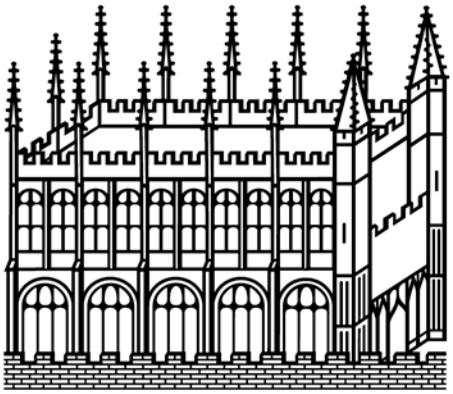


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P. 8.

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THE

Statutes at Large,

From the Firſt Year of K. RICHARD III.

TO

The 31ſt Year of K. HENRY VIII. inclusive.

BY

DANBY PICKERING, of GRAY's INN, Eſq;

THE

Statutes at Large,

FROM THE

First Year of King RICHARD III.

TO THE

Thirty-first Year of King HENRY VIII. inclusive.

To which is prefixed,

A TABLE containing the TITLES of all the STATUTES during that Period.

VOL. IV.

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

CAMBRIDGE,
Printed by JOSEPH BENTHAM, Printer to the UNIVERSITY;
for CHARLES BATHURST, at the Cross-Keys, opposite St. Dunstan's Church in Fleet-Street, London. 1763.

CUM PRIVILEGIO.

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TABLE of the STATUTES,

Containing the Titles of all ſuch Acts as are extant in print, from the 1ſt year of K. RICHARD III. to the 31ſt of K. HENRY VIII. both incluſive.

Anno 1 *Richardi* 3.

Cap. 1. An act for the better aſſurance of eſtates to be made by feoffors to uſes.

Cap. 2. The ſubjects ſhall not be charged by any benevolence, &c.

Cap. 3. For admitting perſons ſuſpected of felony to bail; for inquiry of eſcapes of felons; and that no officer ſhall ſeize the goods of a priſoner before he is convicted or attainted.

Cap. 4. Of the ſufficiency of jurors in the ſheriff's turn.

Cap. 5. Thoſe lands whereof the King was enfeoffed to the uſe of others, ſhall veſt in ſuch perſons.

Cap. 6. An act to make perpetual the ſtatute of 17 *Ed.* 4. *c.*2. concerning proceedings in courts of pipowders.

Cap. 7. Who ſhall be bound by a fine levied before the juſtices of the common pleas: and proclamations made thereof.

Cap. 8. Concerning the making of cloth; and the aulneger.

Cap. 9. Againſt *Italians* ſelling their merchandiſes by retail, and other reſtraints of aliens.

Cap. 10. The ſtatute of 22 *Ed.* 4. *c.*3. prohibiting the importation of wrought laces of ſilk continued for ten years.

Cap. 11. Ten bow-ſtaves ſhall be brought into this realm for every butt of malmſey, or tyre.

Cap. 12. Againſt the importation of certain merchandiſes ready wrought.

Cap. 13. The contents of veſſels of wine and oil.

Cap. 14. For relief of the collectors of diſmes of the clergy.

Cap. 15. A reſumption of all grants, eſtates, &c. made to *Elizabeth Gry* late Queen of *England*.

Private Acts.

Anno 1 *Richardi* 3.

1. *Titulus Regius*, under which title all the reaſons and allegations deviſed to prove the King to be true and undoubted heir to the crown, are ſet forth at large, and the ſame allowed, ratified, and enacted by the lords and commons; and his brothers children made baſtards.

2. An act for the King to have the lands and poſſeſſions of *Henry* duke of *Exeter*, and of the dutcheſs his wife.

3. An act for the attainder and conviction of *Henry* duke of *Buckingham*, *John* biſhop of *Ely*, *William Knevitt*, *John Ruſhe*, *Thomas Nandike*, *Henry* earl of *Richmond*, *Jaſper* earl of *Pembroke*, *George Browne*, *Thomas Lewkenor* knight, *John Gulford*, and many more.

4. An act to enable the King to make grants of the poſſeſſions of the perſons attainted.

5. An act for the attainder of the biſhops of *Ely*, *Sarum*, and *Exeter*.

6. An act againſt *Margaret* counteſs of *Richmond*.

7. An act for the attainder of *Walter Rober*.

8. An act for the archbiſhop of *Canterbury* to enjoy the rent of 11*l.* 12. s.

12s. *per annum* out of the manor of *Iſeilde*.

9. An act to reverſe the attainders made by King *Henry* the Fourth, againſt *Thomas Percy* earl of *Worceſter*, and *Henry Percy* earl of *Northumberland*.

10. An act for viſcount *Lovel* to have and enjoy the manors of *Thorpe*, *Watervile*, *Alwinkle*, *Achirch*, and *Chelviſton*, in the county of *Northampton*, *&c.*

11. An act for *James Tirrel*, and *Anne* his wife, daughter and heir of *John Arundell*, touching the lands of *Arundell*, being now attainted.

12. An act for the provoſt and fellows of the college of Saint *Andrew* of *Neathercaſter* in *York*, for the enjoying of forty acres of land, upon part whereof the college is builded.

13. An act for confirmation of letters patents made by King *Edward* the Fourth to the college of *Fodringhey*.

14. An act for the city of *Canterbury*, touching the aldermanry lands, and alderman of *Weſtgate*, and other things in the city of *Canterbury*.

15. An act of reſtitution of *John Durrant* of *Colleweſton* to all his lands and tenements.

16. An act for the inhabitants of the town of *Crowland* to have the games and marks of ſwans.

17. An act touching the executors of *John Don* mercer of *London*.

18. An act that the King ſhall have wardſhip of lands holden of the duchy of *Lancaſter* by knights ſervice, notwithſtanding the truſt put in other perſons.

Anno 1 *Hen.* 7.

Cap. 1. An act for maintaining a formedon againſt the pernors of the profits of land conveyed to uſes.

Cap. 2. Aliens made denizens ſhall pay ſuch cuſtoms as they did before.

Cap. 3. No protections ſhall be allowed by any court at *Calais*.

Cap. 4. An act to puniſh prieſts for incontinency by their ordinaries.

Cap. 5. An act for regulation of tanners, cordwainers, and curriers.

Cap. 6. A pardon for all who aſſiſted the King againſt *Richard* late duke of *Glouceſter*.

Cap. 7. An act for puniſhment of offenders in hunting by night or diſguiſed.

Cap. 8. No *Gaſcoigne* or *Guien* wines ſhall be imported but by *Engliſh*, *Welſh*, or *Iriſh*, mariners and ſhips.

Cap. 9. For reviving the ſtatute of 22 *Ed.* 4. *c.* 3. for twenty years, reſtraining the importation of wrought laces, &c.

Cap. 10. For revocation of the penalties in the *ſtat. R.* 3. touching *Italians*.

Private Acts.

Anno 1 *Hen.* 7.

1. An act concerning the annexing the duchy of *Lancaſter*, and *Cornwall*, *&' al'*.

2. An act for the reſtitution of divers perſons in the time of *Richard* the Third attainted.

3. An act of conviction and attainder of *John* late duke of *Norfolk*, *Thomas* earl of *Surrey*, *Francis* viſcount *Lovell*, *Walter Devereux* knight late lord *Ferrers*, *John* lord *Zouche*, and divers others.

4. An act for the duke of *Bedford*, and others.

5. An act for *Henry* lord *Clifford*.

6. An act for *William* viſcount *Beaumont*.

7. An act for *John* earl of *Oxford*, and others.

8. An act for *Jane May*, and others.

9. An act for the duke of *Bedford*.

10. An act for the ducheſs of *Bedford*.

11. An act for the counteſs of *Richmond*.

12. An act for *Edward*, ſon and heir of *Henry* duke of *Buckingham*.

13. An act for *John* lord *Wells*.

14. *Ar-*

14. *Articulus Juratus in parliamento.*
15. The reſtitution of *Henry* the Sixth, the duke of *Bedford*, the duke of *Somerſet*, and others.
16. The reſtitution of Queen *Elizabeth*, late wife of *Edward* the Fourth.
17. *Adnullatio actus, &c.*
18. An act for confirming all letters patents made by the King, of the lands of perſons attainted.
19. An act for *Allen Catterall.*
20. An act for *Henry Kirkby* ſon of *Richard Kirkby.*
21. An act for *William Brandon* knight.
22. An act for *James Stanley* clerk.
23. An act for *Edmond Clere*, and *Elizabeth* his wife.
24. An act for *Roger Thorpe.*
25. An act for the reſtitution of *Thomas Ormonde* knight.
26. An act for *Hugh Lotterell.*
27. An act for *William Knevett.*
28. An act for the earl of *Devon.*
29. An act for the King's houſhold.
30. An act for the King's great wardrobe.
31. An act for *Nicholas Vaux* ſon and heir of Sir *William Vaux.*
32. An act for the lord *Hungerford.*
33. An act for *Johanne Fowler*, widow.
34. An act for *Thomas Delalaund.*
35. An act for *Anne Pympe.*
36. An act for *Thomas Myll.*
37. An act for *Edmund Roos*, ſon of *Thomas* lord *Roos.*
38. An act for *Margaret* counteſs of *Richmond*, the King's mother, and for *Thomas* earl of *Derby* her huſband.
39. An act for *Lawrence Hill.*
40. An act for *John Weſton*, prior of the hoſpital of Saint *John* of *Jeruſalem* in *England.*
41. An act for *Robert Carey.*
42. An act for reſtitution of *Thomas Gray* knight, late marqueſs *Dorſet.*
43. An act for Sir *William Stanley* knight.
44. An act for Sir *John Verney* knight, and *Margaret* his wife.
45. An act of reſtitution for *John Treſham.*
46. An act for the heirs of Sir *George Browne* knight.
47. An act for Sir *John Seyntloo* knight.
48. An act for *William Troutebeck.*
49. An act of reſtitution for *Roger Bellingham.*
50. An act for *Blanche Nevill* to enjoy certain lands, notwithſtanding a recovery.
51. Another the like act for *Margery Beckett*, *John Blackborne*, and his wife.
52. An act for *Robert Willoughby* knight, and *Elizabeth* his wife, and others.
53. An act of reſtitution for *William Danyell.*
54. An act of reſtitution for *John Calcott.*
55. An act that *Edward Elleſmere* may enjoy certain lands, notwithſtanding his releaſe.
56. An act of reſtitution for *John Beamount.*
57. An act of reſtitution for *Thomas Agard* and his wife.
58. Another act for *John Beamount.*
59. An act for *Richard Paſſelegh*, and *Johane* his wife.
60. An act for the inhabitants of the Iſle of *Tenett*, to build a bridge at a place called the *Starre Ferry.*
61. An act for *John Foſter* eſquire.
62. An act for the mayor, bailiffs, and citizens of the city of *Wincheſter.*
63. An act for *John Lenche*
64. An act of reſumption of lands, tenements, and other things.

Anno 3 *Hen.* 7.

Cap. 1. Concerning the authority of the court of ſtar-chamber.

Cap. 2. The carrying away a woman againſt her will made felony.
Cap. 3. For letting priſoners to bail in certain caſes.
Cap. 4. All deeds of gift made to defraud creditors ſhall be void.
Cap. 5. All bargains named dry exchange, whereby any certain ſum may be loſt, ſhall be void.
Cap. 6. Againſt unlawful chevisance, uſury, and brokage.
Cap. 7. Concerning the ordering and recovering of cuſtoms.
Cap. 8. That merchants aliens, &c. ſhall employ their money on merchandiſes of this realm.
Cap. 9. Freemen of *London* may carry their wares to any fairs or markets.
Cap. 10. Coſts, &c. ſhall be given to the plaintiff where the defendant ſues a writ of error before execution.
Cap. 11. No woolen cloth ſhall be exported before it is duly manufactured.
Cap. 12. The King's officers ſhall not be retained by liveries, &c. with others.
Cap. 13. Concerning the price of long bows.
Cap. 14. Conſpiring to deſtroy the King, or certain officers of his houſe or council, made felony.

Private Acts.

Anno 3 *Hen.* 7.

1. An act for the confirmation of letters patents made to the Queen.
2. An act that the Queen may ſue in her own name, and for confirmation of letters patents made to *Margaret* counteſs of *Richmond*.
3. An act for *George Vere* knight, and *Margaret* his wife.
4. An act for a gaol to be kept at *Lewes* for the ſhire of *Suſſex*.
5. An act for the abbot and covent of *Malmeſbury*.
6. An act for the cuſtody of the lands and tenements of viſcount *Beamount*.
7. An act for the prior of the monaſtery of St. *Mary Magdalene* in *Monckbretton*.
8. An act for the mayor and citizens of the city of *York*.
9. An act for the mayor, ſheriffs, bailiffs, and commonalty of the town of *Briſtol*, for paving of the ſtreets there.
10. An act for *Anne* counteſs of *Warr*.
11. An act for *Thomas Pulter*.
12. An act for *Roger Wake*.
13. An act for the town and caſtle of *Berwick*.
14. An act for the town and caſtle of *Calais*, and for continuance of the ſtaple there.
15. An act for the attainder of *John* earl of *Lincoln*, Sir *Thomas Broughton*, and divers others.
16. An act for two fifteenths and tenths to be granted to the King.
17. An act to enable feoffees in truſt to ſue for the benefit of the feoffors, although they be outlawed.
18. An act for the attainder of *John Spynell* and others.
19. An act againſt *Thomas Peneſton* and others.
20. An act of reſumption of the offices or places of receivers, auditors, cuſtomers, collectors of cuſtoms, ſubſidies, comptrollers, ſearchers, ſurveyors, and places of other officers, accomptants to the King.

Anno 4 *Hen.* 7.

Cap. 1. An act for commiſſions of ſewers
Cap. 2. For ordering the refiners of gold and ſilver.
Cap. 3. Againſt butchers killing beaſts in walled towns, &c.
Cap. 4. Concerning protections and immunities for thoſe who ſhould be in the King's ſervice in *Britain*.

Cap. 5. For repeal of letters patents to diſcharge ſpiritual perſons from the payment or collection of diſmes.
Cap. 6. For repeal of all grants of offices in the foreſt of *Inglewood*, ſaving to the lord *Dacre* and the earl of *Northumberland*.
Cap. 7. That grants of fees to certain officers about the King ſhall be no longer in force than they give their attendance.
Cap. 8. For limiting the prices of cloths ſold by retail.
Cap. 9. For the prices of hats and caps.
Cap. 10. That wine and *Tholouſe* woad ſhall be imported only in *Engliſh* ſhips, &c.
Cap. 11. Concerning the buying of wools.
Cap. 12. That all juſtices of peace ſhall execute their commiſſion, redreſs injuries, and maintain the laws.
Cap. 13. Concerning the allowance of benefit of clergy.
Cap. 14. All grants, &c. of any parcel of the earldom of *March* ſhall be ſealed with the great ſeal.
Cap. 15. That the lord mayor of *London* ſhall have like conſervation in all breach and overflowings of the *Thames*, as he has within the ſame river.
Cap. 16. Againſt taking more farms than one in the *Iſle* of *Wight*.
Cap. 17. That the heir of *Ceſtuy que uſe*, holding lands by knight-ſervice, ſhall be in ward.
Cap. 18. That counterfeiting foreign coin allowed to be current in this realm ſhall be treaſon.
Cap. 19. For maintenance of huſbandry.
Cap. 20. That a proſecution of action popular by colluſion, ſhall be no bar to others ſued *bona fide*.
Cap. 21. For preſervation of the breed and fry of fiſh in *Oxford Haven* in *Suffolk*.
Cap. 22. Concerning broiderers and Venice gold, &c.
Cap. 23. Againſt the exporting any gold or ſilver.
Cap. 24. How often a fine levied in the common pleas ſhall be proclaimed, and then, who ſhall be bound thereby.

Private Acts.

Anno 4 Hen. 7.

1. An act of reſtitution for *Thomas* earl of *Surrey*.
2. An act for the earl of *Nottingham*.
3. An act for the reſtitution for *Henry Beamonde*.
4. An act for *Richard Nanfan*.
5. An act of reſtitution for *Richard Revell*.
6. An act for *William Parſons*, *James Leigh*, and others.
7. An act of reſtitution for the lord *Ferrers*.
8. An act of reſtitution for *Thomas Lacy* and his wife.
9. An act for *Oliver Saint John* eſq;
10. An act for *Ellen Holt*, and *Allen Holt*.
11. An act for *William Stanley* knight.
12. An act for the tranſmutation and paſſing of lands without fine, by ſuch perſons as paſs over the ſeas in the King's voyage.
13. An act for a ſubſidy to be granted to the King.
14. An act of reſtitution of *John* lord *Zouche*.
15. An act of reſtitution of *Robert Percy*.
16. An act of reſtitution of *Henry Spencer*.
17. An act for the earl of *Surrey*.
18. An act for *George* earl of *Shrewſbury*.
19. An act for *Thomas Ferrys*, eſq; and *Anne* his wife.
20. An act for the college of *All Souls* in *Oxford*.
21. An act for the inhabitants of the town of *Southwolde*.

22. An act for the inhabitants of the town of *Northampton.*
23. An act for the inhabitants of the town of *Leiceſter.*
24. An act for the expences of the King's houſhold.
25. An act for the reſtitution of *Anne* and *Elizabeth Brakenbury.*
26. An act for the covent of the monaſtery of St. *Andrew* in *Northampton.*
27. An act for Sir *Edmond Gorges,* knight.
28. An act for the provoſt and ſcholars of the King's college in *Cambridge* and *Eaton.*
29. An act of attainder of the abbot of *Abbington, John Mayne,* and others.
30. An act for a tenth and fifteenth to be granted to the King.

Anno 7 Hen. 7.

Cap. 1. Againſt abuſes of captains and ſoldiers retained in the King's wars.
Cap. 2. For protection, &c. of all perſons ſerving in the King's wars.
Cap. 3. Further privileges for ſuch as ſhall go in the King's wars.
Cap. 4. Concerning weights and meaſures.
Cap. 5. Concerning trials in *London.*
Cap. 6. That patents of diſcharge from *diſmes* and *quinziſmes* ſhall extend no further than they did in the time of King *Edw.* IV.
Cap. 7. That all *Scots* depart the realm within forty days after proclamation.
Cap. 8. Concerning the contents of a butt of malmeſey and the price and cuſtoms thereof.

Private Acts.

Anno 7 Hen. 7.

1. An act againſt *Thomas Croft.*
2. An act for the preſervation of the ſpawn of fiſh within the naſſe and haven of *Orford.*
3. An act that no perſons outlawed within the county of *Lancaſter* ſhould forfeit any of his lands or goods in any other ſhire but the ſame ſhire.
4. An act for two fifteenths and tenths granted to the King.
5. An act for the confirmation of a feoffment made by the King.
6. An act for confirmation of letters patents made to the Queen.
7. An act to make the ſum of five marks, payable by the abbey and and covent of *Barking,* to be parcel of the manor of *Havering.*
8. An act for the counteſs of *Richmond* and *Derby.*
9. An act for the earl of *Surrey.*
10. An act for viſcount *Wells* and his wife.
11. An act for *Thomas* lord *De la Warre.*
12. An act for the prior of *Canterbury.*
13. An act for Sir *Thomas Lovell,* knight.
14. An act for *Hugh Johnſon* and *Johane* his wife.
15. An act of attainder of *John Hayes.*
16. An act of attainder of *Robert Chamberlaine* knight, and *Richard White.*

Anno 11 Hen. 7.

Cap. 1. None ſhall be attainted or incur any forfeiture for ſerving the King.
Cap. 2. For correction of vagabonds and beggars, and concerning alehouſes.
Cap. 3. For the authority of juſtices of aſſize and of the peace.
Cap. 4. The names of the cities and towns limited for keeping of weights and meaſures.
Cap. 5. For pulling down wears, &c. in the haven of *Southampton,* between *Calſhord* and *Redbridge.*
Cap. 6. Where cuſtoms ſhall be paid when cloths are packed in one port and ſhipped in another.

Cap. 7.

Cap. 7. For puniſhing riots and unlawful aſſemblies.
Cap. 8. For puniſhing uſurers.
Cap. 9. All lands within *North* and *South Tindale*, ſhall be parcel of the county of *Northumberland*.
Cap. 10. For levying the arrears of the benevolence granted to the King.
Cap. 11. Concerning the taking apprentices in the city of *Norwich*, and of ordinances to be made by the company of worſted ſhearers.
Cap. 12. That writs ſhall be given and counſel aſſigned to ſpeed poor perſons in their ſuits.
Cap. 13. Againſt the exportation of horſes or mares, above the price of 6s. 8d. without licence.
Cap. 14. Aliens made denizens ſhall pay cuſtoms as aliens.
Cap. 15. Againſt miſdemeanors by ſheriffs and their officers in county courts.
Cap. 16. For watch-keeping in *Calais*.
Cap. 17. Againſt taking pheaſants, or partridges, or the eggs of hawks or ſwans.
Cap. 18. They who refuſe to attend the King when he goes to his wars ſhall forfeit their grants of fees, &c.
Cap. 19. Againſt deceitful ſtuffing and making of feather-beds, &c.
Cap. 20. Againſt alienations made by the wife of the lands of her deceaſed huſband.
Cap. 21. The qualification of jurors in attaints in *London*.
Cap. 22. Concerning the wages of ſervants in huſbandry, labourers and artificers.
Cap. 23. For the true gauging and packing of ſalmon, eels, and herrings.
Cap. 24. For puniſhment of perjury, and the manner of proceeding in attaints.
Cap. 25. For puniſhment of perjury, champerty, maintenance, and embracery, by the diſcretion of the chancellor, treaſurer, chief juſtices, and clerk of the rolls.
Cap. 26. Concerning the ſheriffs turns in the counties of *Southampton*, *Surrey* and *Suſſex*.
Cap. 27. For avoiding deceitful ſleights upon fuſtians.

Private Acts.

Anno 11 *Hen.* 7.

1. An act for the confirmation of certain lands to the King, that were the lands of *Richard* duke of *Glouceſter*.
2. An act of reſumption of divers caſtles, manors, lands, and tenements, which were formerly given by King *Edward* the Third, and King *Richard* the Second, to *Edmond de Langley* duke of *York*.
3. An act of reſtitution for *Gervaſe Horme*.
4. An act that all grants made of the manor of *Woodſtock* be void.
5. An act for the Queen's jointure.
6. An act for the making void of divers leaſes and offices within the principality of *Wales*, duchy of *Cornwall*, and the earldom of *Cheſter*.
7. An act for the aſſuring certain lands to the prince of *Wales*, &c.
8. An act for the aſſuring certain lands to the duke of *York*.
9. An act for the prince of *Wales*.
10. An act for the ducheſs of *Bedford*.
11. An act of confirmation of a feoffment made by *Thomas* marquis *Dorſet* and his wife to divers feoffees to ſeveral uſes.
12. An act for the earl of *Oxford*.
13. An act for the earl of *Suffolk*.
14. An act for the earl of *Surrey*.
15. Another act made for confirmation of a feoffment made by the ſaid earl of *Surrey*.
16. An act for the earl of *Devon*.
17. An act for the earl of *Kildare*.
18. An act for the prior of *Kilmaynan* in *Ireland*.
19. An act for the cuſtody and government of viſcount *Beaumont* and his eſtate.

20. An act for *Edward* lord *Dudley*.
21. An act for *John* lord *Zouche* and *Seymour*.
22. Several proviſoes for the indemnity of the lord *Daubney*, and others.
23. An act for Sir *Richard Guldeford*, that all his lands in the county of *Kent* ſhall not be of the nature of gavelkind, but deſcendable to the heir at the common law, as in other countries.
24. An act for Sir *William Berkley* knight.
25. An act for *John Shaa*.
26. An act for the dean of St. *Paul's*.
27. An act for *Thomas Middleton*.
28. An act for *George Cateſby*.
29. An act for *Simon Digby*.
30. An act for Sir *Richard Ratcliffe*.
31. An act for *Clement Skelton*.
32. An act for the heirs of *William Waynsford*.
33. An act for *John Slingeſby* the elder.
34. An act for *Hugh Mayne*.
35. An act for the ſafe keeping of the towns and caſtles of *Berwick* and *Carliol*.
36. An act for the expences of the King's houſe.
37. An act for the attainder of *Francis* viſcount *Lovel*.
38. An act for the attainder of Sir *William Stanley*, Sir *Simon Mountfort*, and others.
39. An act concerning the peace between the King of *England* and the King of *France*.

Anno 12 *Hen.* 7.

Cap. 1. Concerning the taking apprentices, and manufacture of worſted, ſays and ſtamins in the county of *Norfolk*.
Cap. 2. For the continuance of certain acts made in the laſt parliament, unto the next parliament.
Cap. 3. Repeal of the ſtatute made the laſt parliament for labourers wages.
Cap. 4. That no forfeiture given by the ſtatute 1 *R.* 3. *c.* 8. ſhall be taken before the next parliament.
Cap. 5. Concerning weights and meaſures.
Cap. 6. Merchants of *England* may carry their merchandiſes to the marts, without payment of any fine to the merchants adventurers of *London*, but only ten marks.
Cap. 7. No lay perſon that doth murder his lord or maſter ſhall have the benefit of clergy.

Private Acts.

Anno 12 *Hen.* 7.

1. An act for confirmation of a feoffment made by the King, and to give him power to diſpoſe of certain lands by will.
2. An act for the aſſurance of the Queen's jointure.
3. An act for the earl of *Surrey*.
4. An act for *Guy Sapcott*.
5. A proviſo for *William Stafford*.
6. Certain articles againſt *Thomas Yotton*.
7. An act for fifteenths and tenths.
8. An act for a ſubſidy to be granted to the King, and for diſcharge of ſome perſons from payment thereof.

Anno 19 *Hen.* 7.

Cap. 1. For attendance upon the King in his wars.
Cap. 2. An act to defer the payment of cuſtom for bow-ſtaves until the next parliament.
Cap. 3. An act for the continuance of the ſtatute 11 *H.* 7. *c.* 24. until the next parliament.
Cap. 4. For uſing long bows, and againſt ſhooting in croſs-bows.
Cap. 5. What coin ſhall be current, and againſt the exportation of money or bullion to *Ireland*.
Cap. 6. Concerning pewterers and braziers.
Cap. 7. Concerning ordinances made by bodies incorporate.

Cap. 8. Againſt the taking of ſcavage or ſhewage, except in the city of *London*.

Cap. 9. Of proceſs in actions upon the caſe.

Cap. 10. For the keeping of gaols by the ſheriffs, and prevention of eſcapes of priſoners.

Cap. 11. The penalties for keeping deer-hays, and buck-ſtalls.

Cap. 12. For puniſhment of vagabonds, and for ordering of alehouſes.

Cap. 13. Againſt riots and unlawful aſſemblies.

Cap. 14. Penalties for unlawful retainers and giving of liveries.

Cap. 15. The lands of *Ceſtuy que uſe* ſhall be liable to execution for his debt, and to the chief lord for his relief and heriot, and if he is a bondman they may be ſeized by the lord.

Cap. 16. For continuing the ſtatute of 11 *H.* 7. *c.* 26. for holding of ſheriffs tourns in the counties of *Southampton*, *Surrey* and *Suſſex*, until the next parliament.

Cap. 17. A confirmation of ſo much of the ſtatute 11 *H.* 7. *c.* 11, as concerns the taking of apprentices in *Norwich*, and a repeal of ſo much of the ſame act as concerns worſted-ſhearers.

Cap. 18. For free paſſage upon the river *Severn*.

Cap. 19. Concerning cordwainers, curriers and tanners.

Cap. 20. A confirmation of the ſtatute of 3 *H.* 7. *c.* 10. touching damages to be given to the plaintiff where the defendant ſues a writ of error before execution.

Cap. 21. Concerning ſilk-women, and prohibiting the importation of ſilk wares ready wrought.

Cap. 22. A repeal of the ſtatute 4 *H.* 7. concerning factors and attornies in *Calais*.

Cap. 23. A confirmation of the privileges of the merchants in the ſtill-yard.

Cap. 24. For holding the ſhire-court of the county of *Suſſex* at *Chicheſter* and *Lewes*.

Private Acts.

Anno 19 *Hen.* 7.

1. An act concerning a feoffment made by the King, of many lordſhips, lands, and tenements, *&c.* belonging to the duchy of *Lancaſter*.

2. An act to make void divers letters patents formerly granted to the duke of *York*, after he came to be heir apparent to the King.

3. An act for the continuance of the ſtaple at *Calais*.

4. An act to give the King power to reſtore *Humfrey Stafford*, *John Baynton*, and divers others, being formerly attaint of treaſon.

5. An act for the abbeſs and covent of the monaſtery of St. *Saviour* of *Sion*.

6. An indenture between the King and the abbeſs and covent of the monaſtery of our Saviour and St. *Bridget* of *Sion*.

7. An act for confirmation of a partition of lands made between *William* marquis *Barkley*, and *Thomas* earl of *Surrey*.

8. An act that no actions, plaints, bills, or writs, being commenced and depending in the King's courts by perſons not knighted, ſhall abate, if they be afterwards knighted.

9. An act for two aids granted to the King.

10. An act of reſtitution for the lady *Cecil*, wife of the late viſcount *Wells*, *William* lord *Willoughby*, and others.

11. An act for the attainder of *James Touchett* knight lord *Audley*, *Edmond* earl of *Suffolk*, and divers others, confederate with *Piers Warbeck*.

12. An act for the reſtitution of *Robert Brewce*.

13. An

13. An act for Sir *William Mearing*.
14. An act for the reſtitution of *John Heron*.
15. An act for the reſtitution of *Richard Barkley*.
16. An act of reſtitution for *William Barley*.
17. An act of reſtitution for *James Harrington*.

Anno 1 *Hen.* 8.

Cap. 1. A repeal of the ſtatute 8 *H.* 6. *c.* 2. prohibiting the King's ſubjects to repair into *Denmark* and *Iſeland*.
Cap. 2. A repeal of the ſtatute 1 *R.* 3. *c.* 8. concerning cloth-making.
Cap. 3. Concerning payments made to *John Heron*, general receiver to the King.
Cap. 4. For limitation of actions popular.
Cap. 5. A repeal of an act made 3 *H.* 7. *c.* 7. concerning the entering of merchandizes in the cuſtomers books.
Cap. 6. A repeal of the ſtatute 11 *H.* 7. *c.* 3. concerning informations before juſtices of aſſize and juſtices of peace.
Cap. 7. Concerning the office of coroners.
Cap. 8. Concerning eſcheators and commiſſioners.
Cap. 9. Concerning the bridge at *Staines*.
Cap. 10. For enlarging the ſtatute 8 *H.* 6. *c.* 16. concerning the traverſe of lands ſeized into the King's hands by inqueſts before eſcheators and commiſſioners.
Cap. 11. For continuation of the ſtatute 11 *H.* 7. *c.* 24. of attaints, until the next parliament.
Cap. 12. Concerning untrue inquiſitions procured by *Empſon* and *Dudley*.
Cap. 13. Againſt the exportation of money, plate, or jewels.
Cap. 14. Concerning apparel.
Cap. 15. For annulling feoffments made to *Empſon* and *Dudley*.

Private Acts.

Anno 1 *Hen.* 8.

1. An act for the expence of the King's houſhold.
2. An act for the aſſignment of money for the King's great wardrobe.
3. An act for confirmation of letters patents made to Queen *Katharine*, for her dower.
4. An act for the reſtitution of *Robert Ratcliff* knight, lord *Fitzwater*.
5. An act for a ſubſidy to be granted to the King of tonnage and poundage.
6. An act for repealing of a ſtatute for fiſhing in *Iſeland*.

Anno 3 *Hen.* 8.

Cap. 1. Againſt the exportation of money, plate, jewels, *&c.*
Cap. 2. Concerning eſcheators and commiſſions for finding of offices.
Cap. 3. For the maintenance of archery and againſt unlawful games.
Cap. 4. For protections and liberty of alienation for ſuch perſons as ſhall be in the King's wars.
Cap. 5. For payment of wages to ſoldiers in the King's wars.
Cap. 6. Concerning the true making, *&c.* of woolen cloths.
Cap. 7. An act for perfect working of woolen cloths before they ſhall be exported.
Cap. 8. Repeal of the act made at *York* for ſelling of victual by head officers.
Cap. 9. Againſt mummers and ſelling, of viſors.
Cap. 10. Againſt aliens buying leather, and that curriers may ſearch for leather inſufficiently tanned.
Cap. 11. An act for the appointing of phyſicians and ſurgeons.
Cap. 12. Concerning reformation of impanels for the King.

Cap. 13.

Cap. 13. Licences for ſhooting in croſs-bows ſhall be void.
Cap. 14. For ſearching of unlawful oils.
Cap. 15. Concerning the making and prices of hats and caps.

Private Acts.

Anno 3 *Hen.* 8.

1. An act for confirmation of a feoffment made by *Thomas* earl of *Surrey* to *Henry* duke of *York* and others.
2. An act of reſtitution for *James Touchett* lord *Awdeley*, and *John Touchett*, eldeſt ſon of the ſaid *James* lord *Awdeley*.
3. An act for confirmation of a grant made by the King of certain lands to *William Compton*.
4. An act of reſtitution for *John Dudley* ſon of *Edmond Dudley*.
5. An act of reſtitution for *Thomas Herte*.
6. An act of reſtitution for *Elizabeth Martyn*.
7. An act for two fifteenths and tenths to be granted to the King.
8. An act that Sir *Robert Southwell* and *Bartholomew Weſtby* ſhall be the King's general receivers of all his honours, caſtles, *&c.*

Anno 4 *Hen.* 8.

Cap. 1. Concerning bulwarks to be made in *Cornwall* by the ſea-ſide.
Cap. 2. For puniſhment of murder.
Cap. 3. An act concerning juries in *London*.
Cap. 4. For proclamations to be made before *Exigents* be awarded in foreign counties.
Cap. 5. Repeal of penalties for giving wages to labourers and artificers.
Cap. 6. For ſealing of cloths of gold and ſilver.
Cap. 7. Concerning pewterers and true weights and beams.
Cap. 8. An act concerning *Richard Strode*, and the privilege of parliament.

Private Acts.

Anno 4 *Hen.* 8.

1. An act of reſtitution for *Henry Courtney* earl of *Devon*.
2. An act for confirmation of an indenture made between the King on the one part, and *William Courtney* late earl of *Devon*, and the lady *Katherine* his wife, on the other part.
3. An act for confirmation of an indenture made between *Katherine* counteſs of *Devon* on the one part, and Sir *Hugh Conway* on the other part.
4. An act for confirmation of an indenture made between *Katherine* counteſs of *Devon* and Sir *William Knyvett*.
5. An act for the aſſuring of certain lands to the earl of *Surrey*.
6. An act of reſtitution of *Thomas Wyndham*, ſon of Sir *John Wyndham*.
7. An act of reſtitution for *Thomas Empſon*, ſon of Sir *Richard Empſon*.
8. An act of reſtitution for *William Baſkervile*.
9. An act for allotting divers ſums of money for maintenance of the King's great wardrobe.
10. An act for granting a ſubſidy to the King.
11. An act for a pardon to be granted to *John Skelton*.

Anno 5 *Hen.* 8.

Cap. 1. How the King's ſubjects of *Tournay* and *Tyrwin* may recover their debts.
Cap. 2. Concerning the making of cloths in *Devon*, called white ſtraits.
Cap. 3. White woolen cloths of five marks and under, may be exported unſhorn.
Cap. 4. Againſt deceits in worſteds.
Cap. 5. Concerning jurors in *London*.
Cap. 6. For ſurgeons to be diſcharged of pariſh offices, inqueſts, &c.

Cap. 7. Concerning ſtrangers buying of leather in open market.
Cap. 8. Concerning ſuit for the King's pardon granted upon certain articles.

Private Acts.

Anno 5 *Hen.* 8.

1. An act for the confirmation of letters patents made to the duke of *Norfolk*.
2. An act for the confirmation of letters patents made to the duke of *Suffolk*.
3. An act for the confirmation of letters patents made to the earl of *Surry*.
4. An act for the reſtitution of *Margaret Pole*, late wife of Sir *Richard Pole*, and ſiſter and heir of *Edward* late earl of *Warwick* and *Saliſbury*.
5. An act of reſtitution for *Humfrey Stafford*.
6. An act for the confirmation of the dowry of the counteſs of *Oxford*.
7. An act of reſtitution of *John Awdeley*, ſecond ſon of the lord *Awdeley*.
8. An act for confirmation of letters patents made to the mayor and commonalty of the city of *London*, concerning the packing of woolen cloths and other merchandiſes.
9. An act for a ſubſidy to be granted to the King.
10. An act concerning Sir *Edward Poynings*.
11. An act for *John Heron* to be ſurveyor of the cuſtoms and ſubſidies within the port of *London*.

Anno 6 *Hen.* 8.

Cap. 1. Concerning apparel.
Cap. 2. Concerning the maintenance of archery.
Cap. 3. Concerning the wages of artificers and labourers.
Cap. 4. For proclamations to be made before *exigents* be awarded in foreign ſhires.
Cap. 5. Againſt decaying of huſbandry, &c.
Cap. 6. For the remitting priſoners with their indictments to the places where the crimes were committed.
Cap. 7. Concerning the fares of watermen.
Cap. 8. Concerning the making of woolen cloths in the county of *Devon*.
Cap. 9. Againſt deceits in making woolen cloths.
Cap. 10. For commiſſion of ſewers.
Cap. 11. For the importation of bow-ſtaves by ſtrangers.
Cap. 12. Againſt exporting *Norfolk* wools.
Cap. 13. Againſt keeping or uſing, croſs-bows, or hand-guns.
Cap. 14. For continuing the ſubſidy of tonnage and poundage during the King's life.
Cap. 15. Second letters patents adnulled, making no mention of the firſt letters patents.
Cap. 16. That no knights of ſhires nor burgeſſes depart before the end of the parliament.
Cap. 17. For cleanſing and deepening the river of *Canterbury*.
Cap. 18. For continuance of the under-ſheriff of *Briſtol*.

Private Acts.

Anno 6 *Hen.* 8.

1. An act for confirmation of the King's grant made to the duke of *Norfolk*.
2. An act for confirmation of letters patents made by the King to the duke of *Suffolk*.
3. An act of reſtitution for Sir *Edward Belknap*.
4. An act of reſtitution for *John White*, clerk.
5. An act for the aſſurance of the manors of *Hanworth*, and other lands, to the King and his ſucceſſors.

6. An

6. An act concerning the King's general ſurveyors.
7. An act of reſumption of divers offices, annuities, and other things.

Anno 7 Hen. 8.

Cap. 1. Againſt the decay of huſbandry, &c.
Cap. 2. Repeal of licences for importing *Gaſcoign* wine and *Tholouſe* woad in foreign ſhips.
Cap. 3. Limitation of actions popular.
Cap. 4. Concerning avowries for rents and ſervices.
Cap. 5. Concerning artificers and labourers in the city of *London*.
Cap. 6. Concerning apparel.

Private Acts.

Anno 7 Hen. 8.

1. An act for reformation of the *French* queen's jointure.
2. An act for a ſubſidy to be granted to the King.
3. An act concerning the King's revenues.
4. An act concerning the ſtaple at *Calais*.
5. The King's general pardon.

Anno 14 & 15 Hen. 8.

Cap. 1. Concerning broad white woolen cloths.
Cap. 2. What apprentices, &c. foreign artificers may take.
Cap. 3. Concerning worſted weavers of *Yarmouth*, and *Lynn*.
Cap. 4. Concerning alien cuſtoms payable by *Engliſhmen* ſworn to foreign princes.
Cap. 5. Concerning the privileges and authority of phyſicians in *London*.
Cap. 6. For altering of highways in the Weald of *Kent*.
Cap. 7. Concerning ſhooting in croſs-bows and hand-guns.
Cap. 8. For allowing the clerks of chancery to marry.
Cap. 9. Concerning the liberty of cordwainers in *London*.
Cap. 10. Againſt unlawful hunting the hare.
Cap. 11. Concerning cloths called Veſſes made in the county of *Suffolk*.
Cap. 12. Concerning coiners at any mint within *England*.
Cap. 13. Concerning the haven and port of *Southampton*.
Cap. 14. Concerning ſuch as be in the King's wars.

Private Acts.

Anno 14 & 15 Hen. 8.

1. An act for a ſubſidy to be granted to the King.
2. An act for the King's general pardon.
3. An act for uniting divers manors to the King's manor royal of *Beaulieu* in *Eſſex*.
4. An act concerning the expences of the King's houſhold.
5. An act concerning the King's general receivers.
6. An act concerning the King's revenues.
7. An act of attainder of *Edward* late duke of *Buckingham*.
8. An act to give the King power to reverſe the attainders of perſons attaint of treaſon by act of parliament.
9. An act concerning the ducheſs of *Buckingham*.
10. An act of reſtitution for *Henry Stafford*, ſon of *Edward Stafford* duke of *Buckingham*.
11. An act for Sir *William Compton* for his more ſure enjoying of certain lands.
12. An act for *Thomas Kitſon* citizen and merchant of *London*.
13. An act for Sir *Richard Sacheverell* knight.
14. An act for Sir *John Marney*, lord *Marney*.
15. An act that ſuch manors as were formerly holden of the caſtle of *Dover*

Dover in *Kent*, ſhould be holden of the King.
16. An act containing a proviſion for the merchants of the *Hanſe* of *Almayne*.
17. An act for the earl of *Northumberland*.
18. An act for Sir *Andrew Windſoure* and *Anthony Windſoure*.
19. An act for Sir *Henry Wyatt*, knight.
20. An act for *George* earl of *Shrewſbury*.
21. An act for the jointure of *Elizabeth Taylboys*, wife of *Gilbert Taylboys*.
22. An act that *George Roll* clerk, and keeper of the King's records of the common bench at *Weſtminſter*, ſhall hold his place during life.
23. An examination of *Edmond Shaa* ſeized and taken for an ideot, but, upon his examination by the lord chancellor, diſcharged.

Anno 21 *Henry* 8.

Cap. 1. The King's pardon.
Cap. 2. An abjured perſon ſhall be marked by the coroner with an hot iron.
Cap. 3. Plaintiffs in aſſiſe may abridge their plaints.
Cap. 4. Concerning the ſale of lands by executors or part of them.
Cap. 5. Concerning probate of teſtaments, fees to be taken, &c.
Cap. 6. Concerning mortuaries.
Cap. 7. Againſt ſervants imbezzelling their maſter's goods.
Cap. 8. Againſt the killing of calves.
Cap. 9. For limiting the price of foreign hats and caps imported here.
Cap. 10. Againſt exporting braſs, copper, &c.
Cap. 11. Concerning reſtitution of goods felonioufly ſtolen.
Cap. 12. Concerning the making cables, &c. in *Burport*.
Cap. 13. Againſt pluralities of benefices, non-reſidence, and taking of farms by ſpiritual perſons.
Cap. 14. Concerning linen cloth called dowlas and lockeram.
Cap. 15. Termors ſhall enjoy their leaſes againſt recoveries had by feigned titles.
Cap. 16. Concerning artificers ſtrangers: the decree made thereon in the *Star-Chamber*.
Cap. 17. For annulling letters patents made to the city of *York*, concerning ſhipping of wools.
Cap. 18. Concerning *Newcaſtle* upon *Tyne*, and the port and haven thereto belonging.
Cap. 19. Concerning avowries.
Cap. 20. The preſident of the council ſhall be aſſociate with the chancellor and treaſurer in puniſhing riots.
Cap. 21. Concerning making worſteds in *Yarmouth* and *Lynn*.

Private Acts.

Anno 21 *Hen.* 8.

1. An act for the aſſurance of divers manors and lands to *Thomas* duke of *Norfolk*, and the heirs male of his body.
2. An act concerning the laſt will and teſtament of *John Roper* the elder, of *Canterbury*, in the county of *Kent*.
3. An act for the releaſing unto the King ſuch ſums of money as he was to pay to his ſubjects for any manner of loan by letters miſſive, or otherwiſe.
4. An act that no perſon ſhall ſuſtain any prejudice by means of the attainder of *Thomas* lord cardinal, who was ſeized of divers lands to divers uſes.
5. An act for the aſſurance of certain lands to *Elizabeth* ducheſs of *Norfolk* during her life, and after to the duke of *Norfolk* and his heirs.

Anno 22 *Hen.* 8.

Cap. 1. Concerning the buying of wools, and againſt regrating.
Cap. 2. Concerning the trial of foreign pleas pleaded by felons.
Cap. 3. Concerning *Plumbſtead* marſhes.
Cap. 4. Concerning exactions levied on apprentices.
Cap. 5. For repairing and amending bridges and highways.
Cap. 6. Concerning tanners and butchers.
Cap. 7. Againſt the exportation of horſes.
Cap. 8. For denizens ſtrangers to pay ſtrangers cuſtoms.
Cap. 9. That wilful poiſoning ſhall be adjudged high-treaſon.
Cap. 10. Concerning outlandiſh people calling themſelves *Egyptians*.
Cap. 11. Concerning powdike in marſhland.
Cap. 12. Concerning poor perſons, beggars, and vagabonds.
Cap. 13. That no ſtrangers, being common bakers, brewers, ſurgeons, or ſcriveners ſhall be accounted handicraftſmen.
Cap. 14. How perſons committing petit treaſon, murder, or felony, ſhall abjure.
Cap. 15. The King's general pardon for his ſpiritual ſubjects of the province of *Canterbury*.
Cap. 16. The King's general pardon for his temporal ſubjects.

Private Acts.

Anno 22 *Hen.* 8.

1. An act concerning the duke of *Richmond*.
2. An act concerning the King's houſhold.
3. An act concerning the aſſurance of certain lands to the heirs of Sir *William Fyloll*.
4. An act concerning the town of *Southampton*.
5. An act of exchange between the King and the heirs of the lord marquis of *Montague*, and others.
6. An act concerning certain annuities out of the biſhoprick of *Wincheſter*.
7. An act concerning the aſſurance of the jointure of the lady *Dorothy* counteſs of *Derby*.

Anno 23 *Hen.* 8.

Cap. 1. Concerning the allowance of clergy to perſons convicted of petty treaſon, murder, &c.
Cap. 2. For the making and keeping of gaols.
Cap. 3. Againſt perjury and untrue verdicts.
Cap. 4. Concerning coopers, and the making and contents of barrels, kilderkins, and firkins.
Cap. 5. Concerning commiſſions of ſewers.
Cap. 6. Concerning recognizances to be taken by the two chief juſtices, and the recorder of *London*.
Cap. 7. How *French* and other wines ſhall be imported and ſold.
Cap. 8. Concerning the havens in the weſt of *England*.
Cap. 9. That no perſon ſhall be cited out of the dioceſe where he or ſhe dwelleth, except in certain caſes.
Cap. 10. Againſt aſſurances of lands and tenements to the uſe of any pariſh church, chapel, or ſuch like.
Cap. 11. Concerning clerks convict breaking priſon.
Cap. 12. Concerning exaction of tolls by the *Severn* ſide.
Cap. 13. For trial of murders in cities and towns.
Cap. 14. For proceſs of outlawry in actions on the ſtatute of 5 *R.* 2. *ſtat.* 1. *c.* 8. and in covenant and annuity.
Cap. 15. That the defendant ſhall recover coſts, if the plaintiff be non-ſuited, or the verdict paſs againſt him.
Cap. 16. Felony to convey any horſe, &c. into *Scotland* without the King's licence.

Cap. 17. Concerning the winding of wool.
Cap. 18. For pulling down piles, &c. in the rivers *Ouſe*, and *Humber*.
Cap. 19. The King's pardon to his ſpiritual ſubjects in the province of *York*.
Cap. 20. Againſt paying *Annates*, or firſt-fruits to the ſee of *Rome*.

Private Acts.

Anno 23 *Hen.* 8.

1. An act concerning an exchange of certain lands between the King and the abbot of *Weſtminſter*.
2. An act concerning an exchange of lands between the King and the maſter, fellows, and ſcholars of *Chriſt's* college in *Cambridge*.
3. An act concerning an exchange of lands between the King and the abbot of *Waltham Holy Croſs*.
4. An act concerning an exchange of lands between the King and the provoſt of *Eaton*.
5. An act concerning an exchange of lands between the King and the abbot of St. *Albans*.
6. An act concerning an exchange of lands between the King and the prior of St. *John's* of *Jeruſalem* in *England*.
7. An act concerning an exchange of lands between the King and the prior of *Sheene*.
8. An act concerning an exchange of lands between the King, the duke of *Richmond*, and the lord *Lumley*.
9. An act concerning the aſſurance of certain lands unto *Henry* earl of *Surrey*, in conſideration of his marriage.
10. An act for the uniting of divers manors, lands, and tenements to the manor of *Hunſdon*, now called the honor of *Hunſdon*.
11. An act for the aſſurance of the jointure of the lady *Elizabeth* counteſs of *Wiltes*.
12. An act concerning an award made by the King, between *John* earl of *Oxford* of the one part, and *John Nevill* knight, lord *Latymer*, on the behalf of *John* his ſon, *Anthony Wingfield*, and others.
13. An act for aſſurance of the jointures of the lady *Anne*, and the lady *Elizabeth*, counteſſes of *Oxford*, *Margaret Veere*, and others.
14. An act concerning the attainder of *Richard ap Griffith*, and *William Hughes*.

Anno 24 *Hen.* 8.

Cap. 1. Concerning the true tanning and currying of leather.
Cap. 2. Concerning the true dying of woolen cloths.
Cap. 3. An act for fleſh to be ſold by weight, and the prices limited.
Cap. 4. Concerning ſowing of flax and hemp.
Cap. 5. Where a man killing a thief, ſhall not forfeit his goods.
Cap. 6. Concerning the ſale of wines.
Cap. 7. An act to continue a former act made againſt killing of calves.
Cap. 8. That the defendant ſhall not recover coſts againſt the plaintiff in any action commenced or proſecuted to the King's uſe.
Cap. 9. Againſt killing of young beaſt called weanlings.
Cap. 10. For the deſtroying of crows and rooks.
Cap. 11. For paving the ſtreet-way between *Strond-Croſs* and *Charing-Croſs*.
Cap. 12. That appeals to the ſee of *Rome* ſhall not from henceforth be had nor uſed, but only within this realm.
Cap. 13. For reformation of exceſs in apparel.

Private Acts.

Anno 24 *Hen.* 8.

1. An act concerning the aſſurance of lands to *Walter Walſhe* and dame

dame *Elizabeth* his wife, late wife to Sir *William Compton*.

4. An act concerning the repealing of letters patents granted to the mayor and burgeſſes of the town of *Hull*.

3. An act for licencing the butchers of *London* to kill their cattle within the walls of the ſame city.

4. An act for confirmation of an exchange of lands, made between *Henry* lord marquis of *Dorſett* and the lord *John Grey* and other his younger brethren.

5. An act for confirmation of an exchange of lands, made between the King and the maſter, fellows and ſcholars of *Chriſt-Church* in *Cambridge*.

6. An act for Sir *Richard Longe*, knight, for his better enjoying of the manor of *Shingaye*.

Anno 25 *Hen.* 8.

Cap. 1. Concerning graſiers and butchers, and ſelling of fleſh by weight.

Cap. 2. For proclamation to be made concerning the prices of victuals.

Cap. 3. That ſuch perſons as will ſtand mute, and not anſwer, when they are arraigned for felony, ſhall loſe the benefit of clergy.

Cap. 4. Againſt foreſtallers and regrators.

Cap. 5. Againſt deceits in callendring worſteds.

Cap. 6. For the puniſhment of the vice of buggery.

Cap. 7. Againſt killing of young ſpawn or fry of fiſh.

Cap. 8. For paving of *Holbourn*.

Cap. 9. Concerning pewterers.

Cap. 10. That every commiſſioner of ſewers refuſing to take the oath appointed to be taken, ſhall forfeit to the King five marks.

Cap. 11. Againſt taking of wild-fowl between the laſt day of *May* and the laſt day of *Auguſt*.

Cap. 12. Concerning the attainder of *Elizabeth Barton* and others.

Cap. 13. What number of ſheep men ſhall keep, occupy and have in their own poſſeſſion at one time.

Cap. 14. For puniſhing of hereſy.

Cap. 15. Concerning printers and binders of books.

Cap. 16. That every judge of the high courts may have one chaplain beneficed with cure.

Cap. 17. Concerning ſhooting in croſs-bows and hand-guns.

Cap. 18. Concerning clothiers within the county of *Worceſter*.

Cap. 19. The ſubmiſſion of the clergy to the King, power to certain perſons, with the King's conſent and allowance, to make canons and conſtitutions, and reſtraint of appeals.

Cap. 20. Againſt payment of firſt-fruits to the pope, and the manner how biſhops ſhall be elected.

Cap. 21. Concerning peter-pence and diſpenſations.

Cap. 22. Declaring the eſtabliſhment of the ſucceſſion of the King's moſt royal Majeſty in the imperial crown of this realm.

Private Acts.

Anno 25 *Hen.* 8.

1. An act concerning the town of *Plymouth*, containing a diſcharge of payment of 29l. 6s. 8d. to the prior of the monaſtery of St. *Peter* and *Paul* in *Plympton*, and that the parſonages of *Ugburgh* and *Blackaveton* ſhall be appropriated to the ſaid prior and his ſucceſſors in lieu thereof.

2. An act for confirmation of an exchange of certain lands between the duke of *Norfolk* and the heirs general of the earl of *Oxford*.

3. An act concerning the Queen's jointure.

4. An act concerning an exchange between the King and the abbot of *Waltham*.
5. An act concerning the deprivation of the biſhops of *Sarum* and *Worceſter*, for their living beyond the ſeas.
6. An act concerning the biſhop of *Norwich* his pardon, for ſuing in the court of *Rome* for things concerning the King.
7. An act concerning the lady dowager Queen *Katharine*.
8. An act for confirmation of an exchange made between the King and the duke of *Richmond* on the one part, and *John* lord *Lumley* on the other part.
9. An act concerning the pardon of *Richard Southwell* and others.
10. An act concerning the aſſurance of *Chriſt-Church* in *London* to the King and his heirs.
11. An act concerning the attainder of *John Woolfe*, his wife, and others.
12. An act for the aſſurance of the manor of *Pyſhoo*, *Pyſhoo Park*, and other lands in the county of *Hertford*, to the King and his heirs.

Anno 26 *Hen.* 8.

Cap. 1. Concerning the King's highneſs to be ſupreme head of the church of *England*, and to have authority to redreſs all errors, hereſies, and abuſes in the ſame.
Cap. 2. The oath that every of the King's ſubjects ſhall be bound to take, for due obſervation of the act made for the ſurety of the ſucceſſion of the King's highneſs in the crown of the realm.
Cap. 3. Concerning the payments of firſt-fruits of all dignities, benefices and promotions ſpiritual, and alſo concerning one annual penſion of the tenth part of all the poſſeſſions of the church, ſpiritual and temporal, granted to the King's highneſs and his heirs.
Cap. 4. For puniſhment of perjury of jurors in *Wales*, and the marches thereof.
Cap. 5. That keepers of ferries on the water of *Severn* ſhall not convey in their ferry-boats any manner of perſons, goods or chattels, after the ſun going down till the ſun be up.
Cap. 6. That murders and felonies done or committed within any lordſhips marchers in *Wales*, ſhall be inquired of at the ſeſſions holden within the ſhire-grounds next adjoining, with many good orders for miniſtration of juſtice there to be had.
Cap. 7. For amending of highways in *Suſſex*.
Cap. 8. For the re-edifying of void grounds in the city of *Norwich*.
Cap. 9. For the re-edifying of void grounds within the town of *Lynn*.
Cap. 10. That the King during his life may by proclamation repeal all ſtatutes made ſince *anno* 21 of his reign concerning the exportation or importation of foreign merchandiſes, *&c.*
Cap. 11. For puniſhment of *Welſhmen* attempting any aſſaults or frays upon any the inhabitants of *Hereford*, *Glouceſter*, and *Salop*.
Cap. 12. Concerning purgation of convicts in *Wales*.
Cap. 13. Divers offences made high treaſon, and all ſanctuaries for all manner of high treaſons taken away.
Cap. 14. For nomination and conſecration of ſuffragans within this realm.
Cap. 15. For taking away certain exactions taken within the archdeaconry of *Richmond* by ſpiritual men.
Cap. 16. For making of worſteds in the city of *Norwich*, and in the towns of *Lynn* and *Yarmouth*.

Cap. 17. That no farmers of ſpiritual perſons ſhall be compelled or charged to pay for their leſſors firſt-fruits, or yearly penſions of the tenths granted to the King.
Cap. 18. The King's general and free pardon.

Private Acts.

Anno 26 *Hen.* 8.

1. An act for the aſſurance of certain lands to *Thomas* duke of *Norfolk* and others.
2. An act concerning the aſſurance of certain lands to the duke of *Richmond* and his heirs.
3. An act for the attainder of the biſhop of *Rocheſter* and others, for refuſing to take the oath for the continuance of the King and his heirs in the ſucceſſion of the crown.
4. An act for the attainder of Sir *Thomas More*, for refuſing to take the oath for the continuance of the King and his heirs in ſucceſſion to the crown.
5. An act of exchange between the King and the abbot of *Waltham*.
6. An act concerning the attainder of *Thomas Fitzgeralde*, earl of *Kildare*, for raiſing war againſt the King in *Ireland*.
7. A proviſion for the merchants of the *Stylyard*.

Anno 27 *Hen.* 8.

Cap. 1. For the re-edifying of the towns of *Glouceſter*, *Nottingham*, *Northampton*, and other towns.
Cap. 2. The counterfeiting of the ſign manual, ſignet, or privy ſeal of our ſovereign lord the King, to be from henceforth taken and adjudged high treaſon.
Cap. 3. Againſt exactions taken by the mayor and commonalty of the town of *Hull*.
Cap. 4. The order and puniſhment of pirates and robbers on the ſea.
Cap. 5. For making juſtices of peace in *Cheſter* and *Wales*.
Cap. 6. For increaſe and breed of horſes.
Cap. 7. Againſt unlawful exactions and uſages taken in the foreſts of *Wales*.
Cap. 8. That the King's ſpiritual ſubjects ſhall pay no tenths of their ſpiritual promotions for that firſt year for which they paid their firſt-fruits.
Cap. 9. All butchers licenced to ſell fleſh by retail, unto the twenty-fourth day of *April*, which ſhall be in the year of our Lord 1540.
Cap. 10. Concerning uſes and wills.
Cap. 11. Concerning clerks of the ſignet and privy ſeal.
Cap. 12. For the true making of woolen cloths.
Cap. 13. That white woolen cloths of four pounds and under, and coloured cloths of three pounds and under, may be from henceforth carried over the ſea, unſhorn, &c.
Cap. 14. Concerning the cuſtom of leather.
Cap. 15. The King's majeſty ſhall have power to nominate thirty-two perſons of his clergy and laity for making of eccleſiaſtical laws.
Cap. 16. Concerning inrolments of bargains and contracts of lands and tenements.
Cap. 17. Concerning ſuch as be put in truſt by their maſters, and after do rob them.
Cap. 18. For the preſervation of the river of *Thames*.
Cap. 19. Concerning ſanctuaries and ſanctuary-perſons.
Cap. 20. Concerning tithes throughout the realm.
Cap. 21. Concerning payment of tithes within the city of *London*.
Cap. 22. Concerning decays of houſes and incloſures.

Cap. 23. For the preſervation of the havens and ports in the counties of *Devon* and *Cornwall*..
Cap. 24. For re-continuing of certain liberties and franchiſes heretofore taken from the crown.
Cap. 25. For puniſhment of ſturdy vagabonds and beggars.
Cap. 26. For laws and juſtice to be miniſtred in *Wales* in like form as it is in this realm.
Cap. 27. For the court of augmentations.
Cap. 28. All monaſteries given to the King, which have not lands above 200l. by the year.

Private Acts.

Anno 27 *Henrici* 8.

1. An act concerning the aſſurance of divers lands to the King and his heirs.
2. An act concerning the aſſurance of certain lands to the lady *Elizabeth Vaux*, for her jointure.
3. An act concerning the aſſurance of certain lands to the King and his heirs, lately belonging to the lord *Awdeley*.
4. An act for confirmation of an agreement made between the earl of *Rutland* and the mayor and commonalty of the city of *York*.
5. An act concerning an exchange of certain lands between the King, and the duke of *Norfolk*, and the prior and covent of *Thetford*.
6. An act concerning an exchange between the King and the archbiſhop of *Canterbury*.
7. An act concerning the aſſurance of the moiety of lands lately inned by *Cornelis Vanderdelfe*, lying by *St. Katherins*, near the tower of *London*, unto *Richard Hill* and his heirs.
8. An act concerning the aſſurance of the lady *Elianor Clifford*'s jointure.
9. An act containing a pardon granted to the duke of *Suffolk*, and others, for debt.
10. An act concerning an exchange of certain lands between the King, the duke of *Suffolk*, and the earl of *Northumberland*.
11. An act concerning the duke of *Suffolk*'s place in *Southwark* to the King and his heirs, and alſo concerning the aſſurance of *Norwich* place unto the duke of *Suffolk* and his heirs.
12. An act for confirmation of an agreement made between *Charles* duke of *Suffolk* and Sir *Chriſtopher Willoughby*.
13. An act concerning the aſſurance of certain lands to Queen *Anne* for term of her life.
14. An act concerning the exoneration of *Oxford* and *Cambridge* from payment of firſt-fruits and tenths.
15. An act for confirmation of an award made by the King between Sir *Peirs Dutton* on the one part, and Sir *William Molineux*, Sir *Thomas Southworth*, and others.
16. An act for confirmation of an agreement made between *Charles Blount*, lord *Mountjoye*, *John Powlett*, and their wives, daughters and heirs of *Robert Willoughby*, knight, lord *Brook*, on the one part, and *Frances Dautrey* and others, on the other part.
17. An act concerning the aſſurance of all the temporalties belonging to the biſhoprick of *Norwich* to the King and his heirs, and for conveying other lands to the biſhop and his ſucceſſors.
18. An act for confirmation of a partition of certain lands made between the lord *Thomas Howard* and Sir *Thomas Poynyngs*.
19. An act that all the lands and poſſeſſions of the earl of *Northumberland*, for want of heirs of the body of the ſaid earl begotten, ſhall come to the King and his heirs.

20. An act concerning an aſſurance of certain lands to Sir *Thomas Awdley*, knight, lord chancellor of *England*, and his heirs.
21. An act concerning the aſſurance of a void plot of ground being in *Cheape* in *London*, to the mayor and commonalty of the city of *London* and their ſucceſſors.
22. An act for aſſurance of the manor of *Halynge* to the King and his heirs.
23. An act for the aſſurance of the lordſhip of *Collyweſton*, and other things, to Queen *Anne*, for term of her life.
24. An act concerning an exchange of lands between the King and the preſident and ſcholars of *Corpus Chriſti* college in *Oxford*.
25. An act concerning an exchange between the King and the prior and covent of *Marton* abbey.
26. An act concerning the aſſurance of certain lands unto Sir *Arthur Darcy*, knight, and his heirs.
27. An act concerning the aſſurance of certain lands unto *Anne Fitzwilliams*, in recompence of her jointure.
28. An act concerning the aſſurance of certain lands unto the lord *William Howard*, for term of his life.
29. An act concerning the aſſurance of certain lands unto *Thomas Pope*.
30. An act adnulling, as well a deed of feoffment, as alſo an indenture, fraudulently made by Sir *Thomas More*, of lands in *Chelſeth* or elſewhere in the county of *Middleſex*.
31. An act concerning the attainder of *John Lewes*.
32. An act concerning the aſſurance of the manor of *Bromhill* to the King and his heirs.
33. An act concerning the King's general ſurveyors.
34. An act declaring certain ordinances to be obſerved in the town of *Callis* and marches of the ſame, together with the ſeveral oaths that every officer is to take.
35. An act concerning the manor of *Greens-Norton*.
36. An act concerning the heirs of the lord *Marley*.

Anno 28 *Henrici* 8.

Cap. 1. That felons abjuring for petit treaſon, murder or felony, ſhall not be admitted to the benefit of their clergy.
Cap. 2. For continuing of two ſtatutes made in the laſt parliament, touching ſuch as go away with caſkets, jewels, goods or plate of their maſters.
Cap. 3. For giving the King's highneſs authority newly to allot the townſhips in the ſhires and marches of *Wales* at any time within three years next enſuing.
Cap. 4. For repealing the ſtatute lately made for the bringing in of dowlas and lockeram.
Cap. 5. For avoiding of exactions taken upon apprentices in the cities, boroughs and towns corporate.
Cap. 6. For the continuance of the ſtatutes for beggars and vagabonds; and againſt conveyance of horſes and mares out of this realm; and againſt *Welchmen* making affrays in the county of *Hereford*, *Glouceſter* and *Salop*; and againſt the vice of buggery.
Cap. 7. Concerning the ſucceſſion of the crown.
Cap. 8. For the continuance of the ſtatute againſt the carriage of braſs, latten and copper out of this realm; and for making of cables and ropes, for the winding of wools, and againſt killing of weanlings under the age of two years.
Cap. 9. For continuance of the ſtatutes of perjury, for making of gaols,

gaols, for pewterers, and for ſowing of flax and hemp.
Cap. 10. For extinguiſhing the authority of the biſhop of *Rome*.
Cap. 11. For the reſtitution of the firſt-fruits in time of vacation to the next incumbent.
Cap. 12. For declaring the limits of the King's palace of *Weſtminſter*.
Cap. 13. For compelling ſpiritual perſons to keep reſidence upon their benefices.
Cap. 14. For limiting the prices of wines.
Cap. 15. For puniſhment of pirates and robbers on the ſea.
Cap. 16. For the releaſe of ſuch as have obtained pretended licences and diſpenſations from the ſee of *Rome*.
Cap. 17. For giving authority to ſuch as ſhall ſucceed in the crown of this realm, when they come to the age of twenty-four years, to make fruſtrate ſuch acts as ſhall be made before that time.
Cap. 18. Concerning treaſon in certain caſes.

Private Acts.

Anno 28 *Henrici* 8.

1. An act concerning the attainder of *Thomas Fitzgeralde*, late earl of *Kildare*, and others, for raiſing war againſt the King in *Ireland*.
2. An act for aſſurance of divers lands belonging to the monaſtery of *St. Saviour* of *Barmondeſey*, to the King and his heirs.
3. An act concerning the aſſurance of certain lands unto dame *Grace*, wife of Sir *Henry Parker*, ſon and heir apparent unto *Henry* lord *Morley*, for her jointure.
4. An act concerning an exchange of lands between the King and the prior of *St. John's Jeruſalem* in *England*.
5. An act concerning the aſſurance of certain lands ſometime belonging to the earldom of *Warwick*, to the King and his heirs.
6. An act concerning the aſſurance of a yearly penſion of four hundred pounds unto *Robert Shurbon*, late biſhop of *Chicheſter*.
7. An act concerning the attainder of the lord *Thomas Howard*.
8. An act concerning the aſſurance of certain lands to Sir *Edward Seymor*, knight, viſcount *Beauchampe*.
9. An act concerning the aſſurance of certain lands, and a meſſuage in *Kewe*, unto Sir *Edward Seymor*, viſcount *Beauchampe*, and to the lady *Anne*, his wife.
10. An act declaring the church of *Elſyng Spytle* to be from henceforth reputed and taken to be the pariſh church of *St. Alphes* within the ward of *Cripplegate* in *London*.
11. An act concerning the aſſurance of the moiety of *Ricards*-caſtle in the county of *Hereford*, to *John Onely* and his heirs.
12. An act concerning an exchange of certain lands between the King and the abbot of *Weſtminſter*, for *Covent-Garden*.
13. An act concerning the aſſurance of the manor of *Stanton Barrey* to the King and his heirs.
14. An act for enlarging of *St. Margaret*'s church-yard in *Southwark*.
15. An act concerning the aſſurance of certain lands unto the King and his heirs, from Sir *William Eſſex* and others.
16. An act concerning an exchange between the King and the biſhop of *Durham*, for *Durham-place*.
17. An act concerning the aſſurance of *Baynard's-caſtle* unto the duke of *Richmond*, and unto his heirs.
18. An act concerning an exchange of certain lands between the King and the lord *Sandes*.

19. An act ratifying an award made by the King between Sir *Adrian Forteſcue* and Sir *Walter Stoner*.
20. An act for aſſurance of divers lands to *Richard Devereux*, ſon and heir apparent of *Walter* lord *Ferrers*, in conſideration of a marriage to be had between him and the lady *Dorothy*, daughter of the earl of *Huntingdon*.
21. An act concerning the aſſurance of the manor of *Paris-garden*, *Hide*, and others, to the Queen's grace.
22. An act concerning the aſſurance of certain lands unto the King and his heirs, ſometime belonging unto the earldom of *Marche*.
23. An act concerning the aſſurance of the manor of *Kyrteling* unto *Edward North* and his heirs.
24. An act containing a pardon to *Edward Birmyngham*, and alſo an aſſurance of the manor of *Byrmyngham* to the King and his heirs.
25. An act concerning an exchange of certain lands between the King and the abbot of *Abingdon* and others.
26. An act concerning the aſſurance of certain lands unto *Thomas Jermyn* and his heirs.
27. An act concerning the aſſurance of the manor of *Haſelingfield* to the prior and covent of *Charter-houſe*, and alſo a diſcharge to the company of mercers from payment of an annuity of 13*l.* 6*s.* 8*d.* formerly paid to the ſaid prior.
28. An act for aſſurance of divers lands for the jointure of Queen *Jane*.
29. An act for aſſurance of certain lands unto *Thomas Hatcliffe* and to his heirs.
30. An act concerning the aſſurance of certain lands unto *John Goſtwick* and his heirs.
31. An act concerning the marriage to be had between the lord *Bulbeck*, ſon and heir apparent unto the earl of *Oxford*, and the lady *Dorothy*, eldeſt daughter of the earl of *Weſtmoreland*, and for aſſurance of divers lands unto them.
32. An act concerning an exchange of lands between the King and the abbot and covent of *Weſtminſter*.
33. An act concerning an exchange of lands between the King and the archbiſhop of *Canterbury* and *Thomas Cromwell*, eſquire.
34. An act concerning the aſſurance of certain lands unto the lady *Katherine* ducheſs of *Suffolk*, in recompence of her jointure.
35. An act that the attainder of the lord *Rochford*, *Francis Weſton*, *Henry Norries*, and others, ſhall not be prejudicial to any other perſons, to whoſe uſe any of them ſtood ſeiſed of any manors, lands or tenements.
36. An act expreſſing in what manner the lands and tenements mentioned in the laſt will of *John Roper*, ſhall be diſpoſed of and ſettled.
37. An act between the King and the warden of *Rouncevall*.
38. An act between the King and the lord *St. John*.

Anno 31 *Hen.* 8.

Cap. 1. Concerning joint-tenants and tenants in common.
Cap. 2. That fiſhing in any pond, ſtew or mote, with an intent to ſteal fiſh out of the ſame, is felony.
Cap. 3. For changing the cuſtom of Gavelkind.
Cap. 4. Concerning the amending of the river and port of *Exeter*.
Cap. 5. The King's manor of *Hampton-Court* is made an honour, and a new chaſe thereunto belonging.
Cap. 6. That ſuch as were religious perſons may purchaſe, ſue and be ſued.
Cap. 7. Concerning the continuance of the ſtatutes for puniſhment of beggars, vagabonds, &c.

Cap. 8. That proclamations made by the King's highneſs, with the advice of his honourable council, ſhall be obeyed and kept as though they were made by act of parliament.

Cap. 9. For authoriſing the King's highneſs to make biſhops by his letters patents.

Cap. 10. Concerning placing of the lords in the parliament-chamber, and other aſſemblies, and conferences of council.

Cap. 11. For authoriſing the King's highneſs newly to allot certain townſhips in *Wales*.

Cap. 12. Concerning wrongful taking of hawks-eggs and birds out of the neſt, and finding and taking up of the King's hawks, hunting in the King's foreſt, park or chaſe, or other ground incloſed, and killing of conies within any lawful warren of the King's.

Cap. 13. All manors, lands, profits and hereditaments belonging to any the monaſteries, or other religious houſes diſſolved, or hereafter by any means to be diſſolved, are aſſured to the King's highneſs, his heirs and ſucceſſors for ever; and in what wiſe leaſes and grants heretofore made, or hereafter to be made, of them or any part of them, ſhall take effect.

Cap. 14. For aboliſhing of diverſity of opinions in certain articles concerning chriſtian religion.

Private Acts.

Anno 31 *Hen.* 8.

1. An act for the attainder of the marquiſs of *Exeter* and others.

2. An act for the lady *Tayleboy's* jointure.

3. An act for the aſſurance of the houſe of *Saint Lawrence Pountney* to the earl of *Suſſex*.

4. An act for the aſſurance of *Cheſter Place* to the earl of *Hertford*.

5. An act for the aſſurance of the manor of *Rycott* to Sir *John Williams*.

6. An act for the lady *Rochford's* jointure.

7. An act for the aſſurance of certain lands to Sir *Chriſtopher Hales*.

8. An act for the reſtitution of *Henry Norries*.

9. An act for the aſſurance of lands to Sir *Richard Rich*, the manor of *Little Baddow*, the manor of *Much Waltham*, and other lands in the county of *Eſſex*.

10. An act for the aſſurance of lands to Sir *Henry Long* and Sir *Thomas Seymour*.

11. An act for the aſſurance of *Bath Place* to the earl of *Southampton*.

12. An act for an exchange between the biſhops of *Rocheſter* and *Carliſle* and the lord *Ruſſell*.

13. An act for the ſix clerks of the chancery for the aſſurance of their houſe.

14. An act concerning the aſſurance of certain lands, to *Thomas Wyatt* and *Jane* his wife, and to *Thomas Culpepper*, and to *Elizabeth* his wife.

15. An act concerning an exchange of divers lands between the King and the duke of *Norfolk*.

16. An act concerning a partition of lands between Sir *Thomas Poynyngs*, knight, and the lady *Katheryn* his wife, the lord *Thomas Howard* and the lady *Elizabeth* his wife; and a confirmation of an aſſurance of lands to Sir *Thomas Awdeley*, lord chancellor of *England*.

17. An act for *William* Lord *Parr*, that the children born of the body of lady *Anne*, his wife, in adultery, ſhall be deemed and taken to be baſtards, and diſabled to inherit any of the lands of the lord *Parr*.

The End of the TABLE.

THE STATUTES at Large, &c.

Anno primo RICHARDI III.

Statutes made at *Weſtminſter* in the firſt year of the reign of King RICHARD III. and in the year of our Lord 1483.

RICHARD *by the grace of God King of* England, *and of* France, *and lord of* Ireland, *the third after the conqueſt; to the honour of God, and of holy church, and for the common wealth of his realm of* England, *at his firſt parliament holden at* Weſtminſter, *the three and twentieth day of* January, *in the firſt year of his reign, by the advice and aſſent of the lords ſpiritual and temporal, and at the requeſt of the commons of the ſaid realm of* England, *ſummoned to the ſaid parliament, by the authority of the ſame parliament, hath ordained and eſtabliſhed, for the quietneſs of his people, certain ſtatutes and ordinances in manner following.*

CAP. I.

All acts made by or againſt Ceſtuy que uſe *ſhall be good againſt him, his heirs and feoffees in truſt.*

FOraſmuch *as by privy and unknown feoffments, great unſurety, trouble, coſts, and grievous vexations daily grow among the King's ſubjects, inſomuch that no man that buyeth any lands, tenements, rents, ſervices, or other hereditaments, nor women that have jointures or dowers in any lands, tenements, or other hereditaments, nor mens laſt wills to be performed, nor leaſes for term of life, or of years, nor annuities granted to any perſon or perſons for their ſervices for term of their lives or otherwiſe, be in perfect ſurety, nor without great trouble and doubt of the ſame, becauſe of the ſaid privy and unknown feoffments:* (2) For remedy whereof, be it ordained, eſtabliſhed, and enacted, by the advice of the lords ſpiritual and temporal, and by the commons in this preſent parliament aſſembled, and by authority of the ſame, that every eſtate feoffment, gift, releaſe, grant, leaſes and confirmations of lands, tenements, rents, ſervices, or hereditaments, made or had, or hereafter to be made or had by any perſon or perſons being of full age, of whole mind, at large, and not in dureſs, to any perſon or perſons; and all recoveries and executions had or made, ſhall be good and effectual to him to whom it is ſo made, had or given, and to all other to his uſe, (3) againſt the ſeller, feoffor, donor, or granter thereof, (4) and againſt the ſellers, feoffors, donors, or granters, his or their heirs, claiming the ſame only as heir or heirs to the ſame ſellers, feoffors, donors or

The ſeveral inconveniencies of ſecret feoffments. Godbolt 306. pl. 417. 1 Anderſ. 333. 1 Co. 133. 2 Leon. 153. Cro. Eliz. 187.

All acts made by or againſt *Ceſtuy que uſe* ſhall be good againſt him his heirs and feoffees in truſt.

1 H. 7. c. 1. 4 H. 7. c. 17. 19 H. 7. c. 15. 27 H. 8. c. 10.

or granters, and every of them, (5) and againſt all other having or claiming any title or intereſt in the ſame, only to the uſe of the ſame ſeller, feoffor, donor or granter, ſellers, feoffors, donors or granters, or his or their ſaid heirs at the time of the bargain, ſale, covenant, gift or grant made, (6) ſaving to every perſon or perſons ſuch right, title, action or intereſt, by reaſon of gift in tail thereof made, as they ought to have had, if this act had not been made.

The eſtate of tenant in tail ſaved.

CAP. II.

The ſubjects of this realm ſhall not be charged by any benevolence, &c.

12 Co. 119.

THE *King remembering how the commons of this his realm, by new and unlawful inventions, and inordinate covetiſe, againſt the law of this realm, have been put to great thraldom and importable charges and exactions, and in eſpecial by a new impoſition called a* Benevolence, *whereby divers years the ſubjects and commons of this land, againſt their wills and freedoms, have paid great ſums of money to their almoſt utter deſtruction:* (2) *For divers and many worſhipful men of this realm, by occaſion thereof, were compelled by neceſſity to break up their houſholds, and to live in great penury and wretchedneſs, their debts unpaid, and their children unpreferred, and ſuch memorials as they had ordained to be done for the wealth of their ſouls were anentized and annulled, to the great diſpleaſure of God, and the deſtruction of this realm:* (3) Therefore the King will it be ordained, by the advice and aſſent of the lords ſpiritual and temporal, and the commons, of this preſent parliament aſſembled, and by the authority of the ſame, That his ſubjects, and the commonalty of this his realm, from henceforth in no wiſe be charged by none ſuch charge, exaction, or impoſition, called a *benevolence*, nor by ſuch like charge; (4) and that ſuch exactions, called *benevolences*, before this time taken, be taken for no example to make ſuch or any like charge of any of his ſaid ſubjects of this realm hereafter, but it ſhall be damned and adnulled for ever.

The ſubjects of this realm ſhall not be charged with any benevolences, &c. 13 Car. 2. ſtat. 1. c. 4.

CAP. III.

Every juſtice of peace may let a priſoner to mainpriſe. No officer ſhall ſeiſe the goods of a priſoner until he be attainted.

Every juſtice of peace may admit a priſoner to bail. Rep. 3 H. 7. c. 3. 1 & 2 Ph. & M. c. 13.

FOR *aſmuch as divers perſons have been daily arreſted and impriſoned for ſuſpection of felony, ſometime of malice, and ſometime of a light ſuſpection, and ſo kept in priſon without bail or mainpriſe, to their great vexation and trouble:* (2) Be it ordained and eſtabliſhed by authority of this preſent parliament, That every juſtice of peace in every ſhire, city, or town, ſhall have authority and power, by his or their diſcretion, to let ſuch priſoners and perſons ſo arreſted, to bail or mainpriſe, in like form as though the ſame priſoners or perſons were indicted thereof of record before the ſame juſtices in their ſeſſions; (3) and that juſ-

Eſcape of felons inquirable by juſtices of peace.

juſtices of peace have authority to enquire in their ſeſſions of all manner eſcapes of every perſon arreſted and impriſoned for felony. (4) And that no ſheriff, under-ſheriff, nor eſcheator, bailiff of franchiſe, nor any other perſon, take or ſeiſe the goods of any perſon arreſted or impriſoned for ſuſpicion of felony, before that the ſame perſon, ſo arreſted and impriſoned, be convicted or attainted of ſuch felony according to the law, or elſe the ſame goods otherwiſe lawfully forfeited; (5) upon pain to forfeit the double value of the goods ſo taken, to him that is ſo hurt in that behalf, by action of debt to be purſued by like proceſs, judgment, and execution, as is commonly uſed in other actions of debt ſued at the common law; (6) and that no eſſoin or protection be allowed in any ſuch action; nor that the defendant in any ſuch action be admitted to wage or do his law.

1 Lutw. 132. Cro. El. 749. 43 Ed. 3. f. 24. No officer ſhall ſeiſe the goods of a priſoner until he be attainted, or the goods forfeited.

CAP. IV.

Of what credit and eſtate thoſe jurors muſt be which ſhall be impanelled in the ſheriff's turn.

11 H. 7. c. 26.

FOR *aſmuch as divers great inconveniencies and perjuries do daily happen in divers ſhires of* England *by untrue verdicts given in inquiſitions and enquiries before ſheriffs in their turns, by perſons of no ſubſtance nor behaviour, not dreading God nor the world's ſhame, by reaſon whereof divers and many of the King's lieges of divers parts of* England, *by exciting and procuring of their evil willers, be wrongfully indicted, and other that ought of right to be indicted by ſuch excitation and procuring, oftentimes be ſpared, contrary to common right and to good conſcience.* (2) In eſchewing whereof, be it ordained by the King our ſovereign Lord, by the advice of the lords ſpiritual and temporal, and commons in this preſent parliament aſſembled, and by authority of the ſame, That no bailiff nor other officer from henceforth return or impanel any ſuch perſon in any ſhire of *England*, to be taken or put in or upon any ſuch inquiry in any of the ſaid turns, but ſuch as be of good name and fame, and having lands and tenements of freehold within the ſame ſhires to the yearly value of xx s. at the leaſt, or elſe lands and tenements holden by cuſtom of manor, commonly called *copyhold*, within the ſaid ſhires, to the yearly value of xxvi. s. viii. d. over all charges at the leaſt: (3) And if any bailiff or other officer within the ſaid counties hereafter return or impanel any perſon contrary hereunto, he to loſe for every perſon that he ſo impanelleth and returneth, not being of the ſufficiency as is afore ſaid, as often as he ſo offendeth, xl. s.

Of what credit and eſtate thoſe jurors muſt be which ſhall be impanelled in the ſheriff's court.

II. And the ſaid ſheriff other xl. s. the one half thereof to the King our ſovereign lord, and the other half thereof to ſuch as will ſue in that behalf: (2) And that every man that will ſue for the ſame to have their ſeveral actions of debt therefore at the common law, as well againſt the ſheriff as the ſaid bailiff; and that ſuch and like proceſs be had and uſed in every of the ſame action or actions, as be had and uſed in other actions of

debt at the common law, (3) and that no protection nor eſſoin be allowed in the ſame; (4) and that every ſuch indictment before any ſheriff in his turn otherwiſe taken, be void and of none effect. This act to take effect from the firſt day of this preſent parliament, and not before.

The indictment taken by other perſons ſhall be void.

CAP. V.

Thoſe lands whereof the King was infeoffed jointly with others to the uſe of the feoffer, ſhall be in his co-feoffees.

CAP. VI.

The ſtatute of 17 EDWARD IV. cap. 2. *rehearſed and made perpetual,* viz. *That in every court of pipowders the plaintiff or his attorney ſhall be ſworn,* &c.

17 Ed. 4. c. 2. *PRayen the commons in this preſent parliament aſſembled, That where in a ſtatute made in the ſeventeenth year of the reign of King* Edward *the Fourth, it was ordained among other, That where divers fairs have been holden and kept in divers places within this realm, ſome by preſcription allowed before juſtices in eyre, and ſome by the grant of your noble progenitors and predeceſſors, and to every of the ſame fairs is of right pertaining a court of pipowders, to miniſter therein due juſtice in that party;* (2) *in which court it hath ever been accuſtomed, That every perſon coming to ſuch fairs, ſhould have lawful remedy of all manner contracts, treſpaſſes, covenants, debts, and other deeds made or done within any of the ſaid fairs during the time of the ſaid fairs, within the juriſdiction of the ſame, and to be tried by merchants being at the ſame fairs;* (3) *which courts in theſe days have been miſuſed by ſtewards, bailiffs, commiſſaries, and other miniſters, holding and ruling the ſaid courts of the ſaid fairs for their ſingular profit, holding plea by plaints, as well contracts, debts, treſpaſſes, and other deeds done and made out of the time of the ſaid fairs or fair, and juriſdiction of the ſame, whereof in troth they have no juriſdiction, ſurmiſing the contracts, debts, treſpaſſes, covenants, or other deeds to be done within the time of the fairs, and within the juriſdiction of the ſame fairs, where in troth they were not ſo.* (4) *And ſometime upon feigned plaints, by imagination by evil diſpoſed people, to trouble them to whom they owe evil will, ſome to the intent to make them to loſe their fair, and ſome to the intent that they ſhould have, for lucre, favourable inqueſts of comers to the ſame fairs where they take their actions,* (5) *whereby much people coming to the ſaid fairs be grievouſly vexed and troubled by feigned actions, and alſo by actions of debts, treſpaſſes, deeds, and contracts made and done out of the time of the ſaid fairs, or juriſdiction of the ſame, contrary to equity, and good conſcience, whereby the lords of the ſaid fairs loſe great profits by the not coming of divers merchants to their fairs, which for that caſe abſtain them, and alſo the commons for that caſe be worſe ſerved of ſuch ſtuff and merchandiſes as elſe ſhould come to the ſaid fairs;* (6) *pleaſe it therefore your highneſs, the premiſſes conſidered, by the advice and aſſent of the lords ſpiritual and temporal in this your preſent parliament aſſembled, and by the authority of the ſame, to ordain, and to eſtabliſh, That from the firſt day of* May *next*

next coming, no ſteward, under-ſteward, bailiff, commiſſary, nor other miniſter of ſuch courts of pipowders, hold plea upon any action at the ſuit of any perſon or perſons, without the plaintiff or plaintiffs, or his or their attornies, in preſence of the defendant or defendants (if he or they, or his or their attornies deſire it) make oath upon the holy Evangeliſts, upon the declaration, that the contract, treſpaſs, or other deed compriſed in the ſame declaration, were made or done within the fair-time of the ſaid fair, where he taketh his action, and within the bounds and juriſdiction of the ſame fair. (7) *And although the ſaid plaintiff or plaintiffs by their oath affirm the ſame, That the ſaid defendant or defendants be not concluded thereby, but that they may anſwer and plead to the action, or in abatement of the plaints, and to tender an iſſue, that the ſame contract, treſpaſs, or other deed compriſed in ſuch declaration, whereupon the plaintiff or plaintiffs do declare, was not done nor made within the fair-time and juriſdiction of the ſaid fair, but out of the time of the fair, or at other places out of the juriſdiction of the ſame fair, after the troth in that party.*

II. *And if it be ſo tried, or that the plaintiff or plaintiffs, or their attornies, refuſe to be ſworn in the form aforeſaid, that then the defendant or defendants be quite diſmiſſed and diſcharged in that behalf out of that court; the party plaintiff to take his advantage at the common law, or other place convenient, as him ſeemeth good, this ordinance notwithſtanding.*

III. *And that every ſteward, under-ſteward, bailiff, commiſſary, or other miniſter, holding and ruling any of the ſaid courts, that doth the contrary to this ordinance, ſhall for every default in that behalf forfeit* C. s. *the one half thereof to your Highneſs, and the other half thereof to him that in that party will ſue his action upon this ordinance, by action of debt in his own name;* (2) *and that writs of proclamation in all goodly haſte be directed to every ſheriff of every ſhire of* England, *to make this ordinance to be proclaimed in every part within his ſhire, as well within franchiſe as without.*

IV. *And that the ordinance touching fairs, as is aforeſaid, ſhould endure to the next parliament, which ordinance is now expired:* (2) *And for certain the ſaid ordinance is full neceſſary and requiſite to endure for ever, and full profitable to all the commons of this realm:* (3) be it therefore ordained and eſtabliſhed by the authority of this preſent parliament, That the aforeſaid ordinance be and ſtand in virtue and ſtrength, and alway to be executory from the feaſt of the *Annunciation* of our Lady next coming perpetually after to endure.

CAP. VII.

Who ſhall be bound by a fine levied before the juſtices of the common pleas: And proclamations made thereof.

ITEM, *Whereas it is ordained,* * eſtabliſhed and enacted in a parliament holden *in the time of the reign of King* Edward *the Firſt, by the ſtatute* De Finibus, *that notes, and fines levied in the King's court before his juſtices, ſhould be openly and ſolemnly read, and that the pleas in the mean time ſhould ceaſe, and this to be done two days in the week after the diſcretion of the juſtices, as in the ſame*

* *Not on the roll.*

Anno 18 Ed. 1. ſtat. 4. Modus levandi fines. How often fines ſhall be proclaimed. Altered by 31 El. c. 2.

ſtatute more plainly appeareth: (2) *Our ſaid Sovereign Lord* the King conſidering that fines ought to be of the greateſt ſtrength to avoid ſtrifes and debates, and be a final end and concluſion, that it be willed and ordained, 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 after the ingroſſing of every fine, to be levied after the feaſt of *Eaſter* next coming in the King's court before the juſtices of the common place, of any lands, tenements, or other hereditaments, the ſame fine ſhall be openly and ſolemnly read and proclaimed in the ſame court the ſame term, and in three terms of the year next following the ſame ingroſſing in the ſame court, at four ſeveral days in every term, (3) and in the ſame time that it is ſo read and proclaimed, all pleas ſhall ceaſe, (4) and moreover a tranſcript of the ſame fine ſhall be ſent by the ſaid juſtices of the common place to the juſtices of aſſiſes of the county where the ſaid lands and tenements be; they to cauſe the ſaid fine to be read and proclaimed openly and ſolemnly in every their ſeſſions of aſſiſes, to be holden the ſame year, if aſſiſes do then hold, and all the pleas in the mean time to ceaſe.

A tranſcript of the fine ſhall be ſent to the juſtices of aſſiſe of the county where the land lieth, to be proclaimed there.

A tranſcript ſent to the juſtices of peace.

II. Alſo it is ordained and eſtabliſhed by the ſaid authority of parliament, That a like tranſcript of the ſame fine ſhall be ſent to the juſtices of peace of the county where the ſaid lands and tenements be, they to cauſe open and ſolemn proclamation of the ſaid fine to be made at four general ſeſſions of the peace to be holden in the ſame year.

Who ſhall be concluded by a fine, who not.

III. The ſaid juſtices of aſſiſes, and alſo juſtices of peace, to certify the ſame proclamation to the King's juſtices of the common place, at the ſecond day of return of the term then next following, (2) after which proclamation done and certified, the ſaid fine to be a final end, and to conclude, as well privies as ſtrangers to the ſame, except women covert, other than be parties to the ſaid fine, and every perſon or perſons then being within age, in priſon, or out of this realm of *England*, or not of whole memory at the time of ſuch fine levied.

The immediate rights of ſtrangers ſaved, if purſued in time.

IV. And ſaving to every perſon or perſons ſuch right, title, claim, and intereſt, which they have to or in the ſaid lands, tenements, and other hereditaments, at the time of ſuch fine ingroſſed, ſo that they do purſue their ſaid right, title, claim, or intereſt, by way of action, or lawful entry, within five years next after the ſaid proclamation made, had, or certified.

The right of ſtrangers in reverſion ſaved.

V. And alſo ſaving to all other perſons ſuch action, right, title, claim, and intereſt, in and to all the ſaid lands, tenements, and other hereditaments, which ſhall grow, remain, deſcend, or come to them after the ſaid fine ingroſſed, by force of any gift in tail, or by any other cauſe or matter had or made before the ſaid fine levied, ſo that thoſe perſons take their ſaid actions, or purſue their ſaid right and title according to the law, within five years next after ſuch actions, right, title, claim, or intereſt, grown, deſcended, remained, or come to them; (2) and alſo that the

ſaid

ſaid perſons, and their heirs, may have their ſaid action againſt the taker of the profits of the ſaid lands, tenements, and other hereditaments at the time of ſuch action to be taken.

Actions maintainable againſt the pernor of the profits.

VI. And if the ſame perſons at the time of ſuch action, right, and title, grown, deſcended, remained, or come to them, be covert baron, or within age, or in priſon, or out of this land, or not of whole memory; it is ordained, eſtabliſhed, and enacted by authority aforeſaid, That their actions, right, and title ſhall be reſerved, and ſaved to them and their heirs till the time they come and be at their full age, out of priſon, within this land, unmarried, and of whole memory, ſo that they or their heirs take their ſaid actions, or lawful entry, according to their right and title, within five years next after they come and be at their full age, out of priſon, within this land, unmarried, and of whole memory, and purſue the ſame actions, or take their lawful entry with effect, according to the law of *England*.

The right of infants, women covert, perſons impriſoned, out of this land, or not of whole memory ſaved.

VII. Alſo by authority of the ſaid parliament it is ordained, eſtabliſhed, and enacted, That all ſuch perſons which be covert, not parties to the fine, and every perſon being within age, in priſon, or out of this realm, or not of whole memory, at the time of the ſaid fines levied and ingroſſed, by this act of parliament before excepted, having any right or title, or cauſe of action to any of the ſaid lands, tenements, and other hereditaments, that they or their heirs take their ſaid actions, or lawful entry, according to their right and title, within five years next after that the ſaid perſons come to be of full age, out of priſon, unmarried within this land, and alſo become of whole memory; (2) and alſo ſue the ſame actions, and take their lawful entry, and ſo purſue with effect, according to the law of the realm of *England*. (3) And moreover, if they do not take their ſaid actions, and alſo their ſaid lawful entry in the manner as is aforeſaid, that then they ſhall be concluded by the ſaid fines for ever, in like form as they that be parties and privies to the ſaid fines levied and ingroſſed.

An entry muſt be made, or an action taken, within 5 years after the defects removed.

VIII. Alſo by the ſaid authority it is ordained and eſtabliſhed, That every fine which ſhall be from henceforth levied in any of the King's courts, of any manors, lands, tenements, or other poſſeſſions, after the manner, uſage, and form that fines have been levied before the making of this act before rehearſed, ſhall be of like ſtrength, effect, and authority, as fines ſo levied be or were before the making of this act, this act, or any other act, in this parliament made, or to be made, notwithſtanding. (2) And that every perſon ſhall be at his liberty to levy any fine hereafter, as he will himſelf at his pleaſure, after the manner contained and ordained in and by this act, or after the manner and form before uſed.

Fines at the common law be of the ſame force they were before. Any perſon may levy a fine according to this ſtatute or the common law. 4 H. 7. c. 24.

CAP. VIII.

The length and breadth of cloths, and the order of dying them and wools. The ability of the aulnager, and what cloths he may ſeal.

This preamble is taken from the ſtatute roll in the parliament office, Anno 1 Rich. 3.

TO *the King our ſovereign lord, praieth unto your Highneſs your true ſubjects and commons in this preſent parliament aſſembled, That where in time paſſed this your realm of* England *hath greatly been encreaſed and riched by the mean of true making and drapping, and alſo of true dying of woollen cloth, whereby a great ſubſtance of the people of your ſaid realm have been ſet on work, and not fallen to idleneſſe, as dailly nowe they doo, but thereby truly have gotten ther levyng; it is ſo now, moſt gracious ſovereign lord, That the woollen clothes which in late daies have been made, and yet dailly ben made within this your realm, ben unperfect and deceyvably made and wrought, kepyng nother reſonable length nor brede, and the ſame clothes ſo as it is aforeſeid unperfitly made, and decyvably wrought, afterward ben put to be ſhorne, and afore be not fully wette; and many of the ſeid clothes, after they ben fully wette and ſhorne, ben ſet upon tentours, and drawen out in leyngh and brede, that is to ſay, ſome of the ſame clothes being but of the lenght of* xxiiii. *yardys, ben drawen out in lenght of* xxx *yerdis, and in brede from* vii. *quarters unto the brede of* ii. *yerdys; the which clothes ſo ſhorn er they be wette, or ells drawen in leyngh or in brede, as it is aforeſeid, after that they receyve any wette they moſt of werry neceſſite ſhrynk; and alſo the clothmakers, and other of your ſeid realm, oftyn times when they make any courſe clothes, and alſo the ſellers of ſuch courſe clothes, being bare of threde, uſen for to powder and caſt flokkys of fynner cloth upon the ſame courſe clothes, to the intent to make the ſame cloth to appere fyne and good; and alſo the ſeid clothmakers and other put and caſt chalke upon white clothes, to the intent to make the ſame clothes to appere better then they ben: and moreover great quantitie of wolls ben had out of this your ſeid roialme by ſtraungiers, and other, in caraks, gallies, and ſhippies, which ben ſorted the better from the worſe, barbed and clakked, and thereof is made moche lokkys and refuſe, of the which the refuſe in ſubſtaunce is left within this your ſaid roialme, and therof moche courſe cloth is made within the ſame realme, and ſo the fine wolls ben hadd out of this your ſaid realme by the ſeid ſtrayngiers, and the courſe wolls and refuſe here left, by reaſon whereof there canne be no ſubſtance of fine drapery made within this your ſeid royalme to the great loſs of your ſaid Highneſs in your cuſtume, in paying leſs cuſtume for the lokkys then for the hole wollyn fleſe, and alſo to the great hurt and decay of all your ſeid realm, in enpayryng of the ſeid drapery. Alſo, moſt gracious ſovereign lord, dyers within mony cities, burghes, and townes of this your ſeid realm of* England, *uſen to dye great quantity, as well of fyne clothes, as of courſe clothes, with orchell and corke brought from beyond the ſea, called* Jarecork, *the colours made with the which orchell and cork ben ſo diſeyvable, that the ſame colours may in no wiſe abide, but faden away to the great hurt of all them that were or occupy any ſuch cloth ſo deceyvably dyed. Alſo the ſeid*

dyers

dyers uſen to dye many clothes of divers colours, and upon the liſts of the ſame clothes feſten and ſowe greate riſſhes, called bullriſſhes, to th'entent to make the ſame clothes to appere of on colowre, and the liſts of another coloure wher thrugh the byers of the ſeid clothes can ne may unneth uuderſtand but that the ſame clothes ben died out of wolle, to the great hurt of you, moſt dred ſovereign lord, and of all your true ſubgietts which ſhall were or occupy the ſame clothes, and by occaſion of the which imperfite and untrewe making, dying, and deceyvable delyng, merchauntes of ſtrange contrez, which hath uſed to bye clothes made and died in this your ſeid realm, unneth der bye eny of the ſeid clothes, to the greate rebuke and diſhonour of the ſame realm, and hurte of your Highneſs, and of all your ſeid realm, whereupon, but if the rather a remedy be provided by your moſt noble grace, of werry likelyhode conſequently ſhall enſue the deſtruction of drapery of all this your ſeid realm, which God defend. For the avoiding whereof our ſaid ſovereign lord the King, by the advice and aſſent of the ſaid lords ſpiritual and temporal, and at the requeſt of the commons in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That no perſon whatſoever he be, cloth-maker or other, ſhall ſell, nor put to ſale, after the feaſt of St. *Michael* the archangel next enſuing, any manner woolen cloths, called *broad cloths*, unleſs the ſame cloth be before fully watered.

Broad cloth ſhall be fully watered before it be put to ſale.

II. And that every whole woolen cloth, and alſo broad cloth, which ſhall be made in this realm of *England*, after the ſaid feaſt of St. *Michael* the archangel next coming, after that it be fully watered ready to ſale, ſhall hold and contain in length twenty four 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 alſo it ſhall hold and contain in breadth two yards within the liſts, by the whole length of the ſame.

III. Alſo that every half cloth of the ſaid whole cloths to be made after the ſaid feaſt, after his full watering ready to ſale, ſhall hold and contain twelve yards in length at the leaſt, with the inches aforeſaid, to be meaſured by the creſt, and two yards in breadth within the liſts; (2) ſo that always the ſame half cloth do not exceed the length of ſixteen yards, upon pain of cutting the whole cloth in three pieces, and of cutting the half cloth in two pieces; (3) and alſo to loſe for every whole cloth vi. s. viii. d. and for every half cloth iii. s. iv. d. made, ſold, or put to ſale after the ſaid feaſt, not full watered, or made after the ſaid feaſt not keeping their meaſure above ordained; (4) and if the ſaid whole cloth be longer in meaſure than the ſaid twenty four yards, and the inches aforeſaid, and the half cloth of the ſame be longer than twelve yards, with the ſaid inches, that then the buyer of the ſame whole cloth ſhall pay for as much as it doth exceed in the meaſure of twenty four yards, and the buyer of the ſame half cloth to pay for as much as it doth exceed twelve yards; ſo that always the ſaid half cloth do not paſs the length of ſixteen yards, as above is ſaid.

