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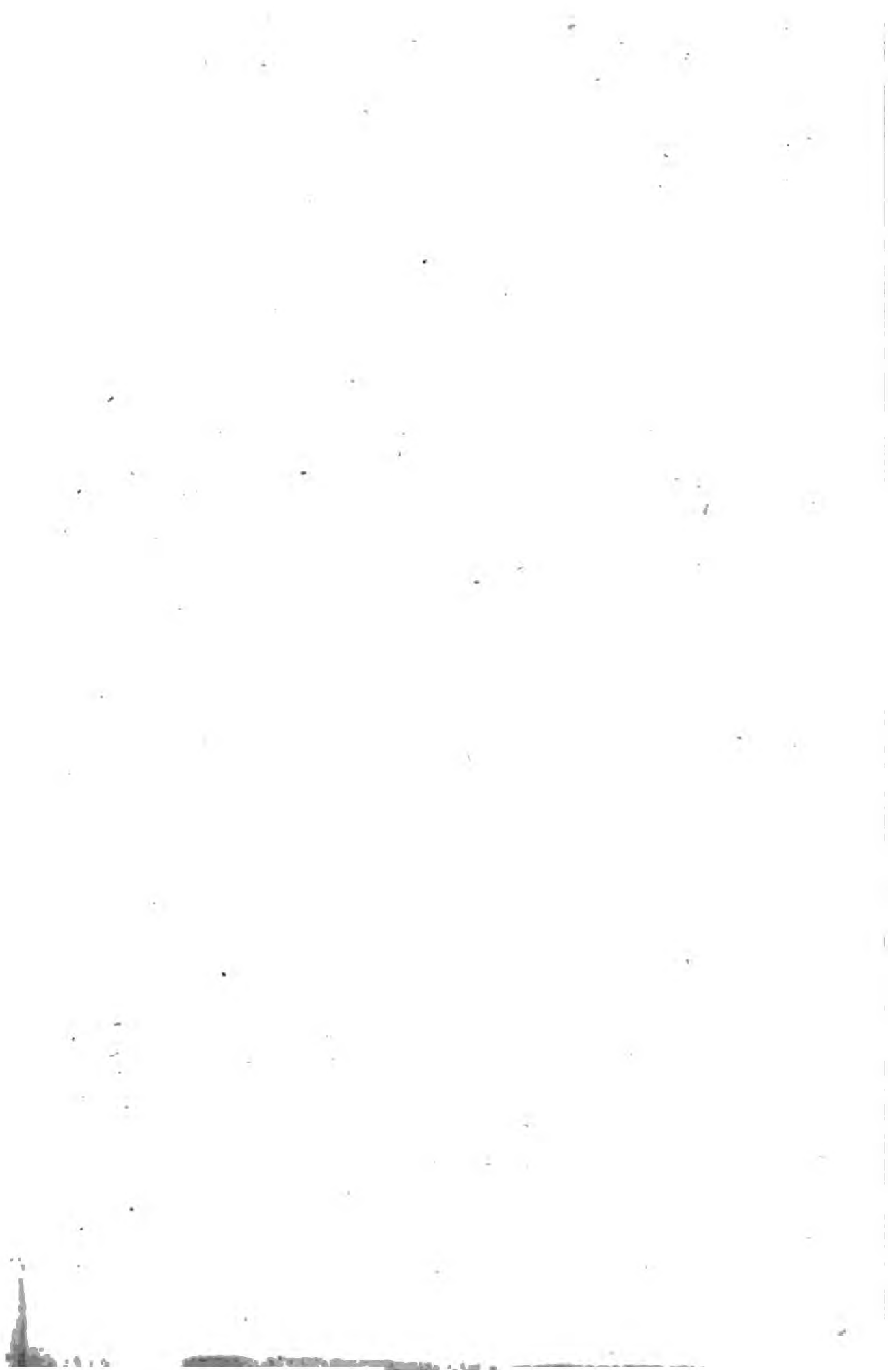
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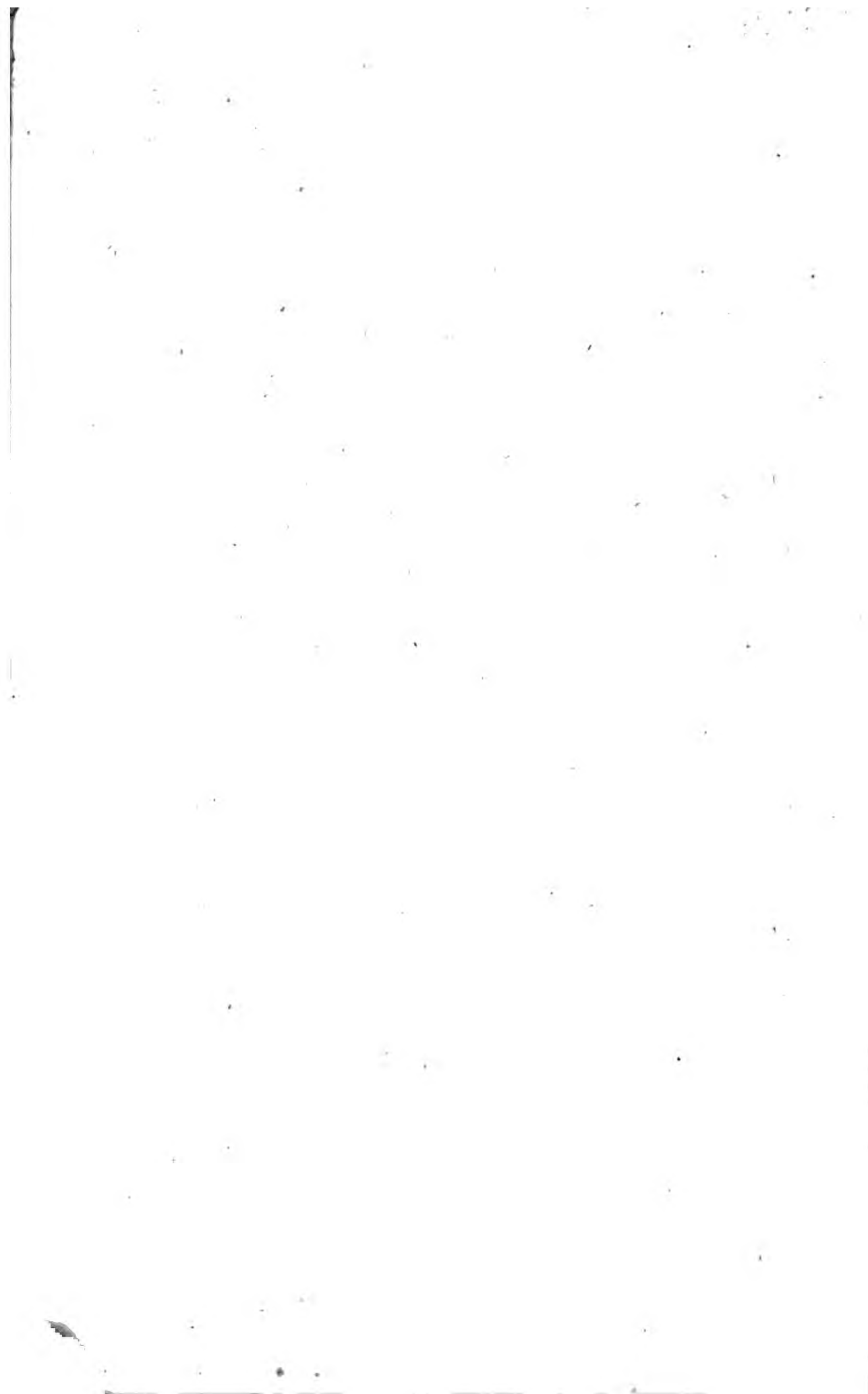
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THE
Statutes at Large,

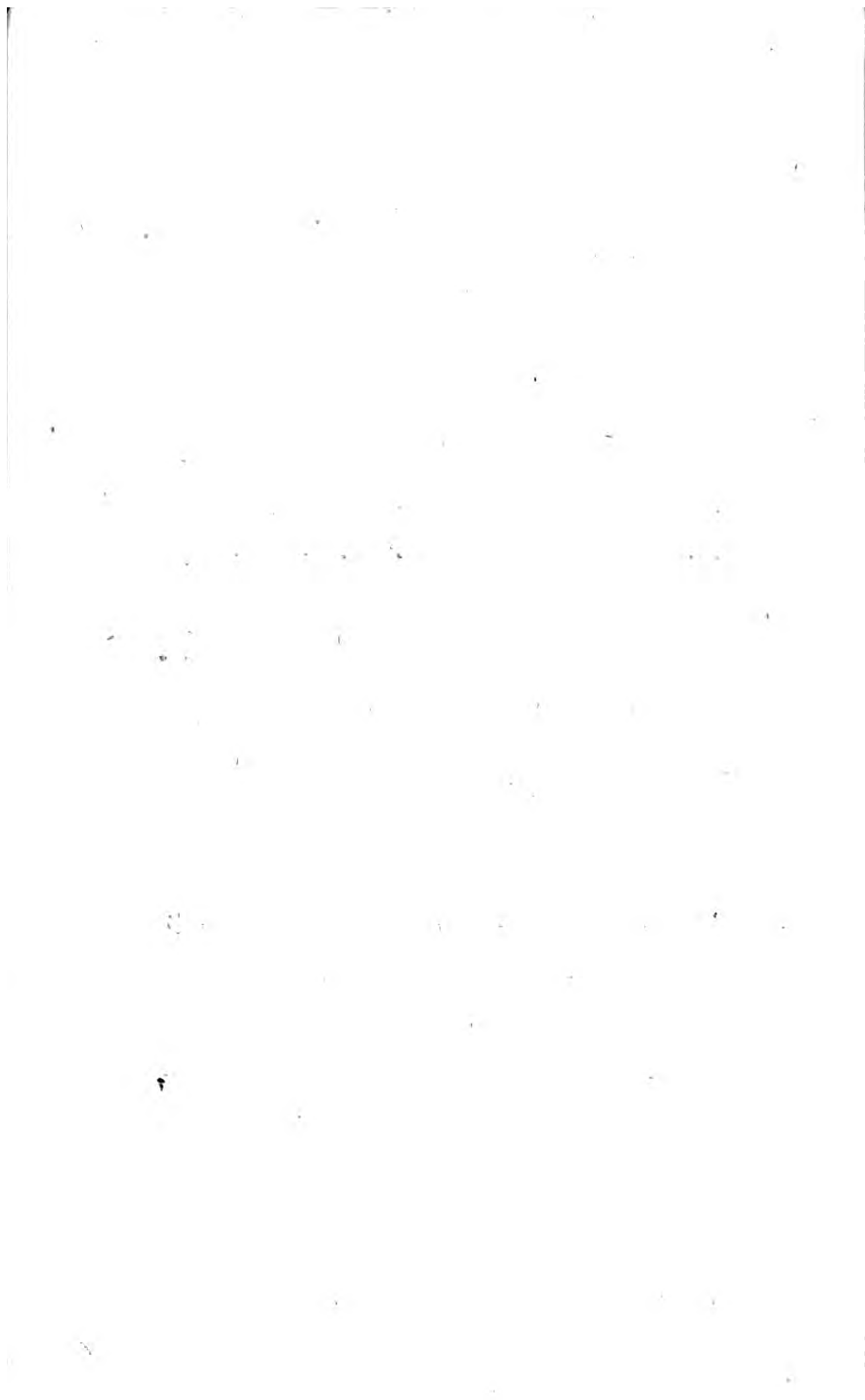
From the First Year of K. HEN. V.

TO

The 22d Year of King EDW. IV. inclusive.

BY

DANBY PICKERING, of GRAY'S INN, Esq;



THE
Statutes at Large,

FROM THE
First Year of King HENRY V.

TO THE ⁹²⁹¹
Twenty-second Year of King EDW. IV. inclusive.

To which is prefixed,
A TABLE containing the TITLES of all the STATUTES
during that Period.

V O L. III.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

C A M B R I D G E,

Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's
Church in Fleet-Street, London. 1762.

CUM PRIVILEGIO.



TABLE of the STATUTES,

Containing the Titles of all such Acts as are extant in print,
from the 1st year of K. HENRY V. to the 22d of
K. EDWARD IV. both inclusive.

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- Cap. 1. Concerning elections of knights, citizens and burgeses of parliament.
- Cap. 2. A confirmation of former statutes against wears, kiddels, &c.
- Cap. 3. Against forgers of deeds.
- Cap. 4. That sheriffs bailiffs shall not be in the same office in three years after, nor be attornies.
- Cap. 5. That the defendant's addition shall be given where process of outlawry lieth.
- Cap. 6. That *Welchmen* shall take no revenge against the *English* pursuers in the late rebellion.
- Cap. 7. Against aliens taking any benefices in *England*.
- Cap. 8. Against *Irishmen* repairing to *England*.
- Cap. 9. That the revenues of *Calais* shall be employed to the maintenance thereof.
- Cap. 10. By what measure purveyors shall take and buy corn.

Anno 2 Hen. 5. stat. 1.

- Cap. 1. Power given to ordinaries to enquire of the government of hospitals.
- Cap. 2. Concerning writs of *Certiorari*, or *Corpus cum causa*, granted for persons in execution.
- Cap. 3. For granting a copy of the libel in the spiritual court.
- Cap. 4. Concerning the office of a justice of the peace and of labourers.
- Cap. 5. For process against felons dwelling in *Tyndal* or *Examsbire*.

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- Cap. 6. Breaking of truce or safe conducts shall be high treason.
- Cap. 7. Against *Lollards* and other hereticks.
- Cap. 8. For suppressing riots, routs, and unlawful assemblies.
- Cap. 9. Against those who commit felony and flee into an unknown place.

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- Cap. 1. What sort of persons shall be justices of peace.
- Cap. 2. For wages of priests.
- Cap. 3. For the sufficiency of jurors.
- Cap. 4. Concerning goldsmiths, and gilding of silver ware.
- Cap. 5. To prevent rebellions, felonies, &c. by *Welchmen*.
- Cap. 6. Concerning exportation of merchandises of the staple.

Anno 3 Hen. 5. stat. 1.

- Cap. 1. Felony to import any sort of money forbidden by former statutes: and for abolishing Gally half-pence, fuskins and dotkins.

Anno 3 Hen. 5. stat. 2.

- Cap. 1. A confirmation of liberties, franchises, &c. and all statutes not repealed.
- Cap. 2. Concerning abbots and priors being suitors to certain courts baron.
- Cap. 3. Britons not made denizens shall depart the realm.
- Cap. 4. Against provisions, &c. of a benefice full of an incumbent.
- Cap. 5. Concerning attaints upon a false verdict given in the city of *Lincoln*.

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Cap. 6, and 7. Against clipping, washing, or filing of money.

Cap. 8. Concerning fees for probates of testaments.

Anno 4 Hen. 5.

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Cap. 2. For allowance upon sheriffs accounts, of things casual.

Cap. 3. Concerning patten-makers.

Cap. 4. Against excessive wages of servants in husbandry.

Cap. 5. A confirmation of the statutes, made 5 H. 4. cap. 7, and 9. How merchants strangers shall be used, and hosts appointed for them.

Cap. 6. Concerning benefices, &c. granted to *Irishmen*.

Cap. 7. In what cases letters of marque may be granted.

Cap. 8. The King's pardon.

Anno 5 Hen. 5.

Abbots and others may make their attornies until the next parliament.

Anno 7 Hen. 5.

Against indicting men in the county of *Lancaster*, for offences in a place where there is none such, and against makers, &c. of false deeds.

Anno 8 Hen. 5.

Cap. 1. That parliament writs awarded in the name of the King's lieutenant shall not be stayed by the King's return from *France* into *England*.

Cap. 2. Concerning bullion to be brought to the mint by merchants of the West.

Cap. 3. Concerning gilding and sil-
vering of things.

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Cap. 1. Concerning appeals and indictments.

Cap. 2. Concerning the forfeiture by persons outlawed in *Lancashire*.

Cap. 3. Concerning protections for

such as served the King in *Normandy*.

Cap. 4. Concerning amendment of records or process after judgment.

Cap. 5. For making sheriffs and cheators.

Cap. 6. Concerning the mint and coinage at *Calais*.

Cap. 7. Against offenders in *Ridedale*, &c. in *Northumberland*.

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Cap. 9. Religious persons shall not be appointed to collect dismes or subsidies out of their county.

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Cap. 11. No *English* gold shall be received in payment but by the King's weight.

Cap. 12. Concerning *Rocheſter* bridge.

Anno 9 Hen. 5. stat. 2.

Cap. 1. A confirmation of all statutes not repealed, made concerning money.

Cap. 2. Concerning the King's exchanges of money in *London*.

Cap. 3. For payment of good money at the King's exchanges.

Cap. 4. For bringing the money received for the exchange to the Tower.

Cap. 5. Concerning the mint at *Calais*.

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Cap. 7. For the weight of gold money.

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Cap. 9. Concerning exchange to the court of *Rome*.

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Cap. 1. The King's council may assign money to be coined in as many places as they will.

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- Cap. 2. For proclamations of the statutes of purveyors.
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- Cap. 6. For revival of the statute of the 9 *Hen. 5. c. 9.* concerning exchanges to the court of *Rome*.
- Anno 2 Hen. 6.*
- Cap. 1. A confirmation of the liberties of the church and of all cities, boroughs, &c.
- Cap. 2. concerning the rights of the hospital of *St. Leonard* in *York*.
- Cap. 3. That *John* duke of *Bedford* being in the King's service in *France*, shall be received to defend his right by attorney.
- Cap. 4. For the staple at *Calais*.
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- Cap. 6. Against exportation of gold and silver.
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- Cap. 8. *Irishmen* resorting to *England* shall put in surety for their good abearing.
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Concerning the reverfal of outlawries against persons in the King's service.
The justices shall remove nuisances in the *Thames*.
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- Cap. 12. Concerning the duty of the officers of the mint.
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For punishment of labourers, &c. taking unreasonable wages.
- Cap. 15. Against nets and engines in the *Thames* and other rivers.
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- Cap. 17. Persons indicted of high treason, escaping out of prison, shall be adjudged traitors.
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- Cap. 1. Against chapters and assemblies of masons.
- Cap. 2. Against the exporting of sheep.
- Cap. 3. Against concealing of the King's customs.
- Cap. 4. Concerning the transportation of butter and cheese.
- Cap. 5. Concerning the river *Ley*, running from *Ware* to *Thames*.
- Anno 4 Hen. 6.*
- Cap. 1. Concerning the duty of sheriffs and for the returning of writs.
- Cap. 2. For protections of such as served in the King's wars in *France*.
- Cap. 3. For amendment of records.
- Cap. 4. Against abatement of processes against certain that were late made knights.
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- Cap. 3. Concerning the wages of labourers, &c. and penalty for taking more.
- Cap. 4. Concerning the election of knights, &c. of the parliament.
- Cap. 5. For commissions of sewers.

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- Cap. 1. For the privilege of the clergy coming to the convocation.
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- Cap. 3. Concerning fewers.
- Cap. 4. Against giving liveries and retainers.
- Cap. 5. For a common balance and weight to be in every city, &c. and against the buying of woolen yarn.
- Cap. 6. Against casting threatening bills into houses.
- Cap. 7. Concerning the election of knights of the parliament.
- Cap. 8. Concerning the wages of labourers, &c.
- Cap. 9. Against forcible entries.
- Cap. 10. Concerning process upon indictments and appeals against persons dwelling in foreign countries.
- Cap. 11. Concerning apprentices taken by the citizens of *London*.
- Cap. 12. For amendments and against embezzeling of records.
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- Cap. 14. Against felons that hide themselves in woods, &c.
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- Cap. 20. Concerning inhabitants of *Calais* buying staple goods.
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- Cap. 22. Against forcing, clacking, or bearing of wools.
- Cap. 23. Against the exportation of woolen thrums.
- Cap. 24. Against payments in gold made to merchants aliens.
- Cap. 25. That the mayor of the staple shall continue two years in his office.
- Cap. 26. Against defendants making default in assises, &c. to put any mayors, lords, &c. from their jurisdiction.
- Cap. 27. For the free navigation of the *Severn* by the inhabitants of *Tewksbury*.
- Cap. 28. For erecting two bridges over the waters of *Burford* and *Culhamford* in the county of *Oxford*.
- Cap. 29. For inquests *de medietate linguæ* where an alien is party.
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- Cap. 1. For the adjournment of assises and *Nisi prius* during the parliament.
- Cap. 2. That *English* merchants may sell to aliens, giving them only six months credit.
- Cap. 3. A confirmation of the attainder of *Owen Glendower*.
- Cap. 4. That executors, &c. shall maintain an *Idemptitate nominis*.
- Cap. 5. For free navigation by all men in the river of *Severn*.
- Cap. 6. Concerning the right of weighing of the borough of *Dorchester*.
- Cap. 7. Against extortion by the sheriffs, &c. of *Herefordshire*.
- Cap. 8. The weight of a wey of cheese.
- Cap. 9. For granting a commission to cleanse and amend the river *Ley*.
- Cap. 10. Concerning attorneyes in courts baron for abbots and religious persons.
- Cap. 11. Proclamations to be made before a writ of bastardy shall be awarded.
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- Cap. 3. For reprisal of goods taken by the subjects of *Denmark*.
- Cap. 4. Against any false entry of appearances by philizers or other officers.
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- Anno 10 Hen. 6. stat. 2.*
- Concerning the wages of the King's judges, serjeants, &c.
- Anno 11 Hen. 6.*
- Cap. 1. Against the stewholders in *Southwark* being impanelled upon juries or keeping any inn or tavern but there.
- Cap. 2. Against naming of sheriffs disseisors in assise.
- Cap. 3. That an action, &c. shall be maintainable against the pernor of the profits.
- Cap. 4. The plaintiffs in attainr shall recover their costs and damages.
- Cap. 5. That he in the reversion may have waste against the pernor of the profits.
- Cap. 6. No suit pending before any justices, &c. shall be discontinued by a new commission.
- Cap. 7. A revival for three years, of the statute of the 9 *Hen. 6. c. 7.* against extortion by the sheriffs of *Herefordshire*.
- Cap. 8. A confirmation of all the statutes for true weights and measures.
- Cap. 9. For the length and breadth of cloths called streits.
- Cap. 10. He that sues to an execution upon a statute, shall find surety to satisfy both the King and the party.
- Cap. 11. For punishment of assaults made on persons coming to the parliament.
- Cap. 12. Concerning wax chandlers.
- Cap. 13. A confirmation for three years, of the statute of the 8 *Hen. 6. c. 18.* concerning the staple at *Calais*, and selling there for ready money.
- Cap. 14. Against shipping staple merchandises in creeks.
- Cap. 15. For the discharge of merchants that have paid their custom.
- Cap. 16. Against customers making blank cockets to merchants,
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- Cap. 1. That justices of *Nisi prius* may give judgment where one is either attainted or acquitted.
- Cap. 2. Concerning licences for shipping of wools, &c.
- Cap. 3. For holding the assizes for the county of *Cumberland* at *Carlisle*.
- Cap. 4. Justices of the peace in *Middlesex* may keep their sessions but twice in the year.
- Cap. 5. For the forfeiture of staple merchandises shipped in creeks, &c.
- Cap. 6. For aliens to sell victuals in gross or retail.
- Cap. 7. That merchandises taken in enemies ships, though belonging to foreigners in amity, shall not be restored.
- Cap. 8. For suspending the statute against breakers of truce, &c.
- Anno 15 Hen. 6.*
- Cap. 1. Where in suit before the steward and marshal of the King's house, the defendant may plead that the plaintiff or he are not of the King's house.
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- Cap. 3. Concerning safe conducts.
- Cap. 4. None shall sue a *subpœna* until he find surety to satisfy the

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- Cap. 5. Concerning the sufficiency of jurors returned in writs of attainder.
- Cap. 6. Against unlawful orders made by guilds and other companies.
- Cap. 7. That religious persons may make attornies in certain courts, &c.
- Cap. 8. Against shipping merchandises of the staple, but at wharfs assigned, &c.
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- Cap. 1. Letters patents shall bear the date of the King's warrant delivered into the chancery.
- Cap. 2. They who have gavelkind lands to the yearly value of twenty pounds may be returned in attainders.
- Cap. 3. For exportation of butter and cheese to other places than *Calais*.
- Cap. 4. Against merchants aliens selling merchandises here to other merchants aliens, &c.
- Cap. 5. Concerning collectors of dimes and fifteens.
- Cap. 6. No lands shall be granted by letters patents before the King's title be found.
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- Cap. 8. What things are requisite to make the King's safe conduct good.
- Cap. 9. Concerning entries by exigentors and philizers.
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- Cap. 11. What yearly value in lands a justice of peace ought to have.
- Cap. 12. Appeals or indictments supposed in a place where there is none such, shall be void.
- Cap. 13. Concerning forfeitures on outlawries in the county of *Lancaster*.
- Cap. 14. Against bribery in making of arrays and panels of juries.
- Cap. 15. Against the carriage of wools to other places than to *Calais*.
- Cap. 16. That there shall be but one measure of cloth through the realm.
- Cap. 17. For gauging vessels of wine, oil and honey.
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- Cap. 2. Concerning the forfeiture on outlawries in the county of *Lancaster*.
- Cap. 3. That robberies, &c. by the borderers in *Wales* shall be high treason.
- Cap. 4. Concerning duties to be paid for carrying wools to any other place than the staples.
- Cap. 5. That no customer, comptroller, &c. shall have a ship of his own, use merchandise, keep a wharf or inn, or be a factor.
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- Cap. 7. For the forfeiture of goods brought from *Wales* into *England* and not customed.
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- Cap. 9. The order of trial of countesses, &c. by their peers.
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- Cap. 11. For taking away the pain of high treason in case of breaking truces and safe conducts.
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- Cap. 3. Concerning the exportation of woollen thrums.

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Cap. 8. That no one shall be sheriff, under-sheriff, or sheriff's clerk, above one year, except the city of *London*.

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Cap. 10. Against sheriffs ferming their bailiwicks, committing extortion, &c.

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Anno 27 Hen. 6.

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Cap. 2. Concerning purveyors.

Cap. 3. The King's pardon to sheriffs, &c. for occupying their places above a year.

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Cap. 3. For repealing patents of exemption, &c. granted to citizens of *York*.

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- Cap. 3. Concerning the exportation of merchandises of the staple from *Newcastle* to *Calais*.
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- Cap. 5. Against the importation of merchandises of the duchy of *Burgundy*.
- Cap. 6. Concerning merchants aliens employment of their money upon commodities of this realm.
- Cap. 7. Concerning cordwainers in *London*, or within three miles thereof.
- Cap. 8. Concerning horners in the city of *London*.
- Cap. 9. Concerning patten-makers.
- Cap. 10. That the passage of pilgrims shall be only at *Dover*.
- Cap. 1. A remedy for executors against servants that embezzle their masters goods after his death.
- Cap. 2. A repeal of the statute of the 31 *H. 6. c. 6.* concerning outlawries in *Lancashire*.
- Cap. 3. Against extortions committed by officers of the exchequer.
- Cap. 4. Concerning brewers in *Kent*.
- Cap. 5. Against the importation of wrought silk belonging to the mystery of silk women.
- Cap. 6. Concerning the abbot of *Fountain* in *Yorkshire*.
- Cap. 7. Concerning the number of attorneys in *Norfolk*, *Suffolk*, and *Norwich*.

Anno 39 Henry 6.

- Cap. 1. A repeal of all the acts of the parliament held at *Coventry*, 20 die *Novembris*, anno 37 *H. 6.*
- Cap. 2. That women of the age of 14 years, at the death of their ancestors, shall have livery of their lands.

Anno 1 Edw. 4.

- Cap. 1. What acts done by King *Henry IV.* *K. Henry V.* and *K. Henry VI.* shall continue good, and what not.
- Cap. 2. Concerning process upon indictments and presentments in sheriffs tourns,

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- Cap. 1. Concerning the exportation of wools, fells, shorlings, &c.
- Cap. 2. Against the importation of corn until it shall exceed certain prices.
- Cap. 3. Against the importation of wrought silk, concerning the mystery of silk-workers.

Anno 7 Edw. 4.

- Cap. 1. Concerning worsted weavers in the city of *Norwich* and the county of *Norfolk*.
- Cap. 2. Concerning cloths made in the hundreds of *Lifton*, *Tavistock*, and *Rowburgh* in *Devonshire*.
- Cap. 3. Against the exportation of woolen yarn, or cloth unfulled.
- Cap. 4. Concerning grants made by the King.
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- Cap. 1. Concerning the dimensions, &c. of woolen cloths.

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Cap. 3. For the payment of a subsidy granted to the King during his life.

Cap. 4. Concerning liveries to be given by the prince of *Wales*.

Cap. 5. Concerning the exportation of wools.

Cap. 6. Concerning the sewers.

Cap. 7. Against wears and fish-garths.

Cap. 8. The chief governors only of cities, &c. shall have the searching and surveying of victual, and patents to searchers and surveyors of victual shall be void.

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Cap. 2. Concerning protections of such as go in the King's wars.

Cap. 3. Concerning the exportation of wools and fells.

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Cap. 2. For courts of Pie-powders.

Cap. 3. Against unlawful games.

Cap. 4. Concerning the making of tile.

Cap. 5. Concerning the sealing of cloths.

Cap. 6. That the old sheriff may execute his office during the residue of *Michaelmas* and *Hillary* term, after his year ended, if he has not before his writ of discharge.

Cap. 7. A repeal of the parliament held *anno 9 Ed. 4.* and *49 Hen. 6.*

Anno 22 Edw. 4.

Cap. 1. An act concerning apparel.

Cap. 2. Concerning the packing of barrell'd fish.

Cap. 3. Concerning filk-workers.

Cap. 4. For limiting the price of bows.

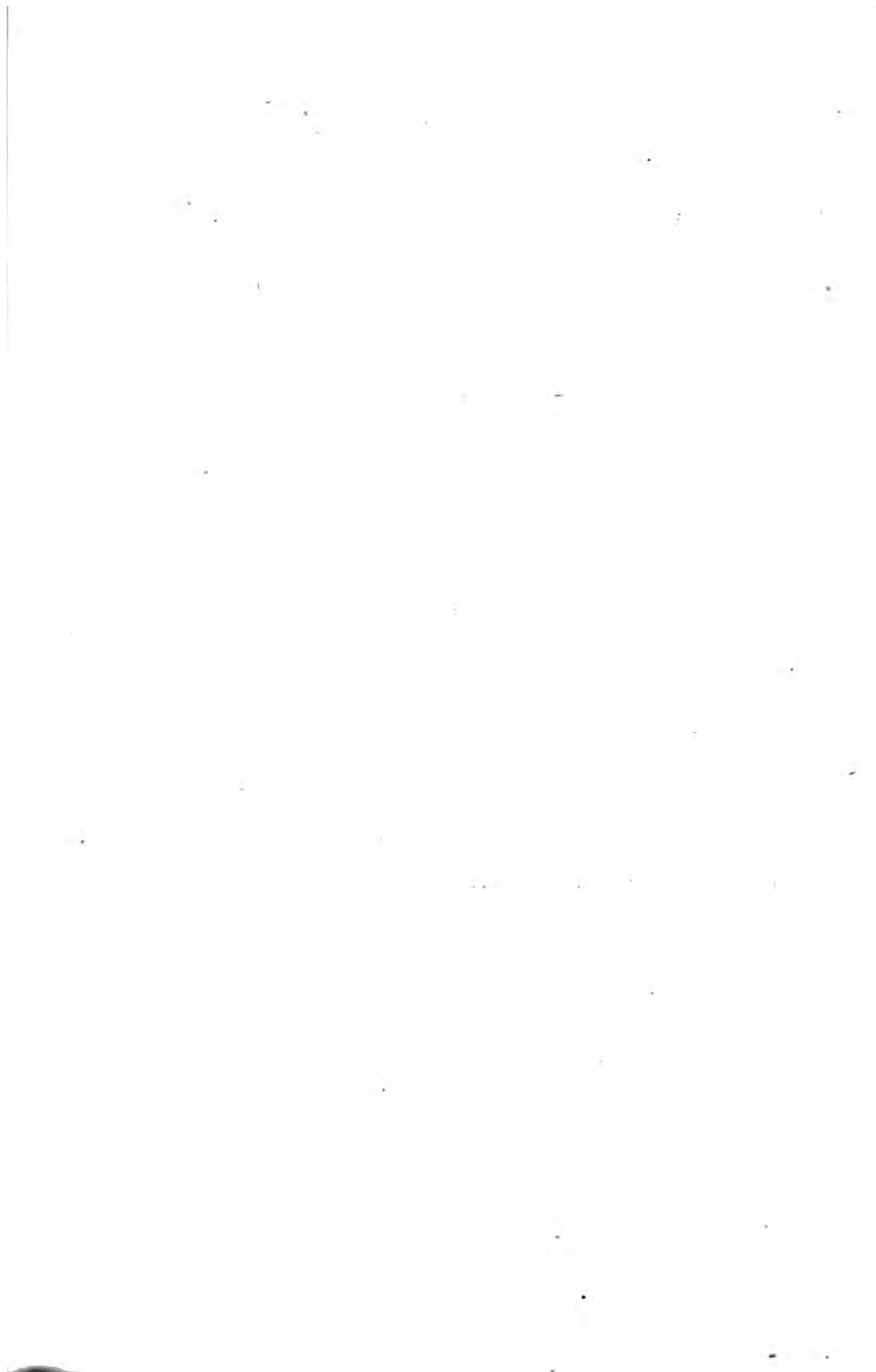
Cap. 5. Concerning the fulling of hats and caps.

Cap. 6. Concerning swans.

Cap. 7. An act for inclosing woods in forests, chases, and purlieus.

Cap. 8. Concerning the town and freemen of *Berwick*.

The End of the TABLE.



THE
STATUTES at Large, &c.

Anno primo H E N R I C I V.

Statutes made at *Westminster* in the first year of the reign of King HENRY the Fifth, and in the year of our Lord 1413.

NOSTRE feignur le Roy a son parlement tenuz a Westm' a les trois semaines de Pasche lan de son regne premiere de ladvis & assent des feignurs espirituelx & temporelx & a les especialx instance & request des communes de son roialme ad ordeignez & establiz diverses ordinaunces & estatuts en la fourme que seute.

OUR lord the King, at his parliament holden at Westminster in the third week of Easter, the first year of his reign, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of this realm, hath ordained and established divers statutes and ordinances in the form following.

C A P. I.

What sort of people shall be chosen, and who shall be the choosers of the knights and burgeses of the parliament.

PRimerement que les estatutz faitz de la election des chivalers des countees pur venir au parlement soient tenuz & gardez en toutz pointz adjoustant a ycelles que les chivalers des countees que desores ferrount esluz en chefcun countee ne soient esluz s'ils ne soient reseautz deinz les countees ou ils ferrount issint esluz le jour de la date du brief de somons de parlement et que les chivalers & esquiers & autres qui serrount eslifours des tielx chivalers des countees soient auxi reseautz deins mesmes les countees en maniere & fourme come dessus est dit. Et outre ceo ordeignez est & establiz que

les

FIRST, That the statutes of the election of the knights of the shires to come to the parliament, be holden and kept in all points; (2) adjoining to the same, That the knights of the shires which from henceforth shall be chosen in every shire, be not chosen unless they be resident within the shire where they shall be chosen the day of the date of the writ of the summons of the parliament; (3) and that the knights and esquires, and others which shall be choosers of those knights of the shires, be also resident within the same shires, in manner and form as is aforesaid. (4) And

more-

Raft. 446.

What persons shall be chosen and who shall be the choosers of the knights, citizens and burgeses for the parliament.

7 H. 4. c. 15.
 10 H. 6. c. 2.
 21. 6. c. 15.

moreover it is ordained and established, That the citizens and burgeses of the cities and boroughs be chosen men, citizens and burgeses resiant, dwelling and free in the same cities and boroughs, and no other in any wise.

les citeins & burgeises des citees & burghs soient esluz hommes citeins & burgeises reseautz demurrauntz & enfraunchises en mesmes les cites & burghs & nulles autres en nulle manere.

CAP. II.

A confirmation of former statutes touching wears, mills, kidels, &c.

1. Ed. 1. stat. 4.
 3. c. 2.
 4. Ed. 1. c. 11.

ITEM, because that great complaint hath been made to our said lord the King in this present parliament, for that the statutes made in the time of his noble progenitors Kings of England, of the levying and straiting of wears, mills, stanks, stakes, and kidels, be not kept according to the form and effect of the same statutes, to the great damage of the people of the realm of England; (2) our said lord the King that now is, by the advice and assent of the lords spiritual and temporal, and at the request of the said commons, will and grant, That the said statutes and ordinances be surely holden and kept, and put in due execution.

ITEM pur ce que grande compleinte ad este faite a nostre dit seigneur le Roy en le dit parlement de ce que les estatutz faitz en temps de ses nobles progenitours de les enhanceur & estreiture des gors des moleyns estankes estakes & kidoux ne sont pas tenuz ne gardes solonc les fourme & effect de mesmes les estatutz a graunt damage du poeple & du roialme mesme nostre seigneur le Roy de ladvis & assent suifditz & a la request des dites communes voet & graunte que les ditz estatutz soient ferment tenuz & gardes & mys en due execution.

CAP. III.

The penalty for forging or publishing a false deed.

Ex edit. Rast.
 Conspiracy.
 of
 false deeds.
 1. Edw. 1. 110. b.

ITEM, whereas many of the King's liege people which have manors, lands, or tenements, by purchase or by descent of inheritance or in any other manner, intending to be in peace and rest in their said tenures as they were wont to be, divers evil disposed persons, some of their own head, and some by false conspiracy and covin, subtilly imagine and forge of new divers false deeds and miniments, and them do openly to be pronounced, published, and read, to trouble and change the lands of good people of the country, and to undo and trouble the possessions and titles of the said King's liege people, by the which imagination and falsity many of the aforesaid liege people be troubled and vexed, and at all times abiding in doubt of their possessions and estate: our sovereign lord the King willing to purvey a remedy in this case, by the advice and assent aforesaid, and at the request of the said commons hath ordained and established, That the party so grieved shall have his suit in that case, and recover his damages, and the party convict shall make fine and ransom at the King's pleasure.

Rep. 5 Eliz.
 c. 14.

CAP.

CAP. IV.

Sheriffs bailiffs shall not be in the same office in three years after. Sheriffs officers shall not be attornies.

ITEM pur ceo qe les lieges nostre seignur le Roy nosent my purfuir ne compleindre des extorsions & oppressions a eux faitz par les ministres des viscountes cestassavoir par southviscountz clerks des viscountes resceyvours & baillifs des viscountes a cause qe les ditz southviscountes clerks resceyvours & baillifs des viscountes sount sy continuelment de an en an demurrauntz ovesqe les viscountes enterchaungeablement en un office ou en autre nostre seignur le Roy de ladvis & assent suisdit & a la request des ditz communes ad ordeignez & establiz qe ceux qi sount baillifs des viscountz par un an ne soient en nul tiel office par les trois ans proschein ensuantz forspris les baillifs des viscountes queux sont enheriteez en leur viscountees et qe nul southviscount ne clerk de viscount resceivour ne baillif de viscount soit attourne en aucun court de Roy pur le temps qil est en office au aucun tiel viscount.

ITEM, for as much as the King's liege people dare not pursue or complain of the extorsions and of the oppressions to them done by the officers of sheriffs, that is to say, by under-sheriffs, clerks of sheriffs, receivers and bailiffs of sheriffs, because that the said under-sheriffs, clerks, receivers, and bailiffs be continually, from year to year, abiding with the sheriffs interchangeably out of one office into another; (2) our lord the King, by the advice and assent aforesaid, and at the request of the said commons, hath ordained and established, That they which be bailiffs of sheriffs by one year, shall be in no such office by three years next following, except bailiffs of sheriffs which be inheritable in their sheriffwicks. (3) And that no under-sheriff, sheriff's clerk, receiver, nor sheriff's bailiff, be attorney in the King's courts during the time that he is in office with any such sheriff.

The sheriffs bailiffs shall not be in the same office three years after.

Sheriffs officers shall not be attornies.

CAP. V.

In which original writs additions of the defendants names shall be put.

ITEM ordeignez est & establiz qen chescun brief original des actions personex & appellees & enditementz en queux exigend' ferra agardez qa les nouns des defendautz en tieux briefs originalx appellees & enditementz soient faitz additions de leur estat ou degree ou de mistere & les villes ou hamelles ou lieux & les countees des queux ils furent ou

ITEM, it is ordained and established, That in every original writ of actions personals, appeals, and indictments, and in which the exigent shall be awarded, in the names of the defendants in such writs original, appeals and indictments, additions shall be made of their estate or degree, or mystery, and of the towns, or hamlets, or places, and counties;

6 Co. 67.
Cro. El. 198.
Cro. Jac. 610.
Dyer, 46.
Bro. Addit. 4.
5, 7 ---- &c.
1 Show. 16.
3 Mod. 139.

In original writs wherein exigent shall be awarded, additions of the defendants names shall be put.

Hob. 129. Surplusage of additions shall not prejudice. Mod. cases in law, 52.

8 H. 6. c. 12.
5. El. c. 23.

of the which they were, or be, or in which they be or were conversant; (2) and if by process upon the said original writs, appeals, or indictments, in the which the said additions be omitted, any utlagaries be pronounced, that they be void, frustrate, and holden for none; (3) and that before the utlagaries pronounced, the said writs and indictments shall be abated by the exception of the party, where in the same the said additions be omitted. (4) Provided always, That though the said writs of additions personals be not according to the records and deeds, by the surplusage of the additions aforefaid, that for that cause they be not abated; (5) and that the clerks of the chancery, under whose names such writs shall go forth written, shall not leave out, or make omission of the said additions as is aforefaid, upon pain to be punished, and to make a fine to the King, by the discretion of the chancellor. (6) And this ordinance shall begin to hold place at the suit of the party, from the feast of St. Michael next ensuing forward.

ou sount ou en queux ils sont ou ferront converfauntz. Et si par processe sur les ditz briefs originalx appellees ou enditementes en queux les ditz additions soient entrelessez aucunes utlagaries soient pronunciez qils soient voidez irritez & tenuz pur null & qe avaunt les utlagaries pronunciez les ditz briefs & enditementes soient abatuz par exception du partie par la ou en icelles les ditz additions soient enterlessez. Purveux toutfoitz qe mesqe les dites briefs dactions personelx ne soient accordauntz as records ou faits par la superplusage des additions suiffditz qe pour celle cause ils ne soient abatuz et qe les clerks de la chauncellerie south qi noms tiels briefs isserount escriptz ne enterlessent ne facent omission des ditz additions come dessuis est dit sur peyne destre puniz affaire fyn a Roy par discretion de chancellor. Et comencera ceste ordinance a tenir lieu a seute de partie de la fest de Seint Michel proschein enavaunt.

C A P. VI.

No Welshman shall take revenge against those Englishmen which did pursue their friends in the late rebellion.

Ex edit. Raft. Wales.

ITEM, whereas in the time of this rebellion of Wales, many of the King's lawful liege people as well Englishmen as Welshmen have been in divers parts of Wales upon the correction of rebels, there by the commandment of the same our sovereign lord the King and his council, at the which time some of the said rebels as well on horseback as on foot, found armed in making of war against their faith and liegeance were slain, and some maimed, beaten, wounded, taken and imprisoned, their goods and chattels carried away by the said liege people for the cause aforefaid, as it was well lawful, according as by our said sovereign lord the King and his council afore this time hath been ordained in this behalf, and that notwithstanding many of the said rebels being yet alive, and other next of blood to these rebels so dead with their friends

friends now daily make quarrels and great pursuit against the said faithful liege people, dwelling or resident in these parts, and in the shires being next to Wales surmising in them, that they such things as is aforesaid, to themselves or to their cousins or friends falsely have done, by the which they demand of the said faithful liege people high amends, threatening that they otherwise would be of that avenged, whereby the said faithful liege people be many times sore and grievously vexed in many parts and lordships of Wales, some of them by indictments, accusements or impeachments, and some by menaces distresses taken, and some by their body taken and imprisoned, until that they have made gree to them in this behalf, or that they would them excuse of the death of such rebels so slain by one assache, after the custom of Wales, that is to say by the oath of three hundred men, and of all such other trespasses before specified them acquit: to the great damage and destruction of the said faithful liege people, and evil example in time to come: it is ordained and established, That such quarrel, action, and demand be not made from henceforth by art nor by engine, to any of the faithful liege people, by any of them, which have been rebels, nor by their adherents, be he cousin, ally, or friend, nor by any other, upon pain to pay to the party grieved his treble damages, and to be imprisoned by two years after that he be convict: and moreover to make fine and ransom in this behalf before that he be delivered out of prison.

CAP. VII.

A confirmation of the statute of 13 RICH. 2. c. 3. restraining aliens to accept any benefices in England.

ITEM, whereas in the parliament holden at Westminster, in the Aliens.
time of King Richard the Second, the xiii. year of his reign it was ordained, That no alien Frenchman should have nor enjoy any benefice within this realm for certain cause, which might come or happen, but that they should be delivered and voided for ever out of the realm before a certain time in the said ordinance limit, as in the same is plainly con- Benefice.
tained. And that at what time that any priories aliens conventual or any other benefice or office due by the King's title, do void by the departing or death of the said priors and other occupiers, that then there should be during the wars, honest English persons put in their place to accomplish the divine service, and none of the enemies aforesaid. And notwithstanding the said ordinance, the said aliens Frenchmen, by evil imagination and brocage to continue the evil mischiefs of the said ordinance, purchase the King's letters patents to be denizens and the King's liege people and swear the same to continue, to the intent to occupy and enjoy the said benefices, and so yet occupy many benefices against the said ordinance, whereby these aliens Frenchmen be increased, in destruction of the King's liege people, and bear away out of the realm great treasure of the King's and of the realm's: and the King's counsel disclose to the enemies of France, to the great damage of the King and his realm: our sovereign lord the King considering the said mischiefs, will that the said ordinances be firmly holden and kept, and put in due execution, except the priors aliens conventual, and also all other priors which have institution and induction, so that they be ca-
tholick,

tholick, and that they shall find surety, not to disclose nor cause to be disclosed the counsel nor the secrets of the realm.

C A P. VIII.

All Irishmen and Irish clerks beggars, shall depart this realm before the first day of November, except graduates, serjeants, &c.

Irishmen and
Irish clerks
beggars.

ITEM, for the quietness and peace within the realm of England, and for the increase and enstoring of the land of Ireland, it is ordained and established in this present parliament, That all Irishmen and Irish clerks beggars, called chamberdeacons, be voided out of the realm, betwixt the feast of St. Michael next coming, and the feast of All Saints next following, upon pain to lose their goods, and to be imprisoned at the King's pleasure: except such as be graduates in the schools, and serjeants and apprentices of the law, and such which be inheritors in England, and religious persons professed, and except also the merchants born in Ireland of good name, and their apprentices now dwelling in England, and them with whom the King will dispense. And that all the Irishmen which have benefices or offices in the land of Ireland, shall dwell upon their offices or benefices for the defence of the land of Ireland, aforesaid.

1 H. 5. c. 3.
2 H. 6. c. 8.

C A P. IX.

The revenues of Calais shall be employed to the maintenance of it.

Calais.

ITEM, forasmuch as in the time of the noble King Edward the Third, and of King Richard the Second, all the revenues, profits, and commodities of the lands, tenements, fishing customs, and all other profits, to the said Kings belonging, in the town and marches of Calais, it was ordained to be levied by the treasurer of Calais, for the time being in supportation of the charges of the same town and marches, and since which time a great part of them have been restrained by virtue of the said letters patents to divers captains and many other persons, as well by the said King Richard as by our redoubted sovereign lord King Henry the Fourth, father of our sovereign lord the King that now is, to them thereof made, whereby some by colour of farm not reasonable, and other without any thing thereof yielding, to the great damage of the realm of England, and hindrance of the payments for the sustentation of the said town and marches to be done. And also forasmuch as divers offices of the collectors of money coming of the said revenues, customs, profits, and commodities, which the said treasurer of Calais, in the time aforesaid, ordained and assigned to sufficient persons, for whom he would answer, to tarry and be removed according as to him shall best seem to the King's profit, have been afterwards against the ancient ordinances and the statute in the parliament thereof made, by divers letters patents to divers persons as well by the said King Richard, as by our sovereign lord King Henry aforesaid, to them thereof made for term of their lives and otherwise occupied, and by colour of the said letters patents, some of them (as it is said) do the more negligently their services, without being justified by the treasurer aforesaid, to the great damage and hindrance of the payments aforesaid in times past: our so-
vereign

vereign lord the King willing to eschew such damages in time to come, by the advice and assent aforesaid, and at the request of the said commons, will and hath ordained and established, That all the letters patents made to captains and other persons, whatsoever they be, as well of all manner of rents, lands, tenements, customs, fishings, and all other revenues, profits, and commodities in the said town and marches, as of the offices of collectors of all rents, customs, revenues, profits, and commodities to them thereof made before this time against the ordinances aforesaid, be wholly revoked and adnulled, and that the said revenues, profits and commodities, be resumed into the hands of our sovereign lord the King, and put upon the sustentation of the payments and charges to the said town and marches belonging. Provided always, That my lord *Thomas* duke of *Clarence*, brother of our sovereign lord the King, be not restrained by this ordinance and statute of any of his possessions in the said marches. And that no captain of castles there be put out of the said castles, nor keeping of the same by force of this ordinance or statute.

Letters patents.

C A P. X.

By what measure purveyors and others shall take and buy corn.

ITEM, whereas in the time of the King's noble progenitors it was ordained, That one measure of the corn should be through all the realm of *England*, that is to say, eight bushels for the quarter, and that every bushel shall contain eight gallons, by force of which ordinances such measure hath been used, with a bushel of the said quarter heaped: (2) and notwithstanding the said good ordinances and usages, the purveyors of corn as well for the house of the father of our lord the King, as for the house of our lord the King, which now is, have taken before this time for the said houses continually nine bushels of wheat, and of other corn for the quarter, and that many times by measure not sealed, and also not stricken, against the will of the sellers of the same, and without due price set upon the same after the law of the land, and also cause the sellers to carry the said corn to what place that them pleaseth, without paying for the carriage: (3) and the merchants and citizens of *London*, do use to take of every seller for the quarter of wheat nine bushels by the measure, used within the said city called the *Fate*, with the bushel set upon the said fate, and yet make the sellers to pay a halfpenny for the measuring of every quarter, and take for a quarter of oats ten bushels, whereby the buyers of the corn in the country will not buy nor take for the quarter of corn, but in the same manner as the said purveyors, and they of the said city used to take, to the great hindrance and perpetual undoing of the commonalty aforesaid:

London measure called the Fate.

II. It is ordained and established, That all the said good ordinances be firmly holden and kept, after the effect of the same. (2) And that no purveyor of our lord the King, nor any other shall

By what mea-
sures purvey-
ors and others
shall take and
buy corn.

4 Ed. 3. c. 3.
25 Ed. 3. stat. 5.
c. 1.
36 Ed. 3. c. 2.
11 H. 6. c. 8.
11 H. 7. c. 4.
12 Car. 2. c. 24.

use hereafter to buy nor to take any corn by other measure, but eight bushels striked for the quarter; and that none be otherwise bound to deliver for the quarter but eight bushels striked as is aforesaid, and also that the payment be made in hand for the carriage. (3) And that if any purveyor of our lord the King, or any other person buy or take any corn otherwise, or by other measure but eight bushels striked for the quarter, as in the said ordinances is contained, and thereof be attainted, he shall have one year's imprisonment, and pay to the King an hundred shillings, and to the party that feeleth himself grieved another hundred shillings, and that as often as any of them be thereof attainted; (4) and that the party which will sue, have an action grounded upon the case, (5) and that the justices of the peace have power to enquire and hold plea of all these things aforesaid, and upon that make punishments as is aforesaid, as well at the suit of the King, as of the party: (6) and that from henceforth nothing be taken for the measuring of such corn in any wise.

Statutes made at *Leicester*, Anno 2 HEN. V. stat. 1.
and *Anno Dom.* 1414.

OUR lord the King, at his parliament holden at Leicester the last day of April, the second year of his reign, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of his realm in the same parliament assembled, hath ordained and established divers ordinances, declarations, and statutes made in the form as followeth.

NOstre seigneur le Roy a son parlement tenuz a Leycestr' le darrein jour de April lan de son regne seconde de ladvys & assent des seignurs esperituelx & temporelx & a les especiales instance & request des communes de son roialme en mesme le parlement esteantz ad ordeigne & estable diverses ordinances declarations & estatutz en la fourme qensuyt.

C A P. I.

Ordinaries shall inquire of, and reform the estates of hospitals.

The causes of
the erection
of hospitals.

FIRST, forasmuch as many hospitals within the realm of England, founded as well by the noble Kings of this realm, and lords and ladies both spiritual and temporal, as by divers other estates, to the honour of God and of his glorious mother, in aid and merit of the souls of the said founders, to the which hospitals the same

EN primes pur taunt qe plusieurs hospitalx dedenz le roialme dEngleterre fouduz sibien par les nobles Rois de mesme le roialme & seignurs & dames esperituelx & temporelx come par autres de diverses estates al honneur de Dieu & de sa gloriouse meere en aide & merit des almes de les

les ditz foundours as queux hospitalx mesmes les foundours ont donez grandement de lour biens moebles pur ledifications dicelles & grandement de lour terres & tenementz pur ent sustener viegles hommes & femmes lazars hommes & femmes hors de lour sennes & memories povres femmes enseintez & autres povres & la nurrir relever & refresser en ycelles sont ore pur la greindre partie enchiez & les biens & profitz dicelles par diverses persones esprituelx & temporelx retraitz & despenduz en autri oeps paront pluseurs hommes & femmez ont moruz en grand meschief pur defaute de eide vivre & socour al displeifance de Dieu & perill des almes de tieux malveis despendours le Roy nostre seignur tressoverain considerant les meritories & devoutes ententes de les foundours avaunt ditz & auxi les malveis & insolent governance en ycelles euz del advis & assent susdit ad ordeigne & establie qe quant as hospitalx queux sont del patronage & foundation le Roy les ordenairs par vertue des commissions le Roy a eux adressez enquergent del maner de la fundacion des ditz hospitalx & de la governance & estat dicelles & de toutes autres matiers en ceste partie necessairs & boisoignables & lenquisitions ent pris certiffient en la chauncellerie le Roy. Et quant as autres hospitalx qi sont dautri fundacion & patronage qe de Roy les ordenairs enquergent del manere de la fundacion estat & governance dicelles & de toutz autres maters & choses boisoignables celle partie & sur ce facent ent correction & reformation
selonc

*same founders have given a great part of their moveable goods for the buildings of the same, and a great part of their lands and tenements, therewith to sustain impotent men and women, lazars, men out of their wits, and poor women with child, and to nourish, relieve, and refresh other poor people in the same, be now for the most part decayed, and the goods and profits of the same, by divers persons, as well spiritual as temporal, withdrawn and spent in other use, whereby many men and women have died in great misery for default of aid, living, and succour, to the displeasure of God, and peril of the souls of such manner of spenders: (2) the King our sovereign lord, considering the meritorious and devout intents of the founders aforesaid, and the unaccustomed government in the same, hath by the advice and assent aforesaid, ordained and established, that as to the hospitals which be of the patronage and foundation of the King, the ordinaries, by virtue of the King's commissions to them directed, shall inquire of the manner and foundation of the said hospitals, and of the governance and estate of the same, and of all other matters necessary and requisite in this behalf, and the inquisitions thereof taken shall certify in the King's chancery. (3) And as to other hospitals which be of another foundation and patronage than of the King, the ordinaries shall inquire of the manner of the foundation, estate, and governance of the same, and of all other matters and things necessary in this behalf, and upon that make thereof correction and reformation according to
the*

Ordinaries shall inquire of and reform the foundation, estate, and government of hospitals.

the laws of holy church, as to them belongeth.

selonc les loies de seinte esglise come a eux appartient.

CAP. II.

A Corpus cum causa, or Certiorari to remove him who is in execution at another man's suit.

F.N.B. 242.

ITEM, forasmuch as many men have been condemned in the courts of our lord the King, and in the courts of his progenitors, as well within the city of London, as in other cities and boroughs within the realm of England, and by the virtue of such condemnations have been committed to the prison of our lord the King, there to remain until they have made agreement to the plaintiffs to whom they were condemned; (2) after by their suggestion made in the chancery of our lord the King, they have had divers writs called Certiorari, and Corpus cum causa, out of the chancery of our said lord the King, directed to the sheriff, or keepers of the prisons where such persons condemned be holden, to have their bodies, with the cause of imprisonment of the condemned aforesaid, in the chancery, at the days contained in the said writs; (3) after which writs, together with the body, and the cause of the condemnation, returned in the chancery aforesaid, the said persons so condemned have been delivered in the chancery aforesaid, by bail or by mainprise, or enlarged without bail or mainprise, against the assent and will of the said plaintiffs, and without any agreement made to the said plaintiffs of the sums in the which they be condemned, against the law of the land; and so remain the said plaintiffs without remedy, in hindrance of the state of such plaintiffs, and in defeating of the judgments given in the courts a-

ITEM pur ceo que plusieurs gentz ont estez condempnez en les courtz nostre dit seigneur le Roy & en les courtz de sez nobles progenitours si bien deinz la Citee de Londres come en autres citees & burghs deinz le roialme dEngleterre & par vertue de tielx condempnations ont estez commis a la prisone nostre seigneur le Roy pur y demorer tanqe ils ont fait gree as pleintifs vers queux ils furent condempnez & apres par lour suggestions faitz en la chauncellerie nostre seigneur le Roy ont euz diverses briefs appellez Certiorari corpus cum causa hors de la chauncellerie nostre seigneur le Roy directz as viscountz ou gardeins des prisons ou tielx gentz condempnez sont detenez pur avoir lour corps ove la cause denprisonment de les condempnez suisditz en la chancellerie as jours contenuz en les ditz briefs apres queux briefs ensemblement ove l'aveu de la corps & la cause de condempnation retournez en la chauncellerie suisdite les ditz gentz issint condempnez ont estez deliverez en la chauncellerie avaunt dit par baillie ou par mainprise ou a large sanz baillie ou mainprise encontre l'assent & volente des ditz pleintifs & sanz aucun gree faire as ditz pleintifs de les sommes en queux ils sont condempnez encontre la leie de la terre & issint demurent les ditz pleintifs sanz remedie en anientisement de le-

stat

stat de tielx pleintifs & en defaunce des juggementz renduz en les courtz avaunt ditz nostre dit seigneur le Roy voilant ent faire remedie del advys & assent avaunt ditz & a la requeste des communes suisdites ad ordeigne & establie qe si ascun tiel brief de Certiorari corpus cum causa soit graunte ou ferra graunte en temps avenir & sur le dit brief soit retourne qe le prisonier qest issint detenu en prisone soit condempne par juggement qe maintenant soit remande ou demurge continuelment en prisone solonc la ley de la terre sanz estre lessz aler par baillie ou par mainprise encontre la volunte des pleintifs susditz tanqe lour soit fait gree de les sommes issint adjudgez.

foresaid: (4) Our lord the King, willing herein to provide remedy, by the advice and assent aforesaid, and at the request of the foresaid commons, hath ordained and established, That if any such writ of *Certiorari*, or *Corpus cum causa*, be granted, or shall be granted at any time hereafter, and upon the said writ if it be returned, that the prisoner which is so holden in prison is condemned by judgment given against him, that presently he shall be remanded, where he shall remain continually in prison according to the law and custom of the land, without being let to go by bail or by mainprise against the will of the said plaintiffs, until agreement be made to them of the sums so adjudged.

If a *Corpus cum causa* or *Certiorari* be granted to remove him that is in prison upon an execution at another man's suit, he shall be remanded.

C A P. III.

A copy of the libel in the spiritual court shall be delivered.

ITEM pur ceo qe diverses lieges nostre seigneur le Roy font citez de jour en autre dapparoir en courte christiene devaut juges esperituelx a y respondre as diverses persones si bien des choses qe touchent frank tenement dette trespasses covenantz & autres des queux la conifance appartient al courte nostre seigneur le Roy come de matrimonie & testament & qant tielx persones issint citeez appiergent & demandent un libell de ceo qe lour est surmys pur estre enformez a doner lour respons illoeqes ou autrement a purchacer brief nostre seigneur le Roy de prohibition selonc lour cas quell libell lour est denie par les ditz juges espirituelx al entent qe tielx persones ne serront mye par nul tiel

ITEM, *forasmuch as divers of the King's liege people be daily cited to appear in the spiritual court before spiritual judges, there to answer to divers persons, as well of things which touch freehold, debt, trespasses, covenants, and other things whereof the cognifance pertaineth to the court of our lord the King, as of matrimony and testament; (2) and when such persons so cited appear and demand a libel of that which against them is surmised, to be informed to give their answer thereunto, or otherwise to purchase a writ of our lord the King, of Prohibition, according to their case, which libel to them is denied by the said spiritual judges, to the intent that such persons should not be aided by any such writ against the law, and to*

12 Co. 67.
13 Co. 41.

1 Lutw. 134.
Cro. Jac. 37.
3 Bullstr. 51.
the 120.

A copy of a libel grantable in the spiritual court shall be presently delivered upon the defendant's appearance. Raft. 483.

the great damage of such persons so impleaded : (3) Our said lord the King, by the advice and assent of the lords spiritual and temporal, and at the request and instance of the said commons, hath ordained and established, That at what time the libel is grantable by the law, that it may be granted and delivered to the party without any difficulty.

tiel brief aidez encontre ley & as graundes damages de tielx perfones ilint empledez Nostre dit seignur le Roy del advis & assent susditz & a la prier des ditz communes ad ordeigne & establie qe a quelle heure la copie de la libell est grauntable par la ley quil soit graunte & livre a la partie sanz difficulte.

CAP. IV.

What justices of peace must be resident in the same shire; and at what times they must hold their quarter-sessions.

ITEM, forasmuch as the servants and labourers of the shires of the realm do flee from county to county, because they would not be justified by the ordinances and statutes by the law for them made, to the great damage of gentlemen and others, to whom they should serve, because that the said ordinances and statutes for them ordained be not executed in every shire; (2) our lord the King, willing in this case to provide a remedy, by the advice and assent aforesaid, and at the request of the said commons, hath ordained and established, That the statute of labourers made at *Canterbury*, and all other good statutes of labourers made, and not repealed, be firmly holden and kept, and put in due execution. (3) And moreover, That the justices of peace have power to send their writs for such fugitive labourers, to every sheriff of the realm of *England*, and to make such process as the statute requireth, to bring them before them to answer to our sovereign lord the King, and to the parties, of the contempts and trespasses made or done against the ordinances and

ITEM pur tant qe les servants & laborers des countees du roialme senfuent des countees es countees a cause qils ne voudrent estre justifiez par les ordeignances par ley sur eux faitz a graunt damage des gentils & des autres as queux ils serverent a cause qe les ditz ordeignances & estatutz sur eux faitz ne sont mye executz en toutz countees nostre seignur le Roy voillant purvoir de reme die cest partie del assent & advys avantditz & a la request des ditz communes ad ordeigne & establie qe lestatut de laborers fait a *Cantebrigg* & toutes autres bones estatutz des laborers faitz & nient repellez soient fermement tenuz & gardez & mys en due execution. Et outre ceo qe les justices du pees eient poair de mander lour briefs pur tielx laborers fugitifs a chescun viscount d'Engleterre & de faire autielx processies come lestatut des laborers requiert pur eux amesner devant eux a respondre a nostre seignur le Roy & a les parties des contemptz & trespasses faitz encontre les ordeignances & estatutz susditz en maner come les ditz justices ont poair de

12 R. 2. c. 3. &c. Justices of the peace may send their writs for fugitive servants or labourers to every sheriff of England. Rep. 5 El. c. 4.

de mander a chescun viscount pur larons devaunt eux enditez. Et auxi qe toutz les estatutz & ordeignances des laborers servantz & artificers devant ces heures faitz & nient repellez soient exemplifiez desoutz le graunt seal & mandez a chescun viscount dEngleterre dent faire proclamation en pleine countee & puis celle proclamation faite qe chescun viscount face deliverer la dite exemplification a luy direct as justices de la pees en son countee nomez en la quorum ou a un de eux a demurer envers tielx justices qi sont ou ferront pur le mielx mettre les ditz estatutz & ordeignances en due execution. Et es countees ou diverses commissions de la pees sont faitz soient atantz des exemplifications des estatutz & ordeignances avaunt ditz faitz come sont commissions de la pees en mesme le countee & mandez a viscount a faire proclamation & les liverer come dessus est dit.

Et qe les justices de la pees en chescun countee nomez en la quorum reseantz deinz mesme le countee exceptz seignurs nomez en la commission de pees & auxi exceptz les justices de lun banc & de lautre chief baron de leschequer sergeantz de la leie & attournes du Roy pur le temps qe mesmes les justices chief baron sergeantz & attournez sont entendantz & occupiez en les courtz du Roy ou aillours occupiez en service le Roy facent lour sessions quatre foits par an cestassavoir en la primer semaine apres le fest de Saint Michel & la primer semaine apres le fest de Tiphaine & en la primer semaine apres le clause de
pask

and statutes aforesaid, in like manner as the justices have power to send to every sheriff for the felons before them indicted. (4) And also that all the statutes and ordinances of labourers, servants, and artificers, before this time made, and not repealed, be exemplified under the great seal, and sent to every sheriff of the realm of *England*, thereof to make proclamation in full county, and after this proclamation so made, that every sheriff shall cause the said exemplification to him directed, to be delivered to the justices of the peace in his county named of the *quorum*, or to one of them, to remain with such justices which be, or shall be, for the better putting of the foresaid statutes and ordinances in due execution. (5) And in shires where divers commissions of the peace be made, there shall be so many exemplifications of the statutes and ordinances aforesaid made, as be commissions of the peace in the same shires, and sent to the sheriff to make proclamation, and to deliver the same, as is afore said.

II. And that the justices of the peace in every shire named of the *quorum*, be resident within the same shire, except lords named in the commission of the peace; and also except justices of the one bench, and of the other, the chief baron of the exchequer, serjeants at the law, and the King's attorney, for the time that the same justices, chief baron, serjeants at the law, and the King's attorney, be intending and occupied in the King's courts, or otherwise in some other place
What justices of peace and quorum must be resident in the same shire, what not.

At what times justices of the peace shall hold their quarter sessions. 36 Ed. 3. c. 12. 12 R. 2. c. 10. Twice in the year sufficient in Middlesex by 14 H. 6. c. 4.

Justices of peace may examine labourers, servants, and other masters, and artificers, by their oaths.

occupied in the King's service; (2) and make their sessions four times by the year, that is to say, in the first week after the feast of Saint *Michael*, and in the first week after the *Epiphany*, and in the first week after the clause of *Easter*, and in the first week after the translation of Saint *Thomas* the martyr, and more often, if need be. (3) And that the same justices hold their sessions throughout the realm of *England* in the same weeks every year from henceforth. (4) And also that the justices of peace from henceforth have power to examine as well all manner of labourers, servants, and their masters, as artificers, by their oaths, of all things by them done contrary to their said ordinances and statutes, and upon that to punish them upon their confession, after the effect of the statutes and ordinances afore said, as though they were

paik & en la primer semaine apres la translation de Saint *Thomas* le martir & puis sovent si mestier soit. Et que mesmes les justices tiegnent leur sessions parmy tout *Engleterre* en mesmes les semaines chescun an desore en avaunt & auxi que les justices de la pes de formes eient poair dexaminer sibien toutz maners labouers servantz & leur mestres come artificers par leur serementz de toutz maters & choses par eux faitz a contrarie des estatutz & ordinances avaunt ditz & sur ceo de les punir sur leur conifance selonc leffect de les estatutz & ordeignances avaunt ditz sicome ils fuerent convictz par enquest. Et que le viscount de chescun countee en *Engleterre* face bien & duement son office celles parties sur peyn de perdre au Roy xx livres.

convict by inquest. (5) And that the sheriff in every shire of the realm of *England* shall do well and duly his office in this behalf, upon pain to lose and to forfeit to our lord the King twenty pounds.

CAP. V.

Process against felons dwelling in Tyndal or Exhamshire in Northumberland.

4 Inst. 278.

ITEM, forasmuch as by the commons of the county of Northumberland grievous complaints have been made to our sovereign lord the King in this present parliament, for that many murders, treasons, manslaughters, robberies, and divers other offences, to many of the faithful liege people of the same county, by people dwelling in the same county within the franchise of Tyndal and Exhamshire, where the King's writ runneth not, now of late have been perpetrated otherwise than have been done or known before this

ITEM pur ceo que depar les communes del countee de Northumbr' ont este faitz tresgrevous compleints a nostre tressoveraigne seignur le Roy en cest present parlement de ceo que pleuseurs murdres treasons homicides roberies & autres malfaitz a pleuseurs sez loialx lieges de mesme le countee par gentz demurrantz en icell countee dedeins les franchises de Tyndale & Exhamshire ou le brief le Roy ne court mys ja tarde ont este perpetrez autrement que nont este faitz ou conuz

conuz pardevant atant de peril de les ditz lieges du Roy que sanz due remedie celle partie mettre ils noferent a y demorer longement enavant a cause que tielx malefours sont enfi favorez par tielx franchises. Nostre dit seigneur le Roy del avis & assent avantditz & al request des ditz communes ad ordeignie & establie que si aucune persone des ditz franchises de Tyndale & Exhamshire resceant ou demurant deinz ycelles de quell estat ou condition il soit face murdres trefons homicides ou robberies ou consent de les faire hors des ditz franchises de Tyndale & Exhamshire processe soit fait devers luy par la commune leie tanque il soit utlage & que apres tiele utlagarie prononcie & retourne facent ent les justices devaut queux tiele utlagarie soit retourne certification a tieux ministres ou a tiel ministre des ditz franchises come a eux semblera meulz celle partie solonc lour discretion & soit tiel felon pris par tiel ministre ou tielx ministres & ses terres & tenementz biens & chateaux esteantz deinz icelles franchises seifez es mains des seignurs de mesmes les franchises de Tyndale & Exhamshire pur le temps esteantz come forfaitz & que les autres terres & tenementz biens & chateaux de tiel felon esteantz hors de mesmes les franchises demurgent entirement au Roy & as autres seignurs aiantz ent franchises come forfaitz savant toutzfoitz au Roy les forfaitures dautiels murdrours traitours homicidours robbours & autres malefours queconques & dautres choses queux a luy appartienent come de droit de sacorone.

this time, to so many perils of the said liege people of our lord the King, that without due remedy in this behalf provided, they dare no longer there dwell, because that such offenders be so favoured by such franchises; (2) our said lord the King, by the advice and assent aforesaid, and at the request of the said commons, hath ordained and established, That if any person of the said franchises of Tyndal and Exhamshire, resiant or dwelling in the same, of what estate or condition that he be, do any murders, treasons, manslaughter, or robberies, or consent to do them, out of the said franchises of Tyndal and Exhamshire, process shall be made against him by the common law, until he be outlawed; (3) and that after such outlawry pronounced and returned, the justices before whom such outlawry is returned, shall make thereof certificate to such minister or ministers of the said franchises, as to them shall seem best in this behalf, according to their discretion; (4) and such felon shall be taken by such minister or ministers, and his lands and tenements, goods and chattels, being within the same franchise, seised into the hands of the lords of the same franchises of Tyndal and Exhamshire for the time being, as forfeit; (5) and that the other lands and tenements, goods and chattels of such felon, being out of the same franchises, shall wholly remain to the King, and to other lords having thereof franchise, as forfeit; (6) saving always to the King the forfeitures of such murderers, traitors, manslaughterers, robbers, and

The penalty of offenders dwelling in Tyndal, &c. who shall commit any robbery, &c. out of the same precincts.

9 H. 5. c. 7.
14 El. c. 13.

other offenders, and of other things which to him do belong as of the right of his crown.

CAP. VI.

Breaking of truce and safe conduct shall be high treason. In every port there shall be a conservator of the peace and safe conduct.

4 Inst. 152.
Some have broken truces and safe conducts, and others have received and maintained them.
29 H. 6. c. 2.

ITEM, forasmuch as before this time divers people, comprised within the truces made as well by our lord the King that now is, as by his noble father, and also divers other people having safe conducts, as well of our lord the King that now is, as of his noble father, have been some slain, robbed and spoiled, by the King's liege people and subjects, as well upon the main sea, as within the ports and coasts of the sea of England, Ireland, and of Wales, whereby the said truces and safe conducts have been broken and offended, to the great dishonour and slander of the King, and against his dignity; (2) and the said manslaughter, robbers, spoilers, and offenders of the said truces and the King's safe conducts, as is afore declared, have been by divers of the King's liege people and subjects within the coasts of divers counties, received, abetted, procured, concealed, hired, sustained, and maintained: (3) our said lord the King, by the advice and assent afore said, and at the request of the said commons, hath ordained and declared, That such manslaughter, robbery, spoiling, breaking of truce and safe conducts, and voluntary receipt, abetment, procurement, concealing, hiring, sustaining, and maintaining of such persons, to be done in time to come by any of the King's liege people and subjects within the realm of England, Ireland, and Wales, or upon the main sea, shall be adjudged and

Breaking of truce and safe conducts shall be high treason.
Rep. 20 H. 6. c. 11.
1 Ed. 6. c. 12.
1 M. sess. 1.

ITEM pur ceo qe devaunt ces heures diverses gentz comprifez deinz les trieues fibien faitz par nostre seignur le Roy qore est come par son tresnoble pier et auxi autres diverses gentz aiantz saufconduitz fibien de nostre dit seignur le Roy qore est come de son dit tresnoble pier ount estez ascuns tueez ascuns robbes & despoillez par les lieges & subgitz de Roy fibien sur le haut mer come deinz les portz & costes de meer dEngleterre dIrland & de Gales parount les ditz trieues & saufconduitz ount este rumpez & offenduz a grande dishonure & desclaudre de Roy & encountre sa dignite. Et les ditz tuers des hommes robbours spoilleurs & offendours de les ditz trieues & saufconduitz du Roy come dessus este declaree ount este par diverses lieges & subgitz de Roy deinz les costes de diverses countees recettez abettez procurez counseillez loueez sustenez & maintenez. Nostre dit seignur le Roy del avis & assent suisditz & al priere des dites communes ad ordeine & declaree qe tielx tuerie robborie espoillerie rumperie des trieues & saufconduitz de Roy & voluntaries receipt abettement procurement counseill louere sustenance & maintenance de tielx persones affaires en temps avenir par ascuns des lieges & subgitz de Roy deinz les roialmes dEngleterre dIrland & Gales

Gales ou sur le haut meer soient adjudgez & determinez pur haut treson fait encountre la corone & dignite de Roy. Et que en chescun port de meere soit faite & assigne desore enavaunt par le Roy par sez lettres patentz un loial homme appelle conservatour des trieues & faufconduitz de Roy qui ait xl. liveres de terre par an a meyns. Et que le dit conservatour ait poair & auctorite par les ditz lettres patentz & auxi par commission del admiral d'Engleterre denquerer de toutz tielx tresons & offenses affaires encountre les trieues & faufconduitz de Roy sur le haut meere hors des corps des countees & hors del franchise des cinq portz de Roy come les admiralles des Roys d'Engleterre devant ces heures resonablement solonc laancien custume & leye sur le meere usez ont faitz ou usez. Et ensement que le dit conservatour ait autiele & mesme le poair de punir toutz ceux qui sont ou serrount enditez ou accusez devaunt luy sibien a fuyte de Roy come a fuyt de partie dascune chose affaire encountre les trieues & faufconduitz de Roy sur le haut meere hors des corps des countees & libertees de roialme d'Engleterre & hors de le dit franchise de cynk portz par tieles proces examination proves determination juggement & execution come les admiralles des Roys d'Engleterre devant ces heures resonablement solonc laancien custume & ley sur la meer usez ont faitz ou usez.

Forsqe que la determination de mort de homme cest partie & lexecution dicell soient tutditz reservez a dit admirall ou

and determined for high treason done against the King's crown and his dignity. (4)

And in every port of the sea shall be made and assigned from henceforth by the King, by his letters patents, one lawful man called a conservator of the truce and the King's safe conducts, which shall have forty pounds lands by the year at the least. (5) And that the conservator have power and authority by the said letters patents, and also by commission of the admiral of *England*, to inquire of all such treasons and offences to be done against the truce and safe conducts upon the main sea, out of the body of the counties, and out of the franchises of the five ports of the King, as the admirals of the Kings of *England* before this time reasonably, after the old custom and law on the main sea used, have done or used. (6) And also that the said conservator have like and the same power to punish all them which be or shall be indicted or accused before him, as well at the King's suit as at the party's, of any thing to be done against the truce and the King's safe conducts upon the main sea, out of the body of the counties and liberties of the realm of *England*, and out of the franchise of the five ports, by such process, examination, proofs, determination, judgment, and execution, as admirals of the Kings of *England* before this time reasonably, according to the old custom and law upon the main sea used, have done or used.

II. Saving the determination of the death of a man in this behalf, and the execution of the

A conservator of the truce shall be appointed in every port of the sea.

The authority of the conservator of the truce.

The determination of the death of a man excepted out the

of the conser-
vator's autho-
rity.

Process to be
awarded a-
gainst those
that be in-
dicted.

The additions
of the parties
indicted shall
be inserted.

Two men
learned in the
law shall be
associate in the
conservator's
commission.

the same, shall be always reserved to the said admiral, or to his general lieutenant out of the said franchises of the five ports. (2) And that the said conservator have full power and authority to inquire, as well within liberties and franchises as without, by men inhabiting within the body of the county and liberty where the said port is, of all such treasons and offences to be done against the truces, and against the King's safe conducts, within the body of the county and liberty where the said port is, (3) and to make against those persons before him so indicted, such process as here followeth, that is to say, by *Capias* and *Exigent*, which shall as well go into the counties of which such men so indicted be supposed to be, as into the counties where such indictments be taken; (4) which *Capias* and *Exigent* aforesaid in both counties shall be returned at one day, and that the first *Capias* in both counties have day of return by a month at the least: (5) and in case that the *Capias* and *Exigent* be awarded in this behalf, that the names and surnames of such persons so indicted, and the town and the county, and mystery whereof they be, shall be specified and declared in the indictments and processes of the same. (6) And that the said conservator have full power to hear, at every man's suit which will complain before himself, or his lieutenant, of any offence done to the party against the said truces and safe conducts. (7) And that two men learned in the law be named and associate in every commission of our lord the King to be made

a son lieutenant general hors de la dit franchise des ditz cinq portz. Et que le dit conservateur ait plein poair & auctorite denquerer sibien deinz libertees & franchises come dehors par gentz en habitantz deinz le corps de countee & libertee ou le dit port est de toutz tielx tresons & offenses affaires encoutre les trieues & saufconduitz de Roy deinz les corps de countee & liberte ou le dit port est & de fair envers tieux a enditerz devant luy proces en la fourme ensuant cestassavoir par *Capias* & *Exigendes* qi issent sibien en mesmes les countees des quelles est suppose tieux enditez estre come en les countees lou tieux enditementz sont prizez les queux *Capias* & *Exigendes* en ambideux countees soient returnables a un mesme jour & que le primer *Capias* en ambideux countees ait jour de retourne par un moys a meyns & en cas que *Capias* & *Exigendes* soient ceste partie agardes que les nouns & surnouns de tieux a enditurs & la ville & de countee & la mistiere dont ils sont soient especifiez en lenditementz & en les processés dicelles. Et que le dit conservateur ait plein poair doier a suyte de queconque qi foi vouldra plaindre devant luy dascune offense a la partie fait encoutre les ditz trieues & saufconduitz. Et que deux hommes apprisez de ley soient nomez & associez en chescune commission de Roy affaire a tiel conservateur. Et que le dit conservateur & les ditz hommes apprisez de ley en la dite commission a luy associez eient plein poair & auctorite de fair due deliverance solonc la ley de la terre de tielx enditez devant le dit conserva-
tour

tour des choses affaires deinz le corps de countee ou libertee ou le dit port est encountre les ditz trieues & faufconditz de Roy & determiner tieux fuytes commencez a fuyt de qiconq̄ partie q̄ soy voudra pleindre devaunt le dit conservatour d'aucune offense a luy fait encountre les ditz trieues & faufconditz & ent due redresse & remedie faire. Et qe les ditz deux hommes issint a le dit conservatour associez soient assistentz & entendantz a dit conservatour pur faire les deliverances & determination en maniere & fourme avaunt ditz qant ils sont par le dit conservatour resonablement requis. Et qe le dit conservatour & les ditz deux hommes de ley soient jurrez qils ne null de eux prendra ou prendront de nully sinoun de Roy fee don louere gage regarde ne brocage en ascun maniere celle partie en destourbanche de due inquisition & punissement de tielx traitours & offendours avaunt ditz. Et qe le dit conservatour serra reseant en le port & lieu ou il serra assigne conservatour come avaut est dit. Et prendra chescun conservatour pur le dit office chescun an xl. li. de Roy a meyns. Et qils soient jurrez qe si ascune persone de quele condition ou estat qil soit eux ou ascune de eux procure excite ou abette de faire ascun chose a contrarie diceste ordinance & le serement avaunt dit qe chescun de eux serra due relation a nostre seigneur le Roy ou a la chancelier d'Engleterre pur le temps esteant si hastiment come bonement purra faunz concellement en ascun point sur peine demprisonement & faire fyn & ranceon a

to such conservator. And that the said conservator, and the said men learned in the law, in the commission to him associate and assigned, shall have full power and authority, to make deliverance, according to the law and usage of the land, of such men so indicted before the said conservator, of things to be done within the body of the county or liberty where the said port is, against the said truce and the King's safe conducts, and to determine such suits commenced at any man's suit which will complain before the said conservator, of any offence done to him against the said truce and safe conducts, and thereof to make due redress and remedy. (8) And that the said two men to the said conservator so associate, be assisting and attending to the said conservator to make the deliverances and determination in the manner and form aforesaid, when they be by the said conservator reasonably required. (9) And that the said conservator, and the said two men of law, be sworn, that they, nor none of them, shall take fee, gift, hire, wages, reward, or brokage, of any other than of the King in any wise in this behalf, in hinderance of due execution and punishment of such traitors and offenders aforesaid. (10) And that the said conservator shall be residing in the port and places where he shall be conservator assigned as aforesaid; (11) And every conservator shall take yearly for the said office forty pounds of the King at the least; (12) and that they be sworn, that if any person, of what estate or condition soever he be, procure,

The authority of the conservator and the two associates.

The oath of the conservator and associates.

excite, or abet them, or any of them, to do any thing contrary to this ordinance and oath aforesaid, that every of them shall make due relation to our sovereign lord the King, or to the chancellor of *England* for the time being, as speedily as he well may, without concealment in any point, upon pain of imprisonment, and to make fine and ransom at the King's pleasure. (13) And that the said conservator have a seal of our lord the King ordained for the said office. (14) And that the master of the ship, barge, or balinger, or other vessel in the said port, be sworn, and the possessor also, if he be present, before the said conservator, before that he pass out of the said port, that he shall not attempt to do any thing against the said truce and the King's safe conducts. (15) And also that the said conservator shall cause to be inrolled of record before him, as well the names of such owners and masters, as the names of their ship, barge, balinger, or other vessel, together with the number of the mariners in the same being. (16) And if they take any thing of the King's enemies, or of any others, they shall cause to be brought such things taken into the port, and thereof make full information to the said conservator, before that they thereof make discharge or sale; if it be not that by force of wind, tempest, or of enemies, or some other reasonable cause, such ship, barge, balinger, or other vessel, must enter into another port for the preservation of the same vessel, or other cause reasonable; and that then they shall make full information to the

voluntée nostre seigneur le Roy. Et que le dit conservateur ait un seal de Roy ordeigne pur le dit office. Et que le maistre de nief barge balenger ou autre vessel en le dit port soit jurre & le possesseur auxi fil soit present devaunt le dit conservateur avaut quil passe hors de dit port quil n'attempera riens encontre les ditz trieues & saufconduitz de Roy. Et que le dit conservateur face enroller de record devaunt luy sibien les nouns de tielx possesseurs & maistres come les nouns de leur nief barge balengere ou autre vessel ensemble ovesqe le nombre des mariners en icell esteantz. Et s'ils preignent riens des enemys de Roy ou d'autres qiconques qils tiele prise ferrount amesner en le dit port & ent ferrount pleine enformation a dit conservateur devaunt qils ent facent descharge ou vende si ne soit que par force de vent de tempest ou des enemys ou autre cause resonable tiel nief barge balengere ou autre vessel doit entrer en autre port pur salvation de mesme le vessel ou autre cause resonable. Et qils adonques facent plein enformation a dit conservateur ou a le conservateur de le port en quell les ditz vesselx arriveront ou entreront de la dite prise & de la quantite dicelle pregnant lettre testimoniale soutz le dit seal de le dit conservateur par quele le conservateur de le port dount les vesseux ou vessel issent ou issit purra avoir notice de la quantite & value des biens issint prizez. Et si ascun possesseur ou mestre dascun nief ou autre vessel isse hors dascun port du roialme ou face descharger son nief ou vessel encontre la fourme diceste ordinance

The conservator shall have a seal.

The office of the master and possessor of a ship.

What shall be inrolled by the conservator.

The conservator shall be informed of all things taken from the King's enemies by the mariners.

nance qe tiel nief ou vessell ensemble ovesqe la prise par ycell duement fait soit forfaita a Roy & le corps du possessour ou maistre de tiel nief ou vessell commys a prisone a y demorer tanqe il eit fait fyn & ranceon a Roy.

Purveu qe nulles possessours des niefs issantz hors dascun port ne face fyn ou ranceon neient emprisonement du corps si mesmes les possessours ne soient en mesmes les niefs en temps de mesprisison encontre ceste ordenance faite. Et ait le admirall avantdit les forfaitures en toutz cafes hors de la dite franchise de cynk portz avantditz come il ad eu & ad este accustume de droit al office del admirall dEngleterre avant la fefance de ceste ordeignance. Et qe toutz tieux conservatours affairez dedeinz les ditz cynk ports eient mesme lauctorite & poair par lettres patentz du Roy & commission del gardein de mesmes les ports pur le temps esteant denquerer de tielx offenses affaires sur le haute meer dedeinz les franchises des ditz cynk ports de hors les corps des countees & de punir toutz ceux qi ferront devant ycell conservatour de mesmes les offenses enditez ou accusez par autiels proces examination proves determination juggement & execution come les ditz admirallx resonablement solonc launcien custume & ley sur le meer usez ont faitz & usez hors de la dite franchise de cynk ports forsqe qe la determination de mort de homme celle partie & lexecution dicell soient dedeinz mesme la franchise de les cynk ports reservez a dit gardein ou a son lieutenant general illoeqes. Et qe mesme

the said conservator, or to the conservator of the port in which the said vessels arrive or enter, of the prize, and of the quantity of the thing, receiving a letter testimonial under the said seal of the aforesaid conservator, by the which the conservator of the said port, whereof the vessel or vessels shall go out, may have notice of the quantity, and also of the value of the goods and chattles so taken, (17) And if any possessor or master of any ship or other vessel, go out of any port of the realm of *England*, or discharge his ship or vessel against the form of this ordinance, that such ship or vessel, together with the prize taken in the same duly made, shall be forfeit to the King, (18) and the body of the possessor or master of such ship or vessel committed to prison, there to remain until he hath made a fine and ransom to the King.

III. Provided always, That no possessors of ships going out of any port shall make any fine nor ransom, or have imprisonment of body, if the same possessors be not in the same ships at the time of the offence committed against this ordinance.

(2) And the said admiral shall have the forfeitures in all cases out of the same franchise of five ports aforesaid, as he hath had, and hath been accustomed of right to the office of the admiral of *England*, before the making of this ordinance. (3) And that all such conservators to be made within the said five ports have the same authority and power by the King's letters patents, and commission of the warden of the same ports for the time being, to inquire

What forfeitures the admiral shall have.

The authority of the conservators within the five ports.

of such offences to be done upon the main sea within the franchises of the five ports out of the body of the counties, and to punish all them which shall be before the said conservator of the same offences indicted or accused, by like process, examination, proofs, determination, judgment, and execution, as the said admirals reasonably, according to the old custom and law upon the sea used, have done and used out of the said franchise of the five ports; (4) saving that the determination of the death of a man in this behalf, and the execution of the same, shall be within the same franchise of the five ports reserved to the said warden, or to his general lieutenant there; (5) and that the same warden shall have all the forfeitures there, in all such cases as he hath had, and have been accustomed of right to the office of the warden of the five ports aforesaid before this time; and that the said conservators, and every of them, have power to make full execution of this ordinance in the form aforesaid. And this ordinance shall hold place and force, for any thing to be done or attempted against this same ordinance, after the proclamation of this ordinance and declaration made.

The warden of the five ports shall have all the forfeitures there.

14 H. 6. c. 8.
29 H. 6. c. 2.

CAP. VII.

The intent of the hereticks called Lollards. Magistrates shall assist the ordinaries in extirpating heresies and punishing hereticks. Penalty on hereticks convicted.

Ex edit. Raft.
Heresy.
Lollardry.
3 Inst. 40, 43.
4 Inst. 51.

ITEM, for as much as great rumours, congregations and insurrections, here in the realm of England by divers of the King's liege people, as well by them which were of the sect of heresy commonly called Lollardry, as by other of their confederacy, excitation, and abetment, now of late were made, to the intent to adnull, destroy, and subvert the christian faith, and the law of God and holy church within this same realm of England, and also to destroy the same our sovereign lord the King and all other manner of estates of the same realm of England, as well spiritual as temporal, and also all manner of policy, and finally the laws of the land: the same our sovereign lord the King, to the honour of God, and in conservation and fortification of the christian faith, and also in salvation, of his royal estate, and of the estate of all his realm, willing against the malice of such hereticks and Lollards to provide a more open remedy and punishment than hath been had and used in the case heretofore, so that for fear of the same laws and punishment, such heresies and lollardries may the rather cease in time to come, by the advice and assent aforesaid, and at the prayer of the said commons, hath ordained and established: That first the chancellor, treasurer, justices,

justices of the one bench and of the other, justices of peace, sheriffs, mayors, and bailiffs of cities and towns, and all other officers, having governance of people, which now be or hereafter for the time shall be, shall make an oath in taking of their charges and occupations, to put their whole power and diligence, to put out and do to be put out, cease, and destroy all manner of heresies and errors, commonly called Lollardries, within the places where they exercise their offices and occupations from time to time, with all their power, and that they assist the ordinaries and their commissaries, and them favour and maintain as often as they or any of them to that shall be required by the same ordinaries or their commissaries, so that when the said officers and ministers travel or ride to arrest any Lollard, or to make assistance at the instance and request of the ordinaries or their commissaries by virtue of this statute, That the same ordinaries and commissaries shall pay for their cost reasonably. And that the King's services, to the which the same officers be first sworn, be preferred before all other statutes for the liberty of holy church and the ministers of the same, and in especial for the correction and punishment of the hereticks and Lollards before this time made and not repealed being in their force. And also that all persons convict of heresy, of what estate, condition, or degree that they be, by the said ordinaries or other commissaries left to the secular power according to the laws of holy church, shall lose and forfeit all their lands and tenements, which they have in fee simple in the manner as followeth; that is to say, That the King have all the lands and tenements, which the said convicts have in fee simple, and holden of him immediately as forfeit, and that the other lords, of whom the lands and tenements of such convicts be holden immediately after that the King is so seised and answered of the year the day and the waste, have livery out of the King's hands of the lands and tenements aforesaid of them so holden, as it hath been used in the case of attainder of felony, *except the lands and tenements which be holden of the ordinaries or their commissaries, before whom any such persons impeached of heresy be convict, which lands and tenements intirely shall remain to the King as forfeit.* And moreover that all the goods and chattels of these persons so convicted, be forfeit to our sovereign lord the King, so that no person convict of heresy, and left to the secular power after the laws of holy church, shall forfeit his lands before that he be dead. And if any such person so convict, be infeoffed be it by fine, by deed, or without deed, in lands or tenements, rents or services in fee or otherwise, or hath any other possessions or chattels by gift or grant of any person or persons to another's use, than to the use of such convicts, That the same lands nor tenements, rents nor services, nor such other possessions, nor chattels shall be forfeit to our sovereign lord the King in no wise. And moreover that the justices of the king's bench, and justices of peace, and justices of assise, have full power to enquire of all them which hold any errors or heresies, as Lollards, and which be their maintainers, receivers, favorers and sustainers, common

Sheriff.

Conifance of
heresy.

Mainprife.

writers of such books, as well of the sermons as of their schools, conventicles, congregations, and confederacies. And that this clause be put in commissions of the justices of the peace. And if any persons be indited of any points aforesaid, the said justices shall have power to award against them a *Capias*, and the sheriff shall be bound to arrest the person or persons so indited as soon as he may them find by him or by his officers. *And for as much as the conifance of heresy, errors, and lollardries belongeth to the judges of holy church, and not to secular judges:* such persons indited shall be delivered to the ordinaries of the places or to their commissaries, by indentures betwixt them to be made, within x. days after their arrest, or sooner if it may be thereof to be acquit or convict by the laws of holy church, in case that these persons be not indited of any other thing, whereof the conifance belongeth to the secular judges and officers, in which case, after that that they be acquit or delivered before the secular judges of such things, to the secular judges belonging, they shall be sent in safeguard to the said ordinaries, or to their commissaries, and to them delivered by indentures, as before to be acquit or convict of such lollardries, errors, or heresies, as is aforesaid, after the laws of holy church, and that within the term aforesaid. *Provided always That the said indictments be not taken in evidence, but for information before the spiritual judges against such persons so indicted, but that the ordinaries commence their process against such persons indicted in the same manner as though no indictment were, having no regard to such indictments.* And if any be indicted of heresy, error, or lollardy, and taken by the sheriff or other officer, he shall be let to mainprife within the said x. days by good surety, for whom the said sheriffs or other officers will answer, so that the said person or persons, which were so indicted, be ready to be delivered to the said ordinaries or to their commissaries before the end of the said ten days, if he may by any means for sickness. And every ordinary shall have sufficient commissaries or commissary dwelling in every county in a place notable, so that if any such person so indicted be taken, that the said commissaries or commissary may be warned in the notable place where he dwelleth, by the sheriff or some of his officers, to come to the King's gaol in the same county, there to receive the same person so indicted by indentures as before. And that in the inquest in this case to be taken, the sheriffs and other officers, to whom it belongeth shall do to be impaneled good and sufficient persons, not suspected nor procured, that is to say, That every of them which shall be so impaneled in such inquest, have within the realm of *England* an hundred shillings of lands, tenements, or of rent by year, upon pain to lose to the King's use ten pound, and they which shall be impaneled in such inquests in *Wales*, every of them shall have to the value of xl.s. by year. And if any such person be arrested, be it by the ordinary or by the King's officers or ministers, and escape or break the prison before that he be acquit before the ordinary, the goods, and chattels, which he had the day of such arrest, shall be forfeit to the King and his lands and tenements, which

which he had the same day, seized also into the King's hands, the King shall have the profits thereof from the said day until he be yielded to the prison from which he escaped. And that the foresaid justices have full power to enquire of all such escapes, breaking of prison, and also of lands and tenements, goods, and chattels of such persons so indicted. *Provided also, That if any such person indicted do not return to the said prison, and dieth not convicted, it shall be lawful to his heirs to enter into the lands and tenements of their ancestor, without any other pursuit making to the King for this cause, and that all they which have liberties and franchises royal in England, as in the county of Chester, the county and liberty of Durham, and other like, and also all the lords which have jurisdiction and franchises royal in Wales, where the King's writs do not run, have power to execute and put in due execution these articles in all points by them or by their officers, in like manner as the justices and other the King's officers before declared should do.*

5 R. 2. stat. 2.
C. 5.
2 H. 4. c. 15.
25 H. 8. c. 14.
Repealed by
1 Ed. 6. c. 12.
1 Eliz. c. 1.

CAP. VIII.

Commissions shall be awarded to enquire of a riot, and of the justices default therein.

ITEM come contenu soit en lestatut fait lan treszisme del tresnoble Roy HENRY pere a nostre seigneur le Roi qore est entre autres qe si ascun riote assemblee ou route des gentz encontre la leye se feroit in aucune partie de roialme adonques les justices du pees trois ou deux de eux au meyns & le viscont ou soutez-viscont de counte ou tiele riote assemblee ou route se ferroit en apres viendrent ove le poair du dit counte si boisoigne ferroit pur eux arester & eux arestrent & eussent mesmes les justices viscount ou south-viscount poair de recorder ceo qils troverent en si fait en leur presence encontre la leie et qe par le record de mesmes les justices viscount ou southviscount ferroient tielx trespassours ou malfesours convictedz en manere & fourme come est contenu en lestatut de forcibles entrees. Et sil avient droit qe tielx trespassours & malfesours fuissent departiez deyaunt le venue des ditz justices &

ITEM, whereas it is contained in the statute made the thirteenth year of the noble King HENRY, father to our lord the King that now is, amongst other things, *That if any riot, assembly, or rout of people against the law be made in any part of the realm, then the justices of the peace, three or two of them at the least, and the sheriff or under-sheriff of the county where such riot, assembly, or rout shall be made hereafter, should come with the power of the said county, if need were, to arrest them, and them should arrest; (2) and the same justices, sheriff, or under-sheriff, should have power to record that which they found so done in their presence against the law; and that by record of the same justices, sheriff, or under-sheriff, such trespassers or offenders should be convicted in manner and form as is contained in the statute of forcible entries. (3) And if it happen that such trespassers or offenders were departed before the coming of the justices, sheriff, or under-sheriff, that the same justices, three or two*

A rehearsal of the statute of 13 H. 4. c. 7. provided against those that commit any riot, rout, or unlawful assembly.

of

of them should diligently inquire within a month after such riot, assembly, or rout of people so made, and the same hear and determine according to the law of the land; (4) and if the truth could not be found in manner as afore is said, within a month then next ensuing, the said justices, three or two of them, and the sheriff or under-sheriff, should certify before the King and his council all the deed and circumstance of the same; which certificate shall be of like force as the presentment of twelve men, upon which certificate the said trespassers and offenders shall be put to answer, (5) and they which be found guilty, should be punished according to the discretion of the King and his council. (6) And moreover, that the justices of peace dwelling nearest in every county where such rout, assembly, and riot of people should be made hereafter, together with the sheriff or under-sheriff of the same counties, and also the justices of assises for the time that they shall be in their sessions, in case that any such riot, assembly, or rout be made in their presence, shall make execution of this statute, every one of them upon pain of an C. li. to be paid to the King, as often as they shall be found in default of execution of the same statute. (7) And forasmuch as many riots, routs, and assemblies have been made in divers parts of the realm, since the making and proclamation of the same statute, because that the same statute hath not been put in due execution, as our sovereign lord the King hath perceived by divers and grievous complaints to him made in this present parliament; (8) the same our lord the King, willing hereof to provide a better remedy, by the advice and assent afore-said, and at the suit of the said commons,

& viscont ou southviscont que mesmes les justices trois ou deux de eux enquergerent diligement deins un moys apres tiel riote assemble ou route des gentz ensi faitz & ent oierent & terminerent solonc la leye de la terre et si la verite ne purroit estre trove en maner come devant est dit adonques deins un moys lors prochein ensuant certifierent les ditz justices trois ou deux de eux & le viscont ou south-viscont suisditz devant le Roy & son conseil tout le fait & les circonstances d'icell quell certificat soit de auctiel force come la presentement de xij. sur quel certificat soient les ditz trespasseurs & malfeurs mys a respons & ceux qui sont trovez coupables soient puniz solonc la discretion du Roy & de son dit conseil. Et outre ceo que les justices de la pees demorantz le plus prochein en chescun countee ou tiel route assemble ou riote de gentz se ferroit en apres ensemblement ovesque le viscont ou south-viscont de mesme les countees & auxi les justices d'assises pur le temps qils seront en leur sessions en cas que aucun tiel riote assemble ou route se ferroit en leur presence ferroient execution de cest estatut chescun sur peine de C. li. appaieriez au Roi atantz de foitz qils ferroient trovez en defaute del execution de mesme lestatut. Et pur tant que plusieurs riotes routes & assemblees ont este faitz en diverses parties du roialme puis la confection & proclamation du dit estatut a cause que mesme lestatut nadmye este mys en due execution come nostre tressoverain seignur le Roi lad concieu par diverses & hidoufes complaintz a
luy

luy faitz en ceste present parlement mesme nostre seignur le Roy voillant sur ceo faire pluis greindre remedie del advys & assent avantditz & al priere des ditz communes ad ordeigne & establie qe si defaute soit trovee en les ditz deux justices de la pees ou justices d'assises & le viscount ou soutez-viscount del countee ou tiel riote assemble ou route se ferra touchant l'execution qils doivent faire par vertue del dit estatut & dont mesme lestatut fait mention qadonques al instance de la partie grevee issera commission le Roy defouz son graunt seal denquerer sibien de la veritee del cas & de la matier originale pur la partie compleignante come de le defaute ou defautes des ditz justices viscount ou soutez-viscount celle partie supposez a adresser as sufficeantz persones indifferentz a la nomination & advis du chaunceller d'Engleterre & qe les ditz commissioners maintenant envoient en la chauncellerie les enquestes & matiers deyant eux celle partie prizez & trovez. Et outre ceo qe les coroners de mesme le countee pur le temps esteantz ou tiel riote assemble ou route se ferra ferront les panelles sur la dite commission retournables pur le temps qe le viscount issint en defaute supposee estoise en son office les quelles coroners retourneront nulles persones mes tielx qe ont terres tenementz ou rent a le value de x. li. par an a meyns. Et auxi qe mesmes les coroners retourneront sur chescun des dites persones a empanellerz a le primer jour qant issuez sont a perdrer xx.s. au meyns & a seconde jour xl.s. a meyns & a tierce jour C.s. a meyns & a chescun

commons, hath ordained and stablished, That if default be found in the said two justices of the peace, or justices of assises, and the sberiff or under-sberiff of the county, where such riot, assembly, or rout shall be made, touching the execution that they ought to make by virtue of the said statute, and whereof the said statute maketh mention, that then at the instance of the party grieved, the King's commission shall go out under his great seal, to inquire as well of the truth of the case, and of the original matter for the party complainant, as of the default or defaults of the said justices, sberiff, or under-sberiff, in this behalf supposed, to be directed to sufficient and indifferent persons, at the nomination and by the direction of the chancellor of the realm of *England*; (9) and that the said commissioners presently shall return into the chancery the inquests and matters before them in this behalf taken and found; and moreover, that the coroners of the same county for the time being, in which county such riot, assembly, or rout shall be made, shall make the panel upon the said commission returnable for the time that the sberiff so supposed in default shall continue in his office, (11) which coroners shall return no persons, but only such which have lands, tenements, or rents to the value of x l. by year at least; (12) and also that the same coroners shall return upon every of the said persons empanelled at the first day when issues be to be lost, xx s. at the least, and at the second day xl. s. at the least, and at the third day C. s.

Commissions shall be awarded to inquire of the riot, and of the justices and sberiffs defaults.
4 Inst. 184.

Upon the commission the coroners shall return the inquest, and of what sufficiency the jurors shall be.

What issues the coroners shall return upon the jurors, and upon what penalty.

Where the
sheriff and not
the coroners
shall return
the jury.

A writ direct-
ed out of the
chancery to
inquire of
riots.

at the least, and at every day after the double at the least; which issues so returned by cause of non-appearance of such persons empanelled, shall be adjudged as forfeit to the King, and leviabie to his use; (13) and if default be found in the said coroners, touching the return of such persons to be empanelled, or touching the return of such issues, as afore is said, that every of them shall forfeit to the King's use forty pounds; (14) and if it happen that the said sheriff so reputed in default, be discharged of his office at the time that such commission shall be awarded out of the chancery, that then the new sheriff of the same county, his successor mediate or immediate for the time being, and not the coroners of the same county, shall make the panel upon this commission returnable in manner and form, as the said coroners should do in time when the sheriff so reputed in default continued in his office; (15) and that the same new sheriff shall incur like pain of forty pounds to the King, if any default in him be found touching the return of other persons by him empanelled, which have not lands, tenements, or rents to the value of ten pounds by year, or of returning such issues which the said coroners be above charged to return, as the said coroners are to lose to the King in this behalf. (16) And that the chancellor of *England* for the time being, as soon as he may have knowledge of such riot, assembly, or rout, shall cause to be sent the King's writ to the justices of the peace, and to the sheriff or under-sheriff of the county

cun jour apres le double au meyns les queux issues issint retournez par cause de non apparence detielx empanellez seront ajuggez come forfaitz au Roi & a son oepe levables. Et si defaute soit trove en les ditz coroners touchant le retourne de tielx gentz a empanellerz ou touchant le retourne dautielx issues comeavant est dit qe chescun de eux perdra al oepe le Roi xl. li. Et sil aveigne qe le dit viscount ensi rette en defaute soit descharge de son office a temps qe tiel commission issera hors de la chauncellerie qadonques le novell viscount de mesme le counte son successeur immediate ou mediat pur le temps esteant & nient les coroners de meisme le countee ferra le pannel sur celle commission retournable en les maner & fourme come les ditz coroners ferront en temps qant le viscount issint rette en defaute esteit en son office. Et qe mesme le novell viscount encourgera autiele peine de xl. li. envers le Roi si ascun defaute en luy soit trovee touchant le retourne dautres personnes par luy a empanellerz qe nont terres tenementz ou rent a le value de x. l. par an ou de retourne dautielx issues come les ditz coroners sont suischargiez de retourner sicome les ditz coroners sont a perdre envers le Roi cest partie. Et qe le chaunceller dEngleterre pur le temps esteant si tost come il purra avoir conufance dautiel route assemble ou riote il face envoier brief le Roi as justices de la pees & a viscount ou soutezviscount del countee ou ils sont issint faitz qils mettent lestatut ent fait en execution sur la peine contenue en ycelle. Et comment qe tiel brief ne veigne mye

mye as ditz justices & viscont ou soutez-viscont eux ne ferront pas excusez de la peine avant-dite s'ils ne facent mye execution del estatut suifdit.

Purveu que les justices & autres officers suifditz ferront lour offices suifditz as costages du Roy en alant demorant & retournant en fesantz lour dites offices per paiement ent affaire par le viscont de mesme le countee pur le temps esteant par indentures entre le dit viscont & les ditz justices & autres officers suifditz affaires de le paiement suifdit dont le dit viscont sur son accompte en leschequer purra avoir due allowance. Et que tielx riotours atteintz de grauntz & haynoses riotes eient emprisonement dun an entier a meyns sanz estre lessé hors du prisone par baille mainprys ou en autre maner durant lan suifdit. Et que les riotours atteintz des petitz riotes eient emprisonement come semble melx a Roy ou a son conseil. Et que les fyns dicelles riotours atteintz soient par les ditz justices encreffez & mys a greindres sommes qils ne soloient estre mys en tielx cafes devant ces heures en aide & supportation de les costages des justices et autres officers suifditz celle partie. Et que les lieges du Roy esteantz sufficantz pur travailler en le countee ou tielx routes assemblees ou riotes sont soient assistentz as justices commissiioners viscont & soutez-viscont de mesme le countee qant ils ferront resonablement garniz pur chivacher ove les ditz justices commissiioners & viscont ou soutez-viscont en aide de resistance de tielx riotes routes & assemblez sur peine demprisonement & faire

county where they be so made, that they shall put the statute in execution upon the pain contained in the same; and though that such writ come not to the said justices, sheriff, or under-sheriff, they shall not be excused of the pain aforesaid, if they make not execution of the said statute.

II. Provided always, That the said justices, and other officers aforesaid, shall execute their offices aforesaid at the King's costs, in going and continuing in doing their said offices, by payment thereof to be made by the sheriff of the same county for the time being, by indentures betwixt the sheriff and the said justices, and other officers aforesaid, to be made of the payment aforesaid, whereof the said sheriff upon his account in the exchequer may have due allowance; (2) and that such rioters attainted of great and heinous riots, shall have one whole year's imprisonment at the least, without being let out of prison by bail, mainprise, or in any other manner, during the year aforesaid; (3) and that the rioters attainted of petty riots shall have imprisonment as best shall seem to the King or to his council; (4) and that the fines of such rioters attainted, shall be by the said justices increased and put to greater sums than they were wont to be put in such cases before this time, in aid and supportation of the justices and other officers aforesaid in this behalf; (5) and that the King's liege people being sufficient to travel in the county where such routs, assemblies, or riots be, shall be assistant to the justices, commissiioners,

A riot shall be repressed and inquired of at the King's charges.

The punishment of rioters.

Each able person shall be assistant to the justices and sheriff to repress riots.

Bailiffs of
franchises.

Riots committed in cities,
boroughs, and
towns corporate.

19 H. 7. c. 13.

missioners, sheriff, or under-sheriff of the same county, when they shall be reasonably warned, to ride with the said justices, commissioners, and sheriff, or under-sheriff, in aid to resist such riots, routs, and assemblies, upon pain of imprisonment, and to make fine and ransom to the King; (6) and that the bailiffs of franchises shall cause to be impanelled sufficient persons as before, upon pain to lose to the King forty pounds, in case that such sufficient persons may be found within the same franchises; (7) and that like ordinances and pains shall hold place, and take effect in cities, boroughs, and other places and towns infranchised, which have justices of the peace within the cities, boroughs, and other places aforesaid; (8) and that this statute shall begin to hold place presently after the proclamation thereof made.

faire fyn & ranceon a Roy. Et que les bailifs des franchises fassent empaneller suffisantz gentz come desuis sur peine de perdre ou Roy xl. li. en cas que tielx personnes suffisantz purront estre trovez deinz meismes les franchises. Et que semblables ordeignances & peines teignent lieu & forte en citees burghs & autres villes & lieux enfranchisez queux ount justices de la pees deins les citees burghs villes & autres lieux suffisditz et que cest estatut commencera a tenir lieu maintenant apres la proclamation ent fait.

C A P. IX.

A remedy to punish him that doth commit felony, and flee into an unknown place.

ITEM, forasmuch as great and grievous complaints have been made to our sovereign lord the King, by the commons in this present parliament, of divers murders, manslaughters, robberies, batteries, assemblies of people in great number in manner of insurrection, and of divers other rebellions and riots, and after such offences the said felons and offenders flee, and withdraw themselves into divers woods and secret places and unknown, and elsewhere, to the intent and purpose to avoid the execution of the common law, and that they might not be brought to answer; (2) whereupon our sovereign lord the King, considering the aforesaid complaint, by the advice and assent of the lords spiritual and temporal in the same parliament assembled, bath

ITEM pur ceo que grande & grevouise complaint ad este fait a Roy nostre souverain seignur par les communes en cest present parlement de diverses murdrès homicides robberies bateries assemblees de gentz en grand nombre par manere d'insurrection & de diverses autres rebellions & riotes & après tielx maffaitz les ditz felons & meffesoures senfuent & rethent as diverses boys & lieux covertez & disconuz & aillours a lentente & purpos de voider l'execution de la commune ley & qils ne ferroient asmesnez a respounse selonc proces de la ley sur quoy nostre dit souverain seignur le Roy considerant la suisdite complainte par assent des seignurs espirituelx & temporelx en mesme le parlement assen-

assemblez ad ordeine & establiz a la requeste des ditz communes qe si ascuny en temps avenir viegne en la chauncellerie & face compleint duement qe ascun tiel felon ou maffesour come avaunt est dit sen est fuy ou retrehet a ascun tiel lieu ou aillours a lentente suisdit soit sur tiel compleint une bille sufficiantment fait pur le Roy & ait le chaunceller d'Engleterre pur le temps esteant apres tiele bille a luy liveree sil poet estre enforme duement tiele bille contenir veritee poair de faire solonc sa discretion un brief de *Capias* a la suite de Roy direct a viscount de countee ou countees ou les ditz murders homicides robberies bateries & autres meffaitz sont supposez par la dite bille estre faitz & perpetrez retournables en la dite chauncellerie a certain jour. Et si les persones en le dit brief contenuz soient prisez par le dit viscount ou soy rendent en mesme la chauncellerie qadonques soient tielx persones mys en garde ou a mainprise selonc la discretion du chaunceller. Et outre soit maunde denquerer de tielx malfaitz & sur ceo soit fait come la leie demande. Et si le viscount retourne a jour de *Capias* retournable qe les persones en ycelles comprifez par ascun de les causes suisditz ne purront estre par luy prisez ne mesmes les persones ne soi rendent en la dite chauncellerie qadonques face le dit chaunceller faire brief de proclamation direct au dit viscount retournable en banc du Roy a certain jour qil face proclamation en deux countees qe les persones en le dit brief nomez veignent a dit jour en le suisdit banc

hath ordained and established at the request of the said commons, That if any person hereafter come into the chancery, and make complaint duly, that any such felon or offender, as afore is said, flee or withdraw himself into any such place, or elsewhere, to the intent afore-said, upon such a complaint a bill shall be sufficiently made for the King; (3) and the chancellor of *England* for the time being, after such a bill to him delivered, if he may be duly informed that such a bill containeth truth, shall have power to make according to his discretion a writ of *Capias* at the King's suit, directed to the sheriff of the county or counties where the said murders, manslaughter, robberies, batteries, and other offences be supposed by the said bill to be done and perpetrated, returnable in the said chancery at a certain day. (4) And if the persons in the said writ contained be taken by the said sheriff, or yield themselves in the same chancery, that then such persons shall be put in ward or to mainprise, according to the discretion of the chancellor. (5) And moreover be it commanded to inquire of such offences, and upon that shall be done as the law requireth. (6) And if the sheriff return at the day of the *Capias* returnable, that the persons in the same comprised for any of these causes afore-said, cannot be by him taken, neither the same persons do yield themselves in the said chancery, that then the said chancellor shall cause to be made a writ of proclamation directed to the said sheriff, returnable in the King's bench

A remedy to punish him who doth commit any murder or robbery, and then doth flee into a secret place.

The party accused is taken by the sheriff, or yieldeth himself.

The sheriff returneth, that the party cannot be taken.

bench at a certain day, that he shall make proclamation in two counties that the persons named in the said writ shall come at the said day in the bench aforesaid, there to answer to the matter comprised within the said bill, upon pain to be convicted of the matter comprised in the said bill; (7) and that in every such writ of proclamation shall be contained the substance of the matter comprised within the said bill: (8) and if they come not at the day of such proclamation returned, then shall they be holden and adjudged for convicted and attainted as aforesaid; and if they come at the proclamation, it shall be of them inquired and done in manner as above is said.

The suggestions of such riots shall be testified under the seals of two justices of peace and the sheriff.

Riots committed in such county where there is a chancellor and a seal.

II. Provided always, That the suggestions of such riots be testified to the chancellor of *England* by letters sealed under the seals of two justices of the peace at the least, and the sheriff of the county where such riots shall be made, before that the writ of *Capias* be granted; (2) in which writ of *Capias*, the matter which is comprised within the same bill shall be as well expressed, as in the writ of proclamation thereof to be made. (3) And if such case happen in the county palatine of *Lancaster*, or else in any franchise where there is a chancellor and a seal, that then the chancellor of *England* shall cause to be written or sent by the King's writ to the chancellor of such county or franchise, all the suggestion in the said bill comprised, commanding him to make such execution as in the said article is comprised; (4) so always that

banc pur y respondre a la matier compris en la dite bille sur peine destre convictz de la matier compris deins la dite bille & en chescun tiel brief de proclamation soit contenu la substance de la matier compris deinz la dite bille & s'ils ne veignent a jour de tiele proclamation retournee soient adonques tenuz & adjudgez pur convictz & atteintz come dessus est dit & s'ils veignent a la proclamation soit de eux enquis & fait en manere come dessus est dit.

Purveu que les suggestions de tielx riotes soient tesmoignes a le chancelier d'Engleterre par lettres ensealez desoutz les seals de deux justices du pees a meins & le viscount del countee ou tielx riotes ferront devant ceo que tiel brief de *Capias* soit graunte en quel brief de *Capias* soit sibi la matiere expresse quel est compris deins mesme la bille come en le brief de proclamation ent affaire. Et si tiel cas aveigne en le countee palatyn de *Lancastre* ou ailleurs en franchise la ou il y ad chancelier & seal qadonques le dit chancelier d'Engleterre face escriver ou envoyer par brief du Roy a le chancelier de tiel countee ou franchise toute la suggestion en la dite bille compris commandant a luy de faire tiel execution come en le dit article est compris issint toutz foitz que brief du Roy hors de la chancellarie d'Engleterre ne courge en tiel countee ou franchise autrement que nad este usee en temps passe & que ceste ordinance estoise en sa force tanque al fyn du prochein parlement.

the King's writ shall not run out

out of the chancery of *England* in such a county or franchise, othe wise than hath been used in time past ; (5) and that this ordinance shall stand in his full force until the end of the next parliament.

Made perpetual by 8 H. 6. c. 14.

Other statutes made at *Westminster*, Anno 2 HEN. V.
stat. 2. and *Anno Dom.* 1414.

NOSTRE seignur le Roy a son parlement tenuz a Westm' le Lundy apres les oeptaves de seint Martyn lan de son regne seconde del advis & assent des seignurs espirituels & temporelx & a les especialx requeste & instance des communes de son roialme adonques illoeqes assemblez ad ordeine fait & establie diverses ordinances & estatutz en la fourme qensuit.

OUR lord the King, at his parliament holden at Westminster, the Monday next after the Utas of St. Martin, the second year of his reign, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of his realm then there assembled, hath ordained and established divers ordinances and statutes in the manner and form as followeth.

CAP. I.

What sort of men shall be justices of the peace.

PRimerement qe les justices de la pees desore enavaunt affaires deinz les countees d'Engleterre soient faitz de les plus sufficeantz persones demurantz en mesmes les countees par avis du chancellor & conseyll le Roy sanz prendre autres persones demurantz en foreins countees a tiel office occuper forspris les seignurs & les justices d'assises ore nomez & anomerz par le Roy & son conseil & forspris auxi les chiefs seneschalx du Roy des terres & seignuries del duchee de Lancastrre en le north & le south pur le temps esteantz.

FIRST, That the justices of the peace from henceforth to be made within the counties of *England*, shall be made of the most sufficient persons dwelling in the same counties, by the advice of the chancellor and of the King's council, without taking other persons dwelling in foreign counties to execute such office, except the lords and the justices of assises now named, and to be named by the King and his council ; and except all the King's chief stewards of the lands and seignories of the dutchy of *Lancaster*, in the north parts, and in the south, for the time being.

4 Inst. 51.
3 Ed. 3. stat. 2.
c. 16.
34 Ed. 3. c. 1.
What sort of persons shall be justices of peace.

13 R. 2. stat. 1.
c. 7.

CAP. II.

The yearly wages of chaplains and parish priests settled.

ITEM, whereas it is contained in the statute, made the xxxvi. year of King *Edward* the Third after the conquest, That no parish priest nor yearly priest should take but v. marks, or vi. at

Ex edit. Rast.
Parish priests.

the most for their wages by year. And where the parish priests which now be, will not serve but for x.li xii. marks or x. marks by year at the least, against the form of the said statute, to the great damage of the King's liege people, as he hath perceived by the complaint of the commons of his land: the King willing for the same to provide remedy in ease of the said commons, hath ordained and established, That no yearly chaplain within the realm shall take from henceforth more for his whole wages by year, that is to say, for his board, apparel, and other necessaries, but vii. marks, nor the parish priests, which be or shall be retained to serve cures, shall take from henceforth for their whole wages by year, that is to say, for the things aforesaid but viii. marks, unless it be by licence of the ordinary, so that the whole sum pass not nine marks.

36 Ed. 3. c. 8.
Rep. 21 Jac. 1.
c. 28.

CAP. III.

Of what estate those jurors must be, which are to pass touching the life of man, plea real, or forty marks damages.

Explained by
8 H. 6. c. 29.

Of what estate
jurors must be
who are to
pass in an in-
quest touch-
ing the life of
man, plea real,
or forty marks
damages.

ITEM, The King considering the great mischiefs and disherisons which daily happen through all the realm of *England*, as well in case of death of a man, as in case of freehold, and in other cases, by them which pass in inquests in the said cases, which be common jurors, and other that have but little to live upon but by such inquest, and which have nothing to lose because of their false oaths, whereby they offend their consciences the more largely; (2) and willing thereof to have correction and amendment, hath ordained and established, by assent of the lords and commons aforesaid, That no person shall be admitted to pass in any inquest upon trial of the death of a man, nor in any inquest betwixt party and party in plea real, nor in plea personal, whereof the debt or the damage declared amount to forty marks, if the same person have not lands or tenements of the yearly value of forty shillings above all charges of the same; (3) so that it be challenged by the party, that any

2

ITEM le Roy considerant les grandes meschiefs & desheritances que de jour en autre aveignent parmy tout le roialme sibien en cas de mort de homme come en cas de franc tenement & es autres cases par ceux qi passent es enquestes en les ditz cases qi sont communes jurours & autres qi nont que poie de vivre mes par tieux enquestes & les queux nont riens a perdre par cause de lour fausementz paront ils le plus legierment offendent lour conscience et voillant ent avoir correction & amendement ad ordeigne & establie par assent des seignurs & communes suisditz que null persone soit admys de passer en ascune enqueste sur trial de mort de homme ou en ascune enqueste parentre partie & partie en plee real nen plee personell dont le dette ou les damages declarez amontent a quarant marcz si mesme la persone neit terres ou tenementz de annuell value de quarant souldz outre les reprises dicelles issint qil soit chalangee par la partie que ascun empanelle en mesmes les cases nad my terres ou

ou

ou tenementz a le value annuell de quarant souldz outre les charges come avaunt est dit.

such person so impanelled in the same cases hath not lands or tenements of the yearly value of forty shillings above the charges, as afore is said.

Raft. 117.
28 Ed. 3. c. 13.
9 H. 5. f. 5.
10 H. 6. f. 7, 8, 18.
2 H. 7. f. 13.
10 H. 7. f. 14.

CAP. IV.

There shall be no gilding of silver ware, but of the allay of English sterling.

ITEM pur ceo qe les orfeours dEngleterre de lour commune covyn & ordinance ne voillent my vendre les choses de lour mistier endorrez sinon a double pris de le pois dargent dicelles le quell semble a Roy trop outrageous & trop excessivé pris le Roy pur laise de son poeple voillant ceo remedier ad ordeine & establie qe toutz les orfeours dEngleterre suisorrent null argent pier qe del allaie desterling Englois & gils preignent pur la libre de Troy orre xlvi. s. viii. d. a plus & de greindre pois & de meindre selonc la quantite & lafferrante de mesme la somme et qe ceo qe serra par eux suisorre defore enavaunt soit de resonable pois & non pas. excessivé et si nul orfeour face le contraire forferra a Roy la value de la chose vendue.

ITEM, for that the goldsmiths of England, of their covin and ordinances, will not sell the wares of their mystery gilt, but at the double price of the weight of the silver of the same, which seemeth to the King very outrageous and too excessive a price; (2) the King for the ease of his people, willing to remedy the same, hath ordained and established, That all the goldsmiths of England shall gild no silver worse than of the allay of the English sterling, and that they take for a pound of Troy gilt but forty-six shillings eight pence at the most, (3) and of greater weight, and less, according to the quantity and rate of the same sum; and that which shall be by them gilt from henceforth shall be of reasonable price, and not excessive; (4) and if any goldsmith do contrary to this statute, he shall forfeit to the King the value of the thing so sold.

There shall be no gilding of silver wares but of the allay of English sterling.

Rep. in part.
21 Jac. 1. c. 28.

The pound Troy of silver gilt shall be sold for 46s. 8d.

5 H. 4. c. 13.

CAP. V.

If a Welchman, on process awarded against him for detaining an Englishman, refuse to appear, he shall be outlawed, and writs shall be issued to apprehend him.

ITEM, forasmuch as since the rebellion of the Welchmen now late reformed, many of the rebels of Wales, with other their adherents, with force and arms in the manner of war, sometimes by day, and sometimes by night, have come into the counties of Salop, Hereford, and Gloucester, and in other places bordering upon the same countries, and in divers woods and other places there hid and lodged, have traiterously and feloniously taken many of the King's faithful liege people, some in riding about their merchandises and doing their own business

Ex edit. Raft. Wales.

Justices of
peace.

Altered by
27 H. 8. c. 26.

sinces, and some in their houses where they were abiding, doing their works in their husbandry in God's peace and the King's, and those the King's liege people so taken, have brought out of their country to divers parts of Wales, and them have kept and withholden with them in the mountains of those parts of Wales by half a year, sometime more, and sometime less, till they have ransomed some of the said liege people to one C li. and some more after their rate, in like manner as is used in time of war, to the great damage and mischief of the people of the said counties and countries, and to an evil example, if it be not the rather remedied, as the King by the grievous complaint of the commons hath perceived: Our sovereign lord the King, willing against all such offenders to ordain a due punishment, hath ordained and established, That the justices of peace within the counties of England assigned for the time, shall have power to enquire, hear, and determine all manner of such treasons and felonies, as well at the King's suit as at the party's: so that in case that such offenders will not appear before the said justices, to answer as the law requireth in this behalf, till they be according to the custom of the realm outlawed; then the same justices shall certify by their letters under their seals, the officers of the seignories, in which such outlaws be withdrawn, abiding, or resiant, of the outlawry upon them so pronounced. And that the same officers upon that certification, take the bodies of those outlaws, and do execution upon them in the same seignory, as the law demandeth, without fine or ransom in this behalf to be made.

C A P. VI.

Merchandises of the staple shall not be exported beyond sea, without the King's licence, until they be first brought to the staple.

Staple.

ITEM, *whereas in the parliament holden the first year of King Henry the Fourth, father to the King that now is, by the advice of the lords and commons in the same assembled, it was ordained and assented, That the staple of wools, leather, woolfels, lead, and tin, should be wholly at Calais, saving always, that all the merchants of Genoa, Venice, Catalonia, Arragon, and of other realms, lands, and countries towards the West, being of the King's amity, that would bring to Hampton or elsewhere within the realm, caraks, ships, galleys, or other vessels, charged or discharged, might freely sell their merchandises to whom pleased them, and there to recharge all their said vessels of wools, leather, woolfels, lead, and tin, and of other merchandises of the staple, and freely bring them into their country towards the West, after the form of the statute thereof made the second year of King Richard the Second after the conquest. And saved also to the burgesses and merchants of the town of Berwick upon Tweed, and to the resiants and inhabitants in the same, that they may buy wools, leather, and woolfels, as well of the growing of Tindale and other places within the realm of Scotland, and other of the growing of England, that is to say, of all that place betwixt the waters of Tweed and Coket, as of the growing of other parts within the realm*

realm of Scotland: and the same wools, fells, and leather, to bring to the port of the said town of Berwick, and to carry them to foreign parts, or set them to sale in the said town of Berwick, according to the form and effect of an ordinance thereof made the first year of the said King Richard. And now so it is, that certain merchants, as well of the isles of Jersey and Guernsey, as merchants of the parts of Britanny, and Guion, do buy in divers places of Cornwall whole tin not molten, and the same carry and send to be sold in divers parts of France, Normandy, Britanny, Guion, and elsewhere than to the said staple, and also divers other merchants, as well denizens as strangers, do buy and send molten tin, called shotten tin, out of the realm to the parts of Flanders, Holland, Zealand, and to other parts beyond the sea, than to the said staple, against the form of the said ordinance so late made, to the great fraud, loss, and damage to the King, as of his customs, and to the hindrance of all their repairers to the same staple, as the King is thereof certified by the motion of his commons now present: The King considering the same ordinance to be necessary and profitable for him and the said staple, will, granteth, and commandeth, That the same shall stand in his force, and moreover the King, by the assent of his lords spiritual and temporal, and of his commons here assembled in this parliament, will and ordaineth, That no wools, fells, leather, lead, nor tin, whole or molten, called shotten tin, nor none other merchandise of the staple, from henceforth shall be sent nor carried to any parts beyond the sea, unless they be first brought to the said staple after the form of the said ordinance made the first year of King Henry, upon pain of forfeiture of all the merchandises in such manner sent or carried out of the realm, unless it be by the King's licence, and except those persons, places, and things, which be excepted in the said ordinance made in the said first year of the said King Henry for the time that the persons of the places so excepted be of the King's amity, and that in the form contained in the said ordinance. And moreover that every man (except those before excepted) which shall send or carry any such merchandises of the staple out of the realm of England in time to come, shall find good and sufficient surety to the King, before his customers, of the place where the same merchandises shall be taken and customed within the same realm, before that he depart with the same merchandises, that he shall first bring or send them to the said staple in the form aforesaid, unless he have the King's licence as afore is said.

2 R. 2. stat. 7.
c. 3.
2 H. 6. c. 4.
14 Ed. 4. c. 3.

A statute made at *Westminster*, Anno 3 HEN. V.
and Anno Dom. 1415.

FAIT assavoir qe a le parle-
ment tenuz a Westm' le
Lundy

AT the parliament holden at
Westminster the Monday
D 3 next

next after the feast of All Saints, the third year of the reign of King Henry the Fifth, a statute was made by the King our lord, with the assent of all the lords spiritual and temporal, and at the request of the commons of England there assembled for the common profit and weal of the realm.

Lundy proschein apres le fest de toutz saintz lan du regne le Roy Henry quint apres le conquest tierce fuit fait un estatut par le Roy del assent de toutz les seignurs espirituelx & temporelx a lespeciale requeste des communes dEngleterre assemblez illoeqes pur le commune bien & profit de tout le roialme.

CAP. I.

It shall be felony to import or offer in payment any sort of money forbidden by former statutes.

Ex edit. Rast.
Gally half-
pence.

Suskin and
Dorkin.
Money.

Justices of
peace.

Mayors.
Bailiffs.
Stewards.

THAT is to say, That Gally halfpence, and the money called Suskin and Dotkin, and all manner of *Scottish* money of silver, shall be put out, and not be current hereafter for any payment in the realm of *England*. Joined to the same, that proclamation be made through all the counties of *England* within franchises and without, and elsewhere, that all that have Gally halfpence, suskins or dotkins, shall bring them to the King's exchanges betwixt this and the feast of *Easter* next ensuing, there to be broken, and that that is found good silver, there to be striken and coined in *English* halfpence. And all they which after the said feast of *Easter* do make coin, buy, or bring into the realm of *England* any Gally halfpence, suskins, or dotkins, to sell them, or to put them in payment in the same realm, and thereof be attainted, they shall be judged as felons of our sovereign lord the King, and shall forfeit all their lands and tenements goods and chattels. And that the lords, of whom such lands and tenements be holden, shall have and enjoy the forfeitures as in other cases of felony. And if any of the King's liege people or other person put Gally halfpence, suskins, or dotkins, in payment, or them receive in payment, within the realm of *England*, and thereof be duly attainted, they shall forfeit at every time that they make such payments or receipt, C s. whereof our sovereign lord the King shall have the one half, and he that will sue for the King thereof to attain them, shall have the other half, and that as well the justices of peace within all the counties of *England*, as mayors and bailiffs within the cities and boroughs, and stewards of lords in their view of frankpledge, shall have power to enquire by good enquests to be taken before them of all the matters aforesaid. And that the said mayors and bailiffs, after the said enquests before them taken, shall send the same inquisitions before the justices of peace of the counties, in which the said cities and boroughs be. And that the said justices of the peace of the counties have power, as well of the said inquisitions so taken before such mayors and bailiffs, and sent before the said justices (as afore is said) as upon other inquisitions before the same justices of peace

peace in their sessions to be taken touching the said matters, to make process, and to award the *Capias* and *Exigend*, and to hear and determine all the said matters according to their discretion, as in other cases of felonies and trespasses hath been used before 2 H.6.c.9. this time.

Statutes made at *Westminster*, Anno 3 HEN. V.
stat. 2. Anno Dom. 1415.

NOSTRE seigneur le Roy a son parlement tenuz a Westm' le Lundy le seizisme jour de Marcz lan de son regne tierce del advis & assent des seignurs espirituelx & temporelx & a la requeste des communes assemblez en mesme le parlement ad ordeignez & establiz diverses ordinañces & estatutz en la fourme gensuit.

OUR lord the King, at his parliament holden at Westminster the Monday the sixth * day * Sixteenth. of March, the third year of his reign, by the advice and assent of the lords spiritual and temporal, and at the request of the commons, assembled in the same parliament, hath ordained and established divers statutes and ordinañces in the form following.

CAP. I.

A confirmation of the liberties of the church, and of all persons, cities, &c.

PRimerement que seinte eglise eit toutz ses libertees & franchises & que toutz les seignurs espirituelx & temporelx & les autres lieges du Roy eiantz libertees & franchises & toutz les citees & burghs du roialme eient & enjoient toutz leur libertees & franchises queux ils ount des grantes de les progenitours nostre seigneur le Roy & de la confermement mesme nostre seigneur le Roy ou son grante demesne forspris ceux franchises & libertees queux sont repellez en cest present parlement & ceux que sont repellez par la commune leie.

FIRST, That holy church have all her liberties and franchises, and that the lords spiritual and temporal, and other the King's liege people, having liberties and franchises, and all the cities and boroughs of the realm, have and enjoy all their liberties and franchises, which they have had of the grants of the King's progenitors, and of the confirmation of the same our lord the King, or his grant; (2) except always those franchises and liberties which be repealed in this present parliament, and those that be repealable by the common law.

The liberties of the church and of all cities, boroughs, and persons confirmed.

CAP. II.

Privilege given to certain abbots, &c, to make their attornies in the courts of Stancliffe and Frendles.

Ex edit. Raft.

x s. and xx s.

ITEM, forasmuch as there be divers abbots, priors, and other religious persons, whereof some be of the King's foundation, and some of the foundation of other lords of the realm of *England*, dwelling as well within the county of *Lancaster*, as in the county of *York*, whereof some have possessions within the wapentakes of *Stancliffe* wapentake, and *Frendles* wapentake, in *Craven* in the county of *York*, and some not, against whom divers persons daily by abettment and procurement of the bailiffs, approvers of the courts of the said wapentakes, and the stewards that hold pleas in the said courts, and of fermours of the profits and revenues of the said courts, feign and procure by them and other of their covin and assent, divers complaints, pleas of debt, and trespass, and other pleas against them in the courts of the said wapentakes, and there whereas the same abbots and priors come to the said courts, for the defence of such wrongful complaints and pleas, and pray and profer to the stewards and bailiffs of the said courts to make their attornies in such pleas: the said stewards and bailiffs the same refuse, and will not receive such attornies of such abbots and priors in any plea of debt or trespass, nor in any other plea, and that moreover the same stewards and bailiffs of their own authority do amerce the said abbots and priors for every complaint, at the first time xii d. and at every other time for every of the said complaints x s. and xx s. and more at their own will, to the great damage and grievance of the said abbots and priors, and against reason and the common law of the land: the King hath ordained remedy of the said grievances, that all such abbots and priors, and their successors and every of them, so vexed and to be vexed in the said courts, may make their general attornies or attorney, that is to say, every of them under the common seal of his house, to gain and lose in every manner of plea of debt and trespass, and in any other plea moved or to be moved in the said courts and in all other courts within the said wapentakes. And that the stewards and bailiffs in the said courts receive the said attornies so made and named without any contradiction. And if the same stewards or bailiffs refuse to receive any such attornies or attorney, so made and named to be made or to be named, that then the stewards and bailiffs at every time of such refusal of such attorneys, shall forfeit and incur the pain of ten pounds to our sovereign lord the King. And that the said abbots and priors, or their successors in the said courts, nor none of them, be in any wise amerced for any nonsuit or default otherwise than secular persons. And that this ordinance stand in his force for all the year next following, and till the parliament in the same year next following.

5 H. 5. c. 9.
9 H. 6. c. 10.

CAP.

CAP. III.

All Britons not made denizens shall depart the realm upon pain of death.

ITEM, whereas divers *Britons* be now late come within the *Britons*.
realm, some of them abiding about the queen's person in her house, and some nigh the said house, and elsewhere within the said realm, for to hear, know, and perceive the secretness of the realm, and the same to discover to *Britons*, which be the greatest enemies of the King and of his realm, and for to carry away the money and jewels out of the said realm, in great prejudice and damage to the King and to all his realm, as our sovereign lord the King by the grievous complaint of his commons is instructed: the same our sovereign lord the King will and hath ordained, That all such *Britons* dwelling in the queen's house, and other abiding nigh to the same house and elsewhere, not made denizens, shall be voided out of the realm: and that proclamation be made, that the said *Britons* do void out of the realm betwixt this and the feast of St. John the Baptist next coming, and that upon pain of life and of member.

CAP. IV.

All provisions, licences, and pardons of a benefice full of an incumbent shall be void.

ITEM combien en temps le Roi Henry quart pier a Roy nostre tressoverain seigneur qi Dieu assoille lan de son regne septisme pur eschuer plusieurs discordes & debates & diverses autres meschieves verisemblables a sourder & avenir a cause des plusours provisions adonques faitz & affairz par lappostoill & auxi des licences sur ceo grauntez par le dit nadgairs Roi entre autres choses ordeignez estoit & establiz qe null tiele licence ou pardon enfy grantee pardevaunt mesme lordinance ne a grantier en apres ferroit vaillable a ascuñe benefice plein dascun incumbent a jour del date en tiele licence ou pardon grante. Nientlemins diverses persones eiantz provisions de lappostoill de diverses benefices en Engleterre & aillours & licences roialx pur executer les ditz pro-

ITEM, whereas in the time of 7H.4.c.3.
King Henry the Fourth, father to our sovereign lord, whom God forgive, the seventh year of his reign, to eschew many discordes and debates, and divers other mischiefs which were likely to rise and happen, because of many provisions then made, or to be made, by the pope, and also of licences thereupon granted by the said late King, amongst other things it was ordained and stablished, That no licence or pardon so granted before the same ordinance, nor after to be granted, should be available to any benefice full of an incumbent at the day of the date of such licence or pardon granted: (2) notwithstanding several persons having provisions of the pope of divers benefices in England, and elsewhere and licences royal to execute the said provisions, have by colour of the same provisions, licences and acceptations of the said benefices, subtilly

subtilly excluded divers persons of their benefices, in which they have been incumbents by a long season, of the collations of the patrons spiritual, to them duly made to their intent, to the utter destruction and subversion of the estates of the said incumbents: (3) the King willing to remove such mischief, hath ordained and established, That all the incumbents of every benefice of holy church, of the patronage, collation, or presentation of spiritual patrons, may peaceably and quietly enjoy, and shall enjoy their said benefices, without being inquieted, molested, or any wise grieved by any colour of such provisions, licences, and acceptations whatsoever: (4) and that all the licences and pardons upon and by such provisions made in any manner, shall be void and of no value. (5) And if any feel himself grieved, molested, or inquieted in any wise from henceforth by any colour of such provisions, licences, pardons, or acceptations, that the same molesters, grievors, and inquieters, and every of them, shall suffer and incur the pain and punishments contained in the statutes of provisors before this time made, and that by process of *Præmunire facias* formed upon the case; (6) and that the party which shall sue by the same writ, shall recover his treble damages, if the defendants named in the same writ, or any of them, be convicted in that behalf.

All provisions made by the pope, and licences or pardons granted by the King, touching any benefices full of an incumbent shall be void.

25 Ed. 3. stat. 6.

dantz en mesme le brief nomez ou aucuny dicell soient ou soit conviétz ou conviét ceste partie.

provisions ont par colour dicelles provisions & licences & acceptations des ditz benefices subtilment oustez diverses personnes de leur benefices es queux ils ont estez incumbenz par long temps dell collation des verraies patrons esprituelx a eux faitz duement a leur entent a finall destruction & enervation destates dicelx incumbenz le Roi voillant oustier tiele meschief si ad ordeigne & establie que toutz les incumbenz de queconques benefices de seinte esglise del patronage collation ou presentation des patrons esprituelx puissent paisiblement & quietement enjoier & enjoient leur ditz benefices sanz estre inquietez molestez ou grevez ascunement par aucuny par colour de tieux provisions ou licences & acceptations queconques. Et que toutz les licences & pardons sur & pur tieux provisions faitz en aucun manere soient voidez & de null value. Et si aucuny se sente grevee moleste ou inquiete ascunement desorenavant par ascuns ou aucuny par colour de tieux provisions licences pardons ou acceptations que mesmes es grevours molesteours ou inquietours & chescun de ceux eient & encourgent ait & encourage les peines & punissemenz en les estatutz & ordeignances des proviseurs avant ces heures faitz contenez & ceo par proces de *Præmunire facias* fourmee sur le cas & que la partie qui pursuera mesme le brief recouvrera ses damages a treble si les defendans ou aucuny dicell soient ou soit

CAP. V.

In which courts an attaint may be brought upon a false verdict given in the city of Lincoln, and by whom it shall be tried.

ITEM combien par estatut fait en le parlement tenuz a Westm' lan du reigne le Roi RICHARD seconde puis le conquest treszisme ordeigne fuit & establie qen assises jurees & toutz autres enquestes queux delors ferroient prisez parentre partie et partie devaunt les mair & ballives de la citee de Nichole qi pur le temps ferroient si aucune des parties delors soi pleindroit de faux serement fait par tielx assises jurees ou enquestes latteint luy ferroit grantee & le record serroit mandee par brief en banc le Roy ou en commune banc et qe le viscont arraieroit le paneil del juree de tiele atteinte des foreins sanz mander al franchise de dite citee et qe les justices prendroient mesme la juree de mesmes les foreins nient contreesteant aucune franchise grantee au dite citee ou autre usage a contrarie. Jalemeins pur tant qe sir HENRY nadgairs Roi dEngleterre pier a nostre tressoverain seignur avaunt dit le xxi, jour de Novembr' lan de son regne unzisme par ses lettres patentz entre autres graunta as mair & comminalte de la dite citee qe le noun des baillives de mesme la citee serroit translate en le noun des viscontz et qe mesme la citee les suburbs & le purceint dicell forpris le chastell & le bayle de Lincoln & les mures & fosses dicell alors pur toutz jours serroit appelle le countee del citee de Lincoln pluseurs gentz sont & ont esteez en ambiguite le quell homme qi pleindre se vorra de faux

ITEM, *whereas by the statute made in the parliament holden at Westminster the thirteenth year of King Richard the Second, it was ordained and established, That in assises, juries, and all other inquests, which thenceforth should be taken betwixt party and party, before the mayor and bailiffs of the city of Lincoln, which for the time should be, if any of the parties then did complain him of false oath made by such assises, juries, or inquests, that the attaint should be granted to him, and the record should be sent by writ into the king's bench, or into the common bench; (2) and that the sheriff should array the panel of the jury of such attaint, of foreigners, without sending to the franchise of the said city; and the justices should take the same jury of the same foreigners, notwithstanding any franchise granted to the said city, or any other usage to the contrary. (3) Nevertheless, forasmuch as the lord Henry, late King of England, father to our sovereign lord the King aforesaid, the twenty-first day of November, the thirteenth year of his reign, by his letters patents, amongst others, granted to the mayor and commonalty of the said city, that the name of bailiffs of the same city should be translated into the name of sheriffs; and that the same city, suburbs, and precinct of the same (except the castle of Lincoln, and the walls and ditches of the same) should for ever be called the county of the city of Lincoln: divers people be and have been in doubt, whether a man that will complain of a false oath made in the*

13 R.2. stat.1.
c.18.

The name of
bailiffs of
Lincoln trans-
lated into the
name of she-
riffs.

Upon a false verdict given before the mayor &c, of the county of the city of Lincoln, an attaint may be brought triable by foreigners.

the county of the said city after, by force of the said statute, should have a writ of attaint directed to the sheriff of the county of Lincoln, to be arrayed by the people of the same county, or not, and also of other articles and points of the said statute; (4) the King willing to remove all manner of ambiguities and doubts in this behalf, hath ordained, granted, and established, That in assises, juries, and all other inquests which be and shall be taken betwixt party and party, before the mayor and bailiffs, and before the sheriff of the county of the city of *Lincoln*, which for the time is, and shall be, or any of them, if any of the said parties do complain of a false oath made by such assises, juries, and inquests, a writ of attaint shall be granted to him, directed to the sheriff of the said county of *Lincoln* for the time being, and the same record shall be sent by a writ into the king's bench, or into the common bench; (5) and that the sheriff of the county of *Lincoln*, which for the time shall be, shall array the panel of the jury of such attaint of people of the county of *Lincoln*; and that the justices of the King and of his heirs shall take the same jury of people of the county of *Lincoln*, according to the intent and effect of the said statute, notwithstanding the said letters patents, or any thing therein contained, or any possession or other thing by the force of the same letters had or made, or any franchise granted, or to be granted to the citizens of the said city, or to their successors, or other usage to the contrary, or that the said city

faux serement fait en le countee du dite citee puisse par force del estatuit suifdit avoir brief de atteinte adresser a viscont del countee de Nichole destre arraie par gentz de mesme le countee ou nemy & auxint dautres articles & points de mesme lestatut le Roy voillant ouster toutz maners ambiguites & awerestees ceste partie si ad ordeigne grante & establie qen assises jurees & autres enquestes qeconques qi sont & ferront prizez parentre partie et partie devaunt les mair & baillives ou viscont del countee de la dite citee de Nichole qi pur le temps furent & ferront ou ascuns de eux si ascun des parties soi pleint de faux serement fait par tieux assises jurees ou enquestes brief datteint luy soit grante adresser al viscont del dit countee de Nichole pur le temps esteant & le record soit mandee par brief en banc le Roy ou en commune banc et qe le viscont del countee de Nichole qi pur le temps serra arraie le panell del juree de tiel atteinte des gentz del countee du Nichole et qe les justices du Roy & de ses heirs preignent mesme la juree del countee de Nichole solonc sentent & leffect del dit estatuit les ditz lettres patentz ou riens leins contenuz ou ascune possession ou autre chose par force de mesmes les lettres euz ou faitz ou ascune franchise grantee ou a grantier as citezeins du dite citee ou a lour successours ou autre usage a contraire ou ceo qe la dite citee de Nichole est ensy fait incorporate countee par luy mesmes & seveeree del countee de Nicole non obstantz.

of *Lincoln* is so made incorporate.

CAP. VI.

It shall be treason to clip, wash, or file money.

ITEM pur ceo qe devaunt ces heures grande doute & awareuste ad este le quell la tonfure loture & fylyng de la moneie de la terre duissent estre adjudgez trefon ou nient a cause qe null mention ent este fait en la declaration des articles de traifon faitz en le parlement tenu lan vingt & quint del noble Roi EDWARD besaiel a nostre dit tressoverain seignur le Roi mesme nostre seignur le Roi voillant oustre tiele doute & le mettre en certain ad declarree en cest present parlement qe tieux tonfure loture & filer soient adjudgez pur traifon & qe ceux qi tondent lavent & filent la moneie de la terre soient adjudgez traitours a Roi & a le roialme & encourgent la peine du traifon.

ITEM, because that before this time great doubt and ambiguity hath been, whether that clipping, washing, and filing of the money of the land, ought to be judged treason, or not, forasmuch as no mention thereof is made in the declaration of the articles of treason made in the parliament holden the twenty-fifth year of King Edward the Third; (2) the same our lord the King, willing to decide such doubt, and to put the same in a certainty, hath declared in this present parliament, that such clipping, washing, and filing, shall be adjudged for treason, and they which so do clip, wash, and file the money of the land, shall be judged traitors to the King and to the realm, and shall incur the pain of treason.

Clipping, washing and filing of the money of this realm shall be high treason.

Repealed by 1 Ed. 6. c. 12. & 1 Mar. sess. 1. c. 1. and revised by 5 El. c. 11.

CAP. VII.

What justices shall have authority to bear and determine the offences of falsifying of money.

ITEM pur ceo qe contrefaiture tonfure & loture & autre fauxine de la moneie de la terre est le plus usee & plus se habunde de jour en autre qe ne soleit a cause qe le punissement dicelles nappertient a aucun juge du roialme sinoun as justices du Roi devaunt luy mesmes ou devaunt justices par especialx commissions a ceo assignez a verraisemblable destruction de la dite moneie finon qe plus hastive execution & remedie soit ordeigne come le Roi a le grevous compleint des ditz communes ad conceu mesme nostre seignur le Roi voillant ceo remedier si ad ordeigne & establie qe les justices

ITEM, because counterfeiting, clipping, washing, and other falsity of money of the land, is much more used, and daily doth more abound than it was wont, for that the punishment of the same pertaineth not to any judges of the realm, but to the King's justices before himself, or by special commissions thereto assigned, and it is very likely there will be destruction of the money, unless hasty execution and remedy be provided, as the King by the grievous complaint of the commons hath perceived; (2) our said lord the King, willing to remedy the same, hath ordained and established, That the King's justices assigned to take assises in all the counties of England,

What justices shall have authority to hear and determine the offences of falsifying of money.

England shall have power by the King's commissions to hear and determine, in their sessions, as well of the counterfeiting, and of the bringing of such false money into the realm, as of clipping, washing, and every other falsity of the said money; (3) and that the justices of peace through the realm shall have power by the King's commissions to inquire of all such matters, and thereupon to make process by *Capias* only against those which before them shall be thereof indicted.

5 El. c. 11.

ces du Roi as assises prendre assignez & assignerz en toutz les countees d'Engleterre eient poair par commission le Roi doier & terminer en lour sessions sibi en de contrefaicture & de laporte de tieux fauxe monieie en Engleterre come de tonsure loture & chescune autre fauxine du dite monieie. Et que les justices de la pees parmy le roialme eient poair par commission le Roy denquerer de toutz tieux maters & sur ceo faire process par *Capias* tant seulement vers ceux qi devaunt eux ferront ent enditez.

CAP. VIII.

Ordinaries shall take no more for proving of testaments, with their inventories, than was taken in the time of King EDWARD the Third.

Ex edit Rast.
Probate of
testaments.

ITEM, whereas the commons of the realm have often times in divers parliaments complained of that, that divers ordinaries do take for the probate of a testament, and other things pertaining to the offices in this behalf, sometime forty shillings, or fifty shillings, and sometime more, against right and law, and otherwise than was wont to be paid for them, in the time of King *Edward* the Third, that is to say, two shillings six pence, or five shillings at the most, whereby the testament of the testator may not be executed, according to the last will of the same testator, to the great damage and hinderance of the common wealth: the King willing, for the wealth and ease of his people to avoid such oppression, and to provide remedy in the case, hath ordained, That none ordinary shall take from henceforth, for the probate of any testament with the inventory, and for the other things appertaining to the same, no more than was accustomed and used in this part in the time of the said King *Edward* the Third, upon pain to yield to him that seeleth him grieved the treble so received, if he will sue by the course of the law, so that all manner of executors shall yield their accompts to the ordinaries, wholly of the testator's goods. And that this ordinance stand in his force till the end of the year next coming, and moreover till the parliament the same year next ensuing.

31 Ed. 3. stat. 1.
c. 4.
21 H. 8. c. 5.

Statutes made at *Westminster*, Anno 4 HEN. V. and
Anno Dom. 1416.

AT the parliament holden at
Westminster the nineteenth
day

AU parlement tenuz a
Westm' le xix. jour d'Octo-
br

tobr' lan du regne le Roi HENRY quint puis le conquerte quarte mesme nostre seigneur le Roy del assent des prelatz ducs counts & barons & a les especialx instance & requête des communes assemblez en cest present parlement ad fait ordeine & establie certains estatutz & ordeinances en la fourme qensuit.

day of October, the fourth year of the reign of King Henry the Fifth after the conquest; the same our lord the King, with the assent of the prelates, dukes, earls, barons, and at the special instance and request of the commons assembled in the same parliament, hath caused to be ordained and established certain statutes and ordinances, in the form as followeth.

CAP. I.

A confirmation of all former statutes not repealed.

PRimerement qe la Grande Chartre & la Chartre de la Foreste et toutz autres estatutz & ordeinances faitz en son temps & es temps de ses nobles progenitours Rois d'Engleterre & nient repellez soient fermement tenuz & gardez en toutz pointz.

FIRST, That the Great Charter, and the Charter of the Forest, and all other statutes and ordinances made in his time, and in the time of his noble progenitors Kings of England, and not repealed, shall be firmly holden and kept in all points.

A confirmation of former statutes not repealed.

CAP. II.

Sberiffs shall have allowance upon their accompts of things casual.

ITEM qe toutz les viscontz d'Engleterre eient allowance sur lour accompts par lour serementes des choses casuels come des extretz qe ne sonnent ne courgent my en ferme nen demande annuell mes de toutz ceux choses qe sonnent ou courgent en tieux fermes annuels ou demandes annuels soient ils chargez envers le Roi come les viscontz ont estez chargez devant ces heures en le cas.

ITEM, That all the sheriffs of England shall have allowance upon their accompts, by their oaths, of things casual, as of estreats that be not in ferm nor in demand; (2) but of all such things that be or run in yearly fermes or yearly demands, they shall be charged to the King, as the sheriffs have been charged in that case in times past.

4 Inst. 107. Sheriffs shall have allowance, upon their accompts, of things casual. * Sound.

CAP. III.

No man shall make any pattens of aspe, upon pain of an hundred shillings.

ITEM, That the patenmakers in the realm of England, from henceforth shall make no patens nor clogs of timber called aspe, upon pain to pay to the King a hundred shillings, at every time that the said patenmakers make any patens or clogs of the said timber. And that every man that will sue for the King, shall have the one half of the pain so forfeit, so that the fletchers through

Ex edit. Rast.

Patenmakers.

Rep. 21 Jac. 1. c. 22.

through the realm shall sell their arrows at a more easy and reasonable price from henceforth than they were wont.

CAP. IV.

The penalty assigned by the statute of 12 RICH. II. cap. 4 for giving or taking of excessive wages, shall be imposed upon the taker only.

Servants
wages.

ITEM, whereas in a statute made at *Canterbury*, in the time of King *Richard* the Second, the twelfth year of his reign, certain wages was ordained by the year for bailiffs and other servants of husbandry, and also for other servants and labourers, as well within cities and boroughs as elsewhere through the realm: and that if any give or take by covenant by the year more than is specified in the said statute, That at the first time that they be thereof attainted, as well the givers as the takers shall pay the excess so given, and at the second time the double of the excess so given: and forasmuch as the givers, when they have been sworn before the justices of peace, will in no wise present such excesses, to eschew their own punishments, to the great loss of the King, as of his fines and amerciaments for the concealing, and grievous damage to the lords and other people of the realm, because of the non due punishment of the defaults of servants and labourers aforesaid as the King hath perceived by the complaint of his commons: the same our sovereign lord the King hath ordained, That the pain of the giver shall be out in this party, and that the pain contained in the said statute shall run only upon the taker. And that this ordinance hold place and force till the feast of Saint *Michael* next coming, and then till the end of two years then next ensuing.

CAP. V.

How merchant strangers shall be used, and hosts appointed for them.

A confirma-
tion of the sta-
tute of 5 H. 4.
c. 7 & 9. con-
cerning the
using of mer-
chants strang-
ers.

