Grants of common Persons began with *Omnibus præsentes litere inspecturis, &c.*

Datif, or Dative, (*Dativus*) That may be given or disposed of. Whether a Prior shall be *Datif* and removeable or perpetual, shall be tried by the Ordinary. *Anno* 9 *Rich.* 2. *cap.* 4. Si *Prior* Datife & *removeable suffer estchap, respondeat superior.* 45 *Ed.* 3. 9, 10.

Davaca terræ, A Portion of Land in *Scotland*, so called; *Apud priscos Scotos*, one Davach of Land, *quod continet quatuor Aratra terræ, quorum unumquodque trahitur octo bobus.* Skene.

David, *St. David's Head*. See *Occipitarum promont.*

Day (*Dies*) is sometimes used for the Day of Appearance in Court, either originally, or upon Assignation; and sometimes for the Returns of Writs. For example, *Days in Bank* are Days set down by Statute, or Order of the Court, when Writs shall be returned, or when the Party shall appear upon the Writ serv'd; for which you may read the Statutes 51 *Hen.* 3. *cap.* 1 & 2. — *Marlb. cap.* 12. and the Statute *de Anno Bissextili*, 21 *Hen.* 3. and lastly 32 *Hen.* 8. *cap.* 21. To be dismissed *without Day*, is to be finally discharged the Court. He had *a Day* by the Roll, that is, he had a Day of Appearance assigned him. *Kitchin, fol.* 193 & 197. *Day, Year, and Waste*. See *Year, Day, and Waste*: And see *Dies*.

Days of Prefixion, in the *Exchequer*. See *Remembrancer*.

Deadly Feud (*Feuda & Faida*) is a Profession of an irreconcileable Enmity, till we are revenged even by the Death of our Enemy. It is deduced from the *German* word (Feed) which, as *Hottoman (in verbis Feudalibus)* saith, *Modo bellum, modo capitales inimicitias significat.* It is used *Anno* 43 *Eliz. c.* 13. And such Enmity and Revenge was allowed by our antient Laws in the Time of the *Saxons*, *viz.* where any Man was killed, if a pecuniary Satisfaction was not made to the Kindred; it was lawful for them to take up Arms and revenge themselves on the Murderer, and this is called *Deadly Feud*, and probably this was the Original of an Appeal.

Dead Pledge, (*mortuum vadium.*) See *Mortgage*.

Deafforested, That is, discharged from being Forest;

Forest; or, that is freed and exempted from the Forest-Laws. *Anno* 17 *Car.* 1. *cap.* 16.

Johannes Dei Gratia, &c. *Archiepiscopis, Episcopis*, &c. *Sciatis nos omnino* Deafforestasse *Forestam de Brewood de omnibus quæ ad Forestam & Forestarios pertinent. Quare volumus & firmiter præcipimus quod prædicta Foresta & homines in illa manentes & hæredes eorum sint* Deafforestati *imperpetuum*, &c. Dat. apud Brug. 13 Martii Anno regni nostri 5.

Dean (Gr. Δέκαν & δέκα, *decem*) is an Ecclesiastical Magistrate or Dignitary, so called, because he presides over *Ten* Canons or Prebendaries at the least. We call him a *Dean* that is under the Bishop, and chief of the Chapter, ordinarily in a Cathedral-Church; and the rest of the Society or Corporation we call *Capitulum*, the *Chapter*. But how diversly this word is used, read *Lyndewode: Tit. de Constitut. cap.* 1. *verbo, Decani Rurales*; where *Rural Deans* are said to be certain Persons that have Jurisdiction Ecclesiastical over other Ministers and Parishes near adjoining, assigned them by the Bishop and Archdeacon, being placed and displaced by them: Such are the *Dean* of *Croyden* in *Surrey*, *Dean* of *Battel* in *Sussex*, &c.

As there are two Foundations of *Cathedral Churches* in *England*, the old and the new, (the new are those which *Henry the Eighth* upon suppression of Abbeys transformed from Abbat, or Prior and Convent, to *Dean* and *Chapter*,) so there are two Means of creating these Deans: For those of the old Foundation were exalted to their Dignity much like Bishops; the King first sending out his *Congé d'Estire* to the *Chapter*, the *Chapter* then chusing, the King yielding His Royal Assent, and the Bishop confirming him, and giving his Mandate to enstal him. Those of the New Foundation are by a shorter Course enstalled, by virtue of the King's Letters Patent, without either Election or Confirmation. This word is also applied to divers that are the chief of certain peculiar Churches or Chapels, as the *Dean of the King's Chapel*, the *Dean of the Arches*, the *Dean of St. George's Chapel* in *Windsor*, &c. *Nec Collegio alicui præfecti, nec jurisdictione ulla donati, nomine tamen velut honoris gratiâ insignes*, says *Spelman*.

De bene esse are common *Latin* words, their Signification conceiv'd to be thus: To take or do any Thing *De bene esse*, is to accept or allow it as well done for the present; but, when it comes to be more fully examin'd or try'd, to stand or fall, to be allowed or disallowed, according to the Merit or Well-being of the Thing in its own Nature; or (as we say) *Valeat quantum valere potest*: So in *Chancery*, upon Motion to have one of the less principal Defendants in a Case examin'd as a Witness, the Court (not then throughly examining the Justice of it, or not hearing what may be objected on the other Side) often orders such a Defendant to be examined *de bene esse*, *i. e.* That his Depositions shall be allowed or suppressed at the Hearing of the Cause, upon the full Debate of the Matter, as the Court shall think fit; but for the Present they have a *Well-being*, or conditional allowance. It is used in *Langham's Case. Croke*, 3 *Part*, *fol.* 68.

Debentur was by a *Rump-Act* in 1649, ordained to be in the Nature of a Bond or Bill, to charge the Commonwealth (forsooth) to pay the Soldier-Creditor, or his Assigns, the Sum due upon Auditing the Account of his Arrears. The Form of which *Debentur*, as then used, you may see in *Scobel's Rump-Acts*, *Anno* 1649, *cap.* 63. The word is also mentioned in the Act of *Oblivion*, 12 *Car.* 2. *cap.* 8. *Sect.* 7. and is used in the *Exchequer*. See *Auditor of the Receipts*.

Debet & solet are Latin words, often used in our Law-Writers. In *Old. Nat. Br. fol.* 98. it is said, The Writ *De secta molendini*, being in the *debet & solet*, 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 & solet*, or in the *debet* without the *solet*, according as the Demandant claims. Wherefore note, that those Writs which are in this sort brought, have these Words in them as formal Words, not to be omitted. And according to the Diversity of the Case, both *debet* and *solet* are used, or *debet* alone; That is, if a Man sue to recover any Right, whereof his Ancestor was disseised by the Tenant of his Ancestor, then he useth only the word *debet* in his Writ; because *solet* is not fit, by reason his Ancestor was disseised and the Custom discontinued: But if he sue for any Thing that is now first of all denied him, then he useth both these Words; because his Ancestors before him, and he himself usually enjoyed the Thing sued for, as Suit to a Mill, or Common of Pasture, until this present Refusal of the Tenant. The like may be said of *debet & detinet*, as appears by the *Reg.* in the Writ *De debito*, *fol.* 140. *a*.

Debito, or *De debito*, is a Writ which lies, where a Man owes another a Sum of Money by Obligation, or Bargain for any Thing sold him, *Fitz. Nat. Br. fol.* 119. This Writ is made sometimes in the *detinet*, and not in the *debet*, which properly falls out, where a Man owes an Annuity, or a certain quantity of Wheat, Barley, or such like, which he refuseth to pay. *Old. Nat. Br. fol.* 75. See *Debet & solet*.

Deceit, (*Deceptio, dolus*) Is a subtile, wily Shift, or Trick: whereunto may be drawn all manner of Craft, Subtilty, Guile, Fraud, Slight, Cunning, Covin, Collusion and Practise used to deceive another Man by any means; which hath no other more proper or particular Name than *Deceit*, or Offence. *West. pag.* 2. *Symbol. tit.* Indictments. *Sect.* 68. See *Cosening*, and *New Book of Entries*, verbo *Disceit*.

Decem tales, See *Tales*.

Decenna, and **Decenniers**, See *Deciners*.

Decennary (*Decennaria*) The Limits or Compass of ten Friburghs. See *Deciners*.

Decentum. See *Fagsetum*.

Deceptione is a Writ that lies properly for one that receives Harm or Damage by him, that does any Thing deceitfully in the Name of another; (*Fitz. Nat. Br. fol.* 95.) and is either *original*, or *Judicial*, as appears by *Old. Nat. Br. fol.* 50. where you may read the use of both. See *Reg. of Writs*, *fol.* 112. and *Reg. Judicial* in the Table, *verbo*, Deceptione.

Decies tantum is a Writ that lies against a Juror, who hath taken Money for giving his Verdict; called so of the Effect, because it is to recover *ten times* so much as he took. It lies also against *Embracers* that procure such an Enquest. *Anno* 38 *Ed.* 3. *cap.* 13. *Reg. of Writs*, *fol.* 188. *Fitz. Nat. Br. fol.* 171. *New Book of Entries*, verbo, *Decies tantum*.

Decime, Tithes: 'Tis well known what is meant by Tithes in the Old Testament, but 'tis not so plain in the New Law, when Tithes were first given to the Priests; some are of Opinion that it

it was not long before the Time of *Charles* the Great; and particularly Father *Paul*, in his *Italian* Treatise *Di materie beneficiali*. But this must be a Mistake; because we find that in the second Council of *Matisson*, *Anno* 585. *cap* 5. it was long before that Time, *viz.* *Leges divinæ consulentes sacerdotibus Ecclesiarum pro hæreditatis portione omni populo præceperunt*, Decimas *fructuum suarum, &c. Unde Statutum ut mos antiquus à fidelibus reparetur, & Decimas Ecclesiasticis famulantibus ceremoniis populus omnis inferat, &c.*

Decimation, (*Decimatio*,) the Punishing every Tenth Soldier by Lot was termed *Decimatio Legionis*: Also a Tithing, or Paying the Tenth Part. What *Decimation* was in the Usurper's Time, (1655,) will not easily be forgotten. See *Tenths*.

Decimis solvendis pro possessionibus alienigenarum is a Writ, or Letters Patent, yet extant in the *Register*, which lay against those that had farmed the Priors Aliens Lands of the King, for the Rection of the Parish, to recover his Tithe of them. *Reg. of Writs, fol.* 279.

Deciners, alias **Decenniers**, alias **Dozeiners**, (*Decenarii*, *Decearchi*,) signify, in the ancient Monuments of our Law, such as were wont to have the Overright and Check of the Friborghs, for Maintenance of the King's Peace; and the Limits or Compass of their Jurisdiction was called *Decenna*. *Bracton, lib.* 3. *Tract.* 2. *cap.* 15. Of whom you may also read in *Fleta, lib.* 1. *cap.* 27. and *Reg. of Writs, fol.* 98. *b.* These seemed to have large Authority in the *Saxons* Time, taking Knowledge of Causes within their Circuit, and redressing Wrongs by way of Judgment, and compelling Men thereunto, as you may read in the Laws of King *Edward the Confessor*, published by *Lambard*, *Num.* 32. In later Times I find Mention of them, as in *Briton, cap.* 12. who says in the King's Person, (for so he writes his whole Book,) *We will that all those who are fourteen Years old shall make Oath, That they shall be sufficient and loyal men; and neither be Felons, nor assenting to Felons: And we will, That all profess themselves to be of this in that Dozein, and make or offer Surety of their Behaviour by those or those Dozeiners; except Religious Persons, Clerks, Knights Eldest Sons, and Women.* Yet the same Author, in his 29th Chapter, says, all of twelve Years old, and upwards, are punishable for not coming to the Sheriff's Turn, except Earls, Prelates, Barons, Religious Persons, and Women.

A *Dozein* seems now to extend so far, as every Leet extends; because in Leets only this Oath is ministred by the Steward, and taken by such as are twelve Years old, and upwards, dwelling within the Precinct of the Leet, where they are sworn. *Fitz. Nat. Br. fol.* 261. *a.* The Particulars of this Oath you may read in *Bracton, lib.* 3. *tract.* 2. *c.* 1. *num.* 1. who sets down fifteen Years for the Age of those that are to be sworn to the King's Peace, but afterwards names twelve Years. See *Inlaugh*.

We may note out of the Premises a Diversity between the ancient and these modern Times in this Point of Law and Government, as well in the Age of those who are to be sworn, as also that *Decanien* is not now used for the chief Man of a *Dozein*, but for him that is sworn to the King's Peace. And lastly, That now there are no other *Dozeins* but *Leets*; that no Man ordinarily gives other Security for keeping the King's Peace, but his own Oath; and that therefore no Man answers for another's Transgression, but every Man for himself. See *Tithing Pledge*, and 2 *Par. Inst. fol.* 73. See *Guild Hall*.

Declaration (*Declaratio*) is properly the shewing forth, or laying down, in Writing the Cause of Action in any Suit at Law, wherein the Party supposes to have Wrong. This in an Action Real is properly called a *Count*, which ought to contain *Demonstration*, *Declaration*, and *Conclusion*. In *Demonstration* are contained three Things, *viz.* Who complains; against whom; and for what Matter. In the *Declaration* there ought to be comprised how and in what Manner the Action rose between the Parties; when, what Day, Year, and Place; and to whom the Action shall be given. And in the *Conclusion* he ought to aver and proffer to prove his Suit, and shew the Damage he hath sustained by the Wrong done him. *Terms de la Ley*.

Decretals (*Decretales*) are a Volume of the Canon Law, so called; or Books containing the *Decrees* of sundry Popes; or a Digestion of the Canons of all the Councils that pertained to one Matter under one Head.

Decretale are *institutio proprie Papæ*, *præcepta vero Regum*. They were compiled into one Body by *Regino*, *Burchardus*, *Anselmus* Bishop of *Lucca*, and *Ivo* Bishop of *Chartres*; and afterwards by *Gratian*, who lived in the Pontificate of *Eugenius* the Third: And because his Compilation was generally received and approved by the Church, it was called *The First Collection of the Decretals*; of which you may read at large in *Baluzius*, in his Preface to the Dialogues of *Anthony Augustin, &c.* In this were contained the Decrees of *Alexander* the Third, to the Time of *Cœlestine* the Third.

The Second Collection of the *Decretals* was performed by *Gilbertus* and *Alanus*, and came out under the Name of *Volaterin*; who twelve Years after the First Collection published this Second, containing not only the *Decretals* of former Popes, but those of *Cœlestine* the Third.

The Third Collection was begun by *James Mazir*, Archdeacon of *Compostella*, and collected out of the Registers of *Innocent* the Third: It was called *Romana Compilatio*. But because there were many Things in it not generally received, therefore that Pope was prevailed on that by his Authority some Person might be appointed to make another Collection; and accordingly *Petrus Beneventanus*, a Notary, was appointed for that Work, which was the First Collection that was published by Authority.

The Council of *Lateran*, held under the same Pope *Innocent*, was the Occasion of publishing the Fourth Collection: In which Council there were several Canons made, and reduced under seventy one Chapters. That Pope having, in the Space of five Years after the publishing the Third Collection, made many more Decrees himself, there were two Editions printed; one of the Canons of that Council, and another of his own Constitutions. And this was called *The Fourth Collection*.

The Fifth Collection consists of the Constitutions of *Honorius* the Third, collected by *Tancrid*, Archdeacon of *Bologna*, and published by *Innocentius Cyronus* under the Name of that Pope. *Du Cange*.

Decuriare, *i. e.* To bring into Order: *Si vero crimen, &c. procurator loci commiserit, agatur rationabiliter de eo, quod de Regis agitur præpositio, (viz.) Ut reo rite* Decuriato *ac justo ordine depulso, alius qui dignus sit Christo designetur.* Mon. 1 Tom 224.

Dedbanna, a Man-slayer. *Qui ad occidendum aliquem innoxium Redbanna vel* Dedbanna *fuerit convictus noxæ compenat inde solus.* Leg. H. 1. cap. 25.

Deed, (as if it be said in a Feoffment, *I. S.* hath *Given*, granted, *&c.*) It is a Warranty in Law to the Feoffee, and his Heirs. *Coke on Littl. fol.* 304. *a.*

Dedicare, (*Dedicata*,) the Feast of Dedication of Churches, or rather the Feast-Day of the Saint and Patron of a Church; which was celebrated not only by the Inhabitants of the Place, but by those of all the neighbouring Villages, who usually came thither; and such Assemblies were allowed by the King. *Ad Dedicationes, ad Synodos, &c. venientes sit summa pax.* It was usual for the People to feast and drink on these Days; and in many Parts of *England* they still meet every Year in Villages for this Purpose, which Days are called *Feasts*.

Dedimus Potestatem is a Writ, whereby Commission is given to one or more private Persons, for the speeding some Act appertaining to a Judge. The *Civilians* call it *Delegationem*. And it is granted most commonly upon Suggestion that the Party, who is to do something before a Judge, or in a Court, is so weak, he cannot travel. It is used in divers Cases; as, to take a Personal Answer to a Bill in *Chancery*; to examine Witnesses in a Cause depending in that Court; to levy a Fine, *&c. West, par.* 2. *Symbol. tit.* Fines, *sect.* 112. and divers others; as you may see in *Fitz. Nat. Br.* and in the Table of the *Reg. of Writs, verbo*, Dedimus Potestatem.

Dee River. See *Deva* and *Seteia*.

Deed (*Factum*) is an Instrument written in Parchment or Paper, consisting of three Things, *viz. Writing, Sealing*, and *Delivery*, and comprehending a Contract or Bargain between Party and Party. Of which there are two Sorts, *Deeds Indented* and *Deeds Poll*; which Names arise from the Form or Fashion of them, the one being cut in and out in the Top or Side, which we call *Indented*, the other being plain. A *Deed Indented* is a Deed consisting of two Parts, or more, (for there are *Tripartite, Quadripartite*, and *Septempartite Deeds*; as that of *Henry* the Seventh, concerning his Royal Chapel at *Westminster*,) in which it is expressed, That the Parties thereto have to every Part thereof interchangeably set their several Seals. The Cause of their *Indenting* is, that it may appear they belong to one Business of Contract. A *Deed Poll*, or polled, (anciently called *Charta de una parte*, or *Charta simplex*,) is a plain Deed without Indenting; and is used, when the Vendor for Example only seals, and there is no Need of the Vendee's sealing a Counterpart, by reason the Nature of the Contract is such, as it requires no Covenant from the Vendee; unless in such Case the Vendor will, out of Caution or Curiosity, have a Counterpart, to see, upon any Occasion, what Covenants himself hath given. See *Coke on Littl. fol.* 35. *b.* See *Date*.

Deemsters, or **Demsters**, (from the Saxon Demia, *i. e.* a Judge or Umpire.) *All Controversies* (in the Isle of *Man*) *are decided without Process, Writing, or any Charges, by certain Judges, whom they choose from among themselves, and call* Deemsters. *Camd. Brit. tit. Brit. Insulæ.*

Deerfeld (Sax. Deon, *Fera*, and Feld, *Stabulum*) *occurrit apud Alfredum pro vivario cervino, vel septimento quo includuntur damæ.* A Park.

Deer-Raps are Engines, or great Nets, made of Cords, to catch Deer. *Anno* 19 *Hen.* 7. *cap.* 11.

De essendo quietum de Tolonio is a Writ that lies for those who are by Privilege freed from the Payment of *Toll*, which read at large in *Nat. Br. fol.* 228.

De expensis militum is a Writ commanding the Sheriff to levy four Shillings *per Diem*, for the Expences of a Knight of the Shire. And a like Writ, *De expensis Civium & Burgensium*, to levy two Shillings *per Diem* for every Citizen and Burgess of Parliament. 4 *Inst. fol.* 46.

De facto, (*Anno* 12 *Car.* 2. *cap.* 30.) which is actually done, done indeed.

Default (Fr. *Defaut*) is an Offence in omitting that which we ought to do. Of this *Bracton* hath a whole Tract, *lib.* 5. *tract.* 3. By whom it appears that *Default* is most notoriously taken for Non-appearance in Court, at a Day assigned. Of this you may read *Fleta, lib.* 6. *c.* 14. and *Coke on Littl. fol.* 259. *b.*

Defeasance, or **Defeizance**, (of the Fr. *Defaire*, *i. e.* To undo, or defeat) signifies a Condition relating to a Deed, as to a Recognizance or Statute, which being performed by the Recognizor, the Deed is disabled and made void, as if it never had been done. The Difference between a *Proviso* or Condition in a Deed and a *Defeasance*, is, that those are inserted in the Deed or Grant, this is usually in a Deed by itself. Of which you may read *West* at large, *par.* 1. *Symb. lib.* 2. *sect.* 156.

Defence, — *Rot. Parl.* 21 *Edw.* 3. *Cries and Defence was made throughout* England, — *i. e.* Proclamations and Prohibition. — *Salmones ponantur in defensio. West.* 2. *cap.* 47. *i.* Salmons are by that Act prohibited to be taken at certain Times therein mentioned. 2 *Inst.* 478.

To this Day, in divers Parts of *England*, we say, *God defend*, instead of *God forbid*. And the *Fence Month* is more truly called the *Defence Month*, *i. e.* the *Forbidden Month*. See *Fence Month*.

Defend (Fr. *Defendere*) signifies, in our ancient Laws and Statutes, to prohibit or forbid; As — *Ulnaria defendit quoque Rex* Edwardus, *ne remaneret in Regno*. LL. Edw. Conf. cap. 37. & 5 Rich. 2. cap. 7. Of which Word thus *Chaucer*:

Where can you say in any manner age,
That ever God defended Marriage.

In 7 *Ed.* 1. we have a Statute, entitled, *Statutum de defensione pirlaili dwili, &c.* *Which is defended by Law to distrain on the Highway.* Coke on Littl. fol. 161.

Defendant (*Defendens*) is he that is sued in an *Action Personal*, as *Tenant* is he who is sued in an *Action Real*. See *Impleam*.

Defunctus is a Word used in Feoffments and Donations, and hath this Force, that it binds the Donor and his Heirs to defend the Donee, if any Man go about to lay any Servitude on the Thing given, other than is contained in the Donation. *Bracton, lib.* 2. *cap.* 16. *numb.* 10. See *Warranty*.

Defender of the Faith (*Defensor Fidei*) is a peculiar Title given to the Kings of *England* by the Pope, as *Catholicus* to the King of *Spain*, *Christianissimus* to the King of *France*, and *Advocatus Ecclesiæ* to the Emperor; Which Title was given by Pope *Leo* the Tenth to King *Henry* the Eighth, for writing against *Martin Luther* in Behalf of the Church of *Rome*, and the *Bull* for it bears Date *Quinto Idus Octobr.* 1521. which may be seen at length in the Lord *Herbert*'s History of *Henry* the Eighth, *fol.* 105.

Defendere unica manu, To wage Law, by denying the Accusation upon Oath: — *Et si forte forisfactor ille factum negaverit, & forestarius solus sit sine teste, ille debet se* Defendere unica manu *ad unicam vocem rationabili die data in Curia Abbatis, & si unicum testem vel plures habuerit debet se defendere sexta manu, &c.* Charta facta inter W. de Bray Mil. & Abb. & Convent. de Oseney sine Dat. See *Manus*.

Definitor, (*Diffinitor*,) a Visitor.

Deforcement, (*Deforciamentum*,) Matt. Paris. fol. 422. *Quicunque* deforciaverit *eis dotem, & de ipso* deforciamento *convicti fuerit, id est, per vim abstulerit.* A withholding Lands or Tenements by Force from the right Owner. See *Deforceor*, and *Coke on Littl. fol.* 331. *b.*

Deforciant, (*Anno* 23 *Eliz. cap.* 3.) the same with *Deforceor*. See *Differciare*.

Deforceor (*Deforceator*, of the Fr. *Forceur*, *i. e. Expugnator*) is one that overcomes and casts out by Force; and differs from *Disseisor*, First, in this, because a Man may disseise another without *Force*, which is called *Simple Disseisin*. *Briton, cap.* 53. Next, because a Man may *deforce* another that never was in *Possession*. For Example; If more have Right to Lands as Common Heirs, and one entring, keeps out the rest, the Law says he *deforceth*, not disseises them. *Old Nat. Br. fol.* 118. and *Littleton*, (*cap. Discontinuance, fol.* 217.) says, He who is enfeoffed by the Tenant in Tail, and put in Possession, by keeping out the Heir of him in Reversion, being dead, doth only *deforce* him because he entered when the Tenant in Tail was living and the Heir had no present Right. A *Deforceor* differs from an *Intruder*, because a Man is made an *Intruder* by a wrongful Entry only into Land, void of a Possessor; and a *Deforceor* is he that holds out the Right Heir, as aboveſaid. *Bracton, lib.* 4. *cap.* 1.

Degrading. See *Disgrading*.

Deguttare, To pour in by Drops. *Nec minore tormento vexabantur qui verubus transfixi ad ignem assati* deguttabantur, (*i. e.* guttim infundebatur,) *a Dæmonibus ex metallis liquefactis.* Mat. Paris. 1153.

Deirozum regnum, i. e. *York, Lancaster, Westmoreland, Cumberland, Northumberland*, and the Bishoprick of *Durham*. From the Sax. Deep, *fera*, because of the Multitude of Wild Beasts.

Deis, or **Dagus**, the Chief Table in a Monastery. *Solus in Refectorio prandebit Supremus habens vastellum, Priore prandente ad magnam mensam quam* Deis *vulgariter appellamus.* From a Cloth called *Dais*, with which the Tables of Kings were covered. *Mat. Paris. in vita Abbat. Sancti Alb. pag.* 92.

Delatura, *i. e.* an Accusation. *In quibusdam locis juramenti vel antejuramenti multa est distantia, sicut in* Delatura, *& pluribus aliis.* Leges H. 1. cap. 64. Sometimes 'tis taken for the Reward of an Informer. *Leges Inæ* 20. *apud Brompton.* It differs from *Freda, viz. Qui scrofas sex cum verre furatus est, in triplum componit &* Delaturam, *fol.* 7. *& in freda totidem.* Du Cange.

Delegates (*Anno* 25 *Hen.* 8. *cap.* 19.) are Commissioners so called, because *delegated* or appointed by the King's Commission under the Great Seal, to sit upon an Appeal to the King in the Court of *Chancery* in three Case:

First, When a Sentence is given in any Ecclesiastical Cause by the Archbishop, or his Official.

Secondly, When any Sentence is given in any Ecclesiastical Cause in Places exempt.

Thirdly, When a Sentence is given in the Admiral-Court in Suits Civil and Marine, by Order of the Civil Law. 4 *Part. Inst. fol.* 339. *Anno* 8 *Eliz. cap.* 5.

Delf (from the Sax. Delpan, to dig, or delve,) is a Quarry or Mine, where Stone or Coal is dug. *Anno* 31 *Eliz. cap.* 7. And in a Charter of *Edward* the Fourth there is Mention of a Mine or *Delf* of Copper. *Camd.*

Delgovitia. *Godmundham* in *Yorkshire*.

Deliberance. See *Replegiare*.

Demain, (*Dominicum*, Gallis *Domanium*, Italis *Demanium*.) *Accipitur multipliciter*; (says *Bracton*) *est autem* Dominicum, *quod quis habet ad mensam suam & propriè, sicut sunt* Bordlands *Anglicè, i. e.* Dominicam *ad mensam. Item dicitur* Dominicum, *Villenagium quod traditur villanis, quod quis tempestivè & intempestivè resumere posset pro voluntate sua & revocare. Lib.* 4. *tract.* 3. *cap.* 9. *num.* 5. *Demains* (according to common Speech) are the Lord's chief Manor-Place, with the Lands thereto belonging, which he and his Ancestors have from Time to Time kept in their own Manual Occupation. Howbeit, (according to Law) all the Parts of a Manor (except what is in the Hands of Freeholders) are said to be *Demains*. And the Reason why Copyhold is accounted *Demain*, is because Copyholders are adjudged in Law to have no other Estate, but at the Will of the Lord; so that it is still reputed to be in a Manner in the Lord's Hands.

But the Word is not for that Reason derived *de Manu*, which seems to be a Jingle, but from the *French* Word *Demaine*, which signifies an Inheritance; and that comes from *Dominium*, because a Man has a more absolute Dominion over that which he keeps in his Hands, than of that which is let to his Tenants.

Demain is sometimes used in a more special Signification, as opposite to *Frank-fee*. For Example; Those Lands which were in the Possession of King *Edward* the Confessor are called *Ancient Demains*, and all others *Frank-fee*; and the Tenants which hold any of those Lands are called *Tenants in Ancient Demain*; and the others *Tenants in Frank-fee. Kitchin, fol.* 98. See *Spelman, verbo, Dominicum*; where he does not allow this Word to be written *Demean* or *Demesne*, but *Demain* only.

Demand (Fr. *Demande, i. e. Postulation*) signifies a Calling upon a Man for any Thing due. It hath also a proper Signification, distinguished from *Plaint*: For all Civil Actions are pursued either by *Demands* or *Plaints*; and the Pursuer is called *Demandant* or *Plaintiff*, *viz. Demandant* in Actions Real, and *Plaintiff* in Personal. And where the Party pursuing is called *Demandant*, the Party pursued is called *Tenant*; where *Plaintiff*, there *Defendant*. If a Man release to another all *Demands*, this is the best Release the Releasee can have, and shall enure most to his Advantage. *Littl. fol.* 117. *a.* There are two manner of *Demands*; the one in Deed, the other in Law: *In Deed*, as in every *Præcipe*, there is express *Demand*: *In Law*, as every Entry in Land, Distress for Rent, taking or seising of Goods, and such like Acts, which may be done without any Words, are *Demands* in Law.

As a Release of Suits is more large than of Quarrels or Actions; so a Release of *Demands* is more large and Beneficial than either of them. By Release of all *Demands*, all Executions and all Freeholds and Inheritances executory are released: By Release

Release of all *Demands* to the Disseisor, the Right of Entry in the Land, and all that is contained therein, is released. And he that releaseth all *Demandi*, excludes himself from all Actions, Entries, and Seisures; but a Release of all *Demands* is no Bar in a Writ of Error to reverse an Outlawry. *Coke, lib. 8. fol. 153, 154.*

Demain-Cart of an **Abbot**, seems to be that Cart which the Abbot used upon his own *Demain. Anno 6 Hen. 3. cap. 21.*

Demandant (*Petens*) is he who is Actor or Plaintiff in a Real Action, because he demandeth Lands, *&c. Coke on Littl. fol. 127. b.* See *Demand.*

Demi-haque. See *Haque* and *Haquebux.*

Demise (*Demissio*) is applied to an Estate either in Fee-simple, Fee-tail, or for Term of Life, and so it is commonly taken in many Writs. *2 Part. Inst. fol. 483.* The King's Death is in Law termed the *Demise of the King.*

Demsters. See *Deemsters.*

Demurrer (from the Fr. *Demeurer*, i.e. *Manere in aliquo loco, vel morari,*) is a Kind of Pause or Stop put to the Proceedings of any Action upon a Point of Difficulty, which must be determined by the Court, before any further Proceedings can be had therein: For in every Action the Controversy consists either in Fact or in Law; if in Fact, that is tried by the Jury; if in Law, the Case is plain to the Judge, or so hard and rare, as it breeds just Doubt. We call that plain to the Judge wherein he is assured of the Law, though perhaps the Party and his Counsel yield not to it. And in such Case, the Judge with his Associates proceeds to Judgment without more a-do; but when it is doubtful, then Stay is made, and a Time taken, either for the Court to consider further of it, and agree if they can, or else for all the Judges to meet together in the *Exchequer Chamber*, and upon hearing what Counsel can say on both Sides to determine what is Law. And whatsoever they conclude stands firm, without any farther Appeal. *Smith de Repub. Angl. lib. 2. cap. 13.* This *Demurrer* is in our Records expressed in *Latin* by *Moratur in Lege.* At the Common Law, the Defendant sometimes *demurreth* to to the Plaintiff's Count or Declaration; and sometimes the Plaintiff *demurs* to the Defendant's Plea, by averring that it is not a sufficient Plea in Law, *&c.* In *Chancery*, the Defendant *demurs* to the Plaintiff's Bill, averring it is defective in such or such a Point, and demands the Judgment of the Court thereupon, whether he shall be compelled to make any further or other Answer thereunto, *&c.* See *Moratur in Lege.*

Den, the Names of Places ending in *Den* signify the Situation to be in a Valley, or near Woods, as, *Tenterden, Biddenden*; from the Sax. Den, *Vallis: Locus Sylvestris.*

Dena, Denna, a little Portion of Wood Ground, commonly called a *Coppice, De Silvâ octo denâ parvae*; in another Place, *Et una parva dena sylvae. Domesday, apud Spelm.* And *Thorn. Anno 826.* tells us, that *Dederunt Abbati terram 20 aratrorum & 13* Dennas *glandes portantes, &c.*

Denariata terræ. See *Fardingdeal of Land.*

Dennariatus, *Precium rei quæ* Denario *constat; Mercis, redditus, terræ. Sciant — quod ego Willielmus filius Philippi de Calewal Dedi — Egidio de la Berne de Hereford pro quadam summa pecuniæ — Octo* Denariatos *annui redditus, &c.* Sine dat.

Denariatus terræ signifies as much Land as is worth a Peny by the Year. *Sibylla Bertholet tenet unam acram & 5* Denariatos terræ *in eodem tenemento.* And in another Place, *Tenet dimidiam redam & 3* Denariatos terræ *in fine boreali messuagii Tab. Prioratus Lewes in Sussex.* Du Cange.

Denarius, an *English* Peny. *Stat. Edw. 1. De compositione Mensurarum, viz.* Denarius *Angliæ qui nominatur Sterlingus rotundus sine tonsurâ ponderabit 32 grana frumenti in medio spicæ, & 20 denarii faciunt unciam & 12 unciæ faciunt libram.*

Denarius Dei, Earnest-Money, — *Ita quod neuter mercatorum ab illo contractu possit discedere vel resilire, postquam* Denarius Dei *inter principales personas contrahentes datus fuerit & receptus.* Charta 31 Ed. 1. m. 4. See *Argentum Dei.*

Denelage, or **Danelage**, (from the Sax. Dane and Laga, *Lex,*) is the Law the *Danes* made here in *England.* See *Merchenlage.*

Denizen (Fr. *Denaison, i. e. Donatio*) signifies an Alien that is enfranchised here in *England* by the King's Charter and Donation, and enabled in many Respects to do as the King's Native Subjects do, namely, to purchase and possess Lands, 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 *Denizen* cannot. And again, in the Charter whereby a Man is made *Denizen*, there is commonly contained some one Clause or other that abridges him of that full Benefit which Natural Subjects enjoy. And when a Man is thus enfranchised, he is said to be under the King's Protection, or *Esse ad fidem Regis Angliæ*; before which Time he can enjoy nothing in *England. Bracton (lib. 5. tract. 5. cap. 25. num. 3.)* saith, That he and his Goods might be seised to the King's Use. See *Horn's Mirror, lib. 1. cap. De la Venue de Franc-plege,* and *2 Part Inst. fol. 741.*

De non Residentia Clerici Regis is an ancient Writ, the Form whereof see in *2 Part. Inst. fol. 624.*

Dentrix, a Fish with many Teeth. *Et sint quieti de quibuscunque prisis caponum, columbarum,* Dentricium, *anguillarum & omnium aliorum piscium.* Charta H. 6. pro Monaster. Ramesey.

Deodand (*Deodandum*) is a Thing given or forfeited, as it were, to God for the Pacification of his Wrath, in a Case of Misadventure, whereby a Christian Soul comes to a violent End, without the Fault of any reasonable Creature: As, if a Horse strike his Keeper, and kill him; if a Man, in driving a Cart, falls so as the Cart-wheel runs over him, and presses him to Death; if one be felling a Tree, and gives Warning to the Standers-by to look to themselves, yet a Man is killed by the fall of it. In the first of these Cases the Horse, in the second the Cart-wheel, Cart, and Horses, and in the third the Tree, is to be *given to God*, that is, to be sold and distributed to the Poor by the King's Almoner, for Expiation of this dreadful Event, though effected by unreasonable, yea, senseless, and dead Creatures. *Staundf. Pl. Cor. lib. 1. cap. 2. Bracton, lib. 3. tract. 2. cap. 5.*

Omnia quæ movent ad Mortem sunt Deodanda.

What moves to Death, or kills him dead,
Is **Deodand**, and forfeited.

Fleta says, this *Deodand* is to be sold, and the Price distributed to the Poor, for the Soul of the King, his Ancestors, and all faithful People departed this Life, *Lib. 1. cap. 25. De Submersis.* Which Law

seems to bear an Imitation of that in *Exodus, cap.* 21. *Si cornu petierit bos virum vel mulierem, ita ut moriatur, lapidabitur bos neque comedetur caro ejus, ac Dominus ejus erit innocens.* This Word is mentioned in the Stat. *De Officio Coronatoris, Anno* 4 *Edw.* 1. See 3 *Part. Inst. fol.* 57. Since therefore by the *Mosaical* Law the Ox was to be stoned to Death, it seems reasonable that the Price of the Ox should be bestowed in pious and charitable Uses.

De Deonerando pro rata portionis is a Writ that lies where one is distrained for a Rent that ought to be paid by others proportionably with him. For Example; A Man holds ten Oxgangs of Lands by Fealty, and ten Shillings Rent, of the King, and assens one Oxgang to one, and another to another in Fee: Afterward the Sheriff, or other Officer, distrains only one of them for the Rent; he that is so distrained may have this Writ for his Relief. *Fitz. Nat. Br. fol.* 234.

Depalliare. See *Detunicare.*

Departer, or Departure, is a Word properly applied to him who first pleading one Thing in Bar of an Action, and being replied unto, does in his Rejoinder wave that, and shew another Matter contrary to, or not pursuing his first Plea. *Plowden in Reuger* and *Fagessa, fol.* 7, 8. Or it may be applied to a Plaintiff, who in his Replication shews new Matter from his Declaration. As in *Coke's* 2 *Part, Bagshaw's* Case, *fol.* 147. *The Defendant hereupon demurred, because it was a* Departure *from the Declaration.* So if a Man plead a General Agreement in Bar, and in his Rejoinder alledge a special one, this shall be adjudged a *Departure in Pleading.*

Departers of Gold and Silver. See *Finers.*

Departure in Despight of the Court is when the Tenant or Defendant appears to the Action brought against him, and hath a Day over in the same Term, or is called after, though he had no Day given him, so 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; which *Departure* is always of the Part of the Tenant or Defendant, and the Entry of it is, *Quod prædictus* A, *licet solemniter exactus, non revenit, sed in contemptum Curiæ recessit & defaltum fecit.* Coke, lib. 8. fol. 62.

Depersonatus. See *Dispersonatus.*

Depopulation, (*Depopulatio,*) a Wasting, Pilling, or Destruction; a Desolation, or Unpeopling any Place. *Coke's* 12 *Rep. fol.* 30.

Depopulators agrorum. It appears by the Stat. 4 *Hen.* 4. *cap.* 2. that they were great Offenders by the ancient Law, and that the Appeal or Indictment of them ought not to be in general, but in special Manner. They are called *Depopulatores Agrorum,* for that by prostrating or decaying the Houses or Habitation of the King's People, they *depopulate,* that is, dispeople the Towns. 3 *Part. Inst. fol.* 204.

Deposition (*Depositio*) is the Testimony of a Witness, otherwise called a *Deponens,* put down in Writing by way of Answer to Interrogatories exhibited to that Purpose in *Chancery, &c.* And when such Witness is examined in open Court, he is said to be examined *Viva voce. Deposition* is also used for Death; as in *Provin. Angl. lib.* 2. *tit. De fratris. Ordinamus quod Festum* Depositionis *Sancti Johannis de Beverlaco,* 7 *die* Maii, *per Provinciam nostram antedictam perpetuis temporibus celebretur.*

Deprivation (*Deprivatio*) a Depriving, Bereaving, or Taking away. — With the Loss or Deprivation of all the Spiritual Promotions, whereof, &c. *Anno* 2 & 3 *Edw.* 6. *cap.* 20. *Deprivation* of Bishops and Deans. *Anno* 39 *Eliz. c.* 8.

Deprivatio à Beneficio is when, for some great Crime, a Minister is wholly and for ever deprived of his Living.

Deprivatio ab Officio is when a Minister is for ever *deprived* of his Orders, which is also called *Depositio* or *Degradatio,* and is commonly for some heinous Crime meriting Death, and performed by the Bishop in a solemn Manner.

De quibus sur Disseisin is a Writ of Entry. See *Fitz. Nat. Br. fol.* 191.

Der. Names of Places beginning with *Der* signify they were formerly where Wild Beasts herded together, from the Sax. Deop, *Fera;* unless the Situation was near some River.

Deraign, or Derayn, (*Disrationare, vel Dirationare,*) signifies generally To prove, as *Dirationabit jus suum hæres propinquior.* Glanv. lib. 2. cap. 6. And *Dirationavit terram illam in Curia mea,* He proved that Land to be his own. *Idem, lib.* 2. *cap.* 20. *Bracton* uses it in the same Sense, *Habeo sufficientem disrationcinationem & probationem, Lib.* 4. *tract.* 6. *c.* 16. And so he useth *Disrationare, Lib.* 4. *c.* 22. And to *Dereyn the Warranty, Old Nat. Br. fol.* 146. To *deraign* that Right, 3 *Edw.* 1. *cap.* 4. and *West-min.* 2. *cap.* 5. When the Parson of any Church is disturbed to demand Tithes in the next Parish, by a Writ of *Indicavit,* the Patron shall have a Writ to demand the Advowson of the Tithes, being in Demand; and when it is *deraigned,* then shall the Plea pass in the *Court Christian,* as far forth as it is *deraigned* in the King's Court. In some Places the Substantive *Dereinment* is used in the very literal Signification with the French *Desrayer,* or *Desranger,* that is, Turning out of Course, Displacing or setting out of Order; as, *Deraignment* or Departure out of Religion, *Anno* 31 *Hen.* 8, *cap.* 6. and 5 & 6 *Edw.* 6. *cap.* 13. And *Dereinment* or Discharge of their Profession, 33 *Hen.* 8. *cap.* 29. which is spoken of those Religious Men who forsook their Orders or Professions. So *Kitchin, fol.* 152. the Lessee enter into Religion, and afterwards is *deraigned.* And *Briton, cap.* 21. hath these Words *Semonsse desrenable,* for a Summons that may be challenged as defective, or not lawfully made. Of this you may read something more in *Skene, verbo, Disrationare;* where in one Signification he confounds it with our Waging and Making of Law. See *Lex Deraisnia.*

Derefeld, a Park: From the Sax. Deop, *Fera,* and Pelb, *Stabulum.*

De Revocatione 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 *Pryn's Animad. on the* 4 *Inst. fol.* 44.

Derbentio, *Auldby,* upon *Derwent* in *Yorkshire.*

Descent. See *Discent.*

De son tort demesne (Fr. *Rectius demene, i. e.* a Plot, Motion, or Enterprize) are Words of Form, used in an Action of Trespass by way of Reply to the Defendant's Plea. For Example; *A.* sues *B.* in such an Action; *B.* answers for himself, That he did that which *A.* calls a Trespass by the Command of *C.* his Master: *A.* saith again, That *B.* did it *de son tort demesne, sans ceo que C. lui command, modo & forma,* that is, *B.* did it of his own Wrong, without

without that that G. commanded him, in such Form, &c.

Despitus, *i. e.* a contemptible Person. 'Tis mentioned in *Fleta, lib.* 4. *cap.* 5. *par.* 4. viz. *Ballivi & servientes Regis populum sibi subditum gravare consueverunt, ponendo in Assisis & juratis homines languidos & Despitos, &c.*

Destrales. See *Dextrales* and *Dextrarius.*

Desubito, to weary one with continual barking, and then to bite, *viz. Si canis hominem Desubitet, aut mordeat tacitus, in primâ culpâ reddantur sex sol.* Leg. Alured. 26.

Detinet. See *Debito*, and *Debet & Solet.*

Detinue (*Detinenda*) is a Writ that lies against him, who having Goods or Chattels deliver'd to keep, refuses to redeliver them. See *Fitz. Nat. Br. fol.* 138. To this is answerable, in some Sort, *Actio depositi* in the Civil Law. And he takes his Action of *Detinue*, who intends to recover the Thing detained, and not the Damages sustained by the *Detinue. Kitchin, fol.* 176. See the *New Book of Entries*, verbo, *Detinue.*

Detractare, To be torn in Pieces with Horses. *Fleta, lib.* 1. *cap.* 37. *Apostatæ, Sacrilegi, & hujusmodi*, detractari *debent & comburi.*

Detunicare, To discover, or lay open. *Et sic suas proprias proditiones manifeste toto mundo* Detunicavit. Mat. Westm. Anno 1240.

Deva, the River *Dee* in *Cheshire.*

Deva, or **Devana**, *Chester*, or *West-Chester.*

Devadiatus. — *Si homo in villa delinquit & devadiatus evadit, nil inde habet Præpositus Regis.* Domesday, tit. *Sudrie*, *i. e.* Without Sureties or Pledges.

Devastaverunt bona Testatoris is a Writ lying against Executors for paying Legacies and Debts without Specialties, to the Prejudice of the Creditors that have Specialties, before the Debts on the said Specialties are due: For in this Case the Executors are as liable to Action, as if they had wasted the Goods of the Testator riotously, or converted them to their own Use; and are compellable to pay such Debts by Specialty out of their own Goods, to the Value of what they so paid illegally. For the orderly Payment of Debts and Legacies by Executors, so as to escape a *Devastaverunt*, or charging their own Goods, see the *Office of Executors, cap.* 12.

Devenerunt (Lat.) is a Writ heretofore directed to the Escheator when any Tenant of the King, holding *in Capite*, died; and when his Son and Heir, within Age, and in the King's Custody, died, then this Writ went forth, commanding the Escheator that he, by the Oath of good and lawful Men, enquire what Lands and Tenements, by the Death of the Tenant, *came* to the King. See *Dyer, fol.* 360. *Pl.* 4. and *Keilway's Rep. fol.* 199. *a.* Though this Writ, in the Sense abovesaid, be disused, yet a new Use of it is prescribed by Act of Parliament, 14 *Car.* 2. *cap.* 11. entituled, *An Act for preventing Frauds, and regulating Abuses in his Majesty's Customs.*

Devest (*Devestire*) is contrary to *Invest*; for as *Invest* signifies to deliver the Possession of any Thing, so *Devest* signifies the taking it away.

Devise, or **Divise**, (from the Fr. *Deviser*, To divide, or sort into several Parcels,) is properly that Act by which a Testator gives or bequeaths his Lands or Goods by his Last Will in Writing. He who makes the *Devise* is called the *Devisor*; and he to whom the *Devise* is made the *Devisee.* The Words of a Will the Law interprets in a large and more favourable Sense than those of a Deed: For if Land be *devised* to a Man to have to him for ever, or to have to him and his Assigns; in these two Cases the *Devisee* shall have a Feesimple; but *given* in the same Manner by Feoffment, he has but an Estate for Life. So if one *devise* Land to an Infant in his Mother's Belly, it is a good *Devise*: But 'tis otherwise by Feoffment, Grant, or Gift; for in those Cases there ought to be one of Ability to take presently, otherwise it is void. 14 *Eliz. Dyer* 304. and *Coke on Littl. fol.* 111.

Devoires of Calais (*Anno* 2 *Rich.* 2. *Stat.* 1. *cap.* 3.) were the Customs due to the King for Merchandize brought to, or carried out of *Calais*, when our Staple was there. — Paying their Customs and Devoyres to the King. *Anno* 34 *Ed.* 3. *c.* 18. *Devoir*, in *French*, signifies Duty.

Devorce. See *Divorce.*

Dextrarius, *Willielmus de Braosa dedit Regi tres dextrarios, quinque Chacuros & 24 Sensos, pro habenda seisina Castrorum de Grosmont, Skenefrith & Llantelie.* Rot. Char. in Tur. London. de Anno 7 Joh. n. 38. that is, Three Light Horses, or Horses for the Great Saddle: From the Fr. *Destrier*, which signifies a Horse for Service.

Dextrarius, in another Sense signifies, To take the Right-hand of another, *viz. Ordinatis igitur quæ fiunt in applausibus hujusmodi*, dextravit *archiepiscopum Londinensis Episcopus, sinistravit Wintoniensis. Dicet. in Anno* 1193.

Dextras dare, in Token of Friendship; which is used at this Day, by Shaking of Hands.

Jam pariter coeant animorum in pignora Dextræ.

'Tis mention'd by *Walsingham* as a Giving up himself to the Power of another, *Page* 332.

Diamicus, a very good Friend. *Non est narratu facile quam efficax fuit in cohortando* Diamicos & *Discipulos.* Malms. in vita, 1 Aldhelmi, cap. 3.

Diaprasium, an Electuary. *Diaprasii Coloris* is Green. *Du Fresne.*

Diarium, Daily Food; as much as was sufficient for the Day. *Constituit quædam* Diaria *dari scriptoribus.* Du Cange.

Diasperatus, Stained with many Colours. *Sandalia cum caligis de rubeo sanguineo* diasperato *brendata cum imaginibus Regum.* Mon. 3 Tom. pag. 314.

Dica, *i. e. Præstatio in taleolum relata. Et præter hoc debet magister marisculsiæ habere* Dicas *de donis & liberationibus quæ fuerint in Thesauro Regis.* Lib. Rub. Scaccar. fol. 30.

Dicker or **Dicre** of **Leather** is a Quantity consisting of ten Hides. The Word probably comes from the *Greek* Δεκάς, which signifies Ten. *Civitas Gloucestriæ reddebat* xxxvi Dicras *ferri*, Domesday; *i. e.* 36 *Dickers* of Iron, 10 Bars to the *Dicker. Gale's Hist. Brit.* 766.

Dictores, **Dictum**: The one is an Arbitrator; the other is the Arbitrament. *Protulit* Dictum *suum & sententiam pro Rege Angliæ.* Malms. pag. 384.

Dictum de Kenelworth was an Edict or Award between King *Henry* the Third and all those Barons, and others, who had been in Arms against him; and so called, because it was made at *Kenilworth-Castle*, in *Warwickshire*, *Anno* 51 *Hen.* 3. containing a Composition of five Years Rent for the Lands and Estates of those who had forfeited them in that Rebellion.

Diem clausit extremum was a Writ that issued out of the *Chancery* to the Escheator of the County, upon the Death of any of the King's Tenants in

in Capite, to enquire by a Jury of what Lands he died seised, and of what Value, and who was the next Heir to him. *Fitz. Nat. Br. fol.* 251.

Dies. In the Common-Law there are *Dies juridici*, and *Dies non juridici*. *Dies juridici* are all Days in Court wherein Justice is administred. *Dies non juridici*, or *nefasti*, are all *Sundays* in the Year; and in *Easter-Term* the Feast of the *Ascension* of our Lord, in *Trinity-Term* the Nativity of St. *John Baptist*, in *Michaelmas-Term* the Feasts of *All-Saints* and *All-Souls*; and in *Hillary-Term* the *Purification* of the Blessed Virgin *Mary*. And this was the ancient Law of *England*; and extends not only to Legal Proceedings, but to Contracts. 2 *Part. Inst. fol.* 264.

Dies, in some Authors, is taken for Daily Provision. *Et reddebat dimidiam diem mellis, &c. Et unam diem de firmâ*; that is, As much Honey as was sufficient for the King's Family for half a Day; and as much Provision as was enough for a whole Day. *Domesday, apud Spelman.*

Dies datus is a Day or Time of Respite, given to the Tenant or Defendant by the Court. *Broke, tit.* Continuance.

Dieta, a Journey, or Day's Journey. *Omnis rationabilis* Dieta *constat ex viginti miliaribus.* Fleta, lib. 4. cap. 28. par. 13.

Dieta rationabilis is in *Bracton* used for a reasonable Day's Journey. *Lib.* 3. *Tract.* 2. *cap.* 16.

Diffacere, To destroy. *Si vero non comparent Chartæ sed ab illo qui inservire vult* Diffacta *sit*, (that is, *Turni*) Du Cange.

Diffactio is a Maiming any one. *In furto & murdro & eis quæ ad* Diffactionem *pertinent.* Leg. H. 1. cap. 64, 92, 88.

Difforciare rectum, To deny Justice, being required to do it. *Si quisquam de proceribus regni* Difforciaverit *Archiepiscopo vel Archidiacono de se suisque justitiam exhibere dominus Rex debet eos justitiare.* Mat. Paris. Anno 1164. Sometimes it signifies To take away; as *Difforciare dotem.* See *Deforcement.*

Digestum, the Book of Pandects of the Civil Law; so called, because it contains *Legalia præcepta excellenter* Digesta. Du Cange.

Dignitaries (*Dignitarii*) are those who are advanced to the Ecclesiastical *Dignity* of Dean, Archdeacon, Prebendary, &c. See 3 *Part. Inst. fol.* 155.

Dignity Ecclesiastical (*Dignitas Ecclesiasticalis*) is mentioned in the Stat. 26 *Hen.* 8. *cap.* 31, & 32. *ejusdem, cap.* 15. And is by the Canonists defined to be *Administratio cum jurisdictione & potestate aliqua conjuncta*; whereof you may read Examples in *Duarenus, de Sacris Eccles. Ministris & Beneficiis, lib.* 2. *cap* 6. Of Dignities and Prebends *Camden* reckons in *England* 544. *Britan. pag.* 161.

Dilapidation (*Dilapidatio*) a wastful Spending or Destroying; or the letting Buildings run to Ruin and Decay for want of due Reparation. *Anno* 13 *Eliz. cap.* 10. Money recovered for *Dilapidations* shall be employed in Repair of the same Houses. *Anno* 14 *Eliz. cap.* 11.

Diligiatus, *i. e.* Outlawed. *De Lege ejectus*, viz. *Si quis* Diligiatus *legalem hominem accusat, suspectam dicimus vitam ejus.* Leg. H. 1. cap. 45.

Dimetæ, *West Wales, Caermarthen, Pembroke*, and *Cardiganshires.*

Dimidietas, the One half. *Sciant — quod ego Matilda* filia *Willielmi le Franceys dedi Walthero de Stevton* Dimidietatem *illius Burgagii*, &c. Sine dat. Ex libro Chart. Priorat. Leominstr.

Diœcesis (*Diœcesis*, from the *Greek* Δια, and οἴκησις) signifies with us the Circuit of every Bishop's Jurisdiction: For this Realm hath two Sorts of Divisions; one into *Shires*, or Counties, in respect of Temporal Policy; another into *Diœcesses*, in order to Jurisdiction Ecclesiastical, of which we reckon twenty two in *England*, and four in *Wales*. At first it signified a Parish; *Diœcesis propriè est baptismalis Ecclesiæ territorium & Gubernatio.* Du Cange.

Dirationare. See *Disrationare.*

Dirocheum, i. e. *Duplex refectio*, viz. *Ipsiusque loci Abbas Regi deserviens gregem sibi Commissum* Dirocheo, *i. e. Duplici pastu foveat.* Monast. 1 Tom. pag. 218.

Dirtup, a Pecuniary Punishment.

Disability (*Disabilitas*) is when a Man is *disabled*, or made incapable, to inherit or take that Benefit which otherwise he might have done: Which may happen four Ways; by the Act of the Party, or his Ancestor; by the Act of Law, or of God.

Disability by the Party's *own Act* is, If I bind my self, that upon Surrender of a Lease I will grant a new Estate to the Lessee, and afterwards I grant over my Reversion: In this Case, though I afterwards repurchase the Reversion, yet I have forfeited my Obligation, because I was once *disabled* to perform it. *Coke, lib.* 5. *fol.* 21. Also, if a Man be excommunicated, he cannot, during that Time, sue any Action, but shall be thereby *disabled. Coke, lib.* 8. *fol.* 69.

Disability by the *Act of an Ancestor* is, If a Man be attainted of Treason or Felony; by this Attainder his Blood is corrupt, and both himself and Children *disabled* to inherit.

Disability by the *Act of the Law* is most properly, when a Man by the sole Act of the Law is *disabled*: And so is an Alien born, who is *disabled* to take any Benefit thereby.

Disability by the *Act of God* is, where a Man is not of whole Memory, which *disables* him so, that in all Cases where he passeth any Estate out of him, it may after his Death be disannull'd; for it is a *Maxim* in Law, *That a Man of full Age shall never be receiv'd to* disable *his own Person. Coke, lib.* 4. *fol.* 123, 124.

Disadvocare, To deny, or not to acknowledge a Thing. 'Tis mentioned in *Hengham Magna, cap.* 4. viz. *Et ipse res dedisit in pleno Comitatu ipsi petenti hujusmodi servitia petita, & ipsum* Disadvocat *pro Domino.*

Disalt signifies as much as To *disable*. *Littleton*, in his Chapter of *Discontinuance.*

Disbosctatio, a turning Wood-ground in Arable or Pasture, an Assarting. See *Assart.*

Discaligatus, *i. e.* Without Shoes. *Dicentes nequaquam debere Regem adire tales* Discaligatos *ribaldos.* Walsingh. p. 248.

Discarcare, (from *Dis* and *Cargo.*) *Et prædictus Prior* Carcare & Discarcare *fecit ibidem Merchandisas & Denarratas quascunque, &c.* Pla. Parl. 18 Edw. 1. To unload.

Discarcatio, an Unloading. *Ex Codice M. S. in Turr. Lond.*

Discett. See *Deceit* and *Deceptione.*

Discent, (Lat. *Descensus*, Fr. *Descente*,) an Order or Means whereby Lands or Tenements are derived unto any Man from his Ancestors; as, To make his *Discent* from his Ancestors, (*Old Nat. Br. fol.* 101.) is, To shew how and by what particular Degrees the Land in Question came to him from his Ancestors. This *Discent* is either *Lineal* or *Collateral*: *Lineal Discent* is convey'd downward, in a Right-line, from the Grandfather to the Father,

and from the Father to the Son, and from the Son to the Nephew, &c. *Collateral Descent* springs out of the Side of the whole Blood, as Grandfather's Brother, Father's Brother, &c. If one die seised of Land, (in which another has Right to enter,) and it descends to his Heir, such *Descent* shall take away the other's Right of Entry, and put him to his Action for Recovery thereof. *Stat.* 32 *Hen.* 8. *c.* 33. *Coke in Litt. fol.* 237.

Disclaimer (from the Fr. *Clamer*, with the Privative *Dis*) is a Plea containing an express Denial, Renouncing or Disclaiming; as, If the Tenant sue a Replevin upon a Distress taken by the Lord, and the Lord avow, saying, That he holds of him as of his Lord, and that he distrained for Rent not paid, or Service not performed; then the Tenant, denying to hold of such Lord, is said to *disclaim*; and the Lord proving the Tenant to hold of him, the Tenant loseth his Land. Also a Man denying himself to be of the Blood or Kindred of another in his Plea, is said to *disclaim* his Blood. See *Coke on Littl. fol.* 102. and *Fitz. Nat. Br. fol.* 197. If a Man arraigned of Felony *disclaim* Goods, being cleared, he loseth them. See *Broke* and *New Book of Entries*, tit. *Disclaimer*, and *Staundf. Pl. Cor. fol.* 186. In *Chancery*, if a Defendant by his Answer *disclaim* the having any Interest in the Thing in Question, this is also called a *Disclaimer*.

Discontinuance (*Discontinuatio*) signifies an Interruption, Intermission, or Breaking off; as *Discontinuance* of Possession, or of Process. The Effect of *Discontinuance* of Possession is this; That a Man may not enter upon his own Land or Tenement alienated, whatsoever his Right be to it, of his own self, or by his own Authority, but must bring his Writ, and seek to recover Possession by Law; as, If a Man alien the Lands he hath in Right of his Wife; or if Tenant in Tail make any Feoffment, or Lease for Life, not warranted by the Stat. 32 *Hen.* 8. by Fine or Livery of Seisin; such Alienations are called *Discontinuances*: Which are indeed Impediments to an Entry, whereby the true Owner is left only to his Action. See the *Institutes of the Common-Law*, *cap.* 43. and *Coke's Reports*, *lib.* 3. *Case of* Fines.

The Effect of *Discontinuance* of Plea is, That the Opportunity of Prosecution is lost, and not recoverable but by beginning a new Suit: For to be *discontinued*, and to be put without Day, is all one, and nothing else but finally to be dismissed the Court for that Instant. So *Crompton*, in his *Jurisd. fol.* 131. useth it in these Words, *If a Justice-Seat be* discontinued *by the not coming of the Justices, the King may renew the same by his Writ*, &c. In this Signification, *Fitzherbert* (in his *Nat. Br.*) useth it divers Times; as, To *discontinue* the Right of his Wife, *fol.* 191. *L. Discontinuance* of an Action, *Discontinuance* of an Assize, *fol.* 182. *D.* 187. *B. Anno* 31 *Eliz. cap.* 1. — 12 *Car.* 2. *cap.* 4. and 14 *ejusdem*, *cap.* 10. *Coke on Littl. fol.* 325.

Disfranchise, (14 *Car.* 2. *cap.* 31.) To take away one's Freedom or Privilege. It is the contrary to *Enfranchise*; which *vide*.

Disgrading, or **Degrading**, (*Degradatio*,) is the Punishment of a Clerk, who, being delivered to his Ordinary, cannot purge himself of the Offence, whereof he was convict by the Jury; and it is the Privation or Devesting him of the Holy Orders which he had, as *Priesthood*, *Deaconship*, &c. *Staundf. Pl. Cr. fol.* 130, & 138. There is likewise the *Degrading* of a Lord, Knight, &c. Sir *Andrew Harcla*, Earl of *Carlisle*, was convicted, *degraded*, and attainted of Treason, *Hill.* 18 *Edw.* 2. *Coram Rege*, *Rot.* 34, 35. When Judgment was pronounced against him, his Sword broken over his Head, and his Spurs hewn off his Heels, Sir *Anthony Lucy*, the Judge, said to him, *Andrew*, now art thou no Knight, but a Knave. And by the Stat. 13 *Car.* 2. *cap.* 15. *William* Lord *Monson*, Sir *Henry Mildmay*, and others therein named, were *degraded* from all Titles of Honour, Dignities, and Prehemincies, and none of them to bear or use the Title of *Lord*, *Knight*, *Esquire*, or *Gentleman*, or any Coat of Arms, for ever after, &c. By the *Canon Law* there are two Sorts of *Degrading*; one *summary*, by Word only; the other *solemn*, by devesting the Party degraded of those Ornaments and Rights which are the Ensigns of his Order or Degree. See *Selden's Titles of Honours*, *fol.* 787.

In former Times the *Degrading* a Clerk was no more than a Displacing or Suspension from his Office: But the Canonists have since distinguished between a Deposition and a Degradation; the last being a greater Punishment, because the Bishop takes from the Criminal all the Badges of his Order, and afterwards delivers him to the Secular Judge, who deprives him of the Title of a Clerk. There are many Forms of *Degradation*, too long to enumerate here. *Du Cange*.

Disherison (Fr. *Desheritement*) is an old Word, signifying as much as *Disinheriting*. It is used in the Statute of *Vouchers*, made 20 *Edw.* 1. Our Lord the King considering his own Damage and Disherison of the Crown, &c. And in 8 *Rich.* 2. *cap.* 4.

Disheritor. — The Sheriff shall forthwith be punished as a Disheritor of our Lord the King, and his Crown. Anno 3 Edw. 1. c. 39. One that disinheriteth, or puts another out of his Inheritance.

Disme quinquinal. See *Quinquinal Dismes*.

Dismes (*Decimæ*) are Tithes, or the Tenth Part of all the Fruits, either of the Earth, or Beasts, or our Labour, due to God; and consequently to him who is of the Lord's Lot, and hath his Share, *viz.* our Pastor. Also the Tenths of all Spiritual Livings, yearly given to the Prince, (called a *Perpetual Disme*, *Anno* 2 & 3 *Edw.* 6. *c* 35.) which in ancient Times were paid to the Pope, till he gave them to *Richard* the Second, to aid him against *Charles* the *French* King, and those others that upheld *Clement* the Seventh against him. *Pol. Virg. Hist. Angl. lib.* 20. Lastly, it signifies a Tribute levied of the Temporalty. *Holinshed in Hen.* 2. *fol.* 111.

Disparagement (*Disparagatio*) was used especially for matching an Heir in Marriage under his or her Degree, or against Decency. See *Cowel's Institutes*, *tit. De Nuptiis*, *sect.* 6. and *Coke on Littl. fol.* 107. *b.*

Dispauper. When any Person, by Reason 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 fallen to him, or that the Court, where the Suit depends, think fit for that or other Reason to take away that Privilege from him, then he is said to be *dispaupered*, that is, put out of the Capacity of suing *in Forma Pauperis*.

Dispensa, a Buttery. *Habere debet uxor sub custodiâ suâ claves* Dispensæ *suæ*, *archæ suæ* & *scrinii sui*. Bract. lib. 3. tract. 2. cap. 31. par. 9.

Disperſonare, To diſparage, or ſcandalize. *Non es* Deperſonatus *mihi miniſtrando cum ſis filius Comitis, ego Regis & Reginæ.*

Diſtrationare, and **Dirationare**, (Fr. *Deſrainer*,) To juſtify or make good the Denial of a Fact. *Eſt contrarium ratiocinando aſſerere, vel quod aſſertum eſt ratiocinando deſtruere.* We now call it *Traverſare*, or Traverſe. *Dirationare ſe* has been uſed to clear ones ſelf of a Crime. See *Gloſſ. in decem Scriptores* and *Diraign. Sciatis me dediſſe Deo & Eccleſiæ & Roberto Epiſcopo Lincolniæ 12 bovatas terræ quas Radulfus Baſſet* Diſtrationavit *eſſe in Dominio meo.* Mon. 3 Tom. pag. 265.

Diſſignare, To break open a Seal. *Sepulto patre Teſtamentum* diſſignatum *eſt.* Neubrigenſis, lib. 2. cap. 7.

Diſſeiſin (Fr. *Diſſaiſin*, not from *Diſſeiſir*, as *Cowel* miſtakes it) ſignifies an unlawful Diſpoſſeſſing a Man of his Land, Tenement, or other immoveable or incorporeal Right. And how far this extends, ſee *Bracton, lib.* 4. *cap.* 3. Therefore the Aſſiſes are called *Writs of Diſſeiſin*, that lie againſt *Diſſeiſors* in any Caſe; whereof ſome are termed little Writs of *Diſſeiſin*, being *Viconteil*, that is, ſuable before the *Sheriff* in the County-Court, becauſe determinable by him without Aſſiſe. *Reg. of Writs, fol.* 98. As, for Nuſances of no great Prejudice.

Diſſeiſin is of two Sorts; either *Simple Diſſeiſin*, committed by Day without Force and Arms, (*Bracton, lib.* 4. *cap.* 4. *Briton, cap.* 42, 43, 44.) or *Diſſeiſin by Force*: For which ſee *Deforcer* and *Freſh Diſſeiſin*; ſee *Rediſſeiſin* and *Poſt-diſſeiſin*; ſee *Skene, verbo Diſſeiſin.* How many Ways *Diſſeiſin* is committed, ſee *Fleta, lib.* 4. *cap.* 1. *ſect. Fit autem*; and when it is lawful, *cap.* 2. Wrongful *Diſſeiſin* is no Deſcent in Law. 32 *Hen.* 8. *cap.* 33.

Diſſeiſor is he that diſſeiſeth or puts another out of his Land: And *Diſſeiſee* is he that is ſo put out. *Anno* 4 *Hen.* 4. *cap.* 7.

Diſſeiſoreſs is ſhe that diſſeiſeth another. *Coke on Littl. fol.* 357. *b.*

Diſtreſs, (Fr.) ſignifies moſt commonly a Compulſion in certain Real Actions, to cauſe a Man to appear in Court, or to pay Rent or other Duty denied: or it is the Thing *diſtreined.* The Effect whereof moſt commonly is, To compel the Party diſtreined to replevy the *Diſtreſs*, and ſo take his Action of Treſpaſs againſt the Diſtreiner; or elſe to compound neighbourly with him for the Debt or Duty for which he diſtreins. There are divers Things not diſtreinable, as another Man's Gown in the Houſe of a Tailor, or Cloth in the Houſe of a Fuller, Sheerman, or Weaver: For they, being common Artificers, it is preſumed ſuch Things belong not to themſelves, but to others. *Victual* is not diſtreinable, nor *Corn* in Sheaves, unleſs they be in a Cart: For a Diſtreſs ought to be of ſuch Things whereof the Sheriff may make Replevin, and deliver again in as good Caſe as they were at the Time of the Taking. A Man may *Diſtrein* for Homage of his Tenant, for Fealty, Eſcuage, and other Services, and for Fines, and Amerciaments, aſſeſſed in a Leet, (but not in a Court Baron,) and for Damage feaſant, *&c.* but not for Rent due for any Land, except upon the ſame Land charged therewith, *&c.* When one hath taken a *Diſtreſs*, it behoves him to bring it to the Common Pound, or he may keep it in an open Place, ſo that he give Notice to the Party, that he (if the *Diſtreſs* be a Quick Beaſt) may give it Food. See the Stat. *De diſtrictione Scaccarii*, 51 *Hen.* 3.

Diſtreſs is by *Briton, cap.* 71. divided into *Perſonal* and *Real*. *Diſtreſs Perſonal* is made by diſtreining a Man's moveable Goods, and ſeiſing all the Profits of his Lands and Tenements, from the *Teſte*, or Date of the Writ, for the Defendant's Contempt, in not appearing to an Action brought againſt him, after he was ſummoned or attached; and the Iſſues ſo returned by the Sheriffs are forfeited to the King, and eſtreated into the *Exchequer.*

Diſtreſs Real is made upon immoveable Goods. This differs from an *Attachment*; for that it cannot be taken by any common Perſon without the Compaſs of his own Fee; except it be preſently after the Cattle, or other Thing, are driven or born off the Ground, purpoſely to avoid the Diſtreſs. *Fitz. Nat. Br. fol.* 904. See *Attache*, and the Statute 17 *Car.* 2. *cap.* 7.

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 Trial of the Action, as once, twice, *&c.* *Old Nat. Br. fol.* 43. *Diſtreſs Infinite* is without Limitation, until the Party come; as againſt a Jury, which refuſeth to appear upon Certificate of Aſſiſe, the Proceſs is *Venire facias, Habeas corpora*, and *Diſtreſs Infinite*: *Old Nat. Br. fol.* 113. Then it is divided into a *Grand Diſtreſs*, (*Anno* 52 *Hen.* 3. *cap.* 7.) which *Fitzherbert* calls *Magnam Diſtrictionem*, and an *Ordinary Diſtreſs*. A *Grand Diſtreſs* is that which is made of all the Goods and Chattels that the Party hath within the County. *Briton, cap.* 26. *fol.* 52. But ſee whether it be not ſometimes *all one* with a *Diſtreſs Infinite. Idem. fol.* 80. with whom alſo the Statute of *Marlbridge* ſeems to agree. *Anno* 52 *H.* 3. *cap.* 7, 9, & 12. See *Grand Diſtreſs* and *Attachment.*

Diſtrict (*Diſtrictus*) is the Place in which a Man hath the Power of Diſtreining, or the Circuit or Territory wherein one may be compelled to appear. *Briton, cap.* 120. Where we ſay, *Hors de ſon Fee*; others ſay, *Extra diſtrictum ſuum.*

Diſtringas is a Writ directed to the Sheriff, or any other Officer, commanding him to diſtrein one for a Debt to the King, *&c.* or for his not Appearance at a Day. See great Diverſity of this Writ in the *Table of Regiſter. Judic. verbo Diſtringas.* This was ſometimes of old called *Conſtringas*, as appears by this Writ, *Lib. Rameſ. ſect.* 227. Henricus *Rex Angliæ hominibus Abbatis de* Rameſia *ſalutem. Præcipio quod eito & juſtè reddatis Abbati Domino veſtro, quicquid ei debetis in cenſu, & firma, & debitis, & placitis, ſicut juſtè monſtrare poterit quod ei debeatis. Quod ſi nolueritis, ipſe vos inde* conſtringat *per pecuniam veſtram. Teſte Cancellar. apud Gloceſter.* By *Pecuniam veſtram*, in thoſe Days, was underſtood *Bona & catalla.*

Divadiatus, *i. e.* a Thing given in Pledge. 'Tis often mentioned in *Domeſday*, viz. *Si abierit domum non apprehenſus vel* Divadiatus, *Gale* 760. So in *Leg. H* 1 *cap.* 57. *Niſi quis retentus vel* Divadiatus *ſit vel plegiatus pro culpâ ſuâ, &c.*

Dividenda, in the *Exchequer*, ſeems to be one Part of an Indenture. *Anno* 10 *Edw.* 1. *cap.* 11. and 28 *ejuſdem, Stat.* 3. *cap.* 2.

Dividenda was anciently uſed for *Indentura. Clauſ.* 6 *Edw.* 2. *in Dorſo. M.* 24. *& Stat. de Eſcheatoribus*, 29 *Edw.* 1.

Diviſa ſignifies a Deviſe of Goods by a laſt Will, and ſometimes a Will it ſelf. *Gervas Dorob.* writing of the Will of *Henry* II. *Anno* 1182, tells us, *Notum facio quod apud Walthum feci* diviſam *meam de quadam parte pecuniæ meæ in hunc modum, &c.* Sometimes

times tis taken for a Charity given by a last Will; as in *Eadmerus, lib. 1. pag. 8, Huic quadem vice solidi quinque de illis (nam* Divisæ *per temporum vices conferebantur) ex præcepto ejus dati sunt, &c.* Sometimes it signifies a Parcel or Portion of Land devised by a last Will, or sat apart, *Divisis Limitibus.* Leg. Inæ, cap. 44. *Ceorli habeant herbagium in Communi, vel aliam compascualem terram vel* Divisam *claudendam.* Sometimes 'tis taken for the Bounds of a Place or Farm, as in *Leg. H. 1. cap. 57. Si inter comparet vicinos utrinque sint quersha, conveniant ad* divisas *terrarum.* And sometimes it signifies an Award, as in *Leg. H. 2. cap. 9. Omnis causa terminetur vel in Comitatu vel* divisis *parium.*

Divise. See *Devise.*

Divorce (*Divortium, à divertendo*) is a Separation of two *de facto* married together; of which there are two Kinds; one *à Vinculo Matrimonii*; the other *à Mensa & Thoro.* The Woman divorced *à Vinculo Matrimonii*, receives all again that she brought with her. This only arises upon a Nullity of the Marriage, through some essential Impediment, as Consanguinity or Affinity within the Degrees forbidden, Precontract, Impotency, *&c.* Of which Impediments the Canon Law allows fourteen, comprehended in these Verses:

Error, Conditio, Votum, Cognatio, Crimen,
Cultus, Disparitas, Vis, Ordo, Ligamen, Honestas,
Si sis affinis, Si forte coire nequibis,
Si Parochi & duplicis desit præsentia testis,
Raptave sit mulier, nec parti reddita tuta.

Divorce is a Judgment Spiritual; wherefore, if there be Occasion, it ought to be reversed in the Spiritual Court. See *Coke, lib. 7. Kenne's* Case. *Idem, lib. 5. fol* 98. and *on Littl. fol.* 235.

In the Old Law, the Woman divorced was to have of her Husband a Writing (as St. *Jerome* and *Josephus* testify) to this Effect, *I promise, that hereafter I will lay no claim to thee*; which was called, *A Bill of Divorce.*

Diurnalis, as much Land as can be plowed in a Day with one Ox; an Acre of Land. In some Authors 'tis wrote *Diuturna. Similiter concedi duas* Diuturnas *telluris.*

Dobuni, *Gloucestershire* and *Oxfordshire*, or the Inhabitants of that Part of *Oxfordshire* next *Gloucestershire.*

Docket is a Brief in Writing. *Anno 2 & 3 Ph. & Ma. cap. 6. West* writes it *Dogget*; by whom it seems to be some small Piece of Paper or Parchment, containing the Effect of a greater Writing. *Symbol. par. 2. tit.* Fines, *sect.* 106.

To **Do Law** (*Facere Legem*) is as much as to *make Law. Anno* 23 *Hen. 6. cap.* 14. See *Make.*

Dog-Days are sixty four in all, *à tertio Idus Julii usque in Idus Septembris.*

Dog-draw is a manifest Deprehension of an Offender against Venison in a Forest, when he is found *drawing* after a Deer by the Scent of a Hound, led in his Hand. There are four of these noted by *Manwood, par. 2. cap. 18. num. 9. viz.* **Stable-stand, Dog-draw, Back-bear, and Hue-up-hand.**

Dogger, a Kind of a little Ship. *Anno* 31 *Ed. 3. Stat. 3. cap 1.* All the Ships called Doggers and Landships, &c.

Dogger-fish (*Ibidem, cap 2*) seems to be Fish brought in those Ships to *Blackness*-Haven, *&c.*

Dogger-Men. (25 *Hen. 8. cap. 4.*) Fishermen that belong to Dogger-Ships.

Dogget. See *Docket.*

Doitkin was a Kind of base Coin of small Value, prohibited by the Statute 3 *Hen. 5. cap. 1.* Hence we still retain the Phrase, *Not worth a Doitkin.*

Dole (*Dola*, Sax. Dæl, *Pars, portio*, from Delan, *Dividere, Distribuere*) is a Part or Portion most commonly of a Meadow, so called to this Day; as *Dole-Meadow*, (*Anno* 4 *Jac. cap.* 11.) where several Persons have Shares. *In le Suthmede (i. e. prato australi) habet Prior per spontem illam vocatam* Ermenpzell, *tres* Dolas, *sicut sori illa cadit. Et in qualibet* Dola, *habet 4 Pollas, sive ostendens (i. e.* Swaths) *jacentes simul.* Lib. Priorat. Dunstable, cap. 5.

Dolefish seems to be that Fish which the Fishermen, yearly employed in the North Seas, do of Custom receive for their Allowance or Shares. See the Stat. 35 *Hen. 8. cap. 7.*

Dolg-bote, (Sax.) a Recompence, Amends, or Satisfaction, made for a Scar or Wound. *Sax. Dict. LL. Alfredi Regis, cap.* 23. Dolgbot *legitur.*

Dom and Doom, Words used in ancient Charters, signifying a Power of Judging, and Security in Possessing. See *Doom.*

Dom-boc, (Sax.) *Liber Judicialis. Leg. Edwardi Regis senioris, cap. 8.* Bede ypa Domboc tæce, i. e. *Compenset sicut Liber judicialis statuerit.* Some Book of Statutes or Decrees proper to the *English Saxons*; such, haply, as that wherein the Laws of former *Saxon* Kings were contained. That Chapter seeming to refer to the Laws of King *Ina*, *cap.* 29.

Dome, or Doom, (Sax. Dom,) a Judgment, Sentence, Ordinance, or Decree. The Homager's Oath in the *Black Book of Hereford, fol.* 46. ends thus, — So help me God at his Holy Dome, and by my Troowthe. See *Doom.*

Domesday, (*Liber Judiciarius, vel Censualis Angliæ*, from the *Saxon* Dom, i. e. *Census vel Æstimatio*, not *Domisdei*, nor *Domus Dei*, as some Authors write it,) is a most ancient Record, made in *William* the Conqueror's Time, and now remaining in the *Exchequer* fair and legible, consisting of two Volumes, a greater and a less; the greater comprehending all the Counties of *England*, except *Northumberland, Cumberland, Westmorland, Durham*, and Part of *Lancashire*, which were never survey'd; and except *Essex, Suffolk*, and *Norfolk*, which three are comprehended in the lesser Volume, which concludes with these Words; *Anno Millesimo Octogesimo Sexto ab Incarnatione Domini, vigesimo verò Regni Willielmi, facta est ista descriptio, non solum per hos tres Comitatus, sed etiam alios.* It is called *Liber Judiciarius, quia in eo totius Regni descriptio diligenti continetur, singulorumque possessorum valentia septimatim.* And Domesday, (as *Gervas. Tilbur.* says,) *Non quod in eo de præpositis aliquibus dubiis feratur sententia, sed quod à prædicto Judicio non licebit ulla ratione discedere.* It was begun by five Justices, assigned for the Purpose in each County, in the Year 1081, and finished 1086. *Camden* calls it *Gulielmi Librum Censualem*, the Tax-Book of King *William.* See more of it in *Sp. Jur. Gloss.* and 4 *Inst. fol.* 269. The Dean and Chapter of *York* have a Register called also *Domesday*; so has the Bishop of *Worcester*: And there is an ancient Roll in *Chester-Castle* called *Domesday-Roll.*

Our Ancestors had many *Dome-Books*: We are told by *Ingulphus, pag.* 876, and 908. that King *Alfred* made *Tales Rotulatos qualem Gulielmus nothus*, which he

he called *Domesday*; and sometimes the *Winchester-Roll*, because it was kept there.

The *Domesday-Book* made by *Will.* 1. referred to the Time of *Edward* the Confessor, as that of King *Alfred* did to the Time of *Æthelred*: For the Entries are thus made, C. *tenet Rex Willielmus in dominico & valet, &c. ibi carucatæ, &c.* T. R. E. *valebat, &c. i. e.* It was worth so much, *tempore Regis Edwardi.* And this Book is called *Magna Rolla Winton.*

The third Book, which differs from the other in Form more than Matter, was made by the Command of the same King. The one being large, and in *Folio*, but this lesser, and in *Quarto*, it seems to be the more ancient of two. 'Tis fairer written, and hath very few Razures. See *Monasticon*, 1 *Tom. pag.* 272.

'Tis probable *Ingulphus*, though he lived near those Days, never saw these Books; for he writes of incorporating these Rolls, as if at that Time they had not been made up in two Volumes: Of both which the Honourable Sir *John Trevor*, Master of the Rolls, hath a very fine and exact Copy.

There is a fourth Book kept in the *Exchequer*, which is called *Domesday*; and though a great Volume, is only an Abridgment of the other two. It hath many Pictures and gilt Letters in the Beginning, which refer to the Time of *Edward* the Confessor. And this led him who made *Notes* on *Fitzherbert's Register* into a Mistake, who, in *Fol.* 14. tells us, that *Liber* Domesday *factus fuit tempore Regis Edwardi.*

There is a fifth Book kept in the *Remembrancer's* Office, which is the very same with the fourth before mentioned.

'Tis generally known that the Question, Whether Lands are Ancient Demesn, or not, is to be decided by the *Domesday* of *Will.* 1. from whence there is no Appeal; nor is there any Averment to be made against it: And 'tis a Book of that Authority, that even the Conqueror himself submitted some Cases, wherein he was concerned, to be decided by it. What is contained in this Book appears by these old Verses.

Quid deberetur fisco, quæ, quanta Tributa,
Nomine quid Census, quæ vectigalia, quantum
Quisque teneretur feodali solvere jure,
Qui sunt exempti, vel quos Angaria damnat,
Qui sint vel Glebæ servi, vel Conditionis,
Quove manumissus patrono jure ligatur.

Domicellus and **Domicella.** *John* of *Gaunt*, Duke of *Lancaster*, had by *Katherine Swinford*, before Marriage, four Illegitimate Children, *viz. Henry, John, Thomas*, and *Joan*; and because they were born at *Beaufort* in *France*, they were vulgarly called *Henry de Beaufort, &c. John* before 20 *Rich.* 2. was knighted, and *Henry* became Priest. At the Parliament holden 20 *Rich.* 2. the King by his *Charter* did legitimate these Children. *Rex, — Charissimis consanguineis nostris nobilibus viris Johanni Militi, Henrico Clerico, Thomæ* Domicello *ac dilectæ nobis nobili mulieri Johannæ Beaufort* Domicellæ, *Germanis præcharissimi Avunculi nostri, Johannis Ducis Lanc. natis ligeis nostris, salutem, &c. Teste Rege apud Westm.* 9. *die Febr. per ipsum Regem in Parliamento.* In this Act (says Sir *Edward Coke*, 4 *Inst. fol.* 37.) the said *Thomas*, could not be called *Esquire*, and therefore had the Addition *Domicello*, which (says he) signifies a young Soldier not yet knighted, or nobly born, *&c.* which is a Mistake: For there is no such *French* Word as *Domoicel*, but *Damoisel.* Nor can *Domicellus* properly be derived from thence, but is an obsolete *Latin* Word, anciently given as an Appellation or Addition to the King's (Natural) Sons in *France*, and sometimes to the eldest Sons of Noblemen there; whence, doubtless, we borrow the Words. See *Spel. Gloss. verbo* Domicellus. *Tidemannus permissione Divina Wigorn. Episcopus dilecto in Christo filio Johanni de Fulwode nostra Dioc.* Domicello, *salutem. — Dat.* 7 *Febr.* 19 *Rich.* 2. Here it is used to a private Gentleman, as Lord of a Manor. — *Sed nos indiscrete de pluribus Dominis, quia Barones vocamus* Domicellos, *Angli verò nullum nisi natos Regum, &c.* Hoveden, fol. 347. n. 50.

But *Domicelli* are only the better Sort of Servants, as appears by *Thorn. fol.* 1748. Domicellus *Abbatis*, and Domicelli & *Servientes Monasterii*, pag. 1990.

Domigerium, Danger. *Credebant Londinenses quod per hæc dma* Domigerium *evasissent.* Walsingh. 1392. *Emolumentum Regi accrevit &* Domigerium *ad populum.* Knighton, Anno 1352. In another Place 'tis taken for Power over another; *Sub* domigerio *alicujus vel manu esse.* Bract. lib. 4. tract. 1. cap. 19. par. 2.

Dominica in Ramis Palmarum, Palm-Sunday. *Md. quod ego Henricus de Erdington feci Homagium & Fidelitatem Domino Will. de Stafford apud Bromshulf in Com. Staff. die Mercurii prox. ante* Dominicam in Ramis Palmarum, *Anno Regni Regis Edw. xxiii. pro terris & tenementis quæ teneo in Villa de Humstanscot in Com. War. &c.*

Dominus, in ancient Times, being prefixed to a Name, usually denoted him a Knight, or a Clergy-Man; for so we find it often in Charters, with *His Festibus, Domino Edwardo de Sancto Mauro, Domino Willielmo Blount, &c.* Howbeit, I think sometimes that Title was given to a Gentleman of Quality, though not a Knight, especially if he were Lord of a Manor.

Domo Reparanda is a Writ that lies for one against his Neighbour, by the Fall of whose House he fears Damage to his own. *Reg. of Writs, fol.* 153. In which Case the *Civilians* have the Action *De damno infecto.*

Domus Conversorum. See *Rolls.*

Domus Dei, the Hospital of St. *Julian* in *Southampton*, so called. *Mon. Angl.* 2. *par. fol.* 440. *b.*

Donative (*Donativum*) is a Benefice merely given and collated by the Patron to a Man, without either Presentation to, or Institution by, the Ordinary, or Induction by his Command. *Fitz. Nat. Br. fol.* 35. *E.* See the *Stat.* 8 *Rich.* 2. *cap.* 4. And where a Bishop hath the Gift of a Benefice, it is properly called a *Donative*, because he cannot present to himself. *Petrus Gregorius, de Beneficiis, cap.* 11. *num.* 1. hath these Words, — *If Chapels founded by Laymen were not approved by the Diocesan, and (as they term it) spiritualized, they are not accounted* Benefices, *neither can they be conferred by the Bishop, but remain to the pious Disposition of the Founders; wherefore the Founders and their Heirs may give such Chapels, if they will, without the Bishop. Gwin*, in the *Preface* to his *Readings*, saith, That the King might of ancient Time found a Free-Chapel, and exempt it from the Jurisdiction of a Diocesan. So may he, by his Letters Patent, give Licence to a common Person to found such a Chapel, and make it *Donative*, not presentable; and that the Chaplain shall be deprivable by the Founder, or his Heir, and not by the Bishop, which seems to be the Original of *Donatives* in *England.* All Bishopricks

ticks were, in ancient Time, *Donative* by the King. *Coke, lib. 3. fol. 75.*

Donor is he who *gives* Lands or Tenements to another in Tail; and *Donee* is he to whom the same are given.

Doom or **Dome**, (*Sax.* Dom.) a Judgment, Sentence, Ordinance or Decree; also Sense or Signification. *Substantiva quadam* (says Mr. *Somner*) *exeunt in* Dom, *ubi compositionis gratia videtur appositum, & quandoque nunus denotat vel* Officium, *item* Ditionem *&* Dominium, *ut in* Kingdom, Earldom, *&c.* —— *Habeat Girthbriche & Forstal, & Dom, & Som, & Wreche in Mori.* Mon. Angl. 1. par. fol. 284. 2. See *Oath.*

Donetter. See *Durnovaria.*

Dorobernia. *Canterbury.*

Dorsale, a Cloth or Curtain, hanging in the Choire, so called because *Sedenti ad dorsum appenditur.*

Tresque dedit cappas, dorsalia plura, tapetas.

Dorsile. See *dorsale.*

Dorture (*Dormitorium*) is the Common Room or Chamber, where all the Religious of one Convent slept and lay all Night. *Anno 25 Hen. 8. cap. 11.*

Dosens, Streight Cloaths made in *Devonshire*, and so called in *Rot. Parl. 2 Hen. 5.*

Dossale. See *Dorsale.*

Dote Assignando is a Writ that lay for a Widow, where it was found by Office, That the King's Tenant was seised of Tenements in Fee or Fee-Tail, at the Day of his Death; and that he held of the King in Chief, *&c.* In which Case, the Widow came into the *Chancery*, and there made Oath, That she would not marry without the King's leave. *Anno 15 Edw. 3. cap. 4.* And hereupon she had this Writ to the Escheator, for which, see *Reg. of Writs, fol.* 297. and *Fitz. Nat. Br. fol.* 263. These Widows are called the *King's Widows.* See *Widow.*

Dote unde nihil habet is a Writ of Dower that lies for the Widow, against the Tenant, who bought Land of her Husband in his Life-time, whereof he was solely seised in Fee-simple or Fee-tail, in such sort, as the Issue of them both might have inherited. *Fitz. Nat. Br. fol.* 147.

Dotis Admensuratione. See *Admeasurement*, and *Reg. of Writs, fol.* 171.

Double Plea (*Duplex Placitum*,) is that wherein the Defendant alledgeth for himself two several Matters in *Bar* of the Plaintiff's Action, whereof either is sufficient to effect his desire, which shall not be admitted for a Plea. As, if a Man alledge several matters, the one nothing depending upon the other, the *Plea* is accounted *Double*, and not admittable; but, if they be mutually depending each of other, then it is accounted single, *Kitchin, fol.* 223. See *Brook, hoc tit.* And Sir *Tho. Smith* gives this Reason why such *Double Plea* is not admitted by our Law; because the Trial is by Twelve rude Men, whose Heads are not to be troubled with over many Things at once. *Lib. 2. de Rep. Angl. cap.* 13.

Double Quarrel, (*Duplex Querela*,) Is a Complaint made by any Clerk, or other, to the Archbishop of the Province, against an Inferior Ordinary, for delaying Justice in some Cause Ecclesiastical; as to give Sentence, institute a Clerk presented, or the like; and seems to be termed a *Double Quarrel*, because it is most commonly made against both the Judge and him, at whose Suit Justice is delayed. *Cowel's Interp.*

Doubles (*Anno* 14 *Hen.* 6. *cap.* 6.) Signifie as much as Letters Patent, being a *French* Word made of the *Latin Diploma.*

Douber. See *Dubris.*

Douze Peers were Twelve Peers in *Henry* the Third's Time, who were appointed at the instance of the Barons, to be as Privy Counsellors to the King, or rather *Conservators* of the Kingdom.

Dou, to give, from the *Latin*, *Do.*

Dowager, (*Dotissa*) A Widow endowed, or that hath a Jointure; a Title or Addition, applied to the Widows of Princes, Dukes, Earls, and Persons of Honour only.

Dowcates, the same with *Dovecotes.*

Dower, (*Dos* and *Dotarium*) The first (*Dos*) properly signifies that which the Wife brings her Husband in Marriage, otherwise called *Maritagium*, Marriage-Goods: The other, (*Dotarium* or *Dotrium*) that Portion of Lands or Tenements which she hath for Term of her Life from her Husband, if she out-live him. *Glanvile, lib. 7. cap. 1. Bracton, lib. 2. cap. 38. Britton, cap. 101. in Princip.* Some Authors have for distinction, called the First a *Dowry*, and the other a *Dower*, but they are often confounded. Of the former our Law-Books speak little, of the later, there are five Kinds, *viz.*

1. Dower *per Legem Communem.*
2. Dower *per Consuetudinem.*
3. Dower *ex Assensu Patris.*
4. Dower *ad Ostium Ecclesiæ.*
5. Dower *de la plus Belle.*

Dower by the Common Law is a Third Part of such Lands, as the Husband was sole seised of in Fee, during the Marriage, which the Wife is to enjoy during her Life; for which there lies a Writ of *Dower*. *Dower by Custom* gives the Wife, in some places, half her Husband's Lands, so long as she lives sole, as in *Gavelkind*: And as *Custom* may enlarge, so may it abridge *Dower*, and restrain it to a fourth Part: *Ex Assensu Patris, ad Ostium Ecclesiæ*, the Wife may have so much *Dower*, as shall be so assigned or agreed upon, but it ought not to exceed a third part of the Husband's Lands. *Glanv. lib. 6. cap.* 1. And if it be done before Marriage, it is called a *Jointure*. *Dower de la plus Belle* is when the Wife is endowed of the *fairest* or best part of her Husband's Estate. See *Coke on Litt. fol.* 33. *b. Romanis non in usu fuit uxoribus* Dotes *retribuere, ideo verbo genuino carent quo hoc dignoscitur; & rem ipsam ut Germanorum moribus minatur* Tacitus, *Dotem (inquit) non uxor marito, sed uxori maritus affert.* Spelm.

To the Consummation of *Dower* three Things are necessary, *viz. Marriage, Seisin*, and the *Husband's Death. Bingham's Case*, 2 *Rep.* 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 reconcil'd, she loseth her *Dower*, by the Stat. of *Westm.* 2. *cap.* 34. 2 *Part. Inst. fol.* 433.

Camden, (in his *Brit. tit. Sussex*) relates this memorable Case, (out of the Parl. Records, 30 *Edw.* 1.) Sir *John Cambis*, Son of the Lord *Ralph Gamois*, of his own free Will, gave and demised his own Wife, *Margaret*, Daughter and Heir of *John de Gaesden*, unto Sir *Will. Pawell*, Knight; and unto the same *William*, Gave, Granted, Released and Quit-claimed all her Goods and Chattels, *&c.* So that neither he himself, nor any Man else in his

Name, might make Claim, or ever challenge any Interest in the said *Margaret*, or in her Goods or Chattels, &c. By which Grant, when she demanded her *Dower* in the Manor of *Torpell*, part of the Possessions of Sir *John Camois*, her first Husband, then deceased, there grew a memorable Suit in Law, but wherein she was overthrown, and Judgment pronounced (in Parliament 30 *Ed.* 1.) *That she ought to have no* Dower *from thence*, upon the Stat. of *Westm.* 2. *Quia recessit a marito suo in vita sua, & vixit ut Adulterio cum prædicto Gulielmo, &c.* This Case is cited also in 2 *Inst. fol.* 435.

Of Dower, Read *Fleta*, who writes largely and learnedly of it, *Lib.* 5. *cap.* 22. & *seq.*

Among the *Jews*, the Bridegroom, at the Time of the Marriage, gave his Wife a *Dower-Bill*, the Form whereof you may see in *Moses and Aaron*, *pag.* 235.

Dowle and **Deal**, a Division, from the *Sax.* **Dal**, *divisio*, from the *Sax.* **Dælan**, *dividere*, and from thence comes the Word *Dealing*. So the Stones which are laid to the Boundaries of Lands, are called *Dowlestones*, *i. e.* such which divide the Lands.

Dowlesines, a sort *Kerseys* made in *Devonshire*, in length twelve Yards.

Dozein (*Decenna*) in the Stat. for *View of Frankpledge*, made 18 *Edw.* 2. one of the Articles for Stewards in their Leets to enquire of, is, If all the Dozeins be in the Leets of our Lord the King, and which not, and who received them. *Art.* 3. See *Decinera*. Also there is a sort of *Devonshire* Kerseys, called *Dozeins*, *Anno* 5 & 6. *Ed.* 6. *cap.* 6.

Drags, *Anno* 6. *Rich.* 2. *cap.* 5. seem to be Wood or Timber, so joined together, as that, swimming or floating upon the Water, they may bear a burden or load of other Wares down the River.

Draficus. Grains. *Et prebendam quotidianam ad duos equos de Granario nostro sumendum unum cribrum furfuris & majorem curam de* Draco, *unaquaque septimana.* Matt. Paris. *in vita Abbat. S. Albani.*

Dragmatches, *Anno* 9. *Edw.* 3. *cap.* 14. and 7 *Rich.* 2. *cap.* 5. *Lamb. Eir. in Eirenarch. lib.* 2. *cap.* 6.) calls them *Miching Thieves*; as *Wasters* and *Roberdimens*, *mighty Thieves*; saying, the Words are grown out of use.

Dreit. **Dreit** signifies a double right, that is, *jus possessionis & jus Dominii.* *Bracton lib.* 4. *cap.* 27. and *lib.* 4. *Tract.* 4. *cap.* 4. and *lib.* 5. *Tract.* 3. *cap.* 5. *Coke on Littl. fol.* 266.

Drenched is an obsolete Word, and signifies to overcome, from the *Germ.* **Dringen**, *cogere.*

Drenches or **Drenges** (*Drengi*) were *Tenentes in Capite*, says an ancient MS. *Domesday* Tit. Lestresc. Roger. Pictaviens. Neutonn. *Hujus Manerii valuit terram* 15 *homines, quos* **Drenches** *vocabant, pro* 15 *Maneriis tenebant.* They were, (says *Spelman*) *è genere vassallorum non ignobilium, cum singuli qui in Domesd. nominantur singula possiderent Maneria.* Such as at the coming in of the Conqueror, being put out of their Estates, were afterward upon complaint unto him restored thereunto; for that they being before Owners thereof, were neither *in auxilio* or *consilio* against him: Of which number were *Edwyne* a *Dane*, *Sharneburne* of *Norfolk*, and others. Sir *Edward Coke*, on *Littl. fol.* 5. *b.* says, *Drenchs* are Free-Tenants of a Manor: Misprinted doubtless for *Drenches*, and not well interpreted. See *Baron. Angliæ*, *fol.* 118. *a.* *Im* Cukeney *manebat quidam homo, qui vocabatur* Gamilbere, *& fuit verus* **Drepnghe** *ante Conquestum, tenuit duas Carucatas terræ de Domino Rege in Capite, pro tali servicio, de ferrando Palefridum Dom. Regis super quatuor pedes de Glazario Dom. Regis, quotiescunque ad Manerium suum de* Mansfeld *jacuerit, & si includet Palefridum Domini Regis, dabit ei Palefridum quatuor Mercarum.* Mon. Angl. 2. p. fol. 598. a. In *Newtone* T. R. E. (*i. e.* In the Time of King *Edward*) *fuerunt quinque hidæ, modò sunt, ibi sex Drenghs.* Domesday Tit. *Derby.* Gale, 772.

Drengage. (*Drengagium, vel servitium Drengarii,*) The Tenure by which the *Drenches* held their Lands, of which see *Trin.* 21. *Ed.* 3. *Ebor.* and *Northumb. Rot.* 191. *Notandum est, eos omnes eorumque antecessores, qui è* Drengorum *classe erant, vel per* Drengagium *tenere, sua incoluisse patrimonia ante adventum Normannorum.* Spelm.

Drie Exchange (*Anno* 3) *Hen.* 7. *cap.* 5. *cambium siccum*) seems to be a cleanly Term, invented for the disguising foul Usury; in which something is pretended to pass on both sides, whereas in truth nothing passeth but on the one side, in which respect it may well be called *Dry*. Of this *Luch Lopes*, *tract. de Contract. & Negotiat. li* 2. *cap.* 1. *Sect. Deinde postquam*, writes thus, *Cambium est reale vel siccum; Cambium reale dicitur, quod consistentiam veri Cambii realem habet, & Cambium per trans, & Cambium minutum. Cambium autem siccum est Cambium non habens existentiam Cambii, sed apparentiam ad instar arboris exsiccatæ, quæ humore vitali jam carens, apparentiam arboris habet, non existentiam.*

Drie rent, rent seck. See *Rent.*

Drift of the Forest (*Agitatio animalium in Foresta*) is an exact View or Examination what Cattle are in the Forest, that it may be known whether it be over-charged or not, and whose the Beasts are; and, whether they are commonable Beasts, &c. When, how often in the Year, by whom, and in what manner this *Drift* is to be made, see *Manwood*, *Part.* 2. *cap.* 15. and 4. *Inst. fol.* 309.

Drinklean, (*Sax.* **Drinc-lean**) in some Records written *Potura*, *Drinklean*) is a Contribution of Tenants towards a Potation, or an Ale provided to entertain the Lord or his Steward; a *Scot-ale*.

Drofdennes, —— *Quod Dominus debet habere* Drofdennes *arietes de crescentia xl. annorum.* & *infra.* Canc. Pasch. 24. *Edw.* 3. *quiet.* **Dropfenu**, **Dnuf** and **Dnoven**, among our *Saxons*) signified a Grove, or Woody place, where Cattle were kept; and the Keeper of them was called **Droyman**. *Domesday.*

Drofland, or **Dryfland**, (from the *Saxon* **Dnyfene**, *i. e. Driven*), was anciently a Quit-rent, or Yearly payment made by some Tenants to the King or their Landlords, for *driving* their Cattel through the Manor to Fairs or Markets. Mr. *Philips*, *Mistaken Recompence*, *fol.* 39.

Droit, (*Fr. Droict*) in Law there are six Kinds of it, *viz.*

1. *Jus recuperandi.*
2. *Jus intrandi.*
3. *Jus habendi.*
4. *Jus retinendi.*
5. *Jus percipiendi.*
6. *Jus possidendi.*

All these several sorts of *Rights*, following the relations of their Objects, are the Effects of the Civil Law. *Vide Coke in Littl. fol.* 266. & 345. *b.* —— Of meer *Droit*, and very Right, *Anno* 27 *H.* 8. *cap.* 26.

Droit de Advowzen. See *Recto de Advocatione Ecclesiæ.*

Droit close. See *Recto clauso.*

Droit de Dowze. See *Recto dotis.*

Droit patent. See *Recto patens* and *Calthrop's Rep. fol.* 132.

Droit sur disclaimer. See *Recto sur disclaimer.*

Dromones, Dromos, Dromunda, at first these Words signified high Ships, but afterwards those which we now call Men of War, and in this Sense 'tis used in *Walsingham, Anno* 1292, in *Knighton Lib.* 3. *cap.* 14, &c.

Dubris, *Dover.*

Duces tecum is a Writ, commanding one to appear at a Day in the Chancery, and to *bring with him* some Evidences, or other Things which the Court would view. Which is also granted, where a Sheriff having in his Custody a Prisoner in an Action Personal, returns, upon a *Habeas Corpus,* that he is *adeo languidus,* that without danger of Death, he cannot have his Body before the Justices. See *New Book of Entries* on this Word.

Duel, (*Duellum,*) according to *Fleta, Est singularis pugna inter duos ad probandam veritatem litis, & qui vicerit, probasse intelligitur,* &c. *Stat. de Finibus levatis,* 27 *Edw.* 1. The Trial by *Duel, Combat* or *Camp-fight,* in doubtful Cases, is now disused, though the Law on which it was grounded be still in force. See 3 *Part. Inst. fol.* 221. and see *Combat, Per libertatem habere Duellum, Johannes Stanley Arm. dicit, quod si aliquis placitaverit aliquem de libero tenemento in Curia sua de Aldford per breve Domini Comitis de recto patent. tenere & terminare prædictum placitum per duellum, prout jus est per Communem legem.* Plac. in Itin. apud Cestriam 14 Hen. 7.

Stephanus de Nerbona omnibus—— Sciatis me dedisse Willielmo filio Radulphi de Filungele pro homagio & servitio suo, & propter Duellum *quod fecit pro me,—— Duas virgatas terræ.* ——Sine Dat. MS. penes Will. Dugdale, Mil.

Duke (Lat. *Dux,* Fr. *Duc*) signified among the ancient *Romans, Ductorem exercitus,* such as led their Armies; Since which they were called *Duces,* to whom the King committed the Custody or Regiment of any Province. In some Nations at this Day the Sovereigns of the Country are called by this Name, as *Duke of Russia, Duke of Savoy,* &c. In *England, Duke* is the next in Secular Dignity to the Prince of *Wales*; And, (as *Camden* says) Heretofore in the *Saxons* Time, were called *Dukes,* without any Addition, being meer Officers and Leaders of Armies. After the Conqueror came in, there were none of this Title till *Edward the Third's* Days, who made *Edward* his Son *Duke of Cornwal,* after which there were more made in such sort, as their Titles descended to their Posterity; They were created with Solemnity *per cincturam gladii, cappæque & circuli aurei in capite impositionem.* Vide *Cam. Britan. p.* 166. *Zazium de feudis, p.* 4. *Num.* 7. And *Fern's Glory of Generosity, p.* 136.

Dumetum, (Lat. *Dumetum*) a Ground full of Bushes and Brambles. I have seen a Deed, granting (inter alia) *quoddam Dumetum* in Dale.

Dum fuit infra ætatem is a Writ, which lies for him, who, before he came to full Age, made a Feoffment of his Land, to recover it again from the *Vendee. Fitz. Nat. Br. fol.* 192.

Dum non fuit compos mentis: He, who being not of sound Memory, and aliens any Lands or Tenements, may have this Writ against the Alienee. *Fitz. Nat. Brev. fol.* 202.

Dun, Dune, a Mountain or open place: Therefore the Names of Towns which end in *Dun,* were either built on Hills, or near Hills in open places.

Dunjon, a little Castle; In *illâ villâ Rex habet Castellum quoddam, supra Castellum autem unum dungeonem;* Du Cange.

Dunnarium, —*Pateat— quod ego Johannes de Moban Miles dedi Abbati & Canon. de Nutle pasturam in omnibus brueris seu* Dunnariis *meis, &c.* Dat. 29. Ed. 3. Penes Decan. & Cap. Eccl. Cath. Christi Oxon. It seems to signify a Down, a Hilly or Heathy Ground.

Dunsetts, those who dwell on Hills or Mountains, from the *Sax.* Dun, a Hill, and *Sax.* Dæta, an Inhabitant.

Dunstable. See *Magiboniniun.*

Dunum, and **Duna,** A Down or Hill. *Domesday.*

Dunum sinus, the Creek at *Dunsby* near *Whitby* in *Yorkshire.*

Duodena, a Jury of Twelve Men, *tunc Justiciar. convocatâ seorsim aliâ duodenâ,* Walsing. 256.

Duodena manu. See *Friburgh,* and *Oath.*

Duplicat is used by *Crompton,* for a second Letters Patent, granted by the Lord Chancellor in a Case wherein he had formerly done the same, and was therefore thought void. *Cromp. Jurisd. fol.* 215. Also a second Letter written and sent to the same Party and purpose as a former, for fear of miscarriage of the first, or for other reason, is called a *Duplicat.* The word is used 14 *Car.* 2. *cap.* 10.

Duplodes. See *Gambezon.*

Duplum, a sort of Bread so called, made for the Monks.

Dures (*Duritia*) is, where one is kept in Prison or restrained of his Liberty, contrary to the Order of Law, or threatned to be kill'd, maim'd or beaten: And if such Person so in Prison, or in fear of such Threats, make any Specialty or Obligation by reason of such Imprisonment or Threats, such Deed is void in Law: And in an Action brought upon such Specialty, the Party may plead, That it was made by *Duresse*; and so avoid the Action. *Broke,* in his *Abridgment* joineth *Duress* and *Manasse* together, i. e. *duritiam & minas;* hardship and threatnings.

Durnovarium, *Dorcester.*

Durobrovæ, *Rochester.*

Durolenum, *Lenham* in *Kent.*

Durolitum, *Oldford* upon *Lee,* in *Essex.*

Durotriges, *Dorsetshire.*

Dursley, Blows without Wounding or Blood; *vulgò* dry-blows, from the *Germ.* Durre, *siccus,* and *Sax.* Sleze, *ictus.*

Dusty Fatts, *i. e.* Pedlars, *quasi* dusty foot, because in Travelling their Feet are covered with dust.

Dutchy-Court is a Court wherein all Matters appertaining to the Dutchy or County-Palatine of *Lancaster* are decided by the Decree of the *Chancellor* of that Court: The Original of it was in *Henry the Fourth's* Days, who, obtaining the Crown by Deposing *Richard the Second,* and having the *Dutchy* of *Lancaster* by Descent, in Right of his Mother, was seized thereof as *King,* and not as *Duke*; So that all the Liberties, Franchises and Jurisdictions of the said Dutchy, passed from the King by his Great Seal, and not by Livery or Attornment, as the Possessions of *Everwick,* the Earldom of *March,* and such others did, which had descended to the King by other Ancestors than the King's; But,

But, at last, *Henry the Fourth*, by Authority of Parliament, passed a Charter, whereby the Possessions, Liberties, &c. of the said *Dutchy* were sever'd from the Crown; yet *Henry the Seventh* reduced it to its former nature, as it was in *Henry the Fifth's* Days. *Crom. Jur. fol.* 136.

The Officers belonging to this Court are, the *Chancellor*, *Attorney*, *Receiver-General*, *Clerk of the Court*, *Messenger*: Besides which, there are certain Assistants, as one *Attorney* in the Exchequer, one *Attorney* of the *Dutchy* in Chancery, four Persons learned in the Law retained of Counsel with the King in the said Court; whereof *Gwin*, (in Preface to his *Readings*) speak thus; *It grew out of the Grant of King* Edward the Third, *who gave that* Dutchy *to his Son* John of Gaunt, *and endowed it with such Royal Rights, as the County Palatine of* Chester *had*. And for as much as it was afterward extinct in the Person of King *Henry the Fourth*, by reason of the Union of it with the Crown, the same King, (suspecting himself to be more rightfully *Duke of Lancaster* than King of *England*) determined to save his Right in the *Dutchy*, whatever should befall the Kingdom; and therefore he separated the *Dutchy* from the Crown, and settled it so in the natural Persons of himself and his Heirs, as if he had been no King or Politick Body at all; In which Condition it continued during the Reign of *Henry the Fifth*, and *Henry the Sixth*, that descended from him; But when *Henry the Fourth* had (by recovery of the Crown) recontinued the Right of the House of *York*, he feared not to appropriate that *Dutchy* to the Crown again; yet so, that he suffer'd the Court and Officers to remain as he found them; In which manner it came, together with the Crown, to *Henry the Seventh*, who, liking well of *Henry the Fourth's* Policy, (by whose Right also he obtained the Kingdom) made a like separation of the *Dutchy*, and so left it to his Posterity, who still enjoy it. *Cowel.*

Dwined, *i. e.* consumed; thus we say, to dwindle.

Dyke-reeve, A Bailiff or Officer, that has the Care and Oversight of the *Dykes* and *Drains* in *Deeping-Fens*, &c. mentioned *Anno* 16 & 17 *Car.* 2. *cap.* 11.

E.

EAthalus, from the *Sax.* Eale, *cervisia*, and Hus *domus*, now called an Ale-house; a Word which we often [illegible] in the Laws of King *Alfred*.

Eahtayn, *i. e.* Eight men: *Et si* Eahtayn *occidatur, pertineat infractio pacis intra Curiam vel adjacentia ejus* Eahtayn, *personam plenâ were.* Leg. Ethelredi. cap. 6.

Ealderman, or **Ealdorman**, (*Aldermannus*) among the *Saxons*, was as much as *Earl* among the *Danes*, *Cam. Britan.* fol. 107. Also, an Elder, Senator, or States-Man; and at this Day, we call them *Aldermen*, who are Associates to the Chief Officer in the Common-Council of a City, or Borough-Town. 24 *Hen.* 8. *cap.* 13. Sometimes the Chief Officer himself is so called. See *Alderman*.

Earl, *Sax.* Eorle, *Lat. Comes* and *Consul*: This was a great Title among the *Saxons*, and is the most ancient of any of the Peerage, there being no other Title of Honour used among the present Nobility, which was likewise in use among the *Saxons*, except this Title of *Earl*. The Titles of Honour among the *Saxons* were Originally three, *viz.* Ædelingz, Ealdepman, and Deren or Dane; the first comes from the Word Ædel, which signifies Noble, and was usually applied to the first in the Royal Line; the other two Words were applied to the rest of the Nobility, only the *Thani* were afterwards distinguished into *Majores* and *Minores*; the former were equal to our Peers, and the later to our Knights: But the Title *Earl*, in *Lat. Comes*, in ancient Times was given to those who were Associates to the King in his Councils and Martial Actions: And the manner of their Investiture into that Dignity was, *Per cincturam gladii Comitatus*; without any Formal Charter of Creation. See *Dugdale's Warwickshire, fol.* 302. But the Conqueror (as *Camden* notes) gave this Dignity in Fee to his Nobles, annexing it to this or that County or Province; and allotted them for their Maintenance, a certain proportion of Money arising from the Prince's Profits, for the Pleadings and Forfeitures of the Provinces: For Example, he brings an ancient Record in these words; *Henricus* 2. *Rex Angliæ his verbis* Comitem *creavit*; *Sciatis nos fecisse* Hugonem Bigot *Comitem de Norf.* &c. *de tertio denario de Norwic. & Northfolk*; *sicut aliquis Comes Angliæ liberius Comitatum suum tenet.* About the Reign of King *John*, and ever since, our Kings have made *Earls* by their Charter, of this or that County, Province or City; but of late, giving them no Authority over the County, nor any part of the Profits arising by it; only some Annual Fee out of the Exchequer, &c. The manner of their Creation is by Girding them with a Sword. *Cam. p.* 107. but see the Solemnity described more at large in *Stow's Annals, p.* 1121. Their Place is next to a Marquess, and before a Viscount. *Comitatus à Comite dicitur, aut vice versâ.* See more on this Subject in *Spelman's Gloss.* verbo *Comites*; and in *Selden's Titles of Honour, fol.* 676. and see *Countee*, *Consul* and *Eorle*.

Easement (*Aisiamentum*, from the Fr. *Aise*, i. e. *Commoditas*) is a Service or Convenience which one Neighbour has of another by Charter or Prescription, without Profit; as a Way through his Ground, a Sink, or such like, *Kitchin, fol.* 105. which, in the Civil Law, is called *Servitus prædii.* — *Præcipio R. quod juste & sine dilatione permittat habere H.* Aisiamenta *sua in Bosco & in pastura de villa, &c.* Breve Regium vetus, apud Glanvil. lib. 12. c. 14.

Easter, from the Sax. Easter; which was a Goddess the *Saxons* worshipped in the Month of *April*; and so called, because she was the Goddess of the *East*.

Eastintus, Born in the *East-streets*. *Si sit* Eastintus, *si sit* Northintus, *emendat sicut scripturæ pacis continet.*

Ebedin, a Relief.

Eberemurder, (Sax. Ebere mord,) *Apertum murdrum*, was one of those Crimes which, by *Henry* the First's *Laws, cap.* 13. *emendari non possunt. Hoc ex scelerum genere fuit, nullo pretio, (etiam apud Saxones nostros,) expiabilium, cum alia licuit pecuniis commutare.* Spelman. *Ex his placitis quædam emendantur centum solidis, quædam verâ, quædam nisâ, quædam non possunt emendari quæ sunt* Husbrech, i. e. Burglary, *Bernet*, i. e. Setting a House on Fire, *Opentheft*, i. e. Robbery, & Eberemurder. Leg. H. 1. cap. 12.

Eboracum, *York*.

Ecclesia (*Lat.*) is most used for that Place where Almighty God is served, commonly called a *Church*.

But *Fitzherbert* says, By this Word *Ecclesia* is meant only a Parsonage; and therefore if a Presentment be made to a *Chapel*, as to a *Church*, by the Name *Ecclesia*, this does change the Nature of it, and makes it presently a *Church*. *Nat. Br.* 321. When the Question was, Whether it were *Ecclesia aut Capella pertinens ad matricem Ecclesiam*? The Issue was, Whether it had *Baptisterium & Sepulturam*? For if it had the Administration of the Sacraments and Sepulture, it was in Law judged a Church. *Mich.* 20 *Edw.* 1. *in Banco, Rot.* 177. 2 *Inst. fol.* 363.

Ecclesiastical Persons are either *Regular* or *Secular*: *Regular* are such as lead a Monastical Life, under certain Rules; and have vowed Obedience, perpetual Chastity, and wilful Poverty. When a Man is professed in any of the Orders of *Religion*, he is said to be a Man of Religion, a *Regular*, or Religious: Of this Sort are Abbots, Priors, Monks, Friers, *&c.* *Secular* are those whose ordinary Conversation is among Men of the *World*, and profess the Undertaking the Charge of Souls, and live not under the Rules of any Religious Order; Such are Bishops, Parish-Priests, *&c.*

Eden-River. See *Eluna*.

Edestia. — *Sciant quod ego Adam de Mohaut concessi Domino Johanni de Baskervile pro servicio suo totam terram cum* Edestiis *& cum omnibus pertin. suis, &c.* Ex Regist. Prioratu de Wormley. q. Perhaps from *Ædes*, and used for Buildings.

Edia, *i. e.* Aid or Help. *Quatuor quoque obera incumbentia Regi & Regno levius ad* Ediam *communitatis supportari poterint.* Knighton, lib. 5.

Edrington. See *Adamus portur.*

Edmunds-Bury. See *Villa Roustini.*

Eels Fares, alias Eel-Mare, (*Anno* 25 *H.* 8.) the Fry or Brood of Eels.

Efforciaiter, *i. e.* with Military Force. *Tertio* Efforciaiter *venis cum Equis & Armis.* Mat. Paris. Anno 1213.

Efforciamentum, (*Afforciamentum*) a Distress or Inquisition. *Abbas mittat per aliquem liberum hominem attornatum suum, qualem præsentare voluerit ad* Efforciamentum *Curiæ tantum.* Monast. Tom. 1. pag. 280. So in a Charter of *Edw.* 3. *pag.* 832. *E tribus virgatis terræ quietis de sectis Curiæ & adventibus & Afforciamentis.*

Effractores, (*Lat.*) Burglars, that break open Houses to steal. *Qui furandi causa domos effringunt, vel sese carcere proripiunt. Etiam qui scrinia suppingunt.* MS.

Effers, Ways, Entries, Walks, or Hedges. From the Sax. Eryen, *Ros.*

Egilde, the same with *Gildum.*

Egyptians (*Ægyptiani*) are in our Statutes a counterfeit Kind of Rogues, who, being *English* or *Welsh* People, disguise themselves in strange Habits, smearing their Faces and Bodies, and framing to themselves an unknown Canting Language, wander up and down; and, under Pretence of telling Fortunes, curing Diseases, and such like, abuse the common People, by stealing all that is not too hot or too heavy for their Carriage. *Anno* 1. *&* 2 *Phil. & Mar. cap.* 4. *Anno* 5 *Eliz. cap.* 20. These are like those whom the *Italians* call *Cingari.*

Eia, *i. e.* an Island. From the Sax. Eiz, *Insula.* Thus the Names of Places which end in *Ey*, as *Ramsey*, is the Island of *Rams*; *Sheppey*, is the Island of *Sheep*. Mat. Paris. Anno 833. *Hertsey*, the Island of *Harts*.

Ejecta, a Woman ravished or deflower'd. Ejectus, a Whoremonger. *Rex fundavit dictum hospitale supra decem leprosis, & dicunt quod dicti leprosi erant de* Ejectibus *Civitatis Lincoln.* Mon. 2 Tom. pag. 388.

Ejectione custodiæ (*Ejectment de garde*) is a Writ which lay properly against him that did cast out the Guardian from any Land during the Minority of the Heir. *Reg. of Writs, fol.* 163. *Fitz. Nat. Br. fol.* 139. There are two other Writs not unlike this, the one termed *Droit de gard*, or Right of Guard, the other *Ravishment de gard*, which see in other Places.

Ejectione firmæ is a Writ which lies for the Lessee for Years, who is ejected before the Expiration of his Term, either by the Lessor, or a Stranger. *Reg. of Writs, fol.* 227. *Fitz. Nat. Br. fol.* 220. See *Quare ejecit infra Terminum*, and *Mirror Book of Entries*, verbo *Ejectione firmæ.*

Ejectus maris, *i. e.* Wreck.

Eigne, (Fr. *Aisné*,) Eldest, First-born, as Bastard *eigne*, and *Mulier puisné*. Litt. Sect. 399. See *Mulier.*

Eilesbery. See *Aylesbury.*

Eineca (borrowed of the Fr. *Aisné*, i. e. *Primogenitus*) signifies Eldership. *Stat. of Ireland*, 14 *Hen.* 3. Of this read *Skene*, verbo *Eneche*. And see *Esnecy*. Eynitiam *filiam suam maiorem*, To marry his Eldest Daughter.

Eire, alias Eyre, (from the old French Word *Erre*, i. e. *Iter*; as *à grand erre*, i. e. *magnis itineribus*) signifies the Court of Justices Itinerant; for *Justices in Eyre* are those whom *Bracton* in many Places calls *Justiciarios Itinerantes*. The *Eyre of the Forest* is the Justice-Seat, otherwise called *Swanmote*, which by ancient Custom was held every three Years by the Justices of the Forest, journeying up and down to that Purpose. *Bracton, lib.* 3. *tract.* 2. *c.* 1, *&* 2. *Britton, cap.* 2. *Crompt. Jur. fol.* 150. *Manwood, par.* 1. *pag.* 121. Read *Skene*, 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 Eyre.*

Election (*Electio*) is when a Man is left to his own Free-will to take or do one Thing or another, which he pleaseth. In case an *Election* be given of several Things, he who is the first Agent, and ought to do the first Act, shall have the *Election*. As if a Man make a Lease, rendring a Rent, or a Robe, the Lessee shall have the *Election* (as being the first Agent) by Payment of the one, or Delivery of the other. *Coke on Litt. pag.* 144. *b.*

Election de Clerk (*Electione Clerici*) is a Writ that lies for the Choice of a *Clerk*, assigned to take and make Bonds, called Statute-Merchant; and is granted out of the *Chancery* upon Suggestion that the Clerk formerly assigned is gone to dwell in another Place, or hath Impediments to follow that Business, or not Land sufficient to answer his Transgression, if he should deal amiss, *&c.* *Fitz. Nat. Br. fol.* 164.

Eleemosina carucarum, pro aratris, i. e. *Eleemosina aratri*, (*viz.*) a Peny which King *Æthelred* ordered to be paid for every Plough in *England* towards the Support of the Poor. *Leg. Æthelred, cap.* 1. *Ut detur de omni caruca denarius vel denarium valens.* So in *Leg. Canuti, cap.* 16. Sometimes 'tis called *Eleemosina Regis*, because it was at first appointed by the King. Thus *Simeon Dunelm. Anno* 887, writes, (*viz.*) *Æthelelm comes Wintoniensium* Eleemosinam Regis *Elfredi detulit Romam.*

Eleemosinæ, *i. e.* the Possessions belonging to Churches. *Quid est quod dat quando honorat Ecclesiarum, &c. quod sunt Domino jure* Eleemosinarum *legitime*

tinè consecrata sint, Ecclesiarum ejus sint. Du Cange. *Hanc Ecclesiam dedi Athelwaldo quietè teneri sicut decet Ecclesiasticam* Eleemosinam. *Mon. 3 Tom. pag. 46.*

Eleemosinaria. See *Ambry.*

Elegit (from the Words in it, *Elegit sibi liberari*) is a Writ Judicial, and lies for him that hath recover'd Debt or Damages, or upon a Recognizance in any Court, against one not able in his Goods to satisfy, and directed to the Sheriff, commanding him to make Delivery of half the Party's Lands, and all his Goods, Oxen and Beasts for the Plough excepted. *Old Nat. Br. fol. 152. Reg. of Writs, fol. 299,* and 301. and the *Table of the Reg. Judicial.* which expresseth divers Uses of this Writ. The Creditor shall hold the Moiety of the said Land so delivered to him, till his whole Debt and Damages are satisfied; and during that Term he is Tenant by *Elegit. Westm. 2. cap. 18.* See *Coke on Litth. fol. 289.*

Elk, a Kind of Bugle to make Bows, *Anno 13 Hen. 8. cap. 9.*

Elmesean, Charitable Money, or Money given in Charity.

Eloine, (from the Fr. *Eloigner*) To remove, banish, or send a great Way from. If such as be within Age be Eloined, so that they cannot sue personally, their next Friends shall be admitted to sue for them. Anno 13 Edw. 1. cap. 15.

Elopement, is when a married Woman, of her own Accord, departs from her Husband, and lives with an Adulterer; whereby, without voluntary Submission or Reconcilement to her Husband, she shall lose her Dower, by the Stat. of *Westm. 2. c. 34.* according to this old Distich:

Sponte virum mulier fugiens, & Adultera facta,
Dote sua carebit, nisi prorsus sponte reversa.

A Woman thus leaving her Husband is said to *elope*, and her Husband in this Case shall not be compelled to allow her any Alimony. See *Alimony.* I am persuaded the Word is taken from the Sax. Geleopan, *i. e.* To depart from one Place to dwell in another, the *Saxon* P being easily mistaken for a p. Or from the *Belg.* Ee, *Matrimonium,* and loopen, *currere.*

Emansores, those who go out of the Monastery, *Transfugæ, & Emansores, a Claustro effugiens vagi & sarabaitæ.* Pet. Blesensis Ep. 11. 142.

Emblements (from the Fr. *Emblavance de bled,* q. d. Corn sprung or put up above Ground) signifies strictly the Profits of Land sown: But the Word is sometimes used more largely, for any Profits that arise and grow naturally from the Ground, as Grass, Fruit, &c. If Tenant for Life sow the Land, and die, his Executor shall have the *Emblements,* and not he in Reversion. But if Tenant for Years sow the Land, and before Severance the Term expires, there the Lessor, or he in Reversion, shall have the *Emblements,* and not the Lessee. *Vide Coke, lib. 11. fol. 51.*

Embleers de Gente. This Word occurs in *Rot. Parl. 21 Edw. 3. n. 62 Whereas divers Murdrers, Embleers de Gente, Robberies,* &c. It comes from the French *Embler,* To steal, and seems to signify stealing from, or robbing the People.

Embracery (*Anno 19 Hen. 7. cap. 13.*) is he that, when a Matter is in Trial between Party and Party, comes to the Bar with one of the Parties, (having received some Reward to do,) and speaks in the Case, or privately labours the Jury, or stands there to survey or over-look them, whereby to awe or put them in Fear. The Penalty thereof is 20*l.* and Imprisonment at the Justice's Discretion, by the said Statute.

Embracery is the Act or Offence of *Embracator.* To instruct the Jury, or promise Reward for, or before Appearance, is *Embracery.* Noy's Rep. fol. 102.

Embre, or Embring-Days, (from Ember *Cinures,*) either because our Ancestors, when they fasted, sat in Ashes, or strewed them on their Heads. (*Anno 2 & 3 Ed. 6. c. 19.*) They are those which the ancient Fathers called *Quatuor tempora,* and are of great Antiquity in the Church, being observed on *Wednesday, Friday,* and *Saturday,* next after *Quadragesima Sunday, Whitsunday, Holyrood Day* in *September,* and St. *Lucy's Day* in *December.* Our *Saxons* called this Fast Imbnen. *Et jejunia quatuor Temporum (quæ* Imbnen *vocant)* & cætera omnia, *prius S. Gregorius Beati impositit Anglorum, conservatori.* Spelm. de Concil. T. 1. fol. 518. They are mentioned by *Britton, cap. 53.* and others. In 3 *Part. Inst. fol.* 200. it is said, *These Embring-Days are the Week next before Quadragesima;* which is a great Mistake.

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 the Bank or Stock of the House, for Reparation of Losses, or other emergent Occasions; *Quod in restauration emendarum tribuitur,* says *Spelman.*

Empanel (*Ponere in assisis & juratis*) signifies the writing and entring the Names of a Jury into a Parchment Schedule, or Roll of Paper, by the Sheriff, whom he has summoned to appear for the Performance of such publick Service as Juries are employed in. See *Panel.*

Emparlance (from the Fr. *Parler,* To speak) signifies a Desire or Petition in Court of a Day to pause, what is best to do; (the *Civilians* call it *Petitionem inducianum.*) *Kitchin* (*fol.* 200.) says, *If he Imparl, or pray Continuance,* &c. Where *praying Continuance* is spoken interpretatively. And *Fo.* 201. he mentions *Imparlance general* and *special.* The first seems to be that which is made only in one Word, and in general Terms: *Emparlance special* where the Party requires a Day to deliberate; adding also these Words, *Salvis omnibus advantagiis tam ad jurisdictionem Curiæ, quam ad brevia & narrationem,* or such like. *Briton* useth it for Conference of a Jury upon the Cause committed to them, *Cap. 53.* See *Imparlance.*

Emperor is an ancient Title of the Kings of *England.* This appears by a Charter of King *Edgar,* viz. *Ego Edgarus Anglorum Basileus, omniumque Regum insularum oceani, quæ Britanniam circumjacent, &c.* Imperator & *Dominus.*

Empirici. See *Imprisi.*

Encænia, *i. e.* the Dedication of Churches, which was always on a *Sunday. Encaniare, i. e.* To begin a Thing, or to put on a new Thing, *viz. Enceniavit in Windsoria urbe arduam turrim.* Du Cange.

Encaustum, *i. e.* Ink. *Quæ propter* Incausti & *chartæ vitium abolere incipiebat.* Fleta, lib. 2. cap 27. par. 5.

Encheson (Fr.) signifies Occasion, Cause, or Reason, wherefore any Thing is done. 50 *Edw. 3. cap. 13.* See *Skene in hoc verbum.*

Encroachment, or **Accroachment**, (Fr. *accroachement*, *i. e.* a Grasping or Hooping,) signifies an unlawful Encroaching or Gathering in upon another Man; as if two Mens Grounds lying together, the one presseth too far upon the other; or if a Tenant owe two Shillings Rent-service, and the Lord exacts three. So *Hugh* and *Hugh Spenser*, Father and Son, *encroached* unto them Royal Power and Authority. *Anno 1 Edw. 3. in Praem.*

Endictement. See *Indictment.*

Endowment (*Dotatio*) signifies the Bestowing or assuring of a Dower. See *Dower.* But it is sometimes used Metaphorically, for the setting forth or severing a sufficient Portion for a Vicar towards his perpetual Maintenance, when the Benefice is appropriated. See *Appropriation*, and the Statute *15 Rich. 2. cap. 6.*

Endowment de la plus belle part, as where a Man dying seized of some Lands holden in Knight's-Service, and other some in Socage, the Widow is sped of her Dower in the Lands holden in Socage, as being the *fairer* or better Part. Of which see *Littleton* at large, *lib. 3. cap. 5.*

Energumeni, *i. e. Demoniacks*, who, despising the Catholick Doctrine, were seduced by the Illusions of the Devil. *Concil. Carthag. 4. cap. 92.*

Enfranchise (Fr. *Enfranchir*) To make Free, to incorporate a Man in any Society or Body Politick, to make one a Free Denizen.

Enfranchisement (Fr.) signifies the Incorporating a Man into any Society or Body Politick. For Example: He that by Charter is made Denizen of *England*, is said to be *enfranchised*; and so is he that is made a Citizen of *London*, or other City, or Burgess of any Town-Corporate, because he is made Partaker of those Liberties that appertain to the Corporation whereinto he is *enfranchised*. So a Villain was *enfranchised* when he was made free by his Lord.

Engaster. See *Hogaster.*

Engleterie, **Englethrie**, or **Englechyre**, (*Engleceria*,) is an old obsolete Word, signifying the being an *Englishman*. For Example: If a Man were privily slain or murdered, he was in old Time accounted *Francigena*, (which comprehended every Alien, especially *Danes*,) until *Englecerie* was proved, that is, until it were made manifest that he was an *Englishman*. *Bracton, lib. 3. tract. 2. cap. 15. num. 3.*

This *Engleterie* (for the Abuses and Trouble that afterward were perceived to grow by it) was absolutely taken away by Stat. *14 Edw. 3. cap. 4.*

When *Canutus* had conquered *England*, he at the Request of the Nobility sent back his Army into *Denmark*; but kept some *Danes* behind to be a Guard to his Person; and make a Law, that if an *Englishman* killed a *Dane* he should be tried for the Murder; but if he escaped, the Village where the Man was slain should be charged to pay sixty six Marks; and if it could not be levied there, then it should be collected out of the Hundred, and paid into the *Exchequer.*

After this Law made, whenever a Murder was committed, it was necessary to prove the Party slain to be an *Englishman*, that the Penalty of sixty six Marks might not be charged on the Village, and levied as aforesaid. And the Manner of proving him to be an *Englishman* was before the Coroner, by two Men or Witnesses who knew the Father, and by two Women who knew the Mother; and this was called *Engleterie.*

Enheritance. See *Inheritance.*

Enitia pars. See *Bastardy.*

Enpleet was anciently used for Implead, — *may* Enpleet, *and be* Enpleeted *in all Courts.* Mosiaft. Angl. 2 par. fol. 412. *b.*

Enquest, Fr. (Lat. *Inquisitio*,) is especially taken for that *Inquisition* of Jurors, or by Jury, which is the most usual Trial of all Causes, both Civil and Criminal, in this Realm. For in Causes Civil, after such Proof is made on either Side as the Party thinks good for himself, if the Doubt be in Fact, it is referred to the Discretion of twelve indifferent Men, impanelled by the Sheriff for the Purpose; and as they bring in their Verdict, so Judgment passeth: For the Judge saith, The Jury finds the Fact thus, then is the Law (if their Verdict do not contradict it) thus, and so we judge. As to the *Enquest* in Causes Criminal, see *Jury*, and see Sir *Thos. Smith de Repub. Angl. lib. 2. cap. 19.* An *Enquest* is either of Office, or at the Mise of the Party. *Stanford. Pl. Cor. lib. 3. cap. 12.*

Enterlocu. See *Interlocu.*

Enfigne signifies To let blood. *Si vicarius Enfigne fuerit duas inciſiones ſubtrahendo quatuor habebit.* Mon. 3 Tom. pag. 244.

Entail (*Feodum tallatum*, Fr. *Entaille*, *i. e. Incisus*) signifies Fee-tail, or Fee entailed, that is, abridged, curtailed, or limited, and tied to certain Conditions. See *Fee* and *Tail.*

Entendement (Fr. *Entendement*) signifies as much as the true Meaning, Intent, or Signification of a Word, Sentence, Law, &c. See *Litchin, fol. 224.* See *Intendment.*

Enterplede (Fr. *Entreplaider*) signifies to discuss or try a Point incidently falling out, before the principal Cause can be determined. For Example: Two Persons being found Heirs to Land by two several Offices in one County, the King is brought in doubt to which of them Livery ought to be made; therefore, before Livery be made to either, they must *Enterplede*, that is, formally try between themselves who is the right Heir. *Stanford. Prerog. cap. 12.* See *Brook, tit. Enterplede.*

Enthecu, *i. e.* a Chest or Coffin. *Venerabilis Ode corpus B. Wilfridi in editiori (id est) in majori altari quod in orientali presbyterii parte parieti contiguum de impolitis lapidibus & cemento extructum erat, dignitor collocaverit. Eadmerus de ade sacra Cantuariensi.*

Entiertie, or **Intiertie**, (from the Fr. *Entierete*, *i. e. Entireness*,) the Whole: Contradistinguished in our Books to *Moiety.*

Entire Tenancy is contrary to *Several Tenancy*, and signifies a sole Possession in one Man; whereas the other signifies a joint or common one in more. See *Brook, Several Tenancy.* See *New Book of Entries, verbo Entire-Tenancy.*

Entrusion (*Intrusio*) is a violent or unlawful Entrance into Lands or Tenements (void of a Possessor) by him who hath no Right at all to them. *Bracton, lib. 4. cap. 3.* For Example: A Man steps into Lands, the Owner whereof lately died, and the right Heir, neither by himself or others, hath as yet taken Possession of them. See the Difference between *Abator* and *Intruder*, in *Coke on Littl. fol. 277.* though the *New Books of Entries, fol. 63. C.* latins *Abatement* by this Word *Intrusionem.* See *Abatement*, see *Disseisin*, and *Britton, cap. 65.* *Entrusion* is also taken for the Writ brought against an *Intruder*; which see in *Fitz. Nat. Br. fol. 203.*

Entrusion de Gard is a Writ that lies where the Infant within Age enter'd into his Lands, and held his Lord out. For in this Case the Lord shall not

not have the Writ *De Contumaci Custodia*, but this. *Old Nat. Br. fol.* 90.

Entry, (Fr. *Entree*, i. e. *Introitus*, *Ingressus*,) properly signifies the taking Possession of Lands or Tenements. See *Plowden*, *Assise of Fresh force in London*, *fol.* 93. *b.* It is also used for a Writ of Possession; for which see *Ingressu*. And read *West*, *pa.* 2. *Symbol. tit. Recoveries*, *Sect.* 2, 3. who there shews for what it lies, and for what not. Of this *Britton*, in his 114th Chapter, writes to this Effect: The Writs of Entry savour much of the Right of Property. As for Example: Some are to recover Customs and Services, in which are contained these two Words (*Soler & deber*,) as the Writs *Quo Jure*, *Rationabilibus Divisis*, *Rationabili Estoverio*, with such like. And in this Plea of *Entry* there are three Degrees: The first is where a Man demands Lands or Tenements of his own Seisin after the Term expired: The second is where one demands Lands or Tenements, let by another, after the Term expired: The third, where one demands Lands or Tenements of that Tenant who had Entry by one, to whom some Ancestor of the Plaintiff did let it for a Term now expired. According to which Degrees the Writs 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*; in the third Degree a Writ of Entry *In le per & cui*; and in the fourth Form, without these Degrees, it is called a Writ of Entry *In le post*, that is, *after* Disseisin (which such a one made to such a one. And if any Writ of Entry be conceived out of the right Cause, so that one Form be brought for another, it is abatable. In these four Degrees are comprehended all manner of Writs of Entry, which are without Certainty and Number. Thus for *Britton*, by whom you may perceive that those Words, *Solit & debet*, and those other, *In le per*, *In le per & cui*, and *In le post*, which we meet with many Times in Books shortly and obscurely mentioned, signify nothing but divers Forms of this Writ applied to the Case whereupon it is brought; and each Form taking its Name from the Words contained in the Writ. Of this read *Fitz. Nat. Br. fol.* 190.

This Writ of *Entry* differs from an *Assise*, because it lies for the most Part against him who entered lawfully, but holds against Law; whereas an *Assise* lies against him that unlawfully disseised: Yet sometimes a Writ of *Entry* lies upon an Entrusion. *Reg. of Writs*, *fol.* 233. *b.* See the *New Book of Entries*, *verbo Entre Brevis*, *fol.* 254. *col.* 3. There is also a Writ of *Entry* in the Nature of an *Assise*. Of this Writ, in all its Degrees, see *Fleta*, *lib.* 5. *cap.* 34. & *seq.*

Envoice. See *Invoice*.

Enure signifies To take Place or Effect, To be available. Example: A Release shall *Enure* by way of Extinguishment. *Littleton*, *cap. Release*. And a Release made to a Tenant for Term of Life shall *enure* to him in the Reversion.

Eodorbrice is a *Saxon* Word, from Eodor, a Hedge, and Brice, *Ruptura*. It signifies Hedge-breaking. 'Tis mentioned in the Laws of King *Alfred*, *cap.* 45.

Eorle. It hath been a Question whether this Word is of *Saxon* or *Danish* Original. *Wormius* tells us that the ancient *Danes* called their Barons by the Name of Earls. But Mr. *Somner*, in *Gloss. Saxonico*, is rather of Opinion that it is derived from the *Saxons*. *Æthelward*, *lib.* 4. *cap.* 3. *Consulem quem illi* Borlas *solent nominare*, *&c.*

Epiacum, *Papcastle*, in *Cumberland*.

Epimenia, *i. e.* Expences, Tributes, or Gifts. 'Tis mention'd in *Gildas De Excidio Britanniæ*, viz. *Ivon quadriennio non assidui sibi* Epimenia *contribui*, *&c.*

Episcopalia, i. e. Synodals or Payments due to the Bishop. Mon. 3 Tom. pag. 61. Episcopalia *reddat*, *vel reddere faciat de Ecclesiis Decanatus sui*, *&c.*

Episcopus puerorum. It was a Custom formerly that some Layman about the Feast of *Epiphany* would plait his Hair, so that he might seem to have the Tonsure, and to put on the Garment of a Bishop, and in them to exercise Episcopal Jurisdiction, and to do several ludicrous Actions; for which Reason he was called the *Bishop of the Boys*. This Custom obtained here long after several Constitutions were made to abolish it. For in an Inventory of the Ornaments of a Church in *York*, *Anno* 1530, we read, *Item unu parva mitra cum pertis pro* Episcopo puerorum. And in another Place, *Unus annulus pro* Episcopo puerorum. *Mon.* 3 *Tom. pag.* 169.

Eques auratus, (Lat.) a Knight; so called because anciently it was lawful for Knights only to beautify and *gild* their Armour, and Caparisons for their Horses, with *Gold*. *Perin's Glory of Gentrosity*, *pag.* 102. *Eques Auratus* is not used in Law, but *Chevalier* or *Miles*. *Coke's* 4 *Inst. fol.* 5.

Equilotus, *i. e.* an Equal. 'Tis mention'd in *Simeon Dunelm*, *Anno* 882. viz. *Elfred Rex Saxonum*, *audacissimus Ducum*, *navali prælio suffultus*, *contra Paganicas naves congressus est*, *ex quibus ipse* Equilotus *duas potentes virtute nauis exuperavit*, *&c.*

Equitatura, (Lat.) — *Sciant — quod ego Stephanus de Ebredis dedi Ecclesiæ Sancti Leonardi de Pyrnin.* — *Molendinum meum de Froma*, — *& prædicti Fratres habeant* Equitaturam *& Saccum cum blado vel farina*, *&c.* Reg. Priorat. de Wormley, fol. 22. a. Penes Ed. Harley, Mil. Bar. And it seems to signify here the Liberty of Riding, or carrying Grist and Meal from a Mill on Horseback. *Miles cum Equitatura* is taken for a Knight, with his Horse, Arms, and Furniture.

Equity (*Equitas*) is the Correction or Qualification of the Law, generally made in that Part wherein it faileth, or is too severe: For *ad ea quæ frequentius accidunt jura adaptantur*. As where an Act of Parliament is made, That whosoever does such a Thing shall be a Felon, and suffer Death; yet if a Madman or an Infant of tender Years do the same, they shall be excused. Breaking of Prison is Felony in the Prisoner himself, by the Statute *De Frangentibus Prisonam*; yet if the Prison be on Fire, and they within break Prison to save their Lives, this shall be excused by the Law of Reason. So to save my Life, I may kill another that assaults me.

Equus coopertus, a Horse with Saddle and Furniture on him. — *Inveniendo pro qualibet feodo unum* Equum coopertum, *vel duos discoopertos*, *&c.* Inq. 16 Ed. 1. de Baronia de *Dunham Massy*.

Er. The Syllable *Er*, in the Middle of a Word, is contracted from the *Saxon* Wapa, which signifies *Inhabitants*. Thus *Canterbury* was anciently called Cantpapa-Burgh, *i. e.* the Inhabitants of a Borrough in *Kent*.

Erminii. This Word is mention'd in our Historian *Randulphus de Diceto*, and others. Mr. *Somner* did not understand the Meaning of it; but 'tis very probable

bable it signifies those People, called *Arminians*.

Erminstreet. See *Watlingstreet*.

Ern, the Names of Places ending in *Ern* signify a melancholy Situation: From the *Saxon* Ern, *Locus Secretus*.

Errant (*Errans*) is attributed to Justices of Circuit. *Pl. Cor. fol.* 15. and *Bailiffs* at large. See *Justices in Eyre*, and *Bailiff*. See *Eyre*.

Errore corrigendo. See *Error*.

Errour (*Error*) signifies more especially an Error in Pleading, or in the Process. (*Brook, tit. Error*) Whereupon the Writ which is brought for remedy of this Over-sight is called a *Writ of Error*, in Latin, *De Erroris Corrigendo*, thus defined by *Fitz. Nat. Br. fol.* 20. *A Writ of Error doth also lie 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 or Trespass above* xx s. This is borrowed from the *French* practice, which they call *Proposition d' Erreur*; whereof you may read in *Gregorius de Appell. pag.* 36. In what diversity of Cases this Writ lies, see the Statute of 27 *Eliz. cap.* 9. *Reg. of Writs* in the Table, and *Reg. Judicial. fol.* 34. There is likewise a *Writ of Error* to reverse a Fine, *West, par.* 2. *Symbol. tit. Fines, sect.* 111. *New Book of Entries, verbo Error*. For preventing Abatements of Writs of *Error* upon Judgments in the *Exchequer*, see 16 *Car.* 2. *cap.* 2. and 26 *ejusdem, cap.* 4. And for Redressing and Prevention of *Error* in Fines and Recoveries, the Statute of 23 *Eliz. cap.* 3. for Inrolling them.

Erthmiotum, a Meeting of the Neighbourhood, *viz.* It was customary in former Days for the Neighbours to meet and compromise Differences among them by the Award of their Fellows, *ita ut ne damnum incurrat, &c. aliquando in divisis vel in* Erthmiotis *suam bonitatem absque damnemente, aliquando super ipsam terram.* Leg. H. 1. cap. 57.

Esbrancatura, (from the Fr. *Esbrancher, i. e.* to cut off the Branches or Boughs) —— *Qui autem forisfecerit in Foresta Regis de viridi, sive per culpaturam sive per* Esbrancaturam, *sive per fodiationem turbatum, sive per escorticationem more, sive per effartum, &c. erit in misericordia, &c.* Hoveden, pag. 384.

Escambio (from the Span. *Cambiar*, to change) is a Licence granted to one, for the making over a Bill of Exchange to another beyond Sea. *Reg. of Writs, fol.* 194. *n.* For by the Statute of 5 *Rich.* 2. *cap.* 2. no Merchant ought to *Exchange* or return Money beyond Sea without the King's Licence.

Escape (from the Fr. *Eschapper*, i. e. *Effugere*) signifies a violent or privy Evasion out of some lawful Restraint. For Example, if the Sheriff, upon a *Capias* directed to him, take one and endeavour to carry him to the Gaol, and he by the way, either by Violence or Slight breaks from him; this is called an *Escape*. *Stamf. (lib.* 1. *cap.* 26 *&* 27. *Pl. Cor.)* names two Kinds of *Escape*; *Voluntary* and *negligent*. *Voluntary*, is when one arrests another for Felony or other Crime, and afterward lets him go: In which *Escape*, the Party that permits it, is by Law guilty of the fault committed by him that escapes, be it Felony, Treason or Trespass. *Negligent Escape* is, when one is arrested, and afterward escapes against his will that arrested him, and is not pursued by fresh Suit, and taken again, before the Party pursuing hath lost the sight of him. Read *Crompton's Justice, fol.* 36.

Eschange or **Exchange**, (*Escambium*) —— *Hanc terram* cambiavit *Hugo Bricuino quod modo tenet Comes Moriton, & ipsum* Scambium *valet duplum.* Domesday. See *Exchange*.

Escheat (*Escheata*, from the Fr. *Escheoir*, i. e. *cadere, accidere*) signifies any Lands or other Profits, that casually fall to a Lord within his Manor, by way of Forfeiture, or by the Death of his Tenant, leaving no Heir general nor special; *Mag. Charta, cap.* 31. *Fitz. Nat. Br. fol.* 143. *T. Escheat* is also used sometimes for the Place or Circuit, in which the King or other Lord hath *Escheats* of his Tenants. *Bract. lib.* 3. *tract.* 2. *cap.* 2. *Pupilla oculi par.* 2. *cap.* 22. *Escheat* (thirdly) is used for a Writ, which lies, where the Tenant having Estate of Fee-simple in any Lands or Tenements holden of a Superior Lord, dies seised without Heir general or special. In which case the Lord brings this Writ against him that possesseth the Lands after the Death of his Tenant, and shall thereby recover the same in lieu of his Services. *Fitz. Nat. Br. fol.* 144. In the same Sense as we say, The Fee is *Escheated*, the *Italians* use *Feudum Apertum*. See *Coke on Litt. fol.* 92. *b.* and the *Civilians* call these Forfeitures *Bona Caduca*. Sometimes the word *Escheta* signifies a lawful Inheritance descending on the Heir, but then the *Adjective Recta* is usually added, as *Recta Escheata*, i. e. *Legitima*, or such as is cast on another by Law; this in *Leg. H.* 1. *cap.* 1. *Salvo sibi & hereditibus suis recta caduco; sive recta Escheata*: Gervas of Tilbury, *lib.* 2. writes, *Escheata cum hæredi, viz. cum pater familias, &c. de rege tenens in capite, sata debita solveret, relictis tamen liberis quorum primogenitus minor est annis, redditus quidem ejus ad fiscum redeunt, sed hujusmodi non simpliciter Escheata dicitur, sed Escheata cum hæredi, de ipsa hæreditate per officiales Regios tam hæres quam cæteri liberi necessaria percipiunt.*

Escheator (*Escheator*) was an Officer appointed by the Lord Treasurer, who observed the *Escheats* due to the King in the County, whereof he was *Escheator*; and certified them into the *Chancery* or *Exchequer*, and found Offices after the Death of the King's Tenants, which held by Knights service *in Capite*, or otherwise by Knights-service; he continued in his Office but one Year, nor could any be *Escheator* above once in three Years, *Anno* 1 *H.* 8. *cap.* 8. *&* 3. *ejusdem cap.* 2. See more of this Officer and his Authority, in *Crom. Just. of Peace. Fitzherbert* calls him an Officer of Record, *Nat. Br. fol.* 160. because that which he certified by virtue of his Office, had the credit of a Record. *Officium Escheatriæ* is the Escheatorship. *Reg. of Writs, fol.* 219. *b.* This Office, having its chief dependance on the Court of Wards, is now out of date. See 4 *Inst. fol.* 224. There was also anciently an *Escheator* of the Jews. *Claus.* 4. *Edw.* 1. *m.* 7.

Escheccum. Anno 24 Hen. 3. Inter Abbatem S. Albani & Galfridum de Childwic & alios, —— *quod habuerunt venationem illam vi aut permissione antecessorum prædicti Abbatis vel per* Escheccum. The Gloss. at the end of *Matthew Paris*, (where the Pleadings are to be seen at large, *fol.* 538 and 539) interprets it *increpationem Abbatis, vetationem & interruptionem*. But *Quære*, if it may not rather signifie *by chance*, from the Fr. *Escheoir*, to happen or fall out, and not of Right; as when S. S. starts a Hare in his own Lordship and pursues the Chace through another's, in which Case he needs no permission, according to the Law of Huntsmen.

Escheccum, a Jury or Inquisition; *si habuerint venationem illam vi aut permissione prædecessorum Abbatis vel per* Escheccum. Matt. Paris. Anno 1240.

Eschepa. See *Sceppa*.

Eschequer (*Scaccarium*, from the Fr. *Eschequier*, i. e. *Abacus, tabula lusoria*, or from the *Germ.* Schatz. *i. e. Thesaurus*) is a Court of Record, wherein all Causes touching the Revenue of the Crown are heard and determined, and wherein the Revenue of the Crown is received. *Pol. Virgil, lib. 9. Hist. Angl.* says, the true Word in *Latin* is *Statarium*, and by abuse called *Scaccarium*. *Camden* in his *Britan. pag.* 113. saith, this Court or Office took name *à Tabula ad quam assidebant*, the Cloth which covered it being parti-coloured or *Chequered*. We had it from the *Normans*, as appears by the *Grand Customary, cap.* 56. where it is thus described, The *Eschequer* is called an Assembly of High Justiciers, to whom it appertains to amend that which the Bailiffs or other Inferior Justiciers have misdone, and unadvisedly judged, and to do right to all Men without delay, as from the Prince's Mouth.

This Court consists of two parts, where one is conversant, especially in the Judicial Hearing and Deciding all Causes pertaining to the Prince's Coffers, anciently called *Scaccarium Computorum*; the other is called the *Receipt of the Exchequer*, which is properly employed in the receiving and payment of Money. The Officers belonging to both these, you may find named in *Cam. Brit. cap. Tribunalia Angliæ*, to whom I refer you. The King's *Exchequer*, which now is settled at *Westminster*, was in divers Counties of *Wales*, *Anno* 27 *Hen.* 8. *cap.* 5. & 26. See *Orig. Juridiciales, fol.* 49. and 4 *Part. Inst. fol.* 103.

Esthipare, to Build or Equip; *naves bene* Eschipatas *bonis & probris marinellis*. Du Cange.

Escuage) *Scutagium*, from the Fr. *Escu, i. e.* a Buckler or Shield) signifies a kind of Knights-service, called *Service of the Shield*; the Tenant holding by it, was bound to follow his Lord into the *Scotish* or *Welsh* Wars at his own Charge; which is taken away and discharged by Act of Parliament, 12 *Car.* 2. *cap.* 24. See *Capite and Chivalry*. He who held a whole Knight's Fee was bound to serve with Horse and Arms for Forty Days at his own Charge, and he who held half a Knight's Fee was to serve Twenty Days.

Escuage also is sometimes taken for that Duty or Payment, which they who held Lands under this Tenure, were bound to make to the Lord when they neither went themselves to the Wars, nor provided one in their place: *Monasticon* 2 *Tom. pag.* 99. *Scutagium assum per Regnum*.

Escuage is sometimes called a reasonable Aid which was demanded by the Lord of his Tenants, who held Lands in Knights-service, *viz. Concesserunt Domino Regi ad maritandam filiam suam de omnibus qui tenent de Domino Rege in Capite de singulis scutis* 20 *solidos solvendos*. Matt. Paris. Anno 1242. It was an uncertain Duty till it was known how much Money the Parliament would raise, but *Escuage certain* is called *Socage*.

Esingæ, the Kings of *Kent*, so called from *Ochta*, sirnamed *Ese*, the Grandfather of King *Ethelbert*.

Eskectores, (from the Fr. *Escher*) —— *Dicunt etiam* (Juratores) *quod Latrones & Eskectores de Terra de Morganwon intraverunt prædictam terram de Brekenmok, &c.* Pla. Parl. 20 Ed. 1. Robbers or Destroyers of other Mens Lands or Fortunes.

Eskenage, The Mayor and Aldermen of *Calais* petition the King to grant them the Assize of Wine, Ale, Beer and Bread, within the Jurisdiction of the same City, called le **Eskenage**. *Rot. Parl.* 4 *Hen.* 4.

Eskippamentum, (*Claus.* 1. *Ed.* 1.) whereby the Sea-port Towns were to provide certain Ships, *sumptibus propriis & duplici* Eskippamento, Sir *Rob. Cotton* englisheth it, double *Skippage*, *i. e.* Double Tackle, or Furniture, as I suppose.

Eskippeson, Shipping or Passage by Sea. *Ceste Endenture faite patente lui noble home Mons.* Thomas Beauchamp *Counte de Warwyke d'une parte* & John Russel *Escuier d'autre parte, Tesmoigne, &c. Et que le dit* John *aura* Eskypesoun *covenable pour son passage & repassage outre meer, as custages le dit Counte, &c. Done a Warwyke*, 2 Jan. 50 Ed. 3. And *Humfrey* Earl of *Backs*, in a Deed, (*Dat.* 13 *Febr.* 22. *Hen.* 6.) covenants with Sir *Phil. Chitwind*, his Lieutenant of the Castle of *Calais*, to give him allowance for his Soldiers *Skippeson* and *Reskippeson*, *i. e.* Passage by Ship, and Repassage.

Esnecy (*Æisnecia*, Fr. *Aisnesse*, *i. e. Dignitas Primogeniti*) is a Prerogative allowed the eldest Coparcener to chuse first after the Inheritance is divided. *Fleta, lib.* 5. *cap.* 10. *sect. In Divisionem. Salvo capitali Mesuagio primogenito Filio pro dignitate Æisneciæ suæ.* Glanv. lib. 7. cap. 3. *Jus Esnetiæ*, i. e. *Jus Primogenituræ*. In the Statute of *Marlbridge, cap.* 9. it is called *Initia pars Hæreditatis*. See *Coke on Littl. fol.* 166. *b.*

Esplees (*Expletiæ*, from *Expleo*) are the full Profits which the Ground or Land yields, as the Hay of the Meadows, the Feed of the Pasture, the Corn of the Arable, the Rents, Services and such like Issues. The Profits comprised under this Word, the *Romans* properly call *Accessiones*. —— *Dominus Episcopus habebit omnia* expletias *& proficua de Coronâ emergentia*. Pla. Parl. 30 Ed. 1.

Note, That in a Writ of Right of Land, Advowson or such like, the Demandant ought to alledge in his Count, That he or his Ancestors took the *Esplees* of the Thing in demand, else the Pleading is not good. *T. Ley.* Sometimes it signifies the Farm or Lands themselves, *viz. Et pro eo quod pred. homines & eorum animalia per terras & pascua mea &* expleta *eant & redeant absque ullo servitio*. Du Cange.

Esperverius and **Sparverius**, (Fr. *Espervier*) A Spar-Hawk, *Char. Forestæ, cap.* 14. —— *Reddit solut.* Willielmo Talboys *Arm. ad Manerium suum de Kyme pro omnibus serviciis secularibus unum* Espervarium *vel* 2 s. *per Annum ad Festum Sancti Mich. &c.* Comput. Davidis Gefferon. Collect. Redd. de Wragby, Anno 35 Hen. 6. —— *Dicunt quod* Ricardus *de Herthull die quo obiit tenuit Manerium de Poley in Com. War. in Dominico suo ut de feodo per fidelitatem & servitium unius* Esparvarii *vel* 2 s. *ad Festum* S. Jacobi, *&c.* Esc. de Anno 19 Edw. 2. num. 53.

Esquire, from the Fr. *Escu*, which signifies a Shield, from the *Lat. Scutum*, from the Greek Σκύτος, which signifies an Hide, of which Shields were anciently made, and afterwards covered; and here in the Time of the *Saxons* the Shields were covered with Leather, so that an *Esquire* was originally he who attending a Knight in time of War, did carry his *Shield*, whence he was called *Escuier* in *French*, and *Scutifer* or *Armiger* in *Latin*: Howbeit this Additiou hath not of long Time had any respect at all to the Office or Employment of the Person to whom it hath been attributed, but been merely a Title of Dignity, and next in degree below a Knight. Those to whom this Title is now of right due, are, All the *Younger Sons of Noblemen*, and the Eldest Sons of such Younger Sons; The Eldest Sons of Knights, and their Eldest Sons successively: The *Four*

Esquires of the *King's Body*: Those that serve the King in any *Worshipful Calling*, (to use *Camden's* Words) as the *Serjeant Chirurgeon*, *Serjeant of the Ewry*, *Master Cook*, &c. Such as are created *Esquires* by the King, with a Collar of SS. of Silver, as the *Heralds* and *Serjeants at Arms*. The chief of some ancient Families are likewise *Esquires* by Prescription; those that bear any Superior Office in the Commonwealth, as *High Sheriff* of any County, who (as some hold) retains the Title of *Esquire* during his Life, in respect of the great Trust he has had, of the *Posse Comitatus*; He who is a *Justice of Peace*, has it, during the Time he is in Commission, and no longer, if not otherwise qualified to bear it. *Barristers at Law* in the late Acts of Parliament for Poll-Money, were ranked among *Esquires*, and so were many wealthy Men, (by reason they were commonly reputed to be such) and paid accordingly. In *Walsingham's History of Richard the Second*, we read of one *John Blake*, who is said to be *Juris Apprenticius*, and has the Addition of *Scutifer* there given him; but, whether intitled thereto by reason of his Profession or otherwise, does not appear. See *Cand. Brit. fol.* 111. and 2 *Inst. fol.* 595.

A Principe fiunt Armigeri *vel scripto vel Symbolo vel munere. Scripto, cum Rex sic quempiam constituerit. Symbolo, quum collum ergo alicujus argenteo sigmatico (hoc est torque ex SS confecto) adornaverit, eumve argentatis calcaribus (ad discrimen equitum, qui aureis vesti sunt) donaverit. Tales in occidentali Angliæ plaga (ut aliquando didici in conventu rei antiquæ studiosorum)* White-spurs *dicti sunt. Munere, cum ad munus quempiam evocaverit, vel in Aula vel in Republ.* Armigero *designatum: Cujusmodi multa hodie, patribus nostris incognita. Inter* Armigeros *qui fiunt (non nascuntur) primarii habentur quatuor illi Armigeri ad Corpus Regis* (Esquires of the Body) *quos & Equitum filiis primogenitis anteponendos asserunt.* Thus the Learned *Spel.* in whose *Glossarium* you may find mention of another species of *Esquires*, *viz.* Squier born de quater Coteis.

Omnibus —— Walterus de Pavely miles filius quondam Reginaldi de Pavely salutem. Noveritis me obligari Rogero Marmion filio quondam Philippi Marmion omnibus diebus vitæ suæ in una Robacum pellura *de secta* Armigerorum *meorum annuatim ad Festum Nativitatis Domini percipiend. sine aliqua contradictione vel retractione mei vel hæredum meorum aut assignatorum. Ad quam quidem solutionem Robæ prædictæ cum pellura annuatim ad terminum supradictum fideliter persolvendum obligo me & hæredes meos, bona & catalla nostra mobilia & immobilia ubicunque fuerint inventa in maneriis meis in Hundredo de Westbury existentibus vel extra*, &c. sine dat. Ex codice M. S. penes Gul. Dugdale Mil.

Essart. See *Assart*.

Essendi quietum de Tolonio is a Writ that lies for Citizens and Burgesses of any City or Town that have a Charter or Prescription to exempt them from paying Toll through the whole Realm, if it chance that the same is any where exacted of them. *Fitz. Nat. Br. fol.* 226.

Essoin (*Essonium*, from the Fr. *Essoinie*, or *Exonie*, i. e. *Causarius miles*, he that has his Presence forborn or excused upon any just cause, as sickness or other impediment) signifies an Excuse for him that is summon'd to appear and answer to an Action real, or to perform Suit to a Court-Baron: It is as much as *excusatio* with the *Civilians*. The Causes that serve to *Essoin* are divers, yet drawn to five Heads, whereof the first is, *ultra mare*; the Second, *de terra sancta*; the Third, *de malo veniendi*, which is also called the *common Essoin*; the Fourth is, *de malo lecti*; the Fifth, *de servitio Regis*. For further knowledge of these, I refer you to *Glanvile, lib.* 1. *Bracton, lib.* 5. *tract.* 2. *per totum*, *Briton, cap.* 122.——125. and to *Horn's Mirror, lib.* 7. *cap. des Essoins*; who mentions some more *Essoins* touching the Service of the King Celestial, than the rest do. Of these *Essoins* you may read further in *Fleta, lib.* 6. *ca.* 8. *& seq.* and; that these came to us from the Civil Laws and the *Normans*, is well shewed by the *Grand Custumary*, where you may find in a manner all that our Lawyers say of this matter, *cap.* 39. to 45.

Essoin de malo lecti is when the Defendant is sick in Bed.

Essoin de malo veniendi is when the Defendant is infirm in Body and not able to come.

Essoin per servitium Regis is when the Defendant is in the King's Service.

Essoin de malo villæ is when the Defendant appears in Court the first Day, but departed without Pleading, and being afterwards surprized by sickness or any other infirmity, cannot attend the Court, but sends two *Essoiners*, who openly protest in Court that he is detained by sickness in such a Village that he cannot come, *pro lucrari & pro perdere*; and this must be admitted for full Proof, without any further Surety, for 'tis incumbent on the Plaintiff to prove whether the *Essoin* is true or not.

Essoin de terra sancta was an Expedition to the *Holy Land*, viz. to *Jerusalem*.

Essoin de ultra mare was when the Defendant is beyond Sea.

Essoins and Proffers, *Anno* 32 *Hen.* 8. *cap.* 21. See *Proffer*.

Essonio de malo lecti is a Writ directed to the Sheriff, for sending four lawful Knights to view one that has Essoined himself *de malo lecti*. *Reg. of Writs, fol.* 8. *b.*

Establishment of Dower seems to be the Assurance or Settlement of *Dower*, made to the Wife by the Husband or his Friends, before or at Marriage. And *Assignment* is the setting it out by the Heir afterwards, according to the *Establishment*, *Briton, cap.* 102, 103.

Estache. *Ceste Endenture tesmoigne, que cum il y avoit debate entre eux de soile ou dit A. ad fait planter une* Estache *de pere & de meryme en Selby-water*, &c. Ex Registro de Selby, fol. 51. It seems here to be used for a Bridge, or Stank of Stone and Timber; from the French *Estacher*, to fasten.

Estandard, or Standard, (Fr. *Estendart*, i. e. *Signum, Vexillum*) an Ensign for Horsemen in War, and is commonly that of the King or Chief General. But, it is also used for the Principal or *Standing Measure* of the King, to the scantling whereof all the Measures throughout the Land, are or ought to be framed by the Clerks of the Market, Aulneger and other Officers, according to their several Offices; For it was established by *Magna Charta*, 9 *Hen.* 3. *cap.* 9. That there should be but one scantling of Weights and Measures through the whole Realm, which was confirmed by the Stat. 14 *Edw.* 3. *cap.* 12. From henceforth there shall be one Weight, one Measure, one Yard, according to the Standard of the Exchequer throughout all the Realm. 17 *Car.* 1 *cap.* 19. & 22 *Car.* 2. *cap.* It is called a *Standard* with good reason,

reason, because it *stands* constant and immoveable, and hath all other Measures coming towards it for their Conformity, as Soldiers in the Field have their *Standard* or Colours to repair to. Of these *Measures* read *Briton, cap.* 30.

Estate (Fr. *Estat*, i. e. *Conditio*) signifies especially 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 (according to *Littl. lib.* 3. *cap.* 5.) either upon *Condition in Deed*, or upon *Condition in Law*; The first is, where a Man by Deed indented, infeoffs another in Fee, reserving to him and his Heirs Yearly a certain Rent, payable at one Feast, or at divers, upon Condition, that if the Rent be behind, &c. it shall be lawful for the Feoffor and his Heirs to enter.——

Estate upon Condition in Law, is such as hath a *Condition* in Law annexed to it, though it be not specified in writing: For example, if a Man grant to another by his Deed, the Office of a Parker for Life; this Estate is upon *Condition in Law*, or imply'd by Law, *viz.* If the Parker so long shall well and truly keep the Park, &c. We read also of an *Estate particular*, which is an Estate for Life, or for Years. *Perkins, Surrenders*, 581.

Esterling. See *Sterling*.

Estoppel (from the Fr. *Estouper*, i. e. *Oppilare, obstipare*) is an Impediment or Bar of an Action, growing from his own Fact, who hath, or otherwise might have had, his Action. *Fitz. Nat. Br. fol.* 142. *k.* And *Brook, hoc titulo. Coke, lib.* 2. *Casu* Goddard defines an *Estoppel* to be a Bar or Hindrance to one to plead the Truth; and restrains it not to the impediment given a Man by his own act only, but by another's also. *Lib.* 3. *Case of Fines, fol.* 88. There are three Kinds of *Estoppel, viz.* By matter of *Record*, by matter in *Writing*, and by matter in *Pais*; Of which see *Coke on Littl. fol.* 352.

Estovers is derived by *Cowell* from the French, *Estovers*, i. e. *Jovere*, but there is no such Word in *French*, *Spelman* tells us 'tis from the Fr. *Estoffe*, i. e. *Materia*, from the Verb *Estoffer*, which is to supply with Necessaries, it properly signifies Nourishment or Maintenance: *Bracton, (lib.* 3. *tract.* 2. *cap.* 18. *num.* 2.) uses it for that sustenance, which a Man committed for Felony, is to have out of his Lands or Goods for himself and his Family, during his Imprisonment; and the Stat. 6 *Edw.* 1. *cap.* 1. useth it for an Allowance in Meat, or Cloth. It is also used for certain Allowances of Wood, to be taken out of another Man's Woods. *Westm.* 2. *cap.* 21. 20 *Car.* 2. *cap.* 3. *West.* 2. *Symbol. tit. Fines. Sect.* 26. says, *Estovers* comprehends *House-bote*, *Hey-bote* and *Plow-bote*; As if one hath in his Grant these general Words, *De rationabili Estoveria in bosis, &c.* he may thereby claim these three. In some Manors the Tenants have Common of *Estovers*, that is, necessary *Boten* out of the Lords Woods. *Rationabile Estoveriam.* See *Alimony*.

Estray (from the old Fr. *Estrayer*, Lat. *Extrahere*. *Pecus quod ab ipsum à custode campos pervertat, ignoto Domino*) signifies any Beast that is not wild, found within any Lordship and not owned by any Man; in which Case, if it be cried according to Law in the next Market-Towns, and it be not claimed by the Owner within a Year and a Day, it is the Lord's of the Soil. See *Briton, cap.* 17. See *Estrays* in the Forest. *Anno* 27. *Hen.* 8. *cap.* 7. *New Book of Entries*, verbo, *Trespass concernant Estrey*.

The ancient Law of K. *Ina* was, ——*Diximus de ignotis pecoribus, ut nemo habeat sine testimonio Hundredi vel hominum Decennæ.* i. e. Suitors to the Court-Leet. This is *Decimæ* in *Spel.*

Estreat (*Extractum*) is used for the Copy or true Note of an Original Writing; and especially of Amerciaments or Penalties set down in the Rolls of a Court, to be levied by the Bailiff or other Officer upon every Man for his Offence. See *Fitz. Nat. Br. fol.* 57, & 76. And so it is used, *Westm.* 2. *cap.* 8.

Clerk of the Estreats. See in *Clerk*.

Estreciatus, *i. e.* streightened; *Inquirendum est de viis Domini Regis* Estreciatis. R. Hoveden, p. 783.

Estrepe, (Fr. *Estrepier*, i. e. *Mutilare*) To make Spoil by a Tenant for Life in Lands or Woods to the prejudice of him in Reversion.

Estrepement (from the Fr. *Estropier, Mutilare*, or rather from the Lat. *Extirpare*) signifies to make Land barren by continual Plowing: 'Tis also any Spoil made by the Tenant for Life upon any Lands or Woods to the prejudice of him in Reversion, *Stat.* 6 *Edw.* 1 *cap.* 13. And it may seem by the derivation, that *Estrepement* is properly the unreasonable soaking or drawing away the heart of the Land, by Plowing and Sowing it continually without Manuring or other good Husbandry; And yet *Estropier* signifying *mutilare*, may no less properly be applied to those that cut down Trees, or lop them farther than the Law allows. It signifies also a Writ, which lies in two Cases; the one when a Man (having an Action depending, as a *Formedon, Dum fuit infra ætatem, Writ of Right*, or such like, wherein the Demandant is not to recover Damages) sues, to inhibit the Tenant from making Waste, during the Suit. The other is for the Demandant, who is adjudged to recover Seisin of the Land in question, and before Execution sued by the Writ *Habere facias possessionem*, for fear of Waste to be made before he can get possession, sues out this Writ. See more in *Fitz. Nat. Br. fol.* 60 & 67. *Reg. of Writs, fol.* 76. and *Reg. Judic. fol.* 33. In ancient Records we often find *Vastum & Estrepamentum facere. Videtur que* Estrepamentum *gravius Vasti genus designare.* Spel.

Esumare, to excuse or essoin: *Cum dies placiti, &c. venit, non potui, &c. adire, sed misi* esumatores *qui me* esumaverunt *apud Cantuar.* Du Cange.

Etburium, *Alborough.*

Ethbrich. See *Embryet.*

Etheling, or Ætheling, in the *Saxon* signifies Noble, and it was (among our English *Saxons*) the Title of the Prince or King's Eldest Son, as we read in *Camden.*

Edgar Etheling England's darling.

Etocetum, the Wall in *Staffordshire.*

Eborwicscire, *Yorkshire*, anciently so called. *Willielmus Rex Angliæ Thomæ Archiepiscopo & Bertramo de Verdun & Baronibus suis Francis & Anglis de Ebrwicscire, &c.* Carta Will. Conq. It is also written **Eboracscire**, *in Rot. Magno*, 30 *Hen.* 2. And elsewhere **Ebouacschira.**

Evidence (*Evidentia*) is used generally for any proof, be it Testimony of Men, Records or Writings. Sir *Tho. Smith* hath these words, (*Lib.* 2. *cap.* 17.) *Evidence* is Authentical Writings of Contracts, Written, Sealed and Delivered. It is called *Evidence*, because thereby the point in Issue is to be made *Evident* to the Jury; *Probationes debent*

bent esse evidentes. i. e. *perspicua & facilis*, See *Coke on Littl. fol.* 283.

Ewagium. *Charta Regis Johannis Deo & B. Johanni & hominibus de* Beverlaco, *quod sint quieti de Theloniis, Scutagio, Passagio, Pesagio, Lastagio, Stallagio & de Wrec & de Logan, de* Ewagio *& de Lane, &c.* Hil. 14. H. 3. In Thesauro Reg. Scacc. Ebor. Rot. 15.

Ewbryce, i. e. Adultery, from the *Sax.* Ew, which signifies Marriage, and Bryce, breaking, *viz.* a Marriage-breaking.

Ewe is a *German* Word, but it was used by the *English Saxons*, and signifies a Law; 'tis mentioned in Leg. *W.* 1. *viz.* *De malefactoribus qui vitæ periculum secundum* Euva *Saxonum incurrere debent.*

Exactor Regis, the King's Exactor; *Qui publicas pecunias, tributa, vectigalia, & res fisco debitas exegit.* Sometimes taken for the Sheriff. *Hoc enim fecisse, liger liber Scac. par.* 1. *cap. ult. Tabulas, quibus vicecomes censum Regium colligit*, Rotulorum Exactorium *vocatur.*

Examiners in the Chancery (*Examinatores*) are two Officers, that examine upon Oath, Witnesses produced on either side, upon such Interrogatories as the Parties to any Suit do exhibit for that purpose; and sometimes the Parties themselves are, by particular Order, examin'd also by them.

Excambiator was anciently used for an Exchanger of Land — *Ita quod unusquisque eorum qui damna sustinuit aliquo casu contingente, quod* Excambiator *refundat dampna, misas & expensas quocunque casu proveniente.* Ex libro Cartarum Priorat. Leominstr. de anno 2 *Edw.* 2.

Exception (*Exceptio*) is a Stop or Stay to an Action, being used in the Civil and Common Law both alike, and in both divided into *Dilatory* and *Peremptory*. Of these see *Bracton, lib.* 5. *tract.* 5. *per totum*. And *Briton, cap.* 91, 92.

Excester. See *Isca.*

Exchange (*Cambium vel Excambium*) is used peculiarly for that Compensation which the *Warrantor* must make to the *Warrantee*, Value for Value, if the Land warranted be recovered from the *Warrantee*. *Bracton, lib.* 2. *cap.* 16. and *lib.* 1. *cap.* 19. It signifies also generally as much as *Permutatio* with the Civilians, as the *King's Exchange*, *Anno* 2 *Hen.* 6. *cap.* 1. & 4. 9 *Edw.* 3. *Stat.* 2. *cap.* 7. which is the Place appointed by the King for *Exchange* of Plate or Bullion for the King's Coin. Third Plates have been divers heretofore, as appears by the said Statutes; but now there is only one, *viz.* the *Tower of London* joined with the Mint, which in Time past might not be, as appears by 1 *Hen.* 6. *cap.* 4.

Exchangers are those that return Money beyond Sea by Bills of *Exchange*, which (by the Stat. 3 *Rich.* 2. *cap.* 2.) ought not to be done without the King's Licence. See *Excambiator.*

Exchequer. See *Eschequer.*

Excise (from the *Belgic* Accise, *Tributum*) is a Charge or Impesition laid upon Beer, Ale, Syder, and other Liquors within the Kingdom of *England*, *Wales*, and *Berwick*, by Act of Parliament, 12 *Car.* 2. *cap.* 13. during the King's Life, and according to the Rates in the said Act mentioned. See 13 *Car.* 2. *cap.* 13. 15 *ejusdem* 9. and 17 *ejusdem*, *cap.* 4.

Exclusagium was a Payment due to the Lord for the Benefit of having a Sluice. *Et duo molendina in eodem maneria cum aquis* Exclusagiis, *&c.* Mon. 1 Tom. 398, 587.

Excommengement (*Anno* 23 *Hen.* 8. *cap.* 3.) is in Law-*French* the same with *Excommunication.*

Excommunication (*Excommunicatio*) is a Censure inflicted by the Canon or Ecclesiastical Judge, depriving the Person offending from the lawful Communion of the Sacraments, and sometimes of the Liberty of even conversing with the Faithful. And it is divided *in majorem & minorem*: *Minor est per quam quis à Sacramentorum participatione conscientiæ vel sententiæ arcetur. Major, quæ non solum à Sacramentorum, verum etiam fidelium Communione excludit, & ab omni actu legitimo separat & dividit.* Venatorius de Sent. Excom. Thus anciently, *Auctoritate Dei Patris omnipotentis & Filii & Spiritus Sancti; & beatæ Dei genetricis* Mariæ, *omnium que Sanctorum, Excommunicamus, Anathematizamus, & à limitibus sanctæ Matris Ecclesiæ sequestramus illos malefactores, N. consentaneos quoque & participes; & nisi resipuerint, & ad satisfactionem venerint, sic extinguatur lucerna eorum ante viventem in secula seculorum. Fiat, fiat, fiat. Amen.* Ex Emendat. Legum Will. Conquestor. in lib. vocat *Textus Roffensis.*

By the Ecclesiastical Laws an Excommunicated Person was not to be buried, but the Body was usually flung into a Pit, or covered with an Heap of Stones which was called *Imblocare corpus*, *Hoveden, pag.* 769, 773, 801, 810. *Ordericus Vitalis, lib.* 13. *pag.* 908. And it was a common Opinion, That though the Body was exposed to the Weather, yet it never perished, but remain'd whole, as a visible Example to all Posterity. *Mat. Paris. pag.* 964.

Excommunicato Capiendo is a Writ directed to the Sheriff for apprehending him who stands obstinately *Excommunicated* forty Days; for all Contempt of such a one, not seeking Absolution, may be certified or signified into *Chancery*, whence issueth this Writ, for the laying him up without Bail or Mainprize, until he conform himself. *Fitz. Nat. Br. fol.* 62. *Anno* 5 *Eliz. cap.* 23. and *Register of Writs, fol.* 65.

Excommunicato Deliberando is a Writ to the Under-Sheriff for Delivery of an Excommunicate Person out of Prison, upon Certificate from the Ordinary of his Conformity to the Jurisdiction Ecclesiastical. *Fitz. Nat. Br. fol.* 63. *Reg. of Writs, fol.* 67.

Excommunicato Recipiendo is a Writ whereby Persons excommunicated, 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 sought for, and laid up again. *Reg. of Writs, fol.* 67. *a.*

Execution (*Executio*) signifies the full Performance of an Act, as of a Fine or Judgment. *Execution of a Fine* is the obtaining Actual Possession of the Things contained in it by Vertue thereof, which is either by Entry into the Lands, or by Writ; whereof see *West* at large. *Par.* 2. *Symbol. tit. Fines, sect.* 137. Executing of Judgments, Statutes, and such like, see in *Fitz. Nat. Br. in Indice* 2. *verbo* Execution. — *Coke (vol.* 6. *in fine* Blumfield, *fol.* 87. *a.*) makes two Sorts of *Executions*; one final, another with a *Quousque*, tending to an End. An *Execution Final* is that which makes Money of the Defendant's Goods, or extends his Lands, and delivers them to the Plaintiff, which he accepts in Satisfaction, and is the *End* of the Suit, and all that the King's Writ commands to be done. The other Writ, with a *Quousque*, is tending to an End, but not final; as in the Case of *Capias ad Satisfaciendum, &c.* which is not final, but the Body of the Party is to be taken, to the Intent to satisfy the Demandant. *Idem, ibid.*

Executione facienda is a Writ commanding Execution of a Judgment; the divers Uses whereof see in the *Table of Register Judicial.*

Executione facienda in Withernamium is a Writ that lies for taking his Cattle, who formerly had conveyed out of the Country the Cattle of another: So that the Bailiff, having Authority from the Sheriff to replevy the Cattle so conveyed away, could not execute his Charge. *Reg. of Writs, fol.* 82. *b.*

Executor (*Executor*) is he that is appointed by any Man's Last Will and Testament to have the *Execution* thereof, and the Disposing of all the Testator's Substance, according to the Tenor of the Will. See the *Duty of Executors*, a Book so entituled.

Executor de son tort, or, of his own Wrong, is he that takes upon him the Office of an Executor by Intrusion, not being so constituted by the Testator, or Deceased, nor (for want of such Constitution) authorized by the Ordinary to administer. How far he shall be liable to Creditors, see 43 *Eliz. cap.* 8. *Dyer* 166. and the *Duty of Executors, cap.* 14.

Exemplificatione is a Writ granted for the *Exemplification* of an *Original.* See *Reg. of Writs, fol.* 290.

Exemplification of Letters Patent, (*Anno* 13 *Eliz. cap.* 6.) is a Copy or Example of Letters Patent, 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 *Letters Patent* themselves. Nothing but Matter of Record ought to be *exemplified.* 3 *Inst. fol.* 173. See *Page's* Case, 5 *Rep.*

Exemplum, and **Exemplata terra**, the same with *Assart*, and *Lands assarted.*

Exenium, a Reward or Gift, or any Payment in the Name of a Gift. *Bracton, lib.* 5. *tract.* 5. *cap.* 4. *Fleta, lib.* 2. *cap.* 71.

Exercituale was anciently used for a Heriot. Exercituale *Virorum sive Baronis Regis, qui est proximus et, quatuor equi.* LL. Edw. Conf.

Exfrediare, To force, violate, or break open. *Si quis ad arma prosiliat, & domum* Exfrediet, *nec tamen aliquem percutiat, dimidio forisfacto culpa consistat.* Leg. H. 1. cap. 81.

Ex gravi Querela is a Writ that lies for him to whom any Lands or Tenements in Fee (within a City, Town, or Borough, wherein Lands are devisable) are devised by Will, and the Heir of the Devisor enters, and detains them from him. *Reg. of Writs, fol.* 244. *Old Nat. Br. fol.* 87. See *Fitz. Nat. Brev. fol.* 198. *L.*

Exhibit, (*Exhibitum.*) When any Deed, Acquittance, or other Writing, is, in a Suit in *Chancery, exhibited* to be proved by Witnesses, and the Examiner certifies on the Back of it that the Deed was shewed to such a one at the Time of his Examination, this is called an *Exhibit.* The Word is mentioned *Anno* 14 *Car.* 2. *cap.* 14.

Exigendaries of the Common Bench (*Exigendarii de Banco Communi*) are otherwise 10 *Hen.* 6. *cap.* 4. called *Exigenters*, which *vide.*

Exigent (*Exigenda*) is a Writ that lies where the Defendant in an Action Personal cannot be found, nor any Thing of his within the County, whereby to be attached or distrained, and is directed to the Sheriff, to proclaim and call him five County Days, one after another, charging him to appear under Pain of Outlawry. This Writ also lies in an Indictment of Felony, where the Party indicted cannot be found. *Smith de Repub. Angl. lib.* 2. *cap.* 19. It is called an *Exigent*, because it *exacteth* the Party, that is, requires his Appearance or Forth-coming to answer the Law; for if he come not at the last Day's Proclamation, he is said to be *Quinquies Exactus*, and then is *outlawed. Cromp. Jurisd. fol.* 188. See the *New Book of Entries, verbo Exigent.*

Exigenters (*Exigendarii*) are four Officers of the Court of *Common Pleas*, who make all *Exigents* and Proclamations in all Actions wherein Process of Outlawry lies, and Writs of *Supersedeas*, as well as the Prothonotaries, upon such *Exigents* as were made in their Offices. 18 *Hen.* 6. *cap.* 9. But the making the Writs of *Supersedeas* is since taken from them by an Officer in the Court of *Common Pleas*, erected by King *James* by his Letters Patent in the later End of his Reign.

Exilium, *i. e.* Destruction or Spoiling. *Firmarii, &c. venditionem vel* Exilium *non facient de domibus.* Stat. Marlbridge, cap 25. And *Fleta* distinguishes between *Vastum, Destructio*, and *Exilium*; for he tells us that *Vastum* and *Destructio* are almost the same, and are properly applied to Houses, Gardens, or Woods; but *Exilium* is when Servants are enfranchised, and afterwards unlawfully turned out of their Tenements, *Lib.* 1. *cap.* 11.

Exitus, Issues: The yearly Rents or Profits of Lands or Tenements. *Stat. W.* 2. *cap.* 43. *Et sciat vicecomes, quod redditus, bladia in grangiis, & omnia mobilia, præter equitaturam, indumenta & utensilia domumum continentur sub nomine* Exituum.

Exlegalitus (*Calumniari de Exlegalitate*) is he who is prosecuted as an Outlaw. 'Tis mentioned in *Leg. Edw. Confess. cap.* 38.

Ex mero motu (Lat.) are formal Words used in the King's Charters and Letters Patent, signifying that he does what is contained therein *Of his own Will and Motion*, without Petition or Suggestion made by any other. And the Effect of these Words is to bar all Exceptions that might be taken to the Instrument wherein they are contained, by alledging that the Prince in passing such a Charter was abused by false Suggestion. *Kitchin, fol.* 352.

Ex Officio. By Vertue of a Branch of the Stat. 1 *Eliz. cap.* 1. the Queen by her Letters Patent might authorize any Person or Persons, *&c.* to administer an Oath *Ex Officio*, (so called, because the Ecclesiastical Judge did it *ex Officio suo*,) whereby the supposed Delinquent was compelled to confess, accuse, or purge himself of any criminal Matter, and thereby be made liable to Censure or Punishment, *&c.* The Branch of which Statute relating to the said Oath is repealed, 17 *Car.* 1. *cap.* 11.

Exoneratione Sectæ was a Writ that lay for the King's Ward to be disburdened of all Suit, *&c.* to the County, Hundred, Leet, or Court Baron, during the Time of his Wardship. *Fitz. Nat. Br. fol.* 158.

Exostatus ager, a Field without Stones.

Expalmare, To strike with the Palm of the Hand. *Vide eum in horto ligatum, in atrio pontificis* Expalmatum, *i. e.* Buffetted. *Petr. Blesensis, Sermon.* 18 *de Christo.*

Ex Parte, (Lat.) Partly, or of one Part. In the Court of *Chancery* it hath this Signification: A Joint-Commission is that wherein both Plaintiff and Defendant join. A Commission *Ex parte* is that which is taken out and executed by one Party only.

Ex parte talis is a Writ that lies for a Bailiff or Receiver, who, having Auditors assigned to hear his Account, cannot obtain of them reasonable Allowance, but is cast into Prison by them. *Fitz. Nat. Br. fol.* 129. The Course in this Case is to sue this Writ out of the *Chancery*, directed to the Sheriff, to take 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.

Expectant, used with this Word *Fee*, differs from *Fee-simple*. For Example: Lands are given to a Man and his Wife in Frank-Marriage, To hold to them and their Heirs: In this Case they have *Fee-simple*. But if it be given to them and the Heirs of their Body, *&c.* they have *Fee-expectant*, *Kitchin, fol.* 153.

Expedimentum, Bag and Baggage. *Dixit se non habere literas præ manibus quia miserat eas cum* Expedimento *ad Wintoniam.*

Expeditate, (*Expeditare vel Expaaltare*,) in the Forest Laws, signifies to cut out the Ball of Dogs Forefeet, for the Preservation of the King's Game. Every one that keeps any great Dog, not *expeditated*, forfeits three Shillings and four Pence to the King. The Ball of the Foot of Mastiffs is not to be cut off, but the three Claws of the Forefoot to the Skin. 4 *Part. Inst. fol.* 308. — *Nullus Dominicus canes Abbatis & Monachorum* expaaltari *cogat.* Charta. Hen. 3. Abbati de Rading, — *Et sint quieti de* Espeditamentis canum. *Ex Magno Rot. Pipæ, de Anno* 9 *Ed.* 2.

I do not find this relates to Mastiffs only, but to every Man's Dog who lived near the Forest, and to the Dogs of the Foresters themselves. And this Expeditation was to be done once in every three Years. *Du Fresne.*

Expenditors (*Anno* 37 *Hen.* 8. *cap.* 11.) seems to signify those that pay, disburse, or *expend*, the Tax in the said Statute mentioned. *Anno* 7 *Jac. cap.* 20. Paymasters,

Expensis militum levandis is a Writ directed to the Sheriff for levying Allowance for the Knights of the Parliament. *Reg. of Writs, fol.* 191. *b.*

Explees. See *Esplees.* Some are of Opinion, that because *Explees* are the full Profits of the Land, therefore the Word must be derived from the Lat. *Expleo:* But rather *Ex placito, viz.* from the Agreement made with the Lord to pay him so much *ex proventibus terræ.* For *Expletum* signifies those Lands or Farms, the Profits whereof are taken by the Lord.

Explorator, a Scout. — *In memoriam Henrici Croft Equitis aurati* Exploratoris *in Hibernia generalis, qui obiit Anno* 1609. Scoutmaster-General. Also a Huntsman or Chaser. *Idem Abbas habens* Exploratores *suos statim ponere fecit retia, &c.* In Intin. Pickering, 8 Edw. 3. Rot. 4.

Extales, the Entrails. *Mures qui* Extrales *corrodunt.* Pet. Blesensis, Epist. 102.

Extend, (*Extendere*,) To value the Lands or Tenements of one bound by Statute, *&c* that has forfeited his Bond, to such an indifferent Rate, as by the yearly Rent the Creditor may in Time be paid his Debt. The Course and Circumstances of this see in *Fitz. Nat. Br. fol.* 131.

Extendi facias is ordinarily called a *Writ of Extent*, whereby the Value of Lands is commanded to be made and levied in divers Cases; which see in the *Table of the Reg. of Writs.*

Extent (*Extenta*) sometimes signifies a Writ or Commission to the Sheriff for the valuing of Lands or Tenements: Sometimes the Act of the Sheriff or other Commissioner of this Writ. *Brook, tit. Extent.* 313. *Anno* 16 & 17 *Car.* 2. *cap.* 5.

Extenta, *i. e.* the Estimate or Value of a Thing. *Hæc est* Extenta *terrarum.* Mon. 1 Tom. 548. and in 2 Tom. 321. *Inquirendum Æstimationem &* Extentam *per probos viros.* Fleta, lib. 2. cap. 71.

Extinguishment (from *Extingue*) signifies a *Consolidation.* For Example: If a Man have an yearly Rent due to him out of my Lands, and afterwards purchase the same Lands, now both the Property and Rent are consolidated or united in one Possessor; and therefore the Rent is said to be *extinguished.* So where a Man has a Lease for Years, and afterwards buys the Property, this is a *Consolidation* of the Property, and an *Extinguishment* of the Lease. And if there be Lord, Mesn, and Tenant, and the Lord purchase the Tenancy, then the Mesnalty is *extinct*; but the Mesn shall have the Surplusage of the Rent, if there be any, as Rent-seck. *Terms de Ley.*

Extirpare, To spend or lose. In the Laws of *Edward* the Confessor, *cap.* 6. 'tis provided, That if a Thief take any Thing unlawfully, and is near at Hand, let him restore it; *Et si illud penitus* Extirpaverit, let him make the Owner full Satisfaction.

Extirpatione is a Writ Judicial that lies against him who, after a Verdict found against him for Land, *&c.* does maliciously over-throw any House, or extirpate any Trees upon it. And it is two-fold; one *ante Judicium*, the other *post Judicium.* *Reg. Judicial. fol.* 13, 56, 58.

Extorpentur, for *Extirpentur.*

Extortion (*Extortio*) is an unlawful or violent Wringing of Money or Money-worth from any Man. For Example: If an Officer, by terrifying another in his Office, take more than his ordinary Fees or Duties, he commits, and is indictable of this Offence. To this (in *West*'s Judgment) may be referred the Exaction of unlawful Usury, winning by unlawful Games; and (in one Word) all taking of more than is due by Colour or Pretence of Right; as excessive Toll in Millers, excessive Prices of Ale, Bread, Victuals, Wares, *&c.* *Part* 2. *Symb. tit. Indictments, Sect.* 65. — *Maxwood*, (*Part* 1. *pag.* 216.) says, *Extortion* is *Colore Officii*, not *Virtute Officii.* — *Crompton* (in his *Justice of Peace, fol.* 8.) says to this Effect, Wrong done by any Man is properly a Trespass, but excessive Wrong is called *Extortion*; and this is most properly in Sheriffs, Mayors, Bailiffs, and other Officers whatsoever, who, by Colour of their Office, do greatly oppress and wrong the King's Subjects by taking excessive Rewards or Fees for executing their Office. In the same Author, *fol.* 48. you may see great Diversity of Cases touching *Extortion.* See also 3 *Part. Inst. fol.* 149.

Extracts. See *Estreats.*

Extrajudicial 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 Jurisdiction.

Extra-parochial, Out of any Parish, privileged or exempt from the Duties of a Parish. *Stat.* 22 & 23 *Car.* 2. *Of Subsidy.*

Extraria, the same with *Estray.*

Extravagants. These are certain Constitutions of Popes, and are so called, because they are *Extra Corpus Canonicum Gratiani, sive extra decretorum libros* vagantur. *Du Cange.*

Exuperare, To overcome. It sometimes signifies to apprehend or take; as, Exuperare *aliquem vivum vel mortuum*. Leg. Edm. cap. 2. So in the Laws of King *Alfred apud Brompton, cap.* 7. Exuperetur *& in Episcopi judicia reservetur.*

Eyery of Hawks. See *Aery.*

Eyet, (*Insuletta.*) a little Island. I have seen it corruptly written in some modern Conveyances, *Eyght.*

Eyre. See *Eire.*

F.

FHe that shall maliciously strike any Person with a Weapon in Church or Church-yard, or draw any Weapon there with Intent to strike, shall have one of his Ears cut off; and if he have no Ears, he shall be marked on the Cheek with an hot Iron, having the Letter F. whereby he may be known for a *Fray-maker* or *Fighter*. *Anno* 5 *&* 6 *Edw.* 6. *cap.* 4.

Fabricatura, *i. e.* Vessels made with Gold or Silver. *Item undecim cubiti argenteti plaudi de una* Fabricatura.

Fabrick-Lands are Lands given towards the Maintenance, Rebuilding, or Repair of Cathedrals, or other Churches, and mentioned in the Act of Oblivion, 12 *Car.* 2. *cap.* 31. In ancient Time almost every one gave by his Will more or less, to the *Fabrick* of the Cathedral or Parish-Church where he lived. — *In Dei Nomine, Amen. Die Veneris, Anno Dom.* 1423. *Ego Richardus Smyth de Bromyard condo Testamentum meum in hunc modum, Imprimis lego animam meam Deo & beatæ Mariæ & omnibus Sanctis. Corpusque meum sepeliendum in Cemeterio Beatæ Elburgæ de Bradway. Item lego* Fabricæ *Ecclesiæ Cathedralis Hereford.* xii d. *Item lego* Fabricæ *Capellæ Beatæ Mariæ de Bromyard* xl d. *Item lego Fratribus de Woodhouse* xx d. *Residuum venerabilibus, &c.* These *Fabrick-Lands* the *Saxons* called Timber Lond.

Facade, *i. e.* The Frontispiece of an House.

Faculty, (*Facultas*,) as it is restrained from the original and active Signification to a particular Understanding in Law, is used for a Privilege or special Power granted to a Man by Favour, Indulgence, and Dispensation, to do that which by Law he cannot; as to eat Flesh upon Days prohibited, to marry without Banes first asked, *&c.* *Anno* 2 *Hen.* 8. *cap.* 16.

The Court of Faculties belongs to the Archbishop of Canterbury, and his Officer is called *Magister ad Facultates*. His Power is to grant Dispensations, as to marry, to eat Flesh on Days prohibited, the Son to succeed his Father in his Benefice, one to have two or more Benefices incompatible, *&c.* This Authority was given by the Statute 25 *H.* 8. *cap.* 21. See 4 *Part. Inst. fol.* 337.

Fæthena, *i. e.* a Countryman.

Fæthingmen, *i. e.* Vassals. *Nec Rex requirat habentes homines quos nos dicimus* Fæthingmen. Mon. Angl. 2 Vol. where the Word *Habentes* is expounded for *Divites*.

Fag, *i. e.* a Knot or Excrescency in Cloth. This is used in this Sense in the Stat. 4 *Edw.* 4. *cap.* 1. From the Sax. Fece, *Intervallum.*

Faida, *i. e.* Malice or deadly Feud. *Et portet actionem versus eum agnationem.* Leg. H. 1. c. 88. From the Sax. Fahth, *Inimicitia.*

Faint, alias **Feint-Action**, (Fr. *Feint*,) is as much as *Feigned Action*, that is, such Action, as albeit the Words of the Writ be true, yet for certain Causes he has no Title to recover thereby. And as *False Action* is where the Words of the Writ are *false*. *Coke on Litt. fol.* 361. Yet sometimes they are confounded.

Feint-Pleader (from the Fr. *Feinte, Falsus*) signifies a false, covinous, or collusory Manner of Pleading, to the Deceit of a third Party. 34 *&* 35 *Hen.* 8. *cap.* 24.

Fairand, or **Fairandman**, *i. e.* a Vagrant. From the Sax. Fapan, To go or wander.

Fair-pleading. See *Beaupleder.*

Faitours (a *French* Word antiquated; for the modern *French* is *Faiseur*, i. e. *Factor*) is used in the Stat. 7 *R.* 2. *cap.* 5. in the evil Part, signifying a bad Doer; or it may not improbably be interpreted an idle Liver, taken from *Faitrance*, which signifies a Kind of sleepy Disease, proceeding of too much Sluggishness, which the *Latins* call *Letargus*: For in the said Statute it seems to be *Synonymous* with *Vagabond*.

Falaig, a Jacket, or Close Coat.

Falda, a Sheepfold. — *Et quod vos fuit levantes & tubantes in proprio* Faldo *Canonicorum prædictorum.* Rot. Chart. 18 Hen. 3. m. 6.

Faldage (*Falldagium*) is a Privilege which many Lords anciently retained to themselves of setting up Sheepfolds or Pens in any Fields within their Manors, the better to manure them; and this not only with their own, but with their Tenants Sheep, is called *Secta Faldæ*. This *Faldage* is call'd in some Places a *Fold-course* or *Free-fold*; and in some ancient Charters, *Fald-soca*, i. e. *Libertas faldæ*, or *Libertas faldagii*: *Rogerus Rufteng concessit Ecclesiæ B. Mariæ de Wimondham* 40 *acras terræ in Scarnebrus, cum dimidia* Fald soca, *&c.* Chartular. Monasterii Ecclesiæ prædict. pag. 48. *De* Faldagio *habendo ad ducentos bidentes; ad plus, in villa de Abiburg.* Mon. Angl. 2 Par. fol. 275. a.

Faldæcursus, a Sheep-Walk or Feed for Sheep. 2 *Ventris*, 139.

Faldfey. *W. de Tenet* ix. *acras terræ Custumariæ in Bisbury & quaddam molendinum aquaticum ad voluntatem Domini, & debet quasdam consuetudines, viz. Tak, & Toll, &* Faldfey, *& sanguinem suum emere.* Liber niger Heref. fol. 158. I suppose it may signify a Fee or Rent paid by a Tenant to his Lord, for Leave to *fold* his Sheep on his own Ground. See *Faldage.*

Faldgang-penpud is the Money paid by the Tenant to the Lord of the Soil, that he may be exempted from *Secta faldæ*, *i. e.* from folding his Sheep in the Lord's Fold.

Faldistor, *i. e.* The highest Seat of a Bishop, inclosed with a Lettice. From the Sax. Falde, *Septum*, and Stor, *Locus.*

Faldwurth signifies a Person of Age, that he may be of some Decennary; From the *Saxon* Fald, *Decuria*, and Porth, *Dignus.* See *Frankpledge*. *Habeat Abbas, &c. habeat sectam in omnibus super omnes homines qui sunt* Morthwrithi, Ferdwrithi, *&c.* Faldwrithi, *in isto Hundredo.* Du Fresne.

Falera, (Lat. *Phalera.*) *Cum Bigis & Curris & cæteris Faleris.* 2 Mon. Angl. fol 236. b. The Tackle and Furniture of a Cart or Wain.

Falesia, a great Rock. *Concessi quod habeant langam viam super* Falesiam *petrariæ per totam longitudinem dicti* falesii. Mon. 2 Tom. pag. 165.

Falesia, and **Falaisia**, (Fr. *Falaise*,) a Bank, Hill, or Down, by the Sea-side. *Coke on Littleton, fol.* 5. *b.*

Falkesmote. See *Folcmote.*

Falkland, alias **Folkland,** the same with *Copyhold*; *quod vide.*

Fallowland, (Sax. ꝑealta.) See *Warectum.*

Fallum, a Sort of Land. *De duobus acris & viginti Fallis in Lowiwait.* Mon. 2 Tom. 425.

False Imprisonment is a Trespass committed against a Man, by imprisoning him without lawful Cause. It is also used for the Writ brought upon this Trespass. *Fitz. Nat. Br. fol.* 86. K. and 88. P. vide *Brook,* and *New Book of Entries,* verbo, *False Imprisonment.*

False Prophecies. See *Prophecies.*

Falsifie seems to signifie as much as to prove a Thing to be *false. Perkins,* Dower 383, 385. Also to say or do *false,* as to falsifie, or counterfeit the King's Seal. *Rex —— Vic. Lincoln. Scias quod dedimus Adæ de Essex Clerico nostro, pro servicio suo, omnes terras & tenementa quæ fuerunt Will. de Scrubby, cujus terræ & tenementa sunt escaeta nostra, per Feloniam quam fecit de* falsificatione Sigilli nostri *Tapud Lin.* 28. *Nov.* &c. Claus. 6 Joh. m. 12. in dorso.

Falsonarius, a Forger, —— *Et quod* falsonarios *Chartarum, & retonsores denariorum, ubi eos scient, detegent.* Hoveden fol. 404. n. 40.

False returno brevium is a Writ lying against the Sheriff, for false returning of Writs. *Reg. judicial. fol.* 43. *b.*

Famfaluca, and **Famfoluca,** *i. e.* Trifles.

Familia, *i. e.* all the Servants belonging to a particular Master; in another Sense 'tis taken for a Portion of Land, *viz.* as much as is sufficient to maintain one Family, *viz. & confestim ei terram* 70 *familiarum largitur.* Simeon Dunelm. So in Brompton, *Dedit ei monasterium triginta familiarum in loco.* Du Cange. Pro hida, massa, mansa, carucata —— *Donavit terram quinquaginta* Familiarum *ad construendum Monasterium.* Beda *Hist. Eccl. lib.* 4. *cap.* 3. This term *Hide,* is, by our Writers, sometimes called a *Manse,* sometimes a *Family,* sometimes *Carucata,* or a Plough-land; containing as much as one Plough and Oxen could cultivate in a Year. *Cressy's Church Hist. fol.* 723. *b. Ubi* Beda Familiam, *Saxonicus ejus interpres colentem passim* hide *redderet, Anglo-Normannis* Carucata terræ. Gloss. in x. Script.

Fanatio is the Time when Deer fawn, in which Time, by the *Laws of the Forest,* all Hunting is prohibited: *Prohibendum est etiam ad placitum Forestæ ne aliqua caretta exeat chiminum in Foresta Regis; neque porci sint in Foresta Regis tempore foinesun, viz.* 15 *diebus ante Nativitatem Sancti Johannis Bapt. & 15 diebus post idem Festum.* Hoveden, fol. 784. See *Foinesun.*

Faonatio, (from the Fr. *Faonner*) a fawning or bringing forth Young, as *Deer* do Fawns. *Charta Foresta, cap.* 8.

Farandman, (Sax. ꝑapan, to travel) a Merchant-Stranger, or Pilgrim, to whom, by the Laws of *Scotland,* Justice ought to be done with all expedition, that his Business or Journey be not hinder'd. *Skene, lib. de Jure Burgens, cap.* 140.

Fardel of Land (*Fardella terræ*) is (according to some Authors) the fourth part of a *Yard-land. Nay,* (in his *compleat Lawyer, pag.* 57.) says, Two *Fardels* of Land make a *Nook,* and four *Nooks* make a *Yard-land.*

Farding, or **Farthing of Gold,** (quasi fourth-thing) was a Coin used in ancient Times, containing in value the *fourth part* of a *Noble, viz.* xxd. Silver, and in weight the sixth part of an Ounce of Gold, that was of 5 s. in Silver; mention'd 9 H. 5. *Stat.* 2. *cap.* 7. thus; Item, that the King do to be ordained good and just weight, of the Noble, half Noble, and Farthing of Gold, with the rates necessary to the same, for every City. Whereby it plainly appears to have been a Coin; as well as the *Noble* and *half-Noble, Knighton,* in the Year 1345, saith, *Eodem Anno nobile & obolus & Ferthing de auro cœperunt florere in Anglia.*

Farding-deal, (Sax. ꝑeopo, i. e. *quanta,* and Del, or Dele, *pars.*) alias *Farundel* of Land (*Quadrantata terræ*) signifies the Fourth part of an Acre. *Crom. Jur. fol.* 220. *Quadrantata terræ* is read in the *Reg. of Writs, fol.* 1. *b.* where you have also *Denariata & obolata, solidata & librata terræ,* which must probably rise in proportion of quantity from the *Farding-deal,* as an Half-penny, Penny, Shilling or Pound rise in value; Then must *Obolata* be half an Acre, *Denariata* an Acre, *Solidata* Twelve Acres, and *Librata* Twelve Score Acres; yet I find *Viginti libratas terræ vel redditus. Reg. fol.* 94. a. and fol. 248. b. whereby it seems *Librata terræ* is so much as yields xx s. *per Annum;* and *Centum solidatas terrarum, tenementorum & redituum, fol.* 249. a. See *Furlong.* Others hold *Obolata* to be but half a Perch, and *Denariata* a Perch See *Spelman's Gloss.* verbo, *Obolata terræ.* —*Sciatis me Rogerum de Ichtefeld dedisse* —— *Medietatem unius* Feorwendel *terræ de meo dominio,* &c. Mon. Angl. 2 va. fol. 913. b. At *Monkland* in *Herefordshire,* they call it a *Ferndal* of Land.

Fare, (Sax.) a Voyage or Passage; or the Money paid for passing by Water. *Anno* 2 & 3 *Ph. & Ma. cap.* 16.

Farinagium, —*Et quod de cetero Molendinarius non capiat* Farinagium, &c. Ordinationes Justin. in insula de Jersey, 17 *Edw.* 2. It seems to signifie Toll of Meal or Flower.

Farley, or **Farleu,** in the Manor of *West Slapton in Com. Devon.* if any Tenant die possessed of a Cottage, he is by the Custom to pay to the Lord Six pence for a *Farley*; which I suppose may be in *Lieu* of a *Heriot*; For in some Manors *Westward,* they distinguish *Farleu* to be the best Good, as *Heriot* is the best Beast, payable at the Tenant's Death.

Fardingarii, Whoremongers, Adulterers, from the *Sax.* ꝑonlicꝼean, *Fornicari.*

Farinarium, *i. e.* a Mill, *ubi ex frumento multo farina conficitur.*

Farme, See *Ferme,* from the *Sax.* ꝑeopm, *i. e.* Food, and this from ꝑeopman, i. e. to feed. in the Laws of *Canutus,* in 67. ꝑeapm. Mr. *Lambard* renders *victum,* so *reddere firmam unius noctis* and *reddebat unum diem de firma* is so much Provision for a Night and a Day, for about the Time of *William* the Conqueror, the Rents were reserved in Provisions, which was altered by *H.* 1.

Farthing, in *Sax.* ꝑeoꝺling, was the fourth part of a *Saxon* Penny, and frequently in use among them. See *Penny.*

Farthing of Land (*Sax.* ꝑeoꝺling) seems to be some great quantity, and to differ much from *Fardingdeal*: For I find in a Survey-Book of the Manor of *West-Slapton* in *Devonshire,* entred thus, *A. B. holds six Fardhings of Land at* 126 l. per annum. Some hold it to be a *Yard-land.* See *Fardel, Fardingdeal* and *Farding.*

Farundel, the same with *Farding-deal.*

Fasma, *i. e.* a Language, *viz. A Latino Rhethorico* fasmate *in propriam vertit linguam volumina.* Du Cange.

