

Manx Customary Laws.

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The following document, catalogued in the Manx Museum as "Customary Lawes" appears to be the document referred to by Deemster Parr in the sidenotes to his Abstract. Certainly, the paragraph numbers tally with the references in those sidenotes. Accordingly, this document is included as an additional source for use with Deemster Parr's Abstract.

Lawes.[1]

1. Att the first when the noble & worthy Sir John Stanley did possess the Island of Man, the tenants then havinge noe certaine tenures but taking their farmes from ye Lords officers or those that did substitute to deal & in that service, somtymes for three or five years & sometymes for more years, the rents then risinge or fallinge & at noe certayntie (as now they are) but as the said officers or yr substitutes could compound and agree with ye tenants. The inhabitants, the inhabitants of the Island did build noe houses, nor bestowe any charges for ye betteringe of yr tenemts or farmes but such as of neccesity, they must use, and therefore they provided noe windows nor doors for their said houses, but made bundells of bryers, gorse or heath - as some poore people use yet at this tyme, and therwith made upp a doore to defend them from the injuries of the weather & invasion of theeves. And in regard their strength, fences and fortificacons of the houses were such and soe week. It was provided by a law that whosoever did presume or attempt to open upp, or enter into any of their said houses, without the knowledge of ye owner thereof, & did not first speak unto and salute, and after aske leave for cominge and enteringe in, the man or woman yt did soe offend in yt case, should be taken to prison & executed as a felon, and that this lawe doth continue & is in use at this present tyme, being ye antientist customary lawe of this Island.

2. It is an antient custome that if a man marry a wife who hath or was borne to a farme and begett by her a sone or daughter although ye sd man shall after be convicted of felony or any other capital crmeand condemned for ye same, yet shall his sd sone and daughter continue & hold ye said farme because ye same descended unto them from the mother, who was free and not guilty of ye said capitall cryme, & ye lord is only interested in those & soe much goods as was properly & belonging unto him yt is convicted, but if ye farme & goods belonge & are appropriated unto ye lord although they have children who only have a propriety in ye goods of ye father or mother who is free & not guilty of ye said capitall crime.

3. After an orphan is come to lawfull years (which is 14 by our law) and desireth the restitucon and possession of his goodes, he is to goe to ye spirituall judges, who are to give a command & direcon unto the Register to deliver unto him a coppie of ye Inventorie of those goods & in whose hands & custodie they remayne, which permission hee hath gotten under the hand of ye said Regtr hee is first to goe unto those yt have his said goods & demand a restitucon thereof and if they shall deny ye same hee is againe to

goe to ye said Spirituall Judges and acquaint them therewith, procure their letters & certificate to the Deemster of their disobedience and for his assistance which when he hath seene hee thereupon without any accon is to give & grant his authoritie unto the Corr to seize restrain & take sufficient pawne from those in whose hands ye goods remayne or to whose custodie they were committed, & if hee therein shall be disobeyed, he is to make presentment of their disobedience yt ye assistance of soldiers & further authoritie may be used.

4. Also, it is an ancient law yt if a man or his wife dye, his or her creditors after their death are to prove & make to appeare to bee due their debt before ye spirituall judges & from them receive authoritie to obtayne soe much thereof as is due unto them from ye deceased whereof when the said Creditor has brought a coppie or certificate under ye hands of ye sd spirituall judges unto ye Deemster (hee without any further prooffe or evidence he is to grant authority to ye creditors to take pawne, or ditreyne upon ye goods of ye ptie lyvinge (or soe much as from ye sd pty lyvinge is due, or belongs unto him, because the pty lyvinge is subject to ye tempell & not to ye Spirituall jurisdiction.

5. If a man make sayle of a horse yt hath ye scabb, a lamenesse, or any other noysome disease, without ye knowledge of ye buyer ye sd buyer making prooffe before ye Deemster yt ye sd horse was such & soe diseased upon his receipt thereof, may returne ye sd horse to ye seller, and the Deemsters authority to obtayne ye price or consideracon ye hee gave for ye same.

