

Cambridge University Press
978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4
Edited by Travers Twiss
Index
[More information](#)

I N D E X.

Cambridge University Press
978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4
Edited by Travers Twiss
Index
[More information](#)

I N D E X.

A.

Abbots and priors :
 who have churches of their own, may
 be called rectors in a certain sense,
 369.
 are entitled to the same remedies as
 laymen, if disseysed of their lands,
 375.
 Abbot of Messendene, his action against
 Hubert de Burgh concerning the
 church of Owelton, 71.
 Acres, feoffment of 10 enfeofed to another
 retaken by the lord into his own
 hand upon the death of sub-feoffee,
 181.
 Adam de N., Sussex Iter, 10 H. 3 ; assise
 of the death of an ancestor, 13.
 Admeasurement:
 of dower to be made, where the
 quantity to be assigned is disputed
 by the heir, 593.
 of dower sometimes taken away by
 efflux of time,
 pending its discussion, the woman's
 improvement of her land is not to
 be taken into account, 595.
 Advocate of an advowson, who is so
 called, 25.
 Advowson:
 parceners of an, must unite in pre-
 sents, 5.
 vacancy of an, cognisable by the
 ordinary, 35, 39.
 when determinable by an assise, 37.

Advowson—*cont.*
 right of, appurtenant to a tenement,
 cannot be exercised before the
 tenement has been recovered, 49.
 widow cannot present, because the
 church is situated in her dower-
 land, unless she was endowed with
 the entire advowson, 51.
 always remains with the part of a
 manor retained, 51.
 donation of an, invalid, where the
 donor is not in possession of any
 land, to which the advowson is
 appurtenant, 71.
 Agnes:
 the wife of Rufus, immediate recovery
 of her dower, where the tenant
 of the land had no warrantor, 457.
 the wife of Nicholas, her conditional
 assignment of dower, 495.
 the first wife of Robert de Hocton,
 divorced on account of affinity, 531.
 Alan, the son of Julius, claim of his widow
 Asselina for dower, 493.
 Alexandria, a certain, her action for dower,
 4 H. 3 ; 525.
 Alexander, the son of Ralph, defendant in
 an action of dower, 465.
 Alice:
 the wife of Hugh of Alencester, her
 writ of dower abated by reason of
 her mendacity as to part of her
 dower, 459.
 the wife of Ados and the daughter of
 Peter, her writ of dower abated
 from error as to part of her dower,
 459.

Alice—cont.

wife of Roger de Camera, not endowed at the church door, 511.

the wife of Baldwin, lost her suit as not endowed at the church door, 511.

wife of Jacobus de Cardeville, not endowed at the church door, 511.

the wife of William de Thornton, recovered her dower on producing a sect to prove her endowment, 515.

the wife of Richard, the son of Diva, lost her dower, as the husband's land was another's right, and he had lost it by a judgment, 557.

a widow, established her claim of dower against a termor, Thomas de S. Licio, in the county of Lincoln, 575.

Aldithia, claim of dower after sentence of a Court of Christianity in favour of her marriage, 505.

Agreement proveable sometimes by an instrument and witnesses, sometimes by an assise, 399.

Alez, Herbert de, claim to an advowson, as retaining a part of the manor to which it is appendant, 51.

Amelioration by the woman not to be taken into account in the admeasurement of the land appointed for her dower, 595.

Amundevil, Rogerus de, assise of mortdancer, 300.

Angliæ Lex:

husband's interest in wife's property, 52, 64.

husband's right to present in virtue of wife's dower, 75.

alteration of law in 1259, 74.

monsters cannot be heirs, 259.

bastards may not hold by, 311.

tenement held according to, 551.

Aquila, Gilbert de:

defendant against the prior of Lewes in an assise of utrum in a Sussex Iter of 15 H. 3; 375.

Aquila, Gilbert de—cont.

defendant against Ralph de Rupe in an assise of mortdancer in a Sussex Iter of 3 H. 3; 323.

Arbervil, William de, a ward of the archbishop of Canterbury, 57.

Arundel, Robert de, and Catherine his wife, custom of dower in the county of Lincoln, 549.

Assise:

a great, the alternative of trial by battle, 67.

great, when a tenant may defend himself against an elder born brother as claimant, 345.

Assise of last presentation:

who are entitled to it, 3.

does not lie in the case of a vicarage, nor of a prebend, nor of a chapel, 33.

church of Cheyley in Somersetshire, 15.

church of Suterlege in Norfolk, 33.

church of Elderson in Worcestershire, 35.

church of Haspee in Bedfordshire, 55.

church of Weleton in Lincolnshire, 55.

church of Tunston in Norfolk, 55.

church of St. Mary, Wisbro in Worcestershire, 57.

church of Stokshyre in Kent, 57.

church of Pencombe in Herts, 59.

church of Sneath in Kent, 67.

church of Judliham in Norfolk, 67.

church of Sudmel in Beds, 69.

church of Owelton in Norfolk, 71.

church of Stoke in Staffordshire, 71.

church of Wyke in Cornwall, 71.

church of Seyle in Leicestershire, 73.

church of Heafenur in Yorkshire, 73.

church of Harpdow in Oxfordshire, 89.

church of Eltdene in Derbyshire, 97.

when it may be held upon a previous assise, 443.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

INDEX.

621

Assise of mortdancerster:

- si Bartholomew de Waterdene, 12.
- si Adam de N., 12.
- si Radulphus de Wadleyham, 14.
- si Thomas de Colville, 12.
- si Brianus filius Henrici, 160.
- si Alavie Huse, 171.
- si Robertus filius Cinul, 173.
- si Robertus de Estwicham, 174.
- si Walterus Chamlenger, 178.
- si Simon de Hokedes,
- si Robertus de Wylington, 181.
- si Brianus, 181.
- si Eudo pater Walteri, 246.
- si Fredericus, 253.
- si Alicia, 259.
- si Agnes filia Evæ de Benyngworth, 261.
- si Henricus Russell, 261.
- si Wilhelmus Nowell, 262.
- si Rogerus de Maunderville, 262.
- si Gilbertus, 264.
- si Wilhelmus Turpin, 264.
- si Stephanus de Pulthorp, 267.
- si Ricardus Faber, 269.
- si Laurentius Galant, 270.
- si Wilhelmus de Carleton, 276.
- si Wilhelmus de Camera, 278.
- si Rogerus Battayl, 279.
- si Richardus Avenel, 280.
- si Manasserus de Hastings, 280.
- si Eudo pater Walteri, 287.
- si Emma mater Rogeri, 288.
- si Walterus filius Wilhelmi, 288.
- si Adhelophus, 298.
- si Henricus filius Yaonis, 299.
- si Odo filius Thorsini, 300.
- si Rogerus de Amundevil, 300.
- si Wilhelmus de Carleolo, 302.
- si Henricus Russel, 304.
- si Leonata de tenemento in Weston, 304.
- si Ricardus Faber, 304.
- si Philippa de Cokfend, 308.
- si Walterus Curteys, 310.
- si Radulphus de Rupe super Gilbertum de Aquila, 323.
- si Adam le Gardener, 327.

Assise of mortdancerster—*cont.*

- si Wilhelmus de Herst, 329.
- si Henricus Paynefore, 329.
- si Petrus filius Wymund, 447.
- concerning Humfrey de Leycester and Juliana his wife, 221.
- concerning William de Camera, 221.
- concerning a certain Mabilia and Johanna, 256.
- between Ralph Basset and Thomas de Pietesse, 279.
- in the county of Berks, 21 H. 3; 467.
- parties may terminate an assise by an accord, 145.
- when not to be stayed by reason of the writ being lost, 155.
- not stayed by the death of one of several claimants, 177.
- not allowable between privies in blood, 185.
- does not extend to a grandfather nor to a grandson, 185.
- allowed to the heirs of a person, who would have been himself entitled to an assise of novel disseysine, 197.
- exception of a tenant must be proved in the manner of an assise or a jury 221.
- abates from uncertainty, if jurors do not know, whether the tenant holds the entire tenement, or not, 221.
- who are entitled to it, 225.
- exceptions of a tenant against the articles of the writ, 235.
- exception of bastardy against an ancestor not triable by a Court of Christianity, as the ancestor is dead, 240.
- may raise a question of status, 251.
- exception, that the tenant cannot answer without the King, 255.
- does not lie in boroughs, 263.
- does not lie in the demesnes of the King, 265.
- fails where the jurors know nothing about the plaintiff, 269.

Assise of mortdancer—cont.

fails, where there has been a conviction of felony or an outlawry for contumacy, 271.

fails from a natural defect on the part of the tenant, 279.

fails where the tenant is a madman, 279.

fails, where the tenant has a charter of the lord the King, 281.

minor shall not answer until he comes of age, 283.

where several parceners are claimants, 293.

does not hold between blood relations, such as coheirs, 313.

when it may lie, 319.

by a nephew against a chief lord, 323.

terminated by an exception of bastardy, 325.

when it will lie between the elder-born and the younger-born brother, 341.

not to be taken upon an assise of mortdancer concerning the same thing between the same parties, 437.

Assisa utrum :

whether the tenement is a lay fee of the tenant or is free alms appertaining to the church of some rector, 368.