Fastermans, *i. e.* Pledges, from the *Saxon* fæst, *firmus*, and Man, *homo. De emptionibus sine fidejussionibus quod Anglici vocant* Fastermannes. *Leg. Edw. Confessor. cap.* 38.

Fat, or **Mate**, is a great Wooden Vessel, which among Brewers and Malsters is used to measure Malt for expedition, containing a Quarter or eight Bushels. Stat. 1. *Hen.* 7. *cap.* 10. and 11 *Hen.* 6. *cap.* 8. It is likewise a *Vessel* or *Pan* of Lead, for the making Salt, at *Droitwich.*

Fathwit, (*LL. Hen.* 1. *cap.* 70.) perhaps the same with the *Sax.* fen-ȣ-vobe, i. e. *Factionum seu inimicitiarum multa seu compensatio.*

Fatua mulier, a Whore. *Cum quadam* fatua muliere *nudus in lecto cum nuda extitit deprehensus.* Du Fresne.

Fausetum, a sort of shrill singing, *organum & decentum*, i. e. a Consort of Musick. *Fausetum in divino officio omnibus nostris, &c. interdicimus.* Du Cange.

Fautors, (*Anno* 16 *R.* 2. *cap.* 5.) Favourers, Supporters or Maintainers.

Fealty (*Fidelitas*, Fr. *Feauté*, i. e. *Fides*) signifies an Oath, taken at the Admittance of every Tenant, to be true to the Lord of whom he holds his Land: And he that holds Land by this only Oath of *Fealty*, holds in the freest manner; because all that have Fee hold *per fidem & fiduciam*, that is, by *Fealty* at the least. *Smith de Repub. Angl. lib.* 3. *cap.* 8. This *Fealty* is also used in other Nations, as in *Lombardy* and *Burgundy. Cassanæus de consuetud. Burgund. pag.* 419. And indeed, as the very first creation of this Tenure grew from the love of the Lord towards his Followers; so did it bind the Tenant to *Fidelity*, as appears by the whole course of the *Feods*; and the breach thereof, is loss of the Fee. *Hotoman* in his *Commentaries, de verbis Feudalibus*, shews 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 tied by this Oath towards their Landlords; we read of both in the *Grand Customary* of *Normandy*, &c.

Fealty special is with us performed, either by Freemen or by Villains; the Form of both see, *Anno* 17. *Edw.* 2. in these Words, When a Freeman shall do Fealty to his Lord, he shall hold his right hand upon a Book, and shall say thus, *Hear you my Lord* R. *that* I. R. *shall be to you, both faithful and true, and shall owe my* Fealty *to you for the Land that I hold of you, at the Terms assigned.* So help me God, and all his Saints. When a Villain shall do Fealty to his Lord, he shall hold his right Hand over the Book, and say thus, *Hear you my Lord* A. *that* I. B. *from this Day forth, unto you shall be true and faithful, and shall owe you* Fealty *for the Land that I hold of you in Villenage; and shall be justified by you, in Body and Goods:* So help me God, and all his Saints. *See* Reg of Writs. fol. 302. a *Fidelitas est fidei, obsequii & servitii ligamen, quo generaliter subditus Regi, particulariter vassallus domino astringitur.* Spelm.

It is usually mentioned with *Homage*, but it differs from it; for *Homage* consists in the taking an Oath when the Tenant comes to his Land, and is done but once, and so is the Oath of *Fealty*; but that is an Obligation which is permanent, and binds for ever. These differ also in manner of the Solemnity, for the Oath of *Homage* is taken by the Tenant kneeling, but that of *Fealty* is taken standing, and includes six Things, which are comprised in these Words, *Incolume, tutum, utile, honestum, facile, possibile*; *Incolume*, that he do no bodily Injury to the Lord; *Tutum*, that he do him no secret Injury in any Thing which is for his defence, as in his House or Castle; *honestum*, that he do him no Injury in his Reputation; *utile*, that he do not damage him in his Possessions; *Facile & possibile*, that he make it easie and not difficult for the Lord to do any good, which otherwise he might do, nor make that impossible to be done which before was in his power to do. All which is likewise comprised in *Leg. H.* 1. *cap.* 5. *Omnis homo fidem det Domino suo de vita & membris suis & terreno honore & observatione consilii sui per honestum & utile, fide dei salvâ & terrâ principis salvâ.*

Feast. See *dedicare* and *dedication.*

Sed rursum redeamus in atria, conspice cursim
Impositas longis duplicato tegmine Cellas
Porticibus, metandâ bonis habitacula digne;
Quos huc ad Sancti justum Felicis honorem.
Duxerit orandi studium, non cura bibendi:

For at first they annually came to pray to the Saint to whom the Church was dedicated, but afterwards only to eat and drink, and exercise themselves in Sports.

Feda. *Item sciendum est quod quatuor virgatæ terræ & dimid. debent seminare & arare novem Seviones terræ, in quibus seminabunt novem Trugas frumenti, quæ vocatur* Feda. Liber niger Heref. fol. 53.

Fee (*Feodum*, alias *Feudum*) is applied to all those Lands and Tenements which we hold by perpetual Right, and by an Acknowledgment of any Superiority to a higher Lord. Those that write of this Subject, divide all Lands and Tenements, wherein a Man hath a perpetual Estate to him and his Heirs, into *Allodium* and *Feudum.*

All dium is defined to be every Man's own Land, *&c.* which he possesseth merely in his own right, without acknowledgment of any Service, or Payment of any Rent to any other, and this is a Property in the highest degree.

Feudum is neither derived from *Fide* nor from *Fœdere*, but from the *Sax.* feh, i. e. *Merces, stipendium, quasi dicitur status beneficiarius:* 'Tis that which we hold by the benefit of another, and for which we do Service or pay Rent, or both, to the chief Lord: It was an Estate for Life, and those to whom it was granted were called *Vassalli*, who by this means were brought under a stricter Obedience to Princes, and were bound to serve them in the Wars: Afterwards such Estates were not only granted for the Life of the *Vassal*; but likewise for the Lives of his Sons, and so by degrees, and by the Connivence of Princes, the Lands passed into an Inheritance which we now call a Fee. All our Land in *England* (the Crown-Land, which is in the King's own Hands, in right of his Crown, excepted) is in the nature of *Feudum*, or Fee: For though many have Land by Descent from their Ancestors, and others have bought Land, yet is it of such 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 received it as a Benefit from his Lord, to him, and to all such, to whom it might descend, or any way be conveyed. So that there is no Man that hath *Directum Dominium*, i. e. the very Property or Demain in any Land, but the Prince, in Right of

of his Crown. *Camb. Britan. pag.* 93. For, though he that hath Fee, hath *Jus perpetuum & utile Dominium*, yet he owes a Duty for it, and therefore it is not simply his own; which Thing, I take those Words we use for the expressing our deepest Rights in any Lands or Tenements, to import; for he that can say most of his Estate, saith thus, *I am seised of this or that Land, or Tenement, in my Demain, as of Fee*; and that is as much, as if he had said, it is my Demain or Proper Land after a sort, because it is to me and my Heirs for ever, yet not simply mine, because I hold it in the nature of a Benefit from another; yet the Stat. 37 *Hen.* 8. *cap.* 16. used the word (*Fee*) of Lands invested in the Crown, but it proceeds from an ignorance of the nature of the Word; for *Fee* cannot be without *Fealty* sworn to a Superior, as you may read partly in the word *Fealty*, but more at large in those that write *De Feudis*; and namely *Hotoman*, both in his *Commentaries* and *Dispensations*; since no Man may grant, that our King or Crown oweth *Fealty* to any Superior, but God only. And all that write *De Feudis*, hold, that *Feudatarius* hath not an entire Property in his *Fee*.

Fee is divided into *Fee-absolute*, otherwise called *Fee-simple*, and *Fee-conditional*, otherwise termed *Fee-tail*. *Fee-simple* (*Feudum simplex*) is that whereof we are seised *To us and our Heirs for ever*. *Fee-tail* (*Feudum taliatum*) is that whereof we are seised with limitation, *To us and the Heirs of our Body*. &c. Which is both *general* and *special*; *General* is, where Land is given to a Man and the Heirs of his Body; the reason whereof is shewed 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. *Fee tail special* is that where a Man and his Wife are seised of Lands to them and the Heirs of their two Bodies; because in this Case the Wife dying without Issue, and he marrying another by whom he hath Issue, this Issue cannot inherit the Land, being especially given to such Heirs, *&c.* This *Fee-tail* has Original from the Stat. of *Westm.* 2. *cap.* 1. Yet see *Bracton*, *lib.* 2. *cap.* 5. *num.* 3. to whom add *Plowden*, *casu Willion*, *fol.* 235. For, before 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 alienate it at his Pleasure, *Coke on Littl. fol.* 19. For Redress of which Inconvenience the said Statute was made, whereby it is ordain'd, That if a Man give Lands in Fee, limiting the Heirs 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 observ'd. He that hath *Fee* then, holdeth of another by some Duty or other which is called *Service*.

This word *Fee* is sometimes used for the Compass or Circuit of a Lordship or Manor. *Bracton*, *lib.* 2. *cap.* 5. *in eadem villa & de eodem Feodo*. Also for a perpetual Right incorporeal, as to have the keeping of Prisons in *Fee*. *Old Nat. Br. fol.* 41. Rent granted in *Fee*, *eodem fol.* 8. Sheriff in *Fee*. *Anno* 28 *Edw.* 1. *Stat.* 13. *cap.* 8. Lastly, *Fee* signifies a Reward or ordinary Duty given a Man for the execution of his Office, or the performance of his Industry in his Art or Science; As the Lawyer or Physician is said to have his *Fee* when he hath the Consideration of his Pains taken with his Client, or Patient.

Fee expectant is by the *Feudists* termed *Feudum expectativum*. See *Expectant*.

Fee Farm, or Fee Ferm, (*Feudi firma* vel *feofirma*) is, when the Lord upon creation of the Tenancy reserves to himself and his Heirs, either the Rent for which it was before let to Farm, or at least a fourth part of that Rent. 2. *Part. Inst. fol.* 44. and that without Homage, Fealty or other Services, other than are especially comprized in the Feoffment: But by *Fitzb.* it seems the third part of the Value may be appointed for the Rent, or the finding of a Chaplain to sing Divine Service, *&c Nat. Br. fol.* 210. C. And the Nature of it is this, That if the Rent be behind and unpaid, for the space of two Years, then the Feoffor or his Heirs have Action to recover the Lands, as their Demesns. *Briton*, *cap.* 66. *num.* 4. But observe out of *West's Symbol. part.* 1. *lib.* 2. *Sect.* 463. that the Feoffment may contain Services and Suit of Court, as well as Rent. See *Ferm*.

Felagus, (*quasi fide cum eo ligatus*) a Companion, but particularly a Friend who was bound in the *decennary* for the Good Behaviour of another. So *in Legibus Inæ*, *cap.* 15. 'tis said, If the Murderer could not be found, *&c.* the Parents of the Deceas'd should have six Marks, and the King forty; if he had no Parents, then the Lord should have it: *Et si dominium non haberet*, Felagus *eius*.

So in *cap.* 35. where a Man had liberty to dispose his Arms by his last Will to his Heirs, and if he had none, then the Lord should have them, if no Lord then *Felagus suus*; if he had any such, but if none, then to the King. See *LL. W. per H. Hunt.* MS. *fol.* 199. *a*.

Feld is a *Saxon* Word, and signifies Field, and therefore, Feld Cyric, is a Country Church, Feld Dure, is a Tent: In its Compounds it signifies Wild; as Feld Dunung, is wild Honey, Feld Mynt, is Wild Mint, *&c.*

Fele Homages, *i. e.* faithful Subjects, from the *Sax.* Fay, i. e. *Fides*.

Felo de se is he that commits Felony by murdering himself. See *Crom. Justice of P. fol.* 28. and *Lamb. Eiren. lib.* 2. *cap.* 7. The *Saxons* called him Self-bana, *Self-bane*.

Felony, *Felonia*. (Fr. *Felonnie*) Sir *Edward Coke* says, *Ideo dicta est* Felonia, *qui fieri debet felleo animo*, *lib.* 4. *fol.* 124. *b.* but his *Etymology* is not just, for 'tis derived from the *Sax.* Felen, *Errare*, *delinquere*, and this is most agreeable with the Offence. We account any Offence *Felony* that is in degree next *Petit Treason*, and comprisetb divers Particulars, as *Murder*, *Theft*, *Killing one's self*, *Sodomy*, *Rape*, *Wilful burning of Houses*, &c. which are to be gathered especially out of the Statutes, whereby many Offences are daily made *Felony*, which were not so before. *Felony* is discerned from lighter Offences, in that the punishment thereof is Death: Yet not always; For *Petit-Larceny* (which is stealing any Thing under the value of Twelve-pence) is *Felony*, as appears by *Brook*, *tit. Coron. num.* 2. His reason is, because the Indictment against such a one must run with these words, *Felonice cepit*, yet not punished by Death, though it be loss of Goods. Other exception I know not, but that a Man may call that *Felony* which is under *Petit-Treason*, and punished by Death: Before the Reign of *H.* 1. *Felonies* were punished by pecuniary Fines, but he was the first who ordered *Felons* to be hanged, *viz.* about the Year 1108. Of *Felonies* there are two sorts,

sorts, one lighter, which, for the first Time, may be relieved by *Clergy*, another that may not; which may also be known by the Statutes; for *Clergy* is allowed where it is not expressly taken away. Of this read *Staundf. Pl. Cor. lib.* 1. (but many Offences are made *Felony* by Statute since he wrote) and *Lamb. Justice of P. lib.* 2. *cap.* 7. in a Table drawn for the purpose. *Felony* is also punished by loss of Lands not intailed, and Goods and Chattels both real and personal; yet the Statutes make difference in some Cases concerning Lands, as appears by 37 *Hen.* 8. *cap.* 6. *Felony* ordinarily works Corruption of Blood, unless a Statute, ordaining an Offence to be *Felony*, says, it shall be otherwise. As 39 *Eliz. c.* 17. See *Furca*.

Feme-Covert, (*F.*) A Married Woman, (*Anno* 27 *Eliz. cap.* 3.) who is also said to be under *Covert-Baron*.

Femella, *i. e.* a Woman. 'Tis mentioned in *Fleta. lib.* 2. *cap.* 1. *pa.* 17. *De* Femellis *nubilibus maritos competentes refutantibus, &c.*

Fence-moneth, (*Mensis prohibitionis*, or *Mensis vetitus*) is a Month wherein the Female Deer do fawn, and therefore 'tis unlawful to hunt in the Forest during that Time, which begins Fifteen Days before *Midsummer*, and ends Fifteen Days after, in all thirty Days. See *Manwood, Part* 2. *cap.* 13. *per totum*, and the Stat. 20 *Car.* 2. *cap.* 3. It is also called the *Defence Month*, that is, the Forbidden Month; for, the *Latin* is, *Penaliter in defensa*. There are also certain Fence or Defence Months or Seasons for Fish, as well as wild Beasts, as appears by *Westm.* 2. *cap.* 13. in these Words; All Waters where Salmons are taken shall be in Defence for taking of Salmons from the Nativity of our Lady unto S. Martin's Day. And likewise that young Salmons shall not be taken nor destroyed by Nets, &c. from the midst of April, to the Nativity of St. John Baptist. *See also* 13 R. 2. Stat. 1. *cap.* 19. See *Turpis*—and *Intuesan*. See *Fanatio*.

Fengeld, (Sax.) *Pecunia vel tributum ad arcendos hostes exogatum*. M. S. Antiq. See Flintwit.

Feodal, (*Feodalis vel feudalis*) of, or belonging to the Fee, Fee-Farm or Fee simple. *Anno* 12 *Car.* 2. *cap.* 24.

Feodary, **Feudary**, or **Feudatary**, (*Feudatarius*) was an Officer authorized and made by the Master of the Court of Wards, by Letters Patent under the Seal of that Office: His Function was to be present with the Escheator, at the finding any Office, and to give Evidence for the King, as well concerning the Value as the Tenure; to survey the Land of the Ward, after the Office found, and rate it. He did also assign the Kings Widows, their Dowers, and receive all the Rents of Wards Lands within his Circuit. This Officer is mentioned *Anno* 32 *Hen.* 8. *cap.* 46. and seems to be totally taken away by 12 *Car.* 2. *cap.* 24. Noble-Men had also particular *Feodaries*. *Humfrey Comte de Stafford & le Perch Seignur de Tunbridge & le Cuse, a nostre* Feodier *en le Counte de Warwick*, &c. *Sachez que nous.* Dat. 17 H. 6.

Feoditas for *Fidelitas*, *i. e.* Fealty. 'Tis mentioned in *Thorn*, *Anno* 1281. *Facit ei redditum, Televiam*, Feoditatem, *sectam Curiæ*, &c.

Feoffment (*Feofamentum*, from the *Gothick* word *Feudum*) signifies *Donationem feudi*, any Gift or Grant of any Honours, Castles, Manors, Messuages, Lands or other corporeal and immoveable Things of like nature, to another in Fee; that is, to him and his Heirs for ever, by the delivery of Seisin and Possession of the Thing given, and in every *Feoffment* the Giver is called the Feoffor, (*Feofator*) and, he that receives, by virtue thereof, the Feoffee, (*Feofatus*) *Littl. lib.* 1. *cap.* 6. says, the proper difference between a *Feoffor* and a *Donor*, is, That the first gives in *Fee simple*, the other in *Fee-tail*. *Feofamentum est ipsum Donum, Concessio vel Actus feodandi.* See *Coke on Littl. fol* 9. In Records we often meet with so many Knights Fees, *de veteri Feofamento*, and so many *de novo Feofamento*; The First were such Lands as were given or granted by King *Henry* the First; the other, such as were granted since the beginning of *Henry* the Second. And they particularly appear in the *Red Book* in the Exchequer.

Feorwendel a quarter of an Acre, *Medietatem unius* Feorwendel *terræ in eadem villâ, & alteram medietatem quam Augerus tenet.* From the *Sax.* feoꝑꝺ, *quartus.* Monast. 2 Tom. p. 93.

Fera Regalis, *i. e.* a Stag. *Est autem Stagnus cervus cujus venatio* regalis *dicitur.*

Pectebatque feram, puroque in fonte lavabat.
Virgil. Æn. 8.

Ferdella terræ is Ten Acres. See *Virgata* and *Fardel*.

Ferdendel. See *Fardingdeal*.

Ferdfare (from the *Sax.* fyꝛꝺ, *exercitus*, and fare, *iter*) Significat quietantiam eundi in Exercitum. *Fleta, lib.* 1. *cap.* 47. —*Et sint quieti de* Fiftwite, Fleetwite, & Ferdwite, & Lengewite, & Leirwite, &c. Charta 11 *H.* 3. m. 33. *See* Firdfare.

Ferdingel, the fourth part of a Yard-land, *i. e.* five Acres, or a fourth part of a Plough-land. *Huic manerio pertinet consuetudo ista de* Ferdingel 30 *denar.* Du Cange.

Ferdwit, a Formulary by which the King pardoned Manslaughter committed in the Army, from the *Sax.* fyꝛꝺ, *exercitus* and wite, *pœna.* Co. Litt. Sect. 96. to be discharged from bearing Arms.

Ferdwurth, *alias* **Fredwurth**, *quasi* Firdworth: A Man of that Age, that he might go into the Army: From the *Sax.* fyꝛꝺ, *exercitus*, and wuꝛꝺ, *dignus.* See *Fuldworth*.

Feretrum, a Coffin. *Angeli extrahunt mortuum deferentes in* Feretrum. *Leg. H.* 1. *cap.* 36.

Ferialdays, (*Dies Feriales*) *Feriæ*, (according to the *Latin* Dictionary) signifies Holy-days, or Days vacant from Labour and Pleading: But in the Stat. 27 *Hen.* 6. *cap.* 5. and in *Fortescu, de laudibus* LLS *Angliæ*, *Ferial-Days* are taken for working days; For S. Silvester ordain'd, —*Subsint & Dominici dies nomine retento, reliquos hebdomadæ dies* feriarum *nomine distinctos, ut jam ante in Ecclesia vocari consueverunt, appellari.* So that *Ferial-Days* are properly all the Days of the Week, except *Sunday* and *Sunday*.

Ferimadona. See *Fanatio*.

Ferling, (Ferlingus. *Sax.* feoꝑling) the fourth part of a Penny; *Quadrans. Quando Quarterium frumenti venditur pro* 12 *denar. tunc panis vastelli de* Ferlingis *ponderabit* 5 *lib.* & 16 *Sol.* Assis. panis & Cervis. *Anno* 51 *Hen.* 3. *Camden, tit. Huntingdon*, says, there were in this Borough four *Ferlings*, that is, quarters of Wards.

Ferlingatis and **Ferlingata** terræ, the fourth part of a Yard-land. *Decem actæ faciunt* Ferlingatam, 4 *Ferlingatæ faciunt Virgatam*, 4 *Virgatæ faciunt Hidam*, 5 *Hidæ faciunt Feodum militare.* Ex. 12 Edw. 2.

12 Edw. 2. n. 18. Ebor. In ancient Records *Ferlingus Terræ* is also used. See *Mon. Angl.* 2 *Part. fol.* 1. *a.* and elsewhere, *Ferdlingus terræ.* My Lord Coke tells us that *Ferdlingus terræ* is the same as a Quarentine of Land, and that it contains thirty two Acres. But I find a Quarentine is no more than forty Perches, which is but one Acre. *Du Cange.*

Ferm, or **Farm**, (Lat. *Firma*, Sax. ꝼeopme, Fr. *Ferme*, i. e. *Victus*, because the Tenants paid the Rents in Victuals and other Necessaries in former Days, which afterwards were converted into the Payment of Money,) signifies a House and Land taken by Lease in Writing or Parol. This in the North Parts is called a *Tack*, in *Lancashire* a *Ferm-hole*, in *Essex* a *Wike*. I find *Locare ad firmam* sometimes to signify with others, as much as to let or set to Farm with us; the Reason may be in respect of the sure Hold they have above Tenants at Will. *Vide Vicab. utriusque Juris, verbo Afflictus.* How many Ways *Ferm* is taken, see *Plowden, Casu Wrietheslay, fol.* 195. and *Terms de Ley, verbo Farm.*

Fermary, an Hospital, Friars of the *Fermary*: From the Sax. ꝼeopme, *Victus.*

Fermehoth. See *Wyke.*

Fermisona, (from the Sax. ꝼeopme, *i. e.* Food, or Feeding,) the Winter Season of Deer, as *Tempus Pinguedinis* is the Summer Season. *Quod idem* Hugo & *hæredes sui de cætero quolibet anno possint capere in prædicto Parco* (de Blore) *unam damam in* Fermisona *inter Festum Sancti* Martini *&* Purif. *Beatæ Mariæ, & unum damum in* Pinguedine *inter Festum Sanctæ Crucis in Mayo & Festum S. Crucis in Septembr. imperpetuum: Ita quod qualemcunque bestiam tempore* Pinguedinis *vel* Fermisonæ *bersaverint, vel cum prædictis canibus ceperint, illa bestia eis remanebit; & si sit in* Fermisona *allocabitur eis pro dama, & si sit in* Pinguedine, *allocabitur eis pro damo, &c.* Fin. Concor. in Curia Dom. Regis apud Litchfield coram Roger. de Turkilby, &c. inter Hugonem de Acovre quer. & Wil. de Aldetheley Deforc. *Penes Will. Dugdale, Mil.* See *Tempus Pinguedinis.*

Rex — dilecto Ric. Cassel *custodi Manerii de* Bruskwyk *salutem. Cum mittamus dilectum Vallettum nostrum* Johannem de Fulham *ad instantem* Fermisonam *in Parcis nostris ibidem, prout vobis & sibi melius ad opus nostrum fore videritis faciend. capiend. Vobis mandamus, &c.* Claus. 30 Edw. 1. m. 18.

Ferramentum. *Dedi autem potestatem dicto P. quod possit prædictum W. & hæredes suos vel quemcunque qui dictum molendinum tenuerit per* Ferramenta *dicti molendini, & per omnia averia sua, & per terras & tenementa sua pro prædicto reddito distringere, &c.* Charta Gilb. Talbot. Mill. sine dat. By *Ferramenta* are here meant the Iron Tools or Instruments of the Mill. *Et reparare* Ferramenta *ad tres Carucas, i. e.* The Iron Work of three Ploughs. *Lib. niger Hered.*

Ferrure, (Fr.) the Shoeing of Horses. See *Bouche of Court.*

Ferspeken, To speak suddenly. *Nemo potest de feudo Domini sui placitare sine eo, nec cogi debet rectum ejus* ferspeken, (*i. e.* to speak suddenly,) *nec* ferspillam, (*i. e.* to give a hasty Accompt,) *de omnibus causis communibus vel emendabilibus implacitetur aliquis si petierit debet habere terminum requirendi & habendi Dominium suum.* Leg. H. 1. cap. 61.

Festa in Cappis were some chief Holidays, in which the whole Choir wore Caps. *In* Festis quæ in Cappis *fiunt & maxime præcipuis.* Vitæ Abbat. S. Alban. pag. 80, 83.

Festingmen. *Ut illud Monasterium* (sc. de Breodun) *sit liberatum ab illis incommodis, quæ nos Saxonica lingua* Festingmen *dicimus.* Charta Berhtulfi Regis Merciorum. *In Mon. Angl.* 1 *par. fol.* 123. *a.* The Sax. ꝼeꝼtenmon signifies *Fidejussor*, a Surety. So that by this Charter probably they were to be free from the Frank-pledge, and not bound for any Man's Forth-coming, who should transgress the Law.

Festum properly signifies a Feast, but it is usually taken for a General Court which was formerly kept on the great Festivals in the Year. Thus we read in our Historians, that in such a Year the King kept his Christmas at *Winchester, &c.* that is, he kept a Court there at that Time, *viz. Rex apud Winton maximum* Festum *& Convivium celebravit tempore Natalis Domini, convocatis ibidem Principibus & Baronibus totius Regni.*

Festum S. Michaelis is that Day in which the Christians fought with the Infidels, and obtained a Victory by the Help of St. *Michael*, now called *Michaelmas-Day.*

Festum nativitatis B. Mariæ was thus instituted, *viz.* A melancholy Man, who led an holy Life, did every Year hear the melodious Harmony of Angels in Heaven: At which being wonderfully surprized, and being one Day very earnest in Prayer, an Angel told him that on that Day the Virgin *Mary* was born; and because the Day of her Birth was not known on Earth, therefore it was celebrated by the Angels. This being told to the Church, that Day was afterwards set apart to commemorate her Birth. *Honor. Augustud. Lib.* 3. *cap.* 16.

Feud, or **Feed**, (*Feida*, alias *Faida*,) signifies in the *German* Tongue Guerram, *i. e. Bellum.* *Lambard* writes it Feeth, and saith it signifies *Capitales inimicitias. Feud* is used in *Scotland*, and the North of *England*, for a Combination of Kindred to revenge the Death of any of their Blood against the Killer, and all his Race, or any other great Enemy. See *Skene, verbo Affidatio*, and 43 *Eliz. cap.* 13.

Feudal. See *Feodal.*

Feudary. See *Feodary.*

Feudbote, (Sax. ꝼoehthbote,) a Recompence for engaging in a *Feud* or Faction, and for the Damages consequent; it having been the Custom of ancient Times for all the Kindred to engage in their Kinsman's Quarrel, according to that of *Tacitus, de Moribus German. Suscipere tam inimicitias, seu patris, seu propinqui, quam amicitias necesse est.* Sax. Dict.

Feugerium, and **Fugerium**, from the Fr. *Fougiere*, i. e. *Fern.*) *Et de omnimodo alfamento Bruerii, Quarrerii, Turbarii, Juncii, & Feugerii ad domos suas co-operiendas, &c.* Mon. Angl. 2 Part. fol. 610. b. Common of *Fenger*, i. e. *Fern*, for one's Use. See *Fugerium.*

Fiftwita, a Sort of Payment anciently used in *England*; but of how much *non constat. Et nolo ut aliqua* Fightwita *vel Mambota condonatur.* Leg. Edm. cap. 3.

Fidem mentiri, *i. e.* when a Tenant doth not keep that Fealty which he hath sworn to the Lord. *Galf. Monmouth, lib.* 8. *cap.* 2. *Huntingdon, pag.* 390. *Leg. H.* 1. *cap.* 53.

Fieri facias is a Writ Judicial that lies (at all Times within the Year and Day) for him that hath recovered in an Action of Debt or Damages, to the Sheriff, to command him to levy the Debt or

Damages, of his Goods against whom the Recovery was had. This Writ had Beginning from *Westm.* 2. *cap.* 18. See *Old Nat. Br. fol.* 152. and great Diversity thereof in the *Table of Regist. Judic. verbo Fieri facias.*

Fifteh, — *Episcopus Heref. quietus est de Stretward, Hundredfeh, Wardfeh, Reyingpein & Fifteh & franco plegio.* Butterfield's *Survey, fol.* 246. *Quære.*

Fiffuls, a certain Measure of Corn; but of how much *non constat. Et in eisdem festivitatibus singulos* Fuffuls *de frumento ad wastellos de granario.* Monast. 1 Tom. pag. 149.

Fifteenth (*Decima quinta*) is a Tribute or Imposition of Money laid upon any City, Borough, or other Town through the Realm, not by the Poll, or upon this or that Man, but in general upon the whole City or Town; and is so called because it amounts to a *Fifteenth Part* of that which the City hath been valued at of old, or to a *Fifteenth Part* of every Man's Personal Estate, according to a reasonable Valuation. This is imposed by Parliament, and every Town through the Realm knows what a *Fifteenth* for themselves amounts unto, because it is always the same: Whereas the *Subsidy*, which is raised of every particular Man's Lands or Goods, must needs be incertain, because every Man's Estate is incertain. And in that Regard the *Fifteenth* seems to have been a Rate anciently laid upon every Town, according to the Land or Circuit belonging to it, whereof *Cambden* mentions many in his *Britan. viz. pag.* 171. Bath *geldabat pro viginti hidis, quando schira geldabat*; and 181, Old Sarum *pro quinquaginta hidis geldabat, &c.* Which Rates were according to *Domesday*. So that this seemed in old Time to be a yearly Tribute in Certainty; whereas now, though the Rate be certain, yet it is not levied but by Parliament. See *Tax* and *Quinzieme.*

Fightwite. (Sax.) *Mulcta ob commissam pugnam in perturbationem pacis: In exercitu Regis* 120 *Sol. luebatur* Fightwita, *i. e. Forisfactura pugnæ.* M. S. Codex.

Filazer (from the Fr. *Fil*, a Thread, Line, or String) is an Officer in the Court of *Common Pleas*, (so called, because he *files* those Writs whereon he makes out Process,) whereof there are fourteen in their several Divisions and Counties. They make out all Writs and Process upon Original Writs issuing out of the *Chancery*, as well Real as Personal and Mix'd, returnable in that Court. And in Actions merely Personal, where the Defendants are returned summoned, make out *Pone's* or *Attachments*; which being returned and executed, if the Defendant appears not, they make out a *Distringas*, and so *Ad infinitum*, or until he doth appear: If he be returned *Nihil*, then Process of *Capias infinite*, if the Plaintiff will, or after the third *Capias*, the Plaintiff may proceed to *Outlawry* in the County where his Original is grounded, and have an *Exigent* with Proclamation. Also the *Filazers* make forth all *Writs of View* in Real Actions, where the *View* is prayed, and upon *Replevins* or *Recordare's*, Writs of *Retorno habendo, Second Deliverance*, and Writs of *Withernam*. In Real Actions, Writs of *Grand* and *Petit Cape* before Appearance. They enter all Appearances and Special Bails, upon any Process made by them. They make the first *Scire Facias* upon Special Bails, Writs of *Habeas Corpus, Distringas nuper Vice-comitem vel Balivum*, and *Duces tecum*, and all *Supersedeas's* upon Special Bail or Appearance, *&c.* Writs of *Habeas Corpus cum Causa* upon the Sheriff's 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 *Filazers* to all Matters and Proceedings before Appearance, and the *Prothonotaries* to all after) did enter Declarations, Imparlances, Judgments, and Pleas, whereunto a Serjeant's Hand was not requisite, and made out Writs of Execution, and divers other Judicial Writs after Appearance. And in the *King's Bench*, of later Times, there have been *Filazers* who make Process upon Original Writs returnable in that Court upon Actions *Contra Pacem*. The *Filazers* of the *Common Pleas* have been Officers of that Court before the Statute of 10 *Hen.* 6. *cap.* 4. wherein they are mentioned. *F. P.*

Filetale, *quasi*, Field-Ale: A Sort of Drinking in the Field by the Bailiffs of the Hundreds; for which they gathered Money of the Inhabitants of that Hundred. It was prohibited in the Days of *Bracton, lib.* 3. *fol.* 117. According to Sir *Edw. Coke's* 4 *Instit. fol.* 307. an Extortion *Colore Compotationis.* The true Word is **Fild ale**, *Quod Compotationem in Campis significat.* See *Scotale.*

File, *i. e.* Attaint. From the Sax. **Fylan**, *Inquinare.*

File, (*Filacium,*) a Thread or Wire, whereon Writs or other Exhibits in Courts and Offices are fasten'd, properly called *Filed*, for the more safe keeping them.

Filicetum, and **Filictum,** a Ferny Ground, 1 *Inst. fol.* 4. *b.*

Filiolus is properly a little Son, also a Godson. *Sciant — quod ego Johannes Lovet Miles Dominus de Elmeley-Lovet, Dedi Waltero le Blount fratri meo & Johanni Filio suo,* Filiolo *meo, quindecim solidos annui redditus, &c.* Sine dat. Here *Filiolus* is used for a Nephew; for *Walter Blount* married the Sister of this Sir *John Lovet*, unless *John* the Son were also Godson to Sir *John*. Filiolus, *quem de sacro fonte suscepit.* Dugd. Warwickshire, fol. 697.

Filum Aquæ is the Thread or Middle of the Stream, where a River parts two Lordships; — *Et habebunt istas buttas usque ad* Filum Aquæ *predictæ.* Ex Reg. Priorat. de Wormley, fol. 3. a. Vide etiam Mon. Angl. 1 par. fol. 390. a. *Et de malemio facto in grosses navibus in medio* alti Fili *grossarum ripariarum, &c.* Rot. Pat. 4 Hen. 6. m. 11. par. 2. *Et totam illam partem nemoris sui, quæ est inter* Filum Aquæ *de Ebroc. &* Filum Aquæ *de Tame.* Reg. de Leic. in Bibl. Cott. fol. 2. Et Pla. Cor. Mich. 18 Edw. 1. Rot. 56. *Haut file du Mer*; the High Tide of the Sea. *Rot. Parl.* 11 *H.* 4. *n.* 61.

Fimitium, (i. e. *Tempus quo agri fimantur.*) 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 256. *Percepit Prior* 4 *acras frumenti & 5 avenæ in Culturis post* Fimitium, *ex liberatione servientis.*

Fimorare, (i. e. *Fimare.*) *Terra Sabulonosa* Fimo *puro non* Fimoretur. *Fleta, lib.* 2. *cap.* 76. *par.* 3.

Finders (*Anno* 18 *Ed.* 3. *Stat.* 1. and 14 *Rich.* 2. *cap.* 10) seem to be all one with those which in these Days we call *Searchers.*

Fine (*Finis*) hath divers Uses or Significations: The first and most noble is, (according to *Glanvile, lib.* 8. *cap.* 1.) *Amicabilis compositio & finalis concordia, ex consensu & licentia Domini Regis vel ejus Justiciariorum*, or a Covenant made before Justices, and enter'd of Record for Conveyance of Lands, Tenements, or any Thing inheritable, being *in esse tempore Finis*, to cut off all Controversies. *Et* Finis *dicitur* Finalis *Concordia, quia imponis finem litibus,*

& est exceptio peremptoria, says *Bracton, lib. 5. tract. 5. cap. 28. num. 7.* See the *New Book of Entries, verbo Fines*; and 27 *Edw. 1. Stat. 1. cap. 1.* So that this *Fine* appears to be a *Concord*, acknowledged and recorded before a competent Judge, touching some Hereditament, or Thing immoveable, that was in Controversy between the Parties to the same *Concord*; and that, for the better Credit of the Transaction, it is by Imputation made in the Presence of the King, because levied in his Court. And therefore it binds Women Covert, being Parties, and others whom ordinarily the Law disables to transact, only for this Reason; That all Presumption of Deceit or evil Meaning is excluded, where the King and his Court of Justice are supposed to be privy to the Act.

Originally this *Final Concord* was instituted and allowed, in regard that, by the Law and ancient Course of Proceedings, no Plaintiff could agree without Licence of the Court: So as *Fines* have been anciently levied in Personal Actions, and for no greater a Sum of Money than 11 *l.* But Time hath wrought other Uses of it, *viz.* 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 as the passing a *Fine*, in most Cases now, is but *fictio Juris*, supposing an Action or Controversy where, in Truth, none is; and so not only operating a present Bar and Conclusion against the Parties to the *Fine*, and their Heirs, but at five Years End against all others not expressly excepted, and not claiming, (if it be levied upon good Consideration, and without Covin,) as Women Covert, Persons under twenty one Years, Prisoners, or such as are out of the Realm, at the Time of its acknowledging. Touching which, see the Statutes *Anno 1 Rich. 3. cap. 7. 4 H. 7. cap. 14. 32 Hen. 8. cap. 36.* and 31 *Eliz. cap. 2.*

This *Fine* hath in it *five* Essential Parts: 1. The *Original Writ* taken out against the Cognizor. 2. The King's Licence, giving the Parties Liberty to accord; for which he hath a *Fine*, called the *King's Silver*, being accounted Part of the Crown-Revenue. 3. The *Concord* it self, which begins thus, *Et est Concordia talis, &c.* 4. The Note of the *Fine* beginning thus, *Sc. Inter R. querentem, & S. & T. uxorem ejus deforcientes, &c.* (where in stead of *Deforcientes*, anciently *Impedientes* was used.) 5. The Foot of the *Fine* (*Hæc est* Finalis *Concordia facta in Curia Domini Regis apud West. à die Paschæ in Quindecim dies, Anno, &c.*) includes all, containing the Day, Year, and Place, and before what Justice the Concord was made. *Coke, vol. 6. Casu Tey, fol. 38.*

This *Fine* is either *single* or *double*. A *Single Fine* is that by which nothing is granted or render'd back again by the Cognizees to the Cognizors, or any of them. A *Double Fine* contains a Grant, and Render-back either of some Rent, Common, or other Thing out of the Land, or of the Land it self, to all or some of the Cognizors for some Estate, limiting thereby Remainders to Strangers not named in the Writ of Covenant. And a *Fine* is sometimes called a *Double Fine*, when the Lands do lie in several Counties. Again, a *Fine* is in its Effect divided into a *Fine executed* and a *Fine executory*. A *Fine executed* is such, as of its own Force gives a present Possession (at least in Law) to the Cognizee so that he needs no Writ of *Habere facias Seisinam*, for 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 Acknowledgment that the Thing mention'd in the *Concord* is, *Jus ipsius cognizati, ut illa quæ idem habet de dono Cognitoris.* West, sect. 51. K. The Reason is, because this *Fine* passeth by way of Release of that Thing which the Cognizee hath already (at least by Supposition) by Vertue of a former Gift of the Cognizor. *Coke, lib. 3. Case of* Fines, *fol. 89. b.* which is, in Truth, the surest *Fine* of all. *Fines executory* are such as of their own Force do not execute the Possession in the Cognizees, as *Fines sur Cognizance de droit tantum, Fines sur done, Grant, Release, Confirmation*, or *Render*. For, if such *Fines* are not levied, or such Render made to those who are in Possession at the Time of the Fines levied, the Cognizees must needs sue out Writs of *Habere facias Seisinam*, according to their several Cases, for obtaining their Possessions, except at the Levying such *executory Fines*, the Parties to whom the Estate is limited be in Possession of the Lands passed thereby: For in this Case such *Fines* do enure by Way of Extinguishment of Right, not altering the Estate or Possession of the Cognizee, but perhaps bettering it. *West, Symb. sect. 20.*

Touching the Form of these *Fines*, it is to be considered upon what Writ or Action the *Concord* is to be made: And that is most commonly upon a *Writ of Covenant*; and then there must first pass a Pair of Indentures between the Cognizor and Cognizee, whereby the Cognizor covenants with the Cognizee to pass a *Fine* to him of such and such Things by a Day limited. As these Indentures are first in this Proceeding, so are they said to *lead the Fine*. Upon this Covenant the *Writ of Covenant* is brought by the Cognizee against the Cognizor, who thereupon yields to pass the *Fine* before the Judge; and so the Acknowledgment being recorded, the Cognizor and his Heirs are presently concluded, and all Strangers (not excepted) after five Years passed. If the Writ whereon the *Fine* is grounded be not a Writ of Covenant, but of *Warrantia Chartæ*, or a Writ of Right, or Mesn, or of Customs and Services, (for of all these *Fines* may also be found, *West. sect. 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 levied in the Court of *Common Pleas* at *Westminster*, in regard of the Solemnity thereof, ordained by the Statute of 18 *Edw. 1.* Before which Time they were sometimes levied in the County-Courts, Court-Barons, and in the *Exchequer*, as may be seen in *Origines Juridiciales & alibi. Plowden* says there were *Fines* levied before the Conquest: *Fulbec* says he has seen the Exemplification of one of *Henry* the First's Time: *Dugdale* none till *Henry* the Second. See *Impediens.*

This Word *Fine* sometimes signifies a Sum of Money paid for an Income to Lands or Tenements let by Lease, anciently called *Gersuma*: Sometimes an Amends, Pecuniary Punishment or Recompence, upon an Offence committed against the King, and his Laws, or a Lord of a Manor. In which Case a Man is said *Facere Finem de transgressione cum Rege, &c. Reg. Jud. fol. 25. a.* Of the Diversity of these *Fines*, see *Crompton's Justice of the Peace, fol. 141. b. 143, 144.* and *Lamb. Eiren. lib. 4. cap. 16.* But in all these Diversities of Uses it hath but one Signification; and that is a *Final Conclusion* or

or End of Differences between Parties. And in this last Sense, wherein it is used for the Ending and Remission of an Offence, *Bracton* hath it. (*lib.* 2. *cap* 15. *num.* 8.) speaking of a *Common Fine*, that the County pays to the King for false Judgments, or other Trespasses, which is to be assessed by the Justices in *Eyre* before their Departure, by the Oath of Knights, and other good Men, upon such as ought to pay it; with whom agrees the Statute 3 *Edw.* 1. *cap.* 18. There is also a *Common Fine* in *Leets*: See *Kitchin*, *fol.* 13. *Vide Common Fine*. *Fleta*, *lib.* 1. *cap.* 48. and *Coke on Littl. fol.* 126. *b.*

Fine adnullando levato de tenemento quod fuit de antiquo Dominico is a Writ to Justices, for disannulling a *Fine* levied of Lands holden in Ancient Demesn, to the Prejudice of the Lord. *Reg. of Writs*, *fol.* 15. *b.*

Fine Capiendo pro terris, &c. is a Writ lying for one who, upon Conviction by a Jury, having his Lands and Goods taken into the King's Hand, and his Body committed to Prison, obtains Favour for a Sum of Money, *&c.* to be remitted his Imprisonment, and his Lands and Goods to be redelivered to him. *Reg. of Writs*, *fol.* 142. *a.*

Fine force (from the Fr. *Fin*, *i. e.* Crafty or Subtil, and *Force*, *i. e. Vis*) seems to signify an absolute Necessity or Constraint not avoidable; and in this Sense it is used, *Old Nat. Br. fol.* 78. and in Stat. 35 *Hen.* 8. *cap.* 12. in *Perkin's Dower*, *fol.* 321. *Plowden*, *fol* 94. *Coke*, *vol.* 6. *fol.* 111. *a.*

Fine levando de tenementis tentis de Rege in Capite, &c. was a Writ directed to the Justices of the *Common Pleas*, whereby to licence them to admit of a *Fine* for the Sale of Land holden *in Capite*. *Reg. of Writs*, *fol.* 167. *a.*

Finem facere, *i. e.* To compound, or make Satisfaction for a Crime. 'Tis mention'd in *Leg. H.* 1. *cap.* 53, in *Mat. Paris. pag.* 586. and in *Walsingham*, *pag.* 180.

Fine non capiendo pro pulchre placitando, is a Writ to inhibit Officers of Courts to take *Fines* for fair Pleading. *Reg. of Writs*, *fol.* 179.

Fine pro redisseisina capienda, &c. is a Writ lying for the Release of one laid in Prison for a Redisseisin, upon a reasonable *Fine*. *Reg. of Writs*, *fol.* 222.

Fines for Alienation are reasonable *Fines* paid to the King by his Tenants in *Chief*, for Licence to *alien* their Lands, according to the Stat 1 *Edw.* 3. *cap* 12. But see the Stat. 12 *Car.* 2. *cap.* 24. by which they are taken away.

Fines pro Licentia Concordandi. *Anno* 21 *Hen.* 8. *cap.* 1. See *Fine*.

Fine sur concessit is a *Fine* levied upon the *Grant* of an Estate for Years, to bar the Heir in Tail during the Term.

Finire is the same with *Finem facere* in *Brompton*, *pag.* 1105. *Quando Rex Scotiæ cum Domino Rege* Finivit, *&c.* and in *Hoveden*, *pag.* 783.

Finitio, *i. e.* Death; so called, because *Vita* Finitur *morte*.

Finers of Gold and Silver are those that purify and part those Metals from other coarser, by Fire and Water. *Anno* 4 *Hen.* 7. *cap.* 2. They are also called *Parters* in the same Place, and sometimes *Departers*.

Fintwit. 'Tis mentioned in the Laws of *H.* 1. *cap.* 3. and is the same with *Fengeld*. From the Sax. feoð, *Inimicus*, and pite, *Multa*.

Fiola for **Phiala**, *i. e.* a Viol, or Little Bottle. *Matt. Paris.* 146. *In auratâ* Fiolâ *cum vinum coloratum acceperis, time venena.*

Firæ. See *Feriæ*.

Firdefare, *i. e.* a Going into the Army, or Taking up Arms. From the Sax. firið, *Exercitus*, and fare, *iter*. 'Tis one of the Offences which properly belongs to the King's Determination, *Qui Bunghbotam*, *i. e.* a Contribution towards building a Castle; *Brighotam*, *i. e.* towards building a Bridge; *vel* Firdefare *supersederit*, *i. e.* is not gone into the Army. *Leg. H.* 1. *cap.* 10.

Firderinga, *i. e.* a Preparation to go into the Army; which was another Offence immediately under the Cognizance of the King. *Ibid.*

Firderunga, Furniture for the Army. See *Firthunga*.

Firdfare. See *Ferdfare*.

Firdsoene, *i. e.* Exempted from the Army. From the Sax. firið, *Exercitus*, and sonne, *Exemptio*.

Firdstole. See *Fridstole*.

Firdwite: *Militiæ detrectatæ mulcta*, *Leg. Canut*, *par.* 2. *cap.* 23, 14. Or, a Mulct or Forfeiture for not going into the War.

Firebare. *Quod sine dilatione levari & reparari fac. signa &* **Firebares** *super montes altiores in quolibet Hundredo. Ita quod tota patria, per illa signa, quotiescunque necesse fuerit, præmuniri potest, &c.* Ordinatio pro vigiliis observandis à Lynne usque Yarmouth, *Temp. Ed.* 2. Perhaps from the *Saxon* fyrbeacon, a Beacon or a High Tower by the Sea-side, wherein were continual Lights, either to direct Sailors in the Night, or give Warning of the Enemy.

Firebote, *i. e.* Fuel for necessary Occasions; which, by the Common Law, any Man may take out of the Lands granted to him. See *Haybote*, *Estovers*, and *Lignagium*.

Firlot, a certain Measure of Liquids, something more than a Gallon. From the Sax. feoper, *Quatuor*, and lot, *portio*.

Firma. See *Ferme*. *Ad firmam noctis* was a Custom or Tribute paid towards the Entertainment of the King for one Night, according to *Domesday*. *Gimes Meriton T. R. E.* (i. e. *Tempore Regis Edwardi Conf.*) *reddebat* Firmam *unius noctis*, *i. e.* Provision or Entertainment for one Night, or the Value of it. *Firma Regis*, anciently *Pro villa Regia*, *seu Regis Manerio*. Spelm.

Firma is also used for Rent; as in this ancient Precept of *William* the Conqueror. *Willielmus Rex Anglorum Willielmo de* Cahannis *salutem. Præcipio tibi ut facias convenire* Schiram *de* Hamtonia *& judicio ejus cognosce, si terrade* Illam *reddidit* Firmam *Monachis Sancti Benedicti*, *&c.* Ex Regist. de Ramsey in Scacc. Land let *apud altam firmam*, *i. e.* at the Rack; and *Firma alba*, Rent paid in Silver, not in Cattle or Provision for the Lord's House. See *Black Maile*.

Firma is taken for a Banquet, Supper, or any Provision for the Table. *Mandavitque Regi quod ad* Firmam *suam properans cibos salsatos sufficientes inveniret.* H. Huntingdon, lib. 6. pag 367. And *Knighton*, speaking of the same Thing, saith, *Ad festum suum properans*. In *Domesday* the Word *Firma* is often mentioned, *viz. Reddere* Firmam *unius noctis*; *reddebat unum ciem de* Firma; *de hoc manerio ablatæ terræ quæ reddant Canonicis T. R. E.* Firmam *quatuor septimanarum*: That is, *Firma noctis* is a Supper, *Firma diei* a Dinner, and *Firma quatuor Septimanarum* is a Provision for so long Time. *Du Cange*. Sometimes 'tis taken for Money paid instead of Victuals. *Habemus igitur de maneriis nostris* 53 Firmas.

Firmaculum, a Batton; sometimes *Firmabulum*: As, *capum choralem dilacerevit, & Firmabulum quod vulgò morsus dicitur.* Matth. Paris.

Firmatio, a supplying with Food: *Si cirliscus homo forisbanniti* Firmationis *accusetur per suam ipsis vetam neget.* Leg. Inæ, cap. 34. *i. e.* accused of giving Victuals to a Fugitive.

Firmitas, a Fortification or Castle well fortified; *Et nimia festinatione Saxonum casas seu* Firmitates *subito introivit.* Du Cange.

Firmura. *Will. de Cresi* gave to the Monks of *Blyth* a certain Mill *cum libera firmura* of the Dam of it, ——*Reg. de Blyth.* This Dr. *Thoroton* englishes *Free Firmage*, but that is still a hard word. I think it intends free Liberty to scour and repair the Mill-Dam, and to carry away the Soil, &c.

Firstfalli, *Culminis ruina.*

First-fruits or Annates (*Primitiæ*) are the Profits, after Avoidance, of every Spiritual Living for one Year, given in ancient Time to the Pope throughout all Christendom, but by the Stat. 26 *Hen.* 8. *cap.* 3. translated here in *England* to the King: For ordering whereof, there was a Court erected 32 *Hen.* 8. *cap.* 45. but dissolved, 1 *Mar. Sess.* 2. *cap.* 10. And since that Time, though those Profits are reduced again to the Crown, 1 *Eliz. cap.* 4. yet was the Court never restored, but all Matters formerly handled therein, were transferred to the *Exchequer.* See *Annates*, and Sir *Roger Twisden's Hist. Vindication, fol.* 84.

Firth, or rather **Fyrht**, a Ghost.

Firthunga, an Expedition, or military Progress, or preparing for an Expedition. *Du Cange.*

Fiscalmus, a Villain.

Fishgarth, (*Anno* 23 *Hen.* 8. *cap.* 18.) Dr. *Skinner*, in his *Etymologicon*, says, 'Tis an Engine to take Fish; but it seems rather to signifie the Dam or Wear in a River, where these Engines are laid and used. For Garth in the *North* is still used for a Backside or Homested.

Fistula, the Pipe which was put into the Cup out of which the Communicants sucked the Wine: *Divisis ecclesiis cruces, altaria, scrinia, &c. fistulas, Fistulas & ornamenta varia.* Flor. Wigorn. Anno 1087.

Fithwite, *Rectius* **Fihtewite**, from the *Sax.* **feoht**, *pugna*, and **wite**, *mulcta*: *Mulcta ob commissam pugnam in perturbationem pacis publicæ.* **Fithwite**, i. e. *si pugnaverint & percusserint se, quamvis sanguinem non extraxerint, Prior habebit inde amerciamenta.* Ex Registro Priorat. de Cokesford.

Flaco, a place covered with standing Water: *Aqua, &c. in paludem horridam & in lutum ex* Flacone *diutina condensata.* Monast. 1 Tom. pag. 209.

Flactra, the same with *Flaco.*

Fledwite or **Flightwite**, (*Sax.* **flyht**, *fuga*, and **wite**, *mulcta*) signifies in our ancient Laws, a Discharge or Freedom from Amerciaments, when one, having been an outlawed Fugitive, comes to the Peace of our Lord the King, of his own Accord, or with Licence. Thus *Rastal.* But *Quære*, whether it does not rather signifie a Mulct or Fine set upon a Fugitive, to be restored to the King's Peace?

Fleet, (*Sax.* **fleot**, *i. e.* a place where the Water ebbs and flows, a running Water) a famous Prison in *London*, so called from the River, on the side whereof it stands. To this Prison Men are usually committed for Contempt to the King and his Laws, or upon absolute Command of the King, or some of his Courts; or lastly, for Debt, when Men are unable, or unwilling to satisfie their Creditors.

Flem and **Fleth**, (*Sax.* **flema**, an Outlaw, and **fleot**, a House) *In Placito de Quo Warranto Abbas de Burgo dicit quod clamat annum & vastum & medium tempus per hæc verba* Flem & fleth. Trin. 7 Edw. 3.

Flemaffare, (from the *Sax.* **flema**, a Fugitive or Outlaw, and **fleah**, to kill or slay) By virtue of this word were claimed *Bona felonum*, as appears upon a *Quo Warranto, Temp. Edw.* 3. See *Keilwey's Rep. fol.* 145, *b.*

Flemenesfirinthe, (*Rectius* **Flymenafyrinthe**, *LL. Inæ. cap.* 29. & 47. *LL. etiam Hen.* 1. *cap.* 10, 12.) signifies the receiving or relieving a Fugitive. *Cum Sacha & Socha, Tol & Team, Infangenethof & Flemenesfyrinthe & Gridbreche, Forstal, Hamsecne, Blodwite, Ordel & Oreste.* Carta Edw. Conf. Monasterio de Waltham. I find this word often in ancient Charters erroneously written: As **Flemenefird**, **Flemenefrit**, **Flemenefrenneth**, **Flemanisfrit**, **Flemenewurde**, **Fremenefenda**, and **Flemenesfreithe**. All doubtless intended for the same Thing: From the *Sax.* **flima**, *Fugitivus*, and **fyrnean**, *victum præbere.*

Flemenesfreme and **Flimenesfrenthe** *Interpretantur catalla fugitivorum*, Mich. 10 H. 4. Hertf. 59. Coram Rege, Rot 59. See *Flemenesfirinthe.*

Flemetwite (*Sax.*) signifies a Liberty or Charter, whereby to challenge the Cattle, or Amerciaments of your Man a Fugitive. *Rastal's Exposition of Words. Fleta* writes it two other ways, *viz. Flemenesfrevie* and *Flemenesfreithe*; and interprets it, *Habere catalla fugitivorum. lib.* 1. *cap.* 47. See *Flem*, and *Flemenesfirinthe.*

Fletgeboth, a Payment or Mulct exacted from him who deserted the Army: From the *Sax.* **fleah**, *fugere*, and **geohd**, *pugna.*

Fletwite, (*Sax.*) See *Fledwite.*

Flidethrift otherwise called *Shovegroate* is the same Game we now call *Shovelboard*, and mentioned 33 *Hen.* 8. *cap.* 9. This should rather have been called *Slidethrift.*

Fligheres.—*Concessi etiam eis* Fligheres *ad suam propriam navem, colligendas in territoria de Flamesburg.* Mon. Angl. 2 par. fol. 799. *b. Roxxe.* If not Masts from Ships, from the *Sax.* **fleogan**, to fly.

Flitchtwite, alias **Flitwite**, (from the *Sax.* **flit**, Contention or Strife) *significat mulctam ob contentiones, rixas & jurgia impositam, & cui hæc à Principe conceduntur, potest in Curia sua cognoscere de hujusmodi transgressionibus; vel mulctas inde provenientes in Curia Regis, à delinquentibus exigere & sibimet retinere.* Thus *Spelman.* **Flitwite**, i. e. *Quod Prior teneat Placita in Curia sua de contentionibus & conviciis hominum suorum & habeat inde Amerciamenta.* Ex Reg. Priorat. de Cokesford.

Flood-mark, The Mark which the Sea, at flowing Water and highest Tide, makes on the shoar. *Accordant à ceux Ordinances les Admirals ont use leur Authority en les lieues ayant dits tanque à lest temps, sibien per choses faits oustre le Mere & sur le Mere, come entre le* Flodemark *& Low-water-mark.* Anderson's Rep. fol. 189. *Constable's* Case.

Florences, (*Anno* 1 *Rich.* 3. *cap.* 8.) a kind of Cloth so called, brought from *Florence* hither; some was called *Arras, Darnix, Cambrick, Callicoe*, from the Places where it was made.

Flota navium, a Fleet of Ships. *Rex*—*sciatis quod constituimus Johannem de Roches Admiralium nostrum* Flotæ navium *ab ore aquæ Thamisiæ versus*

artes occidentales, quamdiu nobis placuerit. Rot. Francia, Anno 6. R. 2. m. 21.

Flotages (Fr. *Flotage, i. e.* a Floating or Swimming on the top) are such Things, as, by accident, *float* or swim on the top of the Sea, or great Rivers. I have seen the Word used in the Commission of a Water-Bailiff.

Flotson alias **Flotzan** (From the *Sax.* fleotan, i. e. *natare*) is a Word proper to the Seas, signifying any Goods lost by Shipwreck, and which lie *floating* or swimming on the Water, which with **Jetson, Lagon,** and **Shares,** are given to the Lord Admiral by his Letters Patent. *Jetson* is any Thing cast out of the Ship, being in danger of Wreck, and beaten to the shore by the Waves, or cast on it by the Mariners. *Coke, vol. 6. fol.* 106. *a. Lagon, alias Lagan vel Ligan,* is that which lies in the bottom of the Sea. *Shares* are Goods due to two or more by proportion.

Flyman, a Fugitive.

Focagium, the same with *Husbotum.*

Focale, *i. e.* a Right of taking Wood for the Fire: *In eadem Haiâ* 10 *Carratas clausturæ, & 10 Carratas* Focalis *recipiendas annuatim per visum servientis mei.* Monast. 1 Tom. pag. 779, pag. 603.

Foder, (*Sax.* foda, i. e. *alimentum*) any kind of Meat for Horses or other Cattle; in some places Hay and Straw mingled together is accounted *Foder.* See *Forage.* But among the *Feudists* it is used for a Prerogative that the Prince hath, to be provided of Corn, and other Meat for his Horses, by his Subjects, in his Wars or other Expeditions. *Hotoman de verbis feudal.* See *Fother*—— *Necnon redditus qui dicuntur* Hidagium *&* Foddercorn *in perpetuum Abbatibus* (*de* S. Edmundo) *designentur.* Mon. Angl. 1 Part. fol. 291. a.

Fogage, (*Fogagium*) Fog or Feg, rank Grass, not eaten in Summer. *LL. Forestar. Scot. cap.* 16.

Foines, the Skins of Weesels bred in the *South,* and used to line Garments here in former Times.

Foinesun (From the Fr. *Faon, i. e.* a Facent) is the Time when Deer fawn or bring forth their Young, being Fifteen Days before *Midsummer-day,* and 15 Days after.——*Prohibendum est etiam ad placita Forestæ, ne porci sint in Foresta Regis tempore de* Foinesun, Sc. 15 *diebus ante Nativitatem S. Joh. Baptistæ & 15 diebus post idem Festum.* R. Hov. fol. 446. a. n. 30. This is elsewhere termed *Tempus Faunationis.*

Foiterers, Vagabonds.

Folc-lands, (*Sax.*) Copyhold Lands were so called in the Time of the *Saxons,* and Charter-Lands were called Boc-land. *Kitchin.* 174. *Fundus sine scripto possessus* (says *Somner*) *censum pensitans annuum, & officiorum servituti obnoxius; Terra Popularis.*

Folcmote and **Folkesmote,** (*Sax.* folc-ge mot, i. e. *conventus populi*) signifies (according to *Lambard*) two kinds of Courts, one now called the *County Court,* the other the *Sheriffs Turn.* The Word is still in use among the *Londoners,* and signifies *Celebrem ex omni Civitate conventum. Stow* in his *Survey.* But *Manwood* says, It is the Court holden in *London,* wherein all the *Folk* and People of the City did complain of the Mayor and Aldermen for any Misgovernment. Mr. *Somner,* in his *Saxon Dictionary,* says, It is a general Assembly of the People for considering and ordering Matters of the Common-wealth. *Omnes proceres Regni & Milites & liberi homines universi totius Regni Britanniæ facere debent in pleno* Folcmote *fidelitatem Domino Regi, coram Episcopis Regni.* In Leg. Edw. Confes. cap. 35. *Et amplius non sit in Hustenge, Miskenninga,* i. e. speaking amiss, *neque in* Folkesmote *neque in aliis placitis infra Civitatem.* Charta H. 1. pro London. *Du Cange.*

When this great Assembly is made in a City, it may be called a *Burgemot,* when in the County a *Shiregemot. Cum aliquid vero inopinatum & malum contra regnum vel contra coronam Regis, &c. emerserit, statim debent pulsatis campanis, quod Anglice vocatur* amotbel, *convocare omnes & universos, quod Anglici dicunt* Folkmot, *i. e. Convocatio populorum & gentium omnium, quia ibidem omnes convenire debent & ibi providere debent indemnitatibus Coronæ regni per commune consilium.* Leg. Alfred, cap. 35. *de Aldermannis.*

Fold-course. (*Croke, 2 Part. fol.* 432.) See *Faldage.*

Folgare, *i. e.* to be of some Decennary: *Si quis ab una mansione ad aliam transire velit, fiat hoc testimonio Aldermanni, in cuius Comitatu prius folgavit.* Leg. Alfred. cap. 33.

Folgarii, Menial Servants: *In Francoplegio debet esse omnis qui terram tenet & domum, qui dicuntur Husfastene, Anglice* House-keepers, *& etiam alii qui aliis deservient, qui dicuntur,* Folgheres, *quia nec debet quis repellere servientem suum antequam purgatus sit de omni calumniâ unde prius fuit calumniatus.* Bract. lib. 3. tract. 2. cap. 10. From the *Saxon* folgene, *famulus.*

Folgheres or **Folgeres,** (From the *Saxon* folgen, *i. e.* to follow) are properly *Followers;* but *Bracton* (*lib.* 3. *tract.* 2. *cap.* 10.) says, it signifies *eos qui aliis deserviunt. Vide LL. Hen.* 1. *cap.* 9. Servants or Domesticks.

Fongere, an Herb; *Forsan Filix: Et debet colligere* Fongere. *Du Cange.*

Footgeld. See *Foutgeld.*

Foot of the Fine. See *Chirographer.*

Fozage, (Fr. *Fourage*) Fodder for Cattle. *Cestes sont les Covenants feates le Vendredy prochein devant la Feste de Seinte Jake l' Apostle.* 20 Edw. 3. *Percentre Nichol de Stone d'une parte & John de Blount d' autre parte.* ——*Et le dit John trovera au dit Nichol herbe & feyn &* Fozage *pour un Hakeney & deux vaches, &c.* Penes Wal. Kirkham-Blount Bar. See *Foder.*

Fozathe, From the *Sax.* for, *pro,* and *Sax.* Aþ, *juramentum. Liberalis autem homo,* (*i. e.* Þegen.) *modò crimen suum non sit inter majora, habeat fidelem hominem, qui possit pro eo jurare juramentum, i. e.* Fozathe. *Si autem non habet, ipsemet juret, nec perdonetur ei aliquod juramentum.* Constitut. Canuti de Foresta, sect. 12.

Fozator. See *Forrare.*

Fozbarre, or **Fozbar,** is to Bar or Deprive for ever. *Anno* 9 *Rich.* 2. *cap.* 2. and 6 *H.* 6. *cap.* 4.

Fozbatudus, Fozfactus: This is when the Agressor is slain; *Et sic est veritas sine ullo conludio & in suâ culpâ secundum legem* forbatudum *fecit, i. e. ut qui foris Battiderit seu contra jus primo percusserit:* So where the Agressor is kill'd, he is said, *de vitâ* Forfactus, (*viz.*) *& tunc ante judicem in arabo conjures quod eum de vita* Forfactum *interfecisset.*

Fozbushoz of **Armouz,** (*Forbator*) *Si quis* forbator *arma alicujus susceperit, ad purgandum, &c.* LL. Aluredi. M. S cap. 22.

Fozce (*Fr.*) is most usually applied to the evil part, and signifies unlawful violence; *West* defines it to be an Offence, by which violence is used to Things or Persons, *Parte* 2. *Symbol. tit.* Indictments, *sect.* 65. where he also divides it into *Simple* and *Compound;* *Simple Force* is that which is so committed,

ted, that it hath no other Crime annexed to it; as if one by *Force* do only enter into another Man's Possession, without doing any other unlawful Act. *Mix'd or Compound Force* is, when some Violence is committed with such a Fact, as of it self only is criminal: As if any by *Force* enter into another Man's Possession, and kill a Man, or ravish a Woman, *&c.* He further divides it into *True Force*, and *Force after a sort*, and so proceeds to divers other Branches worth the reading; as *Forcible Entry, Forcible Detaining, unlawful Assembly, Routs, Riots, Rebellions, &c.*

Forceletum, a little Fort: *Qui fugaverunt averia ad Forceleta. Fleta.* lib. 1. cap. 20. par. 119.

Forcible Detaining or with-holding Possession, is a violent Act of Resistance, by strong Hand of Men weaponed, or other Action of Fear in the same place or elsewhere, by which the lawful Entry of Justices, or others, is barr'd or hindred. *West, pag.* 2. *Symbol. tit.* Indictments, *sect.* 65. *Cromp Justice of Peace, fol.* 59.

Forcible Entry (*Ingressus manu forti factus*) is a violent actual Entry into House or Land, *&c.* or taking a Distress being weaponed, whether he offer Violence or Fear of Hurt to any there, or furiously drive any out of Possession. *West and Crompton ut supra.* It is also used for a Writ grounded upon the Stat. 8 *Hen.* 6. *cap.* 9. whereof read *Fitz. Nat. Br.* at large, *fol.* 248. *New Book of Entries, verbo, Forcible Entry*, and *Lambard's Eiren. lib.* 2. *cap.* 4.

Forda, Fordalis, from the *Sax.* ford, *i. e.* a River, *vadum sive trajectum.* 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 657. *Et tendit usque ad magnam aquam de Ayre, & Fordales ejusdem prati, &c.*

Forecheapum, —— *Et non licebat iis aliquod* Forecheapum *facere Burghmannis, & dare Theolonium suum.* Chron. Bromton. Col. 897. 898. de nave negotiali. & LL. Æthelredi ca. 23. It signifies Præemption, from the *Sax.* fore, *ante*, and Ceapan, *mundinari, emere.*

Foreclosed, (*Anno* 33 *Hen.* 8. *cap.* 39.) barr'd, shut out, or excluded for ever. 2 *Part. Inst. fol.* 298.

Forefang, (*Sax.* fore, *i. e. ante*, and fange, *prendere*) King *Ina* did by Law prohibit Forefange, i. e. *Captio Obsoniorum, quæ in foris aut nundinis ab aliquo fit, priusquam Minister Regis ea ceperit, que Regi fuerint necessaria.* LL. Inæ Reg.

Foregoers were Purveyors, otherwise call'd, *Going before* the King in Progress, to provide for him. *Anno* 36 *Edw.* 3. *cap.* 5.

Foreign (Fr. *Forain*, Lat. *Forinsecus*) is in our Law joined with divers Substantives in Senses, not unworthy the Exposition: As *Foreign Matter*, that is, Matter triable in another County, (*Pl. Cor. fol.* 154.) or Matter done in another County. *Kitchin fol.* 126.

Foreign Plea is a Refusal of the Judge, as incompetent, because the Matter in question is not within his Jurisdiction. *Kitchin, f.* 75. *Anno* 4 *Hen.* 8. *cap.* 2. And 22 *Eiusdem, cap.* 2. & 14.

Foreign Answer is such an Answer as is not triable in the County where it is made. 15 *Hen.* 6. *cap.* 5.

Foreign Service is that whereby a Mean Lord holds over of another, without the Compass of his own Fee, (*Broke, tit. Tenures, fol.* 28, 95, 251. *num.* 12. & 28. *Kitchin, fol.* 209.) or else that which a Tenant performs either to his own Lord, or to the Lord Paramount out of the Fee. Of which Services, thus *Bracton*, (*lib.* 2. *cap.* 16, *num.* 4.) *Item sunt quædam servitia, quæ dicuntur* forinseca, *quamvis sunt in Charta de Feoffamento expressa & nominata; & quæ ideo dici possunt* forinseca, *quia pertinent ad Dominum Regem, & non ad Dominum capitalem, nisi cum in propria Persona profectus fuerit in servitio, vel nisi cum pro servitio suo satisfecerit Domino Regi quocunque modo, & fiunt in certis temporibus, cum casus & necessitas evenerit, & varia habent nomina & diversa: Quandoque enim nominantur* forinseca, *largè sumpto vocabulo, quoad servitium Domini Regis, quandoque Scutagium, quandoque Servitium Domini Regis, & ideo* forinsecum *dici potest, quia sit & capitur* foris, *sive extra servitium quod sit Domino capitali.* Foreign Service, seems to be Knights Service or Escuage uncertain. *Perkin's Reservation*, 650. —— *Salvo* forinseco *Servitio.* Mon. Angl. 2 Par. fol. 637. b.

Foreign Attachment is an Attachment of Foreigners Goods found within a Liberty, or a City, for the satisfaction of some Citizen, to whom the *Foreigner* is indebted. At *Lemster* (anciently *Leominstre*) there is the *Borough* and the *Foreign*; which last is within the Jurisdiction of the Manor, but not within the Bailiff of the Borough's Liberty. So *Foreign Court* of the Honour of *Gloucester. Claus.* 8 *Edw.* 2. *m.* 25. *i. e. Foreign bought and Foreign sold*, is a Custom within the City of *London*, which, being found prejudicial to the Sellers of Cattle in *Smithfield*, it was enacted 22 and 23 *Car.* 2. That as well *Foreigners* as *Freemen* may buy and sell any Cattle there.

Foreign Opposer or Apposer, (*Forinsecarum Oppositor*) is an Officer in the *Exchequer*, to whom all Sheriffs, after they are apposed of their Sums out of the Pipe-Office, do repair to be apposed by him of their Green Wax. He examines the Sheriffs Estreats with the Record, and *apposeth* the Sheriff, what he says to every particular Sum therein. *Practise of the Exchequer, fol.* 87. See 4 *Inst. fol.* 107. *Chaucer* useth the word *appose* for *interrogare.*

Forera, *Terra transversalis, seu Capitalis*, a Head-land, or (as they vulgarly call it) *Hade-land.* —— *Uno capite abuttante super* Foreram *Rogeri Attecastel.* Charta de Anno 47 Edw. 3. —— *Decem acras terræ quarum octo Veliones cum duabus* Foreris *simul jacent in* —Clarta Antiq. penes Eliam Ashmole, Arm.

Forest (*Foresta*) signifies a great or vast Wood; *Locus silvestris & saltuosus.* Our *Law-writers* define it to be *Locum, ubi feræ inhabitant vel includuntur.* Others say, it is called *Foresta, quasi, Ferarum statio, vel tuta mansio ferarum.* Manwood 2 *par. cap.* 1. defines it thus. *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; meered and bounded with unremoveable Marks, Meers and Boundaries, either known by Matter of Record or Prescription; Replenished with Wild Beasts of Venery or Chase, and with great Coverts of Vert; for Succour of the said Beasts. For Preservation and Continuance of which Place, with the Vert and Venison, there are certain particular Laws, Privileges and Officers, belonging only thereto.*

Its Properties are these: First, A *Forest*, truly and strictly taken, cannot be in the Hands of any, but the King; because none hath power to grant Commission to be a Justice in Eyre of the Forest, but the King. Yet the Abbot of *Whitby* had a Forest by Grant of *Henry* the Second, and King *John*, with all Officers incident thereto. 4 *Inst. fol.* 305.

fol. 305. & 314. The second Property is the Courts, as the *Justice-Seat*, every three Years; the *Swainmote* thrice every Year, and the *Attachment* once every forty Days. The third may be the Officers belonging to it, for preservation of the Vert and Venison: As first, the *Justices* of the *Forest*, the *Warder* or Keeper, the *Verderers*, the *Foresters*, *Agistors*, *Regarders*, *Bailiffs*, *Beadles*, and such like, which see in their places. See *Manwood*, *par.* 2. *cap.* 1. *num.* 4. & 5. But the most especial Court of a *Forest* is the *Swainmote*, which is no less incident to it, than the Court of *Pye-Powders* to a Fair. If this fail, then is there nothing of a *Forest* remaining, but it is turned into the nature of a Chace. There were reckoned to be in *England* Sixty eight *Forests*. For the ascertaining the Meers and Bounds of the *Forests*. See *Anno* 17 *Car.* 1. *cap.* 16.

The *Norman* Kings not only inclosed *Forests*, but punished those who hunted and killed any of the Beasts, with the greatest Severity. *Brompton* tells us, That *William*, called the Conqueror, caused the Eyes of the Man to be pulled out, who took either a Buck or Boor; and *Knighton* tells us, That his Son *William Rufus*, would hang a Man for taking a Doe, and for a Hare he made him pay Twenty Shillings, and Ten Shillings for a Cony. *Eadmerus*, *lib.* 2. *pag.* 48. mentions, That the same *Rufus*, caused fifty rich Men to be apprehended, and accused them for taking and killing his Bucks, which they denying, they were to clear themselves by the Fire *Ordeal*, &c. and *H.* 1. made no distinction between him who killed a Man or a Buck, and punished those who destroyed the Game, (though not in the *Forest*) either by forfeiture of their Goods, or loss of Limbs: But *H.* 2. made it only Imprisonment for a Time: His Son, *R.* 1. revived the old Laws for punishing those who were convicted of Hunting in the *Forest* (*viz.*) That they should be gelt, and have their Eyes pulled out; but that King afterwards abolished this Punishment, and appointed such Convicts to abjure the Realm, or be committed, or to pay a Fine. *Edw.* 1. appointed the same Punishment, but that they should be free both of Life and Limb.

The Historians of those Times tell us, That *New Forest* was raised by the Destruction of twenty two Parish Churches, and many Villages, Chapels and Manors, for the space of 30 Miles together; that this was so displeasing to God, that several of those Princes came to untimely Ends in that very *Forest*, and particularly that *Rufus* was there shot by *Tyrrell*, and before him, *Richard*, the Brother of *H.* 1. was there killed by a Soldier, and *Henry*, who was Nephew to *Robert*, the eldest Son of the Conqueror, did hang like *Absolom* in the Boughs of the *Forest*.

Besides *New Forest*, there are sixty eight *Forests* in *England*, Thirteen Chases, and more than seven hundred eighty one Parks.

The way of making a *Forest* is thus, *viz.* Certain Commissioners are appointed under the Great Seal, who view the Ground intended for a *Forest*, and fence it round: This being returned into the *Chancery*, the King causeth it to be proclaimed throughout the County where the Land lieth, that 'tis a *Forest*, and to be governed by the Laws of the *Forest*, and prohibits all Men from Hunting there without his Leave.

Foreftagium, (*Et sint quieti de Theloneo & Passagio, & de* Forestagio, *& Theloneo aquarum & viarum Forestam meam contingentium.* Charta 18 Edw. 1. m. 10. n. 30.) seems to signify some Duty or Tribute payable to the King's *Foresters*; as *Chiminage*, or such like. It may likewise be taken for a Right to use the *Forest*, or a Payment for the Right, or rather a taking of reasonable *Estovers* there.

Foreftal. See *Forstal*.

Forester (*Forestarius*) is a sworn Officer of the *Forest*, appointed by the King's Letters Patent to walk the *Forest*, watching both the Vert and the Venison, attaching and presenting all Trespassers against them, within their own Bailiwick or Walk; whose Oath you may see in *Crompton*, *fol.* 201. And though these Letters Patent are ordinarily granted, but *quam diu se bene gesserint*, yet they are granted to some and their Heirs, who are hereby called *Foresters*, or *Foresters in Fee*. (*Idem fol.* 157 and 159. and *Manwood*, *Part.* 1. *pa.* 220.) whom, in *Latin*, *Crompton* calls *Forestarius Feudi*, *fol.* 175.

Forejudged the Court, is when an Officer of any Court is banished or expell'd the same for some Offence, or for not appearing to an Action by Bill filed against him; and, in the latter he is not to be admitted to officiate, till he appear to the Bill. *Anno* 2 *Hen.* 4. *cap.* 8. He shall lose his Office, and be forejudged the Court, &c. Forjudicare, *interdum est male judicare*, Spel.

Forejudging or **Forjudging**, (*Forjudicatio*) signifies a Judgment, whereby a Man is deprived, or put by the Thing in Question. *Bracton*, *l. lib.* 4. *Tract.* 3. *cap.* 5.) has these Words, —*Et non permittas quod A. capitalis Dominus Feudi illius, habeat custodiam haeredis*, &c. *quia in Curia nostra* forisjudicatur *de Custodia*, &c. So does *Kitchin* use it, *fol.* 29. and *Old Nat. Br. fol.* 44 and 81. And the Stat. 5 *Edw.* 3. *ca.* 9. and 21 *R.* 2. *ca.* 12. *Forjudicatus*, with Authors of other Nations, signifies as much as banished, or as *Deportatus* in the ancient *Roman* Law, as appears by *Vincentius*, *de franchis Descis.* 102.

Foreschoke (*Derelictum*) signifies originally as much as *forsaken* in our modern Language. It is specially used in one of our Statutes, for Land or Tenements seised by the Lord, for want of Services due from the Tenant, and so quietly held and possessed beyond the Year and Day. As if we should say, That the Tenant, who seeing his Lands or Tenements taken into the Lord's Hand, and possessed so long, takes not the Course appointed by Law to recover them, does in due presumption of Law disavow or forsake all the Right he has to them: And then such Lands shall be called *Foreschoke*, says the Stat. 10 *Edw.* 2. *ca. unico.*

Forespeon, *Cassatum.*

Forfang and **Forefeng**, (From the *Sax.* Fore, *ante*, and fangen, *prendere*) *est captio obsoniorum, quae in foris aut nundinis ab aliquo fit, priusquam Minister Regis ea ceperit quae Regi fuerint necessaria.* Antecaptio vel preventio. —*Et sint quieti de* Wardwite, *& de* utlewe & Forefenge & Wlithfange, &c. Charta Hen. 1. Hosp. Sancti Barth. Lond. An. 1133. Fleta lib. 1. cap. 47. *Forfeng quietantiam Prioris priki designat.*

Forfeiture (*Forisfactura*) comes of the French *Forfait*, i. e. *Scelus*; but signifies with us, rather the effect of Transgressing a Penal Law, than the Transgression it self, as *Forfeiture* of Escheats, *Anno* 25 *Edw.* 3. *cap.* 2. *Stat. de Proditionibus.* Goods *confiscated* and Goods *forfeited* differ. *Stamf.*

Pl. Cor. fol. 186. where those seem to be *forfeited* that have a known Owner, who has committed some Offence whereby he loseth his Goods: *Confiscate* are those that are disavowed by an Offender, as not his own, nor claimed by any other. But *Forfeiture* is rather more general, and *Confiscation* particular: to such as forfeit only to the Prince's Exchequer. *Full Forfeiture*, (*plena forisfactura*) otherwise called *Plena vita*, is a Forfeiture of Life and Member, and all else that a Man hath. *Manwood, Part.* 1. *pag.* 431. *Leg. Will. cap.* 88.

Forfeiture of Marriage (*Forisfactura Maritagii*,) is a Writ which lay against him, who, holding by *Knights Service*, and being under Age, and unmarried, refused her whom the Lord offer'd him without his Disparagement, and married another. *Fitz. Nat. Br. fol.* 141. *Reg. of Writs, fol.* 163. *b.*

Forfeng, Forefeng, and Forbenge. *Quietantiam priseæ designat; in hoc enim delinquunt Burgenses Londinenses cum prisas suas ante prisas Regis faciunt.* Fleta, lib. 1. cap. 47. See *Forfang.*

Forger of False Deeds (from the Fr. *Forger*, *i.e.* To beat on an Anvil, or bring into Shape) signifies either him that fraudulently makes and publishes false Writings, to the Prejudice of any Man's Right, or else the Writ that lies against him who commits this Offence. *Fitz. Nat. Br. fol.* 96. *b.* says, that a Writ of Deceit lies against him who commits this Offence, and the Penalty of it is declared in the Stat. 5 *Eliz. cap.* 14.

Forisbannitus, *i. e.* Banished. *Expulsus à Scotiâ*, Forisbannitus *ab Angliâ, &c.* Mat. Paris. An. 1245.

Foriscapium, where a Man by Force, or otherwise, exacts what is not due. See *Forchepum.*

Forisfamiliari. A Son is properly said *Forisfamiliari*, when he accepts of his Father's Part of his Lands, and is contented with it in the Life-time of the Father, so that he cannot claim any more.

Forlandum. — *Et de duobus* Forlandis *xvi denarios, sc. de* Forlando *Johannis Wauker, quod jacet ante terram Ecclesiæ, viii. denarios.* Mon. Angl. 2 par. fol 332. Land extending further, or lying before the rest; a Promontory. For *Camden* expounds *Cantium Promontorium*, the *Foreland* of *Kent.*

Forlet-land was such Land in the Bishoprick of *Hereford* as was granted or leased *dum Episcopus in Episcopatu steterit*, that the Successor might have it for his present Income: But now that Custom is disused, and the same Land granted, as others, by Lease, yet still retains the Name. *Butterfield's Survey, fol.* 56.

Forma Pauperis, or **In Forma Pauperis**, is when any Person has Cause of Suit, and is so poor that he cannot dispend the usual Charges of suing at Law, or in Equity. In this Case, upon his making Oath that he is not worth 5 *l.* his Debts being paid, and bringing a Certificate from some Lawyer that he has just Cause of Suit, the Judge admits him to sue *in Forma Pauperis*, that is without paying Fees to Councellor, Attorney, or Clerk. And this had Beginning from the Stat. 11 *H.* 7. *c.* 12.

Formedon (*Breve de Forma donationis*) is a Writ that lies for him who has Right to any Lands or Tenements by Vertue of any *Intail*, growing from the Statute of *Westm.* 2. *cap.* 1. There are three Kinds of it, *viz. Forma Donationis*, or *Formedon in the Descender*, *Formedon in the Reverter*, and *Formedon in the Remainder*. *Formedon in the Descender* lies for the Recovery of Lands, *&c.* given to one and the Heirs of his Body, or to a Man and his Wife, and the Heirs of their two Bodies, or to a Man and his Wife, being Cousin to the Donor, in Frank-Marriage, and afterwards alienated by the Donee. For after his Decease his Heir shall have this Writ against the Tenant or Alienee.

Fitz. Nat. Br. fol. 211, 217, and 214. makes three Sorts of *Formedon in the Descender*. The first is in the Manner now expressed; The second for the Heir of a Coparcener that aliens, and dies: The third he calls *Insimul tenuit*, which lies for a Coparcener an Heir in *Gavel-kind*, before Partition, against him to whom the other Coparcener or Heir has alienated, and is dead. *Formedon in the Reverter* lies for the Donor or his Heirs (where Land is entailed to certain Persons and their Issue, with Condition, for want of such Issue, to revert to the Donor and his Heirs) against him to whom the Donee alienate'th after the Issue extinct, to which it was entailed. *Formedon in the Remainder* lies where a Man gives Lands in Tail, the *Remainder* to another in Tail, and afterwards the former Tenant in Tail dies without Issue, and a Stranger abates, then he in *Remainder* shall have this Writ. *Reg. of Writs, fol.* 238. 242. Of this see also the *New Book of Entries, verbo Formdon*, and *Coke on Littl. fol* 226. *b.*

Formella, a certain Weight. See the Stat. 51 *H.* 3. *Le Charre*, (*i. e.* a Cart-load) *de plumbo constat ex* 30 Formellis, *& quælibet* Formella *continet sex petras exceptis* 2 *libris*, (a *Petra* being twelve Pounds and an half.) So that a *Formella* is about 70 Pound Weight.

Formicta. Monast. 1 Tom. pag. 149. *In Rogationibus ad Festum Odulfi unum præbendarium frumenti ad frixuras, &c. ad* Formicias *vero in Adventu Domini debent habere* 14 *Summas contra natale Domini, &c. omnes scilicet percipiendas ex horreis.*

Fornagium, (Fr. *Fournage.*) — *Et Dominus Rex proinde amisit per an. de exitibus* Fornagii *sui* 10 *libras.* Pla. Parl. 18 Edw. 1. in Turr. Lond. It signifies the Fee taken by a Lord of his Tenants, bound to bake in his common *Oven*, (as is usual in the North of *England*,) or for a Permission to use their own. Also Chimney-Money, or Hearth-Silver. See *Furnage.*

Fornication, (Fr. *Fornication*, from the *Fornices* in *Rome*, where lewd Women prostrated themselves for Money. *Anno* 1 *Hen.* 7. *cap.* 4.) Whoredom, the Act of Incontinency in single Persons; for if either Party be married it is *Adultery*. The first Offence herein was punished with three Months Imprisonment: The second was made Felony by an Act made in the late Times of Usurpation. *Scobel's Collection, Anno* 1650. *cap.* 10.

Sussex. *Præceptum est Vic. quod venire faciat Juratores, qui in Assisa Novæ Disseisinæ dubium fecerunt Sacramentum, tangens quandam* Agnetam *quam dixerant esse filiam* Simonis de Punde *patris prædictæ Agnetæ, & non dixerint esse hæredem. Et in eo quod dixerint quod* Matilda, *quæ fuit mater* Agnetæ, *fuit uxor dicti* Simonis, *& non dixerunt utrum Patria habebat eam ut uxorem ejus. Qui Juratores dicunt quod prædictus* Simon *semper tenuit dictam* Matildam *ut uxorem suam, & dicunt quod nunquam dictam* Matildam, *matrem dictæ* Agnetæ *desponsavit; Sed dicunt quod prædictus* Simon *aliquo tempore captus fuit per amicos prædictæ* Matildæ *in Camera* Fornicando *cum ipsa Matilda, per quod compellebatur unum de tribus facere, uxorem vel ipsam affidare, vel vitam suam amittere, vel ipsam* Matildam *retro osculare; ita quod ipse* Simon *ibidem dedit fidem suam prædictæ* Matildæ, *matri prædictæ Agnetæ, quod ipsam desponsare debuit, sed ipsam nunquam alio modo desponsavit, &c. Ideo prædictæ* Matilda de Kingsford *soror prædicti* Simonis

 recepit

recepit seisin. de 1 Messuag. &c. in Shepley, &c. Adam Gurdon & alii in misericordia. Pasch. 4 Ed. 1. Rot. 7. Sussex.

Forprise, (*Forprisum*, from the Fr. *For*, i. e. *Extra*, and *Prise*, *Capio*) an Exception or Reservation: In which Sense it is used in the Statute of *Exon*, 14 *Edw.* 1. but there written *Forseprise*. We still use it in Conveyances and Leases, wherein *Excepted and Foreprised* is an usual Expression.

C'EST *Indenture fet entre Monsieur* John Blount *Chevalier, le Eysne, d'une part, & Dame* Johan Foulesburst *d'autre parte, Tesmoigne, que mesme les partes sont issint assentez, accordez, & assurez, que* John Blount *filts & heir a dict Monsieur* John *deuy espousera, & prendera a femme Isabel la file de dite Dame du si briefe & deue temps, que la dite Dame a ses propres custages voidera ordeigner & faire, issint que le dit Dame paye a dit Monsieur* John *xx Markes a temps de l'espousels, & xl. Livres a certeyne de pay, compris en un Obligation, quelle le dite Dame a fait a dit Monsieur* John, *&c. Pour quel payment le dit Monsieur* John *enfeoffera ou fera enfeoffer les sudits* John *son filts, & la dite* Isabel *du son Manner jouste* Utteskefather, *appelle* Blount's Place, *ensemblement ove toutes autres terres, tenements, rentes, services, &c.* Forprise *le Parke, &c. appelle* Blount's Parke, *&c. A avoir, & tener a dit* John *son filts, & Isabel & les heyres que mesme cely* John *des Corps de mesme cely* Isabel *engendera, &c. Donnee south les seales, &c. le jour de St.* Luke. *L'an de R. le Roy* Hen. 4. *disme.* Penes Wal. Kirkam-Blount Baronet.

Forprise in another Sense is taken for any Exaction, and is the same with *Forecapium*, as appears in *Thorn, Anno* 1285. *Totum pratum, &c. sine quacunque* Forprisa *in Excambium pro placea dedit.*

Forrare, To forrage. *Quidam de Francis discurrebant emolumentis victualium intendentes, quod vulgariter* forrari *dicitur.* Mat. Paris 1242.

Forrein, used for *Foreigner. Anno* 34 & 35 *H.* 8. *cap.* 18. See *Foreign.*

Forses, (*Catadupæ,*) Water-falls. *Cam. Brit. tit.* Westmorland.

Forspeaker, an Attorney or Advocate.

Forspecen, *i. e.* Forbid. *Habeat istum hoc* Forspecen, *i. e.* All this is forbidden. *Leg. Canuti, cap.* 46. *apud* Brompton.

Forstal, or **Forestal**, (*Forestellamentum.*) *Spelman* says 'tis *Viæ obstructio, vel itineris interceptio*; with whom agrees *Coke on Littl. fol.* 161. *b.* In *Domesday* 'tis written *Foristel. Hoc verbum* Forstal *interpretari debet & intelligi ad impediendum aliquem vel insultandum in Regia strata & non alio modo.* Pla. Parl. 18 Edw. 1. Also we find in the *Saxon* Laws, ꝼoꝼꝼæl to signify Opposition.

Forstal (from the Sax. ꝼoꝼe, *Ante*, and ꝼꝼal, *Iter*,) is an Intercepting in the Highway, or an Assaulting a Passenger in it. Forestal *est si quis ex transverso incurrat vel in viam expectet & assaliat inimicum suum.* Leg. H. 1. cap. 80.

Forstalling (*Viarum obstructio*, from the *Saxon* ꝼoꝼe, i. e. *Via*, and ꝼꝼel) signifies the buying or bargaining for any Corn, Cattel, or other Merchandize, by the Way, before it comes to any Market or Fair to be sold, or by the Way as it comes from beyond the Seas, or otherwise, toward any City, Port, Haven, or Creek, of this Realm, to the Intent to sell the same again at a more high and dear Price. 52 *H.* 3. *Stat.* 6. *West. Part.* 2. *Symbol. tit.* Indictments, *Sect.* 64. *Forestaller*, (in *Crompton's Jurisd. fol.* 153.) is used for stopping a Deer, broken out of the Forest, from returning home again, or lying between him and the Forest in the Way he is to return. *Fleta* says, *Significat obstructionem viæ vel impedimentum transitus & fugæ averiorum, Lib.* 1. *cap.* 47. See *Regrators* and *Engrossers.* Who shall be adjudged a *Forstaller*, see in 5 & 6 *Ed.* 6. *cap.* 24. Forstal *est, si aliquis obviaverit Halce vel hujusmodi res ad forum, & priusquam alius venerit, & emerit ab ipso illas res, ut carus vendat, Prior habebit emendas ab ipso.* Ex Reg. Prioratus de Cokesford. See 3 *Part. Inst. fol.* 195.

Forsula, a little Fort. Forsulam *funditus everterunt.* Knighton.

Fortia, *i. e.* Power, Dominion, or Jurisdiction. *Non est eis imputandum, &c. si per omnia si aliquid quod nec consilium eorum vel auxilium sit in* Fortia *ipsa.*

Fortiare, or **Infortiare placitum**, is when many Judges are assembled to do it. *Si justitiam sine judicio dimittant (judices) sed summonitis terrarum dominis* Inforciatur placitum *termino competenti.* Leg. H. 1. cap. 29.

Fortility, **Fortilice**, and **Fortelet**, (*Fortalitium, vel Fortoletum, & Fortallescum,*) within the Towns and Fortilities of Berwick and Carlisle, Anno 11 Hen. 7. cap. 18.) signifies properly a little fortified House or Castle, made rather to preserve the Person of the Owner and his Goods, than to endure a Siege.

Fortlet, (Fr.) a Place of some Strength, a little Fort. *Old Nat. Br. fol.* 45.

Fortuna is that which we call Treasure-Trove, i. e. *Thesaurum ducente* Fortunâ *invenire. Inquirendum est per* 12 *Juratores pro Rege, &c. quod fideliter præsentabunt, &c. omnes* Fortunas, *abjurationes, appellis, &c. Spelman* tells us it signifies *Fortuito occisos!* But this seems to be very fanciful. See *Sacrobarro.*

Fortunium, a Tournament or Fighting with Spears. *In contemptum meum ipse* Torneamento *interfuisti & sophistice illum* Fortunium *appellasti.* Mat. Paris. Anno 1241.

Fortvenge. See *Forfang.*

Fossa, a Ditch, full of Water, where Women committing Felony were drowned, but Men hanged. *Nam & ipsi in omnibus tenementis suis omnem ab antiquo legalem habuere justitiam, videlicet ferrum,* Fossam, *Furcas, & similia.* In another Sense 'tis taken for a Grave, as appears by these old Verses:

Hic jacent in Fossa *Bedæ venerabilis ossa,*
Hic est Fossatus, *qui bis erat hic cathedratus.*

See *Furca.*

Fossagium. See *Fossatum.*

Fossatum, (Lat.) a Ditch, or a Place fenced with a Ditch or Trench. *Ex dono Hen. Regis avi nostri unum* Fossatum *tam largum, quod naves possint ire & redire à flumine de* Withonia *usque ad* Tupholme. Charta 20 Hen. 3. m. 9. where it seems to signify a (cut) River.

Fossatum, in another Sense, is taken for the Obligation of Citizens to repair the City Ditches.

Fossatura, the same with *Fossatum.*

Fosse-way (from *Fossus*, digged) was anciently one of the four great Highways of *England*; so called, because in some Places it was never perfected, but left as a great Ditch. See *Watlingstreet.*

Foster-land, (Sax.) Land given, assigned, or allotted, to the finding of Food or Victuals, as in Monasteries for the Monks.

Fosterlean, Nuptial Gifts, which we call a Jointure. From the Sax. ꝼoꝼꝼer-lean, *Ciborum exhibitio*, that is, a Stipend which the Wife hath for her Maintenance. *Postea sciendum est cui* Fosterlean

sterlean *pertineat, vadiet hoc Brigdunia & plegient amici sui.*

Fother, or **Fodder**, (from the Teutonick *Futer*,) is a Weight (of Lead) containing eight *Pigs*, and every *Pig* one and twenty Stone and an half, which is about a Tun, or a common Wain or Cart-Load. *Speight* in his *Annotations upon Chaucer*. I find also, in the *Book of Rates*, Mention of a *Fodder of Lead*, which is there said to be 2000 Weight: At the Mines 'tis 22 hundred Weight and an half; among the Plumbers at *London* 1900 and an half.

Fotmellum, a certain Weight. See *Gharrus*.

Fouage, (Fr.) See *Fuage*.

Foverare, To carry away Fodder; to forage. *Inquiretur quantum pastura Regis* Foverata *fuerit, sua deteriorata, per animalia quæ exeunt a domibus.* Fleta, lib. 2. cap. 41. par. 13.

Founder (from *Fundere*, To pour) is he that melts Metal, and makes any Thing of it by *pouring* or casting it into a Mould. *Anno* 17 *Rich.* 2. *cap.* 1.

Founiare, To fawn as a Deer. *Qui fecerunt vastum in foresta, maxime ubi damæ solebant* Founiare. Fleta, lib. 2. cap. 41. par. 33.

Fourcher (Fr. *Fourchir*, i. e. *Titubare lingua*,) signifies a putting off, prolonging, or delaying of an Action: For as by Stammering we draw out our Speech, not delivering that we have to say in ordinary Time, so by *fourching* we prolong a Suit that might be ended in a shorter Space. In *Westm.* 1. *cap.* 42. you have these Words, **Coparceners and Joyntenants shall no more fourch, but only shall have one Essoyn**, &c. And *Anno* 6 *Ed.* 1. *c.* 10. it is used in the same Sense; **The Defendants shall be put to answer without fourching**, *&c. Anno* 23 *Hen.* 6. *cap.* 2. See 2 *Part. Inst. fol.* 250. In the *Latin* 'tis called *Furcare*; and signifies, Where a Man and his Wife, or each of them, casts an Essoin, then 'tis called *Furcare*, because 'tis twofold. *Caveat vir & mulier implacitati, quod semper in Essonio alterius alter compareat, quamdiu* furcare *possint; & cum ultra non possint, concurrant eorum Essonia in suis locis: Aliter autem eorum tantum unum Essonium de malo lecti habere potest.* Hengham Mag. cap. 9.

Foutgeld, or **Footgeld**, (from the Sax. ꝼoꝺ, *Pes*, and Gelban, *Solvere*, q. *Pedis Redemptio*,) signifies an Amercement for not cutting out the Balls of great Dogs Feet in the Forest. See *Expeditate*. And to be quit of *Footgeld* is a Privilege to keep Dogs within the Forest, unlawed, without Punishment or Controul. *Crompton's Jurisd. fol.* 197. *Manwood, part* 1. *pag.* 86. This Privilege was allowed in *Assis. Forest. de Pickring*, 10 *Edw.* 3.

Fowls of Warren. See *Warren*.

Fractitium, Arable Land. *Pratum de mura & 3 Acras terræ de* Fractitio. *Mon. Tom.* 2. *pag.* 873.

Fractura navium, Wreck.

Fragium, a Right of making Faggots in a Wood. *Concessi eisdem* Fragium, *focalia, &c.* Mon. Tom. 1. pag 813.

Frampole Fences are such Fences as any Tenant in the Manor of *Writtel* in *Essex* hath against the Lord's Demeans; whereby he hath the Wood growing on the Fence, and as many Trees or *Poles* as he can reach *from* the Top of the Ditch with the Helve of his Ax, towards the Repair of his Fence. I have heard the late Chief Justice *Brampton*, whilst he was a Practiser and Steward of this Court, acknowledge he could not find out the Reason why these Fences were called *Frampole*. It may come from the Sax. ꝼremꝼul, *Profitable*, or may be a Corruption of *Franc-pole*, because the *Poles* are *free* for the Tenant to take.

Franchilanus, (from the Fr. *Franchi*, *i. e.* Free,) a Freeman. *Sciatis me dedisse, cum villanis & Franchilano, nomine* Hamone, *& cum tenuris eorum, &c.* Charta Hen. 4. 2. in m. Mon. Angl. 1 par. fol. 442. b. And in *Domesday* we find *Francus homo* used for a Freeman.

Franchise (Fr.) is sometimes taken for a Privilege or Exemption from ordinary Jurisdiction, 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 Chief, or a Member. In what particular Things *Franchises* consist, See *Brit. c.* 19.

Franchise Royal (*Anno* 15 *Rich.* 2. *cap.* 4. and 2 *Hen.* 5. *cap.* 7. *in Fine*,) seems to be that where the King's Writ runs not, as *Chester* and *Durham*, which are called *Seignories Royal*, *Anno* 28 *Hen.* 6. *cap.* 4. And formerly *Tyndal* and *Examshire* in *Northumberland*, 2 *Hen.* 5. *cap.* 5. *Franchise Royal* (according to another Author) is where the King grants to one and his Heirs that they shall be quit of Toll, or such like. See *Franchise* in the *New Book of Entries*, and *Bracton*, *lib* 2. *cap.* 5. See *Sac.*

Francigena. See *Englecerie*.

Francling, (*Qui libere tenet.*) a Freeholder. *Vide Fortescue de LL. Angl. cap.* 29.

Francigenæ was the general Appellation of all Foreigners, unless they could prove themselves to be *Englishmen*.

Frank was a *French* Gold Coin, worth about a *French* Shilling; but in Computation was twenty *Sols*, which is a *Livre*, or Pound, and about twenty Pence in our Money.

Frank-almoin (Fr. *Franc-aumone*) is a Tenure or Title of Lands or Tenements bestowed upon God, that is, given to such People as devote themseves to the Service of God in pure and perpetual Alms; whence the Feoffers or Givers cannot demand any terrestrial Service so long as the Lands remain in the Hands of the Feoffees. *Grand Custo. mary of Norm. cap.* 23. Of this you may read *Bracton* at large, *lib.* 2. *cap.* 5, & 10. and *Fitz. Nat. Br. fol.* 211. *New Book of Entries, verbo Frank-almoin.* But *Briton* (*cap.* 66. *numb.* 5.) makes another Kind of this Land, which is given in *Alms*, but not *Free Alms*, because the Tenants in this are tied in certain Services to the Feoffor.

Frank-bank. See *Freebench*.

Frank-chase (Fr.) is a Liberty of *Free Chase*, whereby all Men, having Ground within that Compass, are prohibited to cut down Wood, *&c.* without the View of the Forester, though it be his own Demesn. *Cromp. Jurisd. fol.* 187.

Frank-fee (*Feudum Liberum*) is by *Broke* (*tit. Demesn, num.* 32.) thus expressed; That which is in the Hand of the King, or Lord of any Manor, being Ancient Demesn of the Crown (*viz.* the *Demesns*) is called *Frank-fee*, and that in the Tenant's Hands is Ancient Demesns only. See *Reg. of Writs, fol.* 12. *a.* which says, That is *Frank-fee*, which a Man holds at the Common Law to him and his Heirs, and not by such Service as is required in Ancient Demesn, according to the Custom of the Manor; and that the Lands which were in the Hands of King *Edward* the Confessor at the making of *Domesday-Book*, is Ancient Demesn, and all the rest *Frank-fee*; wherewith *Fitzherbert* agrees, *Nat. Br. fol.* 161. So that all the Lands in the Realm by this Rule are either *Ancient Demesne* or *Frank-fee*. Another defines *Frank-fee* to be a Tenure in Fee-simple of Lands pleadable at the Common Law,

and not in Ancient Demesn. *Feudum Francum est, pro quo nullum servitium præstatur Domino*, says *Frachineus, lib. 7. cap. 39.* These Lands which were held in *Frank-fee* were exempted from all Services, but not from Homage.

Frank-ferm (*Firma Libera*) is Land or Tenements wherein the Nature of the Fee is changed by Feoffment, out of Knights-Services, for certain yearly Services; and whence neither Homage, Wardship, Marriage, nor Relief, may be demanded, nor any other Service not contained in the Feoffment. *Britton, cap. 66. num. 3.* See *Fee-farm.*

Frankfold is where the Lord hath the Benefit of *folding* his Tenants Sheep within his Manor, for the manuring his Land. *Keil. Rep. fol. 198. a. Quod Vassallis olim & Usufructuariis denegatum, Maneriorum & prædiorum Dominis solum competebat*, says Mr. *Somner*. It is compounded of the Fr. *Franc*, *i. e.* Free, and the Sax. Falo, *i. e.* a Fold. See *Foldage.*

Frank-Law (*Libera Lex*) is the Benefit of the Free and Common Law of the Land. He that for any Offence, as Conspiracy, &c. loseth his *Frank Law*, is said to fall into these Mischiefs: First, He may never be impanelled upon any Jury or Assise; or otherwise used in testifying the Truth. Next, If he have any Thing to do in the King's Court, he must not approach it in Person, but appoint his Attorney. Thirdly, His Lands, Goods, and Chattels, must be seised into the King's Hands, and his Lands must be estreated, his Trees rooted up, and his Body committed to Prison. Thus *Crompton* in his *Justice of Peace, fol. 156.* who cites the Book of *Assises, fol. 59.* See *Conspiracy.*

Frank-Marriage (*Liberum Maritagium*) is a Tenure in Tail-special, growing from those Words in the Gift. *Sciant, &c. me I. B. de O. dedisse & concessisse, & præsenti Charta mea confirmasse A. B. filio meo & Mariæ uxori ejus, filiæ viri C. D. in liberum maritagium unum Messuagium, &c. West, par. 1. Symbol. lib. 2. sect. 303.* The Effect of which Words is, That they shall have the Land to them, and the Heirs of their Bodies, and shall do Fealty to the Donor until the fourth Degree. *Glanvil, lib. 7. cap. 18.* and *Bracton, lib. 2. cap. 7. num 4.* where he divides *Maritagium in liberum & servitio obligatum.* See *Marriage.* *Fleta* gives this Reason why the Heirs do no Service until the fourth Degree: *Ne Donatores vel eorum hæredes per homagii receptionem, à reversione repellantur.* And why in the fourth Descent, and downward, they shall do Service to the Donor; *Quia in quarto gradu vehementer præsumitur, quod terra est pro defectu hæredum Donatoriorum reversura*, Lib. 3. c. 11. All this appears very plain in *Bracton*'s Words, who tells us, That *Maritagium liberum est ubi donator vult quod terra sic data erit quieta & libera ab omni seculari servitio quod ad dominium feodi possit pertinere & ita quod ille cui data sit nullum omnino inde faciat servitium usque ad tertium hæredem & usque ad quartum gradum.* And then he mentions how the Degrees shall be computed, *viz.* The Donee himself shall be in the first Degree, his Heir in the second, his Heir in Third, and his Heir in the fourth Degree; and afterwards the Land was subject to all the former Services, because it was supposed then to revert to the Lord for want of Heirs. So that it was exempted only *usque ad quartum gradum.*

The Lands which were given in Marriage *& servitio obligatæ*, were, with a Reservation of the Services, due to the Lord, which the Donee and his Heirs were bound to perform for ever; but neither he, or the next two Heirs were bound to do homage; that was to be done when it came to the fourth Degree, and not before; and then both Services and Homage were to be performed.

Frank-pledge (From the Fr. *Franc*, *i. e. Liber*, and *Pleige*, *i. e. Fidejussor*) signifies a Pledge or Surety for Freemen. The ancient Custom of *England*, for preservation of the publick Peace, was, that every Free-born Man, at fourteen Years of Age, (Religious Persons, Clerks, Knights and their Eldest Sons, excepted) should find Surety for his Truth, towards the King and his Subjects, or or else 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 gone away. So that whoever offended, it was forthwith enquired in what *Pledge* he was, and then those of that *Pledge*, either brought him forth within one and thirty Days to his Answer, or satisfied for his Offence. This was call'd **Frank-pledge**, and the Circuit thereof *Decenna*; because it commonly consisted of Ten Housholds; and every particular Person thus mutually bound for himself and his Neighbours, was called *Decennier*; because he was of one *Decenna* or other. This Custom was so kept, that the Sheriffs, at every County-Court, did from Time to Time take the Oaths of young ones, as they grew to fourteen Years of Age, and see, that they were settled in one *Dozein* or another; whereupon this Branch of the Sheriffs Authority was called *Visus Franci-plegii*, View of Frank-pledge. See the Statute for *View of Frank-pledge, Anno* 18 *Edw. 2.* See *Decennier, Leet, View of Frank-pledge*, and *Friborgh.* What Articles were wont to be enquired of in this Court, see in *Horn's Mirror, lib. 1. cap. De la Vieu des Francs-pleges*; and what those Articles were in ancient Times, see in *Fleta, lib. 2. cap. 52.* See also 2 *Part. Inst. fol. 73.* —— And if there be any person within the Ward, that is not under Franc-pledge, that is to say, under Love and Law, &c. Out of an *Ancient Charge of the Quest of Wardmote in* London. This may also be seen in *Bracton, lib. 3. tract de Coronâ, cap. 10. viz. Omnis homo sive liber sive servus, aut est vel debet esse in* Franco plegio, *aut de alicujus manupastu, nisi sit aliquis itinerans de loco in locum, qui non plus se teneat ad unum quam ad alium, vel quid habeat quod sufficiat pro* Franco-plegio, *sicut dignitatem, vel ordinem, vel liberum tenementum, vel in civitate rem immobilem, &c.*

Fracetum, a Wood or woody Ground. 1. *Inst. fol. 4. b.* I take it to be a Corruption of *Fraxinetum*, a Wood where Ashes grow.

Frater Nutricius, a Bastard Brother; so *Malmsbury* uses it; and so I have seen it used in old Deeds.

Fratrueles, the Sons of two Brothers, *successit* Fratruelis *ejus in regnum, &c.*

Fratruus, the Brother's Son.

Fratres conjurati are Sworn Brothers or Companions, *Simeon Dunelm*, pag. 81. 190, 203. and *Hoveden*, pag. 445. Sometimes they are so called who were sworn to defend the King against his Enemies, *Leg. W. 1. cap. 59. Præcipimus ut omnes liberi homines sint* Fratres conjurati *ad monarchiam nostram & regnum nostrum contra inimicos pro posse suo defendendum.* Leg. Edw. cap. 35.

Fratres ppes, were Friers wearing black and white Garments: They are mentioned in *Walsingham*. pag. 124. *viz. In quodam cæmeterio quod fuerat quondam fratrum quos* Frere-pyes *veteres appellabant.*

Fratriagium is that part of the Inheritance which comes to the Younger Brothers; for whatever they possess of the Father's Estate, they possess it *ratione* Fratriagii, and are to do Homage to the Elder Brother for it, because he is bound to do Homage for the whole to the Superior Lord. *Bract. lib. 2. cap. 35. Fleta lib. 3. cap. 16. Par. 6, 7.*

Fredum was a Composition paid by a Criminal, to be freed from Prosecution, of which the third part was paid into the Exchequer, and that was called *Fredum*. See *Delatura*.

Free-bench (*Franc-Banc, Francus Bancus*, i. e. *Sedes Libera*) signifies that Estate in Copyhold Lands which the Wife hath after the Death of her Husband, for her Dower, according to the Custom of the Manor: (*Kitchin, fol.* 102.) As at *Orleton* in the County of *Hereford*, the Relict of a Copyhold Tenant is admitted to her *Free-Bench*, that is, to all her Husband's Copyhold Lands, during her Life, at the next Court after her Husband's Death. *Bracton, lib. 4. tract. 6. cap. 13. num. 2.* hath these Words, *Consuetudo est in partibus illis, quod uxores maritorum defunctorum habeant* Francum Bancum *suum de terris Sockmannorum, & tenent nomine dotis. Fitzherbert* calls it a *Custom*, whereby in certain Cities the Wife shall have her Husband's whole Lands, &c. for her Dower. *Nat. Br. fol.* 150. See *Plowden, Case Nevil, fol.* 411.

Of this *Free-Bench* several Manors have several Customs; As it is the Custom of the Manors of *East* and *West Enborne* in the County of *Berks*; That if a Customary Tenant die, the Widow shall have her *Free-Bench* in all his Copyhold Lands, *Dum sola & casta fuerit*, but if she commit Incontinency, she forfeits her Estate; yet if she will come into the Court riding backward on a Black Ram, with his Tail in her Hand, and say the Words following, the Steward is bound, by the Custom, to admit 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 lost my Binkum Bankum.
And for my Tail's Gaute,
Have done this wordly Shame.
Therefore I pray you Mr. Steward let me have my Land again.

The like Custom is in the Manor of *Chadleworth* in the same County, in that of *Tor* in *Devonshire*, and other parts of the *West*.

Free-booter, one who fights without Pay, but in hopes of getting some Booty.

Free-bord, (Francbordus & Francus bordus) *Et totum boscum quod vocatur* Brendewode, *cum* Francbordo, *duorum pedum & dimid. per circuitum illius bosci* — Mon. Angl. 2 Part. fol. 241. a. In some Places more, in some less, is claimed as a *Free-Bord*, beyond, or without the Pence.

Free Chapel (*Libera Capella*) is (in the Opinion of some) a Chapel 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 Parishioners to come, or not, and endowed with Maintenance by the Founder, and therefore called *Free*. Others say, and more probably, that those only are *Free-Chapels* which are of the King's Foundation, and by him exempted from the Jurisdiction of the Ordinary; but the King may licence a Subject to found such a Chapel, and by his Charter exempt it from the Ordinary's Visitation. That it is called *Free*, in respect of its Exemption from the Jurisdiction of the Diocesan, appears by the *Register of Writs, fol.* 40. and 41. These Chapels were all given to the King with *Chantries* also, *Anno* 1. *Edw.* 6. *cap.* 14. *Free-Chapel* of St. *Martin le Grand. Anno* 3 *Edw.* 4. *cap.* 4. & 4 *Edw.* 4. *cap.* 7.

Freedstoll. See *Fridstoll*.

Freehold (*Liberum tenementum*) is that Land or Tenement which a Man holds in Fee, Fee-tail, or for Term of Life. *Bracton, lib.* 2. *cap.* 9. And it is of two sorts; *Freehold in Deed*, and *Freehold in Law*: The first is the real Possession of Land or Tenement in Fee, Fee-tail, or for Life: The other is the Right a Man has to such Land or Tenement before his Entry or Seisure. *Freehold* is likewise extended to those Offices, which a Man holds either in Fee, or for Life. *Briton* defines it to this effect, *Franktenement* is a Possession of the Soil, or Services issuing out of the Soil, which a Freeman holds in Fee, or at least for Life, though the Soil be charged with Free-Services, *cap.* 32. *Freehold* is sometimes taken in opposition to *Villenage*.

Lambard (in his Explication of *Saxon* Words) *Verbo, Terra ex scripto*, says, Land in the *Saxons* Time was called, either Bocland, *i. e.* holden by Book or Writing; or Folcland, held without Writing. The former he reports was held with far better Condition, and by the better sort of Tenants, as Noblemen and Gentlemen, being such as we now call *Freehold*. The later was commonly in the possession of Clowns, being that we now call, *At the Will of the Lord*. *Reg. Judicial. fol.* 68. a. says, That he, who holds Land upon an execution of a Statute-Merchant, until he be satisfied the Debt, *Tenet ut liberum tenementum sibi & assignatis suis*; and *fol.* 73. the same of a Tenant *per Elegit*; where I conceive the Meaning is, not that such Tenants are *Freeholders*, but as *Freeholders* for their Time, until they have received Profits to the value of their Debt. *Freeholders* in the ancient Laws of *Scotland* were called *Milites*, according to *Skene*, verbo, *Milites*.

Fremenfreda. See *Fremenfrith*.

Frenchman (*Francigena*) was anciently used for every Stranger. *Bracton, lib.* 3. *Tract.* 2. *cap.* 15. See *Englecery*.

Frendles man, was the old *Saxon* Word for him whom we call an *Outlaw*. The Reason is, because he was, upon his Exclusion from the King's Peace and Protection, denyd all help of *Friends* after certain Days. *Nam fortifecit amicos. Bracton, lib.* 3. *Tract.* 2. *cap.* 12. *num.* 1. says thus; *Talem vocant Angli* Utlaugh, *& alio nomine antiquitus solet nominari* frendles-man, *& sic videtur, quod forisfecit amicos; & unde, si quis talem post utlagatarium & expulsionem scienter pavierit, receptaverit vel scienter communicaverit aliquo modo, vel occultaverit, eadem pœna puniri debet, qua puniretur utlagatus; ita quod careat omnibus bonis suis & vita, nisi Rex ei parcat de gratia sua.*

Frendwite *vel* Infteng, *significat quietantiam prioris prisæ ratione convivii.* Fleta, lib. 1. cap. 47. *See* Forfeng. I cannot apprehend what *Fleta* meant by this Exposition of the Word, I rather think it was a Mulct exacted of him, who harboured his outlawed Friend: 'Tis derived from the *Sax.* Frieond, *amicus*, and wite, *mulcta*.

Fresh Disseisin (From the Fr. *Fraiz*, i. e. Recens, & *Disseisin*, i. e. Possessione ejicere) signifies

Frutectum, a place where Shrubs, or great Herbs with big Stalks grow. —— *Damus etiam eisdem decimas de omnibus Novalibus nostris*, i. e. *De terris quas de paludibus & de* frutectis *in terram arabilem traximus, per nummos vel per Kirsete.* Mon. Angl. 3 Par. fol. 92. a.

Frytb. Sir *Edward Coke* (*on Littl. fol.* 5. *b.*) expounds it, a Plain between two Woods, a Lawnd. *Chaucer* uses it for a Wood. *Camden* (in his *Britan.*) for an Arm of the Sea, or a Streight between two Lands, from *Fretum*, —— *Maketh his Issue into the Estuary of* Frith *of* Thames. *Smith* (in his *England's Improvement*) makes it signifie all Hedge-wood, except Thorns. How to reconcile these, I know not; but am sure the *Saxon* Frip, signifies Peace, and that *Fryth* in our Records is often used for a Wood. *Lector, tu tibi Oedipus esto.*

Frythborgh, from the *Sax.* Frip, i. e. *Pax*, and borge, *fidejussor.* —— *Et sint quieti de* Frythborgh, *& de* Blodewite, Eithwyte, *&* Ferdwyte, *&c.* 4 *Pasch.* 6 *Hen.* 4. *Rot.* 24. It might here signifie a Freedom from giving Security of the Peace.

Fuage or **Focage**, (Fr. *Feuage*) in the Reign of *Edward* the Third, the *Black Prince* having *Aquitain* granted him, laid an Imposition of *Fuage* or *Focage* upon the Subjects of that Dukedom, *viz.* A Shilling for every Fire, called *Hearth-Silver*. *Rot. Parl.* 25 *Edw.* 3. and *Froissart, cap.* 141. Now Chimney Money.

Fuarium. See *Sidlingi.*

Fuer, (Fr. *fuir*, Lat. *fugere*) Though it be a Verb, yet it is used substantively, and is two-fold. *Fuer en fait*, (*in facto*) when a Man does apparently and corporally flie; and *Fuer en ley*, (*in lege*) when, being called in the Country, he appears not until he be outlawed, which is *flight* in the interpretation of Law. *Staund. Pl. Cor. lib.* 3. *cap.* 22.

Fuga Catallorum, a Drove of Cattle. See *Streteward.*

Fugacia signifies a Chase, and is all one with *Chasea. Charta Matildis Imperatricis Milon. de Giauc.* —*Præcipio, quod hæc omnia teneat de me* —— *libere & quiete, in bosco & plano, in Foreslis & Fugaciis, in pratis & pasturis, &c.*

Fugare & refugare Catalla, to drive Cattle to and fro, forward and backward. *Antiq. of Nottinghamshire, fol.* 462.

Fugare also signifies to Hunt: *Prohibeo, ne quis sine licentiâ mea* Fuget.

Fugatio, *pro fugandi actu*; Hunting, or the Liberty or Privilege to hunt. *Et Cives habeant* Fugationes *suas ad fugandum, sicut melius & plenius habuerunt Antecessores eorum, in Chiltre & Middlesex & Surr. &c.* Charta Libertat. Hen. 1. Civibus London. *Fugatio Forestæ*, the Drift of the Forest.

Fugatores Carrucarum, Waggoners who can drive Oxen equally yoaked, without beating or goading. *Fleta, lib.* 2. *cap.* 78. *Par.* 1.

Fugerium, (Fr. *Fougiere*) Fern. Liskiret. *Item est ibidem quidam boscus vocat.* Clyne, *qui valet per annum, cum Bannagio, mello,* fugerio *& Jampno ejusdem*, iii s. Survey of the Dutchy of *Cornwal. Claus.* 1 *Ed.* 3. *Par.* 2. *M.* 1. *Dorso.* In an old Forest-Book of *Sherwood*, it is interpreted *Horsle-grasse.*

Fugitio, *pro Fugâ*: *Condemavit omnes Felonias &* Fugitiones. *Knighton, Anno* 1537.

Fugitives Goods (*Bona fugitivorum*) are the proper Goods of him that flies upon Felony, which after the flight lawfully found, do belong to the King or Lord of the Manor. *Coke. vol.* 6. *fol.* 109. *b.* See *Waif.*

Fuistallum, *i. e. vinaria dolia*, viz. *Et de decem junctis salis in wickie, cum duabus salinis &* Fuistallo. Monasticon. 2 Tom. pag. 89.

Fulgeria, *i. e.* Filix; *Et passuagium in Forestâ, & berbam &* Fulgeriam *& juncos ad falcandum.* Du Cange.

Fullum aquæ, a Stream of Water, a Fleam, such as comes from a Mill.

Fumage, (Fr. *Fumagium*) Dung, or a Manuring with Dung. — *Et sint quieti de* Fumagio *& Maremio cariando, &c.* Charta R. 2. Priorat. de Hertland. Pat. 5 Edw. 4. Par. 3. M. 13. Yet *Fumagium* is sometimes used for *Smoke-Silver*, as in Domesday, tit. *Arenfeld.*

Fumathoes or **Fumadoes**, (14 *Car.* 2. *cap.* 21.) Our Pilchards, garbaged, salted, hanged in the *Smoak*, and pressed, are so called in *Italy* and *Spain*, whither they are carried in great Numbers. It.

Fumaticum, the same with *Foogagium.*

Funditores, used for Pioneers, in *Rot. Pat.* 10. *Edw.* 2. *M.* 1.

Furaginm. See *Forrage*. *Ne Furagium capiatur nisi cum, in Com. Cantiæ ad equos sustentandos in Castello de* Dover. Monast. 1 Tom. 22.

Furca, seu *Calefurcia*, & *Fossa*, (*i. e.* Gallows and Pit.) In ancient Privileges it signified a Jurisdiction of punishing Felons, that is, Men with *Hanging*, Women, with *Drowning*: Of which last, take this notable example out of the Records of *Rochester* Church, in the Time of *Gilbert*, Bishop there, who flourished under *Richard* the First, *Anno* 1200.

Item duo mulieres venerunt in villam de Suffliete, *quæ furatæ fuerunt multos pannos in villa de* Croindone, *& secuti sunt eas homines ejusdem villæ de* Croindone, *quorum pannos furtive asportaverunt, usque in villam de* Suffliete, *& ibi captæ fuerunt & incarceratæ, & habuerunt judicium suum in Curia de* Suffliete, *ad portandum calidum ferrum, quarum una fuit salva, & altera damnata, unde submersa fuit in* Bikepole. *Et hoc totum contigit tempore* Gilberti *Domini Episcopi, & in quolibet judicio fuerunt Coronarii Domini Regis. Et* Paulus *de* Stanes *fuit tunc* Cacherellus *de Hundred de* Actune. *Et per illud tempus* Robertus *de* Hecham *Monachus fuit custos de Manerio de* Suffliete; *& ad mulieres judicandas fuit Dominus* Henricus de Cobeham, *& alii plures homines, discreti homines de Patria. Fossa* is taken away, but *Furca* remains, says Sir *Edward Coke* in his 3 *Inst. fol.* 58.

Furcletum, that part of the Breast where the Veins coming from the Liver are divided into Forks, that is, where the Breast is largest: *Concessit eidem Comiti, &c. duos dumos idoneos quolibet Anno de prælicto parco viz. de utroque damo quatuor membra & caput cum corio &* Forcheto, *&c.* Dugd. War. pag. 664.

Furigeldum, a Mulct paid for Theft. Among the Laws of King *Ethelred*, made at *Wantage, cap.* 7. 'tis allowed that they shall be Witnesses, *qui nunquam* Furigeldum *reddiderunt*, *i. e.* who were never accused of Theft or Larceny.

Furlong (*Sax.* Furlang) is a quantity of Ground, containing, for the most part, forty Perches or Poles in length, and every Pole sixteen Foot and a half, eight of which Furlongs make a Mile. *Anno* 35. *Edw.* 1. *cap.* 6. It is otherwise the eighth part of an Acre; yet I find in an old Book, Printed in *Henry* the VIII's Time, That six hundred Foot, by five score to the Hundred, make a *Furlong*. See *Acre.* In the former signification, the

the *Romans* call it *Stadium*, in the latter *Jugerum*.

Furlong is sometimes used for a piece of Land of more or less Acres. *Omnibus Christi Fidel. —Johannes Blount de Eye Arm. —Dedit Thomæ Croft & Francisco Lovel Arm. unum* Forlongum *terræ arabilis continen. per æstimationem quatuor Acras, &c.* Dat. 20 Jan. 3 Eliz.

Furnage, (*Furnagium*, Fr. *Fournage*) *Est tributum quod Domino furni à sectatoribus penditur ob furni usum. Multis enim in locis tenentur vasalli ad coquendum panes suos in furno Domini. Est etiam lucrum seu emolumentum quod pistori conceditur in pistionis sumptus & mercedem.* Et tunc potest pistor de quolibet quarterio frumenti lucrare 4 Den. & furfur, & duos panes ad *furnagium*. Assisa panis & Cervisiæ. Anno 51 Hen. 3. See *Fornagium*.

Furnarius, a Baker who keeps an Oven.

Furniare, to bake, or put any Thing in the Oven: *Et inveniemus eidem conventui domos competentes & necessarias ad brasiendum & Furniendum.* Matt. Paris. Anno 1258.

Fur, (from the Fr. *fourer*, i. e. *pelliculare*, to line with Skins.) The Stat. 24. *Hen.* 8. *cap.* 13. mentions divers kinds of it; as *Sables*, which is a rich *Fur* of Colour between black and brown, being the Skin of a Beast called a *Sable*, of bigness between a Polecat and an ordinary Cat, bred in *Russia*, but most and best in *Tartaria*. *Luceras*, the Skin of a Beast so called, being near the bigness of a Wolf, of Colour between red and brown, and mingled with black Spots, bred in *Muscovia* and *Russia*, and is a very rich *Fur*. *Genets* is the Skin of a Beast so called, of bigness between a Cat and a Weezle, mailed like a Cat, and of that Nature, bred in *Spain*; whereof there are two Kinds, *black* and *grey*, the black the more precious, having black Spots upon it hardly to be seen. *Foins* is of Fashion like the *Sable*, bred in *France*, for the most part; the top of the *Fur* is black, and the Ground whitish. *Martern* is a Beast very like the *Sable*, the Skin something coarser, the best are in *Ireland*. *Miniver* is nothing but the Bellies of Squirrels, as some say; others say it is a little Vermin, like a Weezle, Milk-white, and comes from *Muscovy*. *Fitch* is that which we otherwise call the Polecat. *Shanks* are the Skin of the Shank, or Leg of a kind of Kid, which bears the *Fur*, we call *Budge*. *Calaber* is a little Beast in bigness near a Squirrel, of Colour grey, and bred most in *High Germany*.

Furrura, i. e. *pellitium, viz. Longum Tabardum, capucium cum* Furrura *ad supertunicam & capucium.* Monasticon, 2 Tom. pag. 646.

Furst and **Fondong**, *i. e.* Time to advise, or to take Counsel, *viz. De quibuscunq; implacitetur aliquis* Furst & Fondong *habeat.* Leg. H. 1. cap. 46.

Fustic, a kind of Wood, which Dyers use, and is brought from *Barbadoes, Jamaica, &c.* Mentioned 12 *Car.* 2. *cap.* 18.

Futhwita. See *Fithwita*.

Fyrderinga, *i. e.* an Expedition, or a Fault for not going upon an Expedition after a Summons: From the *Sax.* Fyrderung, i. e. *expeditionis apparatus.* Leg. H. 1. cap. 10.

Fyrthing, alias **Fyrdung**, a military Expedition.

Fyrthwite, the same with *Fridwit, viz.* a Mulct for deserting the Army.

G.

Gabel, (*Gabella, Gablum, Gablagium.* Sax. Gafol, alias Gafel, Fr. *Gabelle*, i. e. *Vectigal*) hath the same signification among our old Writers, as *Gabelle* hath in *France*; for *Camden* (in his *Britan. pag.* 212.) speaking of *Wallingford*, says, *Continebat* 276 *hagas*, i. e. *Domos reddentes novem libras de* Gablo. And *pag.* 228. of *Oxford*, thus, *Hæc urbs reddebat pro Telonio &* Gablo *& aliis consuetudinibus per annum Regi quidem viginti libras & sex sextarios mellis; comiti verò Algaro decem libras. Gabella* (as *Cofanneus* defines it, *de Consuetud. Burgund. pag.* 119.) *est vectigal quod solvitur pro bonis mobilibus, id est, pro bis quæ vehuntur.* Distinguishing it from *Tributum*; *quia tributum est proprie, quod fisco vel principi solvitur pro rebus immobilibus.* When Gabel is mentioned without any Addition, then it usually signifies the Tax on *salt propter excellentiam*, but afterwards it was applied to all other Taxes, as *Gabelle de Vins*, &c.

Gaberdine, a coarse Coat or Livery: From the *Germ.* Gabe, because 'tis usually given to Servants every Year.

Gablatores, those that paid Gabel, Rent, or Tribute. *Domesday.*

Gabiantionum, *portuosus sinus, Suerby* in *Yorkshire.*

Gabriel's horne. — *Et Rikhil dit que le demandant en cest brief navera Judgment devant ceo que* Gabriel *ust ses son* Corne. Plowden, fol. 358. a. That is, till the Day of Doom; never.

Gabrosentum, *Gateshead* in the Bishoprick of *Durham.*

Gabulus denariorum, Rent paid in Money. *Selden of Tithes, pag.* 321.

Gacium, Lat. *remum vel rutabulum vocant.* W. Thorn. pag. 2010. speaking of the Monastery of St. *Austin* in *Canterbury*, says, *de discis & plateis* 3300 *de gachis.*

Gafolgild, (*Sax.*) the Payment or rendring of Tribute or Custom. Also Usury.

Gafol-land alias **Gafulland**, (*Sax.*) *Terra censualis*) Land liable to Tribute or Tax; rented Land, or Land letten for Rent. *Sax. Dict.*

Gage, (Fr.) Lat. *vadium*, signifies a Pawn or Pledge. *Glanvile, lib.* 10. *cap.* 6. thus, *Quandoque res mobiles ponuntur in vadium, quandoque res immobiles.* And a little after, *Invadiatur res quandoque ad terminum, quandoque sine termino. Item quandoque invadiatur res aliqua in mortuo* vadio, *quandoque non.* Though the Word *Gage* be retained, as it is a Substantive, yet as it is a Verb, Use hath turned the *G* into *W*. So as it is oftener written *Wage*; as to *Wage Deliverance*, *i. e.* To give Security that a Thing shall be delivered: For, if he that distrained, being sued, have not delivered the Cattle that were distrained, then he shall not only avow the Distress, but *Gager Deliverance*, *i. e.* Put in Surety that he will deliver them. *Fitz. Nat. Br. fol.* 74. *D.* and 67 *F* Yet in some Cases he shall not be tied to make this Security, as if the Cattle died in Pound. *Kitchin, fol.* 145. or if he claim a Propriety in the Cattle sued for. To *Wage Law*, see *Law*. See *Mortgage*.

Gager Deliverance, See *Gage*.

Gager del Ley. See *Wage*, and *Wager of Law*

Gagera. See *Gaugeors*. This Word is mentioned *in Anno* 12 *Car.* 2. *cap.* 4.

Gainage (Lat. *Wainagium*, i. e. *Actus plaustri, vel plaustri apparatus*, Fr. *Gaignage*, i. e. the Gain or Crop of tilled or planted Grounds) signifies the Draught-Oxen, Horses, Wain, Plough, and Furniture, for carrying on the Work of Tillage by the baser Sort of Sokemen and Villains; and sometimes the Land it self, or the Profit raised by cultivating it. *Bracton, lib.* 1. *cap.* 9. speaking of Lords and Servants,) says, *Ut si eos destruant, quod salvum non possit eis esse* Wainagium *suum*. And again, *Lib.* 3. *tract.* 2. *cap.* 1. *Villanus non amerciabitur, nisi salvo* Wainagio *suo*. For anciently, as it appears both by *Mag. Char. cap.* 14. and other Books, the Villain, when amerced, had his *Wainage* free, to the End the Plough might not stand still: And the Law, for the same Reason, does still allow a like Privilege to the Husbandman, that his Draught-Horses and Oxen are not in many Cases distrainable. This in *Magna Charta, cap.* 14. is called *Wainage*. I find in *Old Nat. Br. fol.* 117. *The Writ was abated, for that the Oxgang is always of a Thing that lies in* Gainor *or* Gaineur. This Word was only used of Arable Land, because they that had it in Occupation had nothing of it but the Profit raised of it by their own Labour towards their Sustenance, nor any other Title but at the Lord's Will. *Gainor* again, in the same Book, *fol.* 12. is used for a *Sokeman* that hath such Land in his Occupation. In the 32d Chapter of the *Grand Customary*, *Geigneurs* are *ruricolæ qui terras eleemosynatas possident*. And *Briton* useth *Gainer*, to plough or till, *fol.* 65. *a.* and 42. *b.* *West, par.* 2. *Symbolit. Recoveries, sect.* 3. says a *Præcipe quod reddat* lies not for such and such Things, *For they are not in Demesn, but in* Gain, *&c.* Lastly, in the Statute of Distresses in the *Exchequer, Anno* 51 *Hen.* 3. I find these Words, **No Man of Religion, nor other, shall be distrained by his Beasts that gain the Land.** See *Wainage*.

Gainery, (Fr. *Gaignerie*,) Tillage or Tilling, or the Profit raised of Tillage, or of the Beasts used therein. I have seen an old Lease that demised *Omnes terras, prados & pasturas in M. vulgo vocat. le* Gainerie, *&c.*

Gainure, (*Westm.* 1. *cap.* 6. & 17.) Tillage. See *Gainerie*.

Galea, a Galley, or swift Ship. *Mat. Paris* calls it *Liburna*. See *Hoveden, pag.* 688, 692.

Armo caput Galeâ, *pelagus percurro* Galeâ.

Galege, (*Galicæ*,) from the Fr. *Galloches*, which signified of old a certain Shoe, worn by the *Gauls* in foul Weather, as at present the Signification with us does not much differ. It is mentioned *Anno* 4 *Edw.* 4. *cap.* 7. and 14 & 15 *Hen.* 8. *cap.* 9.

Galilea, *i. e.* a Gallery or Church-Porch. *Pryn, Lib. Angl.* 3 *Tom. pag.* 668. *Et insuper inveniam unum Sacerdotem missalem, de prædicto Sancto, in Ecclesiâ memoratâ, in loco qui dicitur la* Galiley.

Gallatum, *Whelp-Castle* in *Westmorland*.

Gallava, *Wallwick* in *Northumberland*.

Gallena, *Wallingford* in *Berkshire*.

Galleti. Mr. *Somner* was of Opinion that they were *Viri Galeati*; but *Knighton* doth not mention the Word in that Sense, *viz. In quarum primâ acie fuit dominus* Galfridus, *&c. cum multis* Galletis, *i. e.* with many *Welchmen*.

Galligaskins, *i e.* Wide Hose or Breeches, so called, because used by the *Gascoigns*.

Gallihalpens was a kind of Coin which, with **Suskins** and **Doitkins**, was prohibited by the *Stat.* 3 *Hen.* 5. *cap.* 1. and were so called, (says one,) because brought over in the *Genoa* Gallies. Though Sir *Fr. Bacon* writes them *Gauis Half-pence*, and, 'tis like, more truly.

Gallimawfry, *i. e.* Meal given to Gally Slaves.

Gallivolatium, a Cockshoot or Cockglade. *Dedi unam Gravam cum* Gallivolatio. Charta antiq. And elsewhere I find *volacrum silvestre* in the same signification. *Item sunt ibidem quatuor* volatia silvestria, *quæ valent per annum* 2 *s.* Inq. post mortem Rog. Mortimer 22 *Rich.* 2.

Gambezon, (*Gambezonum*) (*Pat.* 15 *Edw.* 1. *M.* 13.) a long Horseman's Coat used in War, which covered the Legs, *Gamba*. —— *Ego* Johannes Bec *condo Testamentum* —— *Jeo done malme a Dieu & mon Corps à ensevelir al Abby de* Kirkstede *en le Chapel* St Maurice, *oue mon meleur Chival, pris de xl. Marks, mon Haubert de Guerre, mes Chancons, mes Couertures de Fer, mon* Gambeyson, *ma Targe, oue tout mon harneys de Guerre, q. à mon Corps appent, &c.* Probatum 10 Cal. Martii, Anno 1303. Or rather a Quilted Coat. *Cento, vestimentum ex coactili Lanâ confectum*, to put under the Armour to make it sit easie. *Fleta, lib.* 1. *cap.* 24. *Par.* 12. See *perpunctum*.

Pectora tot coriis, tot Gambesonibus armant.

Gang-days, (*Dies Lustrationis*) LL. Athelstani Regis. See *Rogation-Week*. *Gang-Week*.

Gaol, From the Fr. *Geole*, i. e. *Gaveola*. A Cage for Birds; and thence Metaphorically used for a Prison: So *Geolier*, whom we call *Gayler* or *Gaoler*.

Gara, i. e. a certain quantity of Ground, but *non constat* how much. *Et in prato juxta Bereford sex aceras & duas* Garas. Monasticon. 3 Tom. Part 2. pag. 29.

Garb, (*Garba*) Fr. *Garbe alias Gerbe*, i. e. *fascis*, signifies a Bundle or Sheaf of Corn. *Charta de Foresta, cap.* 7. And *Garba sagittarum* is a Sheaf of Arrows. *Skene, verbo, Garba*. *De omni annona decima garba Deo debita est.* LL. Edovardi Conf. cap. 8. It is sometimes used for all manner of Corn and Grain that is usually bound in Sheafs, as *Decimæ Garbarum*.

Sic demum decies metens ex æquore Garbas,
Ternas accipiet qui vincla jugalia nectit.

Garba in some places is taken for an handfull, *viz.* Garba *aceris fit ex triginta peciis*. Fleta, lib. 2 cap. 12. And *Garba Sagittarum* is Twenty four Arrows.

Garbles (*Anno* 21 *Jac. cap.* 19.) signify the Dust, Soil or Uncleanness, that is severed from good Spice, Drugs, *&c.*

Garbling of Bow-staves *Anno* 1 *Rich.* 3. *cap.* 11. is the sorting or culling out the good from the bad; as *garbling* of Spice, Drugs, *&c.* (1 *Jac. cap.* 19.) is nothing but to purifie it from the Dross and Dust that is mixed with it; and to sever the good from the bad: It may come from the Italian *Garbo*, that is, Finery or Neatness. See 4 *Inst. fol.* 264.

Garbler of Spices (*Anno* 21 *Jac. cap.* 9.) is an Officer of Antiquity in the City of *London*, who may enter into any Shop, Warehouse, *&c.* to view and search Drugs, Spices, *&c.* and to *garble* and make clean the same.

Garcio, (Fr. *Garcon*) a Boy, a Stripling, a Groom. *Pla. Cor.* 21 *Edw.* 1. *Garcio Stolæ*, Groom of the Stole to the King, as I find it in a Record, where

where *Stola* does not signifie a Close-Stool, as vulgarly surmised, but a Robe of Honour.

Garciones and **Garcinæ**, the Baggage of an Army, so called *à garcionibus sive militum famulis*: Walsingham, pag. 242. For *Garciones* are those Servants which follow the Camp. *Habeat Garcionem suo servitio semper attendentem.* Ingulphus, pag. 886.

Gard (Fr. *Garde*, Lat. *Custodia*) signifies a Custody or Care of Defence, but hath divers Applications; sometimes to those that attend upon the Safety of the Prince, called the *Life-guard*, and *Yeomen of the Guard*; sometimes to such as have the Education and Guardianship of Infants or Ideots; sometimes to a Writ touching Wardship; of which there were three sorts, one called *Droit de Gard*, the second *Ejectment de Gard*, the third *Ravishment de Gard*. *Fitz. Nat. Br. fol.* 139, 140. See *Ward* and *Gardian*.

Gardebrache, (Fr. *Gardebrace*) a Vambrace or Armor for the Arm. King *Hen.* 5. by Charter dated 10 *Junii*, 7 *Regni*, granted to Sir *William Bourchier*, *Comitatum de Eve in Normandy* —— *Reddendo dicto Regi & hæredibus suis apud Castrum Rothomagi unum* Gardebrache *ad Festum Sancti Georgii singulis Annis*, &c. Baronag. Angliæ, 2 Part.

Gardein de l'Estemary, (*Anno* 17 *Car.* 1. *cap.* 15.) Warden of the Stannaries.

Garderobe. See *Wardrobe*, and 2 *Inst. fol.* 255.

Gardian or **Guardian**, (Fr. *Gardein*, Saxon Wardunz, Lat. *Custos*) signifies generally him that hath the Charge or Custody of any Person or Thing; but most notoriously him that hath the Education or Protection of such People as are not of sufficient Discretion to guide themselves and their own Affairs, as Children and Idiots, being indeed as largely extended, as both *Tutor* and *Curator* among the *Civilians*. For whereas *Tutor*, is he that hath the Government of a Youth, until he come to fourteen Years of Age; and *Curator*, he that hath the Disposition and Ordering of his Substance afterward, until he attain to twenty five Years, or that hath the Charge of a Frantick person during his Lunacy; we use for both these a *Guardian* only, of which, we have three sorts in *England*; one ordained by the Father in his Will; another appointed by the Judge afterward; the third cast upon the Minor by the Law and Custom of the Land.

But the Ancient Law in this Case is, in a great measure, altered by the Statute of 12 *Car.* 2. *cap.* 24. which ordains, that, "Where any Person "hath, or shall have any Child or Children under the Age of twenty one Years, and not married at the Time of his Death, it shall be lawful for the Father of such Child or Children, "whether born at the Time of the Decease of the "Father, or at that Time *in Ventre sa Mere*, or "whether such Father be within the Age of twenty one Years, or of full Age, by Deed executed "in his Life-Time, or by his last Will and Testament in Writing, in the Presence of two or "more credible Witnesses, to dispose of the Custody and Tuition of such Child or Children, "for and during the Time, he, or they, shall remain under Age, or any lesser Time, to any "Person or Persons in Possession or Remainder, "other than Popish Recusants; and such Disposition shall be good against all Persons claiming "such Child, as *Guardian in Socage*, or otherwise, &c." And in case the Father appoint no *Guardian* to his Child, the Ordinary may appoint one to order his Moveables and Chattels, until the Age of fourteen Years, and then he may chuse his *Guardian*: And for his Lands, the next of Kin, on that side by which the Land descends not, shall be *Guardian* as heretofore, in case of a Tenure in *Socage*.

Gardian, or Guardian of the Spiritualties, (*Custos Spiritualium vel spiritualitatis*) is he to whom the Spiritual Jurisdiction of any Diocess is committed, during the vacancy of the See, *Anno* 25 *Hen.* 8. *cap.* 21. And, I take it, the *Gardian of the Spiritualties* may be either *Guardian in Law*, or *Jure Magistratus*, as the Archbishop is of any Diocess within his Province; or *Guardian by Delegation*, as he whom the Archbishop, or Vicar-General, does for the Time depute, *Anno* 13 *Eliz. cap.* 12.

Gardian of the Peace, (*Custos pacis.*) See *Conservator of the Peace*.

Gardian of the Cinque-ports, (*Gardianus quinque portuum*) is a Magistrate that has the Jurisdiction of those Havens, which are commonly called the *Cinque-Ports*; that is, the five Havens; who there has all that Jurisdiction, the Admiral of *England* has in places not exempt. *Camden*, in his *Britan. pag.* 238. says, The *Romans*, after they had settled themselves and their Empire here in *England*, appointed a Magistrate or Governour over those *East* parts, where our *Cinque-ports* lie, whom they termed *Comitem litoris Saxonici per Britanniam*, having another that bore the same Title on the opposite part of the Sea; whose Office was, to strengthen the Sea-Coast with Munition against the Outrages and Robberies of the Barbarians; and believes this *Warden of the Cinque-ports* was first erected among us, in imitation of that *Roman* Policy. See *Cinque-ports*.

Gare (*Anno* 31 *Edw.* 3. *cap.* 8.) is a coarse Wool full of staring Hairs, such as grows about the Pesil, or Shanks of the Sheep.

Gargarare, to speak with a loud Voice: *Sed hæc verborum deliramenta Francis innata*, Gargarando *superbia & jactantia reboavit.* Matt. Paris. Anno 1252.

Garianonum, *Yarmouth*.

Garienis fluvius, the River *Yare* in *Norfolk*.

Gariofilli, rectius *Gariophylli*, the Spice called *Cloves*. —— *Et salvo hæredibus meis post decessum meum uno clavo* Gariofil. *in prædicto Festo Sancti Mich. pro omni servitio sæculari*, &c. Charta Hugonis de Wygeton Priorat. Leominstr. Anno 1283.

Garnestura, *i. e.* Victuals, Arms, and all other Things necessary for the Defence of a Town or Castle. *Matt. Paris. Anno* 1250. *Significavit Soldanus Regi Francorum, ut sedatis omnibus Civitatem Damiatæ cum sustentamentis quæ* Garnesturas *vulgares appellant consultius resignaret*, &c.

Garniementum, Materials or any Trimming for Cloaths: 'Tis mentioned in the *Monasticon.* 2 *Tom. pag.* 321. *Et cuilibet eorum per Annum tres ulnas telæ, & unum* Garniamentum *laneum quolibet Anno.*

Garnish, as to garnish the Heir, *i. e.* to warn the Heir, *Anno* 27 *Eliz. cap.* 3.

Garnishee 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 *London*'s Court; because he has had *Garnishment*, or Warning not to pay the Money, but to appear and answer to the Plaintiff-Creditor's Sute.

Garnishment (Fr. *Garnement*) signifies a Warning given to one for his Appearance, and that for the

the better furnishing the Cause and Court. For example, one is sued for the Detinue of certain Charters, and says, They were delivered to him, not only by the Plaintiff, but *J. S.* also, and therefore prays, that *J. S.* may be warned to plead with the Plaintiff, whether the Conditions are performed or no; in this Petition he is said to pray *Garnishment. New Book of Entries, fol.* 211. *col.* 3, which may be interpreted a Warning to *J. S.* to provide himself of a Defence, or else a furnishing the Court with all Parties to the Action, whereby it may throughly determine the Cause. *Briton, (cap.* 28.) says, Contracts are some naked and *sans garnement*, and some furnished, or (to use the literal signification of his word) apparelled, *&c.* Howbeit *Garnishment* is generally used for a Warning; As in *Kitchin, fol.* 6. *Garnisher le Court*, is, to warn the Court; and, *reasonable Garnishment* in the same place, is reasonable Warning. And in the Stat. 27 *Eliz. cap.* 3. *Upon a Garnishment or two Nichils returned*, &c.

Garniture. (*Garnistura*) a Furnishing or Providing; *Garnistura Castri de Mountgomer.* —— *Et in vadiis* 24 *hominum ibidem existen. pro salva custodia dicti Castri tempore Insurrectionis & Rebellionis Wallicorum cum Owenio* Glyndourdwy, *fingentem se esse Principem Walliæ, ex parte diaboli, & cum diversis Wallicis sibi adhærentibus pro tempore, per ordinac. Hugonis Domini Burnel, Johannis Burley & Thomæ Yonge, Justiciar. Pacis Comitat. Salopiæ, &c.* Computus Joh. Seys Receptor. Denar. Domini Hen. Percy & Sociorum, &c. Anno 1 Hen. 4. *Penes Edw. Harley Mil. Balnei.* The Word also occurs in *Pat.* 17 *Edw.* 3. *Pars* 1. *Dors.* 27.

Garranty. See *Warranty.*

Garter. (Fr. *Jartier*, i. e. *Periscelis, fascia poplitaria*) signifies both in Statutes and otherwise, one special *Garter*, being the Ensign of a great and noble Society of Knights, called Knights of the *Garter.* This high Order (as appears by *Camb. pag.* 211.) was instituted by that famous King *Edward the Third*, in the Twenty third Year of his Reign, upon good Success in a Skirmish, wherein the King's *Garter* was used as a Token.

Sir *John Fern*, in his *Glory of Generosity, fol.* 123. agrees with *Camden*, and sets down the Victories whence this Order was occasion'd; whatsoever cause of beginning it had, the Order is inferior to none in the World in Honour or Antiquity, consisting of Twenty six Martial and Heroical Nobles, whereof the *King of England* is the Chief, and the rest are either Nobles of the Realm, or Princes of other Countries, Friends and Confederates with this Nation; the Honour being such, as Emperors and Kings of other Nations have desired, and thankfully accepted, it being long before the Order of St. *Michael* in *France*, the *Golden Fleece* in *Burgundy*, or the *Annunciada* in *Savoy.* The Ceremonies of the Chapter, proceeding to Election, the Investitures and Robes, the Installation, Vow, with such Observations, see in Mr. *Ashmole's* elaborate Work of the Institution, Laws and Ceremonies of this Noble *Order.* And see *Knights of the Garter.*

Garter also signifies the Principal King at Arms among our *English* Heralds, attending upon the Knights thereof, created by King *Henry the Fifth*, and mentioned in the Statute 14 *Car.* 2. *cap.* 33. See *Herald.*

Garth, in the *North* of *England* signifies a Yard or Back-side, or a little Close or Homestead. It seems to be an ancient *British* Word; For Garth in that Language signifies a Garden, the *dd* being liquefy'd in the Pronunciation like *th.*

Garthman, *Anno* 17 *Rich.* 2. *cap.* 9. It is ordained, that no Fisher, nor Garthman, shall use any Nets or Engins to destroy the Fry of Fish, *&c.* Whereby it seems to signifie one that keeps or owns an open Wear, where Fish are caught. It may haply be derived from the *Scottish* word **Gart**, which signifies forced or compelled, because the Fish are forced by the Wear to pass in at a Loop, where they are caught.

Garwyte, the same with *Wardwytes Mem.* 2. *Tom. pag.* 283. *Et sint quieti de sita, de Hundredo, de Danegeldis, de bloodwite &* Garwite, *&c.*

Gastaldus, a Governor of a Country or City, whose Office was only temporary, and who had Jurisdiction over the Common People. *Episcopus aliique Regis &* Gastaldi *Angliam spoliabant.* Ordericus Vitalis. Lib. 10. pag. 773. and in another place, *viz. lib.* 12. *pag.* 876. *Dolentes quod tantu rabies* Gastaldorum *super incolas grassaretur.*

Gate, this Syllable in the Names of Places, signifies a Way or Path, From the *Sax.* Geat, *i. e. Porta*, for which Reason it sometimes signifies a *Gate.*

Gavel, (*Sax.* Gafel) Tribute, Toll, Custom; Yearly Rent, Payment or Revenue; Of which we had of old several kinds paid by Tenants to their Landlords; As *Gavel-Corn, Gavel-malt, Oat-gavel, Gavel-fodder*: As you may read in Mr. *Fabian Philips's* Book, Entituled *Mistaken Recompence, pag.* 39 & 40.

Gavelet is a special and ancient kind of *Cessavit* used in *Kent*, where the Custom of *Gavelkind* continues; whereby the Tenant shall forfeit his Lands and Tenements to the Lord, if he withdraw from him his due Rents and Services, after this manner. The Lord must seek by the Award of his Court, from three Weeks to three Weeks, to find some distress upon the Tenement, until the fourth Court, always with Witnesses; and if in that Time he can find none, then at the fourth Court let it be awarded, that he take the Tenement into his Hand in Name of a Distress, and keep it a Year and a Day without Manuring; within which Time, if the Tenant pay his Arrears, and make reasonable Amends for the withholding, let him have and enjoy his Tenement as before; and if he come not before the Year and Day be past, let the Lord go to the next County-Court, with his Witness of what past at his own Court, and pronounce there this Process to have further Witnesses; and then, by the award of his own Court, he shall enter and manure the Tenement as his own: And if the Tenant will afterwards re-have it, and hold it as he did before, let him make Agreement with the Lord, according to this old saying,

Meghesith selde & neghesith geld, & v l. for his Were, er he become healder. i.

Has he not since any Thing given, nor any Thing paid,
Then let him pay 5 *l.* for his *Were*, ere he become healder again.

Other Copies have the first part thus written and expounded,

Nigondsith yeld & nigonsith geld.

Let him nine Times pay, and nine Times re-pay.

Of

Of this see 10 *Hen.* 3. *Fitz. tit. Cessavit* 60. and the Statute of *Gavelet*, 16 *Edw.* 2. which gives this Law to Lords of Rents in *London*. And see *Westm.* 2. *cap.* 21. which gives *Cessavit*.

Gavelgeld, That pays Tribute or Toll. *In qua terra sunt quinque Tofta, & solvunt* Gavelgeld *Ballivis Eborum.* Mon. Angl. Vol. 3.

Gavelheard. *Grex ad censum.*

Gavelkind, (from the Sax. Gafel, *i. e. Census, Tributum*, and Lynd, *Natura, Genus*,) that is, Land in its own Nature taxable. But Doctor *Powel*, in his *Additaments* to the *Cambrian History*, and from him *Taylor*, in his History of *Gavelkind*, *fol* 26. would have it derived from the *British* Word Gavel, importing a Hold, or Tenure. However, it signifies a Tenure, or Custom, whereby the Lands of the Father are equally divided at his Death among all his Sons; or the Land of the Brother among all the Brethren, if he have no Issue of his own.

Teutonicis priscis patrios succedit in agros
Mascula stirps omnis, ne foret ulla potens.

This Custom is still of Force in *Kent*, *Urchenfeild* in *Herefordshire*, and elsewhere, though with some Difference. But by the Stat. 34 & 35 *Hen.* 8. *cap.* 26. all *Gavelkind* Lands in *Wales* are made descendible to the Heir, according to the Course of the Common Law. *Camden*, in his *Brit.* says thus, *Cantiani ea lege Gulielmo Normanno se dediderunt, ut patrias consuetudines illæsas retinerent, illamque imprimis quam* Gavelkind *nominant. Hæ terræ, quæ eo nomine censentur, liberis masculis ex æquis portionibus dividuntur, vel fœminis, si masculi non fuerint.* Adding further, *Hanc hæreditatem, cum quintum decimum annum attigerint, adeunt, & sine Domini consensu cuilibet, vel dando, vel vendendo alienare licet. Et filii parentibus, furti damnatis, in id genus fundi succedunt, &c. Tenentes in* Gavelkind *debent fudalitatem facere; esse in nutritura propinquioris consanguinei, cui hæreditas post seipsos non pertinet, usque ad* XV *annos; recognitionem facere Domino, pro terra sua; detari de medio; omnes participant.* Ex Libro irrotulamentor. Eccl. Christi Cantuar. fol. 211. It appears by 18 *Hen.* 6. *cap.* 1. that in those Days there were not above 30 or 40 Persons in all *Kent* that held by any other Tenure; which was afterwards altered, upon the Petition of divers *Kentish* Gentlemen, in much of the Land of that County, by Stat. 31 *Hen.* 8. *cap.* 3. See *Lambard's Perambulation* of *Kent*, and *Somner's* Learned Discourse on this Subject. — *Dedi totam terram, quam vendidit mihi Michael de Turuham, sicut suum liberum* Gavilikind *&* Stockikinde, *ad fundandum ibi Domum Religionis, &c.* Mon. Angl. 2 Par. fol 640. a.

Our Ancestors held their Lands by Writing, or without. Those which were held by Writing were called *Bockland*, whose Owners were Men whom we now call Freeholders. That which was held without Writing was called *Folcland*, and the Owners were of servile Condition, and were possessed *ad voluntatem Domini*. But the Inheritance or Freehold did not in those Days descend to the eldest Son; but to all alike; which in *Saxon* was called Lande rcyptan, and in *Kent* To shift Land; from whence came the Custom of *Gavelkind*. And the Reason why it was retained in *Kent*, and no where else, is, because the *Kentishmen* were not conquered by the *Normans*: For *Stigand*, the Archbishop of *Canterbury*, and one *Egelsine*, an Abbot, who commanded the Forces in that County, ordered every Man to march with Boughs in their Hands, which they did, and met the Conqueror at *Swainscomb*; where the Archbishop and Abbot acquainted him with their Resolution of standing and falling in Defence of the Laws of their Country; and he imagining himself to be encompassed in a Wood, granted that they and their Posterity should enjoy their Rights, Liberties, and Laws; some of which, as particularly this of *Gavelkind*, continues to this very Day.

Gavelman is a Tenant who is liable to Tribute. *Villani de Terring qui vocantur* Gavelmanni. *Somner, Gavelkind, pag.* 33.

Gavelmed. *Consuetudo falcandi quæ vocatur* Gavelmed.

Gaveloces, *i. e.* Darts. The Syllable *Ga* being the same with *Ja*, and so derived from *Jaculo. Mat. Paris. Anno* 1256 *Frisiones igitur ipsum Willielmum cum* Jaculis *quæ vulgariter* Gaveloces *appellabant.*

Gavelrip. *De consuetudine metendi* 40 *Acras, & dimid. de* Gavelrip *in Autumno* 40 *Sol. & sex denar.*

Gavelsester, (Sax.) *Sextarius vectigalis; Cervisia scilicet sextarius Manerii vel prædii Domino ab usufructuariis cervisiam coquentibus, census vel vectigalis nomine, pendendus,*) a certain Measure of Rent-Ale. Among the Articles to be charged on the Stewards and Bailiffs of the Church of *Canterbury*'s Manors in *Kent*, (according to which they were to be accountable,) this of old was one; *De* Gavelsester *cujuslibet bracini braciati infra libertatem Manerierum*, viz. *unam lagenam & dimidiam Cervisiæ.* It elsewhere occurs under the Name of *Tol-sester*, thus; *De Tol-sester Cervisiæ, hoc est, de quolibet bracino per unum annum lagenam de Cervisia*, and is undoubtedly the same; in Lieu whereof the Abbot of *Abington* was wont of Custom to receive that Penny mentioned by *Selden*, in his Learned Dissertation annexed to *Fleta*, *cap.* 8. *num.* 3. and there (by some Mistake, haply of the Printer) written *Celecester-Peny*, for *Tol-sester-Peny*. Nor differs it (I think) from what in the *Glossary*, at the End of *Hen.* 1. *Laws*, is called *Oak-gavel. Sax. Dict.* and see *Tolsester*.

Gavelswan. *Porcarius ad Censum.*

Gavel-week (Sax.) was either *Manuopera* by the Person of the Tenant, or *Carropera* by his Carts or Carriages. Mr. *Phil.* of *Purveyance.*

Gaugetum. *Mandetur per breve de Canc. quod omnia ligna de doliis vinorum fiant de cætero de recto* Gaugeto *Anglicano. Rot. Parl.* 35 *Edw.* 1. of the true *English* Gauge.

Gaugeor, or **Gager**, (*Gaugeator*, from the Fr. *Gauch.r*, i. e. *In gyrum torquere*,) signifies an Officer of the King's, appointed to examine all Tuns, Pipes, Hogsheads, Barrels, and Tercians of Wine, Oil, Honey, Butter, and to give them a Mark of Allowance before they are sold in any Place. And because this Mark is a Circle made with an Iron Instrument for that Purpose, it seems thence to take Name. Of this Officer and Office we have many Statutes, the first is *Anno* 27 *Ed.* 3. commonly called the Statute of *Provision* or *Purveyors*, *cap.* 8. 23 *Hen.* 6. *cap.* 18, *&c.* and the last is 12 *Car.* 2. *cap.* 4.

Gauge-Penny seems to be the Gaugeor's Fee, by *Anno* 23 *Hen.* 6. *cap.* 16.

Gaphound, a Hound which never caught a Hare.

Gaymaria, the same with *Wainagium. Ita quod nihil ex inde remanet in manu ejus, nisi tantum* Gaymaria *Manerii prædicti.* Mon. Angl. Vol. 1. fol 603. b. *Quære.*

Geaspecia. In a Charter of the Privileges of

New-Castle upon *Tyne*, renewed *Anno* 30 *Eliz.* we read, *viz. Sturgiones, Balænas, Cetas, Porpecias,* (i. e. Porpoises,) *Delphinos, Riggos,* Geaspecias, *i. e.* Grampois.

Geld, (*Geldum.*) *Mulcta, compensatio delicti & precium rei.* Hence in our ancient Laws **Wer-gild** was used for the Value or Price of a Man slain, and **Oxgild** of a Beast. Also Money or Tribute. *Et sint quieti de* Geldis, & Danegeldis, Horngeldis, & Fortgeldis, & *de* Blodwita, & Flitwita, & Leirwita, & Heingwita, & Fremeneseuda, & Werdpeni, & Averpeni, & Hundredpeni, & Tolingpeni. Charta Ric. 2. Priorat. de Hertland in Devon. *Pat.* 5 *Edw.* 4. *Par.* 3. *M.* 13. See *Gild.*

Geldable. See *Gildable.*

Gemote, (Sax. *Conventus.*) *Omnis homo pacem habeat eundo ad* Gemotum *& redeundo de* Gemoto, *nisi probatus fur fuerit.* LL. Ed. Conf. cap. 35. See *Mote.*

Geneath, (Sax. *Rectius,* Geneaꝺ,) *Villanus, Villicus, Firmarius.* L. Inæ. MS. cap. 19. *Regis* Geneath, i. e. *Villanus Regius.*

General Issue. See *Issue.*

Generosa is a good Addition: And if a Gentlewoman be named *Spinster* in any Original Writ, Appeal, or Indictment, she may abate and quash the same. 2 *Inst. fol.* 668.

Genesta, Broom. See *Jaun. Percipiant decimas agnorum, lanæ, lini, canapi,* Genesti. *Thorn. pag.* 2112.

Gentleman, (*Generosus, Nobilis,*) from the Fr. *Gentil*, i. e. *Honestus vel honeste loco natus*, and the *Saxon* Mon; as if you would say, a Man well born, or from *Gente*, or *Genere.* The *Italian* calls them *Gentilhuomini.* Under this Title are comprised all that are above *Yeomen*: So that Noblemen are truly *Gentlemen.* But by the Course and Custom of *England, Nobility* is either *Major* or *Minor*: The Greater contains all Titles and Degrees from *Baronets* upwards; the Lesser all from *Barons* downwards. *Smith de Repub. Angl. lib.* 1. *cap.* 20, & 21. The Reason of the Name grows from this, that they observe *Gentilitatem suam*, that is, the Race and Propagation of their Blood, by bearing Arms, which the common Sort neither doth, nor may do. *Tully*, in his *Topicks*, speaks thus of this Subject, *Gentiles sunt, qui inter se eodem sunt nomine ab ingenuis oriundi, quorum majorum nemo servitutem servivit, qui capite non sunt diminuti.* *Gentilis homo* for a Gentleman was adjudged a good Addition, *Hill.* 27 *Edw.* 3. The Addition of *Knight* is ancient, but of *Esquire* or *Gentleman* rare before 1 *Hen.* 5. *cap.* 5. See 2 *Part Inst. fol.* 595, & 667. where we read *John Kingston* made a *Gentleman* by King *Richard* II. *Par.* 13 *Rich.* 2. *Par.* 1. *M.* 13. *intus.*

Genu, *i. e.* Generation. *Successit Ethelbaldo Offa quinto* Genu. Malmsb. lib. 1. cap. 4.

Genumia, *Northwales.*

Gerneat, a Clown, or Villain. *Gernobadatus.* See *Grani.*

Gersuma, (Sax. Gæɿuma, i. e. *Sumptus, pramium.*) In ancient Charters it is used for an Income; as, *Sciatis me A. pro toi libri, quas B. mihi dedit in* Gersumam, *dedisse, concessisse, &c.* Sometimes for a *Fine* for a Fault; as, Gersumam *capere de Nativo vestro impregnato sine licentia vestra, quod dicitur* Childwit. In *Matth. Paris* it is written *Gersoma. Datis Abbati tribus marcis auri in* Gersoma, i. e. *Pro Fine.* And in *Scotland Gressume.* Sometimes 'tis taken for any Exaction or Demand; as, *Absque retinentia cujusliber consuetudinis sive servitii, seu alicujus* Gersumæ *aut secularis Exactionis.* Monasticon, 2 Tom. pag. 973.

Gesemund, Assembled.

Gestu & fama is a Writ now out of Use. *Lamb. Eiren. lib.* 4. *cap.* 14. *pag.* 532.

Gethbrech, (*Rectius Grithbreche.*) *Si pacem quis fregerit ante mediocres Forestæ, quod dicunt* Gethbrech, *emendet Regi decem solidis.* Constitut. Canuti de Foresta, cap. 18. See *Grithbreche.*

Gewineda is a *Saxon* Word, and it signifies the Publick Convention of the People to decide a Cause. *Et pax quam Aldermannus Regis in quinque burgorum* Gewineda *dabit emendatur* 12 *libris.* Leg. Ethelred, cap. 1. apud Brompton.

Gewitnesta, Giving Evidence. *Leg. Ethelred, cap.* 1. *apud Brompton.*

Gifta aquæ. *Molendinum & vivarium cum* Gifta aquæ. *Mon. Angl.* 3 *Par.* The Stream of Water, *ut videtur.*

Gigmills were used for the Perching and Burling of Woollen Cloth, prohibited *Anno* 5 & 6 *Edw.* 6. *cap.* 22. They were a Kind of *Fulling Mills.*

Gignaria, a School.

Gild, in *Saxon*, signifies a Fraternity or Company, and comes from the *Saxon* Word Gildan, which is To pay; because every one was *gildare*, *i. e.* to pay something towards the Charge and Support of the Company. And from thence come *Guild-halls*, that is, the Halls of the Society or Fraternity, where they meet and make Orders and Laws among themselves. The Original was thus, *viz.* It was a Law amongst the *Saxons* that every Freeman of fourteen Years old should find Sureties to keep the Peace, or be committed; whereupon certain Neighbours enter'd into an Association, and became bound for each other, to produce him who committed an Offence, or to make Satisfaction to the injured Party; which that they might the better do, they raised a Sum of Money among themselves, which they put into a common Stock; and when one of their Pledges had committed an Offence, and was fled, then the other nine made Satisfaction out of this Stock by the Payment of Money, according to the Quality of the Offence. And because this Association consisted of ten Families it was called a *Decennary*: And from hence came our Fraternities. But as to the direct Time, when these *Gilds* had their Origine in *England*, there is nothing of Certainty to be found, since they were in use long before any formal Licences were granted to them for such Meetings. *Edward* the Third, in the Fourteenth of his Reign, granted Licence to the Men of *Coventry* to erect a *Merchants-Gild*, and a Fraternity of Brethren and Sisters, with a Master or Warden, and that they might make Chantries, bestow Alms, do other Works of Piety, and constitute Ordinances touching the same, *&c.* So *Henry* the Fourth, in the fourth Year of his Reign, granted Licence to found a *Gild* of the Holy Cross at *Stratford* upon *Avon.* See *Antiquities of Warwickshire, fol.* 119, & 522. *Gild* or *Geld* (according to *Camden*) signifies also a Tribute or Tax, and the Statutes of 27 *Edw.* 3. *Stat.* 2. *cap.* 13. and 11 *Hen.* 7. *cap.* 9. used *Gildable* in the same Sense with *Taxable.* *Gild* (according to *Crompton* in his *Jurisdictions, fol.* 191.) signifies an Amercement, as *Foul-geld*; and *fol.* 197. he interprets it to be a Prestation within the Forest in these Words, *To be quit of all manner of* Gilds *is to be discharged of all manner*

manner of Prestations, to be made for gathering Sheafs of Corn, Lamb, and Wool, to the Use of Foresters. The Word is also mentioned in the Stat. 15 *Hen.* 6. *c.* 6. and 15 *Car.* 2. *cap.* 7.

Gild is also a Compensation or Mulct for a Fault. *Quicquid in amore in alterum furatum habent in duos* Geldos *componere faciat.* From hence *Weregeld* is the Price of a Man, *Orfgeld* the Price of Cattle, *Angild* the single Value of a Thing, *Twigild* the double Value. There are likewise many Words which end with *geld*, and which shew the several Kinds of Payments, as *Danegeld*, *Vadegeld*, *Sencgeld*, *Hornegeld*, *Sotgeld*, *Penigeld*, and many more.

Gild, or **Guild-Rents**, are Rents payable to the Crown by any *Gild* or Fraternity, or such Rents as formerly belonged to Religious *Gilds*, and came to the Crown at the general Dissolution, ordered for Sale by the Stat. 22 *Car.* 2. *cap.* 6.

Gildale, (from the Sax. Gild, i.e. *Solutio*, and ale, *ale*,) a Computation, where every one paid his Share. See *Sothale*.

Gildable, or **Geldable**, (*Geldabilis*,) Tributary, that is, liable to pay Tax or Tribute. *Camden*, dividing *Suffolk* into three Parts, calls the first *Gildable*, because liable to pay Tax, from which the other two Parts were exempt, because *Ecclesiæ Donatæ*. It is mentioned *Anno* 27 *Hen.* 8. *cap.* 26. But I find *Gildable* expounded in an old MS. to be that Land or Lordship which is *Sub districtione Curiæ Vice-com.* See 2 *Part. Inst. fol.* 701. *Inquisitio capta apud Atherston, &c.* 5 *Hen.* 5. *per Sacram. Will. Reirs & al. qui dicunt quod Johannes Chestershire, qui tenet unum tenementum & duo crofta cum pertin. in le* Geldable *de Johanna Lile per quod servitium ignorant, erexit crucem S. Johannis Hierosol. super Domum suam, ad habendum privilegium & libertat. Templar. de Balshade, eo quod teneret prædict. tenementum sub Cruce in præjudicium Dom. Regis & contra formam Statuti inde editi, &c.* MS. penes Gul. Dugdale Ar. *Jur. dicunt quod Prior de Sempringham tenet tres Carucatas terræ in S. & non sunt* Geldabiles. Ex Rot. Hundr. in Turr. Lond. de Anno 3 Edw. 1. Linc.

Gildæ adulterinæ. *Rot. Pipa* 3 *Johannis.* Perhaps used for adulterate Money. *Qu.*

Gildalda Teutonicorum was used for the Fraternity of Easterling Merchants in *London*, called the *Still-yard*. *Anno* 22 *Hen.* 8. *cap.* 8.

Gild-Hall, (i. e. *Gildæ aula*,) the chief Hall of the City of *London* so called. Gildarum *nomine continentur non solum minores fraternitates & sodalitia, sed ipsa etiam Civitatum Communitates*, says the Learned *Spelman*. See *Gild*.

Gild-Merchant, (*Gildæ Mercatoria*) was a certain Privilege or Liberty granted to Merchants, whereby they were enabled (among other Things) to hold certain Pleas of Land within their own Precincts; as King *John* granted *Gildam Mercatoriam* to the Burgesses of *Nottingham*.

Gilewite. See *Gulwite*.

Girnelled, quasi **Wirnelled**, *i. e.* Denied. From the Sax. Wirnan, *Denegare*.

Gisarms, rectius Guisarmes, (*Anno* 13 *Ed.* 1. *Stat.* 3. *cap.* 6) an Halbert. From the Lat. *Bis Arma*, because it wounds on both Sides. A Kind of Hand-Ax, according to *Skene*. *Fleta* mis-writes it *Sisarms*, *Lib.* 1. *cap.* 14. *Est armorum genus longo manubrio & porrecta cuspide.* Spel.

Gladiolum, Sedge. *Mariscus profert* Gladiolum, *cuspides & calta ignis pabula.* Mat. Paris. An. 1206.

Gladius (*Jus Gladii*) is mentioned in our *Latin* Authors, and in the *Norman* Laws, and it signifies a Supreme Jurisdiction. *Camden*, in *Britannia*, writes *Comitatus Flint pertinet ad* Gladium *Cestriæ*. And in *Selden, Tit. of Honour, pag.* 640. *Curiam suam liberam de omnibus placitis, &c. Exceptis placitis ad* Gladium *ejus pertinentibus.* And 'tis probable from hence that at the Creation of an Earl he is *Gladio succinctus*, to signify that he had a Jurisdiction over the County. See *Pleas of the Sword*.

Glaire, (Fr.) a Sword: Also a Lance or Horseman's Staff. *Gleyre, long Sword, short Sword* and *Dagger*, were the Weapons allowed the Parties in a Trial by Combat. See *Orig. Jurisdict. fol.* 79. *b.*

Glavea, (*i. e. Spiculum*,) a Dart. *Quod cum vidisset quispiam in Castello & adversarium agnovisset telo gracili quod Glavea dicitur, &c.* Gerv. Dorob. Anno 1144. *Anglice* Glaveg.

Gleab-land, (*Gleba*,) Church-land. *Dos vel terra ad Ecclesiam pertinens.* Charta Elredi Regis Monast. de Croiland, apud Ingulphum. *Imprimis totam Insulam Croilandiæ pro* Gleba *Ecclesiæ, & pro situ separali ejusdem Monasterii — Dono.* *Lyndewode* says, Gleba *est terra in qua consistit Dos Ecclesiæ; generaliter tamen sumitur pro solo vel pro terra culta.* Mentioned in the Statute of 14 *Car.* 2. *cap.* 25. We most commonly take it for Land belonging to a Parish-Church, besides the Tithe. *Skene* says, The four Acres of Land, quhilk is gifven to the Ministers of the Evangel in Scotland, is called ane Gleeb, the quhilk suld be free fra payment of any teinds.

Glebariæ, Turfs. *In Sylvis, Campis, Semitis, Moris*, Glebariis, *&c.* Turfs digged out of the Ground.

Glebum. See *Clevum*.

Gliscpwa, *i. e.* a Fraternity or Company. *Tribulium collegium.* In the Laws of King *Adelstan*, *cap.* 12. we read. *Et diximus etiam omnibus hominibus qui in nostram* Gliscwam *vadium dedit, si contingat eum mori, omnis congildo det unum panem & companagium pro animâ ejus.*

Glocester. See *Clevum* and *Glevum*.

Glomerells, *i. e.* Commissaries appointed to hear the Differences between the Scholars and the Townsmen. In the Edict of *Hugh Balsam*, Bishop of *Ely*, *Anno* 1276. there is mentioned the Master of the *Glomerells*.

Gnignafia, (see *Gignasia*,) a School. *Et ibi habuerunt* Gnignasiam *malignorum dogmatum.* Knighton.

Go is sometimes used in a special Signification, as to *go* without Day, and to *go* to God, is as much as to be dismissed the Court. *Brook, tit. Failer de Records, num.* 1. and *Kitchin, fol.* 193.

Goaling of Vagabonds, *i. e.* sending them to the *Goal*. *Anno* 35 *Eliz. cap.* 7.

Gobannium, *Abergavenny*.

God-bote, (Sax.) *Multa ex delictis in Deum admissis obveniens.* A Fine or Amerciament for Crimes and Offences against God: An Ecclesiastical or Church Fine.

God-gild, that which is offer'd to God.

Godmundham. See *Delgovitia*.

Goda, a Mine. *Concessionem quam idem Thomas fecit de terris suis & terris tenentium à* Goldis *mundandis per se & suos.* Mon. 2 Tom. pag. 610.

Goldwith, vel **Goldwich**. In the Records of the *Tower* there is Mention of *Consuetudo Vocata* Goldwith *vel* Goldwich; but no Explication of it. *Idem quæne.* A Golden Mulct.

Goliardi (from the Fr. *Goulard*, a Glutton or Greedy Feeder.) *Ecclesiæ Catholicæ ordinis dignitati non modicum detrahentes, se joculatores seu* Goliardos *faciunt aut buffones, &c.* MS. Decretal. Bonifacii

nifacii VIII. Universitati Oxon, cap. De Vita & honestate Clericorum.

Goliardus, a Buffoon or Jester. 'Tis mentioned in *Mat. Paris. Anno* 1229. *viz. Quidam famuli, vel illi quos solemus* Goliardenses *appellare versus ridiculos componebant.* Vide Selden ad Fletam, pag. 524.

Good Abearing (*Bonus Gestus*) is, by a special Signification, an Exact Carriage or Behaviour of a Subject towards the King and his Leige People, whereunto some Men upon their Misbehaviour are bound: For, as *Lambard*, in his *Eiren, lib.* 2. *cap.* 2. says, He that is bound to this, is more strictly bound than to the Peace; because where the Peace is not broken without an Affray, Battery, or such like, this Surety *De bono Gestu* may be forfeited by the Number of a Man's Company, or by his or their Weapons or Arms: Whereof see more in that Learned Writer, and in *Crompt. Just. of Peace, fol.* 120, & 127.

Good-Behaviour. See *Good Abearing.*

Good Country. See *Bona Patria.*

Goole, (Fr. *Goulet, Anno* 16 & 17 *Car.* 2. *c.* 11.) a Breach in a Bank or Sea-wall, or a Passage worn by the Flux and Reflux of the Sea.

Gorce, Gourt, and Goor, (from the Fr. *Gort, i. e.* a Wear.) *Locus in fluvio coarctatus, piscium capiendorum gratia.* A Wear. **It is accorder, That all such Gorces, Mills, Wears, Stanks, Stakes, and Kidles, which be levied and set up in the Time of King Edward, the King's Grandfather, 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.** Anno 25 Edw. 3. cap. 4. Sir *Edward Coke* (*on Littl. fol.* 5. *b.*) seems to derive it from *Gurges*, a deep Pit of Water, and calls it a *Gors* or Gulf. But *quære*, if not a Mistake. For he says in *Domesday* it is called *Gourt* and *Gort*, the very *French* Word for a Wear. And I find in the *Black Book* of *Hereford, fol.* 20. *Quod tres* Gurgites *in aqua de Meney attachiantur per homines de Gresse monte.* Where *Gurgites* is used (though improperly) as a *Latin* Word for *Gorces* or Wears.

Gote, (*Anno* 23 *Hen.* 8. *cap.* 5.) a Ditch, Sluice, or Gutter: Perhaps from the Sax. ȝeotan, *Fundere.*

Governors of the Chest at Chatham are certain Officers appointed to take Care of, and relieve the poor and maimed Seamen belonging to the King's Navy. 22 & 23 *Car.* 2. *Act to prevent Disturbances of Seamen*, &c.

Graduats (*Graduati*) are such Scholars as have taken *Degrees* in any University. *Anno* 1 *Hen.* 6. *cap.* 3.

Grafter (Fr. *Greffier*, i. e. *Scriba*) signifies a Notary or Scrivener, and is used in the Stat. 5 *Hen.* 8. *cap.* 1.

Graffio, an Earl. *Nec princeps nec* Graffio *hanc lenitatem mutare audeat.* Mon. 1 Tom. pag. 100.

Graile, (*Gradale, seu Graduale,*) a Gradual or Book containing some of the Offices of the *Roman* Church. Gradale (*inquit Lyndewodus*) *sic dictum à gradalibus in tali libro contentis.* Provincial. Angl. lib. 3. The Word is mentioned in *Plowden, fol.* 521. and 37 *Hen.* 6. *fol.* 30. It is sometimes taken for a Mass-Book, or Part of it, instituted by Pope *Celestine, Anno* 430. according to *Cotgrave.*

Grana, Shrubs or Bushes. *De* Grana *unius acra.* Mon. 2 Tom. pag. 453. See *Grava.*

Gradus, *i. e.* a Year: The Epitaph of *William* the Conqueror in *Ordericus Vitalis, lib.* 8.

Pro septem Gradibus *se volverat atque duobus*
Virginis in Gremiis Phœbus, & hic obiit.

Grand Assise. See *Assise*, and *Magna Assisa.*

Grand Cape. See *Cape* and *Attachment.*

Grand Days are one in every Term, solemnly kept in the Inns of Court and *Chancery, viz. Candlemas-Day* in *Hillary* Term, *Ascension-Day* in *Easter* Term, St. *John-Baptist-Day* in *Trinity* Term, and *All-Saints* in *Michaelmas* Term. And these are *Dies non juridici*, no Days in Court.

Grand Distress (*Districtio Magna*) is so called, not for the Quantity, for it is very short, but for the Quality, for the Extent is very great; for thereby the Sheriff is commanded, *Quod distringat tenentem, ita quod ipse, nec aliquis, per ipsum ad ea manum apponat, donec habuerit aliud præceptum, & quod de exitibus eorundem nobis respondeat, & quod habeat corpus ejus, &c.* This Writ lies in two Cases; Either when the Tenant or Defendant is attached, and so returned, and appears not, but makes Default; or when the Tenant or Defendant hath once appeared, and after makes Default, then this Writ lies by the Common Law in Lieu of a *Petit Cape.* 2 *Part. Inst. fol.* 254. *Anno* 52 *H.* 3. *cap.* 9. *West.* 1. *cap.* 44.

Grand Sergeanty. See *Chivalry* and *Sergeanty.*

Grange (*Grangia*) is a House or Farm, not only where are necessary Places for all Manner of Husbandry, as Stables for Horses, Stalls for Cattle, *&c.* but where are Barns and Granaries for Corn, Haylofts, *&c.* And by the Grant of a *Grange* such Places will pass. *Provint. Angl. tit. de Judiciis, ca. Item omnis.*

Grangiarius is he who has the Care of such Places for Husbandry. *Fleta, lib.* 2. *cap.* 8. *Nec sustineatur quod præpositus sit* Granatarius & Grangiarius *simul.*

Grani, the Mustachoes or Whiskers of a Beard. *Quia cum sint in fine rotundati* Granorum *formam efficiunt.* It was given for a Reason why the Cup is refused to the Laity, *Quia Barbati & prolixos habent* Granos *dum poculum inter epulas sumunt, prius liquore pilos inficiunt quam ori infundunt.*

Grant (*Concessio*) signifies a Gift in Writing of such a Thing as cannot aptly be passed or conveyed by Word only; as Rent, Reversions, Services, Advowsons in Gross, Tithes, *&c.* or made by such Persons as cannot give, but by Deed, as the King, and all Bodies Politick; which Differences are often in Speech neglected, and then it is taken generally for every Gift whatsoever made of any Thing by any Person; and he that *grants* it is called the *Grantor*, and he to whom it is made, the *Grantee. West, Part.* 1. *Symbol. lib.* 2. *sect.* 334. And a Thing is said to *Lie in Grant* which cannot be assigned without Deed. *Coke, lib.* 3. *Lincoln-College* Case.

Grantz, for *Grandees*, or Great Men, in the Parl. Roll of 6 *Ed.* 3. *n.* 5, 6. *Et les dits Countz, Barons, & autre* Grantz. Which Word is mistranslated by some Authors to signify Commons.

Grava. *Dedi eis unam* Gravam, *quæ dicitur* Birzhcombe, *& licentiam circumclaudendi, &c.* Mon. Angl. 2 Par. fol. 262. a. *Unam Carucatam terræ cum* Gravis *& pasturis eidem pertinen.* Ibid. fol. 198. a. Sir *Edw. Coke*, 1 *Inst. fol.* 4. *b.* says it signifies a little Wood; and *Camden* agrees in it: But elsewhere I find

I find it to signify a thick Wood of high Trees, a Grove. *Dugd. Warwickshire, fol.* 503. *b.* And Greve in *Old English* signify'd a Bush. See *Grana.*

Gravare and Gravatio, an Accusation or Impeachment. See *Gravare. Et qui permanet sine* Gravatione *& Calumnia.* Leg. Ethelred. cap. 19.

Gravaria for *Granaria.* Mon. 2 Tom. pag. 260. *Ego, &c. concedo Ecclesiam istam liberam ab omni consuetudine* Gravariorum *&* Bernagiorum, *&c.*

Grave, the Names of Places ending in *grave* come from the Sax. Gpæf, *i. e.* a Wood, Grove, or Thicket, Den, or Cave.

Great Men are most commonly understood to be the Temporal Lords of the Higher House of Parliament: As *Anno* 43 *Edw.* 3. *cap.* 2. and 8 *Rich.* 2. *in Proem.* And sometimes of the Members of the House of Commons, as *Anno* 2 *Rich.* 2. *stat.* 2. See *Grantz.*

Greathbreach or Greachbreach, is mistaken by *Saxton* in his Description of *England, cap.* 11. And by *Rastal*, for *Grith-breche*, which *Vide.*

Gree, (Fr, *Gre, i. e.* Will, Allowance or Liking) signifies Agreement, Contentment or Goodliking: As *to make* Gree *to the Parties* is to satisfie them for an Offence done. *Anno* 1 *Rich.* 2. *cap.* 15. And in 25 *Edw.* 3. *cap.* 19. It is said, That Judgment shall be put in suspence, till Gree be made to the King of his Debt; where it signifies Satisfaction. See *Agreement.*

Green-cloth. See *Counting house.*

Greenhew, (from *Green* and the *Sax.* Hepen, *i. e. viridis*) is all one with *Vert. Manwood, Part* 2. *cap.* 6. *num.* 5. See *Vert.*

Green Silver. (*Viride Argentum*) It is an ancient Custom within the Manor of *Writtel* in *Com. Essex*, that whatever Tenant hath his Fore-Door opening to *Greenbury*, pays a Half-penny Yearly to the Lord of the Manor, by the Name of *Green-Silver.*

Green Wax seems to be used for Estreats delivered to the Sheriffs out of the *Exchequer*, under the Seal of that Court, (made in *Green Wax*) to be levied in the Counties. *Anno* 42 *Edw.* 3. *cap.* 9. and 7 *Hen.* 4. *cap.* 3. See *Foreign Apposer.*

Gressume. See *Gersuma.*

Grepa, Sea Sand. *In omnibus rebus quæ ducuntur ad soufmarge per terram vel per* Grevam *de Crotoy, &c. Et novem acras in* Greva *maris mensuratas, &c.* Monast. 2 Tom. pag. 625. Also *Greves* signifies Iron Boots.

Greve (*Sax.* Gepera) is a Word of Power and Authority, signifying as much as *Comes* or *Vicecomes*; and hence our *Shyreeve, Portgreve*, &c. See *Hoveden, Parte poster. annal. fol.* 346. where he says, Greve *dicitur, ideo quod jure debeat* Grith, *i. e. Pacem ex illis facere, qui Patriæ inferunt væ, i. e. miseriam vel malum.* From whence, but with less Power and Dignity, is derived the Word *Reve*, Bailiff, or Under-Officer of the Lord of a Manor. See *Shyrve* and *Portgreve.*

Gribridge. See *Grithbreche: Habet Rex Forisfacturas haud socam* Gribridge *Forisfell.* Domesday, *per* Gale. 760.

Grils, (*Anno* 22 *Edw.* 4. *cap.* 4.) a kind of small Fish.

Grisium, a Skin of a Beast very rich. *Nunc non solum scarlatocum vario* Grisio, *sed etiam purpurâ & Bysso vestiuuntur.* Du Cange.

Grithbreche, (*Sax.* Gpiþ-bryce, i. e. *Pacis fractio seu violatio*) Breach of the Peace. *In causis Regiis* Grithbreche 100 *Sol. emendabit.* L. L. Hen. 1. cap. 36. & Charta Will. Conq. Eccles. Sancti Pauli, in Hist. ejusdem, fol. 190. Grithbreche, i. e. *Quod* Prior *tenebit Placita de illis qui frangunt pacem Regis vel libertatis ipsius Prioris.* Ex Reg. Priorat. de Cokesford.

Grithstole, (Sax) *Sedes Pacis.* A Sanctuary. See *Frodmortel.*

Grocers, by the *Stat.* 37 *Edw.* 3. *cap.* 5. were those that engrossed Merchandize. Now it is a particular Trade, well known.

Gronna, a bituminous place where Turfs are cut to burn: *Cum pascuis, silvis, pascuariis, capturis &* Gronnis. Monast. 1 Tom. pag. 243.

Grossa, a Groat: *Concessa est Regi una* Grossa *quæ continet* 4 *denarios de quolibet viro & muliere.* Knighton. Anno 1378.

Grosse bois, (Fr. *Gros bois, i. e.* Great Wood) signifies specially such Wood as hath been, or is, either by the Common Law, or Custom of the Country, Timber. 2 *Part, Instit. fol.* 642.

Grossome signifies a Fine, and is a Corruption from, or a Law-*French* Word for, the *Saxon* Gersuma. For thus *Plowden, fol.* 271. *Et le dit. I. K. grant per mesme le Indenture a payer en le fine de le dit terme de* 10 *ans al dit. W. N. dize Mille de Tiles, ou le value de eux en argent, en nosme de* Grossome. And in *fol.* 285. it is written *Gressame. Absque aliquo le* Gressame, *vel fine pro præmissis solvend.* See *Gersuma.*

Grossus, *i. e.* a Thing entire, not depending on another. Thus *Villanus in Grosso* was a Servant which did not belong to the Land, but immediately to the Person of the Lord: For an Advowson in *Grosse* is a Right of Patronage not annexed to the Fee or Manor, but it belongeth to the Patron himself, distinct from the Manor.

Groundage is a Tribute paid to the Ground on which a Ship stands in a Port.

Groundstal. See *Pelf.*

Groum, (*Anno* 43 *Edw.* 3. *cap.* 10.) seems to be an Engine to stretch Woollen Cloth soon after it is woven.

Growth-halfpenny, a half-penny so called, and paid in some places for Tithe of every fat Beast, Ox, and other unfruitful Cattle. *Clayton's Rep. pag.* 92.

Guarii, (of whom you shall read in Forest-Records) derived from the Fr. *Gruyer*, signifies generally the principal Officers of the Forest.

Gruma. See *Gronna.*

Guadage or Gudage, (*Guadagium vel Guidagium*) *Est quod datur alicui, ut tuto conducatur per terram alterius*: That which is given for safe Conduct through unknown Ways, or a strange Territory. Sir *Edw. Coke* calls this an old legal Word, 2 *Inst. fol.* 526.

Gualdum. See *Waldam.*

Guannagium. See *Wannage.*

Guest-takers or Gist-takers. See *Agistors.*

Guiders, they are so called because they lead Fish to the Net. *Anno* 1 *Jac. cap.* 23. See *Londers.*

Guidrigild. See *Weregild.*

Guilda, for *Gualda*, viz. *Edricus cognomento* Guilda, *i. e. silvaticus.*

Gule of August, (*Gula Augusti*; *Westm.* 2. *cap.* 30. 27 *Edw.* 3. *Stat.* 3. *Fitz. Nat. Br. fol.* 62. *Plow. Casu Mines, fol.* 316) is the very Day of S. *Petri ad Vincula*, which is celebrated on the first Day of *August*, and called the *Gule of August*, from the Latin

Latin *Gula*, *i. e.* a Throat; the reason is set down in *Durand's Rationale*, (*lib.* 7. *cap.* 19.) who says, That one *Quirinus*, a Tribune, having a Daughter that had a Disease in her Throat, went to *Alexander*, then Pope of *Rome*, the Sixth from St. *Peter*, and desired of him to borrow, or to see the Chains that St. *Peter* was chained with under *Nero*, which being obtained, the said Daughter kissing the Chains, was cured of her Disease, and *Quirinus*, with his Family, baptized. *Tunc dictus Alexander Papa hoc Festum in Calendis Augusti celebrandum instituit, & in honorem Beati Petri Ecclesiam in Urbe fabricavit, ubi vincula ipsa reposuit, & Ad Vincula nominavit, & Calendis Augusti dedicavit. In qua Festivitate populus illic ipsa vincula hodie osculatur.* So that this Day, being before called only the *Calends of August*, was upon this occasion, termed indifferently, either S. *Peter's* Day *Ad Vincula*, from the Instrument that wrought the Miracle; or the *Gule of August*, from that part of the Virgin, whereon the Miracle was wrought. *Aueragium æstivale fieri debet inter* Hokeday, & Gulam *Augusti*. Rentale Manerii regalis de Wy.

Gultwit (according to *Saxton*, in his Description of *England*, *cap.* 11.) is an Amends for Trespass. But I find no such Word in *Spelman's Gloss. Sax. Dict.* or *Ancient Records*. Therefore, doubtless mistaken for *Gyltwit*, which *Vide*.

Gust (*Hospes*) is used by *Bracton* for a Stranger or *Guest*, that lodges with us the second Night. *Lib.* 3. *tract.* 2. *cap.* 10. In the Laws of St. *Edward*, published by *Lambard*, *num.* 27. it is written *Gest*. Of this see more in *Uncouth*.

Guti, Gothi, and Gotti, (called sometimes *Jutæ*, by the Romans *Getæ*, and by the English *Goths*. 'Tis derived from the old Word *Jæt*, which signifies a Giant) were one of those three Nations or People who left *Germany*, and came to inhabit this Island. In *Leg. Edw. Confessor*, *cap.* 35. we read, *Gutti vero similiter cum veniunt suscipi debent & protegi in isto regno, sicut conjurati fratres, sicut propinqui, &c.*

Gwahz-merched is a *British* word, signifying a Payment or Fine made to the Lords of some Manors, upon the Marriage of their Tenants Daughters, or otherwise upon their committing Incontinency. See *Marchet* and *Lairwise*.

OMnibus —— Jacobus Baskervile *Miles Dominus Manerii de Yrsley* (Com. Heref.) *salutem. Noveritis me præfatum Jacobum remisisse* Johanni ab John *Hæred. & assign. suis totum jus, titulum, &c. quod habeo de & in quibusdam Serviciis aut redditibus exeunt. de tenemento quod prædictus* Johannes *tenet de me in prædicto Manerio, quæ servitia aut redditus sequuntur, viz.* Hoch-meswyr, otherwise called *Mastswine*. Gwarthegan Claimai, otherwise called *Cowyeld*. Gwahz-merched, otherwise called *Lairwite*. Arian-Ythen, otherwise called *Ox-Silver*. Gwasanethen, otherwise called *Work-Silver*. And Deiliad-Hoog, otherwise called *Tenant in Meor. Ita quod nec ego prædict. Jac. nec hæredes mei aliquod jus, &c. in prædictis serviciis in futur. habere poterimus, &c.* Dat. 16. Oct. 4. Edw. 6. Penes Joh. Stead Gen.

Gwalstow, (*Gwalstowum*, from the *Sax.* Ƿal, i. e. *Patibulum*, and ƿtop, *Locus*) *Locus Patibuli seu occidendorum. Omnia* Gwalstowa, *id est, occidendorum loca, totaliter Regis sunt in sua.* LL. Hen. 1. cap. 11.

Gyput. It was found by Inquisition upon an *Ad quod Damnum*. 13 *Edw.* 3. *n.* 12. that there did belong to the Liberty or Hundred of *Pathbew*, in *Com. War.* a certain Court called Gyput, held every three Weeks; but why or whence so called, *quære*.

Gyltwite, —— *Habeatque ipse Episcopus* (*sc.* Oswaldus Ep. Weorgeceastre.) *omnesque sui successores ibi ad jus Ecclesiasticum, debita transgressionum & parvum delictorum, quæ nos dicimus* Oreyre eneyre, & Ƿylb ƿibe, *& omnia quæcunque Rex in suis Hundredis habet.* Ex ipso Autographo *Eadgari* Regis Dat. *Anno* 964. *Penes serenissimam Majestatem* CAROLI II. *Regis*. A Compensation or Amends for Trespass or Fraud; *Mulcta pro Transgressione*.

Gyrovagi were a sort of wandring Monks, who left their own Cloister and visited several others, pretending Piety. *Matt. Paris. pag.* 496.

Gyvue, (Fr. *Juif.*) in Law *French* signifies a Jew. —— *Et que nul* Gyvu *de ceo iur en avant tel manere de detier.* Provisiones de Judaismo, 53 Hen. 3.

H.

HAbeas Corpus is a Writ which a Man, indicted for a Trespass before Justices of Peace, or in a Court of any Franchise, and imprisoned for it, may have out of the *King's Bench*, thereby to remove himself thither at his own Costs, and to answer the Cause there. *Fitzh. Nat. Br. fol.* 250. And the order in this Case, is; first, to procure a *Certiorari* out of the *Chancery*, directed to the said Justices, for removing the Indictment into the *King's Bench*, and upon that, to procure this Writ to the Sheriff, for the causing his Body to be brought at a Day, *Reg. Jud. fol.* 81. where you shall find divers Cases wherein this Writ is allowed.

Habeas Corpora is a Writ that lies for the bringing in a Jury, or so many of them as refuse to come upon the *Venire facias*, for the trial of a Cause brought to Issue. *Old Nat. Br. fol.* 157. See great diversity of this Writ in the Table of the *Reg. Judic.* and the *New Book of Entries*, *verbo*, Habeas Corpora.

Habendum is a word of course in a Conveyance, in every of which are Two principal Parts, the *Premisses* and the *Habendum*. The Office of the first is to express the Name of the *Grantor*, the *Grantee*, and the Thing *granted*. The *Habendum* is to limit the Estate, so that the general implication of it, (which, by construction of Law, passeth in the Premisses) is by the *Habendum* controlled and qualified. As in a Lease to two Persons, the *Habendum* to one for Life, the Remainder to the other for Life, alters the general implication of the Jointenancy in the Free-hold, which should pass by the *Premisses*, if the *Habendum* were not. *Coke, vol.* 2. *Buckler's* Case, *fol.* 55. See *Use*.

Habentia in the singular Number signifies Riches: *Animos eorum* Habentia *inflavit*; And in some old Charters, the Word *Habentes* signifies rich Men, *viz. Nec Rex suum pastum requirat, vel* Habentes *homines quos nos dicimus* Feasting-Men. Monast. 1 Tom. pag. 100.

Habere facias Seisinam is a Writ *Judicial*, which lies, where a Man hath recovered Lands in the King's Court, directed to the Sheriff, and commanding him to give him Seisin thereof. *Old Nat. Br. fol.* 154. whereof see great diversity in the Table of the *Reg. Judic.* This Writ is issuing

sometimes out of the Records of a Fine executory, directed to the Sheriff of the County where the Land lies, and commanding him to give to the Cognizee, or his Heirs, Seisin of the Land, whereof the Fine is levied; which Writ lieth within the Year after the Fine, or Judgment upon the *Scire Facias*, and may be made in divers Forms. *West, part* 2. *Symb. tit.* Fines. *sect.* 136. There is also a Writ, called *Habere facias seisinam, ubi Rex habuit annum, diem & vastum*; which is for the delivery of Lands to the Lord of the Fee, after the King hath taken his due of his Lands, who was convict of Felony. *Reg. of Writs, fol.* 165.

Habere facias visum is a Writ that lies in divers Cases, as in *Dower, Formedon, &c.* where a *View* is to be taken of the Lands or Tenements in question. See *Fitzh. Nat Br. in Indice. verbo* (View.) *Bracton, lib.* 5. *tract.* 3. *cap.* 8. and *lib.* 5. *part* 2. *cap.* 11. See *View.*

Habergeon, an Helmet or Head-piece, which covered the Head and Shoulders: From the *Germ.* **Hals**, *Collum*, and **Bergen** *tegere.*

Habergetum. See *Habergeon.*

Haberjects or **Haubergets**, (*Haubergetiæ*) a kind of Cloth of a mix'd Colour. *Una sit latitudo pannorum tinctorum, russaorum, & Haubergettarum, scil. Duæ ulnæ infra listas.* Mag. Charta, cap. 26.

Habilliments of War, (*Anno* 31 *Eliz. cap.* 4.) Armor, Harness, Utensils or Provisions for War; without which Men have not *Ability* to maintain War. 3 *Part. Instit. fol.* 79.

Hables is the Plural of the French *Hable*, signifying a Sea-Port or Haven. The Word is used 27 *Hen.* 6. *cap.* 3. See *Hafne.*

Haches. See *Hatches.*

Hadbote, (*Sax.*) was a Recompence or Satisfaction for the Violation of Holy Orders, or Violence offered to Persons in Holy Orders. *Saxon Dict.*

Hade of Land, (*Hada terræ*) *Sursum reddidit in manus Domini duas acras terræ, continentes decem Seliones & duas* Hadas, Anglice, **Ten Ridges, and two Hades**, *jacen. int. terr. Rot. Curiæ Maner. de Orpeton, Anno* 16. *Jac. Chevitiæ.*

Haderunga, *i. e.* a Distinction of Persons: *Judicium debet esse sine omni* Haderunga, *quod non parcatur diviti alicui nec egeno.* Leg. Ethelred: From the *Sax.* **Had**, *Persona*, and **Runz**, *honoratio.*

Hadgonel, alias **Haggonel.** *Item quando aliquis delegabit terram Burgagii in eleemosynam conventus, terra illa solebat de cætero esse quieta de* **Hadgonel**, *& maximè Celerario.* Mon. Angl. 1 par. fol. 302. a. q.

Hærede deliberando alii, qui habet custodiam terræ, was a Writ directed to the Sheriff, willing him to command one that had the Body of him, who was Ward to another, to deliver him to him, whose Ward he was, by reason of his Land. *Reg. of Writs, fol.* 161. *b.*

Hærede abducto is a Writ that lay for the Lord, who, having by Right the Wardship of his Tenant under Age, could not come by his Body, being conveyed away by another. *Old Nat. Br. fol.* 93. See *Ravishment de Gard*, and *Hærede rapto, in Reg. of Writs, fol.* 163.

Hæredipeta, the next Heir: *Et nullus* Hæredipeta *suo propinquo vel extraneo periculosa sane Custodia committatur.* Leg. H. cap. 70.

Hæretico comburendo is a Writ that lay against him that was an Heretick, *viz.* Who, having been once convict of Heresie by his Bishop, and having abjured it, fell afterwards into it again, or into some other; and was thereupon committed to the Secular Power. *Fitz. Nat. Br. fol.* 269. This Writ lies not at this Day, according to Sir *Edward Coke*, in his 12 *Rep. fol.* 93. 'Tis taken away by Statute, *Car.* 2.

Hafne Courts: **Hafne** is a *Danish* word, and signifies with us a *Haven* or Sea-Port. Letters Patent of *Richard*, Duke of *Gloucester*, Admiral of *England*, 14 *Aug. Anno* 5 *Edw.* 4. have these words, *Ulterius dicunt quod dicti Abbas & Conventus & prædecessores sui habent & habere consueverunt per idem tempus in prædictis villis* (Bancaster & Ringstead) *cum Hulmo quasdam Curias Portus, vocatas* **Hafne Courts** *tenendas ibidem ad placitum Abbatis, &c.* Haven or Port-Courts, 4 *Inst. fol.* 147.

Haga, (*Sax.* **Haga**, *Mansio*) a House in a City or Borough. In *Domesday, tit.* Sussex. *Terra Rogeri, num.* 11. *Radulfus tenet unam* Hagam *de* xii. *Denar. Willielmus quinque* Hagas *de quinque Sol. &c.* An ancient Anonymous Author expounds *Haga* to be *Domus cum Shopa. Cum novem præfatæ Civitatis habitaculis, quæ patria lingua* **Hagan** *appellari solent.* Charta Ethelredi Regis, in Auctuario Matth. Paris, fol. 240. *Coke on Litt. fol.* 56. *b.* See *Haw.* It also signifies an Hedge.

Hagablum, the same with *Gablum.*

Hagbut. See *Haque* and *Haquebut.*

Hagia, the same with *Haia*, an Hedge.

Haia and **Haysia**, a Hedge, and sometimes taken for a Park or Enclosure. *Vallatum fuit & inclausatum fossato*, Haia, *& palatio. Bracton, lib.* 2. *cap.* 40. *num.* 3. Hence *Haiement* for a Hedge Fence. *Rot. Inq.* 36 *Edw.* 3. *in Stat. de Foresta.* See *Hay.*

Haibote (From the Fr. *Haye*, i. e. *sepes*, and the *Sax.* **Bote**, i e. *compensatio*) is used for a Permission or Liberty to take Thorns and Fryth, to make or repair Hedges; or rather a Mulct for breaking Hedges.

Haimesugen. See *Hamsoca.*

Hairbannum. See *Herebannum.*

Haketon. See *Jacket*; a Military Coat: *Indutus fuit Episcopus quadam armatura quam Aketon vulgaciter appellamus.* Walf. in Ed. 3.

Halbergetus pannus. See *Haubergetus.*

Halfendeal, the Moiety or one half.

Half-mark (*Dimidia Merka*) is a Noble. *Fitzherbert (in Nat. Br. fol.* 5.) says, That in Case a Writ of Right be brought, and the Seisin of the Demandant, or his Ancestor alledged, the Seisin is not traversable by the Defendant, but he may tender the *Half-mark* for the Enquiry of this Seisin; which is in plainer Terms, that the Defendant shall not be admitted to deny, that the Possessor or his Ancestors was seised of the Land in question, and to prove his denial; but that he shall be admitted to tender *Half a Mark* in Money, to have an Enquiry made, Whether the Demandant, *&c.* were so seised, or not? And in this Signification we read the same Words in the Old *English Nat. Br. fol.* 26. *b.* See also *Fitz. Br. fol.* 31.

Half seal is used in the *Chancery* for the Sealing of Commissions to Delegates, appointed upon any Appeal in Ecclesiastical or Marine Causes. *Anno* 8 *Eliz. cap.* 5.

Half-tong. See *Medietas Linguæ.*

Haligamot. See *Halimote.*

Halke, *i. e.* an Hole, seeking in every Halke, *ch. fol.* 49. From the *Sax.* **Heale**, *angulus.*

Hall, (*Halla*, Sax. **Healle**) was anciently taken for a Mansion-House or Habitation. *Domesday, tit.*

Chent.

Chent. *Terra Hugonis de Mountfort. In Newcerch Hundred ipse Hugo tenet unam terram quam* Azor Rot *tenuit de R. E.* (Rege Edovardo) *sine Halla, i. e.* sine domo.

Hallage (*Fr.*) is a Fee or Toll due for Cloaths brought for Sale to *Blackwel-Hall* in *London. Coke, vol. 6. fol.* 62. *b.* Also the Toll that is due to the Lord of a *Fair* or *Market*, for such Commodities as are vended in the *Common Hall* of the place.

Hallamshire (*Anno* 21. *Jac. cap* 31.) is a part of *Yorkshire*, where the Town of *Sheffield* stands.

Hallbard: The *Danes* when they invaded this Nation, had Hatchets with two Edges, the *Saxons* had a like Weapon so called: From the *Germ.* Hall, *palatium*, and Bard *bipennis*, which being adorned with Gold and Jewels, was carried by Noblemen, and from them the *English* had this Weapon, which are still used in Princes Courts.

Halmote or **Halimote**, (From the *Sax.* Heale, i. e. *aula*, and Gemot, i. e. *conventus*) is that we now call a Court-Baron; and the Etymology is the Meeting of the Tenants of one *Hall* or Manor. *Omnis causa terminetur vel Hundredo, vel Comitatu vel* Halimote, *socam habentium, vel Dominorum Curia*, LL. Hen. 1. cap. 10. The Name is still retained at *Luston*, and other places in *Herefordshire*.

Hereford } *Ad* Halimot *ibidem tent.* 11. *die*
Palatium } *Oct. Anno Regni Regis Hen.* 6. 24. *Venit Johannes Garneston & Juliana Uxor ejus in plena Curia, &c.*

It is sometimes taken for a Convention of Citizens in their Publick Hall, which was also called **Folkmot** and **Halmot**. As in *London* every Company hath a *Hall*, wherein they keep their Courts. 4 *Inst. fol.* 249. This *Halmote* and *Halimote* are often confounded, though originally they were two distinct Courts.

But the word *Halimote* rather signifies the Lord's Court, or a Court-Baron held in the Manor, in which the Differences between the Tenants were determined: From the *Sax.* Heal, *atrium*, and Gemot, *conventus. Omnis causa terminetur vel Hundredo vel Comitatu vel* Halimoto *socam habentium*: Leg. H. 1. cap. 9. So in *W. Thorn, Anno* 1176. *Ipsis Thanetensibus asserentibus se ad Capitalem Curiam beat. Augustini Cantuar. placitandi causa vel judicium sustinendi nullo modo debere accedere, sed in* Halimoto *suo in Thaneto omnia sua judicia exerceri.*

Halsberga, a Coat of Mail: From the *Saxon* Halr, i. e. *collum*, and Bergan, *cavere*: It was properly a Defence for the Neck.

Halsfang. See *Healfang* and *Pillory*.

Halymote, properly an Holy or Ecclesiastical Court; howbeit there is a Court held in *London* by this Name, before the Lord Mayor and Sheriffs, for regulating the Bakers, and was anciently held on *Sunday* next before St. *Thomas*'s Day, and therefore called the **Halymote**, or Holy Court: The Title thereof ran thus. *Curia Sancti-motus tenta in Guilhalda Civitatis London, coram Majors & Vicecom. &c.*

Halywercfolk. (*Ranulphus Dei Gratia Dunelmensis Episcopus omnibus hominibus suis Francis & Anglis de* Halywercfolk *salutem.* Mon. Angl. 1 Par. fol. 512. b.) did anciently signifie such of the Province of *Durham*, as held their Lands, to defend the Corps of St. *Cuthbert*, and claim'd the Privilege not to be forced to go out of the Bishoprick either by King or Bishop. *Hist. Dunelm.* And *Durham* in our Year-Books is called *Franchise de Werk.* Selden.