The length and breadth of whole cloths and half cloths. Rep. 5 & 6 Ed. 6. c. 6.

The penalty of the offender.

IV. Alſo

The length and breadth of ſtreits.

IV. Alſo that all manner cloths called *ſtreits*, to be made after the ſaid feaſt, after their full watering ready to ſale ſhall hold and contain twelve yards in length, and the inches after the meaſure aforeſaid, and in breadth one yard within the liſts, and throughout the length of the ſame, upon pain of cutting of the ſaid ſtreit in two pieces, and alſo to loſe for the ſame ſtreit xx. d.

The length and breadth of kerſeys.

V. Alſo that every cloth called *kerſey*, to be made and put to ſale after the ſaid feaſt, after the full watering ready to be put to ſale, ſhall hold and contain in length eighteen yards, and the inches as is aforeſaid, and in breadth one yard and a nail at the leaſt, within the liſts, upon pain of cutting of the ſaid kerſey in two pieces, and to loſe for the ſame kerſey iii. s. iv. d. (2) all the ſaid pains, forfeitures, and loſſes to run upon the ſellers of the ſaid cloths, which ſhall be made contrary to this act; (3) and that every of the ſaid whole cloths, half cloths, ſtreits, and kerſeys, be perfectly and duly made throughout from one end to the other.

Seals of lead to ſeal cloth for every city, town, and county, where cloth is made.

VI. Alſo before the ſaid feaſt, ſeals ſhall be provided and ordained by the treaſurer of *England*, to be printed in lead, having the King's arms of *England* on the one ſide, and on the other ſide the arms, ſign, or token of every city, borough, or town within the realm of *England*, where the cloth is made, having ſuch arms, ſign, or token for a mark, or an evident token and knowledge of the cloth made within every ſuch city, borough, and town of this realm, and beſides that ſeals for every county of this realm for the ſealing of all manner of cloth made within every county, out of city borough, or town of the ſame county, ſhall have on the one ſide the King's arms, and on the other ſide the name of the county printed in the ſame. (2) And that the treaſurer of *England* for the time being, or his deputy, after the ſaid feaſt, ſhall make no perſon or perſons to be aulnager, ſealer, or keeper of the ſeal in any part of this realm, but ſuch as be expert in making of cloth, of the ſufficiency of an hundred pound at the leaſt at the time of the ſaid deputation; (3) and that no aulnager, ſealer, or keeper of any ſeal to be provided as is aforeſaid, after the ſaid feaſt, ſhall ſeal any of the ſaid whole cloths, half cloths, ſtreits, or kerſeys, but ſuch as ſhall be only made after the ſame feaſt within the county, city, borough, or town where they ſhall be deputed aulnager, ſealer, or keeper, upon pain to forfeit to our ſovereign lord the King for every ſuch whole cloth contrary ſealed five marks, for every half cloth xxxiii. s. iv. d. for every ſtreit xx. s. and for every kerſey x. s.

Of what ſkill and ſufficiency an aulnager muſt be.

The aulnager's penalty for ſealing ſuch cloths as he ought not to ſeal.

11 W. 3. c. 20. ſ. 3.

Cloth ſhall not be drawn nor tentored after watering.

VII. And that no perſon whatſoever he be, after the ſaid feaſt, ſhall ſet nor draw, nor cauſe to be ſet nor drawn in length nor breadth, within this realm of *England*, any manner of woolen cloth, after that it be fully watered, by tentoring or otherwiſe, upon pain to forfeit the ſame cloth.

No deceitful thing ſhall be caſt upon cloth.

VIII. Alſo that no man, of what condition ſoever he be within the realm, after the ſaid feaſt, ſhall ſet, caſt, or put upon

on any manner of cloth any flocks, or any other like deceitful thing, upon pain of forty ſhillings for every cloth whereupon any ſuch perſon ſhall caſt any flocks or ſuch other thing.

IX. Alſo that no cloth-maker, nor other perſon whatſoever he be, within the ſaid realm, after the ſaid feaſt, ſhall ſet or caſt upon any white cloth or kerſey, any chalk, upon like pain. No chalk ſhall be caſt upon white cloth.

X. And that no ſhearman nor other perſon, after the ſaid feaſt, ſhall ſhear nor cancel any cloths within this realm, except ſuch cloth be before fully watered, upon pain to forfeit xl. s. for every cloth, as often as he ſhall ſo do. No ſhearing of cloth not fully watered;

XI. And that no perſon, ſtranger nor other, ſhall ſend or convey any woolen cloth over the ſea, after the ſaid feaſt, unleſs the ſame cloth be before fully watered; and after that the ſame cloth be ſo fully watered, that then it ſhall in no wiſe be ſet nor drawn in length nor breadth, (2) upon pain of forty ſhillings for every cloth conveyed or ſent over the ſea contrary to this act. nor exporting it beyond ſea.

XII. Alſo that no manner of perſon within this realm, after the ſaid feaſt, retail any woolen cloth or cloths, lining, nor other, except it be fully watered before; and after that it be fully watered, it ſhall in no wiſe be ſet or drawn in length or breadth, upon pain to forfeit the ſame cloth, or the value thereof: the ſame pain to run upon the ſeller of all ſuch cloths. None to retail cloth not fully watered, nor to ſtretch it in the length or breadth.

XIII. Alſo our ſaid ſovereign lord the King, in eſchewing of great falſity and deceit which hath grown, and daily doth grow by mean of tentors, by the aſſent and authority aforeſaid, hath ordained and enacted, That no perſon, whatſoever he be, ſhall keep, have, or occupy any tentor, or any other thing, in his own houſe or place of his inhabiting, whereby woolen cloths may be in any wiſe drawn out in length or breadth, upon pain to forfeit twenty pounds as often as he ſhall do contrary to this act; (2) but that all tentors hereafter ſhall be uſed or occupied for due ſtretching of cloth only, after that it cometh from the mill, and before it be rowen, and for none other cauſe, as well within the city of *London*, as other cities, boroughs, and towns of this realm, ſhall be ſet in open places; (3) and that every mayor of *London* for the time being, and all other mayors and bailiffs, and other governors of cities, boroughs, towns, and villages, of this ſaid realm, ſhall diligently ſurvey and overſee that all cloths, which ſhall be put upon tentors, ſhall not be drawn out in length and breadth otherwiſe than is before rehearſed. None ſhall keep a tentor in his houſe. Tentors ſhall be ſet in open places.

XIV. Alſo that after the ſaid feaſt, no ſtranger ſhall buy any wool which ſhall be ſent, or ſhall paſs through the ſtreits of *Marrock* by gallies, carracks, or ſhips, or other veſſels, ſorted, clacked, or barked, nor no wool whereof any locks or refuſe ſhall be made; but that the ſame wool be as it is clipped, and purely wound without deceit, and merchandiſable, after the growing of the country, without any ſorting, bearding, clacking of locks What ſort of wool ſtrangers may buy.

locks, or refuſe thereof to be made, as afore is ſaid, upon pain to forfeit the ſame wool, and the double value thereof.

No cloth ſhall be dyed with cork.

XV. Moreover, our ſaid ſovereign lord the King hath ordained and enacted by authority aforeſaid, That no dyer, nor any other perſon, ſhall dye, or cauſe to be dyed within this realm, after the ſaid feaſt, any woolen cloth with orchel, or cork called *Jarecork*, upon pain to forfeit and loſe forty ſhillings for every cloth that he, or any other for him, or to his uſe, ſhall dye, or cauſe to be dyed. (2) Nor that any perſon after the ſaid feaſt ſhall ſell or put to ſale, within this ſaid realm, any ſuch cloth, which after the ſaid feaſt ſhall be dyed with orchel, or cork called *Jarecork*, upon pain of forfeiture of ſuch cloth ſo dyed or put to ſale contrary to this act; (3) this pain and loſs always to run upon the ſeller, (4) except that cork made within this realm of *England* may be uſed in dying upon wool woded, and alſo in dying all ſuch cloth which is made only of wool, ſo that the ſame wool woded and cloth be perfectly boiled and maddered.

The cloth and the liſt ſhall be dyed with one colour.

XVI. Alſo that cork made in this realm may be put upon cloth that is perfectly boiled and maddered; (2) alſo that no dyer ſhall dye any cloth within this ſaid realm, after the ſaid feaſt, except the ſame dyer do dye the ſaid cloth, and the liſt of the ſame, with one colour, without tacking or ſewing of any bulruſhes, or ſuch like thing, upon the liſts of the ſame, upon pain to forfeit xl. s. for every ſuch cloth that he ſhall ſo dye contrary to this act; (3) and that no perſon, whatſoever he be, ſhall put to ſale within this ſaid realm, after the ſaid feaſt, any manner of cloth, which after the ſame feaſt ſhall be deceitfully dyed, upon pain to forfeit the ſame cloth, or the value thereof; (4) the ſame forfeitures and pains always to run upon the ſeller.

Faulty cloth ſhall be brought to the chief officer.

XVII. Alſo if any of the King's ſubjects, or any other hereafter, happen to ſeiſe any woolen cloth otherwiſe made or dyed than afore is ſaid, then the ſame ſubject or other ſhall bring all the ſame cloth or cloths ſo by him ſeiſed, before the mayor, bailiff, or other governor of the cities, boroughs, towns, or villages where any ſuch ſeiſing ſhall happen to be made of the ſame cloth or cloths, there to judge by the diſcretion of the ſaid mayor, bailiffs, or other governor, calling to him or them ſuch perſons as by his or their diſcretions ſhall be thought convenient, whether the ſame cloth be otherwiſe made, wrought, or dyed, than is according with the acts before recited; (2) and if it be judged by the ſaid mayor, bailiff, or other governor, or other perſons called to them or any of them, as afore is ſaid, that the ſame cloth is made or dyed, and put to ſale contrary to the aforeſaid acts, then the ſame cloths ſo ſeiſed, and by them judged as is aforeſaid, ſhall be equally cut in three pieces in the preſence of the ſaid mayor, bailiff, or other governor; (3) the one part thereof to be delivered in the exchequer by him or them that ſo ſhall ſeiſe the ſame cloth or cloths to the King's uſe,

The offenders penalties, and who ſhall have them.

12 H. 7. c. 4.

uſe, and the ſecond part thereof to be delivered to the ſeiſor of the ſame cloth or cloths, and the third part thereof to be delivered to the ſaid mayor, bailiff, or governor, to the uſe of the commonalty where they or any of them be mayor, bailiff, or governor; (4) the one half of all the other fines, forfeitures, and penalties aforeſaid, and of every of them, to be to our ſovereign lord the King, and the other half to him or them of the King's ſubjects that ſhall ſeiſe the ſame, or ſue for the ſame by action of debt, by writ at the common law, or by bill or plaint after the cuſtom of the city, town, or port where ſuch fines, forfeitures, and penalties ſhall happen to fall or be; (5) and that the defendant in any ſuch action be not admitted to wage or do his law; (6) nor that any protection or eſſoin of the King's ſervice be allowed for any ſuch defendant.

Cloths whereunto this ſtatute extendeth not.

XVIII. Provided always, That this act, or any thing therein contained, extend not, or be prejudicial of or to the making of any woolen cloth called *Ray*, (2) nor of or to any cloth made in *Wincheſter* or *Salisbury*, uſed to be ſet and joined with ray. (3) A cloth thereof commonly uſed to be ſold at forty ſhillings or within, (4) nor of or to the making of any cloth called *Verviſe*, otherwiſe called *Plonkets*, *Turkins*, or *Celeſtrines*, with broad liſts; (5) nor to any cloths called *Packing Whites*, (6) nor to the making of any cloths called *Veſſes*, *Cogware*, or *Worſteds*, (7) nor of or to the making of any cloths called *Florences*, with cremil liſts, nor of or to the making of any woolen cloth called *Sailing Ware* with cremil liſts, broad liſts, or ſmall liſts, (8) nor of or to the making of any woolen cloths called *Baſtards*, (9) nor of any cloths called *Kendals*, nor of any cloth called *Friſe Ware*, nor to any of them, nor to the maker or utterer of any of them.

12 H. 7. c. 4.
1 H. 8. c. 2.
3 H. 8. c. 6.

XIX. So that the ſame cloths, and every of them for the King's honour, and profit of this realm, be truly, duly, and perfectly made, according to the nature and making of every of the ſaid cloths.

CAP. IX.

In what ſort Italian *merchants may ſell merchandiſes. Several reſtraints of aliens.*

The grievances done by merchants ſtrangers to the king and his realm.

ITEM, *becauſe our ſaid ſovereign lord the King, upon petition made to him in his ſaid parliament by the commons of* England, *hath conceived and underſtood, That whereas merchants ſtrangers of the nation of* Italy, *as* Venetians, Genoeſe, Florentines, Apulians, Cicilians, Lucaners, Cataloins, *and other of the ſame nation, in great number do inhabit and keep houſes, as well in the city of* London, *as in other cities and boroughs within this his realm, and take warehouſes and cellars, and therein put their wares and merchandiſes which they bring into this ſaid realm,* (3) *and them in the ſaid cellars and warehouſes deceitfully do pack, mingle, and keep the ſame, till ſuch time the prices thereof be greatly enhanced, for their great lucre, and the ſame merchandiſes and wares they then ſell to all manner*

manner people, as well within the ports where they bring the ſaid wares and merchandiſes, as to other divers and many places within this realm, as well by retail as otherwiſe; (4) *and alſo do buy in the ſaid ports and other places, at their own liberty, the commodities of this realm, and ſell the ſame again at their pleaſure within the ſame, as commonly and freely as any of the King's liege people doth*, (5) *and do not employ a great part of the money coming thereof upon the commodities of this realm, but make it over the ſea by exchange to divers other countries, to the King's great damage in loſs of his cuſtoms, and to the great impoveriſhing of his ſaid ſubjects, of whom they ſhould buy the commodities of this realm:*

II. *And the ſame merchants of* Italy, *and other merchants ſtrangers be hoſts, and take unto them people of other nations, and to ſojourn with them daily, do buy, ſell, and make privy and ſecret contracts and bargains with the ſame people, to their great increaſe and profit, and to the importune damage of the King's ſaid ſubjects, and contrary to divers ſtatutes in this caſe provided and ordained:*

III. *Alſo the ſaid merchants of* Italy *do buy in divers places within this realm a great quantity of wool and woolen cloth, and other merchandiſes of the King's ſubjects, and part thereof they ſell again to the ſame ſubjects and other within this realm, to their moſt advantage, and much of the ſaid wools they do deliver to clothmakers, thereof to make cloth at their pleaſure.*

IV. *Moreover, a great number of artificers and other ſtrangers, not born under the King's obeyſance, do daily reſort and repair to the city of* London, *and to other cities, boroughs, and towns of the ſaid realm, and much more than they were wont to do in times paſt*, (2) *and inhabit by themſelves in the ſaid realm with their wives, children, and houſhold, and will not take upon them any laborious occupation, as going to plough and cart, and other like buſineſs, but uſe the making of cloth and other handicrafts and eaſy occupations*, (3) *and bring and convey, from the parts beyond the ſea, great ſubſtance of wares and merchandiſes to fairs and markets, and all other places of this realm at their pleaſure, and there ſell the ſame, as well by retail as otherwiſe, as freely as any of the King's ſubjects uſe to do, to the great damage and impoveriſhment of the King's ſaid ſubjects*, (4) *and will in no wiſe ſuffer nor take any of the King's ſaid ſubjects to work with them, but they take only into their ſervice people born in their own countries, whereby the King's ſaid ſubjects, for lack of occupation fall into idleneſs, and be thieves, beggars, vagabonds, and people of vicious living, to the great perturbance both of the King and of all his realm*; (5) *and when the merchants, artificers, and ſtrangers before rehearſed, have gained within this realm, by buying and ſelling, or by ſuch eaſy occupations and handicrafts, great ſubſtance of goods, with the ſame ſubſtance they go out of this ſaid realm to ſuch parts beyond the ſea as them liketh beſt, and there ſpend the ſame goods oftentimes among the King's adverſaries and enemies, to the great damage of our ſovereign lord the King and his ſubjects, and impoveriſhment of this realm, and the commons of the ſame; and ſo by occaſion of the premiſſes, the ſubſtance of the inhabitants in the ſaid cities, boroughs, and towns, now late hath fallen, and daily doth fall, into great poverty and decay,*

cay, to their great undoing, unleſs the King's gracious aid be to them in this behalf ſhewed.

V. Our ſaid ſovereign lord the King, of his abundant grace, willing againſt the premiſſes to provide remedy in this behalf, by the advice and aſſent of his lords ſpiritual and temporal, and at the prayer of the commons, in the ſaid parliament aſſembled, and by authority of the ſame hath ordained, eſtabliſhed, and enacted, That all merchants of the nation of *Italy*, before recited, not made denizens, which have now within this realm wares and merchandiſes brought from beyond the ſea, and before the feaſt of *Eaſter* next coming ſhall have, ſhall cauſe the ſame to be ſold or bartered in groſs, and not by retail, to the King's ſubjects, before the firſt day of *May*, which ſhall be in the year of our Lord God one thouſand four hundred fourſcore and five, (2) and ſhall employ the money coming of that ſale before the firſt day of *May*, within the ſame port or ports, where they do arrive, upon the commodities and merchandiſes of this realm, (their reaſonable coſts and expences always except and deducted) upon pain of forfeiture of the value as well of all the ſaid wares and merchandiſes kept and not ſold before the ſaid firſt day of *May*, or otherwiſe ſold than is above rehearſed, as of as much money as ſhall be made over by exchange contrary to this act. (3) And alſo that all the ſaid merchants of *Italy*, which after the feaſt of *Eaſter* next coming ſhall bring any merchandiſes or wares into this realm to be ſold, ſhall ſell or barter the ſaid wares and merchandiſes in groſs, and not by retail, to the King's ſubjects, upon pain of forfeiture of the value of the ſame wares and merchandiſes, which they (as afore is ſaid) ſhall bring after the ſaid feaſt of *Eaſter*. (4) And the ſaid merchants which ſhall bring in ſuch wares and merchandiſes after the ſaid feaſt of *Eaſter* to ſell or barter, ſhall ſell or elſe barter the ſame within eight months next after their firſt arrival in this realm, in the form aforeſaid, and ſhall employ the money coming of or by the ſaid ſale or bartering, and every of them, and with the ſame buy the commodities or merchandiſes of this realm, within the ſaid eight months, in the ſaid port or ports where they do firſt arrive (the reaſonable coſts and expences always excepted and deducted) and in no wiſe to make over ſuch money by exchange.

Italian merchants ſhall ſell their merchandiſes in groſs, and imploy their money in the commodities of this realm.

Strangers ſhall ſell their wares within eight months after their arrival, and employ their money, &c.

VI. And that the ſaid merchants do in no wiſe ſell nor barter within the ſaid realm their ſaid wares and merchandiſes, which remain unſold after the end of the ſaid eight months, but carry and convey the ſame out of this realm within two months next enſuing after the ſaid eight months, if wind and weather will ſuffer it, or otherwiſe as ſoon as wind and weather will ſerve them after the ſaid two months, upon pain of forfeiture as well of as much money as ſhall be made over by exchange, as of the ſaid wares and merchandiſes ſo ſold or bartered after the end of the ſaid eight months, not to be carried nor conveyed out of this ſaid realm in the form aforeſaid, or the value thereof. (2) The penalties, forfeitures, and loſſes of all the premiſſes always to run

Strangers may carry away ſo much as they cannot ſell within eight months.

run and be upon the ſaid merchants of the nation of *Italy* doing contrary to this act.

Strangers may remove their goods from one port to another.

VII. Provided always that it be lawful to the ſaid merchants of the nation of *Italy*, all ſuch wares and merchandiſes, and every parcel thereof, which after the feaſt of *Eaſter* next coming ſhall be brought to any other port or ports of this realm of *England* to be ſold, to convey the ſame wares and merchandiſes at their liberties to any other port or ports, or other place within this realm, and there to ſell the ſame as afore is ſaid, ſo that they ſell or barter the ſame merchandiſes and wares in the realm within eight months next after their firſt arrival in any of the ſaid ports of this realm; (2) and alſo that no merchant ſtranger of what country ſoever he be, ſhall be hoſt, or take to ſojourn with him in the ſaid realm any merchant or ſtranger, not being of his nation or country, upon pain of forty pounds.

A ſtranger ſhall not be hoſt to a ſtranger, unleſs he be of his own country.

Aliens ſhall not buy and ſell wool or woolen cloth within this realm; nor make woolen cloth, nor deliver wool to that end.

VIII. Alſo that none of the ſaid merchants of *Italy*, not made denizens, ſhall ſell or barter any woolen cloths, wools, or other merchandiſes in this ſaid realm, which the ſame merchants of *Italy* ſhall buy within this ſaid realm; (2) nor that the ſame merchants, nor any other for them, ſhall deliver any wool to any perſon, thereof to make cloth in this realm, but ſhall have and convey the ſame woolen cloth, wools, and other merchandiſes, over the ſea by the ſtreights of *Marrock*, upon pain to forfeit the value of all the woolen cloths, wools and other merchandiſes which by them ſhall be ſo ſold or delivered, in whoſe hands they ſhall be found; (3) the forfeiture of the ſame to run and be upon the merchant ſtranger.

An alien ſhall not be an handicraftſman. 3 Mod. 94.

IX. Moreover, that no perſon not born under the King's obeyſance, as before is ſaid, ſhall exerciſe or occupy any handicraft, or the occupation of any handicraftſman in this realm of *England*, but that all ſuch perſons which after the ſaid feaſt of *Eaſter* ſhall come into this realm, and every of them, ſhall depart into their own country again, or elſe be ſervants to ſuch of the King's ſubjects only as be expert and cunning in ſuch feats, arts, and crafts, which the ſaid ſtrangers can occupy, (3) upon pain of forfeiture of all their goods which ſhall come and dwell in this realm contrary to this act, in whoſe hands ſoever they ſhall be found.

Aliens ſhall make no cloth within this realm.

X. Alſo that no perſon not born under the King's obeyſance, nor made denizens, being artificer or handicraftſman, after the ſaid feaſt of *Eaſter*, nor yet any other for him, or to his uſe, drape or make any cloth, or put any wool to work to make cloth of within the ſaid realm of *England*, upon pain to forfeit the ſame cloth draped or made contrary to this act.

Aliens ſhall ſell their wares in groſs, and not by retail.

XI. Alſo that all perſons not born under the King's obeyſance, being artificers, or handicraftſmen at the day of the making of this act, dwelling in this ſaid realm, nor none other ſuch artificers or handicraftſmen, which hereafter ſhall inhabit and dwell in the ſame, which after the feaſt of the *Annunciation* of our *Lady* next coming ſhall uſe, exerciſe, or occupy the feat of merchandiſe of any manner of wares within this realm, ſhall

ſell

ſell or barter the ſame wares or merchandiſes in groſs, and not by retail, in the port, town, or place where the ſame ar ificers be, or ſhall be dwelling, and in none other place, upon pain of forfeiture of the value of all the wares and merchandiſes ſold contrary to this act. (2) Alſo that no perſon not born under the King's obeyſance, inhabiting, dwelling, or holding any great houſe or chamber in this realm, and occupying any handicraft, or being artificer, or handicraftſman, after the ſaid feaſt of the *Annunciation* of our *Lady* next coming, ſhall take any apprentice, ſervant, or any other perſon to work with him or to his uſe, unleſs it be his ſon or his daughter, other than at the ſaid feaſt ſhall be apprentices or ſervants with him, except that the ſame apprentices or ſervants ſo to be taken be the King's ſubjects born, upon pain to forfeit and to loſe for every apprentice or ſervant taken to the contrary xx. l. (3) the one half of all the ſaid fines, forfeitures, and penalties, and of every of them, to be to the King, and the other half to be to him or them that will ſeiſe the ſame, or purſue for the ſame by action of debt, by writ at the common law, by bill or plaint, after the cuſtom of the city or town where ſuch fines, forfeitures, or penalties hereafter ſhall fall and be; (4) and that the defendant in any ſuch action ſhall not be admitted to wage or do his law, (5) nor no protection nor eſſoin of the King's ſervice ſhall be allowed ſuch defendant in the ſame.

Aliens ſhall take no ſervant but the King's ſubject 5 El. c. 4.

Who ſhall have the forfeitures.

XII. Provided always that this act, or any part thereof, or any other act made or to be made in this ſaid parliament ſhall not extend or be in prejudice, diſturbance, damage, or impediment to any artificer, or merchant ſtranger, of what nation or country he be or ſhall be of, for bringing into this realm, or ſelling by retail or otherwiſe, any books written or printed, or for inhabiting within this ſaid realm for the ſame intent, or any ſcrivener, alluminor, reader, or printer of ſuch books, which he hath or ſhall have to ſell by way of merchandiſe, or for their dwelling within this ſaid realm for the exerciſe of the ſaid occupations, this act or any part thereof notwithſtanding.

Aliens may bring in books to be ſold. This proviſo repealed by 25 H. 8. c. 15. 1 H. 7. c. 10. 2 H. 7. c. 8. 21 H. 8. c. 16. 22 H. 8. c. 13. 32 H. 8. c. 16.

CAP. X.

The ſtatute of 22 *Edward* 4. *c.* 3. prohibiting wrought laces of ſilk to be brought into this realm, continued for ten years.

CAP. XI.

Ten bowſtaves ſhall be brought into this realm for every butt of malmſey.

ITEM, *It was ſhewed in the ſaid parliament by the bowyers inhabiting within the cities, towns and boroughs of this realm, occupying artillery pertaining to the ſame for the defence of this realm, that whereas in times paſt good and able ſtuff of bowſtaves hath been brought into this realm as well by* Engliſh *merchants as ſtrangers, whereby the inhabitants bowyers might competently live upon ſuch ſtuff,* 4 Inſt. 265.

which they bought at forty ſhillings the hundred, or forty ſix ſhillings eight pence at the moſt: (2) *now it is ſo, that by the ſeditious confederacy of the* Lombards *uſing to divers ports of this realm, the bowſtaves be now at ſuch an outragious price, that is to ſay at eight pounds the hundred, where they were wont to be ſold at forty ſhillings*; (3) *and alſo they will not ſuffer any garbling to be made of them, but ſell good and evil at ſuch an exceſſive price together ungarbled, that by likelihood in ſhort time this realm is like to fail as well of ſtuff of artillery, as of workmen thereof, unleſs due remedy be in this behalf ſhortly found and had:* (4) wherefore our ſaid ſovereign lord the King, by the aſſent of the ſaid lords ſpiritual and temporal, at the prayer of the ſaid commons, in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That no merchant of *Venice*, nor other which uſeth to repair into this realm with merchandiſes of thoſe parts, ſhall bring nor convey into this realm any merchandiſes, unleſs the ſame merchants do bring with every butt of malmſey, and with every butt of tyre, ten bowſtaves good and able ſtuff, (5) upon pain of forfeiture of xiii. s. iv. d. for every butt of the ſaid wines ſo brought and conveyed, and of the ſaid number of bowſtaves with the ſame butt; the one half of the ſame forfeiture to be to our ſovereign lord the King, and the other half to the party which will therefore ſue. (6) And that no ſuch bowſtaves be ſold ungarbled, and but only to ſuch perſon or perſons which is or ſhall be born under the King's obeyſance. This act to begin and take effect at the feaſt of St. *Michael* next coming.

Ten bowſtaves ſhall be brought into this realm for every butt of malmſey or tyre.

Bowſtaves ſhall not be ſold ungarbled.

6 H. 8. c. 11.

CAP. XII.

Certain merchandiſes prohibited to be brought into this realm ready wrought.

3 Ed. 4. c. 4.

ITEM, *it was ſhewed in the ſame parliament by the artificers of the ſaid realm of* England, *as well of the city of* London, *as of other cities, towns, boroughs, and villages of the ſame realm, that is to ſay, girdlers, pointmakers, pinners, purſers, glovers, cutlers, bladeſmiths, blackſmiths, ſpurriers, goldbeaters, painters, ſadlers, lorriners, founders, cardmakers, hurers, wyremongers, weavers, horners, bottlemakers, and copper-ſmiths, that whereas they were wont in times paſt to be greatly ſet awork, and occupied in the ſaid crafts for the ſuſtenance of themſelves, their wives, children, apprentices, and ſervants, and many other of the King's ſubjects*; (2) *now ſo it is, that by merchant ſtrangers, denizens, and other, there is brought into theſe parts from beyond the ſeas, to be ſold within this realm of* England, *as much wares as may be wrought and made by the artificers above rehearſed, that by reaſon thereof the people of ſtrange countries, where the ſaid wares be made, be greatly occupied and increaſed, and the ſaid artificers in this realm greatly impoveriſhed, and without the King's grace ſhewed to them in this behalf are like to be undone for lack of Occupation:*

II. Our ſaid ſovereign lord the King conſidering the premiſſes, by the advice and aſſent of the lords ſpiritual and temporal,

poral, and at the prayer of his commons, in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained and provided, That no merchant ſtranger, after the feaſt of *Eaſter* next coming, ſhall bring into this realm of *England* to be ſold any manner of girdles, nor harneſs wrought for girdles, points, laces, leather, purſes, pouches, pins, gloves, knives, hangers, taylors ſhears, ſciſſors, andyrons, cupboards, tongs, fireforks, gridyrons, ſtocklocks, keys, hinges and garnets, ſpurrs, painted glaſſes, painted papers, painted forcers, painted images, painted cloths, beaten gold, or beaten ſilver, wrought in papers for painters, ſaddlers, ſaddle-trees, horſe-harneſs, boots, bits, ſtirrups, buckles, chains, latten nails with iron ſhanks, turnets, ſtanding candleſticks, hanging candleſticks, holy-water ſtopps, chaffing-diſhes, hanging lavers, curtain-rings, cards for wool, (except *Roan* cards) claſps for gowns, buckles for ſhoes, broches, bells (except hawks-bells) tin and leaden ſpoons, ware of latten and iron, iron candleſticks, grates, horns for lanthorns, or any of the ſaid wares made and wrought pertaining to the crafts above ſpecified, or any of them, (2) upon pain to forfeit all the ſaid wares ſo brought into this realm contrary to this act, or the value of the ſame, in whoſe hands they or any of them ſhall be found; the one half of ſuch fines and forfeitures to be to the King, and the other half to him or them that ſhall ſeiſe or purſue for the ſame by action of debt, by writ or bill at the common law, or by bill or plaint, after 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 ſuch action be not admitted to wage or do his law; (4) nor that any protection or eſſoin of the King's ſervice ſhall be allowed in the ſame for any ſuch defendant.

Certain merchandiſes prohibited to be brought ready wrought into this realm to be ſold.

5 El. c. 7. 13 & 14 Car. 2. c. 13.

CAP. XIII.

The contents of veſſels of wine and oil, which may not be ſold till gauged.

TO *the King our ſovereign lord, ſhewen unto your Highneſs lamentably complaining your humble commons of this your preſent parliament aſſembled, in the name of themſelf and of all your other humble commons of this your honourable realm, that whereas butts of wine, called* Malmſey, *were wont in great plenty to be brought into this your ſaid realm to be ſold before the twenty ſeven and twenty eight years of the reign of* Henry *the Sixth, late in deed and not of right king of* England, *and alſo in the ſame years, and then divers of the butts held in meaſure ſeven ſcore gallons a piece, and divers held ſix ſcore twelve gallons a piece, and the leaſt of them held ſix ſcore ſix gallons a piece, and then a man might buy and have of the merchants ſtranger, ſeller of the ſaid malmſeys, by mean of the ſaid plenty of them, for* l. s. *or* liii. s. iv. d. *at the moſt a butt of ſuch wine, he taking for his payment thereof two parts in woolen cloth wrought in this your ſaid realm, and the third part in ready money: It is ſo, ſovereign lord, that by the ſubtle and crafty means of ſuch perſons ſtrangers as have*

the ſale of ſuch wines, the which have been made denizens within this your ſaid realm, have cauſed the butts of malmſeys lately brought into this your ſaid realm to be ſold, for to be ſore abregged and miniſhed of the ſaid meaſure ſo largely, that a butt of their malmſeys at this day ſcantly holden in meaſure five ſcore eight gallons; and beſides that they knowing, as it ſeemeth, what quantity of ſuch wine may ſerve yearly to be ſold within this your ſaid realm, where they were wont to bring hither yearly great quantity and plenteouſly of ſuch wine to be ſold after the prices aforeſaid, of their craftineſs uſe to bring no more hider now in late days, but only as wolle ſcantly ſerve this realm a year, wherethrough they have enhanſed the price of the ſame wines to eight marks a butt ready money, and no cloth, to the great enriching of themſelf, and great deceit, loſs, hurt, and damage of you, ſovereign lord, and of all your commons of this your ſaid realm; in conſideration of which hurts and damages aforeſaid, and for the reformation of the ſame, pleaſe it your highneſs, of your moſt bounteous and benign grace, by the advice and aſſent of your lords ſpiritual and temporal, and of your commons, in this your preſent parliament aſſembled, for to ordain, enact, and eſtabliſh in this your preſent parliament, and by authority of the ſame: our ſaid ſovereign lord the King, by the advice and aſſent of the ſaid lords ſpiritual and temporal, and at the ſupplication of the ſaid commons in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That no manner merchant or other perſon whatſoever he be, from the Feaſt of Saint *Michael* the Archangel next coming, ſhall bring nor cauſe to be brought into this realm, any butt of malmſey to be ſold, unleſs it do contain in meaſure at the leaſt the ſaid old meaſure of a C. xxvi. gallons, (3) nor no veſſels with any manner wines, whoever they be, or of what country they be, nor no manner of veſſels of oil, unleſs the ſame veſſels of wine or oil do contain and hold the meaſure and aſſiſe following, that is to ſay, every tun to contain twelve ſcore and twelve gallons, and every pipe to contain ſix ſcore and ſix gallons, every tertian to contain fourſcore and four gallons, and every hogſhead to contain ſixty three gallons, and every barrel to contain thirty one gallons and an half, and every rundlet to contain eighteen gallons and an half, according to the old aſſiſe and meaſure of the ſame veſſels uſed in this realm. (4) And that all the veſſels of wine and oil brought into this realm after the ſaid feaſt to be ſold, ſhall not be put to ſale after the ſame feaſt, till they be well and truly gauged by the King's gauger, or his ſufficient deputy, upon pain to forfeit to the King all the ſaid wines and oil ſold contrary to this preſent ordinance, or elſe the value of the ſame. (5) And in caſe that any perſon, of what country that he be, from henceforth do ſell to any of the King's liege people, for any certain price aſſigned, any butt, tun, pipe, tertian, hogſhead, barrel, or rundlet of any manner wine or oil, lacking any thing of the ſaid aſſiſe or meaſure, that the ſeller ſhall allow or rebate of the ſame price to the buyer of ſuch wine or oil as much

Confirmed by 28 H. 8. c. 14. ſ. 5.

The contents of every veſſel of wine and oil brought into the realm to be ſold.

Veſſels of wine and oil ſhall be gauged. 27 Ed. 3. c. 8.

Recompence to be made to the buyer for ſhort meaſure.

much money as ſuch lacking after the rate ſhall amount to, upon pain to forfeit to our ſovereign lord the King the value of all the wine and oil ſo ſold contrary to this preſent ordinance; (6) any privy covenant or contract made or to be made betwixt the buyer and the ſeller contrary to this ordinance in any manner notwithſtanding. 18 H. 6. c. 17. 11 H. 7. c. 4.

CAP. XIV.

Accomptants for diſmes of the clergy not chargeable to anſwer other mens ſuits in the exchequer.

ITEM, *Whereas the clergy of the provinces of* Canterbury *and* York, *have before this time divers times granted to the King's progenitors, in their convocations,* Diſmes *to be levied of their goods and poſſeſſions, and after that they do appear before the barons of the King's exchequer, and the names of the collectors for the ſame grant be certified in the ſaid exchequer, when the ſaid collectors do appear before the barons of the exchequer, and enter into their account for the ſaid* Diſmes, *that then the ſaid collectors be often charged, vexed, and troubled with bills put by other perſons againſt them, for other cauſes and matters than touching the ſaid account, and by occaſion thereof oftentimes they fall to great poverty, and cauſeth the ſaid account to be two or three years hanging and the* Diſmes *not contented, to the King's great damage, and the ſaid collectors alſo:*

II. It is therefore ordained and eſtabliſhed by the King, his lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, That from henceforth if any *Diſme*, or any part of a *Diſme*, be granted by the province of either of the ſaid clergies, to the King our ſovereign lord, or to his heirs, that after the ſaid certificate returned into the exchequer for the *Diſme* or part of the *Diſme*, and of the names of the collectors for the gathering of the ſame *Diſme*, that if the ſaid collectors come by proceſs before the ſaid barons of the exchequer, and enter in their account, that they ſhall not be bound to anſwer to the ſaid bill or bills there put againſt them, by reaſon of the ſaid entry in their account, for any manner cauſe, but only for the matter touching the ſaid account.

Accountants for diſmes are not bound to anſwer other mens ſuits in the exchequer.

III. Provided always, That if the ſaid accomptant be ſued in any other court by writ, bill, or plaint, that then he ſhall take no privilege of the ſaid exchequer, by reaſon of the ſaid account for any ſuit, as before is rehearſed.

CAP. XV.

A reſumption of all grants, and eſtates of lands, *&c.* made to *Elizabeth Grey* late Queen of *England.*

Thus End the Statutes made in the Reign of King RICHARD the Third.

Anno primo HENRICI VII.

Statutes made at *Weſtminſter* in the firſt year of King HENRY VII. and in the year of our Lord 1485.

THE *King our ſovereign lord* Henry *the Seventh after the conqueſt, by the grace of God, King of* England, *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the ſeventh day of* November, *in the firſt year of his reign, to the honour of God and holy church, and for the common profit of his realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſaid parliament, hath done to be made certain ſtatutes and ordinances in manner and form following.*

CAP. I.

An act to maintain a Formedon *againſt the pernor of the profits of lands enfeoffed to uſe.*

11 Co. 62. F. N. B. 142. A formedon ſhall be maintainable againſt the pernor of the profits. St. 1 R. 2. c 9. 4 H. 4. c. 7. 21 H. 6. c. 3. 4 H. 7. c. 24.

FIRST, That where divers of the King's ſubjects having cauſe of action by *Formedon* in the deſcender, or elſe in the remainder, by force of any tail for lands and tenements, be defrauded and delayed of their ſaid actions, and oftentimes without remedy, becauſe of feoffments made of the ſame lands and tenements to perſons unknown, to the intent that the demandants ſhould not know againſt whom they ſhall take their actions: (2) It is ordained, eſtabliſhed and enacted by the advice of the lords ſpiritual and temporal, and the commons in the ſaid parliament aſſembled, and by authority of the ſame, That the demandant in every ſuch caſe have his action againſt the pernor or pernors of the profits of the lands or tenements demanded, whereof any perſon or perſons been enfeoffed to his or their uſe, (3) and the ſame pernor or pernors named as tenant or tenants in the ſaid action, have the ſame vouchers, and their lieu thereupon, aid prayer, and all other advantages, as the ſame pernor or pernors ſhould have had, if they were tenants indeed, or as their feoffees ſhould have had, if the ſame action had been conceived againſt them. (4) And if it fortune any perſon to deceaſe ſo having feoffees to the uſe of him or of his heirs, the ſaid heir being within age, againſt whom ſuch action is brought as pernor; then the ſame heir ſhall have his age in the ſaid action conceived againſt him, and all other advantages, as if the anceſtor had died ſeiſed of the ſaid lands and tenements ſo in demand. (5) And alſo it is ordained by the ſaid authority, That all recoveries as ſhall be in any ſuch actions againſt ſuch pernor or pernors, and their heirs, and their ſaid feoffees and their heirs, and the co-feoffees of the ſaid pernors and their heirs, ſhall be as good to the recoverers and their heirs, as though the ſaid pernor or pernors were tenants indeed, or feoffees to their uſe, or their heirs, as is aboveſaid, of the freehold of the ſaid lands and tenements, at any time of the ſaid action uſed.

The tenant in the ſame action ſhall have aid prayer, voucher and other advantages. The tenant ſhall have his age and other advantages. Recoveries againſt the pernors of the profits, and their feoffees. 1 R. 3. c. 1. 27 H. 8. c. 10.

CAP.

CAP. II.

Aliens made denizens ſhall pay ſuch cuſtoms as they did before.

ITEM, *Where in time paſt divers grants have been made by King* Edward *the Fourth, as well by his letters patents, as by acts of parliament, to divers merchants ſtrangers born out of this realm, to be denizens, whereby they have and enjoy ſuch freedoms and liberties, as do denizens born within this realm, as well in abatement of their cuſtom, which they ſhould bear if they were no denizens, as in buying and ſelling their merchandiſe, to their great avail and lucre;* (2) *and oft-times ſuffer other ſtrangers, not denizens, deceitfully to ſhip and carry great and notable ſubſtance of merchandiſe in their names, by the which the ſaid goods be free of cuſtom in like wiſe as they were goods of a denizen, where of right they ought to pay cuſtom as the goods of ſtrangers; by the which they be greatly advanced in riches and honour;* (3) *and after they be ſo inriched, for the moſt part they convey themſelves with their ſaid goods into their own countries, wherein they be naturally born, to the great impoveriſhing of this realm, and to the great hurt and defraud of the King's highneſs in payment of his cuſtoms.* (4) Wherefore it is enacted, eſtabliſhed, and ordained by the advice of the ſaid lords ſpiritual and temporal, and commons, in the ſaid parliament aſſembled, and by authority of the ſame, That any perſon made, or hereafter to be made denizen, ſhall pay for his merchandiſe like cuſtom and ſubſidy, as he ought or ſhould pay afore that he were made denizen; any letters patents, or other ordinances by parliament, or otherwiſe, contrary to this made notwithſtanding.

Hut. 132.

Aliens made denizens ſhall pay ſuch cuſtoms as they did before. 11 H. 7. c. 14. 21 H. 8. c. 16. 22 H. 8. c. 8. Repealed as to native commodities by 25 Car. 2. c. 6. ſ. 1. and by ſ. 2. explained as to cuſtoms payable by them.

CAP. III.

No protection ſhall be allowed in any court in *Calais*, or the marches thereof.

CAP. IV.

An act to puniſh prieſts, for incontinency, by their ordinaries.

ITEM, *For the more ſure and likely reformation of prieſts, clerks, and religious men, culpable, or by their demerits openly reported, of incontinent living in their bodies, contrary to their order:* (2) It is enacted, ordained, and eſtabliſhed, by the advice and aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſame, That it be lawful to all archbiſhops and biſhops, and other ordinaries, having epiſcopal juriſdiction, to puniſh and chaſtiſe ſuch prieſts, clerks, and religious men, being within the bounds of their juriſdiction, as ſhall be convicted afore them by examination, and other lawful proof, requiſite by the law of the church, of advowtry, fornication, inceſt, or any other fleſhly incontinency, by committing them to ward and priſon, there to abide for ſuch time as ſhall be thought to their diſcretions convenient for the quality and quantity of their treſpaſs; (3) and that none of the ſaid archbiſhops, biſhops, or other ordi-

4 Inſt. 322.

Prieſts and clerks ſhall be puniſhed for incontinency by their ordinaries.

naries aforeſaid, be thereof chargeable of, to, or, upon any action of falſe or wrongful impriſonment, but that they be utterly thereof diſcharged, in any of the caſes aforeſaid, by virtue of this act.

CAP. V.

An act ſhewing the duties of a cordwainer, tanner, and currier.

CAP. VI.

A pardon granted to all them who aſſiſted the King in his wars againſt *Richard* duke of *Glouceſter*.

CAP. VII.

An act ſhewing the penalty for hunting in the night, or with diſguiſing.

Inconveniencies enſuing by hunting in parks, &c. in the night, or diſguiſed. 2 Roll, 120. 133. 3 Inſt. 75. Co. Lit. 370.

ITEM, *Foraſmuch as before this time divers ordinances and ſtatutes have been made in divers parliaments holden in the ſame realm, for the punition of inordinate and unlawful huntings in foreſts, parks, and in warrens within the ſaid realm, which ſtatutes and ordinances notwithſtanding, divers perſons in great number, ſome with painted faces, ſome with viſors, and otherwiſe diſguiſed, to the intent they ſhould not be known, riotouſly, and in manner of war arrayed, have oftentimes of late hunted, as well by night as by day, in divers foreſts, parks, and warrens in divers places of this realm, and in ſpecial in the counties of* Kent, Surrey, *and* Suſſex, (2) *by colour whereof have enſued in times paſt great and heinous rebellions, inſurrections, riots, robberies, murders, and other inconveniences, to the provocation and enſample of riotous and evil-diſpoſed perſons of this realm in ſo offending, which offences could not be puniſhed before this time according to the ſaid ſtatutes, ordinances, and laws of this ſaid realm, becauſe that the ſaid miſ-doers, by reaſon of their painted faces, viſors, and other diſguiſings could not be known:* (3) The King our ſovereign lord, of his noble and abundant grace, conſidering the premiſſes, by the advice and aſſent of the lords ſpiritual and temporal, and commons, in the ſaid parliament aſſembled, and by authority of the ſame, ordaineth, That at every ſuch time as information ſhall be made of any ſuch unlawful huntings by night, or with painted faces, hereafter to be done, to any of the King's counſel, or to any of the juſtices of the King's peace of the county where any ſuch hunting ſhall be had, of any perſon to be ſuſpect thereof, that then it ſhall be lawful to any of the ſame counſel, or juſtices of peace, to whom any ſuch information ſhall be made, to make a warrant to the ſheriff of ſuch county, or to any conſtable, bailiff, or other officer within the ſame county, to take and arreſt the ſame perſon or perſons of whom any ſuch information ſhall be made, and to have him or them afore the maker of any ſuch warrant, or any other the King's ſaid counſel, or juſtice of his peace of the ſame county; (4) and that the ſaid counſellor, or juſtice of peace, afore whom ſuch perſon or perſons ſhall be brought, by his diſcretion, have power to examine him or them ſo brought afore the ſaid counſellor or juſtice, of the ſaid hunting,

The penalties for hunting in the night, or with diſguiſes, and to deny it being examined. 3 Ed. 1. c. 20.

ing, and of the ſaid doers in that behalf; (5) and if the ſame perſon wilfully conceal the ſaid huntings, or any perſon with him defective therein, that then the ſame concealment be againſt every ſuch perſon ſo concealing felony, and the ſame felony to be inquired of and determined, as other felonies within this realm have uſed to be; (6) and if he then confeſs the truth, and all that he ſhall be examined of, and knoweth in that behalf, that then the ſaid offences of huntings by him done, be againſt the King our ſovereign lord, but treſpaſs finable, by reaſon of the ſame confeſſion, at the next general ſeſſions of the peace, to be holden in the ſame county by the King's juſtices of the ſame ſeſſions, there to be ſeſſed. (7) And if any reſcous or diſobeyſance be made to any perſon having authority to do execution or juſtice by any ſuch warrant, by any perſon the which ſo ſhould be arreſted, ſo that the execution of the ſame warrant thereby be not had, that then the ſame reſcous and diſobeyſance be felony, enquirable and determinable as is aforeſaid. (8) And over this it is enacted and eſtabliſhed by the ſaid authority, That if any perſon or perſons hereafter be convicted of any ſuch huntings, with painted faces, viſors, or otherwiſe diſguiſed, to the intent they ſhould not be known, or of unlawful hunting in time of night, that then the ſame perſon or perſons ſo convict to have like punition, as he or they ſhould have, if he or they were convict of felony.

The penalty if the offender conceal the truth.

Reſcous of an offender is felony.

Hunting diſguiſed, or in the night, is felony.

9 H. 3. ſtat. 2. c. 10.

CAP. VIII.

No *Gaſcoin* or *Guien* wines ſhall be brought in, but by *Engliſh*, *Iriſh*, or *Welſhmen*, and by their ſhips.

CAP. IX.

A reviver for twenty years of the ſtatute of 22 *Ed.* 4. *c.* 3. reſtraining the bringing in of wrought laces, *&c.*

CAP. X.

Revocation of the penalties of King RICHARD'S *act againſt* Italians.

ITEM, *The King our ſaid ſovereign lord, underſtanding by a ſupplication put unto his Highneſs in this his ſaid parliament by the merchants of* Italy, *reſident in this his ſaid realm of* England, *that where by an act of parliament, made in the parliament of* Richard *late pretending him to be King of* England *the Third, holden at* Weſtminſter *the firſt year of his reign, it was ordained and provided, That all merchants of the nation of* Italy *afore rehearſed, not made denizens, which then ſhould have within this realm wares and merchandiſes brought from beyond the ſea before the Feaſt of* Eaſter *then next enſuing, ſhould do, ſell, or barter them in groſs, and not by retail, to the King's ſubjects afore the firſt day of* May, *that then ſhould be in the year of our lord God* M,CCCC,LXXXV. *And the money coming of the ſale, before the ſaid firſt day, within the ſame port or ports where they arrived, employ upon the commodities and merchandiſes of this realm, their reaſonable coſts and expences alway except and deducted, upon pain of forfeiture of the value, as well of all the ſaid wares and merchandiſes kept and not ſold afore the*

1 R. 3. c. 9.

the ſaid firſt day, or otherwiſe ſold then as aboveſaid, and of ſo much money as ſhould be made over by exchange contrary to the ſaid act. And that all the ſaid merchants of Italy, *the which after the ſaid Feaſt of* Eaſter *brought any merchandiſe or wares into this realm to be ſold, ſhould ſell or barter the ſame wares and merchandiſes in groſs, and not by retail, unto the King's ſubjects, upon pain of forfeiture of the value of the ſame wares and merchandiſes otherwiſe ſold. And that the ſaid merchants, their ſaid wares and merchandiſes, which they ſhould bring after the ſaid Feaſt of* Eaſter, *ſhould do, barter or ſell the ſame within eight months next after the firſt arrival into this realm in form aforeſaid: and the money coming of or by the ſaid ſale or barterings of them, and every of them, employ and therewith buy the commodities or merchandiſes of this realm of* England *within the ſaid eight months, in the ſame port or ports where they ſhould firſt arrive, their reaſonable coſts and expences alway except and deducted; and that they ſhould in no wiſe make any ſuch money over by exchange. And the ſaid merchants, their ſaid wares and merchandiſes remaining unſold after the end of the ſaid eight months, in no wiſe ſhould ſell, nor barter within the ſaid realm, but that they ſhould carry and convey them out of the ſaid realm, within two months then next following after the ſaid eight months, if wind and weather will ſerve it, and elſe as ſoon as the wind and weather will ſerve them, after the ſaid two months, upon pain of forfeiture as well of as much money as ſhould be made out of the ſaid realm by exchange, as of the ſaid wares and merchandiſes ſo ſold or bartered after the end of the ſaid eight months, not carried nor conveyed out of this ſaid realm, in form aforeſaid, or the value thereof: the forfeitures, penalty, and loſs of all the premiſſes, to run and be upon the ſaid merchants of* Italy, *doing contrary to this act. And alſo that no ſtranger, of what country ſoever he were, ſhould hoſt, or take to ſojourn with him within this realm of* England, *any merchant ſtranger, not being of the ſame nation that he ſhould be of, upon pain to forfeit and loſe at every time that he ſo doth* xl. li. *And that no merchant ſtranger be at hoſt nor ſojourn with any other merchant ſtranger, not being of his nation or country, within the ſaid realm, upon pain of* xl. li. *And that no ſtranger ſhall buy any wool, the which ſhall be ſent or paſs through the ſtreights of* Marrock, *by gallies, carracks, or ſhips, or other veſſels, ſorted, clacked, or barbed, nor any wool, whereof locks or refuſe ſhould be made, but that the ſame wool ſhould be as it were ſhorn, and clean wound, without any ſorting, barking, or clacking, or locks or refuſe thereof to be made, as it is aforeſaid, upon pain of forfeiture of the ſame wool, and the double value thereof, as by the ſame act more plainly may appear. Alſo that the ſaid merchants of* Italy *ſhould have and convey their wool, woolen cloth, and all their other merchandiſes, over the ſtreights of* Marrock, *upon pain of forfeiture of the ſame, as by the ſame act plainly appeareth.* The King our ſaid ſovereign lord, by the advice of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and do to be enacted, That the aboveſaid forfeitures, penalties, ſeizure, and actions, compriſed in the ſaid acts, and

every of them, be revoked, void, annulled, and of no ſtrength, againſt all manner of perſons, except and reſerved only to the King, to be at liberty, to have and enjoy all manner of ſeizures, forfeits, and penalties in the ſaid acts ſpecified: and that it be lawful to the King, to grant to his beſeechers his letters of ſafe conduct, and letters patents, ſurely to be enjoyed, according to the tenors thereof, the aboveſaid act and acts notwithſtanding, in as ample wiſe as though they had never been had nor made.

The ſecond parliament, holden in the third year of King HEN. VII.

THE *King our ſovereign lord* Henry *the Seventh, by the grace of God King of* England *and of* France, *and lord of* Ireland, *at his preſent parliament holden at* Weſtminſter *the ninth day of* November, *in the third year of his reign, to the worſhip of God and holy church, and for the common wealth of this his realm, by the advice of his lords ſpiritual and temporal, and the commons in the preſent parliament aſſembled, and by authority of the ſame parliament, hath ordained and eſtabliſhed certain ſtatutes and ordinances, in manner and form as hereafter enſueth.*

CAP. I.

The authority of the court of ſtar-chamber. Where one inqueſt ſhall enquire of the concealment of another. A coroner's duty after a murder committed. A juſtice of peace ſhall certify his recogniſances, &c.

FIRST, *The King our ſaid ſovereign lord remembereth, how by unlawful maintenances, giving of liveries, ſigns and tokens, and retainders by indentures, promiſes, oaths, writings, or otherwiſe embraceries of his ſubjects, untrue demeanings of ſheriffs in making of panels, and other untrue returns, by taking of money, by juries, by great riots, and unlawful aſſemblies, the policy and good rule of this realm is almoſt ſubdued,* (2) *and for the not puniſhing of theſe inconveniencies, and by occaſion of the premiſſes, little or nothing may be found by inquiry, whereby the laws of this land in execution may take little effect, to the increaſe of murders, robberies, perjuries, and unſureties of all men living, and loſſes of their lands and goods, to the great diſpleaſure of almighty God:* (3) Therefore it is ordained, for reformation of the premiſſes, by authority of the ſaid parliament, That the chancellor and treaſurer of *England* for the time being, and keeper of the King's privy ſeal, or two of them, calling to them a biſhop, and a temporal lord of the King's moſt honorable council, and the two chief juſtices of the King's bench, and common place, for the time being, or other two juſtices in their abſence, upon bill or information put to the ſaid chancellor for the King, or any other, againſt any perſon for any miſbehaviour afore rehearſed, have authority to call before them by writ, or by privy ſeal, the ſaid miſ-doers, and them, and other by their diſcretion, by whom the truth may be known to

3 Inſt. 164.

The authority of the court of Star-chamber. Repealed by 16 Car. 1. c. 10.

to examine, and ſuch as they find therein defective, to puniſh them after their demerits, after the form and effect of ſtatutes thereof made, in like manner and form as they ſhould and ought to be puniſhed, as if they were thereof convict after the due order of the law. (4) And over that it is ordained by the authority aforeſaid, That the juſtices of the peace of every ſhire of this realm for the time being may take by their diſcretion and inqueſt, whereof every man ſhall have lands and tenements to the yearly value of forty ſhillings at the leaſt, to inquire of the concealments of other inqueſts taken afore them, and afore other, of ſuch matters and offences as are to be inquired and preſented afore juſtices of peace, whereof complaint ſhall be made by bill or by bills, as well within franchiſe as without. (5) And if any ſuch concealment be found of any inqueſt, as is afore rehearſed, had or made within the year afore the ſame concealment, every perſon of the ſame inqueſt to be amerced for the ſame concealments, by diſcretion of the ſame juſtices of the peace, the ſaid amerciaments to be ſeſſed in plein ſeſſions.

An inqueſt charged to inquire of the concealment of another inqueſt.

(6) *Item, the King remembering how murders and ſlaying of his ſubjects daily do increaſe in this land, the occaſions whereof be divers; one, That men in towns where ſuch murders hap to fall and be done, will not attach the murderer, where the law of the land is, That if any man be ſlain in the day, and the felon not taken, the townſhip where the death or murder is done, ſhall be amerced*; (7) *and if any man be wounded in peril of death, the party that ſo wounded ſhould be arreſted, and put in ſurety, till perfect knowledge be had, whether he ſo hurt ſhould live or die:* (8) *and the coroner upon the view of the body dead, ſhould inquire of him or them that had done that death or murder, of their abettors and conſenters, and who were preſent when the death or murder was done, whether man or woman,* (9) *and the names of them that were preſent, and ſo found, to inrol and certify*; (10) *which law by negligence is diſuſed, and thereby great boldneſs is given to ſlayers and murderers*; (11) *and over this it is uſed, that within the year and a day after any death or murder had or done, the felony ſhould not be determined at the King's ſuit, for ſaving of the party's ſuit, wherein the party is oftentimes ſlow, and alſo agreed with, and by the end of the year all is forgotten, which is another occaſion of murder.* (12) *And alſo he that will ſue any appeal, muſt ſue in proper perſon, which ſuit is long and coſtly, that it maketh the party appellant weary to ſue.* (13) For reformation of the premiſſes, the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſame, will that every coroner exerciſe and do his office according to the law, as is afore rehearſed; (14) and that if any man be ſlain or murdered, and thereof the ſlayers, murderers, abettors, maintainers, and comforters of the ſame, be indicted, that the ſame ſlayers and murderers, and all other acceſſaries of the ſame, be arraigned and determined of the ſame felony and murder, at any time, at the King's ſuit, within the year after the ſame felony and murder done,

The cauſes why murders be committed.

A coroner ſhall execute his office according to the law.

A murderer indicted ſhall be preſently arraigned at King's

done, and not tarry the year and day for any appeal to be taken for the ſame felony or murder; (15) and if it happen any perſon named as principal or acceſſary, to be acquitted of any ſuch murder at the King's ſuit, within the year and day, that then the ſame juſtices afore whom he is acquitted, ſhall not ſuffer him to go at large, but either to remit him again to the priſon, or elſe let him to bail, after their diſcretion, till that year and day be paſſed; (16) and if it fortune the ſame felons or murderers and acceſſaries ſo arraigned, or any of them, to be acquit, or the principal of the ſaid felony, or any of them, to be attainted, the wife, or next heir to him ſo ſlain, as ſhall require, may take and have their appeal of the ſame death and murder within the year and day after the ſame felony and murder done, againſt the ſaid perſons ſo arraigned and acquit, and all other their acceſſaries, or againſt the acceſſaries of the ſaid principal, or any of them ſo attainted, or againſt the ſaid principals ſo attainted, if they be on live, and the benefit of his clergy thereof before not had: (17) and that the appellant have ſuch and like advantage, as if the ſaid acquital or attainder had not been, the ſaid acquital or attainder notwithſtanding; (18) and over that the wife, or heir of the ſaid perſon ſo ſlain or murdered, as the caſe ſhall require, may commence their appeal in proper perſon, at any time within the year after the ſaid felony done, before the ſheriff and coroners of the county where the ſaid felony or murder was done, or before the King in his bench, or juſtices of gaol-delivery; (19) and the appellant in any appeals of murder or death of man, where battail by the courſe of the common law lieth not, may make their attornies, and appear by the ſame, in the ſaid appeals after they be commenced, to the end of the ſuit, and execution of the ſame. (20) And if any perſon be ſlain or murdered in the day, and the murderer ſcape untaken, that the townſhip where the ſaid deed is ſo done, be amerced for the ſaid eſcape, and that the coroner have authority to inquire thereof upon the view of the body dead; (21) and alſo juſtices of peace have power to inquire of ſuch eſcapes, and that to certify afore the King in his bench; (22) and that after the felony found, the coroners deliver their inquiſitions afore the juſtices of the next gaol-delivery, in the ſhire where the inquiſition is taken, the ſame juſtices to proceed againſt ſuch murderers, if they be in the gaol, or elſe the ſame juſtices to put the ſame inquiſitions afore the King in his bench. (23) And foraſmuch as coroners had not nor ought to have any thing by the law for their office doing, which oft-time hath been the occaſion that coroners have been remiſs in doing their office; (24) it is ordained, That a coroner have for his fee, upon every inquiſition taken upon the view of the body ſlain xiii.s. iv.d. of the goods and chattels of him that is the ſlayer and murderer, if he have any goods, and if he have no goods, then the coroner have for his ſaid fee, of ſuch amerciaments as ſhall fortune any townſhip to be amerced for eſcape of ſuch murderer as is aforeſaid. (25) And if any coroner be remiſs, and

3 Inſt. 131, 213. A murderer indicted and acquitted, ſhall not be let at liberty.

3 Mod. 156. 1 Salk. 63. Kelyng, 25.

Appeal againſt him that was arraigned of murder.

Within what time, and before whom an appeal of murder ſhall be commenced.

The appellant may make his attorney.

Raſt. 53. 1 And. 68.

The coroner's fee upon the view of a body ſlain.

See 1 H. 8. c. 7.

The penalty of a coroner being remiſs.

and make not inquiſitions upon the view of the body dead, and certify not according as is afore ordained, that the coroner for every default forfeit to the King an hundred ſhillings. (26)

A juſtice of the peace ſhall certify a recogniſance by him taken, at the next ſeſſions.

And alſo it is ordained by the ſame authority, That every juſtice of peace within this realm, that ſhall take any recogniſance for the keeping of the peace, that the ſame juſtice do certify, ſend, or bring the ſame recogniſance at the next ſeſſions of peace, where he is or hath been juſtice, that the party ſo bound may be called; (27) and if the party make default, the ſame default then there to be recorded, and the ſame recogniſance, with the record of the default, be ſent and certified into the chancery, or afore the King in his bench, or into the King's exchequer.

So much of this ſtatute as relates to liveries is repealed by 3 Car. 1. c. 4.

CAP. II.

The penalty for carrying a woman away againſt her will that hath lands or goods.

3 Ed. 1. c. 13. 3 Inſt. 61. 1 Ventr. 243. 244. 1 Anderſ. 115. 12 Co. 100. Cro. Car. 483. 485, 488, 492. Hob. 182. Kel. 81.

ITEM, *Where women, as well maidens, as widows, and wives, having ſubſtances, ſome in goods moveable, and ſome in lands and tenements, and ſome being heirs apparent unto their anceſtors, for the lucre of ſuch ſubſtances been oftentimes taken by miſ-doers, contrary to their will, and after married to ſuch miſ-doers, or to other by their aſſent, or defoiled, to the great diſpleaſure of God, and contrary to the King's laws, and diſparagements of the ſaid women, and utter heavineſs and diſcomfort of their friends, and to the evil enſample of all other:* (2) It is therefore ordained, eſtabliſhed, and enacted, by our ſovereign lord the King, by the advice of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſame, That what perſon or perſons from henceforth that taketh any woman ſo againſt her will unlawfully, that is to ſay, maid, widow, or wife, that ſuch taking, procuring, and abetting to the ſame, and alſo receiving wittingly the ſame woman ſo taken againſt her will, and knowing the ſame, be felony; (3) and that ſuch miſ-doers, takers, and procurators to the ſame, and receitors, knowing the ſaid offence in form aforeſaid, be henceforth reputed and judged as principal felons. (4) Provided alway, That this act extend not to any perſon taking any woman, only claiming her as his ward or bond-woman.

Felony to carry away a woman againſt her will, that hath lands or goods, or is heir apparent to her anceſtor.

By 39 El. c. 9. this offence is ouſted of clergy.

CAP. III.

Juſtices of peace may let priſoners to bail. The ſheriff ſhall certify the names of all his priſoners at the gaol-delivery.

ITEM, *Where in the parliament late holden at* Weſtminſter, *the firſt year of* Richard, *late in deed, and not of right, King of* England, *the Third; it was ordained and enacted among other divers acts, That every juſtice of the peace in every ſhire, city, or town, ſhould have authority and power, by his or their diſcretion, to let priſoners, and perſons arreſted for light ſuſpicion of felony, to bail or mainpriſe;* (2) *by colour whereof afterward divers perſons, ſuch as were not mainpernable, were oftentimes letten to bail and mainpriſe,*

3 Ed. 1. c. 15.

priſe, by juſtices of the peace, againſt the due form of the law, whereby many murderers and felons eſcaped, to the great diſpleaſure of the King, and annoyance of his liege people: (3) Wherefore the King our ſaid ſovereign lord conſidering it, 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, eſtabliſhed, and enacted, That the juſtices of peace in every ſhire, city, or town, or two of them at the leaſt, whereof one to be of the *Quorum*, have authority and power to let any ſuch priſoners, or perſons mainpernable by the law, that have been impriſoned within their ſeveral counties, city, or town, to bail or mainpriſe, unto their next general ſeſſions, or unto the next gaol-delivery of the ſame gaols in every ſhire, city, or town, as well within franchiſes as without, where any gaols have been or hereafter ſhall be; (4) and that the ſaid juſtices of the peace, or one of them, ſo taking any ſuch bail or mainpriſe, do certify the ſame at the next general ſeſſions of the peace, or the next general gaol-delivery of any ſuch gaol within every ſuch county, city, or town, next following after any ſuch bail or mainpriſe ſo taken, upon pain to forfeit unto the King, for every default thereupon recorded x. li. (5) And moreover it is enacted by the ſame authority, That every ſheriff, bailiff of franchiſe, and every other perſon, having authority or power of keeping of gaol, or of priſoners for felony, in like manner and form do certify the names of every ſuch priſoner in their keeping, and of every priſoner to them committed for any ſuch cauſe, at the next general gaol-delivery, in every county or franchiſe where any ſuch gaol or gaols have been, or hereafter ſhall be, there to be kalendred before the juſtices of the deliverance of the ſame gaol, whereby they may, as well for the King as for the party, proceed to make deliverance of ſuch priſoners according to the law, (6) upon pain to forfeit unto the King for every default thereof recorded, C.s. (7) and that the foreſaid act giving authority and power in the premiſſes to any juſtice of the peace by himſelf, be in that behalf utterly void and of none effect by authority of this preſent parliament.

1 R. 3 c. 3. Juſtices of the peace may let a priſoner to mainpriſe, who is mainpernable.

Inforced by 1 & 2 Phil. & Mar. c. 13.

The ſheriff ſhall certify the names of all priſoners in his cuſtody to the juſtices of gaol-delivery.

A repeal of the ſtat. of 1 R. 3. c. 3. touching bailing of priſoners.

Kelyng, 3.

CAP. IV.

All deeds of gift made to defraud creditors ſhall be void.

ITEM, *That where oftentimes deeds of gift of goods and chattels have been made, to the intent to defraud their creditors of their duties, and that the perſon or perſons that maketh the ſaid deed of gift goeth to ſanctuary, or other places privileged, and occupieth and liveth with the ſaid goods and chattels, their creditors being unpaid:* (2) It is ordained, enacted, and eſtabliſhed 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, That all deeds of gift of goods and chattels made or to be made of truſt, to the uſe of that perſon or perſons that made the ſame deed of gift, be void and of none effect.

50. Ed. 3. c. 6. 2 R. 2. ſtat. 2. c. 3. 13 El. c. 5.

All deeds of gift of goods to defraud creditors ſhall be void.

CAP.

CAP. V.

Rep. 11. H. 7. c. 8. & 37 H. 8. c. 9.

All bargains by the name of dry exchange, ſhall be void, whereby any certain ſum ſhall be loſt.

CAP. VI.

None ſhall make any exchange without the King's licence, or make exchange, or rechange of money to be paid within the land, but only ſuch as the King ſhall depute thereunto, to keep, and make anſwer for ſuch exchanges and rechanges upon the pain contained in 14 *R.* 2. *c.* 2. *viz.* upon forfeiture of the ſame. 25 *Ed.* 3. *ſtat.* 5. *c.*12. 9. *Ed.* 3. *c.*7. 18 *Ed.* 3. *ſtat.* 2. *c.*6. All unlawful cheviſance and uſury ſhall be extirpate; all brokers of ſuch bargains ſhall be ſet on the pillory, put to open ſhame, be half a year impriſoned, and pay twenty pounds.

Rep. 37. H. 8. c. 9. Raſt 45.

CAP. VII.

A certificate ſhall be made of goods brought into one port and removed to another. One man ſhall not enter goods in the name of another.

A certificate of goods brought into one port, and cuſtomed, and then removed into another.

ITEM, The King our ſovereign lord, by the advice and aſſent of the lords ſpiritual and temporal, and the commons aſſembled in the ſaid parliament, and by authority of the ſame, hath ordained and enacted, That every merchant, as well denizen as ſtranger, which ſhall bring from henceforth any manner of goods into any port within this realm by way of merchandiſe, and there do enter the ſaid goods or merchandiſes in the books of the cuſtomers of the ſaid port where the goods and merchandiſes ſhall firſt come to, and the King's duty thereof, the ſaid cuſtomers contented, or therefore with him agreed, and afterward that done, will convey or carry the ſame goods or merchandiſes from thence in any other port within the ſaid realm: (2) that then the owner of the ſaid goods and merchandiſes, his factor or attorney, ſhall bring from the cuſtomers of the port where the ſaid goods or merchandiſes be ſo entered, a certificate under the ſame cuſtomers ſeals, directed to the cuſtomers of the port whereto the ſaid goods or merchandiſes ſhall be conveyed or carried, making mention within the ſame certificate, as well of the natural colour, length, and value of all merchandiſes, ſo entered, uſed to be meaſured with eln or yard, as of the natural weight, content or valure of all manner of other merchandiſes, uſed to be weighed or valured: (3) and that the ſame certificate ſo made be delivered to the ſaid cuſtomers, before the ſaid goods be diſcharged, ſo that they may ſee whether the nature, colour or length, valure, content or weight of the ſame, do agree within the ſaid certificate, ſo that the King be not deceived of his cuſtoms and ſubſidies thereof due. (4) And if any certificate from henceforth be made by any cuſtomer of any port whereto any ſuch merchandiſes or goods ſhall be firſt brought, and there in their books entered, not making mention according as is aforeſaid, that then the ſaid cuſtomer or cuſtom-

The penalty of a cuſtomer omitting his duty.

ers,

ers, for their miſbehaving, ſhall loſe their office, and make fine with the King for the ſame at his pleaſure. (5) And furthermore, if any ſuch goods or merchandiſes, or any parcel thereof be diſcharged, unpacked, or put to ſale within any port then within the ſame where they ſhall be firſt entered, before the ſaid certificate ſhall be delivered, and the ſame goods and merchandiſes ſeen according as above is expreſſed: that then all the ſaid goods or merchandiſes be forfeited to the King our ſovereign lord; the one half thereof to remain to his Highneſs, and the other half to him or them which ſhall prove any ſuch goods or merchandiſes ſo forfeited. (6) And that the cuſtomer or cuſtomers, nor no deputy to any ſuch common officer to whom ſuch certificate ſhall come, take nothing for the ſight of the ſame goods ſo certified: (7) alſo it is ordained and eſtabliſhed by authority aforeſaid, That no manner of merchant, denizen ne ſtranger, do take upon him to enter, or cauſe to be entered in the books of any cuſtomer of any port within this realm, any manner of merchandiſes coming into this ſaid realm, or going out of the ſame, in any other merchant's name, ſaving only the name of the true merchant owner of the ſame, upon pain of forfeiture of all ſuch goods and merchandiſes ſo entered: (8) and every of the ſaid merchants, which ſo ſhall take upon him to cauſe ſuch untrue entry to be made, to have impriſonment, and make fine therefore at the King's pleaſure: (9) and that no perſon take upon him to be cuſtomer, comptroller or ſearcher in any port, in any city, borough or town, where he is common officer, nor no deputy to any ſuch common officer, upon pain of forfeiture for every half year that he occupieth the ſaid common office, and office of cuſtomerſhip, comptroller or ſearcher, the ſum of xl. li. the one half thereof to the King, and the other half to him that will ſue for the writ, bill or information.

The forfeiture if the goods be ſold before the certificate delivered.

No goods ſhall be entered in any other perſon's name but in the owners.

A common officer in a city, borough, &c. ſhall be no cuſtomer, comptroller or ſearcher there.

Rep. 1 H. 8. c. 5. Sec. 2.

1 Eliz. c. 11. Goods ſhall be entered but in the owner's name.

CAP. VIII.

Merchants aliens, &c. and victuallers, ſhall imploy their money upon the merchandiſe of this realm.

17 Ed. 4. c. 1.

ITEM, *That where in the parliament of King* Edward *the Fourth, holden at* Weſtminſter *the ſeventeenth year of his reign, it was ordained among other, That every merchant alien, and every other victualler, and other ſtranger, not being denizen, that reſort to any place or port within this realm, or* Wales, *after the Feaſt of* Eaſter *then next following, ſhould duly imploy all the money by him to be received within any port within this realm, or* Wales, *upon the merchandiſes or other commodities of this realm*; (2) *or elſe without fraud put the ſame money in due payment within this realm, the ſame imployment or payment duly to be proved by the merchant, victualler, or other ſtranger, before his departing out of the ſame port, by writing from the merchant or merchants, to whom the ſaid merchant alien, victualler, or other ſtranger, hath imployed or paid his money by him received for his merchandiſes brought into this land, witneſſing that he hath ſo done, or elſe by ſuch proofs as ſhall be thought reaſonable to the cuſtomer or comptroller of the ſame port, or*

to the mayor, bailiff, or other chief governors of any city, borough, or town where any ſuch port ſhall be, (3) *upon pain of forfeiture of all his goods being within this realm, and to have impriſonment of a year*; (4) *ſaving to every ſuch merchant, victualler, and other ſtranger, his reaſonable coſts, with certain proviſions in the ſame, as by the ſame act more at large doth appear:* (5) *which act was made to endure but only from the ſaid Feaſt of* Eaſter, *to the end of ſeven years then next enſuing; ſo that no gold and ſilver received by merchants aliens, and other victuallers and ſtrangers, not being denizens, for merchandiſe brought into this land, is not imployed upon the commodities of this land, but conveyed and carried out of this realm, to the great loſs of the King, in his cuſtom and ſubſidy, and the impoveriſhing of this realm:* (6) It is enacted, ordained, and eſtabliſhed by the King our ſovereign lord that now is, by the advice of the lords ſpiritual and temporal, and at the prayer of the commons, in the ſaid parliament aſſembled, and by the authority of the ſame, That the ſaid act made in the ſaid ſeventeenth year of the reign of King *Edward* the Fourth, with all things compriſed in the ſame touching the premiſſes, and every proviſion made in the ſame, be good, effectual, and endure for ever. (7) Alſo it is enacted by the ſaid authority, That every merchant of *Ireland*, *Jernſey*, or *Gernſey*, that bringeth any merchandiſes into this realm, ſhall imploy the money received for the ſame merchandiſe (his reaſonable expences deducted) upon the commodities of this land, or elſe without fraud put the ſame money in due payment within this realm; (8) the ſaid imployment or payment to be proved as is aforeſaid, upon pain of forfeiture of the value of the merchandiſe ſo brought into this land. (9) And it is ordained by the ſaid authority, That every cuſtomer or comptroller ſhall take ſufficient ſurety of every of the ſaid merchant, victualler, or other ſtranger, to imploy the value of the ſaid merchandiſes, or to put the ſame money for the ſaid merchandiſes received in due payment, his reaſonable expences always deducted, upon pain of forfeiture of the value of the ſaid merchandiſes, the one half of the ſaid forfeiture to the King, the other half to the party that will ſue for the ſame. This to begin and take effect at the Feaſt of *Chriſtmas* next coming.

A confirmation of the ſtatute of 17 Ed. 4. c. 1. touching merchants aliens, who ſhall imploy the money by them received upon the merchandiſes of this realm. 4 H. 4. c. 15. 27 H. 6. c. 3. 5 H. 4. c. 9. continued for 20 years by 7 E. 6. c. 6.

CAP. IX.

Freemen of London *may carry their wares to any fairs or markets.*

HUMBLY *ſhewen and prayen unto your Highneſs, your true and faithful commons of this your realm of* England, *That where the citizens and freemen of the city of* London *have uſed out of time of mind to go, carry, and lede their merchandiſe and ware unto all fairs and markets at their liberty out of the ſaid city; now of late time the mayor, aldermen, and citizens of the city of* London, *have made and enacted an ordinance within the ſame city, upon a great pain, that no man that is a freeman or citizen of the ſaid city, ſhall go or come to any fair or market, out of the ſame city of* London, *with any manner of ware or merchandiſe to ſell or to barter, to*

this intent, that all buyers and merchants ſhould reſort to the ſaid city to buy their ware and merchandiſes of the ſaid citizens and freemen of London *aforeſaid, becauſe of their ſingular lucre and avail; which ordinance, if it ſhould hold as is before expreſſed, ſhall be to the utter deſtruction of all other fairs and markets within this your realm, which God defend, for there be many fairs for the common weal of your ſaid liege people, as at* Saliſbury, Briſtol, Oxford, Cambridge, Nottingham, Ely, Coventry, *and at many other places where lords ſpiritual and temporal, abbots, priors, knights, eſquires, gentlemen, and your ſaid commons of every county hath their common reſort, to buy and purvey many things that be good and profitable, as ornaments of holy church, chalice, books, veſtments, and other ornaments of holy church aforeſaid, and alſo for houſehold, as victual for the time of* Lent, *and other ſtuff, as linnen cloth, woolen cloth, braſs, pewter, bedding, oſmonde, iron, flax, and wax, and many other neceſſary things, the which might not be forborn among your ſaid liege people; but, by the ſaid ordinance, every man willing to buy any of the premiſſes, ſhall be courted to come to the ſaid city of* London, *to their importable coſts and charges, which, if the ſaid act ſhould endure, ſhall grow great hurt and prejudice to the common weal of this your realm, and ſhall cauſe many pernicious ſtrifes and debates between your ſaid liege people, and the ſaid mayor, aldermen, and citizens in time to come, by the making of the ſaid ordinance, the which is thought may not continue and ſtand with good charity, the premiſſes conſidered; wherefore it may pleaſe your ſaid Highneſs moſt noble and abundant grace, in conſideration of the hurt likely to grow of and by the premiſſes, that it may be enacted:* (2) The King our ſovereign lord, in conſideration of the hurt likely to grow of and by the premiſſes, hath by the advice and aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſame, ordained, ſtabliſhed, and enacted, That every freeman and citizen of the ſaid city of *London*, that now is, or hereafter ſhall be, may lead, carry, and go with his or their victual, ware, or merchandiſe, whatſoever it be, at his or their liberty, to any fair or market that ſhall pleaſe him or them, within this realm of *England*, any ſtatute, act, or ordinance, made or to be made within the ſaid city of *London* to the contrary of the premiſſes notwithſtanding; (3) and the ſaid ordinance and act made in the ſaid city ſhall be void and of none effect; (4) and that no perſon of the ſaid city be hurt or prejudiced in loſing of his liberty and franchiſe within the ſaid city, or otherwiſe, by reaſon or occaſion of adnulling and avoiding of the ſaid ordinance and act, or for not obeying to the effect of the ſame. (5) And if any perſon be prejudiced in any wiſe by occaſion of the ſame, he that putteth or cauſeth any perſon to ſuch prejudice, ſhall loſe and forfeit unto the King x.l. as often as he ſo doth; (6) and he that will ſue for ſuch forfeiture, ſhall have therefore an action of debt againſt ſuch offender, the King to have execution of the one half, and he that ſueth the other half; (7) and in ſuch action the defendant be not admitted to wage his law.

Citizens and freemen of London may carry their wares to any fairs or markets.

CAP. X.

Coſts, &c. *awarded to the plaintiff, where the defendant ſueth a writ of error.*

1 Salk. 205. Mod. caſes in law, 314.

ITEM, *That where oftentimes plaintiff or demandant, plaintiffs or demandants, that have judgment to recover, be delayed of execution, for that the defendant or tenant, defendants or tenants, againſt whom judgment is given, or other that been bound by the ſaid judgment, ſueth a writ or writs of error to adnul and reverſe the ſaid judgment, to the intent only to delay execution of the ſaid judgment:* (2) it is enacted, ordained, and eſtabliſhed, by the advice of the lords ſpiritual and temporal, and at the prayer of the commons, in the ſaid parliament aſſembled, and by authority of the ſame, That if any ſuch defendant or tenant, defendants or tenants, or if any other that ſhall be bound by the ſaid judgment, ſue, afore execution had, any writ of error to reverſe any ſuch judgment, in delaying of execution, (3) that then if the ſame judgment be affirmed good in the ſaid writ of error, and not erroneous, or that the ſaid writ of error be diſcontinued in the default of the party, or that any perſon or perſons that ſueth writ or writs of error, be non-ſued in the ſame, that then the ſaid perſon or perſons, againſt whom the ſaid writ of error is ſued, ſhall recover his coſts and damage for his delay and wrongful vexation in the ſame, by diſcretion of the juſtice afore whom the ſaid writ of error is ſued.

The plaintiff ſhall recover coſts and damages where the defendant ſueth a writ of error before execution. Dyer, 77. Cro. El. 588, 659. Cro. Car. 145. 19 H. 7. c. 20. Salk 205. Raym. 134.

Co. pla. f. 2, 24, 162, 292.

CAP. XI.

No cloth ſhall be tranſported until it be barbed, rowed, and ſhorn.

7 Ed. 4. c. 3.

ITEM, *Where in the ſaid parliament it was ſhewed by ſhearmen, fullers, and other artificers, that ſhould live and obtain their needy ſuſtentation by mean of drapery made and draped within this realm, as well throughout the ſame realm, as within the city of* London, *that where in a ſtatute made the ſeventh year of the reign of King* Edward *the Fourth, among other it is contained, That no perſon, denizen ne ſtranger, ſhould carry, or do to be carried to any parties beyond the ſea, any woolen yarn or cloth unfulled, but that the woolen yarn to be made in this realm ſhould be woven in the ſame;* (2) *and alſo all cloth in the ſame made ſhould be fulled and fully wrought within this realm, before that any of the ſame ſhould be had or carried out of this realm, upon pain of forfeiture of the very valure of ſuch yarn not weaved, and cloth not fulled, had or carried out of this realm;* (3) *the one half of the forfeiture to be levied to the uſe of the King, and the other half to him or them that ſhould eſpy, or make proof of any ſuch yarn not woven, or cloth not fulled, carried to any place beyond the ſea.*

II. *And foraſmuch as in the ſaid ſtatute of King* Edward *there is no expreſs mention made, that the ſaid cloths ſhould be rowed and ſhorn afore that they be carried and conveyed out of this realm, whereby the ſaid poor commons of the crafts aforeſaid might be ſet in labour and occupation;*

occupation; therefore the ſaid cloths, ever ſithence unto this day, have been, and yet daily are in great number carried out of this realm, unrowed, and unſhorn, into the parts beyond the ſea, as well by denizens as ſtrangers, whereby outlandiſh nations, with the ſame drapery, are ſet in labour and occupation, to their great inriching, and the poor commons of the crafts aboveſaid, through all this realm, that of natural reaſon, as the King's true liege men, ſhould have and obtain their needy ſuſtentation and living by means of the ſame drapery, for lack of ſuch occupation daily fall in great number into idleneſs and poverty, to their uttermoſt deſtruction, if it ſhould any longer continue: (2) the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and at the prayer of the commons, in this ſaid parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That no ſtranger nor denizen carry, or make to be carried out of this realm, any woolen cloths, but that they before be barbed, rowed, and ſhorn within the ſame realm, for the relief, and ſetting on work of the ſaid poor commons, upon the pain and forfeiture limited in the ſaid ſtatute of King *Edward*, made upon cloth carried out of this land not fulled, to be divided in manner and form as in the ſame ſtatute it is contained. (3) Provided alway, That cloths, called *veſſes*, *Rays*, *Sailing Cloths*, and other cloths, commonly ſold at forty ſhillings and under, be not compriſed in this preſent act.

No woolen cloth ſhall be tranſported before it is barbed, rowed, and ſhorn, except Veſſes, Rays, Sailing Cloths, &c. By 5 H. 8. c. 3. & 27 H. 8. c. 13. white woolen cloth, &c. may be tranſported unſhorn, &c. 33 H. 8. c. 19. 8 El. c. 6. 10 Ann. c. 16.

CAP. XII.

The King's officers or tenants ſhall not be retained by liveries with others. Rep. 3 Car. 1. c. 4.

CAP. XIII.

No long bow ſhall be ſold over the price of iii. s. iv. d. 33 H. 8. c. 9. Rep. 8 El. c. 10.

CAP. XIV.

Conſpiring to deſtroy the King, or any lord or counſellor, or great officer, ſhall be felony.

ITEM, *Foraſmuch as by quarrels made to ſuch as have been in great authority, office, and of council with Kings of this realm, hath enſued the deſtruction of the Kings, and the undoing of this realm;* (2) *ſo as it hath appeared evidently, when compaſſing of the death of ſuch as were of the King's true ſubjects was had, the deſtruction of the prince was imagined thereby, and for the moſt part it hath grown and been occaſioned by envy and malice of the King's own houſhold ſervants, as now of late ſuch a thing was likely to have enſued;* (3) *and forſomuch as by the law of this land, if actual deeds be not had, there is no remedy for ſuch falſe compaſſings, imaginations, and confederacies had againſt any lord, or any of the King's council, or any of the King's great officers in his houſhold, as ſteward, treaſurer, and comptroller, and ſo great inconveniencies might enſue if ſuch ungodly demeaning ſhould not be ſtraitly puniſhed before that actual deed were done:* (4) therefore it is ordained by the King, the lords ſpiritual and temporal, and the commons, of the ſaid parliament aſſembled, and by authority of the ſame, That from henceforward the ſteward, treaſurer, and comptroller of the King's houſe for the time being,

3 Inſt. 37, 38, 39.

ing, or one of them, have full authority and power to enquire by twelve ſad and diſcreet perſons, of the cheque-roll of the King's honourable houſhold, if any ſervant admitted to be his ſervant in his houſe ſworn, and his name put into the cheque-roll of his houſhold, whatſoever he be, ſerving in any manner, office, or room, reputed, had, and taken under the ſtate of a lord, make any confederacies, compaſſings, conſpiracies, or imaginations, with any perſon or perſons, to deſtroy or murder the King, or any lord of this realm, or any other perſon ſworn to the King's council, or ſteward, treaſurer, or comptroller of the King's houſe, (5) that if it be found afore the ſaid ſteward for the time being, by the ſaid twelve ſad men, that any ſuch of the King's ſervants as is aboveſaid, hath confedered, compaſſed, conſpired, or imagined, as is aboveſaid, that he ſo found by that enquiry, be put thereupon to anſwer; (6) and the ſteward, treaſurer, and comptroller, or two of them, have power to determine the ſame matter, according to the law: (7) and if he put him in trial, that then it be tried by other twelve ſad men of the ſame houſhold, and that ſuch miſ-doers have no challenge but for malice; (8) and if ſuch miſ-doers be found guilty by confeſſion or otherwiſe, that the ſaid offence be judged felony; and they to have judgment and execution as felons attainted ought for to have by the common law.

Co. Ent. 482, 174.

The third parliament, holden in the fourth year of the reign of King HEN. VII. *Anno Dom.* 1487.

TO *the worſhip of God and holy church, and for the common weal and profit of this realm of* England, *our ſovereign lord* Henry *by the grace of God King of* England *and* France, *and lord of* Ireland, *the ſeventh after the conqueſt, at his parliament holden at* Weſtminſter *the thirteenth day of* January, *in the fourth year of his reign, by the advice and aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſame, hath done to be made, ordained, and eſtabliſhed divers ſtatutes and ordinances in form as followeth.*

CAP. I.

Exp. 6 H. 6. c. 5.
8 H. 6. c. 3.
18 H. 6. c. 10.
23 H. 6. c. 9.
12 Ed. 4. c. 6.
6 H. 8. c. 10.

Commiſſions of ſewers ſhall be made into all the parts of this realm, and to the marches of *Calais*, *Guien*, and *Hammes*, during twenty five years.

CAP. II.

Allaying of gold and ſilver, melting, ſelling, and marking the ſame.

ITEM, *Whereas it was of old time uſed, and continued till now of late years, that there was for the weal of the King and the realm, finers and parters of gold and ſilver by fire and water, under a rule and order belonging unto the mints of* London, Calais, Canterbury, York

York *and* Durham, *and in other places where mints been holden, and at the goldſmiths hall in* London, *to fine and part all gold and ſilver belonging and needful for the ſaid mints and fellowſhip of goldſmiths, for the amendment of money and plate of the realm, that every thing might be reformed to the right ſtandard, as well in money as plate, to the leaſt coſt, for the weal of the King's noblemen of the land, and common people:* (2) *but ſo it is now, that ſuch finers and parters of gold and ſilver by fire and water, dwelling abroad in every place of this realm out of the rules aforeſaid, and buy gilt ſilver from the mints, changes, and goldſmiths, and part and fine it as is afore ſaid, and for the moſt part of the ſilver ſo fined, they do allay it in divers manners, and ſell it at their pleaſures to every man of what eſtate or degree ſoever he be, that will buy of them, to make ſuch works as pleaſeth the buyers;* (3) *therefore men can get no fine ſilver when they need it for their money, for the amendment of money and plate, as hath been in times paſt; wherefore it cauſeth money and plate in divers places of the realm to be made worſe in fineneſs than it ſhould be, as it appeareth evidently in divers places, to the great hurt of the King's noblemen of the land, and common people:* (4) wherefore the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and of the commons, in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained, enacted, and eſtabliſhed, That no finer of gold and ſilver, nor parter of the ſame by fire or water, from henceforth allay any fine ſilver or gold, ne none ſell in any other wiſe, ne to any perſon or perſons, but only to the officers of mints, changes, and goldſmiths within this realm, for augmentation and amending of coin and plate, as is aforeſaid; (5) and that the maſters of mints, changes, and goldſmiths, for all ſuch fine gold or ſilver coming to them, to anſwer the value as it is worth, according as it is now and hath been in ancient time accuſtomed after the rate of fineneſs: (6) ne that no finer nor finers, parter nor parters, ſell to no perſon, neither to one nor to other, any manner of ſilver into maſs molten and allayed, upon pain of forfeiture of the ſame, the King thereof to have one half, and the finder that can prove, and will ſue for it in the King's exchequer, the other half. (7) and if any finer or finers, parter or parters of gold and ſilver, either by fire or water, allay or ſell any manner fine gold or ſilver, otherwiſe than it is ordained in this act, he or they to loſe the value of the ſame gold or ſilver ſo allayed or ſold; the King to have the one half, and the finder that can prove it, and will ſue for it in the King's exchequer, the other half. (8) Alſo all ſuch fine ſilver as ſhall be parted and fined as is aforeſaid, that it be made ſo fine, that it may bear twelve penny weight of allay in a pound weight, and yet it be as good as ſterling, and rather better than worſe; (9) and that every finer put his ſeveral mark upon ſuch fine ſilver, to bear witneſs of the ſame to be true, as is afore ſaid, upon the pain of the value found contrary to be forfeit; the King thereof to have the one half, and the finder that can prove it, and will ſue for it in the exchequer, the other half. (10) And that no goldſmith nor goldſmiths within this realm melt or allay any fine ſilver,

Allaying of gold and ſilver, and ſelling of the ſame.

Of what fineneſs ſilver ought to be.

A finer of gold and ſilver muſt put his mark upon it.

37 Ed. 3. c. 7.
18 El. c. 15.

For what purpoſes ſilver may be melted.

ſilver, to be for works or any other intent, but only for making of amels, for divers works of goldſmithry, and for amending of plate to make it as good as ſterling, or better, for the common weal of this realm.

Silver molten into maſs ſhall not be ſold.

II. Nor that they ſell no fine ſilver, nor other ſilver allayed, molten into maſs, to any perſon or perſons whatſoever they be, nor one goldſmith to another. (2) This ordinance to be kept by the goldſmiths in every point, upon pain of forfeiture of the ſame ſilver, or the value thereof; the King thereof to have the one half, and the finder that can prove it, and will ſue for it in the King's exchequer, the other half.

A repeal of patents of offices belonging to the mint.

III. Alſo it is ordained by the ſame authority, That all letters patents and grants of offices belonging or pertaining to the mint of our ſovereign lord the King, or exerciſed in the ſame, with fees and wages thereto belonging, be from henceforth void and of none effect.

CAP. III.

Butchers ſhall kill no beaſts within any walled town, or Cambridge.

ITEM *it was ſhewed by a petition put to the King our ſaid ſovereign lord, in the ſaid parliament, by his ſubjects and pariſhioners of the pariſh of St.* Faith's, *and St.* Gregory's *in* London, *near adjoining unto the cathedral church of St.* Paul's, *That whereas great concourſe of people, as well of his royal perſon, as of other great lords and ſtates, with other his true ſubjects, oftentimes was had unto the ſaid cathedral church of St.* Paul's, *and that for the moſt part throughout the pariſhes aforeſaid, the which oftentimes been greatly annoyed and diſtempered by corrupt airs engendered in the ſaid pariſhes, by occaſion of blood, and other fouler things, by reaſon of the ſlaughter of beaſts, and ſcalding of ſwine, had and done in the butchery of St.* Nicholas's *fleſh-ſhambles, whoſe corruption and foul ordure, by violence of unclean, corrupt, and putrified waters, is borne down through the ſaid pariſhes, and compaſſeth two parts of the palace, where the King's moſt royal perſon is wont to abide when he cometh to the cathedral church for any act there to be done, to the jeopardous abiding of his moſt noble perſon, and to over-great annoyance of the pariſhioners there, and of other the King's ſubjects and ſtrangers that paſs by the ſame*; (2) *complaint whereof, at many and divers ſeaſons, alſo by the ſpace of ſixteen years continually, as well by the canons and petty canons of the ſaid cathedral church, landlords there, as alſo by many other of the King's ſubjects of right honeſt behaviour, hath been made unto divers mayors and aldermen of the city of* London, *and no remedy had ne found*; (3) *that it may pleaſe our ſaid ſovereign lord, of his abundant grace, to provide for the conſervation as well of his moſt royal perſon, as to ſuccour his poor ſubjects and ſuppliants in this behalf, conſidering that in few noble cities and towns, or none within chriſtendom, whereat travelling men have laboured, the common ſlaughter-houſe of beaſts ſhould be kept in any ſpecial part within the walls of the ſame, leſt it might ingender ſickneſs, unto the deſtruction of the people*: (4) the King our ſovereign lord, in conſideration of the premiſſes, hath,

hath, by the advice and aſſent of the lords ſpiritual and temporal, and the commons, of the ſaid parliament aſſembled, and by authority of the ſame, ordained and enacted, That no butcher, nor his ſervant, ſlay no manner beaſt within the ſaid houſe called the *Scalding-houſe*, or within the walls of *London*, upon pain to forfeit for every ox twelve pence, and every cow, and every other beaſt eight pence; (5) the one half thereof to the King our ſovereign lord, and the other half to every of the King's lieges that will ſue for the ſame by action of debt, and no protection or eſſoin be allowed to any of the defendants againſt whom any ſuch action ſhall be conceived; and that in the ſame action of debt ſuch proceſs be made, as in other actions of debt ſued at the common law. (6) And over this it is ordained and enacted by the ſaid authority, That the ſaid ordinance, act, and law, extend, and be obſerved and kept in every city, borough, and town, walled within his realm of *England*, and in the town of *Cambridge* (the towns of *Berwick* and *Carliſle*, except and forepriſed.) Provided alway, That this preſent act begin and take effect at the feaſt of the *Annunciation* of our *Lady* next enſuing, and not afore.

Butchers ſhall kill no beaſts in London, or in Cambridge, or any walled town, except Berwick and Carliſle.

CAP. IV.

Protections granted to them which then were, or after ſhould be in the King's ſervice in *Britain*. And certain immunities granted to the feoffees, executors, and heirs of them which ſhall die in that ſervice. Exp. 7 H. 7. c. 2, & 3.

CAP. V.

A repeal of all letters patents granted to any ſpiritual perſons to be diſcharged of the payment or collection of diſmes. 7 H. 7. c. 6.

CAP. VI.

A repeal of all letters patents granted of any offices within the foreſt of *Ingle-wood*, ſaving to the lord *Dacres*, and earl of *Northumberland*.

CAP. VII.

Fees to the King's yeomen and grooms ſhall be no longer of force than whilſt they do their duties.

CAP. VIII.

Whoſoever ſhall ſell by retail a broad yard of the fineſt ſcarlet grained, or other grained cloth of the fineſt making above xvi. s. or a broad yard of any other coloured cloth above xi. s. *&c.* ſhall foreit xl. s. for every yard ſo ſold. Rep. 21 Jac. 1. c. 28.

CAP. IX.

No hatter or capper, ſhall ſell any hat above the price of xx d. the beſt, nor any cap above ii s. viii d. the beſt, upon pain to forfeit xl. s. for every hat or cap ſold above. Rep. 3 H. 8. c. 15. & 21 Jac. 1. c. 28.

CAP. X.

Of wine and Tholouſe *woade.*

ITEM, *That where great miniſhing and decay hath been now of late time of the navy of this realm of* England, *and idleneſs of the mariners within the ſame, by the which this noble realm within ſhort proceſs* 5 R. 2. ſtat. 1. c. 3. 6 R. 2. c. 8. 3 Ed. 4. c. 1.

7 H. 8. c. 2.
23 H. 8. c. 7.
32 H. 8. c. 14.
5 & 6 Ed. 6. c. 18.
Repealed by 1 El. c. 13. & revived by 5 El. c. 5. ſ. 11.

proceſs of time, without reformation be had therein, ſhall not be of ability nor of ſtrength and power to defend itſelf. Wherefore the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and at the prayers of the commons, in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That no manner of perſon, of what degree or condition that he be, convey or bring into this realm, *Ireland*, *Wales*, *Calais*, or the marches thereof, or *Berwick*, from the feaſt of the nativity of Saint *John Baptiſt*, that ſhall be in the year of our Lord God M.CCCC.XC. any manner wines of the growing of the dutchy of *Guyen* or *Gaſcoine*, or woade called *Tholouſe Woade*, but ſuch as ſhall be conveyed, adventured, or brought in ſhip or ſhips, whereof our ſaid ſovereign lord, or ſome of his ſubjects of this his realm of *England*, *Ireland*, *Wales*, *Calais*, or *Berwick*, been owners, poſſeſſors, and proprietaries; and the ſame maſter under God, and the mariners of the ſame ſhip or ſhips, *Engliſh*, *Iriſh*, or *Welſh*, or men of *Berwick*, or men of *Calais*, or of the marches of the ſame, for the more party, upon pain to forfeit the ſame wines and woade ſo brought contrary to this act, the one half thereof to the King, and the other half to him or them that ſeiſeth the ſame wine or woade.

II. And alſo hath ordained and ſtabliſhed by the ſaid authority, That no perſon inhabited within this realm, other than merchants ſtrangers, from the feaſt of Saint *John*, freight nor charge within this realm or *Wales* any ſhip or other veſſel of any alien or ſtranger, with any manner of merchandiſe, to be carried out of this realm or *Wales*, or to be brought into the ſame, if he may have ſufficient freight in ſhips or veſſels of denizens of this realm in the ſame port where he ſhall make his freight, upon pain to forfeit the ſame merchandiſes, the one half thereof to the King our ſovereign lord, and the other half to him or them which ſeiſeth the ſame merchandiſes.

III. Provided always, That this act extend not to any ſhip or ſhips, having any of the ſaid wares or merchandiſes, conſtrained by tempeſt of weather or enemies to arrive in any port or place within this realm, ſo that the owners of the ſaid wares and merchandiſes make thereof no ſale within this realm, other than for victuals, or repairing of the ſame ſhip or ſhips, or tackling thereof, which they of neceſſity be compelled to make.

CAP. XI.

Exp. 4 Ed. 4. c. 4.
37 H. 8. c. 15.
5 & 6 Ed. 6. c. 7.

No perſon during ten years ſhall buy or take promiſe of bargain of any wool that ſhall grow in *Berks*, &c. before the *Aſſumption* of our lady next after the ſhearing thereof, but ſuch as ſhall make yarn or cloth thereof; nor any merchant ſtranger before the *Purification* of our lady, *&c.* upon pain of forfeiture of the double value.

CAP.

CAP. XII.