The only remedy formerly for a rector to claim free alms, 369.

held by Martin de Pateshull in Suffolk, 12 H. 3 ; 371.

of *Utrum* may not be brought by a vicar for a small pension paid to a religious house, 371.

answer of a layman to a clerk, 372.

answer of a clerk to a layman, 371.

does not lie in the case of land given to cathedral or conventual churches, 373.

only as to land given to parochial churches in free alms, 373.

held in the manner of a jury, 379.

utrum una hyda terræ 5 H. 3 ; 388.

utrum duæ viगतæ terræ, 12 H. 3 ; 387.

Assise of utrum—cont.

can never be taken upon a previous assise of *utrum*, for it passes into an adjudged case, 443.

Assise :

of novel disseysine when available for the parson of a church, 379.

does not lie in the demesnes of the king, 265.

of redisseysine stayed upon assertion of a recovery by a previous assise of novel disseysine, 435.

turned into a jury, case of a supposititious child, 311.

also case of an adulterous offspring, *ib.*

turned into a jury in several cases, 309.

ought not to be held upon an assise, 267.

may be taken after an assise, where the parties are not the same, 459.

not to be taken upon an assise of novel disseysine between the same parties concerning the same thing, 435.

when it may be so taken in a case of disseysine, 441.

Astrarii, in atrio sive in astro, 229.

Attachment of a bishop who has made default in the King's court, 109.

Avenel, Richardus, assise of mortdancer 280.

B.

Bardolf, Thomas, Norfolk Iter, 3 & 4 H. 3 ; 49.

Basilia, wife of Henry Fitzwarren, her claim of dower according to the custom of the city of Lincoln, 540.

Basset, Ralph, assise of mortdancer, 279.

Bastardy :

not triable by Court of Christianity after death of the party, but by an assise held in the manner of a jury, 240.

Bastardy—cont.

inquest of, when transmitted to the Court of Christianity, 329.

no appeal from the court of the ordinary allowed in a cause of bastardy, 501.

Bedenton, Robert de, assise of utrum, 369.

Bench :

justiciaries of the, 159, 534.

petition of dower before Martin de Pateshull, in Banco, 2 H. 3 ; 546.

petition of dower before the same judge at Banco, 7 H. 3 ; 528.

petition for dower in Banco, 10 H. 3 ; 527.

Bendenger, Godfrey, the son of John and Gunora de, assise of mortdancer, 467.

Beningworth, Agnes de :

the daughter of Elias de Beningworth, assise of mortdancer, 303.

the daughter of Eva de Beningworth, assise of mortdancer, 261.

Berners :

Matylda de, action for dower, 467.

Rogerus de, defendant as a warrantor of dower, 457.

Bigot :

Henry le, or Bygod, earl of Norfolk, 247, 287.

Roger le, his son, a minor, *ib.*

Billenallie, Margery de, not prejudiced in her claim for dower by the fraud of her husband, 559.

Bishop :

does not admit a presentee to parcels of a church, 51.

liable to attachment for default to appear in the King's court after summons, 109.

his answer to a writ of "quare non admisit," 111.

Bishops are entitled to the same remedies as laymen, if disseysed of their lands, 375.

Bland, William, and Cecilia, his wife, suit against the Countess of Oxford in a claim of dower, 517.

Bono Fossato, Adam de, party in an action to convict a jury of perjury, 426.

Bordlandes are demesne lands, 197.

Bovastra, Emma, recovered her dower against a termor of the dower land, 573.

Bragel, R. de, assise of last presentation to the church of Eldersen, 35.

Braham :

Ranulph de, 12 H. 3 ; his land in Esterbergh, 247.

Roger de, assise taken, although warrantor was a minor, 287.

Bray, Ralph de, his son, his claim for waste against John de Daco his guardian, 365.

Brian :

the father of Henry, assise of mortdancer, 161.

an assise of mortdancer, 181.

Burgh, Hubert de :

suit against the abbot of Messendene for the advowson of the church of Owelton, 71.

conviction of a jury for a verdict which was against the lord the King, 405.

C.

Calethorp, Eudo de, suspension of dower, because the warrantor was in the fealty of the King of France, 462.

Camera, William de, assise of mortdancer, Northumberland Iter, 221.

Camerina, Ernaldus de, loss of dower, by reason of the felony of the husband, 463.

Cantelupe, William de, defendant in an action for dower, 465.

Canterbury, archbishop of, guardian of William de Arbervil, 57.

- Carleton, Wilhelmus de, assise of mortdancer, 277.
- Carucate :
of land, 217, 219.
claim by, 243.
- Cassino Monte, Warin of, claim of presentation to the church of Sneath in Kent, 67.
- Cathedral and conventual churches, land given to them is to be held in free barony, 375.
- Certificate of a view of dower lands in an action for waste to be made by the oaths of twelve loyal men in sealed letters of the viscount, delivered to the King's justiciaries by four of the jurors, 603.
- Chamber, rent from a, not held in fee, 201.
- Chamlerger, Walter, assise of mortdancer, 179.
- Charters of the King, by which the King ought to warrant a tenant in an assise of mortdancer, 139.
- Charter :
donation by a, without a sufficient seysine inoperative, 189.
of donation, if without seysine, inoperative, 249.
- Charters :
produced after a judgment not available in a claim of right of presentation, 47.
of donation of an advowson must be proved by witnesses, 42.
sealed, a mode of proof, 601.
- Chester, Ranulf, earl of, donation of an advowson without any tenement in the vill and without seysine of presenting inoperative, 71.
- Cheyly, church of, in the county of Somerset, 15.
- Chirograph :
land held by a, and a fine, 139.
in the court of the lord the King, 189.
without an actual gift, inoperative, 249.
- Christianity, Court of :
has cognisance of the validity of a marriage, 499.
must make return to the King's justiciaries at Westminster, *ib.*
- Church :
divided into mediety by reason of two fees, or by reason of two patrons, 369.
a rector of a mediety, *ib.*
- Churches :
cathedral, of a bishop, regular churches of abbots and priors, parochial churches of rectors, 369.
cathedral, and conventual are debarred from an assise of utrum, as they have all the remedies which a layman has for the recovery of land, 375.
- Church, a certain rent payable to a, not to be regarded as a service, but an offering in the name of alms, 377.
- Cidermere, two carucates of land in, a third part of a third part claimed as dower, 528.
- Claypoll, mediety of the church, 371.
- Colville, Thomas de, assise of the death of an ancestor, 13.
- Common of pasture and of turbary, disseysine from, 411.
- Common of pasture :
writ by the grace of the prince to recover by a jury, 359.
rector of a church may recover, *ib.*
writ of quo warranto to recover, 363.
action to recover, a personal rather than a real action, 361.
- Concilium Lateranense, A.D. 1179, as to the vacancy of churches, 76.
- Concubine, a lawful, subsequent marriage with her clandestinely, and afterwards publicly and in the face of the Church, 503.
- Conjunctæ personæ, blood-relations, 158, 348.

- Consanguinity**, writ of, where it applies instead of a writ of mortdancester, 131.
- Consilium Curiae**:
to restrain malice, 78.
to supplement the scope of the king's writ, 266.
to appoint a forester, where there has been waste in dower-woods, 604.
- Consilium Londonense**, from which Earl Richard was absent a°. 1254, 390.
- Constitutio Lateranensis**, respecting a lapse of presentation to a vacant church, 28.
- Constitutio generalis**, 538.
- Constitutio Nova**, for the widow to recover damages, if she succeeds in an action for dower, part of the Statute of Merton, 576.
- Consuetudo Regni Angliæ**:
as to consultations between the bishops and the king's justiciaries, 535.
as to waste on dower lands, 602.
- Contentious**, how an estate is so rendered, 341.
- Conviction**, never taken upon a conviction; where the persons and things are the same, 443.
- Cornwall**, custom of, as to daughters born of a nief by a free man, 257.
- Council of London**, A.D. 1254, 391.
- County**, in which a king's writ does not run, 267.
- County court** may proceed to an inquest, where the tenant has put himself on an inquest, after the claimant in an action of dower has put herself upon the country, 585.
- Craveleghe**, Master Robert de, custom of Lincoln as to dower, 549.
- Cromesham**, Maria de, claim of dower, 495.
- Crown**, pleas of the, the keepers of them in a county, 553.
- Cuntey cuntey**, mode of determining a writ of right, 316, 339.
- Curia consilium**:
to restrain the malice of those who would impede presentations, p. 78.
to aid the defect of the king's writ.
to appoint a forester, 604.
- Custom of cities**:
as to dower, 545.
as to bequests and sales of lands and tenements, just as chattels, 263.
- Custom of Cornwall** as to the daughters of a freeman and a nief, 257.
- Custom of the city of London** concerning sales of lands and tenements like a chattel, 263.
- Custom of the city of Lincoln** for the wife to lose her dower, if the husband sells his inheritance from necessity, 549.
- Custom of Kent**:
as to wife's title to dower, 529.
as to felony of an ancestor not impeding the succession of an heir to a tenement held in gavelkind, 299.
- Custom of the city of Oxford** as to bequests of tenements inherited as well as purchased, 265.
- Custom of the county of York** as to claim for dower within a year, 549.
- Custom of the realm**:
as to waste in dower land, 602.
in the matter of dower to a widow, 587.
- Custom of the country (patria)** is to be regarded as to what constitutes waste in taking estovers, 607.
- Custom of the manor**, to have a little writ instead of a great writ of right, 265.
- Cygon**, Egellardus de, Buckingham jurors convicted at Windesore before him and his associates, 427.

D.