Ham is a *Saxon* Word, and signifies an House or Dwelling-place, sometimes it signifies a Street or Village. Hence our many Towns end with it, as *Noitingham, Buckingham, Walsingham, &c.*

Hameling, or **Hambling** of Dogs, is all one with *Expeditating. Manwood* (*Part.* 1. *fol.* 212. and *Part.* 2. *cap.* 16. *num.* 5.) says, This is the ancient Term that Foresters used for that matter. See *Expeditate.*

Hamel, Hamlet, Hampsel, (From the *Sax.* Ham, *Domus*, and *Germ.* Let, *membrum*) are Diminutives of *Ham*; and signifie a little Village, or rather part of a Village; of which three, the word *Hamlet* is now only used, though *Kitchin* useth both *Hamel* and *Hampsel.* The Learned *Spelman*, upon these words, shewing the Difference between *Villam integram, villam dimidiam & Hamletam*, says thus, Hamletam *vero, quæ medietatem friborgi non obtinuit, hoc est, ubi quinque Capitales plegii non deprehensi sunt.* The Statute of *Exon*, 14 *Edw.* 1. mentions this Word thus, *Lex nostre de toutes les villes & Hamlets que sont en son Wapentake, &c.* In an ancient MS. I find it expounded the Seat of a Freeholder.

Hamfare is by some taken to be the same with *Hamsocne, i. e.* the Freedom of a Man's House: From the *Sax.* Ham, *domus*, and Frid, *pax*; and *Hamsocne* is from the *Sax.* Ham, *Domus*, and Socne, *immunitas*, but I rather think that *Hamfare* is derived from the *Sax.* Ham, *Domus* and Fare, *iter vel progressio.* So that *Hamfare* is a Breach of the Peace in a House; and this appears by *Brompton, in legibus*, H. 1. cap. 80. *Si quis alium in suâ vel alterius domo, &c. sagittet vel lapidet vel colpem ostensibilem undequaq; faciat* Homsocne *est vel* Hamfare, *i. e.* he is either guilty of a violent Entry into the House of another, or of the Breach of the Peace in his own House; For by the Definition it appears that the Offences are not the same.

Hampsel. See *Hamel.*

Hamsoken, (*Sax.* Hamrocn,) the Liberty, Privilege or Freedom of a Man's own House or Home; also a Franchise or Privilege so call'd, granted to the Lords of Manors, whereby they hold Pleas, and take Cognizance of the Breach of that Immunity. *Sax. Dict. Significat quietantiam misericordiæ intrationis in alienam Domum vi & injustè.* Fleta, lib. 1. cap. 47. *Concedo libertatem & potestatem, jura, consuetudines & omnes forisfacturas omnium terrarum suarum, i. e.* Bargheritha, & Hundred-Setene, Athas, & Dzdelas, & Infangtheofas, Hamsocne, & Fridebrice, & Forstel, & Toll, & Team, *in omni Regno meo, &c.* Char. Donationis ab Edmundo Rege Eccles. Sanctæ Mariæ Glaston. Our ancient Records express *Burglary* under this word *Hamsocne.* See *Homesoken.*

Handborow (*Sax.* Borg-hand, *i. e*, a Surety) *Est quasi vas aut fidejussor manuensis, hoc est, minor seu inferior; nam* Headborow *vas est capitalis vel superior.* Spelman.

Hand in, and hand out. (*Anno* 17 *Edw.* 4. *cap.* 2.) is the name of an unlawful Game, now disused.

Handful, is four Inches by the Standard. *Anno* 33 *Hen.* 8. *cap.* 5.

Handgrith, *i. e. Pax manu data*, From the *Sax.* Hond, *manus*, and Grid, *Pax*; *Hæc mittunt hominem in misericordia Regis, infractio seu violatio pacis, quam quispiam per manum suam dabit alicui*, LL. Hen. 1. cap. 2. This is what we call Battery.

Handhabend, (*Sax.* Hæbbendne handa) *Si quis hominem liberum latrocinium seu rem furatam secum deferentem,*

deferentem, (*quem* Habbenbpe handa, *vocant*) *comprehenderit*, *&c.* Concil. Berghamsted, Anno 697. See *Hond-habend.*

Handy-warp, a kind of Cloth made at *Cok sal*, *Boeking*, and *Braintree* in *Essex*, and mentioned in the Statute of 4 *&* 5 *Phil. & Ma. cap.* 5.

Hanig, some Customary Labour to be performed. We read it in the *Monast.* 2 *Tom. pag.* 264. *Et sint quieti de operibus castellorum, parcorum, pontium & de clausuris & de carreio & sumagio &* Hanig *& regalium domorum ædificatione & omnimoda operatione.*

Hankwit alias Hangwite, (From the *Saxon* Hangan, i. e. *suspendere*, and pite, *mulcta*) is (according to *Rastal*) a Liberty granted to a Man, whereby he is quit of a Felon or Thief, hanged without Judgment, or escaped out of custody. We read it interpreted, to be quit *de laron penda sans Serjeants le Roy*, i. e. without Legal Trial. And elsewhere, *Mulcta pro latrone præter juris exigentiam suspenso vel elapso.* Q. Whether it may not also signifie a Liberty, whereby a Lord challengeth the Forfeiture due for him, who hangs himself within the Lord's Fee? See *Bloodwit.* It seems to be so *in consuetud. ex* Domesday, by Dr. *Gale*, viz. *Hangenwithum faciens in civitate* 10 s. *dabit.*

Hanok. *Si aliquis inventus fuerit qui clamorem vocatum* Hanok *aliquo modo sine licentia nostra inceperit, morte punietur.* Stat. H. 5. Du Fresne.

Hanper, or Hanaper of the Chancery, (*Anno* 10 *Rich.* 2. *cap.* 1.) seems to signifie, as *Fiscus* originally does in *Latin.* See *Clerk of the Hanaper.*

Hanse (an old *Gothish* Word) signifies a Society of Merchants combined together for the good Usage, and safe Passage of Merchandize from Kingdom to Kingdom. This Society was, and in part yet is, endued with many large Privileges of Princes, respectively within their Territories. It had four principal Seats or Staples, where the *almain* or *Dutch* Merchants, being the Erectors of this Society, had an especial House, one of which was here in *London*, called *Guildhalda Teutonicorum*, vulgarly the *Steel-yard.* See *Ortelius's Index*, *verbo*, *Ansiatici.* *Et quod habeant Gildam Mercatoriam cum* Hansa, *&c.* Charta Hen. 7. Ball. & Burgens. Mountgomer.

Hans-Towns, so called, either because they lay near the Sea, or from the old *Gothick* Word Ansi, which signifies those who were the most noble and richest of the People; and from thence we may infer, That these Towns were the chiefest for Trade and Riches; or from the *Germ.* Hansa, i. e. *Societas*, or a Company of Merchants, or Men excelling others in Trade: At first there were seven Towns so called, and afterwards 70.

Hantelode, *i. e.* an Arrest, From the *Germ.* Hant, *i. e.* an Hand, and Load, *i. e.* laid; *manus immissio. Qui manus immissionem resisterit, quod* Hantelode *vocant*, 40 *Sol. solvat in publico.* Du Cange.

Hap (Fr. *Happer*, to catch, or snatch) signifies the same with us; as to *Hap* the possession of a Deed Poll, *Littleton*, *fol.* 8. To *hap* the Rent; as, if Partition be made between two Parceners, and more Land be allowed to one than the other, and she that has most of the Land, charges her Land to the other, and she *happeth* the Rent, she shall maintain Assize without Specialty. *Terms Ley.*

Haque is an Hand-Gun of about three quarters of a Yard long. *Anno* 33 *H.* 8. *cap.* 6. and 2 *&* 3 *Edw.* 6. *cap.* 14. There is also the *half-haque*, or *demi-haque.*

Haquebut, (*Fr.*) a kind of Gun or Caliver, otherwise called an *Arquebuse.* *Anno* 2 *&* 3 *Edw.* 6. *cap.* 14. and 4 *&* 5 *Ph. & Ma. cap.* 2. Otherwise called a *Hagbut.* The *Haquebut* is a bigger sort of Hand-Gun, from the *Teut.* Haeck Buyse.

Haratium: From the Fr. *Haras*, a Race of Horses and Mares kept for Breed; In some parts of *England* called a *Stud of Mares.* *Et decimas de dominio suo, de pratis, de bladis, parcis,* Haratiis, *molendinis & de vivariis.* Mon. Angl. 1 par. fol. 339.

Hardwic. See *Herdewick.*

Hariot alias Heriot, (*Heriotum*) Sir *Edward Coke on Littl. fol.* 185. *b.* says, in the *Saxon* Tongue, is called Henegat, that is, the Lord's Beast; for hene, (says he) is Lord, and Geat, is Beast; from which I crave Liberty to dissent: For hene, in *Saxon* signifies an Army, and Geot, which is *fusus*, and the *Saxon* Henegat, (from whence we derive our *Heriot*) signified Provision for War, or a Tribute or Relief given to the Lord of a Manor, for his better Preparation towards War: *Erat enim* Hereotum *militaris supellectilis præstatio, quam, obeunte vassallo, Dominus reportavit in sui ipsius munitionem*, says *Spelman.* And, by the Laws of *Canutus*, *Tit. de Hereotis*, it appears, that at the Death of the Great Men of this Nation, so many Horses and Arms were to be paid as they were in their respective Life-times obliged to keep for the King's Service. It is now taken for the best Beast a Tenant hath at the Hour of his Death, due to the Lord by Custom, be it Horse, Ox, *&c.* and in some Manors, the best piece of Plate, Jewel, or the best Good. *Heriot* is of two sorts; First, *Heriot-Custom*, where *Heriots* have been paid Time out of Mind by Custom, after the Death of a Tenant for Life. 2. *Heriot-Service*, when a Tenant holds by such Service to pay *Heriot* at the Time of his Death, which Service is expressed in the Deed of Feoffment. For this the Lord shall distrain, and for the other he shall seize and not distrain. If the Lord purchase part of the Tenancy, *Heriot-Service* is extinguished, but not so of *Heriot-Custom.* *Coke's* 8 *Rep. Talbot's Case.* See *Farley*, and *Sole-Tenant.*

Harnes. From the *Germ.* Harnisch, which signifies all war-like Instruments, a Word often used in our Histories, *viz. Heveden, pag.* 725. *Missas ab eo cum hernasio suo in Angliam*: And in *Matt. Paris*, *Vitâ Sancti Albani.* pag. 98.

Harquebus, the same with *Haquebut.*

Hart is a Stag of five Years old compleat; And if the King or Queen hunt him, and he escape, then he is called an *Hart Royal*; And if, by such hunting, he be chased out of the Forest, Proclamation is commonly made in the Places adjacent, that in regard of the Pastime the Beast has afforded the King or Queen, none shall hurt or hinder him from returning to the Forest; then is he an *Hart-Royal Proclaimed.* *Manwood*, *Part* 2. *cap.* 4. *num.* 5.

Hart-penny, and Hart-silver, (*Saxon* Heorthpening.) See *Chimney-Mony*, and *Peter-Pence.*

Hatches or Hacches, (mentioned in the Stat. 27 *Hen.* 8. 23. by the Name of *Hatches* and *Tits*) are certain Dams or Mounds made of Rubbish, Clay or Earth, to prevent the Water issuing from the Stream-works, and Tin-Washers in *Cornwal*, from running into the fresh Rivers. And the Tenants of *Balystoke*, and other Manors there, are bound to do yearly certain Days Works *ad la Hacches.* *Survey of Cornwal.*

Haubergets. See *Haberjects.*

Haubergettum, the same with *Halsberga.* Fleta, lib. 1. cap. 24. par. 12. It otherwise signifies a kind of Wollen Cloth. See *Haberjects.*

Haula, a Haven: *Duas partes decimarum de* Haulis, *&c.* Monast. 1 Tom. 564.

Haur (LL. *Will.* 1. *cap.* 16.) seems to be there used for Hatred; From the French *Hair,* to hate.

Hauthoner, *Homo loricatus,* a Man armed with a Coat of Mail. *Et faciendo servitium de* Hauthoner, *quantum pertinet ad prædictam villam.* Charta Galfridi de Dutton, tempore Hen. 3.

Haw, (from the *Sax.* Haga) a small quantity of Land so called in *Kent*; as a *Hemphaw,* or *Beanhaw,* lying near the House, and enclosed for that use. *Sax. Dict.* But I have seen an ancient MS. that says, **Hawes** *vocantur mansiones sive domus.* And Sir *Edw. Coke* (on *Litt. fol.* 5. *b.*) says, in an ancient Plea concerning *Feversham* in *Kent, Haws* are interpreted to signifie *Mansiones. Camden* says, That *Hawgh* or *Howh* signifies a green Plot in a Valley, as they use it in the *North.*

Haward. See *Hayward.*

Hawberk, or **Haubert,** quasi **Hautberg:** (Fr. *Haubert,* i. e. *Lorica*) He that holds Land in *France* by finding a Coat or Shirt of Mail, when he shall be called, is said to have *Hauberticum feudum, fief de Haubert. Hauberk,* or *Haubergion,* with our Ancestors did signifie, as in *France,* a Coat or Shirt of Mail, and it seems to be so used *Anno* 13 *Edw.* 1. *Stat.* 3. *cap.* 6. Haut & base Justice.

Hawkers, those deceitful Fellows, who went from Place to Place buying and selling Brass, Pewter, and other Merchandize, which ought to be uttered in open Market, were of old so called. The Word is mentioned *Anno* 25 *Hen.* 8. *cap.* 6. and 33 *ejusdem, cap.* 4. We now call those *Hawkers,* who go up and down *London* Streets crying News-books, and selling them by Retail; and, the Women who sell them by wholesale from the Press, are called *Mercury-Women.* The Appellation of *Hawkers* seems to grow from their uncertain wandring, like those who, with *Hawks,* seek their Game where they find it.

Hay, (*Haya,* Fr. *Haye*) an Hedge, an Inclosure, anciently fenced with Rails, as in *Cank-Forest* there were seven such, and one in most Parks; sometimes it is used for the Park it self, sometimes for an Hedge or hedged Ground. *Universis. Capitulum B. Petri Ebor. concessisse ad firmam totam* Hayam *nostram de* Langerath, *cum solo ejusdem* Hayæ, *bruera, marisco, & omnibus aliis pertin. Reddendo inde annuatim nobis tempore pinguedinis unum damum, & fermisonæ tempore unam damam,* &c. Dat. 13 Kalend. Jan. Anno 1279.

Hayam, the same with *Haia.*

Hayboot is derived from the *Sax.* Hæg, *i. e.* an Hedge, and Bote, *i. e.* a Mulct or Recompence for Hedge-breaking, or rather, a Right to take Wood necessary for making Hedges, either by Tenant for Life, or for Years, though not expressed in the Grant or Lease. 'Tis mentioned in the *Mon.* 2. *Town. pag.* 134. *Et concedo ei ut de bosco meo* Heybot, *&c.* And in the same place *Husbote* signifies a right to take Timber to repair the House.

Hayward (From the Fr. *Haye,* i. e. *Sepes,* and *Garde,* i. e. *Custodia*) signifies one that keeps the Common Herd of the Town; and the Reason may be, because one part of his Office is to look that they neither break nor crop the *Hedges* of enclosed Grounds. He is a sworn Officer in the Lord's Court, the Form of whose Oath you may see in *Kitchin, fol.* 46.

Hazarders are those that play at the Game at Dice, called *Hazard*; Hazardor *communis ludens ad falsos talos adjudicatur, quod per sex dies in diversis locis ponatur super collistrigium,* Int. Plac. Trin. 2. *Hen.* 4. *Sussex* 10.

Headborow, (from the *Sax.* Head, i. e. *caput,* and Borge, *fidejussor*) signifies him that is Chief of the Frankpledge, and that had the principal Government of them within his own Pledge. And, as he was called **Headborow,** so was he also called **Burrowhead, Burrholder, Thirdborow, Tithingman, Chief-pledge,** or **Borowelder,** according to the diversity of Speech in several places. Of this see *Lambard* in his Explication, *&c. verbo, Centuria*; *Smyth de Rep. Angl. lib.* 2. *cap.* 22. The same Officer is now called a *Constable.* See *Constable.* The *Headborough* was the Chief of the ten Pledges, the other nine were called *Handboroughs* or *Plegii manuales, i. e.* inferior Pledges. See *Fribourg.*

Head-pence was an exaction of 51 *l.* heretofore collected by the Sheriff of *Northumberland* of the Inhabitants of that County, twice in seven Years; that is, every third and fourth Years, without any Account made to the King; which was therefore (by the Stat. 23 *Hen.* 6. *cap.* 7.) **Clearly put out for ever.** V. *Rot. Parl.* 4 *H.* 6. See *Common Fine.*

Head-silver. See *Common Fine.*

Healfang or **Halsfang,** (*Collistrigium*) is compounded of two *Saxon* Words Halr, i. e. *Collum,* and fang, *Captura*; *pœna scilicet, qua alicui collum stringatur,* (*Collistrigium*) See *Pillory.* But *Healfang* cannot signifie a *Pillory* in the Charter of *Canutus de Forestis,* cap. 14. *Et pro culpâ solvat Regi decem solidos quas Dani vocant* Halfehang: Sometimes 'tis taken for a pecuniary Punishment or Mulct, to commute for standing in the Pillory, and is to be paid either to the King or to the Chief Lord, *viz. Qui falsum Testimonium dedit, reddat Regi vel terræ Domino* Halfeng. Leg. H. 1. cap. 11.

Healgemot. See *Halymot.*

Hearth-money. See *Chimney-Money.*

Hebber-man, a Fisherman below *London-Bridge,* who fishes for Whitings, Smelts, *&c.* commonly at *Ebbing-Water,* and therefore so called. Mentioned in *Art.* for the *Thames-Jury,* Printed 1632.

Hebbing-wears, (mentioned in 23 *Hen.* 8. *cap.* 5.) are Wears or Engines made or laid at *Ebbing-water,* for taking Fish. *Quære.*

Heck is the Name of an Engine to take Fish in the River *Ouse* by *York. Anno* 23 *Hen.* 8. *cap.* 18. And *Heccagium,* which occurs in our Records, may be the Rent paid to the Lord of the Fee, for liberty to use those Engins.

Heda, *Quasi Hida,* a small Haven or Port, as *Queen-hithe.* Domesday.

Hegilwite, the same with *Haybote.*

Heia. See *Hercia.*

Heimineum. *Salvo servitio quatuor hominum, quolibet tertio Anno per sex dies ad meum* Heimineum *faciendum, apud Dodleston.* Charta Hugonis de Boydel. *temp. H.* 2. It signifies an Hayment, or Hedge-fence.

Heinfare. See *Hinefare.*

Heir (*Hæres*) is he that succeeds by Right of Blood, in any Man's Lands or Tenements in Fee; for nothing passeth *Jure Hæreditatis,* but *Fee.* By the Common Law a Man cannot be *Heir* to Goods

or Chattels, for *Hæres dicitur ab Hæreditate.* Every *Heir*, having Land by descent, is bound by the Acts of his Ancestors, if he be named: *Qui sentit commodum, sentire debet & onus.* Coke on Littl. fol. 7, 8.

Last Heir. See *Last.*

Heire-loome, (from the *Sax.* Heiep, i. e. *hæres*, and leome, i. e. *membrum*) *Omne utensile robustius quod ab ædibus non facile revellitur, idcque ex more quorundam locorum ad hæredem transit, tanquam membrum hæreditatis.* Spelm. It comprehends divers Implements of Houshold, as *Tables, Presses, Cupboards, Bedsteads, Furnaces, Wainscot*, and such like, which (in some Countries, having belonged to a House certain Descents, and never inventoried, after the decease of the Owner, as Chattels) accrue by Custom, not by Common Law, to the *Heir*, with the House it self. *Consuetudo Hundredi de* Stretford *in Com. Oxon. est, quod hæredes tenementorum infra Hundredum prædict. existen. post mortem antecessorum suorum habebunt, &c. Principalium, Anglice* an Heir-loome, *viz. De quodam genere catallorum, utensilium, &c. optimum plaustrum, optimam carucam, optimum ciphum*, &c. Coke on Littl. fol. 18. b.

Heisa, *servitium*, Inter placita de temp. Jo. Regis, *Northampton* 50.

Helfling, a Brass Coin among the *Saxons*, equivalent to our Half-penny.

Henchman, *Qui equo innititur bellicoso*, From the *German* Hengst, a War-Horse: With us it signifies one that runs on foot, attending upon a Person of Honour or Worship. *Anno* 3 *Edw.* 4. *cap.* 5. and 24 *Hen.* 8. *cap.* 13. It is written Henxman, *Anno* 6 *Hen.* 8. *cap.* 1.

Henedpeny, a customary payment of Money instead of Hens at Christmas: From the *Saxon* Hen, *gallina*, and Penig, *denarius. Sint quieti de chevagio & Henedpeny, & Buckstall & tristris, &c.* Monast. 2 Tom. 827.

Henghen, (*Sax.* Hengen) a Prison, Gaol or House of Correction *Si quis amicis destitutus, vel alienigena, ad tantum laborem veniat, ut amicum non habeat, in prima accusatione ponatur in* Hengen, *& ibi sustineat donec ad Dei judicium vadat.* LL. Hen. 1. cap. 65.

Hengwite, (*LL. Wil.* 1.) *Significat quietantiam misericordiæ de latrone suspenso absque consideratione.* Fleta, lib. 1. cap. 47. See *Hankwit.*

Heordfeste, the same with *Husfestane, i. e.* the Master of a Family: From the *Sax.* Heopprærc, *i. e.* fixed to the House or Hearth: *Non sit aliqua liberorum rectitudine dignus, sit* Heordfeste, *sit folgarius, sit in Hundredo & in Plegio constitutus.* Leges Canuti. cap. 40. See Hurdereferst.

Heordpenny, *olim* Romescott *& postea* Peter-pence: From the *Sax.* Heopd, *focus*, and penig, *denarius.* See *Peter-pence* and *Romescot. Omnis* Heordpeny *reddat ad festum Sancti Petri, & qui non persolverit ad terminum illum deferat eum Romæ.* Leg. Edgar. apud Brompton. cap. 5.

Herald, Heralt, or **Harold,** (Ital. *Heraldo*, Fr. *Herault, vel quasi Herus altus*) signifies an Officer at Arms, whose Function is to denounce War, to proclaim Peace, and to be employed by the King in Martial Messages. Thus described by *Polydore, lib.* 19. *Habet insuper Apparitores ministros, quos* Heraldos *dicunt, quorum præfectus* Armorum Rex *vocitatur; hi belli & pacis nuncii: Ducibus, Comitibusque à Rege factis insignia aptant, ac eorum funera curant.* They are Judges and Examiners of Gentlemens Arms, and Conservers of Genealogies; they marshal the Solemnities at the Coronation, and Funerals of Princes. The three Chief are called *Kings at Arms*, of which *Garter* is the Principal, instituted and created by *Henry* the Fifth, (*Stow's Annal. pag.* 584) whose Office is to attend the Knights of the *Garter* at their Solemnities, and to marshal the Funerals of the Nobility; yet I find in *Plowden, Casu Reneger & Fogossa*, that *Edward* the Fourth granted the Office of King of Heralds to one *Garter, Cum feudis & proficuis ab antiquo*, &c. *fol.* 12. *b.* The next is *Clarentius*, ordained by *Edward* the Fourth, who, attaining the Dukedom of *Clarence*, by the Death of *George* his Brother, whom he beheaded for aspiring to the Crown, made the *Herald*, which properly belonged to that Dukedom, a King at Arms, and called him *Clarentius.* His proper Office is, to martial and dispose the Funerals of all the lesser Nobility, as Knights and Esquires, through the Realm on the South-side of *Trent.* The third is *Norroy, quasi North-Roy*, whose Office is the same on the *North* side of *Trent*, as *Clarentius* on the *South*, as is intimated by his Name, signifying the *Northern King*, or *King at Arms* of the *North* parts. Besides these, there are six other properly called *Heralds*, according to their Original, as they were created to attend certain great Lords, *&c.* in martial Expeditions, *viz. York, Lancaster, Somerset, Richmond, Chester, Windsor.* Lastly, there are four other called Marshals or Pursuivants at Arms, who commonly succeed in the place of such *Heralds* as die, or are preferred, and those are *Blue-mantle, Rouge-Cross, Rouge-Dragon*, and *Percullis.* These *Heralds* are by some Authors called *Nuncii Sacri*, and by the Ancient *Romans, Feciales*, who were Priests. *Kings at Arms* are mentioned in the Statute of 14 *Car.* 2. *cap.* 33. Of these see more in Sir *Hen. Spelman's* learned *Glossarium.*

Herbage (*Fr.*) (Lat. *Herbagium*) signifies the Pasture or Fruit of the Earth, provided by Nature for the Bit or Mouth of the Cattle: And it is commonly used for a Liberty that a Man hath to feed his Cattle in another Man's Ground, as in the Forest. *Cromp. Jur. fol.* 197. *Occurrit frequens* (says *Spelman*) *pro jure depascendi alienum solum, ut in Forestis.*

Omnibus — Hugo de Logiis salutem. Sciatis me dedisse Thomæ de Erdington totam terram meam de Alstedemore *cum pertin. Reddendo inde annuatim sex sagittas barbatas ad festum S. Mich. Salvo mihi & Marg. uxori meæ, quod nos in prædicta terra habebimus* Liberum Herbagium *ad custum nostrum, nobis & omnibus hominibus nostris de familia nostra transeuntibus*, &c. Sine Dat. Penes Wil. Dugdale Arm.

Herbenger (From the Fr. *Herberger*, i. e. *Hospitio accipere*) signifies with us an Officer of the King's Court, who allots the Noblemen, and those of the Houshold, their Lodgings. *Kitchin* (*fol.* 176.) uses it for an Inn-keeper.

Herbergagium. *Peter de Marton* gave the Monks of *Blyth Abbey* Timber to make *Herbergagia, i. e.* Lodgings to receive Guests in the way of Hospitality, *ut opinor.*

Herbergatus, *Volo etiam quod Burgenses mei molent omnia blada sua super terram de Altringham crescentia, vel in eadem Villa* Herbergata, *ad molendina mea, pro octavo decimo vase multuræ*, Charta Hamonis de Massy, sine dat. i. e. *Hospitio expensa*, spent in an Inn.

Herbery, an Inn: From the *Sax.* Her, *Hic* and Bergen, *abscondere*; or from here, *exercitus*, and Bergen, *tegere*; *hinc* Hereberga *significat Castra.*

Herburgeis, *i. e.* Inn-keepers.

Herce, a Harrow, Lat. *Hercia. Fleta, lib.* 2. *cap.* 77. *Carucas & Hercias reparare*, and in *Domesday, per Gale, fol.* 760. *Habet Rex, &c. unum jugum de ora & unum jugum de* Herce.

Herciare, (from the Fr. *Hercer*, to harrow) *Arabant* & Herciabant *ad Curiam Domini, i. e.* They did plough and harrow at the Manor of the Lord. 4 *Inst. fol.* 270.

Hercia, the same with *Herce*; it signifies also a Candlestick set up in Churches, made in the Form of an Harrow; in which many Candles were placed. *Die sepulturæ & die mensis, & pro corpore facto*, i. e. *Cenotaphium) cum Hercia, i. e. Candalabro in* Herciæ *modum confecto*, which was filled with several Candles, and placed *ad caput Cenotaphii.*

Herculis Promontorium: *Hertly Point* in *Devonshire.*

Herdewich or **Herdewic**, (*Herdewycha*) a Grange or Place for Cattle and Husbandry. *Et unam* Herdewycham *apud Hethcotun in Peco*, &c. Mon. Angl. 3 part. fol.

Herebote, the King's Edict, commanding his Subjects into the Field: From the *Sax.* here, *exercitus*, and Bote, a Messenger.

Hereditaments (*Hæreditamenta*) signifies all such immoveable Things, be they corporeal or incorporeal, as a Man may have to himself and his Heirs, by way of Inheritance, (see 32 *Hen.* 8. *cap.* 2.) or, not being otherwise bequeathed, do of course descend to the next Heir, and fall not within the reach of an Executor or Administrator, as Chattels do. It is a Word of great Extent, and much used in Conveyances; for by the Grant of *Hereditaments*, Seigniories, Manors, Houses, and Lands of all sorts, Charters, Rents, Services, Advowsons, Commons and whatsoever may be inherited, will pass. *Coke on Littl. fol.* 6. *Hæreditamentum est omne quod jure hæreditario ad hæredem transeat. Hæreditamenta corporea*, (according to Judge *Dodridge*) are Revenues Local, and of Annual Value. *Hist. of Wales*, fol. 90.

Herefare, (Sax.) *Profectio militaris & expeditio* See *Subsidy.*

Heregeat or **Hereget**, dicitur justa relevatio, Anglicé **Hariot**. MS. *in Bibl. Cotton. sub tit.* Vitellius. C. 9. See *Hariot.*

Heregeld, (Sax.) *Pecunia seu tributum alendo exercitui collatum.* See *Subsidy.*

Herenach, an Archdeacon.

Herenomes alias **Heretteams**, one who follows an Army of Rebels. *Lamb. Leges Inæ, cap.* 15. *In exercitu prædatorum, &c.* from here, *exercitus*, and Team, *sequela.*

Hereschild, the same with *Scutage.*

Herellita, rectius **Herelliz**, signifies a Soldier hired, and departing without Licence; from the *Saxon* Here, *exercitus*, and lytan, *scindere, dissolvere*; not from Gliten, to depart, as in 4 *Inst. fol.* 128. there being no such *Saxon* word.

Heretaynes, the same with *Herenames.*

Heretoche, the General of an Army: From the *Sax.* Here, *exercitus*, and togen, *ducere*; but the *Herotochi* were the Barons of the Realm, and inferior to Earls and Viscounts. *Interfunt Episcopi Comites, Vicecomites*, Heretochii, *Trithingravi, Ledgrevi.* Leg. H. 1. Du Cange.

Herga, a *Harrow.*

Hergripa, pulling by the Hair; From the *Sax.* Hæp, *capillus*, and Grypan, *capere*: *Si quis aliquem per capillos arripiat, tantum emendat quantum de uno Colpo faceret, id est, quinque denarios de* Heregripa. Leg. H. 1. cap. 94.

Herigalds, a sort of Garment so called: *Capas autem deferant clausas Sacerdotes, & personarum habentes ubique, & non amplius utantur* Herigaldis.

Heriot. See *Hariot.* See *Pretium sepulchri.*

Herireit, *idem ut Herenames*: From the *Sax.* Here, an Army, and Rit, *agmen*, which we call Rout.

Herischild, Military Service, or Knight's Fee: From the *Saxon* Here, an Army, and scylo, *scutum.*

Herisshit, laying down of Arms: From the *Sax.* Here, *exercitus*, and slitan, *scissura.*

Heriscindium, a division of Houshold Goods: *Non toties fieri placet* Herescindia *mecum, i. e.* I am not pleased so often to divide my Goods.

Heristall, a Castle, from the *Sax.* here, an Army, and stall, *statio.*

Hermer, *i. e.* a great Lord: From the *Saxon* Hera, major, and mæne, *dominus.* Du Cange.

Herminus, *i. e. mus Ponticus*, a Mouse of whose Skins we have *Ermine.*

Hermitage. (*Hermitagium*) The Habitation of a *Hermite*, a solitary place. *Vulgariter autem locus iste à laicis* Heremitagium *nuncupatur, propter solitudinem; non quod* Heremita *aliquis aliquo tempore ibidem solebat conversari.* Mon. Angl. 2 par. fol. 339. b.

Hermitorium is by some Authors confounded with *Hermitagium*; but I have seen it distinguished, to signifie the Chapel or place of Prayer, belonging to an *Hermitage*; for I find in an old Charter, *Capella sive Hermitorium. Erimitorium in bosco, D Ducis petiit, ibique domum hanc aliquanto tempore coluit.* Knighton. Lib. 5.

Hernesium, anciently used for the Tackle or Furniture of a Ship. *Cepit etiam in prædicta navi* Hernesia *ad navem illam spectantia.* Pl. Parl. 22 Edw. 1.

Heroudes, the same with *Heralds*: *Et assistebant eis quatuor duces, &c. bene ad æstimationem* Heroudes, *&c.* Knighton. pag. 2571.

Herpsac. See *Fredmortel.*

Hership, *idem ut* Herischild.

Hersia. See *Hercia.*

Hesia. *Usque ad quandam* Hesiam *ante Messuagium Will. Warin.* Charta antiq. The Word signifies an Easement: *Ascendendo per veterem sepem, & sic per vetus fossatum & baiisiam usque ad* Hesiam *extra boscum.* Du Cange, *in verbo Aiseæ.*

Hesta or **Hestha**, (a corruption of the *Lat. Hesta*) a little Loaf of Bread. *Domesday.* See *Rusea.*

Hestcorne. *In redeundo vero Rex* Athelstanus, *post peractam victoriam, declinavit per Ebor. versus* Beverlacum, *ac nonnullas possessiones redimendo, Cultellum per eum ibi depositum, dedit Deo & glorioso Confessori* Johanni *prædicto, ac septem Presbyteris ibidem Deo servientibus. Quasdam avenas, vulgariter dictas* Hestcorne, *percipiendas de Dominiis & Ecclesiis in illis partibus, quas Ministri dictæ Ecclesiæ usque in præsens percipiunt pacifice & quiete.* Mon. Angl. 2 par. fol. 367. b.

Hestha, a Capon or young Cockerill: *Quando Rex ibi veniebat, reddebat ei unaquæque carucata* 200 Hesthas. Domesday. tit. Cestre.

Heuch, *idem quod* Hedge.

Heuvel-

Heubelborth, a Surety. From the Sax. healf, *Dimidium*, and borgh, *debitor, vel fidejussor. Quia qui fide jubet, debitorem se quodammodo constituit.* Du Fresne in verbo.

Hexam. Anciently *Hagustald* and *Hongulstad*, was formerly a County of it self, and a Franchise, where the King's Writ went not: But by the Statute of 14 *Eliz. cap.* 13 Hexam and Hexamshire shall be within the County of Northumberland. See 4 *Inst. fol.* 22. It was also of old a Bishoprick by the Name of *Episcopatus Hugustaldensis.* See *Mon. Angl.* 2 *par. fol.* 91. See *Axelodunum.*

Hidage, or **Hydage**, (*Hydagium,*) was an extraordinary Tax, payable anciently to the King for every *Hide* of Land. *Bracton, lib.* 2. *cap.* 6. writes thus of it: *Sunt etiam quædam communes præstationes, quæ servitia non dicuntur, nec de consuetudine veniunt, nisi cum necessitas intervenerit, vel cum Rex venerit; sicut sunt* Hidagia, Coragia, & Carvagia, & *alia plura, de necessitate, & ex consensu communi totius regni introducta, & quæ ad Dominum feudi non pertinent, &c.* King *Æthelred*, in the Year of *Christ* 994, when the *Danes* landed at *Sandwich*, taxed all his Land by *Hides*; every 310 *Hides* of Land found one Ship furnished, and every 8 *Hides* found one Jack, and one Saddle, for Defence of the Realm. *Willielmus Conquestor de unaquaque* Hida *per Angliam sex solidos accepit.* Floren. Wigorn. in An. 1084. Sometimes *Hidage* was taken for the being quit of that Tax; which was also called Hyde-gyld.

Hide and Gain did anciently signify Arable Land. *Coke on Littl. fol.* 85. *b.* For of old, to *gain* the Land was as much as to till it. See *Gainage.*

Hide-lands, (Sax. hydelandep.) *Terræ ad Hydam seu tectum pertinentes.*

Hide of Land, (Sax. *Hyde-Lands*, from hydan, *Tegere.*) *Tanta fundi portio quanta unico per annum coli poterant aratro; vel quæ familiæ uni sustentandæ sufficeret.* A Pough-Land. In an old Manuscript it is said to be 120 Acres. *Bede* calls it *Familiam*, and says it is as much as will maintain a *Family.* Others call it *Mansum, Manentem, Casatam, Carucatam, Sullingam, &c.* *Crompton*, in his *Jurisdict. fol.* 222. says a *Hide of Land* contains one hundred Acres, and eight Hides make a Knight's Fee. *Hida autem Anglice vocatur terra unius aratri culturæ sufficiens per annum.* Hen. Hunting. Hist. lib. 6. fol. 206. b. But Sir *Edward Coke* holds, That a Knight's Fee, a *Hide* or Plough-Land, a Yard-Land, or Oxgang of Land, do not contain any certain Number of Acres. On *Littl. fol.* 69. The Distribution of *England* by *Hides of Land* is very ancient; for there is Mention of them in the Laws of King *Ina, cap.* 14. *Henricus* I. *maritandæ filiæ suæ gratia Imperatori, cepit ab unaquaque* Hida *Angliæ tres sol.* Spelm. And see *Cam. Brit. fol.* 158.

Hidel (*Anno* 1 *Hen.* 7. *cap.* 6.) signifies a Place of Protection, or a Sanctuary.

Hidgild (*in LL. Canuti R.*) *exponitur pretium redemptionis aut manumissionis servi.* From the Sax. hide, *i. e.* the Skin, and gild, *pretium, i. e.* the Price by which he redeemed his Skin, that is, redeemed it from being whipp'd. *Si liber festis diebus operetur, perdat libertatem; si servus, corium perdat vel* Hidgildum, *i. e.* Let him be whipp'd; which was the Punishment for Servants. *Vel Hidgildum, i. e.* Let him pay for his Skin; by which Payment he is to be excused from Whipping. See *Hudegeld.*

His testibus. Antiquity did add these Words in the End of the Deed, written with the same Hand with the Deed, which Witnesses were called, the Deed read, and then their Names enter'd. And this Clause of *Hiis testibus* in Subjects Deeds continued until and in the Reign of *Hen.* 8. but now is wholly omitted. *Coke on Littl. fol.* 6.

Hindeni homines, a Society of Men. From the Sax. hindene, *Societas:* For in the Time of our *Saxon* Ancestors all Men were ranked into three Classes, the *Lowest*, the *Middle*, and *Highest*, and were valued according to the Class they were in; that is, if any Injury was done, Satisfaction was to be done according to the Value or Worth of the Man to whom it was done. The *Lowest* were those who were worth ten Pounds, or two hundred Shillings, and they were called *Viri ducenteni*, or *Twyhindemen*, and their Wives *Twyhinda's*; the *Middle* were valued at six hundred Shillings, and were called *Sixhindemen*, and their Wives *Sixhinda's*; the *Highest* were valued at twelve hundred Shillings, and were called *Twelfhindemen*, and their Wives *Twelfhinda's.* *Bromp. Leg. Alfred, cap.* 12, 30, 31, 32. See *Twihindi* and *Twelvehindi.*

Hine, (Sax) a Servant, or one of the Family: But it is now taken in a more restrictive Sense, for a Servant at Husbandry; and the *Master-hine*, he that oversees the rest. *Anno* 12 *R.* 2. *cap.* 4.

Hinefare, or **Heinfare**, (from the Sax. hine, a *Servant*, and fare, a *Going* or *Passage*,) the Loss or Departure of a Servant from his Master. *Si quis occidit hominem Regis & facit* Heinfaram, *det Regi* xx s. *&c.* Domesday, tit. Arcenfeld. So in *Domesday, Qui pacem Regis, &c. centum sol. emendabat & tantundem dabat qui Forestall vel* Heinfare *faciebat.* Hist. Angl. Scriptores, à Dr. Gale, fol. 772.

Hinegeld. *Significat quietantiam transgressionis illatæ in servum transgredientem.* MS. Arth. Trevor, Ar.

Hirciscunda, the Division of an Inheritance among Heirs. *Goldm. Dict. Actio Hirciscundæ.* See *Action mix'd.*

Hird, i. e. *Domestica vel intrinseca familia.* Inter Plac. Trin: 12 Ed. 2. Ebor. 48. MS.

Hireman, a Subject. From the Sax. hinan, *Obedire.* But I rather think it signifies one who serves in the King's Hall, to guard him. From the Sax. hind, *Aula*, and man, *homo.* Du Cange.

Hirniffa. See *Overhirniffa.*

Hithe. See *Hythe.*

Hlafordsocna, the Lord's Protection. From the Sax. halford, *Dominus*, and socn, *libertas. Nec Dominus homini libero* Hlafordsocnam *prohibeat.* Leg. Adelstan, cap. 5.

Hlafocner, the Benefit of the Law. From the Sax. Laga, *Lex*, and socn, *libertas.*

Hloth, an unlawful Company, from seven to thirty five. *Qui de* Hloth *fuerit accusatus, abneget per centum viginti hidas, vel sic emendet*; that is, He who is accused for being at an unlawful Rout, let him purge himself, *tot Sacramentatibus quot is qui* 120 *hidas æstimatur*; or, Let him clear himself by a Mulct, which is called *Hlothbota.*

Hlothbote, a Mulct set on him who is in a Riot. From the Sax. hloth, *Turma*, and bote, *Compensatio.*

Hoastmen, (*Anno* 21 *Jac. cap.* 3.) are an ancient *Gild* or Fraternity at *Newcastle* upon *Tine*, who deal in Sea-coal.

Hobiers, or **Hobilers**, (*Hobelarii.*) *Erant milites*

milites gregarii, levi armatura & mediocri equo, ad omnem motum agili, sub Edwardo 3 in Gallia merentes. Dicti (ut reor) vel ab istiusmodi equo, an Hobby *appellato, vel potius à Gal.* Hobille, *Tunica. Tabulæ classes describentes in exercitu ejusdem Edwardi* Caletem *obsidentes, Anno* 1350, *sic habent. Sub Comite Kildariæ, Bannerets* 1, *Knights* 1, *Esquires* 38, Hobilers 27, *&c.* These were Light-Horsemen, or certain Tenants, who, by their Tenure, were bound to maintain a little light Nag for certifying any Invasion, or such like Peril, towards the Sea-side, as *Portsmouth, &c.* Of which you may read 18 *Edw.* 3. *Stat.* 1. *cap.* 7. and 25 *ejusdem, Stat.* 5. *cap.* 8. and *Cam. Britan. fol.* 172. *Duravit vocabulum usque ad ætatem Hen.* 8. says *Spelman, Gentz darmes &* Hobelours. See *Prin's Animad. on* 4 *Inst. fol.* 307. *Hobeleries,* Rot. Parl. 21 Ed. 3. Sometimes the Word signifies those who used Bows and Arrows, *viz. Pro warda maris tempore guerræ, pro* Hoberariis *sagittariis inveniendis, &c.* Thorn. Anno 1364. So in the *Monastic. Pro munitione & apparatibus hominum ad arma* Hobelariorum *sagittariorum.*

Hock-Tuesday-Money was a Tribute paid the Landlord, for giving his Tenant and Bondmen Leave to celebrate that Day in Memory of the Expulsion of the domineering *Danes.*

Hockettor, or **Hocqueteur**, is an old *French* Word for a Knight of the Post, a decay'd Man, a Basket-carrier. 3 *Part. Inst. fol.* 175. *Que nul enquerelant nen respoignant ne soit sunpris neu chesun per* Hocketto*urs, parent que la verite ne soit ensue.* Stat. Ragman.

Hoga, Hoggia, Hogium, Hoch, a Mountain or Hill. From the Germ. **Hoogh**, *altus*; or from the Sax. **how**, *Mons*, the *g* being changed into *w*. *Edwinus invenit quendam collem &* Hogam *petrosum, & ibi ædificavit quandam villam quam vocavit* Stanhogiam, *postea* Stanhow, *i. e. Montem lapidosum.* Du Cange.

Hogaster, a little Hog. *In legibus Forestar. Scotic. cap.* 7. *Iste est modus pannagii,* viz. *De qualibet cindra,* i. e. *de decem porcis; Rex habebit meliorem porcum, & Forestarius unum* Hogastrum. It signifies also Sheep. *Tertium ovile pro* Hogastris *annatis & juvenibus.* Flera, lib. 2. cap. 79.

Hogenhine, rectius, **Agenhine**, *i. e. Servus proprius, i. e.* Third Night own Servant,) is he that comes guest-wise to an Inn or House, and lies there the third Night, after which he is accounted of that Family: And if he offend the King's Peace, his Host was to be answerable for him. See *Thirdnight-awn-hine.* Corruptly **Agenhine**; from the Sax. **Agen**, *Proprius*, and **hine**, *Servus.*

Hogshead is a Measure of Wine, Oil, *&c.* containing half a Pipe, the fourth Part of a Tun, or 63 Gallons. *Anno* 1 *R.* 3. *cap.* 13. See *Barrel.*

Hokeday, otherwise called **Hock-Tuesday**, *Dies Martis, quam Quindenam Paschæ vocant,* the second *Tuesday* after *Easter*-Week. A Day so remarkable in ancient Times, that I have seen a Lease without Date, reserving so much Rent payable *ad duos anni terminos, scil. ad le* Hokeday, *& ad Festum Sancti Mich. Et ad Festum S. Mich. cum tenere voluerit, Seneschallus Curiæ de* la Hele, *habebit de Celerario quinque albos panes & Costrellos suos plenos Cervisiæ, & ad idem Festum pro Curia de* Kinnersdone *de privilegiis tenendis, habebit totidem, & ad le* Hokeday *totidem.* Mon. Angl. 2 Par. fol. 550 b. And in the Accounts of *Magdalen College* in *Oxford* there is yearly an Allowance *pro Muliebribus Hockantibus,* in some Mannors of theirs in *Hampshire,* where the Men *hock* the Women on *Monday,* and *contra* on *Tuesday.* See *Hock-Tuesday-Money.* The Meaning of it is, that on that Day the Women in Merriment stop the Ways with Ropes, and pull Passengers to them, desiring something to be laid out in pious Uses.

Holderness. Se *Parisi pop.*

Holders, Bailiffs of a Town or City. From the Sax. **hold**, *i. e. summus præpositus.* Others are of Opinion that it signifies a General; for **hold** in *Saxon* doth also signify *summus imperator. Comitis Weregildum,* i. e. *Estimatio capitis, est* 15 *millia Thrympsa,* Holdis *& summi præpositi quatuor millia Thrympsa.* Leges Alured. de Weregildis.

Holm, (Sax.) *Hulmus, insula amnica,* a River-Island, according to *Bede*; or plain grassy Ground upon Water-sides, or in the Water, according to *Camden. Cum duobus* Holmis *in campis de Wedone.* Mon. Angl. 2 Par. fol. 262. b. Therefore where any Place is called by that Name, or where this Syllable is joined with any other in the Names of Places, it signifies a Place surrounded with Water; as the *Flatholmes,* the *Stepholmes,* near *Bristol:* But if the Situation of the Place is not near the Water, then it may signify a Hilly Place; for **holm** in *Saxon,* is in *English* an Hill or Cliff.

Holt, (Sax.) a Wood. And therefore the Names of Places beginning or ending with *Holt,* signify that formerly there was great Plenty of Wood, as *Applehalt, Buckholt.*

Homage (Fr.) is derived from *Homo,* and is called *Homage,* because when the Tenant does this Service, he says, *I become your Man.* It is also called *Manhood,* as the *Manhood* of his Tenant and the *Homage* of his Tenant is all one. *Coke on Littl. fol.* 64. In the Original Grants of Lands and Tenements by way of Fee, the Lord did not only tie 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 is called *Homage,* the Form whereof you have in 17 *Edw.* 2. *Stat.* 2. in these Words: **When a Freeman shall do Homage to his Lord, of whom he holds in Chief, he shall hold his Hands together between the Hands of his Lord, and shall say thus;** *I become your Man from this Day forth for Life, for Member, and for worldly Honour, and shall owe you my Faith, for the Land I hold of you, saving the Faith that I owe unto our Sovereign Lord the King, and to mine other Lords.* And in this Manner the Lord of the Fee, for which *Homage* is due, takes *Homage* of every Tenant, as he comes to the Land or Fee. *Glanvil, lib.* 9. *cap.* 1. excepts Women, who perform not *Homage,* but by their Husbands, (yet *Fitzherbert,* in his *Nat. Br. fol.* 157. says the contrary,) because *Homage* specially relates to Service in War. He says also, that consecrated Bishops do no *Homage,* but only Fealty: The Reason may be all one. Yet the Archbishop of *Canterbury* does *Homage* on his Knees to our Kings at their Coronation: And I have read that the Bishop of the *Isle of Man* is Homager to the Earl of *Derby. Fulbec* reconciles this, *fol.* 20. in these Words: By our Law a Religious Man may do *Homage,* but may not say to his Lord, *Ego devenio homo vester,* because he has professed himself to be only God's Man; but he may say, *I do unto you Homage, and to you shall be faithful and loyal.* See *Briton, cap.* 68.

Homage is also taken in some Cases to signify the parti-

particular Place or District where the Services are to be performed, as thus, *viz. Henricus Rex, &c. si Abbas de Ramsey poterit monstrare quod nullus antecessorum operasset ad* Hominium *de Brampton.* Bracton, lib. 2. cap. 35. par. 12. Fleta, lib. 3. cap. 16, 17.

Homage is either new with the Fee, or *Ancestrel. Homage* is also used for the Jury in a Court-Baron, because it commonly consists of such as owe *Homage* to the Lord of the Fee. This *Homage* is used in other Countries as well as ours, and was wont to be called *Hominium.* See *Hotoman de verbis feud. verbo* Homo.

Homage Auncestrel is where a Tenant holds his Land of his Lord by *Homage*, and the same Tenant and his *Ancestors* (whose Heir he is) have holden the same Land of the same Lord and his Ancestors, whose Heir the Lord is, Time out of Memory of Man, by *Homage*, and have done them *Homage*; such Service draws to it Warranty from the Lord, *&c.* Thus *Littleton. In this Example, here put,* (says Sir *Edward Coke,*) *there must be a double Prescription, both in the Blood of the Lord and of the Tenant; and therefore I think there is little or no Land holden by* Homage Auncestrel. Yet I have been credibly informed, that in the Manor of *Whitney*, in *Herefordshire*, whose Lord is of the same Name, and his Ancestors have continued there for many Ages, is one *West* a Tenant, who can perfectly prescribe to hold his Land of *Tho. Whitney* Esq; the present Lord thereof, by *Homage Auncestrel.*

Homager, (from the Fr. *Hommage*) one that does, or is bound to do Homage to another; as the Bishop of the Isle of *Man* is said to be *Homager* to the Earl of *Derby.* See *Homage.*

Homagio respectuando was a Writ to the Escheator, commanding him to deliver Seisin of Lands to the Heir of full Age, notwithstanding his *Homage* not done. *Fitz. Nat. Br. fol.* 269.

Homesoken, rectius **Hamsoken**, & **Hamsoca**, (from the Sax. **ham**, i. e. *Domus, Habitatio*, and **socne**, *Libertas, Immunitas*,) is by *Bracton, lib.* 3. *tract.* 2. *cap.* 23. thus defined: Homesoken *dicitur invasio domus contra pacem domini Regis, vel insultus factus in domo extra pacem domini.* It appears by *Rastal*, that in ancient Times some Men had an Immunity to do this. *Si quis* Hamsocam *violaverit, jure Anglorum Regi emendet* 5 *libr.* LL Canuti, cap. 39. Hamsoken *est quod Prior tenebit Placita in Curiâ suâ de his qui ingrediuntur domum vel Curiam alicujus ad litigandum, vel furandum, vel quicquid asportandum, vel aliquod aliud faciendum, contra voluntatem illius qui debet domum vel Curiam.* Ex Reg. Priorat. de Cokesford. See *Hamsoken.*

Homesoken is the Privilege or Freedom which every Man hath in his House; and he who invades that Freedom is properly said *facere Homesoken.* This I take to be what we now call *Burglary*, which is a Crime of a very heinous Nature, because 'tis not only a Breach of the King's Peace, but a Breach of that Liberty which a Man hath in his House, which, as we commonly say, should be his Castle, and therefore ought not to be invaded. *Bracton, lib.* 3. *tract.* 2. *cap.* 23. Du Cange.

It is also taken for an Impunity to those who commit this Crime, *viz.* Homsokne, *hoc est, quietus esse de amerciamentis pro ingressu hospitii violenter & sine licentiâ, & contra pacem Regis, & quod teneatis placita de hujusmodi transgressione in Curiâ vestrâ.* W. Thorn. pag. 2030. See *Hamsoken.*

Homicide (*Homicidium*) is the Slaying of a Man, and it is divided into *Voluntary* and *Casual. Voluntary Homicide* is that which is deliberated and committed of a set Purpose to kill. *Casual* is done by Chance, without any Intention to kill. *Homicide voluntary* is either with precedent Malice, or without: The former is Murder, and is the Felonious Killing, through Malice prepensed, of any Person living in this Realm under the King's Protection. *West, par.* 2. *Symb. tit. Indictments, sect.* 37. *usque ad* 51. where you may see divers Subdivisions of this Matter. See also *Glanvil, lib.* 14. *cap.* 3. and *Coke on Littl. lib.* 3. *cap.* 8. See *Murther, Manslaughter*, and *Chaucer Medley.*

Hominatio. Domesday, *tit.* Northampton. *Sochmanni de Residen. — Idcirco Episcopus clamat* Hominationem *eorum.* It signifies the Mustering of Men, according to Mr. *Tate* in MS. Also the doing of Homage.

Homine eligendo ad custodiendam peciam sigilli pro mercatoribus editi is a Writ directed to a Corporation, for the Choice of a new Man to keep one Part of the Seal, appointed for Statutes-Merchant, when the other is dead, according to the Statute of *Acton-Burnel. Reg. of Writs, fol.* 148. *a.*

Homine replegiando is a Writ for the Bailing a Man out of Prison. In what Cases it lies, see *Fitz. Nat. Br. fol.* 66. and *Reg. of Writs, fol.* 77.

Homine capto in Withernamium is a Writ to take him that has taken any Bondman or Woman, and led him or her out of the County, so that he or she cannot be replevied according to Law. *Reg. of Writs, fol.* 79. *a.* See *Withernam.*

Homiplagium is used in the Laws of *Hen.* 1. *cap.* 80. for the Maiming a Man. *Si quis in domo vel Curia Regis fecerit Homicidium vel* Homiplagium.

Hond-habend (from the Sax. **hond**, Hand, and *habens*, having) signifies a Circumstance of manifest Theft, when one is deprehended with the *Mainor* or *Mainover*, i. e. the Thing stolen in his Hand. *Bracton, lib.* 3. *tract.* 2. *cap.* 8. 32, & 35. who also uses *Handberend* in the same Sense. So, *Latro manifestus*, see *Handhabend.* So in *Fleta, lib.* 1. *cap.* 38. *Furtum manifestum est ubi aliquis latro deprehensus saisitus de aliquo latrocinio* Hand-habbind, & Back-berinde, & *insecutus fuerit per aliquem cujus res illa fuerit, quæ dicitur Sachorgh, & tunc licet insecutori rem suam petere criminaliter ut furatam.*

It also signifies the Right which the Lord hath of determining of this Offence in his Court.

Hond-Peny. *Et sint quieti de chevagio,* Hond-Peny, *Buckstall & Tristris & de omnibus misericordiis, &c.* Privileg. de Semplingham. *Quære.*

Honour is, besides the general Signification, used especially for the more noble Sort of *Seignories*, whereof other inferior Lordships or Manors depend, by Performance of some Customs or Services to those who are Lords of them; (though anciently *Honor* and *Baronia* signified the same Thing.) *Uti Manerium plurimis gaudet (interdum feodis, sed plerumque) tenementis, consuetudinibus, servitiis, &c. Ita* Honor *plurima complectitur Manoria, plurima feoda militaria, plurima Regalia, &c. dictus etiam olim est* Beneficium *seu* Feodum Regale, *tenetulq; semper à Rege in Capite.* Spelm. The Manner of creating these *Honours*, by Act of Parliament, may in part be gather'd out of the Statute 33 *H.* 8. *cap.* 37, 38. where *Ampthil, Grafton*, and *Hampton-Court*, are made *Honours.* And by 37 *H.* 8. *cap.* 18. the King is impowered by Letters Patent to erect four

four several *Honours*, viz. *Westminster*, *Kingston upon Hull*, St. *Osythe*, and *Donnington*, and as many other *Honours* as he will. In reading several approved Authors and Records, I have observed these following to have been likewise *Honours*, viz. The *Honours* of *Wigmore*, *Lancaster*, *Aquila*, (formerly *Pewnsey*,) *Clare*, *Tickhill*, *Wallingford*, *Nottingham*, *Bolvine*, *West* and *East Greenwich*, *Bedford*, *Berkhamstead*, *Plimpton*, *Crevecure*, *Hagenet*, *Windsor*, *Beaulieu*, *Peverel*, *Skipton*, *Wirmgay*, *Clun*, *Raleigh*, *Montgomery*, *Huntenden* in *Herefordshire*, *Eye*, *Baynard's-Castle*, *Gloucester*, *Arundel*, *Tremanton*, *Richard's-Castle*, *Christ-Church*, *Hevenyngham*, *Cockermouth*, *Bullingbroke*, *Stafford*, *Barstable*, *Wherwelton* in *Yorkshire*, *Strigul*, *Totneys*, *Werk*, (Rot. Pipæ 31 H. 2.) *Cormayls*, *Caudivet*, *Theony*, *Oakhampton*, (had 92 Knights Fees belonging to it,) *Greatmesnil*, *Egremond*, *Oxford*, *Lincoln*, *Abergaveny*, *Dudley*, *Tamworth*, *Mowbray*, *Webley*, *Benonia*, *Middleham*, *Haverden-Castle*, *Dover-Castle*, (Trin. 33 Edw. 1. Linc. 46.) *Carisbroke*, (Est. 9 Edw. 1.) *Clifford-Castle*, *Kington*, *Folkingham*, *Leicester*, *Hinkley*, *Whitchurch*, *Hertford*, *Newelme*, *Chester*, *Lovetot*, *Pickering*, *Maidston*, *Tutsebury*, *Warwick*, *Brecnock*, *Brember*, *Holten*, *Gomber*; for *John de Moubray* in *Edw* 3. wrote himself *Dominus Insulæ de Huxholm & de Honoribus de Gomber & Brember*. And in a Charter of 15 *Hen.* 3. I find Mention of the *Honours* of *Kaermardin*, *Cardigan*, and *Glamorgan*.

Sciatis communiter, me — accepisse in manu mea & defensione totum Honorem *Ecclesiæ de Rameseie*, *&c.* Charta Gulielmi I. Abbati Ramesi. Sect. 174. See *Cam. Britan. fol.* 315, 407, 594, *&* 690, *&c.* *Inquis.* 10 *Edw.* 2. *Coke's* 4 *Inst. fol.* 224. *Mag. Charta*, *cap.* 31. *Reg. Orig. fol.* 1. *Cromp. Jurisd. fol.* 115. *Broke*, *tit Tenure*, *num.* 26, *&c.* This Word is used in the same Signification in other Nations.

Honour-Courts are Courts held within the *Honours* aforesaid, mentioned 33 *Hen.* 8. *cap.* 37. and 37 *ejusdem*, *cap.* 18.

Honorary Services (*Anno* 12 *Car.* 2. *cap.* 29.) are such as are incident to the Tenure of *Grand Serjeanty*, and annexed commonly to some *Honour* or Grand Seigniory.

Hontfongenethef. *Cum omnibus aliis libertatibus, tantummodo* Hontfongenethef *mihi retento.* Charta Wil. Comitis Marescalli. In Mon. Angl. 1 Par. fol. 724. This should have been written Hondtangenethef, and signifies a *Thief* taken with Hondhabend, i. e. *Having* the Thing stolen in his *Hand*.

Hordera, a Treasurer. From the Sax. Hord, *Thesaurus*. *Et quicumque* Hordera *Regis vel præpositus furi consentaneus erit.* Leg. Adelstan, cap. 2. apud Brompton. From whence we derive the Word *Hord*.

Hordeum palmale. *Hæc Indentura testatur, quod Rob. Beaufitz dedit — unam virgatam terræ in Gillingham, — redd. inde quolibet anno ad Festum S. Mich. quatuor Bussellos* ordei palmalis *firmæ juxta melius pretium per duos denarios in Quarterio*, *&c.* Dat. 43 Ed 4. *penes Alington Paynter Arm.* Doubtless this is meant of Beer-Barley, which in *Norfolk* it called Sprat-Barley, and Battledore-Barley, and in the Marches of *Wales*, *Cymridge*, it being broader in the Ear, and more like a *Hand* than the common Barley, which in old Deeds is called *Hordeum Quadragesimale*.

Horn with Horn, or **Horn under Horn** (*Cornutum cum Cornuto*) is when there is Common *per Cause de Vicinage*; Intercommoning of Horned Beasts. *Constit. Rob. Dunelm. Episcopi*, *Anno* 1276.

Hornagium, perhaps the same with *Horngeld*; which see.

Hornebeam-Pollengers are Trees so called, that have usually been lopped, and are above twenty Years Growth, and therefore not titheable. *Plowden*, *Casu*, *Soby*, *fol.* 470.

Horngeld, and **Hornete**, (from the Sax. Horn, *Cornu*, and Gelb, *solutio*,) signifies a Tax within the Forest, to be paid for Horned Beasts. *Cromp. Jurisd. fol.* 197. And to be free of it is a Privilege granted by the King to such as he thinks good. *Quietum esse de omni collectione in Forestâ de bestiis cornutis asses.* 4 Inst. fol. 306. *Et sint quieti de omnibus geldis, & Danegeldis, & Wodgeldis, & Senegeldis, &* Horngeldis, *&c.* Diploma. Hen. 3. Canonicis & Monialibus de Semplingham. See *Subsidy*.

Hors de son Fee (Fr. *i. e.* out of his Fee,) is an Exception to avoid an Action brought for Rent issuing out of certain Land, by him that pretends to be the Lord, or for some Customs and Services: For if the Defendant can prove the Land to be *without the Compass of his Fee*, the Action falls. See *District* and *Broke*, *hoc titulo*.

Hortolagium. See *Ortolagium*.

Hostilers, (Fr. *Hosteliers*,) *Anno* 31 *Ed.* 3. *cap.* 2. *Stat.* 3. is used for *Inn-keepers*. In some old Books the Word *Hosters* occurs in the same Sense; and *Free Hosters* were such as entertained Strangers *gratis*.

Hospes generalis, a Great Chamberlain. *Item quod nullus ipsum hospitare præsumat, &c. Sed volumus, quantum ad hospitia pertinet, omnes indifferenter nostro* Hospiti generali *obediant*, *sicut nobis*, *subpœna*, *&c.* Du Cange.

Hospitalers (*Hospitalarii*) were a certain Order, of Religious Knights so called, because they built an *Hospital* at *Jerusalem*, wherein Pilgrims were received. To these Pope *Clement* the Fifth transferred the *Templers*, which Order, by a Council held at *Vienna*, he suppressed for their many and great Misdemeanors. These *Hospitalers* were otherwise called *Knights of S.* John *of* Jerusalem, and are now those we call the *Knights of S.* John *of* Malta. *Cassan. Gloria mundi*, *Part* 9. *Consid.* 5. This Constitution was also obeyed in *Edward* the Second's Time here in *England*, and confirmed by Parliament. *Walsingham's Hist. Edw.* 2. These are mentioned 13 *Edw.* 1. *cap.* 43. and 9 *Hen.* 3. *c.* 37. They had many Privileges granted them by the Popes, as Immunity from Payment of Tithes, *&c.* The Lands and Goods were put into the King's Dispose by *Stat.* 32 *Hen.* 8. *cap.* 24. See *Mon. Angl.* 2 *Part. fol.* 489.

Hospitium is the same with Procuration. *Et nomine suæ legationis cum excessivo numero* Hospitia *à cunctis per Angliam exegit monasteriis*; *minores vero domus*, *quæ pondus* Hospitii *ferre non poterint*, *certâ summâ*, *id est*, *octo vel quinque marcarum*, Hospitia *redemerunt.* Neubrigensis, lib. 4. cap. 14. Brompton, fol. 1193.

Hostagium. *Has terras ego & hæredes mei acquietabimus erga Regem de Scutagio & Hostagio & omni auxilio præter auxilia Vicecom. & Præpositi Hundredi*, *&c.* Mon. Angl. 1 Par. fol. 348. b.

Hostagium is the same with *Hospitium*. See *Procuration*.

Hosterium, a Hoe, (Fr. *Houe*,) an Instrument used mostly by Gardiners, and well known. *Et sint quieti de Aratro & Hosterio, & segibus secandis*, seu *colligendo*, *& homagio faciendo*, *de averiis*, *& de pannagio*

pannagio & salicibus, & omnibus aliis consuetudinibus. Charta Hamonis Massy.

Hostilarius, an *Hospitaler.*

Hotchpot, (Fr. *Hochepot*) a confused Mingle-mangle of divers Things jumbled or put together; so also of Lands of several Tenures; as, a Man seised of thirty Acres of Land in Fee hath two Daughters, and gives with one of them ten Acres in Frank-marriage, and dies seised of the other twenty: Now, if she that is thus married will have any Part of the twenty Acres, she must put her Lands given in Frank-marriage in *Hotchpot*, that is, she must resolve to take the sole Profits of the ten Acres, but suffer them to be mingled with the other twenty, to the End an equal Division may be made of the whole thirty between her and her Sister: And thus for her ten Acres she shall have fifteen; otherwise her Sister will have the twenty Acres of which her Father died seised. *Littleton, fol. 55. Coke ad Littl. lib. 3. cap. 12. fol. 119.*

Houlebold, and **Hayboild**. *Concessi etiam praedictis Burgensibus meis* Houlebold & Hayboild *in omnibus bosis. Charta Hamonis Massy sine dat.* It seems to signify *Housebote* and *Hedgebote.* The same Words also occur in *Mon. Angl. 2 Part. fol. 633.*

Housebote (compounded of *House* and *Bote*, i. e. *Compensation*) signifies *Estovers*, or an Allowance of Timber, out of the Lord's Wood, for the Repair and Upholding a House or Tenement. *House-bote* (says *Coke on Littl. fol. 41. b.*) is twofold, *viz. Estoverium aedificandi & ardendi.*

House-robbing, or **House-breaking**, (Sax. hour-bruce,) is the Robbing a Man in some Part of his House, or his Booth or Stall in any Fair or Market, and the Owner, or his Wife, Children, or Servants, being within the same. This was Felony by 23 *Hen. 8. cap. 1.* and 3 *Ed. 6. cap. 9.* But now it is Felony, though none be within the House, by 39 *Eliz. cap. 15.* See *Burglary*, and *West. Part. 2. Symb. tit. Indictments, sect. 67.*

Hredige, i. e. Readily, or Quickly. *Item dicimus de illis, hominibus qui in* Hredige *nequeunt culpabiles inveniri, i. e.* Could not readily be convicted. *Leg. Athelstan, cap. 16.* From the Sax. Hnebinge, i. e. *Brevi*, In a short Time.

Hudegeld. *Significat quietantiam transgressionis theoae in forestam transgredientem.* Supposed to be mistaken by *Fleta*, or misprinted for *Hinegeld*; which see. See *Hidgild.*

Hue and Cry (*Huesium & Clamor*, from the Fr. *Huer* and *Crier*, both signifying To shout, and cry out aloud) signifies a Pursuit of one who hath committed Felony by the Highway; for if the Party robbed, or any in the Company of one murthered or robbed, come to the Constable of the next Town, and will him to raise *Hue and Cry*, or to pursue the Offender, describing the Party, and shewing (as near as he can) which Way he is gone, the Constable ought forthwith to call upon the Parish for Aid in seeking the Felon; and if he be not found there, then to give the next Constable Warning, and he the next, until the Offender be apprehended, or at least thus pursued to the Sea-side. Of this read *Bracton, lib. 3. tract. 2. cap. 5, Smith de Repub. Anglor. lib. 2. cap. 20.* and the Statutes 13 *Edw. 1.* of *Winchester, cap. 3.* 28 *Edw. 3. c. 11.* and 27 *Eliz. cap. 13.*

The *Normans* had such a Pursuit with a *Cry* after Offenders, as this is, which they called *Clamor de Haro*, of which you may read the *Grand Customary, cap. 54.* Hue is used alone, *Anno 4 Edw. 1. Stat. 2.* In ancient Records this is called *Hutesium & Clamor.* See *Coke's 2 Part Inst. fol. 172.*

Mandatum est Gulielmo de Haverhul Thesaurario Regis, quod Civitatem London capiat in manum Regis, quod Cives ejusdem Civitatis non levaverunt Hutesium & Clamorem *pro morte Magistri Guidonis de Aretio & aliorum interfectorum, secundum legem & consuetudinem Regni.* Rot. Claus. 30 H. 3. m. 5. See *Vociferatio.*

But the *Clamor de Haro* was not a Pursuit after Offenders, but a Challenge of any Thing to be his own after this Manner, *viz.* He who demanded the Thing did with a loud Voice, before many Witnesses, affirm it to be his proper Goods, and demanded Restitution.

Huers. See *Condors.*

Huissiers. See *Usher.*

Huisserium, Ships to transport Horses. 'Tis mentioned in *Hoveden* by the Name of *Wisers*. And *Brompton, Anno* 1190, calls them *Ussers*, *viz. Rex Tancredus dedit Regi Angliae 4 magnas navis quas vocant* Ussers. It doth not appear by *Vossius* or *Somner*, from whence this Word is derived. Some will have it from the Fr. *Huis*, i. e. a Door; because when the Horses are on Shipboard, the Doors or Hatches are shut upon them, to keep out Water.

Hulm. See *Holm.*

Hullus signifies an Hill. 'Tis mentioned in the *Mon. Angl. 2 Vol. pag. 192. Habendum & tenendum dictam pasturam in* Hullis *& Holmis, &c.*

Humagium, a moist Place. *In Ecclesiis, in decimis, in* humagiis, *in terris, in pratis.* *Mon. Angl. 1 Par. fol. 628. a.*

Humber in *Yorkshire.* See *Abus aestuarium.*

Hundred (*Hundredum, Centuria*) is a Part of a Shire so called, either because of old each Hundred found 100 Fidejussors of the King's Peace, or 100 able Men for his Wars. But I rather think 'tis so called, because it was composed of an hundred Families. 'Tis true, *Brompton* tells us that an *Hundred* contains *Centum Villas*; and *Giraldus Cambrensis* writes that the Isle of *Man* hath 343 *Villas.* But in these Places the Word *Villa* must be taken for a Country Family; for it cannot mean a Village, because there are not above 40 Villages in that Island. So where Mr. *Lambard* tells us that an *Hundred* is so called, *a numero Centum hominum*, it must be understood of an hundred Men, who are Heads or Chiefs of so many Families. These were first ordain'd by King *Alfred*, the 29th King of the *West-Saxons*: *Alurednus Rex*, (says *Lambard, verbo* Centuria,) *ubi cum* Guthruno Daw *foedus inierat, prudentissimum illud olim à Jethrone Moisi datum secutus consilium, Angliam primus in Satrapias*, Centurias, *& decurias, partitus est: Satrapiam*, Shyre, *a* Scyman, *(quod pagari significat,) nominavit*, Centurium, Hundred, *& Decurium*, Toothing *sive* Tienmantale, *i. e. Decemvirale Collegium appellavit; atque iisdem nominibus vel Bilis vocantur*, &c. This dividing Counties into *Hundreds*, for better Government, King *Alfred* brought from *Germany*: For there *Gentu*, or *Centum*, is a Jurisdiction over an hundred Towns. This is the Original of *Hundreds*, which still retain the Name, but their Jurisdiction is devolved to the County-Court, some few excepted, which have been by Privilege annexed to the Crown, or granted to some great Subject, and so remain still in the Nature of a Franchise. This has been ever since the Stat. 14 *Edw. 3. Stat. 1. cap. 9.* whereby these *Hundred-Courts*, formerly

farmed out by the Sheriff to other Men, were all, or the most Part, reduced to the County-Court, and so remain at present. So that where you read now of any *Hundred-Courts*, you must know they are several Franchises, wherein the Sheriff has not to do by his ordinary Authority, except they of the *Hundred* refuse to do their Office See *West. Part. 1. Symbol. lib. 2. sect. 228. Ad* Hundredum *post Paschæ, & ad proximum* Hundredum *post Festum St. Mich.* Mon. Angl. 2 Par. fol. 293. a. The Word *Hundredum* is sometimes used for an Immunity or Privilege, whereby a Man is quit of *Hundred-peny*, or Customs due to the *Hundreds*. See *Turn* and *Ward*.

Hundreders (*Hundredarii*) are Men impanelled, or fit to be impanelled, of a Jury, upon any Controversy, dwelling within the *Hundred* where the Land in Question lies. *Cromp. Jur. fol. 217. Anno 35 Hen. 8. cap. 6.* It also signifies him that has the Jurisdiction of an *Hundred*, and holds the *Hundred-Court. Anno 13 Edw. 1. cap. 38. 9 Edw. 2. Stat. 2.* and *2 Edw. 3. cap. 4.* And 'tis sometimes used for the Bailiff of an *Hundred. Horn's Mirror, lib. 1. cap. Del Office del Coroner.*

Hundred-lagh (from **Hundred**, and the Sax. **Laga**, i. e. *Lex.*) signifies the Hundred Court; from which all the Officers of the King's Forest were freed by the Charter of *Canutus, cap. 9. Manwood, Part 1. pag. 2.* See *Warscot.*

Hundred-Peny. *Hoc est, quietantia pro denariis dandis, vel aliis consuetudinibus faciendis Præpositis Hundrederum.* MS. in Bibl. Cotton sub. tit. *Vitellius.* C. 9. fol. 220. b. This is elsewhere called **Hundredsch**, as in *Charta Johannis Regis Egidio Episcopo Heref.* and recorded *in Liber nigro Heref.*

Hundred-Peny. *Est autem pecunia quam subsidii causa vicecomes olim vulgebat ex singulis decuriis sui Comitatus, quas* Tethingas *Saxones appellabant; Sic ex Hundredis,* Hundred-Peny. *Spelm.* Pence of the Hundred, *Cam. Brit. fol. 223.* collected by the Sheriff or Lord of the Hundred, *in meris sui subsidium.* 'Tis mentioned in *Domesday, viz. Denarii de Hundred, & Denarii sancti Petri.* Gale. Hist. Brit. fol. 764.

Hundred-setena. *Et habeant Socam & Socam on Strond & on Strome, on wode & on felde, Grithbrice,* **Hundred-setena**, *Adas & Ordelas, &c.* Charta Edgari Regis Mon. Glaston. An. 12 Reg. *Mon. Angl. 1 Par. fol. 16. b.* **Sæta**, or **Setena**, in Composition, signifies Dwellers or Inhabitants. *Debent habere constitutionem Hundredi, quod Angli dicunt* **Hundred-setena.** Text. Roff.

Hunnum, *Sevenshall* in *Northumberland.*

Hurdereferst, (see *Heordfeste*,) a Domestick, or one of the Family. From the Sax. **Hyned**, *Familia*, and **fæst**, *Firmus. Bis in Anno conveniant in hundredum suum quicunque liberi tam* Hurdereferst *quam folgarii ad dignoscend. si Decaniæ plenæ sint.* Leg. H. 1. cap. 8.

Hurst, Hyrst, Herst, are derived from the Sax. **hyrst**, *i. e.* a Wood, Plump, or Grove of Trees. There are many Places in *Kent*, *Sussex*, and *Hampshire*, which begin and end with this Syllable; and the Reason may be, because the great Wood called *Andreswald* extended through those Counties.

Hurst-Castle is so called, because situated near the Woods. So *Hurstega* is a Woody Place; and probably from thence is derived *Hurstey*, now *Hurley*, a Village in *Berkshire.*

Hus and Hant. *Quidam Henricus Pinckpap captus per querimoniam Mercatorum Flandriæ & imprisonatus, offert Domino Regi* **Hus & Hant** *in plegio ad standum recto, & ad respondendum prædictis mercatoribus & omnibus aliis, qui versus eum loqui voluerint. Et diversi veniunt qui manucapiunt quod dictus H. P. per* **Hus & Hant** *veniet ad summonitionem Regis vel Concilii sui in Curia Regis apud* Shepweye *& quod stabit ibi recto, &c.* Placita coram Concilio Domini Regis, Anno 27 Hen. 3. Rot. 9. *Quære, an non sit commune plegium, sicut* Jo. Do, & Ric. Ro. See *4 Inst. fol. 72.*

Husbrece is what we now call *Burglary.* From the Sax. **hus**, an House, and **brice**, a Breaking.

Huscarle, (Sax.) a Domestick Servant, or one of the Family. Also the Domestical Gatherers of the *Danes* Tribute. The Word is often found in *Domesday*, where we find the Town of *Dorchester* paid to the Use of *Huscarles* one Mark of Silver, See *Karles.* It properly signifies a stout Man, or a Domestick, *viz. Rex Hardeknutus suos* Huscarles *misit per omnes Regni sui provincias ad exigendum tributum.* Du Cange.

Huscans, (Fr. *Houseau*,) a Kind of Boot, or somewhat made of coarse Cloth, and worn over the Stockin instead of a Boot: A Buskin. It is mentioned in the Stat. *4 Edw. 4. cap. 7.*

Huscans signifies *Hose.* From the Sax. **hosa**, *Caliga.*

Husfastne (from the Sax. **hus**, i. e. *Domus*, and **fæst**, *Fixus, quasi Domus fixus,*) is he that holdeth House and Land. *Et in franco plegio esse debet omnis qui terram tenet & domum, qui dicuntur* **Husfastne**, *& etiam alii qui illis deserviunt, qui dicuntur* **Folgheres**, *&c.* Bracton, lib. 3. tract. 2. cap. 10. Some Authors corruptly write it **Hurdereferst**, & **Hurdesfest**, rectius **Heordfeste**; which see in *Glos. in decem Scriptor.*

Husgablum. *Item totu illu terra quæ est inter dictam Aulam & venellam, quæ dicitur* Swinegalle *& de terra* S. Petri, *& vocata* Peterbordland, *& sunt ibi modo tria Tofta & quod reddit* **Husgablum**, *aliter non geldabilis.* Inq. capt. apud Ebor. Anno 1275. in Registro vocat *le Whitebook.* It seems to signify House-rent, or some Tax or Tribute laid upon Houses.

Hustotum, a certain Tribute paid to the chief Lord for every House of his Tenants.

Husseling People. In a Petition from the Borough of *Leominster* to King *Edward* the Sixth, the Petitioners set forth, That in their Town there were to the Number of 2000 **Husseling People**, *&c.* that is, 2000 Communicants: For **husel** in *Saxon* signifies the Holy Eucharist.

Hustings, (*Hustingum*, from the Sax. **hus**, *Domus*, and **þing**, *Causa, quasi Domus causarum.*) This was my Lord *Coke's* Opinion of the Derivation of this Word. But it comes from the Sax. **hustinge**, which signifies *Concilium*, or *Curia.* And so 'tis used in *Sax. Chron. An. 1012, viz.* They took the Bishop, and led him to their *Husting, i. e.* to the Council. But *Hustinga est antiquissima & celeberrima Londoniorum Civitatis Curia suprema*, the principal and highest Court in *London. 11 H. 7. c. 21.* and *9 Edw. 1. cap. unico.* Of the great Antiquity of this Court, we find this honourable Mention in the Laws of King *Edward* the Confessor. *Debet etiam in* London, *quæ est caput regni & legum, semper Curia Domini Regis singulis Septimanis Die Lunæ*

Hustingis

Huftingis *federe & tenere*; *Fundata enim erat olim & ædificata ad instar & ad modum & in memoriam veteris magnæ Trojæ, & usque in hodiernum diem leges, & jura & dignitates, & libertates regiasque consuetudines antiquæ magnæ Trojæ in se continet, — & Consuetudines suas una semper inviolabilitate conservat.* See *Taylor's Hist. of Gavelkind, p.* 55. This Court is held before the Mayor and Aldermen of *London*. Error or Attaint lies there of a Judgment or false Verdict in the Sheriffs Court, as appears by *Fitz. Nat. Br. fol.* 23. Other Cities and Towns also have had a Court of the same Name, as *Winchester, Lincoln, York, Sheppey*, &c. where the Barons or Citizens have a Record of such Things as are determinable before them. *Fleta, lib.* 2. *cap.* 55. *Stat.* 10. *Ed.* 2. *cap. unico.* See 4 *Inst. fol.* 247. and *Gloss. in dictum Scriptores* on this Word.

Hutilan. *Terras quietas ab omni* Hutilan *& omni alia auxilione, & dimidiam acram in T. quæ tantum* Hutilan *reddit.* Mon. Angl. vol. 1. fol. 586. b. q.

Hyde of Land. See *Hide.*

Hyde-gild, (Sax. Hyd-gyld, a Price or Ransom paid to save one's Skin from Beating. Also the same with *Hidage.* See *Hedgeld.*

Hyth, (Sax.) a Port, Wharf, or little Haven, to embark or land Wares at, as *Queen-Hythe, Lamb-Hythe*, now *Lambeth, Maiden-Hythe*, now *Maidenhead*, &c. *New Book of Entries, fol.* 3. *De tota mediietate* Hythæ *sua apud* Hendeftesey, *cum libero introitu & exitu, &c.* Mon. Angl. 2 Par. fol. 142. n. 40.

I.

Jack (*alias Wambasium*) *erat tunica, quod non ferro Solido, sed tunicis plurimo lino intextis munibatur*: A Kind of Defensive Coat worn by Horsemen in War, which some by Tenure were bound to find upon any Invasion. See *Hidage. Walsingham*, in the *Life of Richard* II. *fol.* 239. tells us, *Accepi ab ore ejusdem Johannis Philpot, quod mille loricas vel Tunicas quas vulgo vocant* Jacks *redemerit de manibus creditorum.* And in *Pag.* 249. *Acceptum quoddam Vestimentum pretiosum Ducis Lancastriæ quale* Jack *vocamus.*

It was called *Lorica*, because at first it was made with Leather.

Jactivus, and Jectivus, (Lat.) he that loseth by Default. *Placitum suum neglexerit &* Jactivus *exinde remansit.* Formul. Solen. 159.

Jamaica is one of the *American* Islands, lying on the South of *Cuba*. Its Length from East to West about 50 Leagues, and Breadth 20: The Middle of it under the 18th Degree of Northern Latitude. It was taken from the *Spaniard* by the *English* in the Year 1655, and is mentioned in the Stat. 15 *Car.* 2. *cap.* 5.

Jamaica-Wood (mentioned 15 *Car.* 2. *cap.* 5.) is a Kind of speckled or fine-grain'd Wood, of which Cabinets are made, called in *Jamaica Granadillo.* The Tree is low and small, seldom bigger than a Man's Leg.

Jambeaux, Armour for the Legs. From *Jambis, Tibia.*

Jamesa. See *Thamesis.*

Jampnum, Furze, or Gorse, and Gorsty Ground, 1 *P. Croke, f.* 179. *Vide* 1 *Inst. fol.* 5. *a.* A Word much used in Fines, and seems to be taken from the Fr. *Jaune, i. e.* Yellow; because the Blossoms of Furze or Gorse are so. Yet Sir *Edw. Coke on Littl. pag.* 5. says, *Jampna* signifies a Waterish Place. *Quære.* See *Jaun.*

Jaques, a Sort of small Money used here. 'Tis mentioned by *Staundford* in his *Pleas of the Crown, cap.* 30.

Jar, (Span. *Jarro, i. e.* an Earthen Pot.) With us it is taken for an Earthen Pot or Vessel of Oil, containing twenty Gallons.

Jarrock (*Anno* 1 *Rich.* 3. *cap.* 8.) is a Kind of Cork, or other Ingredient, which this Statute prohibits Dyers to use in dying Cloth.

Jaun, (Fr. *Jaune, i. e.* Yellow Colour.) *Prædictam concedit Abbati & Conv. & hominibus eorum de Stanhal de se & de hæredibus suis colligere* Jaun & Feugere, Bruere & Genestam *per terram suam sine impedimento, &c.* Charta Will. de Bay, sine dat. Doubtless here *Jaun* is used for Furze or Gorse, which we now in Law-Latin call *Jampnum*, and anciently *Jaunum*; as, *Decimas illius* Jauni *in Dunhoved.* Pl. Assis. 22 Hen. 3.

Jceni, *Suffolk, Norfolk, Cambridge*, and *Huntingtonshires.*

Ich Dien is the Motto of the Arms of the Prince of *Wales.* From the Germ. Ich Dien, *i. e.* I serve. It was formerly the Motto of *John* King of *Bohemia*, who was slain in the Battel of *Cressy* by *Edward* the Black-Prince, and taken up by him to shew his Subjection to his Father.

Jcianos, *Ichborow* in *Norfolk.*

Icona, (*Iconia.*) a Figure, Image, or Representation of a Thing. 'Tis mentioned in *Mat. Paris. pag.* 146, 491. in *Hoveden, pag.* 670. and in *Brompton, pag.* 1178.

Ictus orbus is a Tumour or Swelling, occasioned by a Blow, without shedding Blood. 'Tis mentioned in *Bracton, Lib.* 2. *cap.* 5. *par.* 7. viz. *Si inveniantur plagæ apertæ vel Brussuræ per* Ictus orbos. So in *Cap.* 23. *par.* 2. *Ligna faciunt* Brusuras, Orbes, *&* Ictus, *qui judicari non possunt ad plagam.*

Ictus cæci, the same as *Ictus orbi. In Leg. H.* 1. *cap.* 34. *Si alius alium verberat* Cæcis Ictibus, *& non cruentis, sive cravatus ibi sit, vel non convictus, noxæ witam emendabit Domino cujus hominem verberavit.*

Identitate nominis is a Writ that lies for him who is taken upon a *Capias* or *Exigent*, and committed to Prison, for another Man of the same Name. Whereof see the Form and further Use in *Fitz. Nat. Br. fol.* 267. and *Reg. of Writs, fol.* 194. *Indemptitate nominis* maintainable by Executors, *&c. Anno* 9 *Hen.* 6. *cap* 4.

Ides, (*Idus,*) Eight Days in every Month, so called. In *March, May, July*, and *October*, these eight Days begin at the eighth Day of the Month, and continue to the fifteenth: In other Months they begin at the sixth Day, and continue to the thirteenth. Note, that the last Day only is called *Ides*, and the first of these Days, the eighth *Ides*, the second, the seventh *Ides*, that is, the eighth or seventh Day before the *Ides*, and so of the rest. Therefore when we speak of the *Ides* of such a Month in general, it is to be understood of the 15th or 13th Day of that Month. See *Calends.*

Idiot is a *Greek* Word, properly signifying a private Man, who has no publick Office. Among the Latins it is taken for *Illiteratus, Imperitus*; and in our Law for *Non compos mentis*, vulgarly, a natural Fool. The Words of the Statute (17 *Edw.* 2. *cap.* 9.) are *Rex habebit Custodiam terrarum fatuorum naturalium.* Whereby it appears he must be a natural Fool, that is, a Fool *à Nativitate*: For if he were once wise, and became a Fool by Chance or Misfortune,

Misfortune, the King shall not have the Custody of him. *Staund. Prerog. c* 9. *F. N. B.* 232. If one have so much Understanding as to measure a Yard of Cloth, number twenty Pence, or rightly name the Days of a Week, or beget a Child, he shall not be accounted an *Idiot*, or a natural Fool, by the Laws of the Realm. See *Coke's* 4 *Rep. Beverly's* Case.

Idiota inquirendo vel examinando is a Writ directed to the Escheator or Sheriff of any County, (where the King hath Notice of an *Idiot*, naturally born so weak of Understanding, that he cannot manage his Inheritance,) to call before him the Party suspected of Idiocy, and examine him, and to enquire by the Oaths of twelve Men, whether he be sufficiently witted to dispose of his own Lands with Discretion, or not, and to certify accordingly into *Chancery*: For the King hath by his Prerogative the Protection of his Subjects, and the Government of their Lands and Substance, who are naturally defective in their Discretion. *Stat.* 17 *Edw.* 2. *cap.* 9. *Reg. of Writs, fol.* 267.

Idlemen. *Item quod nullus manuteneat nec ducat* Idlemen *nec gentes vocatas* Idlemen, *nisi in Marchiis suis propriis.* Pat. 5. Edw. 3. pag. 1. m. 25.

Idoneum se facere, Idoneare se, To purge himself by Oath of a Crime for which he is accused. *Leg. H.* 1. *cap* 75. where the Word *Idoneus* is taken for *Innocens*.

Idumanus Fluvius, Blackwater in *Essex*.

Jejunum, (*Purgatio per Jejunium.*) 'Tis mentioned *in Leg. Canuti cap.* 7. *apud Brompton*, viz. *Cum Socius se purget, vel* Jejunium *incat si opus est, & applicetur ad corsned, & fiat voluntas Dei.*

Jeman, sometimes used for *Yeoman*. *Sciant quod ego Johannes Smith de Brouyard in Com. Heref.* Jeman *dedi Ricardo Wiggemore Arm. omnia terr. & Tenementa, &c.* Dat. 10. Jan. Anno 9 Hen. 6. This in *Dutch* signifies *aliquis*.

Jeofaile is a Corruption from the Fr. *J'ay faillé*, i. e. *Ego lapsus sum*, and signifies an Over-sight in Pleading, or other Law Proceedings. And by the *Stat.* 32 *Hen.* 8. *cap.* 30. It is enacted, That if the Jury have once passed upon the Issue, though afterwards there be found a *Jeofail* in the Pleading, yet Judgment shall be given, according to the Verdict. See *Brook, tit. Repleader.* A *Jeofail* is, when the Parties to a Sute have proceeded to Issue, and this Pleading or Issue is so baldly pleaded or joined, or the Proceedings so defective, that it will be Error if they proceed. Then some of the said Parties might by their Council, shew it to the Court, which occasioned many Delays in Sates; for Redress whereof, the foresaid Statute, with others in Queen *Elizabeth's* and King *James's* Reigns, were made; and yet the fault not much amended.

Jesse, a Candlestick with many Branches; *Candelabrum etiam magnum in Choro æreum quod* Jesse *vocatur*, so called, *quia ad Arboris* Jesse *similitudinem.*

Jetsen, Jetzon, and Jotson, (From the Fr. *jetter*, i. e. *ejicere*) is any Thing cast out of a Ship, being in danger of Wreck, and driven to the Shore by the Waves. See *Flotson*.

Jews. (*Judæi*) See *Judaism*. Anciently we had a Court of Justice assigned for the Government of the *Jews*. See 4 *Inst. fol.* 254. *Rex. Vic. Wigorn. salutem. Præcipimus tibi, quod clamari & observari facias per totam Balivam tuam, quod omnes* Judæi *deferant in superiori indumento suo ubicunque ambulaverint vel equitaverint, infra villam vel extra, quasi duas tabulas albas in pectore factas de lineo pañno vel de pergameno; ita quod per hujusmodi signum manifeste possint* Judæi *a Christianis discerni.* T. *Comite apud Oxon.* 30 *Martii.* Claus. 2 Hen. 3. p. 1. m. 10. in Dorso.

Jisungia, *i. e.* the finest white Bread, formerly called Coked Bread.

Dic panem, lapidem, quoque dic Isungia. *Quare?*
Hoc quia de facili fungitur omnis homo.

Ignitegium. See *Curfew*.

Ignoramus (*i. e.* We are ignorant) is properly written on the Bill of Indictments by the Grand Enquest, empanelled on the Inquisition of Causes Criminal and Publick, when they mislike their Evidence, as defective or too weak to make good the Presentment. The effect of which Word so written is, that all farther Enquiry upon that Party for that fault is thereby stopped, and he delivered without farther Answer. It hath a Resemblance with that Custom of the ancient *Romans*, where the Judges, when they absolved a Person accused, wrote *A.* upon a little Table, provided for that purpose, *i. e. Absolvimus.* If they judged him guilty, they wrote *C.* *i. e. Condemnamus.* If they found the Cause difficult and doubtful, they wrote *N. L.* i. e. *Non Liquet.*

Ikenild-street, (*Stratum Icenorum*) is one of the four famous Ways which the *Romans* made in *England*, taking Name *Ab Icenis*, who were the Inhabitants of *Norfolk*, *Suffolk*, and *Cambridgshire*. *Cam. Brit. fol.* 343. See *Watling-street*, and *LL. Edwardi Confess. cap.* 12.

Ilchester. See *Iscalis*.

Ilet, by Contraction an Eight, *i. e.* a little Island.

Illeviable, that ought not, or may not be levied. As *Nihil* is a Word set upon a Debt *Illeviable*.

Illuminare, to paint with various Colours: 'Tis mentioned in *Brompton*, *Anno* 1076. *Ipse Episcopus libros scribere, Illuminare & ligare non fastidiret.*

Imbargo, (*Span.*) a Stop or Stay, commonly upon Ships, by publick Authority. *Anno* 18 *Car.* 2. *cap.* 5.

Imbezle or Imbezil. To steal, pilfer, or purloin. Mentioned *Anno* 14 *Car.* 2. *cap.* 31.

Imblocare. See *Excommunication*.

Imbracery. See *Embracery*.

Imbreviate, (Stat. 37 Edw. 3. 4.) *imbreviare: in Schedulam (quod* breve *vocant) rem conscribere, redigere: Scripto breviter mandare.*

Impalare, to put in a Pound. *Leg. H.* 1. *cap.* 9.

Imparlance (*interlocutio* or *interloquela*) is a Motion or Petition made in Court by the Tenant or Defendant, upon the Count of the Demandant or Declaration of the Plaintiff; whereby he craves Respite, or a farther Day to put in his Answer. See *Brook, tit. Continuance. Imparlance* is *general* or *special*: *Special* is with this Clause, *Salvis omnibus advantagiis, tam ad jurisdictionem Curiæ, quam Breve & Narrationem. Kitchin, fol.* 200. *General* is that which is made at large, without inserting that, or the like Clause. See *Emparlance*.

Imparsonee, as *Parson imparsonee* (*persona impersonata*) is he that is inducted, and in possession of a Benefice. *Dyer, fol.* 40. *num.* 72.) says, a Dean and Chapter are *Persons imparsonees* of a Benefice appropriate to them.

Impeachment of Waste (*Impetitio vasti*) (From the Fr. *Empeschement*, i. e. Impediment) signifies a Restraint from committing Waste upon Lands or Tenements. See *Waste*.

Impeachare is often mentioned in our Law Authors,

thors, and in *Knighton*. *Anno* 1256. *Et promisit Regi Navarræ quod nunquam eum* Impechiaret. *Spelman* and *Somner* tell us, That it is derived from the Lat. *Impetere*, which is to accuse, or *in ius vocare*, from whence *impetitio* signifies an Accusation, *viz. sine impetitione vasti*, is without impeaching or accusing him of Waste.

Impediatæ Canes, Dogs that are lawed or expeditated. See *Canes opertiæ*. See *Expeditate*.

Impedienus, *Hæc est finalis concordia facta in Curia Domini Regis apud West. in octabis Sancti Hillarii, Anno Regni Regis Henrici Filii Regis Johannis, Septimo, coram Thoma de Multon, &c. Inter Willielmum de Mohan querentem & Will. Browere* impedientem *de Manerio de Glynton, &c. Et unde Placitum de Escambio faciendo summonit. fuit inter eos in eadem Curia, &c.* Where *Impedientem* seems to be used for *Defendentem* or *Deforcientem*.

Imperiale, *i. e.* a sort of very fine Cloth. *Item tunicæ de* Imperiali *cum arboribus rubris & Leonibus aureis, &c.*

Impescatus, impeached, accused. *Burgenses & Piscatores Civitatis nostræ London, super illicitis negotiationibus, &c. calumpniati essent coram nobis &* impescati. Pat. 18. Edw. 1. p. 1. m. 15. intus.

Impetitio, Accusation or Impeachment. As *sine impetitione vasti*, or *sine impedimento vasti*. i. e. without Impeachment of Waste; the Party shall not be questioned or accused for any Waste.

Impetration, (*Impetratio*) an obtaining by Request and 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 Gift and Disposition of our Lord the King, and other Lay Patrons of this Realm. The Penalty whereof was the same with *Provisors*. 25 *Edw.* 3. See 38 *Edw.* 3. *Stat.* 2. *cap.* 1.

Impierment (*Anno* 23 *Hen.* 8. *cap.* 9.) signifies as much as Impairing or Prejudicing. For the Words of the Statute are, To the impierment and diminution of their good name.

Implead, (From the Fr. *Plaider*) to sue, arrest or prosecute by course of Law.

Implements (from *impleo*, to fill up) are such Things as tend to the necessary Use of any Trade, or Furniture of an House.

Impost, (*Fr.*) Tribute, Tallage or Custom; but more particularly it is that Tax which the King receives for such Merchandizes as are imported into any Haven, from other Nations. 31 *Eliz. cap* 5. And it may be distinguished from *Custom*, which is rather that Profit which the King raises from Wares exported; but they are sometimes confounded; *ab imponendo*.

Impress-Money, *i. e.* Money paid at listing of Soldiers: From the Preposition *In*, and Fr. *prest*, *paratus*.

Impretiabilis is a Word often mentioned in *Matt. Paris*. and it signifies invaluable.

Impriméry, (*Fr.*) a Print, Impression; Also the Art of Printing, or a Printing-House. *Anno* 14 *Car.* 2. *cap.* 33.

Imprisii, those who side with, or take part with another, either in his Defence or otherwise: 'Tis often mentioned in *Matt. Westm.* viz. *Juramentum ex parte Regis Anglorum fuerat violatum, dum Imprisii sui ob gravissimam redemptionem sunt redempti.* pag. 282. so in another place, *omnes homines & Imprisii Domini Ludovici, &c.* So in Matt. Paris, *pag.* 107. *quod nos erimus* Imprisii *ejusdem Regis, &c.*

Impropriation (of which, there are reckoned in *England* 3845.) is properly so called, when it is in the Hands of a Lay-Man; And *Appropriation*, when in the Hands of a Bishop, College, or Religious House, though sometimes they are confounded. See *Appropriation*.

Improvement. See *Approve*.

In alto & imo, The same with *Alte & basso*.

Inbogh and **Utbogh**. (Sax.) *Vide Camd. Britan. in* Ottadinis; *Ubi Patricium Gentem Burbaxensem, ævo Hen. tertii*, Inborow & Utborow *inter Angliam & Scotiam appellat, i. e. (si fas sit a doctissimi viri sententia recedere) fidejussorem omnium ex uno in alterum regnum iter facientium, sive inter utraque regna viatorum. Simile habes in S. C. de Monticulis Walliæ. inter L. L. Saxonicas, cap.* 6. Sax. Dict.

Incastellare, to reduce a Thing to serve instead of a Castle; the Word is often applied to Churches, as in *Gervas Doroll. Anno* 1144. viz. *Qui post mortem patris ecclesiam* Incastellatam *retinebat*. So in *Malmesbury*. *Ecclesiam B. Mariæ Genetricis de Lincoln incastellaverat.*

In casu consimili, is a Writ. See *Casu consimili*.

In casu provisi is another. See *Casu provisi*.

Incaustum. See *Encaustum*.

Inchanter (*Incantator*) is he or she, *Qui carminibus vel cantiunculis dæmonem adjurat*. They were anciently called *Carmina*, because in those Days, their *Charms* were in Verse. 3 *Par. Inst. fol.* 44.

Inchartare, to give any Thing by an Instrument in writing: *Concessit ipso Comiti terram ipsam & inchartavit, post aliquot annos, ut possessio sua sic firmius roboretur*. Matt. Paris. Anno 1252.

Incident (*incidens*) signifies a Thing appertaining to, or following another, that is more worthy or principal. As a Court-Baron is so *incidens* to a Manor, and a Court of *Pie-Powders* to a Fair, that they cannot be severed by Grant. *Kitchin, fol.* 36. See *Coke on Littl. fol.* 151. *b.*

Inclaudare. 'Tis mentioned in the *Monasticon*, 2. *Tom. pag.* 598. and signifies to fetter a Horse, *viz. Et si* Inclaudet *palefridum Regis dabit ei palefridum 4 marcarum, &c.*

Incopolitus, a Proctor or Vicar: *Prohibeas ne summoneas monachos, &c. ut eant ad Hundreda, nec ad firmas, sed* Incopolitos *suos, vel unum ex hominibus suis mittant*. Leg. H. 1. Monast. 1 Tom. pag. 1023.

Incrementum, *Dedi J. B. quoddam* incrementum *terræ meæ apud D. &c.* by which is meant a parcel of Land inclosed out of common or waste Ground.

Increche. Admirals and their Deputies do Increche to themselves divers Jurisdictions, &c. Anno 15 Rich. 2. cap. 3. See *Encrochments*.

Incumbent (from *incumbo*, *i. e.* to endeavour earnestly) is a Clerk who is resident on his Benefice with Cure. *Coke on Littl. fol.* 119. *b.* And is so called, because he does, or ought to, bend all his Study to the discharge of the Cure. 10 *Hen.* 6. 7. And 1 & 2. *Phil. & Ma. cap.* 17.

Incurramentum is used in *Rot. Vasc.* 17 *Edw.* 2. *M.* 13. in a not much different Sense.

Incurri alicui, to subject himself to a Fine or Mulct to the King. *Statutum est quod ejusmodi tenentes capitulibus Dominis vel Regi* Incurrantur. *Stat. Westm.* 2. *cap.* 37.

Indecimable, (*Indecimabilis*) that is not Tithable, or ought not (by Law) to pay Tithe. 2 *Part. Inst. fol.* 490.

Indefeasible, that cannot be defeated, undone, or made void: As, *A good and* indefeasible *Estate*, &c.

Indefensus, one that is impleaded, and refuseth to answer. *Et prædictus Judeus nihil scifcit dicere contra sectam dicti Ricardi, nec voluit ponere se in Inquisitionem aliquam: Consideratum est, quod tanquam* indefensus, *sit in misericordia*, &c. Communia de Mich. 50 Hen. 3. Rot. 4. intus.

Indemnities. When a Church is appropriate to an Abbey or College, then the Archdeacon for ever loseth his Induction-Money, in recompence whereof, he shall have Yearly out of the Church so appropriate xii *d.* or il *s.* more or less, for a Yearly Pension, as it is agreed at the Time of the appropriating; And his Payments are called *Pensions* or *Indemnities*. *MS. in Bibl. Cott. sub effigie Cleopatræ.* F. 1. fol. 84. a.

Indenture (*Indentura*) is a Writing comprising some Contract, Conveyance or Covenant between two or more, and being *indented* in the top answerable to another part, which hath the same Contents, it thence takes name; and differs from a *Deed Poll*, which is a single Deed unindented. *Coke on Littl. fol.* 229. I have seen a Deed of Agreement, (*tempore Edw.* 1.) concluding thus, *In cujus rei testimonium alterius scripto in medio inciso Sigillum suum apposuit.* The *Civilians* define an Indenture to be *Scriptura inter creditorem & debitorem indentata*, &c.

Indicavit is a Writ or Prohibition that lies for a Patron of a Church, whose Clerk is Defendant in Court-Christian, in an Action of Tithes commenced by another Clerk, and extending to the fourth Part of the Church, or of the Tithes belonging to it: For in this Case, the Sute belongs to the King's Court, by the Statute of *Westm.* 2. *cap.* 5. Wherefore the Patron of the Defendant, being like to be prejudiced in his Church and Advowson, if the Plaintiff obtain in the Court-Christian, hath this means to remove it to the King's Court. *Reg. of Writs, fol.* 35. *b.* and *Briton, cap.* 109.

Indicted, (*Indictatus*) when any one is accused by Bill or Declaration, and preferred to Jurors at the King's Sute, for some Offence, either criminal or penal, he is said to be *indicted* thereof. *Item ceteri: quod si aliquis Comburgensium nostrorum sit* indictatus *semel, bis vel ter, aut pluries, in aliquo casu Coronæ, Non obstante quod non sit convictus, inveniet sufficientem securitatem de bene gerendo se erga Balivos*, &c. *Quia dicitur in Communi Lege, quod tales sunt reprobati & attincti, & per Leges & Consuetudines dicti Burgi, tales non sunt accepti ad Placita, nec ad Judicium inter nos dandum, quia exeunt à Conditionibus nostris.* MS. Codex de LL. Statutis & Consuetud. Burgi Villæ Mountgomer. à temp. Hen. 2. fol. 16.

Indictio, the same with Indictment: *Nonnunquam enim fiunt Accusationes de Foresta & Indictiones vulgariter sic appellata.* Du Cange. Sometimes 'tis taken for the space of Fifteen Years.

Indiction, (*indictio, ab indicendo*) the space of fifteen Years, by which account Charters and publick Writings were dated at *Rome*, and anciently in *England* too, every Year still increasing one, till it came to fifteen, and then returning to one again, which account of Time began at the Dismission of the *Nicene* Council, Anno 312. *Facta sunt hæc Anno Dominicæ Nativitatis* 904. *Indictione* 8. *Regni vero Eadgari Anglorum Regis sexto.* Charta *Eadgari Regis Oswaldo Episcopo Wergeceastre.* And a Charter of King *H.* 3. dated *apud Chippeham*, 18 *die April.* Indictione nona, *Anno Domini* 1266.

Indictment (*Indictamentum*: From the Fr. *enditer*, that is, *deferre nomen alicujus*) is a Bill or Declaration drawn in Form of Law, for the Benefit of the Commonwealth, and exhibited by way of Accusation against one for some Offence, either criminal or penal, and preferred unto Jurors, and by their Verdict found and presented to be true, before a Judge or Officer, that has Power to punish or certifie the Offence. An *Indictment* is always at the Suit of the King, and differs from an Accusation in this, That the Preferrer of the Bill is no way tied to the Proof of it, upon any Penalty, except there appear Conspiracy. See *Staund. Pl. Coron. lib.* 2. *cap.* 23. *usque* 34. Indictments of Treason, and of all other Things, ought to be most curiously and certainly penned. *Coke*, 7 *Rep. Calvin's Case.* The Day, Year and Place must be put in. See the *Stat.* 37 *Hen.* 8. *cap.* 8. and 3 *Part, Inst. fol.* 134.

Indictor, he that indicteth another Man for any Offence. Stat. 1. *Edw.* 3. *cap.* 11. And *Indictee*, he that is so indicted. *Anno* 21 *Jac. cap.* 8.

Indistanter: Without Delay. *Matt. Westm. Anno* 1244. Indistanter *remedavit.*

Indivisum is used for that which two hold in Common without Partition. *Kitchin, fol.* 241. in these Words, *He holds* pro indiviso, &c.

Indolis, *i. e.* a studious young Man, or a Youth, *Ego Edgar* Indolis *Clito consensi.* Mon. Angl. 3 Tom. pag. 120.

Nititur indolem claris parentibus ortum
Flectere cum precibus, &c.

Indorsed (*Indorsatus*) signifies any Thing written on the backside of a Deed, as a Condition *endorsed* on the backside of an Obligation; the *Sealed and delivered*, &c. on the back of an Indenture, is called the *Indorsement.*

Induction, (*Inductio*) a Leading into, It is most commonly taken for the giving an Incumbent Livery and Seisin (as it were) of his Church, by *leading* him into it, and delivering him the Keys of it by the Archdeacon or Bishop's Deputy, and by his ringing one of the Bells. See 3 *Part, Croke's Rep. fol.* 258.

In esse, (*Anno* 21 *Jac. cap.* 2.) in Being. Philosophers contra-distinguish Things *in Esse*, from Things *in Posse*, or *in Potentia.* As, a Child before he is born, or even conceived, is a Thing *in Posse*, or which may be: After he is born, he is said to be *in Esse*, or actual Being.

Infalistatio was a Punishment of Felons, by throwing them among the Rocks. 'Tis mentioned in *Hengham parva, cap.* 3. *Commisit Feloniam ob quam fuit suspensus, utlagatus, vel alio modo mortis damnatus, vel dismembratus, vel apud Dover* Infalistatus *vel apud* Southampton *submersus.*

Infangthef, **Infang-theof**, or **Infangenetheof**, (from the *Sax.* ꝼanꝷan, *capere*, and ꝺeoꝼ, *fur*) signifies in the Old Saxon, *Latronem infra capum*, *i. e.* Taken within the Manor or Liberty of any Man, having Jurisdiction granted by the King, to try such *Thief* within his Fee. *Anno* 1 & 2 *Phil. & Ma. cap.* 15. A Charter of *Henry* the First to S. *Benedict Ramus*, and S. *Ivo*, the Archbishop, hath these Words, *Cum saka & socu & cum Tol, & Theam, & cum infra capto fure.* In the Laws of S. *Edward the Confess. cap.* 26. thus, *Qui habet Sacam & Socam, Thol & Theam, &* Infangthef, *justitia cognoscentis latronis sua est, de homine suo, si captus fuerit super terram suam*, &c. **Infangthef**, i. e. *Quod latrones capti in Dominio vel feodo* Prioris, *& de latrocinio cum victi in Curia Domini Prioris judicentur & ad furcas ejus* suspen-

suspendentur, Ex Reg. Priorat. de Cokesford. So that it was necessary the Thief should be taken in his Lordship, and with the Goods stolen, otherwise the Lord had not Jurisdiction to try him in his Court, but by the Laws of *Edward the Confessor*, he was not restrained to his own People or Tenants, but he might try any Man who was thus taken in his Manor: 'Tis true, afterwards when *Bracton* and *Fleta* wrote, the Word *Infangenthef* signified *Latro captus in terrâ alienjus seisitus de Latrocinio*, but it must be *de suis propriis hominibus*. See Bracton, lib. 3. tract. 2. cap. 35.

Infensare Curiam, *i. e.* to inform the Court. *Nec debet Judex facere se partem in aliquo placito, &c. nisi ad* Infensandam Curiam, &c.

Inforestare. See *Afforestare*.

In forma pauperis, is when any Man, who hath just cause of Sute in *Chancery*, (certified under Counsels Hands) and will make *Affidavit* that he is not worth Five Pounds, his Debts being paid, then upon a Petition to the Master of the *Rolls*, he shall be admitted to sue *In forma pauperis*, and shall have Counsel and Clerks assigned him without paying Fees, and the like by the Judges of other Courts.

Information for the King (*Informatio pro Rege*) is that, which for a common Person we call a *Declaration*, and is not always preferred directly by the King or his Attorney, but also by some other Person who prosecutes, as well for the King, as for himself, upon the Breach of some Penal Law or Statute, wherein a Penalty is given to the Party that will sue for the same, and may either be by Action of Debt or Information.

Informatus non sum, or **Non sum informatus**, is a Formal Answer made of course by an Attorney, who is not instructed to say any Thing material in defence of his Client's Cause, by which he is deemed to leave it undefended, and so Judgment passeth against his Client. See the *New Book of Entries, verbo, Non sum informatus*.

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

Infortiatum is one part of the Digests of the Civil Law, and was so called by *Robert Swapham*, in a Chronicle of the Monastery of *Peterborough*, who lived in the Reign of *H.* 3. who tells us, That *Benedict*, an Abbot of that Monastery, who dy'd in the Year 1194. described several Law-Books, among the rest, the *Institutions of Justinian*, with the *Authenticks*, the *Infortiatum*, the *Old Digest*, &c.

Infrang is derived from the Preposition, *In*, and *Sax.* Frean, *i. e.* Free: 'Tis an Exemption from a Mulct for Manslaughter.

Infugare, to put to flight: 'Tis mentioned in *Leg. Canuti. cap.* 32. viz. *Qui forisbannitum paverit, vel ei firmationem aliquam exhibuerit, emendet Regi 5 lib. nisi se adlegiet quod* Infugatum *eum nesciebat*.

Infula was the Garment of a Priest, like that which we now call a Cassock; sometimes it signifies a Coif.

Inge. This Syllable, in the Names of Places, signifies Meadow or Pasture: From the *Sax.* Ing, i. e. *pratum*, and in the *North*, Meadows are still called the *Inges*.

Ingenium, an Instrument used in War, *arte & Ingenio confectum*, from whence we derive the Word Engine. *Ingenia vero &, parariæ Christianorum ita retro fossata erant, quod nullas ex parte adversâ poterat eis nocere.* Brompton. pag. 1166.

Ingenuitas, *i. e.* Liberty given to a Servant by Manumission. *Leg. H.* 1. *cap.* 89. *Si quis per Chartam* Ingenuus *dimissus fuerit, & à quolibet homine ad servitium interpellatus fuerit, &c.*

Ingot, a rude Mass of Gold or Silver before it is coined: From the *Belgick* Ingieten, *infundere*.

Ingravare, to accuse. See *Grevare*.

Ingressu is a Writ of *Entry*, whereby a Man seeks Entry into Lands or Tenements; and lies in divers Cases, wherein it hath as many diversities of Forms. See *Entry*. This Writ is also called in particular *Præcipe quod reddat*, because those are formal Words in all Writs of *Entry*.

De Ingressu sine assensu Capituli, &c. (*Reg. of Writs, fol.* 230.) is a Writ given by the Common Law, to the Successor of him who alienated *Sine assensu capituli, &c.* And is so called from those Words contained in the Writ. *Coke on Littl. fol.* 325. *b.*

Ingrossator magni Rotuli. See *Clerk of the Pipe*.

In grosse is that which belongs to the Person of the Lord, and not to any Manor, Lands, &c. As *Villain in grosse, Advowson in grosse, &c. Coke on Littl. fol.* 120. *b.* See *Grossus*.

Ingrosser (*Ingrossator*) is one that buys Corn growing, or dead Victuals to sell again, except Barley for Malt, Oats for Oat-meal, or Victual to Retail; Badging by Licence, and buying of Oils, Spices and Victuals, other than Fish or Salt. *Anno* 5 *Edw.* 6. *cap.* 14. 5 *Eliz. cap.* 14. 13 *Eliz. cap.* 25. These are the Words of *West's Symbol. par.* 2. *tit. Indictments, sect.* 64. But this Definition rather belongs to *unlawful Ingrossing*, than to the Word in general. See *Forestaller*, and 3 *Part. 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 *Clerk of the Pipe*, was called *Ingrossator Magni Rotuli*, and the Comptroller of the Pipe was called *Duplex Ingrossator*. Spel.

Ingrossing of a Fine is making the Indentures by the *Chirographer*, and the Delivery of them to the Party to whom the Cognizance is made. *Fitz. Nat. Br. fol.* 147. *A.*

Inheritance (*Hæreditas*) is a Perpetuity in Lands or Tenements to a Man and his Heirs: For *Littleton, lib.* 1. *cap.* 1. saith, This Word 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 called *Inheritance*, because his Heirs may *inherit* him. *Several Inheritance* is that, which two or more hold severally; as if two Men have Land given to them, and the Heirs of their two Bodies, these have Joint-Estate during their Lives, but their Heirs have *several inheritance*. *Kitchin, fol.* 155. A Man may have an *Inheritance* in Title of Nobility, three manner of ways. 1. By Creation. 2. By Descent. And 3. By Prescription.

Inhibition (*Inhibitio*) is a Writ to forbid a Judge from farther proceeding in the Cause depending before him. See *Fitz. Nat. Br. fol.* 39. where he confounds *Inhibition* and *Prohibition*. But *Inhibition* is most commonly a Writ issuing out of a higher Court-Christian to an inferior, upon an Appeal. *Anno* 24 *Hen.* 8. *cap.* 12. and 15 *Car.* 2. *cap.* 9.

And

And *Prohibition*, out of the King's Court, to a Court-Christian, or an Inferior Temporal Court.

Injunction (*Injunctio*) is a Writ grounded upon an Interlocutory Order of the *Chancery*; sometimes to give Possession to the Plaintiff, for want of Appearance in the Defendant; sometimes to the King's Ordinary Court, and sometimes to the Court-Christian, to stay 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. Par.* 2 *Symbol. tit.* Proceedings in Chancery. *Sect.* 25.

Inwardus (*Inwardus*) *Alii homines non habentes integras mesuras inveniebant* Inewardos *ad Aulam, quando Rex erat in Civitate Heref.* Domesday, tit. Heref.

Inlagacy or **Inlagation** (*Inlagatio*) is a Restitution of one outlawed, to the Protection of the Law, or to the Benefit or Liberty of a Subject. From the *Sax.* In-lagiam, i. e. *Inlagare. Et ex eo seipsum legis patrocinii adeo capacem reddat, ut ad compensationem admittatur.* LL. Canuti Reg. Par. 1. cap. 8.

Inlagh or **Inlaugh** (*Inlagatus*) signifies him that is (*sub lege*) in some Frank-pledge, not outlawed; of whom, thus *Bracton, tract.* 2. *lib.* 33. *cap.* 11. *Fœmina utlagari non potest, quia ipsa non est sub lege*, i. e. Inlaugh, *anglicè, scil. in Franco plegio, sive decenna, sicut masculi* 12 *annorum vel amplius.*

Inland, (*Inlandum*) *Terra dominicalis, pars Manerii Dominica, terra interior vel inclusa*; For that which was let out to Tenants was called Utland. In the Testament of *Brithericus, in Itinerar. Kantii*; thus, to pulfege, þat Inland) to ælfege þat Utland, i. e. *Lego terras Dominicales* Wulfego, *Tenementales* Ælfego. Thus Englished by *Lambard*, To Wulfee (I give) the Inland or Demeans, and to Elfey the Durland or Tenancy. *Ex dono Wil. de Eston* 50 *Acras de* Inlanda *sua.* Rot. Chart. 16 Hen. 3. m. 6. This Word is often found in *Domesday*.

Inleased (Fr. *Enlassé*) intangled or insnared. The Word is found in the Champion's Oath. 2 *Part. Coke's Inst. fol.* 247.

Inmates are those that are admitted to dwell for their Money jointly with another Man, though in several 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 find who are properly *Inmates* in Intendment of Law.

Innamum for **Namium**, *i. e.* a Pledge, *Innama non capiantur nisi per communem assensum.* Du Cange.

Innonia, an Inclosure: From the *Sax.* Innan, *intus.* In an ancient Charter mentioned in *Spelman's Gloss.* we read; *Sciatis me concessisse totum illud Messuagium in Baron Benedich, & unum Croftum & duas* Innonias *aut inclusuras vocat. Inholmes, &c.*

Innotescimus, Letters Patent so called, which are always of a Charter of Feoffment, or some other Instrument not of Record; and so called from the Words in the Conclusion, *Innotescimus per præsentes.* An *Innotescimus & Vidimus* are all one. Sed *Page's Case*, 5 *Rep.*

Inns of Court (*Hospitii Curiæ*) are so called, because the Students therein do not only study the Laws, but use such other laudable Exercises, as may make them more serviceable to the King's Court. *Fortescue, cap.* 29. Of these there are four well known, viz. The *Inner-Temple, Middle-Temple, Lincoln's-Inn*, and *Gray's-Inn.* These, with the *two Serjeants Inns*, and *Eight Inns of Chancery*, do altogether (to use Sir *Edward Coke's* words) make the most famous University, for Profession of Law only, or of any one Humane Science, in the World. Of which, see Mr. *Dugdale's Origines Juridiciales* at large.

Innuendo, (from *Innuo*, to beck or nod with the Head) a Word used in Writs, Declarations and Pleadings, and the Office of it is only to declare and ascertain the Person or Thing, which was named or left doubtful before; as to say, he (*Innuendo*, the Plaintiff) is a Thief, when as there was mention before of another Person. *Innuendo* may not enlarge the Sense of the Words, nor make a Supply, or alter the Case where the Words are defective. *Hutton's Rep. fol.* 44.

Innoxiare, to clear one of a Fault, and make him innocent: *Si quis furem* Innoxiare *velit unum dretum in vadio ponat.* Leges Ethelredi. cap. 10. apud Brompton.

Inoperatio is one of the lawful Excuses to exempt a Man from appearing in Court. *In Leg. H.* 1. *cap.* 61. *Causæ quæ ad excusationem sufficiunt, &c. hoc est, vel infirmitatis, vel domini necessitatis, vel contramandationis, vel Regis implacitationis, vel* Inoperationis *causâ*, that is, on the Days in which all Pleadings are to cease, or *in diebus non juridicis.*

Inordinatus is one who dies intestate: 'Tis mentioned in *Matt. Westm.* 1246. and in *W. Tyrius.* Lib. 12. cap. 25. *viz. Ordinatus vel inordinatus, quod nos sine linguâ dicimus, obierit.*

Inpeny and **Outpeny**. In the Register of the Priory of *Cokesford, pag.* 25. Thus, *De* Inpeny & Outpeny *consuetudo talis est in Villa de East-Radham, de omnibus terris quæ infra Burgagium tenentur; viz. Quod ipse, qui vendiderit vel dederit dictam tenuram alicui, dabit pro exitu suo de eadem tenura unum denarium, & simile pro ingressu alterius. Et si præticti Denarii à retro fuerint, Ballivus domini distringet pro eisdem denariis in eadem tenura.* These Words and Custom, are also mentioned in the Rolls of a Court there held, about the Feast of *Epiphany*, *Anno* 12 *Rich.* 3. Spelm.

Inquirendo is an Authority given to any Person to *enquire* into something for the King's Advantage; in what Case it lies see *Reg. of Writs, fol.* 72, 85, 124, 265.

Inquisition (*Inquisitio*) is a manner of Proceeding by way of Search or Examination, in Matters criminal, by the great Enquest before Justices in Eyre. It is also used in the King's behalf in Temporal Causes and Profits, in which Sense it is confounded with *Office. Staundf. Prærog. fol.* 51.

Inquisitors (*Inquisitores*) are Sheriffs, Coroners *Super visum Corporis*, or the like, who have power to *enquire* in certain Cases. *Stat. of Marlbridge, cap.* 18. *Briton, fol.* 4. And in *Westm.* 1. *Enquirors* or *Inquisitors* are included under the Name of *Ministri.* 2 *Part. Inst. fol.* 211.

Inrolment, (*Irrotulatio*) The Registring, Recording, or Entring any lawful Act in the *Rolls* of the *Chancery, Exchequer, King's Bench*, or *Common Pleas*, in the *Hustings* of *London*, or by the Clerk of the Peace in any County: As a Statute or Recognizance acknowledged, or a Deed of Purchase enrolled. *Anno* 27 *Hen.* 8. *cap.* 16. See *West, part* 2. *Symb. tit.* Fines, *sect.* 133.

Inscriptiones were those written Instruments or Charters by which any Thing was granted. *In Conc. Cloveshoe Anno* 800. *His dictis prolatæ sunt* Inscriptiones *Monasterii, &c. terrarumque sibi adjacentium.*

Inservire, to reduce to Servitude. *Si ingenuus ancillam uxorem ceperit, & si ipsa postea fuerit* Inservita. Du Cange. So *Inservire tenementa* is to subject them to Services. *Bracton, cap.* 54.

Insetena, *(Sax.)* An Inditch. *Item ordinaverunt quod quælibet acra pro Wallis*, Insetenis & *Watergangiis, emeretur pro* 40 *Sol.* Ordinatio Romeneiensis Marisci, *pag.* 73.

Insidiæ, the same with *Vigiliæ* or *Excubiæ*. Fleta, lib. 2. cap. 4. par. 3. Insidias *autem nocturnas non tenetur facere, sed singulis noctibus in crepusculo* Insidias *assidebit, &c.*

Insidiatores viarum (Way-layers) are Words, which by the Stat. 4 *Hen.* 4. *cap.* 2. are not to be put in Indictments, Arraignments, Appeals, *&c.*

Insilium, evil Counsel or Advice. *Multaque Regis* Insilia *adversus Anglos dederunt.* Simeon Dunelm. Anno 1003.

Insimul tenuit is one Species of the Writ of *Partition.* See *Formedon.*

Insinuation, (*Anno* 21 *Hen.* 8. *cap.* 5.) a creeping into a Man's Mind or Favour, covertly. *Insinuation of a Will* is (among the *Civilians*) the first Production of it, or the leaving it *Penes Registrarium*, in order to its Probate.

Inspeximus. Letters Patent so called, and is the same with *Exemplification*, which begins thus. *Rex Omnibus &c. Inspeximus irrotulamentum quarund. literarum Patent. &c.* It is called *Inspeximus*, because it begins after the King's Title, with this Word *Inspeximus.* See *Page's Case*, 5 *Rep.*

Instalment, (*Anno* 20 *Car.* 2. *cap.* 2) a Settlement, Establishment, or sure Placing in; sometimes it is confounded with *Abatement.*

Instaurum is used in ancient Deeds for a Stock of Cattle. *Item Manerium illud nullum potest sustinere* Instaurum, *quia nullum habet pratum.* Mon. Angl. 1 par. fol. 548. b. We read also in the same Sense *Staurum* & *Instauramentum.*

Instirpare, *i. e.* to plant or establish: *Non securum est gentem externam & turbidam* Instirpare. Brompton. pag. 935.

Institution (*Institutio*) is when the Bishop says to a Clerk, who is presented to a Church-Living, *Instituo te Rectorem talis Ecclesiæ, cum cura animarum, & accipe curam tuam & meam.* Every Rectory consists of a Spiritualty, and a Temporalty; as to the Spiritualty, *viz. Cura animarum*, he is a compleat Parson by *Institution*; but as to the Temporalties, as Glebe-land, *&c.* he has no Frank-Tenement therein, till *Induction. Coke's* 4 *Rep. Digby's* Case. The first beginning of *Institutions* to Benefices was in a National Synod held at *Westminster*, by *John de Crema*, the Pope's Legate, *Anno* 1124. which see in *Selden's Hist. of Tythes, pag.* 375.

Instper (*Anno* 21 *Jac. cap.* 2.) is used by Auditors in their Accompts in the *Exchequer*; when they say so much remains *insuper* to such an Accomptant, that is, so much is charged *upon* him in his Accompt.

Intakers were a kind of Thieves in *Ridesdale*, and the farthest parts of the *North* of *England*, mentioned 9 *Hen.* 5. *cap.* 7. So called, because they dwelling in that Liberty, did *take in*, and receive such Booties of Cattle and other Things, as their Complices the **Outparters** brought in to them, from the borders of *Scotland.* See *Outparters.*

Intaffare. See *Taffum.*

Intendment of Law, (Fr. *Entendement, intellectus*) the Understanding, Judgment, Intention or true Meaning of the Law. *Regularly Judges ought to judge according to the common* Intendment *of Law.* Coke on Littl. fol. 78.

Inter canem & lupum. *Margeria filia* Nicholai de Okele *appellat* Johannem Chose *pro raptu & pace Regis fracta die Martis prox'*, &c. inter canem & lupum, *i. e. In crepusculo, scilicet Anglice* Twylight, i. e. *Inter diem & noctem, &c.* Inter Plac. de Trin. 7 Edw. 1. Rot. 12. Glouc. *In Placito de domo combusta maliciose, hora vespertina, scilicet*, inter canem & lupum, *venerunt malefactores*, &c. Plac. Cor. apud Novum Castrum 24 Edw. 1. Rot. 6. This in *Herefordshire* they call the *Mock-shadow*, corruptly the *Muck-shade*; and in the *North*, *Day-Light's Gate*; others, *betwixt Hawk and Buzzard.*

Intercommoning is where the Commons of two Manors lie contiguous, and the Inhabitants of both have, Time out of Mind, depastured their Cattle promiscuously in each of them.

Interdicted of Water and Fire, were in old Time those, who, for some Time, were banished; by which Judgment, though it was not by express Sentence pronounced, yet, by giving order, That no Man should receive them into his House, but deny them *Fire* and *Water*, (the two necessary Elements of Life) they were condemned, as it were, to a Civil Death; and this was called *Legitimum exilium. Livy.*

Interdiction (*Interdictio*, and *Interdictum*) has the same signification in the Common, as it hath in the Canon, Law, which thus defines it: *Interdictio est censura Ecclesiastica prohibens administrationem divinorum.* And so it is used 22 *Hen.* 8. *cap.* 12. & 25 *ejusdem, cap.* 20. *Eodem Anno relaxatum est* Interdictum *Oxoniæ, quod authoritate Domini Joh. Episcopi Linc. propter Clericidium & sacrilegia Anno proximo præterito fuit illatum.* Wals. Hist. Anno 1357. So that an Interdict is a general Excommunication of a whole Country or Province: 'Tis mentioned in some of our Historians, *viz. Knighton* tells us, *Anno* 1208, That the Pope excommunicated King *John*, and all his Adherents, *Et totam terram Anglicanam supposuit* interdicto, which began the first Sunday after *Easter*, and continued six Years and one Month, during all which Time nothing was done in the Churches besides Baptism and Confessions of dying People: The Form of it is thus;

" In the name of Christ, We (the Bishop) in the " behalf of the Father, Son, and Holy Ghost, and in " behalf of St. *Peter*, the Chief of the Apostles, and " in our own behalf, do excommunicate and *Interdict* this Church, and all the Chapels thereunto " belonging, that no Man from henceforth may have " leave either of God, or St. *Peter*, the Chief of the " Apostles, to sing Mass, or to hear it, or in any " wise to administer any Divine Office, nor to receive God's Tithes without our Leave. And whosoever shall presume to sing or hear Mass, or perform any Divine Office, or receive God's Tithes, " contrary to this *Interdict*, on the part of God the " Father Almighty, and of the Son, and of the Holy " Ghost; and on the behalf of St. *Peter*, and all the " Saints, let him be excommunicated and accursed, " and separated from all Christian Society, and from " entring into Holy Mother-Church, where there is " Forgiveness of Sins; and let him be *Anathema maranatha* for ever with the Devils in Hell. *Fiat, Fiat, Fiat.* Amen. *Du Cange.*

Interest (*Interesse*) is vulgarly taken for a Term or Chattel 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 legal understanding, it extends to Estates, Rights and Titles, that a Man hath, of, in, to,

or out of Lands; For he is truly said to have an *Interest* in them. *Coke on Littl. fol.* 345. *b.*

Interlocutory Order (*Ordo Interlocutorius*) is that which *non definit controversiam, sed aliquid obiter, ad causam pertinens, decernit.* It is a Decision of such incident and emergent Matters of Law as intervene betwixt the beginning and end of the Cause. *Lanc. Inst. Juris Canon. l.* 3. *Tit.* 15. *Sect.* 1.

Interpleder. See *Enterpleder.*

Intertiari, *i. e.* to Sequester or put in a third Hand, *viz.* When any Thing is stoln, and sold to another, and afterwards demanded by the right Owner of him in whose Possession 'tis found; it was usual to Sequester the Thing to a third Person, who was to keep it till the Buyer produced the Seller, and so on to the Thief. *Leg. Inæ apud Brompton. cap.* 27. 52. 59. *Leg. Edw. Confessor. cap.* 25.

Intestates, (*Intestati.*) See *inordinatus.* There are two Kinds of them; one that makes no Will at all; another that makes a Will and Executors, and they refuse; in which Case he dies *quasi intestatus.* 2 *Part Inst. fol.* 397.

In former Tsmes, he who died *Intestate* was accounted damned, because (as *Matt. Paris* tells us) he was obliged by the Canons, to leave at least a Tenth part of his Goods to pious Uses, for the Redemption of his Sonl, and therefore, who neglected so to do, took no care of his own Salvation; they made no difference between a *Suicide* and an *Intestate,* for as in the one Case, the Goods were forfeited to the King, so in the other they were forfeited to the Chief Lord.

But because it was accounted a very wicked Thing to die without making any distribution of his Goods to pious Uses, and such Cases often happened by sudden Deaths, therefore by subsequent Constitutions, the Bishops had power to make such Distribution as the *Intestate* himself was bound to do, and this was called *Eleemosyna rationabilis.* Thus in *Matt. Paris, Anno* 1190. we read, *Si quis subitaneâ morte vel quolibet casu præoccupatus fuisset ut de rebus suis disponere non posset, distributio bonorum eius Ecclesiastica fiebat authoritate*: And it was by this Means, that the Spiritual Courts came first to have Jurisdiction in Testamentary Cases.

Inthingi. See *Wealtaf.*

Intiertie. See *Entierty.*

Intrare terram: To Inn Ground from the Sea.

Intrusion (*Intrusio*) is, when the Ancestor dies seiz'd 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 does interpose himself and *intrude. Coke on Littl. fol.* 277. To the same effect is *Bracton, lib.* 4. *cap.* 7. Intrusio *est, ubi quis, cui nullum jus competit in re nec scintilla juris, possessionem vacuam ingreditur,* &c. See him at large, and *Fleta, lib.* 4. *cap.* 30. *Sect.* 1. and 2. *Briton, cap.* 65. See *Abatement, Entrusion,* and the Stat. 21 *Jac. cap.* 14.

Intrusione is a Writ that lies against the *Intruder. Regist. fol.* 233.

Invadiationes Mortgages or Pledges. *Confirmamus eis omnes alias donationes, venditiones & invadiationes eis rationabiliter factas.* Mon. Angl. 1 pa. fol. 478. a.

Invadiatus, is when one has been accused of some Crime, which being not fully proved, he is put *sub debitâ fidejussione.*

Inventory (*Inventorium*) is a List or Repertory, orderly made, of all dead Mens Goods and Chattels, prized by four credible Men or more, which every Executor or Administrator ought to exhibit to the Ordinary, at such Time as he shall appoint. *West, part* 1. *Symb. l.* 2. *f.* 696. where you may see the Form. This *Inventory* proceeds from the Civil Law; for, whereas by the old Law of the *Romans,* the Heir was obliged to answer all the Testator's Debts, by which means, Inheritances were prejudicial to many Men; *Justinian,* to encourage Men the better to take upon them this charitable Office, ordain'd, That if the Heir would first make and exhibit a true *Inventory* of all the Testator's Substance coming to his Hands, he should be no farther charged than to the full value of it. *Lib. ult. Cod. de Jure deliberando.*

In ventre sa mere (*Fr.* in the Mother's Belly) is a Writ mentioned in the Register of Writs, and in *Anno* 12 *Car.* 2. *cap.* 24.

Inveritare, to verifie, or prove a Thing. *Si quis occiderit furem, debet* inveritare *eum juramento, quod illum culpabilem & de vita forisfactum occiderit.* Leg. Inæ, cap. 16.

Invest (from the Fr. *Investir*) signifies to give possession. *Investitura proprie dicitur quando hasta vel aliquod corporeum traditur à Domino,* says the *Feudist, lib.* 2. *tit.* 2. We use likewise to admit the Tenant, by delivering him a *Verge* or Rod into his Hands, and ministring him an Oath, which is called *Investing.* Others define it thus, *Investitura est alicujus in suum jus introductio,* a giving *Livery* of Seisin or Possession. In the Church it was the Custom of old for Princes to promote such as they liked to Ecclesiastical Benefices, and declare their Choice, and the Promotion of the Persons chosen, by delivery of a Pastoral Staff and Ring, which was termed *Investing*; after which they were consecrated by Ecclesiastical Persons.

At first *Investitures* were made by a Form of Words, afterwards by such Things which had most resemblance to what was to be transferred; as Land passed by the Delivery of a *Turf*; and that the Trees and all which did grow on the Land might likewise be transferred at the same Time, it was usual to cut a Bough, which was delivered by the Grantor, to the Person to whom the Land was granted.

But in After-ages, the Things by which *Investitures* were made, were not so exactly observed: This appears by *Ingulphus, pag.* 901. viz. *Conferebantur etiam primo multa prædia nudo verbo, absque scripto vel Chartâ, tantum cum Domini gladio, galeâ vel cornu vel craterâ, & plurima tenementa cum calcari, cum strigili, cum arca, & nonnulla cum Sagitta.*

Hoveden, pag. 724. tells us, That our King *Richard,* being taken by the Emperor, gave this Kingdom to him, and *investivit eum inde per pileum suum,* and that the Emperor immediately afterwards returned the Gift: *Et* investivit *eum per duplicem Crucem de auro.*

Walsingham also mentions, That *John* Duke of *Lancaster* was made Duke of *Aquitaine, per virgam & pileum.* pag. 343. And *Simeon* of *Durham.* lib. 3. *De Ecclesia Dunelm.* cap. 14 writes, *viz. In cujus donationis signum etiam scyphum argenteum obtulit, qui in hâc ecclesiâ servatus eternam illius facti memoriam retinet.*

Invoice (12 *Car.* 2. *cap.* 34.) is a particular of the Value, Custom and Charges, of any Goods sent by a Merchant in another Man's Ship, and consign'd to a Factor or Correspondent in another Country.

Inure signifies to take Effect, or be available; as the *Pardon inureth.* Staundf. Prærog. fol. 40. See *Enure.*

Jobber is used for one that buys or sells Cattle for others. *Stat.* 22 & 23 *Car.* 2.

Jocalia, (Fr. *Joyaux,*) Jewels. *Edward* the First employed one *Andevar, ad* Jocalia *sua impignoranda.* Claus. 29 Edw. 1. *Præterea considerantes gratam subventionem quam præfati Abbas & Monachi* (Rading) *nobis fecerunt de magnis & preciosis* Jocalibus *ac aliis rebus suis in subsidium expensarum & sumptuum, quos circa præsens passagium nostrum versus partes transmarinas, &c.* In Mem. Scac. de Anno 20 Edw. 3. Trin. Rot. 3. The Word is derived from the Lat. *Jocus, Joculus,* and *Jocula,* which seems to comprehend every Thing that delights us; but in a more restrained Sense, to those Things which are Ornaments to Women, and which in *France* they call their own, as Ear-Rings, Bracelets, &c. But *Du Fresne* tells us, that at *Arragon,* in *Spain,* the Question was, Whether a Woman's Cloaths would pass by the Devise of her Jewels? And that the Judge upon great Deliberation, and consulting with others, was of Opinion they did not pass.

Jocari, *i. e.* To contend with Pikes. *Crastino die quidam milites Anglici strenue nimis & viriliter* Jocabantur. *Mat. Paris. Anno* 1252.

Jocarius, a Jester. In a Deed of *Richard,* Abbot of *Bernay,* to *Henry Lovet, sine dat.* among the Witnesses to it was *Willielmo tunc* Jocario *Domini Abbatis.* But in *Domesday* 'tis said *Berdic* was *Joculator Regis,* the King's Jester.

Jocelet, (Sax.) *Prædiolum, agri colendi portiuncula.* A little Farm or Manor, in some Parts of *Kent* a *Yoklet,* as requiring but a small *Yoke* of Oxen to till it. *Sax. Dict.*

Jocus partitus. 'Tis so called when two Proposals are made, and a Man hath Liberty to choose which he will. *Nec potest transigere, nec paciscì, nec* Jocum partitum *facere, nec aliud.* Bracton, lib. 4. tract. 1. cap. 32. par. 2. *Etiam si apparentibus partibus quereletur & respondeatur, sive loquela per non tenuram vel per quemcunque Biperti* Jocum *cavilletur, &c.* Hengham Magn. cap. 4.

Jotson. See *Jetsen* and *Flotson.*

Joynder is the Coupling or Joining of two in a Suit or Action against another. *Fitz. Nat. Br. fol.* 118. and in other Places, as appears in the *Index,* verbo *Joynder.*

Joyning of Issue, (*Junctio exitus.*) See *Issue.*

Joyntenants (*Simul tenentes,* or *Qui conjunctim tenent*) are those that come to, and hold, Lands or Tenements *jointly* by one Title *pro indiviso,* or without Partition. *Littleton. lib.* 3. *cap.* 4. And these *Joyntenants* must *jointly* plead, and *jointly* be impleaded by others, which properly is common between them and *Coparceners:* But *Joyntenants* have a sole Quality of Survivorship, which Coparceners have not. For if there be two or three *Joyntenants,* and one has Issue and dies, he or those *Joyntenants* that survive shall have the whole by Survivorship. See *Coke on Littl. fol.* 180.

Joynture (*Junctura*) is a Covenant or Settlement, whereby the Husband assureth to his Wife, in Respect of Marriage, Lands or Tenements for Term of her Life, or otherwise. It is so called, either because it is granted *Ratione Junctura in matrimonio,* or because the Land in Frank-marriage is given *jointly* to the Husband and Wife, and after to the Heirs of their Bodies; whereby the Husband and Wife are made *Joyntenants* during the Coverture. *Coke, lib.* 3. *Butler* and *Baker's* Case. *Joynture* is also used as the Abstract of *Joyntenants.* *Coke, lib.* 3. Marq. of *Winchester's* Case.

Journal, (Fr.) a Diary, or Day-Book. *Journals of Parliament* are no *Records,* but *Remembrances: They are not of Necessity, nor have been of long Continuance.* See *Hob. Rep. fol.* 109.

Journ-choppers (*Anno* 8 *Hen.* 6. *cap.* 5.) were Regrators of *Yarn.* Whether that we now call *Yarn* was in those Days called *Journ,* I cannot say; but *Choppers* in these Days are well known to be *Changers:* As to *chop* and *change* is a familiar Phrase. See *Chop-Church.*

Journy-man (from the Fr. *Journée, i. e.* a Day, or Day's Work) was properly he that wrought with another by the Day; though now by Statute it be extended to those likewise that covenant to work with another in their Occupation or Trade by the Year. *Anno* 5 *Eliz. cap.* 4.

Jread largum, To go at large, to escape, to be set at Liberty.

Irregularity, (*Irregularitas,*) Disorder, going out of Rule. 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 another's Death, with divers other.

Irrepleviable, or **Irreplevisable.** That may not, or ought not, by Law, to be *replevied,* or set at large upon Sureties. **The Distress shall remain irrepleviable.** Anno 13 *Edw.* 1. *cap.* 2.

Isca Canmoniorum, *Excester.*

Isca Fluvius, the River *Ex* in *Devonshire.*

Isca Legio Augusta, *Caerleon* in *Monmouthshire.*

Iscalis, *Ilchester.*

Isinglass (*Ichthyocolla*) is a Kind of Fish-Glue, or Fish-Gum, brought from *Iseland,* and those Parts, and is used in Medicines, and by some in the Adulteration of Wine; in which last Use it is prohibited by Stat. 12 *Car.* 2. *cap.* 25.

Issue (*Exitus*) hath divers Applications; sometimes being used for the Children begotten between a Man and his Wife; sometimes for Profits growing from Amercements or Fines; sometimes for Profits of Lands or Tenements; (*Westm.* 2. *Anno* 13 *Ed.* 1. *cap.* 39.) sometimes for that Point of Matter depending in Suit, whereon the Parties join, and put their Cause to the Trial of the Jury. And in all these it has but one Signification, which is an Effect of a Cause preceding, as Children are the Effect of the Marriage; the Profits growing to the King or Lord from the Punishment of any Man's Offence is the Effect of his Transgression; the Point referr'd to twelve Men is the effect of Pleading or Process. *Issue,* in this last Signification, is either *General* or *Special.*

General Issue seems to be that whereby it is referred to the Jury to bring in their Verdict, whether the Defendant have done any such Thing as the Plaintiff lays to his Charge. For Example; If it be an Offence against any Statute, and the Defendant plead *not culpable,* this being put to the Jury is called the *General Issue.* See *Doctor* and *Student, fol.* 158 *b.* The *Special Issue* then must be that where *Special Matter* being alledged by the Defendant for his Defence, both Parties join thereupon, and so grow either to a Demurrer, if it be *Quæstio juris,* or to a Trial by the Jury, if it be *Quæstio facti.* *Anno* 4 *Hen.* 8. *cap.* 3. See the *New Book of Entries, verbo Issue,* and 18 *Eliz. cap.* 12. See *Exitus.*

Itinerant, (*Itinerans, i. e.* that takes a Journey.) Those were anciently called *Justices Itinerant*

rant who were sent with Commission into divers Counties, to hear such Causes specially as were termed Pleas of the Crown; and the Journeys themselves were called *Iters*. See *Justices in Eyre*.

Isurium, *Aldborough* in *Yorkshire*.

Ituna, the River *Eden* in *Cumberland*.

Jubilee was first instituted by *Boniface* VIII. in the Year 1300, who granted a plenary Indulgence and Remission of Sins to all those who should visit the Churches of St. *Peter* and St. *Paul* at *Rome* in that Year, and stay there fifteen Days: And this he order'd to be observed once in every hundred Years, which *Clement* VI. reduced to fifty Years in the Year 1350, and to be held upon the Day of the Circumcision of our Saviour. *Urban* the IVth, in the Year 1389, reduced it to every thirty three Years, that being the Age of our Saviour. And that every Age might partake of this Benefit, *Sixtus* VI. *Anno* 1475, reduced it to every twenty five Years.

One of our Kings, *viz. Edward* II. caused his Birth-Day to be observed in the Nature of a *Jubilee*, when he was fifty Years old, and not before or after: And this he did by releasing Prisoners; by pardoning all Offences, except Treasons; and by making good Laws, and granting many Privileges to the People. And because when a *Jubilee* was first instituted, it was ordered to be observed every hundred Years, therefore

Jubilæus signified afterwards a Man one hundred Years old, and likewise a Possession or Prescription for fifty Years. *Si ager non invenietur, in scriptione inquiratur de senioribus, &c. & si sub certo* Jubilæo *mansit, sine vituperatione maneat in æternum.* Du Fresne.

Judaism, (*Judaismus*,) the Custom, Religion, or Rights of the *Jews*: Also the Income heretofore accruing to the King from the *Jews*; for we find in several Charters, *Judaismum nostrum Angliæ.* Also the Place or Street where the *Jews* live, as in *Histor. Oxon. fol.* 132. And *Vetus Judaismus* for the *Old-Jury* in *London*. This Word was often used by the Way of Exception in old Deeds; as, *Sciant, Quod ego Rogerus de Morice dedi Willielmo Harding pro tribus marcis argenti, unum croftum, Habend. de me & hæredibus meis sibi & hæredibus ejus vel ejus assignatis & eorum hæredibus cuicunque, quocunque vel quandocunque dictum Croftum dare, vendere, legare, invadiare, vel aliquo modo assignare voluerint, in quocunque statu fuerint, libertè, quietè, integrè, bene & in pace, excepta religione &* Judaismo, *&c. Sine dat.* The Statute *de Judaismo* was made 3 *Edw.* 1. at which Parliament the King had a Fifteenth granted him *pro expulsione Judæorum.*

Judaismum was anciently used for a Mortgage. *Pro hac autem donatione dederunt mihi dicti Abbas & Canonici sex Marcas Sterl. ad acquietandam terram prædictam de* Judaismo, *in quo fuit impignorata per Rob. fratrem meum, &c.* Ex magno Rot. Pipæ, de Anno 9 Edw. 2.

Here in *England*, in former Times, the Jews and all their Goods belonged to the chief Lord where they lived; and he had such an absolute Property in them, that he might sell them; for they had not Liberty to remove to another Lord without Leave. This appears in *Mat. Paris. pag.* 521, 606. where we read that *Henry* III. sold the Jews to Earl *Richard* his Brother for a certain Term of Years, that *quos Rex excoriaverat, Comes eviscceraret.*

They were distinguished from the Christians both living and dying; for they had proper Judges and Courts, wherein their Causes were decided; and they wore a Badge on their outward Garments upon the Breast in the Shape of a Table, and were fined if they went abroad without such Badge. They were never buried in the Country, but brought up to *London*, and there buried without the Walls. But *Henry* I. gave Leave that they might be buried without the Walls of any other City.

Judaismus is also taken for the Mansion or Dwelling-place of the Jews in any Town; as, *Wigorniam cepit & intravit, &* Judaismum *evertit.* Rishangor, pag. 668. And it sometimes signifies Usury; as, *Empta fuit grangia, &c. & Domus obligata in magnis debitis in* Judaismo. *Mon. 1 Tom. pag* 834.

Judger. In *Cheshire*, to be *Judger* of a Town, is to serve at the Lord's Court on the Jury. Sir *P. Leicester's Hist. Antiq. fol.* 302.

Judgment, (*Judicium, quasi Juris dictum,*) the very Voice of Law and Right; and therefore *Judicium semper pro veritate accipitur.* The ancient Words of *Judgment* are very significant: *Consideratum est, &c.* because *Judgment* is ever given by the Court upon Consideration had of the Record before them; and in every *Judgment* there ought to be three Persons, *Actor, Reus, & Judex.* Of *Judgments*, some are final, and some not, *&c.* See *Coke on Litt. fol.* 39. *a.*

Judgment or Trial by the Holy Cross was a Trial in Ecclesiastical Causes, in use long since among our *Saxons*. See *Cressy's Church History, fol.* 960.

Judices fiscales. So *Polydore Virgil* calls *Empson* and *Dudley*, who were employed by *Henry* VII. for taking the Benefit of Penal Statutes, and were put to Death by *Henry* VIII. See Lord *Herbert's Hen.* 8. *fol.* 5, 6.

Judicium sometimes signifies Discipline or Punishment inflicted by the Monks on a Delinquent. *Hi vero quorum negligentia hoc evenerit, in proximo capitulo culpam suam dicant,* Judicium *suscipiant nudi & injungatur eis pœnitentia, &c.*

Judicium Dei, the Judgment of God. So our Ancestors called those now prohibited Trials of *Ordeal*, and its several Kinds. *Si se super defendere non posset,* Judicio Dei, *scil. Aquâ vel ferro, fieret de eo justitia.* LL. Divi Edw. Confess. cap. 16. See *Spelm. Gloss.* on this Word. See *Sudhdore.*

Jugantes for *Brigantes*.

Jugum terræ, a Yoke of Land, in *Domesday*, contains half a Plow-land, *viz. Odo tenet de Episcopo unum* Jugum terræ, *& est dimid. Carucatæ.* So also 1 *Inst. fol.* 5. *a.* So in *Domesday, Unum* Jugum *de Ora, & unum* Jugum *de Herce*; *i. e.* The Rent of a Yoke of Land, and another Yoke of Land to plough. *Gale* 760.

Juncaria, (from *Juncus*,) a Soil or Ground where Rushes grow. *Coke on Littl. fol.* 5. *Cum Piscariis, Turbariis,* Juncariis, *& communibus Pasturis, ad Messuagium prædictum pertin.* Pat. 6 Edw. 3. pa. 1. m. 25.

Jura Regalia. See *Regalia*.

Jurats, (*Jurati, Anno* 2 & 3 *Edw.* 6. *cap.* 30.) as the Mayor and *Jurats* of *Maidstone, Rye, Winchelsey, Tenterden, &c.* are in the Nature of Aldermen, for Government of their several Corporations: And the Name is taken from the French, where (among others) there are *Major & Jurati Sussenses, &c. Vide Choppin Domen. Fran. lib.* 3. *tit.* 20. *sect.* 11. *pag.* 530. So *Jersey* hath a Bailiff and 12 *Jurats*, or sworn Assistants, to govern the Island. *Cam. Romeney Marsh* is incorporate of one Bailiff, 24 *Jurats*, and the Commonalty thereof, by Charter, *Dat.* 23 *Feb.* 1 *Edw.* 4. See *Hist. of Imbanking*

and Draining, fol. 34. *b. Jurates* is also sometimes taken for Juries, as in 13 *Edw.* 1. *cap* 26.

Juridical Days, (*Dies Juridici*) Days on which the Law is administer'd, Days in Court. See *Dies.*

Jurisdiction (*Jurisdictio*) is an Authority or Power which a Man hath to do Justice in Causes of Complaint made before him. Of which there are two Kinds: The one which a Man hath by reason of his Fee, and by Vertue thereof does Right in all Plaints concerning the Lands of his Fee: The other is a *Jurisdiction* given by the Prince to a Bailiff. Which Division I have in the *Customary of Normandy, cap.* 2. which is not unapt for the Practice of our Commonwealth; for by him whom they call a *Bailiff*, we may understand all that have Commission from the Prince to give Judgment in any Cause. See Sir *Ed. Coke's Proemium* to his 4 *Inst.*

Juris utrum is a Writ which lies for the Incumbent, whose Predecessor hath alienaced his Lands and Tenements. The divers Uses whereof, see in *Fitz. Nat. Br. fol.* 48.

Jury (*Jurata*, from *Jurare*, To swear) signifies twenty four or twelve Men, *sworn* to enquire 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 impanell'd, see *F. N. Br. fol.* 165. There were two Manner of Trials in *England*; one by Battel, the other by *Assise* or *Jury*. See *Smith de Repub. Angl. lib.* 2. *cap.* 5, 6, 7. who adds a third, by *Parliament*. The Trial by *Assise* (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 passeth the Judgment; which by *Bracton* (*lib.* 2. *cap.* 71) is called *Regale beneficium, &c.* This *Jury* is not only used in Circuits of Justices, but in other Courts, and Matters of Office; as, if the *Coroner* enquire how a Subject found dead came to his End, he useth an *Enquest*; the Justices of Peace in their Quarter-Sessions, the Sheriff in his County and Turn, the Bailiff of an Hundred, the Steward of a Court-Leet or Court-Baron, if they enquire of any Offence, or decide any Cause between Party and Party, do it by the same Manner. So that where it is said all Things are triable by *Bastel* or *Assise*, *Assise* in this Place is taken for a *Jury* or *Enquest*, impanelled upon any Cause in a Court where this Kind of Trial is used. This *Jury*, though it pertain to most Courts of the Common Law, yet is it most notorious in the half-yearly Courts of the *Justices of the Great Assises*, and in the Quarter-Sessions, where it is usually called a *Jury*, and that in Civil Causes; whereas in other Courts it is oftner termed an *Enquest*, and in the Court-Baron the *Homage*, or a *Jury* of the *Homage*. In the General Assise there are usually many *Juries*, because there are many Causes, both Civil and Criminal, commonly to be tried; whereof one is called the *Grand Jury*, or *Great Enquest*, and the rest *Petit Juries*; whereof it seems there should be one for every Hundred. *Lamb. Eiren. lib.* 4. *cap.* 3. *pag.* 384.

The *Grand Jury* consists ordinarily of twenty four grave and substantial Gentlemen, or *Juramentum plenum*, the better Sort of Yeomen, chosen indifferently out of the whole County by the Sheriff, to consider of all Bills of Indictment preferred to the Court, which they do either approve by writing upon them *Billa vera*, or disallow by writing *Ignoramus*. Such as they approve, or *find*, as they term it, if they touch Life and Death, are farther referred to another *Jury*, because the Case is of such Importance; but others of less Moment, in Trespass or for Misdemeanors, are, upon their Allowance, without more ado, fined by the Bench, except the Party traverse the Indictment, or challenge it for Insufficiency, or remove the Cause to an higher Court by *Certiorari*; in which two former Cases it is referred to another *Jury*, and in the later transmitted to the higher Court. *Lamb. Eiren. lib.* 4. *cap.* 7. And presently upon the Allowance of this Bill by the *Grand Enquest*, a Man is said to be *indicted*; such as they disallow are delivered to the Bench, by whom they are forthwith cancelled.

The *Petit Jury* in Criminal Causes consists of twelve Men at least, and being impanell'd, do bring in their Verdict either *Guilty* or *Not guilty*: Whereupon the Prisoner, if he be found guilty, is said to be *convict*, and accordingly afterward receives his Judgment and Condemnation, or otherwise is acquitted. Those that pass upon Civil Causes real, are so many as can conveniently be had of the same Hundred where the Land or Tenement in Question lies, or four at the least. And they, upon due Examination of the Matter, bring in their Verdict, either for the Demandant or Tenant. Of this see *Fortescu, cap.* 25, 26, 27. According to which, Judgment passeth afterwards in the Court where the Cause first began; and the Reason hereof is, Because these Justices of Assise are in this 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 is depending. See *Nisi prius* and *Enquest*. Mr. *Spelman*, in his *De Anglorum genesis origine*, derives the Origine of our Jury from a great Antiquity; *Quod autem Wodenus* (*Algardiæ Rex*) *dicitur duodecim regni proceres sibi assumpsisse, iisdemq; jurisdicendi in populum, provinciam dedisse, hinc fortè illa nunquam apud nos satis laudanda consuetudo invaluit, quâ duodecim juratis viris, quos patrio sermone a Jurie idcirco vocamus, tota juris decernendi & litium expediendi potestas concessa est*, Pa. 272. This Trial by Jury was anciently called *Duodecim-virale Judicium*.

We read it likewise in the Laws of King *Æthelred*, made by him at *Wantage*, a Town in *Berkshire*, *viz. Habeantur placita in singulis Wapentakis ut exeunt seniores duodecim Thayni & præpositus cum eis jurent super sanctuarium quod eis dabatur in manus quod neminem innocentem velint accusare vel noxium celare.* 'Tis true, this may seem to intend the Number of the Judges, and not of the Jury: But the Jury themselves in some Cases are Judges, that is, they are Judges of the Fact, and the Judge is bound to give Sentence according to their Verdict of the Fact.

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

Jus Curialitatis Angliæ. See *Curtesy of England.*

Jus Duplicatum is where a Man hath the Possession as well as a Propriety of any Thing. *Bract. lib.* 4. *tract.* 4. *cap.* 4.

Jus Patronatus is the Right of presenting a Clerk to a Benefice. See the *New Book of Entries, verbo, Jure Patronatus; in Quare Impedit, fol.* 465. *col.* 3.

Justa, a certain Measure of Liquids. *Quasi* Justa *mensura*. It was accounted as much as was sufficient

sufficient to drink at once. *Percipi & frater cotidie duas* Justas *de cervisiâ.* Monast. 1 Tom. pag 149. And probably from hence we derive the Word *Jugg*.

Justes (Fr. *Jouste*, i. e. *Decursus*, Lat. *Juxta*) were Contentions between Martial-Men and Persons of Honour, with Spears on Horse-back, by way of Exercises, and singly. *Anno* 24 *Hen.* 8. *cap.* 13. *Edictum Regis* Edw. 1. *prohibendo sub forisfacturâ omnium quæ forisfacta possint, quod non Turneant, Bordeant, Adventuras Querant*, Justus *faciant Jeu ad arma presumant sine Licentia Regis.* Pas. 29 Edw. 1. Essex 101. See *Tournament*. And it differed from Tournaments as *Species* doth from *Genus*; because Tourneaments were all Sorts of Military Contentions, and consisted of many Men in Troops: But *Justs* were usually between two Men, and no more.

Justice (*Justiciarius*) signifies him that is deputed by the King to administer *Justice*, and do Right by way of Judgment. The Reason why he is called *Justice*, and not *Judex*, is, Because in ancient Time the *Latin* Word for him was *Justicia*, and not *Justiciarius*, as appears by *Glanvil*, *lib.* 2. *cap.* 6. and *Hoveden*, *fol.* 413. *a.* Secondly, Because they have their Authority by Deputation, as Delegates to the King, and not *Jure Magistratus*; and therefore cannot depute others in their Stead, the *Justice* of the Forest only excepted, who hath that Liberty especially given him by the Statute 32 *Hen.* 8. *cap.* 35. For the Chancellor, Martial, Admiral, and such like, are not called *Justiciarii*, but *Judices*. Of these *Justices* we have divers Sorts in *England*; the Manner of their Creation, with other Appurtenances, read in *Fortescu*, *cap.* 51. These in *Mag. Charta*, *cap.* 12. and other Statutes, are called *Justicers*.

Justice (Chief) of the King's Bench (*Capitalis Justicia vel Justiciarius Banci Regii, vel ad Placita coram Rege tenenda*) hath the Title of *Lord* whilst he enjoys his Office, and is called *Capitalis Justiciarius*, because he is the *Chief* of the rest. His Office is specially to hear and determine all Pleas of the Crown, that is, such as concern Offences committed against the Crown, Dignity, and Peace of the King, as *Treasons*, *Felonies*, *Mayhems*, and such like, which you may see in *Bracton*, *lib.* 3. *tract.* 2. *per totum*, and in *Stamf. Pleas of the Crown*. He also, with his Assistants, hears all Personal Actions incident to his Jurisdiction. See Sir *Edw. Coke*'s 4 *Inst. fol.* 74. who says, the *Chief Justice* of this Court was anciently created by Letters Patent, but now by Writ, in this Form:

Justice (Chief) of the Common Pleas, hath also the Title of *Lord* whilst he enjoys his Office and is called *Dominus Justiciarius Communium Placitorum, vel Dominus Justiciarius de Banco*, who with his Assistants did originally, and do yet, hear and determine all Causes at the Common Law, that is, all Civil Causes, as well Personal as Real, between common Persons; wherefore it was called *The Court of Common Pleas*, in Distinction from *The Pleas of the Crown*, or the King's Pleas, which are special and appertaining to him only. This Court was appointed to be in a settled Place, and not as other Courts, to follow or attend the King's Court or Palace, as appears by the Stat. 9 *Hen.* 3. *cap.* 11. Of its Jurisdiction, see 4 *Inst fol.* 99. The *Justice*'s Oath, see 18 *Edw.* 3. *Stat.* 4. Thus *Bracton*, *lib.* 3. *cap.* 7. tells us, that *Justiciariorum alii sunt perpetui certo loco habitantes sicut in Banco loquentes omnes, &c. terminantes, &c.*

REX, *&c. I. K. militi, salutem. Sciatis quod constituimus vos* Justiciarium nostrum Capitalem, *ad Placita coram nobis tenenda, quamdiu vos bene gesseritis, &c. Teste, &c.*

Of the ancient Dignity of this *Chief Justice*, thus *Liber niger fiscalis*, *cap.* 4. *In Scaccario residet, imo & præsidet, primus in regno*, Capitalis, *scilicet* Justicia. In the Time of King *John*, and other of our ancient Kings, it often occurs in Charters of Privileges, *Quod non penatur respondere, nisi coram nobis vel* Capitali Justicia *nostra*. The Oath of the *Justices*, see in the Stat. 18 *Edw.* 3. *Stat.* 4, and in *Origines Juridiciales*, a Catalogue of all the *Lord Chief Justices* of *England*. See *King's-Bench*.

He had formerly that Power alone, which afterwards was distributed to three other great Magistrates, that is, he had the Power of the *Chief Justice* of the Common Pleas, of the Chief Baron of the Exchequer, and of the Master of the Court of Wards. He usually sat in the King's Palace, and there executed that Office which was formerly performed *per Comitem Palacii*; He determined in that Place all Differences which happened between the Barons and other great Men of the Kingdom, and likewise Causes both Criminal and Civil between other Men. And this he did till the 9th Year of *Henry* III. or rather till the 17th of King *John*, when, at the Request of the Nobility, the King granted that *Communia placita non sequerentur Curiam suam sed in loco certo tenerentur*.

He had that Prerogative to be Vicegerent of the Kingdom when any of our Kings went beyond-Sea, and was usually chosen to this Office out of the greatest of the Nobility: But his Power was first diminished by *Richard* I. who made two other Justices, and consigned to each a distinct Jurisdiction, *viz.* to one the North Parts of *England*, and to the other the South. And thus it continued till the Beginning of the Reign of *Edward* I. who reduced them to one Court. And that wise King considering that some former *Chief Justices* made use of their Power in Prejudice to his Father and Grandfather, did farther diminish their Authority, both as to the Dignity of their Persons, and Extent of their Jurisdiction; for no more were chosen out of the Nobility as formerly, but out of the Common People, who were Men of good Morals, and skilful in the Laws. And now began the Study of the Common Law, and not before; and the *Chief Justice* was no longer stiled *Capitalis Angliæ Justiciarius*, but *Capitalis Justiciarius ad placita coram Rege tenenda, &c.*

Justice of the Forest (*Justiciarius Foresta*) is also a *Lord* by his Office, and hath the Hearing and Determining all Offences within the *Forest* committed against Venison or Vert: Of these there are two, whereof the one hath Jurisdiction over all the *Forests* on this Side *Trent*, and the other over all beyond. The chiefest Point of their Jurisdiction consists in the *Articles* of the King's Charter, called *Charta de Foresta*, made 9 *Hen.* 3. See *Cam. Britan. pag.* 214. The Court where this *Justice* sits is called the *Justice Seat of the Forest*, held once every three Years. See *Manwood*, *par.* 2. *pag.* 121, & 154. He is also called *Justice in Eyre of the Forest*. This is the only *Justice* that may appoint a Deputy by Stat. 32 *Hen.* 8. *cap.* 35.

Justice of the Hundred, *Justiciarius Hundredi.*) *Erat ipse* Hundredi Dominus, *qui & Centurio & Centenarius, Hundredique Aldermannus appellatus est. Præerat omnibus* Hundredi *Friborgis, cognovitque de causis majusculis, quæ in eisdem finiri non potuerunt.* Spelm.

Justicements, (Fr.) all Things belonging to Justice. *Coke's 2 Inst. fol.* 225. Also the Effects or Execution of Justice, or of Jurisdiction.

Justices of Assise (*Justiciarii ad capiendas Assisas*) are such as were wont, by special Commission, to be sent (as Occasion was offered) into this or that Country to take *Assises* for the Ease of the People. And it seems the *Justices* of the *Common Pleas* had no Power to take *Assise* until the Statute of 8 *Rich.* 2. *cap.* 2. for by that they are enabled thereto, and to deliver Gaols. And the *Justices* of the *King's Bench* have by that Statute such Power affirmed unto them as they had one hundred Years before. Of later Years these Commissions, *Ad Capiendas Assisas*, are executed in the *Lent* and long Vacation, when the *Justices* and Lawyers are most at Leisure to attend them. Hence the Matters accustomed to be heard by more general Commission of *Justices in Eyre*, are heard all at one Time with the *Assises*; which was not so of old, as appears by *Bracton, lib.* 3. *cap.* 7. *num.* 2. Yet no *Justice* of either *Bench*, nor any other, may be *Justice of Assise* in his own Country. *Anno* 8 *Rich.* 2. *cap.* 2. and 33 *Hen.* 8. *cap.* 24. And these, who are in one Word called *Justices of Assise*, and twice every Year go the Circuit by two and two through all *England*, have one Commission to take *Assises*, another to deliver *Gaols*, another of *Oyer and Terminer*, *&c.* See *Assise*, and *Cromp. Jurisd. fol.* 210. That *Justices of Assise*, and *Justices in Eyre*, did anciently differ, appears *Anno* 27 *Edw.* 3. *cap.* 5. And that *Justices of Assise*, and *Justices of Gaol Delivery* were divers, is evident by *Anno* 4 *Edw.* 3. *cap.* 3. The Oath taken by *Justices of Assise* is all one with that taken by the *Justices* of the *King's Bench*. *Old Abridgment of Statutes, tit. Sacramentum Justiciariorum.*

Justices in Eyre (*Justiciarii Itinerantes, alias Errantes, alias Perlustrantes,*) are so termed of the old *French* Word *Erre*, i. e. *Iter*; as, *à Grand Erre*, i. e. *Magnis Itineribus*, proverbially spoken. These in ancient Time were sent with Commission into divers Counties, to hear such Causes specially as were termed the Pleas of the Crown; and that for the Ease of the Subject, who must else have been hurried to the Courts at *Westminster*, according to their several Jurisdictions, if the Cause were too high for the County-Court. These Justices (according to *Gwin*, in his Preface to his *Reading*) were anciently sent but once in seven Years; with whom *Horn* (in his *Mirror of Justices*) seems to agree, *Lib.* 2. *cap. Queux poiut estre actors, &c.* and *Lib.* 3. *cap. De Justices in Eyre*, where he also declares what belonged to their Office; but that they were sent oftner, see *Orig. Jurisdiciales*. Tho' *Camden* says they were instituted by *Henry* II. yet certainly they were of greater Antiquity, as you may see in the *Mirror, cap.* 2. *sect.* 15. and were much like the *Justices of Assise* at this Day, although for Authority and Manner of Proceeding far different. *Coke on Littl. fol.* 293. *b.* and 2 *Inst. fol.* 498.

Justices of Gaol Delivery (*Justiciarii ad Gaolas deliberandas*) are such as are sent with Commission to hear and determine all Causes appertaining to those, who for any Offence are cast into the *Gaol*; Part of whose Authority, is to punish such as let to Mainprise those Prisoners who by Law are not bailable, *Fitz. Nat. Br. fol.* 151. These probably in ancient Time were sent into the Counties upon this Occasion: But afterwards *Justices of Assise* had this in Commission also. *Anno* 4 *Edw.* 3. *cap.* 3. Their Oath is all one with other of the King's *Justices* of either Bench.

Justices of the Jews, (*Justiciarii ad Custodiam Judæorum assignati.*) King *Richard* I. after his Return out of the Holy Land, *Anno* 1194. appointed particular Justices, Laws, and Orders, for preventing the Frauds, and regulating the Contracts and Usury of the Jews. *Hoveden, parte post p.* 745. *Claus.* 3 *Edw.* 1. *M.* 19.

Justices of Labourers were *Justices* appointed in former Times to redress the Frowardness of Labouring Men, who would either be idle, or have unreasonable Wages. *Anno* 21 *Edw.* 3. *cap.* 1. 25 *ejusdem, cap.* 8. and 31 *ejusdem, cap.* 6.

Justices of Nisi Prius are now all one with *Justices of Assises*: For it is a common Adjournment of a Cause in the *Common Pleas* to put it off to such a Day, *Nisi prius Justiciarii venerint ad eas partes ad capiendas Assisas*. Upon which Clause of Adjournment they are called *Justices of Nisi prius*, as well as *Justices of Assises*, by reason of the Writ or Action they have to deal in. Their Commission you may see in *Cromp. Jurisd. fol.* 204. Yet he makes this Difference between them; because *Justices of Assise* have Power to give Judgment in a Cause, and *Justices of Nisi prius* only to take the Verdict. But in the Nature of both their Functions, this seems to be the greatest Difference, That *Justices of Nisi prius* have Jurisdiction in Causes Personal, as well as Real; whereas *Justices of Assise*, in strict Acception, deal only in the Possessory Writs, called *Assises*. *Cowel.*

Justices of Oyer and Terminer (*Justiciarii ad audiendum & terminandum*) were *Justices* deputed upon some special or extraordinary Occasion to hear and determine some particular Causes. *Fitz.* (in his *Nat. Br.*) saith, The Commission of *Oyer and Terminer* is directed to certain Persons, upon any Insurrection, heinous Demeanor or Trespass committed. And because the Occasion of granting this Commission should be maturely weighed, it is provided by the Statute 2 *Edw.* 3. *cap.* 2. That no such Commission ought to be granted, but that they shall be dispatched before the *Justices* of the one Bench, or the other, or *Justices Errants*, except for horrible Trespasses; and that by special Favour of the King. The Form of this Commission see in *Fitz. Nat. Br. fol.* 110.

Justices of the Pavilion (*Justiciarii Pavilonis*) are certain Judges of a *Pyepowder Court*, of a most transcendent Jurisdiction, held under the Bishop of *Winchester* at a Fair on *St. Giles's-Hill*, near that City, by Vertue of Letters Patent granted by *Richard* the Second and *Edward* the Fourth. *Episcopo* Wynton *& successoribus suis, à tempore quo, & Justiciariis suis, qui vocantur* Justiciarii Pavilonis, *cognitionem placitorum & aliorum negotiorum ead. in Foris Durante, nec non clausi portarum & custodiam prædictæ Civitatis nostræ* Wynton. *pro certo tempore Foriæ illius, & nonnullas alias libertates, immunitates & consuetudines habuisse, &c.* See the *Patent* at large in *Prynne's Animad.* on 4 *Inst. fol.* 191.

Justices of the Peace (*Justiciarii ad Pacem*) are those who are appointed by the King's Commission to attend the Peace of the County where they dwell; of whom some, for special Respect, are made of the *Quorum*, because Business of Importance may not be dispatched without the Presence or Assent of them, or one of them. See *Quorum*. The Office and Power of these is various, and grounded upon several Statutes, too long to recite. They were called *Guardians of the Peace* till the thirty sixth Year of *Edward* the Third, *cap.* 12. where they are called *Justices*. *Lamb. Eiren. lib.* 4. *cap.*

cap. 19. *pag.* 578. See *Shepherd's Sure Guide for Justices of Peace.*

Justices of Peace within Liberties (*Justiciarii ad Pacem infra Libertates*) are such in Cities, and other Corporate Towns, as those others of the Counties; and their Authority or Power is all one within their several Precincts. *Anno* 27 *H.* 8. *c.* 25.

Justices of Trail-baston were Justices appointed by King *Edward* the First, *Anno* 1305, upon Occasion of great Disorders in the Realm, during his Absence in the *Scottish* and *French* Wars. They were so called, according to *Hollinshead*, of *trailing* or drawing the Staff of Justice, or for their summary Proceeding, according to *Coke*, 12 *Rep. fol.* 25. where it is said they were in a Manner *Justices in Eyre*, and their Authority founded on the Statute of *Ragman*. What their Office was, take from a coetaneous Author: *Circa hæc tempora processit in publicum novæ inquisitionis breve, quod anglicè dicitur* Trail-baston, *contra Intrusores, Conductitios hominum vapulatores, conductitios seisinæ captores, pacis infractores, raptores, incendiarios, murduratores, pugnatores. Multi hoc perempti, multi redempti, multi nocii, pauci innoxii sunt inventi. Adeo quidem rigidè processit hujus coertionis justitia, quod pater proprio filio non parceret, &c. dira multa.* Hist. Roffens. fol. 200. de Anno 1305. By Means of which Inquisitions many were punished by Death, many by Ransom, many fled the Realm, which was thereby quieted, and the King gained great Riches towards the Support of his Wars. See *Matth. Westm. in Anno* 1305. We find also a Commission of *Trail-baston coram Rogero de Grey & Sociis suis Justic. apud St. Albanum, Anno Regni Regis Edw. tertii post Conquestum* 5. See *Spelm. Gloss. verbo Trail-baston.*

Justiciar, (Fr. *Justicier*,) a Justice, or Justicer. The Lord *Bermingham*, *Justiciar* of *Ireland*. *Crom. Angliæ.*

Justiciarii *ad Placita transgressionum Monetæ audienda & terminanda.* Claus. 7 Edw. 1. M. 6. de Judæis.

Justiciatus. *Nos, quantum in ipsis est, de nostro Domino & alto* Justiciatu, *quæ ibidem optinere, nosciminus excludendo.* Pat. 31 Edw. 3. Par. 1. M. 19. intus. Judicature, Prerogative, or Jurisdiction.

Justicies is a Writ directed to the Sheriff, for the Dispatch of *Justice* in some special Cases in his County-Court, of which by his ordinary Power he cannot hold Plea there. *F. N. B. fol.* 117. *Kitchin, fol.* 74. says, That by this Writ the Sheriff may hold Plea of a great Sum, whereas of his ordinary Authority he cannot hold Pleas but of Sums under forty Shillings; with whom *Crompton* agrees, *fol.* 231. It is called a *Justicies*, because it is a Commission to the Sheriff *Ad justiciandum aliquem*, to do a Man Justice or Right, and requires no Return or Certificate of what he hath done. *Bracton, lib.* 4. *tract.* 6. *cap.* 13. *num.* 2. makes mention of a *Justicies* to the Sheriff of *London* in a case of Dower. See the *New Book of Entries, verbo Justicies.*

Justificare, To pass Judgment. *Et totam aliam terram habeat & terra habitatores sub se & justificet.* Brompton. Du Fresne.

Justification (*Justificatio*) is a Maintaining or Shewing a good Reason in Court, why one did such a Thing, which he is called to answer; as, to *justify* in a Cause of Replevin. *Broke, tit. Replevin.*

Justificatores, (*Justificatores.*) *Will. Rex Angliæ H. Camerario & Justificatoribus suis, omnibus, suis fidelibus Norf. salutem. Inquirite per Comitatum, qui justitiæ hujusmodi forisfacturam haberet, tempore Patris mei, sive Abbas Ramesiæ sive antecessor W. de Albinio. Et si Comitatus concordaverit quod Abbas rectius prædictam forisfacturam debet habere, tunc præcipio ut C. solidi quos Radul. Passel. implacitavit, sine mora Abbati reddantur. T. Episcopo Dunelmensi.* Sir *Henry Spelman* leaves it thus without Explication. *Justificators* seem to signify *Compurgators*, or those that by Oath *justify* the Innocency, Report, or Oath of another, as in the Case of *Waging Law*. Also Jurymen, because they *justify* that Party on whose Behalf they give their Verdict.

Justitia was anciently used for a Judge, and sometimes for a Statute, Law, or Ordinance. *Richardus Dei Gratia. Sciatis, Nos, de communi proborum virorum consilio, fecisse has* Justitias *subscriptas.* Hoveden, pag. 666.

Justitia is often taken for Jurisdiction, or the Office of a Judge. *Leg. Edw. Conf. cap.* 26. Justitia *cognoscentis Latronis sua est de homine suo.*

Justitia, he who now is called *Justitiarius* was formerly called *Justitia, i. e.* a Judge. *Leg. Hen.* 1. *cap.* 42. *A Rege vel* Justitiâ *ejus vel à Communi utrumque Domino submoneatur.*

Justitias facere is to hold Plea of any Thing. Mr. *Selden*, in his *Notes* upon *Eadmerus*, mentioning that Plea which was held at *Pinnenden* between Archbishop *Lanfranck* and *Odo* Bishop of *Bayeux*, tells us, *Huic placito interfuerunt Goisfredus Episcopus Constantiensis, qui in loco Regis fuit, & Justitiam illam tenuit, Lanfrancus Episcopus qui & dictum est placitavit & totum dirationavit, &c.*

Justitium, a ceasing from the Prosecution of Law, and exercising Justice in Places Judicial. The *Vacation. LL. Canuti.*

K.

Kalendar-Month (mentioned in the Statute 16 *Car.* 2. *cap.* 7.) consists of thirty or thirty one Days, according to the *Kalendar*. A *Twelvemonth* in the singular Number includes all the Year; but *twelve Months* shall be computed according to twenty eight Days to every Month. See *Coke, lib.* 6. *fol.* 61. *b. Catesby's* Case, and see *Computation.*

Kalends, the Beginning of a Month.

Kantref, (Brit.) In *Wales*, it signifies a hundred Villages. *Le premer Conqueror des treis* Kantrefs *de la tere de Breckenoch, estoit Bernard de Nesmarche, Norman.* Mon. Angl. 1 Par. fol. 319. b. See *Cantred.*

Karle, (Sax.) a Man; and sometimes a Servant or Clown. Hence the *Saxons* called a Seaman a Buscarle, and a Domestick Servant Huscarle. This Word is often found in *Domesday, Selden's Mare Clausum*, and other ancient Records. From hence, by Corruption, comes our modern Word *Churle.*

Karpie, Meat sliced in small Pieces. *Minutis quidem qui de suâ consuetudine pastillis carneis vescebantur, &c. congestum quoddam ferculum, &c. ipsi in commune cumulavit: Quod more Normannorum* Karpie *nominavit.* Du Fresne.

Karrata fæni, (*Mon. Angl.* 1 *Par. fol.* 548. *b.*) a Cart-load of Hay. See *Caretta.*

Karpus, *i. e.* Lent. Fr. *Carême.* (Lat. *Quadragesima.*)

Kay, (*Keia & Caya.* Sax. Cæg. Teut. Kay.) *Area, in littore merandarum atque emerandarum navium causa, è compactis tabulis trabibusque (navium instar) firmata.* A Wharf to land or ship Goods or Wares at. The Verb *Caiare*, in old Writers, signifies (according to *Scaliger*) To keep in, or restrain; and so is the Earth or Ground where *Kays* are made with Planks and Posts. *Nunc illa cursus aquæ per fossas & inundationes Tamatorum, & ut varia*

varias perturbationes in prædicta aqua factas, & maximè per exaltationem Cape, *& diversionem aquæ, quam ipsi de Novo Templo, fecerunt ad Molendina sua extra Castra Baignard, quod naves prædictæ minimè intrare possunt, sicut solebant.* Pla. & Petitiones in Parl. Anno 35 Edw. 1.

Kayage, (*Kaiagium,*) *Portorium quod* Kaiæ *nomine, exigit Telonarius.* The Money or Toll paid for loading or unloading Wares at a *Kay* or Wharf. *Rot. Pat.* 1 *Edw.* 3. *m.* 10. and 20 *Edw.* 3. *m.* 1.

Kedel, (*Anno* 12 *Edw.* 4. *cap.* 7.) See *Kiddle.*

Keelage. See *Killagium.*

Keeper of the Forest (*Custos Foreste*) is also called *Chief Warden of the Forest*, and hath the principal Government of all Things, and the Check of all Officers thereto belonging: And the Lord Chief Justice in *Eyre* of the *Forest*, when it pleaseth him to keep his *Justice Seat*, sends out his general Summons to him forty Days before, to warn all Under-Officers to appear before him at a Day assigned in the Summons. *Manw. par.* 1. *p.* 156, *&c.*

Keeper of the Great Seal (*Custos Magni Sigilli*) is a Lord by his Office, stiled *Lord Keeper of the Great Seal of* England, and is of the King's Privy Council, through whose Hands pass all Charters, Commissions, and Grants of the King, under the *Great Seal.* Without which Seal, many of those Grants and Commissions, as to divers Particulars, are of no force in Law; the King's *Great Seal* being as the Publick Faith of the Kingdom, in the high Esteem and Reputation justly belonging and attributed thereunto. This *Lord Keeper*, by the Statute 5 *Eliz. cap.* 18. hath the same Place, Authority, Preheminence, Jurisdiction, Execution of Laws, and all other Commodities and Advantages as the *Lord Chancellor* of *England* hath. Both these great Officers cannot properly be at the same Time, since the said Statute; but before they might: Yet Sir *Francis Bacon* was made *Lord Keeper*, 7 *Martii*, 1616. the Lord Chancellor *Egerton* then living, but died the next Day. He is made *Lord Keeper of the Great Seal, Per Traditionem Magni Sigilli sibi per Dominum Regem*, and by taking his Oath. 4 *Inst. fol.* 87.

Keeper of the Privy Seal, (*Custos privati sigilli*) is a Lord by his Office, through whose Hands pass all Charters signed by the King before they come to the Great Seal, and some Things which do not pass the Great Seal at all. He is also of the King's Privy Council, and was anciently called *Clerk of the Privy Seal*, *Anno* 12 *Rich.* 2. *cap.* 11. *Gardien del Privy Seal*, in *Rot. Parl.* 11 *Hen.* 4. *num.* 28. And *Lord Privy Seal*, *An.* 34 *H.* 8. *c.* 4.

Keepers of the Liberties of England, by Authority of Parliament. See *Custodes Libertatis.*

Keeper of the Touch, (*Anno* 12 *Hen.* 6. *cap.* 14.) seems to be that Officer in the King's Mint, which at this Day is called *Master of the Assay.* See *Mint.*

Kenchester. See *Ariconium.*

Kendall Barony. See *Concagii.*

Kenegild, (*Sax.*) Spel. de Concil. 1 Tom. fol. 406. See *Cenegild.*

Kennets, a sort of coarse *Welsh* Cloth, mentioned *Anno* 33 *Hen.* 8. *cap.* 3.

Kenninga. See *Cenninga.*

Kerhere is a Word mentioned in *Bundello Escheat, Anno* 3 Edw. 1. N° 29. viz. *Inquisitio & extenta terrarum & tenementorum quæ fuerunt Roberti de Montraltò nuper defuncti in Reseng in Norfolk, &c. Item de quædam consuetudine quæ vocatur* Kerhere *ad festum S. Michaelis* 12 *denar. i. e.* a Custom to have a Cart-way.

Kernellatus, (from the Lat. *Crena*, a Notch.) *Et Dux* (sc. Lanc.) *dicit, quod ipse clamat pro se & hæredibus suis habere Castrum suum de* Halton, Kernellatum. *Pl. de quo Warr. apud Cestriam*, 31 *Edw.* 3. Fortified or Embattelled. *Rostormel. Erat ibidem quoddam Castrum duplici muro* Kernellatum, *&c.* Survey of the *Dutchy* of *Cornwal.*

Kerneys, idle Persons, Vagabonds. *Nec non de illis qui dicuntur* Idle-men, *& Malefactoribus, qui etiam* Kernys *dicuntur.* Pat 5 Ed. 3. pag. 1. m. 25. & Ord. Hibern. 31 Edw. 3. m. 11, 12.

Keples or **Keeles**, (*Cyuli* or *Ciules*) a kind of long Boats of great Antiquity, mentioned *Anno* 23 *Hen.* 8. *cap.* 18. *Longæ Naves quibus Britanniam primò ingressi sunt Saxones.* Spel.

Kidder, (*Anno* 5 *Eliz. cap.* 12.) Every Person being a common Badger, Kidder, Lader, or Carrier, says the Statute; whereby it seems to signifie one that badges or carries Corn, dead Victuals, or other Merchandise up and down to sell; called also *Kiddiers*, *Anno* 13 *Eliz. cap.* 25.

Kiddiers. (*Anno* 13 *Eliz. cap.* 25.) See *Kidder.*

Kiddle, **Kidel**, or **Kedel**, (*Kidellus*) a Dam, or open Wear in a River, with a Loop or narrow Cut in it, accommodated for the laying of Weels or other Engins to catch Fish. 2 *Part. Instit. fol.* 38. *Augustius, machinas sive ingenia in fluminibus posita ad Salmones aliosque pisces intercipiendos.* Fishermen corruptly call them *Kettles.* The Word is ancient, for in *Magna Charta, cap.* 24. we read thus, *Omnes Kidelli deponuntur de cætero penitus per Thamesiam & Medewayam & per totam Angliam, nisi per costeram Maris.* And in a Charter made by King *John*, Power was granted to the City of *London*, *De* Kidellis *amovendis per Thamesiam & Medewayam. Anno* 1 *Hen.* 4. *cap.* 12. it was accorded, (*inter alia*) That a Survey should be made of the Wears, Mills, Stanks, Stakes, and *Kidels*, in the great Rivers of *England. Inq. capt. apud Derb.* 15 *Nov.* 1 *Eliz. post mortem* Thomæ Fyndern, &c. *Et fuit seisitus de uno* Kidello *vocat.* a Were, *ac de libera piscaria in Potlok.* Est. Bundello 3.

Kilderkin, the eighth Part of an Hogshead.

Kilketh was an ancient servile kind of Payment; For, in an old Manuscript, I find *Kilketh pro qualibet husbandrea* 2 *denar.*

Killagium, Keelage. *Robertus de Brus habet apud* Hertelpole, *Portum maris, & capit ibi* Killagium, *scil. de qualibet navi cum Catello applicante ibi, octo denar. & de qualibet navi sine Catello quatuor denar.* Rot. Parl. 21 Edw. 1. tit. *Northumberland.*

Killythallion, is where a Lord of a Manor was bound by Custom to provide a *Stallion* for the Use of his Tenants Mares. *Spelm.*

Kilth. *Ac omnes annuales redditus de quadam consuetudine in Ewyas-Lacy vocat.* Kilth. Pat. 7 Eliz. pag. 7. *Spelman* confesseth he did not know the Meaning of the Word.

King of Heralds (*Rex Heraldorum*) is a Chief Officer at Arms, that hath the preheminence of the Society: Among the *Romans* he was called *Pater patratus.* See *Herald.*

King of the Minstrels, at *Tutbury* in *Com. Staff.* his Power and Privilege appears in the following Charter:

JOhan. *par le grace de Dieu, Roy de* Castile *& de* Leon, *Duke de* Lancastre, *a touts ceux, que cestes nos lettres verront ou orront saluz. Saches nous avoir ordonez constitut. & assignez nostre bien ame* N. N. *le* Roy des Ministraulx *deins nostre Honeur de* Tuttebury *quare est, ou qui pur le temps serra, pur prendre & arrester*

arrester touts les Ministraulx *deins meisme nostre Honeur & Franchise, queux refusont de faire lour services & Ministralcie as cux appurtenants, a faire de ancient temps a* Tuttebury *suisdit annuelment les jours del Assumption de nostre Dame. Donants & grantants au dit* Roy des Ministraulx *pur le temps estant plein poier & mandement de les faire resonablement, justifier & constrener de faire lour services &* Ministralcies *en maner come appeint, & come ttlonques ad este use & de ancient temps accustome. En testimoigniance de quel chose nous avons fait faire cestes nos Letres Patents, don souz nostre Privie Seal a nostre Castel de* Tuttebury *le xxii jour de* Auguſt *le an de Regne nostre tresdulces le Roy* Richard *Second, quart.* Confirmed by *Hen.* 6. 22 *Febr.* 21 *Regni.*

Item est ibidem quædam Consuetudo quod Histriones, *venientes ad matutinas in festo Assumptionis Beatæ Mariæ, habebunt unum Taurum de Priore de* Tuttebury, *si ipsum capere possunt citra aquam* Dove *propinquiorem* Tuttebury, *vel Prior dabit eis xl d. pro qua quidem Consuetudine dabuntur Domino ad dictum Festum annuatim xx d.* Mon. Angl. 1 Par. fol. 355. *b.* See *Minstrels* and *Fragmenta Antiq.*

King's Bench, (*Bancus Regius*, from the *Sax.* Banca, a Bench or Form,) is the Court or Judgment Seat, where the King of *England* was sometimes wont to sit in his own Person, and was therefore moveable with the Court or King's Houshold, and called *Curia Domini Regis*, or *Aula Regis*; wherein, and in the Exchequer, (which were the only Courts of the King till *Henry the Third's* Days) were handled all Matters of Justice, as well civil as criminal. This Court was wont in ancient Times to be especially exercised in all criminal Matters and Pleas of the Crown, leaving private Contracts and civil Actions to the *Common Pleas* and other Courts. *Glanvil, lib.* 1. *cap.* 2, 3, &c. *Smith de Repub. Angl. lib.* 2. *cap.* 11. See *Coke's* 4 *Inst. fol.* 70.

King's Silver is that Money which is due to the *King* in the Court of Common Pleas, *pro licentia concordandi*, in respect of a Licence there granted to any Man for levying a Fine, *Coke, Vol.* 6. *fol.* 39. a. & 43. b. & 2 *Inst. fol.* 511.

King's Swanheard, (*Magister deductus Cignorum.*) Pat. 16 R. 2. pars 1. m. 38. *Radulphum Scot*, Custodem Cignorum nostrorum, *sive per alium quemcunque qui pro tempore Custos cignorum nostrorum prædictorum fuerit.* No Fowl can be a Stray but a *Swan.* 4 *Inst. fol.* 280.

Kintal (Span. *Quintal*) is a kind of Weight, most commonly of one hundred Pounds, or something under or over, according to the divers Uses of sundry Nations. *Plowden, fol.* 3. in the Case of *Renynger* and *Fogassa*, mentions 2000 *Kintals* of Woad. *Item duodecim Denarios de quolibet cera* Quintallo. Charta 31 Edw. 1. M. 4.

Kipper-time. That no Salmon be taken between *Gravesend* and *Henly* upon *Thames* in *Kipper-time, viz.* between the Invention of the Cross, (3 *May*,) and the Epiphany. *Rot. Parl.* 50 *Edw.* 3.

Kirkby's Quest is an ancient Record remaining with the Remembrancer of the Exchequer, the Meaning and Etymology whereof will appear by what follows. *Md. quod Anno Dom.* 1277, *Anno Regni Regis* Edwardi *filii Regis* Henrici *quinto, misit idem Rex per totam Angliam Ballivos inquirere sub juramento & in secreto de universis terris* Angliæ *per* Johannem de Kirkby *Thesaurarium suum, quisquis teneret & cujus feodi, & quantum, & cujus Regis tempore feoffati essent.* Ex Registro Glaston. Cænobii penes Rad. Sheldon Ar. fo. 71. *b.*

Kirkmote, a Synod; sometimes 'tis taken for a Meeting in the Church or Vestry.

Knave (Sax. Cnapa) is used for a Man-Servant, *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 3. It did anciently signifie a Child; also a Minister or Servant. *Matth.* 8. 6. *Puer meus jacet in domo paralyticus*, was in the *Saxon* Translation turned myn Cnapa. Hence scylb Cnapa, pro, *Armigero, quasi scuti famulus seu minister*; he that bore the Weapon or Shield of his Superior. It was sometimes of old used as a titular Addition. *Johannes filius Willielmi Couper de Denby* Knave, *ad satisfaciendum Regi de omni eo quod ad Regem pertinet, occasione cujusdam Utlagariæ in ipsam in placito transgressionis ad sectam Regis promulgata.* Original. de Anno 22 Hen. 7. 36. Derby. There is a common Error, that *Rom.* 1. 1. is translated, *Paul* a *Knave* of Jesus Christ: It was occasioned by a Bible in the Duke of *Lauderdale's* Library, where the word *Kneawe* was writ in lesser Characters than the other, and a Razure might easily be discerned; but in the Earl of *Oxford's* Library, *Rev.* 1. 1. 'tis said, to his *Knight John. Fortesc.* 42. See *Strumpet.*

Knight, (*Sax.* Cnyht, Fr. *Chevalier*, Lat. *Miles, Eques Auratus*, from his *gilt* Spurs usually worn, and thence called anciently *Knights of the Spur.*) In its Original it properly signified a Servant; but there is now but one Instance where 'tis taken in that Sense, and that is Knight of a Shire, who properly serves in Parliament for such a County; but in all other Instances it signifies one that bears Arms, who, for his Virtue and Martial Prowess, is by the King, or one having his Authority, exalted above the Rank of Gentlemen to a higher Account or Step of Dignity. The manner of making them, *Camd.* in his *Britan.* thus shortly expresseth: *Nostris vero temporibus, qui Equestrem dignitatem suscipit, flexis genibus leviter in humero percutitur, Princeps his verbis Gallice affatur*; Sois vel sois Chevalier au nom de Dieu, i. e. *Surge aut sis Eques in nomine Dei.* This is meant of *Knight-Bachelers*, which is the lowest, but most ancient Degree of Knighthood with us. By the Stat. 1 *Ed.* 2. *cap.* 1. all Gentlemen having a full Knights Fee, and holding their Land by Knights-Service, might be compelled to be made *Knights*: But that is repealed by 17 *Car.* 1. *cap.* 20. The Privilege belonging to a *Knight*, see in *Fern's Glory of Generosity, pag.* 116. Of Knights, there are two Sorts; one *Spiritual*, so called by Divines in regard of their Spiritual Welfare; the other *Temporal. Cassanæus de gloria mundi, Par.* 9. *Considerat.* 2. See *Selden's Titles of Honour, fol.* 770. Chief Justice *Popham* affirmed, he had seen a Commission granted to a Bishop, to *Knight* all the Parsons in his Diocese. *Godbolt's Rep. fol.* 398. Of the several Orders, both of *Spiritual* and *Temporal* Knights, see Mr. *Ashmole's Instit. of the Knights of the Garter.* He who served the King in any Civil or Military Office or Dignity, was formerly called *Miles*: 'Tis often mentioned in the old Charters of the *Anglo Saxons*, which are subscribed by several of the Nobility, *viz.* after Bishops, Dukes and Earls, *per A. B. militem*, where *Miles* signifies some Officer of the Court, as Minister was an Officer to Men of Quality. Thus we read in *Ingulphus, De dono F. quondam militis Kenulfi Regis, fo.* 860.

Afterwards the Word was restrained to him who served only upon some military Expedition, or rather to him who by reason of his Tenure was bound to serve in the Wars, and in this Sense the

Word *Miles* was taken *pro vassalo*. Thus in the Laws of *William the Conqueror*, *Manibus ei sese dedit, cuncta sua ab eo ut miles a Domino recepit.*

And he who by his Office or Tenure was bound to perform any military Service, was furnished by the Chief Lord with Arms, and so *adoptabatur in militem*, which the *French* call *adouber*, and we to *dub* such a Person a Knight.

But before they went into the Service, it was usual to go into a Bath and wash themselves, and afterwards they were girt with a Girdle; which Custom of Bathing was constantly observed, especially at the Inauguration of our Kings, and then those Knights were made, who for that Reason were called *Knights of the Bath.*

Knighten 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 Manors, and their Tenants, holding by *Knights-Service* of the Honor of that Bishoprick, are Suiters; which Court is mentioned in *Butterfeild's Survey, fol.* 244. If the Suiter appear not at it, he pays 2 *s. Suit-Silver* for respit of Homage.

Knighten-gyld was a *Gyld* in *London*, consisting of nineteen Knights, which King *Edgar* founded, giving them a Portion of void Ground lying without the Walls of the City, now called *Potsoken-ward. Stow's Annals, pag.* 151. This, in *Mon. Ang.* 2. *p. fol.* 82. a. is written **Cnittenegild.**

Knights Baneret. See *Baneret. John Coupeland* (for his valiant Service against the *Scots*) had the Honour of *Baneret* conferred on him and his Heirs for ever by Patent, 29 *Edw.* 3. *part* 1. *m.* 2.

Knights of the Bath, See the Antiquity and Ceremony of their Creation in *Dugdale's* Antiquities of *Warwickshire, fol.* 531, 532. They are so called from their *Bathing* the Night before their Creation; Their Place is before *Knights Batchelers*, and after *Baronets.*

Knights of the Chamber, (*Milites Cameræ.*) mention'd in 2 *Inst. fol.* 666. and in *Rot. Pat.* 29 *Edw.* 3. *par.* 1. *m.* 29. seem to be such *Knights Batchelers* as are made in Time of Peace, because Knighted commonly in the King's *Chamber*, not in the *Field*, as in Time of War.

Knights Fee (*Feodum Militare*) is so much Inheritance, as is sufficient Yearly to maintain a *Knight* with convenient Revenue; which in *Henry the Third's* Days was 15 *l. Cam. Britan. pag.* 111. But Sir *Thomas Smith*, in his *Repub. Angl. lib.* 1. *cap.* 18. rates it at 40 *l.* And by the Stat. for *Knights*, 1 *Edw.* 2. *cap.* 1. such as had 20 *l. per Ann.* in Fee; or for Life, might be compelled to be *Knights*; which Statute is repealed by 17 *Car.* 1. *cap.* 20. *Stow*, in his *Annals, pag.* 285. says, There were found in *England*, at the Time of the *Conqueror*, 60211 *Knights Fees*; according to others, 60215; whereof the Religious Houses, before their Suppression, were possessed of 28015. *Octo Carucatæ terræ faciunt* feodum unius militis. *Mon. Angl.* 2 *p. fol.* 825. a. Of this, you may read more in *Selden's Titles of Honour, fol.* 691. and *Bracton, lib.* 5. *Tract.* 1. *cap.* 2. See *Coke on Littl. fol.* 69. a. a *Knight's Fee* contained twelve Plow-lands, 2 *Part. Inst. fol.* 596. or 680 Acres. *Virgata terræ continet* 24 *Acras*, 4 *virgata terræ* make an Hide, and five Hides make a *Knight's Fee*, whose Relief is five Pounds.

Knights of the Garter (*Equites Garterii*, or *Periscelidis*) are an Order of *Knights* created by *Edward the Third*, after he had obtained many notable Victories, who, for furnishing this honourable Order, made Choice in his own Realm, and all Christendom, of Twenty five the most excellent and renowned Persons for Virtue and Honour; himself and his Successors, Kings of *England*, were ordained to be the *Sovereigns*, and the rest, Fellows and Brethren of this Order. *Smith de Repub. Angl. lib.* 1. *cap.* 20. The Officers belonging to it, are, The *Prelate of the Garter*, which is always the Bishop of *Winchester*; The *Chancellor of the Garter*; The *Register*; who is always *Dean of Windsor*; The Principal King at Arms called *Garter*, whose chief Function is to manage the Solemnities at their Feasts and Installations: Lastly, The *Usher* of the *Garter*, being the *Usher* of the *Black Rod.* This most honourable Society is a College or Corporation, having a Great Seal belonging to it. See *Garter.*

Knights of St. John of Jerusalem (*Milites Sancti Johannis Hierosolumitani*) had Beginning about the Year 1119, and Denomination from *John* the charitable Patriarch of *Alexandria*, though vowed to St. *John Baptist* their Patron. They had their primary Foundation and chief Abode first in *Hierusalem*, and then in the Isle of *Rhodes*, until they were expelled thence by the *Turk*, *Anno* 1523. Since which Time, their chief Seat is in the Isle of *Malta*, where they have done great Exploits against the Infidels, especially in the Year 1595, and are now called *Knights of Malta.* They had one general Prior, who had the Government of the whole Order within *England* and *Scotland. Reg. of Writs, fol.* 20. b. and was the first *Prior of England*, and sate in the Lord's House of Parliament. Of these *Knights*, Mention is made in the Stat. 25 *Hen.* 8. *cap.* 2. & 26 *ejusdem, cap.* 2. But (*Anno* 32 *Hen.* 8. *cap.* 24.) they in *England* and *Ireland* were suppressed, and their Lands and Goods referred by Parliament to the King's Disposition. See *Hospitalers.*

Knights of Malta. See *Knights of St. John, Supra.*

Knight Marshal (*Marescallus Hospitii Regis*) is an Officer of the King's House, having Jurisdiction and Cognizance of any Transgression within the King's House, and Verge of it; as also of Contracts made within the same House, whereto one of the House is a Party. *Reg. of Writs, f.* 185. a. and 191. b. and *Spelman's Gloss.* in voce *Marescallus.*

Knights of Rhodes. (*Anno* 32 *Hen.* 8. *cap.* 24.) See *Knights of St. John.*——

Knight Service (*Servitium Militare*) was a Tenure, whereby several Lands in this Nation were held of the King, which drew after it Homage and Service in War, Escuage, Ward, Marriage, *&c.* but is taken away by Stat. 12 *Car.* 2. *cap.* 24. In *Domesday* Book, some Land holden by *Knights Service* is called **Tainland**, and Land holden by Soccage, **Reveland**, *fol.* 86. a. *Servitium militare nulli nisi Regi & Regni principibus debetur.* Mat. Paris. Anno 1246.

Knights of the Shire, (*Milites Comitatus*) otherwise called *Knights of Parliament*, are two Knights or Gentlemen of Worth, chosen upon the King's Writ, *in pleno Comitatu*, by the Freeholders of every County that can dispend 40 *s. per Annum*, *Anno* 1 *Hen.* 5. *cap.* 1. and, 10 *Hen.* 6. *cap.* 2. who are in Parliament to consult in behalf of the Commons of *England*, touching the Publick Affairs of the Realm. These, when every Man had a Knight's

Knight's Fee, was customarily constrained to be a Knight, were of necessity to be *Milites gladio cincti*, for so runs the Writ at this Day. But now Custom admits *Esquires* to be chosen to this Office. *Quod* Milites Comitat. pro Parliamento *extunc eligend. sint Milites notabiles de eisdem Com. pro quibus sic eligentur, seu aliter* Notabiles Armigeri, *homines generosi de Nativitate de eisdem Com. qui sint habiles existere* Milites, *& quod nullus homo sit talis* Miles, *qui in gradu* valetti *& inferiori existit, prout in Statuto continetur*, viz. 23 H. 6. in breve de Sum. ad Parl. Claus. 39 Hen. 6. in dorso. m. 41. For the Choice of these Knights, see the Statutes 7 *Hen.* 4. *cap.* 15. 23 *Hen.* 6. *cap.* 15. with others. Their Expences are to be born by the Country, 35 *Hen.* 8. *cap.* 11. though now seldom or never required. They must have 500 *l. per Annum.*

Kylyw. *Et sint quieti de pastu & Kylyw, & omnibus aliis exactionibus, quas Forestarii & alii Balivi solent exigere.* Mon. Angl. 1 Par. fol. 722. b. Perhaps it might signifie some kind of Pottage; for so Kele, in the *North*, still signifies.

L.

Labina, watery Land; *in quâ facile* labitur: We read it in the *Monasticum*, 2 *Tom. pag.* 372. *jamque diversi Ligei nixta Hospitale noctanter transeuntes in aquis & Labinis periclitantur.*

Laborariis is a Writ that lies against such as, having not whereof to live, do refuse to serve; Or against him that refuseth to serve in Summer, where he served in Winter. *Reg. of Writs, fol.* 189. b.

Laches (Fr. *Lache*, i. e. *Frigidus, Ignavus*) signifies Slackness, or Negligence. As no *Laches* shall be adjudged in the Heir within Age, *Littl. fol.* 136. and *Old Nat. Br. fol.* 110. Where a Man ought to make or do a Thing, and he makes or does it not; *I*, of his *Laches* cannot have an Assize, but must take an Action on the Case. See *Coke on Littl. fol.* 246. b.

Lacta, a Defect in the Weight of Money: *Assisum est de monetâ quod vetus moneta currat, unde quælibet libra sit Lacta* 2 s. 6 d. *ad plus & illo libro quæ plus* lactavit, *& Denarii qui plus* lactaverint *perforentur & reddantur*, &c. From hence we derive the Word Lack. *Du Fresne.*

Lactodorum. *Stony Stratford.*

Lada, (from the *Sax.* Lade, i. e. *purgatio, excusatio.*) *Camden* uses *Water-Lade for a* Water-Course. And *Spelman* tells us, that *Lada* is a Canal to carry Water from wet Grounds, but it sometimes signifies a broad Way, *viz. Unde placitum fuit inter eos, &c. viz. quod omnes* Ladæ *quas monachi fecerint in illo mariscо obstupantur, excepta illâ magnâ* Ladâ *quæ vadit ad Wittlesmare, &c. per quam monachi adducunt Lapides ad constructionem Monasterii.* Monasticum, 1 Tom. pag. 854.

Lade, Lode, *i. e.* the Mouth of a River; from the *Sax.* Ladian, *purgare*, because the Water is there clearer; from hence *Cricklade, Lechlade*, &c.

Lædorium, *i. e.* Reproach *facetium in sermone plurimam observant dum vel sales vel* Lædoria, *nunc Levilinguâ nunc Mordaci. Girald. in descrip.* Camd. cap. 14.

Lafordswick, (*Sax.* Hlafoꝛd, *Dominus*, and ꝼyꝼc, *Proditio*) *Infidelitas erga Dominum*, a betraying one's Lord or Master. In the Laws of *Hen.* 1. *cap.* 13. *Quædam Placita emendari* (i. e. Quædam crimina expiari) *non possunt*; Hushzech, Bernet, Openthefe, Eberemorth, & Lafordswick. Which Word is also found in *Canutus's* Laws, *cap.* 61.

Laga, (*Sax.* Lag) Law. Lagam *Regis Edwardi vobis reddo, cum istis emendationibus, quibus Pater meus eam emendavit*, says *Magna Charta.* Hence *Seaxenlage, Mercenlage, Danelage*, &c.

Lagan, at first, was that Right which the chief Lord of the Fee had to take Goods which were cast on the Shore by the Violence of the Sea; but afterwards it signified a Right which any one had to Goods which were Shipwreck'd, and floating in the Sea: Thus *Bracton, viz. Quæ si in mare longius à littore inveniantur, ita ut constare non possit ad quam terram essent applicandæ tunc quicquid ita inventum fuerit, erit inventoris odeo quod in nullius bonis esse dicantur, & dicitur a nantis* Lagan. Lib. 3. cap. 2. But now *Lagan* is taken for Goods sunk in the Sea, from the *Sax.* Licgan, *cubare & non a ligando.* See *Flotsom.*

Lagedaium. See *Law-day.*

Lageman, or Lahman, (*Lagamannus*) *Homo legalis seu legitimus*; such as we call now *Good Men of the Jury.* I find the Word in *Domesday*, and in the Laws of *Edward the Confessor, cap.* 38. thus, *Postea inquisisset Justitia per* Lagamannos, *& per meliores homines de Burgo*, &c. But *in Libro Albo de Suthwel, Ulvet* the Son of *Forno* is said to have been *Lagaman* of the City of *York.* Where doubtless it signified some chief Officer, as Judge or Recorder. My Lord *Coke*, in his *Comment* on *Littleton*, Sect. 73. was of Opinion, that a *Lageman* was he who had *socam & sacum super homines suos, i. e.* who had a Jurisdiction over their Persons and Estates, and those were the *Thaines* or *Barons* of that Age; so that this *Ulvet* the Son of *Forno* might be one of the *Barons* who lived in *York.*

Somner and *Lambard* were of the same Opinion, that the Word signified the *Thaines*, called afterwards *Barons*, who sate as Judges to determine Mens Rights in Courts of Justice; as, *in Senatus consult. de Monticolis Walliæ, cap.* 3. 'tis said, let 12 *Labmen*, which *Lambard* renders Men of Law, *viz.* six *English* and six *Welsh*, do Right and Justice, *&c.*

Lagen, (*Lagena*) *Fleta, lib.* 2. *cap.* 8, 9. In ancient Time it was a Measure of six *Sextarii.* Hence perhaps our *Flagen. Donatio insuper de sex* Lagenis *olei annuatim.* Charta 2 Edw. 3. m. 25. n. 82. The Lieutenant of the *Tower* has the Privilege to take *unam* Lagenam *vini, ante malum & retro*, of all Wine-Ships that come up the *Thames.* Sir *Peter Leycester*, in his Antiquities of *Cheshire*, interprets *Lagena Vini*, a Bottle of Wine. See *Minstrel.*

Lahslit, Lagslite, Laghslite, (*Sax.* Lag, *Lex*, and ꝼlite, *Ruptio*) the breaking or transgressing the Law; and sometimes the Punishment for so doing. *Si quis Dei rectitudines per vim teneat, solvat* Lahslite *cum Dacis, plenam* Wytam *cum Anglis.* Leg. Hen. 1. cap. 13. See *Lashlite.*

Laia, the same with *Lada. Monasticum*, 1 *Tom. pag.* 483. a broad Way in a Wood.