All juſtices of peace ſhall execute their commiſſion, redreſs injuries, and maintain the laws.

ITEM *the King our ſovereign lord conſidereth, That by the negligence, miſdemeaning, favour, and other inordinate cauſes of juſtices of peace in every ſhire of this his realm, the laws and ordinances made for the politique weal, peace, and good rule of the ſame, and for the perfect ſurety, and reſtful living of his ſubjects of the ſame, be not duly executed according to the tenor and effect that they were made and ordained for*; (2) *wherefore his ſubjects been grievouſly hurt, and out of ſurety of their bodies and goods, to his great diſpleaſure*; *for to him is nothing more joyous than to know his ſubjects to live peaceably under his laws, and to increaſe in wealth and proſperity*, (3) *and to avoid ſuch enormities and injuries, ſo that his ſaid ſubjects may live reſtfully under his peace and laws, to their increaſe*: (4) he will that it be ordained and enacted by authority of this ſaid parliament, That every juſtice of peace within every ſhire of this realm, within the ſhire where he is juſtice of peace, do cauſe openly and ſolemnly to be proclaimed yearly four times a year, in four principal ſeſſions, the tenor of this proclamation to this bill annexed; (5) and that every juſtice of peace being preſent at any of the ſaid ſeſſions, if they cauſe not the ſaid proclamation for to be made in form aboveſaid, ſhall forfeit unto our ſovereign lord at every time xx s. 4 Inſt. 170.

Every juſtice of peace ſhall cauſe this proclamation to be made four times in the year.

II. HENRICUS *Dei Gratia, &c.* The King our ſovereign lord conſidereth, how daily within this realm his coin is traiterouſly counterfeited, murders, robberies, felonies, been grievouſly committed and done, and alſo unlawful reteinors, idleneſs, unlawful plays, extorſions, miſdemeanings of ſheriffs, eſcheators, and many other enormities and unlawful demeanings daily grown more and more within this realm, to the great diſpleaſure of God, hurt and impoveriſhing of his ſubjects, and to the ſubverſion of the policy and good governance of this his realm; for for by theſe ſaid enormities and miſchiefs his peace is broken, his ſubjects troubled, inquieted, and impoveriſhed, the husbandry of this land decayed, whereby the church of *England* is upholden, the ſervice of God continued, every man thereby hath his ſuſtenance, every inheritor his rent for his land: (2) for repreſſing and avoiding of the ſaid miſchief, ſufficient laws and ordinances have been made by authority of many and divers parliaments holden within this realm, to the great coſt of the King, his lords, and commons of the ſame, and lacketh nothing, but that the ſaid laws be not put in due execution, which laws ought to be put in due execution by the juſtices of peace of every ſhire of this realm, to whom his grace hath put and given full authority ſo to do ſith the beginning of his reign. (3) And now it is come to his knowledge, that his ſubjects be little eaſed of the ſaid miſchiefs by the ſaid juſtices, but by many of them rather hurt than helped; and if his ſubjects complain to theſe juſtices of peace,

The benefit of husbandry,

The ſlackneſs of juſtices of peace in the due execution of the laws.

peace, of any wrongs done to them, they have thereby no remedy, and the ſaid miſchiefs do increaſe, and be not ſubdued. (4) And his grace conſidereth, That a great part of the wealth and proſperity of this land ſtandeth in that, that his ſubjects may live in ſurety under his peace in their bodies and goods, and that the huſbandry of this land may increaſe and be upholden, which muſt be had by due execution of the ſaid laws and ordinances, chargeth and commandeth all the juſtices of the peace of this his ſhire, to endeavour them to do and execute the tenor of their commiſſion, and the ſaid laws and ordinances ordained for the ſubduing of the premiſſes, as they will ſtand in the love and favour of his grace, and in avoiding of the pains that be ordained if they do the contrary. (5) And moreover he chargeth and commandeth, That every man, what degree or condition that he be of, that let them in word or deed to execute their ſaid authority in any manner form aboveſaid, that they ſhew it to his grace; and if they do not, and it come to his knowledge by other than by them, they ſhall not be in his favour, but taken as men out of credence, and be put out of commiſſion for ever. (6) And over this he chargeth and commandeth all manner of men, as well the poor as the rich (which be to him all one in due miniſtration of juſtice) that is hurt or grieved in any thing that the ſaid juſtice of peace may hear, determine, or execute in any wiſe, that he ſo grieved make his complaint to the juſtice of peace that next dwelleth unto him, or to any of his fellows, and deſire a remedy; (7) and if then he hath no remedy, if it be nigh ſuch time as his juſtices of aſſiſes come into that ſhire, that then he ſo grieved ſhew his complaint to the ſame juſtices; (8) and if then he have no remedy, or if the complaint be made long afore the coming of the juſtices of aſſiſe, then he ſo grieved come to the King's highneſs, or to his chancellor for the time being, and ſhew his grief; (9) and his ſaid highneſs then ſhall ſend for the ſaid juſtices, to know the cauſe why his ſaid ſubjects be not eaſed, and his laws executed; whereupon if he find any of them in default of executing of his laws in the premiſſes, according to his high commandment, he ſhall do him ſo offending to be put out of the commiſſion, and further to be puniſhed according to his demerits. (10) And over that, his ſaid highneſs ſhall not let for any favour, affection, coſt, charge, nor other cauſe, but that he ſhall ſee his laws to have plain and true execution, and his ſubjects to live in ſurety of their lands, bodies, and goods, according to his ſaid laws, and the ſaid miſchiefs to be avoided, that his ſubjects may encreaſe in wealth and proſperity, to the pleaſure of God.

Juſtices neglecting to execute their commiſſions, or any one obſtructing them, liable to pains and the King's diſpleaſure.

Perſons grieved may complain to the juſtices of peace and, if they have no remedy, to the juſtices of aſſiſe, and then to the King or his chancellor.

The puniſhment of the juſtice found guilty of omitting his duty.

CAP.

CAP. XIII.

Clergy ſhall be allowed but once. A convict perſon ſhall be marked with the letters M *or* T. *A proviſion for them which be within orders.*

ITEM, *Whereas upon truſt of the privilege of the church, divers perſons lettered have been the more bold to commit murder, rape, robbery, theft, and all other miſchievous deeds, becauſe they have been continually admitted to the benefit of the clergy as oft as they did offend in any of the premiſſes*; (2) *in avoiding ſuch preſumptuous boldneſs*, it is enacted, ordained, and eſtabliſhed by the authority of this preſent parliament, That every perſon, not being within orders, which once hath been admitted to the benefit of his clergy, eftſoons arraigned of any ſuch offence, be not admitted to have the benefit or privilege of his clergy: (3) And that every perſon ſo convicted for murder, to be marked with an M upon the braun of the left thumb; and if he be for any other felony, the ſame perſon to be marked with a T in the ſame place of the thumb, and thoſe marks to be made by the gaoler openly in the court before the judge, before that ſuch perſon be delivered to the ordinary. (4) Provided alway, if any perſon at the ſecond time of aſking his clergy, becauſe he is within orders, hath not then and there ready his letters of his orders, or a certificate of his ordinary witneſſing the ſame, that then the juſtices, afore whom he is ſo arraigned, ſhall give him a day by their diſcretion to bring in his ſaid letters or certificate; (5) and if he fail, and bring not in at ſuch a day his ſaid letters, nor certificate, then the ſame perſon to loſe the benefit of his clergy, as he ſhall do that is without orders.

Clergy ſhall be allowed but once. Hob. 288, 294.

A perſon convict ſhall be marked with the letters M or T. Raſt. pla. f. 56. Co. lit. 50. Bro. Coron. 211.

If any perſon in orders ask his clergy, he ſhall produce his orders, or his ordinary's certificate. 28 H. 8. c. 1.

CAP. XIV.

Sealing of writings touching the earldom of March.

ITEM, *Where afore in the time of King* Edward *the Fourth, all feoffments, gifts, grants, demiſes, preſentments, nominations, releaſes, warrants, and confirmations, made to any perſon or perſons, of any caſtles, honours, manors, lands, and tenements, or other hereditaments, or advantages, parcel, or pertaining to the earldom of* March, *or pertaining to any manors, lands, tenements, or other hereditaments in demeſne, or reverſion, parcel, or pertaining to the ſaid earldom of* March, *were made and paſſed under a ſpecial ſeal, named the ſeal of the marches, whereby is grown great vexation, trouble, and deceit of the ſubjects of the King our ſovereign lord*: (2) Wherefore it is enacted by the authority of this preſent parliament, That all feoffments, gifts, grants, demiſes, preſentments, nominations, and all other writings whereto ſealing is requiſite, to be made after the feaſt of the *purification* of our *Lady*, in the fifth year of the reign of our ſovereign lord that now is, of any parcel of the ſaid earldom, be had, done, and made by the King our ſaid ſovereign lord, under the broad ſeal of his chancery, as it is uſed in all other things concerning the crown, by the courſe of the common law, and by none other ſeal.

All writings of any parcel of the earldom of March ſhall be under the great ſeal.

CAP.

CAP. XV.

The mayor of London *and his ſucceſſors, ſhall have the like conſervation and authority in all the iſſues, breaches, and ground overflown, as far as the water ebbeth and floweth, grown out of the river* Thames, *as touching the puniſhments for uſing unlawful nets and engines, as he had within the ſaid river.*

Ex edit. Raſt. Mayor of London. Thames.

ITEM, *where the mayor of the city of* London, *for the time being, is conſervator, having the conſervation of the water and river of* Thames, *from the bridge of* Staines, *unto the waters of* Yendall *and* Medway: *it is ſo that within few years, by tempeſt of weather and great abundance of waters in the ſaid river of* Thames, *divers breaches, iſſues and creeks, have been and grown out of the ſaid river of* Thames, *and by the ſame divers paſtures, meadows, and grounds of divers perſons been drowned and overflown: in which breaches iſſues and creeks, and ground drowned, the fry and brood of fiſh for the moſt part reſteth, and in the ſame place the ſaid fry and brood in great multitude daily is taken by the ſaid fiſhers there, with unlawful engines and nets for bait of eels and cods, and alſo for the feeding of their hogs, to the utter deſtruction of the ſaid fry and brood, without a remedy the rather be provided:* The King our ſaid

4 Inſt. 250.

ſovereign lord by the advice of the lords ſpiritual and temporal, and at the prayers of the commons in the ſaid parliament aſſembled, and by authority of the ſame, hath ordained, ſtabliſhed, and enacted, That the mayor of *London*, and his ſucceſſors mayors for the time being, have the conſervation and rule, and like authority in every of the ſaid breaches, iſſues, and creeks, and ground ſo drowned and overflown, as far as the water ebbeth and floweth, as touching the punition for uſing of unlawful

Nets.

nets and other unlawful engines in fiſhing, like as he and his predeceſſors have or hath in the ſame water and river of *Thames*, within the bounds afore rehearſed: and to do all other like correction and puniſhment there concerning the reformation and redreſs of unlawful nets and engines, as he and his predeceſſors have uſed and ought to uſe in the ſaid river of *Thames*. Provided alway, That the mayor of *London*, or his ſucceſſors mayors for the time being, have not the conſervation nor rule nor

Breaches. Creeks.

authority in any of the ſaid breaches, iſſues, creeks and grounds ſo drowned and overflown within the King's ground, or being within any franchiſes of any perſon or perſons ſpiritual and temporal, as touching the punition for uſing of unlawful nets and other unlawful engines in fiſhing, nor to do any correction or puniſhment there concerning the reformation and redreſs of unlawful nets and engines, as the ſaid mayor and his ſucceſſors have uſed and ought to uſe in the ſaid river of *Thames*.

CAP.

CAP. XVI.

The penalty of taking more farms than one in the Iſle of Wight.

CAP. XVII.

The charges and benefit of the heir of Ceſtui que uſe.

ITEM, Where by an eſtatute made at *Marlbridge*, it was ordained, That when tenants made feoffments in fraud to make the lords of the fee to loſe their wards, the lords ſhould have writs to recover their wards againſt ſuch feoffees, as in the ſaid ſtatute among other things appeareth more plainly at large: (2) Sith the making of which eſtatute many imaginations have been had and yet been uſed, as well by feoffments, fines and recoveries, as otherwiſe, to put lords from their wards of lands holden of them by knights ſervice: (3) It is therefore ordained, eſtabliſhed and enacted by authority of this preſent parliament, That the ſaid ſtatute of *Marlbridge* be obſerved and kept in all manner of things after the form and effect thereof. (4) And over, that it is ordained and enacted by the ſaid authority, That if any perſon or perſons, of what eſtate, degree or condition he or they be of, or hereafter ſhall be, ſeiſed in demean or reverſion of ſtate of inheritance, being tenant immediate to the lords of any caſtles, manors, lands and tenements, or other hereditaments holden by knights ſervice in his or their demean, as of fee, to the uſe of any other perſon or perſons, and of his heirs only, he to whoſe uſe he or they be ſo ſeiſed dieth, his heir being within age, no will by him declared, nor made in his life touching the premiſſes, or any of them: the lord of whom ſuch caſtles, manors, lands, tenements and hereditaments been holden immediately, ſhall have a writ of right of ward, as well for the body as for the land, as the lord ſhould have had, if the ſame anceſtor had been in poſſeſſion of that eſtate ſo being in uſe at that time of his death, and no ſuch eſtate to his uſe made. (5) And if any ſuch heir be of full age at the death of his anceſtor, to pay relief, as his anceſtor, whoſe heir he is, had been in poſſeſſion of that ſtate ſo being in uſe at time of his death, and no ſuch eſtate to his uſe made or had. (6) It is alſo ſtabliſhed and enacted by the ſaid authority aforeſaid, That ſuch heir or heirs ſo being in ward, ſhall have like action of waſte againſt the ſaid lords, or againſt them in whoſe ward they ſo be, as they or any of them ſhould have had, and recover ſuch damages and ſuch penalties to be to the ſaid lord and guardians, as ſhould have been if their anceſtor had died thereof ſeiſed. (7) And moreover, if any ſuch lord bring any ſuch writ of right of ward againſt ſuch perſon or perſons, and be barred in the ſame: that then the ſame defendant or defendants ſhall recover damages againſt the ſaid plaintiffs, for their wrongful vexation in the ſame. Provided always, that this act begin to take effect of the heirs of them that ſhall die after the feaſt of *Eaſter*, that ſhall be in the year of our Lord M.CCCC, lxxxx.

4 Inſt. 196. Co. Lit. 84. b.

The heir of *Ceſtui que uſe* holding his lands by knights ſervice within age, ſhall be in ward; and of full age, ſhall pay relief.

The heir ſhall have an action of waſte againſt his guardian committing waſte.

Damages for the defendant in a writ of right of ward.

52 H. 3. c. 6.
1 R. 3. c. 1.
19 H. 7. c. 15.
23 H. 8. c. 10.
34 H. 8. c. 5.
12 Car. 2. c. 24.

CAP.

Rep. 1 Ed. 6. c. 12. 1 Mar. ſeſſ. 1. c. 1.

CAP. XVIII.

The forging of the coin of other realms allowed to be current in this realm ſhall be treaſon.

Rep. 39 El. c. 1. & 21 Jac. 1. c. 28.

CAP. XIX.

The penalty for decaying of houſes of huſbandry, or not laying of convenient land for the maintenance of the ſame.

CAP. XX.

Actions popular, proſecuted by colluſion, ſhall be no bar to thoſe which be purſued with good faith.

The enormities of colluſion practiſed in ſuing of actions popular.

ITEM, *That where actions popular in divers caſes have been ordained by many good acts and ſtatutes afore this time made, for the reformation of extortions, maintenances, oppreſſions, injuries, exactions, and wrongs uſed and committed within this realm,* (2) *which actions been very penal to all miſdoers and offenders in ſuch actions condemned, and much profitable as well to the King, as to every of his ſubjects that them will ſue and maintain, if the ſame actions ſo ſued and commenced might be truly purſued without covin or colluſion.* (3) *But now it is ſo commonly uſed within this realm, that if any ſuch offenders offending in caſes where any of the ſaid actions lie, then the ſaid miſdoers or offenders, in eſchewing to leeſe the ſaid penalties, will cauſe an action popular to be commenced againſt them by covin of the plaintiff, upon that caſe wherein they have ſo offended;* (4) *or elſe if any ſuch action popular be commenced againſt any ſuch ſaid offender by good faith, then the ſame offender will delay the ſaid action, either by non-appearance or by traverſe, and hanging the ſame action, the ſame offender will cauſe like action popular to be brought againſt him by covin, for the ſame cauſe and offence that the firſt action was ſued, and then by covin of the plaintiff in that ſecond action he will be condemned, either by confeſſion, feigned trial, or releaſe;* (5) *which condemnation or releaſe, ſo had by colluſion and covin, pleaded by the ſaid offender, ſhall bar the plaintiff in the action ſued in good faith;* (6) *and by theſe ſubtil means of colluſion and covin the ſaid good acts and ſtatutes ſeldom been executed againſt ſuch offenders which cauſeth them to be bolder to offend the King, as well in breaking of the ſaid ſtatutes, laws, and peace, as in robbing, murdering, exactions taking, quarrels maintaining, and the King's poor ſubjects by extortion and many other unlawful means oppreſſing:*

Recovery in an action popular by covin, or a bar in the ſame, is no plea in an action ſued with good faith.

(7) Therefore the King our ſovereign lord, in reforming of the premiſſes, by the advice and aſſent of the lords ſpiritual and temporal, and at the requeſt of the ſaid commons, in this ſaid preſent parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That if any perſon or perſons hereafter ſue with good faith any action popular, and the defendant or defendants in the ſame action plead any manner of recovery of action popular in bar of the ſaid action, or elſe that the ſame defendant or defendants plead, that he or they before that time barred any ſuch plaintiff or plaintiffs in any ſuch action popular, that then the plaintiff or plaintiffs in the action taken with good faith may aver, that the ſaid recovery ac-

in the ſaid action popular was had by covin, or elſe to aver that the ſaid plaintiff or plaintiffs was or were barred in the ſaid action popular by covin, that then, if afterward the ſaid colluſion or covin ſo averred be lawfully found, the plaintiff or plaintiffs in that action ſued with good faith, ſhall have recovery according to the nature of the action, and execution upon the ſame in like wiſe and effect, as though no ſuch action afore had been had. (8) And moreover, that it is enacted and ordained by the authority aforeſaid, That in every ſuch action popular, wherein the defendant or defendants ſhall be lawfully condemned or attainted of covin or colluſion, as is afore ſaid, that every of the ſame defendants have impriſonment of two years by proceſs of *capias* and outlagary, to be ſued within the year after ſuch judgment had, or at any time after, till the ſaid defendant or defendants ſhall be had and impriſoned, as is afore ſaid, and that as well at the King's ſuit, as of every other that will ſue in that behalf: (9) And that no releaſe of any common perſon hereafter to be made to any ſuch party, whether before or after any action popular, or indictment of the ſame had or commenced, or made hanging the ſame action, be in any wiſe available or effectual to let or ſurceaſe the ſaid action, indictment, proceſs, or execution. (10) Provided alway, That no plaintiff or plaintiffs be in any wiſe received to aver any covin in any action popular, where the point of the ſame action, or elſe the covin or colluſion, have been once tried, or lawfully found with the plaintiff or plaintiffs, or againſt them, by trial of twelve men, and not otherwiſe.

The puniſhment of the defendant attainted of colluſion.

No releaſe of a common perſon can diſcharge a popular action.

No colluſion averrable where the point of the action hath been tried by verdict.

CAP. XXI.

An act that no engines ſhall be uſed for deſtroying the fry of fiſh in *Oxford* haven in *Suffolk*, upon pain of forfeiture of ten pounds for every offence. *To endure to the beginning of the next parliament.* EXP.

CAP. XXII.

If any perſon, before the next parliament, bring, or put to ſale any gold of *Venice*, *Florence*, or *Genoa* for a pound weight, which doth not contain xii. ounces, or that the gold packed be not in greatneſs of thread or colour wrought according to the outward ſhew thereof, he ſhall forfeit the ſame, or the value thereof. *To endure to the beginning of the next parliament.* EXP.

CAP. XXIII.

The ſtatute provided 17 *Ed.* 4. *c.* 1. againſt the tranſporting of money, plate, or jewels, revived for twenty years. 1 H. 8. c. 15.

CAP. XXIV.

How often a fine levied in the common pleas ſhall be read and proclaimed, and who then ſhall be bound thereby.

ITEM, *Where it was ordained in the time of King* Edward *the First, by the ſtatute* de finibus, *that notes and fines to be levied in the King's court afore his juſtices ſhould be openly and ſolemnly read, and that pleas in the mean time ſhould ceaſe, and this to be done by two* 17 Ed. 1 ſtat. 1. c. 1. Explained by 32 H. 8. c. 36. 1 Leon. 77. 1 Anderſ. 40.

2 Anderſ. 109, 114. Savil, 85, 88, 105. 3 Bulſt. 152. 1 Roll, 153, 157, 171. 2 Roll, 245, 325, 342, 374, 402, 417, 500, 501. 7 Co. 32. 34 Ed. 3. c. 16. Proclamations of fines. Who ſhall be concluded by the fine, and who not. 31 El. c. 2. Co. pla. f. 16. Plowd. 1. 246. Dyer, f. 182, 216, 234, 246, 254. Bro. Taile, 2. 3 Co. 51, 77, 84. Skinner, 95. Hob. 332, 333, 334. Th. Jones, 242, 243. 244. Co. Lit. 372. a. 262. a. 266. b. 19 H. 8. f. 7. Plowd. 358, 360. Dyer, 72, 337, 374. 5 Co. 123. 9 Co. 104. 11 Co. 69, 71. Dyer, 3. 133, 224. Co. pl. 222, 326. 1 Anderſ. 171. 1 Leon. 113. 2 Leon. 257. 3 Leon. 10, 227. 7 Co. 32. 9 Co. 140. 8 Co. 101. 3 Leon. 221. Dyer, f. 71. Bro. Fines lev. 123. 3 Co. 84, 91. 4 Co. 125. 1 Anderſ. 303. 1 Roll, 167. 3 Inſt. 216.

two days in the week, after the diſcretion of the juſtices, as in the ſaid ſtatute more plainly appeareth: The King our ſovereign lord conſidereth, That fines ought to be of the greateſt ſtrength to avoid ſtrifes and debates, and to be a final end and concluſion; and of ſuch effect were taken afore a ſtatute made of non-claim, and now is uſed to the contrary, to the univerſal trouble of the King's ſubjects, will therefore it be ordained, by the advice of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by the authority of the ſame, That after the ingroſſing of every fine to be levied after the feaſt of *Eaſter*, that ſhall be in the year of our Lord M.CCCC.XC. in the King's court, afore his juſtices of the common place, of any lands, tenements, or any other hereditaments, the ſame fine be openly and ſolemnly read and proclaimed in the ſame court the ſame term, and in three terms then next following the ſame ingroſſing in the ſame court, at four ſeveral days in every term; and in the ſame time that it is ſo read and proclaimed, all pleas to ceaſe. (3) And the ſaid proclamations ſo had and made, the ſaid fine to be a final end, and conclude as well privies as ſtrangers to the ſame, except women covert (other than been parties to the ſaid fine) and every perſon then being within age of xxi. years, in priſon, or out of this realm, or not of whole mind at the time of the ſaid fine levied, not parties to ſuch fine; (4) and ſaving to every perſon or perſons, and to their heirs, other than the parties in the ſaid fine, ſuch right, title, claim, and intereſt, as they have to or in the ſaid lands, tenements, or other hereditaments, the time of ſuch fine ingroſſed; ſo that they purſue their title, claim, or intereſt by way of action, or lawful entry, within five years next after the ſaid proclamations had and made: (5) And alſo ſaving to all other perſons ſuch action, right, title, claim, and intereſt in or to the ſaid lands, tenements, or other hereditaments, as firſt ſhall grow, remain, or deſcend, or come to them after the ſaid fine ingroſſed and proclamation made, by force of any gift in the tail, or by any other cauſe or matter had and made before the ſaid fine levied; ſo that they take their action, or purſue their ſaid right and title, according to the law, within five years next after ſuch action, right, title, claim, or intereſt to them accrued, deſcended, remained, fallen, or come: (6) And that the ſaid perſons and their heirs, may have their ſaid action againſt the pernor of the profits of the ſaid lands and tenements, and other hereditaments, at the time of the ſaid action to be taken. (7) And if the ſame perſons, at the time of ſuch action, right, and title accrued, deſcended, remained, or come unto them, be covert de baron, or within age, in priſon, or out of this land, or not of whole mind, then it is ordained by the ſaid authority, That their action, right, and title, be reſerved and ſaved to them and their heirs, unto the time they come and be at their full age of xxi. years, out of priſon, within this land, uncovert, and of whole mind, ſo that they, or their heirs, take their ſaid actions, or their lawful entry, according to their right and title, within

five years next after that they come and be at their full age, out of priſon, within this land, uncovert, and of whole mind, and the ſame actions purſue, or other lawful entry take, according to the law. (8) And alſo it is ordained by the authority aforeſaid, That all ſuch perſons as be covert de baron, not party to the fine, and every perſon being within age of xxi. years, in priſon, or out of this land, or not of whole mind, at the time of the ſaid fines levied and ingroſſed, and by this ſaid act afore except, having any right or title, or cauſe of action, to any of the ſaid lands and other hereditaments, that they, or their heirs, inheritable to the ſame, take their ſaid actions or lawful entry according to their right and title, within five years next after they come and be of age of xxi. years, out of priſon, uncovert, within this land, and of whole mind, and the ſame actions ſue, or their lawful entry take and purſue, according to the law. (9) And if they do not take their actions and entry as is aforeſaid, That they and every of them, and their heirs and the heirs of every of them, be concluded by the ſaid fines for ever, in like form as they be that be parties or privies to the ſaid fines: (10) Saving to every perſon or perſons, not party nor privy to the ſaid fine, their exception to avoid the ſame fine, by that, that thoſe which were parties to the fine, nor any of them, nor no perſon or perſons to their uſe, ne to the uſe of any of them, had nothing in the lands and tenements compriſed in the ſaid fine at the time of the ſaid fine levied. (11) And it is ordained by the ſaid authority, That every fine that hereafter ſhall be levied in any of the King's courts, of any manors, lands, tenements, and other poſſeſſions, after the manner, uſe and form, that fines have been levied afore the making of this act, be of like force, effect, and authority, as fines ſo levied be or were afore the making of this act; this act, or any other act in this preſent parliament made or to be made notwithſtanding. (12) And every perſon ſhall be at liberty to levy any fine hereafter at his pleaſure, whether he will after the form contained and ordained in and by this act, or after the manner and form aforetime uſed.

Bro. Fines lev. 109.

1 Mar. ſeſſ. 2. c. 7.

The fourth parliament, holden at Weſtminſter *on* Monday *the ſeventeenth day of* October *in the ſeventh year of the reign of King* HENRY VII.

CAP. I.

The penalty of a captain or ſoldier retained to ſerve the King in his intended wars, not doing their duties.

FOR *as much as it is notoriouſly known, that the King to his great coſts and charges, hath ſent his ambaſſadors to* Charles *his adverſary of* France, *to have had a convenient peace with him, and to have his right without effuſion of chriſtian blood, which was*

3 Inſt. 86. 6 Co. 27. a. 3 Mod. 124.

refuſed; (2) *wherefore the King, by the grace of God, in whoſe hands and diſpoſition reſteth all victory, hath determined himſelf to paſs over the ſea into his realm of* France, *and to reduce poſſeſſion thereof by the ſaid grace to him, and to his heirs, Kings of* England, *according to his rightful title, whereby he truſteth not only to bring this his realm to the ancient fame and honour, but alſo to inrich, and ſet in perfect peace and tranquillity his ſubjects of the ſame, truſting that thereby the more part of all chriſtian realms ſhall be in more perfect peace and tranquillity, and the better diſpoſed to ſerve God; which cannot be done by all likelihood without battle, as well on the ſea, as in other places beyond the ſea, wherein Almighty God muſt be judge, in whoſe defence, mercy, and goodneſs, the King putteth his full truſt above all other things*; (3) *howbeit, many times, by the inordinate covetiſe of captains retained with princes afore this time, great part of the number of ſoldiers, for whom ſuch captains have indented with princes, at time of need have lacked of their number of ſoldiers, whereby great jeopardies have enſued, and irrecuperable damages thereby may enſue, if remedy be not therefore foreſeen and had:*

The penalty of a captain which ſhall not have the whole number of his ſoldiers, or not pay them their wages. 3 H. 8. c. 5.

(4) Be it therefore ordained by the authority of this preſent parliament, That if any captain be retained, or hereafter ſhall be, to ſerve the King on the ſea, or beyond the ſea in feat of war, which hath not his or their whole and perfect number of men and ſoldiers, according as he ſhall be retained with the King, or give not them their full wages without ſhorting as he ſhall receive of the King for them, except for jackets for them that receive land-wages, that is to ſay, vi. s. viii. d. for a yeoman, and xiii. s. iv. d. for a gentleman, for a whole year, he ſhall for ſuch default forfeit to the King all his goods and chattels, and their bodies to priſon.

The captain ſhall pay to his ſoldiers their wages within ſix days after the receipt thereof. Cro. Car. 71.

II. And that every captain, petty captain, and all other having under them retinue of any ſoldier or ſoldiers at the King's wages, ſhall, upon the pain aforeſaid, pay to their retinue of ſoldier or ſoldiers, and every of the ſame, their wages rateably as is allowed unto them by the King our ſovereign lord, or the treaſurer of his wars, without leſſening or withdrawing any part thereof; (2) and for as long time as they ſhall receive wages for them, this payment unto the ſaid retinues, and every ſoldier of the ſame, of their captains and petty captains, always ſhall be within ſix days next and immediately after that the ſaid captain, petty captain, or other ſhall have received their wages of the King, or of the treaſurer of his wars, or their lords or maſters.

It ſhall be felony for a ſoldier to depart without licence. 18 H. 6. c. 19. 2&3 Ed. 6. c. 2.

(3) And if any ſoldier, being no captain, immediately retained with the King, which hereafter ſhall be in wages and retained, or take any preſt, to ſerve the King upon the ſea, or upon the land beyond the ſea, depart out of the King's ſervice without licence of his captain, that ſuch departing be taken, deemed, and adjudged felony, and that he ſo offending ſuffer for the ſaid offence puniſhment and execution of felony. (4) And foraſmuch as his offence ſtretcheth to the hurt and jeopardy of the King our ſovereign lord, the nobles of the realm, and of all the common weal thereof, that therefore he or they

ſo

ſo offending enjoy not the benefit of his clergy. (5) And that it be ordained by the ſaid authority, That all the juſtices of the peace in every ſhire of *England*, whereas any ſuch offenders be taken, have power to inquire of the ſaid offences, and the ſame to hear and determine, as they do and may do of felonies, treſpaſſes, and of other offences expreſſed in the King's commiſſion to them made, as though the ſaid offences were done in the ſame ſhire. (6) And alſo that the ſaid departing of ſuch ſoldiers, and alſo their retainers, if it be traverſed, be tried in the ſame ſhire where they be for ſuch cauſe arreſted and arraigned. (7) Provided alway, That no captain be charged by this act for lack of his number retained, as is aboveſaid, whoſe ſoldiers ſhall hap to die, or otherwiſe depart, not in the default of the captain; ſo that the ſaid captain, if he be at landwages, ſhew the departing or lacking of his ſoldier, within ten days after the lacking of the ſaid ſoldier, unto the treaſurer of the wars; or if the captain be at ſea-wages, he ſhew the departing or lacking of the ſaid ſoldier, ſo lacking, to the admiral of the navy where he is retained, at next meeting with the ſaid admiral. 6 Co. 27.

Juſtices of peace may enquire of, hear, and determine the offences of ſoldiers departing without licence.

The captain ſhall not be charged for the ſoldiers offence.

CAP. II.

Every perſon that ſhall be in the King's wages beyond the ſea, or on the ſea, ſhall have a protection, and no deſcent ſhall prejudice him, and by his writing he may make his attorney to enter into lands deſcended unto him, to attorn, *&c.* Exp. 3H.8. c.4.

CAP. III.

They that do go with the King in his wars, may make feoffments of their lands to the uſe of their wills without licence, and they ſhall have their own liveries, and authority to diſpoſe the wardſhip of their heirs. Exp. 3 H.8. c.4.

CAP. IV.

Weights and meaſures ſhall be made of braſs, and ſent to the chief officers of every city, borough, *&c.* Altered by 11H.7.c.4. 12 H.7.c.5.

CAP. V.

Riens deins le gard *ſhall be no challenge upon any iſſue to be tried in* London.

PRAYEN *the commons in this preſent parliament aſſembled, That where of long time uſed in any iſſue to be tried within the city of* London, *a challenge, commonly called* Riens deins le gard, *hath been admitted for a good challenge, ſo that no iſſue could be tried in any ward, without that there were four ſufficient perſons of livelihood to the yearly value of* xl. s. *above all charges within the ſame city and dwelling, or having any livelihood within the ſame ward*; (2) *and it is ſo now (the cauſe God knoweth why) that there is no ward, or elſe but few, and in ſpecial in plea of land, that any plaintiff or demandant can have ſufficient trial in this matter, as evidently is known, for cauſe of the challenge aforeſaid; for in the moſt part of wards, as now, there be none ſufficient, and if any be, there are no officers that dare ſummon them, or elſe if they be ſummoned, they will not appear, their honour is ſo great, and their amerciament ſo little:* (3) That it pleaſe your abundant

Riens deins le gard ſhall be no challenge upon any iſſue to be tried in London.

abundant grace, by the advice of the lords ſpiritual and temporal, and by the authority of this preſent parliament, to ordain, and for the common wealth of your true ſubjects, eſtabliſh, and enact, That from henceforth the challenge commonly called *Riens deins le gard*, be no challenge but utterly void, and of none effect; ſaving to every perſon all manner of other challenges, whatſoever they be, according to the law.

CAP. VI.

Exp. 4 H. 7. c. 5.

Letters patents made to ſeveral ſpiritual perſons to be diſcharged of *Diſmes*, and *Quinzimes*, ſhall extend no further than they did in the time of King *Edw.* IV.

CAP. VII.

Rep. 4. Jac. 1, c. 1.

All *Scots*, not made denizens, ſhall depart this realm within forty days after proclamation, upon pain of forfeiture of all their goods.

CAP. VIII.

EXP.

Every butt of malmſey ſhall contain Cxxvj. gallons, and every merchant ſtranger ſhall pay for cuſtom xviii. s. a butt, beſides the old cuſtom, and no butt ſhall be ſold for above iv. li. which new impoſition ſhall be until the *Venetians* abate their new impoſitions of iv. ducats at *Candy*.

Statutes made at *Weſtminſter*, *Anno* 11 HEN. VII. and *Anno Dom.* 1494.

THE *King our ſovereign lord* Henry *the Seventh after the conqueſt, by the grace of God King of* England *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the fourteenth day of* October, *in the eleventh year of his reign, to the honour of God and holy church, and for the common profit of the realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſaid parliament, hath done to be made certain ſtatutes and ordinances, in manner and form following.*

CAP. I.

None that ſhall attend upon the King and do him true ſervice ſhall be attainted, or forfeit any thing.

3 Inſt. 7. 1 Hales, H.P.C. 101, 102. 1 Hawk. P.C. 36. Kelyng. 14, 15.

THE *King our ſovereign lord, calling to his remembrance the duty of allegiance of his ſubjects of this his realm, and that they by reaſon of the ſame are bound to ſerve their prince and ſovereign lord for the time being, in his wars, for the defence of him, and the land, againſt every rebellion, power, and might, reared againſt him, and with him to enter and abide in ſervice in battle, if caſe ſo require; (2) and that for the ſame ſervice what fortune ever fall by chance in the ſame battle againſt the mind and will of the prince (as in this land ſome time paſſed hath been ſeen) that it is not reaſonable,*

but

but againſt all laws, reaſon, and good conſcience, that the ſaid ſubjects going with their ſovereign lord in wars, attending upon him in his perſon, or being in other places by his commandment, within this land, or without, any thing ſhould loſe or forfeit for doing their true duty and ſervice of allegiance: (3) it be therefore ordained, enacted, and eſtabliſhed by the King our ſovereign lord, 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 from henceforth no manner of perſon or perſons, whatſoever he or they be, that attend upon the King and ſovereign lord of this land for the time being, in his perſon, and do him true and faithful ſervice of allegiance in the ſame, or be in other places by his commandment in his wars, within this land or without, that for the ſaid deed, and true duty of allegiance he or they be in no wiſe convict or attaint of high treaſon, ne of other offences for that cauſe, by act of parliament, or otherwiſe by any proceſs of law, whereby he or any of them ſhall loſe or forfeit life, lands, tenements, rents, poſſeſſions, hereditaments, goods, chattels, or any other things; but to be for that deed and ſervice utterly diſcharged of any vexation, trouble, or loſs. (4) And if any act or acts, or other proceſs of the law hereafter thereupon for the ſame happen to be made, contrary to this ordinance, that then that act or acts, or other proceſſes of the law, whatſoever they ſhall be, ſtand, and be utterly void. (5) Provided alway, That no perſon or perſons ſhall take any benefit or advantage by this act, which ſhall hereafter decline from his or their ſaid allegiance.

No perſon that ſhall attend upon the King and do him true ſervice, ſhall be attainted therefore of treaſon or any other offence.

CAP. II.

Vagabonds, idle, and ſuſpected perſons ſhall be ſet in the ſtocks three days and three nights, and have none other ſuſtenance but bread and water, and then ſhall be put out of the town: (2) and whoſoever ſhall give ſuch idle perſons more, ſhall forfeit xii. d. (3) Every beggar not able to work, ſhall reſort to the hundred where he laſt dwelled, is beſt known, or was born, and there remain upon the pain aforeſaid, Exp. 33 *El. c.* 4. (4) No artificer, labourer, or ſervant, ſhall play at any unlawful game, but in *Chriſtmas.* Exp. 33 *H.* 8. *c.* 9. (5) Two juſtices of peace may reject common ſelling of ale, *&c.*

Altered 5 & 6 Ed. 6. c. 25. 1 Jac. 1. c. 9. Rep. 21 Jac. 1. c. 28.

CAP. III.

The juſtices of aſſiſe in their ſeſſions, and the juſtices of peace in every county, upon information for the King, ſhall have authority to hear and determine all offences and contempts, (ſaving treaſon, murder, or felony) committed by any perſon againſt the effect of any ſtatute made, and not repealed.

Rep. 1 H. 8. c. 6.

CAP. IV.

The names of the cities and towns limited for the keeping of weights and meaſures.

Statutes concerning weights and meaſures. 9 H.3.ſtat.1. c.25. 51 H.3.ſtat.1. 31 Ed.1. 14 Ed.3.ſtat.1. c.12. 25 Ed.3.ſtat.5. c.9,10. 27 Ed.3.ſtat.2. c. 10. 34 Ed.3.c.5. 13 R.2.ſtat.1. c.9. 15 R.2.c.4. 16 R.2.c.3. 8 H.6.c.5.

PRAYEN *the commons in this preſent parliament aſſembled, That where divers acts, ſtatutes, and ordinances in the times of the noble progenitors and predeceſſors of our now ſovereign lord the King have been made, That one meaſure and weight ſhould be uſed throughout this noble realm*; (2) *and alſo, That in every city, borough, and town within the ſame realm, upon certain and ſeveral pains in the ſaid ſtatutes and ordinances limited, ſhould be a common balance, with common weights, and common meaſures, marked according to the eſtandard of the exchequer*; *by the which, and other like balance, weights, and meaſures marked according to the ſaid eſtandard, all men ſhould buy and ſell, for the avoiding of all fraud and diſcord in that behalf to be uſed*; (3) *which acts, ſtatutes, and ordinances have not been obſerved and kept, as now in this preſent parliament it hath been openly by divers perſons of divers parties of this realm remembered, to the great hurt and vexation of divers and many of the King's ſubjects of this his realm*: (4) for remedy whereof be it of the abundant grace of our moſt gracious ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and by the commons, in this preſent parliament aſſembled, and by authority of the ſame, enacted and eſtabliſhed, That unto the knights and citizens of every ſhire and city, aſſembled in this preſent parliament, barons of the cinque ports, and certain burgeſſes of burgh towns, before they depart from this preſent parliament, be delivered one of every weight and meaſure, which now our ſovereign lord hath cauſed to be made of braſs, for the common wealth of all his ſubjects and lieges within this his realm of *England*, according to the King our ſovereign lord's ſtandard of his exchequer of weights and meaſures, as they be in the exchequer of our ſaid ſovereign lord: (5) and that the ſaid knights, citizens, and burgeſſes, to whom the ſaid weights and meaſures ſhall be delivered, as is aforeſaid, ſurely convey, or cauſe the ſame to be conveyed on this ſide the feaſt of *Eaſter* next coming, by the ſaid citizens to their cities, and by the ſaid knights unto ſuch borough, or town corporate, or market town within the ſhire for which they be elected, as is ſpecified and contained in a ſchedule unto this preſent bill annexed, there to remain for ever in the keeping of the mayor, bailiff, or other head officer for the time being, of the ſame city, borough, or town, as the King's ſtandard of weight and meaſure. (6) And that the inhabitants of all cities, boroughs, and market towns within every of the ſaid ſhires, ſhall on this ſide the feaſt of the Nativity of St. *John Baptiſt* next coming, make or cauſe to be made, common meaſures and weights, according to the weights and meaſures aboveſaid, to remain within the ſaid cities, boroughs, and market towns, and every of them; (7) and the ſame weights and meaſures to be viewed, examined, printed, ſigned,

A weight and meaſure according to the ſtandard of the exchequer ſhall be ſent into every city, borough, &c.

Every city and borough ſhall make common weights according to them received, and ſhall mark them.

ſigned, and marked by the mayor, balliff, or other head officer, in whoſe poſſeſſion the aforeſaid ſtandard ſhall remain; (8) and that every of the aforeſaid mayor, bailiff, or head officer, having the ſaid weights and meaſures ſigned and printed under the ſign and print for the ſame, with a letter H crowned, have authority and power to make, ſign, and print like weights and meaſures unto every of the King's lieges and ſubjects, duly requiring the ſame, taking for marking of every buſhel, i. d. (9) And that from the ſaid feaſt of the Nativity of St. *John Baptiſt*, no merchant, ne other perſon or perſons, within any city or market town, buy ne ſell with any weight or meaſure, except it be marked, ſigned, or printed in manner and form aforeſaid, ne any other perſon or perſons out of the ſaid cities, boroughs, and market towns, except it be like and equal with the ſaid eſtandard; (10) and that every perſon, as well without cities, boroughs, and market towns, as within, buy and ſell with a buſhel ſealed, ſigned, or marked after the form aforeſaid, and no otherwiſe. (11) And that all the mayors, bailiffs, and other head officers of every city, borough, or market town, ſhall cauſe twice in the year, or oftener, as they ſhall think neceſſary, all weights and meaſures within the ſaid cities, boroughs, and market towns, to be brought afore them, and to be duly viewed and examined; (12) and ſuch as they ſhall upon the ſaid examination find defective, immediately to be broken and burnt, and the party or parties which in that behalf hath offended, and been found defective, ſhall forfeit for the firſt time vi. s. viii. d. the forfeiture thereof to be unto the ſaid mayor, bailliff, or any other having juriſdiction and correction in that behalf; and at the ſecond time the ſaid offender likewiſe to forfeit xiii. s. iv. d. and at the third time likewiſe to forfeit xx. s, and for further puniſhment to be ſet upon the pillory, to the enſample of other: (13) and that two juſtices of peace, whereof one ſhall be of the *quorum*, have authority, as well by examination as by enquiry, to hear and determine the defaults of the ſaid mayors, bailiffs, or other head officers in that behalf, and alſo of all buyers and ſellers doing contrary to this preſent act and ordinance, and to ſet fine and amerciament upon the offenders by their diſcretion; (14) and the ſaid weights and meaſures, ſo found defective, to be forfeited and burnt. (15) Be it alſo enacted, That there be but only viii. buſhels raſed and ſtriken to the quarter of corn, and xiv. li. to the ſtone of wool, and xxvi. ſtone to the ſack. (16) Be it alſo ordained by authority aforeſaid, That the juſtices of peace abovesaid, have authority to make like proceſs againſt all perſons found as is aboveſaid defective, and for ſuch fines and amerciaments as upon them ſhall be aſſeſſed, as if they were indicted afore them for breaking of the King's peace. (17) And where by other ſtatutes and ordinances afore limited, it is ordained that every city, borough, and town that hath a conſtable, ſhould have common weights and meaſures ſealed, upon penalties in the ſame limited; that thoſe penalties in that

None ſhall buy or ſell but with weights and meaſures ſigned and printed,

which ſhall be viewed and examined twice in the year at the leaſt.

The penalty of offenders.

Juſtices of the peace may hear and determine the offences.

The meaſure of a quarter of corn, and the weight of a ſtone and ſack of wool.

14 Ed. 3. ſtat. 1. c. 12.

that behalf extend not to any town which is no city, burgh, or market town. (18) Provided alway, That this act ſhall not extend, nor be prejudicial to any perſon ſelling or buying by water-meaſure within the ſhip-board; (19) and that it be by the authority aboveſaid enacted, the premiſſes or any other ordinance afore made notwithſtanding, That the ſaid water-meaſure within the ſhip-board ſhall only contain five pecks, after the ſaid ſtandard raſed and ſtricken. (20) Provided alſo, That the examination of defaults aboveſaid, and puniſhment to the offenders of every offence committed hereafter within any of the ſaid five ports, ſhall be had, done, and adminiſtered by the lord warden of the ſaid five ports, or by his lieutenant of the ſame for the time being, and none other, the premiſſes notwithſtanding. (21) Provided alſo, That this act of weights and meaſures extend not, nor be in no wiſe hurtful or prejudicial to the prince, within the dutchy of *Cornwall*, for any weights appertaining and belonging to the coinage of tin within the counties of *Cornwall* and *Devonſhire*, but that all ſuch weights be uſed, ordered, demeaned, and corrected, as it hath been uſed and accuſtomed before this time, the ſame act and ordinance notwithſtanding.

Selling and buying by water meaſure on ſhip-board.

The lord warden of the Five Ports ſhall puniſh offences done there.

Weights for coinage of tin in Cornwall and Devon.

7 H. 7. c. 4.
12 H. 7. c. 5.

The names of towns limited for the ſafe cuſtody of weights and meaſures, according to the King's ſtandard for the ſhires following, as particularly appeareth.

Weſtmerl.	The town of *Applebey.*
Northumb.	The town of *Newcaſtle.*
Cumbr.	The city of *Carliſle.*
Lanc.	The town of *Lancaſter.*
Ebor.	The city of *York.*
Lincoln	The city of *Lincoln.*
Derb.	The town of *Derby.*
Nottingh.	The town of *Nottingham.*
Leic.	The town of *Leiceſter.*
Warw.	The city of *Coventry.*
Rotyl.	The town of *Uppingham.*
North.	The town of *Northampton.*
Bedf.	The town of *Bedford.*
Buck.	The town of *Buckingham.*
Cantebr.	The town of *Cambridge.*
Hunt.	The town of *Huntingdon.*
Norf.	The city of *Norwich.*
Suff.	The town of St. *Edmunds-bury.*
Eſſex	The town of *Chelmsford.*
Hertf.	The town of *Hertford.*
Mid.	In *Weſtminſter.*
Kent	The town of *Maidſtone.*
Sur.	The town of *Guilford.*
Suſſex	The Town of *Lewes.*
Oxon.	The town of *Oxenford.*

Berk.

Berk.	The town of *Reading*.
Salop	The town of *Shrewsbury*.
Staff.	The town of *Stafford*.
Hereford	The city of *Hereford*.
Glouc.	The town of *Glouceſter*.
Wigorn.	The city of *Worceſter*.
Wilts	The city of *New Salisbury*.
South.	The city of *Wincheſter*.
Somerſ.	The town of *Ilcheſter*.
Dorſ.	The town of *Dorcheſter*.
Devon	The city of *Exceſter*.
Cornub.	The town of *Luſtudiel*.
London	The ſame city.
Briſtol	The ſame town.
Quinque Portus	The caſtle of *Dover*.
Civitas Covent.	The ſame city.
Southampton	The ſame town.
Civitas Ceſtr.	The ſame town.

CAP. V.

Every man may pull down the wears and engines in the haven of *Southampton*, between *Calſhord* and *Redbridge*; and whoſoever levieth any other there, ſhall pay one hundred pounds to the King. 14 & 15 H. 8. c. 13. made perpetual.

CAP. VI.

Where cuſtom ſhall be paid when cloths be packed in one port, and ſhipped in another. O. B. 11 & 12 Will 3. c. 20.

CAP. VII.

The principal leaders of any perſons to commit a riot or unlawful aſſembly, ſhall be committed to priſon ſo long time, and pay ſuch fine, and be bound to the peace with ſureties in ſuch a ſum of money, as ſhall ſeem meet to the juſtices of peace before whom the complaint is made, or the indictment found. And if the riot be with forty perſons, or thought heinous, then the juſtices of peace ſhall certify the ſame, and ſend up the record of conviction to the King and his council. *To endure to the next parliament.* EXP. 1 Mar. ſeſſ. 2. c. 12.

CAP. VIII.

A repeal of the ſtatute of 3 *H.* 7. *c.* 5. touching uſury. He that lendeth his money upon uſury, or maketh any bargain of lands or goods grounded upon uſury, ſhall forfeit the one half thereof. Rep. 37 H. 8. c. 9. 3 Inſt. 152.

CAP. IX.

North and ſouth *Tyndale* and all the lands within the ſame ſhall be guildable, and parcel of the county of *Northumberland*, and no franchiſe ſhall be there, but all the King's writs and officers ſhall be obeyed. (2) And no man ſhall demiſe any lands for years, life, or at will there, but the leſſee ſhall before find two ſureties having at the leaſt xl. s. of freehold within the county of *Northumberland*, to be bound by recogniſance in xx. li. to the King, to make anſwer within eight days warning, to all murders, treaſons, felonies, &c. and the leſſor ſhall forfeit P. R.

feit xl. s. for every acre otherwiſe let, to the King and juſtices, and the leaſe ſhall be void. (3) And the juſtices of peace ſhall enquire of the recogniſances forfeited.

CAP. X.

EXP. A remedy or means to levy a ſubſidy or benevolence before granted to the King.

CAP. XI.

No man ſhall be a worſted-ſhearer in *Norwich*, unleſs he hath been ſeven years an apprentice, or be allowed by the mayor, and maſters of the company. (2) The worſted-ſhearers in *Norwich* ſhall make no ordinance but ſuch as the mayor and aldermen ſhall think neceſſary. (3) No inhabitant in *Norwich*, being not a ſhearmen ſhall keep a ſhearman in his houſe. Rep. 19 *H.* 7. *c.* 17. The citizens of *Norwich* may take to apprentice the ſon or daughter of any perſon, notwithſtanding the ſtatute of 7 *H.* 4. *c.* 17. 12 *H.* 7. *c.* 1. 5 *El. c.* 4.

CAP. XII.

A mean to help and ſpeed poor perſons in their ſuits.

2 Geo. 2. c. 28. f. 8. PRayen *the commons in this preſent parliament aſſembled, That where the King our ſovereign lord, of his moſt gracious diſpoſition willeth and intendeth indifferent juſtice to be had and miniſtered according to his common laws, to all his true ſubjects, as well to the poor as rich, which poor ſubjects be not of ability ne power to ſue according to the laws of this land for the redreſs of injuries and wrongs to them daily done, as well concerning their perſons and their inheritance as other cauſes:* (2) for remedy whereof, in the behalf of the poor perſons of this land, not able to ſue for their remedy after the courſe of the common law; be it ordained and enacted by your Highneſs, and by the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That every poor perſon or perſons, which have, or hereafter ſhall have cauſe of action or actions againſt any perſon or perſons within this realm, ſhall have, by the diſcretion of the chancellor of this realm for the time being, writ or writs original, and writs of *ſubpœna*, according to the nature of their cauſes, therefore nothing paying to your Highneſs for the ſeals of the ſame, nor to any perſon for the writing of the ſame writ and writs to be hereafter ſued; (3) and that the ſaid chancellor for the time being ſhall aſſign ſuch of the clerks which ſhall do and uſe the making and writing of the ſame writs, to write the ſame ready to be ſealed, and alſo learned counſel and attornies for the ſame, without any reward taking therefore: (4) and after the ſaid writ or writs be returned, if it be afore the King in his bench, the juſtices there ſhall aſſign to the ſame poor perſon or perſons, counſel learned, by their diſcretions, which ſhall give their counſels, nothing taking for the ſame: (5) and likewiſe the juſtices ſhall appoint attorney and attor-

A mean to help and ſpeed poor perſons in their ſuits in every court of record.

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nies for the ſame poor perſon or perſons, and all other officers requiſite and neceſſary to be had for the ſpeed of the ſaid ſuits to be had and made, which ſhall do their duties without any reward for their counſels, help, and buſineſs in the ſame: (6) and the ſame law and order ſhall be obſerved and kept of all ſuch ſuits to be made afore the King's juſtices of his common place, and barons of his exchequer, and all other juſtices in the courts of record where any ſuch ſuit ſhall be.

CAP. XIII.

Who only may carry a horſe out of this land without the King's licence. The cuſtom and price of a mare to be tranſported.

FOraſmuch *as many horſes and mares of the breed of this land now of late have been carried and conveyed out of the ſame into the parts beyond the ſea, which cauſeth not only the ſmaller number of good horſes to be within this realm for the defence thereof, but alſo the great and good plenty of the ſame to be in the ſaid parts beyond the ſea, that in times paſt were wont to be within this land, and over that, the price of every of them to be greatly enhanſed here, to the loſs and noyance of all the King's ſubjects within the ſame:* (2) for remedy whereof be it ordained, enacted, and eſtabliſhed by the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That from henceforth no manner of perſon ne perſons carry or convey any horſe out of this land without the King's ſpecial licence, upon pain of forfeiture of the ſame, or any mare above the value of vi. s. viii. d. without the King's ſpecial licence, upon the ſaid pain of forfeiture of the ſame mare; the owner thereof, or his deputy, receiving for the ſame mare vi. s. viii. d. at the time of the ſeiſure upon the ſaid forfeiture, or elſe it be not forfeit: (3) and at the time of ſeiſure of the ſaid mare or mares, they ſhall be priſed by the head officers of the town where any ſuch mare is taken, and there openly to be ſold at the beſt price, and the half deal of the over price of her, being above vi s. viii. d. to be to the King, and the other half to him that ſeiſeth; and the King's part thereof to be delivered to the cuſtomer of the ſaid port. (4) And that no manner perſon ne perſons hereafter carry or convey any mare or mares out of this land, except every of the ſaid mares ſo carried be of the age of three years at the leaſt, and not over the price of vi. s. viii. d. paying to the King for every of them, being not above the value of vi. s. viii. d. ſo to be carried or conveyed in the ſame port, ſuch cuſtoms as hath been for mares before uſed; (5) and that for every mare of more value hereafter by the King's licence after the form aforeſaid conveyed or carried beyond the ſea, the owner thereof, or his deputy, aſſignee, or ſervant, ſhall pay vi. s. viii. d. for the cuſtom of the ſame before it be ſhipped, under the pain of forfeiture of every mare ſo ſhipped ere they be cuſtomed. (6) And over

No horſe ſhall be carried out of this realm without the King's licence. 22 H. 8. c. 7. 8 Geo. 1. c. 14. ſ. 8.

No mare above the value of vi. s. viii. d. ſhall be tranſported without licence.

No mare ſhall be tranſported except ſhe be three years old, and not above the price of vi. s. viii. d.

The cuſtom of a mare tranſported, vi. s. viii. d. and her price vii. s.

over that it be enacted, That if any perſon at the port will give for any of the mares ſo to be carried vii. s. that it be lawful to him ſo giving and paying the ſaid vii. s. to take the ſaid mare, if ſhe be not afore taken by the King's officer, nor the King's licence be not in that behalf aforeſaid, for the ſame mare to be carried, obtained. (7) Provided alway, That it ſhall be lawful to every perſon or perſons, being denizens, hereafter to carry a horſe beyond the ſea, the King's licence in that behalf not obtained, for their own uſe, not intending at the time of the ſhipping of the ſame, nor then purpoſed fully to ſell him, and that intent to be known by the oath of him that ſhall ſo ſhip the ſame horſe, taken before the cuſtomer or ſearcher of the ſame port, this act notwithſtanding.

Any denizen may carry a horſe beyond the ſea for his own uſe.
1 Ed. 6. c. 5.
Rep. 5 El. c. 19.

CAP. XIV.

What cuſtoms aliens made denizens ſhall pay for their merchandiſes.

WHERE *the King our ſovereign lord is greatly deceived in his cuſtoms and ſubſidies by merchants and ſtrangers, ſuch as the King our ſovereign lord hath granted by his letters patents to be denizens, and to pay no other cuſtoms ne ſubſidies for their merchandiſe inward and outward but as a denizen, under colour whereof they cuſtom not only their own merchandiſe under the form aforeſaid, but alſo they colourably enter into the cuſtomers books the merchandiſe of other ſtrangers, calling and ſaying the ſaid goods of other merchants to be the goods of them ſo made denizens, to the great loſs and defraud of the King our ſovereign lord:* (2) wherefore be it enacted, by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, of this preſent parliament aſſembled, and by authority of the ſame, That all merchant ſtrangers and other, that be made denizens by the King's letters patents, or otherwiſe, pay from henceforth ſuch cuſtoms and ſubſidies for their goods and merchandiſe inward and outward, as they ſhould have paid, if ſuch letters patents and grants had never to them been made.

1 H. 7. c. 2.
22 H. 8. c. 8.
25 Car. 2. c. 6. ſ. 1 & 2.
Aliens made denizens ſhall pay ſuch cuſtoms and ſubſidies as they did before.

CAP. XV.

Entering of plaints in county courts, examining of ſheriffs, execution of precepts, viewing of eſtreats, and gathering of them.

WHEREAS *great extortion is yearly uſed and had within divers counties of this realm of* England, *by the ſubtilty and untrue demeanour of ſheriffs, under-ſheriffs, ſhire-clerks, or any other officers holding and keeping the counties in the name of the ſheriff, that is to ſay, If any man affirm a plaint before the ſheriffs in the counties, or before any other of the ſaid officers, the ſaid ſheriff, under-ſheriff, or his ſhire-clerk, will enter or cauſe to be entered in their books, in the ſame plaintiff's name, divers and many plaints both of debt, treſpaſs, and covenant, at their pleaſure, and unknown to the ſame plaintiff in whoſe name the ſaid plaints been affirmed, to the intent that if the defendant appear not at every ſhire-day or court hanging the ſaid plaint, he ſhall leeſe*

Several miſdemeanors practiſed by ſheriffs, &c. entering of plaints.

leeſe for his default made at every plaint four pence; (2) *where divers times by covin between the ſaid ſheriffs, under-ſheriffs, ſhire-clerks, and the other foreſaid officers, the ſaid defendants being never attached, ſummoned, nor warned according to the due form of the common law, wherefore the ſame parties, ſo put in ſuit, have no knowledge of any ſuch ſuit had againſt them*; (3) *and over that, the ſame ſheriffs, under-ſheriffs, and ſhire-clerks, will cauſe divers plaints to be taken in the names of ſuch perſons that are not in plain life, where the ſaid defendant ſhall have like loſs as is before rehearſed*; (4) *ſo that the unlawful demeanour of the ſaid ſheriffs, under-ſheriffs, ſhire-clerks for the time being, and the bailiffs of the hundreds, for their default and negligence in their offices, and covin between the ſaid ſheriffs, under ſheriffs, ſhire-clerks and other of the foreſaid officers, cauſeth the amerciaments that be in the one year after the books be ingroſſed, to amount to great and importable ſums of money*, (5) *which ſums of money been yearly levied of the poor commons in the ſaid counties by the ſheriffs, under-ſheriffs, and ſhire-clerks, and other their deputies being of no ſubſtance, neither of havour, which deputies take and levy more by extortion than is contained in their eſtreats, to the expreſs pillage and impoveriſhing of the ſaid commons.* (6) Be it therefore enacted, ordained, and eſtabliſhed by the King our ſovereign lord, and by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no ſheriffs, under-ſheriffs, or ſhire-clerks hereafter, neither any perſon in their names, nor by their commandment, ſhall take and enter any plaints in their books in no man's name, unleſs the party plaintiff be in his proper perſon preſent in the court, or elſe by a ſufficient attorney or deputy that is known to be of good name and diſpoſition; (7) and that the ſame party plaintiff ſhall find pledges to purſue his ſaid plaint, ſuch perſons as are known there in the county; (8) and that the party plaintiff ſhall have but one plaint for one treſpaſs or contract. (9) And if the ſaid ſheriffs, under-ſheriffs, ſhire-clerks, take and enter, or cauſe to be entered, any mo plaints than the plaintiff ſuppoſeth that he hath cauſe of action againſt the defendant, that then the ſaid ſheriffs, under-ſheriffs, ſhire-clerks, that do enter, or cauſe to be entered, any ſuch plaints contrary to the ſaid proviſion and ordinance, ſhall forfeit for every default xl. s. the one half thereof to be had to the uſe of our ſaid ſovereign lord the King, and the other part to him or them that will ſue and prove the ſame matter by action of debt or information in the exchequer. (10) And over that, the juſtices of peace in the ſame counties, and every of them, ſhall have authority, upon complaint made by the party ſo unlawfully grieved, to examine the ſaid ſheriffs, under-ſheriffs, or ſhire-clerks, and plaintiffs; (11) and if the ſaid juſtices of peace, or one of them, find by their examination default in the ſaid ſheriffs, under-ſheriffs, or ſhire-clerks, in entering of the ſaid plaints deceitfully, for his or their advantage, as is before rehearſed, contrary to this preſent act, that then the ſaid ſheriffs, under-ſheriffs, and ſhire-clerks, ſhall be convict and attaint of the ſame offence, without further inquiry or examination,

No plaint ſhall be entered in the county court, but where the plaintiff or his attorney is preſent.

There ſhall be entered but one plaint for one cauſe.

A juſtice of peace may examine the offence, and certify it into the exchequer.

amination, (12) and that he ſhall forfeit upon the ſame examination xl. s. to the uſe of our ſovereign lord the King for every default. (13) And the ſaid juſtices of peace that ſo ſhall take the examination, ſhall certify the ſame examination within a quarter of a year into the King's exchequer, upon pain of xl. s. (14) and furthermore, That the ſaid ſheriffs, under-ſheriffs, and ſhire-clerks, make, or cauſe to be made, a ſufficient precept to the bailiffs of the ſaid hundreds, to attach, ſummon, or warn the defendants that are ſo in ſuit, to appear and anſwer to the ſaid plaints; (15) and if there be any default in the ſaid bailiffs of the hundreds, in warning of the defendants to appear and anſwer to the ſaid plaints commenced againſt them in their courts, or in executing their ſaid office, That then the ſaid bailiffs ſhall forfeit for every default unto our ſovereign lord the King xl. s. (16) and to be attaint and convict thereof by like examination of the juſtices of peace, or any of them, as before is rehearſed. (17) And that the ſame ſheriffs, under-ſheriffs, ſhire-clerks, and their deputies for the time being, ſhall make no eſtreats to levy the ſaid ſheriffs amerciaments, until ſuch time that two juſtices of peace, whereof one ſhall be of the *Quorum*, hath had the view and overſight of their books; (18) and that the eſtreats be indented betwixt the ſaid juſtices of peace, and the ſaid ſheriffs and under-ſheriffs, and ſealed with their ſeals, the one part to remain with the ſaid juſtices, and the other part with the ſaid ſheriffs, or under-ſheriffs, to the intent they may underſtand if any deceit be, or untrue demeaning in them, in making of their books; (19) and that thoſe perſons which ſhall be gatherers of the ſame amerciaments, as bailiffs, or other officers, be ſworn by the ſaid juſtices, that they take no more money than is forfeited and contained in the eſtreats, ſealed with the ſeals of the ſaid juſtices of peace, upon the ſame pain of forfeiture as before is rehearſed; thereof the ſame gatherers to be convict by examination of the ſaid juſtices of peace, or one of them, as before is rehearſed. (20) Provided, alway, That the ſaid juſtices of peace ſhall be appointed and named at the general ſeſſions after the feaſt of St. *Michael* the archangel, by him that is *Cuſtos Rotulorum* of the ſaid counties, or elſe by the eldeſt of the *Quorum* in his abſence, to have the overſight and controlment of the ſaid ſheriffs, under-ſheriffs, and ſhire-clerks, and and other of the ſaid officers, and of the ſaid ſheriffs amerciaments: (21) and the ſaid juſtices of peace, upon ſuggeſtion, or information of the party ſo grieved, ſhall make like proceſs as in an action of treſpaſs, againſt the ſaid ſheriffs, under-ſheriffs, or ſhire-clerks, and other the foreſaid officers miſdemeaning, as before is rehearſed, for to appear before them to anſwer to the ſaid ſuggeſtion or information.

The penalty of bailiffs of hundreds that do not execute their offices.

Two juſtices of peace ſhall view the ſheriff's eſtreats. 1 Ed. 4. c. 2.

Bailiffs ſhall be ſworn to gather but what is due.

By whom and when the ſaid juſtices ſhall be named.

Proceſs awarded by the juſtices of peace againſt an offender.

CAP. XVI.

EXP. He that hath a freehold in *Calais*, out of the which any due is iſſuing for the keeping of the ſame, ſhall pay within one year and a day, or elſe ſhall forfeit the freehold to the King.

CAP.

CAP. XVII.

The forfeiture for taking of pheaſants or partridges, or the eggs of hawks or ſwans.

ITEM, *Foraſmuch as divers perſons, having little ſubſtance to live upon, uſe many times as well by nets, ſnares, or other engines, to take and deſtroy pheaſants and partridges upon the lordſhips, manors, lands, and tenements of divers owners or poſſeſſioners of the ſame, without licence, conſent, or agreement of the ſame owners or poſſeſſioners, by the which the ſame owners and poſſeſſioners leeſe not only their pleaſure and diſport that they, their friends and ſervants ſhould have about hawking, hunting, and taking of the ſame, but alſo they leeſe the profit and avail that by that occaſion ſhould grow to their houſhold, to the great hurt of all lords and gentlemen, and other, having any great livelihood within this realm:* (2) wherefore it is ordained and enacted by the authority of this preſent parliament, That it ſhall not be lawful to any perſon, of what condition he be, to take, or cauſe to be taken, any pheaſants or partridges by net, ſnares, or other engines, out of his own warren, upon the freehold of any other perſon, without the aſſent, agreement, and ſpecial licence of the owner or poſſeſſioner of the ſame, upon pain of forfeiture of x. li. the one half thereof to the party that will ſue for the ſame by action of debt, or by bill, or otherwiſe, and the other half thereof to the owner or poſſeſſioner of the ſaid ground, upon the which the ſaid pheaſants and partridges be ſo taken: (4) alſo it is ordained by the ſaid authority, That no manner of perſon, of what condition or degree he be, take or cauſe to be taken, be it upon his own ground, or any other man's, the eggs of any faulcon, goſhawks, laners, or ſwans, out of the neſt, upon pain of impriſonment of a year and a day, and fine at the King's will, the one half thereof to the King, and the other half to the owner of the ground where the eggs were ſo taken, and that the juſtices of peace have authority, by this preſent act, to hear and determine ſuch matter, as well by inquiſition as information and proofs. (5) Alſo it is ordained by the ſaid authority, That no man from the feaſt of *Paſche* next coming, bear any hawk of the breed of *England*, called a *Nyeſſe*, *Goſhawk*, *Taſſel*, *Laner*, *Laneret*, or *Faulcon*, upon pain of forfeiture of his hawk to the King, and the ſaid hawk to be at the King's pleaſure: (6) and that all ſuch perſons as bring any nyeſſe hawk or hawks, from any the parties beyond the ſea, bring a certificate under the cuſtomers ſeal of the port where he firſt landed with the ſaid hawk or hawks: (7) or if he come out of *Scotland*, then under the ſeal of the warden, or his lieutenant of that march that he cometh through, teſtifying, that the ſame hawk or hawks be of the parties beyond the ſea, or of *Scotland*, upon the ſame pain; (8) and that the perſon that bringeth any ſuch hawk or hawks to the King, ſhall have a reaſonable reward of the King, or elſe the ſame hawk or hawks for his labour. (9) Alſo it is ordained by the ſame authority, That no man take any ayrer faulcon, goſhawk, taſſel, or laner, or lanerets, in

Raſt pla. f. 599.

The penalty for taking of pheaſants or partridges in another's ground by nets, &c. 23 El. c. 10. 1 Jac. 1. c. 27. 7 Jac. 1. c. 11. 7 Co. 18.

The penalty for taking of hawks or ſwans eggs out of their neſts. 31 H. 8. c. 12.

Certain Engliſh hawks prohibited to be borne.

He that bringeth a Nyeſſe hawk from foreign parts ſhall bring a certificate.

The penalty for taking,

killing or driving of hawks.

in their warren or woods, or in other place, nor purpoſely drive them out of their coverts accuſtomed to breed in, to cauſe them to go to other coverts to breed, nor ſlay them for any hurt by them done, but ſuffer them to paſs at their liberties, (10) upon pain of ten pounds, the one half thereof to the party that will ſue for the ſame by action of debt, by examination before the juſtices of the peace, information, or otherwiſe, and the other half to the King. (11) Provided alway, That the moiety of the forfeiture aboveſaid, given to the owner of the ground for taking of ſwans eggs, be unto the owner of the ſaid ſwans, and not to the owner of the ground.

CAP. XVIII.

The forfeiture of him which goeth not in perſon with the King in his wars, when he is in perſon.

WHEREAS *every ſubject, by the duty of his allegiance, is bounden to ſerve and aſſiſt his prince and ſovereign lord at all ſeaſons when need ſhall require, and moſt ſpecially ſuch perſons as have by him promotion or advancement, as grants and gifts of offices, fees, and annuities, which owe and verily be bound of reaſon to give their attendance upon his royal perſon, to defend the ſame, when he ſhall fortune to go in his perſon in wars for defence of the realm, or againſt his rebels and enemies, for the ſubduing and repreſſing of them and their malicious purpoſe*: (2) wherefore be it enacted and eſtabliſhed by the King our ſovereign lord, by the advice of his lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That if any perſon or perſons, being within this realm of *England* or *Wales*, having ſuch offices, fees, or annuities, by any of his rehearſed gifts and grants, do not give their attendance upon him, when he ſhall fortune to go in wars in his perſon, in their ſaid perſons, as their duty bindeth them; that then they, and every of them making thereof default (the King's ſpecial licence not had, or elſe he have ſuch unfeigned ſickneſs, letting, or diſeaſe, that he may not in his perſon come to do his perſonal attendance and ſervice after the form aforeſaid, and that duly proved) that then every ſuch perſon or perſons forfeit and loſe their ſaid offices, fees, and annuities, and to ſtand void at the King's pleaſure, any act, ordinance, or ſtatute to the contrary afore this time had or made in any wiſe notwithſtanding. (3) Provided, That this act extend not to any ſpiritual perſon, maſter of the rolls, ne to any other officer and clerks of the chancery, juſtices of either bench, barons of the King's exchequer, and other officers and clerks of the ſaid places, the King's attornies and ſolicitor, and the ſerjeants at law. (4) Provided alway, That this act ſhall not extend to any perſon having any ſuch offices of the King's highneſs, and being in his ſervice within his towns and fortilities of *Berwick* and *Carliſle*, ne to the clerk of the King's council for the time being.

He that will not go in perſon with the King in his wars, where he is in perſon, ſhall loſe his offices, &c. granted by the King.

Certain perſons whereunto this ſtatute doth not extend. Dyer, 211.

19 H. 7. c. 1.

CAP.

CAP. XIX.

What ſtuff upholſters ſhall put in bolſters, feather-beds, and pillows.

2 Bulſtr. 188.

TO *the right worſhipful commons in this preſent parliament aſſembled, ſheweth unto your diſcreet wiſdoms, the wardens of the fellowſhip of the craft of upholſters within the city of* London, (2) *that whereas divers perſons within the realm of* England, *out of the ſaid city, make and do to be made unlawful and falſe wares and merchandiſes, to the great rebuke and ſlander of the ſaid craft, and alſo great jeopardy, loſs, and deceit to the King's ſubjects, wherefore there is no ſufficient remedy purveyed, for ſo much as the ſame wardens have no power nor authority to make due ſearch of ſuch falſe deceivable wares and merchandiſes put to ſale out of the ſaid city, as they have power and authority within the ſame city, as in feather-beds, bolſters, and pillows, made of two manner of corrupt ſtuffs, that is to ſay, of ſcaled feathers, and dry pulled feathers together, and of flocks and feathers together, which is contagious for man's body to lie on, and alſo in quilts, mattreſſes, and cuſhions, ſtuffed with horſe-hair, fen-down, neats-hair, deers-hair, and goats-hair, which is wrought in lime-fats, ana by the heat of man's body the ſavour and taſte is ſo abominable and contagious, that many of the King's ſubjects thereby been deſtroyed*; (3) *which deceitful making of the foreſaid corrupt and unlawful ſtuff is to the great loſs and impoveriſhing of the King's liege people, and alſo to the great rebuke and ſlander to the ſaid craft of upholſters:* (4) therefore may it pleaſe the King's highneſs, by the advice of the lords ſpiritual and temporal, and his commons, in this preſent parliament aſſembled, and by authority of the ſame, to eſtabliſh, ordain, and enact, That from henceforth no perſon ne perſons ſhall make, utter, ne put to ſale in fairs, ne in markets within this his ſaid realm, any feather-beds, bolſters, or pillows, except they be ſtuffed with one manner of ſtuff, that is to ſay, with dry pulled feathers, or elſe with clean down alone, and with no ſcaled feathers, nor fen-down, nor none other unlawful and corrupt ſtuffs, as is afore rehearſed, but utterly to be damned for ever: (5) except if any perſon or perſons, for their own proper uſe in their houſes, make or do to be made any of the foreſaid corrupt and unlawful ſtuff and wares, ſo they be not offered to be ſold in fairs and markets, upon pain of forfeiture. (6) And alſo in likewiſe, quilts, mattreſſes, and cuſhions, be ſtuffed with one manner of ſtuff, that is to ſay, with clean wool, or clean flocks alone, and with no ſuch unlawful ſtuff afore rehearſed, upon pain of loſs and forfeiture of all ſuch unlawful wares and merchandiſes.

What ſtuff ſhall be put into bolſters, pillows, and feather-beds.

What ſtuff ſhall be put into quilts, mattreſſes, and cuſhions. 5 & 6 Ed. 6. c. 23.

CAP. XX.

Certain alienations made by the wife, of the lands of her deceaſed husband, ſhall be void.

Hob. 299. 1 Leon. 261. 2 Leon. 168. 2 And. 44.

FOR certain reaſonable conſiderations be it ordained, enacted, and eſtabliſhed by the King our ſovereign lord, and by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent

2 Roll, 417. 3 Co. 58. 5 Co. 80. Bro. judg. 148, 153. Co. Lit. 326. b. 365, 366, 381. Cro. El. 2, 4, 24, 131, 513, 514. Cro. Jac. 174, 624. 3 Mod. 33. 4 Mod. 85.

preſent parliament aſſembled, and by authority of the ſame, That if any woman which hath had, or hereafter ſhall have, any eſtate in dower, or for term of life, or in tail, jointly with her husband, or only to herſelf, or to her uſe, in any manors, lands, tenements, or other hereditaments of the inheritance or purchaſe of her husband, or given to the ſaid husband and wife in tail, or for term of life, by any of the anceſtors of the ſaid huſband, or by any other perſon ſeiſed to the uſe of the ſaid huſband, or of his anceſtors, and have or ſhall hereafter, being ſole, or with any other after taken husband, diſcontinued or diſcontinue, aliened, releaſed, or confirmed, aliene, releaſe, or confirm with warranty, or by covin ſuffered or ſuffer any recovery of the ſame againſt them, or any of them, or any other ſeiſed to their uſe, or to the uſe of either of them, after the form aforeſaid, that all ſuch recoveries, diſcontinuances, alienations, releaſes, confirmations, and warranties ſo had and made, and from henceforth to be had and made, be utterly void and of none effect: (2) and that it ſhall be lawful to every perſon and perſons, to whom the intereſt, title, or inheritance, after the deceaſe of the ſaid women, of the ſaid manors, lands, and tenements, or other hereditaments, being diſcontinued, aliened, and ſuffered to be recovered, after the firſt day of *December* next coming, in the form aforeſaid, ſhould appertain, to enter into all and every of the premiſſes, and peaceably to poſſeſs and enjoy the ſame, in ſuch manner and form as he or they ſhould have done, if no ſuch diſcontinuance, warranty, nor recovery had been had nor made. (3) And over this be it ordained and enacted by the ſaid authority, That if any of the ſaid husbands and women, or any other ſeiſed, or that ſhall be ſeiſed, to the uſe of them of the eſtate afore ſpecified, after the ſaid firſt day of *December*, do make or cauſe to be made, or ſuffer any ſuch diſcontinuance, alienations, warranties, or recoveries in form aforeſaid, that then it ſhall be lawful to the perſon or perſons to whom the ſaid manors, lands, or tenements ſhould or ought to belong after the deceaſe of the ſaid women, to enter into the ſame, and them to poſſeſs and enjoy, according to ſuch title and intereſt as they ſhould have had in the ſame, if the ſame women had been dead, no diſcontinuance, warranty, nor recovery had, as againſt the ſaid husband during his life, if the ſaid diſcontinuance, alienation, warranties, and recoveries be hereafter had by or againſt the ſame husbands and women during the coverture and eſpouſal betwixt them. (4) Provided alway, That the ſaid women, after the deceaſe of their ſaid husbands, may reenter into the ſame manors, lands, and tenements, and them to enjoy according to their firſt eſtate in the ſame. (5) And over this be it ordained and enacted by the ſaid authority, That if the ſaid woman, at the time of ſuch diſcontinuance, alienations, recoveries, warranties, after the ſaid firſt day of *December*, in form aforeſaid, to be had and made of any of the premiſſes, be ſole, that then ſhe ſhall be barred and excluded of her title and intereſt in the ſame from thenceforth; (6) and that the perſon and

Alienation by the wife of the inheritance of her deceaſed huſband, ſhall be void.

Upon the recovery or alienation of the woman, he in the reverſion may enter. 2 And. 31. 1 Co. 102. 3 Co. 50, 58. 4 Co. 3. Dyer, 111, 146, 248, 340, 354, 362. Hob. 341.

A woman covert bound but during her husband's life. 2 Bulſtr. 42.

A woman ſole aliening, or ſuffering a recovery.

and perſons to whom the title, intereſt, and poſſeſſion of the ſame ſhould belong after the deceaſe of the ſaid woman, ſhall immediately after the ſaid diſcontinuances, alienations, warranties, and recoveries, enter into the ſame manors, lands, tenements, and other hereditaments, and them to poſſeſs and enjoy according to his or their title in the ſame. (7) Provided alſo, That this act extend not to avoid any recovery, diſcontinuance, or warranty after the form aforeſaid, afore this time had, made, and ſuffered, but only where the ſaid husband and woman, or either of them now being alive, or any other to their uſe, now have entries and title to the ſaid manors, lands, tenements, or other hereditaments, aliened, diſcontinued, or ſuffered to be recovered after the form aforeſaid, and thereof now taking the iſſues and profits, or any other perſon or perſons to their uſe. (8) Provided alſo, That this act extend not to any ſuch recovery or diſcontinuance to be had where the heirs next inheritable to the ſaid woman, (9) or he or they that next after the death of the ſame woman ſhould have eſtate of inheritance in the ſame manors, lands or tenements, be aſſenting or agreeable to the ſaid recoveries, where the ſame aſſent and agreement is of record, or inrolled. (10) Provided alſo, That it ſhall be lawful to every ſuch woman being ſole, or married after the death of her firſt husband, to give, ſell, or make diſcontinuance of any ſuch lands for term of her life only, after the courſe and uſe of the common law before the making of this preſent act.

A proviſo for a recovery had before the time of the ſtatute.

A woman doth diſcontinue, or ſuffer recovery, with the heir's conſent.

A woman may aliene her land for the term of her life only.

6 Ed. 1. ſtat. 1. c. 7.

32 H. 8. c. 36.

CAP. XXI.

The ability of every man that ſhall be impanelled in any inqueſt or attaint in London.

4 H. 8. c. 3.

WHEREAS *perjury is much and cuſtomarily uſed within the city of* London, *amongſt ſuch perſons as paſſen and been impanelled upon iſſues joined between party and party in the courts of the ſame city, to the great diſpleaſure of Almighty God, and alſo to the diſheritance and manifold wrongs of the King's ſubjects, foraſmuch as there is impanelled in the ſame inqueſts perſons of little ſubſtance, diſcretion, and reputation*; (2) *and alſo no attaint, ne other ſufficient puniſhment, is for ſuch perjured perſons before this time purveyed and ordained within the ſame city:* (3) therefore it may pleaſe the King's highneſs, 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, to ſtabliſh, ordain, and enact, That no perſon ne perſons hereafter be impanelled, ſummoned, or ſworn in any jury or inqueſt in courts within the ſame city, except he be of lands, tenements, or goods and chattels, to the value of xl. marks; (4) and that no perſon or perſons hereafter be impanelled, ſummoned, nor ſworn in any jury or inqueſt in any court within the ſaid city, for lands or tenements, or action perſonal, wherein the debt or damage amounteth to the ſum of xl. marks, or above, except he be in lands, tenements, goods, or chattels, to the value of C. marks; (5) and the ſame matter and cauſe alledged by any of the ſaid parties by way of challenge,

Of what ability every man ought to be, who ſhall be impanelled in any inqueſt in London.

lenge, and ſo founden, ſhall be admitted and taken in every of the ſame courts as a principal challenge. (6) And that every ſuch perſon hereafter to be impanelled or ſummoned to appear, in any jury or inqueſt before any of the ſaid judges of the ſame city, making default, at the firſt ſummons loſe and forfeit in iſſues xii. d. and at the ſecond default ij. s. and ſo at every ſuch default after that, the iſſues and penalties to be double: (7) And all ſuch iſſues loſt in the mayor's court ſhall be forfeited, levied, and perceived to the uſe and behoof of the mayor and commonalty of the ſaid city; and all ſuch iſſues loſt in the ſheriff's court or courts ſhall be forfeited, levied, and perceived to the uſe of the ſheriffs of the ſame city for the time being, towards their fee-ferm. (8) And alſo be it enacted by like authority, That the party grieved by any untrue or falſe verdict hereafter to be given in any of the courts of the ſaid city, ſhall and may have and ſue attaint by bill in the huſtings of *London*, holden for common pleas before the mayor and aldermen of the ſame city for the time being; (9) and thereupon a precept to be awarded and made by the ſame mayor to every alderman of the ſaid city, or his deputy in his abſence, to preſent or certify the names of four indifferent and diſcreet perſons of good fame, and every of them of ſubſtance of C. li. or more, citizens of the ſame city, dwelling in his ward, to the mayor and aldermen of the ſaid city for the time being, at the huſtings of common pleas within the ſame city then next enſuing to be holden; (10) of which perſons ſo preſented and certified, the ſaid mayor and ſix aldermen, or more, holding the ſame court of huſtings, ſhall take, name, and impanel xlviij. by their diſcretion thought moſt able, ſufficient, and indifferent; and the mayor and his ſucceſſors, mayors of the ſaid city, ſhall do to be ſummoned the ſaid xlviij. perſons ſo by the ſaid mayor and aldermen named and impanelled, (11) and alſo the jurors of the petty jury, and the party or parties named as tenants or defendants in the ſaid bill of attaint, to appear before the mayor and aldermen of the ſame city at the huſtings of common pleas then next to be holden in the ſame city; (12) and if the ſame attaint then, or any other time, happen to remain untaken for or by default of jurors, by challenge or otherwiſe, that upon every *Tales* granted, the ſaid mayor and aldermen ſhall impanel the ſaid perſons which were certified by the ſaid aldermen or their deputies, and omitted out of the ſaid panel, or put therein other perſon or perſons, being citizens of the ſaid city, of the ſubſtance of C. li. or more. (13) And alſo, That all the plea or pleas to be alledged and pleaded by or for the tenant or defendant, tenants or defendants, or by any of the jurors of the petty jury in the ſame attaint, and triable by any jury or inqueſt, ſhall be tried within the ſame city, and by the inqueſts of the ſame, and in none other place ne county. (14) And that none of the ſaid petty jury, ne other parties named in any ſuch bill of attaint, ſhall or may have any challenge to the array, or to any perſon or poll therein being impanelled, for lack

What a man making default of appearance in London ſhall forfeit, and to whom.

An attaint may be ſued by bill in the huſtings in London.

A precept by the mayor to the aldermen to ſummon a jury.

Forty eight perſons impanelled and ſummoned to appear upon an attaint.

Raſt. pla. f. 90. A Tales for default of appearance of the jurors.

Pleas of attaint commenced in London ſhall be tried there.

No challenge for lack of ſufficiency.

lack of ſufficiency of goods or of lands. (15) Over that it be provided and enacted, That the judgment in any ſuch attaint ſhall not extend to any lands or tenements, ne to other puniſhment of the petty jury, ne other proceſs to be in the ſame attaint, than is limited and appointed in this preſent act. (16) And if the xxiv. perſons of the ſaid xlviij. perſons ſworn in the ſame attaint find that the jurors named in the petty jury have made and given an untrue verdict, that then the judgment ſhall be againſt the party defendant in the ſame attaint, as is uſed in attaint ſued by writ at common law: (17) and furthermore, the judgment in the ſame attaint ſhall be againſt the petty jury, that every of the jurors of the ſame petty jury ſhall forfeit and loſe xx. li. or more, by the diſcretion of the mayor and aldermen of the ſaid city, keeping the ſame huſtings, or any other huſtings of common pleas, to ſuch uſe and behoof as other iſſues and penalties been forfeited and loſt in any action or plaint commenced before the mayor and aldermen of the ſame city, and his body to be impriſoned, there to remain without bail or mainpriſe ſix months, or leſs, by the diſcretion of the mayor and aldermen of the ſame city for the time being, and to be diſabled for ever to be ſworn in any jury before any temporal judge. (18) And over that, be it enacted by the ſame authority, That if it be found by the grand jury in the ſame attaint, that the petty jury have given a true verdict, that then the grand jury ſhall have authority and power to inquire if any of the petty jury took or perceived any ſum of money or other reward, or promiſe of money or other reward, of them named defendants or tenants in the ſame attaint; or if any other perſon or perſons, by the commandment, covin, or aſſent of any of them, to or for the intent of their verdict given, whereupon the ſame attaint is grounded; (19) and after any ſuch corruption by the ſaid grand jury is founden, that then the juror or jurors of the ſaid petty jury, that is found ſo defective in taking and perceiving any ſums of money, or other reward, or promiſe of reward, ſhall loſe, forfeit, and pay to the plaintiff or plaintiffs named in the ſame attaint, ten times the value of that ſum or other reward ſo taken, perceived, or promiſed in form aboveſaid, and ſhall ſuffer impriſonment without bail or mainpriſe ſix months, or leſs, by the diſcretion of the ſaid mayor and aldermen, and ſhall be diſabled for ever to be ſworn in any jury before any temporal judge. (20) And over that be it enacted, That ſuch defendant or tenant, defendants or tenants in the ſame attaint, ſhall loſe, forfeit, and pay to ſuch uſe and behoof, as other penalties been forfeited within the ſame city, ten times the value of that ſum of money, or other reward by him or them ſo given to any of the ſaid petty jury; and the ſame defendant or tenant, defendants or tenants, ſhall be impriſoned, there to remain without bail or mainpriſe during ſix months, or leſs, by the diſcretion of the ſaid mayor and aldermen. (21) And if any debts, damages, or coſts be recovered in any action whereupon ſuch attaint is grounded, and by the ſame attaint it be found, that the petty jury

The judgment where the petty jury in London is attainted, againſt the defendant and the petty jury.

The judgment where the firſt verdict is affirmed.

Inquiry if any of the petty jury have taken rewards.

Remedies for the debts, coſts, and damages re-

covered in the first action.

jury have given a falſe ſerement, that then for the recovery and reſtitution of the ſame debt, damages, and coſts, the plaintiff or plaintiffs in every attaint ſhall and may have and ſue an action of debt againſt the ſame defendant or tenant, by writ, bill, or plaint in every of the King's courts, wherein the ſame defendant or tenant, and every of them, ſhall not be received to do his law. (22) And over that be it enacted, That if any plaintiff or plaintiffs in any ſuch attaint commenced before the ſaid mayor and aldermen upon any record remaining within the ſame city, therein be nonſuit, or if the firſt ſerement therein be affirmed, that then he or they ſhall have impriſonment, and make fine by the diſcretion of the mayor and aldermen of the ſaid city for the time being, and that fine to be and go to the mayor and commonalty of the ſaid city. (23) And if there be two or more plaintiffs in any ſuch attaint ordained by this ſtatute, and if any of them die or be nonſuit, the other by this act ſhall be enabled to ſue for the proceeding in the ſame attaint; and notwithſtanding the death of the defendant or tenant, defendants or tenants, or any of the petty jury named in the ſame attaint, ſo that there be two of the ſame petty jury on live, the ſame attaint ſhall not abate. (24) And alſo be it ordained by the ſame authority, That if any of the jurors of the ſaid grand jury, impanelled and ſummoned in form aforeſaid, at the ſummons make default, ſo that the attaint remaineth to be taken for default of jurors, that then every of the ſaid jurors ſo making default, loſe and forfeit for the firſt default xl. s. and at the ſecond default v. li. and at every default after that x. li. (25) And like proceſs to be made and ſued there againſt the grand jury, and the petty jury, and the party and parties, as is to be made and ſued in attaint ſued at the common law, and that the ſame proceſs be returnable at every huſtings of common pleas; (26) And that the attaint remain not to be taken after the firſt ſummons returned for or by the default of the defendant or tenant, defendants or tenants, or of any of the petty jury named in the ſame attaint by this act ordained; (27) and that the ſaid iſſues or penalties forfeited by any of the ſaid grand jury, be forfeit, levied, and perceived to the uſe of the mayor and commonalty of the ſaid city; (28) and that no protection nor eſſoin be allowed in this attaint by this act purveyed. (29) Provided alway, That upon all attaints hereafter to be commenced within the ſaid city upon any record, wherein the trial and inqueſt was by half-tongue, that the ſaid mayor and aldermen ſhall impanel the grand jury in the ſame attaint, the one half of ſtrangers of good fame, and of the ſubſtance of goods to the value of C. li. and more, inhabiting within the ſame city at large, and the reſidue of the ſame grand jury to be of like value and ſubſtance of goods impanelled of the citizens, as aforeſaid. (30) And over this, be it enacted by the ſaid authority, That no act of attaint of the petty jury, made in this preſent parliament, nor nothing therein contained, other than this preſent act, nor other penalty or puniſhment in any other act, than is afore contained in this preſent

The penalties if the plaintiff be nonſuit, or the firſt verdict be affirmed.

The attaint ſhall not abate, though one of the plaintiffs die, or be nonſuit, or any of the petty jury.

The penalty of the grand jurors making default.

The proceſs in attaint.

Defaults ſhall not ſtay the taking of the attaint.

Who ſhall have the iſſues and penalties forfeited.

Where the attaint ſhall be taken *per medietatem linguæ*.

preſent act, be hurtful nor extend to any jury or inqueſt hereafter to be taken before any judge of and within the ſame city. 23 H. 8. c. 3. 37 H. 8. c. 5.

CAP. XXII.

The ſeveral years wages of ſervants in husbandry, *viz.* of the bailiff of husbandry, chief hind, carter, ſhepherd, common ſervant, woman ſervant, and child within xiv. years of age; and the ſeveral wages of artificers and day-labourers, with meat and drink, or without; and ſeveral times limited for their work, meals, and ſleep. 12 H. 7. c. 3. Rep. 5 El. c. 4.

CAP. XXIII.

The ſelling of ſalmons and eels; their veſſels, packing, and gauging of them.

WHEREAS *at a parliament holden at* Weſtminſter *in the* xxij. *year of the reign of King* Edward *the Fourth, among other things it was enacted, ordained, and eſtabliſhed, That no merchant ſtranger nor denizen, after the feaſt of St.* Michael *the archangel then next coming, ſhould ſell or put to ſale any ſalmon by butt, barrel, half-barrel, or any other veſſel, afore it ſhould be ſeen, except the ſame butt ſhould hold and contain* lxxxiv *gallons, the barrel* xlij. *gallons, the half-barrel* xxj. *gallons, well and truly packed, upon pain of forfeiture for every butt, barrel, and half-barrel, ſo lacking their ſaid meaſure,* vi. s. viij. d. (2) *And that no ſuch merchant, being under the ſaid King's obeyſance, after the feaſt of St.* Michael, *ſhould ſell or put to ſale any manner of ſalmon by butt, barrel, or other veſſel, except it ſhould be well and truly packed, that is to ſay, the great ſalmon by itſelf, without meddling of any grills or broken-bellied ſalmon with the ſame;* (3) *and that all ſmall fiſh, called grills, ſhould be packed by themſelves only, without any meddling, upon pain of forfeiture, and loſing* vj. s viij. d. *for every butt, barrel, or half-barrel, contrary to the ſaid act meddled, packed, and put to ſale:* (4) *and that no ſuch merchant nor other perſon ſhould put any herring to ſale by barrel, demy-barrel, or firkin, except the ſame barrel contain* xxxij. *gallons, the half-barrel and firkin after the ſame rate:* (5) *and that the ſame herring ſhould be well, truly and juſtly laid and packed, and ſhould be of one time taking and ſalting; and that the ſame herring ſhould be as good and as well packed in the middeſt and in every part of the ſame barrel and other veſſels, as it ſhould be at any of the ends of the ſame barrel and veſſel, upon pain of forfeiting and loſing of* iij. s iv. d. *for every barrel, half-barrel, and firkin, ſo lacking their ſaid meaſure, and alſo upon pain of forfeiting and loſing of* iij. s. iv. d. *for every barrel, half-barrel, and firkin of herring, contrary to the ſaid act ſorted, layed or packed.* (6) *Alſo that no ſuch merchant or pailing-man ſhould ſell or put to ſale any eels by barrel, half-barrel, or firkin, except the barrel contain* xlij. *gallons, the half-barrel and firkin after the ſame rate:* (7) *nor that any ſuch merchant nor pailing-man ſhould meddle any galbytten, ſtorven, or pyled eels with good eels, but that the ſame good eels ſhould be well and juſtly packed, and ſo ſold by themſelves; nor ſhould meddle with the ſaid good eels, nor put to ſale any red eels, upon pain of forfeiture and loſing of* x. s. *for every barrel, half-barrel, and firkin, ſo lacking their ſaid meaſure, and upon pain of loſing of* x. s. *for every barrel,* 22 Ed. 4. c. 2.

The contents of veſſels of ſalmon, and how they ſhall packed.

The contents of veſſels of herrings, and how they ſhall be packed.

The contents of veſſels of eels, and how they ſhall be packed.

barrel, half-barrel, and firkin, ſo as aforeſaid meddled, and contrary to the ſaid act packed or put to ſale. (8) *And that no merchant, after the ſaid feaſt, ſhould ſell nor put to ſale any barrelled fiſh, except the ſame fiſh ſhould well and truly be packed, that is to ſay, the tale-fiſh by themſelves, and the ſmall fiſh, called gulls, by themſelves, without any meddling of the ſaid ſmall fiſh with the great fiſh, and without meddling and packing of thokes and broken-bellied fiſh with the ſaid tale-fiſh or ſmall fiſh; and that neither the tale-fiſh nor ſmall fiſh ſhould be laid double in packing; and that every tale-fiſh ſhould contain in length, from the bone of the fin to the third joint of the tail,* xxvj. *inches at the leaſt; and that the napes of all ſuch barrelled fiſh ſhould be no longer than the little bone that ſitteth upon the great fin; and that the bone of every ſuch ſalt fiſh ſhould be taken away unto the navel of the ſame fiſh; and that every ſuch fiſh ſhould be ſplatted down to an handful of the tail, upon pain of forfeiture of loſing* iij. s. iv. d. *for every barrel of fiſh which from henceforth ſhould be found packed, ſorted, and meddled, naped, layed double, or not boned nor ſplatted according to the ſaid act.* (9) *And alſo in eſchewing of the common hurts and deceits above rehearſed, the ſaid late King ordained and enacted by the ſaid authority, That all mayors, bailiffs, and governors of cities, towns, boroughs, markets, and all other places of this realm, for the time being, where they ſhould be mayors, bailiffs, and governors, ſhould have power and authority to name and chooſe a diſcreet and expert perſon or perſons, duly to ſearch and gauge all ſuch veſſels as been above rehearſed, that they ſhould be truly packed, and keep their true meaſure and aſſiſe, according to the ordinances aboveſaid, as in the foreſaid act thereof made more plainly appeareth.* (10) *And foraſmuch as in the ſaid act no certainty is appointed how much every ſuch gauger, packer, aud ſearcher ſhould take for his labour in executing of their ſaid office, they been their own judges, and at their pleaſures take for the ſame gauging, packing, and ſearching, by way of extortion, ſuch great ſums of money as them liketh, whereby the King's true ſubjects are greatly impoveriſhed and wronged:* (11) that it might therefore pleaſe the King's highneſs, by advice of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, to confirm, ratify, and eſtabliſh the ſaid act, and every thing therein compriſed; (12) and over that, by the ſame authority to ordain and eſtabliſh, That every ſuch gauger, packer, and ſearcher, take no more for gauging of a barrel-ſalmon, barrel-herring, barrel-fiſh, barrel-eels, half-barrel, and firkin, for every piece ſo gauged, but a farthing; (13) and for his labour for ſearching and packing, if it be need, of a barrel-ſalmon from head to head, i. d. (14) and for his labour for boning, naping, and packing of a barrel-fiſh, if it be need, i. d. (15) and for his labour in ſearching and packing of a barrel-herring, from head to head, if it be needful, ii. d. (16) and for ſearching and packing of every barrel of eels, ii. d. and for ſearching and packing of every half-barrel of herring from head to head, i. d. and for every half-barrel eels ſearching and packing, i. d. and for ſearching and packing of every firkin of herring, if it be needful, ob. (17) And over that, that all

How fiſh ſhall be packed.

Chief magiſtrates of cities, &c. ſhall appoint gaugers of fiſh veſſels.

The ſeveral fees of the gauger, packer, and ſearcher, appointed.

and every ſuch gauger, ſearcher, and packer, that misbehaveth or offendeth in any thing concerning the ſaid offices of gauger, ſearcher and packer, contrary to this act, and ſo proved before any of the ſaid mayors, bailiffs, or governors of any city, town, borough, market or any other place within this realm where he or they be ſo gaugers, packers, or ſearchers, gauger, packer, or ſearcher, ſhall loſe and forfeit his ſaid office, and the ſame from thenceforth no longer to enjoy, any leaſe, grant or grants thereof made notwithſtanding; (18) and for further puniſhment, to have and ſuffer impriſonment by the ſpace of forty days without bail or mainpriſe: (19) provided always, That the ſaid ſearcher and packer, or any of them, ſhall nothing receive of the ſaid fees by colour of their office, but only for ſuch butts, barrels, half-barrels, and firkins, as by them ſhall hereafter be ſufficiently ſearched and packed, and be not afore ſufficiently packed. This preſent act to begin and take effect at the feaſt of *Eaſter* next coming, and not afore.

The penalty of a gauger, ſearcher, or packer offending.

Searchers and packers ſhall not be allowed, but where they take pains.

CAP. XXIV.

An attaint ſhall be maintainable againſt the party and petty jury: the proceſs therein, the ability of the jurors, the pleas of the defendant and petit jury, and their puniſhment being attainted. Panels returned by the ſheriff to enquire for the King, may be reformed by the juſtices. *Laſt continued by* 1 H. 8. c. 11.

12 H. 7. c. 2. 1 H. 8. c. 11. 3 H. 8. c. 12. 23 H. 8. c. 3. Raſt. Entr. 90. b.

CAP. XXV.

Perjury committed by unlawful maintenance, embracing, or corruption of officers, or in the chancery, or before the King's council, ſhall be puniſhed by the diſcretion of the lord chancellor, treaſurer, both the chief juſtices, and the clerk of the rolls: and if the complainant prove not, or purſue not his bill, he ſhall yield to the party wronged his coſts and damages. *To endure to the next parliament.*

12 H. 7. c. 2. Exp. 5 El. c. 9.

CAP. XXVI.