6. Likewise if a man make sayle of a swyne wch after ye killinge thereof is found infected with ye leaproisie or measles ye buyer may returne it to ye seller, and by ye deemsters authorety receyve ye price or consideracon yt was given for ye same.

7. Also, if any sell mault yt (after ye brewinge thereof) is found to bee redd, to cause or provoke vomittinge or otherwise hurtfull or noysome to men by meens of ye badnes of ye mault and not ye fault of ye alye wife who brewed ye same, shee is to send word to ye seller to take & carry ye same away to his best use & if he shall refuse so to doe, hee looseth both ye ayle or ye beer & ye price of ye mault.

8. The like course & proceedinge is used & obeyned in any other thinge that is diseased & found corrupt & not marchantable for ye buyer makinge it appeare before ye deemster yt upon delivery & of receipt thereof ye same without his knowledge was either diseased or unsound or corrupt or not merchantable is to have ye deemsters authoritie to returne ye sd thinge to ye seller, & to receyve ye price or consideracon yt hee gave to ye same without any further suite, And if it may bee made to appeare yt ye seller fraudulently & deceptfully knowinge ye thinge to bee such before his sayle, & notwithstandinge made sayle thereof as a thinge good, sound and merchantable to ye losse & harme of ye buyer, hee is withall to give satisfaccon to ye buyer upon ye discrecon & conscience of ye deemster for ye chardges & losse yt thereby hee hath sustayned.

9. If a man make sayle of a thinge first to one man, to whome hee gave noe possession thereof And after the same thinge to another to whome he hath given possession of ye said thinge; he who hath possession thereof is to continue ye same, and hee had first sayle; hath onlie ye benefitt of an accon of coussenage against ye seller.

10. If there be a contract of buyinge & sellinge betwixt 2 pties, and a covenant or agreement made for ye

certayne price of ye thing bought & sould, & pte of ye sd price paid, although ye same bee but vid & ye whole 20s or more pounds, both pties are tyed to ye performance thereof. And therefore ye buyer hath an accon agt ye seller yt ye thing sold bee delivered unto him, and ye seller agt ye buyer yt ye price thereof be paid unto him.

11. If a man (sellenge a hosse, oxe, or cowe or any other thinge) deliver for or as possession thereof to ye buyer, an handfull of hay or straw, (wch is ye usuall maner or custome of ye countrey), and ye sd thinge after possession soe given miscarry or perish ye losse thereof falls or belongs to ye buyer, but if ye buyer not satisfied with yt maner of possession shall desire a present & reale possession of ye thinge bought, & ye seller neglect or refuse to doe ye same, if ye thinge then bought shall miscarry or perish any maner of way ye losse thereof falls to ye seller because he neglected & refused to give ye reale possession thereof when ye buyer willed & demanded ye same.

12. By an antient use & custome of ye Countrey yet continued noe man killenge a sheepe or weather may sell ye skin thereof before ye flesh be eaten. That ye Coroner or lockman having occasion to search it may appear unto him who was the owner thereof, and if any shall otherwise doe, hee giveth an occasion of a stronge presumption yt ye sd goods hath beene feloniously stolne & conveyed away. And thereuppon ye Coronr or lockman ought to impannell a jury for ye lord, to present ye same, yt ye Court hearinge & examinge itt, may as they shall find just cause, either order ye sd ptie to bee indited as a felon, or to bee thoroughly fined.

13. When ye Coronr shall goe to make search for stolne goods, wch by his oath & offise hee is tyed & bound to doe 4 tymes in ye yeare or upon ye suite or motion of any other who hath his goods feloniously conveyed away hee hath full authoritie to goe unto ye houses or chambers of any. And there make search in their coffers or what is contayned within ye said house or chamber, and if in yt service hee shall bee opposed or resisted, he or shee yt shall therein oppose or resist him are taken holden & reputed (by an ancient custome of ye countrey) guilty of felonie & ought thereof to be indited. And if any inhabitant in this service shall deny or refuse to assist him, hee charginge & commandinge them in ye lords name & behalf to assist & ioyne with him they are both to bee punished & fined.