ITEM, *whereas in a statute made in the time of King Henry the Fourth after the conquest, the fifth year of his reign, it was ordained and stablished, That all the merchants aliens, of what estate or condition they be, coming, abiding, or resident within the realm of England, should be entreated and demeaned within the same realm in the same form, manner, and condition, as the merchants denizens be or shall be entreated or demeaned in the parts beyond the sea, and in no other manner, upon pain to forfeit to the King all the goods and chattels of the said merchants aliens.* (2)

And

ITEM come en un estatut fait en le temps del Roy *Henry* quarte puis le conquest lan de son regne quint ordeine fuit & establie qe toutz les merchantz aliens de quell estat ou condition qils soient venantz demorantz ou repairantz deinz le roialme d'Engleterre soient traitez & demefnez deinz mesme le roialme en manere fourme & condition come les merchantz deinzzeins sont ou seront traitez ou demefnez es parties de par dela & en null autre manere sur peine de forfaiture a Roi toutz les biens & chateaux des ditz merchantz aliens

liens & sur peine demprisonement des corps de mesmes les merchantz aliens. Et ensement ordeine fuit & establie en temps du dit nadgairs Roi Henry entre autres choses par estatut qen chescun citee ville & port du meer dEngleterre ou les ditz merchantz aliens & estranges font ou ferront repairantz soient assignez a mesmes les merchantz sufficeantz hosties par les mairs viscontz ou bailives des ditz villes & ports du meer & qe les ditz merchantz aliens & estranges ne soient demurantz en autre lieu sinon ovefque les ditz hosties ensi a assignerz & qe mesmes les hosties ensi a assignerz preignent pur lour travaill en manere qe fuit accustumez en auncien temps. Et pur tant qe nostre seignur le Roi ad entendu qe mesmes les estatutz nont este misez en execution Si voet & grante mesme nostre seignur le Roi tressoverain qe ycelles estatutz soient fermement tenuz & gardez en toutz points & mys en due execution de ceo enavaunt solonc la contenu en ycelles.

And also it was ordained and stablished in the time of the said late King Henry, amongst other things, by statute, That in every city, town, and port of the sea of England, where the said merchants aliens or strangers be, or shall be repairing, sufficient hosts shall be assigned to the same merchants by the mayors, sberiffs, or bailiffs of the said cities, towns, and ports of the sea; (3) and that the merchants aliens and strangers shall not remain in other places, but with the said hosts so to be assigned; and that the same hosts so to be assigned shall take for their labour in the same manner as was accustomed of old time: (4) and for that our lord the King hath perceived that the same statutes have not been put in due execution, he willeth and granteth, That the same statutes shall be firmly holden and kept in all points, and put in due execution from henceforth according to the purport of the same.

CAP. VI.

Penalty on Irish prelates for collating an Irishman to a benefice in England, or bringing an Irishman to parliament to discover the counsel of Englishmen to rebels.

ITEM, whereas it was ordained in the time of the King's noble progenitors, by a statute made of the land of Ireland, That none of the *Irish* nation should be chosen by election to an archbishop, bishop, abbot or prior, nor in none other manner received nor accepted to any dignity or benefice within the said land; and now of late many such *Irish* people, by force of certain letters of licence to them made by the King's lieutenants there, to accept and receive such dignities and benefices, be promoted and advanced to archbishops and bishops within the said land, which also make their collations to *Irish* clerks of the dignities and benefices there, against the form and effect of the said statute: and whereas they be said peers of the parliament in the same land, they bring with them to the parliaments and councils holden there, *Irish* servants, whereby the privities of the *Englishmen* within the same land have been and be daily discovered

covered to the *Irish* people, rebels to the King, to the great peril and mischief of the King's lawful liege people in the same land: our sovereign lord the King that now is, desiring for the same to provide remedy, for the surety of his faithful subjects, by the assent of the lords aforesaid, and at the request of the said commons, will and granteth, That the said statute shall stand in his whole force, and well and duly be kept and fully executed upon his grievous indignation. And moreover he hath ordained and stablished, by the assent and request aforesaid, That if any such archbishops, bishops, abbots, or priors, of the *Irish* nation, rebels to the King, have in times past made, or from henceforth shall make any collations or presentments to benefices of holy church in the said land of *Ireland*, against the form of the same statute, or bring with them any *Irish* rebels amongst the *Englishmen*, to the parliaments, councils, or other assemblies, within the same land, to know the privities and states of the said *Englishmen*, and the same to discover to the said rebels, that then maintainant from time to time, all their temporalties shall be seised into the King's hands, there to remain till they have made fines to the King in this part. And also that all the lieutenants of the King and of his heirs in the said land of *Ireland*, be utterly defended and restrained from henceforth, to have any manner of power to give or to grant any such benefices or pardons in the case of *Irish* persons, not *English*. And that all such licences not executed, made and granted by the King's lieutenants in the same land before this time, and also to be granted by them hereafter, shall be void and of no force nor value.

C A P. VII.

In what cases letters of marque may be granted.

2 H. 5. c. 6.

ITEM, because our sovereign lord the King hath heard and conceived, at the grievous complaint of the commons of his realm in this parliament, for that in respect of a statute made at his parliament holden at Leicester the last day of April, the second year of his reign, in which statute is contained, That the breaking of truce and of safe conducts, and willing receipt, abetment, procurement, counsel, hiring, sustaining, and maintaining of breakers of truce, and of the safe conducts of the King our lord, to be made by his liege people from henceforth within the realm of England and Ireland, and the country of Wales, upon the main sea, shall be judged and determined for high treason done against the crown

ITEM pur ceo qe le Roi nostre souverain seigneur ad oiez & concieuz a la grievous complaint de la comminalte de son roialme en cest present parlement de ceo qe par cause dun estatut fait en son parlement tenuz a Leycestre le darrein jour dAverill lan de son regne seconde en quel estatut il est contenuz qe les romperies des trieues & saufconduitz & voluntaries receipt abettement procurement conseil lower sustenance & maintenance des rompours de trieues & saufconduitz du Roi nostre souverain seigneur par ses lieges affaires delors en avant dedeinz les roialmes dEngleterre & Irland & la pais de Gales & sur le haut meer soient

ent ajuggez & terminez pur haut traïson fait encontre la corone & dignite du Roi a cause de quell estatut combien qe les subgitz du Roi soient grevez encoutre les trieues ils noo-sent soy purvoier de remedie par voie de fait purtant les enemys du Roy nostre souverain seignur sibien es parties depar dela la meer come en roiaume d'Escoce en ont pris graunde corage de grever les foialx lieges du Roy en tuant ascuns de eux & ascuns en priegnaunt prisoners & auxi en priignant lour biens & chateux encoutre le tenure des trieues sibien sur le haut meer come en les marches d'Escoce desuisdit dont le suisdit comminalte humblement ad supplie nostre dit seignur le Roi de remede voillant le Roi nostre dit seignur en ceo cas & autres toutditz purvoier a lindempnitee de ses lieges & foiaux subgitz ad declarez en cest present parlement qe de toutz attemptatz faitz par ses enemys sur ascuns de ses foialx lieges encoutre le tenure daucunes trieues devant ces heures prises en les quelles nest pas fait expresse mention qe toutz marques reprisailles cesseront mesme nostre seignur le Roi a toutz qi lour sentiront en tiel cas grevez voet grauntier marque en due forme & pareillement ferra nostre dit seignur le Roi a toutz ses lieges qi se sentiront grevez encontre le tenure daucuns trieues qe contre luy & aucuns ses enemys ferront de novel prisez en temps avenir. Et a la greindre consolation de ses ditz foialx lieges au fyn qils purront plus prestement & sanz longues delais avoir remede en ceo cas voet mesme nostre seignur le Roi

crowne and the King's dignity; (2) by reason of which statute, though the King's subjects be so much grieved against the truce, that they dare not provide remedy by way of act, for that the King's enemies, as well in the parts beyond the sea, as in the realm of Scotland, have hereof taken great courage to grieve the King's faithful liege people, in slaying some of them, and in taking some of them prisoners, and also taking their goods and chattels, against the tenor of the truce, as well upon the main sea, as upon the marches of Scotland, whereof the said commons have humbly beseeched our said sovereign lord the King to provide remedy; (3) the King willing, as well in this case as in other, to take order for the indemnity of his liege people and faithful subjects, hath declared in this present parliament, That of all attempts made by his enemies upon any of his faithful liege people, against the tenor of any truce taken before this time, wherein is no expresse mention made, that all marques and reprisals shall cease, the same our sovereign lord the King will grant marque in due form to all them that feel themselves in this case grieved, (4) and our said lord the King will do the like to all his liege people that feel them grieved against the tenor of any truce, which betwixt him and any of his enemies shall be newly taken hereafter. (5) And to the greater comfort of his faithful liege people, to the intent that they may the more readily, and without long delay, have remedy in this case, the same our lord the King will, That if he or they that feel them grieved against the

Letters of marque shall be granted to any of the King's subjects with whom truce is broken upon the sea.

The manner how to obtain letters of marque.

tenor and form of such truce within the realm of *England*, out of the said marches of *Scotland*, or upon the sea, or in the parties beyond the sea, shall complain to the keeper of the privy seal, which for the time shall be, who after such complaint heard and perceived, thereof shall make to the party complainant (if he the same require) letters of request under the privy seal in a due form. And if, after such request made, the party required do not make, within a convenient time, due restitution or satisfaction to the party grieved, then the chancellor of *England* for the time being shall cause to be made to such party grieved (if he that demand) letters of marque under the great seal in a due form. (6) And as for remedy to be ordained for the King's liege people and subjects, that feel them grieved in the realm of *Scotland*, or in *England* at the marches joining to *Scotland*, against the form of such truce as afore is said, our lord the King shall give power by commission to the wardens, as well of the East marches, as of the West marches, toward *Scotland*, and to every of them, to hear the complaints of all them his liege people and subjects which be or shall be grieved, and to cause thereupon to be made request by letters to be delivered to him which hath done, or shall do, such grievance, or to the wardens of the marches, or conservator of the truce of the parties of *Scotland*, if he may well do it; or otherwise to make proclamation in open places upon the marches, that he or they which have done such grievances against the truce

Roi qe cellui ou ceux qi se sentira ou sentiront grevez encoutre le teneur & fourme de tielles trieues dedeins le roialme d'Engleterre hors de les suifditz marches d'Escoce ou sur le meer ou es parties pardela foy compleindra ou compleindront au gardein du prive seal qi pur le temps ferra qi tiel compleint oiee & entendue ent ferra pur la partie compleignante lettres de request soutz le prive seal en due fourme. Et si apres tiel request faite la partie requise ne ferra dedeinz temps covenable due restitution ou satisfaction a la partie grevee adonques le chaunceller d'Engleterre pur le temps estant ferra faire a tiele partie grevee si le voet demander lettres de marque desoutz le grande seal en due fourme. Et quant a purveance de remede pur les lieges & subgiz du Roi qi se sentont ou sentiront grevez en dit roiaume d'Escoce ou en Engleterre es marches adjoignantz au dit roiaume d'Escoce coutre la forme de tielles trieues come dessuis le Roy nostre seignur dourra poair par commission as gardeins sibien de l'Est marche come de la West marche vers Escoce & a chescun de eux pur oier les compleints de toutz yceux de ses lieges & subgiz qi ensi sont ou ferront grevez & pur faire sur ceo estre faite request par lettres a bailler a cellui qi ad ou avera fait la grevance ou a gardein de la marche ou conservatour de les trieves pur la partie d'Escoce si se purra bonement faire ou autrement de faire proclamation en lieux publics sur la marche qe cellui ou ceux qi avera ou averont fait tiels grevances encoutre les trieves ent face ou facent.

Letters of marque where truce is broken in Scotland, or the marches thereof.

Repealed by 4 Jac. 1. c. 1. so far as it concerns the people of Scotland.

facent due restitution ou satisfaction a la partie grevee & fils ne le facent point dedeinstemps convenable adonques al instance de chescun des lieges & subgiz du Roi nostre seignur qi en sente ou en sentira estre greveez en tiel cas pur y douner lettres de marque en due fourme desoutz les sealx des ditz gardeins ou desoutz le seal de celui de eux a qi la compleinte ferra faite en ceo cas sanz difficulte aucune.

truce, shall make due restitution or satisfaction to the party grieved; (7) and if they do it not within a convenient time, then at the instance of every of the King's liege people and subjects, which thereof feeleth, or shall feel himself grieved in such case, letters of marque be given in due form under the seals of the said wardens, or under his seal to whom the complaint shall be made in this case, without any difficulty.

CAP. VIII.

The King's pardon of the suit of his peace, and of certain issues lost.

ITEM, our said sovereign lord the King, for his special grace, by the assent of the lords spiritual and temporal, and at the request of the commons, being in this parliament; hath released and pardoned to all his liege people, and to every of them, all manner of fines, issues, and amerciements, and all other forfeitures, pains, pecuniar debts and demands, to the sum of twenty-six shillings eight pence and under, till the xix. day of *October*, which was the first day of this parliament, fallen, determined, or to be determined. Also he hath pardoned all manner of fines and amerciements of, and for all manner of trespasses, offences, misprisions, contempts, conspiracies, confederacies, negligences, ignorances, concealments, and deceits, done or perpetrated before the said nineteenth day, for which any fine or amerciament is or shall be assessed in time to come to the said sum and under. And also chattels of fugitives and felons, waifes and strays, and the chattels of those that be outlawed, and chattels of felons of themselves, which to the King pertaineth, or which for any of the said causes in any manner may pertain before the said xix. day, to the sum aforesaid and underneath forfeit, and of outlawries, if any in the King's liege people, or any of them by such encheson be pronounced. Provided always that none enjoy the benefit of this pardon, which is or shall be charged, or chargeable over the said sum, for the causes aforesaid, or any of them. And moreover, our said sovereign lord the King of his special grace, hath released and pardoned to his said subjects, the suit of his peace, which to him against them pertaineth, because of any treason done or perpetrated by them or any of them before the said xix. day of *October*, for breaking of the King's truce and safe conducts. And also the outlawries, if any against them or any of them be pronounced by such enchesons. And also the King will, That every of his said liege people, as well of the county palatine of

Ex edit. Raft.
Pardon.

Lancaster, or elsewhere within the realm of *England*, shall enjoy this pardon without suing charter or writ in this behalf.

A statute made at *Westminster*, Anno 5 HEN. V.
and *Anno Dom.* 1417.

All persons until the next parliament may make their attornies in wapentakes, hundreds, and court barons.

Ex edit. Rast.
Attorney.

HENRY King, &c. to the Sheriff of *Yorkshire* greeting, Know thou that in our parliament last holden at *Westminster*, it was ordained and granted, That all our liege people, as well religious as secular, and every of them, might till the next parliament make their attornies, where attornies do lie in their proper persons, in any plea of debt, trespass, or other contract, moved or to be moved in any wapentakes, hundreds, and court barons through the realm, before the stewards there, or their deputies, to win or to lose the same pleas. And if any such stewards refuse to admit such attornies, then they and every of them at every time of such refusal, shall forfeit to Us forty shillings. And therefore We command thee, That thou do the said ordinance in all places of thy county, where shall be most expedient and necessary, openly to be proclaimed and observed, according to the form and effect of the same: witness *John duke of Bedford*, protector of *England*, at *Westminster* the xvi day of *January*, the fifth year of our reign.

3 H. 5. stat. 2.
c. 2.

A statute made at *Westminster*, Anno 7 HEN. V.
and *Anno Dom.* 1419.

A remedy against those that indict others of felony committed in a place where there is none such. Procefs against makers, &c. of false deeds.

HENRY King of England, &c. to his chancellor in the county palatine of *Lancaster*, greeting. Know ye, That forasmuch as divers men of malice and envy, and for gain and revenge, have often caused to be indicted and appealed divers of our true liege people, of treasons or felonies in the county of *Lancaster*, pretending by those appeals and indictments, that the said treasons or felonies were committed in a certain

HENRICUS dei gratia Rex Anglie & Francie & dominus Hibernie cancellario suo comitatus palatini *Lancastrie* salutem. Sciatis quod pro eo quod gentes nonnullae ex malitia & inimicitia ac propter lucrum & vindictam diversos fideles ligeos nostros de proditi- onibus sive felonis in comitatu *Lancastrie* frequentius indictari & appellati fecerunt pretendentes per appella seu indictamenta illa

illa quod predictæ proditiones aut felonie perpetrare fuerunt in certo loco ubi de veritate talis locus in comitatu predicto in quo appellum vel indictamentum factum existit non habetur ad grave dampnum & periculum ligeorum nostrorum hujusmodi considerato quod quidam sic appellati & indictati coram justiciariis ad respondendum inde ob metum verberationis mahemii seu interfectionis eorundem per ipsorum appellationum seu indictamentorum conspiratores aut ea fieri procurantes in propriis personis comparere non audent prout per communitatem regni nostri Anglie in ultimo parlamento nostro apud Westm' tento existentem per petitionem suam in parlamento illo exhibitam fuerat graviter conquerendo monstratum ordinatum extitit in eodem parlamento de assensu prelatorum procerum & magnatum dicti regni nostri Anglie ibidem existentium ad requisitionem dicte communitatis pro communi utilitate & quiete populi ejusdem regni nostri quod quilibet justitarius qui ad hujusmodi proditiones & felonias infra comitatum predictum audiendum & terminandum potestatem habet per sacramentum duodecim virorum quorum quilibet liberum tenementum in predicto comitatu valoris annui centum solidorum ultra reprimas optineat priusquam exigenda adjudicata fuerit absque partis allegatione tam in partis absentia quam presentia inquirat ex officio utrum aliquis talis locus est in comitatu ubi appella seu indictamenta illa sunt facta sive facienda necne. Et si comperit fuerit quod talis locus non habe-

tain place, where of truth no such place is had in the said county where the said appeal and indictment is made, to the great damage and peril of such our liege people, considering that some so appealed and indicted dare not appear before the justices in their proper persons, to answer thereof, for fear of beating, maiming, or killing of them, by the conspirators or procurors of the same appeals and indictments, as by the commons of the realm of England, in our last parliament holden at Westminster, by their petition there exhibited, grievously complaining, was shewed: (2) it is ordained in the same parliament, by the assent of the prelates and great men of the same realm there being, at the request of the said commons, for the common profit and quietness of the people of the same realm, That every justice which hath power to hear and determine such treasons and felonies within the said county, by the oath of twelve men (of whom every one shall have freehold in the same county to the yearly value of an hundred shillings above all charges) before that the exigent be awarded, without allegation of the party, as well in the party's absence as his presence, shall inquire of office, whether any such place be in the county where such appeals or indictments be made, or to be made, or not; (3) and if it be found that there is no such place within the same county, then such appeals and indictments, and the process thereupon made, or to be made, shall be void, and holden for none; and that in such case the indictors aforesaid be punished by imprisonment, fine, and

9 H. 5. stat. 1.

c. 1.

18 H. 6. c. 12.

A remedy against those that do indict or appeal others of treason or felony committed in a place within the county of Lancaster, whereas there is no such place.

and ransom by the discretion of the said justices. (5) And that this present ordinance and remedy extend as well to appeals and indictments not determined before this time, as to appeals and indictments to be taken hereafter; (6) and if any exigent from henceforth be awarded, before that such inquisition of office, as afore is said, be taken, that the same exigent, and the awarding thereof, be likewise void and holden for none. *Continued by 9 Hen. 5. c. 1. made perpetual 18 Hen. 6. c. 12.*

The like process shall be awarded against him that maketh and publisheth false deeds by Capias and Exigent, as in writs of trespass. Rep. 5 El c. 14.

II. Provided that this present ordinance have strength, and extend only until the next parliament. (2) And also know ye, That in the said parliament, of the assent and request afore-said, it was ordained and established, That in writs to be purchased against those that forge or make untrue charters or miniments, and them proclaim, or cause to be read, like process shall be made by *Capias* and exigent, as in writs of trespass. (3) And therefore we command you, firmly enjoining, That immediately after the sight hereof, you cause this statute and ordinance openly to be proclaimed in the places within the same county where shall be most expedient and necessary, as well within liberties as without; (4) and that also you cause all and singular our justices, having power to hear and determine felonies and treasons within the said county, fully to be instructed, and without delay to be certified of the said ordinance and statute by your letters, containing the tenour of the same. *Witness, &c. the sixteenth day of December,*
the

habetur infra eundem comitatum tunc appella & indictamenta ipsa & processus inde factus seu faciendus sint vacua & pro nullis habeantur et quod in casu illo indictatores predicti per imprisonmentum finem & redemptionem per discretionem justitiariorum predictorum puniantur. Et quod presens ordinatio & remedium tam ad appella & indictamenta non determinata ante hec tempora capta quam ad appella & indictamenta in futurum capienda se extendant & si que exigenda antequam hujusmodi inquisitio ex officio ut supradictum est capiatur de cetero fuerit adjudicata quod tunc exigenda et adjudicatio ille similiter sint vacue & pro nullis habeantur.

Proviso quod presens ordinatio vigorem habeat & se extendat usque ad parlamentum proximo futurum duntaxat. Et ulterius sciatis quod in parlamento predicto de assensu & requisitione predictis ordinatum fuerat & statutum quod in brevibus versus eos qui fabricant seu faciunt cartas sive munimenta minus vera & ea proclamant & legi faciunt perquirendis fiat processus consimilis per *Capias* & exigendam ut in brevibus de transgressionem. Et ideo vobis mandamus firmiter injungentes quod statim visis presentibus ordinationem & statutum predicta in locis infra comitatum illum ubi magis expedire fuerit & necesse tam infra libertates quam extra publice proclamari demandetis nec non omnes & singulos justitiariorum nostros potestatem audiendi & terminandi felonias & proditiones infra comitatum predictum habentes de dictis ordinatione & statuto per literas vestras

the seventh year of our reign. (5) And by petition in the parliament holden at *Westminster* the second day of *December*, the eighth year of the same King, a like writ was made; saving that the *Teste* of the same writ was, *Witness Humfrey duke of Gloucester, protector of England, at Westminster, the tenth day of January, the eighth year, &c.*

vestras tenorem eorundem continententes plenarie instrui & certificari faciatis indilate. *Teste * Johanne duce Bedfordie custode Anglie apud Westm' x. die Decembr' anno regni nostri septimo.*

* Humfrido duce Gloucestrie custode Anglie, &c. decimo die Januarii anno octavo, &c.---Nova statuta.

REX vicecomitibus London' salutem. Sciatis quod pro eo quod gentes &c. ut supra usque—ut in brevibus de transgressione. Et tunc sic: Et ideo vobis precipimus firmiter injungentes quod &c. ut supra usque ibi—& necesse et tunc sic—publice proclamatis seu proclamari faciatis. *Teste ut supra.*

Confimilia brevia diriguntur singulis vicecomitibus per Angliam.

A statute made at *Westminster, Anno 8 HEN. V.*
and *Anno Dom. 1420.*

AU parlement tenuz a *Westm'* le second jour de *Decembr'* lan du reigne le Roy *Henry* quint puis le conquest oeptisme mesme nostre seignurs le Roy del assent des seignurs espirituelx & temporelx & a les especiale instance & request des communes assemblez a ceo mesme parlement fist ordeiner & establir certains estatutz & ordinances en la fourme qensuit.

AT the parliament holden at *Westminster the second day of December, the eighth year of the reign of King Henry the Fifth, the same our lord the King, by the assent of the lords spiritual and temporal, and at the special instance and request of the commons assembled in the same parliament, hath caused to be ordained and established certain statutes and ordinances, in the form following.*

CAP. I.

Parliament writs being awarded in the name of the King's lieutenant, shall not be stayed by the King's return into England.

FIRST, forasmuch as by the grace of God a final peace was late taken betwixt the King our sovereign lord and the King of *France* his father in such form, That our said sovereign lord the King shall be named heir and regent of the realm of *France*, during the life of his said father, and shall have the governance of the same. And after the death of his father, the said realm and crown of *France* shall remain to our sovereign lord the King, and to his heirs for ever. It is very likely, That for the good governance as well of the realm of *France* as of this realm of *England*. Parliament.

of *England*, our said sovereign lord the King some time shall be on this side the sea, and some time beyond the sea, according as best shall seem to his sage discretion for the better governance of the one realm and the other: therefore it is ordained and established, That if in time to come our said sovereign lord the King, being beyond the sea, cause to summon his parliament in this realm by his writs under the (teste) of his lieutenant, which now is or which for the time shall be, and after the summons of such parliaments gone out of the chancery, our sovereign lord the King arrive in this realm, that for such arrival of the same our sovereign lord, such parliament shall not be dissolved, but in the same afterward our sovereign lord the King shall proceed without new summons of the same.

CAP. II.

Certain gold or silver shall be brought to the mint instead of wool or tin transported.

Wools.
Bullion.
Tin.

ITEM, it is ordained and established, That every merchant stranger buying wools in *England* to bring them to the west parts or elsewhere, not coming to the staple, there to be sold, shall bring to the master of the mint of the tower of *London* of every sack, one ounce of bullion of gold, and in the same manner of three pieces of tin, one ounce of bullion of gold, or the value in bullion of silver, upon pain of forfeiture of the same wools and tin, or the value of the same to the King.

CAP. III.

What things only may be gilded, and what laid on with silver.

What things
only may be
gilded, and
what laid on
with silver.

ITEM, That none from henceforth shall gild any sheaths, nor metal, but silver, and the ornaments of holy church; (2) nor shall silver no metal but knights spurs, and all the apparel that pertaineth to a baron, and above that estate, upon pain of forfeiture to the King ten times as much as the thing so gilt is of value, and shall have also one year's imprisonment. (3) And the justices of peace shall have power to inquire thereof, and that to determine. (4) And he that will sue for the King in this behalf, shall have the third part of the said pecuniary pain.

II. Provided, That this last ordinance shall begin to hold

ITEM qe nulle persone e-norre en temps avenir ascuns dez gemes appellees she-thes ne metaille finon argent & les ornements de seint esglise ne argente null metaille forspris les esperons des chivalers & tout l'apparaille qe appertient au baron & desuis celle estate sur peine de forfaire au Roy dys foitz a tant come la chose issint enorree soit de value & ayera auxi lemprisonement dun an. Et eient justices de la pees po-air dent enquerrer & ceo terminer et celuy qi ferra la suit pur le Roy ceste partie ait la terce partie de la dit peine pecuniere.

Purveu qe cest darrain ordeinance comencera a tenir lieu
a le

a le fest de Pask proschein ave-
nir.

place at the feast of *Easter* next
coming.

5 H.4.c.13.

Satutes made at *Westminster*, Anno 9 HEN. V.
stat. 1. and *Anno Dom.* 1421.

AU parlement tenuz a
Westm' le seconde jour
de Maii lan du reigne del Roy
Henry quint puis le conquest
noevesme mesme nostre seignur
le Roy del assent des seignurs
espirituelx & temporelx & a les
especiale instance & request des
communes assemblez a ceo
mesme parlement fist ordeiner
& establir certains estatutz &
ordinances en la fourme quen-
suint.

AT the parliament holden at
Westminster the second day
of May, the ninth year of the
reign of King Henry the Fifth
after the conquest; the same our
lord the King, by the assent of the
lords spiritual and temporal, and
at the special instance and request
of the commons, assembled in the
same parliament, hath caused to be
ordained and established certain
statutes and ordinances in the form
following.

CAP. I.

*A continuance of the statute of 7 Hen. 5. touching indict-
ments.*

EN primes pur ceo qe plu-
seurs gents par malice
enemite & vengeance facent
sovent foitz les foialx lieges du
Roy estre appelez ou enditez
en diverses countes des traisons
ou de felonies supposant par les
ditz appellez ou enditements qe
les ditz traisons & felonies fu-
rent faitz en un certain lieu la
ou il nad tiel lieu en cell coun-
tee ou lenditement est fait ne
tiel lieu come est ou ferra declaree par les ditz appellez ordeines
est qe les ditz appellez & enditementz & le proces dicelles soient
voidez & tenuz pur null et qe les ditz appellez ou enditez poient
avoir brieves de conspiracie vers leur enditours procurours &
conspiratours & recoverer leur damages & qe les ditz enditours
procurours & conspiratours soient auxi puniz par emprisonement
fyn & raunceon pur avantage du Roy par discretion dez justices.
Et qe cest ordinance & remedie sextendent auxibien des appellez
& enditementz prisez devaut ces heurs en temps nostre seignur
le Roy quorest nient determinez come des appellez ou endite-
ments aprendrerz en temps avenir et qe cest ordinance estoise en
sa force tanqe a proschein parlement a tenir puis la revenu nostre
dit seignur le Roy en Engleterre de pardela.

FIRST, That the statute 7 H.5.c.1.
made in the parliament
holden at *Westminster* in the
seventh year of the reign of
our said lord the King, touch-
ing appeals and indictments,
stand in his force, and hold
place, till the next parliament
to be holden after the King's
return from beyond the sea into
England.

Made perpe-
tual by 18H.6.
c.12.

CAP.

CAP. II.

No person outlawed in the county of Lancaster shall forfeit any lands or goods but such as he bath in the same county.

County of
Lancaster.
4 Inst. 51.

ITEM, it is ordained, That none of the King's liege people, against whom an *Exigent* shall be awarded, or outlawed at the King's suit from henceforth, or at the suit of the party in the county of *Lancaster*, shall forfeit any of his goods or chattels, lands or tenements in other counties, but only such goods and chattels, lands and tenements, which the said outlaws have in the same county of *Lancaster*. Provided always, That the statute made the first year of King *Henry* the Fourth, against the people of the county of *Chester* which do many manslaughters, murders, robberies, batteries, trespasses and other riots and offences to divers the King's liege people, shall stand in his force, notwithstanding this present ordinance. And that this ordinance stand in his force till the parliament which shall be first holden after the King's return into *England* from beyond the sea,

County of
Chester.

1 H. 4. c. 18.
18 H. 6. c. 13.
20 H. 6. c. 2.
33 H. 6. c. 2.

CAP. III.

Protections granted to them that be in the King's service in Normandy or France, or which shall pass with him into France.

Affises.
Protection.
Judgement.

ITEM, whereas the taking of affises hath long ceased throughout the realm, because of an ordinance made by the King at his second passage towards the parts of *Normandy*, and by his council: the King considering the diseases and damage, which many of his liege people have had and sustained by the same ceasing, hath commanded, That his justices shall hold the affises through his realm by the manner accustomed. And for to eschew the disherisons of such persons, as now shall pass in this present voyage of the King our sovereign lord (whom God speed) and also of such persons as abide in the King's service in the parts of *Normandy* and *France*: it is ordained and provided, That in every protection with the clause *Volumus*, to be made for any of the same persons, in the clause of the exception contained in the same, omissions shall be made of these words *assise novel disseisin*. And that all such protection be allowable and allowed for them and every of them, in all the King's courts and elsewhere, where such protection is set forth for any such person, in all pleas of affises, as well of *novel disseisin* as of *fresh force*, without difficulty: provided always, That the judgments to be given from henceforth in such affises, arraigned or to be arraigned, shall not be prejudicial to any of the said persons so abiding in the King's service beyond the sea, (as afore is said) which have any thing in reversion or in remainder in the lands or tenements, whereof such affises be or shall be arraigned, if they that have in reversion or remainder in such lands and tenements, be not named in the same affises, but that they be against them all void. And this ordinance shall endure till the parliament that shall be first

first holden after the King's next return into *England*. And if this ordinance touching the said persons so abiding in the King's service beyond the sea, and also touching the said persons which have passed and shall pass in the said voyage, be not sufficient for the ease and surety of them: it is accorded and also assented, That the lords of the King's council for the time being shall have full power by authority of this parliament, to set, ordain, and provide sufficient remedy, for the ease and surety of all the same persons, as for them and every of them shall seem to the said lords most available and expedient in the case, according to their good advice and discretions.

4 H. 6. c. 2.
14 Ed. 4. c. 2.

C A P. IV.

The justices may amend defaults in records or process after judgment given.

ITEM come ordeine fuit & estable en lestatut fait lan quatorziesme del Roy E. tierce puis le conquest qe pur mespersion du clerk en qeconque place qe ceo soit ne soit processe du plee anientie ne discontinue par mesprendre en escrivant un lettre ou un filable trop ou trop poy mes si tost come la choie ferra apercieu par chalange du partie ou en autre manere soit hastiment amendee en due fourme sanz doner avantage au partie qe ceo chalengera pur cause de tiel mespersion le Roy nostre soverayn seignur considerant la diversitee doppinions queux len avoit sur le dit estatut & pur mettre la chose en le plus overte conifance ad declares & ordeinez au present par auctorite du cest parlement qe les justices devaunt queux tiel plee ou recorde est fait ou ferra pendant sibien par adjournement come par voie derour ou autrement eient poar & auctorite de amender tiels recorde & proces come avaunt est dit solonc la forme de mesme lestatut sibien apres jugement en tiel plee recorde ou proces renduz come avaunt le jugement renduz en tiel plee recorde ou proces tant come les ditz

ITEM, *whereas it was ordained and established in the statute made the fourteenth year of King Edward the Third after the conquest, That for mispersion of the clerk in any place wheresoever it be, the process of the plea should not be avoided nor discontinued, by mistaking in writing one letter or syllable too much or too little, (2) but as soon as the thing is perceived, by challenge of the party, or in other manner, it should hastily be amended in a due form, without giving advantage to the party that challengeth the same because of such mispersion; (3) the King our sovereign lord, considering the diversity of opinions which have been upon the said statute, and to put the thing in more open knowledge, hath declared and ordained at this time, by authority of this present parliament, That the justices before whom such plea or record is made, or shall be depending, as well by adjournment, as by way of error, or otherwise, shall have power and authority to amend such record and process, as afore is said, according to the form of the same statute, as well after judgment in any such plea, record, or process given, as before judgment given*

14 Ed. 3. stat. 1. c. 6.

Dyer, 342.
5 Co. 45.

The justices before whom default shall be found in any records or process may amend them as well after as before judgment.

given in any such plea, record, or proces, as long as the same record and proces is before them, in the same manner as the justices had power to amend such record and proces before judgment given by force of the said statute made in the time of the said King *Edward*.

(4) And that this ordinance endure till the parliament that shall be first holden after the return of our sovereign lord the King into *England* from beyond the sea.

Made perpetual by 4 H. 6. c. 3. 8.H.6.c.12,15.

ditz recorde & proces soient devaunt eux en mesme le manere come justices avoient poiar de amendre tielx record & proces avaunt juggement renduz par force del dit estatuit en temps du dit Roy E. fait come defuis. Et durrera cest ordinance tanqe a parlement qi serra tenuz primerement apres la revenue du nostre souverain seignur en Engleterre de par-dela.

CAP. V.

During four years the King may assign sheriffs, &c. to continue in their offices above one year, notwithstanding the statute of 14 EDWARD 3. stat. 1. cap. 7.

Ex edit. Raft. Sheriff.

Escheator.

ITEM, whereas by the statute made at *Westminster* the xiv. year of King *Edward* the Third, it was ordained and established, That no sheriff should abide in his bailiwick above one year, and that then another convenient should be set in his place, which should have lands sufficient within his bailiwick: and that no escheator should tarry in his office above a year. And whereas also at the time of the making of the said statute divers valiant and sufficient persons were in every county of *England*, to occupy and govern the same offices well towards the King and all his liege people, for as much that as well by divers pestilences within the realm of *England*, as by the wars without the realm, there is not now such sufficiency: it is ordained and established, That the King, by authority of this parliament, may make the sheriffs and escheators through the realm at his will, until the end of four years, except in the counties where certain persons be inherit in such manner offices: the said term to begin at the next election of such officers, notwithstanding the said statute made the said xiv. year or any other statute or ordinance made to the contrary. And that the same officers be persons sufficient and of good fame. And that the sheriffs have due allowance from year to year during the same term in their accompts, and also pardons, that is to say, such as need to have such pardons, and that by the advice of the King's council, and as reason and conscience requireth.

CAP. VI.

The mint shall be at Calais.

Calais. Mint. Coinage.

ITEM, the King, for the ease of the merchants and other resident and abiding at *Calais*, and also to the increase of his money, will and hath ordained, That his mint and also his coinage shall be had and used within the same town of *Calais*,

as long as shall please the King: saving to him that that to him of right pertaineth of the mint and coinage aforesaid.

C A P. VII.

The statute provided 2 H. 5. stat. 1. c. 5. for offenders in Tyndal and Exhamshire, shall be extended against the like offenders in Ridesdale.

ITEM come en le parlement tenuz a Leycestre le darrein jour d'Aprill lan del reigne nostre tressoverayn seignur le Roy qorest seconde a la grevous compleint fait au Roy illoeqes par certains ses communes de ceo qe pluseurs murders tresons homicides robberies & autres maffaitz as pluseurs ses lieges par gentz demurantz dedeins les franchises de Tyndale & Exhamshire ou brief le Roy ne court mye par favour de celles franchises furent perpetres a grande meschief & peril des ditz lieges du Roy ordeigne fuit & estable qe si ascune persone des ditz franchises reseant ou demurant deinz ycelles de quelle estate ou condition il fuisse face murders tresons homicides ou robberies ou consente de les faire hors des ditz franchises proces soit fait devers luy par la commune ley tanqe il soit utlagee et qe apres tile utlagarie pronuncie & retournee facent ent les justices devaunt queux tiele utlagarie soit retournee certification a tieux ministres ou a tiel ministre dez suisditz franchises come a eux semblera meultz celle partie solonc lour discretion & soit tiel felon pris par tiel ministre ou tieux ministres & ses terres & tenementz biens & chatieux esteantz deinz ycelles franchises seisissez es mains des seignurs de mesmes les franchises pur le temps esteantz come forfaitz et qe les autres terres & tenementz biens & chatieux de tiel felon

ITEM, *whereas in the parliament holden at Leicester the last day of April, the second year of the reign of our sovereign lord the King that now is, at the grievous complaint made to him there by certain of his commons, for that many murders, treasons, manslaughters, robberies, and other offences were committed by divers of the King's liege people dwelling within the franchises of Tyndal and Exhamshire, by favour of the franchise, where the King's writ doth not run, to the great mischief and peril of the said liege people; (2) it was ordained and stablished, That if any person of the same franchises, resident and abiding within the same, of what estate or condition that he be, commit any murders, treasons, manslaughters, robberies, or consent to do the same out of the said franchises, process shall be made against him by the common law till he were outlawed; (3) and that after such outlawry pronounced, and return made thereof, the justices before whom such outlawry shall be returned, should thereof make certificate to such minister and ministers of the said franchises, as to them best should seem in this behalf, according to their discretion; (4) and such felon shall be taken by such minister or ministers, and his lands and tenements, goods and chattels, being within the same franchises, seised into the hands of the lords of the same franchises for the time being, as forfeit; (5) and that the other lands and*

• Felons called Intakers and Outputters.

The statute provided 2 H. 5 stat. 1. c. 5. against offenders in Tindale and Exhamshire shall be extended against the like offenders in Ridesdale.

tenements, goods and chattels of such felons out of the same franchises, shall wholly remain to the King, and to other lords having thereof franchises, as forfeit; (6) saving always to the King the forfeitures of such murderers, traitors, manslaughterers, robbers, and all such offenders, and of other things, which to him pertain as of the right of his crown. (7) And forasmuch as like murders, treasons, manslaughters, robberies, consents, and offences by divers persons, thieves, and felons, called Intakers and Outputters,* dwelling within the franchise of Ridesdale, in which franchise the King's writ doth not run, as it is said, have been done now of late in divers places in the counties of Northumberland, Cumberland, Westmoreland, and elsewhere out of the same franchise of Ridesdale, by favour and succour of the same franchise, whereof no redress towards them hath been had by the laws heretofore used, to the great mischief, peril, and damage of the people so grievously, as our sovereign lord the King, by the grievous complaint to him made in this present parliament, hath fully perceived: (8) our said sovereign lord the King, willing to remedy the same, hath ordained and stablished in the same parliament, That such process, certificate, and execution shall be made hereafter against such murderers, manslaughterers, robbers, consenters, and offenders, abiding or resident within the said franchise of Ridesdale, for their offences done out of the said franchise of Ridesdale. (9) And also such manner of forfeitures shall run in all points, as well to our sovereign lord the King, as to all other persons, as it was ordained

felon esteantz hors de mesmes les franchises demurgent entierement au Roy & as autres seignurs aiantz ent franchise come forfaitz salvant toutz foitz au Roy les forfaitures dautiels murdrours traitours homicidours robbours & autres maffaitours queconques & dautres choses queux a luy appertengnent come de droit de sa corone. Et pur tant qe semblables murdres tresons homicides robberies consentements & maffaites par diverses personnes larons & felons appelez Intakers & Outputters demurantz deinz la franchise de Ridesdale en quele franchise le brief du Roy ne court mye come est dit ont estee faitz jattard en diverses lieux en les countees de Northumbr' Cumbr' Westmerl' & aillours hors de mesme la franchise de Ridesdale par favour & socour de mesme la franchise dont null redresce vers eux nad estee eu par les leies ceo enarere usez a tresgraunde meschief peril & damage a le poeple issint grevez come le Roy par clamours pleint a luy fait en ceste present parlement lad pleinement entendu. Nostre souveraigne seignur voillant ceo remedier si ad ordeignes & establez en ceo mesme parlement qe autieux proces certification & execution soient faitz desore enavaunt vers tieux murdrours traitours homicidours robbours consentours & maffaitours demurantz ou reseantz dedeinz la dit franchise de Ridesdale pur cause de lour maffaitz faitz dehors mesme la franchise de Ridesdale. Et auxi tieux maners forfaitures encourgent en toutz pointz sibien envers le Roy come envers toutz autres per-

sones come fuit ordeigne vers les ditz meffasours de Tyn-dale & Exhamshire par le dit estatuit fait a Leycestre & selonc la fourme & equite de mesme lestatuit salvant toutz foitz au Roy ceo qe a luy appartient celles parties come de droit de sa corone.

daind for the said offenders of *Tyndal* and *Exhamshire* by the said statute made at *Leicester*, and according to the form and equity of the same statute; (10) saving always to the King that which pertaineth to him in this behalf, as of the right of his crown.

11H.7.c.9.
14El.c.13.

C A P. VIII.

Certain scholars of Oxford to be banished the university for certain offences.

ITEM, because that many clerks and scholars of the university of *Oxford*, unknown, armed, and arrayed in the manner of war, have oftentimes disseised and put out divers persons of their lands and tenements in the counties of *Oxford*, *Berks*, and *Bucks*, and also have hunted with dogs and greyhounds in divers warrens, parks, and forests, in the same counties, as well by days as by nights, and taken deer, hares, and conies: and moreover, threatening the keepers of the same of their lives, and also with strong hand have taken clerks convict of felony by due process of the law, out of the ward of the ordinaries, and those prisoners have brought with them, and let go at large, as the King, by open complaint to him made in this parliament, hath conceived: our said sovereign lord the King, willing upon the same to set remedy, hath ordained and stablished, That due process shall be made against such scholars wrong doers, for their offences, as the law and also the statutes of the land require, according to the case till they come to answer, or else be outlawed. And if any such scholar be so outlawed, then the justices before whom such outlawry shall be returned, shall certify the chancellor of the said university, for the time being of the same outlawry. And that the same chancellor, upon such certification had, shall do to be banished maintainant, and without difficulty, such outlaws out of the same university, upon the pain that pertaineth. And that this ordinance endure till the next parliament be holden, after the King's return from beyond the sea into *England*.

Ex edit. Rast.
Scholars.
Oxford.

University.
Chancellor.

C A P. IX.

No abbot or prior shall be appointed by any bishop to collect dimes or subsidies out of the county where he dwelleth.

ITEM, forasmuch as the abbots and priors of the realm of *England*, have had and sustained great damage, losses, costs, and diseases before this time, by that that they have been assigned by the archbishops and bishops of the same realm of *England*, to gather the dimes granted to the Kings of *England* by the clergy, very far from their houses, and also in divers dioceses and counties, as they have shewed to our said sovereign lord the King by their petition delivered in this present parliament: the

Collector.

King our sovereign lord, having thereto consideration, hath ordained and stablished, That no abbot nor prior within the realm of *England*, shall be by any archbishop or bishop from henceforth ordained to be collector of any dismes or subsidies, out of the same county where he is dwelling or conversant. And this ordinance shall stand in his force till the parliament, which shall be first holden after the King's return from beyond the sea into *England*.

CAP. X.

Keels that carry sea-coals to Newcastle shall be measured and marked.

Explained by
30Car.2.stat.1.
c.8. and farther
provided
for by 6 & 7
W.3.c.10.

Keels that
carry sea coals
at Newcastle
from the land
to the ships,
shall be mea-
sured by com-
missioners.

ITEM, *whereas of every chaldron of sea-coals, which be or shall be sold to people not franchised in the port of the town of Newcastle upon Tyne, two pence be due to the King of custom, (2) and in the same port be certain vessels called Keels, by which such coals be carried from the land to the ships in the said port; and every of the said keels ought to be of the portage of twenty chaldrons, and according to the same portage, the custom is thereof taken to the King's use; (3) there be now certain people, that of late have made such keels of the portage of twenty two or twenty three chaldrons, whereof the custom hath been taken according to the portage of twenty chaldrons only, in deceit of our lord the King, as he hath perceived by complaint in this parliament; (4) it is therefore ordained and stablished against such deceits, that all the keels which now be, and hereafter shall be in the said port, shall be measured by certain commissioners thereto assigned by the King, and marked of what portage they be, before that any carriage be made by the same, upon pain of forfeiture to the King all the vessels called Keels, by which any such coals shall be carried, before that they be marked in the manner aforesaid.*

ITEM par la ou de chescun chaldre de charbons maritimes que sont & seront vendus as gents nient y franchises en le port del ville del Novell Chastell sur Tyne sont dues au Roy deux deniers de custume & en mesme le porte sont certainz vesselx appelez Keles par les queux tielx charbons sont caries de la terre jefques a les naefs en le dit port & doit chescun des ditz keles estre del portage de vint chaldres & solonc mesme le portage la dite custume ent est pris al oepe du Roy sont ore certainz gentz qont fait jatard tieles keles del portage de xxii. ou xxiii. chaldres dont la custume ad estee pris solonc le portage de xx. chaldres tantfoulement en deceite du Roy sicome le Roy lad entendu par compleint en cest parlement Si ad il ad ordeine & establiz encountre tiele deceite que toutz les keles qore sont & seront en temps avenir en le dit port soient mesures par certainz commissioners a ceo assignerz par le Roy & merches de quell portage y soient devaunt ceo que ascun cariage soit fait par icelles sur peine de forfaire au Roy toutz les vesselx appelez Keles par les queux ascuns tielx charbons seront caries devaunt ceo que ils soient merchez en le manere avaunt dit.

CAP.

CAP. XI.

No English gold shall be received in payment but by the King's weight.

ITEM pur ouster periles & deceites queux longement ont contenus dedeinz le roialme parmy les lavours tonsours & controfaitours de la moneie dEngleterre a tresgraundes meschiefs & damages a toutz gents de mesme le roialme le Roy par advis & assent de toutz les seignurs & communes assemblez en cest parlement ad ordeinez & establez que de la veille del feste de Novel prochain avenir enavaunt null liege du Roy recevra ascune moneie dor Engleis en paiement sinon par le pois du Roy sur ceo ordeines. Et pur tant que graunde partie del or de present current en paiement nest mye de droiturell pois ne de bone allaie y faute ceo remettre a le cune au fyne qil poet estre novelment cunez de joust pois & bone alleie & ceo ferra estre a graunde perde & costages des subditz du Roy sil ne suy plest eux relever en ceo cas si ad le Roy de sa grace especiale remis & pardonee a toutz sez liges qi parentre cy & le dit fest de Novel ferront cuner de novel a le cunage du Roy dedeinz le Toure de Loundres lour monoie dor que ne soit de joust pois ne de bone allaie cestassavoir tout ceo qi a luy appartient pur cell novell cunage de tiel ore come desuis Salvez a le mestre del mynte & as autres officers dicelle ceo qi a eux appartient resonablement.

ITEM, to avoid the deceits and perils which long have continued within the realm by washers, clippers, and counterfeiters of the money of the realm of England, to the great loss and damage of all the people of the same realm; (2) the King, by the advice and assent of all the lords and commons assembled in this parliament, hath ordained and stablished, That from *Christmas* even next coming, none of the King's liege people shall receive any money of *English* gold in payment but by the King's weight thereupon ordained. (3) *And because a great part of the gold now current in payment is not of rightful weight nor of good alloy; the same* [shall be sent to the coin, to the intent that it shall be newly coined of just weight and of good alloy; and because that] *shall be to the great loss and costs of the King's subjects, unless it please him to relieve them in this case*; (4) our sovereign lord the King, of his special grace, hath remised and pardoned to all his liege people, which betwixt this and the said feast of *Christmas* shall cause to be coined of new at the King's coinage within the *Tower of London*, their money of gold that is not of just weight nor of good alloy, that is to say, all that to him pertaineth for this new coinage of such gold as afore; (5) saving always to the master of the mint, and to other officers of the same, that which to them reasonably pertaineth.

No English gold shall be received in payment but by the King's weight.

The words within Crotchets are omitted in the several editions of the statutes published by Pulton, Keble, &c. but are in Rastal and Mr. Cay

CAP. XII.

Writs purchased by the wardens of Rochester bridge, or against them, shall be good, though some of them die or be removed.

Writs purchased by or against the wardens of Rochester bridge, shall be good, though some of them die, &c.

18 El.c.17.
27 El.c.25.

ITEM, it is ordained, That all the writs to be purchased by the wardens of the new bridge of *Rochester*, and their successors, or by other against them to be purchased, shall be maintained and continued by the law of *England*; (2) and although that the said wardens, or any of them, be removed or expelled from their said office, or do die, hanging the said writs, nevertheless the same writs shall stand to be good and effectual in the law for ever.

ITEM ordeinez est & establiz qe toutz les briefs par les gardeins de le novell pont de Rouchestre & lours successeurs apurchacerz ou par autres encountre eux apurchacers soient maintenus & sustenuz par la ley & combien qe les ditz gardeins ou ascun de eux soit ou soient amovez ou expulsez de lour dit office ou devie ou deviont pendantz les ditz briefs nientmoins mesmes les briefs estoient & soient bons & effectuelx en ley pur toutz jours.

Other statutes made at *Westminster*, Anno 9 HEN. V. stat. 2. and *Anno Dom.* 1421.

AT the parliament holden at *Westminster* the first day of December, in the ninth year of the reign of King Henry the Fifth, it is ordained by the assent of the lords spiritual and temporal, and at the request of the commons there assembled, &c.

CAP. I.

A confirmation of all statutes made touching money.

Ex edit. Raft.
Money.
Gold and silver.

FIRST, That all the statutes and ordinances, which have been made in the time of the King's noble progenitors, touching the good and lawful governance of his money of gold and silver, not repealed, be well and firmly kept and holden in all points.

CAP. II.

All men may resort to the King's exchanges, or to the Tower, to have money new coined.

Exchange.
Money.
Coinage.

ITEM, the King, in as much as he conveniently may, shall do to be ordained his exchanges of the money of gold and silver in the city of *London*, and elsewhere in the realm, for the ease of his people, which shall be holden in open places in high streets. And that all they that will come to the *Tower of London*, there to have money of new coined, they shall have money coined

coined, and thereof shall be delivered within eight days, according to the very value of that that they shall bring thither, paying the feignorage and coinage of gold, after the rate of five shillings for the pound of the *Tower*, and for the feignorage and coinage of silver fifteen pence for the pound, and no more. And that they that will not approach the *Tower* to do the same, but will be thereof delivered at the exchanges, shall pay for the exchange after the rate of a penny for the noble, and for the half noble a halfpenny, and for the fourth part of the noble a farthing, with the feignorage and coinage, as afore is said.

CAP. III.

At the King's exchanges good money shall be delivered to the parties, or else he that doth receive it may refuse it.

ITEM, That the masters and workers of the money, and also Money. the strangers in all places where money shall be coined, made, or changed, shall be holden to deliver and pay all that that ought to pertain to them for such exchange of good and lawful money of *England*, by and of just weight, or by the number, of the election of him which shall receive the same without any delay of difficulty. And if percase it happen that any notable default in the weight of the money, or in the allay be found (which God defend) upon the delivery or payment to be made at the said *Tower*, or at the exchanges aforesaid, that then it shall be well lawful to every person that shall find such default, to refuse that that is defective before that he depart the place where he the same shall receive. And that the master, or Exchangers. the changers be holden to deliver to him sufficient money for the same, without delay, and to melt that that shall so be found defective.

CAP. IV.

The officers of the exchanges shall bring to the Tower all the gold or silver which they buy or exchange.

ITEM, That they which shall be wardens and surveyors and Exchange. ministers of the exchanges out of the *Tower*, shall be holden Gold and silver. and bounden to bring all the gold and silver that they shall receive by way of exchange, or shall buy by colour of their office, Money. to the *Tower of London*, there to be molten and made in money, in augmentation and increase of the money for the profit of the realm and ease of the people, without being sold, aliened, or put to any other use.

CAP. V.

The mint shall be at Calais.

ITEM, That the King's Mint be coined and made at *Calais*, Mint. in the manner as it hath been made and governed at the Calais. *Tower of London.*

CAP. VI.

*The allay and weight of money.*Money.
3 Inst. 92.

ITEM, That all the money of gold and silver that shall be made at the *Tower of London* and at *Calais*, or elsewhere within the realm of *England*, by authority royal, shall be made of as good allay, and good weight, as it is now made at the *Tower*.

CAP. VII.

*The weight of gold shall be sent to every city.*Weight of the
noble, &c.

ITEM, That the King do to be ordained good and just weight of the noble, half noble, and farthing of gold, with the rates necessary to the same for every city, borough, and market town of the realm, to be delivered by the chancellor of *England* to them that will have them, to the intent that they be not deceived by false counterfeiters, and them that use false weight in deceit of the people,

CAP. VIII.

*Inquiry and punishment of falsities of weights.*Justices of
peace.
Sheriffs.
Escheators.
Weights.
34 Ed. 3. c. 5.

ITEM, That the justices of peace, sheriffs, escheators, and other persons to be assigned by the King, shall have power by commission to enquire of all falsifiers and counterfeiters of false weights, and to take them and imprison, and in prison to hold them without mainprise, till they be acquitted or attainted, and if they be attainted, their bodies shall abide in prison till they have made fines and ransoms after the discretion of the said justices. And that the same justices have power thereof to inquire, hear, and determine, as often as to them shall seem necessary.

CAP. IX.

The law of exchange between the merchants of Rome and those of England.

Exchange

Staple.

Merchants.

ITEM, whereas in another statute, made the fourteenth year of King *Richard* the Second, it was ordained, That for every exchange that shall be made by merchants in the court of *Rome*, or elsewhere, that the merchants be firmly and surely bounden in the chancery, to buy within three months after the exchange made, merchandises of the staple, as wools, leather, woofels, lead or tin, butter, cheefe, or cloths, or other commodities of the land, to the value of the sum so exchanged, upon forfeiture of the same: and such merchants said in this present parliament, That they dare not bind themselves to observe the effect of the same statute, because that within three months after such exchanges made, they cannot buy and make shipping to pass such merchandises to the parts beyond the sea (as afore is said) to the value of the sum so changed: and also for

for default of such changers there ought to be made such exchange, and by divers colours and subtleties the King's money shall be of great likelihood privily carried to the parts beyond the sea, and such merchandises (as afore) shall not be bought by such merchants changers, to the great damage of the King and of his people and the realm, if in this present parliament remedy be not provided: therefore it is ordained in this present parliament, for the profit of the King and of his realm, That all merchants that shall make such exchanges at the said court of *Rome*, or elsewhere, and every of them, shall be bound personally in the said chancery by recognisance, to buy within nine months after the same exchanges made, like merchandises and commodities as afore is said, to the value of the sums so changed, upon pain of forfeiture of the same, notwithstanding the said statute made the said fourteenth year. And that all the ordinances aforesaid shall endure until the parliament next to be holden.

14R. 2.c.2.
11 H.4.c.8.

CAP. X.

Collectors of dismes, &c. which be charged in account for their companions, shall have an action of debt against them.

ITEM, whereas divers collectors of dismes and quinzimes granted to the King of temporal goods, have been assigned in every county of the realm, and some of them have purposed lawfully to yield their account, and some not, so that when the King's writs have issued to the sheriffs to cause the said collectors to come to the exchequer, there for to account, the honest true men have come in, and brought the rate of their gathering, and the other by brocage and subtlety have absented them, and will not come and pay their rate there, and so the lawful may not be discharged, but wholly charged of the sums which their companions absent ought to have paid, and also oftentimes put in prison, and their lands and tenements seised into the King's hands, till they had payed to the King the rate of the gathering of their companions, to the great mischief and destruction of many of the King's lawful subjects, as the King hath conceived at the grievous complaint of the commons made here, in this present parliament: our said sovereign lord, by the assent of the lords spiritual and temporal, and at the request of the said commons, hath ordained, That the collectors of such dismes and quinzimes, shall have recovery by action of debt against their companions, of the sums which they have so paid, and shall pay for them, with their double damages. And this ordinance shall endure till the parliament, which shall be first holden after the return of the King our sovereign lord into *England*.

Collectors of
xv. & x.

CAP. XI.

Certain roads and bridges about Abingdon shall be repaired.

8 H. 6. c. 28.
This statute
is printed on-
ly in Mr. Cay's
edition.

ITEM come monstre fuist en cest parlement par la dite communalte par leur commune petition coment le chemyn qi soi extende de la ville de Abendon vers Dorchestre en le countee dOxenford outre leaue de Thamyse par les lieux de Burford & Culhamford parentre les dites villes de Abendon & Dorchestre parmy les soil & franchises & deinz les boundes & franchises del abbe de Abendon de son manoir de Culham en droit de sa esglise de nostre dame de Abendon par quell les lieges du Roy & de ses progenitours illoeqs passantz ont eux leur cariage & franc passage sibien ove charrettes come ove leur chivalx biens chatieux & marchandises du temps dont memorie ne court fuit jatard par cretein de eaue a tant surunduz qe null purroit illoeqs passer ne tieux cariage sanz peril de perdre leur vies biens chatieux & marchandises illoeqs faire tanqe certainz gentz du dite ville de Abendon de leur propre biens & dalmoigne des gentz la entour enhabitantz ont faitz un pont outre le dite lieu appelle Burford & un autre pont outre le dit lieu appelle Culhamford & eient auxi del assent de dit abbe & son covent enlargez enhancez faitz & reparailez le dit chemyn parentre les lieux & pontes suisditz en laeure ove les fosses de mesme le chemyn de ambedeux parties quatre perches & oept pees entout & eient auxi plantes & fischez sur les ripes des ditz fosses plus profchein a chemyn certains arbres appelez poplers & wyllughes ore cresceantz pur amendement & reparation du dit chemyn as heurs & temps busoignables en temps avenir Sur qoi confiderez les grandes aise & profit qe aviendront a les lieges du Roy parmy ceux ponts & chemyn si qe ils purront continuer del assent des ditz seignurs & a la requeste de la dite communalte ordeignez est & establiz en ceo mesme parlement qe les ditz ponts & passages outre ycelles & auxi le dit chemyn parentre mesmes les ponts de la laeure come dessuis est dit soient & remaignent a toutz jours communes ponts passages & chemyn as queconques illoeqs passantz ou passer voillantz sibien a chival come a pee & en autre manere & ove toutz maners des carriages & qe lise a toutz lieges du Roi les ditz ponts passages chemyn & fosses en la laeure & forme suisditz faire reparailler enhancer de novell edifier & escurer & autres tieux arbres sur les ditz ripes de novell planter & ficher & en les ditz fosses argill marle gravel & terre fower & prendre & de autieux arbres les branches & germmes sibien de ceux queux sont ore illoeqes plantez come de ceux qiloeques ferront plantez as temps bospoignables & sefonables couper & prendre pur la reparation des ponts chemyn & passage avantditz si sovent come leur plerra pur toutz jours sanz impediment ou empeschement de nully ascun title ou interesse qiqe soit des ditz abbe & covent en le soil de les eaue passages chemyn & fosses avantditz ou en le soil ou leaue en quell les ditz pontz sont ou ferront edifiez en les ditz lieux ou en ascun parcell dicell nient obstantz. Salve toutfoitz le droit du Roi &

& falvez auxi as ditz abbe & covent & a lour successeurs lour libertees & franchises dedeinz & en les ponts chemyn passes eaues & fosses avantditz sicome ils avoient adevant en les ditz chemyn soil & eaue & auxi toute la pescherie en leaue desoutz lez ditz ponts & en les fosses fuisditz perpetuelment.

Thus End the Statutes of King HENRY the Fifth.

Anno primo HENRICI VI.

Statutes made at *Westminster* in the first year of the reign of King HENRY VI. and in the year of our Lord 1422.

AU parlement tenuz a Westm' le Lundy profcheyn devant le fest de Seint Martyn lan de regne du Roy HENRI sisme puis le conquest primer mesme le Roy de ladvis & assent des seignurs espirituelx & temporelx & a les especialx instance & request des communes d'Engleterre esteantz en mesme le parlement fist faire ordiner & establire diverses ordinances & estatutz en la fourme qensuit.

AT the parliament holden at Westminster the Monday next before the Feast of St. Martin, the first year of the reign of our sovereign lord King Henry the Sixth; the same King, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of the realm of England, being assembled in this present parliament, hath caused to be ordained and established divers ordinances and statutes in the form following.

C A P. I.

The King's council may assign money to be coined in as many places as they will.

EN primes ordeines est pur le profit du Roy & laise de son poeple qe les seignurs de le counsell du Roy pur le temps esteantz purront assigner par auctorite du dit parlement mestres & operers a faire monoie dor & dargent & a tenir les eschaunges de moneie sibien en la citee d'Everwik come en la ville de Bristuit & auxi es tants des lieux come semblera as ditz seignurs bone & necessarie selonc lour bons avis & discretions ascun estatute ou ordinance fait au contrarie non obstant.

FIRST it is ordained and established, for the profit of the King, and the ease of his people, That the lords of the King's council for the time being may assign, by authority of the said parliament, masters and workmen to make money of gold and silver, to hold the exchanges of money as well in the city of *York* as in the town of *Bristol*, and also in as many places as to the said lords shall seem necessary, according to their good advice and discretion, any statute or ordinance made to the contrary notwithstanding.

The King's council may assign money to be coined, and exchanges to be held, in as many places as they will.

CAP. II.

All the statutes of purveyors shall be proclaimed in every county four times in the year.

Ex edit Pult.
Every sheriff
shall proclaim
the statutes of
purveyors in
his bailiwick
four times in
the year.

20 H. 6. c. 8.
12 Car. 2. c. 24.

ITEM, That all the statutes and ordinances made of purveyors and buyers, and not repealed, be kept and executed in all points, and also proclaimed in all counties through the realm by the King's commandment. (2) And that every sheriff of the realm of *England*, after that he hath received the said statutes thereof to make proclamation by such commandment, shall cause them to be proclaimed every year four times through his bailliwick, upon pain to pay to the King at every time that he thereof fails, an hundred shillings. (3) And that upon the same pain every of the said sheriffs shall deliver the said commandment to his successor immediately by indenture to be made betwixt them, whereby he may make like proclamation for the time that he continueth in the said office, for the ease and surety of the people. (4) And that every such successor, after such commandment by him received shall make such proclamations four times in the year, and shall make such deliverance of the said commandment to his successor, as above is said, upon the pain aforesaid.

CAP. III.

What sort of Irishmen only may come to dwell in England.

All persons
born in Ire-
land shall de-
part out of
the realm, &c.

Irish persons
excepted
which may re-
main in Eng-
land.

ITEM, forasmuch as divers manslaughteres, murders, rapes, robberies, and other felonies, riots, conventicles, and divers other offences now late have been done in divers counties of the realm of *England*, by people born in the country of *Ireland*, repairing to the town of *Oxenford*, and there resident and dwelling under the jurisdiction of the University of *Oxenford*, to the great fear of all manner of people in the realm of *England* dwelling thereabout, as by all the commons of the same realm assembled in the said parliament it was grievously complained: (2) our said lord the King by the assent aforesaid, and at the request of the same commons hath ordained and established, that all people born in *Ireland*, shall depart out of the realm within a month after proclamation made of this ordinance, upon pain to lose their goods, and to be imprisoned at the King's will; except graduates in the schools, and men having benefice of holy church in *England*, and men of law in *England*, and those which be inherit in *England*, and those that have father and mother being *English* people, religious persons professed, merchants, burgessees, and other inhabitants within cities or boroughs of good fame, which can find surety of their good bearing, and *Irish* women married to *English* men, and *Irish* men married to *English* women, which be of good fame: (3) and that all these *Irish* people which have benefices or offices in the land of *Ireland* shall abide there upon their benefices and offices, upon pain to lose and forfeit the profits of their benefices and offices, for the defence of the

the land of *Ireland* aforesaid, according to the ordinance made in the time of King *Henry* the Fifth, the first year of his reign.

(4) And that the graduates and beneficed-men shall find surety of their good bearing, and that they take not upon them the principality of any hall or hostel, but to remain amongst the *English* scholars under the principality of others. (5) Moreover, that these scholars of *Ireland* which be no graduates, and be of the King's obeisance, shall find surety of their good bearing in the manner as the said graduates should do, in such sort and form as is aforesaid. (6) And that all the scholars of *Ireland*, being now in *England*, which will here dwell, every of them shall bring to the chancellor of *England* for the time being, before the feast of *St. John Baptist* next coming, letters under the seal of the lieutenant or justices of *Ireland*, testifying that they be of the King's obeisance. (7) And of them that bring not such letters betwixt this and the said feast of *St. John Baptist*, it shall be done as of rebels to our lord the King. (8) And that from and after the said feast of *St. John*, no person born in *Ireland* shall enter the realm of *England* to dwell in the said university of *Oxford* or of *Cambridge*, or elsewhere within the realm of *England*, unless he bring to the said chancellor of *England* such letters testimonials, upon pain to be punished as a rebel to our lord the King.

1 H. 5. c. 8.
Irish men shall be no principals of any hall, &c.

An Irish man shall bring a testimonial that he is of the King's obeisance.

2 H. 6. c. 8.

CAP. IV.

The master of the mint shall send to the mint to be coined all the gold and silver that shall come to his hands by exchange.

ITEM, though it hath been well ordained in times past, That he that shall be master of the mint shall in no wise hold the King's exchange: nevertheless our sovereign lord the King, by the advice and assent of the lords spiritual and temporal, and at the request of the commons aforesaid, will and granteth: That the master of the mint at the tower of *London*, which now is, and which for the time shall be, may have and hold the King's exchange in the city of *London*, till the parliament next to be holden, so that the same master do to be sent to the mint all that shall come to the exchange in plate or in mass, to be coined from time to time, until the said parliament, taking for the exchange of the noble in the said exchange i.d.ob. only.

Ex edit. Rast.
Master of the mint.
Exchange.

London.
9 H. 5. c. 4.
2 H. 6. c. 12.

CAP. V.

A certain allowance made to those which were retained to serve King HEN. V. in his wars. Provision for the redemption of the jewels mortgaged by King HEN. V.

ITEM, at the supplication of the said lords and captains that be in life, which have indented with the gracious King *Henry*, father to the King that now is in all his wars, and also the executors of them that be commanded to God, which have indented with the said King the father made by their petition, delivered in this parliament: the King by the assent of all his lords spiritual and temporal, and also of all the commons being in this

Gains of war.

this parliament, will and granteth, That the thirds and the third of the third of all manner of gains, gained by way of war, pertaining to the said King the father, the day of his death, as well of prisoners taken as of other gains of war, may be deducted and rebated by lawful account in the King's exchequer, for the sums of the wages to them due by the said King the father, according to the effect of the indentures thereof made. Provided always, That if of that which upon the said accompt found due by the said accomptants above the said wages, payment be made by them upon the same account, then the said suppliants, their executors, heirs or landtenants after the said account and gree made, shall be thereof quit and discharged for ever. And moreover the King will and hath ordained of the said assent, That all they, to whom the said King the father hath delivered gages, jewels, and other things, shall be before the King's council before the feast of St. *John Baptist* next coming, with the same things and jewels. And in case they be not satisfied of their duties, or within half a year after the same feast, then they after the said half year shall have all the said jewels and things in peace and without impeachment of the King, paying to the King all that the same jewels and things shall be found of greater value, than that wherefore they were put in gage, unless they be ancient jewels of the crown. And that they and their heirs, landtenants and executors and every of them, shall be of the same jewels and things, which be not ancient jewels of the crown, quit and discharged against the King after the half year for ever.

Gage.

CAP. VI.

The stat. of 9 HEN. v. c.9. touching security for exchanges to be made by merchants of the court of Rome, revived, and continued till the next parliament.

This statute is printed only in Mr. Cay's edition.

ITEM come bien qe en lestatuit fait lan du regne del Roy RICHARD seconde quatorzisme ordeinez fuit qe pur chescun eschange qe ferroit par merchants a la courtede Rome ou aillours les ditz merchants ferroient fermement & seurement liez en la chauncellerie dachater deinz trois mois apres la dit eschaunge fait merchandises de lestaple come lains quirs peaux lanuz & plumbe ou estein bure furmage draps ou autre comoditees de la terre de la value de la somme issint eschangee sur forfaiture dicell nientlemains en le parlement tenuz le primer jour de decembr' lan du regne del Roi HENRY quint noevisme pur certains causes declarez en icell ordeinez fuit en le mesme pur profit du Roy & du roialme qe toutz merchants qi delors ferroient autiels eschanges a la courte suisdite ou allours qils & chescun de eux ferroit & ferroient obligez personelment en la chauncellerie suisdite par reconifance dachater deinz noef mois apres mesmes les eschanges faitz semblables merchandises & commoditees come deffuis est dit a la value de les sommes issint eschanges sur peine de forfaiture dicelles le dit estatuit fait le dit an quatorzime non obstant & qe celle darrein ordinance dureroit tank au parlement delors

lors profcheinement a tenir le Roy pur tant qe sentuz furent les ditz causes issint declarez en le dit parlement tenuz le dit an noevisme resonables & auxi qe mesme lordinance fuit terminez & expirez par le commencement de cest darrain parlement ad ordeinez en cest darrein parlement qe toutz les merchantz qi feroient autielx eschanges a la dite courte de Rome ou aillours qils & chescun de eux soient & soit obligez perfonelment en la chauncellerie du Roy par reconifance dachater dedeinz noef mois apres tielx eschanges faitz semblables merchandises & commoditees come avaunt est dit a la value de les sommes issint eschaunges sur peine de forfaiture dicelles non obstant le dit estatuit fait le dit an quatorzime et qe cest present ordinance durera tanqe au parlement profcheinement a tenir.

Statutes made at *Westminster*, Anno 2 HEN. VI.
and Anno Dom. 1423.

HENRICUS Dei gratia Rex Anglie & Francie & Dominus Hibernie vicecomiti Middlesexie salutem. Quedam statuta & ordinationes in ultimo parlamento nostro edita tibi mittimus in forma patenti mandantes quod statuta & ordinationes illa in locis infra ballivam tuam ubi magis expediens fuerit publice ex parte nostra proclamari & ea quantum in te est firmiter observari facias juxta tenorem eorundem.

T. meipso apud Westm' primo die Julij anno regni nostri secundo.

AU parlement tenuz a Westm' le xxme jour d'Octobr' lan du regne del Roy HENRY le sixme puis le conquest second par avys & assent des seignurs espirituelx & temporelx & a les especiales instances & request des communes d'Engleterre en mesme le parlement esteantz certainz ordinnances declarations & estatutz furent faitz & establiez al honour de Dieu & pur le bien du Roy & de son dit roialme en la forme ensuant.

AT the parliament holden at Westminster the twentieth day of October, in the second year of the reign of King Henry the Sixth after the conquest, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of England being in the same parliament, certain ordinances, declarations, and statutes were made and stablished to the honour of GOD, and for the wealth of the King and of his realm, in the form following.

C A P. I.

A confirmation of the liberties of the church, and of all persons, cities, &c.

ET primes qe seinte esglise & toutz les seignurs spirituelx & temporelx & toutz les autres lieges du Roy aiantz libertees & franchises & auxi toutz les citees & burghs aient & enjoient toutz lour libertees & franchises

FIRST, That holy church, and all the lords spiritual and temporal, and all other the King's people, having liberties and franchises, and also all the cities and boroughs, shall have and enjoy all their liberties

The liberties of the church and of all cities and boroughs confirmed.

ties and franchises well used,
and not repealed, nor by the
common law repealable.

franchises bien usez & nient
repellez ne par la commune ley
repellablez.

CAP. II.

*A remedy for the master, &c. of the hospital of St. Leonard
in York, to recover a thrave of corn due to them, &c.*

The hospital
of St. Leonard
in York was
endowed of a
thrave of corn
of every
plough earing
within the
counties of
York, Cum-
berland,
Westmorland,
and Lancaster.

ITEM, *whereas the hospital of
St. Leonard of York, which
is of the foundation of the proge-
nitours of our said lord the King,
late Kings of England, and of
his patronage, in the first founda-
tion of the same, was endowed, by
the said progenitors of the King,
of a thrave of corn to be taken
yearly of every ploughbearing with-
in the counties of York, Cumber-
land, Westmorland, and Lan-
caster, within the county of York,
of which thraves the master and
brethren of the said hospital, and
their predecessors have been seised,
the time whereof runneth no me-
mory, as parcel of the first founda-
tion of the said hospital, and the
same they have levied and gather-
ed at the feast of St. Martin in
winter every year, till now late
that divers people of the said coun-
ties, within the province aforesaid,
have withholden the same thraves,
whereof the said master and bre-
thren have no sufficient nor coven-
able remedy at the common law, to
the great damage of the said hos-
pital, and open subtraction of the
sustenance of the said master and
brethren, if remedy be not for them
provided, as complaint was ther-
of made in the said parliament:*

The remedy
which the
masters of St.
Leonard's
hospital shall
have to reco-
ver their du-
ties.

(2) The King considering the
premisses, of the assent and re-
quest aforesaid, hath ordained
and stablished, That the said
master and brethren, and their
successors for the time being,
may levy, gather, and take the
said thraves within the province
aforesaid, in the places where
they

ITEM come l'ospital de seint
Leonard d'Everwyk qi est
de la fundacion de les nobles
progenitours nostre dit seigneur
le Roy jadis Roys d'Engleterre
& de son patronage en la pri-
mere fundacion dicell estoit en-
dowe par les ditz progenitours
du Roy dun thrave des blees a
prendre annuelment de chescun
charue arant deinz les countees
d'Everwyk Cumberland West-
merl' & Lancastre deinz la pro-
vince d'Everwyk des quels
thraves les maistre & frers du
dit hospital & lour predeces-
sours ount este seisez du temps
dout memorie ne court come
parcell de la primer fundacion
du dit hospital & icelles ount
pris levez & coillez al fest de
seint Martyn en yver chescun
an tanqe ore tarde que diverses
gentz dez ditz countees deinz
la province suisdite mesmes les
thraves ount detenuz dout les
ditz maistre & frers nount re-
medie sufficeant ne covenable a
la commune ley a graunt ani-
entissement du dit hospital &
overt subtraction del suste-
nauce des ditz maistre & frers
si lour ne soit purveu de reme-
die come de ceo fuit compleint
en le dit parlement le Roy con-
sidere les premisses del assent &
request avaunt ditz ad ordeinez
& establiez qe les ditz maistre
& frers & lour successeurs pur
le temps esteantz puissent lever
coiller & prendre les ditz thra-
ves deinz le province suisdite
en les lieux ou il devient de
droit

droit & soloient solonc la custume & usage en mesmes les lieux euz pardevant. Et auxi que mesme le meistre & ses successeurs pur le temps esteantz aient de temps en temps action par briefs ou pleintz de dette ou de detenu a lour plesir envers toutz ceuz & chescun de eux qi mesmes les thraves enfi de droit au dit hospitall duez detiegnent ou ascun partie d'icell pur recoverer devers eux & chescun deuz les ditz thraves avec lour damages enz cell partie.

Purveu toutz foitz que les parties avec queuz les ditz meistre & frers ou lour predeceffours sont accordez pur tielx thraves par compositions entre eux faitz & ensealez ne soient chargez de plus que nest compris en mesmes les compositions pur les possessions que les ditz parties avoient al temps del fefance des compositions avaunt ditz.

they ought of right, and were wont, after the custom and usage had in the same places heretofore. (3) And also that the same masters and successors for the time being shall from time to time have actions by writs or complaints of debt or detinue at their pleasure, against all them and every of them that detain the same thraves so of right due to the said hospital, or any part of them, to recover the said thraves against them, and every of them, with their damages in this behalf.

II. Provided always, That the parties with whom the said master and brethren, or their predeceffours, be accorded for such thraves by compositions made and sealed betwixt them, shall of no more be charged than is comprised within the same compositions for the possessions that the said parties had at the time of the making of the aforesaid compositions.

A remedy for the proprietors which have compounded with the master and brethren.

C A P. III.

John duke of Bedford, being in the King's service in France, shall be received to defend his right by attorney.

ITEM, it is ordained and assented, That *John duke of Bedford*, uncle to our sovereign lord the King, which is beyond the sea in the parts of *France* in the King's service, in all manner of pleas moved and to be moved against any person or persons of lands and tenements, the reversion or remainder whereof is to the said duke joint or severall to his own use, he shall be by his attorney or attorneys received to defend his right. And in the same manner shall have and enjoy all manner benefits and advantages, as if he were present in his proper person. And that this ordinance extend as well to receipts of reversions and remainders, to be purchased and gotten to the said duke jointly or severally to his own use, as to receipts of reversions and remainders, which he now hath, as long as he shall be in the King's service beyond the sea.

Ex edit. Raft.

Attorney.

C A P. IV.

All merchandises of the staple passing out of England, Wales, and Ireland, shall be carried to Calais, so long as the staple is at Calais.

Staple.

Calais.

Berwick.

Merchandise
of the staple.

Shoten tin.

ITEM, whereas the noble King *Edward* the Third did ordain his staple to be at *Calais*, and that the whole repair of wools, woolfels, leather, lead, tin, butter, cheese, and other merchandise, except woolen cloths, and red herring passing out of the realm of *England*, and his lands of *Wales* and *Ireland*, and his town of *Berwick* upon *Tweed*, should be at the said town of *Calais*. And after at a parliament holden in the first year of King *Henry* the Fourth it was ordained, That the staple of wools, woolfels, leather, lead, and tin, should be wholly at *Calais*: saving that merchants of *Genoa*, *Venice*, *Catalonia*, *Arragon*, and other realms, lands and countries, towards the west, being of the King's amity, may ship at *Hampton* in carraks, ships, galleys, and other vessels, wools, woolfels, leather, lead, tin, and other merchandises of the staple, and bring them into their country towards the west, after the form of the statute thereof made in the second year of King *Richard* the Second after the conquest. And also saving to the burgessees and merchants of *Berwick* upon *Tweed* certain benefits to bring the wools of the growing between the waters of *Tweed* and *Cocket*, to the said place of *Berwick*, and and to ship them towards what parts it shall please them beyond the sea. And also whereas the said statutes in the parliament holden at *Westminster* in the second year of the reign of King *Henry* the Fifth, father to our sovereign lord the King that now is, were confirmed, and moreover it was ordained in the same parliament, That no wools, woolfels, leather, lead, tin, whole or founded, called shoten tin, nor none other merchandise of the staple whatsoever it were, should from henceforth be sent or brought to any parts beyond the sea, except they were first carried to the said staple, after the form of the said ordinance made the said first year, upon pain of forfeiture of all the merchandises in such manner sent or brought out of the said realm, unless it be by the King's licence. And except all persons, goods, and things which be excepted in the same ordinance, made the first year, as in the said statutes is more fully contained. Nevertheless, the leather, and founded tin, called shoten tin, bought and provided here in *England*, have not been brought to the said staple of *Calais*, after the form of the said statutes, but doth pass into *Flanders*, *Holland* and *Zealand*, to the great damage and diminishing of the customs and subsidies due to the King, if they were brought to the town of *Calais*. The King willing to eschew the damage and diminution, by the advice and request aforesaid, hath ordained and established, That all the statutes thereof made and not repealed, be holden and kept, and put in due execution. And that the whole repair of wools, woolfels, leather, lead, whole tin, and shoten tin, and all other mer-

merchandises pertaining to the staple, passing out of the realm of *England*, and of the countries of *Wales* and *Ireland*, be at the said place of *Calais*, and at none other place beyond the sea, as long as the said staple shall be at *Calais*, upon pain of forfeiture of the very value of the merchandises, which shall pass elsewhere but to the parts towards the west, named in the said statutes thereof made. And that no licence from henceforth be granted to the contrary: except for wools, fells, and leather of *North-umberland*, *Westmoreland*, *Cumberland*, and the bishoprick of *Durham*, saving the King's prerogative. Provided always, That if any merchants under colour of any licence ship any wools of of the growing of any part of *Yorkshire*, or of any other country of the realm, except of the growing of the same parts of *Northumberland*, *Westmoreland*, *Cumberland*, and the bishoprick of *Durham*, they shall forfeit to the King the value of all the wools so shipped, and also they shall lose the benefit of the same licence. And he that the same espieth, and thereof giveth knowledge to the treasurer of *England* for the time being, shall have the fourth part of the forfeiture so by him notified.

CAP. V.

The penalty if any carry wools or fells not customed out of the realm to any place, saving to Calais.

ITEM, because that a new shipping is found in the pille of *Foddray* in the county of *Lancaster*, out of which pille and other creeks within the realm much wools be brought to *Ernemouth* in *Zealand*, and to many other places beyond the sea, without custom or subsidy thereof duly paying to the King, and the merchants come to *Dublin* in *Ireland*, and there take their cockets, and pay for every stone of wool to their proper use ij.d. as the King hath been thereof credibly informed in the said parliament, to the King's great deceit and fraud: it is ordained and established, That if any person bring or cause to be brought any wools or woolfels not customed out of the realm, to other places than to the said staple, he shall forfeit to the King the value of the merchandises so shipped, and his body to prison, till he hath made and paid a fine and ransom. And that he that thereof giveth knowledge to the treasurer of *England* for the time being, and the trespasser for the same duly convict, shall have the fourth part of the forfeiture due to the King in this behalf.

CAP. VI.

For what causes only gold or silver may be carried out of the realm.

ITEM come par le Roy Henry le quint pier a nostre seigneur le Roy qorest estoit ordeignez qe un mynt dor & dargent serroit tenuz dedeins sa ville de Caleys par la quell grande substance de monoie dor & dargent

ITEM, whereas by King Henry the Fifth, father to our lord the King that now is, it was ordained, That a mint of gold and silver should be holden within the town of *Calais*, whereby great substance of money of gold and silver

A confirmation of the statute of 9 H. 5. c.6. that the mint shall be at *Calais*.

No gold or silver shall be carried forth of the realm, but for the causes herein excepted.
 9 Ed. 3. stat. 2. c. 1.
 5 R. 2. stat. 1. c. 2.
 2 H. 4. c. 5.
 7 Ed. 4. c. 1.

Merchants aliens shall be bound to carry no gold out of the realm.

ver hath been brought within the realm, (2) which money by divers persons hath been, and is daily, carried out of the same to Bourdeaux, Flanders, and other places, against the statute in old times made and provided in this behalf, as hath been grievously complained in this parliament; (3) it is ordained and assented, That the same statute be holden and kept, and put in due execution. (4) And moreover it is ordained and established, That no gold nor silver shall be carried out of the realm contrary to the said statute, unless it be for payment of wars, and the King's soldiers beyond the sea, upon pain of forfeiture of the value of the sum of money so carried out of the realm, to be levied of him that shall bring, carry, or send it out of the same realm: (5) and that he which espieth it, and thereof giveth knowledge to the council, or to the treasurer of *England*, shall have the fourth part of the forfeiture so due to the King, (6) except the ransoms for fines of *English* prisoners taken and to be taken beyond the sea, and the money that the soldiers shall carry with them for their reasonable costs, (7) and also for horses, oxen, sheep, and other things bought in *Scotland*, to be sent and carried to the parties adjoining; (8) so that the money to be sent for the fines of the said prisoners, or to be carried by the said soldiers to the parties beyond the sea, be not done without the King's special licence. (9) And because it is supposed that the money of gold of the realm is carried out of the same by merchants aliens, it is ordained and established, That the

dargent ad este apportez deinz le roialme la quelle monnoie par diverses perones ad este & est de jour en autre asportez hors dicell a Burdeaux & Flaundes & aillours encontre lestatut fait & purveux celle partie daunciene temps come de ceo ad estee grevousment compleint en cest parlement ordinez est & assentuz qe mesme lestatut soit tenuz & gardez & mys en due execution. Et en outre ordinez est & establez qe null or ou argent soit asportez hors du roialme au contrarie du dit estatut sil ne soit pur paiement des guerres & soudiours du Roy de pardela sur paine de forfaiture de la value de la somme del monnoie qensi soit apportez hors de roialme destre levee de celuy qi la mesnera asportera ou envoiera hors dicell & qe celluy qi lespiera & ferra ent notice au conseil ou au tresorer dEngleterre avera la quart partie de la forfaiture ensy duez au Roy forspris les raunceons pur finaunce des prisoners Englois prisez & apprendres de pardela & la monnoie qe les soudeours emporteront avec eux pur leur resonables costages & auxi pur chivalx boefs berbeis & autres choses achatez en Escoce apporterez ou amesnerez as parties adjoiningantz issint qe la monnoie a envoier pur finance des ditz prisoners ou a emporter par les ditz soudeours as parties de pardela ne soit fait sanz speciale licence du Roy. Et pur ceo qil est supposez qe la monnoie & lor du roialme est asportez hors dicell par merchantz aliens ordeinez est & establez qe les merchantz aliens trovent seurtee en la chaucerie chescune compaignie pur ceux de
 la

sa compaigne qe null deux n'amefnera hors du roialme null or n'argent contre la forme du dit estatut sur la peine de forfaiture dicell or ou argent ou de la value dicell & si ascun de eux face le contrarie & ceo duement provez & celuy ensy fesaunt soit alez outre le meer adonques les plegges de la compaigne paierount au Roy la forfaiture suisdite dont celly qi laverera espiez & le done a conuistre au tresorer ou a conseil du Roy avera la quart partie come desuis.

the merchants aliens shall find surety in the chancery, every company for them of their company, that none of them shall carry out of the realm any gold or silver against the form of the said statute, upon pain of forfeiture of the same gold or silver, or the value of the same; (10) and if any of them do the contrary, and that duly proved, and he so doing be gone over the sea, then the pledges of his company shall pay to the King the said forfeiture, whereof he that shall espy it, and thereof give notice

to the treasurer, or to the King's council, shall have the fourth part as is aforesaid.

CAP. VII.

The penalty of a cordwainer using the mystery of a tanner.

ITEM, because that the leather tanned by cordwainers, using the mystery of tanners, and also much of the leather tanned by the tanners, is so deceitfully tanned, that the boots, shoes, and other necessaries thereof made, be in a small season wasted and destroyed, because of the evil tanning of the said leather, to the great deceit and loss of the commonalty of the realm: it is ordained and established, That if any cordwainer dwelling in the realm of *England*, use the mystery of tanner, during the time that he useth the mystery of cordwainer, that he shall forfeit to the King for every hide by him, or by any other to his use tanned vi. s. viii. d. And that if the cordwainers find any notorious default in the leather, tanned by the said tanners, or to be tanned, that the tanner of the same leather so defective, shall forfeit to the King in the same manner for every hide so defective vi. s. viii. d. And that he that will sue shall have the one half for his labour, and the King the other half. And that the justices of the one bench and of the other, justices of assises, justices of peace, the justices of *Chester* and *Lancaster*, and mayors of cities and boroughs, having power as justices of peace, shall have power to enquire, hear and determine the articles and matters aforesaid, as well at the King's suit, as the parties, or to attain them by examination, as well at the suit of the King as of the party, by the discretion of the justices and mayors aforesaid. And that this ordinance and statute begin to hold place and be put in execution at the feast of *Christmas* next coming.

Ex edit. R. & L.
Cordwainers.
Tanners.

Leather.

Justices of
peace.

Rep. 5 Eliz.
c. 8. & 1 Jac. 1.
c. 22.

CAP. VIII.

Irishmen resorting into the realm, shall put in surety for their good abearing.

Ex edit. Pult.
1 H. 6. c. 3.

ITEM, whereas it is ordained in the last parliament amongst other things, That all people born in *Ireland*, shall depart out of the realm within a month next after proclamation made of the said ordinance, upon pain to lose their goods, and to be imprisoned at the King's will, except certain persons in the same ordinance excepted, (2) and that the graduates and benefited-men should find surety of their good abearing, that they should not take upon them the principality of any hall or hostel, but to remain amongst other *English* scholars under the principality of other, (3) and also those scholars of *Ireland* that be not graduates, and be of the King's obeisance, shall find surety of their good abearing in the manner as the said graduates shall do in the form aforesaid. (4) And that all the scholars of *Ireland* being elsewhere in *England*, that will here abide, shall bring every of them by himself to the chancellor of *England* for the time being, before the feast of *St. John Baptist* last past, letters under the seal of the lieutenant or justices of *Ireland*, witnessing that they be of the King's obeisance. (5) And that all of them that bring not those letters before the feast of *St. John*, it shall be done as of rebels to the King. (6) And from this feast of *St. John* forward, no person born in *Ireland*, shall enter the realm of *England* to abide in the university of *Oxford* or *Cambridge*, or elsewhere within the realm of *England*, unless he bring to the said chancellor such letters testimonial, upon pain to be punished as rebels to the King.

II. And forasmuch as in the said ordinance no mention was made, before whom nor in what manner the surety of good abearing as before, shall be found: it is ordained and established, That the chancellors of the universities of *Oxford* and *Cambridge* for the time being, every of them within his jurisdiction, shall take the sureties to be taken of scholars within the same universities, and certify the same into the King's chancery. (2) And that the justices of peace within the counties, and mayors and bailiffs within cities and boroughs enfranchised, have power to take before them such manner of surety of good abearing, and to do execution upon them which shall abide, or do against the said ordinance from henceforth.

Who shall take
sureties of
Irishmen that
will resort in-
to the realm
according to
the statute of
1 H. 6. c. 3.

CAP. IX.

The money called blanks shall be wholly put out.

The money
called blanks
shall be wholly
put out.

ITEM, it is ordained, That proclamation be made through all the counties of *England* within franchises and without, and within cities, towns, boroughs, and elsewhere, that all the money called blanks shall be wholly out and voided out of the realm before the feast of *St. John Baptist* next coming. And moreover that no man after the said feast pay or receive for pay-
ment

ment in any manner within the said realm, the said money called blanks, upon the pain contained and ordained by a statute made the third year of King *Henry*, father to our lord the King, against all that pay or receive for payment the money called gally halfpence, fufkin, and dotkins within the realm.

3 Inst. 92.
St. 3. H. 5. c. 1.

A penalty on deceitful workers of gold and silver embroidery.

ITEM pur ceo qe diverses defautes sont trovez en loveraigne de diverses persons occupiantz le mistier de brouderie ordeinez est & assentuz qe tout loveraigne & stuff de brouderie dor ou d'argent de cypre ou dor de Luke mellee avec laçon de Spayne & mys a vent en deceit des lieges du Roi soit forfait au Roy ou as seignurs & autres aiantz fraunchises dautielx forfaiturs en quy franchise autiel overaigne soit trovee. Et durera cest ordenance tanqe al parlement procheinment avenir.

These articles
are printed
only in Mr.
Cay's edition.

Concerning the reversal of outlawries pronounced against persons whilst abroad in the King's service.

ITEM ordeinez est & assentuz qe si ascun utlagarie sur ascun homme esteant hors du roialme en le service de Roy avec luy mesmes ou desoubz ascun capitain soit pronuncie & sur ceo le Roy ou le capitain inorege devant qe tielz utlagaries soient reversez & la partie qe pursue de reverser ascune tiel utlagarie a cause fudist voet allegger son capitain destre mort qe adonqs sa demoeure al temps des ditz utlagaries soit certifiez par les executours ou ministrours des tielx capitains ou clerkes de leurs monstres ou ascun autre notable persone solonc la discretion des justices en mesme le manere come le capitain ceo deust avoir certifiez si feusse en vie purveux toutsoitz qe laverrement soit receu pur nostre seignur le Roy qe le capitain est en plein vie & auxi qe la partie feust en Engleterre en temps de tielx utlagaries pronunciez si avant come ad este fait devant ces heurs en cas qe le capitain fust en plein vie. Et durera cest ordenance tanqe al parlement procheinment avenir.

The justices shall inquire into and remove certain nuisances on the Thames.

ITEM pur ceo qe deu serche & correction n'est pas fait en leawe de Thamise dehors les boundes de la franchise de Loundres en les countes de Surr' Kent & Essex plousours meschies ore tarde out este faitz de destruction des gentz nies & merchandises & frie de pesson par les weres kydelles & trunkes la esteantz noesantz ordeinez est & assentuz qe severalx commissions soient faitz as justices de pees des ditz countez pur le temps esteantz denquerter des tieux noisantz dehors la dite franchise de Londres si sovent come boisoigne soit & de certifier de temps en temps en le bank le Roy ceo qent sera trovee par les inquiries ensi affairs & facent les justices de dit banque sur les ditz certifications autielx processés envers eux qensi ferront trovez trespassours come lour meulx semblera par la ley & facent eux remoever lour anoesantz ensy faitz salvez a chescun son droit & title en les weres kydelx & trynkes avaunt ditz. Et durera celle ordonnance tanqe al parlement procheinment avenir.

Post, c. 15.

CAP. X.

What manner of inferior officers shall be appointed in the King's courts.

What manner of inferior officers shall be appointed in the King's courts by superior officers.

ITEM, to the intent that better and more sure government be had within the courts of our lord the King, for his profit, and ease of his people, which have to pursue and to do in the same; it is ordained and stablished, That all the officers made by the King's letters patents royal within the said courts, which have power and authority, by virtue of their offices of old times accustomed, to appoint clerks and ministers within the same courts, shall be charged and sworn to appoint such clerks and ministers, for whom they will answer at their peril, which be sufficient, faithful, and attending to that which pertaineth to them in performance of the business, as well of the King as of his people.

4 Inst. 114.

CAP. XI.

The several measures of vessels of wine, eels, herrings, and salmons.

ITEM, whereas in old time it was ordained and lawfully used, That tuns, pipes, tertians, hogsheads of Gascoigne wine, barrels of herring and of eels, and butts of salmon, coming by way of merchandise into this land out of strange countries, and also made in the same land, should be of certain measure; that is to say, The tun of wine CC lii. gallons, the pipe C xxvi. gallons, the tertian lxxxiv. gallons, the hogshead lxiii. gallons, the barrel of herring and of eels xxx. gallons fully packed, the butt of salmon lxxxiv. gallons fully packed; nevertheless, by device and subtilty now late such vessels have been of much less measure, to the great deceit and loss of

ITEM al entent que le plus bone & seure governaunce soit euz dedeins les courtes nostre seignur le Roy a son profit & al ease de son poeple qont a pursuer & affaire en ycelles ordeinez est & establiz que toutz les officers faitz par lettres patentz roialx deins les ditz courtes qont poiar & auctorite par vertue de lour office dauncien temps accustumes de faire clerks & ministres deins mesmes les courtes soient chargez & jurrez de faire tielx clerks & ministres pur qels ils voillent respoundre a leur perill qi soient sufficeantz foialx & entendantz a ceo que a eux appartient au esloit sibien de les bosoignes du Roy come de son poeple.

ITEM combien qen auncien temps fuisit ordeinez & loialment usez que toneux pipes tercians hogghedes de vyn de Gascoigne banelles de harank & danguilles & buttes de samon veignant par voie de merchandise en cest terre hors des estrangez pais & auxi faitz en mesme la terre serroient de certain mesure cestassavoir le tonnell de vyn de $\frac{xx}{ij}$ & xii galons le pipe de $\frac{xx}{ij}$ & vi galons la tertian de $\frac{xx}{ij}$ & iiiii galons le hogghede de lxiii galons le barell de harank & danguilles de xxx galons pleinement pakkez le butte de samon de $\frac{xx}{ij}$ & iiiij galons pleinement pakkez nientlemains par ymagination & subtilite

tilite ount jatarde este faitz tieux vesseux de plus petite mesure a graunde perde & descent au Roy & de son poeple dount en ceste parlement fust priez especialment de remedie Si est ordeinez & establez qe null homme apres le fyn de xii moys le fest de Pasque profchein avenir profcheinement ensuantz apporte en le royaume dEngleterre de quel pais qe ceo soit ne face deins mesme le royaume tonell de vyn sil ne conteigne del mesure dEngleterre $\frac{xx}{ij}$ & xij galons le pipe $\frac{xx}{ij}$, vj galons & ensy solonc lasseraunt le terciar & le hogghede de vyn de Gascoigne sur peine de forfaiture de mesme le vyn ne barrell de harank ne danguilles sils ne conteignent xxx galons pleinement pakkez ne butte de salmon sil ne conteigne $\frac{xx}{ij}$ & iiij galons pleinement pakkez ne kynderkyns terciars & ferdekyngs de harank ne danguilles ne de samon forsque solonc lasseraunt pleinement pakkez puis le fest de Nativitee de Saint Johan le Baptistre profchein avenir sur peyne de forfaiture de les harank anguilles & samon avaunt ditz ensy apportez ou faitz au contrarie de cest ordonnance en quell citee burgh & ville du royaume ou en aucune partie dEngleterre qe tieux defautez soient trovez au seignur de mesme la ville & qe celluy qui voet suer & prover les ditz defautz avera la quart partie de mesme la forfaiture. Et qe les justices du pees en toutz les countes dEngleterre mairs & baillifs aiantz poair denquerer de peax enquergeroient & terminent toutz iceux defautz. Et qe cest ordeignance soi extendé & eit force sibien dedeins le countee de Cestre come aillours.

of the King and of his people, whereof special remedy was prayed in the parliament; (2) it is ordained and stablished, That no man, after the end of twelve months from the feast of *Easter* next coming, shall bring into the realm of *England*, from what country soever it be, nor make within the same realm, a tun of wine, except it contain of the *English* measure CC lii. gallons, the pipe C xxvi. gallons, and so after the rate the tertian and the hoghead of *Gascoigne* wine, upon pain of forfeiture of the same wine; (3) nor barrel of herring, nor of eels, unless they contain xxx. gallons fully packed; nor butt of salmon, unless it contain lxxxiv. gallons fully packed; nor kinderkins, tertians, and firkins of herring, nor of eels, nor of salmon, but after the rate fully packed, after the feast of the Nativity of St. *John the Baptist* next coming, upon pain of forfeiture of the said herring, eels, and salmon, so brought or made contrary to this ordinance, in what city, borough, and town of the realm, or in any part of *England*, that such defaults be found, to the lord of the same town; (4) and that he which will sue and prove the said defaults, shall have the fourth part of the same forfeiture. (5) And the justices of peace in all the counties of *England*, and mayors and bailiffs, having power to inquire of the peace, shall inquire, hear, and determine all the same defaults. (6) And that this ordinance extend and have strength, as well within the county of *Chester*, as elsewhere.

The measure of a tun, &c. of wine, and of a barrel of eels, herrings, and salmons.

18 H. 6. c. 17.

1 R. 3. c. 13.

28 H. 8. c. 14.

CAP. XII.

The office and duty of the King's assayer, controullour, and master of the mint.

The master of the mint shall keep his allay in making of white money.

ITEM, to the intent that the more bullion may be brought to the mint, and the greater plenty of white money be made and current within the realm, for the ease and profit of the commonalty of the same, it is ordained and established, That the master of the mint shall keep his allay in the making of white money according to the form of his indenture; (2) and that the same master receive of every person, that shall bring any silver to the mint, the same money at the true value as it is worth according to the same allay, upon pain to pay to the party his double damages. (3) And also to the intent that this ordinance may the better and more justly be observed, it is ordained, That the King's assayer, which is a person indifferent betwixt the master of the mint and the merchant, and also the controullour of the mint, shall be present when any such bullion of silver is brought to the mint, to the intent that the said assayer may rightfully set the value of the same according to the law, in case of variance betwixt the master and the merchant; and the controullour to controul as well silver that is brought to the said mint, as carried out of the same, every two days faithfully and indifferently to do their duty, without taking any reward other than the fee which they shall take of the King, upon pain to yield double damages, as afore is said; (4) and that the

The office and duty of the King's assayer of the mint.

ITEM a l'entent que le plus greindre bullion puisse estre apporte a le mynte & le greindre plente de blank money estre faitz & currant deinz le roialme pur le aise & profit du communalte dicelle ordeinez est & establiz que le maistre del mynt garde son allaie en la fescance de la blank monoie solonc la forme de sa indenture et que mesme le meistre resceive de chescun homme qi portera aucun argent a la mynt mesme l'argent a la verroie value come il vaut solonc mesme lallaie sur peine de paier le double damage a la partie. Et auxi a l'entent que cest ordeignance puisse le meulx & plus iouste ment estre gardez ordeinez est que l'assaiour du Roy qi est persone indifferent parentre le maistre del mynt & le merchant & auxi le countroullour del mynt soient presentez quant aucun tuele bullion d'argent soit porte a le mynte a l'entent que le dit assaiour puis droitement mettre le value dicell solonc lallaie en cas del variaunce parentre le maistre et le merchant et le countroullour a countroullier si bien l'argent qest apportez en la dit mynt come asportez hors dicell chescun deux jurrez de faire foialment & endeffierement lour devoir sanz aucun regarde prendre autre que le fee qils preignent du Roy sur la peine de paier double damage com desuis et que ceux assaiour & countroullour soientz vaillaintz crediblez & expertz persones aiantz notoier science en le mistier dorfeour & de mynt.

mynt. Et auxi qe le maistre del mynt ne le changeour pur le temps esteant vende ne face vendre ne aliene a null autre oeps forsqe a le coigne null maner dor ne dargent overe ou nient overee coignee ou nient coignee ou bullion qest portez a la mynt ou a leschange mes icell applie tousoulment a le monoie solonc la forme de l'indenture avantdite sur la peine contenuz en mesme l'indenture. Et qe mesme le maistre del mynt face ferire de temps en temps demy nobles ferlynges dor grosses demy grosses deniers males & ferlynges pur le aise du poeple solonc le tenour del dite indenture fait parentre le Roy & luy sur la peine contenuz en ycell issint qe le commune poeple puis avoir recours a leschange pur petit or & blanke monoie come ils resonnablement boisoigneront.

the assayer and controller be credible, substantial, and expert men, having perfect knowledge in the mystery of goldsmiths, and of the mint. (5) And also that neither the master of the mint, nor the exchanger for the time being, sell, nor cause to be sold, nor aliene to any other use but to the coin, no manner of gold nor of silver wrought or unwrought, coined or not coined, or bullion which is brought to the mint, or to the exchange, but apply the same only to the money, according to the form of the said indenture, upon the pain contained in the same indenture. (6) And that the same master of the mint cause to be stricken, from time to time, half-nobles, farthings of gold, groats, half-groats, pence, half-pence, and farthings, for the ease of the people, according to the tenor of the inden-

The office of the controller of the mint. The master of the mint shall convert into coin all the gold and silver which he shall receive. The master of the mint shall make small money.

ture made betwixt the King and him, upon the pain contained in the same, so that the common people may have recourse to the exchange for small gold and white money, as they reasonably shall need.

C A P. XIII.

The price of a pound of silver in plate, piece, or mass.

ITEM, forasmuch as great scarcity of white money is within the realm, because that silver is bought and sold not coined, at the price of xxxij. s. the pound of Troy, whereas the same pound is no more of value at the coin than xxxij. s. (abated for the coinage twelve pence) it is ordained and established, for the increase of white money, That no man, of what estate or condition that he be within the realm, shall buy or sell no silver in plate, piece, nor in masse, being as good of allay as the sterling, above thirty shillings the pound of Troy, over the fashion, upon the pain of forfeiture of the double value of as much as he buyeth or selleth contrary to this ordinance. And that the one half be forfeited to the King's use, and the other half to the use of him that will sue and prove the same forfeiture. Provided always, That they which go to the coin, may have and take of the master of the same coin, according as is lawfully contained in the indentures thereof made betwixt the King and him. And also the master of the said mint, for the time being,

Ex edit Rastal. Money. Silver.

Master of the mint.

Rep. 21 Jac. 1.
c. 28.

being, may take and deliver as is contained in the said indentures without taking more for the ease and profit of the common people.

CAP. XIV.

The fineness of hardness of silver, and the marks with which it shall be marked.

None shall sell any work of silver, unless it be as fine as the sterling;

nor until it be touched, and marked with the goldsmith's known mark.

The penalty on the keeper of the touch, who toucheth any vessel not sufficient in allay.

Several cities and towns shall have several touches.

ITEM, That no goldsmith, nor worker of silver within the city of *London*, sell any workmanship of silver, unless it be as fine as the sterling, except the same need solder in the making, which shall be allowed according as the solder is necessary to be wrought in the same. (2) And that no goldsmith nor jeweller, nor any other that worketh harness of silver, shall set any of the same to sell within the city, before that it be touched with the touch [*of the leopard's head, if it may reasonably bear the same touch**] and also with the mark or sign of the workman of the same, upon pain of forfeiture of the double, as afore is said; and that the mark and sign of every goldsmith be known to the wardens of the same craft. (3) And if it may be found, that the said keeper of the touch touch any such harness with the leopard's head, except it be as fine in allay as the sterling, that then the keeper of the touch for every thing so proved not as good in allay as the said sterling, shall forfeit the double value to the King and to the party, as is above recited. (4) And also it is likewise ordained in the city of *York, Newcastle upon Tyne, Lincoln, Norwich, Bristol, Salisbury, and Coventry*, that every one shall have divers touches, according to the ordinance of the mayors, bailiffs,

or

ITEM qe null orfeour ne overour dargent deinz la citee de Loundres vende null overaigne dargent sil ne soit auxi fyne come le sterlyng forspris ceo qe bsoigne soudure en la fefance le quell soit alowe solonc ceo qe la soudour soit necessarie pur estre overee en ycell. Et qe null orfeour ne juellour nautre homme qe opere harneis dargent mette null dicell a vendre deinz la dite citee devant ceo qe soit touchee avec le touche del test de libarde ceo qe puisse resonablement porter mesme le touche & auxi ove un marque ou signe del overour dicell sur peine de la forfaiture de la double come desuis est dit et qe le marque ou signe de chescun orfeour soit conuz a les gardeins de mesme le mister. Et fil poet estre trove qe le dit gardein de la touche suisdite touche ascun del hernoys ovek le test del libard sil ne soit auxi fyne en allaie come lesterlyng qe adonques le dit gardein de le touche pur chescune chose enfy prove nient si bon en alaye come le dit esterlyng forface la double value au Roy & a la partie come il est ycy desuis recite. Et auxi semblablement est ordeine en la citee dEverwyk Novell Chastell sur Tyne Lincoln Norwice Bristowe Salesbury & Coventre qe chescun ait diverses touches solonc lordinance des mairs baillifs ou gouvernours de mesmes les villes

* These words in the Italic letter are printed only in Mr. Cay's edition.

viles et que null orfeour nau-
tres overours dargent ne gar-
deyn des ditz touches dedeins
yelles viles mette a vente ne
touche null argent en autre
manere que nest ordeine parde-
vant deinz la citee de Loundres
sur peine del forfaiture avandit.
Et enoutre que null orfeour nau-
tre overour dargent dedeinz le
roialme dEngleterre ou null
touche est ordine come desuis
est dit overee null argent fil ne
soit auxi fyn en alaie come
lesterlyng. Et que lorfeour ou
loverour dicell argent mette
sur ycell son marque ou signe
devant ceo que le mette a la vent
et fil soit trove que ne soit auxi
fine come lesterlyng qadonqs
le overour dicell forface le dou-
ble value en manere & forme
come il est devant recitez deinz
le citee de Loundrez. Et que
les justices de la pees mairs &
baillifs & toutz autres aiantz
poair come justices de pees
eient enquergerent & determi-
nent par bille pleint ou en autre
manere de toutz ceux qi facent
le contrair de mesmes les ordi-
nances & ent facent due exe-
cution solonc lour discretions.
Purveux toutz foitz que si le
maistre del mynt qore est ou
quy pur le temps serra offende
ou ad offenduz en son office du
dit mynte qadonqs soit il cor-
recte & justifie solonc la forme
de les endentures avaunt ditz.

or governors of the same towns;
(5) and that no goldsmith, nor
other workers of silver, nor
keeper of the said touches with-
in the same towns, shall set to
sale, or touch any silver in other
manner than is ordained be-
fore within the city of *London*,
upon pain of the said forfeiture.
(6) And moreover that no gold-
smith, or other worker of silver
within the realm of *England*,
where no touch is ordained as
afore is said, shall work any
silver, except it be as fine in
allay as the sterling, and that
the goldsmith or worker of the
same silver set upon the same
his mark or sign before he set
it to sale; (7) and if it be found,
that it is not as fine as the
sterling, that then the worker
of the same shall forfeit the
double value, in manner and
form as before is recited within
the city of *London*. (8) And
the justices of peace, mayors
and bailiffs, and all other having
power as justices of peace, shall
hear, inquire, and determine,
by bill, plaint, or in other
manner, of all that do con-
trary to the said ordinances,
and thereof to make due exe-
cution by their discretions. (9)
Provided always, That if the
master of the mint which now
is, or which for the time shall
be, offend, or have offended
in his office of the said mint,
that then he be punished and
justified according to the form
of the said indentures.

Justices of the
peace, mayors,
&c. may in-
quire of, hear,
and determine
the offences a-
foresaid.

28 Ed. 1. stat. 3.
c. 20.
17 Ed. 4. c. 1.
18 El. c. 15.

*Justices may punish servants, masons, carpenters, &c. for
taking unreasonable wages.*

ITEM come en le temps de noble Roy *Henry* pier a nostre
seignur le Roy qorest en son parlement tenuz a *Leycestre*
lan de son regne secunde soit ordeigne que les justices de pees
en chescune counte dEngleterre duissent examiner toutz maners
de servantz en leur countees qi preignent salaries excedauntz

This article
is printed only
in Mr. Cay's
edition.

la dite ordinance & les punir solonc mesme lordinance ordeinez est & assentuz qe les ditz justices aient poiar dappeller & de fair venir devant eux par Venire facias & distringas les maistres aiantz & occupiantz les ditz servantz & par attach' mesmes les servantz & ycelles examiner de le doner de leur salarie & la prise de ceo qils donent a leur ditz servantz. Et sil soit trové par examination ou en autre manere qe les ditz maistres donent puis qe accordant au dite ordinance qe adonques les ditz maistres qi plus donent & chescun de eux qi plus done paioint & paiera au Roy pur chescune salarie paiee a ascune servant contraire lexcesse & qe a mesme lordinance mesmes les servantz ensi preignantz & ent par leur conissance ou en autre loial manere atteintz eient lemprisonment dune mois sanz baille ou mainprise. Et si ascun viscont baillif de fraunchise gaoler ou ascun autre aiant la garde dez prisons deinz fraunchise ou dehors ou ascun de leur deputees mette ascune tielle persone au baille ou mainprise qe adonques il perdra au Roy pur chescun tiel homme lessé a baille ou a mainprise xx s. et qe lez justices de pees aient poiar dappeller devant eux par attach' mafons carpenters tilers thakkers daubers & toutz autres laborers & eux examiner et sils trovent par examination ou en autre manere qe ascune des ditz persones ad pris a contraire a les leies & ordinances faitz devant ces heurs pardevant qe adonques celluy qest trové ensi preignant ait lemprisonement dun mois. Et qe mesmes les justices aient poiar dappeller devant eux par attach' taillours cordewaners tanners bochers peschours & carieurs de pesson hostilers & toutz autres artificers & vitailers & de eux assesser & chescun de eux a vendre & prendre solonc les discretions des ditz justices & si ascun de eux preigne le contraire a mesme lassession & de ceo par examination ou en autre manere soit trové coupable qe adonqs mesmes les persones ensy trovez coupablez & chescun deux face & facent fyn solonc les discretions des justices & ait lemprisonement dun mois sanz baille ou mainprise come desuis est dit. Et qe cest ordinance extende sibien deinz citees & burghs ou ils ount poiar & auctoritee come justice de pees come en les countees suifditz. Et endurera cest ordinance tanqe al parlement proscheynment avenir.

CAP. XV.

No man shall fasten nets to any thing over rivers.

ITEM it is ordained, That the standing of nets and engines called *Trinks*, and all other nets, which be and were wont to be fastened and hanged continually day and night, by a certain tyme of the year, to great posts, boats, and anchors, overthwart the river of *Thames*, and other rivers of the realm

ITEM ordeignez est & establiz qe le station des reis & engines appelez trynkes & de toutz autres maners reis qi font & soloient estre fichez & attachez continuellement de noet & jour par certain temps del an as grauntz postes batels & anchres au travers la rivere de *Thamise* & autres rivers du roialme

roialme quele station est cause & occasion del auxi graund & plus destruction del brode & frie de peffon & destourbance del commune passage del ves-seulx come sont les weres ky-delx ou nulles autres engines soit tout outrement defenduz pur tout temps avenir et qe chescun qi les mette ou fische deforenavant as tielx postes batelx & anchres ou chose semblable pur continuelment estoiser come dit est & ent soit due-ment & par cours de ley con-victz forface au Roy Cs. a chescun temps qil est ensi pro-vee en default. Purvieux tout-foitz qe bien life as possessours des ditz trynkes fils soient daffise peschier avec eux en tout temps seisonable les en-trahantz & conveiantz par main come autres peschours font ove autres reis & non fichantz & attachantz les ditz reyes as postes batelx & anchres pur continuelment estoiser come dit est salvant toutfoitz a chescun liege du Roy lour droit title & enheritaunce en lour pescheries en la ewe avaunt dit.

realm, which standing is a cause of as great and more de-struction of the brood and fry of fish, and disturbance of the common passage of vessels, as be the wears, kydels, or any other engines, be wholly de-fended for ever; (2) and that every person that setteth or fasteneth them hereafter to such posts, boats, and anchors, or like thing, continually to stand as afore is said, and be duly thereof by the course of the law convict, shall forfeit to the King Cs. at every time that he is so proved in default. (3) Provided always, That it shall be lawful to the possessors of the said trinks, if they be of assise, to fish with them in all seasonable times, drawing and pulling them by hand, as other fishers do with other nets, and not fastening or tacking the said nets to posts, boats, and anchors, continually to stand as afore is said; (4) saving always to every of the King's liege people their right, title, and inheritance in their fish-ings in the said water.

The penalty of those which do fasten trinks or o-ther nets over any river.

In what sort owners of trinks may fish with them.

C A P. XVI.

Persons in the reversion may sue for the right to estates, notwithstanding any defaults committed by the former possessors.

ITEM come ordeigne soit par estatut fait Westm' lan du regne le Roy E. fitz le Roy H. trefzime qe si breve soit porte vers le baron & sa femme ou envers tenant a terme de vie a terme dautre vie ou par le curtesie ou tenant en le taill apres possibilite diffue exteint & le baron ou tielx tenauntz fount defaute apres defaute ou voillent rendre al demaundant son demande qe si le femme ou ceux a qi le reversion est veignent devant juggement rendu qils ferront receux a defendre lour droit. Et pur ceo qe les justices du Roy sont ore en graunt awereustee si le baron ou ascun des ditz tenauntz font defaut apres defaut ou rendent lacion as demaundant les queux de-fautz ou redditions sont recorderz a un terme & des certains causes les justices moevantz le juggement mis en respite & jour don outre tanqual proschein terme si ceux en la reversion ferront

This chapter and the next following are printed only in Mr. Cay's edition.

ferront receux a celle darrein terme a defendre leur droit. Et pur oustier tiel awerouste & doute ordeinez est & declarez par ladvis & assent suifditz qe ceux en reverfion purront estre receux a defendre leur droit sils veignent a ascun temps devant jugement rendu en tielx cafes devant declarez accordant a les forme & parols en le dit estatut contenuz. Et qe yceste ordinaunce se extende as brefs unqore pendantz & le jugglement unqore nient renduz come en actions desore enavaunt amovers. Et durera ceste ordinaunce tanqual parlement profchinement avenir.

CAP. XVII.

Persons indicted of high treason escaping out of prison shall be adjudged traitors.

ITEM come en temps le noble Roy E. tiers apres le conquest lan de son regne xxv. a son parlement tenuz a Westm' furent declarez par estatut en le dit parlement quelles choses duissent estre ditz traizon entre queux si homme fuiste enditez appellez ou pris par suspencion de graund traizon & pur ceste cause commise & detenuz en prison du Roy & puis tiel prisone eschape hors de prison de Roy declaration ne fuiste faite avant ces heurs le quele tiel eschape ferroit adjudge traizon ou nient ordeinez est & declarez par auctorite dicest present parlement par estatut qe si ascune persone soit endite appellee ou pris pur suspencion de graunt traizon come avant est dit et soit commys & detenuz en prisone du Roy pur celle cause & eschape volontement hors du dit prisone qe tiel eschape soit adjudge & declare traizon si tiel persone ent soit duement atteint solonc le ley de ceste terre. Et eient les seignurs du fee en tiel cas les eschetes & forfaitures des terres & tenementz de eux tenuz de tielx persones issint atteintz come de ceux qi sont atteintz de petite traizon. Et teignent cest ordinaunce & declaration lieu & effect del xx jour d'Octob' darrein passe tanqe au parlement profcheinement avenir.

Statutes made at *Westminster*, Anno 3 HEN. VI.
and *Anno Dom.* 1424.

NOUSTRE seignur le Roy par advys & assent des seignurs espirituelx & temporelx & a lespecial request des communes en ceste parlement tenuz a Westm' le darrein jour d'Averill lan de son regne tierce ad ordinez & establiz certains ordinaunces & estatuts a lonour de Dieu & pur le bien de son roialme en la fourme ensuant.

OUR lord the King, by the advice and assent of the lords spiritual and temporal, and at the special request of the commons, assembled in this parliament, holden at Westminster the last day of April, the third year of his reign, hath ordained and established certain ordinances and statutes, to the honour of GOD, and for the weal of his realm, in the form following.

CAP. I.

Masons shall not confederate themselves in chapters and assemblies.

FIRST, whereas by the yearly congregations and confederacies made by the masons in their general chapters and assemblies, the good course and effect of the statutes of labourers be openly violated and broken, in subversion of the law, and to the great damage of all the commons; (2) our said lord the King willing in this case to provide remedy by the advice and assent aforefaid, and at the special request of the said commons, hath ordained and established, That such chapters and congregations shall not be hereafter holden. (3) And if any such be made, they that cause such chapters and congregations to be assembled and holden, if they thereof be convict, shall be judged for felons. (4) And that all the other masons that come to such chapters and congregations, be punished by imprisonment of their bodies, and make fine and ransom at the King's will.

Ex edit Pult.
3 Inst. 99.
It shall be felony to cause masons to confederate themselves in chapters and assemblies.

CAP. II.

Sheep shall not be transported beyond sea without the King's licence.

ITEM pur ceo qe plusours diverses persones amesnent hors du roialme de temps en temps grande nombre des berbees lanutz en Flaundes & autres paiis de pardela le meer & la ils fount eux tonder & vendent sibien mesmes les berbees come les laines dicelles as hommes de mesme la paiis issint qe par tielx persones les berbees deinz mesme la paiis de Flaundes & autres parties deins brief temps sont veraisemblablez destre grandement encreceez & multipliez a tresgrande deceit perde & damage nostre dit seignur le Roy de ses custumes et subsidies des ditz laines & auxi grande arrerissement de tout le roialme & amenuement & depression de la price des lains sibien a lestaple de Caleis come cy en Engleterre sil ne soit purveu de remedie celle partie nostre dit seignur considerant les premisses de ladvis assent

ITEM, because that divers persons do from time to time carry out of the realm great number of sheep with fleeces into Flanders, and other countries beyond the sea, and there they shear them, and sell as well the same sheep, as the wools of the same, to men of the same country, so that by such persons the sheep within the said country of Flanders, and other parts, in short time be likely to be much increased, to the great deceit, loss, and damage of our lord the King, of his customs and subsidies of the said wools, and also to the great hindrance of all the realm, and diminution and abatement of the price of wools, as well at the staple at Calais as here in England, unless remedy be provided in this behalf; (2) our said lord the King, considering the premisses, by the advice and assent, and at the request aforefaid, hath ordained and granted by the authority of the said parliament, That no

8 El. c. 3.

Whosoever shall transport sheep to any part beyond the sea shall forfeit them.

manner

manner of person, of what estate or condition that he be, hereafter be suffered to ship within the realm of *England* any sheep, fleeced or shorn, into the said country of *Flanders*, or to any other parts beyond the sea, except it be to victual the town of *Calais* and the marches thereof. (3) And that every man that may be espied, which under the colour of victualling of the same town and marches of *Calais*, passeth into any other places, than to the same town and marches, with any sheep fleeced or shorn (except he have the King's licence) shall forfeit to the King the same sheep, or the value thereof, as oftentimes as he shall be found in default.

assent & request suifditz ad ordinez & grantez par auctorite du dit parlement que null maner de persone de quele estat ou condition qil soit de cy enavaunt soit suffrez deskipper ou faire eskipper deinz le roialme ascunes berbees lanutz ou tonduz en ladite pais de *Flandres* ou autres parties de pardela le meer fil ne soit pur la vitailier de la ville de *Caleys* & les marches dicelles. Et que chescun homme que poet estre espiez que soubz colour de vitailier du dite ville ou marches de *Caleys* qil passe a ascun autre lieu que a mesmes les ville & marches ovesqe ascuns berbees lanuz ou tonduz fil ne ait licence roialle qil forface au Roy mesmes les berbees ou le value dicelles si sovent defoitz come il soit trove defectif.

C A P. III.

The penalty of a customer, &c. concealing the King's custom.

The penalty of a customer, collector, or controller, concealing the King's custom.

ITEM it is ordained and established, That if any customer, collector, or controller of the King's customs of cokets of cloths, of subsidies of tunnage or poundage, in any port or place of *England*, be duly attainted or convict at the King's suit, of false concealing of the King's custom or subsidy duly entered and paid by any merchant, that then the said customer, collector, or controller so duly attainted or convict by the law, shall lose and forfeit to the King the treble value of the merchandises so duly customed, and make fine and ransom. (2) And he that will sue, shall have the third part for his labour.

ITEM ordinez est & establi que si ascune customer collectour ou countrollour des custumes du Roi de cokettes de draps del subsidies del tonage ou pondage en ascun port ou lieu d'Engleterre soit duement & loialment atteinte ou convictz al fuyte du Roi ou al fuyte dascune autre persone pur lavauntage du Roi de faux concelement de custume ou subsidie du Roi duement entre & paie par ascune merchant qadonques le dit customer collectour ou countrollour ensi duement atteint & convict par la ley perde & forface au Roi le treble value des merchandises ensi duement custumez & face fyn & raunceon. Et si ascun homme le voet fuer ait le tierce partie pur son labour.

Dyer, 238.
4 H. 4. c. 20.
1 El. c. 11. f. 7.
18 El. c. 9.

CAP. IV.

Licence may be granted to convey butter and cheese to any place.

ITEM, whereas by a statute made in the time of the noble King *Edward* the Third, it was ordained, That the staple, and the merchandises of the staple should be carried to *Calais*, amongst which merchandises it was ordained by the same statute, That butter and cheese should be merchandises of the staple, (2) by which ordinances divers persons of the realm of *England* have had great damage, because that the said butter and cheese be so tender merchandises that they cannot tarry their merchants, as our lord the King hath perceived by the grievous complaint of his said commons: (3) the same our lord the King, willing to provide remedy in this behalf, by the advice and assent aforesaid, hath ordained and established, That he that will carry butter and cheese to any other parts than to the said staple, shall sue to the chancellor of *England* for the time being to have licence in this behalf. (4) And that the same chancellor have power to make to him such licences under the King's great seal, if it like him so to do by his discretion.

Ex edit Pult.
Altered by
18 H. 6. c. 3.
1 & 2 Ph. &
M. c. 5. 13. &
14. Car. 2. c. 26.

The lord
chancellor
may grant li-
cence to any
to convey
butter and
cheese to any
other place
besides the
staple.

CAP. V.

Commissions may be awarded to certain persons, to reform the river Ley, running from Ware to Thames.

ITEM, whereas in the last parliament it was granted, That a commission for the water called the *Ley*, one of the great rivers, which extendeth from the town of *Ware* till the water of *Thames*, in the counties of *Hertford*, *Essex*, and *Middlesex*, to survey, redress, and amend all the defaults in the said water, for the passage of ships and boats, as in the ordinances and statutes of the King's noble progenitors is contained: And forasmuch as the same commission was directed to divers great men lords and other persons, which thereto might not attend: it is ordained and established, That the chancellor of *England* shall have power to grant such commissions at all times needful to such indifferent persons dwelling thereabout, which thereto best can and may attend to enquire, redress, and amend all the defaults being in the said water, as well by divers trenches made out of the said water, as of all other manner stanks, kidels, wears or mills, being or made to the annoyance of the passage of boats in the said water, according to the purport and tenor of the statutes in this case provided and ordained.

Ex edit. Rast.
Ley the river.

Commission.

Chancellor of
England.
9 H. 6. c. 9.
13 Eliz. c. 18.

Statutes made at *Leicester*, Anno 4 HEN. VI. and
Anno Dom. 1425.

CEUX sont les estatuts &
ordinances faitz par nos-
tre
VOL. III.

THESE be the ordinances and
statutes made by our sove-
reign
H reign

reign lord the King, by the advice and assent of the lords spiritual and temporal; and at the special request of the commons of his realm, in his parliament holden at Leicester, the eighteenth day of February, the fourth year of his reign being to the honour of God, and for the weal, profit, and ease of his realm.

tre reloverain seignur le Roi par advis & assent des seignurs espirituelx & temporelx & a la especiale request des communes de son roialme en son parlement tenuz a Leycestr' le xviii^e jour de Feverer lan de son regne quart esteantz a lonour de Dieu & pur le bien ease & profit de son roialme.

CAP. I.

Every sheriff shall return such writs as be directed to him at such days as they be returnable, and shall warn those jurors which be impanelled.

FIRST, whereas grievous complaint hath been made to the King by his commons in this parliament, That where divers writs at the suit of the parties be severally directed to sheriffs of the realm, to take divers persons by their bodies, the same sheriffs, after the writs to them so directed, take great sums of money of the parties, which be so pursued for their mainprise: and moreover the said sheriffs do take great sums of money, to embezzle the King's writs in divers cases, to the great impediment and hinderance of the parties pursuing, to the great oppression and impoverishing of the common people of the realm: and whereas writs be directed to the said sheriffs, to impanel divers persons to pass in inquests betwixt parties, and to return and certify their names in the King's courts, the same sheriffs do return and certify by virtue of the said writs, the names of divers men impaneled, without any warning thereof made to them, to their great loss and damage: it is ordained and stablished, That every sheriff for the time being, shall return the writs to him directed in the King's courts, at such days as they be returnable. And that the same sheriffs in reasonable time warn all the persons impaneled, to pass in inquests in the King's courts, that they may appear at such days as they have by the King's writs. And if any sheriff do the contrary of any of the said articles, then the party that feeleth himself grieved, may sue by bill or writ upon his case against the sheriff, as well in the exchequer as in any other of the King's courts, in which suits if the sheriff be convict, the party that sueth shall recover in the same suit his double damages. And that the justices of peace, stewards of leets and hundreds, have power to enquire of such misprisions and defaults of the said sheriffs, and to certify their said enquiries before the justices of deliverance so that they may put the said parties to answer: upon which answer if they be found guilty, they shall make fine and ransom to the King. And this ordinance shall endure till the next parliament. And as to the letting to mainprise, the statutes made in times past and not repealed,

Sheriffs.

Panels.

repealed, being in their own force, shall be holden and kept in all points.

C A P. II.

Arehearsal and confirmation of the statute of 9 HEN. V. c. 3. touching protections granted to those who were in the wars in Normandy or France.

ITEM, whereas at the parliament holden at *Westminster* the second day of *May*, the ix. year of the reign of King *Henry* the Fifth, father to our sovereign lord the King that now is, because that the taking of assises was generally ceased through the realm, by reason of an ordinance made by the said late King; our sovereign lord the King considering the diseases and damage, which many of his liege people have had and sustained by the same ceasing, commandeth, That the justices shall hold the the assises through the realm in the manner accustomed. **Assises.** And for to eschew the disherison of persons, which then were passed and should pass in the voyage of the said late King, and also of the persons which were abiding in the service of the said King in the parts of *Normandy* and of *France*, it was ordained and provided, That in every protection with the clause (*Volumus*) to be made for any of the same persons, there should be in the clause of exception contained in the same, omission of these words, *Affise novel disseisin*. And that all those protections should **Protection.** be allowable and allowed for them and every of them in all the King's courts and other places, where such protections be set forth for any such persons in all pleas of assises as well of novel disseisin as of fresh force, without any difficulty. Provided always, That the judgments to be given from henceforth in such assises arraigned or to be arraigned, shall not be prejudicial to any persons so abiding in the King's service beyond the sea, as afore is said, which have any thing in reversion or in remainder in lands or tenements, whereof such assises were or should be arraigned, if they which had in reversion or in remainder in such lands or tenements, should not be named in the same assises, but that they should be against them wholly void. And this ordinance shall indure till the parliament, which shall be first holden after the next return of the said late King into *England*. And if the same ordinance touching the said persons so abiding in the King's service beyond the sea, and also touching the said persons which then were passed or should pass in the said voyage, were not sufficient for the ease and surety of them: it was also accorded and assented, That the lords of the King's council for the time being, should have full power by authority of the said parliament, to set, ordain, and provide sufficient remedy for the ease and surety of all the same persons, as for them and every of them should seem to the said lords most expedient and available in the case, after their good advice and discretions, which ordinance is determined by the death of the said late King: our sovereign lord the King, considering the good and agreeable service, which many of his faithful subjects have done to him, and daily do in

the parts beyond the sea, in the company of his dear uncle the regent of *France* duke of *Bedford*, and of his deputies in the parts of *France*, and for so much willing for their ease and surety likewise to ordain and provide in this case; of the assent and advice of the lords spiritual and temporal, and also of the commons in this parliament assembled, hath ordained, That the said ordinance made the said ix. year shall stand as a statute and law effectual and available in all points for all persons which now be and hereafter shall be abiding in the King's service in the company of the said regent, or of his deputies in the parts of *France* and of *Normandy*, to endure from the first day of *June*, the fourth year of the reign of our said sovereign lord the King, till the end of three years then next following. Provided always, That all the entries to be made after the said first day of *June*, shall not be comprised in this present ordinance. And that none, which shall make such entries after the said first day of *June*, shall have any benefit of the same ordinances.

This follows C A P. V. upon the Roll.

C A P. III.

Justices in certain cases may amend their records according to former statutes.

ITEM, *whereas at the parliament holden at Westminster the second day of May, the ninth year of the reign of King Henry, father of our lord the King that now is, it was rehearsed, how that at the parliament holden at Westminster the xiv. year of King Edward the Third, it was ordained by the authority of the said parliament, That for misprision of a clerk, in whatsoever place it be, no process or plea should be undone nor discontinued, by oversight in writing a letter or syllable too much or too little, (2) but as soon as the thing were perceived by challenge of the parties, or in other manner, it should be hastily amended in due form, without giving advantage to the party that challengeth the same because of such misprision; (3) the said late King Henry, considering the diversities of opinions which men had upon the said statute, and to put the thing in more open knowledge, did declare*

ITEM come au parlement tenuz a Westm' le ij. jour du Maij lan du regne le Roi HENRI pier nostre seigneur le Roi qorest ix^e reherce fuisst comment au parlement tenuz a Westm' lan du regne le Roi E. tierce xiiij. ordeigne fuit par auctorite du dit parlement que pur mesprison de clerc en queconque place ceo soit ne soit processe de plee aniente ne discontinue par mesprendre en escrivant une lettre trop ou trop poy mes sitost come le chose ferra aperceive par chalange des parties ou en autre manere soit hastivement amende en due fourme sanz doner avantage a partie que ceo chalange pur cause de tiel mesprison le dit nadgairs Roi HENRI considerant la diversite doppinions que lem avoit sur le dit estatuit & pur mettre le chose en pluis overt conysfauns declara & ordina par auctorite du dit parlement tenuz

5 Co. 45.
3 Co. 157.
Dyer, 260, 342.

nuz le dit an ixe qe les justices devaunt queux tiel plee ou recorde est fait ou serra pendant sibien par adjournement come par voie demour ou autrement eient poair & auctorite damender tielx recorde & processe come devaunt est dit solonc la fourme de mesme lestatuit sibi en apres juggement en tiel plee recorde ou processe renduz come devaunt le juggement renduz en tielx plee recorde ou processe tant come les ditz recorde & processe soient devaunt eux en mesme la manere come justices avoient poair damender tielx recorde & processe devaunt juggement renduz par force du dit estatuit en temps le dit Roi E. fait come desuis la quele ordinance endureroit tanqe al proschein parlement qi serroit primerment tenuz apres le revenue du dit Roi HENRI le pier en Engleterre de pardela et la quele ore est determine par le mort du dit nadgairs Roi HENRI le pier le Roi nostre sovercin seignur par avis & assent suisditz ad ordine & establie qe le dit estatuit & effect dicell fait le dit an ixe teigne force vigour & effect en chefcun recorde & processe sibien apres juggement renduz sur verdit passe come sur matiere en leie plede come estatut vaillable & effectuell en ley a toutz jours adurer. Purveu toutz foitz qe cest estatut ne se extende as recordes & processe es parties de Gales ne as recordes & processe par queux aucune persone est ou serra utlage al suyt dascuny.

declare and ordain by authority of the said parliament holden the said ninth year, That the justices before whom such plea or record is made, or shall be depending, as well by adjournment, as by way of error or otherwise, shall have power and authority to amend such record and process, as well after judgment given as before, by force of the said statute made in the time of the said King EDWARD, which ordinance should endure till the next parliament, which should be first holden after the return of the said King Henry the father into England from beyond the sea, and which now is determined by the death of the said late King Henry the father: (4) our sovereign lord, by the advice and assent aforesaid, hath ordained and established, That the said statute, and the effect of the same, made the said ninth year, shall hold strength, force, and effect, in every record and process of the same, as well after judgment given upon a verdict passed, as upon a matter in law pleaded, as a statute available and effectual in law to endure for ever. (5) Provided always, That this statute do not extend to records and processes in the parts of Wales, nor to records and processes whereby any person is or shall be outlawed at any man's suit.

A confirmation of the statute of 14 Ed. 3. stat. 1. c. 6. & 9 H. 5. c. 4. authorising justices to amend records.

C A P. IV.

The writs, suits, and processes now depending of certain that were late made knights, shall not abate for that cause.

ITEM, our said sovereign lord the King, by the advice and assent aforesaid, hath ordained and established, That all the writs, suits, and processes, which all the knights that were made knights by the King in the time of this parliament holden,

Ex edit. R. Knights.

have depending, and which every of them hath depending, not determined, be good and effectual not abateable by the law, because that they be made knights, or because that any of them is made knight.

CAP. V.

Licence given to all the King's subjects to transport corn.

Ex edit. Pult.
A confirma-
tion of the
statute of
17 R. 2. c. 7.
giving licence
to all the
King's sub-
jects to carry
corn out of
the realm.
1 & 2 Ph. & M.
c. 5.
1 Jac. 1. c. 25.
3 Jac. 1. c. 11.
Repealed by
21 Jac. 1. c. 28.

ITEM, whereas the noble King *Richard* the Second after the conquest, at his parliament holden at *Westminster* the xv. day of *St. Hillary*, the xvii. year of his reign, at the special request of the commons of the same parliament, did grant licence to all his liege people of his realm of *England*, to ship and carry corn out of the said realm, to what part them pleased, except to enemies, paying the subsidies and duties thereof, notwithstanding any ordinance, proclamation, or restraint made before to the contrary: nevertheless, the same late King, willing that his council might restrain the said passage when to them seemed needful for the profit of the realm; (2) our lord the King at the special request of the commons of this present parliament, and by the advice and assent aforefaid, will and granteth, That the said statute be holden and kept in all points, so that his council may restrain the said passage when they shall think it necessary for the profit of the realm.

Statutes made at *Westminster*, Anno 6 HEN. VI.
and Anno Dom. 1427.

OUR lord the King, at his parliament holden at *Westminster*, the fiftenth of *St. Michael*, the sixth year of his reign, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of his realm in the said parliament assembled, hath caused to be made certain statutes and ordinances to the honour of God, and for the weal and ease of his people, in the manner and form following.

NOSTRE seigneur le Roy a son parlement tenuz a *Westm'* a la quinzisme de *Seint Michellan* de son regme vjme par advys & assent des seignurs espirituelx & temporelx & al especial request des communes de son roialme en le dit parlement assemblez ad fait faire certains estatutz & ordinances a lonour de Dieu & pur le bien & ease de son poeple en la forme qensuyt.

CAP. I.

Within what time a Capias awarded against any person indicted in the king's bench shall be returnable.

3 Inst. 31.

FIRST, for that divers of the King's faithful subjects, by false praetice, covin, and conspiracy of certain evil persons, be indicted before our lord the King in his bench, of divers felonies and treasons,

EN primes pur ceo qe divers des loialx lieges nostre dit seigneur le Roi par faux ymaginacion comettement & conspiracie des certains malefours sont enditez devaunt le Roy
en

en son bank de diverses felonies & tresons par jurours suspectz & a ceo par confederacie & conjecture des ditz conspirateurs lowez & procurez par force des queux enditementz Capias est agarde al viscount del countee ou le dit bank est retournable deinz deux ou quatre jours a quell jour si la partie endite ne veigne exigend' est agarde par qui les biens & chateaux des ditz enditz sont forfaitz au Roy a final destruction de divers des loialx lieges de nostre dit seignur le Roi si come mesme nostre seignur ad conceu a la grevouise compleint des ditz communes a luy faite en le dit parlement nostre dit seignur le Roy voillant en ceo cas purvoir de remedie ad ordine par advys & assent suisditz que avant que aucun exigende soit agardez envers tielx enditez devaunt le Roy en son dit bank soient briefs de Capias directz sibien al viscount ou viscountz del countee en le quell ils sont ensi enditez come al viscount ou viscountz del countee dount ils sont nomez en les enditementz aiantz mesmes les Capias l'espace des sjs sepmaines au meynes ou plus long temps par les discretions des justices si le cas ceo requirt devaunt la retourne dicelles les queux briefs issint retournez procedent les justices en maner come ils ont fait devaunt ces heures et si aucune exigende soit agarde ou aucune utlagarie pronuncie en apres envers tielx enditez devaunt le retourne des ditz briefs soit celle exigende issint agarde avec la utlagarie ent pronuncie void & tenuz pur null. Et durera ceste ordinance tanqil pierre a nostre seignur le Roy,

treasons, by suspect jurors, hired and procured to the same by confederacy and covin of the said conspirators; (2) by force of which indictments a Capias is awarded to the sheriffs of the county where the said bench is, returnable within two or four days, at which day, if the party so indicted come not, an Exigent is awarded, whereby the goods and chattels of such persons indicted be forfeit to our lord the King, to the utter undoing of divers of the King's faithful subjects, as the same our lord the King hath conceived by the grievous complaint of the said commons, made to him in the said parliament; (3) our said lord the King, willing in this case to provide remedy, hath ordained, by the advice and assent of the said lords, That before any Exigent be awarded against such persons indicted before the King in his said bench, writs of Capias shall be directed, as well to the sheriff or sheriffs of the county wherein they be indicted, as to the sheriff or sheriffs of the county whereof they be named in the indictments; (4) the same Capias having the space of six weeks at the least, or longer time, by the discretion of the said justices, if the case require it, before the return of the same; (5) which writs so returned, the justices shall proceed in the manner as they have done before this time: (6) And if any Exigent be awarded, or any outlawry pronounced hereafter against such persons indicted, before the return of the said writs, the same Exigent so awarded, with the outlawry thereof pronounced, shall be void and holden for none. (7) And this ordinance shall endure as long as shall please the King.



Upon an indictment of any person in the king's bench a Capias shall be awarded against him returnable at the least six weeks before any exigent shall be awarded.

CAP. II.

How long time the copies of panels in assise shall be delivered to the parties before the sessions of the justices.

§ Inst. 175.

How long time the Copies of panels in assises shall be delivered to the parties before the sessions of the justices.

ITEM, because that divers of the King's liege people in times past have been disherited, for that in special assises the tenants and defendants could not have knowledge nor copy of the panel of them that be impanelled to pass in the said assises, to inform them of their right and titles before the day of the session that the assises should be demanded; (2) our lord the King, willing thereof to provide remedy, hath ordained and established, That the panels of the assises shall be arrayed, and a copy indented of the same by the sheriff delivered to the plaintiffs, tenants, and defendants six days at the least before the session of the justices, if they the same demand; (3) and as to the return or answer of the bailiffs of franchises, they shall make their returns or answers to the sheriffs, of such special assises, six days before the sessions in the manner aforesaid; (4) and that upon pain of forty pounds to be paid by the said sheriffs or bailiffs to our lord the King, as often as they, or any of them, do or cause to be done contrary to this ordinance or statute.

42 Ed. 3. c. 11.

ITEM pur ceo qe divers des lieges nostre seigneur le Roy avaunt ces heures ount estez desheritz a cause qen les especiales assises les tenantz & defendantz ne purront my avoir conifance ne copy de la panell de ceux qi sont empanellez pur passer en les ditz assises pur eux enformer de leur droit & titles devaunt le jour de la session qe les assises ferront demandez nostre dit seigneur le Roy voillant de ceo purvoier de remedie ad ordine & establie qe les panelles des ditz assises soient arraiez & copie endentee dicelles par le viscount deliveree a les plaintiffs tenantz & defendantz par vi. jours a meins devaunt la session des justices si eux les demandent. Et qant a la retourne ou respounce des baillifs des franchises facent ils leur retournez ou responce as viscountz en tielx especialx assises viij. jours devaunt la session en manere come desuis. Et ceo sur peine de xl. li. a paiers par les viscountz ou baillifs a nostre seigneur le Roy a tant de foitz come ils ou ascun de eux fount ou face la contrarie de cest ordinance.

CAP. III.

The justices of peace, &c. shall assign the wages of artificers and workmen by proclamation; and the penalty of those that take more.

Ex edit Rast.
Servant of
husbandry.

ITEM, whereas it was ordained in the parliament holden at Canterbury, the twelfth year of King Richard the Second, how much every servant of husbandry shall take by the year for his service, and if any do contrary to the same ordinance, and thereof be attainted, that he shall pay, that is to say, as well the giver as the taker the excess so given or taken, and at the second default of their atteindre, the double value of such excess, and at the

the third default, the treble value, and if the said taker have not whereof he may pay the said excess, that then he shall have imprisonment of forty days. And also by another statute made at the parliament holden at *Westminster*, the thirteenth year of the said late King, it was ordained and established, That the justices of peace in every county of *England*, in their sessions holden betwixt the feast of *Easter* and *St. Michael*, make proclamation by their discretion, according to the dearth of victuals, how every mason, carpenter, tiler, or any artificer working by the day, as well in *August* as in other times of the year, after their degree, shall take the day with meat and drink between the said sessions, as a thing by the statute: which statutes be not kept nor put in execution, that is to say, the first statute, because that the punishment in the same is too hard upon the masters of such servants, forasmuch as they shall be destitute of servants, if they should not pass the ordinance of the statute, and the second statute, because that no pain is limited against him that doeth contrary to the same statute: our sovereign lord the King, willing in this case to provide remedy, hath ordained by authority of this parliament, that the justices of peace in every county for the time being, and the mayor of the city of *London* for the time being, and the mayors and bailiffs in every city, borough, or town, shall have such power and authority to make proclamation in their full sessions once by year, and so in every borough and market town within their jurisdiction, how much every servant of husbandry shall take for his service by the year then next following, and that they make two times proclamation in two sessions, by them to be holden betwixt the feast of *Easter* and *St. Michael*, and in every borough and market town, how much every artificer and workman shall take by the day, and by the week with meat and drink, or without meat or drink, as well in *August* as in other times of the year. Provided always, That if any man be retained by the week for husbandry or other labour, that he shall take nothing for the festival days in such week nor for the half days of the evens of such feasts. And that every proclamation so to be made, be holden as a thing ordained by statute. And if any servant, artificer, or workman do the contrary of such proclamation so to be made, and be thereof attainted at the King's suit, he shall forfeit to the King every time the value of his wages, and if he have not whereof to make gree to the King, he shall have imprisonment of forty days, without being let to bail or mainprise in any manner. And that the justices of peace, mayors, and bailiffs afore said, then for the time being, shall have power and authority to hear and determine such offences, as well at the King's suit by suggestion surmised, as at the suit of the party in such case grieved, and thereupon to make and award writs of *Capias*, as oftentimes as to them shall seem well to be done, against such servants, artificers and workmen, at every person's suit that feeleth him in such case grieved or molested, returnable before themselves, or before any other justices of peace, or mayors and bailiffs for the time being, at a certain

Justices of
peace.

Artificers.

Mayors.
Bailiffs.

certain day in their sessions, at which day if any such servant, artificer, or workman come before the said justices of peace, or before mayors, or bailiffs by force of any such writs, or in any other manner, that then the same justices of peace, mayors, or bailiffs for the time being, shall have full power and authority to examine by their discretion and knowledge, as well such servants, artificers, and workmen, as their masters, how much such servants, artificers and workmen do take by the year, by the day, and by the week. And if they find by such examination, or by plea betwixt the same servants, artificers, workmen, and their masters, the contrary to be done of such proclamations so to be made, that the said servants, artificers, and workmen, and labourers shall be punished in the form aforesaid. And they shall yield to the party grieved his double damages. And if any of them depart or void into another county, that then it be lawful to the said justices of peace, mayors and bailiffs, for the time being, to make and grant writs of *Capias*, as many and such as be requisite, directed to the sheriffs of the counties, where such servants, artificers and workmen be fled, to take their bodies, returnable before them at what time shall please them, so that if they come by such process they shall be put in prison, till they find sufficient surety well to serve their said masters. And that this statute begin to hold place, as to the punishment of such servants retained by the year or by the half year, after the feast of St. *Michael* next coming, for the offences in this behalf done by them after the said feast. And that all the mayors and bailiffs, which be wardens of the peace in any cities, towns, or boroughs of the realm for the time being, shall have like power, correction and execution of the said ordinance so to be made, and of all statutes of labourers within the said towns, cities, and boroughs, as the justices of peace have in their counties. And moreover, That the justices of peace in every county, and the mayors and bailiffs in every such city, borough or town, shall have power and authority to make proclamation and execution of and in the premisses as afore is said. And this ordinance shall endure till the end of the next parliament.

8 H. 6. c. 8.
5 Eliz. c. 4.

CAP. IV.

The sheriffs traverse to an inquest found touching returning knights of shires for the parliament.

A rehearsal of the statute of 7 H. 4. c. 15. touching the form of choosing of knights for the parliament.

ITEM, where it was ordained and established in the seventh year of King Henry the Fourth, grandfather of our lord the King that now is, That knights of shires for the parliament should be chosen in the manner and form following; that is to say, at the next county to be holden after the delivery of the writ of the parliament, proclamation shall be made in

ITEM come ordeigne soit & estable lan septisme le Roy H. quart aiel nostre seignur le Roy qorest qe chivalers des countees pur le parlement soient esluz en maner & fourme qensuite cestassavoir qe al prochain countee a tenir apres la livre de brief de parlement proclamation soit fait en plein countee del jour & lieu de parlement

parlement & que toutz ceux qui illoques sont presentes sibi en seutours dument sumonez pur cell cause come autres entendent a la election de leur chivalers pur le parlement & adonques en plein countee alent a la election liberalment & en diferement non obstant aucun prier ou comandement a contrarie & apres qils soient esluz soient les personz eslieux presentz ou absentz soient leur nouns escriptz en endentures desoubz les seales de toutz ceux qui eux eslisent & tachez au dit brief de parlement quele endenture issint ensealez & tachez soit tenuz pur la retourne de dit brief quant as chivalers des countees & que en brief de parlement affair en temps avenir soit mys ceste clause *Et electionem tuam in pleno comitatu tuo factam sub sigillo tuo & sigillis eorum qui electioni illi interfuerint nobis in cancellaria nostra ad diem & locum predictos certifies indilate.* Et pur tant que en mesme estatut null peine fuist ordenez ne mys en especial sur les viscountz des countees fils facent aucun retourne al contrarie du dit estatut ordeine fuist & estable lan xi^e le dit Roy Henry quart que les justices as assises prendre eient poair denquerer en leur sessions des assises de tielx retournes faitz & si par enquest & due examination trove soit devaunt mesmes les justices que aucun tiel viscount eit fait ou face en apres aucun retourne encountre la tenure du dit estatut que mesme le viscount encourage la peine de C li. apaiers au nostre dit seigneur le Roy. Et outre ceo que les chivalers des countees ensi nient dument retournez perdent leur gagez

in the full county of the day and place of the parliament, (2) and that all they which be present there, as well suitors duly summoned for this cause, as other, shall attend to the election of their Knights for the parliament; (3) and then in full county they shall proceed to the election freely and indifferently, notwithstanding any request or commandment to the contrary; (4) and that after they be chosen, whether such persons chosen be present or absent, their names shall be written in indentures, under the seals of all the choosers, and annexed to the said writ of parliament, which indenture so sealed and tacked, shall be holden for the return of the said writ, as to the knights of the said shires: (5) and also in the writs of the parliament hereafter to be made, this clause shall be put in the manner as followeth: Et electionem tuam in pleno comitatu tuo factam distincte & aperte sub sigillo tuo & sigillis eorum qui electioni illi interfuerint, nobis in cancellaria nostra ad diem & locum in brevi contentos certifies indilate. (6) And for that in the same statute no pain was ordained, nor specially set upon the sheriffs of the county, if they make their return contrary to the said statute, it was ordained and established the eleventh year of the said King Henry the Fourth, That the justices of assises should have power to inquire in their sessions of assises of such returns made; (7) and if it be found by inquest and due examination before the same justices, that any such sheriff hath made, or hereafter shall make, any return contrary to the tenor of the said statute, that the same sheriff should incur the pain of an hundred

By the stat. of 11 H. 4 c. 1. justices of assise shall inquire of undue returns of knights of the parliament.

dred pounds, to be paid to our said lord the King. (8) And moreover, that the knights so unduly returned shall lose their wages of the parliament in old times accustomed; (9) to the great mischief of sheriffs and knights of the shire, which be forebarred and put out of their answer against such inquests of office taken before the said judges, because of the statute and ordinance aforesaid; (10) our

The knights chosen for the parliament, and sheriffs of counties, may have their traverse of an office found against them.

lord the King willing in this case to provide remedy, hath ordained and established, That all the Knights of the shires chosen for this present parliament, and the sheriffs of the same counties against whom any inquests or offices of undue election be found before the justices of assises, shall have their answer and traverse to such inquest of office taken; (11) and also all the knights from henceforth so to be chosen, and the sheriffs that shall make such elections, shall have their answer and traverse to such inquests and offices before any justices of assises hereafter to be taken; (12) and the said knights and sheriffs shall not be endamaged unto our said lord the King, or his successors, for any such inquest taken or to be taken, until they be duly convicted according to the form of the law.

§ H. 6. c. 7.

gagez de parlement auncienment accoustumez a tresgrand meschief dez viscountz & chivalers des countees qi fount forbarrez & ousteez de leur respounce encountre tielx enquestes doffice prisez devaunt les ditz justices a cause de les statut & ordeignaunce suisditz nostre seignur le Roy voillant en ceo cas purvoir de remedie ad ordeigne & estable qe toutz les chivalers des countees pur cest present parlement esluz & les viscountz dicelles countees envers queux ascuns enquestes ou offices de noun due election font trovez devaunt les justices daffises aient leur respounses & travers envers les ditz enquestes & offices et auxi toutz les chivalers defore enavaunt issint a eslierz & les viscountz qi feront tielx elections aient leur respounce & travers envers tielx enquestes & offices devaunt ascuns justices des assises defore apprendrez. Et ne soient les ditz chivalers & viscountz en damagez envers nostre dit seignur le Roy ou ses successeurs per aucun tiel enquest pris ou apprendre tanqe ils soient duement convictez selonc la forme de la ley.

be duly convicted according to

C A P. V.

Several commissions of sewers shall be granted. The form of the commission.

Commissions of sewers shall be granted during ten years.

ITEM, our sovereign lord the King, by the advice and assent aforesaid, considering the great damage and losses, which now late be happened by the great inundation of waters in divers parts of the realm,

ITEM nostre treffoverein seignur le Roy de ladvyz & assent suisditz considerantz les grandes damagez & perdes qore tarde fount avenuz par les grandes creteines del eawe en diverses parties du roialme &

& que plusours greindres damages sont verifemblablement avens si remede ne soit hastivement purveu ad ordine & graunte que par dys ans prochainement ensuantz severalx commissiions de sewers soient faitz as diverses persones par le chaunceller dEngleterre pur le temps esteant a nomers en toutz les parties de roialme que mestier serra selonc la fourme ensuant : &c.

realm, and that much greater damage is very like to ensue, if remedy be not speedily provided, hath ordained and granted, (1) That during ten years next ensuing several commissiions of sewers shall be made to divers persons by the chancellor of *England* for the time being, to be sent into all parts of the realm where shall be needful, according to the form that followeth :

(2) *HENRY*, by the grace of God King of *England*, &c. To his well beloved and faithful *A. B. C.* and *D.* greeting. Know ye, That whereas the walls, ditches, gutters, sewers, bridges, causeys, and wears by the coasts of the sea, and marsh, within the coasts and limits of *Lindsey* in the county of *Lincoln*, by the rage of the sea flowing and reflowing, and trenches of fresh waters by divers places descending to the sea, be so decayed and broken, that many inestimable damages for default of reparation of the same walls, ditches, gutters, bridges, causeys, and wears, in times past have happened there, and yet it is to be feared that much more hurt within short time will happen, unless that some speedy remedy be provided therefore : (3) We for as much as by reason of our regal dignity we be bounden to have regard to the safety of our realm of *England* in all places, willing in this behalf to provide convenient and speedy remedy, have assigned you, &c. of which, &c. we will to be one, our justices to survey the walls, ditches, gutters, sewers, bridges, causeys, wears, and trenches, (4) and to enquire by the oath as well of knights, as other good and lawful men of the said county, as well within liberties as without, by whom the truth of the matter may be best known, by whose default such damages have there happened, and who doth hold lands and tenements or hath any common of pasture or fishing in those parts, or else in any wise have, or may have the defence, profit, and safeguard, as well in peril nigh, as from the same far off, by the said walls, ditches, gutters, sewers, bridges, causeys, and wears, and also hurt or commodity by the same trenches, (5) and there to distrain all them for the quantity of their lands and tenements, either by the number of acres, or by their plow lands, for the rate of the portion of their tenure, or for the quantity of their common of pasture or fishing, together with the bailiffs of liberties, and other places of the counties and places aforesaid, to repair the said walls, ditches, gutters, sewers, bridges, causeys, and wears, in the places necessary, and the same or other, as often and where shall be needful to make of new, and to cleanse the said trenches in places necessary, and if need be to stop them up : (6) so that no tenants of lands or tenements

The form of the commissiion of sewers. 23H.8.c.5.