Lairwite, Lecherwite, and Legergildum, (from the *Sax.* Lagan, *seu* Lagan, *Concumbere*, and ꝼite, *Mulcta*,) a Fine, or Custom of punishing Offenders in Adultery and Fornication; which Privilege did anciently belong to the Lords of some Manors, in reference to their Villains and Tenants: Which *Fleta* (*lib.* 1. *cap.* 47.) seems to infer. See 4 *Inst. fol.* 206. See *Childwit.* See *Witam.*

Lammas-Day (*Anno* 23 *Hen.* 8. *cap.* 4.) is the First of *August*, and so called *quasi Lamb-Mass*, because *Lambs* were not then fit to eat, they were grown too big; *aliter*, from the *Sax.* Hlafmæsse, q. d. *Loaf-Mass*, because on that Day the *English* made an Offering of Bread made with new Wheat. On which Day, the Tenants that held Lands of the Cathedral Church of *York*, (which is dedicated to St. *Peter ad Vincula*) were bound by their Tenure to bring a live *Lamb* into the Church at High-Mass on that Day. See *Gule of August*.

Lanceti. *Volo etiam quod habeant omnia amerciamenta hominum suorum, tam liberorum quam* Lancetorum *in Leta mea.* Charta Will. de Albineo Cœnobio, Wimundham. These *Lanceti* were *agricolæ quædam sed ignotæ speciei.* Spelm.

Landa, a Lawnd, or open Field, without Wood. *Robertus Comes Legrecestriæ Radulpho Pinternæ & omnibus Baronibus & fidelibus suis salutem. Sciatis me dedisse servo Dei Malgero Monacho in Eleemosina parvam* Landam, *ad Mansones & oratorium ibidem faciend. Testibus*, &c. Sine dat.

Landboc, (from the *Sax.* Land, i. e. *Terra*, and boc, *Liber*) a Charter or Deed, whereby Lands or Tenements are held or given. *Ut præfata Abbatissa prænominatam terram*, scil. *centum Manentium cum libris, quos Angli dicunt* Landboc —— *in perpetuam hæreditatem traderet.* Concil. Synodale apud Clovesho, Anno Dom. 822. *Sic Anglo-Saxones Chartas & Instrumenta nuncuparunt, prædiorum cessiones, jura & firmitates continentia.* Spel.

Land-cheap, (*Sax.* Land-ceap, from Ceapan, to buy and sell) a certain ancient customary Fine, paid either in Money or Cattle, at every Alienation of Land lying within some Manor, or within the Liberty of some Borough: As at *Maldon* in *Essex*, there is yet a Custom claim'd by the same Name, *viz.* That for certain Houses and Lands sold within that Borough, *x d.* in every Mark of the Purchase-Money shall be paid to the Town: Which Custom of Land-cheap is claimed by a Grant (*inter al.*) made to that Town by the Bishop of *London*, *Anno* 5 *H.* 4. The Word is also found in *Spel. de Concil. Vol.* 1. *fol.* 502. *Somner* in his *Sax. Dict.* says, Land-ceap, fortasse *precium fundi pacto datum vel debitum.*

Landea, a Ditch made near wet Lands, to receive the Water and carry it into the Sea: *Vera indicia & awarda faciat de Valliis*, Landeis *& Watergagiis.* Du Cange.

Landefricus, (*Somner Landesfricus*) the Lord of the Soil, or the Landlord: From the *Sax.* Land, *terra*, and Rica, *Rector*. *Et omnis emat sibi Lagam* 12 *Oris dimidium* Landefrico *dimidium Wapentako.* Leg. Ethelred, cap. 6. See *Landricus.*

Landegandman was one of the inferior Tenants of a Manor: *Custumariorum genus seu inferiorum tenentium Manerii*, says the learned *Spelman*, who adds, —*Occurrit vox in Customar. de Hecham.*

Land-gable, (*Sax.* Land-ȝafel) *Terræ census vel redditus*, a Tax, or Rent issuing out of Land. *Domesday. Census prædialis vel tributum quod à prædiis colligitur. Id est, pro unoquoque domo unum denarium.* Spelm. *Sint liberi & quieti ab omnibus Scottis & Geldis &* Landgablis, &c. *Pat.* 2 *Edw.* 3. *n.* 3. *per Inpex.* A Land-Tax.

Landimers: Landimera *autem est terræ limes vel meta.* From the *Sax.* ȝemæra, i. e. *terminus*, from hence we say *Meers.*

Landman, (*Sax.* Landeȝman, *Terricola*) the Terre-Tenant.

Landricus, a Landlord.

Land-Tenant is he that actually possesses the Land, or hath it in his Manual Occupation. *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 23. See *Terre-Tenant.*

Langabelum. See *Landgabilum.*

Langemanni. *Item in ipsa Civitate erant* 12 Langemanni, i. e. *Habentes* Socam *&* Sacam, Domesday, *tit. Lincolnscire.* Sir *Edw. Coke* writes them *Lanemanni*, and interprets them Lords of Manors; *habentes Socam & Sacam de tenentibus & hominibus suis.* 1 Inst. fol. 5. a.

Langeolum, an Under-Garment made of Wool, formerly worn by the Monks, which reached down to their Knees; so called, because *Lanea sit*: We read it in the *Monastic.* 1 *Tom. pag.* 419. *ad vestiendum autem suscipiunt, &c. duo* Langeola *& tunica Lanea.*

Lanis de crescentia Mallæ Transeundis absque Custuma, &c. is a Writ that lies to the Customer of a Port, to permit one to pass over Wool without paying Custom, because he hath paid it in *Wales* before. *Reg. of Writs, fol.* 279.

Lapis marmorius. *Qui quidem Henricus de Cliff, (Clericus Rotulorum) in magna Aula Westm. apud* Lapidem marmorium *in præsentia Domini Cancellarii, præstitit Sacramentum*, &c. Claus. Edw. 2. m. 1. Dorso. This Marble Stone is about twelve Foot long, and three 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 Coronation Dinner, and at other Times the Lord Chancellor; but over this Marble Table and Chair are now erected the Courts of Chancery and King's Bench. See *Orig. Jurid. fol.* 37.

Lapis pacis; the same with *Osculum pacis*: *Ipsa quoque sacrista, &c. recipiat ad fenestram aquam benedictam & lapidem pacis, &c.* Du Cange.

Lapse (*Lapsus*,) is a Slip or Omission of a Patron, to present a Clerk to a Benefice within six Months after it becomes void; in which Case, we say, the Benefice is in *lapse* or *lapsed.* *Anno* 13 *Eliz. cap.* 12. And this *Lapse* is incurred, as well where the Patron is ignorant of the Avoidance, as privy; except only upon the Resignation of the former Incumbent, or Deprivation upon any Cause comprehended in the same Statute: In which Cases, the Bishop ought to give Notice to the Patron.

Larceny (Fr. *Larrecin*, Lat. *Latrocinium*) is a Theft of Personal Goods or Chattels in the Owner's Absence; and in respect of the Thing stolen, it is either great or small. *Great Larceny* is when the Things stolen, though severally, exceed the Value of xii d. *Petit Larceny* is when the Goods stolen exceed not that Value. Of this, see more in *Stamf. Pl. Cor. lib.* 1. *cap.* 15, 16, 17. *Inter minuta autem furta* (says *Spelman*) *quæ Forenses vocant* Petty Larcenies, *olim habebantur equi & bovis subtractio, ut perspicuum est ex Assisis* Hen. 2. *Clarendoniæ editis, ubi sic legitur. Hac Assisa attenebit —— in murdro & proditione & iniqua combustione & in omnibus prædictis, nisi in minutis furtis & roberiis, quæ factæ fuerunt tempore guerræ, scilicet de equis & bobus & minoribus rebus.*

Larding-Money. In the Manor of *Bradford* in *Com. Wilts*, the Tenants pay to the Marquess of *Winchester*, 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 Lord's Woods; the Fat of a Hog being called *Lard.* This was called *Lardarium* in old Charters, *& decimam lardarii de Hag.* Monast. 1 Tom. 321. and those

 were

were called *Lardarii*, who were the Chief of the *Lardery*, viz. *Ragerum Lardararium summ.* Eadmerus, lib. 3. pag. 66.

Larons, (*Fr.*) Thieves. In the Statute for View of Frank-pledge, made 18 *Edw.* 2. the Fourteenth Article to be given in Charge at Leets is, Of Petty Larons, as of Geese, Hens, or Sheafs of Corn.

Lashlite, i. e. *Legis violatio*: From the *Saxon* Lah, *lex*, and hlite, *raptio*. *Si quis decimam contra teneat, reddat* Lashlite *cum Dacis*, Witam *cum Anglis*. LL. *Eccles. Aluredi Regis*. It denoted the *Danish* common Forfeiture, which was twelve *Ores*, every *Ore* valuing about xvi d. or xx d. Sterling. *Selden's Hist. of Tithes*, pag. 203.

Lassatinus is often mentioned in *Walsingham*, and signifies Assassines or Murderers. *Anno* 1271.

Last, (*Sax.*) Hlæstan, *onerare*, *Lest*, (*Fr.*) signifies a Burden in general, and particularly a certain Weight or Measure. As a *Last* of Pitch, Tar or Ashes, contains Fourteen Barrels. 32 *Hen.* 8. *cap.* 14. A *Last* of Hides or Skins, Twelve Dozen. 1 *Jac. cap.* 33. A *Last* of Cod-Fish, Twelve Barrels, 15 *Car.* 2. *cap.* 7. A *Last* of Herring, contains Twenty Cades, or Thousand; every Thousand, Ten hundred; and every Hundred, Sixscore. A *Last* of Coleseed is Ten Quarters and a half; the like of Oats. A *Last* of Corn, or Rapeseed, is Ten Quarters; in some Parts of *England*, they reckon Twenty one Quarters to a *Last* of Corn. A *Last* of Wool is Twelve Sacks. A *Last* of Leather is Twenty Dickers, and every Dicker Ten Skins. Of Unpacked Herrings, Eighteen Barrels make a *Last*. A *Last* of Pilchards is Ten thousand. A *Last* of Powder is Twenty four Firkins, every Firkin weighing a Hundred Pound. A *Last* of *Osmonds*, is Four thousand Weight. *Sed cum discederent* (mercatores) *in denarios de uno quoque* Leith *habebant Rex & Comes. St. Cestriæ*. LL. Edw. Conf. apud Selden. Tit. Hon. fol. 620.

Last also, in the *Marshes* of *East Kent*, signifies a Court held by Twenty four Jurats, and summoned by the two Bailiffs thereof, wherein they make Orders, lay and levy Taxes, impose Penalties, &c. for Preservation of the said *Marshes*. See the *Hist.* of *Imbanking and Draining*, *fol.* 54.

Lastage, **Lestage**, and **Lesting**, (*Lastagium*, from the Sax. Last, i. e. *onus*) A Custom exacted in some Fairs and Markets to carry Things bought where one will, (according to *Rastal.*) But *Anno* 21 *Rich.* 2. *cap.* 18. it is taken for the Balance or Lading of a Ship. In a Charter of *Henry* the Third, to the Monastery of *Semplingham*, thus; *Et sint quieti de Theolonio, & pontagio, & passagio, & pedagio, &* Lestagio, & *stallagio*. Where it is to be understood in the former Signification. *Omnes homines London sint quieti & liberi & omnes res eorum per totam Angliam, & per portus maris, de theolonio, & passagio, &* lastagio, & *ab omnibus aliis consuetudinibus*. Diploma Hen. 1. de Libertatibus London.

Lastage (says another Author) is properly that Custom which is paid for Wares sold by the *Last*, as *Herrings*, *Pitch*, &c.

Lastage was also used for Garbage, Rubbidge, or such like Filth, as appears by this Record; *Et quod nullus de cætero aliqua hujusmodi immunda visceralia, exitus & intestina bestiarum, aut fimos, fimaria, sterquilinia, sordes, mucos, rubbosa*, Lastagium, *aut alia sordida in aqua Thamesis ponat vel projiciat*, &c. Claus. 16 *Rich.* 2. Dors. 11.

Last Heir (*Ultimus Hæres*) is he to whom Lands come by Escheat for want of lawful Heirs, that is, the Lord of whom they are held in many Cases, but the King in others. *Quippe Rex omnium hæredum ultimus est, uti Oceanus omnium fluviorum receptaculum*. Bracton, lib. 7. cap. 17.

Lastum. See *Lathe*.

Lathe or **Leth**, (*Lastum*, *Leda*) *Sax.* Læþe) is a great part of a County, sometimes containing three or more Hundreds or Wapentakes; as it is used in *Kent*. *Suoque olim subaudiens Magistratui quem* Ledgrevium *appellabant*. *Et quod Anglice vocabant* 3 *vel* 4 *Hundreda, isti vocabant* þrihinga. *In quibusdam vero provinciis, Anglice vocabant* Læþ, *quod isti dicunt* Trihinge. *Quod autem in* Trihinge *definiri non poterat, ferebatur in* Scyram, *i. e.* in Curiam Comitatus: LL. Edw. Conf. cap. 35. *Et sint quieti de sellis Comitatuum*, Leth, *Hundred. & auxiliis Vicecomitum*. Pat. 1 Hen. 4. par. 8. m. 8.

Latimer seems to be used by Sir *Edw. Coke* for an Interpreter. 2 *Part. Inst. fol.* 515. *Camden* agrees, that it signifies a Truchman, or Interpreter, and says the word is used in an old Inquisition. *Britan. fol.* 598. and may be derived or corrupted from the Fr. *Latinier*. q. d. *Latiner*.

Latinarius, an Interpreter of *Latin*; *Godwinus accipitrarius Hugo* Latinarius. *In* Domesday.

Latitat is the name of a Writ whereby all Men in Personal Actions are called originally to the *King's Bench*. *Fitz. Nat. Br. fol.* 78. which hath this Name upon a Supposition commonly untrue, that the Defendant doth *lurk and lie hid*: For *Latitare est se maliciose occultare animo fraudandi creditores*. The true original of this Writ is this: In ancient Time, whilst the *King's Bench* was moveable, the Custom was, When any Man was to be sued, to send forth a Writ to the Sheriff of the County of *Middlesex*, where the Court was resident, called a *Bill of Middlesex*, to take him; whereupon the Sheriff returned, *Non est inventus in Balliva nostra*, &c. Then was a second Writ sued forth, that had these Words, *Cum Testatum est quod Latitat*, &c. And thereby the Sheriff willed to attach him in any other Place where he might be found: And when the Tribunal of the *King's Bench* came to be settled at *Westminster*, the former Course of Writ was kept for a long Time, first sending to the Sheriff of *Middlesex* to summon the Party; and if he could not be found there, then to apprehend him wheresoever: But afterwards, by the Contrivance of Clerks, and upon a Pretence of Expedition of Justice, it was at last devised to put both these Writs into one, and so to attach the Party complained of, upon a Supposal or Fiction, that he was not within the County of *Middlesex*, but lurking elsewhere; and that therefore he was to be apprehended in any Place else, where he was presumed to *lie hid*, by a Writ directed to the Sheriff of the County where he is suspected to be.

Latro, (*Latrocinium*,) he who had the sole Jurisdiction in a particular Place *de Latrone*. 'Tis mentioned in *Leg. W.* 1. *viz. Sciatis quod Abbati Ailiß socam teloneum &* Latronem *habere concedo*. So in *Charta Hen.* 1. *apud Spelman*, *Sacam & Socam habere in totam terram suam &* Latrocinium.

Lavatres. *Bowes* upon *Stanmore*.

Laudare, To advise, or rather To persuade. *Et* Laudatum *est Rigi quatenus consuetudines justas non aufferret*. Leg. Edw. Conf. cap. 39. So in *Jeffery Monmouth*, *lib.* 1. *cap.* 6. Laudo *igitur ut ab eo filiam suam primogenitam pietatis Duci nostro conjugem*,

gem, &c. So in *Hoveden, pag.* 719. *Laus* is taken for *Advice, viz. Rex Angliæ assignabat ei in terrâ suâ ad* Laudem *& Consilium Regis Franciæ, &c.*

Laudare is also to Arbitrate. *Knighton,* p. 2527. and *Laudator* signifies an Arbitrator. *Knighton,* 2526.

Laudum, *i. e.* an Arbitrament or Award. 'Tis mentioned in *Nich. Trevett, Anno* 1293. viz. *Rex Angliæ dictæ eorum, &c. &* Laudo *sub certâ obligatione se submiserunt*: 'Tis mentioned also in *Walsingham, pag.* 60.

Laverdswike, Unfaithfulness to the Chief Lord.

Lavina, for **Labina,** *i. e.* Watery Land, *in quâ quis facile* Labitur: 'Tis mentioned in *Monast. Angl.* 2 *Tom. pag.* 372. *In aquis,* Labinis, *& mariscis sæpissime periclitantur.*

Laumcegays, (*Anno* 7 *Rich.* 2. *cap.* 13.) a Kind of offensive Weapons now disused, and prohibited by the said Statute.

Law, (*Lex,* from the *Saxon* Lag, or Laugh.) The Law of *England* 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 Customs,* I say particular; for if it be the general Custom of the Realm, it is Part of the Common Law. *Coke on Litt. f.* 15. *b. Bracton* defines it to be *Sanctio justa jubens honesta & prohibens contraria.* And the *Divine Schoolman* says, *Lex humana est quoddam dictamen rationis, quo diriguntur humani actus.* See *Merchenlage.*

The Laws of *England* are derived from the English *Saxons,* and *Danes,* and were divided into three Parts, *viz.* the *Mercian* Laws, the *West-Saxon* Laws, and the *Danish* Laws. Those called *Mercian* were composed by *Martia* Queen of the *Britons*; and from her there was a Province called *Provincia Merciorum.* Many Laws were published by *Ethelred* King of *Kent,* by King *Ina,* and *Offa*: But *Alfred,* who subdued the whole Kingdom, having revised all the Laws of his Predecessors, retained those which were most useful, and abolished those which were not, so that he was called *Anglicarum legum Conditor*; and these Laws were called *Westsexelagen.* But this Kingdom being afterwards subdued by the *Danes,* they introduced another Law called *Danelag,* by which their People were governed; and they being afterwards destroyed, *Edward* the Confessor out of the former Laws composed that which we now call the *Common Law*; and therefore he is called by our Historians *Anglicarum Legum restitutor.* These Laws were only general Customs observed through the Nation, which for that Reason were called *Common*; and likewise, because *Leges omnibus in Commune reddidit,* to be observed by all, with such Amendments as were made by his Father.

William the First did not enact many new Laws, but confirmed the old, *viz.* St. *Edward's* Laws; and abrogated none which concerned any Compositions or Mulcts of Delinquents.

Law hath also a special Signification, wherein it is taken for that which is lawful with us, and not elsewhere; as, Tenant by the *Curtesy* of *England, Anno* 13. *Edw.* 1. *cap.* 3. to *wage Law,* (*Vadiare Legem,*) and, to *make* or *do Law,* (*Facere Legem.*) *Bracton, lib.* 3. *tract.* 2. *cap.* 37. When an Action of Debt is brought against one, upon some secret Agreement or Contract, as in an Action of Detinue for Goods, Money, or Chattels, lent or left with the Defendant, the Defendant may *wage his Law,* if he will, that is, swear, and certain Persons with him, that he detains not the Goods, or owes nothing to the Plaintiff, in Manner and Form as he hath declared, which is intended by Law to be only in case of the Plaintiff's want of Evidence, and when he cannot prove his Surmise by any Deed or open Act. When one *wages his Law,* he shall bring with him so many of his Neighbours as the Court shall assign, (Sir *Edward Coke* says eleven,) to swear with him, That they think in their Consciences he hath sworn truly; who in the Civil Law are called *Compurgators.* The Offer to make the Oath is called *Wager of Law*; and when it is accomplished, it is called *The making* or *doing of Law.* See *Glanvil, lib.* 1. *cap.* 9. & 12. Anciently *Lage* was used as *Latin* for *Law.* Lagam *Regis Edwardi vobis reddo, &c. Mag. Char. Hen.* 1. *Anno* 1. *Rich.* 3. *cap.* 2. 31 *Hen.* 6. *cap.* 6. *Coke on Littleton, fol.* 155, & 295. who says it is called *Wager of Law,* because in old Time the Party did *engage* with Surety to *make his Law* by such a Day. *Legem vadiare, est cautionem dare de perimplendo Legis juramentum in re litigata; ut de præstando Sacramento ad indictam diem, cum indicto consacramentalium seu conjuratorum numero.* Spelman. And was a Custom anciently used among the *Egyptians,* as *Bornus,* in his Book *De moribus Gentium,* informs us.

Law of Arms (*Lex Armorum*) is that which gives Precepts how rightly to proclaim War, to make and observe Leagues, to assault the Enemy, and to punish Offenders in the Camp.

Law-Day (*Lagedayum*) is otherwise called *View of Frank-pledge,* or *Court-Leet, Anno* 1 *Ed.* 4. *cap.* 2. it is used for the County Court. *Et quod terræ eorum imperpetuum quietæ sint de sectis Comitatum & Hundredorum nostrorum, de visu Franci-plegii & Lagedayorum, de Turno & auxilio Vicecomitum, &c.* Charta 39 Hen. 3. m. 5. *Una cum omnibus Sectis* Lagedayorum. x. Scriptor.

Lawing of Dogs. Mastiffs must be lawed every three Years. *Cromp. Jurisd. fol.* 163. that is, three Claws of the Forefoot shall be cut off by the Skin. *Char. Forestæ, cap.* 6. or the Ball of the Fore-foot cut out. See *Expeditate* and *Pellota.*

Lawless Court. On *Kingshill,* at *Rochford* in *Essex,* on every *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 there, and appears not, forfeits double his Rent every Hour he is missing. This Court belongs to the Honour of *Raleigh,* and is called *Lawless,* because held at an unlawful or lawless Hour, or *Quia dicta sine Lege.* The Title of it, in the Court-Rolls, runs thus:

Kingsh. *in* } *Curia de Domino Rege,*
Rochford. } *Dicta sine Lege,*
Tenta est ibidem
Per ejusdem consuetudinem,
Ante ortum solis,
Luceat nisi pulus,
Senescallus solus
Nil scribit nisi calis,
Toties voluerit,
Gallus ut cantaverit,
Per cujus solum sonitum,
Curia est summonita,
Clamat clam pro Rege,
In Curia sine Lege,
Et nisi citò venerint,
Citius pœnituerint,

Et nisi eum accedant,
Curia non attendet,
Qui venerit cum lumine,
Errat in Veginine,
Et dum sunt sine lumine,
Capti sunt in crimine,
Curia sine cura,
Juroti de Injuria,

Tenta ibidem die Mercurii (ante diem) proximi post Festum Sancti Michaelis Archangeli, *Anno Regni Regis, &c.*

This Court is mentioned in *Cam. Britan.* though imperfectly, who says, This servile Attendance was imposed on the Tenants, for conspiring at the like unseasonable Time to raise a Commotion. *Fol.* 441.

Lawless Man (Sax. Laughelesse Man, *exlex*) is otherwise called an *Outlaw*. *Pro exlege tenebitur, cum Principi non obediat nec legi, & tunc utlagabitur sicut ille qui est extra legem, sicut* Laughelesse Man. Bracton, lib. 3. de Corona, cap. 11.

Law of Marque, (*Anno* 27 *Edw.* 3. *Stat.* 2. *cap.* 17.) From the *German* Word March, *i. e. Limes*, a Bound or Limit; because they that are driven to make use of this *Law*, do take the Shipping of Goods of that People of whom they have received Wrong, and cannot get ordinary Justice, when they can take them within their own *Bounds* or Precincts. See *Reprisals*.

Law-Merchant (*Lex Mercatoria*) is become a Part of the Laws of this Realm; for if there be two Joint-Merchants of Wares, and one of them dies, his Executor shall have the Moiety; which is not so in the Case of others not Merchants. *Coke in Littl. fol.* 182. *Anno* 13 *Edw.* 1. *Stat.* 3. and 27 *Edw.* 3. *cap.* 8.

Charta Mercatoria, 31 *Edw.* 1. *m.* 4. grants this perpetual Privilege to Merchants coming into this Realm: *Quod omnes Baliui, Ministri Feriarum, Ciuitatum, Burgorum & Villarum Mercatoriarum Mercatoribus antediictis comparentibus coram eis celerem Justiciam facient de die in diem sine dilatione, secundum* Legem Mercatoriam, *de universis & singulis quæ per eandem Legem poterunt terminari.*

Laund. See *Landa*.

Laws of Molmutius. See *Molmutian Laws*.

Laws of Oleron. See *Oleron Laws*.

Law Spiritual (*Lex Spiritualis*) is the Ecclesiastical Law, allowed by the Laws of this Realm, which is not against the Common Law, (whereof the King's Prerogative is a principal Part,) nor against the Statutes and Customs of the Realm. And regularly, according to such Ecclesiastical Laws, the Ordinary and other Ecclesiastical Judges do proceed in Causes within their Cognizance. *Coke in Littl. fol.* 344.

Law of the Staple (27 *Ed.* 3. *Stat.* 2. *cap.* 22.) is the same with *Law Merchant*. See 4 *Inst. fol.* 237, 238. and *Staples*.

Lawyer, (*Legista, Legisperitus, Jurisperitus.*) Our *Saxons* called him Lahman.

Lay-land, (*Terra inculta, novale,*) Land that lies untilled.

Laystall, (Sax.) a Place to lay Dung, Soil or Rubbish in, mentioned in the Statute for better cleansing and paving the Streets of *London*. *Annis* 22 & 23 *Car.* 2.

Lazzi: Of a servile Condition. The *Saxons* divided the People into three Ranks; The first were called *Edhilingi*, which are now the Nobility: The next were called *Frilingi*, which are now the Gentry; for *Friling* amongst the *Saxons* was he that was born a Freeman, or of Parents which were not subject to any Servitude. The last were called *Lazzi*; and those were born to Labour. They were of a more servile Condition than our Servants, because they could not depart from their Service without the Leave of the Lord. They were fixed to the Land where they were born, and were in Nature of Slaves. And from hence we derive the Word *Lazy*. *Nithardus, lib.* 4. *De Saxonibus.*

Leap, is a pure *Saxon* Word; for that which we now call a *Seed-Leap* and *Leap-Fulne*, is a *Seed-Leap* full of Corn.

Leap-Year. See *Bissextile*.

Lease (from the Fr. *Laisser*, *i. e. Relinquere, Permittere*) is a Demise or Letting of Lands, Tenements, Right of Common, Rent, or any Hereditament to another, for Term of Years or Life, for a Rent reserved. If the Lease be written, it is said to be an *Indenture*, *Deed-Poll*, or *Lease in Writing*: If made by Word of Mouth, it is called a *Lease Parol*. The Party that lets this *Lease* is called the *Lessor*; and he, to whom it is made, the *Lessee*. A *Lease* hath in it six Parts: First, Words importing a Demise. Second, a Lessee named. Third, a Commencement for a Day certain. Fourth, a Term of Years. Fifth, a Determination. Sixth, a Reservation of Rent. *Coke, vol.* 6. *Knight's* Case, *fol.* 55.

Lea of Yarn, (*Stat.* [illegible] & 23 *Car.* 2. *cap.* —) Every *Lea of Yarn* at *Kidderminster* shall contain 200 Threads, reeled on a Reel four Yards about.

Lecator, a riotous debauched Person, a Lecher, a Whoremaster. *Sciant, quod ego Johannes Constabularius Cestriæ dedi, Hugoni de Dutton, & Heredibus suis Magistratum omnium* Leccatorium & *Meretricum totius Cestershiriæ sicut liberius illum Magistratum teneo de Comite. Salvo jure meo mihi & hæredibus meis.* Sine dat. sed circa annum 1220.

Lech, the same with *Lath*.

Lechetwite, alias **Legerwite**. See *Lairwite*.

Lectaria. See *Litera*.

Lectisternium, a Bed. Sometimes all that belongs to a Bed. *Flor. Worc. pag.* 631.

Lectrinum, *i. e.* a Pulpit. *Chirothecas dum oraret super* Lectrinum *posuit.* Monastic. 3 Tom. pag. 243.

Leda. See *Lathe*. It also is the same with *Lada*, which signifies a *Broad-way*, or *broad*, viz. *Tresdecim percas de Leed & 25 in longum de pedo*; *i. e.* Thirteen Perches in Length, and twenty five in Breadth.

Ledgrave, the chief Man of the *Lathe*.

Ledo, (*Ledona*,) *i. e.* the rising Water or Encrease of the Sea. *Ledo seu horas incrementi & totidem recessus habet, maline vero grandis per quinque horas ebullit & per septem horas littoribus se retegit.* Du Cange.

Leet, (*Leta, visus Franci-plegii*,) otherwise called a *Law-Day*. From the Sax. Lyte, *i. e.* *Parvum, quasi*, a little Court; or from the Germ. Last, *i. e.* a Country Judge. This Court, in whose Manor soever kept, is accounted the King's Court, because the Authority thereof is originally belonging to the Crown, and thence derived to inferior Persons, and is a Court of Record. It enquireth of all Offences under *High Treason*; though it cannot punish many, but must certify them to the Justices of Assize, by Stat. 1 *Edw.* 3. *cap. ult.* Of which,

which, see 4 *Inst. fol.* 261. And the Stat. 8 *Edw.* 2. *Hæc est Curia prisca illa*, (saith *Spelman*,) *quæ inter Saxones ad Friburgos, Decimas, Tenementales pertinebat.* *Leet* comes from the Sax. Læt, i. e. *Censura, arbitrium*; or from Lætan, *censere, æstimare. Quod in hac, olim Curiâ de decimis æstimabatur inter vicinos omnipotentibus, ut patet in* LL. Edw. Conf. cap. 20. See Sir *William Dugdale's Warwickshire, fol.* 2.

Lectum (*LL. Gul.* 1. *cap.* 6.) seems to signify a Fine or Mulct. From the Sax. Lafe, *Onus.*

Lega, *i. e.* a Place. *Hurstlega*, a Woody Place.

Lega and **Lacta**, anciently the Allay of Money was so called. *Debita nummi temperies, quam veteres* Legam *&* Lactam *(ut fallor) appellabant.* Spelm.

Legacy (*Legatum*) is a particular Thing given by a last Will and Testament; and he, to whom such *Legacy* is given, is called a *Legatee.*

Legalis Homo is taken for him who stands *Rectus in Curia*, not outlawed, nor excommunicated, nor defamed: And in this Sense are those Words so often used, *Probi & legales homines.* Hence *Legality* is taken for the Condition of such a Man. *Ipse tamen malefactor, tradat fidejussores de pace & legalitate tuenda, i. e.* Sureties for his Good Behaviour. *LL. Edw. Conf. cap.* 18. See *Tithan.*

Legatary, (*Legatarius*,) he or she to whom any Thing is bequeathed; a *Legatee. Spelman* says, it is sometimes used *pro Legato vel Nuncio.*

Legate à Latere and *Legatus natus.* These *Legates* are often mentioned in our old Historians. The Difference between them is thus: *Legatus à Latere* was usually one of the Pope's Family, who was vested with the greatest Authority in all Ecclesiastical Affairs over the whole Kingdom where he was sent; and during the Time of his Legation, he might determine even those Appeals which had been made from thence to *Rome. Legatus natus* had a more limited Jurisdiction. 'Tis true, he was exempted from the Authority of the *Legate à Latere*; but he could exercise even his Jurisdiction in his own Province.

Legatory. (*Anno* 23 *Eliz. cap.* 16.) the same with *Legatary.*

Legergild, and **Legerwit**, (*Legergildum*,) the same with *Lairwite.* But in the Laws of *Hen.* 1. *cap.* 11, 12. it seems to have a different Signification. *Si quis Dei fugitivum habet injuste, reddat eum ad rectum, & persolvat ei cujus erit, & Regi emendet secundum* Legergildum. But *Legirgild* is not the same with *Lairwite*; 'tis a Mulct set on him who receives and lodges a Servant departing from his Service without Leave of his Master.

Legespend. See *Lespegend.*

Legitimation, (*Legitimatio*,) a making lawful, or legitimate.

Lela, the same with *Lada*; and sometimes it signifies the Branches of Trees cut to burn. *Brancias etiam de* Lela *quantum necesse fuerit ad focum Monachorum.* Du Fresne.

Leiester. See *Rasa.*

Leipa, a Departure from Service. *Si quis à Domino suo sine licentiâ discedat ut* Leipa *Emendetur & redire cogatur.* Leg. H. 1. cap. 43.

Lene. See *Ewagium.*

Lent, (from the Germ. Lentz, i. e. *Ver*, the Spring-Fast,) a Time of Fasting for forty Days next before *Easter*; mentioned in the Stat. 2 & 3 *Edw.* 6. *cap.* 19. and (according to Sir *Rich. Baker, Chron. fol.* 7.) first commanded to be observed in *England* by *Ercembert*, seventh King of *Kent*, before the Year 800.

Lep and **Lace** (*Leppe & Lasse*) is a Custom within the Manor of *Writtel*, (*in Com. Essex*,) that every Cart that comes over a Part thereof, called *Greenbury*, (except it be the Cart of a Nobleman,) pays four Pence to the Lord of the Manor. This *Greenbury* is conceived to have anciently been a Market-Place, and therefore had this Privilege granted. *Tobias Edmonds, Gen. Senescal. ibid.*

Lepa is a Measure which contained the third Part of two Bushels. *Et colligat ni Boscis Domini de uncibus tertiam partem unius mensuræ quæ vocat* Lepa *quod est tertia pars duorum Bussellorum & valet quadrantem.* Du Cange. From hence we derive a *Seed-Leap.*

Leporarius, a Grey-hound for the Hare. *Concedo eis duos* Leporarios *& quatuor* Braçatos *ad leporem capiendum in Foresta nostra de Essexia.* Mon. Angl. 2 Par. fol. 283. a. See *Chatsurus.*

Leporium, a Place where Hares are kept. *Mon. Angl.* 2 *Tom. p.* 1095. *In turbariis in vivariis & Leporiis, &c.*

Leproso amovendo is a Writ that lies for a Parish to remove a *Leper* or *Laxer*, that thrusts himself into the Company of his Neighbours, either in Church or other Publick Meetings, to their Annoyance. *Fitz. Nat. Br. fol.* 234.

Le Roy le veut. By these Words the Royal Assent is signified by the Clerk of the Parliament to to publick Bills; and to a private Bill his Answer is, *Soit fait comme il est desiré.*

Le Roy s'avisera. By these Words to a Bill presented 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.

Lese is a *Saxon* Word, and is derived from Leren, which signifies To divide.

Lespegend, (Sax. Les-begen, i. e. *Baro minor.*) *Sint sub quilibet horum quatuor ex meo centuriis hominibus (quos Angli* Lespegend *nuncupant, Dani vero* Young Men *vocant) locati, qui curam & onus tum viridis tum veneris suscipiant.* Constitut. Canuti Regis de Foresta, Art. 2.

Lessa is a Legacy. *Eleemosinas quas mei homines faciant de suis decimis, atque* Lessias *de suis substantiis.* From whence we derive the Word *Lease. Monast.* 1 *Tom. pag.* 562.

Lesta. See *Lathe.*

Lestage. See *Lastage.*

Lestwithiet. See *Uzella.*

Letherwite. 2 *Inst. fol.* 488. this is doubtless there mistaken, or false printed for *Lecherwite.* See *Lairwite.*

Letter of Attorney (*Litera Attornati*) is a Writing authorizing an *Attorney*, that is, a Man appointed to do a lawful Act in our Steads. *West, Symb. pa.* 1. *lib.* 2. *sect.* 558. As a *Letter of Attorney* to give Seisin of Lands, thus anciently:

Pateat universis per presentes quod ego Johannes Gour Dominus de Peodelestone Attornavi *loco meo dilectum mihi in Christo Johannem Hendyng ad ponendum Willielmum Nasche & Rogerum Nasche in plena & pacifica seisina in omnibus illis terris, & tenementis cum pertin. suis, quæ & quas habeo in* Orleton *prout in carta Feoffamenti dictis Will. & Rogero inde confecta plenius continetur. Ratum habens & gratum quicquid dictus Johannes nomine meo fecerit in præmissis. In cujus, &c.* Dat. 43 Ed. 3.

Letters of Absolution, or **Absolvatory Letters**, (*Literæ absolutoriæ*,) were such in former Times, when an Abbat did release any of his Brethren, *ab omni subjectione & obedientia, &c.* and made them capable of entring into some other Order of Religion. The Form of which you may see in *Mon. Faversham.* *pag.* 7.

Letters of Marque. See *Marque* and *Reprisals.*

Letters Patent (*Literæ Patentes*) are Writings sealed with the Great Seal of *England*, whereby a Man is enabled to do or enjoy that which otherwise of himself he could not. *Anno* 19 *Hen.* 7. *cap.* 7. And they are so called, because they are *open*, ready to be shewed for Confirmation of the Authority thereby given. *Letters Patent* may be granted by common Persons, but they are rather called *Patents*; yet for Distinction, the King's Letters Patent are sometimes called *Letters Patent Royal.* *Anno* 2 *Hen.* 6. *cap.* 18. *Letters Patent* conclude with *Teste me ipso, &c. Charters* with *His testibus.* 2 *Part. Inst. fol.* 78. They are sometimes called also *Letters Overt.* *En Tesmoignance de quel chose nous avons fait faire cestes nos* Letters Overtes. Par. 23 Edw. 3. p. 2. m. 24.

Levant and Couchant is when Cattel have been so long in another Man's Ground, that they have *lain down*, and are *risen again* to feed. In ancient Records *Levantes & Cubantes.* See *Folda.*

Levamum, Leavened Bread. From the Lat. *Leveri*, To make lighter.

Levari facias is a Writ directed to the Sheriff for the levying a Sum of Money upon his Land and Tenements, who has forfeited a Recognizance. *Reg. of Writs, fol.* 298. *b.*

Levari facias damna de disseisitoribus is a Writ directed to the Sheriff for the levying Damages, wherein the Disseisor has formerly been condemned to the Disseisee. *Reg. of Writs, fol.* 214. *b.*

Levari facias residuum debiti is a Writ directed to the Sheriff for the levying the Remnant of a Debt upon Lands and Tenements, or Chattels of the Debtor, that has been in Part satisfied before. *Reg. of Writs, fol.* 299.

Levari facias, quando Vicecomes retornavit quod non habuit emptores, is a Writ commanding the Sheriff to sell the Goods of the Debtor, which he has already taken, and returned that he could not sell. *Reg. of Writs, fol.* 300. *a.*

Leuca, Leuga, and **Leuba**, (Lat.) *Quadam Parco ibidem, continente in circuitu tres* Leucas *& vocatur* Keribulloc *cum haya & muro incluso.* Item *quadraginta Perticas ad quarentenam & 12 quarentenas ad* Leucam. *MS.* of the Dutchy of *Cornwal.* It seems here to be used for a Mile. See *Burton's Comment.* on *Antoni. Itinerary, fol.* 29.

Leura is a Measure of Land, consisting of 1500 Paces. *Ingulphus* tells us 'tis 2000 Paces, *pag.* 910. In the *Monastic.* 1 *Tom. pag.* 313. 'tis 480 Perches, which is a Mile.

Leucarum, *Loghore* in *South-Wales.*

Leucata is a Space of Ground, as much as a Mile contains. *De bosco, &c. continente unam* Leucatam *in Latitudine & dimidium in Longitudine.* Monast. 1 Tom. pag. 768. And so it seems to be used in a Charter of *William* the Conqueror to *Battle-Abbey.* *Concedo etiam eidem Ecclesiæ* Leugam *circumquaque adjacentem liberam & quietam de omni geldo.* Du Cange.

Levy (*Levare*) signifies, To gather or exact; as, To *levy* Money: And is sometimes used, To erect or set up; as, To *levy* a Mill. *Kitchin, fol.* 180. Also, To raise or cast up; as, To *levy* a Ditch. *Old Nat. Br. fol.* 110. And, To *levy* a Fine, which is now the usual Term. But I have seen a Deed, wherein *William St. George* Esquire covenants to *levere a Fine* of the Manors of *Brandon* and *Wych-hampton.* *Dat.* 17 *Hen.* 6.

Lewa, the same with *Leuca.*

Lex is often taken for *Judicium Dei.* 'Tis the same as *Lada* amongst the *Saxons*, which is either a canonical or vulgar Purgation. In *Leg. H.* 1. *cap.* 60. *Ab Adventu Domini, usque ad Octavas Epiphaniæ, non est tempus Leges faciendi.*

Lex amissa, or **Legem amittere**, *viz.* one who is an infamous, perjured, or outlawed Person. In *Bracton, lib* 4. *cap.* 19. *par.* 2. *Non est alterius dignus Legi.*

Lex Apostata, or **Legem Apostatare**, is to do a Thing contrary to Law. 'Tis mentioned in *Leg. H.* 1. *cap.* 12. *Qui* Legem Apostatabit *vera sua sit reus primâ vice.*

Lex Brehonia. See *Brehon.*

Lex Britonise, the Laws of the *Britons*, or *Marches* of *Wales*, *Lex Marchiarum.* See *Britonise.*

Lex Deraisnia, *vel sic* Deratisna, is the Proof of a Thing which one denies to be done by him, and his Adversary affirms it; defeating and confounding the Assertion of his Adversary, and shewing it to be without and against Reason or Probability. *Juris membrum est Normannici, quod in prisca ejusdem Custumario*, cap. 126. *sic definitur.* Deratisna *autem est Lex quædam in Normannia constituta, per quam in simplicibus querelis, insecutus, factum quod a parte adversa ei objicitur, se non fecisse declarat.* Vide plura ibidem & *Derein.*

Lex Judicialis is properly *Purgatio per Judicium Ferri.* Sometimes 'tis called *Judicium.* *Leg. H.* 1. *cap.* 9, 45, 49.

Lex Sacramentalis, i. e. *Purgatio per Sacramentum.* Leg. H. 1. cap. 9. *Si quid bello vel* Lege Sacramentali, *&c. reperatur.*

Lex Terræ, *i. e.* the Law and Custom of the Land, distinguished by this Name, from *Lege Civili*, as Mr. *Selden* tells us in *Dissertation. ad Fletam, cap.* 9. *par.* 3.

Lex Walliensica, the *British* Law, or Law of *Wales.* *Statut. Walliæ.*

Ley, (*Lex.*) See *Law.*

Ley, Lee, Lay, whether in the Beginning or End of Names of Places, signify an open Field, or large Pastures. From the Sax. Leag, *Campus, Pascuum*; as *Blechingley, &c.*

Ley-gager, (*Anno* 1 *Car.* 1. *cap.* 3.) Wager of Law. See *Law.*

Libaninum instead of *Libamen.* *Bibentes unum* Libaninum *in spoliationem captivandorum.* Knighton, Anno 1270.

Libel, (*Libellus*,) literally signifies a little Book; but by Use it is the original Declaration of any Action in the Civil Law. *Anno* 1 *Hen.* 5. *cap.* 3. and 2 *Edw.* 6. *cap.* 13. It signifies also a scandalous Report of any Man cast abroad, or otherwise unlawfully published in Writing; but then, for Difference sake, it is called *famosus Libellus*, an infamous Libel. See *Coke, lib.* 5. *fol.* 124, 125. and 3 *Inst. fol.* 174. See *Rime.*

Libello habendo. See *Copia libelli deliberanda.*

Libera batella, a free Boat. *Per Liberam batellam, hoc est, habere unam cimbam ad piscand. super pontem Cestriæ & supra Eignum, & ibidem cum omni genere retium.* Plac. in Itin. apud Cestriam, 14 Hen. 7.

Libera chasea habenda is a Writ Judicial, granted to a Man for a *Free Chase* belonging to his Manor

nor, after he has by a Jury proved it to belong to him. *Reg. of Writs Judicial, fol.* 26, and 37.

Liberate is an original Writ, issuing out of the Chancery to the Treasurer, Chamberlains, and Barons of the *Exchequer*, or Clerk of the Hamper, *&c.* for the Payment of any annual Pension, or other Sum granted under the Great Seal; or to a Sheriff, to deliver Possession of Lands and Goods extended. See *Broke, tit. Taile d'Exchequer*, and 4 *Inst. f.* 116.

Liberatio *i. e.* whatever Money, Meat, Drink, or Cloaths, is Yearly, or at any set Times in the Year, given by the Lord to his Domesticks. *Cum Rex Scotiæ ad Curiam Regis Angliæ venerit habebit quotidie de* liberatione 30 *Sols, & 12 Wastellos dominicos & 12 Simenellos dominicos, &c.* Here 'tis mentioned as a Provision for a King; but in *Brompton* 'tis said: *Et dedit unicuique vadia sua & liberationem ab illo die usque ad proximum paschæ sequens.* From whence we derive the Word *Liverie*.

Libera Waræ. See *Ward*.

Libertate probanda was a Writ that lay for such as were challenged for Slaves, and offer'd to prove themselves *free*, &c. *Fitz. Nat. Br. fol.* 77. Villenage, *and the several Appendixes thereof*, viz. Infranchisement, *Writs* de Nativo habendo *&* Libertate probanda, *and the Pleadings and Trials relating thereunto, were great Titles in the old Books, but now antiquated by Time.* Pref. to *Roll's Abridg.*

Libertatibus allocandis, is a Writ that lies for a Citizen or Burgess, (that, contrary to his Liberty, is impleaded) to have his Privilege allowed. *Reg. of Writs, fol.* 262.

Libertatibus erigendis in itinere, is a Writ whereby the King wills the Justices in Eyre to admit of an Attorney for the Defence of another Man's Liberty before them. *Reg. of Writs, fol.* 19.

Liber taurus, a free Bull. *Compertum per Jur. quod Will. de Losa fuit seisitus* de libero Tauro *habendo in Hamsted, &c. — Ideo consideratum est, quod prædictus W. recuperet damna sua, quæ taxantur per Jur. ad* iv s. *pro imparcatione ejusdem* Tauri, *&c.* Norf. 16 Edw. 1.

Liberum Herbagium. See *Herbagium*.

Liblacum, the manner of bewitching any one, or sometimes 'tis taken for a barbarous Sacrifice, *decrevimus etiam de sortilegis & Liblacis & sortem dantibus.* Leg. Athelstan, 6. So *qui fulsum jurabit vel liblacum faciet sit in æternum è consortio Dei segregatus.* Leg. Edmundi edit. apud Lond. 6.

Libra Pensa, a Pound of Money in Weight; for it was usual in former Days, not only to tell the Money, but to weigh it; for several Cities, Bishops, and Noblemen, had their Mints and coined Money, and often very bad, and therefore though the Pound consisted of 20 s. they weighed it. Thus in *Domesday* we read, *reddit nunc* 30 libras *arsas & pensatas.* Gale's Hist. of Brit. fo. 761.

Libiata terræ, contains four Oxgangs, and every Oxgang 13 Acres. *Schene*, verbo *Bovata terræ*; with us it is so much Land as is yearly worth xx s. For in *Henry* the *Third*'s Time, he that had *quindecim libratas terræ*, was to receive the Order of Knighthood. See *Fardingdeal.* Some are of Opinion, that as Money is divided into Pounds, Shillings, Pence, Half pence and Farthings, the same Degrees are to be observed in the Division of Lands; and therefore as *quadrans* signifies a Farthing, so *quadrantata* is the fourth part of an Acre, *oblata* is half, and *denariata* is a whole Acre, *solidata* is Twelve Acres, and *librata* is Twenty times twelve Acres, *i. e.* Two hundred and forty. *Spelman* is of another Opinion, who compares an Acre to a Mark in Money; and as in one there are One hundred and sixty Pence, so in the other there are One hundred and sixty Perches, which they divide into Halfs and Quarters; so that an Acre contains Three hundred and sixty *Denarios*; but some say, that *Librata terræ* is so much Ground as is worth yearly 40 s. of current Money.

Libræ arsæ, pensatæ & ad numerum, often mentioned in *Domesday*, signifies, Money try'd for their Allay by Fire, paid by Weight, and by Number of Tale. *Camb. Rem.* See *Spelm. Gloss. voce* Libra.

Liburna. See *Galea*.

Licence to arise (*Licentia surgendi*) is a Liberty, or space of Time, given by the Court to a Tenant to *arise* out of his Bed, who is essoined *de mala lecti*, in a real Action. See *Bracton, lib.* 5. *Tract.* 2. *cap.* 7, 10 & 12. And *Horn's Mirror, ca.* des Essoins. *Licentia surgendi* is the Writ thereupon. *Reg. fol.* 8.

Licentia concordandi. (*Anno* 12 *Car.* 2, *cap.* 12.) See *King's-Silver*.

Licentia transfretandi is a Writ or Warrant directed to the Keepers of *Dover*-Port, *&c.* willing them to let such pass over Sea, who have formerly obtained the King's Licence thereunto. *Reg. of Writs, fol.* 193.

Licina instead of *Buccina*: *Tubis cum licinis perstrepentibus.* Matt. Westm.

Lieftenant, or Lieutenant, (*Locum tenens,*) the King's Deputy, he that exercises the King's or any other Person's Place, or represents his Person: As the *Lieutenant of Ireland, Anno* 4 *Hen.* 4. *c.* 6. and 2 *&* 3 *Edw.* 6. *cap.* 2. whence that Officer seems to take his Beginning. *Lieutenant* of the Ordnance, *Anno* 39 *Eliz. cap.* 7.

Lieges, and Liege-People, (*Ligati,*) the King's Subjects, anciently so called, because they owe and are bound to pay *Allegiance* to him. *Anno* 8 *Hen.* 6. *cap.* 10. 14 *Hen.* 8. *cap.* 2. and divers other Statutes: Yet anciently private Persons had their *Lieges.*——

Reinaldus Dei gratia Abbas Ramesiæ, Præposito & hominibus de Brancestre & omnibus vicinis Francis & Anglis, salutem. Sciatis me dedisse terram Ulf in depedene, (hodie Depedale) *huic Boselino & uxori ejus Alfmiæ, ita bene sicut homines de Brancestre illum testificant verum habuisse, ea conditione quod effecti sunt homines Ligei.* Lib. Rames. Sect. 244.

Omnibus, &c. *Reginaldus Rex Insularum salutem. Sciatis quod devenit* homo ligeus *Domini Regis Angliæ Johannis contra omnes mortales quamdiu vixero, & inde ei fidelitatem & sacramentum præstiti. Et in hujus rei testimonium hanc cartam meam inde feci. T. Domino E. Wint. Episcopo.* MS. penes Wil. Dugdale Ar. See *Ligeancy*. Some are of Opinion that they are called *Lieges* from *Ligando*.

Cum foret Anglorum feodali jure ligati.

But others more probably derive it from *Litis*, which is a Man wholly at the Service of the Lord, whose Service is called *Ligium servitium*, and who had such an absolute Dependance on him, that he was his Vassal, so that *Litiglus* or *Ligius* is one wholly under his Power. This appears where the Word is used on other Occasions, *viz. Leg. Edw. cap.* 29. *Judæi sub tutela Regis ligea debent esse*, that is, wholly under the King's Protection: So in the *Monastic.* 2 *Tom. pag.* 10. *Ego Juliana quondam uxor W. Breit in ligiâ potestate & viduatate*, that is, in my absolute Power and Widowhood.

Lierwit. See *Lairwit*.

Life-rent is a Rent or Exhibition; which a Man receives either for Term of Life, or for sustentation of Life. *Nota quod Escaeta terrarum felonis post annum & diem, (viz. his Life-rent) ipso vivente computatur inter bona mobilia.* Skenæus ad Quon. Attach. cap. 18. vers. 5.

Ligeance (*Ligeantia à Ligando*) is a true and faithful Obedience of the Subject to his Sovereign. Sometimes it signifies the Dominion or Territory of the *Liege-Lord*. As *Anno* 25 *Edw.* 3. *Stat.* 2. Children born out of Ligeance of the King. Also the same with *Ligeancy*. See *Coke on Litt.* fol. 129. a. and *Calvin's Case*, 7 *Rep.*

Ligeancy, (*Ligantia*, from the Ital. *Liga*, a League or Bond; *Vinculum arctius inter subditum & Regem utrosque invicem connectens; hunc ad protectionem & justum regimen, illos ad tributa & debitam subjectionem,*) is such a Duty or Fealty, as no Man may owe or bear 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.

Sovereigne Lord, I Henry Percy become your Subgette and Leige Man, and promit to God and you, that hereafter I Faith and Trouth shall bear to you, as to my Sovereign Leige Lord, and to your Heirs, Kings of England, of life and limme, and of erthly worshippe, for to live and die ayeinst all erthly People, and to You, and to Your Commandments I shall be obeyant, as God me help, and his Holy Evangelists. 27 Oct. 9 Edw. 4. Claus. 9 Edw. 4. m. 13. in dorso. *See* Lieges.

Lighter-Men (22 & 23 *Car.* 2. *Act for cleansing*, &c. *the Streets of* London) are those that carry away, by Water, Dung and Rubbish in *Lighters*, from the City of *London*.

Lignagium, the Right which one hath to cut Fuel in the Woods: Sometimes 'tis taken for that Tribute or Payment which is due for Cutting Wood.

Lignamina: Timber fit for building: *Et nunc est via quâ traducuntur* Lignamina *& Lapides ad opus constructionis Monasterii, &c.* Du Cange.

Liguritor, a Flatterer. *Liguritores mendaces, rapaces, Dei gravamen habeant.* Leg. Canut. 29. Mr. *Somner* is of Opinion that it signifies a Glutton, from the *Saxon* Liccepa, i. e. *Gulosus*.

Limitation of Assize (*Limitatio Assizæ*) is a certain Time set down by Statute, wherein a Man must alledge himself or his Ancestors to have been seized of Lands, sued for by a Writ of *Assize*. See the Stat. of *Merton*, *cap.* 8. and *Westm.* 1. *cap.* 38. So it is used in *Old. Nat. Br. fol.* 77. in these Words, *The Writ* de Consuetudinibus & servitiis *lyeth, where I or my Ancestors, after the* Limitation of Assize, *were not seized of the Customs*, &c. *But before the* Limitation of Assize *we were seized*, &c.

Limogia: This is a Word which we often read in the *Monasticum*, and it signifies Enamelled; *Opus de* Limogia, is enamelled Work, *una crux de opere limoceno, &c.* Monast. 3 Tom. 331.

Linarium, a Place where Flax is sown, a Flax-plat. *Et Messuagium quod est juxta cæmeterium, cum* linario, *quod jacet juxta prædictum Messuagium.* Pat. 22 Hen. 4. Par. 1. m. 33.

Lindesfern is a Place often mentioned in our Histories, being formerly a Bishop's See, now *Holy Island*.

Lindum, *Lincoln*.

Litera (from the Fr. *Litiere*, al. *Lictiere*; and that from *Lectum*, a Bed,) was anciently used for Straw for a Bed, even the King's Bed.—*Finem fecerunt cum Rege pro terris quas dictus Petrus tenuit—per Serjantiam inveniendi unum servientem cum Hambergello per 40 dies in Anglia, & inveniendi* Literam ad Lectum Regis, *sicut ad Palfridum Regis quando jacuerit apud Brokenerst*, &c. Fines Term. Hill. 1 Ed. 2. in Com. Wilts. *Tres Carectatas Literæ*, for three Cart-loads of Straw or *Litter*. Mon. Angl. 2 par. fol. 33. b.

Literatus. We meet with this Word in the *Monastic.* 3. *Tom. pag.* 320. *viz. Casula de sameto purpureo aliquantum sanguineo cum pectorali literato*, instead of *Listato*, i. e. bordered round or listed.

Literæ solutoriæ, were Magical Characters, supposed to be of such Force and Efficacy, that it was impossible to bind those Men who carried them: *Omnes qui eum tenebat mirari cœpit quare ligari non posset, an vero* literas solutorias *de quibus fabulæ fuerunt apud se haberet.* Bede, lib. 4. cap. 22.

Lith of Pickering, in the County of *York*, i. e. The Liberty, or a Member of *Pickering*; from the *Sax.* Lib, i. e. *Membrum*.

Little-Borough upon Trent. See *Agelocum*.

Livery (from the Fr. *Livre*, i. e. *Insigne*, *Gestamen*) signifies a Hat, Coat, Cloak or Gown, which a Noble or Gentleman gives to his Servants or Followers, with Cognizance or without, and is mentioned in 1 *Rich* 2. *cap.* 7. and 3 *Car.* 1. *cap.* 4. and divers other Statutes. See *Retainer*. Also, before the Stat. of 12 *Car.* 2. *cap.* 24. it did signifie a Delivery of Possession to those Tenants, which held of the King *in Capite*, or Knight's-Service; for, the King, by his Prerogative, had *primer Seisin*, or the first Possession of all Lands and Tenements so holden of him, *Stamf. Prærog. cap.* 3. *fol.* 12. it was in the nature of a Restitution, says Sir *Edward Coke*. And the Writ which lay for the Heir to obtain the Possession or Seisin of his Lands at the King's Hands, was called his *Livery*, *Fitz. Nat. Br. fol.* 155. but by the said Statute, all Wardships, Liveries, &c. are taken away and discharged. Formerly great Men gave *Liveries* to several who were not of their Family or Servants, to engage them in their Quarrels for that Year: This was prohibited by the Statute 1 *Hen.* 4. *viz.* That no Man of whatsoever Condition, should give any *Livery* but to his Domesticks, to his Officers, or to his Counsel learned in either Law.

Livery of Land. See *Vadlat*.

Livery of Seisin (*Deliberatio Seisinæ*) is a Delivery of Possession of Lands, Tenements, or other corporeal Thing, (for, of Things incorporeal no *Livery of Seisin* may be) to one that has Right, or a Probability of Right thereunto. For, (as *Bracton* says, *lib.* 2. *cap.* 18. *num.* 3.) *Traditio debet esse vestita, & non nuda.* It is a Ceremony used in Conveyance of Lands or Tenements, where an Estate in Fee-simple, Fee-tail, or a Freehold passeth: And it is a Testimonial of the willing Departure of him, who makes the *Livery* from the Thing whereof *Livery* is made. And the receiving of the *Livery*, is a willing Acceptance by the other Party of all that whereof the other hath devested himself. The common manner of *Delivery of Seisin*, is thus: If it be in the open Field, where is no House nor Building, and if the Estate pass by Deed, one openly reads it, or declares the Effect of it, and after that is sealed, the Vendor takes it in his Hands, with a Clod of Earth upon a Twig or Bough, which he delivers to the Vendee, in the Name of Possession or Seisin, according to the Effect of the Deed: But if there be a House or Building upon the

the Land, then this is to be done at the Door of it, (none being left at that Time within the House) and the Ring of the Door delivered to the Vendee, who enters alone, shuts the Door, and presently opens it again. If it be a House without Land or Ground, the *Livery* is made, and Possession taken by Delivery of the Ring of the Door and Deed only. And where it is without Deed, either of Lands or Tenements, there the Party declares by Word of Mouth, before Witnesses, the Estate he parts with, and then delivers *Seisin* or Possession in manner aforesaid: And so the Land or Tenement passeth as well as by Deed, and that by force of the *Livery of Seisin*. See *West. Symbol. pat.* 1. *lib.* 2. *sect.* 196. and *Coke on Littl. fol.* 48. *a.* There was anciently a Pair of Gloves, a Ring, Knife, Ear of Wheat, *&c.* delivered in Sign or Token of *Livery and Seisin*. —*quam donationem, per unum cultellum super Altare Sanctæ Mariæ optuli, astante Priore, &c.* Charta Rob. Comitis Nottinghamiæ, An. 1142.

Local, (*Localis*) tied or annexed to a Place certain: As the Thing is *local* and annexed to the Freehold, *Kitchin, fol.* 180. An Action of Trespass for Battery, *&c.* 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 Defendant should traverse the *Place* set down, 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 certainty, or that the Action should be tried or laid in the same Country where the Fact was done. The Gard of the Person, and of the Lands, differs in this; because the Person being transitory, the Lord might have his *Ravishment de Gard*, before he was seised of him, but not of the Land, because it is *local*. *Perkins. Grants*, 30.

Loculus is a Word mentioned in *Simeon Dunelm. cap.* 6. 10. and it signifies a Coffin, *cujus corpus in* loculo *plumbeo translatum est.*

Locus Partitus signifies a Division made between two Towns or Counties to make Tryal in, whether the Land or Place in question lies. *Fleta, lib.* 4. *cap.* 15. *numb.* 1.

Locutorium: This was a Place in the Monasteries where the Monks met and talked together among themselves, from whence we call such a Place in our Houses a Parlour: They had another Room which was called *Locutorium forinsecum*, where they might talk with Lay-Men. *Interim ribaldi cum instrumentis clausum ingredientes de* locutorio *forinseco Lapides molares levaverunt.* Walsingham, p. 257.

Lodemerege. *Item en droit de* Lodemerege *dient les avantditz Jurez, que leur sembli c'est case, ils ne scayvent mailleur advise ne remedy, mais que ce soit desore user & fait per maner qu'est conteyne en le Ley D.* Oleron. Pryn's Animadv. on 4 Inst. fol. 116. *Chaucer* expounds it to be the Skill or Art of Navigation.

Lode-Ship, a kind of Fishing-Vessel, mentioned 31 *Edw.* 3. *cap.* 2.

Lode-works, (from the *Sax.* Laba, a Water-course) one of the Works belonging to the *Stannaries* in *Cornwal*; for which see *Stream-works*.

Logating, an unlawful Game, mentioned 33 *Hen.* 8. *cap.* 9. Now disused.

Logia, a little poor House. *Mon. Angl.* 1 *Tom. p.* 400.

Log-wood is a kind of Wood which divers use, otherwise called *Block-wood*, brought from *Campeche*, and other remote Parts, and was prohibited by Stat. 23 *Eliz. cap.* 9. and 39 *ejusdem, cap.* 11. But since, by Stat. 14 *Car.* 2. *cap.* 11. the Importation and Use of it is allowed.

Loch or Loph Fish. (31. *Edw.* 3. *Stat.* 3. *cap.* 2.) And that no Fish called Loph Fish be chosen or tried, but only in three Parts, that is to say, Lob, Ling and Cod.

Lollards, (so called from *Walter Lollard*, a *German*, first Author of this Sect, living about the Year 1315.) were certain Hereticks (at least in the Opinion of those Times) that abounded here in *England* in the Days of *Edward* the Third, and *Henry* the Fifth, whereof *Wickliff* was the Chief in this Nation, according to *Stow* in his *Annals, f.* 425. They are mentioned *Anno* 2 *Hen.* 5. *cap.* 7. Against these *Lollards*, much was decreed by *Tho. Arundel*, Archbishop of *Canterbury*, in a Council at *Oxford*. See their Tenets in *Spotswood's History of Scotland, fol.* 61. The High Sheriff of every County was anciently bound by his Oath to suppress them. —*You shall* (says the Oath) *do all your Pain and Diligence to destroy, and make to cease, all manner of Heresie and Errors, commonly called* Lollardies, *within your Bailiwick, from Time to Time with all your Power*, &c.

The Intent of these *Lollards* was, to subvert the Christian Faith, the Law of God, the Church, and the Realm; so said the Statute of 2 *Hen.* 5. *cap.* 7. which was repealed 1 *Edw.* 6. *cap.* 12. See 3 *Inst. fol.* 41. and *Caudrie's* Case. *Edw. Coke's* Case, 4 *par. fol.* 25, *&c.* The Lord Keeper assembled all the Justices, and conceived that Clause in the Oath, touching suppressing *Lolleries*, should be omitted, because appointed by Statutes that are repealed. This is now held for the true Religion.

Lollardy and Lollery, (*Anno* 1 & 2 *Phil. & Mar. cap.* 6.) The Doctrine and Opinion of the *Lollards*. Rogerus Acton *miles pro Proditione & Lollardia distrahatur & suspendatur & sic suspensus pendeat ad voluntatem Regis.* Middlesex Plac. Hill. 1 Hen. 5. Rot. 7. & Trin. 2 Hen. 5. Rot. 6.

London, formerly called *Augusta*.

Longellus is a Word used in *Thorn's Chronicle*, and it signifies *Speciem stragulæ*, it should be read *Londelli, augeantur* 20 *stragulæ, 5 cooperturia, 5 longelli, &c. i. e.* five Coverlets.

Loquela. *Petronilla de S. debet* xx s. *pro habenda* loquela *in Curia Domini Regis contra W. de Fautbnberg.* Rot. Pipæ 2 Johannis Linc. An Imparlance.

Loquericium. See *Locatorium*.

Lord (*Dominus*, Sax. Hlaford, signifying a Bread-giver, Bountiful or Hospitable) is a Word of Honour with us, and used diversly. Sometimes being attributed to those who are Noble by Birth or Creation, and are otherwise called *Lords of the Parliament*, and Peers of the Realm: Sometimes to those so called by the curtesy of *England*, as all the Sons of a *Duke* or *Marquess*, and the eldest Son of an *Earl*: Sometimes to Persons Honourable by Office, as *Lord Chief Justice*, &c. And sometimes to an Inferior Person that hath Fee, and consequently the Homage of Tenants within his Manor; for by his Tenants he is called *Lord*, and in some Places, for Distinction-sake, *Landlord*: In which last Signification, it is most used in our Law-Books, where it is divided into *Lord Paramount*, and *Lord Mesn*. *Lord Mesn* is he that is Owner of a Manor, and by vertue thereof hath Tenants holding of him in Fee, and by Copy of Court-Roll; and yet holds himself of a Superior Lord, called *Lord Paramount*, or above him. *Old Nat. Br. fol.* 79. We likewise read of *Very Lord*, and *Very Tenant*: *Very Lord* is he who is immediate *Lord* to his Tenant; and *Very Tenant*, he that holds imme-

mmediately of that *Lord*: So that if there be *Lord Paramount*, *Lord Mesn*, and *Tenant*; the *Lord Paramount* is not *Very Lord* to the Tenant. *Broke, tit.* Heriot, *numb.* 1. See *Langemanni*.

Lord in Gross is he who is *Lord*, not by reason of any Manor, as the King in respect of his Crown. *Fitz. Nat. Br. fol.* 3. and 8. Where also is a Case wherein a private Person is a *Lord in Gross*; as, a Man makes a Gift in Tail of all the Land he hath, to hold of him, and dies, his Heir hath but a Seigniory in *Gross*.

Lorriners or **Lorimers**, (Fr. *Lormier*, from the Lat. *Lorum*) is one of the Companies of *London* that makes Bits for Bridles, Spurs, and such like small Iron Ware. *Anno* 1 *Rich.* 2. *cap.* 12.

Losinga, *i. e.* a Flatterer: We read it in *Brompton's Chronicle*, *pag.* 991. *Herbertus* losinga, that is, *Herbert* the *Sycophant*, *Episcopatum*, &c. *Emit. de Rege. Godwin* writing of the Bishops of *Norwich*, mentions this *Herbert*; *Surgit in Ecclesiâ Monstrum genitore* Losinga. *See* Monast. 2 Tom. pag. 218.

Lot or **Loth**, is the Thirteenth Dish of Lead in the *Derbyshire* Mines, which belongs to the King, *Pro Domino suo.*—*Presentatum est in Rageman nis per* 12 *de* Alto Pecco, *quod* Rad. de Wyne *fecit quandam Purpresturam in solo Domini Regis in* Tatington & Prestclive, *faciendo mineram plumbi, unde Rex solebat percipere le* Lot *minerii*, i. e. *Tertium decimum vas*, &c. Rot. Rageman de quo Warranto de Itin. de Derbi. 9 Edw. 1. *Et de minera lucrata in hujusmodi opere in feodo Domini Regis, Dominus Rex habebit pro Domino suo tertium decimum discum, qui dicitur* le Loth. Escaet. de Anno 16 Edw. 1. numb. 34. See *Cope*.

Lot. See *Scot. Clameo quietum eis in perpetuum manerium illud quod se pro hidâ unâ defendebat, quietum dico & liberum de Scotto & Lotto & Geldo & Danegeldo.* Monastic. Tom. 1. pag. 779.

Lotherwit alias **Leyerwit**, is a Liberty or Privilege to make Amends of him that defiles one's Bond-Woman without Licence: *Rastal's Exposition of Words*. According to others, it is an Amends for lying with a Bond-Woman. See *Lairwit*; for Legep in *Saxon* signifies a Bed; or *Lecherwite*, a Mulct or Punishment for *Lechery*.

Loventium, *Levenny* in *Brecknocshire*.

Lourgulary, (Fr. *Lourderie*, i. e. *Inhumanitas, incivilitas.*) *In statuto pro stratis London. impresso Anno* 1573. *Art.* 45. Casting any corrupt Thing, poisoning the Water, is *Lowrgulary* and Felony; some think it a Corruption of *Burglary*. See *Glossar. in decem Scriptores, verbo*, Burglaria.

Lowbellers (*Anno* 23 *Eliz. cap.* 10.) are such as go with Light and a Bell, by the Sight whereof, Birds sitting on the Ground become stupified, and so are covered with a Net and taken. This Name is derived from the Word **Low**, which in the *Saxon*, or Old *English*, signifies a *Flame of Fire*. See the *Antiq. of Warwickshire*, *p.* 4.

Lowbote, a Recompence for the Death of a Man killed in a Tumult, or, as we say, by the Mob.

Ludi de Rege & Regina, *i. e.* playing at Cards, so called, because there are Kings and Queens in the Pack. *Prohibemus etiam Clericis ne interfint* Ludis *inhonestis*, &c. *nec sustineant ludos fieri de* Rege & Regina, &c. *Du Cange*.

Lugovallum, *Carlisle*.

Lunda, a Weight formerly used here. *Lunda anguillarum constat de* 10 *sticis*. Fleta, lib. 2. cap. 12. par. 7.

Lupanatrix, a Baud or Strumpet. *Rex, Maiori & Vic. London, Salt. Quia intelleximus quod plures Roberiæ, murdra — perpetrantur, per Receptatores & Receptatrices, publicas* Lupanatrices *in diversis locis in Civitate nostra prædicta*, &c. Claus. 4 Edw. 1. p. 1. m. 16. dorso.

Lupulicetum, (*Lat.*) a Place or Ground where Hops grow; a Hop-Garden, 1 *Inst. fol.* 5. *b.*

Lusgul. —*in Scotis. & Geldis, & Danegeldis, &* Lusgul, *& Warpeni, & Nupeni, & de omnibus consuetudinibus quæ ad me pertinent.* Charta Hen. 2. G. G. n. 2. q.

Lushburghs al. **Luxenburghs**, was a base sort of Money coined beyond Seas, to the Likeness of *English* Money, in the Days of *Edward* the Third, and brought in to deceive the King and his People. To avoid which, it was made Treason for any Man wittingly to bring in any such. *Anno* 27 *Edw.* 3. *Stat.* 4. *cap.* 2. 3 *Part Inst. fol.* 1. *Knight*, *Anno* 1347, tells us, That in *eodem Anno defertur in Angliam per alienigenas & indigenas mercatores falsa moneta quæ* Lushburn *appellata est, unde apud Londonias multi mercatores & alii plures sunt tracti & suspensi.*

Lustrum. See *Curriculus*.

Lymputta *Extendens se a* Lymputta *juxta terram I. S. Liber niger* Hereford. It signifies a Lime-Pit.

M.

M. Every Person convicted for *Murder*, (*Manslaughter*) and admitted to the Benefit of his Clergy, to be marked with an *M.* upon the Brawn of the Left-Thumb. *Anno* 4 *Hen.* 7. *cap.* 13.

Macegrieks alias **Macegreks**, (*Macegrati*) are such as willingly buy and sell stolen Flesh, knowing the same to be stolen. *Britton, cap.* 29. *In turnis Vicecom.* 12 *Juratores, inter alia, presentent*—*De* Macegreks *achatauns & vendauns à escient chars embles.* Crompton's Justice of Peace, fol. 193. a. *Vide* LL. *Inæ, cap.* 20. *de carnem furtivam emente.*—*De* Macegrariis *carnes furatas scientibus, vendentibus & ementibus.* Stat. Walliæ.

Machecollare vel **Machecoulare**, (from the Fr. *Maschecoulis*) 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 Assailants. 1 *Inst. fol.* 5. a.

Madring-Money: Old *Roman* Coins sometimes found about *Dunstable*, are so called by the Country People; and retains the Name from *Magintum*, used by the Emperor *Antonine* in his *Itinerary* for *Dunstable*. *Camd.*

Madrigals is an old Word, signifying Country Songs.

Maeus, *Maidstone* in *Kent*.

Maeremium & **Meremium**, is derived from the old Fr. Word *Meresme*, for Timber. It properly signifies any sort of Wood fit for Building, *seu quodvis* Materiamen, from whence the Word is derived. See *Materia*.

Rex— dilecto— Rogero de Horsley Constabulario Castri sui de Baumburg, salutem. Mandamus vobis quod homines partium prædict. super in Castro prædicto pro salvatione Corporum & rerum suarum contra aggressus Saxonum commorantes, Maeremium *de logiis suis, nec non bona & catalla ac victualia sua in eodem Castro, & in Fossato & Mota ejusdem existentia, sine impedimento, capere & cariare, & quo voluerint asportare, permittatis*, &c. *T. Rege apud Cowyk* 12 *Junii.* Claus. 16 Ed. 2. m. 3.

Magbote or **Mægbote**, (from the *Sax.* Mæg, i. e. *cognatus*, and bote, *compensatio*) a Recompence for the slaying or murder of one's Kinsman; for anciently in this Nation, corporeal Punishment for Murder, and other great Offences, were sometimes commuted into pecuniary Fines, if the Friends of the Party slain were so content. *LL. Canuti Regis, Par.* 1. *cap.* 2. See *Cenegild.*

Magi, *Old Radnor.*

Magiobinium, *Dunstable.*

Magister. In old Writings, we find this Title often; as, *His testibus Magistro Johanne de Croft.* It noted the Person had attain'd some Degree of Eminency *in Scientia aliqua, præsertim literaria.* And in old Time, those who are now called *Doctors*, were termed *Magistri.*

Magna Assisa Eligenda, is a Writ directed to the Sheriff, to summon four lawful Knights before the Justices of *Assize*, there upon their Oaths to chuse Twelve Knights of the Vicinage, &c. to pass upon the *Great Assize* between *A.* Plaintiff, and *B.* Defendant. *Reg. of Writs, fol.* 8. *a.*

Magna Charta, The Great Charter, granted in the Ninth Year of *Henry* the Third, and confirmed by *Edward* the First, and other Kings. The Reason why it was so termed, was either for the Excellency of the Laws and Liberties therein contained; or else, because there was another *Charter*, called the *Charter of the Forest*, established with it, which was the lesser of the two; or, because it contained more than any other *Charters*, or more than the *Charter* of King *Henry* the First. Or, in regard of the Wars and *great* Troubles in the obtaining of it, or the *great* and remarkable Solemnity, in the denouncing Excommunication and direful *Anathema's* against the Infringers of it. See *Spelman's Gloss.* on this Word at large, who calls it *Augustissimum Anglicarum libertatum diploma, & sacra Anchora.* So Sir *Edward Coke* says, It is *Magnum in Parvo*, and that it hath been above Thirty Times confirmed. *On Litt. fol.* 81. it is recorded, That when *Hen.* 3. confirmed it, he swore, *on the Word and Faith of a King, a Christian, and a Knight*, to observe it. See *Charta Magna.*

Magna Precaria, a great or general Reap-Day. The Lord of the Manor of *Harrow* in *Com. Middlesex*, had (in 21 *Rich.* 2.) a Custom, that by Summons of his Bailiff upon a general Reap-Day, (then called *Magna Precaria*) the Tenants should do One hundred ninety nine Days Work for him; every Tenant that had a Chimney was to send a Man. Mr. *Phil.* of *Purveyance, pag.* 145.

Magnum Centum —— *& communem pasturam ad quadringentas oves, per* Magnum Centum, *cum tot agnis.* Charta 20 Hen. 3. m. 1. This great Hundred is Sixscore.

Magnus Portus, *Portsmouth.*

Mahem, or **Maihem**, (*Homiplagium vel Mahemium*) from the Fr. *Mehaigner*, i. e. *mutilare*) signifies a corporal Hurt, whereby a Man loseth the Use of any Member that is or may be any Defence to him in Battel; as, the Eye, the Hand, the Foot, Scalp of the Head, Fore-Tooth, or, as some say, any Finger or Toe. *Glanvil. lib.* 14. *cap.* 7. See *Bracton* at large, *lib.* 3. *tract.* 2. *cap.* 24. *numb.* 3. If any one shall, of Malice Fore thought, cut out or disable the Tongue, put out an Eye, slit or cut off the Nose or Lip, or cut off or disable any Limb or Member of any, with Intention in so doing to maim or disfigure him, it is Felony without Clergy, by Stat. 22 & 23 *Car.* 2. *ca.* 1. And when the Case is difficult to judge, whether it be a *Mahem* or not, the Judges commonly behold the Party wounded, and sometimes take the Opinion of some able Chirurgeon. The Canonists call it *Membri Mutilationem.* All agree, that it is the loss of a Member, or the Use thereof. See *Skene, verbo, Machanium.*

Mahomeria, the Temple of *Mahomet*, so called by *Matt. Paris*; and because the Gestures, Noise and Songs there used were ridiculous to the Christians, therefore they called antick Dancing, and every ridiculous Thing, a *Momerie.*

Maiden Rents is a Noble paid by every Tenant in the Manor of *Builth* in *Com. Radnor*, at their Marriage, and it was anciently given to the Lord for his omitting the Custom of *Marcheta*, whereby some think he was to have the first Night's Lodging with his Tenant's Wife: But I rather suppose it to be a Fine for the Licence to marry a Daughter. See *Marcheta.*

Maidstone. See *Vagniacæ.*

Maidulfi Urbs, *Malmsbury* in *Wiltshire.* So called from *Maidulfus*, an *Irish Scot*, who built a Monastery there, in which *Adelmus* was the first Monk, and his intended Successor, who afterwards built a very fair Monastery in the same Place.

Maignagium, (from the Fr. *Maignen*, i. e. *Faber ærarius*) a Brasier's Shop. *Idem Hugo tenebat unum* Maignagium *in foro ejusdem villæ, &c.* Lib. Ramesi. fol. 265. See *Cotland.* But others are of Opinion that it signifies an House; *quasi Messuagium.*

Maile, anciently a kind of Money. *Etiam latius accipitur, nec tantum pro denariis pluribus, sed & portione aliqua rei frumentariæ vel annonariæ; hoc verò in plaga Angliæ Boreali* Blackmaile *dicitur, ut pecuniario illo distinguatur.* Inquis. capta post mortem Wil. de Coway, Anno 20 Edw. 3. n. 69. Lanc. *Est in* Ulverston *quoddam proficuum vocat.* Geelmaies, *& quoddam proficuum apud* Plumpton, *vocat.* Colmale. *Spel.* See *Blackmaile.*

Mail, *Macula*, a Coat of Mail; it is called Mail, from the Fr. *Maille*, which signified a square Figure, or the square Hole of a Net. So *Maille de haubergeons* is a Coat of *Mail*, because the Links or Joints in it resembled the Squares of a Net. *Maille*, with a double *ll*, signifies a round Ring of Iron, from hence the Play of *Pall-Mall*, from *palla* a Ball, and the round Ring through which it is to pass.

Mainad, *i. e.* Perjury, (from the *Sax.* Manæp, *Perjurium.*) We read it in the Laws of *Ina, cap.* 24. viz. *Si nolit abjurare emendet ipsum* Mainad, *i. e. Perjurium duplicitè.*

Maine-porte (*in manu portatum*) is a small Tribute, (commonly of Loaves of Bread) which in some Places the Parishioners pay to the Rector of their Church, in Recompence for certain Tithes. See *Waxshot. Vicaria de* Wragby, (in Com. Linc.) *consistit in toto Altaragio & in Ceragio, vulgariter dict.* Marshot, *in panibus vulgariter dict.* Mainport, *& in incremento denariorum Sancti Petri, vulgariter dict* Fire-harth. *Spelman.* This *Mainport-Bread* was paid to the Vicar of *Blyth*, as you may see in the *Antiq. of Nottinghamshire. fol.* 473.

Mainour, **Manour**, or **Meinour** (from the Fr. *Manier*, or *main-ever*, i. e. *manu tractare*) signifies the Thing that a Thief takes away or steals. As, to be taken with the *Manour* (*Pl. Cor. fol.* 179.) is to be taken with the Thing stolen about him, (*Flagrante delicto.*) Again, *fol.* 194. it was presented, That a Thief was delivered to the Viscount, together with the *Manour.* And again, *fol.* 149.

If the Defendant were taken with the *Manour*, and the *Manour* be carried to the Court, they in ancient Times would arraign him upon the *Manour*, without any Appeal or Indictment. *Si dicti Servientes seu Balivi sui aliquem latronem pro aliquo furto ubicumque fuerit facto, cum* Manhopere, *infra feodum Dominii sui prædicti ceperint seu attach. & si ille latro feloniam illam coram quatuor villat. voluntarie cognoverit, tunc liceat dictis Servientibus seu Balivis suis dictum latronem* decollare, *& dictus Dux,* (Lanc.) *tunc habebit omnia bona sua,* &c. Plac apud Cestriam, 31 *Edw.* 3. de Quo War. in Maner. de *Halton.* In *Old Nat. Br. fol.* 110. it is thus used; Where a Man makes a Thing by *Manour*, or levying or estopping, in such Case he shall have Assise, where it signifies Handy-labour, and is but an Abbreviation of *Mainovery.*

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

Mainprise, (*Manucaptio*,) of the Fr. *Main*, i. e. *Manus*, and *Prins*, i. e. *Captus*,) signifies the taking or receiving a Man into friendly Custody, who otherwise is or might be committed to Prison, upon Security given for his forth coming at a Day assigned; as, to let one to *Mainprise*, (*Old Nat. Br. fol.* 42.) is to commit him to those that undertake his Appearance at the Day appointed. And they that thus undertake for any, are called *Mainpernors*, because they receive him into their Hands. *Pl. Cor. fol.* 178. Hence the Word *Mainpernable*, that may be thus bailed; for, in many Cases, a Man is not *Mainpernable*, whereof see *Brook*, *tit. Mainprise*: And *Fitz. Nat. Br. fol.* 249.

Manwood (in his 1 *Par. For. Laws, pag.* 167.) makes a great Difference between *Bail* and *Mainprise*; for he that is *mainprised*, is already said to be at large, after the Day he is set to *Mainprise*, until the Day of his Appearance: But, not so where a Man is let to *Bail* to four or two Men by the *Lord Justice in Eyre* of the Forest, or any other Judge, until a certain Day, for there he is always accounted by the Law to be in their Ward and Custody for the Time; and they, may if they will, keep him in Prison all that Time. So that he that is so *bailed*, shall not be said by the Law to be at large, or at his own Liberty. Thus *Manwood.*

Mainprise also is an Undertaking in a Sum certain: *Bail* answers the Condemnation in Civil Causes; and in Criminals, Body for Body. *Cotton posthuma.*

When *Mainprise* may be granted, and when not, see *Crompton's Justice of Peace, fol.* 136, and *Britton, fol.* 73. The Author of the *Mirror of Justice* says, That *Pledges* are those that bail or redeem any Thing but the Body of a Man; and *Mainpernors*, those that free the Body. Pledges therefore belong properly to real and mix'd Actions, and *Mainpernors* to personal. Lib. 3. cap. *des Pledges & Mainpernors.* See 4 *Inst. fol.* 179.

Mainswoon, in the *North*, signifies as much as Forsworn, *Brownl. Rep.* 4. *Hob. Rep.* 8.

Maintainor (*Anno* 19 *Hen.* 7 *cap.* 14.) is he that maintains or seconds a Cause depending in Sute between others, either by disbursing Money, or making Friends for either Party towards his Help.

Mainteuance (*Manutenentia*) signifies the upholding or maintaining a Cause or Person, either by Word, Writing, Countenance or Deed; Metaphorically taken from the succouring a young Child that learns to go by one's *Hand*; and is used in the evil Part, *Anno* 32 *Hen.* 8. *cap.* 9. When a Man's Act in this Kind, is by Law accounted *Maintenance*; and when not, See *Brooke*, tit. *Maintenance*; and *Kitchin, fol.* 202. There lies a Writ against a Man for this Offence, called a *Writ of Maintenance.* See *Coke on Litt. fol.* 368. b.

Maior, a Mayor, doth not come from the Lat. *Major*, but from an Old *English* Word *Maier*, i. e. *Potestas.*

Maisnada, i. e. a Family, *quasi Mansionata.*

Maison Dieu, (*Fr.*) an Hospital, or Alms-house. See *Meason Dieu.*

Maisura —— Baldwinus *Comes Exon. Omnibus Baronibus suis & hominibus Francis & Anglis.* —— *dedi* —— Maisuram *quam ipse tenet*, &c. sine dat MS. Cartarum penes *Eliam Ashmole Arm.* A House or Mansion, a Farm; from the Fr. *Maison.* See *Mansura.*

Maius ius, is a Writ or Proceeding in some Customary Manors, in order to a Trial of Right of Land; and the Entry is, *Ad hanc Curiam venit, W. L. in propria persona sua & dat Domino iis ad videnda Rotulas Curiæ, & petit inquirend. utrum ipse habet* Maius ius *in uno Messuagio, &c. an N. T. Et super hoc Homag. dicunt,* &c. Ex Libro MS. vocat *Butterfeld* in Episcopat. Heref. de temp. Edw. 3. fol. 244. b.

Make (*Facere*,) signifies to perform or execute; as, *to make his Law*, is to perform that Law which he had formerly bound himself unto, that is, to clear himself of an Action commenced against him by his Oath, and the Oaths of his Neighbours. *Old Nat. Br. fol.* 267. *Kitchin, fol.* 192. —— *& si Placitum debiti vel transgressionis vel aliquod Placitum fuerit inter vicinos, & defendentes negaverint & vadierint Legem versus Querentem, solebant* facere Legem cum tertia manu, *&c.* (Inq. de Consuetud Manerii de Sutton Colfeld a tempore Athelstani Regis) *i. e.* The Defendants were to bring three Persons to swear with them. Which Law seems to be borrowed of the *Feudists*, who call those Men that swear for another in this Case, *Sacramentales.* The formal Words used by him that makes his Law, are commonly these: *Hear, O ye Justices, that I do not owe this Sum of Money demanded, neither all, nor any part thereof, in Manner and Form declared: So help me God, and the Contents of this Book.* To *make* Services or Custom, is nothing else but to perform them. *Old. Nat. Br. fol.* 14. See *Law.*

Malandrinus, *i. e.* a Thief or Pirate: 'Tis mentioned in *Walsingham, pag.* 388. viz. *Brigantinorum more semi vestitus gestans ad latus sagittas breves, qualiter utuntur equites Italiæ qui* Malendrini *vocantur.*

Malberge, i. e. *Mons placiti*, a Hill where the People assembled like our Assizes, which by the *Scots* and *Irish* are called Parly Hills. *Du Cange.*

Malden. See *Camalodunum.*

Malecreditus, *i. e.* one who is suspected, who cannot be trusted; so in *Feta, lib.* 1. *cap.* 38. *par.* 21. *Recedet inde appellatus omnino quietus, dum tamen a suo visneto non fuerit* Malecreditus, *&c.*

Malediction, (*Maledictio*,) a Curse, which was of old usually annexed to Donations of Land, made to Churches and Religious Houses. —— *Si quis autem (quod non optamus,) hanc nostram Donationem infringere temptaverit, perpessus sit gelidis glaciarum flatibus & malignorum Spirituum; terribiles tormentorum cruciatus evasisse non quiescat, nisi prius in riguis pœnitentiæ gemitibus, & pura emendatione emendaverit.* Charta Regis Athelstani Monast. de Wiltune. *Anno* 933.

Again,

Again, *Venientibus contra hæc & destruentibus ea, occurrat Deus in gladio iræ & furoris & vindictæ & maledictionis æternæ. Servantibus autem hæc & defendentibus ea, occurrat Deus in pace, gratia & misericordia & salute æterna. Amen, Amen, Amen.* Charta Willielmi de Warenna, Surreiæ Comitis.

Quod si forte post hæc aliquis hæredum meorum de hiis Eleemosynis a præfata Ecclesia aliquid abstulerit, ex ore meo in conspectu Dei sit ille maledictus, & in tremendo Judicio, nisi resipuerit, condemnatus. Amen. Charta Roberti Camerarii Comitis Richmundiæ, in Bibl. Cotton.

Malefesance, (from the Fr. *Malfaire, i. e.* To offend or transgress,) a Doing of Evil, a Transgressing. *Croke's Rep.* 2 *Par. fol.* 266.

Maletent, Maletot, or **Maletolte**, (Fr. *Maletoste*, i. e. *Malum vel indebitum Telonium.*) In the Statute called the *Confirmation of the Liberties, &c. Anno* 25 *Edw.* 1. *cap.* 7. is interpreted to be a Toll of 40 *s.* for every Sack of Wool. *Stow* in his *Annals* calls it a *Maletot, fol.* 461. See the Stat. *de Tallagio non concedendo, Anno* 35 *ejusdem.* Nothing from henceforth shall be taken of Sacks of Wool, by Colour or Occasion of Maletent. In *France* they had an extraordinary Tax called *Maletoste*, first exacted by *Philip the Fair.*

Malignare signifies the same as to maim any one. *Qui ordinatum occiderit vel* Malignaverit *emendet ei sicut rectum est.* Leg. H. 1. cap. 11.

Malignus, *i. e. Diabolus:*

Proh Dolor, hunc pepulit propriâ de sede Malignus.

Malin. See *Marle.*

Malina, See *Ledo.*

Malmsbury. See *Maidulfi urbs.*

Malo grato, Unwillingly. *Libertatem Ecclesiæ quam ipse nunquam auxit sed magnifici antecessores sui* Malo grato *suo stabilierunt*; i. e. He being unwilling. *Matt. Paris. Anno* 1245.

Malveilles (from the Fr. *Malvueillance, i. e.* Malice) may be used in our Records for Misdemeanors, or malicious Practices. *Record. de hiis quæ fiebant in Parl.* 4 *Edw.* 3. *Liberata in Cancellaria per Hen. de Edmestow Clericum Parl. Ces sont les Treasons, Felonies, &* Malveilles *faitz au nostre Seigneur le Roy & a son people per Roger. de Mortimer, &c.* Ex libro nigro de Wigmore, penes Edw. Harley mil. Balnei.

Malveisia is a warlike Instrument; which *Matt. Paris.* tells us is a *Petrard*, used to beat down Walls. *Propter Petrariam quæ* Maleveisii *gallicè nuncupatur quâ cum machinis aliis Franci ad castrum locatâ muris acriter crebris cum ictibus verberabant.*

Malveis Procurors (in *Art. super Chartas, cap.* 10.) is understood of such as use to pack Juries by Nomination, or other Practice or Procurement. 2 *Inst. fol.* 561.

Man sometimes signifies a Nag, from the Lat. *Mannus*: And therefore amongst the Laws of King *Alfred* we find *Mantheof, i. e.* an Horse-stealer.

Mana, *i. e.* an old Woman. We read it in *Gervais of Tilbury, cap.* 95. *Mulieres agnosco* Manas *nostras quæ processerunt in diebus istis, &c.*

Managium, (from the Fr. *Manoire*, a dwelling or inhabiting) a Mansion-House or Dwelling-place. *Concessi capitale* Managium *meum cum pertinentiis.* Charta Nich. de Balsham, sine dat.

Managium. *Monastic.* 2 *Tom. pag.* 82. Managium *ejusdem Hugonis cum Campo adjacente.*

Manbote, (Sax.) a Recompense for Homicide, or a Compensation due to the Lord for the Slaughter of his Man or Vassal. (Manbote *vero, i. e. Compensatio Domino persolvenda pro homine suo occiso.*) *Anglorum lege Regi & Archiepiscopo tres Marcas de hominibus eorum proprius: Sed Episcopo ejusdem Comitatus & Consuli & dapifero Regis viginti solidos, Baronibus autem aliis decem solidos, &c.* Spel. de Concil. Vol. 1. fol. 622. See *Hoveden parte poster. annal. fol.* 344. and *Bote.* See *Were.*

Manca, (Charta Regis Badgari Eccles. Sancti Pauli, Anno 867. Indictione 15. *Cum lato digno pretio*, i. e. *Ix* Mancas *in auro purissimo,*) was a square Piece of Gold, commonly valued at thirty Pence; and *Mancusa* was as much as a Mark of Silver. *Notes upon Canutus's Laws*, (i. e. *Manucusa*, Coined with the Hand.) So in the Laws of King *Ina, cap.* 69. *Ex æstimatione capitis viri qui vicinis dum vixerat æstimatur, solidis, subtrahantur* 30 *solidi ad compensandam domino mortem.* But the *Manca* was not always of that Value, for sometimes it was valued at six Shillings, *Leg. H.* 1. *cap.* 69. Manca *sex solidis æstimetur*: But the Shilling was then but five Pence. And the *Mancusa* was a Sort of Money used by the English *Saxons*, equal in Value to our Half-Crown: For *Thorn*, in his *Chronicle*, tells us, That *Mancusa est pondus duorum solidorum & sex denariorum.* And with him agrees *Du Cange, in verbo vita plena*, where he says, that twenty *Mancæ* make fifty Shillings; for *Manca* and *Mancusa* are promiscuously used in the old Books for the same Money. But *Spelman* and *Somner* say, that a *Mancusa* was equal to our Mark.

Manciple, (*Manceps*, a Clerk of the Kitchin, or Caterer,) an Officer anciently so called in the *Inner-Temple*, (now he is called a Steward there,) and still used in Colleges; of whom *Chaucer*, our ancient Poet, and a Student in this House, thus;

A Manciple there was in the Temple,
Of which all Catours might taken ensample.

Mancunium, *Manchester* in *Lancashire.*

Mandamus is a Writ that lay after the Year and Day, where in the mean Time the Writ called *Diem clausit extremum* had not been sent out to the Escheator. *Fitz. Nat. Br. fol.* 253. *b.* See *Diem clausit extremum. Mandamus* was also a Charge to the Sheriff, to take into the King's Hands all the Lands and Tenements of the King's Widow, who, against her Oath formerly given, married without the King's Consent. *Reg. fol.* 195. *b.* See *Widow.*

Mandatary, (*Mandatarius*,) he to whom a Commandment or Charge is given. Also he that comes to a Benefice by a *Mandamus.*

Mandate (*Mandatum*) is a Commandment judicial of the King, or his Justices, to have any Thing done for the Dispatch of Justice; whereof you may see Diversity in the Table of the *Register Judicial* on this Word. The Bishop's *Mandate* to the Sheriff, *Anno* 31 *Eliz. cap.* 9.

Mandatum is sometimes taken for a Report or Rumour, as in *Mat. Paris. Anno* 1242. *Urgebant Regem* Mandata *ultramarinorum.* Sometimes 'tis taken for that Part of a Monastery where Guests were entertained, *viz. Fecit reparari & emendari domum* Mandati *ubi recipiuntur hospites & pauperes*, Du Cange.

Manences was anciently used for *Tenentes*, or Tenants. *Concil. Synodal. apud Cloversho. Anno* 822. *Qui in solo alieno* manent. And it was not lawful for them or their Children to depart without Leave of the Lord.

Mangonare, To buy in the Market. *Si veniat ad mercatum qui* Mangonant *in caseo & butiro.* Leg. Ethelred, apud Brompton, cap. 24.

Mangonus, a warlike Instrument, made to cast Stones against the Walls of a Castle. And it differs from a *Petrard* thus, *viz.*

Interea grossos Petraria mittit ad intus,
Assidue lapides Mangonellus *que minores.*

Manipulus was an Handkerchief which the Priest always had in his Left-hand.

Manning, (*Manopera*,) a Day's Work of a Man. In some ancient Deeds I have seen reserved so much Rent, and so many **Mannings**. Howbeit, *Maninga* (from the Sax. Manunge, i. e. *Admonitio*) signifies *conventum ad causas disceptandas indictum. Et nominentur in* Maninga *singulorum præpositorum tot homines.* Leg. Adelstan, apud Brompton, cap 3.

Mannire is where one is cited to appear in Court, and stand to the Judgment there. It differs from *Bannire*: For though both signify a Citation, yet one is a Citation by the Adversary, and the other by the Judge. *Leg. H. 1. cap. 10. Du Cange.*

Manor, (*Manerium*, from *Manendo*, of abiding there, because the Lord of it did usually reside there.) *Est feodum nobile partim vassallis (quos Tenentes vocamus) ob certa servitia concessum, partim Domino in usum Familiæ suæ, cum jurisdictione in vassallos, ob concessa prædia reservatum. Quæ vassallis concedunturterras dicimus* tenementales, *quæ domino reservantur* dominicales. *Totum vero feodum* dominium *appellatur*, olim Baronia; *unde Curia quæ huic præest jurisdictioni hodie* Curia Baronis *nomen retinet.*

As touching its Original, which was after the Conquest; *viz.* There was a certain Compass of Ground granted by the King to some *Baron*, or such-like Man of Worth, for him and his Heirs to dwell upon, and to exercise some Jurisdiction, more or less, within that Circuit, as he thought good to grant, performing such Service, and paying such yearly Rent for the same, as he by his Grant required; and that afterward this great Man parcelled his Land to other meaner Men, enjoining them again such Services and Rents as he thought good: And by that Means, as he became Tenant to the King, so the Inferiors became Tenants to him. See *Perkins's Reservations*, 67c. and *Horn's Mirror of Justice, lib. 1. cap. du Roy Alfred.* In these Days, a *Manor* rather signifies the Jurisdiction and Royalty incorporeal, than the Land or Site: For a Man may have a *Manor in Gross*, that is, the Right and Interest of a Court-Baron, with the Perquisites, and another enjoy every Foot of the Land belonging to it. *Kitchin, fol. 4. Bracton, lib. 5. Tract. 5. cap. 28. nu. 1.* See *Fee.* A *Manor* may be compounded of divers Things; as, of an House, Arable Land, Pasture, Meadow, Wood, Rent, Advowson, Court-Baron, and such like. And this ought to be by long Continuance of Time, beyond Man's Memory: For at this Day (as some hold) a *Manor* cannot be made, because a Court-Baron cannot be made; and a *Manor* cannot be without a Court-Baron, and two Suitors at least. See *Pilligrout.*

Manse, (*Mansus, vel Mansa*,) an Habitation or Farm: Also an Hide of Land; and the Possessors of such were called *Manentes.* Spelm.

Manser, *i. e.* a Bastard. The Difference of several Words which signify a Bastard, may be seen in these Verses:

Manseribus *Scortum, sed Macha nothis dedit ortum,*
Ut seges a Spicâ, sic spurius est ab amicâ,
Sunt naturales qui nobis sunt speciales.

Mansion, (*Mansio*, from *Manendo*,) a Dwelling-house, a Country Habitation, most commonly used for the Lord's chief Dwelling-house within his Fee; otherwise called the *Capital Messuage*, or the chief Manor-place. See *Skene, verbo Mansus.* The *Latin* Word *Mansia*, in the Charter granted by King *Kenulphus* to *Ruchin*, Abbat of *Abingdon*, and mentioned by Sir *Edward Coke* in his Report *de Jure Regis Ecclesiastico*, seems to signify a certain Quantity of Land: *Hida vel Mansia.* Mat. Westm. in Anno 857. And in a Charter of *Edw. Conf.* it is written *Mansa.* Vide *Hist. of Pauls, fol.* 189. *Bracton, lib. 5. tract. 5. par. 1.* Mansio *esse poterit constructa ex pluribus domibus vel una, quæ erit habitatio una & sola sine vicino, etiam & si alia* Mansio *sit vicinata non erit villa, quia villa est ex pluribus* Mansionibus *vicinata & collata ex pluribus vicinis.* Fleta, lib. 6. cap. 51. Sometimes *Mansio* signifies a Family; as, *Terram* 50 Mansionum, *&c. Concilium Gloveshoe, Anno* 800. But that which in ancient *Latin* Authors was called *Hida*, was afterwards called *Mansus*, *i. e.* as much Land as one Plough could till in a Year.

Manslaughter (*Homicidium*) is the unlawful killing a Man without prepensed Malice; as, when two meet, and upon some sudden Occasion falling out, the one kills the other. It differs from *Murder*, because it is not done with foregoing Malice; and from *Chance-medley*, because it has a present Intent to kill: And this is *Felony*, but admits Clergy for the first Time. *Stamf. Pl. Cor. lib. 1. c. 9.* and *Brit. c. 9.* It is confounded with *Murder* in the Stat. 28 *Ed.* 3. *cap.* 11. 'Tis derived from the *Saxon* Manslaue. Amongst King *Ina's* Laws, 33, there is a Title *De Homicidio*, and the Crime there mentioned is *Manslaughter*, in the same Sense as 'tis now taken; which is yet more plain in the Laws of *Canutus*, where the same Distinction was made between *Murder* and *Manslaughter* as now, *viz. Leg.* 53. If a Man is killed openly and premeditately, then the Person shall be delivered to the Kindred of the Slain, *&c.* But if on his Trial the Fact is proved, but not wilful, let the Bishop judge him.

Mansura, and **Masura**, are used in *Domesday*, and other ancient Records; for *Mansiones vel habitacula villicorum.* But in *Charta de An. 1 Ed. 3. n. 3.* we read, *De tribus* Mansuris terræ *in Wigornia.* Quære.

Mansura, the same with *Mansia.*

Mansus, anciently a Farm. *Selden's Hist. of Tythes, pag.* 62. The same with *Hida.*

Hæc Indentura testatur, quod Reginaldus Grey Dominus de Hastings, Weisford & de Rushin tradidit Johanni Saunders. Mansum Manerii *de Bedworth, &c. Dat.* 18 *Hen.* 6. Here *Mansum Manerii* is used for the Manor-House, or Manor-Place. Mansum capitale *dicitur de ædibus Domini Manerii, quas Autem vulgo nuncupant. Mansum* or *Mansus* is sometimes confounded with *Messuagium.* Spelman. There were in short Time conferred on the Monastery of *Eversham* 120 *Manses*, says *Cressy* in his *Church-History, fol.* 530. *a.* Which *Manses* are in some Records latined *Manentes.* Sometimes a *Hide* of Land, and a *Manse* are confounded. *Illud* Mansum *sive Messuagium.* Mon. Angl. 2 Par. fol. 658. a.

Manubrium, the Handle or Haft of a Sword or Dagger. *Jur. præsentant, quod A. de C. Aurifaber*

2 Junii, 2 Jac. apud Sepradiff. quoddam Manubrium pugionis ferrerum, *Anglice dictum*, A Dagger-Hilt of Iron, &c. *Apud Maidston.*

Manucaptio is a Writ that lies for a Man, who taken on Suspicion of Felony, and offering sufficient Bail for his Appearance, cannot be admitted thereto by the Sheriff, or other having Power to let to Mainprise. *Fitz. Nat. Br. fol.* 249. See *Mainprise*. How diversly it is used, see the *Table of Reg. of Writs*; and *Pryn's Animadversions, fol.* 268.

Manuel, (*Manualis*,) that whereof present Profit may be made, or that is employed or used by the *Hand*. *Stamf. Prærog. fol.* 54. As such a Thing in the *Manuel Occupation* of one, *i. e.* actually used or employed by him.

Manufictile, *i. e.* Worked with the Hand. *Leg. H.* 1. *cap.* 90.

Manumission (*Manumissio*) is the freeing a Villain or Slave out of Bondage. The Form of this in the Time of a Conqueror, *Lamb.* in his *Archai. fol.* 126. sets down in these Words, *Si quis velit servum suum libertum facere, tradat eum vicecomiti per manum dextram, in pleno comitatu, & quietum illum clamare debet a jugo servitutis suæ per* Manumissionem, *& ostendat ei liberas portas & vias, & tradat illi liberum arma, scilicet lanceam & gladium, & deinde liber homo efficitur.* Some also were manumitted by Charter. *Vide Brooke, tit. Villenage, fol.* 305. Another Way of *manumitting* was, for the Lord to take the Bondman by the Head, and say, *I will that this Man be free*, and then shove him out of his Hand. There was also *Manumission* implied; as, when the Lord made an Obligation for Payment of Money to the Bondman at a certain Day, or sued him, where he might enter without Suit, or the like. See *Neif.*

EDWARDUS *Dei Gratia, Rex Angliæ & Franciæ & Dominus Hiberniæ, omnibus ad quos præsentes Literæ nostræ pervenerint, Salutem. Sciatis quod nos ex gratia nostra speciali & ex mero motu nostro* Manumissimus *& ab omni jugo servitutis liberamus* Johannem Dedwiche *de* Orleton *in Com. Heref. Husbandman, &* Will' Dedwiche *de eadem Husbandman Nativos nostros de Manerio sive Dominio nostro de* Orleton *prædict. Cum omnibus bonis & catallis suis & tota eorum sequela & progenie de eorum corporibus procreatis sive procreandis. Ita quod nec nos nec Heredes nec Successores nec Assignati nostri aliquod Juris vel clamei ratione alicujus* Villenagii *in iisdem* Johanne *&* Willielmo *seu de eorum progenie procreatis sive procreandis, seu de bonis & catallis suis exigere vel vendicare poterimus in futuro, &c. In cujus rei testimonio has literas nostras sub sigillo nostro Comitatus nostri Marchiæ fieri fecimus Patentes. Dat. vicesimo die Mensis Aprilis Anno Regni nostri octavo.* Ex ipso autographo penes Johan. Colman Gen.

Manuopera, Cattle, or any Implements used in Husbandry. *Ac etiam deodanda, thesaurum inventum, & omnia bona & catalla vocata* Manuopera *inventa, &c.* Monast. 1 Tom. pag. 977. So in *Fleta, lib.* 2. *cap.* 52. *par.* 42. *Probatores cum* Manuopere *capti*, i. e. *Fures catallorum. Et omnimoda Catalla vocata* Manuopera, *cum quacunq; persona in eisdem capta.* Pat. 13 Hen. 4. Par. 1. m. 14. See *Mainer.*

Manupastus. *Sæpe obvenit in forensi dialecto, pro famulo & serviente Domestica.* Spelman. *Erat culpabilis tanquam de* Manupasto. (*Manwood, cap.* 16. *n.* 6.) *i. e.* He shall be culpable, as of a Thing done by his own Hand, or by one of his Family. *Gloss. in v. Scriptor.* So that *Manupastus* signifies a Domestick: *Si* Manupastum *alicujus interfecerit de furto.* Leg. H. 1. cap. 66.

Manus was anciently used for an Oath; and for him that took it, a Compurgator. As we often find in old Records, *Tertiâ, quartâ, decimâ, manu jurare*; that is, the Party was to bring so many to swear with him, that they believed what he vouched was true: If he swore alone, it was *propriâ manu & unicâ.*

Manutenentia is a Writ used in case of *Maintenance. Reg. of Writs, fol.* 182, and 189 See *Maintenance.*

Manwoyth, (Sax. Manpyrh,) the Price or Value of a Man's Life or Head; every Man, according to his Degree, being rated at a certain Price; according whereunto Satisfaction was of old made to his Lord for the killing him

Mara, a Mere, or great Pond, that cannot be drawn dry. *Mon. Angli* 1 *Par. fol.* 666. *b.*

Marabots were a Sort of *Spanish* Gold Coin, formerly current here.

Marca is now thirteen Shillings and four Pence; but in the Reign of *Henry* I. it was only six Shillings and a Peny in Weight; for the Shillings as well as the Pence were then weighed, or went by Weight; and some were coined, and some only cut in small Pieces. Now those that were coined were worth something more than the other. *De Tibindi hominis occisi mora debent reddi, &c.* 30 *Sol & 5 Denar. ad Manbotam, idem hodie* 5 Marcæ *de Thesauro, i. e. Thaino* 120 *Sol. qui faciunt* 20 Marcas. Leg. H. 1. See *Mark.*

Marcatu, the Rent of a Mark by the Year. *Et unam* Marcatum *redditus de Newenton.* Mon. 1 Tom. pag. 341.

Marchers, or **Lords Marchers**, were the Noblemen that lived on the *Marches* of *Wales*, or *Scotland*, who in Times past (according to *Camden*) had their private Laws, *& potestatem vitæ & necis*, like Petty Kings, which are now abolished by the Statute 27 *Hen.* 8. *cap.* 26. Of these *Marchers*, you may read *Anno* 2 *H.* 4. *c.* 18. 26 *H.* 8. *c.* 6. and 1 *Ed.* 6. *cap.* 10. where they are called *Lord Marchers.* And in old Records, the *Lords Marchers* of *Wales* were called *Marchiones de Marchia Walliæ.* See *Marquis.* See also 1 & 2 *Ph. & Mar. cap.* 15.

Marches (*Marchia*, from the Sax. Meape, *Signum Limitaneum*) are the Bounds and Limits between us and *Wales*, or between us and *Scotland. Anno* 24 *Hen.* 8. *c.* 9. Which last are divided into *West* and *Middle Marches. Anno* 4 *H.* 5. *p.* 7. and 22 *Ed.* 4. *cap.* 8. The Word is used in the Statute 24 *Hen.* 8. *cap.* 12. generally for the Precincts of the King's Dominions. So in *Charta Divisionis imperii Caroli Magni, cap.* 1. you will find, that *Nullus eorum fratris sui terminos vel regni limites invadere præsumat neque fraudulenter ingredi ad conturbandum regnum ejus vel* Marcas *minuendas.* Du Fresn Gloss.

Marchet, (*Marchetum.*) *Consuetudo pecuniaria in Mancipiorum filiabus maritandis.* Bract lib. 2. tit. 1 cap. 8. num 2. Merchetum *vero pro filia dare non competit libero homini.* Extenta Manerii de Wivenho, 18 Dec. 40 Edw. 3. & alia 13 Edw. 3. Anno Dom. 1230. *Rich. Burr tenet unum Mesuagium. E debet Tallagium, Sectam Curiæ & Merchet hoc modo, quod si maritare voluerit filiam suam cum quodam liber homine extra villam, faciet pacem Domini pro maritagio, & si eam maritaverit alicui Custumario, Villanii dabit pro maritagio.* Merchetum, *hoc est quod Sechemanni & nativi debent solvere pro filiabus suis corruptis sive defloratis* 5 *s.* 4 *d.* Reg. Abbathiæ de Burgo, in Bibl. Cotton. This Custom, with some Di-

Difference in divers Parts of *England* and *Wales*, as also in *Scotland*, and in the Isle of *Guernsey*. See *Spelman* [illegible]rge on it. By the Custom of the Manor of *Dinevor*, in the County of *Carmarthen*, every Tenant at the Marriage of his Daughter pays ten Shillings to the Lord, which in the *British* Language is called **Gwabr-Merched**, *i. e.* a Maid's Fee. See *Maiden Rents*, and *Gwabr-Merched*. See *Marriage*.

The Custom for the Lord to lay the first Night with the Bride of his Tenant was very common in *Scotland*, and in the North Parts of *England*: But it was abrogated by *Malcolme* the Third, at the Instance of the Queen; and instead thereof a a Mark was paid to the Lord by the Bridegroom. From whence 'tis called *Marsheta Mulieris*.

Maremium. See *Maeremium*.

Marechal, (*Marescallus*, from the Germ. **Marschalk**, *i. e. Equitum Magister*.) With us there are divers Officers of this Name, the Chief is the *Earl-Marshal of England*, mentioned *Anno* 1 *Hen.* 4. *cap.* 7. and in divers other Statutes. His Office consists especially in Matters of War and Arms, as well with us, as in other Countries; as you may read in *Lupanus de Magistratibus Franciæ, lib.* 1. *cap. Marescallus, & libro rubro de Scacc. fol.* 30.

The next is the *Marshal of the King's House*, whose special Authority is (according to *Britton*) in the King's Place, to hear and determine all Pleas of the Crown, and Suits between those of the King's House and others within the Verge, and to punish Faults committed within the Verge, *&c.* *Crump. Jurisd. fol.* 102. *Anno* 18 *Edw.* 3. *Stat.* 2. *cap.* 7. and other Statutes. See more of this Office in *Fleta, lib.* 2. *cap.* 4.

There are other Inferior Officers of this Name, as *Marshal of the Justices in Eyre, Anno* 3 *Edw.* 1. *cap.* 19. *Marshal of the King's Bench, Anno* 5 *Edw.* 3. *cap.* 8. who hath the Custody of the Prison, called the *King's-Bench*, in *Southwark*. I find also in *Fleta, lib.* 2. *cap.* 15. Mention of a *Marshal of the King's Hall*. There is also a *Marshal of the Exchequer, Anno* 51 *Hen.* 3. *Stat.* 5. to whom the Court commits the Custody of the King's Debtors, for securing the Debts. He also assigns Sheriffs, Customers, and Collectors, their Auditors, before whom they shall account.

Marettum, (from the French *Maret*, a Fen or Marsh,) Marsh-Ground, which the Sea or great Rivers overflow. 1 *Inst. fol.* 5. *a.*

Margidunum. *Bever-Castle.*

Mariage, or **Marriage**, (*Maritagium*,) signifies not only the lawful Joining of Man and Wife, but also the Interest of bestowing a Ward or a Widow in Marriage. *Mag. Char. cap.* 6. And it signifies Land given in Marriage. *Bracton, lib.* 2. *cap.* 34, & 39. See also *Skene* on the Word *Maritagium*, which (according to *Glanvil, lib.* 7. *cap.* 1) is that Portion which the Husband receives with his Wife. See *Dower*. *Recipuit* Mariagium *suum*. So *Ecclesiam sancti Nicholai cum adjacente fundo in* Mariagio *concessit*. See *Oswald's Law, viz.* Marriage prohibited to Priests. *Placita sub H.* 3. *Will. Maynard qui tenuit terras in Hurst cognoscit se esse Villanum Abbatis de Abingdon & tenere de eo in Villanagio & per Villanas consuetudines, (viz.) per servitium* 18 *d. per Annum, & dandi* Maritagium *& marchetum pro filiâ & sorore suâ ad voluntatem Abbatis & faciendo omnes villanas consuetudines.*

Maridunum, *Caermarthen.*

Maritagio amisso per defaultam, is a Writ for the Tenant in Frank Marriage to recover Lands, *&c.* whereof he is deforced by another. *Reg. fol.* 171.

Maritagio foji facto. See *Forisfactura Maritagii*.

Maritagium, *i. e.* that Portion which is given with a Daughter in Marriage. So *Glanvil*; *In alio modo accipitur dos secundum leges Romanas, secundum quod proprie appellatur dos, id quod cum muliere datur viro, quod vulgariter dicitur* Maritagium. Lib. 2. c. 18.

Maritagium, or **Marriage**, strictly taken, is that Right which the Lord of the Fee had to marry the Daughters of his Vassals after their Death: Others tell us, it was that Profit which might accrue to the Lord by the Marriage of one under Age, who held his Lands of him by Knight's Service. This seems plain by the Statute of *Merton, cap.* 7. Maritagium *ejus qui infra ætatem est de vero jure pertinet ad Dominum feodi*.

Maritima Angliæ, the Emolument arising to the King from the Sea, which Sheriffs anciently collected; but was afterwards granted to the Admiral. *Pat.* 8 *Hen.* 3. *m.* 4. Richardus de Lucy *dicitur habere* Maritagium Angliæ.

Mark, (*Merca*, from the Sax. **Meape**, i. e. *Signum*.) In ancient Time I find a Mark of Gold was eight Ounces, *Stow's Annals, pag.* 32. and was valued at 6 *l.* in Silver, *Rot. Mag. Pipæ de Anno* 1 *Hen.* 2. or, as others write, 6 *l.* 13 *s.* 4 *d.* A Mark of Silver is now well known to be 13 *s.* 4 *d. Char. Reg. Joh. de. dote B. Reginæ (quondam ux. R. Richardi.) Paten.* 3 *Joh. m.* 17. *n.* 31. *Assignavimus ei pro dote suâ mille marcas argenti annuatim*, 13 *s.* 4 *d. computatis pro* Marca. See *Marca*. 'Tis incertain when it first came fixed to this particular Value. *Matthew Paris* tells us, that it was so early as the Year 1194, in the Life of *Guarinus*, Abbat of St. *Alban*.

Market (*Mercatus*) comes from the Fr. *Marché*, i. e. *Emporium, forum nundinarium*, and signifies the same Thing with us; as also the Liberty or Privilege whereby a Town is enabled to keep a *Market*. *Old Nat. Br. fol.* 149. So *Bracton* uses it, *Lib.* 2. *cap.* 24. *numb.* 6. and *Lib.* 4. *cap.* 46. where he shews, that one Market ought to be distant from another *Sex leucas & dimidiam & tertiam partem dimidiæ*. By Stat. 27 *Hen.* 6. *cap.* 5. no Fair nor Market is to be kept upon any *Sunday*, nor upon the Feasts of the *Ascension* of our Lord, *Corpus Christi*, the *Assumption* of our Blessed Lady, *All Saints*, nor *Good-Friday*; except for necessary Victual, and in the Time of Harvest.

It was customary in former Times, that most Fairs and Markets were kept on *Sundays*; and in many Places they are still kept in the Church-yard. This Costom so far obtained, that tho' it was prohibited by several Kings, yet we see by the Statute before mentioned it continued till the Reign of *Henry* VI. This Custom is mentioned in *Mat. Paris. Anno* 1200. *Nundinus vero &* Mercata *Dominico die interdixit quod omnia quæ diebus Dominicis per Angliam fieri consueverunt, &c.*

Marketzeld, (*rectius* **Marketgeld**.) *Et valent per an. le* Streteward *& le* Marketzeld xviii s. *& ob. in omni terra pertinente ad Honorem de* Haulton. *Ex Cod. M.* 8. *in Bibl. Cotton.* It signifies Toll of the Market, the Word *Zeld* importing a Payment. I find it elsewhere written **Marketthgald**. *Plac. apud Cestriam*, 31 *Edw.* 3.

Mark-Penny was one Penny paid at *Maldon* by those who had Pipes or Gutters laid or made out of their Houses into the Streets. *Hill.* 15 *Edw.* 1. Mr. *Phillips* of *Purveyance*.

Marla durabilior est fimo. *Eo quod fimus descendendo*, Marla *ascendo consumitur*. Fleta, lib. 2. c. 76.

Marlborough. See *Cunetio*.

Marle (*Marla & Marlera*, from the *Sax.* Mangel, *medulla*) is a kind of Earth or Minoral, which Men, in divers Parts of this Realm cast upon their Land, to make it more fertile. It is otherwise called *Malin. Anno* 17 *Edw.* 4. *cap.* 4.

Marlerium or **Marletum**, a Marlepit. *Sciant — quod ego Rogerus le Zouche dedi — Henrico de Hagefort & heredibus suis, Scil. Ea quod habeat omnem libertatem & liberam commantam in boscis, in planis, in viis, in semitis, in aquis, in molindinis, in bruerlis, in turbariis, in quarrer. in piscariis, in* Marlerlis, *& in omnibus aliis locis & aisiamentis ad prædictum Manerium de* Tonge *spectan.— Et quod capiant* Marlam *pro voluntate sua ad terram suam* marlend. And in another Deed, xx. *Acrus terræ Marlatas*, Marled Lands.

Marmorius Pannus, i. e. Cloth of many Colours. *Tunica de quodam panno marmored spissatum rotis & grisonibus, &c.* Du Cange.

Marque (from the *Sax.* Meape, i. e. *signum*, or rather from the *Fr. Marque*, i. e. *bonorum detentio*) signifies in our ancient Statutes as much as *Reprisals*; as *Anno* 4 *Hen.* 5. *cap.* 7. *Marques* and *Reprisals* are used as *Synonyma*, and *Letters of Marque* in the same Signification. See *Reprisals*.

Marquis or **Marquess** (*Marchio, qui regionis limitem incolit*) is a Title of Honour next before an Earl, and next after a Duke. Marchiones *Walliæ, viz. Rogerus de Mortuo-mari Jacobus de Audeley, Rogerus de Clifford, Rogerus de Leyburn, Hamo Extraneus & ille de Turbervilla, cum pluribus aliis, qui de bello prædicto de Lewes nuper fugerunt, &c.* Matt. Westm. in Anno 1264. pag. 225.

Marshal. See *Mareschal*.

Marshalsee (*Marescalcia*) is the Court or Seat of the *Marshal*; also used for the Prison in *Southwark*, so called; the Reason whereof may be, because the *Marshal* of the King's House was wont, perhaps, to sit there in Judgment, or keep his Prison. See the Stat. 9 *Rich.* 2. *cap.* 5. And 2 *Hen.* 4. *cap.* 23.

Martial Law, is the Law that depends upon the just and arbitrary Power and Pleasure of the King, or his Lieutenant, in Time of Wars: For though the King does not in Time of Peace make any Laws, but by Consent of the Three Estates in Parliament; yet in Wars, by Reason of the great Dangers rising from small Occasions, he useth absolute Power, in so much as his Word goes for Law. *Smith de Repub. Angl. lib.* 2. *cap.* 3. See *Law of Arms*.

Martilagium, for *Martyrilagium*. Monastic. Tom. 2. pag. 322.

Masagium, anciently used for a Messuage. *Et unum* Masagium *in villa de Maudone, &c.* Pat. 16 Rich. 2. par. 1. m. 30.

Master, a Priest.

Mastere is an *English Saxon* Word, and signifies a Merchant.

Masticus for **Mastieus**, that is, a great Eater: *Non illicito* Masticus *delectabatur Edulio.* Leg. H. 1. cap. 13.

Mast, (*Glans, Pessona,*) *Glandis nomine continentur glans, castanea, fagina, ficus & nuces, & alia quæque quæ edi & pasci poterunt præter herbam.* Bracton, lib. 4. 226. See *Pessona*.

Master of the Armory (*Magister Armorum & Armaturæ Regis*) is he that hath the Care and Oversight of his Majesty's Arms and *Armory*; and mentioned 39 *Eliz. cap.* 7. His Fee 200 Marks *per Annum*.

Master of the Court of Wards and Liveries, was the chief Officer of that Court, named and assigned by the King; to whose Custody the Seal of the Court was committed, *&c. Anno* 32 *Hen.* 8. *cap.* 33. But this Court, with the Officers and Appurtenances thereof, is abolished by 12 *Car.* 2. *cap.* 24.

Master of the Faculties (*Magister facultatum*) is an Officer under the Archbishop of *Canterbury*, who grants Licences, and Dispensations; and is mentioned 22 & 23 *Car.* 2. Statute for laying Impositions on Proceedings at Law.

Master of the House is he that hath the Rule and Charge of the King's Stable, being an Office of high Account, and always bestowed upon some Nobleman of great Merit, and is mentioned *Anno* 39 *Eliz. cap.* 7. and *Anno* 9. *cap.* 5. This Officer under the Emperors of *Rome*, was called *Comes sacri Stabuli*.

Master of the Jewel House, is an Officer in the King's Houshold, of great Credit, having Charge of all Plate used for the King or Queen's Table, or any great Officer in Court; and of all Plate remaining in the *Tower* of *London*, of Chains and loose Jewels not fixed to any Garment. *Anno* 39 *Eliz. cap.* 7.

Master of the King's Houshold (*Magister Hospitii Regis*) is otherwise called *Grand Master of the King's Houshold*, and is called *Lord Steward of the King's most Honourable Houshold*, Anno 32 Hen. 8. cap. 39. But *Primo Mariæ*, and ever since, he is called *Lord Steward of the King's Houshold*; under whom there is a Principal Officer of the Houshold, called the *Master of the Houshold*, of great Authority, as well as Antiquity.

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 Frauds as otherwise may exceedingly waste the *Prince's* Treasure, and extreamly weaken the Forces, *&c.* mentioned 2 *Edw.* 6. *cap.* 2. And *Muster-Master-General*, Anno 35 *Eliz. cap.* 4.

Master of the Mint, (*Anno* 2 *Hen.* 6. *cap.* 14.) is now called the *Warden of the Mint*, whose Office is to receive the Silver of the Goldsmiths, and to pay them for it, and to oversee all the rest belonging to his Function.

Master of the Ordnance (*Anno* 39 *Eliz. cap.* 7.) is a great Officer, to whose Care all the King's *Ordnance* and Artillery is committed.

Master of the Posts, was an Officer of the King's Court, who had the Appointing, Placing, and Displacing of all such through *England* as provided Post-Horses for the speedy passing of the King's Messages, Letters, Pacquets, and other Business; and is mentioned *Anno* 2 *Edw.* 6. *cap.* 8. But now by Statute 12 *Car.* 2. *cap.* 34. One General Letter-Office or Post-Office is settled in *London*; the Master of which Office is appointed by the King by Letters Patents, with Rates and Rules prescribed in the said Act for carrying Letters.

Master of the Rolls (*Magister Rotulorum*) is an Assistant to the Lord Chancellor of *England* in the High Court of *Chancery*, and in his Absence heareth Causes there, and gives Orders. *Crompt. Jur. fol.* 41. His Title in his Patent is, *Clericus parvæ Bagæ, Custos Rotulorum, & Domus Conversorum*; because the Place where *Rolls of Chancery* are now kept, was anciently the Habitation of those *Jews*, who were converted to Christianity: But those Converts gave themselves up to all Sensuality and

Wickedness, and therefore *Edw.* 3. *Anno regni sui* 51. suppressed them, and gave the House for the safe Keeping the *Rolls* of all Patents and Grants which pass the Great Seal, and the Records of *Chancery*. He is called *Clerk of the Rolls*, Anno 12 Rich. 2. cap. 2. and in *Fortescu*, *cap.* 24. And no where *Master of the Rolls*, until 11 *Hen.* 7. *cap.* 20. And yet, *cap.* 25. *Eiusdem*, he is also called *Clerk*. In which respect, Sir *Tho. Smith*, *lib.* 2. *cap.* 10. says, he may not unfitly be called *Custos Archivorum*. He hath the bestowing the Office of the Six Clerks, and the Clerks of the Petty-bag, Examiners of the Court, and the Clerks of the Chapel. *Anno* 14 & 15 *Hen.* 8. *cap.* 1. See *Roll*.

Masters of the Chancery (*Magistri Cancellariæ*) are Assistants in this Court to the Lord Chancellor, or Lord Keeper, and Master of the Rolls. Of these, there are some Ordinary, and some Extraordinary; of Ordinary, there are Twelve, (the Master of the Rolls being accompted one and the chief) whereof some sit in Court every Day throughout each Term, and have referred to them (at the Lord Chancellor's or Master of the Rolls's Discretion) the Interlocutory Reports for stating Accompts, computing Damages, and the like. They administer Oaths, and take Acknowledgments of Deeds and Recognizances. The Extraordinary do act in the Country, by taking Recognizances and Affidavits, Acknowledgments of Deeds, &c. for the Ease of the Subject.

Master of the Temple. The Founder of the Order of the *Templars*, and all his Successors, were called *Magni Templi Magistri*, and probably from hence he was the Spiritual Guide and Director of the *Temple*. Ever since the Dissolution of that Order, he is called *Master of the Temple*.

Master of the Wardrobe (*Magister Garderobæ*) is a great Officer in Court, had, till the Fire of *London*, *Anno* 1666, his Habitation belonging to that Office, called the *Wardrobe*, near *Puddle-Wharf* in *London*. He has the Charge and Custody of all former Kings and Queens ancient Robes, remaining in the *Tower*; and all Hangings, Beddings, &c. for the King's Houses. He has also the Charge and Delivery out of all Velvet or Scarlet allowed for Liveries, &c. Of this Officer, mention is made *Anno* 39 *Eliz. cap.* 7.

Mastigia, a Rod or Whip. *Indigenacum dorsis* Mastigias, *cervicibus jugum*, &c. *facturos*: *Gildas de excidio* Britan. Sometimes 'tis taken for a Girdle.

Mastinus, *i. e.* a great Dog which we call a Mastive. *Canes* & Mastini *per omnes forestas Angliæ occiduntur*. Knighton, lib. 2. cap. 15.

Masura, (Fr. *Masure*,) an old decay'd House or Wall, the Ruins of a Building. *In burgo fuerunt* 118 masuræ, *reddebant* 4 l. 2 s. Domesday.

Masura terræ, *Sunt in eisdem* masuris 60 *Domus plus quam ante fuerunt*. Domesday. In Fr. *Masure de terre*, is a quantity of Ground, containing about four Oxgangs; with us it is taken for *Domicilium cum fundo, vel pro fundo cum domicilio competenti*.

Materia, a great Beam, or Timber fit for Building. *Dedi illis* Materiam & *ligna ad omnia necessaria sua & ad Domos suas ædificandas*. Monastic. 1 Tom. pag. 821.

Materiatus, *i. e.* a Carpenter.

Matitunellum, *i. e.* a Breakfast. 'Tis mentioned in a Customary of the *Priory* of *Lewes* in *Sussex*, fol. 18. *Lanceti falcabant pratum domini cum corredio tali*, i. e. with such Provision or Food. *Ad* Matitunellum *pane ordeo & eusso, ad nonam potagio & duplici companagio*, *i. e.* a double quantity of Bread and Eatables.

Matrimonium is sometimes taken for the Inheritance which descends to a Man *ex parte Matris*, viz. *Cum omni hæreditate Patrimonii* & Matrimonii *sui*, &c.

Matrina, *i. e.* a Godmother. Sometimes it signifies a Mother-in-Law.

Matrix Ecclesia, the Mother-Church in the Cathedral, or that Church to which the People resort for Sacraments and Burials. *Leg. H.* 1. *cap.* 19.

Matter in Deed, and Matter of Record, differ thus, (according to *Old Nat. Br. fol.* 19.) The first seems to be nothing else but some Truth or Matter of Fact to be proved, though not by any Record.

Matter of Record, is that which may be proved by some *Record*. For Example; If a Man be sued to an *Exigent*, during the Time he was in the King's Wars, this is *Matter in Deed*, not of *Record*: And therefore, he that will alledge this for himself, must come before the *Scire facias* 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 the *Record*. *Kitchin*, *fol.* 216. makes also a Difference between *Matter of Record*, and a *Specialty* and *Nude Matter*, this being not of so high a Nature as either *Matter of Record*, or a *Specialty*, otherwise there called *Matter in Deed*. Whereby it should seem, that *Nude Matter* is a naked Allegation of a Thing done, to be proved only by Witnesses, and not either by *Record* or *Specialty* in Writings under Seal. *Cowel*.

Maugre being compounded of two *French* Words, *Mal* and *Gre*, i. e. *Animo Iniquo*, signifies with us as much as, in despight, or in despight of one's Teeth. As, *the Wife* mauger *the Husband*, (*Littleton*, *fol.* 124.) that is, whether the Husband will or no.

Maund, (*Sax.* Mand) a kind of great Basket or Hamper, (of Books, or other Merchandise) containing eight Bales, or two Fats. *Book of Rates*, *fol.* 3.

Maundy Thursday, the *Thursday* before *Easter*, so called from the Fr. *Mande Sportula*, because on that Day it was a Custom to give larger Bounty to those poor Men whose Feet the King washed.

Maxims in Law are the Foundations of it, or certain Rules or Positions, which are the Conclusions of Reason, and ought not at any Time to be impeached or impugned. As, it is a *Maxim*, that *if a Man have Issue, two Sons by divers Venters, and the one of them purchase Lands in Fee, and die without Issue; the other Brother shall never be his Heir*, &c. See *Coke on Litt. fol.* 11 & 141.

Mayor, (anciently *Meyr*, from the British **Mirer**, i. e. *Custodire*) the Chief Magistrate of a City, as the Lord Mayor of *London*: *Rich.* 1. *Anno* 1189, changed the *Bailiffs* of *London* into a *Mayor*. And, by that Example, King *John*, *Anno* 1204, made the Bailiff of *Kings-Lyn* a Mayor, whilst the famous City of *Norwich* obtained not this Title for her Chief Magistrate till 7 *Hen.* 5. *Anno* 1419. See more on this Word in *Spelman's Gloss.*

Meale-Rents, are certain Rents still so called, but now payable in Money by some Tenants within the Honor of *Clun*, which heretofore were paid in *Meal*, to make Meat for the Lord's Hounds.

Mean (*Medius*) signifies the middle between two Extreams, and that either in Time or Dignity. Example of the first; *his Action was* mean, *betwixt the Disseisin made to him, and his Recovery*; that is, in the

the interim. Of the second, there is Lord, Mean or Mesne, and Tenant.

Lords mean, mentioned in the Stat. of Amortizing Lands, made *tempore Edw.* 1. See *Mesne*.

Mease, (*Mesuagium*, Fr. *Maison*) a Messuage or Dwelling-House. Stat. *Hiberniæ*, 14 *Hen.* 3. and 21 *Hen.* 8. *cap.* 13. In some Places corruptly called a *Mise*, and *Mise-place*. See *Mise* and *Mese*.

Measa. See *Mesne*.

Meason due, (Fr. *Maison de Dieu*) a House of God; a Monastery or Religious House. *Hospitals* are also so called in the Statutes, 2 & 3 *Phil. & Mar. cap.* 23. 39 *Eliz. cap.* 5. and 15 *Car.* 2. *cap.* 7.

Measure (*Mensura*) according to the 25th Chapter of *Mag. Char.* and the Stat. 17 *Car.* 1. *cap.* 19. all *Weights* and *Measures* in this Nation ought to be the same, and those too according to the King's *Standard*. See 4 *Inst. fol.* 273. & *Mensura*. See the Stat. 22 *Car.* 2. *cap.* 8. Which *Standard* is called in our Historians, *Mensura Regalis*, and was always kept in the King's Palace; and all other *Measures* were to be made after the same manner, and in every City, Market-Town, and other Villages, it was kept in the Churches.

Measurer. See *Alneger*. — Also that William Morton, common Meter of Woollen-Cloth, may be sworn to occupy his Office of Measurage truly and indifferently, upon pain, &c. Articles exhibited to the Lord Mayor of *London*, &c. by the Commons of the City, *tempore Hen.* 8.

Measuring Money. That certain Letters-Patents, whereby some Persons exacted of every Cloth made certain Money, besides *Alnage*, called *the Measuring Money*, may be revoked. *Rot. Parl.* 11 *Hen.* 4.

Meata, *Northumberland*.

Medena, a certain Measure or Quantity of Land, but how much *non constat*: 'Tis mentioned in *Mon. Angl.* 2 *Tom. pag.* 132.

Medfee. (*Sax.* Medfeoh.) The *Sax. Dict.* says, It is a Bribe or Reward; but it also signifies that *Bote* or Compensation which is given in an Exchange, where the Things exchanged are not of equal Value: As in 4 *Edw.* 3. *Hugo de Courtenay* made an Exchange by Deed with *Richard Hanlake* and *Joan* his Wife; and there 'tis express'd, *Quod ipsi non dabunt* Medfee, from the Word *Meed*, which signifies a *Reward*. See *Arrura*.

Mediæ & infimæ manus homines, *i. e.* Men of a mean and base Condition, otherwise called Men of low Fortunes: *Et plures* mediæ manus *quos ex justis causis Rex exhæredaverat Radulfus de Diceto. Anno* 1112. So, *Duos milites* mediæ manus homines, &c. infimæ manus *homo*, is a Man of an inferior Condition.

Mediamne, a little Island, *i. e.* in the middle of the Water:

Dic Rivos, latices, puteos, dic Stagna, paludes;
Ammis inugatur, a quo Mediamnis *vocitatur.*

Medianus, *i. e.* of a middle Size, *Medianus homo*, a Man of a middle Fortune; *Medianus Bos*, an Ox of a middle Price.

Mediators of Questions (*Anno* 27 *Edw.* 3. *Stat.* 2. *cap.* 24.) were six Persons, authorized by that Statute, who (upon any Question risen among Merchants, touching any unmercatable Wool, or undue Packing) might, before the Mayor and Officers of the Staple, upon their Oath certifie and settle the same, to whose Order therein the Parties were to give Credence without any Contradictions.

Medietas linguæ signifies an Enquest empanel'd, whereof the one half consists of Natives or Denizens, the other Strangers; and is used in Pleas, wherein the one Party is a Stranger, the other a Denizen. See the Stat. 28 *Edw.* 3. *cap.* 13.—27 *ejusdem*, *Stat.* 2. *cap.* 8. and 8 *Hen.* 6. *cap.* 29. 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. *Stanf. Pl. Cor. lib.* 3. *cap.* 7. and is called a *Party-Jury*, *Anno* 14 *Car.* 2. *cap.* 11. *Solomon de Stanford*, a *Jew*, had a Cause try'd before the Sheriff at *Norwich*, by a Jury of *Sex probos & legales homines & sex legales Judeos de Civitate Norwici*, &c. Norf. Pasche 9 Edw. 1. Judeorum Rot. 4. & 5. in dorso.

Medio Acquietando is a Writ Judicial, to distrain a Lord, for the acquitting a *mean* Lord from a Rent, which another claims. *Reg. of Writs*, *Judic. fo.* 29. b.

Mediterranean Sea, (so called, because it has its Course in the *midst of the Earth*) is that which stretcheth it self from the *West* to *East*, dividing *Europe*, *Asia* and *Africa*; and mentioned 12 *Car.* 2. in the Statute of *Tonnage*.

Medium tempus, was anciently used for the mean Profit. As, *Annum, diem & medium tempus*. See *Flem.*

Medlese, (from the Fr. *Mesler* i. e. *miscere*) is that which *Bracton*, (*lib.* 3. *Tract.* 2. *cap.* 35.) calls *Medletum*, and signifies quarrelling, scuffling or brawling. *Culpa dicitur quam quis inopinate commiserit non rixando solum & pugnando, sed immiscendo se pacifice, rei cuivis vel negotio*, says *Spelman*. Hence our common Phrase, to *meddle with other Folks Matters*.

Medleta, *Bracton*, *lib.* 3. *cap.* 35. *i. e.* a sudden scolding at, and beating one another.

Medway. See *Vaga*. It was called *Vaga* by the *Britons*; the *Saxons* added Med.

Meer, (*Merus*) though an Adjective, yet is it used substantively, for meer right. *Old Nat. Br. fol.* 2. To join the *Mise* upon the *Meer*. See *Mise*, *Meer*; See *Landimere*.

Meg-bote. See *Magbute*.

Meigne. See *Maisnada*. Mon. Angl. 2 Tom. 219.

Meinp or Meny, al. **Maigne**, (*Manegium*. Fr. *Mesnie*, as the King's *Meiny*, *Anno* 1 *Rich.* 2. *cap.* 4.) *i. e.* The King's Family, Houshold, or Houshold-Servants.

Melasses. See *Molasses*.

Melda, i. e. *Manifestatio*: From the *Saxon* Melda, i. e. *proditor*, *pecoris ticinium*, *Gamis oppa*, *& boldn bornum*, *horum trium singulum est unum solidum valens*, *& unum quodque reputetur Melda*, i. e. *Manifestatio*. Leg. Inæ, cap. 20.

Meldsfeoh, (*Sax.*) the Reward and Recompence due, and given to him that made the Discovery of any Breach of Penal Laws commited by another: The Promoter, or Informer's Fee. *Sax. Dict. LL. Inæ. cap.* 20.

Meliores. See *Tales*.

Melius inquirendo is a Writ that lay for a second Enquiry, of what Lands or Tenements a Man died seized, where partial Dealing was suspected upon the Writ *Diem clausit extremum*. *Fitz. Nat. Br. fol.* 255.

Memories are used for certain Obsequies or Remembrances for the Dead, in Injunctions to the Clergy, 1 *Edw.* 6.

Menagium, a Family: 'Tis mentioned in *Trivet's Chronicle, pag.* 677. and in *Walsingham, p.* 66. *Fidelitatem & Homagium, ratione terrorum quas in regno nostro tenebant & etiam ratione menagii, &c. vobis reddimus, &c.*

Mendum in old Charters signifies Damage, *si fecerit aliquid unde* mendum *exire debeat, &c.* Du Cange.

Menials, (from *Mænia*, the Walls of a Castle, or other Building) are Houshold or Menial Servants; that is, such as live under their Lord or Master's Roof, or within his *Walls*; mentioned *Anno* 2 *Hen.* 4. *cap.* 21.

Mensa, by this Word is comprehended all that Patrimony, or Goods and Necessaries for our Livelihood; *Dominicum est propriè terra ad* mensam *assignata.*

Mensalia were such Parsonages or Spiritual Livings, as were united to the *Tables* of Religious Houses, and were called *Mensal* Benefices among the Canonists. And in this Sense it is taken where we read of Appropriations, *ad Mensam suam.*

Mense pestiferum —— *Habuit in prædicto bosco centum caprus cum suis sequelis per totum annum, tam in* Mense vetito, *quam alio tempore, &c.* Pla. Parl. 18 Edw. 1. See *Fence-month.*

Mensura. Hoc est, quod Prior habet *mensuras* tam aridorum quam liquidorum signatas signo Domini Regis, & quod nullus debet emere in foro seu vendere, nisi per illas. *Ex Registro Priorat. de Cokersford.* *Mensura bladi*, a Bushel of Corn.

Mensura Regalis, the King's *Standard* of the Exchequer. Anno 17 *Car.* 1. *cap.* 19. See *Measure.*

Mer or **Mere**: Words which begin or end with those Syllables, signify fenny Places.

Merchanlage. (*Sax.* Mynena-lagu, i. e. *Merciorum lex.*) *Camd.* in his *Brit. pag.* 94. sheweth, That in the Year 1016, this Land was divided into three Parts; whereof the *West Saxons* had one, governing it by the Laws called *West-Saxon Laws*, which contained these nine Shires, *Kent, Southsex, Southrey, Berks, Hampshire, Wilts, Somerset, Dorset* and *Devon.* The second by the *Danes*, which was govern'd by the Laws called *Denelage*, or *Danelage*, and that contained these fifteen Shires, *York, Derby, Nottingham, Leicester, Lincoln, Northampton, Bedford, Bucks, Hertford, Essex, Middlesex, Norfolk, Suffolk, Cambridge* and *Huntington.* The third was governed by the *Mercians*, whose Law was called Merchenlage, compounding these eight, *Gloucester, Worcester, Hereford, Warwick, Oxenford; Chester, Salop* and *Stafford.* Out of which three, *William the Conqueror* chose the best, and to them adding such of the *Norman Laws* as he thought good, he ordained Laws for this Kingdom, some of which we have to this Day, and are called the *Common Laws.*

Merchet. See *Marchet.*

Mercia is used in many Places in the *Monastic.* for Amerciaments.

Mercimoniatus Angliæ, was anciently used for the Custom or Impost of *England.* MS.

Merci (*Misericordia*) signifies the Arbitrement or Discretion of the King, Lord or Judge, in punishing any Offence not directly censured by the Law. As, to be in the *grievous Mercy* of the King, (*Anno* 11 *Hen.* 6. *cap.* 2.) is to be in Hazard of a great Fine or Penalty. See *Misericordia.*

Meremium. See *Maremium.*

Mericum, *i. e.* a Lake, from the *Sax.* Mere, *stagnum, muneria molendina* mersca & *maristæ.* Ingulphus, pag. 861.

Mersc-Ware, (*Sax.* i. e. *Incolæ Paludum.*) So the Inhabitants of *Rumney Marsh* in *Kent* were anciently called.

Mersoires, i. e. divers. *Matt. Paris, Anno* 1191. *Tandem a Regis Richardi* mersoribus *ipsam subtus aquam invadentibus, &c.*

Mertlage seems to be a Corruption of, or a Law-*French* Word for Martyrologe. *Vide Hill.* 9 *Hen.* 7. *fol.* 14. *b.* For it being ask'd what was meant by *Mertlage*, the Book says, *Ceo est Kalender Universal in l'Eglise de c'est Realm, lex queux Priests sont lies d'observe & ne pluis.* A Church-Kalender or Rubric.

Meschin. See *Mischinus.*

Mese (from the *Gr.* Μέσον, i. e. *Medium*, Lat. *Alessium.*) of Herrings is Five hundred, the *Half* of a Thousand.

Meskenninga. See *Miskenning.*

Mesne or **Meane** (*Medius*, Fr. *Maisne*,) signifies him that is Lord of a Manor, and has Tenants holding of him, yet holds himself of a superior Lord: And therefore it seems to be properly deceived from the Fr. *Maisne*, i. e. *Minor natu*; because his Tenure is derived from another, from whom he holds: Or rather one who is Tenant to a superior Lord, and hath other Vassals or Tenants under him, for whom he is to answer to his Lord. *Fleta, lib.* 2. *cap.* 50. *Stat. W.* 2. *cap.* 9. *Fleta, lib.* 5. *ca.* 5. *Pur.* 18.

Mesne also signifies a Writ which lies where there is *Lord Mesne* and *Tenant*; the Tenant holding of the *Mesne* by the same Services whereby the *Mesne* holdeth of the Lord, and the Tenant of the *Mesne* is distrained by the Superior Lord for that his Service or Rent which is due to the *Mesne. Fitz. Nat. Br. fol.* 135. See 13 *Edw.* 1. *cap.* 9.

Mesnalty (*Medietas*, Fr. *Maisnete*, i. e. *Youngership*,) signifies the Right or Condition of the *Mesne*; as, the *Mesnalty* is extinct. *Old. Nat. Br. fol.* 44. and *Kitchin, fol.* 147. Medietate *tenentur feuda, quando aliqua persona intervenerit inter Dominum & Tenentes, Et hoc modo tenent omnes posnati, mediante ante nato.* Custumary of *Normandy.*

Messarius, from *Mese*, is the chief Servant in Husbandry, now called a Bailiff in some Places, whose Office is to look into the Grounds to see that no Damage is done. We read it in the *Monastic.* 2 *Tom.* 832. *concessit, &c. fratribus in Berefend habere suum proprium imparcum &* Messarium, *&c.*

Messarius also signifies a Mower or Harvester. *Fleta, lib.* 2. *cap.* 75.

Messenger of the Exchequer, is an Officer; of which Sort there are four in that Court, who are Pursuivants attending the Lord Treasurer, to carry his Letters and Precepts. See *Pursuivant.*

Messe Thane signifies a Priest. The *Saxons* called every Man Thane, who was above the common Rank; so Messe Thane, was he who said Mass; and Woruler Thane, was a secular Man of Quality.

Messewegen, i. e. *Presbyter.*

Messuage, (*Messuagium*) a Dwelling House, (*Honestius est habitaculum cum aliquo fundi adjacentis in ejusdem usum deputati.*) But, by that Name may also pass a Curtilage, a Garden, an Orchard, a Dove-house, a Shop, a Mill, a Cottage, a Toft, *&c.* as Parcel of a *Messuage. Bracton, lib.* 5. *cap.* 28. *Plowden, fol.* 199. 170. yet they may be demanded by their single Names. *Messuagium* in *Scotland*, signifies (according

cording to *Skene*) the principal House, or Dwelling-Place within a Manor, which we call the *Manor-House*, and some, the *Scite*. A *Præcipe* lies not *de Domo*, but *de Messuagio*: *Coke on Littl. cap.* 8.

Metecorn. *Stipendia & Metecorn ac cætera debita servientum in Monasterio prædicto solvantur.* Ryley's Pla. Parl. fol. 391.

Mestilo, onis. Mestlne, Muncorn, Wheat and Rye mingled together. —*& nonam garbam frumenti, mestilonis, siliginis & omnis generis bladi.* Pat. 1 Edw. 3. Par. 1. m. 6. *vulgo Mestine.*

Metegavel, (*Sax*) *Cibariorum vectigal*, a Tribute or Rent paid in Victuals; a Thing usual of old, as well with the King's Tenants as others, till *Henry the First*'s Time, who changed it into Money. *Sax. Dict.*

Meter. See *Measurer.*

Metheglin, (*British*, **Meddiglin**,) a kind of Drink made of Wort, Herbs, Spice and Honey boil'd together, most used in *Wales*; mentioned in the Act for Excise, 15 *Car.* 2. *cap.* 9.

Meya, anciently used for a Mey or Mough, as of Corn or Hay in a Barn. See *Mullones Fœni.* And to this Day in some Parts of *England*, they say, *Mey* the Corn, *i. e.* put it on an Heap in the Barn.

Mica, the same with *Michis*, a little white Loaf: *Capiant de prædicto priore pro qualibet maia Cirporum tres albos panes vocatos* Michis. *Du Cange.*

Michis, a sort of white Loaves, paid as Rent in some Manors. *Una Micha*, one white Loaf. *Reg. de Felley in Com. Nott.*

Midthrina, *i. e.* with three: From the *Saxon* Mid, with, and Thrina, three. *Si aliquis accusetur quod paverit eum qui pacem Domini nostri fregerit, Ladiet se* midthrina 12. *i. e.* with three times 12. *Leg. Ethelred at Wantage, cap.* 15.

Midormix, (*Anno* 1 *Jac. cap.* 24.) a kind of *Canvas*, whereof Sail-Cloths and other Furniture for Ships are made.

Mile (*Milliare*) is the Distance or Length of one thousand Paces, otherwise described to contain eight Furlongs, and every Furlong to contain forty Lugs or Poles, and every Pole sixteen Foot and a half. *Anno* 35 *Eliz. cap.* 6.

Miles. See *Knight.*

Militare, *i. e.* to be Knighted, *viz. Rex per Angliam fecit proclamari, &c. ut qui haberent unde militarent addessent apud Westmonasterium, &c.* Matt. Westm. pag 118.

Militia, (*Lat.*) the Implements and Furniture for War, mentioned 15 *Car.* 2. *cap.* 2.

Militis, *in Militia approbatus*, one who twice or oftner approved himself in *Military Services*: 'Tis found in *Jeoffrey of Monmouth, lib.* 7. *cap.* 4.

Milleate, (*Anno* 7 *Jac. cap.* 19.) a Trench to convey Water to or from a Mill: *Rectius*, a *Mill-leat.* An usual Word in Conveyances in *Devonshire.*

Mineral Courts, (*Curiæ Minerales*,) are particular Courts for regulating the Affairs of Lead-Mines, as *Stannary Courts* are for *Tin.* See *Copt.*

Muniments, or **Muniments,** (*Munimenta*, from *Munio*, to defend,) are the Evidences or Writings, whereby a Man is enabled to *defend* the Title of his Estate. *Anno* 5 *Rich.* 2. *cap.* 8. and 35 *Hen.* 6. *fol.* 37. b. *Wangford* says, this Word *Muniment* includes all manner of Evidences. See *Muniment House.*

Ministri Regis, extend to the Judges of the Realm, as well as to those that have Ministerial Offices. 2 *Inst. fol.* 208.

Minores, *Friers Minorites*, of the Order of St. *Francis*; so called, because they had no Prior, but washed each other's Feet. They encreased very much in the Year 1207. Matt. Westm. 1207.

Minovery (*Anno* 7 *Rich.* 2. *cap.* 4.) seems to be compounded of the French *Main*, i. e. *Manus* and *Ouvrer*, i. e. *Operari*; and to signifie some Trespass or Offence committed by a Man's Handy-work in the Forest; as an Engine to catch Deer. *Briton.* (*cap.* 40.) uses the Word *Meinoverer*, to manure Lands; and *cap.* 62. *Nain-ovre*, for Handy-work.

Minstrel, (*Minstrellus* & *Menestrallus*, from the French *Menestrier*,) a Musician, a Fidler or Piper; mentioned 4 *Hen.* 4. *cap.* 27. Pat. 24 April, 9 *Ed.* 4. *Quod Mariscalli & Minstrelli predicti per se forent & esse deberent unum Corpus & una Communitas perpetua*, &c. Upon a *Quo Warranto*, 14 *Hen.* 7. *Laurentius Dominus de Dutton clamat, quod omnes* Minstrelli *infra Civitatem Cestriæ & infra Cestriam manentes, vel officia ibidem exercentes debent convenire coram ipso vel Senescallo suo apud Cestriam, ad Festum Nativitatis S. Johannis Baptistæ annuatim, & dabunt sibi ad dictum Festum quatuor* Lagenas *vini & unam Lanceam; & insuper quilibet eorum dabit si quatuor denarios & unum obolum ad dictum Festum, & habere de qualibet* Meretrice *infra Comitatum Cestriæ, & infra Cestriam manente, & Officium suum exercente quatuor Denarios per annum ad Festum prædictum, &c.* And where by the Stat. 39 *Eliz. cap.* 4. Fidlers are declared to be Rogues, yet there is a *Proviso* therein, exempting those in *Cheshire*, licensed by *Dutton* of *Dutton*. The Musicians of *England*, incorporated by King *Charles* 2. *Anno* 1670. V. *Claus.* 9 *Edw.* 2. *M.* 26. *Dorso*, an Ordinance *super mensuratione ferculorum & Menestrallorum.*

It was usual for these *Minstrels*, not only to divert Princes, and the Nobility, with Sports, but also with Musical Instruments, and with Flattering Songs, in the Praise of them and their Ancestors, which may be seen in these Verses:

Principis a facie, cytharæ celeberrimus arte,
Assurgit mimus, ars Musica quem decoravit;
Hic ergo chordâ resonante subintulit ista
Inclite Rex Regum, probitatis stemmate vernans,
Quem vigor & virtus extollit in æthera fumæ,
Indole virtutis, qui vincis facta parentis,
Major ut Atrides, patrem Neptunius Heros,
Ægea, pelides excedit pelea, Jason,
Esona, nec prolem pudor est vincere patrem,
Corde gigas, agnus facie, Laertius astu,
Consilio Nestor, &c.

The Office and Power of the King of the *Minstrels*, is mentioned in the *Monastic.* 1 *Tom. p.* 355.

Mint, is the Place where the King's Coin is formed, be it Gold or Silver, which now is, and long has been in the *Tower* of *London*: Though it appear by divers Statutes, that in ancient Times the *Mint* has also been at *Calais*, and other Places. *Anno* 21 *R.* 2. *cap.* 16. and 9 *H.* 5. *Stat.* 5. *cap.* 5. The particular Officers belonging to the Mint, see in *Cowel's Interpreter*, verbo *Mint.*

Minute Tithes, (*Minutæ sive minores decimæ*,) small Tithes, such as usually belong to the Vicar, as of Wool, Lamb, Pigs, Butter, Cheese, Herbs, Seeds, Eggs, Honey, Wax, *&c.* See 2 *Part Inst. fol.* 649. and *Udal* and *Tindal*'s Case, *Hill.* 22 *Jac.* where the Tithe of Wood was adjudged to be *minuta decima.* 3 *Par. Croke's Rep. fol.* 21. See *Tithes.*

Mirgus for **Mergus**, a Water-Spanniel, or Diver. *Fecit duos veteres scilicet* Mirgos *suspendi.* Matt. Paris. Anno 1214.

Mis: This Syllable added to another Word, signifies some Fault or Defect; as, *Misprision*, *Misdicere*, *i. e.* to scandalize any one; *misdocere*, *i. e.* to teach amiss. *Si Presbyter populum suum misdoceat.*

Misaventure, or **Misadventure**, (Fr. *Mesadventure*, i. e. *Infortunium*,) has an especial Signification for the killing a Man, partly by Negligence, and partly by Chance. As if one, thinking no Harm, carelessly throws a Stone, or shoots an Arrow, wherewith he kills another. In this Case he commits not Felony, but only loseth his Goods, and has a Pardon of course for his Life. *Stamf. Pl. Cor. lib.* 1. *cap.* 8. *Britton. cap.* 7. distinguishes between *Aventure* and *Misaventure*: The first he makes to be mere Chance; as if a Man, being upon or near the Water, be taken with some sudden Sickness, and so fall in, and is drowned, or into the Fire, and is burnt. *Misaventure* he says is, where a Man comes to his Death by some outward Violence; as the Fall of a Tree, the Running of a Cart-wheel, the Stroke of a Horse, or such like. So that *Misadventure* in *Stamford's* Opinion, is construed somewhat more largely than *Britton* understands it.

West, part 2. *Symbol. tit. Inditement. Sect.* 48, & 49. makes *Homicide casual* to be merely casual, or mix'd. *Homicide* by mere Chance, he defines to be, when a Man is slain by mere Fortune, against the Mind of the Killer; as if one hewing, the Axe flies off the Haft and kills a Man; And this is all one with *Britton's Misaventure. Homicide by Chance mix'd*, he defines (*Sect.* 50.) to be, when the Killer's Ignorance or Negligence is joined with the Chance; as if a Man lop Trees by a Highway-side, in which many usually travel, and cast down a Bough, not giving Warning, *&c.* by which Bough a Man is slain.

Misbota for **Mægbota**. *In Les. Canuti, cap.* 2.

Mischinus, *i. e.* a Youth or young Man: 'Tis mentioned in the *Mon. Angl.* 1 *Tom. pag.* 74. *Ex dono Alani de percy le* meschin; and in 2 *Tom. pag.* 86. *Willielmus Peverellus le mechin.*

Miscognisant, Ignorant or not knowing. In the Stat. 32 *Hen.* 8. *cap* 9. against Champerty and Maintenance; **It is ordained, that the Justices of Assise shall twice in the Year in every County cause open Proclamation to be made of this present Act, and of every Thing therein contained, &c. to the intent, that no Person should be ignorant or miscognisant of the Dangers and Penalties therein contained.**

Miscontinuance, (*Kitchin, fol.* 231.) the same with *Discontinuance*, which see.

Mise (a *French* Word, signifying Expence or Disbursement: Sometimes written *Missum* in *Lat.* and sometimes *Misa*) has divers Significations: First, it is an Honorary Gift, or Customary Present, with which the People of *Wales* are wont to salute every new King and Prince of *Wales*, at their Entrance into that *Principality*. It was anciently given in Cattel, Wine and Corn, for Sustentation of the Prince's Family; but when that Dominion was annexed to the *English* Crown, the Gift was changed into Money. The County of *Chester* pays Three thousand Marks, *Flint* Two thousand, *&c.* for their *Mise*: And it happened to be thrice paid in King *James* I.'s Reign; First, at his coming to the Crown, and that Principality. Secondly, When Prince *Henry* was created Prince of *Wales*. And Thirdly, When King *Charles the First* succeeded him in that Principality.

Mise signifies likewise a Tribute or Fine of Three thousand Marks, which the Inhabitants of the County *Palatine* of *Chester* paid at the Change of every Owner of the said Earldom, for the Enjoying of their Liberties.

In a Writ of Right, that is term'd a *Me* which in all other Actions is call'd an Issue; so that, *To join the Mise upon the Meer*, is as much as to say, To join the *Mise* upon the *clear Right*; *i. e.* to join upon this Point, Whether has the more Right, the Tenant or the Demandant.

Mises are also taken for the Profits of Lands, sometimes for Taxes or Tallages, and sometimes for Expences or Costs.

Anno 27 *Hen.* 8. *cap.* 26. it is ordained, **That Lords shall have all such Mises and Profits of their Lands, as they have had in Times past, &c.** Misæ *etiam dicuntur præstationes illæ quas ob fruendas pristinas immunitates Cestriæ Palatinatus subditi novo cuique Comiti impendunt, i. e.* Three thousand Marks for that County. And at *Chester* they have a *Mize-Book*, wherein every Town and Village in the County is rated what to pay towards the *Mize*.

Sometimes *Mises* are taken for Taxes, or Tallages, *Anno* 25 *Edw.* 1. *cap.* 5. Sometimes for Costs or Expences; as, *pro misis & custagiis*, for Costs and Charges in the Entries of Judgments in personal Actions.

Mise is also a Word of Art, appropriated to a Writ of Right, so called, because both Parties have put themselves upon the mere Right, to be tried upon the Grand Assise, or by Battel; so as that which in all other Actions is called an *Issue*, in a Writ of Right is called a *Mise*. But, in a Writ of Right, if a collateral Point be tried, there it is called an *Issue*; and is derived from *missum*, because the whole Cause is *put* upon this Point. *Coke on Littl. fol.* 294. *b. Anno* 37 *Edw.* 3. *cap.* 16. *To join the Mise upon the Meer*, is as much as to say, To join the *Mise* upon the *clear Right*; and that more plainly, to join upon this Point, Whether has the more Right, the Tenant or Demandant.

Mise is sometimes used for a Participle, for *cast* or put upon. *Coke's* 6 *Rep. Saffin's Case*; and sometimes corruptly for *Mease*, a Messuage or Tenement: As a *Mise-place* in some Manors is taken to be such a Messuage or Tenement as answers the Lord a Heriot at the Death of its Owner. 2 *Inst. fol* 528. which, in our *French*, is written *Mees. Ceste Endenture temoigne que come Will. Terrye de Dounham tiegne de Johan. de Veer Coonte d'Oxenford un* Mees *& sys acres de terre*, &c. Dat. 14 Edw. 3. penes Wil. Andrew, Baronet.

Miselli, i. e. *Leprous Persons*. In Matt. Paris. Anno 1254. *Ecclesia Sancti Juliani ubi* Miselli, *& Ecclesia Sanctæ Mariæ in prat is ubi* Miselle *vix habent vitæ necessaria.*

Miseravatio, an unjust Accusation.

Miserere is the Name and first Word of one of the Penitential *Psalms*, most commonly that which the Ordinary gives to such guilty Malefactors, as have the Benefit of the Clergy allowed by Law; and it is usually called the *Psalm of Mercy*.

Misericordia is used for an Arbitrary Amerciament or Punishment imposed on any Person for an Offence. For where the Plaintiff or Defendant in any Action is amerced, the Entry is always *Ideo in misericordia, &c.* And it is called *Misericordia*, (as *Fitz-Herbert* says, *Nat. Br. fol.* 75) for that in

it ought to be but small, and less than the Offence, according to the Tenor of *Magna Charta, cap.* 14. Therefore, if a Man be unreasonably amerced in a Court not of Record, as in a Court-Baron, *&c.* there is a Writ called *Moderata Misericordia* directed to the Lord, or his Bailiff, commanding them, that they take *Moderate Amerciaments*, according to the Quality of the Fault. *Est enim misericordia Domini Regis* (says Glanvile) *quâ quis per juramentum legalium hominum de viceneto, eatenus amerciandus est, ne aliquid de suo honorabili contenemento amittat.* And again, *Mulcta lenior sit dicta, quòd lenissima imponitur* misericordia; *graviores enim mulctas* Fines *vocant, atrocissimas*, Redemptiones. See *Glanv. pag.* 75 *a.* And see *Moderata Misericordia.* We shall be in the great Mercy of the King. Westm. 1. cap. 15.

Misericordia Communis, is when a Fine is set on the whole County or Hundred. *Mon. Angl.* 1 *Tom. pag.* 976. *Ac de murdro ac de* communi Misericordiâ *quando contigerit, videlicet Comitatus & Hundreds coram nobis vel aliquibus Justitiariis nostris, &c.*

Misevenire, *i. e.* to succeed ill; as, where a Man is accused of a Crime, and fails in his Defence or Purgation. *Et si compellatio sit & in emendando* miseveniat, *sit in Episcopi potestate Lex.* Canut. 78 apud Brompton.

Misfeasans, Misdoings or Trespasses. —*Jury to enquire of all Purprestures and* Misfeasans. 2 *Part, Croke, fol.* 498. And *Misfeasor*, a Trespasser. 2 *Inst. fol.* 200.

Mishering. *Est de estre quit de amerciemenz pur querelas en aucun Courts devant qui que il seyt, nent ordinament ou proprement demonstre.* MS. LL. Temp. E. 2. See *Abishersing* and *Miskering.*

Miskenning, (*Meskenninga*, from *Mis*; and *Sax.* Cennan, *citare, LL.* Hen. 1. cap. 12.) Iniqua vel injusta in jus vocatio; inconstanter loqui in Curia, vel invariare. *Renovamus etiam & confirmamus Privilegia antiquorum Regum, atque ob reverentiam Dominæ nostræ perpetuæ Virginis Mariæ Sanctique Benedicti, Sanctarumque Virginum, omnibusque futuris ibidem Abbatibus in tota possessione Monasterii,* Sacham & Socham *Theloneumque suum in terra & in aqua concedo, & Consuetudines, ut ab omnibus appertius & plenius intelligantur, Anglice scriptas, scilicet,* Bundbriche, Feardwite, Fitwite, Blodewite, Miskenninge, Frithsoke, Hamsockne, Forstall, Forphange, Theifphange, Hangwite, Frithbriche, Utlepe, Infongenthefe, Hubbriche, Tol & Tem, *aliasque omnes leges & Consuetudines quæ ad me pertinent, tam plene & tam libere, sicut eas in manu mea habebam.* Confirm. Fundationis Monast. de Ramsey per S. Edw. Conf. *Mon. Angl.* 1 *par. fol.* 237. *Et in Civitate in nullo placito* Miskennagium. —Charta H. 2. Civibus *London.* See *Folcmote.*

Miskering. *Hoc est quietus pro querelis coram quibusunque in transumptione probata.* MS. LL. in Bibl. *Cotton. pag.* 262. See *Mishering.*

Mishomer, (compounded of the Fr. *Mes*, which in Composition always signifies *amiss*, and *nomer*, i. e. *nominare*,) the using one Name for another, a misterming, or mis-naming.

Misprision (Fr. *Mespris*, *i. e.* Contempt or Neglect,) signifies a Neglect, Negligence or Oversight; or *Misprision of Treason, or Felony*, is a Neglect, or light Account made of Treason or Felony committed, by not revealing it when we know of it. *Stamf. Pl. Cor. lib.* 1. *cap.* 19. *lib.* 3. *cap.* 39. Or by suffering any Person, committed for Treason or Felony, or Suspicion of either, to go before he is indicted.

Misprision of Clerks, (*Anno* 8 *Hen.* 6. *cap.* 15) is a Neglect of Clerks, in writing or keeping Records. By *Misprision* of Clerks, no Process shall be adnulled or discontinued. 14 *Edw.* 3. *cap.* 6. *Stat.* 1. For *Misprision of Treason*, the Offenders are to suffer Imprisonment during the King's Pleasure, lose their Goods, and the Profits of their Lands during their Lives. *Misprision of Felony* is only Finable by the Justices, before whom the Party is attainted. *Cromp. J. of Peace, fol.* 40. Other Faults may be accounted *Misprisions* of Treason or Felony, because later Statutes have inflicted that Punishment upon them, whereof you have an Example, *Anno* 14 *Eliz. cap.* 3. of such as coin Foreign Coins, not currant in this Realm, and their Procurers, Aiders and Abettors. *Misprision* also signifies a mistaking, *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 6. *Vide* 3 *Inst. fol.* 36, and 139.

Missaticus, a Word used in *Domesday-Record* for a Messenger.

Missæ Presbyter, *i. e.* a Priest in Orders.

Missurium for **Missorium**, a Dish, in which Meat is put in. *Thorn's Chron. cap.* 1. *par.* 9. *f.* 2124. Missurium *etiam argenteum*, i. e. a silver Dish. *Mon.* 1 *Tom. pag.* 24. *Sirmondus* is of Opinion, that from hence the Word *Messe* is derived; but *Vossius* tells us, 'tis *quia dono mitti soleat a principibus.*

Misterium for **Ministerium**. *Mon. Angl.* 3 *Tom. pag.* 102.

Mis-Trial, a false or erroneous Trial. *Croke's Rep.* 3 *Part, fol.* 284. *Delves's Case.*

Misuser is an Abuse of Liberty or Benefit; as, *He shall make Fine for his* Misuser. *Old. Nat. Br. f.* 149.

Mitta was an ancient *Saxon* Measure, in use before the Conquest; its Quantity does not certainly appear, some hold it to be the same with *Corus*, others with *Modius*, and others, that it was *Mensura decem Modiorum. In Wich, salina redd.* 30 mittas salis. *Domesday*, tit. *Wirec. scire. Ego* Wulfrun, (*uxor* Anketelli,) *Singulis annis vitæ meæ ad Festum S.* Benedicti, *quod est in æstate, decem* mittas *de brasio & quinque de gruto & quinque* mittas *farinæ triticæ & 8 pernas & 16 caseos & duas vaccas pingues de terra mea* Hicheling *pro respectu annuo eidem Ecclesiæ*, (Ramesiensi) *procurari decerno.* Lib. Rames. Sect. 38. *Præterea concessi eis septem* Mittas Salis *quodlibet Anno percipiendas apud* Miz. Mon. Angl. 2 Par. fol. 262. b.

But *Mitta*, or *Mitcha*, was not only a sort of Measure for Salt and Corn, but rather the Place where *Caldrons* were put to boil Salt. *Calderias quoque ad Sal conficiendum cum propriis sedibus*, (i. e. the Places where they were put) *quæ vulgo* mitchæ *vocantur*, In the *Monastic.* it seems to be a Measure, *viz. Dedi Canonicis redditus* 20 *solidorum, &c. Et septem* mittas *salis, &c.* And in *Domesday*, viz. *Reddebat Vicecomes* 2 mittas *salis.* Gale's Hist. Brit. fol. 767.

Mittendo manuscriptum pedis Finis, is a Writ Judicial, directed to the Treasurer and Chamberlains of the Exchequer, to search and transmit the *Foot of a Fine*, acknowledged before Justices in Eyre, into the Common-Pleas, *&c. Reg. of Writs, fol.* 14.

Mittimus is a Writ by which Records are transmitted from one Court to another, as appears by the Stat. of 5 *Rich.* 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 *Hen.* 8. *Dyer, fol.* 29. and 29 *Hen.* 8. *Dyer, fol.* 32. *Mittimus* also signifies the Precept that is directed by a Justice of Peace to a Jaylor,

Jaylor, for the receiving and safe keeping of a Felon, or other Offender committed by the said Justice. See *Table of Reg. of Writs*, for other Uses and Applications of this Word.

Mixt Tithes (*Decimæ mixtæ*,) are those of Cheese, Milk, *&c.* and of the Young of Beasts. See *Coke*, 2 *Part Inst. fol.* 649. And see *Tithe*.

Mixtum, this Word is often mentioned in our *Monkish* Historians; it sometimes signifies a Breakfast, but always a certain Quantity of Bread and Wine: *Qui missam majorem celebraverit duos, Lector vero & servitores unum duplum ad* Mixtum *recipiet.* Du Cange.

Mockadoes, (*Anno* 23 *Eliz. cap.* 9.) a kind of Stuff made in *England*, and elsewhere.

Moderata misericordia, is a Writ that lies for him who is amerc'd in a Court-Baron, or other Court not of Record, for any Transgression or Offence beyond the Quality of the Fault. It is directed to the Lord of the Court, or his Bailiff, commanding them to take a *moderate Amerciament* of the Party, and is founded upon *Magna Charta*, *cap.* 14. *Quod nullus liber homo amercietur, nisi secundum qualitatem delicti*, &c. The rest touching this Writ, see in *Fitz. Nat. Br. fol.* 75. See *Misericordia*.

Modiatio was a certain Duty paid for every Tierce of Wine: *Concedo eis in perpetuam Eleemosynam tres mesuras terræ quietas de omni censu, consuetudine & aliâ re, exceptâ solâ* Modiatione *meâ de vino.* So in *Mon. Angl. Tom.* 2. *pag.* 994. *Reddendo sine contradictione sex modios de* Modiatione *Waeneio*; where the Word *Modius* signifies a liquid Measure of sixteen Quarts.

Modius terræ vel agri, *Sciendum est quod dedit* Ilias *pedum quatuor* Modiorum agri *circa se, cum omni censu suo, Ecclesiæ* Landaviæ, &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 *Romans*, *viz.* One hundred Foot long, and as many broad. *Modius Vini*, a Hogshead of Wine.

Modo & forma, are Words of Art in Pleadings; namely, in the Answer of the Defendant, whereby he denies to have done the Thing laid to his Charge, *modo & formâ declaratâ. Kitchin, fol.* 232. The Civilians in like Case say, *Negat allegata, prout allegantur, esse vera.* Where *modo & formâ* are of the Substance of the Issue, and were but Words of Course, See *Coke on Littl. fol.* 281. b.

Modus decimandi, is, when either Land, a yearly Pension, Sum of Money, or other Profit belong to the Parson, Vicar, *&c.* by Composition or Custom, in Satisfaction of Tithes in kind. *MS. penes Auth.* See 2 *Inst. fol.* 490.

Molaria. — *Et una* Molaria, *ubi molefodiuntur.* Domesday.

Molasses, or **Melasses**, (*Ital.* Melazzo, i. e. *Sacchari spuma*,) *Anno* 12 *Car.* 2. *cap.* 25. signifies the Lees or refuse Syrup in the boiling of Sugar; with which (by the said Statute) Wine is prohibited to be mingled or adulterated.

Molendinum bladonicum, a Corn-Mill; for which in ancient Charters we also find *Molendinum bladum* & *molendinum de blado.* So a Fulling-Mill is thus variously Latin'd in Records, *Molendinum fullonicum, Mol. fullanicum, Mol. fullere, Mol. fullerium*, & *Mol. de fulerez.*

A Wind-Mill; *Molendinum ad ventum*, & *venti*; *Molendinum ventriticum*, & *ventricium*; *Mola Pneumatica.*

A Water-Mill, *Molendinum aquati cum* & *aquatilium.*

A Horse-Mill, *Molendinum equitium.*

A Grinding, or Grieft-Mill, *Molendinum molare. Molendinum bladiferum. Ex Cartis & Record. in Mon. Angl.*

Molman. *Prior. Lewes, pag.* 21. —Omnis Lanceta, omnis *Toftman* & omnis *Molman* (qui non sedet super *Ogeland*) debent spergere unam reiam de fiens, *&c.* Unam strigam vel tractum stercoris. Where *Molman* signifies a Man subject to do Service, *Omnis* Molman *inveniet equum si habuerit ad portandum corredium prioris, &c.* fol. 16.

Molmaria. *Et inveniet* Maeremium, Molmaria, *& les Winding-Yards pro reparatione dicti Molendini.* Charta 16 Hen. 6.

Molmutian, or **Molmucin Laws**: The Laws of *Dunwallo Molmutius*, Sixteenth King of the *Britains*, (who began his Reign Four hundred and forty four Years before the Birth of our Blessed Saviour,) were famous in this Land, till the Time of *William* the Conqueror. *Usserus in Primord. fol.* 126. He was the first who published Laws in *Britany*; These, with the Laws of Queen *Mercia*, were translated by *Gildas* out of the *British*, into the *Latin* Tongue.

Molta, *i. e.* the Duty or Toll paid to the Lord by his Vassals, to grind Corn at his Mills. *Concedo sancto Amando* moltam *suam* & moltam *similiter omnium Civium St. Amandi.* Monastic. 2 Tom. p. 97.

Moltura, the same with *Molta.*

Moneia is used for Money in *Domesday*, viz. *Tit. Wirecestre Burgenses plures habuit & pro* 15 *hidis se defendit quando* Moneia *vertebatur*, (i. e. *mutabatur*) *quisque monetarius dabat* 20 s. *ad London pro cuneis monetæ accipiendis.* See *Sielus.*

Monetagium. *Jus & artificium cudendi monetas.*

Monetagium, was a certain Sum of Money paid every Third Year by the Tenant to the Lord, that he should not change the Money which he had coined, for it was lawful formerly for great Men to coin Money, (but not of Silver or Gold) which was current in their Territories. This was abrogated by *Hen.* 1. *cap.* 1. *Monetagium commune quod capiebatur in civitatibus & comitatibus quod non fuit, tempore Edwardi Regis hoc ne amodo fiat omnino defendo.*

Monger seems to be a little Sea-Vessel which Fishermen use. *Anno* 13 *Eliz. cap.* 11. When the Word ends in *Monger*, as *Ironmonger*, *Woodmonger*, it signifies Merchant, from the *Saxon* Mangen, *Mercator.*

Moniers, or **Monyers**, (*Monetarii*,) Ministers of the Mint, which make Coin, and deliver out the King's Money. *Anno* 25 *Edw.* 3. *cap.* 20. *Reg. of Writs, fol.* 262. It appears, that in ancient Time, our Kings of *England* had Mints in most of the Counties of this Realm; and in the *Tractate of the Exchequer*, written by *Ockham*, we find, That whereas Sheriffs ordinarily were ty'd to pay into the Exchequer the King's Sterling-Money for such Debts as they were to answer, they of *Northumberland* and *Cumberland* were at liberty to pay in any sort of Money so it were Silver; and the Reason is there given, because those two Shires, *Monetarios de antiqua institutione non habent, — quod Abbas & Monachi prædicti habent unum* Monetarium, *& unum Cuneum apud Reading ad monetam illorum, tam ad obolos & Sterlingos, quam ad Sterlingos prout moris est fabricandi & faciendi.* Memorand. Scacc. de Anno 20 Edw. 3. inter Record. de Trin. Rot. *Moneyers* are now also taken for Bankers, or those that make it their Trade to turn and return Money.

Monk, from the *Gr.* Μονος, *solus*, because the first *Monks* lived alone in the Wilderness, and not in

in Cities. In *Latin* they were called *Monachi*, for the same Reason affirmed. They were divided into three Ranks: *Cœnobitarum, i. e.* a Society living in Common under the Government of a single Person: These were under certain Rules, and were afterwards called *Regulars*, *Anachoretæ*, or *Hermitæ*, were those who lived in the Wilderness upon stale Bread and Water. St. *Jerome* tells us that of these, *Paulus fuit Auctor, Antonius illustrator, Johannes Baptista princeps*: But *Scaliger* was of Opinion, that *Paul* was the First. *Sarabaitæ* were Monks who lived under no Rule, but wandered in the World.

Monopoly, (from the Gr. Μόνος, *Unus*, and Πωλέω, *Vendo*,) is an Allowance of the King by his Grant, Commission, or otherwise, to any Person or Persons, or for the sole buying, selling, making, working, or using of any Thing, whereby any Person or Persons are restrained of any Freedom or Liberty that they had before, or hindred in their lawful Trade; which is declared illegal by 21 *Jac. cap.* 3. except in some particular Cases, which see in 3 *Inst. fol.* 189.

Monstrans de Droit (*i. e.* shewing of one's Right) signifies a Writ issuing out of Chancery, to be restored to Lands or Tenements that in deed are mine in *Right*, though by some Office found to be in Possession of one lately dead. See *Stamf. Prær. c.* 21. at large, and *Coke's Rep. lib.* 4. *fol.* 54. *Wardens of the Sadlers Case.*

Monstraverunt is a Writ that lies for Tenant that hold freely by Charter in ancient Demesn, being distrained for the Payment of any Toll or Imposition, contrary to the Liberty which they do or should enjoy. *Fitz. Nat. Br. fol.* 14.

Monstrum is sometimes taken for the Box in which Relicks are kept. *Item unum* Monstrum *cum ossibus St. Petri, &c.* Monast. 3 Tom. pag. 173.

Monstrum is also taken for what we call corruptly *mustering* Soldiers, *viz. Assignavimus vos, &c. ad arraiandum & triandum homines ad arma & ad* Monstrum *sive Monstrationem eorundem.* Du Cange.

Month, or **Moneth**, (Sax. Monaþ,) shall be understood to consist of twenty eight Days. See *Coke, lib.* 6. *fol.* 61. *b.* and see *Kalendar-Month.*

Moot (from the Sax. Motian, To treat or handle) is well understood at the Inns of Court to be that Exercise or Arguing of Cases, which young *Barristers* and Students perform at certain Times, for the better enabling them for Practice and Defence of Client's Causes. The Place where *Moot-Cases* were argued, was anciently called a *Moot-Hall*, from the Sax. Mopeal. In the Inns of Court there is a *Bailiff* or *Surveyor of the Moots*, who is yearly chosen by the Bench, to appoint the *Mootmen* for the Inns of Chancery, and to keep Accompt of Performance of Exercises both there and in the House. See *Orig. Juridiciales, fol.* 212.

Moothouse-Court; So the Hundred Court of *Bingham* in *Nottinghamshire* is called, and the Place where 'tis held is called the *Moothouse-Pit. Antiq. of Nottinghamshire, fol.* 71. *a.*

Mootmen, are those that argue Readers Cases (called also *Moot-Cases*) in the Houses of *Chancery*, both in Terms and in Vacations. *Coke's Rep.* 3 *Par. in Proœmio.*

Mora, a Moor, or more barren and improfitable Ground than a Marsh. 1 *Inst. fol.* 5. *a.* 'Tis derived from the Sax. Mor, i. e. *Mors*. It signifies also *Marshland*. See *Morosus*. *Usque ad Moram, i. e. Muccosam & humidam planitiem.* Monast. 2 Tom. pag. 50, 52.

Mora, i. e. Heath. *Item de pannagio herbagio &c. & de omnibus exitibus boscorum*, Moraruni, *&c.* Fleta, lib. 2. cap. 71.

Mora mussa. — *De quadam placea* Moræ mussæ *& vastis in villa de* — Mon. Angl. 2 Par. fol. 306. b. A watery or boggy Moor; for such in *Lancashire* they call *Mosses*, to this Day. *Moressa* is also used in the same Sense. 3 *Monast. fol.* 70. *a.*

Moratum, a Sort of Drink formerly used here. *Singulis vasis vini*, Morati, *&c.* H. Huntingdon, l. 6.

Moratur, or **Demoratur in Lege**, signifies as much as *He demurs*; because the Party goes not forward in Pleading, but rests or abides upon the Judgment of the Court in this Point, who deliberate, and take Time to argue and advise thereupon. Whensoever the Counsel Learned of the Party is of Opinion, that the Count or Plea of the adverse Party is insufficient in Law, then he *demurs* or abides in Law, and refers the same to the Judgment of the Court. *Coke on Litth. fol.* 71. *b.* See *Demurrer.*

Morbium, *Morsby* in *Cumberland.*

Moretum was a Sort of brown Cloth, mentioned by *Matt. Paris, Anno* 1258. with which they made Capes. *Venit enim Landinum cum* 20 *equitatibus, cujus familia collaterilis & capis, viz.* 5 *clausis & 5 manicatis & opiam* Moreto *superhivio redivivus.*

Morgangina, from the Sax. Morgen, the Morning, and Giran, to give, *i. e.* the Gift on the Wedding Day. *Si sponsa utrum suum superviverit, dotem & maritationem, suam, cantarum instrumentis, vel testium exhibitionibus ei fidelitam perpetualiter habeat*, & Morganginam *suam.* *LL. Hen.* 1. *cap.* 70. *i. e.* Her Dowry. In some Books 'tis writ *Morganegiba.* In *Leg. Canuti apud Brompton* 'tis writ *Morgagifa, cap.* 99. In *Leg. Hen.* 1. *cap.* 11, & 70, 'tis *Morgengiva.* It signifies literally *Donum matutinale*; and it is what we now call *Dowry-Money*, or that Gift which the Husband presents to his Wife on the Wedding-Day, from the Sax. Morgen, *Aurora*, and Giran, *Dare*; and was usually the fourth Part of his personal Estate; not here, but amongst the *Lombards. Du Cange.*

Morian is all one in Signification with the French *Morion*, i. e. *Cassis*, a Head-piece, and that from the Italian *Morione. Anno* 4 & 5 *Phil. & Mar. cap.* 2. now called *Two Pot.*

Morionium, *Seaton* in *Devonshire.*

Morina, *i. e.* the Wool of Sheep dead with the *Morin*. *Lana per se vendatur cum pellibus*, Morina *mortuarum, i. e.* the Wool of sick Sheep, and of those dead with the *Morin.* Fleta, lib. 2. c. 79. par. 6.

Morling, alias **Morling**, signifies that Wool which is taken from the Skin of a *dead* Sheep, whether dying of the Rot, or being killed. *Anno* 4 *Edw.* 4. *cap.* 2, & 3. and 27 *Hen.* 6. *cap.* 2. This is written *Morkin, Anno* 3 *Jac. cap.* 18. *Morling* or *Shorling, Anno* 3 *Edw.* 4. *cap.* 1. and 14 *Car.* 2. *cap.* 18. See *Shorling.*

Morosus. See *Mora. In viis & semitis per vallem quendam* Morosam *& aquosam.* Monast. 1 Tom. pag. 648.

Morpeth. See *Corstopitum.*

Morsellum terræ, a small Parcell or Bit of Land. *Et unum* Morsellum terræ *juxta horreum suum.* Charta 11 Hen. 3. par. 1. m. 33.

Morsellus terræ, a small Parcel of Land. *Mat. Paris. pag.* 438. and *Mon. Angl.* 2 *Tom. pag.* 82.

Morsus, a Sort of Button so called, which was used in the Priests Garments. *Firmaculum quod vulgo*

Morsus *avulsit*. Matt. Paris. Anno 1250. Monast. Angl. 3 Tom. pag. 173, 309.

Mort d'Auncestor. See *Assise of Mort d'Auncestor.*

Mortgage (*Mortuum vadium vel Mortgagium*, from the French *Mort*, i. e. *Mors*, and *Gage*, i. e. *Pignus*) signifies a Pawn of Land or Tenement, or any moveable Thing laid or bound for Money borrowed, peremptorily to be the Creditor's for ever, if the Money be not paid at the Day agreed on. And the Creditor holding such Land on such Agreement, is in the mean Time called *Tenant in Mortgage*. *Glanvile* (*lib.* 10. *cap.* 6.) defines it thus; *Mortuum vadium dicitur illud, cujus fructus vel reditus interim percepti in nullo se acquietant.* Thus it is called a *Dead Gage*, because whatsoever Profit it yields, yet it redeems not it self by yielding such Profit, except the whole Sum borrowed be likewise paid at the Day, the *Mortgagee* by Covenant being to receive the Profits till Default of Payment. He that lays this Pawn or Gage, is called the *Mortgager*; and he that takes it, the *Mortgagee*. This, if it contain excessive Usury, is prohibited, *Anno* 37 *Hen.* 8. *cap.* 9. But I rather think 'tis called *Mortgage*, because, if the Money is not paid at the Day, the Land *moritur* to the Debtor, and is forfeited to the Creditor.

Mortitivus, *i. e.* Dead of the Rot. *Praeterea concessi vis, &c. Omnes pelles agnorum de omnibus maneriis meis, &c. tam de his quae eduntur quam de* Mortitivis. Monast. 2 Tom. pag. 114.

Mortmain, (*Magnus Mortua*, *i. e.* Dead Hand, from the Fr. *Mort*, i. e. *Mors*, and *Main*, i. e. Hand,) signifies an Alienation of Lands or Tenements to any Corporation, Guild, or Fraternity, and their Successors, as Bishops, Parsons, Vicars, *&c.* which may not be done without Licence of the King, and Lord of the Manor; or of the King alone, if it be immediately holden of him. The Reason of the Name proceeds from this; That the Services, and other Profits due for such Lands, should not, without such Licence, come into a *Dead Hand*, or into such a Hand as it were dead, and so dedicated unto God, or pious Uses, as to be abstractedly different from other Lands, Tenements, or Hereditaments, and is never to revert to the Donor, or any temporal or common Use. *Mag. Charta*, *cap.* 36. and 7 *Edw.* 1. commonly called the *Statute of Mortmain*, 18 *Edw.* 3. *Stat.* 3. *cap.* 3. and 15 *Rich.* 2. *cap.* 5. Which Statutes are something abridged by *Anno* 39 *Eliz. cap.* 5. whereby the Gift of Land, *&c.* to Hospitals is permitted without obtaining Licences of *Mortmain*. *Hottoman*, in his Commentaries, *De Verbis Feudal. verbo Manus mortua*, says thus: *Manus mortua locutio est, quae usurpatur de iis quorum possessio, ut ita dicam, immortalis est, quia nunquam haeredem habere desinunt. Qua de causa res nunquam ad Priorem Dominum revertitur; nam* Manus *pro possessione dicitur*, Mortua *per Antiphrasim pro immortali, &c.* And *Skene* says, That *Dimittere terras ad* Manum Mortuam, *est idem atque dimittere ad multitudinem sive universitatem, quae nunquam moritur.* The President and Governors for the Poor within the Cities of *London* and *Westminster*, may, without Licence in *Mortmain*, purchase Land, *&c.* not exceeding the yearly Value of 3000 *l. &c.* *Stat.* 14 *Car.* 2. *cap.* 9.

Mortuary (*Mortuarium*, rectius *Mortarium*) is a Gift left by a Man at his Death to his Parish Church, in Recompence of his Personal Tithes and Offerings not duly paid in his Life-time. A *Mortuary* is not properly and originally due to an Ecclesiastical Incumbent from any, but those only of his own Parish, to whom he ministers spiritual Instruction, and hath Right to their Tithes. But by Custom in some Places, they are paid to the Incumbent of other Parishes when the Corps of dead Bodies pass through them. See the Statute 21 *Hen.* 8. *cap.* 6. before which Statute *Mortuaries*, were payable in Beasts; the best to the Lord for a Heriot; the second for a *Mortuary*. Nor was it only *de meliori Averio, sed de meliori re. Mortuarium* (says *Lindwood*) *sic dictum est quia relinquitur Ecclesiae pro animae defuncti.* Custom did so prevail, that *Mortuaries* being held as due Debts, the Payment of them was enjoined as well by the Statute *De circumspecte agatis*, in 13 *Edw.* 1. as by several Constitutions, *&c.* A *Mortuary* was anciently called Saulescat, which signifies *Pecunia Sepulchralis*, or *Symbolum animae*. After the Conquest it was called a *Corse-present*, (because the *Beast* was *presented* with the *Body* at the Funeral,) and sometimes a *Principal*. Of which, see a learned Discourse in the *Antiquities of Warwickshire*, *fol.* 679. And see *Selden's History of Tithes*, *pag.* 287. There is no *Mortuary* due by Law, but by Custom. 2 *Part. Inst. fol.* 491. See *Spel. de Concil. Tom.* 2. *fol.* 390. This is likewise proved out of *Fleta*, *lib.* 2. *cap.* 60. *par.* 30. *Item si Rector petat* Mortuarium *ubi dari consuevit.* See *Nunagium* and *Principal*, and *Pretium sepulchri.*

In the *Irish* Canons 'tis called *Pretium sepulchri*, and *Sedatium*, viz. *Omne Corpus sepultum habet in jure suo vaccam & equum & vestimentum & ornamenta lecti sui, &c.* Canon Hibern. lib. 19. c. 6. And in another Place, *Rogat principem loci, i. e.* the Bishop, *ut Basilicam ejus foderet, &c. & reddat amicus pretium ejus & sedatium Commune.*

Mose-Troopers are a rebellious Sort of Malefactors in the North of *England*, that live by Robbery and Rapine; not unlike the *Tories* of *Ireland*, *Buccaneers* in *Jamaica*, or *Banditi* in *Italy*; for Suppression of whom, the Statutes 4 *Jac. cap.* 1. 7 *Jac. cap.* 1. and 14 *Car.* 2. *cap.* 22. were made.

Mot-bell, the Bell so called, which was used by the English *Saxons* to call People together to the Court. *Debent statim pulsatis campanis quod Anglice vocat* Mot bell, *convocare omnes & universos quod Anglice dicunt* Folcmot, *i. e. vocatio & convocatio populorum.* Leg. Edw. Conf. cap. 35.

Mote, (*Mota*, Sax. Gemote,) a Court, Plea, or Convention; as, *Mota de Hereford*, i. e. *Curia vel placita Comitatus de Hereford.* Charta Matildis Imperatricis filiae Regis Hen. 1. *Sciatis me fecisse* Milonem de Glocestre, *Comitem de Hereford & dedisse ei* Motam Herefordiae *cum toto Castello in Feudo & Hereditate.* Of this there were several Kinds, a **Mittenagemote, Folcgemot, Scireregemot, Hundredgemot, Burgemote, Wardegemote, Haligemot, Swainegemot**, &c.

Hence to Mote, or Moot, *i. e.* To plead: And in *Scotland* they call it *To mute*; as, the *Mute Hill at Scone*, i. e. *Mons placiti de Scona.* But we now most commonly apply the Word *Moot*, to that Practice of pleading and arguing Cases which young Students use in the Inns of Court and *Chancery*.

Mota was sometimes used for a Fortress or Castle, or the Scite or Place where such Castle stood; as, *Turris de London*, & Mota *de Windsor. Charta pacis inter Stephanum Regem & Hen. Ducem postea Regem.* See *Moot*.

Mote does also signify a standing Water to keep Fish, or a great Ditch of Water encompassing a Castle or Dwelling-house. *Hac Indentura — testatur, quod praedictus Rogerus tradidit praefato Thomae*

tria

tria stagna & unam Motam Piscaram *ex sicu infra manerium Domini de Tessyn, Hab. prædicta tria stagna & prædictam* Motam *cum tota piscatione in eisdem & cum incremento piscium in eisdem cum libero ingressu & egressu, &c.* Dat. 18 Feb. 11 Edw. 4.

Motibilis, one who may be removed or displaced, or rather a Vagrant. *In Carcere detenti, Canonici, vel alii Religiosi,* Motibiles, *Furiosi, &c. conveniri non poterunt,* i. e. *In jure convenire nim possunt.* Fleta, lib. 6. cap. 6. par. 22.

Motwoꝛth, (the same as *Foldwurth*,) one who was of Age to be of the *Decennary*; from the Sax. Mot, *Conventus*, and peoꝛth, *Dignus*.

Muchehunt. *Habeant hi quatuor unam regalem potestatem, (salvia semper nobis nostra præsentia) quaterque in anno generales Forestæ demonstrationes & viridis & venaris forisfactiones, quas* Muchehunt *dicunt, &c.* Const. Canuti de Foresta, cap. 11.

Muffulæ, Winter-Gloves made of Ram-skins. In *Leg. H. 1. cap. 70.* they are called *Mussluæ*, and sometimes *Mussla*.

Mulier (as used in our Laws, seems to be corruptly from *Melior*, or the Fr. *Meilleur*) signifies the lawful Issue (born in Wedlock, though begotten before) preferred before an elder Brother born out of Matrimony. *An. 9 H. 6. c. 12. Smith de Republ. Angl. lib. 3. cap. 6.* But by *Glanvile, lib. 7. cap. 1.* the lawful Issue seems rather *Mulier* than *Melior*, because begotten *è Muliere*, and not *ex Concubina*; for he calls such Issue *Filios mulieratos*, opposing them to *Bastard*. And *Briton, cap. 70.* hath *Frere Mulier*, *i. e.* the Brother begotten of the Wife, opposite *Frere Bastard*. This seems to be used in *Scotland* also: For *Skene* says, *Mulieratus filius* is a lawful Son, begotten of a lawful Wife. A Man hath a Son by a Woman before Marriage, which 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*, and is lawful, and shall be Heir to his Father. You shall always find them with this Addition when compared, *Bastard eigne & Mulier puisne*. See *Coke on Littleton, fol. 170. b.* and 243. *b.*

Mulier also was anciently used as an Addition; as, *Omnibus — Domina Johanna de Foresta*, Mulier, *salutem. Noverit universitas vestra, quod, &c.* Dat. 3 Regis Edw. Filii Edw. Ex Autographo penes Authorem. By this it was doubted whether *Mulier* signified a Wife, or a Woman born in lawful Wedlock. But the following Deed clearly shews it the former, and is conformed to what Sir *Edward Coke* says, 2 *Inst. fol.* 434. *That, of ancient Time*, Mulier *was taken for a Wife, and sometimes for a Widow.*

ELizabeth Grendon *filia & hæres legitima Domini* Hamonis Peshal *mil. dum dixit & Aliciæ uxoris suæ filiæ quondam* Roberti Harley *& Johannæ uxoris ejusdem* Roberti, *filii & heredis quondam Roberti Harley mil. & Margaretæ uxoris suæ pars appellans & actrix ex parte una, & Johanna Harley* Mulier *pars appellata & rea ex altera. Eadem Johanna Harley per Officialem Diocesis Middlesex, occasione frigiditatis sive impotentiæ naturalis Roberti mariti sui coeund. sive eam carnaliter cognoscend. nota, ab eodem Roberto separata fuit. Et nunc, ex supplicatione præfatæ Elizabetha Grendon, ex separatio cassatur & annullatur, & matrimonium inter eos solidum & firmum fuisse declaratur per instrumentum publicum.* Dat. Anno 1400. Ex MS. penes Will. Dugdale Arm.

Muliertie, or **Mulerie**, (*Coke on Littl. fol. 352. b.*) the Being or Condition of a *Mulier*, or lawful Issue. *Fait a remembre que Osbert Parles engendra Reynald de Asseles en* Bastardie; *le quele Osbert enfeffa le dit Reynald en Fee en tote son tenement de Asseles, a lui & a ses heires a tous jours; le quele Reynald engendra Simon de Asseles en* Muslerie; *le quele Simon engendra Alius, Agnes & Margerie en* Muslerie. MS. penes Will. Dugdale Arm.

Mullones fæni, Cocks or Ricks of Hay. *Sciant, quod ego Richardus de Harrecurt concessi Willielmo de Sutton pro Homagio & servicio suo totam illam virgatam terræ — in Sutton, una cum Messuagio, & pertin. — dictus vero Willielmus & heredes sui arabunt unum Seilonem ad yvernagium & unum Seilonem ad semen quadragesimale, & unum Seilonem ad Warectum, & Sarclabunt per unum diem cum uno homine, & falcabunt cum uno homine per unum diem in Estcia. — & invenient unum hominem ad levand. prata, & cariabunt dicta prata cum una Carecta quousque cariata sint plenarie in Curiam de* Sutton, *& invenient unum hominem ad faciendum* Mullones fæni *quousque perficiantur & facient quatuor Precarias autumnales cum duobus hominibus, scil. tres ad cibum illorum proprium & quartum ad cibum Domini, & cariabunt bladum per unum diem cum una Carecta, & invenient unum hominem per unum diem ad faciend.* Meyas *in Grangia. Hæc omnia Servitia, &c. Hiis testibus Domino Henrico de Harrecurt, &c.* Penes Tho. Wollastot Arm.

Mulneda, a Place to build a Water-Mill. *Et quoddam pratusculum, secus stagnum molendini usque ubi rivus descendit in veterum rivulum, & ipsum* Mulnedam *ad faciend. ibidem* Molendinum. Mon. 2. Tom. pag. 284.

Multa, or **Multura Episcopi**, is derived from *Mulcta*; for that it was a Fine, or final Satisfaction, given the King by the Bishops, that they might have Power to make their last Wills and Testaments, and to have the *Probat* of other Mens, and the granting Administrations, See 2 *Inst. fol.* 491.

Multiplication, (*Multiplicatio*,) Multiplying, or Augmenting. It is oꝛdained and established, That none from henceforth shall use to multiply Gold or Silver, nor use the Craft of Multiplication, and if any the same do, he shall incur the Pain of Felony. Anno 5 Hen. 4. cap. 4. Which Statute was made upon a Presumption that some Persons skilful in Chymistry could *multiply* or augment those Metals by *Elixir*, or other Ingredients, and change other Metals into very Gold or Silver. For Letters Patent were granted by *Henry* the Sixth to certain Persons, (who undertook to perform the same, and to find out the Philosopher's Stone,) to free them from the Penalty in the said Statute. *Rot. Pat. 34 Hen. 6. m. 13. Coke, 3 Inst. fol. 74.*

Multitude (*Multitudo*) must (according to some Authors) be ten Persons or more; But Sir *Edward Coke* says, He could never read it restrained by the Common Law to any certain Number, but left to the Discretion of the Judges. *Coke on Littl. fol. 257.*

A Multo foꝛtioꝛi, or *à Minore ad Majus*, is an Argument often used by *Littleton*: The Force of it thus; If it be so in a Feoffment, passing a new Right, *much more* is it for the Restitution of an ancient Right, *&c. Coke on Littl. fol. 253. a.* and 260. *a.*

Multones, and **Mulctones**, Muttons, or rather Weathers. *Quia testiculis mutilati. De vaccis* 69, *de bovettis* 17, *de bovicalis* 10, *de Mulionibus* 381, *de Hurtis & muricis* 207, *de Hegris* 121, *de Agnis* 100, *de Porcis* 33, *de Hegettis* 126, *&*

de

de Porcellis &c. &c. Inventor, bonorum Prioratus de Tichfield Anno 1420. *Item omnes Custumarii de Bromyard forinseco debent falcare & levare de consuetudine de* Overrum-penty *annuatim & habebunt ab Episcopo unum* Multonem *precii* viii d. Liber niger Episcopat. Heref. *Rex tenetur Ottoni de Grandisona in x millibus* multonum *Aum.* Pat. 33 Edw. 3. Par. 2. Where it seems to signify some obsolete Coin of Gold, coined with an *Agnus Dei* on one Side.

Multura, See. *Molta. Dabunt* Multuram *ad vicesimum vasculum quando ad molendinum meum molere voluerint.* Mon. Angl. 3 Tom. 91.

Multure (*Molitura vel Multura*) signifies the Toll that the Miller takes for grinding Corn. *Et totam sequelam Custumariorum meorum qui ad dictum molendinum bladum suum molent, ad sextum decimum vas, & brasium suum sine* Multura. Mon. Angl. 2 Par. fol 825. a. And if that will grynd at his Mylne, to grend at xviii vessel. And for their Male nogot gide Multer, &c. An Award, *Dat.* 28 *H.* 6.

Mulvellus is a Fish caught in the North of *England* in Summer. 'Tis mentioned in *Fleta, lib.* 2. *cap.* 12. *par.* 12. *Dedit* Mulvellum *Butyrum, &c.*

Mundbrech, *rectius* **Mundbrece**, (Sax. Mund, *i. e. Munitio, Defensio*, and Brice, *Fractio vel Violatio*) *Si Rex Ecclesiam, Monasterium, Burgum, hominem aliquem vel societatem: centumve res aut prædia in suam susceperat, protectionem dicebatur hoc omne & ejusmodi quicquid in Regis esse* Mundio, *Saxonice* on Cyningemundbe, *cujus violatio vocabatur* Mundbrice *dicta est.* q. *Protectionis violatio, læsio majestatis, aut datæ pacis fractio, quæ in Anglorum lege 5 libris plectebatur.* Spelm. But *Mundbrech* is expounded in late Times *Clausarum fractionem*, a Breach of *Mounds*, by which Name Ditches and Fences are still called in some Parts of *England.*

Munde, *i. e.* Peace.

Mundebrece, *i. e.* a Breach of the Peace. *Leg. H.* 1. *cap.* 37, 66.

Mundeburde, (*Mundeburdium*, from the Sax. Mund, *i. e. Tutela*, and Borb, or Bob, *i. e. Fidejussor.*) *Defensioris vel patrocinii fidejussio & stipulatio*, a receiving into Favour and Protection. *Pippinus, — Aquitaniæ Rex — ut omnes res ad suprascriptum Monasterium sub vestro* Mundeburdo, *vel immunitatis tuitione receperimus.* Preuves de l'Hist. des Countes de Guyenne, pag. 24.

Muniment-House, (*Munimen.*) In Cathedral and Collegiate Churches, Castles, Colleges, or such like, is a House or little Room of Strength purposely made for keeping the Seal, Evidences, Charters, &c. of such Church, College, &c. Such Evidences being called *Muniments*, corruptly *Minuments*, from *Munio*, To defend; because Inheritances and Possessions are *defended* by them. 3 *Par. Inst. fol.* 170.

Muniments, (*Munimenta.*) Mat. Paris. fol. 311. *Episcopus itaque cum* Munimentorum *inspectionem habere non potuit.* Scripta scilicet authentica. Charta Donationum & Evidentiæ. See *Miniments.*

Munimina (*Munimentum*) are the Grants or Charters of Kings and Princes to Churches; so called because *eum iis muniantur* against all those who would deprive them of those Privileges.

Munus Ecclesiasticum, *i. e.* the Consecrated Bread, out of which a little Piece is taken for a Communicant. *Insuper & omne sacrificium quod nos dicimus* Munus Ecclesiasticum, *&c.* Mon. 2 Tom. pag. 838.

Murage (*Muragium, Anno* 3 *Edw.* 1. *cap.* 30.) is reasonable Toll, to be taken of every Cart or Horse coming laden into a City or Town, for the building or repairing the Walls of it for the Safeguard of the People, and is due either by Grant or Prescription. *Coke's* 2 *Par. Inst. fol.* 222.

Murale, the City-Wall. *Huntingd. lib.* 8. *pag.* 392. *Resonabant colles, resonabant urbis* Muralia.

Muratio, a Town or Borough surrounded with Walls. *Ego vero de castris & murationibus meis securitatem talem Duci, &c. consilio sanctæ Ecclesiæ feci.* Brompton in the *Life of King Stephen.*

Murder, (*Murdrum*,) from the Sax. Morth, which some will have to signify a violent Death; from whence the barbarous Lat. *Mordrum* and *Murdrum.* Sometimes the *Saxons* expressed it by Morthdæd, and Morthpeone, a deadly Work; in French *Meurdre*, in Spanish *Muertre*, in English *Murder*: A Word in use long before the Reign of *Canutus*; but I cannot find that the Sax. Morth signifies a violent Death, but generally *Mors* amongst us. 'Tis taken for a wilful and felonious killing another upon prepensed Malice, whether secretly or openly, Englishmen, or Foreigners living under the King's Protection. 52 *Hen.* 3. *cap.* 25. 14 *Edw.* 3. *cap.* 4. *Prepensed Malice* is either *express*, or *imply'd*; *Express*, when it may be evidently proved there was formerly some ill Will: *Implied*, when one kills another suddenly, having nothing to defend himself, as going over a Stile, or such like. *Crown. Just. of Peace, cap.* Of Murder, *fol.* 19. *Per parol de* Murder *en grant, le Grantee chama de auer amerciament de* Murderers. *Brooke, tit. Quo Warrant.* 2. But formerly it was taken only for a clandestine Killing; for amongst the Laws of *H.* 1. *cap.* 92. 'tis said, That *Murdritus homo antiquitus dicebatur, cujus interfector ignorabatur ubicunque, vel quomodocunque esset inventus, nunc adjunctum est, licet sciatur quis* Murdrum *fecerit, homicidium per proditionem.* So in *Mat. Paris. An.* 1216. *Arthurum nepotem propriis manibus per proditionem interfecit pessimo mortis genere quod Angli* Murdrum *appellant.* But now 'tis a wilful killing another *ex malitia præcogitata.*

Murengers are two Officers in the City of *Chester*, of as great Antiquity as any other in that City, being two of the principal Aldermen yearly elected to see the *Walls* kept in good repair, and to receive certain Toll and Customs for Maintenance thereof.

Murilegus, *i. e.* a Cat. *Knighton, lib.* 3. 2535.

Murrena. See *Morina.*

Musfulæ. See *Mussulæ.*

Musitians. See *Minstrels.*

Mussa, (Lat.) a Moss or Marsh Ground. *Inter duram terram & humidam usq; ad* Mussam, *& sic descendendo per* Mussam *illam usque ad rivum.* Pat. 12 Edw. 2. p. 1. 22.

Mussa, a Place where Sege grows; a Place over-run with Moss. *In terris cultis & incultis in bosco in moris &* Mussis. Mon. 1 Tom. pag. 426.

Musta for *Mussa.*

Muster, (from the Fr. *Monstre*, i. e. *Specimen, Exemplum*, as *Faire monstre generale de toute son armie*, is as much as *Lustrare exercitum*,) the Signification is well known. *Muster'd* of Record, (*Anno* 18 *H.* 6. *cap.* 19.) is to be enrolled in the Number of the King's Soldiers. *Master of the King's Musters.* See in *Master.*

Mustermaster-General, (*Anno* 35 *Eliz. c.* 4.) See *Master of the King's Musters.*

Muta Canum, (Fr. *Meute de Chiens*,) a Kennel of

of Hounds. The King at a Bishop's and Abbat's Decease hath six Things: 1. *Optimum equum sive Palafridum ipsius Episcopi cum sella & freno.* 2. *Unum Chlamydem sive Cloccam cum capello.* 3. *Unum Ciphum cum co-operterio.* 4. *Unum pecoem cum lavatorio.* 5. *Unum Annulum aureum.* 6. *Necnon* Mutam Canum, *quæ ad dom. Regem, ratione Prærogativæ suæ spectant & pertinent.* Hill. 2 Edw. 2. in Stat. post mortem Epis. Bath. & Wellens. & Claus. 30 Ed. 1. m. 16.

Mutatorius, *i. e.* Change of Apparel. *Jussit eum arctiori carcere,* Mutatoria *autem sua ei non substraxit.* Mat. Paris. Anno 1207. So in *Gervis* of *Tilbury*, *Leviioribus Rex* mutatoriis *indutus ad mensam accedit.*

Mute, (*Mutus*,) that speaks not; dumb, speechless. A Prisoner may stand *Mute* two manner of Ways: 1. When he speaks not at all; and then it shall be enquired, whether he stood *Mute* of Malice, or by the Act of God: If by the later, then the Judge *ex Officio* ought to enquire, whether he be the same Person, and of all other Pleas which he might have pleaded, if he had not stood *Mute.* 2. When he pleads not guilty, or does not directly answer, or will not put himself upon the Enquest to be tried. *Coke*, 2 *Part Inst. cap.* 12. *Anno* 32 *Hen.* 8. *cap.* 3. See *Pain Fort & Dure.*

N.