- Daco**, John de:
defendant as chief lord in a suit for waste on behalf of a minor son of Ralph de Bray, in the county of Huntingdon, 365.

R R

Q 1302.

Daco, John de—*cont.*

guilty of waste in the county of Lincoln, as guardian of the daughter of John de Bray, 20 H. 3, 612.

Damages, due to a widow, if she recovers her dower against a deforcor, 576.

Daventry, William de, the woman's action for dower failed, as she could not produce a sect in support of it, 515.

Day:

solar and lunar, 203.

artificial, divisible into four parts, 203.
the whole till nightfall, allowed to a debtor to pay his debt, 259.

Daybreak to midday the fourth part of a day, 203.

Death, civil:

by entry into a religious order, 129.

not incurred by entering into a religious order as a probationer, 492.

upon entry into a religious order vacates a parsonage, 33.

Debray, Ralph de, his son's suit against John de Daco, his chief lord and guardian, for waste in the county of Huntingdon, 368.

Debray, John de, his daughter's suit against John de Daco, her guardian, for waste in the county of Lincoln, 612.

Debtor is allowed the whole day till nightfall to pay his debt, 259.

Declaration:

of the plaintiff, in an assise of last presentation, 21.

upon a writ of cosinage, 337.

in an action for dower, 455.

Demesne:

taken in manifold senses, 197.

opposed to that which is held under service, 197.

of which one person has the freehold, and another may have the usufruct, 197.

Denemede, tenement of, in Hampshire, 173.

Dernia, wife of Robert Bryton, a tenant unwilling to answer in an action for dower, without a warrantor, 465.

Disseysine, writ of novel, granted to heirs ejected against their will by a chief lord, if they are of full age, 117.

Disseysor, a person who impedes seysine may be so termed, p. 7.

Divorce:

pronounced by the Ecclesiastical Court by reason of affinity, 473.

on account of consanguinity or affinity, 497.

Dodewell, Clementia de, her claim of dower, 539.

Domicile of the husband determines the jurisdiction of the bishop in matrimonial causes, 499.

Donations, made by a minor, how revokable, when he comes of age, 275.

Dower:

the constitution of, is similar to a donation, 51.

an action for, can only be determined in the court of the king, 451.

reasonable, writ to recover it, 453.

only claimable against the heir, when he has a right in two-third parts of the inheritance, 461.

widow's action for, suspended, whilst her heir is in parts beyond the sea, 463.

widow may recover against the chief lord, if her husband's estate has escheated to him from failure of heirs, 463.

a wife, whose husband has committed felony, cannot claim dower against the heir, as he has no right in two-third parts, 463.

if two women claim it, the heir is not bound to answer to either, unless it has been decided in the ecclesiastical court, which is the legitimate wife, 471.

where it is specific, warrantor must compensate the tenant, since he is bound to deliver it to the widow, 477.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

INDEX.

627

Dower—cont.

where it is not specific, warrantor must compensate the widow for the value of her dower, 477.

action for, not stayed by the minority of the warrantor, 477.

the guardian must always produce the minor heir, 485.

the majority of a minor is sometimes waited for on special reasons, 485.

wife not entitled to it, if too tender to support married intercourse, 497.

claim for, ceases upon a divorce on any grounds, 497.

exceptions against, from nullity or irregularity of marriage, 497.

the last survivor of several successive wives is entitled to dower, 503.

must be established at the church door, 503.

judgment in favour of dower is suspended if the tenant dies in a supervening war, 509.

exception against its appointment at the door of the church, determinable in the court of the king, and not in an ecclesiastical court, 509.

appointed at the church door, can be afterwards varied, 513.

incumbent on the woman in an action for dower to produce a sect, in proof of it, 517.

may be appointed out of the estate of the husband's father or other relation, 521.

appointed by a husband out of the estate of a third party, must have the consent of the latter, 521.

claimed by two women, one of whom died in seysine of the husband, and the other had obtained a judgment as his lawful wife in the court of christianity, 527.

according to the custom of Kent, 529, 579.

where two women claim dower in respect of one husband, the claim

Dower— cont.

of her shall proceed who has established her title in the court of christianity, as the legitimate wife, 529.

woman's claim for dower barred by a previous sentence of the Ecclesiastical Court against the validity of her asserted marriage, 539.

woman's claim for dower established upon her heir obtaining the inheritance in a cause of succession, 543.

regulated by the custom of cities, 545.

forfeited by a wife, who is instrumental to the death of her husband, 545.

of a woman, lost by a judgment against her husband's title to the land, whereon her dower has been appointed, 557.

wife's claim not prejudiced by the fraud or negligence of her husband, 559.

exception of the tenant, that her husband was convicted of a felony after the assignment at the church door, 565.

assignment of, cannot be claimed after a felony, 567.

not forfeited by a woman, because the heir or warrantor of it has been convicted of felony, 569.

as appointed at the espousals, to be assigned at least within forty days after the death of the husband, 579.

is lost to the widow, where the warrantor has lost the whole estate, 581.

writ of right to, of use where a writ of dower has not sufficed, 581.

in accordance with the customs of the realm, 587.

where the lands are in divers counties, the admeasurement must be made in the court of the king, 589.

R R 2

Dower—cont.

- admeasurement of, should be made in the presence of all the persons, whose rights are at stake, 591.
- gives to the woman nothing of the proprietorship, but only the seysine and the freehold for life, 595.
- widow has a right to reasonable estovers in woods, which are within her dower land, 597.
- reverts to the heir or his assignee on the death of the widow, 613.
- Dreit dreit, right of possession and of property, 355.
- Duel:
 - the alternative for a great assise, 67.
 - not admissible where bastardy is objected, 227.
 - when a tenant may so defend himself against an elder-born brother as claimant, 345.
 - when a rector of a church may so defend himself, 381.
- Durham, bishop of:
 - York Iter with Martin de Pateshull, 3 H. 3, 301.
 - York Iter with Martin de Pateshull, 4 H. 3, 263.

E.

- Edward I., change made in the writ of mortdancer in his time, 127.
- Eggefend, Letitia de, seysine of specified dower, 489.
- Elder-born brother:
 - cannot be both heir and lord, 263, 301, 321.
 - his son preferred by right of primogeniture to a younger-born brother, 279.
 - detained in remote parts or in prison, 317.

- Eldersen, church of, in county of Worcester, vacancy of the advowson, p. 35.
- Eltdene, church of, assise of last presentation, 97.
- Ely, the liberty of, 371.
- Emma, a certain, her action for dower, 17 H. 3.; 523.
- England, marriage had in, will prevail over marriage had abroad, from failure of proof of the latter, 541.
- Enveyse, Thomas de le, and Matilda his wife, defendants in an action of waste, 3 & 4 H. 3.; 605.
- Escheat to a church:
 - where land in free alms is held for a service, and the tenant commits felony or dies without an heir, 381.
 - where a bastard has been enfeoffed of land to be held of a church, and dies without an heir and without having assigned it, 383.
- Espousals by words of future import, if carnal connexion has followed, 503.
- Essonium de malo veniendi, p. 12.
- Essonium de servitio regis, p. 12.
- Essoins:
 - on account of absence beyond the sea, 137.
 - after vouching a warrantor, 159.
- Esterbergh, thirty-six acres of land in Norfolk, held by Ranulphus de Braham, 247.
- Estovers:
 - for burning, building, and fencing, allowed to a woman in seysine of dower-woods, 605.
 - reasonable, may be taken by a life-tenant on account of his freehold, 607.
- Estwicham, Rogerus de, assise of mortdancer, 174.
- Eudo, the father of Walter, assise of mortdancer, 247.
- Exception, the raising of an exception converts the defendant into a plaintiff in a certain manner, 539.

INDEX.

629

Exeter, prior of, his claim of the presentation to the church of Cheyley, in Somersetshire, p. 15.

Exile :

committed on dower land, an act of waste on the part of the woman in seysine, 599.

when committed by a woman in seysine of dower lands, or by a life-tenant in possession, consists of acts, which disfigure the estate, 608.

Extent, how to be made, where land has to be assigned in exchange, 151.

Extraneous persons :

bastards may be so termed, although uterine, 185, 227.

minor may claim against, 285.

opposed to parceners, 293.

cousins may claim against them by a writ of cosinage, where an assise of mortdancer does not extend, 349.

a son by the same mother, but by a different father, 351.

F.

Fee, definition of a, what a man holds for himself and his heirs, 201.

Felony, of the next heir:

special exception in gavelkind tenements in Kent, 299.

interrupts the succession of the other heirs, 299.

Felony :

will stay an assise of mortdancer, 297.

of a son who has killed his father, vitiates upon his conviction, the succession of his heirs, 271.

Faber, Richard, assise of mortdancer, 269, 304.

Ferrers, Earl of, gift of the manor of Seyle, before he presented to the church, 73.

Fine and chirograph, when inoperative, 249.

Fitzhugh, John, his wife Gunora's action for dower against Matilda de Berners, 528.

Forester ordered by the court to be appointed by the heir, where a woman in seysine of dower woode has committed waste therein, 605.

Forgery of a seal, land forfeited thereby as for felony, 299.

Framesdon, the church of, divided between two parsons, 371.

France :

a warrantor who is in the fealty of the king of France, may be excepted against, 463.

espousals in, proof of them may be wanting, 541.

Franceys, Raymenus le, and his wife Emma, the failure of her sect to prove the appointment of dower at the church door, 517.

