LE Rey comaunde qe nul bref de la Chauncelerie seit graunte de mort de home, de enquere si home occie autre par mesaventure, ou sei defendaunt, ou en autre manere par felonie, [mes si tel seit en prison, e'] devaunt Justices erraunz, ou Justices assignez a Ghaole deliverer, se met en pays de bien e de mal, e len trusse par pais, qil eit fet sei defendaunt, ou par mesaventure, dunqe par record des Justices, face le Rei sa grace si lui plest.

[ª Purveu est ensement q̄ nul appel soit abatu si legement come avant ad estee, mes si le appellour counte le fait, & lan, & le jour, (ᵇ) & le temps le Roy, & la ville ou le fait fust (ᶜ), si entoise le appel: Et mes ne soit apel abatu, p̄ defaute de fresche suite, [p̄ quei ᵈ] q̄ hōme sue dedeins lan & le jo' apꝛs le fait.ᵉ]

¶ Cum il seit contenu en le estatut le Rei, qi ore est, qe deus parceners, ou deus qi tenent en commun, ne pussent fourcher par essoigne, del houre qe il averunt une feiz aparu en curt; Purveu est, qe mesme ceo seit garde e tenu, ou home e sa femme sunt empleidez en la court le Rei. Purveu est ensement en la Cite de Lundres qe si home baut sun tenement a terme de annz, e celui a qi le fraunc tenement est, se face empleder par collusiun e face defaute apres defaute, ou veigne en Curt e voille [rendre ᶠ] pur fere le [fermer ᵍ] perdre sun terme, e le tenaunt eit querele issi qe le termer pusse aver recoverer par bref de covenaunt, le Meire e les Baillifs pussent enquere par bone visne, en la p̄sence del termer, e del demaundaunt, le quel le demaundaunt pleida par dreit, qe il aveit, ou par collusiun, ou par fraude, pur fere le termer perdre sun terme: E si trove seit par enqueste, qe le demaundaunt meust sun plai par bon dreit qe il aveit, si seit le jugement furni meintenaunt: E si trove seit qe il pleidast par fraude pur tolir le terme al termer, le execucion del jugement pur le demaundaunt seit suspendu desqe apres le terme passe. En mesme la manere seit fet de equite, en tel cas devaunt Justices, si le termer le chalange avaunt le jugement.

¶ Purveu est ensement qe si home empleide de tenement en mesme la cite, vouche forein a garaunt, qe il veigne a la Chauncelerie, e eit bref a somoundre sun garaunt a c̄tein jour devaunt les Justices del Baunk, e un autre bref au Meire e as Baillifs de Lundres, qe il sursesent a la parole qe est devaunt eus par bref, desqe a taunt, qe la parole de la garauntie seit t̄minee, devaunt les Justices du Baunk; e quaunt la parole au Baunk serra t̄minee, [e serra dit ʰ] al garaunt qe il voist en la cite, e respoigne del chief plai; e le demaundaunt par sa suite eit bref des Justices du Baunk, au Meire e as Baillifs, qe il voisient avaunt en le plai. E si le demaundaunt recovre, veigne le tenaunt as Justices du Baunk, e eit bref al Meire, e as Baillifs, qe si le tenaunt eit sa terre pdue, qe il facent estendre la terre e returnent lestente au Baunk a c̄tein jor; e apres seit maunde al Viscunte del pais, ou le garaunt fu somouns qil lui face aver de la terre del garaunt a la vaillaunce.

[ª] si il ne seit en la prisone, & si il seit en la prison, &c. *Reg. A. On the Tower Roll there is a Blank, of three or four Words' Space, between felonie and mes.*

[ª–ª] This Paragraph is printed from *MS. Cott. Vesp. B. VII. fo.* 24 *b.* It is not on the Tower Roll, nor in Register A. either in French or Latin; nor in *MS. Cott. Claud. D. II*; nor on the Bodleian Roll. It is omitted from *MS. Harl.* 493, which contains the disputed passage in Chapter I. *ante* page 47.—In other respects the Note on that passage applies to this.