It ſhall be lawful to every ſheriff of the counties of *Southampton*, *Surrey*, and *Suſſex*, to impanel and ſummon xxiv. lawful men of ſuch, inhabiting within the precinct of his or their turns, as owe ſuit to the ſame turn, whereof every one hath lands or freehold to the yearly value of x. s. or copyhold lands to the yearly value of xiij. s. iv. d. above all charges within any of the ſaid counties, or men of leſs livelihood, if there be not ſo many there, notwithſtanding the ſtatute of 1 *R.* 3. *c.* 4. *To endure to the next parliament.*

EXP. 19 H. 7. c. 16. 3 Inſt. 164.

CAP. XXVII.

A remedy to avoid deceitful ſleights uſed upon fuſtians.

PRAYEN *the commons in this preſent parliament aſſembled, That whereas fuſtians brought from the parts beyond the ſea unſhorn into this realm, have been, and ſhould be the moſt profitable cloth for doublets and for other wearing cloths, greatly uſed among the common people of this realm, and longeſt have endured of any thing that have come*

come into the ſame realm from the ſaid parts to that intent, for that the cauſe hath been that ſuch fuſtians afore this time have been truly wrought and ſhorn with the broad ſhear, and with no other inſtruments or other deceitful mean occupied upon the ſame; (2) *now ſo it is, that divers perſons by ſubtil and undue ſleights and means, have deceivably imagined and contrived inſtruments of iron, with the which irons, in the moſt higheſt and ſecret places of their houſes, they ſtrike and draw the ſaid irons over the ſaid fuſtians unſhorn*; *by means whereof they pluck off both the nap and cotton of the ſame fuſtians, and break commonly both the ground and threads in ſunder, and after by crafty ſleeking they make the ſame fuſtians to appear to the common people fine, whole, and ſound*; *and alſo they raiſe up the cotton of ſuch fuſtians, and then take a light candle and ſet it in the fuſtian burning, which ſingeth and burneth away the cotton of the ſame fuſtian from the one end to the other, down to the hard threads, inſtead of ſhearing, and after that put them in colour, and ſo ſubtily dreſs them, that their falſe work cannot be eſpied, without it be by workmen ſhearers of ſuch fuſtians, or by the wearers of the ſame*; (3) *and ſo by ſuch ſubtleties, whereas fuſtians made in doublets, or put to any other uſe, were wont and might endure the ſpace of two years and more, will not endure now whole by the ſpace of four months ſcarcely, to the great hurt of the poor commons and ſerving men of this realm, to the great damage, loſs, and deceit of the King's true ſubjects, buyers, and wearers of ſuch fuſtian*: (4) for remedy whereof, be it enacted, ordained, and eſtabliſhed by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no ſuch iron or inſtruments, nor any other untrue ſubtil mean or ſleight be from henceforth uſed upon any fuſtian within this realm, but only by the broad ſhears, (5) upon forfeiture of xx. s. to be levied for every default of every ſuch perſon or perſons hereafter offending and uſing any ſuch deceivable inſtruments or ſleights, as is aforeſaid; the one half of the forfeitures to be to the King our ſovereign Lord, and the other half to him or them that will ſue for the ſame forfeitures by action of debt, bill, plaint, or information, in any of the King's courts of record, where the ſame may be determined after the courſe of the common law; (6) and that the defendant in ſuch behalf in no wiſe be admitted to wage his law, nor that any protection or eſſoin be in the ſame allowable. (7) And over this, be it ordained by the ſaid authority, that the mayor and wardens of ſhearmen of the city of *London* for the time being have authority to enter and ſearch the workmanſhip of all manner perſons occupying the broad ſhear, as well fuſtians as cloth: and the execution of this preſent act to be as well of denizens, as of foreigners and ſtrangers.

Unlawful devices practiſed upon fuſtians.

A remedy to avoid them.

The lord mayor and ſhearmen of London may enter and ſearch the occupiers of fuſtians and cloth.

The lord mayor, or his deputy, &c. may make ſearch.

39 El. c. 13.

Sta-

Statutes made at *Weſtminſter*, *Anno* 12 HEN. VII. and *Anno Dom.* 1496.

THE *King our ſovereign lord* Henry *the Seventh after the conqueſt, by the grace of God King of* England *and of* France, *and lord of* Ireland, *at his parliament holden at Weſtminſter the ſixteenth day of* January, *in the twelfth year of his reign, to the honour of God and of holy church, and for the common profit of the realm, and by the aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſame parliament, hath done to be made certain ſtatutes and ordinances, in manner and form following.*

CAP. I.

For worſteds, ſayes, and ſtamins, Norff.

The makers of worſted, &c. in Norfolk may take any to be apprentice. 7 H. 4. c. 17. 11 H. 7. c. 21.

TO *the King our ſovereign lord, prayen your commons in this preſent parliament aſſembled, That where the common weal and profit of your inhabitants within your county of* Norfolk, *have in time paſſed been by the due occupation of making of worſteds, ſayes, and ſtamins, which occupation now is like to decay, for as much as the occupiers of the ſame may not have any apprentice, but if his father may diſpend lands or rents to the value of* xx. s. *by year, of which ability can few or none be had to be apprentice*; (2) *ſo that for lack of apprentices the ſaid occupation is like to be ſet apart, and in time to come to be utterly deſtroyed, which ſhould be the loſs of the common weal of your ſaid county, and the impoveriſhing of the inhabitants of the ſame*: (3) That it may like your Highneſs of your benign grace in conſideration of the premiſſes, by the aſſent of your lords ſpiritual and temporal, and of the commons in this preſent parliament aſſembled, and by authority of the ſame, be enacted, ordained, and eſtabliſhed, That every perſon of the aforeſaid occupation within your county of *Norfolk*, the which the four wardens of the ſaid occupation within your foreſaid county yearly choſen, ſhall enable to keep a prentice, ſhall by this preſent act be at liberty to take and keep at all times one or two apprentices any perſon or perſons hereafter put to the foreſaid occupation, ſo that he paſs not two at once at the moſt: (4) And in like wiſe hereafter every perſon ſhall be at liberty to put any apprentice to the aforeſaid occupation: any act or ordinance afore made to the contrary notwithſtanding.

The makers of worſteds, ſayes and ſtamins in Norfolk, may be enabled to take any perſon to be an apprentice. 5 El. c. 4.

CAP. II.

The ſtatutes ordained 11 *H.* 7. *c.* 24 & 25. to reſtrain riots and perjury, continued until the next parliament. EXP.

CAP. III.

A repeal of ſo much of the ſtatute of 11 *H.* 7. *c.* 22. as toucheth only the wages of artificers, &c.

CAP.

CAP. IV.

No forfeiture given by the ſtatute of 1 *R.*3. *c.*8. touching the length and breadth of cloths, ſhall be taken before the next parliament.

EXP.

CAP. V.

For weights and meaſures.

The weight of an Engliſh penny, of an ounce, a pound, a gallon, and a buſhel. 11 H.7.c.4.

WHEREAS *afore this time the King our ſovereign lord intending the common weal of his people and to avoid the great deceit of weights and meaſures long time uſed within this his realm, contrary to the ſtatute of* Magna Charta, *and of other ſtatutes thereof made by divers of his noble progenitors, at his great charge and coſt did do make weights and meaſures of braſs according to old ſtandards thereof remaining within his treaſury: (2) and for that, that one weight and one meaſure ſhould be uſed throughout this his realm, in avoiding of all fraud and diſcord in that behalf, it was at the laſt parliament, holden the* xiv. *day of* October *in the* xi. *year of our ſaid ſovereign lord's reign, ordained, That the ſaid meaſures and weights ſhould be delivered to the knights and citizens of every ſhire and city aſſembled in the ſame parliament, barons of the five ports, and certain burgeſſes of borough towns, ſurely by them to be conveyed to certain cities, boroughs, and towns ſpecified in a ſchedule unto the ſame act annexed, there to remain for ever, to the intent in the ſame act more largely declared: (3) which weights and meaſures upon more diligent examination had ſith the making of the ſaid ſtatute, been approved defective, and not made according to the old laws and ſtatutes thereof ordained within the ſaid realm:* (4) wherefore the King our ſovereign lord, by the aſſent of his lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, ordaineth, eſtabliſheth, and enacteth, that the meaſure of a buſhel contain viij. gallons of wheat, and that every gallon contain viij. li. of wheat of *Troy* weight, and every pound contain xij. ounces of *Troy* weight, and every ounce contain xx. ſterlings, and every ſterling be of the weight of xxxij. corns of wheat that grew in the midſt of the ear of wheat, according to the old laws of this land. (5) And that it pleaſeth the King's Highneſs to make a ſtandard of a buſhel and a gallon after the ſaid aſſiſe, to remain in his ſaid treaſury for ever; (6) and from henceforth the ſaid new buſhels and gallons, lately ſent forth, be not uſed nor occupied for no meaſures, but that they be ſent again unto the King's receipt by the feaſt of *Whitſuntide* next coming, at the coſts and charges of the ſaid cities, boroughs, and towns, having the ſaid buſhels and gallons, in keeping, upon pain of x. li. to be forfeited to the King; (7) the ſame buſhels and gallons, ſo ſent again into the King's receipt, to be broken, and with the ſtuff and metal of the ſame buſhels and gallons, other new buſhels and gallons, by the advice of the treaſurer and under-treaſurer of *England* for the time being, before the feaſt of *All Saints* next coming, to be made and ſized according to the ſaid buſhel and gallon, which by this preſent act is ordained to be new made, and to remain in the ſaid treaſury, at the coſts and charges of the ſame cities, boroughs,

The meaſure of a buſhel, a gallon, a pound, an ounce, and a ſterling.

31 Ed. 1. The weights and meaſures ſent to ſeveral cities, &c. by the ſtatute of 11 H.7.c.4. being defective, ſhall be broken, and new ſent.

roughs, and towns. (8) And that every city, borough, and town within this realm, which now have, or ſhould have had, by reaſon of the ſaid act made in the ſaid eleventh year, any of the ſaid new buſhels or gallons do convey and carry, before the feaſt of St. *Andrew* next coming, into every of the ſame city, borough and town, a buſhel and a gallon newly to be made as is afore ſaid, at the coſts and charges of the ſame city, borough, and town, there to remain; (9) and all other buſhels, gallons, and meaſures, which be to be made after the form by this act ordained, be marked and ordered after the form and effect of the ſaid act made the ſaid eleventh year; (10) and in the mean ſeaſon to uſe ſuch buſhels and gallons, as have been uſed laſt afore the coming down of the ſaid new buſhels and gallons, and before the making of the ſaid ſtatute in the ſaid eleventh year; (11) and that all penalties in the firſt act expreſſed be of none effect until the feaſt of *Candlemas*, which ſhall be in the year of our Lord God M.CCCC,XCVII. and after the ſame feaſt the ſame act made in the ſame eleventh year to ſtand in full ſtrength, with his penalties, upon the ſaid buſhels and gallons new to be made, as it ſhould have done upon the ſaid new buſhels and gallons made afore the making of this preſent act, if this act had not been made. (12) And that it be ordained by the ſaid authority, That after the ſaid new buſhels and gallons be made according to this preſent act, that all other buſhels and gallons of braſs, remaining as well in the ſaid treaſury, as in all other places of *England*, be before the feaſt of *Chriſtmas* next coming damned and broken, upon pain of xx. li. to be levied upon every city, borough, and town, or any other place, having the keeping of the common meaſures, that keep ſtill any other buſhel or gallon unbroken and not damned, of braſs, than is ordained to be made by this preſent act.

All other buſhels and gallons ſhall be broken.

CAP. VI.

Merchants adventurers.

TO *the diſcreet commons in this preſent parliament aſſembled, ſheweth unto your diſcreet wiſdoms the merchant adventurers inhabiting and dwelling in divers parts of this realm of* England *out of the city of* London, *that where they have their free paſſage, reſort, courſe and recourſe with their goods, wares, and merchandiſes into divers coaſts and parts beyond the ſea, as well into* Spain, Portugal, Britaign, Ireland, Normandy, France, Seville, Venice, Danſke, Eaſtland, Friſeland, *and other divers and many places, regions, and countries, being in league and amity with the King our ſovereign lord, there to buy and ſell, and make their exchanges with their ſaid goods, wares, and merchandiſes, according to the law and cuſtom uſed in every of the ſaid regions and places, and there every perſon freely to uſe themſelves to his moſt advantage, without exaction, fine, impoſition, or contribution to be had or taken of them or of any of them, to, for or by any Engliſh perſon or perſons; (2) and in ſemblable wiſe they before this time have had, uſed, and of right owen to have and uſe their free paſſage, reſort and recourſe into the coaſts of* Flanders, Holland, Zealand, Brabant, *and other places thereto nigh adjoining, under the obey-*

A petition of certain merchants adventurers, dwelling out of the city of London.

Every Engliſhman ſhall have free recourſe to certain foreign marts,

without exaction to be taken, by any Engliſh fraternity.

obeyſance of the archduke of Burgoign, *in which places the univerſal marts be commonly kept and holden four times in the year,* (3) *to which marts all* Engliſhmen *and divers other nations, in time paſt have uſed to reſort, there to ſell and utter the commodities of their countries, and freely to buy again ſuch things as ſeemed them moſt neceſſary and expedient for their profit, and the weal of the country and parts that they be come from; till now of late, that by the fellowſhip of the mercers and other merchants and adventurers dwelling and being free within the city of* London, *by confederacy made among themſelves, of their incharitable and inordinate covetiſe, for their ſingular profit and lucre, contrary to every* Engliſhman's *liberty, and to the liberty of the ſaid mart there (which is, that every perſon of what nation that he be of, ſhould have their free liberty there to buy, ſell, and make the commutations with the wares, goods, and merchandiſes at their pleaſure) have, contrary to all law, reaſon, charity, right, and conſcience, among themſelves, to the prejudice of all* Engliſhmen, *made an ordinance and conſtitution, that is to ſay, That no* Engliſhman *reſorting to the ſaid marts, ſhall neither buy ne ſell any goods, wares, or merchandiſes there, except he firſt compound and make fine with the ſaid fellowſhip, merchants of* London, *and their ſaid confederates, at their pleaſure, upon pain of forfeiture to the ſaid fellowſhip of merchants of* London, *and to their confederates, of ſuch merchandiſes, goods, or wares, ſo by him bought or ſold there;* (4) *which fine, impoſition and exaction at the beginning, when it was firſt taken, was demanded by colour of a fraternity of Saint* Thomas *of* Canterbury, *at which time the ſaid fine was but the value of half an old noble ſterling, and ſo by colour of ſuch feigned holineſs, it hath been ſuffered to be taken for a few years paſſed; and after it was increaſed to an* C. s. Flemiſh; *and now it is ſo, that the ſaid fellowſhip and merchants of* London, *take of every* Engliſhman *or young merchant being there, at his firſt coming,* xx. li. *ſterling for a fine, to ſuffer him to buy and ſell his own proper goods, wares, and merchandiſes that he hath there;* (5) *by occaſion whereof, all merchants not being of the ſaid fellowſhip and confederacy, withdraw themſelves from the ſaid marts, whereby the woolen cloth of this realm, which is one of the great commodities of the ſame, by making whereof the King's true ſubjects be put in occupation, and the poor people have moſt univerſally their living, and alſo other divers commodities of divers and ſeveral parts of this ſame realm is not ſold ne uttered as it hath been in times paſt; but for lack of utterance of the ſame in divers parts where ſuch cloths be made, they be conveyed to* London, *where they be ſold far under the price that they be worth, and that they coſt to the makers of the ſame, and at ſome times they be lent to long days, and the money thereof at divers times never paid;* (6) *and over that, the commodities and merchandiſes of thoſe parts, which the ſaid fellowſhip, merchants of* London, *and other their confederates, bring into this land is ſold to your ſaid complainants, and other the King's true ſubjects, at ſo dear and high exceeding price, that the buyer of the ſame cannot live thereupon; by reaſon whereof all the cities, towns, and boroughs of this realm in effect be fallen into great poverty, ruin, and decay, and as now in manner they be without hope of comfort or relief,*

A fellowſhip of London made an order, that none ſhould buy or ſell at a mart without their conſent.

The firſt colour of taking the fine.

The enormities of the order made by the merchants of London.

and

and the King's cuſtoms and ſubſidies, and the navy of the land greatly decreaſed and miniſhed, and daily they be like more and more to decay, if due reformation be not had in this behalf: (7) Be it therefore enacted by the King our ſovereign lord, 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 every *Engliſhman*, being the King's true liege man, from henceforth have free paſſage, reſort, courſe and recourſe into the ſaid coaſts of *Flanders*, *Holland*, *Zealand*, *Brabant*, and other places thereto nigh adjoining, under the obeyſance of the ſaid archduke, to the marts there hereafter to be holden, with his or their merchandiſes, goods, and wares, there to buy and ſell, and make their exchanges freely at his or their pleaſure, without exaction, fine, impoſition, extortion, or contribution to be had, levied, taken, or perceived of them, or any of them, to, for, or by any *Engliſh* perſon or perſons to his or their own uſe, or to the uſe of the ſaid fraternity or fellowſhip, or of any other like, except only x. *Mark* ſterling; (8) and that no perſon *Engliſh*, as is afore rehearſed, hereafter take to his own uſe, or to the uſe of the ſaid fraternity or fellowſhip there, of any other *Engliſh* perſon, of what eſtate, degree, or condition that he be of, ſo alway that he be the King our ſovereign lord's true liege man, any fine, exaction, impoſition, or contribution for his liberty or freedom, to buy and ſell any goods, wares, and merchandiſes, in or at any of the ſaid marts, more or above the ſum of ten mark ſterling only, upon pain of forfeiture to our ſaid ſovereign lord for every time that he doth the contrary of this act, xx. li. and alſo to forfeit to the parties grieved in this behalf ten times ſo much as he contrary to this preſent act taketh of him; (9) and that the parties ſo grieved ſhall have in this behalf an action of debt for the ſaid forfeiture of ten times, in any of the King's courts within this realm, by writ, bill, plaint or information; and ſuch proceſs to be made in the ſame, as is or ought to be made in or upon an action of debt at the common law; (10) and the trial thereof to be had in ſuch ſhire, city, town, or place where the ſaid action is commenced or ſued; (11) and that the defendant in any ſuch action be not admitted to wage his law, (12) nor none eſſoin nor protection be for ſuch defendant admitted or allowed in that behalf.

Merchants may reſort into foreign countries without exactions of the fraternity of Londoners.

No Engliſhman ſhall take of another any exaction, &c. for his liberty to buy and ſell.

The remedy of the party grieved to recover the forfeiture.

CAP. VII.

Of murder.

WHERE *abominable and wilful prepenſed murders be by the law of God and of natural reaſon forbidden, and are to be eſchewed; yet not the leſs, many and divers unreaſonable and deteſtable perſons, lacking grace, wilfully commit murder, to the high diſpleaſure of God, and contrary to all the laws aboveſaid,* (2) *and moreover againſt their natural and obliged duty, wilfully commit prepenſed murder, in ſlaying their maſter, or their immediate ſovereign, under whom he or they be, or owe obedience, in truſt to eſchew the peril and*

execution of the law by the benefit of their clergy: (3) *in hope whereof, of late one* James Grame, *late of* London, *yeoman, wilfully aſſented and prepenſed the murder of one* Richard Tracy *gentleman, then his maſter, by him and his prepenſed aſſent, the ninth day of* February *laſt paſt, at* Brentwood *in the county of* Eſſex, *murdered and ſlain, to the right perilous enſample of other evil diſpoſed:* (4) Wherefore, and in avoiding of like miſchiefs to enſue, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, be it enacted, That the ſaid *James Grame*, for the murder of the ſaid *Richard Tracey* his late maſter, be attainted of the ſaid murder as a felon that hath offended in petty treaſon; and that the ſame *James*, for the ſame murder, ſhall be drawn, and hanged in ſuch manner and form, as by the law of this land hath been uſed in ſuch caſes, as perſons being no clerks, doing like murder, have or ought to be puniſhed, any privilege of his clergy, or his demand of the ſame notwithſtanding. (5) Alſo be it ordained by the ſaid authority, That if any lay perſon hereafter prepenſedly murder their lord, maſter, or ſovereign immediate, that they hereafter be not admitted to their clergy; (6) and after conviction or attainder of any ſuch perſon ſo hereafter offending had after the courſe of the law, that the ſame perſon be put in execution as though he were no clerk.

James Grame murdered Richard Tracy his maſter.

No lay perſon which doth purpoſely murder his maſter, &c. ſhall have his clergy. 23 H.8.c.1. 1 Ed.6.c.12.

Statutes made at *Weſtminſter*, *Anno* 19 HEN. VII. and *Anno Dom.* 1503.

HENRICUS Dei gratia Rex Angliæ, & Franciæ, & Dominus Hiberniæ, vicecomiti Eſſex ſalutem. Precipimus tibi firmiter injungentes quod in ſingulis locis infra ballivam tuam tam intra libertates quam extra ubi magis expediens videris, publicas proclamationes quorundam ſtatutorum & ordinationum in ultimo parliamento noſtro auctoritate ejuſdem parliamenti editorum fieri facias in forma ſequenti.

THE *King our ſovereign lord* Henry *the Seventh after the conqueſt, by the grace of God King of* England *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the ſixteenth day of* January, *in the ninteenth year of his reign, to the honour of God and holy church, and for the common weal and profit of this his realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in the ſaid parliament aſſembled, and by authority of the ſame parliament, hath done to be made certain ſtatutes and ordinances, in manner and form following.*

CAP. I.

For attendance upon the King in his wars.

WHERE *in the parliament holden at* Weſtminſter *the* xi. *year of the King our ſovereign lord's reign, for good and reaſonable conſiderations in an act of the ſaid parliament contained, it was ordained by the ſame, That all perſon and perſons being within this realm*

Stat. 11 H.7. c.18. What he ſhall forfeit which doth not at-

realm of England *or* Wales, *having offices, fees or annuities of the King's gifts and grants, and did not give their attendance upon the King's Highneſs when he ſhould fortune to go in wars in his perſon, in their perſons as their duty bindeth them in that behalf, that then they and every of them, making thereof default (the King's ſpecial licence not had, or elſe the ſaid perſon or perſons having ſuch unfeigned ſickneſs, letting or diſeaſe) that he or they after due proof of the ſame, ſhould forfeit and leeſe their ſaid offices, fees and annuities, and the ſame to ſtand void at the King's pleaſure, as in the ſame act more at large it is contained:* (2) *And foraſmuch as divers and many perſons, having of the King's gifts and grants many honours, lordſhips, caſtles, manors, lands, tenements, and other poſſeſſions and hereditaments, by reaſon whereof they are more bound to give their attendance upon the King's moſt royal perſon in his ſaid wars, than other rehearſed perſons having but fees, offices and annuities for term of life, as well for the defence of his moſt royal perſon, as for the defence of this his realm, which was at that time by overſight omitted and left out of the ſaid act:* (3) Be it therefore enacted, ordained and eſtabliſhed, by the advice of the lords ſpiritual and temporal in this preſent parliament aſſembled, and by authority of the ſame, that every perſon or perſons having or occupying, or that hereafter ſhall have or occupy any honours, caſtles, lordſhips, manors, lands, tenements, and other poſſeſſions and hereditaments, by reaſon and virtue of the letters patents of the King our ſovereign lord that now is, now given, granted and made, or hereafter to be given, granted and made by our ſaid ſovereign lord, and give not their daily attendance in their perſons upon his Highneſs when he ſhall fortune to go in wars, within this his realm or elſewhere, for any urgent, or any other reaſonable cauſes, in his perſon, for the honour or ſurety of the ſame his perſon, and the defence of this his realm, and againſt his enemies or rebels within the ſame realm or without, for the repreſſing and ſubduing of them and their malicious purpoſe, and well and truly according to the duty of their allegiance to ſerve the King in his ſaid journey and voyage, and to give their attendance upon his grace in the ſame, and not for to depart without his ſpecial licence in writing under the King's ſign manual or ſignet, or under his great ſeal or privy ſeal, or elſe till after general proclamation be made, that they ſhall depart, or elſe the ſaid perſon or perſons having ſuch unfeigned ſickneſſes, letting or diſeaſe, that he or they may not in their perſons come to do their perſonal attendance and ſervice, and that duly proved, that then all ſuch letters patents, gifts and grants, and all things in them contained, be utterly from henceforth adnulled, void, and of none effect, and at the King's pleaſure. (4) Provided, That all ſuch perſons ſo giving attendance, ſhall have the King's wages from the time of coming from his houſe toward the King, when they come to the King, and from the King home again at the time of their departing, after the rate of xx. miles for a day, and while they be with the King's grace to have alſo the King's wages. (5) Provided alſo, That this act extend to no

tend upon the King in his own perſon, when he is in perſon in wars. 6 Co. 27.

Whoſoever doth not attend upon the King being in perſon in wars, ſhall loſe ſuch lands as he hath of the King's gift.

From what time, and until what time every ſuch attendant in wars ſhall be paid wages.

To what perſons this ſta-

tute ſhall not extend.

ſpiritual perſon, nor to the maſter of the rolls, nor to none other officer, and clerks of the chancery, juſtice of either benches, barons of the King's Exchequer, and other officers and clerks of the ſaid places, the King's attornies and ſollicitors, and the ſerjeants at law, nor to the clerk of the King's council for the time being, nor to any perſon being above the age of ſixty years, nor to any perſon being within the age of twenty one years, nor to any grant or patent of any ward or idiot, or cuſtody of the ſame, nor to any heirs females inherited by reaſon of any ſuch grants. (6) Provided alſo, That it extend not to any patents, nor lands or tenements compriſed in the ſame, the which patents make mention, that any grant is made by the King of ſuch lands for certain ſum or ſums of money contained in the ſame letters patents.

Dy. 211.

CAP. II.

No cuſtom ſhall be paid for good bow-ſtaves brought into this realm until the next parliament.

CAP. III.

The ſtatute of 11 *H.* 7. *c.* 24. which giveth an attaint in certain caſes, continued until the next parliament.

REP. 3 H.8. c.13. 6 H.8. c.13. 25 H.8. c.17. 33H.8. c.6.

CAP. IV.

No man ſhall ſhoot in a croſs-bow without the King's licence, except he be a lord, or have two hundred mark land.

CAP. V.

Coin.

THE *King our ſovereign lord, ſeeing evidently that his coin, and ſpecially of ſilver, is ſore impaired, as well by clipping thereof, as counterfeiting of the ſame, and by bringing into this his realm of the coin of* Ireland, *by occaſion whereof great rumour and variance daily increaſeth among his ſubjects for taking and refuſing of the ſame:* (2) for ceaſing and pacifying whereof, and for the univerſal weal of this his realm, by the advice and aſſent of his lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted, That all manner of gold of the coins of a ſovereign, half ſovereign, ryal, half ryal, and the fourth part of a ryal, the angel, and the half angel, and every of them, being gold, whole and weight, ſhall go and be current in payment through all this his realm for the ſum that they were coined for. (3) And alſo that as well all manner groats of *Engliſh* coin, and of the coin of other lands now current in this realm for groats, or for iv.d. being ſilver, and not clipped, miniſhed, or otherwiſe impaired, except reaſonable wearing (albeit they be cracked) as all manner of half groats, or pence of ij.d. of *Engliſh* coin, or of the coin of other lands, now current in this realm for half groats, or for ij.d. not clipped, miniſhed, or otherwiſe impaired, being ſilver (howbeit they be cracked) ſhall in likewiſe go and be current through all the ſame realm for the ſum as they were coined for. (4) And over

The coins of gold and ſilver current within this realm ſhall ſo continue for the ſums that they were coined.

over that, That all manner of pence being ſilver, and having the print of the King's coin, ſhall have courſe, and be current for payment, as well to him in all his receipts, as to all his receivers, and to all other lords ſpiritual and temporal, and their receivers, and to all other within this his realm, without any manner refuſal or contradiction; except only pence bearing ſpurs, or the mullet, betwixt the bars of the croſs; and thoſe pence ſo bearing the print of the ſpur, or the mullet, to have courſe for half d. and not above. (5) And if any perſon hereafter refuſe any coin afore rehearſed, to take it in payment after the effect and the tenor of this act, that then he that ſo refuſeth it ſhall be compelled by the mayor, ſheriff, bailiff, conſtable, or other chief officer or governor of the town or place where any ſuch payment ſhall be refuſed, to accept and take the ſame payment, (6) and furthermore to be impriſoned, or otherwiſe puniſhed by the diſcretion of the ſaid mayor, ſheriff, bailiff, conſtable, or other chief officer or governor afore rehearſed. (7) And if the ſaid mayor, ſheriff, bailiff, conſtable, or other chief officer or governor refuſe to take any ſuch coin in payment, as it is above rehearſed, that then he ſo refuſing the ſaid payment, to be compelled by the juſtices of the peace of the ſame county where ſuch payment ſhall be ſo refuſed, to accept and take the ſame payment, and he ſo refuſing the ſame, to be further puniſhed for the ſaid refuſing by the diſcretion of the ſame juſtice. (8) And alſo it is ordained by the ſaid authority, That all manner of groats and half groats, or pence of ij. d. as well *Engliſh* coin, as coin of other lands, clipped, miniſhed, or otherwiſe impaired, except reaſonable wearing, ſhall not go nor be in any wiſe current for payment within this realm, but utterly to be refuſed and forſaken in payment from henceforth: (9) And that notwithſtanding it ſhall be lawful to any perſon having any ſuch groats or pence of ij. d. clipped or miniſhed, to bring the ſame to the King's mint, there to be changed after the cuſtom of the ſame mint, or convert the ſame into plate, bullion, or otherwiſe ſell or imploy it to his moſt profit and advantage within this realm, any other act or acts to the contrary in any wiſe notwithſtanding. (10) And in eſchewing and avoiding of ſuch clipping in time to come, the King our ſovereign lord, by the advice of his council, hath cauſed to be made new coins of groats, and pence of ij. d. and that every piece of the ſame coins ſhall have a circle about the utter part thereof; (11) and alſo that all manner of gold hereafter to be coined within this his realm ſhall have the whole ſcripture about every piece of the ſame gold, without lacking of any part thereof, to the intent that his ſubjects hereafter may have perfect knowledge by that circle or ſc ipture when the ſame coins be clipped or impaired. (12) And alſo it is enacted by the ſaid authority, That if the warden and controller of the King's mints hereafter duly execute not their offices in ſearching the ſame coins, and ſee that it be made perfect in form aforeſaid, before that it paſs from the ſaid mint, that then the ſame warden and controller

What pence ſhall be current within this realm, what not.

The penalty of thoſe that refuſe to receive the coins in payment.

The penalty if a chief officer refuſe to take any of the ſaid coins in payment.

Money clipped or diminiſhed ſhall not be current in payment.

How any perſon may uſe money that is clipped or diminiſhed. 17 R. 2. c. 1.

A remedy to prevent clipping of the coin.

ſhall forfeit their ſaid office, and make fine for the ſame at the King's pleaſure. (13) Moreover it is enacted by the ſaid authority, That no manner of perſon ſhall carry nor convey, nor cauſe to be carried or conveyed, out of this realm, any bullion, plate, or coin of gold and ſilver into *Ireland*, over and above the ſum of vj. s. viij. d. nor convey any ſuch bullion, plate, or coin into any ſhip, boat or other veſſels to the ſaid intent, upon pain to forfeit the ſaid bullion, plate, or coin, and to have impriſonment, and make fine and ranſom at the King's will: (14) And in like wiſe, That no manner perſon bring nor convey, nor cauſe to be brought nor conveyed, any manner of coin of gold or ſilver above the ſum of iii. s. iv. d. of the coin of *Ireland* into this realm, upon pain of forfeiture of all the ſame coin above the ſaid ſum of iii. s. iv. d. ſo brought into this realm, and to have impriſonment, and to make fine and ranſom at the King's pleaſure; (15) and that it ſhall be lawful for every of the King's ſubjects to take and ſeiſe all ſuch money of the coin of *Ireland*, hereafter to be brought or conveyed into this realm, over and above the ſaid ſum of iij. s. iv. d. and to bring it to the King's mint, there to leave the ſame to the King's uſe; (16) and every perſon that ſo ſhall bring any ſuch *Iriſh* money to the ſaid mint, ſhall have the value of the one half of all ſuch *Iriſh* money by him ſo brought to the ſaid mint at the ſame time delivered to him to his own uſe by the maſter of the mint for the time being.

No money, plate, or bullion ſhall be carried into Ireland above vi. s. viii. d.
9 Ed. 3. ſtat. 2. c. 1.
5 R. 2. ſtat. 1. c. 2.
2 H. 4 c. 5.
No Iriſh coin of gold or ſilver ſhall be brought into England.

CAP. VI.

Pewterers walking.

TO *the King our ſovereign lord, and to the noble lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, humbly and lamentably ſhewn and complain unto your moſt abundant grace, your humble ſubjects the pewterers and braſiers of your cities of* London *and* York, *and of all other places of this your realm, That whereas many ſimple and evil diſpoſed perſons of this your realm of* England, *uſing the ſaid crafts, daily go about this your realm from village, from town, and from houſe to houſe, as well in woods and foreſts, and in other places, to buy pewter and braſs*; (2) *and that knowing thieves and other pickers that ſteal as well pewter and braſs belonging to your Highneſs, and under your mark, and to the lords ſpiritual and temporal, as to other your ſubjects of this your realm, bring ſuch ſtolen veſſels unto them in ſuch hid places to ſell, and ſell it for little or nought, and about they bring it into privy places or into corners of cities or towns, and there ſell much part of it to ſtrangers, which carry it over the ſea by ſtealth*: (3) *alſo the ſaid perſons ſo going about, and divers other uſing the ſaid crafts, uſe to make new veſſels, and mix good metal and bad together, and make it naught, and ſell them for good ſtuff, where indeed the ſtuff and metal thereof is not worth the fourth part that it is ſold for, to the great hurt, deceit, and loſs of your ſubjects*: (4) *alſo divers perſons uſing the ſaid crafts, have deceivable and untrue beams and ſcales, that one of them would ſtand even with twelve pound weight at one end againſt a quarter of pound at the other end, to the ſingular advantage of themſelves, and*

Several evil practices uſed by pewterers and braſiers.

to

to the great deceit and loſs of your ſubjects, buyers and ſellers with them. (5) For reformation of the premiſſes, it would pleaſe your highneſs of your moſt abundant grace, with the advice of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, to enact and eſtabliſh, That no perſon or perſons uſing the ſaid crafts of pewterers and braſiers, from henceforth ſhall ſell or change any pewter or braſs, new or old, at any place or places within your realm, but only in open fairs or markets, or in their own dwelling-houſes, but if they be deſired by the ſaid buyers of ſuch ware, upon pain of forfeiture to our ſovereign lord the King for every ſuch default x. li. (6) Alſo that by the ſame authority it may be enacted and eſtabliſhed, That no perſon ne perſons, of what condition or degree ſoever he or they be of, from henceforth within the ſaid cities of *London* and *York*, or without, either caſt or work any pewter veſſel or braſs at any place or places within this your realm, but that it be as good fine metal as the pewter and braſs caſt and wrought after the perfect goodneſs of the ſame within the city of *London*, and by the ſtatutes of the ſame ought to be, upon pain of forfeiture of all ſuch pewter and braſs ſo caſt and wrought of worſe pewter or braſs than ought to be wrought in the ſame cities; that one half of every ſuch forfeiture to be to the uſe of your highneſs, and that other half to the uſe of the finders thereof. (7) Provided alway, That this forfeiture in no wiſe ſtretch ne extend to braſs or pewter being in the poſſeſſion of any perſon other than the workers of the ſame, or ſuch as have the ſame to ſell, and being of the crafts or myſteries. (8) Alſo that it may by the ſame authority be enacted and eſtabliſhed, That no manner perſon or perſons, of what degree or condition ſoever he or they be of, from henceforth make no hollow wares of pewter, that is to ſay, ſalts and pots that are made of pewter called *Ley-Metal*, but that it may be after the aſſiſe of pewter ley-metal wrought within the city of *London*; (9) and that the makers of ſuch wares ſhall mark the ſame wares with ſeveral marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame wares by them (as aboveſaid) to be wrought; (10) and that all and every ſuch wares not ſufficiently made and wrought, and not marked in form aboveſaid, found in the poſſeſſion of the ſame maker or ſeller, to be forfeited; (11) and if the ſame ware be ſold, the ſaid maker to forfeit the value of the ſame ware ſo unlawfully wrought and ſold; the one half of the ſaid wares, or the moiety of the value thereof, to be to the uſe of your highneſs, and the other half to be to the uſe of the finder or finders, or ſearchers thereof. Alſo that it may be by the ſame authority enacted and eſtabliſhed, That if any perſon or perſons hereafter uſing, buying, and ſelling of pewter or braſs, that hereafter occupy any deceivable or falſe beams or weights of the ſaid wares, that every ſuch perſon or perſons uſing or occupying ſuch deceivable and untrue beams or weights, to forfeit xx. s.

Of what goodneſs pewter and braſs ought to be.

Of what aſſiſe hollow ware of pewter made of ley-metal ſhall be.

The makers ſhall ſet on their marks.

The forfeiture for defaults.

The penalty for uſing of falſe beams and weights in ſelling or buying of pewter and braſs.

the one half to the King, and the other half to the party that therefore ſhall ſue by action of debt; (12) and that in the ſaid action no protection nor eſſoin ſhall be allowed; and alſo the ſaid party ſo offending ſhall forfeit his beams to him that ſhall ſeiſe it; (13) and if the ſaid offender or offenders be not ſufficient to pay the ſaid ſum or ſums by them ſo forfeited, that then it ſhall be lawful to the mayors, bailiffs, or other head officers of ſuch place or places where any ſuch offender or offenders ſhall be found, to put them in the ſtocks, and them ſo to keep till the next market-day next adjoining, and in the market-place to put them in the pillory all the market-time. (14) And furthermore, That it be lawful by the ſaid authority, That the maſter and wardens of the ſaid craft of *Pewterers*, within every city and borough of this realm where ſuch wardens are, and, where no ſuch wardens are, the head or governor of the ſame city or borough, to appoint certain perſons moſt expert in the knowledge of the ſame, to make ſearch within the ſaid cities or boroughs where they dwell. (15) And over this, the juſtices of peace with in every ſhire, at their general ſeſſion holden at *Michaelmas*, ſhall aſſign and appoint two certain perſons having experience therein, to make ſearch in the premiſſes in every part of that ſhire, as well within the franchiſe as without, ſaving in cities or boroughs where ſearchers be appointed by the heads and governors of the ſame; (16) and that of all ſuch unlawful pewter and braſs as the ſaid ſearchers ſhall find, the one half to the uſe of your grace, and the other half to the ſaid ſearchers; (17) and that in the default of the ſaid maſters and wardens of the ſaid occupations not ſearching in form as is aforeſaid, and whereby that any ſuch unlawful metal is caſt or made, or unlawful weights uſed, that then it ſhall be lawful to any perſon or perſons having ſufficient cunning and knowledge in the ſaid occupations, by overſight of the mayors, bailiffs, and head officers of the ſaid cities and boroughs, to ſearch all the ſaid places, and to put the ſaid authority and act in execution in form aforeſaid. (18) Provided alway, That this preſent act continue and endure to the next parliament and no longer.

The puniſhment of the offender if he be not able to pay the money forfeited.

Searchers of pewter and braſs within a city or borough, to be appointed by juſtices of the peace.

Made perpetual by 4 H.8. c. 7. ſ. 6. See 25 H.8. c. 9. 33 H. 8. c. 4.

CAP. VII.

For making of ſtatutes by bodies incorporate.

Hob. 210. 15 H. 6. c. 6.

PRAYEN *the commons in this preſent parliament aſſembled, That where in a parliament holden at* Weſtminſter *the fifteenth year of the reign of the bleſſed King* Henry *the Sixth, for that that maſters, wardens, and people of guilds, fraternities, and other companies corporate, dwelling in divers parts of the realm, oftentimes by colour of rule and governance to them granted and confirmed by charters and letters patents of divers Kings, made among themſelves, many unlawful and unreaſonable ordinances, as well in prices of wares as other things, for their own ſingular profit, and to the common hurt and damage of the people:* (2) *it was enacted, That there ſhould from henceforth no ſuch maſters, wardens, nor companies, make nor uſe no ordi-*

nance

nance in diſheritance or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, nor none other ordinance of charge make and uſe, but if it were firſt diſcuſſed and proved by good and reaſonable advice by the juſtices of the peace, or the chief governors of cities, and before them entered of record, (3) *and that upon pain to loſe and forfeit the force and the effect of all the articles in their ſaid letters patents and charters contained concerning the ſame, and over that to loſe and pay* x. li. *to the King for every ordinance that any of them made or uſed to the contrary;* (4) *and this ordinance to endure at the King's pleaſure, as in the ſame act it appeareth;* (5) *which act is now expired, and ſith the expiring of the ſame, divers and many ordinances have been made by many and divers private bodies corporate within cities, towns, and boroughs, contrary to the King's prerogative, his laws and the common weal of his ſubjects:* (6) Be it therefore ordained, eſtabliſhed, and enacted by the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no maſters, wardens, and fellowſhips of crafts or myſteries, nor any of them, nor any rulers of guilds or fraternities take upon them to make, any acts or ordinances, ne to execute any acts or ordinances by them heretofore made, in diſheritance or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, but that the ſame acts or ordinances be examined and approved by the chancellor, treaſurer of *England*, or chief juſtices of either benches, or three of them, or before both the juſtices of aſſiſe in their circuit or progreſs in that ſhire where ſuch acts or ordinances be made, upon pain of forfeiture of xl. li. for every time that they do contrary. (7) And over that it is enacted, That none of the ſame bodies corporate take upon them to make any acts or ordinances to reſtrain any perſon or perſons to ſue to the King's highneſs, or to any of his courts for due remedy to be had in their cauſes, ne put ne execute any penalty or puniſhment upon any of them for any ſuch ſuit to be made, upon pain of forfeiture of xl. li. for every time that they do the contrary. And this act to begin and take effect at the feaſt of *Pentecoſt* next coming, and from thenceforth.

Enforced by 22 H.8.c.4.

No maſters or wardens of fellowſhips ſhall make any new ordinances without the conſent of the chancellor, treaſurer, or juſtices. 28 H.8.c.5.

No order ſhall be made to reſtrain ſuits in the King's court.

CAP. VIII.

Shewage, ſcavage.

TO the King our ſovereign lord, prayen the commons in this your preſent parliament aſſembled, That where the merchants and inhabitants of divers cities, boroughs, and towns within this realm, and as well divers tenants of our ſaid ſovereign lord the King, as of other, that have by grants made by the noble progenitors and predeceſſors of our ſaid ſovereign lord, as well to them by ſuch name or names as they or any of them be corporate, as by grants made unto divers lords both ſpiritual and temporal, and by preſcription, that they, their tenants, reſiants and inhabitants within their ſeveral lordſhips, boroughs, and towns,

towns, ſhould be quit and diſcharged of divers and many cuſtoms, as of tolls and of other exactions demanded and aſked by divers mayors, ſheriffs, bailiffs, and other officers of divers cities, boroughs, and towns within this realm, for their ſingular lucre, of merchants denizens and of the King's true ſubjects born dwelling and inhabiting within this realm, contrary to their ſaid privilege, and lately more and otherwiſe than in times paſſed, have diſtrained, levied, and taken of them a certain cuſtom called Scavage, *otherwiſe called* Shewage, *to their great charge and trouble, which ſcavage was never uſed to be taken or levied but only of merchant ſtrangers:* (2) Be it therefore ordained, eſtabliſhed, and enacted by the King our ſovereign lord, and by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, That if any mayor, ſheriff, bailiff, or other officer in any city, borough, or town within this realm, diſtrain, take, or levy any cuſtom called *Scavage*, otherwiſe called *Shewage*, of any merchant denizen, or of any other of the King's ſubjects denizens, of or for any manner of merchandiſe to our ſovereign lord the King before truly cuſtomed, that is brought or conveyed by land or by water, to be uttered and ſold in any city, borough, or town in this land; or if that any mayor, ſheriff, bailiff, or other officer in any city, borough, or town, for nonpayment of the ſaid ſcavage, let or diſturb any merchant, or any other perſon or perſons, being denizens, to ſell and utter their merchandiſe by them brought into any city, borough, and town, that then every mayor, ſheriff, bailiff, or other officer diſtraining, levying, or taking any ſuch ſcavage, or otherwiſe offending in any thing contrary to this preſent act, ſhall forfeit for every time he ſo offendeth, xx. li. the one moiety thereof to our ſovereign lord the King, and the other moiety thereof to the party in that behalf grieved, or to any other that firſt ſueth in that party by action of debt in any ſhire within this realm to be ſued, (3) and that the defendants in any ſuch action be not admitted to wage or do their law, nor any protection ne eſſoin for any ſuch defendants be allowed in the ſame. (4) Provided alway, That the mayor, ſheriffs, and commonalty of the city of *London*, and every of them, ſhall have and take all ſuch ſums of money for the ſaid ſcavage, and of every perſon denizen, as by our ſovereign lord the King, and his honourable council ſhall be determined to be the right and title of the mayor, ſheriffs, and commonalty of the ſaid city of *London*, or any of them, this act in any wiſe notwithſtanding.

No ſcavage or ſhewage ſhall be paid for merchandiſe cuſtomed.

The penalty for diſturbing any perſon to ſell his merchandiſe for nonpayment of ſcavage.

Scavage to be taken by the mayor and ſheriffs of London.

CAP.

CAP. IX.

Proceſs in actions upon the caſe ſued in the King's bench and common pleas

FORASMUCH *as before this time there hath been great delays in actions of the caſe, that hath been ſued as well before the King in his bench, as in his court of his common bench, becauſe of which delays many perſons have been put from their remedy:* (2) be it therefore ordained, enacted, and eſtabliſhed by the King our ſovereign lord, 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 like proceſs be had hereafter in actions upon the caſe, as well ſued and hanging, as to be ſued, in any of the ſaid courts, as in actions of treſpaſs or debt.

What proceſs ſhall be awarded in actions upon the caſe ſued in the king's bench, or common bench. Bro. exigent. 29. 1 Sid. 148, 259, 260.

CAP. X.

Sheriffs.

BE it ordained, eſtabliſhed, and enacted by the King our ſovereign lord, by the advice, and aſſent of his lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That every ſheriff within every county within this realm of *England* have the cuſtody, rule, keeping, and charge, from the *Quindecim Paſche* next coming, of every of the King's common gaols, priſons, and priſoners in the ſame, in every of the ſaid counties where he is ſheriff, during the time of his office, except all gaols whereof any perſon or perſons ſpiritual or temporal, or body corporate, have the keeping of eſtate of inheritance, or by ſucceſſion; (2) and from the ſame *Quindecim* of *Paſche* next coming, that all letters patents made to any perſon or perſons for term of life or lives, or for term of years, of the keeping of the ſaid gaols, and of any conſtableſhip of any caſtle, wherein any ſuch common gaol is, by the King our ſovereign lord, or any other Kings of this land, and every thing in the ſaid letters patents contained, be from henceforth repealed, adnulled, void, and of no force ne effect in the law: (3) and that every ſuch ſheriff, from the ſaid *Quindecim* of *Paſche*, be charged and chargeable with the ſaid gaols, priſons, and the priſoners remaining in the ſame. (4) *And over that, where divers and many perſons, for treaſon, murder, robberies, and other felonies, before this time have been taken, ſome for ſuſpection of the ſame deeds, and ſome upon indictments, and thereupon brought unto the ſame gaols and priſons, and ſometime remained in the keeping of the perſons that ſo arreſted them for the ſaid cauſes, and by colour of negligence, ſubtilly and craftily, and oftentimes for favour, mede, affection, or corruption, ſuffered the ſaid offenders to eſcape, as if it had been by negligence, to the overt and expreſs impediment of juſtice, and execution of the King's laws ordered for the puniſhment of ſuch offenders;* (5) *and when ſuch eſcapes have been found before the juſtices having authority to enquire thereof, and thereupon the parties convicted, or elſe yielded themſelves to make fine for*

The ſheriffs ſhall have the keeping of the common gaols, and the priſoners therein. 14 Ed. 3. ſtat. 1. c. 10.

for the ſame, ſmall fines have been uſed to be ſet in thoſe cauſes, to the little dread and fear, and great imboldening of the ſaid offenders and miſdoers; by mean whereof great and errand felons, and heinous murderers, oftentimes have by negligence eſcaped, ſo that neither they, nor the keepers of them from whom they eſcaped, hitherto have not been puniſhed according to their demerits: (6) Be it therefore enacted, ordained, and eſtabliſhed by the ſaid authority of this preſent parliament, That for every negligent eſcape hereafter from any ſheriff, having the keeping of any gaol, or from any conſtable of caſtle, or other, being keeper of any gaols where ſuch priſoners accuſtomably have been and ſhall be kept, of perſons indicted of high treaſon, being in their keeping, that no leſs fine be ſet or made for every ſuch eſcape, than C. mark, and more, by the diſcretion of the juſtices that ſhall aſſeſs ſuch fines; (7) and for every perſon eſcaping, being in their keeping for ſuſpection of high treaſon, no leſs fine to be ſet ne made than xl. li. (8) and for every eſcape of perſons indicted of murder or petit treaſon, xx. li. at the leaſt, and more, by the diſcretion of the juſtices that ſhall aſſeſs ſuch fines; (9) and for every eſcape of perſons ſuſpected of murder or petit treaſon, x. li. or more, by the diſcretion of the juſtices that ſhall aſſeſs ſuch fines; (10) and for every perſon eſcaping, being in their keeping, indicted of felony, other than murder or treaſon, x. li. and for every perſon ſuſpected of felony, other than murder or treaſon, as is aforeſaid, to forfeit for every ſuch eſcape C.s. or more, by the diſcretion of the juſtices, after the manner and quantity of their offences or demerits, (11) ſaving to every perſon or perſons, their heirs, and their ſucceſſors, ſuch ſufficient and lawful right and title to any ſuch eſcapes, and fines for the ſame, or to be quit of ſuch eſcapes, or of any other eſcapes, as they have or ought to have at the time of making this act; this act, or any clauſe contained in the ſame in any thing notwithſtanding. (12) And if any perſon hereafter have any priſoner in his keeping, arreſted for ſuſpicion of felony, treaſon, or murder, and that perſon that ſo is arreſted, eſcape by negligent keeping before that he be brought to the gaol, that that perſon from whom he ſo eſcaped, ſhall forfeit for every perſon that ſo doth eſcape, ſuch fines as ſhall be ſet by the diſcretion of the juſtices that ſhall have authority to aſſeſs ſuch fines, as the caſe ſhall require, and the ſame forfeiture to go to them that be intitled to have ſuch forfeiture at the time of making this act. (13) And moreover, be it enacted and ordained by the ſaid authority, That all offices of conſtables of caſtles, fortreſſes, or other places, and all other offices within this realm of *England* or *Wales*, not requiring actual exerciſe in any of the ſame offices by them to whom ſuch grant or office is made or granted, or by their deputy or deputies, granted by the King our ſovereign lord that now is, to any perſon or perſons for term of life or lives, and the letters patents of the ſame, ſhall be from the Feaſt of *Paſche* next coming utterly repealed, adnulled, void, and of no force ne effect in the law. (14) And this act, as concerning the penalties aforeſaid, and

Several penalties for the negligent eſcape of ſeveral ſorts of offenders. Exp.

A ſaving of other men's rights for eſcapes and fines for the ſame.

The penalty for negligent eſcapes before the priſoner be brought to the gaol. Exp.

Letters patents of offices not requiring actual exerciſe ſhall be void.

The continu-

and every of them, to endure to the next parliament, and no longer. (15) Provided always, That neither the ſheriff of the county of *Surrey* for the time being, nor any other ſheriff, have any rule, cuſtody, or governance of the gaols of the *King's bench* and *Marſhalſea*, or of either of them, by reaſon or by authority of the ſaid act; but that Sir *Thomas Brandon* knight, and Sir *John Digby* knight, and either of them, have and enjoy the cuſtody and keeping of the ſame gaols, according unto their ſeveral grants to them made, this act notwithſtanding. (16) Provided alway, That the ſaid act of reſumption, or any articles therein contained, extend not, ne be in any wiſe hurtful or prejudicial to *Edward Courtney* earl of *Devon*, for the avoiding and repealing of any letters patents, or grant to him made by the King our ſovereign lord, of and for the conſtableſhip of the caſtle of *Reſtermell*, otherwiſe called *Reſtormin*, in the county of *Cornwall*, but that ſuch letters patents or grants of the ſame office, be of as great force, ſtrength, and effect, and to the ſaid earl as available, as they ſhould or might have been, if the ſaid act of reſumption had never been had ne made. (17) Provided alway, That this act of reſumption, or any other act made or to be made in this preſent parliament, extend not, ne in any wiſe be hurtful or prejudicial unto any manner of grant made by the King our ſovereign lord by his letters patents to *John Morgan*, of or for the parkerſhip of the park of *Carlion* with the profits of the ſame within the lordſhip of *Uſke* in *South Wales*; but that the ſaid letters patents, and every thing in them contained, be from henceforth good and effectual to the ſaid *John*, according to the tenor and purport of the ſame, the foreſaid act or acts in any wiſe notwithſtanding.

ance of this act concerning penalties.

The ſheriff of Surrey ſhall not have the keeping of the *King's bench* and *Marſhalſea*.

Edward Courtney earl of Devonſhire's patent except.

John Morgan's patent except.

II. Provided always, That this act of reſumption, nor any other act or acts of reſumption, or repealing or avoiding of any our letters patents in this preſent parliament made or to be made, extend not, nor be prejudicial to our truſty and well-beloved ſervant *Henry Wyatt*, late clerk of our jewels, as of, to, and for our letters patents to him, and to *Thomas Fitzwilliam*, late deceaſed, by us made and granted the iv. day of *April*, in the v. year of our reign (among other) of the offices of conſtable and porter of our caſtle of *Conyſborough*, in our county of *York*, to have, occupy, and exerciſe for term of their lives, and of either of them overliving, nor to any wages, fees, profits, and commodities to the ſame offices, or either of them belonging to be perceived; nor alſo as to and for the office of conſtableſhip of our caſtle of *Tykhill*, parcel of our duchy of *Lancaſter*, in our ſaid county of *York*, and of the office of porter or porterſhip of the ſame caſtle to him by our letters patents under the ſeal of our duchy of *Lancaſter*, bearing date the xxv. day of *June*, in the xv. year of our reign, granted during our pleaſure; nor to or for any fees or wages to or for the ſame in any wiſe belonging or to be perceived; nor over that, of, to, or for the office of warner or warnerſhip of the warren of *Methwolde*, in the county of *Norf'*, parcel of our ſaid duchy of *Lancaſter*, to him by

us

us by our letters patents under the ſeal of our ſaid duchy granted for term of his life; nor to or for any wages and fees to the ſame office pertaining, or for the ſame yearly to be perceived or had in any manner wiſe; but that every of the ſaid letters patents, and all things in them and every of them contained, be good and effectual to him in all things, according to the form, purport, and effect of the ſame letters patents, and of either of them, this act notwithſtanding.

CAP. XI.

For deer-hays and buck-ſtalls.

FORASMUCH *as it is well underſtood and known, that the greateſt deſtruction of red deer and fallow within this realm in time paſt hath been, and yet is, with nets called deer-hays and buck-ſtalls, and ſtalking with beaſts, to the great diſpleaſure of our ſovereign lord the King, and of all the lords and other noblemen within this his realm, having foreſts, chaſes, or parks in their poſſeſſions, rule, or keeping; ſo that if the ſaid nets or ſtalking ſhould unlawfully be uſed and occupied in time coming, as they have been in time paſt, the moſt part of the foreſts, chaſes, and parks of this realm ſhould be therewith deſtroyed:* (2) Be it therefore eſtabliſhed and enacted, by the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That any perſon or perſons, ſpiritual or temporal, having no park, chaſe, nor foreſt of their own, keep, nor cauſe to be kept any nets called *Deer-hays*, or *Buck-ſtalls*, by the ſpace of a month next after the proclamation of this act made; (3) upon pain of forfeiture for every month that he or they ſo keep or cauſe to be kept the ſame nets, hays, or buck-ſtalls, x. li. (4) And that no perſon from henceforth ſtalk, nor cauſe any other perſon to ſtalk, with any buſh or beaſts to any deer, being in any park, chaſe, or foreſt, or without, but if it be within his own ground, chaſe, foreſt, or park, without licence of the owner, maſter of the game, or keeper of the ſame ground, chaſe, foreſt, or park, upon pain of forfeiture for every time that he or they ſo ſtalketh, x. li. (5) And furthermore, That no perſon ne perſons without his own ground ſlay, take, or cauſe to be taken by mean of craft or engine, any herons, without it be with hawking, or with a long bow, upon pain of forfeiture for every heron taken or ſlain vi.s. viii.d. (6) And that no perſon or perſons without his or their own ground take any young herons out of the neſt, without licence of the owner of the ground where the ſaid neſt is, upon pain of forfeiture for every heron ſo taken out of the neſt, x.s. (7) And that every man that will, may and ſhall be admitted to ſue for every of the ſaid forfeitures by action of debt, and like proceſs to be had and made therein, as in other actions of debt at the making of this act; (8) and that the defendant be not admitted to tend nor to do his law in any ſuch action, nor any eſſoin nor protection to be allowed for the defendant in the ſame. (9) And that two juſtices of peace in their ſeſſions, ſhall have authority to call before them any perſon ſuſpected of the premiſſes,

The penalty for keeping of deer-hays or buck-ſtalls.

The penalty for ſtalking, or cauſing another to ſtalk at a deer without licence.

The penalty for taking of young herons out of the neſt.

Two juſtices of peace may examine any perſons ſuſpected, and puniſh them.

ſes, and by their diſcretions to examine them in the premiſſes. (10) And if by their examination the party ſo examined be found in default contrary to the premiſſes, then that perſon ſo found in default to be committed to priſon till he have found ſurety for payment of the ſame forfeitures to the King; (11) and that thoſe juſtices that ſo examine them, ſhall have the tenth part of every ſuch forfeiture for their labour in that behalf.

CAP. XII.

An act touching the puniſhment of vagabonds for their firſt offence, and for their ſecond offence, and of them that do relieve them. A remedy to provide for beggars not able to work. Which officers and perſons may puniſh vagabonds, and their penalty if they do not. *Exp.* 39 *El. c.*4. *(2)* Certain perſons prohibited to play at unlawful games. *Exp.* 33 *H. c.*9. *(3)* Two juſtices of peace may reject common ſelling ale or beer. *Altered* 5 & 6 *Ed.* 6. *c.*25. & *Rep.* 21 *Jac.* 1. *c.*28.

CAP. XIII.

Riot.

WHEREAS *in the parliament holden at* Weſtminſter *the* Tueſday *the morrow next after* All ſouls, *the thirteenth year of the reign of King* Henry *the Fourth, among other things it was enacted, ordained, and eſtabliſhed, That if any riot, aſſembly, or rout of people againſt the law, were made in any part of the realm, that 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 ſhould be done, after the ſame ſtatute, ſhould come with the power of the ſhire (if need ſhould be) to arreſt them, and them ſhould arreſt;* (2) *and the ſame juſtices and ſheriff, or under-ſheriff, ſhould have power to record that that they ſhould find ſo done in their preſence againſt the law,* (3) *and that by the record of the ſame juſtices and ſheriff, or under-ſheriff, the ſame treſpaſſers and miſdoers ſhould be convicted in manner and form as it is contained in the ſtatute of forcible entries; with divers and many other articles touching and concerning the premiſſes, as in the ſame ſtatute made the ſaid* xiij. *year more plainly at large it appeareth,* (4) *which ſtatute is thought good and neceſſary: wherefore 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,* Be it therefore ordained, eſtabliſhed, and enacted, That the ſaid act made in the ſaid xiij. year of King *Henry* the Fourth, concerning riots, aſſemblies, and routs of people, and all and every article and articles compriſed in the ſame, and alſo all other ſtatutes before this time made concerning the puniſhment of rioters, at the time of the making of this act being in force, from henceforth ſtand in their force, and be duly put in execution after the tenors and purports of the ſame. (5) *And foraſmuch as in the ſaid ſtatute made in the ſaid* xiij. *year, it is not expreſſed of what ſufficiency the jurors impanelled ſhould be, or what iſſues they ſhould loſe, if they appear*

13 H. 4. c.7.

Jurors impanelled to inquire of riots, and the iſſues returned thereupon.

The puniſhment of maintainers, whereby a riot is not found.

2 H. 5. ſtat. 1. c.8.

appear not, nor no mention therein made of any puniſhment of the maintainers and embracers of the jurors that ſo ſhall be impanelled, ſhould have for their miſdemeanors, if any be: (6) It is therefore furthermore enacted by the ſaid authority in this preſent parliament, That if any riot, rout, or unlawful aſſembly, be committed and done at any time after the firſt day of *May* next coming, within this realm of *England*, that the ſheriff having a precept directed to him, ſhall return xxiv. perſons dwelling within the ſhire where ſuch riot, rout, or unlawful aſſembly ſhall be ſo committed and done, whereof every of them ſhall have lands and tenements within the ſame ſhire to the yearly value of xx.s. of charter land or freehold, or xxvi.s. viii.d. of copyhold, or of both, over and above all charges, to inquire of the ſaid riot, rout, or unlawful aſſembly. (7) And he ſhall return upon every perſon ſo by him impanelled, in iſſues, at the firſt day xx.s. and at the ſecond day xl.s. if they appear not and be ſworn to inquire of the premiſſes at the firſt day. (8) And if default be in the ſheriff or under-ſheriff, for returning of other perſons, not being of the ſaid ſufficiency, or return not iſſues in form aforeſaid, that then the ſaid ſheriff ſhall forfeit to our ſovereign lord the King, for either default therein, xx. li. (9) And if the ſaid riot, rout, or unlawful aſſembly be not found by the ſaid jury, by reaſon of any maintenance or embracery of the ſaid jurors, then the ſame juſtices and the ſheriff, or under-ſheriff, over and above all ſuch certificate that they muſt and be bound to make, according to the ſaid ſtatute made the ſaid xiij. year, ſhall in the ſame certificate certify the names of the maintainers and embracers in that behalf, if any be, with their miſdemeanors that they know, upon pain of every of the ſaid juſtices and ſheriff, or under-ſheriff, to forfeit xx. li. if the ſame juſtices and ſheriff, or under-ſheriff, have no reaſonable excuſe for non-certifying of the ſame; (10) which certificate ſo made ſhall be of like force and effect in the law, as if the matter contained in the ſame were duly found by the verdict of twelve men: (11) and every perſon duly proved to be a maintainer or embracer of the ſame ſhall forfeit to our ſaid ſovereign lord xx. li. and as well the ſame maintainers as the embracers ſhall be committed to ward, there to remain by the diſcretion of the juſtices.

How many jurors ſhall be returned to inquire of a riot, and of what ſufficiency they ſhall be.

What iſſues ſhall be returned upon the jurors.

The ſheriff's forfeiture for omitting his duty.

Certificate of the maintainers and embracers.

Carthew, 383.

The forfeitures of maintainers and embracers, whereby a riot is not found.

1 R. 2. c. 7.
1 H. 4. c. 7.
2 H. 4. c. 21.
8 Ed. 4. c. 2.
7 H. 4. c. 14.

CAP. XIV.

The penalty for giving or taking any livery, *&c.* or for retaining, or being retained with another, during the King's life.

CAP. XV.

Several charges impoſed upon the lands and perſons of Ceſtuy que uſe.

The ſeveral inconveniencies that many did receive by Ceſtuy que uſe.

PRAYEN *The commons in this preſent parliament aſſembled, that where divers and many perſons be defrauded of their execution, as well of and upon recogniſances, ſtatutes of the ſtaple, ſtatutes-merchants to them made, as of their debts and damages recovered in actions of debt, treſpaſſes, or other actions: and ſo in like wiſe the lords of whom any lands and tenements be holden in ſocage, of their reliefs, and ſometime*

time of their heriots, by reaſon that he ſo being bound or condemned, and alſo he that of right ought to be very tenant to the lord of whom ſuch lands and tenements be holden, cauſeth by fine, feoffment, recovery, or otherwiſe, divers perſons to be ſeiſed of the ſaid lands, tenements, and other hereditaments only to his uſe, he taketh the profits of the ſame, to the great hurt, deceit, and defraud of the King's true liege people within this his realm, if that remedy be not therefore purveyed. (2) In conſideration whereof, be it ordained, eſtabliſhed and enacted by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, That from henceforth it ſhall be lawful for every ſheriff, or other officer, to whom any writ or precept is or ſhall be directed at the ſuit of any perſon or perſons, to have any execution of any lands, tenements or other hereditaments, againſt any perſon or perſons of, for and upon any condemnation, eſtatute-merchant, eſtatute of the ſtaple, recogniſance hereafter to be made or had, to do, make and deliver execution unto the party in that behalf ſuing, of all ſuch lands and tenements, as any other perſon or perſons be in any manner of wiſe ſeiſed, or hereafter ſhall be ſeiſed in any wiſe, to the only uſe of him againſt whom execution is ſo ſued, like as the ſaid ſheriff or other officer might or ought to have done if the ſaid party againſt whom execution hereafter ſhall ſo be ſued, had been ſolely ſeiſed of the ſaid lands and tenements of ſuch eſtate as they be ſeiſed of to his uſe at the time of the ſaid execution ſued. (3) And over that, be it ordained by the ſaid authority, That the lords of whom any ſuch lands and tenements be holden in ſocage, ſhall from henceforth after the death of him to whoſe uſe any perſon or perſons as is aforeſaid be ſeiſed (and no will thereof declared) have his relief, heriot, and all other duties, like as the ſaid lord ought or might have had if he had died ſeiſed of the ſame. (4) Provided alway, That every ſuch perſon againſt whom execution is or ſhall be had of lands and tenements, ſo being in poſſeſſion of other perſons to his uſe, may have all ſuch advantage in the law againſt him or them that ſo have execution of the lands or tenements afore rehearſed, as he might or ſhould have had if he had been ſolely ſeiſed of the ſaid lands and tenements at time of the ſaid execution ſued. (5) And over that, be it ordained by the ſaid authority, That if any bondman purchaſe any lands or tenements in fee ſimple, fee tail, or for term of life, or for term of years, and cauſeth eſtate to be made to divers perſons to his uſe, or taketh eſtate to himſelf and to divers other jointly with him and to his uſe and behoof, that it ſhall be lawful to the lord of any ſuch bondman to enter during the ſame uſe, into the lands and tenements and every parcel thereof ſo purchaſed by his bondman, in like manner and form as he might have done, if the ſaid bondman had only been ſeiſed of the ſaid lands and tenements in fee or otherwiſe.

1 Co. 123. Co. Lit. 91. a. 117. a.

The lands of *Ceſtuy que uſe* ſhall be put in execution for his debt due by judgment, &c.

The lands of *Ceſtuy que uſe* ſhall ſatisfy the chief lord of the relief, heriot and other duties.

Ceſtuy que uſe ſhall have ſuch advantages as he might have had, if he had been tenant of the land.

Ceſtuy que uſe being a bondman, the land may be ſeiſed by his lord.

1 R. 3. c. 1. 4 H. 7. c. 17. 27 H. 8. c. 10.

CAP. XVI.

The ſtatute of 11 *H.* 7. *c.*26. touching the ability of jurors impanelled in the ſheriffs turns in *Surrey*, *Suſſex*, and *Hampſhire*, continued until the next parliament.

CAP. XVII.

Shearing worſted.

A confirmation of part of the ſtatute of 11 H. 7. c.11. and a repeal of the reſidue.

PRAYEN *the commons in this preſent parliament aſſembled, That whereas the city of* Norwich *is an ancient city, and in the ſame city without time of mind among other crafts hath been uſed a certain craft called ſhearman's craft, and the artificers of the ſame have alway uſed by the ſame time to ſhear as well worſteds, ſtamins, fuſtians, as all other woolen cloth; and all apprentices of the ſame craft have been taken and bound to ſhearman's craft only, and by reaſon thereof they have had and enjoyed their liberties and freedom in their occupation by the name of the ſhearman's craft generally, and none otherwiſe;* (2) *and there have every year uſed within the ſaid city to be choſen and ſworn two wardens of the ſame craft, and all defaults by the ſaid wardens, in their craft found, to be preſented before the mayor of the ſaid city for the time being, and the offenders in that behalf to be puniſhed according to the cuſtom of the ſame city; till now of late times divers perſons for their own ſingular profit, contrary to the common weal of the ſaid city, feigning to have a craft of worſted ſhearing, ſeparate from the ſaid craft of ſhearman's craft, ſurmitted a bill into the parliament holden at* Weſtminſter *the fourteenth day of* October, *the eleventh year of the reign of our ſovereign lord the King that now is; by force of which pretended bill it was in the ſaid parliament enacted and ordained, That from thenceforth no man ſhould take upon him to ſhear worſteds within the ſaid city, but if he had been apprentice to the ſaid occupation of worſted-ſhearing by the ſpace of ſeven years, or ſuch other as the maſters of the ſaid occupation within the ſaid city for the time being, approving their cunning, with the advice of the mayor for the time being in the ſaid city, will admit.* (3) *And furthermore in the end of the ſame act it was provided, That the ſaid occupation of worſted-ſhearing ſhall not make, nor do to be made, any ordinance concerning the ſaid occupation among themſelves, but ſuch as the mayor of the ſaid city for the time being with his brethren aldermen ſhall think neceſſary and profitable for the weal of the King's ſubjects, as more plainly in the ſaid act amongſt other things doth appear.* (4) *It is ſo, that ſith the making of the ſaid act, by colour of the ſame, the worſted ſhearmen within the ſaid city within themſelves, without the advice or conſent of the mayor of the ſaid city, have choſen wardens of worſted-ſhearing, and ſeparated the ſame pretended craft from the foreſaid craft, called ſhearman's craft, contrary to the liberties and good cuſtoms of the ſaid city in time paſſed uſed and approved:* (5) *and over that, the ſaid pretended wardens, with their company to them confedered, divers and many times aſſembled and made ordinances among themſelves, contrary to the common weal of the ſaid city, without any advice of the mayor of the ſaid city, intending to bring the ſhearing of worſteds into few mens hands, and to inhance*

The inconveniencies which have enſued to the ſhearmen of Norwich by the ſtatute of 11 H. 7. c.11.

The ſeveral practices of the wardens of worſted-ſhearers in Norwich.

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the price of ſhearing of worſteds at their pleaſure, inſomuch that they will not admit to ſhearing of worſteds but certain perſons, where many other within the ſaid city be as perfect, and have as great cunning in the ſaid ſhearing of worſteds, as they that the ſaid pretended wardens do daily ſuffer to ſhear, have; and will not admit any man to the ſhearing of worſteds, though he have ſufficient cunning therein, without he will compound with them, and make great and importable fines; by force whereof divers and many of the ſhearmen, lately inhabitants of the ſaid city, be departed out of the ſame city into the country, and ſo divers and many houſes within the ſaid city now be unoccupied and decayed, and daily more are like to be, to the great deſolation of the ſaid city, and alſo to the impoveriſhing of the merchants buyers of the ſaid worſted within the ſaid city, whereby the great weal and proſperity of the ſaid city ſtandeth, and the inhabitants of the ſame ſupported. (6) In conſideration of all which premiſſes, it may pleaſe the King our ſovereign lord, of his moſt abundant grace, and for the great zeal his Grace hath to the univerſal weal of his ſubjects in this his realm, by the advice and aſſent of the lords ſpiritual and temporal, and of the commons, in this parliament aſſembled, and by authority of the ſame, to ordain, eſtabliſh, and enact, That the foreſaid act made the ſaid fourteenth day of *October*, the eleventh year aforeſaid, in every thing touching and concerning the ſaid worſted-ſhearing, or the ſaid pretended craft of worſted-ſhearing only, be utterly void, repealed, adnulled, and of no force ne effect. (7) Provided alway, That the reſidue of the foreſaid act concerning the ſetting or putting, taking or receiving, of apprentices for all the citizens and inhabitants within the ſaid city of *Norwich*, may ſtand in his full ſtrength and effect, in ſuch form as in the ſaid act is expreſſed and contained, this preſent act notwithſtanding.

So much of the ſtatute of 11 H. 7. c. 11. as concerneth the taking of apprentices confirmed, and the reſidue touching worſted-ſhearers repealed.

CAP. XVIII.

For free paſſage upon the river Severn.

TO *the King our ſovereign lord, prayen the commons in this preſent parliament aſſembled, That where time out of mind, merchants, victuallers, and all other your liege people of this your realm, at their pleaſure have had and uſed free courſe and paſſage through and upon your river and water of* Severn, *within this your realm, with ſhips, trows, boats, and all other their veſſels, to carry and convey their merchandiſes, victuals, and other goods, from town to town, and from place to place, without interruption, trouble, vexation, let, or diſturbance, and without any thing therefore paying or giving, until late time that divers merchants and others of this your realm of* England *were by divers and certain miſruled perſons, inhabited in the foreſt of* Dean, *and other places to the ſaid river adjoining, wrongfully letted, vexed, and interrupted;* (2) *whereupon for the ſure and peaceable paſſage and courſe upon the ſame water and river of all the King's liege people to be had and continued, divers acts and laws were made and provided, and in eſpecial one in the ninth year of the reign of the moſt bleſſed, and of famous in memory, your uncle King* Henry *the Sixth, by the which act it was eſtabliſhed, ordained, and provided, That all your liege*

The effect of the ſtatute of 9 H. 6. c. 5.

provided for free paſſage upon the river of Severn.

people, and every of them, ſhould have their common and free paſſage upon your ſaid river and water with their trows, boats, and other veſſels, from Briſtol, Glouceſter, Worceſter, *and other places, without let, interruption, or denier*; (3) *and if any of your liege people or ſubjects were of their ſaid courſe and paſſage letted or diſturbed, that they ſhould have actions of treſpaſs againſt the offenders in that behalf*; (4) *and the premiſſes notwithſtanding, divers perſons late and now, being your officers of and in your city of* Worceſter, *and town of* Glouceſter, *and other places adjoining to your ſaid river and water, will not ſuffer any boat, trow, or other veſſel, to paſs through and upon your ſaid river and water without divers impoſitions by them thereupon ſet, and by them levied, gathered, and reared upon the merchants and owners of the ſaid goods and merchandiſes, by the ſaid river and water paſſing, in manifeſt contempt of your ſaid laws, and breach, of the laudable cuſtom aforetime remembered.* (5) Pleaſe it therefore your Highneſs, the premiſſes conſidered, 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, to ordain, eſtabliſh, and enact, That whatſoever perſon or perſons, of what eſtate, degree, or condition he or they be of, that hereafter take any impoſition of any of the King's liege people, for trow, boat, or any other veſſel, for any goods or merchandiſes carried or conveyed in and upon the ſaid river and water of *Severn*, or let, vex, or interrupt any boats, trows, or other veſſels ſo paſſing by the ſaid river and water, for any ſuch impoſition or otherwiſe againſt your laws, that every ſuch perſon or perſons, ſo doing and offending, ſhall forfeit to the King our ſovereign lord for every ſuch offence xx. l. (6) And for every ſuch ſum or ſums ſo forfeit, the party grieved, and all other perſons that will ſue for the ſame forfeiture, ſhall have and ſue an action popular of debt, as well to and for the uſe of our ſovereign lord the King, as to the uſe of him that ſhall ſo ſue for it in his own name; and that our ſovereign lord the King have two parts of the ſaid ſum ſo forfeited, and the party that ſo ſhall ſue for the ſame, have the third part thereof: (7) and the party defendant in every ſuch action ſhall not be received to wage his law, and alſo be outed of all dilatories in the ſame action, as protections, eſſoin, and other. (8) And if it fortune the parties in any ſuch action to defend or plead to any iſſue, for any offences done or committed contrary to the premiſſes, triable in the city of *Worceſter*, or the liberties of the ſame, then the ſame iſſue to be tried by twelve men within the county of *Worceſter*, not dwelling nor having any lands within the ſame city, ne the ſuburbs of the ſame. (9) And if the party aforeſaid in any ſuch action defend and plead to an iſſue, for any ſuch offence done or committed contrary to the premiſſes, triable in the ſhire of the town of *Glouceſter*, or in the county of *Glouceſter*, the ſame iſſue to be tried by twelve men of or in the county of *Glouceſter*, thereto adjoining, not having any lands, ne dwelling within the ſame ſhire of the town of *Glouceſter*. (10) Provided alway, That this

The forfeiture of thoſe that interrupt any with their boats paſſing upon the river of Severn.

Where and by whom iſſues tried and triable in any of the ſaid actions ſhall be tried.

The owners of

act, nor any thing in the ſame contained or ſpecified, in any wiſe extend not, nor be prejudicial or hurtful, to any perſon or perſons having any lands or meads adjoining to the ſaid ſtream or water of *Severn*, to take of every perſon or perſons going upon his or their ſaid lands or meads, and haling or drawing any ſuch trow, boat, or veſſel, reaſonable recompence and ſatisfaction for ſuch hurts and offences, as he or they having ſuch lands or meads adjoining to the ſaid ſtream or water, ſhall ſuſtain by reaſon of any ſuch going or drawing of any ſuch trow, boat, or veſſel. (11) Provided alway, That if any perſon or perſons ſpiritual or temporal, or any body corporate, come before the lords of the King's honourable council in the *Star-chamber* at *Weſtminſter*, at any time hereafter before the feaſt of the aſcenſion of our Lord, that ſhall be in the year of our Lord God. M. D. and v. and there make any ſufficient proof and lawful title of their own offer, or by other means, before the ſame feaſt, to have any manner of duty and impoſition of and for any manner boat, trow, or other veſſel aforeſaid, or for any merchandiſes or goods in any of the ſame carried and conveyed in and upon the ſaid river and water of *Severn*, and the ſame proof and title by the ſaid council admitted, and decreed before the ſame feaſt to be good and available to the party or parties that ſue for the ſame; that then from thenceforth after ſuch proof and title ſhewed, and ſo by the ſaid council admitted, and by them before the ſame feaſt decreed to be good, thoſe perſons having ſuch lawful title may and ſhall have, from the time of that decree made, all manner ſuch duties of every of the King's liege people ſo carrying or conveying any boat, trow, or other veſſel, in and upon the ſaid water of *Severn*, according to their title and right ſo proved and decreed, after the manner and form of the ſaid title and decree; this preſent act, or any thing therein contained in any wiſe notwithſtanding.

lands ſhall be ſatisfied for the hurts which they receive.

A duty or impoſition may be allowed and decreed in the *Star-chamber*.

23 H. 8. c. 12.

CAP. XIX.

No ſhoemaker ſhall occupy the myſtery of a currier, nor currier ſhall occupy the myſtery of a ſhoemaker. (2) No tanner ſhall put a hide to ſale before it be ſufficiently dried.

Rep. 5. El. c. 8. 1 Jac. 1. c. 22.

CAP. XX.

Writs of error.

PRAYEN *the commons in this preſent parliament aſſembled, That where at a parliament holden at* Weſtminſter, *in the third year of the reign of our ſovereign lord the king that now is, by the advice of the lords ſpiritual and temporal, and the commons, in the ſame parliament aſſembled, and by authority of the ſame, it was enacted, ordained, and eſtabliſhed, among other things, That if any defendant or tenant, defendants or tenants, or any other that ſhall be bound by any judgment, ſue, afore execution had, any writ of error to reverſe any ſuch judgment, in delaying of execution of the party,* (2) *that then if the ſame judgment be affirmed good in the ſaid writ of error, and not erroneous, or that the ſaid writ of error be diſcontinued in the default of the party, or the perſon or perſons that ſueth the writ or writs of error be nonſuited in the ſame, that then the ſaid perſon or perſons, againſt whom the ſaid writ of error is ſo ſued, ſhall recover his coſts and*

A confirmation of the ſtatute of 3 H. 7. c. 10. touching coſts awarded to the plaintiff, where the defendant ſueth a writ of error.

damages for his delay and wrongful vexation in the ſame, by diſcretion of the juſtices afore whom the ſaid writ of error is ſued: (3) *which act or ordinance hath not been as yet duly put in execution, by reaſon whereof, as well plaintiffs as demandants, in divers actions by them ſued ſith the making of the ſaid ſtatute, have been oftentimes delayed of their execution, to their great and importable hurt, loſs, and charges:* (4) Wherefore the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, ordaineth, eſtabliſheth, and enacteth, That the ſaid act made the third year of his reign, concerning the premiſſes, be good and effectual, and that from henceforth it be duly put in execution.

CAP. XXI.

Silk-works.

Certain things wrought of ſilk not lawful to be brought into this realm. Savil, 7, 10.

BE it eſtabliſhed, ordained, and enacted by the authority of this preſent parliament, That no manner of perſon from henceforth bring, or cauſe to be brought, into this realm of *England* to be ſold, any manner of ſilk wrought by itſelf, or with any other ſtuff, in any place out of this realm, in ribbands, laces, girdles, corſes, calles, corſes of tiſſues, or points, (2) upon pain of forfeiture of all the ſaid ribbands, laces, girdles, corſes, calles, corſes of tiſſues and points, and every of them, in whoſe hands ſoever they be found, or the value of the ſame; the one moiety of the ſaid forfeiture to our ſovereign lord the King, and the other moiety thereof unto any of the King's ſubjects that will ſeiſe the ſame, the which to do, it ſhall be lawful to every of the King's ſubjects at all times. (3) And that it ſhall be lawful to every perſon, as well ſtranger as other, to bring into this realm from henceforth all other manner of ſilks, as well wrought as raw or unwrought, to ſell at his pleaſure, any acts or act of parliament heretofore to the contrary made in any wiſe notwithſtanding. (4) And that it ſhall be lawful to all perſons that have any ſuch ribbands, laces, girdles, corſes, calles, corſes of tiſſues or points, wrought beyond the ſea, bought and brought into this land by the King's licence, and to be ſold, to make ſale of the ſame, and every part thereof, and to have licence and liberty thereto, until the Feaſt of *Pentecoſt*, that ſhall be in the year of our Lord M,D,v.

33 H. 6. c. 5.
3 Ed. 4. c. 3.
22 Ed. 4. c. 3.
1 R. 3. c. 10.
1 H. 7. c. 9.
23 & 24 Car. 2. c. 13.

CAP. XXII.

A repeal of a former ſtatute 4 H. 7. prohibiting men of *Calais* to be factors for merchants ſtrangers in *England*.

CAP. XXIII.

For the merchants of the hanſes.

All ſtatutes, &c. made in derogation of the merchants in the ſtill-yard, ſhall be repealed.

BE it ordained, eſtabliſhed, enacted, and provided by the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and the commons of the ſame, in this preſent parliament aſſembled, for merchants of the hanſe of *Almain*, having the houſe in the city of *London*, commonly called *Guill-*

hallda

hallda Teutonicorum, that by the authority of this ſaid parliament every act, ſtatute, or ordinance, acts, ſtatutes, or ordinances heretofore made, concerning merchants, merchandiſes, or other wares, extend not to the prejudice, hurt, or charge of the ſaid merchants of the hanſe, contrary to their ancient liberties, privileges, free uſages, and cuſtoms of old time granted to the ſaid merchants of the hanſe, as well by the King's noble progenitors, and ratified and confirmed by the King's grace, as by authority of divers parliaments; (2) but that all ſuch act, ſtatute, and ordinance, acts, ſtatutes, and ordinances ſo made, or to be made, in derogation of their ſaid liberties, privileges, free uſages, and cuſtoms, ſtand and be, as againſt the ſaid merchants and their ſucceſſors, and every of them, void, repealed, adnulled, and of none effect; any act, ſtatute, or ordinance, acts, ſtatutes, or ordinances to the contrary made or to be made notwithſtanding. (3) Provided alway, That this act, or any thing therein contained, extend not, or be in any wiſe prejudicial or hurtful to the mayor, ſheriffs, citizens or commonalty of the city of *London*, or any of them, or the ſucceſſors of any of them, of or for any entries, liberties, privileges, franchiſes, or other thing to them or any of them given or granted by the King's moſt noble progenitors or predeceſſors Kings of this realm, or by authority of parliament, or otherwiſe; this preſent act or any thing therein contained notwithſtanding.

This ſtatute ſhall not prejudice the liberties of London.

CAP. XXIV.

For holding the ſhire-court at Chicheſter *and* Lewes

IN *Conſideration that the ſhire-court of and for the ſhire of* Suſſex *is held and kept in the city of* Chicheſter, *which is in the extream part of the ſame ſhire, the ſame ſhire being* lxx. *miles in length; by reaſon whereof divers and many of the King's ſubjects, inhabiting that ſhire, are ſometimes outlawed, and ſometimes loſe great ſums of money in that court ere they have knowledge thereof, to their utter undoing:* (2) Be it therefore enacted by the authority of this preſent parliament, That from the Feaſt of *Eaſter* next coming, the ſhire-court for that ſhire ſhall be holden and kept one time at *Chicheſter* aforeſaid, and the next time at the borough of *Lewes*, which borough is in the midſt of that ſhire, and ſo to be kept *alternis vicibus* for ever; (3) and every ſhire-court holden to the contrary hereof, and all things therein done, to be void.

Where the ſhire-court for the county of Suſſex ſhall be holden.

Here end the Statutes of King HENRY *the Seventh.*

Anno primo HENRICI VIII.

Statutes made at *Weſtminſter*, in the firſt year of King HENRY VIII. and in the year of our Lord 1509.

THE *King our ſovereign lord* Henry *the Eighth after the conqueſt, by the Grace of God King of* England *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the one and twentieth day of* January, *in the firſt year of his moſt noble reign, after the prorogation, to the honour of God and of holy church, and for the common weal and profit of this realm, by the aſſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain ſtatutes and ordinances, in manner and form following.*

CAP. I.

Exp. A repeal of an act made *Anno* 8 *H.* 6. *c.*2. prohibiting the King's ſubjects to repair into *Denmark* and *Iceland*, ſaving to the town of *Northbarm.*

CAP. II.

Exp. 27 H. 8. c. 12. The King nor any other ſhall take advantage of the penalties limited by the ſtatute of 1 *R.* 3. *c.*8. touching the making of ſeveral ſorts of cloths before the next parliament.

CAP. III.

All acquittances made by *John Heron*, general receiver of the King's revenues, ſhall be a diſcharge againſt the King; and *John Heron* ſhall ſtand chargeable to others having intereſt in receipts. *To endure only to the next parliament.*

CAP. IV.

Exp. 18 El. c. 5. 31 El. c. 5. All actions, *&c.* for the King upon any penal ſtatute ſhall be taken within three years after the offence committed, and for any other perſon within one year. *To endure to the next parliament.*

CAP. V.

A repeal of the act made, that no man enter goods, but in the owner's name, in the cuſtomers books.

The penalty for cuſtoming goods whereby the King loſeth his duty. WHEREAS *at a parliament holden at* Weſtminſter, *in the third year of the reign of King* Henry *the Seventh, it was ordained and eſtabliſhed by the authority of the ſame, That no manner of merchant, denizen or ſtranger, ſhould take upon him to enter, or cauſe to be entered in the books of any cuſtomer of any port within this realm, any manner of merchandiſes coming into this his ſaid realm, or going out of the ſame, in any other merchant's name, ſaving only the name of the merchant owning the ſame upon pain of forfeiture of all ſuch goods and merchandiſes ſo entred*; (2) *and every of the ſaid merchants, which ſo ſhall take upon him to cauſe ſuch untrue entry to be made, to have impriſonment, and to make fine thereof at the King's pleaſure:* 3 Bulſtr. 22. (3) *it is now by our ſovereign lord the King, and his lords ſpiritual and*

and temporal, and the commons, in this preſent parliament aſſembled, well conſidering, that the intent and cauſe of the making of the ſaid ſtatute was only, foraſmuch as by the ſubtil dealing of ſome Engliſhmen, *colourably entering in their own names the goods of merchants ſtrangers, the King's Highneſs was deceived in his cuſtoms, and that the ſaid ſtatute was made for none other cauſe; yet foraſmuch as the words of the ſaid ſtatute were general, it was extended as well unto the goods of an* Engliſhman *entered in the name of one other* Engliſhman, *as to the goods of a ſtranger entered in the name of an* Engliſhman, *to the great hurt, loſs, and damage of many and divers of the King's ſubjects, and contrary to the very intent and meaning of the ſaid ſtatute.*

The intent and cauſe of the making of the ſtatute of 3 H. 7. c. 7.

II. It is therefore ordained, eſtabliſhed and enacted by the authority of this preſent parliament, That the act afore rehearſed, made the ſaid third year, and all things contained in the ſame, be from henceforth repealed, adnulled, utterly void, and of none effect.

A repeal of the ſaid ſtatute.

III. And furthermore, be it enacted by our ſovereign lord the King, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That it ſhall be lawful from henceforth, that every *Engliſhman*, and all other the King's ſubjects, may in every port or haven within this realm of *England*, *Ireland*, and *Wales*, and the marches of the ſame, and in the town of *Berwick*, where it ſhall happen any merchandiſe to arrive, or to be charged and carried out, to cuſtom in his name all manner of goods and merchandiſe of another *Engliſhman*, or the King's ſubjects.

One *Engliſhman* may cuſtom goods in another *Engliſhman's* name.

IV. And in like form, every merchant ſtranger to cuſtom in his name any goods or merchandiſe of any other merchant ſtranger, ſo that the ſaid merchant ſtranger that cuſtoms the goods of another merchant ſtranger, and the very owner or proprietary of the goods ſo cuſtomed, be charged with like cuſtom, ſubſidy, and other things, ſo that the King's Grace be not defrauded of his right.

One merchant ſtranger may cuſtom goods in another's name. 1 Roll, 143, 146.

V. And if any merchant ſtranger or denizen, or any other the King's ſubject, cuſtom any goods or merchandiſes of another ſtranger or denizen, or of any other the King's ſubject, whereby the King's Grace ſhould loſe his cuſtom, ſubſidy, or other his right or duty, that then the ſaid merchant ſtranger or denizen, or any other the King's ſubject that ſo taketh upon him or them, to forfeit to our ſaid ſovereign lord the King the goods or merchandiſes ſo cuſtomed; and over that, to forfeit to the party or parties in this behalf grieved, as much money as the goods or merchandiſes of the merchant ſtranger, denizen, or other the King's ſubjects (ſo cautelouſly cuſtomed) amounted unto.

The penalty for cuſtoming of goods, whereby the King loſeth his cuſtom. The penalty enlarged by 2 & 3 Ed. 6. c. 22.

VI. And that no citizen of *London*, or other the King's ſubjects, inhabiting in the cinque-ports, or any other being free of priſage or butlerage of wines, by grant, cuſtom or otherwiſe, cuſtom no wines of any perſon or perſons not being free of any priſage or butlerage.

No wines free of priſage, &c. to be cuſtomed.

VII. Andif any perſon, free of the ſaid priſage or butlerage,

ſo

ſo do, that then the ſaid perſon or perſons (that ſo do) forfeit to our ſaid ſovereign lord the double value of the priſage of the ſaid wines ſo cuſtomed.

VIII. And further, That it be lawful to any perſon or perſons grieved contrary to this act, to have an action of debt againſt every perſon or perſons that ſo cuſtom the goods or merchandiſes in his name, and not in the owner's name, of the ſum or the value of the ſaid merchandiſes ſo cuſtomed and forfeited; in which action none eſſoin nor protection ſhall lie, nor the defendant to wage his law.

1 El. c. 11.

CAP. VI.

4 Inſt. 41.

A repeal of a ſtatute made *Anno* 11 *H.* 7. *c.* 3. giving authority to juſtices of aſſiſe and juſtices of peace in their ſeſſions to hear and determine all offences and contempts committed againſt any ſtatute in force, ſaving treaſon, murder, or felony.

CAP. VII.

For coroners.

A rehearſal of 3 H. 7. c. 1. touching the fees of coroners.

WHEREAS *by a ſtatute made at* Weſtminſter *the third year of King* Henry *the Seventh, it was enacted, That a coroner ſhall have for his fee, upon every inquiſition taken upon the view of the body ſlain and murdered, thirteen ſhillings, four pence, of the goods and chattels of him that is the ſlayer or murderer*; (2) *where by the common law a coroner had not, or ought not to have any thing for their office doing, as by the ſame ſtatute more plainly doth appear*: (3) *ſith which ſtatute ſo made, the coroners have uſed, that if any perſon hath happened to be ſlain by miſadventure, and not by no man's hand, that they will not inquire upon the view of the body ſo by miſadventure ſlain, except they have for their labour thirteen ſhillings, four pence, which is contrary to the common law, and alſo to the ſtatute afore rehearſed; whereby great inconvenience doth daily grow to the King's ſubjects, foraſmuch as oftentimes the perſon that is ſo by miſadventure ſlain lieth long above the ground unburied, to the great noyance of the King's liege people*: (4) wherefore the King our ſovereign lord, by the aſſents of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, ordaineth, That upon a requeſt made to a coroner to come and inquire upon the view of any perſon ſlain, drowned, or otherwiſe dead by miſadventure, the ſaid coroner diligently ſhall do his office, upon the view of the body of every ſuch perſon or perſons, without taking any thing therefore, (5) upon pain to every coroner that will not endeavour himſelf to do his office, as afore is ſaid, or that he taketh any thing for doing of his office upon any perſon dead by miſadventure, for every time forty ſhillings.

No fee due to a coroner where any perſon is ſlain by miſadventure.

3 Ed. 1. c. 10.
28 Ed. 3. c. 6.

Juſtices, &c. may inquire of and determine the faults of coroners.

II. And that the juſtices of aſſiſes, and juſtices of peace within the county where any ſuch default of the coroners be, have authority and power to inquire thereof, and determine the ſame, as well by examination as by preſentment.

CAP.

CAP. VIII.

The act of eſcheators and commiſſioners.

FORASMUCH *as divers of the King's ſubjects lately have been ſore hurt, troubled, and ſome diſherited by eſcheators and commiſſioners, cauſing untrue offices to be found, and ſometime returning into the courts of record offices and inquiſitions that were never found, and ſometime changing the matter of the offices that were truly found, to the great hurt, trouble, and diſheriſon of the King's true ſubjects, that like before time hath not been ſeen in this realm:* (2) wherefore be it ordained, eſtabliſhed, and enacted in this preſent parliament, and by authority of the ſame, That if any eſcheator or commiſſioner hereafter return or put into any of the King's courts any inquiſitions or offices concerning lands, tenements, or other hereditaments, not found nor preſented by the oaths of twelve men, and indented, and by them ſealed, that then the ſame eſcheator or commiſſioner forfeit for every ſuch office or inquiſition ſo returned, and put into any of the ſaid courts, an C. li. to the party or parties grieved by any ſuch inquiſition or office: (3) and that from henceforth no eſcheator, ne no man ſit by virtue of any commiſſion, to inquire of lands, tenements, or other hereditaments, except he, or other to his uſe, have lands, tenements or hereditaments, of the yearly value of xl. marks, above all charges and repriſes, upon pain of xx. li. (4) And that it ſhall be lawful for all perſons that be not ſufficient of freehold in poſſeſſion or uſe at the time of any ſuch commiſſion to them delivered, to refuſe to ſit and inquire by virtue of the ſame commiſſion.

The cauſe of making this act.

No office ſhall be returned into any of the King's courts, but which is found by a jury.

What land an eſcheator or commiſſioner muſt have.



II. And that they, upon proceſs made againſt them out of the King's exchequer by virtue of the ſame commiſſions, to be diſcharged upon their oaths for their ſaid non-ſufficiency, without fine or fee.

III. And that every eſcheator and commiſſioner ſhall ſit in convenient and open places, according to the ſtatutes heretofore made: (2) and that the ſaid eſcheators and commiſſioners ſhall ſuffer every perſon to give evidence openly in their preſence, to ſuch inqueſt as ſhall be taken before any of them, upon pain of xl. li.

The eſcheator ſhall ſit in an open place, and ſuffer every perſon to give evidence.

IV. And that no ſheriff, nor other perſon, which ſhall or ought to return writs or precepts, return before eſcheators, or ſuch commiſſioners, any perſon or perſons to inquire of any lands or tenements, except every of the ſame jury ſo returned, or other to their uſe, have lands or tenements of the yearly value of xl. s. within the ſame ſhire where the ſame inquiry ſhall be made, without fraud or colluſion, above all charges and repriſes, upon pain of forfeiture for every perſon ſo returned C. s. (2) And that the jury that ſhall be ſworn before any eſcheator, or ſuch commiſſioner, to enquire of lands, tenements, or other hereditaments, ſhall receive the counterpane of the office or inquiſition that by them ſhall be preſented, indented, and ſealed by the eſcheator, or by ſuch commiſſioner, and the ſame deliver and ſuffer to reſt in the poſſeſſion of the firſt perſon that ſhall be ſworn in the ſaid jury, with him to remain, to the intent that the

34 Ed. 3. c. 13.
36 Ed. 3. c. 13.
23 H. 6. c. 17.

What lands thoſe jurors muſt have, which be returned to find any office.

The jury muſt receive the counterpane of an office found, and leave it with the firſt men.

the ſaid commiſſioner or eſcheator may not change nor imbezzle the ſaid offices or inquiſitions; (3) and this to be done upon pain of every of the ſaid perſons that ſhall be ſworn, xx. s. (4) and that every eſcheator and commiſſioner, (after a jury or inqueſt before any of them ſworn, be ready to give their verdict or preſentment, and offer to preſent the ſame) that the ſaid eſcheator or commiſſioners, or part of them, ſhall receive the ſame verdict without further delay, upon pain of C. li. (5) and deliver the counterpane of the indenture to the jury, in form above rehearſed upon like pain. (6) And that if the clerk of the petit bag of the King's chancery for the time being, or his deputy or deputies, or any other officer there having authority to receive any ſuch office or inquiſition, to whoſe hands any ſuch office or inquiſition ſhall come, which ought to be returned into the ſaid chancery, will not receive the ſame office or inquiſition, and put it on the files to remain of record, within three days after it be received or offered to him to be received, he to forfeit for every ſuch default xl. li. (7) And the commiſſioners or eſcheator before whom the ſame office or inquiſition is found, and (as is aforeſaid) offered to be delivered into the chancery, to be diſcharged of the penalty of xl. li. limited by ſtatute for non-returning of the ſame office or inquiſition within the month; (8) and that the like law and penalty be to charge the officer or officers of the King's exchequer for the time being, which ought to receive inquiſitions or offices returnable into the ſame exchequer, for refuſing ſo to receive them; (9) and that the commiſſioners or eſcheator, before whom the ſaid inquiſitions or offices be found, be diſcharged of the penalty of the ſtatute for non-returning of the ſame inquiſitions or offices, ſo that then the ſaid eſcheator or commiſſioners, at any time after the month of any ſuch offices before them or any of them taken, within another month then next enſuing, return the ſaid office into the chancery or exchequer, as the cauſe ſhall require; (10) and that the ſaid clerk of the petit bag for the time being certify, or cauſe to be certified, the tranſcript of every ſuch office or inquiſition, taken before any commiſſioners or eſcheator, to the King's exchequer the next term following the receipt thereof, upon pain of forfeiture for every ſuch default C. s. (11) and that no man be compelled, after the feaſt of *All Saints* next coming, to occupy nor exerciſe the office of an eſcheator by any one patent over one whole year; (12) and that he that is once eſcheator, ſhall not be made eſcheator again within three years after the foreſaid whole year ended. (13) And if any eſcheator after the feaſt of *All Saints* be made eſcheator, or exerciſe his office by reaſon of one patent over the time of one whole year ended, or be made eſcheator within three years after, as is afore ſaid, that then after the ſaid whole year in form afore ſaid ended, his patent ſo made to be void and of none effect; (14) and that the party or parties ſo grieved, ſhall have his or their recovery of every the ſaid forfeitures of one C. li. by action of debt, (15) in which action the defendant ſhall not wage his law, nor be by protection

An eſcheator muſt receive an office found by the jury.

An officer of the chancery muſt receive an inquiſition found offered unto him, and put it on the files.
Dyer, f. 170.
8 H. 6. c. 16.
18 H. 6. c. 7.

Officers of the exchequer muſt receive offices found and tendered unto them.

A tranſcript of an office ſhall be certified into the exchequer.

None ſhall be eſcheator above a year.

The penalties of the offenders, and who ſhall have the benefit of them, and by what means.

protection nor eſſoin, &c. (16) And the reſidue of the other forfeitures expreſſed in this preſent act, the King ſhall have the one moiety thereof, and the party that will ſue therefore by action of debt the other moiety; and the defendant ſhall have no other delay, but as is aforeſaid.

