

come des autres gentes, libz spiri-
tuels come tempo-
rals, senfeuent deins
cités, villes, & lieux
enfranchise, come en
la cité de Londres,
& autres semblables,
& feignent divers
suits envers leur Sei-
gnors, a cause de
eur faire franks per
le respons de leur
Seignors: Accorde
est & assentus, que
les Seignors ne au-
ters ne loient my for-
barres de leur Vil-
leines per cause de
leur respons en ley.
Per force de quel es-
tatute, si aucun vil-
leine voilloit fuer
ascun maner de ad-
on a son use demes-
en ascun Countie, ou
il est for a trier en-
vers son Seignior, le
Seignior poyt eslyer
de pleader que le
Plaintife est son vil-
lein, ou de faire pro-
testation que il est son
villein, & de pleader
son autre matter en
barre. Et si ils sont
a issue, & l'issue soit
trove pur le Seignior,
donque le villein est
villeine come il fuit
devant, per force de
mesme estatute. Mes
si le issue soit trove
pur le villeine, don-
que le villeine est
franke, pur ceo que le

as well of great Lords
as of other Men, as
well of spiritual as
Temporal, fly and go
into Cities, Towns,
and Places franchised,
as into the City of
London, and other
like Places, and feign
divers Suits against
their Lords, because
they would make
themselves free by
the Answer of their
Lords: It is accord-
ed and assented, that
Lords nor others shall
not be fore-barred of
their Villeins by rea-
son of their Answer
in Law. By Force of
which Statute if any
Villein will sue any
manner of Action to
his own Use in any
County, where it is
hard to try against his
Lord, the Lord may
chuse whether he will
plead that the Plain-
tiff is his Villein, or
make Protestation that
he is his Villein, and
plead his other Mat-
ter in Bar. And if
they be at Issue, and
the Issue be found
for the Lord, then
the Villein is a Vil-
lein as he was before,
by Force of the same
Statute. But if the Is-
sue be found for the
Villein, then the Vil-
lein is free, because
that the Lord took

upon Judgment may be given.
And as the Question between
the Parties is twofold, so is
the Trial thereof: For either
it is *questio juris*, (and that
shall be tried by the Judges,
either upon a Demurrer,
Special Verdict, or Excep-
tion, for Cuilibet in sua arte
perito est credendum: Et quod
quisque norit, in hoc se exer-
ceat: And it is commonly
and truly said, Ad *questio-
nem juris non respondent ju-
ratores*) or it is *questio facti*.
And the Trial of the Fact is
in divers Sorts, whereof a
light Touch is given before,
Sect. 102. Of these a Trial
by twelve Men (here intend-
ed by Littleton) is the most
frequent and common. And
some few Rules of Law are
necessary here to be remem-
bered (for the better under-
standing of the Books of
Law hereafter) where and
from what Place, viz. de quo
vicinero, out of what Neigh-
bourhood the Jury shall come,
a necessary Point to be known:
For if there be a Mis-trial,
(that is) if the Jury com-
eth out of a wrong Place, or
returned by a wrong Officer,
and give a Verdict, Judg-
ment ought not to be given
upon such a Verdict. [42]
[a] Wherein the most general
Rule is, That every Trial
shall be out of that Town,
Parish, or Hamlet, or Place
known out of the Town, &c.
within the Record, within
which the Matter of Fact is
suable is alledged, which is
most certain, and nearest there-
unto, the Inhabitants where-
of may have the better and
more certain Knowledge of
the Fact: As if the Fact be
alledged in quadam platea vo-
cat. King-streer in Civitate
Westmonast. in Comit. Midd.
in this case the Issue can-
not come out of the Platea,
because it is neither Town,
Parish, Hamlet, nor Place
out of the Neighbourhood
whereof a Jury may come
by Law; but in this case it
shall not come out of West-
minster, but out of the Parish
of St. Margaret, because that

6 Co. 47.

5 Co. 36. b.

[a] 20 H. 6. 30.

7 H. 4. 27.

3 H. 6. 34.

17 E. 3. 56.

47 E. 3. 6.

2 Cro. 150.

Hob. 76.

513, 67.

43 H. 3. 5.

34 H. 6. 1.

7 H. 6. 27.