Nacella, a Skiff, or Boat. 'Tis mentioned in *Mat. Paris.* viz. *Transitum per* Nacellas *& alia vasa præparavit.*

Nam, or **Naam**, (*Namium*, from the Saxon Niman, *Capere*,) signifies the taking or distraining another Man's moveable Goods, and is either lawful or unlawful. *Lawful Naam* is a reasonable Distress, proportionable to the Value of the Thing distrained for: And this *Naam* was anciently called either *Vif* or *Mort*, Quick or Dead, according as it is made of dead or quick Chattels. *Lawful Naam* is so either by the Common Law, as when one takes another Man's Beasts *Damage feasant* in his Ground; or by a Man's particular Fact, as by reason of some Contract made, that for Default of Payment of an Annuity it shall be lawful to distrain in such or such Lands, *&c. Horn's Mirror of Justices, lib.* 2. *cap.* De Naam. See *Withernam*; *Non licebit* Namium *sumere vel vadimonium, nec averia sua imparchiare.* Mon. Angl. 2 Par. fol. 256. b. *Nemo* Namium *capiat in comitatu vel extra Comitatum, priusquam ter in Hundredo suo rectum sibi perquisierit.* LL. Canuti MS. cap. 18. quod inscribitur *de Namiis capiendis. Quod si reddere noluerint* (debitores) *nec ad distrationandum venire, tunc cives quibus debita sua debent, capiant in Civitate,* Namia *sua, vel de comitatu in quo manet, qui debitum debet.* Char. Hen. 1. de Libertat. London. See *Vetitum Namium.*

Namation, (*Namatio*,) a Distraining, or taking a Distress. In *Scotland* it is used for Impounding. *Nemo veniens ad forum de* Nottingham *cum quadrigis & summagiis suis a vespere diei veneris usque ad vesperum diei Sabbati*, nametur, *nisi pro firma Regis*, (Charta Hen. 2. Burgens. de Nott.) *i. e.* shall not be distrained.

Namium vetitum is an unjust taking the Cattle of another, and driving them to an unlawful Place, pretending Damage done by them. In which Case the Owner of the Cattle may demand Satisfaction for the Injury, which is called *Placitum de Namio vetito.*

Nanniandum. *Insuper obligavit eisdem Abbati & Conventui, nomine pignoris totum Tenementum suum quod est in parochia S.* Edwardi *Oxon. ad ingrediendum &* Nanniandum *in eodem, &c.* Charta Rogeri Bonivalet Cordwanarii Oxon. ad Osnevenses, in Reg. Cænob. Osney. fol. 118. Probably from the French *Nantir*, To give or gain Seisin or Possession of.

Naperie, (*Anno* 2 *Ric.* 2. *c.* 1.) (from the Ital. *Napperia*, i. e. *Linteamina domestica.*) We may call it Linnen Cloth, or Houshold Linnen.

Narrator, a Pleader, or Serjeant at Law. *Et sciendum quod quidam Willielmus Lovel miles hic in Curia præsentia & audientia Justic. animo impetuoso dixit eidem Ade de Flitham* Narratori *prædicti Petri in Assisa prædicta placitanti, &c.* Hill. 16 Edw. 3. in Scacc. Anciently *Serviens Narrator* was used for a Serjeant at Law. See *Serjeant.* So in *Fleta, lib.* 2. *cap.* 37. *Et ulterius in Curia Regis pro aliquo narrare non audietur, nisi pro semetipso si* Narrator *fuerit.*

Nasse, or **Nesse**, (*Anno* 4 *Hen.* 7. *cap.* 21.) seems to have been the Name of the Port at *Orford* in *Suffolk.* From the Saxon Næse, *Promontorium.*

Natale, *i. e.* the State and Condition of a Man. *Si quis de homicidio accusetur, & idem se purgare velit secundum* Natale *suum.* Leg. H. 1. cap. 64.

Nathwyte. *Quod nec dictus Philippus de Avery, nec hæredes sui de cætero petere possint aliqua tallagia, nec etiam francum plegium, nec etiam aliam demandam, quæ vocatur* Nathwyte. Charta 55 Hen. 3. m. 6. Perhaps from the Sax. Naþ, *i. e.* Lewdness; and so it might signify the same with Lairwite.

Nativæ tenentes. *Sunt (ipsi etiam liberi) qui terram tenent* Nativam; *Hoc est* Nativorum *servitiis obnoxium.* Spelm.

Nativi de Stipite. J. C. Nativus de Stipite *quondam tenuit in villenagio ut* de Stipite *unum Messuagium in Rillaton, &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 or Covenant. *Servi enim alii natura, alii facti & alii emptione, alii redemptione, alii suo vel alterius datione.* LL. Hen. 1. cap. 76. And in *Cornwal* it was a Custom, that if a Freeman married *Nativam*, and brought her *ad liberum tenementum & liberum thorum*, and had two Daughters, one of them was free, and the other a Villain. *Bracton, lib.* 4. *c.* 21, 22.

Nativitas, *i. e.* Servitude. *Si nativi negent Domino* Nativitatem *suam, sive Bondagium.* The Word is often mentioned in the Laws of *William* I.

Nativity, (*Nativitas*,) Birth. Casting the Nativity, or by Calculation seeing to know how long the Queen should live, *&c.* made Felony. *Anno* 23 *Eliz. cap.* 2. *Nativitas* was anciently taken for *Bondage*, or *Villenage. Terram, quam Nativi sui tenuerunt de se in* Nativitate. Mon. Angl. 2. Par. fol. 643. a.

Nativo habendo was a Writ that lay to the Sheriff for a Lord, whose Villain claimed for his Inheritance was run from him, for the apprehending and restoring him to his Lord. *Reg. of Writs, fol.* 87. *Fitz. Nat. Br. fol.* 77.

Nativus. *Is qui* natus *est servus, & sic differat ab eo qui se venundari passus est. Servos enim alios* Bondos *dicimus, alios* Nativos, *alios* Villanos. Bondi *sunt qui pactionis vinculo se astrinxerint in servitutem, unde & nomen, nam* Bond, *anglicè vinculum,* Bondi *quasi astricti nuncupantur. De* Nativis *jam*

supra. Villani, *sunt qui glebæ ascripti* [illegible] *colunt Dominicum, nec exire licet, sine Domini licentia.* Spelm. *Vide* Chart. Rich. 2. *qua omnes manumisit a* Bondagio *in Com. Hertford.* Walsingham, pag. 244. — *Quod si aliquis* Nativus *alicujus in præfato Burgo manserit & terram in eo tenuerit, & fuerit in prædicta Gilda & Hansa & Lotis & Scotis cum eisdem Burgensibus nostris per unum annum & unum diem sine Calumpnia, deinceps non possit repeti a Domino suo, sed in eodem Burgo liber permaneat.* Chart. Hen. 3. Burgensibus Mumgumery.

Naturalization, (*Naturalisatio,*) is when an Alien born is made the King's *Natural* Subject. See *Denizen.*

Navagium was that Duty which was incumbent on the Tenant, to carry his Lord's Goods in a Ship: *Liberi sint ab omni Cariagio, Navagio, &c.* Mon. 1 Tom. 922.

Navis Ecclesiæ, is that Part of the Church where the Common People sit, which being the longest Part is so called: *Quod camera ejus veluti Navium carina est.* Du Cange.

Nayvitas, the same with *Nativitas: Liberatus fuit a* Nayvitate *cum tota sequel.* Fleta, lib. 5. cap. 5. par. 39.

Ne admittas is a Writ that lieth for the Plaintiff in a *Quare Impedit,* or him that hath an Action of *Darrein Presentment* depending in the Common Bench, and fears the Bishop will admit the Clerk of the Defendant during the Suit between them; which Writ must be sued within six Months after the Avoidance, because after the six Months the Bishop may present by Lapse. *Reg. of Writs, fol.* 31. *Fitz. Nat. Br. fol.* 37.

Neat-Land, (Sax.) *Terra Villanorum,* Land let or granted out to the Yeomanry. *Ex Vet. Charta.*

Negative Pregnant (*Negativa Pregnans,*) is a *Negative,* which implies or brings forth an *Affirmative;* as, if a Man being impleaded to have done a Thing on such a Day, or in such a Place, denies that he did it *Modo & forma declarata,* which implies nevertheless, that in some sort he did it. Or, if a Man be impleaded, for having alienated Land in Fee, &c. he denying that he hath alienated in Fee; this is a *Negative,* which includes an *Affirmative,* for it may be he hath made an Estate in Tail. *Dyer, fol.* 17. *num.* 95. And see *Brook, hoc tit.*

Neggildare, i. e. to claim Kindred; *non negatur liber cum servo* Neggildare, i. e. *Cognationem solvere nisi velit ei facinorem facere,* i. e. *facinore liberare.* Leg. H. 1. cap. 70.

Neif (Fr. *Naif,* i. e. *Naturalis, Nativa*) signifies a Bond Woman, a She-Villain. Mentioned *Anno* 9 *Rich.* 2. *cap.* 2. See *Nativus.* Anciently Lords of Manors sold, gave or assigned their Bondmen and Women, as appears by,

Sciant quod ego Radulphus de Crombewel *Miles Senior & Dominus de Lambeley dedi Domino Vicario de Dedeling Beatricem filiam Will. Harvey de Lambeley quondam* Nativam meam, *cum tota sequela sua cum omnibus catallis suis, perquisitis & perquirendis. Habend. & tenend. prædictam Beatricem cum tota sequela sua & omnibus catallis suis & omnibus rebus suis perquisitis & perquirendis prædicto Domino Roberto vel suis assignatis liberè quietè bene & in pace imperpetuum, &c. In cujus, &c. hiis testibus* — *Dat. apud Lambeley in die Sancti Laurentii Martyris.* Anno 13 Edw. 3. *See* Manumission.

Writ of Neifty was an ancient Writ, now out of use, whereby the Lord claimed such a Woman for his *Neif,* wherein but two *Neifs* could be put.

Ne injuste vexes, is a Writ that lies for a Tenant, who is distrained by his Lord for other Services than he ought to make, and is a Prohibition to the Lord in it self, commanding him not to distrain. The special Use of it is, Where the Tenant has formerly prejudiced himself, by performing more Services, or paying more Rent without constraint than he needed; for in this Case, by reason of the Lord's Seisin, he cannot avoid him in *Avowry,* and therefore is driven to this Writ as his next Remedy. *Reg. of Writs, fol.* 4. *Fitzh. Nat. Br. fol.* 10.

Neomagus. See *Noviomagus.*

Nesse. (*Anno* 4 *Hen.* 7. *cap.* 21.) See *Nasse.*

Netherly upon Esk. See *Æsica.*

Ne Vicecomes, Colore mandati Regis, quenquam amoveat a possessione Ecclesiæ minus justè. *Reg. of Writs, fol.* 61.

Nicol, anciently used for *Lincoln. Ex Fasc. Petition. in Turri London,* 30 Edw. 1. 7 Edw. 1. & *sæpe alibi.*

Niderling, or **Nidering,** a vile Person, a base Man, a Sluggard. *Jubet ut compatriotas advocent ad abscidionem venire nisi si qui velint sub nomine* Niderling *quod nequam sonat remanere; Anglicani nihil putarent injustius hujusce vocabuli de decore adscriri.* W. Malmsbury. p. 212.

Nidus. *Nenb* in *Glamorganshire.*

Nient comprise, is an Exception taken to a Petition as unjust, because the Thing desired *is not contained* in that Act or Deed whereon the Petition is grounded. For Example; One desires of the Court to be put in Possession of a House, formerly among other Lands, &c. adjudged to him. The adverse Party pleads, That this Petition is not to be granted, because, though the Petitioner had a Judgment for certain Lands and Houses, yet this House *is not comprised* among those for which he had Judgment. *New Book of Entries,* tit. *Nient comprise.*

Nient dedire, (*Stat.* 29 *Car.* 2. *cap.* —) To suffer Judgment to be had against one by *Nient dedire,* i. e. by not denying or opposing it by Default.

Nifle, (*Anno* 3 *Edw.* 4. *cap.* 5.) Both *Cowel* and *Spelman* have it without any Explication: I suppose it a Corruption from *nihil,* and to signifie a Toy, or Thing of small Value; for we yet say, (in some Parts of *England,*) *Nifles* and *Trifles.* Others think it comes from the Fr. *Neuf,* novus, q. d. *Neufles,* or News.

Nihil capiat per brevis, is the Judgment given against the Plaintiff, either in Bar of his Action, or in Abatement of his Writ. *Coke on Littleton, fol.* 363.

Nihil dicit is a Failing to put in Answer to the Plaintiff's Plea by the Day assign'd; which if a Man do omit, Judgment passeth against him, as *saying nothing* why it should not.

Nihils, or **Nichils,** (*Anno* 5 *Rich.* 2. *Stat.* 1. *cap.* 3. and 27 *Eliz. cap.* 3.) are Issues, which the Sheriff that is opposed says, are *Nothing worth,* and ineviable, for the Insufficiency of the Parties that should pay them. *Practice of the Exchequer, pag.* 101. Accompts of Nihil shall be put out of the Exchequer. *Anno* 5 *Rich.* 2. *Stat.* 2. *cap.* 13. *Vide* 4 *Inst.* 106.

Nisi prius is a Writ Judicial, which lies in case where the Enquest is panelled, and return'd before the Justices of the Bank, the one Party or the other desiring to have this Writ for the Ease of the Country; whereby the Sheriff is willed to bring the Men empanell'd to *Westminster* at a certain Day, or before the Justices of the next Assizes;

Nisi

Nisi die Lunæ apud talem locum prius venerint, &c. See the Form of it in *Old Nat. Br. fol.* 159. and see the Statute 14 *Edw.* 3. *cap.* 15. and that of *York*, 12 *Edw.* 2. and *Westm.* 2. *cap.* 30. See *Justices of Nisi prius*, and 4 *Inst. fol.* 161.

Nivicolini Britones, *i. e. Welsh*-men, because they lived near High Mountains covered with Snow, especially in *Carmarthenshire*; they are so called in our Historians, *cum adversus* Nivicolinos Britones *Regia esset expeditio.* Du Cange.

Nobility, (*Nobilitas*,) with us comprieth all Dignities above a Knight; so that a Baron is the lowest Degree of it. *Smyth de Repub. Angl. lib.* 1. *c.* 17. Vide *Coke, lib.* 9. *Countess of Salop's Case.*

Noble: The *Rose Noble*, was a Gold Coin current in *England* about the Year 1344, as *Knighton* tells us, *viz.* Anno 1344. *Eodem tempore*, Nobile & *obolus*, & *Ferthing de auro cuperunt fiere in regno*, &c.

Nocata terræ, *Quæ tenet dimidium virgatam terræ vel* Nocatam terræ, *vel Cottagium* Cuttumar. de Sutton Coldfield. See *Nook of Land.*

Noctes & Noctem de firma. We often meet in *Domesday* with *tot Noctes de firma*, or *firma tot Noctium*; which is to be understood of Meat and Drink, or Entertainment for so many Nights. In the Reign of the *English Saxons*, Time was computed not by Days, but by Nights, so we read in the Council of *Glovesshire*, *Anno* 824. *Et ibi finita & prescripta conventione coram Episcopo post* 30 *noctes illum juramentum ad Westmonasterium deductum est.* And so it continued to the Time of *H.* 1. *Leg. cap.* 66, 76. and from thence it is usual at this Time to say a Sevenight or Fortnight.

Nocumentum. See *Nuisance.*

Nodus, a Coffin. *Si quis corpus inserrâ vel nodo vel Petra, sub petra vel pyramide positum effodere præsumpserit.* Leg. H. 1. cap. 83.

Nomen, *Nominis impositio.* It was usual for the *Romans* to give Names to their Male Children when they were nine Days old, and to the Females, eight Days after their Birth. 'Tis probable that they derived this Custom from the *Græcians*, who did the like; but amongst the Christians the Name was not always given in Baptism, but some time before, *viz. credidit autem Tisinnius cum omni domo suâ & dato nomine proximo pasahate futuro baptizatus est.* And here in *England*, we may learn the same thing from *Leg. H.* 1. *cap.* 70. *viz. Si infans occidat vel occidatur, sive* nomen *habuit sive non habeat, plenè vere conjectetur.*

Nomination (*Nominatio*) is taken for a Power that a Man, by virtue of a Manor, or otherwise, hath to appoint a *Clerk* to a *Patron* of a Benefice, by him to be presented to the *Ordinary.*

Nomina Villarum. King *Edw.* 2. (*Anno Regni* 9) sent his Letters to every Sheriff in *England*, enjoining him to take an exact Account, and return into the *Exchequer* the Names of all the *Villages*, and the Possessors thereof, in every County; which was done accordingly; and the Returns of the Sheriffs being all put together, is called *Nomina Villarum*, remaining still in the *Exchequer.*

Nomisma signifies the Stamp or Impression made on Money, and oftentimes Money it self, *viz. Aureus Calix, & numerosum argenti* Numisma.

Nonability is an Exception taken against the Plaintiff or Demandant, upon some Cause, why he cannot commence any Suit in Law; as *Præmunire*, *Outlawry*, *Villenage*, *professed in Religion*, *Excommunication*, or because he is a *Stranger born*; howbeit, the last holds only in Actions *real* or *mix'd*, and not in *personal*, except he be a Stranger and an Enemy. The Civilians say, Such a Man has not *Personam standi in judicio.* See *Brooke, hoc tit.* and *Fitzh. Nat. Br. fol.* 35. 65. and 77.

Non admittas. See *Ne admittas.*

Nonæ & decimæ, were Payments made to the Church by those who were Tenants of their Farms, where *Nonæ* was a Rent or Duty claimed for Things belonging to Husbandry; and *Decimæ* were claimed in Right of the Church.

Nonage, is all the Time of a Man's Age under One and twenty Years in some Cases, or Fourteen in others, as Marriage. See *Brooke, tit. Age.* See *Age.*

Nonagium, *i. e.* the Ninth part of moveable Goods paid in nature of a Mortuary, which formerly was the third Part of such Goods, and therefore it was called *Tertiagium*: This was claimed by the Clergy upon the Death of those of their Parish, but by a *Bull* of *Clement* the *Sixth*, it was reduted to the ninth Part; the Pretence for this Payment was, to distribute it to pious Uses.

Non capiendo Clericum. See *Clericum non capiendo.*

Non-claim is an Omission or Neglect of a Man that claims not within the Time limited by Law; as within a Year and Day, where *continual Claim* ought to be made, or within five Years after a Fine levied. *Vide Coke, lib.* 4. *in Proem.* and *Continual Claim.*

Non compos Mentis, is a Man of no sound Memory and Understanding, of which there are four Sorts: First, An *Ideot*, who from his Nativity, by a perpetual Infirmity, is *Non compos Mentis.* Second, He that by Sickness, Grief, or other Accident, wholly loseth his Memory and Understanding. Third, A *Lunatick*, that has sometimes his Understanding, and sometimes not, *aliquando gaudet lucidis intervallis.* Lastly, He that by his own Act, for a Time, deprives himself of his right Mind, as a *Drunkard*; but that kind of *Non compos Mentis* shall give no Privilege or Benefit to him or his Heirs; and a Descent takes away the Entry of an *Ideot*, albeit the want of Understanding was perpetual. *Coke, lib.* 4. *Beverley's Case.*

Non distringendo, is a Writ comprizing divers Particulars, according to divers Cases, which you may see in the Table of *Reg. of Writs.*

Nones, (*Nones*,) In *March*, *May*, *July*, and *October*, are the six Days next following the first Day, or the *Calends.* In other Months they are the four Days next after the first; but the last of these Days is properly called *Nones*, and the other reckoned backward, according to the Number distant from the *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*, or *Calends*, is sufficient. 2 *Inst. fol.* 675.

Non est culpabilis, is the general Plea to an Action of Trespass, whereby the Defendant does absolutely deny the Fact charged on him by the Plaintiff; whereas in other special Answers, the Defendant grants the Fact to be done, but alledges some Reasons in his Defence, why he lawfully might do it. And as this is the general Answer in an Action of Trespass, that is, an 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 denies the Crime objected to him. See *New Book of Entries, tit.* Non Culp. and *Stamf. Pl. Cor. lib.* 2. *cap.* 62.

Non est factum is a Plea to a Declaration, whereby a Man denies that to be his Deed, whereupon he is impleaded. *Broke, hoc titulo.*

Non implacitando aliquem de libero tenemento sine brevi, is a Writ to inhibit Bailiffs, *&c.* from distraining any Man, without the King's Writ, touching his Freehold. *Reg. of Writs, fol.* 171. *b.*

Non intromittendo quando breve Præcipe in capite subdole impetratur, is a Writ which had Dependence on the Court of Wards, and therefore now obsolete. *Reg. of Writs. fol.* 4 b.

Non merchandizando victualia, is a Writ directed to the Justices of Assize, commanding them to enquire, Whether the Officers in such a Town do sell Victuals in Gross, or by Retail, during their Office, contrary to the Statute, and to punish them if they find it true. *Reg. of Writs, fol.* 184.

Non molestando is a Writ, that lies for him who is molested contrary to the King's Protection granted him. *Reg of Writs, fol.* 24.

Non obstante, (Notwithstanding,) is a Word or Clause usual in Statutes and Letters Patents. —All grants of such Pensions, and every Non obstante therein contained, shall be void. Stat. 14 *Car.* 2. *cap.* 11. *Vid.* 3 *Part Croke's Rep. fol.* 196. and *Plow. Com. fol.* 501, 502. In *Henry the Third's* Time, the Clause *Non obstante* (brought in by the Pope) was taken up by the King in his Grants and Writings. See *Pryn's Animadversions on* 4 *Inst. fol.* 129.

Non omittas, is a Writ lying, where the Sheriff delivers a former Writ to a Bailiff of a Franchise, in which the Party on whom it is to be served dwells, and the Bailiff neglects to do it: In this Case the Sheriff returning, that he delivered it to the Bailiff, this shall be directed to the Sheriff, charging him to execute the King's Command himself. *Old Nat. Br. fol.* 44. Of this, the *Reg. of Writs* has three Sorts, *fol.* 82. b. 151.

Non plevin. It was enacted, 9 *Edw.* 3. 2. That none thenceforth should lose his Land, because of *Non-plevin*, that is, when the Land was not replevied in due Time.

Non plevina is defined to be, *defalta post defaltam.* In *Hengham magnâ* cap. 8. 'tis said, *Æquipollet naturaliter defaltæ post defaltam.* And in another Place he writes, that the Defendant should be sure to replevy his Lands seised by the King within fifteen Days, and that if he neglects, then at the Instance of the Plaintiff at the next Court-Day, he shall lose his *Seisin, sicut per defaltam post defaltam.*

Non ponendo in assisis & Juratis, is a Writ founded upon the Stat. *Westm.* 2. *cap.* 38. and the Stat. *Articuli super Chartas, cap.* 9. which is granted upon divers Causes to Men, for the freeing them from serving upon Assises and Juries, as by reason of old Age, *&c.* See *Fitz. Nat. Br. fol.* 165. and *Reg. fol* 179, 181.

Non procedendo ad Assisam Rege inconsulto, is a Writ to stop the Trial, or a Cause appertaining to one who is in the King's Service, *&c.* until the King's Pleasure be farther known. *Reg. fol.* 220.

Non Residence (*Anno* 28 *Hen.* 8. *cap.* 13.) is applied to those Spiritual Persons that are not resident, but do absent themselves by the space of one Month together, or two Months at several Times in one Year, from their Dignities, Prebends or Benefices: For regularly, Personal *Residence* is required of Ecclesiastical Persons upon their Cures. See 2 *Part Instit. fol.* 625.

Non Residentia pro Clericis Regis, is a Writ directed to the Ordinary, charging him not to molest a Clerk employ'd in the King's Service, by reason of his *Non-residence. Reg. of Writs, fo.* 58. b.

Non sane Memorie, (*Non sanæ Memoriæ*) is an Exception taken to any Act, declared by the Plaintiff or Demandant to be done by another, and whereon he grounds his Plaint or Demand: And the Effect of it is, that the Party that did that Act, was mad or not well in his Wits when he did it, or when he made his last Will and Testament. See *New Book of Entries, tit. Non sane Memorie.* See *Non compos Mentis.*

Non solvendo pecuniam, ad quam Clericus multatur pro non Residentia, is a Writ prohibiting an Ordinary to take a pecuniary Mulct, imposed upon a Clerk of the Kings for Non-Residency. *Reg. of Writs, fol.* 59.

Non-suit (i. e. *Non est Persecutus, &c.*) is a Renunciation of the Suit by the Plaintiff or Demandant, most commonly upon the Discovery of some Error or Defect, when the Matter is so far proceeded in, as the Jury is ready at the Bar to deliver their Verdict. *Anno* 2 *Hen.* 4. *cap.* 7. See the *New Book of Entries, verbo, Nonsuit.* The *Civilians* term it *Litis Renunciationem.*

Non sum informatus. See *Informatus non sum.*

Non-tenure, is an Exception to a *Count*, by saying, That he *holdeth* not the Land mentioned in the Count, or at least some Part of it. *Anno* 25 *Edw.* 3. *Stat.* 4. *cap.* 16. *West, Symb. par.* 2. *tit. Fines, sect.* 138. mentions *Non-tenure general*, and *Non-tenure special*: This is an Exception, alledging, That he was not Tenant the Day whereon the Writ was purchased: *General* is, where one denies himself ever to have been Tenant to the Land in question. See *New Book of Entries, verbo, Non-tenura.*

Non-term (*Non terminus*) is the Time of Vacation between Term and Term. It was anciently called *The Times or Days of the Kings Peace. Lamb. Archa. fol.* 126. And what these were in the Time of King *Edward* the *Confessor*, see there. See *Peace of God, and the Church.* This Time was called *Justitium* or *Feriæ* among the *Romans*, or *Dies nefasti. Ferias appellari notum est tempus illud, quod forensibus negotiis & jure dicendo vacabat.* Brisson. de verb. signif. lib. 6.

Nook of Land, (*Noka terræ,*) I have seen an old Deed of Sir *Walter de Pedwardyn*, wherein 12 Acres and an half were granted for a *Nook of Land*; but I think the Quantity was not certain. *Illi qui tenuerunt dimidiam virgatam terræ, vel nocatam terræ, vel cotagium de bondagii tenurâ.* Dugd. War. p. 665.

Norroy, (*Quasi, North-Roy*, the *Northern* King,) the Third of the three Kings at Arms, whose Office lies on the *North side of Trent*, as *Clarentius* on the *South*; and is mentioned in the Stat. 14 *Car.* 2. *cap.* 33. See *Herald.*

Northintus, the *North Country.* Leg. Edw.

Northumberland. See *Meata.*

North-Wales. See *Ordovices* and *Veneti.*

Notary, (*Notarius,*) *Anno* 27 *Edw.* 3. *cap.* 1 is a Scribe or Scrivener that takes *Notes*, or makes a short Draught of Contracts, Obligations, or other Instruments. *Claus. Edw.* 2. *m.* 6. *schedula consuta eidem memb. de* Notariis *imperialibus non admittendis.*

Note of a Fine (*Nota Finis,*) is a Brief of a Fine made by the Chirographer, before it be engrossed: The Form whereof, see in *West, Symbol. par.* 2. *tit. Fines, sect.* 117.

Not guilty. See *Non est culpabilis.*

Novale. (*Ex Cartulario Abbatiæ de Furnesse in Com. Lanc. in Officio Ducat. Lanc. fol.* 41. *b*) —Item nota quod

quod Novale *est ager nunc primum præcisus, ut extra verborum significationibus innovatæ, ubi Glossa dicitur* Novale, *terra de* Novo *ad culturam redacta, cujus non extat memoria quod fuisset ibidem: Et quod* Novale *semel fuit, semper erit* Novale, *quoad decimarum retentionem vel solutionem.* Land newly ploughed or converted into Tillage.—*Excepta decima* Novalium *cujusdam terræ, quam de novo excolierunt.* Pat. 6 Edw. 3. pa. 1. m. 19. See *Fruticum.* But *Novale* is not always taken to be Land newly converted into Tillage, for sometimes it signifies fallow Land, *i. e.* Land which hath been ploughed for two Years, and lieth fallow afterwards for one Year, or that which lies fallow every other Year, and 'tis called *Novale*, because the Earth *novâ culturâ proscinditur*, or it lies fallow *causâ novendarum fructuum.*

Nova oblata. *De Novis oblatis nihil scribitur in Rotulo annali, nisi ea de quibus Vicecomites respondent, & debita inventa in Originalibus quæ videntur esse clara.* Chart. 12 Edw. 1. m. 7. dorso. See *Oblata.*

Novel Assignment (*Nova Assignatio,*) is in an Action of Trespass an Assignment of Time, Place, or such like, in a Declaration more particularly than it was in the Writ. *Brooke, tit. Deputy, num.* 12. And *Trespass* 122. See *Assignment.*

Novellæ: Those Constitutions which were made by Emperors after the Publication of the *Theodosian Code*, were called *Novellæ. Accursius* calls the *Julian* Edition by that Name; and that barbarous Translation which was made in the Time of *Bagarus*, he calls the *Authentick*, which are Books of the Civil Law.

Novel Disseisin. See *Assise of Novel Disseisin.*

Noviomagus, *Woldcote* near *Croydon* in *Surrey.*

Nowtgeld; so *Cornugium* was called in our utmost *Northern* Countries. See *Cornage.*

Noyles. (*Anno* 21 *Jac. cap.* 18.) —**No Person shall put any Flocks, Noyles, Thrums, Dust, or other deceivable Thing into any broad Woollen Cloth, &c.**

Nude Contract (*Nudum Pactum,*) is a bare Contract or Promise of a Thing, without any Consideration given therefore: *Ex quo non oritur Actio.*

Nude Matter. See *Matter.*

Ad Numerum. *Civitas Cant. reddit* 24 *l. ad numerum* Domesday, that is, by Number or Tale, as we call it. And *Libra pensata, vel ad pondus*, was by Weight. See *Libra Arsa.*

Nummata terræ, is the same with *Denariata terræ*, by some taken to be an Acre. *Statis me* (Wil. Longespe,) *dedisse & concessisse Ecclesiæ Sanctæ Mariæ de Walsingham & Canonicis ibidem Deo servientibus in perpetuam Eleemosynam* 40 Nummatas terræ *in Walsingham, &c.* See *Berdingdele.* This seems to be a Mistake, for *Nummata* signifies the Price of any Thing by Money, as *Denariata* doth the Price of any Thing by computation of Pence, and *Librata* by computation of Pounds.

Nummus, *i. e.* a Penny; 'tis mentioned in this Sense in *Matt. Westm. Anno* 1095: *Fanta eis suppetebat copia ut aries unus* Nummo, *bos vix* 12 nummis *venderentur.*

Nuncupative Will. See *Will.*

Nun (*Nonna*) signifies an holy or consecrated Virgin, or a Woman that hath by Vow bound her self to a single or chaste Life, in some Place, or Company of other Women, separated from the World, and devoted to a special Service of God, by Prayer, Fasting, and such like holy Exercises. *Cowel.*

Nuper obiit is a Writ that lies for a Coheir, being deforced by her Coparcener of Lands or Tenements, whereof their Grandfather, Father, Uncle or Brother, or any other their common Ancestor, died seised of an Estate in Fee-simple. See the Form of the Writ in *Reg. of Writs, fol.* 225. and *Fitz. Nat. Br. fol.* 197. If the Ancestor died seised in Fee-tail, then the Coheir deforced shall have a *Formedon. Ibidem.*

Nusance, (from the Fr. *nuire*, i. e. *nocere*,) signifies not only a Thing done to the *Annoyance* of another in his free Lands or Tenements, but the Assise or Writ lying for the same. *Fitz. Nat. Br. fol.* 183. And this Writ *De Nocumento*, or of *Nusance*, is either simply, *De Nocumento*, or *De parvo Nocumento*; and then it is *Vicomtiel. Old Nat. Br. fol.* 108. *Britton*, (*cap.* 61, & 62.) calls it *Nosance. Manwood* (*p.* 2. *cap.* 17.) makes three sorts of *Nusance* in the Forest; the first is, *Nocumentum commune*; the second, *Nocumentum speciale*; the third, *Nocumentum generale*, of which, read there. See *Coke's Fifth Report, Williams's* Case. *Writs of Nusance*, see the Stat. 6 *Rich.* 2. *cap.* 3. Now much turned into *Trespasses* and *Actions* upon the *Case.*

Nutrgeld or **Neatgeld.** *Carta antiq. S. n.* 29. A certain Tribute paid in *Westmorland* and *Cumberland*; perhaps the same with *Horngeld*: For by *Neat* or *Neat*, is in some Counties understood Cattle.

O.

O. Ni.—The Course of the *Exchequer* is, That as soon as a Sheriff enters into his Accounts for Issues, Amerciaments, and Mean Profits, to mark upon this Head, *O. Ni.* which signifies *Oneratur, nisi habeat sufficientem exonerationem*, and presently he becomes the King's Debtor, and a *Debet* set upon his Head; whereupon the Parties *peravaile* are become Debtors to the Sheriff, and discharged against the King. 4 *Inst. fol.* 116.

Oale-gavel. See *Gavelsester.*

Oale-hus, *i. e.* the Alehouse.

Oatgavel. See *Gavel.*

Oath (*Juramentum*) is a calling Almighty God to witness, that the Testimony is true; therefore it is aptly termed *Sacramentum*, a Holy Band, a Sacred Tie, or Godly Vow. And it is called a *Corporal Oath*, because the Party, when he swears, toucheth with his right Hand the *Holy Evangelists*, or Book of the *New Testament. Coke* 3 *Part. Inst. c.* 74. See the several *Oaths* of many of the Officers of this Kingdom in the *Book of Oaths* lately printed. In a Deed of *William de Elmham*, Knight, in *French*, Dat. 19 *April*, 49 *Edw.* 3. is this old fashioned Oath, *Promettant per lay foye de mon Corps & De Chivalerie, que si Dieu moy voille mesnez en sauvete, &c. ieo delivera les avantditz sommes, &c.* MS. Penes Will. Dugdale, Ar. And anciently at the end of a Legal Oath was added, *So help me God at his holy Doome*, *i. e.* Judgment. *Black Book of Hereff. fol.* 46. 'Tis called *Canonica Purgatio*, because allowed by the Canons to distinguish it from *vulgari Purgatione, viz.* by Battel, or by Fire or Water *Ordeale*, which was always prohibited by the Church, and in small Matters which the Plaintiff could not prove, or if he could, and his Proof was disallowed by the Court, the Defendant might purge himself by his own *Oath*; and this was called *Juraire propriâ manu*; but in greater Affairs he was to bring some other credible Person, who were usually of the same Quality or Condition with the Plaintiff, and they were to swear, that they believe what the Defendant had sworn was true; and those were called

Sacramentales, whose Number were more or or less, according to the Quality of the Criminal, and to the Fault or Thing in Question. If the Defendant was accused of a very great Offence, of which there was no Proof, then he was to purge himself by the Oaths of twelve such Witnesses; and this was called *Jurare duodecimâ manu*. Leg. Hen. 1. cap. 64.

Our Ancestors did believe, that a Man could not be so wicked to call God to witness any Thing which was not true; but that if any one should be perjured, he must continually expect that God would be the Revenger. Such Instances are mentioned in our Historians. See *Malmsb. lib. 2. c. 6.*

Obba. See *Olba*.

Obedientia was a Rent, as appears by *Hoveden's Annals, parte poster. fol.* 430. *Ut ergo eis, (scil. Regularibus) adimatur opportunitas evagandi, prohibemus, ne reditus quos* Obedientias *vocant, ad firmam teneant.* In the Canon Law it is used for an Office, or the Administration of it. Whereupon the Word *Obedientiales* in the Provincial Constitutions is used for those who have the Execution of any Office under their Superiors, *Cap. 1. de statu Regular.* It may be, some of these Offices called *Obedientiæ* consisted in the Collection of Rents, or Pensions; and that therefore those Rents were by a Metonymy called *Obedientiæ, Quia colligebantur ab obedientialibus.* Concil. Eboracens. Anno 1195. But *Obedientia*, in a general Acceptation of the Word, signified every Thing that was enjoined the Monks by the Abbot; And, in a more restrained Sense, the Cells or Farms which belonged to the Abbey, to which the Monks were sent, *Vi ejusdem obedientiæ*, either to look after the Farms, or to collect the Rents, which were likewise called *Obedientia. Prohibemus ne redditus quos* obedientias *vocant ad firmam teneant.* So in *Mat. Paris. Anno* 1213. *In quâlibet Ballivâ quas* obedientias *appellamus, &c.*

Obit, (*Anno* 1 *Edw.* 6. *cap.* 14. and 15 *Car.* 2. *cap.* 9.) a funeral Solemnity, or an Office for the Dead, most commonly performed at the Funeral, when the Corps lie in the Church unintern'd. Also the *Anniversary Office. Croke*, 2 *Par. fol.* 51. *Holloway's* Case. It was held 14 *Eliz. Dyer* 313. That the Tenure of *Obit*, or *Chantry Lands* held of the Subjects, is extinct by the Act of 1 *Edw.* 6.

Objurgatrices, Scolds, or unquiet Women.

Item, quia per Objurgatrices *& meretrices multa mala in villa oriuntur, viz. lites, pugnæ, seu verberationes, diffamationes, & tranquillitatis perturbationes, tam de nocte quam die, ac Scismata inter Vicinos Villæ seu Burgi nostri predicti, ac inobedientiæ contra Ballivos & alios ministros suos, ac alia multa inquietationes per earum hutesias & clamores. Igitur utimur de eisdem, quod cum captæ fuerint, habeant judicium de le* Gogyng-stoole, *& ibi stabunt nudis pedibus, & suis crinibus pendentibus & dispersis, tamdiu tempore, ut aspici possint ab omnibus per viam transeuntibus, secundum voluntatem Ballivorum nostrorum Capitalium; Et post judicium factum, ducentur ad* Gaolum, *& ibi morentur quousque redemptionem fecerint pro suis offensionibus & delictis ad Voluntatem Ballivorum & Communitatis; Et si per tale judicium noluerint castigari, a villa ejiciantur, & hoc per Ballivos cum posse Communitatis, si non per se fuerit, propter plura mala discrimina & pericula, quæ per eas oriri possent, & nedum per illas, sed etiam per earum mutuentiones; Et earum manucentores sint de nostris Comburgensibus, sive de illis sicut de perjuris & tranquillitatem vicini perturbantibus, & in facto amittant libertatem.* MS. LL. liberi Burgi villæ de Mountgomery a tempore Hen. 2.

Oblata, properly Offerings: But in the Exchequer it signifies old Debts, brought, as it were, together from precedent Years, and put to the present Sheriff's Charge. See the *Practice of the Exchequer, pag.* 78. Also Gifts or *Oblations* made to the King by any of his Subjects: Which were so carefully heeded in the Reigns of King *John* and King *Henry* the Third, that they were enter'd into the *Fine Rolls* under the Title *Oblata*; and, if not paid, esteemed and put in Charge to the Sheriff. Concerning which, you may see Mr. *Fab. Philips's Book of the Antiquity and Legality of Royal Purveyance*; Sir *Henry Spelman's Glossary*, and Mr. *Prin's Aurum Reginæ*. See *Novæ Oblata*.

Oblations, (*Oblationes*,) in the *Canon-Law* are thus defined: *Dicuntur quæcunque piis fidelibusque Christianis offeruntur Deo & Ecclesiæ, sive res solidæ sive mobiles sunt.* See *Spel. de Concil. To.* 1. *fol.* 393. *Anno* 12 *Car.* 2. *cap.* 11.

The Word is often mentioned in our Law-Books; and therefore it may be necessary to shew the several Sorts of Oblations formerly made here; *viz.* There were *Oblationes Altaris*, which the Priest had for saying Mass: There were *Oblationes Defunctorum*, which were given by the last Wills of the Faithful to the Church: There were *Oblationes Mortuorum*, which were given at Burials: There were *Oblationes Pœnitentium*, which were given by the Penitent: And there were *Oblationes Pentecostales*; which see in *Pentecostals*. And at first the Church had no other Revenues; but in the fourth Century it was enriched with Lands, and other Possessions.

Obligation, (*Obligatio*,) is a Bond containing a Penalty, with a Condition annexed for Payment of Money, Performance of Covenants, or the like: And a *Bill* is commonly without Penalty, and without Condition; yet a Bill may be obligatory. *Coke on Littl. fol.* 172.

Obligor is he that enters into such an Obligation; and *Obligee* is he to whom it is enter'd into. Before the coming in of the *Normans* (as we read in *Ingulphus*) Writings Obligatory were made firm with *golden Crosses*, or other small Signs or Marks. But the *Normans* began the making such Bills and Obligations with a Print or Seal in Wax, set to with every one's special Signet, attested by three or four Witnesses. In former Time many Houses, and Lands thereto, passed by Grant and Bargain without Script, Charter, or Deed, only with the Landlord's Sword or Helmet, with his Horn or Cup; yea, and many Tenements were demised with a Spur or Curry-comb, with a Bow, or with an Arrow. See *Wang*.

Obolata terræ is (in the Opinion of some Authors) half an Acre of Land; but others hold it to be but half a Perch. *Thomasius* says, *Obolum terræ* contains ten Foot in Length, and five in Breadth. See *Fardingdeal*. But, *Dedi duas solidatas, tres denariatas & obolatam annui redditus*, Charta Johannis de Strete 26 Edw. 3. signifies two Shillings and six Pence half-penny yearly Rent.

Obolus ceræ seems to be half a Pound of Wax. *Leg. Canuti, cap.* 14. *Et fiat in Anno Symbolum lucis*, i. e. a Contribution for Candles, *viz. Primum in Vigilia Paschæ* Obulus *ceræ de omni hida, &c.* See *Farthingdale*.

Obtella for *Cistella*. *Brompton, pag.* 1224.

Obventions, (*Obventiones*,) Offerings. 2 *Inst. fol.* 661. Also Rents, Revenues, properly of Spiritual Livings. *Anno* 12 *Car.* 2. *cap.* 11. *Margarita Marescalla Comitissa de Warewyke universis Sanctæ matris Ecclesiæ filiis, &c. dedi & omnes* Obventiones,

tam in decimis majoribus & minoribus, quam in aliis rebus de assartis de Wigenoc & decimam pannagii & venationis de Wigenoc & de Rinsell, &c. MS. penes Will Dugdale, Mil.

Occasio is taken for a Tribute which the Lord imposed on his Vassals or Tenants. *Propter* Occasiones *bellorum vel aliarum necessitatum.* And therefore,

Occasionare signifies to be charged or loaded with Payments. *Non propter hoc* occasionentur *coram Domino Rege & Justitiariis.* Stat. Ed. 2. An. 21. So in *Fieta, Ita quod ipsi vigilatores non* occasionentur, *Lib. 1. cap. 24. par. 7. Lib. 2. cap. 66. par. 18, 19. Stat. Marlbridge, cap. 11.* and in the *Monast. 2 Tom. pag. 916. Fossa claudi faciant, quod averia mea non possint transire & si transierint inde non* occasionabo.

Occationes. *Essarta vulgo dicuntur quæ apud Isidorum* Occationes *nominantur.* Lib. niger Scacc. par. 1. cap. 13.

Occupant. If Tenant *per terme d'autre 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 over his Estate to another, if the Grantee dies, there shall be an *Occupant.* *Coke on Littl. c. 6. sect. 56.* and *Bulstrode's Rep. 2 Par. fol. 11, & 12.*

Occupation *(Occupatio)* signifies the putting a Man out of his Freehold in Time of War, and is all one with *Disseisin* in Time of Peace, saving that it is not so dangerous. *Coke on Littl. fol. 249. b.* Also Use or Tenure, as we say, such Land is in the Tenure or *Occupation* of such a Man, that is, in his Possession or Management. See *Terre-Tenant.* Also *Trade* or *Occupation.* 12 *Car. 2. cap. 18.* But *Occupationes*, in the Stat. *de Bigamis, c. 4.* are taken for Usurpations upon the King; and it is properly when one usurpeth upon the King, by using Liberties or Franchises which he ought not to have; as, an unjust Entry upon the King into Lands and Tenements is called an *Intrusion*, so an unlawful Using of Franchises is an *Usurpation.* But *Occupationes*, in a large Sense, are taken for *Purprestures, Intrusions*, and *Usurpations.* 2 *Inst. fol. 272.*

Occupavit is a Writ that lies for him who is ejected out of his Land or Tenement in Time of War; as, a Writ of *Novel Disseisin* lies for one ejected in the Time of Peace.

Octave, *(Octavus,)* the eighth Day after any Feast inclusively. See *Utas.*

Octopitarum promont', St. *David's-Head* in *Pembrokeshire.*

Octo tales. See *Tales*, and *Brooke, tit.* Octo Tales.

Odio & atia, *(Anno 3 Ed. 1. cap. 11.)* anciently called *Breve de bono & malo*, is a Writ sent to the Under-Sheriff, to enquire whether a Man, being committed in Prison upon Suspicion of Murder, be committed upon *Malice* or *Ill-will*, or upon just Suspicion. *Reg. of Writs, fol. 133, b.* See *Bracton, lib. 3. Par. 2. cap. 20.* and *Stat. 28 Edw. 3. cap. 9. Atia* was anciently written *Hatia*, or *Hatya*, for Hate, from the Sax. Hatian, To wax hot, To rage, also To hate; not *Atia, quia Malitia est acida*, as Sir *Edw. Coke* has it in his 9 *Rep. fol. 506.* and in 2 *Inst. fol. 42.* See *Spelm.* on *Atia.*

Odonarium for *Domarium*, i. e. *Manus.*

Oeconimus. See *Vicedomini.* Sometimes the Word is taken for an Advocate or Defender; as, *Summus secularium* Oeconomus, & *protector Ecclesiæ.* Mat. Paris. Anno 1245.

Oferhyrnesse and **Overhernessa.** — *Si autem post Excommunicationem & satisfactionem venerint, forisfacturam suam, quæ Anglicè vocatur* Oferhyrnesse *seu* Cayllite, *pro unaquaque vacatione Episcopo suo reddant.* Concil. Wintoniæ temp. Lanfranci Archiepisc. Anno 1076. See *Gloss. in x. Scriptores, verbo* Overhernessa.

Offertorium. We are told by *Onuphrius Panvinus*, and from him by *Ludovicus de Lacerda*, Offertorium *esse sindonem scriteam, seu Linteamen in quo fidelium oblationes reponebantur.* 'Tis a Word mentioned in a Visitation of the Treasury of the Church of St. *Paul, London, Anno* 1295, *viz.* Offertorium *stragulatum de rubro & viridi, &c.* Sometimes 'tis taken for the *Antiphona* or Singing at the Time when the Sacrament is administer'd:

Affectum spondet Chorus Offertoria *cantans.*

And sometimes 'tis taken for the Offerings of the Faithful, and is the same with *Oblatio.*

Office *(Officium)* signifies not only that Function, by vertue whereof a Man has some Employment in the Affairs of another, as of the King, or other Person; but also an Inquisition made to the King's Use of any Thing by vertue of his *Office* who enquireth. Therefore we often read of *an Office found*, which is such a Thing found by Inquisition made *ex Officio.* In which Signification 'tis used *Anno 33 Hen. 8. cap. 20.* and in *Stamf. Prærog. fol. 60, & 61.* where *to traverse an Office*, is to traverse an Inquisition taken of *Office* before an Escheator. 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, verbo Office pur ley Rey*; and this is by a Metonymy of the Effect. In this Signification there are two Sorts of *Offices* issuing out of the *Exchequer* by Commission, *viz.* An *Office* to entitle the King in the Thing enquired of; and, An *Office* of Instruction; which read in *Coke's Rep. Page's* Case.

Office in Fee, is that which a Man hath to him and his Heirs. *Anno 13 Edw. 1. cap. 25. Kitchin, f. 152.* See *Clerk.*

Official *(Officialis)* signifies him whom the Archdeacon substitutes for the executing his Jurisdiction, as appears by the Statute 32 *Hen. 8. cap. 15.* In the Canon Law, it is he to whom any Bishop does generally commit the Charge of his Spiritual Jurisdiction: And in this Sense one in every Diocese is *Officialis principalis*, whom our Statute and Laws call *Chancellor*; the rest, if there be more, are by the Canon Law called *Officiales foranei*, but by us *Commissaries.* The Word is also by some modern *Civilians* applied to such as have the Sway of temporal Justice.

Officiariis non faciendis vel amovendis, is a Writ directed to the Magistrates of a Corporation, willing them not to make such a Man an Officer, and to put him out of the Office he hath, until Enquiry be made of his Manners, according to an Inquisition formerly ordained. *Register of Writs, fol. 126. b.*

Officium curtagii Pannorum, granted to *William Osburn, Extract. Fin. Cancell. 2 Ed. 2. m. 18.*

Ofgangfordel, i. e. *Transitus ad Ordalium — Eantque* (rei) *ad triplex Judicium, quod Angli* Ofgangfordel *vocant.* Constit. Canuti de Foresta, *cap. 11.*

Old-Town in *Herefordshire.* See *Blestium.*

Oleron Laws, or the **Sea-Laws of Oleron**, *(Ulaarenses Leges,)* so called, because they were made

made by King *Richard* the First when he was there, and relate to maritime Affairs. *Coke on Litt. f.* 260. *b.* They are recorded in the *Black Book* of the Admiralty. This *Oleron* is an Island which lies in the Bay of *Aquitaine*, at the Mouth of the River *Charent*, belonging now to the *French* King. See *Selden's Mare Clausum, fol.* 222, & 254. and *Pryn's Animadversions on* 4 *Inst. fol.* 107, & 126.

Olympiad, (*Olympias*,) the Space of five Years; by which King *Ethelbert*, in a certain Charter of his, computed the Years of his Reign; *Consentiens, signo sanctæ Crucis subscripsi in* Olympiade 4 *Regni mei.* Spelm.

Oncunne, *i. e.* Accused. From the Saxon On-cunnen, *Accusatus. Si quis alium Godborgis* oncunna & *compellare velit, quod ei aliquid ipsorum non complevit perjurat, hoc in* 4 *Evangeliis fiat.* Leg. Alfred, cap. 29.

Oneath, *i. e.* the Knee.

Onerando pro rata portionis, is a Writ that lies for a Joint-tenant, or Tenant in Common, that is distrained for more Rent than the Proportion of his Land comes to. *Reg. of Writs, fol.* 182. *b.*

Onus imponendi, *i. e.* the Burden or Charge of importing, mentioned in the Stat. 12 *Car.* 2. *Art.* 28.

Onus probandi, *i. e.* the Burden or Charge of proving. *Anno* 14 *Car.* 2. *cap.* 11.

Open Law, (*Lex manifesta, lex apparens*,) is making of Law, which (by *Magna Charta, cap.* 28.) Bailiffs may not put Men to upon their bare Assertions, except they have Witnesses to prove their Imputation. See *Law.*

Opentheof, *i. e.* Open Theft. *Quædam placita vel crimina emendari non possunt, quæ sunt* Ealdherch, Wernet, Opentheof, Eberemord, and Lafordwic, &c. *LL. Hen.* 1. *cap.* 13.

Opirus for *Autopyrus*, or *Opicus. Tritico deficiente panis eorum* Opirus & *mucidus, i. e.* The Bread is coarse and musty. *Mat. Paris. Anno* 1248.

Oppa. See *Blanchornum.*

Ora. *Ego frater Nigellus Dei gratia Abbas Bertoniæ, dedi, in Capitulo nostro & omnes fratres mei mecum, terram de* Ocovere, Ormæ, *hac conventione, ut unoquoque anno nobis* xx Oras *persolvat, & proinde factus est homo noster. Sine die.* This was *Saxon* Money or Coin, valued at sixteen Pence a-piece, (often found in *Domesday*,) and sometimes, according to the Variation of the Standard, twenty Pence. *Homines de Berkholt in Com. Suff. dicunt quod tempore Regis Hen. Avi domini Regis nunc, solebant habere talem Consuetudinem, quod quando maritare volebant filias suas, solebant dare pro filiabus suis maritandis duas* Oras, *quæ valent* xxxii *Denar.* Pla. coram Rege, Mich. 37 Hen. 3. Rot 4. It was the same with our Ounce, which is valued at twenty Pence. This was the Opinion of *Spelman* and *Somner.* 'Tis a Word often mentioned in *Domesday*, viz. *Tale manerium reddit* 30 *libras denariorum de* 20 *in* Ora. In *Leg. Canuti*, fifteen *Ores* make a Pound, *cap.* 31.

Orchel, (*Anno* 1 *Rich.* 3. *cap.* 8.) Orchal, (*Anno* 24 *Hen* 8. *cap.* 2. and 3 & 4 *Edw* 6. *cap.* 2.) seems to be a Kind of Cork, or rather a Kind of Stone like Allum, which Dyers use in their Colours.

Ordeff, or **Ordeelf**, (*Effossio materiei metallicæ vel ipsius metalli*, from the Sax. Ore, *Metallum*, and delpan, *Effodere*,) is a Word often found in Charters of Privileges, and is taken for a Liberty where a Man claims the Ore found in his own Ground. It properly signifies Ore lying under Ground; as, a *Delf* of Coal, is Coal lying in Veins under Ground before it is digged up.

Ordel (Sax. Ordæl, Lat. *Ordalium, Judicium Dei*,) signifies great Judgment; from the Sax. Or, *Magnum*, and deal, *Judicium.* It was used for a Kind of Purgation practised in the Time of *Edward* the Conf. and since, even to K. *John* and *Henry* III.'s Time, whereby the Party purged was judged *expers Criminis*, called in the Canon Law *Purgatio vulgaris, LL. Edw. Conf. cap.* 9. There were two Sorts of it; one by Fire, another by Water: *Liber per ferrum candens, rusticus per aquam.* Glanv. lib. 14. c. 1. par. 114. This *Ordalian Law* was condemned by Pope *Stephen* the Second; and (to use Sir *Edward Coke's* Words) *Fuit cassata per Parliament, omne apparet, Rot. Pat. de Anno* 3 *Hen.* 3. *Membr.* 5.

Henricus III. *Dei Gratia Rex, &c. dilectis & fidelibus suis* Philippo de Ulecot *& Sociis suis Justiciariis itinerantibus in Comitatibus* Cumberland, Westmerland, & Lancaster, *Salutem. Quia dubitatum fuit & non determinatum ante inceptionem itineris vestri, qui judicio deducendi sunt illi qui reclamati sunt de Latrocinio Murdro incendio, & hiis similibus, cum prohibitum sit per Ecclesiam Romanam* Judicium Ignis & Aquæ; *Provisum est a Concilio nostro, ad præsens, ut in hoc Itinere, sic fiat de reclamatis de hujusmodi excessibus, viz. Quod illi qui reclamati sunt de criminibus prædictis majoribus, & de eis habentur suspicio quod culpabiles sint de eo unde reclamati sunt (de quibus etiam licet Regnum nostrum abjurarent adhuc suspicio esset quod postea malefacerent) teneantur in Prisona nostra, & salvo custodiantur, ita quod non incurrant periculum vitæ vel membrorum occasione prisonæ nostræ. Illi vero qui modicis criminibus reclamati fuerint & quibus competeret Judicium Ignis vel Aquæ, si non esset prohibitum, & de quibus, si regnum nostrum abjurarent, nulla fuerit postea malefaciendi suspicio, Regnum nostrum abjurent. Illi vero qui minoribus reclamati fuerint criminibus, nec de eis fuerit modi suspicio, salvos & securos plegios inveniant de fidelitate & pace nostra conservanda, & sic dimittantur in terra nostra. Cum igitur nihil certius providerit in hac parte Consilium nostrum ad præsens, relinquimus discretioni vestræ hunc Ordinem prædictum observandum in hoc itinere vestro, ut qui personas hominum, formam delicti, & ipsorum rerum veritatem melius cognoscere poteritis, hac Ordine secundum discretionem & Conscientiam vestram in hujusmodi procedatis. Et in cujus Rei Testimonium, &c. Teste Domino P. Wintoniensi Episcopo apud Wist. 26 die Jan. Anno regni nostri tertio. Per eundem & H. de* Burgo *Justiciarium.* See *Spelman* at large upon this Subject, *fol.* 436. *Coke, lib.* 9. *de Strata Marcella*, and *Sax. Dict. verbo* Ordæl.

Ordinale, a Book containing the Manner of performing divine Offices. *In quo ordinatur modus, &c.*

Ordinance of the Forest (*Ordinatio Forestæ*) is a Statute made in the 34th Year of *Edw.* 1. touching Forest-Matters. See *Assise.*

Ordinance of Parliament is the same with *Act of Parliament*: For in the Parliament Rolls, Acts of Parliament are often called *Ordinances*, and Ordinances, *Acts.* If there were any Difference between them, it was this: That an *Ordinance* was but a temporary Act, by way of Prohibition, which the Commons might mend at their Pleasure; and an Act of Parliament a perpetual Law, which they could not alter without the King and Lord's Consent. See *Rot. Parli.* 37 *Edw.* 3. *num.* 38. *Pryn's Animad. on* 4 *Inst. fol.* 23.

Ordinary, (*Ordinarius.*) Though in the Civil Law, whence the Word is taken, it signifies any

Judge that has Authority to take Cognisance of Causes in his own Right, as he is a Magistrate, and not by Deputation; yet in our Common Law it is properly taken for the Bishop of the Diocese, or he that has *ordinary Jurisdiction* in Causes Ecclesiastical, immediate to the King, and his Courts of Common Law, for the better Execution of Justice. *Coke on Littl. fol.* 344. *Westm.* 2. *cap.* 19. 31 *Edw.* 3. *cap.* 11. and 21 *Hen.* 8. *cap.* 5.

Ordinatione contra servientes, is a Writ that lies against a Servant, for leaving his Master against the Statute. *Reg. of Writs, fol.* 189.

Ordo is taken for that Rule which the Monks were obliged to observe. *In Eadmer, vita S. Anselmi, cap.* 77. *Hac & his similia Novitius dicit, dum* Ordo *imprimis illi gravis videtur.*

Ordo Albus, the White Friers. These were of the Order of St. *Augustine.* The *Cistertians* also wore White. Of the Black Monks I find it thus verified:

Sunt tria nigrorum quæ vastant res Monachorum,
Renes & venter, & pocula sumpta frequenter.

Ordo niger, the Black Friers. *Sub normâ Benedicti famulantes*; as *Ingulphus* tells us, *pag.* 851. and *Mat. Paris. pag.* 321, 514. The *Cluniacs* also wore Black.

Ordovices, *North-wales.*

Orea. — *Et unum Messuagium ad* Orea *sua facienda.* Mon. Angl. 2 Vol. fol. 265. a.

Orfgild, (from the Sax. Orf, *Pecus*, and Gild, *Solutio, vel Redditio,*) a Delivery or Restitution of *Cattle.* But *Lambert* says, 'tis a Restitution made by the Hundred or County, of any Wrong done by one that was in Pledge. *Archa. pag.* 125. Or rather a Penalty for taking away of *Cattle.*

Orfraies, (*Aurifrisium*, i. e. *Vestis acupicta aureis filis,*) frizled or embroidered Cloth of Gold, made and used in *England* both before and since the Conquest, worn by our Kings and Nobility, as appears by a Record in the Tower, where the King commands the *Templers* to deliver such Jewels, Garments, and Ornaments, as they had of his in keeping, among which he names *Dalmaticum velatum de Orefreis, i. e.* a Dalmatick, or Garment, guarded with *Orfraies.* And of old the Jacquets or Coat-armours of the King's Guard were also termed **Orfraies**, because adorn'd with such Goldsmith's Work.

Orgallous, *rectius* **Orguillous**, (from the Fr. *Orgueil, i. e.* Pride,) Proud, Haughty, Lofty-minded. *Art. against Card. Wolsey,* 4 *Inst. fol.* 89.

Orgeis (*Anno* 31 *Edw* 3. *Stat.* 3. *cap.* 2.) is the greatest Sort of North-sea Fish; (for the Statute says, They are greater than *Lob-fish*;) in these Days called *Organ Ling*, which is a Corruption from *Orchney*, the best being taken near that Island.

Orgilde, *i. e.* without Recompence. The Meaning is, where no Satisfaction was to be made for the Death of a Man killed; that is, he was lawfully slain. *Si hoc inveriset jacent* Orgilde.

Originalia. In the *Treasurer's Remembrancer's* Office in the *Exchequer* are Records or Transcripts sent thither out of the *Chancery*, and are distinguished from *Recordæ*, which contain the Judgments and Pleadings in Suits tried before the *Barons.*

Oriolum, *i. e.* a Porch or Court-yard. *Nisi in refectorio vel* Oriolo *prandere.* Mat. Paris. 1251.

Orped. Some *Orped* Knight, *i. e.* a Knight whose Clothes shined with Gold.

Orteili signifies the Claws of a Dog's Foot, from the Fr. *Orteils des peids*, i. e. *Digiti pedum*, the Toes. 'Tis used in *Pupilla oculi, Chap. de Char. Forest. par.* 5. *cap.* 22.

Ortolagium. — *Pro uno* Ortolagio *& una garba totius lucrationis de dominio de B.* Mon. Angl. 1. A Garden Plot; *Pro Hortolagio.*

Osculum pacis. It was a Custom formerly in the Church, that in the Celebration of the Mass, after the Priest had consecrated the Wafer, and spoke these Words, *viz. Pax Domini vobiscum*, that the People kissed each other; and this was called *Osculum pacis.* Afterwards when this Custom was abrogated, another was introduced, *viz.* That whilst the Priest spoke these Words, a Deacon or Subdeacon offered the People an Image to kiss, which was commonly called *Pacem.* We read it in *Mat. Paris. Anno* 1100. *Regem duxerunt ad offerendum & iterum reduxerunt ad pacem.*

Osmonds, or **Osemunds**, (*Anno* 32 *Hen.* 8. *cap.* 14. and I find in *Spelman's Gloss.* Mention of a Last of *Osmonds*,) is a Kind of Ore, or Iron-stone, assuming the Nature of Iron, and it seems was anciently brought into *England.*

Ostensio was a Tribute paid by Merchants for Leave to shew or expose their Goods to Sale in Markets. *Qui per terras ibant* ostensionem *dabant & teloneum.* Leg. Ethelred, cap. 23.

Ostium Garionis, *Yarmouth.*

Oswalde's Law, (*Lex Oswaldi,*) by which was understood the ejecting marrying Priests, and introducing Monks into Churches, by *Oswald*, Bishop of *Worcester*, about the Year 964.

Oswald's-Law Hundred, is an ancient Hundred in *Worcestershire*, so called of *Oswald*, Bishop of *Worcester*, who obtained it of King *Eadgar* to be given to St. *Mary's* Church there. It comprehends 300 Hides of Land, and is exempt from the Jurisdiction of the Sheriff. *Cam. Brit. tit. Worcestershire.* See the Charter in *Spelm. Councils*, 1 *Tom. fol.* 432. and the *Leiger-Book* of *Worcester in Bibl. Cotton.*

Oswestre, a Town in *Shropshire*, so called from St. *Oswald*, who was overcome in Battle, and killed there by *Penda.*

Ouch, (*Anno* 24 *Hen.* 8. *cap.* 13.) a Kind of Collar or Neck-lace of Gold, or such-like Ornament, worn by Women about their Necks. Sometimes used for a Boss or Button of Gold.

Ovelty of Services, is Equality of Services; as, when the *Tenant Paravail* owes as much to the *Mesne*, as the *Mesne* does to the *Lord Paramount. Fitz. Nat. Br. fol.* 136. So *Ovelty of Partition.* Coke on Littl. fol. 169.

Over. Words which begin or end with *Over*, and are Names of Places, signify a Situation near the Bank of some River; from the Saxon Ofer, *Ripa*; as, St. *Mary-Over* in *Southwark*, *Brownsover* in *Warwickshire.*

Overcpeed is a *Saxon* Word, and signifies a Person convicted of a Crime: From the Sax. Ofer, *Super*, and Cythan, *ostendere.* 'Tis mentioned in the Laws of *Edw. apud Brompton, p.* 836.

Overhernissa, *i. e.* a Contumacy or Contempt of the Court. Sometimes it signifies a Forfeiture for such Contempt. In the Laws of *Adelstan, c.* 25. it signifies Contumacy, *viz. Si quis Gemotum adire Supersedeat ter emendet* Overhernissam. In a Council held at *Winchester*, *Anno* 1027, it signifies a Forfeiture

feiture for such a Contempt, *viz. Si autem (tertio voca:) post excommunicationem ad satisfaction m venerint forisfacturam suam quæ Anglicè vocatur* Overseweneſſe *seu* Laſhlite *pro unâquaque vocatione Episcopo suo reddant.* See *Leg. Æthelred, cap.* 7.

Overſamenſſa, *Si quis furi obviaverit, & sine vociferatione gratis cum dimiserit, emendet secundum* Weram *ipsius fugis, vel plena* lada *se adiegiet, quod cum eo falsum nescivit: Si quis audito clamore supersedit, reddat* **Overſamenſſa** *regis, aut pleve se laidiet.* Lib. rub cap. 36. This seems to have been an ancient Penalty or Fine (before the Statute for *Hue* and *Cry*) laid upon those, who, hearing of a Murder or Robbery, did not purſue the Malefactor. 3 *Inſt. fol.* 116.

Overt-Act, (*Apertum factum*) an open, plain, evident Act, 3 *Inſt. fol.* 12.

Overt-Word, (*An.* 1 *Mar. Seſſ.* 2. *cap.* 3.) an open, plain Word; from the Fr. *Ouvert.*

Oviale for **Ovile**. *Matt. Paris. Anno* 1254.

Ouſted, (From the Fr. *Oster*, to remove or put out) as, *ouſted* of the Poſſeſſion, (*Peck's Caſe, Mich.* 9 *Car.* 1. 3 *Par. Croke's Rep. fol.* 349.) that is, removed, or put out of Poſſeſſion.

Ouſter le main, (Fr. *Ouster le main, i. e.* to take off the Hand) ſignifies a Livery of Lands out of the King's Hands, or a Judgment given for him that traverſed, or ſued a *Monſtrans le droit*; For when it appeared upon the Matter diſcuſſed, that the King had no Right nor Title to the Land he ſeiſed, Judgment was given in Chancery, that the *King's Hands be amoved*, or taken off, and thereupon *Amoveas manum* was awarded to the Eſcheator, to reſtore the Land, *&c. Stamf. Prærog. cap.* 24. It is written, *Oter le maine*, 25 *Hen.* 8. *cap.* 22. But now all Wardſhips, Liveries, Primerſeiſins, and *Ouſter le mains*, &c. are taken away and diſcharged by 12 *Car.* 2. *cap.* 24.

Ouſter le mer, (Fr. *Oultre*, i. e. Ultra, & *le mer*, mare,) is a cauſe of Excuſe or Eſſoin, if a Man appear not in Court upon Summons, for that he was then beyond the Seas. See *Eſſoin.*

Outfangthef, (from the *Sax.* Ut, i. e. *Extra*, fang, i. e. *Capio* vel *Captus*, and þeof, i. e. *Fur*, *quasi, fur-extra-captus*,) is a Liberty or Privilege, whereby a Lord is enabled to call any Man (dwelling in his Fee, and taken for Felony in another Place,) to Judgment in his own Court. *Raſtal's Expoſ. of Words, Anno* 1 & 2 *Ph. & Ma. cap.* 15. Per **Outfangthef** Edwardus Sutton *miles Dominus de* Dudley, *Oro. clamat quod quandoque aliquis latro, qui est homo ipsius* Edwardi *de Dominio suo oriundus, de aliqua felonia convictus fuerit, pro qua suspendi debuit, in quacunque Curia idem filo sit convictus, ducatur ad furcas ipsius* Edwardi *per Miniſtros suos, & ibidem suſpendatur.* Pl. in Itin. apud Ceſtriam. 14 Hen. 7.

Outhell, the ſame with *Outhorne*; which is a calling the Subjects to the Army by the Sound of an Horn.

Outlaw, (*Sax.* Utlaghe, *Lat. Utlagatus, Significat bannitum extra legem.* Fleta, lib. 1. cap. 47. One deprived of the Benefit of the Law, and out of the King's Protection. *Forisfacit utlagatus omnia sua pacis suæ; quia a tempore quo utlagatus est, caput gerit lupinum, ita quod ab omnibus interfici potest & impune; maximè si se defenderit vel fugerit, &c.* Bracton, lib. 3. Tract. 2. cap. 11. num. 1. & 3. See *Utlary.* But in the beginning of *Edward* the Third's Reign, it was reſolved by the Judges, that it ſhould not be lawful for any Man, but the Sheriff only, (having lawful Warrant therefore) to put to Death any Man *Outlawed.* *Coke on Littl. fol.* 128. b. See *Capias Utlagatum*, & *Utlagh.*

Out-parters, (*Anno* 9 *Hen.* 5. *cap.* 8.) a kind of Thieves in *Ridesdale*, that took Cattel or other Booty without that Liberty: Others think, they were ſuch as lay in wait for robbing any Man or Houſe. See *Intakers.*

Out-riders, are Bailiffs errant, employ'd by Sheriffs, or other Deputies, to ride to the farthest Places of their Counties or Hundreds, with the more Speed to ſummon Perſons into their County or Hundred Courts. *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 9.

Outwaile, *i. e.* a mournful Thing; *Now am I made an unworthy Outwaile.*

Ouvelty. See *Ouelty.*

Organg of Land (*Bovata terræ*,) is commonly taken for fifteen Acres; ſix Organgs of Land are as much as ſix Oxen will plough. *Cromp. Juriſd. fol.* 220. Bovatus terræ, i. e. *Quantum ſufficit ad iter vel actum unius* bovis. Ox, enim eſt *bos*: Gang vel gate, *iter.* See *Coke on Littl. fol.* 69. a. In *Lincolnſhire* they corruptly call it an **Oxgain** of Land.

Oyer ſeems to have been anciently uſed for what we now call *Aſſiſes.* —— *Come Hawiſe de weer moy impleda devant Juſtices en le* **Oyer** *de Chelmſford par un briſ. de Novel Diſſeiſin, &c.* Anno 13 Edw. 1. See *Aſſiſe de Novel Diſſeiſin.*

Oyer de Record, (*Audire Recordum*,) is a Petition made in Court, that the Judges, for better Proof-ſake, will be pleaſed to *hear* or look upon any *Record.* So likewiſe to demand *Oyer* of a Bond, Deed or Covenant.

Oyer and Terminer (Fr. *Ouir & Terminer*,) is a Commiſſion eſpecially granted to certain Perſons, for the hearing and determining one or more Cauſes. This was wont in former Times to be only in uſe upon ſome ſudden Outrage or Inſurrection in any Place. See *Cromp. Juriſd. fol.* 131. and *Weſtm.* 2. *cap.* 29. who might grant this Commiſſion. And *Fitz. Nat. Br. fol.* 100. for the Form and Occaſion of the Writ, and to whom it is to be granted. And *Brook, hoc titulo.* A Commiſſion of *Oyer* and *Terminer* is the firſt and largeſt of the five Commiſſions, by which our Judges of Aſſiſe do ſit in their ſeveral Circuits. See *Aſſiſe.* In our Statutes it is often printed *Oyer* and *Determiner.* See 4 *Inſt. fol.* 162.

O Yes, (a Corruption from the Fr. *Oyez, i. e.* Hear ye,) is well known to be uſed by the Cryers in our Courts, to enjoin Silence or Attention when they make Proclamation of any Thing.

P.

Paagium. *Matth. Paris, fol.* 769. *Fecit equos meos & homines restare donec* Paagium *extorsisset.* Paſſagium, ſcil. ſive telonium exactum pro tranſitu per alterius ditionem, ſays the *Gloſ.*

Pacare, *i. e.* to Pay. *Mon. Angl.* 1. *Tom.* 324. *Tolnetum pacavit.*

Pacatio, *i. e.* Payment. *Pannos ſericos & alia rapuit ſine* Pacationis *retributione.* Matt. Paris, Anno 1248.

Pacatur. Leg. Ina, cap. 45. *Et recipiat Agnus fridi, Corium eius & carnem & pacatur de cætero.* L. a. Let him be free or diſcharged for the Time to come.

Pacification, (*Pacificatio*,) *Anno* 17 *Car.* 1. *c.* 17. a Peace making, quieting, or appeaſing; relating to

to the Wars betwixt *England* and *Scotland*, Anno 1638.

Pack of Wool, is a Horse-load, which consists of seventeen Stone, and two Pound. *Fleta, lib. 2. cap. 12.* See *Sarplar*.

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

Packing Whites, (*Anno* 1 *Rich.* 3. *cap.* 8.) a kind of Cloth so called, *viz.* coarse white Cloth.

Padnage, the same with *Pannage*. In *Charta Regis Hen.* 1. *Ecclesiæ S. Martini de Belloc.*

Pagaments, a sort of Frize Cloth so called; I find it in the Journal Book of the Lords House of Parliament, in a Statute of 1 *Eliz.* not printed.

Pagus. This Word in old Records signifies a County, *viz. natus est Ælfred Rex Angli Saxonum in villa Regia quæ dicitur Wandling* (now *Wantage*) *in illa pagâ quæ nominatur Baroscire* (now Berkshire) *quæ paga veliter vocatur a Barroc silva ubi buxus abundantissime noscitur: Asser de Rebus gestis Anglorum.*

Paiare, *i. e.* to pay. In *Stat. W.* 2. *cap.* 46. *Honestius est quod Prælati paiant pro superiori indumento, quam exeunt.*

Pain fort & dur, (Fr. *Peine fort & dure*,) signifies an especial Punishment for those that, being arraigned of Felony, refuse to put themselves upon the ordinary Trial of God and the Country, and thereby are *mute*, or such Interpretation of Law, and is vulgarly called *Pressing to Death*. This is founded upon *Westm.* 1. *cap.* 12. This strong and hard *Pain* shall be in this manner inflicted:

He shall be sent back to the Prison whence he came, and laid in some low dark House, where he shall lie naked on the Earth, without any Litter, Rushes or other Clothing, and without any Rayment about him, but only something to cover his Privy-Members; and he shall lie upon his Back, with his Head covered and his Feet; and one Arm shall be drawn to one Quarter of the House with a Cord, and the other Arm to another Quarter; and in the same manner it is to be done with his Legs, and then there is to be laid upon his Body, Iron and Stone so much as he may bear, or more; and the next Day following, he is to have three Morsels of Barley-Bread without Drink; and the second Day, Drink three times, and as much at each Time as he can drink of the Water next to the Prison Door, except it be Running Water, without any Bread: And this is to be his Diet until he die. Stanf. Pl. Cor. lib. 2. cap. 60.

Paisso, *i. e.* Feeding for Hogs in the Woods, *Et pastum & paissonem pro omnibus porcis suis.* Mon. 1 Tom. pag. 596. See *Pessona*.

Pais, (Fr.) a Country or Religion. **Trial per pais**, *quod non intelligendum est de quovis populo, sed de Compagensibus, hoc est, eorum qui ex eodem sunt Comitatu, quem majores nostri pagum dixere, & incolas inde* Pais (g in i. *vel y converso.* Spelman's Gloss.

Pelagium is a Duty to the Lords, for exporting and importing Vessels of Wine in any of their Ports, *viz. Quieti de omni velanco & passagio pelagio cobiagio* pallagio, &c. Du Cange.

Palatine. See *County*.

Palfrey, *Palfredus, Palafredus, & Palefridus*, Fr. *Palefroy*, *id est equus equus, nempe qui ad pompam aut honorem vehendorum; unde dicitur a vulgo* Palfrey, *ex Gall.* Par le frain. And sometimes of old taken for a Horse fit for a Woman to ride. *W. Fauconberge requebat Manerium de* Cukeney *in Com. Nott. in Sergientia, pro servitium farrandi* (of shoeing,) Palefredum *Regis, quando Rex venerit ad Mansfeld*; says *Camden*, out of an ancient Inquisition. See *Coke on Litth. fol.* 140. & 13 *Edw.* 1. *cap.* 42.

Palfrey-Silver. —*Cuslumam ibidem* (*i. e.* at *Belvoir* Castle) *vocat.* **Palfrey Silver**, *quæ levari debet annuatim de Villis de Beckesford Normanton, Sherdeby, &c. & aliis Hamlettis.* Escheat. 23 Edw. 3. Post mortem Gul. de Roos de Hamlake.

Palices, a Park-Pale. Q. *Eliz.* granted *Kingsmor* Park to *Tho. Crompton*, and others, *cum omnibus* Paliceis, *muris, &c.* Pat. 43 Eliz. p. 4.

Palingman (*Anno* 22 *Edw.* 4. *cap.* 23. and 11 *Hen.* 7. *cap.* 23.) seems to be a Merchant Denizen, one born within the *English Pale*. But Dr. *Skinner* judges it to signifie a Fishmonger, or Merchant of Fish; and I find the Word mentioned in an ancient MS. touching the Customs of the City of *London*, under the Title *De Salmonibus Vendendis.*

Pallio cooperire. It was a Custom formerly, That where Children were born out of Wedlock, and their Parents afterwards intermarried, that those Children, together with the Father and Mother, stood under a Cloth extended whilst the Marriage was solemnizing, which was in the nature of Adoption; and signified a Legitimation. This is mentioned in an Epistle of *Robert Grosthead*, the famous Bishop of *Lincoln*, who tells us, that it was an old Report, that by such Custom the Children were taken to be legitimate; and that *in signum legitimationis nati ante Matrimonium consuerunt poni sub pallio super parentes eorum extento in Matrimonii solemnizatione*: Which Epistle is mentioned by Mr. *Selden*, in his Notes upon *Fleta*, who likewise tells us, That in the Reign of *R.* 2. the Children of *John* of *Gaunt*, Duke of *Lancaster*, which he had before his Marriage by *Catherine Swinford*, though they were made legitimate by Act of Parliament, yet they were covered with the *Pall* at the very Time of the Marriage of their Parents.

Pallium is in many Places taken for the Silk with which Garments were made; 'Tis a Word often mentioned in our old Historians, but little understood at this Time. *Durandus*, in his *Rationale*, tells us, that 'tis made of white Wool, *viz.* The *Nuns* of St. *Agnes* every Year, on the Feast-Day of their Saint, offer two white Lambs on the Altar of their Church, whilst they sing *Agnus Dei* in a solemn Mass; which Lambs are afterwards taken by two of the Canons of the *Lateran* Church, and by them given to the Pope's Subdeacons, who put them to Pasture till Shearing-time, then they are shorn, and the *Pall* is made with their Wool mixed with other white Wool. 'Tis a Garment of three Fingers breadth, cut round, that it may cover the Shoulders: It hath two Strings on each Side before and behind, that on the Right Side is single, but that on the Left is double. It hath likewise four purple Crosses on the Right and Left, before and behind; and 'tis fastened with three Pins made of Gold, whose Heads are *Saphirs*. The *Pall* thus made, is carried to the *Lateran* Church, and there placed on the High Altar by the Deacons of that Church, on the Bodies of St. *Peter* and St. *Paul*: And after the usual Watching, 'tis carried away in the Night, and delivered to the Subdeacons, who lay it up very safe.

And because it was taken from the Body of St. *Peter*, it signifies the Plenitude of Ecclesiastical Power, and therefore it was the Prerogative of Popes, who pretend to be the immediate successors of that Saint, to invest other Prelates with it, which at first

first was done nó where but at *Rome*; but afterwards, by Procuration, in other Places in this Form, *viz. Instanter, instantius & instantissime in Consistorio a summo pontifice expetitum.*

Palls (*Anno* 25 *Hen.* 8. *cap.* 20.) are Pontifical Vestures made of Lambs Wool, in breadth not exceeding three Fingers, and having two Labels hanging down before and behind, which the Pope gives or sends to Archbishops and Metropolitans, and sometimes upon extraordinary Occasion to Bishops who are not Metropolitans, who wear them about their Necks at the Altar, above their other Ornaments. The *Pall* was first given to the Bishop of *Ostia* by P. *Marcus* the Second, *Anno* 336 And the *Preface* to an ancient *Synod* here in *England*, wherein *Odo*, Archbishop of *Canterbury*, presided, begins thus: —— *Ego* Odo *humilis & extremus, divina largiente clementia, almi Præsulis & Pallii honore ditatus, &c. Selden*'s Hist. of Tithes, p. 217. See *Cressy*'s Church History, *fol.* 972. and the Book called *Blamyr* in the Prærog. Office, and Sir *Rog. Twisden*'s *Hist. Vindication, fol.* 41.

Palmata, a Handful. *Johannes Rex. Sciatis nos pro amore Dei concessisse —Leprosis* S. Egidii *de* Salopesbiria, *quod habeant* Palmatas *bladi & farinæ de omnibus saccis, quæ cum blado & farina exponuntur ad vendendum in mercato* Salopesbiriæ, *tam diebus mercati quam aliis, sicut eas habuerunt tempore* Hen *Regis, Patris nostri, de dono & eleemosyna ejusdem Regis, sc. de unoquoque sacco bladi* Palmatam *duarum manuum, & de sacco farinæ*, palmatam *unius manus, sicut eas habuerunt de dono & eleemosina prædicti Regis, diebus suis, & sicut eas modo habent & habere debent. Quare volumus, &c. Dat. per manum S. Præpositi* Beverlaci & *Archid.* Wallensis *apud* Wudestoke *xix die Martii, anno Regni nostri quinto.*

Palmestry, (*Anno* 1 & 2 *Phil. & Mar. cap.* 4.) a kind of Divination practised, by looking on the *Lines* and Marks of the Fingers and Hands; a deceitful Art used by *Egyptians*, mentioned in the said Statute, and there misprinted *Pulmistry*.

Pandects are the Books of the Civil Law compiled by *Justinian*; they are mentioned in *Bede*, and several other Historians of this Nation: *Tres* Pandectes *novæ translationis de Româ ortulerit.* Bede, cap 15.

Pandoxando. —— *Concessi etiam ei cum cacubo suo proprio* pandoxando *& lotrando ubicunque poterit.* Carta Walteri, Muchegros, *sine dat. i. e.* Liberty of Brewing and Washing in his own Kettle.

Pandoxatrix. —— *Item utimur de* Pandoxatricibus, *quod nemo potest brustare sive pandoxare in Villa & Burgo nostro, nisi per redemptionem aliquam factam ad voluntatem Cambargensium nostrorum, & si talis* Pandoxatrix *brasiaverit & Assisam Domini nostri Regis in Burgo & Villa positam & proclamatam fregerit; Tunc debet per Balivos amerciari ad voluntatem Balivorum nostrorum, & non per pares suos primo & secundo, & si tertia Vice Assisam fregerit, debet capi per Balivos Capitales, & publicè Duci ad locum ubi situatur le* Gogingstole, *& ibi debet eligere unum de duobus, viz. An velit le* Gogingstole *ascendere, an illud judicium redimere ad voluntatem Balivorum.* Ex Codice MS. de Legibus, Statutis & Consuetudinibus liberi Burgi Villæ de Mountgomery, a tempore Hen. 2. fol. 12. b. In *Goldman*'s Dictionary, I find *Pandox*, for a Drunkard, or Swilbowl; and *Pandoxatorium*, a Brewhouse: But *Pandoxatrix* here seems to signifie an Ale-wife, that both brews and sells Ale or Beer.

Panel. (*Fortescu de legibus Angl. cap.* 25. and *Coke on Littl. pag.* 158. *b.* write it *Panellum* in *Latin*; but Sir *H. Spelman* says, *Hoc minus congrue*, and deduces it from *Pagella*, g *in* n *transeunte, sic veteres quidam mannificat pro magnificat,*) a Schedule or Page; as a *Panel* of Parchment, or a Counterpane of an Indenture: But it is used more particularly for a Schedule or Roll, containing the Names of such Jurors as the Sheriff returns, to pass upon any Trial. *Reg. of Writs, fol.* 223. *a. Kitchin, fol* 226. And the *Empanelling* a Jury, is the entring their Names by the Sheriff into a *Panel*, or little Schedule of Parchment; *in Panello Assizæ. Anno* 8 *Hen.* 6. *c.* 12.

Haud recte D. Coke in Gloss. ad Littl. sect. 234. who says, Panel *is an* English *Word, and signifies a little Part; for a* Pane *is a Part, and a* Panel *is a little Part*, &c. Thus *Spelman* on the Word *Panella.*

Panis Armigerorum, *i. e.* the Bread distributed to Servants: *Infirmantibus administrat granaterius singulis diebus duos* Panes Armigerorum, *&c.* Mon. 1. pag. 420.

Panis Bisus, *i. e.* coarse Bread: *Jejunans debet sedere in area ante mensam & comedere* panem Bisum *super scamnum sine panno.* Mon. 1. Tom. 420.

Pannage or **Pavonage**, (*Pannagium*, Fr. *Panage & Pasnage*,) signifies *alimentum, quod in Sylvis colligunt pecora, ab arboribus dilapsum*, as Mast of Beech, Acorns, *&c.* Also the Money taken by the *Agistors* for the Food of Hogs, with the Mast of the King's Forest. *Cromp. Jurisd. fol.* 155. *Westm.* 2. *cap.* 25. *Pawnage* (says *Manwood*) is most properly the Mast of the Woods or Hedge-rows, or the Money due to the Owner of the same for it. And *Linwood* defines it thus, Pannagium *est pastus pecorum in nemoribus & in sylvis, utpote de glandibus & aliis fructibus arborum sylvestrium, quarum fructus aliter non solent colligi.* Tit. de Decimis. Mentioned also *Anno* 20 *Car.* 2. *c.* 3. *Quisque Villanus habens* 10 *porcos, dat. unum porcum de* Pasnagio. Domesday, tit. **Leominitre.** This Word in ancient Charters, is thus variously written, *Pannagium, Panagium, Pasnagium, Parnagium, Pannagium* and *Pessona.*

Pannus, a Piece or Slice of any Thing. *Sylvester Girald. cap.* 21. *Militis quoque Coxa ferro utrinque vestita uno securis ictu cum* panno *loriæ præcisa.*

Pannus, a Garment made with Skins, *Statutum fuit quod nullus habet* pannos *decisos & laceratos.* Ger. Dowb. Anno 1188. Fleta, lib. 2. cap. 14. par. 2.

Pantoneria, a sort of Purse: The Word is mentioned in *Fleta, Lib.* 2. *cap.* 82. *par.* 2. It may be taken for *Panneteria.*

Pape (*Papa*, from the old *Gr.* Πάππας, signifying a Father,) was anciently applied to some Clergy-men in the *Greek* Church; but by Usage is particularly appropriated in the *Latin* Church to the Bishop of *Rome*, otherwise called the *Pope*. A Name very frequent in our ancient Year-Books, especially in the Times of those Kings, who, too much abandoning their Imperial Authority, suffered an Outlandish Bishop, that dwelt One thousand Miles off, to take from them the Disposition of many Spiritual Preferments, sometimes by *Lapse*, sometimes by *Provision* or otherwise. For Redress whereof, divers Statutes were made, whilst this Kingdom was of the *Roman* Communion; but his whole Power was not taken away here, till towards the later end of *Henry* the Eighth's Reign.

Paper-Office is an ancient Office within *Whitehall*, the Keeper whereof hath in his Charge all the publick Papers, Writings, Matters of State and Council; all Letters, Intelligences, Negotiations of the King's publick Ministers abroad; and generally all the Papers and Dispatches that pass through the Offices of the two Principal Secreta-

ries of State, which are from Time to Time transmitted into this Office, and here remain, disposed in way of a Library. Also an Office belonging to the Court of *King's Bench* so called.

Paradisus is a square Court before *Cathedrals*, surrounded with Piazzas or Walking-places, supported with Pillars. *Matt. Paris* calls it *Parvisus*, viz, *Multis diebus scholas exercens, venditis in parvisio libellis.* Anno 1250.

Parage, (*Paragium.*) Equality of Name, Blood or Dignity; but more especially of Land, in the Partition of an Inheritance between Co-heirs. *Purparty*, Coke's 1 *Inst. fol* 166. *b. Hanc terram tenuere duo homines in* Paragio. Domesday. See *Parcinery.*

Paramount (compounded of two *French* Words, *Par*, i. e. *per*, and *monter*, *ascendere*,) signifies the highest Lord of the Fee. For there may be a Tenant to a Lord, that holds over of another Lord; the first is called *Lord Mesn*, the second *Paramount. Fitz. Nat. Br.* 135. *M.* Some hold, that no Man can simply be *Lord Paramount*, but only the King; for he is *Patron Paramount* of all the Benefices in *England. Doctor & Student, cap.* 36. See *Mesn.*

Parapharnalia, (in the Civil Law *Paraphernalia*,) are those Goods which a Wife, besides her Dower or Jointure, is after her Husband's Death allowed to have; as Furniture for her Chamber, wearing Apparel, and Jewels, if she be of Quality: Which are not to be put into her Husband's Inventory, especially in the Province of *York*. See *Touchstone of Wills, fol.* 201.

Pararia, a great Gun or Petrade: *Ingenia vero & Pararia Christianorum ita retro fossata erant ut nullus ex parte adversâ poterat eos nocere.* Brompton, 1166.

Parasitus, a Domestick Servant: *A duobus Parasitis suis in viâ fecit eum subitò strangulari.* W. Gemeticensis, Lib. 7. cap. 10.

Parabail (*quasi, per-availe,*) signifies the lowest Tenant, or him that is immediate Tenant to the Land; and he is called *Tenant Parevail*, because it is presumed he hath Profit and *avail* by the Land. 2 *Inst. fol.* 296. See 9 *Rep. Cony's* Case.

Parcata prati, is a certain Quantity of Meadow enclosed with Pales; *de octo parcatis terræ juxta Langare.* Monastic. 2 Tom. 279.

Parcella terræ, a Parcel or small Piece of Land. *Sciant* —— *quod ego Stephanus Wington Dedi* —— *Roberto de Domampton, pro triginta solidis argenti unam parcella terræ meæ cum pertinen. jacen. in Bromyard.* &c. Sine Dat.

Parcel-Maker, is an Officer in the *Exchequer* that makes the *Parcels* of the Escheators Accompts, wherein the Escheators charge themselves with every Thing they have levied for the King's Use, since they came in Office, and deliver the same to one of the Auditors of the Court, to make up the Escheators Accompt therewith. See *Practice of the Exchequer, pag.* 99.

Parceners, (*quasi* Parcellers, *i. e. Rem in Parcellas dividens.* See *Coparceners.*

Parcinery, (*Participatio*, from the Fr. *Partir*, i. e. *Dividuum facere*,) signifies a holding of Land *pro indiviso*, or by Joint-Tenants, otherwise called *Coparceners*: For if they refuse to divide their common Inheritance, and chuse rather to hold it jointly, they are said to hold in *Parcinery. Littl. fol.* 56, & 57. In *Domesday* it is thus said, *Duo fratres tenuerunt in Paragio, quisque habuit aulam suam, & potuerint ire quo voluerint.*

Parco fracto is a Writ that lies against him who violently breaks a Pound, and takes out Beasts thence, which for some Trespass done were lawfully impounded. *Reg. of Writs, fol.* 166 and *Fitz. Nat. Br. fol.* 100.

Pardon (*Fr.*) is most commonly used for the remitting or forgiving a felonious or other Offence committed against the King, and is twofold; one, *Ex gratia Regis*; the other, *Per cours de Ley. Stamf. Pl. Cor. fol.* 47. The first is that which the King, in some special Regard of the Person or other Circumstance, gives by his absolute Prerogative or Power. The other is that which the King granteth, as the Law and Equity persuades, for a light Offence; as Homicide casual, when one kills a Man, having no such Intent. See *New Book of Entries*, verbo, *Pardon.*

Parentale, de Parentale se tollere, *i. e.* to renounce his Kindred, which was done in open Court before the Judge, and in the Presence of Twelve Men, who made Oath, that they believed it was done lawfully, and for a just Cause. We read it in the Laws of *H.* 1. *cap.* 88. *Si quis propter suidam vel causam aliquam de* parentale *se velit tollere & eam foris juraverit, & de Societate & hæreditate & totâ illius ratione se seperet, si postea aliquis a parentibus abjuratis moriatur, vel occidatur nihil ad eum de hæreditate vel compositione pertineat, &c.*

Parish, (*Parochia,*) at first signified only a Diocese; *& Provinciam in tres parochias discrevimus.* Afterwards it signified the Precinct or Territory 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 from *Cathedra*; *Conventual*, consists of Regular Clerks professing some Order of Religion, or of Dean and Chapter, or other Society of Spiritual Men; *Parochial*, is that which is instituted for the saying of Divine Service, and ministring the Holy Sacraments to the People dwelling within the Parish, or a certain Compass of Ground, and certain Inhabitants belonging to it. Our Realm was first divided into *Parishes* by *Honorius* Archbishop of *Canterbury*, in the Year of our Lord 636. *Cam. Brit. pag.* 160. who reckons 9284 Parish-Churches under Bishops in *England*, but other Authors differ in the Number. Concerning Limitation of Parishes, see *Selden's Hist. of Tithes, pag.* 259. *Parochia* did anciently signifie what we now call the *Diocese* of a Bishop. —— *T. Episcopus, congregatis omnibus Clericis totius* Parochiæ, &c. 30 Mon. fol. 205.

Parisi pop, *Holdernesse* in *Yorkshire.*

Park, (*Parcus*, Fr. *Parc. Sax.* Deeppal6,) is a Quantity of Ground enclosed, and stored with wild Beasts, *tam sylvestres, quam campestres*; which a Man may have by Prescription, or the King's Grant. *Crom. Jurisd. fol.* 148. A Park differs from a Chase or a Warren; for a *Park* must be enclosed: If it lie open, it is a good Cause of seising of it into the King's Hands, as a free Chase may be if it be enclosed; and the Owner cannot have an Action against such as hunt in his Park, if it lie open. See *Forest.* —*Guliel. Conq. liberam fecit Ecclesiam de* Bello *de opere* Parcorum. *Spel.* Vide 13 *Car.* 2. *cap.* 10.

Park-bote, is to be quit of enclosing a *Park*, or any Part thereof. 4 *Inst. fol.* 308.

Parle-Hill. *Collis vallo plerunque munitus in loco campestri, ne insidiis exponatur, ubi convenire olim solebant Centuriæ aut viciniæ incolæ ad lites inter se tractandas & terminandas. Scotis reor* Gzith-hail. q. *Mons pacificationis, cui Asyli privilegia concedebantur.* Vide Stat. Will. Regis Scot. cap. 5. Sect. 1. *Et in Hibernia*

bernia frequentes Hallines, the Parle and Parling-Hills. *Spel.*

Parliament. (*Parliamentum*, from the French *Parler loqui*; sometimes it is called *Colloquium*, *Commune Concilium Regni Angliæ*, *Magnum Concilium*, & *Magnum Concilium Regis*; Litt. Sect. 164.) is the great Assembly of this Kingdom, consisting of the *King* and the Three Estates of this Realm; *viz.* The *Lords spiritual*, the *Lords Temporal*, and the *Commons*, for the Debating of Matters touching the Commonwealth, and especially the making and correcting Laws; which Assembly or Court is of all other the highest, and of greatest Authority, as you may read in Sir *Tho. Smith de Repub. Angl.* & *Cam. Britan. pag.* 112. *Si vetustatem spectes, est antiquissima; si dignitatem, est honorabilissima; si jurisdictionem, est capacissima.* Coke on Litt. lib. 2. cap. 10. Sect. 264. And see his *Fourth Part Inst. cap.* 1. This great Assembly was anciently called *Commune Concilium Regni Angliæ*. As in an ancient Charter of King *John*, —— *Nullum Scutagium vel auxilium ponam in regno nostro, nisi per Commune Consilium regni nostri*, &c. The first Parliament in *England*, properly so called, was held in *Henry* the Third's Time. But see *Cottoni Posthuma*, f. 13. and 2 *Inst. fol* 268. where there is mention of *Parliaments* (or rather Great Councils resembling them) held long before that Time; which the *Saxons* called, Witteneagemot, *i. e.* An Assembly of the Wise.

The Word is also taken for any solemn Assembly, meeting together to consult of weighty Affairs. Thus we read, That the Abbot of *Croyland* was wont to call a *Parliament* of his Monks, to consult about the Affairs of his Monastery. *Croylandensis libri hæc sunt verba*, —— *Concessimus etiam tunc Serientiam nostræ Ecclesiæ Semanno de Lek; qui veniens coram Conventu, in nostro publico* Parliamento, *similiter juramentum præstitit, quod fidus & fidelis nobis existerit*, &c. And at this Day the Community of the two Temples, or Inns of Court, do call that Assembly, A *Parliament*, wherein they consult of the common Affairs of their several Houses. See *Crom. Jurisd. fol.* 1. and *Royal Assent.*

Parliament de la Bonde, a *Parliament* in *Edward* the Second's Time so called, whereunto the Barons came armed against the Two *Spencers*, with coloured *Bands* on their Sleeves for Distinction. *Bar. of Engl.* 1 *Part.*

Parliamentum Diabolicum, was a Parliament so termed, held at *Coventry*, 38 *Hen.* 6. wherein *Edward* Earl of *March*, (after King,) and divers of the Nobility, were attainted, but the Acts then made were annulled by the succeeding Parliament. See *Holinsh. Cron.*

Parliamentum indoctum, was a Parliament held at *Coventry*, 6 *Hen.* 4. Whereunto, by special Precept to the Sheriffs in their several Counties, no *Lawyer*, or Person skill'd in the Law, was to come; and therefore it was so called: *Walsingh. pag.* 412. n. 30. *Rot. Parl.* 6 *Hen.* 4.

Parliamentum insanum, (so called in History) was a Parliament held at *Oxford*, *Anno* 41 *Hen.* 3. *MS. in Bibl. Cotton. sub tit.* Vitellius, *c.* 9. And was so called, (say our *Chronicles*,) because the Lords came with great Retinues of armed Men to it, and many Things were then enacted contrary to the King's Pleasure, and his Royal Prerogative.

Par Linthcozum, Par Lilanozum. *Præcipimus tibi, quod facias habere Thomæ Sturmy Valetto nostro, unam Robam de Scarletto, cum quadam penula de Byssi, & aliam Robam de viridi vel burnetta, & unum Sellum, & unum par Lorinorum, & Cupam ad plenum, & unum Cuccifram, & unum par Linthcorum, quoniam ipse fuit miles.* Claus. 6 *Johannis. Dorso. M.* 20.

Parmentarius. I have seen it used in our Records for a Surname, as *Johannes Parmentarius*, perhaps as *Latin* for *Taylor*, from the old French, *Parmenter*, which signified the same.

Parol (*Fr.*) is used in *Kitchin, fol.* 193. for a Plea in Court; and being join'd with *Lease*, as *Lease parol*, or *Lease per parol*, is a Lease by Word of Mouth, to distinguish it from one in Writing.

Parson, (*Persona*,) signifies the Rector of a Church: He is called *Persona*, because of his Office, for the Profits of the Church were to maintain *magnam personam*; or rather, because he is bound by virtue of his Office *in propria persona servire Deum*. See *Bereffillarii*. See *Fleta, lib.* 9. *cap.* 18. *Charta Hugonis Pudsey*, (*alias Pudsey & de Pateseo*) *tempore Hen.* 2. Hugo *Dei gratia Dunelmensis Episcopus omnibus Archidiaconis suis Clericis & Laicis Episcopatus sui salutem. Scitis nos ad Præsentationem Roberti Capellani in Ecclesiam de* Witefield, *quæ in feudo suo sita est, Canonice* impersonate *Robertum nepotem suum. Quare volumus & præcipimus quatenus idem Robertus habeat & teneat Ecclesiam prænominatam libere & quiete, tam in decimis quam in cæteris ubertatibus, sicut aliqui Clerici liberius & quietius in Episcopatu nostro Ecclesias suas tenent; salvis in omnibus Episcopalibus consuetudinibus & justitiis*, &c. Endorsed thus, *Præsentatio Roberti de Quitefield.*

Parsonage, Personatus, Personagium, is sometimes taken for a Dignitary in a Church, and sometimes for the Benefice itself; *viz. Nam post Episcopos & Abbates in Ecclesia Anglorum, hic primus & dignior* personatus *habetur.* And Linwood 118 tells us, that *personatus & dignitas vere supponunt pro eodem licet in aliquibus locis Rectores Ecclesiarum vocentur personæ & sic habent personatum, non tamen dignitatem.* And in *Mon. Angl.* 1 *Tom. pag.* 816. *Pro illo novo ædificio quod ipse fecit in* personagio *de Dufesbourg.*

Impersonare, to be put in Possession of a *Parsonage*. In a Charter of *Hugh du Puiset*, Bishop of *Durham*, we read, *Sciatis nos ad præsentationem Roberti Capellani in Ecclesiam de* Wetefield *quæ in feudo suo sita est, Canonice impersonasse Robertum nepotem suum.*

Parsonage, or Rectory, is a Spiritual Living, composed of Land, Tithe, and other Oblations of the People, separate or dedicate to God in any Congregation, for the Service of his Church there, and for Maintenance of the Minister, to whose Charge the same is committed. *Spelm. de non tenendis Eccles.*

Parson Impersonee, (*Persona impersonata*,) is the Rector that is in Possession of a Church Parochial, be it presentative or impropriate, and with whom the Church is full: For, in the *New Book of Entries*, verbo, *Aid in Annuity*, you have these Words, *Et prædictus A. dicit quod ipse est* Persona *prædictæ Ecclesiæ de S.* impersonata *in eadem ad præsentationem P. Patronissæ*, &c. So that *Persona* seems to be the Patron, or he that has Right to give the Benefice, by reason that before the *Lateran Council* he had Right to the Tithes in respect of his Liberality in Erecting or Endowing the Church, *Quasi sustinere Personam Ecclesiæ*; And *Persona impersonata*, he to whom the Benefice is given in the Patron's Right. For, in the *Reg. of Writs Judicial, fol.* 34. b. *Persona impersonata* is used for the Rector of a Benefice presentative, and not appropriated; and *Dyer, fol.* 40. *num.* 72. says, a Dean and Chapter are *Parsons impersonees*, of a Benefice appropriated to them; who also (*fol.* 221. *num.* 19.) plainly shews, that *Persona imper-*

impersonata is he that is inducted, and in Possession of a Benefice. So that *Personata* seems to be termed *impersonata*, only in respect of the Possession he has of the Benefice or Rectory, be it appropriate or otherwise, by the Act of another. *Coke on Litt. fol.* 300. *b.*

Partern of Gold and Silver. See *Finert.*

Partes finis nihil habuerunt, &c. is an Exception taken against a Fine levied. *Coke's Rep. lib.* 3. Case of *Fines.*

Particata terræ. See *Perticata terræ.*

Participatio, is the Charity so called, by which the Poor are made *Participes* of other Mens Goods. We may read it in several Places in the *Monast. a Tom. pag.* 321. *Et ad faciendum pro prædictis animabus tres* Participationes *per annum, &c. quilibet eorum unum panem pretii unius quadrantis & unum allec* Participationem *unius millionis pauperum, &c. ordinavit, &c.* And in another Place, *Relaxamus, &c. prædictos monachos dictarum trium* Participationum, *&c. (ita tamen) nunquam de cætero erogare tenantur, & volumus quod pro eisdem* Participationibus *faciant distributionem* 13 *solidorum.*

Particus, the same with Park. *Si fractura* Partici *fiat in Curiâ Regis plena vita sit.* Leg. H. 1. cap. 40.

Partitione facienda, (*Anno* 31 *Hen.* 8. *cap.* 1.) is a Writ that lies for those who hold Lands or Tenements *pro indiviso*, and would sever to every one his Part, against him or them that refuse to join in *Partition*; as *Coparceners*, or Tenants in *Gavelkind. Old Nat. Br. fol.* 142. *Fitz. Nat. Br. fol.* 61. and *New Book of Entries, verbo Partition.*

Dorset. Placita de Juratis & Assis. Anno 16 Edw. 1. *Metingham.*

Edwardus Kaynil, Mariæ filia Roberti de Cumma, Johannes Bereset & Matilda uxor ejus & Johanna soror ejusdem Martildæ petunt versus Johannem Alfrith de Werham unum Toftum cum pertin. in Werham, de quo Johannes Gerard, consanguineus prædictorum Edwardi, Mariæ, Matildæ, & Johannæ, cujus hæredes ipsi sunt, fuit seisitus in dominico suo, ut de feodo, die quo obiit, &c. unde dicunt, &c.

Et Johannes venit & dicit, quod tenementa in Werham sunt partibilia *inter masculos & feminas, & dicit quod prædictus Edwardus habet quasdam Germanam, Matildam, Christianam, Albredam, & Eufemiam sorores & participes ipsius Edwardi & aliorum petentium, & quæ tantum jus habent in re petita sicut, &c. & quæ non nominantur in brevi, &c. & Edwardus & alii non possunt hoc dedicere: Ideo consideratum est quod prædictus Johannes eat inde sine die, &c.*

Partlet, (*Anno* 24 *Hen.* 8. *cap.* 13.) was a kind of Band to wear about the Necks both of Men and Women; now out of use.

Party-Jury, (*Anno* 14 *Car.* 2. *cap.* 11.) See *Mediietas linguæ.*

Parvise. See *Pervise.*

Parvisus. See *Paradisus.*

Parvo nocumento is a Writ. See *Nuisance.*

Paschal Rents are Rents, or yearly Tributes, paid by the inferior Clergy to the Bishop or Archdeacon at their *Easter* Visitation; called also *synodals*, which *vide.*

Pascua. See *Pasture.*

Pascuage, (*Pascuagium*, Fr. *Pascage*,) Grasing, Feeding, or Pasturing of Cattle. *Et habere viginti porcos quietos de* Pascuagio, *& fustum ad panem suum & ad cibos coquendos, &c.* Charta Ric. de Munsichet, Prioratu de Tsenhale, in Mon. Angl. 2 Par. fol. 23. Also the same with *Pannage.*

Pasnage. See *Pannage.*

Passage (*Passagium*) is a French Word, signifying *Transitum, Meatum.* In the Statutes 14 *Edw.* 3. *cap.* 7. and *Westm.* 2. *cap.* 24. it signifies the Hire that a Man pays for his being transported over Sea, or over any River. *Charta, Hen.* 1. *de libertate London. Et omnes res eorum per totam Angliam & per portus maris de Theolonio & Passagio & Lastagio, & omnibus aliis consuetudinibus.* Per Passagium *clericaccessit quietus de omnibus passagiis in Com. Cestriæ & Flint pro omnibus navellis, cartis, aquis, sarcinis, & sumagiis suis oneratis.* Pl. in Itin. apud Cestriam, 14 H. 7.

Passagio is a Writ directed to the Keepers of the Ports, to permit a Man to pass over Sea, who has the King's Licence. *Reg. of Writs, fol.* 193. *b.*

Passator. *Donationem insuper quam* Hugo de Bradewardyn, Passator, *Filius* Stephani Pont, *per Scriptum suum fecit eisdem fratribus de libero passagio apud Bradewardyn.* Pat. 1 Edw. 3. Par. 3. m. 6. He that has the Interest or Command of the Passage of a River: For this *Bradewardyn* lies upon the River *Wey* in *Herefordshire.*

Passator, *i. e.* the Lord to whom a Duty is to be paid for Passage. *Donationem ruinosam Hugo, &c.* Passator *fecit.* Mon. 1 Tom. pag. 505.

Passeport (compounded of two French Words, *Passer*, *i. e. Transire*, and *Port*, *Portus*,) signifies a Licence granted by any Person in Authority, for the safe Passage of any Man from one Place to another. *Anno* 2 *Edw.* 6. *cap.* 2.

Passagiarius, a Ferry-Man. We meet with the Word in *Thorn's Chronicle, vide. in Anno* 1187. *Si monachus vel aliquis de familia abbatis ad illum portum ex quacunque parte fluminis tendens barellum dicti* Passagiarii *ibi præsentem invenerit & Passagiarius vel sui noluerint ipsum vel turdoverint transducere, &c.*

Passus, *i. e.* the narrow Places in Highways. *Dum per quoddam iter arctissimum quod vulgariter* Passus *dicitur fuerat transituri.* Mat. Paris. p. 443. So in *Mat. Westm. Anno* 1260. *Evacuavit a Cancellariâ breve Domini Regis ad omnes Vicecomites in quorum Ballivis solebant viatoribus imminere pericula, ut omnes* Passus *periculosos tam in aquis vias & boscis, & haiis quam aliis patis Regiæ perturbationibus fuisse videri, &c.*

Pastitium, a Pasture Field. *Castrum Arundel. T. R. E. reddebat de quodam molino* 40 s. *&c. & de uno* Pastitio 20 s. *Domesday, pag. Glo.* 161.

Pastoral Staff. The Form of it was straight, which signified *Rectum Regimen*; all the top Part of it was crooked, and the other Part sharp: The crooked signified, that the Bishop presided over the People; and the sharp signified, to punish the Stubborn.

Curva tenebit mites pari pungit mucrone rebelles.
See *Crosier.*

Pastura is generally any Place where Cattle may feed; and it differs from *Pascua*, for that is a Place set apart on purpose to feed, and never plowed: So that it properly signifies a Meadow or Pasture-Ground. *Nam* Pastura *omne genus pascendi significat, sive fiat in pratis, sive in stipula, sive in agris, sive in campis*; *sed* Pascua *est locus principaliter depasturæ pecoribus pascendis, ut puta in montibus, moris, marisci & pluviis non cultivatis aratis.* Lindewode, lib. 3. Provin. Angl. tit. de Decimis, cap. 1. *Quoniam.*

Pastus is the same with Procuration, or the Provision which the Tenants of the King, or other Lords, are bound to make for them at certain Days, or Seasons, or as often as they make a Progress to their Lands: And this in many Places was turned into Money. *Hoc modo per evum liberabo a* Pastu *Regis & Reginæ.* Monast. 1 Tom. 123.

Patentee is he to whom the King grants his *Letters-Patent.* *Anno 7 Edw. 6. cap. 3.*

Patents (*Literæ Patentes*) differ from *Writs*, *Com. Jur. fol.* 126. The Coroner is made by *Writ*, not by *Patent.* See *Letters Patent* in the Table of the *Register*, where you shall find the Form of divers.

Patria *pro Compagensibus*, or the Inhabitants of a Neighbourhood. *Sic in Legum formulis, ubi dicitur* inquiratur per Patriam. *Et Assisa vel recognitio per Assisam, idem est quod recognitio* Patriæ. See *Bona patria.*

Patrinus, *i. e.* a Godfather. We read it in the Laws of *H.* 1. *cap.* 79. *Qui alicujus filiolum vel* Patrinum *occiderit, &c.*

Patritius was an Honour conferred in the Time of the English *Saxons* upon Men of the first Quality. We read it often in the *Monastic. viz. Pro ampliori firmitatis testamento principes & senatores, Judices &* Patritios *subscribere fecimus*, 1 Tom. p. 134. So in a Charter of King *Athelred*, *Ibidem*, *pag.* 51. *Quapropter Ego Athelredus Rex merciorum rogatus a* Patricio *meo, &c.*

Patron. (*Patronus*,) both in the Canon and Common Law, signifies him that has the Gift of a Benefice; because the Gift of Churches and Benefices originally belonged to such good Men as either built them, or endowed them with some great Part of their Revenue. *Patroni in Jure Pontificio dicuntur qui alicujus Ecclesiæ extruendæ, aut alterius cujuscunque fundationis Ecclesiasticæ Authores fuerunt, ideoque præsentandi & offerendi Clericum jus habent, quem Ecclesiæ vacanti præesse, & in ea collatis redditibus frui velint, &c. Gerasius in Paraphr. ad Sacerdot. Materiam, Par.* 1. *cap.* 2. & *Par* 4. *cap.* 6. The King is *Patron Paramount* of all Ecclesiastical Benefices in *England*. *Patron*, in the Civil Law, is used for him that hath manumitted a Servant; and with the Feudists, it is used *pro authore feudi.* *Hottoman, verbo Patronus.*

Pavage, (*Pavagium*,) Money paid towards the paving of Streets or Highways. *Rex* (Edw. 1.) *concessit* Pavagium *Villæ de Huntingdon per quinquennium.* Pla. Parl. 35 Edw. 1.

Pavasarii were Soldiers armed with Sheilds, which were called *Pavasis.* The Word is used in *Walsingham*, in *Edw.* 3. and other Historians, *Venientem contra eum cum 7 Millibus electis armatorum aliisque armatis* Pavisariis, *&c.*

Pavimentum, a Pavement, or paving with Stone. *Item in* Pavimento *pro Schola in Horsemullane viii. Sol.* Hist. & Ant. Oxon. lib. 2. fol. 11. b.

Paunton in *Lincolnshire.* See *Ad Pontem.*

Pauper. See *In Forma Pauperis.*

Pawnage. See *Pannage.*

Pax Dei. See *Peace of God.*

Pax Ecclesiæ. *Dicitur, cum salva sunt Ecclesiæ omnia Privilegia & Immunitates, servi, famuli, ministri, &c.* Vide LL. Edw. Confess. cap. 8. See *Sanctuary.*

Pax, ad pacem redire, *i. e.* To reverse an Outlawry, by which he is restored to the King's Peace. *Rex potest dare quod sum est hoc est pacem suam quam utlegatus amisit.* Bracton, lib. 3. cap. 11.

Pax Regis, the King's Peace. — *Nam longe debet esse* Pax Regis *à parte sua, ubi residens fuerit à quatuor partibus loci illius, hoc est quatuor milliaria & tris quarentenæ, & novem acræ latitudine, & novem pedes, & novem palmæ, & novem grana hordei. Multus, &c.* LL. Edw. Confess. cap. 12. & LL. Hen. 1. See *Peace of the King.*

Peace, (*Pax*,) in the general Signification, is opposite to War or Strife; but particularly with us, it signifies a quiet and inoffensive Carriage or Behaviour towards the King and his People. *Lamb. Eiren. lib.* 1. *cap.* 2. *p.* 7. Where any Man goes in Danger of Harm from another, and makes Oath of it before a Justice of Peace, he must be secured by good Bond; which is called *Binding to the Peace.* See *Crompton's Justice of Peace, fol.* 118. *usque* 129. And see *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 may by Law protect Men from Wrong and Violence, and distribute Justice to all. *Coke on Littl. fol.* 249. *b.*

Peace of God, and the Church, (*Pax Dei, & Ecclesiæ*,) was anciently used for that Rest and Cessation which the King's Subjects had from Trouble and Suit of Law between the *Terms.* See *Vacation. Pax Dei, Tempus dicitur cultui divino adhibitum, eaque appellatione omnes Dies Dominici festa & Vigiliæ censentur.* Spelm.

Peace of the King, (*Pax Regis, Anno* 6 *Rich.* 2. *Stat.* 1. *cap.* 17.) is that Peace and Security, both for Life and Goods, which the King promiseth to all his Subjects, or others, taken to his Protection. See *Suit of the King's Peace.* There is also the *Peace of the Church*, for which, see *Sanctity*; and the *Peace of the King's Highway*, which is the Immunity that the King's Highway hath from Annoyance or Molestation. See *Watling-street.* The *Peace of the Plough*, whereby the Plough and Plough-Cattle are secured from Distresses; for which, see *Fitz. Nat. Br. fol.* 90. So Fairs may be said to have their *Peace*, because no Man may in them be troubled for any Debt elsewhere contracted.

Peagium. See *Pesage.*

Pecherry. See *Piscary.*

Pectorale. 'Tis incertain what is meant by this Word, though we often meet with it in old Writings. Most Authors agree, that 'tis the same with that Garment call *Rationale*, which the High-Priest in the Old Law wore on his Shoulders, as a Sign of Perfection: 'Tis worn also by the High-Priest of the new Law, as a Sign of the greatest Vertue. *Quæ gratiâ & ratione perficitur*; for which Reason 'tis called *Rationale.* 'Tis by some taken to be that Part of the Pall which covers the Breast of the Priest, and from thence 'tis called *Rectorale.* But all agree that 'tis the richest Part of that Garment, embroider'd with Gold, and adorned with precious Stones. *Item capa cum* Pectorale *optime brendate cum rotundis* Pectoralibus *aurifrigiis, &c. humerali vineate de fino auro brendato & lapidibus insertis, &c.*

Pectozel, (14 *Car.* 2. *cap.* 3.) Armour for the Breast; a Breast-plate, or Petrel. From the Lat. *Pectus*, a Breast.

Peculiar, (Fr. *Peculier*, *i. e.* private, proper, one's own,) is a particular Parish, or Church, that hath Jurisdiction within it self for Probat of Wills, *&c.* exempt from the Ordinary and Bishop's Courts. The King's Chapel is a *Regal Peculiar*, exempt from all Spiritual Jurisdiction, and reserved to the Visitation, and immediate Goverment of the King himself, who is supreme Ordinary. In the Province of *Canterbury* there are reckon'd to be fifty seven *Peculiars.* It is an ancient Privilege of the

See of *Canterbury*, that wheresoever any Manors or Advowsons do belong to it, they forthwith become exempt from the Ordinary, and are reputed *Peculiari*, out of the Diocese of *Canterbury*, (mentioned 21 H. 8. c. 2.) and for the Maintenance of the Ministers of *London*.

Pecunia was anciently used for Cattle, and sometimes for other Goods as well as Money; — *Interdictum est ne aliquis vendat aut emantur, nisi infra civitatem, & hoc ante tres fideles testes.* Ethelred. Will. 1. ad Leg. Ed. Conf. — *Qui habuerit 30 Manentes vivat Pecunia.* Id. *Domesday*, *Pecunia* is often used *pro Reddit.* as *Pecunia ad Pecuniam Villæ*; and *Pecunia Ecclesiæ* was anciently used for the Estate of the Church. *Tidesley's Antiquities of Selby Tithes.*

Pecunia sepulcralis (LL. *Canuti*, fol. 100.) Was Money anciently paid to the Priest at the opening the Grave, for the Good and Behoof of the Deceased's Soul; which our Saxon called Saulcead, *Soulscot*; and *Animæ symbolum.* Spelm. de Concil. T. 1. fol. 517.

Pedage, (*Pedagium, & Panticum*) signifies Money given for the passing by Foot or Horse thro' any Forest or Country. *Rot. Cart. Par.* 9. t. 7. Pedagium *à pede dictum est, quod à Transeuntibus solvitur*, &c. Chart. de Cont. Burgun. pag. 118. Pedagia *dicuntur quæ manus transeuntibus in locum constitutum à principe*, Spelm. And we find *Rotulus* the Third granted to Sir *Nele Loring*, Pedagium Sancti Michaelis. *Rot. Vasc.* 22 *Edw.* 3. *M.* 34. 'Tis mentioned likewise in *Matt. Paris. Anno* 1256. *pag.* 595. *Thelonium quod vulgariter dicitur* Pedagium.

Pedis abscissio. Cutting off the Foot was a Punishment formerly inflicted here, as appears by the Laws of *William* the Conqueror, and by *Ingulphus* and other Authors, *viz. Interdicimus ne quis occidatur vel suspendatur pro aliqua culpa sed eruantur oculi, abscindantur Pedes, vel Testiculi vel Manus.* Leg. Will. cap. 7. So in *Ingulphus*, *pag.* 856. *Sub pena perdicionis dextri sui Pedis.* *Fleta, lib.* 1. *c.* 38. *Bracton, lib.* 3. *cap.* 32. *Monast. Tom. pag.* 166.

Pedones, *i. e.* Foot-Soldiers. *Solidariis Pedonibus & Sagittariis multis mihi conductis.* Simeon of Durham, Anno 1085.

Peer (*Pera*, Fr. *Pierre*, *Saxum*, *quod à saxis fieri solebat*) is a Fortress made against the Force of the Sea, or great Rivers, for the better Security of Ships that lie at Harbour in any Haven. So is the Pier of Pevensey described in *Gem. Britan. pag.* 289. *Anno* 14 *Car.* 2. *cap.* 27. The Haven and Peer of Great Yarmouth, mentioned 29 *Car.* 2. *cap.* 20.

Peerage, the Dignity of the Lords or Peers of the Realm; also an Imposition for Maintenance of a Sea-Peer.

Peers (*Pares*) are those that are empanelled 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 is, because the Custom of our Nation is to try every Man in this Case by his Equals, or *Peers*. *Westm.* 1. *c.* 6. So *Kitchin* useth it, *fol.* 78. in these Words. — *Mais si le amerciament soit affeire per* Pares. — But this Word is chiefly used for those that are of the Nobility of the Realm, and Lords of the Parliament. *Stamf. Pl. Cor. lib.* 3. *c. Trial per les Peers.* The Reason whereof is, because though there be a Distinction of Degrees among our Nobility, yet in all publick Actions they are *equal*; as in their Voices in Parliament, and in passing upon the Trial of any Nobleman.

Peggu. See *Furcatha*.

Pein fort & dure. See *Pain fort & dure*.

Peisa, anciently used for *Pondus*, Weight. See *Pesage* and *Weight*.

Peisa, i. e. a Pound-weight. *Super perceptione 20 Librarum, & 8 Peisarum casei.* Thorn. Chron. pag. 2070.

Pele. See *Pile*.

Pelfe & Pelfre, (*Pelfra.*) — *Thos. Venables, Arm. Clamat (quod si aliquis tenent. sive residens, infra Dominium sive Manerium de* Kinderton *felonian fecerit, & corpus ejus per ipsum Thomam super factum illud captum, & convicti fuerit, habere Pelfram, viz. Omnia bona & catalla hujusmodi seisita. Ex ea quæ Domino Comiti pertinent ad Castrum, Castris prosternare, & habere omnia iumenta domestica, videlicet omnem genere bovum, vaccarum, hariculorum, juvencarum, porcorum, bidentium unum, viz. melius. Et si de aliquo genere non habuerit nisi unum, clamat habere illud unum, cum aliis minutis animalibus, ut galli, gallinæ, anseres, & hujusmodi, & omnes pannos tailiatos & attaiatos, & omnes carnes attaiatas & totum braisum infra unum quarterium, & omnia blada inventa infra unum quarterium, & de quolibet tasso bladi clamat habere* Bounsal *integrum cujuscunque tassi, & totum plambum extra fornacem, & omnia vasa lignea, omnes mappas, manutergia, & omnia ad lectum pertinentia, linea & lanea, & omnes carretas ferro non ligatas, & omnes carrucas cum tota apparura*, &c. Plac. in Intin. apud Cestriam 14 Hen. 27. In Time of War the Earl-Marshal is to have of all Preys and Booties all the gelded Beasts, except Sheep, Hogs, and Goats, which is called Pelfre. *MS. S. Knyveton.*

Pelia, *i. e. Pilus, Batillus.* See in the *Monast. Tom. page* 528. *Debet habere casum de melioribus domus & plenum* Peliam *sulis.*

Pellage, (*Rot. Parl.* 11 *H.* 4.) the Custom or Duty paid for Skins, Pelts, or Leather.

Pelliparius, (*Pat.* 15 *Edw.* 3. *p.* 2. *m.* 45.) a Leather-seller, or Skinner.

Pellota, (Fr. *Pelote*,) the Ball of the Foot. *Talis autem expeditatio* (viz. Canum) *fiat per assisam communiter usitatam, viz. quod tres ortelli abscindantur, sive* Pellota *de pede anteriori.* Chart. de Foresta, cap. 7. See *Coke's Instit.* 4 *Par. fol.* 308.

Pelt-wool, is the Wool pulled off the Skin or Pelt of a dead Sheep. *Anno* 8 *Hen.* 6. *cap.* 22.

Pelturæ, *i. e.* Skins, or a Tribute paid for Skins. *De Expensis Garderobæ in quibus emptiones pannorum,* Peluræ, *&c.* Fleta, lib. 2. cap. 14.

Pen signifies an high Mountain, as Mr. *Camden* tells us in his *Britannia*. It was so called by the *Britains*; and not only by them, but by the old *Gauls*. From whence those high Hills which divide *France* from *Italy* are called the *Apennines*.

Penerarius, a Penon or Ensign-bearer. *Hic jacet Johannes Parient Armiger pro Corpore Regis Richardi Secundi & Penerarius ejusdem Regis.* Epitaph. apud Digs well in Com. Hertford.

Penigeldum. *Denarii alicujus ex quavis consuetudine pro facultate aliqua, vel privilegio habenda, puta in Foresta aut alibi.* Spel. Mon. 1 Tom. p. 372.

Penistons, a certain coarse Woollen Cloth, mentioned *Anno* 43 *Eliz. cap.* 10.

Penne, See *Bay*.

Pennocrucium, *Pankridge* in *Staffordshire*.

Pennulatus, *i. e.* Furred. 'Tis the same with *Foderatus*. 'Tis mentioned in *Fortesque, De laudibus Leg. Angliæ*, *viz. Capicium ejus non alio quam minivere plenitur*, cap. 51.

Penon, (Fr. *Penon*,) a Standard, Banner, or Ensign, carried in War. *Anno* 11 *Rich.* 2. *cap.* 1.

Pension, (*Pensio*) that which in the two *Temples* is called a *Parliament*; in *Lincolns-Inn*, a *Council*; in *Grays-Inn*, 'tis called a *Pension*, that is, an Assembly of the Members of the Society, to consult of the Affairs of the House. And *Pensions* are in the *Inns of Court* certain annual Payments of each Member to the House. See *Indemnities*.

Pension-Writ. When a *Pension-Writ* is once issued, none sued thereby in an Inns of Court shall be discharged, or permitted to come in Commons, till all Duties be paid. *Order in Gray's-Inn*. Whereby it seems to be a Writ issued out against those of the Society, who are in Arrear for *Pensions*, and other Duties.

Pentecostals, (*Pentecostalia*,) were certain pious Oblations made at the Feast of *Pentecost* by Parishioners to their Parish-Priest, and sometimes by inferior Churches or Parishes to the principal Mother-Church. Which Oblations were also called *Whitsun-Farthings*, and were divided into four Parts; one to the Parish-Priest, a second to the Poor, a third for Repair of the Church, and the fourth to the Bishop. *Stephens of Procurations and Pentecostals*.

Peny (Sax. Penig) was our ancient current Silver. 2 *Inst. fol.* 575. — *Et quod sint quieti de omnibus misericordiis, & Warda, & Mard-peny, Aver-peny, Fundred-peny, Tithing-peny, & Borthal-peny, & de omnibus operibus Castello tum, Pontium, &c.* Char. Heh. 7. Ab. & Conv. Eccles. S. Petri Westm. Anno 19 Regni. The *Saxons* had no other Sort of Siver Coin. It was equal in Weight to our Three-pence: Five of those Penies made one Shilling *Saxon*, and thirty Penies made a Mark, which they called Mancure, and weighed as much as three of our Half-Crowns. The *English* Peny, called *Sterling*, is round, without clipping, and weighs 32 *grana frumenti in medio spicæ*; twenty Pence make an Ounce, and twelve Ounces make a Pound. *Stat. Edw.* 1. It was made with a Cross in the Middle, and broke into Half-pence and Farthings. *Quia denarios findi in duas partes pro obolis & in quatuor partes pro quadrantibus consuevit ordinatum fuit ad tollendam occasionem defalcationis monetæ quod rotundi essent denarii oboli & quadrantes.* Wallingham 1280. Mat. Paris. 1279.

Peny-pise was a Weight or Scales to weigh Silver. *Fabricavit sibi stateram Abbati & Conventui postea dolosam & abominabilem quæ dicitur* Peny-pise. W. Thorn 1335.

Perambulation of the Forest, is the Surveying or Walking about the Forest, or the utmost Limits of it, by certain Justices, or other Officers, thereto assigned, to set down the Metes and Bounds thereof, and what is within the Forest, and what without. *An.* 17 *Car.* 1. *c.* 16. And 20 *Car.* 2. *c.* 3. See 4 *Inst. fol.* 30. And see *Purlue*, or *Purlieu*.

Perambulatione Facienda, is a Writ that is sued out by two or more Lords of Manors lying near one another, and consenting to have their Bounds severally known; and is directed to the Sheriff, commanding him to make *Perambulation*, and to set down their certain Limits. See *Fitz. Nat. Br. fol.* 133. And the *New Book of Entries*, *verbo* Perambulatione Facienda.

Peraria for *Petraria*. Perariis *suis & aliis machinis bellicis paratus*. Brompton, Anno 1173.

Peravail. See *Paravail*.

Perca for *Pertica*, a Perch. *Et unam acram prati per majorem* Percam. *Monastic. Tom.* 2. *pag.* 87.

Perch (*Pertica*) is used with us for a Rod or Pole of sixteen Foot and a half in Length, whereof forty in Length and four in Breadth make an Acre of Ground. *Cromp. Jurisd. fol.* 222. But several Counties differ herein; as in *Staffordshire*, twenty four Foot; in the Forest of *Sherwood*, twenty one Foot go to the *Perch*, the Foot there being eighteen Inches long; the Measure of which Foot was marked on the Chancel-Wall of *Edenstow*, and in the Church of St. *Mary* in *Nottingham*. In *Herefordshire*, a *Perch* of Walling is sixteen Foot and a half, a *Perch* of Ditching twenty one Foot. A Pole of betted or denscheired Ground is twelve Foot; of Wood, twenty one Foot. See *Skene*, *verbo Perticata terræ*. *In Honore de Montgomeri terra assertanda per* Perticam *Regis* 24 *Pedum*. Claus. 11 Hen. 3. m. 6. *In Foresta de Oenk*, Pertica 25 *Pedum*. Int. Plac. Hill. 10 Edw. 2. Staff. 36. — *Per* Perticam 20 *Pedum in Foresta nostra de Glarendon*. Mon. Angl. 2 Par. fol. 273. b. *Perticata de* 24 *pedibus in Minutis de Derbyshire*. Esc. 16 Ed. 1. N. 24. *Per Perticam qui pedum in Wyndesore*. Antiq. MS. in Thesauro Regis de vastis arentatis 32 Ed. 1. fol. 3. See *Pes Foresta*.

Per cui & post. See *Entry*.

Perdings. 'Tis mentioned in *Leg. H.* 1. *c.* 29. and it signifies the Dregs of the People, *viz.* Men not worth a Farthing.

Perdonatio Utlagariæ, is a Pardon for him, who, for Contempts in not coming to the King's Court upon his Command and Process, is outlawed, and afterwards of his own Accord yields himself to Prison. *Reg. of Writs, fol.* 28. *LL. Edw. Conf. c.* 18, & 19.

Pere & Pite. *Si quis autem contra primarium pugnaverit, in placito emendet secundum pretium sui ipsius, quod Anglice Pere & Pite dicunt, & solvat primario* 40 *sol.* Constitutio Canuti de Foresta, *c.* 17. *Rectius autem Mund & Wite, Saxonice* pone & pine. See *Were*.

Peremptory, (*Peremptorius*,) joined with a Substantive, as Action or Exception, signifies a final and determinate Act, without Hope of renewing or altering. So *Fitzherbert* calls a *Peremptory Action*. *Nat. Br. fol.* 35, & 38. And *Nonsuit Peremptory*, *fol.* 5. a *Peremptory Exception*. *Bracton*, *lib.* 4. *cap.* 20. *Smith de Repub. Angl.* calls that a *Peremptory Exemption* which maketh the State and Issue in a Cause.

Perinde valere, is a Dispensation granted to a Clerk, who being defective in his Capacity to a Benefice, or other Ecclesiastical Function, is *de facto* admitted to it. And it takes Appellation from the Words, which make the Faculty as effectual to the Party dispensed with, as if he had been actually capable of the Thing, for which he is dispensed with, at the Time of his Admission. *Anno* 25 *Hen.* 8. *cap.* 21. it is called a *Writ*.

Perindinare, To stay, remain, or abide in a Place. *Patri qui tunc Londiniis* perindinavit *nuntios dirigens*. Mat. Westm. Anno 1016. Fortescue, cap. 35, 36.

Perjury, (*Perjurium*,) *Est mendacium cum juramento firmatum*, is a Crime committed, when a lawful Oath is minister'd by any that hath Authority to any Person in any judicial Proceeding, who swears absolutely and falsly in a Matter material to the Issue or Cause in Question, by their own Act, or by the Subornation of others. And if a Man call me *Perjured Man*, I may have my Action upon the Case; because it must be intended contrary to my Oath in a judicial Proceeding: But for calling me a *Forsworn Man*, no Action lies; because the Forswearing

swearing may be *Extra-judicial*. *Coke's Inst. 3 Pa. fol.* 163. 23 *Hen.* 8. *cap.* 3. Excepted out of the Act of *General Pardon*, 12 *Car.* 2. *cap.* 11. How punished in *Wales*; *Anno* 26 *Hen.* 8. *cap.* 4. and 5 *Eliz. cap.* 9.

Permentarius, i. e. *Qui vestes parat*, i. e. *Ornat*. 'Tis a Word often mentioned in the *Monastic. viz.* 1 *Tom. pag.* 987. *Ut nec mercator nec institor nec* Permentarius *nec conversarius non vendat, &c.*

Permutatione Archidiaconatus & Ecclesiæ eidem annexæ cum Ecclesia & Prebenda, is a Writ to an Ordinary, commanding him to admit a Clerk to a Benefice upon Exchange made with another. *Reg. of Writs, fol.* 307.

Per my & per tout. A Joint-tenant is said to be seised of the Land he holds jointly *Per my & per tout*, i. e. He is seised by every Parcel, and by the Whole. *Littl. sect.* 288. *Totum tenet & nihil tenet, sc. totum conjunctim & nihil per se separatim.* Bract. lib. 5. 430.

Pernaney, (from the Fr. *Prendre*, To take,) a Taking or Receiving. *Tithes in Pernaney*, i. e. Tithes taken, or that be taken, in Kind.

Pernor of Profits, (from the Fr. *Prenner*, a Taker or Receiver,) is he that takes or receives the Profits. *Anno* 1 *Hen.* 7. *cap.* 1. *Pernour de profits, & cestui que use*, is all one. *Coke, lib.* 1. *Case Chudley, fol.* 123. See the Statute 21 *Rich.* 2. *cap.* 15. And *Coke on Littl. fol.* 580. *b.*

Perpars, a Part or Share of the Inheritance. See *Fleta, lib.* 2. *cap.* 54. *par.* 19. viz. *Longnam terram quæ sibi descendit in* perpartem *de hereditate, &c.*

Perpunctum, the same with *Gambiso*, i. e. a quilted Doublet, *viz.* quilted with Wool, *seu perpunctæ*, on which they put their Armour, to make it set easy. See *Mandat H.* 3. *super juvat. ad arma Addit. Mat. Paris.* viz. *Ad Centum solidatas terræ unum* Perpunctum, *capellum ferreum, gladium, &c.* See *Gambeson*.

Per quæ servitia is a Writ judicial, issuing from the Note of a *Fine*, and lies for the Cognizee of a Manor, Seignory, Chief Rent, or other Services, to compel him that is Tenant of the Land at the Time of the Note of the *Fine* levied, to attorn to him. *West. Par.* 2. *Symbol. tit.* Fines, *sect.* 126. See the *New Book of Entries*.

Perquisite (*Perquisitum*) signifies any Thing gained by one's own Industry, or purchased with one's own Money; contradistinguished from that which descends to one from Father, or other Ancestor; as *Perquisitum facere*, in *Bracton, lib.* 2. *c.* 30. *n.* 3.

Perquisites of Court, are those Profits that arise to the Lord of a Manor, by vertue of his Court-Baron, over and above the certain and yearly Profits of his Land, as *Fines of Copyholds, Heriots, Amerciaments, Waifs, Estrays, &c.* Perkins, fol. 20, & 21.

Persona personata, *Rot. Quo War.* 3 *Ed.* 3. See *Parson Imparsonee*.

Personable (*Personabilis*) signifies as much as enabled to hold or maintain Plea in a Court; as, the Defendant was judged *personably* to maintain this Action. *Old Nat. Br. fol.* 142. And in *Kitchin, fol.* 214. the Tenant pleaded, that the Wife was an Alien, born in *Portugal*, without the Ligeance of the King; and Judgment was asked, whether she should be answered. The Plaintiff saith, She was made *Personable* by Parliament, that is, as the *Civilians* would speak it, *Habere personam standi in judicio*. *Personable* is also as much as to be of Capacity to take any Thing granted or given. *Plowden, Case, Colthurst, fol.* 27. *b.*

Personal, (*Personalis*,) being joined with Things, Goods, or Chattels, as *Things personal, Goods personal, Chattels personal*, signifies any moveable Thing, belonging to any Man, be it quick or dead. So it is used in *West. Symbol. Par.* 2. *tit.* Indictments, *sect.* 58. in these Words; *Theft is an unlawful felonious taking away another Man's moveable personal Goods.* And *Stamf. Pl. Cor. fol.* 25. *Contractatio rei alienæ*, is to be understood of Things *personal*; for in Things real it is not Felony, as the cutting a Tree is not Felony. See *Chattels*.

Personal Tithes are Tithes paid of such Profit as come by the Labour and Industry of a Man's *Person*; as by Buying and Selling, Gains of Merchandise and Handicrafts-men, *&c.* See *Tithes*.

Personalty (*Personalitas*) is an Abstract of *Personal. The Action is in the Personalty.* (*Old Nat. Br. fol.* 92.) that is, brought against the right *Person*, or the *Person* against whom in Law it lieth.

Persons ne Prebendaries ne seront charges as Quinsimes, &c. is a Writ that lies for *Prebendaries*, or other spiritual Persons, being distrained by the Sheriff or Collectors of Fifteenths, for the Fifteenth of their Goods, or to be contributory to Taxes. *Fitz. Nat. Br. fol* 176.

Perticata terræ is the fourth Part of an Acre. *Continet in integra superficie* 40 *Perticas.* See *Perch*.

Perticulas. The King granted to *Luke Magnus de Insula de* Man *Scholari, quandam Elemosinam vocatam* Perticulas, *ad sustentationem quinque pauperis Scholaris de Insula predicta ad exercend. Scholas, per Progenitores nostros, quondam Regis Angliæ datam & concessam.* Pat. 5 Hen. 4. m. 16.

Pertinentes, i. e. Kindred. 'Tis mentioned in *Leg. Canuti, cap.* 48. *Si quis cum pertinente suo peccet, emendet hoc secundum cognitionis modum sit vera sit vita, sit omne pecunia. Nonne sit æquale si quis cum socero suo concumbat, & suaris de longe pertinent.*

Pertum for *Pertica*, or *Pertica*, i. e. a long Pole. 'Tis mentioned in *Knighton, Anno* 1391. *Convenerunt in Curia, sub multa turma Armorum & Musarum & maximum strayum secerunt, adeo ut sagis & pertis mundarent locum de interfectis*, i. e. they cleared the Place with Poles and Brushes.

Pervise, or Parvise, (*Pervisus, Parvisus*,) *non à* Parvus *adject. sed à Gal. le parvis. Sed cum placitantes* (i. Post meridiem) *se divertunt ad* Pervisum, *& alibi consulentes cum Servientibus ad legem & aliis Consiliariis suis. Fortescu de laudibus LL. Angl. cap.* 51. *pag.* 124. of which thus *Chaucer, Prolog.* 9.

A Sergeant at Law, that ware and wise,
That often had been at the Parvise.

Nam ibi Legis peritiæ convenere, ut Clientibus occurrerent, non ad tyrocinia Juris, quæ Moots vocant, exercenda, says *Spelman*. *Selden* (in his Notes on *Fortescue, pag.* 56.) says, it signifies an Afternoon's Exercise, or *Moot* for the Instruction of young Students, bearing the same Name originally with the *Parvisus* in *Oxford*. Mr. *Sumner* says, *Pervisus* signifies *Palatii atrium vel area illa, à fronte Aulæ Westmonasteriensis* the Palace-yard, *vulgo* macupata. See his *Gloss. in v. Scriptores, verbo* Triforium. And see *Wood's Hist. of Oxford*, 2 *Par. fol.* 6. *b.* See *Parvisus. Sed placitantes tunc se divertunt ad* Pervisum *& alibi consulentes cum servientibus ad Legem.* Fortescue, cap. 51.

Pesage, (*Pesagium*,) Custom paid for weighing Wares or Merchandise. *MS. temp. Ed.* 3. For *Peisa* we find used for *Pendus*. Hence to Peise or Poise, *Ponderare. Galfridus* (Plantagenet) *Regis Henrici*

Henricus Filius, Dux Britanniæ & Comes Richmundiæ, dedi — *Tronagium & Pesagium de Nundinis meis Sancti Botulphi. & quicquid ad Tronagium & Pesagium pertinet, &c.* Selden's Tit. Hon.

Pesarius, a Weigher. *De quolibet sacco lanæ, per licenciam Justic. infra muros dictæ Civitatis (sc. Wintoniæ) vendito, pro Pesario Episcopi quatuor Denar. & pro Sado Pesarii unum Denar.* — Par. 2 Edw. 4. pars 6. m. 6.

Pes Forestæ, *Notandum est quod Pes Forestæ usitatus tempore* Ric. Oysell *in arrentatione vastorum, fictus est, signatus & sculptus in pariete Cancellæ Ecclesiæ de* Edwynstone *& in Ecclesia B. Mariæ de* Nottingham; *Et dictus Pes continet in longitudine duodecim Pollices. Et in arrentatione quorundam vastorum,* Petria 20, 21 & 24 *pedum usa fuit,* &c. Ex Regist. Abb. de novo loco in Com. Nott.

Pesentum anguillarum, — *unum* Pesentum Anguillarum *et valet grossus Anguillas.* Mon. Angl. 1 par. fol. 363 b.

Pessa, i. e. a Piece of any Thing, *Dono pessam de Oumbo, &c.*

Pessona, Mast, *Md. quod anno regni Regis Hen. filii Regis Joh. 37. Dominus de* Flechevil *& homines sui in bosco de* Derley, *apud* Cruche, Pessonam, *scil. glandes & nuces, virgis & cotis excussit & pulsela inde deducta in comitatu, &c. Anno gratiæ* MCCLXIII. Mon. Angl. 2 Par. fol. 281 b. So *tempus Pessonæ,* and *tempus Pessonis,* often occurs for Mast-time, or the Season when Mast is ripe, which in *Norfolk* they call *Shut-King-time.* — *Quod habebit decem porcos in tempore de* Pesson *in Bosco meo,* &c. fol. 113. 10.

Pesteable Wares, seem to be such Wares or Merchandise as *pester* and take up much Room in a Ship, *Anno* 32 *Hen.* 8. *cap.* 14.

Pestilis for **Pastilis**, i. e. Pasture Grounds.

Peter-Corn, — *Rex* Athelstanus *concessit Deo & beato Petro Ebor. & Colidei prædictis de quolibet Carucæ arante in Episcopatu Eboraci unum* Travam bladi, *Anno Domini* 936, *quæ usque in præsentem diem dicitur* Peter-Corne. Ex Reg. S. Leonardi Ebor. in Bibl. Cottoniana. fol. 5. a.

Peter-Pence, (*Denarii Sancti Petri,*) otherwise called in the *Saxon* Romeresceoh, i. e. The Fee of *Rome*, also Rome-scot, and Rome-penning,) was a Pension or charitable Alms given by *Ina*, King of the *West-Saxons*, being in Pilgrimage at *Rome* in the Year 727. And the like given by *Offa*, King of the *Mercians*, through his Dominions, in *Anno* 794. not as a Tribute to the Pope, but in Sustentation of the *English* School or College there; and it was called *Peter-Pence*, because collected on the Day of St. *Peter ad Vincula*, which was a Peny for every House, *Spelm. de Concil. Tom.* 1. *fol.* 312. And in St. *Edward's Laws*, *num.* 10 thus, — *Omnis qui habuerit* 30 *denariatas vivæ pecuniæ in domo sua, de suo proprio, Anglorum lege debet* Denarium Sancti Petri, *& lege Danorum, dimidiam marcam: sic vero denarias debet summoniri in solemnitate Apostolorum Petri & Pauli, & collige ad festivitatem, quæ dicitur ad Vincula, ita ut ultra illam diem non detineatur,* &c. King *Edgar's Laws*, *fol.* 78. *cap.* 4. contain also a sharp Constitution touching this Matter. See *Rome-scot.* See *Hearth-peny.*

Peter ad Vincula, (*Anno* 4 *Edw.* 4. *cap.* 1. & 17 *Edw.* 4. *cap.* 5.) See *Gule of August.*

Petit cape. See *Cape.*

Petition (*Petitio,*) signifies in general a Supplication made by an Inferior to a Superior, and especially to one having Jurisdiction, *Anno* 13 *Car.* 2. *cap.* 5.

Petit Larceny, (*Parvum latrocinium.*) See *Larceny.*

Petit Serjeanty, See *Serjeanty.*

Petit-Treason, (Fr. *Petit Traison*, i. e. *Proditio minor,*) is Treason of a Lesser or lower kind; for whereas High-Treason is an Offence committed against the Person of the King, and the Security of the King and Common-wealth, *Petit-Treason* is, where a Servant kills his Master, a Wife her Husband, a Secular or Religious Man his Prelate, *Anno* 25 *Edw.* 3. *cap.* 2. whereof see *Crompton's Justice of Peace, f.* 2. And, for the Punishment of it, the Stat. 22 *Hen.* 8. *cap.* 14.

Petorita, the same with *Petraria*.

Petra lanæ, a Stone of Wool. See *Stone.*

Petraria is sometimes taken for a Quarry of Stones; and in other Places for a great Gun called a *Petrard*: It is often mentioned in old Records and Historians in both Senses.

(*Et vulnerando dum forte Ducis Petraria sua, ita dimisit per cassa fuisset ab illo.*

Petty-Rogger, (from the Fr. *Petit*, small, and *Saxon* Rogere, a Wooer, Suiter, or Solicitor,) a silly Advocate, a petty Attorney or Lawyer, or rather a Trouble-Town, having neither Law nor Conscience.

Petuaria, *Beverley* in *Yorkshire.*

Pfaltera, See *Faltera.*

Pharos, a Watch-Tower. — *No Man can build or erect Light-Houses, Pharos, Sea-Marks, or Beacons, without lawful Warrant and Authority.* — Sum. fol. 204.

Phitzer, See *Fitzer.*

Picarde, a kind of great Boats of Fifteen Tun or upwards, on the River *Severne*, mentioned 34 & 35 *Hen.* 8. *cap.* 9. Also a Fisher's Boat, *Anno* 13 *Eliz. cap.* 11.

Piccage, (*Piccagium*, from the Fr. *Piquer*, i. e. *pungere, effodere,*) Money paid in Fairs to the Lord of the Soil, for Leave to break the Ground to set up Booths, Stalls or Standings. *Alienis benignis ad forum nostrum de* Rudham *cum rebus suis, ipsi frangendo vel picando aliquam placeam in illo foro, Prior habebit inde redemptionem.* Ex registro Prioratus de Cokesford.

Picbizum. See *Bicarum.*

Pickards, — *No Person shall use any* Iron Cards, or Pickards, in towing any Woollen Cloth, upon Pain to forfeit the same, and 1*l.* 6*s.* for every Offence. Anno 3 & 4 Edw. 6. cap. 2.

Picle, alias **Pightel**, (*Pictellum & Pigbtellum,*) a small Parcel of Land enclosed with a Hedge, a little Close; perhaps from the Italian *Picciolo*, i. e. *Minutus*; which the common People in some Parts of *England* do usually call a *Pingle.*

Pipowder-Court, (*Curia pedis pulverizati,*) from the Fr. *Pied*, i. e. *Pes*, & *Poudreux*, i. e. *Pulverulentus,*) is a Court held in Fairs, to yield Justice to Buyers and Sellers, and for Redress of all Disorders committed in them. So called, because they are most usual in Summer, and Suitors to this Court are commonly Country Clowns with dusty Feet; or, from the Expedition intended in the hearing of Causes proper thereunto, before the Dust goes off the Plaintiffs and Defendants Feet. Of this Court, read the Statute 17 *Edw.* 4. *cap.* 2. 4 *Inst. fol.* 272. and *Cromp. Jur. fol.* 221. This among our old *Saxons* was called Ceapung-Gemot, i. e. A Court for Merchandise, or holding Mar-

ters of buying and selling. See *Justices of the Pavilion.* 'Tis mentioned in *Doctor* and *Student*, c. 5. who tells us, 'tis a Court incident to Fairs and Markets, to be held only during the Time that the Fairs are kept.

Pies (*Anno* 3 & 4 *Edw.* 6. *cap.* 10.) are reckoned among the Books prohibited by that Statute, but I could never learn what they were.

Pies, *Freres pies*, were a sort of Monks; so called, because they wore black and white Garments like *Magpies.* They are mentioned by *Walsingham*, p. 124. *In quodam veteri cœmeterio quod fuerat quondam fratrum quos* Freres pies *veteres appellabant.*

Pig of Lead. See *Fother.*

Pike or Pick. See *Polein.*

Pila, is that Side of Money which we call Pile, because it was the Side on which there was an Impression of a Church built on Piles; *Fleta, lib.* 1. *cap.* 39. He who brings an Appeal of Robbery or Theft against another, must shew the certain Quantity, Quality, Price, Weight, Number, Measure, *Valorum* & Pilum, where *Pilum* signifies *figuram Monetæ.*

Pilettus, —*Et quod Forestarii sui non portabunt sagittas barbatas sed* Pilettos. *Charta Rogeri de Quincy*, 31 *Hen.* 3. Such Arrows as had a round Knob a little above the Head, to hinder them from going far into the Mark; from the Lat. *Pila*, which signifies any round Thing like a Ball.

Pille of Foddzay, or **Foudzey**, in the County of *Lancaster*, *Anno* 2 *Hen.* 6. *cap.* 5. seems to be a Defence built on a Creek of the Sea, and called *Pille*, by the Idiom of the County, for a *Pile* or *Fort*, built for the Safeguard or Protection of any Place. This *Pile* was erected there by the Abbot of *Furnesse*, in the First Year of *Edw.* 3. *Cam. Brit. Rex* —*Dedimus Henrico Comiti Northumb. Insulam, Castrum*, Pelam & *Dominium de Man*, &c. Rot. Pat. 1 Hen. 4. m. 36.

Pillozy (*Collistrigium*, q. *Collum stringens*; *Pillori*, from the Fr. *Pilleur*, i. e. *Depeculator*,) is an Engine made of Wood to punish Offenders, well known. By the Statute of 51 *Hen.* 3. you may see who were then subject to this Punishment. In the Laws of *Canutus*, *cap.* 42. it is called **Halsfange.** Sir *Henry Spelman* says, 'tis *Supplicii Machina ad ludibrium, magis quam pœnam.* —*Item utimur tenere Statuta Pistorum omnino sicut antecessores nostri tenuerunt*, viz. *Quod si Pistor in male agendo puniatur per tres vices, & si post terciam monicionem culpabilis inveniatur, Balivi Capitales, si ipsum poterint invenire, ipsum capiant & pro toto puniant, & habebit vile & orribile Judicium de* Collistrigio, *i. e.* the Pillory. MS. Codex de LL. & Consuetud. Burgi-villæ Montgom. a temp. Hen. 2. fol 12. b. See *Headsange.*

Pioneers, (Fr. *Pionniers*, i. e. *Fossores*,) such Labourers as are taken up for the King's Army, to cast up Trenches, or undermine Forts. *Anno* 2 & 3 *Edw.* 6. *cap.* 20.

Pipe (*Pipa*,) is a Roll in the Exchequer, otherwise called the *great Roll*, *Anno* 37 *Edw.* 3. *cap.* 4. See *Clerk of the Pipe.* It is also a Measure of Wine or Oyl, containing half a Tun, that is, six score and six Gallons, *Anno* 1 *Rich.* 3. *cap.* 3.

Pirate (*Pirata*,) is now generally taken for one who supports himself by Pillage and Depredation at Sea, a Sea-Rover. But in former Times, the Word was sometimes attributed to such Person, to whose Care the Mole or *Peer* of any Haven (in Latin *Pera*) was intrusted; and sometimes also taken *pro milite maritimo*, according to the learned *Spelman*, mentioned 13 *Car.* 2. *cap* 6 and the Punishment of them, *Anno* 28 *Hen.* 8. *cap* 15. There are many Instances where *Pirata* is taken for a Sea-Captain, or Soldier. *Asser*, in the Life of K. *Alfred*, tells us, *Jussit naves longas fabricari impositis quæ* Piratis *in illis viis maris custodiendas commisit*, So in *Matt. Westm. Anno* 1040. *Ex tributo* Piratis *suis ministrabat.*

Pisa: The same with *Piesa*, a Pound Weight; *Tres* pisas *caseorum.* W. Thorn. p. 1777, 1931.

Piscary (*Piscaria*, from the Fr. *Pescherie*, i. e. *Piscatio*,) is a Liberty of fishing in another Man's Waters. In Law-French, *Pecherie.* Vide *Ryly's Plac. Parl.* 646.

Universis presentes literas inspecturis Edmundus *filius inclitæ recordationis Henrici Regis Angliæ salutem. Sciatis nos dedisse & concessisse Henrico Hweyn de Huttokeshather totam* Piscariam *nostram in stagno nostro supra molendinum suum de Huttokeshather. Habendum, &c. In cujus rei, &c. Dat. apud Tattebir. per manum Hugonis de Glen Clerici nostri octavo die Julii, Anno regni Regis Edwardi germani charissimi xi.* Penes Walterum Kirkham Blount Bar.

Piscenarius, is in our Records used for a Fishmonger. *Pat.* 1 *Edw.* 3. *pars* 3. *m.* 13. See *Puiseterius.*

Pitance, (*Pitancia*,) a small Repast, or a little Refection of Fish or Flesh more than the common Allowance. *Joannes Dei gratia*, &c. *Noverint*, &c. *nos assensum nostrum præbuisse*, &c. *de manerio de* Mildenhall, *quod manerium Sancto Edmundo, sicut jus suum concessimus*, &c. *ita quod qui, pro tempore sacrista fuerit*, 12 s. *de redditu Altaris annuatim persolvat Hospitali S. Salvatoris quod est extra muros Sancti* Edmundi, &c. *in usus pauperum*, &c. & 40 s. *ad refectionem monachorum, qui illis diebus Officia divina pro defunctis celebrabunt, quæ refectio* Pitancia *vocatur.* Rot. Chart. de Anno 1 Regis Joh. pat. 2. Num. 115.

Pitanciarius was an Officer in the Monasteries, whose Business it was to provide and distribute the *Pitances* of Herbs and Meat amongst the Monks. 'Tis mentioned in the *Monastic.* 1 *Tom. pag.* 148.

Pitching-Pence, is that Money, (commonly a Peny) which is paid for *pitching*, or setting down every bag of Corn, or Pack of any other Merchandise in Fairs or Markets.

Pit & Gallowes. See *Furca* & *Fossa.*

Pitissare for **Potare**: *Inter labia sua simitum* pitissando *faciat. Eadmerus in vita* Anselmi. cap. 15.

Placare, (Fr. Plaquart. *Placiti seu decreti Charta*, *Anno* 2 & 3 *Ph.* & *Ma. cap.* 7.) is a Licence whereby a Man is permitted to shoot in a Gun, or to use unlawful Games: In *French* it signifies a Table, wherein Laws, Orders, &c. are written and hung up. And **Placaert** in the *Low-Dutch* is an Edict or Proclamation.

Placeta, I have seen in several Deeds of *Edward* the Third's Days, Grants of *Placeta Messuagii, Placeta Prati*, & *Placeta Pasturæ*; and seems to signifie a Piece or Parcel, if of Lands; and a Place, if a House or Messuage.

Placita is a Word often mentioned in our Histories and Law-Books: At first it signified the publick Assemblies of all Degrees of Men where the King presided, and where they consulted about the great Affairs of the Kingdom; and these were called *Generalia* Placita, because *Generalitas universorum majorum tam Clericorum quam Laicorum ibidem conveniebat.* This was the Custom in our Neighbouring Nation of *France*, as well as here, as we are told by *Hincman*,

De Ordine palatii, cap. 29. And by *Bertinian*, in his *Annals* of *France* in the Year 767.

Some of our Historians, as *Simeon* of *Durham*, and others, who wrote above 300 Years afterwards, tell us, That these Assemblies were held in the open Fields; *Nullam enim oportet Regem in literis assignare Curiam quia ubi Rex judicat in aperto ibi est Curia sua.* Some are of Opinion, that these *Placita generalia*, and *Curiæ Regis*, were what we now call a Parliament: 'Tis true, the Lords Courts were so called, *viz. Placita generalia*, but oftner *Curiæ generales*, because all their Tenants and Vassals were bound to appear there.

We also meet with *Placitum nominatum*, i. e. the Day appointed for a Criminal to appear, and to make his Defence, *Leg. H.* 1. *cap.* 29, 46, 50. *Placitum fractum*, *i. e.* when the Day is past, *Leg. H.* 1. *cap.* 59. My Lord *Coke* tells us, that the Word is derived from *Placendo quia bene* placitare *super omnia placet*: This seems to be a very fanciful Derivation of the Word, I rather think it derived from the *Germ.* **Plats**, or from the Latin *Plateis*, *i. e.* Fields or Streets where these Assemblies or Courts were first held.

Placitare, i. e. *Litigare & Causas agere*, To plead. *Mos* placitandi *ante Conquestum fuit coram Aldermanno & Procerbus, & coram Hundredariis, sc. Baronibus, Majoribus, Melioribus, Senioribus & Urbanis.* MS. in Bibl. Cotton. sub. tit. Vitellius, c. 9.

Placitator, a Pleader. *Ralph Flambard* is recorded to be *totius regni Placitator*, in *Wil.* II.'s Time.

Plaint (Fr. *Plainte*, Lat. *Querela*,) is the propounding or exhibiting any Action real or personal in Writing: So it is used in *Brooke*, *tit. Plaine in Assise*. And the Party making this *Plaint* is called *Plaintiff*, *Kitchin*, *fol.* 231.

Planchia, a Plank of Wood. —— *Concessi præterea materiem in bosco meo de Forma ad prædictum molendinum reparandum, extra* planciis. Charta Stephani Devereux Mil. *i. e.* All Materials of Wood, except Planks.

Planeta, the same with *Casula*.

Plate, a Hoy, or Water-Vessel so called. *Anno* 13 *Eliz. cap.* 15.

Plaustrata fæni, a Cart-load of Hay. —— *Concessi unam* Plaustratam fæni *apud Malmesbul.* Reg. Priorat. de Wormeley, fol 64.

Plea (from the *Sax.* Pleo, or Pleoh, i. e. *Juris actio*,) signifies that which either Party alledges for himself in Court, which from the Conquest was done in *French*, till *Edward* the Third ordained them to be pleaded in *English*, but to be entred and recorded in *Latin*, *Anno* 36. *cap.* 15. They are divided into *Pleas of the Crown*, and *Common-Pleas*; *Pleas of the Crown*, are all Suits in the King's Name against Offences committed against his Crown and Dignity, *Stamf. Pl. Cor. cap.* 1. or against his Crown and Peace. *Smith. de Repub. Ang. lib.* 2. *cap.* 9. And those seem to be Treasons, Felonies, Misprisions of either, and Mayhem, *Coke*'s 4 *Part Inst. cap.* 10. *Edward* the First enfeoffed *Water de Burgo* in the Land of *Ulster* in *Ireland*, &c. excepting the *Pleas of the Crown*, to wit, *Rape*, *Forestal*, wilful *Firing*, and *Treasure trove*; *Cam. tit. Ireland. Common-Pleas*, are those that are agitated between Common Persons; yet, by the former Definitions, those must comprize all other, though the King be a Party. *Plea* may farther be divided into as many Branches as Action, for they signifie all one. Then is there a *Foreign Plea*, whereby Matter is alledged in any Court that ought to be tried in another. As if one lay Bastardy to another in a Court-Baron, *Kitchin*, *fol.* 75. By the Law of *Scotland*, four Crimes are called the four Points or Pleas of the Crown; *Wilful Firing*, *Ravishing of Women*, *Murder and Robbery*, or *Riese*. *Skene*.

Pleas of the Sword, (*Placita ad gladium*,) *Ranulph* the Third, Earl of *Chester*, (2 *Hen.* 3) granted to his Barons of *Cheshire*, an ample Charter of Liberties, *Exceptis placitis ad gladium meum pertinentibus*, &c. *Rot. Pat. in archivis regiis infra Castellum Cestriæ*, 3 *Edw.* 4. m. 9. The Reason was, because King *William* the First gave the Earldom of *Chester* to his Half-Brother *Hugh*, commonly called *Lupus*, Ancestor to this Earl *Ranulph*; *tenere ita libere ad* gladium, *sicut ipse Rex tenuit Angliam ad Coronam*. And consonant thereunto, in all Indictments for Felony, Murder, &c. in that County-Palatine, the Form was anciently, —*Contra pacem Domini Comitis, Gladium & Dignitatem suam*; or *Contra Dignitatem Gladii Cestriæ*. These were the Pleas of the Dignity of the Earl of *Chester*. Sir *P. Leycester*'s *Hist. Antiq. fol.* 164. See *Gladius*. Or *Placita Ensis*, i. e. *Alta justitia*, or Sovereign Authority and Jurisdiction.

Plebiscitum. See *Placita*.

Pledge, (*Plegius*,) Fr. *Pleige*, i. e. *Fidejussor*,) a Surety or Gage; and *Plegiatio* was used for the Act of Suretyship. *Pleger aucun*, i. e. *Fide jubere pro aliquo. Glanvile*, *lib.* 10. *cap.* 5. Plegii *dicuntur personæ qui se obligant ad hoc, ad quod qui eos mittit teneatur. Grand. Cust. Norm. cap.* 60. This Word *Plegius* is sometimes used also for *Frank-pledge*, as in the end of *William the Conqueror's Laws*, *Omnis homo qui voluerit se tenere pro libero, sit in* Plegio, *ut* plegius *eum habeat ad justiciam, si quid offenderit*, &c. And these are called *Capital Pledges*. *Kitchin*, *fol.* 10. See *Frank-pledge*, and 4 *Inst. fol.* 180.

Pledgery or **Pleggery**, (Fr. *Pleigerie*, Lat. *Plegiagium*,) Suretyship, an Undertaking or Answering for. Also the Appellant shall require the Constable and Mareschal to deliver his *Pleggs*, and to discharge them of their **Pleggery**; and the Constable and Mareschal shall ask Leave of the King to acquit his *Pleggs*, after that the Appellant is come into the Lists to do his Devoir. Orig. Jur. ex vetusto Codice MS. in Bibl. Seldeniana. *Quod si contingat dictos fidejussores meos aliquod dampnum incurrere, occasione* Plegiagii *mei*. —— Charta R. Hurtesley, sine dat.

Plegiis acquietandis, is a Writ that lies for a Surety against him for whom he is Surety, if he pay not the Money at the Day, *Fitz. Nat. Br. f.* 137. *Reg. of Writs*, 158.

Pleisticium, a Park or Wood enclosed with Hedges: 'Tis mentioned in *Orderic Vital*, *lib.* 5. *pag.* 583. *Tunc etiam dedit totam decimam de nemoribus propriumque* plesticium *& partem silvæ*, &c.

Plena forisfactura, and *Plena vita*. See *Forfeiture*.

Plenarty is an Abstract of the Adjective *plenus*, and is used in Matters of *Benefices*; wherein *Plenarty* and *Vacation* are directly contrary. *Stamf. Prærog. cap.* 8. *fol.* 32. *Westm.* 2. *cap.* 5. Institution is a good *Plenarty* against a common Person, but not against the King, without Induction. *Coke on Littl. fol.* 344.

Plevin. (*Plevina*, from the Fr. *Pleuvine*, i. e. a Warrant or Assurance.) See *Replevin*.

Plight is an old *English* Word, signifying sometimes the Estate, with the Habit and Quality of the Land, and extends to Rent-charge, and to a Possibility of a Dower. 1 *Inst. fol.* 221. *b.*

Plite of Lawn (*Anno* 3 *Edw.* 4 *cap.* 5.) seems to be a Measure then in use, as Yard or Ell now.

Plonkets, (*Anno* 1 *Rich.* 3. *cap.* 8.) a kind of coarse Woollen Cloth, otherwise called *Vervise*.

Plow-Alms, (*Eleemosynæ aratrales*,) which was anciently 1 *d.* paid to the Church for every Plowland. —*De qualibet Caruca juncta inter Pascha & Pentecostem unum denarium, qui dicitur* Plow-almes, 1 Par. Mon. Ang. fol. 256.

Plow-land, (*Carucata terræ*,) the same with a *Hide of Land*, which *vide*.

Plurality, (*Pluralitas*,) *Anno* 21 *Hen.* 8. *cap.* 13. Moreness, or the having more than one; most applied to such Churchmen, who have more Benefices than one. *Selden*, in his *Titles of Honour*, *fol.* 687. mentions also *Trialities* and *Quadralities*.

Pluries, is a Writ that issues in the third Place, after two former Writs neglected or disobeyed. For first goes out the *Original Writ*, which if it speed not, then the *Sicut alias*; and if that fail, then the *Pluries*. See *Old Nat Br. fol.* 33. in the Writ *de Excom. capiendo*. See in what Diversity of Cases it is used in the Table of the *Reg. of Writs*.

Pluviale, a Garment which covered the whole Body, and defended it from the Rain; and for that Reason a Cap was so called, because it defended *caput à Pluvia*.

Pocket of Wool, is half a Sack. 3 *Inst. fol.* 96. See *Pack of Wool*.

Podus, a Country-House: 'Tis mentioned in *Mon. Angl.* 3 *Tom. pag.* 194. *Ablatis filiis septem, patre funesto, vir magnæ pietatis nutrivit eos, & ad studium litterarum misit quos in podo suo dimisit.*

Pole. See *Perch*.

Poledavies, a kind of Canvas, wherewith Sail-Ware is made, *Anno* 1 *Jac. cap.* 24.

Poledrus, *i. e.* a Colt: *Sed & poledrum denario, vitulum obolo redimant.*

Polem, (*Anno* 4 *Edw.* 4. *cap.* 7.) was a sharp or picked Top, set in the fore-part of the Shoe or Boot. This Fashion was first taken up in the Time of King *William Rufus*, the Picks being made so long, as they were tied up to the Knees with Silver or Golden Chains, and forbidden by *Edw.* 4. —*Tunc fluxus crinium, tunc luxus vestium, tunc usus calceorum cum arcuatis aculeis inventus est.* Malms. in Wil. 2.

Polentarii, *i. e.* a Maltster, or one who makes Malt. *Thorn, pag.* 2206.

Polentarius, *i. e.* a Maltster, *Polentarii qui brasium curant & faciunt.* W. Thorn, pag. 2206.

Poleta, the Ball of the Foot: *Tres artilli scindantur de pede anteriori sine* Poleta. Matt. Paris, Anno 1215.

Poletar pro Polenta. Fleta, Lib. 2. cap. 14.

Poletria, *i. e.* a Stud of Colts: 'Tis mentioned in *Fleta*, *Lib.* 2. *cap.* 87. *Item eius est facere Butyrum, caseumque de* Poletria *obtinere.*

Policy of Assurance. (*Assecuratio.*) The Word *Policy* is derived from the Italian *Polizza*, i. e. *Schedula*; but *Policy of Assurance* is a Course taken by those who adventure Wares or Merchandise by Sea; whereby they, unwilling to hazard their whole Adventure, do give some other Person a certain Rate or Proportion, as 6, 8, or 10 in the Hundred, or such like, to *secure*, the safe arrival of the Ship, and so much Wares at the Place agreed on. So that if the Ship and Wares miscarry, the *Assurers* or Insurers make good to the Venturer so much as they undertook to secure; if the Ship arrive safely, he gains that clear, which the Venturer agrees to pay him. And for the more certain Dealing between them in this Case, there is a Clerk or Officer ordained to set down in Writing the Effect of their Agreement, called *Policy*, to prevent any Difference that might afterwards happen between them. This Term is mentioned *Anno* 43 *Eliz. cap.* 12. and thereby allowed and established; and 14 *Car.* 2. *cap.* 23. And 'tis of late become a Custom to *Insure* Mens Lives in Offices, who have paid great Sums of Money, for the Purchase thereof, and are *Insured* 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 share the *Premium*, or Money given by the Party insured, and run the Hazard of it: Such *Assurance* or *Policies* being not seldom also used in other Matters, where Loss or Damage is feared.

Pollard. See *Cocodones*. It was a sort of Money heretofore currant in *England*, which with *Crocards* are long since prohibited. *Matth. Westm. in Anno* 1299. *pag.* 413. *Pollards, Crocards, Stalldings, Eagles, Leonines* and *Steepings*, were ancient Coins in *England*, but now disused and forgotten. 2 *Inst. fol.* 577. We also call those Trees *Pollards*, or *Pollengers*, which have been usually cropp'd, and therefore distinguished from Timber-Trees. See *Plowden*, *fol.* 469. b. In *Walsingham* and *Knighton*, Anno 1301. *Prohibita est moneta allenigenarum surreptitia & illegitima quam* Pollardos *&* Cocodones *atque Rosarios appellabant qui paulatim & latenter loco irrepserunt Sterlingorum, hanc monetam primo Rex Edwardus jusserat valere obulum & inde omnino exterminavit.*

Poll-Money (*Capitatio*,) is a Tax upon the Persons or Heads of Men, either upon all indifferently, or else according to some known Title or Mark of Distinction upon each, and that either of bare Honour and Dignity, or else of some Office or Calling, or both, Stat. 18 *Car.* 2. *cap.* 1. and 19 *ejusdem*, *cap.* 6. By the First of which, every Subject in this Kingdom was assessed by the *Head* or *Poll*, according to his Degree; As every *Duke* 100 *l.* *Marquess* 80 *l. &c. Baronet* 30 *l. Knight* 20 *l. Esquire* 10 *l. &c.* and every single Person 12 *d. &c.* And that this is no new Tax, appears by former Acts of Parliament, where, *Quilibet tam conjugatus quam solutus utriusque sexus pro capite suo solvere cogebatur.* Parliam. Anno 1380. *Walsingham, Ypod.* 534. There was anciently (says *Camden*) a personal Tribute, called *Capitatio*, (Poll-Silver,) imposed upon the Poll or Person of every one, of Women from the 12th, of Men from the 14th, Year of their Ages. *In his Notes upon Coins.*

Polygamus is he that is married to two or more Wives together, or at the same Time. 3 *Inst. fol.* 88.

Pomeranium, *i. e.* an Orchard. In *Mon. Angl.* 2 *Tom.* 129. *Concedo etiam eas duas partes decimarum totius feni mei & Pomeranei & totius pannagii mei.*

Ponderare. It was a Custom formerly to weigh sick Children at the Tomb of a Saint, and to Ballance the Scales with Wheat Bread, or with any Thing which they were willing to offer either to God or his Saints, but always with some Money, and by this the Cure was performed. *Ad sepulchrum Sancti nummo se ponderabat.*

Pone is a Writ, whereby a Cause depending in the County, or other inferior Court, is removed to the Common Bench. *Old Nat. Br. fol.* 2. See the *Table* of the *Reg. of Writs*.

Ponendis in Assisis, is a Writ founded upon the Statute of *Westm.* 2. *cap.* 38. and *Articuli super Chartas*, *cap.* 9. which Statutes shew, what Persons

Sheriffs

Sheriffs ought to empanel upon Assizes and Juries, and what not; as also what Number, which see in *Reg. of Writs, fol.* 178. a. and *Fitz. Nat. Br. fol.* 38. b.

Ponendum in Balliam, is a Writ, willing that a Prisoner be *bailed* in Cases bailable. *Reg. of Writs, fol.* 133.

Ponendum Sigillum ad Exceptionem, is a Writ whereby the King willeth Justices, according to the Stat. of *Westm.* 2. to put their Seals to Exceptions laid in by the Defendant against the Plaintiff's Declaration, or against the Evidence, Verdict, or other Proceedings before them.

Pone per vadium, is a Writ, commanding the Sheriff to take Surety of one for his Appearance at a Day assigned. Of this, see five Sorts in the Table of the *Reg. Judic.* verbo, *Pone per vadium.*

Pontage (*Pontagium*,) is a Contribution towards the Maintenance or Re-edifying of Bridges, *Westm.* 2. *cap.* 25. It may also signifie *Toll* taken to this purpose of those that pass over Bridges, *Anno* 1 *Hen.* 8. *cap.* 9. 22 *Hen.* 8. *cap.* 5. & 39 *Eliz.* 4. 24. *Per Pontagium liceat esse quietos de peribus pontium.* Plac. in Itin. apud Cestriam 14 *Hen.* 7. This was accounted one of the three publick Charges on the Nation, from which no Person of what Degree soever was exempted, *viz.* from the Charge of an Expedition to the Wars, from building of Castles, and from building and repairing Bridges: And this was called *Trinoda necessitas*; from which *Ingulphus* tells us, *nulli possunt laxari.* And Mr. *Selden*, in his *Notes* upon *Eadmerus*, writes, That *ne quidem Episcopi Abbates & monachi immunes erant.* And *Matt. Paris, Anno* 1244. tells us, that in all the Grants of Privileges to Monasteries, these three Things were always excepted, *propter publicum regni utilitatem*, that the People might the better resist the Enemy.

Pontes, *Colebrook* in *Buckinghamshire.*

Pontibus separandis, is a Writ directed to the Sheriff, &c. willing him to charge one or more to repair a Bridge, to whom it belongs. *Reg. of Writs, fol.* 153. b.

Ponticulus. See *Porticulus.*

Ponga. See *Ridge of Land.*

Porcary, (*Porcaria*, according to *Fleta*,) a Swine's Sty: But *Poraberia* elsewhere occurs —— *Ex dono Simonis de Cocton quandam placeam in bosco de Cocton ad prandum* Porcheriam *faciendam*, &c. Mon. Angl. 2 part. fol. 473. b. & fol. 364.

Porprisum. See *Purprisum.*

Porter in the Circuit of Justices, is an Officer that carries a Verge or white Rod before the Justices in Eyre, so called a *Portando virgam*, *Anno* 13 *Edw.* 1. *cap.* 41. See *Verger.*

Porter of the Door of the Parliament-House, is a necessary Officer belonging to that High Court, and enjoys the Privileges accordingly, *Cromp. Jurisd. fol.* 11.

Portgreve (*Sax.* Port-geneve, i. e. *Portus vel urbis præfectus*; Port, in the *Saxon*, signifying the same with *Civitas*, and geneve, or reve, a Collector of the Rents, as in divers Lordships at this Day,) is a Chief Magistrate in certain Maritime Towns; and (as *Camden* says in his *Britan. pag.* 325.) the chief Magistrate of *London* was anciently so termed; in stead of whom, *Richard* the first ordained two *Bailiffs*; but presently after him, King *John* granted them a *Mayor*, for their Yearly Magistrate. And speaking of *Maidstone* in *Kent*, he says, *Immunitate plurimas Reginæ Elizabethæ fecit accepta quæ ma jorem summum Magistratum instituit pro* Portgrevio *quem primum habuit, &c.*

Charta Willielmi Conquestoris Civitat. London.

William King, Gzete William Bishop, and Godfrey Portgreve, and all the Burgeis within London, French and English. And I graunt you, that I will that ye be all your Law-worth, that ye were in Edwardes dayes the King. And I will that ich Child be his Fadres Eyer, and I will suffer, that ony man you any wrongys beed. And God you kepe.

Ex libro perveteto.

Porticulus, a little Porch or Arch built over the Tombs of dead Men. *Leg. H.* 1. *cap.* 83. *Si quis corpus in terrâ vel nesso vel petrâ sub piramide vel structurâ qualibet positum sceleratus infamationibus effodere vel spoliare præsumpserit, &c.* In some Authors 'tis called *Ponticulus*, because arched in the Shape of a Bridge.

Portion (*Portio*,) is that Allowance or Proportion which a Vicar commonly has out of a *Rectory* or Impropriation, be it certain or uncertain, *Stat.* 27 *Hen.* 8. *cap.* 28.

Portioner, (*Portionarius.*) —*Pateat universis quod ego Johannes Botelere*, Porconarius secundæ portionis *Ecclesiæ de Bromyard, dedi* —*dat.* 17 *R.* 2. Where a Parsonage is served by two, or sometimes three Ministers alternately, as *Bromyard, supra, Burford*, in *Shropshire, &c.* The Ministers are called *Portioners*, because they have but their *Portion* or Proportion of the Tithes or Profits of the Living.

Portmen, (*Anno* 13 *Eliz. cap.* 24) the Twelve Burgesses of *Ipswich* are so called. Also the Inhabitants of the *Cinque-Ports* are so termed, according to *Camden's Britannia.*

Portmote, (from the *Sax.* Ponte, i. e. *Portus*, and gemot, i. e. *Conventus*,) is a Court kept in Haven-Towns or Ports; as *Swainmote* in the Forest *Manwood, par.* 1 *pag.* 111. It is called the *Portmote-Court, Anno* 43 *Eliz. cap.* 15. Curia Portmotorum, *est Curia in Civitate Cestriæ coram Majore in Aula Portmotorum tenenda.* Pl. in Itin. ibid. 14 Hen. 7. But *Portmotes* are held in Inland Towns also. *Et quod* Portimotus *teneatur in eodem Burgo de Knotsford* (Com. Cestriæ) —— *Charta Willielmi Dom. de Tabley Burgensibus de Knotsford.*

Portous. See *Portuas.*

Portsale (*Anno* 35 *Hen.* 8. *cap.* 7.) is the Sale of Fish presently upon its arrival in the *Port* or Haven.

Portsmouth. See *Magnus Portus.*

Portsoka, the Suburbs of a City, or any Place within its Jurisdiction; from the *Sax.* Port, which is *Civitas*, and soca, *Jurisdictio. Concessi quod nullus de Civitate vel* Portsoka *sit reptus, &c.* Somner's Gavelkind, pag. 135.

Portuas, (*Anno* 3 & 4 *Edw.* 6. *cap.* 10.) Lat. *Portifortium*, is reckoned among Books prohibited by that Statute. I suppose it the same which *Chaucer* calls a Portose, and which I find elsewhere written Porteos & Portuos. It was that Book which is now called a *Breviary*, of which thus *Chaucer*,

For on my Porthose I make an Oath.

See Sir *Lewis Clifford's Will*, verbo Will: And see *Skene*, verbo *Portions.*

Posse Comitatus. See *Power of the County.*

Possession (*Possessio, quasi, Pedis positio,*) is two-fold, actual, and in Law: The first is, when a Man actually enters into Lands or Tenements to him descended; the other, when Lands or Tenements are descended to a Man, and he hath not as yet actually entred into them. Before, or until an *Office* is found of Lands escheated by Attainder, the King hath only Possession in *Law*, and not in *Deed. Staundf. Prærog. fol.* 54. There is also an *Unity of Possession*, which the *Civilians* call *Consolidationem*: As if the Lord purchase the Tenancy held by Heriot-Service, the Heriot is extinct by Unity of Possession; because the Seigniory and Tenancy are now in one Man's Possession. *Kitchin, fol.* 134. See other Divisions of *Possession* in *Bracton, lib.* 2. *cap.* 17.

Possibilitas is taken for an Act wilfully done, and *impossibilitas* for a Thing done against our Will. *Si autem oculos amisset reddat weram eius, & possibilitatis accensetur in eo facto*, where *factum possibilitatis* is a wilful Act, *Leg. Alfred. cap.* 38. So in the Laws of *Canutus, cap.* 66. *Et si quis agat* impossibiliter, *non est omnino simile si voluntario id faciat.* Leg. Sax. Ed. Senior. cap. 8.

Post. See *Per.*

Post Conquestum was first inserted in the King's Title by *Edward* the First, but not constantly used till *Edward* the Third's Time. *Claus.* 2. *Edw.* 3. *in Dorso. M.* 33.

Post Ditum is a Fee by way of Penalty upon a Sheriff for his Neglect in returning a Writ after the Day assigned for its Return; for which the *Custos Brevium* hath four Pence, whereas he hath nothing, if it be returned at the Day: Sometimes taken for the Fee itself.

Post Disseisin (*Post Disseisina,*) is a Writ given by the Statute of *Westm.* 2. *cap.* 26. and lies for him, that having recovered Lands or Tenements by *Præcipe quod reddat*, upon Default, or Reddition, is again disseised by the former Disseisor. *Fitz. Nat. Br. fol.* 190. See the Writ that lies for this in the *Reg. of Writs, fol.* 208. *a.*

Postea is a Return or Certificate of the Proceedings by *Nisi prius* into the Court of *Common Pleas* after a Verdict, and there afterwards recorded. See *Plowden, Case Saunders, fol.* 211. *a.* See an Example of it in *Coke's Rep. Vol.* 6. *Rowland's* Case, *fol* 41. See *Custos Brevium.*

Postena for **Postilena**, *i. e.* a Crupper of a Saddle.

Posteriority (*Posterioritas*, the being or coming after or behind,) is a Word of Comparison and Relation in Tenure, the Correlative whereof is *Priority*: For a Man holding Lands or Tenements of two Lords, holds of his ancienter Lord by *Priority*, and of his later Lord by *Posteriority. Staund. Prærog. fol.* 10. & 11. When one Tenant holds of two Lords, of the one by *Priority*, of the other by *Posteriority, &c. Old Nat. Br. fol.* 94. See 2 *Instit. fol.* 392.

Postern, or Back-Door: 'Tis mentioned in *Fleta, lib.* 2. *cap.* 73. *par.* 21. *Potestas habere* Posternas *in omni curte penitus inhibeatur; sed unicus sit ingressus, &c.*

Post Fine is a Duty belonging to the King for a *Fine* formerly acknowledged before him in his Court, which is paid by the Cognizee, after the Fine is fully passed, and all Things touching the same accomplished: The Rate thereof is so much, and half so much as was paid to the King for the *Pre-Fine*, and is collected by the Sheriff of the County where the Land lies, whereof the *Fine* was levied, to be answered by him into the *Exchequer.* 22 & 23 *Car.* 2. *Act for better Recovery of Fines and Forfeitures, &c.*

Postiliæ and **Postillare**, Marginal Notes, or to make Annotations on a Book. *Trivet* in his *Chronicle*, speaking of *Stephen Langton*, Archbishop of *Canterbury*, tells us, that *super Bibliam postillas fecit, & eam per capitula quibus nunc utuntur moderni distinxit*; and that *Alexander*, Bishop of *Chester*, *super Psalterium* Postillas *scripsit*; and *Knighton* another of our Historians, writing of one *Hugh*, a *Dominican* and Cardinal, tells us, that *Totam Bibliam* postillavit.

Postnati, —— 7 *Jac.* it was by all the Judges solemnly adjudged, That those, who, *after* the descent of the Crown of *England* to King *James* the First, were *born in Scotland*, were no Aliens in *England*. As on the contrary, the *Antenati*, or those born in *Scotland*, *before* the said Descent, were Aliens here, in respect of the Time of their Birth. See *Calvin's* Case, 7 *Report.*

Postnatus is a Word often mentioned in *Bracton, Glanvile, Fleta*, and other Law-writers, and it signifies the second Son. So in *Brompton, Lib.* 2. *cap.* 35. *Est consuetudo in quibusdam partibus quod* postnatus *præfertur primogenito.*

Post-pon'd (from *Postpono*) set, or put after another. *Act of Subsidy* 22 & 23 *Car.* 2. *ca.* ——

Post Term is a Fee or Penalty taken by the *Custos Brevium* of the Court of *Common Pleas* only, for the Filing any Writ by any Attorney after the Term, or usual Time, in which such Writs are returnable; for which the *Custos Brevium* takes the Fee of xx *d.*

Pot (*Anno* 13 *Car. cap.* 6.) an Head-piece for War.

Pot-Ashes (*Anno* 12 *Car.* 2. *cap.* 4.) are made of the best of Wood or Fern-Ashes, and used in the making Soap; some are made in *England*, but the best come from beyond Sea.

Pound (*Parcus*) signifies generally any strong Inclosure to keep in Beasts; but especially a Place of strength to keep Cattle that are distrained, or put in for any Trespass done by them, until they be replevied or redeemed; and in this signification it is called a *Pound-Overt*, or *open Pound*, being built upon the Lord's Waste, and is also called the *Lord's Pound*; for he provides it for the Use of himself and his Tenants. See *Kitchin. fol.* 144. It is divided into *Pound Open* and *Pound Close. Pound Open*, or *Overt*, is not only the *Lord's Pound*, but a Back-side, Court, Yard, Pasture-ground, or whatever else, whither the Owner of the Beasts impounded may come to give them Meat and Drink, without Offence, for their being there, or his coming thither. *Pound Close* is then the contrary, *viz.* Such a one, as the Owner cannot come unto for the purpose aforesaid, without Offence; as some Close-House, Castle, Fortress, or such like Place.

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

Pound-breach. See *Pund-breach.*

Pound in Money: From the *Sax.* **Pund**, *i. e. Pondus*: It consisted in those Days of 240 Pence, as it doth now, but a Penny then was equal in weight to

to almost five Pence now, and afterwards to three-pence; and 240 of those Pence weighed a Pound, but 720 scarce weigh so much now; this appears by the Silver Penny coined in the Reign of King *Ethelred*. *Lambard*, 219.

Pouralle. See *Parlieu*.

Pour faire proclamer, que nul inject Fimes ou ordures en fosses ou Rivers pres Cities, &c. is a Writ directed to the Mayor, Sheriff, or Bailiff of a City or Town, commanding them to proclaim, That none cast Filth into the Ditches or Places near such City or Town, and if any be cast already, to remove it. This is founded upon the Statute 12 *Rich.* 2. *cap.* 13. *Fitz. Nat. Br. fol.* 176.

Pourpartie (*Propars, Propartis, vel Propartia.*) is contrary to *Pro indiviso*; for to make *Pourpartie* is to divide and sever the Lands that fall to *Partners*, which before Partition they hold jointly and *Pro indiviso*. Vide 1 Inst. fol. 166. b. *Old Nat. Br. fol.* 11.

Pourpresture (*Pourprestura*; from the Fr. *Pourpris*, a Close or Enclosure) is thus defined by *Glanville, lib.* 9. *cap.* 11. Pourprestura *est propriè quando aliquod super Dominum Regem injustè occupatur; ut in Dominicis Regis, vel in viis publicis obstructis, vel in aquis publicis transversis à recto cursu; vel quando aliquis in civitate super regiam plateam aliquid ædificando occupaverit, & generaliter, quoties aliquid fit ad nocumentum Regii Tenementi, vel Regiæ viæ vel Civitatis.* And by *Crompton* in his *Jurisf. fol.* 152. thus. *Pourpresture* is properly when a Man takes to himself, or encroaches any Thing which 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 *Manwood, par.* 1. *pag.* 269. & *Par.* 2. *cap.* 10. Some Authors make three sorts of this Offence, one against the King, the second against the Lord of the Fee, the third against a Neighbour, by a Neighbour. See 2 *Inst. fol.* 38. & 272. *Et Lib. nigr. in Stacc. fol.* 37. & 38. That against the King happens by the Negligence of the Sheriff or his Deputy, or by the long Continuance of Wars, inasmuch as those who have Lands near the Crown-Lands, take or enclose part of it, and lay it to their own.

Pourpresture against the Lord is when the Tenant neglects to perform what he is bound to do for the chief Lord, or in any wise deprives him of his Right.

Pourpresture against a Neighbour is of the same nature: 'Tis mentioned in the *Monastic.* 1 *Tom. pag.* 843. and in *Thorn, pag.* 2623. *Et de* purpresturâ *quam Berarius Abbas purprehendit super prædictum Heliam.*

Pour seisir terres la femme que tient en Dower, &c. was a Writ whereby the King seised the Land, which the Wife of his Tenant *in Capite*, deceased, had for her Dowry, if she married without his Leave, and was grounded on the Statute of the *King's Prerogative. cap.* 3. See *Fitz. Nat. Br. fol.* 174.

Pursuivant (from the Fr. *Poursuivre*, i. e. *Agere, persequi*) signifies the Messenger of the King attending upon him in Wars, or at the Council-Table, or *Exchequer*, or in his Court, or at his Chamber, to be sent upon any Occasion or Message; as for the Apprehension of a Person accused or suspected of any Offence. Those that are used in Marshal Causes, are called *Pursuivants at Arms*; whereof there are four of special Names, which see in the Word *Herald*. *Stow*, speaking of *Richard* the Third's End, hath these Words, *pag.* 784. *His Body was naked to the Skin, not so much as one Clout about him, and was trussed behind a* Pursuivant-at-Arms *like an Hog or a Calf, &c.* *Nicholas Upton*, in his Book *De militari officio, viz. Lib.* 1. *cap.* 11. mentions the ancient Form of making these *Pursuivants*, and tells us, that they were called *Milites linguares*, because their chief Honour was in *Custodiâ linguæ*, and he divides them into *Cursores equitantes*, and *Prosecutores*, which is likewise comprehended in these Verses.

Cursoris suum dicas deferre pedimum,
Sic equitis dignum fers scapula deferre a signum.
Sed humero levo detulit prosecutor ab ævo,
At Heraldorum stat pectore fons titulorum.

Pourveyance (Fr. *Pourveyance*) is the providing Corn, Fuel, Victual, and other Necessaries for the King's House. By *Stat.* 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 colour of buying or making provision or Purveyance for His Majesty, or any Queen of England, for the Time being, or that shall be, or for his, their, or any of their Household, shall take any Timber, Cattel, Corn, Grain, Malt, Hay, Straw, Victual, Cart, Carriage, or other Thing whatsoever, of any the Subjects of His Majesty, His Heirs or Successors, without the full and free Consent of the Owner or Owners thereof, had and obtained without Menace or Imprisonment, &c. See *The Antiquity of Præemption and Pourveyance*, &c. And 3 *Inst. fol.* 82.

Pourveyor (*Provisor*, from the Fr. *Pourvoir*, i. e. *Providere, Prospicere*) signifies an Officer of the King or Queen, that provides Corn and other Victual for their House. Mentioned in *Magna Charta, cap.* 22. and other Statutes; The Name of *Purveyor* was so odious in Times past, that by *Statute* 36 *Edw.* 3. 2. the heinous Name of *Purveyor* was changed into *Buyer*; but the Office is restrained by *Stat.* 12 *Car.* 2. *cap.* 24. See *Pourveyance* and *Achat*.

Power of the County (*Posse Comitatus*) according to *Lambard*, in his *Eiren. lib.* 2. *cap.* 1. *fol.* 309. contains the Aid and Attendance of all Knights, Gentlemen, Yeomen, Labourers, Servants, Apprentices, and Villains, and of other young Men above the Age of Fifteen, within the County; because all of that Age are bound to have Harness, by the Statute of *Winchester*. But Women, Ecclesiastical Persons, and such as are decrepit, or labour with any continual Infirmity, shall not be compelled to attend. For the *Stat.* 2 *Hen.* 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.

Poyldavis. See *Poledavis*.

Poyning's Law, is an Act of Parliament made in *Ireland* by *Henry* the Seventh, and so called, because Sir *Edward Poyning* 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.* 109. *Hill.* 10 *Jac.*

Præceptoria. See *Commandry.*

Præceptories (*Præceptoriæ, Anno* 32 *Hen.* 8. *c.* 24) were Benefices in a kind, and so termed, because they were possessed by the more eminent sort of the *Templars*, whom the chief Master by his Authority created and called *Præceptores Templi. Stephens de Jurisd. lib.* 4. *cap.* 10. *num.* 27. Others say, they were here in *England* as Cells only, subordinate to their principal Mansion, the *Temple* in *London*. Of these *Præceptories*, I find sixteen recorded, as anciently belonging to the *Templers* in *England*, viz *Cressing-Temple, Balshal, Shengay, Newland, Teveley, Witham, Temple-Guiers, Willington, Rotheley, Ovenington, Temple-Combe, Trebigh, Ribstane, Mount S. John, Temple-Newsum,* and *Templehurst*. Mon. Angl. 2 par. fol. 543. But there were more.

Præcipe in capite, (*Magna Charta, cap.* 24.) was a Writ issuing out of the Court of *Chancery*, for a Tenant holding of the King in Chief, as of his Crown, and not of the King, as of any Honour, Castle or Manor. *Reg. of Writs, fol.* 4 *b.*

Præcipe 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 Possession. *Old Nat. Br. fol.* 13. And *Fitz. Nat. Br. fol.* 5. And it is sometimes called *A Writ of Right Close*, when it issues out of the Court of *Chancery Close*; sometimes *A Writ of Right Patent*, as when it issues out of the *Chancery Patent* and open, to any Lord's Court, for any of his Tenants deforced against the Deforcer, and must be determined there. Of which read more at large in *Fitz. Nat. Br. cap.* 1.

Præcipitaria, *i. e.* a Battering Ram: 'Tis mentioned in *Matt. Paris, pag.* 396 viz. *Muros & castra Civitatis margonellis, petrariis, & Præcipitariis undique erectis, &c.*

Præcipitium was a Punishment by casting a Man from some high Place or Rock. *Malms. Lib.* 5. *pag.* 155.

Præfectus Villæ is the same as *Præpositus Villæ, i. e.* the Mayor of a Town, *In Leg. Edw. Confessor. cap.* 28.

Præfine (22 & 23. *Car.* 2. *Stat.* for laying Impositions on Proceedings at Law) is that *Fine* which is paid upon suing out the Writ of Covenant. *Vide 2 Inst.* See *Postfine.*

Præloculor, In *Matt. Paris, pag.* 592. the Attorney General is called *Prælocutor Domini Regis.*

Præmunire is taken either for a Writ so called, or for the Offence whereupon the Writ is granted; the one may be understood by the other. Heretofore the Church of *Rome*, under pretence of her Supremacy, and the Dignity of St. *Peter's* Chair, took upon her to bestow 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 Successor before it needed. Whence it arose, that these *Mandates* or *Bulls* were called *Gratiæ Expectativæ*, or *Provisiones*, whereof you may read a learned Discourse in *Duarenus, de Beneficiis, lib.* 3. *cap.* 1. These *Provisions* were so rife with us, that at 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 Things belonging to the King's Court; and another *Anno* 28. *Stat.* 2. *cap.* 1, 2, 3 & 4. whereby he greatly restrained this liberty of the Pope; who notwithstanding still adventured to continue the *Provisions*; insomuch as King *Richard* the Second likewise made several Statutes against them, but most expresly, that of 16 *R.* 2. 5. which appoints their Punishment to be thus, *That they should be out of the King's Protection, attached by their Bodies, and lose their Lands, Tenements, Goods and Chattels.* After him King *Henry* the Fourth, in like manner aggrieved at other Abuses, not fully met with in the former Statutes, in the Second Year of his Reign, *cap.* 3. & 4. adds certain new Cases, and lays upon the Offenders in them, the same Punishment, whereto I refer you, as likewise to *Anno* 9 *ejusdem, cap.* 8. and 3 *Hen.* 5. *cap.* 4 and *Smith de Repub. Angl. lib.* 3. *cap.* 9. Some later Statutes do cast this Punishment upon other Offenders, as namely, that of 1 *Eliz. c.* 1. upon him that denies the King's Supremacy the second Time; and 13 *Eliz. cap.* 2. upon him that affirms the Authority of the Pope, or refuseth to take the Oath of Supremacy; and 13 *Eliz. cap.* 1. upon such as are seditious Talkers of the Inheritance of the Crown, or affirm the Queen to be an Heretick. And the Stat. 13 *Car.* 2. *cap.* 1. upon such as affirm the Parliament begun at *Westminster*, 3 *Nov.* 1640. is not yet dissolved, or that there is any Obligation by any 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 Punishment first ordained by the Statutes before-mentioned, for such as transgressed them: For where it is said, that any Man, for an Offence committed, shall incur a *Præmunire*, it is meant, That he shall incur the same Punishment as is afflicted on those that transgress the Statute 16 *Rich.* 2. *cap.* 5. commonly called the Statute of *Præmunire*, which kind of Reference or Application is not unusual in our Statutes. As to the Etymology of the Word, it proceeds from the Verb *Præmonere*, being barbarously turned into *Præmunire*, to forewarn or bid the Offender take heed. Of which a Reason may be gathered from the Words of the Statute, 27 *Edw.* 3. *cap.* 1. and the Form of the Writ, in *Old Nat. Br. fol.* 143. *Præmunire facias præfatum præpositum & J. R. procuratorem, &c. Quod tunc sint coram nobis, &c.* Which Words can be referred to none but Parties charged with the Offence. See 3 *Inst. fol.* 110.

Præpositus Ecclesiæ. See *Church-reeve.*

Præpositus Villæ is used sometimes for the Constable of a Town, or Petit-Constable. *Cromp. Jurisd. fol.* 205. Howbeit the same Author, *fol.* 194. seems to apply it otherwise; for there *Quatuor homines Præpositi* are those four Men, that for every Town must appear before the Justices of the Forest in their Circuit. It is sometimes used for an Head or Chief-Officer of the King in a Town, Manor, or Village, or a *Reeve*. See *Reeve. Animalia & res inventæ coram ipso (Præposito) & Sacerdote ducantur.* LL. Edw. Conf. cap. 28.

Præripium, *i. e.* a high Bank. *Si quis aliquem fugiens præripio vel alio moriatur.* Leg. H. 1. c. 88. Some read it *Præcipitio, vel Præcipio.*

Præsentare ad Ecclesiam originally denotes the Patrons leading or placing an Incumbent in the Church, and is made only for *repræsentare*, which in the Council of *Lateran*, and elsewhere, occurs also for *Præsentare. Selden of Tithes, pag.* 390.

Præsidere signifies to neglect or omit: *In Conc. Clovesho, Anno* 746. *cap.* 3. *Ut singulis Annis unusquisque episcopus parochiam suam pertranseundo, &c. speculandoque visitare non* præsideat, *&c.*

Præsidium, *Warwick*

Præsumptio, *in Leg. H.* 1. *cap.* 11. is taken for an unlawful seising any Thing, *viz. Assultus, roberia, sterbreck*, Præsumptio *terræ vel pecuniæ Regis, thesaurus inventus, &c.*

Prætorium, *Patrington* in *Yorkshire.*

Pratum falcabile, a Meadow or Mowing-ground. —*Jur. dicunt quod prædicta platea à tempore quo—fuit* Pratum falcabile, *usque ad prædictum annum quo prædictus W. illud aravit.* Trin 18 Edw. 1. in Banco. Rot. 50.

Pray in Aid. See *Aid.*

Prebend (*Præbenda*) is the Portion which every Prebendary of a Cathedral or Collegiate Church receives in right of his Place, for his Maintenance. *Canonica Portio* is properly used for that Share, which every Canon receives yearly out of the common Stock of the Church; and *Præbenda* 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 surnamed of the Place, whence the Profit arises.

Prebends are either *Simple*, or with *Dignity*. *Simple Prebends* are those that have no more but the Revenue towards their Maintenance: *Prebends with Dignity* are such as have some Jurisdiction annexed to them, according to the divers Orders in every several Church. Of this see more in the *Decretals, tit. De Præbendis & Dignitat.*

Præbenda strictly taken, is that Maintenance which daily *præbetur* to another; but now it signifies the Rents and Profits belonging to the Church, divided into those Portions called *Præbenda*, and it differs from *Canonica*, which is a Right obtained in the Church by being received into the Cathedral or College: *Et per assignationem stallum in choro & locum in capitulo.* But *Præbenda* is a Right of receiving the Profits for the Duty performed in the Church, sufficient for the Support of the Person in that Divine Office where he resides, and it proceeds from *Canonica* as a Daughter from a Mother.

Corpus Præbendæ is that which is received by a Prebendary, over and above the Profits which are always for his daily Maintenance.

Prebendary (*Præbendarius*) is he that hath such a *Prebend*; so called, not *à præbendo auxilium & consilium Episcopo*, but from receiving the Prebend.

Præbenda and *Probenda* were also in old Deeds, used for Provision, Provand, or Provender. —*Pro equo suo unum Bushel Avenarum pro Prebenda capienda.* Coucher Book in Dutchy Office. Tom. 1 fol. 45. See *Corody. Ad* præbendos *equos suos & hospitum lucrum.* Monastic. 1 Tom. 649.

The Golden Prebendary of Hereford, otherwise called *Prebendarius Episcopi*, is one of the Twenty eight Minor *Prebendaries* there, who has *ex Officio* the first Canon's place that falls, was anciently *Confessarius* of the Cathedral Church, and to the Bishop, and had the Altarages; whereby, in respect of the *Gold* and other rich Offerings formerly made there, he had the Name of *Golden Prebendary.*

Precariæ, Days-works, which the Tenants of some Manors are bound to give the Lord in Harvest, which in some Places are corruptly called **Bind days**, for **Biden days**, from the *Saxon* **Biban**, to pray or intreat. *Baldwinus una bovata pro* ii s. *& Dimid. & iii Gallinas, & xx Ova, & iiii* Precarias, *in Autumpno, cum uno homine, bis arare, bis herciare, semel falcare, semel fænum levare, &c.* Mon. Angl. 2 par. fol. 539. *a.* See *Bederepe*, and *Mullones. Et debet invenire unum hominem cum uno equo ad herciandum qualibet septimanâ, & etiam debet venire quolibet anno ad duas precarias carucæ cum caruca sua, &c.* Customary of Battle Abbey, fol. 60. See *Magna precaria.*

Prece partium is when a Suit is continued by the *Prayer*, Assent or Agreement of both *Parties. Anno* 13 *Edw.* 1. *cap.* 27.

Precept (*Præceptum*) is commonly taken for a Commandment in Writing, sent out by a Justice of Peace, or other like Officer, for the bringing a Person, or Records before him; of which you have example of divers in the Table of the *Register Judicial*: And sometimes for the Command or Provocation, whereby one Man incites another to commit Felony, Theft or Murder. *Staund. Pl. Cor. f.* 105. *Bracton* (*lib.* 3. *tract.* 2. *cap.* 19.) calls it *Præceptum* or *Mandatum*; whence we may observe three Diversities of offending in Murder, *Præceptum, Fortia, Consilium*; *Præceptum*, being the Instigation used before-hand; *Fortia*, the Assistance in the Fact, as helping to bind the Party murdered or robbed; *Consilium*, Advice either before, or in the Deed.

Preces has anciently been used in the same Sense with *Precariæ* —*Walterus de Haincourt universis, &c. excepto quod singulis annis pro eadem terra quinque solidos mihi dabant, similiter & tres* preces *de una caruca, & tres* preces *in autumpno, prima*, viz. *cum uno homine, secunda cum duobus hominibus, tertia vero die cum tot hominibus, quot in eadem terra cotidie metentes inventi fuerint*, &c. Reg. Abbathiæ de Welbee. pag. 107. See *Precaria.*

Precontract (*Anno* 2 *&* 3. *Edw.* 6. *cap.* 23.) is a Contract made *before* another Contract; chiefly in relation to Marriages.

Predial Tithes (*Decimæ Prædiales*) are those which are paid of Things arising and growing from the Ground only; as Corn, Hay, Fruits of Trees, and such like. *Anno* 2 *Edw.* 6. *cap.* 13. See *Coke's* 2 *Instit. fol.* 649. and *Tithes.*

Preemption (*Præemptio*) was a Privilege allowed the King's Purveyor, to have the Choice and *first Buying* of Corn, and other Provision before others, for the King's House; which is taken away by Stat. 12 *Car.* 2. *cap.* 24.

Prelate (*Prælatus*) we commonly understand to be an Archbishop or Bishop: But the learned *Spelman* says, *Prælati Ecclesiæ vocantur nedum Superiores, ut Episcopi, sed etiam Inferiores, ut Archidiaconi, Presbyteri, Plebani & Rectores Ecclesiarum.* Sic enim in Bulla Privileg. apud Mat. Par. in Hen. 3. sub An. 1246. *Innocentius, &c. Universis tam Cathedralium quam aliarum* Prælatis, *nec non Patronis Ecclesiarum, Clericis & Laicis per Regnum Angliæ constitutis, salutem, &c.* Pag. 476.

Premisses. See *Habendum.*

Premium, (*Præmium*) a Reward or Recompence. Among Merchants it is used for that Sum of Money, as Eight or Ten *per Cent.* which the *Insured* gives the *Insurer*, for Insuring the safe Return of any Ship or Merchandise. *Anno* 19 *Car.* 2. *cap.* 1.

Prender (from the Fr. *Prendre*, i. e. *Accipere*) is the Power or Right of taking a Thing before it is offered. — *It lies in* Render, *but not in* Prender. *Coke's Rep.* 1 *Par.* Sir *John Peter's* Case.

Prender de Baron signifies literally to take an 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. *Britton. Pl. Cor. lib. 3. cap. 59.*

Prepensed, (*Prepensed*) Forethought, as *Prepensed Malice*, (*Malitia Prepensa*) When a Man is slain upon a sudden Quarrel, if there were *Malice prepensed* formerly between them, it makes it Murder; or, as it seemed (in the Stat. 12 *Hen.* 7. c. 7.) *Prepensed Murder*. See *Murder*, and *Inst. fol.* 55.

Prerogative Court, (*Curia Prerogativa Archiepiscopi Cant.*) the Court wherein all Wills are proved, and all Administrations granted that belong to the Archbishop by his *Prerogative*, that is, in case where the Deceased had Goods of any considerable Value out of the Diocese wherein he died, and that Value is ordinarily 5 l. except it be otherwise by Composition between the said Archbishop, and some other Bishop, as in the Diocese of *London* it is 10 l. And if any Contention arise touching any such Will or Administration, the Cause is properly debated and determined in this Court, the Judge whereof is called *the Judge of the Prerogative Court of* Canterbury. The Archbishop of *York* hath also the like Court, which is termed his *Exchequer*, but far inferior to this in Power and Profit. *Inst. fol.* 334.

Prerogative of the King, (*Prerogativa Regis*, from *Pro*, i. e. *Ante*, and *Rogare*, To ask or demand; for though an Act hath passed both Houses of Parliament, yet before it be a Law the Royal Assent must be asked and obtained,) is generally that 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. *Prerogativa Regis est, ligeantiam, condonare & delictum in primam formam.* L. Ed. Conf. cap. 18. The King's Person is subject to no Man's Suit. His Possessions cannot be taken from him by any Violence or wrongful Disseisin; His Goods and Chattels are under no Tribute, Toll, or Custom, nor distrainable; with very many other Regil Rights and Privileges. See *Staunf. Prerog.* and the Statute of the King's *Prerogative*, *Anno* 17 *Edw.* 2. and *Plowden, Case Mines*. *Spelman* calls it *Lex Regiæ Dignitatis*.

Presbyter, a Priest. *Isidor. lib.* 7. *orig.* c. 12. tells us, That *Presbyter, Græce, Latine, Senior interpretatur, non pro ætate vel decrepita senectute, sed propter honorem & dignitatem quam accipimus*, Presbyteri *nominantur, unde & apud Veteres idem Episcopi & Presbyteri fuerunt.*

Presbyteratus Juxta totum Anglia, was a Temporal Office in *Henry* III. 's Time, being the *Custos Recalcitrantium*, or *Controller* of the Kings *Exchequer* for the Jews. *Ordinatio Judaismi in Chaul.* 27 *Hen.* 3. *pars* 12. *m.* 3.

Presbyterium is that Part of the Church where divine Offices are performed. *Ingulf. Mona. Hist.* Presbyterium *dicimus* Monasticum. 1. Tom. pag. 243. *Continebat hic locus monachorum chorum*, Presbyterium *latius magnum.* Gervas. Dorob. de combustione Ecclesiæ Doroberniæ.

Prescription (*Præscriptio*) is a Title, taking its Substance of Use and Time allowed by the Law; as, when one claims any Thing because he, his Ancestors, (or those whose Estate he hath,) have had, or used it all the Time, whereof no Memory is to the contrary; or when, for Continuance of Time, whereof there is no Memory, a particular Person hath particular Right against another. *Kitchin, fol.* 191. See *Coke on Littleton*, fol. 113. But as in the Civil Law, so in the Common, *Prescription* may be in a shorter Time, at least in some particular Cases: For Example: Where the Statute *Anno* 8 *Rich.* 2. *cap.* 2. says, That a Judge or Clerk, convicted for false entring of Pleas, &c. may be sued within two Years, the two Years being past, he *prescribed* against the Punishment of the said Statute. So the Statute *Anno* 11 *Hen.* 7. says, That he who will complain of Maintenance or Embracery, whereof Perjury is committed by a Jury, must do it within six Days; those six Days ended, the Parties *prescribe*. And divers other Statutes have the like Limitations of Time; whence may arise a *Prescription*. See *Action Perpetual and Temporal*. See *Lamb. Eiren. lib.* 2. *cap.* 3. *pag.* 269. Of this *Prescription*, and the Learning touching the same, you may read *Co. Rep. Lutwich*, *Cap. Dr.* *fol.* 84. and *Earbe's Rep. fol.* 116. Præscriptio *ita jus quoddam, ex tempore longævi, authoritate legum sibi capiens, pœnam negligentiæ inertiæ & silentio litibus imponens. — Quadragenaria* Præscriptio *omnem prorsus actionem excludit.* Reformatio Legum Eccles. pag. 226. See *Inst. fol.* 653.

Presentation, (*Præsentatio*) is used properly for the Act of a Patron, offering his Clerk to the Bishop, to be instituted in a Benefice of his Gift; the Form whereof is in *Reg. of Writs, fol.* 322. *a.* See *Parson*.