V. Provided alway, That this act concerning eſcheators for exerciſing of their office over an whole year together, and letters patents or grants made or to be made by any eſcheator for term of life, or for years, or otherwiſe, extend not, ne be prejudicial to any eſcheator that now is, and that hereafter ſhall be made and ordained in any city or town corporate, or in the dutchies of *Lancaſter*, *Cornwall*, and the counties palatines of *Lancaſter*, *Cheſter*, *Durham*, or *Ely*, or to any other county palatine within the realm of *England*, *Wales*, or the marches of the ſame; or to any eſcheator made, or hereafter to be made, by any perſon or perſons ſpiritual or temporal, having authority by reaſon of any franchiſes, liberties, privileges, preſcriptions, or grant, to depute or make any ſuch eſcheator in the ſame.

Who may be eſcheators above one year and by what means.

VI. Provided alſo, That this act, as to any penalty in the ſame concerning the ſufficiency of eſcheators and jurors aforeſaid, extend not, nor be prejudicial to any eſcheator in city or towns corporate, ne to any other eſcheator made, or hereafter to be made, by any perſon or perſons having privilege to make eſcheators for inquiſitions of lands, tenements, or hereditaments, (2) ne to any ſheriff or bailiff, for returning in any panel any perſon or perſons before any of the ſaid eſcheators, of leſs value than is contained in the ſaid act; the eſcheator of the county palatine of *Lancaſter* and *Cheſter* in this proviſo only forepriſed and excepted.

In what places the foreſaid ſufficiency of freehold in eſcheators or jurors is not neceſſary.

VII. Provided alſo, That this act extend not, nor be prejudicial to any juſtices of the peace, for any thing done concerning the commiſſion of the peace.

Juſtices of peace ſhall not be prejudiced by this act.

VIII. Provided alſo, That nothing penal contained in this preſent act take effect before the feaſt of *Eaſter* next coming; and this act to endure to the next parliament.

Confirmed and made perpetual by 3 H. 8. c. 2.

CAP. IX

The lord chancellor or lord keeper may appoint two, three, or four perſons to receive toll or cuſtom, and to imploy the ſame upon the repair of the bridge of *Stanes* in the county of *Middleſex*, and to yield accompt thereof.

CAP. X.

An act to inlarge a ſtatute for the traverſe of lands ſeiſed into the King's hands before eſcheators.

WHEREAS *by a ſtatute made the eighth year of the reign of King* Henry *the Sixth, it is ordained, among other things, That no lands and tenements ſeiſed into the King's hands upon inqueſts taken afore the eſcheator or commiſſioners, ſhall in no wiſe be let or granted to ferm by the chancellor of* England, *or any other officer of the King's whatſoever he be, till the ſame inqueſts and verdicts*

A rehearſal of the ſtatute of 8 H. 6. c. 16. touching letting to ferm lands ſeiſed into the King's hands

upon an inqueſt of office.

dicts be returned plainly into the chancery, or into the exchequer; (2) *but that all ſuch lands and tenements ſhall abide wholly and continually in the King's hands, until the ſame inqueſts and verdicts be returned*, (3) *but it be ſo, That he or they that be grieved by the ſame inqueſts, or put out of their lands and tenements come into the chancery, and offer to traverſe the ſame inqueſts, and offer to take the ſame lands and tenements to ferm*; (4) *and if they do ſo, then the ſame lands and tenements be committed unto them, if they ſhew good evidence proving their traverſe to be true and find ſurety after the form of the ſaid ſtatute, as in the ſame ſtatute more at large appeareth.*

II. *And notwithſtanding the ſaid ſtatute, divers eſcheators and commiſſioners, which have taken ſuch inqueſts after the death of the King's ſubjects, of their covin, to the intent to put them that had cauſe of traverſe to the verdicts of the ſaid inqueſts from the ferm of the premiſſes, would in the time of vacation put into the chancery or into the exchequer, their ſaid office by them taken, becauſe the month ſhould paſs before the beginning of the term next enſuing, by reaſon whereof they that ſhould of right have the ferm upon their traverſe according to the true intent of the ſaid ſtatute, were put from the ſame ferms contrary to right and good conſcience.*

Lands ſeiſed into the King's hands upon an inqueſt of office, ſhall be let to ferm to him that tendereth a traverſe to the ſame within three months.

III. For remedy whereof be it ordained, enacted, and eſtabliſhed by authority of this preſent parliament, That from henceforth, after ſuch office found afore any eſcheator or commiſſioner, and put into chancery or the exchequer, if any perſon or perſons which will tender a traverſe to the ſaid office, and deſireth to have the lands contained in the ſame office to ferm, and findeth ſurety, and ſheweth evidence to the chancellor of *England* for the time being, according to the ſtatute afore rehearſed, come into the chancery within three months next after the ſame office ſo put into the chancery or exchequer, that he be then by the ſaid chancellor thereto admitted; (2) and that then all other patents or grants hereafter to be made thereof within the ſaid three months ended, be void and of none effect; the ſaid ſtatute made the eighth year of the reign of King *Henry* the ſixth, or any other ſtatute made to the contrary notwithſtanding.

36 Ed. 3. c. 13.
8 H. 6. c. 16.
18 H. 6. c. 6, 7.

CAP. XI.

EXP.
23 H. 8. c. 3.

The ſtatute made *Anno* 11 *H.* 7. *c.* 24. which giveth attaint in certain caſes againſt the party and petit jury, continued until the next parliament.

CAP. XII.

EXP.

Untrue inquiſitions found in the reign of King *Henry* the Seventh, by the procurement of *Richard Empſon* and *Edmund Dudley*, intitling the King to tenures *in Capite*, may be traverſed by the parties, though they have ſued liveries, and their livery ſhall be no concluſion.

CAP. XIII.

EXP.

The ſtatutes of 17 *Ed.* 4. *c.* 1. & 4 *H.* 7. *c.* 23. inhibiting the tranſporting of money, plate, or jewels (ſaving for the penalty of felony) ſhall be continued unto the next parliament.

CAP.

CAP. XIV.

A repeal of all former ſtatutes made againſt exceſs of apparel; and what kind of apparel men of all degrees and callings are allowed, and what prohibited to wear. Rep. 1 Jac. 1. c. 25.

CAP. XV.

All aſſurances made to *Richard Empſon* and *Edmund Dudley*, attainted of high treaſon, of land to the uſe of others, ſhall be void, and their joint feoffees ſhall ſtand ſeiſed of the whole. But this ſtatute ſhall not extend to the lands of *Robert Ratcliff* lord *Fitzwater*.

Statutes made at *Weſtminſter Anno* 3 HEN. VIII. and *Anno Dom.* 1511.

THE *King our ſovereign lord* Henry *the Eighth after the conqueſt, by the grace of God King of* England *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the fourth day of* February, *in the third year of his moſt noble reign, to the honour of God and holy church, and for the common weal and profit of this realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath done to be made certain ſtatutes and ordinances, in manner and form following.*

CAP. I.

Every perſon that ſhall carry over the ſea any money, plate, and jewels, *&c.* ſhall forfeit the double value. *To endure to the next parliament.* EXP.

CAP. II.

The ſtatute made *Anno* 1 *H.* 8. *c.* 8. concerning eſcheators, commiſſioners, finding and returning of offices, rehearſed, confirmed, and made perpetual.

CAP. III.

All ſorts of men under the age of forty years ſhall have bows and arrows, and uſe ſhooting; certain perſons excepted, *&c.* (2) unlawful games ſhall not be uſed. Confirmed by 6 H. 8. c. 2. Repealed by 33 H. 8. c. 9.

CAP. IV.

Every perſon that is or ſhall be in the King's wars beyond the ſea, or upon the ſea, ſhall have a protection of *Profecturus*, or *Moraturus cum clauſula Volumus*, (2) and he may aliene his lands holden *in Capite* without licence; and if he die in that ſervice, his heir within age and in ward, (3) his executors, feoffees, or aſſigns, ſhall have the wardſhip and marriage toward the performance of his will. Plowd. 293, 294. Raſt. pl. f. 453. 4 H. 7. c. 4. 7 H. 7. c. 2. & 3.

CAP. V.

An act for payment of wages to ſoldiers.

FORASMUCH *as the King our ſovereign lord intendeth, by the grace of God, to ſend over the ſea a great army, truſting thereby,* Ex edit. Pult. 6 Co. 27. a 3 Inſt. 86. 87.

not

The penalties of a captain for abridging the number of ſoldiers, or detaining their wages: and of a ſoldier departing, &c.

not only to preſerve this his realm in its ancient fame and honour, but alſo to ſet in perfect peace and tranquility his ſubjects of the ſame, and the better to be diſpoſed to ſerve God: (2) *howbeit, many times by the inordinate covetouſneſs of captains retained with princes afore this time, great part of the number of ſoldiers, for whom ſuch captains have indented with princes at time of need, have lacked of the number of ſoldiers, whereby great jeopardy hath enſued, and irrecuperable damages may enſue, if remedy therefore be not ſeen and had:* (3) be it therefore ordained by authority of this preſent parliament, That if any captain be retained, or hereafter ſhall be, to ſerve the King on the ſea, or beyond the ſea in feat of war, which have not his or their whole and perfect number of men and ſoldiers, according as he ſhall be retained with the King, or give not them their full wages, without abridgement, as he ſhall receive of the King for them: he ſhall for ſuch default forfeit to the King all his goods and chattels, and their body to priſon. (4) And that every captain, petit captain, and all other having under them retinue of ſoldier or ſoldiers at the King's wages, ſhall (upon the pain aforeſaid) pay to the retinue of ſoldier or ſoldiers, and every of the ſame, the wages rateably as is allowed unto them by the King our ſovereign lord, or the treaſurer of his wars, without leſſening or withdrawing of any part thereof: (5) and for as long time as they ſhall receive wages for them, this payment to be made unto the ſaid retinues, every ſoldier of the ſame, of their captains, and petit captains, always within ſix days next and immediately after that the ſaid captain, petit captain, or other, ſhall have received their wages of the King, or of the treaſurer of his wars, or of their lords or maſters.

The peril enſuing of captains lacking their prefixed number of ſoldiers.

A captain ſhall have all his ſoldiers, and pay them all their wages.

It is felony for a ſoldier to depart from his captain without licence.

II. And if any ſoldier, being no captain, immediately retained with the King, which hereafter ſhall be in wages, and retained, or take any preſt to ſerve the King upon the ſea, or upon the land, or beyond the ſea, depart out of the King's ſervice, without licence of the King's lieutenant there, that ſuch departing be taken, deemed and adjudged felony: and that he ſo offending ſuffer for the ſaid offence, puniſhment and execution of felony.

Juſtices of peace may enquire of, hear and determine theſe offences.

III. And foraſmuch as his offence ſtretcheth to the hurt and jeopardy of the King our ſovereign lord, the nobles of the realm, and of all the common weal thereof, that therefore he or they ſo offending (not being within orders of holy church) enjoy not the benefit of his clergy. (2) And that it be ordained by the ſaid authority, That the juſtices of the peace to every ſhire of *England* where any ſuch offenders be taken, have power to enquire of the ſaid offences, and the ſame hear and determine, as they do and may do of felonies, treſpaſſes, and other offences expreſſed in the King's commiſſion to them made, as though the ſaid offences were done in the ſame ſhire: (3) And alſo that the ſaid departing of ſuch ſoldiers, and alſo their retainers, if it be traverſed, be tried in the ſame ſhire where they be for ſuch cauſes arreſted and arraigned.

IV.

IV. Provided alway, That no captain be charged by this act for lack of his number retained, as is aboveſaid, whoſe ſoldiers ſhall happen to die, or otherwiſe depart, not in the default of the captain; ſo that the ſaid captain, if he be at land wages, ſhew the departing or lacking of his ſoldier within ten days after the lacking of the ſaid ſoldier, unto the King's lieutenant there, and to the treaſurer of the wars: (2) or if the captain be at the ſea-wages, if he ſhew the departing or lacking of the ſoldier ſo lacking, to the admiral of the navy where he is retained, at the next meeting with the ſaid admiral. (3) Provided alway, That this act extend not to any captains or ſoldiers, that now be, or hereafter ſhall be retained within the towns of *Calais*, *Hammes* and *Guiſnes*, *Riſebank*, *Berwick*, and *Wales*, or any of them, and the marches of the ſame.

The captain ſhall be diſcharged if his ſoldiers die or depart from him.

This doth not extend to the houſhold ſervants of a captain.

V. Provided alway, That this act be not prejudicial nor hurtful to the ſaid captains, petit captains, nor any other, having under them retinue of ſoldiers, nor any of them, for non-payment of the King's wages to their houſhold ſervants and other, to whom they ſhall daily find and give meat and drink during the ſaid ſervice of war.

23 H. 6. c. 19.
7 H. 7. c. 1.
2 & 3 Ed. 6. c. 2.
4 & 5 Ph. & M. c. 3.
5 El. c. 5.

CAP. VI.

The ſeveral duties of a breaker, kember, carder, ſpinner, weaver, fuller, clothier, and aulnager, concerning true making, drawing, and ſealing of woolen cloths. *To endure to the next parliament.*

5 & 6 Ed. 6. c. 6.
39 El. c. 20.
43 El. c. 10.

CAP. VII.

An act for perfect working of cloths before they ſhall be carried out of the realm.

WHERE *at the parliament holden at* Weſtminſter *the ninth day of* November, *the third year of the reign of our late ſovereign lord, King* Henry *the ſeventh (whoſe ſoul God pardon) it was ſhewed by ſhearmen, fullers, and other artificers, that ſhould live and obtain their needy ſuſtentation by mean of drapery made and draped within this realm, as well throughout the ſame realm, as within the city of* London, (2) *That whereas in a ſtatute made the ſeventh year of the reign of King* Edward *the Fourth, amongſt other it was contained, That no perſon (denizen nor ſtranger) ſhould carry, or do to be carried to any parts beyond the ſea, any woolen yarn nor cloth unfulled, but the woolen yarn to be made in this realm ſhould be woven in the ſame*; (3) *and alſo all cloth within the ſame made, ſhould be fulled and fully wrought within the ſame, before that any of the ſame ſhould be had or carried out of this realm, upon pain of forfeiture of the very value of ſuch yarn not woven, and cloth not fulled, had or carried out of this realm*, (4) *the one half of the ſame forfeiture to be levied to the uſe of the King, and the other half of that to him or them that ſhould eſpy or make proof of any ſuch yarn not woven, or cloth not fulled, carried to any place beyond the ſea.* (5) *And foraſmuch as in the ſaid ſtatute of King* Edward *there is no expreſs mention made, that*

A reſtraint of the tranſporting of woolen cloth before it be fulled, rowed, ſhorn, &c.
7 Ed. 4. c. 3.

The inconveniencies enſuing by tranſporting of cloth unrowed and unſhorn.

the ſaid cloths ſhould be rowed and ſhorn before that they be carried and conveyed out of this realm, whereby the ſaid poor commons of the crafts aforeſaid might be ſet in labour and occupation; therefore the ſaid cloths then were, and yet been in great number and plenty carried and conveyed out of this realm unrowed and unſhorn into the parts beyond the ſeas, as well by denizens as by ſtrangers, whereby outlandiſh nations with the ſame drapery been ſet to labour and occupation, to their great inriching, and the poor commons of the crafts aforeſaid through all this realm, which of natural reaſon (as the King's true liege men) ſhould have and obtain their needy ſuſtentation and living by means of the ſame drapery, for lack of ſuch occupation daily fall in great number into idleneſs and poverty, to their uttermoſt deſtruction, if it ſhould

White woolen cloth, &c. may be tranſported unſhorn, &c. by 5 H. 8. c. 3. & 23 H. 8. c. 13.

then any longer continue: (6) *whereupon our ſaid ſovereign lord King* Henry *the Seventh, by the advice of his lords ſpiritual and temporal, and at the prayers of the commons, in his ſaid parliament aſſembled, and by authority of the ſame, ordained, eſtabliſhed, and enacted, That no ſtranger nor denizen ſhould carry, or make to be carried out of this realm any woolen cloths, but that they before be barbed, rowed, and ſhorn within the ſame realm for the relief and ſetting awork of the ſaid poor commons of the crafts aforeſaid, upon pain of the forfeiture limited in the ſaid ſtatute of King* Edward, *made upon cloth carried out of this realm not fulled, to be divided in manner and form as in the ſame ſtatutes contained*; (7) *ſo that cloths called Veſſes, Rays, Sailing Cloths, and all other cloths commonly ſold at* xl. s. *or under,*

3 H. 7. c. 11.

be not compriſed in the ſaid act made the ſaid third year of the reign of our ſaid late ſovereign lord King Henry *the Seventh, as by the ſame acts more plainly appeareth*; (8) *and for lack of due execution of the ſaid acts, little effect or profit hath followed or grown of the ſame to the ſaid poor craftſmen, being natural ſubjects, which for lack of work and occupation daily fall into idleneſs and poverty.*

A confirmation of the ſtatutes of 7 Ed. 4. c. 3. & 3 H. 7. c. 11.

II. Be it therefore ordained, eſtabliſhed, and enacted by the King our ſovereign lord, and the lords ſpriritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That the ſaid acts and ordinances may ſtand and continue in their full ſtrength and virtue; and that they from henceforth be duly put in execution according to the tenor, purport, and effect of the ſame, and of either of them. (2) And that every perſon that will ſue for the ſame forfeitures, be admitted to his action of debt, by bill or information in any of the King's courts of record, where the ſame may be determined after the courſe of the common law, and that the defendant in ſuch behalf in no wiſe be admitted to wage his law, nor that any protection nor eſſoin be in the ſame allowable: (3) nevertheleſs, for that the draping and making of ſuch cloths called *Veſſes*, *Rays*, *Sailing Cloths*, and other cloths, which, at the time of making of the ſtatute of King *Henry* the Seventh, were commonly ſold at xl. s. or under, the maker thereof and clothier of times paſſed, and now is, and hereafter is like to be at greater charge about the draping and making of the ſame, and alſo of all other cloths; for that wool is of far greater price, and alſo the coſts and charges for the workmanſhip of ſuch cloths, is far

far more chargeable than it were at the time of making of the ſaid ſtatute: (4) be it therefore provided by the authority aforeſaid, That cloths called *Veſſes*, *Rays*, *Sailing Cloths*, and other cloths, now commonly ſold at four marks, or under, be not compriſed in this or any of the ſaid acts, but may be carried and conveyed out of this realm into the parts beyond the ſea, not barbed, rowed, nor ſhorn, this or any the ſaid acts notwithſtanding.

What cloths be not compriſed in this act, but may be carried over. Altered 27 H. 8. c. 13. 33 H. 8. c. 19.

CAP. VIII.

An act repealing an act made at York *for ſelling of victual by head officers during their office.*

WHERE *in the parliament of King* Edward, *ſon of King* Edward, *holden at* York *in the twelfth year of his reign, amongſt other things it was accorded and enacted, That no miniſter in city or borough, which by reaſon of his office ought to keep aſſiſes of wines and victuals, as long as he ſhall be attendant to that office, ſhould merchant wines and victuals in groſs or at retail, upon a certain pain limited and expreſſed in the ſaid ſtatute, as in the ſame more plainly doth appear*; (2) *ſithen the making of which ſtatute and ordinance, many and the moſt part of all the cities, boroughs, and towns corporate within this realm of* England, *be fallen in ruin and decay, and not inhabited with merchants and men of ſuch ſubſtance as they were at the time of making of the foreſaid ſtatute and ordinance; for at this day the dwellers and inhabitants of the ſame cities and boroughs be moſt commonly bakers, brewers, vintners, fiſhmongers, and other victuallers, and few or no other perſons of ſubſtance be within many of the ſaid cities, boroughs, and towns corporate, other than the foreſaid victuallers, at this day, able and ſufficient to bear office within the ſame, and to content, anſwer, and pay unto the King's grace his fee-ferm wherewith they be charged: (3) in conſideration whereof, and for the eaſe, comfort, and relief of the foreſaid poor cities, boroughs, and towns corporate, and of the inhabitants of the ſame*, be it ordained, eſtabliſhed, and enacted by the King our ſovereign lord, by the advice of his lords ſpiritual and temporal, and the commons, of this preſent parliament aſſembled, and by authority of the ſame, That whenſoever and as often as any victualler choſen to bear any office within any city, borough, or town corporate, which for the time that he ſhall ſtand and be in ſuch office ſhould have the aſſeſſing and correction for ſelling of victuals, that then two diſcreet and honeſt perſons of the ſame city, borough, or town corporate, not being victuallers, ne any of them being a victualler, ſhall be choſen by the commonalty of the ſame city, borough, or town corporate, in like form as the ſaid officer ſhall be choſen; which two perſons, with the ſaid officer, ſhall be ſworn truly to ſeſs and ſet the priſes and aſſiſes of victuals there, for the time that any ſuch victualler ſhall abide in his ſaid office: (4) and that then it ſhall be lawful to all and every of the ſaid officers, after the ſame victuals be ſet and ſeſſed by the ſame officer and the ſaid two perſons, or one of the ſame two perſons, the other being abſent, to merchant

The decays of cities and boroughs, &c. the cauſe of the alteration of the ſtatute of 12 Ed. 2. ſtat. 1. c. 6.

Aſſeſſing of the prices of victuals, when a victualler is chief officer.

and ſell wines, and all other victuals in groſs and at retail, during the time that he ſhall be in any ſuch office, without any thing therefore to forfeit; the ſaid ſtatute, act, and ordinance, or any other act or acts, ordinance, or ſtatute to the contrary made in any wiſe notwithſtanding.

The officers in London, York and Coventry excepted. 6 R. 3. c. 9.

II. Provided alway, That this act, or any thing therein contained, extend not to diſcharge any miniſter of the cities of *London*, *York*, and *Coventry*, nor none of them, for any wine or victual to be ſold by any by retail within any of the ſaid cities of *London*, *York*, and *Coventry*.

CAP. IX.

Mummers ſhall be impriſoned three months, and fined at the juſtices diſcretion. The penalty for ſelling of viſors, or keeping them in a houſe, is to forfeit xx s. for every viſor, and to be impriſoned at the diſcretion of the juſtices. *To endure to the next parliament.*

CAP. X.

Rep. 5 El. c. 8. & 1 Jac. 1. c. 22. 2 H. 6. c. 7. 1 H. 7. c. 5. 19 H. 7. c. 19.

No alien ſhall buy any leather but in open market. The wardens of curriers in *London* may make ſearch for leather inſufficiently tanned, ſeiſe the leather, and commit the offender to priſon.

CAP. XI.

An act for the appointing of phyſicians and ſurgeons.

Inconveniencies enſuing by ignorant perſons practiſing phyſick or ſurgery.

TO *the King our ſovereign lord, and to all the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled. Foraſmuch as the ſcience and cunning of phyſick and ſurgery (to the perfect knowledge whereof be requiſite both great learning and ripe experience) is daily within this realm exerciſed by a great multitude of ignorant perſons, of whom the greater part have no manner of inſight in the ſame, nor in any other kind of learning*; (2) *ſome alſo can no letters on the book, ſo far forth that common artificers, as ſmiths, weavers, and women, boldly and accuſtomably take upon them great cures, and things of great difficulty, in the which they partly uſe ſorcery and witchcraft, partly apply ſuch medicines unto the diſeaſe as be very noious, and nothing meet therefore, to the high diſpleaſure of God, great infamy to the faculty, and the grievous hurt, damage, and deſtruction of many of the King's liege people, moſt eſpecially of them that cannot diſcern the uncunning from the cunning*: (3) be it therefore (to the ſurety and comfort of all manner people) by the authority of this preſent parliament enacted, That no perſon within the city of *London*, nor within ſeven miles of the ſame, take upon him to exerciſe and occupy as a phyſician or ſurgeon, except he be firſt examined, approved, and admitted by the biſhop of *London*, or by the dean of *Paul's* for the time being, calling to him or them four doctors of phyſick, and for ſurgery other expert perſons in that faculty, and for the firſt examination ſuch as they ſhall think convenient, and afterward alway four of them that have been ſo approved, (4) upon the pain of forfeiture for every month that they do occupy as phyſicians or ſurgeons,

By whomevery phyſician and ſurgeon ſhall be allowed. 14 & 15 H. 8. c. 5. 34 & 35 H. 8. c. 8.

By 34 & 35 H. 8. c. 8. ſ. 3. any perſon underſtanding herbs, &c. may miniſter

ſurgeons, not admitted nor examined after the tenor of this act, of v. li. to be imployed the one half thereof to the uſe of our ſovereign lord the King, and the other half thereof to any perſon that will ſue for it by action of debt, in which no wager of law nor protection ſhall be allowed. to outward ſores, &c.

II. And over this, That no perſon out of the ſaid city, and precinct of ſeven miles of the ſame, except he have been (as is aforeſaid) approved in the ſame, take upon him to exerciſe and occupy as a phyſician or ſurgeon, in any dioceſe within this realm, but if he be firſt examined and approved by the biſhop of the ſame dioceſe, or, he being out of the dioceſe, by his vicar general; either of them calling to them ſuch expert perſons in the ſaid faculties, as their diſcretion ſhall think convenient, and giving their letters teſtimonials under their ſeal to him that they ſhall ſo approve, upon like pain to them that occupy the contrary to this act (as is aboveſaid) to be levied and imployed after the form before expreſſed. A phyſician or ſurgeon allowed by the biſhop of the dioceſe.

III. Provided alway, That this act, nor any thing therein contained, be prejudicial to the univerſities of *Oxford* or *Cambridge*, or either of them, or to any privileges granted to them. (2) *Memorandum. That ſurgeons be compriſed in this act like as phyſicians, for like miſchief of ignorant perſons preſuming to exerciſe ſurgery.* The privileges of Oxford and Cambridge ſaved. Raſt. pla. f. 426.

CAP. XII.

The act that juſtices may return impanels for the King by their diſcretions.

WHEREAS *great extortions and oppreſſions be, and have been within the more party of all the counties and ſhires within this realm of* England, *by the ſubtlety and untrue demeanor of ſheriffs and their miniſters, committed and done unto many perſons in great number of the King's ſubjects by mean and making, and returning at every ſeſſions holden within the ſaid counties and ſhires, for the body of the ſhire, in taking and putting in, and returning of names, of ſuch perſons, as for the ſingular advantage, benefit, and gain of the ſaid ſheriffs and their miniſters, will be wilfully forſworn and perjured by the miniſter labour of the ſaid ſheriffs and their miniſters*; (2) *by reaſon whereof many and divers ſubſtantial perſons (the King's true ſubjects) contrary to good equity and rightwiſeneſs, have divers times and many wrongfully been indicted of divers murders, felonies, and other miſbehaviour, by their covin and falſhood, to the utter undoing of their lives, loſs of their goods and their lands; by reaſon whereof they and every of them in avoiding the untrue trouble and vexation which to them might come and enſue by reaſon and occaſion of the ſame falſe indictments,* (3) *and alſo ſometime by labour of the ſaid ſheriffs, divers great felonies and murders concealed, and by the ſaid perſons alſo by the ſaid ſheriffs and their miniſters partially returned, not preſented, be and have been compelled to make fines and give rewards to the ſaid ſheriffs and their miniſters:* (4) wherefore be it enacted, ordained, and eſtabliſhed, by the King our ſovereign lord, and by the aſſent of the lords ſpiritual and temporal, and the com- The inconveniencies enſuing by the ſheriffs returning of panels for the King without controlment of any.

mons of this preſent parliament aſſembled, and by authority of the ſame, That all panels to be returned, which be not at the ſuit of any party, that ſhall be made and put in by every ſheriff and their miniſters afore any juſtice of gaol-delivery or juſtice of peace, whereof one to be of the *quorum*, in their open ſeſſions to enquire for the King, ſhall be reformed by putting to and taking out of the names of the perſons which ſo be impanelled by every ſheriff and their miniſters, by diſcretion of the ſame juſtice before whom ſuch panels ſhall be returned: (5) and that the ſame juſtice and juſtices ſhall command every ſheriff and their miniſters in his abſence, to put other perſons in the ſame panel by their diſcretions; and that the ſame panels ſo reformed by the ſaid juſtices be good and lawful: (6) and that if any ſheriff, or any their miniſter, at any time do not return the ſame panel ſo reformed, that then every ſuch ſheriff or miniſter ſo offending, for every ſuch offence ſhall forfeit xx. li. ſterling money of *England*; the one half thereof to our ſovereign lord the King or his heirs, and the other half to him or them of his ſubjects that will ſue for the ſame by action of debt at the common law, or bill, or plaint, where it ſhall fortune any ſuch to fall and be; (7) and that ne eſſoin ne protection be allowed for the defendant or defendants in that action or plaint, (8) nor that the ſaid defendant nor defendants therein be admitted to wage their law: (9) and that the King's pardon ſhall be no bar againſt the party and parties in the ſame, that any ſuch action ſhall ſue.

Panels returned by the ſheriffs may be reformed by the juſtices. 12 Co. 99, 68, 11 H. 7. c. 24.

CAP. XIII.

A confirmation of the ſtatute of 19 *H.* 7. *c.* 4. ordained againſt ſhooting in croſs-bows; and all placards granted for ſhooting in croſs-bows ſhall be void.

Rep. 6. H. 8. c. 13.

CAP. XIV.

An act for ſearching of unlawful oils.

PRAYEN *your Highneſs, the commons in this preſent parliament aſſembled, That whereas divers manner of oils being brought into this realm, as well into the city of* London, *as to divers other places within this ſame realm, which be daily uſed and miniſtered as well for man's ſuſtenance and comfort, as for neceſſaries for draping of woolen cloths, and for other divers neceſſaries uſed for the weal of your ſubjects; and for lack of good overſight, ſearch, and correction of ſuch oils, many ſimple perſons (buyers of the ſaid oils to ſell afterward) falſely and deceivably by crafty means do mix and alter the ſame oils from their former nature and goodneſs, to the great loſs, jeopardy, danger, and deceit of your ſubjects:* wherefore be it by your highneſs, by the advice and aſſent of your lords ſpiritual and temporal, and of your commons, in this preſent parliament aſſembled, and by authority of the ſame, ordained, enacted, and eſtabliſhed, That the mayor of the city of *London* for the time being with the maſter and wardens of the myſtery or craft of tallow-chandlers of the ſame city for the time being, ſhall from henceforth

have

have full power and authority to ſearch all manner of oils brought into the ſaid city of *London* to be ſold, in whoſe hands ſoever they be or ſhall be found, and that as often as the caſe ſhall require: (4) and that the ſaid mayor, with the ſaid maſter and wardens of the ſaid myſtery or craft of tallow-chandlers for the time being, ſhall truly ſearch and overſee, that the ſame oils to be put to ſale be not mixed nor altered from their right kinds, but that they be good and lawful as they ought to be. (5) And that it ſhall be lawful to the ſaid mayor, with the ſaid maſter and wardens for the time being, to damn, avoid, and utterly to caſt away all ſuch oils as they ſhall find defective, or falſely or deceivably mixed, and altered from their right kinds, as is aforeſaid, without any let or perturbance of any perſon or perſons whatſoever they are or ſhall be; (6) and alſo the ſaid mayor, maſter, and wardens, to commit ſuch perſon or perſons, as ſhall be found defective for uſing of ſuch deceit or craft, to ward, and to puniſh him or them therefore by their diſcretions, according to the laws and cuſtoms within the ſaid city or liberty of *London*, uſed, had, and made of and for other miſdoers and offenders in the ſaid city. (7) And be it further enacted by the ſaid authority, That the mayor in every city, borough, and town within this realm (where a mayor is) for the time being, or the governor or governors, or rulers of every other city, borough, and town corporate within this realm alſo for the time being, ſhall have within their juriſdiction, liberty, and franchiſe, every of them, like authority and power to make and do like ſearch, order, direction, correction, puniſhment and execution of the ſame, of, for, and upon all oils being defective, or deceivably or falſly mixed and altered, by any perſon or perſons within their liberties and franchiſes, in manner and form as afore rehearſed, as the ſaid mayor, maſter and wardens of the ſaid city of *London*, by this preſent act have, or might have, of, for, or upon any oil ſold or to be ſold within the ſaid city of *London*.

Who may ſearch for and puniſh ſuch as ſell falſe and mixt oils.

CAP. XV.

All ſtatutes made for hats and caps repealed. Who only may buy hats and caps wrought beyond the ſea. The prices of ſeveral ſorts of hats and caps.

3 Inſt. 201, 204.
22 Ed. 4. c. 5.
4 H. 7. c. 9.
21 H. 8. c. 9.
7 Ed. 6. c. 8.
Repealed by 1 Jac. 1. c. 25.

Statutes made at *Weſtminſter*, *Anno* 4 HEN. VIII. and *Anno Dom.* 1512.

THE *King our ſovereign lord* Henry *the Eighth after the conqueſt, by the grace of God King of* England *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the fourth day of* November, *in the fourth year of his moſt noble reign, to the honour of God and holy church, and for the common weal and profit of this realm, by the aſſent of the lords ſpiritual and temporal,*

and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath done to be made certain ſtatutes and ordinances in manner and form following.

CAP. I.

Bulwarks, braies, walls, and other fortifications ſhall be made by the ſea-ſide in *Cornwall* by the juſtices of peace aſſignment. *To endure to the next parliament.*

CAP. II.

Puniſhment of murders.

Ex edit. Pult. The benefit of clergy taken from ſuch as do commit certain offences. Cauſes of imboldening men to commit murders and felonies.

WHEREAS *robberies, murders and felonies daily encreaſe more and more, and been committed and done in more heinous, open, and deteſtable wiſe, than hath been oft ſeen in time paſt: and the perſons ſo offending little regard the puniſhment thereof, by the courſe of the common law, ne by reaſon of any ſtatute heretofore made, but bear them bold of their clergy, and imagining and pleading of feigned and untrue foreign pleas, triable in foreign counties, to the intent to be removed from place to place, by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might, and corruption; ſo that they live in manner without fear or dread:* (2) *for reformation whereof, and for the common wealth of this realm, and for to put the ſaid murderers, felons, and offenders in more fear and dread ſo to offend:* Be it ordained, eſtabliſhed and enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That all perſon or perſons, hereafter committing murder or felony, in any church, chapel, or hallowed place, or of and upon malice prepenſed, rob or murder any perſon or perſons in the King's high-way, or elſe rob or murder any perſon in his houſe, the owner or dweller of the houſe, his wife, child, or ſervant then being therein, and put in fear or dread by the ſame, That ſuch perſon or perſons ſo offending, be not from henceforth admitted to his or their clergy, (ſuch as been within holy orders only except.)

St. 22 H. 8 c. 1. 32 H. 8. c. 1.

Trial of a felon pleading, that he was taken out of a privileged place in a foreign county. Made perpetual by 22 H. 8. c. 2. Altered by 28 H. 8. c. 1. ſ. 7. 1 Ed. 6. c. 12. 5 & 6 Ed. 6. c. 9. 1 Jac. 1. c. 25. 21 Jac. 1. c. 28.

II. And over that, be it enacted by the ſaid authority, That if any murderer or felon, upon his arraignment hereafter do alledge, that he had taken any church or church-yard for murder felony or other place privileged for the ſame, in a foreign county, and againſt his will taken out thereof: that then the King's attorney, or any other perſon that will ſue or alledge for the King, that the ſaid murderer or felon ſo arraigned, was taken at large in the ſame ſhire where he is ſo arraigned; that then the ſame allegiance and iſſue to be tried by the inqueſt that ſhall try the ſaid murder or felony within the ſame ſhire, and before the ſame juſtice, where the ſaid murderer or felon is arraigned, as though the ſaid foreign plea had not been pleaded by the ſaid felon: (2) and if it be found by the ſame inqueſt, that the ſaid murderer or felon was taken within the ſame ſhire (as is aforeſaid) that then he to have none advantage or benefit of the matter alledged by him for taking out of the church or church-

church-yard, or other place privileged, in any ſuch foreign ſhire: and this act to endure to the next parliament.

CAP. III.

The act concerning juries in London.

WHERE *at a parliament holden at* Weſtminſter *the eleventh year of the reign of King* Henry *the Seventh, for the good and due adminiſtration and expedition of juſtice, it was ordained, and among other things enacted, That every perſon hereafter to be impanelled or ſummoned to appear in any jury or inqueſt in any court within the city of* London, *before any judges of the ſame city making default, at the firſt ſummons ſhould loſe and forfeit* xij. d. *and at the ſecond default* ij. s. *and ſo at every ſuch default after that, the iſſues and penalties to be doubled*; (2) *and alſo ſuch iſſues loſt in the mayor's court ſhould be forfeited, levied, and perceived to the uſe and behoof of the mayor and the commonalty of the ſaid city*; (3) *and that all ſuch iſſues loſt in the ſheriffs court or courts ſhould be forfeited, levied, and perceived to the uſe of the ſheriffs of the ſame city for the time being, toward their fee-farm, as by the ſame act more plainly doth appear*: (4) *in the which act it is not expreſſed how or by what means the aforeſaid iſſues, ſo loſt and forfeited for non-appearance of the perſons ſo impanelled and ſummoned, ſhould be levied*; *the lack whereof is the cauſe that ſuch perſons as have been impanelled and ſummoned, as well for the King, as between party and party (being ſubſtantial and indifferent) have made many times default, and would not appear*; *and ſo it remaineth in like miſchief as it was before the making of the foreſaid act, to the great let of juſtice, and the delay as well in the King's cauſes, as in other cauſes between parties*: (5) *wherefore for the good execution of the ſaid ſtatute, and perfect remedy in this behalf to be had*: 11 H. 7. c. 21.

II. Be it eſtabliſhed, ordained, and enacted by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and of the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That for all ſuch iſſues in form aforeſaid hereafter to be loſt or forfeited in the mayor's court, it ſhall be lawful to the ſaid mayor, and to his ſucceſſors, to diſtrain, and the ſame diſtreſs to retain, till he or they be ſatisfied of the ſaid iſſues. (2) And in like manner, that it ſhall be lawful to the foreſaid ſheriffs, and their ſucceſſors, to diſtrain for ſuch iſſues loſt in their court or courts, and the ſaid diſtreſs to retain, till they be ſatisfied of the ſaid iſſues. A remedy for the mayor and ſheriffs of London to recover iſſues forfeited by jurors. 11 H. 7. c. 21.

III. Item, *foraſmuch as after iſſues joined in actions and ſuits commenced, taken, or depending in the King's courts before himſelf in his bench, and before his juſtices of the common bench, and alſo in his exchequer, at the King's ſuit, or at the ſuit of parties, triable in the ſaid city of* London, *as well the King as the parties have ſuffered great delay many times for default of appearance of the jurors impanelled to try the ſaid iſſues, and many times for lack of jurors not having lands and tenements of the yearly value of* xl. s.

IV. Be it ordained and enacted by the ſaid authority of this preſent parliament, That the ſheriffs of *London* for the time being,

The ability of the jurors of London impanelled to try an iſſue in any of the courts at Weſtminſter.

ing, have full authority and power to return impanels or arrays of all actions and ſuits now depending, or that ſhall depend in any of the ſaid courts, or exchequer, perſons being citizens, having goods to the value of an C. mark, or above, to try the iſſue joined or to be joined in every ſuch action or ſuit; (2) and that the perſon ſo returned (having goods to the value of C. mark, or above) ſhall be ſworn and do in all ſuch juries in like wiſe in every thing, as other perſons ſhould do, having lands and tenements of the yearly value of xl. s. over all charges.

What iſſues ſhall be returned upon the jurors in London. 5 H. 8. c. 5.

V. And over that, be it ordained by the ſaid authority, That the ſheriffs of the ſaid city for the time being, ſhall return upon the firſt diſtreſs in every ſuch action or ſuit, upon every of the jurors impanelled to try the iſſues thereof, xx. d. and upon the ſecond diſtreſs, upon every of the ſame jurors xl. d. and upon every diſtreſs after that, upon every of the ſame jurors, the double, till a full jury in every ſuch action and ſuit ſhall appear, and be ſworn to try the iſſues joined in the ſame: (2) and that the ſheriffs that ſhall make any return upon ſuch diſtreſs, contrary to the form aforeſaid, ſhall forfeit for every ſuch default x. li. the one half thereof to be to the King, and the other half to the party that will ſue therefore: (3) and that the defendant in any ſuch action be not admitted to wage his law, nor protection therein for him allowed. (4) This act to endure only to the next parliament, and this act to take effect after the laſt day of *December*, the fourth year of the reign of King *Henry* the Eighth. *Explained* 5 *H.* 8. *c.* 5.

CAP. IV.

EXP. 6 H. 8. c. 4.

Proclamations to give warning to him that dwelling in one county is ſued to an exigent in another.

CAP. V.

EXP. 12 R. 2. c. 4.

No penalties for giving of wages, aſſured by any ſtatute, ſhall be impoſed upon the maſter or a giver of wages.

CAP. VI.

An act for ſealing of cloths of gold and ſilver.

None ſhall take any thing for the ſealing of cloth of gold, ſilver, velvet, &c.

WHERE *at a parliament holden in the twelfth year of the reign of King* Edward *the Fourth, amongſt other it was ordained, eſtabliſhed and enacted, That the collectors of the ſubſidy, and the comptrollers ſhould at all times be ready when they ſhould be required, to ſeal any manner of cloth of gold, ſilver, baudekin, velvet, damaſk, ſaten, ſarſenet, tariron, chamblet, and every other cloth of ſilk, and every corſe of ſilk and gold, and every corſe of ſilk of the making beyond the ſea, and the ſame merchandiſes ſhould ſeal in every time when they ſhould be required, without delay, tarrying, or any thing for their ſealing to take by any mean, upon the pain of forfeiture to the owner of ſuch merchandiſes* xx. s. *by every of the ſaid collectors and comptrollers at every time when they refuſe to ſeal any ſuch merchandiſes after ſuch requeſt made, or take any thing for ſealing of any ſuch merchandiſes, as by the ſame act amongſt other things more plainly*

plainly appeareth. (2) *Sithen the making of which act the ſaid collectors and comptrollers, and their clerks not fearing the penalty limited in the ſame act have uſed, and daily uſe to take for ſealing of every piece of the ſame merchandiſes above rehearſed,* ii. d. *to the great loſs, hurt and damage of the merchants owners of the ſame:* (3) *for the ſame merchants at many times bring and convey in one ſhip* iii. *or* iv. M. *pieces of the ſame merchandiſes, which amounteth to* xxx. *or* xl. l. *after the rates of* ii. d. *a piece. And foraſmuch as the foreſaid penalty expreſſed in the ſaid ſtatute is but* xx. s. *therefore the ſaid collectors, comptrollers, nor their clerks fear not to run in the jeopardy of the ſame:* (4) wherefore be it ordained and enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That from henceforth the collectors and comptrollers of the ſaid ſubſidy, nor their clerks, nor any of them, take for the ſealing of any piece of the ſaid merchandiſes (above rehearſed) any thing, upon pain of forfeiture at every time xx. l.

The cauſe why the ſtatute of 12 Ed. 4. c. 3. is not put in execution.

II. And alſo be it enacted by the ſame authority, That if, and as often as the ſame collectors and comptrollers, or any of them unreaſonably delay, or tarry the ſaid merchants, or any of them, for and about the ſealing of the ſame merchandiſes; that then and ſo often the ſame collectors and comptrollers, and every of them ſo unreaſonably delaying and tarrying the ſame merchants, or any of them, to forfeit for the ſame xl. s. (2) the one moiety of every of the ſaid penalties (ſo forfeited) to be to the King our ſovereign lord, and the other moiety thereof to the merchant ſo grieved, that will ſue for the ſame by way of information in the King's exchequer, or by action or bill of debt, after the order of the common law, as in other actions of debt is uſed: (3) in which action the defendant ſhall not be admitted to wage his law, nor protection, nor eſſoin to be to him allowed in the ſame ſuit for the ſaid forfeiture.

No collector or comptroller of the ſubſidy ſhall take any thing for ſealing of cloth of gold, &c. The collector or, &c. ſhall not delay the merchant to ſeal his cloth of gold.

CAP. VII.

An act made for pewterers, and true weights and beams.

TO *the King our ſovereign lord, and the honourable the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled: foraſmuch as a certain act was made and eſtabliſhed in the parliament holden at* Weſtminſter, *the nineteenth year of the reign of the late moſt famous King your father,* Henry *the Seventh (whom God pardon) concerning pewterers and braſiers hawking and walking about the countries, and alſo concerning falſe beams, ſcales, and weights, with a proviſion for caſting of fine metal, and of perfect goodneſs, which act was made to endure to the next parliament, the tenor whereof hereafter enſueth:*

II. *That where many ſimple and evil-diſpoſed perſons of this your realm of* England *(uſing the ſaid crafts) daily go about this your realm, from village, from town, and from houſe to houſe, as well in woods and foreſts, as other places, to buy pewter and braſs,* (2) *and that knowing thieves, and other pickers, that ſteal as well pewter and braſs*

The tenor of the ſtatute of 19 H. 7. c. 6. concerning pewterers.

braſs belonging to your Highneſs, and under your mark, and to the lords ſpiritual and temporal, as to other your ſubjects of this your realm, bring ſuch ſtolen veſſels unto them in ſuch hid places to ſell, and ſell it for little or nought, and about they bring it to privy places, or into corners of cities or towns, and there ſell much part of it to ſtrangers, the which carry it over the ſea by ſtealth; (3) *alſo the ſaid perſons (ſo going about) and divers other uſing the ſaid crafts, uſe to make new veſſels, and to mix good metal and bad together, and make it nought, and ſell it for good ſtuff, where indeed the ſtuff and metal thereof is not worth the fourth part that it is ſold for, to the great hurt, deceit, and loſs of your ſubjects*; *alſo divers perſons uſing the ſaid crafts, have deceivable and untrue beams and ſcales, that one of them will ſtand even with twelve pounds weight at the one end, againſt a quarter of a pound at the other end, to the ſingular advantage of themſelves, and to the great deceit and loſs of your ſubjects, buyers and ſellers with them:* (4) for reformation of the premiſſes, it would pleaſe your Highneſs of your moſt abundant grace, with the advice of your lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, to enact and eſtabliſh, That no perſon or perſons, uſing the ſaid crafts of pewterers and braſiers, from henceforth ſhall ſell or change any pewter or braſs new or old, at any place or places within this your realm, but only in open fairs or markets, or in their own dwelling-houſes, but if they be deſired by the ſaid buyers of ſuch wares, upon pain of forfeiture to our ſovereign lord the King for every ſuch default x.li.

In what places only pewter and braſs ſhall be ſold or changed. By 25 H. 8. c. 9. ſ. 6. the Informer ſhall have a moiety.

III. Alſo by the ſame authority it may be enacted and eſtabliſhed, That no perſon nor perſons, of what condition or degree ſoever he or they be, from henceforth within the cities of *London* and *York*, or without, either caſt or work any pewter veſſels, or braſs, at any place or places within this your realm, but that it be as good fine metal, as is the pewter and braſs caſt and wrought after the perfect goodneſs of the ſame within the city of *London*, and by the ſtatutes of the ſame ought to be, upon pain of forfeiture of all ſuch pewter and braſs, ſo caſt and wrought of worſe pewter or braſs than ought to be wrought in the ſame cities; the one half of every ſuch forfeiture to be to the uſe of your Highneſs, and the other half to the uſe of the finders thereof.

Of what goodneſs pewter and braſs ought to be.

IV. Provided alway, That this forfeiture in no wiſe ſtretch ne extend to braſs or pewter, being in the poſſeſſion of any perſon, other than the workers of the ſame, or ſuch as have the ſame to ſell, and being of the craft or myſtery. (2) Alſo that it may by the ſame authority be enacted and eſtabliſhed, That no manner of perſon or perſons, of what degree or condition ſoever he or they be, from henceforth make no hollow wares of pewter, that is to ſay, ſalts and pots that is made of pewter called *Ley-metal*, but that it may be after the aſſiſe of pewter ley-metal wrought within the city of *London*; (3) and that the makers of ſuch wares ſhall mark the ſame with ſeveral marks of their own, to the intent that the makers of ſuch wares ſhall avow the ſame wares by them

Hollow wares made of pewter ley-metal.

The makers of pewter veſſels ſhall mark the ſame.

them (as is aboveſaid) to be wrought; (4) and that all and every ſuch wares not ſufficiently made and wrought, and not marked in form aboveſaid, found in the poſſeſſion of the ſame maker or ſeller, to be forfeited; and if the ſame ware be ſold, the ſaid maker to forfeit the value of the ſame ſo unlawfully wrought and ſold; the one half of the ſaid wares, or the value thereof, to be to the uſe of your Highneſs, and the other half to be to the uſe of the finder or ſearchers of the ſame.

The penalty for uſing falſe beams and weights about pewter or braſs.

V. Alſo that it may by the ſame authority be enacted and eſtabliſhed, That if any perſon or perſons hereafter uſing, buying and ſelling of pewter and braſs, that hereafter occupy any deceivable or falſe beams or weights of the ſame wares, that every ſuch perſon or perſons uſing or occupying ſuch deceivable and untrue beams or weights, to forfeit xx. s. the one half to the King, and the other half to the party that therefore ſhall ſue by action of debt; (2) and that in the ſaid action no protection nor eſſoin ſhall be allowed; and alſo the ſaid party ſo offending, ſhall forfeit his beam to him that ſhall ſeiſe it; (3) and if the ſaid offender or offenders be not ſufficient to pay the ſaid ſum or ſums by them ſo forfeited, that then it ſhall be lawful to the mayors, bailiffs, or other head officers of ſuch place or places where any ſuch offenders ſhall be found, to put them in the ſtocks, and them ſo keep till the next market-day next adjoining, and in the market place to put them on the pillory all the market-time.

Searchers of pewter and braſs ſhall be appointed.

VI. And furthermore, that it be lawful by the ſaid authority, That the maſter and wardens of the ſaid craft of pewterers, within every city and borough of this realm, where ſuch wardens are, and where no ſuch wardens are, the head officers or governors of the ſame city or borough, to appoint certain perſons moſt expert in knowledge of the ſame, to make ſearch within the ſaid cities or boroughs where they dwell. (2) And over this, the juſtices of peace within every ſhire, at their general ſeſſion holden at *Michaelmas*, ſhall aſſign and appoint two certain perſons, having experience therein, to make ſearch in the premiſſes in every part of that ſhire, as well within the franchiſes as without, ſaving in cities or boroughs where ſearchers be appointed by the heads or governors of the ſame; (3) and that all ſuch unlawful pewter or braſs as the ſaid ſearchers ſhall find, the one half ſhall be to the uſe of your grace, and the other half to the ſaid ſearchers; (4) and that in the default of the ſaid maſters and wardens of the ſaid occupations not ſearching in form as is aforeſaid, and whereby that any ſuch unlawful metals is caſt or made, or unlawful weights uſed, that then it ſhall be lawful to any perſon or perſons having ſufficient cunning and knowledge in the ſaid occupations, by overſight of the mayors, bailiffs, or head-officers of the ſaid cities, boroughs, and towns, to ſearch all the ſaid places, and to put the ſaid authority and act in execution in form aforeſaid. (5) Pleaſeth it therefore your grace and wiſdoms, inſomuch as the ſaid act is thought good and pro-

The ſtatute of 19 H. 7. c. 6. confirmed and made perpetual.

profitable, that it be ordained, enacted, and eſtabliſhed by the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid act may endure for ever.

VII. And over that be it enacted by the ſaid authority, That if any untrue or deceivable metal, or workmanſhip, of tin or pewter, be founden either in platters, chargers, diſhes, ſaucers, pottingers, trenchers, baſons, flaggons, bottles, pots, ſaltcellars, goblets, ſpoons, cruets or candleſticks, or any other ſuch wares of tin or pewter, whereſoever it be caſt, made, or wrought within this realm or without, and brought to be ſold within the ſame realm; that then it ſhall be lawful to the mayor of the city of *London*, and the maſter and wardens of the craft of pewterers (of the ſaid city for the time being) and their deputies, to have ſearch of the ſame within the city of *London*, and the ſuburbs of the ſame; (2) and that in all other cities, boroughs, and towns, where any wardens be or ſhall be, the mayors, bailiffs, or head officers and wardens to have like authority; (3) and where no wardens be, then the head officers or governors of the ſame cities, boroughs, and towns, to appoint certain perſons moſt expert and cunning in knowledge of the ſame, to make ſearch within the ſaid cities, boroughs, and towns where they dwell; (4) and if any ſuch new wares wrought of tin and pewter, as is aforeſaid, be found defective, and being in the poſſeſſion of the ſeller, that then the ſame perſon or perſons that putteth any ſuch new wares of pewter to ſale, ſhall forfeit the ſame wares, the one half to the uſe of our ſovereign lord the King, and the other half to the ſearchers or finders of the ſame.

Searchers of tin or pewter veſſels ſhall be appointed.

This act ſhall not be prejudicial to the King's grants of liberties. 25 H. 8. c. 9. made perpetual 33 H. 8. c. 4. ſ. 6.

VIII. Provided alway, That this act concerning the forfeiture be not prejudicial nor hurtful to any perſon or perſons having grant of our ſovereign lord the King, or of any of his noble progenitors, by his letters patents of ſuch forfeiture, but that they and every of them ſhall have and enjoy the ſame according to their former grants and liberties.

CAP. VIII.

An act concerning Richard Strode.

Ex edit. Raſt.

LAMENTABLY *complaineth and ſheweth unto your moſt diſcreet wiſdoms in this preſent parliament aſſembled*, Richard Strode, *gentleman, of the county of* Devonſhire, *one of the burgeſſes of this honourable houſe, for the burgh of* Plimton *in the county aforeſaid, that where the ſaid* Richard *condeſcended and agreed with other of this houſe, to put forth certain bills in this preſent parliament againſt certain perſons named Tinners in the county aforeſaid, for the reformation of the periſhing, hurting, and deſtroying of divers ports, havens, and creeks, and other bills for the common weal of the ſaid county, the which here in this high court of parliament ſhould and ought to be communed and treated of.*

And for becauſe the ſaid Richard *is a tinner, for the cauſes and matters afore rehearſed, one* John Furſe, *tinner, under-ſteward of the ſteimerie in the ſaid county, in and at four courts of the ſaid ſteimerie at divers places and times before him ſeverally holden in the ſaid county,*

county, he and other have condemned the ſaid Richard *in the ſum of one hundred and threeſcore pounds: that is to wit, at every court day forty pounds, and by the procurement of the ſaid* John Furſe, *at the ſaid four ſeveral courts and lawdays, in the ſaid ſteimerie by him holden, in this manner publiſhed and ſaid, that the ſame* Richard, *at the laſt parliament holden at* Weſtminſter, *would have avoided and utterly deſtroyed all liberties, privileges, and franchiſes concerning the ſteimerie: by reaſon whereof the ſaid* Richard, *upon four bills had and made thereof by the ſaid* John Furſe *and other, cauſed that the ſaid* Richard *was preſented and found guilty of the premiſes in every of the ſaid courts in forty pounds to be loſt and forfeit by him, by reaſon of an act and ordinance by tinners made and had at a place in the ſaid county called* Crokerentor: *the tenor of the which act appeareth in a ſchedule to his bill annexed: to which the ſaid* Richard *was never warned nor called to make anſwer to the premiſſes, contrary to all laws, right reaſon, and good conſcience. And for the execution of the ſame, one* John Agwilliam, *upon a ſurmiſe by him made to the King's Highneſs to the ſaid condemnation to be to his grace forfeit, thereof attained a bill aſſigned of twenty pounds parcel of the ſaid hundred and threeſcore pounds, to be to him granted by the ſaid King's Highneſs: whereupon the ſaid* John Agwilliam *and other cauſed the ſaid* Richard *to be taken and impriſoned in a dungeon and a deep pit under the ground in the caſtle of* Lidford, *in the ſaid county, and there and elſewhere remained by the ſpace of three weeks and more, unto ſuch time he was delivered by a writ of privilege out of the King's Exchequer at* Weſtminſter, *for that he was one of the collectors in the ſaid county for the firſt of the two* Quindeims *granted at and in this preſent parliament: the which priſon is one of the moſt hainous, contagious, and deteſtable places within this realm; ſo that by reaſon of the ſame impriſonment he was put in great peril and jeopardy of his life, and the ſaid* Richard, *ſo being in priſon, and the ſaid* John Agwilliam *ſeeing the ſame cruel impriſonment of the ſaid* Richard, *intreated and inſtantly deſired one* Philip Furſe *(then being keeper of the ſaid priſon) ſtrictly to keep the ſaid* Richard *in priſon, and to put irons upon him to his more greater pain and jeopardy, and to give him but bread and water only, to the intent to cauſe the ſaid* Richard *to be fain to content and pay him the ſaid twenty pounds. And for the ſame promiſed the ſaid keeper four marks of money: for the which four marks the ſaid* Richard *for to be eaſed of his irons and painful impriſonment aforeſaid (for ſafeguard of his life) promiſed and granted to pay the ſaid keeper four marks: whereof he paid the ſaid keeper in hand thirteen ſhillings four pence. And over that the ſaid* Richard *for to be eaſed of his ſaid painful impriſonment, was alſo of neceſſity driven to be bounden to* Thomas Denis, *deputy unto Sir* Henry Marnie, *knight, warden of the ſaid ſtemerie, in an obligation of the ſum of an* C.li. *upon condition whereof part is as hereafter followeth: that is to ſay, That if the above bound* Richard Strode, *defend and ſave harmleſs the ſaid* Thomas Denis, *and to uſe himſelf as true priſoner during the time it ſhall pleaſe the King to have him priſoner in the caſtle of* Lidford, *and alſo to do nothing, whereby he ſhall in the law be deemed out of priſon, and other articles compriſed in the ſaid condition, the which the ſaid* Richard *perfectly remembereth not:* wherefore the premiſſes by

your

your great wiſdoms tenderly conſidered, the ſaid *Richard* humbly prayeth, that it may be ordained, eſtabliſhed, and enacted, by the King our ſovereign lord, and by the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid condemnation and condemnations of the ſaid hundred and threeſcore pounds, and every parcel thereof, and judgments and executions had or to be had for the premiſſes, or any of them, to be utterly void againſt the ſaid *Richard*, and of none effect.

Fines for parliament matters void. 4 Inſt. 9. Cro. Car. 181, 182, 209, 210, 604, 610.

And over that be it enacted by the ſaid authority, That all ſuits, accuſements, condemnations, executions, fines, amerciaments, puniſhments, corrections, grants, charges, and impoſitions, put or had, or hereafter to be put or had unto or upon the ſaid *Richard*, and to every other of the perſon or perſons afore ſpecified, that now be of this preſent parliament, or that of any parliament hereafter ſhall be, for any bill, ſpeaking, reaſoning, or declaring of any matter or matters, concerning the parliament to be communed and treated of, be utterly void and of none effect.

And over that, be it enacted by the ſaid authority, That if the ſaid *Richard* Strode, or any of all the ſaid other perſon or perſons, hereafter be vexed, troubled, or otherwiſe charged for any cauſes as is aforeſaid, that then he or they, and every of them ſo vexed or troubled, of and for the ſame, to have an action upon the caſe againſt every ſuch perſon or perſons, ſo vexing or troubling any contrary to this ordinance and proviſion, in the which action the party grieved ſhall recover treble damages and coſts. And that no protection, eſſoin, nor wager of law in the ſaid action in any wiſe be admitted nor received.

BE *it enquired for our ſovereign lord the King, That whereas at the parliament holden at* Crokerentor, *before* Thomas Denis, *deputy to Sir* Henry Marnie, *Knight, warden of the ſteimerie, the fourteenth day of* September, *the ſecond year of the reign of King* Henry *the Eighth: it was ordained, eſtabliſhed, and enacted, That (from the day aforeſaid) it ſhall be lawful for every man to dig tin within the county of* Devonſhire, *in all places whereat tin may be found. And alſo to carry the water to their works without any let or trouble of any perſon or perſons, according to our uſages and confirmations of our charter, and according to our cuſtom out of mind. And if any perſon or perſons let, trouble, or vex any man to dig tin, or to carry water for the ſame, contrary to our old cuſtom and uſage, and if it be found by the verdict of twelve men at the law day, he that ſo letteth, vexeth, or troubleth any ſuch perſon or perſons, ſhall fall in the penalty of forty pounds, as oft as he ſo vexeth or troubleth: the one half to my lord prince, and the other half to him that was ſo letted, vexed, or troubled. And a* Fieri facias *to be awarded, as well for my lord prince as for the party: if one* Richard Strode, *of* Plimton, *tinner, at the parliament holden at* Weſtminſter, *the fourth day of* February *laſt paſt, letted, vexed, and troubled one* William Read *the younger, and* Elis Elford, *tinner, and all other tinners in the*

the ſame parliament, for digging of tin in the ſeveral ſoil of the ſaid Richard *and other perſons contrary to this our act made.*

Statutes made at *Weſtminſter, Anno* 5 HEN. VIII. and *Anno Dom.* 1513.

THE *King our ſovereign lord* Henry *the Eighth after the conqueſt, by the grace of God King of* England, *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the twenty third day of* January, *in the fifth year of his moſt noble reign, after the prorogation, to the honour of God and holy church, and for the common weal and profit of this his realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath done to be ordained, made, and enacted certain ſtatutes and ordinances in manner and form following.*

CAP. I.

How the King's ſubjects of *Tournay* and *Tyrwin* in *France* may have aſſurance and recovery of their debts due to them by *Engliſhmen*, and how *Engliſhmen* of them.

CAP. II.

An act for the true making of cloths in Devon, *called* White-Straits.

PRAYEN *the commons and inhabitants (clothmakers, and buyers of the ſame) within the county of* Devon, *that where divers and many cloths called* White Straits, *be and have been continually made within the ſaid county, to the great profit of the King's ſubjects there, the which cloths were wont to be well and ſufficiently made, and bear their breadth yard broad and half quarter raw, and fifteen yards of length, and that no man in times paſt hath uſed to make them but that the maker thereof hath ſet his ſpecial mark upon every of the ſaid cloths ſo by him or them made, whereby every man may know their own cloths from other mens by reaſon of their ſaid ſeveral marks*; (2) *ſo it is, that now-a-days the ſaid cloths be not ſufficiently made, ne bear their length and breadth according as they ſhould do, ne marked with every man's own mark, whereof great inconvenience doth daily enſue and increaſe, to the impoveriſhing and hurting, as well of the King's ſubjects, buyers and ſellers of the ſame, as of merchant ſtrangers:* (3) Wherefore the premiſſes conſidered, that it may be therefore enacted by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That from the feaſt of *Pentecoſt* next coming, no perſon make no ſuch cloths (called *white-ſtraits*) to ſell, without that he be when he is raw ready to be toked, of the breadth of a yard and half a quarter, and of length fifteen yards; (4) and that no perſon make no ſuch cloths, but if he ſet his ſpecial mark upon

The true making of white ſtraits in Devonſhire.

Every maker to mark his cloths.

upon every of the ſaid cloths, ſo by him or them made. (5) And that no perſon uſe no mark on his cloths ſuch as any other perſon doth and hath uſed before him, upon pain of forfeiture of every of the ſaid cloths, the one half to the King, and the other half to him that ſo ſeiſeth the ſaid cloths, ſo made or marked contrary to the form and effect afore expreſſed; (6) and this act to endure unto the next parliament.

Continued by 6 H. 8. c. 8. 5&6Ed.6.c.6. 27 El. c. 18.

CAP. III.

An act that white wool and cloths of five marks and under, may be carried over the ſeas unſhorn. None ſhall carry over the ſea white woolen cloths above the price of five marks unſhorn, unrowed, or unbarbed. By 27 *H.* 8. *c.* 13. White woolen cloth ſold for 4*l.* *&c.* may be tranſported unſhorn.

7 Ed. 4 c. 3. 3 H. 7. c. 11. 3 H. 8. c. 7. 33 H. 8. c. 19. Repealed 6 An. c. 9.

CAP. IV.

An act for avoiding deceits in worſteds.

Deceits in worſteds.

PRAYEN *the commons in this preſent parliament aſſembled, That whereas worſteds which been truly made, ſhorn, dyed and calandred, as of old time, hath been accuſtomed to be made, ſhorn, dyed, and calandred, have been one of the goodlieſt merchandiſe and greateſt commodity of this realm, and not only worn within this realm, but alſo much worn and uſed in other realms*; (2) *and ſo it is that now of late divers ſtrangers beyond the ſea have taken upon them to dry calander worſteds with gums, oils, and preſſes, ſo that a coarſe piece of worſted, not being paſt the value of* xxvi. s. viii. d. *is and ſhall be made, by their ſaid gums, oils and preſſes, to ſhew like to the value of* xl. s. *or better:* (3) *and if the ſame worſted ſo dry calandred, taketh any wet incontinent it will ſhew ſpotty and foul, and ever after continue ſtill foul, and will not endure, to the great deceit and hurt of the wearers thereof, and loſs of the ſaid commodity; and for the ſaid deceits, and falſeneſs, the ſaid dry calandring is ſcorned and abhorred in the parts beyond the ſea, ſo that no perſon do ne ſhall uſe in thoſe parts any ſuch worſteds to dry calander:* (4) *and alſo now of late the ſaid ſtrangers called* Dry Calanders *are come into this realm, and here within the ſame uſe the ſaid dry calandring of worſted, and of the great hurt of the ſaid common weal and commodity of this realm aforeſaid:*

The deceit and loſs coming by dry calandring of worſteds.

II. Wherefore be it enacted, ordained, and eſtabliſhed by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no perſon ne perſons within this ſaid realm, hereafter do take upon him or them to dry calander any worſted within this ſaid realm, upon pain to forfeit for every worſted that is ſo dry calandred one C. s. (2) And over that, whereas the ſaid old calandring of worſteds, called *wet calandring*, hath been uſed well and ſubſtantially in times paſt in the city of *Norwich*, and yet is, by perſons having cunning in the ſame; be it therefore furthermore enacted, ordained, and eſtabliſhed by the authority aforeſaid, That no perſon ne perſons hereafter do take upon him or them to wet calander any worſted, but only ſuch perſons as have been bound apprentices to other perſons of the ſame craft and occupation of wet calandring

No perſon ſhall dry calander worſteds.

What perſons only ſhall wet calander worſteds.

of

of worſteds by the ſpace of ſeven years, or be cunning in the ſame, and their cunning approved and admitted by the mayor of the ſaid city of *Norwich* for the time being, and the two maſters of the ſaid craft and occupation yearly to be choſen within the ſaid city of *Norwich*, or in the county of *Norfolk*, of the craft of wet-calandring, upon pain of every ſuch perſon or perſons, which hereafter ſhall do the contrary, to forfeit for every piece ſo calandred againſt the ordinances and purveyances aforeſaid, C. s. the one moiety of which penalties or forfeitures above ſpecified, and every of them, to be to the King our ſovereign lord, and the other moiety thereof to be to the maſters of the ſaid occupation of wet calandring for the time being. And that it ſhall be lawful to the maſters of the ſaid occupation for the time being, and their ſucceſſors, to ſue for the one moiety of all ſuch penalties hereafter to be forfeited, againſt every ſuch perſon or perſons as hereafter ſhall do contrary to the form and effect of this ſtatute, by action of debt, by writ at the common law, or by bill or plaint, after the cuſtom of ſuch city, port, or town where ſhall happen any ſuch forfeiture to be or fall, or by information in the King's exchequer. (4) And that no protection or eſſoin, ne no wager of law for the defendant in any ſuch action, plaint, or information, be allowable before any manner of juſtices, where any ſuch ſuit or information ſhall be uſed for the ſaid forfeiture. And this act to endure to the next parliament.

The forfeitures of the offenders, who ſhall have them, and by what means.

Made perpetual by 25 H. 8. c. 5.

CAP. V.

An act concerning jurors in London.

WHERE *in this preſent parliament holden at* Weſtminſter *the fourth day of* February, *in the third year of the reign of our ſovereign lord the King, and prorogued unto the fourth day of* November, *in the fourth year of the reign of our ſaid ſovereign lord the King, and adjourned unto* Weſtminſter *aforeſaid; foraſmuch as after iſſues joined in actions and ſuits commenced, taken, or depending in the King's courts before himſelf in his bench, and before his juſtices of the common bench, and alſo in his exchequer, at the King's ſuit, or at the ſuit of the party, triable in the city of* London, *as well the King as the parties ſuffered great delay many times for default of appearance of the juries impanelled to try the ſaid iſſues, and many times for lack of jurors not having lands or tenements of the yearly value of* xl. s. (2) *it was the ſaid fourth day of* November *ordained and enacted, by the authority of this preſent parliament, that the ſheriffs of* London *for the time being, ſhould have full authority and power to return in panels, or arrays of all actions and ſuits then depending, or that ſhould depend in any of the ſaid courts, or exchequer, perſons being citizens, having goods to the value of* C. *mark, or above, to try the iſſue joined in every ſuch action or ſuit.* (3) *And that the perſons ſo returned, having goods to the value of* C. *mark, or above, ſhould be ſworn, and do in all ſuch juries in likewiſe in every thing as other perſons ſhould do, having lands and tenements of the yearly value of* xl. s. *over all charges.* (4) *And that the ſheriffs of the ſaid city for the time being,*

A rehearſal of the ſtatute of 4 H. 8. c. 3. touching juries in London.

ing, ſhould return upon the firſt diſtreſs in every ſuch action or ſuit, upon every of the jurors impanelled to try the iſſues thereof, xx. d. *and upon the ſecond diſtreſs, upon every of the ſame jurors,* xl. d. *and upon every diſtreſs after that, upon every of the ſame jurors the double, till a full jury in every ſuch action and ſuit ſhould appear, and be ſworn to try the iſſue joined in the ſame.* (5) *And that the ſheriffs that ſhould make any return upon ſuch diſtreſſes, contrary to the form aforeſaid, ſhould forfeit for every ſuch default,* x. li. *the one half thereof to be to the King, and the other half to the party that will ſue therefore:*

II. *And that the defendant in any ſuch action ſhould not be admitted to wage his law, nor protection therein for him allowed;* (2) *which ſtatute was only made for the good expedition of juſtice, for to have quick appearance of jurors citizens of* London *at Saint* Martin's le Grand, *within the ſaid city, where all juries were and been bounden only to appear to try the iſſues joined of all things triable in* London *by proceſs of* Niſi prius *out of the ſaid courts, and in none other place, according to their ancient liberty, privilege, and cuſtom:*

The explanation of the ſtatute of 4 H. 8. c. 3.

III. Wherefore, for more plain declaration of the ſaime good ſtatute, be it ordained and eſtabliſhed by the authority of this preſent parliament, That the ſaid act be expounded, interpreted, and taken, that the ſheriffs for the time being be bounden to return at every firſt diſtreſs of *Niſi prius*, to be had at the ſaid St. *Martin's*, in every ſuch action or ſuit, upon every of the jurors impanelled to try the iſſues thereof, xx. d. and upon the ſecond diſtreſs of *Niſi prius*, upon every of the ſame jurors, xl. d. and upon every diſtreſs of *Niſi prius* after that, upon every of the ſame jurors the double, till a full jury in every ſuch action and ſuit ſhall appear, and be ſworn to try the iſſue joined in the ſame. (2) And that no ſheriff of the ſaid city, or other, any thing forfeit by force or colour of the ſaid ſtatute, for any return to be made, except only upon returns to be made contrary to the form, declaration, interpretation, and expoſition of this ſtatute, that is to ſay, upon writs of diſtreſſes before juſtices or juſtice of *Niſi prius* within the ſaid city, (3) and that upon all other writs and proceſſes, that be and ſhall be awarded out of the ſaid courts or exchequer, it ſhall be lawful to the ſheriffs for the time being, to make their returns according to the order of the law, as the ſheriffs of *London* were wont to do before the making of the ſaid ſtatute, without any loſs or forfeiture.

What iſſues the ſheriffs of London ſhall return upon jurors.

CAP. VI.

An act concerning ſurgeons to be diſcharged of queſts and other things.

The cauſes why ſurgeons have been exempt from bearing of armour or other ſervices.

SHeweth *unto your diſcreet wiſdoms, your humble orators the wardens and fellowſhip of the craft and myſtery of ſurgeons enfranchiſed in the city of* London, *not paſſing in number twelve perſons, that whereas they and their predeceſſors, from the time that no mind is to the contrary, as well in this noble city of* London, *as in all other cities and boroughs within this realm, or elſewhere, for the continual ſer-*

ſervice and attendance that they daily and nightly, at all hours and times, give to the King's liege people, for the relief of the ſame, according to their ſcience, have been exempt and diſcharged from all offices and buſineſs, wherein they ſhould uſe or bear any manner of armour or weapon, and with like privilege have been intreated as heralds of arms, as well in battles and fields, as other places, there for to ſtand unbarneſſed and unweaponed, according to the law of arms, becauſe they be perſons that never uſed feats of war, nor ought to uſe, but only the buſineſs and exerciſe of their ſcience, to the help and comfort of the King's liege people in the time of their need: (2) *And in the aforeſaid city of* London, *from the time of their firſt incorporation, when they have been many mo in number than they be now, were never called nor charged to be on queſt, watch, nor other office, whereby they ſhould uſe or occupy any armour, or defenſible geer of war, where through they ſhould be unready, and letted to practiſe their cure of men being in peril:* (3) Therefore, for that there be ſo ſmall number of the ſaid fellowſhip of the craft and myſtery of ſurgeons, in regard of the great multitude of patients that be, and daily chance, and infortune happeneth and increaſeth in the foreſaid city of *London*, and that many of the King's liege people ſuddenly wounded and hurt, for default of help in time to them to be ſhewed, periſh, and ſo divers have done, as evidently is known, by occaſion that your ſaid ſuppliants have been compelled to attend upon ſuch conſtableſhip, watches, and juries, as is aforeſaid; (4) be it enacted and eſtabliſhed by the King our ſovereign lord, and the lords ſpiritual and temporal, and by the commons, in this preſent parliament aſſembled, and by authority of the ſame, That from henceforth your ſaid ſuppliants be diſcharged, and not chargeable of conſtableſhip, watch, and of all manner of office bearing any armour, and alſo of all inqueſts and juries within the city of *London:* (5) and alſo that this act in all things do extend to all barber-ſurgeons, admitted and approved to exerciſe the ſaid myſtery of ſurgeons, according to the form of the ſtatute lately made in that behalf, ſo that they exceed not, ne be at one time above the number of twelve perſons.

The ſurgeons of London ſhall be exempt from bearing armour or pariſh offices, &c.

3 H. 8. c. 11.
32 H. 8. c. 42.

CAP. VII.

All ſtrangers being of the fellowſhip of the Trinity, *&c.* may buy leather curried in open markets, *&c.* ſufficiently wrought and ſealed, *&c.*

Rep. 5 El. c. 8.
1 Jac. 1. c. 22.

CAP. VIII.

Every perſon that will ſue for the King's pardon granted upon certain articles, ſhall have it.

EXP.

Statutes made at *Weſtminſter*, *Anno* 6 HEN. VIII. and *Anno Dom.* 1514.

THE *King our ſovereign lord* Henry *the Eighth after the conqueſt, by the grace of God King of* England *and of* France,

and lord of Ireland, *at his parliament holden at* Weſtminſter *the fifth day of* February, *in the ſixth year of his moſt noble reign, after the prorogation, to the honour of God and holy church, and for the common weal and profit of this his realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath done to be ordained, made, and enacted, certain ſtatutes and ordinances, in manner and form following.*

CAP. I.

Rep. 7. H. 8. c. 6. 1 Jac. 1. c. 25.

What apparel temporal men of every degree and eſtate may wear, and what not: The forfeitures of the offenders, and who ſhall have thoſe forfeitures, and how they ſhall recover them.

CAP. II.

Rep. 33 H. 8. c. 9.

The ſtatute made *Anno* 3 *H.* 8. *c.* 3. concerning maintenance of archery, ſhooting in long-bows, and bringing in bow-ſtaves into this realm whereſoever, confirmed, and made perpetual.

CAP. III.

Rep. by 7 H. 8. c. 5. and 5 Eliz. c. 4.

The ſeveral wages of ſeveral ſorts of ſervants in huſbandry, artificers, and labourers, and the penalty of thoſe that take more. At what hours an artificer and labourer ſhall begin and end his work, and what time he ſhall have for his meals and ſleep.

CAP. IV.

An act for proclamations to be made before the exigents be awarded in foreign ſhires.

4 H. 8. c. 4.

WHERE *at a parliament holden at* Weſtminſter *the fourth day of* February, *in the third year of the reign of our ſovereign lord King* Henry *the Eighth that now is, and from thence (for divers urgent cauſes) unto the fourth day of* November, *the fourth year of the reign of our ſaid ſovereign lord, prorogued, one good and reaſonable act was made and ordained, touching writs of proclamation to be made upon exigents ſued againſt any perſons in foreign or other ſhire, than where ſuch defendant be called of; only to endure from thence unto the next parliament:* (2) *which act is now determined, the effect and true intent of which ſaid act is thought right available, and commodious, and in avoiding of outlawries hereafter to be pronounced againſt any perſon by reaſon of ſuch foreign ſuits, to have continuance, and perpetually to endure:* (3) be it therefore, by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame parliament, enacted, ordained, and eſtabliſhed, That if and where any writ of exigent, at any time from the fifteenth day of *Eaſter* next coming, or after, ſhall be awarded at the ſuit of our ſovereign lord the King, or any other perſon or perſons, plaintiff or plaintiffs, in any action perſonal, againſt any perſon or perſons called of any ſhire or city, being a ſhire-corporate of itſelf, or elſe late of any ſuch ſhire or city, other than into ſuch ſhire or city where-into

Proclamation awarded in a foreign county than where the defendant is ſued.

into ſuch exigent ſhall be awarded, to be called according to the law; (4) and alſo in every writ of exigent in any action perſonal, whereof the proceſs or exigent at the ſaid fifteenth day of *Eaſter*, or after, ſhall be directed into *London* or *Middleſex*, the defendant being called late of *London*, or late of *Middleſex*, and at the time of the exigent awarded not dwelling in *London*, nor in *Middleſex*, or elſe that the ſaid defendant or defendants in the ſame exigent dwell in any other ſhire or place than where the King's writ runneth; (5) then the juſtices before whom any ſuch exigent is to be awarded, in all actions where the exigent ſhall not be directed into *London* nor *Middleſex*, to award a writ of proclamation to be directed to the ſheriff of the ſame county, where it doth appear by the uſing of ſuch action, that the party defendant is or lately was dwelling, if the King's writ there be current, and elſe to the next ſhire adjoining to the county or counties, or other places, whereof the party is called, or lately ſuppoſed by the ſaid exigent to have his being of, where the King's writ ſo runneth not. (6) And in every action as aforeſaid, whereof the exigent ſhall be directed into *London* or *Middleſex*, and the defendant or defendants in the ſame called late of *London* or of *Middleſex*, and at time of the exigent awarded, not having his or their dwelling in *London* or *Middleſex*, then the writ of proclamation to be awarded, made, and directed unto the ſheriff of the ſhire, where the defendant at the time of the exigent ſo againſt him or them awarded ſhall have his dwelling, or, in caſe where the King's writ runneth not, unto the next ſhire thereunto adjoining; (7) the which ſaid writ of proclamation ſhall contain the effect of the ſame action, and that the ſheriff of the county, to whom any ſuch writ of proclamation ſhall be directed, ſhall make three proclamations within his county at three ſeveral days, that is to ſay, two of the ſame proclamations in the full and plain ſhire-court of the ſame county, and the third of the ſaid proclamation to be made at the general ſeſſions in thoſe parts, where the party defendant is ſuppoſed to be dwelling, or in the parts of the county next adjoining to the county or counties where the King's writ runneth not, that the party defendant yield himſelf to the ſheriff of the foreign county, to whom any ſuch exigent in any action perſonal is awarded; ſo that the ſheriff of ſuch foreign county may, upon his yielding, have the body of the ſaid defendant before the juſtices, before whom any ſuch exigent is awarded, at the day in the ſame exigent compriſed, there to anſwer to the plaintiff in the ſame according to the law.

Proclamations where the party is dwelling in a county palatine.

Dyer, 41, 213. Bro. Err. 106.

Three proclamations.

For proclamations in counties palatine, ſee 1 Ed. 6. c. 10. ſ. 2. & 5 & 6 Ed. 6. c. 26. ſ. 2. 31 El. c. 9.

II. And that every ſuch writ of proclamation ſhall have the ſame day of return, as the writ of exigent upon ſuch foreign action ſo awarded ſhall have: (2) and that every ſuch writ of proclamation be delivered of record to the ſheriff or deputy of the county, into the which any ſuch writ of proclamation is to be awarded; (3) and that the ſheriff of the ſame county duly do execute the ſame, and thereof make true return at the day

The proclamation ſhall be delivered to the ſheriff of record.

of the ſame writ appointed, upon pain to forfeit ſuch amerciament unto the King our ſovereign lord, and to his heirs, as by the diſcretion of the juſtices, before whom ſuch exigent ſhall be returnable, ſhall be ſet.

III. And that the officer, in whoſe office ſuch exigent is taken, make out the ſaid writ and writs of proclamation, as hereafter ſhall be awarded in any of the ſaid courts.

The officer's fee for making of proclamation.

IV. And that the ſame officer take no more for the making of any ſuch writ of proclamation, and the entering of the ſame of record, but only vi. d.

An outlawry avoided without writ of error.

V. And if any outlawry hereafter be had or promulged againſt any perſon or perſons, in any action perſonal, in any foreign county, and no writ of proclamation (as is aforeſaid) awarded and returned, that then every ſuch outlawry to be utterly void and of no effect ne force in the law; and that all outlawries had contrary to this act be avoided by averment, without ſuing of any writ of error.

Exp. 4 H. 7. c. 19.
7 H. 8. c. 1.
27 H. 8. c. 22.
5 & 6 Ed. 6. c. 5.
5 El. c. 2.
39 El. c. 1.

CAP. V.

Whoſoever decayeth any town or houſe of huſbandry, or doth convert tillage into paſture, ſhall forfeit to the lord of the fee half the profits thereof. *To endure to* Chriſtmas.

CAP. VI.

An act for the remitting priſoners with their indictments to the places where the crimes were committed.

WHERE *divers felons and murtherers, upon feigned and untrue ſurmiſes, have oftentimes removed as well their bodies as their indictments, by writ and otherwiſe, before the King in his bench, and cannot by the order of the law be remitted and ſent down to the juſtices of gaol-delivery, or of the peace, ne other juſtices ne commiſſioners, to proceed upon them after the courſe of the common law:* (2) Be it therefore ordained and enacted by the authority of this preſent parliament, That the juſtices of the King's bench for the time being have full authority and power, by their diſcretions, to remand and ſend down, as well the bodies of all felons and murtherers brought or removed, or that ſhall be removed or brought before the King in his bench, as their indictments, into the counties where the ſame murthers or felonies have been committed and done; (3) and to command all juſtices of gaol-delivery, juſtices of peace, and all other juſtices and commiſſioners, and every of them, to proceed and determine upon all the aforeſaid bodies and indictments ſo removed, after the courſe of the common law, in ſuch manner as the ſame juſtices of gaol-delivery, juſtices of peace, and other commiſſioners, or any of them might or ſhould have done, if the ſaid priſoners or indictments had never been brought into the ſaid King's bench.

The juſtices of the king's bench may remit priſoners out of that court into the country to be tried.

CAP. VII.

The ſeveral ſums that watermen ſhall take for their fare from one place to another near to the city of *London*; and the watermen refuſing to accept the ſaid fares or wages limited, ſhall forfeit the treble value thereof.

Altered by 2 & 3 Ph. & Mar. c. 16.

CAP. VIII.

An act concerning the making of certain woolen cloths in the county of Devon.

A rehearſal of the ſtatute of 5 H. 8. c. 2. touching the making of white ſtraits in Devonſhire.

WHEREAS *at the parliament holden at* Weſtminſter *the twenty third day of* January, *after the laſt prorogation thereof, in the fifth year of the King's moſt noble reign, the commons and inhabitants (clothmakers and buyers of the ſame) within the county of* Devonſhire, *prayed and deſired, That where divers and many cloths, called* White Straits, *be and have been continually made within the ſaid county, to the great profit of the King's ſubjects there, the which cloths were wont to be well and ſufficiently made, and to bear their breadth, yard broad and half quarter raw, and* XV. *yards of length*; (2) *and that no man in times paſt hath uſed to make them, but that the maker thereof hath ſet his ſpecial mark upon every of the ſaid cloths ſo by him or them made, whereby every man may know their own cloths from other mens, by reaſon of their ſaid ſeveral marks*; (3) *ſo at the ſaid parliament it was ſhewed by the inhabitants (clothmakers and buyers of the ſame) in the county aforeſaid, that now-a-days the ſaid cloths be not ſufficiently made, ne bear their length and breadth according as they ſhould do, ne marked with every man's own mark, whereof great inconvenience doth daily enſue and increaſe, to the impoveriſhing and hurting as well of the King's ſubjects, buyers and ſellers of the ſame, as merchants ſtrangers.* (4) *Wherefore the premiſſes conſidered, it was therefore enacted by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in the ſame parliament then aſſembled, and by the authority of the ſame, That from the feaſt of* Pentecoſt *next after the making of the ſaid act, no perſon ſhould make any ſuch cloths, called* White Straits, *to ſell, without that it or they be, when they be raw, ready to be toked, of the breadth of a yard and half a quarter, and of length* XV. *yards*; (5) *and that no perſon make any ſuch cloths, but if he ſet his ſpecial mark upon every of the ſaid cloths ſo by him or them made,* (6) *and that no perſon uſe no mark on his cloths, ſuch as any other perſon doth or hath uſed before him, upon pain of forfeiture of every of the ſaid cloths, the one half thereof to be to the King, and the other half thereof to him that ſo ſeiſeth the ſaid cloths ſo made or marked contrary to the form and effect afore expreſſed.* (7) *And this act to endure unto the firſt day of this preſent parliament.* (8) *And foraſmuch as the ſaid act is thought to be very neceſſary and behovable*, be it therefore ordained, eſtabliſhed, and enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That the ſaid act concerning

The aforeſaid ſtatute confirmed.

making

making of cloths, called *White Straits*, and every thing therein contained, ſtand and be in his full ſtrength, virtue, and effect. (9) And over that, it is ordained by the ſaid authority, That no perſon or perſons from the feaſt of Saint *John Baptiſt* next coming ſhall make any ſuch cloths, called *White Straits*, ne any cloths of that making of ruſſet colour, called *Ruſſet Straits* without that they and every of them (being raw) be of the breadth and length before rehearſed, and to be marked in manner and form before expreſſed, and ſo being raw, to weigh xiv. pound by true weight at leaſt, upon pain of forfeiture of every of the ſaid cloths made, and being leſs in length or elſe in breadth, or marked contrary to the form and effect before rehearſed, or elſe being of weight contrary to the form before expreſſed; (10) the one half of the ſaid forfeiture to be to the King, and the other half to him that ſo ſeiſeth the ſaid cloths ſo made, and being of weight contrary to the form and effect aforeſaid. (11) And this act to endure for ever.

The length and breadth of ruſſet ſtraits.

7 Ed. 6. c. 9. 27 El. c. 18.

CAP. IX.

An act to avoid deceits in making of woolen cloths.

FOR the deceitful draping and making of woolen cloths, made and draped within this realm, and alſo for meaſuring in the ſale of the ſame, our ſovereign lord the King, by the advice of the lords ſpiritual and temporal, and of the commons, in this preſent parliament aſſembled, and by the authority of the ſame, hath ordained, eſtabliſhed, and enacted divers ordinances and ſtatutes for the true making and draping of ſuch woolen cloths, and for meaſuring in ſale the true content of the ſame in manner and form following: (2) Firſt, That the wool which ſhall be delivered for or by the clothier to any perſon or perſons for breaking, kembing, carding, or ſpinning of the ſame, the delivery thereof therefore ſhall be by even, juſt, and true poiſe and weight of *Haverdepois*, ſealed by authority, not exceeding in weight after the rate of twelve pounds ſeimed wool, above one quarter of a pound for the waſte of the ſame wool, and in none other manner. (3) And that the breaker or kember to deliver again to the ſame clothier the ſame wool ſo broken and kembed, and the carder and ſpinner to deliver again to the ſaid clothier yarn of the ſame wool, by the ſame even, juſt, and true poiſe and weight (the waſte thereof excepted) without any part thereof concealing, or any more oil, water, or other thing put thereunto deceivably, (4) upon the pain to forfeit to the lord of the leet within the precinct whereof ſuch default is done, for every ſuch default xij d. upon due proof of ſuch deceit afore, and by the diſcretion of the mayor, bailiff, or other head officer of the city, borough, or town where the deceit ſhall appear, the ſame mayor, bailiff, or head officer calling to him ſuch perſons as ſhall ſeem to him convenient for the proof of ſuch deceit.

The weight of wool delivered to break, kemb, card, or ſpin.

The weight of wool and yarn re-delivered to the clothier.

II. Item, That the weaver, which ſhall have the weaving of any woolen yarn to be webbed into cloth, ſhall weave, work, and

A weaver ſhall put all the yarn into the

and put into the web for cloth to be made thereof, as much and all the ſame yarn, as the clothier, or any perſon for him ſhall deliver to the ſame weaver, with his uſed mark put to the ſame, without changing, or any parcel thereof leaving out of the ſame web, or that to reſtore to the ſame clothier the ſurplus of the ſame yarn, if any ſhall be left not put into the ſame web, and without any more oil, breene, moiſture, duſt, ſand, or other thing deceivably putting or caſting to the ſame web, upon pain to forfeit for every default three ſhillings and four pence. web, or reſtore it.

III. Item, That no manner perſon buy any coloured wool, or coloured woolen yarn, of any carder, ſpinner, or weaver, but only in open market upon pain of forfeiture of ſuch wool and yarn ſo bought. Coloured wool to be bought in open market only.

IV. Item, That the walker and fuller ſhall truly walk, full, thick, and work every web of woolen yarn which he ſhall have to walk, full, thick, or work, without any flocks, or any other manner deceit to be uſed on the ſame, and ſhall not row nor work any cloth or web with any cards, on the right ſide nor on the wrong ſide, upon pain to forfeit for every ſuch default ſix ſhillings eight pence. The walker and fuller's duty.

V. Item, That the clothier, nor other perſon whatſoever, ſhall not put any cloth to ſale, which when it ſhall be full wet ſhall ſhrink more than one yard in all the length, and one quarter of a yard in the breadth, for the more part thereof; (2) and cloths called *Narrows* or *Straits* after the rate, upon pain to forfeit for every cloth otherwiſe put to ſale vj. s. viij. d. and beſide that, to deduct of his price for the ſame, to be rebated to the buyer thereof, as much after the rate as the ſame cloth ſo otherwiſe put to ſale, being full wet, ſhall be ſhrunk more than one yard of that it was in length at the time of the ſame ſale, and as it ſhall (being wet) want of the breadth of one yard and three quarters of a yard. Shrinking of cloth. Veſſes not above the value of 40s. &c. ſhall not be forfeited, 14 & 15 H. 8. c. 11. ſ. 5.

VI. Item, That the buyer of woolen cloths, denizen or alien, after the buying thereof, ſhall not draw, nor cauſe to be drawn in length, nor ſtrain, nor do to be ſtrained in breadth the ſame cloths, or any of them, by tentour or wrinch, or by any other mean, upon pain of forfeiture for every of the ſame cloths ſo to be drawn or ſtrained C. s. No ſtraining of cloth by tenter or wrinch. 5&6 Ed. 6. c. 6. 39 El. c. 20.

VII. Provided alway, That if ſuch buyer of woolen cloths, for proof cauſe the ſame to be wet, he may draw and ſtrain them for evening of them only, ſo that he exceed not one yard in length more than it ſhall be when it ſhall be full wet.

VIII. Item, That no manner perſon work, or put upon any woolen cloths, any flocks, or other deceivable thing, upon pain to forfeit for any cloth ſo wrought deceivably with flocks, or other deceivable thing xx s. No flocks ſhall be put in cloth.

IX. Item, That no manner perſon, buy or ſell any woolen cloths by other meaſure, more or leſs, than after the true content thereof to be meten and meaſured by the yard, adding to every yard one inch of the rule, upon pain to forfeit for every cloth The meaſure of cloth by yard and inch. 3&4 Ed. 6. c. 2.

cloth to the contrary meaſured, C. s. (2) the one moiety of all the ſaid forfeitures to be to our ſovereign lord the King; and to every perſon which ſhall ſue by writ, bill, or other plaint of debt in that behalf againſt the perſon doing to the contrary of any of the ſaid ordinances, the other moiety; and that the defendant in any plea, upon any ſuch action, be not admitted to wage his law, nor any protection nor eſſoin for any ſuch defendant be allowed in the ſame.

Certain cloths to which this act does not extend.

X. Provided alway, That this act extend not to woolen cloths called *Kendals*, nor cloths called *Carpenal-whites*, commonly made for lining for hoſen, nor to any cloths called *Toſtokes*, made in the county of *Devon*, (2) nor to any woolen cloths made in the county of *Cornwall*, nor for any cottons or plain lining, or frieſe made or to be made in *Wales*, *Lancaſhire*, and *Cheſhire*, or any of them.

CAP. X.

An act for commiſſion of ſewers.

Commiſſions of ſewers may be granted according to the ſtatutes, 6 H. 6. c. 5. & 4 H. 7. c. 1.

WHERE *in the parliament of the right noble Prince* Henry *the Sixth, late King of* England, *holden at* Weſtminſter, *the firſt year of his reign, one good ſtatute was made and ordained, 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 divers parties of this realm, where need were, after the form and tenor of a commiſſion in the ſaid act ſpecified; which act and other acts for the authority of ſuch commiſſioners, and executions of the ſame, have ſince been made and ordained and continued, as been more plainly rehearſed in the parliament holden in the fourth year of the reign of King* Henry *late King of* England, *the Seventh; and in the ſame parliament the ſaid fourth year it was (among other) enacted and eſtabliſhed, That for fifteen years then 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 parties of this realm, and of the marches of* Calais, Guines, *and* Hammes, *where need ſhall be, made according to the ſaid commiſſion contained in the ſaid ſixth year of King* Henry *the Sixth; and that all ſuch commiſſioners ſhould have full power, to make, ordain, and execute ordinances, and all other things do according to the purport of the ſame commiſſion, which fifteen years compriſed in the ſaid act aforeſaid, been now determined*; pleaſeth it therefore the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, to ordain, eſtabliſh, and enact, That the ſaid acts, and all other acts, and authorities heretofore made concerning commiſſioners of ſewers, and their commiſſions and authority, not being before this time repealed, abide, and ſtand from henceforth good and effectual to endure for ever: and alſo that the chancellor of *England* for the time being, ſhall have from henceforth full power and authority for ever, to grant commiſſioners of ſewers into every part of this realm, and the ſaid marches, where need is or ſhall be, to certain perſons by the ſaid chancellor for the time being to be named,

named, according to the form and effect of the ſaid commiſſion and act expreſſed in the ſaid parliament holden the ſaid ſixth year of the reign of King *Henry* the Sixth: and over that be it ordained, enacted, and eſtabliſhed by the ſaid authority, That all ſuch commiſſioners have, and ſhall have full power and authority to put their commiſſion in due execution, and to make and execute ſtatutes and ordinances, and all other things to do after the effect and purport of their commiſſion; and that all commiſſions of ſewers granted or made ſince the ſaid twenty years determined, and the acts, ordinances, and all executions, and other things by the commiſſioners of the ſame, concerning the ſaid commiſſions, or any two of the ſame commiſſioners, and every thing in the ſame compriſed, be and ſhall be, effectual and of like ſtrength, as if the ſaid commiſſion had been made or granted within the ſaid five and twenty years, immediately after the ſaid parliament holden the ſaid fourth year of the reign of King *Henry* the Seventh.

II. And alſo be it enacted by the ſaid authority, That the chancellor of *England* for the time being, ſhall make no commiſſion to any perſon or perſons for the execution of this act, except he have lands and tenements of eſtate of freehold, to the yearly value of twenty pounds at the leaſt, or elſe be juſtice of *Quorum* learned, within any of the ſhires where he ſhall be made commiſſioner.

III. And if any ſuch commiſſion be directed to any perſon or perſons, not having lands and tenements to the yearly value of twenty pounds, or not being one of the juſtices of *Quorum* learned as aforeſaid, That every ſuch commiſſion, and all preſentments and accuſations, had and preſented before any ſuch commiſſioners, and alſo all and every fines ſet by the ſaid commiſſioner or commiſſioners, to be utterly void and of none effect. This act to endure but for ten years, and from the end of the ſame ten years, unto the next parliament.

This act ſeems to be revived by 23 H. 8. c. 5.

CAP. XI.

The ſtatute of 1 *R.* 3. *c.* 11. touching bringing in of bow-ſtaves, ſhall be extended to ſtrangers only, and not to the King's ſubjects. *To endure to the next parliament.*

CAP. XII.

None ſhall carry beyond the ſea any *Norfolk* wool meet for the making of worſteds or ſtamins, upon pain of forfeiture of forty ſhillings for every ſtone. *To endure to the next parliament.*

CAP. XIII.

Whoſoever ſhall ſhoot in, or keep in his houſe, any hand-gun, or croſs-bow, without the King's licence, ſhall forfeit the ſame, and ten pounds for every ſhoot, unleſs he hath to the yearly value of three hundred marks. All former ſtatutes touching ſhooting in croſs-bows and hand-guns repealed, by 33 *H.* 8. *c.* 6.

14 H. 8. c. 7. 25 H. 8. c. 17.

CAP.

CAP. XIV.

The ſtatute of 12 *Ed.* 4. *c.*3. for the payment of tonnage and poundage ſhall ſtand good during the King's life.

CAP. XV.

An act adnulling ſecond letters patents during the King's pleaſure, making no mention of the firſt letters patents.

THE *King's Highneſs of his goodneſs calling to his remembrance, that where his Grace hath granted to divers of his ſervants (for their ſervice to his Grace done) lands, tenements, fees, offices, and other things, to have to them during his pleaſure*; (2) *and after other perſons, by their ſundry ſuits, have obtained of his Highneſs other letters patents of the ſame, not advertiſing his Grace of his former grants, whereby the ſaid former patentees have been avoided, and put from the advantage of their ſaid former grants and patents, contrary to the intent and grant of our ſaid ſovereign lord:* (3) Wherefore be it ordained, eſtabliſhed, and enacted by our ſaid ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That if any perſon or perſons from henceforth do make ſuit to the King's Highneſs for any lands, tenements, offices, or any other things ſo by his Grace granted, or hereafter to be granted to any perſon or perſons during his pleaſure, the ſaid firſt patentee then being in life, that he do expreſs in his ſaid bill of petition or patent the tenor of the ſaid former patent, and that the King then hath determined his pleaſure againſt the ſaid firſt patentee; (4) or elſe the ſecond letters patents of any of the premiſſes to any perſon hereafter to be granted, to be void and of none effect.

1 Leon. 321. 3 Leon. 242, 247.

Second letters patents making no mention of the firſt, adnulled.

What ſhall be expreſſed in the King's letters patents of lands, offices, &c. before granted to ſome other.

II. This act to commence and take effect from the fourth day of *April* next coming, and not before.

CAP. XVI.

An act that no knights of ſhires nor burgeſſes depart before the end of the parliament.

FORASMUCH *as commonly in the end of every parliament divers and many great and weighty matters, as well touching the pleaſure, weal, and ſurety of our ſovereign lord the King, as the common weal of his this realm and ſubjects, are to be treated, communed of, and by authority of parliament to be concluded*; (2) *ſo it is, that divers knights of ſhires, citizens for cities, burgeſſes for boroughs, and barons of the cinque ports, long time before the end of the ſaid parliament, of their own authorities, depart, and go home into their countries, whereby the ſaid great and weighty matters are many times greatly delayed:* (3) In conſideration whereof be it enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That from henceforth none of the ſaid knights, citizens, burgeſſes, and barons, nor any of them that hereafter ſhall be elected to come or be in any parliament, do not

Knights nor burgeſſes of of the parliament may not

not depart from the ſaid parliament, nor abſent himſelf from the ſame, till the ſaid parliament be fully finiſhed, ended, or prorogued, except he or they ſo departing have licence of the ſpeaker and commons in the ſaid parliament aſſembled, and the ſame licence be entered of record in the book of the clerk of the parliament, appointed or to be appointed for the commons houſe, upon pain to every of them ſo departing or abſenting themſelves in any other manner, to loſe all thoſe ſums of money which he or they ſhould or ought to have had for his or their wages; (4) and that all the counties, cities, and boroughs whereof any ſuch perſon ſhall be elected, and the inhabitants of the ſame, ſhall be clearly diſcharged of all the ſaid wages againſt the ſaid perſon and perſons, and their executors for evermore.

depart befor the end thereof.

CAP. XVII.