Commissioners shall enquire of the annoyances, and by whose default they happened. Inquiry who hath lands, common, or fishing there, and who may have loss by the annoyances, or benefit by the repair of them. Distraining for reparations.

None shall be spared that may receive benefit or loss. 5 Co. 100. 10 Co. 141. 4 Mod. 350.

Taking the account of the collectors.

Distraining for the arrearages of the collection. Making of ordinances for the defence of the sea-banks.

Taking of labourers to work in the reparations.

Punishment of them which do neglect or refuse to repair their proportion assigned.

The sheriffs and jurors shall be attendant upon the commissioners of sewers.

nements, nor any having common of pasture or fishing, rich or poor, nor other of what condition, state or dignity, which have or may have defence, commodity and safeguard by the said walls, ditches, gutters, sewers, bridges, causeys, or wears, or else any hurt by the said trenches, (whether they be within liberties or without) shall in any wise be spared in this: (7) and for assignments upon the sea banks for preservation of the said parts, according to the number of the acres or perches by you, &c. of whom, &c. we will to be one, newly to number, and as often and where shall need of new to make. (8) And to depute certain diligent and true keepers for the said preservation, and to hear the account of the collectors of the money which shall be levied for this cause, and to be spent in the reparation and amendment of the said walls, ditches, gutters, sewers, bridges, causeys, and wears, and stopping of the said trenches. (9) And to distraint by you, &c. of whom, &c. we will to be one, or by other whom ye shall thereto depute for the arrearages of such collection, as often as need shall be, and as ye shall think meet, (10) and to make and ordain necessary and convenient statutes and ordinances for the defence and safety of the said sea banks and marshes, and the parts adjoining, according to the laws and customs of *Romney* marsh, and to hear and determine according to the laws and custom of our realm of *England*, and the custom of *Romney* marsh, all and singular the premises, as well at our suit, as the suit of any other that will complain before you in this behalf: (11) and to take and put in the said works and reparations, as many ditchers and other workmen and labourers for the said workmanship and reparations, as may suffice for the great, speedy, and instant necessity, upon competent wages to them in this behalf to be paid. (12) And therefore we command you, That at certain days and places which you, &c. of whom, &c. we will to be one, thereto shall appoint, ye shall survey the said walls, ditches, gutters, sewers, bridges, causeys, wears and trenches, and all and singular the premises do and accomplish, and hear and determine in form aforesaid: (13) so that for default of reparation of the said walls, ditches, gutters, sewers, bridges, causeys and wears, and stopping of the said trenches, no hurt nor peril shall in any wise happen. (14) And that ye compel all them whom ye shall find negligent or stubbornly denying to do reparation, or making of their portions, speedily to reform and amend the same by distresses and amerciaments, and other ways and means which to you shall best seem for such defaults: (15) and that ye cause all things which by you shall be ordained in this behalf, as well within liberties as without, firmly to be observed, doing therein as to justice pertaineth, according to the law and custom of our realm of *England*, saving to us the amerciament and other things thereof to us pertaining. (16) We have also commanded our sheriff of the said county, that at certain days and places which you, &c. of whom, &c. we will to be one, shall give him to know, he shall cause to come before you, &c. of whom, &c. we will to be one, so many

many and such good and lawful men of his bailliwick, as well within liberties as without, by whom the truth of the matter in the premises may best be known and enquired. In witness whereof, &c. Witnesses, &c.

8 H. 6. c. 3.
23 H. 6. c. 9.
6 H. 8. c. 10.
3 Jac. 1. c. 14.
7 An. c. 10.

C A P. VI.

All merchants may ship merchandise in Melcomb haven, and carry them to Calais.

ITEM, it is ordained by the authority of the same parliament, That every merchant, as well denizen as alien, may freely and safely ship wools, leather, woofels, and other merchandises of the staple, in the port of *Melcomb*, in the county of *Dorset*, and from thence to bring them to the staple of *Calais*, paying the customs and subsidies due to the King. And that no merchant be impeached, molested, nor grieved by the King nor his heirs, for any shipping of the merchandise aforesaid in the said port, any statute, ordinance or proclamation made to the contrary notwithstanding.

Ex edit Raff.
Melcomb
port.
Staple.

Statutes made at *Westminster*, Anno 8 HEN. VI.
and Anno Dom. 1429.

AD omnipotentis Dei & sancte matris ecclesie laudem & honorem christianissimus dominus noster *Henricus Dei gratia Rex Anglie & Francie & dominus Hibernie illustris* in parlamento suo apud *Westm'* in crastino sancti *Mathei apostoli* anno regni sui octavo tento de avisamento & assensu prelatorum procerum & magnatum regni sui Anglie & ad specialem requisitionem ac de assensu communitatis ejusdem regni in parlamento predicto existentium quedam statuta & ordinationes pro communi utilitate dicti regni & presertim pro bona & sana gubernatione ac debita legis executione habend' in eodem fecit in forma subsequenti.

TO the laud and honour of almighty God, and of the holy mother the church, our most noble christian lord Henry, by the grace of God King of England and France, and lord of Ireland, in his parliament holden at *Westminster* the morrow after *St. Matthew the apostle*, the eighth year of his reign, by the advice and assent of the prelates and great men of his realm of England, and at the special request and assent of the commons of the same realm, being in the said parliament, hath made certain statutes and ordinances for the common profit of the said realm, and especially for the good and wholesome government and due execution of the law to be had in the same, in the form following.

C A P. I.

The clergy of the convocation shall have such liberty as the great men and commonalty which come to the parliament.

The clergy coming to the convocation, shall have such liberties as they which come to the parliament.

FIRST, because the prelates and clergy of the realm of England, called to the convocation, and their servants and familiars that come with them to such convocations, oftentimes and commonly be arrested, molested, and inquieted; (2) our said lord the King, willing graciously in this behalf to provide for the security and quietness of the said prelates and clergy, at the supplication of the same prelates and clergy, and by the assent of the great men and commons afore said, hath ordained and established, That all the clergy hereafter to be called to the convocation by the King's writ, and their servants and familiars, shall for ever hereafter fully use and enjoy such liberty or defence in coming, tarrying, and returning, as the great men and commonalty of the realm of *England*, called or to be called to the King's parliament do enjoy, and were wont to enjoy, or in time to come ought to enjoy.

5 H. 4. c. 6.
11 H. 6. c. 11.

IN primis quia prelati & clerus regni Anglie ad convocationem evocati eorumque servientes & familiares qui cum eisdem ad convocationem hujusmodi veniunt sepius ac frequenter arrestantur molestantur & inquietantur volens igitur dictus dominus noster Rex pro securitate & quiete dictorum prelatorum & cleri in hac parte prospicere gracie ad supplicationem eorundem prelatorum & cleri & de assensu procerum magnatum & communitatis predictorum ordinavit & statuit quod vocandi in futurum ad convocationem cleri pretextu brevis regii eorumque servientes & familiares eadem libertate sive immunitate veniendo expectando & redeundo plene gaudeant & utantur perpetuis futuris temporibus qua gaudent & gaudere consueverunt sive gaudere debent in futurum proceres sive magnates & communitas regni Anglie ad parliamentum domini regis vocati sive vocandi.

C A P. II.

No merchants of England shall enter into the dominion of the King of Denmark, but at Northbarn.

Ex edit. Raft.

ITEM, because that the King's most dear uncle the King of *Denmark, Norway, and Sweden*, (as the same our sovereign lord the King of his intimation hath understood) considering the manifold and great losses, perils, hurts and damage, which of late happened, as well to him and his, as to other foreigners and strangers, and also friends and special subjects of our said sovereign lord the King of his realm of *England*, by the going in, entering, and passage of such foreign and strange persons into his realm of *Norway* and other dominions, streights, territories, jurisdictions, and places, subdued and subject to him, especially

especially into his isles of *Finmark* and elsewhere, as well in their persons as in their things and goods, for eschewing of such losses, perils, hurts and damages, and that such like (which God prohibit) should not hereafter happen, the said uncle of our said sovereign lord the King hath ordained and statuted, That all and singular strangers, as well *Englishmen* and other, willing to apply by ship and come into his realm of *Norway* and other dominions, streights, territories, jurisdictions, isles and places aforesaid, with their ships; to the intent to get or have fish, or any other merchandises or goods, shall apply or come to his town of *Northbarum*, where the said King of *Denmark* hath specially ordained and established his staple for the concourse of strangers, and especially of *Englishmen*; to the exercise of such merchandises, granting to the said *Englishmen*, that they shall there enjoy in and by all things the same favour, privileges and prerogatives, which they of the *Hanse* did enjoy: therefore our said sovereign lord the King, willing the love, affinity, and amities to be firmly observed, which betwixt his said uncle and his noble progenitors of good memory, their realms, lands, dominions, streights, territories, jurisdictions, and their said places, and the same our sovereign lord the King, and his noble progenitors of famous memory, his great men, subjects, realms, lands, and dominions, hath been of old times hitherto continued, nor nothing by our said sovereign lord the King or his people to be attempted or done, whereby such amities, by reason of any dissentions, enmities or discords might be broken, by the advice of the Lords spiritual and temporal, and of the commons of his said realm of *England* assembled in this present parliament, hath ordained, prohibiting that none of his liege people nor subjects of his realm of *England*, by audacity of their folly, presume to enter the realms, lands, dominions, streights, territories, jurisdictions and places of the said King of *Denmark*, against the ordinances, prohibition and interdiction of the same his uncle above remembered, and in contempt of the same, upon pain of forfeiture of all their moveable goods, and imprisonment of their person at the King's will.

Denmark.

Rep. 1 H. 8. c. 1.

C A P. III.

Commissioners of sewers may execute their own ordinance.

ITEM nostre seigneur le Roi considerant coment au darrein parlement tenuz a Westm' lan de son roialme sime ordeine & granté estoit par auctorite du dit parlement qe severalx commissions de sewers ferroient faitz as diverses personnes par la chaunceller d'Engleterre pur le temps esteant a nomerz en toutz les parties de roialme ou mestier serroit souz certain

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certain

ITEM, our lord the King 6 H. 6. c. 5. considering how at the last parliament holden at Westminster, the sixth year of his reign he did ordain and grant, by authority of the said parliament, That several commissions of sewers should be made to divers persons by the chancellor of England for the time being, to be named, in all parts of the realm where shall be needful, under a certain form in the

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The commis-
sioners of
sewers shall
have power to
execute their
ordinances.

the said ordinance and grant contained; (2) by which ordinance and grant the said commissioners had no power nor authority to do, perform, nor execute the things comprised within the said commissions; (3) and therefore he hath ordained and established, by authority of this parliament, That all such commissioners shall have power to do, ordain, and execute the statutes, ordinances, and other affairs to be made according to the effect and purport of the said commissions.

certein forme en les ditz ordinance & grante contenuz par quelles ordinance & grante les ditz commissioners navoient poair ne auctorite de fair parfournier ne dexecuter les choses comprises deinz les ditz commissions & pur ceo ad ordeine & establie par auctorite de ceste present parlement qe toutz tielx commissioners aient poair pur fair ordiner & executer estatuits ordinances & autres affairz solonc leffect & purport dez commissions avaunt ditz.

CAP. IV.

None shall buy nor wear a livery to have maintenance in any quarrel.

Ex edit. Rast.
Livery of
cloth or hats.

ITEM, whereas it is ordained by divers statutes made in the times of the King's noble progenitors, that no Knight, nor other of less estate should give any livery of cloths or hats to other than to his menials, and his officers and men learned in the one law or the other, upon the pain of an C s. to be levied of the giver, and xls. of the taker, as often as they do the contrary, and he that would sue, should have the one half of the pain after that they thereof be duly convicted, and that the justices of assises, and justices of peace in every county of *England* should have power from time to time in their sessions, to enquire of the said matters, and them to hear and determine, as in the said statutes and ordinances fully appeareth, which statutes and ordinances have not been duly kept, because that they that do contrary to the said statutes and ordinances, before the said justices may not be indicted, for great maintenances in this behalf: our sovereign lord the King, willing to expel such maintenances, hath ordained by the authority aforesaid, That the said justices shall have power by the same authority, as well at the King's suit as the parties, to award writs of attachment and distress against all them, which from henceforth do the contrary of the said statutes and ordinances, in the counties where they hold their sessions, directed to the sheriffs of the same counties, returnable before the same justices or justice for the time being in their sessions. And if the said sheriffs return, that they against whom such writs issued, have nothing, then a *Capias* and *Exigent* shall be awarded against them, in the manner as shall be done against them that be indicted before justices of peace of trespasses done with force and arms against the King's peace. And if they appear at any of the said writs, the said justices shall have power by authority aforesaid to examine them of the matters aforesaid. And they whom they find by examination, that have done the contrary of the said statutes and

and ordinances, shall incur the pain comprised in the same statutes, that is to say, the giver an C s. and the taker xl s. as often as they do the contrary, in the manner and form as they ought if they were by inquest duly before the said justices convict, so that the said statutes and ordinances extend them (as to examination) to liveries for to be given against the form of the said statutes thereof made before this time, after the feast of *Christmas* next coming: Provided, That the said ordinances extend as well in the counties of *Chester* and *Lancaster* by the examination and process as afore is said, of the justice of *Chester* or his lieutenant there, as by examination of the justices of the county of *Lancaster*, so to be made against all them which shall do the contrary of the said ordinances in time to come. Provided also, That all the statutes and ordinances before made and not repealed, of liveries of cloths by lords given or to be given against the form of the said statutes, shall stand in the force. And that this statute extend not as to the execution of examination to the mayor and sheriffs of *London*, for the time that they shall be officers, serjeants of the law, at the time that they take the same estate upon them, and them that do commence in the universities within the realm of *England* at the time of their commencement, nor to them which for the time aforesaid shall take any such liveries of them. And also that all those that shall take any such liveries of cloths or of hats of any lord spiritual or temporal, or of any great lady in or of *England*, against the form of the said statutes, they shall be likewise examined and punished in the manner as they that take such liveries of knights or other of less estate as before. Provided always, That in the time of war it shall be lawful to the lords, knights, and esquires, that do travel in such war, to give their liveries of clothing or of hats to their soldiers, and in such wise as to them best shall seem. And that it shall be lawful to such soldiers to take and wear such liveries of clothing or of hats for the time of such war, without being in any wise molested in this part by force or virtue of the same statutes. And that moreover, if any person, of what estate or condition he be, after the said feast of *Christmas*, as of his own authority and proper costs do buy or wear for his clothing any cloths or hats called liveries, of the sort or of suit of any lord, lady, knight, esquire, or other person, for to have supportation, succour, or maintenance in any quarrel, or in any other manner, if he be thereof duly convict by examination or otherwise, before by the statutes declared, he shall incur the pain before limited of them that take liveries of lords or other persons aforesaid, and moreover shall have a whole year's imprisonment without being let to bail or mainprise, for their falsity and subtil imagination in this part.

Rep. 3 Car. 1.
c. 4.

CAP. V.

Every city and borough shall have a common balance and weight. Who may buy wool and yarn.

ITEM come par la graunde chartre dez libertees du roialme

ITEM, Whereas by the Great Charter of the liberties of the realm

9 H. 3. stat. 1. *realm of England, and by a statute made the twenty fifth year of King Edward the Third, it was ordained, and by a statute made in the thirteenth year of King Richard the Second, confirmed, That one weight and one measure should be through all the realm of England, as well out of the staple as within; (2) and in the same statute of the said noble king Edward, it is contained, that the weight called auncel, for the great hurt and subtile deceits done by the same measure to the common people, shall be utterly left, and set apart, (3) and the wools, and all other manner of merchandises, and all other things weighable, bought or sold, shall be weighed by the balance, so that the tongue of the balance do not incline more to the one party than the other, with weights scaled, and according to the standard of the exchequer; (4) and he that doth contrary, to the damage of the seller, shall forfeit to our lord the King the value of the goods so weighed or measured; (5) and that the party complainant shall have his quartreble damages. (6) And by the said statute of the said noble King Richard, it was added, That the offender shall be imprisoned by two years, and make fine and ransom at the will of our lord the King; (7) and that the justices of peace should have power to inquire of the said defaults, as well at the suit of our lord the King, as the parties; (8) our lord the King, by the authority of this parliament, hath ordained and established, That the statutes and ordinances afore said shall be firmly kept and holden, and straitly executed.*

roialme & par estatuit fait lan xxvje. du Roy E. tierce ordine foit & par estatuit fait lan xiiije. du Roi Richard le seconde confirmee qe une pois & une mesure foit parmy tout le roialme sibien hors de lestaple come dedeinz & en mesme lestatuit du dit Roi E. contenu foit qe le pois appellez auncell purgraundes damages & sotilx deceites faitz par icell a le commune poeple foit tout outrement lessez & qe lez lains & toutz manerz des choses poifablez achatez ou venduz soient poisez par la balance issint qe la lange de balaunce nencline a lune partie ne a lautre ovesqe poises ensealez & accordantz a lestandard de lescheber et celuy qi face le contrarie al damage del vendour forface au Roy la value des biens enfi poisez ou mesurez et qe la partie compleignant ait sez damages au quatreble. Et par le dit estatuit du dit Roi Richard addez foit qe le trespasfour foit emprisonne par deux ans & face fyn & raunceon a la volunte le Roi et qe les justices du pees aient poair denquerer dez ditz defautes sibien al suite de Roi come de partie nostre seignur le Roi par auctorite de ceste parlement ad ordine qe lez ditz estatuitz soient fermement tenuz & gardez & estroitment executz.

Et enoutre pur eschuer plusieurs grandes meschiefs qount avenuz deinz le dit roialme par lez ditz auncelles et especialment pur destruer la fauxetee de les regratours du file appellez yernchoppers ordinez est par nostre dit seignur le Roi & par auctorite suisdite qen chescune citee burgh & ville du roialme soit une commune balance

II. And

lance avec communes poises ensealez & accordantz a lest-andard de leschequer sur la commune costage du dite cite burgh ou ville en la garde del mair ou constables dicell as queux balaunces & communes poises toutz les enheritantz de mesme la citee burgh ou ville qi nount tielx poises & autres quont fils voillent puissent franchement poiser sanz rien ent paier preignant nientmeins dez foreins pur chescune trett dedeinz le pois de xl. li. i. qua' & pur chescun trett parentre xl. & C. li. i. ob. & pur chescune trett parentre C et $\frac{1}{4}$ li. i. d. a le plus dont lez poises seront maintenuz & lofficer loialment poifant regardez par la discretion des chiefs dicell citee burgh ou ville solonc sa entendance a la dite occupation soit il plus ou meins. Et qe null homme achate file de laine appelle wollenyern fil ne voet ent faire drap ne use pois ne mesure ne autre chose en lieu de pois ou mesure qe ne soit ensealez & accordant a le dit estandard ne mette aucun chose a icell par voie de pendure ou couverture ou en aucun autre maner qe puisse encrecer la mesure ou le pois ou empедier la balaunce par avoir son naturell cours sur les forfaiture & peine desuisditz. Et qe les justices de pees mairs baillifs & seneschalx des fraunchises aient poir par auctorite suisdite dexaminer les trespasseurs en ceo cas & pur enquerer en especial de toutz trespasseurs encoultre cest ordinance & a fair execution diceux qi sont trovez defectifs par enquestes ou par examination affair par lez ditz juges ou officer en ceo cas en maner come desuis est dit. Et qe ceste

ordi-

II. And moreover, for to eschew divers great mischiefs which have happened within the realm of *England* by the said auncel, and especially for to destroy the falsehood of the regrators of yarn, called *Yerne-Choppers*, (2) it is ordained by our said lord the King, by authority aforesaid, That in every city, borough, and town of the realm of *England*, a common balance shall be, with common weights sealed, and according to the standard of the exchequer, upon the common costs of the said city, borough, or town, in the keeping of the mayor or constable of the same; (3) at which balance and common weight, all the inhabitants of the same city, borough, or town, that have not such weights, and other that have, if they will, may freely weigh without any thing paying; (4) taking nevertheless of foreigners for every draught within the weight of xl. li. a farthing, and for every draught betwixt forty pound and an hundred pound, an halfpenny, and for every draught betwixt an hundred pound and a thousand pound, a penny at the most; (5) whereof the weights shall be maintained, and the officer lawfully weighing rewarded by the discretion of the chief men of the city, borough, or town, according to his attendance to his said business, be it more or less, (6) And that no man buy yarn of wool, called woollen yarn, unless he will make cloth thereof, nor use weight nor measure, nor other thing in the place of weight or measure, that is not sealed according to the said standard, nor set any

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thing

Regrators of yarn called Yerne chop-pers.

Every city, borough, and town, shall have a common balance and weights,

No man shall buy woollen yarn, unless he will make cloth thereof. Rep. 21 Jac. 1, c. 28.

* By way of hanging or co-
pping.

thing to the same by the way of tacking or hiding*, or in any other manner that may increase the measure or weight, or let the balance to have his natural course, upon the forfeiture and penalty aforesaid.

(7) And that the justices of peace, mayors, bailiffs, and stewards of franchises, have power by authority aforesaid to examine the trespassers in this case, and to inquire in especial of offenders against this ordinance, and to do execution of them that be found faulty by inquests, or by examination to be made by the said

judges or officers in this case, in the manner as afore is said. (8) And that this ordinance be holden and observed from the feast of *Easter* next ensuing,

The forfeiture of a city or town wanting common balance and weights.

9H.6.c.6.&8.
11 H. 6. c. 8.
11 H. 7. c. 4.

for ever. (9) And that every city, upon pain of ten pounds, every borough upon pain of an hundred shillings, and every town where a constable is upon pain of forty shillings, have a common balance with weights according to the said standard, within two months after proclamation made of this ordinance; which penalty shall be levied to the use of our lord the King, as often as they shall be faulty after the said proclamation.

C A P. VI.

If any threaten by casting of bills to burn a house, if money be not laid in a certain place; and after do burn the house; Such burning of houses shall be adjudged big treason.

ITEM, forasmuch as our sovereign lord the King, at the grievous complaint to him made by the commons of this realm of *England* in the full parliament hath conceived, that divers great mischiefs and subtil felonies and robberies now late have been done in the town of *Camtebridge*, and in other places in the county of *Kent*, and *Essex*, and in other places in the realm of *England*, by people offenders unknown, which make divers bills, directed to divers people of the same towns, counties, and other places of the realm of *England*, commanding them to put divers great sums of money in certain places, where the said offenders might lightly carry the same away, without being taken or perceived, certifying in the said bills, that if they put not the same money in the places by the said bills assigned at a certain day, that the said offenders would do the greatest and most outrageous vengeance that they might to all them that would not let such sums there. And for because that such sums have not been put in divers places, according to the purport of the same bills, many houses and goods and chattels of divers

Bills.

divers persons have been feloniously and traiterously at *Cantebridge* and elsewhere in the counties and places aforesaid, burnt and utterly destroyed, whereby, the people and the towns, counties, and other places aforesaid, be greatly impoverished, and in point to be finally destroyed. The same our sovereign lord the King, willing in this case to provide remedy, hath ordained by authority of this parliament, That all such burnings of houses of any person, shall be judged high treason. And that this ordinance extend as well in such burnings made after the first day of the reign of our sovereign lord the King till this time, as to burnings to be made in time to come. Saving always to all lords and other persons their liberties and franchises as hath been done and used before this time, in case of forfeiture of felony.

Burnings of
houses.
Rep. 1 Ed. 6.
c. 12.
9 G. 1. c. 22.

C A P. VII.

What sort of men shall be choosers, and who shall be chosen knights of the parliament.

ITEM come lez elections dez chivalers dez countees esluz a venir as parlements du Roi en plusours countees d'Engleterre ore tarde ount este faitz par trop graunde & excessive nombre dez gentz demurantz deinz mesmes les countes dount la greindre partie estoit par gentz sinon de petit avoir ou de null valu dount chescun pretende davoir voice equivalent quant a tielx elections faire ove les plus valantz chivalers ou esquiers demurantz deinz mesmes les countes dount homicides riotes batteries & divisions entre les gentiles & autres gentz de mesmes les countes verisemblablement fourdront & ferront si covenable remedie ne soit purveu en celle partie nostre seignur le Roy considerant les premisses ad purveu & ordene par auctorite de cest parlement qe les chivalers des countes deins le roialme d'Engleterre a esliers a venir a les parlements en apres a tenirs soient esluz en chescun counte par gentz demurantz & reseantz en icelles dount chescun ait frank tene-
ment

ITEM, *Whereas the elections of knights of shires to come to the parliaments of our lord the king, in many counties of the realm of England, have now of late been made by very great, outrageous, and excessive number of people dwelling within the same counties of the realm of England, of the which most part was of people of small substance, and of no value, whereof every of them pretended a voice equivalent, as to such elections to be made, with the most worthy knights and esquires dwelling within the same counties, whereby manslaughter, riots, batteries, and divisions among the gentlemen, and other people of the same counties, shall very likely rise and be, unless convenient and due remedy be provided in this behalf;* (2) our lord the King, considering the premisses, hath provided, ordained, and established, by authority of this present parliament, That the knights of the shires to be chosen within the same realm of *England* to come to the parliaments of our lord the King hereafter to be holden, shall be chosen in every county of the realm

The quali-
fications of the
electors of the
knights for the
parliament.
1 H. 5. c. 1.
10 H. 6. c. 2.

What is required of the candidates.
6 H. 6. c. 4.
Altered by
10 H. 6. c. 2.

The sheriff impowered to examine the electors upon oath, touching their estates.
Justices of assise to inquire of the returns of knights to parliament.
Penalty on the sheriff for undue returns.
11 H. 4. c. 1.
23 H. 6. c. 15.
Rast. 446.

Knights falsely returned shall lose their wages.

realm of *England*, by people dwelling and resident in the same counties, whereof every one of them shall have free land or tenement to the value of forty shillings by the year at the least above all charges; (3) and that they which shall be so chose shall be dwelling and resident within the same counties; (4) and such as have the greatest number of them that may expend forty shillings by year and above, as afore is said, shall be returned by the sheriffs of every county, knights for the parliament, by indentures sealed betwixt the said sheriffs and the said choosers so to be made. (5) And every sheriff of the realm of *England* shall have power, by the said authority, to examine upon the evangelists every such chooser, how much he may expend by the year; (6) and if any sheriff return knights to come to the parliament contrary to the said ordinance, the justices of assises in their sessions of assises shall have power, by the authority afore said, thereof to inquire; (7) and if by inquest the same be found before the justices, and the sheriff thereof be duly attainted, that then the said sheriff shall incur the pain of an hundred pounds, to be paid to our lord the King, and also that he have imprisonment by a year, without being let to bail or mainprise; (8) and that the knights for the parliament returned contrary to the said ordinance, shall lose their wages.

Provided always, That he which cannot expend forty shillings by year, as afore is said, shall in no wise be chooser of the knights for the parliament; (2) and that in every writ that shall hereafter go forth to the

ment a le valu de xls. par an al meins outre les reprises & que ceux qui seront enfluz soient demurrantz & reseantz deins mesmes les countes & ceux qui ont le greindre nombre de yceulx qui poient expendre par an xl s. & outre come desuis est dit soient retournez par les viscontz de chescun countee chivalers pur le parlement par indentures ensealles parentre les ditz viscountz & les ditz eslisours ent affaires. Et eit chescun viscont dEngleterre poir par auctorite suisdite examiner sur les seintz evangelies chescun tiel eslisour come bien il poet expendre par an & si ascun viscount retourne chivalers pur venir au parlement au contrarie de ycest ordinance que lest justices des assises en leur sessions des assises aient poir par auctorite suisdite de ceo enquerer. Et si par inquest ceo soit trove devaunt mesmes les justices & le viscount de ceo duement atteint qadonqs le dit viscounte encourage la peine de C. li. a paiers a nostre seignur le Roy & auxi qil ait imprisonment par un an sanz estre lesez au baille au mainprise & que les chivalers pur le parlement au contrarie la dite ordinance retournez perdent leur gages.

Purveu toutfoitz que celluy qui ne poet expendre xls. par an come desuis est dit ne soit en ascun manere eslisour des chivalers pur le parlement. Et que en chescun brieve que issera en apres as viscount pur eslier chivalers pur le parlement soit mention fait des ditz ordinances.

shall hereafter go forth to the sheriffs

sheriffs to choose knights for the parliament, mention be made of the said ordinances.

C A P. VIII.

The statute of 6 HEN. VI. c. 3. confirmed, touching the wages of labourers, servants, artificers, and workmen.

ITEM, whereas in the last parliament a good and notable statute was ordained of labourers, servants, artificers, and workmen, how much they and every of them should take by the year, half year, day, or week, and of other things comprised in the same statute and ordinance, which now be expired, because that they were not ordained to endure but to the next parliament then after to be holden. Our sovereign lord the King, considering that the said statute and ordinance was in other time made for the weale and common profit of the realm of England, and that they should be much profitable to the same realm, if they might endure and be observed, hath ordained by authority of this parliament, that the said statute and ordinance be holden and kept, and put in due execution til the King hath otherwise declared his will in the full parliament.

Labourers,

Rep. 5 Eliz. c. 4.

C A P. IX.

The duty of justices of peace where land is entered upon or detained with force.

ITEM come par le Roy Richard nadgairs Roi d'Engleterre puis le conquest seconde a son parlement tenuz a Westm' lendemain des Almes lan de son reign xvme entre autres choses ordinez estoit & establiez qe les estatuts & ordinances faitz & nient repellez de ceux qi fount entrees ove fort main en terres tenementz ou autres possessions qe conqs & lour teignent eins ove force & auxi de ceux qi fount insurrections riottes routes chivaches ou assambles en distourbance de la peas ou de la commune ley ou en affraie del poeple serroient tenuz & plenement executes. Et outre ceo ordene est par mesme lestatut qe toutz les foitz qe tiels forcibles entres soient faitz & pleint ent veigne as justices de peas ou ascun deux qe mesmes les justices ou justice preignent ou preigne poair del countee & voisent ou voise

ITEM, whereas by the noble King Richard late King of England, after the conquest the Second, at his parliament holden at Westminster the morrow after All-Souls, the fiftenth year of his reign, amongst other things, it was ordained and established, That the statutes and ordinances made, and not repealed, of them that make entries with strong hand into lands or tenements, or other possessions whatsoever, and them hold with force, and of them that make insurrections, riots, routs, ridings, and assambles, in disturbance of the peace, or of the common law, or in affray of the people, should be holden and fully executed. (2) And moreover it is ordained by the same statute, That at all times that such forcible entries be made, and complaint thereof come to the justices of peace, or any of them, that the same justices or justice shall take the power of the county, and shall go, or one of them

The statute of 15 R. 2. c. 2. touching forcible entries rehearsed and confirmed. 4 Co. 48. Hob. 94. 1 Hawk. Pl. Cr. c. 64.

them shall go, to the place where such force is made; (3) and if they find, or he findeth, any holding such place forcibly, after such entry made, they should be taken and put in the next gaol, there to remain convict by the record of the same justices or justice, until they have made fine and ransom to the King; (4) and that all the people of the county, as well sheriffs as other, shall be attending to the said justices, and to assist them to arrest such malefactors, upon pain of imprisonment, and to make fine and ransom to the King. And that in the same manner be done of them that make forcible entries into benefices or offices of holy church, as in the same statute is contained more at large.

The defects of
the statute of
15 R. 2. c. 2.
Palmer, 277.

II. And for that the said statute doth not extend to entries in tenements in peaceable manner, and after holden with force, nor if the persons which enter with force into lands and tenements, be removed and voided before the coming of the said justices or justice, as before, nor any pain ordained if the sheriff do not obey the commandments and precepts of the said justices for to execute the said ordinance, many wrongful and forcible entries be daily made in lands and tenements by such as have no right, and also divers gifts, feoffments, and discontinuances sometimes made to lords, and other puissant persons, and extortioners within the said counties where they be conversant, to have maintenance, and sometimes to such persons as be unknown to them so put out, to the intent to delay and defraud such rightful possessors of their right and recovery for ever, to the final disherison of divers of the King's faithful liege people, and likely daily to increase, if due remedy be not provided

voise al lieu ou tiel force soit fait & s'ils trouvent ou trouvent aucuns tenantz tiel lieu forciblement apres tiel entre fait soient prizez & misez en profchien gaole a y demurer convictz de record de mesmes les justices ou justice tanque ils eient faitz fyn & raunceon au Roy. Et que toutz gentz de counte sibi viscountz come autres soient entendantz as ditz justices de eux enforcier pur arestier tiels malefaisours sur peine de imprisonment & de faire fyne & raunceon au Roy. Et que en mesme le manere soit fait de ceux qui fount forcibles entres en benefices ou office de seint esglise come en mesme lestatut est contenuz puis au plein.

Et pur taunt que le dit estatut nextende my as entres en tenementz en paisible manere & apres tenuz ove force ne si les personnes qentront ove force en terres ou tenementz soient removez & voides devaut le venu des ditz justices ou justice come devaut ne null peine ordine si le viscount ne obeie my les maundementz & precepts des ditz justices pur executier lordinance suifdit plousours torcenouses & forcibles entres fount faitz de jour en autre en terres & tenementz par ceux qui droit nout. Et auxi diverses douns feoffementz & discontinuances ascun foitz faitz as seignurs & autres personnes puissantz & extortioners deins les countes ou ils fount conversantz pur maintenance avoir & ascuns foitz as tiels personnes ensy oustez disconuz a tiel entent pur delaier & defrauder tiels droitreux possessours de leur droit & recoverer a toutz jours a final disheritefon de plusours des foials lieges de
Roi

Roy & semblable est dencreſcer de jour en autre ſi du remedie ne ſoit purveu celle partie. Nostre ſeignur le Roy conſiderant les premisses ad ordene qe le dit estatut & toutz autres estatutz de tiels entres ou alienation devaunt faitz ſoient tenuz & duement executz ajoutant a icelle qe ſi defore en avaut aſcun face tiel forcible entre en terres tenementz ou autres poſſeſſions ou eux tiegne forciblement apres compleint ent fait deins meſme le counte lou tiel entre ſoit fait as justices de peas ou un de eux par la parte greve qe les justices ou justice enſy garny deins temps covenable facent ou face duement executer le dit estatut & ceo as coſtages del partie enſy greve.

Et outre ceo coment qe tielx perſones faiſantz tiel entre ſoient preſentz ou voidez devaunt la venu des ditz justices ou justice nientmeins meſmes les justices ou justice en aſcun bone ville pluis proſchein as tenementz enſy entrez ou en aſcun lieu covenable ſolonc loure discretion eient & cheſcun de eux eit auctorite & poair denquerer par gentz de meſme le countee auxibien de ceux qi ſount tielx forcibles entrees en terres & tenementz come de ceux qi eux teignent ove force. Et ſi trove ſoit devaunt aſcun deux qe aſcun face le contrarie de ceſt estatut adonqs les ditz justices ou justice facent ou face reſeiſer les terres & tenementz enſy entrez ou tenuz come devaunt & mettre la partie enſy ouſte en plein poſſeſſion de meſmes les terres & tenementz come devaunt entrez ou tenuz. Et ſi aſcune perſone apres tiel entre en terres ou tenementz

tenuz

vided in this behalf: (2) our lord the King conſidering the premisses, hath ordained, That the ſaid ſtatute, and all other ſtatutes of ſuch entries or alienations made in times paſt, ſhall be holden and duly executed; (3) joined to the ſame, That from henceforth where any doth make any forcible entry in lands and tenements, or other poſſeſſions, or them hold forcibly, after complaint thereof made within the ſame county where ſuch entry is made, to the justices of peace, or to one of them, by the party griev- ed, that the justices or justice ſo warned, within a convenient time ſhall cauſe, or one of them ſhall cauſe, the ſaid ſtatute duly to be executed, and that at the coſts of the party ſo griev- ed.

III. And moreover though that ſuch perſons making ſuch entry be preſent, or elſe departed before the coming of the ſaid justices or justice, notwithstanding, the ſame justices or justice in ſome good town next to the tenements ſo entered, or in ſome other convenient place, according to their discretion, ſhall have, or either of them ſhall have, authority and power to inquire by the people of the ſame county, as well of them that make ſuch forcible entries in lands and tenements, as of them which the ſame hold with force; (2) and if it be found before any of them, that any doth contrary to this ſtatute, then the ſaid justices or justice ſhall cauſe to reſeiſe the lands and tenements ſo entered or holden as afore, and ſhall put the party ſo put out in full poſſeſſion of the ſame lands and tenements ſo entered or holden as before. (3) And if any

The office and duty of justices of peace when any forcible entry is made into lands, or peaceable entry, and after detaining with force.

Carthew, 49.

The remedy where any perſon entering by force doth aliene the ſame land to have maintenance.

1 R. 2. c. 9.

9 Co. 118.

11 Co. 65.

any person, after such entry into lands or tenements holden with force, make a feoffment or other discontinuance to any lord or other person, to have maintenance, or to take away and defraud the possessor of his recovery in any wise, if after in assise, or other action thereof to be taken or pursued before justices of assises, or other the King's justices whatsoever, by due inquiry thereof to be taken, the same feoffments and discontinuances may be duly proved to be made for maintenance, as afore is said, that then such feoffments, or other discontinuance, so as before made, shall be void, frustrate, and holden for none.

The justices precept to the sheriff to return a jury to inquire of forcible entries.

Juror to have 40s. per Ann.

The sheriff's penalty for omitting his duty.

IV. And also when the said justices or justice make such inquiries as before, they shall make, or one of them shall make, their warrants and precepts to be directed to the sheriff of the same county, commanding him of the King's behalf to cause to come before them, and every of them, sufficient and indifferent persons, dwelling next about the lands so entered as before, to inquire of such entries, (2) whereof every man, which shall be impanelled to inquire in this behalf, shall have land or tenement of the yearly value of forty shillings by year at the least, above reprises. (3) And that the sheriff return issues upon every of them at the day of the first precept returnable xx. s. and at the second day xl. s. and at the third time C. s. and at every day after, the double. (4) And if any sheriff or bailiff within a franchise, having return of the King's writ, be slack, and make not execu-

tion

tenez ove force face feoffement ou autre discontinuance a aucun seignur ou autre persone pur maintenaunce avoier ou pur toller & defrauder le possesseur de sa recoverer en aucun maner si apres en assise ou autre action ent destre prise ou pursuez devaunt justices des assises ou autres justices le Roy qiconqs par deu enquerre ent apprendre purra duement estre prove mesmes les feoffementz & discontinuances estre faitz pur maintenaunce come desuis est dit que adonques tielx feoffementz ou autre discontinuance ensy come devaunt faitz soient voidez irritez & tenuz pur nulle.

Et auxi quant les ditz justices ou justice ferrent tielx enquerrez come devaunt facent ou face lour garrantz & precepts directz al viscount de mesme le counte luy comaundant depâr le Roy de fair venir devaunt eux & chescun deux persones sufficientz & indifferentz plus procheins demurantz entour les tenementz ensy entrez come devaunt denquerer de tielx entreez dount chescun qi serra empanelle denquerer en celle partie ait terre ou tenement de annuel value de xl. s. par an au meins outre les reprises. Et que le viscount retourne issuez sur chescun deux au jour de primer precept retornable xx. s. & al seconde jour xl. s. & al tierce foitz C. s. & au chescun jour apres le double. Et si aucun viscount ou bailly deinz franchise aiantz retourne de brieve du Roy soit lacche & ne face duement execution des ditz preceptz a luy directz pur tielx enquerrez faire qil forface devers le Roy xx. li. pur chescun default & outre face fyn & raunceon au Roy.

Et

Et qe auxbien les justices ou justice avaunt ditz come les justices des assises a lour venir en pais pur assises prendre eient & chescun de eux ait poair doier & terminer tielx defautes & negligences des ditz viscontz & baillifs & chescun de eux auxbien par bille al suite del partie greve pur luy mesme come pur le Roy a suier come par enditement a prendre pur le Roy soulement. Et si le viscount ou bailly soit duement atteint en celle partie par enditement ou par bille qe celui qi sue pur luy & pur le Roy eit une moitee de la forfaiture de xx. li. ensemblement ove ses costages & expences. Et qe mesme la processe soit fait vers tielx enditees ou suez par bille en celle partie sicome serroit vers enditez ou suez par briefe de trespas fait ove force & armes encountre la peas du Roy.

Et outre ceo si ascun persone soit ouste ou disseisie dascuns terres ou tenementz ove forcible manere ou ouste peisiblement & apres tenuz dehors ove forte main ou apres tielle entre ascun feoffement ou discontinuance en ascune manere ent soit fait pur defrauder & toller le droit del possessor qe la partie greve en celle partie eit assise de novell disseisine ou briefe de trespas vers tiel disseisor. Et si la partie greve recovere par assise ou par action de trespas & trove soit par verdict ou en autre manere par due forme en ley qe la partie defendant entra ove force en terres & tenementz ou eux par force apres son entree tiendra qe le pleyntif recovers ses damages au treble vers le defendant & outre ceo qil face fyn & ranceon au Roy. Et qe mairs justices

tion duly of the said precepts to him directed to make such inquiries, that he shall forfeit to the King xx. li. for every default, and moreover shall make fine and ransom to the King.

V. And that as well the justices or justice aforesaid, as the justices of assises, and every of them, at their coming into the country to take assises, shall have, and every of them shall have, power to hear and determine such defaults and negligences of the said sheriffs and bailiffs, and every of them, as well by bill at the suit of the party grieved for himself as for the King, to sue by indictment only to be taken for the King.

(2) And if the sheriff or bailiff be duly attainted in this behalf by indictment, or by bill, that he which sueth for himself and for the King have the one moiety of the forfeiture of xx. li. together with his costs and expences. (3) And that the same process be made against such persons indicted or sued by bill in this behalf, as should be against persons indicted or sued by writ of trespas done with force and arms against the peace of the King.

VI. And moreover, if any person be put out, or disseised of any lands or tenements in forcible manner, or put out peaceably, and after holden out with strong hand; or, after such entry, any feoffment or discontinuance in any wise thereof be made, to defraud and take away the right of the possessor; that the party grieved in this behalf shall have assise of *Novel disseisin*, or a writ of trespas against such disseisor. (2) And if the party grieved recover

What action may be had against him who doth put out, or keep him out of possession with force. Savil. 68. 10 Co. 116. 11 Co. 30.

recover by assise, or by action of trespass, and it be found by verdict, or in other manner by due form in the law, that the party defendant entered with force into the lands and tenements, or them after his entry did hold with force, that the plaintiff shall recover his treble damages against the defendant;

The authority of the chief officers in cities, &c. to repress force. Inforced by 31 El. c. 11.

(3) and moreover, that he make fine and ransom to the King. And that mayors, justices or justice of peace, sheriffs, and bailiffs of cities, towns, and boroughs, having franchise, have in the said cities, towns, and boroughs, like power to remove such entries, and in other articles aforesaid, rising within the same, as the justices of peace and sheriffs in counties and countries aforesaid have.

They may keep their land by force, who have had three years possession.

Co. Lit. 257.
Salk. 356.
Regist. 289.
5 R. 2. stat. 1. c. 7.
4 H. 4. c. 8.

VII. Provided always, That they which keep their possessions with force in any lands and tenements, whereof they or their ancestors, or they whose estate they have in such lands and tenements, have continued their possessions in the same by three years or more, be not endamaged by force of this statute.

CAP. X.

Process awarded against those which dwelling in foreign counties be indicted or appealed.

Inforced by 10 H. 6. c. 6. 3 Inst. 31. The inconveniences of indicting or appealing any person in one county that is conversant in another.

ITEM, our lord the King considering how divers persons for their private revenge, and not of right, maliciously by subtile imagination have caused and procured many of his faithful liege people falsely to be indicted and appealed of several treasons, felonies, and trespasses, before justices of the peace, and other commissioners and justices, and others having power to take indictments or appeals in divers foreign counties, liberties, and franchises of England, in which the said lieges be not, nor at any time were, conversant nor dwelling; (2) by force of which indictments and appeals, and the processes upon them made in the said

stices ou justice de peas viscountz & baillifs des citees villes & burghs aiantz franchise eient en les ditz citees villes & burghs autiel poair de tielx entrees oustier & en autres articles defuisdites emergentz deinz ycelles come ount les justices de peas & viscountes en countees & pais suisdites.

Purveu toutz foitz qe ceux qi gardent par force lour possessions en aucuns terres ou tenementz dount ils ou leur auncestres ou ceux queux estat ils ount en tiels terres & tenementz ount contenuz lour possessions en ycelles par trois ans ou plus ne soient my endamagez par force de celle estatut.

ITEM nostre seignur le Roy considerant coment diverses persones pur lour singuler vengeance & nient de droit maliciousment par sotile ymagination ount faitz & procurez de fauxment enditer & appeller divers de sez foialx lieges de diverses tresons felonies & trespass devaunt justices de peas & autres commissioners & justices & autres aiantz poair de prendre enditementz ou appellees en diverses foreins countees libertees & franchises dEngleterre es queux les ditz lieges ne sount ne unques feussent conversantz ne demurantz par force des queux inditementz &c

& appellez & les proceses sur eux faitz en les ditz countees fraunchisez & libertees les ditz persones ensy enditez ount este & de jour en autre sont mys en exigent & puis utlagez & sur ceo leur biens & chatieux terres & tenementz forfaitz & eux en grande perile de leur vies la ou les ditz persones ensy enditez appelez ou mys en exigent ou utlagez navoient unqs conissance de tielx enditementz appelez exigentz ne utlagaries les queux fauxine & malice de jour en autre habundent & encrefcent en divers countees libertees & fraunchises d'Engleterre en graunt a-nientement perde & perpetuell destruction de plufors de sez ditz foialx & innocentz lieges & verifemblable est dencrefcer en apres si remedie covenable ne soit ordeine & purveu en celle partie.

Et pur ceo mesme nostre seigneur le Roy de sa grace especial & par auctoritee de cest parlement pur ease salvation & tranquillite de sez foialx lieges de cest roialme ad fait ordiner & establir qe sur chescun enditement ou appelle par la quelle ascuns des ditz lieges demurrantz en autres countees qe la ou tiel enditement ou appell soit ou ferra pris de trefon felonie & trespas apprendre en apres devaut justices de peas ou devaut ascun aiant poair de tielx enditementz ou appellez prendre ou autres commiffioners ou justice en ascun countee franchise ou libertee d'Engleterre devaut ascun exigent' agarde sur ascun enditement ou appelle en la forme avaunt dite aprendre qe maintenant apres le primere briefe de *capias* sur chescun tiel enditement

said counties, franchises, and liberties, the said persons, so indicted have been, and daily be put in Exigent, and after outlawed, and thereupon their goods and chattles, lands and tenements forfeit, and they in great jeopardy of their lives, whereas the said persons so indicted, appealed, or put in Exigent, or outlawed, had never knowledge of such indictments, appeals, Exigents, or outlawries; (3) which falshood and malice daily doth abound and increase in divers counties, liberties, and franchises of England, in great hindrance, loss, and perpetual destruction of many of his said faithful and innocent liege people, and very likely to increase hereafter, if convenient remedy be not ordained and provided in this behalf.

II. And therefore the same our lord the King, of his special grace, and by authority of this parliament, for ease and tranquillity of his faithful lieges of this realm, hath caused to be ordained and stablished, That upon every indictment or appeal by the which any of the said lieges dwelling in other counties than there where such indictment or appeal is or shall be taken of treason, felony, and trespas, to be taken hereafter before the justices of peace, or before any other having power to take such indictments or appeals, or other commiffioners or justices in any county, franchise, or liberty of *England*, before any exigent awarded upon any indictment or appeal in the form aforesaid to be taken, that presently after the first writ of *Capias* upon every such indictment or appeal awarded and returned, that another writ of *Capias* be award-

Process upon indictments of persons dwelling in foreign counties.
10 H. 6. c. 6.

awarded, directed to the sheriff of the county, whereof he which is so indicted is or was supposed to be conversant by the same indictment, returnable before the same justices or commissioners before whom he is indicted or appealed at a certain day, containing the space of three months from the date of the said last writ, where the counties be holden from month to month; and where the counties be holden from six weeks to six weeks, he shall have the space of four months, until the day of the return of the same writ; (2) by which writ of second *Capias*, be it contained and commanded to the same sheriff, to take him which is so indicted or appealed, by his body, if he can be found within his bailiwick; (3) and if he cannot be found within his bailiwick, that the said sheriff shall make proclamation in two counties before the return of the same writ, that he which is so indicted or appealed shall appear before the said justices or commissioners in the county, liberty, or franchise where he is indicted or appealed, at the day contained in the said last writ of *Capias*, to answer to our lord the King, or to the party, of the felony, treason, or trespass, whereof he is so indicted or appealed; (4) after which second writ of *Capias* so served and returned, if he which is so indicted or appealed come not at the day of the same writ of *Capias* returned, the *Exigent* shall be awarded against such persons indicted or appealed, and every of them.

III. And if any *Exigent* hereafter be awarded upon any such indictment or appeal against the

ditement ou appelle agarde & retourne qe un autre brieve de *Capias* soit agarde directe al viscount del countee dont celly qi est ensy enditez est ou fuist suppose destre conversant par mesme lenditement retournable devaut mesmes les justices ou commissioners devaut queux il est endite ou appelle a un certain jour contenant la space de trois mois de la date du dit darrein brieve ou les countes se teignent de mois en mois & la ou les countees fount tenuz desys sepmaines en fys sepmaines ait le space de quatre mois tanqal jour de retourne de mesme le brieve par quel brieve de seconde *Capias* soit contenuz & comaunde a mesme le viscount de prendre celuy qi est ensy endite ou appelle par son corps fil poet estre trove deins la baillie. Et fil ne poet mye estre trove deins sa baillie qe le dit viscount face proclamation en deux countees devaut le retourne de mesme le brieve qe celuy qest ensy endite ou appelle appierge devaut les ditz justices ou commissioners en le countee libertee ou franchise ou il est endites ou appellez al jour contenu en le dit darrein brieve de *Capias* a respoundre a nostre dit seignur le Roy & au partie de la felonie treson ou trespasse dont il est ensy enditez ou appellez apres quel second brieve de *Capias* ensy servy & retournee si celuy qi est ensy enditez ou appellez ne veigne al jour de mesme le brieve de *Capias* retourne soit exigend' agardez envers tielx endites ou appellez & chescun de eux.

Et si ascun exigend' en apres soit agarde sur ascun tiel enditement ou appelle coudre la forme

forme avautdite ou ascun utlagarie sur ceo pronunciez soit fibien cell exigend' ensy agarde come la utlagarie sur ceo pronuncie & chescun de eux tenuz pur null & voide et qe la partie sur qi tiel exigend' encountre la forme avautdite soit agarde ou utlagarie pronuncie ne soit endamage ne mys a perde de ses biens ou chatieux terres ou tenementz ne de sa vie.

Purveu toutz foitz qe le statut fait en le darrein parlement des proceses affairs en tielx cafes devaut le Roy en son bank estoise en sa force. Et enoutre mesme nostre segnur le Roy ad grantee par auctoritee susdite qe chescun enditez ou appelle en la forme avautdite de cy enavaunt apres ceo qil soit par verdit duement acquitee qil eit briefe & action sur son cas envers chescun procurour de tielx enditementz ou appelez et soit autiele processe sur & en mesme le briefe come en briefe de trespas fait ove force & armes et si tiel procurour soit atteint en celle partie qe le pleintif recovere sez damages au treble.

Purveu toutz foitz qe cest ordinance ne se extende mye as enditementz ou appelez prisez ou apprendrez deinz le countee de Cestre.

Purveu auxi qe si ascun des ditz lieges ou ascun de lour heirs soit ou serra appelle ou enditez de felonie ou trefon & au temps de mesme le felonie ou trefon supposez est ou feust conversaunt deinz le countee dount lenditement ou appelle fait mention qe autielle processe soit fait vers tiel endite ou appelle come ad este use devaut ces heurs.

the form aforesaid, or any outlawry be upon that pronounced, as well the *Exigent* so awarded, as the outlawry upon that pronounced, and every of them, shall be holden for none and void; (2) and that the party upon whom such *Exigent* against the form aforesaid is awarded, or outlawry pronounced, be not endamaged, nor put to los of his goods or chattels, lands or tenements, nor of his life.

IV. Provided always, That the statute made in the last parliament, of proceses to be made in such case before the King in his bench, stand in his force. (2) And moreover, the same our lord the King hath granted by authority aforesaid, That every person indicted or appealed in the form aforesaid from henceforth, after that he be duly acquit by verdict, that he shall have a writ and action upon his case, against every procurer of such indictments or appeals; and like proces shall be upon and in the same writ, as in a writ of trespas done with force and arms; (3) and if such procurer be attainted in this behalf, that the plaintiff shall recover his treble damages.

V. Provided always, That this ordinance shall not extend to indictments or appeals taken or to be taken within the county of *Chester*.

VI. Provided also, That if any of the said lieges, or any of their heirs, be or shall be appealed or indicted of felony or treason, and at the time of the same felony or treason supposed, he is and was conversaunt within the county whereof the indictment or appeal maketh

6 H. 6. c. 1.
An action upon the case maintainable by the party indicted or appealed against the procurer of the same.
Rast. 123.

A man indicted or appealed in the country where he is conversaunt shall be prosecuted as formerly.

mention, the like process be made against such person so indicted or appealed, as hath been used always before this time.

CAP. XI.

The citizens of London may take apprentices according to their ancient customs.

Ex edit.
Pulton.
The ancient
liberty and
custom of the
citizens of
London,
touching
taking of
apprentices.

ITEM, It is shewed to our lord the King by the said commons for the mayor and aldermen and commons of the city of *London*, that whereas among other franchises, liberties and customs to them by the same our lord the King and his noble progenitors granted and confirmed, it is contained, That the manner and form of taking apprentices within the said city of old time used and continued, be kept and observed: (2) And where it is also there used by the customs of the same city of time out of mind continued and approved in the same, that every person which was not of villain estate or condition, but of free estate and condition, might put himself, his son or daughter to be apprentice to any freeman of the same city, to learn his craft or mystery, and that likewise every freeman of the said city may take every such person, son or daughter to be his apprentice, without impeachment, (3) until now of late the said mayor, aldermen and commons, be and have been grievously vexed and inquieted by colour of an article of the statute made at *Westminster*, the seventh year of the reign of King *Henry* the Fourth, rehearsing by general words, That no man nor woman put their son nor daughter to be apprentice within any city or town of the realm of *England*, except that he have land or rent to the value of twenty shillings by year, and that by testimony under the seals of the justices of peace, nor that any shall receive a prentice to the contrary, upon a grievous penalty limited in the said statute.

The citizens
of London
may take
apprentices
according to
their old
custom, not-
withstanding
the statute of
7 H. 4. c. 17.
which is Rep.
by 11 H. 7.
c. 11. 5 Eliz.
c. 4.

II. Our lord the king, considering the great hindrance which by the said statute might redound to the inhabitants of the said city, if they should be thereby restrained of their said liberties and customs, and how in the beginning of the same statute it is contained, That the said city of *London* have and enjoy all her liberties, franchises and customs that be not contrary to the said article, and also respecting the entire affections, and great kindness done and shewed to our said lord the King in all his affairs by the citizens of the said city of *London*, and to encourage them the more to such affections and kindness hereafter, by the advice and assent aforesaid, hath ordained by the authority of this parliament, That the said ancient manner, form and custom of putting and taking of apprentices, used and continued in the said city of *London*, be from henceforth kept and observed, as long as it shall please our said lord the King, without being for that impeached, or to incur the pain contained in the said statute.

CAP. XII.

No judgment or record shall be reversed for any writ, process, &c. rased. What defects in records may be amended by the judges, and what not.

ITEM nostre seigneur le Roy ad ordine & estable par auctorite de cest present parlement que pur erreur assigne ou assigner en ascune recorde processe garraunt dattourne brief original ou judicial panell ou retourne en ascuns lieux dicelx rafez ou entrelinez ou en ascun addition subtraction ou diminution des paroles lettres titles ou parcelles des lettres troves en ascun tiel recorde processe garraunt dattourne brief panell ou retourne queux rasures entrelinez addition subtraction ou diminution al discretion des juges le Roy des courtes & places en queux les ditz recordes ou processe par briefe derroure ou autrement sont certifiez appiergent suspectz ne soit ascune juggement ne recorde reverse ne adulle.

Et que les juges le Roi des courtes & places en queux ascun recorde processe parole plee garraunt dattourne brief panell ou retourne pur le temps soit eient poair dexaminer tielx recordes processe paroles plees garrauntz dattourne brief panell & retourne par eux & leur clerks & de reformer & amender en affermance des juggementz de tielx recordes & processe tout ceo que a eux en leur discretion semble estre mespriefion de clerk en tielx recordes processe parole plee garraunt dattournee brief panell & retourne forspriefe appelez enditementz de trefon & des felonies & lutlagaries dicelles & la substance de propres nouns furnouns

ITEM our lord the King hath ordained and established by the authority of this present parliament, That for error assigned, or to be assigned, in any record, process, or warrant of attorney, original writ or judicial, panel or return, in any places of the same rased or interlined, or in any addition, subtraction, ordimination of words, letters, titles, or parcel of letters, found in any such record, process, warrant of attorney, writ, panel, or return, which rasings, interlinings, addition, subtraction, or diminution, at the discretion of the King's judges of the courts and places, in which the said records or process by writ of error, or otherwise, be certified, do appear suspected, no judgment nor record shall be reversed nor adulled.

II. And that the King's judges of the courts and places in which any record, process, word, plea, warrant of attorney, writ, panel, or return, which for the time shall be, shall have power to examine such records, process, words, pleas, warrants of attorney, writs, panels, or return, by them and their clerks, and to reform and amend (in affermance of the judgments of such records and processe) all that which to them in their discretion seemeth to be mispriefion of the clerks in such record, processe, word, plea, warrant of attorney, writ, panel, and return; (2) except appeals, indictments of treason and of felonies,

No judgment nor record shall be reversed nor avoided for any writ, return, process, &c. rased or interlined. Dyer, 105, 180, 225, 232, 260, 342. 5 Co. 45. 8 Co. 158, &c. Cro. Jac. 119. Cro. Car. 271.

The judges may reform all defects in records which be mispriefion of the clerk. 14 Ed. 3. stat. 1. c. 6. 9 H. 5. c. 4. 8 H. 6. c. 15. 4 Mod. 6. 247.

What defects
in records may
not be amend-
ed

27 El. c. 5.
1 H. 5. c. 5.

Variance al-
leged be-
tween a re-
cord and the
certificate
thereof, shall
be by the
judges amend-
ed.

Embezzling
of a record,
whereby any
judgment
shall be re-
versed, is fe-
lony.

8 R. 2. c. 4.
8 Co. 160.

lonies, and the outlawries of the same, and the substance of the proper names, surnames, and additions left out in original writs and writs of exigent, according to the statute another time made the first year of King *Henry* father to our lord the King that now is, and in other writs containing proclamation; (3) so that by such misprision of the clerk no judgment shall be reversed nor annulled. (4) And if any record, process, writ, warrant of attorney, return, or panel be certified defective, otherwise than according to the writing which thereof remaineth in the treasury, courts, or places from whence they be certified, the parties in affirmance of the judgments of such record and process shall have advantage to alledge, that the same writing is variant from the said certificate, and that found and certified, that the same variance shall be by the said judges reformed and amended according to the first writing.

III. And moreover it is ordained, That if any record, or parcel of the same writ, return, panel, process, or warrant of attorney in the King's courts of chancery, exchequer, the one bench or the other, or in his treasury, be willingly stolen, taken away, withdrawn, or avoided by any clerk, or by other person, because whereof any judgment shall be reversed; that such stealer, taker away, withdrawer, or avoider, their procurators, counsellors, and abettors, thereof indicted, and by process thereupon made thereof duly convicted by their own confession, or by inquest to be taken of lawful men,
whereof,

nouns & additions entrelessez en briefs originalx briefs exigent solonqe lestatut autre foitz fait lan seconde le Roi *Henri* pier nostre seignur le Roi qor est & en autres briefs contenantz proclamation issint qe par tiel mesprision de clerk ne soit ascun juggement reverse ne adnulle. Et si ascun recorde processe briefe garraunt dattourne retourne ou panell soit certifie defective autrement qe accordant a la scripture qe ent demoert en les tresorie courtes ou lieux dount ils sount certifiez eient les parties en affermance des juggementz de tielx recorde & processe avauntage dalegger qe mesme la scripture est variaunt al dit certificate & ceo trove & certifie soit mesme la variaunce par les ditz juges refourme & amende accordant a dit primer scripture.

Et outre ceo est ordine qe si ascun recorde ou parcell dicel brief retourne panell processe au garaunt dattourne en les courtes le Roi de chauncellerie eschequer lun bank ou lautre ou en sa tresorie soit voluntierment emble emporte retreit ou avoide par ascun clerk ou autre persone a cause de quell ascun juggement soit reverse qe tiel emblour emportour retreieur & avoideour lour procuratours counseillours & abbettours ent enditez & par processe sur ceo fait ent duement convictz par lour propre confession ou par enqueste apprendredes loialx hommes dount la moite soit des hommes dascun court de mesme les courtes & lautre moite dautres soient adjuggez pur felons & encourgent la peine de felonie. Et qe les juges de les ditz courts de lun bank ou lautre eient poair doier & terminer tielx

tielx defautes devaunt eux & dent faire punition come devaunt est dit.

Purveu toutz foitz qe si ascun tiel recorde processe briefe garraunt dattourne panell ou retourne ou parcell dicel soit a present ou en apres serra exemplifie en la chauncellerie le Roi soubz son graunde seal & tiel exemplification illeoques de recorde enrolle saunz ascun rasure en une mesme lieu en mesme lexemplification & lenrollement dicell qe alors pur null erreur assigne ou assigner en les ditz recordes processe briefs garaunt dattourne panell ou retourne en ascun lettre parol. le clause ou matierdicell variaunt ou contrariaunt a dite exemplification & lenrollement ne soit nulle juggement des ditz recordes & processe reverse ne adnulle.

signed, or to be assigned in the said record, processe, writ, warrant of attorney, panel, or return, in any letter, word, clause, or matter of the same varying, or contrary to the said exemplification and the inrollment, there shall be no judgment of the said records and processe reversed or adnulled.

C A P. XIII.

There shall not be excepted in the protections of those that shall go with the King into France, assise of Novel Disseisin.

ITEM, forasmuch as our sovereign lord the King, by the assent of his sage council doth purpose with the aid of God, to pass into his realm of France, the same our said sovereign lord, by the advice of the lords spiritual and temporal, and also of the commons of this present parliament, to eschew the disherisons of all persons, which be or shall be retained with our said sovereign lord the King, to abide in his service, in the parts beyond the sea, hath ordained and provided, That every protection to be made with the clause of *Volumus*, for any of the same persons, there shall be contained in the clause of exception in the same omission of these words, *Assis nove disseisine*. And that all these protections be allowable and allowed for them and every of them in all the King's courts and elsewhere, where such protections be put forth for any such person, in all pleas of assises as well of *Novel disseisin* as fresh force without any difficulty. Provided always, That the judgments to be given from henceforth in such assises arraigned or to be arraigned, be

whereof the one half shall be of the men of any court of the same courts, and the other half of other, shall be judged for felons, and shall incur the pain of felony. (2) And that the judges of the said courts of the one bench or of the other, have power to hear and determine such defaults before them, and thereof to make due punishment as afore is said.

IV. Provided always, That if any such record, processe, writ or warrant of attorney, panel, or return, or parcel of the same, be now, or hereafter shall be exemplified in the King's chancery under the great seal, and such exemplification there of record inrolled without any rasing in the said place in the exemplification and the inrollment of the same, that another time for any error assigned, or to be assigned in the said record, processe, writ, warrant of attorney, panel, or return, in any letter, word, clause, or matter of the same varying, or contrary to the said exemplification and the inrollment, there shall be no judgment of the said records and processe reversed or adnulled.

A record exemplified under the great seal, and inrolled in the chancery, not to be reversed.

Protection.

Entry.

not prejudicial to any of the said persons so abiding in the King's service beyond the sea, as afore is said, which have any thing in reversion or in remainder in such lands or tenements, where such assises be or shall be arraigned, if they which have in reversion or in remainder in such lands or tenements, be not named in the same assises, but that they be against them all void: And that this statute shall endure for two years next following, if the same our said sovereign lord the King abide so long in the parts beyond the sea. Provided also, That all the entries made or to be made after the first day of this present parliament, be not comprised in this present ordinance. And that none, which hath made or shall make any such entries after the said first day of this parliament, have any benefit of the same ordinance.

CAP. XIV.

Riotous persons committing of felonies, and then fleeing into secret places.

2 H. 5. stat. 1.
c. 9.

Riotous persons commit murders, manslaughter, robberies, &c. and then flee into secret places.

ITEM, For that great and grievous complaint was made to King Henry, late King of England, father to our lord the King that now is, at his parliament holden at Leicester the second year of his reign, by the commons of his parliament aforesaid, of divers murders, manslaughter, robberies, batteries assemblies of people in great number in manner of insurrections, and of divers other rebellions and riots; (2) and after such offences the said felons and offenders did flee and withdraw themselves to divers woods and secret places unknown, and elsewhere, to the intent and purpose to avoid the execution of the common law, and that they might not be brought to answer according to the process of the common law: (3) Whereupon the said late King considering the aforesaid complaint, by the advice and assent of the lords spiritual and temporal in the same parliament assembled, did ordain and stablish, at the request of the said commons, That if any after come into the chancery, and make complaint duly, that any such felon or offender as aforesaid hath fled or withdrawn himself to any such place, or elsewhere to the intent afore-

ITEM pur ceo qe grande & grevousse complaint fuisit feit a Roi Henri jadis Roi d'Engleterre pier nostre seigneur le Roi qorest a son parlement tenuz a Leycestr' lan de son regne seconde par les communes de son parlement avautdit de diverses murders homicides robories, bateries assemblies dez gentz en grande noubre par maner d'insurrections & de diverses autres rebellions & riotes & apres tielx meffaites les ditz felouns & mesfaisours senfurent & retraherent as diverses boys & lieux covertez & disconuz & aillours a lentent & purpos de voider l'execution de la commune ley & qils ne serroient mesnez a respounce solonc proces de la ley fur qoy le dit nadgairs Roi considerant la suifdit complaint par assent des seignurs espiertuelx & temporelx en mesme le parlement assemblez avoit ordinez & establiez a la request des ditz communes qe si ascuny en temps avenir veigne en la chauncellerie & face complaint duement qe ascun tiel felon ou malefaisour come avaut est dit sen est fuy & retrahet

rahet a ascun tiel lieu ou ailleurs al entent fuisset fait sur tiel compleint une bille sufficientment fait pur le Roy et eit le chaunceller dEngleterre pur le temps esteant apres tiel bille a luy lyvere sil poet estre enforme dument tiel bille contener verite poir de faire solonc sa discretion un brief de Capias a la suite du Roy direct al viscont de countee ou countees ou les dites murders homicides robories bateries & autres mesfaitz sount supposez par le dite bille estre faitz & perpetrez retournable en la dite chauncellerie a certeine jour. Et si les personnes en le dit brief contenuz soient prisez par le dit viscount ou foy reddent en mesme la chauncellerie qadonques soient tielx personnes mys en garde ou a maynprise solonc la discretion du chaunceller & outre soit maunde denquerer de tielx mesfaitz & sur ceo soit fait come la ley demaunde. Et si le viscounte retourne a jour de Capias retournable qe les personnes en icell comprizez par ascun de les causes fuisset ne purront estre par luy prisez ne mesmes les personnes ne soient rendent en la dite chauncellerie qadonques face le dit chaunceller faire briefe de proclamation direct a dit viscounte retournable en bank le Roi a certein jour qil face proclamation en deux countees qe les personnes en le dit brief nomez veignent a dit jour en le fuisset bank pur y respoudre a la matier compriz deinz la dite bille sur peyne destre convictez de la matier compriz deinz la dite bille et en chescun tiel brief de proclamation soit contenuz la substance de la matier compriz deinz la dite bille & sils ne veignent

aforsaid, upon such complaint a bill shall be sufficiently made for the King. (4) And the chancellor of England for the time being, after such bill to him delivered, if he may be duly informed that such bill containeth truth, shall have power by his discretion to award a writ of Capias at the suit of our lord the King, directed to the sheriff of the county or counties where the said murders, manslaughter, robberies, batteries, and other offences be supposed by the said bill to be done and committed, returnable in the said chancery at a certain day; (5) and if the persons specified in the said writ be taken by the said sheriff, or yield themselves in the same chancery, that then such persons be put in prison or to mainprise, according to the discretion of the chancellor; (6) and moreover it shall be commanded to inquire of such offences, and upon that shall be done as the law requireth. (7) And if the sheriff return at the day of the Capias returnable, that the persons in the same comprised, for any of the same causes aforsaid, cannot be taken by him, nor the same persons do yield themselves in the said chancery that then the said chancellor shall cause to be made a writ of proclamation, directed to the sheriff, returnable in the King's bench at a certain day, that he make proclamation in two counties, that the persons named in the said writ come at the said day into the aforsaid bench, there to answer to the matter comprised in the said bill, upon pain to be convict of the matter comprised within the said bill; (8) and in every such writ of proclamation shall be contained the substance of the matter comprised in the said bill; (9) and if they come not at the day of such pro-

Process awarded against the offenders.

mation returned, then they shall be holden and adjudged for convict, and attainted as afore is said; (10) and if they come at the proclamation it shall be inquired of them, and done in the manner as afore is said. (11) Provided, That the suggestions of such riots be signified to the chancellor of England by letters sealed under the seals of two justices of the peace at the least, and the sheriff of the county where such riots shall be, before that such writ of Capias be granted; (12) in which writ of Capias the matter which is comprised within the same bill shall be as well expressed, as in the writ of proclamation thereof to be made. (13) And if such a case happen in the county palatine of Lancaster, or elsewhere in franchises where there is a chancellor and a seal, that then the said chancellor of England cause to be written or sent by the King's writ to the chancellor of such county or franchise, all the suggestion in the said bill comprised, commanding him to make such execution as in the said article is comprised; (14) so always that the King's writ out of the chancery of England shall not run in such county or franchise otherwise than hath been used in time passed, and that the said ordinance shall stand in his force till the end of the next parliament. (15) Our lord the King considering that divers other murders, manslaughter, robberies, batteries, assemblies of people in great number in manner of insurrections, and divers other rebellions and riots, have been made in divers counties of the realm since the making of the said statute, not punished, because that the said statute held no force but until the end of the parliament then next following; hath ordained and established

veignent a jour de tiel proclamation retourne soient adonques tenuz & adjudgez pur convictez & atteintez come desuis est dit. Et s'ils veignent a la proclamation soit de eux enquis & fait en la maner come desuis est dit. Purveu que les suggestions de tielx riotes soient tesmoignez a le chaunceller d'Engleterre par lettres ensealez de loubz les sealx de deux justices de pees au meins & le viscounte del countee ou tielx riotes serrount devaunt ceo que tiel brief de Capias soit graunte en quell brief de Capias soit sibi en la matier expresse quele est compris deins mesme la bille come en le brief de proclamation ent affaire. Et si tiel cas aveigne en le counte palatyn de Lancast' ou aillours en franchise la ou il y ad chaunceller & seal qadonques le dit chaunceller d'Engleterre face escriver ou envoier par brief du Roi a le chaunceller de tiel countee ou franchise tout la suggestion en la dite bille compriz commandant a luy de faire tiel execution come en le dit article est compriz issint tout foitz que brief du Roi hors de la chauncellar' d'Engleterre ne courge en tiel countee ou franchise autrement que nad este usee en temps passe. Et que la dite ordinaunce estoieroit en sa force tanque al fin del prochain parlement. Nostre seigneur le Roi considerant que diverses murders homicides robories bateries assemblees des gentz en grande nombre par maner de insurrections & diverses autres rebellions & riotes ont este faitz en diverses parties du roialme puis la faisaunce de dit estatuit nient punisez a cause que le dit estatuit ne tenoit force forsque

forſque a la fin del parlement adonques proſchen enſuant ad ordine & eſtablie par auctorite de ceſt preſent parlement que la dit jadis eſtatuit ore ſoit tenuz & fermement gardez pur eſtatuit en tout temps avenir ſibien de murders homicides robories bateries aſſemblees des gentz en grande noumbre par maner de inſurrections & de divers autres rebellions & riotes faitz & perpetrez devaunt le commencement de ceſt preſent parlement come en temps avenir.

Purveu toutz foitz que teſmoigne ſoit par deux juſtices de peas des countees ou tielx riotes ferront ſuppoſez que commune fame & voice court en meſmes les countees de icelx riotes devaunt ceo que le brief de *Capias* ferra agarde. Purveu auxi que ſi aſcun tiel caſe aveigne en le dit countee palatyn de Lancaſtre ou aillours en lieu enſraunchiſe la ou y ad chaunceller & ſeal que adonques le dit chaunceller de tiel countee ou lieu enſraunchiſe pur le temps eſteant apres compleint a luy duement fait & teſmoigne par juſtice ou lieutenant de juſtice & viſcount de tiel countee palatyn ou lieu enſraunchiſe pur le temps eſteant en la forme fuiſdit eit ſemblable poair de agarder *Capias* & briefs de proclamation avaunt ditz come le dit chaunceller d'Engleterre pur le temps eſteant ad.

bliſhed, by the authority of this preſent parliament, That the ſaid ſtatute ſhall now be kept, and firmly holden for a ſtatute for ever, as well of murders, manſlaughters, robberies, batteries, aſſemblies of people in great number in manner of inſurrections, and divers other rebellions and riots made and committed before the beginning of this preſent parliament, as in time to come.

II. Provided always. That it be teſtified by two juſtices of the peace of the counties where ſuch riots ſhall be ſuppoſed, that the common fame and voice runneth in the ſame counties of the ſame riots, before that the writ of *Capias* ſhall be awarded. (2) Provided alſo, That if any ſuch caſe happen in the ſaid county palatine of *Lancaſter*, or elſewhere in a place enſraunchiſed, where there is a chancellor and a ſeal, that then the ſaid chancellor of ſuch county or place enſraunchiſed, for the time being, after complaint to him duly made and teſtified by a juſtice, or the lieutenant of a juſtice, and ſheriff of ſuch county palatine or place enſraunchiſed for the time being, in the form aforeſaid, ſhall have like power to award a *Capias* and a writ of proclamation aforeſaid, as the ſaid chancellor of *England* hath.

The ſtatute of 2 H. 5. ſtat. 1. c. 9. of thoſe that do commit murder, &c. and after flee into woods, made perpetual.

A proviſion where any of the ſaid offences be committed in a place enſraunchiſed.

CAP. XV.

The juſtices may in certain caſes amend defaults in records.

ITEM ordeigne eſt & eſtablie que les juſtices du Roy devaunt queux aſcune meſpriſion ou defaute ſoit ou ferra trové ſoit il en aſcun recordes & proceſſes qore ſount ou ferrount pendantz devaunt eux ſibien par

ITEM, it is ordained and eſtabliſhed, That the King's juſtices, before whom any miſpriſion or default is or ſhall be found, be it in any records and proceſſes which now be, or ſhall be, depending before them, as well

8 Co. 162. The juſtices may in certain caſes amend defaults in records and proceſſes.

well by way of error as otherwise, or in the returns of the same, made or to be made by sheriffs, coroners, bailiffs of franchises, or any other, by misprision of the clerks of any of the said courts of the King, or by misprision of the sheriffs, under-sheriffs, coroners, their clerks, or other officers, clerks, or other ministers whatsoever, in writing one letter or one syllable too much or too little, shall have power to amend such defaults and misprisions according to their discretion, and by examination thereof by the said justices to be taken where they shall think needful. (2) Provided, That this statute do not extend to records and processes in the parts of *Wales*, (3) nor to the processes and records of outlawries of felonies, and treasons and the dependences thereof.

Processes in
Wales, and
outlawries.

14 Ed. 3. stat. 1.
c. 6.

9 H. 5. c. 4.

4 H. 6. c. 3.

8 H. 6. c. 12.

par voie d'error come autrement ou en lez retournez d'icelles faitz ou affaires par viscountz coroners baillifs des franchises ou autres queconques par mesprision des clerks d'aucuns des ditz courtz du Roi ou par mesprision dez viscountz sount viscountz coroners leur clerks ou autres officers clerks ou ministres queconques en escrivant un lettre ou un silable trop ou trop poie aient poiar damender tielx defautes & mesprisions solonc leur discretion & par examination ent par les ditz justices aprendre ou leur semblera boisoignable. Purveu qe cest estatut ne se extende as recordes & processes es parties de Gales ne as recordes & processes dutlagaries des felonies & tresons & les dependantz d'icelles.

C A P. XVI.

By what persons escheators shall find an office, and in what time he shall certify it. A patent made of lands seised upon an inquest.

An escheator, or commissioner, shall take no inquest, but by such persons as be returned by the sheriff. Raft. pl. 315.

ITEM, to eschew the dolours, grievances, and disherisons, which daily do happen to many of the King's liege people by the escheators, for that they take inquests, to inquire before them, as well by virtue of the King's writs, as of their offices, favourably and not duly, by people not impanelled nor returned to them by the sheriffs of the counties, and more often for their private gain, and for the disherison of the King's liege people, than for the profit of the same our lord the King, (2) and also for that the lands and tenements of many of the King's liege people be seised into the King's hands upon such inquests, or let to ferm by the chancellor or treasurer, before such inquests

ITEM pur eschuer lez dolours grevancez & disheritons qi de jour en autre aveignent as plusours lieges nostre seignur le Roy par les escheatours de ceo qils preignent enquestes denquerrer devaut eux sibien par vertue des briefs nostre seignur le Roy come de leur office favourablement & noun duement par gentz nient empanellez ne retournez a eux par les viscountz des countes & pluistost pur leur propre gayne & pur disheretison des lieges nostre seignur le Roy qe pur profit mesme nostre seignur le Roy et auxi de ceo qe les terres & tenementz des plusours lieges nostre seignur le Roy sount seisez

sez es mains nostre seigneur le Roy sur tielx enquestes & autres & lessez par le chaunceller ou tresorer a ferme devaut ceo que mesmes les enquestes soient retournes en la chauncellerie nostre seigneur le Roy est ordonne par auctorite de cest present parlement que nul eschetour ne commissiонер preigne ascunement ascun inquest denquerrer finon des gentz retournes & empanellez par le viscount en le counte deins quell il est eschetour ou commissiонер. Et si ascun eschetour ou commissiонер preigne enqueste des gentz qi ne sont mye enpanellez ne retournes par le viscount come defuis est dit & ent par examination ou autrement al suite de partie que pur luy mesmes ou pur le Roy ou autre persone queconque voille pursuer soit conviēt duement pur chescun enquest ensy priz que encourage la peine & forfaiture de xl. li. a paiers cestassaver lun moite au Roi & lautre moite au partie a qi suyte il sera conviēt. Et que nulles terres ne tenementz seisez es mayns nostre seigneur le Roy sur enquestes prizez devaut les eschetours ou commissiōners ne soient ascunement lessez ne grauntez a ferme par le chaunceller ou tresorer dEngleterre ou autre officier nostre seigneur le Roi qi-conque tanque que mesmes les enquestes & verditz soient retournes pleinement en la chauncellerie ou en leschequer mesdemoergent toutz tielx terres & tenementz entierment & continualment es mains nostre seigneur le Roy tanque les ditz enquestes & verditz soient retournes & par un mois apres mesme le retourne si issint ne soit que celuy ou ceux qi sente
ou

inquests be returned in the chancery; (3) our lord the King hath ordained, by the authority of this present parliament, that no escheator or commissiōner take in any wise any inquest to inquire, but of people returned and impanelled by the sheriffs in the county within which he is escheator or commissiōner. (4) And if any escheator or commissiōner take inquest of people which be not impanelled nor returned by the sheriff, as is afore said, and thereof by examination, or otherwise, at the suit of the party, which for himself or for the King, or any other person that will sue, be duly convict, for every inquest so taken that he incur the pain and forfeiture of xl. li. to be paid, that is to say, the one half to the King, and the other half to the party grieved, at whose suit he shall be convict. (5) And that no lands nor tenements seised into the hand of our lord the King, upon such inquests taken before the escheators or commissiōners, be not in any wise let nor granted to ferm by the chaunceller or treasurer of *England*, or any other the King's officer, until the same inquests and verdicts be fully returned in the chancery, or in the exchequer, (6) but all such lands and tenements shall intirely and continually remain in the hands of our lord the King, until the said inquests and verdicts be returned, and by a month after the same return, if it be not so that he or they which feel them grieved by the same inquests, or putting out of their lands and tenements, come into the chancery, and profer themselves to traverse the said inquests,
and

When lands seised into the King's hands upon an inquest of office, shall be let to ferm.
18 H. 6. c. 6.

The lands shall be let to ferm to him that tendereth a traverse to the office.
36 Ed. 3. c. 13
1 H. 8. c. 10.
23 H. 8. c. 17.

and then offer to take the same lands or tenements to ferm; (7) and if they so do, that then the same lands or tenements be committed to them, if they shew good evidence, proving their traverse to be true, after the form of the statute made the thirty sixth year of King *Edward* the Third after the conquest, to hold until the issue taken upon the same traverse be found and discussed for the King, or for the party, finding sufficient surety to pursue the said traverse with effect, and to render and pay to our lord the King the yearly value of the lands whereof the traverse shall be so taken, if it be discussed for the King. (8) And if any letters patents of any of the lands or tenements be made to the contrary to any other person, or let to ferm within the said month, after the said month of return, they shall be holden for none. (9) And that the escheators or commissioners, upon pain of the forfeiture of xx. li. to be paid, that is to say, the one half to the King, and the other half to the party at whose suit he shall be convicted, return the inquest before them taken into the chancery of our lord the King, or into the exchequer, within a month next after the taking of the same. And every man which will sue for the King shall have the suit in this behalf. (10) Provided always, That this statute begin and take effect and force in the feast of *Easter* next coming, and not before, to endure for ever.

ou sentent eux grevez par mesmes les enquestes ou oustez de leurs terres ou tenementz veignent en la chauncellerie & soy proferont de traverser lez ditz enquestes & soy offeront de prendre mesmes les terres & tenementz a ferme. Et qe si issint fount qe adonques mesmes lez terres & tenementz soient commiz a eux s'ils monstrent bones evidences provantz leur travers estre verrois solonc la fourme de lestatut fait lan xxxje le Roy E. tiers puis le conquest a tenir tanqe lissue sur mesme le travers pris soit & discussu pur le Roy ou pur le partie trovant sufficient suerte de fuir le dit travers ove effect & de rendre & paier a nostre seignur le Roy le annuel value des tenementz dont le travers ensi serra priz sil soit discussu pur le Roy. Et si ascuns lettres patentz des ascuns terres ou tenementz soient faitz au contrarie a ascun autre persone ou lessez a ferme deins le dit moys apres le dit mois du retourne soient voidez & tenuz pur null. Et qe les eschetours & commissioners sur peine de forfaiture de xx. li. a paiers cestassavoir lun moite al Roi & lautre moite al partie a qi s'uyt il serra conviēt retourner en la chauncellerie nostre seignur le Roy ou en leschequer lez enquestes devaunt eux prizez deins un moys proscheyn apres la prise dicelles. Et eyt chescun qi voet suyr pur le Roy la suyte en cell partie. Purveu toutz foitz qe cest estatut commence & preigne effect & force en la fest de Pasqe proscheyn avenir a durer perpetuelment & nemye devaunt,

36 Ed. 3. c. 13.

Escheators
and commis-
sioners shall
return an of-
fice found be-
fore them.
18 H. 6. c. 7.

1 H. 8. c. 8.

CAP. XVII.

Wools, fells, &c. shipped out of England, Wales, or Ireland, for any place but Calais, shall be forfeited by the double, except by merchants of Genoa, Venice, &c.

ITEM, whereas in the time of the King's noble progenitors, Ex edit Rast. Staple of Calais. for the prosperity, profit, and wealth of the realm of *England*, and for the sustentation of the town of *Calais*, it hath been ordained by divers statutes and ordinances, That the staple should be wholly at the said town of *Calais*, and in none other place beyond the sea, that is to say, That all the wools, woolfels, leather, lead, and tin, and all other merchandises passing out of the said realm, and out of the lands of *Wales* and *Ireland*, ought wholly to pass and repair to the said staple, and to none other place, upon pain of the forfeiture of the same, except such merchandises, which in the said statutes and ordinances, be expressed and excepted, as in the same is more fully contained, the which statutes and ordinances, the ij. year of our sovereign lord 2 H. 6. c. 4. the King, that now is, were approved, affirmed, and ordained duly to be executed. Nevertheless as well under colour of exceptions in the said statutes, and ordinances contained, as by colour of licences granted by our sovereign lord the King to divers persons, a great quantity of wools, woolfels, leather, lead and tin, and many other merchandises have been continually from time to time, and yet be carried and conveyed out of the realm, and of the said lands of *Wales* and *Ireland*, into *Flanders*, *Holland*, *Zealand*, *Brabant*, and other parts, not resorting to the said staple, as they ought to do, wherefore our sovereign lord the King is defrauded of the customs and subsidies, which ought to amount to notable sums to his increase, if he thereof were duly answered and content: And moreover the King's mint at *Calais* is like to be void, desolate, and destroyed, and the commodities also of the merchandises of the said realm, for the said causes, within short time to be greatly hindered, if remedy be not provided in this behalf: our sovereign lord the King considering the premisses, and willing in this case to provide a remedy, of the advice and assent aforesaid, by the authority of the said parliament, hath ordained, That no person ship nor do to be shipped from henceforth no manner wools, woolfels, leather, lead, and tin, whole nor shotten, nor the same carry nor convey out of any parts of the said realm, nor out of the lands of *Wales* nor *Ireland*, to none other parts beyond the sea, but only to the said staple of *Calais*, upon pain of forfeiture of the double value of the merchandise so carried or conveyed to any other parts than to the said staple of *Calais*, and also upon pain of imprisonment of his body for the space of two years, without bail or mainprise. And he which can spy any person from henceforth, which offending or doing in any wise contrary to this ordinance, and the same offence do present to the treasurer of *England* for the time being, and the trespassor thereof duly convicted,

convict, or if such trespassor confess before the treasurer and the barons of the exchequer such trespasses by him done, That then he shall be convict by his own confession. And the presenter shall have for his labour the third part of the forfeiture of the merchandises carried or conveyed against this ordinance. Saving always that the merchants of *Genoa, Venice, Tuscany, Lombardy, Florence, and Catalonia*, may ship wools, woolfels, leather, lead, and tin in their ships, gallies, carraks, and other vessels, and to bring the same into their country towards the *West*, in manner accustomed before this time. Saving also to the burgessees of the town of *Berwick* upon *Tweed*, the privileges and benefits to them before this time granted, as in divers statutes thereof made is fully contained, notwithstanding this ordinance.

Berwick.

C A P. XVIII.

Certain ordinances made for the prices of merchandises, and maintenance of the town and mint at Calais.

Staple of Calais.

ITEM, our sovereign lord the King, considering certain articles ensuing, to be conceived and desired, as well for the profit and wealth of him and his realm universal, as for the good politick governance and supportation of the staple of *Calais*, by advice and assent of the lords spiritual and temporal, and also of the commons being in this present parliament, by authority of the same, hath granted the same articles to be kept and observed, to begin at the feast of the Purification of our Lady, next after the beginning of the said parliament, until the feast of the Annunciation of our Lady then next following, and from the same feast of the Annunciation to endure till the end of three years then next following after the form following, that is to say:

First, That the ordinance and appointment of late made to the said staple of *Calais*, upon wools, woolfels, and tin, be surely kept and observed in all these five points following, that is to say, That the price of the said wools, woolfels, and tin, be not abated, but augmented and put to greater increase and advantage.

Item, That the whole payment be made in hand for the said wools, woolfels, and tin, in gold and silver without subtilty or collusion.

Bullion.

Item, That the bullion be brought to the mint to *Calais*, that is to say, for every sarpler of wools, whereof the weight of the sack is sold for xij. marks, six pounds, x. marks, v.li, viij. marks. iv.li. And the woolfels after the rate, to be forged in the King's coin.

Item, That every man that shall sell or do to be sold, any wools or woolfels at the staple of *Calais*, shall make a lawful and equal partition of the money of the same, with them

which have the wools or woolfels of the same country from whence the wools or woolfels be, and with whom he is joined and affociate to make partition, without fraud or mal-engine.

And also that at all times the merchants sellers, shall make acquittances to the merchants buyers, to be sealed under the seal to that ordained within the said staple, to the intent that no merchant seller shall from henceforth lend any manner of money to any merchant by him received of the wools or fells, but that the same money may be brought within the realm without subtilty or fraud.

11 H. 6. c. 13.

CAP. XIX.

If a mariner shall receive into his ship any merchandises, or carry them to any other place than to the staple at Calais, the goods and ship shall be forfeited.

ITEM, for as much as oftentimes divers mariners strangers of divers parts of *Flanders, Holland, Zealand, and Brabant*, in divers ports and creeks of the realm, take their ships and vessels, wools, woolfels, and other merchandises of the staple, which be trusted in tuns, pipes, barrels, sacks, fardels and otherwise, and the same privily do put and conceal in their vessels underneath wood, wheat, oats, rye, and in other manner, and so carry them into divers parts beyond the sea, to the King's great prejudice in diminishing of his customs and subsidies, and to the damage of all the liege people of his realm: our sovereign lord the King willing to eschew the said prejudices, and against such subtilties to provide remedy, hath ordained by the authority aforesaid, That no mariner stranger nor other mariner, that is likewise owner and master of one ship or vessel, shall take nor receive within *England, Wales, nor Ireland*, in his ship or vessel any manner of wools, woolfels, nor other merchandises of the staple, nor carry the same out of the realm to any parts beyond the sea, but only to the staple of *Calais*, except such which by the ordinance made, shall pass over the streights of *Marrok*, and that upon pain of forfeiture to the King of such ships and goods so found defective, as of the goods of the said mariners, being in the same ships or vessels. And that the mayor of the staple for the time being, shall have power and authority to make due search in this part. And the ships goods, and mariners, if they be thereof found defective, for to be presented, and delivered to the King's council in *England*, by just relation thereof to be made by the said mayor or his deputy, he having for his reward the third part of the forfeitures by him presented and taken in the manner aforesaid.

Staple of Calais.

Mariner.

Mayor of the staple.

CAP. XX.

No merchants of Calais shall buy beyond the sea any merchandise of the staple.

Dwellers in
Calais.

ITEM, for as much as the King is informed, That certain persons continually, inhabiting in the town of *Calais*, with merchants aliens of their affinity and consent, for their singular lucre, do imagine by subtil means to diminish the price of the commodities of this realm, which heretofore have been and yet be greatly used, in so much that when the merchants aliens ought to have repaired to the said town to buy wools and woolfels, they have been returned and withdrawn by the said inhabitants, so that the poor men have been let to sell their goods, and for great mischief they must of necessity sell their goods to the said inhabitants of *Calais*, which will not buy the same but greatly within their price, to the great hurt and hindrance of the sellers, and abatement of the price of the said commodities: the same our sovereign lord the King, willing thereupon to provide remedy, for his profit and the avail of his realm, hath ordained by the said authority, That from henceforth no merchant continually inhabiting within the said town of *Calais*, shall be suffered to buy beyond the sea, any manner of wools, woolfels, leather, lead, nor tin, nor other merchandise pertaining to the staple, upon pain of forfeiture of the same, as often as it may be proved.

CAP. XXI.

A repeal of all licences granted to men of Newcastle and Berwick, to carry merchandises to other places than to Calais. The penalty for carrying of merchandises of the staple into Scotland.

New-castle.
Berwick.

ITEM, for as much as a great noise runneth amongst men of *Newcastle* and *Berwick*, That if they should bring their wools to the staple of *Calais*, they should be undone and destroyed, where the contrary is truth, and may be proved, as the King is informed (for the mayor of the staple and his companions, will give to the said men of *Newcastle* and *Berwick*, for the quantity of their wools and woolfels, likewise as the King one year with another hath been answered with the custom and subsidy of the same, and as much as they have been sold for in *Flanders*, or in other places where they do repair, to be paid at reasonable terms in gold and silver to be brought into this realm, where not one penny cometh by them now :) the same our sovereign lord the King, considering that by the licences of the said men of *Newcastle* and *Berwick*, great hindrance cometh to him of his customs and subsidies, and abatement of the price of the commodity of the realm, hath ordained by the authority aforesaid, that their said licences shall be repealed. And if any of evil will sell or carry any wools or woolfels, leather, lead, or other merchandise of the staple in defraud of the King, or hindrance

drance of the commodity of his realm, into *Scotland* that he *Scotland*. shall forfeit the same goods, with the double value, and his body in prison by the space of a year.

C A P. XXII.

What is requisite to be done in winding and packing of wool.

None shall force, clack, or beard any wool.

ITEM pur ceo qe graunt arerisement aveigne au Roy de sez custumes & subsidies par ceux qi clakkent & forcent les bones lains du roialme pur eux carier dehors dicell en estraunges paiis ordinez est qe null estraunger ne face forcer clakker ne barder null maner des leins pur carier hors du roialme sur peine de forfaiture de mesmes lez lains oveſqe le double value dicell & demprisonement de son corps. Et qe null pakkur dez lains ne face deins le dit roialme forſqe bone & due pakkure ne qe null face null inwynde deins la tefone des lains a lenrollement de ses lains ne mette en icell lokkes pelwoll tarre peers fablon terre ne herbe ne null autre ordeur & qiqele face eit la partie qe se sente greve envers luy fa action a la commune ley de trespas & deceit.

ITEM, Forasmuch as great hindrance cometh to the King in his customs and subsidies by them that do clack and force the good wools of the realm, to carry them out of the same into strange countries; (2) it is ordained, That no stranger shall cause to be forced, clacked, nor bearded, any manner of wools, to carry them out of the realm, upon pain of forfeiture of the same wools, with the double value of the same, and of imprisonment of his body. (3) And that no wool-packer shall make within the realm, but good and due packing; (4) and that no man make any inwinding within the fleece of wools at the rolling up of his wools, nor put in the same locks, pelt-wool, tar, stones, sand, earth, grafs, nor any dirt; (5) and if any do, he that feeleth him grieved shall have his action at the common law of trespas and deceit.

What is requisite to be done in winding and packing of wool.

3Ed.4.c.1.
23 H.8.c.174

C A P. XXIII.

No thrums of woolen yarn shall be carried out of the realm.

ITEM pur taunt qe les textures deins le roialme sount & devaunt ces heours ount estez accustumez quant ils ount overez un drap bien pres le fin de trencher a part a lour singular avantage les files qi demuront nient texez & les apellent thrommes a graunde deceit de ceux as queux les dit draps sount & mesmes les thrommes vendout a tielx persones qe icelles amesnent en Flaundes & autres estraunges paiis come

ITEM, because the weavers within this realm be and heretofore have been accustomed, that when they wrought a cloth near the end, to cut away for their private profit the thread which is left unwoven, and call the same thrums, and to the great deceit of the owners of the same cloths, they sell the same thrums to such persons which carry them into Flanders and other places, though the King have thereof no profit of custom nor subsidy: (2)

for under the colour of such thrums divers persons, as well strangers as denizens, do ingross and gather in divers parts of the said realm, great quantity of woollen thread, called woollen yarn, and the same do carry to the said strange parts, and thereof make good cloths; (3) so that under this subtil colour the King is yearly greatly defrauded of his customs and subsidies, which ought to rise to him, if they were fully wrought within the said realm, or else if they were not wrought, but in wools brought to the staple of Calais: (4) wherefore it is ordained, That no man shall carry or convey out of the said realm, any manner of thrums, or woollen yarn under colour of thrums, upon pain to forfeit the double value of the same.

Neither thrums nor woollen yarn shall be carried forth of the realm.

23 H. 6.c.3.

hors du roialme null maner des thrommes ne filès des lains appelez wollenyarn desoubz colour de thrommes sur pain de forfaiture de la double value dicell.

CAP. XXIV.

None shall pay merchants aliens in gold, but in silver. Merchandise shall not be sold to an alien but for present payment.

ITEM, For that merchants aliens of late have taken in custom, that when they sell any of their merchandises to any person within the realm, they will not demand nor receive for any payment for the same any manner of silver, as they were wont, but only gold nobles, half nobles, and farthings, which from time to time they do carry out of the realm into other strange countries, where they be changed to their increase, and forged into other coins, so that they gain in the alloy of every noble twenty pence, against the tenour of the statutes thereof made, and to the great prejudice of this whole realm.

II. Our

bone merchandise tut soit que nostre seigneur le Roy ent nad null profit de custume ne subsidee par desoubz le colour de tielx thrommes diverses personnes sibien estraungiers come deinszeins engrocent & coillent es diverses parties du dit roialme grande quantite des filès des fines lains appelez wollenyarn & icelles amefnent es dites estraunges parties & ent facent bones draps ency que desoubz cest subtile colour nostre seigneur le Roy est chescun an grandement defraudez de sez custumes & subsidees que a luy devoient fourder s'ils feussent pleinement oeverez deinz le dit roialme ou autrement s'ils ne feurunt oeverez mes en lains amefnez a le staple de Caleis. pur quoy ordinez est que null homme ne carie ne amefne

thrommes ne filès des lains appelez wollenyarn desoubz colour de thrommes sur pain de forfaiture de la double value dicell.

ITEM pur ceo que les merchantz aliens jatarde ount prise en custume que quant ils vendont ascuns de leur merchandises a ascun persone deins le roialme ils ne voillent demaunders ne receiver pur ascun paiement pur icell null maner d'argent sicome ils soloient faire mes soulment or nobles demi nobles & serlyngs les queux de temps en temps ils amefnent hors du roialme en autres estraunges paais lou ils sount chaungiez a leur encrece & forgez en autres coignes ensy qils gagnent en lallaie de chescun noble xx d. encontre le tenore des estatutz ent faitz a grande

prejudice du Roi & de son roialme univerrsell.

Nostre dit seigneur le Roi en ceo cas voillant purvoier de remede ad ordeine qe null marchand alien ne ferra arter ne lier ascun des lieges du Roi par pact covenant ne liege de luy faire paiement en or pur nulle manere de dette qi a luy poet estre due ne refuse de recevoir paiment en argent pur ascun maner du tiel duete ou dette sur peyn de double value dicell. Et auxi pur eschuer le graunde perde qe divers personnes de cest roialme ount euz & sont semblablez davoit par leur apprestz faitz de leur merchandises as merchantz aliens qu'ount enfuez avec icelles & de jour en autre priegnent sanctuaries ordinez est qe null Englois ne vende deinz cest roialme ne face vendre de cest jour en avaunt a null marchand alien null maner de merchandises mes seulement pur prest paiement en monoye ou autrement en merchandises pur merchandises pur estre paieez & content en main sur peyn de forfaiture dicell.

II. Our lord the King willing in this case to provide remedy, hath ordained, That no merchant alien shall constrain nor bind any of the King's liege people by promise, covenant or bond, to make him payment in gold for any manner of debt which to him may be due, nor refuse to receive payment in silver for any manner of such duty or debt, upon the pain of the double value of the same. (2) And also to eschew the great losses which divers persons of this realm of *England* have had, and also be likely to have, for their loans made of their merchandises to merchants aliens, which have fled with the same, and daily take sanctuaries, it is ordained, that no *Englishman* shall sell within this realm, or cause to be sold hereafter, to any merchant alien, any manner of merchandises, but only for ready payment in hand, or else in merchandises for merchandises, to be paid and contented in hand, upon pain of forfeiture of the same.

No man shall be compelled to pay gold to a merchant alien.

4 H. 7. c. 13.

No Englishman shall sell his goods to a merchant alien, but for present payment, or other merchandise.
9 H. 6. c. 2.

CAP. XXV.

The mayor of the staple of Calais shall continue two years in his office.

ITEM, for certain great and notable causes concerning the honour of our sovereign lord the King, and the common weal of all his realm: it is ordained by authority of this parliament, That the mayor of the staple of *Calais*, which now is, shall stand in his office of mayor of the same staple, till the feast of our Lady next ensuing, and from the said feast till the end of two years then next following fully be fulfilled, notwithstanding any statute or ordinance made to the contrary.

Ex edit. Rast.

CAP. XXVI.

The penalty if in any action the defendant make default to put the lords, mayors, &c. from their jurisdiction.

ITEM ordinez est par autorite desusdite qen toutz briefs d'assises & d'actions personnelles

ITEM, it is ordained by the authority aforesaid, That if in all writs of assises, and of actions

The penalty if in assise or personal action, the defendant

defendant make default to put the lords, mayors, &c. from their jurisdiction.

actions personal, sued or to be sued before the King in his bench, justices of the common place, or any other the King's justices for the time being, of any lands or tenements, or of any thing being and rising within any seignory, franchise, or ancient demesne, whereof the cognisance or jurisdiction ought to pertain to any lords, mayors, bailiffs, citizens, burgeses, or commonalty of such seignories, franchises, or ancient demesne, that then if any defendant in any such assise, or other actions personal, make any default, to put out, exclude, and expel the aforesaid lords, mayors, bailiffs, citizens, burgeses, or commonalty of their cognisance or franchise, that the justices, at the request of the said lords, mayors, bailiffs, citizens, burgeses, or commonalty, shall make enquiry by the assise where such exception is alledged in assises, and in actions personals by inquests to be taken before the justices, if such defaults shall be made as afore is said, or not: (2) in which assise and inquest so to be taken, as well the plaintiffs as the lords, mayors, bailiffs, citizens, burgeses, and commonalty may have their challenge. (3) And if it be found by such assises or inquests so to be taken, that such defaults shall be made by collusion, to put out and exclude the said lords, mayors, bailiffs, citizens, burgeses, or commonalty of their franchises, liberties, cognizances, or jurisdiction, that in such cases the said writs shall be abated, and the plaintiffs shall be in the King's mercy: (4) by consideration that

sonelx fuez ou a fuers devaunt le Roi en son bank justices de commune bank ou autres justices le Roi qiconque pur le temps esteantz dascuns terres tenementz ou autres choses esteant ou surdaunt deinz ascuns seignurie fraunchise ou auncien demesne dount la conusance ou jurisdiction doit aperteigner as ascuns seignurs mairs bailiffs citezeins burgeys ou communalte de tielx seignurs franchise ou auncien demesne qe adonques si ascun defendant en ascun tiel assise ou autres actions personelx face defaute pur oustier & excluder les ditz seignurs mairs bailiffs citezeins burgeys ou communalte de leur fraunchise ou conusance qe les justices al request dez ditz seignurs mairs bailiffs citezeins burgeys ou communalte facent enquerer par lassise ou tiel exception est alegge en assise & en actions personelx par enquestz apprendre devaunt les justices si tielx defautes soient faitz come defuis est dit ou nemye en queulx assise & enquest issint apprendre sibien les pleintifs come les seignurs mairs bailiffs citezeins burgeys & communalte purront aver leur chalaunge. Et si trove soit par tielx assise ou enquestes issint apprendres qe tielx defautes soient faitz par collusion pur oustier & excluder les ditz seignurs mairs bailiffs citezeins burgeys ou communalte de leur franchise libertees conusances ou jurisdiction qe en tielx cafes lez ditz briefs soient abatuz & lez pleintifs soient en la mercy le Roy par consideration qil est ordine par lestatuit fait lan du regne le Roy Henry aiel nostre seigneur le Roy ixme qe si ascun mair

9 H. 4. c. 5.
Mayors, bailiffs, &c.
Lords of ancient demesne, named disseisors in assise by collusion, to put them out of their cognisance.

mair baillif communalte ou feignur dauncien demene soit nome en briefs daffise par collusion pur eux oustier de lour conufance ou jurisdiction en cell partie qe les justices primes enquerent par lassise du paiis de tiel collusion si les ditz feignurs mairs baillifs ou communalte le demandent. Et si trove soit par tiel enquifition qils soient issint nomez par collusion quadonques le brief abatera.

if it be found by such inquisition, that they be so named by collusion, that then the writ shall abate.

CAP. XXVII.

A remedy for the inhabitants of Tewksbury in the county of Gloucester, against the commonalty of the forest of Dean, &c. to prevent future robberies and injuries in the navigation on the Severn.

ITEM, forasmuch as the commons of the realm of *England*, Ex edit. Raft. being in the same parliament, at the instance and especial request of the faithful liege people of our sovereign lord the King, the bailiffs, burgeses, and commonalty of the town of *Tewksbury*, within the county of *Gloucester*, have made to our sovereign lord the King, a very grievous complaint in the same parliament; That whereas the said town of *Tewksbury* is adjoining to the river of *Severn*, within the said county of *Gloucester*, which river is common to all the liege people of our sovereign lord the King, to carry and bring within the stream of the said river in boats, troughs, and otherwise, all manner of merchandise and other goods and chattels to *Bristol*, and to every part adjoining to the same river, in which river divers person of the said town of *Tewksbury* often times and now of late have charged their proper vessels and troughs with wheat, rye, and other corn and goods, to the value of five hundred pounds, and so the same vessels and troughs so charged, have conveyed in the same river towards the said town of *Bristol* by the coasts of the forest of *Dean*, within the said county of *Gloucester*, joining to the said river, there have commonly great multitude of people, and routs of the commons of the same forest, and of the hundreds of *Bledislow* and *Wesbury*, with great riot and force in manner of war, as enemies of a strange land, and with force have spoiled the same persons of the said vessels, and taken of them all their corn and goods within the same vessels, and the same persons have menaced and threatened to put to death, if they made any resistance, or any suit, quarrel, or complaint for the same, to the great hindrance, loss, and impoverishment of the said persons,

sons, and oppression of all the country there adjoining. And afterward the same our sovereign lord the King, by the advice and assent of his council, sent his letters of privy seal, directed to divers persons of the said forest, to make open proclamation that no man of the said forest should be so hardy to inquiet or disturb his people to pass by the river with all manner of corn, goods and chattels, or any other merchandise, upon the pain of treason, after which proclamation so made, the said trespassers came to the said river with more greater routs and riots than ever they did before, not esteeming nor regarding the said letters of privy seal, and there spoiled at divers times eight troughs of wheat, rye-flour, and divers other goods and chattels, and the people of the same troughs did throw over the board and divers of them drowned, and the sterns of the said troughs did cut away, and did threaten the owners of the said goods and chattels, and also the people of the said troughs, that they should not be so hardy to carry no manner of victual by the said stream much nor little, for lord nor for lady: and that they would hew all to pieces the said boats, if they came another time by the coasts of the said forest of *Dean*, for the which riot and rebellion, no person of the said town of *Tewksbury*, nor of the country adjoining, dare not carry any corn nor other goods nor chattels in the said river, nor pursue to have remedy for such oppressions and griefs to them done, forasmuch as the said forest of *Dean* and hundreds be very large, and the people inhabiting and resident in the same very wild, and nigh adjoining to the country of *Wales*. And all the commons of the same forest and hundreds of one affinity and confederacy in malice and riot, not pondering nor regarding the law, nor the officers and ministers of the same, nor caring for the process nor the punishment of the law of the land, insomuch that they will not obey, but at their own will, any minister of the King's laws, nor execution of the same, nor the officers nor ministers of the law of the said county, dare not in any wise come into the said forest, to execute any matter or process of the law against the will and intent of the commons of the forest and hundred aforesaid. Our sovereign lord the King, having tender respect and consideration of the said mischiefs, and also considering the inconveniencies, which be like to ensue and follow upon the same, and upon that willing to resist the malice of such transgressors and offenders, and to provide hasty and covenable remedy for his said faithful liege people so grieved in this behalf, by the advice and assent of the lords spiritual and temporal, being in this present parliament, and at the special request of the said commons there assembled, hath ordained by authority of the same parliament, that in every such case hereafter to come, or else had or chanced this last year past, the sheriff of the said county, or the bailiffs of the town of *Gloucester* for the time being, or one of them, upon pain of forfeiture of twenty pounds to be levied of their lands, goods, and chattels, to the use of our sovereign lord the King, make proclamation at the said town

Forest of
Dean.

town of *Gloucester*, within four days next after notification made to them, or to any of them by the persons so endamaged, or by any other in their names, of such injuries and trespasses done, and that the said trespassers and offenders shall restore in the same town of *Gloucester* within fifteen days after the said proclamation to the said persons so endamaged, their said corn and merchandises, goods and chattels so taken, or the very value of the same, with reasonable amends for their damages of such taking. After which proclamation if the said trespassers do not restore the said corn and merchandises, goods and chattels, or the value of the same, to the parties so grieved in the form aforesaid, with reasonable amends for their damages, nor that the said trespassers be not brought to the King's prison, to the castle of *Gloucester* for the said trespasses by the officers of the said forests and hundreds, or by the commonalties of the same, to be demeaned in such case by the King and his council, that then by consideration of the statute of *Winchester* put for the robbery of any person, which giveth an action for him which is robbed, against the hundred within which the same robbery is done, after the form of the same statute, the said commonalties shall be charged of the same corn and merchandises, goods and chattels so taken, or of the very value of the same, to the parties so grieved, to satisfy them of their damages for the same taking. And that the said parties so endamaged and grieved, may have their general actions of debt against the said commonalties of the said forest and hundred, of the sum of money, to which the value of the corn, merchandises, goods and chattels so taken do extend.

And although the said commonalties be no commonalties corporate, yet they shall have process in such actions of debt, by summons, attachments, and distress, as if he were to have an action of debt at the common law, so that if the said commonalties make default at the second distress in such actions, that then the party which shall sue, shall have judgment to recover his debt against the said commonalties, after the supposal of their goods, in the form aforesaid, with his reasonable damages and expences. And whatsoever issue triable by inquest in the said forest and hundreds shall happen to be taken in such actions, it shall be tried by inquest of the body of the said county, out of the same forest and hundreds. And that the goods and chattels of every singular person of the said commonalties, for the time being, shall be had, taken, and holden in law convict, as the common goods and chattels of the same commonalties, touching the return, serving, and all executions of writs, processes and judgments in and of the said actions. And that every singular person of the said forest and commonalties, have power by authority of the said parliament, to attach and arrest the said trespassers by their bodies, as well within the said forest as without, and them so arrested to commit to the said prison. And that the keeper of the same prison upon pain of forty pounds, to be levied of his goods and chattels,

Commonalty
incorporate.

lands and tenements, to the use of our sovereign lord the King, shall safely keep every person so committed to his custody, till the time that the King or his council hath ordained and provided their deliverance of record. And if the goods or chattels of any singular person or persons of the said forest and hundreds, being not guilty of the said robberies, happen to be put in execution because of any such actions and judgments, that then the said person or persons so being not guilty, may have their special action of debt or trespass upon their case of the goods and chattels so put in execution, against the said trespassers, to recover their damages, as well for the value of the goods or chattels so put in execution, as for their damages and costs which happened to be had because of such actions of debt; and they shall have such process in the said actions of debt or trespass, as is to be had in the said actions of debt for the said persons so endamaged and spoiled.

C A P. XXVIII.

There shall be a bridge made over the water of Burford, and another over the water of Culhamford, in the county of Oxford.

Ex edit. Raft.
This chapter
is not on the
roll.
Bridges.
Waters of
Burford.

ITEM, the King considering the great ease and profit, which should come to his people by the making of two bridges, that is to say, one over the water of *Burford*, and another over the water of *Culhamford*, in the highway extending from the town of *Abingdon* to *Dorchester*, in the county of *Oxford*, and by the enlarging, inhancing, and repairing of the way betwixt the said waters and bridges of the breadth of iiii perches and viii inches, between the ditches of the same way, and also by the planting and setting of certain trees called Poplars and Willows upon the banks of the said ditches, for the reparation of the same ways when shall be needful: it is ordained by the assent aforesaid, That the said bridges and passages over the same, and also the said way between the said bridges, of the breadth aforesaid shall be and remain for ever as bridges, passages, and a way to all that shall pass there, as well on horseback, as on foot and otherwise, and with all manner of carriages. And that it be lawful to all the King's liege people to repair, inhance, and newly to edify and scour the said bridges, way passages and ditches in the breadth aforesaid, and new trees there to plant, and to cast in the said ditches, clay, marl, gravel, to dig earth, and to take the same, and to cut the branches and buds of the same trees in times convenient, to repair the same, as often as shall please them without impeachment of any. Saving always the King's right. And saving the abbot of *Abingdon* and his convent, and their successors, their liberties within the said bridges, passages, waters, and ditches, as they were wont, and all their fishing in the said water above the said bridges, and in the ditches.

CAP. XXIX.

An inquest shall be De medietate linguæ, where an alien is party.

ITEM come en le parlement tenuz a Westm' lan xxvijme du Roi E. tierce entre autres choses en favour & libertee des merchauntz estraungiers repairantz en le roialme d'Engleterre ordine soit qe si plee ou debate soit moeve devaunt le mair de lestaple entre les marchantz ou ministres dicell & sur ceo pur trier la verite enqueste ou proeve soit apprendre si lun partie & lautre soit estraunge soit trie par estraunges & si lun partie & lautre soit deinszein soit trie par deinszeins & si lun partie soit deinszein & lautre alien soit lun moite de deinszeins & lautre moite des aliens & enoutre qen toutz maners des enquestes & proeves qi serroient apprendres ou affairs entre aliens & deinszeins soient ils merchantz ou autres sibien devaunt le mair de lestaple come devaunt qeconques autres jugges ou ministres tout soit le Roi partie soit lun moitee del enqueste ou proeve dez deinszeins & lautre moitee des aliens si tantz des aliens soient en la ville ou lieu ou tiel enqueste ou proeve soit apprendre qe ne soient my parties ne ove les parties en contractz ples ou autres querelles dount tielx enquestes ou proeves deyvent estre prizez & si tant dez aliens ne soient point adonques soient myz en tielx enquestes ou proeves tantz des aliens come ferront trovez en mesmes les lieux ou villes qi a ceo ne soient my parties ne ove les parties come devaunt est dit & le remenaunt des deinszeins qi soient

ITEM, *whereas in the parliament holden at Westminster the twenty eighth year of King Edward the Third, amongst other things in favour and liberty of the merchants strangers repairing into the realm of England, it was ordained, That if a plea or debate be moved before the mayor of the staple amongst the merchants or ministers of the same, and for to try the truth thereof an inquest of proof is to be taken, if the one party and the other be strange, it should be tried by strangers; (2) and if the one party and the other be denizens, it should be tried by denizens; (3) and if the one party be denizen, and the other an alien, the one half should be of denizens, and the other half aliens; (4) and moreover, that in all inquests and proofs which shall be taken and made betwixt aliens and denizens, be they merchants or other, as well before the mayor of the staple, as before any other judges or ministers, although our lord the King be party, the one half of the inquest or proof should be of denizens, and the other half of aliens, if there be so many aliens in the town or place where such inquest or proof is to be taken, that be not parties, nor with the parties in contracts, pleas, or other quarrels, whereof such inquests or proofs ought to be taken; (5) and if there be not so many aliens, then so many aliens shall be put in such inquests or proof as shall be found in the same places or towns which be not parties thereunto, nor with the parties as before is said, and the remnant of denizens which be good men, and*
not

28 Ed. 3. c. 13.

2 H. 5. stat. 2.
c. 3.

not suspect of the one party nor of the other. (6) Sithence which ordinance the said merchants aliens have been always demeaned and ruled, as well in the staples, as in other of the King's courts, after the form of the said ordinance, until now of late they have been thereof restrained and impeached by colour of another statute made in the parliament holden at Westminster the second year of King Henry, father to our lord the King that now is; (7) by which statute, for the great mischiefs, damages, and disherisons, which daily do happen through the realm, as well in case of the death of a man, as in case of freehold and other cases, by them that pass in inquests in the said case, which were common jurors, and other which had but little or nothing to live upon but by such inquest, and which had nothing to lose because of their false oaths, whereby they do the more lightly offend their consciences; (8) and for amendment and correction thereof to be had, it was ordained and stablished, That no person be admitted to pass in any inquest upon trial of the death of a man, nor in any inquest between party and party in plea real or personal, whereof the debt and the damages declared do amount to forty marks, except the same person have lands or tenements to the yearly value of forty shillings above all charges; (9) because of which restraint and impeachment so made to divers merchants aliens, many of the same merchants aliens have withdrawn, and daily do withdraw them, and eschew to come and be conversant on this side the sea, and likely it is, that all the same merchants aliens will depart out of the same realm of England, if the said last statute

soient prodes hommes & nient suspicieuses a lun partie ne a lautre. Depuis quell ordinance les ditz marchantz aliens ont este tout temps demesnez & reulez sibien en les ditz estaples come en les autres courtes du Roy solonc la forme dicell ordinance tanqe jatarde qils ent ount este restreintz & empeschiez par colour dun autre estatuit fait en le parlement tenuz a Westm' lan du reigne le Roi H. pier nostre seignur le Roi qorest seconde par quell lestatut pur les graundes meschiefs & disheritances qe de jour en autre aveignoient parmy le roialme d'Engleterre sibien en cas de morte de home come en cas de franc tenement & en autres cases par cieux qi passerent es enquestes en les dites cases qi furent communes jurours & autres qi navoient qe poie de vivre mes par tielx enquestes & les queux navoient rien a perdre par cause de lour faux ferementz parount ils le puis legierment offenderent hour consciences & pur correction & amendement ent avoir ordine fuisit & establie qe null persone soit admys de passer en ascun enquest triall de morte de homme ne en ascun enqueste parentre partie & partie en plee reall ou personell dount le dette & lez damages declarez amountent a xl. marcs si mesme la persone nait terres ou tenementz del anuel value de xls. par an outre les reprises dicelles A cause de quell restreint & empeschement enfy faitz as ditz marchantz aliens plusours de mesmes lez marchantz aliens leur ount retraihez & se retrahent de jour en autre & eschuent de venir & converser par

par decea & verifemblable est que trestoutz mesmes les marchandz aliens lour voillent departier hors de mesme le roialme si le dit darrein estatut ne soit pluis overtement declarez & lez ditz marchandz aliens reulez gouvernez & demesnez en tielx enquestes solonc la fourme del primer ordinaunce desuisdite a tresgraunde amenusement des subsidees du Roi & grevouise perde & damage a tout son roialme avaut dit. Nostre dit seignur le Roi considerant les premiffes & qil ne fust my lentention du dit nadgairs Roi ne de les seignurs espirituelx & temporelx de son dit parlement de derogger ou prejudicer a le dit primer ordinaunce par le dit darrein estatut & que mesme le darrein estatut fust fait a cause des meschiefs & disheritances q'avenoient per lez faux serementz des communes jurours du roialme sicome il appiert par expresses paroles de mesme lestatut & coment les ditz marchandz aliens ne sont mye communes jurours ne enheritables deinz le dit roialme ne purront purchacer nenjoier ascuns terres ou tenementz en icell saunz especial licence du Roi. Et voillant pur ceo mesme nostre seignur le Roi purveier pur le bien & profit de luy & de son dit roialme & pur escheuer les damages & inconveniences qi purront legierment avenir en cell partie & auxi pur doner as ditz marchandz aliens le greindre courage & talent de venir ove lour merces & merchandises en cest roialme de ladvys & assent des seignurs espirituelx & temporelx esteantz en cest present parlement ad declaree le dit darrein

tute be not more plainly declared, and the said merchants aliens ruled and governed, and demeaned in such inquests, according to the first ordinance aforesaid, to the great diminishing of the King's subsidies, and grievous loss and damage of all his said realm of England. (10) Our lord the King considering the premiffes, and how that it was not the meaning of the said late King, nor of the lords spiritual and temporal of the said parliament, to hinder or prejudice the said first ordinance by the said last statute, (11) and that the said last statute was made in respect of the mischiefs and disheritons that happened by the false oaths of the common jurors of the realm of England, as it appeareth by express words of the same statute; and how that the said merchants aliens be not common jurors, nor inhabiting within the said realm, nor may not purchase nor enjoy any lands or tenements in the same, without the King's special licence; (12) and the same our lord the King willing therein to provide for the weal and profit of him and all his realm, and to eschew the damages and inconveniencies which may easily happen in this behalf, and also to give to the said merchants aliens the greater courage and desire to come with their wares and merchandises into this realm, by the advice and assent of the lords spiritual and temporal, being in this present parliament, hath declared the said last statute, made in the time of his father, to be in no wise prejudicial to the said ordinance, nor to extend itself but only to the inquests to be taken betwixt denizen and denizen

A confirmation of the statute of 28 Ed. 3. c. 13. ordaining that an inquest shall be De medietate lingue, where an alien is party.

And the statute of 2 H. 5. stat. 2. c. 3. limited to inquests taken between denizen and denizen.

nizen, and not to other inquests and proofs afore said; (13) and the said first ordinance to be effectual and stand in force, and to be put in due execution according to the form of the same, notwithstanding the said last statute, or that that the aliens have not lands or tenements to the value of forty shillings by the year, according to the purport of the same last statute and ordinance.

value de xl s. par an solonc la

darrein estatut fait en temps de son dit pier noun estre ascunement prejudiciell au dite premiere ordinaunce ne se extendre mes tantseulement a les enquestes apprendres parentre deinszein & deinszein & nemy a les autres enquestes & proeves desusdites & la dite premiere ordinaunce destre effectuell & estoier en sa force & destre myz en due execution solonc la forme dicell le dit darrein estatut ou ceo qe lez aliens nount my terres ou tenementz a le

contenue de mesme le darrein

estatut nient contristeant.

Statutes made at *Westminster*, Anno 9 HEN. VI.
and *Anno Dom.* 1430.

AT the parliament holden at Westminster the Friday next before the feast of St. Hillary, the ninth year of the reign of our lord the King that now is, divers statutes and ordinances were made and established by the advice and assent of the lords spiritual and temporal, and at the special request of the commons of the realm assembled in the said parliament, in the form following.

AU parlement tenuz a Westm' le Vendredy prochein devaunt le fest de seint Hillary lan du regue nostre seignur le Roi qoreft noefisme diversez estatutz & ordinaunces feurent faitz & ordinez par advis & assent des seignurs' espirituelx & temporelx & a la especiall request des communes du roialme en le dit parlement assemblez en la fourme qensuit.

CAP. I.

All assises and Nisi prius shall be adjourned during this parliament, until certain days.

Ex edit. Raft.

FIRST, considering how that in all the counties of England the days of the assises of *Novell disseisin* and of *Nisi prius* then were prefixed very likely to be holden during the high court of the said parliament, in which court of parliament many of the King's liege people were by his commandment, of which many were plaintiffs and many defendants in the same assises and *Nisi prius*, and in the said assises and *Nisi prius*, the same plaintiffs and defendants were likely to be disinherited, if remedy were not provided in this behalf: and for so much by the advice and assent of the said lords, and at the special request

of

of the said commons, it is ordained by authority of the said parliament, to prorogue all manner of assises and *Nisi prius* before prefixed, till certain days by the chancellor of *England* for the time being after the third day of *March*, the said ix. year to be limited. And the days so by the said chancellor to be limited, have relation in law to the days of assises and *Nisi prius* then so prefixed, in such wise, that by this prorogation the same assises and *Nisi prius*, shall not be holden nor reputed nonsued, nor discontinued. And that in every of the said counties proclamations be made by the sheriffs fifteen days before the said days, so by the chancellor to be limited, to the intent that the plaintiffs and defendants, and all other, which have to do in the said assises and *Nisi prius*, may keep their days to be limited in the same proclamations so to be made. Which proclamations shall have the effect and force of attachments, without that that it behoveth to make any new attachments for the same.

C A P. II.

English merchants may sell their merchandise to aliens, giving them only six months credit, notwithstanding the statute of 8 Hen. 6. c. 24.

ITEM, whereas in the parliament holden at *Westminster* the eighth year of our sovereign lord the King, amongst other articles it is contained, to eschew the great loss and damage, which divers persons of this realm have had, and were likely to have for the loans made of their merchandise to merchants aliens, which have fled away with the same, and daily take sanctuaries: it was ordained, that no *Englishman* should sell nor cause to be sold from henceforth to any merchant alien, any manner of merchandise but only for ready payment of money or otherwise in merchandise for merchandise, to be paid and contented in hand, upon pain of forfeiture of the same: because of which ordinance the *English* merchants have not sold, nor cannot sell nor utter their cloths to merchants aliens, whereby the King hath lost his subsidies and customs, which he ought to have had, if the said cloths had been sold as they were and were wont heretofore: and *English* merchants, clothworkers, and other the King's liege people in divers parts of his realm annoyed and endamaged: whereupon at the supplication of the said commons, and by the advice and assent aforesaid, it is ordained that the *English* merchants may sell their cloths to merchants aliens for ready payment in money or otherwise in merchandise for merchandise, to be paid and contented in hand, or upon loan of payment to be made in money or merchandise from six months to six months next ensuing after such buyings and bargains made without giving thereof further days of payment, upon pain of forfeiture of the same: notwithstanding the said ordinance. And this ordinance shall endure as long as shall please the King. Provided always that all other articles contained in the said ordinance, made in the said eighth year, shall stand in their force.

Cloths sold for days to strangers.

CAP. III.

The proceedings against Owen Glendour, attainted of high treason, shall stand good, notwithstanding any error, misprision, &c. but shall not prejudice his heirs.

Owen Glendour.

ITEM, considering the great insurrections, rebellions, and horrible treasons imagined and committed by *Owen Glendour* of *Wales*, against the royal majesty of King *Henry*, grandfather of our sovereign lord the King that now is, whereof he was indicted (as it appeareth in an indictment made before *Thomas* late earl of *Arundel*, *John Durley*, and *Thomas Lee*, by the commission of the said grandfather to inquire with other, of all manner of treasons, insurrections, and enemies of the same King: the grandfather, as in the said commission is more fully contained:) and thereupon the said indictment of high and heinous treasons brought into the King's bench at *Westminster*, and process thereof made, till the same *Owen* after proclamation made in five counties, was outlawed, and after in the full parliament holden at *Westminster*, the fourth year of the same King the grandfather, was called and named of record traitor to the said King the grandfather, as well by statute as by the letters patents of the said King the grandfather: and for the horribility of his so many treasons, it was ordained by statute in the same parliament that no *English* man married to any *Welsh* woman of the amity and alliance of the said *Owen*, traitor to the King, should be put in office in *Wales*, nor in the marches: and also considering how the said *Owen* and his adherents were excepted in many general graces and pardons granted by the said King the grandfather to his liege people at divers times, because of the insurrections, rebellions, and horrible treasons aforesaid, for the weal of all the realm, and for the repression of all such horrible treasons from henceforth to be compassed, of the assent of the lords and commons aforesaid: it is ordained and stablished, by the authority of this present parliament, That all manner of indictments, inquisitions, processes, records, judgments, ordinances, and statutes made and expressed, taken, had, pursued, or declared against the said *Owen*, be affirmed, authorized, and stablished for law by authority of this present parliament, and by the same authority shall be effectual and sufficient in the law for to bind and conclude for ever, all that be heirs or of the blood of the said *Owen*, notwithstanding any default or misprision had in this party, or any error in writing or in leaving out of the name or place, or the indorsement of the said commission, or of negligence adding or leaving out more or less than behoveth, or any other default in the said indictments, inquisitions, records, or judgments notwithstanding, so that this present ordinance be not prejudicial to any of the heirs or of the blood of the said *Owen*, as to any lands in tail.

CAP.

CAP. IV.

An identitate nominis maintainable by executors, &c.

ITEM pur ceo qe avaunt ces heures diverses utlagaries ount este pronunciez en divers des lieges du Roi sibien devaunt lestatut dadditions fait a Westm' lan primer le Roi *Henri* quint pier a nostre seignur le Roi qorest come depuis a cause des queles utlagaries les corps dautres gentz eiantz autielx & semblables nouns come ceux qi feurent utlagez en fait avoient ount este prisez & emprisonnez & leurs biens & chateulx pur celle cause par lescheours nostre dit seignur le Roi & ses nobles progenitours seisez et combien qe par le commune ley du roialme brief de Idemptitate nominis ad este main-tenable pur mesme la persone qe en la fourme suisdite fust moleste & greve nepurquant si aucune persone des ditz lieges eiant semblable noun come aucun autre persone de mesmez les lieges qen fait fust utlage avoit fist ses executours & morust sovent avient qe par malice & subtilx ymaginations les biens & chateux de tiel testatour qe avoit mesme le noun come celuy qi fust utlage en fait avoit estoient seisez & eschetez es mains nostre dit seignur le Roi & de ses ditz progenitours en retardation del execution del testament de checun tiel testatour pur le doute qad este de ceo qe alguns executours purroient par la commune ley avoir brief de Idemptitate nominis ou noun. Sur quoy pur toller & remover toutz tielx doutes & ambiguites en cest cas en apres del assent & advis suisditz & a la especial request des ditz communes ordeinez est & estab-
lez

ITEM, *For that before this time many outlawries have been pronounced against divers of the King's liege people, as well before the statute of additions made at Westminster the first year of King Henry the Fifth, father to our lord the King that now is, as sithence, in respect of which outlawries, the bodies of other persons having such and like names as they had which were outlawed indeed, have been taken and imprisoned, and their goods and chattels for this cause seised by the escheators of the King and of his noble progenitors: (2) And although that by the common law of the realm a writ of Idemptitate nominis hath been maintainable for the same person, which in the form aforesaid was molested and grieved; nevertheless if any person of the said lieges, having like name as any other person of the same liege people which was outlawed in deed, had made his executors, and died, often it happened, that by malice and subtil imaginations the goods and chattels of such testator, which had the same name as he had which was outlawed in deed, were seised and escheated to the hands of our lord the King and of his progenitors, in retardation of the execution of the testament of every such testator, for the doubt which hath been, whether any executors may by the common law have a writ of Idemptitate nominis, or not. (3) Wherefore to take away and remove all such ambiguities and doubts in this case hereafter, of the assent and advice aforesaid, and at the special request of the said commons, it is ordained and established by authority of this*
par-

1 H. 5. c. 5.

37 Ed. 3. c. 2.
Rast. 407.

An Idemptitate nominis maintainable by the executors of a testator wrongfully molested by colour of any outlawry.

parliament, That a writ of *Idemptitate nominis* be granted and made good and maintainable for the executors of every testator, to the same effect that the same action of *Idemptitate nominis* was maintainable before this parliament for any person himself which was or might have been molested or grieved because or by colour of any such outlawry. (4) And that this ordinance shall have relation and force, by authority aforesaid, for the executors of every testator, as well of every outlawry pronounced against any person at any time before this parliament, as of all manner of outlawries to be pronounced against any person in time to come.

Regist. 194.

lez par auctorite de cest parlement qe brief de *Idemptitate nominis* soit & poet estre graunte & done bone & maintainable pur les executours de chescun testatour auxibien & de mesme leffect come la dite action de *Idemptitate nominis* fuisit maintainable devaunt cest parlement pur ascune persone mesme qi fuisit ou purroit avoir este moleste ou greve par cause ou colour dascune tiel utlagarie. Et qe ceste ordenaunce ait relation & force par lauctorite suidite pur executours de chescun testatour sibien de chescune utlagarie pronuncie en ascun persone a ascun temps devaunt cest parlement come de toutz maners dutlagaries pronunciez en ascun persone en temps avenir.

C A P. V.

All men shall have free passage in Severn with goods, chattels, &c.

8 H. 6. c. 27.

ITEM, because the river of Severn, is common to all the King's liege people, to carry and recarry within the stream of the said river, to Bristol, Gloucester, and Worcester, and other places joining to the said river, all manner of merchandises and other goods and chattels, as well in trowes and boats, as in flotes commonly called Drags, in every part joining to the said river; (3) within which river many Welshmen and other persons dwelling in divers places joining to the said river, have now late assembled in great number, arrayed in manner of war, and taken such flotes, otherwise called drags, and them have hewed in pieces, and with force and arms beaten the people which were in such drags, to the intent that they should hire of the said Welshmen and other persons, for great sums of money, boats, and other vessels for

ITEM pur tant qe la ryver de Severne est commune a toutz les leiges du Roi de carier & recarier deinz le streme du dit ryver a Bristuyt Gloucestre & Worcestre & autres lieux au dit river adjoynantz toutz maners des merchandises & autres biens & chateux sibien en trowes & batelx come en flotes autrement appelez dragges en chescun partie adjoynant au dit river deinz quell river divers Galeis & autres persones demurantez en divers lieux adjoynantz au dit river ont ore tarde assemblees en grande nombre arraiez en faire de guerre & pris tielx flotus autrement appelez dragges & eux ont trenchez en peces & ove force & armes batuz lez gentz queux feurent en tielx flotus a lentent quilz lowerent des ditz galeys & autres persones pur grande

graunde summe de moneye batelx & autres vesselx pur carriage des tielx merchandises & autres biens & chateux a malveis ensample & graunde empoveriffment des ditz lieges fils ne soient hastiment remediez. Si est ordinez par auctorite de cest parlement qe les ditz lieges du Roi purront avoier & enjoier lour frank passage en le dit river ove flotus & dragges & toutz maners des merchandises & autres biens & chateux a lour volunte sanz destourbaunce de nully. Et si ascun soit destourbe de son frank passage en le dit river ait la partie greve fa action solonc le cours de la commune ley.

for carriage of such merchandises, and other goods and chattels, to an evil example and great impoverishment of the said liege people, if remedy be not hastily provided; (3) it is ordained by authority of this parliament, That the said liege people of the King may have and enjoy their free passage in the said river with flotes and drags, and all manner of merchandises, and other goods and chattels, at their will, without disturbance of any; (4) and if any be disturbed of his free passage in the said river, the party grieved shall have his action according to the course of the common law.

A remedy for them who are hindred of their free passage with boats, or goods, upon the river of Severn.

19 H. 7. c. 18.
25 H. 8. c. 12.

CAP. VI.

The burgeses of Dorchester shall have their weighing by twelve miles about, &c.

ITEM ordeignez est & asfentuz qe par force del estatut fait en le darrein parlement des poises accordantz a lestandard de lecheker a estre euez en chescune citee burgh & ville deinz le roialme ne soient les burgies del burgh de Dorchestre destourbez de lour droit de user lour poises par xij. leuges environ mesme le burgh usantz toutz foitz tielx poises come en le dit estatut sount exprimez et qe null droit ou title de poisure soit accrue a ascuny par force de mesme le darrein estatut en destourbaunce del droit des burgies del burgh de Dorchestre desuisdit.

ITEM it is ordained and asfented, That by force of the statute made in the last parliament, of weights according to the standard of the exchequer to be had in every city, borough, and town within the realm, the burgeses of the borough of *Dorchester* shall not be disturbed of their right, to use their weighing by twelve miles round the same borough, using always such weights as in the said statute be expressed; (2) and that no right nor title of weighing grow to any by force of the same last statute, in disturbance of the right of the said burgeses of the said borough of *Dorchester*.

By the statute 8 H. 6. c. 5. the burgeses of Dorchester shall not be disturbed to use their weighing by 12 miles about the same.

CAP. VII.

No sheriff, &c. of the county of Hereford shall extort money, or do wrong in his turn, by colour of his office.

ITEM, for the great mischiefs and importable oppressions daily done to the King's liege people within the county of

Ex edit. Rastal. Hereford Sheriff's turn

County of
Hereford.

Hereford, by encroachments and extortions done by the sheriffs of the said county for the time being, late begun and wrongfully continued, because that the sheriffs in their turns and other places after their turns holden and ended, in which other places they have no power nor authority by their office to take any inquiry or inquest, do take divers inquiries, inquest of office and indictments of labourers, artificers, and other divers things ordained by statute to be inquired before the justices and commissioners of the peace, whereas in no manner they pertain to be inquired by such sheriffs in their turns, nor otherwise, nor in other places before them: And which sheriffs by force of such inquiries, inquests of office and indictments unduly and unlawfully taken before them in their turns and elsewhere, and for the not coming of the said liege people to the said turns, the said sheriffs do wrongfully take to their own use of divers of the same liege people, fines and amerciements of x. li. and other great sums, in oppression, undoing, and destruction of many poor people of the said lieges, if hasty remedy be not provided in this part: In consideration of which mischief it is ordained by authority of this parliament, that no sheriff nor under sheriff of the said county from henceforth, by colour of his office, shall take any inquiry, indictment, or inquest of office in his turn, which ought not by the law to be taken in his turn, nor that he by colour of his said office take any inquiry, inquest of office, or indictment in any other place, after the said turn holden, and ended, nor that he take of any of the King's liege people any fines or amerciements, for any thing or cause that pertaineth not to his turn or office, nor no such heinous nor grievous amerciament of any of the said lieges, against reason, for not coming to the said turn, or to another place, or for other cause by colour of his said office, upon pain of xl. li. by him to be paid to our sovereign lord the King his heirs and successors, as oftentimes as such sheriff or under sheriff thereof or of any article of the same be duly convict at the suit of the King or of the party grieved, which shall sue as well for the King as for himself. And that the plaintiff in such case have the half of the said sum, together with his double damages to his own use. And that the party in this case grieved have power by the same authority, to sue in this party against such sheriffs and under sheriffs, as well for the King as for himself as before is said. And that the justices of peace of the same county for the time being, have power and authority to inquire, hear, and determine, such misprisions and offences, as well at the King's suit as at the party's, which will sue for the King and for himself. And this ordinance shall endure by iii. years next coming.

11 H. 6. c. 7.

C A P. VIII.

The weight of a wey of cheese.

8 H. 6. c. 5.

ITEM, *Whereas it hath been of old times accustomed in all the*

ITEM come il ad este dauncien temps accustumez en toutz

toutz les countees d'Engleterre
 qe les formages qe dussent estre
 venduz par la wey ferroit poisee
 par le auncell et pur ceo qe a
 le darrein parlement tenuz a
 Westm' fust ordeigne qe les
 ditz auncelles a cause de la
 graunde deceite dicelles ser-
 roient destruitz & autres poises
 couchantz ferroient celle partie
 ordeinuz et est ainsi qe les po-
 verez gentz du roialme sont
 graundement deceuz par les
 ditz poises couchant a cause
 qils neient conisaunce combien
 des livres le wey de fromage
 tient par les ditz poises coch-
 aantz. Et pur ceo au fin qe
 les ditz poverez gentz ne ser-
 roient en celle partie deceuz si-
 come ils ont estee depuis le
 dit darrein parlement ordine est
 par auctorite de cest parlement
 qe le pois dun wey dun for-
 mage puisse tenir xxxij. cloves
 cestassavoir chescun clove vij.
 li. par les ditz poises cochantz.

*the counties of England, that
 all the cheeses which ought to be
 sold by the wey should be weighed
 by the auncel, and because that at
 the last parliament holden at
 Westminster it was ordained,
 That the said auncels, in respect
 of the great deceit of the same,
 should be destroyed, and other
 weights couching should be in this
 behalf ordained; and it is so, that
 the poor people of the realm be
 greatly deceived by the said weights
 couching, for that they know not
 how many pounds the wey of cheese
 doth contain by the said weights
 couching. (2) And therefore
 to the intent that the said poor
 people shall not be in this be-
 half deceived, as they have
 been sithence the said last par-
 liament, it is ordained by the
 authority of this parliament,
 That the weight of a wey of
 cheese may contain xxxii.
 cloves, that is to say, every
 clove vij. li. by the said weights
 laying.*

A wey of
 cheese shall
 contain 32
 cloves.

C A P. IX.

*The chancellor of England may grant his commission to cer-
 tain persons to scour and amend the river Ley in the
 counties of Essex, Hertford, and Middlesex.*

I T E M, Whereas it was ordained by a statute made in the
 time of King *Edward* the Third, the 25th year of his reign, Wears, mills,
 that all the wears, mills, stanks, stakes, piles, and kydels, &c.
 which were set in the great rivers of England, in the time of the
 lord *Edward* sometime King of England, son of King *Henry*, 25 Ed. 3. stat.
 4. c. 4.
 and after, whereby ships and boats be disturbed, that they can-
 not pass as they were wont to pass, should be removed and pul-
 led down. And afterward in the parliament of King *Henry*, 1 H. 5. c. 2.
 3 H. 6. c. 5.
 13 Eliz. c. 18.
 father of our sovereign lord the King that now is, holden the
 first year of his reign, it was ordained, that as well the said
 statute made the said xxv. year, as another statute made in the
 time of the said noble King *Edward* the Third, the xlv. year
 of his reign, in all their articles shall be firmly holden, and ob-
 served, joining to the same, commissions shall be made to suf-
 ficient persons, to be justices in every county of *England*, where
 it shall be needful, to survey and keep all the waters and great
 rivers within the realm, and to correct and amend the defaults,

and to make due execution of the said statutes according to their effect, as well by their surveying, advisement, and discretion, as by inquisitions within liberties and without, thereof to be taken when it shall be needful, and all the premisses to hear and determine. And notwithstanding all the said statutes, and many other statutes made for the conservation of the said great rivers, there is so great number of shelves within the river of *Ley*, which is in the counties of *Essex*, *Hertford* and *Middefex*, which runneth from the bridge of the town of *Ware*, to the river of *Thames*, which shelves be made and come by force and course of the said water of *Ley*, that ships and boats may not pass by the said water of *Ley*, as they ought, because that no power nor authority is given by any statute heretofore made, how nor in what manner the said shelves may be removed, as by a petition delivered in this parliament by the commons of the same it was fully declared: Whereupon by advice and assent of the lords spiritual and temporal, and also at the request of the said commons, it is granted and ordained, That the chancellor of *England* for the time being, may assign certain sufficient commissioners, which shall have power by authority of this parliament, to remove and cast all the said shelves out of the said river of *Ley*, upon the banks of the same river, so that any may be found, that will take upon him to do the same, without excluding of any man's right. And in case any credit or shift of any sums of money be or might be made, to put out and amove the said shelves, that then the commissioners of the said river for the time being, by them and by their deputies, may by authority of the same parliament, take and gather of every ship and boat freighted, passing or coming in the said river four pence, for the repayment of the said credits made or to be made, and for the conservation of the said river without such shelves, till the end of three years next following.

C A P. X.

A rehearsal and confirmation of the statute of 3 HEN. V. cap. 2. authorizing certain abbots and other religious persons to make their attornies.

ITEM, whereas in the parliament holden at *Westminster*, the xv. day of *March* the third year of the reign of King *Henry* the Fifth, a statute was ordained in the form as followeth: Item, forasmuch as there be divers abbots, priors, whereof some be of the King's foundation, and some of the foundation of other lords, dwelling as well within the county of *York*, as in the county of *Launcester*, whereof some have possessions within the wapentakes of *Stainecliffe* wapentake, and *Friendles* wapentake in *Craven* in the said county of *York*, and and some not, against whom divers persons daily by abettment and procurement of the bailiffs approvers of the courts of the said wapentakes, and of the stewards that hold pleas in the said courts, and of fermours of the profits and revenues of the said

said courts, do feign and procure by them and other of their
 covin and assent, divers plaints and pleas of debt and trespass,
 and other divers pleas in the courts of the said wapentakes.
 And when the same abbots and priors come to the said courts
 to defend them of such wrongful plaints and pleas, and pray
 and profer to the stewards and bailiffs of the said courts to
 make their attornies in such pleas, the said stewards and
 bailiffs the same refuse, and will not receive such attornies
 of such abbots and priors, in any plea of debt or trespass,
 nor in any other plea. And moreover the same stewards and
 bailiffs of their own authority do amerce the said abbots
 and priors, at the first time for every of the said plaints ten
 shillings or twenty shillings, or more at their will, to the great
 damage and hindrance of the said abbots and priors, and against
 reason and the common law of the land. The King hath or-
 dained in remedy of the said grievances, that all such abbots
 and priors and their successors and every of them, so vexed
 in the said courts, may make their attornies or attorney general, **Attorney.**
 that is to say, every of them under the common seal of his
 house, to gain and lose in every plea of debt and trespass, and
 other plea moved or to be moved in the said courts, and in all
 other courts within the said wapentakes. And that the stewards
 and bailiffs of the said courts receive the said attornies so made
 and named without any contradiction. And if the same stew-
 ards or bailiffs refuse to receive any such attornies, so made
 and named, or to be made and named, that then the said
 stewards and bailiffs at every time of such refusal of such at-
 tornies, shall forfeit and incur the pain of x. li. to the King.
 And that the said abbots and priors or their successors in the
 said counties nor in any of them, shall be amerced for any
 nonsuit or default in none other manner than secular persons.
 And that this ordinance stand in his force for all the year next
 coming, and till the parliament the same year next ensuing :
 After the determination of which statute, because that it was
 not ordained to endure but for a certain time now determined
 and past, the mischiefs and grievances aforesaid do remain yet
 not remedied, and daily abound and increase more than ever
 they did, and moreover the said stewards and bailiffs will now
 receive none other plea nor answer of the said abbots and priors
 in the said courts, but only to wage their law, to the intent
 that they ought of necessity to appear before them in their
 proper persons, to their great vexation and grievances : Where-
 fore the said mischiefs and grievances considered, for the com-
 fort and relief of the said abbots and priors, and of other re-
 ligious persons aforesaid, by the advice and assent of the said
 lords spiritual and temporal, and also at the special request of
 the said commons, it is ordained, That the said statute, made
 the said third year, be holden and observed as good and effec-
 tual, as long as it shall please the King.

CAP. XI.

Proclamations before a writ be awarded to the bishop to certify bastardy.

ITEM, *whereas by a supplication delivered in this present parliament by the commons of the same, it was declared by Margaret duchess of Clarence, Johan duchess of York, sisters, and amongst other heirs to Edmond earl of Kent, Richard duke of York, Richard earl of Salisbury, and Alice his wife, Ralph earl of Westmorland, John lord of Typtoft and of Powys, and Joyce his wife, and Henry Gray, cousins, and other of the heirs of the said Edmond late earl, as in the same supplication is supposed; that is to say, the said duke, son to Anne daughter of Alianour, another of the sisters of the said Edmond; the said Alice, daughter to Alianour another sister of the said Edmond; the said Ralph, son to Elizabeth another sister of the said Edmond; the said Joyce, daughter to the same Alianour mother of Anne; and the said Henry Gray, son to Johan daughter of the same Alianour: (2) That whereas Alianour, wife to James lord Audley, pretending, calling, and affirming herself daughter and heir to the said Edmond late earl of Kent, and begotten and born in marriage pretended, had betwixt him and Constance late wife of Thomas lord Despenser, where by the said supplication it is supposed, that the said Alianour, wife to the said James, is bastard, and never was any marriage made, had, nor solemnized betwixt the said Edmond and Constance, (3) but the said Edmond (by the ordinance, will, and agreement of King Henry*
the

ITEM come par une supplication baille en cest parlement par les communes dicell estoit declarez par Margarete duchesse de Clarence Johan duchesse d'Everwyk soers & entre autres heirs a Edmond nadgairs count de Kent Richard duc d'Everwyk Richard count de Sarisbirs & Alece sa femme Rauf count de Westmerland John sire de Tiptoft & de Powys & Joiuse sa femme & Henri Gray cosyns & autres des heirs du dit Edmond nadgairs count sicome en mesme la supplication est supposez cestassavoir le dit duk fitz a Anne file a Alianore une autre des soers du dit Edmond le dite Aleyse file a Alianore une autre soer du dit Edmond le dit Rauf fitz a Elizabeth une autre soer du dit Edmond la dite Joiuse file dite Alianore mere a Anne & le dit Henri Grey fitz a Johanne file a mesme la Alianore qe la ou Alianore femme a James sire d'Audeley pretendant appellant & affermant luy mesme file & heir au dit Edmond nadgairs count de Kent & engendre & nee en espoufelx pretendez euez parentre luy & Custance nadgairs femme a Thomas sire Despenser la ou par la dit supplication est suppose qe la dite Alianore femme au dit James est bastard & jammes-nulles espoufelx fuerent en fait euez ou solempnizez parentre les ditz Edmond & Custance mes qe le dit Edmond par lordinaunce volunte & agreement du Roi Henri le quart aiel nostre

tre seigneur le Roi quorest depuis grande notable & longue ambassiat euz & enjoiez a le duke de Melayne pur mariage a estre euez parentre le dit Edmond & Luce soer au dit duk de Melayne prist a femme & overtement & solempnement espousa la dite Luce a Londres vivant cell temps la dite Custaunce & illoques esteant present nient clamant le dit Edmond a son baron ne ascun dower de ses terrez puis son deceffe les queux espouilles parentre le dit Edmond & Luce ensi euz & solempnisez continuerent saunz ascun interruption du dite Custaunce ou dascun autre durant la vie du dit Edmond sicome divers siegnurs & autres credibles & notables perones du dit roialme out bien en lour memorie et coment puis la deceffe du dit Edmond lavaundite Luce fuist endowe de ses terres come sa loyall femme continuant en son estate paisiblement par tout sa vie.

Nientmeins la dite Alianore femme James sur grande subtilite processe ymagine prive labour & autres menes & voies coloures a lentent qele deveroit estre certifiez muliere par ascun ordinarie en cas qe bastardie ferroit alegge en sa persone ad porte a ceo qest dit en examination devaunt certains juges en courtz christien & espirituel nient enfourmez ne aiantz conisaunce du dit subtilite processe ymagine prive labour colourez mesmes & voies certains subornatz proves & perones de sa assent & covine depoufantz pur ele come en espoufelx euez & solempnisez parentre les ditz Edmond & Custaunce & la dite Alianore femme

the Fourth, grandfather to our lord the King that now is, after great, notable, and long ambassage had and sent to the duke of Mil-lain, for a marriage to be had betwixt the said Edmond and Luce, sister to the said duke of Mil-lain) did take to wife, and openly and solemnly married the said Luce at London; the said Constance then living, and being there present, not claiming the said Edmond to her husband, nor any dower of his lands after his decease; (4) which marriage betwixt the said Edmond and Luce so had and solemnized, continued without any interruption of the said Constance, or of any other, during the life of the said Edmond, as divers lords and other credible and notable persons of the said realm do well remember; and how after the decease of the said Edmond, the said Luce was endowed of his lands as his lawful wife, continuing thereof her estate peaceably all her life.

II. *Nevertheless the said Alianour, the wife of James, upon great subtilty, process imagined, privy labour, and other means and coloured ways, to the intent that she ought to be certified Mulier by some ordinary, in case that bastardy should be alledged in her person, hath brought (as it is said) in examination before certain judges in the spiritual court, not informed, nor having knowledge of the said subtilty, imagined process, privy labour, and coloured ways, certain suborned proofs and persons of her assent and covin, deposing for her, that the said Alianour, the wife of James, was begotten within marriage, had and solemnized betwixt the said Edmond and Constance; the said dutchess, the duke of York, and earl of Salisbury, and*

A secret practice to prove one Mulier in the Spiritual court, who is a bastard.