14. If a man suspected of felonie & questioned for ye same lyve in one pah & ye ptie yt doth suspect & question ye said man in another, ye jury of inquisition must bee equally chosen & appointed in both ye sd pshes.

[2]15. By an antient custome all those tenants yt doth adioyne to ye fell, mountaynes or ye lords comons, are to make, mantayne & repare ye hedges & fences thereof, they are to be presented by ye grand jury & fined for ye same, And by ye same custome it hath always been provided yt all ye gorse whins or heath yt doth grow & ioyne to ye sd hedge soe farr as a man from ye same can throw or case his heath or gorse hooke, shall bee reserved for ye mainteynance of ye sd hedge. And it any thereof shall presume or attempt to cutt, pull or carry away any of ye sd gorse, whinns or heath yt groweth within ye sd lymitt or compass unless it bee for ye use of ye sd hedge, hee is to bee presented & fined.

16. It is alsoe an antient custome yt all those yt send or dryves any goods, to ye lords commons or mountaynes or keepeth any goods in ye sumer or carries or draweth any turfes linge heath or any other

comodetie from it, shall give to ye tenant yt mantayneth ye lydgate through wch they passe & repasse, one halfe penny every seventh yeare for ye mantaynance of ye sd lydgate.

[3]17. It is alsoe an antient custome yt ye lords wast rent shall bee sett upon such as paying noe rent have been borne on his owne land, or ye Barons, if they have served on ye lords land one yeare, and for this end yt if they (after being tenants shall bee convicted of any capitall offence or otherwise transgresses ye law they by ye sd wast rent may be knowne to be longe to ye lords jurisdicon and ye benifitt of their goods or fines accordinge to ye qualety of their offence to bee taken & seized on for ye lord.

[4]18. By ye like antient custome the Barons tenants are to repaire & mantayne ye meere hedge deviding the lords land from ye Barrons & betwixt him & ye lords tenant provided yt for ye manteynance and rapaccon thereof hee shall bee permitted & authorised to cut sodds or earth on ye lords side, soe farr as (ioyninge his hele to ye said hedge) hee can reach with his spade holding his foote thereon.

19. The moare of the present yeare is to bee of ye settinge quest for ye yeare followinge, because hee is left acquainted with ye estate, condicon & abillity of every severall tenant within his psh & can informe ye rest of his fellowes who are of sufficencie & abillitie for ye paymt of ye lords rent & who they are doubtfull of what they may enquire those to put in & produce sufficient securitie for ye paymt of ye said rent, or if they cannot, to provide a new tenant.

[5]20. If any tenant havinge his house on ye lords land shall remove and depte from thence hee may take & carry from ye sd house the doores thereof but soe many of ye sd doores as shall be found to have hung upon iron hinges, may not bee removed.

[6]21. It standeth otherwise with ye Abbey Tenants for if they remove, howsoever ye doores of their houses be hunge, they may by ye antient custome of ye land carry them away as alsoe ye whole rooffe, windows & what els may bee usefull.

[7]22. If a man indebted shall acknowledge his debt before ye deemster, Coronr or lockman being before them ye deemster without any accon grant a present execution against ye ptie and if shall confesse but pte thereof, for soe much as hee shall confesse an execution is granted, and ye rest referred to bee tryed & ruled by way of accon.

[8]23. If a farmr (uppon creditt) shall make sayle of barlie, mault, wheet or any other grayne or corne, to a townsman or any other pson, wch hee is forced to doe to permite ye payment of ye lords Rent, although ye ptie yt brought ye same shall deny ye debt & price of ye sd grayne or corne, yet the sd farmer or seller of ye sd corne by an antient custome of ye land upon his owne oath given & ministered by ye deemster without further prooffe or testimonie, hath ye price of ye sd corne censured & judged unto him with ye grant of a present execution provided yt there shall goe before a presumpon of ye truth of ye sd oath, and ye deemster out of his discrecon religion & knowledge, approve of ye honestie of ye deponent.