The river of *Canterbury* ſhall be deepned and enhanced, ſo that lighters, &c. may paſs upon it. P R.

CAP. XVIII.

The under-ſheriff, and all other officers of ſheriffs, may continue and occupy their offices within the county of the town of *Briſtol*, from year to year, in ſuch ſort as the like do in *London*, without any forfeiture, notwithſtanding the ſtatutes of 42 *Ed.* 3. *c.*9. & 23 *H.* 6. *c.*8. P R.

Statutes made at *Weſtminſter*, *Anno* 7 HEN. VIII. and *Anno Dom.* 1515.

THE *King our ſovereign lord* Henry *the Eighth after the conqueſt, by the Grace of God, King of* England, *and of* France, *and lord of* Ireland, *at his parliament holden at* Weſtminſter *the twelfth day of* November, *in the ſeventh year of his moſt noble reign, to the honour of God, and of holy church, and for the common weal and profit of this his realm, by the aſſent of the lords ſpiritual and temporal, and commons, in this preſent parliament aſſembled, and by authority of the ſame, hath done to be ordained, made, and enacted, certain ſtatutes and ordinances, in manner and form following.*

CAP I.

If any perſon ſhall decay a town, a hamlet, or houſe of huſbandry, or convert tillage into paſture, the immediate lord of the fee ſhall have the moiety of the offender's land, until the offence be reformed. 25 H. 8. c.13. 5 Eliz. c.2. Rep. 39 El. c.1, & 21 Jac. 1. c.28.

CAP. II.

A repeal of all licences granted contrary to the ſtatute of 4 *H.* 7. *c.*10. to bring into this realm *Gaſcoigne* wines, or *Thouloufe* woad, but in *Engliſh* ſhips. 1 El. c.13.

CAP.

CAP. III.

Rep. 31 El. c. 5. Bro. action popular, 6. Savil, 6.

Within what time all actions, ſuits, bills, indictments, or informations popular ſhall be ſued, either for the King, or for the party.

CAP. IV.

An act concerning avowries for rents and ſervices.

How rents and ſervices may be recovered by avowry.

WHEREAS *divers as well noblemen as other the King's ſubjects, have ſuffered recoveries againſt them of divers their manors, lordſhips, lands, and tenements, for the performance of their wills, or for the ſurety of their wives jointures, or for the jointure of their ſons and heirs apparent, and their wives, or of any other perſon or perſons, according to their covenants and agreements,* (2) *and thoſe perſons that ſo have recovered the ſaid manors by the courſe of the common law, had no remedy, nor may have, to compel the fermors, freeholders, and tenants, which held of the ſame manors by rents, ſervices, or cuſtoms, to atturn to them*; (3) *nor could by the order of the law attain to the ſaid rents, ſervices, or cuſtoms (if they were denied) by diſtreſs or action, without they could once attain to the poſſeſſion of the ſame rents, ſervices, and cuſtoms, by paying or doing the ſaid rents, ſervices, or cuſtoms, by the ſame freeholders, fermors, and tenants*; (4) *which to do, divers and many of them have oftentimes refuſed, and yet do, to the great offence and charge of their conſcience, not only to the diſheritance of the ſaid recoverers, but alſo in breaking of the laſt wills of them againſt whom ſuch recovery is had, and alſo to the diſheritance of the ſaid huſband and wife, or other, to whoſe uſe the ſame recovery was ſo had.* (5) *Alſo if there were any advowſon appendant to any of the ſaid manors, the ſame advowſon had fallen void, and a ſtranger had preſented, the ſaid recoverers, nor they to whoſe uſe the ſame recoveries were had, had no remedy for the ſame diſturbance, and ſometime thereby they have been diſinherited.*

Recoverers have no remedy by the common law to recover their rents or preſentations. Dyer, 31. Bro. Meſne, 24. Vaughan, 48.

The recoverer may diſtrain for the rents and ſervices of the tenant, fermor, &c. and ſhall have a *Quare impedit.*

II. Be it therefore enacted by this preſent parliament, and by authority of the ſame, That the recoverers in all ſuch recoveries, their heirs and aſſigns, may from henceforth diſtrain for the foreſaid rents, ſervices, and cuſtoms, ſo being due and unpaid, and make avowry, or juſtify the ſame, as thoſe perſons, againſt whom the ſaid recovery is, ſhould have done if the ſaid recovery had not been had; (2) and alſo have like remedy for the recovering of the ſaid rents, ſervices, and cuſtoms by avowry; (3) and alſo a *Quare impedit* for the ſaid advowſon, if any diſturbance be made: as thoſe perſons, againſt whom the ſaid recoveries were had, might or ſhould have had by the courſe of the common law afore the ſaid recovery, if any ſuch rents, ſervices, or cuſtoms had been denied them, or any ſuch diſturbance had been had in their times.

The avowant in *Replegiari* ſhall recover his damages and coſts of ſuit. 2 Cro. 520.

III. And alſo that every avowant, and every other perſon or perſons that make avowry, coniſance, or knowledge, or juſtify, as baily to any other perſon or perſons in any *Replegiari*, or ſecond deliverance for any rent, cuſtom, or ſervice, if their avowry, coniſance, or juſtification be found for them, or the plaintiffs in the ſaid actions otherwiſe barred, ſhall recover their damages and

and coſts that they have ſuſtained, as the plaintiff ſhould have done, if they had recovered in the ſaid replevins. 19 H. 8. c. 11. Bro. damages, 8. 2 Roll, 140. 21 H. 8. c. 19.

CAP. V.

Certain labourers working in *London* may take ſuch wages as they did take before the ſtatute of 6 *H.* 8. *c.* 3. Rep. 5 El. c. 4.

CAP. VI.

A repeal of the ſtatute made *Anno* 6 *H.* 8. *c.* 1. and of all other ſtatutes made for apparel before it. What kind of apparel temporal men of all degrees and eſtates are allowed, and what prohibited, to wear, and upon what penalties, and who ſhall have the forfeiture, and by what means they ſhall be recovered. Rep. 24 H. 8. c. 13. & 1 Jac. 1. c. 25.

Statutes made at *Weſtminſter*, *Anno* 14 and 15 HEN. VIII. and *Anno Dom.* 1522-3.

THE *King our ſovereign lord* Henry *the Eighth after the conqueſt, by the Grace of God King of* England, *and of* France, *and lord of* Ireland, *at his parliament holden at* London *the fifteenth day of* April, *in the fourteenth year of his moſt noble reign, and from thence adjourned to* Weſtminſter *the laſt day of* July, *the fifteenth year of his ſaid reign, and there holden, to the honour of God and holy church, and for the weal and profit of this his realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath done to be ordained, made and enacted, certain ſtatutes and ordinances, in manner and form following.*

CAP. I.

No perſon ſhall ſell to a merchant ſtranger any broad white woolen cloth made in *England*, unleſs he cannot ſell it to ſome *Engliſh* merchant within eight days after he brought it to *Blackwell-hall*, except the ſale be in fairs, ports, or creeks. *To endure to the laſt day of the next parliament.*

CAP. II.

What apprentices ſtrange artificers ſhall take, &c.

BE it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no manner of ſtranger, born out of the King's obeiſance, be he denizen or not denizen, uſing any manner of handicraft within this realm, ſhall take from henceforth any apprentice, except the ſame apprentice be born under the King's obeiſance, (2) upon pain to forfeit for every apprentice that he ſhall take contrary to this act, x. li. the one half thereof to be to our ſovereign lord the King, the other half to him or them that ſhall ſue for it, be it by action of debt, bill, plaint, information, or otherwiſe; (3) in which ſuit the defendant ſhall not be admitted to wage his law, ne any eſſoin, licence, or protection to be allowed.

No ſtranger ſhall take an apprentice, but one which was born under the King's obeiſance.

Made perpetual by 21 H. 8. c. 16. ſ. 8. and explained by 22 H. 8. c. 13.

No alien ſhall keep above two journeymen, except they be born under the King's obeiſance. 5 El. c.4.

II. Be it alſo enacted by the authority aforeſaid, and under like pain to be forfeited and recovered as is aforeſaid, That no ſtranger, being alien born, and uſing any manner of handicraft within this realm, from the Feaſt of *All Saints* next enſuing, ſhall in any manner of wiſe, uſe, take, retain, or keep in his or their ſervices, any manner of journeyman or covenant-ſervant, above the number of two at one time, except the ſame journeyman or covenant ſervant be born under the King's obeiſance.

All ſtrangers dwelling within two miles of London, ſhall be under the reformation of the wardens of handicrafts within the city.

III. And over this, be it enacted by authority aforeſaid, That all manner of perſons, being aliens born, uſing any manner of handicraft, be they denizens or not denizens, and inhabiting within the city of *London*, or ſuburbs of the ſame, within the town of *Weſtminſter*, the pariſh of St. *Martin's in the fields*, the pariſh of *Our Lady of the ſtrand*, St. *Clement* of *Danes* without *Temple-bar*, St. *Giles in the fields*, St. *Andrew's* in *Holbourn*, the town and borough of *Southwark*, *Shoreditch*, *White-Chapel* pariſh, St. *John-ſtreet*, the pariſh of *Clerkenwell*, St. *Botolph's* pariſh without *Aldgate*, St. *Katharine's*, *Bermonſey-ſtreet*, or within two miles compaſs of the ſaid city of *London* or the pariſhes aforeſaid, ſhall be under the ſearch and reformation of the wardens and fellowſhips of handicrafts within the ſaid city of *London*, with one ſubſtantial ſtranger, being an houſholder of the ſame craft, by the ſame wardens to be choſen, that is to ſay, every ſuch ſtranger occupying any myſtery or handicraft, as is aforeſaid, ſhall be under the ſearch and reformation of the wardens, and one ſubſtantial ſtranger, being an houſholder, of that craft that they ſhall ſo occupy.

The wardens, &c. ſhall aſſign a proper mark for ſtrangers wares.

IV. And that the wardens of the ſaid city of every ſuch handicraft, with one ſtranger or houſholder (as is aforeſaid) of the ſame craft, have full power and authority, by this preſent act, to limit and appoint to every ſtranger of the myſtery and handicraft that they be of, inhabiting within the ſaid city, ſuburbs, places, or precinct above remembered, a proper mark, without taking any thing therefore, by the which their wares, veſſels, and workmanſhips that they make may be known.

Reformation of ſtrangers wares and workmanſhip.

V. And that the wardens of every ſuch handicraft and myſtery aforeſaid, calling to them one ſtranger of the myſtery and occupation that they be of, being an houſholder, ſhall have full power and authority to ſearch, view, and reform, as well within the ſaid city of *London*, as in all other places and limits before ſaid, all manner of wares of workmanſhips made by any manner of ſuch handicraftmen, being aliens born, as is aforeſaid.

Smiths, joiners, coopers, which beſtrangers muſt mark their wares.

VI. And that no ſtranger born out of the King's obeiſance, uſing any of the myſteries or occupations of ſmiths, joiners, or coopers, ſhall make any manner of wares or veſſels concerning the ſame myſteries or occupations, except that they and every of them put ſuch marks to every of the ſame wares and veſſels, before they ſhall be put to ſale or uſe, as the wardens of their occupations, crafts, or myſteries ſhall limit and appoint, without taking any thing therefore, (2) upon pain of forfeiture of the double value of the ſame wares and veſſels; the one half of which

which forfeiture to be to the King our ſovereign lord, the other half to the party that firſt will ſue for the ſame by action of debt, bill, plaint, or information, in which the defendant ſhall not wage his law, nor any eſſoin ſhall be caſt, or protection allowed.

The forfeiture of wares deceitfully made by an alien.

VII. And further, it is enacted by the authority aforeſaid, That if upon any ſuch ſearch or view to be made by the wardens and one ſtranger of any craft or myſtery beforeſaid, after the form of this eſtatute, in veſſels or wares to be found in the poſſeſſion of the workers or owners thereof, putting the ſame veſſels or wares to workmanſhip of any ſtranger falſly and deceitfully made, to the hurt of the King's liege people, and ſo adjudged by the ſaid wardens and one ſtranger, that then ſuch worker or owner, in whoſe poſſeſſion the ſame falſe and deceitful wares ſhall be found, ſhall forfeit the ſame wares; (2) the one half thereof to the King our ſovereign lord, and the other half thereof to the firſt finder thereof ſuing for the ſame in any of the King's courts by action of detinue, in which action the defendant nor defendants ſhall not be admitted to wage their law, nor protection ne eſſoin be to them herein allowable.

Wardens, bailiffs, &c. of towns corporate may ſearch and reform ſtrangers.

VIII. Be it alſo enacted by the authority aforeſaid, That all wardens and maſters of fellowſhips of all and every ſuch handicrafts within any ſuch city, borough, or town corporate within this realm, where any ſuch wardens happen to be, and in ſuch boroughs and towns corporate where no wardens of handicrafts are, the bailiffs, or the governor or governors of the ſame boroughs or towns ſo lacking wardens, ſhall have like power and authority with the bailiff or bailiffs of the liberties with them, where any ſuch liberty ſhall be, being content ſo to do, to view, ſearch, and reform ſtrangers born out of the King's obeiſance, inhabiting and uſing within any ſuch city, borough, or town corporate, any manner of handicraft, in as large and ample manner, as the ſaid wardens and fellowſhips of the ſaid city of *London* may do, by virtue of this preſent act; (2) and that all ſtrangers uſing any of the ſaid handicrafts in any of the ſaid cities, boroughs, or towns corporate, be bounden to do and obey in every thing, according to the tenor of this preſent act, upon like pains and forfeitures as is above remembered, to be had and recovered in form above rehearſed.

Remedy for ſtrangers who are injured by wardens, &c.

IX. Provided alway, That if the wardens of any fellowſhip or myſtery beforeſaid, bailiffs, governor or governors beforeſaid, wrongfully will intreat any ſtranger in executing of this act, or any thing therein contained, that then the ſtranger ſo grieved may, by authority of this act, by bill or information, complain to the lord chancellor and treaſurer of *England*, or the juſtices of aſſiſe in the county for the time being, which, by their examinations, ſhall have full power and authority to hear and determine the ſame complaint, and to award to the party complainant ſuch amends, as by their diſcretion ſhall be thought reaſonable.

X. Provided alſo, That it ſhall be lawful for and to every the ſaid ſtrangers born out of the King's obeiſance, being a

houſholder, to have and retain as well all and every ſuch ſtrangers born out of the King's obeiſance, being the time of this parliament with him retained as a journeyman, as to have and retain every ſuch ſtranger being born out of the King's obeiſance, being apprentice with him the time of this parliament, this act notwithſtanding. (2) This to endure to the laſt day of the next parliament.

Strangers dwelling in *Oxford*, *Cambridge*, St. *Martin's*.

XI. Provided alſo, That this act extend not to the inhabitants, ſtrangers that now be, or hereafter ſhall be, in the univerſities of *Oxford* or *Cambridge*, or within the ſanctuary of St. *Martin's le Grand*, within the ſaid city of *London*.

The wardens refuſing to mark the wares.

XII. Provided always, That if the ſaid wardens of the ſaid city of *London*, with a ſtranger, or governor or governors of any city or borough corporate within this realm, refuſe to mark the wares of any ſtranger, after that they be required ſo to mark; that then it ſhall be lawful to the ſame ſtranger or ſtrangers, to whom ſuch refuſal ſhall be ſo made, to ſell and put to ſale his ſaid wares ſo required to be marked, and refuſed, this act notwithſtanding.

To what crafts this ſtatute doth not extend.

XIII. Provided alſo, That this act extend not to any other handicrafts, than to the crafts of joyners, pouchmakers, coopers, and blackſmiths, for or concerning the foreſaid articles of marking of wares of the ſaid ſtrangers.

Who may retain aliens.
21 H. 8. c. 16.
22 H. 8. c. 13.
32 H. 8. c. 16.

XIV. Alſo that it ſhall be lawful to any lord of the parliament, and every other of the King's ſubjects, having lands and tenements to the yearly value of one hundred pounds, to take and retain ſtrangers, joyners, and glaſiers, in their ſervice, from time to time, to and for the exerciſing with them their crafts, this act notwithſtanding.

CAP. III.

Touching worſted-weavers of Yarmouth *and Lynn.*

Confirmed 26 Hen. 8. c. 16.

BECAUSE *it is diſcreetly conſidered in this preſent parliament, that the true making and draping of worſteds, ſayes, and ſtamins, is one of the moſt profitable occupations of this realm, and that the ſame worſteds, ſayes, and ſtamins, truly and ſubſtantially made and wrought, been right acceptable, and commodious merchandiſes, as well in this realm of* England, *as in other foreign regions and countries*; (2) *for eſtabliſhment and good order whereof, divers good and laudable ſtatutes, acts, and ordinances heretofore have been made and enacted*; *and namely, in a parliament holden at* Weſtminſter *the third day of* June, *in the ſeventh year of the reign of the late King of famous memory,* Edward *the Fourth*; (3) *ſithen which parliament the making of the ſaid worſteds, ſayes, and ſtamins, hath much increaſed and been multiplied in the city of* Norwich, *and in divers towns and places in the county of* Norfolk; (4) *and becauſe the towns of* Great Yarmouth, *and* Lynn, *in the ſaid county, been towns corporated, and the inhabitants of the ſame towns now daily practiſe and uſe the making and draping of the ſaid cloths of worſteds, ſayes, and ſtamins, more buſily and diligently than they have done in times paſt, to whom it is painful and coſtly to tranſport and convey their ſaid cloths to the*

7 Ed. 4. c. 1.

ſaid

ſaid city of Norwich, *or to places within the ſaid county of* Norfolk *which been far diſtant from either of the ſaid towns, to be ſearched and ſealed by the wardens of the worſted-weavers of the ſame city of* Norwich, *or county, according to the ſaid act of parliament made the ſaid ſeventh year of King* Edward *the Fourth:* (5) It is therefore ordained, eſtabliſhed, and enacted by the King our ſovereign lord, and by the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That the craftſmen called worſted-weavers inhabited in the ſaid town of *Great Yarmouth*, ſhall have power and authority by this preſent act, from henceforth to elect, and and chooſe yearly for ever, in the *Monday* next after the Feaſt of *Pentecoſt*, one honeſt man of the ſame myſtery and occupation, being an houſholder within the ſaid town of *Great Yarmouth*, and having of his proper goods and chattels to the value of ten pounds at the leaſt, or lands and tenements to his own uſe of eſtate of freehold, at leaſt to the clear yearly value of xx. s. to be warden of the ſame craft and myſtery for the year next enſuing, (6) which man ſo elected and choſen, ſhall perſonally appear before the mayor of the ſaid city of *Norwich* for the time being, the *Monday* next after the Feaſt of *Corpus Chriſti* then next enſuing, then and there to be ſworn and charged by like oath, concerning the true and ſubſtantial making of the ſaid cloths within the ſaid town of *Great Yarmouth*, as the four wardens of the ſaid city of *Norwich*, by virtue of the ſaid act of parliament made in the ſaid ſeventh year of King *Edward* the Fourth, been charged and ſworn for the ſame city of *Norwich*; (7) and if the ſaid mayor happen to be abſent the ſaid *Monday* after *Corpus Chriſti*, or elſe then refuſeth to receive or take the ſaid oath; then the ſaid warden ſo elect, within four days next after the ſame *Monday*, ſhall come before the bailiffs of the ſaid town of *Great Yarmouth* for the time being, or before one of them, the other being abſent, and then and there receive a corporal oath for the true exerciſing of the ſame office of wardenſhip, after the tenor of the oath accuſtomably uſed to be given to the ſaid wardens of the ſaid city of *Norwich*.

Election of a warden of worſted-weavers in *Great Yarmouth* in *Norfolk*.

The warden of *Yarmouth's* oath.

II. And that the ſaid warden of the ſaid town of *Great Yarmouth* for the time being, ſo elected and ſworn, may ordain and appoint a ſeal with this letter Y. to be engraved in the ſame ſeal, and may have full power and authority to view, ſearch, ſeiſe, and ſeal in lead with the ſame ſale ſo to be appointed and engraven, and none other, all worſteds, ſayes, and ſtamins within the ſaid town of *Yarmouth*, and ſuburbs of the ſame, made, or to be made, and not elſewhere, in as large and ample manner as the ſaid wardens of the ſaid city of *Norwich*, and wardens of the ſaid county of *Norfolk*, or any of them, hath or have within the ſaid city or county, or in any wiſe may do in that behalf, by authority or virtue of the before remembered act, made in the ſaid ſeventh year of King *Edward* the Fourth, any thing in the ſame act contained to the contrary notwithſtanding.

The warden of *Yarmouth's* authority.

III. And that no perſon inhabiting within the ſaid town of

Every perſon

ſhall mark his worſteds, ſayes, &c. with his ſeveral mark.

Great Yarmouth, or ſuburbs thereof, weave any worſteds, ſayes, or ſtamins within the ſame town, except he be an *Engliſhman* born, and have been apprentice to the ſaid occupation, and without he weave therein ſuch proper mark as ſhall be limited and appointed by the ſaid warden of the ſaid town for the time being, elect, and ſworn as is aforeſaid, upon pain of forfeiture thereof to the King our ſovereign lord; (2) and that every warden of the ſaid town ſhall limit diſtinct and ſeveral marks to every of the ſaid worſted-weavers of the ſame town of *Great Yarmouth*, and the ſame marks by the ſaid warden to be regiſtered in a book.

Election of a warden of worſted-weavers in *Lynn* in *Norfolk*.

IV. And alſo be it enacted by the authority aforeſaid, That if, and whenſoever hereafter the ſaid town of *Lynn* ſhall be inhabited with ten ſundry houſholders, or more number of houſholders exerciſing and uſing the ſaid craft or myſtery of worſted-weavers, then, and from thenceforth, that is to ſay, as long as the ſame town of *Lynn* ſhall be inhabited with the number of ten ſuch houſholders at the leaſt, it ſhall be lawful to the ſame inhabitants of the ſaid town of *Lynn* yearly, on the *Monday* next after the Feaſt of *Pentecoſt*, to elect and chooſe of themſelves one warden of the ſaid craft and myſtery of worſted-weavers, to be of the value in lands and goods as is aforeſaid of the warden of *Yarmouth*; (2) which warden, ſo elect, ſhall yearly be ſworn and charged at the ſaid city of *Norwich*, in like manner, and at like day, as is before limited to the wardens of *Yarmouth*; or in default of the ſaid mayor of *Norwich*, then the ſaid warden ſo to be elect for the ſaid town of *Lynn*, to take a corporal oath before the mayor of the ſaid town of *Lynn*, within ſuch time, and after ſuch form, as is before limited unto the warden of *Yarmouth*; (3) and that the ſaid warden of the ſaid town of *Lynn* for the time being, ſo elect and ſworn, by himſelf may ordain and appoint a ſeal with this letter L. to be graven in the ſame ſeal, and may have full power and authority to view, ſearch, ſeiſe, and ſeal in lead with the ſame ſeal ſo to be engraven, and with none other, all worſteds, ſayes, and ſtamins within the ſaid town of *Lynn*, and ſuburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner as the ſaid warden of the ſaid city of *Norwich*, and wardens of the ſaid county of *Norfolk*, or any of them hath or have within the ſaid city or county, or otherwiſe may do by authority or virtue of the before remembered act made in the ſaid ſeventh year of King *Edward* the Fourth; any thing contained in the ſame act to the contrary notwithſtanding.

The warden of *Lynn*'s ſeal and authority.

Every worſted-maker to be an Engliſhman born, and to have his own mark.

V. And that no perſon inhabited within the ſaid town of *Lynn*, or ſuburbs thereof, make any worſteds, ſayes, or ſtamains within the ſame town, except he be an *Engliſhman* born, and have been apprentice to the ſame occupation, and without he weave therein ſuch proper mark as ſhall be limited and appointed by the ſaid warden of the ſame town of *Lynn* for the time being, upon pain and forfeiture thereof to the King our ſovereign lord; (2) and that every warden of the ſaid town ſhall limit

limit diſtinct and ſeveral marks to every of the ſaid worſted-weavers of the ſame town, and the ſame marks by the ſaid warden to be regiſtered in a book.

A warden of Norwich or Norfolk ſhall come to Lynn when there is no warden there.

VI. And be it further enacted by the authority aforeſaid, That from the Feaſt of St. *Michael* the Archangel next coming, unto ſuch time as the ſaid town of *Lynn* ſhall be inhabited with the ſaid number of ten houſholders of the ſaid craft of worſted-weavers, and always after, when that number of ten houſholders ſhall happen to fail, and not be inhabited in the ſaid town of *Lynn*, the ſaid wardens of the ſaid city of *Norwich*, and their ſucceſſors, ſhall procure and cauſe one of themſelves, or one of the wardens of the ſaid craft of the ſaid county of *Norfolk*, perſonally to come and be every twenty eighth day from and after the ſaid Feaſt of St. *Michael* the Archangel, in and to the ſaid town of *Lynn*, or within ſix days next after every ſuch twenty eighth day, and there to continue and abide by ſo long time as he may ſearch and ſeal all ſuch worſteds, ſayes, and ſtamins made in the ſame town of *Lynn*, as then ſhall be brought to him to be ſealed within the ſpace of one whole day; (2) and the ſaid inhabitants of worſted-weavers, of the ſame town of *Lynn* being, ſhall content and pay to the ſaid warden of *Norwich* or *Norfolk*, which ſhall ſo come to *Lynn*, in the ſaid twenty eighth day, or within ſix days next after the ſaid twenty eighth day, for his coſts and expences, for every time that he ſhall ſo come to *Lynn*, between the Feaſt of St. *Michael* the Archangel, and the *Annunciation* of our Lady St. *Mary*, iii. s. and for every time that he ſhall ſo come to the ſaid town of *Lynn*, between the Feaſt of the *Annunciation* of our Lady, and the Feaſt of St. *Michael* the Archangel, ii. s. (3) and if the ſaid inhabitants of worſted-weavers of the ſaid town of *Lynn* do not content and pay to the ſaid warden coming to *Lynn* in form aforeſaid, for his ſaid coſts and charges the ſaid iii. s. or ii. s. as is above limited, then the ſame inhabitants ſhall forfeit and pay to the ſaid warden, or to his executors, for every ſuch default of payment, xl. s. (4) and if none of the ſaid wardens of *Norwich*, and *Norfolk*, come to the ſaid town of *Lynn*, for the cauſe aforeſaid, in manner and form above remembered, then the ſaid wardens of the ſaid city of *Norwich* ſhall forfeit and pay to the ſaid inhabitants of *Lynn*, of the ſaid myſtery of worſted-weavers, for every ſuch default xl. s. (5) for recompence of which penalties and forfeits, the ſaid wardens of *Norwich* or *Norfolk*, being thereunto intituled by this preſent act, by his proper name, with this addition, that is to ſay, *Unus Gardianorum*, or *nuper unus Gardianorum artis ſive myſterii textorum panni lanei vocati worſtedes in civitate Norwici vel comitat. Norfolk*, as the troth requireth, ſhall and may have action of debt by writ, bill, or plaint, in any competent or lawful court of this realm, againſt the ſaid inhabitants of *Lynn*, of the ſaid myſtery, for the time being, by their ſundry proper names; (6) and the ſaid inhabitants, by their ſaid names, with this addition, *Textores panni lanei voc. worſtedes, inhabitantes villæ de Lynn*, ſhall and may have like actions of debt againſt the ſaid

The warden's allowance by the day for his charges in coming to Lynn.

By what names the parties grieved ſhall bring their actions.

wardens of *Norwich*, by the name of *Gardiani artis ſive myſterii textorum pannorum laneorum voc. worſtedes infra civitatem Norwic. vel com. Norfol.* to be uſed in good congruities of *Latin*, and form of the laws of this realm; (7) in which actions, or any of them, none eſſoin, protection, or wager of the law ſhall be ſuffered or allowed. (8) And that the particular bodies, or goods of any of the ſaid wardens or inhabitants being condemned in any of the ſaid actions, ſhall and may be put in execution, after ſuch manner and form as is uſed in actions of debt by courſe of the common law of this realm.

The particular bodies or goods of the wardens or inhabitants put in execution.

Cloths to be marked by the wardens of Lynn and Yarmouth.

VII. And moreover, be it enacted by the authority aforeſaid, That all cloths of worſteds, ſayes, and ſtamins, made or to be made within any of the ſaid towns of *Lynn*, and *Great Yarmouth*, or ſuburbs of the ſame, or any of them, and marked with ſuch marks as ſhall be limited to the makers by the ſaid wardens of the ſaid town, in manner and form aboveſaid, and weaved, and ſealed by any of the wardens of the ſaid town of *Lynn*, and *Yarmouth*, in form above remembered, by force and virtue of this preſent act, may be lawfully put to ſale by the owners and makers of the ſame, without any other marking or ſealing upon the ſaid cloths, or upon any of them to be had or made by any other wardens, dwelling or abiding without the ſaid towns, and without any arreſt, ſeiſure, or forfeiture to be had or made of or upon any of the ſaid cloths, for lack of any other ſeals or marks; any thing contained in the ſaid former act made in the ſaid ſeventh year of King *Edward* the Fourth to the contrary notwithſtanding.

What apprentices worited-weavers in Lynn and Great Yarmouth may take.

26 H. 8. c. 16.
5 El. c. 4.

VIII. And over this, be it enacted by the authority aforeſaid, That every craftſman of the ſaid myſtery and occupation of worſted-making, dwelling within any of the ſaid towns of *Lynn* and *Great Yarmouth*, and ſuburbs of the ſame, at their own free-wills and liberties from henceforth for ever, may have and take apprentice or apprentices (being male) of the age of fourteen years and upward, and being the King's natural ſubjects, for the term of ſeven years, and not under, ſo that none of them exceed the number of two at once, to learn, uſe, and exerciſe the ſaid craft within either of the ſaid towns of *Lynn* and *Great Yarmouth*, or ſuburbs of the ſame albeit the father of the ſame apprentices or apprentice may not expend in lands and tenements to the yearly value of xx. s. any act or ordinance to the contrary made or to be made notwithſtanding.

This ſtatute ſhall not be prejudicial to the mayor of Norwich, or the wardens there.

IX. Provided alway, That this preſent act, nor any thing therein contained, be not in any wiſe hurtful or prejudicial to the mayor of *Norwich*, or to his ſucceſſors, or to the wardens of the ſaid city and county, or to their ſucceſſors, in any point, article, power, or authority, other than for weaving, ſearching, and ſealing of worſteds, ſayes, and ſtamins, made or to be made only within the ſaid towns of *Lynn* and *Yarmouth*, or ſuburbs of the ſame, or to any of them; and for limiting of marks to the makers of worſted, ſayes, and ſtamins, only inhabited in either of the ſaid towns or ſuburbs thereof, and taking of apprentices in form above

above remembered; (2) but that the ſaid mayor of the ſaid city of *Norwich*, and wardens of the ſaid city and county, and every of them, may have and uſe all other points, articles, powers, and authorities contained and ſpecified in the above remembered act, made in the ſaid ſeventh year of King *Edward* the Fourth, as well for the ſearch, ſealing, correction, and reformation of the ſaid wardens newly to be elect by virtue of this preſent act, and every of them, according and after ſuch form as they may do or uſe, any of the ſaid wardens of the ſaid city or county by force of the ſaid act made in the ſaid ſeventh year of King *Edward* the Fourth, as all and every other inquiries, corrections, ſearches, ſeiſings, and reformations to be had, for the true making of worſteds, ſayes, and ſtamins, in and upon any perſon or perſons, as well within the ſaid towns of *Lynn* and *Yarmouth*, as without, without trouble, let, or vexation of any of the inhabitants of the ſaid towns, in as large and ample wiſe as they might have done before the making of this preſent act; any thing contained in the ſame preſent act to the contrary notwithſtanding. 7 Ed. 4. c. 1.

X. And alſo provided, and be it enacted by the authority aforeſaid, That the ſaid craftſmen of worſted-weavers inhabited, or hereafter to be inhabited, within either of the ſaid towns of *Lynn* and *Yarmouth*, or ſuburbs of the ſame, and the merchants, or any other perſon or perſons which ſhall happen to buy of the ſame craftſmen, or of any of them, or of any other perſon, any of the ſaid cloths of worſteds, ſtamins, or ſayes, made or to be made within either of the ſaid towns of *Lynn* and *Yarmouth*, and ſealed by the ſaid wardens of the ſame towns to be elect and ſworn as is aforeſaid, and any of them, ſhall not ſhear, dye, or put in colour, or calander any worſteds, ſtamins, or ſayes, made or to be made within either of the ſaid towns of *Lynn* and *Yarmouth*, or ſuburbs of the ſame, in any other place or places, but only within the ſaid city of *Norwich*, or ſuburbs of the ſame, upon pain of forfeiture of every piece of worſteds, ſayes, or ſtamins, to be made within any of the ſaid towns of *Lynn*, and *Yarmouth*, or ſuburbs of the ſame, or the value thereof, ſhorn, dyed, coloured, or calandred by any of the ſaid craftſmen, buyers, or merchants, in any other place or places than in the ſaid city of *Norwich*, or ſuburbs of the ſame; the one half thereof to be to the King our ſovereign lord, and the other half thereof to ſuch perſon or perſons as ſhall ſeiſe the ſame, (2) ſo that the ſaid worſteds brought to the ſaid city of *Norwich* to be ſhorn, dyed, coloured, and calandred, without covin or craft of any of the ſaid inhabitants and merchants, may be ſhorn, dyed, coloured, and calandred at and by as convenient price or prices, and in as ready wiſe, as the ſaid inhabitants of either of the ſaid towns of *Lynn* and *Yarmouth*, and merchants buyers of the ſaid worſteds, or other of the ſaid city and county hath had in times paſt, or hereafter ſhall have. None in Lynn or Yarmouth ſhall ſhear, calander, or dye, but in Norwich.

XI. And alſo that the ſame inhabitants and merchants, and every of them, ſo bringing their ſaid worſteds to the ſame city for No worſteds ſhall be carried beyond the

ſea before they be ſhorn, &c.

for to be ſhorn, dyed, coloured, and calandred, be reaſonably and lawfully intreated, according to the ſaid act made in the ſaid ſeventh year of King *Edward* the Fourth, and the ordinances made and affirmed, or hereafter to be made and affirmed, for the ſaid myſtery, without let or diſturbance, contrary to the ſame act or ordinances in that behalf.

By 6 Annæ. c.9. any white woolen cloth may be exported. 21 H. 8. c.21. Made perpetual by 26H.8. c.16.

XII. And be it enacted by the authority aforeſaid, That no perſon or perſons any time after convey or tranſport into any of the parts beyond the ſea, any manner of cloths of worſteds, before the ſame cloths be ſhorn, dyed, coloured, and calandred, upon pain of forfeiting the value thereof; the one half to the King our ſovereign lord, and the other half thereof to the party that will ſue therefore by action or plaint of debt in any of the King's courts; (2) in which action or ſuit no protection or eſſoin ſhall be allowed, nor the offender admitted to wage his law. (3) This act to endure to the next parliament.

CAP. IV.

What cuſtoms and impoſitions Engliſhmen *ſworn to foreign princes ſhall pay.*

PRAYEN *the commons in this preſent parliament, That where many and divers perſons, being the King's ſubjects naturally born within this his realm, have withdrawn themſelves out of the ſame realm, and tranſported themſelves, with their wives, children, and goods, into* Holland, Zealand, Brabant, Flanders, *and into other countries of foreign princes, and there be ſworn to the obeiſance of the princes and lords of the countries where they be now inhabited, making, there great buildings, and be contributaries to all manner of charges, as the ſubjects of thoſe countries be; and thus they maintain, as much as in them is, the cities, boroughs, and towns of thoſe countries, and many more of the King's ſubjects intend to do the ſame, if remedy therein be not provided:* (2) *which ſubjects born in* England, *notwithſtanding that they thus eſtrange themſelves from the King's obeiſance, yet they occupy here in all the ports, havens, and creeks, cities, boroughs, and towns of* England, *as freely, and as free in cuſtom and ſubſidy, as the King's ſubjects do occupy, and not only for themſelves, but alſo colourably for other ſtrangers, their friends and partners, and alſo make themſelves quit and exempt from all charges within this realm, in prejudice and decay of the cities, towns, and boroughs of* England; (3) *and as for beyond the ſea, they will obey to none authority granted to the* Engliſh *nation by the King's Highneſs and his noble progenitors under the great ſeal of* England, *and by authority of parliament, but they give themſelves over to the protection and defence of thoſe outward princes, to whom they be ſworn ſubjects; and by theſe manner of perſons much coin is conveyed out of the land:*

An Engliſhman ſworn ſubject to a foreign prince, ſhall pay ſuch impoſitions as aliens do.

II. Wherefore be it ordained and enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That all and every ſuch ſubjects born in *England*, and ſworn to be ſubjects to foreign princes and lords of outward parts, from henceforth (as long as they ſhall ſo abide,

and

and be as ſubjects to foreign princes and lords) that from henceforth ſo long they and every of them ſhall pay ſuch cuſtoms, ſubſidies, tolls, and other impoſitions within this realm of *England*, as other ſtrangers of thoſe parts where the ſaid *Engliſhmen* make their inhabitations, pay or uſe to pay within this ſaid realm: (2) and that the knowledge of all and every ſuch perſon or perſons inhabitants, and ſworn in manner and form as is before rehearſed within the archduke's countries, that is to ſay, *Holland*, *Zealand*, *Brabant*, and *Flanders* only, ſhall be had by certificate thereof made by the governor of the merchant adventurers and the aſſiſtants there for the time being; (3) and alſo for all other realms and countries of foreign princes, to be certified by the King's moſt noble embaſſadors, being at ſuch time there, as they ſhall happen to be in the ſaid countries upon the King's affairs, ſhall likewiſe certify, as is aforeſaid, under their ſeal, into the chancery of our ſovereign lord the King; (4) and thereupon out of the ſaid chancery writs to be made, and directed unto the cuſtomers, comptrollers, or other officers of the King's cuſtom in every port, haven, or creek within this ſaid realm, to perceive, levy, and take all manner of ſuch cuſtoms, ſubſidies, tolls, and other impoſitions, as is before ſpecified, of all ſuch goods and merchandiſes as ſhall belong unto any ſuch perſon or perſons inhabited and ſworn in manner and form above written, as well inward as outward.

III. Provided alway, That if hereafter it ſhall happen any ſuch perſon or perſons to return into the realm, and here to tarry and inhabit, that then he or they ſhall be reſtored to all ſuch liberties and freedoms in paying of cuſtoms or ſubſidies, and other charges, as all other *Engliſhmen* do uſe to pay, and to have a writ out of the chancery for the ſame, this act, or any thing therein made, to the contrary notwithſtanding.

An Engliſhman returning, and dwelling again in the realm ſhall pay ſuch impoſitions as other Engliſhmen uſe to pay.

CAP. V.

The privileges and authority of phyſicians in London.

IN *the moſt humble wiſe ſhew unto your Highneſs, your true and faithful ſubjects and liege men*, John Chambre, Thomas Linacre, Ferdinandus de victoria, *your phyſicians, and* Nicholas Halſewel, John Frances, *and* Robert Yaxley, *and all other men of the ſame faculty within the city of* London, *and ſeven miles about, that where your Highneſs (by your moſt gracious letters patents, bearing date at* Weſtminſter *the* xxiii. *day of* September, *in the tenth year of your moſt noble reign) for the common wealth of this your realm, in due exerciſing and practiſing of the faculty of phyſick, and the good miniſtration of medicines to be had, hath incorporate and made of us, and of our company aforeſaid, one body and perpetual commonalty or fellowſhip of the faculty of phyſick, and to have perpetual ſucceſſion and common ſeal, and to chooſe yearly a preſident of the ſame fellowſhip and commonalty, to overſee, rule, and govern the ſaid fellowſhip and commonalty, and all men of the ſaid faculty, with divers other liberties and privileges, by your Highneſs to us granted for the common wealth of this your realm, as in your ſaid moſt gracious letters patents more*

The phyſicians of London made a body corporate. 2 Bulſtr 185. 2 Salk. 451. This act is confirmed by 1 Mar. ſeſſ. 2. c. 9.

more at large is ſpecified and contained, the tenor whereof followeth in theſe words:

The charter of incorporation.

'(2) HENRICUS Dei gratia Rex Angliæ & Franciæ, & Dominus Hiberniæ, omnibus ad quos præſentes literæ pervenerint, ſalutem. Cum regii officii noſtri munus arbitremur ditionis noſtræ hominum fœlicitati omni ratione conſulere; (3) id autem vel imprimis fore, ſi improborum conatibus tempeſtive occurramus, apprime neceſſarium duximus improborum quoque hominum, qui medicinam magis avaritiæ ſuæ cauſa, quam ullius bonæ conſcientiæ fiducia, profitebuntur, unde rudi & credulæ plebi plurima incommoda oriantur, audaciam compeſcere: (4) itaque partim bene inſtitutarum civitatum in Italia, & aliis multis nationibus, exemplum imitati, partim gravium virorum doctorum Joannis Chambre, Thomæ Linacre, Ferdinandi de victoria, medicorum noſtrorum, Nicholai Halſewel, Joannis Franciſci, & Rob. Yaxley, medicorum, ac præcipue reverendiſſimi in Chriſto patris, ac domini, dom. Thomæ tituli Sanctæ Ceciliæ trans Tiberim ſacroſanctæ Romanæ eccleſiæ preſbyteri cardinalis, Eboracenſis archiepiſcopi, & regni noſtri Angliæ cancellarii chariſſimi, precibus inclinati, collegium perpetuum doctorum & gravium virorum, qui medicinam in urbe noſtra Londino & ſuburbiis, intraque ſeptem millia paſſuum ab ea urbe quaqua verſus publice exerceant, inſtitui volumus atque imperamus. (5) Quibus tum ſui honoris, tum publicæ utilitatis nomine, curæ (ut ſperamus) erit, malitioſorum quorum meminimus inſcientiam temeritatemque, tam exemplo gravitateque ſuis deterrere, quam per leges noſtras nuper editas, ac per conſtitutiones per idem collegium condendas, punire. (6) Quæ quo facilius rite peragi poſſint, memoratis doctoribus Joan. Chambre, Thomæ Linacre, Ferdinando de victoria, medicis noſtris, Nicholao Halſewel, Joanni Franciſco, & Rob. Yaxley, medicis, conceſſimus, quod ipſi, omneſque homines ejuſdem facultatis de & in civitate predicta, ſint in re & nomine unum corpus & communitas perpetua ſive collegium perpetuum; (7) & quod eadem communitas ſive collegium ſingulis annis in perpetuum eligere poſſint & facere, de communitate illa aliquem providum virum, & in facultate medicinæ expertum, in præſidentem ejuſdem collegii ſive communitatis, ad ſupervidend' recognoſcend' & gubernand' pro illo anno collegium ſive communitatem præd' & omnes homines ejuſdem facultatis, & negotia eorundem. (8) Et quod idem præſidens & collegium, ſive communitas, habeant ſucceſſionem perpetuam, & commune ſigillum negotiis dict' communitatis & preſidentis in perpetuum ſervituram. (9) Et quod ipſi & ſucceſſores ſui in perpetuum ſint perſonæ habiles & capaces ad perquirendum, & poſſidendum in feodo & perpetuitate terras & tenementa redditus, & alias poſſeſſiones quaſcunque.

A perpetual college of phyſicians erected and granted in London and the ſuburbs.

A preſident of the college, and his office and duty.

The college ſhall have perpetual ſucceſſion and a common ſeal.

And ſhall be of ability to purchaſe land.

'(10) Conceſſimus etiam eis & ſucceſſoribus ſuis pro nobis & hæredibus noſtris, quod ipſi & ſucceſſores ſui poſſint perquirere ſibi & ſucceſſoribus ſuis, tam in dicta urbe quam extra,

' terras

'terras & tenementa quæcunque annuum valorem duodecim 'librarum non excedent' ſtatuto de alienatione ad manum mor- 'tuam non obſtante. (11) Et quod ipſi per nomina præſiden- 'tis & collegii ſeu communitatis facultatis medicinæ Lond' pla- 'citari & implacitari poſſint coram quibuſcunque judicibus in 'curiis & actionibus quibuſcunque. (12) Et quod præd' præſi- 'dens & collegium ſive communitas, & eorum ſucceſſores, 'congregationes licitas & honeſtas de ſeipſis, ac ſtat' & ordina- 'tiones pro ſalubri gubernatione, ſuperviſu, & correctione col- 'legii ſeu communitatis præd', & omnium hominum eandem 'facultatem in dicta civitate, ſeu per ſeptem milliaria in circuitu 'ejuſdem civitatis exercen' ſecundum neceſſitatis exigentiam, 'quoties & quando opus fuerit, facere valeant licite & impune, 'ſine impedimento noſtri, hæredum, vel ſucceſſorum noſtrorum, 'juſtitiariorum, eſcaetorum, vicecomitum, & alior' ballivor' 'vel miniſtror' noſtror' hæred' vel ſucceſſor' noſtror' quorum- 'cunque. (13) Conceſſimus etiam eiſdem præſidenti & colle- 'gio, ſeu communitati, & ſucceſſoribus ſuis, quod nemo in dic- 'ta civitate, aut per ſeptem milliaria in circuitu ejuſdem, exer- 'ceat dictam facultatem, niſi ad hoc per dict' præſidentem & 'communitatem, ſeu ſucceſſores eorum, qui pro tempore fue- 'rint, admiſſus ſit per ejuſdem præſidentis & collegii literas ſi- 'gillo ſuo communi ſigillatas, ſub pœna centum ſolidorum pro 'quolibet menſe, quo non admiſſus eandem facultatem exer- 'cuit, dimidium inde nobis & hæred' noſtris, & dimidium 'dicto præſidenti & coll' applicandum.

They may ſue, and be ſued.

They may make lawful aſſemblies and ordinances for government.

No man ſhall practiſe phyſick in London, or within ſeven miles thereof, unleſs he be allowed.

'(14) Præterea volumus & concedimus pro nobis & ſucceſ- 'ſoribus noſtris (quantum in nobis eſt) quod per præſidentem '& collegium præd' communitatis pro tempore exiſten' & 'eorum ſucceſſores in perpetuum, quatuor ſingulis annis eli- 'gantur, qui habeant ſuperviſum & ſcrutinium, correctionem & 'gubernat' omnium & ſingulor' dictæ civitatis medicorum 'utentium facultate medicinæ in eadem civitate, ac aliorum 'medicorum forinſecorum quorumcunque facultatem illam me- 'dicinæ aliquo modo frequentantium & utentium infra ean- 'dem civitatem & ſuburbia ejuſdem, ſive intra ſeptem milliaria 'in circuitu ejuſd' civitatis, ac punitionem eorund' pro delictis 'ſuis in non bene exequendo, faciendo, & utendo illa; (15) 'nec non ſuperviſum & ſcrutinium omnimodarum medici- 'narum & earum reception' per dictos medicos, ſeu aliquem 'eorum, hujuſmodi ligeis noſtris pro eorum infirmitatibus 'curandis & ſanandis, dandis, imponendis, & utendis, quoties '& quando opus fuerit pro commodo & utilitate eorundem li- 'georum noſtrorum; (16) ita quod punitio hujuſmodi medi- 'corum utentium dicta facultate medicinæ, ſic in præmiſſis de- 'linquent' per fines, amerciamenta, & impriſonamenta corpor' 'ſuor' & per alias vias rationab' & congruas exequatur.

Four phyſicians of London ſhall be yearly choſen to have the overſight of the others.

'(17) Volumus etiam & concedimus pro nobis, hæredibus, '& ſucceſſoribus noſtris (quantum in nobis eſt) quod nec præ- 'ſidens nec aliquis de collegio præd' medicorum, nec ſucceſ- 'ſores ſui, nec eorum aliquis exercens facultatem illam, quo-

32 H. 8. c. 40. Phyſicians ſhall not be ſummoned on juries in London.

quo

'quo modo in futur' infra civitatem noſtram præd' & ſuburbia 'ejuſdem, ſeu alibi, ſommoneantur aut ponantur, neque eorum 'aliquis ſummoneatur aut ponatur in aliquibus aſſiſis, juratis, 'inqueſtis, inquiſitionibus, attinctis, & aliis recognitionibus in-'fra dictam civitatem, & ſuburbia ejuſdem, impoſterum coram 'majore ac vicecom' ſeu coronatoribus dictæ civitatis noſtræ 'pro tempore exiſten' capiendis, aut per aliquem officiarium ſeu 'miniſtrum ſuum, vel officiarios ſive miniſtros ſuos ſummon-'end' licet eædem juratæ inquiſitiones, ſeu recognitiones ſum-'mon' fuerint ſuper brevi vel brevibus noſtris, vel hæredum 'noſtrorum, de recto; ſed quod dicti magiſtri, ſive guberna-'tores, ac communitas facultatis antedictæ, & ſucceſſores ſui, & 'eorum quilibet dictam facultatem exercentes verſus nos, hæ-'redes, & ſucceſſores noſtros, ac verſus majorem & vicecomites 'civitatis noſtræ præd' pro tempore exiſten' & quoſcunque of-'ficiarios & miniſtros ſuos ſint inde quieti, & penitus exone-'rati in perpetuum per præſentes.

'(18) Proviſo quod literæ noſtræ, ſeu aliquid in eis content' non 'cedent in præjudicium civitatis noſtræ Lond' ſeu libert' ejuſd' & 'hoc abſque fine ſeu feodo pro præmiſſis, ſeu ſigillat' præſenti-'um nobis facienda, ſolvenda, vel aliqualiter reddenda, aliquo 'ſtatuto, ordinatione, vel actu in contrarium ante hæc tempo-'ra facto, edito, ordinato, ſeu proviſo in aliquo non obſtante. 'In cujus rei teſtimonium has literas noſtras fieri fecimus paten-'tes. Teſte meipſo apud Weſtmonaſterium xxiij. die Sept' 'an' reg' noſtri x.

Per ipſum Regem.

Et de data præd' authoritate parl' TUNSTALL.

(19) *And foraſmuch that the making of the ſaid corporation is meritorious, and very good for the common wealth of this your realm, it is therefore expedient and neceſſary to provide, That no perſon of the ſaid politick body and commonalty aforeſaid, be ſuffered to exerciſe and practiſe phyſick, but only thoſe perſons that be profound, ſad, and diſcreet, groundly learned, and deeply ſtudied in phyſick.*

The foregoing letters patents confirmed, and further enlarged.

II. *In conſideration whereof, and for the further authorizing of the ſame letters patents, and alſo enlarging of further articles for the ſaid common wealth to be had and made:* Pleaſeth it your Highneſs, with the aſſent of your lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, to enact, ordain, and eſtabliſh, That the ſaid corporation of the ſaid commonalty and fellowſhip of the faculty of phyſick aforeſaid, and all and every grant, article, and other thing contained and ſpecified in the ſaid letters patents, be approved, granted, ratified, and confirmed in this preſent parliament, and clearly authorized and admitted by the ſame, good, lawful, and available to your ſaid body corporate, and their ſucceſſors for ever, in as ample and large manner as may be taken, thought, and conſtrued by the ſame; (2) and that it pleaſe your Highneſs, with the aſſent of your ſaid lords ſpiritual and temporal, and the commons, in this your preſent parliament aſſembled, further to enact,

enact, ordain, and eſtabliſh, That the ſix perſons beforeſaid in your ſaid moſt gracious letters patents named as principals, and firſt named of the ſaid commonalty and fellowſhip, chooſing to them two more of the ſaid commonalty, from henceforward be called and cleaped *elects*; (3) and that the ſame elects yearly chooſe one of them to be preſident of the ſaid commonalty, and as oft as any of the rooms and places of the ſame elects ſhall fortune to be void, by death or otherwiſe, then the ſurvivors of the ſaid elects (within thirty or forty days next after the death of them, or any of them) ſhall chooſe, name, and admit one or mo, as need ſhall require, of the moſt cunning and expert men, of and in the ſaid faculty in *London*, to ſupply the ſaid room and number of eight perſons; (4) ſo that he or they that ſhall be ſo choſen, be firſt by the ſaid ſurvivors ſtrictly examined after a form deviſed by the ſaid elects, and alſo by the ſame ſurvivors approved.

There ſhall be eight elects of the phyſicians of London.

III. And where that in dioceſes of *England*, out of *London*, it is not light to find alway men able ſufficiently to examine (after the ſtatute) ſuch as ſhall be admitted to exerciſe phyſick in them, that it may be enacted in this preſent parliament, That no perſon from henceforth be ſuffered to exerciſe or practiſe in phyſick through *England*, until ſuch time as he be examined at *London*, by the ſaid preſident, and three of the ſaid elects; and to have from the ſaid preſident or elects, letters teſtimonials of their approving and examination, except he be a graduate of *Oxford* or *Cambridge*, which hath accompliſhed all things for his form, without any grace.

Phyſicians in other places to be examined by the preſident and three of the elects. 3 H. 8. c. 11. Graduates of the univerſities excepted. 8 Co. 114. Cro. Jac. 121, 159. Cro. Car. 256.

CAP. VI.

Altering of highways in the weld of Kent.

IN *humble wiſe beſeecheth your Highneſs, your true and faithful ſubject*, George Guldeford *eſquire for your body, That where there is, and of time whereof mind of man is not to the contrary, hath been an old common way, or ſtreet for carriages, and all other paſſages and buſineſs for you and your progenitors, and your and their people, in the hundred of* Cranebrook, *in the weld of your county of* Kent, *leading and extending between and among the lands of the manor of* Hempſted, *of the ſaid* George, *in the ſaid hundred of* Cranebrook, *from the bridge called* Hempſted *bridge, dividing the ſaid hundred of* Cranebrook, *and the hundred of* Rolvinden, *in the ſaid weld of your ſaid county, to a croſs called* Totenden *croſs, ſtanding nigh to a great oak, named* Hempſted *oak, which is in length upon an hundred fourſcore and ten perches; which common way ſo uſed is in divers places thereof right deep, and noyous for the paſſage of your people, and alſo is not ſo directly leading between the ſaid bridge and croſs, neither ſo commodious for your people, as another way of like breadth in other places within and over the lands of the ſaid manor might be made.*

II. In conſideration whereof, it may pleaſe your Highneſs, of your bleſſed diſpoſition, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, to enact and ordain, That

Guldeford may lay out a new way in the manor of Hempſted, and

then keep in ſeveral the old.

That it ſhall be lawful to your ſaid beſeecher, his heirs and aſſigns, owners of the ſaid manor of *Hempſted*, at his and their proper coſts and charges, at any time before the twenty ſixth day of *May* which ſhall be in the year of our Lord God M,D,XXVII. by the overſight and aſſent of two juſtices of peace of the ſaid county of *Kent*, and twelve other diſcreet men, inhabitants within the ſaid hundreds of *Cranebrook* and *Rolvinden*, to aſſign, limit, and lay out, over and through the lands of the ſaid manor, one other way for carriages and paſſages of your grace, and of your people, and of your and their heirs and ſucceſſors, of as great largeneſs in breadth, or larger than the ſaid old way now being is, and as commodious for the ſaid carriages and paſſages, as the ſame way now being is, or better, extending and leading directly between the ſaid bridge and croſs, ſo that your grace, and your people, by the ſaid new way ſo to be aſſigned and laid out, ſhall have the more eaſy carriage and paſſage than is, or of late time hath been, by the ſaid old way; (2) and that after the ſaid new way ſo laid out and aſſigned, the ſaid carriages, paſſages, and other buſineſs there, may be as liberally, commonly, and freely from thenceforth there uſed and had for ever, and every other thing there exerciſed and kept, as before this time hath been had, uſed, exerciſed, and kept in the ſaid old way, without let or interruption of the ſaid *George*, his heirs, or aſſigns, or any other perſon, which hereafter ſhall have, hold, or poſſeſs the ſaid manor; (3) and that immediately after that the ſaid new way (as is aforeſaid to be aſſigned and limited, ſhall be (as is aboveſaid) laid out, and fully made, it ſhall be lawful to your ſaid beſeecher, his heirs, and aſſigns, owners of the ſaid manor, to incloſe the ſaid old way, and every part thereof, and that from henceforth to hold in ſeveralty to them, and to their heirs and aſſigns, to their own uſe and profit for ever, as parcel of the ſaid manor, without any common way or paſſage there from thenceforth to be had or claimed, any preſcription or uſe to the contrary heretofore had notwithſtanding.

Any perſon may lay out a more commodious way in the weld of Kent, by the aſſent of two juſtices of the peace, and xij. diſcreet men of that hundred, and keep ſeveral the old.

III. *And in conſideration that many other common ways in the ſaid weld of* Kent, *be ſo deep and noyous, by wearing, and courſe of water, and other occaſions, that people cannot have their carriages or paſſages by horſes upon or by the ſame, but to their great pains, peril, and jeopardy:* it may be by the ſaid authority enacted and eſtabliſhed, That if any other perſon or perſons, any time hereafter, in any place within the ſaid weld of your ſaid county, of his good mind and diſpoſition, without any value of good by him or them to be received for the ſame, will for the common weal of your people, aſſign and lay out a more commodious way, in and over the lands thereunto adjoining, whereof the perſon or other to his uſe ſhall be ſeiſed of fee in eſtate of inheritance, that the ſame new way ſo to be aſſigned and laid out, by overſight and aſſent of two juſtices of peace of the ſaid county, and twelve other diſcreet men, inhabiting within the hundred where any ſuch new way ſhall be limited and laid out, or inhabiting within the ſmae hundred and other hundreds to that hundred next adjoining,

joining, ſhall be from thenceforth holden, occupied, and uſed in like manner as the old way there now is, or before hath been.

IV. And that alſo the ſame perſon or perſons ſo diſpoſed, willing and accompliſhing the ſame, ſhall and may, for the ſaid new way ſo aſſigned and uſed, retain, and hold in way of recompence for the ſame new way ſo to be given, the ſoil and ground of the old way in ſeveralty, as is aboveſaid, to him or them, and to their heirs for ever, in like manner as is aboveſaid of the ſaid new way to be aſſigned at *Hempſted*; (2) and that the ſaid two juſtices of peace, and twelve other diſcreet perſons, by whoſe overſight and aſſent the ſaid new way at *Hempſted*, or any other way, by virtue of this act ſhall be hereafter aſſigned, limited, and laid out, ſhall within three months next after the aſſignment, limitation, and laying out of the ſame, make certificate into the King's moſt honourable court of chancery under their ſeals, of the length and breadth of the ſame new way or ſtreet, and of other things adjoining or concerning the ſame, as by their diſcretions ſhall be thought moſt expedient or requiſite for the common wealth of that county to be certified; (3) and that certificate to be made from time to time, as oft as any ſuch new way or ſtreet ſhall be aſſigned, limited, and laid out in form above written.

The juſtices and xij. men ſhall make certificate of the new way into the chancery.

V. Provided alway, That if any perſon or perſons, or body politick, have, or ought to have, or hereafter ſhall have any church-way, or other whatſoever way or paſſage, over or through any manner lands adjoining to any of the ſaid old ways or ſtreets, which ſhall be taken and uſed by force of this act, as ſeveral ſoil, and freehold, in recompence for any new way to be made and laid out in form aforeſaid, or have, or ought to have, or hereafter ſhall have any lands or tenements adjoining to the ſaid old way; that they, and every of them, their heirs, and ſucceſſors, ſhall and may have and uſe their ſaid way, or ways, out of, and into the ſaid new way, over and through the land of the ſaid old way or ſtreet, into or over the ſaid land or tenement adjoining to the ſame, and ſo to paſs and repaſs, as ſhall appertain, over the ſame old way, at ſuch convenient place or places thereof, as therefore ſhall be limited and aſſigned by the ſaid two juſtices of peace, and other twelve men, and by them to be certified into the chancery, among other things by them to be certified in form aforeſaid, any thing in this act above written notwithſtanding.

They which have any way through the old way, may uſe it. 26 H. 8. c. 7.

CAP. VII.

Any perſon that hath lands to the yearly value of C. l. may ſhoot in croſs-bows and hand-guns notwithſtanding the ſtatute of 6 *H.* 8. *c.* 13. All former placards granted by the King for ſhooting in either of them ſhall be void.

25 H. 8. c. 17. Rep. 33 H. 8. c. 6.

CAP. VIII.

The marriage of the ſix clerks allowed, &c.

By old cuſtom no clerk of the chancery might marry, but only the clerk of the crown.

IN *moſt humble wiſe beſeechen your highneſs, your true and faithful ſubjects, and daily ſervants, the ſix clerks of your high court of chancery, That whereas of old time accuſtomed hath been uſed in the ſaid court, that all manner of clerks and miniſters of the ſame court, writing to the great ſeal, ſhould be unmarried (except only the clerk of the crown) ſo that as well the curſitors, and other clerks, as the ſix clerks of the ſaid chancery, were by the ſame cuſtom reſtrained from marriage, whereby all thoſe that contrary to the ſame did marry, were no longer ſuffered to write in the ſaid chancery, not only to their great hinderance, loſing thereby the benefit of their long ſtudy, and tedious labours and pains in youth taken in the ſaid court, but alſo to the great decay of the true courſe of the ſaid court.*

II. *And foraſmuch as now the ſaid cuſtom taketh no place nor uſage, but only in the office of the ſaid ſix clerks, but that it is permitted and ſuffered for maintenance of the ſaid courſe, that as well the ſaid curſitors, as the other clerks aforeſaid, may and do take wives, and marry at their liberty, after the laws of holy church, and of long time have ſo done, without interruption or let of any perſon:* (2) It may therefore pleaſe your highneſs of your moſt abundant grace, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, in conſideration of the premiſſes, and alſo for that the ſaid cuſtom is not grounded upon any law, to ordain, enact, and eſtabliſh,

The ſix clerks of the chancer may marry, and enjoy their offices.

That *John Trevethen*, *Richard Welles*, *Oliver Leader*, *John Croke*, *William Jeſſon*, and *John Lemſey*, now being in the office of the ſix clerks of the chancery, and every of them, and all other which in time to come ſhall be in the ſame office, and every of them, may and do take wives and marry at their liberty, after the laws of holy church; (3) and that they, and every of them ſo married, may have, hold, and enjoy their ſaid office of ſix clerks, in as ample, large, and like manner, as they did or ſhould do before the ſaid eſpouſals, or as if they had never been married, the ſaid cuſtom, or any other cuſtom or ordinance heretofore had or made to the contrary notwithſtanding.

III. Provided alway, That by any thing in this act contained, the maſter of the rolls for the time being be not prejudiced either in the giving and diſpoſition of the ſaid offices from time to time, as hath been heretofore accuſtomed, the forfeiture of that office by reaſon of marriage only except. And that the ſaid officers which now be, and hereafter ſhall be, do give ſuch attendance unto the ſaid maſter of the rolls for the time being, as heretofore in the ſaid offices hath been accuſtomed.

CAP. IX.

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

A repeal of the ſtatute of 4 *Ed.* 4. *c.* 7. inhibiting cordwainers in *London* to pull on ſhoes on certain days.

CAP.

CAP. X.

The penalty for unlawful hunting the hare.

FORASMUCH *as our ſovereign lord the King, and other noblemen of this realm of* England, *before this time have uſed and exerciſed the game of hunting of the hare for their diſport and pleaſure, which game is now decayed, and almoſt utterly deſtroyed, for that divers perſons in divers parts of this realm, by reaſon of the tracing in ſnow, have killed and deſtroyed, and daily do kill and deſtroy the ſame hares, by* x, xij, or xvi, *upon one day, to the diſpleaſure of our ſaid ſovereign lord the King, and other noblemen of this his realm.* (2) Wherefore be it enacted by our ſaid ſovereign lord, by the lords ſpiritual and temporal, and by the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no perſon or perſons, of what eſtate, degree, or condition they be, from henceforth trace, deſtroy, and kill any hare in the ſnow with any dog, bitch, bow, nor otherwiſe. (3) And that the juſtices of peace within every ſhire, at every ſeſſions of the peace, and ſtewards of leets, ſhall have full authority and power to enquire of ſuch offenders; (4) and after ſuch inquiſitions found, the ſaid juſtices of the peace and ſtewards of leets, for every hare ſo killed, ſhall ceſs upon every ſuch offender vi. s. viij. d. to be forfeited to our ſaid ſovereign lord, that ſhall be ſo founden by the juſtices of peace in their ſeſſions, (5) and the forfeiture found in every leet to be to the lord of the leet.

The penalty for killing of a hare in the ſnow.

Juſtices of peace and ſtewards in leets may enquire of and puniſh the offenders.

1 Jac. 1. c. 27.

CAP. XI.

Cloths made in Suffolk, *called* Veſſes *or* Set cloths, *ſhall not be forfeited for lack of length or breadth, being wet.*

HUMBLY *ſhewn unto your highneſs, your true ſubjects and clothiers of your county of* Suffolk, *That where in the ſixth year of your moſt noble reign, it was and is enacted amongſt other things concerning making of cloth, That any perſon or perſons ſhall not put any cloth to ſale, which, when it is full wet, ſhall ſhrink more than one yard in length, and one quarter of a yard in breadth for the more part thereof;* (2) *and cloths called* Narrows *or* Streits *after the rate; upon pain to forfeit for every cloth otherwiſe put to ſale,* vi. s. viij. d. *and to deduct of his price for the ſame, to be rebated to the buyer thereof as much after the rate, as the ſame cloth ſo otherwiſe put to ſale, (being full wet) ſhall be ſhrunk more than one yard of that it was in length at the time of the ſame ſale, and as it ſhall (being wet) lack of the breadth of one yard and three quarters of a yard.* (3) *And in the ſame act was and is a proviſo made after the form following.*

6 H. 8. c. 9.

II. *Provided alway, That this act extend not to woolen cloths called* Kendals, *nor cloths called* Carpenel Whites, *commonly made for lining of hoſen, nor to any cloths called* Toſtocks, *made in the county of* Devonſhire, *nor to any woolen cloths made in the county of* Cornwall, *nor for any cottons or plain lining, or friſe made or to be made in* Wales, Lancaſhire, *and* Cheſhire, *or any of them.*

III. *So it is, moſt gracious ſovereign lord, that veſſes, otherwiſe called* Set Cloths, *of divers colours, be made in your ſaid county of* Suf-

folk, *which be made to be worn in far countries, and not in* England, *and be of ſmall prices, not above* xl. s. *a cloth, that do not hold the length nor breadth when they be wet, which the buyers do know well when they buy them, ſo that therein is no deceit; which cloths in the third year of the reign of your moſt noble father King* Henry *the Seventh were provided for, ſo that they might lawfully be ſold without any penalty or forfeiture, though they lacked in length or breadth when they were full wet, and ſo they have uſed to do time out of mind.*

3 H. 7. c. 11.

IV. *And in the proviſo made in the ſaid act of the ſixth year of your moſt noble reign, they were forgotten and not provided for, which ſhould be to the utter impoveriſhing of the clothiers of your ſaid county, and of all other that be wrought by reaſon of cloth-making within the ſaid county of* Suffolk, *if no remedy ſhould be therefore provided.*

The ſtatute of 6 H. 8. c. 9. ſhall not extend to Veſſes or Set Cloths.

V. Wherefore your humble ſubjects humbly beſeech your highneſs, That it be enacted by all the lords ſpiritual and temporal, and all the commons, in this preſent parliament aſſembled, with your royal aſſent to the ſame, That all cloths called *Veſſes*, otherwiſe called *Set Cloths*, what colour ſoever they be of, not being above the value of xl. s. a cloth, ſhall not be forfeited, for that they lack in length or breadth, when they be full wet, after the ſale of them afore this time made, or hereafter to be made; (2) the ſaid act made in the ſixth year of your moſt noble reign, or any other act heretofore made to the contrary notwithſtanding.

CAP. XII.

What coiners ſhall do that make money at any mint within England.

COINERS that ſhall make any money at any mint, ſhall coin part thereof half-angels, groats, and ſmall money. The print of the farthing. The tenth part of money coined for any perſon ſhall be paid in half-pence and farthings. This act not to affect the coiners of *York*, *Dureſme*, or *Canterbury*.

CAP. XIII.

A confirmation of the ſtatute of 11 *H.* 7. *c.* 5. touching the pulling down of engines in the haven of *Southampton*, and the ſame made perpetual.

CAP. XIV.

4 H. 7. c. 4.
7 H. 7. c. 2, 3.
3 H. 8. c. 4.

They which be in the King's ſervice in the wars may aliene their lands, for the performance of their wills, without any fine for alienation; and if any of them die in the King's ſervice in war, his feoffees or executors ſhall have the wardſhip of his heir and land.

Sta-

Statutes made at the parliament begun at *London*, and continued afterwards by prorogation and adjournment to *Weſtminſter*, *Anno* 21 HEN. VIII. and *Anno Dom.* 1529.

STATUTA ad rempublicam ſpectantia, edita, in prima ſeſſione parliamenti primo inchoati in civitate Londini tertio die Novembris, anno invictiſſimi principis Henrici octavi Angliæ & Franciæ regis, fidei defenſoris, & domini Hiberniæ viceſimo primo, & ex ea civitate tam adjurnati quam prorogati ad palatium Weſtmon' & ibidem continuati per quadraginta & quatuor dies, videlicet uſque ad decimum ſeptimum diem Decembris & ab eiſdem loco & die prorogati uſque ad viceſimum ſeptimum diem Aprilis tunc proxime inſtantis. Cro. El. 853.

CAP. I.

The King's pardon to all perſons of all offences, forfeitures, pains of death and body, except treaſons, murders, *&c.* EXP.

CAP. II.

An abjured perſon ſhall be marked by the coroner on his thumb with a hot iron; and if he refuſe to take his paſſage at the time appointed by the coroner, he ſhall loſe the benefit of ſanctuary. Rep. 1 Jac. 1. c. 25. & 21 Jac. 1. c. 28.

CAP. III.

Plaintiffs in aſſiſe may abridge their plaints.

FORASMUCH *as aſſiſes, which have been thought the moſt ſpeedy remedy, be now by occaſion of pleading of many bars to moieties and parts of the lands put in view and plaint, greatly delayed for difficulties and diviſion of pleading; and one cauſe thereof is, becauſe the plaintiffs in every aſſiſe in ſuch pleas to moieties and parties, cannot by the law abridge their plaints:* (2) for remedy whereof be it enacted, That the plaintiff in every aſſiſe from henceforth may at his pleaſure ſever and abridge his plaint, of any part or parts whereunto any bar is pleaded by moiety, in like manner as he or they might do in caſe the pleas in bar had been made and divided to any certainty or number of acres in the plaint; and that the plaint for the reſidue of the part or parts of the lands not abridged, ſhall be and ſtand good and effectual in the law. *Qua quidem billa perlecta, & ad plenum intellecta, per dictum dom' regem ex aſſenſu & auctoritat' parliamenti predicti taliter eſt reſponſum. Imperfect on the roll.* Dyer, 61, 65, 88, 132. 5 H. 7. c. 22. Fitz. pleint, 47, 11, 19.

The plaintiff in aſſiſe may abridge his plaint of any part whereunto a bar is pleaded.

CAP. IV.

The ſale of lands by part of the executors, lawful.

WHERE *divers ſundry perſons before this time, having other perſons ſeiſed to their uſe of and in lands and other hereditaments to and for the declaration of their wills, have by their laſt wills and teſtaments willed and declared ſuch their ſaid lands, tenements, or other hereditaments to be ſold by their executors, as well to and for the payments of their debts, performance of their legacies, neceſſary and convenient finding of their wives, virtuous bringing up and advance-* 2 Roll, 336. Land deviſed to be ſold by divers executors, cannot by common law be ſold by part of them.

ment of their children to marriage, as alſo for other charitable deeds to be done and executed by their executors for the health of their ſouls. (2) *And notwithſtanding ſuch truſt and confidence ſo by them put in their ſaid executors, it hath oftentimes been ſeen, where ſuch laſt wills and teſtaments of ſuch lands, tenements, and other hereditaments have been declared, and in the ſame divers executors named and made, that after the deceaſe of ſuch teſtators ſome of the ſame executors, willing to accompliſh the truſt and confidence that they were put in by the ſaid teſtator, have accepted and taken upon them the charge of the ſaid teſtament, and have been ready to fulfil and perform all things contained in the ſame; and the reſidue of the ſame executors, uncharitably contrary to the truſt that they were put in, have refuſed to intermeddle in any wiſe with the execution of the ſaid will and teſtament, or with the ſale of ſuch lands ſo willed to be ſold by the teſtator.* (3) *And foraſmuch as a bargain and ſale of ſuch lands, tenements, or other hereditaments ſo willed by any perſon to be ſold by his executors after his deceaſe, after the opinion of divers perſons, can in no wiſe be good or effectual in the law, unleſs the ſame bargain and ſale be made by the whole number of the executors named to and for the ſame;* (4) *by reaſon whereof, as well the debts of ſuch teſtators have reſted unpaid and unſatisfied, to the great danger and peril of the ſouls of ſuch teſtators, and to the great hindrance, and many times to the utter undoing of their creditors:* (5) *as alſo the legacies and bequeſts made by the teſtator to his wife, children, and for other charitable deeds to be done for the wealth of the ſoul of the ſame teſtator that made the ſame teſtament, have been alſo unperformed, as well to the extreme miſery of the wife and children of the ſaid teſtator, as alſo to the let of performance of other charitable deeds for the wealth of the ſoul of the ſaid teſtator, to the diſpleaſure of Almighty God.* (6) For remedy whereof, be it enacted, ordained, and eſtabliſhed by the authority of this preſent parliament, That where part of the executors named in any ſuch teſtament of any ſuch perſon ſo making or declaring any ſuch will of any lands, tenements, or other hereditaments to be ſold by his executors, after the death of any ſuch teſtator, do refuſe to take upon him or them the adminiſtration and charge of the ſame teſtament and laſt will wherein they be ſo named to be executors, and the reſidue of the ſame executors do accept and take upon them the cure and charge of the ſame teſtament and laſt will; that then all bargains and ſales of ſuch lands, tenements, or other hereditaments, ſo willed to be ſold by the executors of any ſuch teſtator, as well heretofore made, as hereafter to be made by him or them only of the ſaid executors that ſo doth accept, or that heretofore hath accepted and taken upon him or them any ſuch cure or charge of adminiſtration of any ſuch will or teſtament, ſhall be as good and as effectual in the law, as if all the reſidue of the ſame executors named in the ſaid teſtament, ſo refuſing the adminiſtration of the ſame teſtament, had joined with him or them in the making of the bargain and ſale of ſuch lands, tenements, or other hereditaments ſo willed to be ſold by the executors of any ſuch teſtator, which heretofore hath made or declared, or that hereafter

Part of the executors, who take upon them the charge of a will, may ſell any land deviſed by the teſtator to be ſold.
3 Cro. 80.
Br. Deviſe, 10. 31.
Co. Lit. 113. a.

hereafter ſhall make or declare any ſuch will, of any ſuch lands, tenements, or other hereditaments after his deceaſe, to be ſold by his executors.

II. Provided alway, That this act ſhall not extend to give power or authority to any executor or executors at any time hereafter to bargain or put to ſale any lands, tenements, or hereditaments, by virtue and authority of any will or teſtament heretofore made, otherwiſe than they might do by the courſe of the common law afore the making this act. Wills made before this ſtatute.

CAP. V.

What fees ought to be taken for probate of teſtaments.

WHERE *in the parliament holden at* Weſtminſter, *in the thirty firſt year of the reign of the noble King of famous memory,* Edward *the Third, upon the complaint of his people for the outrageous and grievous fines and ſums of money taken by the miniſters of biſhops, and of other ordinaries of holy church, for the probate of teſtaments, and for the acquittances by the ſaid ordinaries to be made concerning the ſame, the ſaid noble King in the ſame parliament, openly charged and commanded the archbiſhop of* Canterbury, *and the other biſhops for the time being, that amendment thereof ſhould be had;* (2) *and if none amendment were thereof had, it was by the authority of the ſame parliament accorded, that the King ſhould thereof make enquiry by his juſtices, of ſuch oppreſſion and extortions; and that the ſame juſtices ſhould hear and determine them as well at the ſuit of the King, as of the party, as of old time hath been uſed, as by the ſame ſtatute plainly appeareth.* (3) *And where at the parliament holden at* Weſtminſter, *in the third year of the reign of King* Henry *the Fifth, it was recited, That the commons of the realm had oftentimes complained them in divers parliaments, for that divers ordinaries do take for the probation of teſtaments, and other things thereunto belonging, ſometime* xl. s. *ſometime* lx. s. *and ſometimes more, againſt right and juſtice, where in the time of King* Edward *the Third, men were wont to pay for ſuch cauſes but* ii. s. vi. d. *or* v. s. *at the moſt, by which unlawful exactions the teſtaments of the teſtators might not be executed according to their laſt wills;* (4) *it was then enacted, for the avoiding of ſuch oppreſſions, That no ordinary from thenceforth ſhould take for the probation of any teſtament or inventory, or for any other thing to the ſame belonging, any more than was accuſtomed and uſed in the time of the ſaid noble King* Edward *the Third,* (5) *upon pain to yield to the party ſo grieved, three times as much as the ſaid ordinaries did ſo receive;* (6) *which act did endure but to the next parliament following, by reaſon that the ordinaries did then promiſe to reform and amend the ſaid oppreſſions and exactions;* (7) *and for that the ſaid unlawful exactions of the ſaid ordinaries, and their miniſters, be nothing reformed nor amended, but greatly augmented and increaſed, againſt right and juſtice, and to the great impoveriſhing of the King's ſubjects:*

31 Ed. 3. ſtat. 1. c. 4. Latch. 68.

3 H. 5. c. 8.

The ordinary's duties for probate of teſtaments in the time of K. Ed. 3.

The unlawful exactions of ordinaries the cauſe of this ſtatute.

II. The King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath ordained, 4 Inſt. 336.

eſtabliſhed, and enacted, That from the firſt day of *April*, in the year of our Lord M.D.XXX. that nothing ſhall be demanded, received, nor taken by any biſhop, ordinary, archdeacon, chancellor, commiſſary, official, or any other manner of perſon or perſons, whatſoever they be, which now have, or which at any time hereafter ſhall have authority or power to take or receive probation, inſinuation, or approbation of teſtament or teſtaments, by himſelf, or themſelves, nor by his or their regiſters, ſcribes, praiſers, ſummoners, apparitors, or by any other of their miniſters, for the probation, inſinuation, and approbation of any teſtament or teſtaments, or for writing, ſealing, praiſing, regiſtring fines, making of inventories, and of giving of acquittances, or for any other manner of cauſe concerning the ſame, where the goods of the teſtator of the ſaid teſtament, or perſon ſo dying, do not amount clearly over and above the value of C. s. ſterling, (2) except only to the ſcribe to have for writing of the probate of the teſtament of him deceaſed, whoſe goods ſhall not be above the ſame clear value of C. s. vi. d. (3) and for the commiſſion of adminiſtration of the goods of any man deceaſing inteſtate, not being above like value of C. s. clear vi. d. (4) and that nevertheleſs, the biſhop, ordinary, or other perſon or perſons having power or authority to take or receive the probation or approbation of teſtaments, refuſe not to approve any ſuch teſtament, being lawfully tendered or offered to them to be proved or approved, whereof the goods of the teſtator, or perſon ſo dying, amount not above the value of C. s. ſterling, ſo that the ſaid teſtament be exhibited to him or them in writing, with wax thereunto affixed ready to be ſealed, and that the ſame teſtament be lawfully proved before the ſame ordinary (before the ſealing) to be true, whole, and the laſt teſtament of the ſame teſtator, in ſuch form as hath been commonly accuſtomed in that behalf.

The fees for probate of a teſtament, where the goods exceed not the value of C. s.

Commiſſion of adminiſtration where the goods exceed not the value of C. s.

III. And when the goods of the teſtator do amount over and above the clear value of C. s. and do not exceed the ſum of xl. li. ſterling; that then no biſhop, ordinary, nor other manner of perſon or perſons, whatſoever he or they be, now having, or which hereafter ſhall have, authority to take probation or approbation of any teſtament or teſtaments, as is aforeſaid, by themſelves, nor any of their ſaid regiſters, ſcribes, praiſers, ſummoners, apparitors, nor any other their miniſters, for the probation, inſinuation, and approbation of any teſtament or teſtaments, or for the regiſtring, ſealing, writing, praiſing, making of inventories, giving of acquittances, fines, or any other thing concerning the ſame, ſhall take, or cauſe to be taken of any perſon or perſons but only three ſhillings vi. d. and not above, (2) whereof to be to the ſaid biſhop or ordinary, or to any other perſon or perſons having power and authority to take the probation or approbation of any teſtament or teſtaments, for him and his miniſters ii. s. vi. d. and not above, and xii, d. reſidue of the ſaid iii. s. vi. d. to be to the ſcribe for the regiſtering of the ſame: (3) and where the goods of the teſtator, or perſon or perſons

The fees of the probate of a teſtament, where the goods do exceed C. s. and not xl. li.

2 Roll, 158, 263, 449.

The fees of the probate of a teſtament, where the goods do exceed xl. li.

ſons ſo dying, do amount over and above the clear value of xl. li. ſterling, that then the biſhop nor ordinary, nor other perſon or perſons, now having, or which hereafter ſhall have authority or power to take probate of teſtaments, as is aforeſaid, by him or themſelves, nor any of his or their ſaid regiſters, ſcribes, praiſers, ſummoners, apparitors, or any other their miniſters, for the probation, inſinuation, and approbation of any teſtament or teſtaments, or for the regiſtring, ſealing, writing, praiſing, making of inventories, fines, giving of acquittances, or any thing concerning the ſame probate of a teſtament, ſhall from the firſt day of *April*, take, or cauſe to be taken of any perſon or perſons, but only v. s. and not above, whereof to be to the ſaid biſhop, ordinary, or other perſon having power to take the probation of ſuch teſtament or teſtaments, for him and his miniſters ii. s. vi. d. and not above, and ii. s. vi. d. reſidue of the ſaid v. s. to be to the ſcribe for regiſtring of the ſame, (4) or elſe the ſame ſcribe to be at his liberty to refuſe thoſe ii. s. vi. d. and to demand and have for writing of every ten lines of the ſame teſtament, whereof every line to contain in length ten inches, i. d. (5) and that every ſuch biſhop or ordinary, and other perſon or perſons ſo having, or which hereafter ſhall have authority or power to take or receive the probation or approbation of any teſtament or teſtaments, as is aboveſaid, their regiſters, ſcribes, and miniſters ſhall approve, inſinuate, ſeal, and regiſter, from time to time, the ſaid teſtaments, and deliver the ſame ſealed with the ſeal of their office, to the executor or executors named in any ſuch teſtaments, for the ſaid ſum or ſums aboveſaid, and in manner and form as is above rehearſed, to deliver it with convenient ſpeed, without any fruſtratory delay; (6) and in caſe any perſon die inteſtate, or that the executors named in any ſuch teſtament refuſe to prove the ſaid teſtament, then the ſaid ordinary, or other perſon or perſons having authority to take probate of teſtaments, as is aboveſaid, ſhall grant the adminiſtration of the goods of the teſtator, or perſon deceaſed, to the widow of the ſame perſon deceaſed, or to the next of his kin, or to both, as by the diſcretion of the ſame ordinary ſhall be thought good, taking ſurety of him or them, to whom ſhall be made ſuch commiſſion, for the true adminiſtration of the goods, chattels, and debts, which he or they ſhall be ſo authoriſed to miniſter; (7) and in caſe where divers perſons claim the adminiſtration as next of kin, which be equal in degree of kindred to the teſtator or perſon deceaſed, and where any perſon only deſireth the adminiſtration as next of kin, where indeed divers perſons be in equality of kindred, as is aforeſaid, that in every ſuch caſe the ordinary to be at his election and liberty to accept any one or mo making requeſt, where divers do require the adminiſtration.

Teſtaments ſhall be ſealed and delivered without delay.

Hob. 250. Adminiſtration granted of the goods of the inteſtate. 1 Salk. 36. Moore, 871. pl. 1210. Bro. Admin. 47. 3 Co. 40. 9 Co. 39. Cro. El. 163. Cro. Car. 9. 106. To whom adminiſtration ſhall be granted, when divers do requeſt it. 3 Mod. 59, 60. &c.

IV. Or where but one or more of them, and not all being in equality of degree, do make requeſt, then the ordinary to admit the widow, and him or them only making requeſt, or any one of them at his pleaſure, taking nothing for the ſame, unleſs the goods

How much the ordinary ſhall take for granting of adminiſtration.

goods of the perſon ſo deceaſed amount above the value or ſum of C. s. (2) and in caſe the goods of the perſon ſo deceaſed amount to above the value of C. s. and not above the value or ſum of xl. li. then the ſaid biſhop, ordinary, or other perſon or perſons ſo having authority to take probate of teſtaments, as is aforeſaid, their miniſters and officers ſhall take only ii. s. vi. d. ſterling, and not above; (3) and that the executor and executors named by the teſtator, or perſon ſo deceaſed, or ſuch other perſon or perſons to whom ſuch adminiſtration ſhall be committed where any perſon dieth inteſtate, or by way of inteſtate, calling or taking to him or them ſuch perſon or perſons, two at the leaſt, to whom the ſaid perſon ſo dying was indebted, or made any legacy, and upon their refuſal or abſence, two other honeſt perſons, being next of kin to the perſon ſo dying, and in their default and abſence two other honeſt perſons, and in their preſence, and by their diſcretions, ſhall make, or cauſe to be made, a true and perfect inventory of all the goods, chattels, wares, merchandiſes, as well moveable as not moveable whatſoever, that were of the ſaid perſon ſo deceaſed, (4) and the ſame ſhall cauſe to be indented, whereof the one part ſhall be by the ſaid executor or executors, adminiſtrator or adminiſtrators, upon his or their oath or oaths, to be taken before the ſaid biſhops, or ordinaries, their officials, or commiſſaries, or other perſons having power to take probate of teſtaments, upon the holy evangeliſts, to be good and true, and the ſame one part indented ſhall preſent and deliver into the keeping of the ſaid biſhop, ordinary, or ordinaries, or other perſon having power to take probate of teſtaments, and the other part thereof to remain with the ſaid executor or executors, adminiſtrator or adminiſtrators; (5) and that no biſhop, ordinary, or other whatſoever perſon, having authority to take probate of teſtament or teſtaments, as is above ſaid, upon the pain in this eſtatute hereafter contained, refuſe to take any ſuch inventory or inventories to him or them preſented or tendered to be delivered as is aforeſaid.

3 Inſt. 148.
The teſtator's inventory, by whom it ſhall be made, and to whom delivered.
1 Roll, 358.

The profits of the lands to be ſold ſhall not be accounted the teſtator's goods.
Dyer, 264, 310.
Fitz. Exec. 1, 37, 51.

V. Provided always, That if the perſon ſo deceaſed will by his teſtament, or laſt will, any lands, tenements, or hereditaments, to be ſold, that the money thereof coming, nor the profits of the ſaid lands, for any time to be taken, ſhall not be accounted as any of the goods or chattels, of the ſaid perſon ſo deceaſed; (2) and that the ſame biſhop, ordinary, or other perſon or perſons, having authority to take probate of teſtament or teſtaments, as is aforeſaid, upon the delivery of the ſeal and ſign of the teſtator, do cauſe the ſame ſeal to be defaced, and thereupon incontinent redeliver the ſame ſeal unto the ſaid executor or executors, without claim or challenge thereunto to be made. (3) And in caſe any perſon or perſons, at any time hereafter, require a copy or copies of the ſaid teſtament ſo proved, or of the ſaid inventories ſo made, that then the ſaid ordinary or ordinaries, and the other perſons having authority to take probate of teſtaments, or their miniſters, ſhall from time to time with convenient ſpeed, without any fruſtratory delay, deliver,

The teſtator's ſeal ſhall be defaced.
The fee for ſearch and copies of teſtaments or inventories.

liver, or cauſe to be delivered, a true copy or copies of the ſame, to the ſaid perſon or perſons ſo demanding them, or any of them, (4) taking for the ſearch, and for the making of the copy of either of the ſaid teſtament or inventory, but only ſuch fee as is before rehearſed for the regiſtring of the ſaid teſtament; or elſe the ſcribe or regiſter to be at his election and liberty to demand, have, and take for every ten lines thereof, being of the proportion before rehearſed, i. d.

Cuſtom to take leſs money for probate than is aforeſaid.

VI. Provided alway, That where any perſon or perſons having power or authority to take probate of teſtaments, have uſed to take leſs ſums of money than is aboveſaid, for the probate of teſtaments, or commiſſions of adminiſtrations, or other cauſe concerning the ſame, ſhall take and receive ſuch ſum or ſums of money for the probate of teſtaments and commiſſions of the adminiſtrations, and other cauſes concerning the ſame, as they before the making of this act have uſed to take, and not above.

The forfeiture of the ordinary and his officers who ſhall do any thing contrary to this ſtatute. Co. pl. f. 166. Raſt. pl. f. 603.

VII. And it is enacted, That every biſhop, ordinary, archdeacon, chancellor, commiſſary, official, and other perſon or perſons having, or which hereafter ſhall have authority to take probate of teſtaments, their regiſters, ſcribes, praiſers, ſummoners, apparitors, and all other their miniſters whatſoever they be, that ſhall do or attempt, or cauſe to be done or attempted againſt this act or ordinance in any thing, ſhall forfeit and loſe for every time ſo offending, to the party grieved in that behalf, ſo much money as any ſuch perſon aboveſaid ſhall take contrary to this preſent act; (2) and over that ſhall loſe and forfeit x. li. ſterling, whereof the one moiety ſhall be to the King our ſovereign lord, and the other moiety to the party grieved in that behalf, that will ſue by action of debt, bill, information, or otherwiſe in any of the King's courts, for the recovery of the ſame; in which action no eſſoin, protection, nor wager of law ſhall be admitted or allowed. (3) And that every of the ſame biſhops, and other perſons, which ſhall hereafter incur or fall into the dangers of ſuch penalty or forfeiture, ſhall be charged only by himſelf, and none of them to be chargeable to that penalty for other's offence.

An ordinary may convent executors to prove the teſtator's will, and to bring in their inventory.

VIII. Provided alway, That this preſent act be not prejudicial to any ordinary, or any other perſon, which now have, or hereafter ſhall have authority for probate of teſtaments, but that every of them ſhall and may convent before them all and every perſon or perſons made and named executor or executors of any teſtament, to the intent to prove or refuſe the teſtament or teſtaments of their teſtator or teſtators, and to bring in inventories, and to do every other thing concerning the ſame, as they might do before the making of this act; (2) ſo that always any ſuch ordinary, or other perſon or perſons having ſuch authority, by themſelves, their commiſſaries, ſcribes, regiſters, or other miniſters aforeſaid, ſhall not in any wiſe take for the ſame above the fees limited by this act, ne in any wiſe attempt any thing contrary to any part of the ſame act. 26 H. 8. c. 15.

CAP.

CAP. VI.

Where mortuaries ought to be paid, for what perſons, and how much; and in what caſe none is due.

13 Co. 9. The cauſes of limiting in certainty what ſhall be paid for mortuaries.

FORASMUCH *as queſtion, ambiguity, and doubt is chanced and riſen upon the order, manner, and form of demanding, receiving, and claiming of mortuaries, otherwiſe called* Corſe Preſents, *as well for the greatneſs and value of the ſame, which, as hath lately been taken, is thought over-exceſſive to the poor people and other perſons of this realm,* (2) *as alſo for that ſuch mortuaries or corſe preſents have been demanded and levied, for ſuch as at the time of their death have had no property in any goods or chattels, and many times for travelling and wayfaring men, in the places where they have fortuned to die;* (3) *to the intent that all doubt, contention, and incertainty herein may be removed, and as well the generality of the King's people therein remedied, as alſo of the parſons, vicars, pariſh prieſts, curates, and other having intereſt in ſuch mortuaries and corſe preſents indifferently provided for:*

II. Be it therefore enacted, ordained, and eſtabliſhed by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons of this parliament aſſembled, and by authority of the ſame, That from the firſt day of *April*, in the year of our Lord God M.D.XXX. no parſon, vicar, curate, nor pariſh prieſt, ne any other ſpiritual perſon, nor their fermors, bailiffs, nor leſſees, ſhall take, receive, or demand of any perſon or perſons within this realm, for any perſon or perſons dying within the ſame, any manner mortuary or corſe preſent, ne any ſum or ſums of money, ne any other thing for the ſame, more than is hereafter mentioned; (2) ne alſo ſhall convent or call any perſon or perſons before any judge ſpiritual, for the recovery of any ſuch mortuaries or corſe preſents, or any other thing for the ſame, more than is hereafter mentioned, (3) upon pain to forfeit for every time ſo demanding, receiving, taking, or conventing, or calling any ſuch perſon or perſons before any ſpiritual judge, ſo much in value as they ſhall take above the ſum limited by this act, and over that, xl. s. to the party grieved contrary to this act; (4) for the which forfeiture the party ſo grieved contrary to this act, ſhall have an action of debt, by writ, bill, plaint, or information in any of the King's courts, wherein no wager of law, eſſoin, nor protection ſhall be allowed.

The penalty of him that conventeth any perſon to pay for a mortuary more than is due.

No mortuary where the goods be under x. marks. Cro Car. 237.

III. Firſt it is ordained, eſtabliſhed, and enacted, That no manner of mortuary ſhall be taken or demanded of any perſon whatſoever he be, which at the time of his death hath in moveable goods under the value of x. marks. (2) Alſo that no mortuary ſhall be given, asked, or demanded from henceforth of any manner perſon, but only in ſuch place where heretofore mortuaries have been uſed to be paid and given, and in thoſe places none otherwiſe but after the rate and form hereafter mentioned. (3) Ne that any perſon pay mortuaries in more places than one, that is to ſay, in the places of their moſt dwel-

No mortuary but where mortuaries have been.

But one mortuary for one perſon.

ling

ling and habitation, and there but one mortuary. (4) Nor no parſon, vicar, curate, pariſh prieſt, or other, ſhall for any perſon dying or dead, and being at the time of his death of the value in moveable goods of x. marks, or more, clearly above his debts paid, and under the ſum of xxx. li. take for a mortuary above iii. s. iv. d in the whole. (5) And for a perſon dying or dead, being at the time of his death of the value of xxx. li. or above clearly, above his debts paid, in moveable goods, and under the value of xl. li. there ſhall no more be taken or demanded for a mortuary than vi. s. viii. d. in the whole. (6) And for any perſon dying or dead, having at the time of his death of the value in moveable goods of xl. li. or above, to any ſum whatſoever it be, clearly above his debts paid, there ſhall be no more taken, paid, or demanded for a mortuary than x. s. in the whole.

The duty of the parſon, &c. for all mortuaries.

IV. Provided alway, That for no woman being covert baron, nor child, ne for any perſon not keeping houſe, any manner mortuary be paid, ne that any parſon, vicar, curate, pariſh prieſt or other, ask, demand, or take for any ſuch woman, child, or for any perſon not keeping houſe, dying or dead, any manner thing or money, by way of mortuary; (2) ne alſo for any way-faring man, or other, that dwelleth not, ne maketh reſidence in the place where they ſhall happen to die, but that the mortuary of ſuch way-faring perſons be anſwerable in places where mortuaries be accuſtomed to be paid, and in manner and form, and after the rate before mentioned, and none otherwiſe, in the place or places where ſuch way-faring perſons at the time of their death had their moſt habitation, houſe, and dwelling-places, and no where elſe.

A woman covert, a child, or perſon keeping no houſe, ſhall pay no mortuary.

Nor wayfaring man, or that maketh no reſidence where he dieth.

V. Provided alway, That it ſhall be lawful to all manner parſons, vicars, curates, pariſh prieſts, and other ſpiritual perſons, to take and receive any manner ſum of money, or other thing, which by any perſon dying ſhall fortune to be diſpoſed, given, or bequeathed unto them, or any of them, or to the high altar of the church, this act, or any thing therein mentioned notwithſtanding.

A legacy bequeathed to a parſon, &c. or to the altar.

VI. And be it alſo enacted by the authority aforeſaid, That no mortuaries nor corſe preſents, ne any ſum or ſums of money, or other thing, for any mortuary or corſe preſent, ſhall be demanded, taken, received, or had in the parts of *Wales*, nor in the marches of the ſame, nor in the towns of *Calais* or *Berwick*, nor in the marches of the ſame, but only in ſuch parts and places of *Wales*, marches, and towns aforeſaid, where mortuaries have been accuſtomed to be taken and paid; (2) and in thoſe parts and places no mortuaries nor corſe preſents, ne any other thing for mortuary or corſe preſent from henceforth ſhall be demanded, taken, received, or had, but only after the form, order, and manner above ſpecified in this preſent act, and none otherwiſe, ne of any other perſon or perſons than is limited by this preſent act, upon the pain above contained in this preſent act.

No mortuaries in Wales, Calais, or Berwick.

VII. Pro-

Mortuaries to be taken by the biſhops of Bangor, St. David, St. Aſaph, &c. In part repealed by 12 Annæ. ſtat. 2. c. 6.

VII. Provided alſo, That it ſhall be lawful to the biſhops of *Bangor*, *Landaff*, St. *David's*, and St. *Aſaph*, and likewiſe to the archdeacon of *Cheſter*, to take ſuch mortuaries of the prieſts within their dioceſes and juriſdictions, as heretofore have been accuſtomed. (2) Provided alſo, That in ſuch places where mortuaries have been accuſtomed to be taken of leſs value than is aforeſaid, that no perſon ſhall be compelled to pay in any ſuch place any other mortuary, or more for any mortuary than hath been accuſtomed, ne that any mortuary in ſuch place ſhall be demanded, taken, received, or had of any perſon or perſons exempt by this act, nor in any wiſe contrary to this act, upon the pain afore limited.

Places where mortuaries have been of leſs value.

CAP. VII.

Servants imbezzelling their maſters goods to the value of forty ſhillings, or above, ſhall be puniſhed as felons.

3 Inſt. 104.

WHERE *before this time divers, as well noblemen, as other the King's ſubjects, have upon confidence and truſt delivered unto their ſervants their caskets, and other jewels, money, goods, and chattels, ſafely to be kept to the uſe of their ſaid maſters or miſtreſſes, and after ſuch delivery the ſaid ſervants have withdrawn themſelves, and gone away from their ſaid maſters or miſtreſſes, with the ſaid caskets, jewels, money, goods, and chattels, or part thereof, to the intent to ſteal the ſame, and defraud their ſaid maſters or miſtreſſes thereof, and ſometime being with their ſaid maſters or miſtreſſes, have converted the ſaid jewels, money, and other chattels, or part thereof, to their own uſe, which misbehaviour ſo done was doubtful in the common law, whether it were felony or not; and by reaſon thereof the foreſaid ſervants have been in great boldneſs to commit ſuch or like offences:* (2) be it therefore enacted, ordained, and eſtabliſhed by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That all and ſingular ſuch ſervants, to whom any ſuch caskets, jewels, money, goods, or chattels, by his or their ſaid maſters or miſtreſſes, ſhall from henceforth ſo be delivered to keep, that if any ſuch ſervant or ſervants withdraw him or them from their ſaid maſters and miſtreſſes, and go away with the ſaid caskets, jewels, money, goods, or other chattels, or any part thereof, to the intent to ſteal the ſame, and defraud his or their ſaid maſters or miſtreſſes thereof, contrary to the truſt and confidence to him or them put by his or their ſaid maſters or miſtreſs, or elſe being in the ſervice of his ſaid maſter or miſtreſſes, without aſſent or commandment of his maſters or miſtreſſes, he imbezzel the ſame caskets, jewels, money, goods, or chattels, or any part thereof, or otherwiſe convert the ſame to his own uſe, with like purpoſe to ſteal it, that if the ſaid caskets, jewels, money, goods, or chattels, that any ſuch ſervant ſhall ſo go away with, or which he ſhall imbezzel with purpoſe to ſteal it, as is aforeſaid, be of the value of xl. s. or above, that then the ſame falſe, fraudulent, and untrue act or demeanour, from henceforth ſhall be deemed

If a ſervant ſhall go away with any money, &c. of his maſters to the value of xl. s. or above, it ſhall be felony.

and

and adjudged felony; and he or they ſo offending, to be puniſhed, as other felons be puniſhed for felonies committed, by the courſe of the common law.

II. Provided alway, That this act, or any thing therein contained, ſhall not in any wiſe extend, or be prejudicial to any apprentice or apprentices, nor to any perſon within the age of eighteen years, going away with his or their maſters goods or jewels, or otherwiſe converting the ſame to his or their own uſes, during the time of their apprenticeſhip, or being within the age of eighteen years, but that every apprentice or apprentices, ſuch perſon or perſons being within the ſaid age, doing or offending contrary to this preſent act, ſhall be, and ſtand in like caſe as they and every of them were before the making of this act; (2) the ſame act to continue and endure unto the next parliament.

