



The Statute of Marlborough 1267 [Distress]

1267 CHAPTER 1 52 Hen 3 cc 1 4 15

The STATUTE of MARLBOROUGH.
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Editorial Information

X1 The original text of this Act was not modern English. The traditional translation appears first with obsolete characters modernised. The original text (as an image) appears second.

Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), [Sch 2](#)

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

In the Year of Grace, One thousand two hundred sixty-seven, the two-and-fiftieth Year of the Reign of King Henry, Son of King John, in the Utas of Saint Martin, the said King our Lord providing for the better Estate of his Realm of England, and for the more speedy Ministration of Justice, as belongeth to the Office of a King, the more discreet Men of the Realm being called together, as well of the higher as of the lower Estate: [^{X2}It was Provided, agreed, and ordained, that whereas the Realm of England of late had been disquieted with manifold Troubles and Dissensions; for Reformation whereof Statutes and Laws be right necessary, whereby the Peace and Tranquillity of the People must be observed; wherein the King, intending to devise convenient Remedy, hath made these Acts, Ordinances, and Statutes underwritten, which he willeth to be observed for ever firmly and inviolably of all his Subjects, as well high as low.]

Changes to legislation: There are currently no known outstanding effects for the Statute of Marlborough 1267 [Distress]. (See end of Document for details)

Editorial Information

- X2** Variant reading of the text noted in *The Statutes of the Realm* as follows: *It was Provided and established and with full consent ordained, That (whereas the Realm of England having been of late depressed by manifold Troubles and the evils of Dissensions, standeth in need of a Reformation of the Laws and Usages, whereby the Peace and Tranquillity of the People may be preserved, whereto it behoved the King and his liege Men to apply an wholesome Remedy,) the Provisions, Ordinances, and Statutes underwritten, should be firmly and inviolably observed by all the People of the same Realm, as well high as low, for ever.*

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

Whereas at the time of a Commotion late stirred up within this Realm, and also sithence, many great Men, and divers other, [^{X3}refusing to be justified] by the King and his Court, like as they ought and were wont in Time of the King's noble Progenitors, and also in his Time; but took great Revenges and Distresses of their Neighbours, and of other, until they had Amends and Fines at their own Pleasure; and further, some of them [^{X4}would not be justified] by the King's Officers, nor [^{X5}would] suffer them to make Delivery of such Distresses as they had taken of their own Authority (^{X6}); It is Provided, agreed, and granted, that all Persons, as well of high as of low Estate, shall (^{X7}) receive Justice in the King's Court; and none from henceforth shall take any such Revenge or Distress of his own Authority, without Award of [^{X8}our] Court, though he have Damage or Injury, whereby he would have amends of his Neighbour either higher or lower.

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

Editorial Information

- X3** Variant reading of the text noted in *The Statutes of the Realm* as follows: have disdained to be justised
X4 Variant reading of the text noted in *The Statutes of the Realm* as follows: will not be justised
X5 Variant reading of the text noted in *The Statutes of the Realm* as follows: will
X6 Variant reading of the text noted in *The Statutes of the Realm* as follows: *at their own Pleasure*
X7 Variant reading of the text noted in *The Statutes of the Realm* as follows: *do, and*
X8 Variant reading of the text noted in *The Statutes of the Realm* as follows: *the King's*

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

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

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Moreover, Distresses shall be reasonable, and not too great; and he that taketh [^{X9}great] and unreasonable Distresses, shall be grievously amerced for the Excess of such Distresses.

Editorial Information

X9 Variant reading of the text noted in *The Statutes of the Realm* as follows: *undue*

XV In what Places Distresses shall not be taken.

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

Statutum de Marleberge.

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

Provisiones facte apud Marlebergh, p[re]sent[is] D[omi]ni Rege H. & R. Rege Alem[anie] & D[omi]no Edwardo filio ejusdem H. Reg[is] Primogeniti & D[omi]no Octobono tunc legato in Angl[ia].