[9]24. The deemster alsoe by an antient custome upon ye complaynt of a servant for want of his wages is to cause ye master of ye servant to come before him, and if hee cannot give good satisfacon unto him, that he hath made payment of ye sd servants wages, nor shew inst & lawfull cause wherefore hee withholdeth ye same; The deemster (uppon ye bare oath of ye said servant administered unto him before his sd

master) is to grant a present execution against him, for soe much as ye sd servant hath deposed to bee detayned from him.

25. This alsoe may bee done by ye Coronr at ye psh church where both ye meister & servant lyveth by ye discrecon of ye deemster, or at ye steele or gate of ye sd church yard, ye Coronr is to minister an oath unto ye said servant & certifie ye deemster how much of his wages hee hath desposed to bee detayned from him by his said maister, that there upon an execution may bee granted.

26. If a man doe enter an accon for goods or cattle in ye tempall court, & ye ptie deffendt dye before a censure, ye sd accon dyeth with him also. And ye sd plant must renew his suit, and remove his accon to ye spirituall Court where ye same is to receive a censure, but if ye said accon bee for lands, notwithstanding ye death of ye deffendt, ye same continueth & admitteth a censure in ye tempell court.

[10]27. If a man move a suite, hee is to acquaint ye deffent thereof before hee enter his accon wch if he shall neglect to doe, ye sd deffendt offeringe & being ready to give satisfacon before censure, whether ye plant accept or refuse ye same, is free from ye fyne & charges of ye Court thereby.

28. If there be 2 ptnrs or 2 halfe owners in a fishing boate, and ye one of them unwillinge to continue ptner with ye other, the deemster upon his complaynt is to authorise him to preize ye sd boate and offer to give free choise & liberty unto his other ptner or fellow owner, either to accept or take ye whole boate payinge unto him ye sd complaynt halfe ye price thereof, or els to accept the sd halfe price & deliver unto him the whole boate, and if hee deny this to doe ye Coronr is to cast lotte betwixt them, and accordinge to their lott, to enjoyne ye one to accept halfe ye price, & ye other ye whole boate.

29. If an antient tenant milne bee out of repair or want water, whereby it cannot grind the tenants corne yt is brought to ye same, ye owner of ye sd milne, takinge his toll or multure out of ye sd corne (being ye 24th pt thereof) is uppon his own charges to carry ye sd corne to another milne, & there to grind ye same without any further multure, and after carry ye same againe to his own milne, where ye tenant is to recieve it.

[11]30. If there bee a wast unrented place yt doth adioyne to ye gable of a mans house, that hath therein neither doore nor window, any man whatsoever havinge before procedured ye governrs license, and proved ye same to be unrented by ye grandjurie, may build in or uppon ye same place, and adioyne his house to ye same gable and lay place or sett his rafters uppon ye same payinge halfe ye charges of ye sd gable unto ye owner thereof, upon ye judgmt of two or 4 masons indifferently choosen to price and esteeme ye same.

[12]31. If a man shall lend corne, meale, tymber, borrd, planks, hay, iron or any other thinge ye doth consist of nomber, weight or measure to bee repaid in ye same or ye yeare followinge uppon a certayne day or tyme nominated & agreed upon, The ptie who borrowed any of those thinges is then at ye seide tyme or in ye said year, tyed, obliged and bound to repay & restore such like & of ye same goodne as hee borrowed, although ye price of those thinges bee much more at yt tyme, than they were when hee did borrow ye same, and if ye borrower shall unjustly deny ye paymnt & restitucon of ye sd things unto ye lender at or upon ye tyme agreed upon, and force him ye sd lender to recover ye same by suite of law wch peradventure cannot bee ended before ye yeare followinge, when ye sd thinges borrowed are fallen

to a lower or lesser rate then it was when either be borrowed, or should have repaid ye same; yet shall ye sd borrower repay & restore to ye lender ye full price & estimacon whereat ye thinge borrowed was when hee should & ought to have repaid ye same.