Alice, earl of Westmorland, John the lord of Typtoft, Joyce and Henry, nor any of them thereof warned, nor knowing until long time after the deposition so made, whereof the said suppliants do fear them to be grieved and impeached of their inheritance had by the said Edmond, by another subtiliy and labour in the temporal law, to be practised and wrought by the said lord of Audley and Alianour his wife; (2) as if they will commence any action against any persons of their own assent and covin, or otherwise will cause such persons of such assent and covin to pursue an action against them, as it is supposed that they intend to do; in which action, by the covin and assent aforesaid, bastardy ought to be alledged in the person of the said Alianour, wife of James, and thereupon by the assent and covin an issue is to be taken, and a writ to be sent to some ordinary (where it please them, not advertised of the said subtilty, assent, and covin) to certify if the said Alianour, the wife of James, be Mulier or not, before which ordinary the same Alianour, wife of James, will alledge and prove herself Mulier by the said depositions of the said suborned witnesses; and then the party reputed as adversary against the lord of Audley and Alianour his wife, in the said action taken or to be taken by assent and covin aforesaid, will alledge no proof nor matter, nor make any defence before the said ordinary against the same lord Audley and Alianour his wife, but suffer the matter before the said ordinary to proceed according to the meaning of the said lord of Audley and Alianour his wife; so that it is very likely, that the same ordinary will certify the said Alianour, the wife

A practice to prove one Mulier by the common law who is indeed a bastard.

me James pur estre engendrez & neez dedeins mesmes les espouselx les ditz duchesse duke dEverwyk count de Sarisbirs Aleise count de Westmerland John sire de Tiptoft Joiuse & Henri ne null deux ent nient garniz ne sachantz tanqe par longue temps apres la dite deposition fait dount les ditz suppliantz se doutent estre grevez & empeschez de leur enheritaunce euez par le dit Edmond par autre subtilite & labour en ley temporell a estre laboure & oevere par les ditz sire dAudeley & Alianore sa femme sicome ils voloient prendre aucun action envers ascunes personnes de leur assent & covyne ou autrement faire ascuns personnes de tiel assent & covyne prendre une action envers eux sicome il est suppose qils leur ordignent a ceo faire en la quell action par les assent & covyne suisditz bastardie deut estre allegge en la persone du dite Alianore femme James et sur ceo par assent & covyne issue estre pris & un brief destre envoie a ascun ordinarie ou leur plerroit nient advertise des ditz subtilite assent & covyne pur certefier si la dite Alianore femme James fust muliere ou nemye devaunt quell ordinarie mesme la Alianore femme James voet alegger de prover luy mesmes muliere par la dite deposition des ditz subornatz provez & adonques la partie eu come adverfarie envers les dits sire dAudeley & Alianore sa femme en la dit action pris ou apprendre par assent & covyne suisditz ne veulle null prove ne matier alegger ne defence fair devaunt le dit ordinarie envers mesmes les sire dAudeley & Alianore sa femme mes la
suffrer

fuffrer la matier devaunt le dit ordinarie proceder folonc l'entent des ditz sire d'Audeley & Alianore fa femme parenfi qe verifemblable est qe mesme l'ordinarie verroit certifier la dite Alianore femme James muliere la quelle certificat issint eu & fait deussoit par la ley d'Engleterre disheriter les ditz duchesse duk d'Everwyk count de Sarisbirs Aleyse count de Westmerl' John sire de Tiptoft Joise & Henri & lour issue pur toutz jours de lentier enheritaunce avaunt dit. Sur qy les premisses tendierment confiderrez & pur eviter tielx subtielx disheritaunces sibien en le dit cas come en autres cafes semblables en temps avenir del advis & assent des seignurs espirituelx & temporelx & auxi a la special request des ditz communes en cest parlement assemblez ordeinez est & establez par auctorite de mesme la parlement qe si la dite Alianore femme James soit certifie muliere en ascun court devaunt ces heures qe null maner de tiel certificat pardevaunt fait pur la dite Alianore femme James mette a ascun prejudice lye endamage ne conclude ascun persone ou persones fors qe celui & ses heirs qi fuisst fait partie a la plee et qe desore enavaunt toutz juges de ou en les courtz la ou ascun plee est ou serra pendant pris on moeve en queux plees ensi faitz pendant pris ou moevez bastardie est ou serra allegge envers ascun persone partie a mesme le plee & sur ceo issue joinee ou a joyner le quell par la ley droit estre certifie par l'ordinarie qe lez juges ou un juge de ou en les courtz ou le dit plee est ou serra pendant pris

wife of James, Mulier; (3) which certificate so had and made, ought by the law of England to disherit the said duchesses, duke of York, earl of Salisbury, earl of Westmorland, John lord of Typtoft, Alice, Joyce, and Henry, and their issue for ever, of the whole inheritance aforesaid. (4) Whereupon the premisses tenderly considered, and to eschew such subtil disherifons, as well in the said case, as in other cases like in time to come, by the advice and assent of all the lords spiritual and temporal, and also at the special request of the said commons, in this parliament assembled, it is ordained, and established by authority of this parliament, That if the said *Alianour*, the wife of *James*, be certified *Mulier* in any court before this time, that no manner of certificate heretofore made for the said *Alianour*, wife of *James*, shall in any wise put to prejudice, bind, endamage, nor conclude any person or persons, but him or his heirs that was party to the plea. (5) And from henceforth all justices of or in the courts where any plea is or shall be depending, taken, or moved, in which plea, so depending, taken, or moved, bastardy is or shall be alledged against any person party to the same plea, and thereupon an issue joined, which by the law ought to be certified by the ordinary, that the judges, or one judge of or in the courts where the said plea is or shall be depending, taken, or moved, before the time that any writ of certificate pass out of the same court to the ordinary, to certify upon issue so joined, or to be joined, shall make remembrance under their

Proclamations
before a writ
awarded to the
ordinary to
certify bastar-
dy.

their seals, or his seal, at the suit of the demandant or tenant, plaintiff or defendant in the plea, in which the bastardy is or shall be alledged, reciting the issue that is joined in the same plea of bastardy, and certifying to the chancellor of the King of *England* for the time being, to the intent that thereupon proclamation be made in the said chancery by three months, once in every month, that all persons pretending any interest to object against the party which pretendeth himself to be *Mulier*, that they sue to the ordinary to whom the writ of certificate is or shall be directed, to make their allegations and objections against the party which pretendeth himself to be *Mulier*, as the law of holy church requireth; (6) and the said chancellor having notice of the said remembrance and issue joined, and being required by the said demandant or tenant, plaintiff or defendant having the said remembrance, to make the said proclamation as afore is said, the same chancellor for the time being shall cause to be made proclamation in the form afore said; (7) and the proclamation so made shall certify in the court where the said plea in which the bastardy is alledged another time shall be depending. (8) And that the judges of or in the court where the same plea is or shall be depending, taken, or moved, before any proclamation so to be made in the chancery, make one time such proclamation openly in the same court, and also another time when the proclamation shall be certified by the chancellor of *England*, and made in the form above rehearsed;

ou moeve devaunt le temps qe ascun brief de certificat passe hors de cell court al ordinarie pur certifier sur lissue ensi joyne ou a joyner face une remembrance defouth lour sealx ou son seal al suyt le demaundant ou tenant pleintif ou defendant en le plee en quell bastardie est ou serra allegge recitant lissue qest joyne en mesme le plee de bastardie & certifiant a le chaunceller du Roi d'Engleterre pur le temps esteant a lentent qe sur ceo proclamation soit fait en la dite chauncerie par trois moys un foitz en chescun moys qe toutz les persones qi pretendent ascun interesse pur objecter encountre la partie qe luy pretende destre muliere qils suent al ordinarie a qi le brief de certificat est ou serra direct pur faire lour allegeaunces & objections envers la partie qe luy pretende destre muliere sicome la ley de seint esglise requiert et le dit chaunceller eiant notice del dit remembrance & issue joynee & requis par le dit demaundant ou tenant pleintif ou defendant avaunt ditz aiant mesme la remembrance de fair la dite proclamation come desuis est dit mesme le chaunceller pur le temps esteant serra fair proclamation en la fourme avaunt dit & la proclamation ensi fait certifiera en la court ou le dit plee en quell la bastardie est allegge alors serra pendant. Et qe les juges de ou en la court ou le dit plee est ou serra pendant pris ou moeve devaunt ascun proclamation ensi affaire en la chauncerie facent un foitz autiel proclamation overtement en mesme la court & auxi autre foitz quant les proclamations serreront certifiez par le chaunceller & en la

la fourme reherce faitz et adonques le dit juge agardera le dit brief de certificat al ordinarie pur certifier sur lissue issint joynee ou a joyner. Et si aucun brief de certificat soit fait ou graunte devaunt ceo qe toutz les ditz proclamations en la fourme devaunt reherce soient faitz & certifiez qe adonques cell brief de certificat et le certificat del ordinarie sur ceo faite ou affaire soit voide en ley & de null effect. Et si aucun brief devaunt cest temps soit direct a aucun ordinarie pur certifier si la dite Alianore femme James soit bastard ou nemye & a cest temps nient certifie fil soit certifie enapres par vertu du dit brief qe mesme le certificat du dit ordinarie ensi fait soit voide & de null effect.

reheard; (9) and then the said judge shall award the said writ of certificate to the ordinary, to certify upon the issue so joined, or to be joined; (10) and if any writ of certificate be made or granted, before that all the proclamations in the form aforesaid be made and certified, that then the said writ of certificate, and the certificate of the ordinary thereupon made or to be made, shall be void in law, and of none effect. (11) And if any writ before this time be directed to any ordinary, to certify if the said *Alianour*, wife of *James*, be bastard or not, and at this time not certified, if it be certified hereafter by virtue of the said writ, that the same certificate of the said ordinary so made, be void and of none effect.

Raft. 29, 105,
280.

Statutes made at *Westminster*, Anno 10 HEN. VI.
and Anno Dom. 1432.

NOSTRE seignur le Roi a son parlement tenuz a Westm' le xije. jour de Maij lan de son regne disme a lonour de Dieu & pur le bien de luy & son roialme & pur la tranquile & ease de son poeple de ladvis & assent des seignurs espirituelx & temporelx & a la especiale request des communes en mesme le parlement assemblez ad fait ordeiner & establer diverses estatuitz & ordinaunces en la fourme qensuist.

OUR lord the King, at his parliament holden at Westminster the twelfth day of May, the tenth year of his reign, to the honour of God, and for the wealth of him and his realm, and for the tranquility and ease of his people, by the advice and assent of the lords spiritual and temporal, and at the special request of the commons in the same parliament assembled, hath caused to be enacted and established divers statutes and ordinances in the form following.

CAP. I.

Recognisances taken before the mayor, &c. of Calais, shall be effectual in England.

FIRST, whereas it is granted to the mayor and constables of the staple of *Calais*, by the charter of the King's noble progenitors, Ex edit. Pulton.

Recognizances taken before the mayor of the staple of Calais shall be effectual within England.

progenitors, and by him confirmed, that they shall have power to take and record all recognizances of debts before them made by any person, and therefore great doubts were, if the recognizances before the said mayor and constables made beyond the sea, should be effectual and executory in all points within the realm of *England*, as the recognizances made before the mayor and constables of the staple of *Westminster* be: (2) Our lord the King willing in this case to take away all such doubts, by the advice and assent of the lords spiritual and temporal, and at the special request of the said commons, hath ordained by authority of the same parliament, That all the recognizances of debts before the said mayor and constables of *Calais*, made or to be made by any persons beyond the sea, shall be as effectual and executory, and of such force in all points within the realm, and in the same form executory, as the said recognizances made before the said mayor and constables of the staple of *Westminster*, or before any other mayors or constables of the staple within the said realm be.

CAP. II.

Certain things required in him who shall be a chooser of the knights of the parliament.

8 H. 6. c. 7.

ITEM, *whereas at the parliament holden at Westminster the morrow of St. Matthew the apostle, the eighth year of the King that now is, it was ordained by the authority of the same parliament, That the knights of all countees within the realm of England, to be chosen to come to the parliaments hereafter to be holden, should be chosen in every county by people dwelling and resident in the same, whereof every one shall have freehold to the value of forty shillings by year at the least, above all charges, upon a certain pain contained in the same statute; (2) not making express mention in the same, that every man that shall be chooser of any such knights, shall have freehold to the value of forty shillings at the least, above all charges, within the same county where such chooser with other like shall make such election, or elsewhere: (3) And therefore our lord the King, willing to make plain declaration of the said statute*

ITEM come au parlement tenuz a Westm' lendemain de seint Mattheu l'apostle lan du regne nostre seigneur le Roi oeptisme ordine estoit & estable par auctorite de mesme le parlement que les chivalers des toutz countees deins le roialme d'Engleterre a esliers pur venir as parlementz en apres a tenirs soient esluz en chescun countee par gentz demurantz & residentz en icelles dount chescun ait frank tenement a la value de xl. s. par an au meins outre les reprises sur certain peine contenuz en mesme l'estatuit nient fessant expresse mention en icell que chescun qi ferroit eslisour dascuns tielx chivalers averoit frank tenementz a la value de xl. s. au meins outre les reprises deins mesme le countee ou ascun tiel eslisour ovesqe autres semblables ferroit tiel election ou aillours. Et pur taunt nostre seigneur le Roi voillant faire du dit estatuit pleine declaration del advis & assent

assent suifditz & a la requeste des dites communes ad ordine que les chivalers de toutz les countees deins le dit roialme a esliers pur venir a les parlementz en apres a tenirs soient esluz en chescun countee par gentz demurantz & reseautz en icelles dount chescun ait frank tenement a la value de xl. s. par an au meins outre les reprises deins mesme le countee ou ascun tiel eslisour soi voet meller dascun tiel election.

tute, by the advice and assent afore said, and at the special request of the said commons, hath ordained, That the knights of all counties within the said realm, to be chosen to come to parliaments hereafter to be holden, shall be chosen in every county by people dwelling and resident in the same, whereof every man shall have freehold to the value of xl. s. by the year at the least, above all charges, within the same county where any such chooser will meddle of any such election.

A chooser of the knights of the parliament must be resident within the same county, and have freehold.

1 H. 5. c. 1.

CAP. III.

A letter of request shall be granted by the keeper of the privy seal to any of the King's subjects, from whom goods shall be taken by the subjects of Denmark.

ITEM pur ceo que nostre seignur le Roi a la grevoue complaint a luy fait en icest parlement par les communes de son roialme esteantz en icell est enfourme que plusours de ses foialx lieges sont graundement empoverez anientez & en point destre destruitz par le Roi de Denmark & sez lieges qi sont del amistee du Roi nostre seignur a cause qils preignent de jour en autre de sez ditz foialx lieges lour biens pariffint qils ont pris des marchantz dEverwyk & Kyngeston sur Hull biens & marchandisez a la value de v. ^{l.} li. dedeins un an & dautres lieges & marchaunts du roialme biens & chateux a la value de xx. ^{l.} li. dount ils nount remedie du dit Roi de Denmark ne de null autre a cause que null de eux veigne deins le roialme dEngleterre ne riens ont en icell & que les biens sont prisez hors de mesme le roialme.

ITEM, because that our sovereign lord the King, at the grievous complaint to him made in this parliament by the commons of his realm of England being in this parliament, is informed, That many of his faithful liege people be greatly impoverished, undone, and in point to be destroyed, by the King of Denmark and his lieges, which be of the amity of the King our sovereign lord, because that they do daily take of his said faithful subjects their goods, so that they have taken of merchants of York and Kingston upon Hull goods and merchandises to the value of five thousand pounds within a year, and of other lieges and merchants of the realm of England goods and chattels to the value of twenty thousand pounds, whereof they have no remedy of the said King of Denmark, nor of none other, forasmuch as none of them cometh within the realm of England, nor nothing have in the same realm of England, and that the goods

A letter of request shall be granted by the keeper of the privy seal, to any of the King's subjects from whom goods shall be taken by the subjects of the King of Denmark.

goods be taken out of the same realm: the King willing to provide remedy for his said liege people, hath ordained and established, That if the goods of any of the said his lieges be or shall be taken by the said King of Denmark, or any of his said lieges, the keeper of the privy seal for the time being shall have power to make to the party grieved letters of request under the privy seal, without any other pursuit to be made to any, for restitution to be had of the goods so taken and to be taken. And if restitution be not made by such letters, the King our sovereign lord, by the advice of his council, shall provide to the party grieved his covenantable remedy, according as the case requireth.

roialme. Mesme nostre seigneur le Roi voillant a sez ditz lieges purvoier de remedie del advis & assent suisditz ordine que si les biens dascuns de sez ditz lieges soient ou ferront prizez par le dit Roi de Denmark ou ascuns de sez ditz lieges ait le dit gardein du prive seal pur le temps esteant poiair de faire au partie greve lettres de request desoubz le prive seal saunz autre poursuite affaire a ascuny pur restitution avoir des biens issint prizez & apprendrez. Et si restitution ne soit fait par tielx lettres le Roi nostre seigneur par advis de son councell purveiera al partie greve covenantable remedie solonc ceo que le cas requiert.

CAP. IV.

The penalty of him that maketh a false entry, that the plaintiff doth offer himself in person, where he doth not.

ITEM, For that divers of the King's liege people before this time have been outlawed, and greatly vexed and disquieted in divers suits, as well before the King in his bench, as in the common bench, in the records of which suits the entries have been made, that the plaintiffs in the same suits Obtulerunt se in propria persona sua, where the same plaintiff's never appeared to such suits, nor had knowledge of the same, in great mischief of the said liege people, if remedy be not provided in this behalf; (2) our lord the King willing in this case to provide remedy, hath ordained and established by authority of this present parliament, That no manner *Fyliser, Exigenter*, nor any other officer, from henceforth shall make such

ITEM pur ceo que divers des lieges du Roi avaunt ces heures ount estee utlagez & grandement vexe & disseizez en divers seutez sibien devaunt le Roi en son bank come en le commune bank en les records des queux seutes les entrees ount estee faitz que les pleintifs en mesmes les seutes Optulerunt se in propria persona sua lou mesmes les pleintifs unques napparerount as tieulx seutes ne conisaunce avoient dicelles en grande mischief des ditz lieges si remedie ne soit purveu en cell partie nostre seigneur le Roi voillant en ceo cas purvoier de remedie ad ordine par auctorite de cest parlement que null filicer exigenter ne autre officer desore enavaunt ferrera tiel entree

The penalty of him that maketh a false entry, that the plaintiff doth offer himself in person, where he doth not.

entree en ascun seute sinon qe le pleintif en mesme la sute avaut qe ascun tiel entre soit fait appierte en sa propre persone devaut ascun des justices de lieu ou le plee est ou serra pendant & illecoques soit juree sur un liver qil est mesme la persone en qi noun la dite suite est sue ou qe autre creable persone de son counseill face tiel serement pur luy. Et durera cest ordinance tanqal profchein parlement.

such entry in any manner suit, except that the plaintiff in the same suit, before that such entry be made, do appear in his proper person before some of the said justices of the place where the plea is or shall be depending; (3) and there he shall be sworn upon a book, That he is the same person in whose name the said suit is sued, or that some other credible person of *the King's* * council make such oath for him. (4) And this ordinance shall endure till the next parliament.

* *His counsel.*
Made perpetual by 18 H.
6. c. 9.

C A P. V.

A rehearsal of the statute of 21 R. II. c. 18. touching the maintenance of certain places about Calais.

ITEM, whereas by a statute made the xxi. year of *Richard* Ex edit Rast. Calais. Beacons.
the Second, for two great works very necessary always to be sustained and supported about the town of *Calais*, and the marches there, that is to say, the beacons before the port there, and the place called *Paradise*, which is nigh to the ditches of the same town, it was ordained and stablished, That all manner of ships accustomed to come to the said port out of *England* (the fishers boats only excepted) shall bring with them all their lastage of good stones, covenable for the stuffing of the said beacons, thereof making reasonable deliverance from time to time at their coming there, to the treasurer, which for the time shall be, or to other ministers thereto by him ordained, upon pain of iid. for the weight of every tun, and as much as the said ships shall be of portage. And that all manner of ships entering to rest at the said place of *Paradise*, shall pay at every their entry there iiii d. sterling. And thereupon it shall be lawful to them (if they will) to tarry there by four days, with as many nights then next following, without paying any more for their said entry. And in case that they abide longer than four days and nights afore said, then they shall pay for every day and night one penny, and for the only day an halfpenny, and for the only night an halfpenny. And moreover, that no manner of person presume to fasten any manner ship or boat by cable, cord, or otherwise to the timber nor to the stones of the said beacons nor *Paradise*, nor to the new Key, otherwise called the Wharf at the side of the said port of *Calais*, upon pain of x. li. to be levied of the ship, which so shall be found fastened. And that the said treasurer, which for the time shall be, shall have full power by him and his deputies to levy and receive the money of the said pains incurred and rising: and thereof to make payment according as shall need in his office by the view
and

and controulment of the King's controller there, which statute amongst other things made in the same parliament was revoked and adnulled in the parliament holden at *Westminster* the first year of King *Henry* the Fourth, to the great damage and hindrance of the said works, and to the grievous and importable costs of the King, if remedy be not hastily provided. And for so much our sovereign lord the King, by the advice and assent of the said lords spiritual and temporal, and also of the said commons being in this parliament, hath ordained and established, That the said statute, made the said xxi. year, be from henceforth a statute effectual, holden and kept, and put in due execution for ever, according to the tenor of the same.

CAP. VI.

What process shall be awarded upon an indictment removed into the King's bench.

8 H.6. c.10.

ITEM, whereas in the parliament holden at *Westminster* the eighth year of the King that now is, it was ordained, That upon every indictment or appeal, by the which any of the King's liege people, dwelling in other foreign and divers counties than where such indictment or appeal is or shall be taken, of treason, felony, or trespass, to be taken hereafter before justices of peace, or before any other justice whatsoever, having power to take such indictments or appeals, or other commissioners or justices in any county, franchise, or liberty of England, before any exigent awarded upon any indictment or appeal in the form aforesaid to be taken, that presently after the first writ of *Capias* upon every such indictment or appeal awarded and returned, that another writ of *Capias* shall be awarded, directed to the sheriff of the county, whereof he that is so indicted or appealed is or was supposed to be conversant by the same indictment or appeal, returnable before the same justices or commissioners, before whom he is indicted or appealed, at a certain day, containing the space of three months from the date of the same writ to the return

ITEM come au parlement tenuz a *Westm'* lan du reigne nostre seignur le Roi qorest viiie ordine estoit qe sur chescune enditement ou appell par la quell ascuns des lieges du Roi demurrantz en autres countees qe la ou tiel enditement ou appell soit ou ferra pris de trefon felonie ou trespass apprendre en apres devaunt justices de peas ou devaunt ascun autre eiant poair de prendre tielx enditementz ou appellez ou autres commissioners ou justices en ascun countee fraunchise ou libertee dEngleterre devaunt ascun exigent agarde sur ascun enditement ou appell en la fourme avaunt dite apprendre qe maintenant apres le primer brief de *Capias* sur chescun tiel enditement ou appell agarde & retourne qe un autre brief de *Capias* soit agarde direct al viscount del countee dount celuy qest enfy endite ou appelle est ou fuist suppose destre conversant par mesme lenditement ou appell retournable devaunt mesmes les justices ou commissioners devaunt queux il est endite ou appelle a un certain jour conteignant le space de trois mois del date de mesme

mesme le brief & le retourne dicell come par mesme lestatuit pleinement appiert. Par quell clause du dit estatuit cestassavoir retournable devaunt mesme les justices ou commissioners devaunt queux il est endite ou appelle ascuns entendont qe le brief de Capias ordene par le dit estatuit qe serra direct al viscount del countee dount celuy qest ensi endite ou appelle est ou fuit suppose destre conversant par mesme lenditement ou appell serra retourne devaunt mesme les justices ou commissioners ou autres devaunt queux lenditement ou appell fuit pris & nounpas ailleurs. Et ymaginantz pur defrauder & anientiser le dit estatuit suent pur remoever tielx enditementz & appelez hors des mains les justices & commissioners avaunt ditz en le bank le Roi & ailleurs par Certiorari & autrement les parties ensi enditz ou appelez nient sachantz & sur ceo suent processe use a la commune ley devaunt la faunche du dit estatuit en le bank le Roi & ailleurs apres tiel removement en grande empoverissement & vexation des loialx lieges du Roy. Pur qoy nostre seignur le Roi del advis & assent susditz & al especial request des ditz communes par auctorite suisdite ad ordene qe le dit estatuit soit tenuz & gardez & mys en due execution en toutz pointz adjoustant a icell qe si ascuns tielx enditementz prizez ou apprendres devaunt ascuns des justices du peas ou devaunt ascun autre eiant poair de prendre tielx enditementz ou appell ou autres justices ou commissioners en ascune countee franchise ou libertee dEngleterre soient remoevez devaunt le Roi en son bank ou ailleurs par

return of the same, as by the same statute plainly appeareth. (2) By which clause of the same statute, that is to say, returnable before the same justices or commissioners before whom he is indicted or appealed, some do think that the writ of Capias ordained by the said statute, which shall be directed to the sheriff, whereof he that is so indicted or appealed is or was supposed to be conversant by the same indictment or appeal, shall be returned before the same justices or commissioners, or other, before whom the indictment or appeal was taken, and not elsewhere. (3) And imagining to defraud and make frustrate the said statute, do sue to remove such indictments and appeals out of the hands of the justices or commissioners aforesaid into the King's bench and elsewhere by Certiorari and otherwise, unknown to the party so indicted, and thereupon sue the process used at the common law before the making of the said statute in the King's bench and elsewhere, after the removing, to the great impoverishing and vexation of the King's faithful subjects. (4) Wherefore the same our lord the King, by the advice and assent aforesaid, and at the special request of the said commons, by authority aforesaid hath ordained, That the said statute be holden and kept, and put in due execution in all points; (5) joined to the same, that if any such indictments taken, or to be taken, before any justices of peace, or before any other having power to take such indictments or appeals, or other justices or commissioners in any county, franchise or liberty of England, shall be removed before the King in his bench or elsewhere, by Certiorari or other-

A confirmation of the statute 8 H. 6. cap. 10. touching process upon indictments of persons dwelling in foreign counties. Rast. 52.

Process when the aforesaid indictments, &c. are removed into the King's bench.

wife, then after such removing, before any exigent awarded upon any such indictment or appeal in the form aforesaid taken, or to be taken, that presently after the first writ of *Capias* upon every such indictment or appeal awarded and returned, that another writ of *Capias* be awarded, directed to the sheriff of the county, whereof he that is so indicted or appealed is or was supposed to be conversant by the same indictment or appeal, returnable before the King in his bench at a certain day, containing the space of three months or four from the date of the said last writ of *Capias*, according to the manner and form that the justices of peace, and other in the said first statute contained, ought to have done, before such removing after the making of the said first statute. (6) And if any such exigent be hereafter awarded upon any such indictment or appeal after such removing against the form aforesaid, or any outlawry thereupon pronounced, as well the same exigent so awarded, as the outlawry thereupon to be pronounced, and every of them shall be holden for none and void, according as in the said first statute is more fully contained.

Certiorari ou autrement qe adonques apres tiel remoevement devaunt ascun exigend' agarde sur ascun tiel enditement ou appell en la fourme avaunt dite pris ou apprendre qe maintenant apres le primer brief de *Capias* sur chescun tiel enditement ou appell agarde & retourne qe un autre brief de *Capias* soit agarde direct al viscount del countee dount celuy qest enditee ou appelle est ou fust suppose destre conversant par mesme l'enditement ou appelle retournable devaunt le Roi en son bank a un certain jour conteignant l'espace de trois mois ou quatre mois del date del dit darrein brief de *Capias* solonc les maner & fourme qe les justices de peas & autres en le dit primer estatuit contenuz deussent avoir fait avaunt tiel remoevement puis la fesaunce du dit primer estatuit & enoustre de ent faire processe solonc leffect & pur port del dit primer estatuit. Et si ascun exigende soit agarde en apres sur ascun tiel enditement ou appell apres tiel remoevement encountre la fourme avaunt dite ou ascun utlagarie sur ceo prononcie soit sibien celle exigende ensi agarder come lutlagarie sur ceo a prononcier & chescun de eux tenuz pur null & voide solonc ceo qen le dit primer estatuit est contenuz pluis au plein.

CAP. VII.

All wools and woolfels that shall be carried to any other place than to Calais, shall be forfeited to the King and the finder.

Ex edit. Rast.
Staple of Calais.

ITEM, whereas by a statute it was ordained, That all the wools, woolfels, hides, lead and tin, and divers other merchandises passing out of the realm of *England*, the lands of *Ireland*, *Wales*, and *Berwick upon Tweed*, ought to repair to the staple of *Calais*, and to none other place beyond the sea, to be sold under the governance of the mayor and constables of the said staple, upon certain pains contained in the said statute, which pains be so easy and not doubted, that many take in cus-

tom

tom to carry, and do daily to be carried out of the realm and lands aforesaid, by divers means and ways, a great substance of the wools, woolfels, hides, lead and tin, and other merchandises, which ought to repair to the said staple, into *Scotland* and into *Flanders*, *Holland*, *Zealand*, and *Brabant*, without custom or other charge thereof paying, as is paid for wools repairing to *Calais*: and also by the said wools and merchandises so carried to the said parts, there cometh no money into this realm of *England*, nor the same realm is increased, nor the mint at *Calais* sustained; and moreover, the same wools and merchandises be sold in the same parts at so little a price or value, that the merchants aliens be so greatly entored of the same, that they come not to *Calais* to buy wools and woolfels, as they were accustomed to do, to the great los and damage of our sovereign lord the King, and the universal damage of his realm, and great hindrance of the utterance of the commodities of the said realm, repairing and being at the said town of *Calais*, as the same our sovereign lord the King hath conceived at the grievous complaint of the merchants and commons of the realm in this present parliament assembled: our sovereign lord the King, considering the grievous losses and damages aforesaid, hath ordained, That the value of all such goods so found carried or to be carried to the said parts, except those wools and woolfels, which by our sovereign lord the King be or shall be licenced; if there be any they shall be forfeit, whereof the same our sovereign lord the King shall have the one half, and the person that espieth and proveth the same, by the discretion of the treasurer and barons of the exchequer, shall have the other half. And that every man have power by authority of the same parliament, to make such search in every place where it shall be needful.

In rotulo parliamenti tenti apud Westm' duodecimo die Maii anno regni Regis HENRICI Sexti post conquestum decimo *stat. 2. †*

ITEM quedam alia petitio exhibita fuit prefato domino Regi in parlamento predicto per prefatos communes pro justiciariis servientibus ad legem & attornato domini Regis in hec verba Priount les communes a icest present parlement assemblez qe please a nostre soverain' seignur le Roi par advis des tres reverentz & tres gracious seignurs a icest present parlement assemblez considerer coment les justices de bank le Roi & del commune bank les justices as assises prendre assignez les sergeantz et lattourney du Roi pur le temps esteantz devaut ces hoeures feurent tout temps paieez en mayns de lour fees & regardes du Roi par les tresorerez dEngleterre pur le temps esteantz annuelment en les termes de Pasque & seint Michell par ouelles portions tanqe a

Pro justiciariis
servientibus
ad legem &
attornat. do-
mini regis.

† Mr. Cay observes that this is mentioned as a statute in the Old Abridgment, and called *Statutum per se*; but that it seems to have been respited, for it is not entered upon the Statute Roll, and was not published as a statute.

temps de William Kynwolmerthe jatarde tresorer d'Engleterre et puis qils feurent mys de prendre pur leur payment assignementz des dettours de Roi queux par tiels assignementz a la foitz riens faunz regarde payer ne voillent des queux dettours les ditz justices sergeantz & attourne ont este & sont tresmalement ou trop tarde & ove grauntes delayes ou jammes payez & outre souvent sont mys de querer & espier dettours du Roi des queux ils voillent avoir leur assignementz la ou ils nount ne faunz graunde daunger & diligence avoir poient conifauance de tielx dettours ne a eux espier & querer & pur leur payementz treter attendre ne poient faunz lesser faire leur office et service a Roi & le poeple deliverer & que expedient a Roi & a son poeple ou honeste ou convenient as offices des ditz justices sergeantz & attourne nest il mye de querer & espier les ditz dettours & eux par daungerous mefnes entreter pur leur payment aver queux a la foitz pur ceo faire desiront & demaundont estre regardez ou non resonablement favourez encountre le serement des ditz justices sergeantz & attourne & de considerer auxi les graundes & continuelx costages & expences que les ditz justices fount en leur entendaunce en faisant leur ditz offices & servicez a Roi & le graunde perde & damage qils ont de leur fees & gayne de ceo qils fount assignez justices qamounteront a graunt part plus que leur ditz fees & regardes de Roi et sur ceo par auctorite dicest present parlement d'ordonner que les ditz justices sergeantz & attourne de Roi pur le temps esteantz & chescun de eux soient paieez es mains de leur ditz fees & regardes de Roi en les ditz termes par les mains des tresorers d'Engleterre pur le temps esteantz et que mesmes les tresorers soient tenuz a ceo faire par issint que les ditz justices sergeantz & attourne ne covyendra pur la poursuite de leur ditz paymentz aver de lesser faire leur ditz office & service a Roi deliverer le poeple qount a faire en leur offices avaunt ditz. *Qua quidem petitione in parlamento predicto lecta audita & intellecta de avifamento & assensu predictis prefate petitioni taliter fuit responsum fiat prout petitur.*

Statutes made at *Westminster*, Anno 11 HEN. VI.
and *Anno Dom.* 1433.

OUR *sovereign lord the King,*
at his parliament holden at Westminster the eighth day of July, the eleventh year of his reign, to the reverence of God, and for the weal of the people of his realm, by the assent of the lords spiritual and temporal, and at the special request of the commons of his realm in his said parliament assembled by authority of the same parliament, hath ordained and stablished divers statutes,
decla-

NOSTRE seignur le Roy
a son parlement tenuz a Westm' le viij. jour de Jule lan de son regne unzisme a la reverence de Dieu & pur le bien du poeple de son roialme del advis & assent des seignurs espirituelx & temporelx de mesme le roialme & a la especiale request dez communes de son dit roialme en son dit roialme esteantz par auctorite de mesme le parlement ad fait ordeigne
&

& estable certains estatuitz de- *declarations, and ordinances, in*
 clarations & ordenaunces en la *the form following.*
 fourme qenfruit.

CAP. I.

*They that dwell at the stews in Southwark shall not be im-
 panelled in juries, nor keep any inn or tavern but there.*

FIRST, forasmuch as our said sovereign lord the King, at the Exedit. Raft.
 grievous complaint to him made by his said commons in 3 Inst. 206.
 the same parliament, hath conceived, that divers persons of Stews.
 great poverty, without conscience and of an evil governance,
 now and late dwelling in a place suspected, called the Stews, in
 the borough of *Southwark*, in the county of *Surry*, as well by
 the receipt of common women, thieves, mankillers, and adul-
 terers, as by murder and privy robberies, as well by themselves
 as by many other there harboured without pity, loyalty, and
 good conscience there done, have suddenly come to great riches,
 by which they have purchased great livings of lands and tene-
 ments, to great yearly values: and because of their sufficiency
 of freehold so purchased, they have been returned by the sheriff
 of the said county and other bailiffs in inquests, as well for
 felony and trespass between the King and the party, and party
 and party, as in assizes and other pleas of land before the King's
 justices in his courts, and before the stewards and marshal of
 his house, whereby divers disheritances and wrongful condem-
 nations of many lawful lieges of our sovereign lord the King
 have been had, and many murderers and notorious thieves have
 been saved, great murders and robberies concealed and not
 punished, and how the persons suspected inhabit them in com-
 mon hosteries and taverns in the highway of the same borough,
 there receiving thieves, common women, and other misdoers,
 in like manner as they did in the said suspected place of the
 stews: Our sovereign lord the King considering the premisses,
 and that such people without conscience be defamed, and may
 not of reason be intending to bear witness of truth there where
 truth should be inquired, hath ordained and established, That if
 any such person be returned by any sheriff, bailiff, or other mi-
 nister of our said sovereign lord the King in the said county of
Surry, or by any officer before the steward and marshal of our
 sovereign lord the King's house, as well for the King as for the
 party, at all times from henceforth he may be challenged, and Challenge.
 the challenge in that part allowed for the cause before said. And
 also for to avoid murders, robberies, and adulteries that might
 by likelihood happen, it is ordained, That no such person, Tavern.
 which hath dwelled at the said stews, be suffered to hold any Southwark.
 common hostery or tavern in other place within the said borough
 of *Southwark*, but only at the said stews. And that the justices
 of peace in the same county shall have power to inquire of all
 them that hold hosteries and taverns, and them to punish by
 fine and ransom, and by imprisonment of their bodies, after the
 discretion of the said justices.

CAP. II.

The penalty where a sberiff is named a disseisor in an assise.

ITEM, *Whereas several persons do often sue assises of Novel disseisin before justices assigned against divers persons, and by craft and collusion, to have their writs of their said assises directed to the coroners of the counties where the tenements be, to make execution of the said writs, do name in their said assises the sberiff of the same county one of the disseisors, where he is not, neither ever was disseisor or tenant of the tenements in demand, whereby oftentimes the said assises be awarded by the default of the tenants which have no knowledge of those assises, for that they found not any assise against them in the file of the sberiff, nor have any suspicion of any such assise taken against the sberiff and them;* (2) our lord the King, willing in this case to provide remedy, of the assent and authority aforesaid, hath ordained, That in all such assises purchased, at this time depending, or hereafter to be purchased, between any persons whatsoever they be, before any such justices, in which assises any such sberiff is named disseisor, if the tenants in the said assises or any of them will aver, that the said sberiff is not, nor ever was, disseisor, nor tenant of the tenements in demand, but was named disseisor by collusion, the averment shall be received. (3) And if it be found by the said assise, that the said sberiff is not, nor ever was, disseisor nor tenant of the tenements in demand, but was named disseisor by collusion, then the said justices shall cause to be abated and quashed the said writ purchased, or to be purchased in the form above-

said;

ITEM come divers gentz sovent foitz suent assises de Novell disseisyn devaunt justices assignez envers diversez persones & par subtilite & collusion pur avoir lour brefs de loures ditz assises directz as coroners dez countees ou les tenementz sount pur faire execution dicell brefs fount nomer en loures ditz assises le viscount de mesme le counte une dez disseisoures lou il nest ne unques fust disseisour ne tenaunt dez tenementz en demaunde parourant sovent foitz lez ditz assises sount agardez par defaute dez tenantz quex nount my conusance de ceux assises en tant qils ne trovent my ascun assise envers eux en la felace de viscount & nount ascune suspecion de ascune tiel assise priz envers le viscount & eux nostre seignur le Roi voillant en ceo cas purvoir de remedie del assent & auctorite suisditz ad ordeigne qen tous tiels assises purchasez & a present pendantz ou a purchasez defore envaunt parentre queconques persones devaunt ascuns tieux justices en quex assises ascune tiel viscount soit nomez disseisour si lez tenantz en lez ditz assises ou ascun de eux voil averrer qe le dit viscount nest ne unques fust disseisour ne tenaunt dez tenementz en demaunde mais fust nome disseisour par collusion soit laverrement receuz. Et si trove soit par la dit assise qe le dit viscount ne soit ne unques fust disseisour ne tenaunt dez tenementz en demaunde mais fust nome disseisour par collusion adonques lez ditz justices facent abater & casser le dit brief purchase ou purchase en

The penalty where the sberiff is named disseisor in an assise to the intent that he shall not execute the writ.

en la fourme suisdit & qe lez pleintifs ou pleintife soient ou soit en le greve mercy le Roi. faid ; (4) and that the plaintiffs] or plaintiff be in the grievous mercy of the King.

CAP. III.

An Assise, &c. maintainable against the pernor of the profits.

ITEM come par estatuit fait lan quart le Roy Henry pier nostre seigneur le Roi quorest entre autres ordene soit qe les disseizez eient lour action envers lez disseizeours durant la vie mesmes lez disseizeours parensi qe tiels lez disseizeours ent preigne lez profettes al temps del sute commence sicome en mesme lestatuit est contenuz pluis au plein. Le quell estatut solonqe loppinion dez plusieurs ad este entenduz es brefs dassises de Novel disseizin tantsolement & si graundement meschefe est a les parties demaundantz en autres brefs suez & founduz sur Novell disseizin come en assise. Et voillant par tant mesme nostre seigneur le Roi tous maners opinions & doutes en cest parte cesser ad ordene par lassent & auctorite suisditz qen tous maners dez brefs founduz sur le Novell disseizin lez disseizez eient lour recoverer sils voillent par tiels brefs envers lez disseizeours ou lour feffees auxibien come ils averoient en assise de Novell disseizin parissint qe mesmes lez disseizeours ou lour feffees vers qui ou quex le brefe ferra porte ent pregne ou pregnant lez profettz al temps del bref purchace nient contrestant ascuns dons ou feffementz faitz as autres persones pur delaier lez demaundantz.

ITEM, *Whereas by a statute* ^{4 H. 4. c. 7.} *made the fourth year of the reign of King Henry, grandfather of our lord the King that now is, amongst other things it was ordained, That the disseizees shall have their actions against the disseizers during the lives of the disseizers, so that such disseizers thereof take the profits at the time of the suit commenced, as in the same statute is contained more at large. The which statute, according to the opinion of many, hath been intended in writs of assise of Novel disseizin only, and as great mischief it is to the parties demandants in other writs sued and grounded upon Novel disseizin, as in assise. (2)* *Wherefore our lord the King, willing all manner of opinions and doubts in that behalf to cease, hath ordained by the assent and authority aforesaid, That in all manner of writs grounded upon Novel disseizin, the disseizees shall have their recoveries, if they will, by such writs, against the disseizers or their feoffees, as well as they shall have in assise of Novel disseizin, so that the same disseizers, or their feoffees, against whom the writ shall be brought, thereof take the profits at the time of the writ purchased, notwithstanding any gifts or feoffments made to other persons for to delay the demandants.*

As well other actions as an assise shall be maintainable against the pernor of the profits.

1 R. 2. c. 9.
1 H. 7. c. 1.
27 H. 8. c. 10.

CAP. IV.

The plaintiffs in attaint shall recover their costs and damages.

ITEM nostre seigneur le Roi par la grevouise compleint dez

ITEM our lord the King, by the grievous complaint of his
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The several pleas and delays that were

commons, considering the mischiefs had within the realm, and yet not remedied, and also the great damage and disberison that cometh by the usual perjury of jurors impanelled upon inquests, as well in the courts of our lord the King, as of other, the which perjury doth abound and increase daily more than it was wont, for the great gifts that such jurors take of the parties in pleas sued in the said courts; (2) wherefore the greater part of people that have to sue in the said courts, leave their suits for the mischiefs aforesaid, and namely in respect of the delays that be in the writs of attaints; for that in times past in writs of attaints, when the grand jury had appeared in court, and were ready to pass, one of the tenants or defendants, or of the petty jurors named in such writs, sometime have pleaded false and faint pleas, which were not triable by the grand jury of the attaint, and by that means delayed the taking of such grand juries until such pleas were tried. And after such pleas tried and found for the plaintiffs, another of the jurors, tenants, or defendants, might plead another such false and faint plea after the last continuance in the same attaints, and so every of the defendants, jurors, or tenants, after other, might plead such false and faint plea, and delay the grand jury when it was ready to pass; (3) and though that all such false and faint pleas were found against them which pleaded, no pain was given them by the common law, (4) in regard of which delays, the grand juries in attaints have been often grievously vexed and travelled, and the plaintiffs in such attaints put to so great costs, and thereby impoverished, that they could not prosecute their said suits, wherefore the jurors be the more

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dez sez communes considerant lez grandes meschefs ewez deinz le roialme & unquore nient remedeuz & auxi le grande damage & disheretison qavient par le usuell perjure dez jurroures enpanellez en enquestes sibien en lez courtes du Roi come dautres la quell perjure habunde & encrece de jour en autre pluis qe soloit pur lez grandes donnes que tiels jurroures pregnent de lez parties es plees fuez en lez ditz courtes a taunt qe le greindre partie dez gentz qount a suer en lez ditz courtes lessent lour futes par lencheson fuifdit & nomement a cause qe lez delaies que sont en lez briefs datteintes purceo qe avaunt cez heures en briefs datteint quant le grande jure ad apparue en court & fuist prest de passer un dez tenantz ou defendantz ou des petites jurroures nomez en tielx briefs a le foith ount pleedes feintes & fauxes plees quex ne fuerent triablez par la grande jure de latteint & par celle cause delaiez la pries dez tielx grandes juriees tanque tiels plees fuerent triez. Et apres tielx plees triez & trovez pur le pleintifs une autre dez jurroures tenauntz ou defendantz purront pleder une autre tiel fauxe & feinte plee puis la darrein continuance en mesmes lez atteintez. Et issint chescune dez defendantz jurroures ou tenantz apres lautre purroit pleder tiel fauxe & feinte plee & delaier la grande juriee quant il fuist prest de passer. Et combien qe tous tiels faux & feinte plees furent trovez envers eux qui eux plederent nulle peine fuist done envers eux par la commune ley a cause dez quex delaiez lez grandes jurrees en atteintes

ount

ount este sovent grevouement vexez & laborez & lez pleintifs en tiels atteintz myz a si graunde costages & ensi empoverez qils ne purroient fuer avaut lours ditz suites par que lez jurours out este meulx embaudez destre perjurez & fair faux serementz en tielx cases. Et voillant sur ceo nostre dit seigneur le Roi purvoier de remedie a la request dez ditz communes & de lassent des seignurs desuisditz ad ordene & estable qe les parties pleintifs en tous tiels atteintez recoveront leur damages & costages envers tous tielx tenants jurours & defendants qils out sustenez en cele partie. Et qe cest estatuit soy extende auxibien as briefs datteintz ore a purchaferez en temps avenir.

encouraged to be perjured, and to make their false oaths in such cases: (5) Our said lord the King, willing thereof to provide remedy, at the request of the said commons, and by the assent of the lords abovesaid, hath ordained and established, That the parties plaintiffs in all such attaints shall recover their damages and costs against all such tenants, jurors, and defendants, which they have sustained in that behalf; and that this statute extend as well to writs of attaints now hanging, as to writs of attaints to be purchased hereafter.

The plaintiff in attaint shall recover his costs and damages against the jurors, tenants, and defendants.

Et qe cest estatuit soy extende pendantz come as briefs datteintz a purchaferez en temps avenir.

CAP. V.

The remedy where a tenant granteth over his estate, taketh the profits, and committeth waste.

ITEM pur ceo qe lou diversifegentz devaut cez heures out lessez leur terres & tenementz as diverses persones cestassavoir a terme de vie ou a terme dautre vie & ascunes a terme dez anz lez ditz tenauntz sovent foitz out graunte & lesse leur estate quex avoient en lez ditz terres & tenementz a plusoures persones al entent qe ceux en la reversion cestassavoir leur lessoures leurs heires ne leur assignes ne dueent avoir conusaunce des loures nouns & puis lez ditz premer tenauntz continuelment occupient lez ditz terres & tenementz & ent pregnant lez profettes a leur propre use & en lez ditz terres & tenementz fount wast & destruction a disheritaunce de ceux en la reversion ordeigne est & estable qe ceux en la reversion en tiel cas purroient avoir & main-

ITEM, *Because that divers people in times past have let their lands and tenements to divers persons, that is to say, some for term of life or of another man's life, and some for term of years, the said tenants have oftentimes let and granted their estate which they had in the same lands and tenements, to many persons, to the intent that they in the reversion, that is to say, their lessors, their heirs, or their assigns, might not have knowledge of their names, and after the said first tenants continually occupy the said lands and tenements, and therefore take the profits to their proper use, and in the said lands and tenements commit waste and destruction, to the disheritance of them in the reversion:* (2) It is ordained and established, That they in the reversion in such case may have and maintain a writ of waste against the said tenants for term

5 Co. 77.

A remedy for him in reversion where tenant for life or years granteth over term

his estate, taketh the profits and committeth waste.

A proviso for him that holdeth his term, without impeachment of waste.

term of life, of another's life, or for years, and so recover against them the place wasted, and their treble damages, for the waste by them done, as they ought to have done for the waste committed by them before the said grant and lease of their estate. (3) Provided always, That this ordinance hold not place, but where the first tenants before the lease and grant of their said estates, in the manner and form aforesaid, were punishable of waste; (4) and also where after the said grant and lease the said first tenants of the said lands and tenements take the profits at the time of the waste done, to their own proper use. (5) And this ordinance shall extend as well to waste by such tenants done before this ordinance, as after.

maintenere brief de wast envers lez ditz tenauntz a terme de vie dautre vie & dez anz & issint recoverer envers eux le lieu waste & leurs trebles damages pur le wast issint par eux fait sicome ils dueent avoir fait pur le wast par eux fait devant lez ditz graunte & lesse de leur estate. Purveu toutz foitz qe cele ordenaunce ne teigne lieu forsque lou lez premiers tenauntz devant lez lesse & le graunte de leur dit estate en le manere & fourme suisditz fuerent punishablez de wast et auxi lou apres le ditz graunt & lesse lez ditz premiers tenauntz dez ditz terres & tenementz pregnent lez profettes a leur propre opse demesne al temps de wast fait. Et qe cest ordenance soy extende auxibien al wast par tielx tenauntz fait devant cest ordenance come apres.

CAP. VI.

No suit pending before any justices, &c. shall be discontinued by a new commission.

1 Ed. 6. c. 7.

ITEM, Our lord the King considering the great losses and damages which oftentimes have come, and be likely to come hereafter, as well to himself as to many of his lieges, for that where as well divers indictments and suits for our lord the King, as other suits between party and party, have been taken before divers justices of the peace, assigned by several commissions of our said lord the King in divers counties of England, and divers pleas and processes upon those indictments have often been made, and hanging before the same justices not determined, the which pleas and processes have been often discontinued, by making of new commissions of the peace in those counties, to the great loss of our said lord the King

ITEM nostre seigneur le Roi considerant lez grandes perdes & damages que sovent foitz ount avenuz & verisemblablement avenderont apres sibien a luy mesmes come as plusours dez sez lieges de ceo qe la ou sibien diversez enditementz & sutes pur nostre seigneur le Roi come autres sutes parentre parte & parte ount este prisez devant diversez justices de pees assignez par diversez commissions de Roi en diversez countes dEngleterre & diversez plees & proceses sur icelles enditementz ount sovent este faitez & pendantz devant mesmes les justices nient determinez lez quex plees & proceses sovent ount este discontinuz par faisaunces de novell com-

commissions du pees en icelles countes a graunde perde nostre dit seignur le Roi & dez sez lieges & en retardation dez mesmes lez plees & sutees & de la deliveraunce dez sez ditz lieges. Et sur ceo nostre dit seignur le Roi voillant purvoier de remedie de lassent & auctorite suifditz ad ordene & establen gen tous tielx sutes & plees & proces en icelles apprendres & affaires devaut justices de pees en aucune counte dEngleterre lez ditz plees & proces en tielx sutes affaires ne soient my discontinuz par tielx novell commissions de pees affaires mes estoient mesmes lez plees & proceses en leur force. Et eient lez justices de mesmes lez novell commissions ensi assignez apres ceo quilz averount lez recordes dez ditz plees & proceses devaut eux poair & auctorite dez lez ditz plees & proceses continuer & mesmes lez plees & processe & tous lez dependantz dicelles oier & finalment determiner sicome lez autres justices purrount & duissent avoir fait de & en icelles si null novell commission eust este fait.

and of his subjects, in delay of the same pleas and suits, and of the deliverance of his said subjects:

(2) And upon that our lord the King willing to provide remedy, of the assent and authority aforefaid, hath ordained and established, That in all such pleas, suits and proceses, in them to be taken and to be made before justices of the peace in any county of *England*, the said pleas and proceses in such suits to be done, shall not be discontinued by such new commissions of the peace to be made, but those pleas and proceses shall stand in their force.

(3) And the justices in the same new commissions so assigned, after that they shall have the records of the same pleas and proceses before them, shall have power and authority to continue the said pleas and proceses; and the same pleas and proceses, and all that depend upon them, to hear and finally to determine, as the other justices might and ought to have done of and in the same, if no new commission had been made.

No suit before any justices or commissioners shall be discontinued by a new commission.

C A P. VII.

The statute of 9 H. VI. c. 7. which restraineth the sberiff of the county of Hereford to take money by extortion, &c. revived for three years.

I T E M, Whereas in the parliament holden at *Westminster* the Friday next before the feast of Saint *Hillary*, the ninth year of our sovereign lord the King that now is, for the great mischiefes and intolerable oppreſſions done to his lieges of the county of *Hereford*, by incroachings and extortions done by the sheriffs of the said county for the time being, late begun and wrongfully continued, for that the said sheriffs in their turns, and in other places after their turns holden and ended, in the which other places they have no authority nor power by their office to take any inquiry or inquest, they have taken divers inquiries, inquests of office, and indictments of labourers, craftsmen, and other divers things ordained by statute to be inquired before justices and commissioners of peace, and that in no manner

Ex edit. Raft.

county of Hereford.

Sheriffs turns,

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ner belong nor pertain to be inquired by such sheriffs in their turns, nor in any other place before them, and the which sheriffs by force of such inquiries, inquests of office and indictments not duly nor lawfully taken before the said sheriffs in their turns and without, and for the not coming of the said liege people to the said turns, the said sheriffs did take wrongfully to their proper use of divers of the said liege people fines and amerciements of x. li. and other great sums, in great oppression, undoing and destruction of many poor people of the said lieges, if remedy should not be hastily provided in that behalf, by consideration of which mischief it was ordained by the authority of the said parliament, That no sheriff nor undersheriff of the said county, from the said *Friday*, then forward, by colour of his office, should take any inquiry, inquest of office, or indictment in his turn, that ought not by the law to be taken in his turn, nor that he by colour of his office should take any inquiry, inquest of office, or indictment in any other place after his turn holden and ended, nor that he should take of any of the said lieges of our sovereign lord the King any fines or amerciements for any thing or cause that do not belong to his turn or office, nor any such heinous or grievous amerciement of any of the said lieges against reason for default of coming to the said turn or to other place, or for other cause by colour of his office, upon pain of forty pounds by him to be paid to our sovereign lord the King, his heirs and successors, as often as such sheriff or undersheriff thereof or of any article thereof be duly convicted at the suit of our sovereign lord the King, or of the party grieved that will sue as well for the King as for himself. And that the party that will sue in such case have the half of the said sum, together with his double damages to his proper use. And that the party in this case grieved have power by the authority of the said parliament to sue in this behalf against such sheriffs and undersheriffs, as well for the King as for himself as before is said. And that the justices of peace of the same county for the time being, have power and authority to inquire, hear and determine such misprisions and offences, as well at the suit of our sovereign lord the King as of the party that will sue for the King and for himself. And that this ordinance indure for three years then next ensuing: Our sovereign lord the King, considering the said ordinance to be profitable for him and his people of the said county, hath ordained by authority of this present parliament, that the said ordinance shall stand in his force and effect for three years next ensuing.

CAP. VIII.

A confirmation of all statutes made touching weights and measures.

1 H. 5. c. 10.

ITEM, *Whereas in the parliament holden at Westminster the first year of King Henry, father of our lord the King that now is, it was ordained, That all the*
statutes

ITEM come en le parlement tenuz a Westm' lan premer de Roi Henri pier nostre seignur le Roi quorest ordene fuist qe tous lez estatutz

tuitz & ordenances dez mesures dez blees deussent estre fermement tenuz & garduz solongue lenfect dicells. Et qe null dez purvoiors de Roi nautre ne duissent en apres ne de celle temps enavaunt achater ne prendre ascuns blees par autre mesure sinon par viij. buffelx rafez pur le quarter et qe null serroit tenuz autrement a deliverer pur le quarter sinon viij. buffelx rafez pur le quarter come devaunt est dit et auxint qe paiement serroit fait preste-ment pur le cariage dicelles. Et qe si ascun purveior ou autre persone dicelle temps enavaunt acchateroit ou purveiroit ascuns blees autrement ou par autre mesure sinon viij. buffelx pur le quarter come avault est dit & de ceo serroit atteint averoit lenprisonement dun an & qil paieroit au Roi C. s. & a parte que se sente greve autre C. s. & ceo atant dez foitz qe ascune de ceux de ceo serroit atteint. Et qe la parte qe voudroit fuer averoit ent action founduz sur la cas. Et qe lez justices de la pees duissent avoir poair denquerer & plee tenere dez touz lez choses avaultditz & sur ceo de faire punishment sibien al suit de Roi come de parte. Et qe de celle temps enavaunt riens serroit priz pur le mesurage dez tiels blees en ascune manere. Et nient obstant ascuns ordenances & estatutz sibien lez pistours & tous autres marchantz & achaitours deins le franchises & cite de Londres come lez purveiors le Roi dez blees & touz autres marchantz & communes achatours de blees en plusours citees villes burghes & countees dEngleterre continuelement de jour en autre achatent & pregnant
noef

statutes and ordinances made of measures of corn should be firmly holden and kept after the effect of the same; (2) and that no purveyors of the King, nor of other, should not after that time forth buy nor take any corn or other measure, but by eight bushels striken for the quarter, and that none should be bound otherwise to deliver for the quarter but eight bushels striken for the quarter, as before is said, (3) and also that payment shall be made presently for the carriage of the same. (4) And that if any purveyor of our lord the King, or of other person, from that time forward do buy or purvey any corn otherwise, or by other measure, than by eight bushels striken for the quarter, as before is said, and of that be attained, he shall have one year's imprisonment, and shall pay to the King an hundred shillings, and to the party that feeleth him grieved another hundred shillings; and that as often as any of them shall be thereof attained; (5) and that the party that will sue shall have thereof an action grounded upon the case. (6) And that the justices of peace shall have power to inquire and to hold plea of all the things aforesaid, and thereupon to assign punishment, as well at the suit of the King as of the party; (7) and that from the same time forward nothing should be taken for the measuring of such corn in any manner. (8) And notwithstanding the said ordinances and statutes, as well the bakers, and all other merchants and buyers within the franchise and city of London, as the King's purveyors of corn, and all other merchants and common buyers of corn in many other cities, towns, boroughs, and counties of England, continually from day to day, do buy and take nine bushels for the quarter, that is to say, the bakers,

A measure in London call'd the Fat.

kers, buyers, and merchants within the city and franchises of London, by a vessel called the Fat, which containeth eight bushels of corn with another bushel of corn put to that for a quarter, and make the sellers of the same corn against their will to pay one half-penny for the measuring of every quarter, and all the other purveyors, buyers, and merchants of corn, nine bushels stricken for the quarter, against the form of the said ordinance and statute, and in contempt of our lord the King, for that the said ordinances and statutes be not proclaimed nor put in execution, nor the said penalties and forfeitures, limited by the said statute, levied according to the effect of the same statute. (9)

A confirmation of the statute of 1 H. 5. c. 10. & 8 H. 6. c. 5. touching weights and measures.

Our said lord the King, willing the same statute and ordinance to be duly holden and kept, by the assent and authority above said, hath ordained, That as well the said statute, as the statute of weights and measures, made at the parliament of our lord the King that now is, the eighth year of his reign, be proclaimed, as well in the city of London, as in all other cities, boroughs, and counties of England, and put in due execution after the form and effect of the same; (10) joining to the said statute made the said eighth year, that in every city, borough, and town of the realm, there shall be a common bushel sealed, and according to the standard of the exchequer, in the same manner and form, and upon the same pain, as in the same statute is specified, and a common balance to be in every such city, borough and town. (11) And that the mayor of the said city of London, and all other mayors of all other cities and boroughs

There shall be a common bushel in every town.

11 H. 7. c. 4.

noef buffelx pur le quarter cestassavoir lez pistours achatours & merchantz deins le fraunchises & cite de Londres par une vessell appelle le fat que contient viij. buffelx dez blees ove un autre buffell myz a icell pur une quarter & fount lez vendours dez ditz blees encountre lour volunte de paier une maile pur le mesurage de chescun quarter & tous lez autres purveours achatours & merchantz dez ditz blees noef buffelx rafez pur le quarter encountre la fourme dez ditz ordenances & estatuitz & en contempt du Roi a cause qe lez ditz estatuitz & ordenances ne fount my proclaymez ne myz en execution ne lez ditz peynes & forfaitures par le dit estatuit limitez levez solonque lenfect de mesme lestatut. Nostre dit seigneur le Roi voilant mesmes lestatuit & ordenances estre duement tenuz & garduz par assent & auctorite suisditz ad ordene qe sibien les ditz estatuitz come lestatuit dez poies & mesours faitz au parlement nostre dit seigneur le Roi quoreft lan de son regne viij. soient proclaymez sibien en la dite cite de Londres come en tous autres citees burghes & countes dEngleterre & myz en due execution solonque la fourme & lenfect dicelles adjoustant a dit estatuit fait le dit an viij. qen chescun cite burgh ou ville du roialme soit une commune buffell enseale & accordant a lestandard de leschekker en mesme la manere & fourme & sur mesmes les peines come en mesme lestatuit est specifie de une commune balaunce a estre en chescune tiel cite burgh ou ville. Et qe le mair de dit cite de Londres & tous autres mairs dez tous autres citees &

& burghs d'Engleterre ou il y ad mair & tous baillifs dez citees & burghes ou mair nest & tous justices du pees de chescun counte d'Engleterre pur les temps esteant eit & eient plein poair de mettre tous lez statutz & ordenances avaunt ditz en due execution & de oire & terminere tous lez defautes mesprisions offenses & trespas encountre la fourme & lenfect dez ditz estatutz & ordenances faitz ou affaires ou perpetrez sibien al sult du Roi come de parte qen ceo cas se sent greve et de chescun autre lieges du Roi qen celle parte voill fuer pur le Roi et ceo sibien par examination dez parties ou aucune deux solonque la discretion dez ditz mairs baillifs & justices de peas come par issues a trier par inquisitions duement apprendre & autres plees et processés de la ley de la terre et qe sibien la parte greve come chescun liege de Roi qui fuer voill pur le Roi eit la sult en ceo cas a sa volunte. Et qe celly qui issint soit atteint d'aucune defaute mesprisison offenses ou trespas fait encountre le dit estatutz fait le dit an premer paie a cely a qui sult il soit atteint C. s. & lez costages resonablez de sa dit sult & au Roi autre C. s. Et qe sibien le mair de Loundres pur le temps esteant apres ceo qil soit esluz mair & jure deins la dit citee a son premer venue a lescheker devant le tresorer d'Engleterre & lez barons de lescheker nostre seignur le Roi com chescune dez ditz autres mairs & baillifs en leurs serementz affaires pur leurs ditz offices soit charge & jure de faire garder & executer tous lestatutz suifditz. Et qe tous lez mairs & baillifs dez citees & burghes du

of *England* where there is a mayor, and all bailiffs of cities and boroughs where there is no mayor, and all justices of peace in every county of *England* for the time being, shall have full power to put all the statutes and ordinances aforesaid in due execution, and to hear and determine all the defaults, misprisions, offences, and trespasses against the form and effect of the said statutes and ordinances done, or to be done or committed, as well at the suit of the King, as of the party which in such case feeleth himself grieved, and of any other of the King's liege people, which in this behalf will sue for the King, and that as well by examination of the parties, or any of them, according to the discretion of the said mayors, bailiffs, and justices of peace, as by issues to be tried, by inquisitions duly to be taken, and other pleas and processés of the law of the land; (12) and that as well the party grieved, as any other liege man of the King, that will sue for the King, shall have the suit in that case at his will; (13) and that he that is so attainted of any default, misprisison, offence, or trespass done against the said statute made the said first year, shall pay to him at whose suit he is thereof attainted, C s. and his reasonable costs of the said suit, and to the King another C s. (14) And that as well the mayor of *London* for the time being, after that he is chosen mayor, and sworn within the said city, at his first coming to the exchequer before the treasurer of *England*, and the barons of the King's exchequer, as every of the said other

All mayors and bailiffs shall be sworn to execute the foresaid statute touching weights and measures;

And account
for the profits
accrued to the
King by the
foreiaid stat.

other mayors and bailiffs, in their oaths to be made for their said offices, shall be charged and sworn to do, keep, and execute all the statutes above said. (15) And that all the mayors and bailiffs of cities and boroughs of the realm, accomptable in the said exchequer, do yearly accompt in the said exchequer of the profits and forfeitures that may or ought to pertain to our lord the King by the form of the said statutes. (16) Saving alway to lords, cities, and boroughs, their liberties and franchises granted to them by our said lord the King, or any of his progenitors, not revoked, repealed, or adnulled; (17) and saving always, That the said statute made the first year of King *Henry* the Fifth, and all other statutes of measures and weights afore made, stand in their force.

du roialme accoumptantz en le dit eschequer facent annuelment acompt en mesme leschecker dez profettes & forfeitures que apperteigner puissent ou duissent a Roi par la forme dez ditz estatuitz savant tout foitz as seignurs cites & burghs loures libertees et fraunchises grauntez a eux par nostre dit seignur le Roi ou ascune dez sez progenitours nient revokez repellez ou anientz et savant tous foitz qe le dit estatuit fait le dit an premer de Roi *Henry* quint & tous autres estatuitz des mesures & poies avaunt faitz estoient en leur force.

C A P. IX.

Of what length and breadth cloths called Streits shall be.

Ex edit.
Pulton.

17 R. 2. c. 2.

7 H. 4. c. 10.

11 H. 4. c. 6.

ITEM, Whereas a statute made in the seventeenth year of King *Richard* the Second after the conquest, it was ordained, That every man of the realm might make and set to sale and sell cloths, as well kerseys as other, of such length and breadth as him pleased, paying the aulnage, subsidy, and other devoirs, that is to say, of every piece of cloth after the rate, notwithstanding any statute, ordinance, proclamation, restraint or defence made to the contrary, (2) and that none sell nor put to sale any cloths before they be measured by the King's aulneger, and ensealed with the seal thereunto ordained, upon pain contained in the statutes thereof made, (3) and after in stat. made in the seventh year of King *Henry* the Fourth, grandfather of the lord the King that now is, it was also ordained, That the cloth of colour should contain in length eight and twenty yards measured by the back, and in breadth six quarters and a half; (4) and if the cloth-makers should make their cloths of les length or breadth, they should be forfeit to the King. (5) And after by another statute made in the eleventh year of the reign of King *Henry* the Fourth, it was ordained, That proclamation should be made openly through the realm, that no person making such manner of cloths or dozens within the realm, should be so hardy to tack and fold together such manner of cloths before that the aulneger hath made his search and surveying duly to the same cloths, that they hold their length and breadth, ordained by the said last statute made the said seventh year as in the same statute is more fully contained.

(6) Upon

(6) Upon which statutes made in the time of the said King Henry the Fourth, divers opinions have been holden in the King's exchequer, as the same our lord the King hath conceived by the complaint of the commons of his realm: (7) Our lord the King willing to repress such opinions, of the assent and authority abovesaid, hath declared, that this word (cloth) in the said statutes before rehearsed, shall have relation, and shall be understood of whole cloth called broad cloths and broad dozens, and not of other cloths and pieces of cloths called streits, now made, or to be made. (8) And moreover hath ordained and stablished, That every man may make, set to sale, and sell all manner of cloths called streits, containing in length fourteen yards, and in the breadth one yard unwatered, or else twelve yards watered, without impeachment of any officer of the King's, paying to the King the aulnage, subsidies, customs and other devoirs, that is to say, of every cloth, and of every piece of cloth, after the rate contained in the said statutes. (9) And if the makers of the said cloths called streits, make any cloths to sell of less length and breadth than next above declared, that then it shall be lawful to the aulneger to cut off the list at the one end of all such streit cloths, not containing the said length, and the same to be sold for a remnant for a piece, and not for a cloth: (10) And that no such cloths be put to sale until the aulneger hath measured them, made his search, and put to them the King's seal thereto ordained, upon pain of forfeiture of the same. (11) And if any aulneger enseal any such cloths called streits, not containing the length and breadth of the streits abovesaid, and cut not off the list of all such cloths that do not hold the said length and breadth of the streits, that then the said aulneger shall pay to the King for every piece of cloth so found defective, six shillings eight pence: (12) except always that all cloths called streits, made or to be made, until the day of the nativity of St. John the Baptist next coming, shall have licence to be sold and delivered until the feast of Christmas then next ensuing, of whatsoever length and breadth they be.

How this word (cloth) shall be interpreted, and of what cloths it is meant in the statute of 7 H. 4. c. 10. and 11 H. 4. c. 6. What length and breadth the cloths called streit, shall contain. 27 El. c. 18.

Cloths shall not be put to sale until the aulneger hath measured them, and put a seal to them. The aulnegers penalty for sealing of defective cloth. 5 & 6 Ed. 6. c. 6. 4 & 5 Ph. & M. c. 5. 4 Jac. 1. c. 2. 11 W. 3. c. 20.

CAP. X.

He shall find sureties, &c. that sueth to defeat an execution upon a statute.

ITEM pur ceo qe diversez persones deinz cest roialme devaunt cez heures sovent foitz out este priz & arestes par diversez viscountes & autres ministres de Roi par brefs ifantz sibien hors de chauncery de Roi come de sez progenitours pur execution avoir de diversez reconisaunces faitz devaunt lez mairs de leitaples de diversez sommes dez quex sommes icells persones as quex la

ITEM, because divers persons within this realm in times past often have been taken and arrested by divers sheriffs and other officers of the King, by writs as well going out of the chancery of the King, as of his progenitors, to have execution of divers recognisances made before the mayors of the staple, of divers sums, of which sums such persons, to whom the duty belonged, had no convenient remedy, other than the said

Cro. Car. 67.

executions; (2) which persons, so taken and arrested for execution of the same recognisances, be oftentimes brought by divers writs De corpus cum causa before the King in his chancery, out of prisons in the which they be so kept by force of such executions, and there they do sue, shewing forth divers indentures, and other things in defeasance of such recognisances, desiring writs of Scire facias to warn the party or parties at whose suit they be taken and arrested, to answer thereunto; (3) and thereupon, by surety found to the King in the chancery, have been delivered out of prison, notwithstanding their said arrest for the execution of such recognisances, as above is said, no sureties found to the recognisees to whom they be so bound to satisfy them of their duties, in case that the matters comprised within the said writs of Scire facias be not found nor adjudged for the recognisors thereby bound; (4) whereby the said recognisees have been sometime greatly delayed of their execution, and sometime their execution utterly lost, and in time to come likely to be lost, for that no advantage nor avail thereof might come, be, or accrue to the said recognisees to whom such persons be so bound by the said surety so bound to the King, seeing the same person so bound may by the King's pardon be acquit and discharged for ever. (5) Our lord the King considering that the said recognisees, to whom persons be bound, are oftentimes without remedy, if so be that the said recognisors would not pursue forth their said writs of Scire facias with effect; or otherwise, that the matters of the said writs of Scire facias be found or adjudged against them, and thereupon they withdraw them to places priviledged,

duite appent nount remedie coverable autre que lez ditz executions lez quex persones ensi prisez & arestuz pur lexecution de mesmes lez reconisances sount sovent faitz venir par diversez brefs de Corpus cum causa devaunt le Roi en sa chauncery hors dez prisonnes es quex ils sount issint detenez a cause de tiel execution & illoques suent en monstrantz diversez endentures & autres choses en defaisances de tiel reconisances enprisantz bref de Scire facias de garnier la partie ou lez parties a qui pursuit ils sount ensi prisez & arestuz a respoudre sur icelles. Et sur ceo fuerte trove au Roi en sa chauncery ount este deliverez hors du prisonne nient obstant lour de areste pur lexecutions dez tielx reconisances come desuis est dit nulle trovez as reconusez as quex ils sount issint obligez de eux fatefier dez leurs duetees en cas que lez maters compris deinz lez ditz brefs de Scire facias ne soient trovez ne adjudgez pur lez reconusez ensi obligez parount lez ditz reconusez ount ascun foitz graundement este delaiez de lour execution & ascun foitz lour execution ent toutoutrement perduz & en temps avenir verifemblablement a perdre a cause que null avantage ou avail ent purra venir estre ou acresere as ditz reconusez as quex tiels persones sount issint obligez par la dit fuerte ensi trovez au Roi pur ceo que mesmes les persones issint obligez par pardon de Roi purrount estre quitez & dischargez par tous jours. Nostre seignur le Roi considerant que lez ditz reconusez as quex persones sount obligez sovent foitz sount sanz remedie si ensi soit que mesmes lez re-

conufours nemy voillont pur-
fuer avaut les ditz breifs de
Scire facias ovesque effect ou
autrement qe le matere de lour
ditz breifs de Scire facias soit
trove ou adjudge countre eux &
fur ceo ils soy retrahent as lieux
privilegez ou eux aloinent
hors du roialme ou autrement
qils ne my appergent issint qe
lour corps puissent estre myz
en execution a tresgraunde ar-
rerifement & anientifement dez
tielx reconusez en temps aveig-
ner. Et auxi pur ceo qe le

*leged, or eloign them out of the
realm, or else they would not ap-
pear, so that their bodies might
be put in execution; to the great
hindrance and undoing of such re-
cognisees in time to come; (6) and
also because that the King is in-
herited of the taking of such sure-
ties to himself by the course of the
chancery; (7) the king doth*
will that from henceforth such
sureties be made as well to the
King as to the party.

He shall find
surety to the
King and to
the party that
sueth to defeat
an excution
upon a statute
staple.

le Roi est enheriteez de la prisez
de tielx fuertees a luy mesmes par la cours de sa chauncery
le Roi voet qe tielx fuertees defore en avaut soient faitz se-
veralment sibien a Roi come a parte.

CAP. XI.

*The punishment of those that make assault upon any that come
to the parliament.*

ITEM le Roi voillant pur-
voier pur la ese & tranquil-
lite de eux qui viendront as
parlementz ou consels du Roi
de son commaundement ad or-
deigne & estable qe si ascune
afaut ou afray soit fait a ascune
seignur espirituel ou temporel
chivaler de counte citezin ou
burgeis venuz au parlement ou
a counseill du Roi par son com-
maundement & la esteant &
entendant a parlement ou a
counseill qadonques soit procla-
mation fait par trois jours se-
veralx en le pluis overt lieu
de la ville ou lassaut ou affaire
ferra ensi fait qe la parte qui
face tiel affraye ou assaute soy
rende devaut le Roy en son
banke deins une quarter dune
an apres la proclamation fait
fil soit el temps du terme ou
autrement al proschein jour en
le temps du terme ensuant le
dit quarter et fil ne face qil soit
atteint de la fait suisdit & paie
al parte greve sez damages a
double a taxer par la discretion
dez justices du dit bank pur le
temps

ITEM, the King willing to
provide for the ease and
tranquility of them that come
to the parliaments and councils
of the King by his command-
ment, hath ordained and sta-
blished, That if any assault or
affray be made to any lord spi-
ritual or temporal, knight of
the shire, citizen or burges, or
other council of the King by
his commandment, and there
being and attending at the par-
liament or council, that then
proclamation shall be made in
the most open place of the
town by three several days,
where the assault or affray shall
be made, that the party that
made such affray or assault
yield himself before the King
in his bench within a quarter
of a year after the proclamation
made, if it be in the time of
the term, or otherwise at the
next day in the time of the
term following the next quar-
ter; (2) and if he do not,
that he be attainted of the said

The punish-
ment of such
as do make
assault upon
any that come
to the parlia-
ment, or other
council of the
King, &c.

deed, and pay to the party grieved his double damages, to be taxed by the discretion of the justices of the same bench for the time being, or by inquest, if it be needful, and make fine and ransom at the King's will; (3) and if he come, and be found guilty by inquest, by examination, or otherwise, of such affray or assault, then he shall pay to the party so grieved his double damages found by the inquest, or to be taxed by the discretion of the said justices, and make fine and ransom at the King's will, as above is said.

3 H. 4. c. 6.

CAP. XII.

What wax-chandlers shall take for their work of wax.

Ex edit.
Pulton.How much
waxchandlers
may take for
the work of a
pound of wax
more than the
wax is worth.Justices of
peace, mayors
chief officers
and stewards
may examine
and punish
offenders.

ITEM, our said lord the King hath conceived by the complaint of the said commons, That the wax-chandlers in divers parts of *England*, sell candles, images and figures, and other works of wax made for offerings, after the rate of a pound of wax for ij s. and more where one pound of wax is no more worth then vj d. whereby they gain in every pound of wax so wrought xvij d. and more, by which means divers of the people be defrauded of their good intent and devotion, supposing such candles, images and figures, and other works to be of reasonable value, according as they pay for the same, where they be of none or little value: (2) And therefore our lord the King, willing for such deceit to provide remedy convenient, hath ordained and established, That no person shall sell, nor put to sale any such candles, images, figures and other works of wax, at more higher price, but only after the rate of the price of iij d. more in the weight of a pound over that the common price of a pound of plain wax is between merchant and merchant at the time of such sale or putting to sale, upon pain to forfeit such candles, images, figures and other works of wax so put to sale, and the value of them that shall be sold against the form of this statute, and to make a fine to the King, if they be thereof duly attainted, or that it be found by examination, or due search by weights, or in other manner, that they have sold or put to sale any such candles, images, figures, or other works of wax against the form of this statute. (3) And that the justices of peace in every county where they be justices, shall have power to enquire hear and determine all things done against this statute: (4) And that as well every justice of peace in the county where he is justice, as mayors and bailiffs within the cities and boroughs, stewards of lords within the franchises of their lords, shall have power and authority to examine and search as well by weights of such candles, images, figures, and other works of wax, as in other manner by their discretion, all them

them that any thing shall hereafter do against this statute, and to punish them that by such examination or search shall be found guilty in the form abovesaid. (5) Provided that this statute do not extend to hearfes to be made for nobles that do die.

Rep. 21 Jac. 1.
c. 28.

CAP. XIII.

A confirmation for three years of the stat. of 8 Hen. VI. c. 18. that wool, &c. brought to Calais shall be sold for ready money.

ITEM, our said sovereign lord the King, for the wealth of him and his realm, by the advice and assent of the said lords, and at the special request of his said commons, hath ordained: That the good ordinance and statute made the viii. year of his reign, that is to say, that the wools and woolfels and tin, repairing and coming to the staple of *Calais*, shall be sold for ready money to be paid in hand. And that the bullion be brought in his mint there, that is to say, of every farpler of wool sold for twelve marks and above, vi. pound of bullion, and of every farpler of wool sold under twelve marks. v. pound of bullion. And that lawful and due partition be made, according to the ordinance there at this time, to endure from the feast of the Annunciation of our Lady next to come, till the end of three years then next ensuing. Saving always to our sovereign lord the King power and authority to modify the same statute when him please, by the advice of his council, as it shall seem best to him for the profit of him and of his realm.

Ex edit Ratt.

Wools, woolfels, and tin.

Bullion.

CAP. XIV.

It shall be felony to ship or carry any merchandises of the staple in creeks, during three years.

ITEM, whereas the customs and subsidies granted to our sovereign lord the King be alloigned and withdrawn, as well for lack of good search in the ports and creeks within the realm of *England*, as by other crafty imaginations of divers persons, carrying merchandises of the staple of *Calais* against the form of the said statutes thereof provided and ordained. Our sovereign lord the King, by the advice and authority abovesaid, hath ordained and stablished, That none upon pain of felony bring, carry, or ship, nor cause to be brought, carried, nor shipped, any such merchandises of the staple in any creeks within his realm of *England*, against the ordinance abovesaid. And this statute to endure till the end of three years next ensuing and no longer.

Merchandises of the staple.

CAP. XV.

A customer shall discharge the merchant that hath paid his custom.

ITEM pur ceo qe nostre seigneur le Roi par une petition a luy baillie en mesme le parlement par lez communes dicell

ITEM, for that our lord the King, by a petition to him delivered in the same parliament, by the commons of the same, for the

the merchants of the realm, hath perceived, That seeing the customers and controulers in the King's ports do not write any warrants in discharge of the said merchants of their merchandises by them shewed and duly customed, some as well coming into the realm, as passing out of the same, the same customers and controulers do embezzle the King's customs, and the merchants be greatly hindered, because that the warrants might plainly shew and declare their due custom, when they be unduly impeached in the King's exchequer: (2) the same our lord the King considering the said deceits by the advice, assent, and authority abovesaid, hath ordained, That the said customers and controulers shall write and deliver sufficient warrants, sealed with the seal of their office to that ordained, to the said merchants, and to every of them, for all and every of their merchandises every time by them to the customers and controulers duly shewed; (3) and that the said merchants, nor any of them, shall any thing pay for the said warrants, but only their due custom. (4) And in case that any customer or controuler, in any of the said ports, do the contrary, that then every merchant so grieved may have an action, by virtue of this ordinance, to pursue against every customer or controuler that doth the contrary in every court of record; (5) and then every customer or controuler so attainted shall forfeit to the King for every default ten pounds, and to the merchant thereby grieved, that will sue, a hundred shillings.

A customer or controuler shall make a warrant to discharge a merchant that hath paid his custom.

dicell pur le marchauntz du roialme ad entendu qe pur tant qe lez customers & countrollours en lez portes du Roi ne scrivent aucuns garrants en discharges des ditz merchauntz de lour merchandises par eux monstrez & duement customez aucuns sibien veignauntz en le roialme come passantz hors dicelle mesmes lez customers & countrollours embesilent les custumes du Roi & lez ditz merchauntz sount graundement anientisez a cause qe lez ditz garrantz purroient overtement declarer & monstrez leur due custome quant ils sount sovent non duement enpechez en leschekker du Roi. Mesme nostre seigneur le Roi considerant lez ditz disfeites de lavis assent & auctorite suifditz ad ordeine qe lez ditz customers & countrollours escrivent & deliverent sufficientz garantz enselez ovesqe le seal de leur office a ceo ordeinez as ditz merchauntz & a chescun de eux pur tous & chescune de leur merchandises chescun foitz par eux as ditz customers & countrollours duement monstrez mesmes lez merchauntz ne null de eux rien paient pur lez ditz garrantz mes solement leur due custome. Et en cas qe chescun customer ou countrollour en aucune des ditz pointes face le contrarie qadonques chescun marchant ensi greve poet avoir action par vertue de ceste ordenance a pursuer envers chescun customer ou countrollour qi face le contrarie en chescune court de recorde & adonques chescun customer & countrollour issint atteint puisse forfaire au Roi pur chescun defaute x. li. & a le merchant ensi greve qi voill fuer C. s.

CAP. XVI.

The penalty for sealing of a blank cocket to deceive the King of his customs.

ITEM, forasmuch as our most redoubted sovereign lord the King is greatly deceived of his customs and subsidies, of that the customers of the said ports within the realm do seal blank scrowls in parchment, called Blank cockets, with their seals deputed to their offices, and them so sealed do deliver to the merchants, for to enter and write in them their goods and merchandises going out of the realm to the parts beyond the sea, the King not answered nor payed of his customs and subsidies of such goods and merchandises. It is ordained, by the advice and authority aforesaid, That if any customer seal any such blank scrawl with the seal assigned to his office, or if any merchant enter or write, or cause to be entered or written in such blank scrawl or charter so sealed, his goods or merchandises, thereby to defraud our sovereign lord the King of his customs and subsidies, then as well the same customer as the merchant shall be judged to forfeit all his goods and chattels, as they should forfeit in case of felony. And that they and every of them shall have the imprisonment of three years. And this act shall endure by three years next ensuing after the feast of *St. Hillary* next coming.

Ex edit. Raft.
Customers.
Blank coc-
kets.

Statutes made at *Westminster*, Anno 14 HEN. VI,
and *Anno Dom.* 1435.

NOSTRE seignur le Roi Henry le sisme apres le conquest a son parlement tenuz a Westm' le xe jour d'Octobre lan de son regne qatorzisme de ladvis & assent des seignurs espirituelx & temporelx & a la especiale request des communes du roialme en mesme le parlement esteantz ad fait faire diverses estatutes & ordinances a lonour de Dieu & le bien de luy & son dit roialme en la forme ensuant.

OUR lord the King Henry the Sixth after the conquest, at his parliament holden at Westminster the tenth day of October, the fourteenth year of his reign, by the advice and assent of the lords spiritual and temporal, and at the special request of the commons of the realm, being in the same parliament hath caused to be made divers statutes and ordinances, to the honour of God, and for the wealth of him and his realm, in the form following.

CAP. I.

Justices of Nisi prius may give judgment of a man attainted or acquitted of felony.

EN primes nostre dit seignur le Roy ad ordeine par auctorite del dit parlement que les

FIRST, our lord the King hath ordained, by the authority of the said parliament

13 Ed. 1. stat. 2.
c. 30.

The justices of *Nisi prius* have authority to give judgment as well where one is attainted of treason or felony, as where he is acquitted.

ment, That the justices before whom inquisitions, inquests, and juries, from henceforth shall be taken by the King's writ called *Nisi prius*, according to the form of the statute thereof made, shall have power of all the cases of felony and of treason, to give their judgments as well where a man is acquitted of felony or of treason, as where he is thereof attainted, at the day and place where the said inquisitions, inquests and juries be so taken, and then from thenceforth to award execution to be made by force of the same judgments.

les justices devaunt queux inquisitions enquestes & juries enavaunt soient prizez par brief du Roi de *Nisi prius* joust la forme de lestatut ent fait eient poair en toutz cafes de felonie & trefon de rendre leur jugement sibien lou homme est acquite de felonie ou de trefon come lou il est ent atteint a jour & lieu ou les ditz inquisitions enquestes & juries issint soient prises & adonques illecoques de agarder execution de estre fait par force de mesmes les jugementz.

Dy. 120.

CAP. II.

Wools and fells shall not be exported but to Calais. Special exceptions in favour of the King, and his council, and the merchants of Venice, Genoa, &c.

Ex edit. Raft.
Wools.
Woofels.

Bullion.

Calais.

Staple.

ITEM, forasmuch as the great number, quantity, and substance of the wools growing in the realm of *England*, by these three years past by ship, and in great jeopardy and doubt come to the town of *Calais*, there to be sold for ready money, whereof it behoveth the said merchants sellers to receive upon every farpler a certain of bullion, to be brought to the King's mint at *Calais*, the which ready money and bullion after that they be forged and coined, and received by the said merchants sellers, ought duly and equally to be distributed and departed to every one after his portion, to be sent into this realm, for the increase and universal weal of the same, by virtue of certain statutes made in the parliament holden at *Westminster* the eighth year of our sovereign lord the King, and renewed in the parliament holden the eleventh year of his reign, which statutes be straitly observed and kept, as by such persons, which by undue means do ship wools in the creeks and other suspicious places, and also in divers ports of the realm, and them carry to other places than to *Calais*, and also by such persons, which in derogation of the universal weal of the realm, and in destruction of the good ordinance of partition, and in abatement of the price of wools, do purchase licences for their singular avail to ship wools to *Calais*, there to be sold before all other wools there being, and be not bound to keep the price, nor to receive no bullion, nor to make partition nor distribution of their money, in manner as all merchants of *England* there repairing be straitly bound to keep, do by statute aforesaid, by reason whereof the said merchants by the means and licences aforesaid be in point to be destroyed, the said staple to be

be dissevered and destroyed, and consequently the said town of *Calais*, which by the said staple hath hitherto been greatly maintained and enforced, is like to be undone and lost, and the said realm in point to be greatly hindered and hurt, as the same our sovereign lord the King hath conceived by the grievous complaint to him made in the same parliament by the commons of the same: therefore the same our sovereign lord the King, willing for the same in this case to provide a remedy, by the advice of the said lords spiritual and temporal, and at the supplication of the said commons, hath ordained in the same parliament, that no such licence, which is so prejudicial and contrary to the common and universal weal of his realm, and of his said merchants, and in destruction of the said town, and the said ordinance or partition, and of the price of the wools, shall in no wise be granted. And that every man which shippeth, or doeth to be shipped any wools or woolfels, to carry them over the sea in any wise, shall repair with the same to *Calais*, and there discharge and sell the said wools and woolfels, after the tenour of the said statutes, and after the good rule and ordinance of the said staple, in maintenance and sustentation of the same, relief and increase of the said town of *Calais*, and for the public weal of this his realm of *England*. Saving always to our sovereign lord the King, power and authority, to modify the same statute when it shall please him, by advice of his council, according as to him best shall seem for the profit of him and of his realm of *England*. Saving also to the merchants of *Genoa*, *Venice*, *Tuscany*, *Lombardy*, *Florence* and *Catalonia*, and also the burgeses of *Berwick upon Tweed*, the liberties to them granted by a statute heretofore, and to all other the King's liege people the benefit of licence to them granted by the King by the advice of his council.

23 H.6. c.6.

CAP. III.

Where the justices of assise of Cumberland shall hold their sessions.

ITEM come par estatut fait en temps le Roi *Richard* ordine soit que les justices d'assises prennent & gaoles deliverer assignez & assigners teignerent leur sessions en les principalx & chiefs villes des singuliers countees cestassavoir la ou les countes dicelles countees alors fuerent ou delors serroient tenuz nostre seignur le Roi voillant mesme lestatut en le countee de *Cumberland* estre observez & gardes considerant que la citee de *Cardoill* est la principal & chief citee & ville du dit coun-

ITEM, *whereas by a statute* ^{6 R.2.c.5.} *made in the time of King Richard the Second, it was ordained, That the justices assigned, and to be assigned, to take assises and deliver gaols, shall hold their sessions in the principal and chief towns of every county, that is to say, where the shire-courts of the counties heretofore were, and hereafter shall be holden; (2) our* *lord the King willing the same statute to be observed and kept in the county of Cumberland, considering that the city of Carlisle is the principal and chief city and* *town*

The justices of the assise, &c. of the county of *Cumberland*, shall hold their sessions at *Carlisle*.

town of the said county, and in the which the shire court of the same county hath been holden before this time; hath granted and ordained, by the authority of the same parliament, That the session of the justices to take assises and to deliver gaols in the county of Cumberland, be holden in time of peace and of truce, in the said city of Carlisle, and in none other place within the same county, as it hath been used and accustomed of old time.

countee & en la quelle la countee de mesme la countee ad este tenuz devaunt ces hoeres ad graunte & ordine par auctorite de mesme le parlement que la session des justices d'assises prendre & de gaols deliverer en le dit countee de Cumberland soit tenuz en temps de pees & des trieux en la dite citee de Car-doill & en null autre lieu ou place deins mesme le countee come il ad este use & accustume dauncien temps.

CAP. IV.

The justices of the peace of Middlesex may keep their sessions but twice in the year.

2 H. 5. c. 4.

ITEM, whereas it was ordained by a statute, That the justices of peace of all the counties of England for the time being, shall sit and hold their session four times by the year, to inquire and execute all charges contained in their commission, which they be sworn to do according to the form of the said statute, upon a great pain, as by the same statute more fully appeareth: (2) our lord the King, considering that all the high courts be set and holden in the county of Middlesex, continually during all the four times of the term, by which times of term the commons inhabiting in and of the same county, must attend from time to time to inquire of all the articles to the said courts belonging, as reason and law requireth, and that presently after every of the said terms ended, the said justices of the said county do sit and hold their sessions in the same county, as they ought to do, by force of the said statute, more to avoid the said penalty, than for any other necessary thing there to be inquired, at which sessions they cause to come before them a great
part

ITEM come ordine soit par estatut que les justices de pees de toutz les countees d'Engleterre pur le temps estantz seiront & tiendront lour sessions quatre temps par an pur enquerer & executer toutz charges contenuz en lour commyssion le quell ils sount jurrez de faire solonc la forme du dit estatut sur grande peine ficome par mesme lestatut pluis pleinement appiert. Nostre seigneur le Roi considerant que toutz ses hautz countes sount assiz & tenuz en le countee de Midd' continuelment durantz toutz les quatre temps de terme par les quelz temps de terme les communes & enhabitanz en & de mesme le countee coviendront entendre de temps en temps denquerer toutz les articles as ditz courtes appartenanz come reason & ley requiront & que maintenaunt apres chescun des ditz termes fines les ditz justices du peas du dit countee de Midd' seiont tiegnent lour sessions in mesme le countee come ils deussent faire par force du dit estatuit

statuit plus pur eviter la dit
peine qe pur ascun autre chose
necessarie illeques destre enquis
a les quelles sessions ils fount
faire venir devaunt eux graunde
partie des enhabitanz & com-
muners du dit countee de Midd'
pur enquerrer des toutz ma-
ners des choses come lour sount
donez en charge & issint ils
sount vexez & chargez parmye
tout lan sibien hors le temps
de terme come en le temps de
terme si qe ils nount ascun re-
pose ne temps de faire lour huf-
bandriez & lour labour pur
lour vivre en ascun maner gay-
ner a lour final destruction sils
ne soient succurrez en celle
partie. Et voillant purtaunt
mesme nostre seignur le Roi en
ceo cas lour purvoier de reme-
die ad ordine par advis & assent
suisditz & a la request des ditz
communes du roialme qe les
justices du peas qore sount &
toutz autres pur le temps de-
fore esteantz en le dit countee
de Midd' soient tout outre-
ment dischargez de la dite peine par
auctorite de mesme le parle-
ment a toutz temps de fore a-
venir la court du bank le Roi
estant seant en le dit coun-
tee de Midd'. Purveu toutz
foitz qe les ditz justices du
peas del dit countee de
Midd' pur le temps esteantz
gardent observent & executent
la courte des sessions du peas
deux foitz en lan au meyns &
plusours de temps sil boisoigne
par ascun riote ou forcible en-
tre fait deins mesme le countee
de Midd' & ceo sur le peine &
forfaiture de tielx summes come
sount pur ceo ordinez par as-
cun le fait devaunt ces hocures
au fyn & entent qe les ditz
communes & enhabitanz del
dit countee de Midd' ne soient
artes

*part of the inhabitants and com-
mons of the said county of Middle-
sex, to inquire of all manner of
things as to them is given in
charge; and by that means they
be charged and vexed throughout
all the year, as well out of the
time of term, as in time of term,
so that they have no rest, nor time
to do their husbandry and their
labour, to get their living in any
wise, to their utter undoing if they
be not relieved in this behalf.* (3)
Therefore the same our lord
the King willing in this case
to provide for them a remedy,
hath ordained by the advice
and assent afore said, and at the
request of the said commons
of the realm, That the justices
of peace which now be, and
all other hereafter for the time
being, in the said county of
Middlesex, shall be clearly dis-
charged of the said penalty, by
authority of the same parlia-
ment, from henceforth, the
court of the King's bench
being set in the said coun-
ty of *Middlesex*. (4) Pro-
vided always, That the said
justices of the peace of the
said county of *Middlesex*, for
the time being, keep, ob-
serve, and execute the court of
the sessions of the peace, two
times in the year at the least,
and more often if need be, for
any riot or forcible entry made
within the same county of
Middlesex, and that upon the
pain and forfeiture of such
sums as he for that ordained
by any law made before this
time: to the end and intent
that the said commons and in-
habitants of the said county of
Middlesex be not inforced nor
compelled to appear before the
justices of peace of the same
county for the time being, but

The justices of
the peace in
Middlesex
shall keep
their sessions
but twice in
the year,
saving to in-
quire of riots
or forcible en-
tries.

at such time which shall seem by the discretions of the same justices of peace necessary and behoofeful.

artes ne compelles pur apparer devaunt les justices du peas de mesme le countee pur le temps esteantz forsque a tiel temps qi sembleront par les discretions de mesmes les justices du peas necessaries & bofoignables.

CAP. V.

Merchandises of the staple shipped in creeks shall be forfeited to the King, &c.

Ex edit. Pult.

ITEM, it was shewed to our lord the King by the commons of the same parliament, That as well because of undue search made in the ports and creeks within the realm upon divers persons, which by subtil imaginations and means do ship wool and woolfels, and several other merchandises which ought to repair to the staple of *Calais*, and them carry and convey to divers other parts beyond the sea, without paying custom, against the tenor of the statute thereof made and ordained, by the which means the customs and subsidies granted to the King be greatly impaired and decayed: (2) it was ordained by the King and all the lords spiritual and temporal, and the commons in this present parliament holden at *Westminster*, the eleventh year of our lord the King that now is, that none upon pain of felony, should carry nor ship any such merchandises in the staple in the creeks within the said realm against the ordinance aforesaid: (3) nevertheless, divers persons having no fear of the said statute, customably ship as well in the ports as in the creeks aforesaid, by undue means, great value of wools, woolfels, and of other merchandises of the staple, and them carry into *Flanders*, *Holland*, *Zealand*, *Brabant* and *Normandy*, without paying any custom for the same; (4) and moreover, divers persons do ship customably wools and woolfels, in divers parts of the realm of *England*, which be cocketed and accustomed to go to *Calais*, and come not there, but the same wools and woolfels carry into other parts aforesaid, contrary to the statute thereof ordained, by the which untrue means the King is greatly endamaged and defrauded of his customs and subsidies, and the said staple within short time in point to be clearly destroyed, the town of *Calais* impoverished and decayed, and the realm not increased: (5) our lord the King considering the premisses, hath ordained by the statute aforesaid, That all the wools and woolfels, and all other merchandises which by statute ought to repair to the said staple, found in any creeks, shipped contrary to the said statute and ordinance, shall be forfeit to our lord the King: (6) and moreover, that every person whatsoever he be, which at any time shall ship or cause to be shipped any manner of wools, woolfels, and other merchandises to go to the staple aforesaid, and come not there, shall forfeit as much goods as the wools, woolfels, and other merchandises

All merchandises of the staple shipped in creeks, shall be forfeited to the King.

difes by them so shipped and carried to other places than to *Calais* do amount, by extent after the very value, (except the merchandises which be to be excepted to pass by the King's licence to other places.) Reserved always to the King the whole moiety of such forfeitures, which be cocketted and accustomed to go to *Calais*, and come not there, as afore is said; and to them which find and seise the merchandises, the other moiety, without any diminution or abatement.

(7) And if any person take any wools, woolfels, or any other merchandise of the staple, in any suspicious place adjoining to the water-side, in whatsoever place that it be, and no indenture thereof made betwixt him and the mayor, bailiff or constable of the town in the which such wools, woolfels, and other merchandises of the staple, be so layed, that then the same wools, woolfels, and merchandises be forfeit; (8) and that the King have one moiety of all such forfeitures, and the lords of the town where such merchandises be so layed, and he which them find and seise, the other moiety to be equally divided betwixt them. (9) And every man shall have power by authority aforesaid to make search in every place for such goods of the staple so carried or shipped, or laid to be shipped, as afore is said, without impediment or disturbance of any person.

Merchandises laid in secret places by the water-side to be transported, shall be forfeited.

11 H.6.c.14.

C A P. VI.

None shall disturb an alien that bringeth in victuals to sell in gross, or by retail.

ITEM nostre seigneur le Roi enforme par les ditz communes coment en lestatut fait lan vje le Roi *Richard* nadgairs Roi d'Engleterre seconde ordi- ne & accorde estoit qe chescun forein & alien esteant del amitee du Roi & du roialme & veniant deins la citee de *Loundres* & autres citees burghs & villes deins le dit roialme si bin deins fraunchise come dehors ovesqe pesson & autres vitailles qeconques illeoques demurantz & retournantz ferroit deslors de soubz le sauf garde & especial protection du Roi & qe bien life a eux & a chescun de eux qils puissent trencher pesson & vitailx suisditz par peces & a tail & a retail en partie ou en tout ou en gros come meulx lour semblera vendre & lour profit faire saunz empchement ou con-
tre

ITEM, our lord the King is informed by the said commons, how in the statute made the sixth year of King *Richard the Second*, late King of England, it was ordained and accorded, that every foreign and alien being of the amity of our lord the King, and of the realm, coming within the city of *London*, and other cities, boroughs, and towns within the said real of England, as well within franchise as without, with fish, and other victuals whatsoever, there abiding and returning, should be from thenceforth under the safeguard and special protection of our lord the King, and that it should be lawful to them, and to every of them, that they might cut fish and victuals aforesaid by pieces, and to tail and retail them in part, and in whole, or in gross, as they shall think best, to sell and make their profit, without in-
pedeb-

6 R.2. c.10.

peachment or contradiction of any, notwithstanding any statutes, charters, ordinances, privileges, or customs made or had to the contrary; (2) and thereupon by a statute made the first year of King Henry the Fourth it was ordained and stablished, That the said statute and ordinance, made the sixth year, should be firmly holden and kept and duly executed, after the form and effect of the same, notwithstanding any letters patents of late granted to the fishmongers of the city of London, as in the said statute, made the first year, fully appeareth; by the supplication of the commons aforesaid hath made, ordained, and stablished by authority aforesaid, That the said statutes shall be firmly holden and kept, any other statutes or ordinances made to the contrary notwithstanding; (3) joined to the same, That if any man disturb any foreign or alien to sell their fish in gross or at retail, in part or in whole, contrary to the said ordinances, and thereof be duly attainted at the suit of the King, or of the party, that then he shall forfeit x li. (4) And he that will sue for our lord the King, or for himself, shall have the one half, and the King the other half. (5) And such suit shall be taken for any offence committed in the city of London against the said ordinance, for him which will sue for our lord the King, or for himself, in what county that pleaseth him, of the counties of *Middlesex, Hertford, Essex, Kent, Surrey,* or in the city of *London.*

tre dit de nully non obstantz ascuns estatutz chartres ordinaunces privileges ou custumes faitz ou ewes a contrarie & sur ceo par un autre estatuit fait lan primer le Roi *Henri* quart fuit ordinaunce & estatuit faitz le dit an vje ferroit fermement tenuz & gardez & dument executz solonc la forme & effect dicelles nient contristeantz ascuns lettres patentez nadgairs grauntz au contrarie as pessoners le Loundres come en le dit estatuit fait le dit an primer pleinement appiert a la supplication des ditz communes ad ordinaunce & establie par auctorite suiffite qe les ditz estatuitz soient fermement tenuz & gardez ascuns autres estatutz ou ordinaunces faitz au contrarie nient obstantz Ajoustantx a icell qe si ascun homme destourbe ascun forein ou alien de vendre lour pessons en groos ou retaille en partie ou en tout au contrarie dez ditz ordinaunces & de ceo soit dument atteint al suite de Roi ou de partie qadonques il forfera xl. li. & celuy qi voudra fuer pur le Roi ou pur luy mesmes avera lune moitee & le Roi lautre moitee & soit tiel suyte pris pur ascun offense fait en la citee de Loundres encountre le dit ordinaunce pur celuy qi veudra fuer pur le Roi ou pur luy mesmes en quel countee qe luy plerra des countees de Midd' Hertf' Essex Kent' Surr' ou en la citee de Loundres.

The forfeiture of him who disturbeth an alien bringing in victuals to sell them in gross or by retail.

9 Ed. 3. stat. 1. c. 1.
27 Ed. 3. stat. 2. c. 2.
11 R. 2. c. 7.

CAP. VII.

Merchandises taken in ships of the King's enemies, though belonging to foreigners in amity with the King, shall not be restored.

ITEM, our sovereign lord the King, considering by the grievous ^{Ex edit. Raft.} complaint to him made by the said commons, how that the aliens of ^{Aliens.} the King's amity do freight and charge the ships and other vessels of ^{Ships.} (the enemies of our sovereign lord) the King of Spain, which thing doth support and greatly enforce the money of the said enemies, and also it is the stronger mean that enforceth them of Rochel, and divers other of the King's adversaries. And if it happen that any ships or vessels of the said enemies, with any merchandises so charged be taken by the King's liege people upon the sea, the said aliens of the amity aforesaid, by colour of false charters, doubles, letters of marque counterfeited, and false witnessses of their nation, claim and demand the goods and merchandises of the said enemies, so taken upon the sea, as their proper goods, and the same goods and merchandises be restored, to the great hindrance of them which they have taken, and abashment of the courage of the said liege people: and forasmuch as our sovereign lord the King willing therefore to provide a remedy, hath granted and ordained by authority aforesaid: infomuch that it is not contrary to the league made betwixt him and some of his allies, That if it happen that any merchandises of the aliens of the amity aforesaid be taken by the said lieges after the feast of Saint Michael the archangel, next coming, or any ships or vessels of the said enemies of our sovereign lord the King, not being under the King's safe conduct or protection, that then the said lieges may them retain and enjoy without any impeachment or restitution thereof to be made: and this ordinance shall endure by three years next ensuing, and longer, if it please our said sovereign lord the King.

CAP. VIII.

The statute of 2 HEN. V. stat. 1. cap. 6. touching breakers of truce, suspended.

ITEM, whereas it was declared and ordained by a statute made ^{Truce.} the second year of King Henry the Fifth, forasmuch as before the said ordinance, divers people comprised within the truce, as well made by the said late King as by his father, grandfather to the King that now is, and other also having safe conducts, as well of the said late King ^{Safe conducts.} Henry the Fifth, father to our said sovereign lord, as of his said grandfather, some have been slain, robbed and spoiled, by the King's liege people and subjects, as well upon the main sea, as within the ports and coasts of the sea of the realm of England, Ireland, and of Wales, whereby the said truce and safe conducts have been broken and offended, to the great dishonour and slander of the King, and against his dignity, and the said manslayers, robbers, and spoilers, and offenders of the said truce and the King's safe conducts, as afore is declared, have been by divers the King's lieges and subjects within the coasts of ^{divers}

Treason.

20 H. 6. c. 11.

divers counties received, abetted, procured, counselled, hired, sustained, and maintained: that such slaying, robbery, breaking of such truce and the King's safe conduets, and wilful receipt, abettment, procurement, counsel, hire, sustenance, and maintenance of such persons to be made in time to come, by the King's lieges and subjeets within the realm of England, and of Ireland, and of Wales, or upon the main sea, shall be adjudged and determined for high treason, done against the crown and the King's dignity: our sovereign lord the King, considering the pains contained and specified in the said statute, be so rigorous and grievous against his liege people and subjeets, and them so straitly do bind, that the King's adversaries and enemies be greatly encouraged and comforted to make war against the said liege people: and many of the said liege people and subjeets, as well upon the main sea and coasts of the sea, as in the marches of the realm of England, oftentimes have been some robbed, and some spoiled, and some slain, whereby many of the same lieges, inhabiting in the marches and coasts aforesaid, be greatly hindered and impoverished, and in point to be finally destroyed: and the mariners and merchants of the King to pass upon the sea with their ships and vessels with their merchandises, or otherwise to make war for the safeguard of the sea, be greatly discouraged and abashed, and the navy of the realm in point to be destroyed, and the said merchants clearly discomforted, so do to be renewed any ships or vessels: hath ordained, by the advice, assent and authority aforesaid, That none of the said lieges and subjeets of the King, by force of the said statute, for nothing by him attempted, done or to be done against the form and tenour of the said statute, within seven years next ensuing, after the said tenth day of October, be in any wise punished, impeached, molested, or grieved, by force of the said statute, nor shall incur no pain for the same otherwise than he ought before the making the said statute. But that he, his heirs and executors of all things and pains contained and specified in the said statute, as by force of the same statute, because of any offence done during the time aforesaid against our said sovereign lord the King, his heirs and successors, be clearly quit and discharged for ever.

Statutes made at *Westminster*, Anno 15 HEN. VI.
and Anno Dom. 1436.

AT the parliament holden at Westminster the one and twentieth day of January, the fifteenth year of the reign of King Henry the Sixth after the conquest, by the advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons of the realm; the same our lord the King hath caused to be ordained certain statutes to the honour of God, and the

NOSTRE foverain feignur le Roy Henry le sixme apres le conquest a son parlement tenuz a Westm' le xxje jour de Januaire lan de son regne xvme de ladvis & assent des feignurs espirituels & temporels & a lespecial instance & requeste de les communes du roialme en mesme le parlement esteantz ad fait ordeinez & establiez certains statutz & ordinances

nances al honour de Dieu & le bien & profit de luy & de son dit roialme en la fourme que suit.

the profit of him and his realm, in the form following:

CAP. I.

Where in a suit before the marshal, the defendant may plead, that the plaintiff or he are not of the King's house.

EN primes pur ceo que les seneschall & mareschall de hostell du Roy & leur deputees avaut cez heures ont tenuz devaut eux plees de dette detenu & autres plees personelx moevez parentre gentz qi ne furent de mesme hostell en leur recorde faisantz mention que les pleintifs & defendants de mesme les plees furent del dit hostell & a lez parties defendants en mesmes les plees ne allowent leur chaleng & exceptions par eux aleggez que ils mesmes ou les pleintifs en mesmes les suites ne sount pas de mesme hostell encoutre les leys & estatuts ent avant ces heures eus & faitz parount divers des lieges nostre dit seignur le Roi en sa court devaut lez ditz seneschall & mareschall tenuz sovent foitz encoutre le leie sount grevousment vexez & entroublez a leur grande damage & anientissement. Nostre dit seignur le Roi les premisses confiderez ad ordeine par auctorite de mesme le parlement que en chescun seurte desore ennavant pur les defendants aprendre ils ne soient estoppes par tiel recorde a dire quils mesmes ou lez pleintifs en mesme le recorde especifiez ne furent al temps du dit plee ou suit commence del hostell du Roy come par mesme le recorde est suppose eins eient lez ditz defendants loure averement a dire quils mesmes ou les ditz pleintifs

FIRST, *Because that the steward and marshal of the King's house and their deputies before this time have holden before them pleas of debt, detinue, and other pleas personal moved betwixt people which were not of the same house, making mention in their records, that the plaintiffs and defendants of the same pleas were of the said house, (2) and do not allow to the parties defendants in the same pleas their challenges and exceptions by them alledged, that they themselves, or the plaintiffs in the same suits, be not of the same houses, against the laws and statutes before this time had and made, whereby divers of the King's liege people in his court holden before the said steward and marshal oftentimes against the law be grievously vexed and troubled to their great damage and hindrance.*

(3) Our said lord the King, considering the premisses, hath ordained by authority of the same parliament, That in every surety from henceforth for the said defendants to be taken, they shall not be estopped by such record, to say that themselves, or the plaintiffs in the same record specified, were not at the time of the said plea or suit thereof commenced, of the King's house, as by the same record is supposed; (4) but the defendants shall have their averment to say, That they themselves, or the said plaintiffs, were not of the same house

1 Bulstr. 209d

28 Ed. 1. stat. 3.
c. 3.
13 R. 2. stat. 1.
c. 2.

In a suit commenced before the marshal of the King's house, the defendant shall not be estopped to plead that the plaintiff or he are not of the King's house:

house at the time of such plea or suit commenced, the said record or other matter within the same contained notwithstanding.

tifs ne furent de mesme lostell a temps de tiel plee ou suit commence le dit recorde ou ascun matier deinz icell continuz nient obstant.

CAP. II.

Corn being of small price, viz. wheat at six shillings and eight-pence, and barley at three shillings the quarter, may be carried forth of the realm without licence.

Ex. edit. Raff.
Corn.
20 H. 6. c. 6.
1 Jac. 1. c. 25 &
21 Jac. 1. c. 28.

ITEM, forasmuch as by the law it was ordained, that no man might carry nor bring corn out of the realm of *England* without the King's licence, for cause whereof farmours and other men which use manurement of their land, may not sell their corn but of a bare price, to the great damage of all the realm: Our said sovereign lord the King, willing in this case to provide remedy, hath ordained by authority aforesaid, That it shall be lawful to every person to carry and bring corn out of *England*, and the same to sell to whatsoever person that he will, except all only to the King's enemies, as often and as long as a quarter of wheat or barley is so shipped: And that without suing any licence for the same. All other statutes before this time thereof made to the contrary notwithstanding. Provided always, That the King be contented of his customs and money. And this ordinance shall endure till the next parliament.

CAP. III.

What things be requisite to make a safe conduct effectual.

ITEM, *Whereas our said lord the King of late hath granted his letters of safe conduct to certain persons to come and go in and out of the realms and seignories of England, France, and Ireland, with certain number of ships charged with their merchandises, and that faith and credit should as well be given to the copy called Vidimus, sealed under the seals authentick and approved, as to the original of the said letters; (2) one John de Gautier, one of the persons aforesaid, granted and delivered the Vidimus of the said safe conduct to such and to as many as him pleased, sealed with the seal of him that calleth himself King of France, under the colour of which Vidimus a great navy of the adverse part was assembled, and did take many ships, and the King's*

ITEM par la ou nostre dit seigneur le Roi nadgairs avoit graunte ses lettres de fauf conduyt as certains persons pur venir & aler en & hors de les roialmes & seignuries d'Engleterre Fraunce & Irlonde ovesqe certeine nombre des niefs charges ovesqe lour marchandises & qe foie & credance serroit done sibien a la copie appelez Vidimus ensealez soubz sealés autentiques & appovez come al originall de lez ditz lettres un John le Gautier un de les persons desuisditz graunta & delivra le Vidimus du dit fauf conduyt as tielx & as tauntz come luy pluist enseales soubz le seale celuy qi soy appelle Roy de Fraunce soubz umbre de quel Vidimus un grande navie de la partie ad-
versarie

verfarie fuist assemble & prist plusours niefs & lieges du Roy & vitaille lez villes & fortresses de les parties adversaries a grande damage du Roy & de sez lieges fuisditz si come nostre dit seigneur le Roy a la grevous complaint a luy en fait par les ditz communes lad pleinment entenduz mesme nostre seigneur considerant lez grandes inconveniencz queux purroit eschier par tielx & autres qi malement usent sez lettres de sauf conduyt & qe soubz ombre de tielx Vidimus tout un entier navie des adversaries poet estre umbrez & journement vitailer estoffer & refresher leur partie en grande damage de sez roialmes & specialment de le roialme dEngleterre voet doner en commandement a les gardeins de ses grande & prive sealx qils ne soeffrent pas tiel clause de Vidimus estre mys en null sauf conduyt a grauntiers de cy enavaunt fil ne issint soit qe ascun grande ou notable cause ou matier moeve mesme nostre seigneur le Roy pur ceo tielment granter. Et voet auxi par auctorite fuisdite qe en toutz sauf conduyts de cy enavaunt a graunterz a ascun person ou persons les nouns de iceux de les niefs & de les maistres & le nombre de mariners ovefque le portage des niefs soient expressez.

King's liege people and victual, to the towns and fortresses of the adversaries, to the great damage of the King and of the liege people aforesaid, as our said lord the King, at the grievous complaint to him made by the said commons in the said parliament, hath perceived: (3) The same our lord the King, considering the great inconveniencies which might ensue by such and other which do evil use his letters of safe conduct, and that under colour of such Vidimus a whole navy of enemies may be coloured, and daily victual, stuff, and refresh their party, in great damage of his realm of England, doth will, and hath commanded by the authority aforesaid, to the keepers of his great and privy seal, that they shall not suffer such clause of Vidimus to be put in any safe conduct from henceforth to be granted, unless it so be, that some great or some notable cause or matter move the same our lord the King to grant the same in such wise; (4) and willeth also, that in all safe conducts to be granted from henceforth to any person or persons, the name of them, of the ships, and of the masters, and the number of the mariners, with the portage of the ships, shall be expressed.

The clause *Vidimus* shall not be put in a safe conduct, unless upon some special cause.

What things are requisite to be inserted in a safe conduct to make it effectual.

18 H. 6. c. 8.
20 H. 6. c. 8.
14 Ed. 4. c. 4.

CAP. IV.

None shall sue a Subpœna until he find surety to satisfy the defendant his damages, if he do not verify his bill.

ITEM pur ceo que diverses persones ont avant cez heurez este grandement vexes et grevez per briefes de sub pena purchaces pur matiers determinablez per la common ley de cest terre, a grand damage de tielx persones issint vexes, en subversion et impediment de la

ITEM, for that divers persons have before this time been greatly vexed and grieved by writs of Subpœna, purchased for matters determinable by the common law of this land, to the great damage of such persons so vexed, in subversion and impediment of the

Mr. Cay observes that this chapter is not upon the roll.

Bro. conscience. 24.

No person shall sue forth a Subpœna until he find surety to satisfy the defendant his damages and costs, if he do not verify his bill.

17 R. 2. c. 6.

common law aforesaid; (2) our lord the King doth command, That the statutes thereof made shall be duly observed according to the form and effect of the same, (3) and that no writ of Subpœna be granted from henceforth until surety be found to satisfy the party so grieved and vexed, for his damages and expences, if so be that the matter cannot be made good, which is contained in the bill.

la comen ley suisdite; nostre seigneur le Roy voet que les estatuitz ent faitz soient duement gardes seloncque la fourme et effect dicelles; et que null briefe de sub pena soit graunte de cy enavant, tanque seurtee soit trove, pur satisfaire la partie ensy greve et vexe pur ses damages et expences, si issint soit que le matier ne poet pas estre fait bon quele est contenus en la bille.

C A P. V.

What sort of persons may be impanelled upon an attaint.

ITEM our lord the King considering that the trial of life and death, of lands and tenements, goods and chattels of every person of his liege people of this realm, touching matters in deed, by the law of the same realm remain and stand, and daily is very likely to be had and made, by the oaths of inquests of twelve men duly summoned in his courts; (2) and also that the great fearless and shameless perjury, which horribly continueth, and daily increaseth in the common jurors of the said realm, is most likely to tend to the greatest mischief which may fall to the said realm; (3) and that it is to be supposed, by reason that the more sufficient that men be of lands and tenements, the more unlikely they are to be drawn or moved to perjury by brocage, power, or corruption; (4) and that in every action and writ of attaint at the least there must be thirteen defendants, unless that the death of any cause the contrary; (5) of which thirteen defendants every person by the law may have a several plea and answer, triable in whatsoever county that him pleaseth of the said realm, (6) and every of the same thirteen pleas and answers triable out of the county in which the
action

ITEM nostre dit seigneur le Roy considerant que le triall de vie & de mort terres & tenementz biens & chateaux de chescun person de ses lieges diceste roialme touchant matiers en fait par le leie de mesme le roialme remaigne & estaa & de jour en jour verisemblablement est pur estre eue & fait par les serementz des enquestes de xij. hommes duement summones en sez courtes et auxi que les grandes pourlesse & inhonnetesse perjurie que orriblement continue & journement encreffe en les communes jurrors du dit roialme a la plus grande verisemblable meschief que puis cheier al dit roialme et qil est a supposer par reson que le plus sufficientz que hommes soient des terres & tenementz le plus nonsemblablement ils sont a estre trettez ou moevez a perjure par brocage poure ou corruption & que en chescun action & brief dateint au meyns y faut estrc xiiij. defendantz fil ne soit que mort dascun de eux cause le contrarie des queux xiiij. defendantz chescun person par la leie poet avoir severall plee & responce triable en quecounque countee que luy pleast del roialme
avaunt

avauntdit & chescun de icelles xiiij. plees & responses triables hors del countee en quel l'acion & brief dateint est pursue causera la delaie de la prise de graunde jure da eint jesques au temps qe chescun des ditz foreins severalx responses soit trie. Et tout soit qe toutz iceux xiiij. foreins severalx responses & plees chescun apres auter pur causer plusours delaies soient plees tries & trovez countre iceux xiiij. defendantz ils nount ascun prejudice par icels ne les pleintifs en les ditz actions & briefs dateintz null autre avantage mes qe le court du Roy adonques de proceder a la prise du dit graunde jurie la quell par subtiltee qe de jour en jour encrese purroit causer la delaie des pleintifs en les ditz actions & briefs dateint par x. ans ou plus par commune estimation ad ordeine par lauctorite avaunt dite pur partie de remedie de la mescheef suisdit qe null viscount baillif du franchise ne coroner en actions ou briefs dateint du plee du terre dannuell value de xl. s. ou plus ne d'acion de detenie des faitz concernants terres & tenements de semblable value ou plus ne de plee personell dount le juggement de recoverer extende a la somme de xl. li. ou plus retourne ne empanell en null inquisition ne enquest nulles perones mes ceux enhabitantz dedeins sa baille queux a cell temps eient estate a lour propre opes ou ceux as queux oeps autres perons ont estate de fee simplee fee taill ou frank tenement en terres & tenements dannuell value de xx. li. ou plus dedeins sa baille hors del auncein demesne les cynk portes & tenure de gavelkynde ne meindres

action and writ of attaint is sued, doth cause the delay of the taking of the grand jury of attaint, until the time that every of the said foreign several answers be tried. (7) And although that all these thirteen several answers and pleas, every one after other, to cause more delays, be pleaded, tried, and found against these thirteen defendants, they themselves have no prejudice by the same, nor the plaintiffs in the said actions and writs of attaint no other advantage, but that the King's court then shall proceed to the taking of the said grand jury, which by subtilty that daily increaseth may cause the delay of the plaintiffs in the said actions and writs of attaint by ten years or more, by common estimation; (8) hath ordained by authority aforesaid, for part of the remedy of the said mischief, that no sheriff, bailiff of franchise, nor coroner, in actions or writs of attaint of plea of land, of the yearly value of xl. s. or more, nor action of attaint of deeds concerning lands or tenements of like value, or more, nor personal, whereof the judgment of the recovery shall extend to the sum of forty pounds, or more, shall return nor impanel in any inquisition nor inquest, any persons but such as be inhabiting within his bailiwick, which have estate to their own use, or they to whose use other persons have estate, of fee-simple, fee-tail, or freehold, in lands and tenements, of the yearly value of xx. li. or more in his bailiwick, out of antient demesne, the five ports, (9) nor shall return in the King's court less issues in the said actions of attaint, than xl. s.

What sort of persons and of what sufficiency in estate may be impanelled in juries upon an attaint.

18 H. 6. c. 2.
What issues shall be returned upon every juror in an attaint.

xl. s. at the first writ of distress, and C. s. at the second writ of distress, and the double of every other writ of distress against the persons impanelled and returned to be sworn in the same actions. (10) And that no person of less sufficiency of freehold than of the yearly value of xx. li. in the form aforesaid, shall be sworn in the King's court upon any issue in the said actions of attain, if he be for the same by the plaintiffs in due form challenged. (11) And that also as often as any sheriff, bailiff of franchise, or coroner, do contrary to this ordinance, he shall pay, and by this statute be bound to pay to the King x. li. and to the plaintiffs in the said actions and writs of attain for their delay other x. li. (12) And if any of the foreign answers and pleas be tried and found against any of the said defendants, that then the same judgment against the same defendants, and for the said plaintiffs, shall be given by the King's justices, and consideration of his courts, as by the law should be given against the same defendants, in case that the grand jury in the said actions and writs of attain, upon the points and articles of the same writs, had passed against the same defendants, and with the said plaintiffs. (13) And that by the same judgments, no other of the said defendants, but they against whom the aforesaid foreign answers and pleas be found and tried, shall be prejudiced or endamaged; (14) and that this statute touching the office of sheriff, bailiff of franchise, and coroner, in returning of the said persons of the sufficiency of

meindres issues en les ditz actions datteint retourne en la court du Roy qe xl. s. a le premier brief de destresse & cent soulz a le secunde brief de distresse & le double a chescun autre brief de distresse envers les persones empanelles & retournes pur estre jurrez en mesmes les actions. Et qe null persone de meindre sufficiante du frank tenement qe dell annuell value de xx. li' en la fourme dessuisdit soit jurrie en la court du Roi sur null issue en les ditz actions datteint fil soit pur icell par les pleintifs en due fourme chalanges. Et qe auxi sovent qe ascun vicount bailif du fraunchise ou coroner face le contrarie de ceste ordinance qil paie & par cest estatut soit tenuz a paier au Roy x. li. & a les pleintifs en les ditz actions & briefs datteint pur lour delaies autres x. li. Et qe si ascun des ditz foreins responses & plees soit trie & trove encoutre ascun des ditz defendantz qadonques mesmes les juggementz coudre mesmes les defendantz & pur les ditz pleintifs soient dones par les justices du Roy & consideration de ses courts si come par la leie serroit donee envers les mesmes defendants en cas qe le grande jurie en les ditz actions & briefs datteint sur les points & articles de mesmes les briefs passez encoutre mesme les defendants & ovesqe les ditz pleintifs. Et qe par mesmes les juggementz null autre des ditz defendantz sinon ceux vers queux les avaunt ditz foreins responses & plees sount troves & trie soit blesez ne endamages. Et qe si estatuit touchant loffice de viscount bailif de fraunchise & coroner en

A foreign plea pleaded by any of the defendants found for the plaintiff. Keilw. 55.

This statute doth not extend to cities or boroughs.

en retournant des perſones de la ſufficiantee du frank tenement dannuell value de xx. li. et qe null perſone de meindre ſufficiante du frank tenement ſoit jurie en les ditz actions & briefs datteint ne extende pas as citees & burghs de le dit roialme ne a les enhabitantz en icelles.

Purveu toutz foitz qe ſi en aſcun de les ditz countees ne ſoient perſones enhabitantz deſoubz le ſtate de baron del poſſeſſion dez terres & tenementz dannuell value de xx. li. en meſme le counte en la fourme avantdit a ſuffire le noubre pur eſtre empanelles & retournes en les ditz actions & briefs datteint qadonques le viſcount bailifs de franchifez & coronours de meſme le counte empanell & retourne en meſmes les actions & briefs parſones illecoques enhabitantz de la plus ſufficiante du poſſeſſion dannuell value de terre & tenementz deinz la value de xx. li. par an en meſme le counte en la fourme avantdit & qe a ceux perſones nextende pas la vaundite chalanges qils ne ſount del ſufficiante des terres & tenementz dannuell value de xx. li. en meſme le counte & ceo auxi ſovent qe aſcun de meſmes les viſcountz baillifs ou coroners face le contrarie de ceſt darrein article qil paie au Roy x. li. & au ditz pleintifs x. li. en la fourme avantdite.

of freehold of the yearly value of xx. li. and that no perſon of leſs ſufficiency of freehold be ſworn in the ſaid actions and writs of attaint, ſhall not extend to cities and boroughs within the ſaid realm, nor to the inhabitants in the ſame.

II. Provided always, That if in any of the ſaid counties there be not perſons inhabiting (under the eſtate of a baron) of poſſeſſion of lands and tenements of the yearly value of xx. li. in the ſame county, in the form aforeſaid, to ſuffice the number to be impanelled and returned in the ſaid actions and writs of attaint, that then the ſheriff, and bailiffs of franchiſes, and coroners of the ſame county, ſhall impanel and return in the ſame actions and writs, perſons there inhabiting, of the moſt ſufficiant of poſſeſſion of yearly value of lands and tenements within the value of xx li. in the ſame county in the form aforeſaid; (2) and that to ſuch perſons the ſaid challenge extend not, that he is not of poſſeſſion of lands and tenements of the yearly value of xx li. in the ſame county; (3) and that as often as any of the ſame ſheriffs, bailiffs, or coroners do contrary to this preſent article, he ſhall pay to the King x li. and to the plaintiffs x li. in the form aforeſaid.

A remedy if there be not ſufficiant men in the ſame county, who have lands of the yearly value of xxl.

23 H. 8. c. 3.

CAP. VI.

A reſtraint of unlawful orders made by maſters of guilds, fraternities, and other companies.

ITEM, Whereas the maſters wardens and people of the guilds, fraternities and other companies incorporate, dwelling in divers parts of the realm, oftentimes by colour of rule and governance and other terms in general words to them granted and confirmed by charters

Ex. edit. Raſt, Guild, Fraternity, and Company,

and letters patents of the King's progenitors, make themselves many unlawful and unreasonable ordinances as well of many such things, whereof the consance, punishment and correction all only pertaineth to the King, lords of franchises, and other persons, and whereby our sovereign lord the King and other be disherited of their profits and franchises, as of things, which oftentimes in confederacy is made for their singular profit, and common damage to the people: the same our sovereign lord the King, by the advice and assent of the lords spiritual and temporal, and at the prayer of the commons aforesaid, hath ordained by authority of the same parliament, that the masters, wardens, and people of every such guild, fraternity, or company incorporate, betwixt this and the feast of Saint Michael next coming, shall bring and do all their letters patents and charters to be registered of record before the justices of peace in the counties, or before the chief governors of the said cities, boroughs, and towns, where such guilds, fraternities and companies be. And moreover hath ordained and defended, by the authority aforesaid, that from henceforth no such masters, wardens, nor people make nor use no ordinance which shall be to the disherison or diminution of the King's franchises, or of other, nor against the common profit of the people nor none other ordinance of charge, if it be not first discussed and approved for good and reasonable, admitted by the justices of peace, or the chief governors aforesaid, and before them entered of record, and after by them revoked and repealed, if it be found by them not lawful or not reasonable, and that upon pain to lose and forfeit the force and the effect of all the articles comprised in their said writs and charters, by which they might do the same ordinances to be entered and moreover to lose and pay x. li. to the King for every ordinance that any of them doth make or use to the contrary, as often as he shall be of that by due process, and lawful manner convict of record before any of the said justices of peace, or chief governors of cities, towns, and boroughs. And this ordinance shall endure as long as it shall please our said sovereign lord the King.

29 H. 7. c. 7.

C A P. VII.

All persons religious and secular may make their general attornies to sue or plead for them in every hundred and wapentake.

ITEM, our said sovereign lord the King, by the assent of the lords spiritual and temporal, and commons aforesaid, hath ordained and stablished by authority aforesaid: That from henceforth all the abbots, priors, and other religious persons, and their successors, and every of them, which have lands and tenements or other possessions within any of the wapentakes of *Staincliffe* wapentake or *Friendlesse* wapentake in *Craven* in the county of *York*, may make their attornies general in all the courts within the said wapentakes and every of them, that is to say, every of the abbots, priors, and religious persons severally under the common seal of his

his house, to win and lose in every manner of plea, for any or against any of them in the said courts, or any of them moved or to be moved. And that the said abbots and priors and religious persons and their said attornies and every of them, may plead in the said courts and every of them, all manner of pleas, which be pleadable in law and in the law allowable, and that every steward and bailiff of or in every of the said courts for the time being, shall as well receive any attorney in the manner aforesaid to be made, as the said pleas by the said abbots, priors, or religious persons, and by their said attornies, and by every of them to be pleaded, without amercing the said abbots, priors, or religious persons or any of them in the manner aforesaid, or otherwise than secular persons in like case without fraud should be amerced. And that every of the stewards and bailiffs aforesaid, at every time that he doth contrary to this ordinance, shall forfeit and pay to the king x. li. and that every person which will sue for the King in this case, shall have a writ of debt founded upon this statute, and shall have the half for his labour, and the King the other half. And that in the same manner all other abbots, priors, and other religious persons and their successors, and any other secular persons within this realm, in every hundred and wapentake within the same realm, may make their attornies general, to plead for them and every of them in the form aforesaid, that is to say, the said abbots, priors, and religious persons under the common seal, and the secular persons under their seals. And if the stewards, bailiffs, or any minister of any such hundred or wapentake do contrary to the same, every of them shall forfeit to the King x. li. as afore is said, and this statute and stablishment shall endure as long as it shall please the King.

20 H. 3. c. 10.
13 Ed. 1. stat.
1. c. 10.
7. R. 2. c. 14.

C A P. VIII.

No merchant shall ship any merchandises of the staple, but at wharfs assigned, &c.

ITEM, our sovereign lord the king, to remove and eschew the great unlawfulness and damage, which daily is to him done, in withholding the customs and subsidies, and impediment to the staple of Calais of the sale of wools and woolfels, by such which do ship their wools and woolfels in divers secret parts and creeks, and other suspect places within this realm, stealing bringing and carrying the same not customed to divers parts beyond the sea, and not to Calais; hath ordained by the authority aforesaid, that from henceforth no manner of person shall ship nor do to be shipped wools, woolfels, nor other merchandises pertaining to the staple, in no place within this realm, but all only at the keys and wharfs being in the ports assigned by the statute, where the King's weights and his wools be set. (2) And that every master of ships and vessels, in the which such wools and woolfels and merchandises be put, shall find sufficient surety to the customers of the ports, where they do ship, to carry the said wools and woolfels to the staple of Calais, and to bring a certification from thence, that he hath so

No person shall ship any merchandise of the staple, but at the keys assigned where the King's weights are.

18 H. 6. c. 17.
14 H. 6. c. 5.
4 Ed. 4. c. 2.

done. (3) *Saving always to the merchants of Genoa, Venice, Tuscany, Lombardy, Florence, and Catalonia, and to the burgessees of Berwick, the liberties to them granted by statute heretofore.*

Statutes made at *Westminster*, Anno 18 HEN. VI.
and Anno Dom. 1439.

OUR lord King Henry the sixth after the conquest, at his parliament holden at Westminster the morrow after St. Martin, in winter, the twelfth day of November, the eighteenth year of his reign, to the honour of God, and for the weal of him and of his realm, by the advice and assent of the lords spiritual and temporal, and the commons in the same parliament assembled, hath made, ordained, and stablished divers statutes and ordinances in the form following.

NOSTRE seigneur le Roi Henry le sixme apres le conquest a son parlement tenuz a Westm' le lendemayn de Seint Martin en iver le xijme jour de Novembre lan de son reigne xviiije al onour de Dieu & pur le bien de luy & son roialme de ladvys & assent des seignurs espirituelx & temporelx & les communes en mesme le parlement assemblez ad fait ordeigner & establier diverses estatuitz & ordinances en la fourme qensuit.

CAP. I.

Letters patents shall bear the date of the King's warrant delivered into the chancery.

27 H. 8. c. 11. **F**IRST, whereas by suit made to the King by divers persons it hath been desired by their petitions, to have offices, fermes, and other things of the gift and grant of the King, by his gracious letters patents thereof to them to be made, desiring by the same petitions, the same letters patents of the King to bear date at a certain day limited in the same, the which day is often long before, the King's grant to them thereupon made have borne the same date, by reason whereof divers of the King's liege people having such offices, fermes, and other things of the gift or grant of the King, by his gracious letters patents thereof to them long time before duly made, by such subtil imagination of such antedates desired by such petitions, of such offices, fermes, and other things,

PRimerement come par suit fait au Roy par divers gentz ad este desire par leur petitions daver offices fermes & autres choses del don & graunte du Roy par sez gracious lettres patentz ent a eux a faire desirauntz par icell petitions mesmes les lettres patentz du Roy de porter date a certain jour limite en icell le quell jour est sovent longement devaunt le graunte du Roy a eux faitz de leur ditz petitions parount les lettres patentz du Roy a eux sur ceo faitz ount porte mesme la date a cause de quell divers lieges du Roy eiantz tielx offices fermes & autres choses du don ou graunte du Roy par sez gracious lettres patentz a eux longe temps devaunt duement fait par tielz subtils ymaginations

ginations de tiels antedates de-
firez par tiels petitions de tiels
offices fermes & autres chofez
fovent ount este oustes amoves
& expelles encoutre droit bon
conscience & reason. Nostre
dit feignur le Roy voillant ou-
stier tiels ymaginations del avys
& assent des feignurs espiritu-
elx & temporelx & al especiale
request des ditz communes ad
ordine par auctorite de mesme
le parlement qe de qeconqe
garrant en apres par mesme
nostre feignur le Roy ou sez
heires al chaunceller dEngle-
terre pur les temps esteant ad-
dresse le jour du livre dicell
al chaunceller soit entre du re-
corde en la chauncerie et qe
le chaunceller face faire lettres
patentes sur mesmes les gar-
rantz portantz date le jour du
dit livre en la chauncerie &
nemy devaunt en null manere
et si ascuns lettres patentes
soient desore faitz al contrarie
soient voidez irritez & tenuz
pur nulles.

*things, often have been put out,
amoved, and expelled, against
right, good conscience, and reason :*

(2) Our said lord the King,
willing to put out such imagi-
nations, by the advice and
assent of the lords spiritual and
temporal aforesaid, and at the
special request of the said com-
mons hath ordained, by au-
thority of the same parliament,
That of every warrant here-
after sent by the same our lord
the King, or his heirs, to the
chancellor of *England* for the
time being, the day of the de-
livery of the same to the chan-
cellor shall be entered of record
in the chancery; (3) and that
the chancellor do cause letters
patents to be made upon the
same warrant, bearing date the
day of the said delivery in the
chancery, and not before in
any wise; (4) and if any let-
ters patents be from henceforth
made to the contrary, they
shall be void, frustrate, and
holden for none.

The King's
letters patents
shall bear date
the day of the
King's war-
rant into the
chancery de-
livered.

Plowd. 491.
Dyer, 133-

C A P. II.

*They which have gavelkind lands to the yearly value of
twenty pounds, may be returned in attaints.*

ITEM come al parlement
nostre feignur le Roy tenuz
a Westm' lan de son reigne
xvme entre autres articles soit
ordeigne qe null viscount baille
de fraunchis ne coroner en ac-
tion ou briefes datteyntes de plee
de terre de annuell value de
xl. s. ou plus nen action de
atteynt des faitz concernantz
terres & tenementz de annuel
value de xl. s. ou plus ne per-
sonell action dount le jugement
de recovere extend al somme de
xl. li.' ou plus retourne ne
empanelle en null inquisition
ne enqueste nulles persones mes
ceux enhabitauntz deinz sa
baille qi ount estate a lour
oepe

ITEM, where in the parlia-
ment of our lord the King, hol-
den at Westminster the fifteenth
year of his reign, among other
articles it was ordained, That
no sheriff, bailiff of franchise,
nor coroner, in action or writs
of attaint of plea of land of the
yearly value of xl. s. or more,
nor in action of attaint of deeds
concerning lands and tenements of
the yearly value of xl. s. and more,
nor in personal action, where-
of the judgment of the recovery
extends to xl. li. or more, should
return or impanel in any inqui-
sition or inquest, any persons but
them that be inhabiting within
his bailiwick, which have estate

15 H. 6. c. 5.

to their use, or they to whom other persons have estate of fee-simple, fee-tail, or free-hold, in lands and tenements of the yearly value of xx. li. or more, within his bailiwick, out of antient demean, five ports, and the tenure of gavelkind; (2) in respect of which ordinance, seeing within the county of Kent there be but thirty or forty persons at the most, which have any lands or tenements out of the tenure of gavelkind, because the greater part of the said county, or well nigh all, is of the tenure of gavelkind, which persons be continually impanelled and returned in the said actions, to the great hindrance and impoverishment of the same persons; (3) our said lord the King considering the premises, hath granted, ordained, and stablished, by authority aforesaid, That those men which have estate to their use, and also they to whose use other men have estate, of fee-simple, fee-tail, or free-hold, in lands and tenements of the yearly value of xx. li. of the tenure of gavelkind, shall be returned and impanelled in all such attaints as be above recited, which attaints be not now depending, but may depend in time to come, in the same manner and form as any other person may be returned and impanelled by force of the said statute made the said fifteenth year.

23 H. 8. c. 3.

They which have gavelkind lands to the yearly value of xx. li. may be impanelled upon attaints notwithstanding the statute of the 15 H. 6. c. 5.

oeps ou ceux as queux autres persones ount estate de fee simple fee taille ou franctenement en terres & tenementz de annuell value de xx. li.' par an ou plus deins sa baille hors de auncien demesne cynk portz & la tenure de gavylkynde par cause de quel ordenaunce a cause qe deins le counte de Kent sount qe trent ou quarant persones a plus qe ount ascuns terres ou tenementz hors de tenure de gavylkynde pur ceo qe la grendre partie du dit counte ou bien pres tout est de tenure de gavylkynde les queux persones sount continuellement empanellez & retournez en les ditz actions datteintes a graunde anientifment & empoverisment des mesmes les persones nostre dit seignur le Roy considerant les premises ad graunte ordine & establie par lauctorite defuisdit qe iceux hommes qi ount estat a lour oeps & auxint iceux as queux oeps autres hommes ount estat de fee simple fee taille ou fractenement es terres & tenementz dannuell value de xx. li.' de la tenure de gavylkynde soient retournez & empanellez en autiels atteintes come sount defoubtz reciteez les queux atteintes ne sount pas ore pendantz mes purront pendre en temps avenir mesmes en les manere & fourme come ascun autre persone poet estre retournez & empanellez par force du dit estatuit fait le dit an quindfisme.

CAP. III.

Butter and cheefe may be transported without licence.

Ex edit.
Pulton.

21 R. 2. c. 17.

3 H. 6. c. 4.

14 H. 6. c. 2.

ITEM, Whereas in the statute made the xxj. year of King Richard the Second, at the grievous complaint of his commons, shewing how the staple was limited to rest at *Calais*, (2) and that all manner of wools, woolfels, leather, lead, tin, cheefe, butter and honey, going out of the realm of *England*, ought

ought to have recourse to the said place of *Calais*, and to no place elsewhere: (3) certain persons by their suggestions had before that time purchased licences to carry out wools, and other merchandises aforesaid, to what parts beyond the sea that pleased them, of the King's amity, to the which their licences do extend, without coming to the said places of *Calais*, to the great advantage of the persons so having licences, and great damage of them which have no licence: (4) wherefore the said King by authority of his parliament holden the year aforesaid, ordained and stablished, That the said statute should be holden and observed as to the great merchandises aforesaid, that is to say, wools, woofels, tin and lead only, without licence thereof to be granted but by the King himself. (5) In respect of which statute so made, the chancellor for the time being often hath denied to grant licences for cheefe and butter to be carried to any other place, but only to the same *Calais*, to the great damage of the people of this realm: (6) Our said lord the King considering that cheefe and butter is a merchandise which cannot be well kept, nor tarry his merchant, and will be greatly impaired by vermin and worms, and is also tender and of so simple price, that it cannot well bear the costs of the staple, hath ordained by the authority aforesaid, that the King's liege people may convey and carry out of his realm, whither it shall please them of the King's amity, cheefe and butter without any licence to be pursued in any wise, paying for the same the customs and subsidies thereof due from time to time, any statute made to the contrary notwithstanding.

The King's people may carry butter and cheefe to any place out of the realm, being in amity with the King, without licence.

3 H. 6. c. 4.
1 & 2 Ph. & M.
c. 5.

II. Provided that the King may restrain the same when it shall please him.

CAP. IV.

No merchant alien shall sell any merchandises in England to another merchant alien. Mayors, &c. of cities and towns to execute this act.

ITEM, whereas great damages and losses daily come to the King and to his people, by the buying and selling that the merchants aliens and strangers do make at their proper will and liberty, without any notice governance and surveying of any of the King's lawful liege people, as by such buying and selling, which they use together of all manner of merchandises every of them with other, and also by covins and compassings, that they do to impair and abate the price and value of all manner of merchandises of this noble realm, and do increase and inhance the price of all their own merchandises, whereby the said merchants aliens be greatly enriched, and the Kings subjects merchants denizens of the same realm grievously impoverished, and great treasure by the same aliens brought out of this realm, the customs and subsidies by them due to the King for the causes aforesaid greatly diminished, and the navy of the said realm greatly destroyed and hindered. And

Ex edit. Rast.
Merchants
aliens.

whereas

whereas by divers statutes before this time made it was ordained, That in every city, town, and port of the sea of *England*, where the merchants aliens and strangers be or shall be repairing, sufficient hosts shall be assigned to the same merchants, by the mayor, sheriffs, or bailiffs of the said cities, towns, and ports of the sea, and that the merchants aliens and strangers shall not be dwelling in any other place but with the said hosts so assigned, which be not sufficient and convenient remedies enough against the damages and inconveniences aforesaid: Our said sovereign lord the King, willing against the same damages, and inconveniences to provide a remedy in this behalf, hath ordained by authority aforesaid, That from henceforth no merchant alien or stranger, shall sell no manner of merchandise to other merchant alien or stranger, upon pain of forfeiture of the same merchandises. And that all merchants aliens and strangers from henceforth coming or abiding to merchandise within any city, town, borough, or port in *England*, shall be under the surveying of certain people called hosts or surveyors to them assigned by the mayors, sheriffs, or bailiffs of the same cities, towns, boroughs, or ports by the manner ensuing. And that every such merchant alien coming to any of the cities, towns, boroughs or ports, within three days after his said coming, shall offer him in person before the mayor, sheriff, or bailiff, of the same city, borough, town, or port, to which he cometh, to have an host to him assigned. And that the mayors, sheriffs or bailiffs, of every of the said towns, boroughs, and ports, within iiii. days next after that they have notice of the coming or being of any such merchants, shall assign to the same merchants aliens sufficient hosts which be good and credible persons, *Englishmen* born, expert in the feat of merchandise, and not exercising such merchandises, which the merchants aliens being under their surveying for the time do use. And that the same hosts shall survey and be privy to all the merchandises, which the said merchants shall discharge at any port or place of this realm, or shall bring or do to be brought out of the same, and to all sellings, buyings, and contracts of merchandises, which they do within the said parts and places. And that every such merchant, which bringeth or doth to be brought from henceforth any merchandises and them discharge within any port or place of the said realm, shall put them to sale by the surveying of the said hosts, and make full employment of all the same merchandises, (except all manner of cloths of gold, of silver, and of silk) within eight months next after the coming of the same merchandises to any port, safe, or place discharged of the said realm, deducting their reasonable costs and expences, that is to say, they shall sell the same merchandises for other merchandises of the said realm, or shall sell them for money, and with the same money they shall buy within the time aforesaid other merchandises growing and made within the same realm, upon pain to forfeit all the said money within the said term not employed.

ployed. And that it shall be lawful to the said merchants aliens and strangers, after the said eight months to carry out of the said realm all the said merchandises within the same term (as is said) and not sold, without any customs or subsidies thereof to be paid. And if the said merchants aliens after the said eight months sell any of the said merchandises within this realm, that then they shall be forfeit. And every of the said hosts shall do to be registered and written in a book from time to time all the said merchandises, which the merchants aliens shall have and receive, and all the buyings, sales, contracts, and employments that they do by their knowledge and surveying, and the transcript thereof shall bring or do to be brought before the treasurer and barons of the King's exchequer two times by the year, that is to say, at the beginning of the two terms of *Easter* and *Saint Michael*. And the same hosts their executors, heirs or landtenants by colour of such transcript or any other thing concerning the said occupation of host, shall not be bound to accompt within the said exchequer, nor otherwise charged. And the said host shall take for his labour in that case of every merchant stranger two pence for every twenty shillings in value of all manner of merchandises so by the said merchants aliens sold and bought. And every such host in his first admission to the said occupation, shall swear before the mayors, sheriffs, and bailiffs, by whom he shall be assigned to such occupation, well and lawfully to use and exercise the same occupation. And if he be found unlawful or defective to the contrary, then shall he be put out of the said occupation by the said mayors, sheriffs, and bailiffs, as often as to them shall seem needful, and other by them put in his place, and moreover to punish him after his deserving by discretion of the same mayors, sheriffs, and bailiffs. And if any merchant alien or stranger do not offer him to take such host, or after that an host be to him assigned, as afore is said, refuse to be under the survey and governance of such host, in the manner afore-said, he shall be taken and arrested by the said mayors, sheriffs, or bailiffs, and put in prison, there to remain without being let to bail or mainprise, till he hath found sufficient surety, to be under the governance of such host, to make him privy to all the sales, buying and contracts of his merchandises, as afore-said, and the same merchant alien in that case shall make fine and ransom at the King's pleasure. And if any such merchant alien make any buying, sale or contract of merchandise, without the said surveying of his host, or making the said host privy to all the said merchandises, sold, bought, or contracted, as afore is said, he shall forfeit the value of the same goods bought or sold, or the sum or value of that whereof the contract is made. And if any such mayor, sheriff, or bailiff let any such merchant willingly to be without host in the form afore-said, and go at large without arresting him, and putting him in prison, and punishing in the form afore-said, the same mayor, sheriff, or bailiff shall forfeit twenty pounds to the King
for

for every merchant alien so willingly suffered to go at large not arrested, and for every such merchant alien and stranger, to whom such host in the form aforesaid is not assigned. And if any man which is by such mayor, sheriff, or bailiff assigned to be host to any such merchant alien and stranger, refuse to be such host, he shall pay every time to the King, that he so refuseth to be host ten pounds. And every merchant alien and stranger, which employ not the said money within the said eight months (as is said) or that he sell his said merchandises in *England* after the same eight months, and thereof before any of the King's judges be duly convict by his examination or otherwise at the King's suit, or at the suit of his liege people, which will sue for the King and for himself in these two cases aforesaid, then the said merchant alien and stranger, shall incur the pain and forfeiture aforesaid. And he that will sue, shall have the fourth part of the said forfeitures, and the King the three other parts. And that this act and ordinance shall begin to hold place at the feast of *Easter* next coming, and shall endure till the end of eight years next ensuing. And that betwixt this and the feast of *Easter*, certain commissioners under the King's great seal, rehearsing all the same act and ordinance, shall be made and severally directed to the mayors, sheriffs, or bailiffs, of every city, town, borough, and port of the said realm, where such merchants aliens and strangers be or shall be abiding or repairing, straightly charging the same mayors, sheriffs, and bailiffs, which be or which for the time shall be, to publish and put all the said act and ordinance in due execution. Provided always, That the merchants of the *Hanse of Almaine*, and all other merchants under the King's obedience, be not comprised within this act and ordinance: So that always by this provision and ordinance no prejudice be given or done to any alliance or truce made by the King or any of his noble progenitors before this time.

4 H. 4. c. 15.
5 H. 4. c. 9.
27 H. 6. c. 3.
17 Ed. 4. c. 1.
3 H. 7. c. 8.
13 & 14 Car. 2.
c. 26.

CAP. V.

None appointed to be a collector of a fifteen in a city, shall be also collector in the same county, except he hath lands, &c.

ITEM, *Whereas heretofore at the time of every Quinzime and Disme granted to the King or to his progenitors, the collectors of the same Dismes within the cities and boroughs of his realm, having citizens or burgeses of them coming to the parliament, have often been deputed and assigned of persons dwelling within the same cities and boroughs, which and other persons dwelling in the same have been often now of late made collectors*

ITEM come devaunt cez heures al temps de chefcun xvme & xme a Roy ou a sez progenitours grauntez collectours de mesme le xme deins les citees & burghs de son roialme eiantz citezeins ou burgeys de eux veignauntz al parlement ount sovent este deputez & assignes des gentz demurrantz deins mesmes les citees & burghs les queux & autres gentz demurrantz en ycell ount ore tarde sovent foitz

foitz estez faitz collectours de les xvme & xme a Roy grauntes fibien en les countes deins quell mesmes les citees & burghs fount come deins mesmes les citees & burghs a lour graunde perde & dammage & semblable destre en apres si remedie ent ne soit purveux mesme nostre seigneur le Roy voillant encountre tielx perde & damage purvoier de remedie en cest partie ordeigne par lauctorite desuisdit que null homme demurant deins ascun cite ou burgh deins le dit roialme de la quell cite ou burgh il ad este use devaunt cez heures & unquore est les nouns de certains homes par les personnes pur la dit citee ou burgh veignauntz al parlement destre deliverez en la chauncerie du Roy destre collectours du xme en mesme le citee ou burgh & sur que le Roy ad mys sez lettres patentz a mesmes les personnes issint nomes & deliverez en sa dit chauncerie destre collectours de la xme ou parcell dicell deins la dit citee ou burgh et les queux collectours ont ac-comptes & fount tenuz da-comptier de lour receipt en cest partie immediat en leschequer du Roy soit en ascun manere depute ne assigne destre collectour dascun xvme ou ascun parcell dicell au Roy ou sez heires grauntes ou a grauntiers deins ascun countee dicest roialme sinon qil poet expendre en le countee hors du dit citee ou burgh es terres ou tenementz a la value de Cs. par an outre les charges & reprises.

of the same Quinzimes and Dismes granted to the King, as well in the counties within which the same cities and boroughs be, as within the same cities and boroughs to their great loss and damage, and likely more to be hereafter, if remedy be not provided; (2) the same our lord the King, willing against such loss and damage to provide a remedy in this behalf, hath ordained by the authority aforesaid, That no man dwelling within any city or borough of the said realm, of which city or borough it hath been used before this time, and yet is, the names of certain men by the persons for the said city or borough coming to the parliament to be delivered in the King's chancery, to the collectors of Dismes in the same city or borough, and whereupon the King hath sent his letters patents to the same persons so named and delivered in his chancery, to be collectors of the Dismes, or parcel of the same, within the said city or borough, and the which collectors have used and been bound to account of their receipt in this behalf immediately in the King's exchequer, shall in any wise be deputed nor assigned to be collector of any Quinzime, or any parcel of the same, granted or to be granted to the King or his heirs within any county of this realm, except that he may depend in the county out of the said city or borough, in lands or tenements, to the value of an hundred shillings by year, over the charges and reprises.

No man dwelling in any city or borough, appointed to be collector for the fifteen there, shall be so in the same county.

CAP. VI.

No lands shall be granted by letters patents, until the King's title be found by inquisition.

3 H. 6. c. 16.

ITEM, whereas in a parliament holden at Westminster, the morrow after St. Matthew the Apostle, the eighth year of the reign of our lord the King that now is, among other things it was ordained, That no lands or tenements seised into the King's hands upon inquests taken before the escheators or commissioners, shall not be granted nor let in any wise to ferm by the chancellor or treasurer of England, or any other the King's officer, until the same inquests and verdicts be fully returned into the chancery, or into the exchequer, (2) but all such lands and tenements shall wholly and continually remain in the King's hands, until the said inquests and verdicts be returned, and by a month after the same return; if it be not so that he or they which feel themselves grieved by the same inquests, or put out of their lands or tenements, come into the chancery, and offer themselves to traverse the said inquests, and offer themselves to take the same lands or tenements to ferm; (3) and if they so do, that then the same lands and tenements shall be committed to them, if they shew good evidences proving their traverse to be true, according to the form of the statute made the six and thirtieth year of King Edward the Third, to hold until the issue taken upon the same traverse be found and discussed for the King, or for the party, finding sufficient surety to pursue the said traverse with effect, and to yield and to pay to the King the yearly value of the lands or tenements, whereof the traverse shall be so taken,

2 Leon. 124,
185.
Goldsb. 21.
pl. 1.
Savil 70.

ITEM come en le parlement tenuz a Westm' lendemayn de Seint Mathe l'apostel lan du reigne nostre seigneur le Roy qoreft viijme ordire soit entre autres qe nullez terres ne tenementz seisissez en mayns le Roy sur enquestes prises devaunt les eschetours ne commissioners ne soient ascunement lesez ne grauntez a ferme per chaunceller ou tresorer d'Engleterre ou autre officer le Roy qe conque tanque mesmes les enquestes & verdictz soient retournez plainement en la chauncerie ou en leschequer mes demurgent toutz tielx terres & tenementz entirement & continuelment en lez mayns le Roy tanque les ditz enquestes & verdictz soient retournez & par un moys apres mesme le retourne si issint ne soit qe ceux ou celuy qi sent ou sentent eux grevez par mesmes les enquestz ou oustes de lour terres ou tenementz veignent en la chauncery & soy preferont de traverser les ditz enquestes & soy offeront de prendre mesmes les terres & tenementz a ferme soient commys a eux s'ils monstrent bons evidences provaunt lour traverse estre verroiez solonc la fourme de lestatuit fait lan xxxvime le Roy E. tierce a tenir tanque lissue sur mesme le traverse pris soit trove & discusse pur le Roy ou pur le partie trovant suffisaunt surete de fuer le dit traverse ove effecte & de rendre paier au Roy le annuel value de terres ou tenementz dont la traverse ensy serra pris s'ils soit discusse pur le

le Roy & si ascuns lettres patentes des ascuns terres ou tenementz soient faitz a contraire a ascun autre persone ou lesse a ferme deinz le dit moys de retourne soient voides & tenuz pur null. Le quel bon estatuit & ordinaunce divers persones ymaginantz a subverter par lour subtilite de servir come de null pursuount daver tielx dones grauntes & fermes par lettres patentes du Roy devaunt ascun inquisition on title trove pur le Roy dicelx pretendantz tielx dones & grauntes nient estre comprise ne remedies par le dit estatuit nient obstant qil est en owel meschief de le dit estatuit. Nostre seignur le Roi considerant les premisses & voillant en ceo partie purvoier de remedie ad ordeigne par lauctorite desuisdit qe nullez lettres patentes soient faitz a ascun persone ou persones dascunes terres ou tenementz devaunt inquis' de title du Roy en yceux trove en sa chancery ou en son eschequyr retourne si title du Roy en yceux ne soit trove de recordene deinz le moys apres mesme le retourne fil ne soit a celuy ou ceux qi tende ou tendent lour traverses come desuis est dit & si ascuns lettres patentes soient faitz a contraire soient voides & tenuz pur null.

taken, if it be adjudged for the King; (4) and if any letters patents of any lands or tenements be made to any other person to the contrary, or let to ferm within the said month of the return, they shall be void, and holden for none.

(5) The which good statute and ordinance divers persons devising to subvert, and by their subtilty to serve as for no purpose, have sued to obtain such gifts and grants, and fermes, by the King's letters patents, before any inquisition or title found for the King of the same, pretending such gifts and grants not comprised nor remedied by the said statute, notwithstanding that it is in like mischief of the said statute.

(6) Our said lord the King, considering the premisses, and willing to provide due remedy in this behalf, hath ordained by the authority afore said, That no letters patents shall be made to any person or persons, of any lands or tenements, before inquisition of the King's title in the same be found in the chancery or in his exchequer returned, if the King's title in the same be not found of record, nor within the month after the same return, if it be not to him or them which tender their traverses as afore is said; (7) and if any letters patents be made to the contrary, they shall be void, and holden for none.

36 Ed.3.c.131

Bro. Office, 56.
Dyer, 146.

No lands shall be granted before the King's title thereunto be found by inquisition, nor within a month after, unless it be to him that tendereth his traverse.

March 84.

23 H.6.c.17.
1 H.8.c.10.

CAP. VII.

In what time an escheator shall return an office found before him.

ITEM ordeigne est par lauctorite desuisdit qe en cas qe ascun escheator preigne ascun office devaunt luy & ne retourne mesme loffice en la chaun-

ITEM, it is ordained by the authority afore said, That in case that any escheator take any office before him, and return not the same office in the chan-

An escheator shall return an office found before him into the chancery or exchequer within a month.

8 H.6.c.16.
1 H.8.c.8.

chancery, or in the King's exchequer, in the month after the taking of the same, he shall incur the pain of xl. li. which he hath forfeit by the statute made the eighth year of our said lord the King: (2) and also he shall be charged to pay to the same our lord the King as much as he is endamaged in respect of not returning of such office; and that the chancellor of *England* call to him the treasurer of *England* in letting such fermes, to make due execution of the said statute made the said eighth year.

chauncerie ou leschequyr du Roy deins le moys apres la prise dicell qil outre la peyne de xl.li. les queux il ad forfait par le statut fait lan du reigne nostre dit seignur le Roy oeptisme soit tenuz a paier a mesme nostre seignur le Roy a taunt come il est endamage a cause de non retourne de tiel office. Et qe le chaunceller dEngleterre appelle a luy le tresorer dEngleterre en lessant tieux fermes pur due execution faire de dit estatut fait le dit an oeptisme.

CAP. VIII.

What things be requisite to make the King's safe conduct good.

