



EXTENT FOR DEBTS

ACKNOWLEDGEMENT OF DEBTS UNDER STATUTES MERCHANT AND STAPLE AND THE WRIT OF CAPIAS

The statute made at Acton Burnell, in Shropshire,⁴ was introduced to provide a quick means for merchants to recover their debts. It supplemented but did not supersede older methods of procedure by the action of debt-detinue, by writs of fieri facias and levari facias (described below),⁵ and by the law merchant. It made provision for the acknowledgement and registration of debts before the mayors of certain towns at the time at which the debts were contracted. Such acknowledgements were called recognizances. The original towns were London, York, and Bristol, but several more were added later. Among these additions was Salisbury, authorized in 1351,⁶ before whose mayor one debt in this volume (16) was acknowledged in 1356. The mayors were aided by royal clerks, each furnished with a special seal and all subsequent legislation made provision for such clerks and seals. Recognizances were to be entered upon a roll and also upon bonds sealed with the debtor's seal and the special royal seal above referred to.¹ If the debtor defaulted, the creditor could report the default to the mayor, who would order the sale of the debtor's goods and devisable burgage tenements, which were likewise deemed to be goods. If the debtor owned goods and such burgages outside the mayor's jurisdiction, the mayor would send the recognizances into Chancery whence a writ would be issued to the sheriff of the county where the goods and burgages were to be found. If there were no goods or burgages there, the debtor was to be sent to prison until a settlement had been reached. If necessary he was to be maintained at the creditor's expense, but then only on bread and water.

The following have references to North Tidworth:

Thomas Walwyn, gentleman, of Bishop's Lawington

2 July 30 Hen. VIII [1538].

Capias returnable in quin. of Michaelmas next [13 Oct.], sued out by Edmund Walwyn, gentleman, late of Northetydworth, to whom Thomas acknowledged £500. on 15 Nov. 25 Hen. VIII [1533] before John Fitzjames, knight, chief justice of the King's Bench, payable at Christmas then next. Like writs to the sheriffs of London. Endorsed. The sheriff has taken Thomas and put him in prison.

1 Sept. 30 Hen. VIII [1538].

Inquisition at Highworth before John Brygges, knight, by Thomas Stephyns, William Garrard, Thomas Mylle, James Chaterton, William Webbe, John Curteys, John Messenger, Thomas Dixxe, Richard Shurborne, William Baus, Walter Tayte, Robert Alyn, and John Davys.

No lands or goods in Wilts.

Information courtesy of the Wiltshire Record Society