[ᵇ] le heur, *Printed Copies.*

[ᶜ] fait, & de quel arme il fuit occise, *Printed Copies.*

[ᵈ] puis *Printed Copies.*

[ᵉ] rien dire *Rot. Bull.*—rendre le tenement *Reg. A.*—reddere teñ *Lat.*

[ᶠ] Termez *Reg. A.* [t̄minariū *Lat.*]

[ᵍ] dit serra *Reg. A.*

THE King commandeth, That no Writ shall be granted out of the Chancery for the Death of a Man to enquire whether a Man did kill another by Misfortune, or in his own Defence, or in other Manner [without Felony;'] [but he shall be put in Prison until the coming of the Justices in Eyre, or Justices assigned to the Gaol-delivery, and shall put himself upon the Country before them for Good and Evil; In case it be found'] by the Country, that he did it in his Defence, or by Misfortune, then by [the Report of the Justices to the King,'] the King shall take him to his Grace, if it please him. IX. No Writ out of Chancery in certain Cases of Homicide.

It is Provided also, that no Appeal shall be abated so [soon'] as they have been heretofore; but if the Appellor declare the Deed, the Year, the Day, the Hour, the Time of the King, and the Town where the Deed was done, and with what Weapon he was slain, the Appeal shall stand in effect; and (') shall not be abated, for Default of Fresh Suit, if the Party shall sue within the Year and the Day after the Deed done. Of Appeals in Cases of Homicide.

WHEREAS it is contained in the Statute of the King that now is, that Two Parceners, or Two that hold in common, may not fourch by Essoin, after that they have once appeared in the Court: It is Provided, That the same be observed and kept, where a Man and his Wife be impleaded in the King's Court. X. One Essoin for Man and Wife.

IT is Provided also, That if any Man lease his Tenement in the City of London, for Term of Years, and he to whom the Freehold belongeth, causeth himself to be impleaded by Collusion, and maketh Default after Default, or cometh into the Court, and giveth it up, for to make the Termor lose his Term, and [the Demandant hath his Suit,'] so that the Termor may recover by Writ of Covenant: The Mayor and Bailiffs may inquire by a good Inquest, in the presence of the Termor and the Demandant, whether the Demandant moved his Plea upon good Right that he had, or by Collusion, or by Fraud, to make the Termor lose his Term: And if it be found by the Inquest, that the Demandant moved his Plea upon good Right that he had, the Judgement shall be given forthwith: And if it be found by Inquest that he impleaded him by Fraud, to put the Termor from his Term, [then shall the Termor enjoy his Term, and'] the Execution of Judgement for the Demandant shall be suspended until the Term be expired. And in like Manner it shall be of Equity before the Justices in such Case, if the Termor do challenge it before the Judgement. XI. Feigned Recovery in London against a Termor.

IT is Provided also, That if a Man impleaded for a Tenement in the same City, doth vouch a Foreigner to Warranty, that he shall come into the Chancery, and have a Writ to summon his Warrantor at a certain Day before the Justices of the Bench, and another Writ to the Mayor and Bailiffs of London, that they shall surcease in the Matter that is before them by Writ, until the Plea of the Warranty be determined before the Justices of the Bench: And when the Plea at the Bench shall be determined, then shall [he that is vouched'] be commanded to go into the City, to answer unto the chief Plea. And a Writ shall be awarded, at the Suit of the Demandant, by the Justices (') unto the Mayor and Bailiffs, that they shall proceed in the Plea. And if the Demandant recover [against the Tenant,] the Tenant shall come before the Justices of the Bench, [which shall direct'] a Writ to the Mayor and Bailiffs, that if the Tenant have lost his Land, they shall cause the Land to be extended, and valued, and shall return the Extent at a certain Day into the Bench; and after it shall be commanded to the Sheriff of the Shire, where the [Warrantee"] was summoned, that he shall cause him to have as much of the Land of the Warrantor in Value. XII. Vouching a Foreigner in London.

[ª] thoru felonie *MS. Tr.* 1.—*feloniously*

[ª–ª] *if he be not in Prison; but if he be in Prison, and, before the Justices in Eyre, or Justices assigned to the Gaol-delivery, do put himself upon the Country for Good and Evil, and it be found*

[ᵇ] *the Record of the Justices*

[ᶜ] lightly

[ᵈ] the Termor hath quarrel,

[ᵉ] of the Bench *MS. Tr.* 1.

[ᶠ] and have *MS. Tr.* 1.

[ᵍ] an Appeal

[ʰ] the Party warranted

[ⁱ] Warranty