This ſtatute ſhall not extend to an apprentice, or one within 18 years of age. 27 H. 8. c. 17. 28 H. 8. c. 2. Rep. by 1 Mar. ſeſſ. 1. c. 1. and made perpetual by 5 El. c. 10.

CAP. VIII.

No butcher ſhall kill any calf calved between the firſt day of *January*, and the firſt of *May*, upon pain of forfeiture of vi. s. viii. d.

Exp. 24 H. 8. c. 9.

CAP. IX.

Whoſoever ſhall ſell any hats or caps made beyond the ſea above the prices herein limited, ſhall forfeit xl. s.

Rep. 1 Jac. 1. c. 25.

CAP. X.

Whoſoever doth carry any braſs, *&c.* to any port to be conveyed beyond the ſea, ſhall forfeit the ſame, or the value thereof.

Exp. 31 H. 8. c. 7. 33 H. 8. c. 7. 2 & 3 Ed. 6. c. 37.

CAP. XI.

At what time reſtitution ſhall be made of goods ſtolen.

BE it enacted by this preſent parliament, That if any felon or felons hereafter do rob, or take away any money, goods, or chattels, from any of the King's ſubjects, from their perſon or otherwiſe, within this realm, and thereof the ſaid felon or felons be indicted, and after arraigned of the ſame felony, and found guilty thereof, or otherwiſe attainted by reaſon of evidence given by the party ſo robbed, or owner of the ſaid money, goods, or chattels, or by any other by their procurement, that then the party ſo robbed, or owner, ſhall be reſtored to his ſaid money, goods, and chattels; (2) and that as well the juſtices of gaol-delivery, as other juſtices, afore whom any ſuch felon or felons ſhall be found guilty, or otherwiſe attainted, by reaſon of evidence given by the party ſo robbed, or owner, or by any other by their procurement, have power, by this preſent act, to award, from time to time, writs of reſtitution for the ſaid money, goods, and chattels, in like manner as though any ſuch felon or felons were attainted at the ſuit of the party in appeal.

There ſhall be reſtitution to the owner of ſtolen goods after the attainder of the felon. 2 Bulſtr. 310. Cro. El. 661. Kelyng, 48. 5 Co. 110.

CAP. XII.

Touching making of cables, &c. *in* Burport.

MOST *humbly beſeeching your highneſs, the bailiffs, burgeſſes, and other the inhabitants of your town and borough of* Burport, *within your county of* Dorſet, *that where they, out of time that no*

The cauſe of former maintenance of the town of Bur-

port, and of the late decay thereof.

man's mind is to the contrary, have uſed and exerciſed to make, within the ſame, the moſt part of all the great cables, halſers, ropes, and all other tackling, as well for your royal ſhips and navy, as for the moſt part of all other ſhips within this realm, by reaſon whereof your ſaid town was right well maintained, and inhabited, your highneſs and your ſubjects right well ſerved, until now of late many, divers, and evil-diſpoſed perſons, intending the deſtruction of your ſaid town, for their private lucre, and advantage, have withdrawn themſelves into the country in divers places, there taking ferms, and uſing husbandry out of the ſaid town, and alſo daily reſort to your ſaid town to buy, and provide hemp, and thereof make cables, ropes, halſers, traces, halters, and other tackle, which cables, ropes, halſers, traces, halters, and other tackle, been by the ſaid perſons ſlightly and deceivably made, by reaſon whereof not only the buyers of the ſame been continually thereby deceived, but alſo the prices of the ſaid cables, halſers, traces, halters, and other tackle thereby greatly inhaunced, and your ſaid town or borough, by means thereof, is like utterly to be decayed, ruined, and deſolated, if ſpeedy remedy be not by your highneſs in that caſe provided.

Hemp growing within 5 miles of Burport ſhall be ſold there.

II. Be it therefore enacted by your highneſs, by the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That no manner perſon or perſons dwelling or inhabiting within the diſtance of five miles from the ſaid town or borough of *Burport*, ſhall from henceforth, ſell, or cauſe to be ſold out of the market holden and to be holden within the ſame town or borough of *Burport*, to any perſon or perſons, any hemp, which ſhall happen to grow within the ſaid five miles in diſtance from the ſaid town or borough, upon pain of forfeiture of the ſaid hemp ſo ſold, or to be ſold, in any place or places within the diſtance of the ſaid five miles out of the ſaid town, borough, or market, contrary to the form and effect of this ſtatute.

Cables, halſers, and tackle of hemp ſhall be made at Burport.

III. And further be it enacted by the authority aforeſaid, That no perſon or perſons, other than ſuch as ſhall dwell, and be inhabitants within the ſaid town, ſhall make, after the feaſt of *Eaſter* next coming, out of the ſaid town, any cables, halſers, ropes, traces, halters, or any other tackle made of hemp, in any other place or places within the ſaid diſtance of five miles from the ſaid town, upon pain of forfeiture of the ſaid cables, halſers, ropes, traces, halters, and other tackle, made, and to be made contrary to the form and effect of this ſtatute; (2) the one half of every ſuch forfeitures, as well of the hemp ſo ſold, or to be ſold out of the ſaid town, borough, and market, contrary to the form aforeſaid, as alſo the ſaid cables, halſers, ropes, traces, halters, or other tackle made out of the ſaid town contrary to this ſtatute, to be to the uſe of our ſovereign lord the King, and the other half to him that will ſue for the ſame, by action of debt, bill, or information, wherein neither wager of law, eſſoin, nor protection ſhall be allowed.

20 Pound wt. a ſtone of hemp.

IV. Provided always, That twenty pounds weight ſhall be accounted to the ſtone.

V. Pro-

V. Provided alſo, That every perſon dwelling within the ſaid diſtance, may make cables, halſers, ropes, traces, halters, and other tackle, for their own uſe and occupations but in no wiſe againſt this act; (2) this act to endure to the next parliament.

The worker making it to his own uſe. Continued by 33 H. 8. c. 12. 37 H. 8. c. 23. & 3 Car. 1. c. 4. and again by 16 Car. 1. c. 4.

CAP. XIII.

Spiritual perſons abridged from having pluralities of livings, and from taking of ferms, &c.

FOR *the more quiet and virtuous increaſe and maintenance of divine ſervice, the preaching and teaching the word of God, with godly and good example giving, the better diſcharge of curates, the maintenance of hoſpitality, the relief of poor people, the increaſe of devotion, and good opinion of the lay-fee toward the ſpiritual perſons:* (2) Be it enacted, ordained, and eſtabliſhed by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, That no ſpiritual perſons, ſecular or regular, of what degree ſoever he or they be, ſhall from henceforth take to ferm to himſelf, or to any perſon or perſons to his uſe, of the leaſe or grant of the King our ſovereign lord, nor of any other perſon or perſons, by letters patents, indentures, writings, by words or otherwiſe, by any manner of means, any manors, lands, tenements, or other hereditaments for term of life, for term of years, or at will, (3) upon pain to forfeit ten pounds for every month that he, or any other to his uſe, ſhall occupy any ſuch ferm, by reaſon of any ſuch leaſe or grant hereafter to be made; the one half of which forfeiture to be to the King our ſovereign lord, and the other half thereof to every ſuch perſon that will ſue for the ſame by original writ, bill, or plaint of debt, or by any information in any of the King's courts; (4) in which action and ſuit no wager of law ſhall be admitted for the defendant, nor any eſſoin or protection allowed.

The ſeveral benefits enſuing the performance of this ſtatute. Savil. 22. Hob. 157. 2 Roll, 480. 3 Leon. 122. No ſpiritual perſon ſhall take any lands to ferm. 2 Bulſtr. 18. 1 Lutw. 134.

II. And be it alſo enacted by the authority aforeſaid, That all and every ſuch ſpiritual perſon or perſons which now have, or occupy in ferm, by themſelves, or by any other to their uſe, any manors, lands, tenements, or hereditaments, of the leaſe, or grant of the King our ſovereign lord, or any other perſon or perſons, for term of life, or for years, or at will, by any writing or otherwiſe, or that now have any annual rents, or other annual advantage, or profit, by occaſion or colour of any ſuch leaſe or ferm, ſhall clearly bargain, ſell, give, or grant away on this ſide the feaſt of St. *Michael* the archangel next coming, to any ſuch lay perſon or perſons, as they will at their own nominations and appointment, all ſuch leaſe, term, intereſt, and profit, as any ſuch ſpiritual perſon, or any other to his uſe, now hath or have, in or by reaſon of any ſuch ferm; (2) ſo that in no wiſe any ſuch ſpiritual perſon or perſons at any time after the ſame feaſt, by themſelves, or any other to their uſe,

The ſpiritual perſon which hath any ferm or profit out of ferm, ſhall aliene it forthwith. Dyer, 351.

by any manner of means, fraud, or male engine, ſhall have, uſe, or occupy in ferm, any manors, lands, tenements or hereditaments, of the demiſe, leaſe, or grant of any perſon or perſons heretofore made, or hereafter to be made, to themſelves, or to any other to their uſes; (3) nor from the ſaid feaſt ſhall take any annual rent, or other annual advantage or profit, by occaſion or colour of any ſuch leaſe or ferm by any manner of means, (4) upon pain to forfeit for every month ſo occupying any ſuch ferm, at any time after the ſaid feaſt, contrary to this preſent act, ten pounds, and upon pain to forfeit ten times as much as any ſuch ſpiritual perſon, or any to his uſe, ſhall take in any annual rent, advantage, or profit, by occaſion or colour of any ſuch leaſe, at any time after the ſaid feaſt; the one half of which forfeitures to be to the King, our ſovereign lord, and the other half to him that will ſue for the ſame by original writ, bill, or plaint of debt, or by information in any of the King's courts; (5) in which action and ſuit no wager of law ſhall be admitted for the defendant, nor any eſſoin nor protection allowed.

27 H. 8. f. 23.

Leaſes made to ſpiritual perſons, or to others to their uſe, ſhall be void.

III. And be it alſo enacted, That all ſuch leaſes made, or hereafter to be made, unto any ſuch ſpiritual perſon or perſons, or to any other to their uſe for term of life, term of years, or at will, of any manors, lands, tenements, or hereditaments, whereof they, or any of them, ſhall take any profit or medling by themſelves, or by any to their uſe, after the ſaid feaſt of Saint *Michael*, by colour of any ſuch leaſe or grant, and not by them bargained, granted and ſold away before the ſaid feaſt, as is before limited, ſhall from henceforth be utterly void, and of none effect, as well againſt the leaſor or leaſors, grantor and grantors, their heirs and aſſigns, and againſt every of them, as againſt the leaſee or leaſees, and their executors and aſſigns, and every of them.

In ſome caſes a ſpiritual perſon may take to ferm the temporalities of a biſhop, &c.

IV. Provided alway, That this preſent act ſhall not extend to any ſpiritual perſon or perſons, in and for taking to ferm any temporalities, during the time of vacations of any archbiſhopricks, biſhopricks, abbeys, priories, or other collegiate, cathedral, or coventual churches, (2) nor to any ſpiritual perſon or perſons that ſhall tender or make any traverſe upon any offices or office, concerning his or their freehold.

No ſpiritual perſon ſhall buy to ſell again any merchandiſe, corn, cattle, &c.

V. And be it alſo enacted by the authority aforeſaid, That no ſpiritual perſon or perſons, ſecular or regular, of what eſtate or degree ſoever they be, ſhall from henceforth by himſelf, nor by any other for him, nor to his uſe, bargain and buy to ſell again for any lucre, gain, or profit, in any markets, fairs, or other places, any manner of cattle, corn, lead, tin, hides, leather, tallow, fiſh, wool, wood, or any manner of victual or merchandiſe, what kind ſoever they be of, upon pain to forfeit treble the value of every thing, by them, or by any to their uſe, bargained and bought to ſell again, contrary to this preſent act; (2) and that every ſuch bargain and contract

tract hereafter to be made by them, or by any to their uſe, contrary to this act, ſhall be utterly void, and of none effect; (3) and the one half of every ſuch forfeiture to be to the King our ſovereign lord, and the other half to him that will ſue for the ſame by original writ of debt, bill, plaint, or information in any of the King's courts; in which action or ſuit no wager of law for the defendant ſhall be admitted, nor any eſſoin nor protection allowed.

In what caſe a ſpiritual perſon may ſell again the things which he hath bought.

VI. Provided alway, That if any ſuch ſpiritual perſon or perſons ſhall happen hereafter without fraud or covin to buy any horſes, mares, or mules, to the only intent to occupy for himſelf or his ſervants, to ride to and fro upon his neceſſary buſineſs, or any other cattles or goods, to the only intent and purpoſe at the buying thereof to be employed and put in and about his neceſſary apparel of his own houſe, or of his perſon and ſervants, or in, for, and about the only occupying, manuring, or tillage of his own glebe or demean lands annexed to his church, or for the neceſſary expences of his own houſhold-keeping, and after the buying of any ſuch horſes, cattles, or goods, or exerciſe of them, or any of them, happeneth to miſlike any of them that they ſhould not be good, profitable, nor convenient for any of the purpoſes aboveſaid, for the which they were bought; that then every ſuch ſpiritual perſon or perſons may lawfully bargain and put away ſuch things ſo by him bought, without fraud or covin, for any of the purpoſes aboveſaid at his pleaſure and advantage, this act, or any thing therein contained notwithſtanding.

Certain houſes of religion may keep demeſne lands in their hands for the maintenance of their houſes.

VII. Provided alway, That all abbots, priors, abbeſſes, prioreſſes, provoſts, preſidents, maſters of colleges and hoſpitals, and all other ſpiritual governors and governeſſes of any ſpiritual monaſteries, or houſes of religion, by what name or names ſoever they be called, having manors, lands, tenements, and hereditaments, and other yearly profits in the right of their monaſteries or houſes, of the yearly value of viii. C. marks, or under, and not above, may uſe and occupy as much and as many of their demean lands, fee-ferms, and ferms, to their moſt advantage, commodity, and profit, to and for the only maintenance of their houſholds and hoſpitalities, in as ample and large manner as they or any of them, or their predeceſſors, or the predeceſſors of any of them, at any time by the ſpace of one hundred years laſt paſt before the making of this act have done, uſed and occupied; any thing in this preſent act to the contrary notwithſtanding.

Spiritual perſons may take in ferm for the maintenance of their houſes. 2 Bulſtr. 18. Savil, 32.

VIII. Provided alſo, That every other ſpiritual perſon or perſons, not having ſufficient glebe or demean lands in their own hands in the right of their churches, monaſteries, and houſes for paſturage of cattle, or for increaſe of corn, to and for the only expences of their houſholders, and for their carriages or journies, may take in ferm other lands, and buy and ſell corn and cattle, for the only manurance, tillage, and paſturage of ſuch ferms, (2) ſo that the increaſe thereof be alway em-

ployed and put to and for the only expences in their houſholds and hoſpitalities, and not in any wiſe to buy and ſell again for any other commodity, lucre, or advantage, any corn or cattle, renewing, coming, or growing in and upon any ſuch ferm or otherwiſe, but only the remain and overplus above their expences of their houſholds, if any ſuch ſhall happen, of the breed and increaſe thereof, without fraud or covin; any thing in this preſent act to the contrary hereof notwithſtanding.

The penalty of pluralities. Cro. El. 601, 853. 1 Leonard, 316. March 84. Co. pl. f. 368, 511. b. Dyer, 237, 255, 347, 351, 377. 4 Co. 75, 78. b. 24 Ed. 3. f. 39. Vaughan, 131. 2 Roll, 451. F.N.B. 44 H. 51. L. Goldsb. 162. pl. 97.

IX. And be it enacted by the authority aforeſaid, That if any perſon or perſons having one benefice with cure of ſoul, being of the yearly value of viii. pound or above, accept and take any other with cure of ſoul, and be inſtituted and inducted in poſſeſſion of the ſame, that then and immediately after ſuch poſſeſſion had thereof, the firſt benefice ſhall be adjudged in the law to be void.

Any diſpenſation contrary to this ſtatute ſhall be void. Dyer, 352. Savil, 136. 25 H. 8. c. 21. Repealed by 1 & 2 Ph. & M. c. 8. f. 4. Dyer, 347.

X. And that it ſhall be lawful to every patron, having the advowſon thereof, to preſent another, and the preſentee to have the benefit of the ſame, in ſuch like manner and form as though the incumbent had died or reſigned, any licence, union, or other diſpenſation to the contrary hereof obtained notwithſtanding. And that every ſuch licence, union, or diſpenſation had, or hereafter to be obtained contrary to this preſent act, of what name or names, quality or qualities, ſoever they be, ſhall be utterly void, and of none effect.

XI. And if any perſon or perſons at any time after the firſt day of *April*, in the year of our lord God M.D. and xxx. contrary to this preſent act, procure and obtain at the court of *Rome*, or elſewhere, any licence or licences, union, toleration, or diſpenſation, to receive and take any mo benefices with cure than is above limited, or elſe at any time after the ſaid day put in execution any ſuch licence, toleration, or diſpenſation, before that obtained contrary to this act, that then every ſuch perſon or perſons, ſo after the ſaid day ſuing for himſelf, or receiving and taking ſuch benefice by force of ſuch licence or licences, union, toleration, or diſpenſation, that is to ſay, the ſame perſon or perſons only, and none other, ſhall for every ſuch default incur the danger, pain, and penalty of xx.li. ſterling, and alſo loſe the whole profits of every ſuch benefice or benefices as he receiveth or taketh by force of any ſuch licence or licences, union, toleration, or diſpenſation; (2) the one half of which forfeiture to be to the King our ſovereign lord, and the other half thereof to him that will ſue for the ſame by original writ, bill, plaint of debt, or information in any of the King's courts; (3) in which action and ſuit no wager of law, eſſoin, or protection for the defendant, ſhall be admitted or allowed.

XII. Provided always, That this act concerning the not keeping of mo benefices with cure of ſouls than one, extend, ne be prejudicial to any perſon or perſons, which at any time before the ſaid firſt day of *April*, in the year of our Lord God M. D.

M. D. and xxx. ſhall be really intituled or poſſeſſed of any ſuch benefices with cure of ſoul, as concerning or touching any of the ſame benefices, whereof they ſhall then be already really intituled or poſſeſſed before the ſaid day, to or under the number of four, and not above; (2) and if any ſuch ſpiritual perſon or perſons ſo being intituled or poſſeſſed of mo benefices with cure of ſoul than four, do not by the ſaid firſt day of *April* clearly, and without yearly penſion, reſign, or otherwiſe give up all and every ſuch benefice and benefices as he ſhall be ſo intituled and poſſeſſed of, above the ſaid number, that then it ſhall be lawful for every patron, having the advowſon of any ſuch benefice, over the number aforeſaid, to preſent another, and the preſentee to have the benefit of the ſame, in like manner and form as though it had been void by death, or reſignation of the incumbent, any licence, union, or other diſpenſation to the contrary hereof obtained notwithſtanding; (3) and this clauſe of preſentation to be taken and underſtood in and of ſuch benefices with cure of ſoul, as were given to any ſuch ſpiritual perſon, after the ſaid number of four benefices with cure furniſhed and fulfilled.

They may keep their benefices, which were thereof poſſeſſed ann. 1530, except they have above four.

XIII. Provided alſo, That all ſpiritual men now being, or which hereafter ſhall be of the King's council, may purchaſe licence or diſpenſation, and take, receive, and keep three parſonages, or benefices, with cure of ſoul; (2) and that all other being the King's chaplains, and not ſworn of his council, the chaplains of the queen, prince, or princeſs, or of any of the King's children, brethren, ſiſters, uncles, or aunts, may ſemblably purchaſe licence, or diſpenſation, and retain and keep two parſonages and benefices with cure of ſoul.

1 Roll, 456, 460, 464, 469, 472. Godbolt, 41. pl. 47. 153. pl. 201. Cro. El. 424. Regiſt. 58. b.

XIV. And in like wiſe, that every archbiſhop and duke may have ſix chaplains, whereof every one ſhall and may purchaſe licence or diſpenſation, and take, receive, and keep two parſonages or benefices, with cure of ſoul.

Who may purchaſe licences, and have more benefices with cure of ſouls than one. 13 Co. 5.

XV. And that every marquis, and earl, may have five chaplains, whereof every one may purchaſe licence or diſpenſation, and take, receive, and keep two parſonages or benefices with cure of ſoul.

XVI. And that every viſcount, and other biſhop, may have four chaplains, whereof every one may purchaſe licence, and receive, have, and keep two parſonages or benefices with cure of ſoul, as is aforeſaid.

XVII. And that the chancellor of *England* for the time being, and every baron, and knight of the garter, may have three chaplains, whereof every one ſhall now purchaſe licence or diſpenſation, and receive, have, and keep two parſonages or benefices with cure of ſoul.

XVIII. And that every ducheſs, marchioneſs, counteſs, and baroneſs, being widows, may have two chaplains, whereof every one of them may purchaſe licence or diſpenſation, to receive, have, and keep two benefices with cure of ſoul.

4 Co. 90, 119.

XIX. And that the treaſurer, and comptroller of the King's

Co.pl.203. 513. Cro.El.723. houſe, the King's ſecretary, and dean of his chapel, the King's amner, and the maſter of the rolls, may have every of them two chaplains; (2) and the chief juſtice of the King's bench one chaplain; (3) and the warden of the five ports for the time being, one chaplain; whereof every one may purchaſe licence, and receive, have, and keep two parſonages or benefices with cure of ſoul.

4Co.73,89, 117.

1And.200. XX. And that the brethren and ſons of all temporal lords, which are born in wedlock, may every of them purchaſe licence or diſpenſation, and receive, have, and keep as many parſonages or benefices with cure, as the chaplains of a duke, or an archbiſhop.

XXI. And likewiſe the brethren and ſons born in wedlock of every knight, may every of them purchaſe licence or diſpenſation, and receive, take, and keep two parſonages or benefices with cure of ſoul.

The chaplains ſhall ſhew the letters of their lords or maſters.

XXII. Provided always, That the ſaid chaplains ſo purchaſing, taking, receiving, and keeping benefices with cure of ſoul as is aforeſaid, ſhall be bound to have and exhibit, where need ſhall be, letters under the ſign and ſeal of the King, or other their lord and maſter, teſtifying whoſe chaplains they be, and elſe not to enjoy any ſuch plurality of benefices by being ſuch chaplain, any thing in this act notwithſtanding.

XXIII. Be it alſo provided, That all doctors and batchelors of divinity, doctors of law, and batchelors of the law canon, and every of them which ſhall be admitted to any of the ſaid degrees by any of the univerſities of this realm, and not by grace only, may purchaſe licence, and take, have, and keep two parſonages or benefices with cure of ſoul; (2) ſo that always the ſaid liberty, by any of the proviſions aforeſaid given to any of the ſaid counſellors, chaplains, and other perſons before ſpecified, to purchaſe licence or diſpenſation, and take, receive, and keep more benefices than one, after the manner and form aforeſaid, be taken and underſtood to extend in number to no mo benefices with cure of ſoul, than is above limited, accounting in the ſame, and as parcel thereof, ſuch benefices with cure of ſoul, as any the ſaid perſons ſhall have in real title, or in their poſſeſſion, at the ſaid firſt day of *April*, in the year of our Lord M.D. and xxx.

Doctors and batchelors of divinity and law may by diſpenſation have two benefices with cure.

No diſpenſation can licence any to have above two benefices.

XXIV. Provided alſo, That every archbiſhop, becauſe he muſt occupy eight chaplains at conſecrations of biſhops, and every biſhop, becauſe he muſt occupy ſix chaplains at giving of orders, and conſecration of churches, may every of them have two chaplains over and above the number above limited unto them, whereof every one may purchaſe licence and diſpenſation, and take, receive, and keep as many parſonages and benefices, with cure of ſoul, as is before aſſigned to ſuch chaplains.

Every archbiſhop may have eight chaplains, and every biſhop four.

XXV. Provided alſo, and be it enacted by authority aforeſaid, That no perſon or perſons, to whom any number of chaplains, or any chaplain, by any of the proviſions aforeſaid

is

is limited, ſhall in any wiſe, by colour of any of the ſame proviſions, advance any ſpiritual perſon or perſons, above the number to them appointed, to receive or keep any mo benefices with cure of ſoul, than is above limited by this act, any thing ſpecified in the ſaid proviſions notwithſtanding; (2) and if they do, then every ſuch ſpiritual perſon and perſons, ſo advanced above the ſaid number, to incur the pain and penalty contained in this act.

Advancement to more benefices than be appointed by this act.
Savil,79,101. Co.pl.f.515. Moor,561.pl. 763.

XXVI. Be it alſo further enacted by the authority aforeſaid, That as well every ſpiritual perſon now being promoted to any archdeaconry, deanry, or dignity in any monaſtery, or cathedral church, or other church, conventual or collegiate, or being beneficed with any parſonage or vicarage, as all and every ſpiritual perſon and perſons, which hereafter ſhall be promoted to any of the ſaid dignities or benefices, with any parſonage or vicarage, from the feaſt of St. *Michael* the archangel next coming, ſhall be perſonally reſident, and abiding in, at, and upon his ſaid dignity, prebend, or benefice, or at one of them at the leaſt; (2) and in caſe that any ſuch ſpiritual perſon, at any time after the ſaid feaſt, keep not reſidence at one of his ſaid dignities, prebends, or benefices, as is aforeſaid, but abſent himſelf wilfully by the ſpace of one month together, or by the ſpace of two months, to be accounted at ſeveral times in any one year, and make his reſidence and abiding in any other places by ſuch time, that then he ſhall forfeit for every ſuch default x.li. ſterling; the one half thereof to the King our ſovereign lord, and the other half of the ſame to the party that will ſue for the ſame in any of the King's courts by original writ of debt, bill, plaint, or information; in which action and ſuit the defendant ſhall not wage his law, nor have any eſſoin nor protection allowed.

Moor,540.pl. 712.
Moor,542.pl. 719.
Raſt. pla.f. 599.
Savil,32,135.
2 Roll, 90.
What ſhall be adjudged non-reſidence, and the penalty thereof.
Cro.El. 590, 663,719.
Cro. Car. 146.
6 Co. 21.
1 Lutw.138.

XXVII. And if any perſon or perſons procure or obtain at the court of *Rome*, or elſewhere, any manner of licence or diſpenſation to be non-reſident at their ſaid dignities, prebend, or benefices, contrary to this act, that then every ſuch perſon or perſons putting in execution any ſuch diſpenſation or licence for himſelf, from the ſaid firſt day of *April*, in the year of our Lord God M. D. and xxx. ſhall run and incur in the penalty, damage, and pain of xx. li. ſterling for every time ſo doing, to be forfeited and recovered as is aboveſaid, and ſuch licence or diſpenſation ſo procured, or to be put in execution, to be void and of none effect.

The penalty for procuring of diſpenſations to be non-reſident.

XXVIII. Provided alway, That this act of non-reſidence ſhall not in any wiſe extend, ne be prejudicial to any ſuch ſpiritual perſon as ſhall chance to be in the King's ſervice beyond the ſea, nor to any perſon or perſons going to any pilgrimage or holy place beyond the ſea, during the time that they ſhall ſo be in the King's ſervice, or in their pilgrimages going and returning home; (2) nor to any ſcholar or ſcholars being converſant and abiding for ſtudy, without fraud or covin, at any univerſity within this realm, or without; (3) nor to any of the

28 H.8.c.13.
What ſpiritual perſons may be diſcharged of reſidence, and by what means.
25 H.8.c.16.
33 H.8.c.28.

chaplains of the King's or Queen's, daily or quarterly attending and abiding in the King's or Queen's moſt honourable houſholds; (4) nor to any of the chaplains of the prince or princeſs, or any of the King's or Queen's children, brethren, or ſiſters, attending daily in their honourable houſholds, during ſo long as they ſhall attend in any of their ſaid houſholds; (5) nor to any chaplain of any archbiſhop or biſhop, or of any ſpiritual or temporal lords of the parliament, daily attending, abiding, and remaining in any of their honourable houſholds; (6) nor to any chaplain of any ducheſs, marqueſs, counteſs, viſcounteſs, or baroneſs, attending daily, and abiding in any of their honourable houſholds; (7) nor to any chaplain of the lord chancellor or treaſurer of *England*, the King's chamberlain, or ſteward of his houſhold for the time being, the treaſurer and comptroller of the King's moſt honourable houſhold for the time being, attending daily in any of their honourable houſholds; (8) nor to any chaplain of any of the knights of the honourable order of the garter, or of the chief juſtice of the King's bench, warden of the ports, or alſo of the maſter of the rolls; nor to any chaplain of the King's ſecretary, and dean of the chapel, amner for the time being, daily attending and dwelling in any their houſholds, during the time that any ſuch chaplain or chaplains ſhall abide and dwell, without fraud or covin, in any of the ſaid honourable houſholds; (9) nor to the maſter of the rolls, or dean of the arches, nor to any chancellor or commiſſary of any archbiſhop or biſhop; nor to as many of the twelve maſters of the chancery, and twelve advocates of the arches, as be, or hereafter ſhall be ſpiritual men, during ſo long time as they ſhall occupy their ſaid rooms and offices; (10) nor to any ſuch ſpiritual perſons as ſhall happen by injunction of the lord chancellor, or the King's council, to be bound to any daily appearance and attendance to anſwer to the law, during the time of ſuch injunction.

See 25 H. 8. c. 16. as to the chaplains of judges, or of the attorney or ſolicitor general; and 28 H. 8. c. 13. ſ. 2. as to the ſtudents in either univerſity; and 33 H. 8. c. 28. as to chaplains of the officers of the duchy of Lancaſter, &c.

The King's licence of non-reſidence.

XXIX. Provided alſo, That it ſhall be lawful to every ſpiritual perſon or perſons, being chaplains to the King our ſovereign lord, to whom it ſhall pleaſe his highneſs to give any benefices or promotions ſpiritual, to what number ſoever it be, to accept and take the ſame, without incurring the danger, penalty, and forfeiture in this eſtatute compriſed; (2) and that alſo it ſhall be lawful to the King's highneſs, to give licence to every of his own chaplains for non-reſidence upon their benefices, any thing in this preſent act contained to the contrary notwithſtanding.

No ſpiritual perſon beneficed with cure ſhall take in ferm any parſonſonage or vicarage.

XXX. And be it further enacted by the authority aforeſaid, That no ſpiritual perſon, ſecular or regular, beneficed with cure, as is afore rehearſed, from the feaſt of St. *Michael* the archangel next coming, by authority of any manner licence, diſpenſation, or otherwiſe, ſhall take any particular ſtipend or ſalary to ſing for any ſoul, nor have nor occupy by himſelf or by any other to his uſe, any parſonage or vicarage in ferm, of the leaſe or grant of any perſon or perſons, nor take any profit or

rent

rent out of any ſuch ferm, (2) upon pain to forfeit xl. s. for every ſuch week that he, or any to his uſe, ſhall occupy or have any ſuch ſtipend or ferm contrary to this preſent act, and upon pain to loſe ten times the value of ſuch profit or rent as he ſhall take out of any ſuch ferm after the ſaid feaſt; (3) the one half of ſuch forfeitures to be to the King our ſovereign lord, and the other moiety to him that will ſue for the ſame by original writ, bill, plaint of debt, or by information in any of the King's courts, in which ſuit and action no wager of law ſhall be admitted for the defendant, nor any eſſoin nor protection allowed.

Promotions not accounted benefices with cure. 3 Inſt. 155.

XXXI. Provided alway, That no deanry, archdeaconry, chancellorſhip, treaſurerſhip, chanterſhip, or prebend in any cathedral or collegiate church, nor parſonage that hath a vicar indued, nor any benefice perpetually appropriate, be taken or comprehended under the name of benefice, having cure of ſoul in any article afore ſpecified.

No ſpiritual perſon ſhall keep a tan-houſe or brew-houſe.

XXXII. Provided alſo, and be it enacted by the authority aforeſaid, That no ſpiritual perſon or perſons, regular or ſecular, of what eſtate, degree or condition ſoever he or they be, from the firſt day of *April* next coming, have, uſe, or keep by him or themſelves, or by any perſon or perſons to his or their uſe or commodity, any manner of tan-houſe or tan-houſes, to be uſed or occupied to his or their own uſe, commodity, or behoof; (2) nor from the ſaid firſt day of *April* next coming, ſhall have, uſe, or keep any manner of brew-houſe or brew-houſes, to any other uſe, intent, or behoof, than only to be ſpent and occupied in his or their own houſes, (3) upon pain to forfeit for every month ſo uſing and occupying any of the ſaid myſteries or occupations, x. li. (4) The one moiety thereof to the King our ſovereign lord, and the other moiety to him that will ſue for the ſame, by original writ, bill, plaint of debt, or information in any of the King's courts, in which action and ſuit no wager of law ſhall be admitted for the defendant, ne any eſſoin nor protection allowed.

The chaplains of a ducheſs, &c. which have taken husbands.

XXXIII. Provided always, That every ducheſs, marqueſs, counteſs, baroneſs, widows, which have taken, or that hereafter ſhall take any husbands under the degree of a baron, may take ſuch number of chaplains, as is above limited to them being widows; and that every ſuch chaplain may purchaſe licence to have and take ſuch number of benefices with cure of ſoul, and have like liberty of non-reſidence, in manner and form as they might have done, if their ſaid ladies and miſtreſſes had kept themſelves widows; any thing in this preſent act contained to the contrary notwithſtanding.

Spiritual perſons may keep ſufficient of their own land to maintain their houſes.

XXXIV. Provided always, That every ſpiritual perſon or perſons having lands, tenements, or other poſſeſſions in the right of their houſes, above the yearly value of eight hundred marks, may keep and retain in their occupation and manurance, as much of their ſaid lands and tenements, and other poſſeſſions, as ſhall be neceſſary and ſufficient for paſturage

of

of their cattle, and for tillage of corn, to be employed and ſpent for the only maintenance, ſuſtentation, and keeping of his or their houſholds, and hoſpitalities without fraud or covin, any thing in this preſent act to the contrary thereof notwithſtanding.

A Spiritual perſon may take a dwelling houſe with an orchard or garden for his dwelling. Goldsb.169. pl.100. 3 Cro.590.

XXXV. Provided alway, That it may be lawful to every ſpiritual perſon or perſons to take in ferm any meſſes, manſions, or dwelling-houſes, having but only orchards or gardens, in any city, borough, and town, for their own habitation or dwelling, any thing in this act to the contrary notwithſtanding; (2) ſo that no perſon ſpiritual, other than be above provided for, for their non-reſidence, have any liberty of non-reſidence by colour of this proviſo. *Enforced by* 25 *H.* 1. *c.* 21. *which is revived by* 1 *Eliz. c.* 1.

CAP. XIV.

Rep.28H.8.c. 4.

Of what length and breadth every whole piece and half piece of dowlas and lockeram, brought into this realm, ſhall be.

CAP. XV.

Fermors ſhall enjoy their leaſes againſt recoveries by feigned titles, &c.

13 Co.6. 1 Roll, 443.

WHERE *afore this time divers perſons have made leaſes of their manors, lands, tenements, and other hereditaments, ſometime by their indentures and ſometime without writings, to other perſons for term of years, taking of them great fines for the incomes of the ſame leaſes; and after the ſame leaſors, their heirs, or aſſigns, have cauſed and ſuffered recoveries to be had againſt them in the court of our ſovereign lord the King, and in other lords courts, upon feigned and untrue titles, by craft or covin to put the ſame termers from their* 3 Bulſt.245, 248. *ſaid terms*; (2) *and after ſuch recoveries had, the ſame recoverees, by reaſon of ſuch recoveries and judgments, have entered into the ſame manors, lands, tenements, and other hereditaments ſo to ferm letten, and thereof have expulſed the ſaid fermers, contrary to their ſaid leaſes, covenants, and agreements*; (3) *and becauſe it was doubted to ſome perſons, whether the ſaid termers might falſify ſuch recoveries, or not:*

11 Co.33. 2 Leon.65. Tenant for term of years may falſify a feigned recovery had againſt him in the reverſion. 6 Ed.1.ſtat.1. c.11.

II. Be it therefore enacted by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That all ſuch termers, ſhall and may falſify for his term only ſuch recoveries, as well heretofore had, as hereafter to be had, in ſuch wiſe and form as a tenant of a freehold ſhall and may do by the courſe of the common law, where ſuch tenant of freehold was neither privy nor party to the ſame recovery.

III. And that the ſame termers, their executors and aſſigns, notwithſtanding ſuch recoveries ſo had, ſhall retain, hold, and enjoy their ſaid terms, according to their ſaid leaſes againſt all ſuch recoverees, their heirs, and aſſigns, as they ſhould or might have done againſt the ſaid leſſors, if ſuch recovery had not

not been had ne ſuffered; and that the ſaid recoverers, their heirs, and aſſigns, after ſuch recovery ſo had, (2) ſhall have like remedy againſt the ſaid termers, their executors, or aſſigns, by avowry or action of debt, for the rents and ſervices reſerved upon the ſame leaſes, being due after the ſame recoveries; (3) and alſo like actions againſt them for waſte done, after the ſame recoveries ſo had; in like manner and form, as the ſaid leaſors ſhould or might have had, if the ſame recoveries had never been had.

The remedy of the recoverers againſt tenant for years for rent or waſte.

IV. And alſo be it further enacted by the authority aforeſaid, That no manner of ſtatute of the ſtaple, ſtatute merchant, nor execution by *Elegit*, be hereafter avoided, or in any wiſe made fruſtrate, by means of any ſuch feigned recovery; (2) but that all perſons having any lands, tenements, or other hereditaments in execution, or being intituled, to have execution of any manors, lands, or tenements by any ſuch means, ſhall have by force of this ſtatute like remedy to avoid and falſify the ſame recoveries, as before is ordained and provided for the leaſe for term of years.

No ſtatute or execution by Elegit ſhall be avoided by a feigned recovery.

Co. Lit. 104. b. Pigot, Rec. 18, 19, 50, 51.

CAP. XVI.

Touching artificers ſtrangers, what they may do as concerning retaining apprentices, journeymen, &c.

PRAYEN *the commons in this preſent parliament aſſembled, That where in the* xv. *day of* February, *in the* xx. *year of the reign of our now moſt gracious ſovereign lord the King,* Henry *the Eighth, by our ſaid ſovereign lord the King, his moſt honourable council in his ſtar-chamber at* Weſtminſter, *for the common wealth of his natural ſubjects born within this his realm, by great and deliberate advice it was deemed, adjudged, and decreed, That no ſtranger artificer, born out of our ſaid ſovereign lord his obeiſance, inhabiting within any city, borough, or any other place within this his realm of* England, *from henceforth ſhould keep in his or their houſe or houſes, any manner of ſtrangers ſervants born out of his obeiſance, but only two ſervants ſtrangers, and no more at one time.*

No ſtranger artificer inhabiting within any city or other place, ſhall keep in his houſe but two ſtrangers born.

Rep. 5 El. c. 4. Hutt. 132.

II. *And alſo all and ſingular ſtrangers that then were, or after the making of the ſaid decree ſhould be made denizens, that at the time or after the making thereof would inhabit within the city of* London, *ſuburbs, or within two miles compaſs of the ſame, and keep or would keep houſes, or occupy their craft, ſhould be contributories to and with our ſaid ſovereign lord his ſubject artificers within the ſaid city of* London, *paying, bearing, and ſuſtaining ſuch charges as hereafter ſhall be expreſſed, that is to ſay, that all other ſtrangers, artificers, denizens or no denizens, of every handicraft or myſtery, inhabiting as well within the city of* London, *as in any other city, town, borough, or village within this his realm, ſhould pay, bear, and ſuſtain all ſuch and like charges, as our ſaid ſovereign lord his ſubjects of like craft and myſtery do always uſe to pay.*

Aliens houſekeepers ſhall bear ſuch charges as the King's ſubjects do.

III. *And if any of them refuſed, or denied the ſame, or any part thereof, then he or they ſo denying, or refuſing ſo to do, ſhould not any longer occupy any handicraft, upon the pains, damages, and perils ſpecified,*

14 & 15 H. 8. c. 2. 1 R. 3. c. 9. f. 11.

ciſied, as well in the acts or ſtatutes made in the xiv. *and* xv. *years of the reign of our now ſovereign lord, as in one ſtatute made in the firſt year of the reign of King* Richard *the Third.*

IV. *And that the ſame ſtrangers, denizens or no denizens, houſholders, which would remain and abide within our ſaid ſovereign lord his realm, ſhould upon lawful warning to them given, by the maſters and wardens of divers and ſundry myſteries, mentioned and ſpecified in the ſaid decree, within the ſaid cities and towns, preſent themſelves in the common-hall or meeting-place of the ſaid crafts, and there to receive, and take their oath, and be ſworn upon the holy evangeliſts, before the maſter and wardens of their ſaid craft, to be faithful and true to the King our ſovereign lord, and his heirs, Kings of* England, *and to be obedient to him and them, and his and their laws.*

Aliens ſhall be ſworn to be true to the King, to obey him and his laws.

V. *Alſo that no ſtranger, artificer, or handicraftſman, born out of our ſaid ſovereign lord his obeiſance, not being denizen, which was not a houſholder the fifteenth day of* February *aboveſaid, ſhould not ſet up ne keep any houſe, ſhop or ſhops, or chamber, wherein they ſhould exerciſe or occupy any handicraft or myſtery within this our ſaid ſovereign lord his realm, upon pain to incur and run into ſuch penalties as be contained in the ſtatutes before this time made and enacted, as is aforeſaid.*

Aliens ſhall not aſſemble in conventicles, but in their halls. 1 R. 3. c. 9.

VI. *And that none of the ſaid ſtrangers artificers, or handicraftſmen, born out of our ſaid ſovereign lord his obeiſance, as well denizens, as no denizens, ſhould aſſemble in any company, fellowſhip, congregation, or conventicle, but only in the common-hall of their crafts, with our ſaid ſovereign lord his ſubjects which be of the companies of their ſaid craft or crafts, at ſuch time as they ſhould be commanded and warned by the ſaid maſters and wardens of their ſaid craft or crafts, and at none other place and time, or in any other manner, upon the pain afore expreſſed: as by the ſaid decree ſhewed and exemplified, and hereunto annexed, under our ſaid ſovereign lord the King his great ſeal, more plainly, and at large, it may and doth appear.*

The foreſaid decree made by the lords in the ſtar-chamber confirmed.

VII. That for the common wealth aboveſaid, it may be enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid order and decree, had, given, and made by our ſaid ſovereign lord the King his moſt honourable council, and all and every thing therein contained, ſpecified, and declared, be holden and obſerved firm and ſtable, and duly to be put in execution in every point and article, in manner and form as is above rehearſed, according to the purport, effect, and true meaning of the ſame.

The ſtatute made 14 & 15 H. 8. c. 2. touching ſtrangers artificers taking of apprentices made perpetual.

VIII. Be it furthermore enacted by the authority aforeſaid, That the act made in the parliament begun at *London* the fifteenth day of *April*, in the fourteenth year of the reign of our ſaid ſovereign lord the King that now is, and from *London* adjourned to *Weſtminſter* the laſt day of *July*, in the fifteenth year of the reign of our ſaid ſovereign lord, concerning ſtrangers artificers, for the taking of apprentices, journeymen, and covenant ſervants, and every article and proviſion contained in the ſame act, ſhall be from henceforth put in due execution, according

cording to the true intent, meaning, and purport of the ſame, as well within the city of *London*, as in all other cities, boroughs, and towns corporate within this realm, and the ſame to endure perpetually, any thing contained in the ſaid act or decree to the contrary notwithſtanding.

IX. Provided always, That no artificer, alien or ſtranger, born out of the King's obeiſance, being a houſholder, or inhabiting within any of the univerſities of *Oxford* and *Cambridge*, or within the ſanctuary of St. *Martin le Grand*, within the city of *London*, ſhall from henceforth have or retain in their ſervice journeymen or apprentices, being aliens or ſtrangers born, above the number of ten perſons at one time, upon pain of the penalty contained in the ſaid act, made in the ſaid fourteenth and fifteenth year of our ſaid ſovereign lord; the proviſions contained or ſpecified in the ſame act notwithſtanding.

No alien dwelling in Oxford, Cambridge, or Great St. Martins ſhall have above x. perſons aliens in his houſe. 32 H. 8. c. 16.

The decree made in the ſtar-chamber for artificers ſtrangers, by the King's moſt honourable council, the twentieth day of February, *in the twentieth year of the reign of our ſovereign lord King* Henry *the Eighth.*

X. HENRICUS Octavus Dei gratia Angliæ & Franciæ Rex fidei defenſor, & Dominus Hiberniæ: omnibus ad quos præſentes literæ pervenerint, ſalutem. Inſpeximus quoddam breve noſtrum, de certiorand' Thomæ Eliot clerico conſilii noſtri direct. & in filaciis cancellar. noſtræ reſiden. in hæc verba: dilecto ſibi Thomæ Eliot armigero, clerico conſilii noſtri, ſalutem. Volentes certis de cauſis certiorari ſuper tenore cujuſdam finalis decreti coram nobis & conſilio noſtro habit. de & ſuper executione quorundam ſtatutorum & ordinationum contra alienigen' exercentes artes & artificia manualia, inhabitantes infra regnum noſtrum Angliæ edit. & proviſ. tibi præcipimus, quod tenorem finalis decreti prædict' cum omnibus eum tangentibus nobis in cancellar. noſtram ſub ſigillo tuo diſtincte & aperte, ſine dilatione, mittas, & hoc breve. Teſte meipſo apud Weſtmonaſt. xiv. die Aprilis, anno regni noſtri xx. (2) Inſpeximus etiam quoddam decretum per nos & conſilium noſtrum apud Weſtmonaſt. in Camera ſtellata redditum, & in filaciis ejuſdem cancellar. ſimiliter reſiden' in hæc verba.

XI. 'WHere of late our true and faithful ſubjects, artificers, and handicraftſmen, born under our obeiſance, inhabiting within our city of *London*, and the ſuburbs of the ſame, exhibited unto us a lamentable bill of complaint, containing, That notwithſtanding many good and neceſſary ſtatutes and acts of parliament have been publiſhed, ordained, and made, and eſpecially one in the firſt year of King *Richard* the Third, and the other being made in the firſt year of the reign of our deareſt father of noble memory, *Henry* the Seventh, late King of this our realm, and in the fourteenth and fifteenth year of our reign, concerning the ſtrangers artificers and handicraftſmen, born out of our obeiſance, uſing and exerciſing handicrafts within this our realm of *England*, as well for the reſtraining of the exceſſive number and unreaſonable behaviour of the ſame ſtrangers artificers born out of our obeiſance, which continual reſort and repair into this our ſaid realm daily increaſed, to the great

The ſupplication and complaint made by artificers of London to the King, of ſeveral wrongs and oppreſſions done to them by ſtrangers born.

'great detriment of our own natural ſubjects, artificers of the 'ſame handicrafts and myſteries, and of other ſundry incon- 'veniences, by occaſion that divers of the ſaid ſubjects, for lack 'of occupation, fall into idleneſs, as alſo for the reformation of 'ſundry deceits and falſehoods practiſed by the ſaid ſtrangers arti- 'ficers in their ſaid handicrafts, to the great damage and loſs of 'us, and of all our ſaid natural ſubjects: (2) The ſaid ſtrangers 'artificers nothing pondering or dreading the ſaid ſtatutes, ne 'the penalties in the ſame contained and expreſſed, ceaſe not con- 'temptuouſly, as well to abuſe the ſaid ſtatutes, as moſt part 'intirely to infringe and break the ſame, and to accumulate from 'time to time more offences and enormities, as well againſt our 'prerogative, as to the detriment of the common wealth of this 'our realm, and our loving ſubjects of the ſame; (3) for when any 'ſearch ſhall be made in every handicraft within any city, town, 'or borough corporate within our ſaid realm, by our ſubjects the 'ſaid wardens, and others ordained by the ſaid laſt act of handi- 'craftſmen within any city, town, or borough corporate, and 'one houſholder ſtranger born out of our obeiſance, inhabit- 'ing within our ſaid city, town, or borough corporate, uſing 'any handicraft, be he denizen or not denizen; the ſaid ſtranger 'being, a houſholder, as before is ſaid, being lawfully warned 'and required thereunto, according to the ſaid act, either will 'refuſe to do his duty therein, or elſe he will give ſecret warning 'thereof to his brethren of the ſaid crafts, whereby they have 'not only conveyed and hid all their unlawful, untrue, ſubtil, 'and deceitful wares, which they untruly, ſubtilly, unſubſtan- 'tially, and deceitfully have made, and daily make, and utter to 'our ſubjects at exceſſive and unreaſonable prices, to the great 'detriment and damages of our ſaid ſubjects; but alſo their ſer- 'vants and apprentices they have hid from the knowledge of the 'ſaid wardens, when any ſuch ſearch hath happened to be made, 'and ſo they defraud the ſame good and honourable ſtatute and act; 'ſo that thereof no lawful puniſhment could, can, might, or may 'enſue, according to the tenor, purport, and effect of the ſaid 'ſtatute; (4) but they contemn, deſpiſe, and ſet at nought the 'ſame, whereby, and by the other unlawful means aforeſaid, and 'others, as ſubtilly ſending and conveying over the ſea, bacon, 'cheeſe, powdered beef, mutton, and other commodities within 'this our realm, not only within, and out of the ſaid cities, towns, 'and boroughs corporate, but alſo within, and out of other places 'throughout our realm, by them the ſaid ſtrangers practiſed and 'executed, whereby they daily increaſe in great riches, and in 'great multitude in numbers of ſtrangers handicraftſmen born 'out of our obeiſance; (5) and when they have gathered much 'riches and money, they againſt our laws convey the ſame money 'over the ſea; and then they alſo go over the ſea into their coun- 'tries, and there purchaſe them lands and tenements with part 'thereof, and with the reſidue of the ſame they live thereby, and 'ſometime they convert part thereof to the uſe of our enemies 'in thoſe parts; (6) and ſo as well our poor ſubjects cordwainers,

The manifold and ſeveral wrongs which ſtrangers do to this whole realm, and to many members thereof.

'and

'and alſo our ſubjects handicraftſmen, born within our obei-
'ſance, by the means aforeſaid, be ſore impoveriſhed, miniſh-
'ed, and almoſt utterly decayed and deſtroyed, and many of
'them, for lack of occupation in the ſaid handicrafts, be con-
'ſtrained to live in idleneſs, by occaſion whereof they do conti-
'nually fall to theft, murder, and other great offences, and con-
'ſequently in great numbers be put to death by our laws, as we
'be informed; (7) and alſo the great ſcarcity of grain and victual
'at this preſent time throughout this our realm, to be the more
'enforced and cauſed, by reaſon of the great multitude, and con-
'tinual recourſe of the ſaid ſtrangers handicraftſmen, which con-
'ſume a great portion of corn and victual, grown and bred with-
'in this our realm; (8) the premiſſes conſidered, to the intent to
'be thereof more perfectly and truly inſtructed, for the charitable
'zeal that we have to the common weal of our realm, and our
'ſaid ſubjects of the ſame, and for the quietneſs of the ſaid ſtran-
'gers, we have aſſigned, and given in commandment to our
'lords, and others of our council, indifferently to examine the
'premiſſes, and as well to hear the ſaid complainants as the ſaid
'defendants, and their allegations and ſayings of, in, and to the
'premiſſes, and to every part thereof, and the ſame by them
'heard, examined, and by good deliberate advice underſtood,
'to ordain, adjudge, and decree the ſame, after their wiſdoms and
'learning; whereupon as well the ſaid bill of complaint, the an-
'ſwer of the ſaid defendants thereunto made, the replication of the
'ſaid complainants to the ſaid anſwer alſo made, and all other
'allegations and ſayings of both the ſaid parties, by mature and
'deliberate advice, by our ſaid council ripely examined, heard,
'and underſtood:

XII. 'It is ordained, adjudged, and decreed, the x day *February*, The decree made by the lords of the King's council in the ſtar-chamber, touching ſtrangers artificers.
'in this preſent term of St. *Hillary*; in the xx. year of our reign,
'in our ſtar-chamber, by the moſt reverend father in God *Thomas*
'lord cardinal legate *de latere* of the apoſtolick ſee, archbiſhop
'of *York*, primate and chancellor of *England*, and by our nobles
'and others of our ſaid council, and by the mutual aſſents of
'the complainants and defendants then there being, in man-
'ner and form following; that is to ſay, That according to
'the act of parliament made in the ſaid xiv. and xv. year of our
'reign, That no ſtranger artificer born out of our obeiſance,
'inhabiting within any city, town, or borough, or any other
'place within this our realm of *England*, from thenceforth ſhall
'keep in his or their houſe or houſes, any manner of ſervants
'ſtrangers born out of our obeiſance, but only two ſtrangers
'ſervants, and no more at one time; (2) and that as many of the
'ſtrangers artificers now inhabiting within any city, town, or
'borough corporate, or in any other place within our realm, that
'will be apprentices or ſervants to or with any of our ſubjects
'artificers born within our obeiſance, exerciſing new or old ſtuff,
'inhabiting within our realm, ſhall be ſuffered ſo to abide and
'dwell with them without interruption, as long as they will
'ſo continue and abide with them, and can agree together.

A ſtranger artificer ſhall keep in his houſe but two ſtrangers born.

XIII. 'And

Strangers artificers may take Engliſhmen to be their apprentices. 5 El. c. 4.

XIII. 'And furthermore it is decreed, That it ſhall be lawful 'to all and every of the ſaid ſtrangers artificers, now being houſ-'holders within our ſaid realm, to take as many of our ſubjects 'born within our obeiſance to be their ſervants and apprentices, 'in the craft that they do exerciſe, as they can lawfully get; and 'that all the ſtrangers artificers, now being houſholders within 'our ſaid city of *London*, ſuburbs, pariſhes, or compaſs thereof 'expreſſed in the ſaid ſtatutes, or within two miles compaſs of 'the ſaid pariſhes;

What charges ſtrangers ſhall be contributory unto with the Engliſh artificers.

XIV. 'And alſo all and ſingular ſtrangers that now be, or 'hereafter ſhall be made denizens, that do or hereafter will in-'habit within our ſaid city of *London*, ſuburbs, or pariſhes afore-'ſaid, or within two miles compaſs of the ſame, and keep houſes, 'and occupy their craft; ſhall be contributory to and with our ſub-'jects artificers within our city of *London*, paying, bearing, and 'ſuſtaining ſuch charges as hereafter ſhall be expreſſed; that is 'to ſay, as well every of the ſaid ſtrangers, being of the craft and 'myſtery of cordwainers, houſholders, or denizens that now be, 'or hereafter ſhall be made denizens, and ſhall inhabit within 'our ſaid city, ſuburbs, pariſhes, or two miles compaſs of the 'ſame, ſhall quarterly pay to the ſaid maſter, wardens, and com-'monalty of the ſaid craft of cordwainers within our ſaid city 'of *London* for the time being, vi. d. (2) And every ſervant 'ſtranger of the ſaid occupation of the ſaid cordwainers within 'the ſaid city, ſuburbs, and precinct, not being denizen, ſhall 'quarterly pay to the ſaid maſters, wardens, and commonalty, 'iii. d. (3) And that all other ſtrangers artificers and denizens 'of every handicraft and myſtery, inhabiting as well within our 'ſaid city of *London*, as in any other city or town within this our 'realm, ſhall pay, bear, and ſuſtain all ſuch and like charges as 'our ſubjects of like craft and myſtery born out of our obeiſance, 'inhabiting within the city, borough, or town of their habita-'tion, at this time do now bear and ſuſtain.

XV. 'And alſo all ſtrangers artificers, and denizens, exer-'ciſing the craft and myſtery of cordwainers, dwelling out of our 'ſaid city of *London*, in any other city or town within this our 'realm, ſhall pay, bear, and ſuſtain, ſcot, taxes, tallages, ſubſi-'dies, preſts, and all other reaſonable exactions from time to time, 'according as the ſaid maſters, wardens, and companies of the 'ſaid crafts for the time being, ſhall be bounden to pay, bear, 'and ſuſtain, when any ſubſidy, tax, tallage, or preſt, or other 'reaſonable charges ſhall by the mayor and aldermen of our ſaid 'city of *London*, and the mayors and aldermen of our ſaid other 'cities, and towns, or by the common council of the ſaid city, 'cities, and towns, of and for any charges or payments of money, 'to be paid by the companies of the ſaid crafts, citizens of 'any city, for any payment to be made unto the King's high-'neſs, or his heirs, or elſe to be paid for any cauſe concern-'ing the common wealth of any of our ſaid cities or towns, or 'common wealth of the ſaid artificers, the ſaid ſtrangers ſhall 'pay all the ſame that they ſhall be aſſeſſed or taxed to pay, as

'con-

'contributories with the ſaid companies, being our ſubjects, as our ſaid ſubjects ſhall be aſſeſſed, and taxed to pay; (2) and if any of them deny or refuſe the ſame, or any part thereof, then he or they denying or refuſing ſo to do, ſhall not only loſe the benefit of this decree, but alſo ſhall not any longer occupy any handicraft, upon the pains, dangers, and perils ſpecified in the above remembered acts and ſtatutes.

Penalty of a ſtranger refuſing to be contributory to lawful charges with his company.

'XVI. And that as well all and every of the ſaid houſholders, ſtrangers aforeſaid, as all other ſtrangers artificers, made or to be made denizens, that ſhall be houſholders, and inhabit and occupy any craft within our ſaid city, ſuburbs, or two miles compaſs of the ſame, as long as they ſhall remain and abide within the ſaid city, ſuburbs, and two miles compaſs of the ſame, being reaſonably required and warned by the wardens and other perſons, governors in any city, town, or borough corporate of the ſaid crafts, within any of our ſaid cities or towns corporate, or by any of them for the time being, or by their lawful deputies or deputy, ſhall go with the ſaid wardens or other governors, there as no wardens be, to make ſearch according to the above remembered acts of parliament made in the xiv. and xv. year of our reign; (2) which if they refuſe to do, and that proved before the chancellor of *England*, or before the mayor of *London*, and other cities, before the chief perſons of the ſaid cities or towns for the time being, that then the ſame houſholders or houſholder ſo offending, denying, or refuſing the ſame, ſhall no longer the ſame his occupation exerciſe or uſe within this our realm, upon pain, peril, and danger expreſſed in the afore remembered acts and ſtatutes.

Strangers artificers ſhall go with the wardens of the ſame company to make ſearch.

XVII. 'And that the ſame ſtrangers artificers, denizens or not denizens, houſholders, which will remain and abide within our ſaid realm, ſhall, upon lawful notice to them given by the maſter and wardens of their craft, or one of them, perſonally preſent themſelves in the common hall or meeting-place of their ſaid crafts within our ſaid cities and towns, there as they be inhabiting, and then or there every of them to receive and take their oaths, and be ſworn upon the holy evangeliſts, before the ſaid maſter and wardens of their ſaid craft and myſtery within our ſaid cities and towns corporate, to be faithful and true to us and to our heirs Kings of *England*, and to be obedient to us and them, and to our and their laws, and to all acts, ordinances, and decrees made and confirmed by us and our council, or by our council, and duly and truly at all times, when they ſhall be appointed by the wardens of their fellowſhip, craft, or myſtery for the time being, or their deputies, to make ſearch with them according to the purport, tenor, or effect of an eſtatute and act of parliament made in the xiv. and xv. year of our reign, and have warning and monition thereof by the ſaid wardens, or any of them, or any other their ſufficient deputy or deputies in that behalf to them given and made, and that they ſhall be ready to go with the ſaid wardens to make the ſame ſearch, and that they ſhall not give notice to any ſtranger of the

The oath of all ſtrangers to be true to the king, and obedient to his laws, and to make ſearches, &c.

'ſaid ſearch, until they with the ſaid wardens come together to 'make the ſaid ſearch, and that they ſhall well, indifferently, and 'truly behave them in the ſame, ſetting all affection, favour, ma- 'lice, and dread of any creature, and all fraud and deceit apart, 'So help them God and all ſaints, and by the holy evangeliſt. '(2) And their oath ſo received in form aforeſaid, the ſaid ſtran- 'gers ſhall pay for their admiſſion according as our ſaid ſubjects 'have always uſed to pay.

No ſtrangers, but denizens, ſhall keep houſe or ſhop.

XVIII. 'It is alſo further decreed, That no ſtranger artificer 'or handicraftſman born out of our obeiſance, not being denizen, 'which at the day of the making of this decree is not a houſholder 'within this our realm, or keepeth any ſhop or ſhops within 'the ſaid city and ſuburbs, or any other city, town, or bo- 'rough within this our realm, ſhall from that day forward ſet 'up or keep any houſe, or ſhop, or chamber within our city 'of *London*, ſuburbs, or pariſhes before rehearſed, or within 'any other city, town, or borough, or village within this our 'realm, wherein he ſhall exerciſe and practiſe any handicraft or 'myſtery, upon pain to incur and run in ſuch penalties as be con- 'tained in the ſtatutes before this time made and enacted. (2) And

Strangers ſhall not aſſemble, but in the common halls of their myſteries.

'that none of the ſaid ſtrangers artificers or handicraftſmen, born 'out of our obeiſance, as well denizens as other, ſhall aſſemble in 'any company, fellowſhip, congregation, or conventicle, but 'only in the common hall of their crafts, with our ſubjects which 'be of the company of their ſaid craft or crafts, at ſuch time as 'they ſhall be commanded and warned by the maſter and war- 'dens of the ſaid craft or crafts, and at none other place or 'time, or in any other manner, upon pain afore expreſſed.

XIX. 'Provided alway, That this decree, and every part 'thereof concerning the craft and myſtery of cordwainers, ſhall 'extend as well to them that work old ſtuff, as new, within our 'city of *London*, the ſuburbs of the ſame, or in any other city, 'town, borough, or village within this realm of *England*.

XX. 'Provided alſo, That notwithſtanding any words com- 'priſed in this decree, the ſtrangers artificers, denizens or not 'denizens, inhabiting in the univerſities of *Oxford* and *Cam- 'bridge*, and within the ſanctuary of Saint *Martin's le Grand* within 'the city of *London*, ſhall enjoy all the benefits and advantages re- 'ſerved unto them by reaſon of any proviſion made by act of 'parliament expreſſed in the ſtatute made in the xiv. and xv. year 'of our reign; ſo that the ſaid ſtrangers, denizens or not denizens, 'inhabiting within the ſaid ſanctuary of Saint *Martin's le Grand*, 'be conformable to ſuch direction and order as ſhall be taken by 'the reverend father in God *Cuthbert* biſhop of *London*, Sir *Ri- 'chard Brooke* knt. chief baron of our exchequer, Sir *John More* 'knight, one of the juſtices of our bench, Sir *John Dauncy*, and 'Sir *John Aleine* knights, to whom we have of late directed 'our letters patents, and by the ſame given them power and

A commiſſion granted to certain perſons to aſſign how ma- 'authority, and commanding them, and every of them, to cauſe 'the houſe of every ſtranger and denizen, artificer, inhabiting, 'and dwelling within the ſaid ſanctuary, to be ſearched and

'viewed,

'viewed, how many ſervants he or they keep born out of our 'obeiſance, and they being all viewed and ſeen, then to appoint 'to every of the ſaid ſtrangers houſholders, inhabiting within 'the ſaid ſanctuary, by them in form aforeſaid ſo tried, to be 'within the bounds and limits of the ſaid ſanctuary, ſuch num- 'ber of ſervants ſtrangers born out of our obeiſance, as they by 'their diſcretions ſhall think convenient and ſufficient, and not to 'be any detriment unto our ſubjects inhabitants within our ſaid 'city.

ny ſervants a ſtranger ſhall keep within Great St. Martin's. 5 El. c. 4.

XXI. 'And commanding in our name all and every of the 'ſaid ſtrangers, denizens, houſholders, that they from hence- 'forth do not keep within their houſes, nor any other houſe, ſhop, 'or chamber within our ſaid city of *London*, or the ſuburbs of the 'ſame, any mo ſervants being born out of our obeiſance, than 'ſhall be to them at the time by them appointed, as they will 'avoid the danger and penalty of our laws; and what they have 'done in the premiſſes, that they do certify to us and to our coun- 'cil into our *Star-chamber* at *Weſtminſter*, at the xv. day of '*Eaſter* next coming. In witneſs whereof we will as well the 'ſaid decree as all other the premiſſes, ſhall be exemplified un- 'der our ſeal.'

Nos autem tenorem brevis & decreti predict' ad requiſitionem magiſtri & gardianorum artis ſive myſterii alutariorum ſive cordweiners London' duximus exemplificand' per præſentes. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſo apud Weſtmonaſt' viceſimo die Aprilis anno regni noſtri viceſimo.

CAP. XVII.

An act for the adnulling of the letters patents made to the city of *York* concerning ſhipping of wools.

CAP. XVIII.

No perſon ſhall ſhip, load, or unload any goods, to be ſold into or from any ſhip at any place within the river of *Tine*, between the places called *Sparhawk* and *Hedwinſtremes*, but only at the town of *Newcaſtle*. The mayor, burgeſſes, and commonalty of *Newcaſtle*, and their ſucceſſors, may pluck down all wears, gores, engines, that ſhall be made in the haven between the places aforeſaid.

CAP. XIX.

Avowries ſhall be made by the lord upon the land, without naming his tenant.

WHERE *as well the noblemen of this realm, as divers other perſons, by fines, recoveries, grants, and ſecret feoffments, and leaſes made by their tenants to perſons unknown, of the lands and tenements holden of them, have been put from the knowledge of their tenants, upon whom they ſhould by order of the law make their avowries for their rents, cuſtoms, and ſervices, to their great loſſes and hindrances;*

The reaſon and cauſe of making this ſtatute. March, 166. Stiles, 4. Moor, 870.

1 Leon. 301. Moor, 883. An avowry may be made by the lord upon the land holden of him without naming his tenant. 2 Mod. 103. Avowry in ſecond deliverance. 27 H. 8. f. 4. 20. 9 Co. 22, 36, 136. Co. Lit. 268. b. 312. a.

II. Be it therefore enacted, eſtabliſhed, and ordained by authority of this preſent parliament, That whereſoever any manner lands, tenements, and other hereditaments be holden of any manner perſon or perſons, by rents, cuſtoms, or ſervices, that if the lord, of whom any ſuch manner lands, tenements, or hereditaments be ſo holden, diſtrain upon the ſame manors, lands, or tenements, for any ſuch rents, cuſtoms, or ſervices, and replevin thereof be ſued, that the lord of whom the ſame lands, tenements, or hereditaments be ſo holden, may avow, or his bailiff or ſervant make coniſance, or juſtify, for taking of the ſaid diſtreſſes upon the ſame lands, tenements, or hereditaments ſo holden, as in lands or tenements within his fee or ſeigniory, (2) alledging in the ſaid avowry, coniſance and juſtification, the ſame manors, lands, and tenements to be holden of him, without naming of any perſon certain to be tenant of the ſame, and without making any avowry, juſtification, or coniſance upon any perſon certain; (3) and likewiſe the lord, baily, or ſervant to make avowry, juſtification, or coniſance in like manner and form upon every writ ſued of ſecond deliverance.

The avowant ſhall recover damages and coſts of ſuit. Dyer, 141. Bro. damages, 16. 2 Roll. 37, 140, 212. March, 28. 1 Salk. 95. 2 Cr. 520.

III. And alſo be it enacted by the ſaid authority, That every avowant, and every other perſon or perſons that make any ſuch avowry, juſtification, or coniſance, as baily or ſervant to any perſon or perſons in any replegiare, or ſecond deliverance, for rents, cuſtoms, ſervices, or for damage feſant, or other rent or rents, upon any diſtreſs taken in any lands or tenements, if the ſame avowry, coniſance, or juſtification be found for them, or the plaintiffs in the ſame be nonſuit, or otherwiſe barred, that then they ſhall recover their damages and coſts againſt the ſaid plaintiffs, as the ſame plaintiffs ſhould have done or had, if they had recovered in the replegiare, or ſecond deliverance found againſt the ſaid defendants.

Like pleas and aid-prayers as at the common law.

IV. And be it alſo ordained, That the ſaid plaintiffs and defendants in the ſaid writs of replegiare, or writs of ſecond deliverance, and in every of them, ſhall have like pleas, and like aid-prayers in all ſuch avowries, coniſances, and juſtifications (pleas of diſclaimer only except) as they might have had before the making of this act, and as though the ſaid avowry, coniſance, or juſtification had been made after the due order of the common law.

Like joinder in aid as at the common law.

V. And it is further enacted by the ſaid authority, That all ſuch perſons as by the order of the common law may lawfully join to the plaintiffs or defendants in the ſaid writs of replegiare, or ſecond deliverance, as well without proceſs as by proceſs, ſhall from henceforth join unto the ſaid plaintiffs or defendants, as well without proceſs as by proceſs, and to have like pleas, and like advantages in all things (diſclaimer only except) as they might have done by the order of the common law before the making of this act.

11 Geo. 2. c. 19.

CAP.

CAP. XX.

The preſident ſhall be aſſociate with the chancellor, &c. in examination and puniſhing of riots, &c. 16 *Car.* 1. *c.* 10.

CAP. XXI.

The ſtatute made 14 & 15 *H.* 8. *c.* 3. concerning worſted weavers in *Yarmouth* and *Lynn*, rehearſed and continued until the next parliament. EXP. 26 H. 8. c. 16.

Statutes made at *Weſtminſter*, *Anno* 22 HEN. VIII. and *Anno Dom.* 1530.

STatuta bonum publicum concernentia edita in parliamento tento apud Weſtmonaſterium decimo ſexto die Januarii, anno regni præpotentiſſimi & metuendiſſimi Angliæ & Franciæ Regis, fidei defenſoris, & domini Hiberniæ, HENRICI octavi, viceſimo ſecundo, poſt diverſas prorogationes ejuſdem parliamenti primo inchoati apud Londinum tertio die Novembris anno viceſimo primo ejuſdem regis, & inde adjurnati & prorogati uſque ad Weſtmonaſterium, & ibidem continuati per quadraginta quatuor dies, videlicet uſque ad decimum ſeptimum diem Decembris; & ab eodem die & loco uſque ad viceſimum ſextum diem Aprilis proxime ſequentis; & ab eo die uſque ad viceſimum ſecundum diem Junii, & ab illo die ad primum diem Octobris & a primo die Octobris uſque ad viceſimum ſecundum diem ejuſdem menſis, & ab illo die uſque ad decimum ſextum diem Januarii ſecundum leges terræ rite prorogati, & ibidem continuati per ſeptuaginta quinque dies, videlicet, ad ultimum diem Martii eodem anno viceſimo primo, & inde ulterius prorogati uſque ad decimum tertium diem Octobris proxime ſequentis.

CAP. I.

No perſon during ten years next enſuing ſhall buy any wool growing in the counties of *Berkſhire*, &c. *viz.* eighteen counties, before the *Aſſumption* of our Lady next after the ſhearing of the ſame, but ſuch as will make cloth or yarn thereof, upon pain of forfeiture of the double value thereof. No ſtranger ſhall buy any wool before the *Purification* of our Lady next after the ſhearing thereof, upon the pain aforeſaid. EXP. 4 Ed. 4. c. 4. 4 H. 7. c. 11. 37 H. 8. c. 15.

CAP. II.

An act for trial of foreign pleas pleaded by felons.

WHERE *among other things it was conſidered by the whole court of parliament of our moſt excellent ſovereign lord the King, holden in the fourth year of his noble reign, That murtherers and felons, lawfully arraigned of their deteſtable offences, bare them bold upon imagining and pleading of feigned and untrue foreign pleas triable in foreign counties, to the intent to be removed from place to place by colourable and untrue ſuggeſtions, and for to be untruly acquit by favour, might or corruption, ſo that they lived in manner without fear or dread: (2) For reformation whereof, and for the common wealth of this realm, it was enacted by authority of the ſame parliament, That if any murtherer or felon, upon his* The inconveniences enſuing the allowance of a felon to plead a plea triable in a foreign county. 4 H. 8. c. 2.

arraignment from thence did alledge, that he had taken any church or church-yard, for murther or felon, or other place privileged for the ſame in a foreign country, and againſt his will was taken out thereof: that then the King's attorney, or any other perſon that will ſhew or alledge for the King, that the ſaid murtherer or felon ſo arraigned, was taken at large in the ſame ſhire where he is ſo arraigned, then that the ſame allegiance and iſſue ſhould be tried by the inqueſt that ſhould try the ſame murther or felony within the ſame ſhire, and before the ſame juſtices where the ſaid murtherer or felon is arraigned, as though the ſaid foreign plea had not been pleaded by the ſaid felon. (3) *And that if it were found by the ſame inqueſt, that the ſaid murtherer or felon was taken within the ſame ſhire, as is aforeſaid, that then he to have no advantage or benefit of the matter alledged by him for taking out of the church or church-yard, or other place privileged in any ſuch foreign ſhire,* (4) *and that the ſaid act ſhould endure to the next parliament from then enſuing, as by the ſame act made in the ſaid fourth year manifeſtly appeareth.* (5) *And foraſmuch as ſith the time of expiration of the ſaid act made in the ſaid fourth year, many abominable murthers, as well of prieſts as of other perſons, robberies of church, and robberies of perſons in their houſes, as well by day as by night, and other moſt deteſtable murthers and felonies, have been committed and done within this realm, and the moe, and more often, becauſe that the ſaid ſtatute hath been expired and ended, from and ſince the beginning of the parliament of our ſaid ſovereign lord holden in the ſixth year of his moſt noble reign:*

So much of the ſtat. of 4 H. 8. c. 2. as toucheth the plea pleaded by a felon that he was taken in a foreign county out of ſanctuary, made perpetual.

II. It is ordained and enacted by authority of this preſent parliament, That the ſaid act made in the ſaid fourth year, and every thing therein contained concerning the ſaid foreign pleas, and replications thereunto to be made, and trials thereof, ſhall now be revived, and ſhall ſtand in full force and effect, and ſhall continue and endure from henceforth for ever, as if the ſame act had been originally made perpetual and not determinable.

CAP. III.

For *Plumſted* marſh.

2&3 Ph. & M. c. 19.

CAP. IV.

For exactions not to be levied on apprentices.

What exactions ſhall be levied on apprentices by maſters, wardens, &c.

AT *the prayer of the commons in this preſent parliament aſſembled, reciting, That where it was eſtabliſhed and enacted, in the nineteenth year of our late ſovereign lord King* Henry *the Seventh, That no maſter, wardens, and fellowſhip of crafts, or any of them, nor any rulers of guilds or fraternities, take upon them to make any acts or ordinances, ne to execute any acts or ordinances by them heretofore made, or hereafter to be made, in diſinheritance or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, but if the ſame acts or ordinances be examined or approved by the chancellor, treaſurer of* England, *or chief juſtice of either bench, or three of them, or before the juſtices of aſſize in their*

their circuit or progreſs, in the ſhire where ſuch acts or ordinances be made, upon pain of forfeiture of xl. li. *for every time that they do the contrary, as more plainly in the ſaid act doth appear:* (2) *ſith which time divers wardens and fellowſhips have made acts and ordinances, that every apprentice ſhall pay at his firſt entry in their common hall, to the wardens of the ſame fellowſhip, ſome of them* xl. s. *ſome* xxx. s. *ſome* xx. s. *ſome* xiii. s. iv. d. *ſome* vi. s. viii. d. *ſome* iii. s. iv. *after their own ſiniſter mind and pleaſure, contrary to the meaning of the act aforeſaid, and to the great hurt of the King's true ſubjects putting their child to be apprentice:* (3) Be it therefore ordained, eſtabliſhed, and enacted by the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and of the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no maſter, wardens, or fellowſhips of crafts, or maſters, or any of them, nor any rulers of fraternities, take from henceforth of any apprentice, or of any other perſon or perſons, for the entry of any apprentice into their ſaid fellowſhip, above the ſum of ii. s. 6. d. nor for his entry, when his years and term is expired and ended, above iii. s. iv. d. (4) upon pain of forfeiture of xl. li. for every time that they do to the contrary; the one half to the King our ſovereign lord, the other half to the party that therefore ſhall ſue by action of debt, information, or otherwiſe; and that in the action aforeſaid no protection or eſſoin ſhall be allowed.

A rehearſal of the ſtatute of 19 H. 7. c. 7. and how it is abuſed.

The fees of wardens of companies for the entry of an apprentice or freeman into their company.

Enforced and farther provided for by 28 H. 8. c. 5.

CAP. V.

For bridges and high-ways.

BE it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That the juſtices of peace in every ſhire of this realm, franchiſe, city, or borough, or four of them at the leaſt, whereof one to be of the *quorum*, ſhall have power and authority to enquire, hear, and determine in the King's general ſeſſions of peace, of all manner of annoyances of bridges broken in the high-ways, to the damage of the King's liege people, and to make ſuch proceſs and pains upon every preſentment afore them for the reformation of the ſame, againſt ſuch as owen to be charged for the making or amending of ſuch bridges, as the King's juſtices of his bench uſe commonly to do, or as it ſhall ſeem by their diſcretions to be neceſſary and convenient for the ſpeedy amendment of ſuch bridges.

A remedy to repair decayed bridges in highways, and by whom. 13 Co. 33. Poph. 192. 2 Inſt. 700. Juſtices of peace may award proceſs againſt them who ought to repair bridges.

II. *And where in many parts of this realm it cannot be known and proved what hundred, riding, wapentake, city, borough, town, or pariſh, nor what perſon certain, or body politick, ought of right to make ſuch bridges decayed, by reaſon whereof ſuch decayed bridges, for lack of knowledge of ſuch as owen to make them, for the moſt part lie long without any amendment, to the great annoyance of the King's ſubjects,*

This act is enforced by 1 Ann. ſtat. 1. c. 18. ſo far as not altered by that ſtatute.

III. For the remedy thereof, be it enacted by authority aforeſaid, That in every ſuch caſe the ſaid bridges, if they be without city, or town corporate, ſhall be made by the inhabitants of the ſhire or riding within the which the ſaid bridge decayed ſhall happen to be; (2) and if it be within any city or town corporate, then by the inhabitants of every ſuch city or town corporate wherein ſuch bridges ſhall happen to be; (3) and if part of any ſuch bridges ſo decayed happen to be in one ſhire, riding, city, or town corporate, and the other part thereof in another ſhire, riding, city, or town corporate, or if part be within the limits of any city, or town corporate, and part without, or part within one riding, and part within another; that then in every ſuch caſe, the inhabitants of the ſhires, ridings, cities or towns corporate ſhall be charged, and chargeable to amend, make and repair ſuch part and portion of ſuch bridges ſo decayed as ſhall lie and be within the limits of the ſhire, riding, city, or town corporate, wherein they be inhabited at the time of the ſame decays.

The juſtices may tax the inhabitants with the aſſent of the conſtables.

IV. And be it further enacted, That in every ſuch caſe where it cannot be known and proved, what perſons, lands, tenements, and bodies politick owen to make and repair ſuch bridges, that for ſpeedy reformation and amending of ſuch bridges, the juſtices of peace within the ſhires or ridings wherein ſuch decayed bridges been out of cities and towns corporate, and if it be within cities or towns corporate, then the juſtices of peace within every ſuch city or town corporate, or four of the ſaid juſtices at the leaſt, whereof one to be of the *quorum*, ſhall have power and authority within the limits of their ſeveral commiſſions and authorities, to call before them the conſtables of every town and pariſh, being within the ſhire, riding, city, or town corporate, as well within liberty as without, wherein ſuch bridges, or any parcel thereof ſhall happen to be, or elſe two of the moſt honeſt inhabitants within every ſuch town or pariſh in the ſaid ſhire, riding, city or town corporate, by the diſcretion of the ſaid juſtices of peace, or four of them at the leaſt, whereof one to be of the *quorum*;

By 1 Ann. ſtat. 1. c. 18. ſeſſions of the peace may tax the ſeveral townſhips, &c.

(2) and at and upon the appearances of ſuch conſtables or inhabitants the ſaid juſtices of peace, or four of them, whereof one to be of the *quorum*, with the aſſent of the ſaid conſtables or inhabitants, ſhall have power and authority to tax and ſet every inhabitant in every ſuch city, town, or pariſh within the limits of their commiſſions and authorities, to ſuch reaſonable aid and ſum of money, as they ſhall think by their diſcretions convenient and ſufficient for the repairing, re-edifying, and amendment of ſuch bridges; (3) and after ſuch taxation made, the ſaid juſtices ſhall cauſe the names and ſums of every particular perſon ſo by them taxed, to be written in a roll indented: (4) And ſhall alſo have power and authority to make two collectors of every hundred, for collection of all ſuch ſums of money by them ſet and taxed; which collectors, receiving the one part of the ſaid roll indented under the ſeals of the ſaid juſtices

ſhall

ſhall have power and authority to collect and receive all the particular ſums of money therein contained, and to diſtrain every ſuch inhabitant as ſhall be taxed and refuſe payment thereof, in his lands, goods, and chattels, and to ſell ſuch diſtreſs, and of the ſale thereof retain and perceive all the money taxed, and the reſidue (if the diſtreſs be better) to deliver to the owner thereof; (5) and that the ſame juſtices, or four of them, within the limits of their commiſſions and authorities, ſhall alſo have power and authority to name and appoint two ſurveyors, which ſhall ſee every ſuch decayed bridge repaired and amended from time to time, as often as need ſhall require, to whoſe hands the ſaid collectors ſhall pay the ſaid ſums of money taxed, and by them received; (6) and that the collectors and ſurveyors and every of them, and their executors and adminiſtrators, and the executors and adminiſtrators of them, and every of them, from time to time, ſhall make a true declaration and accompt to the juſtices of peace of the ſhire, riding, city, or town corporate, wherein they ſhall be appointed collectors or ſurveyors, or to four of the ſame juſtices whereof one to be of the *quorum*, of the receipts, payments, and expences of the ſaid ſums of money: (7) and if they or any of them refuſe that to do, that then the ſame juſtices of peace, or four of them, from time to time, by their diſcretions, ſhall have power and authority to make proceſs againſt the ſaid collectors and ſurveyors, and every of them, their executors and adminiſtrators, and the executors and adminiſtrators of every of them, by attachments under their ſeals, returnable at the general ſeſſions of peace, (8) and if they appear, then to compel them to account as is aforeſaid; or elſe if they or any of them refuſe that to do, then to commit ſuch of them as ſhall refuſe, to ward, there to remain without bail or mainprize, till the ſaid declaration and accompt be truly made.

Two collectors of every hundred.

The juſtices ſhall appoint two who ſhall repair the bridge.

The collectors and ſurveyors ſhall accompt to the juſtices.

V. And where any bridge or bridges lien in one ſhire or riding, and ſuch perſons inhabitants, bodies politick, lands, or tenements, which owen to be charged to the making and amending of ſuch bridges, lien and abiden in another ſhire or riding, or where ſuch bridges been within any city or town corporate, and the perſons inhabitants, bodies politick, lands, or tenements, that owen to make or repair any ſuch bridges, lien and been out of the ſaid cities and towns corporate; be it enacted, That in every ſuch caſe the juſtices of peace of the ſhire, city, or town corporate, within the which ſuch decayed bridges, or any part thereof ſhall happen to be, ſhall have power to enquire, hear and determine all ſuch annoyances, being within the limits of their commiſſions or authorities; (2) and if the annoyance be preſented, then to make proceſs into every ſhire within this realm, againſt ſuch as owen to make or amend any ſuch bridges ſo preſented before them to be decayed, to the annoyance and let of the paſſage of the King's ſubjects, and to do further in every behalf in every ſuch caſe, as they might do by authority of this act, in caſe that the perſons

The juſtices may make proceſs into every ſhire againſt offenders.

ſons or bodies politick, lands, or tenements, which owen to be charged to the amending or making of ſuch bridges, or any part thereof, were in the ſame ſhire, riding, city, or town corporate, where ſuch annoyance ſhall happen to be. (3) And that all ſheriffs, and bailiffs of liberties and franchiſes, ſhall truly ſerve and execute ſuch proceſs, as ſhall come to their hands from the ſaid juſtices of peace afore whom any preſentment ſhall be had for any ſuch annoyance, according to the tenor and effect of the ſaid proceſs to them directed, without favour, affection, or corruption, upon pain to make ſuch fine, as ſhall be ſet upon them or any of them by the diſcretion of the ſaid juſtices.

Sheriffs, &c. may ſerve proceſs upon the offenders.

The five ports excepted.

VI. Provided alway, That this act, or any thing therein contained, be not prejudicial to the liberties of the five ports, or members of the ſame. And for reformation of annoyances of bridges within the ſaid ports and members.

VII. Be it enacted by authority of this preſent parliament, That the warden, mayors, and bailiffs elected, and jurates of the ſame ports, and every of them, have power and authority to enquire, hear, and determine all manner of common annoyances of bridges within the ſame ports and members, and to make ſuch proceſs, pains, taxations, and all other things within the ſame ports and members, as the juſtices of peace may do in other ſhires or places out of the ſame ports, by virtue and authority of this preſent act in every behalf.

Allowance made to the ſurveyors and collectors.

VIII. And be it further enacted by the authority aforeſaid, That the juſtices of peace, or four of them, ſhall have full power and authority to allow ſuch reaſonable coſts and charges to the ſaid ſurveyors and collectors, as by their diſcretions ſhall be thought convenient.

IX. *Foraſmuch that albeit bridges decayed were amended and repaired according to the tenor of this act, yet nevertheleſs, if ſpeedy remedy for the amendment of the ways next adjoining to every of the ends of ſuch bridges ſhould not be had and made, the King's ſubjects ſhould take little or none avail or commodity in many parts of this realm by the making of the bridges:* (2) In conſideration whereof, be it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That ſuch part and portion of the highways in every part of this realm, as well within franchiſe as without, as lie next adjoining to the ends of any bridges within this realm, diſtant from any of the ſaid ends by the ſpace of three hundred foot, be made, repaired, and amended as often as need ſhall require; (3) and that the juſtices of the peace in every ſhire of this realm, franchiſe, city, or borough, or four of them at the leaſt, whereof one to be of the *quorum*, within the limits of their commiſſions and authorities, ſhall have power and authority to enquire, hear, and determine in the King's general ſeſſions of peace, all manner of annoyances of and in ſuch highways, ſo being and lying next adjoining to any ends of bridges within this realm, diſtant from

An order for the mending of the ways at the ends of bridges.

from any one of the ends of ſuch bridges three hundred foot, and to do in every thing and things concerning the making, repairing, and amending of ſuch highways, and every of them, in as large and ample manner, as they might and may do, to and for the making, repairing, and amending of bridges, by virtue and authority of this preſent act.

CAP. VI.

If any butcher keep a tan-houſe, he ſhall forfeit vi. s. viii. a day. Rep. 1 Jac. 1. c. 22.

CAP. VII.

Whoſoever ſhall convey any horſes, geldings, mares, or ſheep, to any parts beyond the ſea, without the King's licence (ſaving for the victualling of *Calais*) ſhall forfeit xl. s. for every poll. Exp. 1 El. c. 18. 37 H. 8. c. 23. 11 H. 7. c. 13. 1 Ed. 6. c. 5. 5 El. c. 19.

CAP. VIII.

For denizens ſtrangers to pay ſtrangers cuſtoms.

PRAYEN *the commons, in this preſent parliament aſſembled, That where in a parliament holden at* Weſtminſter *the ſeventh day of* November, *in the firſt year of the reign of our late ſovereign lord of famous memory, King* Henry *the Seventh (whoſe ſoul God pardon) it was ordained, eſtabliſhed, and enacted, by authority of the ſaid parliament, That every perſon made, or after the making of the ſaid act to be made denizen, ſhould pay of his merchandiſes like cuſtom and ſubſidy as he ought or ſhould pay afore that he were made denizen, any letters patent, or other ordinances by parliament or otherwiſe, to the contrary notwithſtanding*; (2) *which ſtatute and ordinance was only made for cuſtom and ſubſidy to be paid to the ſaid late King, and to our now ſovereign lord*; (3) *ſithen which time divers grants have been made to divers, as well merchant ſtrangers, as other aliens born out of this realm, to be denizens, whereby they have and enjoy ſuch freedoms and liberties, as do denizens born within this realm, being our ſaid ſovereign lord the King's natural born ſubjects, whereof there is no ſmall number, and every day increaſe more and more, by the which the ſaid aliens, to their lucre and avail, been increaſed to great and notable ſubſtance and riches, and the natural ſubjects of our ſaid ſovereign lord and his realm greatly impoveriſhed, and after they be ſo inriched, for the moſt part convey themſelves, with their ſaid goods, to their own country wherein they be naturally born, to the great detriment of the common weal of this realm of* England, *and the ſubjects of the ſame*; (4) it may therefore pleaſe your highneſs, of your moſt good and loving diſpoſition, that ye bear and owe to the common wealth of this your realm, by the advice of your lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, to ordain, enact, and eſtabliſh, That every perſon or perſons, whatſoever they be, born out of this realm of *England*, out of the King's obeiſance, made or hereafter to be made denizen, do pay to your grace, and to your heirs, and to all and every other perſon and perſons, of what eſtate, degree, or condition he or they be, and to all and ſingular officers and miniſters of cities, boroughs, and towns within

Denizens ſhall pay like cuſtoms as they did before they were denizens. 1 H. 7. c. 2.

Aliens born, made denizens, ſhall pay all ſuch cuſtoms and other duties as they did

before. 11 H. 7. c. 14. 25 Car. 2. c. 6. ſ. 1. and 2.

within this realm of *England*, and to every of them, all ſuch ſubſidies, cuſtoms, tolls, duties, and other ſums of money, for their wares, merchandiſes, and other whatſoever goods, by whatſoever name or names the ſaid ſubſidies, cuſtoms, tolls, duties, and other ſums of money, or any of them, be named or called, as they ſhould or ought to have paid before they were denizens, any grant or grants to them made, or hereafter to be made, or any act or acts, ſtatute, or ordinance to the contrary made or had notwithſtanding.

A table of cuſtoms, tolls, and duties, ſhall be ſet up in every city, borough, or town.

II. Provided alway, That all and ſingular officers and miniſters of every city, borough, or town, wherein any ſuch cuſtom, tolls, duties, or ſums of money ſhall be demanded, as is aboveſaid, on this ſide the feaſt of *Pentecoſt* next coming, ſhall ſet up, or cauſe to be ſet up, in open place and places of every ſuch city, borough, or town, a table, or tables, by which the certainty and every duty of every ſuch cuſtom, toll, and duty, or ſum of money, of ſuch wares, and merchandiſes, to be demanded or required, as is above rehearſed, ſhall and may plainly appear, and be declared, to the intent that nothing be exacted otherwiſe than in old time hath been uſed and accuſtomed, (2) upon pain of every city not doing the ſame, to loſe v. l. and every town corporate to loſe xl. s. for every month that the ſame table ſhall fail to be ſet up after the ſame feaſt; the moiety of which forfeiture to be to the King our ſovereign lord, and the other moiety to the party that will ſue for the ſame, by writ, bill, plaint, or information, (3) in which action the defendant ſhall have no eſſoin, wager of law, ne protection allowed.

The merchants of the ſtilyard.

III. Provided alway, and be it enacted by the authority aforeſaid, That this act, ne any other act or acts made or to be made in this preſent parliament concerning the premiſſes be not in any wiſe prejudicial or hurtful unto the merchants of the *Hans* of *Almaign*, nor to any of them, having the houſe within the city of *London*, commonly called *Guild-halda Theutonicorum*, otherwiſe called the merchants of the *Stilyard* in *London*, nor to their goods or merchandiſes, by whatſoever name or names they or any of them be called, but that they, and every of them, ſhall have and enjoy all ſuch liberties, franchiſes, cuſtoms, and privileges, as they had the firſt day of this preſent parliament; any thing or things ſpecified in this act, or in any other act or acts, made or to be made in this preſent parliament notwithſtanding.

The table of ſcavage to be ſet up in London ſhall be examined, &c.

Provided alway, That the tables ſo to be ſet up in the city of *London*, touching ſcavage within the ſame, ſhall firſt be viewed, examined, and approved by the chancellor, and treaſurer of *England*, the preſident of the King's council, the lord privy ſeal, the lord ſteward of the King's moſt honourable houſhold, and the two chief juſtices of the King's bench and common pleas for the time being, or by four of them at the leaſt, and by them ſubſcribed.

CAP.

BODLEIAN LIBRARY

CAP. IX.

Wilful poiſoning ſhall be adjudged high-treaſon, and the offender therein ſhall be boiled to death. Rep. 1 Ed. 6. c. 12. 3 Inſt. 48.

CAP. X.

An act concerning outlandiſh people, calling themſelves Egyptians.

FORASMUCH *as before this time divers and many outlandiſh people calling themſelves* Egyptians, *uſing no craft nor feat of merchandiſe, have come into this realm, and gone from ſhire to ſhire, and place to place in great company, and uſed great, ſubtil, and crafty means to deceive the people, bearing them in hand, that they by palmeſtry could tell men's and women's fortunes, and ſo many times by craft and ſubtilty have deceived the people of their money, and alſo have committed many heinous felonies and robberies, to the great hurt and deceit of the people that they have come among:* Enforced by 1 & 2 Ph. & M. c. 4. 4 & 5 El. c. 20.

II. Be it therefore by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, ordained, eſtabliſhed, and enacted, That from henceforth no ſuch perſon be ſuffered to come within this the King's realm; and if they do, then they and every of them ſo doing, ſhall forfeit to the King our ſovereign lord all their goods and chattels, and them to be commanded to avoid the realm within fifteen days next after the commandment, upon pain of impriſonment; and it ſhall be lawful to every ſheriff, juſtice of peace, and eſcheator, to ſeiſe to the uſe of our ſovereign lord, his heirs and ſucceſſors, all ſuch goods as they or any of them ſhall have, and thereof to make account to our ſaid ſovereign lord in his exchequer; and if it ſhall happen any ſuch ſtranger hereafter to commit within this realm any murder, robbery, or any other felony, and thereof be indicted, and arraigned, and to plead not guilty, or any other plea triable by the country, that then the inqueſt that ſhall paſs between the King and any ſuch party, ſhall be altogether of *Engliſhmen*, albeit that the party ſo indicted pray *Medietatem linguæ*, according to the ſtatute of *Anno* 8 *Henrici* VI. or any other ſtatute thereof made.

III. Provided alway, That the *Egyptians* now being in this realm, have monition to depart within ſixteen days after proclamation of this ſtatute among them ſhall be made, upon pain of impriſonment, and forfeiture of their goods and chattels; and if they then ſo depart, that then they ſhall not forfeit their goods nor any part thereof, this preſent ſtatute notwithſtanding.

IV. Provided alway, That every ſuch perſon or perſons, which can prove by two credible perſons, before the ſame party that ſeiſeth ſuch money, goods, or chattels, of the ſame *Egyptians*, that any part of the ſame goods, money, or chattels, were craftily or felonioufly taken or ſtolen from him, ſhall be incontinent reſtored unto the ſame goods, money, or chattels, whereof he maketh ſuch proof before the ſame party, that ſo ſeiſeth the

the ſame money, goods, or chattels, upon pain to forfeit to the ſame party, that maketh ſuch proof, the double value of the ſame by action of debt, bill, or otherwiſe, in any of the King's courts to be ſued, upon which action and ſuit he ſhall not be admitted to wage his law, nor any protection or eſſoin to be allowed; any thing in this act to the contrary notwithſtanding.

V. Provided always, and be it further enacted, That if any juſtice of peace, ſheriff, or eſcheator, which by authority of this act, have power to take or ſeiſe any goods or chattels of any *Egyptians*, at any time hereafter do ſeiſe, or take the goods or chattels of any ſuch *Egyptians*, that then every ſuch juſtice, ſheriff, or eſcheator, doing the ſame, ſhall have, keep, and retain to his own uſe, the moiety of all ſuch goods ſo by him ſeiſed; and of the other moiety ſo by him taken or ſeiſed, ſhall make anſwer and account to the King in his exchequer, according to the tenor of this preſent act; any thing in the ſame act contained to the contrary hereof notwithſtanding: and that upon any account hereafter to be made for the ſaid other moiety of the ſame goods, the accountant ſhall pay no manner of fees or other charges, for his account or diſcharge to be had in the King's exchequer, nor elſewhere.

CAP. XI.

An act concerning powdike in marſh-land.

2 & 3 Ph. & M. c. 12.

WHERE *tofore this time divers evil-diſpoſed perſons, of their perverſe and evil diſpoſition, maliciouſly, at divers and ſundry times have cut, caſt down, and broken up divers parts of the dike called the new powdike in marſh-land in the county of* Norfolk, *and the broken dike, otherwiſe called* Oldfield *dike, by marſh-land in the iſle of* Ely *within the county of* Cambridge; *by reaſon whereof, as well by the great abundance of the ſalt water, as alſo by the courſe of the freſh water entring and coming into and by the ſaid parts of the ſaid ditches ſo broken and caſt down, the ground and paſtures within the country of marſh-land in the counties aforeſaid, have been divers and many times drowned and ſurrounded with the waters aforeſaid, ſo that no profit thereof might be taken by the owners and occupiers of the ſaid ground and paſtures within marſh-land aforeſaid; by the drowning whereof the ſaid owners and occupiers of the ſaid ground, and the inhabitants within the ſaid marſh-land, and the level of the ſame, at many and ſundry times have been not only put to importunate charges and expences, to their extreme damages and coſts, but alſo, to their great undoing, have loſt much of their cattle and beaſts, then being and paſturing upon and within marſh-land aforeſaid, to their great damage and loſs, and to the great decay of the common weal of the countries adjoining to the ſame; and alſo by reaſon of the ſame waters much people have been drowned in their beds within their houſes, and have loſt the moſt part of their goods being within the ſame:* (2) for the reformation whereof be it ordained, enacted, and eſtabliſhed by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame,

That

That every ſuch perverſe and malicious cutting down and breaking up of any part or parts of the ſaid dikes, or of any other bank, being parcel of the rind and uppermoſt part of the ſaid country of marſh-land aforeſaid, made for the defence and ſalvation of the ſame country of marſh-land, at every time and times from henceforth by any perſon or perſons committed and done, otherwiſe than in working upon the ſaid banks or dikes, for the repairing, fortifying, and mending of the ſame, be taken, reputed, and adjudged felony; and that the offenders and doers of the ſame, and every of them, be adjudged and reputed felons. (3) And that the juſtices of the peace of the ſaid counties of *Norfolk* and *Cambridge*, within the ſaid iſle, at every of their ſeſſions within the ſame iſle and counties to be kept, by the authority aforeſaid have full power to cauſe enquiry to be made of every ſuch offence, ſo at any time, in form aforeſaid, hereafter to be committed and done, and to award like proceſs againſt every of the ſaid offenders, with like judgment and execution of the ſame, if they or any of them be thereof found guilty by verdict or otherwiſe, as the ſaid juſtice hath uſed and accuſtomed to do upon other felonies, being felony at the common law.

Cutting down or breaking up of dikes in marſh-land is felony.

Juſtices of the peace to enquire of offenders, and award proceſs, &c.

CAP. XII.

An act directing how aged, poor, and impotent perſons, compelled to live by alms, ſhall be ordered, and how vagabonds and beggars ſhall be puniſhed.

THE juſtices of peace in every county, dividing themſelves into ſeveral limits, ſhall give licence under their ſeals to ſuch poor, aged, and impotent perſons to beg within a certain precinct, as they ſhall think to have moſt need: and if any do beg without ſuch licence, or without his precinct, he ſhall be whipped, or elſe be ſet in the ſtocks three days and three nights, with bread and water only. And a vagabond taken begging ſhall be whipped, and then ſworn to return to the place where he was born, or laſt dwelt by the ſpace of three years, and there to put himſelf to labour.

27 H. 8. c. 25.
1 Ed. 6. c. 3.
14 El. c. 5.
35 El. c. 7.
39 El. c. 4.
Rep. 21 Jac. 1. c. 28.

CAP. XIII.

For bakers, brewers, ſurgeons, and ſcriveners, not to be accounted handicrafts.