Presentee is the Clerk that is so presented by the Patron. In the Stat. 13 *Rich.* 2. *cap.* 1. mention is made of the *Kings Presentee*, that is, he whom the King presents to a Church.

Presentia, i. e. Presents, so called, because they are given *præsentis*. And they differ from *Munera*, for those are Gifts sent to the Person. *Mat. Paris, Anno* 1176. *Cum Abbas St. Albani in Scaccario obtulisset ad Mensam Regis, Regalium Episcopatuum, Accipiebat Præsentia.*

Presentment is a mere Denunciation of the Jurors themselves, or some other Officer, as Justice of the Peace, Constable, Searcher, &c. (without any Information) of an Offence inquirable in the Court whereunto it is presented. *Lamb. Eiren. lib.* 4. *cap.* 5. *pag.* 467.

President (*Præses*) is used for the King's Lieutenant in any Province or Function; as *President of Wales, York, Berwick, President* of the King's Council. *Anno* 12 *Hen.* 8. *cap.* 8. *President* of the Wardens of *Kilkenny* Staffs. *Anno* 21 *Hen.* 8. *Cap.* 2. *cap.* 4.

Prest is used for a Duty in Money to be paid by the Sheriff upon his Account in the Exchequer, or for Money Prest or remaining in his Hands. *Anno* 5 *Hen.* 4. *cap.* 11.

Prestation, (*Præstatio*, i. e. a Performing or Paying) is a Sum of Money paid by Archdeacons and other Clergymen yearly to their Bishop, *pro exterioribus Jurisdictionis*. *Ingulf. Hist.* Prestione *Mirigri*. Charta Henr. 7. Burgent. Montgomer. *Præstatio* was anciently used for other Payments, and sometimes for *Purveyance*. See Mr. *Petty's* Book on that Subject, pag. 22. And *tedispiritualis*.

Prest-Money is so called of the *French* Word *Prest*, i. e. *Promptus, Expeditus*; for that it binds those that receive it to be ready at all Times appointed, commonly meant of Soldiers. *Anno* 18 *Hen.* 6. c. 19. 7 *Hen.* 7. c. 3. *Hen.* 8. c. 3. and 2 *Edw.* 6. c. 2.

Presumption (*Præsumptio*) is of three Sorts: *Violenta*, which is many Times *Præsumptio*, as if one be run through the Body in an House, whereof he instantly dies, and a Man is seen to come out of the House with a bloody Sword, and

no other Man was at that Time in the House. 2. *Probable*, which moveth little. 3. *Levis seu temeraria*, which moves not at all. So in case of a Charter of Feoffment, if all the Witnesses to the Deed be dead, then *Violens Presumption*, which stands for a Proof, is continual and quiet Possession. *Coke on Littl. lib. 1. cap. 1. sect. 1. Presumptio fiat in dubio*, it is doubted of, yet it is accounted *Veritatis comes quotiens in contrarium nulla est probatio, ut regula se habet: Stabit praesumptio donec probetur in contrarium.* *Presumption* was anciently taken for Intrusion. —— *Assultus, Robonia, Sterbreth, Praesumptio terra vel pecuniae Regis, &c.* LL. Hen. 1. cap. 10. De his quae sunt de Jure Regis.

Pretensed Right (*Jus praetensum*) is where one is in Possession of Lands and Tenements, and another, who is out, claims it, and sues for it; here the *Pretensed Right* or Title is to be in him who so does sue and claim.

Pretium sepulchri are those Goods which accrue to the Church in which a Corps is buried. In the *Irish* Canons, *Lib. 19. cap. 6. Omne corpus sepultum habet in jure suo vestem & equum & vestimentum & ornamentum lecti sui, nec quidquam horum redditur in alia debita, quia corpori ejus tanquam viaticum debentur.* See *Heriot*, and *Sedatium*, and *Mortuary*.

Price. See *Value*.

Pricken-Bread. — *Mandinario septem panes de Conventu & septem panes de* Pricked-Bread. Mon. Angl. 1 Par. fol. 498. b. *Quere.*

Pride-gavel, in the Manor of *Redeley* in *Comit. Glouc.* is paid to this Day, as a Rent to the Lord of the Manor, by certain Tenants, in Duty and Acknowledgment to him for their Liberty and Privilege of Fishing for *Lampreys* in *Severn*. (Pride for Brevity, being the later Syllable of *Lamprey*, (as anciently they were called,) and Gavel, a Rent or Tribute.) *Taylor's Hist. of Gavelkind, fol. 112.*

Primage (*Anno 32 Hen. 8. cap. 14.*) is a Duty due to the Mariners and Sailors for the Loading of any Ship at the setting forth from any Haven, which is in some Places a Penny in the Pound; in others six Pence *per* Pack or Bale, according to the Custom of the Place.

Primaceriis, the First of any Degree of Men; but sometimes it signifies the Nobility. *Primaceriis totius Angliae* were the Nobility of *England*. Mon. Tom. pag. 838.

Primer Seisin (*Prima Seisina*, i. e. the first Possession) was a Branch of the King's Prerogative, whereby he had the first Possession of all Lands and Tenements holden of him in Chief, whereof his Tenant died seised in Fee, and consequently the Rents and Profits of them, until the Heir, if he were of Age, did his Homage; if under Age, until he were. But all Charges arising by *Primer Seisin* are taken away by the Statute 12 Car. 2. cap. 24.

Primitiare, i. e. To begin. *Monificentiam tuam primitiavit aetate.* Petrus Blesensis, Epist. 20.

Primus, i. e. a Ship. *Hi construunt classem, Primus dum venit, volans vestra ad Anglicas partes.* Du Cange.

Primo Executio. See *Brevesio*.

Prince (*Princeps*) is sometimes taken for the King himself, but more properly for the King's eldest Son, who is *Prince of Wales*; as the eldest Son to the *French* King is called *Dauphin*, both being Princes by their Nativity. *Ferne's Glory of Generosity, pag. 138.*

Before *Edward* the Second was born at *Caernarvon*, and was the first *Prince of Wales*, the eldest Son was called *Lord Prince*. *Stamford. Praerog. cap. 22. fol. 79.* See *Hen. 8. cap. 26.* And 28 *eiusdem, cap. 3.*

But *Prince* was a Name of Dignity long before that Time in *England*; for in a Charter of King *Offa*, after the Bishops had subscribed their Names, we read, *Brordanus patricius, Bimnius princeps*, and afterwards the Dukes subscribed their Names. And in a Charter of King *Edgar* in *Mon. Angl. Tom. 3. pag. 300. Ego Edgarus Rex regnans ob Episcopo meo Dunwolfe & principe meo Aldredo, &c.* And in *Mon. Paris. pag. 155. Ego Haldan princeps Britannorum assensum praebeo, & ego Turketillus Dux concedo.*

Principal (*Principalium*) an Heir-loom, *Quod vide*. It was also sometimes used for a *Mortuary*, or *Cobsprest*. — *Item lego ecclesiae vicum vocatum de* Principal *ut efferatur cum corpore meo in die sepulturae meae, nomine* Principali. *Ut ait Johannes Mardesfield, 9 Hen. 5.* In *Urchenfield Com. Hereff.* certain *Principals*, as the best Beast, best Bed, best Table, &c. pass to the eldest Child, and are not subject to Partition. Also the chief Person in some of the Inns of *Chancery* is called *Principal* of the House. See *Antient*.

Principality of Chester. *Anno 28 Rich. 2. c. 9.* See *County Palatine*, and *Prince of Wales*.

Prior was he who was first in Dignity next to the Abbot. *Sed vere religiosus, reverendi Abbatis, Prior qui, & praepositus in regali monasterio, humeris illius est reliquis ministrat, domus Dei, ipse solus cum illum ministrorum primum sua gentis locum habet in Ecclesiis, in capitulis, in refectorio, &c.*

Priority (*Priorities*) signifies an Antiquity of Tenure, in Comparison of another less ancient; as, *To hold by Priority*, is to hold of a Lord more anciently than of another. *Old Nat. Br. fol. 194.* So to hold by *Posteriority* is used in *Stamford. Praerog. cap. 2. fol. 11.* The Lord of the *Priority* shall have the Custody of the Body, &c. *Cromp. Juris. fol. 180.* See *Posteriority*.

Prior perpetual, or **Native and remuneable.** *Anno 9 Rich. 2. cap. 4.* and 1 *Edw. 4. cap. 1.* *Lord Prior of St. John's of Jerusalem*, (who was *Primus Baro Angliae.*) *Anno 26 Hen. 8. cap. 2.* See *Abbat*.

Priores Alieni (*Priores Alieni*) were certain Religious Men, born in *France* and *Normandy*, and Governors of Religious Houses erected for outlandish Men here in *England*; which were by *Henry* the Fifth thought no good Members for this Land, and therefore suppressed; whose Livings were afterwards by *Henry* the Sixth given to other Monasteries and Houses of Learning, (*Stow's Annals, p. 582.* and 1 *Hen. 5. cap. 7.*) but especially to the erecting of those two famous Colleges, called the *King's Colleges of Cambridge* and *Eaton*. 2 *Par. Inst. fol. 584.*

Prisage (*Prisagium*, Fr. *Prise*) is that Custom or Share that belongs to the King or Admiral out of such Merchandise as are taken at Sea by any of his Vessels *Prize*, which is usually a tenth Part. 3 *Eliz. cap. 5. Prisagium est jus Prisas capiendi, vel ipsa Prisa.*

Prisage of Wines (*Anno 1 Hen. 8. cap. 7.*) is a Word almost out of use, now called *Butlerage*, (because the King's chief Butler receives it) which is a Custom whereby the King challenges out of every Bark laden with Wine, containing twenty Tuns, or more, two Tun of Wine, the one before, the other behind the Mast, at his Price, which is twenty Shillings for each Tun; yet this varies according to the Custom of the Place; for at *Boston* every Bark laden with ten Tuns of Wine, or above,

pays *Prisage*. See *Buckrage*, and *Calthrop's Reports*, fol. 20. and 4 *Part Inst.* fol. 30.

Memorandum, quod Rex habet ex antiquo consuetudine de quilibet Navis Mercatoria, Vinum Gascon. applicam. infra aliquem portum Angliæ de viginti doliis dua dolia, & de decem, unum, nomine de Prisa Regis pro quadam certa ad antiqua constitutum solvendi. P. Rec. 20 R. 2.

Prise (*Prisa*, from the Fr. *Prendre*, i. e. *Capere*) signifies in our Statutes the Things taken of the King's Subjects by Purveyors. *Anno* 13 *Ric.* 2. c. 1. and 28 *ejusdem*, *Stat.* 3. *cap.* 2. It signifies also a Custom due to the King. *Anno* 25 *ejusdem*, *cap.* 4. *Reg. of Writs*, fol. 117. b. *In feudum pagina antiquis* (says the learned *Spelman*) Prisa *pleraque quæ illi gentur de annona reique frumentaria expeditione, illis etiam necessariis, ad alenda instrandaque instrumenta bellica; necnon & regiam familiam, minus quam justo pretio agricolis auferebat, &c. In Rescripto quodam* Anno 3 Edw. I. Norff. fi. — *Rogerus de Mortemar, qui soror & hæredem Hugonis de Albeny, &c. illustrissimi, clamat habere libertates hæc subscriptas, viz. Castellum suum de Risinge, cum* Prisis *ad illum, &c.* Ubi clausulam *cum Prisis* ita dicunt intelligo de libertate capiendi victualia quæ vocant ad sustentationem præsidiarii militis Castri sui, ita quod pretium reddat infra 40 dies. See the Stat. 12 *Car.* 2. *cap.* 24.

Prisoner, is a Prisoner taken in War. *Rot. Parl.* 5 *Ric.* 2. *num.* 54. Prisoner, *were qui non Domini Regis fuerunt sed factum pacem.*

Prisoner (Fr. *Prisonnier*) signifies one that is restrained of his Liberty upon any Action, Civil or Criminal, or upon Commandment. And a Man may be *Prisoner upon Matter of Record*, or *Matter of Fact*. *Prisoner upon Matter of Record* is he who, being present in Court, is by the Court committed to Prison, only upon an Arrest, be it by the Sheriff, Constable, or other. *Staundf. Pl. Cr. lib.* 1. *cap.* 32. *fol.* 34. & 35.

Privation, (*Privatio*,) a Bereaving or Taking away. Most commonly applied to a Bishop or Rector of a Church, when by Death, or other Act, they are *deprived* of their Bishoprick or Benefice. See *Coke on Littl. fol.* 329.

Privatus signifies a Friend or Familiar. *Ideo ad hoc veni ut inter eos* Privatus *conciliarem.*

Sum quasi ab Privatus, *non vitare necessitudinem.*

Privilege (*Privilegium, quasi Privata lex*,) is either Personal or Real. A *Personal Privilege* is that which is granted or allowed to any Person, either against or besides the Course of the Common Law; as, a Member of Parliament may not be arrested, nor any of his Menial Servants, in the Time of Parliament, nor for certain Days before and after. A *Privilege real* is, that which is granted to a Place; as to the Universities, that none of either may be called to *Westminster-Hall*, or prosecuted in other Courts. See the *New Book of Entries*, *verbo Privilege*. Privilegium *dicitur singularis, hoc est, publicæ legi, quæ omnibus fit lex, aliquid homini sibi loco, vel Collegio & familiis aliis conceditur.*

'Tis an ancient Privilege for Men to be exempted from Arrests in or near the King's Palace where he is resident; because in such Cases Quarrels often happen, and the Peace ought to be kept there. In *Regis* [illegible] *Regis aula, sed ubi nostrum erit, quatuor partibus illius loci, hoc est, quatuor milliaria, & tres quarentenas & unum ferè latitudine & unumquemque diversum palma & unum grana hordei, ut ita nullus resistere esse debet ne multo diligentia in quibusdam Regis infirmari, maximum ejus vicinia.*

Privity, (Fr. *Privauté*,) Private Familiarity, Friendship, Inward Relation. As if there be Lord and Tenant, and the Tenant holds of the Lord by certain Services, there is a *Privity* between them, in respect of the Tenure. See *Privy*.

Privy (Fr. *Privé*, i. e. *Familiaris*) signifies him that is a Partaker, or hath an Interest in any Action or Thing, as *Privies of Blood*. *Old Nat. Br. fol.* 117. Every Heir in Tail is *Privy* to convey the Land intailed. *Rodom. fol.* 237. *Merchants Privy* are opposite to *Merchants Strangers*. *Statu.* 2 *Edw.* 3. *c.* 9. & 14. *Coke*, *lib.* 2. *Wallet's Case*, *fol.* 43. (and *lib.* 6. *fol.* 18.) mentions four Kinds of *Privies*, viz. *Privies in Blood*, as the Heir to his Father; *Privies in Representation*, as Executors or Administrators to the Deceased; *Privies in Estate*, as he in Reversion, and he in Remainder, when Land is given to one for Life, and to another in Fee; the Reason is, for that their Estates are created both at one Time. The fourth is *Privies in Tenure*, as the Lord by Escheat; that is, when Land escheats to the Lord for want of Heirs. The Lessor of *Lord-Tenure* adds a fifth Sort of *Privies* whom for, and *Coke on Littl. lib.* 3. *cap.* 8. *sect.* 161.

Privy-Seal (*Privatum Sigillum*) is a Seal that the King affixes to such Grants, or Things, as pass the Great Seal. First they pass the Privy Signet, then the *Privy-Seal*, and lastly the Great Seal of *England*. The *Privy-Seal* is also sometimes used in Things of less Consequence, that do not at all pass the Great Seal. No Writs shall pass under the *Privy-Seal*, which touch the Common Law. *Stat. fol.* 915.

Pryden was the Name of the Seal of King *Arthur*, on which the Virgin *Mary* was painted. 'Tis mentioned in *Geffry of Monmouth*, *Lib.* 9. *cap.* 2.

Probare in *Leg. Canuti*, *cap.* 44. *apud Brompton*, signifies To claim a Thing as his own. *Et hæc illud probare debeas aut sex manus sacramentum facere aut se.*

Probate of Testaments (*Probatio Testamentorum*) is the exhibiting and proving last Wills and Testaments before the Ecclesiastical Judge, delegated by the Bishop, who is *diocesan* of the Place where the Party deceased, all the Deceased Party's Goods, Chattels, and Debts owing him, were in the same Diocese; then the Bishop of the Diocese, or the Archdeacon, (according as their Composition or Prescription is) has the *Probat* of the *Testament*. If the Goods were dispersed in divers Dioceses, so that there were any Sum of note (as five Pounds ordinarily) out of the Diocese where the Party lived, then to the Archbishop of *Canterbury* (or *York*) the Ordinary by his Prerogative. This *Probat* is made in two Sorts; either in *solemnis Forma*, or *per Testes*. The first is only by the Oath of the Executor, who swears upon his Credulity that the Will by him exhibited, is the last Will and Testament of the Party deceased. *Per Testes* is when, besides his Oath, he also produceth *Witnesses*, or makes other Proof to confirm the same; which latter Course is taken most commonly where there is Strife or Dispute about the Testator's Goods. For it is held, that a Will proved in *solemnis forma* only may be tried in Question any Time within thirty Years after. And where a Will disposes of Lands, or Tenements

of

of Freehold, it is now usually proved by Witnesses in *Chancery*.

Procedendo is a Writ whereby a Plea or Cause, formerly called from a base Court to the *Chancery*, *King's-Bench*, or *Common Pleas*, by Writ of Privilege or *Certiorari*, is released, and sent again to the same Court, to be proceeded in there, after it appears that the Defendant has no Cause of Privilege, or that the Matter comprised in the Party's Allegation or Suggestion is not well proved. *Brooke, tit. Procedendo*, and *Coke, vol. 6. fol. 63.* See *Anno 21 Rich. 2. cap. 12.* Letters of *Procedendo*, granted by the Keeper of the Privy-Seal. See in what Diversity it is used in the *Table of the Register of Writs Original and Judicial*, *anno 21 Jac. cap. 23.*

Process (*Processus*, from *Procedendo de initio usque ad finem*) is so called, because it *proceeds* (or goes out) upon former Matter, either Original or Judicial; and has two Significations: First, It is largely taken for all *Proceedings* in any real or personal, civil or criminal Action, from the Original Writ to the End. *Britton, fol. 138.* Secondly, We call that the *Process* by which a Man is called into any Temporal Court, which is always in the Name of the King. See *Bracton, lib. 5. tract. 2. cap. 8.* Divers Kinds of *Process* upon Indictments before Justices of the Peace, see in *Crompton's Justice of Peace, fol. 134.* In special *Process* is that, which is especially appointed for the Offence by Statute.

Processus continuando is a Writ for the Continuance of a *Plea*, after the Death of the Chief Justice, or other Justices in the Writ or Commission of *Oyer and Terminer*. *Registrum Brevium, fol. 128.*

Prochein ami (*Proximus amicus*, *proximus amicus*) is used for that has next of Kin to a Child in his Nonage, and is in what Respect allowed by Law to deal for him in managing his Affairs; as to be Guardian if he hold in Socage, and in the Regard of any Wrong done him. *Statut. Westm. 1. cap. 48.* and *Westm. 2. cap. 10.* and 15. in the Prosecution of any Action at Law, *per Gardianum*, where the Plaintiff is an Infant, and *per proximum amicum*, where the Infant is Defendant. See *Brooke, tit. Accompt, 26.*

Proclamation (*Proclamatio*) is a Notice publickly given of any Thing whereof the King thinks fit to advertise his Subjects. *Stat. Westm. 1. cap. 31.* *Hen. 8. cap. 8.* and *Bracton, lib. 3. tract. 2. cap. 9.*

Proclaim is a Writ so called, whereby publick Distress is given where a Man, not appearing upon a *Subpœna*, or an Attachment, is declared shall be reputed an Rebel, if he render not himself by a Day assigned in that Writ. See *Commission of Rebellion.*

Proclamation of a Fine is a Notice openly and solemnly given, at all the Assizes held in the County where the Land lies, after the engrossing thereof, which Proclamations are made upon Transcripts of the *Fine*, sent by the Justices of the *Common Pleas* to the Justices of Assize, and of the Bench at *Westminster*, *Dyer, Syndel. 11. Eliz. fol. 271.* where also you may see the Form of the *Proclamation*. *Proclamare est palam & bacula ostendere.* See *Proclamation* in *Cowel's Chaos*, *Dyer, Book of Entries*, *verbo Proclamation.*

Proconsul is Upon a Bill exhibited in *Chancery*, where the Defendant appears, and is in Contempt for not answering, and in Custody; upon a *Habeas Corpus* (which is granted by Order) to bring him to the Bar, the Court assigns him a Day to answer; which being expired, and no Answer put in, a second *Habeas Corpus* is likewise granted, and a further Day assigned; by which Day, if he answer not, the Bill, upon the Plaintiff's 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 made to the Bill, the Matter of the Bill, not sufficiently answer'd unto, shall be taken *pro Confesso*.

Proconsules were those who were called Justices in *Eyre*, or *Justiciarii Itinerantes*; in *England*. *Hoveden, comes Ligecestriæ Robertus modo est Proconsulatum gerens apud Britanniam.* Joh. Sarisburiensis, lib. 5. Policrat. cap. 15.

Procurators of the Clergy (*Procuratores Cleri*) are those who are chosen and appointed to appear for Cathedral or other Collegiate Churches, as also for the common Clergy of every Diocese, to sit in the Convocation-House in the Time of Parliament. The Manner of their Election, see in *Cowel's Interpreter* on this Word. See *Prolocutor* and *Convocation*, and see *Lambard's Archaion*, *cap. 4. Rich. 2. stat. 1. cap. 3.* See *Procurator.*

Procurations (*Procurationes*) are certain Sums of Money which Parish Priests pay yearly to the Bishop or Archdeacon, *ratione Visitationis*. They were anciently paid in necessary Victuals for the Visitor and his Attendants; but afterwards turned into Money: For *Procuratio*, in a strained Sense, signifies a Diet, and is thus defined by *Papias*, to be *Necessariorum sumptuum Episcopi, vel rationem visitationis debetur ab Ecclesiarum Ministris, vel officia metuunt, sive ab omnibus visitandis, sive ab Episcopis, sive Archidiaconis, sive Decanis, sive Decanis summi Pontificis.* Anno 1298. Mense Martii *Pro Sancti Laud Episcopus Dunelmensis* [illegible] Procurationem. *Sunt in vitis & pontificum Bonifacii* [illegible] *nostravit ibidem.* Giff. fol. 226. b. See an Historical Discourse of *Procurations* and *Synodals*, printed *Anno* 1661. These are also called *Procuratio*, as, *Procuratio Episcopi*, *Chart. Willelmi Primi*, *Ecclesiæ Pauloestal. pag.* 64. [illegible] Ex Record. Primitiar. 26 *Hen.* 8. See *Dyer, fol.* 377. 8. and *Claus. Rising 2 Edw.* 1. *m.* 19. *dorso.* See *Hospitium* and *Gravisium.*

Complaints were often made to the Pope of the excessive Charges of the *Procurations*, which were prohibited by several Councils and Bulls. That of *Clement* the Fourth, mentioned in the *Monasticon*, a *Tom. pag.* 105. (every particular) publish'd, wherein that Pope says, That Complaint has been made to him that the Archdeacon of *Cambridge*, visiting the Diocese, travelled with one hundred and three Horses, twenty one Dogs, and three Hawks, and did so grievously oppress a Religious House with that vast Equipage, that he caused the Monks to spend in the House as much as would have maintained them a long Time. See *Multimulti*.

Procurator, one who has a Charge committed to him by another. So the *Proxies* of Lords in Parliaments are in our Law-Books called *Procuratores*. It signifies also a Vicar or Lieutenant, one who acts instead of another. In *Petrus Blesensis, Ep. 47.* we read of a *Procurator Regni*. So *Prætor reipublicæ* is a publick Magistrate. There are also *Procuratores Cleri* sent to the Convocation; and the Bishops sometimes are called *Procuratores Ecclesiarum*. And from this Word comes the common Word *Prætor*

tor in the Civil Court. It is also used for him that gathers the Fruit of a Benefice for another Man. *Anno* 3 *Rich.* 2. *Stat.* 1. *cap.* 3. and *Procuracy* for the Writing or Instrument, whereby he is authorized. *Procurators* are at this Day in the West-Parts called *Proctors*.

Procurors. See *Malvicis Procurors*.

Procursus is the Genealogy of a Man. *Cum à quodam clerico & perita originem & procursum Regis Ludovici quæreret.* Mat. Paris. Anno 1130.

Profe, alias **Prove**, is used for an Enquest. *Anno* 28 *Ed.* 3. *cap* 13.

Profer (*Profrum*, vel *Proferum*, from the Fr. *Proferer*, i. e. *Producere*, *Edicere*, *Allegare*.) is the Time appointed for the Accompts of Sheriffs, and other Officers, in the *Exchequer*, which is twice in the Year, *Anno* 51 *Hen.* 3. *Stat.* 5. which may be gathered also out of the *Register*, *fol.* 139. in the Writ *De Attornato vicecomitis pro profro faciendo.* We read also of *Profers*, *Anno* 32 *Hen.* 8. *cap.* 21. in these Words: **Trinity Term shall begin the Monday next after Trinity Sunday, whensoever it shall happen to fall, for the keeping of the Essoins, Profers, Returns, and other Ceremonies, heretofore used and kept.** In which Place *Profer* signifies the Offer and Endeavour to proceed in an Action by any Man concerned so to do. See *Briton*, *cap.* 28. *fol.* 50. *b.* and 55. *a* and 80. *b.* and *Fleta*, *lib*, 1. *cap.* 38. *sect.* Utlagati &c seq. *Præterea idem* Henricus de Haffinggis, *& antecessores sui solebant capere & de jure habere rationabiles expensas suas versus Senescallum singulis annis, pro duobus* Profris *faciendis & uno compoto reddendo per annum*, &c. Ebdem Anno 30 Ed. 1. n. 19. See *Riley's Pla. Parl. fol.* 201. *de Anno* 22 *Ed.* 1.

Profer the Half-mark. See *Half-mark*.

Profession (*Professio*) is used particularly for the entring into any Religious Order; (*New Book of Entries*, *verbo Profession*,) by which a Monk offered himself to God by a Vow of three Things, *viz.* Obedience, Chastity, and Poverty, which he promised constantly to observe. And this was called *Sanctæ Religionis Professio*, and the Monk a *Religious Professed*.

Programma, *i. e.* a Letter sealed with the King's Seal *Spec. Sax. lib.* 3. *art.* 34.

Prohibition (*Prohibitio*) is a Writ to *forbid* any Court, either Spiritual or Secular, to proceed in any Cause there depending, upon Suggestion that the Cognition thereof belongs not to the said Court. *Fitz. Nat. Br. fol.* 39. *G.* But is now usually taken for that Writ which lies for one that is impleaded in the Court Christian for a Cause belonging to the Temporal Jurisdiction, or the Cognisance of the King's Court, whereby, as well the Party and his Counsel, as the Judge himself and his Register, are forbidden to proceed any further in that Cause. See *Brooke*, *hoc titulo*, and *Fitz. Nat. Br. fol.* 93. and *Bracton*, *lib.* 5. *tract.* 5. *cap.* 3. *usque ad* 12. who says that it lies not after Sentence given in any Cause. And the Stat. 50 *Edw.* 3. ordains, that but one *Prohibition* should lie in one Cause. See the Diversity of *Prohibitions* in the Table of the *Register of Writs*, *New Book of Entries*, on this Word, and 2 *Par. Inst. fol.* 601.

Prohibitio de vasto directa parti is a Writ Judicial directed to the Tenant, prohibiting him from making Waste upon the Land in Controversy, during the Suit. *Reg. of Writs Judic. fol.* 21. It is sometimes made to the Sheriff; the Example whereof you have next following in the same Book.

Pro indiviso 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. *tract.* 2. *cap.* 1. *numb.* 7. See *Pour-party* and *Partitione faciunda*.

Prolocutor of the Convocation-House (*Prolocutor Domus Convocationis*) is an Officer chosen by Persons Ecclesiastical, publickly assembled by vertue of the King's Writ, at every Parliament: And as there are two Houses of Convocation, so are there two *Prolocutors*, one of the Higher House, the other of the Lower; the later of which is presently upon the first Assembly, by the Motion of the Bishops, chosen by the Lower House, and presented to the Bishop for *Prolocutor* of the Lower House, 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 propounded, gather Suffrages, and the like. *Cowel.*

Promoters (*Promotores*) are those who, in Popular and Penal Actions, do prosecute Offenders, in their 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 belonged chiefly to the *Exchequer* and *King's Bench*. *Smith de Repub. Angl. lib.* 2. *cap.* 14. Sir *Edw. Coke* calls them *Turbidum hominum genus.* 3 *Inst. fol.* 191.

Promulged, (*Promulgatus*,) Published, Proclaimed. *Anno* 6 *Hen.* 8. *cap.* 4.

Prothonotary, or **Protonotary**, (*Protonotarius*, i. e. *Primus notarius*,) is a chief Clerk of the *Common Pleas*, and *King's Bench*, whereof the first hath three, the other one; for the *Prothonotary* of the *Common Pleas* (*Anno* 5 *Hen.* 4. *cap.* 14.) is termed a chief Clerk of that Court. He of the *King's Bench* records all Actions Civil, as the Clerk of the *Crown-Office* does all Criminal Causes in that Court. Those of the *Common Pleas*, since the Order of 14 *Jac.* upon an Agreement made betwixt the *Prothonotaries* and *Filacers* of that Court, (who before did enter all Declarations and Pleas, whereunto a Serjeant's Hand was not required,) do enter and enroll all manner of Declarations, Pleadings, Assises, Judgments, and Actions. They make out all Judicial Writs, except Writs of *Habeas Corpus* and *Distringas Jurator*, for which there is a particular Office, not much beyond the Memory of Man erected, called *The Habeas Corpora Office*. They also make out *Writs of Execution*, and of *Sisin*, *Writs of Privilege*, for removing Causes from other inferior Courts of Record, in Case where the Party hath Cause of Privilege. Writs of *Procedendo*, of *Scire Facias* in all Cases, and Writs to enquire of Damages; and all Process upon Prohibitions, and upon Writs of *Audita Querela*, and false Judgment, *cum multis aliis*. They enter and enroll all common Recoveries; and may make Exemplifications of any Record in the same Term, before their Rolls are made up, and brought into the Treasury of Records in that Court.

Pro partibus Liberandis is a Writ for the Partition of Lands between Co heirs. *Reg. of Writs*, *fol.* 316.

Propertia, the same with *Perpars*, viz. *inter sorores* Propertia *facta fuit de prædictis Comitatibus, advocationibus & castris.* Monastic. 1 Tom. p 305.

Property (*Proprietas*) is the highest Right a Man hath, or can have to any Thing, and no ways depending upon another Man's Courtesie; which none in our Kingdom can properly be said to have in any Lands or Tenements, but only the King in Right of his Crown: Because all the Lands throughout the Realm are in the 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 imports as much as *utile Dominium*, though not *Directum*. See *Fee*, and *Coke*, *lib.* 7. *fol.* 17.

Prophecies (*Prophetiæ*,) are in our Statutes taken for Fore-tellings of Matters to come, in certain hidden and enigmatical Speeches; whereby great Commotions have been often caused in this Kingdom, and great Attempts made by those, to whom such Speeches promised good Success, though the Words are mystically framed, and point only at the Cognizance, Arms, or some other Quality of the Parties. *Anno* 3 *Edw.* 6. *cap.* 15. And 7 *ejusdem*, *cap.* 11 And 5 *Eliz. cap.* 15. But these for Distinction-sake, are called *Fond*, *False*, or *Fantastical Prophecies*. 3 *Inst. fol.* 128.

Proportare. This Word is mentioned in *Mon. Angl.* 1 *Tom. pag.* 534. *Et unum parvum bosii mistri, sicut Fossata* proportant, *i. e.* as far as the Ditches reach.

Proportion. See *Demerando pro rata portionis.*

Proportum, Purport, Intention or Meaning. —*Secundum* proportum *dicti Chirographi inter eos confecti.* Charta Rogeri de Quincy, 31 *Hen.* 3.

Propounders. The 85 Cha. of *Coke's* 3 *Institutes* is Intituled, *Against Monopolists*, *Propounders* and *Projectors*; where it seems to be used only as a *Synonyma* to *Monopolists*.

Proprietarii Monachi were those Monks who had any Goods or Substance of their own. They are often mentioned in *Mon. Angl.* 3 *Tom. pag.* 307. *et in Addit. ad* Matt. Paris, pag. 115. *Monachi Proprietarii excommunicentur ab Abbatibus, & si in morte* proprietarius *inventus fuerit, Ecclesiasticâ careat sepulturâ, &c.*

Proprietary (*Proprietarius*,) is he that hath a Property in any Thing, *Quæ nullius arbitrio est obnoxia.* But it was heretofore most commonly used for him that hath the Fruits of a Benefice to himself, and his Heirs, or Successors, as in Time past, Abbots and Priors had to them and their Successors. See *Appropriation.*

Propietate Probanda is a Writ that lies for him who would prove a Property before the Sheriff. *Reg. of Writs*, *fol.* 83. & 85. For where a *Property* is alledged, a *Replegiare* properly lies not. *Brook*, *Property* 1.

Pro rata, i. e. **Pro proportione.** *Anno* 16 *Car.* 2. *cap.* 6.

Pro rata portionis. See *Onerando pro rata portionis.*

Prorogue, (*Prorogar*) to prolong, defer or put off to another Day, to continue. *Anno* 6 *Hen.* 8. *c.* 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 Session, and then such Bills as passed in either House, or by both Houses, and had no Royal Assent to them, must at the next Assembly begin again: For every several Session of Parliament is, in Law, a several Parliament; but if it be but adjourned or continued, then is there no Session, and consequently all Things continue in the same state they were in before the Adjournment. 4 *Inst. fol.* 27. This Distinction and Difference betwixt *Prorogation* and *Adjournment*, has not been long in use; for anciently they were used as *Synonyma's*, *Prorogetur Curia de hora in horam quousque Placitum terminetur.* MS. de LL.

Prosecutor is he that followeth a Cause in another's Name. See *Promoters.*

Protection (*Protectio*) is generally taken for that Benefit and Safety which every Subject, Denizen or Alien, specially secured, hath by the King's Laws. *Anno* 25 *Edw.* 3. *cap.* 22. And it is used specially for an Exemption or Immunity given by the King to a Person against Suits in Law, or other Vexations, upon reasonable Causes him thereto moving, which is a Branch of his Prerogative. And of this Protection, *Fitzherbert* (*Nat. Br. fol.* 28.) makes two sorts: The first he calls a *Protection*, *cum clausula*, *Volumus* —Whereof he mentions four Particulars, 1. A *Protection*, *Quia profecturus*, for him that is to pass over Sea in the King's Service. 2. *Quia moraturus*, for him that is abroad in the King's Service upon the Sea, or in the Marches. *Anno* 7 *Hen.* 7. *cap.* 2. 3. For the King's Debtor, that he be not sued nor attached, till the King be paid his Debt. *Anno* 15 *Edw.* 3. And 4. In the King's Service beyond Sea, or on the Marches of *Scotland*. *Anno* 1 *Rich.* 2. *cap.* 8. *Reg. of Writs*, *f.* 23. And *Briton*, *cap.* 123.

The second Form of *Protection* is, *Cum clausula*, *Nolumus*, which is granted most commonly to a Spiritual Company for their Immunity from having their Cattle taken by the King's Ministers: But it may also be granted to a single Person Spiritual or Temporal. *Protection* extends not to *Pleas of Dower*, *Quare impedit*, *Assise of Novel Disseisin*, *Darrein Presentment*, *Attaints*, nor *Pleas* before Justices in Eyre. See *New Book of Entries* on this Word.

Prothonotary. See *Pronotary.*

Proto-Forestarius was he whom our ancient Kings made Chief of *Windsor-Forest*, to hear all Causes of Death or Mayhem there. *Cam. Brit. pag.* 213. A Lord Chief Justice in Eyre.

Protest (*Protestari*) hath two Applications; one is by way of Cautel, to call witness (as it were) openly to affirm, That he doth either not at all, or but conditionally, yield his Consent to any Act, or unto the Proceeding of a Judge in a Court, wherein his Jurisdiction is doubtful, or to answer upon his Oath, further than he is by Law bound. *Reg. of Writs*, *fol.* 306. b. The other is by way of complaint, to *Protest* a Man's Bill: As if I pay Money to a Merchant in *France*, taking his Bill of Exchange to be repaid in *England* by his Factor or Assignee, if at my coming I find not my self satisfied, but either delayed or denied, then I go into the Exchange, and *Protest* that I am not paid or satisfied by him. And thereupon, if he hath any Goods within the Realm, the Law of Merchants allows me satisfaction out of them.

Protestation (*Protestatio*) is (as Justice *Walsh* defines it) a Defence of Safeguard to the Party that makes it, from being concluded by the Act he is about to do, that Issue cannot be joined upon it. *Plowden*, *fol.* 276 *b.* It is a Form of Pleading, when one does not directly affirm, nor directly deny any Thing that is alledged by another, or which he himself alledgeth.

Prove. See *Profe.*

Prover, (*Probator*) *Anno* 28 *Edw.* 1. and 5 *Hen.* 4. *cap.* 2. See *Approver.* And 3 *Part Inst. fol.* 129. A Man became an *Approver* and appeal-

ed five, and every of them joined Battel with him, *Et duellum perensum fuit cum omnibus*, & Probator *devicit omnes quinque in duello, quorum quatuor suspendebantur, & quintus clamabat esse Clericum & allocatur*; & Probator *pardonatur*. Mich. 39 Edw. 3. coram Rege. Rot. 97. Suff.

Providentiæ, *i. e.* Provisions to eat or drink; *Providentia vini ante adventum suum in Cellaria erat Centum doliorum*. Knighton, Anno 1354. See *Pourveyance*.

Province (*Province*) was used among the *Romans* for a Country, without the compass of *Italy*, gained to their subjection by the Sword, of which, that part of *France* next the *Alps*, was one, and still retains the Name. But with us a *Province* is most usually taken for the Circuit of an Archbishop's Jurisdiction, as the *Province of Canterbury*, and that of *York*. *Anno* 32 *Hen.* 8. *cap.* 23. and 33 *ejusdem*, *c.* 31 Yet it is often used in our Statutes for several Parts of the Realm; and sometimes for a County. — *In Placito Agnetis quæ fuit uxor Radulphi de Butiller versus Priorem de Repindon, pro terra in Pikinton, Prior dicit quod nulla villa est in Provincia illa, quæ sic vocatur*. Placit. de Juratis & Assisis apud Derby. Pasch. 53 Hen. 3. Rot. 2.

Provincial (*Provincialis*) is a Chief Governor of a Religious Order, as of Friars, &c. *Anno* 4 *Hen.* 4. *cap.* 17.

Provision (*Provisio*) is used with us as it is in the Canon-Law, for the providing a Bishop, or any other Person, with an Ecclesiastical Living, by the Pope, before the Incumbent be dead. It is also called *Gratia expectativa*, or *Mandatum de providendo*. The great Abuse whereof through all Christendom heretofore, you may read not only in *Duarenus de sacris Ecclesiæ Ministeriis & Beneficiis*, *lib.* 3. *cap.* 2. but also particularly in *England*, mentioned in divers of our Statutes, *viz.* 35 *Edw.* 3. *cap.* 22. *Stat.* 4 & 5. commonly called the Stat. *De Provisionibus*, & 27 & 38 *ejusdem*, *Stat.* 2. *Anno* 2 *Rich.* 2. *cap.* 7. & 3 *ejusdem*, *cap.* 3. & 7 *ejusdem*, *cap.* 12. *Anno* 2 *Hen.* 4. *cap.* 3 & 4. & *Anno* 3 *Hen.* 5. *cap.* 4. See *Præmunire*.

Provisiones, the Decrees which were made in a Parliament at *Oxford*, *Anno* 1258. are called *Provisiones* by *Rishanger*, who continued *Matt. Paris*, *Anno* 1260. *Rex autem quia juraverat cum Edwardo primogenito suo & Baronagio* Provisiones *Oxonienses se inviolabiliter servaturum*, &c.

Provisiones were also the same with *Providentiæ*, *i. e.* Provisions of Victuals.

Gratisque dari provisa jubemus.

Proviso is a Condition inserted into any Deed, upon the observance whereof, the Validity of the Deed depends; it sometimes signifies a Covenant. *Coke's* 2 *Rep. Lord Cromwel's Case*. It hath also another signification in Matters Judicial; as if the Plaintiff or Demandant be slow, or desist in prosecuting an Action, by not bringing it to a Trial, the Defendant or Tenant may take out the *Venire Facias* to the Sheriff, which hath in it these Words, *Proviso quod*— 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 it bringing down the Record, or going to Trial by *Proviso*. See *Old Nat. Br. fol.* 159. In *Nisi Prius*.

Provisor is generally taken for him that hath the Care of providing Things necessary; a Purveyor; but more especially in our Statutes it signifies one that sued to the Court of *Rome* for a *Provision* (which *Vide supra*.) *Old Nat. Br. fol.* 143. who were prohibited by Proclamation, 42 *Hen.* 3. *Anno* 1258. *Hol. pag.* 259. *b.* 18. Provisores *dicuntur, qui vel Episcopatum vel Ecclesiasticam aliam Dignitatem in Romana Curia sibi ambiebant de futuro, quod ex gratia expectativa nuncuparunt, quia usque dum vacaret expectandum esset*. Spel.

Provost-Marshal, an Officer in the King's Navy, who hath Charge of the Prisoners taken at Sea. *Anno* 13 *Car.* 2. *cap.* 9. *art.* 30. And is sometimes used for a like Purpose at Land, as to seize or arrest any within the Jurisdiction of his Place or Office.

Proxege. See *Senege*. *Quare*, If it be not the Payment of *Proxies* or Procurations.

Proxies (Sir *John Davies*, *Rep. fol.* 4.) are Yearly Payments made by Parish Priests to their Bishop or Archdeacon, *Ratione Visitationis*. See *Procurations*, and the Case *Inter Regem & Sir Ambros. Forth*, 2 *Jac.* in the Exchequer.

Prick seems to signifie an old-fashioned Spur, with one point, not a Rowel. —— *Nich. Filius & Hæres Nich. de Lonford Chivalier, tenet quatuor Messuagia, 40 Acras terræ, decem Acras prati & lx s. redditus cum pertinentiis in* Kinwaldmersh, *de Rege in Capite, per servitium inveniendi unum equum, unum saccum, & unum* Prick *in guerra Walliæ, quandocunque contigerit Regem ibi guerrare*. Mich. Fines 1 Rich. 2. Derb. fol. 204.

I find in *Henry* the Eight's Time, Light Horsemen in War was called *Prickers*, because they used such Spurs or *Pryks* to make their Horses go with Speed; And to this Day Horsemen say, *Prick on*, when they would have one ride faster.

Publick Faith (*Fides Publica*) *Anno* 17 *Car.* 1. *cap.* 18. was a rebellious Cheat, to raise Money of the seduced People, upon the *Publick Faith* of the Nation, to make a wicked and causeless War against a most Religious and Gracious Sovereign, which began in or about the Year 1642.

Pucellage, (*Pucellagium*, Fr. *Pucelage*) Virginity, Maidenhead. —— *Quod tenuit eam dum idem B. abstulit Pucellagium suum, vel quod concubuit cum ea*. Bracton, lib. 3. tract. 2. cap. 28. num. 2, 3, & 5. In an ancient *MS.* I find it written *Puellagium*. *In placito pro Raptu, sic continetur* — *quod ipsam de* Puellagio *suo felonice, & totaliter deflloravit*. Inter Plac. Mich 19 Edw. 3. London 159.

Pudhepec (*Sax.*) —— *si* Pudhepec, (*i. e.* nemoris cæsio) *Parco Regis vel Foresta fiat, xx mancæ emendetur, nisi Propositio propensior amplius exigat*. LL. Hen. 1. cap. 38. But the learned *Spelman* believes it to be false written, for the *Saxon* puthepec; i. e. *Wudhepec*, the W. in that Character, being like the P. in ours.

Pudzeld, (*Coke on Litth. fol.* 233.) the same with *Woodgeld*; for it seems to be a mistake of the *Saxon* putzeld.

Puisne, (Fr. *Puisné*) Younger, Puny, born after. See *Mulier*.

Puleterius. (*Rex Majori & vic. London. salutem. Quia accepimus quod Pistores, Tabernarii, Molendinarii, Coci*, Puleterii, *Piscenarii, Carnifices, Braciatores, Bladarii & alii de diversis Officiis & Mysteriis*, &c. Pat. 1 Edw. 3. pars 3. m. 13.) seems to signify a Poulterer.

Pullani, *i. e.* Colts; In the *Monasticon*, 1 *Tom. pag.* 321. *Dono etiam prædictis Monachis decimas* pullanorum *meorum & vitulorum & agnorum*, &c.

Pullonatus, a Colt bred in the House; *Et si equus*

quis fuerit furto sublatus, poterit dicere quod ei pullonatus *fuit, & quod eum nutrivit per tantum tempus, &c.* Bracton, Lib. 3. cap. 22. Par. 5.

Pulsator, *i. e.* the Plaintiff or Actor. *Leg. H.* 1. *cap.* 26. and *Pulsare* is to accuse any one.

Quisquis vel locuples pulchrâ vel conjuge notus.
Crimine pulsatur *falso, &c.*

Pultura, *i. e.* an Examination: From *Pulsare*, which signifies to ask or demand; and 'tis so called from the Monks, who before they were admitted into the Monasteries, *pulsabant ad fores*, for several Days before they entered: *Et volo ut sint quieti de omnibus causis & querelis & placitis Ballivorum & Præpositorum hundredi & à* pulturâ *serjanorum*, (*i. e.* the Examination of the Serjeants) *& de reward o forestarum, i. e.* the Visitation of the Forests. *Monasticon*, 2 *Tom. pag.* 1035.

Pulvinarium opus, for **Plumarium opus**. Monasticon, 3 Tom. pag. 317.

Pundbrech, (from the *Sax.* Pund, i. e. *Parcus*, and Brech, i. e. *fractura*) *Si* Pundbrech (*i. e.* Fractura Parci) *fiat in Curia Regis, plena* Wyta *sit; alibi quinque mancæ.* LL. Hen. 1. cap. 40. It is the illegal taking of Cattel out of the *Pound*, either by breaking the *Pound*, picking the Lock, or otherwise.

Puniata, *i. e.* an Handfull: *Spelman* thinks it ought to be read *Pumata*, viz. *Lancea qui pro sale ierit habeat unum panem & unam pumatam salis, i. e.* an handful of Salt.

Purchase, (*Purchacia*, from the Fr. *Pourchasser*) is to buy Lands or Tenements with one's Money, or otherwise gain them by one's Industry, contradistinguished from that which comes to one by Descent from his Ancestors. *Gaufridus de Mandevilla Comes Essexiæ fundator Cœnobii Sancti Jacobi Waldensis* in Charta prima —— *Contuli, &c. omnes Ecclesias inferius annotatas, tam de Dominio meo, quam de emptis &* Purchasiis, &c. *Joint Purchase (conjunctum perquisitum.) Reg. of Writs, fol.* 143. *b.* is where two Persons or more *join* in the *Purchase* of Lands.

Purfles of a Woman's Gown (from the Fr. *Pourfiler*, *Anno* 33 *Hen.* 8. *cap.* 5.) a sort of Trimming for Womens Gowns, then in use; it was interwoven with Tinsel, or Gold-Thread, or Lace, and was also called *Baudkin-work*. So *Cam. tit. Ireland*, speaks of a *Mantle* or Shag-rug, with a deep fringed *Purfle*.

Purgation (*Purgatio*) is the clearing one's self of a Crime, whereof he is probably and publickly suspected, and thereof accused before a Judge. Of this there was great use in *England*, touching matter of Felony imputed to Clerks in former Times, as appears by *Staundf. Pl. Cor. lib* 2. *cap.* 48. and *Westm.* 1. *cap.* 2. See *Clergy*. It is still observed in Matters pertaining to the Ecclesiastical Court, as Suspicion or common Fame of Incontinency, or such like.

Purgation is either *Canonical* or *Vulgar*: *Canonical*, is that which is prescribed by the Canon Law; the Form whereof is usual in the Spiritual Court, the Person suspected taking his Oath, That he is clear of the Fact objected; and bringing so many of his honest Neighbours, not above Twelve, as the Court shall assign him, to swear upon their Consciences and Credulity, that he swears truly: The *Vulgar*, and ancient manner, was by Fire or Water, or by Combat, used by Infidels and Christians also till by the Canon Law it was abolished. But *Combat*, though now disused, may be still practised by the Laws of the Realm, in Cases 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*. See *Sathduve*.

Purgire mulierem, *i. e.* to defile a Woman.

Purificatio Beatæ Mariæ Virginis. (*Anno* 32 *Hen.* 8. *cap.* 21.) See *Candlemass*.

Purlieu-Man, is he that hath Ground within the *Purlieu*, and being able to dispend forty Shillings *per Annum* of Freehold, is licenced to hunt in his own *Purlieu*. *Manwood, part* 1. *pa.* 151. 157. but what Observations he must use in his Hunting, see more in him, *pag.* 180. and *par.* 2. *cap.* 20. *Num.* 5. 8, 9.

Purlue or **Purlieu**, (from the Fr. *Pur*, i. e. *Purus*, and *lieu*, *locus*) is all that Ground near any Forest, which being made Forest by *Henry* the Second, *Richard* the First, or King *John*, was, by *Perambulation* granted by *Henry* the Third, severed again from the same, and became *Purlue*, *i. e.* Pure and free from the Laws and Ordinances of the Forest. *Manwood, par.* 2. *For. Laws. cap.* 20. See the Stat. 33 *Edw.* 1. *Stat.* 5. And the *Perambulation* whereby the *Purlieu* is deafforested, is called *Pourallee*, i. e. *Perambulatio.* 4 Inst fol. 303.

Purpartium, the same with *Perpars* and *Propertia*, in the Monasticon, 1 Tom. pag 847. *Qui quidem Richardus, quia vir animosus erat, intravit in* Purpartium *matris suæ*, &c.

Purpresture, (From the Fr. *Pourprist* and *Pourprest*, i. e. *Integre arreptum*) *est proprie terræ alienæ clandestina subtractio, ejusdemque vicinæ ascriptio.* See *Pourpresture*.

Purprisum, (Fr. *Pourpris*) a Close or Enclosure; also the whole Compass or Extent of a Manor or Place. —— *Donavi eis meum* Purprisum *de Kirkeham & domos meas & molendinum & prata*, &c. Charta Walteri Espec Priorat. de Kirkeham. in Mon. Angl. 2 Pa. fo. 106 n. 40.

Purpurati, *i. e.* the Sons of Emperors and Kings. *Neubrigensis, Lib.* 3. *cap.* 4. *Malmsbury, lib.* 3.

Purrel, (*Anno* 35 *Eliz. cap.* 10.) a List ordained to be made at the end of *Kersies*, to prevent deceit in diminishing their length.

Pursuivant. See *Poursuivant*.

Pursy, (*Anno* 43 *Eliz. cap.* 10.) a Term among Clothiers. See *Rewey*.

Purveyance. See *Pourveyance*.

Purvieto, (Fr. *Pourveu*, a Patent, Gift, Grant) Sir *Edward Coke* often uses it in his Works (how properly I know not) for the Body, or that part of an Act of Parliament which begins with *Be it Enacted* —— *The Stat. of* 3 Hen 7. *stands upon a Preamble and a* Purview. 12 *Rep. fo.* 20. and 2 *Inst. fol* 403.

Putacius, a sort of Cats, whose Skins were used to line Garments: Tis mentioned in *Giraldus*, and in *Brompton*: *Caret herminis, caret* putaciis, *&c.*

Putage, (*Putagium*) *Fornicatio ex parte fœminæ*: *Quasi* puttam agere, *à Gall.* Putte, i. e. *Meretrix.* —— Quod autem generaliter solet dici, *Putagium* hæreditatem non adimit; illud intelligendum est de *putagio* Matris; quia filius hæres legitimus est, quem nuptiæ demonstrant. *Glanv. lib.* 7. *cap.* 12.

Putura, (q. *Potura*) a Custom claimed by Keepers in Forests, and sometimes by Bailiffs of Hundreds, to take Man's-meat, Horse-meat, and Dogs-meat of the Tenants and Inhabitants *gratis*, within the Perambulation of the Forest, Hundred, *&c.* This Custom within the Liberty of *Knaresburg* was long since turned into the Payment of 4 d. *pro Putura.*

ura. Mo. de tem. Ed. 3. Pl. Corey. in Com. Ebor. de Anno 21 Edw. 1. Rot. 21. *Putura in Chasia de Bamland.* 4 *Inst.* 307.

Per Puturam servient. Johannes Stanley An. clamat habere de quilibet tenente, aliquam terram vocatam Quid Orgeng Danda *residente, quilibet secta septimana visum prest Paterfamilias residens super hujusmodi terram habuerit.* Pl. in Itin. apud Castriam. 14 Hen. 7. And the Land subject to this Custom, is called *Terra puturata.* Pla. apud Castr. 31 Ed. 3. In the North of *England*, *Putura Serjantia* was anciently called Serjant Floyd. —*Quils soient quites de la Poture, & de les choses que les Foresters cour demandent, &c.* Ord. Foresta. 33 Edw. 1. The learned *Sommer* in his *Gloss.* upon 1. *Scriptores* err'd in his Exposition of this Word. *Bernardus non videt omnia.*

Placita apud Preston 17 *Edw.* 3. coram Willielmo de Shareshull, Rogero de Hungerford, Henrico de Hungerford, Henrico de Hanbury, Simone de Pakeman, & Rogero de Hillary.

JOhannes de *Radeclifft, Burcelbillus libertatis de* Renwortham *attachiatus fuit ad respondendum Abbati de Evesham de placito, &c. Johannes clamat habere* Puturam *in Prioratu de* Renwortham, *qui est quedam cella Abbatiæ de Evesham, prestare Ministrum, equum & garcionem suis, per unum diem & duas noctes, de tribus septimanis in vicis septimanis, viz. de villanis, ad suum esculentis, & poculentis, ad custus Prioratus prædicti indebite.*

Reg. de Wellebourne tenet medietatem unius hidæ terræ in Tachebrok —— & veniet ad magnam precariam in Autumpno cum omnibus messoribus suis ad Puturam *Domini bis in die* —— E Codice quodam manuscripto. The Black Book of *Lichfield.* See *Bracenarius.*

Putura in some Authors signifies a Boon. *Emo dedit etiam* puturam *pueri in Ecclesia & galeti in refectorio.* Thom. 1267.

Poker alias Pinke, a kind of small Ship, or Herring-boat, mentioned *Anno* 31 *Edw.* 3. *Stat.* 2. *cap.* 2.

Pyrate. See *Pirata.*

Q.

QUinquagesima Sunday is the first Sunday in *Lent*, and is called, because it is about the *fortieth day* before *Easter.* See *Quinquagesima.*

Quadrantata terra. See *Fardingdel.*

Quadraria, a Place where Men dig Stones: 'Tis mentioned in the *Monasticon* 2 *Tom.* *pag.* 133, 173. where 'tis wrote *Quarraria*, which we call a Quarry, &c.

Quadrellis, a sort of Bullets used in great Guns for battering Walls: In *Matt. Paris*, *pag.* 592. they are called *Quarelli*; they were short, thick and square, and from thence they were called *Quadrelli.*

Mercatores interea cessat haliste vel arcus,
Quadrellos hos multiplicat, plusquam sagittas.

Quadrugata terra, a Teem-Land. *Que quatuor aquis agitur.* —*Willielmus Prior de Butcher, et omnes Monachi ejusdem dati concesserunt Osmo de Acomre & hæredibus suis unam* Quadrugatam terræ *quæ attinet ad Man. de Malefield solvendo per ann. ad Festum S. Martini, &c.* Sine date. M. S. Will. Dugdale Mr.

Quam plura was a Writ that lay where an Inquisition had been made by an Escheator, of such Lands or Tenements, as any Man died seized of, and all was supposed not to be found by the Office; this was therefore to enquire *what more* Lands or Tenements the Party died seised of. The Form see in *Reg. of Writs*, *fol.* 293. and in *Fitz. Nat. Br. fol.* 255. This Writ is now made useless by taking away the Court of Wards and Offices, *post mortem.* *Anno* 12 *Car.* 2. *cap.* 24.

Quærens non invenit 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, &c.* Fitz. Nat. Br. fol. 38.

Quæ servitia is a Writ. See *Per quæ servitia.*

Quæstionarii were those who carried Indulgences from Door to Door, desiring Charity either for themselves or others. *Matt. Westm. Anno* 1240. tells us, that the King *terram suam per papales* Quæstionarios *depauperari, &c. permittit.*

Quæstus is that which a Man hath by purchase, as *hæreditas* is what he hath by descent; 'Tis so in *Glanvile, lib.* 7. *cap.* 1. *Aut habet hæreditatem tantum, vel* quæstum *tantum, aut hæreditatem & quæstum.*

Quale jus was a Writ Judicial, that lay where a Man of Religion had Judgment to recover Land, before Execution was made of the Judgment; for this Writ did go forth to the Escheator, between Judgment and Execution, to enquire whether the Religious Person had Right to recover, or whether the Judgment were obtained by Collusion between the Demandant and Tenant, to the intent that the true Lord were not defrauded. See *Westm.* 2. *cap.* 32. The Form of it see in *Reg. of Writs*, *Judic. fol.* 8, 18. and *New Book of Entries.*

Quam 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 in Matters concerning their Office; and is no more than the Law would have imply'd, if the Office had been granted for Life. 4 *Inst. fol.* 117.

Quantum meruit, i. e. how much he has deserved; 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.*

Quarantena. See *Quarentena.*

Quare ejecit infra terminum is a Writ that lies for a Lessee, in Case where he is cast out of his Farm before his Term be expired, against the Feoffee or Lessor that ejects him. And it differs from the *Ejectione firmæ* because this lies where the Lessor, after the Lease made, enfeoffs another, who ejects the Lessee; the *Ejectione firmæ* lies against any other Stranger that ejects him. The Effect of both is all one, which is, to recover the Residue of the Term. See *Fitz. Nat. Br. fol.* 197. and *Reg. of Writs*, *fol.* 227.

Quare impedit is a Writ that lies for him who has purchased an *Advowson*, against him that disturbs him in the Right of his *Advowson*, by presenting a Clerk thereto, when the Church is void. And it differs from the Writ called *Assisa ultimæ Præsentationis*, because that lies where a Man or his Ancestors formerly presented; and this for him that is the Purchaser himself. Where a Man may have that *Assise*, he may have this *Writ*, but not contrarywise. See *New Book of Entries* on this Writ, *Bracton, lib.* 4. *Tract.* 2. *cap.* 6. *Fitz. Nat. Br. f.* 32. and *Westm.* 2. *cap.* 5.

Quare incumbravit is a Writ that lies against the Bishop, who, within six Months after the Vacation of a Benefice, confers it on his Clerk, whilst two others are contending in Law for the Right of presenting. *Old Nat. Br. fol.* 30. *Fitz. Nat. Br. fol.* 48. and *Reg. of Writs, fol.* 32.

Quare intrusit matrimonio non satisfacto, is a Writ that lay 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 *Stat.* 12 *Car.* 2. *ca.* 24.) this Writ is become useless.

Quare non admisit is a Writ that lies against the Bishop, refusing to admit his Clerk, who has recover'd in a Plea of Advowzen, *Fitz. Nat. Br. fol.* 47.

Quare non permittit is a Writ that lies for one who has a Right to present for a Turn against the Proprietary. *Fleta, lib.* 5. *cap.* 16.

Quarentena habenda is a Writ that lies for a Widow to enjoy her *Quarentene*, *Reg. of Writs, fol.* 175.

Quarentene (*Quarentena*) is a Benefit allowed by the Law to the Widow of a landed Man deceased, whereby she may challenge 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. *Br. lib.* 2. *cap.* 40. And if the Heir, or any other attempt to eject her, she may have the Writ *de Quarentena habenda*, *Fitz. Nat. Br. fol.* 161. *Maneat* (*Vidua*) *in Capitali Messuagio mariti sui per Quadraginta dies post obitum mariti sui, infra quos dies assignetur ei Dos, nisi prius assignata fuerit, vel, nisi domus illa sit Castrum.* Mag. Charta, ca. 7. —See *Fleta, lib.* 5. *cap.* 23. and *Spelman in verbo* Leuca.

Quarentene signifies also a quantity of Ground, containing forty Perches, —*Quatuor carucatas terræ arabilis, continentes in longitudine* 8 quarentenas, *& 8 quarentenas in latitudine.* Chart. Withlafi Regis Merciorum apud Ingulf. —*Nam longe debet esse pax Regis à porta sua ubi residens fuerit, à quatuor partibus loci illius, hoc est, quatuor milliaria, & sexies quarentenæ, & novem ulnæ latitudinis, & 9 pedes, & 9 palmæ & novem granorum.* LL. Hen. 1. c. 16. Quarentena *in London ponetur pro respitio habend. per* 40 *dies post summonitionem per breve Regis, ut consulant, &c. si sibi videtur expedire.* MS. *de temp.* Ed. 4. penes Johannem Trevor Arm. And *Quarentine* is also the Term 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.

Quarel, (*Querela* from *querendo*) this properly concerns personal Actions, or mix'd at the highest, for the Plaintiff in them is called *Querens*, and in Declarations in Trespass it is said *queritur*. For, if a Man release *all Quarels*, or Querels, (a Man's Deed being taken most strongly against himself) it is as strong as *all Actions*; for by it all Actions real and personal are released.

Quare obstruxit is a Writ that lies for him, who, having a liberty to pass through his Neighbour's Ground, cannot enjoy his Right, for that the Owner has so strengthned it. *Fleta, lib.* 4. *cap.* 26. *Bell.* Item si minus.

Quarell and **Quarrel**, a Quarry of Stone, —*Prætereà dedi eis Turbariam, & Petariam & Quarreriam, ubicunque invenire potuerint in territorio villæ de Hepp, &c.* Mon. Ang. Par. 2. fol. 995. b. —*In toto illo bosco cum Quarera in illo contenta, una cum quadam placea bosci, quæ vocatur* —. Reg. Prior. de Wormelly, fol. 43.

Martelois. See *Cotuca.*

Quarter —Eight Bushels strikes make the Quarter of Corn. *Anno* 15 *Rich.* 2. *cap.* 4.

Quarterium is a Measure of Corn, consisting of eight Bushels. *Plin. lib.* 2. *cap.* 12. Quarterium *frumenti constat ex octo Bassellis.*

Quarterium Anni is the fourth part of a Year. *Matt. Westm. Anno* 1259. *Decimas de Ringeldon, &c. sequestravit, & per annum fere* Quarterium Anni *intactas retinuit.*

Quarterizatio is part of the Punishment of a Traitor, by dividing his Body into four Parts. *Walsingham* in R. 2. *Auditum & confessum turpissima scelera, tractioni, suspendio, decollationi, exenterationi & quarterizationi, ut usu vulgari loquar, adiudicavit.*

Quarter Sessions is a Court held by the Justices of Peace in every County once every *Quarter* of a Year, 25 *Edw.* 3. *Stat.* 1. *cap.* 8. How far the Jurisdiction thereof extends, see *Lamb. Eirin. lib.* 4. and Sir *Tho. Smith de Repub. Angl. lib.* 2. *cap.* 19. Originally it seems to have been erected only for Matters touching the breach of the *Peace*; but now it extends much farther, by Power given to the Justices of Peace by many Statutes.

Quartilatus is a Word used in Heraldry, and signifies quartering of Arms, or dividing them into four Parts. *Knighton, Anno* 1347. *Vexilla Regis Angliæ* quartilata *de armis Angliæ & Franciæ elevantes.*

Quash, (*Quassare.* Fr. *Casser*, i. e. *rumpere*) to overthrow or annul. *Bracton. lib.* 5. *Tract.* 2. *cap.* 3. *num.* 4. *Anno* 11 *Hen.* 6. *cap.* 2. *As, if the Bailiff of a Liberty return any out of his Franchise, the Array shall be quashed; as an Array returned by one that has no Franchise, shall be quash'd.* *Coke on Litt. fol.* 156.

Quasi modo Sunday: *Charta Gilberti Abbatis de Eynsham Prior. de Shireburn, die Dominicæ Festi* Quasi modo geniti, *Anno* 1255. 1. Low-Sunday, or Low Easter Sunday, anciently so called, from the first Words of the *Introit* of the Mass for that Day. These three Words were in old Deeds often signified by these Abbreviations *q. m. g.*

Quaternio, Paper bound together in form of a Book.

Plurimi hic possit patrum sententiæ reperiri,
Quæ nunc in chartis scribuntur sub quadrato.

So in *Petrus Blesensis Epist.* 19. *Quinque libros novi operis quaternos vocat.*

Quaterpence of Wines: Fr. *Quatrisme*, a fourth part, it being a Tax of the Fourth Penny for all Wines retailed.

Quatrund, (*Anno* 29 *Edw.* 3. *cap.* 2.) a Kind of Grain prohibited by the said Statute. Perhaps the same we now call *Shoulder*.

Queen, (*Regina*) is either the that holds the Crown of this Realm by Right of Blood, or the that is married to the King, which last is called *Queen Consort*. In the former signification, she is in all Construction the same that the King is, and has the same Power in all respects: In the later she is inferior, and a Person exempt from the King; for she may sue, and be sued in her own Name: Yet what she hath is the King's, and what she loseth the King loseth. *Staundf. Prærog. cap.* 2. *fol.* 10. and *Coke, lib.* 4. Copyhold Cases, *fol.* 23. b. The Word is derived from the *Saxon* Cpen, i. e. *uxor*; or the Wife of any one, but *propter excellentiam*

ellentium the Wife of the King only, and therefore she was anciently called the King's *Queen*; for the *West-Saxons* had no other Name for a *Queen* than the King's Wife, *Asser. de Alfredi rebus, &c. pag.* 30. *Matth. Westm. Anno* 894.

She was also called Lady from the *Saxon* [illegible], as may be seen in several *Saxon* Charters, and particularly in two of Queen *Edyth*, which are now in the Church at *Wells*, viz. *Edyth*, the Lady to great Earl *Harold* my Brother; and in *Huntingdon*, *Lib.* 5. *Edelfleda Merciæ Domina Rex vocatur, ad illudem & excellentiam mirificitionis suæ.*

O Elfleda potens, O terror virgo virorum,
Victrix naturæ, nomine digna viri.

Queen-Gold (*Aurum Reginæ*) is a Royal Duty or Revenue belonging to every *Queen Consort*, during her Marriage to the King of *England*, both by Law, Custom and Prescription, payable by sundry Persons in *England* and *Ireland*, (upon divers Grants of the King) by way of Fine or Oblation, amounting to Ten Marks or upwards, to wit, one full Tenth part above the entire Fine, as Ten Pounds for every Hundred Pounds Fine, upon Pardons, Contracts or Agreements; which becomes a real Debt and Duty to the *Queen*, by the Name of *Aurum Reginæ*, upon the Party's bare Agreement with the King for his Fine, and recording it, without any Promise or Contract for this Tenth part exceeding it. *Lib. Rig. Scac. pag.* 43, 44. *Coke's* 12 *Rep. fol.* 21, 22. and *Pryn's Tractate* on this Subject, *per tot.*

Que estate signifies, *verbatim*, which Estate, or the same Estate; and is a Plea, whereby a Man entitling another to Land, &c. saith, That the *same Estate* himself had, he has from him; for example, in a *Quare impedit*, the Plaintiff alledgeth, that such four Persons were seized of Lands, whereunto the Advowson in question was appendant in Fee, and did present to this Church, and afterwards the Church was void, *que estate*, that is, *which Estate* of the four Persons he has now during the Vacation, by vertue whereof he presented, *&c. Brooke* in *que estate*, *fol.* 175. and see *Coke on Littl. fol.* 121.

Que estate le (signifying *verbatim*, *which is the same thing*) is used with as a Word of Art in an Action of Trespass or such like, for a direct Justification of the very Act complained of by the Plaintiff as a wrong; for example, in an Action of the Case, the Plaintiff says, the Lord threatned his Tenants at will in such sort, as he forced them to give up their Lands. The Lord, for Defence pleads, that he said unto them, If they would not depart, he would sue them at Law. This being the *Same* threatning Words used, or to speak artificially, *que est le mesme*, the Defence is good. See *Rastall, in Chalenge estre le mesme, fol.* 286.

Quem redditum demandat is a Writ Judicial, praying for him to whom a Rent-Service, 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 him to attorn. *Old Nat. Bri. fol.* 155.

Querela *coram Rege retenta*, &c. is a Writ, whereby one is called to justifie a complaint of a Trespass made to the King himself, before the King and his Council. *Reg. of Writs, fol.* [illegible]

Querela Prerum Portus, is a Writ. See *prerum portus*.

Questus est nobis, &c. is the Form of a Writ of Nusance, which, by the Statute *Anno* 13 *Edw.* 1. *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, or caused the *Nusance* to the Damage of his Neighbour.

Quia emptores seems to be a *Supersedeas* granted in the behalf of a Clerk of the Chancery, sued 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, or misworded. See *Dyer, fol.* [illegible]

Quid juris clamat is a Writ Judicial, issuing out of the Record of a Fine, which remains with the *Custos Brevium* of the Common Pleas, before it be engrossed, (for after it cannot be had) and it lies for the Grantee of a Reversion or Remainder, when the particular Tenant will not attorn. *West, par.* 2. *Symbol. tit.* Fines. *Sect.* 118. See *New Book of Entries*, on this Writ.

Quid pro quo is an artificial Speech, signifying as much as the *Greek* [illegible] among the *Civilians*, which is a mutual Performance of both Parties to a Contract, or a giving one Thing for another, as to do for a Horse, *Kitchin, fol.* 184.

Quietancia Assisarum super Assisam — *Per hæc verba Johannes Stanley Arm. clamat quod ipse & tenentes & residentes sui non ponantur in Assisis juratis, nisi magnæ Assisæ.* Plac. ut supra.

Quietancia sectæ Hundredi Michmote — *Per hæc verba Johannes Stanley Arm. clamat quod ipse & tenentes sui non tenentur venire ad Curiam istam.* Placit. in Itin. apud Gestriam 14 Hen. 7. See *Acquietancia*.

Quietancia, a Tomb or Sepulchre. *Hic sibi vivens parat Quietancia. Rudder in descriptione Cathedralis Ecclesiæ, viz. usque ad locum quietis Beati Dunstani.*

Quietus (freed or acquitted) is a Word used by the Clerk of the Pipe, and Auditors in the Exchequer, in their Acquitances or Discharges given to Accompitants; usually concluding with *inde quietus*, which is called a *Quietus est*, and is mentioned in the Act of General Pardon, 12 *Car.* 2. *cap.* 11. and in *Car.* 2. *cap.* 21. A *Quietus est*, granted to the Sheriff, shall discharge him of all Accompts due to the King, *Anno* 2 *Jac. cap.* 9.

Quinquagesima Sunday is that we call *Shrove Sunday*, and is so called, because it is about the fiftieth day before *Easter*; of which you may read in *Durand. Rationale Divinorum, cap. de Quinquagesima*, and mentioned in *Bede*, and other ancient Writers.

Quinque Portus, the Cinque Ports, which are, 1. *Hastings*, 2. *Romney*, 3. *Hythe*, 4. *Dover*, and 5. *Sandwich*. To these fifth *Winchelsea* and *Rye*, being, which last mentioned, a Part, or Members of the Cinque-ports. [illegible] *Burton*, Quinque Portuum [illegible] *Jacobi* [illegible] *Regis per Anno* [illegible] *fol.* 15. [illegible] *Hastings* [illegible] *Romney* [illegible] *Hythe* [illegible] *Dover* [illegible] *Sandwich* [illegible] *Winchelsea* [illegible] *Rye* [illegible] See *Cinque-Ports*.

Camden tells us, that *Kent* is accounted the *Key of England*, and that *William* the Conqueror was the first who made a Constable of *Dover* Castle, and a Warden of the Cinque-ports, which he did to bring that County under a further subjection to his Government; but King *John* was the first who granted the Privileges to those Ports, which they still enjoy. However, it was upon Condition that they should provide Eighty Ships at their own Charges for Forty Days, as often as that King should have

occasion

Occasion for them in the Wars, he being then under a necessity of having a Navy for passing into Normandy to recover that Dukedom which he had lost. And Thirsk tells us how many Ships each Port was to provide, viz.

Hastings twenty one, and in each Ship twenty one Men, *ad quem pertinet* [illegible] *Winchelsea* [illegible] *Sandwich*, five Ships with Cordage, and in each Ship twenty four Seamen, *ad quem pertinet*, *Brodhal*, *Lyde* of *Marstan*, *Dungeness*, *Romenhale*.

Hythe five Ships, and in each twenty one Seamen, *ad quem pertinet Winchelsea*.

Dover the like number as *Hastings*, *ad quem pertinet Folkston*, *Fresham*, *Margate*.

Shadwich the like number with *Hythe*, *ad quem pertinet Sandwich*, *Reculver*, *Sarre*, *Dale*.

Quinquinal disme signifies a Tenth of all Goods for five Years successively.

Quinisme or Quinzime, (*Decima Quinta*) is a French Word, signifying a Fifteenth; with us it is a Tax, so called, because it is raised after the *Fifteenth* part of Mens Lands or Goods. *Anno* 10 *Rich.* 2 *cap.* 3. and 7 *Hen.* 7. *cap.* 7. See *Fifteenth* and *Tax*. It is well known by the *Exchequer* Roll, what every Town throughout *England* in to pay for a *Fifteenth*. Sometimes this Word *Quinzime* or *Quinzine*, is also for the Fifteenth Day after any Feast, as the *Quinzime* of St. *John Baptist*. *Anno* 13 *Edw.* 1. in the *Prerogative*. See *Fifteenth*. It was a mistake that this was a Tax of the *Fifteenth* part of all Lands, for it was of the Goods only, and it was first granted by the Parliament, 33 *Edw.* viz. *Concessum quinte decime Regi, [illegible] Episcopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus & omnibus aliis de regno, de omnibus bonis suis mobilibus concessum*. The City of *London* paid this Year, for the *Fifteenth*, 2866 l. 13 s. 8 d. and the Abbot of St. *Edmunds* 666 l. 13 s. 4 d. which was, by Composition, and thereupon had all his temporal Goods, and the Goods of his Convent discharged of the *Fifteenth*: the way of Collecting *Fifteenth* was by two Assessors appointed in every County by the King, and they appointed Doceners in every Hundred, who made a true Valuation of every Man's personal Estate, and thereupon the *Fifteenth* part to be levied.

Quintain, or Quintain. Sometimes called *Quintum milliare*; *Civitatem Cenomanensem possidentium tenet quinto libro Ingulfus Ingulf. Hist. Angliæ*. Tom. pag. 135.

Quintal, a Weight of one hundred Pounds.

Quintelle. Mirth, Sport by Men on Horseback, Tilting at a Mark made in the shape of a Man to the Navel, in the left Hand a Shield, and in the Right Hand a Stick or Sword; the shield made to turn round, so that if it was struck with the Lance in any other part but full in the Breast, it turned round with the force of the stroke, and struck the Horseman with the Sword which is held in his right hand. This Sports is mentioned in *Mat. Paris*, *Anno* [illegible] *Sports Tournaments* [illegible] *Quintanadicitur* [illegible] *Quintanadicitur quia* [illegible] *Quintaspatt*, (*Quintaspatta*, *Quintaspata*) *Quintaspatta*, is the last Call of the Defendant, who is sued to the *Quintatory*, which if he appear not, he is by the Judgment of the Coroners, returned outlawed; if it exceed, *Vide Exigent*.

Quistrons, s. Beggars, from the Fr. *Questrons*, from the Lat. *Querere*.

Quinzime. See *Quinisme*.

Quiteclaim (*Quieta clamantia*) is a Release or Acquitting a Man for any Action, that he hath or may have. A quitting of Claim or Title. *Bracton*, *lib.* 5. *tract.* 5. *cap.* 9. *num.* 9. and *lib.* 4. *tract.* 6. *cap.* 13. *num.* 1.

Quit-rent (*Quietus Redditus*) *Quasi*, *Quiet-Rent*, is a certain small Rent payable yearly by the Tenants of most Manors, in token of Subjection, which, when paid, the Tenant is *quiet* and free till it becomes due again. This, in some ancient Records, is written *White-rent*; because paid in *Silver*, to distinguish it from Rent-Corn, Rent-Pepper, &c. 2 *Inst. fol.* 19.

Quod Clerici beneficiati de Cancellaria, is a Writ to exempt a Clerk of the *Chancery*, from contributing towards the Proctors of the Clergy in Parliament. *Regist. of Writs*, *fol.* 164. 4.

Quod Clerici non eligantur in Officia Ballivi, &c. is a Writ that lies for a *Clerk*, who, by reason of some Land he hath in mere, or like to be made either Bailiff, Beadle, or Reeve, or some such like Officer. See *Clericus infra sacros*, &c. And *Regist. of Writs*, *fol.* 187.

Quod ei deforceat is a Writ that lies for the Tenant in Tail, Tenant in Dower, or Tenant for Life, against him that entered or took away their Land, recovered, or against his Heir. See *Brook*, *tit. Regist. of Writs*, *fol.* 171. and *Wolm. de cap. Ass.*

Quod non permittat. See *Consuetudines & Servitia*.

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. *Britton* (*cap.* 8.) says, this Writ lies for him whose Ancestor died seised of Common of Pasture, or other like Thing annexed to his Inheritance, against the Deforcior. See *Brook*, *tit.* and *New Book of Entries*.

Quod permittat non Patiantur, &c. is a Writ that lies for Spiritual Persons, that are distrained in their Spiritual Possessions, for the Payment of a Fifteenth, with the rest of the Parish. *Ent. Mod. Br. fol.* 156.

Quo jure, is a Writ that lies for him who hath Land to the use of another, challenged Common of Pasture, Time out of Mind; and it is to compel him to plead by what Title he so challenged it. *Fitz. Nat. Br. fol.* 128. and *Bract. cap.* [illegible] *large*.

Quo minus, is a Writ that lies for him who hath a grant of House-bote and Hay-bote, in any other Man's Wood, against the Grantor, making such Waste as the Grantee cannot enjoy his Grant. *Old Nat. Br. fol.* 148. and *Mitchin*, *fol.* 198. This Writ also lieth for the King's Farmer in the Exchequer, against him to whom he sells any Thing by way of Bargain, touching his Farm, or owe him any Money, or against whom he hath any cause of Personal Action; *Quia Gerens pro Rege* is supposed by the Vendee, detaining any thing from him, he is made debtor to pay the King his debt. Under which 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.

Quorum, is a Word often mentioned in our Statutes, and much used in Commissions, both of the Peace and others; and so called from the Words in the Commission, *Quorum aliquem vestrum*. As, where a Commission is directed to five Persons,

or to any three of them, whereof *A. B.* and *C. D.* to be two, in this Case *A. B.* and *C. D.* are said to be of the *Quorum*, because the rest cannot proceed without them. *Anno* 3 *Hen.* 7. *c.* 1. *Rot.* 32 *Hen.* 8. *cap.* 26.

Quorum nonnulli, in the Reign of *Hen.* 8. the King's Collectors and other Accomptants were much troubled in passing their Accompts, by new extorted Fees, and forced to procure a late invented Writ of *Quorum nonnulli*, for Allowance of the Barons of the *Cinque Ports*, and their suing out their *Quietus* at their own Charge, without Allowance from the King *Chron. Angliæ*.

Quo Warranto is a Writ that lies against him, who usurps any Franchise or Liberty against the King, as to have Wait, Stray, Fair, Market, Court-Baron, Leet, or such like, without good Title. *Old Nat. Br. fol.* 149. Or else against him that intrudes himself as Heir into Land. *Bracton, lib. 4. tract. 2. cap. 2. num.* 3. 18. *Edw.* 1. *Stat.* 2 & 3. and 30 *eiusdem*. See also the *New Book of Entries*.

Quyke was anciently used for a Live or Quick Beast. *John Bracebridge* of *Kingersbury*, Esq. in his Will, dated 7 *Hen.* 8. ordained, *That his best Quyke should be taken in the Name of his Mortuary.*

R.

Ratha, *Vt etiam Candas racharum vestibul eius affigerent*, read *vaccarum*. Malmsbury, lib. 2.

Rachetum, alias Rachatum, (from the French *Rachater* or *Racheter*, i. e. *Redimere*) Thief-bote, the Compensation or Redemption of a Thief. *Nullus capiat* Rachetum, *hoc est*, Thief-bote, *de Latrocinio*. 1 Stat. Rob. R. Scot. cap. 9.

Rachimburgi, *i. e.* Judges. *Leg. Canuti, c.* 103.

Rack, (*Ridiculæ, sic dict. quia eis rei in equuleo torquentur, ut* fides *inveniatur*) an Engine in the *Tower*, with Cords and Strings, to extort Confession from Delinquents. *John Holland*, Earl of *Huntingdon*, was by King *Henry* the Sixth, created Duke of *Exeter*. *Anno* 16 *Hen.* 6. the King granted to him the Office of Constableship 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* being Constable of the *Tower*, first brought into the *Tower* the *Rack* or *Brake*, allowed in many Cases by the Civil Law; and thereupon it was called *The Duke of Exeter's Daughter*, because he first brought it hither. 3 *Inst. fol.* 35.

Rackell, *i. e.* hasty: From the *Sax.* Rocene, *citò*.

Rack-vintage, (*Anno* 32 *Hen.* 8. *cap.* 14.) is a second Vintage or Voyage made by our Merchants into *France*, *&c.* for *Rack'd* Wines, that is, Wines drawn from the Lees. From this Voyage our Merchants commonly return about the end of *December*, or beginning of *January*.

Radchenistres, i. e *Liberi homines*. Domesday, *tit. Leofminstre* (Lemster) —— *Ibi erant* 8 *Præpositi*, & 8 *Bedelli*, 8 Radechenistres, 238 *Villani*, & 75 *Bordarii*, *&c.* These were *Liberi tenentes, qui arabant & berciabant ad Curiam Domini, seu falcabant aut metebant.* The same also were called *Sokemans* & *Sochemanni*. 1 Inst. fol. 5. b.

Radevoze, *i. e.* Tapestry, such as is usually hanged in a Senate-House: From the *Sax.* Rad, *consilium*, and ropje, *ante*.

Radgondas: Tis a Disease which oppresses one suddenly: From the *Sax.* Rædh, *citò*.

Radius is mentioned in *Plica, lib.* 2. *cap.* 72. *par.* 122 and it signifies a Furrow.

Rad Knights. See *Rod Knights*.

Radman (*Domesday, tit.* Herefscire. (*Br. Bordar. Presbyter & omnes Radman, &c.*) seems to be the same with *Radechenistres*.

Radno. See *Rag*.

Radnage, i. e. a reaping.

Radulata terra, *i. e.* a single Furrow of Land ploughed in a Strait Line.

Ragemant is a Statute so called, of Justices assigned by *Edward* the first and his Council, to hear and determine throughout all *England*, all Complaints of Injuries done within five Years next before *Michelmas*, in the Fourth Year of his Reign.

Ragionum, *i. e.* a Steward. *Selden, Tit. of Honour, fol.* 597. *Cum hundredis, tommoris, ydlaris, Ringeldis, &c.*

Ragman's Roll, (*Rectius, Ragimund's Roll*) so called from one *Ragimund*, a Legat in *Scotland*, who, calling before him all the Beneficed Persons in that Kingdom, caused them, upon Oath, to give in the true value of their Benefices, according to which they were after taxed in the Court of *Rome*. This *Roll*, among other Records, being taken from the *Scots* by our King *Edward* the First, was re-delivered to them in the beginning of *Edward* the Third's Time. *Regiman* and *Blanks*, to be burnt. *Cart. Records, fol.* 584.

Rainholme, *i. e.* a Dog which will watch in the Rain. *Du Fresne in verbo Canis*.

Ramilia, little Branches: *Et de bosco meo concedo Carucatas de ramilia*. Monastic. 1. tom. p. 800.

Ram, (Sax.) *Aperta Rapina*, so open a Spoiling a Man, as it cannot be denied. Hoveden: *Inter ea quæ Willielmus primus constituit in emendationem legum Angliæ, parte post.* Hen. 2. —— *Decretum est etiam ibi, ut si Francigena appellaverit Anglicum de perjurio, aut murdro, furto, homicidio, Ram, quod dicunt apertam rapinam, quod negari non potest, Anglicus se defendet per quod melius voluerit, aut judicio ferri, aut duello.* Consonant whereunto it is, to this Day, vulgarly said by one, who taketh the Goods of another injuriously, and by violence: He hath taken all he could Ram and ran. Ram from *rapio*, to snatch.

Range (From the Fr. *Ranger*, *i. e.* to order, array, to dispose of) is used in the *Forest-Laws*, both as a Verb, (as to *range*) and as a Substantive, (as to make *range*) *Char. de Foresta, cap.* 6. The *Ranger* is a sworn Officer of the Forest, of which sort there are Twelve, *Idem, cap.* 7. whose Authority is partly described by his Oath, set down by *Manwood, Par.* 1. *pag.* 50. but more particularly in *Par.* 2. *cap.* 20. *num.* 15, 16, & 17. His Office chiefly consists in these three Points, *Ad perambulandum quotidie per terras deafforestatas, ad videndum, audiendum & inquirendum tam de malefactis, quam de malefactoribus in Balliva sua; ad refugandum feras foresta tam Veneris quam Chasæ de terris deafforestatis facis, ad proximas Curias illius Foresta tentas.* This *Ranger* is made by the King's Letters Patent, and hath a Fee paid Yearly out of the *Exchequer*, and certain Fee-Deer. *Rangeator Foresta de Whittlewood.* Pat. 14 Rich. 2. m. 13.

Ransome (*Redemptio*, Fr. *Rancon*) signifies properly the Sum paid for redeeming a Captive or Prisoner of War, and sometimes a great Sum paid for the pardoning some heinous Crime. *Anno*

1 *Hen.* 4. *cap.* 7. and 11 *Hen.* 6. *cap.* 11. When one is to make a Fine and *Ransom*, the *Ransom* shall be treble to the Fine. *Crompt. Just. of Peace, f.* 142. *a.* And *Lamb. Eiren. lib.* 4. *cap.* 18. *pag.* 556. *Horn* (in his *Mirror of Justice*) makes this difference between *Amerciament* and *Ransom*; that *Ransom* is the Redemption of a Corporal Punishment, due by Law to any Offence. *Lib.* 3. *cap. de Amerciament taxable.* See *Coke on Littl. fol.* 127. *a.*

Rape (*Rapus vel Rapa*) is a part of a County, signifying as much as a Hundred, and sometimes *Quod plures in se continet Hundredos*; as all *Sussex* is divided into Six *Rapes* only, *viz.* The Rapes of *Chichester*, *Arundel*, *Bramber*, *Lewes*, *Pevensey* and *Hastings*; every of which, besides their Hundreds, hath a Castle, River and Forest belonging to it. *Cam. Brit. pag.* 225. & 229. These Parts are in other Counties called *Tithings*, *Lathes* or *Wapentakes*. *Smith de Repub. Angl. lib.* 2. *cap.* 16.

Rape (*Raptus*) is when a Man hath carnal Knowledge of a Woman by force, and against her Will: But if the Woman conceive, it is no *Rape*, for she cannot conceive unless she consent. *Coke on Littl. lib.* 2. *cap.* 11. *Sect.* 190. This Offence is Felony in the Principal, and his Aiders. *Anno* 13 *Rich.* 2. *Stat.* 2. *cap.* 1. 11 *Hen.* 4. *cap.* 13. 1 *Edw.* 4. *cap.* 1. and *Westm.* 2. *cap.* 34. and shall not be allowed Clergy. *Anno* 18 *Eliz. cap.* 7. But *Fleta* says, the Complaint must be made within Forty Days, else the Woman may not be heard, *Lib.* 3. *cap.* 5. *Sect. Praeterea.* And carnal Knowledge of a Woman under Ten Years old is Felony. *Anno* 8 *Eliz. cap.* 6. Of the diversity of *Rapes*, see *Crompton's Justice of Peace, fol.* 43. & 44. The Offender is called *Raptor*, a *Ravisher*, and in *Bracton's* Time he was punished with the loss of his Eyes and Stones, *Quia calorem stupri induxerunt.* 3 Inst. f. 60.

Rape of the Forest, (*Raptus Forestae*) *Inter delicta numeratur, quorum cognitio ad unicum Regem spectat.* LL. Hen. 1. cap. 10. —*Violentus concubitus*, Raptus Foresta, *Relevationes Baronum suorum*, &c. Trespass committed in the Forest by violence.

Rapine, (*Rapina*) to take a Thing secretly against the Owner's Will, is properly Theft; openly, or by violence, is *Rapine*. *Anno* 14 *Car.* 2. *c.* 22. and 18 *ejusdem, cap.* 3.

Raptu hæredis is a Writ lying for the taking away an Heir, holding in Socage; of which there are two sorts, one when the Heir is married; the other, when not. Of both see *Reg. of Writs, fol.* 163. *b.*

Rase, (*Rasarium*) —Toll shall be taken by the Rase, and not by the Heap or Cantel. *Ordinance* for Bakers, Brewers, &c. *cap.* 4. It seems to have been a Measure of Corn, now disused, *Et de uno* Rasario *frumenti in anoquoque mense ortolano, & ad natale Domini de uno* Rasario *Brasii de* Wastemalt, *de ordeo & avenis, & dimidium* Rasarii *de* Ezethmalt. —Pat. 12 Edw. 3. p. 1. m. 4.

Ratæ, *Leicester.*

Rate Tythe is where Sheep or other Cattle are kept in a Parish for less Time than a Year, the Owner must pay Tithe for them *Pro rata*, according to the Custom of the Place. *Fitzb. Nat. Br. fol.* 51. *Brook, Dismes.* 26. *Pro* rata *dicimus pro proportione, vel proportionaliter.* Lyndewode.

Ratification, (*Ratificatio*) a Ratifying or Confirming: It is particularly used for the Confirmation of a Clerk in a *Prebend*, &c. formerly given him by the Bishop, &c. where the Right of Patronage is doubted to be in the King. See *Reg. of Writs, fol.* 364.

Ration, *a* Cause or Judgment given in a Cause, and *ponere ad rationem* is to cite one to appear in Judgment. *Westmin.* 2. *c.* 39.

Rationabilibus divisis is a Writ that lies where two Lords have the Seignories joining together, for him that finds his Waste encroached upon within the Memory of Man, against the Encroachers, thereby to rectify the Bounds of their Seignories; in which respect *Fitzherbert* calls it in its own nature, a *Writ of Right*. The *Old Nat. Br.* says, this may be by *Justices*, which may be removed by a *Pone* out of the Country, to the Common Bench. See *Fitzb. Nat. Br. fol.* 128.

Rationabili parte bonorum is a Writ that lies for the Wife, against the Executors of her Husband, denying her the third Part of her Husband's Goods, after Debts and Funeral Charges paid. *Fitzb. Nat. Br. fol.* 222. who there cites the 18th Chapter of *Magna Charta*, and *Glanvile*, to prove, that, according to the Common Law of *England*, the Goods of the deceased, his Debts first paid, should be divided into three Parts, whereof his Wife to have one, his Children the second, and the Executors the third. And this Writ lies as well for the Children, as for the Wife; which appears also by the *Reg. of Writs, fol.* 142. *b.* Yet it seems to have use only where the Custom of the Country serves for it. See the *New Book of Entries* on this Word.

Rationale was the same with *Pallium*: It was worn by the High Priest of the Old Law, for a Sign of the greatest Perfection, and by the Pope and Bishops, as a Token of the highest Vertue, *quae gratia & ratione perficitur*, and from thence it is called *Rationale*.

Ratostibius fluvius, the River *Taffe* in *Glamorganshire.*

Ravishment (*Raptus*, Fr. *Ravissement*, i. e. *Diereptio, raptio*) signifies an unlawful taking either a Woman, or an Heir in Ward. Sometimes it is also used in one Signification with *Rape*.

Ray seems to be a Word appropriated to Cloth never coloured or dy'd. *Anno* 1 *Hen.* 4. *cap.* 6. Worsteds Ray. *Anno* 17 *Rich.* 2. *cap.* 3.

Rayth. *Anno* 6 *Hen.* 6. A Motion was made in Parliament against a certain Trial in *Wales*, called a Rayth. q.

Read, *i. e.* Advice; From the *Sax.* Raeb, *consilium*: Thus in our old Bibles, the Verse in the first Psalm is thus translated, *viz. The Man is blest, that hath not bent —To wicked* Read *his Ear, i. e.* to wicked Council.

Reafforested, is where a Forest hath been disafforested, and *again* made *Forest*; as the Forest of *Dean* by the Stat. 20 *Car.* 2. *cap.* 3.

Realty is an abstract of *real*, and is contra-distinguished from *Personalty.*

Reasonable Aid (*Rationabile auxilium*,) was a Duty which the Lord of the Fee claimed of his Tenants holding in Knights Service, or in Socage, to marry his Daughter, or make his eldest Son a Knight. *Westm.* 1. *cap.* 39. But see the Stat. 12 *Car.* 2. *cap.* 24.

Reathen, *i. e.* hasty: From the *Sax.* Rath, *citò*, from whence we derive the Word *Wrath.*

Reattachment (*Reattachiamentum*) is a second *Attachment* of him who was formerly attached and dismissed the Court without Day, as by the not coming of the Justices, or some such Casualty. *Brook, hoc titulo.* Where he makes *Reattachment General* and *Special*. *General* is where a Man is re-attached

attached for his Appearance upon all Writs of Assise lying against him. *Brook eodem, num.* 18. Then *Special* must be for one or more certain. *Reg. of Writs Judicial, fol.* 35. See the *New Book of Entries, verbo Reattachment.*

Rebellare signifies to fight. *Ad rebellandum se suosque præmunire cæpit.* Vita Offæ Regis.

Rebellion (*Rebellio*) did anciently signify a second Resistance of such, as, being formerly overcome in Battel by the *Romans*, yielded themselves to their Subjection. But now we use it generally for the traiterous taking Arms against the King, be it by natural Subjects, or by others formerly subdued. *Rebel* is sometimes attributed to him that wilfully breaks a Law. *Anno* 25. *Edw.* 3. *c.* 6. and 34 *ejusdem, stat.* 3. *cap.* 2. Sometimes to a Villain disobeying his Lord. *Anno* 1 *Rich.* 2. *c.* 6. *Commission of Rebellion*, see in *Commission*.

Rebellious Assembly is a gathering together of twelve Persons, or more, intending or going about, practising or putting in use, unlawfully, of their own Authority, to change any Laws or Statutes of the Realm, or to destroy the Enclosure of any Park, or Ground enclosed, or Banks of any Fish-Ponds, Pool, or Conduit, to the Intent the same shall remain void, or to the Intent unlawfully to have Common or Way in any of the said Grounds, or to destroy the Deer in any Park, or any Warren of Coneys, Dove-houses, Fish in any Ponds, or any House, Barns, Mills, or Bays, or to burn Stacks of Corn, or to abate Rents or Prices of Victuals. *Anno* 1 *Mar. cap.* 12. and 1 *Eliz. cap.* 17. See *West, Par.* 2. *Symbol. tit.* Indictments, *sect.* 65. and *Cromp. Justice of Peace, fol.* 41. *b.*

Rebinandum. *Noveritis me fecisse per præsens scriptum ad warectandum & Rebinandum cum semine meo proprio, tam cum semine veneali, quam cum semine quadragesimali totam terram arabilem* R. B. *&c.* Charta Nic. Dubbe dat. 3 Edw. 3. penes Henr. Milburn, Arm.

Rebinare was to plow the Ground the third Time. *Tempus* rebinandi *erit post festum Nativitatis Sancti Johannis Baptistæ cum terra pullulaverit post carucam.* Fleta, lib. 2. cap. 72. par. 10.

Rebutter, (Fr. *Boutter*, i. e. *Repellere*, To repel or bar.) A Man grants Land to the Use of himself and the Issue of his Body, to another in Fee, with Warranty; and the Donee leaseth out the Land to a third Person for Years; the Heir of the Donor impleads the Tenant, alledging the Land was in Tail to him. The Donee comes in; and by vertue of the Warranty, made by the Donor, repels the Heir; because, though the Land was entailed to him, yet he is Heir to the Warrantor likewise. This is called a *Rebutter*.

Again; If I grant to the Tenant to hold *sine impetitione vasti*, and afterward implead him for Waste made, he may debar me of this Action, by shewing my Grant; which is likewise a *Rebutter. Brook, tit. Bar, num.* 23 & 25. See the *New Book of Entries, verbo Rebutter*, and *Coke on Littl. f.* 365. *a.*

Recaption (*Recaptio*) signifies a second Distress of one formerly distrained for the same Cause, and also during the Plea, grounded on the former Distress. It likewise signifies a Writ lying for the Party thus distrained; the Form and further Use whereof, see in *Fitz. Nat. Br. fol.* 71. *Reg. of Writs, fol.* 86. and *Reg. Judicial, fol.* 69.

Receit. See *Resceit*.

Receiver (*Receptor* and *Receptator*) is used commonly in the evil Part, for such as *receive* stolen Goods from Thieves, and conceal them; but annexed to other Words, as *Receiver of Rents*, &c. it signifies an Officer of good Account, belonging to the King, or other great Personage. *Cromp. Jurisd. fol.* 18. There is also an Officer called the *Receiver of the Fines* upon the original Writs in *Chancery*.

Receiver-General of the Duchy of Lancaster is an Officer belonging to the Duchy Court, who gathers in all the Revenues and Fines of the Lands of the said *Duchy*, and all Forfeitures and Assessments, or what else is thence to be received. *Anno* 39 *Eliz. cap.* 7.

Receiver-General of the Court of the Rolls. *Anno* 35 *Eliz. cap.* 4.

Recella are Things of little Value. See *Vilitorium*.

Recharge. See *Charge*.

Recidivare. To relapse after a Recovery. It is mentioned in *Petrus Blesensis, Epist.* 131.

Recidivum for *Ratiocinium*.

Reclude (*Reclusus*) is he who being entered into a Religious Order, is shut up there, and stirs not out of the House or Cloister. *Littl. fol.* 93.

Recognition, (*Recognitio*,) an Acknowledgment. It is the Title of the first Chapter of the Statute 1 *Jac.* whereby the Parliament *acknowledged* the Crown of *England*, after the Death of Queen *Elizabeth*, to have rightfully descended to King *James*.

Recognitione annullanda per bina Dominica facta is a Writ to the Justices of the *Common-Bench*, for the sending a Record touching a *Recognizance*, which the *Recognizor* suggests to have been acknowledged by Force and hard Dealing; that if it so appear, it may be disannulled. *Reg. of Writs, fol.* 183.

Recognitors (*Recognitores*) is a Word used for the Jury impanelled upon an Assise. The Reason why they are so called, is, because they *acknowledge* a Disseisin by their Verdict. *Bracton, lib.* 5. *tract.* 2. *cap.* 9. *num.* 2. See *Recognizance*.

Recognizance (Fr. *Recognoissance*, i. e. *Recognitio*,) is a Bond or Obligation, testifying the *Recognizor* to owe the *Recognizee* a Sum of Money, and is acknowledged in some Court of Record, or before some Judge, Master of *Chancery*, Justice of Peace, *&c. Anno* 23 *Hen.* 8. *cap.* 6. Some *Recognizances* are not sealed, but enrolled, and Execution by Force thereof, is of all the *Recognizor*'s Goods and Chattels, (except Draught-Beasts and Implements of Husbandry,) and the Moiety of his Lands. *West, Par.* 1. *Symb. lib.* 2. *sect.* 149. and *Reg. of Writs, fol.* 146, 152, & 252.

Recognizance has another Signification, as appears in the Statute of *Westm.* 1. *cap.* 36. For it is there provided and agreed, That *if any Man be attainted of* Disseisin *done in the Time of the King that now is, or for taking away any manner of Goods or Moveables, and it be found against him by* Recognizance *of Assise of Novel-Disseisin, the Judgment shall be*, &c. Where it is used for the Verdict of the twelve Men impanelled upon an Assise; which twelve Men are also called *Recognitors* of the Assise. *Littl. fol.* 72. *Bracton lib.* 5. *tract.* 2. *cap.* 9. *num.* 2. and *lib.* 3. *tract.* 1. *cap.* 11. *numb.* 16. See the Statute of 20 *Edw.* 1. *stat.* 4. and *New Book of Entries, verbo Recognizance*.

Recognizee is he to whom one is bound in a Recognizance. *Anno* 11 *Hen.* 6. *cap.* 10.

Reconciliari. A Church is said *Reconciliari* when 'tis consecrated again, after it hath been polluted, or in the Possession of Pagans or Hereticks. *Mat. Paris. Anno* 1152. *Mat. Westm. Anno* 1015.

Record (from *Recordari*, To remember) signifies an authentical and uncontroulable Testimony in Writing, contained in Rolls of Parchment, and preserved in Courts of *Record*, and they are said to be *Vetustatis & veritatis vestigia*. *Coke's Pref. to 8 Rep.* An Act committed to Writing in any of the King's Courts, during the Term wherein it is written, is unalterable, and no *Record*; but that Term once ended, and the Act duly enrolled, it is a *Record* and of that Credit that it admits no Alteration or Proof to the contrary. *Hob. tit. Record. n. 20. & 22.* Yet see *Coke's Rep. lib. 4. Rawlin's Case, fol. 53. b.* The King may make a Court of *Record* by his Grant, *Glanvill, lib. 8. cap. 6. Britton, cap. 121.* as Queen *Elizabeth* by her Charter, dated 26 *Eliz. Anno 3 Regni sui*, made the *Consistory Court* of the University of *Cambridge* a Court of *Record*. There are reckon'd three Sorts of *Records*, *viz.* A *Record Judicial*, as an Attainder, &c. A *Record Ministerial* upon Oath, as an Office or Inquisition found; A *Record* made by Conveyance and Consent, as a Fine, or Deed enrolled, or the like. *Coke, lib. 4. Ognel's Case, fol. 54.*

Recordare facias, or Recordari facias, is a Writ directed to the Sheriff, to remove a Cause depending in an inferior Court, as Court of Antient Demesne, Hundred, or County, to the *King's-Bench* or *Common Pleas*. *Fitz. Nat. Br. fol. 71. B. & C.* where, and in what Cases this Writ lies, read *Brook, tit. Recordare & Pone.* It seems to be called a *Recordare*, because it commands the Sheriff, to whom it is directed, *to make a Record* of the Proceedings by himself and others, and then to send up the Cause. See the *Register, verbo Recordare*, in the Table of *Original Writs*.

Recorder (*Recordator*) is he whom the Mayor, or other Magistrate of any City, or Town Corporate, having Jurisdiction, or a Court of *Record*, within their Precincts by the King's Grant, does associate unto him, for his better Direction in Matters of Justice, and Proceedings according to Law. And he is, for the most Part, a Person well seen in the Common Law.

Recordo & Processu Mittendis is a Writ to call a *Record*, together with the whole *Proceedings* in the Cause, out of an inferior Court into the King's Court. See the Table of the *Register of Writs*.

Recordo utlagariæ mittendo is a Writ Judicial, which see in *Reg. Judic. fol. 32.*

Recobare is a Word mentioned in *Mat. Westm. Anno 1216.* viz. *Istæ sunt terræ quas Rex Joh. amisit, qui nihil horum* recovavit *usque ad diem mortis suæ.* It signifies To recover.

Recovery (*Recuperatio*, from the Fr. *Recouvrer*, *i. e. Recuperare*) signifies an obtaining any Thing by Judgment or Trial of Law, as *Emptio* does among the *Civilians*. But there is a *true Recovery*, and a *feigned*. The *true one* is an actual or real *Recovery* of any Thing, or the Value thereof, by Verdict and Judgment. A *feigned Recovery* is a certain Form or Course set down by Law, to be observed for the better assuring Lands or Tenements unto us; the End and Effect whereof is to discontinue and destroy Estates in Remainder and Reversion, and to bar the Entails thereof. And to this Formality there are (in a *Recovery with single Voucher*) required three Parties; the *Demandant*, the *Tenant*, and the *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 called the *Recoveree*. The *Vouchee* is he whom the Tenant *voucheth*, or calls to Warranty for the Land in Demand. *A Recovery with double Voucher*, is where the Tenant voucheth one, who voucheth another, or the common Vouchee. And *a Recovery with treble Voucher* is where three are *vouched*. See *West, par. 2. Symb. tit. Recoveries, sect. 1.*

But to explain this Point: A Man that is desirous to cut off an Estate-tail in Lands or Tenements, that he may sell, give, or bequeath them, causeth (by the Contrivance of his Counsel or Attorney) a feigned Writ of Entry *sur disseisin en le Post*, to be brought of the Lands of which he intends to dock the Entail; and in a feigned Declaration thereupon made, pretends he was disseised by him, who, by a feigned Fine or Deed of Bargain and Sale, is named and supposed to be Tenant of the Lands. This feigned Tenant, if it be a *single Recovery*, is made to appear and vouch the *Bag-bearer* of Writs for the *Court Bench*, in the Court of *Common Pleas*, (in which Court only the said *Common Recoveries* are to be suffered,) who makes Default. Whereupon a Judgment is by such Fiction of Law entered, That the *Demandant* shall recover, and have a *Writ of Seisin* for the Possession of the Lands demanded; and that the *Tenant* shall recover the Value of the Lands against the Lands of the *Vouchee*, *Bag-bearer*, a poor, unlanded and illiterate Person, which is feigned to be a Satisfaction for the Heir in Tail, though he is never to have or expect it. One *Edward Howes*, a Bag-bearer and common Vouchee, having in the Space of twenty five or thirty Years passed or suffered to be *recovered* against him, by such fictitious Actions and Pleadings, a considerable Part of the Lands of *England*, and obliged his own Lands, when he had none at all, to answer the Value of the Lands recovered against the Tenants or Remainders in Tail. This *feigned Recovery* is also called a *Common Recovery*, because it is a beaten and *common Path* to that End for which it is ordained, *viz.* To cut off the Estates above specified. See *New Book of Entries, verbo Recovery.*

Recoupe (from the Fr. *Recouper*, *i. e.* To cut again; also To reply quickly and turbly to a peremptory Demand.) We use it to defalk or discount, as, if a Man hath ten Pound issuing out of certain Land, and he disseises the Tenant of the Land in an Assise brought by the Disseisee, the Disseisor shall *recoupe* the Rent in the Damages.

Recreant, (Fr.) Cowardly, Faint-hearted. Hence *Recreantise*. See *Craven*.

Recreant was so reproachful a Word, that *Glanvile* would not describe it. But *Fleta, lib. 3. tract. 2. cap. 3.* tells us, That *non sufficit quod appellatus confiteatur socium suum fuisse latronem vel aliquid simile ad* recreantiam, *nisi dicat verbum illud opprobriosum quod* recreantus *sit*. And in *Lib. 2. cap. 2. Recreantes equos* are dull and tired Horses.

Rectare, To cite a Criminal to Justice, or To accuse a Criminal. *Quo judicio deducendi sunt illi qui* rectati *sunt de latrocinio, murdro, incendio, &c.* Hoveden, pag. 655.

Rectatus, Accused. Suspectus *ad Rectum* vocatus, *De Thesauro invento debet Coronator inquirere qui fuerint inventores, & similiter quis inde* rectatus *est*. Officium Coronatoris erit, Anno 3. Ed. 1. And *Bracton, lib. 3.* usus *Rectum pro Accusatione.*

Rectitudo signifies Right or Justice. *In Curia Jud* rectitudinem *ei faceret*, Brompton, pag. 836. Sometimes it signifies a Tribute, Duty, or Payment. *Ob securitatem pacis ademptam detineat* rectitudines

titudines *vel servitia dominorum suorum.* Leg. Edw. Confessor. cap. 30.

Recto, (*Requirere de Recto,*) To cite one to Justice. *Leg. H. 1. cap.* 43.

Recto is a Writ called a *Writ of Right*; which is of so high a Nature, that whereas other Writs in real Actions are only to recover the Possession of the Lands or Tenements in Question, which have been lost by an Ancestor, or by the Party Demandant himself; this aims to recover both the Seisin which some Ancestor, or the Demandant himself, had; and also the Property of the Thing whereof the Ancestor died *not* seised as of Fee, and whereby are pleaded and tried both their Rights together, *viz.* that of *Possession* and *Property.* And if a Man once lose his Cause upon this Writ, either by Judgment, Assise, or Battel, he is without Remedy, and shall be excluded, *Per exceptionem rei judicatæ. Bracton, lib.* 5. *tract.* 1. *cap.* 1. *& seq.* where you may read much on this Subject. See *Right.*

It hath two *Species*; *Rectum Patens*, a Writ of Right Patent; and *Rectum Clausum*, a Writ of Right Close. The first is so called, because it is sent *open*, and is in Nature the highest Writ of all other, lying always for him that hath Fee-simple in the Lands sued for, and not for any other. And when it lies for him that challenges Fee-simple, and in what Cases, see *Fitz. Nat. Br. fol.* 1. C. whom see also, *fol.* 6. of a special *Writ of Right* in *London*, otherwise called a *Writ of Right according to the Custom of London.* This Writ is also called *Breve magnum de Recto. Reg. of Writs, fol.* 9. and *Fleta, lib.* 5. *cap.* 32. *sect.* 1.

A *Writ of Right Close* is a Writ directed to a Lord of ancient Demesn, and lies for those, who hold their Lands and Tenements by Charter, in Fee-simple, or in Fee-tail, or for Term of Life, or in Dower, if they are ejected out of such Lands, or disseised. In this Case a Man or his Heir may sue out this *Writ of Right Close*, directed to the Lord of ancient Demesn, commanding him to do him Right in his Court. This is also called *Breve parvum de Recto, Reg. of Writs, fol.* 9. and *Briton, cap.* 120. *in fine.* See also *Fitz. Nat. Br. fol.* 11. *& seq.*

Yet note, That the *Writ of Right Patent* seems to be extended farther in Use than the original Intention: For a Writ of Right of Dower, which lies for the Tenant in Dower, is *patent*, as appears by *Fitzherbert's Naturæ Brevium, fol.* 7. E. The like may be said in divers other Cases; of which see also the *Table of Reg. of Writs, verbo Recto.* This Writ is properly tried in the Lord's Court, between Kinsmen who claim by one Title from their Ancestor. But how it may be thence removed, and brought either to the County or King's Court, see *Fleta, lib.* 6. *cap.* 3, 4, *&* 5. *Glanvile* seems to make every Writ, whereby a Man sues for any Thing due unto him, a *Writ of Right, lib.* 10. *cap.* 1. *lib.* 11. *cap.* 1. *lib.* 12. *cap.* 1.

Sciant. — *Quod ego Jordanus de Ludeford abjuravi, quietum clamavi & remisi Roberto de Moppenor & hæredibus suis de me & hæredibus meis in præsentia Domini Roberti de Mortuomari in Curia de* Bureford *clameum meum & totum jus quod dicebam me habere, vel quod habere potui in villa de* Butona *cum pertinenciis suis, unde traxi dictum Robertum in placitum in eadem Curia de* Bureford per breve *Domini Regis Henrici filii Regis Johannis* de Recto, *&c.* Sine dat. Penes Edw. Harley Mil. Bal.

Recto de dote is a Writ of Right of Dower, which lies for a Woman that has received Part of her Dower, and proceeds to demand the Remnant in the same Town against the Heir. Of this see more in *Old Nat. Br. fol.* 5. and *Fitz. fol.* 7. E. *Reg. of Writs, fol.* 3. and *New Book of Entries, verbo Droit.*

Recto de dote unde nihil habet is a Writ of Right which lies in case where the Husband, having divers Lands and Tenements, has assured no Dower to his Wife, and she thereby is driven to sue for her Thirds against the Heir, or his Guardian. *Old Nat. Br. fol.* 6. *Reg. of Writs, fol.* 170.

Recto de rationabili parte is a Writ that lies always between Privies of Blood, as Brothers in *Gavelkind*, or Sisters, or other Coparceners, as Nephews or Nieces, and for Land in Fee-simple. For Example: If a Man lease his Land for Life, and afterwards dies, leaving Issue two Daughters; and after the Tenant for Life likewise dies, the one Sister entering upon all the Land, and so deforcing the other, the Sister so deforced shall have this Writ to recover her Part. *Fitz. Nat. Br. fol.* 9. *Reg. of Writs, fol.* 3.

Recto quando Dominus remisit is a Writ of Right which lies in case where Lands or Tenements, that are in the Seigniory of any Lord, are in Demand by a Writ of Right: For if the Lord hold no Court, or otherwise, at the Prayer of the Demandant or Tenant, shall send to the Court of the King his Writ, to put the Cause thither for that Time, (saving to him at other Times the Right of his Seigniory,) then this Writ issues out for the other Party, and has its Name from the Words therein comprised, being the true Occasion thereof. This Writ is *close*, and must be returned before the Justices of the Common Bank. *Old Nat. Br. fol.* 16. *Reg. of Writs, fol.* 4.

Recto de Advocatione Ecclesiæ is a Writ of Right, lying where a Man has Right of *Advowson*, and the Parson of the Church dying, a Stranger presents his Clerk to the Church, and he, not having brought his Action of *Quare impedit*, nor *Darrein Presentment*, within six Months, has suffered the Stranger to usurp upon him. Which Writ he only may have that claims the *Advowson* to himself and his Heirs in Fee. And as it lies for the whole *Advowson*, so it lies also for the half, the third or fourth Part. *Old Nat. Br. fol.* 24. *Reg. of Writs, fol.* 29.

Recto de Custodia terræ & Heredis is a Writ which, by the Stat. 12 *Car.* 2. *cap.* 24. is become useless, as to Lands holden in *Capite*, or by *Knights-Service*; but not where there is Guardian in Soccage, or appointed by the last Will and Testament of the Ancestor. The Form of it see in *Fitz. Nat. Br. fol.* 39 *& Reg. of Writs, fol.* 191.

Recto sur disclaimer is a Writ that lies where the Lord, in the Court of Common Pleas, does avow upon his Tenant, and the Tenant *disclaims* to hold of him; upon which *Disclaimer* he shall have this Writ; and if the Lord averr and prove that the Land is holden of him, he shall recover the Land for ever. *Old Nat. Br. fol.* 150. which is grounded on the Statute of *Westm.* 2. *cap.* 2.

Rector (Lat.) signifies a Governor; and *Rector Ecclesiæ parochialis* is he that has the Charge or Cure of a Parish-Church; *quia tantum jus in Ecclesia parochiali habet, quantum Prælatus in Ecclesia Collegiata.* It has been over-ruled, that *Rector Ecclesiæ parochialis* is he that has a *Parsonage*, where there is a *Vicaridge* endow'd; and he that has a *Parsonage* without a *Vicaridge* is called *Persona.* But the Distinction seems to be new and subtile. It is cer-

tain Bracton uses it otherwise (*Lib.* 4. *Tract.* 5. *c.* 1.) in these Words, *Et sciendum, quod Rectoribus Ecclesiarum parochialium competit Assisa, qui instituti sunt per Episcopos & Ordinarios*, as Personæ. Where it is plain that *Rector* and *Persona* are confounded. Note also these Words there following; *Item dici possunt* Rectores *Canonici de Ecclesiis præbendatis. Item dici possunt* Rectores *vel quasi Abbates, Priores & alii, qui habent Ecclesias ad proprios usus.* See *Vicar.*

Rectory (*Rectoria*) is taken *pro integra Ecclesia parochiali, cum omnibus suis juribus, prædiis, decimis, aliisque proventuum speciebus.* Spelman. See *Parsonage.*

Rectum seems to have been anciently used for a Trial or Accusation. *Præterea præcepit, quod omnes alii qui capti fuerunt, qui non erant retenti per commune* Rectum *Comitatus vel Hundredi, vel per appellationem; essent quieti, si plegios invenire possent standi ad* Rectum, *si quis adversus eos loqui voluerit, liberentur, &c. si autem per appellationem rectati sunt, si fecerint pacem cum adversariis suis, redeunt ad pacem, &c.* Hoved. Annal. par. poster. fol. 373. n. 40. *Stare ad Rectum, i. e.* To stand Trial, or *Præsto esse ad justitiam.*

Rectum, (*Esse ad Rectum in Curia Domini,*) the same with *Stare ad rectum.* Leg. H. 1. c. 43, 55.

Rectum (*Stare ad Rectum*) is To stand or abide the Justice of the Court. *Si plegios standi ad rectum invenire possunt.* Hoveden, pag. 655.

Rectum rogare, To petition the Judge to do Right. *Si quis sibi* Rectum roget *coram aliquo schirmanno vel alio judice, & habere non possit.* Leg. Inæ, cap. 9.

Rectus in Curia (*i. e.* Right in Court,) is he that stands at the Bar, and no Man objects any Offence against him. *Smith de Repub. Angl.* 2. *cap.* 3.

Reculver. See *Regulbium.* This was a Castle of the *Romans.*

Red is an old Word, signifying Advice. From the Sax. Raeb, *Concilium.*

Redbana is one who advised the Death of another. See *Dedbana.*

Red Book of the Exchequer is an ancient Record, wherein are register'd the Names of those that held *per Baroniam* in *Henry* the Second's Time. *Ryley, fol.* 667.

Reddentum is used substantively for the Clause in a Lease, *&c.* whereby the Rent is reserved to the Lessor. *Coke, lib.* 2. *Cromwel's* Case, *fol.* 72. *b.*

Reddition (*Redditio*) is a judicial Confession and Acknowledgment that the Land or Thing in Demand belongs to the Demandant, or at least not to himself. *Anno* 34 & 35 *Hen.* 8. *cap.* 24. *Perkins, Dower*, 479, 380.

La Rede. *Mdl quod octo virgatæ terræ integræ debent arare octo acras terræ* (pro domino) *& seminare proprio frumento & persiane, quæ vocatur* La Rede. Liber niger Heref. fol. 106.

Redecima, *i. e.* the Tenth of the Tenth. *Dicitmationem omnium molendinorum in Angliâ, & redecimationem omnium caseorum suorum ubicunque fiant in Angliâ.* Monast. 2 Tom. fol. 199.

Redemptions, (*Redemptiones.*) *Multæ gravissimæ, utpote quæ pro æstimatione capitis ipsius delinquentis impinguntur, Anglice* Ransomes. See *Misericordia.*

Redevable, *i. e.* Bound, or obliged to another for some Benefit received. From the Sax. Redevoiji, *Debere.*

Redin, now *Reading* in *Berkshire.*

Redisseisin (*Redissisina*) is a Disseisin made by him who once before was found and adjudged to have *disseised* the same Man of his Lands or Tenements: For which there lies a special Writ, called a *Writ of Redisseisin. Old Nat. Br. fol.* 106. *Fitz. Nat. Br. fol.* 188. See *New Book of Entries* on this Word. The Punishment for *Redisseisin* see in the Stat. 52 *Hen.* 3. *cap.* 8.

Redmans, or **Radmans.** *Domesday in fine Cestrescire. Tit. Lanc. Blacburn Hundret. — Rex E. tenuit Peneverdant. Ibi* 11 *Car. sunt in Dominio & 6 Burgenses, & 3* Radmans, *& 8 Villani, & 4 Bovar.* These *Redmans* may be the same in Signification as the *Rod* or *Rad Knights*; Men which, by the Tenure or Custom of their Lands, were to ride with or for the Lord of the Manor about his Business or Affairs.

Redubbers, or **Adubbers**, are those that buy stolen Cloth; and to the End it may not be known, turn it into some other Colour or Fashion. *Briton, cap.* 29. and see 3 *Inst. fol.* 134.

Re-entry (from the Fr. *Rentrer*, i. e. *Rursus intrare*) signifies the resuming or retaking that Possession which we had lately foregone; as, if I make a Lease of Land or Tenement, I do thereby forego or quit the Possession; and if I condition with the Lessee, that for Non-payment of the Rent at the Day, it shall be lawful for me to *re-enter*; this is as much as if I conditioned to take again the Land into my own Hands, and to recover the Possession by my own Fact, without the Assistance of Judge or Process.

Reer-Country. See *Rier-County.*

Re-extent is a *second Extent* made upon Lands or Tenements, upon Complaint made that the former *Extent* was partially executed. *Brook, tit.* Extents, *fol.* 313.

Refare, To take away or rob. From the Sax. Reap, *Vestis*, Lat. *Roba*, from whence we derive Robbery, *i. e. qui Robam rapit.* Leg. H. 1. c. 83. *Si quis mortuum* refabit *armis vel vestibus, &c.* Reap also in *Saxon* is *Spolium.*

Refectio, a Dinner or Supper. The Word is derived from *Reficio*, To refresh. Sometimes 'tis taken as a Duty incumbent to provide Suppers and Dinners, *&c. Et terræ illæ à laboriosis operibus, ab omnibus tributis vel censuris, & ab omnibus refectionibus Regum vel principum sint liberæ.* Du Cange.

Referendarii were those who exhibited the Petitions of the People to the King, and acquainted the Judges with his Commands. There was such an Officer in the Time of the *English Saxons* here, *viz. Egg Augemundus* referendarius *approbari, & Gualdricus Episcopus Laudunensis dicitur fuisse* referendarius *Angliæ.* Spelman.

Refectorium for **Reflectorium.** *Inquirendum est etiam quantum vestura boscorum & reflectorum valuit antequam assarta facta fuerunt.* Fleta, lib. 2. cap. 41. par. 38.

Refugium, a Sanctuary or Privilege of the Church. *Cum omni sua libertate & refugio Ecclesiæ Sancti Petri de Landavia, &c.* Monasticon, 3 Tom. pag. 122.

Refullum aquæ. *Octodecim pedes ultra* Refullum aquæ. *Mon. Angl.* Perhaps High-water-mark, *i. e.* So high as the Water comes at full Sea.

Refullus for **Refluxus**, *viz. Cum redundatione aquæ & octodecim pedes ultra* refullum *aquæ, &c.* Mon. 2 Tom. pag. 913.

Refutantia, *i. e.* an Aquittance or Discharge; viz. *Visis libris, instrumentis, registris*, refutationibus; *aliisque Evidentiis, &c.* Thorn. Anno 1389.

Rega. See *Reuga.*

Regales, the King's Servants or Officers. *Cujus temporibus incolæ nullatenus per* Regales *opprimebantur.* Wallingham Anno 1291.

Regal Fishes (*Anno 1 Eliz. cap. 5.*) are *Whales* and *Sturgeons*; some add *Porpusses.* The King by his Prerogative ought to have every Whale cast on Shore, or wrecked, in all Places within this Realm, (unless granted to Subjects by special Words;) as a *Royal-Fish.* The King himself shall have the Head and Body to make Oil and other Things, and the Queen the Tail to make Whalebones for her Royal Vestments. *Pat. 1 Edw. 1. m. 25. dorso.* See *Tract de Auro Reginæ, pag.* 127.

Regalia (*Anno 13 Eliz. cap. 16.*) *dicuntur jura omnia ad fiscum spectantia*, the Rights of a King; which the Civilians say are six: 1. Power of Judicature. 2. Power of Life and Death. 3. All Kind of Arming. 4. Masterless Goods. 5. Assessments. 6. And the Value of Money. See *Royalties.* Also the Crown, Sceptre with the Cross, Sceptre with the Dove, St. *Edward's* Staff, four several Swords, the Globe, the Orb with the Cross, and other such like, used at the Coronation of our Kings, are called *Regalia.* See the Relation of the Coronation of King *Charles* the Second in *Baker's Chron.*

Regalia is sometimes taken for the Dignity and Prerogative of the King, *viz. Qui impediebant Regem quo minus poterat exercere quæ ad* Regaliam *& prerogativam suam pertinent.* Knighton in Ric. 2.

Regalia is also taken for those Rights and Privileges which the Church enjoys by the Grants and other Concessions of Kings. And sometimes 'tis taken for the Patrimony of the Church; as, *Regalia Sancti Petri, &c.*

It signifies also those Lands and Hereditaments which have been given by Kings to the Church, *viz. Cepimus in manum nostram Baroniam &* Regalia *quæ Archiepiscopus Eborum de nobis tenet.* Pryn. lib. Angl. 2 Tom. pag. 231.

These *Regalia*, whilst in the Possession of the Church, were subject to the same Services as all other temporal Inheritances; and after the Death of the Bishop they of Right returned to the King, until he invested another with them; which in the Reigns of *William* the Conqueror, and some of his immediate Successors, was often neglected or delay'd; and as often the Bishops complained thereof. This appears in *Ordericus Vitalis, lib.* 10. and in many other Writers in those Days. *Neubrigensis, lib. 3. cap.* 26. tells us, they complained against *Henry* II. for that *Episcopatus vacantes & provenientia perciperet commoda, diu vacare voluit & Ecclesiasticis potius usibus applicanda in fiscum redegit.* So in *Malmsbury, lib. 1. de Gest. pontificum, pag.* 285. See *Beneficium.*

Regalia facere is to do Homage or Fealty when he is invested with the *Regalia, viz.* Regalia *pro more istius temporis faciens primipi 7 Kalend. Octobris Cantuariæ assedit.* Malmsbury de gestis pontificum, pag. 219. de Anselmo.

Regalis Justitia. *Item præfati Barones, (sc.* Quinque Portuum) *habere debent, ut asserunt, per Chartam suam*, Regalem Justitiam *in villa* Gernemuth, *tempore Feriæ, una cum Balivo seu Præposito villæ prædictæ*, viz. *Cognitionem Assisæ panis, ulnarum, ponderum & aliarum mensurarum, & similiter* void Strand & Denne, *secundum consuetudines suas usitatas, &c.* Rot. Parl. 8 Ed. 2. Nu. 262.

Regard, (*Regardum*, and *Rewardum*) from the Fr. *Regard*, i. e. *Aspectus, Respectus.* Though it has a well known general Signification of any Care or Respect, yet it has a special also, wherein 'tis used only in Matters of the Forest, and there two Ways; one for the Office of the *Regarder*, the other for the Compass of Ground belonging to the *Regarder's* Charge. *Cromp. Jurisd. fol.* 175. 199. Touching the former, thus *Manwood: The Eyre, General Sessions of the Forest, or Justice-Seat, is to be kept every third Year; and of Necessity the* Regarders *of the Forest must first make their* Regard, *which must be done by the King's Writ: And the* Regarder *is to go through the whole Forest, and every Bailiwick, to see and enquire of the Trespasses therein*; ad videndum, ad inquirendum, ad imbreviandum, ad certificandum, &c. *Par. 1. pag* 194, and 198. Touching the second, the Compass of the *Regarder's* Charge is the whole Forest, that is, all that Ground which is Parcel of the Forest; for there may be Woods within the Limits of the Forest, which are no Part thereof, and those are without the *Regard. Par. 2. cap. 7. numb. 4. Anno 20 Car. 2. cap. 3.*

Henricus Rex Anglorum omnibus Forestariis suis de Gloucestershire, salutem. Sciatis me concessisse & præsenti charta confirmasse Ecclesiæ S. Jacobi de Bristowa (in qua sepultus est Robertus Comes Glocestriæ *avunculus meus) & Monachis ibidem Deo servientibus, pro salute mea, & pro anima ipsius Comitis, quod terra ipsius Ecclesiæ, & Monachorum in eâ Deo servientium de Cellaria, & bosous ejusdem terræ, sint quietæ de* Rewardo *& de Assartis. Et prohibeo ne aliquis amodo computetur. Teste* Roberto Episcopo Winton.

Regardant, (Fr. Reing, Marking, Vigilant,) *Villain regardant*, was called *Regardant* to the Manor, because he had the Charge to do all base villanous Services within the same, and to see the same freed of all filthy and loathsome Things that might annoy it. *Coke on Littl. fol.* 120. This Word is only applied to a Villain or Niefs; yet in old Books it was sometimes applied to Services. *Ibid.*

Regarder (*Regardator*, Fr. *Regardeur*, i. e. *Spectator*) is an Officer of the King's Forest, who is sworn to make the *Regard* of it, as has been used in ancient Time; and to view and enquire of all Offences of the Forest, as well of Vert as of Venison, and of all Concealments of any Offences or Defaults of the Foresters, and all other Officers of the King's Forest, concerning the Execution of their Offices, *&c.* More Particulars of the *Regarder's* Office, how he is chosen, and the Form of his Oath, see in *Manwood, par. 1. pag.* 188. 195, & 207. & *Cromp. Jurisd. fol.* 153.

Regenburgi is a Word used in our Historians, and signifies Judges. *Leg. Canuti, cap.* 103. See *Rachimburgii.*

Regio assensu is a Writ whereby the King gives his Royal Assent to the Election of a Bishop. *Reg. of Writs, fol.* 294. *b.*

Register, the Writer and Keeper of a Registry; in Lat. *Registrarius. Register* is also the Name of a Book, wherein are expressed most of the Forms of Writs used at the Common Law, called the *Register of Writs*, or *of the Chancery*: Of which thus *Spelmam*; *Codex dicitur quo Brevia Regia, tam originalia quam judicialia formularum inscribuntur; Hujus Codicis*

dicis meminit Westm. 2. cap. 24. & 25. This *Register* is one of the most ancient Books of the Common Law; according to *Coke on Littl. fol.* 159.

Register of the Parish Church (*Registrum Ecclesiæ Parochialis*) is that wherein Baptisms, Marriages, and Burials, are in each Parish every Year orderly register'd. Which was laudably instituted by the Lord *Cromwel* in *September*, *Anno* 1538. while he was Vicar-General to King *Henry* the Eighth.

Registry (*Registrum*, from the old Fr. *Gister*, i. e. *In lecto reponere, sue loco constituere*) signifies the Office, Books, and Rolls, wherein the Proceedings of the *Chancery*, or any Spiritual Court, are recorded.

Regius Professor, (*Anno* 12 *Car.* 2. *cap.* 17.) *Henry* 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 *Regii Professores*.

Regrator (*Regratarius*, Fr. *Regrateur*) did anciently signify such as bought by *Great*, and sold by Retail. *Anno* 27 *Edw.* 3. *Stat.* 1. *cap.* 3. But now it signifies him that buys and sells any Wares or Victuals in the same Market or Fair, or within four Miles thereof. *Anno* 5 *Edw.* 6. *cap.* 14. and 13 *Eliz.* 25. In the Civil Law he is called *Dardanarius*, *à Dardano quodam cujus sceleris authore*. In ancient Time both the *Ingrosser* and *Regrator* were comprehended under the Word *Forestaller*. 3 *Inst. fol.* 195.

Regni populi, *Surrey*, *Sussex*, and Sea-coasts of *Hampshire*.

Regulbium, *Reculver* in *Kent*.

Regulus, **Subregulus**, are Words often mentioned in the Councils of the English *Saxons*: The first signifies *Comes*, the other *Vicecomes*. But in many Places they signify the same Dignitary; as in the old Book in the *Archives* of *Worcester* Cathedral; *Ego Uthredus de Domante* Regulus *Wiccionum concessi fratribus, &c. Licentia Offæ Regis Merciorum*. In another Place the same *Uthredus* subscribes himself *Subregulus Wigorniæ civitatis*. In another Place *Offa Rex Merciorum*, *Uthredus* Regulus, *Aldredus* Subregulus, *&c.* See *Subregulus*.

Rehabere facias seisinam quando Vicecomes liberavit seisinam de majore parte, quam deberet, is a Writ Judicial. *Reg. of Writs*, *Judic. fol.* 13, 51. There is another Writ of this Name and Nature, *fol.* 54.

Rehabilitation (*Anno* 25 *Hen.* 8. *cap.* 21.) is one of those Exactions mentioned in the said Statute to be claimed by the Pope heretofore in *England*; and seems to signify a *Bull* or *Brevet*, for *re-enabling* a Spiritual Person to exercise his Function, who was formerly disabled; or a *restoring* to former *Ability*.

Reia, (Fr. *Raye*) as *Reia de fiens*, a Rew of muck See *Molman*.

Rejoinder (*Rejunctio*) signifies an Answer of Exception to a Replication: For first, the Defendant puts in an Answer to the Plaintiff's *Bill*, which is sometimes called an *Exception*. The Plaintiff's Answer to that, is called a *Replication*; and the Defendant's to that, *Duplication*, in the Civil Law, and *Rejoinder* with us, especially in *Chancery*. *West. par.* 2. *Symbol. tit. Chancery*, *sect.* 56.

Rehpenus, Constitut. Rob. Dunelm. Episc. Anno 1276. cap. 3. —— *Porro huic Sanctioni adjicimus, quod si plures liberi proprium habentes, in parentum pariter familia vivant, ad denarios qui nuncupantur* Rehpenis *minime arceantur, cum sic communiter intrinsecis alantur à parentibus, sic in extrinsecis ab eisdem latentur pariter se defendi.*

Relation (*Relatio*) is where (in Consideration of Law) two Times, or other Things are considered, as if they were all one; and by this, the Thing subsequent is said to take effect by *Relation* at the Time preceding: As if *A.* deliver a Writing to *B.* to be delivered to *C.* as the Deed of *A.* when *C.* hath paid a Sum of Money: Now when the Money is paid, and the Writing delivered, this shall be taken as the Deed of *A.* at the Time when it was first delivered. So Bills of Parliament, to which the King assents on the last Day of Parliament, shall *relate*, and be of force, from the first Day of the beginning of the Parliament. *Coke* (*lib.* 3 *Butler's Case*) says, it is *Fictio juris*.

Relaxation, (*Relaxatio*) a releasing, as the *Relaxation* of an Attachment in the Court of Admiralty. 22 & 23 *Car.* 2. *Stat. For laying Impositions on Proceedings at Law.*

Release (*Relaxatio*) is an Instrument, whereby Estates, Rights, Titles, Entries, Actions, and other Things, are sometimes extinguished, sometimes transferred, sometimes abridged, and sometimes enlarged. *West. par.* 1. *Symb. lib.* 2. *sect.* 509. And there is a *Release in fact*, and a *Release in Law*. *In fact*, is that which the very Words expresly declare; *in Law*, is that which acquits by way of Consequent, or Intendment of Law; an example whereof you have in *Perkins*, *Grants* 71. How these are available, and how not, see *Littleton* at large, *Lib.* 3. *cap.* 8. And of divers sorts of *Releases*, see *New Book of Entries*, *verbo*, *Release*.

Relegation, (*Relegatio*) a Banishing or sending away. As *Abjuration* is a Forswearing the Realm for ever; *Relegation* is taken for a Banishment for a Time only. *Coke on Littl. fol.* 133.

Relief; (*Relevamen*, *Relevium*,) I shall explain this Word, *viz.* a feudatory or beneficiary Estate in Lands, was at first granted only for Life, and after the Death of the Vassal it returned to the Chief Lord, for which reason it was called *feudum caducum*, *viz.* fallen to the Lord by the Death of the Tenant; afterwards these feudatory Estates being turned into an Inheritance by the Connivance and Assent of the chief Lord, when the Possessor of such an Estate died, it was called *hæreditas caduca*, *i. e.* it was fallen to the Chief Lord, to whom the Heir having paid a certain Sum of Money, he did then *relevare hæreditatem caducam* out of his Hands; and the Money thus paid was called a *Relief*. This must be understood after the Conquest, for in the Time of the *Saxons* there were no *Reliefs*, but *Heriots* paid to the Lord at the Death of his Tenant, which in those Days were Horses, Arms, &c. and such Tributes could not be exacted of the *English* immediately after the Conquest, for they were deprived of both by the *Normans*; and instead thereof, in many Places, the Payment of certain Sums of Money was substituted, which they called a *Relief*, and which continues to this Day.

Relief reasonable: 'Tis likewise sometimes called *lawful* and *ancient Relief*, which is enjoined by some Law, or becomes due by Custom, and doth not depend upon the Will of the Lord, *viz.* In a Charter of King *John*, mentioned by *Matt. Paris*, *pag.* 178. *Si quis Comitum vel Baronum nostrorum, sive aliorum tenentium de nobis in Capite, per servitium militare mortuus fuerit, & cum decesserit hæres suus plenæ ætatis fuerit & relevium debeat, habeat hæreditatem suam per antiquum relevium*: And what that was we may read in the

the Laws of *William* the Conqueror, *cap.* 22. and of *Hen.* 1. *cap.* 14. and before that Time, in the Laws of *Canutus*, *cap.* 97. *viz.* The *Relief* of an Earl was eight War Horses with their Bridles and Saddles, four *loricas*, four Helmets, four Shields, four Pikes, four Swords, four hunting Horses and a Palfrey with their Bridles and Saddles: The *Relief* of a Baron or *Thane* was four Horses, two with Furniture and two without, two Swords, four Lances, four Shields and an Helmet, *cum lorica*, and fifty Marks in Gold. The *Relief* of a *Vavasor* was his Father's Horse, his Helmet, Shield, Lance and Sword, which he had at his Death. The *Relief* of a Villain or a Country-Man was his best Beast, *&c.* And thus it is a Sum of Money which the Tenant (holding by Knight-Service, Grand Serjeanty, or other Tenure, for which Homage or Regal Service was due, and after the Death of his Ancestor) paid to his Lord at his Entrance. *Mag. Charta*, *cap.* 2. and 38 *Edw.* 1. *Stat.* 1. *Bracton*, *lib.* 2. *cap.* 36. says, it is called a *Relief*, *Quia hæreditas, quæ jacens fuit per Antecessoris decessum*, relevatur *in manus hæredum, & propter factam relevationem, faciendæ erit ab hærede quædam præstatio, quæ dicitur* Relevium. See the Stat. 12 *Car.* 2. *cap.* 24. A *Relief* is likewise paid in *Soccage Tenure*, or *Petit Serjeanty*, where a Rent or any Thing is paid, by rendring as much as the Rent, or Payment reserved: *Walinford. Tainus vel miles Regis dominicus moriens, pro relevamento dimittebat Regi omnia arma sua, & equum unum cum sella, & alium sine sella; quod si essent ei canes vel accipitres præsentabantur Regi, ut si vellet, acciperet.* Domesday tit. Berorscire.

Religiosi, Religious Men, such as enter'd into some Monastery or Convent. In ancient Deeds of Sale of Land we often find the Vendee restrain'd from giving or alienating it, *Viris Religiosis vel Judæis*, to the end the Land might not fall into *Mortmain*. See *Judaism* — *Rex Vicecom.* — *Præcipimus tibi quod clamari facias sine dilatione per comitatum tuum, quod nulli, sicut diligunt corpora & catalla sua, malum faciant vel dicant* viris Religiosis vel 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.

Remainder (*Remanentia*) signifies an Estate limited in Lands, Tenements or Rents, to be enjoyed after the Estate of another expired. For example, a Man may grant Land to one for Term of his Life, the *Remainder* to another for Term of his Life. *Littl. cap. Attornment*, *fol.* 113. And this *Remainder* may be either for a certain Term, or in Fee-Simple, or Fee-Tail, as appears by *Brook*, *tit. Done & Remainder*, *fol.* 245. — *Glanvile*, *lib.* 7. *cap.* 1. *in fine*, has these Words; *Notandum, quod nec Episcopus, nec Abbas, quia eorum Baroniæ sunt de Eleemosyna Dom. Regis, & antecessorum ejus, non possunt de Dominiis suis aliquam partem dare ad* remanentiam, *sine assensu & confirmatione Domini Regis.* In like sort *Bracton* uses it, *lib.* 2. *cap.* 23. & *lib.* 4. *Tract.* 2. *cap.* 4. *num.* 4. See *New Book of Entries*, verbo *Remainder*. *In eo igitur differunt* Remanentia & Reversio: *Hæc post statum terminum ad donatorem vel hæredes suos (uti in fontem) remeat: Illa vero ad tertium quempiam (seu extraneum) progreditur.* Spelm.

Remembrancers of the Exchequer (*Rememoratores Scaccarii*) are three Officers; one called the *King's Remembrancer*. (*Anno* 35 *Eliz. cap.* 5.) The second the *Lord Treasurer's Remembrancer*, upon whose Charge it lies, to put the Lord Treasurer, and the rest of the Justices of that Court, in *Remembrance* of such Things as are to be called on, and dealt in for the King's behoof. The third is called the *Remembrancer of the First-Fruits*, (*Anno* 5 *Rich.* 2. *Stat.* 1. *cap.* 14 & 15. These (*Anno* 37 *Edw.* 3. *cap.* 4.) are called *Clerks of the Remembrance*.

The *King's Remembrancer* enters in his Office all Recognizances taken before the Barons for any of the King's Debts, for Appearances, or observing of Orders; he takes all Bonds for the King's Debts for Appearance or observing Orders, and makes Process upon them, for the breach of them. He writes Process against the Collectors of *Customs*, *Subsidies*, *Excise*, and other publick Payments for their Accompts. All Informations upon Penal Statutes are entered in his Office; and all Matters upon *English* Bills in the Exchequer-Chamber remain in his Office. He makes the Bills of Compositions upon Penal Laws, and takes the statement of Debts; he has deliver'd into his Office all manner of Indentures, Fines and other Evidences, that concern the assuring or passing any Lands to or from the Crown. He Yearly *in Crastino animarum* reads in open Court the Statute for election of Sheriffs, and gives them their Oath; He reads in open Court the Oath of all the Officers of the Court when they are admitted.

The Treasurer's Remembrancer makes Process against all Sheriffs, Escheators, Receivers and Bailiffs for their Accompts: He makes Process of *Fieri Facias* and *Extent*, for any Debts 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 the Record, whereby it appears, whether Sheriffs and other Accomptants pay their *Profers* due at *Easter* and *Michaelmas*. He makes another Record, whether Sheriffs and other Accomptants keep their Days of Prefixion. All *Estreats* of Fines, Issues and Amerciaments, set in any Courts of *Westminster*, or at the Assizes or Sessions, are certified into his Office, and are by him deliver'd to the Clerk of the *Estreats* to make out Process upon them. There are also brought into his Office all the Accompts of Customers, Controllers and other Accomptants, to make Entry thereof on Record. See *Repertory of Records*, *fol.* 121.

The Remembrancer of the First-Fruits takes all Compositions, and Bonds for First-Fruits and Tenths, and makes Process against all such as pay not the same.

Remitter: (from the Lat. *Remittere*, to restore or send back,) Where a Man has two Titles to Land, and is seised of the latter, and that proving defective, he is *restored* to the former more ancient Title; this is a *Remitter*, *Fitz. Nat. Br. fol.* 149. *F. Dyer*, *fol.* 68. *numb.* 22. and see *Brook*, *tit. Remitter*. If Land descend to him that has Right to it before, he shall be *remitted* to his better Title, if he will. *Doctor and Student*, *cap.* 9. *fol.* 19. b. See *Terms of the Law*, on this Word, and *Coke on Littl. lib.* 3. *cap.* 14.

Renant, (*Anno* 32 *Hen.* 8. *cap.* 20) perhaps misprinted for *Reniant*, i. e. *negans*, from the Fr. *renier*, *negare*.

Render, (from the Fr. *Rendre*, i. e. *Reddere*, *Retribuere*) and so it signifies with us. A Fine with *Render* is, where Lands are *render'd* back by the Cognizee to the Cognizor. Also there are certain Things in a Manor that lie in *Prender*, that is, which may be taken by the Lord or his Officers, when they chance, without the Tenant's Leave, as Escheats, *&c.* and certain that lie in *Render*, that is, must be *render'd* or answer'd by the Tenant, as

Rents, Reliefs, Heriots and other Services. *West, Par.* 2. *Symb. Sect.* 126. C. Also some Service consists in Seisance, some in *Render*. *Perkins's Reservations*, 696.

Rendualis, Money which is paid every Year, *Anglice* Rent. *Mille solidos* Rendualium *seu Annualium*. Du Cange.

Renegate, which we corruptly call *Runnegate*, is one who was a Christian, and afterwards *negat Christum*: 'Tis mentioned in *Hoveden*, *Anno* 1192. by the name of *Reneez*, *viz. Et cepit in equitatione illâ* 24 *paganos, & unum Reneez qui quondam Christianus fuerat, & Dominum Christum negaverat.*

Renegeld. *Per* Renegeld *Johannes Stanley Ar. clamat habere de qualibet bovata terræ infra feodum de Aldford* 1 *d. exceptis Dominicis terris & terris in feodo prædicto infra Hundred. de Macclefeld.* Rot. Plac. in Itin. apud Cestriam, 14 Hen. 7.

Renodura *est quædam linea cava ducta in asseribus quod regnet seu protendatur ubique in longum.* Bracton, lib. 3. Tr. 2. cap. 24. par. 2. *Si os frangatur quod facilè perpendi poterit per* renoduram.

Renovant, (from *renovo*, to renew or make again) —*The Parson sued one for Tithes to be paid of Things* renovant, *but his Horse being only for Labour and Travail, would not renew*, &c. Croke, 2 Part, fol. 430.

Rent, (*Redditus*) 'Tis called *redditus* in *Latin*, from *redeundo*, because as *Fleta* tells us, *ut roit & quotannis redit.* Lib. 3. cap. 14.) is a Sum of Money, or other Considerations, issuing Yearly out of Lands or Tenements. *Plowden, Case, Browning, fol.* 132. b. 138. a. & 141. b. Of which there are three sorts; *Rent-Service, Rent-Charge* and *Rent-Seek*. *Rent-Service* is, where a Man holds his Land by Fealty, and certain Rent, or by Fealty, Service and Rent. *Littl. lib.* 2. *cap.* 12. *fol.* 44. Or that which a Man, making a Lease to another for Years, reserves yearly to be paid him for the same. *Rent-Charge* is, where a Man chargeth his Lands or Tenements, by Deed Indented, either in Fee, Fee-Tail, or for Term of Life, with a Sum of Money to be paid to the Grantee yearly, with Clause of Distress for Non-payment thereof, *Litt. ubi supra. Rent-seek*, otherwise *Dry-Rent*, is that, which a Man, making over an Estate of Lands or Tenements by Deed indented, reserves yearly to be paid him, without Clause of Distress, mentioned in the Indenture. See more on this Subject in the *Terms of the Law*; and the difference between a *Rent* and an *Annuity* in *Doctor and Student, cap.* 30. *Dial.* 1. See *Mategeval*.

Rentale signifies Rent: *Deinde petadat* Rentale *Burgi, per quod firmæ perticarum terræ levantur.* Du Cange.

Rents of Assise (*redditus Assisæ*) are the certain Rents of Freeholders, and ancient Copyholders, because they are *Assised* and certain, and distinguished from *Redditus mobiles*. 2 *Inst. fol.* 19.

Rents resolute (*Redditus resoluti*) are reckoned among the Fee-farm Rents, to be sold by the Stat. 22, *Car.* 2. *cap.* 6. and are such Rents or Tenths, as were anciently payable to the Crown from the Lands of Abbeys and Religious Houses, and after the Dissolution, these Abbey-Lands being demised to others, the said *Rents* were still reserved, and made *payable again* to the Crown.

Renuffiatoi, —*Et sunt communis latrones & Renuffiatores hominum*, &c. Trin. 28 Edw. 3. Ebor. 37. 9.

Reparatione faciendâ is a Writ that lies in divers Cases, whereof one is, where there are three Tenants in Common, Joint-Tenants, or per indivi-so, of a Mill or House, which is fallen into decay, and the one is willing to repair it, the other two not. In this Case the Party willing shall have this Writ against the other two, *Fitz. Nat. Br. fol.* 127. where you may see the Form and many Uses of it, as also in *Reg. of Writs, fol.* 153. *b.*

Repeal (From the Fr. *rappel*, i. e. *revocatio*) signifies the same with us; as the *Repeal of a Statute*, is the revoking or disannulling it. *Brook* uses *Repellance* in the same Sense.

Re-plegier (*Replacitare*) is to plead again that which was once pleaded before. See *Brook* and *New Book of Entries*, verbo, *Repleader*.

Replegiare de averiis is a Writ brought by one, whose Cattle are distrained or put in Pound upon any Cause by another, upon Surety given to the Sheriff to pursue or answer the Action at Law. *Anno* 7 *Hen.* 8. *cap.* 4. *Fitz. Nat. Br. fol.* 68. See *Reg. of Writs*, for divers sorts of this Writ; *New Book of Entries*, verbo, *Replevin*, and *Dyer, fol.* 173. *numb.* 14.

Replevie (*Plevina*) is derived of *replegiare*, to re-deliver to the Owner upon Pledges or Surety; and signifies the bringing the Writ called *Replegiari facias*, by him that has his Cattle 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 pursue the Action against him that distrained. *Coke on Littl. lib.* 2. *cap.* 12. *Sect.* 219. We read of *Canes replegiati*, Hounds replevied, in a Case between the Abbot of St. *Albans*, and *Geoffery Childwic*, 24 *Hen.* 3. Goods may be *replevied* 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 Cattle and Goods. *Replevy* is used also for the bailing a Man. *Pl. Cor. fol.* 72, 74. and *Westm.* 1, *cap.* 11. and 15.

Replevish (*Replegiare*) is to let one to Mainprise upon Surety. *Anno* 3 *Edw.* 1. *cap.* 11.

Replication (*Replicatio*) is an Exception of the second Degree made by the Plaintiff upon the first Answer of the Defendant, *West, par.* 2. *Symb. tit.* Chancery, *Sect.* 55. and *Westm.* 2. *cap.* 36. It is that which the Plaintiff *replies* to the Defendant's Answer in *Chancery*; and this is either *General* or *Special*. *Special* is grounded upon matter arising out of the Defendant's Answer, *&c.* *General*, so called, from the general Words therein used.

Report (From the Lat. *Reportare*) is a publick relation, or a bringing again to Memory, Cases judicially argued, debated, resolved, or adjudged in any of the King's Courts of Justice, with such Causes and Reasons as were delivered by the Judges of the same. *Coke on Littl. fol.* 293. Also when the *Chancery* or other Court refers the stating some Case, or computing an Accompt, *&c.* to a Master of Chancery, or other Referree, his Certificate therein is called a *Report*.

Reposition of the Forest, (*i. e.* a re-putting to) was an Act, whereby certain Forest-Grounds, being made *Purlieu* upon View, were by a second View laid or put to the Forest again. *Manwood, Par.* 1. *pag.* 178.

Repositus, *i. e.* secret or private: 'Tis mentioned in *Malmsbury, Lib.* 4. *cap.* 2. *viz. Illud repositius in specium non ita vulgabatur.*

Reprisals, (*Reprisalia*) From the Fr. *Reprise*, i. e. *Receptio, vel captio rei unius in alterius satisfactionem*) is all one in the Common and Civil Law. *Reprisalia, est potestas pignorandi contra quemlibet de terra debitoris data creditori pro injuriis & damnis accep-tis.*

tis. Vocab. utriusque Juris. This among the ancient *Romans* was called *Clarigatio.* In the Statute 27 *Edw.* 3. *Stat.* 2. *cap.* 17. it is called *Law of Marquere,* because one destitute of Justice in another Territory redresseth himself by the Goods belonging to Men of that Territory.

Repises: (Fr. Resumptions, or taking back.) We use it for Deductions and Duties, which are yearly paid out of a Manor or Lands, as Rent-Charges, Pensions, Fees of Stewards, or Bailiffs, *&c.* Therefore we say the Manor of *Dale* yields 40 *l. per Annum ultra Reprizas,* besides all *Reprises.*

Reputatio, the same with *Respectus,* i. e. Respite or Delay. *Sine* reputatione *reddat debitum,* Canon. Hibern, lib. 33. cap. 4.

Requests. (*Curia Requisitionum*) See in *Court.* The Place where this Court was held, was anciently called *Camera alba. Rot. Parl. Anno* 17 *Ed.* 3.

Rere County, —*Writs shall be delivered in the full County, or* Rere County. Stat. 2 Edw. 3. cap. 5. —*Et pro Fine Sectæ Curiæ vocat.* Rere Counce. *Comp. temp. Hen.* 6. See *Rier County.*

Resceit (*Receptio*) in an Admission, or receiving a third Person to plead his Right, in a Cause formerly commenced between other two, *New Book of Entries,* verbo, *Resceit.* 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 *Brook tit.* Resceit, *fol.* 205. and *Perkins, Dower,* 448. *Resceit* is also apply'd to an admittance of Plea, though the Controversie be only between two. *Brook.* tit. *Estoppel. Coke on Littl. fol.* 192. b.

Resceit of Homage (*Receptio Homagii*) is the Lord's receiving Homage of his Tenant at his Admission to the Land. *Kitchin, fol.* 148. See *Homage.*

Rescous (*Rescussus*) From the Fr. *Rescousse,* i. e. *Liberatio, redemptio*) is an illegal taking away, and setting at liberty, a Distress taken, or a Person arrested by Process, or Course of Law; which is a *Rescous in Deed:* And where a Man has taken a Distress, and the Cattle distrained as he is driving them to the Pound, happen to go into the House of the Owner, if he that took the Distress demand them of the Owner, and he deliver them not, this is a *Rescous in Law. Coke on Littl. lib.* 2. *cap.* 12. *Sect.* 237. It is also used for a Writ which lies for this Fact, called *Breve de rescussu,* whereof you may see both the Form and Use in *Fitz. Nat. Br. fol.* 101. *Reg. of Writs, fol* 125. and *New Book of Entries,* verbo *Rescous:* This, in some Cases, is Treason upon Master of Treason; and in some, Felony, in Cases of Felony. *Cromp. Justice, fol.* 54. b.

Rescuisor is he that commits such a Rescous. *Croke's Rep.* 2 *Part, fol.* 419.

Reseisor (*Reseisire*) is a taking again of Lands into the King's Hands, whereof a general Livery or *Ouster le main* was formerly misused, contrary to order of Law. *Staundf. Prærog.* 26. See *Resumption.*

Reservation, (*Reservatio*) a providing for Store; as when a Man departs with his Land, but *reserves* or provides for himself a Rent out of it for his own Livelihood. Sometimes it serves to reserve a new Thing, and sometimes to except part of the Thing in *esse* that is granted. See *Perkins's Reservations, per totum.*

Residence (*Residentia*) From the Fr. *Resseant vel Resseder,* i. e. Resident) signifies a Man's Abode or Continuance in a Place, *Old Nat. Br. f.* 85. Whence also comes the participle *resiant,* that is, continually dwelling or abiding in a Place, *Kitchin, fol.* 33. It is all one in truth with *residence,* but that Custom ties this only to Persons Ecclesiastical. *Veteri autem jure nostro etiam & Scotico aliud significat, utpote morbum validum seu veterarum, quo quis exire de suis ædibus prohibetur. Essonium igitur quod* de malo lecti *nuncupatur; hoc est excusatio, quod ratione infirmitatis sistere se in foro non valeat, essonium nuncupant* de reseantisa. Glanvile, lib. 1. cap. 11. —*Quandoque intervenit (Essonium) ex infirmitate* de reseantisa. Ubi in margine notatur, *Essonium* de reseantisa *idem valet quod essonium de malo lecti.* —— Et Galli apertius dixerunt *Exoine de mal resseant.* Spelm.

Residence (*Residentia*) is peculiarly used both in the Canon and Common-Law, for the Continuance or Abode of a Parson or Vicar upon his Benefice: The default whereof (except the Party be qualified and dispensed with) is the loss of Ten Pounds for every Month. *Anno* 28 *Hen.* 8. *cap.* 13.

Residens is a Tenant who is bound *residere* on his Lord's Lands, and not to go from thence, *Leg. H.* 1. *cap.* 43. *Quantumcunque de aliis teneat ei magis obnoxius est, & eius* residens *esse debet cujus legius est.*

Resignation (*Resignatio*) is used particularly for the yielding up a Benefice into the Hands of the Ordinary, otherwise called *renunciatio* by the Canonists. And though it signifie all one in nature with the Word *Surrender,* yet it is by use restrained to the yielding up a Spiritual Living as aforesaid, and *Surrender* to the giving up Temporal Lands into the Hands of the Lord. And a *Resignation* may now be made into the Hands of the King, as well as of the Diocesan, because he has *Supremam Authoritatem Ecclesiasticam,* as the Pope had here in Times past. *Plowden, Casu Grendon, fol.* 498.

Resort, or **Ressort,** (*Fr.*) is a Word used properly in a Writ of *Tayle* or *Cousenage,* as *Descent* is in a *Writ of Right:* In *French* it signifies the Authority or Jurisdiction of a Court. —*Salvo tamen jure* ressorto *quam aliis jure nostro, & jure etiam alieno.* Let. Pat. Philip. le Hardy R. Franc.

Respectu computi vicecomitis habendo is a Writ for the respiting a Sheriff's Accompt, upon just occasion, directed to the Treasurer and the Barons of the Exchequer, *Reg. fol.* 139, and 179.

Respiciare, *i. e.* to consider. *Knighton* mentions it in a Judgment for High Treason, *Anno* 1331, *viz. Omnes articuli superius de dicto Rogero attestati veri sunt & notorii, unde* respiciatum *& adjudicatum est quod prædictus Rogerus ut proditor & inimicus Regis & Regni distractus sit & suspensus.*

Respite (*Respectus*) is used for a Delay, Forbearance, or Continuation of Time. *Præcipio tibi, quod poni facias in* respectum *usque ad aliquem terminum competentem.* Glanvile, lib. 12. cap. 9. in Brevi Regis.

Respite of Homage (*Respectus Homagii*) is the forbearance of *Homage,* which ought first of all to be performed by the Tenant, holding by *Homage;* but it had the most frequent use in such as held by Knight-Service *in Capite;* who did pay into the Exchequer every fifth Term, some small Sum of Money to be respited the doing their *Homage.* See the Stat. 12 *Car.* 2. *cap.* 24. whereby this *Respite of Homage* is taken away, as a Charge incident, or arising from *Knight-Service,* &c.

Respondeat superior: Where the Sheriffs are removeable, as in *London,* for insufficiency, *respondeat superior,* that is, the Mayor and Commonalty of *London. Pur insufficiency del Bailiff d'un Liberty,*

respondeat

respondeat Dominus libertatis. 44 Edw. 3. 13. See 4 Inst. fol. 114.

Responsalis (*qui Responsum defert*) is he that appears for another in Court at a Day assigned, *Glanvile, lib.* 12. *cap.* 1. But *Fleta, (lib.* 6. *cap.* 11.) makes a difference between *Attornatum, Essoniatorem* and *Responsalem*; as if *Essoniator* came only to alledge the Cause of the Party's Absence, be he the Demandant or Tenant; and *Responsalis* came for the Tenant, not only to excuse his Absence, but to signify what Trial he meant to undergo, the Combat or the Country. See *Attorney.*

Responsions (*Responsiones*) seems to be a Word used particularly by the Knights of St. *John of Hierusalem,* for certain Accompts made to them by such as held their Lands or Stocks, *Anno* 32 *Hen.* 8. *cap.* 24. In *Rot. Parl.* 9 *Rich.* 2. it is written *Responcies.*

Responsum, *i. e.* Business: The Word is used in this Sense by *Florence* of *Worcester,* who tells us, That Pope *Alexander* sent two Persons to Edw. 1. *pro Responsis Ecclesiasticis.*

Restare, *i. e.* to stay or stop: 'Tis mentioned in *Matt. Paris,* 515, viz. *Equos & homines meos fecit* restare, *donec pagium extorsisset.*

Restitution (*Restitutio*) is a yielding up, or restoring any Thing unlawfully taken from another. It is also used for the setting him in possession of Lands or Tenements, who had been unlawfully dissessed of them; which, when to be done, and when not, see *Cromp. Just. of P. fol.* 144. *usque* 149.

Restitutione extracti ab Ecclesia, was a Writ to restore a Man to the Church, which he had recover'd for his Sanctuary, being suspected of Felony. *Reg. of Writs, fol.* 69. a.

Restitutione temporalium is a Writ, that lies where a Man being elected and confirmed Bishop of any Diocess, and has the King's Royal Assent thereto, for the recovery of the Temporalities or Barony of the said Bishoprick; which is directed from the King to the Escheator of the County, the Form whereof you have in *Reg. of Writs, fol.* 294. and in *Fitz. Nat. Br. fol.* 269.

Resummons (*Resummonitio*) signifies a second Summons, or calling a Man to answer an Action, where the first Summons is defeated or suspended by any occasion, as the Death of the Party, or such like. See *Brook. tit. Resummons, fol.* 214. See of these four sorts, according to four divers Cases in the Table of *Reg. of Writs judicial, fol.* 1. and *New Book of Entries, verb.* Reattachment & Resummons.

Resumption (*Resumptio*) is particularly used for the taking again into the King's Hands, such Lands or Tenements as before, upon false Suggestion or other Error, he had granted by Letters Patent to any Man, *Brook tit.* Repellance & Resumption, *fol.* 298. And so it is used *Anno* 31 *Hen.* 6. *cap.* 7. & 19 *Hen.* 7. *cap.* 10. See *Reseisa.*

Retail, (*Anno* 3 & 4 *Edw.* 6. *cap.* 21.) *Qui rem integram ementes, per minutiores eam partes distrahebant. Anglice,* to buy by Great, and sell by *Retail, i. e.* by Parcels.

Retare for *restare.*

Reteiner (from *Retineo*) signifies a Servant, not menial nor familiar, that is, not continually dwelling in the House of his Lord or Master, but only wearing his Livery, and attending sometimes upon special Occasions. This *Livery* was wont to consist of Hats, (or Hoods) Badges, and other Suits of one Garment by the Year, and were given by Lords and great Men many Times on purpose for Maintenance and Quarrels, and therefore have been justly prohibited by many Statutes, as by 1 R. 2 *cap.* 7. upon pain of Imprisonment and grievous Forfeiture to the King. And again, *Anno* 16 *ejusdem, cap.* 4. & 20 *eiusdem, cap.* 1 & 2. and 1 *Hen.* 4. *cap.* 7. By which the Offenders herein should make Ransome at the King's will; and any Knight or Esquire, hereby duly attainted, should lose his said *Livery,* and forfeit his Fee for ever, *Ore* which Statute is further confirmed and explained, *Anno* 2 *Hen.* 4. *cap.* 21. and *Anno* 7 *ejusdem, cap.* 3. & *Anno* 8 *Hen.* 6. *cap.* 4. And yet this Offence was so deeply rooted, that *Edward* the Fourth was forc'd to confirm the former Statutes, and further to extend the Meaning of them, as appears by 8 *Ed.* 4. *cap.* 2. adding a special pain of five Pounds on every Man that gives such *Livery,* and as much on every one so reteined, either by Writing, Oath or Promise for every Month. These by the Feudists are called *Affidati*: And as our *Reteiners* are here forbidden, so are those *Affidati* in other Countries. But most of the above mentioned Statutes are repealed by 3 *Car.* 1. *cap.* 4.

Retenementum (from *Retineo*) a with-holding, retaining or keeping back —*Sine ullo retenemento* was a frequent expression in old Deeds.

Retentio for **Retinentia,** *i. e.* a Retinue.

Retinue, (*retinentia*) those Persons are said to be of a Noble Man's Retinue, that belong to him as Servants or Reteiners. —*Ad inquirendum de numero* retinentiæ *præfati Johannis ab ultimo adventu suo in Hiberniam, & de continuatione ejusdem* retinentiæ. Pat. 14 Rich. 2. pars. 2. m. 18.

Retractus aquæ, the Ebb of a Tide. *Pla. coram Rege Pas.* 30 *Edw.* 1. *apud Cantuar. rot.* 58.

Retraxit is so called, because it is the emphatical Word in the Entry; and is where the Plaintiff or Demandant comes in Person alone, or with the Defendant into Court, and says, *He will proceed no further*; which is peremptory, and a perpetual Bar, and may be pleaded as such to the Plaintiff in the same Action for ever. *Qui semel Actionem renunciavit, amplius repetere non potest.* Coke on Littl. lib. 2. cap. 11. S. 208. where you shall find the difference betwixt *Nonsuite* and *Retraxit.*

Retropannagium —*Et debent habere* Retropannagium *à Festo Sancti Martini usq; ad Festum Pur. Beatæ Mariæ.* Petitio in Parl. temp. Edw. 3. It seems to be After-Pannage, that is, when the best is eaten, and only Hips, Haws, and such like left.

Return (*Returna vel retornu*) from the Fr. *Retour,* i. e. *Reditio, reversio*) has two particular Applications, namely, the *Return* of Writs by Sheriffs and other Officers, which is a Certificate made to the Court from whence the Writ issued, of that which they have done, touching the Execution of the same Writs. 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 others, unto whom such Writs, Commissions, Precepts or Mandates, are directed.

Also certain Days in every Term are called *Returns,* or Days in Bank: As *Hilary Term* has four *Returns,* viz. *Octabis Hilarii, Quindena Hilarii, Crastino Purificationis, Octabis Purificationis. Easter Term* five, *viz. Quindena Paschæ, Tres Paschæ, Mense Paschæ, Quinque Paschæ* and *Crastino Ascensionis Domini. Trinity Term* four, viz. *Crastino Trinitatis, Octabis Trinitatis, Quindena Trinitatis, Tres Trinitatis.* And *Michelmas Term,* six Returns, viz. *Tres Michaelis, Mense Michaelis, Crastino animarum, Crastino Martini, Octabis Martini,*

Martini, Quindena Martini. See the Statutes of *Days in Bank*, *Anno* 51 *Hen.* 3. 27 *Hen.* 8. and 17 *Car.* I. *cap.* 6.

The other Application of this Word is in Case of *Replevin*; for if a Man distrain Cattle for Rent, &c. and afterwards, to justifie or avow his Act, that it is found lawful, the Cattle before deliver'd to him that was distrained, upon Security given to follow the Action, shall now be *returned* to him that distrained them. *Brook tit.* Return d'avers & hommes, *fol.* 218.

Returno habendo, is a Writ that lies for him who has avowed a Distress made of Cattle, and proved his Distress to be lawfully taken, for the *Return* of the Cattle distrained unto him, which before were replevied by the Party distrained, upon Surety given to pursue the Action, on whom the Plaint or Action is removed by *Recordare*, or *Accedas ad Curiam*, into the Court of *Common Pleas*, and he, whose Cattle were distrained, makes default, and doth not declare or prosecute his Action.

Returnum Irreplegiabile, is a Writ Judicial, and the same with *Retorno Habendo*, granted to one impleaded for taking the Cattle of another, and unjust detaining them *contra vadium Vadiatus*, and appearing upon Summons, is dismissed without Day, by reason the Plaintiff makes Default, and doth not declare or prosecute; and it lies for the Return of the Cattle to the Defendant, whereby he was summoned, or which were taken for security of his Appearance upon the Summons. *Regist. of Writs Judic. fol.* 4. *a.*

Returnum Irreplegiabile, is a Writ Judicial, sent out of the *Common Bench* to the Sheriff, for the final Restitution or Return of Cattle to the Owner, unjustly taken by another, as Damage-Feasant, and so found by the Jury before Justices of Assize in the County; or otherwise by default of Prosecution. For which see *Reg. of Writs Judic. fol.* 4.

Reve alias Grave (*Germanice* Grave, *Saxon* gepeja. *Præfectus, Præpositus*) signifies the Bailiff of a Franchise or Manor, especially in the *West* Parts. Hence *Shire-reve*, or *Shrife*. See *Nichin, fol.* 43. See *Greve*, and *Shirif*, and *Tithingreve*. See *Verstegan, cap.* 10. and *Churchreve*.

Revelach, *i. e.* Rebellion, from *Revellare*, to rebell: *Quicunque faciebat* Revelach *vel latrocinium vel violentiam famulus in domo inferebat, solidis emendabatur.* Gale. Domesday, Tit. Cestrescire.

Reveland. See *Teinland*.

Revenue, (Fr. *Revenue*) signifies properly the yearly Rent, and Profits that accrew to every Man from his Lands and Possession.

Reversion (*Reversio*) signifies a returning again: Therefore, *Reversio terræ est tanquam terræ reversio in possessionem Donatori sive hæredibus suis post donum factum. Coke on Littl. fol.* 142. b. It hath a double acception, the one is, *jus revertendi, quod fiunt possessionis defecerit*; and this is but an Interest in the Land when the Occupation and Possession of it shall fall, and so it is commonly taken. 2. When the Possession and Estate, which was passed with for a Time, ceaseth and is determined in the Persons of the Alienees, Assignees, Grantees, or their Heirs, or effectually returns to the Donor, his Heirs or Assigns, whence it was derived. This is the most proper signification of the Word, which is derived from *Revertor*, *Et ante dicitur revertit*. *Reversio ante quam revertatur in facto.* See *Litt. lib.* 2. *cap.* 12. And see *Remainder*.

Revestis terra, one Furrow ploughed in the midst of the Ridge. *Regist. de Eccl. Roffen.* Regnum terræ in Germania, Monarchia. Tomlins.

Review, (Fr. *Reveue*) a Bill of Review, or is, where the Cause hath been heard, and the Decree signed and enrolled; and some Error appears in the Body of the Decree, or new Matter discovered in Time after the Decree made: Which Bill must be exhibited by leave of the Court, and not otherwise. *Cell. Chancery in Chancery.*

Reviving is a Word metaphorically applied to Rents and Actions, and signifies a renewing them after they were extinguished. Whereof see divers examples in *Brook tit. Revivings of Rents, Actions, &c. fol.* 223.

Bill of Revivor is where a Bill hath been exhibited in *Chancery*, against one who answers and before the Cause is heard, or if heard, the Decree be not enrolled, and either Party dies after his Case, a *Bill of Revivor* must be brought, to revive the former Proceedings, and the Cause be finally determined.

Revocation (*Revocatio*) is the recalling a Thing granted. Of which you have divers in the *Regist. of Writs*. As, *Revocatione brevis de dower terminando, fol.* 124. *Revocatione Presentationis.*

Reuel, (*Anno* 43 *Eliz. cap.* 10.) So, as the same Clothes being put in Water are found to shrink, Reuel, Crinkle, Cockling, Knight, notable tenter, &c.

Rhaumus, the overflowing of the Sea, *Florence of Worcester, Anno* 1075. *Inde rebus omnibus dispositis & ordinatis (Rhaumate adveniente) festinanter Anchoras subduxerunt.*

Rhibel, a River in *Lancashire*. See *Belisama*.

Rhine, the River in *Germany*, from *Rhinum*, flow, so called, because of its rapid Course, rather from the *Saxon* Rein, which signifies Pure, from the clearness of the Water: So among the *Saxons* Rhyne peteney signified a Water-course; in *Somersetshire*, they call the little Streams between the *Moors*, which rise high with Floods, *Rhines*.

Rhutunia, *Richborow* near *Sandwich* in *Kent*.

Rhutupium, *Rounden* in *Bucksshire*.

Rial, from the Spanish *Real*, *i. e.* Royal Money, because it is stamped with the King's Effigies. It is usually called *Rials Plate*.

Ribaud, (Fr. *Ribaud*) a Rogue, Rascal, Fornicator, Whoremonger. *Rot. Parl.* 50 *Edw.* 3. *numb.* 61. Petition against *Ribauds* and hurdy Beggars.

Ribchester. See *Coccium*.

Ric, a Kingdom: From the *Sax.* Rice, *regnum*.

Riculus, for *Curriculus*, or *Vehiculus*: In *Brompton R.* 1. *Multitudo vero* Riculorum *& asinorum onerarjorum sub onere non facile cadebant.*

Rider Roll. See in *Roll*.

Ridge or Rig of Land, (*Riga*) *Terram quam aliquibus sulcis in aggerem efferunt arantes, ita ut sicut Tegulæ frumentis habeatur, Romani* Brigam, *Angli* Land agros strigatos) *nos*, a Ridge of Land. *Spel.* Yet I have seen in the Exemplification of a Writ of Partition, *Anno* 36 *Eliz. Tete Jacobi Dyer Mil.* — *unam acram terræ arabilis continen. quinque* porcas *terræ Angliæ* Ridges. So Sir *Edw. Coke* has it. 1 *Inst. fol.* 5. b.

Riding Clerk is one of the six Clerks in Chancery, who, in his Turn, for one Year, keeps the Controllment Books of all Grants that pass the Great Seal that Year.

Ridings are the Names of the Parts or Divisions of *Yorkshire*, being three, *viz. East-Riding, West-Riding* and *North-Riding*, and mentioned in the Statute of 22 *Hen.* 8. *cap.* 5. and 23 *ejusdem, cap.* 18. In Indictments in that County it is requisite, that the Town and the *Riding* be expressed. *West, par.* 2. *Symb. tit. Indictments, sect.* 70.

Riens arrear is a kind of Plea used to an Action of Debt upon Arrearages of Accompt, whereby the Defendane does alledge that there is *nothing arrear. Book of Entries.*

Riens deins le gard was a Challenge to a Jury or Inquest within *London*, &c. But it is abrogated by the Statute 7 *Hen.* 7. *cap.* 5.

Riens passe per le fait (*i. e.* nothing passes by the Deed) is the Form of an Exception taken in some Cases to an Action. See *Brook, tit. Estrauger al fait ou Record.*

Riens per descent (i. e. nothing by Descent) is the Plea of an Heir, where he is sued for his Ancestor's Debt, and hath no Land from him by Descent. See 3 *Part Croke's Rep. fol.* 151.

Rier County (*Retro comitatus*) From the Fr. *Arriere*, i. e. *Posterior*) in the Stat. 2 *Edw.* 3. *c.* 5. is opposite to *open County*; And by comparing that Statute with *Westm.* 2. *cap.* 38. it appears to be some publick Place, which the Sheriff appoints for Receipt of the King's Money, *after* the end of his County. *Fleta* says it is *Dies erastinus post comitatum. Lib.* 2. *cap.* 67.

Rifflare, to take away any Thing by force: From the *Sax* Riefe, *Rapina*, from whence comes our *English* Word to Rifle: *Sæpe etiam contingit ut hoc modo depositum per furtum & reiflato, &c. postea fuit intertiatum & ad hordealique comprobatum. Leg. H.* 1. *cap.* 57.

Rifflura, a slight Wound in the Flesh: 'Tis mentioned in *Fleta. lib.* 1. *cap.* 41. *Par.* 2. *Bracton, Lib.* 3. *cap.* 23. *Par.* 2.

Riga, the same with *Renga*.

Right, (*Jus*) in its general signification, includes not only a *Right* for which a Writ of Right lies, but also any Title or Claim, either by force of a Condition, Mortgage, or the like, for which no Action is given by Law, but only an Entry. *Coke on Litt. lib.* 3. *cap.* 8. *sect.* 445. & 447. There is *Jus Proprietatis*, A Right of Ownership; *Jus Possessionis*, A Right of Seisin or Possession; and *Jus Proprietatis & Possessionis*, A Right both of Property and Possession; which was anciently called *Jus Duplicatum*. See *Recto* and *Droit*.

Right in Court. See *Rectus in Curia*.

Rimaty. *Juramentum: Quod quis cum toto conjuratorum cœtu vel numero dabat*: From the *Saxon* Rime, *numerus*, and Aŏ, *juramentum, i. e.* an Oath not singly taken by one Man, but in the Company of many more, who made Oath at the same Time. *Leg. Adelstan, cap.* 15.

Rime (*Rima*) is taken for a mean kind of Verse, commonly made by some unskilful Poetaster. Of a libellous and rebellious *Rime*, I have thought fit to insert this Abstract of an ancient and memorable Record.

Placita coram Domino Rege apud Ebor. de Termino Paschæ Anno Regni Regis Richardi Secundi, 16.

Quamplurimi de Cotingham *& Villis circumjacentibus indictantur, quod ipsi adligati fuerint quilibet ad alterum sustinendum & manutenendum omnes querelas suas versus quoscunque: Et quod modo guerrino obsederunt villam de* Kingston *super* Hull, *& pouces circumjacentes diripuerint, ita quod nullus ire vel redire posset ad dictam villam, ac insuper fecerunt* Rimam *in Anglicis verbis, & dictam* Rimam *publice apud* Beverly *proclamari fecerunt die, &c. quæ* Rima *sequitur in hæc verba.*

In the Country hard was we,
That in our Doken shrewes should be,
With all for to bake.
Among your Friers it is foe,
And other Drivers many moe,
Whether they sleep or wake.
And yet will like man help up other,
And maintain him als his brother,
Both in wrong and right.
And also will in strand and floure
Maintain our Neighbour
With all our might,
Like Man may come and goe
Among us, both to and fro,
May you sickerly.
But hethning will we suffer none,
Neither of Hob, nor of John,
With what may be merry be.
For unkinde we ware,
If we suffered lesse or mare.
Any villan hethning.
But it were quite double again,
And accord, and be ful faine
To byde dressing.
And on that purpose, yet we stand,
Who so doth us any wrang,
In what place it fall.
Yet he must als weele,
Als have I hap and heele,
Doe agam us all.

Sed perdonantur 28 *ex eis.*
Record. continet quatuor Rotulos.

Rine. See *Rhine*.

Ringe, a Military Girdle: From the *Sax.* Ring, i. e. *annulus, circulus*, because it was girt round the middle. *Bracton* gives another Reason why 'tis so called. *Lib.* 1. *cap.* 8. *Par.* 3. Ringa *ita dicuntur quod renes circumdant, unde dicitur accingere gladio.*

Ringhead, (*Anno* 43 *Eliz. cap.* 10.) an Engine used in Stretching Woollen Cloth.

Ringildre (Brit. Rhingyldre) *Rex— & quod nullus tenentium in Com. nostris prædictis de cætero compellatur ad subeund. sive occupand. Officium* Ringildre —Charta Hen. 7. Comitat. de Anglesey, Carnarvon & Merioneth, *dat.* 3. *Martii Anno Regni* 22. It was a kind of Bailiff or Serjeant; For so Rhingyl, or Ringyll signifies in *Welch.*

Riot (Fr. *Riotte*, from the Lat. *Arirtare*, To run at one another like Rams, *Quod non solum rixam & jurgium significat sed vinculum etiam, quo plures in unum, fasciculorum instar, colligantur*) signifies the forcible doing an unlawful Act by three or more Persons assembled together for that Purpose. *West, par.* 2.

par. 2. *Symb. tit. Indictments, Sect.* 65. The differences and Agreements between a *Riot*, *Rout*, and *Unlawful Assembly*, see in *Lamb. Eiren. lib.* 2. *cap.* 5. *Stat.* 1 *Mar.* 12. and *Kitchin, fol.* 19. who gives these Examples of *Riots*: The Breach of Enclosures, Banks, Conduits, Parks, Pounds, Houses, Barns, the Burning of Stacks of Corn, *&c.* *Lamb. ut supra* mentions these: To beat a Man; to enter upon a Possession forcibly. See *Rout* and *Unlawful Assembly*. See also in *Crompt. Justice of Peace* divers Cases of *Riots*. *Anno* 17 *Rich.* 2. *c.* 8. and 13 *H.* 4. *c.* 7. See *Rout*.

Riparia, (from *Ripa*, a Bank,) in the Statute of *Westm.* 2. *cap.* 47. signifies the Water or River running between the Banks, be it salt or fresh. 2 *Inst. fol.* 478. The Word occurs also in *Rot. Char.* 9 *Edw.* 2. *numb.* 12. *Volumus tamen, quod prædictus A. cognitionem habeat de morte hominis & mahemio, in grossis navibus in medio filii grossarum* Riparianum, *tam de portubus earundem* Riparianum *mari magis propinquius, &c.* Roc. Pat 28 H. 8. pars 12. But in the Version of *Magna Charta, cap.* 15. *Riparia* is render'd a Bank or River.

Ripatica, i. e. *Redditus & proventus ex ripis percepti.* Mr. S. Fleta, lib. 2. cap. 66. par. 17.

Riparor, the same with *Riparius*, or *Ripier*. *Juxta sonitum illius instrumenti quod à* Ripatoribus *vocatur tabor, &c.* Rad. de Diceto & Mat. Paris. Anno 1191.

Ripiers (*Riparii, à Fiscella, qua in devehendis piscibus utuntur, Anglice a* Rip) are those that use to bring Fish from the Sea-coast to the inner Parts of the Land, *Cam. Brit. pag.* 234. whom in *Wales* they call *Tranters*.

Roather-Beasts, (*Anno* 7 *Edw.* 6. *cap.* 11.) See *Rother-Beasts*.

Roba is a Coat or Garment. And those who *Robas accipiebant* of another, are accounted of his Family. *Quendam ex ejus Armigeris qui in obsequio erat Abbatis & ad* robas *ejus.* Wallingham, p. 267.

Robbery (*Roberia*, from the Fr. *Robbe*, i. e. *Vestis*) is a felonious taking away another Man's Goods from his Person, Presence, or Estate, against his Will, putting him in Fear, and of Purpose to steal the same. *West, par.* 2. *Symbol. tit. Indictment, sect.* 16. This is sometimes called *Violent Theft*. *Kitchin, fol.* 16, & 22. See *Crompton's Justice of Peace, fol.* 30. *b.*

Robbers (*Robatores*) were so called originally, because they only took away the *Robes* or Clothes from Travellers. *Latrunci validi, qui in personas hominum insiliunt, bona sua diripiunt.*

Roberdsmen, or **Roberdismen**, (*Anno* 5 *Edw.* 3. *cap.* 14. and 7 *Rich.* 2. *cap.* 5.) *Lambard* interprets them to be *Mighty Thieves*. *Eiren. lib.* 2. *c.* 6. Sir *Edward Coke*, in his *Third Inst. fol.* 197. says, *Robin Hood* lived in *Richard* the First's Time in the Borders of *England* and *Scotland* by Robbery, burning Houses, Rape, and Spoil, *&c.* And that these *Roberdsmen* took Name from him.

Rochester. See *Durobrova*.

Rochet is that linnen Garment which is worn by Bishops, gathered at the Wrists, and differs from a Surplice, for that hath open Sleeves hanging down; but a *Rochet* hath close Sleeves. *Lyndewode, lib.* 3. *tit.* 27.

Rod (*Rada terræ*) is otherwise called a *Perch*; and it is a Measure of sixteen Foot and a half long; and in *Staffordshire* twenty Foot, to measure Land with. See *Perch*.

Rod Knights, alias **Rad Knights**, (from the Sax. Rad, i. e. *Equitatio*, and cnyt, i. e. *famulus, quasi ministri equitantes*,) were certain Servitors, who held their Land by serving their Lords on Horse-back. *Debent equitare cum Domino suo de Manerio in Manerium, vel cum Domini Uxore.* Bracton, lib. 2. cap. 35. numb. 6. Not much unlike our *Retainers*. Fleta, lib. 3. cap. 14.

Rose-tyle, alias **Creast-tyle**, is that Tile which is made to lay upon the Ridge of the House. *Anno* 17 *Edw.* 4. *cap.* 4. Dr. *Skinner* says the true Name is *Rose-tyle*, from the Fr. *Tuile de la Rosee*.

Rogue (*Rogus*, from the Fr. *Rogue*, *Arrogans*) signifies an idle sturdy Beggar; who for the first Offence is called a *Rogue of the first Degree*, and punished by whipping and boring through the Gristle of the Right Ear, with a hot Iron, an Inch in Compass; and for the second Offence is called a *Rogue of the second Degree*, and put to Death as a Felon, if he be above eighteen Years old. See the Stat. 14 *Eliz. cap.* 5. and 18 *ejusdem, cap.* 3. See *Lamb. Eiren. lib.* 4. *cap.* 4.

Rogus (Lat.) a great Fire. Also a Pile of Wood. *Mandatum est constabulario castri de* Divis, *et custodi Forestæ de* Cippeham, *quod fieri fac. unum* Rogum *in Foresta prædicta ad operationes Castri prædicti, prout melius viderit expedire, &c.* T. x Maii, Claus. 54 Hen. 3. m. 8. Rogus *cum comburitur, pyra est congeries lignorum ad comburendum.* Vocab. utriusque Juris.

Roll (*Rotulus*) signifies a Schedule of Paper or Parchment, which may be turned or wound up with the Hand to the Fashion of a Pipe: Of which there are in the *Exchequer* several Kinds; as, the *Great Wardrobe Roll*, the *Cofferer's Roll*, the *Subsidy Roll, &c.* Of which see the *Practice of the Exchequer Court, fol.* 75.

Rider-Roll, (*Noy's Reports, fol.* 84.) The Court *ex Officio* may award a *Certiorari ad informandum conscientiam*; and that which is certified shall be annexed to the Record, and is called a *Rider-Roll*. Or a *Rider-Roll* is a Schedule, or small Piece of Parchment, not seldom sewed or added to some Part of a Roll or Record.

Calves-head Roll, is a Roll in the two Temples, wherein every Bencher is taxed yearly at 2 *s.* every Barister at 1 *s.* 6 *d.* and every Gentleman under the Bar at 1 *s.* to the Cook, and other Officers of the House, in Consideration of a Dinner of *Calves-heads* provided in *Easter* Term. *Orig. Jurisd. fol.* 199. *b.*

Rolls, or **Office of the Rolls**, in *Chancery-Lane*, anciently called *Domus Conversorum*, was an House built or appointed by King *Henry* the Third for such Jews as were converted to the Christian Faith. But King *Edward* the Third, in the one and fiftieth Year of his Reign, expulsed them for their Wickedness, and deputed the Place for the Custody of the *Rolls* and Records of the *Chancery*; the Master whereof is the second Person in that Court; and in the Absence of the Lord Chancellor, or Lord Keeper, sits as Judge, being commonly called *The Master of the Rolls*.

Romanizare is a Word mentioned in our Historians; and it signifies To afflict or torment:

Roma *manus rodit, quas rodere non valet, edit.*

Roma-peditæ were Pilgrims so called, because they travelled to *Rome* on Foot. 'Tis a Word mentioned

tioned in *Mat. Paris. Anno* 1250, and in other Historians.

Hic Anglos, hic Romipetas *enormiter angens.*

Romefeoh, Rome-peny, (Sax. Romefeoh, i. e. *Nummus Romæ datus, nam* feoh *est nummus, pecunia, stipendium;* Romperinng, *Romæ Denarius,* penhig *vium* (*hodie a* Peny) *est Denarius.* Vide *Rome-scot.*

Rome-scot (Romefeoh *vel* Romefee, Romepeny, *alias Denarius Sancti Petri & Hearth-peny*) is compounded of *Rome* and *Scot*, from the Sax. Seot, *Symbolum.* It was one Penny from every Family or Houshold, paid yearly to *Rome* at the Feast of St. *Peter ad Vincula*, 1 *Aug.* and given by *Ina*, King of the *West-Saxons*, *Anno* 714, as an Alms, being in Pilgrimage at *Rome*, and was prohibited in the Days of *Edward* the Third. It amounted to three hundred Marks and a Noble a Year, or (according to *Rot. Parl.* 35 *Ed.* 1.) 201 *l.* 6 *s.* 8 *d.* Romefeoh *in Festo Sancti Petri ad Vincula debet reddi. Qui supra tenebit, Nobilis Episcopo Denarium Sancti, & 30 Denarios addat, & Regi* 50 *solidos.* LL. Hen. 1. cap. 12. See *Peter-Pence.* This Payment was prohibited by the Statute 25 *H.* 8. *cap.* 24. and revived by the Statute 1 & 2 *Maria*; but wholly abrogated *Anno* 1 *Eliz. cap.* 1.

Rood, Holy-Rood, *i. e.* Holy Cross.

Rood of Land (*Rodata Terræ*) is the fourth Part of an Acre. *Anno* 5 *Eliz. cap.* 5.

Rosland, V. Citation in MS. (*Rosarium,*) Heathy Land, or Land full of Ling; also Watery or Moorish Land, from the Br. Rhos, i. e. *Planities irrigua.* 1 Inst. fol. 5. a. & Cam. Brit. fol. 190. Ros *autem apud Scotos promontorium significat.* Buchan. *Hist. fol.* 6. *b. n.* 40.

Rossa, for *Mossa*, i. e. Land over-run with Moss. *Et totam Quilam mariscii sam de* Rossa *quam de prato.* Monasticon, 2 Tom. pag. 411.

Rother-Beasts, (Sax. Hryberpeny,) Under this Name are comprehended Oxen, Cows, Steers, Heifers, and such like horned Beasts. *Anno* 11 *Jac. cap.* 18. And in *Herefordshire* the Dung of such Beasts is still called *Rotherfoil.* J. B. *Rangeoxon in Foresta de Whitelewood habet de dono Regis quietum* Rothrom *in Balliva de Wakefield.* Pat. 14 Ri. 2. m. 13.

Rotulus Contrarientium. See *Contrarients.*

Rotulus Winteniæ was an exact Survey of all *England, per Comitatus, Centurias & Decurias*, made by King *Alfred*, not unlike that of *Domesday*, and it was so called, because of old kept at *Winchester*, among other Records of the Kingdom. *Ingulf. Hist. fol.* 116. which Roll Time hath consumed.

Rotagium for *Rotagium*, a Duty paid for mending the Highways worn out with *Rotis.* This in a Charter of *Henry* II. *Incalugia & Rovagio & forinsecis & fonsa.*

Rovers, *i. e.* Robbers. From the Sax. Reafian, *i. e.* To rob; and that from Reaf, a Garment.

Rouge Cross. See *Herald.*

Roundlet. See *Runlet.*

Rout (Fr. *Route*, *i. e.* a Company or Number) signifies an Assembly of three Persons, or more, going forcibly to commit an unlawful Act, though they do it not; and is the same which the *Germans* yet call Rot, meaning a Band or great Company of Men gathered together, and going to execute, or are executing indeed any Riot or unlawful Act. See the Stat. 1 *Edw.* 3 *Stat.* 1. *mentioning Riots* 2. *c.* 6. It is a *Rout*, whether they put their Purpose in Execution, or no, if they go, ride, or move forward after their Meeting. *Bro. Tit. Riot*, 4. 9. So as a *Rout* seems to be a Kind of unlawful Assembly and a *Riot* the disorderly Fact committed generally by any unlawful Assembly. Howbeit, two Things are common both to *Rout*, *Riot*, and *Unlawful Assembly*: The one, that three Persons, at the least, be gathered together; the other, that they being together, do disturb the Peace either by Words, Shew of Arms, turbulent Gesture, or actual Violence, &c. See *Lamb. Eirny. lib.* 2. *c.* 3. See *Riot* and *Unlawful Assembly.*

Royal Assent (*Regius Assensus*) is that Assent or Approbation which the King gives to a Thing formerly done by others, as to the Election of a Bishop by Dean and Chapter; which given, then he sends a special Writ to some Person for the taking of Fealty. The Form thereof you may see in *Fitz. Nat. Br. fol.* 270. C. And to a Bill passed in both Houses of Parliament, *Cromp. Jur. fol.* 18. Which *Assent* in Parliament being once given, the Bill is endorsed with these Words, *Le Roy veult*, i. e. *It pleaseth the King.* If he refuse to agree to it, then thus, *Le Roy avisera*, i. e. *The King will advise upon it.*

Royalties (*Regalia*, or *Regaliatus*) are the Right of the King, otherwise called the *Kingly Prerogative*; some of which are such as the King may grant to common Persons; some so high as may not be separated from his Crown *Primitive*, as the *Civilians* term it; though some may be *Cumulative. Vide Bracton, lib.* 2. *cap.* 5. And *Mathæus de Afflictis*, upon the Title of *Feudis*, *Quæ sint Regalia*; where are set down twenty five Particulars, or several Sorts of *Royalties.* See *Prerogative* and *Regalia.*

Rubbish, Filthy Things, or Rubbish. *Claus.* 26 *Rich.* 2. *Art.* 14. See *Lastage.*

Rudge-washen Kersey is that which is made of Fleece-wool, washed only on the Sheep's Back. *Anno* 35 *Eliz. cap.* 10.

Rudmas-Day. From the Sax. Rode, *Crux*, and *Mæsse-Day*, *i. e.* Feast-Day; the Feasts of the Holy Cross, which are two, viz. the 3d of *May* the Invention of the Cross; the other is the 14th Day of *September*, called *Holy-rode-Day*, and is the Exaltation of the Cross.

Rufaria, (from *Rufus*) Land full of Brambles and Briars. *Inst. fol.* 5.

Runcinus (from the Ital. *Runzino*) is used in *Domesday* for a Load-horse, or Sumpter-horse, and sometimes a Cart-horse, which *Chaucer* calls a Rouncy. Also a Colt. *Runcilus*, the same.

Rune, (from the Sax. Runan, *Decursus*, a Course or Running,) a Water-course so called in the Marshes of *Sussex*. *Hist. of Embanking and Draining, fol.* 106.

Runlet, alias **Roundlet,** is a certain Measure of Wine, Oil, *&c.* containing eighteen Gallons and a half. *Mem.* 1 *Rich.* 3. *cap.* 13.

Ruptarii were Robbers, called also *Rutali*; and *Rutla* was a Company of Robbers. *Mat. Paris. Anno* 1250, mentions the one, *Ubi est illi Ruptarius percussor impius, &c.* And *Neubrigensis* mentions the other, *vocat. Per stipendiarios milites quos* Rutas *vocant*; from whence we derive the Word Rude and Bankrupt. See *Rut.*

Rural Deans, (*Decani Rurales.*) *Sunt Decani Temporales ad aliquod ministerium sub Episcopo vel Archiepiscopo exercendum constituti, qui nec habent Institutionem Canonicam secundum Doctores. Hos eosdem esse existimo, qui in* LL. Edouardi Confess. cap. 31. *Decani Episcoporum appellantur.* See *Dean.* Each Diocese hath in it one or more Archdeaconries for Dispatch of Ecclesiastical Business; and every Archdeaconry subdivided into *Rural Deanries*, fewer or more, according to the Bigness and Extent thereof. *Heylin's Cosmog. fol.* 304. These were anciently called *Archipresbyteri, & Decani Christianitatis.* See *Dean.*

Ruscaria, (from *Ruscus*,) the Soil where Kneeholm or Butchers-Broom grows, or where the Holly or Holm-Tree; for *Ruscus Sylvestris* signifies that Tree.

Rusca. *Habuit Rex* (Griffin) *unum Manerium Episcopestreu, & in Dominio unam Carucam habebat, & homines ejus sex Carucas. Quando ipse Rex ibi veniebat, reddebat ei unaquæq; Caruca* CC. Hesthas, *unam* Cunam *plenam Cervisiâ & unam butyri* Ruscam. *Domesday, tit. Cestre.* This *Rusca butyri* was a Tub of Butter, in *Ireland* still called a *Ruskin. Rusca apum* is a Hive of Bees. Hence *Decima de Ruschis* was used for Tithe of Bees. *Charta Will. de Bray mil. Canonicis de Oseny, temp. Hen.* 3. See *Hestha. Decimam de agnis, de caseis & velleribus de vitulis, de* Ruschis *& de faldravis.* Mon. 2 Tom. pag. 986.

Rutupium, *Sandwich* in *Kent.*

S.

Sabatons, *i. e.* Soldiers Boots.

Sabbatum, in *Domesday*, is used for Peace. *Postquam Willielmus Rex advenit, & sedebat in* Sabbato, *& Willielmus Mallet fecit suum Castellum de* Bia, *&c.* Tit. Sudsex.

Sabellinæ pelles, *i. e.* Sables. Tis mentioned in *Hoveden, pag.* 758. *Petiit ab Episcopo Lincolniensi singulis annis unum mantellum furratum de* Sabellinis. So in *Brompton, Anno* 1188. *Statutum fuit in Anglorum gente ne quis Escarlete,* Sabelino *vario, vel griseo uteretur.* See *R. Hagulstad, pag.* 328. and *Neubrigensis, lib.* 3. *cap.* 22.

Sabulonarium. *Et debent habere* Sabulonarium *& Chiminagium per totam Comitatum prædictum, &c.* Pet. Parl. temp. Ed. 3. A Gravel-Pit, or the Liberty to dig Gravel or Sand, or the Money paid for digging it.

Sabulosa terra, *i. e.* Sandy Ground. *Fleta, lib.* 2. *cap.* 76.

Sac (*Saca vel Sacha*) is a Royalty or Privilege, which a Lord of a Manor claims to have in his Court, of holding Plea in Causes of Debate, arising among his Tenants and Vassals, and of imposing and levying Fines and Amerciaments touching the same. But *Rastal*, and some others, define *Sac* to be the Forfeiture it self. In the Laws of King *Edward*, set forth by *Lambard, fol.* 244. thus, *Sacha autem est, si quilibet aliquem nominatim de aliquo calumniatus fuerit, & ille negaverit; satisfactura probationis vel negationis (si evenerit) sua erit.* Which may be called the Amerciament paid by him, who denies that which is proved against him to be true, or affirms that which is not true. *Fleta* says, *Sac significat acquietantiam de secta ad Comitatum & Hundredum, lib.* 1. *cap.* 47. Sac is a *Saxon* Word, and signifies *Causa, lis, certamen*, as we still say, *For Christ's Sake*, i. e. *Pro Causa Christi.* See *Keilwey's Rep. fol.* 145. *Præcipio ut S. Benedictus de Ramesia ita bene & libere habeat Socam &* Sacam *suam, &c.* Breve Hen. 2. Justiciariis de Norfolc. See *Saka.*

Sacaburh, alias **Sacabere**, or **Sakebere**, is he that is robbed, or by Theft deprived, of his Money or Goods, and puts in Surety to prosecute the Thief with fresh Suit; according to *Selden*, in his *Titles of Honour*, and *Briton, cap.* 15. *&* 29. With whom agrees *Bracton*, (*lib.* 3. *tract.* 2. *c.* 32. *n.* 2.) *Furtum vero manifestum est, ubi latro deprehensus sit sisitus de aliqua latrocinio, sc.* Ronhabend & Backberend, *& inscitus fuerit per aliquem cujus res illa fuerit, qui dicitur* Sacaburh, *&c.* It may come from Sac, or Saca, i. e. *Lis, causa, prosecutio*, and buph, *Pignus*, hoc est, *Furti Symbolum. Spelman.* Sir *Edward Coke* says, *Sacabere*, or *Sakebere*, is derived of *Sac* and *Bere*, that is, He that did *bear* the *Bag.* 3 *Inst. fol.* 69.

Saccini were Monks so called, because they wore next their Skins a Garment of Goats Hair; for *Saccus* signifies coarse Cloath made of such Hair. They are mentioned by our Historian *Walsingham, viz. Aliquos status de ordinibus prædicantium approbavit, aliquos reprobavit ut* Saccinos, *&c.*

Saccus cum brochia was a Service or Tenure of finding a *Sack* and a *Broach* to the King, for the Use of his Army. *Bracton, lib.* 2. *cap.* 16. *num.* 6. and *lib.* 2. *tract.* 1. *cap.* 6. See *Brochia.*

Sacerborgh, or rather **Sickerborgh**, (*Securus Plegius*,) a sufficient Pledge or Cautioner. *Skene.* See *Sacaburh.*

Sack of Wool (*Saccus Lanæ*,) contains twenty six Stone, and a Stone fourteen Pounds. *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 2. See *Sarplar.* In *Scotland* it is twenty four Stone, and the Stone sixteen Pounds.

Sakerbylis Rents are certain small Rents paid by some Tenants of the Manor of *Chuton, in Com. Somersit*, to Sir *Charles Waldegrave*, Lord thereof; but why so called, *quære.*

Sacramento Recipiendo, quod vidua Regis se non maritabit sine licentia Regis, was a Writ or Commission to one for the taking an Oath of the King's Widow, that she shall not marry without the King's Licence. *Reg. of Writs, fol.* 298. *a.*

Sacristan (*Sacrista*) in old Times called *Sagerson* and *Sagistan*, now *Sexton.*

Sacrobarra, *i. e.* Sacrilege. *Inquirendum est per* 12 *Juratores pro Rege quod fideliter præsentabunt omnes furtum, abjuratones, appellum, murdra,* Sacrobarra, *&c.* Lib. MS. De Officio Coronatoris.

Safe-conduct (*Salvus Conductus*) is a Security given by the Prince, under the Broad Seal, to a Stranger, for his quiet coming in and passing out of the Realm: Touching which you may see the Statutes, *Anno* 15 *Hen.* 6. *cap.* 13. and 18 *ejusdem, cap.* 8. and 28 *Hen.* 8. *cap.* 1. and the Form of it in *Reg. of Writs, fol.* 25.

Safe-guard. See *Salva-guardia.*

Safe-pledge (*Salvus Plegius*) is a Surety given for a Man's Appearance against a Day assigned. *Bracton, lib.* 4. *cap.* 2. *numb.* 2. where it is also called *Certus Plegius.*

Sageman, (Sax.) *LL. Hen.* 1. *cap.* 63. seems to signify a Tale-teller, or secret Accuser. From the *Saxon* Saga, i. e. *Fabula.*

Sagibaro, alias **Sachbaro**, the same we now call *Justiciarius*. It signifies as much as *Vir causarum vel causis & litibus præpositus.* LL. Inæ Regis Anglo-Sax. cap. 6. MS.

Sagitta Barbata, a bearded Arrow. *Reddendo inde annuatim pro omni servitio sex* Sagittas Barbatas *ad Festum Sancti Michaelis, &c.* Charta Hugonis de Logiis, sine Dat.

Sagittaria, a Sort of small Vessels, or Ships with Oars and Sails. *Exin pro varietate locorum vario desudans navigio, modo* Sagittario, *modo lintre, nec tam utens remo quam velo.* R. de Diceto, Anno 1176.

Sagmarius equus, a sumpter Horse; from Sagma, *onus.*

Sailing Mare (*Anno* 1 *Rich.* 3. *cap.* 8) seems to be Canvas, or such Kind of Cloath as *Sails* for Ships are made of.

Saka, Hoc est, *Quod Prior habet emendas & amerciamenta de transgressionibus hominum suorum in Curia sua litigantium, tam liberorum, quam Villanorum.* Reg. Priorat. de Cokesford. See *Soc.*

Saker, a great Field-Gun.

Salarium, (Lat.) Toll or Custom paid for Salt. *Cam. Brit. tit. Cheshire.* Also a Salary for one's Pains. 23 *Edw.* 3. *cap.* 1.

Salena, *Saludy* in *Bedfordshire.*

Salet is a Head-piece, (*Anno* 4 *&* 5 *Phil. & Mar.*) From the Fr. *Salut*, i. e. *Salus.* Mentioned also 20 *Rich.* 2. *cap.* 1. viz. **Sallet or Scul of Iron**, *&c.* otherwise called a *Maium* or *Pot.*

Salicetum, a Soil where Willows grow. 1 *Inst. fol.* 4. *b.*

Salicher, (*puto pro Saligerio*) a Carrying of Salt by way of Service, by Tenants for their Lords. See *Hosterium.*

Salina, a Salt-pit or Vate; a House or Place where Salt is made. *In Herbagiis & Piscariis, in* Salinis *& Fabricis, in minariis ferreis, &c.* Charta 17 Edw. 2. numb. 28.

Salina is sometimes wrote for *Salma, i. e.* a Pound Weight. *Statutum R.* 1. *pro Omnes signatis*, viz. *Si quis bladum emerit, & de eo panem fecerit, tenetur lucrari in* Salinâ *unum terrentium & Brennum.*

Salique Law (*Lex Salica*) *De terra* Salica *nulla portio hereditatis mulieri veniat, sed ad virilem sexum tota terræ hereditas perveniat, &c.* Was an ancient Law made by *Pharamond*, King of the *Franks.* Part of which appears to have been borrowed by our *Henry* the First, in compiling his Laws, *Cap.* 89 *Qui hoc fecerit, secundum* Legem Salicam *moriatur, &c.*

Salma. See *Salina.*

Salmon-Pipe (*Anno* 25 *Hen.* 8. *cap.* 7.) is an Engine to catch *Salmons*, or such like Fish.

Salmon-Setole seems to by the young Fry of *Salmon.* *Quasi* Salmon Issue. *Anno* 13 *Rich.* 3. *Stat.* 1. *cap.* 19.

Saltatorium, a Deer-leap. *Clamat habere liberum Parcum suum apud* Halton *cum duobus* Saltatoriis *in eodem.* Pl. apud Cestriam 31 Edw. 3. *Quod habeat unum* Saltatorium, *longitudine* 20 *pedum in Parco suo de Bigging.* Pat. 1 Edw. 3. p. 2 m. 10.

Saltus, Highwood. See *Bosus.*

Salva Gardia is a Protection given by the King to a Stranger, fearing the Violence of some of his Subjects, for seeking his Right by Course of Law. The Form whereof see in *Reg. of Writs, fol.* 26.

Saluage money is a Recompence allowed by the Civil Law, in Lieu of all Damages sustained by that Ship that rescues or *saves* another which was set upon by Pyrates or Enemies.

Saluts (*Salus*) was a Coin made by our King *Henry* the Fifth in *France*, after his Conquests there, whereon the Arms of *France* and *England* were quarterly stamped.

Sancta are the Reliques of the Saints; and *Jurare super Sancta* was to make Oath on those Reliques. *Si quis falsum juramentum super* Sancta *jurabit & convictus fuerit, &c.* Leg. Canuti, c. 57.

Sanctuary (*Sanctuarium*) is a Place privileged by the Prince for the Safe-guard of Offenders Lives, being founded on the Law of Mercy, and upon the great Reverence, Honour, and Devotion, which the Prince bears to the Place whereunto he grants such Privilege. *Sanctuaries* were first granted by King *Lucius* to Churches, and their Precincts, *Mat. Westm. ad Ann. Dom.* 187. See *Staundf. Pl. Cor. lib.* 2. *cap.* 38. *P. Bonifacius* 5, *jussit Aras & Ecclesias esse asyla reis*, says *Platina.* Among all other Nations, our ancient Kings of *England* seem to have attributed most to these *Sanctuaries*, permitting them to shelter such as had committed both Felonies and Treasons; so that within forty Days they acknowledged their Fault, and submitted themselves to Banishment. During which Time, if any Layman expelled them, he was excommunicated; if any Clerk, he was made irregular: But after forty Days no Man might relieve them. See *New Book of Entries, verbo, Sanctuary*, and *Fleta, lib.* 1. *cap.* 29. How by Degrees they have been taken away, see the Statutes 26 *Hen.* 8. *cap.* 13. and 28 *ejusdem, cap.* 7. 32 *ejusdem, cap.* 12. and 33 *ejusdem, cap.* 15. 1 *Edw.* 6. *cap.* 12. and 2 *ejusdem, cap.* 2, *&* 33. and 5 *ejusdem, cap.* 10. See *Abjuration.* Saint *John*'s of *Beverley* in *Yorkshire*, had an eminent *Sanctuary* belonging to it, which the *Saxons* called Frioðstol, q. *Sedes Pacis.* So had Saint *Martins le Grand* in *London*, 21 *Hen.* 8. *cap.* 16. *Ripon* had the like; for which see *Frodmortel. Croyland* had the like, granted by *Whitlafe*, King of the *Mercians.* St. *Buriens* in *Cornwal* had the like, granted by King *Athelstan*, *Anno* 936. And *Westm.* the like, granted by King *Edward* the Confessor. This in *Scotland* they call **Girthol**, or **Grithol.**

Sandacra. — *Omnibus*, — Guido filius Simonis, — *dedit unum Tostum cum* Sandacra *quæ ad illud pertinet.* Sine dat. Penes Eliam Ashmole, Arm.

Sandal, (2 *R.* 2. *cap.* 1.) See *Sendal.*

Sand-gavel is a Payment due to the Lord of the Manor of *Rodely in Com. Glouc.* for Liberty granted to the Tenants to dig *Sand* for their Uses. *Taylor's Hist. of Gavelkind, fol.* 113.

Sanguinem emere. *Omnes Consuetudines de Manerio de Grendon Episcopo, debent Tak & Tol & Sanguinem suum emere.* Lib. niger Heref. By which is understood, They were bound to buy or redeem their Villain Blood or Tenure, and make themselves Freemen.

Sanguis is taken for that Right or Power which the Chief Lord of the Fee had to judge and determine Cases where Blood was shed. *De murdaria & repinâ, de igne, de* Sanguineo *de sansothe & de omni purpresturâ.* Mon. 2 Tom. pag. 1021.

Sandwich. See *Rutupium.*

Sarabara, a Covering for the Head. *Ibi per civitatem Londinensem, vallatus quatuor torturibus larvatis & effigiatis in* Sarabaris, *improperantibus ei convitia exprobrantur.* Mat. West. Anno 1395.

Sarcon, Cordage for Ships. *Hastingus debet invenire* 21 *naves, in qualibet navi* 21 *homines cum* Sarcone, *&c.* W. Thorn.

Sarplar of Wool (*Sarplera Lanæ*, otherwise called a *Pocket*) is half a *Sack*, a *Sack* eighty *Tod*, a *Tod* two *Stone*, and a *Stone* fourteen Pounds. See *Fleta, lib.* 2. *cap.* 12. This in *Scotland* is called *Serpliathe*, and contains eighty Stone. See *Skene, verbo Serpliathe*, and 3 *Part Inst. fol.* 96.