ITEM, whereas many people of the commons aforesaid, owners of ships and vessels of this realm, and the masters and mariners of such ships, taking ships and vessels of Spain, and of other parties, adversaries and enemies to our said lord the King, by the suit of merchants aliens of the King's amity, made before the King and his council, and sometime before the chancellor of *England*, have been greatly vexed, and be daily, for that the said takers do take their goods and merchandises charged in the said ships and vessels of Spain and other parts, enemies aforesaid, and sometime by falsewitness, marks, and letters testimonials, contrived, the said aliens be restored to the said goods and merchandises with their damages and expences, to the great and grievous loss of the said owners, masters, and mariners, takers aforesaid, and discouragement to the King's liege people to make such ships and vessels, and in hindrance of the navy of the realm aforesaid: (2) our said lord

ITEM come plusours gentz des communes suisditz possessours de niefs & vesseaux du roialme nostre soveraigne seignur les maistres & mariners de tielx niefs & vesseaux parnours des niefs & vesseaux de Spayne & dautres parties adversaries & enemeyes au dit nostre soveraigne seignur par le suyte des merchauntz aliens del amite du nostre Roy fait devaunt le Roy & son counsaill & ascun foitz devaunt le chaunceller dEngleterre ount este graundement vexez & sont de jour en autre de ceo qe les ditz parnours pristeront lour biens & merchandises chargez en mesmes les niefs & vesseaux de Spayne & autres parties enemyes suisditz & ascun foitz par faux tesmoignes marques & lettres testimonialx contrevez sount restorez as ditz biens & merchaundises ove lour damages & expences a graunde & grevoue damage des ditz possessours maistres & mariners parnours suisditz discourge as liges

lieges nostre dit seignur le Roy a faire niefs & vesseaulx & en amenuement du navie du roialme suisdit nostre dit seignur le Roy considerant la matier suisdit & coment les biens & merchaundises des lieges du Roy ensemble cas chargez & prisez sont forfaitz au Roy ad ordeignez & grauntez par lauctorite de suisdit qe les dit merchauntz aliens a lour volunte purront charger tieulx niefs & vesseaulx de Spayne & dautres parties adversaries & enemyes du Roy si les maistres possessours ou merchauntz de tielx vesseaulx & niefs eient les lettres patentes du Roy de son sauf-conduit suerte ou saufgarde pur tielx niefs vesseaulx & merchaundise faisant mention du noun de niefs ou vesseaulx & de noun de mestre dicelles niefs & vesseaulx si come le manere est si ascuns tielx niefs ou vesseaulx chargez ove ascunes merchaundises de tielx merchauntz avaunt ditz soient prisez sur meer par lieges du Roy non eiant les lettres patenz du Roy come avaunt est dit dedeins le bord de tielx niefs ou vesseaulx a jour de la prise ne qe tielx lettres patenz le jour de la prise soient en la chauncellerie du Roy enrollez de recorde qe adonques les parnours possessours les biens & merchaundises ensy prisez pourront enjoyer & tenir ascun estatuit ou ordenaunce fait en la contrairie non obstant. Et qe cest estatuit & ordenaunce soit commence a tenir sa force a la fest de Seint Michel prochain veignaunt & qe proclamation en soit fait sur les costes de le meer tost apres cest ordenaunce al entent qe les ditz merchauntz aliens purront avoir conisaunce de mesme lordenaunce.

lord the King considering the matter aforesaid, and how the goods and merchandises of the King's liege people in like case charged and taken be forfeit to the King, hath ordained and granted by the authority aforesaid, That the said merchants aliens, at their pleasure, may charge such ships and vessels of *Spain*, and of other parts, adversaries and enemies of the King, if the masters, owners, or merchants of such vessels and ships having letters patents of the King, of his safe conduct, surety, or safeguard for such ships or vessels, and merchandises, making mention of the name of the ships or vessels, and of the name of the master of the ships and vessels, as the manner is; (3) and if any such ships or vessels charged with any merchandises of such merchants aforesaid, be taken upon the sea by the King's liege people, not having the King's letters patents, as afore is said, within the board of such ships or vessels, at the day of the taking, nor that such letters patents at the day of the taking be in the King's chancery enrolled of record, that then the takers and possessors of the goods and merchandises, so taken, may enjoy and hold the same, any statute or ordinance made to the contrary notwithstanding; (4) and that this statute and ordinance shall begin to take his force at the feast of *St. Michael* next coming; and that proclamation be thereof made upon the sea-coasts incontinently after this ordinance, to the intent that the said merchants aliens may have know-

What things are required to be performed by them who will take advantage of the King's safe conduct,

15 H. 6. c. 3,
20 H. 6. c. 1.
14 Ed. 4. c. 4.

CAP. IX.

The warrant of attorney shall be recorded in the same term that the exigent is awarded.

10 H. 6. c. 4.

A false entry, that the plaintiff in a suit doth offer himself in proper person, where he doth not.

ITEM, whereas in a statute expired, made the tenth year of the reign of our lord the King that now is, it was contained, That seeing divers of the King's liege people before that time had been outlawed, vexed, and greatly disquieted in divers suits, as well before the King himself in his bench, as in the common bench, in the records of which suits the entries have been made, that the plaintiffs in the same suits Obtulerunt se in propria persona sua, where the same plaintiffs in the same suits did not appear to such suits, nor had any knowledge of the same, to the great mischief of the said liege people, if remedy should not be provided: (2) Our lord the King, willing in this case to provide a remedy, did ordain, by authority of the same parliament holden the same year, that no fylyser, exigentor, nor any other officer, from the same time should make any such entry in any such suit, except that the same plaintiff in the same suit, before any such entry shall be made, do appear in his proper person before some of the justices of the place where the plea was or shall be hanging; (3) and there shall be sworn upon a book, that he was the same person in whose name the said suit was sued, or that some other credible person of his council shall make such oath for him. (4) And that this ordinance shall endure until the next parliament following. (5) Our said lord the King considering moreover like damages, which happen as well to him, as to his poor liege people and subjects, for that in the records

ITEM come en un estatuit determine fet lan du reigne nostre seignur le Roy qoreist xme fuisit contenuz coment pur ceo qe divers lieges le Roy avaut cez heures ount este utlages vexez & graundement disseizez en diverz suytes sibien devaut le Roy mesme en son bank come en le commune bank en les recordes les queux suytes les entres ount este faitz qe le pleintifs en mesme le suytes optulerunt se in propria persona sua lou meime les pleintifs en mesme les suytes napparerunt as tielx suytes ne conusaunce avoient de cell au graund mischief des ditz lieges si remedie ne ferroit purveu en cell partie. Nostre seignour le Roy voillant en ceo cas purvoier de remedie ordeigna par auctorite du parlement tenuz mesme lan qe null philicer exigenter ne autre officer depuis mesme le temps ferroit tiel entre en ascun suyte sinon qe le pleintif en mesme le suyte avaut qe ascun tiel entre ferroit fait apparage en le propre persone devaut ascun des justices de lieu lou le plee fuisit ou ferroit pendant & illoeqes ferroit jure sur un livre qil fuisit mesme la persone en qe noun le dit suyte fuisit suyte ou qe autre creable persone de sone counsaill ferroit tiel serement pur luy. Er qe le dit ordeinaunce dureroit tanqe al prochein parlement apres ceo. Nostre dit seignur le Roy considerant outre ceo semblable damagez le quel avient sibien a luy come a fez povre lieges &

& subjectz pur ceo qe en les recordes des divers & plusours utlagaries lentre est qe les parties apparent par lour attourneys lou les attourneys nount garraunt de recorde a cause de quel les ditz utlagariez sount reverfable & pur le greindre partie reverfez ad ordeigne par auctorite diceft parlement qe le dit estatuit soit afferme tenuz & garde a durer a toutz jours. Et qe null officer contenuz en le dit estatut face le contrarie dicell sur peyne de forfere xl.s. a Roy chescun foitz qe il est de ceo atteint par due examination feet par ascun des justices de mesme le place devant qe ascun entre ou recorde est. Et qe chescun attorney qe nad son garraunt entre de recorde en toutz sez suytz en les queux proc' de Capias & exigent est agardable mesme le terme en le quel lexigent est agarde ou devant & sur ceo atteint par semblable examination pur chescun foitz qe il issint offende encourage la peyne avaunt dit.

records of divers and many outlawries, the entry is, that the parties do appear by their attornies, where the attornies have no warrant of record, by reason whereof the said outlawries be reverfible, and for the most part reverfed hath ordained by authority of this parliament, That the said statute be affirmed, holden, and kept to endure for ever. (6) And that no officer contained in the said statute, shall do to the contrary of the same, upon pain of forfeiture of forty shillings to the King, every time that he of that shall be attained by due examination made by any of the justices of the same place before whom any entry or record is. (7) And that every attorney which hath not his warrant entered of record in all his suits wherein proces of *Capias* and *Exigent* be awardable, the same term in which the *Exigent* is awarded, or before, and upon that be attained by like examination for every time that he so offendeth, he shall incur the pain aforesaid.

The statute of 10 H. 6. c. 4. reheard and made perpetual.

The penalty if an attorney records not his warrant the same term the Exigent is awarded. 3 Ed. 1. c. 29. 32 H. 8. c. 30. 2 & 3 Ed. 6. c. 32. 18 El. c. 14.

CAP. X.

Commissions of sewers shall be awarded where need shall require, during ten years.

ITEM, whereas at the parliament holden at *Westminster*, at the xv. of St. *Michael*, the sixth year of the reign of our said sovereign lord the King for the great damages and losses, which happen by the great rising of water of the sea in divers parts of this realm, by authority of the same parliament it was ordained and granted, That by ten years then next ensuing, several commissions of sewers should be made to divers persons by the chancellor for the time being; to be named in all the parts of the said realm, where need should be, after the form that followeth in the same statute. And now of late in divers parts of the said realm by the great rising of water of the sea, many towns and lands in great quantity be drowned and destroyed, to the great hindrance of the said realm, and many great damages be likely to happen if remedy be not hastily provided in this behalf: The King, willing to provide for the same, hath or-

Ex. edit. Rast.

Commission of sewers.

dained and stablished by authority of this parliament, That by ten years next ensuing after this present parliament, several commissions of sewers shall be made to divers persons by the chancellor of *England* for the time being, to be named in all the parts of the said realm, where need shall be, after the form and effect of a commission contained in the said statute the same sixth year. And moreover he hath ordained and stablished by the same authority, That all such commissioners have power to make, ordain, and execute statutes and ordinances and other affairs after the effect and purport of the said commissions.

6 H. 6. c. 5.

CAP. XI.

Of what yearly value in lands a justice of peace ought to be.

1 Ed. 3. stat. 2.
c. 16.
18 Ed. 3. stat. 1.
c. 2.
13 R. 2. stat. 1.
c. 7.

ITEM, *Whereas by statutes made in the time of the King's noble progenitors, it was ordained, That in every county of England justices should be assigned of the most worthy of the same counties, to keep the peace, and to do other things, as in the same statutes fully is contained; which statutes notwithstanding now of late in many counties of England, the greatest number have been deputed and assigned, which before this time were not wont to be, whereof some be of small having, by whom the people will not be governed nor ruled, and some for their necessity do great extortion and oppression upon the people, whereof great inconveniencies be likely to rise daily if the King thereof do not provide remedy: (2) the King willing against such inconveniencies to provide remedy, hath ordained and established, by authority aforesaid, That no justice of peace within the realm of *England*, in any county, shall be assigned or deputed, if he have not lands or tenements to the value of xx. li. by year; (3) and if any be ordained hereafter to be justice of peace in any county, which hath not lands or tenements to the value aforesaid, that he thereof shall give knowledge to the chancellor of *England* for the time being, which shall put another*

No man shall be justice of peace unless he hath lands to the yearly value of xx. li.

Cro. Jac. 643.

ITEM come par les statutz faitz en temps du nobles progenitours du Roy ordeigne soit que en chescun counte d'Engleterre soient assignez justices de la plus vaillaunt du mesmes les countees pur garder la peas & autres choses affaire come en mesmes lestatutz pleinement est contenuz les queux estatutz nient obstantz en plusours countees d'Engleterre ore tarde ont este deputez & assignez plus grande noumbre que ne soleit avaut cez heures dount ascuns sont de petit avoir par queux les gentz ne voillent estre gouvernez ne demesnez & ascuns pur lour necessite fount grande extortion & oppression sur le people dount grande inconveniencz sont semblablez de furdier de jour en autre si remedie ent par le Roy ne soit purveux. Le Roi voillant encontre tielx inconveniencz purvoier de remedie ordeigne & establee par lauctorite desuisdit que null justice du peas deins le roialme d'Engleterre en null counte soit assigne ou deputee si neit terre & tenementz a la value de xx. li. par an et si ascun soit ordeigne en apres justice du peas en ascun countee qui nad terre & tenementz a la value suisdit que il de ceo notifie le chaunceller d'Engleterre

terre pur le temps esteant le quel mette un aultre suffisaunt en son lieux et fil ne face le dit notification come devaunt deins un moys apres ceo qe il ad notice du tiel commission ou fil seye ou face ascun garaunt ou precept par force du tiel commission qe il encourage la peyne de xx. li. & nientmeins soit ouste del commission come devaunt & eit le Roy lun moite du dit peyne & celuy qi voet fuer pur le Roy lautre moite & eit celuy qi ensy veult purfuer pur le Roy & pur luy mesmes action a deman er mesme la peyne par brief du dette al commune ley.

Purveu toutz foitz qe cest ordenaunce ne se extende as citees villes ou burghs queux fount countees incorporatees de eux mesmes ne as citees villes ou burghs qe ount justices de peas des gentz demurantz en icell par commission ou graunte du Roy ou de sez progenitours. Purveu toutz foitz qe fils ne soient gentz suffisaantz eiantz terres & tenementz a la * *value* fuisdit apris en la ley & de bon governance deins ascun tiel counte qe le chaunceller d'Engleterre pur le temps esteant eit poair de mettre autres discretz apris en la ley en tielx commissions mesqe ils ne eient terres & tenementz a la value fuisdit par sa discretion.

another sufficient in his place; (4) and if he give not the said knowledge (as before) within a month after that he hath notice of such commission, or if he sit, or make any warrant or precept by force of such commission, he shall incur the penalty of xx. li. and nevertheless be put out of the commission as before, (5) and the King shall have one half of the said penalty, and he that will sue for the King, the other half; and he that will sue for the King, and for himself, shall have an action to demand the same penalty by writ of debt at the common law.

¹ Shower, 399.

II. Provided always, That this ordinance shall not extend to cities, towns, or boroughs, which be counties incorporate of themselves, nor to cities, towns, or boroughs which have justices of peace of persons dwelling in the same by commission or warrant of the King, or of his progenitors. (2) Provided also, That if there be not sufficient persons having lands and tenements to the value aforesaid, learned in the law, and of good governance, within any such county, that the chancellor of *England* for the time being shall have power to put other discreet persons, learned in the law, in such commissions, though they have not lands or tenements to the value aforesaid, by his discretion.

Certain persons excepted, to whom this statute doth not extend.

* The word value, which is in the printed editions, Mr. Cay observes is not on the roll.



CAP. XII.

Appeals or indictments of felony committed, in a place where there is none such.

9 H. 5. c. 1.

ITEM, *Whereas in the parliament holden at Westminster the second day of May, the ninth year of the reign of King Henry the Fifth, father to the King that now is, amongst other things it was ordained and established, for that many people by malice, envy, and revenge, cause often the King's liege people to be appealed or indicted in divers counties of treasons or of felonies, supposing by the said appeals or indictments, that the said treasons or felonies were done in a certain place in such a county where the indictment is made, or such a place as is or shall be declared by the said appeals, where no such place is in the same county, that the process of the same shall be void, and holden for none; (2) and that the indictors, procurators, and conspirators, shall be also punished by imprisonment and fine, and ransom for the King's advantage, by the discretion of the justices; (2) and that the said appellees or indicted may have writs of conspiracy against their indictors, procurators, and conspirators, and shall recover their damages. (4) And this ordinance shall stand in his force until the next parliament to be holden after the coming again of the said late King into England, from beyond the sea; (5) which statute by the decease of the said late King, by opinion of some is expired, and by the opinion of some not expired. (6) The same our lord the King that now is, considering that the said ordinance was good and profitable for*

ITEM come al parlement tenuz a Westm' al seconde jour de May lan du regne du Roy Henry quint pier au Roy quorest ix^{me} entre autres ordeigne fust & establie pur ceo que plusours gentz par malice enmite & vengeance facent souvent foytz des foialx lieges du Roy estre appelez ou enditees en divers countees des tresons ou des felonies supposantz par les ditz appellees ou enditementz que les ditz tresons & felonies furent faitz en un certain lieu en tiel countee ou lenditement est fait ou tiel lieu come est ou ferra declare par les ditz appellees lou null tiel lieu est en mesme le countee que le processe dicell soient voides & tenuz pur null et que les enditours procurateurs & conspirateurs soient auxint puniz par imprisonment fyn & ranseon pur avantage du Roy par discretion des justices et que les ditz appellees ou enditees purront aver briefs de conspiracie vers leur enditours procurateurs & conspirateurs & recoverer leur damages. Et que cest ordenaunce estoise en sa force tanqe a prochein parlement a tenir puis la revenue le dit nadgairs Roy en Engleterre de pardela le quel estatuit par le trespassement du dit nadgairs Roy par oppinion des ascuns est expire & par oppinion de ascuns nient expire. Mesme nostre seignur le Roy qorest considerant que la dit ordenaunce fust bon & profitable pur le bien de luy & sez lieges ad declare

A writ of conspiracy maintainable against the indictors, procurators, and conspirators. Regist. 134. Rast. pl. 123. F. N. B. 115. K.

clare & ordeigne par auctorite dicest present parlement qe la dit ordenaunce fait le dit an ix^{me} & enfy par la mort de son dit pier come ascuns entendent expire & nient autrement repelle soit & demurge effectuell & available estatuit & ordenaunce en ley perpetuelment a durer.

for the weal of him and his liege people, hath declared and ordained by authority of this present parliament, That the said ordinance made in the said ninth year, and so by the death of his said father, as some think, expired, and not otherwise repealed, shall be and abide an effectual and available statute and ordinance in law perpetually to endure.

A confirmation of the stat. of 7 H. 5. c. 1. & 9 H. 5. c. 1. touching appeals or indictments of felony or treason

C A P. XIII.

A confirmation of the statute of 9 Hen. V. c. 2. concerning forfeitures on outlawries in the county of Lancaster.

ITEM, *Whereas at a parliament holden at Westminster, the second day of May, the ix year of the reign of King Henry the Fifth, father to the King that now is, among other things it was ordained and stablished, That none of the King's liege people, against whom any exigent shall be awarded, or outlawed at the King's suit in time to come, or at the suit of the party in the county of Lancaster, should forfeit any of his goods or chattels, lands or tenements in other counties; except the goods and chattels lands or tenements, which the said outlaws have in the same county of Lancaster. Provided always, That the statute made the first year of King Henry the Fourth, father to the same King Henry the Fifth, against the people of the county of Chester, which do to divers of the King's liege people in divers counties of England, divers manslaughteres, murders, robberies, batteries, trespasses, and other riots and offences, shall stand in his force, notwithstanding this ordinance. And that the said ordinance shall stand in his force till the parliament first to be holden, after the return of the said late King Henry the Fifth, into England from beyond the sea, which statute by the decease of the said late King Henry the Fifth, by opinion of some is expired, and by the opinion of some not expired: our sovereign lord the King, considering the premises, hath declared and ordained by authority of this present parliament, That the said ordinance, in the manner and form made the said ix. year, by the death of the said late King Henry the Fifth, as some think expired and not otherwise repealed, shall be and remain effectual, and an available statute and ordinance in law to endure till the next parliament, and so forth for ever, if so be that betwixt this and the same next parliament, no such inconvenience happen in this behalf, for the which it shall seem to the King, and the lords of the parliament at this time, that it shall not be expedient this ordinance to endure longer after the same next parliament,*

Ex edit. Rast. Exigent. Outlawry. County of Lancaster.

Chester.

9 H. 5. c. 2.
20 H. 6. c. 2.
31 H. 6. c. 6.

CAP. XIV.

The penalty for taking bribe in the arraying of a jury.

Perjury,
Panels.

Sheriff.

ITEM, forasmuch as great perjuries daily abound within the realm of England, more than were wont to be in times past, by occasion of favourable arrays and panels made by the sheriffs and undersheriffs, which have power to make or array such arrays or panels for money, and great rewards that they take for the same, whereby divers of the King's liege people be disherited and hindered, and other put to great loss of their goods and chattels, and some to great peril of their lives, against right, good faith, and conscience: the King considering the premisses, and willing to avoid such perjuries, hath ordained and granted by authority aforesaid, That if any sheriff, undersheriff, or other, which have power to make and array such arrays and panels, take by him or by any other to his use, any hire, gift, or reward to make or array such arrays or panels, that he which feeleth himself grieved in this behalf, shall have his suit by writ or by bill against the sheriff, undersheriff or other, which maketh such arrays or panels, before the justices where the said arrays and panels shall be returned, to recover ten times as much as they shall receive for making such arrays or panels. And the said justices shall have power by authority aforesaid, to hear and determine such suits, as well by examination of the defendants in these suits, as by trial of inquests thereof to be taken, and to give judgment for the said plaintiffs, against the said defendants, and every of them which so shall be found guilty, and upon that to award execution. And in every such suit by writ, such process shall be awarded as should be awarded in a writ of trespass done against the King's peace. Provided, That every suit which shall be taken against the sheriffs, undersheriffs, or other, which shall make or array such arrays or panels, be taken in the same counties where they shall be sheriffs, undersheriffs or officers at the time of such panels or arrays to be made or arrayed. And that this ordinance shall begin to hold place at the feast of *Easter* next coming, and shall endure till the next parliament. And if at the next parliament it shall seem to the King and to the lords, which then shall be in the same parliament, that this ordinance is good for the weal of the King and of his realm, then this ordinance shall endure for ever: *saving always to every person his liberty and franchise.*

CAP. XV.

It shall be felony to carry wool or woolfels to any other place than to Calais, saving such which pass the streights of Marrock.

Staple of
Calais.
Wools wool-
fels, &c.
3 Inst. 95.

ITEM, the King considering how divers persons, by divers subtil imaginations of deceit, carry and bear away wools and woolfels out of this realm, to other places than to the staple of Calais, in deceiving the King of his customs and subsidies, and to the destruction of
the

the said staple of Calais: hath ordained by the authority aforesaid, That no manner of person, of what condition that he be, shall carry, or do to be carried any wools or woolfels customably out of this realm, to other places than to the staple of *Calais*, without the King's special licence, upon pain of felony. And if any person from henceforth do contrary to this ordinance, and thereof be convict or attainted, that he be adjudged for a felon. And that as well commissioners assigned as the justices, in every county where such wools and woolfels shall be so carried out, shall have power and authority by the same ordinance to inquire of the premisses, and then to hear and determine. *Provided always that the wools, which pass the streights of Marrock, shall be in no wise comprised within this ordinance.*

Felony.

Streights of Marrock.

CAP. XVI.

There shall be but one measure of cloth through the realm by the yard and the inch, and not by the yard and the bandful, according to the London measure.

ITEM, forasmuch as it is meritorious and alms, to depart the truth from the deceit, as now of late in a parliament holden at Westminster, much deceit was put out, that greatly endamaged many persons, which was called a *Sauft*, otherwise called a powder or an hauncer, which grieved many faithful people, and as now it is to be considered, that great deceits be now used, which do endamage the poor cloth-makers and the sellers of cloths which in measuring unduly without reasonable measure, as well of broad cloth and streit as much by the hands of the merchants aliens, as denizens, as well in fair, market, city, and borough, and specially in the city of London, as in other places, where such cloth-makers and sellers of cloth be most commonly used, and in time to come ought to be repairing, for where they were wont to measure the cloth by the yard and the full inch, now they will measure by the yard and the full hand, which groweth to the increase of the buyer two yards of every cloth of xxiiij. yards, which increase turneth to the avail of no man, of what degree soever he be, but only to the buyer. For when a lord shall buy his livery, he shall find the same in measure or in price. And so they be oppressed with a great and unreasonable measuring of their cloths, for where any merchant of this land, but at London, will make a cloth in measuring xxiiij. yards, they will make thereof xxij. or less, saying that it is the measure of London: by which oppression many men be grievously endamaged. our sovereign lord the King, considering the premisses, doth ordain by the authority aforesaid, in every place in this land to be one certain measure, whereas there is a warden of the aulnage of cloth that he have a line made of silk or of thread, of the right measure in manner of streight tissue, sealed at both ends, after the advice of the barons of the exchequer. And every warden of the aulnage shall pay for his line, which line shall contain in length twelve yards, and twelve inches, and the said line signed at every yard an inch, and at the end of the half yard, half an inch, the quarter of a yard, a quarter of an inch, to measure a whole

Cloth-makers

London.

Measuring of Cloth.

Measure.
Warden of aulnage.

Line sealed.

whole cloth or a dozen broad or streight, measuring for the dozen of cloth watered, twelve yards and twelve inches, and of dry cloth unwatered fourteen yards and fourteen inches; so measuring the length till the end of the cloth, according as it is of length in manner as aforesaid: when the said warden of the aulnage is required, taking for his labour for every whole cloth of broad cloth, a penny, and for every streight cloth a farthing. And in the city of *London*, and other cities, boroughs, fairs, and markets, where cloth is most used to be sold, that there the warden of the aulnage, or his deputies shall be ready to do right betwixt merchant and merchant, if he be required. Provided, That if the merchant seller have a line sealed with the King's seal of the exchequer, in the manner afore rehearsed ready, then himself to measure his cloth by the same in reasonable manner, if they may not agree to measure by the yard, any whole cloth or dozen broad or streit, any franchise notwithstanding. And if the merchant seller measure not rightfully but deceitfully and that immediately may be proved by indifferent persons, then he shall forfeit for every cloth six shillings and eight pence, whereof two parts shall be to the King, and the third part to him which will sue. And if any merchant buyer will refuse this ordinance, then he shall forfeit an hundred shillings, two parts to the King, the third part to him that will sue for the same. And so one manner of rightful measuring shall be used in all this land, as well as of right weight. And that this ordinance shall endure till the next parliament.

Merchant
deceitfully
measuring.

CAP. XVII.

Vessels of wine, oil, and honey, shall be gauged.

ITEM, because all the tuns, pipes, tertians and hogsheds of wine, oyl, and honey, vendible within the realm of England, ought and were wont according to the antient assise of the same realm, to contain a certain measure, that is to say, every tun twelve-score and twelve gallons, every pipe six-score and six gallons, every tertian four-score and four gallons, and every hogshed three-score and three gallons; (2) and by divers statutes it hath been ordained, That the tuns and pipes of wine shall be gauged; (3) but for the gauging of tuns, and pipes of oil and honey, or of tertians and hogsheds of wine, no ordinance hath been made in certain before this time, to the great damage of the King

ITEM, pur ceo qe toutz les tonels pipes tertians et hogghedhes de vin oyle & mele vendables deins le roialme dEngleterre doient & soloient solonc launcien assise de mesme le roialme contenir un certain mesure cestassavoir chescun tonell $\frac{xx}{xij}$ xij galons chescun pipe $\frac{xx}{vj}$ vj. galons chescun tertiane $\frac{xx}{iiij}$ iiij. galons chescun hoggheshed $\frac{xx}{iiij}$ iiij. galons & par divers estatuitz soit ordeigne qe les tonels & pipes de vin soient gaugez mais pur le gauger de tonels & pipes de oyle & mele ne de tertians & hogghedhes de vin nul ordenaunce de certain estoit fait devant cez heures au graunde damage du Roy & du son people. Le Roy voilant

Confirmed by
28 H. 8. c. 14.
f. 5.
2 Leonard, 38,
pl. 51.

lant encountre cest damage purvoier de remedie en cest partie ad graunte. & ordeigne par auctorite defuisdit qe desore enavaunt toutz maners tonels pipes tertians & hoggeshedes tant de vin come de oyle & mele a vendre deins le dit roialme soient bien & loialment gaugez par le gaugeour du Roy ou par son depute de vaunt qe ils soient venduz sur peyne de forfaire au Roy tout le vin oyle & mele en contrarie venduz ou la value dicell. Et en cas qe ascun persone de quelque pais qil soit desore enavaunt vende a ascun liege du Roy pur ascun price en certain ascun tonell pipe tertian ou hoggeshed de vin oyle ou mele qe defaille ascunement del assise & mesure avaunt dit qil alowe & rebate de mesme la price a lachatour de tiel vin oyle & mele a taunt come tiel default par la rate amontera sur peyne de forfaire au Roy le value de tout le vin oyle & mele au contrarie venduz ascun prive covenant fait ou affaire entre le vendour & lachatour au contrarie de cest ordenaunce non obstant. Et eit chescun qi espie ascun des forfaitures avaunditz & ent enforme le tresorer d'Engleterre ou les barons del eschequer le moite de mesme les forfaitures per son travaill.

Purveux toutz foitz qe le dit gaugeour preigne & eit pur son labour entour le gaugeour de chescun tonell & pipe de oyle & mele sicome if prent et ad de chescun tonell & pipe de vin & pur chescun tertiane & hoggeshed solonc lasserant.

honey, as he taketh and hath of every tun and pipe of wine, and for every tertian and hogshhead after the rate.

King and of his people. (4) The King willing against this damage to provide a remedy in this behalf, hath granted and ordained by authority aforesaid, That from henceforth all manner of tuns, pipes, tertians, and hogshheads, as well of wine as of oil, to be sold within the realm, shall be well and lawfully gauged by the King's gauger, or by his deputy, before they be sold, upon pain to forfeit to the king all the wine, oyl, and honey, contrary sold, or the value of the same. (5)

And in case that any person, of what country that he be, from henceforth sell to any of the King's liege people, for any price in certain, any tun, pipe, tertian or hogshhead of wine, oil, and honey, which wanteth in any wise of the assise and measure aforesaid, that he allow and abate of the same price to the buyer of such wine, oil, and honey, as much as such default after the rate shall amount unto, (6) upon pain to forfeit to the King the value of all the wine, oil, and honey to the contrary sold, any privy covenant made or to be made betwixt the seller and the buyer contrary to this ordinance notwithstanding. (7) And every person that elpieth any of the forfeitures aforesaid, and thereof doth inform the treasurer of *England*, or the barons of the exchequer, shall have the half of the same forfeitures for his labour.

II. Provided always, That the said gauger take and have for his labour for the gauging of every tun and pipe of oil and

All vessels of wine, oil and honey, shall be gauged and the content of every vessel to be sold.

Abatement shall be made of the price for the quantity wanting. 4 Mod. 101.

The gauger's fee for gauging of a tun or pipe of honey or oil.

27 Ed. 3. stat. 1. c. 8.
23 H. 6. c. 16.
1 R. 3. c. 13.
11 H. 7. c. 4.

CAP. XVIII.

How much a captain shall forfeit that doth detain any part of his soldiers wages.

The inconveniencies ensuing by captains not paying of their soldiers.

ITEM, *For that the King is and hath been well certified of many great deceits and falsities, which hath been done to him and to his realm by some of the captains which have before this time indented with the King to serve him in the feat of war, some beyond the sea and in divers parts, as they be appointed and bound by their indentures, and some in his marches on this side the sea, and their wages have been truly paid and contented by the King, according to their indentures, for them and for all their retinue, according to their degrees, which wages many of the said captains have abused, and taken upon them to deduce from their soldiers, of some more, and some less; so that such, from whom they have abated, have not been able to continue their service, nor perform the same as of right and reason they ought to have done, and peradventure were willing to have done, if they had been fully paid; which hath caused them to fall to robbery and pillage, as well on this side the sea before their going, as beyond the sea, when they came thither, amongst other things it hath been a great cause of long continuance of the war, and great damage and loss which hath fallen to the seignories and countries of the King in his obeisance beyond the sea, and not only that, but loss also of great treasure which hath been granted to the King, and paid in the form aforesaid for the defence of his land.*

The forfeiture of a captain that doth detain any part

II. The King, willing against such damages and losses to provide a remedy in this behalf, hath

ITEM pur ceo que le Roy est & ad este bien appris de plusours & graundes disceites & fauxins queux ount este faitz a luy & a son roialme par ascuns de les capitains qi ount avaunt ceo endentez ove le Roy de luy servire en le fait de guerre ascuns de pardela & as diverses parties sicome ils fount ordeignez & obligez par leur endentours et ascuns en sez marches de pardecea & de le Roy pur leur gages ount este droitment paieez & contentez accordant a leur ditz endentours pur eux & pur toutz leur retenues solonc leur degrees de les quelles gages plusours des ditz capitains ount abusez & priz sur eux dabatier sur leur soldeours dascun plus & dascun meyns issint que tielx sur queux ils ount abatez nount este de poair de continuer leur service ne ceo parfourmer come de droit & reason ils duissent aver fait & fortunement voilloient aver fait s'ils ussent este pleinement paieez le quel ad cause eux decheier a robbrie & pilage sibien devaunt leur alance de pardecea come de pardela quant ils la vendrout entre autres ad este une graunde cause de la longe continuance de la guerre & graunde damage & perde qi ount cheiez a lez seignuries du Roy & pays en sa obeisance de pardela et nient ceo tantsolement mes perde auxint de graunde bien qad este graunte au Roy & paie en la fourme avaunt dit pur la defense de sa terre.

Le Roy voillant encountre autielx

autielx damages & perdes pur-
voier de remedie en cell partie
ad ordeigne par lauctorite suif-
dit qe null capitaine qi desore
enavaunt avera le conduite
dautielx retenues & recevra
les gages le Roy pur ceo abata
de sez souldours ne de ascun de
eux ascun partie de lour gagez
finon qil soit pur lour vesture
cestassavoir fils soient gagez
pur un dimi an x. s. une robe
un gentile home & vj. s. viij.
d. pur un vadlet sur peyne de
xx. li.' pur chescun lance &
x. li.' pur chescun arc au Roy
sur qi il abata sur le tenure
dicest.

hath ordained by the authority of his soldiers
aforesaid, That no captain wages.
which hereafter shall have the
conduct of such retinues, and
shall receive the King's wages
for the same, shall abate of his
soldiers, nor any of them, any
part of their wages, except it
be for their clothing, that is
to say, if they shall be waged
for half a year, ten shillings a
gown for a gentleman, and six
shillings eight pence for a yeo-
man, upon pain of twenty
pound for every spear, and ten
pound for a bow to the King,
from whom he did abate upon
the tenour of the same.

For what cause
a captain may
abate his sol-
diers wages,
and how
much.

2 & 3 Ed. 6;
c. 2.

CAP. XIX.

*The penalty of a soldier not going with, or departing from,
his captain without licence.*

ITEM pur ceo qe diverses &
plusours soldeours devaunt
cest temps les queux ount pri-
sez lour gages parcell ou dimi
de lour capitains & issint ount
monstrez & entreez de recorde
lez soldeours du Roy devaunt
sez commissioners pur tielx
termes pur quels lour maistres
ount endentez ount ascun
temps maintenaunt apres lour
monstre & la receipt de lour ga-
ges partie ou tout departez &
alez lou ils voillent et nount
my passez le meer ove lour ditz
capitains & ascuns passez le
meer & longement deinz lour
termes departez a lour capi-
tains & a le service du Roy
saunce licence apparent graun-
tez a eux par lour ditz capi-
tains dount ad crewe sy graun-
de damage au Roy & a son
roialme & si plusours inconve-
nementz qe ne poient legier-
ment estre expressez sicome de
longe temps la experience ad
monstre & les queles soldeours
issint faisantz entaunt come en

ITEM, seeing divers and many 3 Inst. 80;
soldiers before this time, which
have taken parcel or half their
wages of their captains, and so
have mustered and been entered of
record the King's soldiers before
his commissioners, for such terms
for which their masters have in-
dented, have sometime presently
after their muster, and the re-
ceipt of part or of the whole of
their wages, departed and gone
where they would, and have not
passed the sea with their said cap-
tains, and some passed the sea, and
long within their terms departed
from their captains and the King's
service, without apparent licence
to them granted by their said cap-
tains, whereof hath grown so
great damage to the King and to
his realm, and so many inconve-
nencies, which cannot easily be ex-
pressed, as of long time the expe-
rience hath shewed, and the which
soldiers so doing, as much as in
them was, decayed the honour and
reverence of the King, and have
been many ways great causers of

the losses which have ensued in his lands and seignories beyond the sea, and the adventure also of the persons of the lords and captains which did conduct them.

It is felony for a souldier retained to serve the King in his wars to leave his captain without licence. Enforced by 2 & 3 Ed. 6. c. 2.

4 H. 4. c. 13.
7 H. 7. c. 1.
6 Co. 27. a
9 Ed. 4. f. 26.

Chief officers of ports, &c. shall arrest souldiers return-

II. The same King considering the premisses, and willing against such inconveniencies and damages to provide a remedy, hath ordained by the authority aforesaid, That every man so mustering and receiving the King's wages, which departeth from his captain within his term, in any manner aforesaid, except that notorious sickness or impediment by the visitation of God (which may reasonably be known) suffer him not to go, and which he shall certify presently to his captain, and shall repay his money, so that he may provide him for another souldier in his place, he shall be punished as a felon; (2) and that the justices of peace shall have power to inquire thereof, and to hear and determine the same. (3) And likewise hath ordained by the same authority, That no souldier, man of arms, or archer, so mustered of record, and going with his captain beyond the sea, shall return into *England*, within the term for which his captain hath retained him, nor leave his captain there in the King's service, and in adventure of the war, except that he hath reasonable cause shewed by his captain, and by him to the chief in the country having royal power, and thereupon shall have licence of the said captain, witnessed under his seal, and the cause of his licence. (4) And who that so doth muster of record, and come without letters testimonials of the captain

eux fuist anienteront honour & la reverence du Roy & ount estez plusours grandes causeours des damages que ount cheiez en sez terres & seignuries de pardela & laventure auxint de les persones de les seignurs & capitains qi eux conducerount.

Mesme le Roy consideraunt les premisses & voillant encontre tielx inconveniencies & dammages purvoier de remedie ad ordeigne par lauctorite fuisset que chescun homme issint moustrant & receyvant les gages le Roy le quel departe a son capitain deins son terme en ascun manere avaundit ovesque ceo que notoire maladie ou impediment par la visitation de Dieu le quel poet estre conuz raisonnable ne luy lessuet & le quel il certiffa maintenaunt a son capitain & repaie sa money sicome il poet purvoier luy pur un autre soldeour en son lieu soit punyshe come un felon et que les justices de la peas eient poair denquerrer de ceo & doier & terminer en icell. Et semblablement ad ordeigne par mesme lauctorite que null soldeour home darmes ne archer issint moustrez de recorde & alant ovesque son capitain de pardela reveigne ycy en Engleterre deins le terme pur qi son capitain endentera ne lessa son capitaigne la en le service du Roy & en aventure de la guerre faunz ceo qil eit cause raisonnable monstre par son capitain & par luy a le chief en le pays eiant le poair roial & sur ceo eit licence de la dit chiefteyne tesmoigne defoubz son seal & la cause de sa licence. Et qi issint moustree de recorde & veigne faunz lettres testimonialx de le chiefteyn come de-

suisset

fuisdit deins fon terme de par-
decea qe les mairs baillits &
autres ministres du Roy de
quel port ou lieu en qi il ou
ils arrivount eient auctorite de
eux mettre en arest & de eux
la garder tanqe de eux soit
enquiz et fil poet estre trove
par enquerre devaunt justices
de la peas & provez qils ont
iffint monstrez de recorde &
departiez a lour capitains de-
fuisditz faunz licence come est
defuisdit qe adonqes ils soient
puniz come felons.

captain (as is said) within his
term on this side the sea, that
the mayors, bailiffs, and other
the King's ministers, at what
port or place they shall arrive,
shall have authority to put
them in arrest, and them there
to keep until it be of them in-
quired; (5) and if it be found
by inquiry before justices of
peace, and proved that they
have so mustered of record, and
departed from their captains
aforesaid without licence, as
afore is said, that then they
shall be punished as felons.

ing from be-
yond the sea,
and detain
them until the
cause of their
return be
tried.

Regist. 191.
2 R. 2. stat. 1.
c. 4.
4 & 5 Ph. & M.
c. 3.
Extended to
mariners and
gunners by
5 El. c. 5. 127.

Statutes made at *Westminster*, Anno 20 HEN. VI.
and *Anno Dom.* 1442.

NOSTRE feignur le Roy
a son parlement tenuz a
Westm' le jour de conversion
de Seint Paule le xxv. jour de
Januair' lan de son regne xx^e
a lonour de Dieu & pur le bien
de luy & son roialme de ladvis
& assent des feignurs espirituelx
& temporelx & a la especial re-
quest des communes en mesme
le parlement assemblez ad fait
ordeigner & estableir diversez
estatuitz & ordinaunces en la
fourme qensuit.

OUR lord the King, at his
parliament holden at West-
minster, the day of the conversion
of St. Paul, the five and twentieth
day of January, the twentieth
year of his reign, to the honour of
God, and for the weal of him and
of his realm, by the advice and
assent of the lords spiritual and
temporal, and at the special request
of the commons in the same par-
liament assembled, hath made, or-
dained, and established divers sta-
tutes and ordinances in the form
following.

CAP. I.

All letters of safe conduets shall be inrolled in the chancery.

PRimerement come poverez
merchantz dicest roialme
de jour en autre fount disrob-
bes par les enemys du Roy sur
le mer & deins mesme le
roialme de leurs niefs & biens
& merchaundises de graunde
richesse & lour corps prizez
emprisonnez ove graunde dureffe
& myz a graunde finaunces &
raunson & les poverez lieges
du

FIRST, Whereas poor mer-
chants of the King of this
realm daily be robbed by the King's
enemies upon the sea, and in divers
rivers and ports within the same
realm, of their ships, goods, and
merchandises, of great riches, and
their bodies taken and imprisoned
with great dureffs, and put to
great fines and ransoms, and the
King's poor subjects dwelling nigh
the

Mischief arising from the
non-inroll-
ment of letters
of safe con-
duct.

the sea-coasts taken out of their own houses, with their chattels and infants upon land, and carried by the said enemies where it pleased them; (2) which mischiefs come by reason that the said merchants be discouraged with force and puissance of ships, and of people defensible, to keep the sea and the coasts of the same, for that the ships, goods, and merchandises by them taken from the said King's enemies, be sometimes claimed by the King's enemies, by colour of safe conducts not duly purchased, nor of record inrolled, so that the King's subjects may have notice of them, (3) and sometime be claimed by merchants strangers of the King's amity, to be belonging to them, by colour of false witnesses of their nation, and by letters of marque and charters party by them counterfeited, and by such proofs upon such claims be restored to the same goods and merchandises often taken in ships and vessels belonging to the King's enemies, and the said King's subjects put to great vexation, and loss of their own goods, (4) whereby the said King's enemies be greatly enriched, and their navy strongly increased, and the navy and merchandise of the said realm of our lord the King greatly diminished, and such damages and inconveniencies daily be likely to increase and come to the said realm of our said lord the King, if speedy remedy in this case be not provided:

All letters of safe conduct, not inrolled in chancery, to be void.
18 H. 6. c. 8.

II. *Our said lord the King considering the premisses, and that if people of the King's amity be feared and discouraged to freight the ships and vessels of the King's enemies and adversaries, their navy in time to come will be decreased and diminished, and the navy of the King's subjects and friends increased and enlarged; by the advice and assent afore-*
said,

du Roy demurantz pres les costes du meer hors de leurs propre meason ove leur cha-teux & enfauntz sur le terre prisez & ove les ditz enemys ou leur plest amefnez queux meschiefs veignent pur ceo qe les ditz merchauntz sont discourgez ove force & puissans de niefs & de gentz defensibles de gardier le meer & les costes dicell a cause qe les niefs biens & merchandises par eux prisez des ditz enemiz du Roy sont aucun foitz claimez par les enemys du Roy par colur de sauf-conducts nient duement purchacez ne de recorde enrollez ensy qe les subgetz du Roy purrout aver notice de eux et aucun foitz sont claymez par marchantz estraungez del amiste du Roy destre a eux appurtenauntz par colour de tesmoignez meins verrois de leur nation & par merches lettres & chartres parte par eux countrefaitz & per tielx provez sur tielx claimes sont restorez a mesmes les biens & merchandises treslovent foitz prisez en niefs & vesselx appurtenauntz a les enemyes du Roy & les ditz enemyz du Roy graundement sont enriches & leur navie fortement encrece & la navie & merchandise du dit roialme nostre dit seignur le Roy grevousment amenusez & tielx damages & inconvenientisez de jour en autre sont verifemblable dencrecer & avener a dit roialme.

Nostre dit seignur le Roy consideraunt les premisses & qe si gentz del amistee du Roy eient pavoire & discourge d'afretter les niefs & vesselx de les enemyes & adversaries de Roy leur navie en temps avenir serra decreffe & amenuse & la navie
des

des subgitz & amyez du Roy encreffe & enlarge del advys & assent desuisdit & a lespeciale request des ditz communes pur eschewer les myschiefs suisditz ad ordeigne par auctorite du dit parlement qe toutz lettres de saufconduit a grauntierz a les enemys adversaries du Roy ou autre gentz qeconques soient enrollez en la chauncerie du Roy de recorde avaunt qe tielx lettres ferrount grauntez et qe toutz tielx lettres de saufconduit en apres a grauntiers nient enrollez de recorde en la dit chauncerie avaunt le livere a eux affaire en la manere come est dit soient voidez & de null force & effect.

Et enoutre si en apres ascuns biens ou merchandises soient prizez par les ditz subgitz du Roy sur le meer ou les costes dicell chargez en ascun nief ou autre vessell qest appurtenaunt a les enemiz ou adversaries du Roy pur le temps esteauntz nient eiantz lettres de saufconduit suffisauntz en la forme suisdit enrolles qe ceux qi mesmes les biens & merchandises ensy prenderont les enjoyent faunz ascun restitution ent affaire en ascun manere a qeconque persone mesmes les biens & merchandises ensy prizez al temps del prys de ycells ou devaunt furent appurtenauntz,

Purveu toutz foitz qe si les ditz subgitz du Roy preignantz tielx niefs chargez ove merchandises nient eiantz & monstrantz tielx lettres de saufconduit deins mesmes les niefs al temps del dit pris les amesment par force a un certain port ou lieu deins le dit roialme ne soient endamagéz en lour person ne biens pur tielx pris sils soient prestez a faire plein restitution

saïd, and at the special request of the saïd commons, to eschew the mischiefs aforesaid, hath ordained by authority of the saïd parliament, That all letters of safe conduct to be granted to the King's enemies and adversaries, or any other people whatsoever, shall be inrolled in the chancery of our saïd lord the King of record, before that any such letters shall be in any wise delivered to them to whom the same letters shall be granted; (2) and that all such letters of safe conduct hereafter to be granted, not inrolled of record in the saïd chancery, before the delivery to them to be made in the manner as is saïd, shall be void, and of no force nor effect.

III. And moreover, if hereafter any goods or merchandises be taken by the saïd subjects of our lord the King upon the sea, or the coasts of the same, charged in any ship or other vessel, which is belonging to the enemies or adversaries of our lord the King for the time being, not having sufficient letters of safe conduct inrolled in the form aforesaid, that they which so shall take the same goods and merchandises shall them enjoy without any restitution thereof to be made in any wise, to whatsoever person the same goods and merchandises so taken, at the time of the taking of the same, or before, were belonging.

IV. Provided always, That the subjects of our lord the King, taking such ships charged with merchandises, not having nor shewing such letters of safe conduct within the same ships at the time of the saïd taking, and bringing them by

Prizes of goods or merchandises taken from the King's enemies not to be restored, unless letters of safe conduct are inrolled before their apprehension.

Proviso for the indemnity of the mariners, and the proof of the inrollment.

force to a certain port or place within the said realm, shall not be endamaged in their person nor goods for such taking, if they be ready to make full restitution of the same ships and merchandises, within reasonable time, after that full knowledge is made to them of sufficient letters of safe conduct for the same ships and merchandises, inrolled in the said chancery of record before the taking of them. Provided also,

34 Ed. 4. c. 4. That this ordinance shall begin to hold his force at the feast of Saint *Michael* the archangel next coming.

C A P. II.

No person outlawed within the county of Lancaster shall forfeit any goods or lands but those which he hath in the same county.

Ex edit. Rast.
Exigend.
Outlawry.
County of
Lancaster.

ITEM, our said sovereign lord the King hath ordained by the authority aforesaid, That none of his liege people, against whom Exigend shall be awarded or outlawry pronounced, at the suit of the King, or at the suit of the party in time to come in the county of *Lancaster*, shall forfeit any of his goods or chattels lands or tenements, which the said outlaws, or they against whom such Exigend shall be awarded in the said county of *Lancaster*, have in the same county. And that by reason of such outlawry at the suit of another person pronounced within the said county of *Lancaster*, no man shall be debarred nor disabled of any manner of action, nor to claim any manner of inheritance out of the same county, nor disabled to sue any manner of action out of the same county, notwithstanding such outlawry upon him pronounced. Provided always, That the statute made the first year of King *Henry* the Fourth, grandfather of the King that now is, against the people of the county of *Chester*, which do to many of the King's liege people in divers counties of *England* many manlaughters, murders, robberies, batteries, trespasses, and other riots and offences, shall stand in his force, this ordinance notwithstanding. And that this ordinance shall endure till the end of seven years next ensuing.

County of
Chester.
9 H. 5. c. 2.
18 H. 6. c. 13.
31 H. 6. c. 6.
Rep. 33 H. 6.
c. 2.

C A P. III.

It shall be high treason for Welshmen to take and carry away Englishmen or their goods into Wales, or there to withhold them.

Confirmed for
three years by
27 H. 6. c. 4.
Wales.

ITEM, Forasmuch as at the grievous complaint made to the King by the commons in the counties of *Hereford*, *Gloucester*, and of *Shropshire*, which counties be adjoining to the marches
of

of *Wales*, and in the counties of *Somerset*, *Chester*, and *Bristol*, it was shewed to the same our sovereign lord the King, that whereas another time in time of the noble King *Henry*, grandfather to our sovereign lord the King that now is, the second year of his reign, for the great oppressions and extortions, which they of *Wales* and of the marches of *Wales* daily made to people dwelling in the said counties of *Hereford*, *Gloucester*, and *Shropshire*, in taking bringing and bearing away of their horses, beasts and other goods and chattels, out of the same counties into the said marches, and such goods horses and chattels there withholding till gree be made at their will. It was ordained and established, That if any beasts, goods, or chattels, be taken within the same counties, and driven or brought out of the said counties into *Wales*, or into the marches of *Wales*, that then the sheriffs of the same counties, mayors or bailiffs of cities and boroughs, or bailiffs of franchises, where such takings be made, shall send their letters under their seals to the governors, or to the stewards of the seigniories, where such offenders be abiding, that they shall deliver such distresses so taken, within eight days of the receipt of the said letters. And if they do not, that the parties so grieved shall take any persons goods or chattels coming out of the said seigniories, where such offenders be abiding, and them shall withhold, till that they be restored to their goods so taken, with their damages costs and expences, which statute is not sufficient remedy, forasmuch as the said offenders be dwelling sometime in one seigniory and sometime in another, and have no place certain to tarry, and also they take to the most number of people of the said counties coming into *Wales* and into the marches of *Wales*, and out of the said counties and them withhold, till gree be to them made at their will, and also oftentimes the parties grieved durst not make execution of the said statute for doubt of death and many other mischiefs and inconveniencies, which thereof should ensue, so that the said offenders be the more bold to take, drive, bring, and carry away the people of the said counties their horses, beasts, goods, and chattels of the said counties into *Wales*, and into the marches of *Wales*, whither they fled before the said statute, to the perpetual destruction and impoverishment of the said commons, except that speedy remedy thereof be made. Our said sovereign lord, willing against such mischiefs and inconveniencies to provide a remedy in this behalf, hath ordained by the authority aforesaid, That if any people of the said counties in *Wales*, or in the marches of *Wales*, do drive, bring, carry away, or withhold, such takings and withholdings, their abbetments and receipts in *Wales* (they having knowledge of such offences aforesaid) shall be adjudged high treason. Treason. And he that is thereof attainted, it shall be done of him as of a traitor to our said sovereign lord the King. And that the justices of Justice of peace in their sessions in the said counties shall have power to inquire, hear, and determine of all such offenders their abettors and receivers, and to make process against such persons indicted by two *Capias* and one *Exigend*, every *Capias* containing the space

of two months at the least, betwixt the date of every *Capias* and the day of the return of the same. And that mention be made in the said writs of *Capias* that the sheriffs of the said counties for the time being shall do to be proclaimed in their counties, that all such persons indicted shall appear before the said justices in their sessions, to answer of the matters contained in the said indictments. Provided always, That the seignories marchers, of whom such offenders their abettors and receivers hold lands and tenements, shall have the forfeit of them, and the lords marchers, the forfeitures of their goods and chattels found within their seignories, after that they shall be attainted of the offences aforesaid. And that this ordinance shall endure till the end of six years.

CAP. IV.

What duties they shall pay to the King which carry wools to any other place than to the staples.

Wools.
Woolfels, &c.
Staple.

ITEM, our said sovereign lord the King hath granted and ordained, by the authority aforesaid, That every merchant denizen for wools, woolfels, and tin, which shall be charged and shipped in any gally, carack, or other vessel, to be brought and carried by the sea by the King's licence or otherwise, to other places and ports than to the staple of the King, shall pay to the King such customs and subsidies and other devoirs, as merchants aliens pay to the King for such merchandises. Provided always, That this grant or ordinance shall not extend to any persons, which have licence by the King's letters patents to them made before this time, to ship, carry, or bring any wools, woolfels, or tin to other places or ports beyond the sea, than to the staple of *Calais*, but that they shall be of this ordinance clearly discharged and excepted.

CAP. V.

No customer, &c. shall have a ship of his own, use merchandise, keep a wharf or inn, or be a factor.

11 H. 4. c. 2.
The cause
why a com-
mon hostler
shall not be a
customer,
controller, or
searcher.

ITEM, *Whereas in the parliament holden at Westminster the eleventh year of the reign of King Henry the Fourth, it was ordained and stablished, That no man that had a common hostry in any city or borough of this realm, shall be customer, controller, nor searcher, and that to eschew the damages and prejudices which thereof may grow, by the favour that such common hostlers may and will make to merchants, and to other their guests in their offices: (2) And now*

ITEM come al parlement tenuz a Westm' lan de regne du Roi Henri le quart xj. ordine fuist & establie qe null home qi tient commune hostlerie en aucun citee ou burgh dicest roialme soiet customer controulour ne sercheour & ceo pur eschuer les damages & prejudices qi dent purront acrescier par le favour qe tielx communes hostlers purroient & veudroient faier as marchauntz & as autres lour hostes en lour offices. Et jatarde divers customers

tumers countrollers & auxi sercheours countrollours & surveours des sercheours ont divers hommes pur estre leur clerkes deutes & ministres en leur ditz offices des queux clerkes deutes & ministres ascuns ont niefs de leurs propres & ascuns eux intromittent del frette des niefs auxint achatent & vendout diverses merchandises & ont & occupiount a leur propre oepe diverse wherwes & keyes esteantz par les ripes del ewe lou commune discharge des merchandise est eue en diverse portz dicest roialme par que sibien grande deceit & damage journement acresent au Roy de sez custume & subsidees come grande perde as marchauntz repirauntz a les portz ou les ditz clerks deutes & ministres occupient les ditez offices des queux clerks deutes et ministres auxi pluisours teignent hostries & tavernes & auxi gardent wharves & eux & leur servitours sount factours & attournes pur marchauntz deinsins & aliens par que grandes damages & perdes journement accresent au Roy en sez custume & subsidees par le favour que tielx clerks deutes & ministres tiels hostries tavernes & wharves teygnantz facient as marchauntz & as autres leurs hostes en les ditz offices & pluis greindre damages est semblable dent accrescier en temps avenir si hastif remedie ne soiet purvieu. Nostre dit seigneur le Roy voilant encoultre tielx damages & perdes purvoier de remedie en cest partie ad ordeigne & establie par lauctorite suifdit que null custumer ne controllet de la custume clerks deutes

ou

of late divers customers, controllers, and also searchers, controllers, and surveyors of searches, have divers persons to be their clerks, deputies, and ministers in their said offices, of which clerks, deputies, and ministers, some have ships of their own, and some of them meddle with the freighting of ships, and also buy and sell divers merchandises, and thereof occupy to their own use divers wharfs and keys, being by the water's sides, where common discharge of divers merchandises is had in divers ports of this realm, by the which as well great deceit and damages daily do grow to the King of his customs and subsidies, as a great loss to merchants repairing to the ports where the said clerks, deputies, and ministers be; (3) also many hold hostries and taverns, and also keep wharfs, and they and their servants be factors and attornies for merchants, denizens, and aliens, by which great damage and loss daily doth grow to the King in his customs and subsidies, by favour that such clerks, deputies, and ministers holding such hostries, taverns, and wharfs, do to merchants and to other their guests in the said offices, and greater damage is like thereof to grow in time to come, if speedy remedy be not provided: (4) Our said lord the King, willing against such damages and losses to provide a remedy in this behalf, hath ordained and established by authority aforesaid, That no customer, controller of the custom, clerks, deputies, ministers, nor their servants, factors nor searchers, controllers or surveyors of searches, nor their clerks, deputies, ministers, or factors shall have any ships of their own, (5) or shall

No customer, controller, &c. shall have any ship of his own, use merchandise, keep a wharf, an inn, or be a factor to another.

buy or sell by way or by colour of merchandise, (6) nor they shall not meddle with freighting of ships, or have or occupy any such wharfs or keys, (7) or shall hold any hostries or taverns, (8) or shall be any factors, or attornies for any merchant, denizen, or alien, (9) nor shall be hosts to any merchant alien (10) upon the pain of xl li. to be forfeit as often as they do the contrary, that is to say, one half to the King, and the other half to him that will sue in this case against any such person doing the contrary. This ordinance to begin at the feast of Saint *Michael* next coming.

cest cas envers aucun tiel persone faisant le contrarie lautre moite. Cest ordinaunce a commencer a le fest de Seint Michell profchein avenir.

ou ministres ne lour servauntz ou factours ne sercheours countrollours ou surveiors des serches ne leurs clerkes deputes ministres ou factours eient aucuns niefs de leur propres ou achatent ou vendent par voie ou par colour de merchaundise ne eux entremittent de fret de niefs ou eient ou occupient aucuns tielx wherves ou keyes ou teignent aucuns hostries ou tavernes ou soient aucuns factours ou attournes pur aucun marchaunt denizen ou alien ne soient hostes a aucun marchaunt alien sur le peine de xl li. destre forfait si souvent coment ils fount la contrarie cestassavoir lune moite au Roy & a celui qe voet fuer en

CAP. VI.

A confirmation for ten years of the statute of 15 HEN. VI. cap. 2. touching the transportation of corn being of certain prices.

Ex edit. Raft.
Corn licence.

ITEM, whereas at the parliament holden at *Westminster*, the xv. year of the reign of our said sovereign lord the King that now is, for the common profit of all the realm, and especially for the counties adjoining to the sea, it was ordained and stablished in the form which followeth. Item, forasmuch as by the King it is ordained, That no man may carry or bring corn out of the realm, without the King's licence, by cause whereof farmers and other men, which use manuring of their land, may not sell their corn but at a low price, to the great damage of the realm. Our said sovereign lord the King, willing in this case to provide a remedy, hath ordained and stablished by authority aforesaid, That it shall be lawful to every man to ship and carry all manner of corn and grain out of this realm, to any place that him pleaseth, except all only to the King's enemies, as often and as long as a quarter of wheat doth not exceed the price of vj. s. viij. d. and a quarter of barley three shillings, in the port where the wheat or barley is so shipped. And that without suing any licence for the same all manner of ordinance made to the contrary notwithstanding. Provided always, That the King be contented of his customs and devoirs. And this ordinance shall endure till the next parliament. Our said sovereign lord the King, forasmuch as this statute is not now in his force, and that many counties adjoining

adjoining to the fea, may not fell the fubftance of their corn, but by carriage and bringing by the fea, hath ordained by the authority aforefaid, That the ftatute and ordinance aforefaid now expired (as afore is faid) fhall begin to hold his force at the feaft of the Nativity of our Lady next enfuing, and fhall endure from thence till the parliament next to be holden after the fame feaft, fo that a parliament be holden within ten years next enfuing after the firft beginning of this prefent parliament. And if fo be that there be no parliament holden within the fame ten years, that then it fhall continue and endure till the end of the fame ten years.

C A P. VII.

If any carry merchandifes into Wales, and after bring them into England not customed, he fhall forfeit them.

ITEM, it is granted and ordained by the authority aforefaid, That if any hereafter bring any merchandifes coming from any parts beyond the fea, to any port or place within the land of *Wales*, and after them fend into *England*, and there difcharge them out of any fhip or vefiel the customs and fubfidies thereof to the King not paid, or if any perfon in any of the faid ports and places in *Wales*, fhip any wools, woolfels, or other merchandife of the ftaple, to be brought to the parts beyond the fea, not customed, nor the fubfidy to the King not payed, fhall forfeit the fame goods and merchandifes. And that the King fhall have his fuit in this behalf in the county next adjoining in *England* to the port, in the which fuch merchandifes fhall be fhipped or brought into *Wales*, and that this ordinance fhall endure till the next parliament.

Merchandifes.

Custom,
wools, wool-
fels, &c.

C A P. VIII.

In what cafe the King's purveyors that would take cattle, may be refifted.

ITEM, it is ordained by the authority aforefaid, That the ftatutes before this time made of purveyors and buyers, fhall be holden and kept, and put in due execution. (2) And in cafe that any purveyor, buyer, or taker, will take and make purveyance, or buy any thing to the value of forty fhillings or under of any perfon, and make not ready payment in hand, that then it fhall be lawful to every of the King's liege people to retain their goods and chattels. and to refift fuch purveyors and buyers, and in no wife fuffer them to make any fuch purveyances, buyings, or takings. (3) And for the peace better to be kept, that every conftable, tythingman, or chief pledge of every town or hamlet, where fuch takings or purveyances fhall be made, fhall be aiding or affifting to the owner or feller of fuch things to be taken againft the form of this ordinance, to make refiftance in the form aforefaid, in cafe that fuch conftables, tythingmen, or chief pledges be required that to do, upon pain to yield to the party fo grieved, the value of the things fo taken, with

The King's
purveyors
who will take
cattle to the
value of xl. s.
or under, and
not make pre-
fent payment,
may be re-
fifted.

with his double damages. (4) And that none of the King's liege people be put to loss or damage, by the King or any officer for such resistance. (5) And that none of the King's officers shall do to be arrested, vexed, or impleaded in the court of the *Marshalsea* or elsewhere, any of the King's liege people for such withholding or not suffering to be done, upon pain to lose twenty pounds, the one moiety of that to the King, and the other moiety to him, which will in such case sue. (6) And that the justices of peace in every county shall have power by authority of this ordinance, to inquire, hear and determine, as well at the suit of the King, as of him which will sue, of any thing done against this ordinance, and thereof to make due punishment and execution, and to award damages to the party plaintiff, when any defendant is thereof duly convicted. (7) And that in every action to be taken, upon this ordinance, every party defendant shall be put to answer to that without aid of the King. (8) And in such actions to be taken, process shall be made as in a writ of trespass done against the peace, and that in every commission of purveyors, buyers, or takers to be made, this ordinance shall be contained and expressed. (9) And moreover, that this ordinance among other statutes of purveyors, buyers, or takers before this time made, shall be sent to the sheriffs of every county of *England*, to proclaim and deliver the said statutes and ordinances in the manner and form contained in the statute of purveyors and buyers, made the first year of the reign of our said sovereign lord the King that now is, upon the pain contained in the same statute. (10) And moreover the King will and commandeth, That the statute made the six and thirtieth year of King *Edward*, late king of *England*, the third after the conquest, touching purveyors of other persons than of the King, should be put in due execution.

28 Ed. 3. c. 12.
36 Ed. 3. c. 6.
2 H. 4. c. 14.
1 H. 6. c. 2.
12 Car. 2. c. 24.

CAP. IX.

The order of trial of countesses, &c. being indicted of treason, &c.

Magna charta
cap. 29.

ITEM, *Whereas it is contained in the Great Charter amongst other things, in the form which followeth: No freeman should be taken or imprisoned, or disseised of his freehold, or his liberties, or free customs, or shall be outlawed or banished, or in any wise destroyed, nor we will go upon him, nor send upon him, but by the lawful judgment of his peers, or by the law of the land; (2) in which statute is no mention made how women, ladies of great estate, in respect to their husbands, peers of the land, married or sole, that is to say, duchesses, countesses, or baronesses,*

ITEM come continue soit en la Graunde Chartre entre autres en la fourme qensuyt: 'Nullus liber homo capiatur
' aut imprisonetur aut disseisi-
' atur de libero tenemento suo
' aut libertatibus aut liberis
' consuetudinibus suis aut ut-
' lagetur aut exulet aut aliquo
' modo destruat nec super
' eum mittemus nec super eum
' ibimus nisi per legale iudicium
' parium suorum vel per legem
' terre.' En quele estatuit nest my mention fait coment femmes dames de graunde estate par cause de lour barons peres
de

de la terre covèrtez ou soulez cestaffaver duchesses countesses ou baroneffez ferront mys a responder ou devant queux juges els ferront juggez sur enditementz de tresons ou felonies par eux faitz a cause de quell il est une ambiguite & doute en la ley devant queux & par queux tielx dames issint enditez ferront mysez a respondre & estre adjudgez. Nostre dit seigneur le Roy voillant oustier tielx ambiguites & doutes ad declare par lauctorite defuisdit qe tielx dames issint enditez ou en apres a enditez de ascun treson ou felonie par eux faitz ou en apres affairez coment qe eles soient covèrtez de baron ou soules qe eles ent soient mesnez en responce & mys a respondre & adjudgez devant tielx jugges & peres de le roialme sicome autres peres de le roialme ferroient fils fuissent enditez ou empeschez de tielx tresons ou felonies faitz ou en apree affairez & en autiel maner & fourme & en null autre.

baroneffes, shall be put to answer, or before what judges that they shall be judged upon indictments of treasons, or felonies by them committed or done, in regard whereof it is a doubt in the law of England, before whom, and by whom such ladies so indicted shall be put to answer, and be judged; (3) our said lord the King willing to put out such ambiguities and doubts, hath declared by authority aforesaid, That ladies so indicted, or hereafter to be indicted, of any treason or felony by them done, or hereafter to be done, whether they be married or sole, that they thereof shall be brought to answer, and put to answer, and judged before such judges and peers of the realm, as peers of the realm should be, if they were indicted or impeached of such treasons or felonies done, or hereafter to be done, and in like manner and form, and none otherwise.

6 Co. 52.

The order of trial of duchesses, countesses, or baroneffes, being indicted of treason or felony.

CAP. X.

Four wardens of the worsted weavers of Norwich appointed yearly to inspect and regulate the worsted in that city, and two in Norfolk. The length and breadth of all sorts of worsteds made in Norwich and Norfolk assigned.

ITEM, whereas as well in the city of *Norwich* as in the county of *Norfolk* there be divers persons which make false cloths of all manner of worsteds not being of the assises in length and breadth as they ought to be and were of old time accustomed, and the flays and threads pertaining to the same be not rightfully made and wrought, in great deceit as well of denizens of the King as of the strangers repairing into this realm of *England*, which buy and use such merchandise, trusting that it shall be within as it sheweth without, where, of truth it is contrary: And whereas worsted was sometime a good merchandise and greatly desired and loved in the parts beyond the sea, now because that it is of false work and of false stuff, no man thereof taketh regard which is great damage to the King's customs, to the great damage and prejudice of the King's faithful liege people: Our said sovereign lord the King, willing against such damage

Ex edit. Raff.
Worstedes.

Norwich.

damage and prejudice to provide a remedy in this behalf, hath ordained by the authority aforesaid, That men of the craft of worsted-weavers within the said city, shall have power every year at the feast of pentecost to choose iii. wardens within the said city, of the same craft, and the same wardens to have power to choose other ii. men of the same craft in the said county of the said city, and all the same wardens to come before the mayor of the said city for the time being, the Monday after the day of *Corpus Christi* then ensuing, and there to be sworn before the mayor, to do right and make due search of all manner of worsteds, and of the stuff belonging to the same, made or to be made within the said city or county. And that every piece of worsted shall be pursuing through the cloth of right work good and convenable stuff, and that they shall hold the length and breadth as the assise hath of old time been rightfully accustomed, that is to say, the beds of the greatest assise in length xiiii. yards largely, and in breadth four yards through the piece, and beds of the mean assise xii. yards in length and three yards in breadth through the piece, and beds of the least assise x. yards in length largely, and two yards and a half in breadth, and cloths called monks cloths, xii. yards in length at the least, and five quarters in breadth, and cloths called canon cloths, five yards in length and vii. quarters in breadth, and cloths called cloths, vi. yards in length and two yards in the breadth, and double worsted x. yards in length, and five quarters in breadth largely, and half doubles, vi. yards in length, and five quarters in breadth, and roll worsted, xxx. yards in length, and half a yard in breadth largely. And that no lambs wool, nor wool called pelt wool shall be put in any of these worsteds. And that the wardens of the said craft for the time being, shall have power and authority to seise all such cloths and stuff so found defective. And that the mayor of the said city for the time being, shall have power by the said authority to enquire, hear, and determine as well at the King's suit as at the information of the said wardens, of all them which do contrary to this ordinance within the said city. And in like form the justices of peace in the said county out of the said city, shall have power to enquire, hear, and determine, of all them which do against the premisses in the said county out of the said city. And if any man before the mayor or justice of the peace be thereof duly convict and attainted, that then the same worsteds and stuffs so found defective, shall be forfeit that is to say, the one half of such forfeiture to the King, and the other half to the wardens for the time being of the said craft. And that the mayor for the time being of the said city, and the justices of peace for the said county, shall have power to make such process severally against such person or persons, which shall be found to be defective by enquiry before them to be taken, of any thing done against the premisses, as the King's justices of peace do upon indictments taken before them of trespass done with force and arms against the King's peace.

And

23 H. 6. c. 3.
7 Ed. 4. c. 2.

And that this ordinance shall begin to take effect at the feast of Saint *Michael* next coming. And that it shall endure till the end of three years next ensuing after the same feast of Saint *Michael*.

C A P. XI.

A repeal of so much of the statute of 2 HEN. V. stat. 1. cap. 6. as maketh the breaking of truce and safe conducts high treason.

ITEM, where it was ordained and declared by the statute Truce.
made the second year of the reign of King *Henry V.* father to our sovereign lord the King that now is, forasmuch as before the said ordinance divers people comprised within the said truces, made as well by the said late King as by King *Henry* the Fourth, grandfather to our sovereign lord that now is, and divers other having safe conducts as well of the said late King Safe conducts.
Henry the V. as of the said late King *Henry* the Fourth, some have been slain, some robbed and despoiled by the King's liege people and subjects, as well upon the main sea as within the ports and coasts of the sea of *England*, of *Ireland* and of *Wales*, whereby the said truces and safe conducts have been broken and offended, to the great dishonour and slander of the King, and against his dignity, and the said man-killers, robbers, spoilers, and offenders of the said truces and the Kings safe conducts, as afore is declared, have been by divers of the King's liege people and subjects within the coasts of divers counties received, abetted, and procured, concealed, hired, sustained, and maintained, that such manslaughter, robbery, spoiling, breaking of truces, and of the King's safe conducts, and wilful receipt, abettment, procurement, concealment, hire, sustenance, and maintenance of such persons to be made in time to come by any of the King's liege people and subjects within the realm of *England*, of *Ireland*, and of *Wales*, or upon the main sea, shall be judged and determined for high treason, done against the crown and the King's dignity. And forasmuch as the pains contained and specified in the statute aforesaid, be so rigorous against the King's liege people and subjects, and them so straitly bind that the adversaries and enemies of the King be greatly boldened and comforted to make war against them, and many of the King's liege people and subjects as well upon the sea and coasts of the sea, as in the marches of the realm of *England*, oftentimes have been, some robbed and spoiled, and some slain, whereby many of the King's liege people inhabiting in the marches and coasts aforesaid, be greatly hindered and impoverished, and in point to be finally destroyed, and the merchants and mariners of the King be greatly thereby discouraged and abashed to pass upon the sea with their ships and vessels, with their merchandises, or otherwise to make war for the safeguard of the sea, and the navy of the realm of our said sovereign lord the King in point to be destroyed, and the merchants of the King clearly discomforted to make or renew any ships

or

or vessels. At the parliament holden at *Westminster*, the tenth day of *October*, the xiiii. year of the reign of our said sovereign lord the King that now is, the penalty, judgment, and determination in the same statute contained was put in suspence and respite by vij. years then next ensuing, as by the statute thereof made in the same parliament plainly appeareth: The same our sovereign lord the King that now is, considering the premisses, and that the said time of seven years is well nigh past, ordaineth by authority aforesaid that none of his liege people and subjects, by force of the said statute, for nothing by him attempted or hereafter to be done against the form and tenor of the said statute, as to the said pain of treason, shall be in any wise punished, molested, nor grieved, nor shall incur no pain for the same otherwise than he ought before the making of the said statute, but that he, his heirs, and executors of all pains and forfeitures of treason, because of the said statute, against the King, his heirs, and successors, shall be clearly quit and discharged. And that this ordinance shall endure till the next parliament.

CAP. XII.

A reformation of the partition money arising by the sale of wools and woolfels by the mayor and constable of Calais, ordered for seven years.

Ex edit. Raft.
Partition of
wools, wool-
fels, &c.

Staple.
Calais.

ITEM, whereas by the ordinance of partition made upon wools and woolfels in the staple of *Calais*, and by the long and straight continuance of the same, great hinderance and decrease have come to the King of great notable sums of his great customs and subsidies, as well in his realm of *England*, as at his town of *Calais*, as appeareth sufficiently of record in his exchequer, for the which the commons of this realm have been oftentimes charged to their great damage, the King's soldiers of *Calais*, and of the marches there, the worse paid of their wages, the said town and castle of *Calais* not repaired, and that also the said straight rule hath caused many merchants strangers to labour to their lords of their party to make as grievous and straight search upon bullion coming to the King's mint to *Calais*, so that men of divers countries in conveyance of bullion have been greatly hindered, as well in their persons as in their goods, so that the said mint is fallen in great decay, and may not be sustained as it was in the time of the reign of King *Henry* the Fifth, father to our said sovereign lord the King that now is, and many year, before that the said partition was first ordained and made. And that moreover that merchants of this realm be by that greatly hindered, and the most part of them of very necessity be enforced to leave their merchandises of wools and woolfels, because that they may not attend the straight rule of the said partition. And whereby some do steal out of this realm wools and woolfels without payment of any custom or subsidy, to our sovereign lord the King for the same which hath been and is daily a great decrease and hinderance to the navy of this realm of *England*, and to
the

the mafters of fhips and mariners, becaufe that their living and yearly avail is greatly decreased and minifhed by the little fhipping of wools and woolfels of the faid ftaple, for the caufes aforefaid, and that the price and value of the wools and woolfels by the faid freight rules and ordinances of partition is very greatly decreased and minifhed. And whereas upon the fame it was prayed to the fame our fovereign lord the King that now is, by his faid commons by their petition to him made, that it would please him of his noble grace to confider the premisses, and for the univerfal weal, avail, and increafe of riches of this realm, to grant and ordain by the authority aforefaid, That all wools and woolfels, which hereafter fhall be fhipped by merchants denizens of this realm of *England* to the ftaple of *Calais*, fhall be put to fale by the owners of the fame wools and woolfels, or by their attornies there under due form and rule of the faid ftaple, to the price and value of the faid wools and woolfels, as it is by the ordinance of the faid ftaple at this time put and ufed, or at fuch price as by the rule of the faid ftaple fhall be ordained and appointed, as often and when it fhall please the fame merchants or their attornies. So that the third part of the price and value for all fuch wools and woolfels, to be fold hereafter to the faid ftaple, at the time of the fale and before the delivery of them, fhall be brought from the faid ftaple and had in bullion of filver to the King's mint at *Calais*, there to be coined by the furveying of the mayor, conftables, and company of the faid ftaple for the time being, to be delivered after that it is fo coined to the faid merchants owners of the faid wools and woolfels fo fold, and by them or their attornies to be brought and had in the faid realm of *England* by the ordinance and furveying of the faid mayor and conftables and company of the faid ftaple for the time being, without embezzeling or fubtraction of that in any wife, and without any partition of the money which fhall come of the faid bullion, or of any payment of thefe other parties of the value of the faid wools and woolfels to be had or made. And that this ordinance fhall endure till the end of feven years next enfuing: The fame our fovereign lord confidering the premisses hath granted and ordained, by the authority aforefaid, That as to the partition aforefaid, the mayor and conftables and company of the faid ftaple of *Calais* fhall reform the fame among themfelves according to the faid petition, before the firft day of *Auguft* next coming. And that it fhall be fo obferved hereafter during the faid vii. years. And if that they do not then the fame, our fovereign lord the King hath granted and ordained by the authority aforefaid, That as to the petition and to the remanent in the fame petition contained, it fhall be done as is defired,

Statutes made at *Westminster*, Anno 23 HEN. VI.
and *Anno Dom.* 1444.

AT the parliament holden at Westminster the twenty fifth day of February, the twenty third year of the reign of King Henry the Sixth after the conquest, the same our lord the King, by the advice and assent of the lords spiritual and temporal, and the commons being in the said parliament, by the authority of the same parliament, made to be ordained, and stablished divers ordinances and statutes in the manner and form following.

EN parlement tenuz a Westm' le xxv jour de Fevrier lan du reign nostre seignur le Roi Henry le vi. apres le conquest xxiii. mesme nostre seignur le Roi del advys et assent de les seignurs espirituelx et temporelx et les communes esteantz en le dit parlement et par auctorite de mesme le parlement, fist ordeigner & establier diversez ordeignauncez et estatuitz en le maner et fourme que ensuist.

CAP. I.

A confirmation of the statute of 36 EDW. III. c. 2. and other statutes touching the King's purveyors.

The name of Purveyors turned into Buyers.

Ex edit.
Pulton.
36 Ed. 3. c. 2.
No purvey-
ance but for
the King.
Ready pay-
ment shall be
made.
The name of
purveyors
changed, and
they named
buyers.
By whom
goods pur-
veyed shall be
praised.
Prises shall be
made where
there is plenty.
No more shall
be taken than
is needful for
the time.
A taker shall
have no de-
puty.
The seal of the
commission.
Resistance of
the purveyors
if they make
not ready pay-

FIRST, Whereas in the parliament holden the xxxvj. year of King Edward the Third, for the grievous complaints made against purveyors of victuals, it was ordained and established, That no man of the realm should have any takings but only the King and the Queen his companion: (2) and that upon such purveyance to be made for the houses of the King and the Queen, ready payment should be made in hand, that is to say, the price for which such victuals should be commonly in markets near about; (3) and that the heinous name of purveyors should be changed, and named buyers: (4) And if the buyers cannot well agree with the seller, for that which shall be needful, then the prises that shall be made for the said two houses, shall be made by the view, witnessing, and appraisalment of the lords, or their bailiffs and constables, and four good men of every town, and that by indenture to be made betwixt the buyers and the said lords or bailiffs, constables, or four men, containing the quantity of the thing by them taken, and the price, and of what persons: (5) and that the prises shall be made in a convenient and easy manner, without dures, menace, rebuke, or otherwise: (6) and that the prises and buyings shall be made in places where there is greatest plenty, and that in convenient time: (7) and that there be no more taken than shall need for the season for the said two houses: (8) and that the number of the said buyers shall be abated, in as much as a man may well: (9) and that such be buyers which shall be sufficient to answer to the King and to his people, and that none of them shall have a deputy: (10) and that the

the commiffions fhall be fealed with the great feal, and every half year returned into the chancery, and other to be made of new: (11) and that in the faid commiffions fhall be comprifed all the manner and matter of their prizes and buyings, (12) and that no man fhall be bound to obey the buyers of other lords againft their will, nor to the buyers of the faid houfes, if they make not ready payment in hand, as afore is faid: (13) and that no man fhall be charged for a contempt becaufe of difobedience done in this behalf: (14) and that the prizes of all manner of corn and malt for the faid two houfes, fhall be meafured by the meafure according to the ftandard ftricken and not heaped: (15) and for the carriage of the corn and malt, and for all other manner of prizes and buyings to be made for thefe two houfes, ready payment fhall be made in hand in the fame manner as for the prizes and buyings aforefaid: (16) and that no more carriage be taken than fhall be needful in this behalf: (17) and if any buyer make any prizes and buyings, or be taker of carriage in any other manner than is comprifed in their commiffions, they fhall have punifhment of life and of member, as is ordained of purveyors.

ment, or take for others faving the King, &c.

The corn taken fhall be meafured by the ftrikel.

4 Ed. 3. c. 3.
25 Ed. 3. ft. 5.
c. 1.

11 R. 2. c. 4.
20 H. 6. c. 8.

Ready payment for carriage.

Felony to take otherwife.

CAP. II.

In what cafe the King's purveyors, who are by the laft precedent chapter to be termed buyers, may be refifted.

ITEM, That no buyer of victual, or taker of carriage, fhall take or receive of any man any gift or other pleasure, to fhew any favour, or fhall charge or grieve any man in refpect of fuch takings, buyings and carriages, for hatred, envy, evil will, or procurement: (2) and if he do, and thereof be attainted at the fuit of the party, he fhall yield to the party his double damages, and fhall have imprifonment of two years, and fhall be ransomed at the King's will, and after fhall forfwear the court: (3) and if the party will not fue, he that will fue for the King, fhall have the third peny of that which fhall be recovered for his labour, and neverthelefs the buyer and taker fhall have the punifhment as afore is faid in the fame article: (4) and that every buyer upon his account fhall caufe to be declared, and feverally diftinguifhed the takings and buyings of every county, town or perfon: (5) our faid lord the King that now is, confidering the premisses, hath ordained and commanded by authority of this faid parliament, That the faid ftatutes from henceforth fhall be duly kept and put in execution, (6) and alfo hath ordained by the fame authority, That every purveyor and buyer before they fhall have any commiffion, fhall be sworn in the chancery, that he fhall take nothing of the people contrary to the faid ordinances.

No purveyor fhall take or forbear for favour or malice. A taker fhall make a particular account of each thing taken.

A rehearsal and confirmation of the ftatute of 36 Ed. 3. c. 2.

The takers oath:

II. And moreover, becaufe the poor people be not able, nor dare make refiftance againft the purveyors and buyers, nor fue them by the law, though that they do contrary to the faid ftatutes, it is ordained by the fame authority, That the praifers,

Refiftance of the takers.

and alſo all the town or towns adjoining, if need be, ſhall be bound to do their endeavour and power to reſiſt the buyers and purveyors doing contrary to the ſaid ſtatutes, and as much as in them is, to execute the ſaid ſtatutes upon the ſame purveyors, if they be required; (2) and that he which is grieved for his goods taken contrary to the ſaid ſtatutes and ordinances, may chooſe to have an action of debt againſt the ſaid praiſers, town or towns, and every of them, which do not their induſtry in reſiſtance of the ſaid purveyors or buyers in the form aforeſaid, when they ſhall be required, or elſe againſt the ſaid purveyors or buyers, and every of them, to recover the treble value of his goods ſo taken, and moreover his coſts and his treble damages. (3) And if any purveyor or other the King's officer do trouble or vex any of the King's liege people in the marſhalſea or elſewhere, by any evil ſuggeſtion or cauſe feigned, imagined, or coloured upon them in reſpect of execution of the ſaid ordinances, he ſhall incur the pain of xxl. to be paid to the party grieved, over his damages and coſts in this behalf ſuſtained: (4) and that he thereupon ſhall have a writ of debt; (5) and that every iſſue triable in their action, ſhall be tried in the county where the taking of the ſaid goods was made, and that the defendants in all the ſaid caſes ſhall not be admitted to wage their law, and ſhall be put to answer without fourching, and no eſſoin, aid of the King, nor protection ſhall be to them allowed: (6) and that the ſerjeant of the catery ſhall ſatiſfy all the damages, debts and executions which ſhould be recovered againſt every purveyor and buyer under him in all the caſes aforeſaid, if the purveyor or buyer be not ſufficient to ſatiſfy: (7) and the party complainant ſhall have a *Scire facias* to have execution againſt the ſaid ſerjeants in that caſe: (8) and that theſe ſtatutes and ordinances ſhall be ſent to the juſtices of the peace in every county to proclaim them every year, and thereof to inform the people.

CAP. III.

Whoever ſhall pack or ſhip thrums or threads to paſs beyond the ſeas, during three years next coming, ſhall forfeit the ſame, or the value.

Ex Edit. Raſt. **I**TEM, our ſaid ſovereign lord the King hath ordained by the authority aforeſaid: That no man hereafter ſhall pack nor ſhip any thrums nor woolen threads in any wiſe, to be had or to paſs out of this realm of *England* beyond the ſea, during the term of three years next enſuing, upon pain of forfeiture of the ſame thrums and woolen thread, or the very value of the ſame to the King: the King to have the one half thereof, and he which ſhall the ſame eſpy, find, and prove the ſame to be forfeit, to have the other half. And that he that packeth to ſhip beyond the ſea, any ſuch thrums or woolen thread hereafter, contrary to this ordinance, ſhall have one year's imprisonment, and moreover ſhall make fine and ranſom for his offence in this behalf, ſaving always to the King his advantage by the ſtatute made in the parliament holden at *Weſtmiſter* the viii. year of his noble reign touching this matter. CAP.

Two ſeveral remedies for the party wronged by the takers. The remedy if the King's officer do trouble him which ſeeketh lawful revenge.

The ſerjeant of the catery ſhall answer for ſome takers his inferior officers.

CAP. IV.

Four wardens of worsted weavers shall be chosen yearly during three years next coming, within the city of Norwich, and other four within the county of Norfolk, which shall set down orders for the true making of worsteds within Norwich and Norfolk, and Suffolk.

ITEM, whereas in the last parliament of the King holden at *Westminster*, among other things it was enacted and granted by authority of the same parliament, That where there were divers persons as well within the city of *Norwich* as in the county of *Norfolk*, which made false work of all manner of worsteds, not being of the assise in length and breadth as they ought to be, and were of old time accustomed, and the flaes and thread to that pertaining were falsly made and wrought, to the great deceit as well of denizens as of strangers repairing to this realm, which use to buy such merchandises, trusting that they be within as it appeareth outwardly, where of truth it was contrary: and where worsteds were sometime good merchandises and greatly desired and loved in the parts beyond the sea, because it was of false work and of false stuff, no man doth set by the same, to the great damage of the King's custom, and great damage and prejudice to his faithful people, it was also ordained to the destruction of such defaults; That the men of the said craft within the said city should have power every year at the feast of *Pentecost*, to choose four wardens within the said city of the same craft. And the same wardens to have power to choose other two men in the county out of the said city, and all the said wardens to come before the mayor of the said city for the time being, the Monday after the day of *Corpus Cristi* then next ensuing, and there to be sworn before the mayor, to make true and due search of all manner of worsteds, and of the stuff pertaining to the same, made or to be made within the said city or county, and that every piece of worsted shall be pursuing through all the cloth of right work good and convenable stuff, and that they shall hold the length and breadth as the assise hath been of old time accustomed, that is to say, beds of the greatest assise in length xiiii. yards largely, and in breadth iiij. yards largely through the piece, and beds of the mean assise xii yards in length, and in breadth through the piece iii yards, and and beds of the least assise x yards in length largely, and two yards and a half in breadth. And cloths called the monks cloths xii yards in length at the least and v quarters in breadth. And cloths called canon cloths of the one assise v yards in length and vii. quarters in breadth. And of the other assise vi yards in length and ii yards in breadth. And double worsted x yards in length, and v quarters in breadth. And half double vi. yards in length and v. quarters in breadth, and roll worsted xxx. yards in length and half a yard in breadth largely. And that

Peltwool.

that no lambs wool nor wool called Peltwool shall be put in any of the same worsteds. And that the wardens of the said craft for the time being shall have power and authority to seise all such cloths and stuff so found defective, and that the mayor of the said city for the time being have power to enquire, hear, and determine as well at the King's suit as at the information of the said wardens, of all them that do contrary to the said ordinance within the said city. In like form the justices of the peace in the said county out of the said city, shall have power to enquire, hear, and determine of all them that do contrary to the premisses in the said county out of the said city. And if any man before the said mayor or justice of the peace shall be duly convict and attainted, that then the same worsteds and stuff, so found defective shall be forfeit, that is to say, the one half of such forfeiture to the King, and the other half to the wardens of the said craft for the time being. And that the mayor for the time being of the said city, and the justices of the peace in the said county, shall have power to make such process severally against such person or persons, which shall be found defective by enquiry before them to be taken of any thing done contrary to the premisses, as the justices of peace do upon indictments taken before them of trespass done with force and arms against the King's peace. And that the said ordinance shall begin to take effect at the feast of St. *Michael* next ensuing the said parliament, to endure till the end of three years: The King considering the premisses, hath ordained by authority of his said parliament, holden the xxv. day of *February*, for the weal of all his people of his said realm, and in amendment of the said worsteds, for and in destruction of all manner of deceit to be done and wrought in worsteds by them that have them by the means of the same, that the men of the said craft within the said city shall have power every year at the feast of *Pentecost* to choose four wardens within the said city of the same craft. And also in like manner that the artificers of the same craft, dwelling out of the said city, that is to say, in the county of *Norfolk*, shall have power every year at the feast of *Pentecost* to choose four wardens within the said county of the same craft. And that the wardens in the said county and city shall be sworn before the mayor of the said city, and the steward of the dutchy of *Lancaster* within the said county for the time being, if he be present within the said city, or else before the mayor alone, the said steward being absent at such time. And that all the said wardens, as well within the said city as without, or else the most part of them, under the same form before rehearsed, chosen and sworn, shall have full power to survey the work of the said artificers. And that they shall make and work well and lawfully. And do to be ordained such rules and ordinances within the said craft, as shall seem to them necessary for the amendment of the said worsteds and the craft. And that such rules and ordinances by them so made and ordained to be by the said artificers obeyed and observed, or else such of the said arti-

artificers that break or do contrary to the faid rules and ordinances, to be punished by the difcretion of the faid mayor and steward. And alfo that no man of the faid craft fhall make any worfted, except he put upon the fame his fign by the ordinance of the faid wardens, or otherwife the faid worfteds fhall be forfeit to the King, and that the faid wardens, as well within the faid city, as within the counties of *Norfolk* and *Suffolk*, fhall have full power to fearch or do to be fearched all manner of worfteds, as well within the looms as without the looms. And that all manner of worfted and ftuff pertaining to the fame found by them for any caufe recited defective by the faid wardens to be forfeit, that is to fay, the one half to the mayor and bailiffs of the city, boroughs, or towns, or to the chief lords of the fee of and in fuch places where fuch worfteds and ftuff by the faid wardens fhall happen to be found defective and forfeitable for any caufe aforefaid, and the other half to the wardens of the faid craft, and that all manner mayors, fheriffs, and bailiffs, and all other officers fhall be attending, aiding, and fupporting the faid wardens in their fearches, as often as they or any of them fhall be by the faid wardens or any of them required. And that this ordinance fhall endure till the end of three years next enfuing. Provided always, That if the wardens of the faid craft, as well within the faid city of *Norwich* as without, or otherwife the greater part of them in manner and form aforefaid, happen to be chofen and fworn to make any fuch rules and ordinances as afore is faid, that the fame rules and ordinances fhall be in no wife put in execution before that the King and his counfel be certified of them, and that the fame rules and ordinances fhall feem to the King and his counfel expedient and neceffary for the weal of the King and of his realm.

CAP. V.

Welchmen indicted of treason or felony, that do repair into Herefordshire, fhall be apprehended and imprifoned, or or elfe purfued by hue and cry, and a forfeiture of thofe which do not purfue them.

ITEM, whereas divers perfons dwelling in *Wales* and in the *Wales*.
 marches of *Wales*, indicted and outlawed of treafons and felonies coming into the county of *Hereford* to cities and burghs towns, fairs and markets, and to other places within the faid county, fometime by night, and there fell, buy merchandife and tarry by ii. iii. iv. days or more at their will, and after return into their own countries without grievance, impeachment, or execution of the law made upon them by the fheriff of the faid county, his minifters, or by any other perfon, by reafon that the fheriff and his minifters oftentimes have no knowledge of their perfons, nor of their being within the faid county, and other perfons, fome for favour and amity, and fome for doubt of hurt, by reafon of which none doing of due execution of the law, the faid perfons indicted, outlawed, and other offenders of

Wales, and of the marches aforefaid, doubt not to come, flay, burn, rob, and to do other offences in the faid county, to the perpetual destruction and impoverishment of the commons of the faid county: our faid fovereign lord the King, confidering the premisses, hath granted by authority aforefaid, That if the fheriff, underfheriff, or any fheriff's minifters, mayor and bailiffs of towns and boroughs, or any other person converfant within the faid county, know and fee any fuch person indicted or outlawed in any place within the faid county, that he fhall arrest, take, and bring him to the gaol within the faid county, and there fhall deliver him to the gaoler after the law of the realm. And if any fuch person indicted or outlawed will difobey the arrest to be made in the form aforefaid, that he againft whom fuch difobeifance is made, fhall levy hue and cry. And that every person that is converfant within the faid county that heareth the hue and cry, fhall come and aid him that levieth the faid hue and cry, to take the faid offender, and fhall do their power that to do. And if they cannot take him, they fhall follow and purfue him out of the faid county with hue and cry. And that the fheriff, under-fheriff, and their minifters, mayor and bailiffs converfant and hearing of fuch hue and cries, fhall make due execution of the faid ordinance according to their power, upon the pain, that is to fay, the faid fheriff, under-fheriff, and their minifters, mayors and bailiffs, to make fine and ransom to the King, and the faid persons converfant and hearers, that is to fay, a knight a C. s. an efquire forty fhillings, and all other inhabitants twenty fhillings. And that the justices of peace in the faid county for the time being, fhall have power to enquire, hear and determine upon the defaults and negligencies of the faid fheriff, under-fheriff and minifters, mayor and bailiffs, converfant and hearers of the faid hues and cries. And moreover the King will, That the ftatute of *Westminster primer*, touching like matter, fhall be put in due execution.

CAP. VI.

A rehearfal of the ftatute of 15 HEN. 6. c. 2. touching licence to transport corn, when wheat doth not exceed vi s. viii d. the quarter, and barley iii s. iv. d. and the same ftatute made perpetual.

ITEM, whereas at the parliament holden at *Westminster* the xv. year of the reign of the King that now is, for the common profit of all the realm, it was ordained in the form as followeth. *Item*, whereas by the law it was ordained, That no man may carry or bring corn out of the realm of *England*, without the King's licence, by reason whereof farmers and other men which use the manuring of land, may not fell their corn but at a low price, to the great damage of all the realm: our fovereign lord the King, willing in this cafe to provide a remedy, hath ordained by authority aforefaid, That it fhall be lawful to every man to fhip and carry all manner of corn and grain out of this realm,

Corn.

realm, to any place that pleaseth him, except only to the enemies of our sovereign lord the King, as often and as long as a quarter of wheat doth not exceed the price of vi s. and viii d. and a quarter of barley iiis. in the same port where the wheat or barley is so shipped, and that without sueing any licence for the same, and all other ordinances before this time made to the contrary notwithstanding. Provided always, That the King be contented of his customs and money. And this ordinance shall endure till the next parliament. And forasmuch as this statute is not now in force, and that many counties adjoining to the sea may not sell the substance of their corn, but by carriage to be carried by the sea: our said sovereign lord the King (considering the premisses) hath ordained by authority of his said parliament, holden the said five and twentieth day of *February*, that the statute and ordinance aforesaid by authority of the same parliament shall be perpetual, and stand in his force for ever.

Grain.

Altered by
1 Jac. I. c. 25.
21 Jac. I. c. 28.

CAP. VII.

The gathering of head-pence by the sheriff of Northumberland shall cease.

ITEM come lez poverez communes & foialx liegez du Roy de son counte de Northumbr' ount este de longe temps oppressez & surchargez per lez viscountz du dit countee pur le temps esteantz, le vault & facentz leve de lour biens & chateux a la somme de lx li'. & plus, appelez Hedenpeniez, deux foitz en vij ans, scilicet chescune tierce an & chescune iiije an, a lour propre availle, saunz ascune accompt, profit, ou availle a Roi & saunz ascun loial avyce ou foundement, sinoun de lour graund extortion, le quele causa divers hommez de laborer & expender graundez biens destre viscount, quant lez ditz ans veignent, a le plus greindre oppression de lez ditz communes: Nostre dit seigneur le Roy, considerant lez premisses, ad ordeigne & graunte per lauctorite suisdit, que le dit collect de lez ditz hede penyez soit tout oustrement oustez pur toutz jours, ascun use ou custume eue a le contrarie nient obstaunt

ITEM, *whereas the poor commons, and the King's faithful liege people of his county of Northumberland, have been of long time oppressed and surcharged by the sheriffs of the said county for the time being, levying or causing to be levied of their goods and chattels, to the sum of forty pounds, and more, called Head-pence, two times in seven years, that is to say, every third year, and every fourth year, to their own avail, without any account, profit, or advantage to the King, and without any lawful cause or ground, but of their great extortion, which causeth divers men to labour and expend great goods to be sheriff, when the said years come, to the great oppression of the said commons; (2) our lord the King* considering the premisses, hath ordained and granted by the authority aforesaid, That the said gathering of the said head-pence shall be clearly put out for ever, any use or custom to the contrary notwithstanding, upon pain of an Cli. to be paid, the one half of the same

The gathering of head-pence by the sheriff of Northumberland shall cease.

to the King, and the other half to the party which will sue for the forfeiture against the sheriff. This ordinance to begin at the feast of the nativity of St. *John Baptist*, which shall be in the year of our Lord M.CCCC,xlvi.

obstant, sur payne de C li' destre paieez, lune moite dicelle a Roi, & lautre moite dicelle a la partie qui fua la forfaiture envers le viscount. Cest ordeignauce a commencer a la fest de la nativite de Saint John le Baptiste que serra en lan nostre feignur M.CCCC.xlvje.

CAP. VIII.

No man shall be sheriff, under-sheriff, &c. above a year.

14 Ed. 3. Stat. 1
c. 7.
1 Lutw. 193.

ITEM, whereas King Edward the Third, for divers ana special causes, in his parliament holden at Westminster the Wednesday next after Midlent, the fourteenth year of his reign, or that several sheriffs in divers counties in England then being, had their offices, some for a term of years of the King's grant, and some trusting of longer continuance in their offices, by procurement, &c. were greatly encouraged, and did take upon them to do many and divers oppressions to the King's liege people, unduly, and evil, and falsly to serve the King and his people did ordain and stablish, That no sheriff should tarry and abide in his office above a year, and that then another meet and sufficient man should be assigned in his place by the chancellor and treasurer of England, and the chief baron of the exchequer, and other every year in the morrow of All-Souls, as it appeareth in the said statute; (2) and after the said statute so made, by another statute made at Westminster, in the parliament of the said King, holden the first day of May, the forty second year of his reign, he ordained and made, That no sheriff, or under-sheriff, nor sheriff's clerk, should tarry and abide in his office over one year, as it is ordained by other statutes before this time, as it appeareth more plainly by the said statute

42 Ed. 3. c. 9.

ITEM come le Roi E. le tierce, pur diversez & notablez causez en son parlement tenuz a Westm' le meskerdy profchein apres le di. quaresme lan de son reigne xiiij^e pur cause que diversez viscountz en diversez counteez, dEngleterre adonques esteauntz avoient leur officez, ascuns pur terme dans de graunte du Roi, & ascuns confiantz en plus longe continuance en leur officez, per procurement &c. furent graundement esbaudez, & pristeront sur eux, de faire plusieurs & diversez oppressions a le liege poeple du Roy meyns duement & malement & fausement servoient le Roi & son poeple; ordeigna & fist, que nulle viscount demurerait ne expecteroit en son office oustre un an & que adonques un autre covenable & sufficient homme serroit ordeine en son lieu per le chaunceller & tresorer dEngleterre & le chief baron del exchequer & autres chescune an en lendemayn dez toutz almez; sicome il appiert en le dit estatut: & apres cell estatut issint fait, per un autre estatut fait a Westm' en le parlement du dit Roi tenuz le prim' jour May lan de son reigne xliij^e ordeigna & fist, que null viscount southviscount, ne clerk de viscount, demurerait ou

ex-

expecteroit en son office oustre un an an ; sicome est ordeigne per autres estatutz faitz devaunt celle temps ; sicome il pluis pleinement appiert per le dit estatut del xlij an. Et oustr' ceo per un autre estatut fait a Westm' en le xv de seint Michell lan du reigne du Roy Richard le Seconde primer fuisit ordeigne et fait, que nulle homme que avoit este viscount dascun countee pur un entier an ne serroit eslieu autrefoitz, ne mys en la dit office, deinz trois ans adonques proscheinz ensuantz ; si noun que ne soit ascun autre suffiseant deinz le dit countee ; sicome il pluis pleinement appiert per le dit estatut du Roi Richard : & come en diverssez counteez dEngleterre apres la fesaunce dez ditz estatutz plusieurs diverssez viscountes ount estez faitz, & ount occupiez deinz lez ditz counteez, ascuns x. ans, & ascuns xij. ans, & pluis, a le grand damage du Roi qoreft, sez progenitours, & lour poeple deinz lez ditz counteez, contrarie a lez ditz estatutz, & tout autre bon rule, & veraie semblablement en temps avenir destre importable damage, overt disheritaunce, & supportation domicidie & perjurre, & grand oppression as plusours du liege poeple du Roi considerez lez graundez consanguinite alliance les famulers des viscountes, sibien de ceux qe ount estez devaunt cest temps, come de ceux que ore sont en les ditz countees : nostre dit seignur le Roi, considerant les premisses, ad ordeigne per laudorite suisdit, que les estatutz devaunt recitez & chescun de eux soient duement observez en chescune countee dEngleterre, les

statute of the same forty-second year. (3) And moreover, by another statute made at Westminster, the fiftenth of St. Michael, the first year of the reign of King Richard the Second, it was ordained and made, That no man which hath been sheriff of any county by one whole year, shall be another time chosen nor put in the said office within three years next ensuing, except that there be not other sufficient within the said county, as it appeareth more plainly by the said statute of King Richard. (4) And whereas in divers counties in England, after the making of the said statutes, many and several sheriffs have been made, and have occupied within the said counties, some ten years, and some twelve years, and more, to the great damage of the King that now is, his progenitors, and their people within the said counties, contrary to the said statutes, and all other good rule, and very like in time to come to be to their importable damage, and open disherison, upholding of manslaughter, perjury, and great oppression to many of the King's liege people, considering the great consanguinity, alliance, and familiars of the sheriff, as well of them as have been before this time, as of them which now be in the said counties ; (5) our said lord the King, considering the premisses, hath ordained, by the authority aforesaid, That the statutes before recited, and every of them shall be duly observed in every county of England. (The undersheriffs, and all other officers within the city of London, which now be, or shall be, at all times excepted ; and such counties only except, in which divers of the King's liege people be inheritable to the office of

I R.2.C.11.

A confirmation of the statutes aforesaid, that no man shall be sheriff above one year, &c. 28 Ed.3.C.7.

The penalty
for occupying
the sheriff-
wick above
one year.
Altered by
12 Ed. 4 c. 1.

All patents
made to any
to be sheriff a-
bove a year,
shall be void.

of sheriffs at this day, and also such persons as have estate of freehold in the office of sheriffs at this day, and except the letters patents made to them of the office of sheriffs, and their under-sheriffs and clerks.) (6) And if any sheriff, or under-sheriff, or sheriff's clerk, occupy the office of sheriff, under-sheriff, or sheriff's clerk, contrary to any of the statutes afore recited, or against the effect or intent of any of them (except before excepted) that then he which doth so occupy, shall forfeit the sum of CC li. yearly, as long as he occupieth contrary to the effect of the said statutes; (7) and that every pardon hereafter to be made for such offence or occupation, or forfeiture of sums before recited, shall be void, and not available, and all patents made, or to be made, of any the said offices for term of years, for term of life, or in fee-simple, or in fee-tail, to any of the King's liege people (except before excepted) shall be void and of no value, by the same authority, any clause or word of *Non obstante* in any wise put or to be put in such patents to be made notwithstanding. (8) And moreover, whosoever will take upon him or them, to have or occupy the said office of sheriff, by virtue of such grants or patents now to be made for term of years, for term of life, fee-simple, or fee-tail, shall stand for ever and at all times disabled to be or bear the office of sheriff within any county in *England* by the same authority. (9) And that every liege man which will sue for the said sum forfeit, against him or them which in such manner doth

les southviscounts & tous les autres officers deinz la citee de Loundres que ore sont ou serrount tout temps excepts, & autielx countees tantfoulement exceptz, en queux divers de le liege poeple du Roi en loffice de viscount a cest jour sont enheritez, & auxint tielx personnes que ont estate de frank tenement en loffice de viscount mesme cest jour & lettres patents a eux faitz del office de viscount & leur south-viscounts & clerks exceptz. Et si ascun viscount ou clerk de viscount occupia office de viscount, southviscount, ou clerk de viscount, contrarie a ascuns de les estatutz avaunt recitez, ou encounter leffect ou entent dascun de eux exceptz devant exceptz; que adonques cestuy que issint occupia, forfaira la somme de CC li. annuelement, auxi longement come il occupia contrarie al effect dez ditz estatutz. Et que chescune pardon en temps avenir destre fait pur tiel offense, occupation, ou forfaiture dez sommes avaunt receitez, serroit voidez & nient availablez; & toutz patentz, fait & affairs, de ascun de les ditz offices pur terme dans terme de vie, en fee simple, ou fee taille, a ascun de lez liegez du Roi, exceptz devant exceptz, soient voidez & de null value per mesme lauctorite, ascun clause ou parole de non obstante en ascun mys ou a mettre en tielx patentz destre fait nient obstauntz. Et oustre ceo quiconque presume sur luy ou sur eux, daccepter ou occuper la dit office de viscount per vertue dautielx grauntez ou patentz ore affaires pur terme dans, a terme de vie, fee simple, ou fee taille, de-
stoier

stoier disable perpetuelment & tout temps, destre ou porter loffice de viscount deinz aucun countee en Engleterre per mesme lauctorite ; & que chescune liege homme que voet fuer pur la dit somme forfait envers celluy ou ceux que en tiel manere forface ou forfait ferra resceu & admys de fuer action de dette en son propre noun, le Roy davoit lune moite de tout ceo que aveignera per icelle action destre recoverez per tiel suite, & celluy ou ceux qui issint pursuera ou pursueront daver autre moite.

doth forfeit or shall forfeit, shall be received and admitted to sue an action of debt in his own name, our lord the King to have the one half of all that shall happen by the same action to be recovered by such suit, and he or they that so pursue to have the other half.

Who shall take the benefit of the forfeiture.

29 H.6.c.2.
6 H.8.c.18.

CAP. IX.

The Chancellor of England may grant commissions of sewers during fifteen years.

ITEM, whereas in the parliament holden at *Westminster* at the xv of *St. Michael*, the sixth year of the reign of the King that now is, for the great damages and losses that happen by the great rising of water in divers parts of this realm, and that many greater losses were like to have come, if remedy had not been hastily provided, wherefore by authority of the said parliament it was ordained and granted, by ten years then next ensuing, That several commissions of sewers should be made to divers persons by the King's chancellor of *England* for the time being, named in all parts of this realm where need is, after the form following in the same statutes, by reason whereof the said mischiefs were greatly reformed and amended. And whereas now of late in divers parts of this realm, by great rising of water, many towns and lands to a great quantity be drowned and destroyed, to the great hindrance of this realm, and great prejudices, damages and mischiefs, be very likely to fall, if remedy be not hastily for the same provided: the King considering the premisses, and how the ten years be passed, hath ordained by authority aforesaid, That during the term of xv years next ensuing, the chancellor of *England* for the time being shall have power to make commissions of sewers out of the King's chancery, under the King's great seal, in such form as it was granted to be made by the statute made the said sixth year.

Ex. edit. Rast.

Commissions of sewers.

CAP. X.

No sheriff shall let to ferm his county or any bailiwick. The sheriffs and bailiffs fees and duties in several cases.

ITEM, le Roi considerant lez graundez perjure extortion et oppression, queux sount et ount esteez en cest roialme

ITEM, The King, considering the great perjury, extortion, and oppression which be and have been in this realm by

4 H. 4. c. 5.
Hob. 13.
Cro. El. 11, 12,
66, 178, 191,
199, 271.

No ſheriff ſhall let to ferm his county, or any bailiwick, hundred, or wapentake.

None of the ſheriff's officers ſhall be returned upon inqueſts.

21 H. 7. f. 16.
Dyer, 119.
Latch. 54.
5 Mod. 225.
3 Ed. 1. c. 26.

The ſheriff and his bailiffs fees for arreſts and attachments. Raft. 337. Co. pl. 365. The ſheriffs and officers

by his ſheriffs, under-ſheriffs, and their clerks, coroners, ſtewards of franchiſes, bailiffs, and keepers of priſons, and other officers in divers counties of this realm, hath ordained by authority aforeſaid, in eſchewing of all ſuch extortion, perjury, and oppreſſion, that no ſheriff ſhall let to ferm, in any manner, his county, nor any of his bailiwicks, hundreds, nor wapentakes; (2) nor that the ſaid ſheriffs, under-ſheriffs, bailiffs of franchiſes, nor any other bailiff, ſhall return, upon any writ or precept to them directed to be returned any inqueſts in any panel thereupon to be made, any bailiffs, officers, or ſervants to any of the officers aforeſaid, in any panel by them ſo to be made; (3) nor that any of the ſaid officers and miniſters, by occaſion, or under colour of their office, ſhall take any other thing by them, nor by any other perſon to their uſe, profit, or avail, of any perſon by them, or any of them, to be arreſted or attached, nor of none other for them, for the omitting of any arreſt or attachment to be made by their body, or of any perſon by them or any of them, by force or colour of their office, arreſted or attached, for fine, fee, ſuit of priſon, mainpriſe, letting to bail, or ſhewing any eaſe or favour to any ſuch perſon ſo arreſted, or to be arreſted, for their reward or profit, but ſuch as follow; that is to ſay, for the ſheriff xx d. the bailiff which maketh the arreſt or attachment, four pence, and the gaoler, if the priſoner be committed to his ward, four pence; (4) And that the ſheriff, under-ſheriff, ſheriff's clerk, ſteward

roialme per ſez viſcountz, fouthviſcountz, et leur clerks, coroners, ſeneſchallx dez fraunchiſez, baillifs et gardeinz dez priſons, et autres officers en diverſez counteez diceſt roialme, ad ordeigne per lauctorite ſuiſdit, en eſchuyng dez toutz tielx extorſions, perjurie, et oppreſſion, que nulle viſcount leſſe a ferme en aſcun manere ſon counte, ne aſcun de ſez baillifwicks, hundredez, ne wapentakez, ne que lez ditz viſcountz, fouthviſcountz baillifs dez fraunchiſez, ne aſcun autre baillif, retourne ſur aſcun briefe ou precept a eux direct, de retourne aſcuns enqueſtez ou aſcuns panellez ſur ceo deſtre fait, aſcuns baillifs, officers, ou ſervauntz a aſcun de lez officers ſuiſditz, en aſcun pannelle per eux iſſint affaire, ne que null de lez ditz officers et miniſtrez, per occaſion, ou ſouth colour, de leur office, preigne aſcun autre choſe per eux ne per aſcun autre perſone a leur oepe ou availle daſcun perſone per eux ou aſcuns de eux deſtre arreſtuz ou attachez, ne de nulle autre pur eux, pur le leſſer daſcun arreſt ou attachment deſtre fait per leur corps, ou de aſcun perſone per eux ou aſcun de eux per force ou colour de leur office areſtuz ou attachez, pur ſyn, fee, ſewet de priſon, maynpris, leſſance a baille, ou monſtraunce aſcun eaſe ou favour a aſcun tiel perſone iſſint arreſtuz ou arreſtier, pur leur regard ou profit, ſi noun tiel come enſuiſt, ſcilicet pur le viſcount xx d. le baillif qe face larreſt ou lattachment iij d. & le gaoler, ſi le priſoner ſoit commis a ſa garde, iij d. Et qe le viſcount, fouthviſcount, clerk de viſcount, ſeneſchall

chall ou baillif de franchife, fervaunt ou baillif, ne coroner, preigne per colour de son' office, per luy ne per ascun autre persone a son use, dascun persone pur la faisure dascun retourne ou panelle ascun chose, et pur la copie dun panell iij d. et que lez dit viscountz, et toutz autres officers & ministrez avaunt ditz, lesseront hors du prison toutz maners dez personez per eux ou ascun de eux arrestiers ou esteant en leur garde per force dascun briefe, bille, ou garraunt en ascun action personell, ou per cause d'enditement de trespas, sur reasonable suerte dez sufficeantz personez eiantz sufficeaunte deinz lez counteez lou tielx personez sount issint lesez a baille ou maynpris, de garder leur jours en tielx lieux come lez ditz briefs billez ou garrauntz requirent; tiel persone ou personez qui sount ou serrount en leur garde per condemnation, execution, *Capias Utlagatum*, ou *Excommunicatum* suerte de peas, et toutz tielx personez qui sount commys a gard per especial commandement dascun justice, et vagerauntz refusauntz de servir solonque la fourme del estatut dez laborers, tauntsolement exceptz. Et que nulle viscount, ne nulle dez officers ou ministrez suisditz, preigne ou face de prendre ou faire ascun obligation pur ascun cause suisditz, ou colour de leur office, sinoun tauntsolement a leur mesmez, dascun persone, ne pur ascun persone, qui soit en leur garde per le cours de la leye, forsque sur le noun de leur office, et sur condition que la dit prisoner apriere a le jour conteignuz en

steward or bailiff of franchise, servant of bailiff or coroner, shall not take any thing by colour of his office, by him nor by any other person to his use, of any person for the making of any return or panel, and for the copy of any panel, but ijd.

(5) And that the said sheriffs, and all other officers and ministers aforesaid, shall let out of prison all manner of persons by them or any of them arrested, or being in their custody, by force of any writ, bill, or warrant in any action personal, or by cause of indictment of trespass, upon reasonable sureties of sufficient persons, having sufficient within the counties where such persons be so let to bail or mainprize, to keep their days in such place as the said writs, bills, or warrants shall require. (6) Such person or persons which be or shall be in their ward by condemnation, execution, *Capias Utlagat'* or *Excommunicatum*, surety of the peace, and all such persons which be or shall be committed to ward by special commandment of any justice, and vagabonds refusing to serve according to the form of the statute of labourers only except.

(7) And that no sheriff, nor any of the officers or ministers aforesaid, shall take or cause to be taken, or make, any obligation for any cause aforesaid, or by colour of their office, but only to themselves, of any person, nor by any person which shall be in their ward by the course of the law, but by the name of their office, and upon condition written, that the said prisoners shall appear at the day contained in the said writ, bill or warrant, and in such

fees for the copy of a panel.
3 Ed. 1. c. 26.
Cro. El. 76.
3 Leon. 208.

What persons may be bailed, what not.
Litch. 23. 143.
Plowd. 60.
The conditions of the bail bond.

Carthew, 300.
1 Mod. 227.

2 Mod. 177.
3 Mod. 307.
1 Sid. 383.
1 Saund. 161, 162.
2 Anderf. 122.
2 Leon, 78, 107, 118.
1 Anderf. 267.
Hob. 13.
10 Co. 101.
Dyer, 118, 323, 364.
3 Co. 59.
10 Co. 99.
Cro. Jac. 286.
Cro. Car. 309, 438.
Savil, 81.
Hob. 72.

such places as the said writs, bills, or warrants shall require.

(8) And if any of the said sheriffs, or other officers or ministers aforefaid, take any obligation in other form by colour of their offices, that it shall be void; (9) and that he shall take no more for the making of any such obligation, warrant, or precept by them to be made, but four pence. (10)

The sheriff's fee for an obligation, warrant, or precept.

The sheriff shall make deputies in the King's court.

And also that every of the said sheriffs shall make yearly a deputy in the King's courts of his chancery, the King's bench, the common place, and in the exchequer, of record, before that they shall return any writs, to receive all manner of writs and warrants to be delivered to them: (11) And that all sheriffs, under-sheriffs, clerks, bailiffs, gaolers, coroners, stewards, bailiffs of franchises, or any other officers or ministers, which do contrary to this ordinance in any point of the same, shall lose to the party in this behalf indamaged or grieved, his treble damages, (12) and shall forfeit the sum of xl. li. at every time that they or any of them do the contrary thereof in any point of the same; whereof the King shall have the one half, to be employed to the use of his house, and in no other wise, and the party that will sue, the other half. (13)

The forfeitures of the offenders, and who shall have them.

What justices may inquire of hear and determine the offences aforefaid.

And that the justices of assises in their sessions, justices of the one bench and of the other, and justices of peace in their county, shall have power to inquire, hear, and determine of office without special commission, of and upon all them that do contrary to these ordinances in any article or point of the same. (14) And if the said sheriffs,

The sheriff returning *Cepi*

le dit briefe bille ou garraunt et en tielx lieux come le dit briefe bille ou garrant requiert. Et si ascuns de lez ditz viscountz ou autres officers ou ministrez suisditz preigne ascun obligation en autre fourme per colour de leur officez, qil soit voide. Et qil ne preigne plus pur la fesaunce dascun tiel obligation, garraunt, ou precept, per eux destre fait, forsque iij. d. Et auxint que chescune de lez ditz viscountz face annuelment un depute en lez courtz du Roi de sa chancerie, bank du Roy, commune bank, et leschequer, de recorde, devaunt ceo qils retournent ascuns briefs, de resceiver toutz maners dez briefs et garrantz a eux destre deliverez. Et que toutz lez viscountz, southviscountz, clerks, baillifs, gaolers, coroners, seneschallx, baillifs dez fraunchisez, ou ascuns autres officers ou ministrez, queux fount le contrarie dicest ordeignance, ou dascun point dicelle, perde a la partie en ycelle endamage ou greve sez treblez damages et forface la somme de xl. li. a chescune temps que eux ou ascun de eux fount le contrarie dicelle en ascun point dicelle, dount le Roi davoir lune moite, ceo destre emploiez a le use de son hostiel, et en null autre manere, et lautre moite a celluy qui ceo voet fuer. Et que lez justices dez assisez en leur sessions, justices del un bank et del autre, et justices de la peas en leur pais, eient poair denquerer, oier et terminer, doffice, saunz especial commission, de et sur toutz iceux, qui ferrount le contrarie dicest ordeignance en chescune article ou point dicelle. Et si lez ditz viscountz retournent

retournent sur ascun persone Cepi Corpus, ou Reddidit se, qils soient chargeablez davoir le corps dez ditz personez a lez jours de la retourne dez ditz briefs, billez, ou garrants, en tiel fourme come ils furent devant la fesaunce dicest acte. Purveu toutz foitz, que per cest present ordeignauce le gardeyn de la gaole le Roy de Flete, et de la paleys du Roi a Westminster, pur le temps esteant, ne soit endamage ne prejudice en son duete de son office. Et auxint que cest ordeignauce commencera en la fest de Pasque que serra en lan de nostre seigneur Jesu Crist M. CCCC xlvj^e.

sheriffs return upon any person, *Cepi Corpus*, or *Reddidit se*, that they shall be chargeable to have the bodies of the said persons at the days of the returns of the said writs, bills, or warrants, in such form as they were before the making of this act.

Corpus, or Reddidit se.
Dyer, 25.

II. Provided always, That the warden of the King's gaol of the *Fleet*, and of the King's palace of *Westminster* for the time being, shall not be endamaged nor prejudiced by this ordinance in the duty of his office. And also that this ordinance shall begin at the feast of *Easter*, which shall be in the year of our Lord MCCCC xlv.

The warden of the Fleet and of the palace of Westminster exempted.
4 Co. 76.
Dyer, 119.

C A P. XI.

The order of levying the wages of the knights of the parliament.

ITEM, come devant cest temps diversez viscountz en diversez counteez Dengleterre qount per colour des briefs directz a eux, pur lever lez gagez de lez chivalers de lez counteez pur le temps esteantz, de lez parlementz du Roy qorest, et de sez noblez progeniteurs, ount leve plus de money, que ad este due as lez ditz chivalers, et plus qils ount deliverez a eux, gardauntz et preignauntz graunde partie du dit money a lour use et profit demesne, et lour officers et servauntz, a tresgraunde damage de la commune poeple de lez ditz counteez: le Roi considerant lez premisses, ad ordeigne per lauctorite suisdit, que le viscounte de chescune counte pur le temps esteant, en le profchein counte tenuz en lour counteez apres la delivrance de lez ditz briefs fait a

ITEM, *Whereas before this time divers sheriffs in divers counties of England, by colour of writs to them directed, to levy the wages of the knights of the shires for the time being, of the parliament of the King that now is, and of his noble progenitors, have levied more money than hath been due to the said knights, and more than they have delivered, keeping and retaining great part of the money to their own use and profit, to their officers and servants, to the great loss of the common people of the said counties: (2) The King, considering the premisses, hath ordained by the authority aforesaid, That the sheriff of every county for the time being, in the next county court holden in their counties, after the delivery of the said writs directed to them, shall make open proclamation, that the coroners, and every chief constable of the*

The order of the levying of the wages of the knights of the shire for the parliament.

The penalty
if the sheriff,
or his officers,
levy more mo-
ney than is
assessed.

peace of the said counties, and the bailiffs of every hundred or wapentake of the same county, and all other which will be at the assessing of the wages of the knights of the shires, shall be at the next county there to be holden to assess the said wages of the said knights; (3) and that the sheriff, under-sheriff, coroners, or bailiffs for the time being, be there at the same time in their proper person, upon pain of forfeiture to the King, of every of them that maketh default, forty shillings.

(4) At which time the said sheriff or under-sheriff, in the presence of them that shall come to the same, and of the suitors of the same counties then being there, in the full county well and duly shall assess every hundred to that assessable by itself, to pay a certain sum for the wages of the knights of the shire, so that the whole sum of all the hundreds do not exceed the sum which shall be due to the said knights.

(5) And after that in the same county, they shall assess well and lawfully every village within the said hundreds, which should be there assessable, to a certain sum for the payment of the said wages; so that the whole sum of all the towns within any of the said hundreds, do not exceed the sum assessed upon the hundred of which they be. (6) And that the said sheriffs, under-sheriffs, bailiffs, nor any other officer, for the cause aforesaid, shall levy more money of any village than that whereunto they were assessed:

(7) and if any do or will assess any hundred or village otherwise than is aforesaid, that they shall forfeit for every default to

eux, face overt proclamation, que lez coroners, et chescune chief constable de la peas dez ditz countees, et lez bailiffs de chescun hundred ou wapentak de mesme le counte, et toutz autres qui voillent estre a le assessaunce de lez gagez dez chivalers de lez countees, soient a le profchein countee illoquez a tenir, dassesser lez gagez de lez ditz chivalers; et que le viscount, ou southviscount, coroners, ou bailiffs, pur le temps esteantz, soient illoquez a mesme le temps en leurs propres persones, sur la peyn de forfaiture a Roi, de chescune diceux qui face defaute xl. s. a quel temps le viscount ou southviscount, en presence diceux qui a celle temps viendront, et de lez suitours dez ditz countees adonques esteantz la, en le pleyn counte bien et duement assessa chescune hundred a ceo assessable per luy mesme a un certayn somme, de paier pur lez gagez dez ditz chivalers de lez countees, issint que l'entier somme dez toutz lez hundredez nexcede la somme que sera dewe a lez ditz chivalers: et apres ceo en mesme le counte assessa bien et duement chescune village deinz lez ditz hundredez a ceo assessable, a un certayn somme pur le paiement de lez ditz gagez, issint que l'entier somme dez toutz lez villez deinz aucun de lez ditz hundredez nexcede la somme assessa sur le hundrede de quell eux sont. Et que lez ditz viscountz, southviscountz, bailiffs, ne null autres officers pur la cause suisdit leva plus de money de nulle village, que ceo a que ils furent assessa, et en manere et fourme come ils sont assessa. Et si aucune face

ou voille assesser ascun hundred ou village autrement que est avaunt dit ; qils forfacent pur chescun default a Roy xx. li. et a chescune homme, qui voet fuer en cest cas x. li. Et que lez ditz viscountz bien & dument levent la money issint assessez sur lez ditz villagez, auxi hastifment come ils poient bonement apres le dit assellance, et icelle deliverent as lez ditz chivalers, accordant a lez briefez de ceo destre faitz, sur lez ditz peynez ; et celluy qui voet fuer en cest cas soit admys a ceo, et eit pur sa action en cest cas un scire facias envers celluy qui offende encoutre cest ordeignance. Et si le defendant dument garniz en ycelle face defaulte, ou autrement appierge et soit en ycelle convict ; que adonques lez pleintifs recoverent envers eux qui issint font convictz x. li. a leur propre use oustre lez ditz xx. li. ove leur damages pur lez costagez de leur suitz a le treble. Et que lez justices de le bank le Roi justices de commune bank, justices d'assisez et gaole deliverer, et justices de la peas en leur pais, eient, poiar denquerer, oier et terminer, dez toutz lez ditz defaultz, sibien per enquerre a la suite du Roi, come per action a la suite de partie. Et que toutz tielx expensez dez chivalers ne soient levez dascuns autres villagez, feignouries, ou lieux, forsque dez tielx come ils ount este dument levez devant cest temps, et que en chescune tiel briefe desore affaire pur lever lez gagez dez chivalers soit cest act comprehenduz.

the King twenty pounds, and to any man which will sue in this case, ten pounds.

II. And that the said sheriffs well and duly shall levy the money so assessed upon the aforesaid villages, as speedily as they well may after the said assessing, and the same shall deliver to the said knights, according to the writs thereof to be made, upon the said penalties ; (2) and he that will sue in this case, shall be thereunto admitted, and shall have for his action in this case a *Scire facias* against him that offendeth contrary to this ordinance ; (3) and if the defendant, duly warned in the same, make default, or else appear, and be in the same convict, that then the plaintiffs shall recover against them which be so convict, ten pounds to their own use, over the said twenty pounds, with their treble damages for the costs of their suits.

Who may prosecute on this act, and by what writ.

The penalty on offenders.

III. And the justices of the King's bench, and of the common pleas, justices of assises, and gaol-delivery, and justices of peace in their country, shall have power to inquire, hear, and determine of all the said defaults as well by inquiry at the King's suit, as by action at the suit of the parties ; (2) and that all such expences of knights shall not be levied of any other villages, feignories, or places, but of such whereof it hath been levied before this time.

Who may inquire of, hear and punish the offenders aforesaid.

The knights wages shall be levied only in the accustomed places.

IV. And that in every such writ from henceforth to be made to levy the wages of the said knights, this act shall be 35 H. 8. c. 11; comprehended in the same.

CAP. XII.

The trial shall be made when the tenant or defendant, after an issue joined, pleadeth a foreign plea, where the same writ is brought, and by the jury so returned. To endure to the next parliament.

Ex edit. Raft. **ITEM,** The King hath ordained and established by the authority aforesaid, That if any person or persons tenants or defendants in any action real or personal, after that they be pleaded to an issue in any suit or action, and the issue joined and entered of record, and a *Venire facias* of the jury returned, that if they or any of them after at another day in court plead any foreign plea, triable in any other court than where the writ is brought or the suit taken, and the demandants or plaintiffs in such foreign pleas plead to the issue, that such issue in such foreign plea shall be tried where the writ is brought in such suit taken, and by the same jury so returned. And that this act and ordinance shall begin at the feast of *Easter*, which shall be in the year of our Lord 1446, and shall endure till the next parliament.

Foreign plea.

CAP. XIII.

A servant in husbandry purposing to depart from his master must give him half a year's warning, or else he shall serve him the year following. The several wages of servants in husbandry, and of labourers, with meat and drink, and without.

Servants of husbandry. **ITEM,** The King hath ordained by the authority aforesaid, That every servant of husbandry, purposing to depart from his master at the end of his term, at the midst of his term or otherwise, make covenant before with another man to serve him for the next year, if he be in such case as the law will compel him to serve, and that the said servant and he, which so shall make covenant with him at the midst of the said term or before, shall give warning to the master of the said servant of the said covenant so newly made, so that the same master may provide another servant against the end of his term. And if any covenant with any such servant be otherwise made, or that such warning in manner and form aforesaid be not had, that the same covenant shall be void, and that the same servant be compelled to serve his first master for the next year, except that a lawful cause being of a later time require the contrary. And also that the salaries and wages of servants, labourers and artificers, shall not exceed the assessing, that followeth, that is to say, the wages of a bailiff of husbandry by year xxiii. s. iiii d. and clothing price of five shillings with meat and drink, of a chief hind, a carter or chief shepherd xx. s. and clothing price of iiii. s. with meat and drink, a common servant of husbandry xv. s. and clothing price xl. d. a woman servant ten shillings, and clothing

Covenant.

Wages.

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ing price of iiii. s. with meat and drink, an infant within the age of fourteen years vi. s. and clothing price of iii. s. with meat and drink. The same form shall be observed of wages of servants being with hostlers, victualers, and artificers in city, borough and elsewhere. And that such as deserve less shall take less. And also in places where less is used to be given, less shall be given from henceforth. And that from the feast of *Easter*, till the feast of Saint *Michael*, the wages of any free mason or master carpenter shall not exceed iiii. d. by the day, with meat and drink, and without meat and drink v. d. ob. a master tiler or a slater, a rough mason and mesne carpenter and other artificers concerning building, by the day three pence with meat and drink, and without meat and drink iiii. d. ob. and every other labourer by the day ii. d. with meat and drink, and without meat and drink iiii. d. ob. And that from the feast of Saint *Michael* till the feast of *Easter*, a free mason and a master carpenter by the day iii. d. with meat and drink, and without meat and drink, iiii. d. ob. tiler, mesne carpenter, rough mason, and other artificers aforesaid by the day ii. d. ob. with meat and drink, and without meat and drink iiii. d. And every other artificer and labourer by the day i. d. ob. with meat and drink, and without meat and drink iii. d. and he that deserveth less shall take less. Provided that the said assessing shall not extend to labourers in the time of harvest, in which time the wages of a mower shall not exceed iiii. d. by the day with meat and drink, and without meat and drink vi. d. a reaper or carter iii. d. by the day with meat and drink, and without meat and drink, v. d. a woman labourer and other labourers in time of harvest ii. d. by the day with meat and drink, and without meat and drink iiii. d. ob. and such as be worthy of less shall take less. And in places where less is used to be taken, less shall be taken from henceforth. And that no artificer workman nor labourer shall take any thing for the holy day nor for the ferial day, but after the rate of the time of the day in which he laboured. And if any person refuse to serve or labour according to the premisses, that every justice of peace in their counties shall have power at every time to call them to examination of the same and such as they shall find defective, to commit to the gaol, there to remain till they have found sufficient surety to serve and labour in form by the law required. And if any servant, artificer, workman, or labourer, do contrary to the premisses, or deny his service, occupation or labour by reason of not giving of salary or wages, contrary to these statutes, that he shall lose to the party that will sue in his behalf xx. s. And that the said justices of peace shall have power to hear and determine all manner of offences done contrary to the form of this statute as well at the King's suit as at the parties, and that every of the King's liege people may have the suit against every person that shall offend in any point against this statute, and the process shall be by attachment, *Capias*, and *Exigend*. Also that the justices of peace shall assess no fine upon any which shall be convict before them of a thing

Harvest.

Justices of peace.

done contrary to any statute of labourers or artificers, or for this cause put him in the good grace of our sovereign lord the King under iii. s. iiii. d. And also that the justices of peace through the realm two times every year shall do openly to be proclaimed in their sessions all the statutes of labourers, artificers, hostlers, victualers, servants, and vagabonds before this time made and not revoked with this statute. Also that by colour of the tenor of less lands than the husbandry of the same shall suffice to the continual occupation of one man, no man shall be excused to to serve by the year, upon the pain to be justified as a vagabond. Also that justices of peace shall have power to take all servants retained with any person by colour of husbandry, and not duly occupied about the same which servants ought by the law to be servants of husbandry, and to compel them to serve in the occupation of husbandry to such as shall require their service, and to justify them in every point as the same justices have power to justify vagabonds. And that this statute shall begin to be of force and executory in the feast of Saint *Michael* which shall be in the year of our Lord one thousand four hundred and forty six, and in no wise before.

Repealed by
5 Eliz. c. 4.

CAP. XIV.

The penalty of a subject's taker, taking any thing without the owners consent.

The penalty if a subject's taker, or other do take any thing against the owners will.

ITEM; The King hath ordained and stablished by the authority aforesaid, that if any buyer or other officer of the duke of *Gloucester*, or of any other lord or person, of what estate, degree or condition that he be, presume upon him to take, or else do take any victuals, corn, hay, carriages, or any other thing whatsoever, of any of the King's liege people in any wise against their will, without lawful bargain betwixt the said buyers or officers, and the said liege people thereof to be made, to the use of the said duke or other lord for their houses, but only for the King and the Queen, and their houses, that then if notice or request be made to the mayor, sheriff, bailiff, constable, officers, or other of the King's ministers of cities and boroughs, or other counties or places where such takings shall happen to be, that then the said mayor, sheriff, constable, officer and minister, to whom such notice and request shall be made, presently shall take and arrest all such buyers and officers so doing or offending, and them shall send to the King's next prison, there to remain, and not to be let to bail nor mainprise, until they have redelivered the same victuals, carriages, and other things so taken, or the very value of the same. (2) And if the said mayor, sheriffs, bailiffs, constables and officers aforesaid, do contrary to this, that then they shall forfeit twenty pounds, whereof the King shall have the one half, and the party from whom such things be taken, the other half, if he will sue by an action of debt, in the which the defendant shall not wage his law: (3) And if he will not sue, whosoever will sue for the King and himself, shall have the suit to recover to himself the one half thereof, and the King the other half. (4) And if any of the said buyers, other than

The forfeiture of officers who will not assist the oppressed in this case.

of the King and the Queen be duly convict of such unlawful taking (as afore is recited) at the suit of such parties as shall sue them in this behalf, that then they shall yield to the party which so sueth, the treble value of the victuals, or other thing so taken, and the double costs of their suits, and for the said trespasses to make fine and ransom to the King. (5) And that in all such actions or suits aforesaid, the King's protection shall not be allowed nor available for the defendant. (6) And this ordinance shall begin to take effect at the feast of *Easter*, which shall be in the year of our Lord one thousand four hundred and forty six. (7) Provided always, that by this act the punishment ordained against the King's purveyors in no wise shall be restrained.

36 Ed. 3. c. 6,
7 R. 2. c. 8.

CAP. XV.

Who shall be knights for the parliament. The manner of their election. The remedy where one is chosen and another returned.

ITEM come per auctorite dun parlement tenuz a Westm' lan du reigne de le treshonorable pier du Roi qoreft primer, entre autres choses ordeigne fuisst, que lez citezeins et burgeisez dez citeez et burghs venauntz au parlement ferroient eslieux hommez citezeins et burgeisez resceauntz demurrauntz et enfraunchisez en mesme lez citeez et burghs, et null autres; come en mesme lestatut pluis pleynement est conteignuz: lez queux citezeins burgeisez et nulle autres out tout temps en citeez et burghs estez eslieux, et as viscountz dez counteez retournez, et sur leur retournez resceux et acceptez per lez parlamentz devaunt cez hoeurez tenuz: et auxint come per auctorite dun parlement tenuz a Westm' lan du reigne le Roi qoreft oeptisme, ordeigne fuisst, en quell manere et fourme lez chivalers dez counteez a venir as parlamentz enapres teniers ferrount eslieux, et comment lez viscountz dez mesme lez counteez sur ceo ferroient leur retournez; come

ITEM, Whereas by authority of a parliament holden at Westminster the first year of the reign of King Henry, father to the King that now is, amongst other things it was ordained, That the citizens and burgeses of cities and boroughs, coming to the parliament, should be chosen men citizens and burgeses resident, abiding, and free in the same cities and boroughs, and none other, as in the same statute more fully is contained; (2) which citizens and burgeses have always in cities and boroughs been chosen by citizens and burgeses, and no other, and to the sheriff of the counties returned, and upon their returns received and accepted by the parliaments before this holden. (3) And also, whereas by authority of a parliament holden at Westminster, the eighth year of the reign of the King that now is, it was ordained in what manner and form the knights of the shires coming to the parliaments from thenceforth to be holden should be chosen, and how the sheriffs of the same counties thereupon should make their returns, as in the same statute more fully ap-

1 H. 5. c. 1,
18 G. 2.
c. 18.
4 Inst. 10.

7 H. 4. c. 15.

8 H. 6. c. 7.

The several defaults of sheriffs in returning of knights, &c. to serve in parliament.

The statutes of 1 H. 5. c. 1. 7 H. 4. c. 15. & 8 H. 6. c. 7. confirmed.

peareth; (4) by force of which statute elections of knights to come to the parliaments sometimes have been duly made, and lawfully returned, until now of late, that divers sheriffs of the counties of the realm of England, for their singular avail and lucre, have not made due elections of the knights, nor in convenient time, nor good men and true returned, and sometime no return of the knights, citizens, and burgeses lawfully chosen to come to the parliaments; (5) but such knights, citizens, and burgeses have been returned, which were never duly chosen, and other citizens and burgeses than those which by the mayors and bailiffs were to the said sheriffs returned; (6) and sometimes the sheriffs have not returned the writs which they had to make election of knights to come to the parliaments, but the said writs have imbezzeled, and moreover made no precept to the mayor and bailiff, or to the bailiffs or bailiff where no mayor is, of cities and boroughs, for the election of citizens and burgeses, to come to the parliament, by the colour of these words contained in the same writs; [Quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites, et pro qualibet civitate in comitatu tuo duos cives, et pro quolibet burgo in comitatu tuo duos burgen[es];] (7) and also because sufficient penalty and convenient remedy for the party in such case grieved is not ordained in the said statutes against the sheriff, mayors, and bailiffs, which do contrary to the form of the said statutes: (8) The King considering the premisses hath ordained by authority aforesaid, That the said statutes shall be duly kept in all points; (9) and moreover that every sheriff,

come en mesme lestatut plus pleynement appiert: per force de quele estatut elections des chivalers a venir a parlement ascun foitz ount estez duement faitz et loialment retournez, tanqe a ore tarde, que diversez viscountz dez counteez du roialme dEngleterre pur lour singuler availle et lucre ne ount faitz due elections dez chivalers, ne en temps covenable, ne bons et verroiez retournez, et ascun foitz null retournez dez chivalers citezeins et burgesez loialment esluz pur venir as parlamentz; mez ount retournez tielx chivalers citezeins et burgesez, que ne furent unquez duement eslieux, et autres citezeins et burgesez, que ceux que per mairs et baillifs as ditz viscountz furent retournez: Et ascun foitz lez viscountz ne ount retourne les briefs qils avoient pur faire elections dez chivalers a venir as parlamentz, einz lez ditz briefs ount embefillez, et oustre nulle precept as mair et bailiffs, ou as baillifs ou baillif ou mair nest, dez citees et burghs pur elections dez citezeins et burgesez de venir as parlamentz firent, per colour de cestz parolx contenez en lez ditz briefs, quod in pleno comitatu tuo eligi facias pro comitatu tuo duos milites et pro qualibet civitate in comitatu tuo duos cives et pro quolibet burgo in comitatu tuo duos burgen[es]: et auxint pur ceo que sufficeant peyne et covenable remedie pur la partie en tiel cas greve ne sount pas ordeignez en lez ditz estatutz vers lez viscountz et mairs et baillifs qui facent encountre la fourme dez ditz estatutz: le Roi considerant lez premisses, ad ordeigne per auctorite

torite fuisdit, que lez ditz estatutz foient duement gardez et obfervez en toutz pointz. Et oustre ceo, que chescune viscount apres la livere de chescune tiel briefe a luy fait, ferra et delivera fauntz fraude un sufficient precept desouth son seal a chescune mair et baillif, ou as baillifs ou baillif ou mair nest, deinz citeez et burghs deinz son countee, recitant le dit briefe, eux commandant per mesme le precept, deslier, si soit citee, per citezeins de mesme la citee deux citezeins, et en mesme la fourme si soit burg, burgeisez, de venir al parlement. Et que mesme lez mair et baillifs, ou baillif ou mair nest, dez citeez et burghs retournent loialment le dit precept a mesme le viscount per endenturez entre mesme le viscount et eux affaire, de lez ditz elections, et dez nouns dez ditz citezeins et burgeisez issint per eux eslutz. Et sur ceo que chescune viscount face bone et droit retourne de chescune tiel briefe, et de chescune retourne per mair et baillifs, ou baillif ou mair nest, a luy fait. Et que chescune viscount, a chescune foitz qui il face le contrarie dicest estatut ou dascun autre estatut pur election dez chivalers citezeins et burgeisez de venir al parlement devaunt cez hourez fait, encourage la peyne contenu en le dit estatut fait le dit an oeptisme. Et oustre ceo forface et paie a chescune persone en apres eslieu chivaler citezein ou burgeis en son counte de venir a ascun parlement, et nemye per luy duement retourne, ou a ascun autre persone que en defaute de tiel chivaler, citezein, ou burgeis, fuer le voet C li. dont chescun chivaler, citezein, et burgeis

sheriff, after the delivery of any such writ to him made, shall make and deliver without fraud a sufficient precept under his seal to every mayor and bailiff, or to bailiffs or bailiff where no mayor is, of the cities and boroughs within his county, reciting the said writ, commanding them by the same precept, if it be a city, to choose by citizens of the same city, citizens, and in the same manner and form, if it be a borough, by the burgeses of the same, to come to the parliament. (10) And that the same mayor and bailiffs, or bailiffs or bailiff where no mayor is, shall return lawfully the precept to the same sheriffs, by indentures betwixt the same sheriffs and them to be made of the said elections, and of the names of the said citizens and burgeses by them so chosen, and thereupon every sheriff shall make a good and rightful return of every such writ, and of every return by the mayors and bailiffs, or bailiffs or bailiff where no mayor is, to him made. (11) And that every sheriff at every time that he doth contrary to this statute, or any other statutes for the election of knights, citizens, and burgeses to come to the parliament before this time made, shall incur the pain contained in the said statute made the said eighth year, and moreover shall forfeit and pay to every person hereafter chosen knight, citizen, or burges in his county, to come to any parliament, and not duly returned, or to any other person, which in default of such knight, citizen, or burges will sue, an hundred pounds, whereof every knight,

The sheriffs shall send out precepts to the mayors and bailiffs of cities and boroughs, to elect citizens and burgeses to serve in parliament.

The penalty on a sheriff making an untrue return of a member of parliament.
 11 H. 4. c. 1.
 Carth. 132.
 1 Shower, 353.
 Hob. 78.
 2 Lev. 114.
 3 Lev. 30.
 1 Lut. 60.
 5 Mod. 311.
 2 Vent. 37.
 Farr. 13.
 2 Salk. 502.
 Carth. 232.

knight, citizen, and burgeſſes ſo grieved, ſeverally, or any other perſon which in their default will ſue, ſhall have his action of debt againſt the ſaid ſheriff or his executors or administrators, to demand and have the ſaid hundred pounds, with his coſts ſpent in that caſe. (12) And that in ſuch action taken by virtue of this ſtatute, the defendaut ſhall not wage his law of the demand aforeſaid in any wiſe, (13) and that no defendaut in ſuch action ſhall have any eſſoin. (14) And in the ſame manner at every time that any mayor and bailiffs, or bailiffs or bailiff where no mayor is, ſhall return other than thoſe which be choſen by the citizens and burgeſſes of the cities or boroughs where ſuch elections be or ſhall be made, ſhall incur and forfeit to the King forty pounds; and moreover ſhall forfeit and pay to every perſon hereafter choſen citizen or burgeſſes to come to the parliament, and not by the ſame mayor and bailiff, or bailiffs or bailiff where no mayor is, returned, or to any other perſon which in default of ſuch citizen or burgeſſes ſo choſen will ſue, forty pounds, whereof every of the citizens and burgeſſes ſo grieved ſeverally, or any other perſon which in their default will ſue, ſhall have his action of debt againſt every of the ſaid mayors and bailiffs, or bailiffs or bailiff where no mayor is, againſt their executors or administrators, to demand and have of every the ſaid mayors and bailiffs, or bailiffs or bailiff where no mayor is, forty pounds, with his coſts in this caſe expended;

(15) and

burgeis iſſint greve ſeveralment, ou aſcun autre perſone qui en leur defaulte ſuer voet, eit ſa action de dette envers le dit viſcount, ou ſez executours ou adminiſtratours, a demaunder & aver lez ditz C li. ove ſez coſtagez en ceſt cas deſpenduz. Et que en tiel action pris per vertue diceſt eſtatut le defendaut ne gagera ſa ley de la demaunde ſuiſdit en null manere. Et que nulle defendaut en tiel action avera aſcun eſſoyn. Et en meſme le manere a cheſcune foitz que aſcune mair & bailiffs, ou bailifs ou bailiff ou mair neſt, retournent ou retourne autres que ceux qui ſont eſluz per lez citezeins & burgeiſez dez citeez & burghs, ou tielx elections ſont ou ſeront faitz, encourage & forface a Roi xl. li. & enouſtre forface & paie a cheſcune perſone en apres eſlieu citezein ou burgeis a venir al parlement, & nemye per meſmez lez mair & bailiffs, ou bailifs ou bailiff ou mair neſt, retourne, ou autre perſone qui en defaulte de tiel citezein ou burgeis iſſint eſlieu ſuer voet, xl. li. dont cheſcune des citezeins & burgeiſez iſſint greve ſeveralment, ou aſcun autre perſone qui en leur defaulte ſuer voet, ait ſa action de dette envers cheſcune des ditz mair & bailiffs, ou bailifs ou bailiff ou mair neſt, & envers leur executours ou adminiſtratours, a demander & aver de cheſcune dez ditz mair & bailiffs, ou bailifs ou bailiff ou mair neſt, xl. li. ove ſez coſtagez en ceſt cas expenduz; & que en tiel action de dette pris per force diceſt eſtatut null defendaut gagera ſa ley de la dit demaunde en null manere ne avera aſcun eſſoin.

Et

The penalty
on a mayor or
bailiff mak-
ing an undue
return.
4 Mod. 129.

Et que chescune viscount qui ne face due election dez chivalers pur venir al parlement en temps convenable, scilicet chescune viscount en son pleya counte per entre le houre de viije & le houre de xje devaunt le none, saunz collusion en cest partie, & chescune viscount qui ne face bon & veray retourne dez tielx elections dez chivalers de venir al parlement en temps a venir, come a eux appartient, en manere & fourme suisditz, forface envers le Roi C. li. & encourge la peyne de C. li. a paier a celluy qui voet fuer envers luy, sez executours ou administratours, pur cest cause, per voie daction de dette, ove sez costagez en celle partie expenduz sans gager de ley de celle demaunde ou aver effoin, come devaunt est dit.

Purveu toutz foitz, que chescun chivaler, citezein, & burgeis, pur venir a ascun parlement en temps aveignier a tenir, en due fourme esleu, & noun pas retourne come desuis est dit, commence sa action de dette suisdit deinz trois mois apres mesme le parlement commence, a proceder en la dit suite effectuellement, saunz fraude; & si issint ne face, eit un autre qui fuer le voet le dit action de dette, come devaunt est dit, de aver & recoverer mesme la somme, ove sez costagez en cest partie dispenduz, en manere & fourme avaunt-dit; issint que null defendaunt en tiel action gagera sa ley, ne soit effoin en null manere, come desuis est dit. Et si ascune chivaler, citezein ou burgeis, en temps aveignier retourne per le viscount de venir al parlement en la manere suisdit, apres tiel re-

(15) and that in such action of debt, taken by force of this statute, no defendant in any wise shall wage his law of the said demand, nor have any effoin.

II. And that every sheriff that maketh no due election of knights to come to the parliament in convenient time, that is to say, every sheriff in his full county, betwixt the hour of eight and the hour of eleven before noon, without collusion in this behalf; (2) and that every sheriff that maketh not good and true return of such elections of knights to come to the parliament in time to come, as to them pertaineth, in manner and form aforesaid; shall forfeit to the King an hundred pounds, and also shall incur the pain of an hundred pounds, to be paid to him that will sue against him, his executors or administrators, for this cause by way of action of debt, with his costs in this behalf expended, without waging of law of his demand, or having effoin as afore is said.

III. Provided always, That every knight, citizen, and burgeis to come to any parliament hereafter to be holden, in due form chosen and not returned as afore is said, shall begin his action of debt aforesaid within three months after the same parliament commenced, to proceed in the same suit effectually without fraud; (2) and if he so do not, another that will sue shall have the said action of debt (as it is before said) and shall recover the same sum with his costs spent in this behalf, in manner and form a-

At what time of the day the knights for the shire shall be chosen.

Suits to be commenced within three months after the parliament begun.

fore-

The penalty if any chosen to be knight, citizen, or burges, be put out, and another put in his place.

foresaid, so that no defendant in such action shall wage his law, nor be essoined in any wise, as afore is said. (3) And if any knight, citizen, or burges, hereafter returned by the sheriff to come to the parliament in the manner aforesaid, after such return, be by any person put out, and another put in his place, that such person so put in the place of him which is out, if he take upon him to be knight, citizen, or burges, at any parliament in time to come, shall forfeit to the King an hundred pounds, and an hundred pounds to the knight, citizen, or burges so returned by the sheriff, and after, as afore is said, put out. (4) And that the knight, citizen, or burges which is so put out shall have an action of debt of the same C li. against such person put in his place, his executors, or administrators; (5) provided always, That he shall begin his suit within three months after the parliament commenced; (6) and if he do not, then he that will sue shall have an action of debt of the same C li. against him which is put in place of him that is so put out after such return, his executors, or administrators, and that no defendant in such action shall wage his law nor be essoined; (7) and that such proces shall be in the actions aforesaid, as in a writ of trespass done against the peace at the common law; (8) so that the knights of the shires for the parliament hereafter to be chosen, shall be notable knights of the same counties for the which they shall be chosen, or otherwise such notable esquires, gentlemen of the same counties, as shall be able to be

What sort of persons shall be chosen knights of the shires.

retourne per aucun persone soit ouste, & un autre mys en son lieu; que tiel persone issint mys en le lieu cestuy qui est ouste, sil accepte sur luy destre chivaler, citezein, ou burges a aucun parlement en temps avenir, forface devers le Roy C. li. & C. li. al chivaler, citezein, ou burges, issint retourne per le viscount, & apres come devaunt est dit ouste. Et que cest chivaler, citezein, ou burges, qui est issint ouste, avera action de dette dez mesmez C. li. vers tiel persone issint mys en son lieu, sez executours ou administratours. Purveu toutz foitz, que il commence sa suite deinz trois moys apres le parlement commence; & si il ne face, que celluy qui voet suer avera action de dette dez mesmez lez C. li. envers cestuy qui est mys en le lieu cestuy qui est issint apres tiel retourne ouste, sez executours ou administratours. Et que null defendaut en tiel action gagera sa ley, ne soit essoin, & que autiel processe soit en les actions avautditz, come est en brieve de trespas fait encountre la peas de la commune ley. Issint que lez chivalers dez counteez pur le parlement enapres a esliers soient notablez chivalers dez mesmez lez counteez, pur lez queux ils ferront issint esluz, ou autrement tielz notablez esquiers, gentils hommez del nativitee, dez mesmez lez counteez, come soient ablez destre chivalers, et null homme destre tiel chivaler qui estoise en la degree de vadlet & de south.

be

be fuch knight which standeth in the degree of a yeoman, and under.

CAP. XVI.

The duty of a gauger, and when he shall have his gauge penny.

ITEM le Roi ad ordeigne & purveu per lauctorite fuisdit, que le denier que est appelle le gauge peny ne soit paie a le gaugeour, ne a aucun autre en son noune tanqe il ou son depute eit gauge lez vinez, & adonques luy de prendre & resceiver son denier pur ceo, en gree, saunz plus encrece ou avauntage pur ceo claymer. Et auxint qil soit prest, ou son depute, de faire loffice de gaugeour en toutz lieux, quant il a ceo per la partie soit requis; & ceo destre observez per mye tout le roialme du Roi, sur la peyne comprise en lestatut fait lan xxvij, du Roy *Edward* le tierce, de gaugier dez vinez rouge & blanc, duement estre execut.

ITEM, the King hath ordained and established by the authority aforesaid, That the penny, which is called the gauge penny, shall not be paid to the gauger, nor to any other in his name, until he or his deputies have gauged the wines, and then he to take and receive his penny for the same in gree, without more increase or advantage to claim for it; (2) and also that he or his deputy be ready to do the office of gauger in all places, when he to that by the party shall be required; (3) and that to be observed through all the realm of *England*, upon the pain comprised in the statute made the seven and twentieth year of the noble King *Edward* the Third, of the gauging of red wine and white wine, duly to be executed.

When the gauge penny shall be paid to the gauger.

27 Ed. 3. c. 8.
28 H. 8. c. 14.

CAP. XVII.

When and where an escheator shall take his inquest of office, and his fee.

ITEM ordeigne est per lauctorite fuisdit, que chescune eschetour preigne sez enquestez doffice per vertue dez briefez de diem clausit extremum, & toutz autres briefs, deinz le mois apres la deliveraunce dautielx briefs, & auxint que toutz autielx inquisitions soient prisez en bonez villez, & lieux overtez: & que nulle de eux preigne, privement ne appiert, per luy ne per autre, ne per aucune mesne persone, pur lexeuction des ascunes tielx briefs en ou counte, ne per loccasion de

ITEM, it is ordained, by authority aforesaid, That every escheator shall take his inquests of office by virtue of the writs of *Diem clausit extremum*, and all other writs, within the month after the delivery of such writs, (2) and also that all such inquisitions shall be taken in good towns and open places; (3) and that none of them shall take privily nor openly by him, nor by any person, for the execution of any such writs in one county, nor by the occasion thereof, above the sum

34 Ed. 3. c. 13.
1 H. 8. c. 8.
Within what time and where an escheator shall take his inquests of office.

sum

An escheator's fee for finding of an office.

sum of six shillings and eight pence, or thirteen shillings and four pence, or above, where his labour and his costs shall require it, so that the sum which he so shall take do not exceed in the whole the sum of forty shillings, for the execution of any such writ in one county; (4) and if any escheator do contrary to any of the premisses, that then he shall forfeit the sum of forty pounds.

Leases shall be made to those which do tender a traverse to an office.
36 Ed. 3. c. 13.
8 H. 6. c. 16.
18 H. 6. c. 6.

II. And if any man traverse an office taken before any escheator or commissioner, and thereof hath a *Scire facias* against any patentee, that in this case no protection shall be allowed, nor allowable; (2) and as to any grant or lease to be made to any person which shall traverse any such office, that the statute in that case, before this time made, shall be duly observed: (3) and that the King shall have the half of the said forfeiture of forty pounds, and the party which in this behalf will sue for the King and himself, shall have the other half of the same.

dé ceo, oustre la somme de vi s. viij d. ou xiiij s. iij d. ou defouth lou son labour & sez costages ceo demaunderent, isint que la somme qil autielment prendra nexceda en tout la somme de xl s. pur lez executions dascune tiel brief en un countee. Et si ascune eschetour face le contrarie dascune de lez premisses, que adonques il forface la somme de xl li. Auxint que si ascune homme traverse ascun office prise devaunt ascun eschetour ou commissioner, & dent eit ascun Scire facias envers ascun patentee, que en cell case null protection soit allowe ne allowable. Et quant a ascun graunt ou leez a faire a ascune persone qui traversa ascun tiel office, que lestatutz en tiel cas devaunt cest estatut faitz soient duement observez; & que le Roi eit la moite de la dit forfaiture de xl li. & que la partie qui en cest partie voet fuer pur le Roi & luy mesmes eit lautre moite dicelle.

CAP. XVIII.

No new impositions shall be laid upon them which buy wines in Gascony or Guyen, by the King's officers in those parts, upon pain of forfeiture of twenty pounds, and treble damages.

