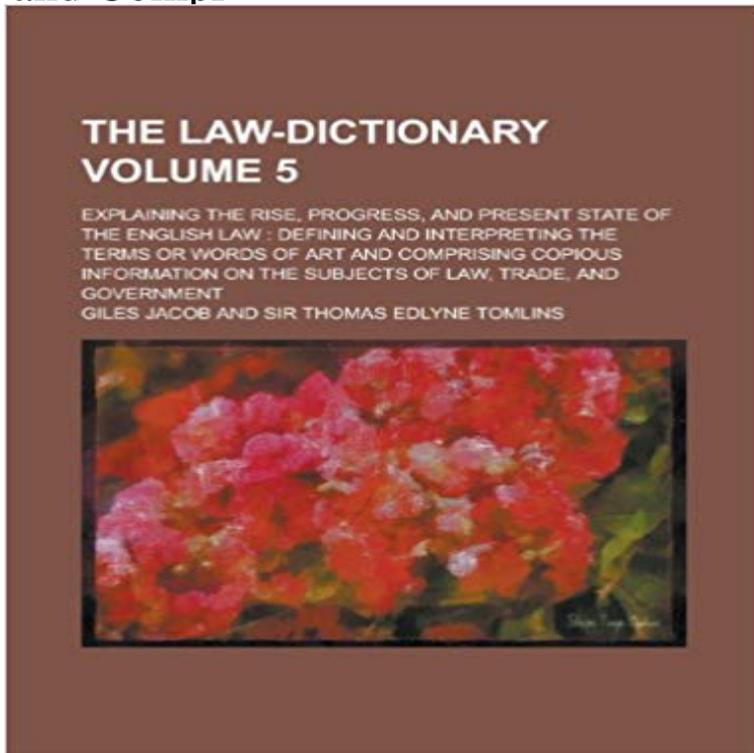


The Law-Dictionary; Explaining the Rise, Progress, and Present State of the English Law: Defining and Interpreting the Terms or Words of Art and Compr



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1811 edition. Excerpt: ...had by him, it appears that there is a surplusage, or that he is charged with more than he could receive, he hath his Prefers paid or allowed him again. Hales Sher. Account, 52. See title Sher riff. There is a writ de attornato vicecomitis pro profro faciendo. Reg. Orig. 139. And we read of Prefers in the stat. 32 H. 8. c. 21; in which place Profer signifies the offer and endeavour to proceed in an action. See Brit. c. 28: Fleta, lib. 1. c. 38. PROFER THE HALF-MARK, To offer or tender the Halfmark. See title Halfmark. PROFERT IN CURIA. Where the Plaintiff in an action declares on a deed, or the defendant pleads a deed, he must do it with a Profert in curia, to the end that the other party may at his own charges have a copy of it, and until then he is not obliged to answer it. 2 till. Abr. 382. And if a man pleads by virtue of an indenture, which is lost, on affidavit made thereof, the Court will compel the plaintiff to shew the counterpart, that the defendant may plead thereto; or will grant an imparlance. Cro. Jac 429. When he who is party or privy in estate or interest, or who justifies in the right of him who is party or privy, pleads a deed; notwithstanding the party privy claims but part of the original estate, yet ha must shew the original deed. But where a man is a stranger to a deed, and claims nothing in it, &c. there he may plead the patent or deed, without a Profert in curia. 10 Rep. 92, 93. A man may claim under a deed of uses, without shewing it: because the deed doth not belong to him, (though he claims by it), but to the covenantees, and he hath no means to obtain it; and for that it is an estate executed by the statute of uses, so as the party is in by law, like to tenant in dower, or by statute, ?sy. who

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