Fughelstone, Thomas de and Alicia his wife, her suit for dower according to the law of Kent against Isabella, who had obtained dower on a false claim, 529.

Fulk de Briant :

his suit against the prior of Nevenham about the church of Haspee, 55.

his gift of the church of Sudmel to the house of Nevenham, 69.

G.

Galant Laurentius, assise of mortdancer, 276.

Gavelkind :

dower of, how forfeited in the county of Kent, 579.

in Kent, succession of an heir to a tenement held in gavelkind is not barred by the felony of an ancestor, 299.

Grandson :

claim of, to the inheritance against an uncle restrained by the case of the king (John), 229, 232, 240.

by prerogative of right has a claim of inheritance to his grandfather, preferable to that of his uncle, who is in the transverse line, 229.

Gravenel, Isabella de, her claim of customary dower, 547.

Guardian :

has only the naked dominion with possession, and no right of property, 609.

his punishment, if he has been guilty of waste, 612.

Guerra, generalis, 26.

Guerram post, 494, 578, 590.

Gunora, the wife of John, the son of Hugh, her action of dower, 467.

H.

Hamelin, the son of Ralph adjudged a villein in every case, after he had once admitted himself to be such, 304.

Hardel William, his successor in the rectory of St. Mary the Virgin of Oxford, 367.

Harpdown, church of, assise of last presentation, 89.

Harpdown Robert de, plaintiff against Reginald of the White Monastery for the church of Harpdown in Oxfordshire, 89.

Haspeepe, church of, claimed by Fulk de Briant, 55.

Hastings Manasser de, assise of mortdancer, 280.

Haverton Hugh de, Muriel his wife, her suit for dower against her heir, where a war had supervened since she proved her espousals, 509.

Hayward Robert de, his widow's claim of dower suspended by the absence of the heir in the Holy Land, 463.

Heir :

the next, may put himself into seysine of his ancestors' fend, if it is vacant, 115.

may claim for waste and destruction against a chief lord, who has been in seysine, 125.

who may be called the first or next, 211.

so called from the inheritance, not the inheritance from the heir, 211.

the sons are all next heirs, where the inheritance is shareable, 215.

the next, is he to whom the absolute right of inheritance accrues, 217.

niece by the same father and mother nearer than nephew by a different mother, 323.

guardian must always produce the minor in an action for dower, 486.

Helena, wife of Willam de Hastone, her claim of dower after one year from her husband's death, 549.

Helewiza, the wife of Wasa, defective replication in an action for dower, 459.

Henry :

the king who now is, 13.

Henry III : coronation of, recited in a writ of mortdancer in the place of King John's return from Ireland, 126.
Sussex Iter, second roll after the war, 495.

Michaelmas Term, second year, 13.

Somerset iter, second year, 15.

petition in Banco for dower, second year, 547.

Bucks Iter, third year, 491.

Dorset Iter, third year, 304.

Sussex Iter, third year, 323.

York Iter, third year, 459.

York Iter, third year, 465.

Norfolk Iter, third and fourth years, 604.

Norfolk Iter, third and fourth years, 605.

Essex Iter, third and fourth years, 161.

Norfolk Iter, third and fourth years, 48.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

INDEX.

631

Henry III.—*cont.*

- Oxford Iter, third and fourth years, 89.
- Surrey Iter, third and fourth years, 559.
- Worcester Iter, fourth year, 35.
- York Iter, fourth year, 263.
- Lincoln Iter, fourth year, 465.
- Suffolk Iter, fourth year, 525.
- Norfolk Iter, fourth year, 573.
- Worcester Iter, fifth year, 71.
- Warwick Iter, fifth year, 245.
- Gloucester Iter, fifth year, 385.
- Hereford Iter, fifth and sixth years, 271.
- Herts Iter, fifth and sixth years, 565.
- Hertford Iter, sixth year, 59.
- Michaelmas term, sixth year, 67.
- Middlesex Iter, sixth year, 171.
- Bedford Iter, seventh year, 53.
- Judgment in Banco, seventh year, 529.
- seventh and eighth years, claim of dower against Thomas de Nassen-dene, 565.
- Berks Iter, eighth year, 467.
- Kent Iter, eighth year, 67.
- Warwick Iter, eighth and ninth years, 465.
- Hereford Iter, eighth and ninth years, 571.
- Norfolk Iter, ninth year, 55.
- Norfolk Iter, ninth year, 605.
- Lincoln Iter, ninth year, p. 55.
- Stafford Iter, ninth year, 71.
- Cornwall Iter, ninth year, 71.
- Hilary term, ninth year, 71.
- Action for dower before Martin de Pateshull, ninth year, 455.
- Northumberland Iter, ninth year, 515.
- Devon Iter, ninth year, 515.
- Bedford Iter, ninth and tenth years, 69.
- York Iter, ninth and tenth years, 73.
- Essex Iter, ninth and tenth years, 492.
- Northampton Iter, ninth and tenth years, 573.

Henry III.—*cont.*

- Sussex Iter, tenth year, p. 13.
- Norfolk Iter, tenth year, p. 67.
- Lincoln Iter, tenth year, p. 261.
- Leicester Iter, tenth year, 73.
- Kent Iter, tenth year, 289.
- Lincoln Iter, tenth year, 303.
- Iter of Martin de Pateshull, tenth year, 303.
- York Iter, tenth year, 467.
- Suffolk Iter, tenth year, 517.
- Judgment in Banco, tenth year, 527.
- Lincoln Iter, tenth year, 557.
- Kent Iter, eleventh year, 329.
- Kent Iter, eleventh and twelfth years, p. 15.
- Suffolk Iter, twelfth year, 369.
- Norfolk Iter, twelfth year, 424.
- Buckingham Iter, twelfth year, 281.
- Kent Iter, twelfth year, 281.
- Suffolk Iter, twelfth year, 289.
- York Iter, twelfth year, 301.
- Bucks Iter, twelfth year, 388.
- Gloucester Iter, twelfth year, 387.
- Suffolk Iter, twelfth year, 457.
- Southampton Iter, twelfth and thirteenth years, 173.
- Roll of the thirteenth year, 525.
- Michaelmas roll, thirteenth and fourteenth years, 595.
- Suffolk Iter, fourteenth year, 51.
- Norfolk Iter, fourteenth year, 489.
- Derby Iter, fourteenth and fifteenth years, 97.
- Warwick Iter, fourteenth and fifteenth years, 461.
- Kent Iter, fourteenth and fifteenth years, 463.
- Derby Iter, fifteenth year, 495.
- Surrey Iter, fifteenth year, 497.
- Bedford Iter, fifteenth year, 606.
- Southampton Iter, fifteenth and sixteenth years, 505.
- Suffolk and Essex Iter, fifteenth and sixteenth years, 573.
- Bucks Iter, seventeenth year, 175.
- Lincoln and Northampton Iter, seventeenth year, 463.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

632

INDEX.

Henry III.—*cont.*

Salop Iter, seventeenth year 523.

Pleas which follow the King, in the
county of Lincoln, twentieth year,
613.Pleas which follow the King, in the
county of York, twenty-first year,
267.Pleas which follow the King, in the
county of Berks, twenty-first year,
467.

Lincoln Iter, twenty-first year, 421.

Kent Iter thirty-second and thirty-
third years, 31.Herlezim, John de, of London, by favour
of the King betook himself to the
order of the Hospitallers, 569.Herbert, the son of Richard, vouched the
prior of St. John de Rothomago
beyond the sea, as a warrantor who
made default, 173.Hewell, Gerard de, claimed the mediety
of the church of Claypoll, 371.Hoggestorp land in, the subject of an er-
roneous finding by a jury, 447.Hocfenur church of, presentation disputed
between the prior of Lewes, and
Adam of Newmarket, 73.Hokedes, Simon de, assise of mortdan-
cester, 179.Holy Land, in the absence of the elder
brother, seysine may be given to the
younger on condition of restoration
without a suit, if elder born returns,
117.in the absence of the heir, the action
of a widow for dower is suspended,
463.Hospital the, John de Herlezim, by the
grace of the king, betook himself to the
order of the Hospitallers after a con-
viction of felony, and thereupon had
his life spared, 569.Hour of the day, made up of forty mo-
ments, 203.Hundreds, recognitions made in the hun-
dreds and in the county, 567.

Huse, Aluric, assise of mortdancester, 171.

I.

Institution of a clerk to a church is as it
were a spiritual marriage, 37.Instruments, the faith of, may be proved
by a comparison of signatures
(signorum), 518.Instrument, if its faith is impugned, it shall
be proved by the country and by
witnesses, 601.

Isabella :

wife of Robert, not endowed at the
door of the church, 511.the wife of Alured de Berkings, pre-
viously the second wife of Robert
de Hocton, 531.Isolda, the wife of William, inquest, if she
has had any part of her dower,
572.

Itinerant justiciaries, 159.

J.

James, Saint, of Compostella, pilgrimage
to his shrine, 129, 137.Jew, would lie, if he said Christ was born
of a virgin, as being against his
intelligence, 393.John King, his return from Ireland to
England, limitation of time in the
ancient writ of mortdancester, 127.John, the son of Elfred, action respecting
a warranty of dower, 461.Judgment, has after a long interval the
authority of a matter adjudicated,
387.Judlibam, Church of, in Norfolk, action
for right of property, where proof
of last presentation failed, 67.Juliana, plaintiff in an action for dower,
467.Juror does not commit perjury, if his oath
is only fatuous, not false, 391.