Ex edit. Raft.

Wines.

ITEM, the King considering how divers complaints have been made before this time, by divers of his lieges merchants repairing to the parts of *Gascoine* and *Guyen*, how that now of late they have been suffered to buy wines of the growing of the high country in such time as they were wont to be made: and also how there be divers new impositions demanded and levied of his said lieges merchants repairing to the said parts, otherwise than hath been used of old time to be demanded and levied: to the great damage of the same merchants, and great loss and hindrance of all his faithful liege people, hath ordained by the authority aforesaid, that all his said merchants, repairing to the said parts of *Gascony* and *Guyen*, may freely hereafter buy the wines there of the high country in all such times, and in all such

Gascony.

such liberties, as they have used to buy them xx or xxx years past, without any other new imposition or charge to be put upon them. And that if any of the King's officers in the said parts, or any other person disturb, vex, or grieve, or do to be disturbed, vexed, or grieved, any of the said merchants, or liege people of our sovereign lord the King, or do to be levied of any of them any new impositions, contrary to this ordinance: he to forfeit as oftentimes as he offendeth, to the party grieved xx pound over his treble damages to be paid to him, the one half of the same forfeiture of twenty pounds to be paid to the use of our sovereign lord the King, and the other part to the party so grieved, or to him which in his default and negligence will sue for our sovereign lord the King in this behalf.

Statutes made at *St. Edmundsbury*, Anno 25 HEN. VI. and *Anno Dom.* 1447.

All statutes made against Welchmen confirmed. All grants of markets and fairs to any Welchman shall be void. The King's villains in North Wales shall be constrained to such labour as they have done before.

OUR sovereign lord the King, at his parliament holden at *St. Edmundsbury*, in the feast of *St. Scolast*, that is to say the x. day of *February*, the xxv. year of his reign, by the advice and assent of the lords spiritual and temporal, and the commons of his realm in the said parliament assembled, and by authority of the same parliament, hath approved, ratified, and affirmed all manner of statutes made in any parliament against *Welchmen* before this time not repealed. And moreover hath ordained by the authority aforesaid, That all grants of franchises, markets, fairs, and other liberties to buy or to sell, to bake or to brew, and to sell within the towns of *North Wales*, made to any *Welchman* before this time, shall be void and of no value. And that all the villains of our sovereign lord the King within *North Wales* shall be bound and constrained to do such labours and services, as they of right have used to do of old time, notwithstanding any grant made to them, or any usage used by them of a later time to the contrary. And that such officers shall have power to compel them to do such labours and services, as they have used to compel them before this time lawfully.

Ex edit. Raft.

Welchmen.

27 H. 8. c. 26.
Repealed by
21 Jac. 1. c. 23.

Statutes made at *Westminster*, Anno 27 HEN. VI. and *Anno Dom.* 1448.

AU parlement tenuz a Westm' le xij. jour de Febr' AT the parliament holden at Westminster the twelfth day

day of February, the seven and twentieth year of the reign of our lord King Henry the Sixth after the conquest, the same our lord the King, by advice and assent of the lords spiritual and temporal, and the commons being in the same parliament hath ordained and established divers ordinances and statutes in manner and form following.

Febr' lan du reigne nostre seigneur le Roy Henry vje après le conquest xxvij^e mesme nostre seigneur le Roy de ladvis & assent des seignurs esprituell & temporell & lez communes esteantz en le dit parlement & par auctorite de mesme le parlement ad fait ordener & établir diverses ordinances & estatutes en lez manere & fourme ensuantz.

CAP. I.

If woolen cloths manufactured in England shall be prohibited in Brabant, Holland, and Zealand, then no merchandise growing or wrought there within the dominion of the duke of Burgoin shall come into England upon pain of forfeiture.

Ex edit. Raft.

Woolen
cloths.

Cloth makers.

FIRST, forasmuch as a certain ordinance hath been proclaimed, published, and strictly kept in the parts of *Brabant, Holland, and Zealand*, that no manner of woolen cloths, made in this realm of *England*, shall not come in the said parts, there to be sold in any wise, upon pain of forfeiture of the same cloths, wherefore the King our sovereign lord, because that it is expressly against the truce and appointments made and taken betwixt his realms, lands and subjects of the one party, and the lands which the duke of *Burgoin* doth hold and occupy of the other party, many times before this time hath made his letters of request to be written, and sent his message for due reformation to be had in this behalf, whereof no due remedy is yet had, to the intolerable damage of all the commons of this realm, because that many clothmakers, that is to say, men, weavers, fullers and dyers, and women websters, carders, spinners, and other buyers and sellers of the same, such as do know none other occupations, of very necessity be constrained for their living to do the same occupations, and some of them live idly, which provoketh them to sin and evil life: the King considering the premisses, hath ordained by the authority aforesaid, That unless due continual reformation be made in the said parts of *Brabant, Holland and Zealand*, of the said ordinance, betwixt this and the feast of *St. Michael* next coming, so that all manner of woolen cloths made in this realm of *England* may come and be accepted in the same parts of *Holland, Brabant and Zealand*, there to be uttered and sold as speedily as any other merchandises, that then for default of such reformation in this behalf no manner of merchandises nor goods of the growing or workmanship of the lands and parts, which the said duke holdeth and occupieth, shall come in the said realm of *England* after the said feast, upon pain of forfeiture of the merchandises so brought into

into this realm, that is to fay, the one half to our fovereign lord the King, and the other half thereof to him which firft fhall feife the faid merchandifes, in whose hands foever they fhall be found. And that open proclamation fhall be made upon that betwixt this and the xv. day of *July* next coming, within the city of *London* and other places neceffary and convenient to the fame. And if any fuit be commenced hereafter becaufe of any fuch feizing, in which any iffue concerning this act fhall be taken, that the faid iffue fhall be tried in the county where the faid feizing is had, and in none other place, this ordinance to endure but till the next parliament.

Confirmed for
feven years by
28 H. 6. c. 1.
vide 4 Ed. 4.
c. 5.

C A P. II.

No licence fhall be available to carry wools, fells, or tin to any place out of the realm, but to Calais.

ITEM, forafmuch as King *Edward* the Third, by great de-
liberation ordained his whole ftaple of wools, woolfels, and
other merchandifes to be at *Calais*, for the weal and profit of his
realm, and fafeguard of the faid town, and by the great liber-
ties and franchifes given to merchants thither repairing, after
that many years came great revenues to him and to his fuccef-
fors, as it appeareth of record in the King's exchequer, that is
to fay, in every year of his reign lxxvij. M. li. and more, and fo
continued many years, at which time great riches came into
this realm of *England* by the mean of merchants of the faid ftaple
then being many in number and of great riches, good juftice
and law had betwixt party and party, and by them well execu-
ted, the faid town of *Calais*, and the marches were well repair-
ed, and foldiers paid of their wages, although that maintenant
by divers and many licences given by letters patents, and by
mifufing of the faid licences in buying of wools and woolfels in
other places than their licence containeth, in fhipping great
number and weight, and colouring the fame by new contrived
names, as morling and fhorling: and fome perfons which ac-
cording to their licence ought to have carried their wools over
the mountains, have fold the fame in *Brabant*, and in other
places, to fuch men which were wont to be accuftomed to buy
their wools at the ftaple of *Calais*, and alfo by great ftealing out
of wools and woolfels not cuftomed in divers parts of *England*, of
Ireland, and of *Wales*, oftentimes by the confent and mean of
unlawful officers as fearchers and furveyors, which take no fee,
but privy rewards for doing wrong to the King, and by divers
reftRAINTS of merchandifes in *Calais*, as well by wars as by fol-
diers for their wages, and many other caufes, in which the mer-
chants of the faid ftaple be not of ability nor power to enjoy
their liberties and franchifes of old time ufed and accuftomed:
now it is fo, that by the means aforefaid, and by the breaking
of fuch ftaples, the cuftoms and fubfidies of the merchandifes
repairing to the faid ftaple of *Calais* pafs not yearly xij. M.
pound, which is but little in comparifon to that that they have
been heretofore, the commons of this land not enriched by their

Staple.

Calais.

Wools, wool-
fels, &c.

wools and woolfels, and other merchandises, as they were wont to be, the merchants greatly minished as well in number as in goods, and not of power nor of comfort to buy the wools and woolfels, and other merchandises as they have done of old time, the soldiers of *Calais* and of the marches there not paid of their wages, the town of *Calais* by default of reparation, as well within the town-walls, towers and castles, as without the town, of dykes, cliffs, sluices, banks, and other reparations, which should be made for defence of the town and of the water without, likely to be destroyed (which God defend) except that remedy be hastily provided: our said sovereign lord the King, considering the premisses, hath ordained and established by authority aforesaid, That the mayor, constables, and company of merchants of the staple of *Calais* for the time being, and their successors for ever, may have and enjoy all their franchises and liberties and every of them, and whole repair of all manner of merchandises to the said staple, by the said King or by his noble progenitors to them or to their predecessors or any of them, by the authority of parliament granted or confirmed, not repealed nor excepted. And that the said mayor, constables, and their successors, may by themselves or by their officers and ministers, do execution of all manner of things and matters, the knowledge whereof to them pertaineth, as well within the town of *Calais* as without the town, in the precinct pertaining to the same, called the Skyvynage, any commandment, writing or any other thing made or to be made to the contrary notwithstanding. Provided always, That by this act no man shall be excluded of his lawful suit by writ of error, of any judgment given before the said mayor and constables: nor the chancellor of *England* and the King's council shall not be excluded to redress the defaults of the said mayor and constables, after the form of the statute made the xxvii. year of the reign of King *Edward* the Third. And that no manner of licence for shipping of wools and woolfels, or of tin granted to any person or persons, shall be effectual nor available to him or to them, to carry or bring any such wools, woolfels, or tin, out of this realm of *England*, *Ireland*, or *Wales*, to any other place than to the said staple of *Calais*. And that all manner of licences by our said sovereign lord the King, or any of his heirs or successors, to any person or persons to be granted of or for wools, woolfels, or tin, to be had, carried, or shipped out of this realm of *England*, *Ireland*, or *Wales*, or any other place than to the said staple, shall be void and of none effect. And that every person or persons, which shall accept, obtain, and put in execution any such licence, or he or they to whose use any such licence is or shall be granted and had, and by them, or by any other by their agreement or consent put in execution, shall be out of the King's protection, and moreover, that it shall be lawful to the said mayor, constables, and company of merchants of the said staple, and to their successors for ever, to have and pursue an action upon this statute against every person or persons, which shall

Licence:

shall offend contrary to this ordinance, and to have fuch procefs in the fame as is provided in the *Premunire facias*, or fuch procefs as by the law is in an action of trefpafs done againft the King's peace at their election. And if any perfon or perfons at their fuit upon the fame be convict or attainted, that the fame mayor, conftables, and company of merchants shall have judgment to recover all the moveable goods and chattels, that any fuch perfon or perfons fo convict or attainted had, the day of putting in execution of any fuch licence, or at the time of the faid judgment given, or at any time betwixt the putting in execution of any fuch licence, or at the time of the foresaid judgment given, or to the value thereof, at the election of the plaintiffs in the fame action : whereof the two parts of the goods and chattels fo recovered and had in execution, or the value thereof, shall be employed for reparations of gutters, sluices, and banks at *Calais* aforefaid, by the furveying of the mafter of the faid works there for the time being, and the third part thereof shall remain to the mayor, conftables, and company aforefaid. Provided always, That the faid action be had and commenced within the county where fuch licence shall be put in execution. And if any fuch licence be put in execution in *Ireland* or *Wales*, that then the fuit shall be commenced in the county within *England* next adjoining to the place where fuch licence shall be put in execution in *Ireland* or *Wales*. And moreover, That every perfon or perfons, which shall fhip, or bring or do to be shipped or carried any wools, woolfels, or tin out of this realm, *Ireland*, or *Wales*, by colour of any licence, or otherwife, and them to put to fale in any other part or place out of the faid realm of *England*, *Ireland*, or *Wales*, than to the faid staple of *Calais*, unless the fhip, in which the faid wools, woolfels, or tin should be perished, and may not be brought to the faid staple, and thereof be attainted or convict at the fuit of the faid mayor, conftable and company of merchants of the faid staple, by fuch action and procefs grounded upon this act, as it is afore rehearfed, the fame action to be taken in the county where the faid wools, woolfels, or tin be shipped or carried out, that he shall forfeit all his goods and chattels, to be employed and had in the form aforefaid. And if any wools, woolfels, or tin, from henceforth be carried or shipped to be had out of this realm of *England*, *Ireland*, or *Wales*, to any other place out of *England*, *Ireland*, or *Wales*, than to the faid staple by force of any licence, that then it shall be lawful to every perfon, being the King's liege-man, to feize the faid wools, woolfels, and tin, and them keep to his own ufe after fuch feizing. And that every customer, comptroller, fearcher, and furveyor, which by his knowledge shall fuffer or admit any wools, woolfels, or tin to be shipped within any port, creek, haven, or any other place where they be officers, or any other port or place than to the faid staple as afore is faid, by force of any licence, or by colour thereof, by force of any writ or other commandment, in affirming or approving of any fuch licence to them to be directed, or

Mayor of the
staple.

Customer.
Comptroller,
Seacher.

willingly fuffer any fuch merchandifes to pafs out of this realm, not cuftomed or not weighed at the King's beam, fuch of them which ought to be weighed, fhall incur the pain and forfeiture aforefaid. And he or they fhall be reputed and judged in like cafe, as he which executeth any fuch licence to any other place than to the faid ftaple, after that he thereof fhall be convict at the fuit of him which in this cafe will fue. And that it fhall be lawful to every perfon being the King's fubject and liege-man, that in fuch cafe will purfue, to have fuch action againft the faid customers, comptrollers, fearchers, and furveyors, as is provided againft fuch perfons which fhall put in execution any fuch licence, as afore is faid. And that all manner of thing done contrary to the ordinance of this ftatute, as well within this realm as without, not triable by matter of record, fhall be put in iffue, and be triable by inqueft in the fame county and vifne, where the faid action fhall be taken. Provided always, That all manner of licences for wool and tin to pafs by the ftreights of *Marrock*, fhipped in gallies or carracks for paying customs and fubfidies as aliens do or fhall do, fhall be only except. Provided alfo, That this act fhall not extend, nor fhall be prejudicial to the licence granted by our faid fovereign lord the King by his letters patents, bearing date the xxiiij. day of *July*, the xxvi. year of his reign, to our lady the queen his companion, to fhipe and carry by her, her deputies, affigns, or creditors, wools, woolfels, and tin, after the form and effect of the faid letters patents, fo that the faid wools, woolfels, and tin, and every of them fhall be and be fhipped in galley or gallies, carack or caracks, and carried by the ftreights of *Marrock*. Provided alfo, That this act fhall not extend to be prejudicial to the licence granted by our fovereign lord the King by his letters patents, bearing date the firft day of *July* the xxiiij. year of his reign to the duke of *Suffolk*, by the name of *William* marquis and earl of *Suffolk*, to fhipe and carry by him, his deputies or attornies, two thoufand facks of wool, of the growing of the county of *Norfolk*, after the form and effect of the fame letters patents. And that open proclamation of this ordinance fhall be made in every town where the county courts be holden, every port, haven, and market town next adjoining to the faid ports, by the fheriff of every county or his deputy, once every month by the fpace of half a year next after this ordinance made, after this act fent againft them by writ of record, upon pain of xx li. to be forfeit to the King, if the faid proclamation be not duly executed. Provided always, That this grant or ordinance fhall not extend to the prior and convent of *St. John of Bridlington* and his fucceffor, which have licence by the King's letters patents made to them the ix. of *November*, the xxvi. year of his reign, to fhipe, carry, or bring their wools to the number xii. farplers, containing xxx. facks or within, to other places or ports beyond the fea, than to the faid ftaple of *Calais*. Provided alfo, That this grant or ordinance fhall not extend to grants feverally made to *Thomas Walsingham*, *Thomas Browne*, and to *John Penwycock*, efquires,
by

by the letters patents of our fovereign lord the King before this time, to fhip, carry, or bring certain wools to other places or ports beyond the fea than to the faid ftaple of *Calais*, but that they fhall be clearly except of this ordinance. And that this ordinance fhall begin at the feaft of the nativity of St. *John* the *Baptift* next coming, and fhall endure till the end of five years next following.

CAP. III.

Merchants aliens fhall beftow all their money upon other merchandifes, and carry forth no gold or filver, upon pain of forfeiture thereof.

ITEM, where it is ordained by a ftatute made in the fourth year of King *Henry* the Fourth, noble progenitor of our fovereign lord the King that now is, that all merchants aliens, ftrangers and denizens, that bring any merchandifes into this realm of *England*, and them fell within the faid realm of *England*, fhould put all the money for the faid merchandifes, received or to be received, to be employed for other merchandifes of *England*, to carry out of this realm, without bearing away with them any gold or filver in coin, plate, or mafs, out of the faid realm, upon pain of forfeiture of the fame: which notwithstanding, divers merchants aliens, ftrangers and denizens, daily in divers ports, havens, creeks, and other places within the faid realm, bring in wheat, corn, and other merchandifes and victual, for the which they receive gold and filver, and the fame carry with them out of the faid realm, without any employment of the faid gold and filver upon any merchandifes of this realm, in great damage and impoverifhment of this realm, and minifhing of the King's coin, in default of due fearch had of customers, comptrollers, and fearchers, having power and authority to do their offices to be executed: our faid fovereign lord the King, confidering the premisses, hath ordained by the authority aforefaid, That if any merchants, aliens and ftrangers, bring, bear, or carry any wheat, corn, or any other merchandifes or victual in any haven, port, or creek, or other places of this faid realm, that the mayors, bailiffs, porterefes, customers, comptrollers, fearchers, and other officers there of the faid port, haven, or creek, or other places, and every of them, fhall have full authority and power to arreft and feize all fhips, barges, and other veffels charged and freighted with wheat, corn, or any other merchandifes or victual, fo brought into this realm of any country out of this realm, to fell and to take fufficient furety of all the faid merchants aliens and ftrangers, for the faid wheat, corn, or other merchandifes and victual fo brought by the faid merchants aliens and ftrangers coming and repairing to the faid ports, havens, and creeks, and other places of this faid realm. And that the money which fhall be taken or received for the faid wheat, corn, and other merchandifes or victual fhall be employed upon the merchandifes and commodities of this realm without fraud, subtilty, or male-engine. And if any gold or

Ex edit. Raft.
4 Inft. 51.
4 H.4.c.15.
5 H.4.c.9.
3 H.7.c.8.

Gold,
Silver,
Plate,
Silver

filver in coin, plate, or mafs, by merchants aliens, ftrangers or denizens be carried out of this realm, taken or received for wheat, corn, or any other merchandifes or victual, to be brought into this realm of any other country out of this realm, contrary to this ordinance afore recited, that it fhall be lawful to every perfon to purfue an action of debt againft all fuch customers, comptrollers, and fearchers, and every of them, in whole knowledge and default againft their office, any fuch gold or filver in coin, plate, or mafs, is had and carried out of this realm, to be purfued in fuch counties where fuch wheat, corn, or any other merchandife or victual is brought and put to fale, and in the faid action fhall make his demand of a fum amounting to the value of the faid wheat, corn, merchandife, or victual. And that the parties or party, which is fo fued, and firft appeareth, fhall be put to anfwer in the faid action, and fhall not wage his law in the faid action, nor effoin nor protection fhall be in the fame action for him or for any of them allowed. Provided always, That this ordinance fhall begin and fhall be in his force in the xv. of *Eafter* next enfuing, and fhall endure till the next parliament. And that proclamation thereof be made before the faid xv. in all parts of this realm, where any wheat, corn, or other merchandifes or victual be or fhall be brought into this realm, from any country out of this realm.

CAP. IV.

A rebearfal and confirmation for three years of the ftatute of 20 Hen. VI. cap. 3. provided againft Welshmen that take any Englifhmen, their goods and chattels, and carry them into Wales.

Wales.

Treason.

ITEM, whereas at the grievous complaint of the commons of the counties of *Hereford, Gloucefter, and Shropfhire*, which be adjoining to the marches of *Wales*, and of the commons of the counties of *Somerfet, Bristol, and Chefter*, at the parliament holden at *Westminster* the xx year of the reign of our fovereign lord the King that now is, it was ordained by authority of the faid parliament, That if any people of the faid counties, their goods and chattels were wrongfully taken in any of the faid counties by any men of *Wales*, and out of the faid counties into *Wales*, or into the marches of *Wales* conveyed, carried, or brought, or retained, that fuch taking or takings, receipts, abettments, or withholding of fuch offences aforefaid, fhall be judged high treason, and whofoever thereof fhall be attainted, fhall be taken and judged as traitors to our fovereign lord the King. And that the justices of peace in their felfions in the faid counties, fhall have power to enquire, and there to determine of all fuch offenders, their abettors and receivers, and to make procefs againft the perfons fo indicted by ii. *Capias* and an *Exigend*, every *Capias* containing the fpace of two months betwixt the date thereof and the return of the fame. And that mention fhall be made in the faid writs of *Capias*, that the

the ſheriffs of the counties for the time being ſhall make proclamation in their counties, that they ſo indicted ſhall appear before the ſaid juſtices in their ſeſſions, to answer to the matters contained in the ſaid indictment. Provided always, That the lords marchers, of whom ſuch offenders, their abettors and receivers ſhall hold their land and tenements, ſhall have the forfeiture thereof, and alſo the forfeiture of their goods and chattels found within their ſeignories, after that they ſhall be attainted of ſuch offences, which ordinance ſhould endure but for vi. years then next enſuing : our ſaid ſovereign lord the King, at the request of the commons of the ſaid counties, by the advice and aſſent aforeſaid, will, That the ſaid ordinance made in the ſaid parliament holden at *Westminster* the ſaid twentieth year of his ſaid reign, for ſuch wrongful taking, ſhall endure for fix years, and ſhall take effect and be in his force till the next parliament, and then to expire.

CAP. V.

Certain days wherein fairs and markets ought not to be kept.

ITEM conſideratis abominabilibus injuriis & offeſis omnipotenti Deo noſtro ſanctiſque ſuis noſtris ſemper in neceſſitatibus adjutoribus & ſuccurſoribus ſingularibus cauſa feriarum & mercatorum ſuper eorum ſumma principalia feſta veluti in feſto Aſcenſionis domini de corporis Chriſti die Pentecoſtes die Dominica ſancte Trinitatis cum aliis diebus Dominicis Ac etiam in ſummo feſto Aſſumptionis beate Marie die omnium ſanctorum & in die Paraſceves conſuetudinaliter & miſerrime in regno Anglie tentorum & uſitatorum factis & perpetratis in quibus principalibus feſtivalibusque diebus pro magna cupiditate terrena populus voluntarie plus vexatus & in labore corporali deturbatus exiſtit quam aliis diebus ſerialibus videlicet in inſigendo & faciendo bothas & ſtallas portando & vehendo levando & collocando mercimonia ſua extrorſum & domorſum quaſi nichil habentes

ITEM, conſidering the abominable injuries and offences done to Almighty God, and to his Saints, always aiders and ſingular aſſiſters in our neceſſities, becauſe of fairs and markets upon their high and principal feaſts, as in the feaſt of the Aſcenſion of our Lord, in the day of Corpus Chriſti, in the day of Whitſunday, in Trinity-Sunday, with other Sundays, and alſo in the high feaſt of the Aſſumption of our bleſſed Lady, the day of All-Saints, and on Good-Friday, accuſtomably and miſerably holden and uſed in the realm of England ; in which principal and feſtival days, for great earthly covetiſe, the people is more willingly vexed, and in bodily labour foiled, than in other ſerial days, as in faſtning, and making their booths and ſtalls, bearing and carrying, liſting and placing their wares outward and homeward, as though they did nothing remember the horrible defiling of their ſouls in buying and ſelling, with many deceitful lies and falſe perjury, with

drunkenness and strifes, and so specially withdrawing themselves and their servants from divine service; (2) the foresaid lord the King, by the advice and assent of the lords spiritual and temporal, and the commons of this realm of *England*, being in the said parliament, and by authority of the same parliament, hath ordained, That all manner of fairs and markets in the said principal feasts and *Sundays*, and *Good Friday*, shall clearly cease from all shewing of any goods or merchandises (necessary victual only except) upon pain of forfeiture of all the goods aforesaid, so shewed, to the lord of the franchise or liberty where such goods, contrary to this ordinance, be or shall be shewed (the four *Sundays* in harvest except.) (3) Nevertheless, of his special grace, by authority aforesaid, granteth to them power, which of old time had no day to hold their fair or market but only upon the festival days aforesaid, to hold by the same authority and strength of his old grant, within three days next before the said feasts, or next after, proclamation first made to the simple common people, upon which day the aforesaid fair shall be holden, always to be certified, without any fine or fee to be taken to the King's use. (4) And they which of old time have by special grant, sufficient days before the feasts aforesaid, or after, shall in like manner as is aforesaid, hold their fairs and markets the full number of their days, the said festival days and *Sundays*, and *Good Fridays*, except.

The penalty. on those who shall keep fairs or markets upon Sundays.

tes in memoria horribilem iniquationem animarum suarum in emptione & venditione deceptivis multimodis mendaciis & falso perjurio cum ebrietate & contentionibus & specialiter se ipsos & eorum servientes a divino servitio subtrahendo. prefatus dominus Rex de avifamento & assensu dominorum spiritualium & temporalium ac communitatis regni sui Anglie in dicto parlamento existentium nec non autoritate ejusdem parlamenti ordinavit quod omnimoda ferie & mercata in dictis principalibus festis & diebus Dominicis ac die Parasceves penitus cessent ab omnimoda monstracione aliquorum bonorum vel mercandisarum necessariis victualibus exceptis sub pena forisfacture omnium bonorum predictorum sic monstratorum domino franchise ubi hujusmodi bona in contrarium istius ordinationis sunt vel erunt monstrata quatuor diebus dominicis in autumno exceptis. Nichilominus ex sua gratia speciali auctoritate supradicta concedens potestatem illis qui ex antiquo nullum diem ad tenendum feriam vel mercatum suum nisi solummodo super diebus festivalibus predictis habent ad tenendum ea auctoritate & vigore antique concessionis sue infra tres dies prox' ante festa predicta vel prox' post cum proclamatione prius facta ad simplicem vulgarem populum super quem diem feria predicta tenebitur semper certiorand' absque aliquo fine seu feodo ad usum domini regis capiendo. Et illi qui habent ex antiquo per specialem concessionem dies sufficientes ante supradicta festa

feſta vel poſt plenum numerum dierum ſuorum obſervent conſimili ſupradicto modo ad tenend' ſuas ferias vel mercata dictis diebus festivalibus & dominicis ac die Paraſceves exceptis.

Proviſo ſemper quod preſens ordinatio incipiat ſumere effectum ad feſtum ſancti Michaelis proximo futurum & non ante & durabit uſque ad proximum parlamentum & ſic deinde niſi in dicto prox' parlamento allegetur monſtretur & probetur cauſa rationabilis pro qua videbitur non expediens quod ordinatio predicta ſic perdurabit.

II. Provided always, That this preſent ordinance ſhall begin to take effect at the feaſt of St. Michael next coming, and not before, and ſhall endure until the next parliament, and ſo forth, except in the ſaid parliament a reaſonable cauſe be alledged, ſhewed, and proved, for the which it ſhall ſeem not expedient that the foreſaid ordinance ſo ſhall endure.

CAP. VI.

The King's pardon granted to all prieſts, as well ſecular as religious, of ſeveral offences, forfeitures, &c.

ITEM, Forasmuch as in divers parts of the realm of England, many prieſts, as well ſecular as religious, were grievouſly and wrongfully vexed and troubled by divers indictments of felony, to their great damage, againſt faith and conſcience, for the ſingular lucre of other perſons, and not for the King's profit: our ſaid ſovereign lord the King, conſidering the premiſſes, and for that the clergy being in the laſt convocation, granted to our ſaid ſovereign lord the King a ſubſidy, to be taken and levied of all ſecular prieſts-ſtipendiary, and chantery prieſts within the realm of England, that is to ſay, of every prieſt vi. ſhillings and viii. d. by the advice and aſſent and authority aforeſaid, hath pardoned and acquitted all and every prieſt, as well religious as ſecular, of all felonies of rape done before the firſt day of June, the xxvii. year of the reign of our ſaid ſovereign lord the King. And alſo hath pardoned and releaſed by the ſame authority to all and every prieſt ſecular, ſtipendiary and annual, all the ſame that to the ſaid our ſovereign lord the King pertaineth or belongeth, by way of forfeiture of every of them before the ſaid firſt day of the month of June, becauſe of taking exceſſive wages contrary to the ſtatutes thereof made, and that every of them may have ſufficient writs thereupon for their diſcharge without ſuing any charter.

Ex. edit. Raſt. Prieſts.

Statutes made at *Westminster*, Anno 28 HEN. VI.
and *Anno Dom.* 1449.

AL honour de Dieu & de ſeint eglise & pur les commune bien & profit de tout le

TO the honour of God and of holy church, and for the common wealth and profit of all the

the realm of England, our lord the King, Henry the Sixth after the conquest, by advice and assent of the lords spiritual and temporal, and at the special instance and request of the commons in the parliament assembled of our sovereign lord the King that now is, holden at Westminster the sixth day of November, the eight and twentieth year of his reign, by authority of the same parliament, hath ordained and established certain ordinances and statutes in manner and form following.

le roialme dEngleterre nostre seignur le Roy Henry puis le conqueste fisme del advis & assent des seignurs espirituels & temporelx & a les especialx instance & request des communes assemblez au son parlement tenuz a Westm' le fisme jour de Novembr' lan de son reigne xxvijme par lauctorite de mesme le parlement ad ordeignez & establiez certains estatutz & ordenaunces par manere qe ensuit.

CAP. I.

Arebearsal and confirmation for seven years of the statute of 27 HEN. VI. cap. 1. prohibiting the merchandises of Holland, Zealand, and Brabant to be brought into this realm, until English cloth may be sold there.

Ex edit. Raft.
Woolen
cloths.

FIRST, Whereas at his parliament holden at *Westminster* the xxvii year of his reign, because of a certain ordinance, had, proclaimed, published and straightly kept in the parts of *Brabant, Holland, and Zealand*, that no manner of woolen cloths made in this realm should not come in the said parts, there to be sold in any wise, upon pain of forfeiture of the same cloths, wherefore our said sovereign lord the King, because that it was expressly against the truce and appointment made and taken betwixt his realms, lands and subjects of the one part, and the lands which the duke of *Burgoin* holdeth and occupieth of the other part, many times before this time made his letters of request to be written, and sent his message for due reformation to be had in this behalf, whereof no due remedy is yet had, to the intolerable damage of all the commons of this realm, because that many clothmakers, that is to say, men weavers, fullers, and diers, and women websters, carders, and spinners, and other buyers and sellers of the same, such which know none other occupation of very necessity be constrained for their living to do these occupations, and some of them live idly, which provoketh them to sin and evil life, and upon this consideration in the said parliament the said xxvii. year it was ordained, That unless due continual reformation were made in the said parts of *Brabant, Holland, and Zealand*, of the said ordinance, betwixt this time and the feast of Saint *Michael* then next ensuing, so that all manner of woolen cloths made in this realm may come and be accepted in the same parts of *Brabant, Holland, and Zealand*, there to be uttered and sold as speedily as any other merchandises: that then for default of such reformation in this behalf, no manner of merchandises nor goods of the growing nor work-
manſhip

Cloth-ma-
kers.

manfhip of the lands and parts, which the faid duke holdeth and occupieth, fhould not come in the faid realm after the faid feaft, upon pain of forfeiture of the fame merchandife, that is to fay, the one half thereof to the King, and the other half to him which firft fhall feife the faid merchandifes, in whose hands fo ever that they fhall be found, and that thereupon open proclamation fhall be made betwixt this time and the xv. day of *July* then next enfuing, within the city of *London*, and other places neceffary and convenient to the fame. And if any fuit be commenced after this time becaufe of any fuch feifure, in which any iffue concerning this ordinance fhall be taken, that the faid iffue fhall be tried in the counties where the faid feifure fhall be had, and in none other place, which ordinance fhould have endured till the next parliament. And forasmuch as by the fummons and commencement of this prefent parliament, the faid ordinance fhall be fully expired and determined, no due reformation on the behalf of the faid duke of *Burgoin* of the premisses yet had our faid fovereign lord the King, confidering the premisses, by the advice, affent and authority aforefaid, hath ordained and ftablished, That open proclamation fhall be made in the city of *London* and other places neceffary and convenient for the fame, betwixt this and the feaft of *Saint Peter* called *ad Vincula* next coming, that unlefs due continual reformation be made and had in the faid parts of *Brabant*, *Holland*, and *Zealand*, betwixt that and the feaft of *Saint Michael* then next enfuing, fo that all manner of woolen cloths made in this realm of *England*, may come and be accepted in the fame parts of *Brabant*, *Holland*, and *Zealand* there to be uttered and fold, as fpeedily as any other merchandifes, that then for default of fuch reformation in this behalf, no manner of merchandifes nor goods of the growing nor workmanfhip of the lands and parts, which the faid duke holdeth and occupieth, fhall come into this realm after the faid feaft of *Saint Michael*, upon pain of forfeiture of the merchandifes, that is to fay, the one half thereof to the King, and the other half to him which firft fhall feife the faid merchandifes, in whose hands fo ever they fhall be found. And if any fuit be commenced hereafter becaufe of any fuch feifure, in which any iffue concerning this ordinance fhall be taken, that the faid iffue fhall be tried in the county where the faid feifure is had, and in none other place. And that this ordinance fhall endure for vii. years, if due reformation be not made within that time.

Merchandifes.

Vide 4 Ed. 4.

c. 5.

CAP. II.

The penalty for taking any persons horses or cart without the delivery of the owner, or some officer, or for taking money to spare them.

ITEM, Whereas divers hostlers, brewers, and other victual- Ex edit. Pult.
lers, keeping hosteries and other houses of retailing of victuals in divers places in this realm, have purchased the King's letters patents, some to them for term of life, and some to them and to other jointly for term of their lives, to take horses and carts for the

the carriage of the King and Queen, more for their private and fingular lucre and profit, than for any faithful service of the King, or of the Queen : by colour of which letters patents they daily take horfes and carts where that no need is, and bring them to their hofferies and other places of their affinity, and there keep them secretly sometime, until they have spent xx d. or xl d. of their stuff, and sometime more, and then they make the owners of the faid horfes and carts to pay for the fame before that they can get delivery of their horfes and carts, and some till they have made a fine with them for fuch horfes and carts at their will : and of some of the King's people they take fines to shew favour, and not to take their horfes and carts ; fo that divers perfons of the King's liege people in this noble realm, be greatly indamaged by the faid takers, as well for the non-payment of the hire of the faid horfes and carts, as for the great charge they have for their meat, and fines made for their delivery after they be fo taken : (2) our faid lord the King by the advice and affent aforefaid, hath ordained and ftablished, That all fuch letters patents, granted to any perfon or perfons holding any hofferies, brewhoufes, or houfe of retailing of victual, fhall be void, and of no value nor effect ; and if any fuch grant be made to any fuch perfon or perfons from henceforth, that all fuch patents fo granted fhall be void and of none effect. (3) And that no perfon or perfons fhall take horfe or cart in any place within this realm, but by the delivery of the mayor, fherriff, bailiffs or conftable where fuch taking fhall be had. (4) And if any fuch perfon or perfons take any horfe or cart of any perfon or perfons, without agreement made to the poffeffor for the fame, and by the delivery of the mayor, fherriff, bailiff or conftable where fuch taking fhall be had, that then he or they from whom fuch horfe or cart is taken, and he or they of whom fuch fines or payments be taken, as is afore rehearfed, fhall have an action of trefpafs at the common law for fuch takings. (5) And that he or they that feeleth himfelf grieved in fuch action, fhall recover treble damages againft him or them which fo take any horfe or cart, fines or payment, contrary to this ordinance ; (6) faving always to the King his prerogative and his pre-eminence of and in the premisses.

The penalty for taking any horfe and cart without the delivery of the owner and fome officer.

3 Ed. 1. c. 32.
21 R. 2. c. 5.

C A P. III.

The King's pardon to thofe that were fherriffs or clerks the laft year before, for occupying their places above one year, contrary to the ftatute of 23 Hen. VI. c. 8.

ITEM, By advice, affent, and authority aforefaid, it is ordained and granted, That the fherriffs and under-fherriffs, clerks, and every of them, which were for the year laft paffed, fhall be quit and difcharged againft our faid fovereign lord the King and all his liege people, of the penalties and forfeitures of CC. li. which they or any of them might fall in or incur by force of the ftatute made the xxiii. year of our faid fovereign lord the King, as for the occupation or exercife of the office of fherriff longer than by a year, from the day next after the day of

Ex edit. Raft.
Sheriffs.

All souls, in the xxvii. year of the reign of our said sovereign lord the King, that now is, till the feast of the purification of our Lady then ensuing, in the eight and twentieth year of our said sovereign lord. Provided always, That by this present ordinance they nor none of them shall be excused or discharged of any other offence or thing done by them or any of them in their said offices. Provided also, That none shall be amerced for any suit commenced by him against any person to recover the said penalty, for the longer occupying than by the year, from the day after the said day of *All Souls*, till the said feast of the purification of our Lady.

CAP. IV.

Felony for any Welsh or Lancashire man to take other men, their goods or chattels, under colour of distress, where they have no cause.

ITEM, Whereas divers misruled persons of the counties and seigniories royals in *Wales*, and of the dutchy of *Lancaster*, in the said parts daily take and use to take divers persons, places and chattels in the said counties, dutchy, and seigniories, by the name and under colour of distress, where they have no manner of fee, seigniorie, nor cause to take such distress, but feign some actions and quarrels to grieve and destroy the faithful people of the said counties, dutchy, and seigniories against law, reason, and conscience, and the foresaid persons, goods, and chattels so taken, bring and carry out of the counties, dutchy and seigniories foresaid, where they be taken, to divers other places in *England* and *Wales*: and many times for taking of such distresses, and in resistance of them, great assemblies of people, riots, maims, and murders, be made and had, and if it be not hastily remedied other inconveniencies be like thereof to pursue: of which takings, bringings, and carryings in this behalf no punishment is, wherefore the people of the said parts daily abound and increase in evil governance: our said sovereign lord the King, willing to remedy the premisses, by advice, assent, and authority foresaid hath ordained and stablished, That if any person take any goods, chattels, or person in any of the said counties, dutchy, or seigniories, and them bring or carry to any places out of any of the said counties, dutchy or seigniories, in which they be taken, to any other places, that all manner of such takings, bringings, or carryings, shall be had and judged felony: and if any person thereof be duly attainted in any manner, that he shall have execution as a felon should have: and that no manner of person in the said counties, dutchy, or seigniories, nor in none other places in *Wales*, arrested, accused, or indicted of felony in any manner shall be admitted to disclaim out of the said county, dutchy, or seigniorie, where he is so indicted, accused, or arrested. Provided always, That no person shall be indamaged nor grieved by this ordinance, for taking within his fee, or for any manner of cause wherefore distress or taking is lawful by the common law of *England*, this ordinance to endure for five years.

CAP. V.

The penalty of the officers of the customs, which by colour of their offices shall distrain any man's ships or goods.

ITEM, *Whereas divers waterbailiffs, searchers, comptrollers of the search, and other their deputies and servants within the ports of this realm, and specially within the ports of Fowey, Plymouth, Dartmouth, and Pool, by colour of their offices daily do wrongfully take, by constraint of distresses and arrests upon the ships, barges, balengers, and other vessels, goods, and merchandises of the King's liege merchants of this said realm, and among all other upon the King's liege merchants of Gascony, Guyen, Ireland, Guernsey and Jersey, in their coming and going in the said ports, great charges and impositions, that is to say, for every piece of crescloth iv. d. for every hundred of canvas vi. d. for the weight of every tun of iron xii. d. and sometime more, and likewise of all other goods and merchants of the said liege people, and other merchandises of the King's amity;* (2) *and by such wrongful distresses, arrests, charges, and impositions, they do discourage the said merchants freely to come into this said realm, and to return, contrary to all law and conscience, to the great prejudice of our said lord the King, in loss of his customs and subsidies, and to the great damage of the said merchants and their successors, unless due remedy thereof be had in the same;* (3) *by advice, assent, and authority aforesaid, it is ordained and established, That the said merchants, and their successors, and every of them, of all such injuries, distresses, arrests, charges,*

ITEM come diverses baillifs de leaues sercheours countroullours du serche & autres leur deputees & servauntz dedeins les portes de cest roialme & en especial dedeins les portes de Fowey Plymmouth Dertmouth & Pole par colour de leur offices torceoument chargeont & priegnont ore de jour en autre par dureste de distresses & arestes sur les niefs barges ballengers & autres vesseaulx biens & merchaundises des lieges du Roy merchauntz de cest dit roialme et entre toutz autres sur les lieges du dit Roy marchautz de Gascoigne Guyan Irland Gernesey & Gersey en lour venaunt & alant en les ditz portz graundz chargez & impositions cestastavoit pur chescun pece de crececloth iiij. d. pur chescun centz de canvas vj. d. pur pois de chescun tonell de ferre xij. d. & ascune foitz plus & semblablement de toutz autres biens & merchaundises de les ditz lieges & dautres merchauntz damitee nostre dit souveraigne seignurle Roy et partiex enjuriosez destressez arestes charges & impositions empechent les ditz merchauntz franchement a venir en cest dit roialme et a passer encoutre toutz leyes & conscience outre toutz custumes & subsidies duez a nostre dit seignour le Roy en anientifment des ses ditz custumes & subsidies & en grand damage & arerisment de les ditz merchauntz & lour successours sinon du remedie ent ne soit eue par

The remedy when an officer of the customs doth make any distresses or arrest upon any ships for an unlawful cause.

par advis affent & auctorite defuisditz ordeignez est & establez qe les ditz merchauntz leur successeurs & chescun deux de toutz tiels enjuries distresses arestes chargez & impositions desuis recitez affaires a eux ou a ascun deux sibien par tielx baillifs del eaus sercheours & countrollours de serche come par collectours des ditz custumes & subsidies countrollours de les mesmes surveiors des custumes & subsidies & du serche pakkers ou ascuns autres officers leur deputees ou servauntz par leur commaundment ou ascun deux enapres peussent avoir sur ceo general bref de trespas encountre tielx meffaisours & chescun deux selonc la fourme de ley & a recouperer encountre ceux & chescun deux ensi de ceo convictz xl. li' & qe lez ditz merchauntz leur successeurs & chescun deux ensi grevez come devaunt est dit pursueroent & pursuera le dit brief de trespas encountre les ditz meffaisours & chescun deux de tielx enjuries distresses arestes charges & impositions ainsi affaires come devaunt est dit dedeins deux mois profchein apres tielx enjuries distresses arestes charges & impositions affaires par eux ou ascun deux come devaunt est dit et en cas les ditz merchauntz leur successeurs ou ascun deux ne pursuent mie le dit brief de trespas de tielx enjuries distresses arestes charges & impositions defuisditz encountre les ditz meffaisours ne null deux dedeins les ditz deux mois qe lors il lirra a chescun autre persone de les lieges du Roy a pursuer le dit brief de trespas de tielx enjuries distresses arestes charges

ges, and impositions afore recited, to be made to them, or any of them, as well by such waterbailiffs, searchers, and comptrollers of the search, as by collectors of the said customs and subsidies, comptrollers of the same, surveyors of the customs and subsidies, and of the search-packers, or any other officers, or their deputies or servants by their commandment, or any of them hereafter, may have thereupon a general writ of trespass against such offenders, and every of them, according to the form of the law, and to recover against them, and every of them thereof so convicted, forty pounds; (4) and that the said merchants, their successors, and every of them so grieved as afore is said, shall pursue the said writ of trespass against the said offenders, and every of them for such injuries, distresses, arrests, charges, and impositions so to be made as afore is said, within two months next after such injuries, distresses, arrests, charges and impositions to be made by them, or any of them, as before is said; (5) and in case that the said merchants, their successors, or some of them, do not pursue the said writ of trespass of such injuries, distresses, arrests, charges, and impositions aforesaid against the said offenders, nor any of them, within the said two months, that then it shall be lawful to every other person of the King's liege people to pursue the said writ of trespass of such injuries, distresses, arrests, charges, and impositions, to be made as is aforesaid, against all such offenders, and every of them, according to the form of the law,

3 Ed. 1. c. 26.

and

and to recover againſt them, and every of them thereof ſo convicted, forty pounds, the King to have the one half, and he or they which will purſue, the other half.

ent lune moitee & il ou ilz qi lautre moite.

& impositions affaires come devaunt eſt dit encounter toutz tielx meffaiſours & cheſcun deux ſolonc la fourme de ley & a recoverer encounter ceux & cheſcun de ceux enſi dent convictz xl. li. le Roy davoit purſuer vorroiet ou vorroient

Statutes made at *Westminster*, Anno 29 HEN. VI. and *Anno Dom.* 1450.

OUR ſovereign lord King Henry the Sixth after the conquest, at his parliament holden at Westminster in the feaſt of St. Leonard, the nine and twentieth year of his reign, by the advice and aſſent of the lords ſpiritual and temporal, and at the requeſt of the commons in the ſame parliament aſſembled, and by the authority of the ſame, hath ordained and ſtabliſhed divers ordinances and ſtatutes in the form which followeth.

NOSTRE ſovereigne feignur le Roy Henry puis le conquete ſime a ſon parlement tenuz a Weſtm' en le feſt de Seint Leonard lan de ſon reigne vint noveſime del advis & aſſent des feignurs eſpirituelx & temporelx & a la requeſt des communes en meſme le parlement aſſemblez & par lauctorite dicell ad ordeignez & eſtabliez diverſes ordenaunces & eſtatutz en la fourme qe enſeute.

CAP. I.

John Cade attainted of treason, and his lands, tenements, &c. given to the King, and his blood corrupt.

Ex edit. Raſt.

FIRST, Whereas the falſe traitor *John Cade*, naming himſelf *John Mortimer*, late named captain of *Kent*, the vii. day of *July*, the xxviii. year of the reign of our ſaid ſovereign lord the King at *Southwark* in the county of *Surry*, and the ix. day of *July*, the aforeſaid year of the reign of our ſaid ſovereign lord the King at *Deptford* and *Rocheſter* in the county of *Kent*, alſo at the town of *Rocheſter* aforeſaid, and elſewhere, the x. and xi. day of *July* then next enſuing within the realm of *England*, falſely and traitorouſly imagined the King's death, deſtruction and ſubverſion of this realm, in gathering and levying a great number of the King's people, and them exciting to make inſurrection againſt the King falſely and traitorouſly in the places aforeſaid, at the times before recited, againſt the King's royalty, crown, and his dignity, and there and then made and levied war falſely and traitorouſly againſt the King and his highneſs: and though he be dead and miſchieved, yet by the law of the land not puniſhed: our ſaid ſovereign lord the King conſidering the premiſſes, to put ſuch traitors

traitors in fear in time coming, and for saving of himself and of his realm, by advice of the lords spiritual and temporal in the said parliament assembled, and at the request of his commons, hath ordained by the authority of the said parliament, That he shall be of these treasons attainted, and that by the same authority he shall forfeit to the King all his goods, lands, and tenements, rents, and possessions, which he had the said eight day of July, or after, and his blood corrupt and disabled for ever, and to be called a false traitor within the said realm for ever.

C A P. II.

A confirmation of the statute of 2 Hen. V. stat. 1. c. 6. ordained against them which break truces and safe conducts, and appointing conservators of the same.

ITEM, It is ordained and stablished, That the statute made the second year of the said late victorious and noble King *Henry*, father to our sovereign lord the King that now is, of the breakers of truce and safe conducts upon the main sea and other places, shall be in his force and confirmed. Joining to the same, that the chancellor of *England* for the time being, calling to him one of the chief justices of the one bench or of the other, shall have like power as the conservators and other commissioners in the same statute specified have: saving, where it is contained in the same statute, that if he or they, upon whom complaints shall be made, do not appear of a certain time, as is there contained, that then a *Capias* and *exigend* shall be awarded against him or them, upon whom such complaint is made, as well to the sheriff of the county, of the which they be supposed to be, as to the sheriff of the said county, where the said complaint shall be made: it is ordained in this present parliament, That he shall award a writ of *Capias* to the sheriff of every of the said counties, commanding him upon pain of a hundred pounds to make open proclamation in the five counties continually, that the party or parties, upon whom he hath complained shall appear at a certain day contained in the same writ, before the said chancellor, if the complaint of the premisses be made before him after the form contained in the said statute. And if they appear not at the same day, that then they shall be attainted and convict to the party so complaining of the offences in the said complaint specified. And that the said party complainant shall be preferred to have execution before any seisin had for the King in this behalf, notwithstanding that they so making default be attainted of treason. And it is ordained, that no person, which appeareth upon any such complaint or writ to be awarded, shall incur the pain against our sovereign lord the King of treason contained in the said statute. Provided also, if any person, against whom such writ or proclamation shall be awarded, be out of this realm by feat of merchandise, or in the King's service by his commandment, at the time of the first proclamation made upon such writs, that then the same person shall not be indamaged by this act, so that he appear personally before the King in his chancery

Truce.
Safeconducts.

Sheriff.

within a month next after his coming into this realm, to answer to such complaints. Provided also, That no owner, victualer, nor letter forth of any ship or vessel, which shall not be party to any such offence, nor procurer, counsellor, nor abettor to the doing thereof, nor knowing nor willingly receiving nor taking any part of the goods so robbed or spoiled upon the sea, shall be indamaged by this act. And that this ordinance shall begin and shall be in his force the first day of this present parliament and not before, and shall endure by five years next ensuing. And that no charter of pardon hereafter to be granted shall be allowable to any person or persons for any offences done contrary to the said statute.

CAP. III.

All letters patents granted to the citizens of York to exempt them from certain offices, shall be void. The penalty of a citizen who shall purchase such exemption.

York.

Letters patents.

ITEM, Whereas great inconveniencies and damages have come now of late in the city of York, and more in time to come be like to happen, if provision thereof be not had: for that divers and certain persons, citizens of the said city, have purchased and gotten of our sovereign lord the King several letters patents, thereby to be exempted of the offices and occupations of mayoralty, sheriff, chamberlain, collector of dimes and quinzimes, and citizen of the said city to come to the parliaments of our sovereign lord the King and his heirs within the said city: our said sovereign lord the King, considering the premisses by advice and assent aforesaid, hath ordained and stablished, That all such letters patents granted or to be granted to any person or persons, now citizens of the said city, or which in time coming shall be made, shall be void, and of none effect. And moreover, That if any citizen of the said city now being, or which in time coming shall be, do purchase, admit, take, or get any such letters patents, thereby to be exempt of any of the offices or occupations aforesaid, within the same city, shall forfeit forty pounds, the one half to our sovereign lord the King, and the other half to the mayor and citizens of the said city and their successors. And that the mayor for the time being and his successors may and might have and maintain an action of debt, to demand the said forty pounds against every of the said person or persons, purchasing, admitting, taking or getting such letters patents of exemption, the one half of the said forty pounds so recovered, to be to the use of our said sovereign lord the King and his heirs, and the other half of the said forty pounds to be to the use of the mayor of the said city for the time being, and of the citizens of the same city and their successors. And that in such actions of debt hereafter to be pursued, the parties defendants in no wise shall be admitted to their law.

Statutes made at *Reading*, Anno 31 HEN. VI.
and *Anno Dom.* 1452.

AU parlement tenuz a Red-
yng le fisme jour de Mar-
che lan du reigne nostre seig-
neur le Roy *Henry* vjme puis le
conquest xxxjme mesme nostre
seigneur le Roy del advis & as-
sent des seignurs espirituelx &
temporelx & lez communes
esteantz en le dit parlement &
par auctorite de mesme le par-
lement fist ordeigner & estab-
lier divers ordenaunces & esta-
tutes en les maner & fourme
ensuantez.

AT the parliament holden at
Reading the sixth day of
March, the one and thirtieth year
of the reign of our l. rd King
Henry the Sixth after the con-
quest, the same our lord the King,
by the advice and assent of the
lords spiritual and temporal, and
the commons being in the said par-
liament, and by authority of the
same parliament, hath made, or-
dained, and stablished divers acts
and statutes in the manner and
form following.

CAP. I.

*John Cade shall be adjudged a traitor, and all indictments
and acts done by his authority shall be void.*

FIRST, Whereas the most abominable tyrant, horrible, Ex edit. Raff,
odious, and errant false traitor *John Cade*, calling and nam-
ing himself sometime *Mortimer*, sometime captain of *Kent*,
which name, fame, acts, and feats be to be removed out of the
speech and mind of every faithful christian man perpetually:
falsely, and traitorously purposing and imagining the perpetual
destruction of the King's said person, and final subversion of
this realm, taking upon him royal power, and gathering to him
the King's people in great number by false subtil imagined
language, and seditiously made a stirring, rebellion, and insur-
rection under colour of justice for reformation of the laws of the
said King, robbing, slaying, and spoiling great part of his faith-
ful people: our said sovereign lord the King, considering the
premisses, wjth many other which were more odious to remem-
ber, by advice and assent of the lords aforesaid, and at the re-
quest of the said commons, and by the authority aforesaid, hath
ordained and stablished, That the said *John Cade* shall be reputed,
had, named, and declared a false traitor to our sovereign lord
the King, that all his tyranny, acts, feats, and false opinions shall
be voided, abated, adnulled, destroyed, and put out of remem-
brance for ever. And that all the indictments, and all things
depending thereof, had and made under the power of tyranny,
shall be likewise void, adnulled, abated, repealed, and holden for
none. And that the blood of none of them be thereof defiled
nor corrupted, but by the authority of the said parliament
clearly declared for ever. And that all indictments in time
coming, in like case under power of tyranny, rebellion, and stir-
ring had, shall be of no record nor effect, but void in law.

And all the petitions delivered to the said King in his last parliament holden at *Westminster* the sixth day of *November*, the nine and twentieth year of his reign, against his mind by him not agreed, shall be taken and put in oblivion out of the remembrance undone, voided, annulled, and destroyed for ever, as a thing purposed against God and conscience, and against his royal estate and preeminence, and also dishonourable and unreasonable.

CAP. II.

The penalties for those who shall disobey the King's writs, &c. or not appear before his council when warned by proclamation.

¶ Inft. 82.
1 Mod. 61.

Privy seal.

Chancellor
of England.

Sheriff.

ITEM, Forasmuch as the King our sovereign lord before this time, upon certain suggestions and complaints made as well to him as to the lords of his council, upon divers persons of this his realm, for great riots, extortions, oppressions, and grievous offence by them done against his peace and laws, to divers of his liege people, hath given in commandment, as well by his writs under his great seal, as by his letters of privy seal, to appear before him in his chancery, or before him and his council at certain days in the same writs or letters contained, to answer to the premisses: which commandments be, and many times have been disobeyed, in contempt of the King our said sovereign lord, and to the great hindrance, damage, and delay of his said complainants in this behalf: our said sovereign lord the King, considering the premisses, by the authority afore said, hath ordained, enacted, and stablished, That if any such writ or letters of privy seal hereafter directed to any person to appear before him or his council (as afore is said) there to answer to any of the premisses, and then the same person refuse to receive such writ or letters, or them despise, or absent or withdraweth himself for this cause, and come not, and keep not the day of appearance given to him by the said writ or letters of privy seal, and that duly certified and known to his council, that then the chancellor of *England*, for the time being, shall have power by the said authority, to cause a writ or writs of proclamation to be directed to the sheriff of the county, where the person so refusing to receive such writs or letters, or them despising, or absenting or withdrawing him for this cause, is dwelling or conversant, or into the county next adjoining, and to the sheriffs of *London* for the time being, giving to the said sheriffs severally in commandment by himself, that they upon pain of forfeiture of two hundred pounds shall make open proclamation in the shire-town of the same county, and in the said city, by three several days immediately after the said writ or writs shall be to them delivered, that such person, to whom such writ or letters of privy seal shall be directed as afore is rehearsed, shall appear before the King's council, or before the chancellor of *England* for the time being, within a month next after the said last day of proclamation:

clamation: and shall return the said writ or writs of proclamation before the King in his chancery within seven days after the said third day of proclamation, upon the said pain of two hundred pounds. And if he make default, and do not appear within the said month, the said writ or writs duly proclaimed in the said shire-town and city, and the King's council truly certified of the said proclamation in such form executed, that then if such person be of the state of a lord, as a duke, marquis, earl, viscount, or baron, he shall lose and forfeit all offices, fees, annuities, and other possessions that he or any man to his use hath of the gift or grant of the King, or of any of his progenitors made to him or any of his ancestors. And that then the said chancellor for the time being, shall do to be made another writ or writs of proclamation, to be directed to the said sheriffs of the said counties and city for the time being, to make open proclamation and return of the same writ or writs, upon the same pain as afore is specified and ordained upon the said first writ of proclamation. And if he make default, and do not appear at the day to him limited by the said last writ or writs of proclamation, that then he shall lose and forfeit his estate and name of lord, and his place in the parliament. Provided, That the said forfeiture of offices, fees, annuities, and other possessions, and also of the said estate and name of lord and place, shall extend but only for term of life of him or of them, which by the authority of this act shall forfeit the said offices, fees, annuities, possessions, state, name, and place, or any of them, in the form aforesaid. And if any lord of the said estates of a duke, marquis, earl, viscount, or baron, having nothing of the King's grant nor of his progenitors, do disobey (as afore) after the said proclamation in manner and form aforesaid, made, returned and certified: then he shall forfeit for term of his life to the King his name and estate of lord and place in the parliament, and also all the lands and tenements which he hath or any other to his use hath. And that every other person under the state of a lord, having livelyhood, or to whose use any other person or persons have any livelyhood, if he appear not within the month after the proclamation made by virtue of the first writ or writs, he shall make a fine after the discretion of the two chief justices of his bench, and of his common bench for the time being. And that every other person, having no livelyhood, nor none other person to his use, so making default, shall be put out of the King's protection. Provided always, That if any of the King's liege people, named in the said writs or letters, be not within this his realm at the time of any of the said writs delivered and returned, nor absent him within the said realm, and also if the person or persons against whom such writs of proclamation hereafter shall be awarded, be so grievously vexed or troubled by infirmity of sickness, or otherwise, such persons be imprisoned without fraud or male engine, or that they be so feeble for age, that they may not labour in their proper persons, so that such dwelling out of the realm, feebleness, or sickness, imprisonment, and debility of

age be sufficiently and duly proved by just and indifferent examination before the lords of the King's council, they shall not be endamaged by this act. Provided also, That no matter determinable by the law of this realm, shall be by the same act determined in other form than after the course of the same law in the King's courts having determination of the same law. This act to begin and take effect the first day of *May*, the two and thirtieth year of the reign of the said King, of all disobediences to be made after the same first day, and of no disobediences before this day made, and to endure for term of seven years: and that this present act shall be proclaimed by the sheriff of every county of his land in every market town within the same county, before the feast of the nativity of Saint *John Baptist* in the said two and thirtieth year.

C A P. III.

Attachments in the east and west marches shall be made in Cumberland, Westmerland, Northumberland, and the town of Newcastle only.

Attachment.

Warden
courts.

ITEM, Forasmuch as the wardens of the marches adjoining to *Scotland*, called the East-march and the West-march, have used by their ministers to make attachments, and to attach men by their bodies in the counties of *Northumberland*, *Cumberland*, and *Westmerland*, and in the town of *Newcastle upon Tyne*, and in none other places, to answer to indictments taken in the courts called warden courts of the said marches, for attempts supposed to be done against the virtue of the truce within the said counties and town: and now of late the ministers and officers of the said courts, sometime for the singular lucre, and sometime for malice that they have borne to certain persons, have attached and taken upon them daily to attach divers persons well governed by their bodies, as well in the county of *York* as in other places out of any of the said counties of *Northumberland*, *Cumberland*, or *Westmerland*, or the town of *Newcastle*: our said sovereign lord the King, considering the premisses, by the authority aforesaid hath ordained and stablished, That if any minister of any of the said courts attach any person by his body or by his goods, out of any of the said counties of *Northumberland*, *Cumberland*, and *Westmerland*, or the town of *Newcastle*, to answer in any of the said courts, or by colour or cause of any manner of presentment taken or to be taken in any of the said courts, that it shall be lawful to every person, which shall happen so to be attached, to make resistance, and not to obey any such attachment. And if any person be endamaged or grieved by any such attachment, he shall have in this behalf an action of trespass or false imprisonment against them which shall make or do to be made hereafter any such attachment, and in the same to recover treble damages, if in any of the actions the matter pleaded pass or be judged for the plaintiff in the same. And the defendant to have two years imprisonment, and moreover

to pay to the King a hundred shillings. And that the justices of peace in their sessions of the peace, sheriffs in their turns, and also stewards of leets in their leets, by them to be holden, shall have power to enquire of all such attachments made or to be made out of the said counties of *Westmerland, Cumberland, or Northumberland*, or the town of *Newcastle*, and therein and upon the same to do and proceed as they may do and proceed upon presentments taken before them in their sessions of peace, turns, or leets, of trespasss or of frays made against the King's peace.

Repealed by
4 Jac. 1. c. 1.

CAP. IV.

The remedy for him who having a safe conduct is robbed upon the sea.

ITEM nostre dit soverayne seignur le Roy par auctorite desuisdit ad ordeigne & establie qe si ascun de sez subgiertz attempt ou offende sur le meer ou en ascun port dedeins le dit roialme soubz lobeisaunce du Roy encountre ascun persone ou persones estranges esteantz sur le meer ou en ascun port desuisdit per voye damyte liege ou treues ou par force du saufconduyt ou saufgarde du Roy en ascun manere & en especiall en attachant dascun tiel estraunge persone robbant ou despoilant de luy de nief ou ascuns autres maners des biens ou encountre ascun autre persone de son liege poeple le chaunceller dEngleterre pur le temps estant come pur la deliveraunce dascune tiel persone issint attache destre ewe et come pur restitution affaire a chescun tiel persone ensi robbe ou dispoile de nief ou biens ou de la value ent eit auctorite appellant a luy ascun des justices de lune ou de lautre bank sur bille ou billes du compleint fait a luy en cest partie pur faire autiell processe hors de la dit chauncellerie si bien encountre toutz tielx offendours a les amener en la chauncerie du Roy illeokes a respoundre as parties issint greves en cest partie come encountre

ITEM our sovereign lord the King, by authority aforesaid hath ordained and established, That if any of his subjects attempt or offend upon the sea, or in any port within the said realm, under the King's obeisance, against any person or persons strangers, being upon the sea, or any other port aforesaid by way of amity, league, or truce, or by force of the King's safe conduct or safeguard in any wise, and especially in attaching of any such strange person, robbing or spoiling of him, his ship, or any other manner of goods, or against any other person of his liege people; the chancellor of *England* for the time being (as well for the deliverance of any such person so attached to be had, as to make restitution to every such person so robbed or spoiled of ship or goods, or of the value thereof) shall have authority, calling to him any of the justices of the one bench or of the other, upon a bill or bills of complaint to him made in this behalf, to make such process out of the said chancery, as well against all such offenders, to bring them into the King's chancery, there to answer to the parties so grieved in this behalf, as against any other

3 Bulstr. 28.

By what means he shall have remedy, who having the King's safe conduct, is robbed upon the sea by any of the King's subjects.

other person or persons to whose hands any such person so attached, ship or goods shall come, as for the delivery and restitution by them to be made of the same person, ship, and goods, as shall seem to the same chancellor most expedient and necessary. (2) And upon this process so made out of the said chancery, the said chancellor further to proceed in this matter, if the case do so require, by advice of any such justice, to make the person and persons strangers so grieved to have full delivery and restitution of any such person so attached, and of all such ships and goods, and also of all their costs, expences, and losses disbursed and suffered by them in this behalf, and thereupon to award all manner of execution out of the said chancery, in such sort as shall seem to the said chancellor most expedient and necessary for such delivery and restitution to be had, calling to him any such justice as afore is said. This act to begin and take effect the first day of *May*, the two and thirtieth year of the said King.

24 Ed. 4. c. 4.

countre aucun autre persone ou persones as quelx mains aucun tiel persone issint attache nief ou biens ferra ou ferount venuz come pur deliveraunce & restitution par eux affaires de mesmez les personenief & biens come semblera a mesme le chaunceller plus expedient & necessarie. Et sur telle processe ensi fait hors de la dit chauncellerie le dit chaunceller plus avant a proceder en cell matier si le case ensi requiert par advis dascun tiel justice de faire la persone & persones estranges issint greves davoit pleyn deliveraunce & restitution dascun tiel persone ensi attache et de toutz tielx niefs et biens et aussi de toutz leurs costes expences & deperdes faitz & suffrez par eux en cest partie et tout maner dexecution sur ceo de faire hors de la dit chauncerie en tiel fourme come semblera au dit chaunceller plus expedient & necessarie pur tiel deliveraunce & restitution destre euez appellant a luy aucun tiel justice come devant est dit. Cest acte a commencer & prendre effect le primer jour de Maij lan du dit Roy xxxij.

CAP. V.

No customer, comptroller, &c. shall have any estate certain in his office.

17 R. 2. c. 5.

Tronour.

4 H. 4. c. 24.

ITEM, *Whereas it was ordained by a statute made in the time of King Richard the Second, That no searcher, gauger of wines, aulneger, finder*, weigher, collector of customs and subsidies, or comptroller, shall have estate in his office for term of life, or for term of years, but that the said offices shall remain under the government of the treasurer of England for the time being;*

ITEM *qe come estoit ordeigne par lestatute fait en le temps du Roy Richard se-cund qe null sercheour gaugeour vel vyne aulnour tronour poisour collectour des custumes & subsidies ou countrollour a-veroit estate en son office pur terme de vie ou terme des ans mes qe les ditz officez demur-roient desoubz la governaunce du tresorer d'Engleterre pur le temps*

temps esteant auxi estoit ordeigne par lestatut fait en temps du Roy Henry le quart qe launage de draps deins cest roialme poet estre commis a ferme ou en approvement selonc ladvis du tresorer dEngleterre pur le temps esteant come en les ditz estatutez plus plainement soit declare unqore ceo nient obstant diversez persones ont opteigne lettres patentes du Roy des ditz offices & aulnage ascuns pur terme de vie & ascuns pur terme des ans au grande prejudice du Roy & du people & encoutre lez ditz estatutez. Nostre dit seignur le Roy considerant les premisses ad ordeigne par auctorite desuisdit qe toutz lettres patentes faitz dascun des ditz offices ou aunage al ascun persone encoutre leffectes de les ditz estatutez soient voides & de null force. Et qe nullz lettres patentes dascun des ditz offices ou aunage soient faitz en apres mes par garrant de bille enseale par le tresorer dEngleterre pur le temps esteant envoiez par luy en la chauncellerie come il ad este accoustume devaunt cest temps.

Et qe toutz lettres patentes faitz ou affaires en apres des ditz offices ou aulnage par autre garraunt qe par bille du tresorer soient voidez & de null effect. Purveu toutz foitz qe cest acte nextende pas ne soit prejudiciall ne damageous a nostre soverayn dame la Roigne le prince le duc de Buk' as enheriters de Henry jades duc de Warr' ne as maire & communalte de Loundres ne as les maire baillifs & communalte de cite de Wynchestre come a ascune graunte ou grauntes dimise ou dimises del aulnage ou ascun graunte

being; (2) and where it was ordained by the statute made in the time of King Henry the Fourth, That the aulnage of cloths within this realm may be committed to ferm, or in approvement, according to the direction of the treasurer of England for the time being, as in the said statutes more fully is declared; (3) yet that notwithstanding divers persons have obtained the King's letters patents of the said offices and aulnage, some for term of life, and some for term of years, to the great prejudice of the King, and of his people, and contrary to the said statutes: (4) Our said lord the King considering the premisses, hath ordained by the authority aforesaid, That all letters patents made of any of the said offices or aulnage to any person, against the effect of the said statutes, shall be void, and of no force; (5) and that no letters patents of any of the said offices, or aulnage, shall be made hereafter, but by warrant of bill sealed by the treasurer of England for the time being, sent by him into the chancery, as it hath been accustomed before this time.

II. And that all letters patents made, or to be made hereafter, of the said offices or aulnage, by other warrant than by bill of the treasurer, shall be void, and of no effect. (2) Provided always, That this act shall not extend, nor be prejudicial nor hurtful to our sovereyn lady the Queen, the prince, the duke of Buckingham, to the inheriters of Henry late duke of Warwick, nor to the mayor and commonalty of London, nor to the mayor, bailiffs, and commonalty of the city of Winchester, as to any grant

Dyer, 303.
Hob. 214.

4 Inst. 112.
No customer, comptroller, aulneger, searcher, &c. shall have any estate or certainty in his office.

grant or grants, demise or demises of the aulnage, or any grant or grants of any sum or sums of money of the ferm of the aulnage, to them granted, made, or confirmed, nor to any comptroller having any offices out of the King's ports, nor to *John Penycok* esquire, nor to *Gyles Seinclo* esquire, nor to any of the King's or Queen's household servants, of any grant or grants of any office or offices to them made before this time, with the fees and wages of old time due and accustomed.

14 R. 2. c. 10.
17 R. 2. c. 5.
1 H. 4. c. 13.

graunte ou grauntes dascun somme ou sommes de money del ferme del aulnage a ceux grauntez faitz ou confermez ne a null countroller eiant aucunes offices hors du portes du Roy ne a Johan Penycok esquier a Gyles Seinclo esquier ne a ascun des meniall servauntes du Roy ne servauntes du Roigne dascun graunte ou grauntes dascun office ou offices fait a ceux devaunt cest temps ove les fees & gages de launcien temps duez & accustomed.

CAP. VI.

The statute of 20 Hen. VI. c. 2. touching the forfeiture of them which be outlawed in the county of Lancaster, made perpetual.

Ex edit. Raft.

Outlawry.

County of Lancaster.

Repealed by
33 H. 6. c. 2.

ITEM, Whereas at the parliament holden at *Westminster* the twentieth year of the King that now is, it was ordained by authority of the same parliament, That no person of the King's liege people, against whom any *Exigend* shall be awarded or outlawry pronounced at the King's suit, or at the suit of the party in time to come in the county of *Lancaster*, shall forfeit any of his goods or chattels, lands or tenements in any other county, but all only the goods or chattels, lands and tenements, which the persons so outlawed, or they against whom such *Exigend* shall be awarded in the said county of *Lancaster*, have in the same county. And by reason of any such outlawry at the King's suit, or at the suit of any other person pronounced within the said county of *Lancaster*, he shall not be forebarred nor disabled of any manner of action, nor to claim any manner of inheritance out of the same county, nor disabled to pursue any manner of action out of the same county, notwithstanding such outlawry against him pronounced, as in the said statute more fully appeareth: which statute is now expired, because it was ordained to endure but for seven years then next ensuing, which statute was profitable and necessary to the King's liege people: our said sovereign lord the King, considering the premisses, by advice and assent of the lords spiritual and temporal in the said parliament assembled, and at the request of the said commons, and by the authority of the same parliament, hath ordained and established, That the said late statute shall be in his force and virtue, taking effect and force at the last day of *March*, the thirtieth year of his reign and from that day to endure for ever.

C A P. VII.

Fees, wages, and rewards due to the King's officers, shall not be comprised within the statute of resumption made in the eight and twentieth year of the King's reign.

ITEM, Whereas in the parliament holden at *Westminster* the Resumption, sixth day of *November*, the xxviij. year of the reign of our sovereign lord the King, in the act of resumption, among other things it was ordained and established, by the authority of the same parliament, That it pleaseth him to take, resume, seise, and retain in his hands and possession all honours, castles, feignories, towns, villages, manors, lands, tenements, rents, reversions, wastes, fees, feeferms and services, with all their appurtenances in *England, Wales*, and in the marches of the same, *Ireland, Guyen, Calais*, and the marches of the same, which the said King had granted by his letters patents, or in any other manner since the first day of his reign: and that all manner of grants of rents charges or annuities made by him of the estate of inheritance for term of life or for term of years to any person or persons, to be taken of any of the premisses, or of his customs or subsidies or aulnage, or of the hamper, or to or in his receipt, or otherwise or in any other place or any of them, or of the profits coming of them or any of them, within his realm of *England, Ireland, or Wales, Guyen, Calais*, and in the marches of the same, shall be void and of none effect as in the said act of resumption more fully is declared. And forasmuch as doubt and ambiguity is had, what fees, rewards, wages, profits, and other things, belonging and of old time pertaining to these offices in the times of his noble progenitors, shall be resumed, retained, in the King's hands or void by virtue of the said act or not: for a certain and full declaration thereof, our sovereign lord the King, at the request of his said commons, by the authority aforesaid, hath ordained, That the said act and ordinance of resumption shall not be prejudicial to any of his officers, of any fees, wages, rewards, or profits due or pertaining to such officers as were the first day of his reign or before, because of such offices or occupations. And that the said fees, wages, rewards, and profits, shall not be comprised within the said act of resumption at the time of the making of the same act, nor after, nor within any other act or ordinance made in his said parliament: but that all such wages, fees, rewards and profits shall be and remain to all and every such offices and occupation, as they were the first day of his reign or before, any act of resumption, statute, ordinance or provision, or any other act made to the contrary, or any doubt or ambiguity in the same contained notwithstanding.

C A P. VIII.

A confirmation of a subsidy of wool, woolfels, and cloth transported, granted by a statute ordained 31 Hen. VI. not printed.

Poundage.

ITEM, Whereas in the said parliament commenced at *Reading* the sixth day of *March*, the xxxj. year of the said King, and adjourned to *Westminster* till the xiiij. day of *February*, a subsidy called poundage, was granted to the said King, that is to say, of all manner of merchandise of every merchant denizen and alien, as well of merchants of *Hanse* and *Almaine*, as of any other merchant alien, carried out of this realm, or brought into the same by way of merchandise, of the value of every xx s. xii d. to have to him at the third day of *April* next coming for term of his life natural, with a certain exception in the same grant specified, by force of which act the King's subjects merchants denizens of this realm, shall be chargeable to pay to the King xii d. of the value of xx s. of all their woolen cloths passing out of the same, after the said third day of *April*, which shall be to them very great importable charge, and impoverishment of a great part of the poor people of this realm, and peradventure cause of restraint and impediment of utterance of all manner of woolen cloths made within the same: which shall cause by process of time few cloths to be made in the said realm: and thereupon great idleness amongst his poor liege people, and a mean of destruction of his navy, and shall cause the wools to be of less value, to the great destruction of the growers of the same. And moreover in the said parliament, the said vj. day of *March*, a certain subsidy of wools and woolfels was granted to the King, that is to say, of every merchant denizen for the subsidy of every sack of wool xliij. s. iiij. d. and of every CC. xl. woolfels xliij. s. iiij. d. to have to him for term of his life natural, at the third day of *April*, as in the act of the grant thereof made in the same parliament more fully appeareth: wherefore the poor subjects merchants of the staple of *Calais*, shall be compelled after the said third day of *April*, to pay to the King of every sack of wool and of every CC. xl. woolfels x. s. more by way of subsidy than they have been accustomed to pay in any days of the reign of the said King: which charge being to them importable, is likely to be the cause that they shall not be of power to buy or ship any great quantity of wools of this realm, to be had to the said staple, whereof shall ensue very excessive diminution and decrease of the price and value of wools and woolfels of this realm, and of the great annual revenues of the customs and subsidies, which should grow to the King of the shipping of such wools and woolfels, and to the abating of the payment of wages of the soldiers intending upon the safeguard of the town and marches of *Calais*, and also the poor growers of wools of this realm greatly impoverished. Our said sovereign lord the King will by the authority aforesaid, That every merchant denizen, his liege man
born

born within this his realm, which shall ship or carry any wools or woofels to the staple of *Calais*, or by the streights of *Marrock*, Staple of Calais. by the King's licence for such wools and woofels so shipped and carried to the said staple, or by the said streights, shall be quit and discharged of the said x. s. parcel of the said subsidy of xl. iij. s. iiij. d. granted to the King in this said parliament of every sack of wool, and of every CC. xl. woofels at the said third day of *April*, specified in the said grant, by the space of five years then next ensuing. And also that every merchant denizen shall be quit and not chargeable, by virtue of the said grant of subsidy of xii. d. of the value of every xx s. of all manner of woolen cloths, by them or any of them to be had out of this realm, to any parts beyond the sea, at the said third day, by the space of three years then next ensuing.

CAP. IX.

A remedy for a woman inforced to be bound by statute or obligation.

ITEM qe come en touz parties de cest roialme divers gens de poair moevez de insatiable covetyse encountre tout droit gentilnes verite & bone conscience ont labores & trovez novelx inventions & eux asseduoufment executes a lendaungeraunce trouble & mauvailx traier de toutz damez gentilx femmes & autres femmes esteantz soulz eiantz aucune substaunce des terres tenementes ou autres moebles biens deins cest dit reame entendauntz la graunte innocencie & simples de eux voillent prendre ceux par force ou autrement veinent a eux ressemblauntez estre lour tresgraundez amis promettantz eux leur foiall amite et issint par grande dissimulation ou autrement gaignent eux en lour possession conveiauntz eux en autielx lieux ou lez ditz meffieurs sount de plus poiar et qant aucuns femmes par tielx moiens ou par aucune autre moien font en leur governaunce la dit mauvailx dispose persone ou personnes ne voillent souffrir eux daler

ITEM, *Whereas in all parts* 3 Inst. 60. of this realm divers people of great power, moved with unsatiable covetousness, against all right, humanity, integrity, and good conscience, have sought and found new inventions, and them continually do execute, to the danger, trouble, and great abusing of all ladies, gentlewomen, and other women sole, having any substance of lands, tenements, or other moveable goods within this realm, perceiving their great weakness and simplicity, will take them by force, or otherwise come to them, seeming to be their great friends, promising them their faithful friendship, and so by great dissimulation, or otherwise, get them into their possession, conveying them into such places where the said offenders be of most power; (2) and when any women by such means, or by any other means be in their government, the said evil disposed person or persons will not suffer them to go at large, and be at their liberty, until that they will bind themselves to the said offenders, or other person or persons to their use, in great sums, by obligation

tion or obligations, as well simple as conditional, or by obligation or obligations of statute-merchant, made before a mayor or bailiff, having power to take such recognisances.

II. *Also they will many times compel them to be married by them, contrary to their own likings, or otherwise they will levy the said sum or sums on their lands and goods, and put their person or persons in danger, to their great damage, which hath been, and is like to be an universal prejudice to the law of holy church, and the law of this realm, unless due remedy thereupon be provided.*

(2) Our said lord the King, considering the premises, hath ordained and established, by authority of this present parliament, That in all such cases aforesaid, the party bound may have a writ out of the chancery, containing all the matter of their unreasonable intreaty, directed to the sheriff of the county where any such offences were so done, or after shall be done, commanding him, that he, by force of this writ, make proclamation in the full county, and in the next county-court after the receipt of the said writ, that the person or persons contained in the said writ shall appear at a certain day and place prefixed in the said writ, before the chancellor of *England* for the time being, or otherwise before the justices of assise in the counties where the said offences were done, or else before some other notable person to be assigned by the chancellor of *England*, for the time being; (3) at the which day and place, if the said parties appear, that then the said chancellor of *England*, justice,

daler a large et estre a leur libertee jusques a ceo qe els voillent obliger ceux a les ditz meffaisours ou autre persone ou personnes a leur oepe en grandes sommes par obligation ou obligations sibien symplez come conditionelx ou par obligation ou obligations destatute merchaunt faitz devaunt maire ou baillif eiant poiar a prendre tielx reconisautz.

Auxi multz foitz ils voillent compeller eux destre maries par eux contrarie a leur propre desires ou autrement ils voillent faire lever la dit somme ou sommes de leur terres & biens & dendauger leur persone ou personnes a leur tresgraunde damage qe ad este & est semblable estre universall prejudice al ley del eglise & la ley de cest roialme saunz ceo qe due remedie sur ceo soit purveu. Nostre dit seignur le Roy considerant les premiffes ad ordeigne & establie par lauctorite de cest present parlement qe en toutz tielx casés desuisditz la partie oblige poet avoir brief hors del chauncerie conteignant tout la matier de leur deresonable entrainer direct al viscount del counte ou ascuns tielx offenses feurent ensi faitz ou en apres serrount faitz commandant luy qe il par force de cell brief face proclamation en le plein counte en le profchein counte puis la resceipt de le dit brief qe la persone ou personnes conteignuz en le dit brief appierge ou appiergent as certeinz jour & lieu prefixez en le dit brief devaunt le chancelier dEngleterre pur le temps esteant ou autrement devaunt les justices dez assise en lez ditz counteez ou les ditz offenses furent faitz ou autrement devaunt

A remedy for a woman that is inforced against her will to be bound by statute or obligation.

vaunt aucun autre notable persone dassigner par la chaunceller d'Engleterre pur le temps esteant as queux jour & lieu si les ditz partiez appierent que lors le dit chaunceller justice ou autre persone ensi dassignier par le dit chaunceller pur le temps esteant par vertue de cest ordenaunce face examiner dument les ditz parties sur cestez premisiez par quell examination sils poient trover la dit obligation ou obligations ou aucun de eux estre faitz tielment come desuis est dit que donque la dit obligation ou obligations & tout processe & execution suez ou a pursuers sur ceo soient voidez & de null effect. Et sil soit trove par examination devaunt eux que la dit obligation ou obligations ou aucune de eux furent faitz ou ferront trovez faitz pur verraie duete & per null tiel moien come devaunt est dit que donque la dit obligation ou obligations & tout le processe & execution suez ou a pursuers sur ceo estoient bonez & effectuelx. Et sil ensi soit que la persone ou personnes en tielx briefs nommes ou a nommers encountre quel ou quelx aucun tielx briefs en apres ferront suez facent ou face defaulte a lez jour & lieu limitez en mesme le brief ou briefs que adonques toutz tiel obligation ou obligations come soient devaunt especifiez & en le dit brief ou briefs expressez & tout maner processe & execution suez ou a pursuers sur ceo soient voidez et que le viscount ou viscountes a queux tiel brief ou briefs sur cest ordenaunce en apres destre conceps serra ou ferront directes face executer lez ditz briefs accordaunt al tenure diceux sur peine de trois centz

or other person so to be assigned by the chancellor for the time being, by virtue of this ordinance, shall duly examine the said parties upon the premises; (4) by which examination, if they can find the said obligation or obligations, or any of them, so to be made as is aforesaid, that then the said obligation or obligations, and all process and execution sued, or to be pursued thereupon, shall be void, and of no force nor effect. (5) And if it be found by examination before them, that the said obligation or obligations, or any of them, were made, or shall be found to be made, for a true duty, and by no such means as afore is said, that then the said obligation or obligations, and all the process and execution sued, or to be pursued thereupon, shall stand good and effectual. (6) And if it be so that the person or persons in such writs named, or to be named, against whom any such letters or writs hereafter shall be sued, make default at the day and place limited in the same writ or writs, that then all such obligation or obligations as be before specified and declared, and in the said writ or writs expressed, declared, and specified, and all manner of process and execution sued, or to be sued thereupon, shall be void, and of no force nor effect; (7) and that the said sheriff or sheriffs, to whom such writ or writs upon this ordinance hereafter commenced, shall be directed, shall execute the said writs according to the tenour of the same, upon pain of three hundred pounds, whereof our sovereign

The forfeiture of the sheriff which doth not execute the King's writ of proclamation.

lord the King to have the one half, and the other half to the party which shall sue the said writ of proclamation. (8) And that the said party so grieved may have an action of debt in every such case against the said sheriff, for the half of the said three hundred pounds so forfeit, with process of outlawry. (9) And that the party or parties defendants in any such action hereafter to be pursued against any sheriff or sheriffs, shall alledge no protection, nor shall wage his law, nor shall be received to make or plead any foreign plea, to be tried in any other place than there where the said writ grounded upon this statute is sued.

centz liverez dount le Roy nostre soverayn seigneur davoire lune moite & lautre moite a la partie que fuera le dit brief de proclamation. Et que la dit partie issint greve poiet avoir action de dette en chescun tiel cas encountre le dit viscount pur la moitee dez ditz trois centz liverez issint forfaitz ove processe del utlagarie. Et que la partie ou parties defendantz en ascun tiel action de cy en apres encountre ascun viscount ou viscountez a pursuers allegera null protection ne gaigera sa ley ne serra resceu affaire ou pleder ascun forein plee destretrie en ascun autre lieu que la le suisdit brief foundu sur cest ordenaunce est fuez.

Statutes made at *Westminster*, Anno 33 HEN. VI.
and *Anno Dom.* 1455.

HENRY by the Grace of God King of England and France, and lord of Ireland, the sixth after the conquest, at his parliament holden at Westminster the ninth day of July, the three and thirtieth year of his reign, by the advice and assent of the lords spiritual and temporal, and the commons of his realm of England, being in the same parliament, and by authority of the same parliament, made and ordained certain ordinances and statutes, for the common wealth of the same realm, in the form following.

HENRICUS Dei gratia Rex Anglie & Francie & dominus Hibernie post conquestum sextus ad parlamentum suum apud Westm' nono die Julii anno regni sui tricesimo tertio tentum de avisamento & assensu dominorum spiritualium & temporalium ac communitatis regni sui Anglie in eodem parlamento existentium nec non auctoritate ejusdem parlamenti quedam ordinationes & statuta pro communi utilitate ejusdem regni fieri & stabiliri fecit & ordinavit in forma sequenti.

CAP. I.

A remedy for executors against servants that embezzle their master's goods after his death.

3 Inst. 104.
Qu. If in use?
See 8 H. 6. c. 7.

FIRST, our foresaid lord the King, considering, how that

IN primis prefatus dominus Rex considerans qualiter jam-

jampridem diversi fervientes familiares tam dominorum quam aliarum personarum boni gradus cito post mortem dictorum dominorum & magistrorum suorum bona que fuerunt ipsorum dominorum & magistrorum tempore mortis eorundem violenter & riotose ceperunt dispoliaverunt & ea inter se distribuerunt in executionis voluntatis dictorum dominorum & magistrorum suorum impedimentum ac gravem Dei displicentiam nec non contra fidem & veritatem quas ipsi penes dominos & magistrorum suos habere debuissent exemplumque imposterum valde periculosum nisi debitum in ea parte provideatur remedium. Quamobrem idem dominus Rex de avifamento assensu & auctoritate predictis ordinavit & stabilivit quod post plenam informationem cancellario Anglie pro tempore existenti per executores aliquorum hujusmodi dominorum sive persone aut duos eorundem executorum factam de aliqua hujusmodi riota captura & dispoliatione factis aut imposterum faciendis per familiares fervientes dicti testatoris sui post mortem suam idem cancellarius de avifamento capitalium justiciariorum de banco ipsius domini regis & de communi banco ac capitalis baronis scaccarii pro tempore existentis aut duorum eorum habeat potestatem faciendi tot & talia brevvia dirigenda talibus vicecomitibus per eorum discretionem quot & qualia eis in ea parte videbuntur necessaria ad faciend publicam proclamationem in talibus civitatibus burgis sive villis duobus diebus mercatoriis infra duodecim dies prox' post

of late time divers household-servants, as well of lords, as of other persons of good degree, shortly after the death of their said lords and masters, violently and riotously have taken and spoiled the goods which were of their said lords and masters at the time of their death, and the same distributed amongst them, to the impediment of the execution of the will of their said lords and masters, and to the great displeasure of God, and also contrary to the duty and truth which they ought to have had towards their said lords and masters, and to a perilous example in time to come, unless due remedy in this behalf be provided. (2) Wherefore the same lord the King, by the advice, assent, and authority aforesaid, hath ordained and established, That after full information made to the chancellor of England for the time being, by the executors of any such lord or person, or two of the said executors, of such riot, taking, and spoil made, or hereafter to be made, by the household-servants of their or his said testator after his death, the same chancellor, by the advice of the chief justices of the King's bench, and of the common bench, and chief baron of the exchequer for the time being, or two of them, shall have power to make so many, and such writs, to be directed to such sheriffs by their discretion, as to them in this behalf shall seem necessary, to make open proclamation in such cities, boroughs, towns, or places, two market-days within twelve days next after the delivery of the same writs, as to the same chancellor, by the advice aforesaid, shall seem reasonable, That the said offenders shall appear

A remedy for the executors against a servant of their testators, who embezzled his master's goods after his death.

before the same our lord the King, or his heirs, in his bench, at such a day as by the said writ shall be limited, so that the said last proclamation be made by fifteen days before the same day of appearance; (3) and if any such writ be returned at the day contained in the said writ, and the writ be executed, that proclamation is thereupon had and made according to the said ordinance, and then if the said person or persons, which should appear by reason of the said proclamation, make default at the day specified in the said writ, and do not appear, then he or they so making default shall be attainted of felony.

II. And if any such persons or person do appear at the same day, then the justices of the said King's bench shall have power, by the said ordinance, to commit such person or persons, so appearing, to prison, there to remain according to the said justices discretion, until the said offenders in the said bench do answer to the said executors in such actions, which the said executors will declare against them, or any of them, by bill or by writ, for the riot, taking, and spoiling aforesaid, and that the same actions be determined; (2) so that the same actions be pursued with effect, and not slackly, to the intent to keep the same person or persons in prison.

III. And if such persons or person be set at liberty out of prison by the said justices, that then the same persons or person shall find sufficient persons to be bounden with them to the said executors, by way of recognisance in the said bench,

deliberationem eorundem brevium quibus eidem cancellario de avifamento predicto videbitur rationabile quod dicti malefactores compareant coram ipso domino Rege seu heredibus suis in banco suo ad talem diem qualis per dictum breve erit limitatus sic quod dicta ultima proclamatio per quindecim dies ante eundem diem apparitionis fiat. Et si aliquod hujusmodi breve retornatum sit ad diem in eodem brevi contentum & breve sit executum quod proclamatio superinde habita & facta ordinationi predictae concordans existat et tunc si dicte persone vel persona que comparerent vel compareret ratione dicte proclamationis ad diem in dicto brevi specificatum defaultam faciant vel faciat & non compareant vel non compareat ipse vel ipsa defaultam sic facientes vel faciens sint vel sit attinet de feloniam.

Et si hujusmodi persone vel persona ad talem diem compareant vel compareat tunc justiciarii de dicto banco domini Regis habeant potestatem per ordinationem predictam committendi talem personam vel personas sic comparentem vel comparentes prisonem ibidem juxta discretionem dictorum justiciariorum moratur quousque dicti malefactores in banco predicto prefatis executoribus respondeant in talibus actionibus quales dicti executores versus ipsos seu aliquem ipsorum per billam vel per breve priorita captura & dispoliatione predictis declarare volunt et quod eadem actiones sint determinate ita quod actiones predictae prosequantur cum effectu & non remissa ea intentione ad dictas personas vel

A gaoler's forfeiture for setting at liberty a prisoner committed to his custody by force of this statute.

by discretion of the justices, to keep such days as he or they shall have by the same court; (2) and if the keepers of the prison, whereunto the said person or persons be committed, do let them go at large out of the prison of his own authority, without the consideration and order of the said justices, then the said keeper shall forfeit and lose forty [*four hundred*] pounds to the said executors; (3) and that no protection be allowed in any action to be taken upon the said ordinance.

auctoritate sua propria absque consideratione & ordinatione dictorum justiciariorum elargaverint tunc dictus custos quadringentas libras prefatis executoribus forisfaciat & perdat et quod nulla protectio in aliqua actione super ordinatione predicta capienda allocetur.

CAP. II.

Jurors in an indictment in the county palatine of Lancaster. Of a foreigner dwelling in another county.

ITEM pro eo quod humiles & fideles ligei & subditi Regii infra comitatum palatinum Lancastrie inhabitantes servitium domino Regi impensuri sunt & cunctis temporibus fuerunt parati ac etiam sibi & progenitoribus suis impenderunt tam in regno Anglie quam in Scotia Francia & aliis partibus ac sub legibus Regiis gubernati & non per easdem aliter quam alii ligei Regii extra dictum comitatum in regno predicto inhabitantes dampnificati quousque jam noviter per quendam actum ad ultimum parlamentum apud Redyng tentum extiterit ordinatum quod nulle persone ligeorum dicti domini Regis contra quas aliquod exigendum esset adjudicatum aut utlagaria pronuntiata ad sectam Regis vel ad sectam partis in dicto comitatu forisfacerent aliqua

personam in persona custodiend'. Et si hujusmodi persone vel persona extra prisonam per dictos justiciarios fuerint vel fuerit elargat' quod tunc eedem persone vel persona inveniatur vel inveniatur sufficientes personas secum obligandas prefatis executoribus per viam recognitionis in dicto banco per discretionem justiciariorum ad custodiend' tales dies quales ipsa vel ipse habebit vel habebunt per eandem curiam. Et si custodes prisonam ubi dicte persone vel persona committentur vel committentur ipsas extra prisonam

ITEM, because that the humble and faithful liege people of the King, his subjects inhabiting within the county palatine of Lancaster, to do the King service be and at all times were ready, and have done to him and his progenitors, as well in the realm of England, as in the realm of Scotland, France, and other parts, and have been governed by the King's laws, and not damnified by the same, otherwise than other of the King's liege people inhabiting in the realm of England, out of the same county, until now of late by a certain statute at the last parliament holden at Reading, it was ordained and established, That none of the King's liege people, against whom any exigent should be awarded, or outlagary pronounced at the suit of the King or of the party in the said county, should forfeit any goods or chattels, lands or tenements

A rehearsal of the statute of 20 H. 6. c. 2. & 31 H. 6. c. 6. that they which be outlawed in the county of Lancaster shall forfeit no lands nor goods that they have in other counties.

24. If in use. See 23 H. 6. c. 7. ad finem.

ments in any county, but only the goods and chattels, lands and tenements, which the persons so outlawed, or they against whom any such exigent in the said county should be awarded, have in the same county of Lancaster, and by reason of any such outlagary at the suit of the King, or at the suit of the party, pronounced within the same county, should not be barred or disabled of any manner of action, nor to claim any manner inheritance out of the same county, notwithstanding any outlawry against them pronounced, as in the same act doth more plainly appear.

II. And by reason of the same act, if any foreigner should come into the said county palatine, and should slay any of the liege people of our lord the King, or should commit any treason, murder, rape, robbery, or other felony or trespass, or make any contract, or do any other offence within the said county of Lancaster, that then he should have no other punishment nor forfeiture in this behalf, but only of such goods which such foreigners, doing and committing such horrible offences, have within the said county palatine, which for the most part have nothing within the same county; for which cause the said foreigners, knowing no peril, punishment, nor loss of goods in the law, to refrain or restrain them of such treasons, murders, and felonies, be the more encouraged daily to commit the same within the said county, and giveth them audacity daily to offend against the laws of the King, his crown and dignity, and also in restraint of the King's laws, to the great loss and final destruction of the said liege people and subjects in the said county palatine. (2) Wherefore the foresaid lord the King considering the premisses, by the

qua bona five catalla terras & tenementa in aliquo alio comitatu set solummodo bona & catalla terras & tenementa que persone sic utlagate aut ipse contra quas hujusmodi exigend' adjudicarentur in dicto comitatu habent in eodem comitatu Lancastrie ac ratione alicujus hujusmodi utlagarie ad sectam Regis & ad sectam alicujus alterius persone pronunciate infra eundem comitatum non essent barrate neque inhabilitate de quacunque actione neque ad clamand' qualemcunque hereditatem extra eundem comitatum nec inhabilitate ad prosequend' quamcunque actionem [neque ad clamand' qualemcunque hereditatem extra eundem comitatum nec inhabilitate ad prosequend' quamcunque actionem extra eundem comitatum] non obstante hujusmodi utlagaria contra ipsas pronunciate prout in eodem actu plenius apparet.

Ac ratione ejusdem actus si aliquis forinsecus in dictum comitatum palatinum veniret & aliquem ligeorum domini Regis interficeret aut aliter aliquam prodicionem murdrum raptum roberiam seu aliquam aliam feloniam five transgressionem perpetraret five aliquem contractum faceret vel aliquam aliam offensam committeret infra dictum comitatum Lancastrie quod tunc ipse nullam aliam punitionem neque forisfacturam in hac parte haberet nisi solummodo de hujusmodi bonis que hujusmodi forinseci tales horribiles offensas perpetrantes & committentes infra dictum comitatum palatinum habent qui pro majori parte nichil infra eundem comitatum habent qua de causa dictis forinsecis scientibus nullum periculum

The inconveniencies ensuing by the said statute of 31 H. 6. c. 6.

culum punitionem neque deperditum bonorum in lege ad refrenandum sive restringendum ipsos de hujusmodi proditionibus murdris & feloniis eos talia perpetrare infra dictum comitatum causat & indes audaciam prebet contra leges coronam & dignitatem Regias in ea parte ac etiam in restrictione legum dicti domini Regis ad grave dampnum ac finalem destructionem dictorum subditorum nec non ligeorum in comitatu palatino predicto. Quapropter prefatus dominus Rex premissa considerans de avasamento assensu & auctoritate predictis voluit concessit ordinavit & stabilivit quod dictus actus superius recitatus & ad dictum ultimum parlamentum apud Redyng editus adnulletur vacuetur & nullius vigoris existat. Et ulterius pro conservatione tranquillitate quiete & pace omnium ligeorum suorum tam infra dictum comitatum palatinum quam aliorum ligeorum suorum extra comitatum predictum infra regnum Anglie idem dominus Rex auctoritate predicta concessit ordinavit & stabilivit quod quolibet indictamentum tempore futuro capiendum coram aliquo iustituario dicti domini Regis infra dictum comitatum palatinum Lancastrie aut coram aliquo vicecomite in turno suo in comitatu predicto per quod aliqua persona vel persone supposit' per idem indictamentum esse vel fuisse inhabitant' sive conversant' extra dictum comitatum Lancastrie & infra aliquem alium comitatum infra regnum Anglie capiatur & habeatur per veredictum duodecim virorum quolibet eorum habente terras & tenementa aut aliqua

alia

the advice, assent, and authority afore said, hath willed, granted, and established, That the A repeal of act before rehearsed and made the afore said statute. at the said last parliament holden at *Reading*, shall be adnull-ed, void, and stand in no force.

(3) And further, for the conservation, tranquillity, quietness, and peace of all his liege people, as well within the said county palatine, as of other his liege people out of the said county within the realm of *England*, the same lord the King, by authority afore said, hath granted, ordained, and stablished, That every indictment hereafter to be taken before any of the King's justices in the said county palatine of *Lancaster*, or before any sheriff in his tourn in the said county, whereby any person or persons be supposed by the same indictment to be or to have been inhabiting or conversant out of the said county of *Lancaster*, and within any other county within the realm of *England*, shall be taken and had by the verdict of twelve men, whereof every of them, or some other person or persons to their use, within the same county of *Lancaster*, shall have to the yearly value of an hundred shillings.

(4) And no process shall be made out of any such indictment, before it be duly inquired and examined before the King's justices within the said county of *Lancaster* for the time being, whether the said indictors, and every of them, at the time of such indictment so taken, had lands and tenements within the said county of *Lancaster* to the yearly value of an hundred shillings above all charges. (5) And if it be

Of what estate those jurors must be, who shall indict in the county of Lancaster a foreigner dwelling in another county.

found



Of what estate those jurors must be, who shall indict in another county any person dwelling in the county of Lancaster.

found by examination of the said justices for the time being within the said county, that the said indictors, and every of them, at the time of such indictment, so taken, had not lands and tenements to the yearly value aforesaid, that then the same indictments, as to such persons so indicted supposed by the said indictments to be inhabiting and conversant out of the said county of *Lancaster*, shall be void and of no effect. (6) And also the same lord the King, of the advice and authority aforesaid, hath granted, ordained, and established, That every indictment from henceforth to be taken within any county of the said realm, and out of the said county of *Lancaster*, before any justice, or the sheriff in his tourn, whereby any person or persons supposed by the same indictment to be or to have been conversant or inhabiting within the said county of *Lancaster*, and without such county where such indictments shall happen to be taken, shall be taken by verdict of twelve men, whereof every of them, or some other person or persons to their use, shall have lands and tenements within the same county where the said indictments shall be taken, to the yearly value of an hundred shillings. (7) And that no process be made out of any such indictments before it be duly examined and inquired before the King's justices, having power to award any process upon such indictments, whether the said indictors, and every of them, at the time of such indictments taken, or any other person or persons to their use, had any lands

alia persona vel personis ad eorum usum infra eundem comitatum Lancastrie ad annum valorem centum solidorum. Et nullius processus fiet extra aliquod hujusmodi indictamentum antequam debite inquiretur & examinetur coram justitiariis dicti domini Regis infra dictum comitatum Lancastrie pro tempore existentibus utrum predicti indictatores & eorum quilibet tempore hujusmodi indictamenti terras & tenementa infra dictum comitatum Lancastrie ad annum valorem centum solidorum ultra omnia onera habuerunt & habuit. Et si inveniatur per examinationem dictorum justitiorum pro tempore existentium infra dictum comitatum quod indictatores predicti & eorum quilibet tempore hujusmodi indictamenti sic capti terras & tenementa ad annum valorem supradictum non habuerunt quod tunc idem indictamentum quoad hujusmodi personam vel personas sic indictat' supposit' per dicta indictamenta esse inhabitant' vel conversant' extra dictum comitatum Lancastrie vacuum & nullius effectus existat. Ac etiam idem dominus Rex de avifamento & auctoritate predictis voluit concessit ordinavit & stabilivit quod quodlibet indictamentum tempore futuro capiendum infra aliquem comitatum dicti regni sui & extra dictum comitatum Lancastrie coram aliquo justitiano vel vicecomite in turno suo per quod aliqua persona vel persone supposit' per idem indictamentum esse vel fuisse inhabitant' vel conversant' infra dictum comitatum Lancastrie & extra talem comitatum ubi hujusmodi indictamenta capi con-

contigerint capiatur per verdictum duodecim virorum quolibet eorum habente terras & tenementa aut aliqua alia persona vel personis ad eorum usum infra eundem comitatum ubi indictamenta predicta capiuntur ad annum valorem centum solidorum. Et quod nullus processus fiet extra aliqua huiusmodi indictamenta antequam debite examinetur & inquiratur coram iustitiariis ipsius domini Regis habentibus potestatem adjudicandi aliquem processum super huiusmodi indictamenta utrum indictatores predicti & eorum quilibet tempore huiusmodi indictamentorum captorum habuerunt terras & tenementa aut aliqua alia persona vel persone ad eorum usum ad annum valorem centum solidorum infra eundem comitatum ultra omnia onera ubi huiusmodi indictamenta capi contingunt. Et si inveniatur coram domino Rege vel coram aliquo iustitiariorum suorum quod dicti indictatores aut aliquis ipsorum tempore huiusmodi indictamenti sic capti non habuerunt vel non habuit nec aliquis ad eorum usum habuit terras & tenementa ad valorem centum solidorum per annum quod tunc indictamentum predictum quoad aliquam huiusmodi aliam personam vel personas supposit' per huiusmodi indictament' esse vel fuisse inhabitant' sive conversant' infra dictum comitatum Lancastrie vacuum & nullius effectus existat.

CAP. III.

A remedy for several extortions committed by the officers of the exchequer.

Exchequer.

ITEM, whereas divers officers in the King's exchequer, do take wages and fees of the King, for themselves and their clerks, for execution of their offices in the said exchequer, that notwithstanding the said officers and their clerks do take of sheriffs, escheators, and all other accomptants in the said exchequer, great and excessive gifts, fees and rewards, for execution of their offices, against all reason and conscience; and will not execute their offices for delivering of the said accomptants, till they have such excessive fees, gifts and rewards, which causeth sheriffs, escheators, and other accomptants to take by extortion excessive fees, gifts, and rewards of the King's liege people in the counties where their offices be, to the great damage and destruction of all the said accomptants, and all the people aforesaid. And Extortion; whereas it doth pertain to divers officers in the said exchequer, by reason of the fees and wages, which they take of the King to enter

enter pleas, as well betwixt the King and the party, as betwixt party and party, and pardons, writs of allowance, judgments, and other entries, without fees, gifts, or rewards; and the same officers and every of them notwithstanding their said fees and wages, will not enter any plea, though it contain but half a roll, except they for the said entry have xxvj. shillings, viij. pence, xx. shillings, or xiiij. shillings, iiij. pence at the least, and for the entry of allowance or every pardon and writ, which they or any of them do enter, of whatsoever shortness that it be xs. And moreover, the chief clerk of every of the said officers taketh for his labour, as well of every of the said parties accomptants, as amounteth to the third part of that, that his master did take, which gifts and rewards of some accomptants amounteth to the sum of twenty marks, of some ten pound, and ten marks at the least, to the great damage, oppression, and undoing of the said people. And also whereas divers special commissions be directed to divers justices of peace, and also to other in every county of *England*, for the deliverance of felons and other causes, by virtue of which commissions the justices so assigned, sometime do fit and deliver felons, and sometime such commission is not delivered. And that notwithstanding, some of the said officers, by virtue of their offices will make distresses against such commissioners, returnable at a certain day, to return their commission with all issues forfeit, to be returned, at which day though some of the said commissioners do appear, and for their excuse do make an oath (as the law will) that they have sitten and delivered the prisoners according to the form of the commission, or otherwise, that no such commission came to their hands, in which case they be in the law discharged, yet this notwithstanding the said officers will write new distresses against the said commissioners to distrain them: and so infinitely, till the said commissioners have made a fine at their will. Our said sovereign lord the King considering the premisses, at the assent of the lords spiritual and temporal, and at the special request of the said commons, and by authority of this parliament, hath ordained and stablished, That every officer of the said exchequer, which taketh any fees or wages of the King for execution of his office, shall deliver all the accomptants in the said exchequer, in that that to his office appertaineth, in a convenient time. And that they nor none of them, nor none of their clerks, take any gifts, fees, rewards, promise or surety for any thing, which they shall do in their said office for any accomptants, except the said fees and wages which he taketh of the King for the execution of his office. Saving always, That every of the said officers, to whom it pertaineth by reason of his office to enter pleas, pardons, writs of allowance, and judgments, may take for the entering of the plea, pardon, writ, record, or judgment, that containeth half a roll, according to the length and breadth of old times, used in the said exchequer, two shillings, and no more. And for the same plea, writ, pardon, record, or judgment, that containeth a whole roll, iv. shillings and no more. And for the same

same plea, pardon, writ, record, or judgment, which containeth less than half a roll, xx. pence. And for the same plea, pardon, writ, record, or judgment, which containeth more, after the rate and quantity. And that none of the said officers, nor their clerks, take any fees nor wages, nor other profit, of any collectors of *dismes* or *quinsimes*, granted or hereafter to be granted to our sovereign lord the King. And that such officers in the said exchequer, which have power to write by reason of their offices, distresses against the King's justices of peace, or any other commissioners, to bring their estreats, they nor none of their clerks, after that that the said justices or commissioners shall make due excuse (as before is rehearsed) or bring into the court their estreats, shall make no new distress nor other process against the said justices or commissioners, which so have excused them, or brought in their estreats. And if any of the said officers, or any of their clerks, do contrary to any of the articles afore rehearsed, that then they, and every of them shall lose xx. li. as often as they shall be found thereof defective, and our said sovereign lord the King shall have the one half of the said xx. li. so forfeit, and such person or persons that will pursue, the other half. And the same suit shall be taken, holden and determined by action of debt before the barons of the said exchequer, or else before the justices of the common bench, against any officers or clerks of the said exchequer, that doth or taketh contrary to the said ordinance, any privilege or custom of the said exchequer notwithstanding. And that the same process be had in this action before the said justices, as is had in an action of debt upon an obligation at the common law; except that none officer, which hath any office in inheritance, in fee, be excluded in the said exchequer to take the fees, which of old times were lawfully due and pertaining to his office, and no more. Saving always, That the said officers of our sovereign lord the King, and their clerks may take a reasonable reward for their searches and copies made by them in the said exchequer of any record, at the suit of any of the King's liege people, notwithstanding the said ordinance. Nevertheless the King would, That by advice of his council such direction be taken in this behalf betwixt this time and the feast of St. *Michael* next ensuing, as shall seem reasonable. And otherwise the said ordinance shall stand in his strength for term of v. years.

CAP. IV.

No person brewing ale or beer in Kent to be sold, shall, during five years, make above an hundred quarters of malt to his own use.

ITEM, our said sovereign lord the King, of the advice of the Brewers in said lords spiritual and temporal, and at the request of the said Kent. commons, and also by authority of this parliament, hath ordained and established, That no person that in the county of *Kent* shall commonly brew any ale or beer to sell, shall make nor do to be made any malt in his house, or in any other place to his own

own use at his costs and expences, above an C. quarters in the year, upon pain to forfeit x. li. every year in which he so maketh or doth to be made above the said hundred quarters, the one half to our sovereign lord the King, and the other half to him or them which in this behalf will pursue. And, That the said ordinance take effect the first day of *June* next coming, and shall endure for five years then next ensuing.

CAP. V.

No wrought silk belonging to the mystery of silkwomen shall be brought into this realm by the way of merchandise, during five years.

Silk-women.

ITEM, whereas it is shewed to our sovereign lord the King in his said parliament, by the grievous complaint of the silk-women and spinners of the mystery and occupation of silk-working, within the city of *London*, how that divers Lombards and other strangers, imagining to destroy the said mystery, and all such virtuous occupations of women in the said realm, to enrich themselves, and to encrease them and such occupations in other strange lands, have brought and daily go about to bring into the said realm such silk so made, wrought, twined, ribbands, and chains falsly and deceitfully wrought, all manner girdels and other things concerning the said mystery and occupation, in no manner wise bringing any good silk unwrought, as they were wont to bring heretofore, to the final destruction of the said mysteries and occupations, unless it be the more hastily remedied by the King's Majesty. For reformation whereof the same our sovereign lord the King, by the authority aforesaid, will and hath ordained and established, That if any Lombard, or any other person stranger or denizen, bring or cause to be brought by way of merchandise any wrought silk, twined ribbands and chains, girdels of silk, or any other thing touching and concerning the mystery of silk-women (girdels which come from *Genoa* only except) into any port or place of the said realm from beyond the sea, That the same wrought silk, twined ribbands, chains, girdels, and other things so brought and wrought concerning the same mysteries, shall be forfeit. Also, That every Lombard, and other stranger and denizen, which doth contrary to this ordinance, as often as he so doth, shall forfeit twenty pounds, the one half thereof to be levied and had to the use and expences of the King's house, and the other half to that person that will sue for the same. And that it shall be lawful to every of the King's liege people, to have and maintain an action or actions of debt at every time, as well for the same forfeiture of twenty pounds, as for the thing so forfeit, and the same process to lie therein as in an action of debt at the common law: in which suit no protection nor esoin shall be allowed. And, That the mayor of the said city for the time being, shall have authority to assign ii. iii. or iv. men of the same city sufficient and credible persons, by their discretion to swear upon a book to make due search within the same city and the liberty of the same, as

Girdels.

Lombard.

London.

often

often as shall seem expedient, of all things had or done contrary to the premisses, and thereof to make due relation to the mayor and aldermen of the said city for the time being for a more full information to the King and him that will pursue. And, That the said ordinance begin to take his strength and effect at the feast of easter next ensuing, and shall endure for five years then next following.

CAP. VI.

Certain privileges granted to the abbot of Fountain in the county of York.

ITEM, whereas in the said parliament it was lamentably shewed by the abbot and covent of the monastery of our lady of *Fountains* in the county of *York*, of that that whereas they and their predecessors of no little time against conscience have been grievously disturbed and vexed without cause by feigned actions, and daily be in divers courts, wapentakes and other court barons, to the number of xx. and above, within the said county of *York*, and the county of *Cumberland*, and in the county of the city of *York*, within which counties the substance of the possessions of the said monastery lieth, as well by the procuracy and excitation of the bailiffs, stewards, and officers of the said courts, and also the farmers of the said courts, wapentakes, and court barons, for their singular lucre and profit, as by other malicious and evil disposed persons, complaining against the same abbot, and covent, feigning and affirming in divers of their courts, wapentakes, and court barons, at some one court CCC. several complaints or more: and though the common law of *England* require, that every person sued for any cause, in which suit he ought to be admitted to wage his law, that such person so sued should wage his law by his sufficient attorney having authority thereunto: and this notwithstanding the predecessors of the said now abbot and other abbots and priors in the said counties, might in no wise be received by such bailiffs, stewards, and officers, to wage their law by their attornies in such courts and wapentakes till for the same grief and complaint had in this party by authority of the parliament it was ordained that all abbots, and priors, and other religious of *England*, and their successors, in such cases by their general attornies or attorney in every hundred or wapentake within the realm of *England*, every of them under their common seal, severally should plead in such courts such pleas as in the law were pleadable and allowable. And, That every bailiff and steward for the time being within the said courts, should receive such attornies without amercing any such abbots, priors, and religious or any of them, upon pain of forfeiture of x. li. Yet this notwithstanding when the said abbot by his attorney should wage his law in the said complaints in such several courts, then the said bailiffs, stewards, and officers, oftentimes for their singular lucre, and by covin had betwixt them and the said malicious people affirming the said complaints, have prefixed to the said abbot a day to do his law in every of the said several courts
and

and wapentakes together at one day and at several places, every place being so far from other, that the said abbot in no wise might appear and come to do his law in his proper person, as the law requireth: and so he by such cause in divers courts and wapentakes was often in the said plaints condemned, and in divers of the same amerced, some year in an hundred marks, and some year more, and at the least in xl. li. where neither by law nor by conscience any cause of action was had: which labours, costs, and vexations of likelihood should continue and increase to the importable damage of the said house, and of the abbot and convent aforesaid, unless some gracious remedy in this behalf be provided in this said parliament for the said monastery: our said sovereign lord the King, considering the premisses, of the advice, assent and authority aforesaid, hath granted, ordained, and established, That the same abbot, and his successors, against whom any quarrel or plaint is or hereafter shall be taken or attempted in any of the said courts or wapentakes, may wage their law by their attorney or attornies of the matters contained or to be contained in every such plaint, where the law permitteth them so to do. And, That they (their law so waged) may do their law by a monk of the same place, with other persons with him to the number of six persons, or otherwise by some other person assigned or deputy by the abbot of the said house for the time being, under the common seal of the said monastery of *Fontains*, with six persons with him, to do the said law for the abbot of the said house. And, That the bailiffs, stewards and officers of the said wapentakes and courts for the time being, shall admit, permit, and receive the said laws to be done in the form aforesaid. And, That all the said laws so waged and done be as effectual and of such strength in the law, as if the same abbot or his successors had done the same in their proper persons after the course of the common law. And moreover by authority aforesaid hath ordained, That if any bailiff, steward, or officer of the said courts or wapentakes, will not admit such law to be done in the form aforesaid, or else in any wise do disobey or do not observe the intent of the premisses of his behalf before rehearsed to be done, or omit or of his behalf do contrary to any of the premisses, then the same bailiff, steward, or officer so offending, for every time that he shall happen to do contrary in any of the premisses before rehearsed of his behalf to be done, shall forfeit xx. li. And every person in this case willing to pursue, may have a writ of debt, and declare upon the said ordinance, and he shall have for his labour the one half of the same xx. li. and the King the other half.

CAP. VII.

How many attornies may be in Norfolk, how many in Suffolk, and in Norwich.

Ex edit Pult.
4 Inst. 76.
A practice of
contentious
attornies, to

ITEM, Whereas of time not long past within the city of *Norwich*, and the counties of *Norfolk* and *Suffolk*, there were no more but six or eight attornies at the most, coming to the King's courts,

courts, in which time great tranquility reigned in the said city and counties, little trouble or vexation was made by untrue and foreign suits. (2) And now so it is, that in the said city and counties there be fourscore attornies or more, the more part of them having no other thing to live upon, but only his gain by the practice of attorneyship: and also the more part of them not being of sufficient knowledge to be an attorney, (3) stir up suits for their private profits. which come to every fair, market, and other places, where is any assembly of people, exhorting, procuring, moving and inciting the people to attempt untrue and foreign suits for small trespasses, little offences, and small sums of debt, whose actions be triable and determinable in court-barons, (4) whereby proceed many suits more of evil will and malice, than of truth of the thing, to the manifold vexations and no little damage of the inhabitants of the said city and counties, and all to the perpetual diminution of all the court-barons in the said counties, unless convenient remedy be provided in this behalf. (5) The foresaid lord the King considering the premisses, by the advice, assent and authority aforesaid, hath ordained and stablished, That There shall be but six common attornies in Norfolk, six in Suffolk, and two in Norwich. at all times from henceforth there shall be but six common attornies in the said county of *Norfolk*, and six common attornies in the said county of *Suffolk*, and two common attornies in the said city of *Norwich*, to be attornies in the courts of record, (6) and that all the said fourteen attornies shall be elect and admitted by the two chief justices of our lord the King for the time being, of the most sufficient and best instructed by their discretions. (7) And, That the election and admission of all attornies which shall be elected and admitted by the said justices for the time being, above the said number in the said counties, shall be void and of no authority nor record. (8) And if any person or persons usurp or presume to be attorney in courts of record in the said counties or city otherwise than before is specified, and that found by inquisition taken before the justices of peace in the said city or counties (which shall have power by virtue of this ordinance to enquire thereof in their sessions) or in any other manner lawfully proved, That then he or they that so presume, if they be thereof lawfully convict, shall forfeit twenty pound as often as he or they be so convict, the one half thereof to be taken to the King's use, and the other half to his use which for the same will sue. (9) And he that thereof will sue, shall have an action of debt against any such person which so presumeth to be attorney, (10) and such process for recovery of the same, as lieth in an action of debt at the common law upon an obligation. (11) Provided always, That the said ordinance Qu. If in use. begin and first take effect at the feast of *Easter* next coming and not before, if the same ordinance seem reasonable to the justices.

Statutes made at *Westminster*, Anno 39 HEN. VI.
and *Anno Dom.* 1460.

TO the honour of almighty God, and the reverence of holy church, for to nourish peace, unity, and concord in all parts within this realm of England, and for the relief and sustentation of our lord the King, and of this his realm, the same our sovereign lord King Henry the Sixth after the conquest, at his high court of parliament holden at Westminster upon the seventh day of the month of October, the nine and thirtieth year of his noble and gracious reign, by the advice and assent of his lords spiritual and temporal, and at the special request of the commons of his said realm, assembled in the same parliament, and by the authority of the same parliament, hath ordained these things underwritten.

C A P. I.

The parliament holden at Coventry, 20 die Novembris, Anno 37 HEN. VI. repealed, and all acts, statutes, &c. made by authority of the same, reversed.

Ex edit. Raft.
Parliament.

FIRST, Whereas it hath been shewed to the King our sovereign lord by his liege and faithful commons in this present parliament, that divers seditious and evil disposed persons, having no regard to the dread of God, nor to the damage of the prosperous estate of our said sovereign lord the King, nor his realm, sinisterly and importunely did labour to the said King to summon a parliament to be holden at his city of *Coventry*, the xx. day of the month of *November*, the xxxviij. year of his noble reign, only to destroy certain of the great nobles faithful and lawful lords and estates of the King's blood, and other of the faithful liege people of the said realm of *England*, for the great rumour, hatred, and malice, which the said seditious persons of long time have had against then: and of their greedy and insatiable covetousness to have the lands, hereditaments, possessions, offices, and goods of the said lords and faithful liege people: by which sinister labour certain acts, statutes, and ordinances, against all good faith and conscience, in the said parliament were made finally to destroy the said lawful lords, estates, and liege people and their issues, as well innocents as other and their heirs for ever: which parliament was unduly summoned, and a great part of the knights for divers counties of this realm and many burgessees and citizens for divers boroughs and cities in the same appearing, were named, returned, and accepted, some of them without due and free election, some of them without any election, against the course of the King's laws and the liberties of the commons of this realm, by the means and labours of the said seditious persons, whereby many great jeopardies, enormities, and inconveniencies, well nigh to the ruin, decay, and universal subversion of the said realm, have ensued: our said sovereign lord the King, considering the premisses,

miffes, and that the faid lords, eftates, and other his liege people, againft whom the faid acts, ftatutes and ordinances were made, have always had great and faithful love to the preferment and furety of the King's perfon, according to their duty : and that few of the acts made in the faid parliament, holden at *Coventry*, were made for the weal of the King nor of his faid realm, but the greater part of the acts, ftatutes, and ordinances there made, were laboured by the confpiracy, procurement, and excitation of the faid evil difpofed perfons, for the introduction and accomplifhment of their rancour and inordinate covetife, by the advice and affent of the lords fpiritual and temporal, and at the request of the faid commons, in the faid parliament affembled, and by the fame authority, hath ordained and ftablished, That the faid parliament holden at the faid city of *Coventry* be void, and holden for no parliament. And, That all acts, ftatutes. and ordinances, by the authority of the fame made, be reverfed, adnulled, undone, repealed, revoked, voided, and of no force nor effect.

C A P. II.

A woman at fourteen years of age at the death of her ancestor shall have livery of her land.

ITEM, of the advice, affent, and authority aforefaid it is ordained and ftablished, That women being of the age of xiiii. years, at the time of the death of their ancestors, without question or difficulty fhall have livery of their lands and tenements descended to them. For fo the law of this land will that they fhould have.

Women of the age of 14 at the death of their ancestors fhall have livery of their lands.

Thus end the ftatutes of King *Henry* the Sixth.

Anno primo EDWARDI IV.

Statutes made at *Westminster* in the firft year of the reign of King EDWARD IV. and in the year of our Lord 1461.

EDWARD par la grace de Dieu Roi d'Engleterre & de Fraunce & feigneur d'Irlande puis le conquest quart al honour de Dieu & de feint eglise pur nurrer peas unite & concorde deins son roialme d'Engleterre le quell il desire moult entierment del advis & affent des feignurs efpirituelx &

EDWARD by the grace of God King of England and of France, and lord of Ireland, the fourth after the conquest, to the honour of God and of holy church, to nourish peace, unity, and concord within his realm of England (which he much desireth) wholly, by the advice and affent of the lords fpiritual and temporal

temporal of the same realm, and at the special request of the commons of his said realm assembled, at his first parliament holden at Westminster upon the fourth day of November, in the first year of his reign, by authority of the same parliament, hath ordained and established certain statutes, declarations, and ordinances, in manner and form following.

& temporelx de mesme roialme & a lespecial request dez commenez de son dit roialme a son primer parlement tenuz a Westm' le quart jour de Novembre lan de son reigne primer venuz & assemblez & par lauctorite de mesme le parlement ad fait ordeigneir & establier certains statutez declarations & ordenaunces en la fourme qe ensuit.

CAP. I.

Which acts done by King Henry IV. King Henry V. and King Henry VI. or by others during their reigns, shall continue good, and which not.

Ex edit. Pul.
What acts,
grants, or
things done
by or during
the reigns of
K. Hen. 4.
K. Hen. 5.
and K. Hen 6.
shall remain
good, and
what not.
Judicial acts.

FIRST, In eschewing of ambiguities, doubts, and diversities of opinions, which may rise, ensue and be taken of and upon judicial acts, and exemplifications of the same made or had in the time or times of *Henry the Fourth, Henry the Fifth his son, and Henry the Sixth his son, or any of them, late Kings of England successively in deed, and not of right:* (2) our said lord the King, by the advice and assent of the lords spiritual and temporal, and at the request of the said commons in the said parliament assembled, and by authority of the same, hath declared, established, and enacted in the said parliament, That all fines and final concords, levied or made of any lands, tenements, possessions, rents, inheritances, or other things, and all judicial acts, recoveries, and processses, determined, or commenced, not revoked, reversed, nor adnulled, made or had in any court or courts of record, or any court or courts in any of the times of the pretended reigns of any of the said late kings, in deed and not in right (other than by authority of any parliament holden in any of their times) and exemplifications of the said fines, acts judicial, and recoveries, out of any of the said parliaments, and every of them, shall be of like force, virtue, and effect, as if the said fines, final concords, acts, recoveries, processses, and other the premisses, had or made out of any of the said parliaments and exemplifications of the same, were commenced, sued, had, or determined, in the time of any King lawfully reigning in this realm, obtaining the crown of the same by just title.

Creation of
noble men.

II. And also, That all letters patents made by any of the said pretended kings to any person or persons, of creation, ennobling, and erection of any of them to any estate, dignity or pre-eminence, shall be to the said person or persons, and to such of their heirs, which be contained in the same letters patents, of like force, value and effect, as touching such creation, ennobling, or erection, as if the same letters patents were made or granted

granted to them by any King lawfully reigning in this realm of *England*, and obtaining the crown of the same by just title. (2) And that they being so created, ennobled and erected, shall have new grants of the King of their annuities for the maintenance of their estates, as hath been of old time accustomed, except such persons, and every of them, whom our sovereign lord the King reputeth and holdeth for his rebels and enemies.

III. And moreover, the excessive charges and costs which the cities boroughs, towns, the cinqueports of *England*, and also the town of *Calais*, with the marches of the same, have endured and suffered, and the great poverty amongst the people of the same considered, for the ease and relief of the same: the King hath ordained, established, granted and enacted by the assent and authority of the said lords spiritual and temporal, and at the request of the said commons, That all manner of liberties, privileges, franchises, powers, jurisdictions, profits, immunities, corporations, munitions, enlargements, annexions, unions, and severings from counties, and making of counties by themselves, and all manner of grants, leases, licences, pardons, discharges, exemptions, releases, fairs and markets (not revoked, repealed, nor adnulled by authority of parliament; or otherwise by process of the law) granted in the times of *Henry* the Fourth, *Henry* the Fifth, or *Henry* the Sixth, late Kings of *England*, in deed and not of right, to any mayor, bailiff or bailiffs, sheriff or sheriffs, mayor and sheriff, sheriff and bailiffs, mayor and bailiffs, commonalty, citizens, mayor and commonalty, mayor, commonalty and citizens, mayor and citizens, mayor and aldermen, and their successors, mayor and citizens, their heirs and successors, bailiffs and citizens, their heirs and successors, mayor and commonalty, their heirs and successors, citizens and their heirs, citizens, their heirs and successors, mayor and aldermen, mayor, aldermen and burgeses, mayor and burgeses, mayor, aldermen and sheriff or sheriffs, mayor, burgeses and their successors, mayor, burgeses, their heirs and successors, mayor, sheriffs and burgeses, mayor, bailiffs and commonalty, aldermen and commonalty, aldermen, bailiffs and commonalty, aldermen and bailiffs, their heirs and successors, bailiffs and commonalty, bailiffs, burgeses, and citizens, burgeses and commonalty, mayor, bailiffs and burgeses, their heirs and successors, and the discreet men, their heirs and successors, portreves, bailiffs and commons, stewards, burgeses, and the discreet men, portreves, barons and men, mayor, barons and commonalty, mayor and barons, barons and commonalty, barons and jurates, barons and jurates men inhabitants, mayors, constables and company of the merchants of the staple at *Calais*, and to every of them, and their heirs, and to the successors of every of them, and to the masters, brethren, and sisters of guilds, and fraternities, masters and commonalty, their heirs and successors, and wardens and masters of crafts, wardens of the commonalty of the mystery of the mercers within the city of *London*, or to any of them before named, and to the successors of

Liberties granted to counties or corporations by their several names.

every of them, having corporation, by whatsoever name or names they or any of them be, or be called or named in any of the said grants: they shall be in like strength and virtue, as if they were granted by any King or Kings lawfully reigning in this realm of *England*, and in like manner and form to have confirmations and grants made, as if they had been granted in the times of the noble King *Edward* the Third, and King *Richard* the Second after the conquest, late lawful Kings of *England*.

Licences or pardons of alienations, or to enter into lands descended after an ancestor's death.

IV. And moreover it is ordained, granted, established and enacted, by the advice, assent and authority aforesaid, That all manner of licences, gifts and grants made by any of the foresaid late pretended kings of *England* to any person or persons, to give, grant, aliene, purchase, or receive any lands, tenements, rents, possessions or other hereditaments holden of any of the said late pretended kings in any manner, or to enter into any lands or tenements, rents, possessions or other hereditaments, after the death of any of their ancestors, without due livery thereof sued by due process, according to the course of the common law of this realm of *England*, (2) or pardons made by any of the said late pretended kings, to any person or persons for any alienations made of any lands or tenements, rents, possessions, or other hereditaments, holden of any of the said late pretended kings of *England*, or pardon or pardons granted by any of them to any person or persons, for any entry or entries made in any lands, tenements, rents, possessions, or other hereditaments, which should descend, revert, remain, or in any other manner should come to them, or any of them, after, or by the death of any of their said ancestors, or any other person or persons, without due livery thereof sued, according to the course of the chancery, and law and custom of this land, (3) or licence made by any of the said late pretended kings of *England*, to any person or persons, to found, erect, or establish any abbey, priory, house of religion, college, chantery, hospital, or other house or spiritual place, or of alms: (4) or licence made by any of the said late pretended kings to any person or persons, to found or erect any fraternity, guild, company, or fellowship, or other body corporate, or to give and grant any lands, tenements, rents, possessions, or other hereditaments, to any person or persons corporate, or having perpetual succession: (5) or licence made by any of the said late pretended kings, to any of these aforesaid, for the acceptance and receipt of any thing by any such gift, grant or licence made by any of the said late pretended kings to any person or persons to hold or retain any advowson, or church in proper use by way of licence or appropriation, or to make any elections, so that any such advowson pertain not to the crown, (6) or pardon or pardons made by any of the said late kings to any body or persons corporate, or having perpetual succession by purchase, inquisition or receipt of any of the premisses, or liveries, or restitutions of temporalities made by any of the said late pretended kings to any archbishop,

Licences to found any spiritual place or house, or any fraternity, guild, &c. or to give any lands to them.

Licences of appropriation, or to make elections.

Pardons to corporations, liveries or restitutions of temporalities.

bishop,

bishop, abbot, prior, dean, chapter, or other person or persons spiritual, shall be of like force, virtue and effect, as if the said licences, pardons, and liveries were granted by any King in this realm lawfully reigning, and obtaining the crown of the same by just title: so that the same licences, restitutions, and liveries, were executed in the time of any of the said late pretended kings, in deed and not of right; or if they were executed within the same time in part and not in the whole, that the same licences, as to that part so executed, shall be of like force, virtue, and effect, as if the said licences were granted by any King lawfully reigning in this realm of *England*, and obtaining the crown of the same by just title. (7) And if any of the said late pretended kings, in deed and not of right, hath by his letters patents, or by authority of their parliaments, founded or established any abbey, priory, house of religion, college, chantery, hospital, or any other house or spiritual place of alms, that all such foundations, as to the corporations and scites of the same, shall be of like force, virtue and effect, as if such foundations were made by any King lawfully reigning in this realm, and obtaining the crown of the same by just title: so that this present article concerning the foundations or establishments aforesaid, or any of them, shall not extend nor be prejudicial in any manner to the King, or to any other person or persons, for any lands, tenements, rents, possessions, or hereditaments, or any manner advowsons in any wise pertaining to the King, or to any other person or persons, other than such which be and make the scite or scites of any such abbey, priory, house of religion, college, chantery, hospital, or other house or place aforesaid.

Founding of religious houses touching the scites of the same.

V. And that all grants and assignments of dower, made by any of the said late pretended kings, to any woman after the death of her husband, to hold for term of her life, or by any letters patents made of special grace by any of the said late pretended kings, or assignments of dower made to any such wife after the death of her husband in the chancery, after the course of the same in the time of the pretended reigns of any of the said late pretended kings, shall be of like virtue, power, and effect, as if the said grants and assignments were made by any King lawfully reigning, and obtaining the crown of the same by just title.

Assignment of dower to any woman during her life.

VI. Provided always, That this present article do not extend, nor in any wise be prejudicial to the King, for any lands, tenements, rents, possessions, or other hereditaments, pertaining to the King, in the right of his crown, the first day of *November* last past.

VII. Provided also, That by this present act no prejudice be done to the dutchess of *Bedford*, as concerning her dower. (2) And whereas any lands, tenements, rents, possessions, hereditaments, or other things have been given to any of the said pretended kings by any person or persons, to the intent that gitts should be thereof made by the said kings, or any of them,

Lands assured in Mortmain by the King, which were given to him to that intent.

by any of their letters patents by way of *Mortmain* for ever, that all grants and letters patents made by any of the same late pretended kings, for the amortising of any lands, tenements, rents, possessions, hereditaments, or other things, shall be of like force, virtue and effect, as if the same grants were made by any King lawfully reigning in this realm, and obtaining the crown of the same by just title: so that any of the said late pretended kings by whom any such letters patents were made, were never seised of and in the said lands, tenements, rents, possessions, or hereditaments, but only by virtue of such feoffments, grants, gifts, or other estates made to them, or any of them.

Lands assured to the King by way of recompence or exchange.

VIII. Provided always, That this act extend not to any lands, tenements, rents, possessions, advowsons, hereditaments, or other things that were given to any of the said late pretended kings, by way of recompence or exchange for any lands, tenements, rents, possessions, advowsons, hereditaments, or other things which in any wise pertained to the crown, although no mention were made in any letters patents or other writings of any recompence or exchange.

Collations, gifts, and presentations to benefices during the incumbents lives.

IX. And that all grants, collations, gifts or presentations, made by any of the said late pretended kings to any person or persons not corporate, nor having perpetual succession of any benefice, dignity, church, prebend, hospital or chapele, shall be of like force, virtue and effect, as if the same grants, collations, gifts and presentments were made by any King lawfully reigning in this realm, and obtaining the crown of the same by just title, during the life or lives of the said person or persons being incumbents, possessors or occupiers of the same, or any of them.

The king's open enemies and persons attainted excepted. Grants of wards and marriages.

X. Provided always, That those persons which be attainted in this present parliament, and such that be out with the King's enemies, shall take no benefit nor advantage by this act.

XI. And that all grants made by any of the said late pretended kings, by any their letters patents, to any person or persons of any wards and marriages, shall be of like force, virtue, and effect, as if the said grants were made by any King lawfully reigning in this realm, and obtaining the crown of the same by just title.

Grants of fairs and markets.

XII. And all grants and letters patents made by any of the said late pretended kings, to any person or persons, to have any fair or fairs, market or markets, in any town or towns, place or places, all such grants, and letters patents, as to such fairs and markets, and every of them, shall be of like force, virtue, and effect, as if the same grants and letters patents were made by any King lawfully reigning in this realm, and obtaining the crown of the same by just title.

Grants to heirs of liveries of their ancestors lands.

XIII. And also if any person or persons hath sued, obtained, and had any livery by the course of the common law of this realm, or otherwise, of any lands, tenements, rents, possessions, advowsons, or other hereditaments, which should descend, revert, remain, or in any other manner come to them or any of them,

them, by any livery pursued after or by the death of any of their ancestors, or any other person or persons, after the fourth day of *March* last past, that all such liveries shall be of like force, virtue and effect, as they were at the time of the said liveries pursued: so that the said lands, tenements, rents, possessions, advowsons, and other hereditaments, or any parcel thereof, were not pertaining to the King in the right of his crown.

XIV. Provided always, That this article extend not to any lands, tenements, or other things which do pertain or ought to come into the King's hands, by reason of any attainder in this present parliament. And also, That all grants and letters patents made by our lord the King to any person or persons, after the fourth day of *March* last past, of any wards or marriages, of any person or persons being within age, shall be of like force and effect to them and every of them, as they were at the times of the grants and letters patents thereof made to them or any of them: any act or ordinance in this present parliament made or to be made notwithstanding.

Wards or marriages granted by K. Ed. 4.

XV. Provided always, That this article extend not to any wards or marriages of any persons which do pertain or ought to come to the King's hands, by reason of any attainder in this present parliament, (2) and that all grants made by our said sovereign lord the King by his letters patents, after the fourth day of *March* last past, to any of his faithful liege men that were not against him in any field after the first day of his reign, nor against the high and mighty prince, father to the said King, in the field and evil journey of *Wakefield*, of any office or offices which such person or persons by the King's discreet consideration hath deserved, the effect of such grant or grants shall be of like strength and force, as they or any of them were at the time of such grant or grants, letters patents, and every of them made: any statute, act or ordinance, made or to be made in this present parliament notwithstanding.

K. Ed. 4. letters patents made to several persons of offices.

XVI. Provided always, That this act be not prejudicial nor hurtful to any person or persons, for any grant or grants made to them or any of them of any annuity, fee, or pension, or of any deanry, hospital, or benefice, or of any office or offices, in the time of the King's progenitors, with the fees and wages thereto due and accustomed, made by the King by his letters patents sithence the fourth day of *March* last past, his letters patents made of all the offices of serjeants at arms, and of the offices of justices of the one bench and of the other, barons of his exchequer, warden of the rolls of his chancery of *England*, warden of the rolls of his chancery of his land of *Ireland*, clerk of his council, secondary in the office of his privy seal, clerk or warden of his hamper of his said chancery of *England*, keeper of his parks of *Hellesbury* and *Lantgles* in the county of *Cornwall*, clerk of the market of his house, the chirographer and warden of the King's writs and records of his common bench, messengers of his exchequer, glasier, plumber, broiderer, joyner, fletcher within the tower of *London*, chief carpenter within the

Certain officers to whom the King had granted their offices during his pleasure.

K. Ed. 4.
several grants
to divers cor-
porations of
liberties and
other benefits
within a cer-
tain time.

Feoffments
upon trust to
the late King,
to the use of
others.

palace of *Westminster*, receiver of all offices accountable, bailiff of *Havering*, bailiff of *Surry* and of his auditors in the counties of *Chester* and *Flint*, and of *South-Wales*, purveyor and comptroller of the search of his port of *London*, warden of his armour in the tower of *London*, maker of his poinets, constable of his castle or lordship of *Hadleigh*, clerk of his great wardrobe, purveyor of all manner of stuff for his works within his palace of *Westminster*, and the tower of *London*, and the captain of his castle of *Hammes*, excepted. The same letters patent so excepted, to endure and be of strength, virtue, and effect, at the pleasure and will of the King. (2) And also, That all confirmations, ratifications, approbations, leases, and grants of all franchises, liberties, privileges, customs, or any other commodities, profits or advantages, and every of them, distinctions, severances from counties, and making of counties by themselves, grants, releases, diminutions and pardon of fee-farms, and every of them, made and granted by our said sovereign lord the King, by his letters patents, sithence the fourth day of *March* last past, in relief and benefit of any city, town or borough of this realm, to any mayor, bailiff or bailiffs, sheriff or sheriffs, mayor and commonalty, mayor and citizens, mayor and aldermen, mayor and sheriff, mayor, bailiffs, and commonalty, citizens, bailiffs, and citizens, their heirs and successors, and the heirs and successors of every of them by whatsoever name or names they or any of them be called or named in the said grants or other the premisses, or any of them, shall be of like force and effect, as they or any of them were at the time of the grants, and letters patents thereof made. (3) And also if any of the said late pretended kings, or any of their ancestors hath been infeoffed by any person or persons, of or in any lands, tenements, rents, possessions, advowsons, or other hereditaments, only upon trust and confidence to reseoff the said person or persons, or their heirs or assigns, of any of the same, at such time as they should be thereto required, That all such grants, feoffments, or other estates, made by any of the said late pretended kings, or any of their ancestors, of any such lands, tenements, rents, possessions, advowsons, or other hereditaments, to any such person or persons, their heirs or assigns, or to the heirs or assigns of any of them, shall be of like force and effect in the law, and available to the said person or persons, and to the heirs and assigns of them, and every of them, as they were at the times of the said grants and feoffments, or other estates made to them, or any of them, any act or ordinance in this present parliament made or to be made notwithstanding: so that none of the said pretended kings, nor any of their ancestors, after the last day of the reign of King *Edward* the Third, progenitor of our said lord the King, were at any time seised of the lands, tenements, rents, possessions, advowsons, or other hereditaments, nor of any parcel thereof, but only by virtue of such feoffments made to them or any of them upon confidence in manner and form aforesaid, and in no other manner: and that the same lands, tenements, rents,

rents, possessions, advowsons, or other hereditaments, and every of them, be holden of the same chief lords immediate, or of their heirs, and by the same services, as they were holden at the time the same feoffments made to any of the said late pretended kings, or to any of their ancestors, any possession of the late pretended kings, or any of their ancestors, after the last day of the reign of King *Edward* the Third, notwithstanding. (4) Provided always, That no person attained in this present parliament take any benefit or advantage thereby. (5) Also, That all letters patents granted and directed by our said lord the King after the first day of his reign, to his chancellor or treasurer of this realm, justices of the pleas to be holden before the King, justices of the common bench, or barons of the exchequer, or to any of them, for the exercise of any such thing as pertaineth to the office or offices, authority and power of them, or any of them, by reason of any of the said letters patents and grants, shall be of like force, virtue and effect, as they or any of them were the first day of *November* last past, any statute, act, or ordinance made in this present parliament notwithstanding: so that the barons of the exchequer shall occupy, or exercise their offices at the King's pleasure, as the justices do. (6) And also, That every commission made, granted, and directed by any of the said late pretended kings in any of their times, to any person or persons to be assigned for the peace in every or any county of this realm to be established and kept, and to hear and determine all manner of felonies, trespasses, and other offences specified in the said commissions, and every of them, done or committed in any of the said counties, or to deliver any gaol or gaols within this realm, or in other place or places under the obedience of the crown, of the prisoners being in any of the said gaols in the time of any of the said late pretended kings, or to hear and determine all manner treasons, felonies, trespasses, or other offences done in any of the said counties, or in any place or places under the obedience of the crown of the said realm, specified in every of the said commissions, or for sewers being assigned to survey and to cause to be repaired and amended, walls, marshes, ditches, cutters, causeys, and bridges, and other defaults in any marsh or marshes, in any part of this realm, specified in the same commissions and every of them, and all other commissions made by any of the said late pretended kings, to any person or persons before the fourth day of *March* last past, and all processes, determinations, executions, incidents, adminicles, and other circumstances pertaining to the same commissions and every of them, not void, repealed, and annulled, shall be of like force, virtue and strength, as if the same commissions and every of them were made and granted by any King lawfully reigning in this realm, and obtaining the crown of the same by just title: so that a special act be made for such persons that were before this time indamaged for the King.

The force of the King's letters patents made to the lord chancellor, lord treasurer, justices, &c. or to the barons of the exchequer.

Commissions of the peace, of gaol-delivery, and to hear and determine, or of sewers, and all other commissions.

XVII. And also, That all manner of acts and ordinances made by authority of any parliament or parliaments holden in the

Acts of parliament for time Shrewsbury

time of any of the said late pretended kings, for the conservation and keeping of the town of *Shrewsbury*, and of the good, peaceable, and quiet rule and government within the said town, betwixt the inhabitants of the same, and every of them, shall be of like force and effect, as if the same acts or ordinances, and every of them, were made in the time of any King or Kings lawfully reigning in this realm, and obtaining the crown of the same by just title.

K. Hen. 6. his grant to the abbot of Biland of the manor of Kilbourn in the county of York.

XVIII. Also whereas the said late pretended king *Henry* the Sixth, in deed, and not of right, king of this realm, by his charter indented under the seal of the dutchy of *Lancaster* sealed, bearing date the twentieth day of *March*, the xxiv year of his usurped reign, did give and grant, and by the same charter confirmed to *William* abbot of *Biland* the manor of *Kilbourn*, with the appurtenances, in the county of *York*, with all the knights fees, views of frankpledge, franchises, liberties, commodities, profits and appurtenances to the same manor in any wise belonging or appertaining, to have and to hold the same manor, with the other premisses to the said abbot, and his successors for ever, yielding therefore to the said pretended king *Henry* the Sixth, and his heirs dukes of *Lancaster*, xxi li. yearly, (where the said pretended king, nor any of his ancestors dukes of *Lancaster*, before the same time were ever answered of the said yearly issues and profits of the same manor, but of xvi li. by year only) the said xxi li. to be paid at the feasts of *Pentecost* and *St. Martin* in winter, by even portions, for all secular services, with clause of distress for default of payment of the said rent by half a year, in all the manors, lands, and tenements of the said abbot and convent within the same county, as in the same charter thereof made more plainly appeareth: that all the same charter, gift, and grant shall be until this time, and hereafter to the said abbot and convent, and to their successors, of like force and effect, as they were the first day of *March* last: any act or ordinance made in this present parliament notwithstanding.

Grants to abbots, priors, &c. to make free election.

XIX. And also, That all grants and licences made by letters patents of any of the said late pretended kings, to any abbot and convent, prior and convent, or to any other person or persons, to have and make by free election within themselves at any voidance, abbot or prior, and to be conventual, perpetual, and elective, where before they were dative and removeable, shall be of like strength, virtue and effect, as if the same grants and licences, or any of them, were made by any King lawfully reigning in this realm, and obtaining the crown of the same by just title.

Recognizances and deeds inrolled.

XX. Also, That all records of recognizances and deeds inrolled, had and made in any court or courts of record, or before any justice of record, in the time of the reigns of any of the said late pretended kings, shall be of like force, virtue and effect, as if the same records were had or made in the time of any King lawfully reigning in this realm, and obtaining the crown of the same by just title.

XXI. And also, That all licences and grants made by any of the said late pretended kings to any person or persons, to make, have, inclose and enjoy any park or parks, warren or free chase, or to embattle, to carnel, to mastol, or to make any tower, castle or fortrefs, within this realm, shall be of like force, virtue and effect, as if the said grants and licences were made by any King lawfully reigning in this realm, and obtaining the crown of the same by just title.

Licences to make parks, chases, free warrens, or to make castles, towers, or to embattle a house.

XXII. Provided always, That this act do not extend nor be prejudicial to the right noble high and mighty princess, *Cicily* dutchefs of *York*, mother unto our said sovereign lord the King, of any grant or grants made to her by the King by his letters patents before the first day of this parliament, by whatsoever name or names she shall be called in the same letters patents, but that the same letters patents, and every grant therein contained, be of like force and effect, as they were before the first day of this parliament: this act, or any other, made or to be made in this present parliament notwithstanding.

Cicily, dutchefs of *York*, mother to the King.

XXIII. Provided always, That this act, nor any article of the same, do not extend to any lands, tenements, possessions, hereditaments, or other things, which the King ought in any wise to have by force of any act of attainder of any person or persons made in this present parliament.

Lands devolved to the King by attainder, or, &c.

XXIV. Provided also, That no person or persons attainted in this present parliament, or being out with the King's enemies, take any benefit or advantage by this act, nor any other act made or to be made in the said parliament.

CAP. II.

Justices of peace may award process upon indictments taken in sheriffs tourns.

ITEM qe come plusours del foiall liege people du Roi sibien espirituels come temporel par les enordinez & demesurablez enditementz & presentementz sibien de felonie trespassez & offensez come dautres choses queux de long temps out este prisez euez & usez deinz les counteez de cest roialme & prisez devaunt viscounteez pur le temps esteantz es counteez severalmnt lours sathviscounteez lours clerkes bailliffs & leur ministrez al leur tournes ou lawe daies tenuz devaunt eux severalmnt en les counteez les quelx enditementz & presentementz fount

ALSO whereas many of the King's faithful liege people, as well spiritual as temporal, by the inordinate and infinite indictments and presentments, as well of felony, trespassez, and offences, as of other things, which of long time have been had and used within the counties of this realm, and taken before sheriffs for the time being in their counties severally, under-sheriffs, their clerks, bailiffs, and ministers, at their tourns or law-days, holden before them severally in the counties, which indictments and presentments be oftentimes affirmed by jurors having no conscience, nor any freehold, and little goods, and often

The inconveniencies of unlawful indictments in sheriffs tourns by mean persons.

13 Ed. 1.
stat. 1. c. 13.

often by the said sheriffs menial servants and bailiffs, and their under-sheriffs, by which indictments and presentments the said lawful liege people be attached and arrested by their bodies, and put in prison by the said sheriffs, under-sheriffs, their clerks, bailiffs, and ministers, to the great loss of their goods; and they so being in prison by the said sheriffs, under-sheriffs, their clerks, bailiffs, and their ministers, are constrained to make grievous fines and ransoms, and levy of them great fines and amerciements for the said indictments and presentments, in great hindrance and utter undoing of the said liege people; (2) after which fines, ransoms, and amerciements so rated and levied by the said sheriffs, under-sheriffs, clerks, bailiffs, and their ministers, the people aforesaid be enlarged out of prison, and the said indictments and presentments be imbezilled and withdrawn: (3) our said lord the King considering the premises, by the advice and assent of the lords spiritual and temporal, and at the request of the commons in this present parliament assembled, and by authority of the same, hath ordained and stablished, That all manner indictments and presentments that shall be taken hereafter before any of his said sheriffs of his counties for the time being, their under-sheriffs, clerks, bailiffs, or ministers, at their tourns or lawdays before mentioned, they, nor any of them shall have power or authority to attach, arrest, or put in prison, or to levy any fines or amerciements of any person or persons so indicted or presented, by reason or colour of any such indictment or presentment taken or

to

fount sovent foitz affermez par jurours null conscience eiantz ne franc tenement & petit des biens & souvent foitz par servantez menialx & baillifs de lez ditz viscountez & leurs futhviscountez par quelx enditementz & presentementz le dit foiall liege people par lez ditz viscountez futhviscountez leur clerkes baillifs & leur ministres sont attachez arestutz par leur corps & misez en prison au grand durese de leurs persones et ceux issint esteantz en prison par lez ditz viscountez futhviscountez clerkes baillifs & leurs ministres le dit foiall liege people ensi en prison constreignent & fount ceux de faire oveqe eux grand fines & raunsons & auxi de ceux levent grandz fines & amerciementz pur les ditz enditementz & presentementz en grand prejudice & anientisment du liege people avaunt dit apres quelx fines raunsons & amerciements ensi par lez ditz viscountez futhviscountez clerkes baillifs & leur ministrez issint faitz euez & levez le people avaunt dit est enlarge hors del prison & lez ditz enditementz & presentementz sont aloignez embesiles & sustreitz. Nostre dit soverayn seignur le Roi les premissez considerez par ladvis & assent des seignurs espirituelx & temporelx & a la request dez communes en la dit parlement assemblez & par auctorite dicell ad ordeigne & establie que toutz manerez denditementz & presentementz quelx ferront prisez en apres devaunt ascun des ses viscountez de sez counteez pur le temps esteantz leur futhviscountz clerkes baillifs ou ministres a leur turnez ou lawedaies desuis especifiez naient

ient

ient ne null de ceux ait poair ne auctorite darester attacher ou mettre en prison ou lever ascuns fines ou amerciamentz dascun persone ou persones issint enditez ou presentez par refon ou colour dascun tiel enditement ou presentement devaunt ceux ou ascun deux prise ne de faire ou prendre dascun tiel persone ou persones issint enditez ou presentez ascun fine ou raunsome mes qe les viscountez suisditz lour suthviscountz clerkes ou baillifs & lour ministres toutz autielx enditementz & presentement prizez devaunt eux ou ascun deux en leurs tournes ou lawedaies desuis nommez amesnent presentent & deliverent a les justices du peax au lour proschein session de peax qe serra tenuz en le counte ou counteez lou autielx enditementz & presentementz ferront prizez devaunt lez ditz justices dautiel counte ou countees pur le temps esteantz. Et si ascun des viscountez suthviscountez clerkes baillifs & leurs ministres n'amefne delivere & presente pas toutz autielx enditementz ou presentementz issint prizez devaunt eux & chescun deux en leur turnes ou lawedaies come devaunt est recitee as tielx sessions de peax devaunt les ditz justices de peax qe donques toutz tielx viscountez suthviscountez clerkes baillifs & leurs ministres & chescun deux qi ou queux issint fauldra ou fauldront dameignance delivrance & presentation de tieux enditementz & presentementz forface & forfacent au Roy xl li. a taunt de foitz qe ceux ou ascun deux ferront ou ferra le contrarie. Et qe les ditz justices de peax aient poair & auctorite

to be taken before them or any of them, nor to make or take of any such person or persons so indicted or presented, any fine or ransom; (4) but that the said sheriffs, and their under-sheriffs, clerks, or bailiffs, and their ministers, shall bring, present, and deliver all such indictments and presentments taken before them, or any of them, in their tourns or law-days aforesaid, to the justices of peace, at their next sessions of the peace that shall be holden in the county or counties where such indictments or presentments shall be taken, before the said justices of such county or counties for the time being: (5) and if any of the said sheriffs, under-sheriffs, clerks, bailiffs, and their ministers, do not bring, deliver, and present all such indictments or presentments so taken before them and every of them in their tourns, or law-days, as before is recited, at such sessions of the peace before the said justices of peace, that then all such sheriffs, under-sheriffs, clerks, bailiffs, and their ministers, and every of them that so shall fail in bringing, delivering, and presenting of such indictments or presentments, shall forfeit to the King forty pounds at every time that they or any of them doth the contrary: (6) and that the said justices of peace shall have power and authority to award process upon all such indictments and presentments, as the law doth require, and in like form, as if the said indictments and presentments were taken before the said justices of peace in the said county or counties, and also to arraign and deliver all such person or persons

Indictments and presentments taken in the sheriffs tourn shall be delivered to the justices of peace of the same county.
11 H. 7. c. 15.

Justices of peace shall award process against them that be indicted in the sheriffs tourn, and arraign and deliver the offenders.

The estreats shall be indented and delivered by the justices of the peace to the sheriff.

persons so indicted and presented before the said sheriffs, under-sheriffs, their clerks, bailiffs, and their ministers, or any of them in their tourns or law-days: (7) and all such persons or person which be indicted or presented of trespasss, shall make such a fine as shall seem lawful by their discretions; (8) and the estreats of the said fines and amerciaments shall be enrolled, and by indenture be delivered to the said sheriffs, under-sheriffs, their clerks, bailiffs, or ministers, or some of them, to the use and profit of him that was sheriff in the said counties or county at the time of such indictments or presentments taken. (9) And if any of the said sheriffs, their under-sheriffs, clerks, bailiffs, or their ministers, do arrest, attach, or put in prison, or cause any fine or ransom to be taken, or levy any amerciament of any person or persons so indicted or presented, by reason or colour of any such indictment or presentment taken before them at their tourns or law-days above rehearsed, before that they have proces from the said justices of peace, or estreats delivered out of the said indictments or presentments so brought, delivered, and presented to them, that then the sheriffs which so do, shall forfeit an hundred pounds, (10) the one half thereof to be employed to the expences of the King's house, and the other half to the party or parties which be or is indamaged, (11) and he or they shall have therefore an action of debt at the common law, and like proces as is in an action of debt at the common law. (12) and that the defendant or defendants

auctorite dagarder processe sur toutz tielx enditementz & presentementz come la ley requiert & en fourme semblable si come les ditz enditementz & presentementz feussent prisez devaunt les ditz justices de peax en le dit counte ou countees. Et auxi darrainer & deliverer toutz tielx persones ou persone issint enditez & presentez devaunt les ditz viscountez suthviscountez leur clerkes & bailifs & leur ministrez ou ascun deux en leur ditz tournes ou lawdaies et toutz tielx persones ou persone qe sount ou est enditez ou presentez endite ou presente de trespas defaire oveqe eux & chescun deux tiel fine come loialment par leurs discretions semblera et les estretez de les ditz fines & amerciamentz soient enrollez & par indenture destre deliverez a les ditz viscountz suthviscountz clerkes baillifs ou ministres ou ascun deux al oeps & prouffit celui qi fust viscount en ascun countee au temps de les ditz enditementz & presentementz prisez. Et si ascun des ditz viscountez leur suthviscountz clerkes baillifs ou ministres face arrester attacher ou mettre en prison ou face faire ou prendre ascun fine raansom ou lever amerciament dascune persone ou persones ensi enditez ou presentez par reason or colour dascun tiel enditement ou presentement devaunt luy a les tournes ou lawedaies desuis recitez prise avaunt qils out processe de les ditz justices de peax ou estretez deliverez hors de les ditz enditementz ou presentementz issint ameignez deliverez & presentez as eux qe adonques lez ditz viscountez qi issint sount forçacent Cli. une moite

moite dent destre emploiez a lez expensez du lostell de Roy & lautre moite al partie ou parties qe ou quelx est ou sont endamagez et ait ou aient ent action de dette al commune ley & semblable processe come est en action de dette al commune ley. Et qe le defendaunt ou defendauntz en tielx futes ou actions de dette ne soit ou soient effoinez ne gage ou gagent leur ley. Et sil ou ceux ou ascun deux encontre qi ou queux la dite action ferra prise offre ou mette offrent ou mettent ascun protection en enpediment ou retardance de les ditz futes ou actions qil ne soit a luy alloue.