[13]32. If any man have his corne eaten, or receyve germe by ye goods of another, hee is to acquaint there with who is ye owner of ye said goods, if they bee in his own custodie, or any other yt hath taken ye sd goods to pasture for hyre or payment, and shall will & move him bringe or send 2 honest & indifferent men, to view, see & censure ye harme & losse done, who ioyninge with other two like honest & indifferent men yt ye ptie who hath sustayned ye losse, shall bringe or send after they have well seen & considered ye losses and harmes are to esteeme & valew them as their best judgmts & consciences shall direct them. But if hee who is & ought to give or make satisfacon, shall refuse or neglect to send 2 such men ye Coronr or lockman upon ye motion or desire of him yt hath received ye losse, is to comand & charge 4 indifferent men, to view, see, consider & valew ye said harme & losse, and accordinge to their estimation thereof satisfacon is to bee made & given by authority from ye Deemster.

33. And in this case if hee who is guilty of ye sd losse harme or trespas shall dye before satisfacon bee give his heyre, executr or successor is tyed & obliged to ye performance thereof, to him, his heyre or executr yt hath sustayned ye same. But if ye ptie who hath sustayned ye losse shall be willinge to referr ye estimacon thereof to ye oath of ye ptie who is guilty of ye sd losse or ye ptie to ye oath of him who hath sustayned ye same (as oft & usually is done) it is sufficient without ye viewinge of men or their vallinge their losse & harme. Likewise if a man hath sustayned losse in his grasse or pasture by another, hee is to receive satisfacon for ye same in one & ye same maner as for his corne.

34. If ye cowe or oxe of one man shall kill ye cow or oxe of another wee observe in this cause ye civill law of Moses as is expressed in ye 21 chapter of Exodus verse 35 36.

35. If a man shall kill yee beast or cattle of another either by blowes, stroakes, by famyne in keepinge ye goods soe longe within ye house or elsewhere, yt they dye & persh, or any other maner or means whatsoever. The sd beast or cattle are to be viewed and seene by 4 iudicious & indifferent men & satisfacon given to ye owner of them as their discrecon & conscience shall direct them.

36. If a man bee beaten by another, either by his fist, staffe or weapon, or bee defamed by scandalous words or infamous libels or hand violence offered him within his house hee may and ought to have an accon of injurie against ye sd ptie, but if hee ye sd ptie dye before ye ptie wronged hath comenced suite against him, ye sd ptie wronged can have noe accon against his heyre & executor.

37. If an oxe, bull, cow or horse, or any other beast whatsoever, shall kill or bee ye immediate cause of ye death of a man, woman or child, that oxe, bull, cow, horse or beast (although ye same did belonge to ye tenants of any of ye Barons, or to ye Barons themselves) doth fall & become propy & due to ye lord.

38. Hee yt through error or mistake shall assume to himself or use ye goods of another whether ye same bee lambe, shepe or weather or any other thinge whatsoever, is not to be indited for ye same, but only to give satisfacon or to make resitucon because ye theft may not bee comitted but with a purposse & intention of steeling & ye said law in our language is called Murraine wch signifies a mistake, notwithstandinge a jury passeth thereupon to examine & find out ye truth.

[14]39. Whereas there is a law or statute yt if any man shall dye posest with free & debtles goods to ye value of 20s viis therof is to be paid thereon for a corpresent. That law or statute is to bee understood thus and ye sd goods in his sort & maner are to bee esteemed & valued by antient custome of ye countrey a draught oxe at 5s, a milke cow at 5s viii, sheepe at 5s a boule wheate 12d a boule barley 3d & all other goods accordinge to this precedent rateing.

[1]Side note. Customarie Law.

[2]Side note. Fell hedge.

[3]Side note. wast rent

[4]Side note. Bar fencing agt ye Lo.

[5]Side note. Tent removeing of Lo-Land.

[6]Side note. Tents removeing of

[7]Side note. Debt acknowledged

[8]Side note. Corne sold how recovered

[9]Side note. Servts wages how recovered

[10]Side notes. Deffent offeringe satisfacon before an accon is commenced.

[11]Side notes. And ye corne of Ministers: proctors cottage mould workmen &c.

[12]Side note. Borrowings how to be pd.

[13]Side note. Trespasses viewd.

[14]Side note. This corrected 1643 & entered in Statute.