Sart, a Piece of Wood-land turned into Arable. *Reg. de Felley.* See *Assart.*

Sartum. See *Assart.*

Sarum. See *Sorbioduunum.*

Sasse (*Anno* 16 & 17 *Car.* 2. *cap.* 12.) is a Kind of Wear with Flood-gates, most commonly in navigable and cut Rivers, for the damming and loosing the Stream of Water, as Occasion requires, for the better passing of Boats and Barges to and fro. This in the *West* of *England* is called a *Lock*, and in the River *Lee* (less properly) a *Turnpike*, and in some Places a *Sluice.*

Saurus, *i. e.* a Hawk of a Year old. *Per servitium unius asturtii* Sauri, *vel unius Esparverii* Sauri. Bracton, lib. 5. tract. 1. cap. 2. par. 1.

Saturday-stop 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-rising on *Monday.* MS.

Saver Default, *i. e.* To excuse a Default; which is properly when a Man, having made *Default* in Court, comes afterwards and alledges good Cause why he did it; as Imprisonment at the same Time, or the like. *New Book of Entries* on this Word.

Saunkefin (from the Fr. *Sang*, i. e. *Sanguis*, and *Fin*, i. e. *Finis*) is a Word used by *Briton*, *cap.* 119. for the Determination or final End of the lineal Race or Descent of a Kindred.

Sauvagina for *Salvagina*, or *Silvagina*, *i. e.* Beasts which live in the Woods. *De tota* Sauvaginâ & *omnibus bestiis silvestribus cujuscunque generis forent, &c.*

Saxonlage, or **Seaxenlage**, (*Seaxenlaga*,) *Lex Saxonum.* See *Merchenlage.*

Scalera, the same with *Scaliera*, *i. e.* a Quarry or Stone-Pit. *Et inde sicut Regale Chiminum se extendit usque ad* Scaleram *quæ est super feodum Britii palmarii & a dictâ* Scaleraâ *per quandam semitam, &c.* Du Cange.

Scalinga is used in this Sense in the *Monasticon*, 2 *Tom. fol.* 633. *In Bosco, in plano, in pratis, in pascuis, in Mustiis &* Scalingis.

Scalingæ. *Rich. de Luci omnibus. Sciatis me dedisse Burgensibus meis de Egremund & hæredibus suis* Gretfeoh, *cum omnibus pertinentiis suis, & terram de Ulecotes, &c. Et sciendum est quod possint* Scalingas *suas ponere in prædicta terra juxta divisas de Sumtun inter Milnebeeh & Eben, ita quod nullus homo ibi manere debat ad focum & locum, præter pastores, &c.* Penes Will. Dugdale Mil. Of which Word thus a learned Person writes: "I have no where else met "with your *Scalingæ*, and am as much to seek for "the Meaning of it as your self. If I may con-"tribute my Conjecture, I should guess by *Sca-"lingas* are meant Partitions or Divisions; as "coming from the *Saxon* Scyle, *Distinctio, Sepa-"ratio*, whence their Verb Scylan, *Distinguere, "Separare.* In which Sense the *Dutch* (as I learn "from *Kilian*) use Scheelen." The Foot-grates at Church-yards are called *Scalings.*

Scandalum Magnatum is the special Name of a *Scandal*, or Wrong done to any high Personage of the Realm; as, *Prelates, Dukes, Earls, Barons*, or other Nobles, as also the *Lord Chancellor, Treasurer, Steward of the House, Clerk of the Privy-Seal, Justice* of either Bench, or other great Officers, by false News or Messages, whereby Debates and Discords betwixt them and the Commons, or any Scandal to their Persons, may arise, *Anno* 2 *Rich.* 2. *cap.* 5. and hath given Name to a Writ granted to recover Damage thereupon.

Scangium for *Excambium.*

Scapton for *Sceptrum. Missurum etiam argenteum*, Scapton *aureum, item sellam cum frena aurea, &c.* Mon. 1 Tom. pag. 24.

Scatatus signifies either Chequered or Scarlet. *Caligis etiam rubris, etiam Saccatis*, for Scatatis. Concilium Londinense, Anno 1342, cap. 2.

Scavage, Schevage, Schewage, and **Scheawing**, (from the Sax. Sceapian, *Ostendere*) is a Kind of Toll or Custom, exacted by Mayors, Sheriffs, *&c.* of Merchant Strangers, for Wares *shewed* or offered to Sale within their Liberties, which is prohibited by the Statute 19 *Hen.* 7. *cap.* 8. In a Charter of *Henry* the Second to the City of *Canterbury* it is written **Scewinga**, and (in *Mon. Ang.* 2 *Par. fol.* 890. *b.*) **Scealwing**; and elsewhere I find it in Latin *Tributum Ostensorium.* The City of *London* does retain the Custom, to a good yearly Profit. Of which Custom the halfendel appertaineth to the Sheriffs, and the other halfendel unto the Hostys, in whose Houses the Merchants ben lodged. And it is to wet, that Scavage is the Shew, bycause that Marchantys shewn unto the Sheriffs Marchandyes, of the which Customs ought to be taken, ore that ony thing thereof be sold, &c. Out of an old printed Book of the Customs of *London.*

Scavenger, (from the *Belgick* Schaven, *i. e.* To scrape or shave away.) Two in every Parish of *London*, and its Suburbs, are yearly chosen into this Office, who hire Men (called *Rakers*) and Carts, to cleanse the Streets, and carry the Dirt and Filth thereof, mentioned 14 *Car.* 2. The *Germans* call him a Dzecksimon, from one *Simon*, a noted *Scavenger* of *Marpurg.*

Sceata, (from the Sax. Sceat, *i. e.* a small Part.) This was a brass Coin amongst the *Saxons* equal to four *Saxon* Farthings; so that five *Sceats* made six Pence.

Sceithman, (Sax.) a Pyrate or Thief. *LL. Æthelredi, apud Brompton.*

Sceppa salis, an ancient Measure of Salt, the Quantity (I think) now not known. *Et quinque* Sceppas salis *per annum de salinis meis de Westeotum.* Mon. Angl. 2 Par. fol. 824. b.

Sceurum, a Barn or Granary. 'Tis mentioned in *Ingulphus, pag.* 862. *Cœpit largiente domino bonis omnibus abundare ut tam in Thesauris quam* Sceuris *postmodum duplicia redderentur.*

Schetes. The Commons pray that Order may be taken against the horrible Vice of Usury, then termed **Schetes**, and practised as well by the Clergy as Laity. *Rot. Parl.* 14 *Rich.* 2.

Schilla, a little Bell which was formerly used in the Monasteries, and often mentioned in our Histories, *viz. Sumpta in manibus chorda pro excitandis fratribus* Schillam *pulsantem.* Eadmerus, lib. 1. cap. 8.

Schirman, (Sax. Scirman,) a Sheriff. *LL. Inæ Regis apud Brompton.* See *Shireman.*

Scilly Isles. See *Cassiterides.*

Scipforounga, Furniture for a Ship.

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 passed should not go out. This Writ is not granted before a Year and a Day be passed after the Judgment given. *Old Nat. Br. fol.* 151. See *Anno* 25 *Edw* 3. *Stat.* 5. *cap.* 2. and 39 *Eliz. cap.* 7. And see other Diversities of this Writ in *Reg. of Writs*, and *New Book of Entries.*

Scite, (*Anno* 32 *Hen.* 8. *cap.* 20.) See *Site.*

Scot (Sax. Sceat, *i. e.* a Part or Portion) is (according to *Rastal*) a certain Custom or common Tollage, made to the Use of the Sheriff or his Bailiffs. *Scot* (says *Camden* out of *Matth. Westm.*) *illud dicitur, quod ex diversis rebus in unum acervum aggregatur. Anno* 22 *Hen.* 8. *cap.* 3. Bearing neither Scot, Lot, nor other Charges, &c. *Anno* 33 *Hen.* 8. *cap.* 9. In Records it is sometimes written Scoth.

Scot and Lot (*Anno* 33 *Hen.* 8. *cap.* 9.) signifies a customary Contribution laid upon all Subjects, according to their Ability. *Hoveden* (*in principio Hen.* 2.) writes it Anlote & Anscote. In the Laws of *William* the Conqueror, set forth by *Lambard*, you have these Words; (*cap.* 54) *Et omnis Francigena, qui tempore Edwardi propinqui nostri fuit in Anglia, particeps Consuetudinum Anglorum, quod ipsi dicunt* Anhlote & Anscote *persolvat secundum legem Anglorum.* Again; *Rex omne injustum* Scottum *interdixit.* Hoveden. in Anno 1088. *Scot*, from the Sax. Sceat, *ut supra*; *Lot*, Sax. Llot, i. e. *Sors.*

WIllielmus *Rex Anglorum* Herberto *Norwicensi Episcopo & omnibus Baronibus suis de* Norfolc & Suffolc *salutem. Sciatis me dedisse Sanctæ Trinitati Norwicensis Ecclesiæ, rogatu* Rogeri Bigoti, *terram Michaelis de* Utmonasterio *& terram de* Tanerham, *quæ ad eandem terram pertinet, quietam semper & liberam ab omnibus* Scotis & Geldis, *& omnibus aliis Consuetudinibus.* T. Eudone *Dapifero apud* Westm. *&c.*

See of the Bishop in *Losinga.*

Scotal, or **Scotale**, (*Scotalla & Scotalium*,) is a Word used in the Charter of the Forest, *cap.* 8. *Nullus Forestarius vel Bedellus faciat* Scotallas, *vel Garbas colligat, vel aliquam Collectam faciat, &c. Manwood, Par.* 1. *pag.* 216. defines it thus: A *Scotal* is where any Officer of the Forest keeps an Alehouse within the Forest, by Colour of his Office, causing Men to come to his House, and there to spend their Money for Fear of Displeasure. It is compounded of *Scot* and *Ale*; which by Transposition of the Words is otherwise called an *Aleshot*, and by the *Welshmen* Cymmorth.

M*Emorandum, quod prædicti tenentes* (de South-malling) *debent de consuetudine inter eos facere* Scotalium *de xvi denariis & ob. Ita quod de singulis sex denariis detur* 1 *denar. & ob. ad potandum cum Bedello Domini Archiepiscopi super prædictum Feodum.* Ex vetere Consuetudinario Manerii de South-malling Archivis Archiep. Cantuar.

Spelman derives it from *Scot & Tallia*, *i. e.* a Tribute. So that *Scotallum* is a Kind of Contribution of any Thing. And *Brompton* is of the same Opinion, *viz.* A Contribution towards the Charge of the Bailiffs. But in the *English* Councils it signifies a Drinking-bout. *Communes potationes quas* Scotellas *mutato nomine caritatis appellant, detestantes.* Concil. Lambeth. Anno 1206. cap. 2.

Scottare. Those Tenants are said *Scottare* whose Lands are subject to pay *Scot. Et de totâ terrâ suâ extra Burgum de Thetford de quâ non* Scottaverunt *tempore Rogeri Bigot.* Monasticon, 1 Tom. pag 875.

Scrudland, (Sax.) *Terra cujus proventus vestibus emendis assignati sunt.* Land allotted for buying Apparel or Cloathing. *Ita* Eadsius *quidam Presbyter in Charta sua Ecclesiæ Cantuar. data Dedit etiam terram illam apud* Orpedingtunam *in vita sua, pro anima sua, Deo in Ecclesia Christi servientibus in* Scrudland, i. e. *Fundum vestiarium.* Sax. Dict.

Scutage (*Scutagium*, Sax. Scildpenig) was a Tax or Contribution, raised from those that held Lands by Knight's-Service, towards furnishing the King's Army, at one, two, or three Marks for every Knight's-Fee, for *Henry* the Third, for his Voyage to the Holy Land, and a Tenth granted by the Clergy, and *Scutage*, three Marks of every Knight's Fee by the Laity. *Barenag. Angliæ*, 1 *Part. fol.* 211. *b.* This was also levied by *Henry* the Second, *Richard* the First, and King *John.* See *Escuage.*

Scutagio habendo was a Writ that lay for the King, or other Lord, against the Tenant that held by Knight's-Service, to serve by himself, or a sufficient Man in his Place, in War against *Scot* or *French*, or else to pay, *&c. Fitz. Nat. Br. fol.* 83.

Scute, a *French* Gold Coin, value 3 *s.* 4 *d.* coined about the Year 1427, in the Reign of *Henry* V. It comes from the old *French* Word *Ecu*, which signifies a Crown, or Gold Money. *Katherine*, Queen of *England*, had an Assurance made her of sundry Castles, Manors, Lands, *&c.* severally named, and valued to the Sum of forty thousand *Scutes*, every two whereof were worth a Noble. *Rot. Parl.* 1. *Hen.* 6. *n.* 40. So the learned *Fortescu*, speaking of the Inns of Courts, says, *In his enim Hospitiis nequaquam potest studens aliquis sustentari, minoribus expensis in Anno, quam octoginta Scutorum*, cap. 49.

Scutella eleemosynaria, an Alms-Basket or Scuttle. *Et præterea singulis futuri seculi tres panes de* Scutella eleemsynaria. *Charta Wal. Muchegros.*

Scutum armorum, a Shield, or Coat of Arms. *Noverint universi per præsentes me Johannam nuper uxorem Will. Lee de Knightley, Dominam & rectam hæredem de Knightley dedisse. — Richardo Peshale filio Humfridi Peshale* Scutum armorum meorum. *Habend. & tenend. ac portand. & utend. ubicumque voluerit sibi & hæredibus suis imperpetuum. Ita quod nec ego nec aliquis alius nomine meo aliquod jus vel clameum seu calumniam in prædicto* Scuto *habere poterimus, sed per præsentes sumus exclusi imperpetuum. In cujus, —* Dat. apud Knightley, — (*Anno* 14 *Hen.* 6.)

Scyldwit, (Sax.) *Mulcta detrectatæ seu derelictæ militiæ.* LL. Hen. 1. cap. 38. Or rather, a Mulct for any Fault; from the Sax. Scilde, i. e, *Delictum*, and prite, *pœna. Si* Scyldwite *intra Burgum & curiam fiat* 30 *denar. emendetur Regi & Thayris.* Leg. H. 1. cap. 38.

Scyra. All the Tenants were bound to attend the *Scyregemot*; and those who neglected were to pay a Mulct or Fine, which was called *Scyra*, viz. *Sit libera & quieta de* Schyris *& hundredis.* Mon. 1 Tom. pag. 52.

Scyre-gemot (Sax. Scirgemot) was a Court held twice every Year (as the Sheriff's Turn is at this Day) by the Bishop of the Diocese, and the *Earldorman*, (in Shires that had *Earldormen*,) and the Bishops and Sheriffs in such as were committed to Sheriffs that were immediate to the King, wherein both the Ecclesiastical and Temporal Laws were given in Charge to the Country. *Selden's Titles of Honour, fol.* 628. See *Consistory.* This Court at first was held three Times in the Year, *viz. Et habeatur in Anno ter Burgimotus & Sciremotus. Leg. Canut. cap* 38. But *Edward* the Confessor,

fessor, *cap.* 35. appointed it to be held twelve Times, and *Hundreda & Wapentachia duodecies in Anno Congregari.*

Sea-Laws. See *Oleron.*

Sea-reeve *in villis maritimis is est qui maritimam Domini jurisdictionem curat, litus lustrat, & ejectum maris (quod* **Wrec** *appellatur) Domino colligit.* Spelm.

Seal (*Sigillum*) is well known. The first sealed Charter we find extant in *England*, is that of King *Edward* the Confessor upon his Foundation of *Westminster-Abbey.* *Dugdale's Warwickshire, fol.* 138. *b.* Yet we read in the manuscript History of *Offa*, King of the *Mercians*, — *Rex Offa literas Regii* Sigilli *sui munimine consignatas eidem Nuncio commisit deferendas.* And that *Seals* were in use in the *Saxons* Time, see *Taylor's History of Gavelkind, fol.* 73. See *Wang, Anno* 1536, *Domini etiam atque Generosi, relictis imaginibus equitum in* Sigillis, *posuerunt Arma sua in parvis Scutis.* Chron. Joh. Rossi, in Bibl. Cotton. *Md. quod* Henricus de Pergount *die Lunæ in crastino S. Mich. venit in Cancellaria apud Lincoln & publicè dixit quod* Sigillum *suum amisit, & protestatur, quod si aliquod Instrumentum cum* Sigillo *illo post tempus illud inveniretur consignatum, illud nullius esse valoris vel momenti.* Claus. 8 Ed. 1. m. 3. dorso. See *Sigillum* and *Obligation.*

It was usual in the Time of *H.* 2. and before, to seal all Grants with the *Sign of the Cross: Has donationes & ordinationes confirmarunt & cruce signarunt Henricus Rex & Mathildis Regina.* Monast. 3 Tom. fol. 7. and *Ordericus Vitalis* tells us, That Archbishop *Dunstan* with his Suffragans, *prædictarum rerum donationem facto crucis in Charta signo corroboravit.* lib. 4.

That most of the Charters of the English *Saxon* Kings were thus signed, appears by *Ingulphus*, and in the *Monasticon*, and that the Crosses were all Gold. But it was not so much used after the Conquest: *Nam Chirographorum confectionem Anglicanam quâ antea usque ad Edwardi Regis tempora fidelium præsentium subscriptionibus cum crucibus aureis aliisque signaculis firma fuerunt, Normanni condemnantes Chirographâ Chartas vocabant.* Du Cange. See *Sigillum.*

Sealer (*Sigillator*) is an Officer in the Chancery; who is appointed by the Lord Chancellor or Keeper of the Great Seal of *England*, to seal the Writs and Instruments there made in his Presence.

Seam. (Sax.) See *Seme.*

Sean fish (*Anno* 1 *Jac. Sess.* 1. *cap.* 25.) seems to be that sort of Fish which is taken with a great long Net, called a *Sean.*

Searcher. See *Alneger.*

Sea-rover. (*Anno* 16 *Car.* 2. *cap.* 6.) See *Pyrate.*

Seaton. See *Moridunum.*

Second Deliverance (*Secunda Deliberatione*) is a Writ that lies (after a return of Cattle replevied, adjudged to him that distrained them, by reason of a default in the Party that replevied) for the replevying the same Cattle again, upon Security put in for the re-delivery of them, in Case the Distress be justified. *New Book of Entries, verbo, Replevin in Second Deliverance, fol.* 522. *Vide Dyer, fol.* 41. *numb.* 4, 5.

Secretarium is a House or Chamber near the Church, in which the Plate and Garments of the Priests were kept, and like that which we now call a Vestry.

Hic locus est veneranda penus qua conditur, & quæ,
Promitur alma sacri pompa ministerii.

Sometimes the Bishops and Priests sate together in these Vestries, to consult of the Affairs of the Church, and in resemblance of that ancient Custom, the Minister, Churchwardens, and the Chief Men of most Parishes do, even at this Time, meet in the Vestry, and consult of the like Matters.

Secta ad Curiam is a Writ which lieth against him who refuseth to perform his Suit to the County-Court, or Court-Baron. *Fitz. Nat. Brevium, fol.* 158. See *Suit of Court.*

Secta ad justitiam faciendam (*Bracton, lib.* 2. *cap.* 16. *numb.* 6) is a Service which a Man is bound by his Fee to perform.

Secta facienda per illam quæ habet æniciam partem, is a Writ to compel the Heir, that hath the Elder's part of the Coheirs, to perform Service for all the Coparceners. *Reg. of Writs, fol.* 177. *a.*

Secta Molendini is a Writ lying against him that used to grind at the Mill of *B.* and after goes to another Mill with his Corn. *Reg. of Writs, fol.* 153. *Fitz. Nat. Br. fol.* 122. But it seems by him, that this Writ lies especially for the Lord against his Frank-Tenant, who held of him by making Suit to his Mill. See the *New Book of Entries* on this Word. *Secta ad Molendinum*, and Assises of *Nusance*, are now much turned into Trespasses and Actions upon the Case.

Secta Regalis, a Suit so called, by which all Persons were bound twice in a Year to attend the Sheriff's Tourn, that they might be informed in Things relating to the Peace of the Publick; and this Suit was called *Regalis*, because the Sheriff's Tourn, was the King's Leet; and it was a Court held that the People might be bound by Oath to bear true Allegiance to the King; for all Persons above twelve Years old were obliged to take the Oath of Allegiance in this Court.

Secta Shirarum. *Per* Sectam Shirarum *clamat esse quiet. de secta in Com. Cestriæ & Flint coram Justic. Domini Principis in Communi Aula placitorum.* Plac. in Itin. apud Cestriam. 14 *Hen.* 7.

Secta unica tantum facienda pro pluribus hæreditatibus is a Writ that lies for that Heir who is distrained by the Lord to more Suits than one, in respect of the Land of divers Heirs descended to him. *Reg. of Writs, fol.* 177. *a.*

Sectis non faciendis is a Writ that lies for a Woman; who, for her Dower, ought not to perform Suit of Court. *Reg. of Writs, fol.* 174.

Secundary, (*Secundarius*) a second Officer, who is next to the Chief Officer: As the *Secundary* of the Fine Office. *Secundary* of the Compter, who is next to the Sheriff of *London* in each of the two Compters. *Secundary* of the Office of the Privy Seal. *Anno* 1 *Edw.* 4. *cap.* 1. *Secundaries* of the Pipe, two. *Secundary* to the Remembrancers, which are two Officers in the *Exchequer.*

Secunda superoneratione Pasturæ is a Writ that lies where Admeasurement of Pasture hath been made, and he that first surcharged the Common, does it again, notwithstanding the Measurement. *Reg. of Writs, fol.* 157. *Old Nat. Br. fol.* 73. *Vide* 13 *Edw.* 1. *cap.* 8.

Securitatem inveniendi, quod se non divertat ad partes exteras sine Licentia Regis, is a Writ that lies for the King against any of his Subjects, to stay them from going out of his Kingdom. The ground whereof is, That every Man is bound to serve and defend the Commonwealth, as the King shall think meet. *Fitz. Nat. Br. fol.* 85.

Securitate Pacis is a Writ that lies for one (who is threatned Death or Danger) against him that so threatens, and is taken out of the *Chancery*, directed to the Sheriff, whereof the Form and further Use, you may see in *Reg. of Writs, fol.* 88. *b.* and *Fitz. Nat. Br. fol.* 79.

Sedatium. See *Mortuary*; Sedatium *Commune respui non debet, si modicum fuerit; si magnum, accipiendum usque pretium Vaccæ, &c.*

Se Defendendo is a Plea for him who is charged with the Death of another, saying, He was forced to what he did *in his own Defence*; the other, so assaulting him, that if he had not done as he did, he must have been in danger of his own Life: Which Danger ought to be so great, as that it appears to have been otherwise inevitable. *Staundf. Pl. Cor. lib.* 1. *cap.* 7. And although he justifie it to be done *in his own Defence*, yet is he driven to procure his Pardon of course from the Lord Chancellor, and forfeits, nothwithstanding, his Goods to the King.

Sedere, a Seedsman, or one who sows the Ground: From the *Sax.* Sebere, which signifies Seed or Seedsman.

Segodunum, *Seaton* in *Northumberland*.

Seignior (*Dominus*, Fr. *Seigneur*) signifies generally as much as *Lord*; but particularly it is used for the Lord of the Fee, or of a Manor, as *Dominus* or *Senior*, among the Feudists, is he who grants a Fee or Benefit out of the Land to another; and the Reason is, because (as *Hotoman* says) having granted the Use and Profit of the Land to another, yet the Property (i. e. *Dominium directum*) he still retains in himself.

Seignior in Gross. See *Lord in Gross.*

Seigniory (*Dominium*, Fr. *Seigneurie*, i. e. *Ditio, Dominatus, &c.*) signifies a Manor or Lordship. *Signiorie de Sokemans. Kitchin, fol.* 80. *Seigniorie in Gross* seems to be the Title of him who is not Lord by means of any Manor, but immediately in his own Person: As Tenure *in Capite*, whereby one held of the King, as of his Crown, was *Seignorie in Gross. Idem, fol.* 206.

Seignorage (*Anno* 9 *Hen.* 5. *Stat.* 2. *cap.* 1) seems to be a Regality or Prerogative of the King, whereby he challengeth allowance of Gold and Silver, brought in the Mass to his *Exchequer*, to be coined. In the Parl. Roll it is written, *Sighorage.*

Selion. See *Selion.*

Seisin, (*Seisina* and *Saisitio*; Fr. *Seisine*) Possession; and *Primier Seisin* is the first Possession. *Seisin* is twofold, in Fact, and in Law. *Perkins, Dower*, 369 & 376. *Seisin in Fact* is, when an actual Possession is taken: *Seisin in Law* is, When something is done, which the Law accounts a *Seisin*, as an *Inrolment. Seisin in Law* is as much as a Right to Lands and Tenements, though the Owner be by Wrong disseised of them. *Perkins, Tenant par le Curtesie*, 457. 478. *Coke, lib.* 4. *fol.* 9. *b.* calls it *Seisin in Law*, or *Seisin Actual.*

Seisina habenda, quia Rex habuit annum diem, & vastum, is a Writ that lies for Delivery of *Seisin* to the Lord, of his Lands or Tenements, who was formerly convict of Felony, after the King in Right of his Prerogative, hath had the Year, Day and Waste. *Regi. of Writs, fol.* 165. *d.*

Sel signifies the bigness of a Thing to which 'tis added, as *Selwood*, a great Wood.

Selda, (From the *Sax.* Selde, a Seat, Stool or Shop, —— *Assisa Mensurarum Anno* 9 *Rich.* 1. *apud* Hoveden —— *Prohibemus ne quis mercator prætendat Seldæ suæ rubros pannos vel nigros, vel scuta vel aliqua alia per quæ visus emptorum sæpe decipiuntur, ad bonum pannum eligendum.* In Majoribus Chronicis ubi locus hic vertitur, *Selda* Unicorne *exponitur*, says *Spelman.* But by what follows, it seems clearly to signifie a Shop, Shed, Standing or Stall. *Sciant præsentes & futuri, quod ego Thomas Pencombe de Bromyard dedi*—— *Thomæ Horsenet Vicario Ecclesiæ de Bromyard unam* Seldam *meam jacentem in Bromyard prædict. apud le* Comecheppynge, &c. *Dat.* —— Anno 10 Hen. 6. *Et medietatem unius* Seldæ, *vocat. le* Unicorne *in London.* Mon. Angl. 2 par. fol. 322. a. Sir *Edward Coke (on Littl fol.* 4. *b.*) takes, or rather mistakes, *Selda* for a Salt-Pit. *Selda*, a Wood of Sallows or Willows. *Co.* 1. *Inst.* 4. b.

Selion of Land, (*Selio terræ*) Fr. *Seillon*, i. e. *Terra elata inter duos sulcos*, in Latin *Porca*, in *English* a *Stitche* or *Ridge* of Land, and in some Places only called a *Land*; and is of no certain quantity, but sometimes half an Acre more or less. Therefore *Crompton* in his *Jurisd. fol.* 221. says, That a *Selion of Land* cannot be in demand, because it is a Thing incertain. It seems to come originally from the *Sax.* ſul or ſyl, i. e. *aratrum*, whence also the French *Seillonner*, i. e. *arare.* —— *Charta vetus Achronica* maketh six *Selions* and a half to be but one Acre. *Sciant* —— *quod ego Margeria filia Willielmi de Ryleia dedi, &c. Emmæ filiæ meæ pro homagio & servitio suo unam acram terræ in campo de* Camurth, *scil. illas sex* Seliones *& dimid. cum forera & sepe & fossato, quæ jacent in* Aldewic *juxta terram, &c.* See *Hade.*

Selinca. See *Selion.*

Sellam portare. See *Armiscare.*

Sellivus. See *Selion.*

Seme, (*Summa, summagium, Sax.* Seam, *i. e. onus*) a Horse-load. A *Seme* of Corn is eight Bushels, in some Places but four, which seems more proper to make the Horse-load. *Fratres Prædicator.* (Heref.) *pro* 2 *Sumagiis vocat.* Semes *de focali percipiend. quotidie de bosco de Heywood pro termino* 20 *annorum.* 3 Hen. 5. par. 2. m. 18. See *Sumage.* —— *Habebunt etiam duas* Summas *frumenti, pro pastellis, cum voluerint, faciendas.* Mon. Angl. 2 par. fol. 935. a. —— *Et sint quieti de* Summagiis *& Murdro & Tennigges & Wapentake & auxiliis Vice-comitum.* Ibid. fol. 201. a. —— *De quatuor* Summis *salis, continentibus quadraginta bullones pro dimidia salina sua.* Ibid. fol. 256. b. See *Summa.*

Semicinctium, a narrow Girdle: *Vel nudus omnino vel in* Semicinctiis *tabescent, &c.* Pet. Blesensis, Epist. 102.

Seminiverbius, a Preacher or Sower of Words, *Pet. Blesensis. sermo* 43 Seminiverbius *in Cathedrâ, prælatus in Curiâ, Advocatus in missâ.*

Senagium (From *Senatus*, sometimes used for a *Synod*) is the same with *Synodal*, which see. *Item quod persolvant Procurationem &* Senagium *Domino Archidiacono debitum.* Ordinatio, Ric. Episc. Heref. Anno 1314.

Senator. In the Laws of *Edw. the Confessor* we are told, That the *Britons* called those Senators whom the *Saxons* afterwards called Aldermen, and sometimes Senators; not for their Age, but for their Wisdom, for some of them were young Men, but very well skill'd in the Laws. In *Stundford's Pleas of the Crown, cap.* 28. we read a Charter of *Kenulph*, King of the *Mercians*, viz. *Consilio & consensu Episcoporum & Senatorum gentis suæ largitus fuit dicto Monasterio, &c.* In those Days there were two Men of Authority in every County, *viz.* The Alderman, whom the *Normans* afterwards called *Earl*, and the Shire-Reeve, whom they called *Vicecomes* or *Sheriff.*

Sendal (*Anno* 2 *Rich.* 2. *cap.* 1.) seems to be fine Silk, or *Cyprus* Silk, from the Italian *Zendalo*. But *Sandal* is a kind of Physical Wood brought out of the *Indies*.

Senege. —*There goeth out yearly in* Porege and Senege 33 s. 6 d. *History of St.* Paul's *Church*, fol. 272. It seems to be the same with *Senagium*.

Senescallo & Marshallo quod non teneant placita de libero tenemento, &c. is a Writ directed to the Steward or Marshal of *England*, inhibiting them to take Cognizance of an Action in their Court, that concerns either Freehold, Debt or Covenant. *Reg. of Writs, fol.* 185. *a.* 191. *b.*

Seneschal (*Senescallus*,) is derived of **Sein**, a House or Place, and **Schalc**, an Officer or Governor. *Coke on Littl. fol.* 61. *a.* a Steward: As the *High Seneschal* or Steward of *England*. *Pl. Cor. f.* 152. *High Seneschal* or Steward, and *South Seneschal* or Under-Steward, *Kitchin, fol.* 83. is understood of a Steward, and Under-Steward of Courts. *Seneschal de l'Hostel de Roy*, Steward of the King's Houshold. *Croke's Jurisd. fol.* 102. *In Purificatione Beatæ Mariæ, fuit Filius Regis Anglorum Parisiis & servivit Regi Franciæ coram ad mensam, ut* Senescallus *Franciæ*. Rob. de Monte in Anno 1170. pag. 649.

Seneucia, a Widowhood. *Si vidua dotata post mortem viri sui se maritaverit, vel filiam vel filium in* Seneucia *peperit, dotem suam amittet & forisfiet in quocunque loco infra Com.* Kant. *Tenen. in Gavelkind.* Plac. Trin. 17 Edw. 3.

Singularius, a Boar so called, *Quia solus & singularis duobus primis Annis vagatur*: Tis mentioned in the *Monastic.* 1 *Tom. pag.* 841. *Et pasturam ad* 20 *Vaccas & ad unum singularium, &c.*

Separation (*Separatio*) of Man and Wife. See *Mulier*.

Septrigus, for *Septrigerius*.

Septuagesima (*Westm.* 1. *cap.* 51.) is always the fourth Sunday before *Quadragesima*, or the first Sunday in *Lent*, from whence it takes its numeral Demonstration; as *Quinquagesima* is the next before *Quadragesima*, then *Sexagesima*, and then *Septuagesima*, which are Days appropriated by the Church to Acts of Penance and Mortification, and are a certain Gradation or Preparation to the Devotion of *Lent* then approaching. The Laws of King *Canutus* ordain'd a Vacancy from Judicature, from *Septuagesima* to *Quindena Paschæ*. See *Quinquagesima*.

Sepulcura is an Offering made to the Priest for the Burial of a dead Body: 'Tis mentioned in *Domesday*, viz. *Easdem consuetudines debent illi, &c. præter exercitum & Sepulturam*. Gale's Hist. Brit. fol. 765.

Sequatur sub suo periculo is a Writ that lies where a Summons *Ad Warrantizandum* 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*, this Writ shall issue forth, *Old Nat. Br.* 163. *Coke on Littl. fol.* 101. *b.*

Sequela, when in former Time any Lord sold his Villain, it was said —*dedi A. B. Nativum meum cum tota Sequela sua*, by which was meant all the Villain's Offsprings.

Sequela Curiæ, Suit of Court.— *Et quod sint liberi a* Sequela Curiæ. *Mon. Angl.* 2 *par. fol.* 253. *a.*

Sequela molendini, the Suit or Custom of a Mill. *Sciant —quod ego Stephanus de Ebroys* (i. e. *Devereux*) *dedi —Ecclesiæ Sancti Lenardi de Pyonia —molendinum meum de Froma cum omnibus pertin. suis, scil. Moltæ*, Sequela *& Stagno* —Reg. Priorat. de Wormley. fo. 22. a.

Sequentia, a Jubilee or Song of Rejoycing; *Fecit* Sequentiam *illam de festo Pentecostes*. Brompton.

Sequestration (*Sequestratio*) is a separating a Thing in Controversie from the Possession of both those that contend for it. And it is twofold, *Voluntary* or *Necessary*: *Voluntary* is that which is done by the Consent of each Party; *Necessary* is that which the Judge of his Authority doth, whether the Parties will or not. It is also used for the Act of the Ordinary, disposing the Goods and Chattels of one deceased, whose Estate no Man will meddle with. *Dyer, fol.* 232. *numb.* 5. and *fol.* 256. *numb.* 8. As also for the gathering the Fruits of a Benefice void, to the use of the next Incumbent. *Anno* 28 *Hen.* 8. *cap.* 11. *Fortescu, cap.* 50. And in divers other Cases.

Sequestro habendo is a Writ Judicial, for the dissolving a Sequestration of the Fruits of a Benefice made by the Bishop, at the King's Commandment, thereby to compel the Parson to appear at the Suit of another: For the Parson, upon his Appearance, may have this Writ for the Release of the Sequestration. *Reg. of Writs Judicial, fol.* 36. *a.*

Serganteia Chachepolli. See *Catchpol*.

Serjeant (*Serviens vel Serians*) is diversly used and applied to sundry Offices and Callings. First, A *Serjeant at Law*, (or of the *Coif*) anciently called *Narrator* in *Latin*, and sometimes *Serjeant Counsor*, is the highest Degree in that Profession, as a Doctor in the Civil Law: And to these, as Men best learned and best experienced, one Court is severed to plead in by themselves, which is that of the *Common Pleas*; and where they are not so limited exclusively, but may likewise plead in other Courts, in which the Judges (who cannot be Judges until they have taken the Degree of *Serjeant at Law*) do style them *Brother*, and hear them with great respect, next the King's Attorney and Solicitor General, and King's Counsel. These are made by the King's Mandat, directed to them, commanding them upon a great Penalty, to take upon them that Degree, by a Day certain therein assigned. *Dyer, fol.* 72. *numb.* 1. And of these, one at least is the *King's Serjeant*, being commonly chosen out of the rest, in respect of his great learning, to plead for the King in all his Causes, especially those of Treason. (*Pl. Cor. lib.* 3. *cap.* 1.) Of which there may be more if the King so please. In other Kingdoms he is called *Advocatus Regius*. With what solemnity these *Serjeants* are created, read *Fortescu, cap.* 50. *Croke's Third Part, fol.* 1. and 2. *Instit. fol.* 213. These were also anciently called *Servientes Narratores*.—*Et prædictus Thomas le Mareschal dicit, quod ipse est communis* Serviens Narrator *coram Justic. & alibi ubi melius ad hoc conduci poterit, & quod ipse in Placito præfatæ Assisæ coram præfatis Justiciariis stetit cum prædicto* Johanne, *& de concilio suo fuit, &c.* Trin. 25 Ed. 1. Coram Rege. Oxon 22. —*Md. quod Termino Trin. Anno* 26 *Hen.* 8. *Tho. Willoughby, & Johannes Baldwin*, Serjeants de Roy, *fueront faits Chivaliers, & que nul tiels* Serjeants *devant fuer. unques fait Chivaliers.* Ex MS. Vocat. Spelman's Reports. In *Edward* the Sixth's Time, *Serjeant Benlbes* wrote himself *Solus Serviens ad legem*. It seems for some Time there was none but himself.

Mr. *Selden* tells us they were formerly called *Doctores Legis*; though others are of Opinion that the Judges are more properly *Doctores Legis*, and the *Serjeants* are *Batchelors of Laws*. However, *Spelman* writes, That though a Serjeant may be richer than all the Doctors in the Commons, yet a Doctor is superior in Degree to a *Serjeant*: For the very

Name

Name of a Doctor is Magisterial, but that of a *Serjeant* is Ministerial, for he is *Servjens ad Legem*, and the Doctors are seated and covered when they plead, but the *Serjeants* stand uncovered at the *Bar*, only they have a *Coif* on their Heads, which is *signum status & gradus*.

The next is a *Serjeant at Arms*, or of the *Mace*, (*Servjens ad Arma*) whose Office is to attend the Person of the King. *Anno* 7 *Hen.* 7. *cap.* 3. to arrest Traitors or Persons of Condition, and to attend the Lord High Steward of *England*, sitting in Judgment upon any Traitor, and such like. (*Pl. Cor. lib.* 3. *cap.* 1.) Of these, by the Statute 13 *Rich.* 2. *cap.* 6. there may not be above thirty in the Realm. Two of them, by the King's Allowance, do attend on the Two Houses of Parliament, whose Office in the House of Commons is, The keeping of the Doors, and (as of late it hath been used) the Execution of such Commands, especially touching the Apprehension of any Offender, as that House shall enjoin him. *Crompt. Jur. fol.* 9. Another of them attends on the Lord Chancellor or Lord Keeper, in the *Chancery*: And one on the Lord Treasurer of *England*: One upon the Lord Mayor of *London*, upon extraordinary Solemnities; one attendeth upon the Lord President of *Wales*, and another upon the Lord President of the *North*, *&c.*

These *Serjeants at Arms* are in the Old Books called *Virgatores*, because they carried Silver Rods gilt with Gold before the King. *In eadem Curia Regis sunt Virgatores populum gravantes, gravia feoda petentes.* Fleta, lib. 2. cap. 38.

Another sort of *Serjeants* are chief Officers, who execute several Functions or Offices within the King's Houshold; of which you may read many in the Statute of 33 *Hen.* 8. *cap.* 12.

There is likewise a more inferior kind of *Serjeants of the Mace*, whereof there is a Troop in the City of *London*, and other Corporate Towns, that attend the Mayor or other Head Officer, chiefly for Matters of Justice. *Kitchin, fol.* 143. And these are called *Servientes ad Clavem. New Book of Entries, verbo, Scire facias, in Mainpernors, cap.* 3. *fol.* 538.

There was also a kind of Servants in Religious Houses, called *Serjeants* —— *Dedi praeterea, & addidi ad eorum sustentationem & advenientium hospitum & pauperum & Seriantorum, quos constitui ad serviendum eis* —— Charta Gundulfi Roff. Episc. in Bibl. Cotton. And in *Cumberland* the Governor of *Gilleland*, is called *Land-Serjeant*. Cam Anciently all the Justices in *Eyre* had certain Officers attending them, called *Serjeants*, (as appears by *Westm.* 1. *cap.* 30.) which *Fleta* calls *Virgatores Servientes*, and were in nature of our *Tipstaves*.

Serjeants of Peace. —— *Et etiam habere ibidem* (*i.e.* Dunham) *sex Servientes qui vocantur* **Serjeants of Peace**, *qui servient Cur. Manerii praedicti, & facient Attach. & executiones omnium Placitorum & querelarum in dicta Curia Placitorum, &c.* Pl. de quo Warranto apud Cestriam, 31 Edw. 3. The like Officer they have in the City of *Chester*.

Serjeanty (*Serjantia*) is a Service that cannot be due to any Lord from his Tenant, but to the King only; and it is divided into *Grand Serjeanty* and *Petit*. The first is, where one holds Land of the King by service, which he ought to do in his own Person, as to bear the King's Banner, Spear, *&c.* *Petit Serjeanty* is, where a Man holds Land of the King, to yield him yearly some small Thing towards his Wars, as a Sword, Dagger, Bow, *&c.* Of which read *Bracton, lib.* 2. *cap.* 16. & 37. And *Briton, c.* 66. *numb.* 1 & 2. *Inter feodalia servitia summum est & illustrissimum, quod nec Patronum aliquem agnoscit praeter Regem*, says the Learned *Spelman Lib. MS. Feodal. de Baldwino de Pettour, qui tenuit terras in Hemingston in Com. Suff. per* Serjantiam, *pro qua debuit facere die Natali Domini singulis annis coram Domino Rege Angliae, Saltum, Sufflum, & Pezum, al. unum Saltum, unum Sufflatum, & unum Bombulum.* And Sir *Rich. Rocksley* held Lands at *Seaton* by *Serjeanty* to be *Vantrarius Regis*, i. e. The King's Fore-footman when he went into *Gascoign*, *Donec perusus fuit pari solutarum precii* 4 d. until he had worn out a pair of Shoes of the price of 4 d. Which Service being admitted to be performed, when the King went to *Gascoign* to make War, is Knights-Service. *Coke on Littl. fol.* 69. *b.* See the Statute of 12 *Car.* 2. *cap.* 24. whereby all Tenures of any Honours, Manors, Lands, *&c.* are turned into Free and Common Soccage; but the Honorary Services of *Grand Serjeanty* are thereby continued. *Johannes Freeman tenet unam Virgatam terrae, per* Serjantiam *mensurandi Fossata & opera Domini Regis, ad castrum Domini Regis.* Lib. niger Herefordiae. Though Services or Tenures are now turned into Soccage, yet it may be necessary to shew how they are described in our old Law Books.

Servitium feodale & praediale was not a personal Service, but only by reason of the Lands which were held in Fee. *Bracton, lib.* 2. *cap.* 16. *par.* 7.

Servitium Forinsecum was a Service which did not belong to the Chief Lord, but to the King; It was called *Forinsecum* and *Foraneum*, because it was done *Foris, vel extra* Servitium *quod fit Domino Capitali.* We read several Grants in the *Monastic.* 2 *Tom. pag.* 48. of all Liberties with the Appurtenances, *salvo forensi* servitio.

Servitium generale, the same with *Forinsecum*.

Servitium intrinsecum is that Service which was due to the Chief Lord alone from his Vassals. *Bracton, lib.* 2. *cap.* 16. *Fleta, lib.* 3. *cap.* 14. *par.* 7.

Servitium liberum was a Service to be done by the feudatory Tenants, who were called *liberi homines*, and distinct from *Vassals*; as likewise was their Service, for they were not bound to any of those base Services, as to plough the Lord's Land, *&c.* but only to find a Man and Horse to go with the Lord into the Army, or to attend his Court, *&c.* Sometimes it was called *Servitium liberum armorum*, as in an old Rental of the Manor of *South-Malling* in *Sussex*, mentioned by Mr. *Somner*, in his Treatise of *Gavelkind, fol.* 56. viz. *Godefridus Walleusis tenet* 3 *feodos militis in tenementis in Malling & quartam partem unius feodi apud Terriny per* liberum servitium armorum *suorum*: *Willielmus de Bransa tenuit apud Adburton unum feodum militis per simile* servitium.

Servitium Regale, the same with *Forinsecum*.

Serples, a Mantle or upper Coat: From the Latin *Superpellicium*, it signifies rich Mantles and Furs, and Robes worn by great Persons.

Servage, (*Anno* 1 *Rich.* 2. *cap.* 6.) that is, when each Tenant, besides payment of a certain Rent, finds one or more Workmen for his Lord's Service, *Ing.* 7 *Edw.* 1. *Nott. Etiam est Religio illa ita posita in* Servagio *per Abbates Cisterciensis, quod servitium Dei in hac parte impeditur.* Pla. Parl. 33 Edw. 1. See *Service*. King *John* brought the Crown of *England* in *Servage* to the See of *Rome*. 2 *Inst.* 274.

Service (*Servitium*) is that which the Tenant by reason of his Fee oweth to his Lord; which is sometimes

times called *Servage*, as *Anno* 1 *Rich.* 2. *cap.* 6. Our ancient Law-Books make divers Divisions of *Service*, as into *Military* and *Base*; *Personal* and *Real*; *Intrinsick* and *Extrinsick*, *&c.* But since the Stat. 12 *Car.* 2. *cap.* 24. whereby all Tenures are turned into Free and Common Soccage, much of that Learning is set aside. See *Coke*, *lib.* 4. *Bevil's* Case, *fol.* 9. *a.* See *Soccage*. *Thomas Leigh* Esquire (at the Coronation of King *Charles* the Second) brought up to the King's Table a Mess of Pottage called **Dilligrout**, which *Service* had been adjudged to him by the Court of *Claims* in Right of the Manor of *Addington in Com. Surrey*; whereupon the Lord High Chamberlain presented him to the King, who accepted the *Service*, and afterwards Knighted him.

Service secular, (*Anno* 1 *Edw.* 4. *cap.* 1.) Worldly Service, contrary to Spiritual or Ecclesiastical.

Servientibus are certain Writs touching Servants and their Masters, violating the Statutes made against their Abuses, which see in *Reg. of Writs*, *fol.* 189, & 191.

Servi Testamentales were those which we now call Covenant Servants: They are mentioned in the Laws of King *Athelstan*, *cap.* 34. *Et secundum dictionem, & per mensuram suam convenit, ut* Servi Testamentales *operentur super omnem schiram cui praeest dominus.*

Servitiis Acquietandis is a Writ Judicial, that lies for one distrained for Services to *A*, who owes and performs to *B.* for the Acquittal of such Services. *Reg. of Writs Judic. fol.* 27. *a.* & 36. *b.*

Servitium ferrandi, of Shooing a Horse. See *Palfrey*.

Servitorium, a Chest: 'Tis called *Servorium* in *Fleta*, *lib.* 2. *cap.* 73. *par.* 20. *Cistas vel arcas vel alia* Servatoria *licite habeat ad utensilia sua & recellas suas fideliter servandas.*

Servitors of Bills are such Servants or Messengers of the Marshal belonging to the *King's Bench*, as were heretofore sent abroad with Bills or Writs to summon Men to that Court, being now called *Tipstaffs*. *Anno* 2 *Hen.* 4. *cap.* 23.

Sesleur (*Anno* 25 *Edw.* 3. *cap.* 6.) seems to signifie the assessing or rating of Wages.

Session of Parliament. The passing any Bill or Bills, by giving the Royal Assent thereto, or the giving any Judgment in Parliament, doth not make a *Session*, but the *Session* does continue till that *Session* be prorogued or dissolved. See 4 *Part Inst. fol.* 27.

Sessions (*Sessiones*) signifies a *sitting* of Justices in Court upon their Commission; as the *Sessions* of *Oyer* and *Terminer*. *Pl. Cor. fol.* 67. *Quarter Sessions*, otherwise called *General Sessions*, or *Open Sessions*. *An.* 5 *Eliz. cap.* 4. Opposite whereunto are *Especial*, otherwise called *Privy Sessions*, which are procured upon some special Occasion, for the more speedy dispatch of Justice. *Cromp. Just. of Peace*, *fol.* 109. *Petit Sessions* or *Statute Sessions*, are kept by the High Constable of every Hundred for the placing of Servants. *Anno* 5 *Eliz. cap.* 4. See *Statute Sessions*.

Seteia æstuarium, the Mouth of the River *Dee*.

Several Tail (*Tallium Separatum*) is that whereby Land is given and entailed *severally* to two: For example, Land is given to two Men and their Wives, and to the Heirs of their Bodies begotten, the Donees have Joint-Estate for their two Lives, yet they have *several* Inheritance; because the Issue of the one shall have his Moiety, and the Issue of the other the other Moiety.

Several Tenancy (*Tenura Separalis*) is a Plea or Exception to a Writ that is laid against two, as joint, who are indeed *several*. *Brook hoc tit. fol.* 273.

Severance is the singling or severing two or more that join or are joined in one Writ. As, if two join in a Writ *De libertate Probanda*, and the one afterwards be Nonsute, here *Severance* is permitted, so as notwithstanding the Nonsute of the one, the other may severally proceed. *Fitz. Nat. Br. fol.* 78. and *Brook*, *tit.* Severance of Summons, *fol.* 238. There is also *Severance* of the Tenants in an Assise, when one, two or more Disseisors appear upon the Writ, and not the other. *New Book of Entries*, *fol.* 81. And *Severance in Attaints*, *eodem*, *fol.* 95. And *Severance in Debt*, *fol* 220. where two Executors are named Plaintiffs, and the one refuseth to prosecute. *Severance* of Corn is the cutting and carrying it from off the Ground, and sometimes the setting out the Tithe from the rest of the Corn is called *Severance*. See *Croke's Rep.* 2 *Part*, *fol.* 325.

Seward, one who guards the Sea-Coasts: Tis a *Saxon* Word, for Sæpeapd in *Sax.* signifies *Custos Maris*.

Sewer (*Severa & Sewera*) *Est fossa in locis palustribus ducta ad aquas ejiciendas*, *&c.* A Passage or Gutter to carry Water into the Sea, or a River. *Anno* 6 *Hen.* 6. *cap.* 5. and 12 *Car.* 2. *cap.* 6. And *Commissioners of Sewers* are such as by Authority under the Great Seal, see Drains and Ditches well kept and maintained in the Marsh and Fen Countries, for the better Conveyance of Water into the Sea, and preserving the Grass upon the Land, for Food of Cattle. See the Statutes 15 *Car.* 2. *cap.* 17. and 17 *ejusdem*, *cap.* 11. touching the Draining the Great Level in the Fens, called *Bedford Level*, and the Authority of the Governor, Bailiff, *&c.* as Commissioners of *Sewers*.

Sexagesima. See *Septuagesima*.

Sextary (*Sextarius*) was an ancient Measure, containing about our Pint and a half, (according to the *Latin Dictionary*.) The City (now Town) of *Leicester* paid (*inter al.*) to the King yearly twenty five Measures called *Sextaries* of Honey; as we read in *Domesday*. And in *Claus.* 4 *Edw.* 3. *m.* 26. we find mention of *Tresdecem* Sextarios *Vini*. — *Et unum* Sextarium *Salis apud Wainflet*. Mon. Angl. 2 par. fol. 849. b. *Decem Mittas brasii*, *quatuor* Sextarios *Avenæ ad prabendam*. Idem, 1 par. fol. 136. b. where it seems to have been used for a much greater Quantity. A *Sextary of Ale* contained xvi *Laginas*. See *Tolsester*.

Sextery Lands (mentioned in the first Part of the *Baronage of England*. *fol.* 324.) are Lands given to a Church or Religious House, for Maintenance of the *Sexton* or Sacristan.

Shack is a Custom in *Norfolk* to have Common for Hogs, from the end of Harvest till Seed-time, in all Mens Grounds without controul. *Coke's* 7 *Rep. fol.* 5. *Corbet's* Case. And in that County, *To go at Shack*, is as much as to go at large.

Shares. See *Flotzon*.

Sharping Corn is a Customary Gift of Corn, which, at every *Christmas*, the Farmers in some Parts of *England* give to their Smith, for *sharping* their Plough-Irons, Harrow-Tines, and such like, and exceeds not half a Bushel for a Plough-Land.

Shatford. — *Et si le tenant ne veigne, ou si il veigne & sachet riens Dire, adonques Judgment sera que le dit recovera les tenements quitement a toutz jours, selonq; le*

Judgment appelle Shatford, *per Custome de la Citie.* MS. dez Customes de Court de Hustings en Londres. Tit. *Gavelel.*

Shaw, a Grove of Trees, or a Wood. 1 *Inst. fol.* 4. *b.*

Shawaldres: This is a Word unknown to Mr. *Somner*, who could not tell what it was, unless *Chevaliers*, which may agree with the signification, but not with the sound of the Word, for tis more like *Soldiers* then *Chevaliers.* 'Tis mentioned in *Knighton, Anno* 1318. *Cumque in partes Scotiæ venisset, inculcavit eos Dominus Gilbertus de Middleton miles cum aliis elegantibus* Shawaldris *& eos de omnibus suis spoliarunt.*

Sheppeg. See *Toliatis.*

Sherbet (*Anno* 15 *Car.* 2. *cap.* 11.) is a Compound Drink lately introduced in *England*, from *Turky* and *Persia*, and is made of Juice of Lemmons, Sugar and other Ingredients: Another sort of it is made of Violets, Honey, Juice of Raisins, *&c. Sherbert* in the *Persian* Tongue signifies pleasant Liquor.

Sherffee, so the Body of the Lordship of *Cardiff* in *South Wales* is called, excluding the Members of it. *Powel's Hist. of Wales. fol.* 123.

Sherman's Craft is a Craft or Occupation at *Norwich*, the Artificers whereof do *shear* as well *Worsteads, Stamins* and *Fustians*, as all other Woollen Cloth; and mentioned *Anno* 19 *Hen.* 7. *cap.* 17 & 22, & 23 *Car.* 2. *cap.*

Sherringeld. The King granted to *Richard* Earl of *Arundel*, a certain Rent in *Surrey* and *Sussex* called *Sherringeld*, to the yearly value of 14 *l.* 19 *s.* 1 *d. Rot. Parl.* 50. *Edw.* 3. I believe misswritten for *Shiriff-geld*, a Rent formerly paid to or by the Sheriff; for it is there desired, that the Sheriff in his Account may be discharged thereof.

Shewing is to be quit of Attachments in any Court, and before whomsoever in Plaints *shewed*, and not avowed. See *Scavage.*

Shield, from the *Sax.* Scyldan, to cover, or from the *Greek* σκύτος, a Skin, because anciently *Shields* were made with Skins.

Shilling, (*Sax.* ȝcillinȝ) among our English *Saxons*, consisted but of Five Pence. *Si in capillis sit vulnus longitudinis unius Unciæ V. denariis*, i. e. *uno solido componatur.* LL. H. 1. c. 39. But afterwards it consisted of sixteen, and often of twenty Pence. This was about the Time of the *Norman* Invasion, for in *Domesday*, we read, That *tale manerium reddit* 10. 20 *vel* 30 *libras, denariorum, de* 20 *in ora.* But the Penny in those Days was equal in weight to our three Pence, so that a Shilling then was worth fifteen now: *Illud enim scire licet aliam fuisse rationem solidorum ætate Elfrici quam nostra; nam per ea tempora* 30 *denarii faciebant, seu solidos, nostra vero duos tantum*; but in the Reign of *William* the Conqueror, a Shilling was of the same Value as now.

Shilwite, *Est emenda pro transgressione facta in Nativam, eam impregnando.* MS. de Monast. Radingiæ penes Tho. Wollascot Arm.

Ship-Money was an Imposition charged upon the Ports, Towns, Cities, Boroughs and Counties of this Realm, in the Time of King *Charles* the First, by Writs commonly called *Ship-writs*, under the Great Seal of *England*, in the Years 1635 and 1636, for the providing and furnishing certain Ships for the King's Service, *&c.* which (by Stat. 17 *Car.* 1, *cap.* 14.) was declared to be contrary to the Laws and Statutes of this Realm, the Petition of Right, Liberty of the Subject, *&c.*

Shipper al. **Scipper** (*Anno* 1 *Jac. sess.* 1. *cap.* 33.) is a *Dutch* Word, signifying the Master of a Ship. We use it for any Common Seaman; and may be derived from the *Sax.* ȝcip, a Ship.

Shire (*Comitatus*) From the *Saxon* Scir, or Scyre, *i. e.* to part or divide) is well known to be a Part or Portion of this Land, called also a *County.* King *Alfred* first divided this Land into *Shires*, and those again into *Hundreds* and *Tithings*; Of which *Shires* there are in *England* Forty, and in *Wales* Twelve. *In privilegiorum Chartis ubi concedi-tur* quietum esse a Shirls, *intelligendum est de immunitate, qua quis eximitur a Secta vel clientela Cartis Vicecomitum* (*quas etiam* Shiras *vocant*) *prestanda vel perficienda.* The Assises of the *Shire*, or the Assembly of the People of a County, was called Scirȝemot, by the *Saxons.* This Division made by King *Alfred* was *in Satrapias*, which we now call *Shires*, *in Centurias*, which we call Hundreds, and *in Decanias*, which we call *Tithings*: The old *Latin* Word was *Scyra, Qua Lege olim octo Scyræ, id est, Provinciæ indicabantur.* Brompton, pag. 956.

Shire-Clerk is he that keeps the County-Court; his Office is so incident to the Sheriff, that the King cannot grant it. *Milton's Case*, 4 *Rep.*

Shiredewerke of Winchester and of Essex, (the Compass or Extent of a Sheriff's Authority) *Anno* 21 *Rich.* 2. *cap.* 10. & 11. Sheriffwikes, *Anno* 13 *Eliz. cap.* 22.

Shire-Man or **Scyre-Man**, was anciently Judge of the County, by whom Trials for Land, *&c.* were determined before the Conquest. *Lamb. Peramb. pag.* 442.

Shire-mote. See *Shire* and *Turn.*

Shirif or **Shiref**, (*Vicecomes*) *quasi*, *Shire-reve*, Sax. ȝcire-ȝeresa, i. e. *Pagi vel Comitatus Præpositus*, or rather from the *Sax.* Scyrian, *i. e.* to divide; this Officer being so called from the first Division of the Kingdom into several Parts, and he is now the Chief Officer under the King in every *Shire. Camd. in his Britannia, fol.* 104. thus describes his Office.

Singulis vero annis, Nobilis aliquis ex incolis præficitur, quem Vicecomitem, quasi Vicarium Comitis, & nostra lingua Shireef, i. e. *Comitatus Præpositum, vocamus: Qui etiam Comitatus vel Provinciæ Quæstor recte dici potest. Ejus enim est, publicas pecunias Provinciæ suæ conquirere, mulctas irrogatas vel pignoribus ablatis colligere, & ærario inferre, Judicibus præsto adesse & eorum mandata exequi, duodecim viros cogere, qui in causis de facto cognoscant, & ad Judices referant, (Judices enim apud nos Juris solum, non Facti sunt Judices) condemnatos ad supplicium ducere, & in minoribus litibus cognoscere, in majoribus autem jus dicunt Justiciarii, quos Itinerantes ad Assas vocant, qui quotannis hos Comitatus bis adeunt, ut de Causis cognoscant, & Carceratis Sententiam ferant.* Henricus *Secundus hos Itinerantes instituit, vel potius restituit. Ille* (*ut inquit* Matth. Paris) *consilio filii sui & Episcoporum constituit Justiciarios, per sex partes Regni, in qualibet parte tres, qui jurarent, quod cuilibet jus suum conservarent illæsum.*

Of the Antiquity and Authority of this Officer, read *Coke's Rep. lib.* 4. *Milton's* Case, and *Spelman's Glossarium, verbo, Vicecomes.* The *Shiriff* was anciently chosen in the County-Court, by the Suffrages of the People, as Knights of Parliament yet are, but is now nominated by the King. See *Fortescu, cap.* 24. *fol.* 53. Vicecomes, *dicitur, quod*

Vicem Comitis *supplet in placitis illis quibus Comes ex suæ dignitatis ratione participat cum Rege.* Niger lib. Scaccarii. The Form of his Oath, see in the *Reg. of Writs, fol.* 531. *b.*

Shirifalty, (*Anno* 14 *Car.* 2. *cap.* 21.) the Time of one's being *Sheriff.*

Shiriff-tooth contracted into **Stutly**— *Per* Shirif-tooth *Johannes Stanley Ar clamat habere de quolibet tenente infra feodum de Aldford unum denarium & quadrantem per annum. exceptis Dominicis, terris propriis & terris in feodo & Manerio prædicto Maner. & Hundred. de Macclesfeld.* Rot. Plac. in Itin. apud Cestriam 14 Hen. 7. It was a Common Tax levied for the Sheriffs Diet. See *Sherringeld.* Yet in *Derbyshire* the King's Bailiffs anciently took 6 *d.* of every *Bovate* of Land, in name of *Sheriff-tooth. Ryley's Pla. Parl. fol* 653.

Shoe. See *Polein.*

Shop, (*Shopa*)— *Omnibus—Johannes Horsenet de Hereford Bochour salutem. Noveritis me præfatum Johannem dedisse, &c. Rogero Smyth de Bromeyard unam* Shopam *cum pertin. suis in Bromeyard prædict. scituat. in le* Market-Place *ibidem, &c.* Dat. 27 Febr. 9 Edw. 4. See *Selda.*

Shozling and **Mozling** seem to be Words to distinguish Fells of Sheep: *Shorling* signifying the Fells after the Fleeces are *Shorn* off the Sheeps back; and *Morling alias Mortling*, the Fells flea'd off after they die, or are killed. *Anno* 3 *Edw.* 4 *cap.* 1. and 4. *ejusdem. cap.* 3. Howbeit in some Parts of *England* they understand by a *Shorling*, a Sheep whose Fleece is *shorn* off; and by a *Mortling*, a Sheep that dies. See *Morling.*

Sib & Bom, *i. e.* pax & concordia. *Spelm. de Concil.* 1. *Tom. fol* 519.

Sica, a Ditch: From the *Sax.* Sic, *lacuna.* 'Tis mentioned in the *Monasticon*, 2 *Tom. pag.* 130. *viz. Ad locum ubi Cambac cadit in Irthin & sursum per Cambec usque ad* Sicam *quæ descendit de nigrâ quereu.*

Sich, (*Scheium* and *Sikettus*) a little Current of Water, which is dry in the Summer. —— *Incer duos* Sikettos, *quorum unus cadit inter* —— Mon. Angl. 2 par. fol. 426. Also a Water-Furrow or Gutter.

Sicha, the same with *Sica.*

Scheitus, the same with *Sica.*

Siclus was a sort of Money current among the old *English*, of the value of Two-pence: We read it in *Egbert, in Dialogo de Ecclesiastica institutione, pag.* 98. *viz.* That if any of the Brotherhood did contrary to the Canons, receive a Monk who left the Cloister, *sine literis pacificis, &c.* he was to pay 30 *Sicles*, 15 to the Bishop, and the other 15 to the Abbot, whose Monk he so received without the leave of the Prior.

Sicut alias is a Writ sent out in the second place, where the first was not executed. *Coke, lib.* 4. *fol.* 55. *b.* It is so called of these Words expressed in it. As *Carolus Dei gratia, &c. Vicecomiti Heref. salutem. Præcipimus tibi* (sicut alias *præcepimus*) *quod non omittas propter aliquam libertatem in Balliva tua, quin eam ingrediaris & capias* A. B. *de* C. *in Comitatu tuo gen. &c. Lambard* in his Tract of *Processes* in the end of his *Eiren.*

Sidesmen rectius *Synods Men* (*testes Synoddles*) are those that are yearly chosen in great Parishes, (according to Custom) to assist the Church-wardens in the Enquiry, and presenting such Offenders to the Ordinary, as are punishable in the Court Christian.

Sidlingi, Meers or Balkes betwixt, or on the sides of arable Ridges or Lands. See *Buttum terræ. Cum libertate saldæ & pasturæ & suarii in* Suthlingis *& omnibus locis.* Mon. Angl. vol. 2. fol. 275. b.

Sigillum —*Notum sit omnibus Christianis, quod ego Johannes de Gresley non habui potestatem* Sigilli mei *per unum annum integrum ultimo præteritum, jam notifico, in bona memoria & sana mente, quod scripta* Sigillata Sigillo meo *contradico & denego in omnibus à tempore prædicto usque in diem restaurationis Sigilli prædicti. In cujus rei testimonium Sigillum Decanatus de Repingdon apposui. Testibus Domino Thoma Stafford Milite. Johanne Arden, &c.* Dat. apud Drakelew, 18 Rich. 2. See *Seal* and *Tabellion.*

Before the Time of *William the Conqueror*, the *English* did not seal with Wax, but they usually made a Golden Cross on the Parchment, and sometimes an Impression on a peice of Lead, which hanged to the Grant with a string of Silk, and this was held a sufficient Confirmation of the Grant itself, without Signing, or any Witnesses. *Ingulphus, pag.* 901. tells us, That *Chirographorum confectionem Anglicanam, quæ antea usque ad Edwardi Regis tempora fidelium præsentium subscriptionibus cum crucibus aureis aliisque sacris signaculis firmâ fuerunt, Normanni condemnantes Chirographa chartas vocabant & chartarum firmitatés cum cerea impressione per unuscujusque speciale* sigillum *sub instillatione trium aut quatuor testium astantium conficere constituebant.*

The colour of the Wax with which the King's Grants were sealed, was usually green, to signifise *Rem in perpetuo vigore permansuram*, and the Impression in Lay Mens Seals was, A Man on Horseback with a Sword in his Hand, till the Year 1218, and then they began to engrave their Coats of Arms on their Seals; only the Archbishops and Bishops by a Decree of Cardinal *Otto*, who was Legate here in the Year 1237. were to have *Sigillum, puta nomen dignitatis, officii, seu collegii, & etiam illorum proprium nomen, qui dignitatis vel officii perpetui gaudent honore, insculptum notis & characteribus manifestis; sicque* sigillum *authenticum habeatur.*

Sigla, a Sail: From the *Sax.* Segl, *velum*, in the Laws of King *Ethelred*, made at *Wantage, c.* 24. *Ad Billingsgate si venit una navicula, unus obolus thelonii dabitur, si maior & habet* siglas, 1 *denarius, &c.*

Signet (*Fr.*) is one of the King's Seals, and is used in sealing his private Letters, and all such Grants as pass his Majesty's Hands by Bill, as signed; which Seal is always in the Custody of the King's Secretaries: And there are four Clerks of the *Signet* Office attending them. 2 *Inst. fol.* 556.

Significabit is a Writ which issues out of the *Chancery*, upon a Certificate given by the Ordinary, of a Man that stands obstinately excommunicate by the space of forty Days, for the laying him up in Prison without Bail or Mainprise, until he submit himself to the Authority of the Church. And it is so called, because *significavit* is an emphatical Word in the Writ.

There is also another Writ of this Name in the *Register of Writs, fol.* 7. *a.* directed to the Justices of the *Bench*, willing them to stay any Sute depending between such and such, by reason of an 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 *Fitz. Nat. Br. De Excommunicato capiendo, fol.* 62 & 66. *A.* where you may find Writs of this Name in other Cases, as *Significavit pro corporis deliberatione.* Stat. 22 & 23 *Car.* 2. *cap.*

Sikettus, the same with *Sica.*

Silchester. See *Vindonum.*

Silentiarius is one of the Privy Council, for *silentium* formerly signified *Conventus privatus*, *Radulfus de Diceto*, and *Matt. Paris*, *Anno* 1171. are taken in this Sense, *Feriâ ante pascha in quâ solet papa publice absolvere vel excommunicare, quibusdam Domini papæ silentiariis ad aures nuntiorum Regis preferentibus, devenit, quod papa eodem die decreverat in Regem Angliæ nomina, &c. interdicti ferre sententiam.*

Silina is a Pound-weight; 'tis mistaken in *Brompton* for *Salma*, who mentions a silken Tent so large that 200 Soldiers might dine in it: *Et* 60 *millia* Silinas *de frumento & totidem de hordeo.* Hoveden mentions *Solinas de frumento*, which must be *Salmas.*

Silk-thrower or **Throwster** (*Anno* 14 *Car.* 2. *cap.* 15.) is a Trade or Mystery, that winds, twists and spins, or *throws* Silk, thereby fitting it for use, who are incorporated by the said Act: Wherein there is also mention of *Silk-winders* and *Doublers*, which are Members of the same Trade. *Anno* 20 *Car.* 2. *cap.* 6.

Silva Cædua. See *Sylva Cædua.*

Silures, *South Wales*, or the Inhabitants of *Brecknock*, *Radnor*, *Monmouth* and *Glamorganshires.*

Simnel, (*Siminellus* vel *Symnellus*) *Panis purior, sic dictus, quod à simila, hoc est, puriori farinæ parte efficitur. Panis similagineus*, Simnel Bread. It is mentioned in *Assisa Panis*, (and is still in use, especially in Lent.) **Bread made into a Simnel shall weigh two shillings less then Wastel Bread.** Stat. 51 *H.* 3. See *Cocket.*

Simony, (*Simonia*) *Venditio rei sacræ, a Simone Mago dicta.* 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 Presentation, *&c.* is void, though the Presentee were not privy to it; and the Statute gives the Presentation to the King. *Coke's* 12 *Rep. fol.* 74. *Simony* may be by compact between Strangers, without the Privity of the Incumbent or Patron. *Croke* 1 *Part, fol.* 331. *Bawderoke's Case. Hob. Rep. fol.* 165. *Noy's Rep. fol.* 32. *Pascal's Case*, & 3 *Inst. fol.* 153. Some Authors mention *Simonaicum per munus triplex*, and tell us of a Person who took off the Cap of *Grosulan*, an Archbishop of *Milan*, and shaking it, told the People. *Iste Grosulanus qui est sub istâ Cappâ (& non de alio dico) est* Simonaicus, *&c. per munus à manu*, i. e. by Bribery, *per munus à linguâ*, *i. e.* by Favour and Flattery, *per munus ab obsequio*, *i. e.* by a sordid subjecting himself to the Patron.

Simplex —*Charta simplex*, a Deed Poll, or single Deed —*Richardus Mayhen de Sutton per* Chartam simplicem *huic indenturæ indentatam, dedit*, &c. Dat. 22 *Edw.* 3. *Justiciarius simplex* was anciently used for any Judge that was not *Chief* in either Court. There is a Writ registred, beginning thus, I *John Wood*, *a* simple Judge *of the Court of Common Pleas*, &c.

Sine assensu Capituli is a Writ that lies where a Dean, Bishop, Prebendary or Master of Hospital, aliens the Land held in the Right of his House, without the Consent of the *Chapter* or Fraternity; In which Case his Successor shall have this Writ, *Fitz. Nat. Br. fol.* 195.

Sine die, *i. e.* without Day. When Judgment is given against the Plaintiff, he is said to be *In misericordia pro falso clamore suo, & eat inde* sine die, *i. e.* he is dismissed the Court.

Siniftravit, to walk on the left Hand: *Detxravit Archiepiscopum Londinensis Episcopus*, Siniftravit *Wintoniensis; & sic in sede suâ solemniter collocatus est.* Rad. de Diceto. Anno 1193.

Si non omnes is a Writ of Association, whereby, if all in Commission cannot meet at the Day assign'd, it is permitted that two or more of them may finish the business. See *Association*, and *Fitz. Nat. Br. fol.* 185. & 111, *&c*

Sinckitas, for *Famositas* in *Brompton.*

Sipessocna is what we now call a Hundred *Leg. H.* 1. *cap.* 6. *Comitatus in Anglia in Centurias & Sipessocna distinguuntur.*

Si recognoscant is a Writ that lies for a Creditor against his Debtor, who has, before the Sheriff in the County-Court, acknowledged himself to owe his Creditor such a Sum receiv'd of him *in pecuniis numeratis.* The Form of which Writ is this; —*Rex vicecom. salutem. Præcip. tibi quod si A.* recognoscat *se debere R.* 40. *solidos, sine ulteriori dilatione tunc ipsum distringas ad prædictum debitum eidem R. sine dilatione reddendum, Teste*, &c. Old Nat. Br. f. 68.

Site, or **Scite**, (*Situs*) the setting or standing of any Place, the Seat or Situation of a Capital House or Messuage, or Ground whereon it stood. As we often find the *Site* of the late dissolved Monastery, *i. e.* The Place where it stood —The Word is found in the Stat. 32 *Hen.* 8. *cap.* 20. & 22 *Car.* 2. *cap.* 11. and is there written **Scite.**—*Dedi* Situm *loci in quo domus sua sita est.* Mon. Angl. 2 Par. fol. 278. b.

Sithcundman, such a Gentleman as had the Office to lead the Men of a Town or Parish. *E classe nobilium erat*, says *Somner.* Vir militaris. *Spelm.* In *Sax.* Sithcundman signifies *præpositus pagenus*, or a Man who had so much Land that he might be capable of Knights-Service, *Si homo* Sithecundus *terrarius supersedeat expeditionem, emendet* 120 *sol. & perdat terram suam.* Leg. Inæ, cap. 56.

Sithedcha, (*Sax.*) the Franchise or Liberty of a certain Company of Men; a Hundred. *Rot. P.* 16 *Hen.* 2. sometimes written *Sipesoca. Curia libera legalium hominum.*

Sitomagus, *Thetford* in *Norfolk.*

Sixhindi were Servants of the same nature with Rod Knights, *viz.* bound to attend their Lord where-ever he went, yet he was accounted among the English *Saxons*, as *liber homo*, because he had Lands in Fee subject only to such Tenure, *Si habeat* 5 *hidas est* Sixhinde. Leg. Inæ, cap. 26. And in the Laws of *H.* 1. *cap.* 76. *Servi alii casu, alii genitura: Liberi alii Thyghindi, alii* Sixhindi, *alii Thyelfindi.* See *Hindeni.*

Skarkalla or **Scarkella.**—It was especially given in Charge by the Justices in Eyre, that all Juries should enquire *de biis qui piscantur cum Kiddellis &* Skarkallis. *Coke's* 2 *Part Inst. fol.* 38. But he does not declare the meaning of it.

Skella. See *Schilla.*

Skerda is that which we now call a Scar or Wound: *Si ossa extrahuntur a Capite &* Skerda *magna leveturr, &c.* Bracton, lib. 3. cap. 24.

Skyppinage (*Anno* 27 *Hen.* 6. *cap.* 2.) signifies the Precincts of *Calais.*

Slough-silver, (*Pat.* 43. *Eliz. pag.* 11) a certain Rent paid to the Castle of *Wigmore*, and is in lieu of certain Days Work in Harvest, heretofore reserved to the Lord from his Tenants.

Slusagium. See *Exclusagium.*

Smalt (*Anno* 21 *Jac. cap.* 3. and Pat. 16 *Feb.* 16 *Ja.* Ital. *smalto*) is that of which Painters make blue Colour.

Smoke-silver, (fumagium) *Tenementum Newstede cum pertinen. &c. in villa de Stuplehurst in Com. Cant. tenetur de manerio de East-greenwich per fidelitatem tantum in libero Socagio.* And by the Payment for **Smoke-silver** to the Sheriff yearly the Sum of Six pence, Pat. 3 Feb. 4 Edw. 6. There is *Smoke-silver* and *Smoke-penny* paid to the Ministers of divers Parishes, as a *Modus* in lieu of Tithe-wood. And in some Manors (formerly belonging to Religious Houses) there is still paid, as an Appendant to the said Manors, the ancient *Peter-Pence*, by the Name of *Smoke-Money*. Sir Roger Twisden's *Hist. Vindication. fol.* 77. See *Chimney-Money*.

Soc (*Sax.*) signifies Power, Authority, or Liberty to minister Justice, and execute Laws: Also the Shire, Circuit or Territory, wherein such power is exercised by him that is endued with such a Privilege or Liberty. Whence our Law *Latin* Word *Soca* for a Seigniory or Lordship, enfranchised by the King, with the liberty of holding or keeping a Court of his *Sockmen*, or *Socagers*, *i. e.* his Tenants, whose Tenure is hence call'd *Socage*. This kind of Liberty is in divers Parts of *England* at this Day, and commonly known by the name of *Soke*, or *Soken*. *Skene* says **Soke** (an old Word used in Charters and Feoffments, which are in sundry old Books, containing the Municipal Laws of this Realm) is called *Secta de hominibus suis in Curia secundum consuetudinem regni*, &c. See *Bracton, lib.* 3. *Tract.* 2. *cap.* 8. where he makes mention of these Liberties, *Soc, Sac, Tol, Team, Infangthef* and *Vtfangthef*. LL. Hen. 1. cap. 22. —*Sive Socam totaliter habent, sive non.* Soca *id quod Franchesiam dicimus*, i. e. *Locus privilegiatus, libertas, immunitas, refugium, asylum, sanctuarium*, from the *Sax.* Socn, and Socne, *hæc ipsa significantibus.* See *Secta*.

Socage was a Tenure by which Men held their Lands, to plough the Lands of their respective Lords with their own Ploughs, and at their own Charge: This slavish Tenure was afterwards, by the mutual Agreement of Lord and Tenant, turned into the payment of a certain Sum of Money, and from thence it was called *liberum Socagium*; whereas the other was *Villanum Socagium*, for those who had their Lands by that Tenure, were not only bound to plough their Lords Lands, but they took the Oath of Fealty of them, *sicut de villanis*.

This was a Tenure of so large an Extent, that *Littleton* tells us, all the Lands in *England*, which were not held in Knights Service, were held in *Socage*. So that it seems the Land was divided between these two Tenures, and as they were of different Natures, so the Descent of these Lands was in a different Manner; for the Lands held in Knights Service descended to the eldest Son, but those held in *Villano Socagio* equally among all the Sons; yet if there was but one Messuage, the Eldest Son was to have it, so as the rest had the Values of that Messuage to be divided between them. *Bracton, lib.* 2. *cap.* 35, 36. thus describes it. *Dici poterit* Soccagium *a* Socco, *& inde tenentes qui tenent in Soccage*, Sockmanni *dici poterunt, eo quod deputati sunt, ut videtur, tantummodo ad culturam, & quorum custodia & maritagia ad propinquiores parentes jure sanguinis pertinebunt*, &c. *Skene* says, *Soccage* is a Tenure of Lands, whereby a Man is infeoffed freely, without Wardship and Marriage, paying to his Lord some small Rent, &c. which is called *Free-Soccage*; there was also *Base Soccage*, otherwise called *Villenage* —*Bracton* adds— Soccagium *liberum est, ubi fit servitium in denariis Domini capitalibus, nihil inde omnino datur ad feudum & servitium Regis.* This *free Socage* is also called *common Socage*, *Anno* 37 *H.* 8. *cap.* 20. Other Divisions there are in our Law Writers of *Socage in capite*, &c. But by the *Statute* 12 *Car.* 2. *cap.* 24. all Tenures from and after 24 *February*, 1645, shall be adjudged and taken for ever to be turned into *free* and *common Socage*.

Socmans, alias **Sokemanni**, (*Socmanni*) were such Tenants as held their Lands by *Socage* Tenure; But the Tenants in ancient Demesne seem most properly to be called *Socmans*. *Fitz. Nat. Br. fol.* 14. b. *Britton, cap.* 66. S. 2. —*Progenitores Simonis Bokeley omnia sua in Houcton per liberum Sokagium tunc tenebant, & quieti erant de Sectis Curiarum, Consuetudinibus, exactionibus & demandis.* Lib. —S. Albani Tit. Houcton, *cap.* 1. Liberi Sokemanni *possunt dare aut vendere, sed ad voluntatem Domini; antenatus succedit in vitam; avertum masculum nihil vendere; filium non maritare, nisi dant Domino* 3 s. 4 d. *filium omnino facere Clericum.* Ex libro irrotulament. Ecclesiæ Christi Cantuar fol. 211. The Word *Sokeman* is found in the Statute of Wards and Relief, 28 *Ed.* 1. See *Bracton, lib.* 2. *cap.* 35. *n.* 1. *Dugdale's Warwickshire, fol.* 170.

Socna, (*Sax.* Socne) a Privilege, Immunity, Liberty or Franchise. —*Volo, ut ipsi sint eorum Sacæ & Socnæ, Theolonei etiam & Teami (privilegiorum scilicet & jurium sic appellatorum) digni intra tempus & extra tempus*, &c. Char. Canuti Regis, in Hist. Eccl. Cath. S. Pauli, fol. 189. See *Soc*.

Socome signifies a Custom of grinding at the Lord's Mill; And there is *Bond-Socome*, where the Tenants are bound to it, and *Love-Socome*, where they do it freely out of *Love* to their Lord.

Socinus, for *Essoins*.

Soke, (*Anno* 32 *Hen.* 8. *cap.* 15 & 20.) *significat libertatem Curiæ tenentium quam* Socam *appellamus.* Fleta, lib. 1. cap. 47. Sect. Soke. *Soke*, hoc est quod Prior habet sectam de homagiis suis ad Curiam suam, secundum communem consuetudinem regni Angliæ. *Ex Registro Priorat. de Cokesford. Per* **Soke** Will. Stanley *in manerio suo de Knotte fecit clamat cognitionem Placitorum debiti, transgressionis, conventionis & detentionis infra summ.* 40 *sol. de aliis compactibus quibuscunque sine brevi.* Pl. in Itin. apud Cestriam, 14 *Hen.* 7. **Soke**, *i. e.* Aver Fraunche Court de ses homes. MS. See *Sac*.

Soken. (*Soca*) See *Soc* and *Hansoken*.

Sokereve seems to be the Lord's Rent-gatherer in the *Soke* or *Soken*. *Fleta, lib.* 2. *cap* 55.

Solace, (*Anno* 43 *Eliz. cap.* 10.) Puta mangonium aliquod ex colore aliquo adulterino pannis addito, ut pluris veneant. Dr. *Skinner*.

Solarium, a Solar, upper Room or Chamber, *unum* Solarium *vocat.* a Loft. *Charta antiqua*, sine dat. See *Seller*.

Solda. *Pateat*——*quod nos Johannes Romayne senior de Leominstr. & Johannes Romayne junior de eadem remisimus* —*Johanni Aleole vicario Ecclesiæ de Wygemore, Ricardo Boterel Constabular. Castri de Wygemore, & Fouke Breugehose totum jus nostrum & clamium* ---- *in una* Solda *cum pertinentiis in Leominstr. situata in alto vico inter* Soldam *quondam Ricardi Spiter & Soldam quæ fuit Philippi Cullinge*, &c. Dat. 2. Octobris, 19 Rich. 2. It seems to be the same with *Selda*, a Shop or Shed.

Solet & debet. See *Debet & Solet*.

Sole-tenant is he or she that holds only in his or her own Right, without any other joined. For example, If a Man and his Wife hold Land for their Lives, the Remainder to their Son; Here

the Man dying, the Lord shall not have Heriot, because he dies not *Sole-Tenant*, *Kitchin*, *fol.* 134.

Solicitor (*Solicitator*) signifies a Man employed to follow and take Care of Suits depending in Courts of Law or Equity; formerly allowed only to Nobility, whose menial Servants they were; but now too commonly used by others, to the great increase of Champerty and Maintenance, and Damage of the People.

Solidata terræ, as much Land as is yearly worth one Shilling: *Terram de Riseberga quæ solebat reddere 30 solidos.* Mon. 2 Tom. pag. 98. See *Fardingdeal of Land.* *Solidata* signifies also the Pay or Stipend of a Soldier. *Et qui terram non habent & arma habere possunt, illuc veniant ad capiendum* solidatas *nostras.* Breve Regis Johannis vicecomitibus Angliæ. Anno 1213.

Solidatum in the *Neuter Gender* signifies that absolute Right or Propriety which a Man hath in any Thing, *viz. Urbem Cantuariam quam Lanfrancus Archiepiscopus habuerat ex beneficio, isti Anselmo concessit ex solido.* Malmsb. Lib. 1.

Solinus terræ—*In communi terra Sancti Martini sunt 400 aeræ & dim. quæ faciunt duos Solinos & dim.* *Domesday.* In which Book, this Word is only us'd in *Kent*, and no other County. *Septem* Solini *terræ sunt 17 Carucatæ.* 1 Inst. fol. 15. According to this Computation, *solinus terræ* is about 160 Acres, and 7 *solini* are about 1120 Acres, which is less than 17 *Carucatæ*, for at the lowest *Carucata terræ* is 100 Acres. But my Lord *Coke* was of Opinion, that it did consist of no certain number of Acres.

Soller or **Solar**, (*Solarium*) a Chamber or upper Room. *Dedi* —— *unam Shoppam cum* Solario *superædificato.* Ex vet. Charta.

Solutione feodi militis Parliamenti, and **Solutione feodi Burgen. Parliamenti**, are Writs whereby Knights of the Shire, and Burgesses may recover their Allowance, if it be deny'd, *Anno* 35 *Hen.* 8. *cap.* 11.

Soma, a Body. *Mon.* 3. *Tom. pag.* 117.

Sommons. See *Summons.*

Sona for *Stola*, a Priest's Garment. *Mon.* 1 *Tom. pag.* 6.

Sontage was a Tax of Forty Shillings laid upon every Knight's-Fee. *Stow, pag.* 284. In some Places the Word is used for coarse Cloth, as Bagging for Hops or the like. *Systema Agriculturæ.*

Sorbiodunum, *Old Sarum.*

Sorcery, (*Sortilegium*) Witchcraft, or Divination by Lots; which is Felony, by 1 *Jac. cap.* 12. Sortilegus, *quia utitur sortibus, in cantationibus Dæmonis.* 3 Inst. fol. 44. *Sorcery & devinal sont members de Heresy.* Mirror, cap. 1. Sect. 5. Excepted out of the Act of General Pardon, 12 *Car.* 2. *cap.* 11.

Sothale, in *Bracton*, (*Lib.* 3. *Tract.* 2. *cap.* 1.) it is written *Sothail*, but both conceived to be mistaken for *Scotale*, which *vide. Henrici autem tertii ætate hoc sublatum esse constat ex Bractone.*

Sothsaga is an old Word, which signifies History: From the *Sax.* Soð, *verum*, and Saga, *Testimonium*, for all Histories should be true, or true Sayings; from hence we derive our *English* Word *Southsayer.*

Southampton. See *Clausentum*, and *Trisantonis portus.*

South Vicont, ——(*sub-vicecomes*) the Under-Sheriff, *Cromp. Jur. fol.* 5.

Sown, it is a Corruption from the Fr. *Souvenu*, i. e. remembred; for the Stat. 4 *Hen.* 5. *cap.* 7. in the Original *French*, hath *des Estreats nient souvenu*, which, by turning the two single u v, into w, was first made *Sowenu*, afterwards *Sown*; which properly signifies remembred; And such Estreats and Casualties as are not to be remembred, run not in demand, that is, are leviable. It is used as a Word of Art in the *Exchequer*, where *Estreats that sown not*, are such as the Sheriff by his Industry cannot get; and *Estreats that sown*, are such as he may gather. 4 *Part Inst. fol.* 107.

Spadarius, for *Spatharius*, a Sword-bearer.

Spatularia is numbred among the holy Garments in the *Monast.* 3 *Tom. pag.* 331, viz. *Cum Alba, amictu, stola, Fanone, Spatularii & maricularii, &c.*

Speaker of the Parliament is an Officer in that High Court, who is as it were the Common Mouth of the rest, of which there are two, one termed The *Lord Speaker of the House of Peers*, who is most commonly the *Lord Chancellor* of England, or *Lord Keeper* of the Great Seal; the other (being a Member of the House of Commons) is called the *Speaker of the House of Commons.* The Duties of which two, you have particularly described in a Book Intituled, *The Order and Usage of keeping the Parliament.* See *Parliament.*

Specialitas, a Specialty, is usually taken for a Bond, Bill, or such like Instrument ——*Præsentatum fuit per Juratores*---- *quod quidam* Johannes de Pratis *habuit quandam uxorem amicabilem de cujus* specialitate, *Willielmus, filius* Henrici Molendinarii, *& similiter quidem alii malefactores fuerunt; Ita quod prædicti malefactores venerunt ad lectum ipsius* Johannis, *ubi jacebat, & ipsum traxerunt ab eodem, & ipsum abinde duxerunt & tenuerunt, dum prædictus* Willielmus *concubuit cum ea.* Pl. coram Rege apud *Ebor. Mich.* 1 *Edw.* 3. *Rot.* 123. Here it seems to be used for *special*, or particular Acquaintance.

Special matter in evidence. See *General Issue*, and *Brooke*, tit. *General Issue, and Special Evidence.*

Speleum, the Cell of a Monk, *viz. Combusta illic Ecclesia B. Mariæ, reclusâ unâ Vstulata, quæ* speleum *suum nec in tali necessitate deserendum putavit.* Malmsb. Lib. 3. pag. 112.

Spigurnel. *Galfridus Spigurnel* was by King *Henry* the Third appointed to be Sealer of his Writs, and perhaps the first in that Office. Therefore in After-Times, the Persons that enjoy'd that Office were called *Spigurnels. Pat.* 11 *Hen.* 3. *m.* 7. & *Claus.* 4 *Edw.* 1. *dorso. m.* 6.

Spina, *Speen* near *Newbury* in *Berkshire.*

Spinacium is that sort of Vessel which we now call a Pinnace: 'Tis mentioned by *Knighton*, *Anno* 1338. *Redierunt Normanni cum galeis* 12 *& cum octo* Spinaciis *cum manu bene armatâ.*

Spindulæ were those three Golden Pins which were used about the Pall, and from thence

Spindulatus signified to be adorned with the Archiepiscopal Pall, *viz. Lanfrancus Episcopus in tabulâ plumbeâ ponderosâ valde inventus fuit, in quâ a primâ die sepulturæ intactis membris mitratus*, Spindulatus *usque in hunc diem jacuerat.* Du Cange.

Spinster. Pollard *miles & Judic. habuit* 11 *filios gladiis cinctos in tumulo suo, & totidem filias fusis depictas.* Spelman in his *Aspilogia*, says---- *Antiquis temporibus ipsæ Reginæ fusis usæ sunt, unde hodie omnes fœminæ* Spinsters *dictæ sunt.* It is the Addition usually given to all unmarried Women, from the Viscount's Daughter downwards. Yet Sir *Ed. Coke* says *Generosa* is a good Addition for a Gentlewoman, and if they be named *Spinster* in any Original Writ, Appeal or Indictment, they may abate and quash the same. 2 *Inst. fol.* 668.

Spiritualities of a Bishop (*Spiritualia Episcopi*) are those Profits which he receives as a Bishop, and not as he is a Baron of the Parliament: (*Staundf. 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; the Benefit of his Jurisdiction, *&c. Joachimus Stephanus de Jurisdict. lib.* 4. *cap.* 14. *numb.* 14.

Spittle-house (mentioned in the Act for Subsidies, 15 *Car.* 2. *cap.* 9.) is a Corruption from *Hospital*, and signifies the same Thing. It may be taken from the Teutonic **Spital**, an Hospital or Alms-house.

Spoliation (*Spoliatio*) is a Writ that lies for an Incumbent against another Incumbent, in Case where the Right of Patronage comes not into Debate: As if a Parson be made a Bishop, and has Dispensation to keep his Rectory, and afterwards the Patron presents another to the Church, who is instituted and inducted; the Bishop shall have against this Incumbent a Writ of *Spoliation* in the Court Christian. *Fitz. Nat. Br. fol.* 36. See *Benevolence*.

Sponte oblata's: So anciently free Gifts and Presents to the King were called.

Sportula signifies Gifts, Gratuities, Salaries. *Ut nec Episcopus nec Abbas pro justitiâ faciendâ* Sportulas *contraditas* (*i. e.* forbidden) *accipiat*. From hence St. *Cyprian*, (*Epist.* 70, 71, 90.) calls those Clergymen *Sportulantes fratres* who received such Gifts for their Maintenance, which afterwards were called *Prebendæ*.

Spullers of Yarn (*Anno* 1 *Mariæ, Parl.* 1. *c.* 7.) are those that work at the *Spole*, i. e. *Rota glomeratoria textorum, quæ fila rotando conglomerantur*, says Dr. *Skinner*.

Squallet, (*Anno* 43 *Eliz. cap.* 10.) See *Rewey*. It is a Note of Faultines in the Making of Cloth.

Squillarii for *Scalarii*, *e. e.* Stone-cutters. See *Scularia*.

Stabilitio venationis. *Qui monitus* ad Stabilitionem venationis, *non ibat*, l. *fol. Regi emendabat. Domesday*. The driving Deer to a Stand, which is also called *Driving the Wanlass*. *Omnes Burgenses de Bishops-Castle debent invenire unum hominem ter per annum* ad Stabilamentum *pro venatione capienda quando Episcopus voluerit*. Lib. niger Heref. So in *Leg. H.* 1. *cap.* 17. *In venatione si quis ad* Stabilitatem *non venit, i. e.* He who doth not come to the Place where he ought to stand.

Stable-stand (*Stabilis statio*, vel potius, *stans in stabulo*) is one of the four Evidences, or Presumptions, whereby a Man is convinced to intend the Stealing the King's Deer in the Forest. *Manwood, Par.* 2. *cap.* 18. *numb.* 9. The other three are **Dog-draw, Back-bear, Bloody-hand.** This **Stable-stand** is when a Man is found at his *Standing* in the Forest with a Cross 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.

Stabilia. It was a Custom in *Normandy*, that where a Man in Power claimed Lands in the Possession of an Inferior, he petitioned the Prince that it might be put into his Hands till the Right was decided; and then he had a Writ which was called *Breve de Stabilia*. To this a Charter of *Henry* the First seems to allude, in *Pryn, lib. Angl.* 1 *Tom. pag.* 1204. *viz. Et omnes decimas venationis prædictarum forestarum exceptâ decimâ illius venationis quæ capta fuerit cum* Stabiliâ *in foresta de Windlesore*.

Stabulatum for *Tabulatum*.

Stall-herd. Vide *Forest-Laws, pag.* 98.

Stagiarius, a Resident; as, *J. B. Canonicus & Stagiarius Sancti Pauli*, signifies a Canon Resident of that Church. Vide *Hist. of St. Paul's Church*. Hence an old Stager.

Stagnarium, (*Rectius Stannarium*,) a Tin-Mine. *Rex, &c. Roberto de Curteney: Concessimus Domina Reginæ matri nostræ Cuneum & Stagnarium Devon. ad se sustinendum*. Paten. Anno 1 Hen. 3.

Stagnes, (*Stagna*,) Ponds, Pools, or Standing-waters; mentioned *Anno* 5 *Eliz. cap.* 21. By the Name of *Stagnum*, or a Pool, the Water and Land shall pass also. 1 *Inst. fol.* 5. *a.*

Stalboat, a kind of Fishers-Boat. *Anno* 27 *Eliz. cap.* 21.

Stalkers, a kind of Fishing-Net, mentioned *Anno* 13 *Ric.* 2. *Stat.* 1. *c.* 20. and 17 *ejusdem, c.* 9.

Stallage, (*Stallagium*, from the Sax. Stal, i. e. *Stabulum, Statio*,) the Liberty or Right of pitching or erecting *Stalls* in Fair or Market, or the Money paid for the same. *Quod si aliquis portaverit res suas ad forum & posuerit super* Stallas, *faciet redemptionem pro eis qualibet die Lunæ, vel semel pro toto anno*. Ex Registro Priorat. de Cokesford. See *Scavage*. In *Scotland* it is called *Stablange*, and among the *Romans* it was termed *Siliquaticum*.

Stallarius. 'Tis mentioned in our Historians, *viz.* in *Simeon Dunelm. Hoveden, Flor. Worcester, Anno* 1068; and it signifies *Præfectum stabuli*. Sometimes 'tis wrote *Stallare*, which *Spelman* derives from the Sax. Stal, *i. e. Stabulum*, and hope, *Dominus*, and was the same Officer which we now call Master of the Horse. *Radulphus qui fuit Haroldi Regis* Stallarius *occurrit cum exercitu, &c.* Sometimes it signifies him who hath a Stall in a Fair or Market. *Fleta, lib.* 4. *cap.* 28. *par.* 13.

Stallum. See *Terletum*.

Standard. See *Estandard*.

Standardum Londini. *Vobis mandamus quod* Standardum Londini *de hujusmodi mensuris diligenter assisari & probari, ac aliis mensuras per dictum Standardum fieri ad singulos Comitatus Regni, &c.* Claus. 14 Ed. 2. m. 14. intus.

Standel 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. *Anno* 35 *Hen.* 8. *cap.* 17. and 13 *Eliz. cap.* 25.

Stannaries, (*Stannaria*, from the Lat. *Stannum*, *i. e.* Tin,) are the Mines and Works where this Metal is got and purified; as in *Cornwal*, and elsewhere. Of which read *Cambd. Brit. pag.* 199. The Liberties of the *Stannary-men*, granted by *Edward* the First, before they were abridged by the Statute of 50 *Edw.* 3. see in *Plowden, casu Mines, fol.* 327. and *Coke's* 12 *Rep. fol.* 9. And the Liberties of the *Stannary-Court*, see *Anno* 17 *Car.* 1, *cap.* 15. of which Courts there are four in *Devon*, and four in *Cornwal*.

Staple (*Stapulum*) signifies this or that Town or City whither the Merchants of *England* were by Act of Parliament to carry their Wool, Cloth, Lead, Tin, and such like *Staple* Commodities of this Land, for the Utterance of them by the Great. The Word comes from the Fr. *Estape*, i. e. *Forum vinarium*, a Market, or Staple for Wines, which is the principal Commodity of *France*; or rather from the *Germ.* **Stapelen**, which signifies to gather, or heap any Thing together. And in an old *French* Book

Book thus: *A Calais y avoit* Estape *de la laine, &c.* *i. e.* The Staple for Wool. You may read of many Places appointed for this *Staple* in our Statutes, according as the King thought fit to alter them, from *1 Edw. 3. cap. 9.* to *5 Edw. 6. cap. 7.* What Officers the *Staples* had belonging to them, you may see *Anno 27 Edw. 3. Stat. 2. cap. 2.* The *Staple Commodities* of this Realm are *Wool, Leather, Woolfels, Lead, Tin, Butter, Cheese, Cloth, &c.* as appears by the Stat. *14 Rich. 2. cap. 1.* though some allow only the five first. See *4 Inst. fol. 238.*

Stat, (*Sturium*) a Contraction from the Hebrew *Shetar*, which signifies a Deed or Contract. All the Deeds, Obligations, and Releases of the Jews were anciently called *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 Star fecit Hagius filius Magri de London Domino Ade de Stratona, de acquietancia de Stammete de omnibus debitis in quibus Dominus R. de Cheyndut ei tenebatur. Ita quod Idem Judeus nec heredes sui nihil exigere possint de predicto Ade nec de heredibus suis Natione vera de Stammete de predictis debitis.* See the Plea-Rolls of *Pasch. 9 Edw. 1. Rot. 4, 5, 6, &c.* Where many *Stars*, as well of Grant and Release as Obligatory, and by way of Mortgage, are pleaded and recited at large.

Stara, from *sextarius*. See Stara *vini, &c.*

Star-chamber (*Camera stellata*, otherwise call'd *Chambre de Estoiels*) was a Chamber at *Westminster* so called, because at first all the Roof thereof was decked with Images of gilded *Stars*. *Anno 25 H. 8. cap. 1.* it is written the *Starred Chamber*. *Henry* the Seventh and *Henry* the Eighth ordained by two several Statutes, (*viz. 3 Hen. 7. c. 1.* and *21 Hen. 8. cap. 2.*) That the Chancellor, assisted by others there named, should have Power to hear Complaints against Retainors, Embracerors, Misdemeanors of Officers, and such other Offences, which, through the Power and Countenance of such as did commit them, did lift up the Head above other Faults, and for which inferior Judges were not so meet to give Correction, and the Common Law had not sufficiently provided. And because that Place was before dedicated to the like Service, it was still used accordingly. See *Camden, pag. 112, 113.* But by the Statute *17 Car. 1. cap. 10.* the Court, commonly called the *Star-Chamber*, and all Jurisdiction, Power, and Authority, thereto belonging, *&c.* are, from and after 1 *August*, 1641, clearly and absolutely dissolved and determined.

Starling. See *Sterling*.

Statera, *i. e.* Money. 'Tis mentioned in *Malmsbury*, in the Life of St. *Aldhelm, cap 9.* viz. *Winbulæ prælatus Daniel qui esset ejusdem Regionis oriundus, & Staterarum non egenus, &c.*

Statuarium, a Grave, or Tomb adorned with Statues. *Ad ejus sacro corpore terrâ illic intex multa alia Romana* Statuaria *commendato, &c.* Ingulphus, pag. 853.

Statute (*statutum*) has divers Significations: First, it signifies an Act of Parliament made by the King and his three Estates of the Realm: In which Sense it is either general or special. *Coke, lib 4. Halland's* Case. Secondly, *Statute* is a short Writing, called a *Statute-Merchant*, or *Statute-Staple*, which are in the Nature of Bonds, (*Anno 5 E. 4. cap. 12.*) and are called *Statutes*, because made according to the Form expresly provided in certain Statutes, which direct both before what Persons, and in what Manner they ought to be made. *West. Par. 1. Symbol lib 2. sect. 151.* defines a *Statute Merchant* to be a Bond acknowledged before one of the Clerks of the Statutes-Merchant, and Mayor of the *Staple*, or chief Warden of the City of *London*, or two Merchants of the said City for that Purpose assigned, or before the chief Warden or Mayor of other Cities or good Towns, or other sufficient Men for that Purpose appointed, sealed with the Seal of the Debtor, and of the King, which is of two Pieces, the greater is kept by the said Mayor, *&c.* and the less by the said Clerk. The Form of which Bond *Fleta (lib. 2. cap. 64. sect. 2.)* thus delivers: *Noverint universi me N. de tali Comitatu teneri M. in Centum Marcis, solvendis eidem M. ad Festum Pent. Anno Regni Regis, &c. Et nisi fecero, concedo quod currant super me & heredes meos districtio & pœna provisa in Statuto Domini Regis edito apud West. Datum London. tali die.* The Fee for the Seal is, for Statutes acknowledged in Fairs, for every Pound a Half-penny, and out of Fairs a Farthing. The Execution upon a Statute-Merchant is first to take the Body of the Debtor, if he be Lay, and can be found; if not, his Lands and Goods; and is founded on the Stat. *13 Edw. 1. stat. 4.* See *New Book of Entries, verbo* Statute Merchant.

Statute-Staple is either *properly* so called, or *improperly*: *Properly* 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. The Fee for the Seal is of every Pound (if the same exceed not 100 *l.*) a Half-penny; and if it exceed 100 *l.* a Farthing. By Vertue of which Statute the Creditor may forthwith have Execution of the Body, Lands, and Goods of the Debtor. And this is founded on the Statute *23 Edw. cap. 6.* A *Statute-Staple improper* is a Bond of Record, founded upon the Statute *23 Edw. 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 which Bonds or Statutes see in *West, Par. 1. Symbol. lib. 2. sect. 152, 154, &c.*

Statutes, or *Statute-Sessions*, otherwise called *Petty-Sessions*, are a Meeting in every Hundred of all the Shires in *England*, where by Custom they have been used, whereunto the Constables do repair, and others, both Housholders and Servants, for the debating of Differences between Masters and their Servants, the rating of Servants Wages, and the bestowing such People in Service, as, being fit to serve, either refuse to seek, or cannot get Masters. *Anno 1 Eliz. cap. 4.*

Statuto Stapulæ is a Writ that lies to take his Body to Prison, and to seise upon his Lands and Goods, who hath forfeited the Bond, called *Statute-Staple*. *Reg. of Writs, fol. 151.*

Statutum de laboratiis is a Writ Judicial, for the apprehending such Labourers, as refuse to work according to the Statute. *Reg. Judici fol. 27. b.*

Statutum mercatorium is a Writ for the imprisoning him that has forfeited a Bond called *Statute-Merchant*, until the Debt be satisfied. *Reg. of Writs, fol. 146. b.* And of these there is one against Lay Persons, another against Ecclesiastical.

Staurus, in old Records and Accounts, is used for a Stock of Cattle. *Vide Instaurum.*

Staurus also signifies all Manner of Necessaries for the Support of Life. *Mat. Westm. Anno 1259.*

Viginti insuper & quinque libras dedit pro Stauro *ejusdem loci.*

Stellatus, the same with *Stallatus*, *viz.* one who sells Goods in a Stall. *Bracton, lib.* 4. *cap.* 46. *Quæ quidem sufficere debet omnibus nisi forte sint mercatores* Stellati, *qui merces deposuerint & exposuerint venales.*

Stemnifreoch. *Necnon libertate multuræ suæ in molendino ipsius Roberti, &c. quod sint* Stemnifreoch *&* Colfreoch. Mon. Angl. 2 Par. fol. 293. b. *Quære.*

Stennerie is used for the same with *Stannaries* in the Statute 4 *Hen.* 8. *cap.* 8. See *Stannaries.*

Steozesman. *Si suis bonis spoliati, de navi compertum fuerit, reddat* Steozsman, *i. e.* Navarchus, *bona sive pecuniam illam.* LL. Marinæ Ethelredi Regis apud Brompton. We yet retain the Name Steers-Man, or Pilot. See *Sturemannus.*

Sterbzech, alias Strebzech, is the Breaking, Obstruction, or Diminution of a Way, or the Turning it out of its right Course; from the old *English* Word Stre, *i. e. Via*, and Bzech, *fractio, violatio.* Hence To go *astrey*, or as we now write it, *stray*, *i. e.* To go out of the Way. *Strebrech* 100 *sol. emendet.* Leg. Hen. 1. cap. 81. Strebzech *est, si quis viam frangat, concludendo, vel avertendo, vel fodiendo.* MS.

Sterilensis, the same with *Sterling.*

Sterling (*Sterlingum*, and in old Records *Sterilensis*) was the ancient Epithet for Money (properly of Silver) current in this Realm, Stat. of *Purveyors, cap.* 13. and took Name from this; That there was a certain pure Coin stamped first in *England* by the *Easterlings*, or Merchants of *East-Germany*, by the Command of King *John.* Accordingly *Mouvedon* writes it *Esterling.* And in several old Deeds I have seen *vint livres d'Esterlinges*; but not so old as *Domesday*, for 'tis not mentioned there. By the Stat. 51 *Ed.* 1. the Penny, which is called the *Sterling*, round, and without Clipping, weighs 32 Grains of Wheat, well dried, and twenty Pence make an Ounce, and twelve Ounces a Pound, and eight Pound a Gallon of Wine, and eight Gallons a Bushel, which is the eighth Part of a *Quarter.* The Word *Sterling* is now much disused; instead of five Pounds *sterling*, we say five Pounds of current or lawful *English* Money. See more of this Word in the *Sax. Dict. verbo* Steopan.

Steward (*Senescallus*) is compounded of the Sax. Steba, *i. e.* Room, Place, or Stead; and Weapo, *i. e.* a Ward or Keeper; as much as to say, a Man appointed in my Place or *Stead*; and hath many Applications, yet always signifies an Officer of chief Account within his Jurisdiction. The greatest of these is the *Lord High Steward* of *England*, which was anciently the Inheritance of the Earls of *Leicester*, till forfeited to *Henry* the Third by *Simon de Mountfort.* But the Power of this Officer being very great, of late he has not usually been appointed for any long Time, but only for the Dispatch of some special Business, at the Arraignment of some Nobleman in Case of Treason, or such like; which once ended, his Commission expires. Of the High Steward of *England*'s Court you may read 4 *Inst. fol.* 59. Then is there the *Steward of the King's Houshold, Anno* 24 *H.* 8. *cap.* 13. whose name was changed to that of *Great Master, Anno* 32 *ejusdem, cap.* 39. But this Statute was repealed by 1 *Mar.* 2 *Parl. cap.* 4. and the Office of *Lord Steward of the King's Houshold* revived, where you may read much of his Office; as also in *Fitz. Nat. Br. fol.* 241. *b.* Of this Officer's ancient Power read *Fleta, lib.* 2. *cap.* 3. This Word is of so great Diversity, that there is in many Corporations, and all Houses of Honour, throughout the Realm, an Officer of this Name and Authority. What a Steward of a Houshold is, or ought to be, *Fleta* fully describes, *lib.* 2. *cap.* 71, *&* 72. Though *Senescallus* be now the usual *Latin* for Steward, yet I have seen a Copy of Court-Roll of *Mardyn*, in *Herefordshire*, (17 *Edw.* 4.) concluding thus: *Et huic Copiæ sigillum* Locumtenentis *est appensum.*

Stews, or Stues, are those Places which were permitted in *England* to Women of professed Incontinency, for the Proffer of their Bodies to all Comers. And it is derived from the Fr. *Estuves*, (i. e. *Thermæ, Balneum,*) because Wantons are wont to prepare themselves for venereous Acts by *bathing.* And that this is not new, *Homer* shews in the eighth Book of his *Odyss.* where he reckons *Hot Baths* among the effeminate Sort of Pleasures. See the Statute of 11 *Hen.* 6. *cap.* 1. *Henry* the Eighth about the Year 1546 forbad them for ever.

Stica was a brass Coin amongst the *Saxons*, and of the Value of half their Farthing, and four of them made an *Hesling.*

Stick of Eels, (*Stat. Compositi penilet. & mensur.*) Bind anguillarum constat ex 10 Sticks & qualibet Stick ex 25 anguillis. See *Mon. Angl.* 2 *Par. fol.* 880. *a.* 40. I find it in some Records latined *Brochus anguillarum.*

Stickler was a small Officer, who cut Wood for the Priory of *Bicklister* within the King's Parks of *Clarendon. Rot. Parl.* 1 *Hen.* 6.

Stillard, otherwise called the *Stylehouse*, in the Parish of *All-Hallows* in *London*, was by Authority of Parliament, *Anno* 14 *Edw.* 4. assigned to the Merchants of *Hanse* and *Almaine* for ever, with other Tenements, rendring to the Mayor of *London* yearly 70 *l. Rot. Parl.* 14 *Ed.* 4. In some Records it is called *Guilhalda Teutinicorum.* And, as some write, it was so called of a Broad-place or Yard, wherein *Steel* was much sold; upon which Place that House was founded. See *Hanse.*

Stipula, Stubble left standing in the Field after the Corn is reaped. *Dedi unam cartatam foragium, & duas acras* Stipulæ, *&c.* 11 Edw. 2. *Præterea concessi eidem Radulfo & hæredibus suis habere octo animalia & sex porcos in dominica pastura mea & in* stipulis *meis quieta de consuetudine imperpetuum, &c.* Charta Sewali de Osavil, facta coram Hallimoto suo de Hildesley, Anno MCCV.

Stiremannus. *Domesday.* See *Sturemannus.*

Stoc and **Stovel.** *Præterea si homines de Stanhal dicti Abbatis inventi fuerint in bosco prædicti W. cum forisfacto ad* Stoc *&* Stovel, (*al.* Stovene,) *malefactor pro delicto, qui taliter inventus est, reddet tres solidos. Similiter concessum quod si aliquis inventus fuerit cum branchiis quercuum, vel cum aliis minutis bostis, cum forisfacto illo ad* Stoc *&* Stovel, *malefactor ille reddet sex denarios.* In quadam Charta conventionum inter Will. de Bray & Abbat. & Conv. de Osney. Where *Stoc* signifies Sticks, and *Stovel* signifies *Pabulum.* So that the Forfeiture *ad Stoc & Stovel* is where any one is taken carrying *Stipites & Pabulum* out of the Woods. See *Zuche.*

Stockikind. See *Gavelkind.*

Stoke. This Syllable added to the Name of a Place, comes from the Sax. Stocce, *i. e. Stipes, Truncus*; as *Woodstock, Basingstoke, &c.*

Stola was a Garment formerly worn by Priests like those which we now call Hoods. *Stephen Eddy, cap.* 10. tells us, That *circumdare suis collo ad inferiora descendens, significat obedientiam filii Dei & jugum servitutis quod pro salute hominum super humeros portavit.*

Plorat & exorat, veniam dum flebilis erat,
Deponendo Stolam *quam toto tempore caram*
Anni portabat, quam sic vehementer amabat,
Quod sublimatus, quod erat Levita creatus.

Sometimes 'tis taken for the Archiepiscopal Pall, viz. *Et ut Romam ad Papam Urbanum pro* Stolâ *sui Archiepiscopatus andi sibi licentiam daret.* Eadmerus, cap. 188.

Stone of Wool (*Petra lanæ, Anno* 11 *Hen.* 7. *cap.* 4.) ought to weigh fourteen Pounds; yet in some Places by Custom it is more, and in some Places it is but twelve Pounds and a half, and twenty six Stone of Wool make a Sack. *Rot. Parl.* 17 *Ed.* 3. *Le Charre de plumbo constat ex* 30 *formellis, & quælibet formella continet* 6 *petras exceptis duabus libris, & quælibet Petra constat ex* 12 *libris.* Compositio de ponderibus. A Stone of Wax is eight Pounds. And at *London* the Stone of Beef is no more. See *Weights* and *Sorpler.*

Stony-Stratford. See *Lactodorum.*

Stozium. 'Tis mention'd in *Hoveden, pag.* 670. for a Navy. *Cum* 30 *magnis navibus, & erant pariter in eodem loco de* Storio *Regis Angliæ* 106 *magnæ navis, &c.*

Stotal. — Also moreover we have granted, in amendment to the City, that they bin all quit of Bryrzchel, of Childwit, of Zoresigen, and of Stotall; So that no Sheriff of London, neither none other Bayly, make Stotal in the Francheis aforesaid, &c. This I find in an old printed Book, which delivers it (*inter al.*) as the Charter of *Henry* I. to the City of *London.* But the Word is, without Doubt, mistaken for *Scotale.*

Stotarius was he who had the Care of the Stud or Breed of young Horses. *Leg. Alfredi, cap.* 9. *Et quod de berbicario,* Stotario, *& vaccario fit, &c.*

Stovene. See *Zuche.*

Stow, either by it self, or added to a Word, signifies a Place; as *Stow* in the *Wold,* a Place near the Plains; from the Sax. Stop, *Locus*; and pold, i. e. *Planities. Godstow,* a Place dedicated to God.

Stowage (from the Sax. Stop, *Locus*) is the Room or Place where Goods are laid, or the Money that is paid for such Place.

Straits, or **Streits,** (*Anno* 18 *Hen.* 6. *cap.* 16. and 1 *Rich.* 3. *cap.* 8.) a Sort of narrow coarse Cloth, or Kersey, anciently so called.

Stranded (from the Sax. Strand, *i. e.* a Shore or Bank of the Sea or great River) is when a Ship is by Tempest or ill Steerage run on Ground, and so perishes. Stat. 17 *Car.* 1. *cap.* 14. See *Strond.*

Stranger (Fr. *Estranger*) signifies generally a Man born out of the Realm, or unknown; but in 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. Br. fol.* 128.) is he to whom a Judgment does not belong; and herein it is directly contrary to *Party* or *Privy.* See *Privy.*

Stray, i. e. *Si aliquod animal casu erraverit, & infra libertatem* Prioris *advenerit, & a Ballivis ejus captus fuerit, ducetur ad* Pynfoldam, *& ibi servabitur per unum annum & unum diem; si nemo illud clamaverit infra illud tempus, erit* Priori: *Si autem venerit quis, & legitime probaverit illud esse suum, habit pro quolibet pede unum denarium, & solvet expensas quæ factæ fuerant, & reabebit bestiam suam.* Ex Registro Priorat. de Cokesford. See *Estray.*

Stream-works (*Anno* 27 *Hen.* 8. *cap.* 23.) is a Kind of Work in the Stannaries. *Of these Mines or Tin-works* (says *Camden* in his *Britan. fol.* 184.) *there are two Kinds: The one called* Lode-works; *the other* Stream-works. *This lies in lower Grounds, where by Trenching they follow the Veins of Tin, and turn aside now and then the* Streams *of Water coming in their Way: The other is in high Places, where upon the Hills they dig very deep Pits, which they call* Shafts, *and undermine.*

Streberch, or **Sterberch,** (Sax. Stre, *Via,* and berice, *fractio,*) the Breaking, Turning, or Lessening of a Way. *LL. Hen.* 1. *cap.* 10. *occurrit* Streberch. There is a Mistake in this Derivation; for *Stre* is not a *Saxon* Word for *Via*: It rather comes from the Sax. Stret, i. e. *Platea,* and berice, *Ruptura.*

Streeman, (Sax.) id est, *Robustus, vel Potens vir.* Lelandi Coll. Vol. 2. pag. 188.

Streetgavel, or **Stretgavel,** i. e. *Quilibet tenens in Manerio de Cholinton dabit* 2 s. *pro itu & redit.* MS. de temp. E. 1. Every Tenant (*in Com. Sussex*) paid yearly 2 *s.* (for his going out, and returning into it) to the Lord of the Manor, by the Name of *Stretgavel. Mich.* 4 *Edw.* 1. *Coram Rege. Antiquity of Purveyance, fol.* 222.

Streteward was an Officer like our Surveyor of the Highways, or rather a Scavenger. 'Tis mentioned in the *Monasticon,* 2 *Tom. pag.* 187. *Idem Comes dedit præfato Nigello constabulario le* Streteward *& Marketzeld.*

Streteward. *Per* Streteward *Johannes Stanley, Ar. clamat quod Servientes pacis & Ministri sui infra Feodum de Aldford capere debent de quilibet fugo catallorum iv. d.* Rot. Plac. in Itinere apud Cestriam 14 Hen. 7. This Word is also found in several ancient Charters granted to the Bishops of *Hereford,* and register'd in the *Black Book* there. See *Marketzeld.*

Strigliare. See *Torcare.*

Strip, (*Strepitus,*) Destruction, Mutilation; from the Fr. *Estropier,* i. e. *Mutilare, detruncare redditus.* — *Strepitum & vastum facere,* i. e. To make *Strip* and Waste, or *Strop* and Waste. See *Estreapment.*

Strond, (Sax.) a Shore or Bank of the Sea, or a great River. *Richardus Rex. Notum fatimus vobis nos concessisse Deo & Sancto Albano Ecclesiæ Sancti Oswyni de Tynemouth, Cellæ S. Albani, & Monachis ibidem Deo servientibus, omnes terras suas & omnes homines suos cum Sacha, Soca,* Over Strond & Streme, on Wode & Felde, *Toll, Them, & Gribburg, Hamsocne, Murdrum & Forestal, Danegeld, Infangenethef, & Utfangenethef, Flemmenefrenieth, Boldwit, Wreck, &c.* Dat. 4 Nov. Anno 1 Regni nostri apud Cant. On Stronde & Streame, on Wode & Feld. — *Voci Angliæ veteres; & in antiquioris ævi Chartis crebro reperiæ; Priviligium sapiens; seu potius privilegii latitudinem sive amplitudinem, & ut Latine legantur, in litore, in fluvio, in sylva & Campo.* Gloss. in x. Scriptores.

Strumpet (*Meretrix*) was heretofore used for an Addition. *Jur. præsent. &c. Quod Johannes le Maynwaringe de Whatcroft de Com. Cestriæ Esq; Laurentius le Warenne de Davenham Esq; &c. Hugo de Sundebache Yoman, Hopkin Newman de Com. Cestr.* Husbond-

Knave,

Knave, *Willielmus le Birchewode de Clyve*, Knave, *cum plurimis aliis, & Agnes Cawes de Medio Wice de Comitatu Cestr.* Strumpet. — *Tali die domum Radulphi Madock vi & armis, — fregerunt, &c.* Tha. apud Cestriam, 6 Hen. 5. m. 2. in dorso.

Stud. *Libere, vendendi & emendi tam in Cestria, quam in Comitatu & Wicis, ubi non fuit Lex nulla, omnia sine* Toll & Stud, *praeter sal & equos, &c.* Mon. Angl. 2 Par. fol. 184 b. A *Stud* or *Stude* of *Mares*, is a Company of Mares kept purposely for breeding Colts; from the Sax. Scoomynd, i. e. *Equus ad stetum.*

Sturemannus & Stirmannus, a Steersman or Pilot of a Ship. *Rex, — omnibus* Sturemannis *& Marinellis & Mercatoribus Angliæ per mare itineramibus salutem.* — Rot. Pat. 9 Joh. m. 1. n. 3.

Struth. — *Per* Struth *clamat esse quiet. de exactione pecuniæ à singulis villis.* — *Per Vicecom Comit. Cestr.* Pl. in Itin. ibid. 14 Hen. 7. It is the same with *Sheriff-tooth*; which see.

Subharrare, i. e. *Arrhabone uxorem sibi disponsare.*

Quam sponsus subarrat prius arrhabone Subarrat.

Florence of *Worcester* tells us, That King *Alfred subarravit & duxit* a Noblewoman of *Mercia*, *Anno* 868.

Subdeacon is an ancient Officer in the Church. He is mentioned in the Apostolical Canons, *viz.* 42, 43. He was not made by Imposition of Hands, but by the Delivery of an empty Platter and Cup by the Bishop, and of a Pitcher, Bason, and Towel by the Archdeacon: His Office was to wait on the Deacon with the Linen on which the Body, *&c.* was consecrated, and to receive and carry away the Plate with the Offerings, and the Cup with the Wine and Water in it, *&c.* He is often mentioned in the Monkish Historians; and therefore I thought it proper to write so much of his Name and Office.

Subjugalis is any Beast carrying the Yoak *Ad caudam* Subjugales *traxerunt imaginem Crucis.* Mat. Paris. Anno 1249.

Subjurnare, *i. e.* To stay or stop any Thing for a Day or more. *Canes* subjurnare, *homines vel equos ire vel mittere in exercitum.* Mon. 2 Tom. pag. 1045. Where *Canes subjurnare* signifies To feed Dogs for a Day.

Sublegerius, one who is guilty of Incest; from the Sax. Syb, *Cognatio*, and Legen, *Concubitus*, or rather from the Sax. Syblegen, *i. e. Incestum.*

Submarshal (*Submarescallus*) is an Officer in the *Marshalsea*, 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. Jurisd. fol.* 104. He is otherwise called *Under-Marshal.*

Subornation, (*Subornatio*) a secret or underhand preparing, instructing or bringing in a false Witness; or corrupting or alluring unto Leudness. Hence *Subornation* of Perjury mentioned in the Act of *General Pardon*, 12 *Car.* 2. *cap.* 3. is the preparing, bringing in, or alluring unto Perjury. *Subornation* of Witnesses, 32 *Hen.* 8. *cap.* 9. 3 *Inst. fol.* 167.

Subpœna is a Writ whereby common Persons are called Into *Chancery*, in such Case only where the Common Law fails, and hath not provided, so as the Party, who in Equity hath Wrong, can have no ordinary Remedy by the Rules and Course of the Common Law: Many Examples whereof you may read in *West*, *Par.* 2. *Symbol. tit. Proceedings in Chancery*, *sect.* 18. But Peers of the Realm in such Cases are called by the Lord Chancellor's Letter, giving Notice of the Suit intended against them, and requiring them to appear. There is also a *Subpœna ad Testificandum*, which lies for the calling in of Witnesses to *testify* in any Cause, as well in *Chancery* as other Courts. And the Name of both proceeds from Words in the Writ, which charge the Party called, to appear at the Day and Places assigned, *sub pœna Centum librarum, &c.* *Cromp. Jurisd. fol.* 33. *Anno* 15 *Hen.* 6. *cap.* 4.

Subtitium Cathedraticum. See *Cathedratic.*

Subsidy (*Subsidium*) signifies an Aid, Tax, or Tribute, granted by Parliament to the King, for the urgent Occasions of the Kingdom, to be levied of every Subject of Ability, most commonly after the Rate of 4 *s.* in the Pound for Land, and 2 *s.* 8 *d.* for Goods.

I Do not find that the Saxon *Kings had any* Subsidies *collected after the Manner of those at this Day; but that they had many Customs whereby they levied Money of the People, or personal Service, towards the building and repairing of Cities, Castles, Bridges, Military Expeditions, &c. which they called* Burgbote, Brigbote, Herefare, Heregeld, &c. *But when the* Danes *oppressed the Land, King* Egelredus *in the Year* 1007 *yielded to pay them for Redemption of Peace* 10000 l. *which afterwards was encreased to* 36000 l. *then to* 113000 l. *and at last to a yearly Tribute of* 48000 l. *This was called* Danegeld, *i. e.* Danica solutio. *And for levying it, every Hide of Land, that is, every Plough-land, was cessed* 12 *d. yearly, the Church-Lands excepted: And thereupon it was after called* Hydagium, *which Name remained afterward upon all Taxes and Subsidies imposed upon Lands; for sometimes it was imposed upon Cattle, and was then called* Hornegeld. *The* Normans *called both these sometimes, according to the* Latin *and* Greek *Word*, Taxes; *sometimes, according to their own Language*, Tallagium, *of* Tailer, *to cut, or divide; and sometimes, according to the Word usual beyond the Seas*, Auxilia & Subsidia. *The Conqueror had these Kinds of Taxes or Tallages, and made a Law for the manner of levying them, as appears in* Emendationibus ejus, pag. 125. Sect. *Volumus & hoc firmiter, &c.* After the Conquest these *Subsidies* seem to have been granted in other Manner than now they are; as every ninth Lamb, every ninth Fleece, and every ninth Sheaf. *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 20. Of which you may see great Variety in *Rastal's Abr. Tit. Taxes, Tenths, Fifteenths, Subsidies*, and 4 *Inst. fol.* 28, & 33. Whence you may conclude there is no certain Rate, but as the Parliament shall think fit. *Subsidy* is in our Statutes sometimes confounded with *Custom.* *Anno* 11 *Hen.* 4. *c.* 7. See *Benevolence*, and 15 *Car.* 2. *cap.*

Substernum, Litter for a Horse. *Gervase of Tilbury* mentions one that was fed with Bread in a silver Manger, and had a Cushion stuffed with Feathers *pro Substernio.* *Du Cange.*

Suburbani are Husbandmen. *Mon. Tom.* 2. *pag.* 969. *Et terram duarum bercariarum quam pastores tenent, & sex* Suburbanos *tunc alodii, sui, &c.*

Succisiones Arborum, the Croppings of Trees. *Et prædictus G. habebit* Succisiones Arborum *ad includendum prædictum Messuagium, &c.* Charta Jo. Bayly, dat. 2 Hen. 5.

Sucking. *Per* Sucking, *hoc est fere quiet. de illis amerciamentis quando* le Burlimen, *id est, supervisores del Ringsend, id est, Clausur. quæ voc. le* Chiminfeldes *vel* common Medows, *& præmunit. fuerint ad imparcand. & faciend. clausuras illas simul cum vicinis suis, ille qui non venit ad talem præmonitionem amerciatus erit ad pretium unius vomeris, Anglice* a Suck, *pretii quatuor denar. & hoc quotiescunque præmunit. non venerit.* Pla. in Itin. apud Cestriam, 14 Hen. 7.

Suga, *i. e.* a Ditch.

Sufferentia. (*Pro quadam* Sufferentia *pacis cum illis Babuda, per unum annum duratura.* Claus. 16 Edw. 3. pag. 2. m. 26.) seems to signify a a Truce.

Suffragan (*Suffraganus, Chorepiscopus*) is a titular Bishop, ordain'd to assist the Bishop of the Diocese in his Spiritual Function. Sir *Edw. Coke,* (2 *Inst. fol.* 79.) calls him a Bishop's Vicegerent. *Dicuntur (Episcopi) qui Archiepiscopo suffragari & assistere tenentur,* says *Spelman. Et* Suffraganei *dicuntur, quia eorum suffragiis causa Ecclesiasticæ judicantur.* It was enacted, (*Anno* 26 *Hen.* 8. *cap.* 14.) that it should be lawful for every Diocesan, at his Pleasure, to elect two honest and discreet spiritual Persons within his Diocese, and to present them to the King, that he might give the one of them such Title, Style, Name, and Dignity of such of the Sees in the said Statute specified, as he should think convenient, *&c.* and that every such Person shall be called *Bishop Suffragan* of the same See, *&c. Camden,* in his *Britan. tit. Kent,* speaking of the Archbishop of *Canterbury*'s Suffragans, says, When the Archbishop is busied in weightier Affairs, they manage for him Matters that pertain to Order only, and not to the Episcopal Jurisdiction. Others call them *Subsidiary Bishops*; whose Number is limited by the said Statute.

Suit, or **Sute,** (*Secta,* Fr. *Suite,* i. e. *Consecutio, sequela,*) signifies a Following another; but in divers Senses: The *First* is a *Suit in Law,* and is divided into *Suit real* and *personal*; which is all one with Action real and personal. 2*dly, Suit of Court,* or *Suit of Service,* is an Attendance which a Tenant owes to the Court of his Lord, (*Anno* 7 *Hen.* 7. *cap.* 2.) 3*dly, Suit-Covenant* is when your Ancestor has covenanted with mine to *sue* to his Court. 4*thly, Suit-Custom,* when I and my Ancestor's owe *Suit* Time out of Mind. 5*thly, Suit-real* or *regal,* when Men come to the Sheriff's Turn or Leet. 6*thly, Suit* signifies the Following one in Chase, as *Fresh-Suit, West.* 1. *cap.* 49. *Lastly,* it signifies a Petition made to the King, or any great Person.

Suit of Court, that is, *Suit to the Lord's Court,* is that Service which the Feudatory Tenant was bound to do at the Lord's Court. At first it was expressly mentioned in the Grant how often those Courts should be held. This appears by *Fleta, lib.* 2. *cap.* 71. *par.* 14. *Qui faciant Sectas ad Curiam Domini & quot Sectas per Annum.* Sometimes one or more, but never exceeding three. *Thorn* mentions two, *viz. Et faciant sectam ad Curiam Cantuariæ bis per Annum, scilicet in festo Michaelis & Pasche.* But all the Lord's Tenants were not bound to attend his Courts, but only those to whom their Estates were granted upon that Condition: But every Man was bound to attend the Sheriff's Turn twice in every Year; which see in *Secta Regalis.* And if the Inheritance, by reason whereof the Tenant was bound to attend only at one Court, did descend to Coheirs, he who had *capitalem Partem* was bound to attend the Lord's Court both for himself and all the Coheirs.

Suit of the King's Peace (*Secta Pacis Regis*) is the Pursuing a Man for Breach of the King's Peace by Treasons, Insurrections, or Trespasses. *Anno* 6 *Rich.* 2. *Stat.* 2. *cap.* 1. and 27 *ejusdem, cap.* 15. and 5 *Hen.* 4. *cap.* 15.

Suit-silver. See *Sute-silver.*

Sulherp (from the Sax. Suth, i. e. *Aratrum,*) signifies a Plough-Land. 1 *Inst. fol.* 5. *a.*

Sulina, a Beam. From the Sax. Syl, *Columna.* 'Tis mentioned about the Building Monasteries and Churches in many Authors; and is that which we call a Summer. *Trabs Summaria,* i. e. *Præcipua.*

Sullingata, the same with *Swolings. Et nunc defendebatur illud mansurium pro una* Sullingata *terræ.* Thorn. pag. 1931.

Sullings, by Sir *Edw. Coke,* (in 1 *Inst. fol.* 4. *b.*) are taken for *Alders,* i. e. *Alni arbores.* But *quære*; for *Sullings* are the same with *Swolings,* which see.

Summage, or **Summage,** (*Summagium & Summagium,* a Horse-load,) Toll for Carriage on Horse-back. *Cromp. Jur. fol.* 91. *Forestarius capiat, — pro uno equo qui portat* Summagium, *per dimidium anni, obolum, — Charta de Foresta, cap. antepenult. & Char. Edw.* 1. *numb.* 17.

Summeter del Roy. Perhaps the Kings Sumpter-man. q.

Summa, a Seam or Horse-load. In some Places a Seam of Corn is reckon'd eight Strikes; in others (more properly) but four. Summa vini. — *Md. quod Anno Domini* 1242. *sedata est discordia, quæ orta fuit inter Dominum Robertum le Wafre mil. ex parte una & Dominum Reginaldum Priorem Bteccu. ex altera, super quodam angulo terræ de Handtet de — debit unam* Summam vini — *Et si forte delinquens non habet unde solvat, jacebit in Carcere Domini sui per unum mensem,* &c. A Seam or Horse-load of Wine.

Summage. See *Sumage* and *Seme.*

Summarius equus, (see *Sagmarius, &c.*) a Horse to carry Burthens. From *Summa, Onus.*

Summoneas is a Writ Judicial of great Diversity, according to the divers Cases wherein it is used; which see in the Table of the Reg. *Judicial.*

Summoner (*Summonitor*) is a small Officer that calls or cites Men to any Court. These ought to be *boni homines,* that is, in *Fleta*'s Judgment, *Liberi homines, & ideo boni, quia terras tenentes, quod sint coram talibus Justiciariis ad certos diem & locum, secundum mandatum Justiciariorum vicecomiti directum, parati inde facere recognitionem.* Lib. 4. cap. 5.

Summons (*Summonitio*) signifies with us as much as *Vocatio in jus,* or *Citatio* among the Civilians; and thence is our Word *Summer,* which in *French* is *Semoneur,* (i. e. *Vocator, Monitor.*) *Summons* of the Exchequer, *Anno* 3 *Edw.* 1. *cap.* 19. How *Summons* is divided, and what Circumstances it has to be observed, see *Fleta, lib.* 6. *c.* 6, 7.

Summons 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) seeks to have.

Summons ad Warrantizandum, (*Dyer, fol.* 69. *numb.* 35.) *Summoneas ad Warrantizandum,* is the Process whereby the Vouchee is called. See *Coke on Litt. fol.* 101. *b.*

Sumptuary Laws are Laws made to restrain Excess in Apparel, and prohibit costly Cloaths, of which we have anciently had many in *England*; but all repealed, *Anno* 1 *Jac.* (see 3 *Inst. fol.* 199.) as *Obsolete.*

Superfodere for *Superfidere*, To give too much Credit to any Thing.

Super-institution, (*Superinstitutio*) one *Institution* upon another; as, where *A.* is admitted and instituted to a Benefice upon one Title, and *B.* is admitted, instituted, &c. by the Presentment of another. See *Hutchin's* Case in *Croke's Rep.* 2 *Par. fol.* 463.

Super-jurare. When a Criminal endeavour'd to excuse himself by his own Oath, or by the Oath of one or two Witnesses, and the Crime was so notorious that he was convicted by the Oaths of many more Witnesses; this was called *Superjurare* In *Leg. H.* 1. *cap.* 74. *Et qui culpam exigit de fure occiso, eat se tertio, ut duo sint de cognatione patris, & tertius de cognatione matris, & juret quod in cognato suo nullum factum erat pro quo de vita forisfactus esset, & eant alii cum duodecim* & Superjurent *eum in contaminationem sicut ante dicebatur.* Leg. Athelstan, cap. 16.

Superoneratione Pasturæ is a Writ Judicial that lies against him who is impleaded in the County for the over-burthening a Common with his Cattle, in Case where he was formerly impleaded for it in the County, and the Cause is removed into the King's Court at *Westminster.*

Super prerogativa Regis is a Writ which lay against the King's Widow for marrying without his Licence. *Fitz. Nat. Br. fol.* 173.

Supersedeas is a Writ that lies in divers Cases, and signifies in general a Command to stay or forbear the doing that which ought not to be done, or, in Appearance of Law, were to be done, were it not for the Cause whereon the Writ is granted. For Example: A Man regularly is to have Surety of Peace against him of whom he will swear he is afraid, and the Justice (if required) cannot deny it: Yet, if the Party be formerly bound to the Peace, either in Chancery, or elsewhere, this Writ lies to stay the Justice from doing that which otherwise he might not refuse. See the Table of the *Reg. of Writs*, and *Fitz. Nat. Br. fol.* 236. For preventing the *superseding* Execution, see the Statute 16 & 17 *Car.* 2. *cap* 8.

Supersedere is a Word used in the Laws of *Adelstan*, *Canutus*, and in *Brompton*; and signifies To neglect to appear in Court, and plead. *Si quis Gemotum adire* Supersedeat, *tur emendet overhernissam* Leg. Adelstan, cap. 25. Leg. Canuti, 2 Par. c. 26. Bracton, lib. 5. cap. 1.

Super Statuto Edw. 3. versus Servants and Labourers is a Writ that lies against him who keeps my *Servants*, departed out of my Service against Law. *Fitz. Nat. Br. fol.* 176.

Super Statuto de Victuallers, quo nul serra viteller, &c. 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. *Fitz. Nat. Br. fol.* 172.

Super Statuto, 1 *Edw* 3. *cap.* 12, & 13. is a Writ that lay against the King's Tenant holding in Chief, who alienated the King's Land without his Licence. *Fitz. Nat. Br. fol.* 175.

Super Statuto facto pour Senechal & Marshal de Roy, &c. is a Writ lying against the Steward or Marshal for holding Plea in his Court, of Freehold, or for Trespass, or Contracts not made within the King's Houshold. *Fitz. Nat. Br. fol.* 241.

Super Statuto de articulis Cleri. *cap.* 6. is a Writ against the Sheriff, or other Officer, that distrains in the King's Highway, or in the Glebe-land, anciently given to Rectories. *Fitz. Nat. Br. fol.* 173.

Supervisor, (*Lat.*) a Surveyor or Overseer. It was anciently, and still is, a Custom among some, especially of the better Sort, to make a *Supervisor* of a Will, an Office or Title (as it is now carelessly executed) to little purpose, and of as little use; however the Intendment may be good, *viz.* That he should *supervise* the Executors, and see the Testator's Will punctually performed.

Supervisor of Highways (*Anno* 5 *Eliz. cap.* 13.) is otherwise called *Surveyor.* See *Surveyor.*

Supplicavit is a Writ issuing out of the Chancery, for taking the Surety of Peace against a Man; It is directed to the Justices of Peace and Sheriff of the County, and is grounded upon the Statute 1 *Edw.* 3. *cap.* 16. which ordains, That certain Persons shall be assigned by the Chancellor, to take care of the Peace. See *Fitz. Nat. Brev. fol.* 80. This Writ was of old called *Breve de minis*, as *Lam.* in his *Eiren.* notes out of *Reg. of Writs, fol.* 88.

Surcharge of the Forest (*Superoneratio Forestæ*) is, when a Commoner puts more Beasts in the Forest, than he has Right unto. *Manwood, Par.* 2. *cap.* 14. *numb.* 7. and is taken from the Writ *De secunda superoneratione pasturæ* in the same Sense, when the Commoner surchargeth. 3 *Inst. fol.* 293.

Sur cui in vita is a Writ that lies for the Heir of that Woman, whose Husband has alienated 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. *Fitz. Nat. Br. fol.* 193.

Surety of Peace, (*Securitas pacis*, so called, because the Party that was in fear is thereby *secured*) is an acknowledging a Bond to the Prince, taken by a competent Judge of Record, for the keeping of the *Peace.* This *Peace* a Justice of Peace may command, either as a Minister, when he is willed so to do by a higher Authority, or as a Judge, when he does it of his own Power, derived from his Commission. Of both these see *Lamb. Eiren. lib.* 2. *cap.* 2. *pag.* 77. See *Peace* and *Supplicavit.* It differs from *Surety of good abearing* in this, That whereas the Peace is not broken without an Affray, Battery, or such like; *Surety de bono gestu* may be broken by the number of a Man's Company, his Weapons or Harness.

Sur lui jur, *i. e.* upon his Oath. *Leg. Will.* 1. *cap.* 16.

Surplusage (Fr. *Surplus*, i. e. *Corollarium, additamentum*) signifies a Superfluity or Addition more than needs, which sometimes is a Cause that a Writ abates. *Brooke, tit.* Nugation & Superfluity, *fol.* 100. *Plowden, Casu, Dives contra Maningham, fol.* 63. *b.* It is sometimes also apply'd to matter of Accompt, and signifies a greater Disbursement than the Charge of the Accomptant amounts unto: *Satisfaciant in omnibus quod conjunctum fuerit per prædictum computum inter eos de* surplusagio *recepto de averiis venditis*, &c. Ordinatio de marisco Romeneiensi. *Pa.* 38.

Surrebutter, a second *Rebutter*; or a *Rebutting* more than once. See *Rebutter.*

Surrejoinder is a second Defence of the Plaintiff's Action, opposite to the Defendant's *Rejoinder. West, Par.* 2. *Symbol. tit.* Supplications. *Sect.* 57. And therefore *Hotoman* calls it *Triplicationem, quæ est secunda Actoris defensio, contra Rei duplicationem apposita.*

Surrender (*sursum redditio*) is an Instrument in Writing, testifying with apt Words, that the particular Tenant of Lands or Tenements for Life

or Years, does sufficiently consent and agree, that he, who hath the next or immediate Remainder or Reversion thereof, shall also have the present Estate of the same in Possession, and that he yields and gives up the same unto him: For every *Surrender* ought forthwith to give a Possession of the Thing surrendred. *West, Par.* 1. *lib.* 2. *sect.* 503. where you may see divers Precedents. And a *Surrender* may be of Letters Patent to the King, to the end he may grant the Estate to whom he pleaseth. But there may be a *Surrender* without writing; and therefore there is said to be a *Surrender in Deed*, and a *Surrender in Law*: The first is that which is really and sensibly performed; the other is in Intendment of Law, by way of Consequent, and not actual. *Perkins, Surrender, fol.* 696 As if a Man have a Lease of a Farm, and during the Term, he accepts of a new Lease, this Act is in Law a *Surrender* of the former. *Coke's* 6 *Rep. fol.* 11. *b.* There is also a *Customary Surrender* of Copyhold Lands, for which see *Coke on Littl. sect.* 74.

Surrogate, (*Surrogatus*) one that is substituted or appointed in the room of another, most commonly of a Bishop, or the Bishop's Chancellor.

Sursise (*Supersisæ*) 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 Duties or Rent for *Castleward*, at their Days. *Anno* 32 *Hen.* 8. *cap.* 40. *Bracton* hath it in a general signification, *Lib.* 5. *tract.* 3. *cap.* 1. *numb.* 8. and *Fleta, lib.* 6. *cap.* 3.

Surveyor (*Supervisor*) is compounded of two *French* Words, *Sur*, i. e. *Super* and *Voir*, i. e. *Cernere, intueri*) signifies one that hath the Over-seeing, or Care of some great Person's Lands or Works. As the *Surveyor General* of the King's Manors. *Cromp. Jurisd. fol.* 106. And in this signification it is taken, *Anno* 33 *Hen.* 8. *cap.* 39. where there is a Court of *Surveyors* erected.

Surveyor of the King's Exchange (*An.* 9 *Hen.* 5. *Stat.* 2. *cap.* 4.) was an Officer, whose Name seems in these Days to be changed into *Surveyor* of the Meltings in the *Tower*; or the Office it self (being very ancient, legal and profitable for the Common-wealth) disused.

Survivor (from the Fr. *Survivre*, i. e. *Superesse*) signifies the longer Liver of two Joint-Tenants. See *Brook, tit. Joint-Tenants, fol.* 33. or of any two joined in the Right of any Thing.

Sufana terra is Land worn out with ploughing, 'Tis mentioned in *Thorn de terrâ mensuratâ*, viz. *Summa terræ arabilis* 567 *acræ, Summa totius cum terrâ Sufanâ* 2149 *Acræ, &c.* and in several other Places there.

Suscematæ Carnes, surfeited Meat: 'Tis mentioned in *Fleta, lib.* 2. *cap.* 12. *par.* 27. *De coquis & carnificibus carnes venditantibus* fuscematas *vel de morinâ vel semicoctâ, &c.* 'Tis called in *Briton, pag.* 33. *Chars surfames.*

Suskin. See *Galli half-pence.*

Suspense or **Suspension** (*Suspensio*) is a Temporal stop, or hanging up, as it were, of a Man's Right; as when a Seigniory, Rent, *&c.* by reason of the Unity of Possession thereof, and of the Land out of which they issue, are not *in esse* for a Time, *& tunc dormiunt*, but may be revived or awaked; and it differs from *Extinguishment*, which dies for ever. *Coke on Littl. lib.* 3. *cap.* 10. *sect.* 559. *Brook, tit.* Extinguishment *and* Suspension, *fol.* 314. *Suspension* is also sometimes used by us, as it is in the Canon Law, *pro minori Excommunicatione, Anno* 24 *Hen.* 8. *cap.* 12.

Suspensio ab Officio is when a Minister for a Time is declared unfit to execute his Office.

Suspensio a Beneficio is when a Minister for a Time is deprived of the Profits of his *Benefice.*

Suspiral (from the Lat. *Suspirare*, i. e. *Ducere suspiria*) seems to be a Spring of Water, passing by Pipes under Ground toward a Conduit or Cistern, *Anno* 35 *Hen.* 8. *cap.* 10.

Sutt: See *Suit.*

Sute-silver is a small Rent or Sum of Money, which, if paid, does excuse the Freeholders from their Appearance at the Court-Barons within the Honour of *Clun* in *Shropshire.*

Suthdure, *i. e.* the *South* Door of a Church: 'Tis mentioned in *Gervas. Dorob. de reparatione Cantuar. Ecclesiæ*, and it was the usual Place were Canonical Purgation was performed; that is, where the Fact could not be proved by sufficient Evidence, the Party accused came to the *South Door* of the Church, and there in the Presence of the People, made Oath, That he was innocent. This was called *Judicium Dei*, and so was the vulgar Purgation, which was by Fire or Water: *Ostium Ecclesiæ quod antiquitus ab Anglis & nunc usque* Suthdure *dicitur, in quibus omnes querelas totius regni quæ in hundredis & Comitatibus, uno vel pluribus, vel certè in Curiâ Regis, non possunt legaliter diffiniri, finem inibi sicut in Curiâ Regis Summi, sortiri debere discernitur. Gervas. Dorob. de reparatione Ecclesiæ Cantuar.* 'Tis for this Reason, that Porches are built at the *South Door* of the Church.

Swan-herd. See *King's Swan-herd.*

Swanimote or **Swainmote**, (*Swainmotus*) from the *Sax.* Swan, i. e. (as we now call our Rusticks) a Country *Swain*, a *Boclandman*, a Freeholder, and gemote, i. e. *Conventus*; (the *Sax.* g, being usually turned into *i* or *y*) signifies a Court, touching Matters of the Forest, kept by the Charter of the Forest thrice in the Year before the *Verderors*, as Judges. *Anno* 3 *Hen.* 8. *cap.* 18. What Things are inquirable in the same you may read in *Cromp. Jurisd. fol.* 180. And is as incident to a Forest, as a Court of *Piepowder* to a Fair. See *Lambard's Explication* of Saxon Words, *verbo*, Conventus—*Nullum* Swainmotum *de cætero teneatur in Regno nostro, nisi ter in Anno, viz. In Principio quindecim dierum ante Festum Sancti Michael. &c. Circa Festum S. Martini, & initio quindecim dierum ante Festum Sancti Johannis Baptistæ, &c.* Charta de Foresta tam Regis Johan. quam Hen. 3. cap. 9. See 4 *Inst. fol* 289.

Swarff-money. The Swarff-Money is one penny half-peny, it must be paid before the rising of the Sun, the Party must go thrice about the Cross, and say the Swarff-Money, and then take witness, and lay it in the hole; and when ye have so done, look well that your witness do not deceive you; for if it be not paid, ye give a great forfeiture, xxx s. and a White Bull. This Exposition was found in an old MS. containing the Rents due to the *Catesbies* in *Lodbroke* and other Places in *Warwickshire.* But conceived to be mistaken for, or to signifie the same with, *Warth-Money.* See *Ward-Peny.*

Swepage (*Coke on Littl. fol.* 4. *b.*) is the Crop of Hay got in a Meadow, called also the *Swepe* in some Parts of *England.*

Swoling or **Suling of Land** (*Sulinga, Solinga, vel Swolinga terræ*) Sax. Sulung, from ful *vel* ful, i. e. *Aratrum*, as to this Day in our *Western* Parts, a Plough is called a *Sulsow*, and a Plough-staff,

staff, a *Sul-paddle*) is the same with *Carucata terræ*, that is, as much as one Plough can till in a Year; an Hide of Land; others say, it is *Quantitas incerta. Dedit etiam idem inclitus Rex Willielmus* (Conquestor) *eidem Ecclesiæ de* Bello *in Cantia, Regale Manerium, quod vocatur* Wy, *cum omnibus appendiciis suis septem* Swolingarum, *id est, Hidarum, ex sua Dominica Corona, cum omnibus libertatibus & regalibus consuetudinibus, &c.* Rentale MS. de Wy tempore Ven. Patr. Tho. Ludlowe Abbatis, fol. 1. ——*Terram trium aratrorum, quam Cantiani Anglice dicunt* Three Swolings. Charta pervetusta Eccles. Cantuar. de qua vide Somnerum in Antiquitat. loci, pag. 211. This in *Selden's Titles of Honour, fol.* 636. is written *Swillinga.*

Syb and Som, (Sax.) *Pax & securitas.* —Ballum Cnyrdrum Mannum syb and som gemene, id est, *Omnibus Christianis Pax & securitas communis esto.* LL. Eccles. Canuti Regis, cap. 17.

Sylva Cædua, (*Lat.*) Wood under Twenty Years growth: Coppice-wood. See the Stat. 45 *Edw.* 3. *cap.* 3. it is otherwise called *Subbois.* 2. *Inst. fol.* 642.

Symbolum, (*Gr.*) is the Apostles Creed, in Latin *Collatio*, because the Catholick Faith was by them *in unum collata*: 'Tis often called by this Name in our Historians, and thus described in the following Verses, which for their Curiosity I have transcribed.

Articuli fidei sunt bisex corde tenendi,
Quos Christi Socii docuerunt pneumate pleni;
Credo Deum Petrus inquit, ego cuncta creantem,
Andreas dixit, credo Jesum fore Christum.
Conceptum, natum Jacobus, passumque Johannes,
Infernos, Philippus, fregit, Thomasque, revixit,
Scandit, Bartholomeus, veniet censere, Matheus,
Pneuma, minor Jacobus, Sancta, peccata remittit,
Restituet, Judas, carnem, vitamque, Mathias.

Syncopare, *i. e.* to cut his Words short, to pronounce them so as not to be understood: the Word is used in several of our Ecclesiastical Councils and Synods. *Ita quod ex festinatione nimia verba non præcidantur vel* syncopentur. Concilium Sarisb. cap. 36. Synod Wigorn. cap. 10.

Syndicus, *i. e.* a Patron or Advocate: 'Tis mentioned in *Matt. Paris, Anno* 1245. *Syndicus omnium Christianorum terræ Sanctæ, &c.*

Synod, (*Synodus*) a Meeting or Assembly of Ecclesiastical Persons for the Cause of Religion; of which there are four Kinds. 1. *A General, Oecumenical*, or *Universal Synod*, or *Council*, where Bishops, *&c.* of all Nations meet. 2. *A National Synod*, where those of one only *Nation* meet. 3. *A Provincial Synod*, where Ecclesiastical Persons of one only Province meet. 4. *A Diocesan Synod*, where those of but one *Diocess* meet. See *Convocation*, which is the same Thing with a *Synod*; this being a *Greek*, that a *Latin* Word. Our *Saxon* Kings usually called a *Synod*, or mixt Council, consisting both of Ecclesiasticks and the Nobility, three times a Year; which was not properly called a *Parliament* till *Henry* the Third's Time. See *Parliament.*

Synodal (*Synodale*) is a Censer or Tribute in Money paid to the Bishop or Archdeacon by the Inferior Clergy, at *Easter* Visitation; and it is called *Synodale* or *Synodaticum, quia in Synodo frequentius dabatur.* The Impropriation of *Derehurst* in *Com. Glocc.* pays yearly vii.s. ix.d. *pro Synodalibus & Procurationibus.* Pat. 20 Julii, 34 Hen. 8. —— *Et quod sint quieti a* Synodalibus, *& ab omni Episcopali consuetudine, excepto denario Beati Petri.* Mon. Angl. 2 Par. fol. 276. b. See *Historical Discourse of Procurations and Synodals, pag.* 66 & 98. These are called otherwise *Synodies* in the Statute of 34 *Hen.* 8. *cap.* 16. In the Statute of 25 *Hen.* 8. *cap.* 19. *Synodals Provincial* signifie the Canons or Constitutions of a *Provincial Synod.* And sometimes *Synodale* is used for the *Synod* it self. See *Dugd. Warwickshire, fol.* 126. and *Spelm. de Concil.* 1 *Tom. f.* 529.

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 the Left Thumb. *Anno* 4 *Hen.* 7. *cap.* 13.

Tabardum, a long Garment like a Gown; sometimes it signified a Herald's Coat, but generally a Gown wore by Ecclesiasticks. *Fratres sacerdotes dicti Hospitalis habeant unam robam integram, tunicam, supertunicam,* Tabardum *& capucium, nigri coloris.* Matt. Paris, pag. 164.

Tabellion, (*Tabellio*) a Notary Publick or Scrivener, allowed by Authority to engross and register private Contracts and Obligations: His Office in some Countries did formerly differ from that of *Notary*, but now they are grown or made one. *Quoniam* Tabellionum *usus in Regno Angliæ non habetur, propter quod magis ad Sigilla authentica credi est necesse, ut eorum copia facilius habeatur, statuimus, ut Sigillum habeant non solum Archiepiscopi & Episcopi, sed eorum Officiales.* Matth. Paris, fol. 454. de Anno 1236.

Table-rents (*redditus ad mensam*) were the same with *Bordland-rents.* See *Bordlands.*

Tabling of Fines is the making a *Table* for every County where his Majesty's 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 Deforceant, and of every Manor named in the *Fine.* This is properly to be done by the Chirographer of Fines of the *Common Pleas*, who, every Day of the next Term, after the ingrossing any such *Fine*, does fix every of the said *Tables* in some open Place of the said Court, during its Sitting. And the said Chirographer is to deliver to the Sheriff of every County, his Under-Sheriff or Deputy, fair written in Parchment, a perfect Content of the *Table*, so made for that Shire in the Term next before the Assizes, or else between the Term and the Assizes, to be set up every Day of the next Assizes in some open Place of the Court, where the Justices sit, to continue there so long as they shall sit. *&c.* If either the Chirographer or Sheriff fail herein, he forfeits 5 *l.* And the Chirographer's Fee for every such *Tabling* is 4 d. *Anno* 23 *Eliz. cap.* 3.

Tabur, (*Taburcium*) a Bell used in Time of War: 'Tis mentioned in *Dicetus*, and several other Historians, *viz. Juxta sonum illius instrumenti quod Ripatoribus vocatur* Tabur. Rad de Diceto, pag. 1191. And in *Huntingdon, lib.* 7. *Equi non insolitum ferebant clamorem, buccinarum clangorem & ictus* Taburciorum, *&c.*

Tactare for *Confirmare*, Fleta, lib. 2. cap. 61 par. 22.

Tacfre —— *Cum Housbold & Haybold &* Tacfre *de omnibus propris porcis suis infra omnes metas de Cockshul*, &c. Charta Domini Tho. de Menylgaring, sine dat. We still retain the Word *Tacksfree*, a little

little altered, that is, they paid nothing for their Hogs running within that Limit.

Tadcaster. See *Calcaria.*

Taffe. See *Ratostibius.*

Tail (Fr. *Taille*, i. e. *Sectura*) signifies two Things grounded upon one Reason, (*Plowden, Casu Willion. fol.* 251.) First, It is used for the Fee, which is opposite to Fee-simple, by reason it is so *minced*, (as it were) or *pared*, that it is not in the Owner's free Power to dispose, but is by the first Giver *cut* or divided from all others, and tied to the Issue of the Donee. *Coke, lib.* 4. *in Proœmio.* And this limitation or *Tail* is either *General* or *Special.*

Tail General is that whereby Lands or Tenements are limited to a Man, and to the Heirs of his Body begotten; and it is *General*, because how many Women soever the Tenant holding by this Title, shall take to be his Wives one after another, his Issue by them all have a Possibility to inherit one after another.

Tail Special is that whereby Lands or Tenements are limited to a Man and his Wife, and the Heirs of their two Bodies begotten; because, if the Man bury his Wife before Issue, and take another, the Issue by his second Wife cannot inherit the Land. Also, if Land be given to *A.* and his Wife *B.* and to their Son *C.* for ever; this is *Tail Special.* See *Fee*, and *Littl. lib.* 1. *cap.* 2. and *New Book of Entries, verbo Tail.*

Tail in the other signification, is that we vulgarly call a *Talley*: *Une Tallie de Bois* is a cloven piece of Wood to nick up an Accompt upon: For in the Stat. 10 *Edw.* 1. *cap.* 11. it is termed a *Tail*, and so in *Brook's Abridg. tit. Tail d'Exchequer, fol.* 247.

Tailage. See *Tallage.*

Tailes, (*Talliæ*) Fr. *Taille*, Ital. *Tagliare*, i. e. *scindere*) a cut Stick, *i. e.* a Stick cut in two Parts: On each was mark'd what was due between Debtor and Creditor; and this was the ancient way of keeping Accompts: Afterwards it signified a Tribute paid by the Vassal to the Lord: From hence comes *Tallagium*, which signifies any sort of Tax.

But in the *feudal* Law, *Talliare* signifies to limit or cut: From the French *Tailler* to cut, so that *Talliare feodum* is to limit a Fee-Simple, which we call a Fee-Tail; that is, a limited Inheritance to such only who are named in the Grant.

There are two sorts of *Tallies* mentioned in our Statutes, and long used in the Exchequer. The one *Tailes of Debt*, (*Anno* 1 *Rich.* 2. *cap.* 5.) which are a kind of Acquittance for Debt paid to the King. For example, The University of *Cambridge* pays yearly 10 *l.* for such Things as are by their Charter granted them in Fee-Farm, 5 *l.* at the *Annunciation*, and 5 *l.* at *Michaelmas*. He that pays these, receives at each Day a *Tail* or *Talley* for his Discharge; with both which, (or Notes of them) he repairs to the Clerk of the Pipe Office, and there instead of them receives an Acquittance in Parchment for his full Discharge. The other, *Tails of Reward*, (mentioned *Anno* 27 *Hen.* 8. *cap.* 11. and in other Statutes) which seem to be *Tails* or *Tallies* of Allowance or Recompence made to Sheriffs, for such Matters as (to their Charge) they have performed in their Office, or such Money as they by course have cast upon them in their Accompts, but cannot levy, &c. See *Anno* 2 & 3 *Edw.* 6. *cap.* 4.

There are also *Tallies* of Debt used among Subjects. —— *Et si creditor habeat* Talleam, *oportet creditorem probare illam per convicinos suos vel per alios, per quorum fidelitatem Balivi & alii præsentes illo tempore in Curia notitiam habere possunt, & si creditor petat debitum per vocem suam simplicem, tunc debitor potest esse ad suam legem manifestatam.* MS. Codex de LL. Statutis, &c. Burgivillæ Mountgomer. a Temp. Hen. 2.

Tailla, Under-wood fit to cut: *Et* 300 *Acras silvæ pastitis modo val.* 6 lib & Tailla, 40 *Sol.* Domesday.

Taini or **Thaini mediocres** were Freeholders, and sometimes called *Milites Regis*, and their Land called *Tain-land.* 1 *Inst. fol.* 5. *b.* See *Thane.*

Taint (*Attinctus*, Fr. *Tainct*, i. e. *Infectus*, *Tinctus*) signifies either a Conviction; or a Person convict of Felony or Treason, &c. See *Attaint.*

Tales (a *Latin* Word of known signification) is used for a Supply of Men, impanelled on a Jury of Enquest, and not appearing, or at their Appearance, challenged by either Party, as not indifferent; in which Case, the Judge, upon Motion, grants a Supply to be made by the Sheriff of one or more such their present, equal in Reputation to those that were impanelled. Whereupon the very act of supplying is called a *Tales de Circumstantibus.* But he that hath had one *Tales*, either upon Default or Challenge, may not have another to contain so many as the former: For the first *Tales* must be under the principal *Panel*, except in a Cause of Appeal, and so every *Tales* less than other, until the number be made up of such as are without Exception: Yet you may find some Exceptions to this general Rule in *Staundf. Pl. Cor. lib.* 3. *c.* 5. These commonly called *Tales* or *Taksmen*, corruptly *Tally-Men*, may in some sort be, and indeed are, called *Meliores*, *viz.* When the whole Jury is challenged, as appears by *Brook, tit. Octo tales & auter tales, fol.* 105.

Tales is also the Name of a Book in the *King's Beneb* Office (*Coke, lib.* 4. *fol.* *b.*) of such Jury Men as were of the *Tales.*

Talia corylina, *i. e.* Tallies made *ex corylo arbore.* Knighton, pag. 2570.

Tallage, (*Tallagium*) From the Fr. *Taillie*, which originally signifies a Piece cut out of the Whole, and metaphorically a Share of a Man's Substance paid by way of Tribute, Toll or Tax. Stat. *De Tallagio non concedendo, Tempore Edw.* 1. And *Stow's Annals, pag.* 445. Thence comes *Tailagiers* in *Chaucer* for *Tax* or *Toll-gatherers.* See *Subsidy.* These *Tallages* were anciently called **Cuttings**, which Word is still retained in *Ireland*, in a not much different Sense. *Tallage* (says Sir *Edward Coke*) is a general Word, and includes all *Taxes.* 2 *Instit. f.* 532. See *Subsidy.*

Talleys. See *Tales.*

Tallhide or **Tallwood** (*Taliatura*) is Fire-wood, cleft and cut into Billets of a certain length. *Anno* 34 & 35 *Hen.* 8. *cap.* 3. and *Anno* 7 *Edw.* 6. *cap.* 7. Every Tallhide marked one, being round wood, shall contain fifteen inches of Assise in compass, &c. Anno 43 Eliz. cap. 14. This was anciently written *Talghwode.* —*Et quod de toto residuo Bosci, quod non valebat pro maeremio, idem Petrus fieri fecit Carbones & boscum computabilem vocatum* **Talghwode.** Clauf. 3 Edw. 3. m. 26. intus.

Tamara, *Tamerton.*

Tamarus fluvius, *Tamar.*

Tamisis, *Thames.*

Tangier, an ancient City of *Numidia* in *Barbary*, of old called *Tingis*, lying within the Kingdom of *Fez*, and distant from the *Streights* about Thirty Miles; mentioned in the Statutes of 15 *Car.* 2. *cap.* 7.

cap. 7. and is now part of the Dominion of the Crown of *England*.

Tanistry is a Law, Tenure or Custom in some Parts of *Ireland*; of which thus Sir *John Davis* in his Reports, *fol.* 28. *b. Quant ascun person morust seisie des ascuns Castles, Manors, terres ou tenements del nature & tenure de* Tanistry; *que donques mesme les Castles, &c. doent descender, & de temps dont memory ne court ont use de descender* Seniori & dignissimo viro sanguinis & cognominis *de tiel person issint morant seisie, & que le file ou le files de tiel person issint morant seisie de touts temps avantdit, ne fueront inheritabiles de tiels terres ou tenements, ou de ascun part de eux.* The Name seems to be derived from *Thanis*. See Sir *James Ware's Antiquitates Hiberniæ, pag.* 38.

Tapenarius. *De quolibet* Tapenario, *per totum tempus Feriæ* (sc. Winton.) *unum denarium.* Pat. 2 Edw. 4. Pars 6. m. 6. An Upholster, or one that sells Tapestry.

Tappa. See *Bosinnus.*

Tareta. See *Targia.*

Tare and **Tret**, the first is the Weight of Boxes, Straw, Cloths, *&c.* wherein Goods are packed; the other is a Consideration allowed in the Weight for Waste or Loss, in emptying and reselling the Goods. *Book of Rates.*

Target, a Shield, From the *Lat. Tergus*, because it was formerly made of Leather wrought out of the Back of an Ox.

Targia (*Tarida*) was a Ship of Burthen, since called a *Tartan*, *Knighton*, *Anno* 1385. calls it *Tareta*, viz. *Cepit duas Taretas bene onustas*, Walsingham, Anno 1386, calls it *Tarrita*, viz. *Cepit sex Tarritas refertas maltis bonis.*

Tarida. See *Targia.*

Tartaron, (*Anno* 4 *Hen.* 8. *cap.* 6.) a kind of fine Cloth or Silk.

Tascha. See *Thascia.*

Tasels is a kind of hard Bur used by Clothiers and Cloth-workers, in Dressing Cloth. *Anno* 4 *Ed.* 4. *cap.* 1.

Tassale, for *Casula.*

Tassum and **Tassa**, a Mow or Heap; from Fr. *Tasser*, to heap or pile up. *Commisso facta fuit Roberto Hadham ad vendend. blada & alia bona diversarum Abbatiarum alienigenarum, qui venit & cognovit quod vendidit blada Prioris de Tickford in garbis in duobus* Tassis *existen. pro* 10 l. *&c.* Hill. 25 Edw. 3. Coram Rege. Rot. 13. Hence *Tassare*, to mow or heap up; and *ad Tassum furcare*, to pitch to the Mow.

Tau signifies a Cross: *Tradendo dicto Comiti* Thau *eboreum.* So Mr. *Selden*, in his *Notes* upon *Eadmerus, pag.* 159. *Ego Eadgifa prædicti Regis Ava hoc opus egregium Crucis* Taumate *consolidavi.* See *Mon.* 3 *Tom. pag.* 121.

Tauri liberi Libertas: In some ancient Charters *Taurus liber* signifies a Common Bull, so called, because he is common to all the Tenants within such a Manor or Liberty, *viz. Cum libertate faldiæ*, liberi Tauri *& liberi Apri, &c.*

Taurus signifies an Husband, In *Leg. H.* 1. *cap.* 77. *Videtur autem mestris est* (for *esse*) *cujuscunque* Taurus *alluserit.*

Tax (*Taxa*, from the Gr. τάξις, *Quod non solum ordinem, sed & modum ratione temperatum significat, atque ob id etiam taxationem & tributum, unde* ταξιωτοι *dicuntur, qui tributum imponunt*) was such a Tribute, as being certainly rated on every Town, was wont to be yearly paid, but now not without Consent in Parliament, as the *Subsidy* is. And it differs from *Subsidy* in this, that it is always certain, as it is set down in the *Exchequer* Book, and levied in general of every Town, and not particularly of every Man. It is also called a *Fifteenth*, *Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 20. and 9 *Hen.* 4. *cap.* 7. It seems that in ancient Time, this *Tax* was imposed by the King at his Pleasure, but *Edward* the First, bound himself and his Successors, from that Time forward, not to levy it but by Consent of the Realm. *Anno* 25 *Edw.* 1. *cap.* 5. See *Gild*, *Subsidy*, *Fifteenth*, and *Witerden.*

Taxatio bladorum, an Imposition laid on Corn.

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 (*Anno* 12 *Car.* 2. *cap.* 15.) is a kind of potable Liquor, lately introduced into *England* from *China*, and the *East Indies*, and is made of the Leaf of a Shrub, growing in those Parts.

Teagh is a *Saxon* Word, and signifies a Chest, for Teagh, *Sax. est marsupium seu clausura.*

Team and **Theame**, or **Tem** and **Theme**, (from the *Sax.* Tyman, i. e. *Propagare*, to *teem* or bring forth) signifies a Royalty granted by the King's Charter to the Lord of a Manor, for the having, restraining and judging Bondmen, Neifs and Villains, with their Children, Goods and Chattels in his Court. Tyman in *Sax.* signifies also Advocate.

THeme *est, quod habeatis totam generationem villanorum vestrorum, cum eorum Sectis & catallis ubicunque inventi fuerint in Anglia.* —*Qui autem jurisdictionem habent hujusmodi, curiam de* Theme, i. e. *De nativis vel servis, dicantur habere, in qua olim licuit inter cæteros cognoscere de statu vassalli sui, utrum liber esset an servus.* Anonymus in MS. *Theame* (says the learned *Spelman* in the Laws of *Edw. Conf. cap.* 21 & 25) *significare videtur jurisdictionem cognoscendi in Curia sua de advocationibus, sive intertietis, hoc est, de vocatis ad Warrantiam.* See *Glanvile, lib.* 5. *cap.* 2. And *Glossarium in x. Scriptores.*

Them, *i. e. Quod Prior habet totam generationem Villanorum suorum, cum eorum secta & catallis ubicunque in Anglia inventi fuerint.* Ex Registro Priorat. de Cokesford.

Techis for *Thecis*, *Simeon Dunelm. Anno* 1144.

Teinland (*Tinlanda*) Tainland, Teimland vel Thainland, *quasi terra* Thani *vel nobilis.* Ten, i. e. *Minister*, and Landa, i. e. *terra.* Breve Regis Willielmi junioris lib. Rames. sect. 178. —*Willielmus Rex Angliæ W. de Cabaniis salutem. Præcipio tibi ut facias convenire shiram de Hamtona & judicio ejus cognosce si terra de* Isham *reddidit firmam Monachis Sancti Benedicti tempore Patris mei; & si ita invent. fuerit, sit in Dominio Abbatis. Si vero* Teinlanda *tunc fuisse invenietur, qui eam tenet de Abbate, teneat & recognoscat, quod si noluerit, eam Abbas in Dominio habeat, & vide ne clamor inde amplius ad nos rediat. Teste W. Episc. Dunelm.* Where Teinlanda seems to signifie, *Terra hæreditaria & colonorum servituti non obnoxia.* In *Domesday*, Land holden by Knights-Service was called **Tainland**, and *Land* holden by Socage **Reveland**, 1 *Inst. fol.* 86. *a.*

Teirs is the third part of a Pipe, *viz.* Forty two Gallons. See *Tierce.*

Teller is an Officer in the *Exchequer*, of which there are four, whose Office is to receive all Money

ney 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 Receipt, and make weekly and yearly Books, both of their Receipts and Payments, which they deliver to the Lord Treasurer.

Telligraphiæ are written Evidences of Things past: 'Tis compounded, from the *Sax.* Tellan, *dicere*, and from the *Greek* γράφω, *scribo, quasi*, a Telling any Thing by writing: *Tamen serventur libri primordiales cum aliis telligraphiis.*

Telonium. See *Toelonium.*

Telwore is that Work or Labour which the Tenant was bound to do for his Lord for a certain number of Days: From the *Sax.* Tællan, *numerare*, and porc, *opus*: 'Tis mentioned in *Thorn, Anno* 1364. *Et debet quælibet swolinga arare* 6 *acras de* Telworc, *&* 2 *Acras de Swodleybon & prædictus* 6 *acras seminare.*

Temantale or Tenmentale. *Anno* MCXCIII, *primo die April. prædictus Rex Angliæ* (sc. Ricardus) *celebravit tertium diem Colloquii sui* (viz. in Concilio apud Nottingham) *in quo constituit sibi dari de unaquaq; carucata terræ totius Angliæ duos solidos, quod ab antiquis nominatur* Tementali. Hoveden, fol. 419. *b.* See *Tenmantale.*

Temperare, to come betimes, or to do a Thing in due Time. *Addit. ad* Matt. Paris, pag. 168. viz. *Illud mane sic temperatur ut nulli sit onerosum, sed ad aisimentum omnium infirmorum, &c.*

Templers, or Knights of the Temple, (*Templarii*) was a Religious Order of Knighthood, instituted about the Year 1119. and so called, because they dwelt in part of the Buildings belonging to the *Temple* at *Jerusalem*, and not far from the Sepulchre of our Lord: They entertained Christian Strangers and Pilgrims charitably, and in their Armor led them through the *Holy Land*, to view the Sacred Monuments of Christianity, without fear of Infidels; for at first their Profession was to defend Travellers from Highway-Men and Robbers. This Order continuing and increasing for near Two hundred Years, was far spread in Christendom, and particularly here in *England*. But at length some of them at *Jerusalem*, falling away (as some Authors report) to the Saracens, from Christianity, or rather because they grew too potent and rich, the whole Order was suppressed by *Clemens Quintus, An.* 1307. 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, *Sassan, de gloria mundi, par.* 9 *Consid.* 5. And *Sec. Anno* 1 *Edw.* 1. *cap.* 24. These flourished here in *England* from *Henry* the Second's Days, till they were suppressed. They had in every Nation a particular Governor, whom *Bracton, lib.* 1. *cap.* 10. calls *Magistrum Militiæ Templi*. The *Master* of the *Temple* here was summoned to Parliament, 49 *Hen.* 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 Mr. *Dugdale's Antiquities of Warwickshire, fol.* 706. In ancient Records, they were also called *Fratres Militiæ Templi Solomonis*. Mon. Angl. 2 par. fol. 154. b. About nine Years after their Institution, they were ordered by a Council held at *Trier*, to wear a white Garment, and afterwards in the Pontificate of Pope *Eugenius*, they wore a red Cross on their Garments.

The *Temples* which we now call the Inns of Court, was the Place where they dwelt, and in the *Middle-Temple* the King's Treasure was kept.

Temporalities of Bishops (*Temporalia Episcoporum*) are such Revenues, Lands, Tenements and Lay-Fees, as have been laid to Bishops Sees, by Kings and other great Personages of this Land, from Time to Time, as they are Barons of Parliament. See *Spiritualities of Bishops.*

Temptatio, *rectius*, **Tentatio** (*Lat.*) is used in our Records for a Trial or Proof. As *Temptatio panis fiat his in anno.* Charta 20 Edw. 1. n. 51.

Tempus Pessonis *vel* **Pessonæ**, Mast-time. —*Volo etiam quod omnes Burgenses mei, qui porcos habuerint* tempore Pessonis *in*——&c. Charta Hamonis de Massy, sine dat. See *Pessona*, which I take to be from *Michelmas* to St. *Martin's* Day, *Novemb.* 11. After it was called *Retropannagium.*

Tempus pinguedinis & firmationis: —*Et sciendum quod* Tempus pinguedinis *hic computatur inter Festum Beati Petri ad Vincula & Exaltationem Sanctæ Crucis: Et* Tempus firmationis *inter Festum S. Martini & Purificationem Beatæ Mariæ.* MS. penes Gul. Dugdale Mil. de Temp. Hen. 3. The first is the season of the *Buck*, the later of the *Doe.* See *Fermisona.*

Tena was that which we now call a *Coif*: 'Tis mentioned in a Council held at *Lambeth*, Anno 12 Ric. cap. 22. *Et cum corona sit Character Christianæ militiæ, & revelati cordis ac paluli radiis cælestibus insigne, ipsi ut verissime ostendant se hujus Characteris titulum erubescere, tenæ coronas abscondunt quasi cælestes radios repellentes, &c.*

Tenandrius, the same with *Tenens. Statut. Roberti Regis Scotiæ*, cap. 4 par. 3. *Statutum est & ordinatum quod* (*licet in postestum. Dominus Rex de illo Comitatu aut Dominio cum* Tenandriis *& liberi tenentibus per chartam suam infeodaverit aliquem, &c.*

Tenandries (*Anno* 2 *Edw.* 3. *cap.* 4.) are Houses for Habitation, Tenements or Places to live in, holds of another.

EDwardus *illustris Regis Angliæ primogenitus hominibus, &c. Salutem & amorem. Sciatis quod dedimus & assignavimus in* Tehenciam *dilecto & fideli nostro* Yvoni Pauntun *prisonem terras cum suis juribus in pertin. quæ fuerunt* Hugonis Bedelli *inimici nostri in Villa de* Asthele. *Tenendas ad nostræ beneplacitum voluntatis, nisi aliquis qui habiscum personaliter interfuit in conflictu apud* Evesham. *quarto die Augusti, mandatum prius posuerit ad easdem. Et ideo vobis mandamus, &c.* Dat. Castriæ 14 Augusti, Anno Regni Domini Regis Patris nostri 49.

Tend seems to signifie as much as to endeavour, offer, or shew forth; as to *tend* the Estate of the Party to the Demandant. *Old Nat. Br. fol.* 117. *b.* Tendred in Instrument. *Britton, cap.* 76. Tender (*Fr. Tendre*) signifies carefully to offer or circumspectly to endeavour the Performance of any Thing belonging to us, as to render Rents to offer it at the Time and Place, where and when it ought to be paid. To *tender* his Law of Non-Summons (*Kitchin, fol.* 197.) is to offer himself ready to make his Law, whereby to prove, that he was not summoned. See *Law.* See *Make.*

Tending-penny. See *Telling-penny.*

Tenement (*Tenementum*) signifies most properly an House or Habitation, but in a larger Sense it is taken, either for House and Land that a Man holds of another, and joined with the Adjective *Frank* it contains generally Lands, Houses or Offices, where-

wherein we have Estate for Life, or in Fee. For *Kitchin, fol.* 41. makes Frank-tenement, and base Estate, opposite; and in the same Sense *Briton* uses it, *Chap.* 27.

Tenementalis (or *Terra exterior*) is Land which was possessed by the Tenant, and distinguished by that Name from the Demesn Land of the Lord, which was Inland, or *Terra interior*. See *Inland*.

Tenementis Legatis is a Writ that lies to *London*, or other Corporation, (where the Custom is, that Men may devise Tenements, as well as Goods and Chattels, by their Last Will) for the hearing any Controversie touching the same, and for rectifying the Wrong. *Reg. of Writs, fol.* 244. *b.*

Tenent, or Tenant (*Tenens*) signifies him that holds or possesseth Lands or Tenements by any kind of Right, be it in Fee for Life, Years or Will. *Tenant in Dower* is she that possesseth Land by virtue of her Dower. *Kitchin, fol.* 160. *Tenant by Statute Merchant*, that holds Land by virtue of a Statute forfeited to him. *Tenant in Franc-Marriage* that holds Land by virtue of a Gift thereof made to him upon Marriage. *Tenant by the Curtesie*, that holds for his Life, by reason of a Child born alive, and begotten by him of his Wife, being an Inheritrix. *Tenant per Elegit*, that holds by virtue of the Writ *Elegit*. *Tenant in Mortgage*, that holds by virtue of a Mortgage. *Tenant by the Verge* in ancient Demesn (*Kitchin, fol.* 81.) is he that is admitted by the Rod in a Court of ancient Demesn. *Tenant by Copy of Court-Roll*, is one admitted Tenant of any Lands, &c. within a Manor, which Time out of Mind have been demisable, according to the Custom of the Manor. *West, Part* 1. *Symbol. lib.* 2. *sect.* 646. *Tenant by Charter* is he that holds by Feoffment or other Deed in Writing. *Very Tenant*, that holds immediately of his Lord; for if there be Lord, Mesn and Tenant, the Tenant is *Very Tenant* to the Mesn, and not to the Lord above. *Kitchin, fol.* 99. *Tenant Paravail*, see *Paravail*. *Joint-Tenants*, that have equal Right in Lands, by virtue of one Title. *Litt. lib.* 3. *cap.* 3. *Tenants in Common*, that have equal Right, but holds by divers Titles. *Particular Tenant*, *Staundf. Prærog. fol.* 135. is he who holds only for his Term. See *Coke* in Sir *Will. Pelham's Case*, *Lib.* 1. *fol.* 85. called also *Tenant for Life* or *Years*. See *Plowden, Case, Colthirst, fol.* 23. *b.* *Sole Tenant*, *Kitchin, fol.* 84. he that hath no other joined with him. *Sound Tenant* is opposite to Joint-Tenant, or Tenant in Common. *Tenant a Præcipe* is he against whom the Writ *Præcipe* is brought. *Coke, lib.* 3. *Case of Fines, fol.* 88. *Tenant in Demesn* (*Anno* 13 *Edw.* 1. *Ordinat. Pred.*) is he that holds the Demesn of a Manor or Fee without Service. *Tenant in Service* (*An.* 20 (*idem*) *R. Ordin. B.*) is he that holds by Service. See *Briton, cap.* 39 & 96. *Tenant by Execution* (*Anno* 32 *Hen.* 8. *cap.* 5.) is he that holds Land by virtue of an Execution upon any Statute, Recognizance, &c. *Tenant in Fee-simple*. (*Kitchin, fol.* 159.) *Tenant in Fee-tail*. *Tenant at the Will of the Lord*, according to the Custom of the Manor. *Tenant at Will* by the Common Law. *Idem, fol.* 165. *Tenant upon Sufferance*. *Tenant of Estate of Inheritance*. *Staundf. Prærog. fol.* 81. *Tenant in Burgage*, *Tenant in Socage*. *Tenant in Frank-Fee*, &c. with divers others.

Tenentibus in Dominico non mercandis, &c. is a Writ that lies for him to whom a Disseisor hath alienated the Land, where the Disseisee another that he be not molested for the Damages awarded, if the Disseisor have whereywith to satisfie them himself. *Reg. of Writs, fol.* 214. *b.*

Tenetura for *tenura*, sometimes 'tis taken for *Tenementum*.

Tenheved, (*Sax.* Tienheofed, *i. e. Decem habens capita*) *Decanus, Decemvir, caput vel princeps Decaniæ sive decuriæ*. LL. Edw. Confess. cap. 29. *Statuerunt Justiciarios super quosque decem friborgos, quos* Decanos *possumus appellare*; *Anglice vero* Tienheofed *dicti sunt*.

Tenmantale (*Sax.* Tienmantale, i. e. *decem virorum numerus*) *De curia, Tithinga*. LL. Edw. Conf. cap. 20. —— *Et sint quieti de Geldis, & Danegeldis, & Themanatale, & Concelationibus, & Scottis, &c.* Chart. 29 Edw. 1. p. 25. Abbat. de Thornton. Also an ancient Tax so called. See *Tenmentale*, and *Friburg*.

The proper signification of the Word is, *viz.* The number of Ten Men, which Number, in the Time of the English *Saxons*, was called a Decennary; and Ten Decennaries made that which we call an Hundred: These Ten Men were bound for each other to preserve the publick Peace, and if either of them was guilty of a breach of the Peace, the other nine were to make Satisfaction, or to bring the Criminal to Justice. See *Friburg*.

It signifies also a Duty or Tribute payable to the King. *Howed.* mentions it in this Sense, pag. 437. *viz. Rex constituit sibi dari de unaquaque carrucata terræ totius Angliæ 2 solidos quod ab antiquo vocatur* Tenmantale, probably, because every Man of the Decennary was bound to see it paid.

Tenore indicamenti mittendo is a Writ whereby the Record of an *Indictment*, and the Process thereupon is call'd out of another Court into the Chancery. *Reg. of Writs, fol.* 169.

Tenfare, (*terra ter fossilis*) *i. e.* Land fenced about. 'Tis mentioned in the *Monastic.* 2 *Tom. pag.* 612. *viz. Claudemus* 40 *Acras terræ ad arandum vel ad tensandum ad usum nostrum, i. e.* let us enclose 40 Acres, either to plough, or to keep it inclosed or fenced. So in the Book of the *Priory of Dunstable*. *Est pratum illud* tensabile *per totum annum*.

Tentatus panis, the Essay of Bread.

Tenths (*Decimæ*) is that yearly Portion of Tribute, which all Livings Ecclesiastical yield to the King; for though the Bishop of *Rome* does original-ly pretend Right to this Revenue, by example of the High Priest among the *Jews*, who had *Tenths* from the *Levites*. *Numb. cap.* 8. *Hieron. in Ezech.* Yet we read in our *Chronicles*, that these were often granted to the King by the Pope, upon divers Occasions, sometimes for one Year, sometimes for more, until, by the Statute 26 *Hen.* 8. *cap.* 3. they were annexed perpetually to the Crown. See *Dimes*. It signifies also a Tax levied of the Temporalty. 4 *Inst. fol.* 34.

Tentor, a Stretcher, Tryer or Prover, which Dyers and Clothiers use, *anno* 1 *Rich.* 3. *cap.* 8. But prohibited by the Stat. 39 *Eliz. cap.* 20.

Tenure (*Tenura*) is the Manner whereby Tenants hold Lands and Tenements of their Lords. What makes a *Tenure*, and what not, see *Perkins' Reservations*, and where you shall find Not of those *Tenures* recited, which are now in *England*, see *Crompton's Jurisdiction*, 2 *Inst.* 1 *New Book of Entries*, verbo. *Tenura*. Mr. *Fabian Philips* his Book, entitled *Tenenda non Tollenda*, and the Stat. 12 *Car.* 2. *cap.* 24. The Family of *Barham* hold the Manor of *Netherdilington* in the County of *Kent*, by this *Tenure*, to carry the 1st Dish of the second Course to the King's Table at his Coronation, and presenting him with a shre-

three *Maple-Cups*, which was performed at the Coronation of King *Charles the Second*. See *Capite*.

Terletum. *Mandatum est* Petro de Rivallis *quod habere faciat Fratribus Minoribus* de Nottingham *quinq;* Terleta *in Foresta* de *Shirewode, ad Stalla sua facienda, de dono Regis.* Claus. 26 Hen. 3. m. 3. quære.

Term (*Terminus*) signifies commonly the Bounds and Limitation of Time; as a Lease for *term* of Life or Years. *Bracton, lib.* 2. *cap.* 6. *numb.* 4. But most notoriously it is used for that Time, wherein the Tribunals or Places of Judgment are open for all that list to complain of Wrong, or to seek their Right by course of Law or Action. The rest of the Year is called *Vacation*. Of these there are four in every Year, during which Time matters of Justice are dispatch'd. One is *Hillary Term*, which begins the 23d of *January*, or, if that be *Sunday*, the next Day following, and ends the twelfth of *February*: The next is *Easter Term*, which begins the *Wednesday* fortnight after *Easter-Day*, and ends the *Monday* next after *Ascension-Day*. The Third is *Trinity Term*, beginning the *Friday* next after *Trinity-Sunday*, and ending the *Wednesday* Fortnight after. The Fourth is *Michaelmas Term*, which anciently began the ninth of *October*, but (by *Stat.* 17 *Car.* 1. *cap.* 6.) contracted to the 23d of *October*, and ending the 28th of *November*. *Termini apud nos dicuntur certæ anni portiones agendis litibus designatæ.* See *Spel. de origine & ratione Terminorum forensium.*

Termonland seems to be the Glebe-land or Land of the Church; anciently so called, especially in *Ireland*.

Termor (*Tenens ex termino*) is he that holds for *term* of Years, or Life. *Kitchin, fol.* 151. *Littl. fol.* 100.

Terra affirmata, Land let to Farm.

Terra culta, Land that is tilled, or manured; and *terra inculta*, the contrary, where there is mention of *Terra culta*, and *Terra inculta*. See *Wacnoth. Mon. Angl.* 1 *par. fol.* 500 b.

Terra debilis, weak or barren Land. *Item est ibidem una carucata terræ debilis.* Inq. 22. R. 2.

Terra dominica vel indominicata, *Prædiorum pars est, quæ usui ipsius domini reservata, non colonis nec emphiteuticariis conceditur.* The demain Land of a Manor.

Terra excultabilis —*Totam illam* terram excultabilem, *quam habuit apud Norwicum in Campis.* Mon. Angl. 1 Par. fol. 426. b. Land that may be till'd or ploughed.

Terra extendenda is a Writ directed to the Escheator, *&c.* willing him to enquire and find out the true yearly value of any Land, *&c.* by the Oath of twelve Men, and to certifie the *Extent* into the Chancery, *&c. Reg. of Writs, fol.* 293. b.

Terra fruisca. — *Continens xl. acras* terræ fruscæ, *pasturæ*, &c. Mon. Angl. 2 Par. fol. 327. b. Fresh-land, or such as hath not been lately ploughed. This is elsewhere written *Terra Frisca*.

Terra Gilliflorata, Land held by the Tenure of paying a Gilly-flower, MS.

Terra hydata was Land subject to the payment of *Hydage*, and the contrary was *terra non hydata*, Selden.

Terra lucrabilis. —*Tam in Mona, quam in* terra lucrabili *& Marais, cum omnibus piscariis suis.* Mon. Angl. 1 Par. fol. 406. a. Land that may be gained from the Sea, or inclosed out of a Waste, to particular use.

Terra nova. *Sæpe legitur in Chartis feodalibus & in censualibus schedulis, vel pro terra noviter concessa, vel noviter assarta.* Prior. Lew. pag. 1. —*Reddat pro nova terra* 2 *sol.* Spelm.

Terra puturata. See *Putura*.

Terra sabulosa, (*Lat.*) gravelly or gross sandy Land. —*Et prædictæ xxiv. acræ terræ valent per ann. xiii. sol. & iv. denar. & non plus, quia est* terra sabulosa. Inq. 10 Edw. 3. n. 3. Norf. in Turr. Lond.

Terra seskita is used in ancient Charters, for Lands sown with Corn.

Terra Wainabilis— *Sciant*— *quod ego Alicia Malet dedi*— *centum acras terræ* Wainabilis, &c. *Penes Eliam Ashmole Arm.* Tillable Land.

Terra Warecta, Fallow Land. See *Warectum*.

Terra Warennata, Land that has the liberty of Free Warren. —*Quod ipse concessisset terras illas esse* Warennatas. *Rot. Parl.* 21 *Edw.* 1.

Terræ boscales, Woody Lands. *Inq.* 2 *par.* 8 *Car.* 1. *numb.* 71.

Terræ tertiorum may be *Englished* Thirding-Lands: Some Tenants *de terris tertiorum* belonging to the Commandry of *Dynmore in Com. Heref.* were bound to pay a third part of their Goods to their Lord at their decease. *Antiq. Rentale de Dynmore.*

Terrage, (*Terragium*) *Edward the Third* granted by Patent to *John of Gaunt* and *Blanch* his Lady, for their Lives, —*quod sint quieti de Theolonio, Pavagio, Passagio, Lastagio, Tallagio, Carvagio, Prisagio, Pickagio & Terragio*; which seems to be an exemption *a Præcariis, viz.* Boons of Ploughing, Reaping, *&c.* and perhaps from Money paid for digging or breaking the Earth in Fairs and Markets.

Terrar (*Terrarium, vel Catalogus terrarum*) is a Book, Survey, or Land-Roll, wherein the several Lands, either of a single Person, or of a Town are described; containing the Quantity of Acres, Boundaries, Tenants Names, and such like, *Anno* 18 *Eliz. cap.* 17. In the Exchequer there is a *Terrar* of all the Glebe-Lands in *England*, made about 11 *Edw.* 3.

Terrarius, one who possesseth many Farms: 'Tis mentioned in the *Annals* of *Waverly*, published by Dr. *Gale, fol.* 133. *Deinde, &c. Rex accipiens hominium omnium terrariorum Angliæ cujuscunque feodi essent; juramentum fidelitatis recipere non distulit.*

Terre-Tenant (*Terræ Tenens*) is he who has the actual Possession of the Land, which we otherwise call the *Occupation*, *Anno* 39 *Eliz. cap.* 7. For example, a Lord of a Manor has a Freeholder, who lets out his Free-Land to another, this other (having the actual possession) is called the *Terre-Tenant West, Par.* 2. *Symb. tit.* Fines, *Sect.* 137. *Cromp. Jurisd. fol.* 194. *Britton, cap.* 29. *Perkins, Feoffment*, 231.

Terris, bonis & catallis rehabendis post purgationem is a Writ that lies for a Clerk to recover his Lands, Goods or Chattels formerly seized on, after he had clear'd himself of that Felony, upon suspicion whereof he was formerly convict, and deliver'd to his Ordinary to be purg'd. *Reg. of Writs, fol.* 68. b.

Terris & catallis tentis ultra debitum liberatum is a Writ Judicial, for the restoring Lands or Goods to a Debtor that is distrained above the Quantity of the Debt. *Reg. Jud. fol.* 38. b.

Terris liberandis is a Writ that lies for a Man convicted by Attaint, to bring the Record and Process before the King, and to take a Fine for his

Imprisonment, and to deliver him his Lands and Tenements again, and to release him of the Strip and Waste. *Reg. of Writs, fol.* 232. a.

Tertian, a Measure containing fourscore and four Gallons. *Anno* 1 *Rich.* 3, *cap.* 13. *&* 2 *Hen.* 6. *cap.* 11. So called, because it is the *Third part* of a Tun.

Tertium denarium. See *Third Peny.*

Tesis fluvius, the River *Gese.*

Tesso, (from the Fr. *Tesson*) a Badger or Grey. *Et omnia Placita de Leporibus, Richibus, Heymectis*, Tessonibus, *vulpibus, murilegis & perdicibus.* Pet. in Parl. temp. Edw. 3.

Testament; (*Testamentum*) what it is in the common signification, see in *Will.* It was anciently used (according to *Spelman*) *pro Scripto, Charta vel instrumento, quo prædiorum rerumve aliarum transactiones perficiuntur: Sic dictum quod de eare vel* testimonium *ferret, vel* testium nomina *contineret.* —— *Siquis contra hoc meæ authoritatis* Testamentum *aliquod machinari impedimentum præsumpserit*, &c. Charta fundationis Croylandiæ ab Æthelbaldo Rege, Anno Dom. 716.

Testa Nevelli, or **Testa de Nevil**, is an ancient Record, remaining with the King's Remembrancer in the Exchequer, and was compiled by *Jollan de Nevil*, (and thence took name) who was a Justice Itinerant in the 18th and 24th of *Henry* the Third, containing the King's Fees throughout the greatest part of *England*, with Inquisitions of Lands escheated, and Serjeanties. *Pet. in Parl.* 7 *Edw.* 3. *Riley* 649.

Testator, (*Lat.*) he that makes a *Testament.* See *Swinburn* of *Wills* and *Testaments*, and see *Will.*

Testatum is a Writ in personal Action; as if the Defendant cannot be arrested upon a *Capias* in the County where the Action is laid, but is returned *non est inventus* by the Sheriff, this Writ shall be sent out into any other County, where such Person is thought to have whence to satisfie; which is termed a *Testatum*; because the Sheriff has formerly *testified*, that the Defendant was not to be found in his Bailiwick. See *Kitchin's Return of Writs, fol.* 287. b.

Teste is a Word commonly used in the last part of every Writ, wherein the Date is contained, which begins with these Words, *Teste meipso*, &c. if it be an Original Writ; or if Judicial, *Teste Matheo Hale Mil.* or *Francisco North Mil.* according to the Court whence it comes. Yet we read in *Glanvile*, (*lib.* 1. *cap.* 6. & 13. *& 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 *Reg. of Writs*, *Teste Custode Angliæ*, as namely in the Title *Prohibition, fol.* 42. a. & *Consultation, fol.* 34. b.

Testimonial (*Anno* 39 *Eliz. cap.* 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, *&c.* or such like. 3 *Inst. fol.* 85.

Teston, (*Anno* 2 & 3 *Edw.* 6. *cap.* 17.) a sort of Money, which, among the *French*, did bear the value of 18 *Denar.* and so perhaps formerly in *England*; but in *Henry 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.* afterwards to 6 *d.*

Textus Roffensis, an ancient Manuscript so called, wherein the Laws of *Ethelbert, Flothere, Eadric* and *Withred*, Kings of *Kent*, were recorded by *Eardulf*, the Venerable Bishop of *Rochester*, about the Year of Christ 760. *Penes Roger. Twysden Bar.*

Textus is mentioned in several Authors, to signifie the *New Testament.* It was written in Golden Letters, and carefully preserved in the Churches.

Codex aurato conseptus grammate, scriptus,
Auctus Evangelicum conservat corpore Textum.

Thack-tile, (*Anno* 17 *Edw.* 4. *c.* 4.) otherwise called *Plain-tile*, which are laid on the side of an House.

Thanage of the King (*Thanagium Regis*) signified a certain part of the King's Lands, or Property, whereof the Ruler or Governor was called *Thane. Domania Regis*, & Thanagia *idem significant*, says *Skene.* Ivo de Tailbois *tenet in Capite de Domino Rege Baroniam de* Hephall, *cum uxore sua, quæ fuit filia* Wil. de Prardolfe, *quam habuit ex dono Domini Regis. Et omnes Antecessores sui tenuerunt dictam Baroniam in* Thenagio, *& reddit Domino Regi inde per annum* 50 s. *Dominus vero Rex primus, viz.* Will. Conq. *removit illud* Thenagium *temp.* Will. Bardolfe *ad feodum unius militis.* Ex libro feod. Mil. penes Remem. Regis in Scac.

Thane: From the *Sax.* Thenian, *ministrare*: *Thanes* were those who attended the *English Saxon* Kings in their Courts, and who held their Lands immediately of those Kings, and therefore in *Domesday*, they were promiscuously called *Thaini & Servientes Regis*, though not long after the Conquest the Word was disused, and instead thereof, those Men were called *Barones Regis*, who as to their Dignity, were inferior to Earls, and took Place next after Bishops, Abbots, Barons and Knights.

There were also *Thaini minores*, and those were likewise called Barons: they were Lords of Manors, and had a particular Jurisdiction within their Limits, and over their own Tenants in their Courts, which to this Day are called Courts-Baron: But the Word signifies sometimes a Nobleman, sometimes a Freeman, sometimes a Magistrate, but more properly an Officer, or Minister of the King. Edward King grete mine Bisceops, and mine Eorles, and all mine Thegnes on than Shiren, wher mine Preestes in Paulus Minister habbaŋd land. Charta Edw. Conf. *Pat.* 18 *H.* 6. *m.* 9. *per Inspect.* This Appellation was in use also among us after the *Norman* Conquest, as appears by *Domesday*, and by a certain Writ of *William the First. Willielmus Rex salutat Hermannum Episcopum & Stewinum & Britwi & omnes* Thanos *meos in Dorcestrensi pago amicabiliter.* MS. de Abbotsburi. *Skene* says it is the Name of a Dignity, equal with that of the Son of an Earl. *Camden* says, They were ennobled only by the Office, which they administred. *Thainus Regis* is taken for a Baron, 1 *Inst. fol.* 5. *b.* And in Domesday *Tenens, qui est Caput manerii.* See *Mills, de Nobilitate, fol.* 132.

Thaschia was a certain Sum of Tributary Money, imposed by the *Romans* on the *Britons* and their Lands, and paid every Year; which Payment continued under the several Reigns of the *Saxon, Danish* and *Norman* Kings, for the Word is mentioned in the Laws of *H.* 1. *cap.* 78. *Dedit unam modiatam de terrâ cultâ & inculta Deo & S. Mariæ cum Tasca & decimo, &c.*

Theft (*Furtum*) is a felonious Taking away another Man's moveable and personal Goods against the Owner's Will, with an intent to steal them; which is divided into *Theft*, simply so called, and *petit Theft*; whereof the one is of Goods above the value of 12 *d.* and is Felony, the other under that value,

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*. See *West*, *Part* 2. *Symb. Tit.* Indictments, *Sect.* 58, 59, 60.

Thefthote (Sax. Theof, i. e. *Fur*, and Bote, *compensatio*) *est quant home prist chattel de Larone de luy faveuer & maintainer & nemy autrement.* 42 *Ass. pag.* 5. The receiving Goods from a Thief, to favour and maintain him, the Punishment whereof is Imprisonment, and not loss of Life or Member. *Staundf. Pl. Cor. lib.* 1. *cap.* 43. *Antique dicebatur precium quo furti reus se eximeret a dispendio vitæ; hodie vero de iis dicitur qui furtiva bona à latrone susceperint, sceleris sui fovendi gratia, quo sensu* Bot, *pro* præda, *ut alias solet, intelligendum est.* Thefthote, (inquit *Statutum Walliæ, Anno* 12 *Edw.* 1. —— hoc est, *emenda furti, sine consideratione Curiæ Domini Regis.* See 3 *Inst. fol.* 134.

Theolonio rationabili habendo pro Dominis habentibus Dominica Regis ad Firmam is a Writ that lies for him that hath of the King's Demesn in Fee-Farm, to recover reasonable *Toll* of the King's Tenants there, if his Demesn have been accustomed to be *tolled*. *Reg. of Writs, fol.* 83. *b.*

Thelonium, Telonium, or Breve essendi quietum de Thelonio is a Writ lying for the Citizens of any City, or Burgesses of any Town, that have a Charter or Prescription to free them from *Toll*, against the Officers of any Town or Market, who would constrain them to pay it contrary to the said Grant or Prescription. *Fitz. Nat. Br. fol.* 226.

Them. See *Team*.

Then, (Sax.) *Significat servum.* Fleta, lib. 1. cap. 7.

Theuecium. —— *Quod Prædicti Parochiani* —— *Decimas inferius annotatas Ecclesiis suis persolvant, scil. Decimam lactis, ovorum,* Thenecii agrorum, *apum, mellis,* &c. Const. Rob. Winchelsey Archiep. Cant. tit. de Decimis. *ibi Lyndewode.* Thenecii agrorum, i. e. *Arborum crescentium circa agros, pro clausura eorum.* Vulgarly called Hedge-rows or Dike-rows.

Thesindus, the same with *Thainus*.

Thetford. See *Sitomagus*.

Thewe. Georgius Grey *Comes Cantii clamat, in Maner. de* Bushron & Ayton, *punire delinquentes contra Assisam panis & cervisiæ per tres vices per Amerciamenta, & quarta vice pistores per* Pilloriam, *Braciatores per* Tumbrellum, *& Rixatrices per* Thewe, *hoc est, ponere eas super scabellum vocat. a* Cuckingstoole. Pl. in Itin. apud Cestriam, 14 Hen. 7. Perhaps from the *Sax.* þeow, a Slave or Captive. The Word is also mentioned *in Chart.* 17 *Edw.* 3. *m.* 6.

Theyn signifies a Freeholder, as *Thet* signifies a Servant. *Fleta,* 1 *Lib. cap.* 47. *par.* 26.

Thingus, (*Thainus*) a Nobleman, a Knight or Freeman. *Sciatis me concessisse omnibus militibus & omnibus* Thingis *& omnibus libere tenentibus, qui manent in Foresta mea de Honore de Lancaster, quod possunt, &c.* Cromp. Jur. fol. 197.

Thirdborow is used for a Constable, *Anno* 28 *Hen.* 8. *cap.* 10. which seems to be corruptly used, for the *Sax.* þriedborg, i. e. *Ingenuus fidejussor. Lambard* in his *Duty of Constables, pag.* 6. Howbeit a late Author says, it signifies (more literally) *tertium ordine ex decuria fidejussorem.* Skinner.

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 Manor, and Lands belonging to the Chapel of *Turfat in Com. Heref.*

Third-night-awn-hynde: (*Tertiam noctem hospes*) By the Laws of *S. Edw.* (*cap. de Hospitibus*) if any Guest lay a *third Night* in an Inn, he was accounted a Domestick, and his Host was answerable for what Offence he should commit. Forman night uncuth. Twa night gueste. Third night awn hynde, i. e. *Prima nocte incognitus, secunda hospes, tertia domesticus censetur.* Bracton, (lib. 3. tract. 2. cap. 10. numb. 2.) writes it Hoghenehym.

Item utimur, quod si extranei morantur in Burgo prædicto ultra tres dies, *invenient fidejussores de bene gerendo se erga Burgenses & Communitatem, dum moram inter ipsos fecerint.* MS. Codex de LL. Statutis & Consuetud. liberi Burgi villæ Mountgomer. fol. 26. b. See *Uncuth.*

Third-peny. Denarius tertius *est ea pars multarum forensiumque molimentorum, quæ in comitatu olim cedebat Comiti, Rege alias duas percipiente.* LL. Edw. Conf. cap. 31, *Rex habebit* 100 *solidos & Consul Comitatus* 50. *qui* tertium *habebit* Denarium *de forisfacturis, &c.* And was anciently so fix'd and appropriate to an Earldom, as that the Earldom of *Oxford*, in the Reign of King *Henry* the Second, passed by the Grant of *Tertium Denarium Comitatibus Oxon. ut sit inde Comes. De quo vide* Selden's Titles of Honour.

Thistle-take is a Custom in the Honour of *Halton*, in the County of *Chester*, That if in driving Beasts over the Common, the Driver permits them to graze or *take* but a *Thistle*, he shall pay a Halfpeny a Beast to the Lord of the Fee. At *Fiskerton* in *Nottinghamshire* by ancient Custom, If a Native or Cottager kill'd a Swine about a Year old, he paid the Lord 1 *d.* and it was also call'd *Thistle-take. Reg. Priorat. de Thurgarton.*

Thokes, (*Anno* 22 *Edw.* 5. *cap.* 2) Thokes or Fish with broken Bellies, are not by the said Statute to be mix'd or packed with *Tale-fish.*

Thol (*Thellonium*) *est libertas emendi & vendendi in terra sua.* Arch. Lamb. fol 132. Thol, i. e. *Quod Prior habet in Mercato suo die Lunæ quandam mensuram de bladis venditis, & quoddam certum de animalibus & cæteris similibus venditis.* Reg. Priorat. Cokesford. See *Toll*.

Thorough-Toll. —— *Bough* in *Yorkshire*, a little Village, where in Times past the Earls of *Richmond* had a pretty Castelet, and a certain Custom called *Thorough-Toll* (say *Camden.*) See *Toll*.

Thorp, Threp, Trop, either in the beginning or end of Names of Places, signifies a Street or Village, as *Adlestrop*: From the *Sax.* Thopp, *villa, vicus.*

Thrave of Corn (*Trava bladi*) (from the *Sax.* þreav, *i. e.* a bundle, or the British Dzefa, *i. e.* Twenty four) is in most Parts of *England*, Twenty four Sheaves, or four *Shocks*, six Sheaves to the Shock. *Anno* 2 *Hen.* 6. *cap.* 2. — *De qualibet Carucata arante in Episcopatu Eboraci, unam* Travam bladi. King *Athelstan, Anno* 923. gave by his Charter to St. *John* of *Beverley*'s Church, four Thraves of Corn from every Plough-land, in the *East* Riding of *Yorkshire* ——

—— Pat give I God and Seint John,
Her before you ever ilkan,

All my herst Coin meldeel
To uphold his minstre weel;
Ba fou Threve, be Yeven Kinge)
Of ilka Plough of Estriding.——
See *Peter-Corn.*

Threngus. See *Drenches. Quia verò non erant adhuc tempore Regis Willielmi milites in Angliâ, sed* Threngos, *præcipit Rex ut de eis milites fierent ad defendendum terram; fecit autem Lanfrancus* Threngos *suos Milites, &c.* Somner's Gavelk. pag. 123, 210. They were Vassals, but not of the lowest degree of those who held Lands of the Chief Lord; the Name was imposed by the Conqueror, for when one *Edwyn Sharnbourn* of *Norfolk*, and others, were ejected out of their Lands, they complained to the Conqueror, insisting that they were always on his side, and never opposed him, which upon Enquiry he found to be true, and therefore he commanded that they should be restored to their Lands, and for ever after be called *Drenches. Spelm.*

Thzimsa (from the *Sax.* Thrim, *quod ternos significavit*) signified of old a piece of Money of three Shillings, according to *Lambard*, or rather (according to *Selden*) the third part of the *Saxon* Shilling. *Fr. of Honour, fol.* 604. See *Weregeld.* But Dr. *Brady* and Dr. *Hickes* tell us, it comes from *Tremissis*, which among the ancient *Germans* signified the third part of a Shilling.

Thzithing, (*Thrithingum*) in the Statute of *Merton*, signifies a Court which consists of three or four Hundreds. *Coke's 2 Part. Instit. fol.* 99.

Thzower. See *Silk-thrower.*

Thude Weald, a Woodward, or one who looks after the Woods.

Thumelum signifies a Thumb: 'Tis mentioned in *Leg. Inæ, cap.* 55. *apud Brompton*, viz. *Si pasnagium capiatur de porcis, de tridigitali tertius, de duo digitali quartus, de* Thumelo *quintus, i. e.* whose Fat is the length of a Thumb.

Thwertnik —*Edwardus, &c.*— *Concessimus etiam, quod Vicecomes noster aut hæredum nostrorum, qui pro tempore fuerit in dicto Comitatu, de cætero faciat executiones pro debitis recuperatis & recognitis in Comitatu vel Scaccario* Cestriæ, *aut in itinere Justiciariorum, qui pro tempore fuerit, absque aliquo capiendo pro executione hujusmodi faciendo, licet etiam præteritis temporibus usum sit, prout per Chartam habet ipsa Communitas (scil.* Cestresciræ) *quod si aliquis in Curia nostra culpatus fuerit, per* Thwertnik *se defendere possit; quia hæc defensio est contraria legi Communi, nutrix malorum, pacis æmula & damnosa populo pacifico. Volumus etiam de consensu & requisitione dictæ Communitatis, ordinamus & præcipimus, quod dicta defensio per* Thwertnik *de cætero non allocetur, sed annulletur totaliter & damnetur, &c.* Rot. Chart. de Anno 11, 12 & 13 Regis Ric. 2. numb. 11. per Inspect. This is elsewhere written Thirdnic and Thirdnicht, i. e. *trium noctium hospes*, and sometimes used for three Nights Charges for the Sheriff.

Tidesmen (*Anno* 14 *Car.* 2. *cap.* 11) are certain Officers that belong to the *Custom-House*, and are appointed to watch or attend upon Ships till the Custom of the Freight be paid; and they are so called, because they go aboard the Ships at their Arrival in the Mouth of the *Thames*, and come up with the *Tide.*

Tierce, (Fr. *Tiers, i. e.* a Third, or third part) a Measure of liquid Things, as Wine, Oyl, &c. containing the *third* part of a Pipe, or forty two Gallons. *Anno* 32 *Hen.* 8. *cap.* 14.