Purveu toutz foitz qe cest present ordeignauce nextende pas ne ne soit prejudiciall en ascun manere a les viscountez del cite de Loundrez ore esteantz ou qenapres ascun foitz serront quaut as ascuns enditementez ou presentementz destre prisez deins la dite cite.

Purveu auxi qe cest ordeignauce nextende pas ne ne soit prejudiciall al ascun persone ou persones qe ad ou ount graunts dascuns fines ou des ascuns amerciamentez par ascuns lettres patentez nostre dit soveraigne seignur le Roi ou dascun de ses progenitours ou predecessours portantz date devaunt le disme jour de Decembr' profchein apres le commencement de cest parlement. Et qe cest ordeignauce nextende pas ne ne soit prejudiciall al ascune persone ou persones aiant ou aiantz ascuns liberties ou franchises par ascuns des ditz lettres patentes ou en autre maner par prescription. Et qe cest ordeignauce soit en sa force & commence dapprendre effect a la quarantisme jour profchein apres le vjme jour de May prof-

chrein in such suits, or actions of debt, shall not be esfoined, nor wage their law; (13) and if he or they, or any of them against whom this action shall be taken, do offer or cast any protection, or other impediment, in retardation of the said suits or actions, that shall not be allowed unto him.

II. Provided always, That this present ordinance do not extend, nor in any wise be prejudicial to the sheriffs of the city of *London* now being, or which at any time hereafter shall be, concerning any indictments or presentments to be taken within the said city of *London*.

III. Provided also, That this act extend not, nor be prejudicial, to any person or persons, which hath grants of any fines or amerciaments by any letters patents of our said soveraign lord the King, or of any of his progenitors or predecessors, bearing date before the tenth day of *December* next after the beginning of this parliament; (2) and that this act and ordinance do not extend, nor be prejudicial, to any person or persons having any liberties or franchises by any of the said letters patents, or in any other manner by prescription. (3) And that this ordinance be in his force, and begin to take effect at the fortieth day next after the sixth day of *May*, next after the beginning of this present parliament, upon the which sixth day the said parliament was dissolved.

This statute doth not extend to the sheriffs of London.

Grants of fines made by the King.

chein apres le commencement de cest present parlement le quel
fisme jour le dit parlement fuist dissolve.

Statutes made at *Westminster*, Anno 3 Edw. IV.
and *Anno Dom.* 1463.

AT the parliament summoned
at Westminster the nine
and twentieth day of April, the
third year of the reign of our lord
King EDWARD the Fourth after
the conquest, divers statutes and
ordinances, to the honour of God,
and of holy church, and for the
wealth of the King and of his peo-
ple, by the advice and assent of
his lords spiritual and temporal,
and the commons, in the said par-
liament assembled, and by autho-
rity of the same, were made in
the manner and form as followeth.

AU parlement summeuz
a Westm' le xxix^e jour
d'Aprill lan du reigne nostre
seignur le Roy EDWARD le
quart apres le conquest tierce
diverses estatutez & ordenaun-
cez a lonour de Dieu & seint
esglise & pur le bien du dit
Roy & son poeple de ladvis &
assent des seignurs espirituelx &
temporelx & les communes en
le dit parlement esteantz & par
lauctorite de mesme le parle-
ment furent faitez en manere
& forme ensuantz.

C A P. I.

*No alien shall export wool, &c. out of this realm; certain
ordinances to be observed by denizens in exporting thereof.*

Ex edit Rast.
Wools and
woolfels.

5 R. 2. stat. 1.
c. 3.

14 R. 2. c. 6.

4 H. 7. c. 10.

FIRST, because that the chief and principal commodity of
this realm of *England* consisteth in the wools growing
within the said realm, and to the intent that sufficient plenty of
the said wools may continually abide and remain within the
realm, which may competently and reasonably serve for the oc-
cupation of clothmakers of *England* and of all the members and
branches of the same, whereby the cities, boroughs, and towns,
within the same realm fallen in great and pitious desolation ruin
and decay by the occasion of idleness, may be (if God will)
multiplied in inhabitation, and by labour restored to their an-
cient joy and prosperity, by which the vices and inconveniences
may to the pleasure of God be avoided: our sovereign lord the
King, in consideration of the premisses, by the advice and assent
of the lords spiritual and temporal, and at the request of the
commons aforesaid, hath ordained and established, That from
the feast of St. *John* baptist next ensuing, no person alien nor
stranger born, by him or any other for him, privy or apert,
shall buy or ship any manner wools or woolfels, morling or
shorling, within any part of this realm of *England* or *Wales*, or
them or any of them carry out of the same realm or *Wales*. Nor
that any person stranger alien or denizen, or any other the
King's subject, from the said feast, shall carry any wools, wool-
fels, morling or shorling of the growing of the countries or
counties on this side the water of *Tees*, over the same water to-
wards the *North*, upon pain of forfeiture of such wools, wool-
fels,

Shipping of
wools.

tels, morling, or shorling: the one half thereof to be had to the profit and use of our said redoubted sovereign lord the King, and the other half thereof to the use and profit of him or them that shall find and lawfully prove such, being shiping or carriage contrary to the said ordinance. The wools, woolfels, morling and shorling of the growing of the counties called *Aldertonshire*, and *Richmondshire* only except. And also he hath ordained and established, That no parcel of the said wools, woolfels, morling or shorling, be shiped or carried to any other place out of the said realm or *Wales*, but only to the town of *Calais*. **Calais.**

The wools, woolfels, morling and shorling of the growing of the counties of *Northumberland*, *Cumberland*, and *Westmorland*, and of the growing of the bishoprick of *Durham*, betwixt the waters of *Tine* and *Tees*, and of the said counties of *Alderton* and *Richmond* excepted. And if any person or persons do the contrary thereof, or ship any wools, woolfels morling or shorling, of the growing of any country or county of the said realm of *England*, except before excepted, on this side the said water of *Tees* or any port or creek of the same water, or in the same water, that then he which shall so ship or carry, or do to be shipped or carried, shall forfeit and lose all such wools, woolfels, morling and shorling, or the value thereof. The one half of the same forfeiture to be applied to the use of our said sovereign lord the King, and the other half to him that shall prove such forfeiture and seise the same wools, woolfels, morling and shorling. And also the same our sovereign lord the King, by the advice and assent aforesaid, hath ordained and established, That no person, after the said feast, shall ship any wools, woolfels, morling or shorling, of the growing within any of the said counties of *Northumberland* *Cumberland* and *Westmorland*, or within the said bishoprick of *Durham*, betwixt the said water of *Tine* and *Tees*, or within the said counties called *Aldertonshire* and *Richmondshire*, but only at the town of *Newcastle*, upon pain of **Newcastle.**

forfeiture of the same wools, woolfels, morling and shorling, the one half thereof to our said sovereign lord the King, and the other half to any of the King's liege people, inhabiting in the town of *Newcastle*, which shall seise the said forfeiture to be applied to the use and profit of the same town. And also by the assent and authority aforesaid it is ordained and established, That no person from the said feast, privily nor apertly shall convey or carry, or do to be conveyed or carried any wools or woolfels out of this realm of *England* or *Wales*, to any other place than to *Calais*, except the wool and woolfels before excepted, upon pain of imprisonment by two years, and to forfeit the value of the same wools and woolfels, the one half thereof to be paid to the use of our said sovereign lord the King, and the other half to any of his liege people, which shall espy such forfeiture and sue for the same. And that he have thereof an action of debt as well for our sovereign lord the King as for himself of the said value of the forfeiture aforesaid, to be had and pursued in the county where such forfeiture shall happen: in which action
the

Staple of
Calais.

Plate and
Bullion.

Merchant of
the staple.

Winding of
wool.

the defendant shall not be received to wage his law, nor no es-
soin nor protection for the same defendant to be allowed. And
moreover the same our sovereign lord the King hath ordained
and established, by the assent and authority aforesaid, That no
merchant of the said staple of *Calais*, by himself nor by none
other person for himself, shall sell or utter from the feast of St.
Michael the archangel next ensuing, any wools, woolfels, mor-
ling, or shorling, or any other merchandises of the staple to the
said staple, but that he before, or upon the delivery of the same,
receive and take ready payment and contentation for the same
wools, woolfels, and other merchandises of the said staple in
hand, whereof the half part shall be in lawful money of *England*,
plate or bullion of silver or gold, and all the same money duly
to bring into this realm of *England*: and the plate and bullion
so received do duly to be coined at the mint of *Calais*. And all
the money thereof made and coined, duly bring into *England*
within three months next after the aforesaid sale, upon pain to
forfeit for every sack of wool v. marks, and for every CC. xl.
woolfels otherwise sold five marks. And for the contrary sale of
every half sack of wool, or any other quantity of wool, and
every Cxx. woolfels, and every other number thereof, after the
rate and quantity of the said five marks. And that no mer-
chant of the said staple, from the said feast of Saint *Michael*,
shall sell, utter, nor aliene his property of the said merchandises
of the said staple, nor no parcel of the same, to any place
out of this realm, other than to the said staple of *Calais*. Pro-
vided always, That if the said money ordained by this ordi-
nance to be brought into this realm, be drowned in the sea, or
taken away by enemies in the sea, or if the bringing thereof be
let by contrary wind or tempest: That then if the same money,
whose bringing shall be let by such wind or tempest, brought in-
to this realm of *England* as soon as convenient passage for the
same may be had, then the merchant owner of the same shall in
no wise be endamaged by the occasion of the not bringing
the same money as afore is said. And moreover because that
daily great deceit is done in the winding, wrapping and making
fleeces of wool within this realm, by the owners of the same
wool, by putting in the same fleeces locks of wool, and pieces
of worse wool than the fleece is, and also putting in the same
fleeces tarr, stones, sand, grass, or dirt, to the great damage of the
buyer of the same wool within this realm of *England*, and to the
great reproof and damage of the merchants of this realm of *Eng-
land*, which carry the same wools out of the said realm: our so-
vereign lord the King hath ordained and established by au-
thority aforesaid, That every person within this realm of *Eng-
land*, that will sell any wools in any part within the same realm
of *England* by way of sale, from the said feast of Saint *John* or-
dained and provided, that the same wool be well and lawfully
wound, without doing any deceit in the same, upon pain to for-
feit to the King for every such fleece, in which any such default
shall be found, six pence. And that the justices of peace of our
sovereign

Sovereign lord the King in every county, city, and town of this realm of *England*, have authority and power to enquire of the Justices of peace. said deceits in their sessions of peace, and to hear and determine the said defaults as well by due examination as otherwise. Moreover he hath ordained and established by the authority aforesaid, That no person, inhabiting within this realm of *England*, other than merchants strangers, from the said feast of Saint *John*, shall freight nor charge within this realm of *England* or *Wales*, Merchants any ship or other vessel of any alien or stranger, with any mer- strangers. chandises to be carried out of the said realm of *England* or *Wales*, nor shall bring into the same, if he may have sufficient freight in the ships or vessels of denizens of this realm, upon pain to forfeit the same merchandises, the one half to our said sovereign lord the King, and the other half to him or them, which shall Ships. seise the same merchandises. And that this present statute and ordinance, concerning wools and woolfels, morling and shorling, and also the receipt of *Bullion* and the bringing in of money, and also shipping in the ships of denizens, shall be in their force virtue and strength by three years next following the said feasts of Saint *John* and Saint *Michael* next coming in all things according to the intent above declared and specified.

CAP. II.

A restraint of bringing corn into this realm, until it shall exceed certain prices.

WHEREAS the labourers and occupiers of husbandry Corn. within this realm of *England* be daily grievously endamaged by bringing of corn out of other lands and parts into this realm of *England*, when corn of the growing of this realm is at a low price: our redoubted sovereign lord the King considering the premisses, by the advice, assent and authority aforesaid, hath ordained and established, That no person from the feast of Saint *John* the Baptist next coming shall bring or convey into any place or port of this realm, by way of merchandise, nor otherwise, any wheat, rye, or barley, which is not of the growing of this land, or of any isle pertaining to the same, or of the growing of the country of *Ireland* or *Wales*, at any time that the quarter of wheat doth not exceed the price of six shillings eight pence. The quarter of rye doth not exceed the price of four shillings. And the quarter of barley three shillings of lawful money of *England*, within the place or port where such wheat, rye, or barley shall happen to be brought, upon pain of forfeiture of the said wheat, rye, and barley. The one half to the use of our sovereign lord the King, and the other half to him which shall happen to seise such wheat, rye, or barley. Provided al- Repealed by ways, That this act extend not to any wheat, rye, or barley 21 Jaq. 1. c. 28. taken by any of the King's liege people upon the sea, without fraud or covin.

CAP. III.

Whosoever shall bring into this realm any wrought silk to be sold, concerning the mystery of silk-workers, shall forfeit the same, and x. li.

Silk women.

33 H. 6. c. 5.
22 Ed. 4. c. 3.
1 R. 3. c. 10.
1 H. 7. c. 9.

Wrought silk.

ITEM, it was shewed in this present parliament to our sovereign lord the King, and to the lords of the parliament, by the silk-women, and spinsters of silk within the city of *London*, That divers Lombards and other aliens strangers, imagining to destroy their crafts and all such virtuous occupations for women within this land, to the intent to enrich themselves, and to put such occupations into other lands, daily bringing into this realm of *England* wrought silk, wrought ribbands, and laces falsely and deceitfully wrought, corfes of silk, and all manner of other things touching the same mysteries and occupations ready wrought, and will not bring in any unwrought silk as they were wont to do, to the final destruction of the said occupations and mysteries: our said most redoubted sovereign lord the King considering the premisses, by the advice, assent, and authority of the lords spiritual and temporal, and at the request of the commons aforesaid, hath ordained, enacted and established, That if any Lombard, or any other person stranger or denizen bring or do to be brought by way of merchandise any wrought silk, thrown ribbands, laces, corfes of silk, or any other thing touching or concerning the mystery of silk workers in any part or place of this realm of *England* from beyond the sea: that then the same wrought silk, thrown ribbands, laces, corfes, and other things so brought and wrought, touching the same mystery, shall be forfeit: and that every seller of any of the things above named, brought as afore is said, shall forfeit for every default ten pound, the one half thereof to be levied and had to the use of the expences of the King's house, and he that will sue for the same, shall have the other half of the same forfeiture. And that it be lawful to every person or persons of the King's liege people to have and maintain an action or actions of debt at every time, as well for the same forfeiture of the said ten pound, as for the thing so forfeit: and process of outlawry in the same and all other processes as in an action of debt at the common law, and that in the same no protection nor essoin to be allowed. And that the mayor of the said city then for the time being, have sufficient power and authority to assign two, three, or four sufficient and credible men of the same city by his discretion, to be sworn upon a book to make due search within the same city and the liberty thereof, as often as to them shall seem expedient of all things had or done contrary to the premisses. And they to make due relation to the mayor and aldermen of the said city for the time being, for more plain information in this behalf to our said sovereign lord the King, and to those persons which will sue for the same. And that this said ordinance abide and be in his force and take effect at the

feast

feast of Saint Peter called *Ad vincula* next coming. And this ordinance shall endure till the end of five years next ensuing.

C A P. IV.

Certain merchandises not lawful to be brought ready wrought into this realm.

ITEM come en le dit parlement par lartificers des mestiers mainuelx hommes & femmes en la cite de Loundres & autres citeez villez burghs & villages deins cest Roialme & Gales inhabitauntz & reseautz piteouusement ad este monstre & compleigne coment toutz ceux en general & chescun deux sont graundement empoverez & grevousment endamagez & prejudicez de lour encrece du mond & vivre cotidian par la graund multitude des divers chaffres & wares a leur mestiers & occupations apparteignauntz esteantz pleinement overez & prest faitz al vende sibien par les mains destraungez esteantz enemies du Roy come autres en cest roialme & Gales de la le mere amefnez sibien par merchantz estranges come deinzzeins & autres persones dount la greindre part en substance est deceivable & nient vaillable en regard del occupation ou prouffit dascuny a cause de qoy les ditz artificers par leurs mestiers & occupations vivre ne poient sicome es jours passez ils soloient mes plusours de ceux sibien hostielx tenauntz come conductz & autres servauntes & apprentises en graund nombre cestuy jour sont enoccupiez & en graund udiste poverte & ruine vivent cheitivement dount plusours enconveniencies ont devaunt cest temps avenuz et plusours enapres sont semblablez avenirs qe Dieu defende si remedie ent ne soit pur-

ITEM, *whereas in the said parliament, by the artificers of manual occupations, men and women, inhabiting and resident in the city of London, and other cities, towns, boroughs, and villages within the same realm of England and Wales, it hath been piteously shewed and complained, how that all they in general, and every of them, be greatly impoverished, and much hindred and prejudiced of their worldly increase, and daily living, by the great multitude of divers commodities and wares pertaining to their mysteries and occupations, being fully wrought, and ready made to sale, as well by the hands of strangers, being the King's enemies, as other in this realm and Wales, fetched and brought from beyond the sea, as well by merchant strangers, as denizens and other persons, whereof the greatest part in substance is deceitful, and nothing worth in regard of any man's occupation or profit; (2) by which occasion the said artificers cannot live by their mysteries and occupations, as they have done in times past, but divers of them, as well householders as hirelings, and other servants and apprentices in great number, be at this day unoccupied, and do hardly live, in great misery, poverty, and need, whereby many inconveniencies have grown before this time, and hereafter more be like to come (which God defend) if due remedy be not in this behalf provided; (3) our redoubted sovereign lord the King, considering the premisses, and willing in this*

The inconveniencies ensuing the bringing of wares readywrought into this realm,

case to provide remedy, by the advice, assent, and authority aforesaid, hath ordained, enacted, and established, That no merchant, born a subject of our said lord the King, denizen, or stranger, nor other person, after the feast of Saint *Michael* the archangel next coming, shall bring, send, nor convey, nor cause to be brought, sent, nor conveyed, into this realm of *England*, and seigniorie of *Wales*, any of the chaffers, wares, or things underwritten; that is to say, any woolen caps, woolen cloths, laces, corsets, ribbands, fringes, of silk and of thread, laces of thread, silk twined, silk in any wise embroidered, laces of gold, *Tires of silk* or gold, saddles, stirrups, or any harnesses pertaining to saddles, spurs, bosses of bridles, aundirons, gridirons, any manner of locks, hammers, pinsons, fire-tongs, dripping pans, dice, tennis-balls, points, purses, gloves, girdles, harness for girdles, of iron, latten, steel, tin, or of alkemine, any thing wrought of any tawed leather, any tawed furs, buscans, shoes, galoches, or corks, knives, daggers, woodknives, bodkins, sheers for taylor, scissars, razors, sheaths, playing cards, pins, pattins, pack-needles, any painted ware, forcers, caskets, rings of copper, or of latten gilt, chaffing-dishes, hanging candlesticks, chaffing balls, sacring bells, rings for curtains, ladles, scummers, counterfeit basons, ewers, hats, brushes, cards for wool, blanch iron thread, commonly called and named *White Wire*, or any of those wares or chaffers, to be uttered and sold within the same realm of *England*,

purveu. Nostre dit souverain seigneur le Roy les premissez considerant de ladvis assent & autorite suifditz ad ordeigne & establee que null merchant neez subgiet du Roi deinszein nestraunge ne aucune autre personne apres le fest de Seint Michell larchangell profchein avenir a mesme maunde ne convoie ne cause dasmener maunder ne convoier en cest roialme d'Engleterre & seignourie de Gales ascuns de cestes wares ou choses desoubz escriptez cestassavoir ascuns bonettes lanuz ascuns draps lanuz laces corsets ribans frenges de soie & de file laces de file soie enfile soie en ascun maner enbraudez laces dor tires de soie ou dor sellez estrivens ou aucune herneise regardant as sellers esperons moleins pur freines aundirons gredirnes ascuns maners serures martens vulgarement nommez hamers pinsons firetonges dreyngpannes dises tenys balles pointes laces burfes gauntz ceinctes harness pur ceinctes de ferre de laton daffer destaine ou de alkemine ascune chose overee dascun quirre tawe ascun maner pellure tawe huseons solers galoges ou corks cotels daggers wodeknyves botkyns sheres pur taillours cisours rasours shethes cardes a juer espinges patins agules pur faces vulgarement nommez paknedles ascune manere ware depeinte forcers caskettes aneus de coper suiforre ou de laton ou chauffyngdishes chaundelers pendauntz ou estantz lavours pendantz chauffingballes sakingbelle aneus pur curteins ladels scomers countrefeit basyns ewers hattes bruffhes cardes pur laine ou blanc file de ferre vulgarement nome Whitewyre ou ascuns de
ceux

Certain merchandises not lawful to be brought into this realm ready wrought.

1 R. 3. c. 12.
22 Ed. 4. c. 3.

27 Eliz. c. 11.
This act in force so far as it relates to playing cards and dice,

10 Ann. c. 19.
f. 167. but see
3 Geo. 1. c. 7.

Enforced as to cards for wool, by 13 & 14 Car. 2. c. 19.

ceux destre utterez & venduz deins cest royaume ou Gales par voie de merchandise sur peine de forfeire ceux & chescun de ceux a chescun foitz & a tauntz de foitz come ils puissent estre trovez en les mains dascune persone ou persones destre venduz lune moite ent au Roi & lautre moite a celui qi ceo primes seifera pur le Roi mesme la moite issint seifie pur le Roi destre deliveree par le dit seifour ent a lesehetour del countee ou lieu lou dite seifine ferra par endentures entre ceux affairiez a respoudre ent duement en son accompt.

Purveu toutz foitz qe si aucuns des ditz wares ou chaffares hors de cest terre faitz soient sur le mere prisez saunz fraude ou collusion ou veignent en cest royaume ou Gales par voie de wrec qe ceux en nulle manere soient comprifez deinz cest ordenaunce mes qe les puissent estre venduz deinz cest royaume ou Gales cest ordenaunce nient obstant.

Purveu auxi qe toutz wares & chaffares faitz & overez en Ireland ou Gales puissent estre amefnez & venduz en le dit royaume dEngleterre sicome ils soloient devant la feisaunce de cest ordenaunce cest ordenance nient obstant.

Et auxi ad ordeigne & enacte par lauctorite suifdit qe les maistres ou gardeins pur le temps esteantz de chescun arte & mestier en chescun citee burgh ville & village lou ascun tiel arte ou mestier est usee ou oecupie aient sufficient poair & auctorite en chescun tiel citee burgh ville & village lou que ceux pur le temps esteantz ferront maistres ou gardeins dascune tiel arte ou mestier & le maire dautiel

land, or in the county of *Wales*, by way of merchandise, (4) upon pain to forfeit the same merchandises at every time, and as often as they may be found in the hands of any person or persons to be sold; the one half of the same forfeiture to be paid to the use of our lord the King, and the other half to him that will first seise the same for the King; (5) the same half by him so seised for our lord the King to be delivered by the said seisor thereof to the elcheator of the county or place where the same seifing shall be, by indenture betwixt them made, duly to answer thereof in his accompt.

II. Provided always, That if any of the said wares or chaffers made out of this land, be taken upon the sea without fraud or collusion, or come in this realm of *England*, or the country of *Wales*, by way of wreck, that those be in no wise taken within this act or statute, but that they may be sold within this realm of *England*, or *Wales*, this act or statute notwithstanding.

III. Provided also, That all wares made and wrought in the land of *Ireland*, or *Wales*, may be brought and sold in this realm of *England*, as they were wont before the making of this statute, this act or statute notwithstanding.

IV. Also our lord the King hath ordained and stablished, by the assent and authority aforesaid, That the masters and wardens for the time being, of every craft and mystery in every city, borough, town, and village where any such craft or mystery is used or occupied, shall have sufficient power and

A proviso for such wares as be taken upon the sea, or by wreck.

Wares made in Ireland or Wales.

The chief officers of cities, &c. shall have authority to search for defective wares.

authority in every such city, town, borough and village, where they for the time being shall be wardens or masters of any such craft or mystery, and the mayor of such city, borough, town, or village for the time being, if any mayor be, or the bailiffs or bailiff of any such city, borough, town, or village for the time being, if any bailiffs or bailiff there be and no mayor, or serjeant, or any other officer to them assigned by the said mayor, bailiffs, or bailiff, in every such city, borough, town, and village, where any such craft or mystery is used or occupied, where no such masters nor wardens of any such craft or mystery be, that the masters or wardens of the crafts and mysteries of the city, town, borough or village next adjoining to the same, and the constable of such city, town, borough, or village, shall have power and authority to search in their own crafts and mysteries, and in all other crafts and mysteries, uttering by way of sale any of the aforesaid wares, as well within cities, boroughs, towns, and villages of the same realm of *England*, and of the country of *Wales*, as within the liberties and franchise of the same cities, boroughs, towns, and villages, at all times reasonable by the day, at fairs and markets, shops open, and warehouses, all such manner of wares, chaffers, and merchandises pertaining to every of their proper crafts and mysteries, which shall be made by any alien, artificer, man or woman, or any other person or persons within the same realm of *England* or *Wales*, or which at any time

dautiel citee ville burgh ou village pur le temps esteant si ascun maire y soit ou les bailiffs ou baillif dautiel citee ville burgh ou village pur le temps esteantz si ascuns baillifs ou baillif y soit ou soient & null maire ou sergeant ou autre officier a ceux assigne par les ditz maire baillifs ou baillif & en chescun citee ville burgh & village lou ascun tiel arte ou mestier est usez ou occupiez en quell nulles tielx maistres ne gardeins dascune tiel arte ou mestier sount qe les maistres ou gardeins des artes ou mestiers del citee ville burgh ou village a icelluy prochein adjoignant & le constable dautiel citee burgh ville ou village aient poair & auctorite de sercher en lour propres artes & mestiers & en toutz autres artes & mestiers uttrantz par voie de vende ascuns de les ditz chaffares sibien deinz citees burghs villes & villages de cest roialme & Gales come deinz les libertees & franchises mesmes les citees burghs villes & villages a tout temps resonable par jour es feires & merchees shoppes overtez & warehouses toutz maners tielx chaffares wares & merchandises a chescun de lour propres artes & mestiers appurtenantz quelles ferront faitz par ascun alien artificer homme ou femme ou ascun autre persone deinz cest roialme ou Gales ou quelles au ascun temps ferront occupiez par ascun des mesmes les artes ou mestiers en qike mains qils puissent estre trovez.

Purveu toutz foitz qe les ditz maistres gardeins & autres en la dite ordenaunce nomez destre sercheours nentrent pas
en

en aucun lieu exempt par privilege franchise ou custume de faire en icell aucun serche come devaunt est dit sinon par surveu dascun officer de chescun autiel lieu issint exempt lou aucun tiel serche destre fait avindra. Et si les ditz serchours par mesme le serche trovent que tielx chaffares wares ou merchandises ou aucune part ent ne soit ou soient purez loialx & ables chaffares wares ou merchandises & droitement faitz & overez sicome ils duissent estre & ceo duement prove que adonques y lirra as tielx sercheours de prendre & seiser come chose forfait toutz tielx chaffares wares & merchandises queux issint ferront trovez nient bons purez loialx ou ables ne droitement overez lune moite ent au Roi dapperteigner & lautre moite ent au tielx maistres ou gardeins qi issint ferront serche & ceo troveront. Et que cest present ordonnance les ditz artificers concernant estoise & soit en son force auxi longement come y plerra a nostre seignur le Roy.

Purveu auxi que ne cest ordonnance & acte ne null autre ordonnance ou acte fait ou affaire en cest present parlement extende ne ne soit prejudicial ou damageous a Robert Stillington clerk dean del franc chapell du Roy de seint Martyn ground de Loundres ne a ses successours du dit chapell enapures pur le temps esteantz en aucun manere ne a le dit Robert deane & chapitre de mesme la chapell come en & pur toutz maners privileges libertees fraunchises droites & custumes as eux apperteignaantz en aucun manere devaunt mesme cesty parlement ne al aucune

pur

time shall be occupied by any of the said crafts or mysteries, in whose hand soever they may be found.

V. Provided also, That the said masters, wardens, and other named in the said ordinance to be searchers, shall not enter in any place exempt by privilege, franchise, or custom, to make in the same any search, as is aforesaid, but by the oversight of some officer of every such place so exempt, where any such search shall happen to be made. (2) And if the said searchers by the same search do find, That such chaffers, wares, or merchandises, or any part thereof, be not pure, lawful, and able chaffers, wares, or merchandises, and duly wrought and made, as they ought to be, and that sufficiently proved, that then it shall be lawful to such searchers, to take and seise all such chaffers, wares, and merchandises, which shall be so found not good, pure, lawful or able, nor well wrought, as a thing forfeit; (3) the one half of the same forfeiture to be paid to the use of our lord the King, and the other half thereof to such masters or wardens which so shall make search and find the same. (4) And that this present ordinance or statute concerning the said artificers stand, and be in his force, as long as shall please our sovereign lord the King.

VI. Provided always, That this ordinance and act, nor any other ordinance or act made, or to be made, in this present parliament, shall extend or in any wise be prejudicial or hurtful to Robert Stillington, clerk, dean of the free chapel

Wares and merchandises that be not lawful, shall be forfeit.

Qu. How far the act continues in force?

The liberties of Great Saint Martin's in London reserved.

chapel of our lord the King, of St. *Martin le Grand* of London, nor to his successors of the said chaple hereafter for the time being in any manner; (2) nor to the said *Robert*, dean and chapter of the same chaple, as in and for all manner of privileges, liberties, franchises, rights and customs in any manner pertaining to them before this parliament; (3) nor to any person or persons dwelling or inhabiting, or which shall hereafter inhabit and dwell, within the sanctuary and precinct of the same chaple, and especially within the lane commonly called *St. Martin's Lane*.

5 El. c. 7.
13 & 14 Car. 2.
c. 13.

C A P. V.

What kind of apparel men and women of every vocation and degree are allowed, and what prohibited to wear.

Ex edit. Raft.
Apparel.
Repealed,
22 Ed. 4. c. 1.
1 H. 8. c. 14.
7 H. 8. c. 6.

ITEM, prayen the commons in the said parliament assembled to our said sovereign lord the King, to reduce to his gracious remembrance, that in the times of his noble progenitors divers ordinances and statutes were made in this realm of *England* for the apparel and array of the commons of the same realm, as well of men as of women, so that none of them ought to use or wear any inordinate and excessive apparel, but only according to their degrees: which statutes and ordinances notwithstanding, for default of punishment and putting them in due execution, the commons of the said realm, as well men as women, have worn and daily do wear excessive and inordinate array and apparel, to the great displeasure of God, and impoverishing of this realm of *England*, and to the enriching of other strange realms and countries, to the final destruction of the husbandry of this said realm: our said sovereign lord the King, by the advice and assent of the said lords, and at the special request of the said commons assembled in the said parliament, and by authority of the same, hath ordained and established, That no knight, under the estate of a lord, other than lords children, nor no wife of such knight, from the feast of the purification of our lady, which shall be in the year of our Lord God one thousand four hundred sixty five shall wear any manner cloth of gold, or any corfes wrought with gold, or any furr of fables. And if any such knight do the contrary, or suffer his wife or child (the same child being under his rule and governance) to do the contrary, that then he shall forfeit for every such default xx. li. to the King. And also that no bachelor knight, nor his wife, from the said feast, shall wear any cloth of velvet upon velvet, but such knights which be of the order of the Garter and their wives, upon pain to forfeit to the King's use for every such default twenty marks. Also that no person under the state of a lord, from the said feast wear any manner cloth of silk, being of the colour of purple, upon pain to forfeit to the King for every

every default x. li. Also that no esquire nor gentleman, nor none other under the degree of a knight, nor none of their wives, except the sons of lords and their wives, and the daughters of lords, esquires for the King's body, and their wives, shall wear from the said feast any velvet, satin branched, nor any counterfeit cloth of silk resembling to the same: or any corsets wrought like to velvet or satin branched, or any furr of ermine, upon pain to forfeit for every default ten marks to the King's use. And that no esquire nor gentleman, nor none other under the degrees above rehearsed, shall wear from the said feast any damask or satin except the menial esquires, sergeants officers of the King's house, yeomen of the crown, yeomen of the King's chamber, and esquires, and gentlemen having possessions to the yearly value of xl. li. and their wives, and widows having like possessions, and the daughters unmarried of persons having possessions to the value of a hundred pounds by year, upon pain to forfeit to the King for every default a hundred shillings. Provided always, That the steward, chamberlain, treasurer, and comptroller of the King's house, and knights for his body and their wives, may wear furs of fables and ermines. And that the mayors of the city of *London*, which be or have been, or hereafter for the time shall be, and their wives, may wear such array as before is limited to bachelor knights, and to their wives. And that such which be or have been, or for the time shall be, aldermen or recorders of the same city, and all mayors and sheriffs of the cities, towns, or boroughs of this realm of *England*, such as be counties corporate, and all mayors and bailiffs of all other cities, and of every of the five ports, and the barons of the same ports, such as have been chosen and assigned, or hereafter shall be chosen and assigned to do their service at the coronation of the King our sovereign lord, or of my lady the Queen. And mayors of boroughs corporate, being shire towns, and the mayors and bailiffs of *Colchester* and *Lynn*, and the recorders of the said cities, boroughs and towns, being counties corporate, and of all other cities now being recorders, or which have been or in time to come shall be, and the aldermen of the same and their wives in like manner, may use and wear such array as before is limited to esquires and gentlemen before specified, having possessions to the yearly value of forty pounds. And also our said sovereign lord the King hath ordained and stablished in this present parliament, That no man but such as have possessions to the yearly value of forty pounds or above, shall wear from the said feast any furr of martrons letuse pure gray or pure myniver, nor no wife, son, daughter, nor servant of any man, (the same son or daughter being in his rule and governance) nor no widow but such as hath possessions of the said yearly value of forty pounds, shall use nor wear any of the said furs, or any girdle garnished with gold or silver, in any part of the same gilt, or any corse of silk made out of this realm of *England*, or any coverchiefs, whereof the price of a plite shall exceed the sum of iii. shillings four pence, upon pain to forfeit to the King for every

every default thereof, five marks. Provided always, That the said menial esquires, sergeants, officers of the King's house, yeomen of the crown, yeomen of the King's chamber, and esquires and gentlemen, having possessions of the said yearly value of forty pound, and the aforesaid mayors, recorders, aldermen, sheriffs, and bailiffs of every of the said cities, towns, and boroughs, and the said barons of the five ports of the realm of *England*, and also their wives may wear the said furs of martrons, foyns, letuse, pure gray, or pure miniver, and also that their said wives may use and wear gilt girdles, and coverchiefs, of the price of five shillings the plite. Moreover, he hath ordained and stablished, That no man but such as hath possessions of the yearly value of xl s. shall wear in array for his body, from the said feast, any fustian, bustian nor fustian of *Naples*, scarlet, cloth in grain, nor no furr but black or white lamb. All mayors, aldermen, sheriffs, barons of the five ports, bailiff of cities and boroughs, and other before provided and their wives, and the menial servants of yeomens degree, of lords and knights, esquires, and other gentlemen having possessions of the said yearly value of forty pounds, except upon pain of forty shillings to be forfeit to the King for every such default. Also he hath ordained and stablished, That no yeoman, nor none other person under the same degree, from the said feast of *St. Peter* called *ad vincula* which shall be in the year of our Lord M.CCCC. lxxv. shall use nor wear in array for his body, any bolsters nor stuffing of wool, cotton, nor cadas, nor any stuffing in his doublet, but only lining according to the same, upon pain to forfeit to the King's use for every such default six shillings and eight pence. Also our said sovereign lord the King, by the advice and assent aforesaid, hath ordained and stablished, That no knight, under the estate of a lord, esquire, gentleman, nor none other person, shall use or wear from the feast of *All Saints*, which shall be in the year of our Lord M.CCCC. lxxv. any gown, jacket, or coat, unless it be of such length that the same may cover his privy members and buttocks, upon pain to forfeit to the King for every default twenty shillings. Also by the assent aforesaid, it is ordained, That no taylor after the said feast, shall make to any person, any gown, jacket, or coat of less length, or doublet stuffed contrary to the premisses, upon the same pain for every default. And also hath ordained and stablished, in the said present parliament, That no knight under the state of a lord, esquire, gentleman, nor other person, shall use nor wear, after the said feast of *St. Peter*, any shoes for boots having pikes passing the length of two inches, upon pain to forfeit to the King for every default, three shillings and four pence. And if any shoemaker make any pikes of shoes, or boots after the said feast of *St. Peter*, to any of the said persons, contrary to this ordinance, he shall likewise forfeit to the King for every default four shillings four pence. Also he hath ordained and stablished, by the advice and assent aforesaid, That no servant of husbandry, nor no common labourer nor servant, nor

any

any artificer dwelling out of a city or borough, after the said feast of *All Saints*, shall use nor wear in their clothing any cloth, whereof the broad yard shall pass the price of two shillings, nor that any of the said labourers nor servants suffer any of their wives to wear after the same feast, any cloathing of higher price than before is limited to their husbands, nor that they suffer any of their said wives, after the same feast, to wear any coverchiefs, whereof the price of the plite shall pass twelve pence, nor that none of the same servants nor labourers, after the same feast, shall wear any close hosen, whereof the pair shall pass in price fourteen pence, nor that the same servants nor labourers, nor none of their wives, from the said feast, shall wear any girdle garnished with silver, upon pain to forfeit for every default to the King three shillings four pence. And because that coverchiefs daily brought into this realm do induce great charge and cost in the same, and in effect in waste, our said sovereign lord the King, by the authority aforesaid, hath ordained and stablished, That no person, after the feast of St. *Michael* the archangel, which shall be in the year of our Lord one thousand five hundred sixty five, shall sell in any part within this realm, any lawn, niesles, umple, or any other manner of coverchiefs, whereof the plite shall exceed ten shillings, upon pain to forfeit to the King for every plite sold at an higher price, thirteen shillings and four pence. Also he hath ordained and stablished, That the justices of peace of every county, mayors of cities and boroughs within this realm, shall have authority and power, to enquire, hear and determine all and every of the said defaults and forfeitures, as well by enquiry, as by due examination of every of the said offenders contrary to this ordinance. And the matters and causes concerning the said offences and forfeitures to determine by like proces and in like manner and form before attainder in this behalf as is commonly used by them of a trespass done with force and arms against the King's peace, and after the attainder like execution. And if any matter, touching any of the said offences, be removed of any of the said justices of peace, or mayors, before the King, that then the justices assigned for pleas before the King to be holden, shall have power to award such proces and execution in this behalf, as before is limited. Also he hath ordained and stablished, That all the said forfeitures, and every of them, shall be levied, applied, and employed to the use and expences of the King's house. Provided always, That this statute of array be in no wise prejudicial or hurtful to any person, of and for wearing of any ornament, vesture, or apparel in doing of divine service, and attending to the same. Nor that this ordinance extend to the justices of any bench of our sovereign lord the King, master or warden of the rolls, master of the King's chancery, barons of the King's exchequer, nor chancellor of the same, which now be, or hereafter shall be, nor to any of them. Provided also, That the scholars of the universities of this realm and scholars of any university out of this realm, may wear such array as they may wear

wear by the rule of the said universities, notwithstanding this ordinance. Provided also, That henchmen, heralds, pursuivants, swordbearers to mayors, messengers, and minstrels, nor none of them, nor players in their interludes, shall not be comprised within this statute. Nor no persons as for wearing of any purses, broches, or crowns for caps of children, shall be comprised within the same. Provided also, That this ordinance do in no wise extend to any manner of array necessarily to be worn in war, or in the feats of the same.

Statutes made at *Westminster*, Anno 4 EDW. IV.
and *Anno Dom.* 1464.

OUR lord King Edward the Fourth after the conquest, at his parliament summoned at Westminster the nine and twentieth day of April, in the third year of his reign, and by divers prorogations and adjournments continued till the one and twentieth day of January, in the fourth year of his said reign, on the same one and twentieth day of January, to the reverence of God, and for the wealth of him and his people, by the advice and assent of his lords spiritual and temporal, and at the special request of his commons being in the said parliament, hath ordained and established certain statutes and ordinances in manner and form following.

NOSTRE seignur le Roy Edward puis le conquest quart a son parlement sum-monez a Westm' le xxix. jour d'Aprill lan de son reigne tierce & par diverses prorogations & adjournments jusques le xxj. jour de Janiver lan de son reigne quart continuez mesme le xxj. jour de Janiver al reverence de Dieu & pur le bien de luy & son people de ladvis & assent des seignurs espirituelx & temporelx & a speciall request de sez communez en son dit parlement esteantz & par lauctorite de mesme le parlement fist ordeigner & establir certains estatutes & ordenaunces en la fourme qensuit.

CAP. I.

The length and breadth of cloths made to be sold. No cloths wrought beyond sea shall be brought into England.

The inconveniencies which have ensued to this realm by the deceitful making of cloth.

1 R. 3. c. 8.

FIRST, Whereas many years past, and now at this day, the workmanship of cloths, and things requisite to the same, is and hath been of such fraud, deceit, and falsity, that the said cloths in other lands and countries be had in small reputation, to the great shame of this land; (2) and by reason thereof a great quantity of cloths of other strange lands be brought

EN primes pur ceo qe come plusours ans passez il ad este & en cestes jours il est qe loveraigne de draps & les membres & requistes a icell fuist & est de tiel fraude deceite & faulxine qe le dit draps es parties dautres terres nest pas eue en ascune reputation en graunt hount de cest terre & par encheson de ceo draps dautres
estraun-

estraunges terres sont amefnez en graund quantite en mesme le Roialme & illeokes venduz del hault & excessive price monstrant clerement l'offense defaute & faulxine en la faisance de draps du laine de cest terre nostre dit seignur le Roy pur la remument de les premisses & en preferment de tielx labours & occupations quelles ount este usez par la faisance du dit draps de ladvis assent request & auctorite avautditz ad ordeigne & establie certainz statutz & ordonances es manere & fourme ensuantz. Primerement ordeignez est & establie par lauctorite suifdit qe chescun entier drap lanutz appellez brode cloth qe serra fait & mis a vend a le fest de seint Pier appelle ladvinle qi serra en lan de seignur mille CCCCLxv. apres plein enewance rakkyng streynyng ou tenturyng dicell prest a vende teigne & conteigne en longueur xxiiij. aulnes & a chescun aulne un pouz conteignant la laeure du pouz lomme destre mesurez par la crest de mesme le drap & en laeur ij. aulnes ou vij. quarters au meins deinz les listes et si le dit drap soit plus long en mesure qe les ditz xxiiij. aulnes & les pouz donqe lachatour dicell paiera al vendour pur ceo qe lexcede autiel mesure de xxiiij. aulnes solonc la rate de la mesure deuis ordeignez.

Auxi ordeignez est & establie par lauctorite suifdit qe toutz maners draps appellez streites destre faitz & mises a vend puis le dit fest apres plein enewance rakkyng streinyng ou tenturyng dicell prest al vend teigne & conteigne en longueur xij. aulnes & les pouz solonc

brought into this realm, and here sold at an high and excessive price, evidently shewing the offence, default, and falshood of the making of woolen cloths of this land;

(3) our said lord the King, for the remedy of the premisses, and to the preferment of such labours and occupations which have been used by the making of the said cloths, by the advice, assent, and request, and authority aforesaid, hath ordained and established certain statutes and ordinances in manner and form ensuing. (4)

First, That every whole woolen cloth, called broad cloth, which shall be made and set to sale after the feast called *Saint Peter ad Vincula*, which shall be in the year of our Lord M.CCCC.LXV. after the full watering and racking, straining, or tenturing of the same ready to sale, shall hold and contain in length xxiv. yards, and to every yard an inch, containing the breadth of a man's thumb, to be measured by the crest of the same cloth; and in breadth ii. yards, or vii. quarters at the least within the lists. (5) And if the said cloth be longer in measure than the said xxiv. yards and the inches, then the buyer thereof shall pay to the seller for as much as doth exceed such measure of xxiv. yards, according to the rate of the measure above ordained.

II. And it is enacted and established by the authority aforesaid, That all manner of cloths called streits, to be made and put to sale after the same feast, after the full watering and racking, straining or tenturing thereof, ready to sale, shall hold and contain in length

The length and breadth of broad cloths. Rep. 5 & 6 Ed. 6. c. 6.

The length and breadth of streits.

xii. yards and the inches, according to the measure aforesaid, and in breadth one yard within the listes.

The length
and breadth
of kerseys.

III. Also it is ordained and established by the authority aforesaid, That every cloth called kersey, to be made and put to sale after the said feast, after the full watering, racking, straining, or tenturing the same ready to sale, shall hold and contain in length xviii. yards and the inches, as is aforesaid, and in breadth one yard and a nail, or at the least one yard, within the listes.

Half cloths.

IV. Also it is ordained and established by the authority aforesaid, That every half cloth of every of the said whole cloths, streits, and kerseys, shall keep his measure in length and breadth according to the rate, form, and nature of his whole cloth aforesaid. (2)

Lambs wool,
flocks, or
cork, shall not
be put into
cloth but for
certain causes.
By 7 Ed. 4. c. 2.
flocks may be
put into cloth
in the hun-
dreds of Lis-
ton, Tavi-
stock, and
Rowburgh in
Devon.

And that no person which shall make, or cause to be made, any woolen cloth to sell after the said feasts, shall mingle, or put in or upon the same cloth, nor the wool whereof the said cloth shall be made, any lambs wool, flocks, or cork, in any manner, upon pain to forfeit xx s. for every cloth or half cloth, wherein or whereupon any such lambs wool, flocks, or cork, shall be put or mingled; (3) the one half thereof to be to the King, and the other half to him that will seise the same cloth, and duly prove the same to be made contrary to this ordinance: (4) But it shall be lawful for him to make cloth of lambs wool by itself, without mingling with any other wool; (5) except also that cork may be used in dying upon woaded wool,
and

solonc la mesure avautdit & en laeure une aulne deinz les listes.

Auxi ordeignez est & establee par lauctorite fuisdit qe chescun drap appelle kerseie destre fait & mise a vend puis le dit fest apres plein enewance rakkyng streynyng ou tenturyng dicell prest al vend teigne & conteigne en longeur xviiij. aulnes & les pous come devaut est dit & en laeure une aulne & la naile ou au meins une aulne deinz les listes.

Auxi ordeignez est & establee par lauctorite fuisdit qe chescun dimi drap de chescun de les entiers draps streites & kerseis garde sa mesure en longueur & laeure solonc la rate fourme & nature de son entier drap avautdit. Et qe nulle persone qe ferra ou affaire ferra ascun manere drap lanuz au vend a le dit fest melle ou mette en ou sur mesme le drap ne en la leine dont le dit drap ferra fait ascune leine dagnell flokkes seu ou cork en ascun manere sur peine de forfeiture de xx s. pur chescun drap ou dimi drap en quell ou sur quell aucun tiel laine dagnell flokkes seu ou cork ferra ou ferront mis ou mellez lune moite ent de remainer a Roy & lautre moite ent a celuy qi seifera atiel drap & duement provera icell estre fait contrarie a cest ordenaunce forsprise qil lifera de faire du laine dagnell par luy mesme sanz ascune commixtion ovesqe ascune autre laine forsprise auxi qe cork poet estre usee en tincture sur laine waidez & auxi en tincture de tout tiel drap qest tantfoulement faite de laine waidez ifint qe mesmes les laine & drap soient parfitement coiçtz & maderez

derez forspise auxi qe cork poet estre mise sur drap qe est parfitement coicte & madere.

Auxi ordeignez est & establie qe chescun de les ditz draps & dimi draps pursue & sue parfitement & droitment une ordre doveraigne parmy a une fine jusques lautre saunz diversite en texture fullure knottyng ou burlyng et en cas qe ascune autiel diversite ou rawe skawe cokell ou fagge aveigne destre en ascun part des ditz draps streites ou kerseies qe adonques une seale de plumb pur icell ordeigner & par le tresorer dEngleterre pur le temps esteant aviser soit mis & pende en lextreme part del margine de mesme le drap streite ou kerseie pur coignisaunce & entendement destre euez a lachattour dicell et qe chescun de les ditz draps streite & kerseie de longeure & laeure avaunt ditz & auxi del perfection suisdit soit a le fest de seint Peere ladvinle enseale al fine dicell avec une double print en plumb par le dit tresorer semblablement deviser & ordeigner en tesmoigne & recorde de les avaunt ditz foiall longeur laeure & perfection. Et si ascun des avaunt ditz draps streites ou kerseis ne conteigne mie lavaunt ditz laeur & longeur ou ne soit mie del perfit overaigne avaunt dit & les deux parties des mesmes les draps streites ou kerseies foien del verrai & perfit overaigne avaunt dit gardauntz les ditz longeure & laeure qe adonques chescun tiel drap streite & kerseie soit enseale ove les avaunt ditz seales en la fourme avaunt dit. Et qe chescun dimi drap & drap conteignaunt greindre longeur qe le dimi drap & meindre longeur qe lentier drap

and also in dying of all such cloth that is only made of woaded wool, so that the same wool and cloth be perfectly boiled and madered; except also, that cork may be put upon cloth which is perfectly boiled and madered.

V. And it is ordained and enacted, That every of the said cloths and half cloths shall perfectly and rightly pursue and follow one order of workmanship from one end to the other, without difference in the weaving, fulling, knotting, or burling; (2) and in case any such difference, or raw or skaw cokel or fagge happen to be in any part of the said cloths, streits, or kerseys, that then a seal of lead therefore ordained, and by the treasurer of *England* for the time being provided, shall be set and hanged in the lowest part of the edge of the same cloth, streit, or kersey, for perfect knowledge to be had to the buyer thereof. (3) And that every of the said cloths, streit, and kersey of the length and breadth aforesaid, and also of the said perfection, shall be from the feast of *St. Peter ad Vincula* sealed at the end of the same with a double print in lead, devised and ordained by the said treasurer, in testimony and witness of the foresaid true length, breadth, and making. (4) And if any of the foresaid cloths, streits, or kerseys, do not contain the foresaid length and breadth, or be not of the perfect workmanship aforesaid, and the two parts of the same cloths, streits, or kerseys, be of the true and perfect workmanship aforesaid, keeping their said length and breadth, that

Cloths shall perfectly pursue one order of workmanship.

A seal of lead shall be set upon faulty cloth. Altered by 5 & 6 Ed. 6. c. 6.

Cloth lawfully made shall be sealed with a double print in lead. Altered by 17 Ed. 4. c. 5.

Sealing of cloth which is less than a whole cloth, and longer than a half cloth.

that then every such cloth, streit, and kersey shall be sealed with the said seals in the form aforesaid. (5) And that every half cloth containing greater length than the half cloth, and less length than the whole cloth, of the sorts of the cloths aforesaid, being of the same perfect workmanship and breadth, shall be sealed with a seal printed in lead, having a mark differing from both the seals aforesaid, in testimony and witness of the true length, breadth, and making of the half cloth. (6) And if any woolen cloth of any sorts of the cloths before recited, perfectly made, and having breadth after the sort before limited, containing three yards and an half, or more or less than the half cloth, be put to sale after the said feast; the same cloth shall be sealed with a seal printed in lead, having a mark differing from any of the said seals, for a knowledge to be had of the default of the half cloth; (7) the said seals to be devised and ordained by the said treasurer, and to be put at the end of every of the half cloths, and cloths less than half cloths. (8) Also by the advice, assent, and authority aforesaid, it is ordained and established, That the treasurer of *England* for the time being, shall have power and authority to make such and as many keepers of the said seals, as he shall think necessary, so that no stranger born be made any of the said keepers. (9) And that every of the said keepers so to be made, shall accompt yearly of the revenues of their said offices in the said exchequer before the treasurer of *England*, and the barons there

The lord treasurer shall make as many keepers of the cloth seal as he will.

drap de les sortes des draps avautditz esteantz del perfit overaigne & laeur avautditz soit enseale oveqe une seale empressez en plumb eiant signe different a lune & lautre des ditz seales en tesmoigne & recorde de verraz longeur laeur & perfection de dimi drap. Et si ascun drap lanuz dascun de les sortes de les draps avaut recites parfitment fait & eiant laeur solonc son sorte avaut limites conteignaunt trois aulnes & dimi ou plus meins qe le dimi drap soit mis a vend apres le dit fest qe mesme le drap soit enseale avec ung seale empressez en plumbe eiant signe differente a chescuny de les ditz seales pur coignisaunce destre eue del defaute de dimi drap les ditz seales a estre devisez & ordeignez par le dit tresorer & estre mis al fine de chescun des les dimi draps & draps meindres qe dimi draps. Auxi par ladvis assent & auctorite suisditz ordeignez est & establee qe le tresorer d'Engleterre pur le temps esteant aiet poair & auctorite de faire tielx & tauntz gardeins de les ditz seales come luy semblera necessarie. Issint qe null estrange neez soit fait ascun de mesmes les gardeins. Et qe chescun des ditz gardeins ensi affairs accompte annuelment de les revenuz de lour ditz offices en le dit eschequer devaut les tresorer d'Engleterre & barons illeokes pur le temps esteantz duement monstrant en les mesmes accomptes le nombre de toutz draps dimi draps streites & kerseis par eux ensealez oveqe les nouns de les possessours diceux chescun de mesmes les gardeins a estre guerdonnez annuelment a son

a son dit accompt pur sez labour & diligence en cel partie euez al receipt du dit eschequer par la discretion de les ditz tresorer & barons faunz ascun paiement dascune chose en le dit eschequer en ou pur la faifance de son dit accompt. Et en cas ascun de les ditz gardeins enseale ascun de les avautditz draps oveqe ascun autre seale ou ascun de mesmes les draps autrement faitz qe par les manier & ordenaunce desuis especifiez et ceo par sufficient prouf & examination monstrez & approuvez devaunt les ditz tresorer & barons par les ditz deposition tesmoigne & record de tielx sufficientz perfonnes de bon & due reputation queux ont prompt experience en texture fullure & faifure de draps ou si mesme le gardein refuse denfealer ascun de les ditz draps faitz accordaunt a les mesmes manere & ordenaunce ou si ascun tiel gardein ou aulnour preigne a le dit fest pur le Roy dascune persone pur lenfealer ou aulnage dascun manier drap ascun autre somme de monoie qest conteinuz es statutz & ordenaunces devaunt cest temps ent faitz & nient repellez ou si ascun tiel gardein ou aulnour a le dit fest refuse de monstrez sa commission de son office au ascune persone ceo desirant sur lenfealer ou mesurement dascun de les draps avautditz & ceo examinez & duement provez qe adonques il a tauntz de foitz come il en ascun de les premissez offende la somme de xxs. forfacera l'une moite ent au Roy & lautre moite a la partie provant la dit offense en icell par suite dent estre eue devant les ditz

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tre-

for the time being, duly shewing in the same accompts the number of the cloths, half cloths, streits, and kerseys sealed by them, with the names of the owners of the same; (10) every of the same keepers to be rewarded yearly at his said accompt for his labour and diligence had in this behalf at the receipt of the said exchequer, by the discretion of the said treasurer and barons, without payment of any thing in the said exchequer in or for the making of his said accompt. (11) And in case any of the said keepers do seal any of the aforesaid cloths with any other seal, or any of the same cloths otherwise made than according to the manner and ordinance above specified, and that by sufficient proof and examination shewed and approved before the said treasurer and barons by the said deposition, testimony and witness of such sufficient persons of good and due reputation, which have had prompt experience in weaving, fulling, and making of cloths; or if the same keeper do refuse to seal any of these cloths, made according to the the said manner and ordinance; or if any such keeper or aulneger do take after the said feast, for the King, of any person, for the sealing or measuring of any sorts of cloth, any other sum of money than is contained in the statutes and ordinances made before this time, and not repealed; or if any such keeper or aulneger, after the said feast, do refuse to shew his commission of his office to any person desiring the same upon the sealing or measuring of any such cloths before rehearsed;

B b

and

The accompt of the keepers of the seal, and their reward.

The penalty of the keeper of the seal for omitting his duty.

and that examined and duly proved, that then he, as often as he shall offend in any of the premisses, shall forfeit the sum of xx s. the one half thereof to the King, and the other half to the party proving the said offences therein by suit to be made before the said treasurer and barons, by bill of debt in the said exchequer, in which bill like judgment and execution shall be had, as is accustomedly had and used against other accountants in the same exchequer. (12) And that these statutes and ordinances, and other statutes and ordinances made before this time, and not repealed, concerning any of the premisses, shall be contained and specified in every commission to be made to every such keeper or aulneger after the said feast. (13) Also whereas before this time in the occupations of cloth-making, the labourers thereof have been driven to take a great part of their wages in pins, girdles, and other unprofitable wares, under such price that it did not extend to, and also have delivered to them wools to be wrought by very excessive weight, whereby both men and women have been discouraged of such labour; (14) therefore it is ordained and established by the authority aforesaid, That every man and woman being cloth-makers, from the said feast of St. Peter, shall pay to the carders, spinners, and all such other labourers, in any part of the said trade, lawful money for all their lawful wages, and payment of the same; (15) and also shall deliver wools to be wrought according to the faithful

A clothier shall pay to his work-folks ready money, and shall deliver them wool according to the weight.

treasurer & barons par bille de dette en le dit eschequer en quel bille autielx bille & execution soient euez queux font usuelment usez & euez envers autres accomptantz en mesme leschequer. Et qe ceitz estatutz & ordonauncez & autres statutz & ordonauncez devant cest temps faitz nient repellez concernantz ascuns de les premisses soient conteignuz & especifiez en chescun commission au chescun tiel gardein ou aulnour apres le dit fest affaire. Et auxi lou par cy devant en les occupations del faissance de drap les labourers dicell ount este chacez de prendre grand part de leur gages en espinges ceincts & autres enprofitables marchandises desoubtz tiel price qe nentende pas a lextent de leur loialx gagez et auxi ount deliverez a ceux laines destre overez par trop excessive pois quell ad enchafe & enchafe hommes & femmes en discouragement dautiel labour pur ceo ordeignez est & establie par lauctorite suisdit qe chescun homme & femme faisour de draps a le dit fest de saint Peere paie as cardours cardoreffes filereffes & toutz autres les laborers dascun membre dicell loiall moneie pur toutz leur loialx gages & paiement del mesme & auxi delivere laines estre overez accordant a la foiall livre & due pois sur peine de forfeiture a mesme le laborer de treble de ses ditz gages issint nonpaiez a tauntz foitz come le dit faisour de drap refuse de paier en les manier & fourme au ascun tiel laborer par luy mis a loccupation en ascun de les ditz membres del faissance de drap & auxi

auxi de forfeire a mesme le laborer pur chescun li. d. excessive & deloiall pois a luy deliverez destre overez vj. d. a chescun defaute.

Et auxi est ordeigne par lauctorite suifdit qe chescun cardour cardoresse fileresse tifeour fullour tondour de drap & tinctour face duement son labour en sa occupation sur peine de rendre a la partie endamagez en cell partie doubles damages et qe chescun fullour de le dit fest de seint Peere en sa arte & occupation de fuller & scalpier ou tezeiler de drap exercise & use teizels & nulls cardes mesme le drap deceivablement enpeirant sur peine de rendre a la partie endamage doublez damagez. Et qe chescun justice de peas pur le temps esteant de chescun countee de cest roialme par tut le countee hors des citees burghs & villes lou maire maister gardein bailiff ou baillifs est ou font et chescun mair lou mair est & chescun maister lou null mair est chescun bailiff ou baillifs lou null mair ne maister est chescun portrefe lou null maire maister bailiff ou baillifs est ou sont de chescun citie burgh & ville deinz chescun tiel countee avaunt dit et chescun conestable de hundred lou conestable de hundred est hors de chescun citee burgh & ville lou ascun maire maister bailiff ou baillifs ou portrefes est ou font et chescun seneschall gardant ou teignaunt wapentak ou lete dascune persone hors de citee burgh ou ville lou null maire maister bailiff ou baillifs ou portrefes est ou sont ait & aient poair & auctorite par cest ordenaunce doier & terminer les compleintes de chescun tiel faifour

ful delivery and due weight thereof, upon pain of forfeiture to the same labourer the treble of his said wages so not paid, as often as the cloth-maker doth refuse to pay the same in the said manner and form to any such labourer, put by him to the occupation in any of the said parts of cloth-making; (16) and also to forfeit to the same labourer, for every delivery of excessive and unlawful weight to him committed to be wrought, vi. d. for every default.

VI. Also it is ordained and established by the authority aforesaid, That every carder, spinster, weaver, fuller, sheerman, and dyer, shall duly perform his duty in his occupation, upon pain to yield to the party grieved in this behalf his double damages; (2) and that every fuller, from the said feast of St. Peter, in his craft and occupation of fulling, rowing, or tayfeling of cloth, shall exercise and use tayfels, and no cards deceitfully impairing the same cloth, upon pain to yield to the party grieved his double damage. (3) And that every justice of peace for the time being, of every county of this realm, throughout the same county, out of cities, boroughs, and towns where any mayor, master, warden, bailiff or bailiffs is or be, and every mayor where there is no master, and every master where there is no mayor, and every bailiff or bailiffs where there is no mayor nor master, and every portreve where no mayor, master, bailiff, nor bailiffs, is or be, of every city, borough, and town within every such county aforesaid, and every constable of

Every worker of wool shall do his duty therein lawfully.

The fuller's duty in his occupation.

What magistrates may enquire of and punish such as do offend.

B b 2 hun-

hundred, where any constable of hundred is, out of every city, borough, and town, where any mayor, master, bailiff or bailiffs, or portreves, is or be; and that every steward keeping or holding wapentake or leet of any person out of city, borough, or town, where no mayor, master, bailiff or bailiffs, or portreves is or be, shall have power and authority by this ordinance, to hear and determine the complaints of every such cloth-maker and labourer, as well for nonpayment of the said labourers wages, as of the said forfeiture and damages, by due examination of the parties in this behalf thereupon, for nonpayment of the said duties and forfeiture, and for the said damages, to commit the said offenders in this behalf to the next gaol within the same county, there to remain till the said duties, forfeitures, and damages be fully paid to the said labourer or cloth-maker; (4) and also that every of the said justices of peace, mayor, master, warden, bailiff or bailiffs, portreve, and steward of wapentake and leet, upon the information or complaint of any other person which is not grieved in this behalf, shall have power by the said authority within his jurisdiction, to cause the party to come before him, against whom such information or complaint shall be made, for offending this ordinance, and to examine him in and upon the matter contained in the same information or complaint; (5) and if the party, by examination, or other due proof, be found guilty or defective, that then the same party, as
often

four de drap & laborer sibien pur nonpaiement de les ditz gages des ditz laborers come de les ditz forfaiture & damages per due examination de les parties en cell partie et sur ceo pur nonpaiement de les ditz duetees & forfaitures & pur les ditz damages de commetter les trespassours en cell parte al proschein gaole deinz mesme le countee illeokes a demurer tanqe les ditz duetees forfaitures & damages soient a le dit laborer au faifour de drap duement paieez. Et auxi qe chescun de les ditz justices de peas maire maister gardein baillif ou baillifs portrefe & seneschall de wapentak & lete sur lenformation ou compleint d'aucune autre persone qe nest greve en cest part aiet poair par la dit auctorite deinz sa jurisdiction de faire venir devaut luy la partie envers quelle lenformation ou compleint ferra fait pur lencontrefeiture a cest ordenaunce et ceux dexaminer en & sur la matier conteignuz en mesme lenformation ou compleint et sil trove par examination ou autres duez proves la partie en ceo coupable ou defectif qadonques mesme la partie si sovent & pur chescun foitz come il est issint trove coupable ou defective forface au Roy ou a tiel persone ou persones qe ou queux est ou sont entitle ou entitlez davoit fines ou amerciements pur offenses faitz deinz leur jurisdiction iii s. iiij. d. Et qe chescun de les ditz justices de peas & autre officer avaunt dit deinz sa jurisdiction sur chescun del dite enformation ou compleint aient plein poair de fere autiel processe envers la partie sur quell aucune tiel enforma-

formation ou compleint come devaunt est recitee ferra fait de luy faire venir personnelment devaunt luy sur ceo destre examinez sicome justices de peas out sur enformation ou compleint fait a ceux pur suertie de peas saunz ascun fee ou regard destre pris ou cue par ascun de les ditz justices ou ascun autre officer en cell parte pur l'execution de leur offices en cell parte.

Auxi ordeignez est & establie par lauctorite suisdit qe tout maner drap lanuz fait en ascune autre region en cest roialme amesnez & mys a vend deins ascune part del mesme le roialme apres le dit fest de feint Peer soit forfait au Roy forspriuez draps fait en Gales & Irlond & draps prises par ascune des lieges du Roy sur le meere saunz fraude ou male engyne. Et par lauctorite suisdit ordeignez est & establie qe ascun autre acte ou ordonances faitz en cest present parlement concernantz la faifance de drap ou ascun de les premiffes contrariez ou nient accordauntz a cest act soit & soient voidez & de null effect.

within any part of this realm of *England*, after the said feast of *St. Peter*, shall be forfeit to our sovereign lord the King, except cloths made in *Wales* and *Ireland*, and cloths taken by any of the King's liege people upon the sea, without fraud or collusion, (2) And by the authority aforesaid it is ordained and established, That any other act or ordinance made in this present parliament concerning cloth-making, or any of the premiffes, contrary or not according to this act, shall be void and of none effect.

C A P. II.

From what places, and on what conditions English wools shall be exported to Calais.

ITEM, Whereas the King's noble progenitors, by great deliberation and advice, by divers acts of parliament in times past, did ordain and stabliff a staple to be at *Calais*, to the intent that all the wools and woolfels, and other merchan-

often, and for every time that he is so found guilty or defective, shall forfeit to the King, or to such person or persons which is or be entitled to have fines or amerciements for offences done within their jurisdiction, iiii s. iv. d. (6) And that every of the said justices of peace, and other officers aforesaid, within his jurisdiction upon every of the said informations or complaints, shall have full power to make like process against the party, upon whom any such information or complaint, as before is rehearsed, shall be made, to cause him personally to appear before him, thereupon to be examined, as justices of the peace have upon information or complaint made to them for surety of peace, without any fee or reward to be taken or had by any of the said justices, or any other officer in this party, for the execution of their offices in this behalf.

What process shall be awarded by justices of peace against offenders.

VII. Also it is ordained and established by the authority aforesaid, That all manner of woolen cloths made in any other region, brought into this realm of *England*, and set to sale

No cloths made in any other region shall be brought into *England* to be sold.

11 Ed. 3. c. 3.

Ex edit. Raft. Staple of Calais.

Merchandise
of the staple.
14 H. 6. c. 2.
15 H. 6. c. 8.
18 H. 6. c. 15.

Shipping of
wools.

dises of this realm, called merchandises of the staple, which should be shipped to pass out of this realm, should be carried to the said staple, and to none other place. And in the time that it was so used, *Calais* was in great surety, and this land, as to the commodities of the same, in great prosperity, till now of late that by strange and sinister means, many and divers licences of wools and woolfels have been granted and executed, as well in the King's name as otherwise: and have passed into the parts beyond the sea, to other places than to the said staple, and sold to the same persons, which were accustomed to come to the said staple to buy wools and woolfels: and also divers persons have much used to ship wools and woolfels out of this realm, some privily by night, and some openly by force, without paying therefore to the King any custom or subsidy, and carry the same to other places than to the said staple, and sold them to such persons as were accustomed to buy wools and woolfels at the said staple, by which undue means, great damage and inconvenience hath grown to our said sovereign lord the King and this his realm, and to the safeguard of the said town and marches of the same: Our said sovereign lord the King, considering the premises, by the advice, assent, request and authority aforesaid, doth grant, ordain, and establish, That wools and woolfels, morling and shorling, that shall be shipped to pass out of this realm, after the feast of *Easter*, which shall be in the year of our Lord, M.cccc.lxv. shall be shipped at the towns of such ports wherein the King hath his beam, his weights, and collectors of the custom to serve and deliver the merchants, that is to say, at the town of *Paole*, *Southampton*, *Chichester*, *Sandwich*, *London*, *Ipswich*, *Boston*, *Hull*, *Lynn*, and in none other place, creek or port, the wools and woolfels to be shipped in galleys and carraks, and in none other vessel, to pass out of this realm by the streits of *Marrocke* foreprised and except. And that by the same authority every person, that so shall ship or cause to be shipped out of this realm, any wools, woolfels, morling or shorling, after the said feast, upon the shipping of them, and before that they pass out of any of the said towns, where they shall be shipped, shall find sufficient surety to the King, and to the collectors of his custom there for the time being, that the same wools, woolfels, shorling and morling, shall pass to *Calais*, and to none other place, without fraud or collusion. And also by the same authority it is ordained, That every person which so shall ship wools, woolfels, shorling and morling to *Calais*, shall bring within twelve months next following, such shipping into the King's exchequer, there to be entered of record, a certificate of him, which is, or for the time shall be called the King's customer, at the port there, testifying the coming of all such ships with wools, woolfels, morling and shorling to *Calais*. Also it is ordained by the authority aforesaid, That if the same customer at the port do not deliver to the merchant, bringing such wools, woolfels, shorling and morling to *Calais*, a due certificate, after the form of this act,

act, within viii. days after due request of him thereof made, he shall forfeit to the owner of the said wools, woolfels, shorling and morling, at any time that he shall refuse to make and deliver such certificate C.li. And if he which so shall ship wools, woolfels, shorling or morling, to be had to *Calais*, do not bring into the King's exchequer, the certificate, as above is recited, and there offer the same in open court before the treasurer and barons of the same exchequer, for the time being, to be entered of record within the said twelve months, or if any person do contrary to the said ordinance, he shall forfeit all such wools, woolfels, morling and shorling so shipped contrary to the said ordinance, whereof he bringeth not a certificate as before is recited, or the value thereof. The one half to be employed to the expences of the King's house, and the other half to such person as shall sue for the same in this behalf, being mayor of the King's staple at *Calais* at the same time of such suit commenced. And that he in this case may sue an action of debt of such wools, woolfels, shorling or morling so forfeit, or of the value thereof at his election against such person or persons, which shall do contrary to this ordinance. The said action to be taken, and every issue therein joined, to be tried in the counties where such wools, woolfels, shorling and morling shall be shipped: *except* that if any issue be taken in the said action upon the offer of the certificate, that then it shall be tried in the county where the said court of exchequer for the time shall be. And that the same process be and lie in such action as is and lyeth in action of debt at the common law, and that no protection nor effoin lye or be allowed or adjudged for the defendant in such action. And though the plaintiff in such action be discharged of his said office of mayor, hanging the same action, he shall maintain and pursue the said suit, notwithstanding the same discharge. Provided always, That if any wools, woolfels, morling or shorling, to be shipped in the form aforesaid, be taken with enemies ^{Wools,} upon the sea, or else there perished or lost by misfortune, and ^{woolfels,} such taking, perishing or loss be found and proved before the treasurer and the barons of the King for the time being, by examination of the person or persons, which so should ship such wools, woolfels, shorling or morling, or their executors or two credible persons sworn, or other reasonable witnesses and proofs, testifying the same wools, woolfels, shorling and morling so taken, lost or perished: that no person for any such woolfels, shorling or morling, so taken, lost or perished, shall be grieved or otherwise prejudiced by this act. Provided also, That the wools, woolfels, shorling or morling, only of the growing betwixt the waters of *Tees* and *Tweed*, *Northumberland*, *Cumberland*, *Westmorland*, the bishoprick of *Durham*, *Richmondshire*, and *Northaldertonshire*, may be shipped in the port of *Newcastle upon Tyne*, to pass at their liberty, this act notwithstanding. ^{Newcastle.}

CAP. III.

Certain wools, fells, &c. which may be exported from Newcastle to the staple of Calais. Penalty on those who do contrary to this ordinance.

Shipping of
wools at
Newcastle.

ITEM, because it is perceived and certainly known, that divers persons for themselves, their factors and servants, do buy and gather wools and woolfells, as well shorling as morling, of the growing of the counties of *York, Lincoln, and Nottingham*, and carry the same to the port and town of *Newcastle*, and there the same wools and woolfells, as wools and woolfells of the growing of the country beyond the waters of *Tees* and *Tweed*, and of any of the said counties of *Northumberland, Cumberland, Westmorland, Richmondsbire, Northaldertonsbire*, and the bishoprick of *Durham*, and by colour thereof do ship and cause to be shipped and carried into places beyond the sea, other than to the staple of *Calais*, whereby our said sovereign lord the King is greatly deceived of his custom and subsidy, against the statutes in such cases provided, to the great damage of the King and of this his realm, and of his subjects of the same: Our sovereign lord the King, by the advice and assent of the said lords and commons, and by the said authority will and ordaineth, That no person shall ship or cause to be shipped, at the said port and town, any wools or woolfells, morling or shorling, of the growing of any county or country, other than of the growing of the country beyond the said waters, or of any of the said counties of *Northumberland, Cumberland, Westmorland, Richmondsbire, Northaldertonsbire*, or of the said bishoprick of *Durham*. And if any person ship or cause to be shipped, at the said town or port, any wools, woolfells, shorling or morling, of the growing of any county or country, other than the said countries, betwixt the same waters, or of the said counties of *Northumberland, Cumberland, Westmorland, Richmondsbire, Northaldertonsbire*, or of the said bishoprick of *Durham*, to be carried into any place beyond the sea, other than to the said staple of *Calais*, shall forfeit the double value of the same wools and woolfells so shipped, and not grown betwixt the said waters, nor in none of the said counties of *Northumberland, Cumberland, Westmorland, Richmondsbire, Northaldertonsbire*, or in the said bishoprick of *Durham*: whereof our sovereign lord the King shall have the one half, and he that will sue in this party the other half: and that as well the King, as he that will sue for the same in this behalf, shall have his recovery by an action of debt. The said action to be taken, and every issue therein joined, to be tried in the said county of *York*, and not in the said town, nor in none of the said counties of *Northumberland, Cumberland, Westmorland, Richmondsbire, Northaldertonsbire*, or in the said bishoprick. And like process to be had in the same action, as is commonly used in an action of debt. And that the defendant in this case have no advantage by any essoin or protection, nor be admitted to wage his law.

Staple of
Calais.

3 Ed. 4. c. 1.

12 Ed. 4. c. 5.

CAP.

CAP. IV.

A restraint for three years of the custom of contracting for wool in certain counties before it is shorn, unless it be used for cloth or yarn.

ITEM, whereas by subtil bargains made in buying of wools, Wools bought unshorn. before that the sheep that bear the same be shorn, the cloth-makers of this realm can well nigh find none to be sold, to the great grief of them, which have been accustomed to have their living by the mean of making of cloth: Our sovereign lord the King, by the advice and assent of the said lords, and at the request of the said commons, and by the authority aforesaid, hath ordained and stablished, That no person by himself or any other, shall buy or bargain, from the xviii. day of *March*, which shall be in the year of our lord, M.cccc.lxiii. any wools then not shorn, or take promise of bargain of any wools, then not shorn, of the growing of *Berkshire, Oxfordshire, Gloucestershire, Shropshire, Herefordshire, Worcestershire, Wiltshire, Somersetshire, Dorsetshire, Hampshire, Essex, Cambridgeshire, Norfolk, Suffolk, Kent, Surry, and Sussex*, or of any of the same, till the feast of *St. Bartholomew* then next ensuing, or buy any wools, Bargain for wool. or take any promise of bargain of wools, which shall grow in any of the same counties, the year then next ensuing the said feast, before the same feast then next following, or in like manner buy any wools, or take promise of bargain of any wools, which shall grow in any of the said counties the year then next ensuing the same feast, till the same feast then next following, which feast shall be in the year of our Lord M.cccc.lxvii. but only such persons, which of the said wools shall make or do to be made yarn or cloth within this realm, upon pain of forfeiture of the double value of all the wools bought or to be bought, bargained or taken by promise of bargain against this ordinance: the one half to be had to the King's use, and the other half to the use of him that will sue in this behalf, and that every person that will sue in this behalf shall have an action of debt of the same forfeiture, and like process in the same action, as is had in an action of debt. And that no essoin, protection, nor wager of law be allowed for the defendant in this action. 4 H. 7. c. 11.
22 H. 8. c. 1.
37 H. 8. c. 15.

CAP. V.

Merchandises from the duke of Burgundy's countries prohibited, till English wrought cloths are received there.

ITEM, forasmuch as a certain declaration and ordinance, in Duke of Burgundy, form of a statute, evermore to endure, and never to be repealed, and proclamations of the same were late made by the Woolen cloths and yarn. duke of *Burgundy* in the parts of *Brabant, Holland, Zealand*, and other seigniories, that from that time forth all manner woolen cloths and woolen yarn made and wrought in the realm of *England* should be banished out of the lands of the said duke, that is to say, *Burgundy, Lotrike, Brabant and Luneburgh, Flanders, Artois,*

tois, Henault, Holland, Zealand, Namur, the marquiship of the holy empire, Friesland, Malynes, the lands beyond the river of Maese, and generally out of all his other lands and feignories: so that after the said proclamation, no such cloth or yarn should be bought, sold, or distributed there. And if after the same time any such cloth or yarn should be there found, that the same should be burnt as a thing banned; with certain other strait punishments specified in the same proclamations and ordinances: whereby, by all likelihood, the makers of woollen cloths within this realm of England, as weavers, fullers, dyers, spinners, carders, and winders of yarn, and other persons exercising the said cloth-making, and also the buyers and sellers of the same, should be destitute of occupations, and become so idle, that it should provoke them to sin and evil life, which God defend: our said sovereign lord the King, the premisses considered, hath by the advice, assent request and authority aforesaid, ordained and stablished, That no denizen of this realm, nor no merchant of the liege of England, shall bring or convey, nor privily or apertly do to be brought, carried, or conveyed into this realm of England, Wales, or Ireland, any manner merchandises or goods of the growing, workmanship, or making, of the lands and parts of Burgundy, Lotrike, Brabant, Luneburgh, Flanders, Artois, Henault, Holland, Zealand, Namur, the marquiship of the holy empire, Friesland, Malynes, the lands beyond the river of the Maese, or of any lands or feignories, which the said duke doth hold or occupy, or any of them: nor that any such denizen or merchant stranger sell or utter in any part of this realm, Wales, or Ireland, from the said feast, any such merchandises or goods, other than such which have been bought before the said feast, in any of the said parts, except all manner of victuals. And also except goods and merchandises taken by any of the King's liege people upon the sea, without fraud, covine, or male engine, upon pain of forfeiture of the said goods and merchandises so brought or so sold and bought after the said feast, that is to say, the one half thereof to the King, and the other half to him that first shall seise the same goods and merchandises, in whose hands soever they may be found, till the time that due continual reformation be had and made by the said duke of the said declaration and ordinance of banishing, in such wise that all manner of woollen cloth and woollen yarn made, or to be made within the realm of England, Wales, and Ireland, may come to be brought and accepted in the aforesaid parts of Burgundy, Lotrike, Brabant, Luneburgh, Artois, Henault, Holland, Zealand, Namur, the marquiship of the holy empire, Friesland, Malynes, the lands beyond the water of the Maese, and all other lands and feignories of the said duke, and in every of them there to be uttered, sold, and expended, used, worn, and distributed, at the election of the owner of the same or his factor in this behalf there, without impeachment of the said duke, or any other his officer in any of the said lands and parts, to be carried and con-

Merchandise.

Victuals.

con-

conveyed to any other part, at the election of the said owner or his factor, as freely as they were brought, carried, or conveyed before the said proclamation of the said declaration and ordinance made by the said duke. And also he hath ordained by the said authority, That all manner merchants strangers, having any such manner of merchandises or goods of the said growing, workmanship, or making, being shipped in any vessel in any part of this realm of *England, Wales, or Ireland*, and not put to land, or if any such merchandises or goods be put to land in any part of the said realm of *England*, after the said feast, that all such merchandises and goods be utterly voided out of this realm of *England, Wales, and Ireland*, within forty days next after proclamation made upon this ordinance within the city of *London*, upon pain of forfeiture of the said goods and merchandises: the one half thereof to the King, and the other half to him that shall first seise any such goods or merchandises. And that open proclamation of this ordinance be made before the eighteenth day of *March*, which shall be in the said year of our Lord M.cccc.lxiii. within the city of *London*, and other necessary places and convenient. And if it happen any suit or action to be taken and sued by the occasion of any such seisin, wherein any issue concerning this ordinance shall be taken: that the said issue be triable and tried in the county and of the venue, where the said seisin shall be had, and in none other place. And because it is greatly doubted, that during the said restraint of the said goods and merchandises made and grown in the aforesaid lands of the said duke of *Burgundy*, being in this realm, or to be brought into the same, and within the same to be put to sale, by the sellers of them should be exalted and put at an excessive price, which should turn to the great damage of the people of this realm: it is therefore ordained by the said authority, That during the said restraint, every mayor, bailiff, and other chief governor of every city, borough, and town, and the governors of every fair and market out of city, borough, and town, within this realm, upon complaint to be made to any of them by any of the King's liege people, of such enhancing and putting of excessive price, shall have power and authority within their jurisdiction, by due search, examination, and proof had in this behalf, to make such direction and reformation, as by the advice of two discreet men of every such city, borough, or town, thereto to be appointed by every mayor, bailiff, or other chief governor aforesaid, after their conscience and discretions, in satisfaction and reasonable amends of the party so complaining shall seem reasonable. And this ordinance to endure at the King's pleasure. Provided always, That this act, nor none other act, statute nor ordinance, made or to be made in this present parliament, shall do no damage, prejudice nor derogation to the merchants of *Almayne*, having the house commonly called *Guildhalla Teutonicorum*, in the city of *London*, which merchants now be within this realm of *England*, or in any parts under the King's obeisance, or

Merchants
strangers.

Mayor.

Guildhalla
Teutonicorum.

which

which hereafter shall be or repair into the same, of or in any franchises, freedoms, liberties, immunities or any other thing granted by the King's progenitors, by their letters patents, to merchants of *Almayne*, having the said house commonly called *Guildhalla Teutonicorum*, in the said city of *London*, nor of any grants or confirmations in any wise made by our said sovereign lord the King by his several letters patents to merchants of *Almayne*, having the said house commonly called *Guildhalla Teutonicorum*, in the said city of *London*, by whatsoever names they be called or named. And that all the said letters patents be in all such force, effect, and strength, and available to the merchants having the said house called *Guildhalla Teutonicorum* in the said city of *London*, as they were before the making of this act. This act, or any other act, statute, or ordinance made or to be made in this present parliament notwithstanding.

CAP. VI.

A qualification of the statute of 5. HEN. IV. cap. 9. touching security to be taken of merchants strangers for the employment of their money upon the commodities of this realm.

Customers
and control-
lers.

Merchants
strangers.

ITEM, our said sovereign lord the King remembering that where by the statute made in the parliament holden in the fifth year of *Henry* the Fourth late in deed and not of right king of *England*, it was ordained and stablished by authority of the same parliament amongst other things, That all the customers and comptrollers in all ports of this realm, should take sufficient surety for all manner merchandises brought by merchants aliens and strangers, coming and repairing to the said ports, to the intent that the money taken for the said merchandises should be employed upon the commodities of this realm, saving their reasonable costs, as in the same statute is contained more at the full. And that because the said merchants strangers have not knowledge of the sufficient persons within this realm, which shall be bound for them, so that they cannot oftentimes find to the intent aforesaid such surety: and also because that the said customers and comptrollers have no manner of power nor authority after the employment performed and made, to rebail the said sureties to the merchants: wherefore the said merchants would rather depart, and hereafter not to repair into this realm with any merchandises, than to find any such sureties, in diminution of the King's customs and subsidies in his said ports, unless due remedy be therefore provided: the King, by the assent of the said lords and commons, and by the authority aforesaid, hath ordained and stablished, That at all times from henceforth the customers and comptrollers for the time being, shall take surety by their discretion of the said merchants alone, or of them and other for the said employment to be had. And that the said customers and comptrollers in every port of this realm, at all times hereafter, after the employment had by the said

faid merchants, may deliver to the faid merchants all such sureties, which they did take of them or any of them for the faid employment. And that of and for the same they and every of them be discharged against the King. This statute to endure till the next parliament.

CAP. VII.

Regulations to be observed by the shoemakers of London, and those within three miles of the same. The privileges of the inhabitants of St. Martin's le Grand saved.

ITEM, our sovereign lord the King, by the advice of his Cordwainer. lords spiritual and temporal, and at the prayer of the said commons in the said parliament assembled, and by authority of the same, hath ordained and stablished, That no person cordwainer or cobbler within the city of *London*, or within three miles of any part of the same city, be he within franchise or without, do to be made after the feast of *Easter*, which shall be in the year of our Lord one thousand four hundred sixty five, any shoes, galoches, or huseaus with any pike or poleyn, that shall pass the length of two inches, which shall be judged by the wardens or governors of the same mystery within the said city, and three miles of every part of the same, or upon any *Sunday* in the year, or in the feasts of the *Nativity* or *Ascension* of our Lord, or in the feast of *Corpus Christi*, shall sell or command or do to be sold any shoes, huseaus, or galoches, or upon the *Sunday*, or any of the said feasts, shall set or put upon the feet or legs of any person, any shoes, huseaus, or galoches, upon pain of forfeiture and loss of xx s. sterling, as often and when any person shall do the contrary of this ordinance or any part of the same. Whereof vi s. viii d. shall be had to the King's use, and vi s. viii d. to the use of the governors of the mystery of cordwainers, and the other vi s. viii d. residue of the said xx s. to the use of him that shall find, discover, and prove the breaking of this ordinance. And that every person that will sue for the said forfeiture, shall have an action of debt by writ or plaint at his election, and such process and execution in the same as is had in an action of debt. And that the defendant in the same action be not admitted to wage his law. Provided always, That this act, nor none other act, ordinance or statute, made or to be made in this present parliament, shall extend to the damage or prejudice, nor in any wise be prejudicial or hurtful to the dean for the time being of the King's free chapel of *St. Martin's le Grand* of *London*, or to the said dean and chapter for the time being of the same chapel, nor to any person or persons for the time abiding or dwelling within the same chapel, or within any place or places in *St. Martin's Lane* in *London*, or within any other place or places within the precinct, fee, or franchise of the said dean, or the said dean and chapter, nor to any of the rights, privileges, liberties, franchises, immunities, or other thing by the King, or by any of his progenitors, predecessors, or possessors of the realm, estate, and crown of *England*,

land, to the said dean and chapter of the said chapel and their successors jointly or severally in any manner granted, or in any manner heretofore pertaining. And also provided, That the dean of the said chapel, and the dean and chapter of the same chapel, shall have, hold, and enjoy fully, freely, quietly, and effectually all their said rights, privileges, franchises, liberties, immunities, and every other thing to them granted in manner and form aforesaid, by whatsoever name or names they be named or called jointly or severally in any letters or writings thereupon made, any act, ordinance, or statute made or to be made, or any other matter or thing contrary notwithstanding.

Repealed by
14 H. 8. c. 9.
& 5 Eliz. c. 8.

C A P. VIII.

No stranger shall buy English horns unwrought, gathered or growing in London, or within twenty four miles thereof. Certain powers vested in the wardens of the horners of London.

Rep. 1 Jac. 1.
c. 25.
but is recited
and in part
revived by
7 Jac. 1. c. 14.

OUR sovereign lord the King perceiving by grievous complaint made in this parliament by men of occupation of horners being enfranchised in the city of London, how that people of strange lands hath come into this land and into divers parts thereof, and hath bought by the hands of their hosts and guides the great and chief stuff of English horns unwrought, of tanners and butchers, and carry the same over the sea, and there employ the same in divers works, to the great damage of this land, and to the final prejudice of a great number of men being of the same occupation: hath, by the advice and assent of the said lords, and at the request of the said commons, and by the authority aforesaid, ordained, established, and enacted, That from the feast of *Easter*, which shall be in the year of our Lord God, one thousand four hundred and sixty five, no manner stranger nor alien, by himself, or by any other, shall buy any *English* horns unwrought, of any tanners, butchers, or of any other persons, gathered or growing

ITEM nostre dit souveraigne seignur le Roy appris par grevous compleint fait en le dit parlement par les hommes de la mestier des horners enfranchisez en la citee de Loundres coment les gentz des terres estraunges ount venuz en cest terre & en diverses parties dicell & ount achatez par les mains de lour gardes hostes & guydes le graund & chief stuffe des cornes Englois nient overez des tanners & bochers & les amesnerent doutre le mere & les illeoques emploierent en diverses overaignes au grande damage de cest terre & en finall prejudice de le graund nombre des hommes de la dite mestier pur toutz jours ad par assent des ditz seignurs & a la supplication des ditz communez & par lauctorite suifdit ordeigne establie & enacte qe a le fest del Pasque qi ferra en lan de nostre Seignur Mille cccclxv. null manere estraunge ou alien par luy mesme ou par ascun autre ascuns cornes Englois nient overez des tanners bochers ou dascuns autres personnes coillez ou creissantz deinz la dit

dit citee & xxiiij leukes en chescun part le mesme la citee prochein adjoignantz & que null Englois ou autre persone queconque vende ascuns cornes Englois nient overez al ascun estrange ou les face maunder outre le mere issint que les ditz horners voillent acheter les ditz cornes de semblable price de qi ils sont al temps del faisanche de cest ordenaunce sur peine del forfaiture de toutz tielx cornes issint achatez venduz ou maundeuz & que les gardeins de la dit mestier pur le temps esteantz par la dit auctorite aient plein poair de sercher tout manere de ware spectant a leur dit mestier overe ou a overer en toutz lieux deins la dit citee de Loundres & xxiiij. leukes en chescun part prochein adjoignant a mesme la citee & deinz les feires de Stirbrigge & Ely en qi mains les poient estre trovez. Et sils par leur serche trovent ascun tiel ware ou stuff en ascun lieu deinz la dite citee de Loundres & xxiiij. leukes en chescun part prochein adjoignant mesme la citee ou deins les feires de Stirbrigge & Ely en queconques mains ils soient a venders que est defectif & nient sufficient qil bien lise a ceuz de prendre mesmes les ware & stuff & les amesner devaunt le maire de la dite citee de Loundres le maire ou baillifs de les avaunt ditz feires pur le temps esteantz et ceo issint illeques prove defectif destre forfaitz lune moite ent au Roy et lautre moite ent a les ditz gardeins destre demeanez a leur pleasir. Purveu toutz foitz que apres hommes de la dite mestier deinz cest terre ount prisez hors & eslieux tielx & tauntz cornes come a leur mestier

ing within the said city, and xxiiii miles on every side of the said city next adjoining. And that no *Englishman* nor other person, sell any *English* horns unwrought to any stranger, or cause them to be sent over the sea, so that the said horners will buy the said horns at like price as they be at the time of the making of this act, upon pain of forfeiture of all such horns so bought, sold, or sent. And that the wardens of the said mystery for the time being, by the said authority, shall have full power to search all manner of ware pertaining to their mystery, wrought or to be wrought, in all places within the said city of *London*, and xxiiii miles on every side next adjoining to the same city, and within the fairs of *Sturbridge* and *Ely*, in whose hands they may be found. And if they, by their search, find any such ware or stuff in any place within the said city of *London*, and xxiiii miles next adjoining to the same city, or within the fairs of *Sturbridge* and *Ely*, in whose hands soever they be, to sell, that is defective and insufficient, it shall be lawful to them to take the same ware and stuff, and bring it before the mayor of the said city of *London*, the mayor or bailiffs of the foresaid fairs for the time being: and the same there being proved defective, to be forfeited, the one half thereof to our sovereign lord the King, the other half to the said wardens, to be ordered at their pleasure. Provided always, That after that men of the said occupation within this land, have taken out and chosen such and as many horns as shall be need-

needful to their occupation, that then it shall be lawful to them, all and every of them, and other persons of this realm of *England*, to sell and deliver all the horns refused, which be not able to be occupied in their mystery, to any stranger or other person, to send or carry beyond the sea or elsewhere, as shall please them.

mestier bofoignent qe donques lifera a ceux & chefcun deux & toutz autres perfonnes de cest roialme d'Engleterre toutz les cornes refusez queux ne sont mie ables a occupiers en leur mestier de vender & deliverer al ascun maner estraunge ou autre perfone pur les maunder ou carier doutre le mere ou ailleurs qiqe lour plerra.

CAP. IX.

Patten-makers may make pattens of such asp as is not fit for shafts.

Ex edit. Raft.
4 H. 5. c. 3.

ITEM, The company of the mystery of patten-makers of the city of *London*, piteously complaining, shewed in the parliament, of the grievous hurt, loss and damage, which other persons in times past of the same occupation now dead, and they, long time have borne and sustained, and hereafter be likely to bear and sustain, by reason of a statute made in the time of *Henry* the Fifth, late king of *England* in deed and not of right, by authority of this parliament holden in the fourth year of his reign, by which statute it was ordained and established, That patten-makers within the realm of *England* from that time forth, should make no pattens nor clogs of timber called asp, upon pain to pay to the King C. s. for every default. And that every person, which would sue for the King should have the one half of the pain so forfeit: so that the fletchers throughout the realm, might sell their shafts at more easy and reasonable price than they were wont to sell, as in the said statute more fully is contained. And though also that the said asp timber be the best and lightest timber, thereof to make pattens and clogs, most easy for the wearing of all estates, gentiles and other people, of any timber that groweth, and before the making of the said statute the said patten-makers were as free, and at as great liberty to buy all manner of asp timber, and thereof to make pattens and clogs, as they were at the same time, and at all times have been, and yet be all manner people of the crafts and occupations of turners, carpenters, woodmongers, and cole-makers, which do occupy expend and waste yearly in their occupations a great quantity of all manner timber of asp, as well such asp timber as would serve to make shafts thereof, as that that would not serve for the same, and no restraint is made for them or any of them to the contrary, and very much asp timber there is, which will in no wise serve the fletchers to make thereof shafts, which is as sufficient able and convenient to be made in pattens and clogs, as is the remnant of the said timber to be made in shafts: and the said patten-makers durst not occupy any part of the said timber, nor one nor other, for fear of forfeiture, of the said pain contained in the said statute, which

which is great damage to the said patten-makers, and none advantage to the said fletchers, and the common people throughout the realm thereby greatly diseased: Wherefore our sovereign lord the King, considering the premisses, by the advice and assent of the lords spiritual and temporal, and at the request of the said commons, hath ordained that from henceforth at all times it shall be lawful to the patten-makers of this realm, to make pattens of such timber of asp, that is not apt, sufficient nor convenient to be made in shafts, and that for the common wealth. And that as often as any patten-maker, after the feast of *Easter*, which shall be in the year of our Lord God 1465. shall make any pattens or clogs of such part of asp timber, that shall be able and sufficient to be made in shafts, shall forfeit for every time forty shillings, the one half thereof to the King, and the other half to him that will sue in this behalf.

Repealed by
1 Jac. 1. c. 25.

C A P. X.

What persons shall take passage or land at Dover in Kent only, and who not.

ITEM, whereas by the noble King *Edward* the Third, progenitor of our sovereign lord the King that now is, after the conquest of the town of *Calais*, in his parliament holden in the ninth year of his reign, in relief and comfort of the town of *Dover*, one of the towns of the five ports in the county of *Kent*, did ordain that no merchant, pilgrim, nor none other person or persons, horse or beast, should take any passage towards the town of *Calais*, from any port or place within the county of *Kent*, but only from the port of the said town of *Dover*. And also that no merchant, pilgrim, nor none other person or persons, horse, or beast, should come from *Calais* into any port of *Kent*, but only to the port of the said town of *Dover*, except soldiers and merchants coming and going with their ships freighted with merchandises, unless it were by the King's commandment, or otherwise that they were driven or compelled to take some other place or port by tempest. Also it was ordained and established by the authority of another parliament, holden in the xiii. year of the noble King *Richard* the Second, after the conquest, That all passage should be kept at the said town of *Dover* in the manner and form before rehearsed, and in none other place within the said county of *Kent*, as there hath been used and accustomed by reason of the premisses, till now late, that notwithstanding divers pilgrims and merchants and other persons, which be no soldiers, with horses and other beasts, of late time have used commonly to take their passage towards the said town of *Calais*, at divers ports and places in the same county of *Kent*: and to come from *Calais* into *Kent* at divers ports and places in the same, other than in the said port of *Dover*, contrary to the grants and ordinances afore said, to the great damage, impoverishment, and desolation of the same town, and likely by continuance to be the cause of jeopardy and loss of the same town, castle, and the

country adjoining. Our said sovereign lord the King, the premisses considered, and how the said town is set in the uttermost part of this realm next to his enemies, and hath no mean of comfort nor relief, but only by mean of the said passage, hath ordained, established and enacted by the advice, assent, and authority aforesaid, That no pilgrim, merchant, nor none other person or persons, horse or beast, except soldiers, and merchants with their merchandises, in the manner and form before recited, shall from henceforth take their passage at none other place or port within the county of *Kent*, but only at the said port or town of *Dover*, if they may there have sufficient passage and shipping. And also that no pilgrim, merchant, nor none other person or persons, horse or beast, shall come from *Calais* to any port or other place within the said county of *Kent*, but only to the port of the said town of *Dover*, except soldiers and merchants with their merchandises, unless they have and shew the King's commandment in writing so to do, or else be compelled and driven to some other place or port by sudden tempest. And that every person, of what estate degree or condition he be, which voluntarily doth against this act or ordinance, shall forfeit for every time that he so doth, five marks: our sovereign lord the King to have the one half, to be employed upon the reparation of the castle of *Dover*, by the surveying of the constable or his lieutenant there, the other half to that person or persons of the said town or castle, being a freeman of the said town of *Dover*, that will commence or sue an action thereof against the offender. And that every person or persons of the said town or castle, freeman of the said town of *Dover*, may in his own name, have against every person that willingly offendeth this statute, a general action of debt of the said sum of five marks, and declare especially upon the same act or ordinance. And that process of outlawry and all other processes and determination shall be had in the said action, as is had and used in other general actions of debt. And also the master of every ship and vessel, which willingly contrary to this act doth convey to any place or places any pilgrim, merchant, or other person or persons, horse or beast, shall likewise forfeit at every time that he so doth, five marks, in the manner and form aforesaid to be sued, had, recovered, levied, and employed.

Ship master.

Repealed
21 Jac. 1. c. 28.

Statutes made at *Westminster*, Anno 7 EDW. IV.
and *Anno Dom.* 1467.

AT the parliament holden at *Westminster* the third day of *June*, the seventh year of the reign of King *Edward* the Fourth after the conquest, our said lord the King, by the advice and assent

AU parlement tenuz a *Westm'* la tierce jour de *June* en lan du reigne du Roy *Edward* le quart puis le conquest septisme mesme nostre seignur le Roy del advis & assent

sent des seignurs espirituelx & temporelx & a la request de sez communez en le dit parlement assemblez & par lauctorite de mesme le parlement ad ordeigne & establie certains statutz & ordenaunces en manere & fourme ensuantz.

assent of the lords spiritual and temporal, and at the request of his commons, in the said parliament assembled, and by authority of the same parliament, hath ordained and established certain statutes and ordinances in manner and form following.

CAP. I.

For making of worsteds.

PRimerement qe lou y sont sibien deinz la citee de Norwyce come aillours deinz le countee de Norff' diverses persones queux fount wares meins verrois dez toutz maners des worstedes nient esteantz des assises en longueur ne laieur ne de bone stuff & droiturrell feisure sicome ils estre deivent & furent dauncien temps accustumez & les fleies & file a ycell spectantz nient droitment faitz & overez en grand deceit sibien des deinszeins come deftraunges enhabitauntz ou repirauntz en cest roialme queux ount usez & usent dachatier tielx merchandises confiantz qil ferroiet dedeinz come y monstre dehors lou de verite il est contrarie et lou qe worstedes en temps passe furent bealment & loialment overez & plesaut merchandise & grandement desirez & ayez en les parties dela le mere ore par cause qils sont de non droit feisure & de nondroit stuff ils sont reportz & appelez subtile & nondroit merchandise & de petit reputation au grand damage nostre dit seignur le Roy & grand prejudice de son foiall people. Si nostre dit seignur le Roy de lassent des seignurs espirituelx & temporelx & a la request de sez communez en le dit parlement esteantz & par auctorite de mesme

FIRST, *For that there be as well within the city of Norwich, as elsewhere within the county of Norfolk, divers persons which do make untrue wares of all manner of worsteds, not being of the assise in length nor in breadth, nor of good stuff and right making as they ought to be, and of old time were accustomed, and the fleyes and yarn pertaining to the same not well made and wrought, in great deceit as well of denizens as of strangers inhabiting or repairing to this realm, which have used and do use to buy such merchandises, trusting that they were within as they seemed without, where indeed it is contrary: (2) And for that the worsteds in times past were lawfully wrought, and merchandise well liked, and greatly desired and esteemed in the parts beyond the sea; now because they be of no right making, nor good stuff, they be reported and esteemed deceitful and unlawful merchandise, and of little regard, to the great damage of our lord the King, and great prejudice of his loyal subjects. (3) Our said lord the King, by the assent of the lords spiritual and temporal, and at the request of his commons being in the said parliament, and by the authority of the said parliament, for the wealth of his people, and the perpetual amendment*

The election, oath, authority, searching and sealing of the wardens of worsted weavers in Norwich and Norfolk.

Four wardens
of worsted
weavers in
Norwich, and
other four in
Norfolk.
Altered by 13
& 14 Car. 2.
c. 5. f. 2.

Four wardens
shall take their
oath before
the mayor,
&c. 26 H. 3.
c. 16.

The wardens
power.

of the said worsteds, and chewing and avoiding all manner of deceits to be done and wrought in worsteds by them that work the same, and are the means thereof, hath ordained and established, (4) That men of the said craft within the said city shall have power every year, the *Monday* next after the feast of *Pentecost*, to choose four wardens within the said city of the same craft; (5) and also that artificers of the same craft likewise out of the city, that is to say, within the county of *Norfolk*, shall have power every year at the same day to choose four wardens within and of the said county, of the same craft: (6) And the aforefaid wardens in the said county and city, to come before the mayor of the said city for the time being, upon the *Monday* next after the feast of *Corpus Christi* then next following, and then to be sworn before the mayor of the said city, and the steward of the duchy of *Lancaster* within the said county for the time being, if it happen him within the said county then to be present, or else before the said mayor only, the said steward then being absent. (7) And that all the said wardens, as well within the said city as without, or else the greatest part of them, under this form before recited chosen and sworn, shall have full power for the year then next following, to survey the workmanship of the said artificers, and that they make and work rightfully and well, and of good stuff, and to ordain such rules and ordinances within the said craft, as often as it shall seem needful or necessary for

mesme le parlement pur le bien de tout son people & en perpetuall amendement de les ditz worstedes & destruction de toutz manerez deceites estre faitz & overez es worstedes par eux qi les overent & les moiens dicell ad ordeigne & establie qe homes du dit art deinz la dite citee aient poair chescun an le lunedie profchein apres le fest de Pentecost de eslier quates gardeins deinz la dite citee de mesme larte. Et auxi qe lartificers de mesme lart semblablement dehors la citee cestassavoir deinz le countee de Norff' aient poair chescun an au mesme jour de eslier quates gardeins dedeinz & du dit countee de mesme lart et les avaunt ditz gardeins en les ditz countee & citee de vner devant le maire du dit citee pur le temps esteant sur le lunedie profchein apres le fest del Corpus Christi adonques profchein ensuant & illeoces destre jurez devant le maire de la dite citee & le seneschall del duchie de Lancastre deinz le dit countee pur le temps esteant fil aveigne luy deinz la dite citee adonques estre present ou autrement devant le maire tant-soulement le dit seneschall lors esteant absent. Et qe toutz les ditz gardeinz sibien deinz la dite citee come dehors ou autrement la greindre part deux desoubtz cest fourme avaunt dit recitee esluz & jurrez aient plein poair pur lan adonques profchein ensuant de surveer lartifice de les ditz artificers & qils facent & overent bien & droitment & de bone stuff & de faire & ordeigner autielx rules & ordenaunces deinz la dit art si sovent come il semblera as eux bofoignable ou necessarie

cessarie a lamendement de les ditz worstedes & art & qe autielx rules & ordenaunces par eux ensi faitz & ordeignez destre par les ditz artificers obeiez & gardez.

Ou autrement quatres de les ditz gardeins ceus de les ditz artificers qi' ascuns de leur ditz rules & ordenaunces enfrenient ou facent le contrarie appellantz a eux vj. de les plus discrettes de les ditz artificers deinz la dite citee & vj. de les mesmes artificers deinz le dit countee par la discretion du dit maire ou seneschall ou dune deux puneront. Et qe chescun pece de worstede soit pursuant parmye la pece de leall feisure bone & convenient stuff et qils teignent les longueur & laeur sicome lassise soleoit estre dauncien temps droitement accustumee cestassavoir beddes del plus graund assise en longueur xiiij. aulnes largement & en laeur iiij. aulnes largement & beddes del mesne assise xij. aulnes en longueur & en laeur iij. aulnes & beddes de plus petit assise x. aulnes en longueur & en laeur ij. aulnes & dimi & draps appelez monkes clothes xij. aulnes en longueur au meins & v. quarters en laeur & draps appelez chanon clothes dune assise vj. aulnes en longueur & ij. aulnes en laeur & de lautre assise v. aulnes & vij. quarters en laeur et double motleis vij. aulnes en longueur & v. quarters en laeur & senngle motleis vj. aulnes en longueur & v. quarters en laeur & double worstede x. aulnes en longueur & v. quarters en laeur et dimi double worstede vj. aulnes en longueur & v. quarters en laeur & rolle worstede xxx. aulnes en longueur & dimi aulne

for the amendment of the said worsteds and craft; and that all such rules and ordinances, so made and ordained by them, shall be obeyed and kept by the said artificers.

II. Or otherwise four of the said wardens, calling to them six of the most discreet of the said artificers within the said city, and six of the same artificers within the said county, by the discretion of the said mayor and steward, or one of them, shall punish such of the said artificers which breaketh, or doth contrary to any of their said rules and ordinances. (2)

And that every piece of worsted shall be pursuing through the piece of lawful making, good and convenient stuff; (3) and that they shall hold the length and breadth as the assise was wont to be of old time rightfully accustomed, that is to say, beds of the greatest assise fourteen yards largely in length, and four yards largely in breadth; and beds of the mean assise, twelve yards in length, and three yards in breadth; and beds of the least assise, ten yards in length, and five quarters in breadth; (4) and cloths called monkes cloths twelve yards in length at the least, and five quarters in breadth; (5) and cloths called chanon cloths, of the one assise six yards in length, and two yards in breadth; and of the other assise five yards in length, and seven quarters in breadth; (6) and double motleys seven yards in length, and five quarters in breadth; and single motleys six yards in length, and five quarters in breadth; (7) and double worsted ten yards in length and

Punishment of the offenders.

The length and breadth of pieces of worsted.

five quarters in breadth ; and the half double worsted six yards in length, and five quarters in breadth ; and the roll of worsted thirty yards in length, and half a yard in breadth ; (8) and that no lambs wool be put in any of the said worsteds. (9) And that the wardens of the said craft, and every of them, for the time being, shall have power and authority to seise all such cloths and stuff so being defective.

Wardens may seise defective stuff.

The mayor, steward, &c. may enquire of, hear, and determine of offences.

Twelve artificers shall inquire of the eight wardens.

III. And that the said mayor and steward, and every of them, by twelve of the discreet artificers of the said city and county, shall have power at all times to enquire, hear, and determine of all such as do against the said ordinances within the said city or county. (2) And moreover, in eschewing all such deceits and falshoods which might happen to be wrought and done in the said craft by the eight wardens aforesaid, or betwixt themselves only, or in concealing of the false workmanship of other of the said artificers in the said city and county, that the mayor of the said city for the time being, and the said steward, or one of them, at such time as he shall think convenient, shall call before him the said twelve artificers, or the greatest part of them, and charge them to be sworn to make rightful search, as well in the stuff, as in all the working of the worsted by the said eight wardens hereafter to be wrought and made.

The punishment of the wardens defective in their duties,

IV. And that the said wardens so found defective either in execution of their office in search of all other of the same artificers within the said city and

aulne en laeur et que ne soit mise en null de les ditz worstedes aucune laine dagnell. Et que les gardeins del mesme lart & chescun diceux pur le temps esteantz averont & avera poair & auctorite de seiser toutz tielx draps & stuff issint esteantz defectifs.

Et que les ditz maire & feneshall & chescun deux par xij. homes de les discrettes artificers de les ditz citee & countee averont poair a toutz temps denquerer oier & terminer de toutz ceux qi fount encontre la dite ordenaunce deinz la dite citee ou countee. Et enoutre que en eschuer dautielx deceite & faulxcete queux aveigner puissent estre overez & faitz en la dite art par les viij. gardeins avaunt ditz ou entre eux mesmes tantsolement ou en conseil de faulx artifice dautres de les ditz artificers en les ditz citee & countee que le maire de la dite cite pur le temps esteant & le dit feneshall ou ung deux au tiel temps come luy quide plus bosoignable ferra appeller devaunt luy les ditz xij. artificers ou la greindre part deux & ceux charger destre jurrez de faire droiturell serche sibien en le stuff come en tout lartifice de worstede par les ditz viij. gardeins enapres estre overez & faitz.

Et que les ditz gardeins issint trovez defectifs ou en execution de lour office en serche de toutz autres de mesmes les artificers deinz les ditz citee & countee ou en lour propre stuff ou artifice ferront correctz par mesme le maire ou feneshall en tiel fourme sicome autres trespasseurs mesme lart duissent de droit estre correctez.

Et

Et qe les ditz gardeins & chescun deux en chescun part de la dite citee de Norwyce & ailours en les countees de Norff Suff' & Cantebr' au toutz temps covenablez averont & avera poair de sercher tout maner des worstedes & le stuff diceux sibien deinz lomes o-verez deinz la dite citee de Norwyce ou countee de Norff'.

Et si ascun homme devaunt le dit maire ou feneschall ou ascun deux soit ent trove defectif par leur discretion soit correcte et le worstede & stuff trovez en fourme avaunt dit defectifs soient forfaites lune moite dautiel forfaiture trove en la dite citee de Norwice au maire de mesme la citee & trove ailours a le maire ou baillifs des citees burghs & villes ou as chiefs seignurs del fee de & en tielx lieux come il avindra autielx wurstedes & stuff par les ditz gardeins ou par ascun deux par ascune cause avaunt dit defectifs ou forfetables estre trovez et lautre moitee a les gardeins de la dite art pur le temps esteantz. Et qe null home de la dite art face ascun wurstede saunz ceo qil mette sur ceo son propre signe tistez ou entexez par ordonnance de les ditz gardeins ou autrement cell wurstede destre forfait a nostre dit seigneur le Roy.

Et outre ceo pur la pleine reformation de les deceites & faulxcete desuis recite par lauctorite avaunt dit ordeignez est & enacte qe les ditz viij. gardeins le dit lunedie profchein apres Corpus Christi annuelment encontinent apres lour charge desuis recite devaunt les ditz maire & feneschall ou ung deux receu assigneront encontinent

and county, or else in their own stuff, or workmanship, shall be corrected by the said mayor or steward, in such form as other offenders of the same craft ought of right to be corrected. (2) And that the said wardens and every of them, in every part of the said city of *Norwich*, and elsewhere in the counties of *Norfolk*, *Suffolk*, and *Cambridge*, at all times convenient, shall have power to search all manner of worsteds, and the stuff of them, as well within the looms, as out of the looms, wrought within the said city of *Norwich*, or county of *Norfolk*.

Where the wardens may search.

V. And if any man, before the said mayor and steward, or either of them, be thereof found defective, by their discretion he shall be corrected, (2) and the worsted and stuff found in manner and form aforesaid defective, shall be forfeit; the one half of such forfeiture found in the said city of *Norwich*, to be to the mayor of the same city, and found in any other place, to the mayor, or bailiffs of the cities, boroughs, and towns, or to the chief lords of the fee, of and in such place, as shall happen any such worsteds and stuff by the said wardens, or by any of them, by any cause aforesaid, to be found defective or forfeitable; and the other half to the wardens of the said craft for the time being. (3) And that no man of the said craft make any worsted, unless he put his proper mark fixed or woven upon the same, by the ordinance of the said wardens, or else the said worsted shall be forfeit to our said lord the King.

Defective stuff shall be forfeit.

Every man shall set his proper mark upon his worsted.

Places of
search shall be
appointed and
also days.

VI. Moreover, for the full reformation of the deceits and falshoods above rehearsed, by authority aforefaid it is ordained and enacted, That the said eight wardens, the said *Monday* next after *Corpus Christi*, yearly, incontinently after their charge above recited before the said mayor and steward, or one of them, shall assign incontinently a certain place, or two, within the said city, and certain days by the week, and another certain place, or two, or more, if they think it necessary, in the said county of *Norfolk*, and certain days by the week for the year then next following, to the intent that every piece of worsted, which in the same year shall be set to sale, shall be brought before the wardens of the said craft for the time being, to one of the said places so by them assigned, to the intent, that as well the artificers of worsteds, and the said wardens, may certainly know the place where the said worsteds may duly and rightfully be searched. (2)

Wardens shall
set their mark.

And if the said wardens find the said worsteds by their search well and lawfully made, that then such a mark or token shall be set by the said wardens, or by one of them, without fine or fee, upon the same, so that all buyers may well know which piece is sufficiently and rightfully searched and wrought; and that the said search shall as well extend to the stuff of the same, as to the sufficient making: (3) And such as they shall find defective, that the mayor of the said city, and steward of the said duchy, or one of them for the time being, by the assent of
the

tinent une certain lieu ou deux deinz la dite citee & certains jours par septmaine & une autre certaine lieu ou deux ou plusours fils quident bofoignable en le dit countee de *Norff* & certains jours par septmaine pur lan adonques proschein ensuant a lentent qe chescun pece de wurstede qe en cell an ferra mys a vend soit apporte devaunt les gardeins de la dite art pur le temps esteant al une de mesmes les lieux issint par eux assignez a lentent qe auxibien les artificers des wurstedes come les ditz gardeins savoir puisent en certain le lieu lou les ditz wurstedes puissent duement & droitement estre serchez. Et si les ditz gardeins trovent les ditz wurstedes par lour serche bien & loialment faitz qe lors par les ditz gardeins ou par une deux saunz fine ou fee illeques soit mys sur ceo tiel signe ou token issint qe toutz achatours bien savoir puissent qil est sufficientment & droitment serche & overee et qe le dit serche extende sibien a le stuff dicell come a la sufficient faisure & tielx quellx ils trovent defectifs qe le mair de la dite citee & seneschall de le dit duchie ou une deux pur le temps esteantz par assent par les ditz gardeins & xij. artificers averont ou avera poair par cest acte de mettre en icell tiel correction come par eux semblera resonable & qe pur chescun pece de wurstede venduz nient signez en fourme avaunt dit qe le primer vendour dicell forface le price del pece issint par luy vendue a nostre dit seignur le Roy et qe toutz ordenaunces actes & grauntes faitz ou fairez en prejudice ou contrarie de les premisses concernantz wur-

wurstedes soient voidez & de null effect.

Et qe toutz maires viscountes & baillifs & toutz autres officers soient entendauntz aidantz & supportantz a les ditz gardeins, en lour serches si sovent come ceux ou ascun deux ferront ou ferra par les ditz gardeins ou par ascun diceux resonablement requis.

made or to be made in prejudice, or contrary to the premisses concerning worsteds, be void, and of none effect.

VII. And that all mayors, sheriffs, and bailiffs, and all other officers, shall be attending, aiding, and supporting to the said wardens in their search, as often as they or any of them shall be by the said wardens, or any of them, reasonably required.

All officers shall be attendant upon the searchers.

20 H. 6. c. 10.

23 H. 6. c. 4.

14 & 15 H. 8.

c. 3.

CAP. II.

For cloths made in the hundreds of Lifton, Tavistock, and Rowburgh in Devonshire.

ITEM monstre fuit a nostre dit seigneur le Roy en le dit parlement par les enhabitantz & residentz de les hundredes de Lifton Tavistoke & Rowburgh deinz le countee de Devoine qe come en la darrein parlement commencez a Westm' le xxix^e jour d'Aprill lan de son reigne tierce & par diverses prorogations & adjournamentes jusques le xxj^e jour de Januarie lan de son reigne quart continuez entre autres ordeigne fuisst par auctorite mesme le parlement qe nulle persone qe ferroiet ou ferroiet estre fait ascun drap lanuz au vend a le fest de Seint Peer appelez ladvinacle delors profchein enfant ne metteroit en ou desuis mesme le drap ne en la laine dont le dit drap ferroiet fait ascuns flokkes en ascun manere sur peine de forfeiture mesme le drap en quel ascuns autielx flokkes ferroient misez ou mixtez come par la dite ordonnance

ITEM it was shewed to our said lord the King in the said parliament, by the inhabitants and residents of the hundreds of Lifton, Tavistock, and Rowburgh, within the county of Devon, That whereas in the last parliament begun at Westminster the nine and twentieth day of April, the third year of his reign, and by divers prorogations and adjournments continued till the xxi of January, in the fourth year of his reign, amongst other things it was ordained by authority of the same parliament, That no person which should make any woollen cloth to sell, from the feast called Saint Peter ad vincula then next following, should put in or upon the same cloth, nor in the wool whereof the said cloth shall be made, any flocks in any wise, upon pain of forfeiture of the same cloth, wherein any flocks should be put or mixt, as by the said ordinance more plainly appeareth.

The inhabitants of certain hundreds in the county of Devon may put flocks in the cloths made of the wool growing in the same hundreds.

4 Ed. 4. c. 1.

(2) By which ordinance the said in-

inhabitants being within the said hundreds, were likely to be undone, for that they have continually used, from the time whereof is no memory, to mix and put flocks in the cloth made there, of the wool growing within the same hundreds, without which flocks they might not, nor could make any cloth there to sell, by reason of the grossness and stubbornness of the said wool; for the same wool is not put in cloathing, nor in cloth, in any part of this realm; so that our said lord the King by the said ordinance shall lose his customs, aulnages, and all other profits pertaining and belonging to him of the said cloth made in the said hundreds, and the inhabitants aforesaid for ever shall be utterly impoverished, and like to be undone, unless a reformation be had in the premisses.

II. Our said lord the King (the premisses considered) by the advice and assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by the authority of the same, hath ordained, that all the said inhabitants and residents in any places within the same three hundreds, may make, and cause to be made, all manner of woollen cloth of the said wool, and to the same lawfully put, and cause to be put, such quantity of flocks as shall be needful and profitable to the maker and owner of the same cloth; and that all the cloths after such form to be made with flocks within the said three hundreds, and every of them, may be bought and sold at all times, without any impeaching or damage of any person, and without forfeiting any of the said cloths, not-

naunce plus pleinement appiert. Par quell ordenaunce les ditz enhabitantz esteantz deinz les ditz hundredes furent semblables estre defaitz par cause qils ount continuelment usez de temps qe null memoire est de commixtre & mettre flokkes en le drap illeques fait de laine creffant deinz mesmes les hundredes faunz quelx flokkes ils ne poient ne savont feere ascun drap illeques a vend par cause del grossure & stobourneffe de mesme laine qar la dite laine nest pas mys en drapeur ne en drap en ascun part de cest roialme issint qe nostre dit seignur le Roy perdera par la dite ordenaunce sez custumes aulnage & toutz autres profites a luy en cell part parteignauntz & regardauntz del dit draps fait en les dit draps fait en les ditz hundredes & les enhabitantz avautditz pur toutz jours toutautrement ferroient empoverishez & semblablez destre destroiez finoun qe reformation soit eue en les premisses.

Nostre dit seignur le Roy les premisses considerez ad ordeigne par advis & assent des seignurs esprituelx & temporelx & les communez en le dit parlement assemblez & par auctorite del mesme qe toutz les ditz enhabitantz & residentz es ascuns lieux deinz les ditz trois hundredes puissent faire & fere estre faitz tout manere drap lanuz du dite laine & en icell licitement mettre & fere estre mys tiel quantite des flokkes come serra bofoignable & profitable al feisour & possessour mesme le drap & qe toutz les draps en tiel fourme ove flokkes estre faitz deinz les ditz trois hundredes & chescun deux puissent estre achatez & venduz a toutz temps

temps faunz ascun empesche-
ment ou damage dascune per-
sone & faunz forfaiture dascun
de les ditz draps la dite ordenaunce defuis rehersee nient con-
tristeant.

withstanding the said ordi-
nance above rehearsed.

5 & 6 Ed. 6.
c. 6.
27 El. c. 17.

C A P. III.

*For woollen yarn and cloths unfulled, not to be carried out of
the realm.*

ITEM monstre fuisit en le
dit parlement par les com-
munez qe come en diverses
parties deinz cest roialme de
jour en autre estoit use per
merchantes sibien estraunges
come deinszeins dachater file
lanuez par les livres & autres
poises es diverses merchies &
feires dont drap serroit fait
& semblablement dachater
draps crudes nient fullez &
mesmez le file & drap crude si
nient fulle cariont outre le
meere pur toutz queux file &
draps nient fullez nostre dit
seignur le Roy nulle manere
custume aulnage ne null autre
profit ne availle prist lou si le
dit file fuissent triste & le dit
draps fullez deinz le roialme
le Roy averoit la custume &
aulnage pur les mesmes & tex-
tours & fullours le dit roialme
ferroient bien occupiez pur de-
faute de qoy les lieges de no-
stre dit seignur le Roy sont
graundement endamagiez &
empoverishez & estraunges pa-
rent le mieulx occupiez & en-
richez. Si ad nostre dit sei-
gnur le Roy de lassent des sei-
gnurs espirituelx & temporelx
en le dit parlement assemblez
& a la request des ditz com-
munez & par auctorite de mes-
me le parlement ordeigne &
establie qe nulle persone deinz-
zein ou estrange a le fest de
l'assumption qi serra en lan no-
stre Seignur Dieu Mille cccclx
viij. carie ou face destre cariez
as ascuns parties dela le mere
ascun

ITEM, it was shewed in the
said parliament by the com-
mons, That whereas in divers
parts within this realm, mer-
chants, as well strangers as deni-
zens, have daily used to buy wool-
en yarn by the pound, and other
weights, in divers markets and
fairs, whereof cloth should be
made; (2) and likewise to buy
raw cloths not fulled, and the
same yarn and raw cloths so not
fulled, did carry beyond the sea,
for all which yarn and cloths un-
fulled, our lord the King did take
no manner custome, aulnage, nor
any other profit or avail; (3)
where if the said yarn were wo-
ven, and the said cloths fulled
within this realm, the King
should have the custome and ad-
vantage for the same, and wea-
vers and fullers of the said realm
should be well occupied; for default
whereof the King's liege people be
greatly hurt and impoverishez, and
strangers thereby the better occu-
pied and enriched. (4) Where-
fore our said lord the King,
by the assent of the lords spi-
ritual and temporal, and at
the request of his commons,
in the said parliament assemb-
led, and by the authority of
the same, hath ordained and
established, That no person,
denizen or stranger, from the
feast day of the Assumption,
which shall be in the year of
our Lord God 1468, shall car-
ry, or cause to be carried, into
any parts beyond the sea, any
woolen yarn, or cloth not ful-
led,

No woollen
yarn or cloth
shall be carried
beyond sea,
unfulled.
3 H. 8. c. 7.
8 El. c. 6.

led, but that the woollen yarn which shall be made after the same feast day in this realm, shall be woven in the same realm. (5) And all cloth therein made, after the said feast day, shall be fulled, and fully wrought within the said realm, before that it be had and carried out of this realm, upon pain of forfeiture of the very value of all such yarn unwoven, and cloth not fulled, had or carried out of this realm; (6) the one half of the same forfeiture to be levied to the King's use, and the other half thereof to him or them that espieth or maketh proof of any such unwoven yarn, or cloth not fulled, after the said feast day, to be carried to any place beyond the sea.

3 H. 7. c. 11.
50 Ed. 3. c. 7.

ascun file lanuz ne drap nient fullez mes que le file lanuz affaire puis mesme le fest en cest roialme soit texez en icell. Et auxi tout drap en icell fait apres le dit fest soit fullez & pleinement overez deinz le dit roialme devaunt que aucun dicell soit eue & carie hors de cest roialme sur peine de forfaiture de le verray value de tout tiel file nient texe & drap nient fulle euez ou cariez hors de cest roialme la moite de mesme la forfaiture destre levez al oepe nostre dit seignur le Roy & lautre moite de ceo a luy ou ceux qi espiera ou espieront ou ferra ou ferront prove dascun tiel file nient texe ou drap nient fulle puis le dit fest estre cariez a ascun lieu doutre le mere.

CAP. IV.

The effect of the King's grant of lands to them which before had right in them.

Ex edit. Pult.
The force of the King's grants, releases, &c. of lands to them which before had right to them.

ITEM, by the advice, assent and authority afore said, it is ordained, That every grant, release, confirmation and restitution made and granted by the King in fee-simple or fee-tail, to any person or persons after the fourth day of *March*, the first year of his reign, of any manor or manors, lands or tenements with their appurtenances, whereunto the said person or persons before the time of every such grant, release, confirmation or restitution to him or them so made, had in or to the same right or title, shall be of such force and effect as they were before the beginning of the said parliament: any act made or to be made in the same parliament notwithstanding.

CAP. V.

How lands coming to the King's hands by attainder, and after granted to another, shall be holden

Lands holden of a common person by fealty, &c. coming to the King's hands by attainder of treason, being after granted to another shall be holden as

ITEM, by the advice, assent and authority afore said, it is ordained, That all lands, tenements, hereditaments, and other possessions, which the first day of *March*, next before the fourth day of *March*, the first year of the King's reign, were holden by fealty and rent, or other services, of any person or persons not attainted, which lands, tenements, hereditaments, or other possessions the fourth day of *March*, the first year of the King's reign, or any time after came into the King's hand or possession, by reason of any attainder of treason, and after passed from the King by any of his letters patents, to any person or persons, or hereafter

hereafter shall pass from the King by any of his letters patents, to any person or persons, that the same person or persons, and every of them, and every their heir and heirs, assignee and assignees, successor and successors shall have, perceive and take such rent and rents, as to any of them were due, and ought to be due of the same lands, tenements, hereditaments, or other possessions, or any of them being in the hands of any other person or persons than the King, as if the said attainders had not been had. (2) And that it shall be lawful to every person or persons not attainted, and to every of them, and to every of their heir or heirs, assignee and assignees, successor and successors in the same lands, tenements, hereditaments or other possessions, being in the hands of any other person or persons than of the King, for the said rent or rents to distrain, after such manner and form as they and every of them might have done, if the same attainders had not been had. This act to be in his force the first day of this said parliament.

if the same
attainder had
not been.

Statutes made at *Westminster*, Anno 8 EDW. IV.
and *Anno Dom.* 1468.

NOSTRE seignur le Roy Edward puis le conquest quart a son parlement commencez a Westm' le tierce jour de June lan de son regne septisme & par diverses prorogations & adjournementes jusques le xije. jour de May lan de son regne oept continuez mesme le xije. jour de ladvis & assent des seignurs espirituels & temporels & a la speciall request des commenez en mesme le parlement assemblez ad fait ordeigner & establier diverses statutes & ordenaunces en la fourme qensuit.

OUR lord the King Edward the Fourth after the conquest, at his parliament holden at Westminster the third day of June, the seventh year of his reign, and by divers prorogations and adjournments continued till the twelfth day of May, the eighth year of his reign; the same twelfth day, by the advice and assent of his lords spiritual and temporal, and at the special request of his commons, in the said parliament assembled, hath made, ordained, and established divers statutes and ordinances in the form following.

CAP. I.

An act concerning set cloths.

FIRST, because it was shewed in the said parliament, by the commons there being, concerning the clothmakers and inhabitants within the county of *Norfolk*, *Suffolk*, and *Essex*, that whereas long time past there hath been a good common usage within the same counties, by the clothmakers there, that divers woollen cloths called broad set cloths, and other called streit set cloths, that is to say, the set broad cloths every cloth to contain after their sufficient workmanship thereto required

The length, breadth, and weight of broad set cloths and streit set cloths made in *Norfolk*, *Suffolk*, and *Essex*; and they shall

be sealed by
the aulnager.
Rep. 5 & 6
Ed. 6. c. 6.

quired ready to sale xxviij. yards and xxvij. inches in length by the creft, and in breadth seven quarters within the lifts directly from one end of the cloth to the other end of the fame. And every cloth of the faid fet broad cloths fo made ready to sale to weigh xxxviiij. pound at the leaft or more. And the faid cloths called freit fet cloths to contain after their fufficient and rightful workmanfhip thereto required ready to sale, in length xiiij. yards and xiiij. inches meafured by the lift. And in breadth iij. quarters and di. quarter of a yard within the lifts directly from one end to the other. And every cloth of the faid freit fet cloths fo made ready for sale, to weigh ix. li. and di. at the leaft or more, whereby the faid clothmakers and inhabitants in the faid counties did greatly prosper, and had great profit and good utterance of the faid cloths and the King greatly increafed in his customs, till now of late that divers and many of the inhabitants and clothmakers within the faid counties, by fubtil imagination craft and collufion did and now do make cloths there, naming fome of them broad fet cloths, and fome of them freit fet cloths. The which fo named broad fet cloths, the cloth paffed not the length of xxvj. yards, and fome lefs, and in breadth no more but fix quarters and fome lefs, and in weight not above xxviij. pounds and fome lefs. And the faid cloths called freit fet cloths, the cloth paffed not the length of xij. yards, and fome lefs, and in breadth but half a yard and half a quarter of a yard and fome lefs, and in weight not over seven pounds and fome lefs. By reafon of which deceits, as well in the undue workmanfhip as in default of length breadth and weight, the faid clothmakers and inhabitants within the faid three counties, have not had nor may have utterance into ftrange parts nor to have profit of the faid cloths made after the form aforefaid, becaufe of the not due making aforefaid, to the great damage and utter undoing of the faithful clothmakers inhabiting within the faid counties, and great damage to the King of his customs and devoirs in this behalf: our faid fovereign lord the King (the premisses confidered) by the advice and affent of the lords fpiritual and temporal, and at the request of his commons being in the faid parliament and by the authority of the fame, hath ordained and eftablifhed, That all the faid cloths called broad fet cloths, and freit fet cloths, and every of them, which fhall be made within any of the faid counties after the firft day of *Auguft*, which fhall be in the year of our Lord God one thousand four hundred threescore and eight, fhall be rightfully made in the form enfuing. That is to fay, every of the faid cloths called broad fet cloths, after they be fufficiently, perfectly, and rightfully made, clean fcoured, fully fearching, and ready to sale, fhall contain in length xxviii. yards, and xxviii. inches meafured by the creft, and in breadth seven quarters within the lifts directly from one end of the faid cloth unto the other. And every of the faid broad fet cloths after all the faid fufficient and perfect workmanfhip, clean fcouring, and full fearching, and made ready to sale fhall weigh xxxviiij. pounds at the leaft.

And

And also that every of the said streit set cloths, which shall be made in any of the said counties after the said first day of *August*, after all manner sufficient perfect and right workmanship, clean scouring, and full search, and ready to sale, shall contain in length fourteen yards and fourteen inches measured by the list, and in breadth three quarters and half quarter of a yard within the lists directly from one end to the other. And every of the said streit set cloths after all the said sufficient and perfect workmanship, clean scouring, and full searching, and made ready to sale, shall weigh nine pounds and a half at the least. And that all the said cloths, called broad set cloths, and streit set cloths, which shall be made within any of the said counties after the said first day of *August*, of right and perfect workmanship, according to this ordinance, shall be sealed by the King's aulnager or sealer, with the seals of the subsidy and aulnage within every of the said counties therefore ordained printed in wax. And that no person or persons, after the said first day of *August*, shall offer nor put to sale any of the said cloths, called broad set cloths or streit set cloths, not keeping full length, breadth, and weight, or not clean scoured or fully searched according to this ordinance, upon pain of forfeiture of the same, the one half thereof to the use of our said sovereign lord the King, and the other half thereof to the party that shall espy and seise the same. And that no person or persons after the said first day of *August*, shall tach, pack, or carry any of the said cloths, called broad set cloths, or streit set cloths, out of any of the said counties, unless the same be sealed by the King's aulnager, or sealer, after the manner above ordained by this ordinance, upon pain of forfeiture of the same, the one half to the King, and the other half to the party which shall espy and seise the same. And if any aulnager, or any of his deputies within any of the said counties, shall seal any of the said set cloths, not containing the same length, breadth, and weight aforesaid, that then he shall forfeit for every broad cloth so sealed, six shillings eight pence. And for every of the streit set cloths so sealed xx. d. the one half of the same forfeiture to be paid to the use of our said sovereign lord the King, and the other half to him that will sue for the same by action of debt, by writ or bill in any of the King's courts, at his election that will sue in this behalf. And in the same action to recover over and beside the said forfeiture, such costs and damages as be commonly used in an action of debt sued at the common law.

CAP. II.

An act concerning liveries of company.

IETM, our sovereign lord the King, remembering that where in times past divers statutes have been made for the punishment of such persons, which give or receive liveries, with divers pains and forfeitures comprised therein: and that yet divers persons in great number, having no dread of the said pains and forfeitures, do daily offend against the form of the same: by the

The penalty for giving or taking of liveries, or for retaining.

Rep. 3 Car. 1. c. 4.

advice

advice and assent of the lords spiritual and temporal, and at the prayer of the commons of this realm, being in the said parliament, and by authority of the same, hath ordained and established, that all statutes and ordinances made before this time against any persons for giving or receiving of liveries and badges, shall be fully observed and kept. And moreover, that no person, of what estate, degree or condition that he be, by himself or any other for him, from the feast of the nativity of Saint *John Baptist*, which shall be in the year of our Lord God, M.CCCC.lxviii. shall give any such livery or badge, or retain any person other than his menial servant, officer, or learned man in the one law or the other, by any writing, oath, or promise, and if any do the contrary, that then he shall run in pain and forfeiture for every such livery or badge, giving a C. s. and the retainer or taker of such oath, writing or promise, or retainer by indenture, for every such retaining or taking of any such oath or promise or retaining by indenture, shall incur the pain and forfeiture of one hundred shillings for every month that any such person is so retained with him, by oath writing, indenture, or promise. And also that every person so retained, by writing, indenture, oath, or promise, for every such month that he is so retained, shall forfeit and lose one hundred shillings. And moreover the King, by the advice, assent, and authority aforesaid, hath ordained and established, That as well before the King in his bench, as before the justices of the common place, justices of peace in their sessions, justices of *Oyer and Terminer*, and gaol delivery; the King's justices in his counties palatine of *Lancaster* and *Chester*, for the time being, in every of those the King's courts aforesaid, before them or any of them; and in the regalty and court of the archbishop of *York* in *Hexhamshire* before the justices there: and in the court of the bishop of *Durham*, in the county palatine of *Durham*, before the justices there, every person that will sue or complain against any person or persons offending or doing against the form of this ordinance, or any other of the premisses: shall be admitted by the discretion of the judges in every of the said courts, to give information for the King therein, of any of the premisses within the jurisdiction of every of the said courts done or committed. And every such informer, if he will, shall be admitted to sue for the King and himself, action for action upon the same by information to be given or made in any of the said courts, against as many such offenders in one bill or information to be named as liketh him, which so informeth. And this information so given shall stand and be instead of a bill, or original writ. And that thereupon all such process shall be had and made, as is had and made upon an original writ of trespass done against the King's peace. And if any of the offenders be present in any of the said courts, he by the commandment of every of the judges in the same courts, shall be brought in and put answer to such bill or bills by such information, by an oath first to be made upon a book by the informer, before any of the said judges, that his complaint is
rightful

rightful without any other or further process therein. And that the same judges and every of them, in every of the said courts, shall have power in their several jurisdiction, to examine all persons defendants, and every of them, upon every such information, and to judge him or them convicted or attainted as well by such examination as by trial, as the case requireth, after the discretion of the judges: and also shall be charged by the judgment in the same to the person complainant or informer in this behalf, of all the costs had in the same, by the discretion of the judges and judge in the same. And also the same party complainant to have the one half of the said forfeitures, and the King the other half. And all such execution to be had for the informer in this behalf, as is had, or ought to be had in recoveries of debt or trespass at his pleasure. And that no protection nor essoin be allowed upon any such information. And that no sheriff nor coroner return upon any defendant being a person sufficient, in any suit grounded upon any of the premises returned sufficient, any less issues than twenty shillings at the first day of the distress: and at the second day xxx. s. and at the third day forty shillings, and so at every day after, more by ten shillings in issues. And if any sheriff or coroner do the contrary, that then he shall forfeit for every such return against the form aforesaid, twenty shillings. And also by the advice, assent, and authority aforesaid, it is ordained, That in every city, borough, town, and port of this realm corporate, wherein the mayor, sheriffs, bailiff or bailiffs, or other chief officer of such city, borough, town or port, have power to hear and determine personal pleas: the same mayor, sheriffs, sheriff, bailiff or bailiffs, or chief officer in the court holden before them or any of them, within any such city, borough, town, or port, shall have all like and such authority to receive such information as to hear and determine as well by examination, as by trial by their discretion; all things done concerning the premises, by, or to the inhabitants within the jurisdiction of the same court. And to make and to put this ordinance in execution, in like manner and form as is above ordained. And that our sovereign lord the King, shall have the one half of the forfeiture, and the informer therein, and the mayor, sheriffs, sheriff, bailiff or bailiffs, or chief officer of such city, borough, town or port, to have the other half equally to be divided betwixt them: whereof the part pertaining to the mayor, sheriffs, sheriff, bailiff or bailiffs, or chief officer, shall be applied to the use of such city, borough, town, or port. And that all retainings, and every retaining by indenture or other writing oath or promise of any person made before the said feast, other than to be menial servants or officer, or of his council, or for lawful service done or to be done, shall be from the said feast utterly void and of no force nor effect. Also it is ordained and established, by the advice, assent, and authority aforesaid, That our sovereign lord the King, shall have the one half of all the said pains and forfeitures, in manner and form before ordained; except in cities,

boroughs, towns, and divers other places, where any person or persons have by reason of their privileges, liberties, franchises, or grants, like forfeitures and pains: and that every such person or persons, shall have the half of the said forfeitures and pains made by this act, according to their privileges, liberties, franchises and grants, as the King should have, if the said privileges, liberties, franchises and grants had not been had, granted, nor made. Provided always, That this act extend not, nor be prejudicial to any gift, grant, or confirmation made, or to be had of any fee, annuity, pension, rent, lands, or tenements, by the King or any other person or persons, to any person or persons for their council given or to be given, and their lawful service done or to be done, and for none other unlawful cause: nor none other unlawful intent: although that the person or persons to whom such gift, grant, or confirmation is or shall be made, be not learned in the one law or in the other. Also it is ordained by the advice, assent, and authority aforesaid, That every such gift, grant, or confirmation, shall be of like force and effect, and as good, effectual, and available, as they and every of them were, if this act had not been made. And by the said authority it is ordained, That no *Exigend* shall be awarded by any of the justices for the time being, within the said counties palatine of *Lancaster* and *Chester*, or either of them, or in the said bishoprick of *Durham*, against any person or persons, upon any information, suit, or process to be made by force of this ordinance and statute. And if any *Exigend* be awarded, or an outlawry thereupon pronounced, in any information, suit, or process to be made by virtue of this ordinance, as before is said, that then such outlawry shall be utterly void and of no force nor effect, without any writ or writ of error or otherwise. Provided also, That this ordinance do not extend to any livery given or to be given, at the King's or Queen's coronation, or at the stallation of an archbishop or bishop, or erection, creation, or marriage of any lord or lady of estate, or at the creation of knights of the bath, or at the commencement of any clerk in any university, or at the creation of serjeants of the law, or to give by any guild fraternity or mystery corporate, or by the mayor and sheriffs of the city of *London* or any other mayor, sheriff, or other chief officer of any city, borough, town, or port of this realm of *England*, for the time being, during that time, and for executing their office, or occupation, nor to any badges or liveries to be given in defence of the King, and of his realm of *England*, nor to the constable and marshal, nor to any of them for giving any badge, livery, or token for any such feat of arms to be done within his realm, or to any wardens of the marches toward *Scotland* for any livery, badge, or token of them to be given from *Trent* northward, at such time only as shall be necessary to levy people for defence of the said marches or any of them.

CAP. III.

In actions triable by jurors of Middlesex, the jurors shall be called the fourth day.

ITEM monstre fuist par les ditz commenez en le dit parlement de par les franc tenautes demurantz dedeinz le countee de Middlesex deinz quel countee annuelment sont plusours actions suez & trials par xij. hommes euez qe sont dedeinz plusours autres countees de cest roialme causez par reseancie de toutz courtes du Roy tenuz & demurantz au Westm' deinz le dit countee ifint qe en chescun action jointz al issue en le dit countee ascuns de les ditz franc tenautes sont empanellez a lour graunt vexation & ensement outre les sessions de peas tenuz deinz le dit countee mesmes les franc tenautes chescun temps par inquisitions en le banc le Roy & sur deliverance des prisonnes illeques & par actions sur patentz & tailles suez en leschequer du Roy & as viscontz & autres accomptantz lour deputees & attornees surmisez estre monstrez & issues sur ceo jointz & prisez empanellez en icell ils sont empotunement vexez grevez & empoverishez et qe plusis damage est quaunt ils sont empanellez en diverses actions personex & les Venire facias & Habeas corpora retournez delaie per default ou effoin al partie pleignant ou defendant est alloue la ley accordant & mesque ascun de les empanellez adonqe vouldroit apparoir enqore la jurr' ne ferra demaunde mes toutz lour defaultes faunz demaunder soit il amerciamment ou issues issint sur eux retournez ferront entrez esteant null

ITEM, *It was shewed by the commons in the said parliament, on the behalf of the freeholders dwelling within the county of Middlesex, within which county there be yearly many actions sued, and trials had by twelve men, more than be within many other counties of this realm, in regard of the resiance of all the King's courts holden and remaining at Westminster within the said county, so that in every action brought to an issue in the said county some of the said freeholders be impanelled, to their great vexation: (2) and also besides the sessions of peace holden within the said county, by inquisitions in the King's bench, and upon the deliverance of prisoners there, and by actions upon patents and tailles sued in the King's exchequer, and to sberiffs and other accountants, their deputies and attornies, surmised to be shewed, and issues thereupon joined and taken, the same tenants always impanelled thereupon be importunately vexed, grieved, and impoverished; (3) and, which more hurt is, when they be impanelled upon divers actions personal, and the Venire facias and Habeas corpora returned, a delay by effoin or default is by the law allowed to the party plaintiff or defendant; (4) and though some of them which be impanelled would appear, yet the jury should not be demanded, but all their defaults without demanding (be it amerciamments or issues so upon them returned) shall be entered, no default being in them, which is against reason. (5) Our lord the King (the premisses considered)*

The several charges and troubles which the freeholders of Middlesex, being jurors, endure.
4 Geo. 2. c. 7.

In actions triable by jurors of Middlesex;

the jurors shall be called the fourth day after the return.

Delays in personal actions not prejudiced by this statute.

sidered) By the advice of the lords spiritual and temporal, and at the request of the commons, in the said parliament assembled; and by authority of the same, hath ordained, That every juror, from the feast of the blessed *Trinity* next coming, that shall be impanelled and returned within the said county of *Middlesex*, in any of the said courts, in any of the said actions, at every fourth day of the return thereof shall be demanded and called, (6) and that all persons impanelled in any of those courts that do appear at the same day, their appearance shall be recorded, and there entered by the court, and they shall not be amerced, nor lose any issues the same day in that suit. (7) And it is ordained by the same authority, That every default, effoin, and every other delay of any person, plaintiff or defendant, in any such personal action by the law heretofore used, by this ordinance shall not be prejudiced nor taken away in any manner, but be adjudged, adjourned, and allowed in as ample and large form, as they were before the making of this statute, this ordinance notwithstanding.

null default en iceux qoy est encontre reason. Nostre dit seignur le Roy les premisses considerez de ladvis des seignurs espirituelx & temporelx & a la request de ses communes en le dit parliament esteantz & par auctorite del mesme ad ordeigne qe chescun jurr' a le fest del benoit Trinite profchein venaunt denpaneller & a retourner dedeinz le dit countee de *Middlesex* en ascun de les ditz courtes al chescun quart jour de retourne dicell soit demaundes & appellees et qe tantz persones empanellez en ascun diceux come apparont a cell jour qe leure apparence soit recorde & la entre par la court & ne soient amerciez ne perdent ascuns issues celle jour en icell sute. Et ordeignez est par la dit auctorite qe la default effoin & chescune autre delaie dascune persone pleignaunt ou defendaunt en ascun tiel action personel par la ley cydevaunt usez par cest ordonnance ne soient prejudices ne tolles en ascun maner mes estre adjudgez adjournez & allouez en si ample & large fourme sicome ils furent devaunt la faisure de cest ordonnance cest ordonnance nient contristeant.

C A P. IV.

For sheriffs.

Ex edit Rast. Sheriff.

A pardon to all those that occupied the sheriffwick above one year, An. 1, 2, 3, Ed. 4. and yet the statutes made 14 Ed. 3. stat. 1. c. 7. 42 Ed. 3. c. 9. and 23 H. 6. c. 8 for all the

ITEM, whereas in the fourteenth year of the reign of King *Edward* the Third, progenitor of our sovereign lord the King that now is, it was ordained, That no sheriff should abide in his office over a year. And in the two and fortieth year of the reign of the same King *Edward* the Third, it was ordained that no sheriff, nor undersheriff, nor sheriff's clerk, should abide in his office over a year, which ordinances amongst other in the twenty third year of the reign of the late pretended king indeed, and not of right, *Henry* the sixth, in the full parliament were rehearsed, and by authority of the same it was ordained, That if any sheriff, undersheriff, or sheriff's clerk, other than in the same ordinances was excepted, should occupy the office of sheriff, undersheriff,

undersheriff, or sheriff's clerk, contrary to any of the said ordinances, that then he that so should occupy, should forfeit the sum of two hundred pounds. And that every pardon from thenceforth to be made of such forfeiture of the said sum, should be void and not vailable. And that every liege man, that would sue for the same sum forfeit against him or them, which so should forfeit, should be received and admitted to sue an action of debt in his own name: the King to have the one half of that, that should be recovered by the said action, and he or they that so would sue, to have the other half thereof, as in the said ordinance, made the said twenty third year, doth more fully appear. Contrary to which ordinances divers sheriffs, undersheriffs, and sheriffs clerks, of divers counties of this realm, in the first, second, and third years of the reign of our sovereign lord the King that now is, then being in this realm great trouble, and peace then not fully established, did occupy over a year, some of them by a greater space over a year, and some by a less, caused in divers parts of this realm by the said trouble, and in some parts because that none other sheriff was ordained by long space after the year past: our said sovereign lord the King, by the advice and assent of the lords spiritual and temporal, and at the request of his commons in the said parliament assembled, and by authority of the same hath ordained and stablished, That no manner person being sheriff, undersheriff or sheriff's clerk, of any county of this realm, the first, second or third year of his reign, or any time or space within the same, for the occupation of the office of sheriff, undersheriff, or sheriff's clerk, in the three years, or any part or space within the same or of the same, or any of the same, above a year, although their occupation were against the ordinances before recited, nor none of them be damnified, nor in anywise hurt by any action pain or forfeiture in the same ordinances, or in any of them comprised, at the suit of our said sovereign lord the King, nor at the suit of any of his liege people, but that the same sheriffs, undersheriffs, and sheriffs clerks, and every of them, of and for every pain, action, and forfeiture pursued or to be pursued, levied or forfeited of them or any of them, by our said sovereign lord the King, or any of his liege people, for their occupying of the said three years, or any space or time within the same, be quit and discharged for ever by this act. The said ordinances, or any of them made before the time notwithstanding. Yet nevertheless the same ordinances and every of them shall remain in their strength and force against all sheriffs, undersheriffs, and sheriffs clerks, for their occupation of all other years, than the said three years as aforesaid, as the same ordinances were before this act made.

other years
shall continue.
Pardon.

Sheriffs clerks.



Statutes made at *Westminster*, Anno 12 EDW.
IV. and Anno Dom. 1472.

AT the parliament holden at Westminster the sixth day of October, in the twelfth year of the reign of King EDWARD the Fourth after the conquest; our said sovereign lord the King, to the honour of God, and the weal of him, and of his realm, by the advice and assent of the lords spiritual and temporal, and at the request of his commons, in the same parliament assembled, and by authority of the same parliament, hath ordained made, and established certain statutes and ordinances in form following.

AUparlement tenuz a Westm' le vje. jour Doctobre lan du reigne du Roy EDWARD le quart puis le conquest xije. mesme nostre dit seigneur le Roy al honour de Dieu, & pur le bien de luy & de son roialme, del advys & assent dez seignurs espritueix & temporeix & a la requeste de sez communes, en mesme le dit parlement assemblez, & per auctorite de mesme le dit parlement, ad fait ordeigner & establier certains estatutz & ordenauncez en la fourme qe ensuift.

CAP. I.

How long a sheriff, not being discharged, may occupy his office.

23 H. 6. c. 8.

FIRST, whereas by a statute made at Westminster, in the twenty third year of the reign of King HENRY, late in deed, and not of right, King of England, called King HENRY the Sixth, it was ordained, That no sheriff should occupy his office of sheriff above a year, upon pain of two hundred pounds; (2) except certain persons in the said statute excepted, as in the same is more plainly specified: (3) divers and many of the King's liege people have been grievously indamaged, and greatly delayed of their suits and proccesses every year, in the term called Michaelmas term, as for their actions, writs, and precepts to be returned within the same term, after the sixth day of the month of November, because that the King's letters patents whereby any sheriff is made, do most commonly bear date the sixth day of November, (4) and though it so be, that the new sheriffs be yearly chosen the morrow after

PRimerement, pur ceo qe per estatuit fait a Westm' en lan du reigne du Roy HENRY jadys en fait & nient de droit Roy Dengleterre, appelez le Roy HENRY le vje. puis le conquest xxij. estroit ordeigne, qe null viscount occupieroit son office de viscount oustier un an, sur payne ne CC. li. except certains persons en mesme lestatuit exceptz, come en ycelle est plus pleynement especifiez; diversez & plusours dez liegez du Roy ount estez grevousment endamages & graundement delaiez de lour suitez & proccesses chescune an en le terme appelez Michel terme, come pur lour actions briefs & preceptz destre retournez deinz mesme le terme apres le vje. jour du mois de Novembr', pur ceo qe lez lettres patentz du Roy, per les quels ascune tiel viscount est fait, portent date plus communement le vje. jour de Novembre; & communement qil soit,

foit, qe novels viscountz soient annuelment ellieux en lende-mayn dez toutz almez, de les quelx novelx viscountz issint ellieux & appointez diversez de eux ount refusez, & diversez de ceux nount mye ewez leur patentz, ne preignez leur serement, jefques long temps apres le fine del dit Michell terme: pur quoy plusours liegez & subgietz du Roy sount graundement endamages & delaiez de leur processez & preceptz, qe ferrount retournablez en lez courtz du Roy as les jours del retourne deinz mesme le terme apres le vje. jour de Novembr', scilicet as les jours del retourne appelez Crastino Martini, Octabis Martini, & Quindena Martini, pur cause qe les veel- ez viscountz nosent ne voillent prendre sur eux de retourner ascune brieve ou precept apres lan qe son patent port date, pur paour del peyne en le avautdit estatuit conteignuz, a graund perde, sibien a Roy de ceo qe luy accreseroit per reason de lez ditz processez, come a son liege poeple per delai- ez qils ount per ycell: sy est il ordeignez per lauctorite du dit parlement, qe si ascune viscount dascun countee execute ou retourne ascune brieve precept ou warant en ascuns des courtz du Roy deinz le dit terme appelez Michell terme, apres le vje. jour de Novembr' & devaut ascune brieve de discharge deliverer a luy de sa occupation de viscount, ne soit endamage per force du dit estatuit, ne del peyne avautdit soit charge; tout soit il, qe celluy ad occupie l'office de viscount per lan, quaut pur ascuns de les ditz jours deretourne appelez Crastino Martini, Octabis Martini, ou Quindena Martini.

after the feast-day of All-souls, of which new sheriffs, so chosen and appointed, divers of them have refused, and divers of them have not had their patents, nor taken their oath, until long time after the end of the said Michaelmas term, by reason whereof divers of the King's liege people and subjects be greatly indamaged and delayed of their suits, proceses, and precepts, which should be returnable in the King's courts at the days of the return within the same term, after the sixth day of November, that is to say, at the days of return called Crastino Martini, Octabis Martini, and Quindena Martini, because that the old sheriffs durst not, nor would not take upon them to return any writ or precept after the year that his patent did bear date, for fear of the penalty contained in the aforesaid statute, to the great loss, as well to the King of that which should grow to him by reason of the said process, as to his liege people, by delays which they thereby sustain. (5) It is ordained by authority of the foresaid parliament, That if any sheriff of any county do execute, or return any writ, precept, or warrant in any of the said courts of the King, within the said term called *Michaelmas term*, after the sixth day of *November*, and before any writ of discharge delivered to him of his occupying of sheriffwick, he shall not be damnified by force of the said statute, nor charged of the penalty aforesaid, although that he hath occupied the office of sheriff after any of the said days of return called *Crastino Martini*, *Octabis Martini*, or *Quindena Martini*.

A sheriff being not discharged, may occupy his office during Michaelmas term, notwithstanding the statute of 23 H. 6. c. 8. Dyer, 355. 17 Ed. 4. c. 6.

CAP. II.

Four bowstaves shall be brought into this realm for every tun of merchandise.

Four bowstaves shall be brought into this realm for every tun of merchandise.

