and requiring like Remedy, is found none, the Clerks of the Chancery shall agree in making the Writ; (4) or the Plaintiffs may adjourn it until the next Parliament, and let the cases be written in which *they cannot agree, and let them refer themselves until the next Parliament, by Consent of Men learned in the Law, a Writ shall be made, lest it might happen after that the Court should long time fail to minister Justice unto Complainants.

remedio concordent clerici de cancellaria in brevi faciendo vel atterminent querentes in proximo parleamento & scribant casus in quibus concordare non possunt & referant eos ad proximum parleamentum & de consensu juris **126** peritorum fiat breve ne contingat decetero quod curia diu deficiat querentibus in justitia perquirenda.

A Writ of Nusance. Rast. 405. 2 Inst. 404. Rast. 441. 6 R. 2, c. 3. 9 Co. 55. *Quod permittat.* Rast. 538. Regist. 32. Rast. 419. Coke pla. 399. 14 Ed. 3, 17. Rast. 123. Fitz. Entry, 3, 7, 8, 10, 61, 64, 67, 68, 69, 74. Co. Litt. 54 b.

It was observed by Serjeant Copley in arguing Romilly v. James, 6 Taunt. 263, that the only instance of this Statute having been acted on is that of the writ *in consimili casu*, for remedy in the case of alienation in fee by tenant for life or by the curtesy, which is framed as closely as possible on the model of the writ *in casu proviso*, which extended only to alienation by tenant in dower. However, a great variety of new precedents of writs, in cases before unprovided for, are given by the Statute of Westminster 2, itself. The first parts of the Statute are not in force.

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## CAP. XXXI.

### An Exception to a Plea shall be sealed by the Justices.

When one that is impleaded before any of the Justices doth alledge an Exception, praying that the Justices will allow it, which if they will not allow, if he that alledged the Exception, do write the same Excep-

Cum aliquis implacitatus coram aliquibus justitiariis proponat exceptionem & petat quod justitiarii eam allocent quam si allocare noluerint si ille qui exceptionem proponet scribat illam exceptionem &