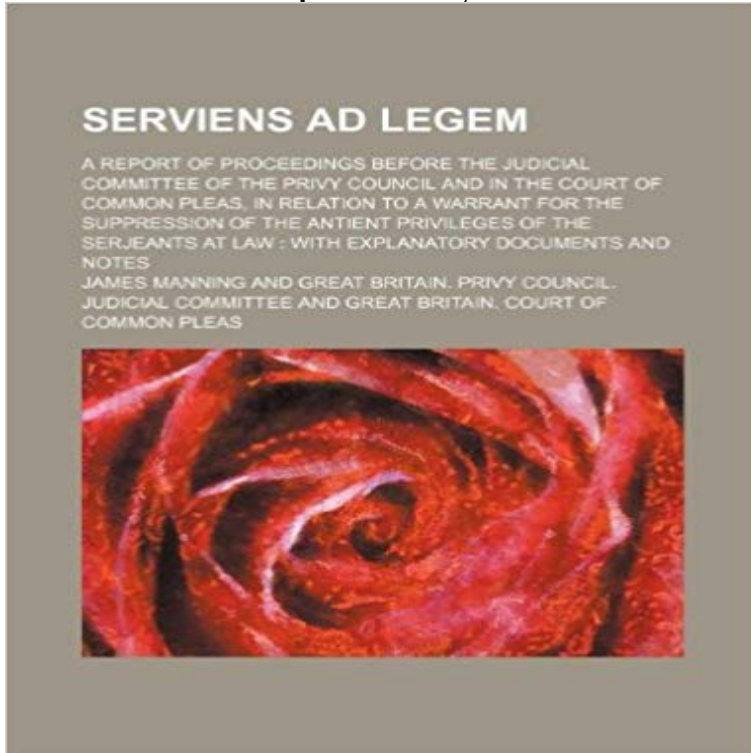


Serviens ad legem; a report of proceedings before the Judicial Committee of the Privy Council and in the Court of Common Pleas, in relation to a ... at law: with explanatory documents and



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1840 Excerpt: ... (a) Hands on Fines, 152. (6) Ante, 25. (c) See 2 Rot. Pari. 20 a. (d) That is, land sufficient to support the dignity of 13 knights, and of onethird part of a 14th knight. This fraction arises from a barony being estimated as two-thirds of an earldom, which consisted of 20 knights fees--Co. Litt. 69 b. A knights fee was not, as has sometimes been supposed, land of a definite extent or of any fixed pecuniary value. Madox, Baron. Angl. 131 m; Plac. in Domo Cap. Westm. asserv. Abbrev. 33, 50, 63; post, No. XXVII. (e) See the form, Co. Litt. 16 a. of it as would not leave an entire barony in him, he might return Appendix. the truth upon any summons to attend a subsequent parliament; but as both he and his heirs would be estopped to contradict the record by shewing that at the time of the writ and return, he had no barony, if he never had any barony, he and his heirs would sit in parliament thenceforward by estoppel. It is true, that, as the king is not bound by an estoppel (a), it would afterwards be competent to the crown to omit to summon a party who was not in truth possessed of 13-J. knights fees (6); but it would hardly comport with the dignity of the crown thus to recede from its own acknowledgment or concession (c). At the commencement of the reign of Richard II., a period long subsequent to that to which the existence of serjeants has been carried back (d), the baronage or peerage of England consisted of those few who actually held fer.dal baronies, with a much greater number who were only barons by estoppel, or by legal fiction. But, at this time, neither the real nor the fictitious baron could sit in parliament without the kings permission; for by a statute of Henry III., which has never been repealed (e), it

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was ordained, that all those earls and...

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