INDEX.

633

Jurors :

- for a recognition, in an assise of mort-dancester, 135.
- writ to summon twelve knights and other free men to make an extent, 151.
- required to make a return to the justiciaries in the matter of an extent by letters under their seals, and the seals and the seal of the viscount, 153.
- liable to be attainted if they have sworn falsely, 389.
- accused of having sworn falsely must be convicted by a jury of twenty-four knights, 389.
- led away by a just error, may correct their saying before judgment with impunity, but not so after judgment, 393.
- on what occasions their judgment may be fatuous and not false, *ib.*
- who have made a just error in their finding, are entitled to a certification before the justiciary who held the assise, 395.
- when they are liable to a conviction, 397.
- not liable to a conviction of perjury in a great assise, 403.
- on an inquest, not liable to a conviction of perjury, but may be reinforced, 405.
- crass ignorance on their part not excusable, *ib.*
- finding according to the narrative of facts, guilty only of an error of judgment, 405.
- a conviction of them for perjury must be taken before the judge who has held the assise, 407.
- not liable to a conviction for too heavy damages, *ib.*
- whoever may bring an assise may institute proceedings for a conviction of perjury against the jurors, *ib.*
- mode of proceeding for a conviction of jurors for perjury, 415.

Jurors—cont.

- if convicted of perjury by a jury of twenty-four, are to be kept in custody, 417.
- convicted of perjury are no longer admissible to take an oath, and lose the law of the land, 419.
- punishment of, if convicted of perjury, 419.
- who have made a just error may confess, and put themselves on the King's mercy, 421.
- in an assise of "utrum" redeemed themselves from a conviction of perjury, *ib.*

Jury :

- conviction of a, depends whether the assise of utrum be held as an assise, or after the manner of a jury, 399.
- certification on the part of a, to explain their verdict, 427.
- of twenty-four, when summoned to convict of perjury a jury of twelve, may be objected to individually, *ib.*

Jus simulatum, in the case of St. Mary's Church, Oxford, 368.**Justiciary :**

- a chief, sent from the side of the King himself, 155.
- responsible for malice in pronouncing a wrong judgment, 395.
- his record must be examined before proceedings can be taken against a jury for perjury, 389.

Justiciaries :

- liable to prosecution if they entertain an assise upon an assise knowingly, 435.
- their power does not extend beyond what has been put by the plaintiff into his view, 387.
- ought not to pronounce according to the finding of the jurors, if it be fatuous, 405.

K.

- Kedware, Walter de, claim of last presentation against the Prior of Sudledhe, 73.
 Kenelworth, prior of, his right of presenting to the Church of Stoke, 71.
 Kent, county of :
 felony of an ancestor does not impede the succession of an heir in gavelkind, 299.
 a special case amongst the pleas of the crown, 366.
 King, case of the
 King John, 228, 233, 341.
 his pleasure to be requested, when he is vouched to warrant his gift, 255.
 the time of the, must be stated in a writ of right, 357.

L.

- Lacy, John de, pleas which follow the King, 20, H. 3; 612.
 Land given in pledge remains with the creditor, if the money is not paid on a certain day before nightfall, 259.
 Land, the Holy :
 the absence of the heir in, 117, 463.
 pilgrimage to, 129.
 general passage to, 137.
 absence in, 317.
 espousals in, the proof may be wanting of them, 541.
 Lambert, the son of Lambert, the jurors in an assise of utrum redeemed themselves from a conviction of perjury, 421.
 Lantony, prior of, an assise of last presentation not held in the person of a claimant under age, 59.
 Lateran Constitution, as to lapse of an advowson, 29.
 the practice before the Council of Lateran was held, 77.

Law :

- a defence per legem cannot be set up by the woman against a sect of the plaintiff in an action for waste on dower land, 599.
 a defence per legem cannot be set up against a proof by sealed charters, 601.

Lewes, prior of :

- his presentation to the church of Stokshyre upheld, 57.
 his claim to present to the church of Hecfenur not successful, 73.
 error of the court as to an assise of Utrum in the case of a conventual church.

Lex Angliæ :

- husband seysed of his wife's property during his life, 53.
 seysed of a presentation in right of survivorship to his wife, 64.
 entitled to a presentation by reason of his wife's dower, 75.
 monsters cannot be heirs 259.

Leycester Humfredus de, assise of mortdancer, 221.

Lex terræ :

- he who has observed it, cannot be in default, p. 165.
 outlawry not made in accordance with, declared as it were null, 567.
 lost by jurors who are convicted of perjury, 419.

Lexingstone R. de, otherwise Leylton, his error of judgment in his Sussex iter, 15 H. 3, 375.

Librates of land, 217.

- claim by, 243.

Limitation of an assise of mortdancer by statute of Westminster I. 127.

Lincoln, custom of the city of, as to dower of widows where the husband has sold his inheritance, 549.
 custom for them to have dower only of tenements, of which the husband died seysed as of fee, 549.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

INDEX.

635

London :

barons of, their decision that an inheritance as well as property purchased may be bequeathed as a chattel, 265.

city of, its custom for lands to be sold, as chattels, 265.

city of, its custom as to the free bench of widows, 547.

council of, A.D. 1254, which earl Richard did not attend, 391.

M.

Mansion chief, made as it were derelict, when houses are pulled down, or trees and orchards growing in the court are rooted up, 609.

Manumission :

instrument of, 401.

of villeins on dower lands not allowed to the woman who is in seysine of them, 603.

Marks six, assigned as an annual pension from a church to a prior, 93.

Margery, the wife of Henry of Northampton, a termor reimbursed by a prolonged holding, when dower has been recovered against him, 572.

Marre, John de, and Eve his wife, when a chief lord is entitled to claim that a woman should produce a warrantor of her dower, 465.

Marriage

of a clerk vacates his parsonage, 33.

clandestine, will render subsequent children legitimate, but gives to the wife no right of dower, 503.

of fact, not necessarily a marriage of right, 503.

legitimate for an inheritance, and illegitimate for dower, 513.

a woman's action for the validity of her marriage perpetuated as regards her claim for dower, although her husband has died before it has been decided, 541.

Mary, Quinzaine of St., 31.

Matrimony :

the union of a man and a woman maintaining an indivisible habit of life, 469.

its validity not cognisable in the secular court, 499.

the cognisance of its validity belongs to the court of the ordinary, 499.

Maunderville, Rogerus de :

assise of mortdancester, 262.

Galfridrus de, challenges a jury of twenty four summoned to convict a jury of twelve, 426.

Meanton, heir of, right of presentation to the church of Suterlege, 33.

Mediety of a church. *See* Claypoll.

Merton, statute of, for a widow to have damages, when she recovers her dower against a deforceor of it, 576.

Messendene, abbot of, Norfolk iter, 71.

Messuage :

chief of a manor, reserved to the heir upon an assignment of dower to the widow, 489.

chief, or head of a barony, is to be withdrawn, and another is to be assigned to a widow by the chief lord, as her due, 589.

Minor :

when he comes of age, may revoke donations made by him to his guardian, 275.

excused from warranting until he comes of age, 157.

Moments, forty make up an hour of the day, 203.

Monastery, the White :

Reginald of, 89. Matilda of, 172.

William of, 172.

Moveddene, Henry de, a ward of the king in the time of Hubert de Burgh, 405.

Mortdancester, *see* writ.

Munmew, John de, in the case of his heirs their full age not waited for, 307.

Muriel, the wife of Hugh de Haverton, the proof of her marriage admitted notwithstanding war had supervened after sentence, and her husband died in the war, 300.

N.

Nassendene, Thomas de, claim of dower in gavelkind, 565.

Nephew may have a writ of entry to the inheritance of his grandfather, as against an uncle younger than his father, 233.

Neveham :

house of 69.

prior of, 55.

Newmarket, Adam of, defendant in an assise of last presentation against the prior of Lewes, 73.

Niece by the same father and mother a nearer heir than a nephew by a different mother, 323.

Nightfall to midnight a fourth part of the day, 203.

Nod, Simon de, the right of presentation and the property determined on the same writ, 67.

Note as to admeasurement of dower not found in all the MSS. 595.

Nowell Wilhelmus, assise of mortdancer does not lie, where there is only a service and nothing in demesne, 262.

O.

Oath:

of jurors in an assise of mortdances-ter, 141.

when allowed to be taken "saving the view," 143.

of the jurors in an assise of last presentation, 17.

Oath—*cont.*

of jurors in an assise of "utrum," 377.
when an assise of "utrum" is held after the manner of a jury, 379.

of a jury of twenty-four knights summoned to try a complaint of perjury against a jury of twelve, 415.
tendered by a party to a party, or by a judge to a party, 407.

Office of the judge, in aid of a termor, who has suffered by a recovery of dower, 573. See younger-born brother.

Onus of proof, falls on the woman, who asserts her husband's death, to found a claim of dower, 493.

Ordinary of the place, has the cognisance of matrimonial causes by ordinance of the Pope, 499.

Ordinary's court, evidence in a matrimonial suit should be stated publicly, 501.

Osneby, prior of, his claim to present to the church of Weleton, 55.

Othes-worth, persons admissible to take an oath, 419.

Outlawry, null, where it has not been made according to the law of the land, 566.