ITEM, because that our sovereign lord the King, by a petition delivered to him in the said parliament, by the commons of the same, hath perceived, That great scarcity of bowstaves is now in this realm, and the bowstaves that be in the realm be sold at an excessive price, whereby the exercise of archery is greatly discontinued, and almost lost; (2) our said lord the King considering the premisses, by the advice, assent, and authority afore said, hath ordained and established, That every merchant stranger, and every, or any of their factors, attornies, or servants, which at any time after the feast of St. Michael the archangel next coming, shall bring, send, or convey into this land any merchandise in carrack, galley or ship, of the city or country of Venice, or of other city, town, or country, from whence any such bowstaves have been before this time brought, sent, or conveyed into this land, at every time of their bringing, sending, or conveying of any such merchandises into this realm, shall bring, send, or convey into this realm, with the said merchandises, in the same carrack, galley, or ship, wherein any such merchandises shall be hereafter brought, sent, or conveyed, for every tun weight of such merchandises which hereafter shall be contained in every carrack, galley, or ship, four bowstaves, (3) upon pain of forfeiture to the King for every default of bringing of every such bowstaff vi. s. viii. d. (4) and also the said bowstaves so brought,

ITEM pur ceo que nostre seigneur le Roy, per un petition a luy baille en le dit parlement per les communes dicelle, ad entendue, que grande escarcite de bowestaves or est en cest son roialme, et ceux bowestaves, que sount en mesme le roialme, sount venduz a trop excessive price, perount le fete darcherie est grandement discontinued, & biens pres perduz; mesme nostre seigneur le Roy, lez premisses considerant, del advys assent & auctorite suisditz, ad ordeigne establee & enacte, que chescune marchaunt estraunger, & chescune ou aucun dellour faitours actours ou fervauntz, qi al aucun temps apres la feste de Seint Michell larcaungell proschein veignaunt amesneront envoieront ou convoieront en ceste terre aucune merchaundise en carrike galoie ou nief de la citee ou pays de Venice, ou del aucune autre citee ville ou pays de quele aucuns tielx bowestaves devant cest temps ount este amesnez envoiez ou convoiez en cest terre, a chescune temps de leur amesnaunce envoiance ou convoiance dez tielx merchaundises en cest roialme amesnent envoient ou convoient en mesme le roialme ovesque lez ditz merchaundises, en mesme le carrik galee ou nief en quele aucuns tielx merchaundises ferrount amesnez envoiez ou convoiez en apres, pur chescune pois de toneaue dautiel merchaundise, que en apres ferra conteignuz en chescune carrick galoie ou nief, quatre bowestaves,

staves, sur payne de forfaiture au Roy pur deffaute dameffiance dechescune autiel bowestave vj.s. viii.d. et auxi les ditz bowestaves ensi amefners envoiers ou convoiers per lez ditz marchauntz lour faitours attourners ou servauntz en cest roialme soient serchez & serveiez per les mairs viscountz baillifs ou chiefgovernours dautielx citees ou villes deinz cest dit roialme, per la ou en ascune tiel carrike galee ou nief aviendra en apres, de fair son port salu. Et les ditz mairs viscountz baillifs ou chiefgovernours dassigner deux hommes, expertez de sercher les ditz staves, & lez ditz deux hommes destre jurres per lez ditz mairs viscountz baillifs ou chiefgovernours, a lentent qe ils ferrount signer veraiemnt & indifferentment les ditz staves nient esteantz bons ne sufficeantz, en tiel manere come en temps passe autielx staves soleint estre signez, al entent qe tout liege poeple de nostre dit seignur le Roy puissent aver conifiance diceux saunz fraude.

brought, sent, or conveyed by the said merchants, their factors, attornies, or servants into this realm, shall be searched and surveyed by the mayor, sheriffs, bailiffs, or chief governors of such cities or towns within this realm, where any such carrack, galley, or ship shall hereafter come to safe port; (5) and the said mayors, sheriffs, bailiffs, or chief governors shall assign two men most expert, to search the said staves, and the said two men to be sworn by the said mayor, sheriffs, bailiffs, or chief governors, that they shall truly and indifferently mark the staves that be not good and sufficient, according to the manner as such staves in times past were wont to be marked, to the intent that all the King's liege people may have knowledge of them without fraud.

Bowstaves brought into this realm shall be surveyed, searched, and marked.

13 El. c. 14.

CAP. III.

An act for the subsidies.

ITEM, whereas in the parliament holden in the third year of the reign of our said sovereign lord the King, the commons of the same realm of *England* granted to him for the defence of the same realm, and especially for the safeguard and custody of the sea, a subsidy, called tunnage, to perceive and receive in manner and form following, that is to say three shillings of every tun of wine coming into this realm: and of every tun of sweet wine coming into this realm of *England* by any merchant alien, as well by the merchants of *Hanse* and *Almain*, as of any other merchant stranger three shillings over and above the said three shillings before granted, to have and perceive the said subsidy yearly from the feast of *March* in the year of our lord God M, CCCC, LXIV. for term of his natural life. And moreover the said commons, by the assent aforesaid granted to the King for the safeguard and keeping of the sea, another subsidy called poundage, that is to say, of all manner merchandises of every merchant denizen and alien, as well of merchants of *Hanse* and *Almain*, as of any other merchant alien, carried out of this said realm,

Ex edit Rast. the said act of parliament of the grant of the subsidy in the third year of King Edward the Fourth, was never yet put in any book.

realm, or brought into the same by way of merchandise, of the value of every xx.s. xij.d. except tin, whereof the merchant strangers shall pay for subsidy of the value of every xx.s. ijs. And the merchants denizens xij.d. And all manner merchandises of every merchant denizen to be valued according as they did cost at the first buying by their oaths, or oaths of their servants buyers of the said merchandises in their absence, or by their letters, which the same merchants have of such buying of their factors, and in none other manner. All manner woollen cloths, made and wrought within this realm of *England* by any merchant denizen, not being an alien born, to be carried out of the same realm within the time of this grant: all manner wools woolfels and leather going out of the same: and all and every manner of corn flour: and all manner of fresh fish best ale and wine coming into this realm: and all manner victual going out of this realm for the victualing of the town of *Calais*, and the marches of the same under the King's obedience, out of this grant always excepted: to have and perceive yearly the said subsidy of poundage from the said first day of *March* during his natural life, as in the grant thereof made more largely is contained: the King perceiving the great disceipt done to him, in withdrawing and concealing of the said duties: and amongst other things many and divers merchants strangers and denizens do use to bring into this realm cloth of gold, cloth of silver, bawdkin, velvet, damask, satin, sarcenet, tartaron, chamlets, and other cloths of silk and gold, and of silk being of great value by way of merchandises from the parts beyond the sea: and by subtil and fraudulent means convey the same merchandises to the land, not paying the very customs and subsidies thereof due after the form of the said act, nor the same merchants strangers do not employ the value of their said merchandises upon the commodities of this realm, to the great damage of the King and of this his realm: and although the said subsidy was granted to him especially for the keeping of the sea: yet by reason of the said disceipts withdrawing and concealing of the said duties from the King, which should and ought to come of the foresaid subsidy, the profit thereof coming to the King is so diminished and impaired that it attaineth not, nor hereafter is like to attain to any like sum, as it hath done in times past, nor sufficeth not, nor in time to come is like to suffice and sustain the King's necessary and requisite charges for the keeping of the sea, for the surety of the King and of this realm, and for the sure passage of merchandises into this realm and out of this realm, unless that a convenient and sure remedy be provided to expel and remove the said deceits. Therefore our sovereign lord the King, by the assent of the said lords spiritual and temporal, and the said commons in this parliament assembled, and by authority of the same, hath ordained established and enacted, that from the feast of the nativity of Saint *John Baptist* next coming, no merchant denizen or stranger shall set or suffer any cloth of gold, of silver, bawdkin, velvet, damask, satin, tartaron,

Subsidy.

ron, or chamlet, nor none other cloth of filk, nor any corse of filk and of gold, nor of filk of the making of any of the parts beyond the sea to sell, before that the collectors of the subsidy of tonage and poundage and the comptroller of the same in the port where such merchandise is set upon land, hath surveyed and measured the same. And hath sealed every piece thereof in the one end thereof, with the seal or mark especially to be ordained for the same, whereof the same collectors have the one part: and the comptroller have the other part severally in their custody. And if any such cloth of gold, of silver, bawdkin, velvet, damask, fatin, farcenet, tartaron, chamlet, and cloth of filk and of gold, be any time hereafter set to sale not sealed, nor having such seal thereupon: that then he which setteth such merchandise to sale, shall forfeit the same merchandise or the value thereof, whereof two parts shall be to the King, and the third part to the finder. Also it is ordained by the same authority, That the collectors of the same subsidy and the said comptroller, shall at all times requisite, be ready to seal such merchandise: and to seal the same at all times when they be required without delay, or taking any thing for the same in any wise, upon pain of forfeiture to the owner thereof twenty shillings for every of the said collectors and comptrollers at any time that they refuse to seal such merchandise after such request made, or take any thing for the sealing of any such merchandise. Also it is ordained by the authority aforesaid, That all manner of such cloths of gold, of silver, bawdkin, velvet, damask, fatin, farcenet, tartaron, chamlet, and every other cloth of filk, corse of gold and filk now being within this realm, and after the feast of Saint *Michael* the archangel next coming, offered to sell, shall be sealed with the said seals before the said feast, upon the pain before specified. Also whereas it is expressed in the said grant of the said subsidy, that if any concealment be found in the merchants in the payment of the said duties, That they for such concealment shall pay only double subsidy without other pain or forfeiture therein, as in the same act is more fully contained. The King considering that notwithstanding the same ordinance, merchants do not regard to defraud him of his duty of the said subsidy, in as much as they do nothing forfeit in that behalf, but only pay the double subsidy, by the advice assent and authority aforesaid hath ordained and established, That the same statute in this behalf be void, and of no strength. And if any merchandises, which be to be brought to the parts beyond the sea, or to be carried out of this realm, whereof any subsidy is or shall be due or pertaining to the King, be hereafter shipped to be carried beyond the sea, the collectors of the said subsidy not paid, or without agreement with the collectors of the said subsidy for the same, That then the said merchandises or the value thereof, shall be forfeit to the King. Also whereas divers merchants strangers and other oftentimes in the city of *London*, and in other places have packed divers woollen cloths, some in grain, some ungrained, and other cloths not grained, and the same

so packed cause to be carried by land from *London* and other places to other ports, as to *Sandwich*, *Southampton* and other ports, whereas the customers for the time being without due packing or sight of such cloths, upon the information of the merchants, do custom such cloths, as for coarse cloths, whereby the King is greatly deceived of his duties thereof, as well in the finess of such cloths, as in the not knowing of the number of the cloths so packed. Therefore the King by the advice and assent aforesaid, and by the same authority doth ordain establish and enact, That in every port within this realm of *England*, wherein any woolen cloths shall be packed after the first day of *May* next coming, in the presence of the collectors of the aforesaid customs and subsidies, of the same port for the time being, That all such customs and subsidies, due and pertaining to the King for the said cloths, shall be paid and contented to the same collectors, where the said cloths be so packed, or else sufficient surety shall be thereof to them found, before that the same cloths be carried from the said port to any other port or place, upon pain of forfeiture of all the same cloths, or the value thereof, to be had of the owner of the same. And if any woolen cloths to be carried over the sea, be packed in any other manner, or under any other form, That then the collectors of the port where they be so packed or brought to be packed, shall seise and there unpack all the said packs and fardels, and survey all the cloths therein, so that our sovereign lord the King may be truly answered of his duty in this behalf, without any fraud or deceit. And if any customer or comptroller of any port or place be negligent or slack in unpacking of the said cloths, or surveying of them in the form aforesaid, That then and as often every such customer and comptroller for every such default shall forfeit to our sovereign lord the King twenty shillings for every such cloth. Moreover it is ordained by the advice and assent aforesaid, That every of the said collectors receiving any custom or subsidy for any of the said cloths or surety for the same, shall be thereof charged and chargeable to our sovereign lord the King upon his or their accompt. And that the same collector or collectors shall from time to time make a cocket or cockets of all such cloths, directed to the collectors of the port where the same cloths shall be shipped, witnessing their number, and that he or they have received the customs and subsidies of the same cloths, or surety for the same. By which cocket or cockets the said collectors or the receivers of them, shall be thereof discharged against our sovereign lord the King, and all other of all the same customs and subsidies. Provided always, That this act or ordinance be not prejudicial nor in any wise hurtful to any person or persons in or for any letters-patents made by the King our sovereign lord of any grant, of licence to ship and carry out of this realm of *England* any woolen cloths or other merchandises specified in any of the said letters-patents, to retain the customs and subsidies in their own hands, or in the hands of any of them. And that the same letters-patents be to the same person or persons and every

11 H. 7. c. 6.

4 H. 8. c. 6.

6 H. 8. c. 14.

every of them good and effectual after the tenor of the same letters-patents and every of them, this act or ordinance notwithstanding, by whatsoever name or names any of the said person or persons be named or called in any of the said letters-patents.

CAP. IV.

For liveries to be given by the prince.

ITEM, our said sovereign lord the King considering, that Edward prince of Wales may give his honourable livery and sign, and retain, notwithstanding any former statute, &c.

princes the first begotten sons to Kings of *England*, have been at their liberties to give their livery and signs at their pleasure, and that divers statutes against givers and takers of liveries and signs, as well in the time of his noble reign, as in the time of his progenitors and predecessors have been made: and that by force of any of the said statutes his dear beloved first begotten son *Edward* prince of *Wales*, duke of *Cornwall*, and earl of *Chester*, is as well as any other person restrained of giving such liveries and signs: our sovereign lord the King, willing that his said first begotten son the prince be at his liberty, in receiving any person and giving his signs and liveries, in as large form as any prince first begotten son of any of his noble progenitors or predecessors in times past hath been, hath ordained and established, by authority of the said parliament, That the said prince shall be at his liberty, to retain and give his honourable livery and sign at his pleasure. And that the persons so retained, or to whom such liveries or signs be or shall be given, may be retained and receive and wear the same livery and sign, without trouble, impediment or impeachment, pain, contempt or forfeiture of any penalty contained in any of the said statutes: the said statutes or any thing in them comprised notwithstanding. Nor that the said statutes in any manner shall extend to any retaining to be made by the said prince in giving taking or retaining of any livery or sign of the same prince.

CAP. V.

For shipping of wools.

ITEM, our said sovereign lord the King remembering that During five years the wools, &c. of certain counties only shall be carried to Newcastle, and all other to Calais, upon pain of felony.

where before this time in divers statutes amongst other things it is ordained and enacted, That all manner wools and woolfels, and fels called morling and shorling, growing within any part of this realm and *Wales*, wools and woolfels morling and shorling growing in any part within the counties of *Westmoreland*, *Cumberland*, *Northumberland*, in the bishoprick of *Durham*, betwixt the waters of *Tine* and *Tees*: and of the counties of *Richmondshire* and *Northaldertonshire* except wools to be shipped towards the West in gallies and carracks, to be shipped and carried out of the realm, shall be conveyed to the staple of *Calais*, and to none other place upon pain of forfeiture of the said wools woolfels and fels called shorling and morling, as in the same statutes doth more fully appear. Nevertheless, the said ordinances and statutes notwithstanding a great multitude of wools and

3 Ed. 4. c. 1.

4 Ed. 4. c. 3.

14 Ed. 4. c. 3.

and woolfels called morling and shorling, growing in *Yorkswold*, in the counties of *Lincoln*, *Nottingham* and *Derby*, and other counties of this realm of *England*, under the colour of the exception before recited, in the same *North* parts be carried out of the realm into *Flanders*, *Holland*, *Zealand*, *Brabant*, and other parts beyond the sea, whereby ensueth not only great decay of the customs and subsidies of our sovereign lord the King, but also the destruction of the price of wools woolfels and fels called morling and shorling, growing within this realm, to the universal damage and impoverishing of the same: whereupon by the advice assent and authority aforesaid, it is enacted ordained and stablished, That all the wools woolfels and fels called morling and shorling, growing within this realm, other than before excepted, to be shipped and conveyed out of this realm, shall be conveyed to the staple of *Calais* and to none other place. And that all other wools woolfels and fels called morling and shorling, growing and being within the said counties of *Westmoreland*, *Cumberland*, *Northumberland*, the bishoprick, *Richmond* and *Alderton*, to be carried out of this realm of *England*, shall be shipped at *Newcastle* upon *Tine* only: and from thence to be conveyed to *Calais*, or to new *Middleborough* in *Flanders*, there to be stapled and uttered, and at none other place. And if any man attempt and do the contrary, and thereupon be duly convicted, That then he shall stand and be of like condition as a man attainted of felony, after the course of the common law, and shall incur like pain and forfeiture as he so attainted for the same should do. Also it is ordained by the same assent and authority, That all wools and woolfels, and fels called morling and shorling, growing or being in any country of this realm or *Wales*, or in the marches of the same, other than before excepted, to be carried out of this realm, shall be conveyed to the said staple of *Calais*, and to none other place, upon the same pain and forfeiture: The prerogative of our sovereign lord the King to grant any licence to the contrary except: this act to begin and take effect at the feast of Saint *Michael*, which shall be in the year of our lord God M, CCCC, LXXIV. And to endure by the space of five years only.

CAP. VI.

For sewers.

The lord chancellor of England may for fifteen years next grant several commissions of sewers where need requireth.
6 H. 6. c. 5.
8 H. 6. c. 3.
18 H. 6. c. 10.

ITEM, whereas in the parliament of *Henry* the Sixth, late in deed and not of right king of *England*, holden at *Westminster* the sixth year of his reign, the great damage and losses considered, which have chanced by the great rising of waters in divers parts of this realm, and more greater damage had likely come, if remedy in this behalf had not been the more speedily provided, it was ordained and enacted by authority of the same parliament, That for ten years then next following several commissions of sewers should be made to divers persons by the chancellor of *England* for the time being, to be named in all parts of the same realm, where need should be after the form and tenor

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nor of a commission especificed in the same act. And after in the parliament of the same *Henry* late King holden at *Westminster* in the eighth year of his reign, because that the commissioners named in the said commissions, had not full power nor authority to do, perform and execute things comprised in the said commissions, it was ordained, enacted and established by authority of the same parliament, That all such commissioners should have full power to make, ordain and execute statutes and ordinances and other things to be done after the effect and purport of the said commissions. And after the said x. years passed, in the parliament of the said late king *Henry*, holden at *Westminster* in the xvij. year of his reign, it was ordained enacted and established, by authority of the same parliament, That for x. years then next following several commissioners of sewers should be made to divers persons by the chancellor of *England* for the time being, to be named in all parts of the said realm of *England*, where need should be, after the form and effect of the said commission, contained in the said act made the said vj. year. And that such commissioners should have power to make, ordain and execute statutes and ordinances, and other things to be done after the effect and purport of the said commissions. And after the said x. years past in the parliament of the said late king, as afore is said, holden at *Westminster* the xxij. year of his reign, it was ordained, enacted and established by authority of the same parliament, That for xv. years then next following the chancellor of *England* for the time being, should have power to make out of the chancery commissions of sewers under the great seal, in such form as was granted to be made by the said act made in the said sixth year as in the said acts more fully is contained, by which commissions in the form aforesaid, many great mischiefs done and had in divers parts of the said realm of *England* by rising of the said waters were necessarily redressed, reformed and amended. Now so it is, that now of late in divers parts of this realm of *England*, as well in the counties of *Kent* and *Suffex*, as in other places within the same realm of *England*, and also within the bounds of the marches of *Calais Guynes* and *Hammes*, by rising of water, divers lands and tenements in great quantity be drowned and destroyed. And many great mischiefs be very likely within short time to fall, as well in the decrease of the sustentance and livelyhood of holy church, as of other the King's liege people of his said realm of *England*, and of the said marches, and utter undoing of them, if remedy in this behalf be not the more speedily provided. Our said sovereign lord the King, considering the premisses, by the advice and assent of the said lords spiritual and temporal, and at the request of the said commons, and by authority of the said parliament, hath ordained enacted and established, That for xv. years next ensuing several commissions of sewers shall be made to divers persons by the chancellor of *England* for the time being, to be named in all parts of this realm of *England* and of the aforesaid marches, where need is or shall be, after the form and effect of the said commission

tion contained in the said act made the said sixth year. And moreover he hath ordained and stablished by the same authority, That all such commissioners have full power to make, ordain and execute statutes and ordinances and other things to be done after the effect and purport of the same commissions.

C A P. VII.

An act for the taking away of wears and fishgartbes.

Statutes that have been made for the pulling down or reforming of wears and of the commissioners authority.
9 H. 3. stat. 1. c. 23.

1 H. 4. c. 12.
25 Ed. 3. stat. 4. c. 4.

ITEM, *Whereas by the laudable statute of Magna Charta, amongst other things it is contained, That all kedels by Thamisfe and Medway, and throughout the realm of England, should be taken away, saving by the sea-banks, (2) which statute was made for the great wealth of all this land, in avoiding the straitness of all rivers, so that ships and boats might have in them their large and free passage, and also in safeguard of all the fry of fish spawned within the same; (3) upon which Magna Charta, the great sentence and apostolick curse, by a great number of bishops was pronounced against the breakers of the same, and the same sentence is four times in the year openly declared, according to the law of the holy church; (4) and in affirmance of the said statute of the Great Charter, divers statutes have been after made and ordained, amongst which, in a parliament holden in the first year of the usurped reign of king HENRY the Fourth, it was recited, That in the twenty fifth year of King EDWARD the Third, progenitor of our lord the King that now is, because that the common passages of ships and boats in the great rivers of England, were oftentimes disturbed by levying of wears, mills, millstanks, stakes, and kedels, to the great damage of the people, (5) it was ordained and established, That all such wears, mills, millstanks, stakes, and kedels, which were levied and set*

up

ITEM come per le laudable estatuit de Magna Carta entre autres choses est ordeigne, qe toutz kidelx per Thamisfe & Medewey & per tout le roialme Dengleterre serroient oustiez, si noun per les coostez del mear. Quele estatuit fuisit fait pur grand bien de tout cest terre, en oustant lez streitures dez toutz rivers, ensi qe lez niefs & bateulx avraient en yceux leur fraunk & large passage, & auxi en salvation de tout frye de pesson procreez en lez mesmes. Sur quele Magna Carta grand sentence & apostolike dexcommengement per grand nombre dez evesquez encountre lez fraetours dicelle estoit pronuncie, & mesme la sentence quatre foitz en lan appertement est declarez, a la ley seinte esglise accordaunt. Et en affirmance du dit estatuit de Magna Carta diversez estatuitz depuis ount este faitz & ordeignez, entre queux en un parlement tenuz lan primer del usurpe reigne du Roy HENRI le iijte. estoit recite, qe en lan xxve. du Roy EDWARD le tierce, progenitour nostre dit seignur le Roy qorest, pur ceo qe lez communes passagez dez niefs & bateux en lez grandes rivers Dengleterre furent si sovent foitz distourbez, par lever dez gorcez molyns, estankes, estakes & kideux, en grandedamage du people; accordes fuit & establies, qe toutz tielx gorges, molyns, estankes, estakes, & kideux, queux furent

ent

rent levez & misez en temps le Roy E. fitz le Roy HENRY, & depuis, en tielx rîvers, per queux lez nîefs & bateux furent distourbez, qils ne puissent passer come ils soloient, ferroient oustez & nettement abatuz faunz estre relevez; & qe briefs ferroient sur ceo maundez as viscountz dez lieux, ou mestier ferroit, de surveier & enquerer, & de faire ent execution: et auxi qe justices ferroient sur ceo assignez, as toutz les foitz qil buoigneroit: et apres ceo sur grevous compleint dez graundez & dez communes fait en le parlement du dit Roy E. le tierce, lan de son reigne xlve. compleignauntz per lour petition, qe le dit estatuit nestoit pas duement executez, ne gardes, solonqe leffect dicelle, accordez fuist & establiez, qe le dit estatuit en cell point ferroit tenuz & gardez, solonqe leffect dicelle; ajoustant a ycelle, qe si ascun tiel anusaunce fuisset fait, ferroit abatuz per due processe conteignuz en le dit estatuit; & celluy qe ferroit relever le dit anusaunce, & de ceo soit duement atteint, encourgeroit la peyne de C. marcs, devers nostre seigneur le Roy, a levers per les estreites del eschequer; et que mesme la ley ferroit tenuz danusaunce fait per le enhauncer de lez ditz gorces, molyngs, estankes, estakez, & kideux, come per novel leve; come en lez ditz estatuitz plus pleinement appiert. Et lors a la requeste des ditz communes, monstrantz per lour petition, qe les communes passages dez nîefs & bateux en les graundez rîvers Dengleterre, & auxint prees & pastures & terres semez adjoignauntz as ditz rîvers, furent graundement distourbez,

up in the time of King Edward, son of King Henry, and after, in such rivers (whereby the ships and boats were disturbed that they could not pass as they were wont) should be taken away, and broken down, never to be set up again; (6) and that writs should be thereupon sent to the sheriff of such places where need should be, to survey and enquire, and the same to execute; (7) and that justices should be thereto assigned at all times when need requireth. (8) And after grievous complaint, both of great men, and of the commons thereupon made in the parliament of the said King Edward the Third, in the five and fortieth year of his reign, shewing by their petition, that the said statute was not duly executed nor observed according to the form and effect thereof; it was accorded and established, That the same statute in that point should be holden and kept according to the tenor of the same; (9) adjoined thereto, that if any such annoyance be done, that the same be broken down by due process contained in the said statute, (10) and that he which again doth levy such annoyances, and be thereof duly attainted, shall run in the pain of an C. marks to our lord the King, to be levied by the estreats of the exchequer: (11) the same law shall be holden of annoyance made by the enhansing of the said wears, mills, millstanks, stakes, and kedels, as by new levying, as in the said statutes more plainly appeareth. (12) And then at the request of the said commons, shewing by their petition, that the common passages of ships and boats in the great rivers of England, and also meadows and pastures, and arable lands adjoining to the said rivers, were greatly disturbed, drowned, wasted, and destroyed

by the outrageous enhansing and straiting of wears, mills, millstanks, stakes, and kedels, made in old time, and levied before the time of the said King Edward, son to the said King Henry, whereby great loss and damage often ensued to the people of the realm, and daily would ensue, if remedy were not provided.

II. Wherefore it was ordained and enacted by the assent of the said parliament, holden the first year of the said pretended king Henry the Fourth, That the said statutes in all their articles should be observed, firmly kept, and duly executed; (2) adjoining thereto, that commissions should be made in due form to sufficient persons to be justices in every county of England, where need should be, to survey and keep the waters and great rivers there, and to correct and amend the faults, and to make due execution by the said statutes, according to the effect of the same, (3) as well by their survey, advice, and discretion, as by inquests to be taken thereof within franchise and without when need shall be, and to hear and determine all those things aforesaid; (4) and moreover to survey the wears, mills, millstanks, stakes, and kedels made in old time, and levied before the said time of King Edward, son to King Henry; and such as they find too much enhansed or straited, to correct, break down, and amend in the manner and form aforesaid.

III. Saving always a reasonable substance of the same wears, mills, millstanks, stakes, and kedels so made in old time and levied. (2) And if any such annoyances of wears, mills, millstanks, stakes, and kedels, in letting of the passages and straiting, made in old time and levied, be judged or considered by the said justices

surroundez, gastez, & destruitz per les outrageous enhaunser & estraiture dez gorces, molyns, estankes, estakez, & kideux, auncienement faitz & levez devaunt le temps du dit Roy E. fitz au Roy HENRY, dount graundes damages & perdez souvent foitz eussent aveignuz au poeple du roialme & aviendrent de jour en autre, si remedie ne feussent ent mise.

Accordez est & establie, del assent du dit parlement tenuz lan primer du dit pretense Roy HENRY iiiijte. qe lez ditz estatuitz soient en toutz lour articlez tenuz & fermement gardez, & duement executz; adjoustant a ycelle, qe commissions soient faitz en due fourme as sufficeantz personez, destre justicez en chescune countee Dengleterre ou busoigne ferra, de surveier & garder lez eawez & graundez ryvers illeosquez, & lez defautez corriger & amender, & ent due execution faire, per les ditz estatuitz selonque leffect dicelles; sibien per lour surveu, advys, & discretion, come per les enquestez ent apprendrez, deins franchise & dehors, cy & quant busoigne ferra, & doier & terminer les choses suisditz; & oustre ceo, de surveier les gorces, molyns, estankes, estakes & kideux, auncienement faitz & levez devaunt le dit temps du Roy E. fitz au Roy HENRY, & ceux qils trovent trop enhaunsez, ou estraites, de les corriger, abater, & amender, en les maner & fourme desuisditz.

Sauvant toutz foitz resonable substance de les gortz, molyns, estankez, estakez, & kideux suisditz, issint auncienement faitz & levez; & si aucune tiel anusaunce des gortz, molyns

molyns, estankez, estakez, & kideux, en destourbaunce de les passagez, & estraiturez auncienment faitz & levez, soient ajuggez ou considerez per les ditz justices destre abatuz ou amendez, cestuy qi ad frank tenement dicelles ferra ent execution de ses costagez deins un demy an apres notification a luy ent affaire, sur peyne de forfaiture de C. marcs, a paiers a nostre seignur le Roy per estretes en leschequer: & celluy qi les face relever, enhaucer, ou estreiter, encountre le dit jugement, & de ceo duement convicte, encourage la peyne de C. marcs a paiers a nostre seignur le Roy per estretes en leschequer suifdit; come en mesmes les estatuitz plus pleynement appiert: encountre quelle Magna Carta & toutz les estatuitz avaunt ditz, en diverses parties de cest roialme Dengleterre, en destruction de peffon come avaunt dit, & en destourbaunce de les passages de les niefs, bargez, bateux, & autres vesseaulx diversez & plusours gortz, fishgarthez, molyns, milledammes, estankes de molyns, lokkes, hebbyngweres, estakes, kideux, hekkes, flodegatez, & diversez autres distourbauncez, de jour en autre sount faitz, levez, enhauncez, & enlargez, a grand damage nostre seignur le Roy & de ses foialx liegez: nostre dit seignur le Roy, les premissez graciouement consideraunt, del advys & assent des ditz seignurs espirituelx & temporelx & a la requeste des ditz communes en cest parlement assemblez, & per auctorite suifdit, ad ordeigne & establie, qe le dit estatuit de Magna Carta & toutz autres estatuitz les premissez

justices to be broken down or amended, he that hath the freehold of the same shall do execution thereof at his own costs, within half a year after knowledge given to him, upon pain of forfeiture of an hundred marks, to be paid to our lord the King by estreats in the exchequer; (3) and he that doth levy them again, enhance, or strait them contrary to the said judgment, and thereof be duly convicted, shall run in pain of an hundred marks, to be paid to our lord the King by estreats in the exchequer aforesaid, as in the same statutes more fully appeareth. (4) Contrary to which Great Charter, and all the statutes aforesaid, in divers parts of this realm of England, both in the destroying of the fish, as afore is said, and in disturbance of the passages of ships, barges, boats, and other vessels, by divers and many people divers fishgarths, mills, milldams, millstanks, locks, ebbing wears, stakes, kedels, hecks, or floodgates, and divers other disturbances, be daily enhanced, levied, and enlarged, to the great damage of our lord the King, and of his faithful lieges: (5) our said lord the King graciously considering the premisses, by the advice and assent of the lords spiritual and temporal, and at the request of the said commons, in this parliament assembled, and by authority of the same, hath ordained and established, That the said statute of the Great Charter, and all other statutes concerning the premisses, shall be duly observed and kept; (6) adjoining thereto, That if after the feast of St. Michael, which shall be in the year of our lord God 1475, by award, rule, or judgment of any of the said commissioners assigned, according to the said statute made

A confirmation of all statutes made for the pulling down of wears.
10 Co. 138.

The penalty of an offender that doth not perform the award of commissioners authorized by the statute of 1 H. 4. c. 12.

in the said first year of King Henry the Fourth, it be found that any such wears, fishgarths, mills, milldams, millstanks, locks, ebbing wears, stakes, kedels, hecks, or floodgates, be made, levied, enhansed, straited, or enlarged, against the same statute, the offenders in this behalf contrary to the foresaid award, rule, and judgment, being duly warned by the sberiff or sberiffs, by *Scire facias* directed to the sberiff or sberiffs, of such county or counties where such wears, fishgarths, mills, milldams, millstanks, and other noyances, disturbances or impediments be, and within three months next after the said garnishment made, they do not duly and wholly amend, break down, and avoid the said making, levyng, enhansing, straiting, or enlarging, being defective, as afore is said in the said statute made in the said first year, that then he or they, being defective in this behalf, shall forfeit to our lord the King an hundred marks, to be paid by estreats in the exchequer in manner and form as in the same statute more fully is contained.

The penalty of him which doth continue in his offence, or doth delay to reform it.

IV. Moreover, if the said offender, or his heir or heirs, assignee or assignees, or any of them, do defer or continue the same default, contrary to the award, rule, or judgment of the commissioners aforesaid, that he or they so doing, deferring, or continuing the said default, shall forfeit for every month after the said three months ended, that the same default shall remain, and be not corrected, amended, nor reformed, an C. marks, (2) the one half thereof to our lord the King, and the other half to any of his liege

misses concernantz soient dument observez & gardez; adjoustant a ycelle que si apres la feste de Seint Michell, que sera en lan nostre seigneur Dieu M. CCCCLxxv. per agarde rule ou jugement dascuns de les ditz commissiouners, accordaunt al avaunt dit estatuit le dit an primer du dit Roy HENRY le quart fait assignez, il soit trovee, que ascuns tielx gorges, fishgarthes, molyns, milledammes, estankes de molyns, lokkes, hebbyngweres, estakes, kydeux, hekkes, ou flodeyates, sount faitz, levez, enhauncez, estreitz, ou enlarges, encountre mesme lestatuit, les offenders en celle partie, contrarie a lavaunt dit agarde rule & jugement, dument per Scire facias a le viscount ou viscountz dautiel countee ou countees, ou tielx gorges, fishgarthez, molyns, milledammez, & autres anusaunces, ou empedimentz, ou destourbaunces avaut reherfes, serrount trovez faitz, euez enhaunces, estreites, & enlarges, direct, soient dument garnise per le dit viscount ou southviscount, & dedeinz trois mois proscheins apres le dit garnisement fait a ses propres costages & charges dument & pleynement nament pas, ou oustent, avoident, la dit faisure, lever, enhaunser, estraiture, ou enlargement, defectif come avaut est dit en le dit estatuit en lan primer suisdit especifie; que lors celluy ou ceux en celle partie defectif forface ou forfacent a nostre seigneur le Roy pur chescune default C. marcs, per transcript ent a deliverer en le dit eschequer, en le maner & fourme come en mesme lestatuit plus pleynement est conteignuz.

Et

Et oustier si le dit offendour, ou son heir ou heirs, assigne ou assignez, ou ascun de eux, face ou facent, differrer ou continuer mesme le default, contraire as les agardz rule & jugement des commissiioners avautditz; qe celluy ou ceux ensi faisant, differant, ou continuant, le dit default, forface ou forfacent, pur chescun mois apres les dites trois mois passés, qe mesme la defaute estoit et demure nient correcte ou nient amende ou nient refourme, C. marcs, lune moite ent a nostre souveraigne seignur le Roy, & lautre moite ent a ascune de ses liegez, qi en celle partie poursuivre voit, per action de dette ent a conceiver per brieve original, faunz ascune fine ent faire ou apprender, en la court de la chauncerie.

En quele action autiel proesse, rule, jugement, & execution soient allowes, ewez, & faitz, come en autres actions de dette pursuez a la commune ley per brieve est usez; & qe ascun defendaut en ascune tiel action ne soit admise de gager ou faire sa ley.³ Ne qe ascune protection ou effoin de service nostre souveraigne seignur le Roy pur ascun tiel defendaut soit en ascune maner allowe.

Et en oustre ad ordeigne & establie per mesme lauctorite, qe si ascun person on personez, autre ou autres qe tiel ou tielx encountre quele ou quelx autiel agard rule ou jugement estoit faite & ewe, nient esteant ou esteantz heir ou assigne a ycell ou yceux, presume ou prefument doccupier ou continuer ascuns gorcez, fishgarthez, molyns, milledammes, estankes de molyns, lokkes, hebbyngwerez, estakes, kideux, hekkez, flodeyates,

liege people which in this behalf will sue for the same, (3) by action of debt to be conceived by original writ, without fine to be made or taken for the same in the chancery.

V. In which action, like process, rule, judgment, and execution shall be allowed, had, and made, as is used in other actions of debt pursued at the common law by writ; (2) and that the defendant in any such action be not admitted to do or wage his law, (3) nor that any protection, or effoin of the King's service be allowed for the defendant in the same writ.

VI. Moreover, it is ordained and established by the same authority, That if any person or persons, other than such against whom such award, rule, or judgment were made and

had, being heir or assignee to them, or any of them, do presume to occupy or continue any such wears, fishgarths, mills, milldams, millstanks, locks, ebbing wears, stakes, kedels, hecks, floodgates, or other disturbances, or impediments, as afore is said, he or they so presuming to occupy or continue, shall forfeit at every default, for every month, as is afore said, an C. marks, (2) the one half to our lord the King, and the other half to him of the King's liege people that will in this behalf sue, by action of debt thereupon to be conceived, without paying any fine for the same, as is afore said; (3) in which action like process, rule, judgment, and execution shall be used and made, as in all other actions of debt pursued at the common law by writ is used; (4) and that the defendant in any such

The penalty of the heir or assignee of the offender that continueth the same offence.

action shall not be admitted, nor in any wise received to wage or do his law; (5) nor any manner protection or escoin of the King's service be for such defendaut in any wise allowed.

flodeyates, ou autres disturbancez ou impedimentz come devaunt est dit; celluy ou ceux ensi presumant ou presumantz doccupier ou continuer forfait ou forfacent a chescun defaulte pur chescune mois come est dit devaunt C. mars, le moite

a nostre seignur le Roy, & lautre moite a celluy de les lieges nostre seignur le Roy qi en celle partie pursuer voet per action de dette sur ceo destre conceu, saunz fyn pur ceo paiant come devaunt est dit; en quele action autiel processe, rule, jugement, et execution soient usez & faitz, come en toutz autres actions de dette pursuez a la commune ley per brieve est usez: & qe ascun defendaut en tiel action ne soit resceu ne admise en ascun manere de gager ou faire sa ley; ne qe ascun autre manere portection ou escoin de noble service de nostre seignur le Roy pur ascun tiel defendaut soit ascunement allowe.

CAP. VIII.

All mayors, bailiffs, &c. shall have the searching and surveying of victual; and letters patents made to searchers and surveyors of victual shall be void.

All mayors, bailiffs, &c. shall have the searching and surveying of victual.
4 Inst. 262.

ITEM, *Whereas the governors, that is to say, mayors, bailiffs, and other like governors of every city, borough, and town of substance within this realm of England, for the most part have courts of leets, and views of frankpledge, holden yearly within the same cities, boroughs, and towns, and surveying of all victuallers there, and correction and punishment of the offenders and breakers of the assize of the same, to be presented and amerced if any default be found in the said courts, or by their surveying, which by reason ought not to be contraried, nor the victuallers there by the law ought to be surcharged or oppressed; (2) as now of late divers persons daily intending their singular avail and profit to oppress the said victuallers, and to enter and break the liberty of divers places in this realm having franchises, and surveying of all victuallers, and correction of the same, have purchased*

ITEM qe come lez gouvernours cestastavoir mairs, baillifs, & autres gouvernours semblablez, de chescune citee burgh & ville de substance deinz cest roialme dEngleterre, pur greindre partie ount courtz des letez & vieuz de frank plegge annuelment tenuz deinz mesmes les citees burghs & villes, & surveu des toutz vitailers illeosquez, & correction & punition de les enfracours & meffaisours de lassise des mesmes, a presenters & amerciars, si ascun default soit trovee en les courtz, ou per leur surveu; quele per reason ne doit estre contrariez, ne les vitailers illeosquez per la ley ne doivent mye estre surcharges ou oppresses, come ore tarde journalment diverses persones entendant pur leur singular availle & profit dopperresser les ditz vitailers, denterrumper diverses lieus deins cest roialme dEngleterre

leterre eiauntz fraunchises & surveu des toutz vitailleurs & correction diceux, ount purchaces lettres patentz nostre dit souverain seigneur le Roy, destre surveours & correctours dautielx vitailleurs deinz diverses citees burghs & autres lieux de cest roialme dEngleterre come de servoise, bere, vine, & dautielx autres vitailles, per quell pretense & desloial office ils fount plusours & diverses extortions & oppressions entre le liege poeple nostre seigneur le Roy, preignauntz de ceux disloialment diverses grandes fines & raunsons, a grand damage de mesme le poeple nostre seigneur le Roy, & auxi grand derogation de les libertees & fraunchises de les diverses de les avaunt ditz citees burghs & villez: nostre seigneur le Roy, les premissez considerant, per ladvys et assent des seignurs espiituelx & temporelx & a la requeste des communes en le dit parlement assemblez, & per auctorite de mesme le parlement, ad ordeigne & establie, qe toutz les lettres patentz grauntez per luy a ascune persone ou personez dascun office du sercheance ou surveiance de vine, servoise, bere ou ascun autre vitaille, soient toutoustrement voidez & de null effect: Et qe null person, autre qe tielx gouvernours avaunt rehersez, ou autres entitlez per point de chartre, a la feste de Pasqe prochain venaunt, per colour dautielx lettres patentz ensi purfuez, ou en apres a pursuers come devaunt est dit, use ou exercise ascune tiel office sur payne de forfaiture a chescune default xl. li. lune moite ent a nostre seigneur le Roy, al oeps
de

chased letters patents of our sovereign lord the King, to be surveyors and correctors of all such victuallers within divers cities, boroughs, and other places of this realm of England, as of ale, beer, wine, and other such victuals, by which pretence and unlawful office they do commit divers and many extortions and oppressions amongst the King's liege people, taking of them unlawfully divers great fines and ransoms, to the great damage of the King's liege people, and also wrongful derogation of the liberties and franchises of divers of the said cities, boroughs, and towns:

(3) our said lord the King (the premisses considering) by the advice and assent of the lords spiritual and temporal, and at the request of the said commons, in the said parliament assembled, and by authority of the same parliament, hath ordained and established, That all letters patents, granted by him to any person or persons of any office of searching or surveying of wine, ale, beer, or any other victual, shall be utterly void and of none effect.

(4) And that no person, other than such governors before rehearsed, or other intituled by point of charter, from the feast of *Easter* next coming, by colour of such letters patents so obtained, or after to be obtained; as before is said, shall use or exercise any such office, upon pain of forfeiture for every default xl. li. (5) the one half thereof to our lord the King, to be employed only to the use of his house, the other half to him that in this behalf will sue for the same by action of debt, wherein like process, rule, and proceeding shall be had, as is commonly used in

All letters patents granted to any persons for searching or surveying of victuals, shall be void; and only the chief governors of cities, towns, &c. shall be appointed to search and survey the same.

23 Ed. 3. c. 6.

23 R. 2. stat. 1. c. 8.

25 H. 8. c. 2.

other actions of debt at the common law; (6) and that the defendant in any such action shall not be received nor admitted to his law; (7) nor that any protection or essoin of the King's service be to him in any wise allowed.

de son hostiell tantfoulement destre appliez, lautre moite ent a celluy qen celle parte pur ceo fuer voet per action de dette, en quele semblable processe rule & demeane soient ewez, sicome usuelment sount usez en autres actions de dette a la commune ley; et qe le defendaunt en ascune autiel action ne soit resceuz ne admise a la ley, ne qe ascune protection ou essoin de service nostre tressoveraigne seignur le Roy en ascune manere soit allowez.

de son hostiell tantfoulement destre appliez, lautre moite ent a celluy qen celle parte pur ceo fuer voet per action de dette, en quele semblable processe rule & demeane soient ewez, sicome usuelment sount usez en autres actions de dette a la commune ley; et qe le defendaunt en ascune autiel action ne soit resceuz ne admise a la ley, ne qe ascune protection ou essoin de service nostre tressoveraigne seignur le Roy en ascune manere soit allowez.

C A P. IX.

What lands an escheator must have: whom he may make his deputy: he shall not let his office to ferm.

Ex edit. Pult.
42 Ed. 3. c. 5.

ITEM, Whereas by an ordinance made at *Westminster* the xliij year of the reign of King *Edward* the Third, progenitor of our lord the King that now is, amongst other things it was ordained, That none should be made escheator, unless he had xx li. of land at the least, or more in fee, (2) and that they should do their offices in their proper persons, and if any other be, he shall be out: (3) which ordinance according to the true meaning thereof is not observed, to the great damage of divers people of this realm of *England*, because that many persons insufficient and of evil conscience, be yearly made escheators in divers parts of this realm of *England*, which often do set their office of escheatorship to ferm to other great men extortioners and oppressors of the people, the same escheators taking of the said persons such sum of money as betwixt them may be agreed, and surety to be discharged upon their account, and to be saved harmless against our sovereign lord the King and all other persons: (4) which persons so unlawfully taking the said office of escheatorship, by an undue manner to ferm, do enforce themselves to be extortioners and offenders to the people; (5) whereof old time by the government of the realm of *England*, escheators and their deputies should be, and ought to be good, sufficient, and well disposed persons and rightful, as well to our lord the King, as to his people: where at this day few such persons be made escheators or their deputies: (6) it is therefore ordained by authority of this present parliament, That no escheator to be made after the feast of the nativity of our Lord, which shall be in the year of our Lord God, 1473, shall take upon him the office of escheator, nor occupy the same office by himself nor by any other, unless the said escheator or other person or persons to his use, have at the time that he shall be chosen escheator, lands, tenements, or rents in fee simple, fee tail, or for term of life, of the yearly value of xx. li. lying and being within the same county or counties whereof he shall be made escheator. (7) Nor that any such escheator to be chosen after the said feast shall in any

No man shall be escheator unless he hath xx l. land or rent in the same county.

No escheator shall let his office to ferm,

wife

wife sell nor let to ferm the said office of escheatorship, nor make any deputy or deputies, but such for whom he will answer at his peril; (8) the name or names of the said deputy or deputies to be certified by the same escheator by his letters patents to the treasurer, and barons of the King's exchequer for the time being, within twenty days after such deputation. (9) And that no such deputy or deputies take upon him or them to occupy in the office of escheatorship, unless such escheator have lands, tenements or rents, to the aforesaid yearly value, in manner and form as is aforesaid: (10) and if any person or persons after the said feast do contrary to the premisses or any of them, he shall forfeit for every default xl li. (11) the one half thereof to our sovereign lord the King, to be employed to the use of his honourable house: the other half to every of the King's liege people, which will therefore sue by action of debt, (12) wherein like process, rule, judgment, costs and damage, shall be had and awarded, as is used in other actions of debt usually pursued by writ at the common law; (13) and that no waging of law, protection, nor essoin be in any wise allowed in the same to the defendant: (14) and the justices of peace in every place corporate, and the justices of peace in every other place having justices of peace within them, shall have power to hear and determine every such forfeiture upon presentment thereof had before them in their sessions; (15) in which presentment, like process shall be had, as is used upon indictments of trespass done with force and arms against the King's peace. (16) Provided always, That this act do not extend to any person or persons made or to be made escheator of any city, borough, or town of this realm of *England*, having authority to make or to be escheators within themselves by the letters patents of the grant of our sovereign lord the King, or any of his noble progenitors or predecessors.

or make any deputy, but for whom he will answer.

Justices of peace may inquire of and punish the offences aforesaid.

Saving the right of cities or boroughs, &c. having authority to make escheators.

Statutes made at *Westminster*, Anno 14 EDW. IV.
and *Anno Dom.* 1474.

NOSTRE seignur le Roy Edward le quart, a son parlement sommones & commences a Westm' le vje. jour d'Octobr' lan de son reigne xijme et per diverses prorogations a le xxij. jour de Jaynuer lan de son reigne xiiij. continues, per ladvys & assent des seignurs espirituelx & temporelx & les communes en le dit parlement le dit xxij. jour assemblez, & par auctorite de mesme

OUR lord the King, Edward the Fourth, at his parliament summoned and begun at Westminster the sixth day of October, in the twelfth year of his reign, and continued by prorogation till the three and twentieth of January in the fourteenth year of his reign, by the advice and assent of the lords spiritual and temporal, and by the commons, in the said parliament the said twenty third day assembled, by

by authority of the same parliament willeth and granteth, and by the advice of the same hath ordained and enacted. mesme le parlement, voet & graunte, & per ladvys de mesme ad ordeigne & enacte.

CAP. I.

For the King's tenants going in his wars.

Ex. edit. Rast. They who holding their lands of the King shall pass with him in his service into France, shall have licence to pass their lands without fine, and to make a feoffment to the use of their wills, though it be done by collusion; and if he that is the King's tenant die in this service, his heir within age, his feoffees, and executors shall have wardship of the lands and body of the heir.

THAT all such persons, and every of them, which by the grace of God shall pass over the sea with our said sovereign lord the King in his voyage royal and noble service, and shall abide in his noble service, by their attornies or deputies or any of them, or by the attorney or deputy of any of them, shall enter and take, and may enter and take possession and profit of and in all honours, castles, manors, lands, tenements, rents, advowsons, hereditaments, and possessions, which be to them descended, or to any of them hereafter shall descend, remain, revert, or by any mean shall come after the death of any of their ancestors, or any person or persons in any other form by the course of the law of the land, during the said voyage, if any parcel be holden of our sovereign lord the King by their said entry, possessions, taking of the issues and profits of the same, without fee or fine to be paid to our sovereign lord the King for the same. And if any office be thereof found hereafter, then they and every of them to have especial liveries and livery under the great seal of our sovereign lord the King, without fee or fine to be paid for the same to our sovereign lord the King, to enter and take possession in and of the honours, castles, and all other the premisses, every person according to his right and title: and the same to have and enjoy with the issues and profits of the same of their title grown to them and every of them, without any other livery petition or pursuit of the law to be made in this behalf to our sovereign lord the King. And that during the same time of the voyage, and they abiding in the King's noble service, as afore is said, no manner proces to be made in any of the counties of our sovereign lord the King against any of the said persons, for any homage, fealty or other corporal service, which may not be done but in their proper persons, for any honours, castles, seignories, manors, lands, tenements and other hereditaments and possessions, which they or any person or persons to their use have or hereafter shall have during the said voyage, and being in the King's noble service as afore is said. But that all such proces shall cease during the said voyage and service. And they and every of them so passing in the said voyage royal, as afore is said, and the feoffees to the use of every of them may have licence under the King's great seal, without fee or fine to be paid for alienations feoffments and grants of the honours, castles, manors, lands, tenements, rents, services, annuities, and other hereditaments and possessions with their appurtenances, to such persons whom them shall please: and the same persons to receive the same honours, castles and other the premisses, of what manner estate them shall please, to the intent that

that they may thereof make their will for payment of their charges and other things. And if it happen any of the said persons, which so shall pass and abide in the said voyage and service of our said sovereign lord the King as afore is said, to die during the said time and in the said service, his heir being within age, that then all manner persons, having any manner estate by way of feoffment or otherwise to the use of the same person or persons so dying, in any honours, castles and other the premises with their appurtenances, to the use and performance of the will of the said person, which doth so decease, shall have the same without any interruption of our sovereign lord the King, or any of his officers or ministers, by reason of any office thereof to be found, although the said feoffments estate or alienation were made or had by collusion or otherwise intituling our sovereign lord the King: except such manors, lands and tenements, which any person or persons, passing or going with the King in this voyage royal as afore is said, or by the grant or gift of our redoubted sovereign lord the King in any manner: and that they and every of them having and obtaining the same manors, lands and tenements, may by the authority aforesaid make estate of the same said manors, lands or tenements in any manner parcel of the same manors, lands and tenements to other persons in fee or otherwise to their own use, in performing of their wills, as before is said. And the same estate or estates so to be made, to be good and effectual, as long as the said grants and gift thereof made or to be made by our said sovereign lord the King to them or any of them shall stand and be in their force and effect and not determined, nor revertible to our said sovereign lord the King or his noble heirs. And moreover our said sovereign lord the King hath ordained stablished and enacted, by the assent of his lords spiritual and temporal, and the commons being in the same parliament, That if it happen any of the aforesaid persons, so passing and abiding with our said sovereign lord the King in his said service and voyage royal as afore is said, to die, his heir being within age now or hereafter holding or obtaining any lands or tenements of our sovereign lord the King by knights service: his said feoffees and also his executors, shall have and enjoy the ward and marriage, with the ward of the same manors, lands, and tenements so holden, during the nonage of the same heir, to the use of the same person so dying: and with the same to perform all his will. And moreover the same our sovereign lord the King shall grant by his letters patents the ward and marriage of the same heir, and of all his manors, lands and tenements, which the King ought to have by reason of the same, to the same feoffees or executors of the same person or persons so dying, or to such of them, which for the same will sue, to the use of the same person or persons so dying as afore is said, without fee or fine to the King for the same to be paid. Saved always to every person or persons, and to their heirs and successors, other than our sovereign lord the King and his heirs and executors, all their right, title, prerogative and interest
which

which they have or may have in any of the premisses, as if this aforesaid act had never been made, except corporal service, as afore is said, which corporal service may not be done but in their proper persons as afore is said: and if any doubt or question rise or happen in any manner in the interpretations or constructions of the points or articles aforesaid, or any of them, then the same our sovereign lord the King will and granteth by the same authority aforesaid, That the lords spiritual and temporal, and other of his council, being here in his absence, shall have full power and authority to discuss and set in this case a due remedy and redress by their good discretion and advice, according to the faithful intent of the same articles and points concerning the said persons so dying in the said service and voyage royal of our sovereign lord the King beyond the sea. Provided always That this said act or ordinance, or any thing comprehended or contained in the same, shall not be in any manner prejudicial nor hurtful to any of the King's liege people: but shall only be executory against our sovereign lord the King and his noble heirs.

CAP. II.

An act touching protections for such as go in the King's wars.

The same law and the same protection that was granted by the statute of 9 H. 5. c. 3. to those that were then in Normandy, or pass with K. Henry 5. into France, shall be observed, and avail for all such as pass over the sea with the King.

ITEM, our said sovereign lord the King remembering that it was ordained enacted and stablished, by authority of the parliament holden at *Westminster* the second day of *May*, in the ix. year of the reign of the noble king *Henry* the V. late in deed and not of right king of this noble realm of *England*, as hereafter followeth. Item, whereas the taking of assises generally hath long ceased throughout this realm of *England*, because of a statute and ordinance made by our said sovereign lord the King, at his second passage towards the parts of *Normandy*, and by his council: our said sovereign lord considering the great diseases and damages, which divers of his liege people have had and sustained by the same ceasing, hath straightly commanded and commandeth, That his justices shall hold the assises through the realm of *England* in the manner used and accustomed. And for to eschew the disherisons of the same persons, which now be passed and shall pass in this voyage royal of the King (which God speed) and also of the persons which be abiding in the service of our sovereign lord the King in the parts of *Normandy* and of *France*, it is ordained and provided, That in every protection, with the clause of *Volumus* to be made for every of the same persons, there shall be in the clause of the exception of the same contained omission of these words, *Assise nove disseisine*. And that all protections be allowable for them, and every of them in all the counties of our sovereign lord the King in any place where such protection is cast forth for any such person, in all the pleas of assises, as well of *no. diff.* as of fresh force, without any difficulty. Provided always, That the judgments to be given from henceforth in such assises arraigned or to be arraigned, shall not be prejudicial to any of the said persons so abiding in

in the King's noble service beyond the sea, as afore is said, which hath any thing in reversion or in remainder in such lands or tenements, whereof such assises be or shall be arraigned, if they that have in reversion or remainder in such lands and tenements be not named in the same assises, but that they be against them void. And this ordinance shall indure till the parliament, which shall be next holden after the next coming again of our sovereign lord the King into this realm of *England*. And if this ordinance, touching the said persons abiding in the King's service beyond the sea, and also touching the said persons, which have passed and shall pass in the said voyage, be not sufficient for the ease and surety of them, it is accorded and assented, That the lords of the King's council for the time being, shall have full power by authority of this present parliament, to set ordain and provide sufficient remedy for the ease and surety of all the said persons and every of them, as to the said lords shall seem available and expedient in the case, after their good advice and discretion. Our sovereign lord the King will and hath ordained, enacted and established, by the advice and assent of the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That the same order and the same law comprised in the said statute and ordinance, shall be now observed and kept, and shall be as available for all manner of persons, which now shall pass over the sea with our sovereign lord the King in this voyage royal, and there shall abide in his said noble service, as they were for such persons, which did pass over the sea with the said late King, and there did abide in his noble service. And that all such persons, which now shall pass over the sea with our said sovereign lord the King, shall have and enjoy in every point all manner advantages, as the said persons so passing over the sea with the said late King had, should have and might have had by reason of the said statute. Provided always, That the said persons so passing over the sea with our said sovereign lord the King, shall have no benefit nor advantage of this present act, of any entry made by them or any of them in any manors, lands, tenements and other hereditaments after the first day of this present parliament summoned and begun at *Westminster*. This act and ordinance to endure till the next parliament, which shall be first holden after the next coming of our sovereign lord the King into *England*.

Provided also, That the said persons so passing over the sea with our said sovereign lord the King, have nor enjoy no benefit nor advantage of or by this present act, of any entry made or had after the first day of this present parliament, or to be made or had at any time hereafter by the said persons, their attornies or deputies, or any of them, in any manors, lands, tenements and other hereditaments, or any other manors and possessions. And this act and ordinance to endure till the parliament, which shall be first holden after the next coming again of our sovereign lord the King into his noble realm of *England*.

CAP. III.

An act for shipping of wools and fells.

An alteration of part of the stat. 12 Ed. 4. c. 5. touching the transporting of wools growing in Cumberland, &c. which hereafter shall be shipped at Newcastle, and from thence conveyed to Calais, or to any other place at the King's pleasure.

OUR sovereign lord the King, the xxv. day of *February*, in the xiiij. year of his reign, remembering that in this present parliament he had ordained and established, by the assent of the lords spiritual and temporal and the commons assembled in the said parliament, a certain act in manner and form as followeth. Our sovereign lord the King remembering, that whereas before this time in divers statutes amongst other things it is ordained and enacted, That all manner wools and fells called morling and shorling, growing within any part of this realm of *England* or *Wales*, except wools and woolfels, called morling and shorling growing in the counties of *Westmoreland*, *Cumberland* and *Northumberland*, and of the growing of the bishoprick of *Durham*, betwixt the waters of *Tyne* and *Teese*, and of the counties of *Richmondshire* and *Northaldertonshire*, except wools to be shipped towards the west in *Gallies* or *Caracks*, to be shipped and carried out of this realm of *England*, shall be conveyed to the staple of *Calais*, and to none other place, upon pain of forfeiture of the said wools and woolfels, and fells called morling and shorling, as in the same statutes more plainly doth appear. Nevertheless, the said statutes and ordinances, notwithstanding a great multitude of the said wools and woolfels, and fells called shorling and morling growing in *Yorkswold* in the county of *Lincoln*, *Nottingham* and *Derby*, and in other counties of this realm of *England*, under the colour of exception before rehearsed in the same north parts, be carried out of this realm of *England* into *Flanders*, *Holland*, *Zealand*, *Brabant*, and other divers parts beyond the sea, whereby not only great decay was of the King's customs and subsidies, but also destroying and diminishing of the price of the said wools, woolfels, and fells called shorling and morling, growing within this realm, to the universal damage and great impoverishment of the same: our sovereign lord the King, by the advice, assent and authority aforesaid, hath ordained, enacted and established, That all wools, woolfels, and fells called shorling and morling, growing within this realm (other than before excepted) to be shipped and conveyed out of the realm, shall be conveyed to the staple of *Calais*, and to none other place. And that all wools, woolfels, and fells called shorling and morling, growing and being within the said counties of *Westmorland*, *Cumberland*, and *Northumberland*, the bishoprick, *Richmond*, and *Alderton*, to be carried out of this realm, shall be shipped at *Newcastle* upon *Tyne*, only, and from thence to be conveyed to *Calais*, or to *Newmiddleburgh* in *Flanders*, there to be stapled and uttered, and at none other place. And if any man attempt and do contrary, and thereupon be duly convicted: that then he shall be of like condition, as a man attainted of any felony, after the course of the common law, and shall run in like pain and forfeiture as he that is so attainted should do.

Also

Also by the same advice and authority it is ordained, That all wools, woolfels, and fells called shorling and morling, growing or being in any county within this realm or in *Wales*, or in the marches thereof (other than before excepted) to be carried out of this realm, shall be conveyed to the said staple of *Calais*, and to none other place, upon the same pain and forfeiture. The King's prerogative to grant any licence to the contrary excepted. This act to begin to take effect at the feast of Saint *Michael*, which shall be in the year of our Lord God, 1474, and to endure by the space of five years only, which act our sovereign lord the King will, ordaineth, and establisheth, by the assent of the lords spiritual and temporal, and the commons of this land in this present parliament assembled, to be in his full strength and effect in every point thereof. Saving only, whereas it is by the same statute ordained, That all wools, woolfels, and fells called shorling and morling, growing and being within the said counties of *Westmoreland*, *Cumberland*, *Northumberland*, the bishoprick, *Richmondshire*, and *Northaldertonshire*, to be carried out of this realm, shall be shipped at *Newcastle* upon *Tyne* only, and there to be conveyed to *Calais*, or to *New Middleburgh* in *Flanders*, there to be stapled and uttered, and at none other place. The said act for so much shall be void. And that in the stead of those words, it shall be as hereafter followeth. It is ordained by the same authority, That all wools, woolfels, and fells called shorling and morling, growing and being within the said counties of *Westmoreland*, *Cumberland*, *Northumberland*, the bishoprick of *Richmondshire*, and *Northaldertonshire*, to be carried out of this realm, shall be shipped at *Newcastle* upon *Tyne* only, and from thence to be carried to *Calais*, or to the town of *Berwick* in *Brabant*, or to any other certain place at the King's pleasure to be named, there to be stapled and uttered, and at none other place. Also it is ordained by the assent and authority aforesaid, That in case where our sovereign lord the King ordaineth, that the said wools and woolfels, called shorling and morling, of the growing of the counties and bishoprick aforesaid, to be stapled in any other place beyond the sea than at *Calais* or *Berwick* aforesaid, that then the place so to be named by the King, shall be certified and published by open proclamation in the said counties of *York*, *Northumberland*, *Cumberland*, *Westmoreland*, the bishoprick of *Durham*, and the town of *Newcastle*. And that every of the subjects of our sovereign lord the King, after such proclamations made, and after three months after the said proclamation passed, shall be bound to have and carry the said wools and woolfels to the said places, to be named by our sovereign lord the King, and expressed in the said proclamation, upon the pain before limited.

C A P. IV.

A confirmation of statutes made against the breakers of truce, &c.

15 H.6.c.3.
18 H.6.c.8.
20 H.6.c.1.
31 H.6.c.4.

A confirma-
tion of all sta-
tutes not re-
pealed, made
against the
breakers of
truces,
leagues, safe-
conducts and
licences.

This confirma-
tion doth not
extend to the
statute of
2 H.5.stat.1.
c.6.

ITEM, *whereas divers and great offences and attempts have now of late been done and committed against the amities and leagues made betwixt our said sovereign lord the King, and strange princes, against the safe-conducts and licences of our said sovereign lord the King, and against the laws and statutes heretofore made for the punishment of such offenders in that behalf, to the great slander of our said sovereign lord the King, and the general hindrance of all this realm of England; (2) the King therefore, by advice and assent of the lords spiritual and temporal, and the commons, in this parliament assembled, and by authority of the same parliament, hath ordained, established, and enacted, That all statutes and ordinances made before the fourth day of March, in the first year of his reign, by authority of any parliament, not repealed, against the offenders and breakers of amities, truces, leagues and safe-conducts aforesaid, he and shall be in their full force and effect: (3) and that every of the same statutes and ordinances be put in due execution in all things before the judge or judges, person or persons ordained by the same statutes or ordinances, or any of them, according to the tenors and effects of every the same statutes and ordinances; any grant or confirmation by act of parliament or otherwise, use, or custom, made, had, or used to the contrary notwithstanding; (4) provided always, That this*

ITEM pur ceo qe plusours & graundes offenses & attemptedes ount ore tarde este commys & perpetres encountre les amities & les lieges faitz entre nostre dit souveraigne seignur le Roy & princes estrangez, & encountre les sauf-conduits & licences nostre dit souveraigne seignur le Roy, & encountre les leies & estatuitz per devaunt fait pur le punishment des tielx offendours en celle partie, a grand desclaudre nostre dit souveraigne seignur le Roy & universal damage de tout cest roialme dEngleterre; le Roy pur ceo del advys & assent de les seignurs espirituelx & temporelx & communes en cest parlement assemblez, & per lauctorite de mesme le parlement, ad ordeigne enacte & establie, qe toutz estatuitz & ordeignaunces devaunt le quart jour de Marche en lan primer de son reigne faitz per auctorite dascun parlement nient repellez, encountre les rumpours ou offendours des amitees, triewes, lieges, & saufconduitz avaunt-ditz, estoient & soient en pleyne force & effect: & qe chescune des mesmes les estatuitz & ordeignaunces soit mise en due execution en toutz choses, devaunt le juge ou juges, persone ou persones, ordeignes per mesmes les estatuitz ou ordeignaunces, ou ascun de eux, accordaunt as les tenours & effectz de chescune mesmes les estatuitz & ordeignauncez; ascun graunt ou confirmation per act du parlement, ou autrement, use, ou custume, fait,

cwe

ewe, ou usez, al contrarie nient contristeaunt. Purveu toutz foitz, qe cest act nextend pas al ascun act ou ordeignaunce fait pur la punition dautielx offendours en lan second de Henry quint nadgairs en fait & nient de droit Roy dEngleterre.

this act extend not to any act or ordinance made for the punishment of any such offenders in the second year of King Henry the Fifth, late in deed, and not of right, king of England.

Statutes made at *Westminster*, Anno 17 EDW. IV.
and *Anno Dom.* 1477.

NOstre seignur le Roy Edward puis la conquest quart a son parlement tenuz a Westm' le xvj. jour de Januar' lan de son reigne dis & septieme, al honour de Dieu & pur la bien de luy & de son roialme, del advys & assent des seignurs espirituelx & temporelx & al instaunce & requete des communes en le dit parlement assemblez & per auctorite de mesme le parlement, ad fait ordeigner & establier diverses ordeignaunces & estatuitz en la fourme qensuist.

OUR lord King Edward the Fourth after the conquest, at his parliament holden at Westminster the sixteenth day of January, in the seventeenth year of his reign, to the honour of God, and the wealth of him and his realm, by the advice and assent of his lords spiritual and temporal, and at the suit and request of his commons, in this present parliament assembled, and by authority of the same parliament, hath made to be ordained and established divers ordinances and statutes in form following.

CAP. I.

An act concerning money.

FIRST, whereas in a statute made the ix. year of King Edward the Third, noble progenitor to our sovereign lord the King that now is, it was ordained, That no false money counterfeit to the sterling, should be brought into this realm, upon pain of forfeiture of the same money. Saving that all manner of people of every realm might bring to the exchange as bullion, all manner good money of silver, of whatsoever value it were, and there to receive covenable exchange. And whereas in the second year of the pretended reign of king Henry the Fourth, for the great deceit which then was in the money of gold and silver in *Flanders* and *Scotland*, which commonly did run, and payments made in divers parts of this realm of *England*, to the great damage of our sovereign lord the King, and his people, amongst other it was ordained, That all the money of gold and silver of the coin of *Flanders*, and of all other lands and countries beyond the sea, and of *Scotland*, should be voided out of the realm of *England*, or put to the coin or bullion within the same realm, before the feast of *Christmas* then next following, upon pain of forfeiture of the same, which ordinances were made because that the same money expended and suffered

Ex edit. Rast. No Irish money shall run in payment in England or Wales, upon pain of forfeiture thereof. It shall be felony to carry out of England or Wales any coin of this realm, or any plate, bullion, jewels of gold or silver, without the King's licence (except prisoners ransoms, soldiers money, &c.)

No person shall melt any money of gold or silver sufficient to run in payment, upon pain of forfeiture of the value thereof. All things wrought of silver to be sold, shall be as fine as the sterling, and shall be marked with the leopard's head, and the workman's mark. All merchants aliens shall employ the money received for their merchandises upon the commodities of this realm. Made perpetual 3. H. 7. c. 8. and afterwards continued for twenty years by 7 Ed. 6. c. 6. 9 Ed. 3. st. 2. 2 H. 4. c. 6. 3 H. 7. c. 8. 4 H. 4. c. 15. 27 H. 6. 3.

to run in payment within this realm were deceitful. And now so it is, that of late, and at these days counterfeit and false money of such countries alloyed, as groats and pence made in *Ireland*, in part like to groats, half groats, and pence, of this realm, in such a great multitude be daily brought into this realm out of *Ireland* and other places, and put in payments in this realm, which if it should long endure, it should not only destroy the good money of this realm, but also should cause the good money of silver of this realm made within the same, to be translated and turned into the said false and counterfeit money made in *Ireland* and other places. And also should cause a great part of the plate of silver to be carried out of the realm, and to be coined with the said false and counterfeit money: wherefore by the assent, request, and authority aforesaid, it is ordained, That after the feast of *Easter* next coming, none of the same money of *Ireland* shall run in payment within this realm, *Wales*, *Calais*, or the marches of the same, nor that no person after the said feast put any of the same monies, nor the same receive in any payment within this realm, *Wales*, *Calais*, or the marches of the same, or any part of the same, upon pain of forfeiture of the same money so put or received for or in payment. The same money so forfeit to be seised by any of the King's liege people, and in three parts to be divided, whereof one part so forfeit shall be applied to the use of the King's house, another part thereof to him or them which shall find and prove the same forfeiture before any justices of peace of any county within this realm, where any such forfeiture shall happen, or before the mayors, bailiffs, sheriffs, or other chief governors of city, borough, or town corporate, or within any of the five ports within this realm of *England*, or at *Calais*, before the treasurer and comptroller there, if like forfeiture fall or happen, and all the residue of the same forfeiture shall be to the mayor, bailiff, or other chief governor of the city, borough, or town corporate, or any of the five ports where such forfeiture shall be found, to be applied to the use of the same city, borough, town or port, to such of them which have any forfeitures by any lawful grant or authority of the said parliament of our sovereign lord the King. And if they have no manner such forfeiture, then the same third part residue shall be applied to them which have such forfeiture within the same city, borough, or town corporate, or any of the said five ports by like authority or otherwise. And the whole forfeiture to be found and proved at *Calais*, or at the marches of the same, shall be only to our sovereign lord the King. And if such forfeiture happen to be found and proved, in any other town or village not corporate, the same residue of the said forfeiture shall be to the chief lord of the fee of the same town, to be applied to the use of the same lord. And if variance do fall betwixt any finder, affirming against any other person such forfeiture to be, so that the same money forfeit may not be seised without action by the said finder to be sued, That then the same finder, if he will pursue and prove the said forfeiture, or in his default any other person who will sue and prove

prove such forfeiture, he shall be thereto received, and have an action of debt in this behalf, or at the common law at his election, or otherwise before the justices of peace of the county, out of the city or town corporate where such forfeiture shall happen. And if it happen in city, borough, or town corporate, then before the mayor, sheriff, or bailiffs, or other chief governor there, by bill or bills in this behalf, in which action of debt to be pursued at the common law, like process, judgment, and execution shall be, as is used in other actions of debt there to be pursued. And in such bill or bills to be pursued before the justices of peace, or before any of the said mayor, sheriff, or bailiffs or other chief governors aforesaid, the process before appearance shall be had by attachment by the body infinite. And after judgment by *Fieri facias*, *Capias ad satisfaciendum*, or *Elegit*, at the election of the pursuer in this behalf. The pursuer which so doth recover, to retain his part aforesaid of the said forfeiture pertaining to him in his own hands to his own use. And the part pertaining to the King, to be delivered to the sheriff or sheriffs, bailiff or bailiffs, in the King's exchequer, to be accountable of such county or place corporate, where such recovery shall be had by writing indented in this behalf to be made, to be employed to the use of our sovereign lord the King as is aforesaid. And the residue of the said forfeitures recovered, to be delivered to any of the said mayors, sheriffs, bailiffs, or other chief governors corporate, as afore is said, to be applied in the manner and form before specified. And if any such forfeitures be found and proved in any town or village not corporate, the same to be delivered to the said lord of the fee, to be applied to his use. And whereas by the statute made in the second year of the pretended reign of the late king *Henry* the Sixth, it was ordained amongst other, That no gold nor silver should be carried out of this realm, upon pain of forfeiture of the value of the same, and that he which espieth the same, and thereof giveth knowledge to the council or treasurer of *England*, should have the fourth part of such forfeiture (ransom and fine of the *English* prisoners taken beyond the sea, and the money which soldiers shall carry with them for their reasonable costs, with other things in the same statute comprised, excepted) contrary to which statute and ordinance, and divers other ordinances touching the same, before this made, the money of gold and silver and vessel, and plate of gold and silver of this land, as merchandises is carried and sent out of this realm, as well by the denizens as aliens, to the great impoverishing of this realm, and final destruction of the treasure of the same realm, if hasty remedy be not provided: it is ordained and established by the authority aforesaid, That no person from the feast of *Easter*, shall carry nor do to be carried out of this realm or *Wales* any manner money of coin of this realm, nor of the coin of other realms, lands, or feignories, nor no plate, vessel, mass, bullion, nor jewels of gold wrought or unwrought, or of silver, without the King's licence: except such persons as be dispensed within the

2 H.6.c.6.

17 R. 2. c. 1.

forefaid ftatute made the fecond year of King *Henry* the Sixth, and in other divers ftatutes, upon pain of felony, and to be adjudged and reputed as a felon. The fame felony to be heard and determined in like manner and form, and before fuch perfon or perfons, as other felonies be commonly heard and determined within this realm. And whereas in the ftatute made in the ninth year of King *Edward* the Third, amongst other things it was ordained, That the ftirling halfpenny or farthing fhould not be molten for vefel nor none other thing by goldsmith or other, upon pain of forfeiture of the money molten. And that the goldsmith or other that fo doth melt, fhall be commanded to prifon, there to remain till he hath yielded to the King the one half of that he hath fo molten, notwithstanding any charter or franchise granted to the contrary, which ftatute was confirmed by King *Richard* the Second, in his parliament holden the xvii. year of his reign. And then amongst other it was ordained, That no groat nor half groat fhould be molten by no perfon for vefel, nor other thing thereof to be made, upon the pain aforefaid: contrary to which ftatutes the faid monies of filver and monies of gold of this realm, by goldsmiths and other perfons are daily molten for vefel and other things thereof to be made; fo that by the fame caufe and by the faid carrying of money of this realm, and by the great quantity of gold beaten for imagery and fuch like, and by the wafing of gold in gilding in divers manners by goldsmiths, cutlers, and other artificers, the money of this realm is greatly diminished, to the univerfal damage of this realm: therefore it is ordained by the faid authority, That no goldsmith nor other perfon from the faid feaft of *Eafter*, fhall melt or beat within this realm, *Wales*, *Calais*, or the marches of the fame, any money, of gold or filver not broken, fufficient to run in payment, nor by any occafion of fenfuality to minifh, bow or break the money of this realm, able to run in payment, for to make any vefel or other thing thereof, nor to gild any thing with the fame; nor that any goldsmith or other perfon within this realm, *Wales*, *Calais*, or the marches of the fame, from the faid feaft of *Eafter*, fhall gild any manner vefel, bafon, pots, cups, nuts, or faltcellars of filver, (ornaments of churches, ftuff for knights made or to be made, and apparel neceffary to be gilt for every fuch perfon difpenfed by the ftatute of array, made in the third year of the reign of our fovereign lord the King that now is, and in the ordinance of apparel made in this prefent parliament excepted,) upon pain to forfeit the double value of the money fo molten, or voluntarily bowed or broken, or to the value of the vefel, bafon, pots, cups, nuts, or faltcellars of filver, or other thing gilt, or the thing in which any fuch gilding fhall be, (except before excepted.) The third part of every fuch forfeiture to be applied to the ufe of the King's honourable houfe: the other part thereof to the ufe of him or them which fhall find and prove the fame forfeiture, in the manner as afore is faid in the article of money of *Ireland*. The refidue of the faid forfeiture to be to the mayor, fheriffs, bailiffs, or other chief governors of the city,

city, borough, or town corporate, or any of the five ports where such forfeiture shall be found and proved, to be applied to the use of the same city, borough, town or port. And that the whole forfeiture be found and proved at *Calais* or the marches of the same, to be only to our sovereign lord the King. And if any such forfeiture happen to be found and proved in any town or village not corporate, the same residue shall be to the chief lord of the fee of the same town or village to be applied to the use of the same lord. The finder of the same forfeiture, if he will pursue and prove the same, or in his default any other person which will pursue or prove such forfeiture, shall be thereto received, and have in this behalf an action of debt or at the common law at his election, or before the justices of peace of the same county out of the city or town corporate, where such forfeiture shall happen. And if it happen in city, borough, or town corporate, then before the mayor, sheriff or sheriffs, bailiff or bailiffs, or other chief governor there, by bill or bills in this party, in which action of debt, and in the said bill and bills to be pursued, like disposition, demean, behaviour, receiving, judgment and execution in this part shall be had, according as in the aforesaid article concerning money of *Ireland* is contained, any charter, grant, corporation or act made to the contrary notwithstanding. And whereas in the parliament holden the second year, of the usurped reign of *Henry* the Sixth, late in deed and not of right King of *England*, amongst other it was ordained, that no goldsmith nor worker of silver within the city of *London*, should sell any thing wrought of silver, unless it be as fine as the sterling, except that that needeth solder in the making, which shall be allowed according as the solder shall be necessary to be wrought in the same. And that no goldsmith nor jeweller, nor other man that worketh harness of silver, shall put any of the same to sale in the same city, before it be touched with the touch of the leopard's head, that which may reasonably bear the same touch. And also with the mark or sign of the worker of the same, upon pain of forfeiture of the double. And that the mark or sign of every goldsmith shall be committed to the wardens of the same mystery. And if it may be found, that the keeper of the touch aforesaid, do touch any such harness with the leopard's head, which is not as fine in allay as the sterling, that then the keeper of the touch for every thing so proved not so good in allay as the sterling, shall forfeit the double value to our sovereign lord the King and to the party, which statute is daily broken by the goldsmiths and other workers of silver, inhabiting as well in the city of *London* as elsewhere within this realm and *Wales*, and our sovereign lord the King in effect nothing answered of any forfeiture comprised in the same statute, albeit that the King's liege people daily buying things wrought by the said goldsmiths or workers as fine gold or fine silver, supposing it to be the same, when in deed it is not so, be grievously deceived, because that the said touch of the leopard's head is oftentimes set to such things by the said keeper of the said touch of *London* and other places, as though the thing were fine and not defective.

And oftentimes the sign of the worker of the same is not set there-
to according to the statute aforesaid, nor the action given in the
same statute is no perfect remedy to the persons grieved in this be-
half. It is ordained by authority of this present parliament, for
the better execution of the said statute, and for to eschew the de-
ceit daily done by the said goldsmiths and workers of gold and
silver in the said city of *London* and elsewhere, within this realm
and *Wales*, that no goldsmith nor other worker of gold and silver,
or either of the same metals, from the said feast of *Easter*, shall
work, sell, or set to sale, any manner base gold under the fine-
ness of xviii. carats otherwise called crates, nor no silver unless
it be as fine as the sterling. Except such thing as requireth sol-
der in making of the same, which shall be allowed according to
the solder necessary to the making of the same, upon pain of
forfeiture of the double value of any such gold or silver wrought
or sold to the contrary. Nor that no goldsmith, jeweller, nor
other worker of harness of silver, shall set no harness of silver
plate, nor jewel of silver to sell, from the said feast of *Easter*,
within the said city of *London*, or within two miles of *London*,
before it be touched with a touch of the leopard's head crown-
ed, such as may bear the same touch, and also with a mark or
sign of the worker of the same so wrought within the city of
London or two miles of the same, upon pain of forfeiture of the
double value of any such silver wrought and sold to the contrary.
And that the mark or sign of every goldsmith be committed to the
wardens of the same mystery. And if it may be found, that
the said keeper of the touch of the leopard's head crowned,
aforesaid, do mark or touch any such harness with the leopard's
head, if it be not as fine in alloy as the sterling, then the said
keeper of the said touch, for every thing proved not of as good
alloy as the sterling, shall forfeit the double value: the same
forfeitures to be divided in two parts, the one half to be
applied to the use of the King's house, and the other half
thereof to the party grieved or hurt, in this behalf; or in
his default, any other person which will pursue and prove
such forfeiture, shall be thereto received, and have in this
behalf an action of debt, or at the common law at his elec-
tion, or before the justices of peace of the county out of the
city or town corporate where such forfeiture shall happen, to
pursue as well for the King as for himself. And if it happen
in city, borough, or town corporate, then before the mayor,
sheriff or sheriffs, bailiff or bailiffs, or other chief governor
there by bill or bills in this party. In which action of debt,
and in the bill and bills to be pursued, like disposition, demean-
behaviour, judgment and execution in this party shall be had,
according as in the said article concerning the money of *Ireland*
is comprised, any charter, grant, corporation, or act, made to
the contrary notwithstanding. And because there be divers
goldsmiths and other workers of gold and silver, aliens and
strangers inhabiting in the city of *London*, and other places nigh
there about, working their works in secret places, and privi-
leged

leged, and eloin the same, and will not be searched by the said wardens of the said goldsmiths of *London* for the time being, nor will not be obedient and governed by them: therefore it is hereby ordained, That from the said feast of *Easter*, every such alien and stranger goldsmith and worker of gold and silver inhabiting or to inhabit in the said city of *London*, and other places within two miles of the same city, shall be obedient and ruled by the said wardens of the said goldsmiths, in all things lawful and reasonable, and suffer the stuff of gold and silver by them wrought to be searched and marked after the rule of the said city, upon pain to be punished in manner and form as goldsmiths and workers of gold and silver of *England*, inhabiting within the said city, by the rules of the said craft of goldsmiths ought to be ruled. So always that the said aliens and strangers be not evil entreated, nor otherwise charged by any manner imposition, other than the said *English* goldsmiths be, shall be, and ought to be. And for the better surveying of the said aliens and strangers in time to come to be had, it is ordained by the authority aforesaid, That the same aliens and strangers, goldsmiths and workers of gold and silver, inhabiting within the said city and every of them, from the feast of Saint *Michael* the archangel next coming, shall inhabit them in the open streets of the said city, and where better and more open shewing is of their craft. And it is ordained by the said authority, That if the aforesaid keeper of the said touch, or worker of harnes or other thing of gold or silver not made of the said fineness, do touch or mark the same harnes or other thing as fine and able, that then for non-sufficiency of the said keeper and worker, the persons of the said craft of goldsmiths of the said city of *London*, by whatsoever name or names they be corporate, shall be chargeable and charged of the forfeitures by like action or actions of debt as is aforesaid in like manner and form as immediately before is specified. And whereas in the fifth year of the pretended reign of king *Henry* the Fourth, for the better keep-
5 H. 4. c. 9.
ing of gold and silver within this realm, and for the utterance of the commodities of the same realm, it was ordained amongst other, That the merchant strangers and aliens should sell their merchandises brought, within a quarter of a year after their coming into the same, and that the money received in this realm should be employed upon the commodities of this land upon pain of forfeiture of the same money. Contrary to which ordinance, the same merchants and many other persons do convey and carry daily the same money by them received out of the realm, to the great diminishing of the same money, and do not employ the same in substance upon the commodities of this realm, whereby the King's custom and subsidy be greatly decayed. It is therefore ordained by the authority aforesaid, That every merchant alien, and every victualler and other stranger not being denizen, which shall resort into any place or port of this realm or *Wales* after the said feast of *Easter*, shall duly employ all the money to be received by him within any part of

the same realm or *Wales*, upon the merchandises or other commodities of this realm, or without any fraud he shall put the same in due payment to the King's liege people within this realm. The same employment or payment duly to be proved by the merchant alien, victualler, or other stranger, before his departing out of the same port, by writing to such merchant or merchants, to whom the said merchant alien, victualler, or other stranger hath employed or paid his money by him received for his merchandises brought into this land, witnessing that he hath so done or by such proofs as shall seem reasonable to the customer or comptroller of the same port and mayor, bailiff, or other chief governor of any such city, borough, or town, where such port shall be, upon pain of forfeiture of all his goods being within this realm, and to have one year's imprisonment. Saving always to every such merchant, victualler and stranger, his reasonable costs by the oversight of the said chief governor of the port or place where such merchant, victualler, or stranger shall arrive. The same forfeiture to be demeaned, judged, and departed, in like manner and form by like actions, process, and execution, as is limited of other forfeitures in this act before declared. And because that many forfeitures touching the aforesaid statutes made before this time have fallen before the said feast of *Easter*, and by likelihood will more fall by persons not doubting to offend and break the law, which persons ought by reason to be punished in discouraging of other hereafter to offend. It is ordained by the authority aforesaid, That the justices of peace of each county, or other place where justices of peace are, shall have power to hear and determine all manner defaults and forfeitures touching every of the premises had or done before the feast of *Easter*, next ensuing, to be had and done against the form of any statute before this time thereof made. The same forfeitures and every of them to be judged, demeaned, and departed in like manner and form by like action process and execution as before is limited, and declared of and for the said forfeitures before rehearsed in this present act and ordinance. Provided always, That this act extend not to any ambassador or other stranger come or to come into this realm, or to pass out of the same by the King's licence, as for any money of gold and silver, plate, or vessel, or jewel, or any ornament of silver or gold concerning his person, brought by him into this realm; or to any ambassador of the King, herald, pursuivant, or messenger, which shall pass out of this realm beyond the sea, by the King's licence, or to any merchant going over the sea to buy any wine to be brought into this realm, as for to carry with him only a little cup called a Taster for wine. Provided also, That this act extend not to any of the inhabitants, denizens, or strangers, to come or go to and fro the town of *Calais*, or the marches of the same, nor to the dwellers and sojourners of the same; for any money by them or any of them to be conveyed or carried to any places or country out of the said town and marches,

other

other than the money of this realm, or money of other countries carried out of this realm. And to the intent that due notice may be hereof had to the King's liege people in this part, letters of proclamation under the King's seal upon this ordinance shall be made to every county of this realm and other places necessary in all good haste. This ordinance to endure from the said feast of *Easter*, till the end of seven years then next following. Provided also, That this act, as for the part of any forfeiture contained in the same, which may pertain to the King, shall not extend to give him any such part of such forfeiture to be had or made within the principality of *Wales*, the duchy of *Cornwall*, nor the earldom and counties palatines of *Chester* and *Flint*, nor any of them. Also it is ordained by the authority aforesaid, That the noble and excellent prince *Edward*, the King's first-begotten son, prince of *Wales*, duke of *Cornwall*, and earl of *Chester*, shall have, perceive, and enjoy, and to his heirs, princes of *Wales*, dukes of *Cornwall*, and earls of *Chester*, being the first-begotten sons of the King of *England*, all and every such part of forfeitures, which shall be made or forfeit within the said principality, duchy, earldom, counties palatines, or any parcel of any of them, in as ample and large form as the King ought or may have such part of forfeiture in any other place by reason of any act made in this parliament, any act made or to be made in this present parliament, to the contrary notwithstanding. Provided also, That this act for the division and partition of any forfeiture therein contained, shall not extend to or for any forfeiture to be had or made within the liberties or franchises of *William*, bishop of *Durham*. And it is ordained by the said authority, That *William*, bishop of *Durham*, and his successors bishops of *Durham*, shall have all such partitions and forfeitures, which shall happen within the said liberties and franchises, in as ample and large form as the King should or ought to have in any other place by force of this act. Provided always, That this act nor none other act or statute made or to be made in this present parliament, shall extend to be prejudicial or hurtful to the abbot of the monastery of *St. Peter of Westminster* for the time being, nor to any person for the time dwelling, resident, or being within the same monastery, or within any place pertaining to the same monastery, or within any place within the precinct fee or franchise of the said abbot, or of the said convent, or to any of the rights, privileges, liberties, franchises, immunities, or other thing granted by the King or any of his progenitors, predecessors, or possessors of the royal estate and crown of *England*, to the abbot and convent of the said monastery and their successors jointly or severally, in any manner granted heretofore pertaining. Provided also, That the abbot of the said monastery, and convent of the said monastery and their successors, shall have, hold, and enjoy freely and effectually, all the said rights, liberties, privileges, franchises, immunities, and all other things in the form aforesaid to them granted, by whatsoever name or names they be named

or

or called jointly or severally in any letters or writing thereupon made, any act or ordinance made or to be made in other manner or thing contrary notwithstanding. Provided always, That this act nor none other act, ordinance, or statute made or to be made in this parliament, shall be in any wise prejudicial or hurtful to the dean for the time being, of the King's free chapel of *St. Martin's le Grand*, in *London*, nor to the dean and chapter for the time being, of the same chapel, nor to any person or persons for the time dwelling, resident, or being within the same chapel, or within any place or places within the precinct, fee, or franchise of the said dean or dean and chapter. Not to any of the said rights, privileges, liberties, franchises, immunities or other things by the King or any of his progenitors, predecessors, or possessors of the royal estate and crown of *England*, to the dean and chapter of the said chapel, and their successors jointly or severally, in any manner granted, or in any manner heretofore pertaining. And also provided, That the dean of the said chapel, and dean and chapter of the said chapel, have, hold, and enjoy, entirely, freely, and effectually, all the rights, privileges, liberties, franchises, immunities, and all other things in form aforesaid, to them granted by whatsoever name or names they be named or called jointly or severally in any letters or writing thereupon made, any act, ordinance or statute made or to be made in any other manner or thing contrary notwithstanding.

CAP. II.

For the courts of pipowders.

In a court of pipowders the plaintiff shall be sworn that the contract was made in the time and jurisdiction of the same fair.

ITEM, *Whereas divers fairs be holden and kept in this realm, some by prescription allowed before justices in eyre, and some by the grant of our lord the King that now is, and some by the grant of his progenitors and predecessors; (2) and to every of the same fairs is of right pertaining court of pipowders, to minister in the same due justice in this behalf; (3) in which court it hath been all times accustomed, that every person coming to the said fairs, should have lawful remedy of all manner of contracts, trespasses, covenants, debts, and other deeds made or done within any of the same fairs, during the time of the same fair, and within the jurisdiction of the same, and to be tried by merchants being of the same fair; (4) which courts at this*

ITEM *qe come diverses feires sont tenuz & gardez en cest roialme, ascuns per prescription allowez devaut justices en eire, & ascuns per graunt nostre seignur le Roy qorest, & ascuns per graunt de les nobles progenitours & predecessors: Et a ascun ou chescune des mesmes les feires est de droit apperteignaunt un court de peepowders, a ministrer en ceo due justice en celle partie, en quele court il y ad toutz jours este accustume, qe chescune persone venaunt as tielx feires arroït loial remedie des toutz maners contractes, trespasses, covenants, dettes, & autres fetes ou autrement faits ou commys deins ascuns de les mesmes feires durant le temps mesme le feir, & deins la*

la jurisdiction del mesme, & destre tries per marchantz esteantz al mesme la feire; queles courtes es cestz jours sont misuses per seneschallz south seneschallz bailliffs commissaries & autres ministres teignantz & governantz les ditz courtes des ditz feires, pur leur singular profit tenantz plee per plaintes, sibien des contractes dettes trespasses & autres fetes faitz & commise hors le temps des ditz feires ou la jurisdiction del mesme, dount en verite ils ont nulle jurisdiction, surmettauntz les contractes dettes trespasses covenantz & autres fetes estre faitz deins le temps des feires, ou deinz la jurisdiction de les mesmes feires, lou en verite ils enfi ne feussent; et ascuns foitz fur plaintez feintes per ymagination de malvais disposes poeples a troubler ceux as queux ils portent male voluntee, a celle entent qils arroient pur lucre favourables enquestes des venantz as ditz feires lou ils preignent leur actions, & perount plusours venantz as ditz feires sont grevousment vexes & troubles per actions feintes & auxi per actions des dettes trespasses fetes & contractes faitz & commys hors del temps des ditz feires, ou jurisdictions del mesme, contrarie equite & bon conscience, perount les seignurs des ditz feires perdent grandes profites per noun venue des diverses marchantz a leur feires, qi pur celle cause ceux absteignent, & auxi les communes pur celle cause sont pire serves de tiel stuff & marchandise quelles autrement viendront as ditz feires: Nostre dit seignur le Roy, les premisses con-

this day be misused by stewards, under-stewards, bailiffs, commissioners, and other ministers holding and governing the said courts of the said fairs, for their private profit, holding pleas by plaints, as well of contracts, debts, trespasses, and other feats done and committed out of the time of the said fairs, or the jurisdiction of the same, whereof of truth they have no jurisdiction, surmising the same debts, trespasses, covenants, or other deeds, to be done within the time of the fairs, or within the jurisdiction of the same fairs, where of truth they were not so; (5) and sometime by the device of evil disposed people several suits be feigned, and trouble them to whom they bear evil will, to the intent that they for lucre may have favourable inquests of those that come to the said fairs, where they take their actions. (6) And whereas divers persons coming to the same fairs, be grievously vexed and troubled by feigned actions, and also by actions of debt, trespasses, deeds, and contracts made and committed out of the time of the said fair, or the jurisdiction of the same, contrary to equity and good conscience, (7) whereby the lords of the same fairs do lose great profit by the not coming of divers merchants to their fairs, which by this occasion do abstain, and also the commons be unserved of such stuff and merchandise which otherwise would come to the same fairs. (8) Our said lord the King considering the premises, by the advice and assent of the lords spiritual and temporal, and at the request of the commons, in the said parliament assembled, and by the authority of the same, hath ordained and established, That from the first day of May next ensuing,

Bro. jurisdiction, 119.
4 Inst. 272.

no steward, under-steward, bailiff, nor commissary, nor other minister of any such courts of pipowders, shall hold plea upon any action at the suit of any person or persons, unless the plaintiff or plaintiffs, or his or their attorney, in the presence of the defendant or defendants, do swear upon the holy Evangelists, upon the declaration that the contract or other deed contained in the said declaration, was made or committed within the fair, and within the time of the said fair where he taketh his action, and within the jurisdiction and bounds of the same fair. (9) And although that the plaintiff or plaintiffs by their oath do affirm the same, yet nevertheless the said defendant or defendants shall not be concluded by the same, but may answer and plead to the action, or in abatement of the plaints, and to profer an issue that the same contract, trespass, or other deed contained in such declaration, whereupon the plaintiff or plaintiffs do declare, was not committed nor done within the time of the fair, and jurisdiction of the same, but out of the time of the fair, or at other places out of the jurisdiction of the same fair, according to the truth in this behalf. (10) And if it be so tried, or that the plaintiff or plaintiffs, or their attornies, do refuse to take the oaths in the form aforesaid, that then the defendant or defendants shall be quite dismissed and discharged in that behalf out of the same court, the party plaintiff to take his remedy at common law, or other place convenient, as shall to him seem good,

sideres, del advyce & assent des ditz seignurs espirituelx & temporelx & a la requeste des communes en le dit parlement asssembles, & per lauctorite del mesme, ad ordeigne & establie, qe al primer jour del May proschein veignaut nulle fenesehall, south feneschall, bailif, commissarie, ne autre ministre dautiels courtes de peepowdres, teigne plee sur aucune action al suite dascune persone ou persones, sinon ou le pleintif ou pleintifs ou son attourney en presence del defendaut ou defendautz face serement sur le seint Evaungelie, sur la declaration qe le contract trespasse ou autre feet conteignuz en mesme la declaration fuisit fait ou commise deins la feire temps del dit feire lou celluy preigne sa action & dedeins les boundes & jurisdiction de mesme la feire; et mesqe le dit pleintif ou pleintifs per leur serement afferme le mesme: nepurqaunt qe le dit defendaut ou defendautz ne soit ou soient concludez per ceo, mes que ceux poient responder, & pleder al action, ou en abatement des plaintes, & de tender issue, qe mesme le contract trespasse ou autre feet conteignuz en tiel declaration, sur quoy le pleintif ou pleintifs declare ou declarent, ne fuisit commise ne fait dedeins le temps de la feire & jurisdiction del dit feire, mes hors le temps de la feire, ou as autres lieux hors de la jurisdiction de mesme la feire, selonque la verite en celle partie: Et sil soit ensi tries, ou qe le pleintif ou pleintifs refuse ou refusent, ou leur attourneys, de faire les serements en fourme avaunt ditz; qe donques le de-

fendaunt ou defendaunts soit ou soient quietes dismiffes & discharged en celle partie hors dicell court, le partie pleintif de prendre son avantage a la commune ley ou autre lieu convenient, come luy semble bon, cest ordeignaunce nient contristeant. Et qe chescune feneschall, south-feneschall, bailif, commissarie, ou autre ministre teignant, rulant, ou gouvernaunt, ascuns des ditz courts, qi face le contrarie du cest ordeignaunce, foracera pur chescune default en celle partie C s. lune moite ent a nostre seignur le Roy, & lautre moite ent a celluy qi en celle partie pursuera sa action sur cest ordeignaunce per action de dette en son propre noun. Et qe briefs de proclamation soient en tout bon haste directs a chescune viscont de chescune countee dEngleterre de faire cest ordeignaunce estre proclaymes en chescune feire deinz son countee, sibien deinz franchise come dehors: cest act endure a le primer jour de May avaunt dit tanque al primer jour de parlement qe profcheinement ensuera. Purveu toutz foitz, qe cest act, ne null chose comprise en mesme lacte, soit damageous ou prejudicialle a William ore evesqe de Durham ne ses successours deinz les liberte & franchise del eveschie de Durham.

good, notwithstanding this ordinance. (11) And that every steward, under-steward, bailiff, and commissary, or other minister, holding, ruling, or governing any of the said courts, that doth the contrary of this ordinance, shall forfeit for every default in this behalf, an hundred shillings, the one half to be to our lord the King, and the other half to him that will in this behalf pursue his action upon this ordinance, by action of debt in his own name. (12) And that writs of proclamation be in all good haste directed to every sberiff of every county of *England*, to cause this ordinance to be proclaimed in every fair within his county, as well within franchise as without. (13) This act to endure from the said first day of *May*, until the first day of the next parliament. (14) Provided always, That this act, nor any thing comprized in the same act, be hurtful or prejudicial to *William* now bishop of *Durham*, or to his successors, within the liberty and franchise of the bishoprick of *Durham*.

The penalty of a steward proceeding in a court of pipowers, if the plaintiff hath not deposed, that the contract, &c. was made in the time and jurisdiction of the fair.

Made perpetual by 1 R. 3. c. 6.

C A P. III.

Against unlawful games.

ITEM, whereas by the laws of this land no person should use any unlawful games, as dice, coits, tennis, and such like games, but that every person strong and able of body should use his bow, because that the defence of this land was much by archers, contrary to which laws the games aforesaid and many new imagined games, called closh, kailes, half-bowl, hand in and hand out, and queckboard be daily used in divers parts of this land, as well by persons of good reputation, as of small having: and such evil disposed persons that doubt not to offend God in not observing their holy days, nor in break-

No person shall use any of the games called Cloffe, Half-bowl, Kayles, Hand in hand, or Queckboard, upon pain of two years imprisonment, and forfeiture of x. li. And

ing

whosoever shall suffer any person to play at any of the said games in his house, or other place, shall be three years imprisoned, and forfeit xx. li. Rep. 33 H. 8. c. 9. 12 R. 2. c. 6. 11 H. 4. c. 4.

ing the laws of the lands to their own impoverishment, and by their ungracious procurement and encouraging, do bring other to such games, till they be utterly undone and impoverished of their goods, to the pernicious example of divers of the King's liege people, if such unprofitable games should be suffered long to continue, because that by the mean thereof divers and many murders, robberies, and other heinous felonies be oftentimes committed and done in divers parts of this realm, to the great inquieting and trouble of many good and well-disposed persons, and the importune loss of their goods, which plays in their said offences be daily supported and favoured by the governors and occupiers of divers houses, tenements, gardens, and other places, where they use and occupy their said ungracious and incommendable games : Our sovereign lord the King in consideration of the premisses, by the advice of the lords spiritual and temporal, and the commons in the said parliament assembled, and by the authority of the same hath ordained, that after the feast of *Easter* next coming, no person, governor nor occupier of any house, tenement, garden, or other place within this realm, shall willingly suffer any person to occupy or play any of the said games called closh, kailes, half-bowl, hand in and hand out, or queckboard, or any of them, within any of their said houses, tenements, gardens, or any other place, upon pain to have the imprisonment of three years, and to forfeit and lose for every offence, xx.li. The one half thereof our sovereign lord the King, to be applied to the use of his house, in all such places where such forfeiture shall happen to fall, other than where any person ought to have the forfeiture of the goods of felons and fugitives, by any lawful grant authority of parliament, or otherwise. And it is ordained by the said authority, That all such persons, their heirs and successors, which ought to have any such forfeitures in any such places, shall have all such half as shall be hereafter forfeit by any of the premisses : and the other half thereof to him or them that in this behalf will pursue by action of debt at the common law: In which action, like process, trial, judgment, costs, damages, and execution, shall be had as is used in other actions there pursued. And that no person from the said feast of *Easter*, shall use any of the said games called closh, half bowl, kailes, hand in or hand out, or queckboard, upon pain of two years imprisonment, and to forfeit for every default, ten pounds. The one half thereof to our sovereign lord the King, to be applied to the use of his house, in all places where such forfeiture shall happen to fall, other than where any person ought to have the forfeiture of the goods of felons and fugitives, by any lawful grant, authority of parliament, or otherwise. And it is ordained by the said authority, That all such persons, their heirs and successors, which ought to have any such forfeitures in such places, shall have all such half that shall be hereafter forfeit by any of the premisses : And the other half thereof to him or them that

in this behalf will sue by action of debt in like manner and form to be had, tried, ruled, and ordered as is afore said.

CAP. IV.

An act for making of tile.

ITEM pur ceo qe es diverses parties du cest roialme grandes damages out estee, & de jour en autre fount, & per semblance en temps aveignir greivours accrescer voillent, pur default de veraie fesonable & sufficient fisure whityng & anelyng de tewle appelles pleintile, auterment nosmez thaktile, roftile, ou crestile, cornertile, & guttertile, fait & affaire deinz cest roialme: Nostre seignur le Roy, les premisses consideres, pur universal bien de son dit roialme, ad per ladvys & assent des seignurs espirituelx & temporelx & a la requeste des communes en le dit parlement assemble, & per auctorite de mesme, ordeigne & establie, qe toutz & chescune persone ou persones, qi en apres usera loccupation de fisure dascun tiel teule come est desuis especifies, le face bone fesonable, & able bien sufficientment & tout oustrement blanches & aneles, & qe la terre de quele aucune tiel teule serra fait soit foiez & gistes devaunt le primer jour de Novembr' prochein devaunt qe ceo serra fait, & qe mesme la terre soit steres & turnes devaunt le primer jour de Feverer adonques prochein ensuant les ditz foiance & gistance, & nient overes devaunt le primer jour de Marche adonques prochein ensuant: Et qe la dit terre, devaunt qil soit mise al fisure de teule, soit verament overez & tries de peers; et auxi qe les veines
ap-

ITEM, *Whereas in divers parts of this realm great damage hath been, and daily is, and by likelihood in time to come will much increase, for default of true, seasonable, and sufficient making, whiting, and anealing of tile, called plain tile, otherwise called thaktile, roof-tile, or cres-tile, corner-tile, and gutter-tile, made and to be made within this realm:* (2) Our lord the King (the premisses considered) for the general profit of this realm, by the advice of the lords spiritual and temporal, and at the request of the commons, in the said parliament assembled, and by the authority of the same, hath ordained and established, That all and every person or persons, which hereafter shall use the occupation of making of any such tile as before is said, shall make it good, seasonable, able, and sufficient, and well whited and anealed. (3) And that the earth whereof any such tile shall be made, shall be digged and cast up before the first day of *November* next before that they shall be made, and that the same earth be stirred and turned before the first day of *February* then next following the same digging and casting up, and not wrought before the first day of *March* next following; and that the same earth before it be put to making of tile, be truly wrought and tried from stones; (4) and also that the veins called malm or marle, and chalk, lying commonly in the ground

The preparation of earth for the making of tiles, and the several lengths, breadths, and thickness of them.

near

near to the land convenient to make tile, after the digging of the said earth whereof any such tile shall be made, shall be well lawfully and truly severed and cast from the earth whereof any such tile shall be made.

(5) And that every such plain tile so to be made, shall contain in length ten inches and half, and in breadth six inches and a quarter of an inch, and in thickness half an inch and half a quarter at the least.

(6) And that every such roof-tile or crese-tile so to be made, shall contain in length thirteen inches, and the thickness of half an inch and half a quarter at the least, with convenient deepness according.

(7) And that every gutter-tile and cover-tile to be made, shall contain in length ten inches and an half, with convenient thickness, breadth, and deepness according.

(8) And if any person or persons set to sale to any person or persons any such tile above specified, made or to be made contrary to the said ordinance, then the seller thereof shall forfeit to the buyer of the same the double value of the same tile, and besides that, shall make fine and ransom to the King at his will. (9) And that every person that seeleth himself grieved, and will sue in this behalf, shall have an action of debt against the offenders, wherein shall be made and had like process, recovery and execution, as is or may be at this day in any other actions of debt pursued at the common law. (10) And that the plaintiff in every such action (if it be found with him) may recover against the defendant in the same action his reasonable

appelles malm ou marl & chalke, gifantz communement en la terre bien pres a la terre convenient de faire teule ent, en ou apres la foiaunce de la dit terre dount ascun tiel teule serra fait ou affaire, soit bien loialment & verament desseveres & gistes de la dit terre dount ascun tiel teule serra fait ou affaire; et que chescune tiel pleyne teule ensi affaire conteigne en longieure dys pous & dimy, & en laieure vj pous & un quarter dun pous, et en densite di. pous & di. quarter dun pous au meyns : Et que chescune tiel rostile ou creste-teule ensi affaire conteigne en longieur xiiij. pous & en densite di. pous & un quarter au meyns, ovesqe convenient profundenesse accordaunt; et que chescune guttortile affaire conteigne en longier x. pous & di. pous ovesqe convenient densite, et profundesse accordant. Et si ascune persone ou persones mette a vender au ascun persone ou persones ascune tiel teule come desuis especifiez encountre la dit ordeignaunce fait ou affaire; adonqs le vendour ent forface a lachatour del mesme le double value de mesme le teule, et oustre ceo face fyn & raunson a Roy a sa volunte; et que chescune persone qi se sente greve, & fuer voet en celle partie, ait action, de dette encountre loffendour en celle partie, & aiet semblables processses recovere & execution en ceo, come est ou poiet estre a cest jour en ascuns autres actions de dette pursuers a la commune ley; et que le pleintif en chescune tiel action, fil soit trove ovesqe luy, poiet recoverer encountre le defendaunt en mesme laction ses

The forfeiture of the offender that selleth defective tiles.

costs

refon-

resonables costes & expences de la suite : et que le defendaut en aucun tiel action ne soit admise de gager sa ley, ou d'avoir aucun effoin ne protection allowe, ne aucun avantage per fourchier per effoin distresse : Et auxi que les justices de peas pur le temps esteantz deins chescune countie de cest roialme, & chescune de eux, aiet pleyne poair denquerer oier & terminer per leur discretions, sibien per examination ou autrement, les defautes offenses & trespasses que aviendront a faire encountre cest ordeignauce, sibien a la suite du Roy come a la suite de partie qi en apres se sentera greves en celle. Et si il soit trove, ou poiet apperer as les ditz justices de peas, ou aucun de eux, per examination ou autrement per leur discretion, que aucun persone ou persones ad ou ont offendu ou offenduz contrarie a cest ordeignauce ; que lors mesmes les justices, devaunt queux il serra trove ou appiergera, assessent et met nulle fine meinz sur loffendeur en cell partie que pur chescune mille de plentile teule mise a vende contrarie a cest ordeignauce, v. s. & chescune cent rooftile vj. s. viij. d. Et pur chescune cent cornertile ou guttertile ij. s. venduz contrarie a cest ordignauce : Et si meins soit ensy mis a vende ou vendus contrarie a cest ordinaunce, meindre fine soit pur ceo fait, selonque la rate dicelle, per la discretion des ditz justices ou aucun deux. Et que les justices aient pleyne poair de faire venir devaunt eux ou aucun de eux as aucuns temps & lieu requisitez tielx & tantz persones come per leur discre-

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costs and expences of his suit. (11) And that any defendaut in any such action shall not be admitted to wage his law; (12) or to have any effoin or protection allowed, nor any advantage by fourching of effoin or distress. (13) And also that the justices of peace for the time being, within any county of this realm, and every of them, shall have power to inquire, hear, and determine by their discretions, as well by examination or otherwise, the defaults, offences, and trespasses which shall happen to be committed contrary to this ordinance, as well at the King's suit as at the party's which shall feel himself grieved in that behalf. (14) And if it be found, or may appear to the justices of peace, or any of them, by examination or otherwise, by their discretion, that any person or persons hath offended contrary to this ordinance, that then the same justices, before whom it shall be found or appear, shall assess upon the offender in this behalf no less fine than for every M. of plain tile set to sale contrary to this ordinance, v. s. and for every C. roof-tile, vi. s. viij. d. and for every C. corner-tile or gutter-tile, ii. s. sold contrary to this ordinance; and if less be sold, that less fine be made after the rate of the same by the discretion of the said justices, or any of them. (15) And that the same justices shall have full power to call before them, or any of them, at any time and place requisite, such and so many persons as by their discretion have or shall have best experience or knowledge in the occupation

Justices of the peace may inquire of, hear, and determine these offences, and appoint searchers.

G g

of

of making of tile, to search and examine the digging, casting, turning, parting, making, whiting, and anealing aforesaid; (16) and that the same person or persons, which so shall be assigned searchers, shall have full power to make search; (17) and that no person put no such tile to sale before that it be searched by the said searchers, upon pain of forfeiture of the same tile. (18) And if the same searchers, or any of them, do find that any person or persons, exercising the occupation of tile-making, doth offend contrary to this ordinance, that then the same searchers shall present such defaults before the justices of peace at their next sessions; (19) and that every such presentment be as strong and effectual in the law, as the presentment of twelve men. (20) And that such searchers so to be ordained, assigned, and deputed, shall have of every such tile-maker, for his labour of the said search, for every M. plain tile searched, i. d. for every C. roof-tile, ob. and for every C. corner-tile and gutter-tile, a q. (21) And that the same searchers shall do and execute their effectual industry and diligence in this behalf according to this ordinance, upon pain of forfeiture to our lord the King, for every default in this behalf x. s. (22) And that the justices of peace shall have power to examine, inquire, and determine the faults of such searchers in the premises, in like form as above is ordained for the defaults of tile-makers. This ordinance to begin to take effect at the feast of St.

The searchers authority, and fee for their pains.

Justices of the peace shall inquire of the defaults of searchers. An act was made to prevent abuses in making bricks 12 Geo. I. c. 35. but it was

tion ount & averount greindre experience ou cognifance en loccupation de fefure de teule, de fercher & examiner la foiance, gistance, turnance, departure, fefour, blancheour, & anelynge avaunt ditz. Et qe mesme le persone ou persones qi ou quels ensy ferra ou ferrount assigne ou assignez sercheours, aient pleyn poair de fair tiel serche; et qe null persone met null tiel teule a vende, devaunt qil soit serche per les ditz sercheours, sur peyne de forfaiture de mesme le teule. Et si les ditz sercheours, ou ascun de eux, trove ou trovent, qe ascune persone ou persones, exerçant ou exerçant loccupation del faifure de teule, offende ou offendent en ycelle, contrarie a cest ordonnance; qe lors mesmes les sercheours presentent tielx defautez devaunt les justices de peas a lour prochein sessions, et qe chescune tiel presentement soit si fort & effectuel en la ley come presentement de xij. hommes, & qe tielx sercheours ensy estre ordeignez assignez & deputez aient de chescune tiel faiseur de teule pur lour labour de le dit serche, pur chescune mille pleintile serchez, i. d. de chescune cent rooftile, di. dernier, & chescune cent corner-tile & guttertil le serling. Et qe mesmes les sercheours facent & executent lour effectull devoir & diligence en celle partie, accordant a cest ordonnance, sur payne de forfaiture a nostre seignur le Roy pur chescune defaute en cell partie x. s. Et qe les justices de peas aient poair dexaminer enquerer & determiner les defautes des tielx

tielx sercheours en lez pre- *Michael* next coming, and not repealed by
 misses, en semblable fourme before. 2 Geo. 2. c. 15.

come desuis est ordeignez pur
 les defautez de les faisours de teule. Cest ordeignauce a
 commencer de prendre effect a la feste de seint Michell prof-
 chein viegnaunt & nien devaunt.

C A P. V.

*An alteration of part of the statute of 4 Ed. 4. c. 1. for
 sealing of cloths.*

ITEM, whereas by an act made in the parliament of our Ex edit. Pult.
 said lord the King, holden at *Westminster* in the fourth year
 of his reign, it was ordained, established and enacted amongst
 other things, That all woolen cloths, half cloths, streits and
 kerseys, of a certain length and breadth specified in the same
 act, (2) and being of all perfectness of making, also comprised
 in the same act, should be, from the feast called *St. Peter ad
 vincula*, which was in the year of our Lord God 1465, sealed
 with a double print in lead, to be devised and ordained by the
 treasurer of *England* for the time being, testifying the true length
 and breadth, and lawful making. (3) Also by the same act
 it was ordained, amongst other things that the treasurer of
England for the time being, should have power and authority
 to make such and as many keepers of the same seals, as he shall
 think necessary; so that no strangers born should be made any
 of the same keepers: (4) And that every of the said keepers so
 to be made, shall yearly accompt of the revenues of their said
 offices in the King's exchequer before the treasurer of *England*
 and the barons there for the time being, shewing in the same
 accounts the number of all the cloths, half-cloths, streits and
 kerseys sealed by them, with the names of the owners thereof;
 (5) Every of the said keepers to be rewarded yearly at his said
 account for his labour and diligence had in this behalf, at the
 receipt of the said exchequer, by the discretion of the said trea-
 surer and barons, without payment of any thing in the said exche-
 quer for the making of his said account, as in the said act there-
 of made is more largely contained: (6) The King certainly
 perceiving, that sithence the making of the same act, he hath
 had yearly greater los by the approvement of the subsidy and aul-
 nage of cloths, than he had at any time before the said act of ap-
 provement made; (7) for the same and for divers other great causes
 moving him, by the assent of the lords spiritual and temporal,
 and the commons in this present parliament assembled, and by
 authority of the same parliament hath ordained, established, and
 enacted, That from the feast of *Easter* next coming, all the wool-
 en cloths, half cloths, streits, and kerseys, being of good and
 perfect making, of length and breadth according to the form
 of the said act, made in the said fourth year, shall be sealed with
 wax at both ends, taking no more for the same both seals, than
 before was taken for the sealing of an whole cloth, half-cloth,
 streit, or kersey: (8) Except only, that in the city of *London*,

Woolen
 cloths, half
 cloths, &c.
 shall be sealed
 with wax at
 both ends,
 notwithstanding
 the stat.
 of 4 Ed. 4. c. 1.
 Repealed,
 5 & 6 Ed. 6.
 c. 6.

The treasurer of England may let the aulnage to ferm upon good surety.
 17 R. 2. c. 5.
 1 H. 4. c. 13.
 4 H. 4. c. 24.
 31 H. 6. c. 5.
 11 W. 3. c. 20.

and in the town of *Bristol*, all the cloths that ought to be sealed, shall be sealed with lead, as hath been there accustomed. (9) Moreover, it is ordained, enacted, and established by the authority aforesaid, That the said treasurer of *England* for the time being, shall have power and authority to let to ferm, the subsidy and aulnage of cloths which ought to be sealed, unto persons willing to have the same to ferm by sufficient surety in the form as was used and done before the said statute made in the said fourth year; (10) the fermors to have the one half of the forfeiture of all the cloths and pieces of cloths to be set to sale, not sealed with the said seals, to their own use, paying therefore and for the said subsidy and aulnage to our lord the King at his exchequer, such yearly sums of money as shall be agreed betwixt the treasurer of *England* and them, and to be accomptants to the King of the other half of the said forfeiture at the said exchequer, the said statute made in the said fourth year notwithstanding.

CAP. VI.

How long the old sheriff may execute his office, if he have not before his writ of discharge.

12 Ed. 4. c. 1.
 23 H. 6. c. 8.

Every old sheriff may execute his office during Michaelmas and Hillary term, if he hath not before his writ of discharge.
 Dy. 355.

ITEM, whereas by a statute in the last parliament holden at *Westminster* it was ordained, That the old sheriff of every county might execute and return every writ, precept or warrant, in any of the King's courts within the term called *Michael* term, after the vi day of *November*, and before any writ of discharge to him delivered of his occupying of sheriff, without hurt, loss or penalty, by the same statute remembered, as in the same doth more largely appear: (2) And because that the words of the authority given by the said act to the said old sheriff, be very especial, and not general enough for the common wealth, purposed or intended by the same act: (3) It is therefore ordained by authority of this parliament, That every old sheriff of every county, remembered in the said last act, from the sixth day of *November* next to come, shall have full authority and power, as well lawfully to execute and return every writ, precept, or warrant, from every of the said courts of the King, delivered to him, as to do and execute every other thing, which to the office of sheriff lawfully pertaineth, at all times during the terms of *St. Michael*, and of *St. Hillary*, unless before the same time he be lawfully discharged of his occupation of sheriff, without sustaining any damage, forfeiture, or pain in respect thereof: Any act, ordinance, or provision before made to the contrary in any wise notwithstanding.

CAP. VII.

A repeal of the parliament holden the ix year of King Edward IV. and the xlix. of King Henry VI.

Ex edit. Raff.
 A repeal of a parliament holden anno

ITEM, whereas in the most dolorous absence of our sovereign lord the King out of this his realm, being in the parts of *Holland*, and before his victorious regress into the same realm, in
 a pre-

a pretended parliament unlawfully and by usurped power summoned by the rebel and enemy to our sovereign lord the King, *Henry* the sixth, late in deed and not of right king of *England*, holden in the palace of *Westminster* the xxvj. day of *November*, the ninth year of our sovereign lord the King that now is, under the coloured title of the said *Henry*, the xlix. year of the inchoation of his pretended reign, and the first year of the readoption of his usurped power and estate, divers and many matters were treated, communed, and wrought, to the destruction and disherison of our sovereign lord the King, and of his blood royal, by the labour and exhortation of persons not fearing God, nor willing to be under the rule of any earthly prince, but inclined of sensual appetite to have the whole governance and rule of this realm under their power and domination, which communications, treaties, and workings do remain in writing, and some exemplified, whereby many inconveniencies may ensue to our said sovereign lord the King, and his blood royal, which God defend, and all noblemen attending at this time about the King, and all his other liege people and subjects, unless due remedy be provided in this behalf: Our said sovereign lord the King, by the assent of the lords spiritual and temporal, and at the request of the commons in the said parliament assembled, and by authority of the same, for the surety of his noble person, his noble issue, and the inheritable succession of the same, and for the surety of all the lords, noblemen, and other his servants and subjects, hath ordained and stablished, That the said pretended parliament, within all the continuances and circumstances depending upon the same, be void and of none effect. And that all acts, statutes, ordinances, treats, communications, conventions, and workings in the said pretended parliament, treated, communed, accorded, wrought, had, or by the authority of the same parliament enacted and ordained, and all exemplifications made upon the same, or any part of them, and every of them, shall be reversed, cancelled, void, undone, revoked, repealed, and of no force nor effect.

9 Edw. 4. and
anno 49 H. 6.
and of all the
acts therein
made, and of
their exem-
plifications.

Statutes made at *Westminster*, Anno 22 Edw. IV.
and *Anno Dom.* 1482.

NOSTRE seigneur le Roy
Edward le quart a son
parlement tenuz a *Westm'* le
vintisme jour de *Januar'* lan de
son reigne vintisme second, al
honour de Dieu & pur la
bien de son poeple cestuy son
roialme, del advys & assent dez
sei-

OUR lord the King, *Ed-*
ward the Fourth, at his
parliament holden at *Westmin-*
ster the twentieth day of *January*,
in the two and twentieth year of
his reign, to the honour of God,
and for the wealth of his people of
this his realm, by the advice and
assent

assent of the lords spiritual and temporal, and at the request of his commons, in the said parliament assembled, and by the authority of the same parliament, hath ordained and established certain statutes and ordinances in the manner and form following.

feignurs espirituelx & temporelx & a la requeste de ses communes en le dit parlement assemblez, & per auētorite de mesme le parlement ad ordeigne & establie certains estatutz & ordeignauncez en la fourme qensuist.

CAP. I.

An act concerning apparel.

Ex edit. Raft. Apparel. A repeal of all former statutes made touching the excess of apparel. What kind of apparel temporal men of every degree and estate are allowed, and what prohibited to wear. None under the estate of a lord (except certain persons particularly named) shall wear any gown or mantle, unless it be of such length, that (he being upright) it shall cover his privy members and buttocks. The forfeitures of the offenders, and who shall have them. Rep. 1. H. 8. c. 14. & Jac. 1. c. 25.

FIRST, because that our sovereign lord the King hath received by a petition made to him by his commons, that divers statutes and ordinances touching the restraint of excessive apparel of the people of his realm, were ordained and made, and that for the non due execution of the same statutes, his said realm was fallen into great misery and poverty, and like to fall into more greater, unless the better remedy be provided: whereupon our said sovereign lord the King, by the advice, assent and authority aforesaid, hath ordained and established, That no manner person, of what estate, degree or condition that he be, shall wear any cloths of gold or silk of purple colour, but only the King, the Queen, the King's mother, the King's children, his brother and sisters, upon pain of forfeiture for every default, xx.li. And that none under the estate of a duke, shall wear any cloth of gold of tissue, upon pain of forfeiture for every default xx. marks. And that none under the estate of a lord, shall wear plain cloth of gold, upon pain to forfeit for every default x. marks. And that none under the degree of a knight, shall wear any velvet in their doublets nor gowns. Nor none under the same degree wear any damask or fatten in their gowns, but only esquires for the King's body, upon pain to forfeit for every default xl. s. And that no yeoman of the crown, nor none other shall under the degree of an esquire or gentleman, wear in their doublets damask or fatten, nor gowns of chamlet, upon pain to forfeit for every default forty shillings. And that none under the estate of a lord, wear any manner of woollen cloth made out of this realm of *England, Ireland, Wales and Calais*, nor wear any furs of fables, upon pain to forfeit for every default ten pound. And also it is ordained and established by the said authority, That no servant of husbandry nor common labourer, nor servant to any artificer out of city or borough, shall wear in their cloathing any cloth, whereof the broad yard shall pass the price of two shillings. Nor that any of the said servants or labourers, shall suffer their wives to wear any cloathing of higher price than is before limited to their husbands. Nor they shall not suffer their wives to wear any reile called a kerchief, whose price exceedeth twenty pence. Nor none of the said servants or labourers, shall wear any hosen, whereof the pair shall pass eighteen pence, upon pain to forfeit for every default three shillings four pence. Moreover, it is ordained, That the justices

justices of peace in every county, mayors, sheriffs, bailiffs, masters, and other chief officers of cities, boroughs, towns of the five ports, and other corporate towns with this realm, shall have power and authority to inquire, hear and determine all the said defaults and forfeitures and every of them, to be made and had within their several jurisdictions, as well by enquiry as by due examination, and the matters and causes concerning the said offences and forfeitures to determine by like process and judgment, and in like manner and form before attainder in this behalf, as is before the justices of peace commonly used of trespass done with force and arms against the King's peace, and after the attainder like execution. And if any matter touching any of the offences be removed of any of the said justices of peace, mayor, or any other officers before named, to be had before the King in his bench, that then the justices to the pleas before them to be holden, assigned, shall have power to award like process and like execution in this behalf, as before is limited. And it is ordained by the said authority, That all the said pains and forfeitures, except such pains and forfeitures in and for the premisses, which shall happen to be and grow within the county palatine of *Chester*, *Examsbire*, and the bishoprick of *Durham*, shall be to the King, to be employed to the expences of his honourable house. And that such pains and forfeitures in and for the premisses within the said county palatine of *Chester*, shall be to my lord the prince. And such pains and forfeitures in and for the premisses within *Examsbire*, shall be to the archbishop of *York* and to his successors. And such pains and forfeitures in and for the premisses within the said bishoprick of *Durham*, shall be to the bishop of *Durham* and his successors. Provided always, That this act extend not, nor be prejudicial to or for any woman, excepted the wives and servants of labourers. Also it is ordained by the authority aforesaid, That all ordinances and statutes before this time made of array and apparel, shall be by the authority of this present parliament void and of none effect nor force. And that this act begin and take effect after the feast of the *Epiphany* next coming, and not before. And it is ordained and enacted by the authority aforesaid, That no manner person, under the estate of a lord, shall wear from the said feast any gown or mantle, unless it be of such length, that he being upright, it shall cover his privy members and buttocks, upon pain to forfeit to our sovereign lord the King at every default, twenty shillings. And like examination, process and judgment shall be therein had, as in the premisses is ordained. Provided always, That this present act for apparel, shall not be prejudicial to the liberty in wearing of cloth and furr, purple and cloth of gold only excepted, of Sir *Thomas Montgomery*, Sir *Thomas Burgh*, Sir *Thomas Vaughan*, Sir *John Don*, Sir *William Parr*, Sir *Thomas Deseit Legier*, Sir *Thomas Bourchier*, Sir *Thomas Grey*, nor of master *Oliver* the King's secretary, nor any of them. And provided also, That the same act be not prejudicial to master *John Gunthorp*, dean of the King's

chapel. Nor to Sir *John Elrington*,[]] treasurer of the King's houſe, nor to any of them, as before.

CAP. II.

An act for packing of barrelled fiſh.

The contents of veſſels of ſalmon, herrings, and eels, and how fiſh ſhall be packed.
23 Ed. 1.
ſtat. 1. c. 47.

Packing of ſalmons, and the content of the veſſel thereof.
21 H. 7. c. 23.

ITEM, *Whereas divers decreits have been uſed and done, as well in the meaſures of veſſels called butts, barrels and half barrels ordained for ſalmon, and barrels, half barrels, and firkins ordained for herring, eels, and other barrelled fiſh, as in the packing in the ſame veſſels of every of the ſaid fiſhes before named, to the great damage of the King, the lords ſpiritual and temporal, and other of the King's faithful ſubjects: (2) for reformation whereof our ſaid ſovereign lord the King, by the advice, aſſent, and authority aforeſaid, hath ordained and enacted, That no merchant ſtranger not denizen, after the feaſt of Saint Michael next coming, ſhall ſell nor ſet to ſale any ſalmon by butt, barrel, half barrel, or any other veſſel, before it be ſeen, except the ſame butt do hold and contain fourſcore and four gallons, the barrel two and forty gallons, the half barrel one and twenty gallons, well and truly packed, upon pain of forfeiture for every butt, barrel, and half barrel ſo failing their ſaid meaſure, ſix ſhillings and eight pence: (3) alſo that no ſuch merchant being under the King's obedience, after the ſaid feaſt of St. Michael, ſhall ſell or put to ſale any manner ſalmon by butt or other veſſel, except it be well and faithfully packed, that is to ſay, the great ſalmon by it ſelf, without mingling with them any grills or broken bellied ſalmon. And that all*
small

ITEM qe come diverſes decreits out eſte uſes & faitz, ſibien en les meſures des veſſeaux appellees buttes, banelles, & dimy banelles, ordeignez pur ſalmon, & banelles dymy banelles & firdekyns ordeignez pur harang, anguillez, peſſon banelles, come en pakkure es les meſmes veſſeaux de cheſcune de les peſſons avaunt nommes, a grand damage du Roy, les ſeignurs eſpirituelx & temporelx, & autres foialx ſubgiets du Roy: pur reformation de quele noſtre dit ſovereigne ſeignur le Roy, del advys aſſent & auctorite deſuiſditz, ad ordeignez et enactez, qe nulle marchaunt, eſtraunge ne denizein, apres la feſte de ſeint Michell proſchein veignaunt vende ne mette a vend aſcun ſalmon, per butte, barrelle, di. banelle, ou aſcune autre veſſeau, devaunt qil ſoit vieu; ſinon meſme le butte teigne & conteigne quatre vint & quatre galons, le barell quaraunt deux galons, et le di. banelle xxj. galons, bien & foialment pakkez; ſur payne de forfaiture pur cheſcune butte banelle & di. banelle enſi failant lour dit meſure vj. s. viij. d. Auxi qe nulle tiel marchaunt, eſtaunt deſouth lobeifance du Roy, apres la dit feſte de ſeint Michell vende ou mette a vend aſcun manere ſalmon per butte ou autre veſſeau, ſinon y ſoit bien & foialment pakkez, ſcilicet le grand ſalmon per ſoy meſme ſaunz mixture oveſqe daſcuns grilles, ou ſalmons rumpes

rumpes les ventrez. Et qe toutz petitz peffons appelez grilles foient pakkez per soy mefmes foulement faunz ascun mixture fur payne de forfaiture & perdition de vj. s. viij. d. pur chescune butte, barelle, di. barelle, contrarie a cest acte mixtes, rakkés, & mifes au vend.

Auxi qe nulle marchaunt nautre perfone mette ascun harank au vend per barelle, di. barelle, ou firkyne, finon mefme le barelle conteigne xxxij. galons, le di. barelle, & firkyne, folonqe mefme la rate, & qe mefme le harank foient bien foialment & juftement couche & pakke, & foit del prife dune temps & falsure, & qe mefme le harank foit fi bon & fibien pakkes en le midye, & en chescune part du dit barelle & autre vefseau, come il ferra en les fines mefmes les banelles & vefseaulx; fur payn de forfaiture & perdition de iij. s. iiij. d. pur chescune barelle dimi barelle & firkyne enfi faillant lour dit mesure, & auxi fur payn de forfaiture & perdition de iij. s. iiij. d. pur chescune barelle, di. barelle, & firkyne de harank contrarie a cest acte fortéz couchez ou pakkez. Auxi qe nulle tiel marchaunt ne palingman vende ou mette au vend ascuns anguilles per barelle, di. barelle, ou firkyne, finon le barelle conteigne xliij. galons, le di. barelle & firkyne folonqe mefme la rate: ne qe ascune tiel marchaunt ne palingman mefcent ascun galbelton, moreys, ou decories anguilles, ovesque bones anguilles; mes qe mefmes les bones anguilles foient bien & juftement pakkes, & venduz per soy mefmes; ne mefcent ovesque les ditz anguillez, ou mette au vende,

small fish called Grills, shall be packed by themselves only, without any mingling, upon pain of forfeiture and los of six shillings and eight pence for every butt, barrel, and half barrel mingled, packed, and set to sale contrary to this act.

Packing of grills.

II. Also that no merchants nor other person set any herring to sale by barrel, half barrel, or firking, except the same barrel contain two and thirty gallons, the half barrel and firkin after the same rate; (2) and that the same herring be well, truly, and justly couched and packed, and that it be of one times taking and salting; (3) and that the same herring be as good and as well packed in the midst, and in every part of the same barrel, or other vessel, as it shall be in the ends of the same barrels, and other vessels, upon pain to forfeit three shillings and four pence for every barrel, half barrel, and firkin so failing their said measure, (4) and also upon pain of forfeiture and los of three shillings and four pence for every barrel, half barrel, and firking of herring sorted, laid or packed contrary to this act. (5) Also that no such merchant nor palingman sell or set to sale any eels by barrel, half barrel, or firkin, except the same barrel contain two and forty gallons, the half barrel and firkin after the same rate; (6) nor that any merchant nor palingman do mingle any gallebetton, starved, or pulled eels with the good eels, but that the good eels be well and justly packed and sold by themselves; nor that they mingle with the good eels, or put to sale any red eels, upon pain of forfeiture and los of

The content of a barrel of herring, &c. and they shall be well packed.

The content of a barrel of eels, and they shall not be mingled.

ten shillings for every barrel, half barrel, and firkin so failing their measure; and also upon pain of forfeiture and loss of ten shillings for every barrel, half barrel, and firkin so mixed, packed, and set to sale, as afore is said, contrary to this act.

How fish shall be packed.

(7) Also that no such merchant, after the said feast, sell, or set to sale any barrelled fish, except the same fish be well and faithfully packed, that is to say, any countable fish, commonly called Talefish, by it self, and the same fish called Grills by themselves, without any mixture of the said fishes with the great fish, and without mixture or packing of thokes, or fish with broken bellies with the said tale-fish, or small fish; (8) and that the said tale-fish, or small fish, be not laid double in the packing; (9) and that every tale-fish contain in length, from the bone in the fin, to the third joint in the neck, six and twenty inches at the least, and that the napes of all such barrelled fish shall be no longer than the little bone that resteth upon the great fin; (10) and that the bone of every such salt fish shall be taken away to the navel of the fish. And that every such fish be splatted, or opened down, to an handful of the tail, upon pain of forfeiting and losing of three shillings and four pence for every barrel of fish which hereafter shall be found packed, sorted, mixt, naped, laid double, or not boned, nor splatted, nor open, according to this act.

Chief officers of cities and boroughs, &c. shall appoint searchers to

III. Also in eschewing the common losses and deceits afore said, our said lord the King hath ordained and enacted, by the authority afore said, That

all

vende, ascuns anguillez rougez; sur payn de forfaiture & perdition de x. s. pur chescune barelle dimi barelle & firkin ensi faillant lour dit mesure; et auxi sur peyne & perdition de x. s. pur chescune barelle, di. barelle, & firkin, ensi come est avaunt dit mixtez, & contrarie a cest acte pakkez ou mise au vende. Auxi qe nulle tiel marchaunt apres la dit feste vende ou mette au vende ascun pesson barellez, si non mesme le pesson soit bon & foialment pakkez, scilicet laccomptablez pesson, vulgarement appelez talefish, per soy mesme, & les petitiz pesson appellez girles per soy mesmes, faunz ascun mixture del es ditz pesson ovesqe le grosse pesson, & faunz mixture & pakkure des thokez & pesson rompez le ventre ovesqe le dit comptable pesson, ou petit pesson: Et qe ne laccomptable pesson ne petit pesson soit couche double en pakkure. Et qe chescune pesson comptable conteigne en longieure del osse al fyne jesquez al tierce jointe del cove xxvj. pouce au meyns. Et qe les napes de tout tiel pesson barellez ne soient pluis longez, qe au petit osse qe set sur le grosse fynne. Et qe losse de chescune tiel pesson salee soit prise hors, jesquez le lumble de mesme le pesson. Et qe chescune tiel pesson soit splatte ou overte base desqe un maniple del cove, sur payn de forfaiture & perdition de iij. s. iiij. d. pur chescune barelle de pesson, quele en apres ferra trovez pakkez, fortez, mixtez, napez, couchez double, ou nient deosses, ne splattes, ou overtez, accordaunt a cest acte.

Et auxi en eschuer de les communes

communes damages & defceitez avautditz, nostre dit feignur le Roy ad ordeigne & enacte, per le fuisdit auctorite, qe toutz mairs baillifs & gouvernours des citees villes burghs marchez & toutz autres lieux de cest son roialme pur le temps esteantz, lou ils sount mairs baillifs ou gouvernours, aient poiar & auctorite pur nomer & eslier discrete & experte persone ou persones, duement de serchier & gaugier toutz tielx vesseaulx come desuis sount rehersez, que ceux soient foialment pakkez, & gardent lour foialle mesure & affise, accordantz as les ordeignances fuisditz: lune moite des toutz les fyns forfaitures & peyns, & chescune de eux, soit a nostre feignur le Roy, & lautre moite soit a celluy ou ceux de ses subgietz, qi ou queux seiseront ou pursueront, seifera ou pursuera, pur le mesme, per action de dette per briefe a la commune ley, per bill ou plaint, solonque la custume de la citee ou ville, lou aviendra en apres ascuns tielx fines forfaitures ou peynes de chier & estre: et qe le defendaunt en ascun tiel action ne soit admise de gager ou faire fa ley, ne qe ascun protection ou effoine de service le Roy pur ascun tiel defendant soit allowez. Purveu foitz, qe cest act ne soit prejudicial al ascune persone ou persones eiant ou eiantz forfaitures des biens des felounes fugitivez & dampnez.

Et oustre ceo est ordeignez, & enactez, per lauctorite avautdit, qe chescune tiel persone ou persones aient & enjoient semblablez forfaitures de & en chescune de les premiffes dedeinz leurs franchifsez, si come le Roy ore ad en autres lieux dehors.

all mayors, bailiffs, and governors of cities, boroughs, market-towns, and all other places of this his realm, for the time being, where there be mayors, bailiffs, or governors, shall have power and authority to name and choose discreet and expert person or persons, daily to search and gauge all such vessels as above be rehearsed, that they be faithfully packed, and keep their lawful measure and assise according to the ordinances aforesaid; (2) the one half of all the said fines, forfeitures, and penalties, and every of them, to be to our lord the King, and the other half to him or them of his subjects that shall seise or pursue for the same by action of debt, by writ at the common law, by bill or plaint, according to the custom of the city or town where any such fines, forfeitures, and penalties shall hereafter happen to be or fall; (3) and that the defendant in any such action be not admitted to wage nor do his law, (4) nor that any protection, or effoin of the King's service for any such defendants be allowed. (5) Provided always, That this act be not prejudicial to any person or persons having the forfeiture of the goods of felons, fugitives, and condemned persons.

IV. Moreover, it is ordained and enacted by the authority aforesaid, That every such person and persons shall have and enjoy like forfeitures of and in every of the premiffes within their franchises, as the King now hath in other places without.

search and gauge vessels of fish.

CAP. III.

Concerning filk workers.

Ex edit. Raft.
No ribbands,
laces, corfes,
girdles, calli-
filk, or collein-
filk twined,
shall be
brought into
England to be
fold, upon
pain of for-
feiture of the
same, or the
value thereof.
33 H. 6. c. 5.
3 Ed. 4. c. 3.
29 H. 7. c. 21.
1 R. 3. c. 10.

ITEM, whereas by a piteous complaint made in the same parliament by men and women of the mystery and workmanship of filk of the city of *London*, and other cities, boroughs and towns of this realm, it was shewed, how that in the time of the reign of our sovereign lord the King that now is, a restraint was made that certain things of filk work ready wrought should not be brought into this realm, after which restraint expired, so great multitude of silks ready wrought as corfes, ribbands, laces, call filk, and colein filk twined have been brought into this said realm by merchants strangers and other that all the workers of the said mystery of filk working, as well men as women in the said realm have been grievously impoverished for default of occupation. Our said sovereign lord the King in consideration of the premisses, hath by the advice, assent, and authority aforesaid, ordained and established, That no merchant stranger nor other person, after the feast of *Easter* next coming, shall bring into this realm of *England* to be sold any corfes, girdles, ribbands, laces, Call filk or Colein filk twined or wrought, upon pain of forfeiture of the same, or of the value thereof, in whose hands they shall be found. The one half of the same forfeiture to be to our sovereign lord the King, and the other half to him or them of the King's subjects which shall seise the same, or pursue for the same by action of debt by writ at the common law, or by bill or plaint after the custom of the city or town where such forfeiture shall hereafter happen to fall or be. And that the defendant in any such action be not admitted to wage nor do his law, nor no protection nor essoin in the King's service to be allowed for any such defendant. This act to indure for iiii. years next following the said feast of *Easter*.

CAP. IV.

An act for the price of bows.

Whosoever
shall sell a long
bow of yew
above the
price of three
shillings and
four pence,
shall forfeit
twenty shil-
lings.
Rep. 8. El.
c. 10.
3 H. 7. c. 13.
33 H. 8. c. 9.

ITEM, whereas in the time of the noble progenitors of our sovereign lord the King that now is, and also in the time of the victorious reign of our said sovereign lord the King that now is, his subjects within every part of this realm have virtuously occupied and used shooting with their bows, whereby and under the protection of Almighty God, victorious acts have been done in defence of this realm: now so it is, that the bowyers in every part of this realm do sell their bows at such a great and excessive price, that the King's subjects disposed to shoot, be not of power to buy to them bows, whereby shooting is greatly diminished and left, and unlawful games be used, contrary to statutes and ordinances thereupon made: our said sovereign lord the King, considering the premisses, by the advice, assent, and authority aforesaid, hath ordained, established and enacted, That from the feast of *Easter* next coming, no bowyer

nor other person using to sell or put to sale, or which hereafter shall use to sell or put to sale any long bow or bows of yew, shall sell any of the same bows to any of the King's liege people above the price of iii. shillings iii. d. a bow. And long bows of yew under the value of the same price as the feller and buyer thereof may reasonably agree and accord, upon pain to forfeit for every long bow of yew otherwise sold above the said price of iii. s. iii. d. xx. s. The one half thereof to our sovereign lord the King, and the other half to any of his liege people that will therefore pursue and prove the said forfeiture by action or actions of debt, wherein like process judgment and execution shall be had as is commonly used in actions of debt sued at the common law. And that no defendant in any such action or actions shall be admitted to wage his law.

C A P. V.

Concerning the fulling of hats and caps.

ITEM, it was shewed in the said parliament, how that hats, bonnets, and caps as well single as double, were wont to be faithfully made, wrought, fulled and thicked by men's strength, that is to say, with hands and feet, and thereby the makers of the same have honestly before this time gained their living, and kept many apprentices, servants and good houses, till now of late that by subtle imagination, to the destruction of the labours and sustenance of many men, such hats, bonnets, and caps have been fulled and thicked in fulling mills, and in the said mills the said hats and caps be broken and deceitfully wrought, and in no wise by the mean of any mill may be faithfully made, to the great damage of our sovereign lord the King and of all his subjects, and the final undoing of such which be the makers of such hats, bonnets, and caps, unless the grace of our sovereign lord the King should be to them shewed in this behalf, and thereupon to provide remedy: our said sovereign lord the King, by the assent of the lords spiritual and temporal, and at the supplication of his said commons in the said parliament assembled and by the authority of the same hath ordained and provided, That no manner person after the feast of *Easter* next coming, shall full or thick, or do to be fulled or thicked any hats, bonnets, or caps, double or single, in any fulling mill, or by the mean of any fulling mill, upon pain to forfeit and to lose xl. s. as often as he shall do contrary to this act. And also that no person hat-maker, capper, or other whatsoever he be, after the said feast of *Easter*, shall set or cause to be set any hats bonnets or caps double or single to be fulled or thicked, to any such mill or by the mean of any such mill, or set to sale any such hats, bonnets, or caps double or single, which after the said feast shall be so made, fulled or thicked, upon pain to forfeit and lose the hats, bonnets, and caps so set as afore is said to any such mill to be fulled or thicked, or otherwise set to be sold contrary to this act, and also to forfeit and lose xl. s. as often as any such person shall set to fulling or thicking or to sale any

No person shall full or thick any hats, bonnets, or caps, at any fulling mill, or set to sale any so fulled, upon pain to forfeit forty shillings. Rep. 1 Jac. 1. c. 25. 7 Ed. 6. c. 8.

any fuch hats, bonnets, and caps contrary to this act: the one half of the faid fines forfeitures and penalties and of every of them, to our fovereign lord the King, and the other half to him or them of the King's fubjects, which fhall feife the fame or purfue for the fame by action of debt, by writ at the common law, or by bill or plaint after the custom of the city or town where any fuch fines forfeitures or penalties fhall happen to fall or to be. And that the defendant in any fuch action be not admitted to do or wage his law, nor no protection nor effoin in the King's fervice fhall be for any fuch defendant allowed. This act to indure from the faid feaft of *Eafter* till the end of two years then next following, and no longer.

CAP. VI.

An act concerning fwans.

How much land he muft have which fhall have a mark or game of fwans.

ITEM, *Where as well our faid fovereign lord the King, as other lords, knights, efquires, and other noble men of this noble realm of England, have been heretofore greatly ftored of marks and games of fwans in divers parts of this realm of England, until of late that divers keepers of fwans have bought and made to them marks and games in the fens and marfhes, and other places, and under colour of the fame, and of furveying and fearch for fwans and cygnets for their lords and mafters, have ftolen cygnets, and put upon them their own mark, by which unlawful means the fubftance of the fwans be in the hands and poffeffion of yeomen and husbandmen, and other perfons of little reputation; (2) wherefore it is ordained, eftablifhed, and enacted by our faid fovereign lord the King, with the affent of the lords fpiritual and temporal, and at the fpecial petition and request of the commons, in the faid parliament affembled, and by authority of the faid parliament, That no perfon, of what eftate, degree, or condition he be (other than the fon of our fovereign lord the King) from the feaft of St. Michael*
next

ITEM, pur ceo qe fibien nostre dit foveraigne feignur le Roy come autres feignurs chivalers effquiers & autres nobles hommes de cest roialme dEngleterre per cy devaunt ount eftez graundement replenifhes des marques & games des cignes es diverses parties de cest roialme dEngleterre, jefquez ore tarde, qe diverses gardeins des cignez ount achatez ou faitz as eux marques & games en les fennes & marifhes & autres lieux, et defouth colour dicelle, & de la furveiance & fercheour pur le cignes & cignettez pur leur feignurs et maiftres ont embleez cignettez & mifes fur eux leur propre marke, qe per tielx difloialx moiens la fubftance des cignes fount en les mayns & poffeffion des vadlets & husbandmen & autres perfones de nient: pur ceo il eft ordeignes eftablies & enactes per nostre dit foveraigne feignur le Roy, del affent de les ditz feignurs efpirituelx & temporelx & a la efpecial inftaunce & requeste de les communes en le dit parlement affembles, & per auctorite de mefme le parlement, qe null perfone, de quele eftate degree

degree ou condition il foit, autre que fitz a nostre treffoveraigne feignur le Roy, a la feste de feint Michell profchein veignaunt aiet ou possede aucun tiel marke ou game de son propre, ou aucun autre a son oeps aiet ou possede aucun tiel marke ou game, sinoun il aiet terrez ou tenementz del estate de frank tenure al annuel value de v. marcs, oustre toutz les annuel chargez. Et oustre ceo que chescune persone ou persones ore eient ou eiauntz aucun tiel marke ou game vende ou done le mesme de ceux entre cy & la feste de feint Michell profcheinement veignaunt al oeps diceux as queux ils enfi ferrount venduz ou donez. Et fil aveigne aucun persone ou persones nient eiaunt aucune possession de les terres & tenements a le annuel value avaunt dit davoit enjoier ou ascunement posseder, ou aucune autre al use ou al oeps diceux ou aucun de eux, davoit ou posseder, aucun tiel marke ou games puis le dit feste; que lors il ferra licette au aucune des subgietz nostre feignur le Roy, eiaunt terres et tenementz a la dit valuer, de seiser les ditz cignettes ou cignes come forfaitz, dount le Roy avera lune moite, & celluy qi celles seifera lautre moite.

next coming, shall have or possess any such mark or game of his own, or any other to his use shall have or possess any such mark or game, except he have lands and tenements of the estate of freehold to the yearly value of five marks above all yearly charges. (3) And moreover, That every person or persons now having any such mark or game, shall sell or give the same betwixt this and the feast of St. *Michael* next coming, to the use of them to whom they shall be sold or given; (4) and if it happen any person or persons not having any possession of lands or tenements to the said yearly value, or any other to have or possess lands to his or their use, to have or possess any such mark or game after the said feast, that then it shall be lawful to any of the King's subjects, having lands or tenements to the said value, to seise the said swans as forfeit; whereof the King shall have one half, and he that shall seise the other half.

Any person having five marks of freehold may seise the swans forfeited.

C A P. VII.

An act for inclosing of woods in forests, chases, and purlieus.

ITEM, nostre dit feignur le Roy, consideraunt que diverses subgietz eiauntz bois cresfant en lour propre soile deinz la foreste de Rokyngham, & autres forestez et chacez dedeinz son roialme dEngleterre ou purleuez dicels, qi ount coupez lour ditz bois, pur ceo que mesmes les subgietz ne purroient avaunt cest temps copier nenclofer lour dit soile, pur fa-
ver

ITEM our said lord the King, considering that divers subjects having woods growing in their own ground within the forest of Rokyngham, and other forests and chases within his realm of England, or purlieus of the same, which have cut their said wood, because the same subjects might not before time cut nor inclose their said ground, to save the young spring of their wood so cut,
any

4 Inst. 304.

8 Co. 137.

Woods felled
in any forest,
or purlieu,
may be in-
closed and
kept several
seven years.
35 H. 8. c. 17.
13 El. c. 25.

any longer time than for three years, (2) *the same young spring hath been in times past, and daily is destroyed with beasts and cattle of the same forest, chases, and purlieus, to the great hindrance, as well of his said subjects, as of his deer, vert, and venison in their covert, and otherwise likely to be the destruction of the same forests, chases, and purlieus;* (3) by the assent of the lords spiritual and temporal, and the commons, in the said parliament assembled, and by the authority of the same, doth ordain, establish, and enact, That if any of his subjects, having woods of his own growing in his own ground, within any forest, chase, or purlieu of the same, within this realm of *England*, from the first day of this parliament, shall cut, or cause to be cut the same wood, or part thereof, by licence of the King, or of his heirs, in his forests, chases, or purlieus, or without licence in the forest, chase, or purlieu of any other person, or make any sale of the same wood; it shall be lawful to the same subjects, owners of the same ground whereupon the wood so cut did grow, and to other such persons to whom such wood shall happen to be sold, immediately after the wood so cut, to cope and inclose the same ground with sufficient hedges, able to keep out all manner of beasts and cattle forth of the same ground, for the preserving of their young spring; (4) and the same hedges so made, the said subjects may keep them continually by the space of seven years next after the same inclosing, and repair and sustain the same as often as shall need within the same seven

ver le germe de leur bois enfy coupez plus longue que per trois ans; mesque le germe ad este en temps passe, & journalment est, destruitez ovesqe bestes & chatelx mesme la foreste, chacez, & purleuez, & grand damage, sibien as les ditz subgiettes, come de son dere, vert & venison, en leur couverture & autrement, au verisemblable destruction mesmes les forests, chacez, & purleues; per assent des ditz seignurs espirituelx & temporelx & les communes en la dit parlement assemblez, & per auctorite dicellez, ordeigne enacte & establie, qe si aucune de ses subgietz eiaunt bois de son propre creissant en son propre soile deinz aucun foreste, chace, purlieu del mesme, dedeinz son roialme d'Engleterre, a le premier jour del dit parlement, face couper, ou cause estre coupez, mesme le bois, ou parte dicelle, per la licence du Roy, ou de ses heires, en ses forestes, chaces, ou purlieux, ou saunz licence en la foreste, chace ou purlieu, dautre persone, ou face vend de mesme le bois; soit'il licette as mesmez les subgietz, possessours mesme le soile sur quoy le bois enfy coupes crust, & autres tielx personez come mesme le bois aviendra estre venduz, immediat puis le bois enfy coupez, a copier & encloiser mesme le soile ovesqe sufficeantz heies, ablez de excluder toutz maners bestez & chatels hors mesme le soile, pur la salvation de leur germe, & mesmes les heiez enfy faitz les ditz subgietz, puissent garder eux continuellement per l'espace de sept ans proscheins apres mesme lenclosure, & repaier & susteiner si sovent come bu-
soignera

soignera dedeinz mesmes les sept ans, sauns fuer dascun autre licence de luy ou fez heires, ou autres personez, ou ascun de lour officers mesmes les forestez chacez ou purlieus.

CAP. VIII.

Merchandises carried into or fetched out of Scotland, shall be first brought to Berwick. The freemen of Berwick shall have to ferm the fishing there.

ITEM, Our said sovereign lord the King, for the surety of the town of *Berwick*, and the marches of the same, and to have the same town to be inhabited with great number of his faithful liege people, which would there abound and increase by the repair of merchants and merchandise, and exercise of the same, hath by the assent of the lords spiritual and temporal, and the commons in the said parliament assembled, and by authority of the same parliament ordained, enacted and established, That from the feast of the nativity of Saint *John Baptist* next coming, all merchants which shall carry or bring any merchandise out of *Scotland*, or the isles of the same, into this realm of *England*, or into *Ireland*, or *Wales*, first shall bring the same merchandise to the said town of *Berwick*: (2) and that none of the King's liege people, nor any other person under the King's obeysance, shall buy any merchandise brought out of *Scotland*, and carry the same, or cause to be carried into this realm of *England*, or any other place under the King's obeysance, but that the same merchandise be brought, sold and customed at his said town of *Berwick*, except to the city of *Carlisle*, and the ports or creeks pertaining to the west marches. (3) And that no manner merchant, denizen nor stranger, under the King's obeysance, shall carry or convey to sell any manner merchandise of *England*, *Ireland*, or *Wales*, into *Scotland*, or the isles of the same, which be not under the King's obeysance; (4) and that none under the King's ligeance and obeysance, sell any manner merchandise of *England*, *Ireland* or *Wales*, to any of the inhabitants of *Scotland*, or the isles of the same, in any place within *England*, *Ireland* or *Wales*, saving only at the said town of *Berwick* and *Carlisle* aforesaid. (5) And that no merchandise shall be shipped in any creek or other place betwixt *Tinmouth* and the said town of *Berwick*, but only in the port or haven of the said town of *Berwick*: (6) and that no person or persons saving the burgeses and freemen of the said town of *Berwick*, shall cause any salmon to be sold, which shall be taken in the water of *Tweed*. (7) And if any person or persons offend, or do with any merchandise aforesaid, contrary to any of the said ordinances, the same person or persons shall forfeit all the said merchandise; (8) and that it shall be lawful to any of the King's liege subjects to seise all such merchandise so forfeit, or else to pursue in his own name an ac-
tion

Ex edit. Pult. Merchandises carried into, or brought out of Scotland or the isles, shall be first brought to Berwick.

tion of debt against the same person or persons which so shall forfeit, containing the sum of the value of the said goods: and in the same action to have like process, judgment and execution, as is used in other actions of debt by the course of the King's laws: (9) and that in none of the same suits and actions any protection or essoin of the King's service be allowed, nor any defendant admitted to do his law, (10) and our lord the King to have as well the one half of all such merchandise forfeited and seised, as the one half of all such sums of money which shall be recovered by action in the form aforesaid, to pursue for the value of any such goods so forfeited: and the person or persons which shall seise and pursue in the form aforesaid, to have the other half of the same.

The merchants and freemen of Berwick shall have to ferm the waters royal, and fishings there.

II. And by the said authority it is ordained and enacted, That the merchants and freemen of the said town, may of the grace of our said lord the King, have to ferm all the waters royal, and fishing places within the said town of *Berwick* and seigniory of the same paying for the same as such as any other person will do; (2) and that the same merchants and freemen, and every of them, may from henceforth have, occupy and enjoy to them, their heirs and successors for ever all liberties, franchises and customs, which at any time before pertained to the said town, (3) and that they may ship all manner goods and merchandises there, and carry them to what place or places, port or ports that they will, and there discharge, and the same recharge with corn or any other victual or merchandises, and bring the same to the said town of *Berwick* for victualling thereof.

III. Provided always, That this act, nor any other act, made or to be made in the said parliament, do not extend nor be prejudicial to *William* bishop of *Durham*, nor to his successors, in or for any manner thing pertaining, or in any wise belonging to him.

Thus end the Statutes made in the time of King *Edward* the Fourth.



END of the Third VOLUME.

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