Anno g[ra]tie M^o C^o C^o LX^o septimo, regni autem D[omi]ni H. Regis filii Regis Joh[annis] quinquagesimo secundo, in Oclab[is] S[an]cti Martini, p[re]vidente ip[s]o D[omi]no Rege, ad regni sui Angl[ie] meliorac[i]o[n]em & exhibic[i]o[n]em justicie put[is] regal[is] officii exposuit utilitas meliorem, convocatis discretiorib[us] ejusdem regni tam ex majorib[us] q[ua]m minorib[us]; p[ro]visum est & statutum ac concordat[is] ordinatu[m], ut cu[m] regnu[m] Angl[ie] multis tribulac[i]o[n]ib[us] & dissensionib[us] incommodis nup[er] decessum, reformac[i]o[n]e legum & Juris, quib[us] pax & t[ran]squil[ita]s

incola[rum] conserve[re]t, indigeat, ad quod remedi[u]m salubre p[er] ip[s]um Regem & suos fideles oportuit c[on]siderari, p[ro]visiones, ordinac[i]o[n]es & statuta subsc[ri]pta, ab omnib[us] regni ip[s]ius incolis tam majorib[us] q[ua]m minorib[us] firm[is] ac inviolabilib[us] temp[or]ib[us] p[er]petuis observent[ur].

Cum igit[ur] tempore turbac[i]o[n]is nup[er] in Regno suborte & deinceps, multi Magnates & alii justiciam no[n] dignati fuerint recipe[re] p[ro] D[omi]no Rege & Cur[ia] ejus, put[is] debiliu[m] & consueverunt temp[or]ib[us] p[re]cessor[um] ip[s]ius D[omi]ni Regis & temp[or]e suo, set de vicinis suis et aliis p[ro] seip[s]os graves ulc[i]o[n]es fecerunt, & graves distric[i]o[n]es, quousq[ue] redempc[i]o[n]es receipt, ad voluntatem suam. Et p[re]ca quidam eor[um] se justiciari no[n]

pmittant p[ro] ministros D[omi]ni Regis, si sustineant q[uo]d p[ro] eos libere distric[i]o[n]es quas auctoritate p[ro]pria fecerunt ad voluntatem suam: p[ro]visum est & concordat[is] concessum, q[uo]d tam majores q[ua]m minores justiciam [faciant] & recipiant in Cur[ia] D[omi]ni Regis; et nullus de celo ulc[i]o[n]es aut distric[i]o[n]es faciat p[ro] p[ro]pria voluntatem suam, absq[ue] consi[de]rac[i]o[n]e Cur[ie] D[omi]ni Regis, si forte dampni vel injuria sibi fiat unde emendas h[ab]ere velit de vicino suo, sive majore sive minore.

Sup[er] articulo aut[em] sup[er] d[omi]no p[ro]visum est & concessum, ut si quis de celo ulc[i]o[n]em h[ab]eat p[ro] voluntatem suam p[ro]pria, sine consi[de]rac[i]o[n]e Cur[ie] D[omi]ni Regis (?) & inde co[n]vinct[us], puniatur p[ro] redempc[i]o[n]em, & hoc s[e]c[un]d[u]m q[ua]ntitatem delicti; & simil[ite]r si sup[er] vicinu[m] suo faciat distric[i]o[n]es sine consi[de]rac[i]o[n]e Cur[ie] D[omi]ni Regis, p[ro] quod dampni h[ab]eat, puniatur eod[em]

¹Non MS. Copy in MS. Cont. is marked by a red line.

²ut p[ro]visum est MS. Cont.

modo, & hoc s[e]c[un]d[u]m [delicti sui qualitatem] & nichilomin[us] h[ab]eat emende plene & sufficientes eis qui dampni s[un]t in p[ro]p[ri]a distric[i]o[n]em.

Nullus de celo d[i]c[i]t faciat distric[i]o[n]es quas fecit ex[tra] Cur[ia]m in quo fuit: Et si vicinus hoc fecit sup[er] vicinu[m] p[ro] voluntatem suam & sine iudicio, puniatur p[ro] redempc[i]o[n]em ut sup[er], veluti de re conf[ess]o: Verumpt[er]to s[ic] D[omi]n[us] hoc sup[er] tenet[ur] sua face p[ro]sump[er]it, castigetur p[ro] q[ua]ntum mis[er]iam.

Distric[i]o[n]es inop[er]t[ur] sunt conabiles & no[n] nimis graves; & si quis distric[i]o[n]es fecit intractabiles & indelictas, g[ra]t[is] amittet[ur] p[ro] excessum distric[i]o[n]is ip[s]ius.

[³ Nulli de cetero liceat ex quac[un]q[ue] causa distric[i]o[n]es facere ex[tra] feodum suu[m], neq[ue] in regia aut c[ir]ca strata, nisi D[omi]no Regi & ministris suis.]

¹Statutum delicti MS. Cont. Lib. Source. X.
²This Clause is inserted in the Text from the Close Roll—Lib. Rub. Scac & Lib. X on the Close Roll.
³But. For. MS. Cont. But. Rub. several MSS. and the Printed Copy insert it, in this place.

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