Oxford:

custom in the city for land to be bequeathed like a chattel, 265.

countess of, her suit against Richard Bland and Cecilia his wife, a sect produced on either side and a claim for dower thereby established, 517.
church of the blessed Virgin Mary at, 367.

burgesses of, may bequeath land inherited, as a chattel, 265.

P.

Parochial churches, rectors of such alone entitled to an assise of "utrum," 369.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

INDEX.

637

Parsons:

are properly rectors of parochial churches, 369.

alone entitled to an assise of "utrum," 369.

when entitled to an assise of novel disseysine or other assises just as a layman, 379.

Parson may defend his claim to land where necessary by the duel or the great assise, with the authority of the ordinary and with the consent of the patron, 381.

Pateshull, Martin de:

his judgment in Banco as to a custom of the city of London, 2 H. 3 ; 347.

York Iter with Bishop of Durham, 3 H. 3 ; 301.

York Iter, 3 H. 3 ; 459, 465, 509.

Dorset Iter, 3 H. 3 ; 304.

York Iter, with Bishop of Durham, 4 H. 3 ; 263.

Lincoln Iter, 4 H. 3 ; 465.

Gloucester Iter with the abbot of Reading, 5 H. 3 ; 385, 539.

Worcester Iter, 5 H. 3 ; 71, 220, 245, 289.

Warwick Iter, 5 H. 3 ; p. 245.

Herts Iter with the abbot of Reading, 5 & 6 H. 3 ; 565.

judgment in Banco, 7 H. 3 ; 529.

judgment in Banco, 8 H. 3 ; 531.

action for dower, 9 H. 3 ; 455.

Kent Iter, 10 H. 3 ; 289.

Lincoln Iter, 10 H. 3 ; p. 303.

Suffolk Iter, 10 H. 3 ; 517.

York Iter, 10 H. 3 ; 517.

Lincoln Iter, 10 H. 3 ; 557.

last York Iter, 10 H. 3 ; 467.

Lincoln Iter, 10 H. 3 ; 261.

Carlisle Iter, 10 H. 3 ; 303.

York Iter, 10 H. 3 ; 175.

last Sussex Iter, 10 H. 3 ; 13.

Norfolk Iter, do.

Kent Iter, 11 H. 3 ; 329.

Kent Iter, 11 & 12 H. 3 ; 15.

Suffolk Iter, 12 H. 3 ; 457, 289.

York Iter, 12 H. 3 ; 301.

Pateshull—*cont.*

Norfolk Iter, 12 H. 3 ; 287.

last Norfolk Iter, 12 H. 3 ; 247.

Suffolk Iter, 12 H. 3 ; 289, 371.

last Suffolk Iter, 12 H. 3 ; 15, 277, 309, 311, 369.

Suffolk Iter, assise of mortdancester, 257.

Kent Iter, 12 H. 3 ; 57, 181, 280.

last Kent Iter, 299.

last Sussex Iter, 279.

last York Iter, 327.

Salop Iter, 309.

last Salop Iter, 328.

his last Lincoln Iter, 304, 459, 549.

his Worcester Iter with the abbot of Reading, 57, 369.

Leicester Iter with the abbot of Reading, 265, 289.

his Warwick Iter with the abbot of Reading, 265, 253.

Hereford Iter with the abbot of Reading, 263.

judgment of perjury concerning Henry de Movewedene, 405.

Lincoln Iter, assise of mortdancesster, where the jurors corrected their error, 447.

his consultation with Peter de la Roche, bishop of Winchester, as to the office of the ordinary in matrimonial causes, 499.

his consultation with the bishop of Worcester according to the custom of the realm of England, 535.

Peace, time of:

a necessary condition of the last presentation to a church to found a title to the advowson, p. 3, 7, 17.

in distinction from a time of war, 27.

writ of, until the coming of the justiciaries, 261.

a writ of, 277.

Pencomb, church of, assise of last presentation, 59.

Penne, Walter de la, charter of, 71.

Peter de la Roche, Bishop of Winchester, 499.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

638

INDEX.

- Peyjure, Peter, defendant in an action of waste, where it was so moderate that no inquest ought to have been held, 606.
- Pickednese, Aseelma, conditional assignment of dower, 565.
- Pietesse, Thomas de, assise of mortdancester, 279.
- Perjury of jurors of an assise, proceedings for their conviction, 415.
- Pleas, which follow the King in his sixteenth year, 33.
- Pope the:
has allowed the cognisance of matrimony to the ordinary of the place, 499.
no appeal to the pope allowed in a matrimonial cause which has been sent by the King to the bishops' court, 501.
reasons for denying an appeal to, in matrimonial causes, 501.
no appeal allowed to, in an inquest which of two wives is the legitimate wife, 525.
- Possession, right of, may stand without the use and profits, 357.
- Presentation :
to a church, after a deed of conveyance has been executed, avoids the deed, p. 41.
to a church, belongs to the donor, if the first donatory has transferred it to a second without having presented to it, p. 43.
by the heir, when it supersedes presentation by a predecessor, who has died, 55.
right of, in the case of co-heirs, 61.
by a woman, in right of dower of a third part not valid, 51.
- Presumption :
of half complete proof, sufficient, if not rebutted, for a conditional assignment of dower, 495.
a, disproved by a sect, 405.
- Primogeniture, right of, the son of an elder brother preferred to a younger brother, 279.
- Prior:
of Exeter, assise of last presentation to the church of Cheyley, 15.
of Lewes, assise of last presentation to the church of Stokshyre, 57.
ditto, assise of "Utrum," 375.
of Neveham, assise of last presentation to church of Haspee, 55.
ditto, assise of last presentation to church of Sudmel, 69.
of Lantony, assise of last presentation to the church of Pencombe, 59.
of Osneby, assise of last presentation to the church of Weleton, 55.
of Southwick, as to the church of Sneath, 67.
of Kenelworth, assise of last presentation as to the church of Stoke, 71.
of Trywardray, assise of last presentation as to the church of Wyke, 71.
of Sudledhe, assise of last presentation to the church of Seyle, 73.
of St. Lando de Rothomago, vouched as a warrantor in an assise of mortdancester, 173.
in a certain sense may be termed rector, 369.
- Prohibition, *see* writ.
- Proof:
burden of, falls on the woman, who asserts her husband's death in a claim of dower, 493.
may be discharged by producing a sect, 495.
instruments and sealed charters, 601.
- Property, right of, cannot stand without the use and profits, 387.
- Pulthorp, Stephanus de, assise of mortdancester, in the county of York, 267.
- Purgation of a crime or of a misdemeanor, 403.

Q.

Quindena, Sanctæ Mariæ, p. 30.

R.

Ralegh, William de:

Bedford Iter, 79, 573.

Warwick Iter, 176.

Bucks Iter, 179.

Bucks Iter, 259, 269, 281, 511.

his last Bucks Iter, 261, 304.

Leicester Iter, 221, 5, H. 3, 371.

last Northampton Iter, 221.

Northumberland Iter, 279.

Kent Iter, 299, 327.

Pleas which follow the king in the county of Huntingdon, 365.

Pleas which follow the king in 20, H. 3, 612.

Ralph de Rupe, plaintiff in an assise of mortdancester, 323.

Raylie, Margeryde, defendant in an action of waste, 9, H. 3, 604.

Reading, Abbot of:

his Worcester Iter with Martin de Pateshull, 55.

Warwick Iter, with Martin de Pateshull 253, 265.

Hereford Iter, with Martin de Pateshull, 263.

his Leicester Iter with Martin de Pateshull, 265, 289.

Hereford Iter, 5 & 6 H. 3.; 271.

his Worcester Iter with Martin de Pateshull, 369.

his Gloucester Iter with Martin de Pateshull, 5 H. 3, 385.

his Gloucester Iter, with Martin de Pateshull, 5 H. 3, 539.

his Leicester Iter, 565.

his Herts Iter with Martin de Pateshull, *ib.*

Record of the justiciaries must always be read before a jury of 24 can proceed to convict a jury of 12, 429.

Rector:

the name property limited to the parsons of parochial churches, 369.

of a mediety of a church may plead and implead separately, 369.

of the mediety of a church, if he has separate rights, may plead and be impleaded without the other rector, 369.

of a mediety of a church, if he has the same patron as the other rector, cannot plead or be impleaded without the other, 371.

of a church, when he may defend his seysine by a duel or by a great assise, 381.

Re-summons writ of, when a day is given beyond the county, 137.

Return of inquest to be sealed with the seal of the viscount and with the seals of the jurors, 555.

Richard, Earl :

not present at the council of London, 391.

Richard, the rector of the mediety of the church of Claypoll, 371.

Right :

a great writ of, 585.

to dower, a writ of, ancillary to a writ of dower, 581.

feigned, in the case of St. Mary's Church, Oxford, 367.

Robert :

son of Cinul, assise of mortdancester, 173.

son of Alric, assise of utrum as to the Church of Framesdon, 371.

Robertson, John, defendant in a suit as a warrantor of dower, 455.

Roche, Peter de la, bishop of Winchester, his consultation with Martin de Pateshull, 499.

Rochesford, Matilda de, assise of presentation as to the Church of Tunston, 55.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

640

INDEX.

Roll, second after the war, Sussex Iter, 495.

Ropelay, Simon de, Lincoln Iter, 21 H. 3; written in some MSS. "Simon de Poppelay," 421.

Rothomago, St. Lando de, prior of, 173.