Tigh or Teage, (*Sax.* Teaz) a Close or Enclosure, a Croft. *In veteri Charta Ecclesiæ* Cantuar. *Clausula.* —*Mansionem quoque quæ est in aquilonali parte* Doroberniæ *& clausulam quam Angli dicunt* Teage, *quæ pertinet ad prædictam mansionem, &c.* The Word *Tigh* is still used in *Kent* in the same Sense.

Tihindus. See *Twihindimen.*

Tihla, an Accusation: From the *Sax.* Tyhtla, *Accusatio*: 'Tis often mentioned in the Laws of *Canutus*, and *H.* 1. viz. *Si quis amicis destitutus ut plegium non habeat in primâ* Tihlâ, *ponatur in Carcanno.* Leg. Canut. cap. 62. and in *Leg. H.* 1. *cap.* 45. *De nemore inoperato per* Tihlam *nemo respondeat, nisi sit ibi captus.*

Tilsen Satten, for *Tinsel Satten*; 'Tis mentioned in the Statute 1 *Hen.* 8. *cap.* 14. and signifies *Satten* interwoven with Silver.

Timberlode, a Service so called, by which the Tenant was to carry Timber felled, from the Woods to the Lord's House: 'Tis mentioned in *Thorn's* Chronicle, *Et debent pro qualibet swolingâ* 14 *denar. per Annum, pro* Timberlode, *vel cariare extra Waldum per mare vel per terram ad dictum manerium.*

Timber of Skins (Fr. *Timbre*) is forty Skins. *De qualibet* Tymber *de Fitheux, venal. ob.* Pat. 10 Rich. 2. pars 1. m. 30. *Hæc civitas (sc. Cestriæ) tunc reddebat de firma* 45 *libras & tres* Timbres *pellium Martrinarum.* LL. Edw. Conf.

Tina fluvius, the River *Tyne* in *Northumberland.*

Tinel le Roy (*Fr.*) is used for the King's Hall, wherein his Servants used to dine and sup. *Anno* 13 *Rich.* 2. *cap.* 3.

Tineman, or Tienman, was of old a Petty Officer in the Forest, who had the nocturnal Care of Vert and Venison, and other servile Employments. *Constitution. Forestæ Canuti Regis, cap.* 4.

Tinet (*Tinestum*)—*Et prædictus Firmarius habebit* tinetum *sufficiens extra boscum ipsius R. ad claudendum terras & pasturas supradictas.* Charta Ric. Monington 21 Hen. 6. Trouse, Brushwood and Thorns to make and repair Hedges. In *Herefordshire* to *Tine* a Glat or Gap in a Hedge, is to put Trouse or Thorns in it, that Cattle may not pass.

Tinmouth. See *Tunocellum.*

Tinpeny was either a Duty or Money so called, and usually paid for digging in the Tin Mines: From the *Sax.* Peniz, *denarius*, and Tinnen, *stanneus*: 'Tis mentioned in several Places in the *Monasticon*, 1 *Tom. pag.* 419. *Non tributa, non xenia, non* Tething-peny, *non* Tinpeny *exigat.*

Tipstaff (*Saio*, Sax. Jazol, i. e. *Fustis, Baculus*) is one of the Wardens of the *Fleet's* Men, that attends the King's Courts with a painted Staff, for the taking such to Ward as are committed by the Courts, and to attend such Prisoners as go at large by Licence. These are otherwise called *Bastons. Anno* 1 *Rich.* 2. 12. and 5 *Eliz. cap.* 23.

Tissue. See *Tilsen.*

Tithes (*Decimæ*) from the *Sax.* Teopa, *i. e.* the Tenth) are the Tenth part of all Fruits *Predial, Personal* and *Mixt*, which are due to God, and consequently to his Churches Ministers, for their Maintenance. *Levit.* 27, 30. *Omnium bonorum licite quæsitorum quota pars Deo, Divina constitutione, debita.* Father *Paul*, in his *Italian* Treatise *Di Materie beneficiate* is of Opinion, that Tithes were not given to the Priest but a little before the Time of *Charles* the *Bald*; but this must be a mistake, for in the second Council of *Matiscon*, which was held *Anno*

585.

585. we may read that *Leges divinæ, &c. præciperunt decimas fructuum suorum locis sacris præstare, &c. quas Leges Christianorum congeries longis temporibus custodivit intemeratas, &c.* Du Cange.

Paschæ, 1 Jac. Rot. 1119. in Communi Banco.

It was resolved,

Quod Decimarum *tres sunt species, quædam* Personales, *quæ debentur ex opere personali, ut Artificio, Scientia, Militia, Negotiatione, &c. Quædam* Prædiales, *quæ provenient ex prædiis,* i. e. *Ex fructibus prædiorum, ut Blada, vinum, fænum, linum, cannabum, &c. seu ex fructibus arborum, ut Poma, Pyra, Pruna, Volema, Cerasa, & fructus hortorum, &c. quædam* Mixtæ, *ut de Caseo, lacte, &c. aut ex fœtibus animalium, quæ sunt in pascuis, & gregatim pascuntur, ut in Agnis, Vitulis, Hædis, Capreolis, Pullis, &c. Ex Prædialibus sunt quædam* Majores, *quædam* Minutæ; Majores, *ut frumentum, siligo, zizania, fænum, &c.* Minores *sive* Minutæ, *quidam dicunt, sunt, qui proveniunt ex menta, aneto, oleribus, & similibus, juxta illud dictum Domini,* Luc. 11. 42. Væ, qui decimatis mentam & rutam, *&c. Alii dicunt, Quod in Anglia consistunt* Decimæ minutæ *in lino, quæ sunt Prædiales, & Lana, lacte, casis & in Decimis animalium, agnis, pullis, & ovibus; Decimæ etiam mellis & ceræ numerantur inter* Minutas, *quæ sunt* Mixtæ. Vide Lyndewode, cap. de Decimis.

Laymen (in these later Times) taking small Occasions to withdraw their Tithes, (as Sir *Edward Coke* observes, 2 *Inst. fol.* 648.) the Statutes of 27 *Hen.* 8. *cap.* 20.—32 *ejusdem, cap.* 7. and 2 *Edw.* 6. *cap.* 13. were made to enforce the Payment thereof; which former Times required not, when more was often given, than was either due or demanded, as appears by these, and many other recorded Donations.

Ego Willielmus de Braosa *do & concedo Ecclesiæ Sanctæ Mariæ de* Bergaveny & *Monachis ibidem Deo servientibus, omnem* Decimam *de Castello de* Bergaveny, *sc. De Pane, de Vino, de Cervisia, & Sisera, & de omni genere potus, de carnibus, de piscibus, de sale, de melle, de cera, de sevo, & omni expensa generaliter, tam parva quam magna, Castelli jam prædicti, de Denariis quoquomodo adquisitis & habitis, de placitis, de auxiliis, de prisonibus, de bobus, de vaccis, de porcis, de ovibus, de capris, de equis, & de omnibus rebus, & de omni eventu quoquomodo evenerit jam dicto Castello.* Mon. Angl. 1 par. fol. 558. a. — *Et* Decimas *omnium proventuum Placitorum, Tolnetorum, Donorum, Lucrorum & redditiuum meorum, & totius panis & potus expensæ de Castello Brechoniæ & de Haya.* Charta Rogeri Comitis Herefordiæ. Sine Dat.

And anciently many Men were so scrupulously careful in their Payment of Tithes, as they at their Death bequeathed a Soul sceat or Scot to their Parish-Priest, in lieu of any Tithes forgotten; and at their Funerals caused their best Ox or Horse to be led with the Corps, and as a Mortuary or Obligation, given to the Priest, in recompence of any Tithes which might be forgotten. See *Decimæ.* See *Minute-Tithes.*

Tithing (*Tithingum*, from the *Sax.* teoþunge, which signifies *Decuriam*) is the Number or Company of Ten Men, with their Families, cast or knit together in a Society, all being bound to the King for the peaceable behaviour of each other. Of these Companies there was one Chief Person, who of his Office was called Teothung-man, at this Day in the *West* Parts *Tithingman*, but now he is nothing but a Constable; for that old Discipline of *Tithings* is left long since. *Tithing* is also used for a Court. *Mag. Char. cap.* 25. and *Merton, cap.* 10. See *Chief-Pledge, Frank-Pledge, Decennier,* and *Tri-thing.*

Tithing-peny, alias Tith-peny, alias Tending-peny, alias Thething-peny. *Et sint quieti de* Thething-peny, *Tympenny, & de omnibus forisfactis quæcunque occasione emerserunt, &c.* In Mem. Scac. de Anno 20 Edw. 3. Trin. Rot. 3. *Abbati & Monachis Reding.* Tithing-peny, *hoc est quieti de Tallagio Decennæ sive* Tithing *per consuetudinem.* MS. in Bibl. Cotton. sub Tit. *Vitellius.* C. 9. fol. 221. b.

Title, (*Titulus.*) This is a Word mentioned in several Councils and Synods; and it signifies the Church to which a Priest was ordained, and where he was constantly to reside. *Concil. London. An.* 1125. *Nullus in presbyterum, nullus in Diaconum, nisi ad certum* Titulum, *ordinetur.* There are many Reasons why a Church is called *Titulus*: But that which to me seems the best, is, because in former Days the Name of the Saint to whom the Church was dedicated, was engraved on the Porch, as a Sign that the Saint had a Title to that Church. From whence the Church it self was afterwards called *Titulus.*

Tobius fluvius, *Tovey* in *Wales.*

Tod of Wool contains twenty eight Pounds, or two Stone; mentioned in the Stat. 12 *Car.* 2. *c.* 32. It comes from the Fr. *Toilet*, a Wrapper, within which, by Usage, two Stone of Wool is folded. 3 *Inst. fol.* 96.

Toft, (*Toftum*, and *Tofta*,) a Parcel of Land, or Place where a Messuage hath stood, but is decayed, or casually burnt, and not re-edify'd. *Stat.* 22 & 23 *Car.* 2. *of Subsidy. Plowd. Com. fol.* 170. A Word much used in *Fines, West. par.* 2. *Symbol. tit. Fines, sect.* 26. *Capitale* Toftum & Croftum *quod fuit Walteri Patris sui.* Charta Petri de Brus in Bibl. Cotton, — Seites & Tofts.

Toftman (*Toftmannus*,) the Owner or Possessor of a *Toft.* Toftmanni *similiter operabantur a Sancto Michaele usque ad autumnum, & in autumno per* 6 *heddomadas, unaquaque heddomade per* 2 *dies, &c.* Reg. Priorat. Lew. pag. 18. See *Molman.*

Tol, (*Tollere*,) as it is a Verb, signifies To defeat or take away. *Anno* 8 *Hen.* 6. *cap.* 9. As, *To tol the Entry, i. e.* To take away the Right of Entry.

Toliatis, the Isle of *Sheppey.*

Toling-peny, *Mon. Angl.* 2 *Tom. pag.* 286. for *Teding-peny.*

Toll (*Tolnetum vel Telonium*) is a *Saxon* Word, derived from *Tollendo*, Taking, and hath two Significations. First, It is used for a Liberty to buy and sell within the Precincts of a Manor. Secondly, For a Tribute or Custom paid for Passage, Buying, Selling, *&c. Bracton, lib.* 2. *cap.* 25. *numb.* 3. interprets it to be a Liberty as well to take, as to be free from *Toll*, (for they who are enfeoffed with *Toll* are Custom-free, says *Skene*,) Toll *hoc est, quod vos & homines vestri de toto Homagio vestro sint quieti de omnibus mercatis & de* Tolneto *de omnibus rebus emptis & venditis.* Of this Freedom from *Toll*, the City of *Coventry* boasts of an ancient Charter, granted by *Leofrick*, (or *Luriche*,) Earl of the *Mercians* in *Edward* the Confessor's Time, who, at the Importunity of *Godeva*, his virtuous Lady, granted this Freedom to that City: And in *Richard* the Second's Time (according to *Dugdale* in his Description of *Warwickshire*,) 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 inscribed;

I Luriche for the love of thee,
Do make Coventry Toll-free.

Some Records make Mention of *Toll-through*, or *Thurtoll*, which is Money paid for Passage in or *through* some Highways, or over Ferries, Bridges, *&c.* *Toll-travers*, for passing over a private Man's Ground: And *Toll-turn*, which is *Toll* paid at the *Return* of Beasts from Fair or Market, though they were not sold. *Plowden, Casu Willion, fol.* 236. *Kitchin, fol.* 104. By the ancient Law of this Land, the Buyers of Corn or Cattle in Fairs or Markets ought to pay *Toll* to the Lord of the Market, in Testimony of the Contract there lawfully made in open Market, because privy Contracts were held unlawful. *Horn's Mirror, lib.* 1. There is also Intoll and Utroll, mentioned in *Henry* I.'s Charter to the Church of St. *Peter* in *York*; which see *Mon. Angl.* 3 *Part. fol.* 236. *a.*

Toll-booth, the Place where Goods are weighed.

Tollester, a Duty paid for making Ale. *Per* Tollester, *clamat esse quiet. de reddend. unum Sextarium Cervisiæ quod continet* xvi *Lagenas, de nova cervisia mensurata, defultus de* Shakclif *pro licencia braciandi cervis. per totum annum.* Ex Rot. Plac. in Itin. apud Cestriam, 14 H. 7. The same Word occurs in *Charta* 55 *Hen.* 3. *m.* 6. *Somner's Treatise of Gavelkind, pag.* 24. *De* Tollester *cervisiæ, hec est pro quolibet braccino per Annum unum Lagenam cervisiæ.* See *Gavelsester.*

Tollep, the Place where Merchants meet. From the Sax. Tol, *Tributum*, and Pee, *sedes.*

Tolt (*Tolta*) is a Writ whereby a Cause, depending in a Court-Baron, is removed to the County-Court, and so called, because it does *Tollere loquelam*, from the one Court to the other. *Preface* to *Coke's* 3 *Rep. Plac. Coram Rege Pasc.* 22 *Edw.* 1. *Rot.* 58. Tolta *placiti significat processum per quem causa a jurisdictione Curiæ temporalis* tollitur.

Tolt is also a Tribute, or an Exaction of any Thing. *Mon. Angl.* 1 *Tom. pag.* 673. So in *Mat. Paris. Mercatores vendunt sine* Toltis *malis.*

Toltrap. *Venditio salis, quæ debet solvi*, i. e. 1 *Bushel & dimid. salis per mensuram* 4 d. MS. de Temp. Edw. 1.

Tomin, a Weight so called amongst Goldsmiths and Jewellers, and is twelve Grains.

Tonne. See *Tun.*

Tozcare is a Word mentioned in *Fleta*, 2 *Lib. cap.* 78. *par.* 2. viz. *Boves striliars &* Torcare: Which is to comb and cleanse his Oxen.

Tozcester. See *Tripontium.*

Tozt, (from the Lat. *Tortus*,) Injustice, Injury: As, *De son tort mesme*; In his own Wrong. *Croke's Rep. White's* Case, *fol.* 20. Wrong or Injury properly called *Tort*, because it is wrested or crooked. *Coke on Littl. fol.* 158. *b.*

Tozteasoz, (Fr. *Tort faiseur*,) a Doer of Wrong, a Trespasser. *Coke's* 2 *Par. fol.* 383. *numb.* 11.

Tozticius is mentioned in *Fleta* and other Books, and signifies a Torch.

Toties quoties, (*Anno* 19 *Car.* 2. *cap.* 4.) As often as.

Totted, a good Debt to the King is by the *Foreign Apposer*, or other Officer in the *Exchequer*, noted for such by writing this Word *Tot* to it, *q. d.* Tot *pecuniæ Regi debentur.* Also that which is paid shall be *totted. Anno* 42 *Edw.* 3. *cap.* 9. and 1 *Edw.* 6. *cap.* 15. See *Practice of the Exchequer, pag.* 71.

Totterap was a customary Payment of four Pence for every Bushel and an half of Corn sold at *Maldon* in *Essex. Hill.* 15 *Edw.* 1.

Tourn. See *Turne.*

Tout temps prist & uncore est (*i. e.* Always ready, and is so at the present) is a Kind of Plea in way of Excuse or Defence for him that is sued for any Debt or Duty belonging to the Plaintiff. See *Brook's Abr. fol.* 258.

Towage (*Towagium*, and *Theroagium*, Fr. *Touage*,) is the towing or drawing a Ship or Barge along the Water by Men or Beasts on Land, or by another Ship or Boat fasten'd to her. Also that Money or other Recompence which is given by Bargemen to the Owner of the Ground next, the River where they *tow* a Barge, or other *Vessel.* The Word may probably be derived from the Sax. Teon, *Ducere. Trahere. Dominus Rex habeat & habere debeat* Thowagium *navium & batellorum majorum & minorum in aqua de Tyne, &c.* Pla. Parl. 18 Edw. 1. in Turre London.

Trabariæ, were little Boats; so called, because they were made out of single Beams or Pieces of Timber cut hollow. *Florence of Worcester, p.* 618. writes, That *uterque Rex in insulam* Trabariis *advehitur.*

Trabes, in Churches, was that we now call Branches, made usually with Brass; but formerly with Iron. See *Thrave.*

Traga was a Sort of Waggon without Wheels. 'Tis mentioned in the *Monasticon*, 1 *Tom. pag.* 851. *Qui cum quadrigâ vel* Tragâ *egressus.* So in *Virgil. Georg. lib.* 1. *ver.* 164.

Tribulaque, traheæque & iniquo pondera rastri.

Trahare seems to be used for To harrow, as well as *Herciare. Inq. in Anno* 1223. *in Registro de Blyth.*

Trajectus, *Ast-Passage* over the *Severn* between *Gloucestershire* and *Wales*, not far from *Bristol.*

Trait, Bread of Trait, *quasi Treat*, was what we now call White-bread.

Tranatozium, a Bay.

Transcript (*Anno* 34 & 35 *Hen.* 8. *cap.* 14.) is the Copy of any Original written again or exemplified; as the *Transcript* of a Fine.

Transcriptio Recognitionis factæ coram Justiciariis itinerantibus, &c. is a Writ for the certifying a Recognizance into *Chancery*, taken before Justices in *Eyre. Reg. of Writs, fol.* 152. *b.*

Transcriptio pedis Finis levati mittendo in Cancellariam is a Writ for the certifying the Foot of a Fine, levied before Justices in *Eyre, &c.* into the *Chancery. Reg. of Writs, fol.* 169. and *Reg. Judic. fol.* 14.

Transgressione is a Writ, commonly called a Writ or Action of *Trespass.* Of which *Fitzherbert* hath two Sorts: 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 not these Words, *Quare vi & Armis, &c. Nat. Br. fol.* 84. G. The other is termed a *Writ of Trespass*, which is to be sued in the *Common Pleas* or *King's*

Bench. Nat. Br. fol. 92. *E.* See *Trespass*, and the divers Uses of this Writ, in the Table of *Reg. of Writs*, and 2 *Inst. fol.* 419.

Transire (*Anno* 14 *Car.* 2. *cap.* 11.) is used for a Custom-house Warrant, or a Let-pass. From *Transeo*, To go forth, or let pass.

Transitory is the Opposite to *Local*. See *Local*.

Trantery. So in some Manors they call the Money arising by Amercements of Ale-sellers and Victuallers for breaking the Assise of Bread and Ale; as at *Luston*, and other Manors in *Herefordshire*, especially those belonging to the Bishoprick of *Hereford*. But why so called, *Quere*.

Trava. See *Thrave*.

Travers (from the Fr *Traverser*, i. e. *Transfigere*) signifies sometimes To deny, sometimes To over-throw or undo a Thing, or To put one to prove some Matter; much used in Pleadings, *viz.* It is that which the Defendant pleadeth or saith in Bar to avoid the Plaintiff's Bill, either by confessing and avoiding, or by denying and *traversing* the material Parts thereof. The formal Words of which *Travers* are, in our French *sans ceo*, in Latin *absque hoc*, in English *without that*. See *Kitchin, fol.* 227, & 240. To *travers an Office* is nothing else but to prove, That an Inquisition made of Goods or Lands by the Escheator is defective and untruly made. So to *travers an Indictment* 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 Highway over-flown with Water, for Default of scouring a Ditch, &c. *A.* may *travers* either the Matter, that there is no Highway there, or that the Ditch is sufficiently scoured; or otherwise he may *travers* the Cause, *viz.* That he hath not the Land, or that he and they, whose Estate, &c. hath not used to scour the Ditch. *Lamb. Eiren. lib.* 4. *cap.* 13. *pag.* 521, 522. See the *New Book of Entries, verbo Travers*.

Traversum, a Ferry. 'Tis mentioned in the *Monasticon*, 2 *Tom.* 1002. *Ab omni custumâ pontagii vel* traversi.

Traylbaston. See *Justices of Traylbaston*; and see the Copies of several Commissions granted to them by *Edward* the First in *Spelman's Glossarium, verbo, Traylbaston*. The common People in those Days called them *Traybaston, quod sonat, Trahe baculum*. *Edward* the First, in his thirty second Year, sends out a new Writ of Inquisition, called *Trailbaston*, against Intruders on other Mens Lands, who, to oppress the right Owner, would make over their Lands to great Men, against Barterers hired to beat Men, Breakers of Peace, Ravishers, Incendiaries, Murderers, Fighters, False Assisors, and other such Malefactors; Which Inquisition was so strictly executed, and such Fines taken, that it brought in exceeding much Treasure to the King. *Chron. fol.* 111. See *Plac. Parliamentaria, fol.* 211. & 280. and 4 *Inst.* 186. And in a Parliament, 1 *Rich.* 2. the Commons of *England* petitioned the King, That no Commission of Eyre, or *Trayle Baston*, might be issued during the Wars, or for twenty Years to come. *Rot. Parl.* 1 *Ric.* 2. 80.

Traves, (*Trava bladi.*) *Claus.* 5 *Ed.* 2. *dors.* 21. and *Claus.* 12 *R.* 2. *m.* 34. granted to the Provost of St. *John* of *Beverly*. See *Peter-Corn* and *Thrave*.

Traytor, (*Traditor, Proditor.*) See *Treason*.

Treason (Fr. *Trahison*, i. e. *Proditio*) is divided into high and petit. *Anno* 25 *Edw.* 3. *Stat.* 3. *cap.* 4. *High-Treason* is defined to be an Offence committed against the Security of the King or Commonwealth, whether it be by Imagination, Word, or Deed; as to compass or imagine the Death of the King, Queen, or Prince; or to deflower the King's Wife, or his eldest Daughter unmarried, or his eldest Son's Wife; or to 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 of Eyre, of Assise, or of Oyer and Terminer, being in their Place, doing their Office, (*Anno* 25 *Edw.* 3. *cap.* 2.) Forging the King's Seal-Manual, or Privy Signet, Privy Seal, or Foreign Coin current here, (*Anno* 2 *Mar. cap.* 6.) or diminishing or impairing current Money, (5 *Eliz. cap.* 11. 14 *Eliz. cap.* 3. and 18 *Eliz. cap.* 15.) or to say the King is an *Heretick* or *Papist*, or that he intends to introduce *Popery*, &c. *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 hanged, drawn, and quartered, and forfeit his Lands and Goods to the King. It is also called *Treason Paramount*. *Anno* 25 *Edw.* 3. *cap.* 2.

Petit Treason is when a Servant kills his Master, a Wife her Husband, or when a Secular or Religious Man kills his Prelate or Superior, to whom he owes Faith and Obedience. And in how many other Cases *Petit Treason* may be committed, see *Cromp. Justice of Peace*. This Kind of Treason gives Forfeiture of Escheats to every Lord within his own Fee. See *Bracton, lib.* 3. *tract.* 2. *cap.* 3. *numb.* 1, & 2. There is also Mention of *Accumulative Treason* and *Constructive Treason* in the Stat. 44 *Car.* 2. *cap* 29.

Treasurer (*Thesaurarius*) is an Officer to whom the *Treasure* of another is committed to be kept, and truly disposed. The chief of these with us is the *Treasurer of England*, who is a Lord by his Office, and one of the greatest Men of the Land; under whose Government is all the Prince's Wealth in the Exchequer, as also the Check of all Officers any Way employed in collecting Imposts, Tributes, or other Revenues belonging to the Crown, &c. *Smith de Repub. Angl. lib.* 2. *cap.* 14. See *Anno* 20 *Edw.* 3. *cap.* 6. and other Statutes relating to this Great Officer. He is made by the King's delivering the white Staff to him. There is also *Treasurer of the King's Houshold*, who is also of the Privy Council, and in the Absence of the Steward of the Houshold has Power, with the Controller and Steward of the Marshalsea, without Commission, to hear and determine Treasons, Murders, &c. committed within the King's Palace. *Stand. Pl. Cor. lib.* 3. *cap.* 5. There is also in the Statutes Mention of *Treasurer of the Exchequer, Treasurer of the Navy, Treasurer of the King's Chambers, Treasurer of the King's Wardrobe, Treasurer of the Wars*, &c. And most Corporations throughout the Kingdom have an Officer of this Name, who receives their Rents, and disburseth their common Expences.

Treasure-trove (Fr. *Tresor-trouve*, i. e. Treasure found) signifies *Veterem depositionem pecuniæ, cujus non extat memoria, ut jam dominum non habeat*. And though the Civil Law give it to the Finder, according to the Law of Nature, yet our Law gives to the King by his Prerogative, or to some other, who claims by the King's Grant, or by Prescription, as appears by *Bracton, lib.* 3. *Tract.* 2. *cap.* 3. *numb.* 4. The Punishment for concealing *Treasure found* is Imprisonment and Fines. But if the

the Owner may any Ways be known, then it does not belong to the King's Prerogative. *Briton*, (*c.* 17.) ſays, 'tis every Subject's Part, as ſoon as he has found any *Treaſure* in the Earth, to make it known to the Coroners of the County, *&c.* See *Kitchin, fol.* 40. *Anno* 1 *&* 2 *Phil. & Mar. cap.* 15. This was anciently called **Findaringa**, of finding the Treaſure. *LL. Hen.* 1. *cap.* 11. See 3 *Inſt.* 132.

Treat (from the Fr. *Traiter*, i. e. *Emulgere*) ſignifies as much as taken out, or withdrawn; as, a Juror was challenged, becauſe he could not diſpend 40 *l.* and therefore was *treat* by the Statute, (*Old Nat. Br. fol.* 159.) that is, removed or diſcharged.

Trebuchet, (*Terbichetum*,) a Tumbrel, or Cokeſtool. 3 *Par. Inſt. fol.* 319. See *Tribuch*. It was alſo a great Engine to caſt Stones to batter Walls, *Matt. Pariſ. Anno* 1246. *Per ſeptem* Trebuchetta *ordinata, quæ tam de die quam de nocte in Caſtrum, &c. projicere non ceſſabant.* See *Trepget*.

Treca, (*Treſſorium*,) Hair hanging in *Treſſes*. *Amputentur eis* Treſſoria *& tondentur*. Fleta, lib. 2. cap. 5. par. 4.

Treding. See *Trithing*.

Treet, (*Triticum, i. e.* Wheat.) In the Statute of 51 *Hen.* 3. Bread of *Treet* ſeems to be that Bread which was made of fine *Wheat*. See *Cocket*.

Tremellum, *i. e.* a Granary. 'Tis mentioned in *Mon. Angl.* 1 *Tom. pag.* 470. *Sciendum tamen eſt quod prædicti monachi facient ſectam molendini mei tam de blado ſuo quam hominum ſuorum; ita quod ipſi habeant primam molituram poſt bladum quod invenerint in* Tremello, *&c.*

Trencatum. *Uſq; ad* Trencatum *in Mariſco*. 2 Monaſt. fol. 211. b. A Trench.

Trencheator, (from the Fr. *Trencher*, To cut,) a Carver of Meat at a Table, as we often find in the Patent Rolls, Penſions granted by our Kings to J. S. *uni Trencheatorum noſtrorum*.

Trental, (*Trentale*,) an Office for the Dead, of thirty Maſſes for thirty Days after the Party's Death. From the Italian *Trenta*, i. e. *Triginta*. Mentioned *Anno* 1 *Ed.* 6. *cap.* 14. *Et volo & ordino quod Executores mei ordinent ſeu ordinare faciant unum* Trentall *pro ſalute animæ meæ*. Will proved, *Anno* 1456.

Trepget, a great Engine to throw Stones againſt a Wall in ſtorming a Town. 'Tis mentioned in *Knighton*, *Anno* 1381. *Poſuerunt etiam ibidem machinam magnam & unum* Trepget, *cum uno magno Gunna*.

Treſpaſs (*Tranſgreſſio*) ſignifies any Tranſgreſſion of the Law under Treaſon, Felony, or Miſpriſion of either. *Staundf. Pl. Cor. 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 nor Felony, but *Treſpaſs*. But it is moſt commonly uſed for that Wrong or Damage which is done by one private Man to another, or to the King in his Foreſt. In which Signification it is of two Sorts; *Treſpaſs-general*, otherwiſe termed *Vi & Armis*; and *Treſpaſs-ſpecial*, otherwiſe called *Treſpaſs upon the Caſe*, which ſeems to be without Force, howbeit ſometimes they are confounded. In an Action of *Treſpaſs* the Plaintiff always ſues for Damages, or the Value of the Hurt done him by the Defendant. See *Brooke's Abridg. tit. Treſpaſs*.

There is alſo *Treſpaſs local* and *Treſpaſs tranſitory*. *Treſpaſs local* is that which is ſo annexed to a Place certain, that if the Defendant join Iſſue upon the Place, and traverſe the Place only by ſaying, *abſque hoc*, that he did the Treſpaſs in the Place mentioned in the Declaration, and averr it, it is enough to defeat the Action. *Treſpaſs tranſitory* is that which cannot be defeated by the Defendant's Traverſe of the Place, becauſe the Place is not material: But Actions of Treſpaſs *Quare Clauſum fregit* ought to be local. *Bracton, lib.* 4. *c.* 34. *num.* 6. divides *Tranſgreſſionem in majorem & minorem*. See alſo *New Book of Entries, verbo Treſpaſs*.

Treſpaſſants, (Fr.) Paſſengers. So *Briton* uſes it, *cap.* 29.

Tret. See *Tare*.

Treuga, and **Truga**, a League, Truce, or Ceſſation of Arms. *Rex,* — *Sciatis quod cum quidam inimici noſtri regnum noſtrum Angliæ, cum poſſe non modico, præſentibus* Treugis *non obſtantibus, hoſtiliter ingreſſi fuerint*. Rot. Parl. 5 Hen. 4. n. 24. See *Cuſtos Treugarum*.

Trial (*Triatio*) is uſed for the Examination of all Cauſes, Civil or Criminal, before a Judge, according to the Laws of our Realm; of which there are divers Kinds; as, Matters of Fact ſhall be *tried* 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 *tried* without any Oath by his Peers, upon their Honours and Allegiance: But in Appeal, at the Suit of any Subject, they ſhall be tried *per bonos & legales homines*. If antient Demeſn be pleaded of a Manor, and denied, this ſhall be tried by the Record of *Domeſday*. Baſtardy, Excommengement, Lawfulneſs of Marriage, and other Eccleſiaſtical Matters, ſhall be *tried* by the Biſhop's Certificate. Of the antient Manner of *Trials* by Combat and great Aſſiſe, ſee *Combat* and *Aſſiſe*. See *Staundf. Pl. Cor. lib.* 2. *cap.* 1, 2, 3. and *Twelve Men*. Triatio *eſt exactiſſima, litis conteſtatæ, coram Juſtice, per duodecemvirale ſacramentum, exegitatio*. Pat. 3 Joh. m. 3. *In fidelitate* Leulini *ſtatuitur de* triatione *differentiarum dicti* Leulini, *&c.* 'Tis uſual to aſk the Criminal how he will be tried; which formerly was a very ſignificant Queſtion; but 'tis not ſo now, becauſe formerly there were ſeverally Ways of Trial, *viz.* by Battel, by Ordeals, and by Jury. And when the Criminal anſwered the Queſtion, *By God and his Country*, it ſhewed that he made Choice to be tried by a Jury. But now there is no other Way of Trial.

Trial per Pais, i. e. *Per Patriam* by a Jury.

Tribuch, and **Trebuchet**, (*Terbichetum*,) a Tumbrel, Cuckingſtool, or Gogingſtool. *Hæc omnia concedimus Deo & Eccleſiæ Sancti Albani, cum Sóca & Sacca*, on **Stronde & Streme**, on **Wude & Feld**, *Toll & Tem*, Tribuch, *Hamſoken, Murdre, Foreſtal, Danegeld, Infangenthef & Utfangenthef, Flemeneſfremthe, Blodwite, Wreck, &c.* Chart. Joh. Regis, Dat. 11 Junii, Anno 1 Regni.

Tribunculus, the ſame with *Trebuchet*.

Tricennale. See *Trental*.

Triceſima, an ancient Cuſtom ſo called in the Borough of *Bromyard in Com. Heref.* becauſe thirty Burgeſſes paid 1 *d.* yearly Rent for their Houſes to the Biſhop who is Lord of the Manor. *Lib. nig. Heref.*

Trigintale. See *Trental*.

Trithing, or **Triching**. (Sax. Trihinga,) contains three or four Hundreds, or the third Part of a Shire or Province, whoſe Court held within that Circuit, which was the ſame we now call a *Court-Leet*, which is above a Court-Baron, and inferior to the County-Court. [illegible] *loquelis*,

loquelis, &c. Regist. 266. *Provisum est quod quilibet liber homo libere possit facere Atturuatum suum ad loquelas suas prosequendas & defendendas, motas in* Trithyngis, *Comitatibus, Wapentachiis & aliis Curiis sine brevi nostro.* Sur le Statute de Merton, c. 10. *Fiat autem visus de Franciplegio sic,* viz. *Quod pax nostra teneatur, & quod* Trithinga *sit integra, sicut esse consuevit, &c.* Mag. Char. cap. 36. See *Fleta, lib.* 2. *cap.* 61. and *Origin. Jurisd. fol.* 26. See *Lath. Et volo quod dicti Monachi sint quieti & soluti ab omni scotto, Geld, auxiliis vicecomitum, Hydagio, & a secta in Schiris, Wapentachiis, Hundredis,* Trithingis, *& omnimodis aliis Curiis & sæculi oneribus universis.* Charta Ealdredi Regis Anno 948. Abb. & Monachis Croiland, V. vitam Afredi, fol. 79.

Trimilchi, the English *Saxons* called the Month of *May* by this Name, because they milked their Cattle three Times every Day in that Month. *Beda de ratione Temp. cap.* 18.

Trinity-house is a Kind of College at *Deptford*, belonging to a Company or Corporation of Seafaring Men, who have Power by the King's Charter to take Knowledge of those that destroy Sea-marks, and to redress their Doings, as also to correct the Faults of Sailors, *&c.* and to take care of divers other Things belonging to Navigation and the Seas. *Anno* 8 *Eliz. cap.* 13.

Triniumgeld, (Sax. Dni-nizongild, i. e. *Ter nona solutio.*) *Grandis delicti compensatio, quæ non absolvitur nisi ter novem gildis,* i. e. *solutionibus.*

Trink is a Kind of Fishing-net, or an Engin to catch Fish, *Anno* 2 *Hen.* 6. *cap.* 15. *Coke's Rep. fol.* 89. *Mich.* 9 *Jac.*

Trinobantes. *Middlesex* and *Essex.*

Trinoda necessitas, i. e. *Expeditio, Pontis, & Arcis reparatio.* These were the three Exceptions anciently inserted in the King's Grants of Lands to the Church, after the Words that freed them *ab omni sæculari servitio. Charta Cadwallæ Regis Eccles. Cant. Ao* 730. See *Pontage.*

Triours are such who are chosen by the Court to examine whether a Challenge made to the Panel, or any of them, be just or no. *Brook, tit. Challenge, fol.* 152. and *Old Nat. Br. fol.* 158.

Tripodium. *Leg. H.* 1. *cap.* 64. *In quibus vero causis triplicem Ladum haberet, ferat judicium* Tripodii, *i. e.* 60 *Solid.* The Meaning is, That as for a small Offence, or for a trivial Cause, the Composition was twenty Shillings; so for a great Offence, which was to be purged *Triplici Lada*, the Composition was to be three Times twenty Shillings, *viz. Tripodio.*

Tripontium, *Torcester.*

Trirodа terræ. *Dedit unam* Trirodam terræ *arabilis, quæ est forera cum pertin. in campis, Staunsordiæ, &c.* MS. Chartarum penes Eliam Ashmole Arm. It seems to signify a Quantity of Land containing three Rods or Perches.

Trisantonis portus, *Southampton.*

Trista. *In quo Rex cum cæteris superior constitisset, secundum legem venandi, quam vulgus* Tristam *vocant, singulis proceribus cum suis canibus singula loca delegat, ut obsessa undique bestia, ubicunque eligeret animum, invenirent exitum, &c.* Decem Scriptores, fol. 307. *Servitium vel Officium plane sapit, fiducia mixtum; Origo, ni fallor, a nostratium* Trust. Gloss. in x. Scrip. See *Tristis.*

Tristis, Tristis, & Trista, (from Traist, i. e. Trust,) is an Immunity, whereby a Man is freed from his Attendance on the Lord of a Forest, when he is dispos'd to chase within the Forest, and shall not be compell'd to hold a Dog, follow the Chase, nor stand at a Place appointed, which otherwise he might be, under Pain of Amercement. *Manw. par.* 1. *pag.* 86. *Et sint quieti, &c. de chevagio,* Londepeny, Buckstol, & Tristri, *& de omnibus misericordiis, &c.* Privileg. de Semplingham. 1 *Inst. fol.* 306.

Tristega was the uppermost Room in a House; a Garret or Room three Stories high. 'Tis mentioned in *Mat. Paris. Anno* 1247. *Habebat nempe in ipsa navi, sicut de arcâ Noe legitur, diverticula &* Tristegas, *cameras & cuclavia.*

Thzithing, (*Thrithingum*) In the Statute of *Merton, cap.* 10. signifies a Court consisting of three or four Hundreds. 2 *Inst. fol.* 99. See *Tribing.*

Tronage (*Tronagium*) is Custom or Toll taken for weighing Wool. *Fleta* (*lib.* 2. *cap.* 12. *Sect. Item ulnas*) says, That *Trona* is a Beam to weigh with, mentioned in *Westm.* 2. *cap.* 25. See *Pesage. Monasticon,* 1 *Tom.* 976. *Et sint quieti de omni pavagio, pieagio, terragio,* tronagio, *pontagio.*

Tronator, (from *Trona*, i. e. *Statera*,) an Officer in the City of *London*, who weighs the Wool that is brought thither. See his Oath in the *Book of Oaths, fol.* 231.

Trover (Fr. *Trouver*, i. e. *Invenire*) is the Name of an Action, which a Man hath against one, who, having found any of his Goods, refuseth to deliver them upon Demand. See *New Book of Entries, verbo Trover.* Actions of *Detinue* are of late much turned into Actions upon the Case, *Sur Trover & Conversion. Preface to Roll's Abridgment.*

Troy-weight, (*Pondus Trojæ.*) See *Weight.* 'Tis called *Troy-weight*, from *Troyes*, a City in *Champaigne*, from whence it first came to be used here.

Trug, or **Trug-Corn.** *Tres* Trug *frumenti vel avenæ faciunt* 2 *Bushels infra Prebendam de Humderton in Ecclesia Heref.* MS. de temp. E. 3. In the Black Book of *Hereford* we find *Truga frumenti* for that Measure of Wheat. And at *Lempster*, at this Day, the Vicar has *Trug-Corn* allow'd him for officiating at some Chapels of Ease (as *Steke* and *Dockhays*) within that Parish. Haply it may come from the Sax. Tpog, which signifies a great hollow Vessel or Trough.

Tuerobius Fluvius. *Tuy* in *Wales.*

Tueda, *Berwick* upon *Tweed.*

Tumbrel, (*Tumbrellum, Turbichetum*, from the Fr. *Tomber, Cadere*,) is an Engine of Punishment, which ought to be in every Liberty that has View of Frankpledge, for the Correction and Cooling of Scolds and unquiet Women. *Kitchin, fol.* 13. See *Cucking-stool.* Item, *si aliquis, qui in libertatem nostram, per assensum & consensum Comburgensium nostrorum, admissus fuerit, fecerit aliquod delictum, per quod ad penam publicam seu vile Judicium, ut ad* Collistrigium *vel* Tumbrellum, *vel aliquod aliud hujusmodi adjudicatus fuerit, pro perjuro reputabitur, & ipso facto amittet libertatem suam.* MS. Codex de LL. Statutis & Consuetud. Burgi villæ Mountgomery.

Tun, Ton, in the End of Words or Names of Places, signify a Town, Village, or Dwelling-place. From the Sax. Tun, *Sepes, Vallum, Villa, Vicus, Oppidum*: And this from the Sax. Dun, *i. e.* an Hill, where they formerly built Towns.

Tun, (*Tunellum*,) is a Measure of Oil or Wine, containing twelve-score and twelve Gallons, or four Hogsheads. *Anno* 1 *Rich.* 3. *cap.* 12. 2 *Hen.* 6. *cap.* 11. and 12 *Car.* 2. *cap.* 4. A Tun of Timber is 40 solid Feet; a Load 50. *Ex dono Will. de Bruose unum* Tunellum *vini rubri de tribus modiis & dimid.*

dimid. in villa de S. ad Missas celebrandas. Mon. Angl. 3 Par. fol. 8. a.

Tun-greve, (Sax. Tungepæva, i. e. *villæ præpositus,*) a Reeve or Bailiff. *Qui in villis (& quæ dicimus Maneriis) Domini personam sustinet, ejusque vice omnia disponit & moderatur.* Spelman.

Tunnage, alias **Tonnage,** (*Tunnagium* and *Tonnagium,*) is a Custom or Impost due for Merchandise brought or carried in *Tuns,* and such like Vessels, from or to other Nations, after a certain Rate for every *Tun.* *Anno* 12 *Edw.* 4. *cap.* 3. 6 *Hen.* 8. *cap.* 14. 1 *Edw.* 6. *cap.* 13. 1 *Jac. cap.* 33. & 12 *Car.* 2. *cap.* 4. It is sometimes used for a Duty due to the Mariners for unloading their Ships arrived in any Havens, after the Rate of so much a *Tun.* *Tunnage* and *Poundage* began in the 45th of *Edward* the Third. *Customi Posthuma, fol.* 172. See 4 *Inst. fol.* 32. ⊙

Tunocellum, *Tynemouth.*

Turbagium. *Et decimam de* Turbagio *de villa Snathrfeld.* 1 Mon. fol. 632. b. A Place where *Turfs* are digged; or the Liberty of digging *Turfs.*

Turbary (*Turbaria*) is a Right or Interest to dig *Turfs* on another Man's Ground. *Kitch. fol.* 94. and *Common of Turbary* is a Liberty which some Tenants have by Prescription to dig Turfs on the Lord's Waste. *Turbaria* is sometimes also taken for the Ground where *Turfs* are digged. *Turbaria bruiria,* a Flaw-turf or Heath-turff, mentioned in a Charter of *Hamon de Massy, sine dat.*

Turkins is a Sort of Sky-colour'd Cloth. 'Tis mentioned in the Statute 1 *Rich.* 3. *cap.* 8.

Turn (*Turnum*) is the Sheriff's Court, kept twice every Year, *viz* within a Month after *Easter* and *Michaelmas. Mag. Charta, cap.* 35. & 3 *Ed.* 3. *cap.* 15. From this Court are exempt only Archbishops, Bishops, Earls, Barons, all Religious Men and Women, and all such as have *Leets* of their own to be kept. *Anno* 25 *Hen.* 3. *c.* 10. *Briton, (c.* 29.) calls it *Tour,* i. e. *Ambitus, Circuitus.* It is a Court of Record in all Things that pertain to it; it is the King's Leet through all the County, and the Sheriff is Judge, and this Court is incident to his Office. See *Cromp. Jur. fol.* 230. and 4 *Inst. fol.* 260. It is called the *Sheriff's Turn,* because he keeps a *Turn* or Circuit about his Shire, holding the same in several Places. Sir *Jo. Dodridge's Hist. of Wales, fol.* 50. See *Sectæ Regalis.*

Turney, or **Tournament,** (Fr. *Turney,* i. e. *Decursorium.*) signifies a martial Exercise of Knights or Gentlemen fighting on Horseback one with another in Sport; and is thus defined, *Torneamenta dicuntur nundinæ vel feriæ in quibus milites ex condicto convenire, & ad ostentationem virium suarum & audaciæ, temere congredi solent.* This Word is used in the Statute 24 *Hen.* 8. *cap.* 13. but the Thing it self is now disused. But anciently was of such note among us, that it was used as a Kind of Epoch in publick Writings; as, *Habendum a Festo Sancti Michaelis proximum ante primum Tourneamentum fuit tempore Domini Regis Rich. Anno* 1194. Charta penes Eliam Ashmole, Arm. These martial Exercises were very frequent in former Days. The Intent was only to enure Men for the Wars; for they fought with blunt Weapons, and in great Companies: For which Reason it differed from another warlike Exercise, *Justs;* for that was a single Combat by one Man against another.

Turno vicecomitum is a Writ that lies for those that are called to the Sheriff's *Turn* out of their own Hundred. *Reg. of Writs, fol.* 173.

Twaite signifies a Wood grubbed up, and turned to Arable. *Coke on Litt. fol.* 4. *b.*

Twa nights geste, (*Hospes duarum noctium.*) If he did Harm to any, his Host was not answerable for it, but himself. *Hoveden, parte, poster. fol.* 345. *b.* See *Thirdnight* [illegible]

Twelve Men, (*duodecim viri, vel legales,*) otherwise called the *Jury,* or *Inquest;* is a Number of twelve Persons, or upwards, to twenty four, by whose Oaths, as to Matters of Fact, all Trials pass both in Civil and Criminal Causes through all Courts of the Common Law in this Realm. In Civil Causes, when Proof is made of the Matter in Question, the Point of the Fact (on which they are to give their Verdict) is delivered likewise to them, which we call the *Issue,* then they are put in Mind of their Oath to do Right, and are, by the Judge summing up the Evidence, sent out of the Court by themselves to consider upon the Evidence on both Sides, until they are agreed. Which done, they return to the Court, and deliver their Verdict by the Mouth of their Foreman; according to which (if the Matter be not arrested, or staid by the Discretion of the Judge or the Court) the Judgment passeth.

In *Causes Criminal* there are two Sorts of Enquests: One called the *Grand Inquest;* the other the *Inquest of Life and Death.* The first is so called either because it consists of sixteen, at the least, or else because all Causes Criminal or Penal first pass through them; whereas the other Enquest is especially appointed for one or few Matters touching Life and Death. Those of the *Grand Inquest* are called by *Britton duodecim Milites;* because they were wont to be Knights, if so many could be had. And their Function is to receive all Presentments of any Offence, and accordingly to give their general Opinion of them, by writing either these Words *Billa vera* upon the Bill of Presentment, which is an Indictment of the Party presented, or else *Ignoramus,* which is a Doubting of the Fact presented. Of this read more in *Indictment, Assize, Jury.* See the Statute 35 *Hen.* 8. *cap.* 6. and 37 *ejusdem, c.* 22. 2 *Ed.* 6. *c.* 32. and 5 *Eliz. c.* 25.

Twelfhindus, the same with *Thanus.* Amongst the *English Saxons* every Man was valued at a certain Price; and where an Injury was done either to the Person or Goods, a pecuniary Mulct was imposed, and paid in Satisfaction of that Injury, according to the Worth and Quality of the Person to whom it was done. And all Men were ranked into three Classes, (which see in *Hindemo:*) Those who were worth 1200*s.* were called *Twelfhindi;* and if an Injury was done to him, Satisfaction was to be made according to his Worth.

Twihindi were Men valued at 200*s.* and these Men were of the lowest Degree: And if such a Man was killed, the Mulct was 30*s.* This is in *Leg. H.* 1. *c.* 9. *De Twihindi hominis (interfecti) were debet reddi secundum legem* 30 *solid. ad Mandatum.* Where by the Words *secundum legem,* this was not an Introduction of a new Law, but a Confirmation of the old, made in the Reign of King *Alfred.*

Tymber of Skins is fourty Skins. *Book of Rates, fol.* 18.

Tympeny. *Abbas & Monachi Rading sint quieti de tributis & lastagiis & stallagiis de Thelbing-peny & Tympeny, de summonitionibus de Assisis & juris Assisis, &c.* In Memorand. Scacc. de Anno 20 Ed. 3. int. Record. de Trin. Rot. 3. I find it elsewhere written Tuipeny. *Mon. Ang.* 1 Par. *fol.* 491. a. *Quære.*

Typula. See *Tibia.*

U.

VACation (*Vacatio*) is all the Time respectively, betwixt the end of every Term, and beginning of the next: When such Times began and ended in our Ancestors Days, see *Hovedon's Annals, Par. post. fol* 343. a. where you shall find that this intermission was called *Pax Dei & Ecclesiæ*. Also the Time from the Death of a Bishop or other Spiritual Person, till the Bishoprick, or other Dignity be supplied with another, is called *Vacation, Westm.* 1. *cap.* 21. & 14 *Edw.* 3. *cap.* 4 & 5. See *Plenarty*, and *Non-Term*.

Vacca lactearea, a Milch Cow —— *Et præterea ad tres vaccas lactearias & unum Pulleridum in mea dominica pastura*. Regist. Prior. de Wormley, f. 49.

Vaccarie, alias Vaccharie, (*Vaccaria*, al. *Vacharia*, *Vachiria*, and *Vacheria*) is a House or Place to keep Cows in. *Fleta, lib.* 2. *cap.* 41. *Domus sive locus quo vaccæ alunturur, vel quo negotium quod ad eas attinet perficitur. Spelm.* a Dairy-House, or Cow-Pasture. Without Warrant, no Subject may have a *Vaccary* within the Forest, *Crom. Jur. fol.* 194. But in the Stat. 37 *Hen.* 8. *cap.* 16. *Vaccary* seems to be a special Name of a certain compass of Ground within the Forest of *Ashdown*. And we read of the *Vaccary* of *Wyresdale* in Com. Lancæ. *Rot. Fin.* 35 *Edw.* 3 *m.* 23.

Vadlat seems to be the same with *Valet*. *A tout ceus que cetes lettres verront ou orront* Gilbert Talbot *salutz en diu. Sachez moy aver chargez & pleinement donez a mon cher* Vadlat, Johan de Lunhales *de purchaser en mon nom des* Liveres de terre *a lestente en Counte de Hereford, & la seisine la terre reserver & en mon nom continuer, tenquil eit autre mandement de moy. En tesmoignance, &c. dat.* 10 *Martii.* 1 *Edw.* 3. Ex Registro Priorat. de Wormley penes Edw. Harley mil. Balnei.

Vadum, (*Lat.*) a Ford; But I have seen it thus used, —— *Et quod homines sui faciant fidelitatem ad* Vadum *Parci prædicti R.* Charta antiqua.

Vaga, the River *Medway*.

Vage. See *Waga*.

Vagabond, (*Vagabundus*) one that wanders about, and has no certain dwelling, an idle Fellow. Rogues, *Vagabonds*, and sturdy Beggars, mentioned in divers Statutes. —— *De* Vagabundis *& aliis hominibus mendicantibus qui se nominant*, Traveling-men, *&c.* Charta 22 Hen. 6. m. 34. n. 36. *Item utimur, quod nullus* Vagabundus *vagetur seu deambulet de nocte in villa seu suburbio ejusdem post pulsationem Campanæ nostræ communis, vocatæ* Coverfu, *Et si aliquis ibidem capiatur post pulsationem dictæ Campanæ, ducatur ad Gaolam Domini Regis, & ibi morabitur usque in crastinum, ut notitia personæ suæ habeatur, & emendas facist ad voluntatem Balivorum & Comburgensium, & per Balivos Capitales liberetur, sic hoc petat.* MS. Codex de Legibus & Statutis Burgi-villæ Mountgomer. a tempore Hen. 2.

Vagantes for *Vacantes. Concilium Worm. cap.* 32. *De Episcopis & Presbyteris* Vagantibus *qui parochias non habent, &c.* So *Vagantes terræ* are forsaken and uncultivated Lands.

Vagipalantes, the same with *Vagans. Leg. H.* 1. *cap.* 83. *Si quis in hostem suum incidat vel* Vagipalantem, *&c.*

Vagniacæ, *Maidstone* in Kent.

Valet, Vaslet, or Vadelet, Vadlat & Vallet, (*Valettus vel valletta. Qui juxta dominum* vadit *seu ministrat.* Fr. *Valet.*) a Servitor, or Gentleman of the Privy-Chamber, according to *Camden*. But *Selden* (in his *Titles of Honour, fol.* 831.) says, *Valets* anciently signify'd the young Heirs which were to be Knighted, or young Gentlemen of great Descent or Quality, but now attributed to those of the Rank of Yeomen. In the Accompts of the *Inner-Temple* it is used for a Bencher's Clerk, or Servant; The Butlers of the House corruptly call them *Vardets*. In *Reg. of Writs*, 25 b. *Valettus. If the Sheriff be a* Vadelect *of the Crown*, &c. Coke on Littl. fol. 156. *Sciant —— Quod ego Henricus Comes Lancastriæ, Leicestr, & Nichol. Senescallus Angliæ. Dedimus —— Dilecto* Valetto *nostro* Johanni le Blount *novem acras terræ cum pertin. in Holland in Foresta nostra de Duffield*, &c. *Dat. apud Begham-Ferrers* 3 *die Junii* 5 *Edw.* 3. Penes Wal. Kirkham Blount Bar.

Valet was anciently a Name specially denoting young Gentlemen, though of great Descent or Quality, but now given to those of the rank of *Yeomen*. *Selden's Titles of Honour, fol.* 831. *De dominibus & de* Valettis *& puellis, quæ sunt vel esse debent in donatione Regis, & de valentiis terrarum suarum; & si quis eorum vel earum sit maritatus, &c.* Bracton, lib. 3. Tract. de conn. cap. 1. par. 3. So in the same Chapter, *De* valettis; *integrum feodum militis habentibus*, which shews that *valetti* were the Sons of Men of Quality. So *Fortescue in Laud. Leg. Angliæ, cap.* 29. *Sunt valetti plurimi in regione illâ qui plusquam sexcenta scuta expendere possunt, &c.*

Valentia, i. e. the Value or Price of any Thing. *Malmsbury in vita, S. Adhelmi, cap.* 10. *Hovedon, pag.* 783. See *Value*.

Valesheria, i. e. the Kindred of the slain, one on the Father's side, and another on the Mother's side, to prove that he was a *Welshman*: 'Tis mentioned in *Statuto Walliæ, Anno* 12 *Edw. cap.* 4. *Proximæ* 4 *villatæ propinquiores loco, ubi casus homicidii contigerit, veniant ad proximum Comitatum una cum inventore & Valesheria, i. e. parentale interfecti, & ibi præsentent factum feloniæ, &c.*

Vallum, the *Picts* Wall.

Valor of Marriage (*Valore maritagii*) was a Writ that lay for the Lord, having proffer'd Covenable Marriage to the Infant, and he refusing it, to recover the *value of the Marriage*. *Old. Nat. Br. fol* 90. but taken away by the Statute 12 *Car.* 2. *cap.* 24.

Value (*Valentia, Valor*) is a known Word, but *West* gives us a nice difference betwixt *Value* and *Price*. —— The *value*, says he, 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 *feræ naturæ* may be expressed, as of Deer, Hares, *&c.* if they be not in Parks and Warrens, which is a Liberty. *Anno* 8 *Edw.* 4. *fol.* 5. nor of Charters of Land. And where the number of the Things taken is to be express'd in the Indictment, as of young Doves in a Dove-house, there must be said *pretii*, or *ad valentiam*; but of divers dead Things, *ad valentiam*, and not *pretii*. Of Coin not current, it shall be *pretii*, but of Coin current it shall neither be said *pretii*, nor *ad valentiam*; for the Price and Value thereof is certain, *&c.* *Par.* 2. *Symbol. tit.* Indictments. *Sect.* 70. V. W.

Vang, he vanged for me at the Vant, *i. e.* he stood for me at the Font. The Word *Vanga* also signifies a military Weapon like a Spade. *Gervas Dorob. Anno* 1198. *Unde factum est ut rustici imperiti* Vangis *& fustariis assueti, armis militaribus gloriantur inviti, &c.*

Van-

Vantarius, *Præcursor*. As *Vantarius Regis*, the King's Fore-foot-man. *Richardus Rotbesley, miles, tenebat terras Seatoniæ per Serjantiam esse* Vantarium *Regis in Gascoign, donec perusus fuit pari solutarum precii 4 d. i. e.* until he had worn out a pair of Shoes of 4 *d.* price. *Rot. de Finibus. Term. Mich.* 2 *Ed.* 2.

Vares, *i. e. Mus ponticus*, whose Skin is good Fur.

Et quas huc mittit varias *Hungaria pelles.*

'Tis mentioned in *Hoveden, pag* 642. *Et quod nullus post proximam pascha utatur* Vario, *vel grisio, vel sabellino, vel escarlatâ.*

Vargi. See *Wargi*. Persons outlawed, who live by robbery. *Camden* in his *Britannia*, tells us, That the *Britons* called a Rogue or Robber *Verjad*, from whence this Word proceeds.

Variance (From the Fr. *Varier*, i. e. *Alterare*) 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 Bailiffs 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* set down in the Composition, and use *Bailiffs and Commonalty*. *Brook*, 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*.

Varis, *Bodvary* in *Flintshire*.

Varlets, by a Repealed Statute of 22 *Rich.* 2. *cap.* 2. were used for Yeomen, or Yeomen-Servants. See *Valects*, and the Statute 3 *Car.* 1. *cap.* 4. *Will. Hunt* Varlet del Chambre *nostre Seigneur le Roy.* Claus. 12 Rich. 2. m. 43. in dorso.

Vaslet, (*Vastettus*) ——*Concordia inter Regem & Radulphum de Normanvil*, viz. *quod Rad. tenebit in servitio Regis Geroldum & Radulphum milites, filios suos, quamdiu guerra sua duraverit, per fic, quod Rex ei remittat CC. Marcas quas debebant Regi Johanni de Fine pro redemptione dicti Geroldi, & per sic debetetur; Thomas filius dicti Radulphi* Vastettus *in custodia Regis, qui similiter morabatur in servitio Regis cum prædictis Geroldo & Radulpho fratribus suis.* Pat. 1 Hen. 3. in dorso, m. 13. It seems here to signifie a *Ward*. See *Valect*.

Vassal (*Vassallus*, from the *Germ.* **Gesel**, i. e. *Comes qui mercede servit*) 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 *vasalli jurati*. But the Word being little used in our Law-Books, makes me wave that enlargement which *Cowel* has upon it.

Vasto is a Writ that lies for the Heir against the Tenant for Life or Years, for making *waste*; or for him in the Reversion or Remainder. *Fitz. Nat. Br. fol.* 55. See the Statute 6 *Edw.* 1. *cap.* 5.

Vavasor, alias **Valvasor**, is one who was in Dignity next a Baron. *Camd. Brit. pag.* 109.—*Bracton, lib.* 1. *cap.* 8 says thus of them——*Sunt & alii potentes sub Rege, qui dicuntur Baronet, hoc est, robur belli; sunt & alii qui dicuntur* Vavasores, *viri magnæ dignitatis:* Vavasor *enim nihil melius dici poterit, quam vas fortitum ad valetudinem.*——Rex, &c. *Ballivis Petri de Pratellis de Insula Gerse & Gernse, &c. volumus——quod Episcopi, Abbates, Abbatissæ, Clerici, Milites,* Vavassores, *& alii qui redditus & tenementa habent in Insula Gersey, &c. quintam partem redditum suorum unius anni, &c. præbeant ad sustentandum milites & servientes qui prædictas Insulas defendunt,* Pat. 5 Joh. m. 7. See more of these in the learned *Spelman's Gloss.*

Vavasorie, (*Vavasoria* and *Vavasorissa*) 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.

Vautrier, (Fr. *Vaultrier*, Lat. *Veltrarius*) a Man that leads a Lime-hound or Grey-hound for the Chase, a Huntsman. *Esc.* 34 *Edw.* 1, *in* 37. *Kanr.* Hence our corrupted Word *Reuterer*, for a Dog-keeper.

Veal-money, or **Veal noble Money**: The Tenants of one of the Tithings within the Manor of *Bradford in Com. Wilts*, pay a yearly Rent by this Name to their Lord, the Marquess of *Winchester*, which is in lieu of *Veal* paid formerly in kind.

Veda fluvius, the River *Were* in the Bishoprick of *Durham*.

Vefours (*Visores*, from the Fr. *Voir*, i. e. *Cernere, intueri*) are those that are sent by the Court to take *view* of any Place in question, for the better decision of the Right. *Old Nat. Br. fol.* 112. So *Bracton* uses it, *Lib.* 5. *tract.* 3. *cap.* 8. It signifies also those that are sent to *view* such as essoin themselves *De malo lecti*, whether they are in truth so sick as they cannot appear, or whether they counterfeit. *Bracton, lib.* 5. *tract.* 2. *cap.* 10 & 14. Lastly, It is used for those that are sent or appointed to *view* an Offence, as a Man murdered, or a Virgin ravished. See *View*.

Veltraria, or *Ministerium de* Veltraria. (*Henricus de la Mara reddit computum de* 28—6—8. *pro ministerio patris sui, de* Veltraria, *Rot. Pip. de* 5 *Steph.*) seems to be the Office of Huntsman, or Dog-leader.

Velum Quadragesimale is mentioned in several Councils, and it signifies that *Veil* with which the Altar was covered in the Time of *Lent*, when the *Liturgy* was read.

Venaria are those Beasts which are caught in the Woods by hunting. *Leg. Canut. cap.* 108. *Et omnis sit* venatione *suâ dignus in nemore, &c. & abstineat ab omnibus* venariis *Regis, &c.*

Venditioni exponas is a Writ Judicial, directed to the Under-Sheriff, commanding him to sell Goods, which he hath formerly, by commandment taken into his Hands, for the satisfying a Judgment given in the King's Court. *Reg. Judic. f.* 33. And *Anno* 14 *Car.* 2. *cap.* 21.

Venditor Regis, ——Philippus de Lardimer *clamat esse* Venditorem Domini Regis *de Feodo in Com. Ebor. de omnibus rebus quæ vendi debent, pro debito Domini Regis, vel etiam pro* Auro Reginæ. *Ita* viz. *quod ipse vel certus suus Attornatus ibit ad mandatum Vic. de loco in locum infra Com. sumptibus suis ad prædictas venditiones faciendas, Et capiat de unaquaq; venditione pro Feodo suo xxxii denar.* Quo Warr. Ebor. temp. Edw. 1. Which Liberty was afterwards seised into the King's Hands for the abuse thereof, as appears by the great Roll in the Pipe Office, *Anno* 2 *Edw.* 2. The King's Saleman.

Venella is a narrow or strait Way: 'Tis mentioned in the *Monastic.* 1 *Tom. pag.* 408. *Quæ quidem terra incipit ad caput ejusdem venellæ quæ quondam jacuit, &c.*

Veneti, *North-Wales*.

Venia is a Kneeling or low Prostration on the Ground used by Penitents. *Walsingham, pag.* 198. *Rege interim prostrato in longâ* venia.

Per venias *Centum verrunt barbis pavimentum.*

Venire facias is a Writ Judicial, and lies where two Parties plead and come to Issue, for then the Party Plaintiff or Defendant shall have this Writ directed to the Sheriff, to cause Twelve Men of the same County to say the Truth upon the Issue taken: And if the Enquest come not at the Day of this Writ returned, then shall go a *Habeas Corpus*; and after a *Distress*, until they come *Old Nat. Br. fol.* 157. See how diversly this Writ is used in the Table of the *Register Judicial*. There is also a Writ of this Name that is *original*, as appears in the *Reg. of Writs, fol.* 200. Which *Lambard* in his Processes annexed to his *Eiren.* says, is the common Process upon any Presentment, not being Felony, nor specially appointed for the fault presented by Statute, whereof he sets down an example in the same Place. See also in the *New Book of Entries, verbo, Enquest, fol.* 253. And the Stat. 35 *Hen.* 8. *cap.* 5.

Venire facias tot matronas. See *Ventre inspiciendo*, and *Lamb. Eiren. lib.* 4. *cap.* 14. *pag.* 532.

Venitare is the Book of *Ecclesiasticus*, so called, because of the *Venite Exultemus, &c.* Tis mentioned in several of our *English* Synods; and in the *Monastic.* 3 *Tom. pag* 332, tis called *Venitarium*.

Venones, *Highcross*.

Venta Belgarum, *Winchester*.

Venta Icenorum, *Castor* near *Norwich*.

Venta Silurum, *Caerwent* in *Monmouthshire*.

Ventre inspiciendo is a Writ for the search of a Woman, that says she is with Child, and thereby withholds Land from him that is next Heir at Law. *Register of Writs, fol.* 227. *b.*

Ventrix, for *Ventilatrix frumenti*. Fleta, 2 *Lib. cap.* 82.

Venue or **Venew** (*Vicinetum* al. *Visnetum*) is taken for a neighbouring or near Place, *Locus quem vicini habitant*. For example, Twelve of the Assise ought to be of the same *Venew*, where the Demand is made. *Old Nat. Br. fol.* 115. *Anno* 4 *Hen.* 4. *c.* 26. And 25 *Hen.* 8. *cap.* 6. —— and also shall return in every such Panel upon the Venire facias, six sufficient Hundreders at the least, if there be so many within the Hundred where the Venire lies. See *Visne*.

Venura is a coming or appearing in Court, *Monast.* 1 *Tom. pag.* 556. *Et tenetur de venerabili patre Dunelmensi Episcopo in puram, &c. eleemosynam, & pro undâ* venurâ *ad Curiam ipsius Episcopi, &c.*

Veragium, Fleta, Lib. 2. cap. 4. par. 4. *Ejus est de omni prædâ bestiarum totam habere* veragium, *i. e.* all the spotted Beasts.

Verd. See *Vert*.

Verderor (*Viridarius*. Fr. *Verdeur*, i. e. *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, par.* 1. *pag.* 332. His Office is properly to look to the *Vert*, and see it be well maintained. *Cromp. Jurisd. fol.* 165. His Oath, Fee and Authority, see in *Manwood supra*, and *fol.* 51.

Verdict (*Veredictum, quasi dictum veritatis*) is the Answer of a Jury or Enquest made upon any Cause Civil or Criminal, committed by the Court to their Trial; which is twofold, *General* or *Special*. *Staundf. Pl. Cor. lib.* 3. *cap.* 9. A *General Verdict* is that which is given or brought into the Court in like *General* Terms to the *General Issue*; as in Action of Disseisin, the Defendant pleads, *No Wrong, no Disseisin*: Then the Issue is *General*, whether the Fact be a Wrong or not, which being committed to the Jury, they upon Consideration of their evidence, say, either for the Plaintiff, that it is a Wrong and Disseisin, or for the Defendant, that it is no Wrong, no Disseisin.

A *Special Verdict* is, when they say *at large*, that such 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 Verdict*, if it contain any ample Declaration of the Cause, from the beginning to the end, is also called a *Verdict at large*; whereof read divers examples in *Staundf. ubi Supra, New Book of Entries, Verbo, Verdict*. And *Coke on Littl. fol.* 228. *a. Item utimur, quod Baliui & Coronatores Burgi nostri si fuerint & adhuc utuntur recipere* Veredictum *Duodecim Juratorum, ex quacunque causâ infra Burgum nostrum prædictum seu ejus libertatem emergenti sive contingenti, Senescalli præsentia nullo modo expectata*. MS. Codex de LL. & Statutis. Burgi-villæ Mountgomer. *fol.* 15.

Verecundium is a Word mentioned by *Somner* in his Treatise of *Gavelkind, pag.* 174. and signifies an Injury done to any one: *Et si* verecundium *ipse vel hæredes sui fecerint monachis, &c.*

Verge (*Virgata*) is used for the compass of the King's Court, which bounds the Jurisdiction of the Lord Steward of the King's Houshold, and of the Coroner of the King's House, and that seems to have been Twelve Miles compass, *Anno* 13 *R.* 2. *Stat.* 1. *cap.* 3. *Britton, fol.* 68 & 69. *Coke's Rep. lib.* 4. *fol.* 47. See the Stat. 33 *Hen.* 8. *cap.* 12. *Fleta* (*lib.* 2. *cap.* 4. *sect.* 1.) says, this Compass about the Court is called *Virgata, a Virgata, quam Marishallus portat ut signum suæ potestatis*. Fleta, Lib. 2. cap. 2.

Verge is also used for a Stick or Rod, whereby one is admitted Tenant, who holding it in his Hand, swears Fealty to the Lord of a Manor, and is therefore called *Tenant by the Verge. Old Nat. Br. fol.* 17.

Verge of Land (*Anno* 28 *Edw.* 1. *Statute of Wards*) *Virgata terræ*. See *Yard land*.

Vergers (*Virgatores*) are such as carry white Wands before the Justices of either *Bench, &c. Fleta, lib.* 2. *cap.* 28. Otherwise called *Porters of the Verge*.

Verlucio, *Warminster*.

Verolamium, *Verulam* near St. *Albanes*.

Verometum, *Borough-Hill* in *Leicestershire*.

Veronica, when our Saviour was lead towards the Cross, the likeness of his Face was formed on his Handkerchief in a miraculous manner, which is still kept and adored in St. *Peter's* Church at *Rome*, and called *Veronica*, the Word is mentioned in *Matt. Paris*, and *Matt. Westm. Anno* 1216. and again in *Matt. Paris, pag.* 514, and in *Brompton* 121.

Verrere, to turn up the Earth, *Si porci* verrant *pratum alienum, dominus illorum tenetur omnes verrificationes implere frumento*. Statut. W. R. Scotiæ, cap. 24.

Vert (Fr. *Verd*, i. e. *Viridis*, otherwise called *Green-hue*) signifies in the Forest Laws, every Thing that grows, and bears green Leaf within the Forest, that may cover a Deer. *Manwood*, 2 *Part. fol* 6. & 33. *Vert* is divided into *Over Vert*, and *Nether Vert*. *Over-Vert* is that which our Law-Books call *Hault Bois*, and *Nether Vert*, *South Bois*.

And of this you may read *Manwood*, 2 *par. cap.* 6. *par. totum*. *Vert* is also sometimes taken for that Power, which a Man hath by the King's Grant to cut Green Wood in the Forest. See 4 *Inst. fol.* 317.

Vertere, *through upon Stanemore*.

Vervise, otherwise called *Plankets*. *Anno* 1 *Richi* 3. *cap.* 8. A kind of Cloth.

Very Lord and **very Tenant**, (*Verus Dominus, & verus Tenens*) are the first and immediate Lord and Tenant, one to another. *Brook. tit. Harient. fol.* 23. *Old Nat. Br. fol.* 14. you have these Words, *and know ye, that in taking of Leases, six Things are to be observed, viz. Very Lord and very Tenant; Service behind; the Day of the taking; Seisin of the Services and within his Fee; and that a Man is not* very Tenant, *until he have attorned to the Lord of some service*. See *Anno* 19 *Hen.* 7. *cap.* 15. And see *Tenant*.

Vestes, *Anno* 1 *Rich.* 3. *cap.* 8. and 14 *Hen.* 8. *cap.* 2. otherwise called *Set Cloths*, most commonly made in *Suffolk*.

Vest, (*Vestire*) *Alienare possessionem terræ vel prædii in alterius seisinam dare, investire*, says *Spelman*.

Vestimentum, the same with *Vestitura* or *Investura*, is the putting one in Possession. Tis mentioned in *Bracton*, *lib.* 2. *cap.* 9. where, writing of Intrusion, he tells us, *non vestitur aliquo vestimento*.

Vestry. See *Sacristan*.

Vestry-Men (*Anno* 17 *Car.* 2. *cap.* 3.) are a select number of the chief Parishioners of every Parish within the City of *London*, and Suburbs, and elsewhere, who yearly chuse Officers for the Parish, and take Accompts of Incumbents; so called, because they usually meet in the *Vestry* of the Church.

Vestura, (*Vestura*) signifies a Garment, but we turn it Metaphorically to signifie a Possession, or an Admittance to a Possession, or Seisin. So it is taken in *Westm.* 2. *cap.* 27. And in this signification but it is borrowed from the Feudists, with whom *Investitura* imports a Delivery of Possession by a Spear, or Staff, and *Vestitura*, Possession it self. *Vide toman, verbo Investitura. Vestura terræ*, i. e. *Seisina quibus terra vestitur*. MS.

Vesture of an Acre of Land, (*Anno* 14 *Edw.* 3. *Stat.* 1.) is the Profit of it, or the Wood, or Corn growing upon it. So in *Extrata Mandati*, 4 *Ed.* 1. it is inquirable, How much the Vesture of an Acre is worth, and how much the Land is worth, when the Wood is sold.

Vetitum Namium: *Vetitum* signifies a Taking or Distress, and *Namium*, 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 cloigned, as they cannot be replevied. Divers Lords of Hundreds, and Court-Barons, have Power to hold Plea *De Vetito Namio*, in old Books called *De Vet.* 2 *Inst. fol.* 140. *Matilda de Mortuo Mari clamat in manerio de Mawerdon dari* Law-Days, *& Infangendefe, & placita de* Namis vetito *sine brevi Domini Regis*. *Int. Retorni in Thesaur. Rec. Scacc. in quadam bagg. de Quo War. tit. Glouc. Heref.* Sir *Henry Spelman* says, it is *Antiqua Juris nostri locutio, & brevis Regis nomen*. See *Namium*.

Vessels, these were a sort of great Vessels or Ships formerly in use here, we read of them in *Brompt. Chron.* 1195.

Vffingi, the Kings of the *East Angles* were so called from King *Vffa*, who lived in the Year 578. *Matt. Westm.*

Via militaris, a Highway: *Quæ publicus usus patentis & ducit ad mare, & ad portum & quandoque ad mercata*, as *Bracton* tells us, *Lib.* 4. *cap.* 16. *par.* 7. and *Fleta, lib.* 4. *cap.* 6. *par.* 3.

Via Regia: In *Leg. H.* 1. *cap.* 80. we are told, tis called *Regia quæ super aperta, & tantum modo concludere potest cum minis suis, quia ducit in thesaurum vel Burgum vel portum Regis*, and mentioning the breadth of it, *Tanta vero debet esse, ut inimici duo ei sibi possint obviare, & bubulci de longo stimulis sui possint attingere, & 16 milites equitare possint armati de latere*.

Vicar: (*Vicarius*) The Priest of every Parish is called *Rector*, unless the Predial Tithes be impropriated, and then he is called *Vicar*, *Quasi vice fungens Rectoris*, *Spelm.* — *quasi ego Fulanus, Webb.* perpetuus Vicarius *Ecclesiæ Parochialis de Stampford Dei & Domino Danielis Hay* perpetuo Vicario *Ecclesiæ Parochialis de Stamford* — *Dat.* 8 *Henry.* They were styled *Perpetui Vicarii*, because they were not appointed by the Impropriators, and licenced by the Bishop to read Service, but presented by the Patron, and received Canonical Institution at the Hands of the Ordinary; and so had constant Successions, Corporations, and never died. The Canonists mention four Species of *Vicarii*: *Quidam sunt perpetui, vel Parochiales Ecclesiæ constituti; quidam non perpetui, sed ad aliquos actus constituti, ut Procuratores; quidam dicuntur* mercenarii: *Quidam sunt speciales, nuncii curam, sed ad certum locum, ut Curatores; quidam* nec perpetui, *nec ad curam, nec ad certum actum, sed generaliter ad omnia*. See *Vicinus*, *Vicinagium*, *Jurisdictio*, *verbo Vicinagium*. *Bat.* 3. *Elizab.* 3. *Parochial.* 14. *intus*.

Vicario deliberando or *Vicario cuiusvis* [illegible] *Recognitionis*, *Fact.* is a Writ to release a Spiritual Person, imprisoned upon forfeiture of a Recognizance, without the King's Writ. *Regist. of Writs, fol.* 147.

Vice-Chamberlain, (called *Vice-Chamberlain*) *Anno* 13 *Rich.* 2. *stat.* 2. *cap.* 1.) is a great Officer in Court, next under the Lord Chamberlain, and in his Absence hath the Command and Controulment of all Officers whatsoever, appertaining to that part of his Majesty's Houshold, which is called the *Chamber*, or above Stairs.

Vicecomes, a Sheriff. We are told (under that Title) that he was formerly chosen by the Freeholders, as Knights of the Shire are now; but it appears by *Fortesque*, who wrote in the Reign of *H.* 6. that he was chosen then in the same manner as now, *viz.* on the Day after *All-Souls*: The Privy Council, the Judges, and Barons of the Exchequer, and several other great Officers meet in the Court of Exchequer, and there a Clerk reads the Names of several Persons in every County, out of which three are chosen, whom the Noblemen and Judges think best qualified to serve in that Office for each County; whose Names being presented to the King, he chuses one out of the three, and by Letters Patent appoints him Sheriff for that Year, who, before he enters upon his Office, must take an Oath, well and truly to execute it, *&c.*

Vice-Constable of England, and **Vice-Marshal**, See their Office in *Rot. Vad. Edw.* 4. *Pat. m.* 2. printed in *Prynn's Antient* [illegible]

Vice-Consul, the same as *Vicecomes*. *Leg. Edwi Conf. cap.* 12. *Si vero dominus vicecomitis, sive Vice-Consules, ex abantur, sive vel dicebantur vicecomites vel consules, vel consule absente ipsis vicem supplebat in jure de in foro*

Vice-dominus, the same also as *Vicecomes*, as Selden tells us in his *Titles of Honour*, 2 *Pars. cap.* 5. *par.* 20. and in *Leg. Hen.* 1. *cap.* 7. and *Ingulphus* writes, That *Vice-dominus dictus est præfectus provinciæ.*

Vicegerent (*Anno* 31 *Hen.* 8. *cap.* 10.) a Deputy or Lieutenant.

Vicinage, (Fr. *Voisinage*) Neighbourhood, Nearness. *Mag. Char. cap.* 14. See *Venue.*

Vicinetum. See *Visne.*

Vicis & venellis emundandis is a Writ that lies against a Mayor or Bailiffs of a Town, *&c.* for the clean keeping their Streets. *Reg. of Writs, fol.* 267. *b.*

Vicount, alias Viscount, (*Vicecomes*) signifies as much as *Sheriff*: Between which two Words, I find no other difference, but that the one comes from our Conquerors the *Normans*, the other from our Ancestors the *Saxons*, of which, see more in *Shiriff.*

Vicount also signifies a degree of Nobility next to an Earl, which *Camden* (*Britan. pag.* 170.) says, is an old name of Office, but a new one of Dignity, never heard of among us till *Henry the Sixth's* Days, who in his Eighteenth Year in Parliament, created *John Lord Beaumont, Viscount Beaumont*, but far more ancient in other Countries. *Cassan. de Gloria mundi, par.* 5. *consider.* 55. See *Shiriff.* And *Selden's Titles of Honour, fol.* 761.

Vicountiel Rents, mentioned 22 *Car.* 2. *cap.* 6. see *Vicountiels.*

Vicountiel's Jurisdiction is that Jurisdiction which belongs to the Officers of a County, as Sheriffs, Coroner, Escheator, *&c.*

Vicountiels, (*Vicecomitilia*) Things belonging to the *Shiriff*; as particularly certain Farms, for which the Sheriff pays a Rent to the King, and makes what Profit he can of them. *X. Stat.* 33 & 34 *H.* 8. *cap.* 16.—2 & 3 *Edw.* 6. *cap.* 4 & 5 *Hen.* 5. *cap.* 2. *Writs Vicountiel* are such Writs as are triable in the County, or Sheriff's Court. *Old Nat. Br. fol.* 109. of which kind you may see divers Writs of Nusance set down by *Fitzherb.* in his *Nat. Br. fol.* 184. *b.* See *Anno* 6 *Rich.* 2. *cap.* 3.

Vidame, i. e. *Vice-Dominus*, was heretofore the Bishop's Deputy in Temporals, as the Earl was the King's in Affairs of the County.

Vidimus. (*Anno* 15 *Hen.* 6. *cap.* 3.) See *Inspeximus.*

View (Fr. *Veue*, i. e. *Visus, inspectus*) signifies the Act of *Viewers*: For when any Action real is brought, and the Tenant knows not well what Land it is that the Demandant asks, then he may pray the *View*, which is, that he may *see* the Land which is claimed. See *Britton, cap.* 45. This course of Proceeding we receiv'd from the *Normans*, as appears by the *Grand Customary, cap.* 66. and 80. This *View* is used, as in other Cases, so in an Assise of Rent-Service, Rent-Charge, or Rent-Seck. *Fitz. Nat. Brev. fol.* 178. and in a Writ *de Curta claudenda. Idem, fol.* 128. In a Writ of Nusance, *Idem, fol.* 183. In a Writ *Quo jure. Idem, fol.* 128. In the Writ *de rationabilibus divisis. Idem, fol.* 129. And in the Writ *de falsa mensuratione. Idem, fol.* 123. See the *New Book of Entries* verbo, *View*, and how this *View* is made, in *Fleta, lib.* 4. *cap.* 6. See *Veiours*, and *Westm.* 2. *cap.* 48.

View of Frankpledge (*Visus Francipledgii*) is the Office which the Sheriff in his County-Court, or the Bailiff in his Hundred performs, in looking to the King's Peace, and seeing that every Man be in some Pledge. This is called by *Bracton, Res quasi sacra; quia solum personam Regis respicit, & introducta pro pace & communi utilitate*, lib. 2. cap. 16. num. 8. See *Frank-pledge, Lee & Decemvir.* See *New Book of Entries* on this Word.

Vigil, (*Vigilia Anno* 2 & 3 *Edw.* 6. *cap.* 19.) is used for the Eve, or next Day before any solemn Feast; because then Christians of old were wont to *watch*, fast and pray in their Churches.

Vi laica removendo is a Writ that lies for the removing a forcible Possession of a Benefice, kept by Lay-Men; and is sometimes granted upon the Certificate of the Bishop into the Chandery, that there is such a Force in his Diocess; sometimes only upon a Surmise thereof made by the Incumbent himself, and has a several Form for either Case. *Fitzh. Nat. Brev. fol.* 54. *Reg. of Writs, fol.* 59. & 60.

Vill (*Villa*) is sometimes taken for a Manor, and sometimes for a Parish, or part of it. *Villa est ex pluribus mansionibus vicinata, & tot unde ex pluribus Vicinis.* 2 Inst. fol. 558. b. *Villa apud Saxones nostros antiquos, Romano sensu accipi videtur, pro prædiorum aliorum in rure, unus idemque dominus habebat, ejusdem fundus hominibus. Non autem primitus pro multorum mansionum connexione, quod in oppidis portas exponebatur esset, & successivis temporibus villis postea introductum est.* Spelman. *Vill* and *Parish* shall be intended all one. 2 *Part. Coke's Rep. West's Case, fol.* 263. Yet there may be Two *Vills* in one Parish, *idem, fol.* 120. *Monk's Case. Bracton* tells us, *Si quis in agro suo fecerit ædificium, non erit ibi villa; sed cum ex processu temporis caperint coadunari & vicinari ædificia*, Lib. 4. cap. 31. And *Fortescue in Laud. Leg. Angliæ*, cap. 24. writes, that the Boundaries of Villages are not by Houses, Streets or Walls, but by a large Circuit of Ground, within which there may be several Hamlets, Waters, Woods and waste Ground. *Fleta* likewise mentions the Difference between a Mansion, a Village, and a Manor, *viz.* a Mansion may be of one or more Houses, but it must be but one Dwelling-place, and none near it; for if other Houses are contiguous, then 'tis a Village; a Manor may consist of several Villages, or of one alone. *Lib.* 6. *cap.* 52.

Villa Faustini, St. *Edmond's-Bury.*

Villain (*Villanus*) Fr. *Vilain*, i. e. *Illiberalis, vilis, improbus*) signifies a Bondman; in *Domesday*, called *Servus*; of which there were two sorts in *England*, one termed a *Villain in gross*, who was immediately bound to the Person of his Lord and his Heirs; the other a *Villain regardant to a Manor*, whom the Civilians term *Glebæ adscriptitium*, being bound to their Lord, as Members belonging, and annexed to a Manor, whereof the Lord was Owner. Sir *Thomas Smith, Repub. Angl. lib.* 3. *cap.* 8. *Old Nat. Br. fol.* 9. and *Bracton, lib.* 1. *cap.* 6. *numb.* 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 chastise, but not maim. There are not properly any *Villains* now, though the Law concerning them stands unrepealed. We have rarely heard of any Case of *Villenage*, since *Grenche's* Case in *Dyer*. See *Preface* to *Roll's Abridgment*: *Servorum enim & Nativorum apud nos sublata est conditio; & quas ideo possidebant terras vel prædia, hodie libere tenent sub antiqua servitutis consuetudinibus.* Spelm.

Omnibus —— *Frater Matthæus Abbas de Hulsewegh & Conventus ejusdem loci salutem. Noveritis nos unanimi voluntate & consensu fecisse* Johannem del Grene *de Rugeakur liberum, cum tota sequela sua procreata & procreanda,*

procreandi, & cum omnibus catallis suis habitis & habendis. Ita vero quod præfatus Johannes, *cum tota sequela sua procreatu & procreanda & cum omnibus catallis suis habitis & habendis, ab omni jugo servitutis liberi maneant imperpetuum. In cujus rei testimonium hunc literæ libertatis sigillum nostrum apposuimus.* Dat. 31 Ed. 3. Ex ipso Autographo penes Johannem Winford Mil.

Villain estate or condition, contradistinguish'd to free Estate. St. 8 H. 6. 11. They were called *Villani* from *Villa*, because they dwelt in Villages; they were also called *Pagenses* and *Rustici*, *a ruribus quæ colunt*; and they were of that servile Condition, that they were usually sold with the Farm to which they respectively belonged; so that they were Slaves and used as such, and kinder usage made them insolent.

Quando mulcetur, villanus pejor habetur,
Pungas villanum, *polluet ille manum.*
Ungentem pungit, pungentem rusticus ungit.

The Proverb is known.

Villanis Regis fugitivis reducendis, was a Writ that lay for the bringing back of the King's Bondmen, that had been carried away by others out of his Manors, whereto they belonged. *Reg. of Writs, fol.* 87. b.

Villanous Judgment (*Villanum Judicium*) is that which casts the Reproach of *Villany* and Shame upon him, against whom it is given, as a Conspirator, *&c. Staundf. Pl. Cor. lib.* 3. *cap.* 11. *fol.* 157. which *Lam.* in his *Eiron.* (*lib.* 8. *cap.* 13. *pag.* 69.) calls *villanous Punishment*, and says, it may well be called *villanous*, because the Judgment in such a Case shall be like the ancient Judgment in *Attaint*, (as it is said *Anno* 4 *Hen.* 5. *Tit. Judgment*, 220.) and (in 27 *lib. Assis pl.* 59.) is set down, 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 in this Day the Punishment appointed for *Perjury* (having somewhat more in it than corporal, or pecuniary Pain, the discrediting the Testimony of the Offender for ever) may be Partaker of this Name. This, and such like, is elsewhere termed *vile & odible Judicium*. See *Pillory*.

Villata, the same with *Villa*.

Villein fleeces (*Anno* 31 *Edw.* 3. *cap.* 4.) are bad fleeces of Wool, shorn from scabbed Sheep.

Villenage (*Villenagium*) signifies a Servile kind of Tenure of Lands or Tenements, whereby the Tenant was bound to do all such Services as the Lord commanded, or were fit for a *Villain* to perform; *ubi sciri non poterit vespere, quale servitium fieri debet mane. Bracton, lib.* 2. *cap.* 8. *num.* 3. The division of *Villenage* was, *villain of Blood*, and of *Tenure*. *Tenura in Villenage* could make no Freeman *Villein*, if it were not continued Time out of Mind; nor free Land make *Villein* free. *Villenage* is also divided by *Bracton* (*ubi supra*) into *Purum villenagium*, *a quo præstatur servitium incertum & indeterminatum*, as above is said; and *Villenagium Soccagium*, which was to carry the Lord's Dung into his Fields, to plough his Ground at certain Days, sow and reap his Corn, &c. and even to empty his Jakes, as the Inhabitants of *Bickton* were bound to do those of *Clun Castle* in *Shropshire*, which was afterwards turned into a Rent, now called *Bicton* Silver, and the *villanous Service* excused.

There were likewise *Villani Burgenses*, which were those who held their Lands in Soccage, and there were *villani adventitii*, who were those who held Lands by performing certain Services expressed in their Deeds. *Bracton, Lib.* 2. *cap.* 8.

Will. Maynard, *qui tenuit terras in Heurst, cognoscit se esse* Villanum *Abbatis de Abbendon, & tenere de eo in* Villenagio *& per villanas consuetudines, viz. per servitium* 18 *d. per annum & dando Merchetum & Merchetum pro filia & sorore sua, ad voluntatem ipsius Abbatis, & faciendo omnes villanas consuetudines.* Pla. 34 Hen. 3. rot. 2. Berks. Copyholders, or Tenants by Copy, is but a new Name for anciently they were called Tenants in *Villenage*, or of base Tenure. *Fitz. Nat. Brev.* 78. C.

Vinagium, (*Lat.* *Vinum*, Wine, *Gibbus*, a Gift), is a Payment of a certain Quantity of Wine instead of Rent, to the Chief Lord for a Vineyard. *Mon. Angl.* 2 *Tom. pag.* 966. See *Vinetum*.

Vindelis, *Winchester*.

Vinogindia, *Warwick* in *Dorsetshire*.

Vindonum, *Silchester*.

Vinnet, (*Anno* 34 *Car.* 2. *cap.* 3.) a kind of Flower or Border, with which Printers use to garnish printed Leaves.

Vinolium, *Winchester* in the Bishoprick of *Durham*.

Viroconium, *Wroxeter* in *Shropshire*.

Virga, (*Lat.*) a Rod, such as Sheriffs and Bailiffs carry, as a Badge of their Office. *Rog. de Howed. ad Philip. Præpositus de Dunelm. mandavit quod habuit in manu suorum justiciariorum de virgam nigram & inhonestam, ubi habere debuisset virgam albam & honestam, de certa longitudine, prout dicit.* In Sessione Term. de Cardiff. 7 Mariæ, Rot. 61.

Virga ferrea, *Civitas Oxon. reddit* 10 *virgas ferreas ductiles ad Regis mandatum Regio Domesdoy.* Iron drawn out into small Rods for making Nails.

Virga ferrea, —*Sciant—quod ego Humaldus Vrim dedi—Nich. filio Eddi pro* 8 *shillingis quos mihi dedit pro mandatis, unam planetam sitam in villa vocata Dustelue, quæ jacet inter terram meam & terram Philippi filii Aylin, cujus latitudo in fronte continet tres xvi virgas ferreas præter unum quarterium, & totidem areiro, &c.* Ex libro Chart. Prior. Leominstr. This was so many *Yards*, according to the King's Standard in the Exchequer, which anciently was of Iron, now Brass.

Virgata terræ, al. *Virga terræ*, a Yard-land. MS. Codex. —*Decem aræ terræ faciunt Hundum antiquum consuetudinem, unam perdellam, & quatuor perdellas faciunt* virgatam.

Virgata terræ, *ex* 24 *constat aris, quinque* Virgatæ *Hidam faciunt, quinque hidæ feodum militis.* Chron. Tho. Redburn. See *Yardland*.

Virgatores servientes, for *Fleta* calls Vergers or Tipstaves that attend the Judges. See *Vergers* and *Serjeants at Arms*.

Virgultum (*Lat.*) is used for a Hale, or Plantation of Twigs, or Osiers, and sometimes for a Coppice of young Wood. —*Et præterea stabilido Virgultum meum & totam Quamviam Dominii mei.* Mon. Angl. 3 Par. fol. 2. a. But in another place of the *Mon. Angl.* 1 *Tom. pag.* 760. it may be taken for *Virgata*, viz. *Dedit prædicto Ecclesiæ unam Virgultam Terræ in manerio de Gumptone, &c.*

Viridario eligendo is a Writ that lies for the Choice of a *Keeper* in the Forest. *Reg. of Writs, fol.* 177.

Viridis, or Virdis, is the same with *Varus*, i. e. *pellis varius*. 'Tis mentioned in *Bracton*, *Lib.* 3. *cap.* 26. *Si fuerit ei, &c. unum rabem de Viridi, scilicet pretii, &c.*

Viridis Roba is a Coat of many Colours; for in the old Books *viridis* is used for *varius*. Bracton, Lib. 3. cap. 26.

Virilia, a Man's Privy-members; the cutting off of which was Felony by the Common Law, (according to *Bracton*, *lib.* 3. *fol.* 144.) whether the Party consented or not. *Henricus Hall & Ad. uxor ejus capti & detenti in prisona de Eveshesser, quod recepti fuerunt quod ipse abscidarunt virilia Johannis Monachi, quem idem Henricus & uxor ejus prædicta de uxore ejus.* Rot. Claus. 13 Hen. 4. m. 9.

Viscomitum, *Wrenwaster.*

Viscount. See *Vicount.*

Visitation (*Visitatio*) is that Office or Action which is performed by the Bishop in every Diocese once in every three Years, or by the Archdeacon once a Year, by visiting the several Churches and their Rectors, &c. — *ut populus illa visitatione dimissus salubrius [illegible] in ordine gubernari.* Reform. Leg. Eccles. fol. 124. — *Ne quis interrogati capiat Ecclesiæ*, says another Author.)

Visitation of Manners (*Visitatio Morum*) was wont to be the Name of the Regarders Office in ancient Times. *Manwood*, *Part* 1. *pag.* 193. See *Regarder.*

Visne, (*Visnetum*) signifies a Neighbour-place, or a Place next at hand. *Bract. lib.* 2. *cap.* 36. *Dicitur vicinetum in Juramento hominum quorum vicini habitant, qui olim intelligebantur de eadem villa sive vicinis centibus, atque adhuc de eadem Hundreda vel proximis modo vero de eadem page, sive Comitatu, hoc est, Comprovinciales.* See *Kennet.*

Visu Franci plegii is a Writ to exempt him from coming to the *View of Frankpledge*, who is not resident 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. of Writs*, *fol.* 174.

Vittellarius (*Vitellarius*, *al. Vitellinarius*) is the best sell *Vitella*, for whom there is a Writ in *Fitz. Nat. Br. fol.* 174. if they exercise their Trade, being a Magistrate in any Town Corporate.

Vivarium, anciently used for live Cattle. See *Pecunia.*

Vivary (*Vivarium*) signifies a Place on Land or Water, where living Things are kept. In Law it most commonly signifies a Park, a Warren, Fishpond or Pitfall. *Cole's Lex. Forest.* 100. *Hæc sunt conventiones inter Priorem & Conventum Canonicorum de Rudham & Rogerum de Glanvilla, in Melendo. [illegible] de Liberp. [illegible] Rogerus de Glanvilla solebat habere tempore Michaelis Prioris, [illegible] Rogerus de Glanvilla fuit in Ratione vel [illegible] ipse potuit pascere [illegible] Vivario [illegible] Canonicorum*, &c. Anno 1171. 8 Hen. MS. Penes Gul. Dugdale, Mil.

Vivus, is a Hulk, or Ship of Burthen. *Leg. Ethelredi Regis*, *cap.* 29. *Si navis (navis) & habet [illegible] 4 [illegible]*

Vlmenelagi leges, the Laws of *Oleron*, *Mare Clausum*. *fol.* 222. See *Oleron.*

Vlnagio, see *Aulnage.*

Vmple. 'Tis mentioned in the Statute 2 *Edw.* 6. *cap.* 5. and it signifies fine Linen.

Unceasefath. This is an obsolete Word mentioned in *Leg. Ine*, *cap.* 27. *viz.* He who kills a Thief may make Oath that he killed him in flying for the Fact, *& parentibus ipsius ceasi fuerit* Unceasefath, that is, that his Kindred will not revenge his Death: from the *Sax.* *Ceas*, *lais*, and Un, which is a negative Particle, and signifies without; and Aõ, which is Oath, *i. e.* to swear that there shall be no Confusion about it.

Unceertez (Vel agri.) *Stiendum est quod Gilbertus de Wallis dedit [illegible] Episcopo, & Ecclesiæ Bathon. [illegible] Dominum [illegible]* Unelis agri, &c. 3 *Hen.* 3. *fol.* 198. The Word often occurs in the ancient Charters of the *British* Kings, but what Quantity it was, more is Only we may gather by this ancient Deed, that it signified a large Quantity, as much as 12 *Modii*. *Intuendum est nobis, quod* Cadunth *filius* Ceffro, *agrum trium modiorum*, *i. e. quartam partem* Unciæ agri, *[illegible] Dei*, &c. *ibid. fol.* 205. See *Modius terræ.*

Uncoupsuit. In Pleas for the Defendant, Being used for a Debt due at a Day past, to save the Forfeiture of his Bond, by tying, he tendred the Debt at the Time and Place, and that there was none to receive it, and that he is yet ready to pay the same, 7 *Edward* 3. *Dyer.* See *Unlawfuit.*

Uncuth, (*Sax.*) unknown. It is used in the ancient *Saxon* Laws, for him that comes to an Inn, Guest-wise, and lies there but one Night; in which Case his Host was not bound to answer for any Offence he committed, whereof he was guiltless himself. See *Lamb. Archai. fol.* 153. *num.* 7. *Illegi secundum antiquum consuetudinem diu [illegible] de [illegible] qui hospitem suum [illegible] uncuth; secunda vero [illegible] tertia nihil [illegible]* *Bracton*, *lib.* 3. *cap.* 16. *num.* 2. See *Thirdnight-gum-bine.*

Under nihil habet is a Writ. See *Dote unde nihil habet.*

Under-Chamberlain of the Exchequer is an Officer there that cleares the *Tallies* written by the Clerk of the *Tallies*, and reads the same, that the Clerk of the *Pell*, and the Comptrollers thereof may see their Entries be true; he also makes Search for all Records in the Treasury, and hath the Custody of *Domesday* Book. There are Two Officers there of the Name.

Under Sheriff (*Subvicecomes.*) See *Sheriff.*

Under-sitter is an Inmate. See *Inmate.*

Undertakers were such as were employed by the King's Surveyors, as their Deputies. *Anno* [illegible] *Hen.* 8. *cap.* 19. And such as undertake any great Work, as draining of Fens, &c. *Anno* 43 *Eliz. cap.* 11.

Under-Treasurer of England (*Vicethesaurarius Angliæ*) *anno* 39 *Eliz. cap.* 7. This Officer is confounded in other Statutes with *Treasurer of the Exchequer*, as in 39 *Eliz.* In the Vacancy of the Lord Treasurer's Office, he does all Things in the Receipt that the Lord Treasurer doth. Anciently he did check up the King's Treasure at the end of every Term, and note the Contents of Money in each Chest, and see it carried to the King's Treasury in the *Tower*, for the ease of the Lord Treasurer, &c.

Unfortunium, one who hath no Quiet of Peace. *Angeo. si [illegible] bonis pacis fugit & [illegible], & se [illegible] defendere, faceat* Ungeld; that is, no pecuniary Compensation shall be made for his Death. *Glanvil*, *Symon. Angl.*

Ungilda Aker: This is mentioned in *Brompton, Leg. Æthelred. pag.* 898. and it signifies almost the same as *Ungeld*, *viz.* where a Man was killed attempting any Felony, he was to lie in the Field unburied, and no pecuniary Compensation was to be paid for his Death: From the *Sax.* Un, without, Gilda, *solutio*, and acena, *ager*.

Uniformity, (*Uniformitas*) one Form of Publick Prayers and Administration of Sacraments, and other Rites and Ceremonies in the Church of *England*; prescribed by the Statutes 1 *Eliz. cap.* 2. and 14 *Car.* 2. *cap.* 4.

Union (*Unio*) is a Combining or Consolidating two Churches in *one*, which is done by the Consent of the Bishop, the Patron and Incumbent: But there are two other sorts of it; as when one Church is made subject to the other, and when one Man is made Rector of both, and when a Conventual is made Cathedral, as you may read in the *Gloss* of *Lyndewode's Provincials*, *Sect. Et quia*—In the first signification, by the Statute 37 *Hen.* 8. *cap.* 21. it was made lawful to make an *Union* or Consolidation of two Churches in one, whereof the Value of the one is not above six Pounds in the King's Books for First Fruits, and not above one Mile distant from the other. And by another Statute 17 *Car.* 2. *cap.* 3. it shall be lawful for the Bishop of the Diocess, Mayor, Bailiff, *&c.* of any City or Corporate Town, and the Patron or Patrons, to *unite* two Churches or Chapels in any such City, Town or the Liberties thereof; provided, such *Union* shall not be good, if the Churches so *united* exceed the Sum of one hundred Pounds *per Annum*, unless the Parishioners desire otherwise, *&c.*

Unity of Possession signifies a Joint Possession of two Rights by several Titles; As, if I take a Lease of Land from one upon a certain Rent, afterwards I buy the Fee-simple; this is an *Unity of Possession*, whereby the Lease is extinguished, by reason that I, who had before the Occupation only for my Rent, am become Lord of the same, and am to pay my Rent to none but my self.

University (*Universitas*) is most usually taken for those two Bodies, which are the Nurseries of Learning and Liberal Sciences in this Realm, *Oxford* and *Cambridge*, endowed with great Favours and Privileges, as appears not only by *Anno* 2 *&* 3 *Ph. & Mar. cap.* 15. 13 *Eliz. cap.* 21. *&* 18 *ejusdem, cap.* 6. But much more by their several Charters, granted by divers pious and munificent Kings of this Land. *Anno* 14 *Car.* 2. *cap.* 4.

Unlage, *i. e.* an unjust Law: From the *Sax.* Un, which is a negative Particle, and Lagu, *Lex. Brompton, Leg. Canuti*, 924.

Unlawful Assembly (*Illicita Congregatio*) is the meeting of three or more Persons together with Force, to commit some unlawful Act, and abiding together, though not endeavouring the Execution of it; as to assault or beat any Person, to enter into his House or Land, *Sir West, par.* 2. *Symbol. tit. Indictments, sect.* 65. *Lambard* in his *Eirenarc.* 19. But by the Statute of 16 *Car.* 2. *cap.* 4. and 22 *ejusdem, cap.* 1. If five Persons or more shall be assembled together above those of the Family, at any Conventicle or Meeting, under colour of any Exercise of Religion, it is *unlawful* and punishable by Fines and otherwise, as in the said Statutes is expressed.

Unnithing. See *Nidering*. *Annals* of *Waverley*, Gale 136.

Unques prist (*i. e.* always ready) is a Plea whereby a Man professeth himself *always ready* to do, or perform that which the Demandant requires. For example, a Woman sues the Tenant for her Dower, and he, coming in at the first Day, offers to averr, that he was *always ready*, and still is to perform it. In this Case, except the Demandant will avert the contrary, he shall recover no Damages. See *Kitchin, fol.* 243. See *Vinore prist*.

Untrum is a *Saxon* Word, and signifies a weak or infirm Man.

Vocalis, *i. e.* So called, *viz.* by such a Name or Appellation: 'Tis a Word often mentioned in *Matt. Westm. Posthac Morganus de filiis Wallensibus, & alter nomine Mudocus* vocalis *princeps eorum, &c.*

Vociferatio, the same with Hue and Cry. *Leg. H.* 1. *cap.* 12. *Qui furem plegiatum dimiserit, qui eum obviaverit & gratis sine vociferatione dimiserit, &c.*

Voidance (*Vacatio*) is a want of an Incumbent upon a Benefice, which is twofold; either in *Law*, as when a Man hath more Benefices incompatible; or *in Deed*, as when the Incumbent is dead, or actually deprived. *Brook, tit. Quare impedit, numb.* 51.

Voir dire; (Fr. *voir*, *i. e.* Truth, and *dire*, to speak) When it is pray'd upon a Trial at Law, that a Witness may be sworn upon a *voir dire*, the meaning is, he shall upon his Oath, speak or declare the Truth, whether he shall get or lose by the Matter in Controversie; and if he be unconcern'd, his Testimony is allowed, otherwise not.

Volumus is the first Word of a Clause in the King's Writs of Protection and Letters Patent. *An.* 1 *Rich.* 2. *cap.* 8. and 13 *ejusdem, cap.* 16. Of Protections, some are *Cum clausula Volumus*; And of these there are four Kinds, *viz.* 1. *Quia profecturus.* 2. *Quia moraturus.* 3. *Quia indebitatus nobis existit.* 4. When any one, sent into the King's Service beyond Sea in War, is imprisoned. *Coke on Litt. Sect.* 199.

Voganta terræ, for *Virgata terræ*.

Votum for *Nuptiæ*; so *dies Votorum* is the Wedding-Day. *Eleta, Lib.* 4. *cap.* 2. *par.* 16. *Si donotarius ad alia vota convolaverat, &c.*

Voucher (*Vocans*) is a Word of Art, and is in the understanding of Law, when the Tenant calls another into the Court that is bound to him to Warranty, and is either to defend the Right against the Defendant, or to yield him other Lands, *&c.* in value; and extends to Lands or Tenements of Freehold or Inheritance, and not to any Chattel Real, Personal or Mixt, *&c.* He that *Voucheth*, is called the *Voucher* (*Vocans*) and he that is vouched, is called *Vouchee*, (*Warrantus.*) The Process whereby the *Vouchee* is called, is a *Summoneas ad Warrantizandum*, &c. A Recovery with a *single Voucher* is, when there is but *one Voucher*; and with a *double Voucher* is, when the *Vouchee* voucheth over, and so a *treble Voucher*. There is also a *Foreign Voucher*, when the Tenant being impleaded within a particular Jurisdiction (as in *London*, or the like) *voucheth* one to Warranty, and prays, That he may be summoned in some other County, out of the Jurisdiction of that Court; which might more aptly be called a *Voucher* of a Foreigner, *De forinsecis vocatis ad Warrantizandum*. *Coke on Littl. fol.* 101. *b.* See *Recovery*.

Voucher is also used in the Statute (19 *Car.* 2. *c.* 1.) for a Lieger Book, or Book of Accompt, wherein are entred the Acquittances or Warrants for the Accomptant's discharge.

Uot. *Vocem non habere* is a Phrase used by *Bracton, lib.* 3. *cap.* 34. *par.* 3. and by *Fleta, lib.* 1. *cap.* 34. *par.* 9. and in *cap.* 38. *par.* 21. and it signifies an infamous Person, one who is not admitted to be a Witness.

Upland, (*Uplanda*) High Ground, or, as some call it, *Terra firma*, contrary to moorish, marsh, or low Ground. *Duraimque terram novem Miliariis per aquam, de* Upland, *id est, de superiori terra, scaphis deferri, & paludibus commisceri jussit.* Ingulph. Hist. Croyland.

Urlare, (i. e. *Oralam vel limbus inserere.*) 'Tis mentioned in *Mon. Angl.* 3 *Tom. pag.* 317. *Amictus de aurifrigio, &c.* Urlatur *de aurifrigio strictè & pure.*

Usa is the River *Isis. Tunc in rectum ad Undesfordum, tunc sursum in* Usa *ad Watlingstreet,* Du Cange. This River was called *Isis* from the Goddess of that Name; For it was customary amongst the Pagans to dedicate Hills, Woods, and Rivers, to some Goddess, and to call them after that Name. And the *Britons* having the greatest Reverence for *Ceres* and *Proserpina*, who was also called *Isis*, did for that Reason name this River *Usa*; and she being the Goddess of the Night, from thence they computed Days by Nights, and Years by Months: Of which we have still some Remains, as *Sevenight, Fortnight, &c.*

Usage. See *Prescription.*

Usatus pannus is Thread-bare Cloth. *Leg. Edw. Conf.* 38.

Use: (*Usus*) A Deed consists of two principal Parts, namely, the *Premisses* and the *Consequens*. The *Premisses* is the former Part of it, being all that which precedeth the *Habendum* or Limitation of the Estate, which are the Persons contracting, and the Thing contracted. The *Consequent* is the *Habendum*, in which are two Limitations; 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 *Uses* you may read many Precedents in *West, lib.* 2. *par.* 1. *sect.* 308. These *Uses* were invented upon the Statute of *Westm.* 3. *Quia emptores terrarum*, before which Statute no such *Uses* were known. And because in Time many Deceits were invented, by settling the Possession in one Man, and the *Use* in another, *Anno* 27 *H.* 8. *cap.* 21. it was enacted, That the *Use* and Possession of Lands should always stand united. See *Coke, lib.* 3. *Chudley's* Case.

User de Action is the pursuing or bringing an Action. In what Place and County it ought to be, see *Brook, tit. Lieu* and *County, fol.* 64.

Usher (Fr. *Huissier*, i. e. a Door-keeper of a Court) is an Officer in the *Exchequer*; of which there are four that attend the chief Officers and Barons at the Court at *Westminster*, and Juries, Sheriffs, and all other Accomptants at the Pleasure of the Court. There are also *Ushers* in the King's Court, as of the Privy Chamber, *&c.* See *Black-rod.*

Usilack for *Utlage.*

Uslac. *In Privilegio de Sempingham.* — *Sint quieti tam ipsi quam homines eorum, &c. de omnibus misericordiis & amercamentis & forisfacturis, &c. Et de murdro & latrocinio & conceptis & Usilac & Hamsoka, Grithbrich, Blotwit, &c.* Perhaps misWritten for *Utlage* or *Utlagat. Sed quære.* In *Kelway's Reports* I find Usilatch.

But *Usilac* is the same with *Utlepe.* It should be wrote *Unlat*, which signifies an Escape of a Felon; from the Sax. Utcleon, i. e. *Aufugere.* 'Tis mentioned in *Mon. Angl.* 2 *Tom.* 127. *Libertatem, &c. de murdro & latrocinio & conceptis & Unlac & Hamsoka, &c.*

Usucaption, (*Usucaptio,*) the enjoying a Thing by Continuance of Time, or receiving the Profits; long Possession or Prescription.

Usufructuary, (*Usufructuarius,*) one that hath the Use, and reaps the Profit of any Thing.

Usury (*Usura*) is Money, or Money's Worth, given above the principal Sum for the Loan of it; otherwise called *Interest* or *Use.* Usura *est commodum certum quod propter usum rei mutuatæ accipitur.* Coke's 5 *Rep.* Payton's Case. By the Stat. 12 *Car.* 2. *c.* 13. no Man must take above six Pounds for the Forbearance of one hundred Pounds for a Year, under the Penalties therein contained. See *Coke's* 3. *Institut. fol.* 151. By the Stat. 3 & 11 *Hen.* 7. it is called *Dry Exchange.*

By a late Statute, 1 *Georgii*, no Man must take above five Pounds for the Forbearance of an hundred Pounds for one Year. So that though *Usury* is now allowed, yet in former Times it was severely punished. In *Leg. Edw. Confess. cap.* 37. *Usurariis quoque defendit Rex Edw. ne remaneret aliquis in toto regno suo; & si quis inde convictus esset, quod fœnus exigeret, omni substantiâ propriâ careret, & postea pro exlege habeatur, quoniam* Usura *radix omnium malorum.* They might dispose of their Goods before Conviction, and whilst they were living; but after their Death they were confiscate, so as it could be proved, he lent Money to Use within a Year before his Death. *Mat. Paris.* 1143. But if a Clergyman was an Usurer, his Goods were not to be confiscated, but were to be distributed to pious Uses.

In those Days *Usury* was thus defined:

Est Usura *suos quisquis tradit mihi nummos*
Spe lucri, fœnus duplex Usura *vocatur.*

See *Stat.* 15 *Edw.* 3. *cap.* 5. & 6. 27 *Hen.* 8. *cap.* 9. 5 & 6 *Edw.* 6. *cap.* 23. *&c.*

Usurious Contract comprehends any Bargain or Contract, whereby any Man is obliged to pay more Interest for Money than the Statute allows.

Utas (*Octava*) is the eighth Day following any Term or Feast; as the *Utas* of St. *Michael*, the *Utas* of St. *Hilary, &c.* whereof you may read *Anno* 51 *Hen.* 3. Statute concerning general Days in the Bench. And any Day within the Feast and the eighth Day is said to be within the *Utas.* The Use of it is in the Return of Writs, as appears by the Statute, 2 *Ric.* 2. of the *Utas* of the Holy Trinity. *Preamble to the Statute* 43 *Edw.* 3.

Utensil, (Fr. *Ustensil,*) any Thing necessary for an *Use* and *Occupation*; Houshold Stuff. I find in an ancient Record *Ustilementum* for *Utensile*; and in another *Utensilia* for Utensils. *Item lego Agnetæ uxori meæ omnia* Utensilia *domus meæ, lignea & ænea.* Testam. Johan. Hereford. Anno 1439.

Utfangthef (Sax. Utfang-þeof, i. e. *Furem extra fundum, scilicet, Extra dominium vel jurisdictionem*) is an ancient Royalty or Privilege granted to the Lord of a Manor by the King, which gives him Power to punish a Thief dwelling and committing Theft out of his Liberty, if he be taken within his Fee. **Utfangthef** *dicitur extraneus latro, ortus aliunde de terra aliena, & qui captus fuit in terra ipsius, qui habet libertatem.* Bracton. lib. 2. tract. 2. cap. 35. Anno 27 Hen. 8. cap. 26.

Utlagh,

Utlagh, (*Utlagus*,) an Outlaw. *Fuit quidam* Utlagus *famosissimus, partes istas frequentans, propter iter commeantium inter Nottingham & Derby per Forestam.* Mon. Angl. 2 Par. fol. 618 a. See *Outlaw*.

Utlagato capiendo quando utlagatur in uno Comitatu & postea fugit in alium is a Writ, the Nature whereof appears in the Words of its Name. See *Reg. of Writs, fol.* 133.

Utland, (Sax. *i. e. Terra Externa*.) *Dicebatur terra servilis seu tenementalis, quæ de pertinentiis verarum Dominicalium, quæ* Inland *nuncupantur sunt, in vicinorum agrum rejiciebantur.* Vide *Inland*.

Utlawry, or **Utlaw**, (*Utlagaria, vel Utlagatio*,) is a Punishment for him who, being called into Law, and lawfully sought, does (after an Original Writ, with a *Nihil habet*, three Writs of *Capias, Alias*, and *Plures*, returned by the Sheriff, with a *Non est inventus*, and an *Exigent*, with a Proclamation thereupon awarded) contemptuously refuse to appear. He must also be called at five County-Court Days, a Month between each one; and if he appear not within that Time, *Prælatorum remedium, cum principi non obediat nec legi, & ex tunc Utlagabitur*; that is, he shall be pronounced to be out of the King's Protection, and deprived of the Benefit of the Law: The Effect of which is, 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 all his Land and Tenements which he hath in Fee, or for Life, and all his Goods and Chattels. *Et tunc gerit caput Lupinum, ita quod sine judiciali inquisitione vite peccat, & secum ipsum judicium portat; & merito sua lege peccat, qui secundum legem vivere recusavit*, &c. says *Bracton, lib.* 3. *tract.* 2. *cap.* 11. A Minor or Woman cannot be outlawed: But where a Man is termed *outlawed*, a Woman is said to be *waived*. How an *Outlaw* is inlawed again, and restored to the King's Peace and Protection, see *Bracton, lib.* 3. *tract.* 2. *cap.* 14. and *Fleta, lib.* 1. *cap.* 27. & 28. See *Outlaw*.

Utlepe *significat, elapsum, hoc est, Evasionem latronum de prisona.* Fleta, lib. 1. cap. 47. and 18 Hen. 6. Pat 2. m. 22.

Utrum. See *Assise*.

Utter Barristers (*Barristers*) are such, who, for their long Study and great Industry bestowed upon the Knowledge of the Common Law, are called out of their Contemplation to Practice, and in the View of the World, to take upon them the Protection and Defence of Clients. In other Countries they are called *Licentiati in Jure*. The Time before any ought to be called to the Bar, by the ancient Orders, was heretofore eight Years, now reduced to seven. And the Exercise done by him (if he were not called *Ex gratia*) was twelve *Grand Moots*, performed in the Inns of *Chancery* in the Time of the *Grand Readings*, and twenty four *Petty Moots* at the Inns of *Chancery* in the Terms-times, before the *Readers* of the respective Inns of *Chancery*. A *Barrister* newly called is to attend the six next long Vacations the Exercise of the House, viz. in *Lent* and Summer, and is thereupon for those three Years called a *Vacation Barrister*. And they are called *Utter Barristers*, i. e. *Bachelors extra* the Bar, to distinguish them from Benchers, or those who have been *Readers*, who are sometimes admitted to plead within the Bar, as the King, Queen, or Prince's Counsel are.

Vulgus, a Wound in the Face. *Rubianus* 50 *fol.* [illegible]. And *Vulgarius* signifies a Witch; so called from making the Image of a Face in Wax, and sticking Needles in it. From which it was called *Bodkin*.

Vultus de Luca, the Image of our crucified Saviour kept at *Lucca* in the Church of Holy Cross. *Eadmerus, lib.* 1. & 2. tells us, That *William* the Conqueror often swore *per sanctum vultum de Luca, viz. pag.* 18, 19, 27, 51, 54. And *Malmsbury* writes the same Thing, *Lib.* 4. *pag.* 121, & 124. and *Lib.* 1. & 3. *De gestis Pont. Angl. pag.* 117, 247.

Uxella æstuarium, the Mouth of the River *Parrot* in *Somersetshire*, near *Bristoll*.

Uzella, *Lestythiel* in *Cornwall*.

W

Wastors, (*Wastores*.) *Edward* the Fourth constituted a Triumvirate of Officers with Naval Power, whom the Patent (22 *Edw.* 4. *Memb.* 2.) styles *Custodes, Conductores*, and *Wastores*. And these were chiefly to guard our Fishermen on the Coast of *Norfolk* and *Suffolk*. We still retain the Word To *waft* over, *i. e.* To convey or conduct over Sea.

Waga, alias **Waga**, a Weigh, which is a Measure of Cheese, Wool, *&c.* containing two hundred fifty six Pounds of *Averdupois*; for by the Statute 9 *Hen.* 6. *cap.* 6. a *Weigh* or *Way of Cheese* ought to contain thirty two Cloves, and the Clove seven Pounds. — *Unam* Wagam *salis de Salinis suis de Terrington.* Mon. Angl. 1 par. fol. 515. See *Weigh*. But Mr. *Lambard* tells us, that a Weigh of *Wool* at *Salisbury*, and other Places, is but three Pounds. *De prisis Angl. Legibus, fol.* 221.

Wage (*Vadiare*, Fr. *Gager*) signifies the giving Security for the Performance of any Thing; as to *wage Deliverance*, which see in *Gage*; to *wage Law*, see in *Law*. None *wageth Law* against the King. *Britton, tit. Chose in Action, num.* 9. See *Coke in Littl. fol.* 294. *b. tit. Leygager*.

Wager of Law. See *Law*.

Waif, or **Waife**, (Fr. *Chose guaive*, or from the Sax. **Wafian**, *Fluctuare, Vagillare*) is that, of those Goods, which a Thief having stolen, and being pursued, or over-charged with the Burden, flies and leaves behind him. The King's Officer, or the Bailiff of that Lord within whose Jurisdiction they were left, (who by Prescription or Grant from the King, hath the Franchise of *Waif*,) may seize the Goods to his Lord's Use; except the Owner come with fresh Suit after the Felon, and sue an Appeal within a Year and a Day, or give in Evidence against him at his Arraignment, and he be attainted. In which Cases the Owner shall have Restitution of his Goods. Though *Waif* is properly spoken of Goods stolen, yet it may be also of Goods not stolen; as, if a Man be pursued with *Hue and Cry* as a Felon, and he flies and leaves his own Goods, these shall be forfeit as Goods stolen, and are properly called *Fugitives Goods*. See *Coke, lib.* 5. *Foxley's Case*.

Waif, Thing lost, and *Estray*. *Waif* is derived from the Lat. *Vagus*, and *Estray* from *Extraneus*; the one is defined to be *Pecus vagrans*; the other is of the same Nature, because wandering Cattle *extraheuntur alieno solo*; and they are said to be *Nullius in bonis nisi non apparet Dominus*; and therefore they belong to the Lord of the Franchise where they are found, who must cause them to be cried and published in the Markets and Churches near about, and the Year and Day does not run to the

Prejudice of him that lost them. *Britton, cap.* 17. Plac. coram Joh. de Berewel & Sociis suis Justic. Itin apud Salop. in Octab. Sancti Michaelis 20 Ed. 1. Rot. 29. in Dorso. *Richardus fil.* Alani *Comes Arundel summonitus fuit ad respondend. Domino Regi de placito quo Warranto clamat habere placita Coronæ & habere* Wayf *in Manerio suo de* Upton *subtus* Haweman, *&c. in Com.* Salop. *Et Comes dicit quod ipse clamat habere* Insangene-thef *&* Wayf, *& eadem placita & libertates habuerunt ipse & omnes antecessores sui, & eisdem usi sunt a tempore quo non extat memoria, & eo Warranto clamat, &c. Et* Hugo *de* Lowther *qui sequitur pro Domino Rege dicit quod* Wayf *est quoddam grossum de Corona, ita Coronæ Domini Regis annexum, quod nullus eo gaudere possit, nisi inde habeat speciale Warrantum a Domino Rege vel antecessoribus suis concessum.* Wayf, i. e. *Si aliquis adduxerit aliqua animalia, ut oves, boves, equos, & hujusmodi, vel aliquas alias res, & inde suspectus & arrestatus fuerit a Balivis Prioris Nonæ probaverit per fideles homines, quod illæ res furatæ non fuerant, & ille dimissus non redierit: Dictæ res seu animalia servabuntur per unum annum & unum diem, & si ille non redierit & res suas esse probaverit, erunt Prioris, &c. Si aliquis alius venerit, & res suas legitime esse probaverit, dari expensis, illas habebit.* Ex Registro Prior. de Cokesford.

Wainable, that may be ploughed or manured, Tillable. *Dedimus, in loco qui vocatur* Shiplade *la Moreis, & la terre* Wainable, *& la Bruere, &c.* Charta Rogeri de Scales. Sine dat.

Wainage, (*Wainagium*, from the Sax. Wæn, *Plaustrum, Vehiculum.*) Mag. Char. cap. 14. And any others Villain then ours shall be likewise amerced, saving his Wainage, if he fall into our Mercy. Sir *Edward Coke* (2 *Part Instit. fol.* 28.) says, it signifies the Contentment or Countenance of the Villain. But *quære*, whether it may not rather signify the Furniture or Appurtenances of the Cart or *Wain*, wherewith he was to do the Villain-service. See *Guinage* and *Wannage*.

Waitefee. Tho. Spelman, *Filius Johannis, obiit* 12 *Martii*, 1 *Eliz. & dicitur in Inquisitione tenuisse Manerium de Narborough cum tertia parte Advocationis Ecclesiæ, &c. de Domina Regina, ut de Manerio suo de Wingrave per servitium Militare, & per redditum* 14 s. *pro* Waytefee *&* Castlegarde, *& valet ultra per annum* 34 l. 14 s. 10 d. *quadrantem.* Patent. in Schedula liberationis Joh. Spelman fratris sui, 7 Aug. 5 Eliz. Perhaps a Fee to excuse his *Waiting* or giving Attendance at the Castle.

Waiviaria Mulieris is as much as *Utlagatio viri.* Reg. of Writs, fol. 131. Many of the King's Liege People outlawed, and many waived by erroneous Process. *Anno* 7 *Hen.* 4. *cap.* 13. See *Utlary*. A Woman is said to be *waived*, which is the same as outlawed: And the Reason is, because she cannot be outlawed as a Man is; for a Woman cannot be of the Decennary, which in former Times was accompted to be *in Lege.*

Wakeman, (Sax.) The Chief Magistrate of the Town of *Ripon* in *Yorkshire* is so called; *quasi Watchman.* Cam. Britan.

Waker, (from the Sax. Wac, *Tumultuatio.*) These were the *Vigils* in Dedications of Churches, where Men sat drinking in the Choir all Night.

Wald, (*Walda.*) See *Weald.*

Waldaga Mood. *Et debent pro qualibet* 3 *wellingâ, (i. e.* as much as one Plough can tillig) 14 *d. per annum pro Sebispechase, (i. e.* Sheepchase,) *Timberlade, (i. e.* Loading of Timber,) *Bordlade, vel carriare extra Waldam per mare vel per terram pro manerium.* Thorn. Anno 1364.

Walecheria for *Vaccaria.* See *Gallena.*

Wallingford. See *Gallena.*

Walescus. *Ipse Episcopus Walterus (Ecclesiæ Cant.) habuit unam Hidam* Walesam. T. R. *Edwardi.* Domesday.

Walsiscus, i. e. *Servus*, a Servant; from the Sax. Weal, which signifies a Servant. It is mentioned in the Laws of *Ina, cap.* 34. *Si homo* Walsiscus *habeat terræ hidam vera sua est* 20 *sol.*

Walkers are those who are otherwise called Foresters. Cromp. *Jurisd. fol.* 145. There were Foresters assigned by the King, who are *Walkers* within a certain Space of Ground assigned to their Care.

Wall, or Sea-wall, (*Walla, vel Wallia.*) See *Waingage.*

Walescheria, or Walecheria. Extenta terrarum Johannis filii Alani, 52 Hen. 3. viz. de Albo monasterio. *Dicunt quod est ibi* Walocheria, *quæ reddit de annuo redditu* 34 s. *ad Festum Sancti Mich. Item in terra* Walecheria *sunt tres homines, & quilibet eorum debet invadiare unum hominem per tres dies in qualibet Septimana a Festo Sti Mich. usq. ad Festum Sancti Petri ad vincula.* Etc. 52 H. 3. m. 37. It seems here to signify *Walliæ pars*, a Part of *Wales.* In *Nonæ Walliæ, Wallesterna* is interpreted *Rancurla bovum, interfecti.*

Wambasarius. See *Gambecum.*

Wang (Sax.) a Field. Also the Cheek or Jaw wherein the Teeth are set. Hence with *Chaucer* we call the Cheek-teeth or Grinders, *Wangs* or *Wang-teeth*, which is also notified in that old Way of Sealing Writings:

And in witness that this is sooth,
I bite the Wax with my Wang-tooth.

See *Wong.*

Wangenetheof. *Manerium de* A. *sit quietum de* Gelth *&* Scotch, *de* Wecchs *&* de Wangenetheof *&* Danegeld, *&c.* Pat. 22 H. 4. p. 1. m. 33. *Quære.*

Wannage, (*Wannagium.*) *Eodem anno* (scil. 1198.) *Rex Angl. accepit de unaquaque carucata terræ, sive Hydæ totius Angliæ* 5 *Sol. de auxilio, ad quos colligendos misit idem Rex per singulos Comitatus Angliæ unum Clericum & etiam unum militem. Qui fecerunt venire coram se Senescallos Baronum illius Comitatus, qui juraverunt quot Carucarum* Wannagia *fuerint in singulis villis, &c. Ipsi vero qui electi fuerunt & constituti ad hoc negotium Regis faciendum, statuerunt per estimationem legalium hominum, ad animas suas, carucam* Wannagium, *centum acras terræ.* Hoveden. Annal. par. poster. fol. 443. num. 30. See *Wainage.* *Quod ego H. & hæredes mei villas & edificia & Wannagia ad libitum nostrum in terris prænominatis faciemus, & claudemus* XI. *acras terræ ad excolendum vel ad tensandum, ad libitum nostrum.* Mon. Angl. 2 Part. fol. 612. a. In this last Citation *Wannagia* seems to signify *Wainhouses*, or necessary Out-houses for Husbandry. I have also seen *Wannage* used for *Tillage.* Reg. de Welbec. fol. 91. and *Gunnagium* in the same Sense, 3 *Mon. fol.* 78. *b.*

Wapentake, or Weapentake, (Sax. Wapengetace, i. e. *Arma shaking,*) is all one with that we call a Hundred, or *Centred*, as appears by *Bracton*, (*lib.* 3. *tract.* 2. *cap.* 10. *numb.* 1.) *Consuetudo est pro omnibus servientes & Baliwi Hundredorum & Wapentachiorum irrotulentur Hundredarii* sive Wapentachia, *&*

nomina

nomina servientium, &c. Nominis autem origo, non ab armorum tractu, ut Hovedeno *traditum; sed hinc, quod quoties novus esset Hundredi Dominus, ei in subjectionis signum arma reddebant vassalli, ut Ranulfo Cestriensi observatum,* Lib. 1. cap. 5. *Quod Angli vocant* Hundredum *supradicti Comitatus vocant* Wapentachium. *LL. Edw. Conf. cap.* 23. Sir *Tho. Smith de Repub. Ang. cap.* 16. says to this Effect; That anciently Musters were taken of the Armour and *Weapons* of the several Inhabitants of every *Wapentake*; and from those that could not find sufficient Pledges for their good abearing, their *Weapons* were *taken away*, and delivered to others. *Lambard* (in his Explication of *Saxon* Words, *verbo Centuria*) says, this Word is especially used in the Counties beyond *Trent*. The Statutes *Anno* 3 *H.* 5. *cap.* 2. 9 *Hen.* 6. *cap* 10. and 15 *Hen.* 6. *cap.* 7. make Mention of *Stainclif Wapentake* and *Frendles Wapentake* in *Craven*, in the County of *York*. The County of *Nottingham* is also divided into *Wapentakes*. See *Cam. Britan. fol* 159. and *Coke's* 2 *Part. Instit. fol.* 99. Wapentak, *hoc est quietancia de sectis & Hundredis quod dicitur* Wapentak. MS. in Bib. Cotton. sub tit. Vitellius, cap. 9. The Word seems to be of *Danish* Original, and to be so called for other Reasons than what is given by Sir *Thomas Smith*, *viz.* When first this Kingdom was divided into *Wapentakes*, he who was the Chief of the Hundred, and whom we now call a High-Constable, as soon as he entered upon his Office, appeared in the Field on a certain Day on Horseback with a Pike in his Hand, and all the chief Men of the Hundred met him there with their Lances, who alighting, they touched his Pike with their Lances; which was a Sign that they were firmly united to each other, by the touching their Weapons; for in Sax. Weapen is *Armitura*, and Tac, *tactus*.

Others say 'tis derived a Sax. Weapen, *Arma*, and Teacen, *Tradere*; because the Tenants delivered their Arms to every Lord, as a Token of their Homage and Subjection.

Wara: *Libera* Wara *est redditus, & talis conditionis, quod si non solvatur suo tempore, duplicatur in crastino, & sic deinceps in dies.* Reg. Abb. de Burgo S. Petri, in Bibl. Cotton.

Warrantia Chartæ is a Writ that lies properly for him who is enfeoffed in Lands or Tenements, with Clause of *Warranty*, and is impleaded in an *Assise*, or *Writ of Entry*, wherein he cannot vouch, or call to *Warranty*. In which Case his Remedy is to take out this Writ against the Feoffor or his Heir. *Reg. of Writs, fol.* 157. *Fitz. Nat. Br. fol.* 134. and *Fleta, lib.* 6. *cap.* 35.

Warrantia Custodiæ is a Writ judicial that lay for him who was challenged to be *Ward* to another, in respect of Land said to be holden in *Knight's-Service*, which, when it was bought by the *Ward's* Ancestors, was *warranted* to be free from such Service; and it lay against the *Warranter* and his Heirs. *Reg. Jud. fol.* 36. But by the Statute 12 *Car.* 2. *cap.* 24. it is now become useless.

Warrantiæ diei, is a Writ, lying in Case where a Man, having a Day assigned personally to appear in Court to any Action wherein he is sued, is in the mean Time, by Commandment, employed in the King's Service, so that he cannot come at the Day assigned: The Writ is directed to the Justices to this End, that they neither take nor record him in Default for that Day. *Reg. of Writs, fol.* 18. *Fitz. Nat. Br. fol.* 17. and *Glanvile, lib.* 1. *cap.* 8.

Warranty (*Warrantia*) is a Promise 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, & 37. It passeth from the Seller to the Buyer, from the Feoffor to the Feoffee, from him that releaseth to him that is released from an Action real, and such like: And the Form of it is thus; *Et ego vero præfatus A. & hæredes mei prædictam quinque acras terræ cum pertinentiis suis præfato B. hæredibus & assignatis suis contra omnes gentes* warrantizabimus *in perpetuum per præsentes.* See *Glanvile, lib.* 3. *per totum. Bracton, lib.* 5. *tract.* 4. *Briton, cap.* 105. and *Coke, lib.* 4. *Nokes's Case, fol.* 81. *a.* In ancient Deeds we find *Warranties* run thus: *Contra omnes homines & fœminas & contra omnes homines & Judæos* warrantizabimus, *&c.*

Warranty is either *Real* or *Personal*: *Real*, when it is annexed to Lands or Tenements granted for Life, *&c.* And this is either in Deed, as by the Word *Warrantizo* expressly; or in Law, as by the Word *Dedi*, or some other Amplification. *Personal*, which either respects the Property of the Thing sold, 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 *Coke, lib.* 3 *Fermor's Case, fol.* 78. *a.* Under this Word *Hæredes* are comprised all such as the first *Warranter's* Lands afterwards come unto, either by Descent, or otherwise, *ex causa lucrativa. Warrantizare nihil aliud est quam possidentem defendere. Fleta, lib.* 5. *cap.* 15. *sect.* 1. *Bracton, lib.* 2. *cap.* 16. *num.* 10. By what Words in a Feoffment a Feoffor shall be bound to *Warranty*, see the Statute of *Bigamy, Anno* 4 *Ed.* 1. *cap.* 6. See *Coke on Littl. fol.* 365. *a.* and 383. *b. Item utimur, quod si aliquis puerorum nostrorum in aliquo casu Tenementa nostra tangenti vocatur ad* Warrantizandum, *non tenetur* Warrantizare *nisi sit quatuordecim annorum.* MS. Cokex de LL. & Statutis Burgi-villæ Mountgomer. a temp. Hen. 2.

There is also a *Warrant of Attorney*, whereby a Man appoints another to do something in his Name, and *warranteth his Action*: Which seems to differ from a *Letter of Attorney*, which passeth ordinarily under the Hand and Seal of him that makes it, before any credible Witnesses; whereas a *Warrant of Attorney*, in a Personal and Mix'd Action, and many Real Actions, is of Course put in 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 directeth. *West, Par.* 2. *Symb. tit.* Recoveries, *Sect.* 1. *F.* See *Attorney* and *Letter of Attorney*.

Ward (Sax. Weapo, i. e. *Vigilia*, item *Custos*) has divers Applications; as a *Ward* in *London*, which is a Portion of the City committed to the special Charge of one of the twenty-four Aldermen, *&c.* See *Stow's Survey*. Secondly, a Forest is divided into *Wards*, *Manwood, Par.* 1. *pag.* 97. Thirdly, a Prison is also called a *Ward*. Fourthly, the four utmost Northern Counties are divided into *Wards*, as others into *Hundreds*. Lastly, the Heir of the King's Tenant holding by Knight's-Service, or *in Capite*, or of any common Person, by Knight's-Service, was called a *Ward* during his Nonage. *Anno* 32 *Hen.* 8. *cap.* 46. But this last, with the

Court of *Wards*, and all Wardships, &c. is taken away by the Stat. 12 *Car.* 2. *cap.* 24.

Warda. (i. e. *Custodia.*) In *Walsingham, pag.* 120. *Data suis custodibus superiori potione, evasit per omnes turris custodias quas* Wardas *vocamus.*

Warda, i. e. the Custody of a Town or Castle, which the Tenants and Inhabitants were bound to keep at their own Charge. 'Tis the same with *Wardagium. Mon. Angl.* 1 *Tom. pag.* 372.

Warda Ecclesiarum, the Guardianship of Churches; which is in the King during the Vacancy, by reason of the *Regalia*, or Temporalties. *Matt. Paris* and *Matt. Westminster, Anno* 1248. writing of *Henry* III. tell us, *Regardatus est insuper quod Episcopatus & Abbatias & etiam Gardas vacantes immisericorditer depauperat, &c.*

Wardage, (*Wardagium.*) *Sed sint quieti de quolibet Theolonio, Tallagio, Passagio, Pedagio, Lastagio, Hidagio,* Wardagio, *& omnibus Geldis, Fengeldis, Horngeldis, Fortgeldis, Penigeldis,* Tenopenigs, Hunderpenigs, Wiskemelig, Benalpeninge, Gzithbzegs, *&c. Charta Gilberti Tisson summi Vexillatoris Angliæ. Sine dat.* It seems to be the same with *Wardpeny*, which see; or to be free from *Wardship.*

Wardecorne, the same with *Cornagi*, i. e. a Duty incumbent on the Tenants to guard the Castle, by sounding a Horn upon the Approach of an Enemy. *Monasticon*, 1 *Tom. pag.* 976. *Et sint quieti de Thesauro ducendo & Wardpeny*, Wardecorn, *Averpeny, Hundredpeny, &c.*

Warden (*Gardianus*) is all one with the Fr. *Gardein*, and signifies him that has the Keeping or Charge of any Person or Thing by Office; as *Wardens* of the Fellowships in *London, Anno* 14 *Hen.* 8. *c.* 2. *Warden-Courts*, 31 *Hen.* 6. *c.* 3. *Warden* of the Marches, 4 *Hen.* 7. *cap.* 8. *Wardens* and Commonalty of the Lands contributory to *Rochester* Bridge, 18 *Eliz. cap.* 7. *Wardens* of Peace, 2 *Edw.* 3. *cap.* 3. *Stat. Northampton*; *Warden* of the West-Marches, *Cam. Brit. pag.* 606. *Warden* of the Forest, *Manwood, Par.* 1. *pag.* 42, & 111. *Warden* of the Aulnage, 18 *Hen.* 6. *cap.* 16 *Warden* of the King's Wardrobe, 51 *Hen.* 3. *Stat.* 5. *Wardens* of the Tables of the King's Exchange, 2 *Edw.* 3. *Stat.* 2. *cap.* 7. and 9 *Hen.* 5. *Stat.* 2. *cap.* 4. *Wardens* of the Rolls of the Chancery, 1 *Edw.* 4. *cap.* 1, & 5. *Warden* or Clerk of the Hanaper of the Chancery, *Ibidem*; *Warden* of the King's Writs and Records of his Common-Bench, *Ibidem*; *Warden* of the King's Armour in the Tower, 1 *Edw.* 4. *cap.* 1. *Warden* of the House of Converts, 12 *Car.* 2 *cap.* 30. *Warden* of the Stanneries, 14 *Car.* 2. *cap.* 3. *Warden* and Minor Canons of St. *Paul's* Church, *London*, 22 & 23 *Car.* 2. *Act for Maintenance of Ministers in* London. See *Guardian.*

Wardfeoh, or **Wardfegh**. *Sciant præsentes & futuri quod ego Henricus de la Morton dedi Rogero de Foresta & Johannæ uxori suæ pro duodecim solidis & sex denariis, quæ mihi dederunt præ manibus, unam acram terræ meæ de tribus seliionibus, &c. Reddendo inde annualim ad Festum Sancti Michaelis mihi & hæredibus meis unum denarium pro omni servitio, heriotto, relevio, wardu, regali servicio,* Wardfegh *& pro omnimoda secta Curiæ meæ & hæredum meorum & assignatorum nostrorum & pro omnibus consuetudinibus & exactionibus, &c.* Sine dat. It signified the Value of a *Ward*, or the Money paid to the Lord for his Redemption from *Wardship.*

Wardmote (*Wardmotus*) is a Court kept in every *Ward* in *London*; (*Anno* 32 *Hen.* 8. *c.* 17.) ordinarily called among them the *Wardmote-Court.* Vide *Chart. Hen.* 2. *de Libertatibus London.* where there are twenty six *Wards*, which are as Hundreds, and the Parishes as Towns. 4 *Inst. fol.* 249.

Wardpeny, alias **Warpeny**, & **Warthpeny**. *Denarii Vicecomiti vel aliis Castellanis persoluti ob castrorum præsidium, vel excubias agendas. Concedo etiam eidem Ecclesiæ leugam circumquaque adjacentem liberam, & quietam ab omni geldo & secta & Hidagio & Danegeldo & operibus pontium & Castellorum & parcorum & omnibus auxiliis, placitis, & querelis, & sirs, & Hundredis; cum saca & soca, & Thol & Them, & Infangtheof &* Warpeny, *& Lestage, & Hamsocne, & Forstal, & Blodwite, &c.* Chart. Gul. Conq. Ecclesiæ S. Martini de Bello. *Retinui vero mihi & hæredibus meis* Warthpeny *&* Peterspeny, *de prædicta terra.* Charta Bertram de Verdon. Penes W. Dugdale mil. *Warpenna.* Domesday.

Wards and Liveries (*Wardi & liberaturæ*) was a Court first erected in King *Henry* the Eighth's Time, and afterwards augmented by him with the Office of *Liveries*, and therefore called by him *The Court of Wards and Liveries*, now taken away and discharged by *Stat.* 12 *Car.* 2. *cap.* 24.

Wardstaff. *Lambourn* Manor in *Essex* is held by Service of the *Wardstaff*, *viz.* to carry a Load of Straw in a Cart with six Horses, two Ropes, two Men in Harness, to watch the said *Wardstaff* when it is brought to the Town of *Aibridge*, *Sec. Cam. sit. Essex.*

Wardwite, (Sax.) *Significat quietantiam misericordiæ in casu quo non invenerit quis hominem ad* Wardam *faciendam in castro vel alibi*, Fleta, lib. 1. *Immunitas a præsidiis faciendis, vel ab eorum contributione.* Spelm. But *Skinner* is of Opinion, that 'tis a Duty paid towards the Charge of Watching, rather than an Exemption from that Duty; from the Sax. Weapo, *Vigilia*, and pite, *multa.*

Warectum, and **Terra Warecta**, (*Warectum & Varectum*, Fr. *Terre garée*,) Land that has been neglected, and long untill'd: Also Fallow Ground. *Tempus warecti*, in ancient Records, signifies the Time wherein Land lies Fallow, the Fallow Year, or Season for fallowing Land. *In* Warectis, *in brueris, in boscis, in mariscis, in defensis, & in omnibus terris, &c.* Mon. Angl. 2 Par. fo. 253. a. *xxv. Acras unoquoque anno ad seminandum, & totidem ad* Warectandum. *Idem*, 1 *Par. fol.* 525. *b.* See *Vernagium.*

Waren (*Warenna*, from the Germ. Wahren, i. e. *Custodire*) is a Franchise, or Place privileged either by Prescription or Grant from the King, to keep Beasts and Fowl of *Waren*, which are *Hares* and *Conies*, *Partridges* and *Pheasants.* If any Person offend in such *Free-waren*, he is punishable for the same by the Common-Law, and by Statute 21 *Ed.* 3. called the Statute *de Malefactoribus in Parcis & Chaceis, &c. Videtur tamen Justiciariis hic & Concilio Dom. Regis, quod Caprioli sunt bestiæ de* Warenna *& non de Foresta, eo quod fugant alias bestias de* Warenna. *Hill. Anno* 13 *Ed.* 3. *Ebor. Rot.* 106.

Warfus, a Wharf. *Piscarias vias, chimina*, Warphos, *vacuos fundos, &c.*

Wargus, a banished Rogue, who lives by Robbery. *Leg. H.* 1. *cap.* 83. *Et si quis corpus in terra, vel nosse, vel petra expoliare præsumpserit*, Wargus *habeatur.* See *Vargus.*

Wariand, the same with *Warectum.*

Warminster. See *Verlucio.*

Warnoth. *Inter Record. de Recept. Sacc. Trin.* 33 *Edw.* 1. *Linc.* 46. *coram Rege*, I find it to be an ancient Custom; whereby, if any Tenant, holding

ing of the Castle of *Dover*, fall'd in paying his Rent at the Day, he should forfeit double, and for the second Failor, treble, *&c.* And in *Mon. Angl.* 2 *Par. fol.* 589. *a. Terris ablatis & terris de* Warnoth.

Warpenna, Wardpeny. *Liddington. Homines hujus Manerii reddunt* Warpennam *Vic. Regis sunt custodiunt facitbant.* Domesday, tit. Grentbrig Shire. See *Wardpeny.*

Warscot was the Contribution that was made towards Armour or War in the *Saxons* Time. *Sint omnes tam primarii quam mediocres & minores, immunes, liberi & quieti ab omnibus provincialibus, sumptuositatibus & popularibus ploviis quas* Hundred Ragh *Angli dicunt, & ab omnibus armorum oneribus, quod* Warscot *Angli dicunt, & scirgeldis querelis.* LL. Forest. Canuti Regis, numb. 9.

Wartepain, the same with *Wardpeny.*

Warth and **Warth Silver.** *De* Warth *ejusdem Hundredi* xiii s. ix d. Inquis. in Scacc. *Adam de Oker* was found by *Inq.* 18 *Edw.* 2. to die seized of certain Tenements in *Pinley, Com. Warr.* held of the King, by the Payment of a Half-penny *per Annum*, called Warth, *Rot. Fin.* 18 *Edw.* 2. *n.* 26. conceived to be the same with *Wardpeny*, and sometimes corruptly called *Wharfmoney.*

Warwit. See *Wardwite.*

Warwick. See *Praesidium.*

Washum, a Watery Place, or Land washed with the Sea or other Water. *Knighton* 1346. *Et sic transierunt per unum* Washum *maris ad longitudinem unius leuca.*

Wassale was a festival Song heretofore sung from Door to Door about the Time of the *Epiphany.* From the Sax. Pæl, Heal, *i. e.* Sit salvus.

Waste (*Vastum*, Sax. Wæste) hath divers significations: First, it is a Spoil made either in Houses, Woods, Lands, *&c.* by the Tenant for Life or Years, to the Prejudice of the Heir, or of him in the Reversion or Remainder, *Kitchin, fol.* 188, *&c.* Whereupon the Writ of *Waste* is brought for 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 Licence of the King, or Lord Chief Justice in Eyre. See *Manwood*, 2 *Par. cap.* 8. *num.* 4 *&* 5.

Secondly, *Waste* is taken for those Lands which are not in any one Man's Occupation, but lie common; which seem to be so called, because the Lord cannot make such Profit of them as he does of his other Lands, by reason of that Use which others have of it in passing to and fro. Upon this none may build, cut down Trees, dig, *&c.* without the Lord's Licence.

Thirdly, *Year, Day*, and *Waste*, (*Annus, Dies, & Vastum*,) is a Punishment or Forfeiture belonging to Petit-Treason or Felony; whereof you may read *Staundf. Pl. Cor. lib.* 3. *cap.* 38. And see *Year, Day*, and *Waste.*

Waste-ground (*Vastus fundus*) is so called, because it lies as *Waste*, with little or no Profit to the Lord of the Manor, and to distinguish it from the Demesns in the Lord's Hands. 2 *Par. Inst. fol.* 656. See *Wasti.*

Wastel Bread, (*Anno* 31 *Hen.* 3. Statute of Bread.) *Vox autem vulgi dicitur, non liquet*, says the *Gloss. in x Scriptores*, fortè a *Gal.* Gastetus, *i. e. Libum, placenta habebit quotidie de liberatione suae Gal. & nisi* Wastellos *dominicos & nisi Simnellos dominicos*, R. Hoved. fol. 420. a. This was the finest Sort of Bread. See *Cibarii.*

Wastors (*Anno* 5 *Edw.* 3. *cap.* 14.) were a Kind of Thieves so called. There have been (says the Statute) divers Manslaughters, Felonies, and Robberies done by People, called Roberdismen, Wastors, and Drawlatches. 4 Hen 4. c. 27.

Water-bailiffs seem to be Officers in Port-Towns, for the searching of Ships. *Anno* 28 *H.* 6. *cap.* 5. Also an Officer so called belonging to the City of *London*, who hath the Supervision and Search of Fish brought thither, and the gathering the Toll arising from the *Thames.* He also attends on the Lord Mayor for the Time being, and hath the principal Care of marshalling the Guests at his Table, and doth arrest Men for Debt, or other personal or criminal Matters upon the River of *Thames*, by Warrant of his Superiors.

Watergage, (*Wattergagium, & Aquagagium*,) a Sea-wall or Bank, to stop or restrain the Current or Over-flow of the Water; Also and Instrument to *gage* or measure the Profundity or Quantity of any Waters.

Watergang, (*Watergangium*, and *Watergangus*, Sax. Wæterganꝫ, *i. e. Decursus aquae*,) a Trench, Trough, or Course, to carry a Stream of Water; such, I conceive, as are usually made in Sea-walls, to loose and drain Water out of the Marsh. Some Authors confound this with *Watergage*; but they seem to have different Significations. *Chart. Hen.* 3. *De Ordinatione Marisci de Romney, tit. Ad reparandum Wallias &* Watergangias *juxta Marisci contra Maris periculum. Omnibus Ballivis de Basintone, Robertus de Curci salutem. Mando vobis ex fide praecipio, quatenus justiciatis meos homines de Margate, ut faciant Wallas &* Watergangas *& clausuras Wallarum, sicut debent facere; & si facere noluerint, tunc justiciatis illos ut faciant, &c.* Mon. Angl. 2 Par. fol. 920. b.

Watergavel, *Henricus, Rex, salutem. Sciatis nos dedisse, dilecto & fideli nostro* Huberto de Burgo, *Comiti Kantiae, & Margariae uxori suae redditum* xxxii s. & iv d. *quem homines eorundem Huberti & Margariae de Manerio suo de* Elmour *nobis reddere solebant singulis annis per manum Baliui nostri de* Menstre-Worth, *nomine* Watergavel, *Habend. &c.* Dat. 15 Hen. 3. This was a Rent paid for Fishing, or other Benefit received from some River or Water.

Water-measure (mentioned in the Statute 22 *Car.* 2. *cap.* —) is greater than *Winchester-measure* by about three Gallons in the Bushel, and may be still used, notwithstanding the said Act.

Waterscape, *i. e.* an Aqueduct. From the Sax. Wæter, *Aqua*, and Scheap, *Ductus.*

Watling-street, (*Anno* 39 *Eliz. cap.* 2.) *Et strata quam filii Wethae Regis ab Orientali mari usq; ad occidentale per Angliam straverunt.* R. Hov. fol. 248. b. n. 10. It is one of these four Ways which the *Romans* are said to have made here, and called *Consulares, Praetorias, Militares, Publicas.* This Street is otherwise called *Warlem-street*, and leads from *Dover* to *London*, *Dunstable*, *Towcester*, *Atterstone*, and the *Severn*, near the *Wrekin* in *Shropshire*, extending it self to *Anglesey* in *Wales.*

The second is called *Ikenild street*, stretching from *Southampton* over the River *Isis* at *Newbridge*; thence by *Cambden* and *Litchfield*, then it passeth the River *Dirwent* near *Derby*, so to *Bolsover-Castle*, and ends at *Tinmouth.*

The

The third was called *Fosse*, because in some Places it was never perfected, but lies as a large *Ditch*, leading from *Cornwal* through *Devonshire* by *Tetbury*, near *Stow* in the *Wolds*, and beside *Coventry* to *Leicester*, *Newark*, and so to *Lincoln*, &c.

The fourth was called *Ermin* or *Erminage-street*, stretching from *St. Davids* in *West-Wales* unto *Southampton*. See *LL. Edw. Conf. cap.* 12. whereby these *Quatuor Chimini*, or four publick Ways, had the Privilege of *Pax Regis*.

And in *Leg. W.* 1. *cap.* 30. there are three Ways mentioned; but *Ikenild-street* is omitted, which was called *Iknild* from the *Iceni*, and Stpeat, which signifies a Way.

Faire weyes many on ther ben in Englond,
But four most of all ther ben to understond:
That thurgh old Kyng were made ere this,
As man schal in this Bock after her tell I wis,
From the south into the north take it Erminstreat,
From the east into the west goeth Ikenild-street,
From southest the northest, that is Sumdelgrete,
From Dover into Chestre goth Watlingstret,
The Kerth of thise is most of alle that tillet from Toteneys,
From the end of Cornwalle anon to Cateneys,
From the south west into northest into Englonds end,
Fosse men callith thiske voir that by monoy thoro von doth voend.
These four waies on this Lond Kyng Felix the wise
Made and ordeined hem with gret Fraun hise,
For whose did therem ony theft other any wouz,
He made juggement therefore, and gret vengeance pnouz.

This is an old Description of those Ways, made by *Robert* of *Glouester*, *Dugdale Antiq. Warwick pag.* 6.

Waveson. *In tantum quod omnes punitiones, correctiones, deodandis*, Waveson, *Flotsam, Lagason & Wreks, ac Regalia*, viz. *magnas pisces cap. as*, &c. Charta Arth. Plantagenet magni Admirali Angliæ Majori & Civibus Rossen. 4 Dec. 18 Hen. 8. *penes Eliam Ashmole Arm.* Such Goods as after a Wreck do swim or float on the *Waves*.

Waxshot, or Wartcot, (*Ceragium*.) *Tributum quod in Ecclesiis pendebatur, ad subministrationem ceræ & luminarium.* Wax, *cera*, & Shot, *Symbolum. Hac autem solutione multi se contendunt immunes esse a ministris quibusdam decimis persolvendis.* *Ejusdemque generis sunt, quæ alias* Cock & Wax, *alias* Paine *post appellantur.* Spelm. This *Waxscot* was anciently paid twice a Year, towards the Charges of Candles in Churches.

Way. See *Chemin*.

Weade, (for so anciently they wrote,) *Wood*. See *Strond*.

Weald, or Wold, (Sax. Wealt, i. e. *Sylva, Desertum*) is the woody Part of a Country, as the *Weald of Kent*. *Cam. Britan. pag.* 247. *An.* 26 *H.* 8. *cap.* 7. In the Collection of the Statutes, 14 *Car.* 2. *cap.* 6. it is misprinted *Wildes* of *Surrey*, *Sussex*, or *Kent*; for *Wealds*.

Weald, Wald, Walt, in the Beginning of Names of Places signifies a Situation near Woods or Groves; from the Sax. Wealo, *i. e.* a Wood.

Wealreaf, *i. e.* Robbing a dead Man in his Grave. From the Sax. Weal, *strages*, and reaf, *Spoliatio, quasi Strati vel Extincti Spoliatio.* 'Tis mentioned in *Leg. Ethelred*, at *Wontage*, *cap.* 21. Wealreaf, i. e *Mortuum referre, est opus nithingi*, (i. e. of one made free, or manumitted,) *si quis hoc negare velit, faciat cum* 48 *Thegnis plane nobilibus*, &c.

Wear, and Were, (*Wera & Wara*, Sax. Wæp,) 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* Waram *& duas Cotlandas cum Dominio, & pratis.* Mon. *Angl.* 2 *Par. fol.* 128. *Gurgites* is sometimes used in our Records for *Weirs*; as, *Usque ad Gurgites, Anglicè vocat.* Snowtwears. *Item Petrus tenet unum* Gurgitem *infra Wayam*, a Wear on the River *Way*. *Liber niger Heref. fol.* 66. See *Kiddel*.

Weif. See *Waif*.

Weigh, or Wey, (*Waga*,) is a Weight of Cheese or Wool, containing two hundred fifty-six Pounds of *Avoir-du-pois*. A *Weigh* of Barley or Malt is six Quarters, or forty eight Bushels. A *Weigh* of Cheese in *Essex* is three hundred Pounds. *Et decimam Casei sui de* Herting, *præter unam* Peisam *quæ pertinet ad Ecclesiam de A.* Mon. Angl. 3 Par. fol. 80. b. Where *Peisa* seems to be used for a *Weigh*. See *Waga*. Coke's 12 *Rep fol.* 17. mentions eighty *Weighs* of Bay Salt. See *Waga*.

Weights, (*Pondera*.) There are two Sorts of them in Use with us. The one called *Troy Weight*, from *Troyes* in *Champigne*, which hath twelve Ounces to the Pound; by which Pearl, Precious Stones, Electuaries, and Medicinal Things, Gold, Silver, and Bread, are weighed: The other *Avoir-du-pois*, containing sixteen Ounces to the Pound, by which all other Things are weighed that pass by Weight. *Geo. Agricola*, in his learned Tract *De Ponderibus & Mensuris*, *pag.* 339. termeth the Pound of twelve Ounces *Libram medicam*, and the other *Libram Civilem*, saying thus, *Medica & Civilis Libra, numero non excedunt, unciarum differunt.* By these Words, *Avoir-du-pois* are sometimes signified such Merchandises as are bought and sold by this Kind of Weights. The first Statute of *York*, 9 *Edw.* 3. in *Prerog.* 27 *Edw.* 3. *Stat.* 2. *cap.* 10. and 24 *Hen.* 8. *cap.* 3.

All our Weights and Measures have their first Composition from the Penny Sterling, which ought to weigh thirty two Wheat corns of a middle Sort, twenty of which Pence make an Ounce, and twelve such Ounces a Pound; but fifteen Ounces make the Merchants Pound, (*Fleta, lib.* 2. *cap.* 13.) which (though an Ounce less) should probably be all one in Signification with *Avoir-du-pois*; and the other Pound, called by *Fleta*, *Troye Weight*, plainly appears to be all one with that we now call *Troy Weight*. See *Tronage*. From henceforth there shall be one Weight, one Measure, and one Yard, according to the Standard of the Exchequer throughout all the Realm. Anno 17 Car. 1. cap. 12. and 22 Car. 2. cap. 8.

Weights of Auncel, (*Anno* 14 *Edw.* 3. *Stat.* 1. *cap.* 12.) See *Auncel Weight*.

Weithmming. *Leg. H.* 1. *cap.* 33. *Injusto quoque judicio contradici poterit* Wemminge *Superiori & Sapientiori*: An unjust Judgment in an inferior Court may be set aside by an Appeal to a Superior. From the Sax. Wem, *Mendo*.

Wend, (*Wendus*, i. e. *Perambulatio, circuitus*) from the Sax. Wenbnc, *Visio*.) *Procinctus terræ amplior, plurima jugera in se continens.* Rentale Regalis Manerii de Wy, pag. 91. *Tres jum* Wendi, viz.

viz. Downwend, Chiltones Wend, & Bronsford Wend, & *in qualibet* Wendo *sunt* 30 *jugera, & sic in tribus* Wendis *sunt* 30 *jugera, quorum* 26 *jugera & dimid. sunt in Wy, &c.* Et infra. *Quilibet* Wendus *faciet* 10 *averagia semper de tribus septimanis in tres, &c.*

Were and Were (Sax.) are Words found in ancient Charters: The first signifies a Castle; the last, *æstimationem capitis*, or *Pretium, quo occisus æstimabitur.* See *Æstimatio capitis.*

Were, the River. See *Vedra.*

Were, alias Werre, (Sax. Wepe & Wepa, i. e. *Pretium*) signifies as much as *Æstimatio capitis*, or *Pretium hominis*, that is, so much as one paid in ancient Time for killing a Man; when such Crimes were punished with pecuniary Mulcts, not Death. In those Days the Price was set on every Man's Head, according to his Condition and Quality. In *LL. Edw. Conf. cap.* 11. we read, *Were suum — id est, Pretium suæ redemptionis*, his Ransom. — *Si quis ante Comitem in placito pugnaverit, emendet secundum precium sui ipsius & forisfacturam, quod Angli dicunt* pepe & pite. *Can. LL. MS. pag.* 150. In which Words the *Saxon* p (w) is often mistaken into p, and written *Pere* and *Pite.* See *Pere* and *Pite*: And see *Gavelet.* The Words *Were, Wita*, and *Manbota*, are often joined together in our ancient Charters, and old Law-Books; but they are of different Signification: For *Were* signifies the Price or Value of a Man slain, which was to be paid to the Kindred; *Wita* was a Mulct usually of of 30*s.* which was to be paid to the Party injured; and *Manbota* was the Recompence to be made to the Lord for the killing his Vassal or Tenant.

Weregeltthef *significat latronem qui redimi potest*, Fleta, lib. 1. cap. 47. *vel Gersuma pro latrone evaso ex carcere. Ex* MS. Abbathiæ Radingiæ.

Werelada; from the Sax. Wepe, *Pretium capitis hominis occisi*, and Labian, *Purgare*; which was thus, *viz.* Where a Man was slain, the Price at which he was valued was to be paid to his Relations. For in the Time of the *Saxons* the killing a Man was not punished by Death, but by a pecuniary Mulct, which was called *Were*: But if the Party denied the Fact, then he was to purge himself by the Oaths of several Persons, according to his Degree and Quality; *viz. Si ad quatuor libras reatus sit, cum* 18 *eu patre, ex matre* 4, *si ad* 14 *libras natus cum sexdecim*; and this was called Wepelada, Leg. H. cap. 12. *Homicidium were solvatur, vel* Werelada *negetur.*

Weretoft. *Et sint quieti de communi misericordia Comitatus, de Wardpeny & Averpeny, de Hundredpenny, & Thirdingpenny, de* Weretoft *& de Forfeng.* Charta Hen. 1. From the Sax. Wepe-to-pon, *i. e.* To take a Ransom or Price for killing a Man. See *Were.*

Wergild, Weregeld, (*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. *Quædam (crimina) emendari non possunt; quæ sunt* Murdrech, Bernet, & Dunchet, & Eberemord, & Latrocinium, & *infractio pacis Ecclesiæ, vel per manus Regis per homicidium.* LL. Hen. 1. cap. 13. In which Chapter the Crimes are enumerated which might be redeemed *per Weram. De unoquoque fure per totam Scotiam est* Wergeld 30 *Vaccæ & una juvenca, sive fuerit liber homo, sive servus.* Reg. Maj. lib. 4. c. 19. The Wergeld of an Archbishop and of an Earl was 15000 *Thrimsa's. Selden's Titles of Honour*, *fol.* 604.

Werhades, & Withades, (Sax.) Virilis & foeminei Sexus. *LL. Edm. Regis. cap.* 1.

Weordinge, *i. e.* a Curtilage.

Werth, Weorth, Wirth, in the Beginning or End of Names of Places, signify either a Farm, Street, or Village: From the Sax. Weorthbiz, *i. e. Platea, &c.*

Wervagium. *Cum omnibus aliis consuetudinibus, legibus & libertatibus suis &* Wervagio *suo* bi lande & bi strande. *Charta Hen.* 3. *Levesham. Cænob. Quære.* i. e. *Wharfage.*

West-Saxonlage, alias West Serenlaga, was the Law of the *West-Saxons. LL. Gal.* 1. *tit.* 4. See *Merchenlage.*

Westminster (*Westmonasterium*, Sax. Weptmynpten, i. e. *Occidentale Monasterium*) was the ancient Seat of our Kings, and is now the well known Place where the High Court of Parliament and Courts of Judicature sit. It had great Privileges granted by Pope *Nicholas*; among others, *Ut amplius in perpetuum Regiæ constitutionis locus sit atque repositorium Regalium Insignium.* Ep. ejus ad div. Edovard. Concil. Tom. 3 B. fol. 1228. See *City*, and 4 *Inst. fol.* 255.

Wetecroft. *Habebit mensuram unam, sc.* Wetecroft, *cum orto, ubi possit manere, &c.* Mon. Angl. 2 Par. fol. 40. b.

Wethades, one in a married State.

Weythe. *Et omnia animalia advenientia fugitiva, Gallice* Weythe, *in tota Hundredo de Halton.* Mon. Angl. 2 Par. fol. 187. b. See *Waif.*

Wharf (*Wharfa*) is a broad plain Place, near a Creek or Hithe of the Water, to lay Wares on that are brought to or from the Water. *New Book of Entries, fol.* 3. *Anno* 12 *Car.* 2. *cap.* 4.

Wharfage (*Warfagium*) is Money paid for landing Wares at a *Wharf*, or for Shipping, or taking Goods into a Boat or Barge from thence. It is mentioned *Anno* 27 *Hen.* 8. *cap.* 26. and 22 *Car.* 2. *cap.* 11.

Wharfinger is he that owns or keeps a *Wharf*, or hath the Oversight or Management of it. *Anno* 7 *Edw.* 6. *cap.* 7. 12 *Car.* 2. *cap.* 4. and 22 *ejusdem*, *cap.* 11.

Whelage, (*Rotaticum*, Fr. Rouage,) *Tributum est quod Rotarum nomine penditur; hoc est, pro plaustris & carris transeuntibus.* Spelm.

Whiniard, a Sword so called; from the Sax. Winnam, *i. e.* To get, and Ape, Honour; because Honour is acquired by the Sword.

Whitehartsilver (*Candidi Cervi argentum*) is a Tribute or Mulct 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. *Cam. Brit. pag.* 150.

Whiterent is a Duty or Rent of eight Pence, payable by every Tinner in the County of *Devon* to the Duke of *Cornwal.* See *Quitrent.*

White Spurs a Sort of *Esquires* so called. See *Esquires.*

Whitestraits, a Kind of coarse Cloth made in *Devonshire* of about a Yard and half-broad, raw; and mentioned *Anno* 5 *Hen.* 8. *cap.* 2.

Whitsonfarthings (see *Pentecostals*) mentioned in Letters Patent of *Hen.* 8. to the Dean and Chapter of *Worcester.*

Whitley, a Town in *Northumberland*. See *Alone*.

Whitsontide, so called because those who were newly baptized came to Church between *Easter* and *Pentecost* in white Garments.

Whittawarii, Whittawers. *Scil. Quia coria bovina & equina furata scienter albificant, ut sic non agnoscantur.* Statuta Walliæ. 12 *Edw.* 1. I find it elsewhere written Whyttaroyers, and interpreted, *Allutarii vel interpolatores albi corii.* Hist. Oxon. fol. 158.

Wic, a Place on the Sea-shoar, or on the Bank of a River. 1 *Inst. fol.* 4. *b.* But it more properly signifies, in the *Saxon*, a Street, a Village, or Dwelling-place; also a Castle. See *Wyke*. It is often in the *Saxon* Language made a Termination to the Name of a Town which had a compleat Name without it; as *Lunden-Wic*, that is, *London*-Town, which signifies no more than *London*, as in the *Saxon Annals* 'tis mentioned that King *Æthelbert* made *Mellitus* Bishop of *Lunden-Wic*: So *Ipswich* is written in some old Charters *Villa de Gippo*, and sometimes *Villa de Gippo Wico*; which is no Variance, but the same Thing: For *Gipps* is the compleat Name, and *Gipps-Wic* is *Gipps*-Town.

Wichmote. See *Quietancia*.

Wichterthila. See *Thila*.

Widow of the King (*Vidua Regis*) was she who, after her Husband's Death, being King's Tenant *in Capite*, was driven to recover her Dower by the Writ *De Dote Assignanda*, and could not marry again without the King's Consent. *Staund. Prar. c.* 4. See the Statute of the *Prærog. Anno* 17 *Edw.* 2. *Mag. Char. cap.* 7. and 32 *Hen.* 8. *cap.* 46.

Widowhood, (*Viduitas*,) the State and Condition of a Widow. *Sciant quod ego Margeria quæ fui uxor R. Smith de Birchore* (Com. Heref.) *in* Viduitate *& in legitima potestate mea, remisi, relaxavi, &c. Dat. apud Birchore die Dominica in Fest. Nativitatis Johannis Baptistæ*, Anno 9 Hen. 4.

Will, or Last Will, (*Testamentum, ultima voluntas*,) is of two Sorts; a *Will in Writing*, called also a *Testament*; and a *Will* by Word of Mouth only, called a *Nuncupative Will*, which being prov'd by three or more Witnesses, may be of as good Force as that in Writing; except only for Lands, which are not devisable, but by a Testament put in Writing in the Life of the Testator. See *Touchstone of Wills, pag.* 2. and the *Stat. Car.* 2. *cap.*

Ex Codice MS. nuncupato *Marcly*, penes Registrar. Curiæ Prærog. Domini Archiepis. Cantuar. Qu. 7.

IN nomine Patris & Filii & Spiritus Sancti, Amen. The Sevententh day of September, the yer of our Lord Jhū Christ a thousand four hundred and four, I Lowys Clyfforth (*He was made Knight of the* Garter, *by King* Richard *the Second*,) fals and Traytor to my Lord God, and to alle the blessed company of Heyene, and unworthi to be cleppd a Cristen man, make and ordeyn my Testament, and my last Wille in this manere.

At the begynnynge, I most unworthi and Goddys traitour, recommaund my wrechid and synfule Sowle hoolly to the grace, and to the mercy of the blessful Trynytie; and my wrechid careyne to be beryed in the ferthest corner of the Chircheyeard, in which parishe my wrechid Soule departeth fro my Body.

And I pray and charge my Survivors and my Executors as they wollen answere to fore God, as all myne hoole trest in this matere is in them, that on my stinking careyne be neyther leyd clothe of gold ne of silke, but a blake clothe, and a Taper at myne hed, and another at my fete, ne stone ne other thinge, whereby eny man may witte where my synking careyne liggeth. And to that Chirche do myne Executors all thingis which owen duly in such caas to be don, without eny more cost saaf to pore men.

And also I pray my Survyvors and myne Executors that eny dette that eny man kan are me by true title, that hit be paid. And if eny man kan trewly sey that I have do him eny harm in body or in good, that ye make largely his gree whyles the goodys wole strecche.

And I wole alsoe, that none of myne Executors meddle or mynystre eny thinge of my goodys withoutyn avyse and consent of my Supervisors or sum of hem.

Now first I bequethe to Sire Phylype la Vache Knyht my Basse-Coke and my Portoos; and my Coke of Tribulacion to my Doughter his Wif.

Et quicquid residuum fuerit omnium & singulorum bonorum & catallorum superius seu inferius non legatorum, do integre & lego Philippo la Vache, Johanni Cheynee & Thomæ Clanvow militibus libere sibi possidendum, *&c.*

Probatum, &c. 5 *Dec. Anno* 1404.

Wigreve, (from Wig vel Wic, *quod* Sylvam *sonat*) an Overseer of a Wood, a Woodward. Thus *Spelman*. But Wig in *Saxon*, signifies *Via*; so it may rather signify an Overseer of the Highways.

Wike. See *Wyke*.

Wilfhade. See *Wethadd*.

Win, in the Beginning or End of the Names of Places, signifies that some great Battel was fought, or Victory gained there. From the Sax. Win, i. e. *Prælium*.

Winborne. See *Vindogladia*.

Winchelsea. See *Vindelsi*.

Winches, (*Anno* 21 *Jac. cap.* 32.) a Kind of Engine to draw Barges up the Water against the Stream.

Winchester. See *Venta Belgarum*.

Windals, Wandals, and Wanlass, corruptly *Windlass*, (*Windassum*,) is a Term in Hunting, (as, To drive the *Windass*,) signifying the chasing a Deer to a Stand, where one is ready with a Bow or Gun to shoot. *Et omnes illi, qui tenuerunt in Bondagii tenura solebant vocari Custumarii; Et quotiescunque dominus ad venandum venerit, illi Custumarii solebant fugare* Windassum *ad stabulum in fugatione ferarum bestiarum, secundum quantitatem tenuræ suæ, &c.* MS. de Consuetud. Manerii de Sutton Colfield, Anno 3 Ed. 2.

Winkinga. *Et dedi eis totas* Winkingas *in Boschis & Planis.* Mon. Angl. 1 Par. fol. 592. b. Quære.

Winterden. *Ut Ecclesia Croyland sit tuta ab omnibus vexationibus, quæ nos dicimus* Winterden, *&c.* Charta Ethelwolfi Regis, Anno 855.

Winter-heyning (*Anno* 20 *Car.* 2. *cap.* 3.) is from the eleventh Day of *November*, to the Twenty third of *April*; which Time is by the said Act excepted from the Liberty of Commoning in the Forest of *Dean*.

Wisgilthef,

Wilgisthef, (*Vale royal*, pag. 113.) perhaps mistaken for *Weregelthef*, which see.

Wista, quatuor virgatis constat. *MS. Abbatiæ de Bille.* It was a Measure of Land among our *Saxons*. And was as much as made half a Hide of Land, the Hide being accounted 120 Acres, *viz. Monasticon*, 1 *Tom. pag.* 133. *Octo virgatæ unam hidam faciunt*, Wista *vero quatuor virgatis constat*, which in this Place must be sixty Acres; but the Number was uncertain according to the Place, for in an old Chronicle of the Monastery of *Battle*, we read, *In perleâ est una* Wista *in dominio, ista enim* 48 *Acris constat.* Du Fresne.

Witam: *Secundum witam jurare* is to purge himself by the Oaths of so many Witnesses as the Quality of the Offence, and the Forfeiture incurred require: *Jurat secundum* Witam *quod nec fuerit furti conscius, nec coadjutor in eo, &c.* Leg. Inæ, cap. 63. From hence there were several compound Words, as *Bloawita, Fintwita, Legerwita, Ferdwita, Chilwita, Wardwita, Heingwita, Flitwita, Leirwita, &c.* which see in their Places.

Wita plena was a Forfeiture of fifty Shillings. *Leg. H.* 1. *cap* 40. *Si pundbreche fiat in Curia Regis* plena wita *sit, alibi quinque mancæ*, i. e. 12 *s. & 6 d.*

Wite, (*Sax.*) Punishment, Forfeiture, Penalty, a Fine or Mulct, anciently of xxx Sol. *Selden of Tithes, pag.* 283 Hence our **Wite** or **Wittree**, one of the terms of Privilege granted to our *Portsmen*; signifying a Freedom or Immunity from Fines or Amerciaments; not (as it is vulgarly accepted and construed among them) from being liable to be begg'd for Fools for lack of *Wit* or Understanding. *Sax. Dict.* See *Wyte* & *Gloss. in x Scriptores.*

Witenamot and **Witena-gemot** (Sax.) *Conventus sapientum.* It was a great Convention among the *Saxons*, answerable to our *Parliament.*

Witerden, Winterden, and in some Books 'tis wrote **Witereden**, from the *Sax.* pite, i. e. *mulcta, pœna*, and Redenne, *redditio*, or rather from the *Sax.* pita, *sapiens*, and Raeb, *consilium.* It was imposed on the People *publico regni consilio*, like our Subsidies or Taxes by Parliament: 'Tis mentioned in *Malmsbury, Lib.* 1. *cap.* 2. *Ut sit tuta ab omnibus secularibus servitutibus, nec cum regalibus tributis majoribus & minoribus sive taxationibus quod nos dicimus* Witerden: 'Tis mentioned in the same Sense in *Ingulphus*, &c.

Withercila, for *Withertyhla*, i. e. a Recriminating, or *adversa accusatio*: In Leg. H. 1. cap. 23. *Nemo de cæsione nemoris inoperati jure cogitur respondere per* Withercilam, *nisi Domino suo, vel captus in eo, &c.*

Withernam, (from the *Sax.* pyþep *contra*, and Nam, *captio. Reprisals*) Where Goods were taken by Colour of distress, and driven to an 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 as he did thus unlawfully distrain, or as much Goods of his, till he has made Deliverance of the first Distress: Also, if the Beasts be in a Fortlet or Castle, the Sheriff may take with him the Power of the County, as appears by the Statute *Westm.* 1. *cap.* 20. & *Briton, cap.* 27. *Withernam*, (in *Bracton, lib.* 3. *tract* 2. *cap.* 37. and in *Westm.* 2. *cap.* 2.) seems to signifie an unlawful Distress, made by him that has no Right to distrain. *Anno* 13 *Edw.* 1. *cap.* 2. See the *New Book of Entries* on this Word.

Witherfacan, a Person despising the Laws of God and Man. *Leg. Canuti in Brompton, pag.* 923. he is called *Utlaga Dei.* The Word is derived from the *Sax.* pipep, *contra*, and recgan, *loqui, viz.* one who speaks against every Thing that was good.

Witnesman. —— *Inde venient ad supradictos dominos prædictarum villarum & petent ab eis* Witnesman, *& ipsi domini facient Forestarios* Witnesman, *sic & omnes Forestarii mei jurabunt invicem, qui facti fuerint Forestarii, quod neminem nocebunt occasione illius testimonii, &c.* Charta Johannis de veteri Ponte in Castello de Appleby. Dat. 6. Johan. Reg.

Wittree, (*Sax.*) *Immunis a mulctis.*

Woad (*Glastum*) is an Herb like Plantain, growing in some Parts of *England*, the Parts of *Tolouse* in *France* and in *Spain*, much used for the Dying a blue Colour, *Anno* 7 *Hen.* 8. *cap.* 2. We call it *Wead*, from the *Italian Guado.*

Woderede— *De fossis, forgiis &* Woderede *respondent.*—Lib. niger Heref. *fol.* 82.

Wold, (Sax.) Lat. *Walda*) a Plain, a Down, an open Champion Ground, Hilly and void of Wood; as *Stow* in the *Wolds*, and *Cotswold* in *Gloucestershire.* This is sometimes misunderstandingly confounded with *Weald.*

Wonderchone. That certain Engines, called *Wonderchones*, used in Havens and Creeks for the destruction of Fish, may be forbidden. *Petition of the Commons in Rot. Parl.* 51 *Edw.* 3.

Wong, (*Sax.* pang; *Lat. ager*, a Field.) *Tres acræ terræ jacentes in lex* wonge, i. e. *in campis, optnor seminalibus magis quam pascuis*, says *Spelm.* So in an ancient Charter of *Garradon-Abbey* in *Leicestershire*, *Dat.* 14 Edw. 3. there is mention of the **wicket-wong**, which is a large piece of enclosed Ground, lying before the Abbey-gate, still retaining the Name. See *Wang.*

Woodcote. See *Noviomagus.*

Woodgeld (*Woodgeldum*) seems to be the gathering or cutting Wood within the Forest, or Money paid for the same to the Foresters. And the Immunity from this by the King's Grant, is by *Crompton* called **Woodgeld**, *fol.* 157. *Coke* (on *Littl. fol.* 233. a.) says, it signifies to be free from Payment of Money for taking of Wood in any Forest.

Woodhay is an ancient Custom at *Exeter*, whereby a Log out of every Seam of *Wood* brought over *Ex-bridge*, is taken towards the reparation of that Bridge. *Antiq. of Exeter.*

Woodmen are those in the Forest, who have Charge, especially to look to the King's *Woods. Cromp. Jur. fol.* 146.

Woodmote Court is the Court of Attachment of the Forest. *Manw. Par.* 1. *pag.* 95. See *Attachment.*

Wood-plea Court is a Court held twice a Year in the Forest of *Clun, in Com. Salop*, for determining all matters of *Wood* and Agistment there; and was anciently perhaps the same with *Woodmote-Court.*

Woodward (*Woodwardus*) is an Officer of the Forest, whose Function you may understand by his Oath, set down in *Crom. Jur. fol.* 141.

You shall truly execute the Office of 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 Deer*

Deer killed or hurt, you shall forthwith do the Verderor to understand thereof; and you shall present the same at the next Court of the Forest, be it Swainmote *or Court of Attachment*; So help you God.

Woodwards may not walk with Bow and Shafts, but with *Forest-Bills*. *Manwood, par.* 1. *pag.* 189. *Arcum & calamos gestare in Foresta non licet, sed (ut rescripti utar verbo)* Hachetum *tantummodo*. Sic Term. Hill. Anno 13 Edw. 3. Ebor. rot. 106.

Wool-drivers (*Anno* 2 *&* 3 *Ph. & Ma. cap.* 13.) are those that buy Wool abroad in the Country, of Sheep-masters, and carry it on horseback to the Clothiers, or to Market-Towns to sell again.

Wool-staple, (*Anno* 51 *Hen.* 3. *Stat.* 5.) That City, Town or Place where *Wool* was sold. See *Staple*.

Woolsfered. See in *Wul.*

Wool-winders are such as wind up every Fleece of *Wool* that is to be packed and sold by Weight, into a 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 *Wool*, and other Dross to gain Weight: They are sworn to perform that Office truly between the Owner and the Buyer. See the Statute 8 *Hen.* 6. *cap.* 22.——23 *Hen.* 8. *cap.* 17. and 18 *Eliz. cap.* 25.

Worcester, the chief City of the County of that Name: It is called *Brunonium* in *Antonine's Itinerary*, *Branogenium* by *Ptolomy*, *Caer Wrangon* by the *Britons*, and *Sax.* Pieꝑ ceaꝑtep, by the *Saxons*. Mr. *Camden* tells us, from *Wire nemoroso saltu adjuncto*; but this must be a mistake, for that Wood is almost twelve Miles distant from this City; the true Original is *Wicwarecenster*, i. e. *Civitas Wiccionum*, who were a People so called, living in those Parts; and it was first called *Wigornia*, by one *Joseph* of *Excester*, in some Verses which he wrote on *Baldwin* Archbishop of *Canterbury*.

Wormtak. *Item est ibidem* (scil. apud Orleton) *de* Wormetak vi s. viii d. *solvend. annuatim ad Festum St. Martini.* Inq. apud Heref. 22 Rich 2.

Worth, *i. e.* a Curtilage or Country-Farm. *Matt. Westm.* 870. *In Villa Regia quæ linguâ Anglorum Beordstrichsworth, Latinè vero Beodrici curtis sive habitatio nominatur.*

Worthine of Land (*Worthinum terræ*) a quantity of Land so called in the Manor of *Kingsland* (*Com. Heref.*) And in some Manors certain Tenants are called *Worthies*. 28 *Edw.* 3. *Inter consuetud. de Haddenham in Com. Bucks.*

Wranglands seem to be misgrown Trees, that will never prove Timber. *Kitchin, fol.* 169. b. *quasi* **Wronglands**, that wrong the Ground they grow in.

Wreck (*Wreckum maris.* Sax. ꝑꝑæc, i. e. *Deportum, abdicatum*) is where a Ship is perish'd on the Sea, and no Man escapes alive out of it; if any part of the Ship, or any of the Goods that were in it, are brought to Land by the Waves, they belong to the King by his Prerogative, or to such other Person to whom the King has granted **Wreck**. But if a Man, a Dog or a Cat escape alive, so that the Owner come within a Year and a Day, and prove the Goods to be his, he shall have them again by Provision of the Statute of *Westm.* 1. *cap.* 4. & 17 *Edw.* 2. *cap.* 11. See *Coke, Vol.* 6. *fol.* 106. a. *Bracton, lib.* 2. *cap.* 5. *num.* 7. *Edwardus Conf. Ringsted cum libertate adjacente & omni maris ejectu, quod* **Wreck** *dicitur, Ecclesiæ Ramesiensi largitus est.* Lib. Ramesien. *Sect.* 95. 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 upon the Land, were it precious Stones, Fishes or the like. For in the *Statuto Prærog. Regis cap.* 11. we read——*Rex habebit* Wreckum maris *per totum regnum, Balenas & Sturgiones captas in mari, vel alibi infra regnum, exceptis quibusdam privilegiatis locis per Regem.*——See *Rot. Chart.* 20 *Hen.* 3. *m.* 3. *& Rot. Chart.* 14 *Hen.* 3. *m* 6. & *Pat.* 42 *H.* 3. *in Dorso, m.* 1. This in the *Grand Customary of Normandy, cap.* 17. is called **Warech**, and Latined *Verifcum*; and in some of our Ancient Charters it is written **Wrethe**, **Werec**, **Wrenche** and **Seupwerp** *quasi* **Sea-up-werp**, i. e. *Ejectus maris*; from **Up-werpen**, *ejicere*. In the Statute 27 *Hen.* 8. *cap.* 26. it is called *Wreke de mer.* See 2 *Inst. fol.* 167.

Writ (*Breve*) is the Kings Precept, whereby any Thing is commanded to be done touching a Sute 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 variously divided in divers respects; Some in respect of their Order, or manner of granting, are termed *Original*, and some *Judicial*. *Original Writs* are those which are sent out of the High Court of *Chancery*, for summoning the Defendant in a personal, or Tenant in a real Action, before the Sute begins, or to begin the Sute thereby. Those are *Judicial*, which are sent out by order of the Court, where the Cause depends, upon emergent occasion after the Suit began. *Old Nat. Br. fol.* 51. & 147. And *Judicial* are thus known from *Original*, because their *Teste* bears the name of the Chief Justice of that Court, whence it comes, whereas the *Original* saith, *Teste meipso*, in the Name, or relating to the King; and according to the nature of the Action they are *Personal* or *Real*; *Real* are either touching the Possession, called *Writs of Entry*; or the Property called *Writs of Right*. Of the Antiquity of the *Writ of Right*, thus in a Charter of King *Athelstan's*, of Privileges granted to *S. John of Beverley*, *Anno* 925.

> **Y**, if man be cald of limes or lif,
> **O**r men challenges lond in strif,
> **Mit my bodlaik mit writ of Right,**
> **I** will Saint John have the might.

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 *Privileg'd Person* brings to the Court for his Exemption, by reason of some Privilege. See *Procedendo*, and *New Book of Entries*, verbo, *Privilege*. See *Brief*. The Word is derived from the *Sax.* ꝑꝑitan, *scribere*; and *Skinner* tells us 'tis worth Observation, that we alone of all the *German* Race, do still retain this Word, for they call it *schreiben*, from the Lat. *scribo*.

Writ of Assistance issues out of the *Exchequer*, to authorize any Person to take a Constable, or other publick Officer to seize Goods or Merchandize prohibited and uncustomed, *&c. Stat.* 14. 2 *Car.* 1. There is also a Writ of this Name issuing out of the *Chancery* to give a Possession.

Writ of Rebellion. See *Commission of Rebellion.*

Writer of the Tallies (*Scriptor Talliarum*) is an Officer of the *Exchequer*, being Clerk to the Auditor of the Receipt, who writes upon the *Tallies* the whole Letters of the Tellers Bills.

Writs Vicountiel are such Writs as are triable in the County or Sheriff's Court. *Old Nat. Br. fol.* 109. See *Vicountiels.*

Wurcester in *Shropshire.* See *Virecinum.*

Wudehett, *i. e.* felling a Wood, *in Leg. E. 1. cap.* 37. 'Tis derived from the *Sax.* ȳde, i. e. *Silva.*

Wudhepec and **Wudheth.** See *Pudhepec.*

Wulvesheved, *Contractius* Wulvesheed (*Sax.* pulfe, *lupus*, and heofod, *caput*, i. e. *Caput lupinum*) was the Condition of those that were outlaw'd for Criminal matters in the *Saxons* Time, for not yielding themselves to Justice. For if they could have been taken alive, they must have been brought to the King; and if they for fear of being apprehended did defend themselves, they might be slain, and their *Heads* brought to the King; For their Head was no more to be accounted of, than a *Wolf's Head. LL. Edw.* set forth by *Lamb. fol.* 127. b. *num.* 7. and *Bracton, lib.* 3. *Tract.* 2. *cap* 11. See *Vulary. Wolfeshead & Wulfersford*, are all one. *Coke on Littl. fol.* 28. b.

Wutree. *Charta* 1 *Rich.* 1. *Civibus Ebor.* quæte.

Wyke, (*Wyka*) a Farm or little Village. — *Et totam* Wykam *cum hominibus*, &c. Mon. Angl. 2 Par. fol. 154. *Car cesty q' prist Lease pur anz dun Farme en le northpais appelle ceo* Tacke, *& en Lancashire est appelle Fermeholt, & en Essex,* Wyke. Flowden, fol. 169. b.

Wykettum, a little Door, commonly called at this Day a Wicket: 'Tis mentioned in *Thorn, Anno* 1332. *Non patuit ingressus ad eandem nisi per unum parvum* Wykettum.

Wiplistrus. *Leg. Inæ, cap.* 70. *Duodecim mambræ cervisiæ* Wyliscæ, *i. e.* strong Beer. 30 *Hlintres*, i. e. small Beer, as in *Spelman Titulo Blintres.*

Wyte or **Wite**, *Wyta* vel *Wita.* Sax. pite, i. e. *Pœna, mulcta*) *Saxones duo mulctarum genera statuere*; **Weram & Wytam.** Wera *mortis reos & gravissime peccantes liberabant.* Wyta *mediis & levioribus delictis statuta fuit, nonnecta sed pro qualitate commissi; alias gravior, alias levior; salvo tamen semper contenemento delinquentis* (*ut lex loquitur in* Mag. Char. 2. 14.) *hoc est, æstimatione ejus, Anglice,* his Countenance. — *Ex his placitis quædam emendantur centum solidis, quædam* Wera, *quædam* Wyta, *quædam emendari non possunt.* Leg. Hen. 1. cap. 13. — *Emendet justo ordinis dignitatem sive per redemptionem, i. e.* Were, *per forisfacturam, i. e.* Wite, *per Legis transgressionem, i. e.* Lesbite. MS. de Ld. Cauti in Bibl. Cotton. sub tit. *Vitellius*, C. 9.

Wyche, the same as *Wych.*

X.

Xantus, for *Sanctus.*

Xanta *Dei Lex est quæ mortuos vivere docet.*

Xenia *dicuntur munuscula, quæ à Provincialibus Rectoribus Provinciarum offerebantur. Vox in Privilegiorum Chartis non insueta; ubi quietos esse a Xeniis, immunes notat ab hujusmodi muneribus aliisq; Domus Regi vel Reginæ præstandis, quando ipsi per prædia Privilegiatorum transierint; ut in Chart. Domus* Sempingham. *Principibus enim olim fuit in more, a subditis, vel invitis, munera extorquere. Itaque ab hoc jugo liberos fecit Ecclesiasticos* Æthelbaldus *Rex Merciorum Anno* 749. *ut ab exemplari Chartæ suæ cum apud* Ingulphum *Sax. tum* Wil. Malmsb. Lib. de Gestis Reg. Angl. p. 29. l. 4. *his verbis habetur.* — *Concedo ut omnia Monasteria & Ecclesiæ Regni mei a publicis vectigalibus, operibus & oneribus absolvantur* — *Nec munuscula præbeant Regi vel Principibus, nisi voluntaria.* Spelm. — *Nulla autem persona parva vel magna ab hominibus & terra Radlingensis Monasterii exigat, non equitationem sive expeditionem, non summagia, non vectigalia, non navigia, non opera, non tributa, non* Xenia, &c. *In Memorand. Scacc. de Anno* 26 *Edw.* 3. *Trin. Rot.* 3.

Y.

Ya and **Nay** — *Quod homines sui* (Riponienses) *sint credendi per suum* Ya *& per suum* Nay *in omnibus querelis & Curiis, licet tangen.* Freedmoztel, &c. Charta Athelstani Regis.

Yard (*Virga*) is a well known Measure of three Foot in length, which *Henry* the First ordained by the length of his own Arm. See *Virga ferrea.*

Yard-Land (*Virgata terræ*, from the *Sax.* ȳrd, i. e. *Virga*) is a quantity of Land, various according to the Place. As at *Wimbleton* in *Surrey*, it is but 15 Acres, and in other Counties 20, and in some 24; in some 30, and in others 40 Acres. *Virgata terræ continet* 24 *acras, & 4 virgatæ constituunt unam Hidam, & quinque Hidæ constituunt feodum militare.* MS. Abbatiæ Malmsb. — This *Yard-land*, *Bracton* (*lib.* 2. *cap.* 10, & 27.) calls *Virgatam Terræ*; but expresseth no certainty what it contains. It is called a *Verge of Land. Anno* 28 *Edw.* 1. *Statute of Wards.* See *Selden's Titles of Honour, fol.* 622.

Yare, a River in *Norfolk.* See *Garienus flavius.*

Yarmouth. See *Garianonum.*

Yburpanantecq, *i. e.* the stealing a Calf or Ram, or as much as a Man can carry on his back, *Skene* could not tell the Original of the Word, but *Spelman* says 'tis compounded of the Letter *y*, for *you*, and *Byryin*, which signifies a Burthen, and *seca* a Sack, *i. e.* a burthen in a Sack.

Year. *Beda de ratione temporum*, tells us, That our Ancestors computed their Months according to the Course of the Moon; and that they began the Year at Christmas: This appears by the ancient Grants and Charters mentioned in the *Monasticon*, 1 *Tom, pag.* 62, viz. *Acta apud Westmonasterium, &c. Kalendas Januarii die sanctorum Innocent. Anno Dominicæ Incarnationis* MLXVI. which Method of Computation was observed here to the Time of *William the Conqueror*, and for the greatest part of his Reign, as may be seen in the *Monastic.* 1 *Tom. pag.* 43. 55. but afterwards the *Year* of our Lord was seldom mentioned in any Grants, but only the *Year* of the Reign of the King. See *Curriculis.*

Year and Day (*Annus & Dies*) is a Time that determines a Right in many Cases, and is in some a Usucaption, and in others a Prescription; as in Case of an Estray, if the Owner (Proclamation being made) challenge it not within that Time it is forfeit: So is the *Year and Day* given in Case of *Appeal*, of *Descent*, after Entry or Claim, of *Non-claim* upon a Fine, or *Writ of Right*, of the *death* of a Man sore bruised or wounded; of *Protections, Essoins*, in respect of the King's Service; of a *Wreck*, and divers other Cases. *Coke, Vol.* 6. *fol.* 107. *b.* and 3 *Inst. fol.* 53.

Year, Day and Waste (*Annus, Dies & Vastum*) 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 attainted of Petit-Treason or Felony, whosoever is Lord of the Manor, whereto the Lands or Tenements do belong; and not only so, but in the end may *waste* the

Tenements, destroy the Houses, root up the Woods, Gardens, Pasture, and plough up the Meadows, except the Lord of the Fee agree with him for redemption of such *Waste*; afterwards restoring it to the Lord of the Fee, whereof you may read at large, *Staundf. Prærog. cap.* 16. *fol.* 44.

Yeman or **Yoman**, (from the *Sax.* ȝemæne, i. e. *Communis*, or Guma, i. e. *Vir vigilans*, a painful Man.) These *Camden* in his *Britan. pag.* 105. placeth next in order to *Gentleman*, calling them *Ingenuos*, whose Opinion the Statute affirms, *Anno* 6 *Rich.* 2. *cap.* 4. and 20 *ejusdem. cap* 2. Sir *Tho. Smith* in his *Repub. Angl. lib.* 1. *cap.* 23. calls him a *Yoman* whom our Laws call *Legalem hominem*, which (says he) is in *English* a Free-man born, 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 that the first Letter G. is in this Word, as in many others, turned into Y. and so written *Yemen*, which therefore signifies *Commoner*. *Yoman* signifies also an Officer in the King's House, in the middle Place between the *Serjeant* and the *Groom*; as *Yoman* of the Chaundry, *Yoman* of the Scullery. *Anno* 33 *Hen.* 8. *cap.* 12. *Yoman* of the Crown. *Anno* 3 *Edw.* 4. *cap.* 5. The Word **Yongmen** is used for *Yomen* in the Statute of 33 *Hen.* 8. *cap.* 13. And I have seen it written *Yeman* in old Deeds. See *Yeman*.

Yeme is an ancient Corruption of *Hieme*, Winter, as I have seen in an old Deed —*Reddend.*—*Ad Festum S. Martini in* **Yeme**, &c. And in another of 4 *Edw.* 3. thus, —*Reddend. quando dict. quatuor acræ terræ seminantur semine* Yemali, *duodecim* Buffel. *boni & legalis frumenti ad Festum Purificationis, &c.*

Yeven or **Yeoven** (as we use at the end of Indentures and other Instruments, *Yeoven, the Day and Year first above written*) is derived from the *Saxon* Geopian, i. e. *Dare*, and is the same with *Given*. So *Dictum de Kenelworth* concludes with—**Yeoven**, *and Proclaimed in the Castle of* Kenelworth *the Day before the Calends of Nov.* Anno 1256.

Yew is derived by *Minsheu*, from the *Greek* Word ἰὸς, which signifies to hurt, probably, because before the Invention of Guns, our Ancestors made Bows with this Wood, with which they hurt their Enemies, and therefore they took care to plant the Trees in the Church Yards, where they might be often seen and preserved by the People.

Yielding and **Paying** (*Reddendo & solvendo*) is a corruption from the *Sax.* ȝeldan, and ȝildan, *Solvere, præstare*. And in *Domesday*, *Gildare* is frequently used for *Solvere*, *Reddere*; the *Saxon* ȝ being often mistaken into Y.

Yingeman. *LL. Hen.* 1. *cap.* 16. *Danegildum quod aliquando* **Yingeman** *dabatur*, i. e. 12 d. *de unaquaque hida per annum, si ad terminum non reddatur*, Wita *emendetur*. The learned *Spelman* thinks this may possibly be mistaken for *Englishman* or *Englishman*, though written *Tingeman*; both in Sir *Rob. Cotton*'s Codex, and his own.

Ypsivremeta signifies in Lat. *Altitonans*, i. e. God.

Dic rogo, dic lachrymis pietatis clausula, Jesu
Parce tuo famulo, Ypsivremeta *pie*.

Yvernagium (from the Fr. *Hyvernee*, i. e. The Winter-season) was anciently used for Corn. *Dictus vero Willielmus & hæredes sui arabunt unum Selionem ad* Yvernagium, *& unum Selionem ad Semen quadragesimale, & unum Selionem ad Warectum, &c.* Charta Richardi de Harrecurt, penes Tho. Wollascot Arm. Sine dat.

Z.

Zabulum, (*Lat. Sabulum*) gross Sand or Gravel. *Quinque Plaustratas Zabuli*, for five Wain-load of Sand. *Computus temp. Hen.* 6.

Zabulus, *i. e. Diabolus*: 'Tis mentioned in several of our Historians, *viz. Gildas in Excidio Britanniæ, Edgar in Leg. Monachorum Hydensium, cap.* 4.

Zacones, for *Diacones*.

Zala, i. e. *incendium*: 'Tis probable from hence we derive the *English* Word *Zeal*.

Zatovy, *i. e.* Sattin: 'Tis mentioned in the *Monasticon*, 3 *Tom. pag.* 177.

Zomata for *Somata*.

Zuche (*Zucheus.* Fr. *Souche*) *Stipes siccus & aridus*, a withered or dry Stock or Stub of a Tree. *Rex, &c. Quia accepimus per Inquisitionem, quod non est ad dampnum seu prejudicium nostrum aut aliorum, si concedimus dilecto valecto nostro Ric. de Strelley omnes* Zucheos *aridos, qui Anglice vocantur* **Stobenes** *infra Hayam nostram de Breskewood, quæ est infra Forestam nostram de Shirewode*, &c. Pla. Forestæ in Com. Nott. de *Anno* 4 *Edw.* 3. —*Auxilium faciend. Burgensibus Salop. de veteribus* Zuchis *& de mortuo bosco, &c.* Claus. H. 3. m. 10. *Rex concessit Thomæ de Colvile omnes* Zucheos *aridos, vocat.* **Stubbes** *arborum succisorum, in Foresta de Galtres, ibidem capiend. per visum Custodis foresta ultra Trentam.* Pat. 22 Edw. 3. Par. 3. m. 12.

Alius alio plura invenire potest: Nemo omnia.

Auson.

An

An Alphabetical TABLE of Ancient Surnames, as they are written in our Records.

A.

HEnricus de Aldithelda, was the first Lord Audley.
de Alneto. Dauney.
de Albo Monasterio. Whitchurch.
de Alta ripa. Dantry.
de Aqua frisca. Freshwater.
Aquapontanus. Bridgwater.
Johannes Avonius. John of Northampton.
Ala Campi. Wingfield.
Aurifaber. Orfeur, an Ancient Name in Cumberland.
de Auco. Owe.
de Alba Marla. Albemarle.
de Aula. Hall.
de Arida Villa. Dryton or Dreydon.
de Aureo Vado. Guldeford.
Albericus & Albrea. Aubrey.
de Arcubus. Bowes.
de Albeneio. D'Aubeney, Albiney.
de Adurni portu. Etherington

B.

RIchardus de Benefactis. Benfield.
Blaunpain, al. Blancpain. Whitebread.
de Bosco. Bois.
de Bella fide. Beaufoy.
de Burgo charo. Bourchier.
de Bello loco. Beaulieu.
de Bello foco. Beaufeu.
de Bello Marisco. Beaumarsh.
de Bosco Roardi Borhard.
de Bello fago. Beaufo.
de Blostevilla. Blovile, Blofeild.
de Bello campo. Beauchamp.
de Bello monte. Beaumont.
de Bouis villa. Bovil.
de Bella aqua. Bellew.
de Bello prato. Beaupre.
de Bulinco. Busli, Buffey. One of this Name founded Blyth-Abby. Anno 1088.
Benevolus. Benlows.
de Bello situ. Bellasise.
de Bona villa. Bonevil.
de Bono Fossato. Goodrick.

C.

RObertus de Casa Dei. Godshall.
de Chauris & Cadurcis. Chaworth.
de Claro Monte. Clermont.
de Cantilupo. Cantlou.
de Curva Spina. Creithorne.
de Claris vallibus. Clarival.
de Capricuria & de Capreolocuria. Chevercourt.
de Caro loco. Carelieu.
de Campo Arnulphi. Champernoun.
de Crepito corde. Creveceur.
de Ceraso. Cherry.
Cunetius. Kenet.

Cinomannicus. Maine.
de Clivo forti. Clifford.
de Campania. Champneis.
de Columbariis. Columbers.
de Conductu. Chenduit.
de Corvo Spina. Crowthorn.
de Casineto & Chaisneto. Chedney, Cheney.
de Campo Florido. Chamfleur. Henry de Campo Florido was Sheriff of Dorsetshire. 19 Hen. 3.
de Capella. Capel.
de Calvo monte. Chaumond.
de Camera. Chambers.
de Clarifagio. Clerfay.
de Cornubia. Cornewayle.
de Castello magno. Castlemain.

D.

WIlhelmus D'Aynecuria, or Daincuriensis. Daincourt.
Drogo. (Sax.) Drew.
de David villa. D'aiville, D'eyville.
de Doito, (Fr. Doet.) Brooke.
Dutchtius. Doughty.
Dispensator. Le Despencer, Spencer.
De Diva. Dive, Dives.

E.

THo. de Erolitto, Sheriff of Salop 6 Johannis. } Erliche.
de Ebroicis & de Ebrois, D'Evreux.
Easterlingus. Stradling.
Extraneus. Le 'Strange.
de Ericeto. Briewer.

F.

RAdulphus de Fonte australi. Southwel.
de Fonte limpido. Sherburn.
de Filicito. Fernham.
de Foliis. Foliis.
Frescoburnus. Freshburn.
de Fluctibus. Flood.
de Fontibus. Welles.
de Fossa nova. Newdike.
de Fresca villa. Fretchevile.
Filius Guidonis. Fitzwith.
de Fonte Ebrardi. Fonteverard.
de Fraxino. Frene, Ashe.
Flavus. Blund, Blount.
de Ferrariis. Ferrers.
de Fago. Beech and Beecher.
de Forti scuto. Fortescu.

G.

JOhannes de Grana villa. Grenvile.
de Grentemaisnillo.
de Grosso venatore. Grosvenor.
de Guntheri sylva. Gunter.
Giovanus. Young.

de Grosso monte. Grismond.
de Genevra. Genevil.
de Genisteto. Bromfield.
de Grandi villa. Granvile.

H.

Hosatus & de Hosato. Hosé, Hussey.
I have seen *Johannes Usus Mare* in Latin, for *John Hussy.*

J.

Johannes de Insula. Lisle.
de Insula bona. Lisslebone.
de Insula fontis. Lilburne.
Jodocus. Joice.

K.

Willielmus de Kaineto alias *Caineto.* } Keynes.

L.

Ricardus de Longa spata. Longspee.
de Lato campo. Bradfeild.
de Longo campo. Longchamp.
de Longo prato. Longmede.
Lupus. Woolf, Love, Loo.
Lupellus. Lovet, Lovel.
de Laga. Lee, Lea and Leigh.
de Leica & Lecha. Leke.
de Lisoriis. Lizurs, Lisors.
de Logiis. Lodge.
Laurentii filius. Lawson.
de Lato vado. Bradford.

M.

Rogerus de Maneriis. Manners.
de Mineriis. Miners.
de Marisco. Marsh.
de Malo lacu. Mauley.
de Mortuo mari. Mortimer.
de Monte Canisio. Montchensey.
de Monasteriis. Musters.
de Melsa. Mews.
de Monte Hermerii. Monthermer.
de Monte fixo. Montficher.
de Monte pessons, & de Monte pessulano. Montpesson, *vulgo* Mompesson.
de Molendinis. Molines.
Monachus. Moigne, Monk.
Malus lupellus. Maulovel, Mallovel.
de Monte Jovis, de Monte gaudii. Montjoy.
de Media villa. Middleton.
de Malo passu. Malpas.
Malconductus, vel de malo conductu, Malduit.
de Monte alto. Montalt, or Mould.
de Malo leone. Malleon.
de Monte begonis. Montbegon.
Malus leporarius. Maleverer.
de Musco campo. Muschamp.
de Micenis. Meschines.
de Marci vallibus. Martival.
de Meduana. Maine.
de Monte forti, Montfort.
ad Murum. Walton.
Malus catulus. Malchein, *vulgo* Machel.
de Malo visu, Malvisin.

de Mala terra.
Medicus. Leech.
Maccr. Le Meyre.
de Malis Manibus. Malmains.
de Monte.
de Monte Aquila. Mounteagle.
de Monte Revelli.
Magnus Venator. Grosvenor.
de Montibus.

N.

Gilbertus de Nova villa. Nevil.
de Novo mercatu. Newmarch.
de Noiariis. Nowres.
de Novo burgo. Newburgh.
de Nova terra. Newland.

P.

Grimbaldus de pede planco. Pauncefot.
de Puteaco. Putas, *vulgo* Putsey.
de Pavilidro & Pauliaco. Paveley.
de Pictavia. Peyto.
de Petra ponte. Pierpont, *vul.* Perpoint.
de Peccato. Peche, *vul.* Pecke.
de Palude. Puddle, Marsh.
de Precariis.
de Porcellis. Purcell.
de Praeriis. Praers.
de Parva villa. Littleton.
Parmentarius. Taylor.
de Periis.
de Pulchro Capellitio. Fairfax.
ad Pontem. Paunton.
de Plantagenetæ. Plantagenet.
Pelliparius. Skinner.
Le Poure. Power.
de Perrariis. Perrers.
de Pascuo lapidoso. Stanley.

Q.

Lemardus de Quercetto. Cheney.
de Quinciato. Quincy.

R.

Arnoldus de Rupeforti. Rochfort.
de Rubra Spatha. Rospear, *Rouspee,* Rooper, Roper.
de Bedvariis, & de Riparius. Rivers.
de Rupe. Roche, Rock.
Reginaldus. Reynolds.
de Rubro clivo. Radcliff.
de Rubra manu. Redmain.
de Regencia. Raleigh.
Rufus. Rous.
de Rupe scissa. Cutcliff.
Rotarius. Wheeler.
de Rico Monte. Richmond.

S.

Galfridus de Scalariis. Scales.
de Sancto Mauro. Semaur.
de Sacro fonte, Holybrook.
de Sicca villa. Sackvile.
de Salicosa vena. Salvein.
de Sancto Laudo. Senlo.
de Spineto. Spine.
Sagittarius. Archer.

TABLE.

de Sancta terra. Holyland.
de Sacra quercu. Holyoake.
de Sancta Clara. Sencleer.
de Sancto Medardo. Semark.
de Sancto Amando. S'amond.
de Sancto Lizio. Senliz, Seyton.
de Sacra fago. Hollebech.
de Sancta Ermina. Armine.
de Sancto Wallerico. St. Wallere.
de Salicosa Mara. Wilmore.
de Stagno. Poole.
de Salchavilla. Salkeld.
de Sancto Vedasto. Fofter.
de Stipite sicco. De la Zouche.
de Sancto Leodegario. St. Leger, *vulgo* Sallenger.
de Sancta Barbara. Senbarb. *vulgo* Simberd.
de Sancto Petro. Sampier.
de Sancto Paulo. Sampol.
de Sancto Lupo. Sentlow.
de Sancto Martino. Semarton.
de Sancto Gelasio. Singlis.
de Sancto Audoeno. St. Owen.
Super Tysam. Surteys.
de Salso Marisco. Saltmarsh.
de Sacro bosco. Holywood.
de Solariis. Solers.
de Salceto. Saucey.
de Sancto Alemondo. Salmon.
de Saxo ferrato. Ironfton, *vulgo* Ironzon.
de Sandwico. Sandwich.
de Salta Capella. Sacheverel.
de Sylva. Weld.

T.

Humfridus de Turpi vado. Fulford.
de Tankardi villa. Tankervile.
de Turbida villa Turbervile.
Teutonicus. Teys.
de Tulka. Toke, Tuke.
de Tanaia. Taney.
de parva Turri. Torel, Tirrel.

V.

Petrus de Vallibus. Vaux.
de Veteri ponte. Vipont.
de Valle. Wale.
de Vicariis. Viccars.
de Valle torta. Vautort.
de Villa torta. Croketon.
de Vado boum. Oxford.
de Urtico. Lorti, Lort.
de Vino salvo. Vine Salf.
de Vado saxi. Stanford.
de Veteri aula. Oldhall, Oldham.
de Villariis. Villers.
de Umbrosa quercu. Dimmock.
de Villa Magna. Mandevile.

W.

Martinus de Wateleya. Wateley, Wheatley.
Wambarsarius.

FINIS.