Russel, Henricus :

assise of mortdancester, Bucks Iter, 261.

same assise, 304.

S.

Seal of Lord M. forged by Henry, son of Yao, 299.

Seals of the jurors to be affixed to the return of their inquest, when presented to the King's justiciaries, 555.

Seal, letters of jurors returnable to the justiciaries under the seals of the jurors and of the viscount, 151.

Sect, a :

a sufficient defence against a presumption, 405.

the woman's, shall prevail in an action for dower, where the tenant of the land has only his single voice, 515.

raises a presumption, which may be rebutted by the production of a more numerous sect to contradict, in a matter of waste on dower lands, 601.

may be produced by the woman to prove the quantity of land that has been appointed for her dower, 395.

Secta, where opposing are produced, the stronger is to be preferred, 495.

Seleby, Hugh de, custom of the county of York as to dower, 549.

Segrave, Simon de, Plea before the King at Woodstocke, 427.

Seyle, Church of, manor given by Earl Ferrers before he presented, and so the advowson came into controversy, 73.

Seysine :

by the bare planting of the feet on a tenement, 341.

may be retained mentally without the body up to death, 187.

may be retained corporeally only without the mind, until the body is carried forth out of seysine, *ib.*

by an agent, notwithstanding the death of the principal, 189.

of a thing may be sufficient to give a title, although the donee has not used it, 205.

what may be called firm, and what tender, 211.

where the chief lord has found it vacant, he may keep possession until the rightful heir has established his claim, 119.

Shillings :

one hundred, the portion from a church assigned to an abbot or prior, 93.

twenty, worth of land to be appraised by a jury upon a view, 151.

Signatures, a comparison of, to prove the faith of instruments, 519.

Sneath, Church of, the presentation claimed by the Prior of Southwick, 67.

Somerset, Albert, Earl of, case of, when jurors were not of accord as part only were convicted of perjury by a jury of twenty-four, 419.

Southwick, prior of, his claim to present to the Church of Sneath, in Kent, 67.

Status, exception of, when it may be proved by kinsmen, 401.

Statute :

of Merton, limitation of time for a writ of "quo oblit," 127.

of Westminster I., alteration in the limitation of time for an assise of mortdancester, *ib.*

Stentenham, Simon de, Alice, his wife, her claim of dower against the heir, 491.

Stoke, Church of, suit of the Earl of
 Chester against the Prior of Kenel-
 worth for the advowson, 71.
 Stokshyre, Church of, claim of the Prior
 of Lewes to the presentation against
 William of Arbervil, late a ward of
 the Archbishop of Canterbury, 57.
 Strode, Joetta de la, conditional assign-
 ment of dower, 497.
 Stronby, tenement at, held in gavel-kind,
 so that the succession of the heir
 was not barred by the felony of an
 ancestor, 299.
 Sudledhe, prior of, claim of the advowson
 of Seyle, 73.
 Sudmel, Church of, presentation to the
 third part, 69.
 Summons to a warrantor of dower, 457.
 Superior :
 ejectment by a, 121.
 aid of a, 127.
 recourse must be had to a, that is, to
 the King, to stop a woman from
 causing waste in her dower-land,
 597.
 Suterlege, Church of, in the county of
 Norfolk, 32.
 Swainson, Emma, the wife of Roger, com-
 pensation to termor, where he has
 suffered by a claim of dower, 573.

T.

Tenant of an estate for life may not root
 up trees and orchards growing in
 the court of the chief messuage,
 609.
 Tenement of an ancestor, claimed by
 carucates, or by librates, or by
 virgates, or by acres; 243.
 Time does not run against the absent,
 341.
 Thomas, the parson of the Church of
 Framesdon, in Suffolk, 371.
 Q 1302.

Transfer of land, fraudulent, if made after
 a writ of mortdancerster has been
 sued out, 219.
 Traylie, John de, assise of last presentation
 to Church of Sudmel, 69
 Trees and orchards growing in the court
 of the chief messuage may not be
 rooted up by a life tenant, 609.
 Trywardray, prior of, disputes a presenta-
 tion to the Church of Wyke in
 Cornwall, 71.
 Tunston :
 Robert de, assise of last presentation,
 55.
 Church of, claimed by Matilda de
 Rochesford, *ib.*
 Turpin, Willelmus, assise of mortdancerster
 in the county of Warwick, 265.

U.

Uterine brothers, if bastards, extraneous
 to each other, 227.

V.

Valle de, William, an assise of "utrum"
 in the person of the rector, 369.
 Vallibus, Hubert de, distrained by the
 viscount for non-appearance in a
 suit of "quare impedit," 179.
 Vestimentum sometimes proves the sey-
 sine, where the substance is not
 clear, 205.
 Vicar may join with a private person in
 an assise of utrum for a pension,
 which is payable to a private per-
 son, 371.
 Vicarage on vacancy accrues to the parson,
 unless it is taxed by the ordinary
 for the support of a vicar, 35.
 Vigilantibus jura sulveniunt, 340.

S S

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus
Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)

642

INDEX.

Virgate :

- of land, 219.
- claim of a tenement by virgates, 243.
- of land, whether held in free alms, 377.

Villein :

- cannot recover against his lord by a writ of mortdancester, if his father died under the power of the lord, 277.
- a person who has once so admitted himself, will be so adjudged in every subsequent trial, 305.

Villeins not allowed to be manumitted by a woman who is in seysine of dower-lands, 603.

W.

Wadleyham, Ralph de, assise of mortdancester, 15.

Waldebusa, the wife of William de Breuse, the son of John, her claim of dower against the moiety of John's estate held by his younger brother Reginald, under an accord with William, 565.

Walenus, Maria de, claim of presentation by reason of her third part, as dower, 51.

Walepole, Alexander de, and his wife Grace, recovery of dower against a tenant through failure of a warrantor, 455.

War:

- a time of, presentation wrongfully made in such time insufficient to found a rightful title to an advowson, 27.
- a general, 27.
- in the second year after the, Kent Iter, 579.
- Dorset Iter, 591.
- second roll after the, Sussex Iter, 495.
- supervening and death of the tenant only suspends the execution of a judgment in favour of dower, 519.

Warrantor :

- in an assise of mortdancester must defend the tenant against a claimant, 157.
- liable to make compensation by an exchange of land, 163.
- may be called in an assise of utrum just as in an assise of mortdancester, 372.
- minority of, does not stay an action for dower, 477.
- if within the franchise of a bishop or an earl, must be distrained by him to appear before the King's justiciaries, 487.

Waste :

- may be claimed against a chief lord, or against a guardian, 125.
- writ for granting seysine after judgment, 145.
- a fit cause for damages in an assise of mortdancester, 363.
- damages against a chief lord as guardian, 365.
- mode of proceeding in a suit for waste committed on dower lands, 599.
- answer of the woman in a suit of, 599.
- if a woman has not appeared in a suit for waste of her dower lands after due summons, let her be attached, subject to a single essoin de malo veniendi, 599.
- the mode of proceeding against a woman for waste of her dower lands, 601.
- where the woman denies it in respect of dower lands, a view should be taken by the jurors, 601.
- a writ to view the waste alleged to have been committed by a woman on her dower lands, 603.
- in dower lands by manumitting villeins, 603.
- in dower woods by cutting down oak trees, 603.

Waste—*cont.*

houses not allowed to be pulled down on dower lands by the woman when in seysine of them, 603.

where caused by a woman in dower woods justifies the court in appointing a forester, 605.

custom of each locality as to what constitutes waste in dower lands, 606.

where a person has only a life interest in an estate, it does not take place where the possessor only takes reasonable estovers on account of his freehold, otherwise if he exceeds measure in taking them, 607.

where a person has both the possession and the property, it can only take place, where a servitude has been established by the mode of donation, 607.

of lands or woods, what constitutes it, 608.

made by a stranger is the subject of an action for novel disseysine or for trespass, 608.

made by a guardian entails his loss of office and both damages and a fine to the King, 609.

no similar loss is incurred by a woman on account of waste, but she must refund damages and have a curator imposed upon her, 609.

what constitutes waste in the case of a guardian, 611.

Waterdene, Barsholomew de, assise of mortdancester, 13.

Weleton, church of, claimed by the Prior of Osneby, 55.

Weleton Conan de, claimed the church of Weleton, 55.

Westminster :

writ of dower returnable before the King's justiciaries at, 453.

our first coronation at, 409.

an accord made at, 304.

Wichio, church of St. Mary, assise of last presentation, 57.

Widow may proceed by a writ of right, when, by delay, she has lost her title to a writ of dower, 581.

Wife :

lawful, inquest to determine her claim committed to the ordinary by a mandate from the king, 451.

a female serf, upon the death of her husband, who was a free man, is not entitled to dower, 469.

Wife's sentence for validity of her marriage gives her dower, although her husband has died before the execution of the judgment, 509.

Wife, a man can only, of right, have one, although he may have several in fact, 469.

Wives, where a man has several in fact the first wife is the lawful wife, and may exact her dower if it was established at the church door, 503.

Woman's claim for dower shall prevail, if her heirs have obtained the inheritance of her husband in a cause of succession, 541.

Woodstoke, pleas before the king at, claim to the rectory of the church of St. Mary the Virgin in Oxford.

Worcester, bishop of, his consultation with the King's justiciaries according to the custom of the realm of England, 535.

Writ :

for an assise of last presentation, 5.

for a jury to come, 9.

of entry to revoke the donation of an advowson, 53.

to the bishop of Winchester to determine who was the lawful wife of John Fitzhugh, 53.

of quare impedit in the case of a woman claiming a presentation in right of her dower, 49.

in the case of a husband holding by the Lex Angliæ, 53.

of quare non permisit differs from quare impedit, 61.

Cambridge University Press

978-1-108-05168-2 - De Legibus et Consuetudinibus Angliae: Libri Quinque in Varios Tractatus Distincti: Volume 4

Edited by Travers Twiss

Index

[More information](#)Writ—*cont.*

- to a bishop to present after an assise of last presentation, 63.
- of quare impedit, tenor of it, 74.
- of quare impedit, how it differs from writ of quare non permittit, 75.
- against a minor in an assise of last presentation, 79.
- to a bishop to admit a presentee, after a judgment on quare impedit or on quare non permittit, 85.
- to a bishop to admit a presentee after an assise, 83.
- to a bishop to admit a presentee of several parceners, 91.
- to a bishop to admit a presentee of four sisters, two of them having husbands, 92.
- to a bishop, where an accord has been for a prior or an abbot to receive an annual pension charged on a church, 93.
- to a bishop to admit after judgment the presentee of the lessee of a manor with all its appurtenances, 95.
- to a bishop to admit the presentee of two parties who dispute the advowson, one of them being a minor, 97.
- to the bishop, where two out of three who dispute the advowson agree upon a presentee, 99.
- to a bishop to admit the presentee of a party who has seysine of a manor with the advowson, 101.
- to a bishop who in such a case has not obeyed the King's mandate, *ib.*
- of prohibition to the judges to entertain a further suit, where judgment has been given in the King's court on the right of presentation, 193.
- of prohibition to the Court of Christianity to hold a plea concerning presentation already heard in the King's court, in the case of a minor, 105.

Writ—*cont.*

- to a bishop to admit the presentee of a party, to whom the right of presentation has been adjudged, notwithstanding a plea of right is pending, 107.
- of "quare non admisit" to a bishop, who has disobeyed the King's mandate to admit a clerk, 107.
- of novel disseysine, granted to heirs of full age, if ejected by a chief lord, 117.
- of mortdancester granted to minor heirs ejected by a chief lord, *ib.*
- of novel disseysine granted to a chief lord ejected from a freehold, where no heir has appeared, 121.
- of mortdancester, when allowed to the true heir against a younger brother or a bastard, 123.
- of mortdancester, when granted to an heir against a chief lord, who is in seysine of a vacant inheritance, 125.
- of an assise of mortdancester, limitation by statute of Westminster I., 127.
- of mortdancester, various forms of, 129.
- of cosinage, when it applies instead of a writ of mortdancester concerning the death of a grandfather, 131.
- it applies further in descent than to a grandchild, 133.
- of mortdancester, when it may be conjoined with cosinage, *ib.*
- of right, when it has place instead of a writ of mortdancester, 135.
- to the viscount to produce the bodies of the jurors before the justiciaries in an assise of mortdancester, 143.
- to give plenary seysine after an assise of mortdancester, 145.
- to grant seysine to the parent of a minor, after judgment, against a chief lord for waste, 147.
- if a plaintiff has not obtained seysine after judgment in an assise of mortdancester, 147.

Writ—cont.

- of the justiciaries to the viscount for seysine after an accord in an assise of mortdancer, 150.
- loss of, will not necessarily stay the suit, 156.
- of mortdancer, loss not hurtful, if the justiciary exhibits his warrant, *ib.*
- to summon a warrantor in an assise of mortdancer, 157.
- an interlaced (*interlaqueatum*), to summon several warrantors together, 159.
- to take into the King's hands the lands of a warrantor to make compensation after an assise of mortdancer, 165.
- to take into the hands of the King the lands of a warrantor who has made default, 167.
- to summon a warrantor upon his default, 169.
- of right between parties who have a parity of right by descent from a common stock, 223.
- for a reasonable portion between sisters or two parceners, 223.
- of cosinage has place where an assise of mortdancer is restrained, 225.
- of right has place where writ of cosinage is restrained, *ib.*
- of peace till the arrival of the justiciaries, 261.
- to the viscount of a county, in which the King's writ does not run, 267.
- of peace, until the Iter of the justiciaries, 277.
- of right, minor shall not answer until he is of the age of twenty-one, 283.
- of oosinage, in aid of an assise of mortdancer, where the latter fails, 334.
- of cosinage fails, where the elder born and younger born are both in possession, 339.
- of cosinage, tenor of the writ, 337.

Writ—cont.

- of cosinage only claims the seysine not the right, 347.
- of cosinage has no place between one near heir and another near heir; as between two younger-born brothers, 347.
- of cosinage does not lie between co-heirs, 351.
- of cosinage only determines the possessory right, 355.
- of right, where the claimant can only prove his seysine upon hearsay, 335.
- of right, determines the right as well as the seysine, 347.
- of right, for a rector of a church to recover common of pasture; which is a cause of possession rather than a cause of property, 361.
- of entry available to the parson of a church, 379.
- of entry sometimes turned into a writ of right, 357.
- of quo warranto, against a person who does not permit another person to have common of pasture, 363.
- for a jury to come in an assise of utrum, 371.
- for a rector to have an assise of utrum, 371.
- for a layman to have an assise of utrum, 371.
- for land to be restored to a church as an escheat, where the feoffee is a bastard, and dead without heirs, 384.
- to summon twenty-four knights, to convict a jury for perjury in an assise of novel disseysine, 409.
- to summon twenty-four knights to convict a jury for perjury in an assise of mortdancer, 411.
- to summon twenty-four knights to convict a jury for perjury in an assise of last presentation or in an assise of utrum, 411.

Writ—*cont.*

- to put a party into seysine upon a verdict of twelve being confirmed by a jury of twenty-four, 421.
- to give seysine, where a jury of twelve have amended their verdict, 423.
- to a jury to certify their verdict in an assise of novel disseysine, 427.
- to inquire as to the recognition of a jury of twenty-four summoned to convict a jury of twelve, 431.
- where one of a jury of twenty-four summoned to convict for perjury a jury of twelve dies before the assise, 432.
- where one of a jury of twenty-four has died after a summons to convict a jury of twelve for perjury in an assise of mortdancester, 433.
- in an action for raising a foss, 411.
- to assign reasonable dower, 453.
- for a warrantor concerning dower to be produced by the sheriff, 465.
- to cause a warrantor of dower to appear in court, 475.
- to give seysine of dower to the widow, 477.
- for the heir to provide for the widow a dower, where it has not been specified, 481.
- for a widow to receive specified dower, and for the heir to compensate the feoffee of the land, 483.
- to a bishop or an earl to produce the warrantor of dower, if he is within their franchise, 487.
- for an extent of a manor for the amount of specified dower, 489.
- to an archbishop or bishop to try the validity of a marriage, 499.
- to summon the tenant of land to appear before the justiciaries after the court of Christianity has pronounced in favor of a marriage, where dower is claimed, 505.
- to give to a woman seysine of her dower after sentence of a court of

Writ—*cont.*

- Christianity in favor of her marriage, 507.
- to hold an inquest as to the endowment of a wife at the door of the church, 511.
- for an inquest in a claim for dower, where a sect and other proof are wanting, 517.
- for dower, appointed by the husband with the consent of his father or other relation, 523
- to the bishop of Winchester to determine which of two claimants of dower was the lawful relict of Robert de Hocton, 531.
- to the bailiffs of a city to procure for a widow her reasonable dower according to the custom of the city, 547.
- to inquire if a deceased husband was seysed of certain land on the day on which he espoused his wife, of which she claims dower, 553.
- to give to a widow seysine of her dower, 575.
- of right to dower, may be sued out by the widow as a closed writ, where a writ of dower has not sufficed, 581.
- to a county court for an admeasurement of dower, where the lands are all within the same county, 587.
- for the admeasurement of dower in divers counties, 589.
- to prohibit a woman to cause waste in her dower lands, 596.
- to the viscount to hold a view of waste alleged against a woman seysed of dower lands, 603.
- for the viscount and jurors to view the dower lands, upon which waste contrary to the custom of our realm is alleged against the woman, 603.
- for appointing a forester, where a woman has caused waste in dower woods, 605.
- for the heir to restore dower land on the death of the woman, who has been seysed of it, to a party, to

Writ—*cont.*

- whom the heir has previously conveyed it by deed, 614.
- where a guardian has caused waste in the estate of his ward, 611.
- to the viscount to enjoin A. an intruder into dower land upon the death of the woman who was endowed with it, to restore it to B. the son of a rightful owner of the land by purchase, who endowed the woman, 615.

Wyke:

- church of, in county of Cornwall, claimed by the prior of Trywardray, 71.
- Richard, his suit with the prior of Trywardray, 71.
- Wylington, Robert de, assise of mortdancer, 181.

Y.

- Younger-born brother may be admitted to the inheritance, if elder brother is absent in the Holy Land, conditionally to surrender it, if he should return alive, 117.
- through the office of the judge may have conditional seysine of the inheritance, if the jurors find that the elder-born brother is in transmarine parts, and they know not whether he is dead or not, 269.
- Younger-born, after a long seysine, cannot be ejected by an elder-born brother without a writ, 341.
- York, custom of the county for a woman to claim dower within a year after her husband's death, 549.