WHERE *divers ſtatutes penal heretofore have been made againſt ſtrangers artificers for exerciſing of handicrafts within this realm, and for keeping of houſes, apprentices, and ſervants eſtrangers, as by the ſaid ſeveral ſtatutes more plainly is rehearſed; ſithen the making whereof, beer brewers, and bakers, which been common victuallers, and alſo ſurgeons, and ſcriveners, being ſtrangers, inhabited and dwelling within this realm, have been put to trouble, and great vexation, by occaſion of informations brought againſt them upon the ſaid ſtatutes, ſuppoſing that ſtrangers uſing baking, brewing, ſurgery, or writing, ſhould be handicraftſmen; upon the which information great doubts and ambiguities have riſen, whether ſtrangers uſing any*

1 R. 3. c. 9.
14 & 15 H. 8. c. 2.
21 H. 8. c. 16.

What perſons ſhall not be accounted handicraftſmen.

of

of the ſaid myſteries or ſciences, ſhould be underſtood ſuch handicraftſmen as were intended by any of the ſaid ſtatutes; (2) for plain declaration whereof be it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no perſon or perſons ſtrangers, being a common baker, brewer, ſurgeon, or ſcrivener, ſhall be interpreted or expounded handicraftſmen, in, for, or by reaſon of uſing any of the ſaid myſteries or ſciences of baking, brewing, ſurgery, or writing; (3) and that all informations, ſuits, actions, and proceſs had, taken, or hereafter to be taken upon any of the ſaid ſtatutes, againſt any ſuch ſtranger or ſtrangers, being bakers, brewers, ſurgeons, or ſcriveners, ſhall be by authority of this preſent act void and of none effect.

No ſtranger being a common baker, brewer, ſurgeon, or ſcrivener, ſhall be accounted an handicraftſman.

CAP. XIV.

For abjurations and ſanctuaries.

THE *King our ſovereign lord conſidering, that many of his ſubjects heretofore for their offences and merits, have been put to execution of death by the laws of this realm, and many other committing like offences, for tuition of their lives, have fled and reſorted to churches, and other hallowed places within this realm, and there being, have abjured the realm before the King's coroners of the ſame*; (2) *divers of which men (ſo abjuring) have been known to be very expert mariners, and many other have been ſeen, to be very able and apt men for the wars, and defence of this realm, ſo that by the one mean, and the other, the ſtrength and power of this realm is greatly miniſhed.* (3) *And divers of the ſaid perſons which heretofore have abjured this realm, being by reaſon of their abjurations in outward realms and countries, have not only procured many men of the ſame to the exerciſe and practiſe of archery, aud have inſtructed them in the feat and knowledge thereof, to the great increaſe and fortifications of the ſame outward realms and countries, but alſo the ſame abjured perſons have diſcloſed their knowledges of the commodities and ſecrets of this realm, to no little damage and prejudice of the ſame*: (4) *the King's highneſs therefore daily ſtudying and deviſing to provide for the ſafeguard of this his realm, and of his ſubjects, albeit they be trangreſſors of his laws, ſo that the incommodities inſuing upon ſuch abjurations to be preſerved to the beſt effect as far as ſhall pleaſe God to give them grace*; hath ordained and enacted by authority of this preſent parliament, That if any perſon hereafter flie or reſort to any pariſh church, cemetery or other like hallowed place, for tuition of his life, by occaſion of any murder, robbery or other felony by the ſame perſon committed, and thereupon confeſs any murder, felony or other offence before the coroner, wherefore the ſame perſon by the laws of this realm heretofore uſed ſhould abjure and paſs out of the ſame: the ſame perſon thereupon ſhall abjure from all his liberty of this realm, and from his liberal and free habitations, reſorts and paſſages to and fro the univerſal places of this realm, which appertain to the liberty of the King's

In what manner perſons committing petty treaſon ſhall abjure.

By how many means abjurations of offenders out of this realm hath been prejudicial to this realm.

The oath of him which abjureth.

King's ſubjects undefamed, and ſhall forthwith be directed by the coroner, taking and recording ſuch abjuration, to any one ſanctuary being within this realm, which the ſame perſon will elect and chooſe, there to remain as a ſanctuary-perſon abjured, during his natural life, and to be ſworn afore the coroner upon his abjuration ſo to do, and to be burned in the hand, according to the ſtatute in that caſe provided. (5) And every ſuch perſon ſo abjured ſhall be directed and conveyed to the ſame ſanctuary by him choſen, by the conſtables and other officers, and in every behalf ordained after the like manner and form as he ſhould have been in caſe he ſhould have abjured this realm for any murder or felony after the laws of the land. (6) And if after ſuch abjuration any perſon ſo abjured come out of the ſame ſanctuary to the which he was aſſigned, and be taken without the ſame ſanctuary, not having the King's ſpecial pardon or licence ſo to do: then every ſuch perſon abjured, and after abjuration taken without ſanctuary whereunto he was aſſigned, ſhall ſuffer ſuch like pain of death, and after like manner be ordered, as he ſhould have done and been in caſe he had abjured this realm for murder or felony, and after ſuch abjuration had returned again into this realm, contrary to the laws of this land.

St. 21 H. 8. c. 2. Every abjured perſon ſhall be conveyed to the ſanctuary that he doth chooſe.

Rep. 1 Jac. 1, c. 25. & 21 Jac. 1, c. 28.

II. And furthermore it is enacted, That if any ſuch ſanctuary-perſon ſo abjured, or any other perſon or perſons, which now be, or is, or hereafter ſhall happen to be in any ſanctuary of this realm, for doing any petty treaſon, murder or felony, or for being acceſſary to any ſuch offences: or if any perſon or perſons, which at any time hereafter ſhall take any ſanctuary of this realm, for doing any petty treaſon, murder or felony, or for being acceſſary to any ſuch offences, or upon abjuration, and ſo being in ſanctuary for, or upon any ſuch cauſe, matter or offence, afterward commit or do any petit treaſon, murder, or felony within the ſame ſanctuary, or be acceſſary to any ſuch offences, or go out of the ſame ſanctuary, and commit any petty treaſon, murder or felony, or be acceſſary to any ſuch offences, and after come again to the ſame ſanctuary, or take any other ſanctuary for the ſame, every ſuch perſon and perſons being indicted for any of the ſaid cauſes or offences, ſhall loſe the privilege of the ſame ſanctuary by him taken, and of every other ſanctuary within this realm for any ſuch cauſe of petty treaſon, murder, felony or abjuration, and for any acceſſary to any ſuch offences: (2) and that it ſhall be lawful to all and ſingular juſtices of the peace, and the high ſheriff of the county, or other place where the ſanctuary is, and to all and ſingular mayors, ſheriffs and bailiffs of cities and towns corporate, where ſuch ſanctuary is, and to every of them, and to the ſervants, miniſters and officers, or any, or every of the ſame juſtices of peace, ſheriffs, mayors and bailiffs, in their preſence to take out of the ſame ſanctuary or ſanctuaries all and every ſuch ſanctuary-perſon or perſons ſo offending as is aforeſaid, and being indicted of the ſame; (3) and to commit or put him or them into the King's gaol within the ſhire or liberty where any ſuch indictment is

If a ſanctuary-perſon do commit any felony, he loſeth the privilege of ſanctuary.

In what caſe an offender may be taken out of ſanctuary, and committed to the gaol.

found againſt any ſuch perſon, ſafely to be kept till they ſhall be of the ſame petty treaſon, murder or felony, or of the acceſſary to any ſuch offences whereof they ſhall happen to be indicted, convicted, attainted, or diſcharged by the law. (4) And if any perſon or perſons which ſhall be indicted of any petit treaſon, murder or felony, or of any acceſſary to any ſuch offence, happen hereafter to be taken out of any ſanctuary for the ſame, by authority of this ſtatute, and upon his or their arraignment plead ſanctuary, according to the order of the law: then it is enacted by the authority aforeſaid, That as well the King's attorney, as every other perſon for the King, ſhall be admitted to object and allege, that the perſon ſo arraigned, afore the doing of the offence or offences whereof he then is arraigned, did take privilege of ſanctuary in the ſame ſanctuary whereof he allegeth him to be taken out, or in any other place privileged within this realm, upon any abjuration, or for any other petty treaſon, murder or felony, then whereof he is arraigned, and that he there had and enjoyed privilege of ſanctuary for the ſame, and that he ſo having once privilege of ſanctuary in the ſame, did commit the offence of petit treaſon, murder or felony whereof he then is arraigned: or that he went out of the ſaid ſanctuary, and committed the ſame offence whereof he is indicted and arraigned, and pray that ſuch perſons ſo arraigned may be excluded of reſtitution to the ſanctuary by him demanded. (5) And in caſe the ſaid plea and objection ſo alleged, be denied by the perſon ſo arraigned, then it is farther enacted by the authority aforeſaid, That it ſhall be forthwith tried afore the ſame juſtices, where ſuch perſon is ſo arraigned, and by the ſame jurors of the ſame county that ſhall try the petty treaſon, murder or felony whereof he is arraigned, without farther delay, in whatſoever county or counties, place or places of this realm the ſame other taking of ſanctuary ſhall be alleged or objected to be done or had. (6) And if the plea ſo objected againſt the ſaid perſon arraigned, be tried againſt him by verdict of twelve men, or by his own confeſſion, and alſo it be found by verdict of twelve men, or by his own confeſſion, according to the order of the law, that he is guilty of the petty treaſon, murder, felony, or of any acceſſary to any ſuch offence whereof he is ſo arraigned; that then like judgment and execution ſhall be given and done upon every ſuch perſon as though he had been no ſanctuary perſon, nor had claimed or required the privilege of the ſame. (7) And if any ſuch perſon be lawfully acquitted of the petty treaſon, murder or felony whereof he ſhall be ſo indicted and arraigned, then he ſhall be reſtored to the ſame ſanctuary out of the which he was taken there to have the privilege of the ſame, in like manner as he had before.

Trial in one county of a foreign plea pleaded in another. 3 Inſt. 27.

III. Provided alway, That if any perſon being or abiding in any ſanctuary as a ſanctuary-perſon hereafter, ſhall happen to be indicted for any manner of felony ſuppoſed to be committed by him or her going out of the ſame, or any other ſanctuary, and committing the ſame felony whiles that he or ſhe was ſo a ſanctuary-perſon, he or ſhe being indicted of ſuch felony ſuppoſed

In what caſe a ſanctuary-perſon indicted of felony ſuppoſed to be committed whilſt he was

poſed to be done without the ſanctuary, ſhall not be taken out of the ſanctuary wherein the ſame perſon ſhall then be reſident, before that he or ſhe be examined thereof by two of the King's moſt honourable council, or by four juſtices of peace of the ſhire where the ſanctuary is, wherein the perſon ſo indicted is reſident. (2) And if the ſame perſon ſo indicted within four days after the firſt examination do make ſuch proof as the ſaid examiners by their diſcretion ſhall think ſufficient, that the ſame perſon was in the ſanctuary at the time of the ſaid felony committed: then he or ſhe making ſuch proof ſhall be ſuffered to remain and be in the ſame ſanctuary, without any extraction from the ſame, the ſaid indictment or any thing in this act above written notwithſtanding.

In ſanctuary, ſhall be taken out.

IV. Provided alſo, That if any perſon, which was at any time a ſanctuary perſon for any petit treaſon, murder or felony, obtain and have the King's pardon, and thereby, or otherwiſe, be at large and out of ſanctuary diſcharged, or purged of that offence or cauſe, wherefore the ſame perſon took ſanctuary, and afterward do commit other petit treaſon, felony or manſlaughter by chance-medly, and not murder of malice prepenſed, and thereupon again take ſanctuary for any ſuch petit treaſon, felony or manſlaughter by chance-medly: the ſame perſon ſhall have and enjoy the privilege of ſanctuary for that his or her other offence of petit treaſon, felony or manſlaughter by chance-medly, as the ſame perſon might have had before the making of this act; any thing in the ſame act contained notwithſtanding.

In what caſe one may have the privilege of ſanctuary twice.

V. And over this, for more ſpeedy trials of murders and felonies, be it enacted by authority aforeſaid, That all manner of foreign pleas triable by the country, hereafter to be pleaded by any perſon or perſons arraigned upon any indictment for any petit treaſon, murder or felony, ſhall be forthwith tried before the ſame juſtices afore whom ſuch perſons ſhall be arraigned, and by the ſame jurors of the ſame county that ſhall try the petit treaſon, murder or felony whereof he ſhall be ſo arraigned without any further reſpit or delay, in whatſoever county or counties, place or places of this realm, the matter of the ſame pleas be ſuppoſed or alleged.

Trial of foreign pleas. St. 34 H. 8. c. 3.

VI. And that no perſon arraigned for any petit treaſon, murder or felony, be from henceforth admitted to any peremptory challenge above the number of xx. (2) This act to endure to the end of the next parliament.

Bro. challenge 217. No perſon arraigned may challenge above xx.

VII. Provided always, That no perſon or perſons be hereafter excluded, or in any wiſe hurted, to have and enjoy any privilege of ſanctuary for any offence or offences, being of any higher nature in the law than the offences and cauſes ſpecified in this act be: but that every perſon and perſons for ſuch offences of higher nature, may have and enjoy privilege of ſanctuary, in as free and liberal manner, and after ſuch form as they might have done by the laws and cuſtoms of the realm afore the making of this act, any thing in this act to the

St. 32 H. 8. c. 3. made perpetual.

contrary hereof notwithſtanding. *Continued by* 28 H. 8. c. 1. & *by* 32 H. 8. c. 3. *made perpetual: but ſo much of this ſtatute as con-*
3 Wms. 38,39. *cerneth abjured perſons and ſanctuaries, or ordering or governing of perſons abjured, and in ſanctuary, is repealed by* 1 Jac. 1. c. 25. & 21 Jac. 1. c. 28.

CAP. XV.

EXP. The King's general pardon to his ſpiritual ſubjects, of all offences committed againſt the ſtatutes of proviſors, proviſions, and premunire, and all other penalties, forfeitures, pains, except treaſon, murder, robbery, &c.

CAP. XVI.

EXP. The King's pardon to his temporal ſubjects, of all offences committed againſt the ſtatute of proviſors, proviſions, and premunire.

Statutes made at *Weſtminſter Anno* 23 HEN. VIII. and *Anno Dom.* 1531.

THE *King our ſovereign lord* Henry *the Eighth, by the grace of God King of* England *and of* France, *defender of the faith, and lord of* Ireland, *at the ſeſſion of his high court of parliament, after divers prorogations holden at* Weſtminſter *the fifteenth day of* January, *in the* xxiij. *year of his noble reign, to the honour of Almighty God and holy church, and for the common weal and profit of this his realm, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, hath ordained, eſtabliſhed, and enacted certain good ſtatutes, laws, and ordinances, in manner and form following.*

CAP. I.

An act concerning convicts in petit treaſon, murder, &c.

3 E. 1. c. 2. Clergy not allowed to any perſon under a ſubdeacon.

WHERE *at a parliament holden at* Weſtminſter *in the third year of King* Edward *the Firſt, the ſame King moved the prelates of the realm, and them enjoined upon their faith that they owed to him, that in no wiſe they ſhould deliver thoſe clerks, which were indicted for felony, without due purgation, ſo that the ſaid King ſhould have no need to put other remedy in that behalf*; (2) *and that notwithſtanding after that monition, divers and many clerks convict were accuſtomably delivered, and ſuffered to make their purgations, to the great courage of evil-doers:*

4 H. 4. c. 3. II. *By occaſion whereof afterward, at another parliament holden at* Weſtminſter *in the fourth year of King* Henry *the Fourth, upon the complaint of the commons, the ſame King* Henry *the fourth then advertiſed the prelates of the realm of the premiſſes, intending then to have provided remedy by authority of the ſaid parliament, as appertained to his prerogative royal, for the conſervation of the peace of the crown*; (2) *at which time the archbiſhop of* Canterbury, *for himſelf and all other biſhops of his province, then openly promiſed to the ſame*

ſame King Henry *the Fourth, That if any perſon from thenceforth were convict of any treaſon which touched not the King nor his royal Majeſty, and ſuch as were notoriouſly known and reputed for thieves, and for ſuch cauſe delivered to any ordinary as a clerk convict, that the ordinary to whom ſuch perſon or perſons were delivered, ſhould ſafely keep them after the effect of a conſtitution provincial, to be made by the ſaid archbiſhop and biſhops after the effect of the letters of* Simon, *then afore that time archbiſhop of* Canterbury, *bearing date the* xij. *calends of* March, *the year of our Lord God* M.CCC.L. (3) *And that no ſuch traitor nor felon ſhould make his purgation againſt the ſaid conſtitution*; (4) *which conſtitution the ſaid archbiſhop then promiſed to deliver to the ſame King before his next parliament, to the intent that if it ſhould ſeem to the ſame King, that the ſame conſtitution were not ſufficient remedy for the premiſſes, that then the ſaid King might provide ſuch remedy as ſhould appertain in that behalf.* (5) *Sithen which time, the ſame conſtitution was never notified ne ſhewed by the prelates of this realm, but continually ſithen that time manifeſt thieves and murderers, indicted and found guilty of their miſdeeds by good and ſubſtantial inqueſts, and upon plain and provable evidence before the King's juſtices, and afterwards by the uſages of the common laws of the land delivered to the ordinaries as clerks convict, be ſpeedily and haſtily delivered and ſet at large by the miniſters of the ſaid ordinaries, for corruption and lucre*; (6) *or elſe becauſe the ordinaries, enclaiming ſuch offenders by the liberties of the church, will in no wiſe take the charges in ſafe keeping of them, but little regarding the trial and conviction of the ſaid offenders by the due and plain courſe of the common laws of the land, do ſuffer them to make their purgations by ſuch as nothing know of their miſdeeds*; (7) *and by ſuch fraud adnul and make void all the good and provable trial that is uſed againſt ſuch offender by the King's laws, to the great ſlander of ſuch as purſue ſuch miſdoers, and to the pernicious example, increaſe, and courage of ſuch offenders, if the King's highneſs, by his authority royal, put not ſpeedy remedy in the premiſſes, as appertaineth:*

The promiſe of the clergy to the King for the ſafe keeping of notorious offenders convict without purgation.

The ordinary's abuſe in ſuffering notorious felons to make purgation.

III. Be it therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no perſon nor perſons, which hereafter ſhall happen to be found guilty after the laws of this land, for any manner of petit treaſon, or for any wilful murder of malice prepenſed, or for robbing of any churches, chapels, or other holy places, or for robbing of any perſon or perſons in their dwelling houſes, or dwelling place, the owner or dweller in the ſame houſe, his wife, his children or ſervants then being within, and put in fear and dread by the ſame, or for robbing of any perſon or perſons in or near about the highways, or for wilful burning of any dwelling houſes, or barns wherein any grain or corn ſhall happen to be, nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining, or counſelling, of or to any ſuch petit treaſons, murders, or felonies, ſhall from henceforth be admitted to the benefit of his or their clergy, but utterly be excluded

Co. pl. f. 352. Clergy taken from ſeveral perſons which do commit divers offences. Extended to countries where the robbery, &c. was not committed. 3 Inſt. 64, 67, 115. 1 Ed. 6. c. 12. Kelyng, 67, 68, 69. Dyer, 224. 11 Co. 29. Extended to robberies in

booths or tents, &c. by 5&6Ed.6.c.9. 1 Bulſtr. 112.

cluded thereof, and ſuffer death in ſuch manner and form, as they ſhould have done for any the cauſes or offences aboveſaid, if they were no clerks; ſuch as be within holy orders, that is to ſay, of the orders of ſub-deacon, or above, only except.

None within holy orders, convict of murder, &c. ſhall make purgation, unleſs he become bound with ſureties for his good abearing.

IV. And be it further enacted by authority aforeſaid, That every ſuch perſon or perſons within ſuch orders of ſub-deacon, or above, which at any time hereafter be found guilty of any petit treaſon, or of any murder of malice prepenſed, or of any of the felonies above rehearſed, or of any acceſſary to petit treaſon, wilful murder, or to any other the felonies above ſpecified, and admitted to his or their clergy, and delivered to the ordinary for the ſame, ſhall not in any wiſe from henceforth be ſuffered to any purgation, nor be ſet at liberty, but remain and abide in perpetual priſon, under the keeping of the ordinary, to whom he ſhall be committed, and his ſucceſſors, without any manner of purgation during the natural life of every ſuch convict, (2) except only ſuch perſon or perſons ſo being within ſuch holy orders, and convict of or for any of the offences aforeſaid, and delivered to the ordinary for the ſame, do find two ſufficient ſureties by recognizance before two of the King's juſtices of his peace, within the ſame ſhire wherein the petit treaſon, murder, or felony, whereof he was convicted, was committed and done, whereof one of them to be of the *quorum*, that ſuch convict ſhall be of good abearing againſt the King our ſovereign lord, his laws and ſubjects, every ſuch convict to be bound in the ſum of xl. li. and every his ſureties in xx. li. (3) and that no ſurety be taken, unleſs ſuch as may diſpend in lands, tenements, or hereditaments yearly, above all charges, of eſtate of inheritance of charter-hold, xxvi. s. viii. d. or elſe be worth xx. li. in moveable ſubſtance at the time of the taking of ſuch recogniſance; (4) and that two juſtices of peace, whereof one to be of the *quorum*, by authority aforeſaid, have power and authority to take ſuch recogniſance; (5) and that the ſaid juſtices, afore whom any ſuch recogniſance ſhall be taken, ſhall certify the ſame into the King's bench, within four months next after the taking thereof, upon pain to loſe and forfeit C. s. for every default thereof.

Of what eſtate the ſureties ſhall be.

He that is attaint of felony ſhall not make his purgation.

V. Provided alway, That this act extend not to give any benefit to any ſuch perſon or perſons, which, after their confeſſion, or judgment given againſt them, of or for felony, or murder, or after they be outlawed for any ſuch cauſe, be admitted to their clergy, and delivered to the ordinary for the ſame, but that they and every of them ſhall remain in the cuſtody of the ordinaries without making purgation, upon ſuch peril, and in ſuch manner and form, as it was uſed by the common law before the making of this preſent act; this act or any thing therein contained notwithſtanding.

An ordinary may degrade a convict perſon, and ſend him to the king's bench.

VI. Provided always, and it is further enacted, That every ordinary, to whoſe cuſtody any ſuch convict for any of the offences above rehearſed ſhall be committed, may at his liberty diſgrade every ſuch convict after the laws of the church, if he

ſee cauſe ſo to do, and ſend the convict ſo diſgraded, in ſure and ſafe keeping, into the King's bench, with a certificate under his ſeal, teſtifying the ſaid diſgrading, (2) upon which the juſtices of the King's bench, having afore them the record upon which the ſaid perſon ſo diſgraded was firſt convict, ſhall give ſuch like judgment of death upon the ſame record, againſt every ſuch perſon ſo convict, and diſgraded, as the juſtices afore whom he was convict might have done, if the ſaid perſon ſo diſgraded at the time of his conviction afore them had been no clerk, his admiſſion to his clergy, and committing to the ordinary, ne any other thing, uſe or cuſtom to the contrary hereof notwithſtanding; (3) and that every ſuch judgment ſhall be executed accordingly; (4) and that every ordinary ſo ſending any ſuch convict diſgraded into the King's bench, ſhall be diſcharged againſt the King our ſovereign lord, his heirs, and ſucceſſors, of or for any further cuſtody or keeping of the ſame convict, (5) this act to continue unto the laſt day of the next parliament.

11 Co. 30. 25 H. 8. c. 3. 28 H. 8. c. 1. Made perpetual by 32 H. 8. c. 3.

CAP. II.

For the making of gaols within the realm where none be, or where they be weak or feeble. Where and after what manner gaols ſhall be made. The juſtices ſhall tax the inhabitants of the county for and towards the building of the gaol. Collectors for the gathering of the money taxed, and their authority. Shall appoint two ſurveyors to ſee the gaol builded. The collectors and ſurveyors account, and their puniſhment if they do not. How the overplus ſhall be beſtowed, the gaol being finiſhed. Corporate towns which have gaols within themſelves. The collectors and ſurveyors allowance for their pains. Felons ſhall be impriſoned in the ſaid common gaol, which ſhall be kept by the ſheriffs, and repaired by allowance out of the exchequer. A proviſo for them which have any eſtate in gaols. Continued by 33 *H.* 8. *c.* 17. 37 *H.* 8. *c.* 23. 1 *Mar. ſeſſ.* 2. *c.* 14. and further continued for ten years by 13 *El. c.* 25.

Vide 5 El. c. 24. Exp. 13 El. c. 25. 2 Inſt. 705. EXP.

CAP. III.

An act againſt perjury and untrue verdicts.

THE *King our ſovereign lord of his moſt goodly and gracious diſpoſition, calling to his remembrance how that perjury in this land is in manifold cauſes by unreaſonable means deteſtably uſed, to the diſheritance, and great damage of many and great numbers of his ſubjects well-diſpoſed, and to the moſt high diſpleaſure of Almighty God, the good ſtatutes againſt all officers having return of writs and their deputies, making panels partially for rewards to them given, againſt unlawful maintainers, embracers, and jurors, and againſt jurors untruly giving their verdict notwithſtanding; for reformation whereof, and foraſmuch as the late noble King* Henry *the Seventh provided remedy for the ſame by a ſtatute made in the eleventh year of his reign, which ſtatute is now expired:*

11 H. 7. c. 24. 3 Inſt. 164.

Attaint where the thing in demand extendeth to xl. l. and concerneth not man's life. Dyer, 81. Co. Lit. 294. Cro. El. 350. Moor, 17.

II. Be it therefore now enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, That upon every untrue verdict hereafter given betwixt party and party, in any ſuit, plaint, or demand, before any juſtices, or judges of record, where the thing in demand, and verdict thereupon given, extendeth to the value of xl. li. and concerneth not the jeopardy of man's life, to the party grieved by the ſame verdict ſhall have a writ of attaint againſt every perſon hereafter ſo giving an untrue verdict, and every of them, and againſt the party which ſhall have judgment upon the ſame verdict; (2) and that in the ſame attaint there ſhall be awarded againſt the petit jury, the party, and the grand jury, ſummons, reſummons, and diſtreſs infinite, which grand jury ſhall be of like number as the grand jury is now in attaint, and every of them that ſhall paſs in the ſame, ſhall have lands and tenements to the value of twenty marks by the year of freehold, out of the ancient demean; (3) and upon the diſtreſs, which ſhall be delivered of record upon the ſame, open proclamation to be made in the court there; (4) the diſtreſs ſhall be awarded more than fifteen days afore the return of the ſaid diſtreſs, and every ſuch diſtreſs ſhall be made upon the land of every of the ſaid grand jury, as in other diſtreſſes is and hath been uſed; (5) and if the ſaid party defendant, or the petit jurors, or any of them, appear not upon the diſtreſs, then the grand jury to be taken againſt them and every of them that ſhall ſo make default; (6) and if any of the ſaid petit jury appear, then the party complainant in that behalf ſhall aſſign the falſe ſerement of the firſt verdict untruly given, whereunto they of the petit jury ſhall have no anſwer, if they be the ſame perſons, and the writ, proceſs, return, and aſſignment good and lawful except that the demandant or plaintiff in the ſame attaint hath afore been nonſuit, or diſcontinued his ſuit of attaint taken for the ſame, or hath for the ſame verdict, in a writ of attaint, had judgment againſt the ſaid petit jury, but only that they made true ſerement, which iſſue ſhall be tried by twenty four of the ſaid grand jury; (7) and the party ſhall plead that they gave true verdict, or any other matter which ſhall be a ſufficient bar of the ſaid attaint; (8) and that plea notwithſtanding the grand jury to be taken without delay, to enquire whether the firſt jury gave true verdict or no.

The proceſs in attaint.

Every of the grand jury in attaint muſt be worth twenty marks a year. 15 H. 6. c. 5. See 37 H. 8. c. 5. ſ. 3. for jurors in attaint; and 4&5 W. & M. c. 24. for jurors in other actions.

Diſtreſs, when to be awarded.

The grand jury awarded by default.

Pleas of the petit jury in attaint. Raſt. pl. f. 92. Kel. 55. Dyer, 173. 14 H. 7. c. 5.

Pleas of the defendant in attaint.

Forfeiture of the petit jury attainted.

III. And if they find that the ſaid petit jury gave an untrue verdict, then every of the ſaid petit jury to forfeit xx. li. whereof the one half ſhall be to the King our ſovereign lord, and the other half to the party that ſueth.

Dyer, 250.

IV. And over that, That every of the ſaid petit jury ſhall ſeverally make fine and ranſom, by the diſcretion of the juſtices before whom the ſaid falſe ſerement ſhall be found, after their ſeveral offences, defaults, and ſufficiency of every of the ſaid petit jury; (2) and after that, thoſe of the ſaid petit jury ſo attainted ſhall never after be in any credence, nor their oath

If the plea of the party de-

ac-

accepted in any court; (3) and if ſuch plea as the party pleadeth, which is a bar of the ſaid attaint, be found, or deemed againſt him that ſo pleadeth, then the party that ſo ſueth, ſhall have judgment to be reſtored to that he loſt, with his reaſonable coſts and damages. fendant be found againſt him. Raſt. pla. f. 86.

V. Foreſeen alway, That any *utlare* in action or cauſe perſonal, or *excommengement* pleaded or alleged in the party plaintiff or demandant, ſhall be taken but as a void plea, and to that he ſhall not be put to anſwer; (2) and that in all the aforeſaid proceſs ſuch day ſhall be given as in a writ of dower, and none eſſoin or protection to lie, nor to be allowed in the ſame; (3) and if the ſaid grand jury appear not upon the firſt diſtreſs had againſt them, ſo that the jury for their default do remain, he that maketh default ſhall forfeit to the King xx. s. and upon the ſecond diſtreſs xl. s. and after making default, for every ſuch default v. li. and like penalties and forfeitures to be againſt them, and every of them, that ſhall be named in the *Tales*, as is before expreſſed againſt every of the ſaid grand jury aforeſaid; (4) and that for and by the death of the party, or any of the ſaid petit jury, the ſaid attaint ſhall not abate, nor be deferred againſt the remnant, as long as two of the ſaid petit jury be alive. Outlawry or excommunication no plea againſt the plaintiff in attaint. Forfeiture of the grand jury making default of appearance. How long the attaint is maintainable.

VI. And if hereafter any falſe verdict be given in any action, ſuit, or demand afore any juſtice or judge of record, of any thing perſonal, as debt, treſpaſs, and other like, which ſhall be under the value of xl. li. that then the party grieved ſhall have attaint, with ſuch proceſs and pleas as is afore rehearſed, and delays to be taken away, as is afore remembered; (2) except that in this caſe of attaint, every perſon of the grand jury that may diſpend v. marks by the year of freehold out of ancient demean, or is worth an hundred marks of goods and chattels, ſhall be able to paſs in the ſame attaint. (3) And if the petit jury be attainted, that then they ſhall in this caſe of attaint every of them to forfeit v. li. whereof one half ſhall be to the King, and the other half to the party, after the form afore rehearſed, and over that to make fine and ranſom by the diſcretion of the juſtices, as is aforeſaid. Attaint of a thing under the value of xl. li. Dyer, 120. 1 Leon. 279.

VII. And if there be not perſons of ſuch ſufficiency within the ſhire or place where any of the ſaid attaints ſhall be taken, as may paſs into the ſame, be it ordained by the authority aboveſaid, That then one *Tales* ſhall be awarded into the ſhire next adjoining, by the diſcretion of the juſtices afore whom the ſame attaints ſhall be taken, which ſhall be warned to appear upon like pains as aforeſaid, and enabled to paſs in the ſaid attaints, as if they were dwelling in the ſhire where the ſame attaint ſhall be taken. (2) And that the ſame laws, action and remedy ordained by this preſent act, be kept for and to all them that ſhall be grieved by ſuch untrue verdicts of any inheritance in deſcent, reverſion, remainder, or of any freehold in reverſion or remainder. (3) And if the party in attaint given by this act be nonſuit, or the ſame diſcontinue, that then the ſame party *Tales* in another county if there be not ſufficient freeholders in the ſame county. An attaint for him in reverſion or remainder. Nonſuit in attaint.

party ſo nonſuit, or ſo diſcontinuing the ſaid attaint, make fine and ranſom by the diſcretion of the juſtices afore whom the ſaid attaint ſhall be taken and depending.

Attaints muſt be ſued in the King's bench or common place. Dyer, 202. Moor, 17. pl. 60. Dyer, 235.

VIII. And that all attaints hereafter to be taken, ſhall be taken afore the King in his bench, or afore the juſtices of the common place, and none in other courts; (2) and that *niſi prius* ſhall be granted by diſcretion of the juſtices upon the diſtreſs; (3) and every of the ſaid petit jury may appear, and anſwer by attorney in the ſaid attaint; (4) and that the moiety of the ſaid forfeiture of the petit jury ſhall be levied to the uſe of our ſovereign lord the King by *capias ad ſatisfaciendum*, or *fieri fac'* or *elegit*, or by action of debt againſt every perſon of the petit jury ſo forfeiting, and againſt his executors and adminiſtrators, having then ſufficient goods of their ſaid teſtator not adminiſtred, and the other moiety ſhall by like proceſs be levied to the uſe of the party that ſueth any attaint given by this act againſt every of the ſaid petit jury and his executors or adminiſtrators, having then ſufficiency of goods, as is aforeſaid, not adminiſtred; (5) and the judgment of reſtitution to the party grieved ſuing this act, and execution thereof to be had, and like judgment for the party defendant, or tenant, to be diſcharged of reſtitution, as afore this preſent act in caſe of a grand attaint hath been uſed; (6) and if there be divers plaintiffs or demandants in attaint, that the nonſuit or releaſe of any of them ſhall not be in any wiſe hurtful or prejudicial to the reſidue, but that they and every of them in ſuch caſes may be ſummoned and ſevered, like as it is uſed when there be divers demandants in actions real.

Niſi prius in attaint.

Attorney in attaint.

Judgment and execution in attaint.

The nonſuit or releaſe of one plaintiff ſhall not prejudice his companions.

IX. Be it alſo ordained and enacted by the authority aforeſaid, That in every writ of attaint hereafter to be taken by or upon this act, the which ſhall be ſuch as other writs of attaint be, and after the *Teſte* of the ſame writ ſhall be written theſe words in *Latin: Per ſtatutum continuatum uſque annum viceſimum tertium domini Henr' octavi, Dei gratia Angliæ & Franciæ Regis, fidei defens' & domini Hiberniæ.*

Continued 33 H. 8. c. 17. & 37 H. 8. c. 23.

X. And it is alſo enacted, That this act ſhall take effect for verdicts hereafter to be given, and to continue to the laſt day of the next parliament.

Any perſon may ſue an attaint upon this ſtatute, or upon the act of 11 H. 7. c. 21. Raſt. pl. f. 84. Dyer, 201. 37 H. 8. c. 5. Made perpetual by 13 El. c. 25.

XI. Provided alway, That this act be not prejudicial to a ſtatute made in the eleventh year of the late King of famous memory, *Henry* the Seventh, for puniſhment of perjury in untrue verdicts given in plaints ſued in the courts of the city of *London*, but that it ſhall be at the liberty of all perſons, for and upon any untrue verdict given in any courts of the ſame city, to ſue their attaint upon this eſtatute, or elſe upon the ſaid eſtatute made in the ſaid eleventh year, at their own pleaſures and wills.

CAP.

CAP. IV.

An act concerning new making of barrels, kilderkins, and other vessels.

WHERE *the ale-brewers and beer-brewers of this realm of* England *have used, and daily do use, for their own singular lucre, profit, and gain, to make in their own houses their barrels, kilderkins, and firkins, of much less quantity, content, rate, and assize than they ought to be, to the great hurt, prejudice, and damage of the King's liege people, and contrary to divers acts, statutes, ancient laws and customs heretofore made, had, and used, and to the destruction of the poor craft or mystery of coopers:* (2) For reformation whereof, be it enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That no beer-brewer nor ale-brewer, that shall brew to sale beer or ale, shall from henceforth occupy by himself, nor by any other to his use, in his house, nor elsewhere, the mystery or craft of coopers, nor make any barrels, kilderkins, firkins, or other vessels, by himself, nor by his or their own servants, whereby they shall put their beer or ale to sale; (3) but that all such barrels, kilderkins, and other vessels of wood, wherewith they shall put their beer or ale to sale, shall from henceforth be made and marked according as hereafter shall be expressed, by the common artificers of coopers, exercised and practised in the said occupation, upon pain to forfeit and pay for every such barrel, kilderkin, firkin, or other vessel hereafter to be made contrary to the tenor of this act, three shillings four pence.

No brewer of ale or beer to sell shall use the mystery of a cooper, nor make any barrels, &c.

II. And be it also enacted, That every artificer of the craft or mystery of coopers, that will exercise or practise to make any of the said vessels for beer or ale to be put to sale, shall make the same vessels, and every of them, of good and seasonable wood, and put his proper mark upon every of them; (2) and that every barrel for beer shall contain xxxvi. gallons, every kilderkin for beer xviij. gallons, and every firkin for beer ix. gallons, of the King's standard gallon; (3) and that every barrel for ale shall contain xxxij. gallons, every kilderkin for ale xvi. gallons, and every firkin for ale viij. gallons, of the King's standard gallon; so that they shall be of good and just measure, or else above, and not under. (4) And that no cooper shall make any other vessel for beer or ale, to be sold within this realm, of any greater or lesser number of gallons than is aboveſaid, unless he shall cause to be marked upon every such vessel that he shall so make of greater or lesser number of gallons, the true and certain number of as many gallons as every such other vessel shall contain, to the intent that every person may know the content thereof.

Vessels for ale and beer shall be made of seasonable wood, and marked.

The contents of barrels, kilderkins, &c.

III. And that no such artificer of coopers shall inhance the prices of any such barrels, kilderkins, firkins, or other vessels, in the sale of them to any ale-brewer or beer-brewer, or other person, but keep the rates of such prices as hereafter ensueth, and

Prices of barrels, kilderkins, and firkins.

Rep. 8. El. c. 9. and farther proviſions relating thereto.

and not above, upon pain to forfeit for every barrel, kilderkin, and firkin defective, or inhanced in price, in any point contrary to this act, iij. s. 4. d. that is to ſay, for every beer-barrel ix. d. for every beer-kilderkin v. d. and for every beer-firkin iii. d. and the ale-barrel xvi. d. and the ale-kilderkin ix. d. and the ale-firkin v. d.

Veſſels of ale or beer to be marked by a cooper.

IV. And be it further enacted by the ſaid authority, That no beer-brewer nor ale-brewer, at any time after the feaſt of *Lammas* now next coming, ſhall put their beer or ale to ſale to any perſon or perſons to be ſpent and occupied within this realm, in any other barrels, kilderkins, firkins, or other veſſels of wood, other than ſhall be made and marked by an artificer of coopers aboveſaid, whereof every barrel for beer ſhall contain and hold xxxvi. gallons, every half-barrel or kilderkin xviij. gallons, and every firkin ix. gallons; and every barrel for ale ſhall contain xxxij. gallons, every kilderkin xvi. gallons, and every firkin viij. gallons of full and juſt meaſure, or above, and not under that meaſure.

Prices of ale and beer aſſeſſed by juſtices of peace and other officers. Kell. 103. Cro. Car. 112. 1 Roll. 50. pl. 18.

V. And that every beer-brewer and ale-brewer ſhall not take over and above for every ſuch barrel, kilderkin, or firkin of ale and beer, but after ſuch prices and rates as ſhall be thought convenient and ſufficient by the diſcretions of the juſtices of peace within every ſhire where ſuch beer-brewer and ale-brewer ſhall dwell, without any city, borough, or town corporate, where no head-officers, as mayors, bailiffs, ſheriffs and other head-officers, have none authority or rule; (2) and every city, borough, and town, where there be mayors, ſheriffs, or other head-officers, the ſame rates and prices to be named and ſeſſed by them and every of them by their diſcretions. (3) And that the ſaid ale-brewers or beer-brewers at any time hereafter ſhall not ſell their beer nor ale at any higher rates or prices than ſhall be to them aſſigned after the form above rehearſed, upon pain to loſe and forfeit for every barrel ſo put to ſale contrary to this eſtatute, vi. s. for every half-barrel or kilderkin, iii. s. iv. d. and for every firkin, ii. s. (4) and for every veſſel containing greater number of gallons, x. s. and for every other veſſel containing leſſer number of gallons, xii. d. The one half of all the which penalties and forfeitures to be to the King our ſovereign lord, and the other half to him that will ſue for the ſame by action of debt, bill, plaint, or information in any of the King's courts; in which action and ſuit the defendant ſhall not wage his law, nor any eſſoin, protection, or privilege, to be admitted.

1 Ven. H. 8.

Sopemakers.

VI. Be it alſo further enacted by the ſaid authority, That all manner of ſopemakers, within this realm of *England*, which ſhall put to ſale any ſope by barrel, half-barrel, firkin, or other veſſel, ſhall from *Lammas* now next coming, make or cauſe to be made their barrels, half-barrels, firkins, and other veſſels, according to the rates, contents, weights, and aſſiſes of old time uſed and accuſtomed; that is to ſay, every empty barrel to hold and contain xxxii. gallons, or above, and to be in weight xxvi. pounds, and not above, of full and juſt meaſure; and every half-

The content and weight of ſope veſſels.

half-barrel empty to be in weight xiij. pound, and not above, and to hold and contain xvi. gallons, or above; and every firkin empty to weigh vi. pounds and a half, and not above, and to hold and contain viii. gallons, or above, upon pain of forfeiture for every ſuch barrel, half-barrel, firkin, or other veſſel hereafter to be made, had, or uſed contrary to this act, iii. s. iv. d.

VII. And alſo be it enacted by the authority aforeſaid, That the wardens of the occupation or myſtery of coopers within the city of *London*, from henceforth at all times hereafter, when they ſhall think convenient and expedient, taking with them an officer of the mayor's, ſhall have full power and authority, by virtue of this act, to ſearch, view, and gauge all manner of ſuch barrels, kilderkins, firkins and other veſſels to be made or occupied for ale, beer, or ſope, to be put to ſale within the city of *London*, and ſuburbs of the ſame, and within two miles compaſs without the ſame ſuburbs, to view and ſee that the ſame barrels, kilderkins, firkins, and other veſſels, as well within liberties as without, be made and marked well and ſufficiently, and bear and contain their true contents, rates, and meaſures, according to the effect of this eſtatute; (2) and alſo to mark every ſuch barrel, kilderkin, firkin, and other veſſel by them ſo viewed and gauged, bearing and containing their true contents, with the ſign and token of Saint *Anthony's* croſs. (3) The ſame wardens to have for the ſearch and gauging of every ſuch barrel, kilderkin, firkin, and other veſſel by them ſo ſearched, viewed, gauged, and marked, one farthing, and not above, of the owners or makers of the ſaid veſſels; and ſhall and may have authority, by virtue of this act, to retain every ſuch veſſel as they ſhall ſo gauge, ſearch and mark, until ſuch time as they ſhall be ſatisfied thereof; (4) and in caſe they ſhall find any of the ſaid veſſels defective, not bearing their true contents, that then by authority of this act they may ſeiſe, take, and retain every ſuch veſſel, and cauſe the ſame to be marked or amended according to the true content, or elſe cauſe the ſame to be burned.

Wardens of coopers ſhall ſearch in London.

VIII. And alſo the party, owner of ſuch veſſel, to loſe and forfeit for every ſuch veſſel not being of the full contents after the rate above expreſſed, xii. d. to be recovered and employed as is aboveſaid.

IX. And be it further enacted by the ſaid authority, That in all other cities, boroughs, and towns, wherein no ſuch wardens of coopers be, that the mayors, ſheriffs, bailiffs, conſtables, or other head officers in ſuch cities, boroughs, and towns, ſhall have power and authority to ſearch, view, and gauge all ſuch barrels, kilderkins, firkins, and other veſſels to be made hereafter in any ſuch city, borough, or town, and to have and take all ſuch advantage thereby, and in like manner and form, as the wardens of coopers within the city of *London*, or other perſons by this act ſhould or may have or take on every behalf.

Search of coopers in other cities, boroughs, or towns.

X. Pro-

A beer-brewer may keep a cooper to hoop and amend his barrels.

X. Provided always, That every beer-brewer may keep in his houſe one or two ſervants of the myſtery or craft of coopers, to hoop and amend his barrels, kilderkins, firkins, and other veſſels, wherein they ſhall put their beer to ſale from time to time; this act or any thing therein contained to the contrary in any wiſe notwithſtanding.

The penalty for veſſels diminiſhed.

XI. And be it further enacted by the ſaid authority, That if any perſon, at any time after the ſaid feaſt of *Lammas* next coming, do miniſh, or cauſe to be miniſhed, any manner of barrel, kilderkin, or firkin, to the deceit of any of the King's ſubjects, by reaſon of taking out the head of any ſuch veſſel, or taking out of any ſtaff out or from any ſuch veſſel, that then every ſuch veſſel to be burnt, and the offender to forfeit for every ſuch offence iii. s. iv. d. the one moiety thereof to be to the King our ſovereign lord, and the other moiety thereof to him or them of the King's ſubjects that will ſue for the ſame, to be recovered in manner and form above rehearſed; (2) and the party ſo offending to be further puniſhed by the diſcretion of the head-officer or officers, before whom ſuch default ſhall be preſented.

An ale-brewer may keep a cooper.

XII. It is enacted by the authority of this preſent parliament, That notwithſtanding any thing contained in this act of brewers and coopers, whereunto this ſchedule is annexed, it ſhall be lawful for every ale-brewer, mentioned in the ſame act, to have and retain in his ſervice one perſon of the myſtery or craft of coopers to exerciſe in his ſervice the craft of a cooper only in binding, hooping, and pinning his maſter's ale-veſſels recited by the ſaid act, and in none otherwiſe to uſe or exerciſe any making of veſſels concerning the craft or myſtery of a cooper, whiles that he is in the ſervice of any ale-brewer.

XIII. Alſo it is enacted, That every cooper, which hereafter ſhall make any ale-veſſel ſpecified by the ſaid act, ſhall, from the feaſt of *Penteco*ſt next coming, make every ſuch veſſel according to the aſſiſe ſpecified in the treatiſe called *Compoſitio menſurarum*; that is to ſay, every barrel for ale ſhall contain xxxii. gallons of the ſaid aſſiſe, or above, of the which viii. gallons make the common buſhel to be uſed in this realm of *England*, every kilderkin for ale xvi. gallons of the ſaid aſſiſe, or above, and every firkin viii. gallons of aſſiſe, or above, (2) upon pain of forfeiture of iii. s iv. d. for every of the ſame veſſels by him untruly made contrary to this act; the one half of the ſame forfeiture to be to the King, and the other to him that will ſue for the ſame by action of debt, bill, plaint, writ, or otherwiſe; in which action no eſſoin, protection, or wager of law ſhall be allowed.

Every cooper ſhall mark his veſſel with his own mark. 51 H. 3. ſtat 1.

XIV. And be it alſo enacted, That every cooper mark his veſſel with his own mark, upon pain of iii. s. iv. d. to be levied and recovered after like manner and form as is aboveſaid; (2) and that no manner of perſon in the ſearch-making for the true gauging of any ſuch veſſels, ſhall put out the ale of any ſuch veſſel, whereby the ſame ale ſhall be the worſe. (3) And that

that it ſhall be lawful to every ale-brewer to bring, carry, and cauſe to be brought and carried, their ale to the houſeholds of our ſovereign lord the King, the Queen, the princes, and to every archbiſhop's, biſhop's, duke's, marquis's, earl's, barons, or other honourable men's houſes, in tuns, butts, pipes, hogſheads, or other veſſels of greater or larger quantity than is expreſſed in this preſent act, as before time hath been uſed in that behalf. (4) And alſo it ſhall be lawful to the ſaid ale-brewers to bring, carry, or cauſe to be brought, conveyed, or carried, their ale to every man's houſe in barrels, kilderkins, and firkins, bearing and holding their true contents according to the purport and effect of this preſent act, any thing contained in the ſame act to the contrary hereof notwithſtanding. 31 El. c. 8.

CAP. V.

The bill of ſewers with a new proviſo, &c.

OUR *ſovereign lord the King, like a virtuous and moſt gracious prince, nothing earthly ſo highly weighing, as the advancing of the common profit, wealth and commodity of this his realm, conſidering the daily great damages and loſſes which have happened in many and divers parts of this his ſaid realm, as well by the reaſon of the outragious flowing, ſurges, and courſe of the ſea in and upon marſh-grounds, and other low places heretofore through politick wiſdom won and made profitable for the great common wealth of this realm, as alſo by occaſion of land-waters, and other outrageous ſprings, in and upon meadows, paſtures, and other low grounds adjoining to rivers, floods, and other water-courſes*; (2) *and over that, by and through mills, mill-dams, wears, fiſhgarths, kedels, gores, gotes, flood-gates, locks, and other impediments in and upon the ſame rivers and other water-courſes, to the ineſtimable damages of the common wealth of this realm, which daily is likely more and more to increaſe, unleſs ſpeedy redreſs and remedy be in this behalf ſhortly provided:* (3) *Wherein albeit that divers and many proviſions have been before this time made and ordained, yet none of them are ſufficient remedy for the reformation of the premiſſes*, hath therefore by deliberate advice and aſſent of his lords ſpiritual and temporal, and alſo his loving commons, in this preſent parliament aſſembled, ordained, eſtabliſhed, and enacted, That commiſſions of ſewers, and other the premiſſes, ſhall be directed in all parts within this realm from time to time, where and when need ſhall require, according to the manner, form, tenor, and effect hereafter enſuing, to ſuch ſubſtantial and indifferent perſons as ſhall be named by the lord chancellor and lord treaſurer of *England*, and the two chief juſtices for the time being, or by three of them, whereof the lord chancellor to be one.

How far the commiſſion of ſewers ſhall extend. Latch. 170, 171. 4 Inſt. 275.

II. Henry *the Eighth*, &c. *Know ye, That foraſmuch as the walls, ditches, banks, gutters, ſewers, gotes, calcies, bridges, ſtreams, and other defences, by the coaſts of the ſea, and mariſh ground, lying and being within the limits of* A. B. *or* C. *in the county or counties of or in the borders or confines of the ſame, by rage of the ſea, flowing and reflowing, and by mean of the trenches of freſh waters*

The form of the commiſſion of ſewers.

The ſeveral cauſes of awarding the commiſſion of ſewers.

waters deſcending, and having courſe by divers ways to the ſea, be ſo dirupt, lacerate, and broken; (2) *and alſo the common paſſages for ſhips, balangers, and boats, in the rivers, ſtreams, and other floods, within the limits of* A. B. *or* C. *in the county or counties of or in the borders or confines of the ſame, by mean of ſetting up, erecting, and making of ſtreams, mills, bridges, ponds, fiſh-garths, mill-dams, locks, hebbing-wears, hecks, and flood-gates, or other like lets, impediments, or annoyances, be letted and interrupted, ſo that great and ineſtimable damage, for default of reparation of the ſaid walls, ditches, banks, fences, ſewers, gotes, gutters, calcies, bridges, and ſtreams*; (3) *and alſo by mean of ſetting up, erecting, making, and enlarging of the ſaid fiſh-garths, mill-dams, locks, hebbing-wears, hecks, flood-gates, and other like annoyances, in times paſt hath happened, and yet is to be feared, that far greater hurt, loſs and damage is like to enſue, unleſs that ſpeedy remedy be provided in that behalf.*

What things the commiſſioners of ſewers are authorized to do. 13 Co. 36.

III. *We therefore, for that by reaſon of our dignity, and prerogative royal, we be bounden to provide for the ſafety and preſervation of our realm of* England, *willing that ſpeedy remedy be had in the premiſſes, have aſſigned you, and ſix of you, of the which we will that* A. B. *and* C. *ſhall be three, to be our juſtices, to ſurvey the ſaid walls, ſtreams, ditches, banks, gutters, ſewers, gotes, calcies, bridges, trenches, mills, mill-dams, flood-gates, ponds, locks, hebbing-wears, and other impediments, lets, and annoyances aforeſaid, and the ſame cauſe to be made, corrected, repaired, amended, put down, or reformed, as caſe ſhall require, after your wiſdoms and diſcretions*; (2) *and therein as well to ordain and do after the form, tenor, and effect of all and ſingular the ſtatutes and ordinances made before the firſt day of* March, *in the three and twentieth year of our reign, touching the premiſſes, or any of them, as alſo to enquire by the oaths of the honeſt and lawful men of the ſaid ſhire or ſhires, place or places where ſuch defaults or annoyances be, as well within the liberties as without (by whom the truth may the rather be known) through whoſe default the ſaid hurts and damages have happened, and who hath or holdeth any lands or tenements, or common of paſture, or profit of fiſhing, or hath or may have any hurt, loſs, or diſadvantage by any manner of means in the ſaid places, as well near to the ſaid dangers, lets, and impediments, as inhabiting or dwelling thereabouts, by the ſaid walls, ditches, banks, gutters, gotes, ſewers, trenches, and other the ſaid impediments and annoyances*; (3) *and all thoſe perſons, and every of them, to tax, aſſeſs, charge, diſtrain, and puniſh, as well within the metes, limits, and bounds of old time accuſtomed, or otherwiſe, or elſewhere within our realm of* England, *after the quantity of their lands, tenements, and rents, by the number of acres and perches, after the rate of every perſon's portion, tenure, or profit, or after the quantity of their common of paſture, or profit of fiſhing, or other commodities there, by ſuch ways and means, and in ſuch manner and form as to you, or ſix of you, whereof the ſaid* A B. *and* C. *to be three, ſhall ſeem moſt convenient to be ordained and done for redreſs and reformation to be had in the premiſſes*; (4) *and alſo to reform, repair, and amend the ſaid walls, ditches, banks, gutters, ſewers, gotes, calcies, bridges, ſtreams,*

Inquiry by whoſe defaults the annoyances come.

Aſſeſſing the perſon to be contributory to the charge. 10Co. 139, 141. 2 Bulſtr. 199.

ſtreams, and other the premiſſes, in all places needful; and the ſame, as often, and where need ſhall be, to make new, and to cleanſe and purge the trenches, ſewers, and ditches, in all places neceſſary; (5) *and further to reform, amend, proſtrate, and overthrow all ſuch mills, ſtreams, ponds, locks, fiſh-garths, hebbing-wears, and other impediments, and annoyances aforeſaid, as ſhall be found by inquiſition, or by your ſurveying and diſcretions to be exceſſive or hurtful;* (6) *and alſo to depute and aſſign, diligent, faithful, and true keepers, bailiffs, ſurveyors, collectors, expenditors, and other miniſters, and officers, for the ſafety, conſervation, reparation, reformation, and making of the premiſſes, and every of them, and to hear the account of the collectors, and other miniſters of and for the receipt, and laying out of the money that ſhall be levied and paid in, and about the making, reforming, repairing, and amending of the ſaid walls, ditches, banks, gutters, gotes, ſewers, calcies, bridges, ſtreams, trenches, mills, ponds, locks, fiſh-garths, floodgates, and other impediments and annoyances aforeſaid;* (7) *and to diſtrain for the arrearages of every ſuch collection, tax, and aſſeſs, as often as ſhall be expedient, or otherwiſe to puniſh the debtors and detainers of the ſame, by fines, amerciaments, pains, or other like means after your good diſcretions;* (8) *and alſo to arreſt and take as many carts, horſes, oxen, beaſts, and other inſtruments neceſſary, and as many workmen and labourers as for the ſaid works and reparations ſhall ſuffice, paying for the ſame competent wages, ſalary, and ſtipend in that behalf;* (9) *and alſo take ſuch and as many trees, woods, underwoods, and timber, and other neceſſaries, as for the ſame works and reparations ſhall be ſufficient, at a reaſonable price, by you, or ſix of you, of the which we will that* A. B. *and* C. *ſhall be three, to be aſſeſſed or limited, as well within the limits and bounds aforeſaid, as in any other place within the ſaid county or counties near unto the ſaid places;* (10) *and to make and ordain ſtatutes, ordinances, and proviſions from time to time, as the caſe ſhall require, for the ſafeguard, conſervation, redreſs, correction, and reformation of the premiſſes and of every of them, and the parts lying to the ſame, neceſſary and behooful, after the laws and cuſtoms of* Rumney *marſh in the county of* Kent, *or otherwiſe by any ways or means after your own wiſdoms and diſcretions;* (11) *and to hear and determine all and ſingular the premiſſes, as well at our ſuit, as at the ſuit of any other whatſoever complaining before you, or ſix of you, whereof* A. B. *and* C. *ſhall be three, after the laws and cuſtoms aforeſaid, or otherwiſe, by any other ways or means after your diſcretions;* (12) *and alſo to make and direct all writs, precepts, warrants, or other commandments by virtue of theſe preſents, to all ſheriffs, bailiffs, and all other miniſters, officers, and other perſons, as well within liberties as without, before you, or ſix of you, whereof the ſaid* A. B. *and* C. *to be three, at certain days, terms, and places to be prefixed, to be returned and received;* (13) *and further to continue the proceſs of the ſame, and finally to do all and every thing and things as ſhall be requiſite for the due execution of the premiſſes, by all ſuch ways and means after your diſcretions:* (14) *and therefore we command you, that at certain days and places, when and where ye, or ſix of you, whereof the ſaid* A. B. *and* C. *to be three, ſhall think expedient, ye do ſurvey the ſaid walls, fences, ditches, banks, gutters, gotes, ſewers, calcies, ponds, bridges, rivers,*

Appointing of bailiffs, collectors, ſurveyors, and other inferior officers.

Diſtraining for the arrearages of the money aſſeſſed.

Taking of labourers, workmen, and carriages, timber, and other neceſſaries.

To make ſtatutes and ordinances.

Awarding of writs and precepts to ſheriffs, bailiffs, and others.

rivers, ſtreams, water-courſes, mills, locks, trenches, fiſh-garths, floodgates, and other the lets, impediments, and annoyances aforeſaid, and accompliſh, fulfil, hear, and determine all and ſingular the premiſſes in due form, and to the effect aforeſaid, after your good diſcretions; (15) *and all ſuch as ye ſhall find negligent, gainſaying, or rebelling in the ſaid works, reparations, or reformations of the premiſſes, or negligent in the due execution of this our commiſſion, that ye do compel them by diſtreſs, fines, and amerciaments, or by other puniſhments, ways, or means, which to you, or ſix of you, whereof the ſaid* A. B. *and* C. *ſhall be three, ſhall ſeem moſt expedient for the ſpeedy remedy, redreſs, and reformation of the premiſſes, and due execution of the ſame*; (16) *and all ſuch things as by you ſhall be made and ordained in this behalf, as well within liberties as without, ye do cauſe the ſame firmly to be obſerved, doing therein as to our juſtice appertaineth after the laws and ſtatutes of this our realm, and according to your wiſdoms and diſcretions.*

To compel others to obey their orders. 2 Bulſtr. 198.

Sheriffs to return before the commiſſioners ſuch jurors as ſhall be fit for enquiry.

IV. *Saved always to us ſuch fines and amerciaments as to us thereof ſhall belong*; (2) *and we alſo command our ſheriff or ſheriffs of our ſaid county or counties of that they ſhall cauſe to come before you, or ſix of you, of the which* A. B. *and* C. *to be three, at ſuch days and places as ye ſhall appoint to them, ſuch and as many honeſt men of his or their bailiwick, as well within the liberties as without, by whom the truth may beſt be known, to enquire of the premiſſes*; (3) *commanding alſo all other miniſters and officers, as well within liberties as without, that they, and every of them, ſhall be attendant to you in and about the due execution of this our commiſſion. In witneſs whereof we have cauſed theſe our letters patents to be made. Witneſs ourſelf at* Weſtminſter, *the day of in the year of our reign.*

All other officers ſhall be attendant to the commiſſioners.

The commiſſioners ſhall take an oath. Enforced by 25 H. 8. c. 10.

V. And it is alſo enacted, That every ſuch perſon as ſhall be named commiſſioner in the ſaid commiſſion, after he hath knowledge thereof, ſhall effectually put his diligence and attendance in and about the execution of the ſaid commiſſion. (2) And before he ſhall take upon him the execution of the ſaid commiſſion, he ſhall take a corporal oath before the lord chancellor, or before ſuch to whom the ſaid lord chancellor ſhall direct the King's writ of *Dedimus poteſtatem* to take the ſame, or before the juſtices of the peace in the quarter ſeſſions holden in the ſhire where ſuch commiſſions ſhall be directed; the tenor of which oath hereafter enſueth:

The form of the oath.

(3) *Ye ſhall ſwear, That you, to your cunning, wit, and power, ſhall truly and indifferently execute the authority to you given by this commiſſion of ſewers, without any favour, affection, corruption, dread, or malice to be borne to any manner of perſon or perſons; and, as the caſe ſhall require; ye ſhall conſent and endeavour yourſelf for your part, to the beſt of your knowledge and power, to the making of ſuch wholeſome, juſt, equal and indifferent laws and ordinances, as ſhall be made and deviſed by the moſt diſcreet and indifferent number of your fellows, being in commiſſion with you, for the due redreſs, reformation, and amendment of all and every ſuch things as are contained and ſpecified in the ſaid commiſſion, and the ſame laws and ordinances to your cunning, wit, and power, cauſe to be put in due exe-*

execution, without favour, meed, dread, malice, or affection; as God you help, and all ſaints.

A confirmation of other ſtatutes.

VI. And it is alſo enacted by the authority aforeſaid, That all and every ſtatute, act, and ordinance heretofore made concerning the premiſſes, or any of them, as well in the time of our ſovereign lord the King that now is, as in the time of any of his progenitors Kings of this realm of *England*, not being contrary to this preſent act, nor heretofore repealed, from henceforth ſhall ſtand and be good and effectual for ever, and to be put in due execution according to the true meaning and purport of the ſame.

The authority of the commiſſioners.

VII. And over that be it enacted, That the commiſſioners hereafter to be named in any of the ſaid commiſſions, according to the purport and effect of the ſame commiſſions, have full power and authority to make, conſtitute, and ordain laws, ordinances, and decrees, and further to do all and every thing mentioned in the ſaid commiſſion, according to the purport, effect, words, and true meaning of the ſame; (2) and the ſame laws and ordinances ſo made, to reform, repeal, and amend, and make new, from time to time, as the caſes neceſſary ſhall require in that behalf.

1 Mar. ſeſſ. 3. c. 11.
13 Eliz. c. 9.

The ordinances of commiſſioners upon thoſe which refuſe.

VIII. Provided alway, and it is enacted, That if any perſon or perſons being aſſeſſed or taxed to any lot or charge for any lands, tenements, or hereditaments, within the limits of any commiſſion hereafter to be directed, do not pay the ſaid lot and charge according to the ordinance and aſſignment of the commiſſioners, having power of the execution of the ſaid commiſſion, by reaſon whereof it ſhall happen, the ſaid commiſſioners having power of the execution of ſuch commiſſion, for lack of payment of ſuch lot and charge, to decree and ordain the ſame lands, tenements, and hereditaments from the owner or owners thereof, and their heirs, and the heirs of every of them, to any perſon or perſons for term of years, term of life, in fee-ſimple, or in tail, for payment of the ſame lot and charge, that then every ſuch decree and ordinance ſo by them made and ingroſſed in parchment, and certified under their ſeals into the King's court of chancery, with the King's royal aſſent had to the ſame, ſhall bind all and every perſon and perſons, that at the making of the ſame decree had any intereſt in ſuch lands, tenements, or hereditaments, in uſe, poſſeſſion, reverſion, or remainder, their heirs, and feoffees, and every of them, and not to be in any wiſe reformed, unleſs it be by authority of parliament hereafter to be ſummoned and holden within this realm.

Extended to copyhold lands 7 Ann. c. 10.

The commiſſioners decree ſhall bind the King's and all men's lands.

3 Ed. 6. c. 8.

IX. And alſo it is provided by authority aforeſaid, That the ſame laws, ordinances, and decrees to be made and ordained by the ſaid commiſſioners, or ſix of them, by authority of the ſaid commiſſion, ſhall bind as well the lands, tenements, and hereditaments of the King our ſovereign lord, as all and every other perſon and perſons, and their heirs, for ſuch their intereſt as they ſhall fortune to have, or may have, in any lands, tenements or hereditaments, or other caſual profit, advantage, or commodity, whatſoever they be, whereunto the ſaid laws, ordinances,

and decrees ſhall in any wiſe extend, according to the true purport, meaning, and intent of the ſame laws.

No man may ſit being unſworn.

X. And it is furthermore by the authority aforeſaid, eſtabliſhed and enacted, That if any manner of perſon or perſons, of what eſtate or degree ſoever he or they be of, that from henceforth do take upon him or them to ſit by virtue of any of the ſaid commiſſions, not being before ſworn in form as is aforeſaid, and according to the tenor of the oath before ſpecified, or if any perſon ſo named and ſworn do ſit as is aforeſaid, not having lands and tenements, or other hereditaments in fee-ſimple, fee-tail, or for term of life, to the clear yearly value of xl. marks above all charges to his own uſe, except he be reſiant and free of any city, borough, or town corporate, and have moveable ſubſtance of the clear value of one hundred pounds, or elſe be learned in the laws of this realm in, and concerning the ſame, that is to ſay, admitted in one of the four principal inns of court for an utter barriſter, ſhall forfeit xl. l. for every time that he ſhall attempt ſo to do; (2) the one half thereof to be to our ſovereign lord the King, and the other half thereof to the uſe of him or them that will ſue therefore by action of debt, bill, plaint, or information, in any of the King's courts; in which action or ſuit no wager of law ſhall be admitted, nor any eſſoin or protection ſhall be allowed.

What land each commiſſioner ſhall have.
13 El. c. 9.
25 H. 8. c. 10.

Avowry, or juſtification of a diſtreſs taken by reaſon of the commiſſion of ſewers.
Co. pl. f. 293.

XI. And if any action of treſpaſs, or other ſuit, ſhall happen to be attempted againſt any perſon or perſons for taking any diſtreſs, or any other act doing, by authority of the ſaid commiſſion, or by authority of any laws or ordinances made by virtue of the ſaid commiſſion, the defendant or defendants in any ſuch action ſhall and may make avowry, conuſance, or juſtification, for the taking of the ſame diſtreſs, or other act doing touching the premiſſes, or any of them, alleging in ſuch avowry, conuſance and juſtification, that the ſaid diſtreſs, treſpaſs, or other act whereof the plaintiff complaineth, was done by the authority of the commiſſion of ſewers for lot or tax aſſeſſed by the ſaid commiſſion, or for ſuch other act or cauſe as the ſaid defendant did by authority of the ſame commiſſion, and according to the tenor, purport, and effect of this preſent act made the three and twentieth year of the reign of our ſovereign lord King *Henry* the Eighth, without any expreſſing or rehearſal of any other matter or circumſtance contained in this preſent act, or any commiſſion, laws, ſtatutes, or ordinances thereupon to be made; (2) whereupon the plaintiff ſhall be admitted to reply, that the defendant did take the ſaid diſtreſs, or did any other act or treſpaſs ſuppoſed in his declaration of his own wrong, without any ſuch cauſe alleged by the ſaid defendant; whereupon the iſſue in every ſuch action ſhall be joined, to be tried by verdict of twelve men, and not otherwiſe, as is accuſtomed in other perſonal actions: (3) and upon the trial of that iſſue the whole matter to be given on both parties in evidence according to the very truth of the ſame.

Where the defendant ſhall repay

XII. And after ſuch iſſue tried for the defendant, or nonſuit of the plaintiff after appearance, the ſame defendant to recover tre-

treble damages by reaſon of his wrongful vexation in that behalf, with his coſts alſo in that part ſuſtained, and that to be aſſeſſed by the ſame jury, or writ to enquire of damages, as the cauſe ſhall require. damages with his coſts of ſuit.

XIII. And it is alſo enacted, That every of the ſaid commiſſioners ſhall have and perceive four ſhillings for every day that they ſhall take pain in the execution of this commiſſion of ſewers, and one clerk, by them to be aſſigned, two ſhillings for every day, of the rates, taxes, lots, and wains that ſhall be aſſeſſed or loſt by the authority of the ſaid commiſſion, and to be levied and paid by their diſcretions. (2) And that the ſaid commiſſioners, or ſix of them, ſhall have power and authority to limit and aſſign of the ſame rates, taxes, lots, and wains, by their diſcretions, ſuch reaſonable ſums of money to the ſaid clerk, for writing of books and proceſs concerning the premiſſes, and to the collectors, expenditors, and ſuch other as ſhall take pain in the due execution of the ſaid commiſſion, as by the diſcretions of the ſaid commiſſioners, or ſix of them, ſhall be thought reaſonable. The wages and fees of commiſſioners, clerks, collectors, &c.

XIV. Provided alway, That whenſoever, and as often as ſuch commiſſion, as is afore limited, ſhall be made and directed to any perſon or perſons, for the reformation and amendment of or in any of the premiſſes ſpecified in the ſaid commiſſion, within the fees, liberties, or poſſeſſions of the duchy of *Lancaſter*, that then ſuch commiſſioners, as ſhall execute any ſuch commiſſion, ſhall be always named and appointed by the diſcretion of the lord chancellor and lord treaſurer of *England*, and the ſaid two chief juſtices of either bench, and the chancellor of the ſaid duchy for the time being, or three of them, whereof the ſaid lord chancellor and the chancellor of the duchy to be two; (2) and that in every ſuch caſe two commiſſions ſhall be awarded and made according to the tenor of the commiſſion above expreſſed, one thereof under the great ſeal of *England*, and the other under the ſeal of the ſame duchy, as beforetime hath been accuſtomed, any thing afore rehearſed in this act to the contrary hereof notwithſtanding. Commiſſions within the liberty of the duchy.

XV. And it is further enacted, That the ſaid commiſſions from time to time, as the caſe ſhall require, ſhall be had and obtained without any money, or other charge to be paid for the ſeals, or writing of the ſame, unleſs it be to the King, two ſhillings ſix pence for the ſeal of every commiſſion, as hath been accuſtomed, and for the writing and inrolling of any one commiſſion, five ſhillings, and not above. The charge of the commiſſions.

XVI. And it is further enacted, That every commiſſion to be made by authority of this act ſhall endure and continue for the term of three years next after the *teſte* of the commiſſion; (2) nevertheleſs, after any commiſſion made and delivered out of the King's court of chancery, the King's highneſs ſhall always at his pleaſure, by his writ of *Superſedeas* out of his ſaid court of chancery, at any time diſcharge as well every ſuch commiſſion, as every commiſſioner that ſhall be made or named by authority of this act; (3) after which diſcharge, the ſaid commiſſioner ſhall have no power or authority to proceed in A commiſſion of ſewers ſhall endure three years. Altered by 13 El c. 9. ſ. 1. A commiſſion or commiſſioner diſcharged by *ſuperſedeas*.

the execution of their commiſſion, nor in any thing by authority of this act.

How long the commiſſioners decree ſhall endure.

XVII. Provided always, That ſuch laws, acts, decrees, and ordinances as ſhall happen to be made by the ſaid commiſſioners according to the tenor of their commiſſion, or by authority of this act, ſhall ſtand good and effectual, and be put in due execution ſo long time as their commiſſion endureth, and no longer; except the ſaid laws and ordinances be made and ingroſſed in parchment, and certified under the ſeals of the ſaid commiſſioners into the King's court of chancery, and then the King's royal aſſent be had to the ſame, any thing contained in this preſent act to the contrary hereof notwithſtanding.

March. 196. Altered by 13 El. c. 9. ſ. 1.

Commiſſions into a county palatine.

XVIII. Provided alſo, That whenſoever, and as often as ſuch commiſſion as is afore limited ſhall be made and directed to any perſon or perſons for the reformation and amendment of or in any of the premiſſes ſpecified in the ſaid commiſſion, within the fees, liberties, and poſſeſſions of the principality of *Wales*, the county palatine of *Cheſter*, or within the fees, liberties, and poſſeſſions of any other place where there is liberty and juriſdiction of county palatine, that in every ſuch caſe two commiſſions ſhall be awarded and made according to the tenor of the commiſſion above expreſſed, one thereof under the great ſeal of *England*, and the other under the uſual ſeal of the county palatine, in manner and form as is above provided for the duchy of *Lancaſter*; any thing afore rehearſed in this preſent act to the contrary notwithſtanding.

The King's royal aſſent ſhall be certified into the chancery. Altered by 13 El. c. 9. ſ. 1.

XIX. And it is provided, and alſo enacted, That the royal aſſent limited to be had unto the laws and ordinances to be made by the ſaid commiſſioners, as is aboveſaid, ſhall be certified into the ſaid court of chancery under the King's privy ſeal; (2) and that there ſhall not any ſum of money be paid for the ſame privy ſeal; but for the writing of the ſame certificate under the ſaid privy ſeal ſhall be paid to the writer thereof ii. s. and not above, nor no other nor greater ſum for any thing touching or concerning the ſame certificate under the ſame privy ſeal.

Commiſſions in Wales and counties palatine.

XX. Provided alway, That the chancellors, and ſuch other as ſhall have the cuſtody of the ſeals of the ſaid principality of *Wales*, or the county palatine of *Cheſter*, or within the fees, liberties, and poſſeſſions of any other place where there is liberty and juriſdiction of county palatine, upon reaſonable requeſt, and upon the ſight of the commiſſion under the King's great ſeal of his chancery, ſhall without delay make out another commiſſion under the ſeal of the ſaid county palatine, according to the tenor of the King's commiſſion to them ſhewed under his great ſeal; (2) and to thoſe commiſſioners as ſhall be named by the lord chancellor, lord treaſurer, and the two chief juſtices, or by three of them, whereof the lord chancellor to be one, except it be within the fees, and liberties of the duchy of *Lancaſter*, within which fees and liberties the commiſſioners ſhall be named, and commiſſions made, as is afore ordained

Regiſt. f. 127. Made perpetual by 3 & 4 Ed. 6. c. 8.

dained by this act; any thing contained in the ſaid act, or in any proviſo thereunto added and annexed, to the contrary thereof notwithſtanding. (3) This act to endure for twenty years.

and explained by 3 Jac. 1. c. 14.

CAP. VI.

For obligations to be taken by two chief juſtices, the mayor of the ſtaple, and the recorder of London.

FORASMUCH *as the mayors of the ſtaple in divers places of this realm, where any ſtaple is kept, in the preſence of the conſtables of the ſame ſtaple before this time have and might lawfully take recogniſance or knowledge for debts, only concerning and touching the merchandiſe of the ſame ſtaple, betwixt merchant and merchant of the ſame ſtaple, according to divers laudable ſtatutes and proviſions before this time had, ordained, and made;* (2) *which mayors and conſtables, many and ſundry times ſince the making of the ſame ſtatute, having taken divers recogniſances and knowledges of divers of the King's ſubjects for debts, ſurmiſing the ſame knowledge or recogniſance to be made for ſurety of payment of ſums of money for ſuch wares as were or have been bought in the ſame ſtaple; where of troth the ſame recogniſance did not in any wiſe touch or concern the merchandiſe of the ſame, ne alſo the parties, that is to ſay, the cogniſor, ne the cogniſee, that did knowledge and take the ſame recogniſances, were merchants of the ſame ſtaple;* (3) *which recogniſances and knowledges, taken in form aforeſaid, are not only clear contrary to the true meaning and intent of the ſame former eſtatutes, but alſo thereby divers great and ſundry inconveniencies, damages, and deceits do daily ariſe and grow to divers of the ſubjects of our ſovereign lord the King, by reaſon of the miſuſing of the ſame; and foraſmuch as the King's highneſs, of his moſt high wiſdom, perceiveth the miſuſing and execution of the ſame to be contrary to the form of the ſaid former ſtatutes, therefore his pleaſure is, that ſome true, lawful, and reaſonable bond, for ſurety of payment of the debts of his ſubjects, ſhall be made and deviſed by true and juſt means, which in itſelf may and ſhall purport right and equity, and alſo conſonant to reaſon.*

Before whom recognizances of debt ſhall be made, and the form, &c. ſtatutes of the ſtaple were deviſed only for merchandiſes of the ſtaple, between merchant and merchant.

II. In conſideration whereof, by the aſſent of the King's highneſs, his lords ſpiritual and temporal, and his commons, in this preſent parliament aſſembled, and by the authority of the ſame, it is enacted, ordained, and eſtabliſhed, That from the firſt day of *April* next coming, the chief juſtice of the King's bench, and the chief juſtice of the common pleas, which now be, or at any time hereafter ſhall be, and every of them by himſelf, and in their abſence out of the term, the mayor of the ſtaple of *Weſtminſter*, and the recorder of the city of *London*, for the time being, jointly together, by his or their diſcretions, ſhall have full power and authority to take recognizances or knowledges of every of the King's ſubjects for the payment of debts, according to ſuch form as hereafter enſueth:

Who may take recognizance in the nature of a ſtatute ſtaple. Co. pl. f. 12. 1 Mod. 185. Co. Lit. 289. b. Hob. 195.

(2) *Noverint univerſi per præſent' me* A. B. *&* C. D. *armig' teneri & firmiter obligari Johanni at Style in* C. li. *ſterling' ſolvend' eidem Johanni aut ſuo cert' attorn' hoc ſcriptum oſtend' hæred' vel exec ut'*

The form of the recognizance.

ecut' ſuis in tal' feſt' &c. prox' futur' poſt dat' præſentium; *& ſi defecero* vel *defecerimus in ſolutione debit' prædict' volo & concedo*; vel ſic, *volumus & concedimus, quod tunc currat ſuper me, hæred' & executores meos*, vel *ſuper nos & quemlibet noſtrum, hæred' & execut' noſtros pœna in ſtatuto ſtapulæ de debit' pro merchandiſis in eadem emptis recupand' ordinat' & provis' dat' tal' die anno regni regis*, &c.

By what ſeals the ſame obligation ſhall be ſealed. Vaughan, 102.

III. And that every obligation that ſhall be made as is aforeſaid, and knowledged before any of the ſaid chief juſtices, or the ſaid mayor and recorder, according to this act, ſhall be ſealed with the ſeal of the party or parties that ſhall recogniſe or knowledge the ſame, and alſo with ſuch ſeal as the King's highneſs ſhall ordain and appoint for the ſame, and with the ſeal of one of ſuch of the ſaid juſtices, or with the ſeals of the ſaid mayor and recorder, and with his or their name or names ſubſcribed, that ſo ſhall take the ſame recogniſance or knowledge; (2) and that every of the ſaid two juſtices, and the ſaid mayor and recorder, ſhall have the cuſtody of one ſuch ſeal, by the King's highneſs to be appointed, with one like print, ſcripture, and faſhion, which ſhall ſeverally remain with them to the intent above rehearſed.

The clerk of the recognizances ſhall inroll them, and ſhall dwell in London. Hob. 221. By 8 G. 1. c. 25. there ſhall be three rolls, &c.

IV. And further be it enacted by the authority aforeſaid, That ſuch an honeſt and diſcreet perſon as ſhall be aſſigned by the King's highneſs or the ſufficient deputy or deputies of the ſame perſons ſo to be aſſigned, ſhall make and write all ſuch obligations as ſhall be acknowledged and recognized by authority of this act, and ſhall cauſe the ſame obligations recognized, and acknowledged in form as is aboveſaid, to be inrolled in two ſeveral rolls indented, whereof one ſhall remain with ſuch of the ſaid juſtices, or with the ſaid mayor and recorder, that ſo ſhall take the ſame recognizance in form aforeſaid, and the other roll with the writer thereof, appointed for the ſame; (2) and that the ſaid perſon by the King's highneſs to be appointed for making, writing, and inrolling ſuch obligations, or his ſufficient deputy or deputies, ſhall be dwelling or abiding in the ſaid city of *London*, upon pain to forfeit for every time that he and his deputy ſhall be abſent by the ſpace of two days, ten pounds.

Certificate of the recognizance in the chancery.

V. And further it is enacted by authority aforeſaid, That the ſaid perſon ſo to be aſſigned by the King's highneſs to write, make, and inroll ſuch obligations, or his ſufficient deputy or deputies, at the requeſt of the creditors, their executors or adminiſtrators, ſhall certify ſuch obligations as ſhall be taken and recognized by authority of this act, into the King's court of chancery, under the ſeal of the ſaid perſon ſo to be appointed for writing, making, and inrolling ſuch obligations.

2 Inſt. 290.

VI. And that every perſon and perſons to whom any ſuch obligation ſhall be made, knowledged, and inrolled (as is aforeſaid) their executors and adminiſtrators, and the executors and adminiſtrators of every of them, for default of payment of the debts contained in ſuch obligations, ſhall have in every point, degree, and condition, againſt the ſaid recognizor and recognizors,

nizors, and every of them, their heirs, executors, and adminiſtrators, and the heirs, executors, and adminiſtrators of every of them like proceſs, execution, commodity, and advantage in every behalf, as hath been uſed and accuſtomed before this time to be had, done, or made, of and upon any obligation of the ſtatute of the ſtaple, and under ſuch manner and form, as is for the ſame ſtatute of the ſtaple provided, (2) paying for ſuch proceſs and execution to be had, ſuch like fees as is accuſtomed for proceſs and execution to be had upon obligations of the ſame ſtatute of the ſtaple, and not above.

Execution upon a recognizance acknowledged according to this ſtatute.

VII. And that every ſuch perſon and perſons that ſhall be bounden, or otherwiſe grieved by virtue of any obligation to be made by authority of this act, ſhall have their like remedy by *Audita querela*, and all other remedies in the law, that they might have had in caſe they had been bounden by obligation of the ſtatute of the ſtaple.

Where the recognizor ſhall be relieved by *audita querela*.

VIII. And that every ſuch perſon and perſons that ſhall have proceſs for execution to be had by reaſon of any ſuch obligation to be made and knowledged according to this act, ſhall pay to the King's highneſs, his heirs, or ſucceſſors, at the time of enſealing of the proceſs for execution to be had, one halfpeny for every pound that ſhall be contained in the obligation, whereof execution ſhall be required, and not above.

The King ſhall have 1 ob. in the pound upon execution ſued. Altered by 8 G. 1. c. 25. ſ. 3.

IX. And that every ſuch perſon and perſons that ſhall happen to have any execution of any lands, tenements, or hereditaments, by reaſon of any ſuch obligations to be made and knowledged (as is aboveſaid) their executors, adminiſtrators, or aſſigns, and the executors, adminiſtrators, and aſſigns of every of them, if they, or any of them being put out or diſſeiſed, ſhall have like remedy in every point and condition, as perſons having execution in and upon any ſtatute of the ſtaple, after execution to them had, may or might have, by virtue of the ſaid writing obligatory of the ſtatute of the ſtaple, and execution of the ſame.

The remedy for tenant by recognizance being diſſeiſed.

X. And further be it enacted by the authority aforeſaid, That every of the ſaid juſtices, and the ſaid mayor and recorder, before whom any ſuch obligations ſhall be recognized, ſhall take for every knowledge of every one ſuch recognizance iii. s. iv. d. and not above; (2) and the clerk that ſhall write, make, and inroll the ſame obligations, iii. s. iv. d. (3) and for the certificate of every one ſuch obligation xx. d. (4) and if any of the ſaid juſtices, mayor, recorder, or clerk, take of any of the King's ſubjects above the ſum or ſums to them limited by this eſtatute, that then the ſaid juſtices, mayor, recorder, or clerk, that ſo ſhall take contrary to the form aforeſaid, ſhall forfeit for every time ſo offending xl. li.

The juſtices clerk's fee upon every recognizance.

XI. And further it is enacted by the authority aforeſaid, That from the ſaid firſt day of *April*, no mayor or conſtable of the ſtaple, for the payment of any ſum or ſums of money, take any knowledge or recognizance of the ſaid ſtatute of the ſtaple, of any of the King's ſubjects, upon pain to forfeit for every

In what caſes recognizances of ſtatute ſtaple may be taken by the mayor and

conſtables of the ſtaple, and in what not.

every time ſo offending, xl. li. the one moiety of all and ſingular the ſaid penalties to be to the King's highneſs, and the other moiety to the party that will ſue for the ſame; (2) for the recovery whereof, the party that will purſue ſhall have his remedy by information, action of debt, bill, or plaint in any of the King's courts, in which no eſſoin, protection, nor wager of law ſhall be admitted. (3) Provided alway, That this act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any mayor and conſtables of the ſtaple for any bond or writing of the ſtatute of the ſtaple to be taken or received between merchants being free of the ſame ſtaple, for merchandiſe of the ſame ſtaple between them lawfully bought and ſold.

Recognizances taken before the ſtatute 11 Ed. 1. Acton Burnell.
13Ed.1.ſtat.1. c. 45.
27Ed.3.ſtat.2. c. 9.
27El.c.4.ſ.7.

XII. Provided alſo, and be it enacted by the authority aforeſaid, That all recogniſances before this time taken before the mayor and conſtables of any of the ſaid ſtaples, whereof the ſums now be not paid, nor otherwiſe contented, lawfully avoided, and diſcharged by the law, ſhall be as good and effectual as though they had been verily made for merchandiſe of the ſame ſtaple, and between merchant and merchant of the ſame ſtaple, and as they ſhould have been, if this act had never been had ne made.

CAP. VII.

The ſtatutes of 5 *R.2. ſtat.1. c.3.* 6 *R.2. c.7.* 4 *H.7. c.10.* touching the bringing of *Gaſcoin* or *Guien* wines, or *Toulouſe* ode, into this realm by ſhips only of *England*, *Ireland*, or *Wales*, and by only maſters and mariners of the ſame countries, confirmed. No perſon ſhall lay on land, out of a ſhip, any *French* wine between the feaſt of St. *Michael* and the *Purification*, upon pain of forfeiture thereof. No perſon ſhall ſell by retail any *French* wines above viii. d. the gallon viz. i. d. the pint; nor any malmeſey, ſack, rumney, or other ſweet wine, above xij. d. the gallon. The prices of the tun, butt, pipe, and hogſhead of the ſaid wines ſhall be aſſeſſed by the King's great officers. The contents and gauging the ſaid veſſels.—*To continue unto the laſt day of the next parliament.*

EXP.
26 H. 8. c.10.
28 H. 8. c.14.
32 H. 8. c.14.

CAP. VIII.

The bill for the havens in the weſt parts.

How certain havens in Cornwall and Devonſhire may be amended.
27 H. 8. c. 23.
The great eaſe and benefit which this realm and others received by the havens of

PIteouſly *ſheweth, and complaineth unto the King our ſovereign lord, and to the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, the inhabitants of the towns and ports of* Plymouth, Dartmouth, *and* Teignmouth, *in the county of* Devonſhire, Falmouth, *and* Foway, *in the county of* Cornwall, *That where the ſaid ports have been in time paſt the principal and moſt commodious havens and ports within this realm for the road, ſurety, and preſervation of ſhips reſorting from all places of the world, as well in peril of ſtorms as otherwiſe.* (2) *For where before this time all manner of ſhips being under the portage of eight hundred tuns, reſorting unto any of the ſaid ports or havens, might at the low water eaſily enter into the ſame, and there lie in ſurety, what wind or tempeſt ſoever did blow,*

blow, by reaſon whereof not only a great multitude of ſhips, as well of this realm, as of other regions and countries, before this time have been preſerved and ſaved, but alſo in time of war the ſaid havens and ports have been the greateſt fortifieation and defence of that part of this realm, and the ſpecial preſervation of the great part of the navy of the ſame: (3) *Which ſaid ports and havens been at this preſent time in manner utterly decayed and deſtroyed by mean of certain, tin-works, called ſtream-works, uſed by certain perſons within the ſaid counties; which perſons more regarding their own private lucre, than the common wealth and ſurety of this realm, have by working of the ſaid ſtream-works, digging, ſearching, and waſhing of the ſame near unto the freſh rivers, waters, and low places, deſcending and coming out of the lands towards and into the ſaid ports and havens to the ſea, conveyed by the force of the ſaid freſh rivers a marvellous great quantity of ſand, gravel, ſtone, robel, earth, ſlime, and filth into the ſaid ports and havens, and have ſo filled and choaked the ſame, that where before this time a ſhip of the portage of eight hundred tun, as is aforeſaid, might have eaſily entred at a low water into the ſame, now a ſhip of an hundred can ſcantly enter at the half flood, to the decay and utter deſtruction of the ſaid havens and ports, and alſo to the ruin and utter undoing of all the good towns within the ſaid counties of* Devonſhire *and* Cornwall, *if remedy be not in that caſe ſpeedily provided:* (4) For reformation whereof, be it enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no perſon or perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought, in any manner of tin-works, called *Stream-works*, within the ſaid counties of *Devonſhire* and *Cornwall*, nigh to any of the ſaid freſh waters, rivers, or low places, deſcending or having courſe unto the ſaid havens or ports, or any of them, nor ſhall labour, dig, or waſh any tin in any of the ſaid tin-works called *Stream-works*, unleſs the ſaid digger, owner, or waſher ſhall make, or cauſe to be made, ſufficient hatches and ties in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid, all the ſand, ſtones, gravel, and robel digged about the inſearching, finding, and waſhing of the ſaid tin, there to be wholly and ſurely kept by the ſaid hatches and ties, out and from the ſaid freſh rivers and water-courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel, and robel, ne any part thereof, be for lack of ſuch hatches or ties conveyed into the ſaid ports and havens, or any of them, (5) upon pain to forfeit for every time that any owner or tinner ſhall dig or waſh, or cauſe to be digged or waſhed, any tin contrary to the form aforeſaid, x. li. the one half thereof to be to the uſe of our ſovereign lord the King, and the other half thereof to be to any of the inhabitants of the ſaid ports, towns, or havens, that will ſue for the ſame in any of the King's courts by original writ, bill, plaint, information, or otherwiſe, wherein the defendant ſhall not be admitted to wage his law, ne any protection or eſſoin ſhall be allowable.*

Plymouth, Dartmouth, &c.

The cauſe of the decay of the aforeſaid havens.

A remedy to maintain them for the future.

Penalty on offenders, and to whom applied, &c.

The penalty enlarged by 27 H. 8. c. 23. ſ. 2.

II. And

The remedy if any perſon be troubled in the ſtannary for proſecuting according to this ſtatute.

II. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall happen to be ſued, accuſed, indicted, impriſoned, amerced, condemned, or otherwiſe vexed or troubled in his perſon, lands, tin-works, goods, or chattels, by any of the miniſters or officers of any of the King's court of ſtannary, or by any other perſon or perſons, for purſuing or attempting any ſuit or action according to this eſtatute, againſt ſuch perſon or perſons as ſhall offend contrary to the form aforeſaid, that then all ſuch ſuits, accuſements, indictments, impriſonments, actions, condemnations, fines, amerciaments, and every other act or acts to be done in any of the ſaid courts of ſtannary, or elſewhere, by any perſon or perſons, againſt any perſon or perſons, for ſuing or attempting any ſuits or actions by virtue of this eſtatute, ſhall be utterly void and of none effect in the law; (2) and that the parties ſued, indicted, accuſed, impriſoned, or otherwiſe grieved or moleſted, for purſuing againſt any perſon or perſons offending this eſtatute, ſhall have his action and remedy grounded upon this eſtatute by original writ, bill, plaint, information, or otherwiſe, in any of the King's courts, againſt ſuch as ſhall procure or attempt to vex, trouble, or otherwiſe moleſt any ſuch perſon or perſons for ſuing or purſuing for the forfeitures aforeſaid, and ſhall recover treble damages in that behalf; and the party defendant ſhall not be admitted to wage his law, ne any protection, eſſoin, or privilege ſhall be to him allowable; (3) and if it ſhall happen any perſon or perſons for purſuing any ſuit or action upon this eſtatute, or by occaſion of the ſame, hereafter to be impriſoned by any manner of perſon or perſons, being officers or miniſters of the ſtannary, their deputies, or ſubſtitutes, that then every of the juſtices of peace within any of the counties aforeſaid, wherein the ſaid priſoner ſhall happen to be committed to priſon, upon credible information thereof, taking ſurety by his diſcretion, for appearance of ſuch priſoner at the next general ſeſſions of peace, ſhall have power and authority, as well to direct his warrant to the gaoler, or keeper of the priſon, as to any other perſon or perſons to whom the ſaid priſoner ſhall be committed unto, commanding him or them, upon pain of forfeiture of xl. li. to deliver, and put at large the ſaid priſoner or priſoners; (4) which if he refuſe ſo to do, then every ſuch offender ſhall loſe and forfeit the ſaid xl. li. the one half of which forfeiture to be to the uſe of our ſovereign lord the King, and the other half to him that is grieved by reaſon of ſuch impriſonment, to be recovered in manner and form aforeſaid; (5) and the defendant in any action or ſuit for the ſame, ſhall not wage his law, ne have any eſſoin or protection allowed; (6) and if it ſhall appear, upon the appearance of ſuch priſoner at the quarter ſeſſions, by examination of the juſtices of peace there being, that he was impriſoned contrary to the form of this eſtatute, that then he ſhall be forthwith diſmiſſed, and thereby diſcharged; and if he were lawfully impriſoned for any other juſt

The forfeiture of the offender, and the mean to recover it.

cauſe

cauſe, then to be remanded to priſon by the diſcretion of the ſaid juſtices.

III. Provided alway, That this act, or any thing therein contained, be not in any wiſe prejudicial or hurtful to any of the officers of the ſtannary, ne to any of their lawful, liberties, privileges, uſages, laws, or cuſtoms, ſaving only in the caſes and proviſions contained and limited within this preſent act, which ſhall alway be put in execution according to the tenor of this act; any uſage, cuſtom, privilege, ordinance, or liberty to the contrary thereof notwithſtanding. This act ſhall not be prejudicial to the officers or liberties of the ſtannaries.

IV. And it is enacted, That this act ſhall begin to take effect from the feaſt of St. *Michael* the archangel next coming, and not before.

CAP. IX.

An act that no perſon ſhall be cited out of the dioceſe where he or ſhe dwelleth, except in certain caſes.

WHERE *great number of the King's ſubjects, as well men, wives, ſervants, as other the King's ſubjects, dwelling in divers dioceſes of this realm of* England, *and of* Wales, *heretofore have been at many times called by citations, and other proceſſes compulſory, to appear in the arches audience, and other high courts of the archbiſhops of this realm, far from, and out of the dioceſe where ſuch men, wives, ſervants, and other the King's ſubjects been inhabitant and dwelling,* (2) *and many times to anſwer to ſurmiſed and feigned cauſes, and ſuits of defamation, withholding of tithes, and ſuch other like cauſes and matters, which have been ſued more for malice, and for vexation, than for any other juſt cauſe of ſuit.* Hob. 17, 178, 186.

II. *And where certificate hath been made by the ſummoner, apparitor, or any ſuch light literate perſon, that the party againſt whom any ſuch citation hath been awarded, hath been cited or ſummoned, and thereupon the ſame party, ſo certified to be cited or ſummoned, hath not appeared according to the certificate, the ſame party therefore hath been excommunicated, or at the leaſt ſuſpended from all divine ſervice;* (2) *and thereupon, before that he or ſhe could be abſolved, hath been compelled, not only to pay the fees of the court whereunto he or ſhe was ſo called by citation, or other proceſs, amounting to the ſum of* ii. s. *or* xx. d. *at the leaſt; but alſo to pay to the ſummoner, apparitor, or other light literate perſon, by whom he or ſhe was ſo certified to be ſummoned, for every mile being diſtant from the place where he or ſhe then dwelled, unto the ſame court whereunto he or ſhe was ſo cited or ſummoned to appear,* ii. d. *to the great charge and impoveriſhment of the King's ſubjects, and to the great occaſion of miſbehaviour and miſliving of wives, women, and ſervants, and to the great impairment and diminution of their good names and honeſties:* (3) Be it therefore enacted by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That no manner perſon ſhall be from henceforth cited or ſummoned, or otherwiſe called to appear by himſelf, or herſelf, or by any procurator, before any ordinary, archdeacon, 2 Bulſt. 72. No perſon ſhall be cited out of the dioceſe where he dwelleth, but in certain caſes. Carth. 33, 476. 3 Mod. 211. 2 Salk. 548. Co. pl. t. 364, 448. Latch. 174. 12 Co. 77. 13 Co. 4. Hetley 19, 118.

Palmer, 488. Godbolt, 214. pl. 306. Cro. Jac. 321. 483. Cro. Car. 97, 339.

deacon, commiſſary, official, or any other judge ſpiritual, out of the dioceſe, or peculiar juriſdiction where the perſon which ſhall be cited, ſummoned, or otherwiſe (as is aforeſaid) called, ſhall be inhabiting and dwelling, at the time of awarding, or going forth of the ſame citation or ſummons; (4) except that it ſhall be for, in, or upon any of the caſes or cauſes hereafter written; that is to ſay, for any ſpiritual offence, or cauſe committed or done, or omitted, * forſlewed, or neglected to be done, contrary to right or duty, by the biſhop, archdeacon, commiſſary, official, or other perſons having ſpiritual juriſdiction, or being a ſpiritual judge, or by any other perſon or perſons within the dioceſe, or other juriſdiction, whereunto he or ſhe ſhall be cited, or otherwiſe lawfully called to appear and anſwer.

* *From the verb* Foreſlow, *to neglect.*

Hetley, 49. 1 Roll, 136, 174, 328.

III. And except alſo it ſhall be by or upon matter or cauſe of appeal, or for other lawful cauſe, wherein any party ſhall find himſelf or herſelf grieved or wronged by the ordinary judge or judges of the dioceſe or juriſdiction, or by any of his ſubſtitutes, officers, or miniſters, after the matter or cauſe there firſt commenced, and begun to be ſhewed unto the archbiſhop, or biſhop, or any other having peculiar juriſdiction, within whoſe province the dioceſe or place peculiar is; (2) or in caſe that the biſhop, or other immediate judge or ordinary dare not, nor will not convent the party to be ſued before him; (3) or in caſe that the biſhop of the dioceſe, or the judge of the place, within whoſe juriſdiction, or before whom the ſuit by this act ſhould be commenced and proſecuted, be party directly or indirectly to the matter or cauſe of the ſame ſuit; (4) or in caſe that any biſhop, or any inferior judge having under him juriſdiction in his own right and title, or by commiſſion, make requeſt, or inſtance to the archbiſhop, biſhop, or other ſuperior ordinary or judge, to take, treat, examine, or determine the matter before him, or his ſubſtitutes, (5) and that to be done in caſes only where the law civil or canon doth affirm execution of ſuch requeſt, or inſtance of juriſdiction, to be lawful or tolerable: (6) upon pain of forfeiture to every perſon by any ordinary, commiſſary, official, or ſubſtitute, by virtue of his office, or at the ſuit of any perſon to be cited, or otherwiſe ſummoned, or called contrary to this act, of double damages and coſts for the vexation in that behalf ſuſtained, to be recovered againſt any ſuch ordinary, commiſſary, archdeacon, official, or other judge, as ſhall award or make proceſs, or otherwiſe attempt or procure to do any thing contrary to this act, by action of debt, or action upon the caſe, according to the courſe of the common law of this realm in any of the King's high courts, or in any other competent temporal court of record, by original writ of debt, bill, or plaint; (7) in which action, no protection, other than ſuch as ſhall be made under the King's great ſeal, and ſigned with his ſign manual, ſhall be allowed, neither any wager of law, nor eſſoin ſhall be admitted; (8) and upon pain of forfeiture for every perſon ſo ſummoned, cited, or otherwiſe called

The forfeit of an ordinary offending againſt the purport of this ſtatute.

called (as is aboveſaid) to anſwer before any ſpiritual judge out of the dioceſe, or other juriſdiction where the ſaid perſon ſo dwelleth, or is reſident or abiding, x. li. ſterling: the one half thereof to be to the King our ſovereign lord, and the other half to any perſon that will ſue for the ſame in any of the King's ſaid courts, or in any other the ſaid temporal courts, by writ, information, bill, or plaint; (9) in which action no protection ſhall be allowed, nor wager of law or eſſoin ſhall be admitted.

An archbiſhop may cite for hereſy in another biſhop's dioceſe. 3 Inſt. 39, 43. 1 Salk. 135.

IV. Provided always, That it ſhall be lawful to every archbiſhop of this realm to call, cite, and ſummon any perſon or perſons inhabiting or dwelling in any biſhop's dioceſe within his province, for cauſes of hereſy, if the biſhop or other ordinary immediate thereunto conſent, or if that the ſame biſhop, or other immediate ordinary or judge do not his duty in puniſhment of the ſame.

Proviſo for the probate of teſtaments in the province of Canterbury.

V. Provided alſo, That this act ſhall not extend in any wiſe to the prerogative of the moſt reverend father in God the archbiſhop of *Canterbury*, or any of his ſucceſſors, of or for calling any perſon or perſons out of the dioceſe where he or they be inhabiting, dwelling, or reſident, for probate of any teſtament or teſtaments, any thing in this act contained to the contrary notwithſtanding.

The fees for the ſeal of a citation.

VI. And be it further enacted by authority aforeſaid, That no archbiſhop, nor biſhop, ordinary, official, commiſſary, or any other ſubſtitute or miniſter of any of the ſaid archbiſhops, biſhops, archdeacons, or other having any ſpiritual juriſdiction, at any time from the Feaſt of *Eaſter* next coming, ſhall aſk, demand, take, or receive of any of the King's ſubjects, any ſum or ſums of money for the ſeal of any citation, after the ſaid feaſt to be awarded or obtained, than only iii d. ſterling, upon the pains and penalties before limited, contained, and expreſſed in this preſent act, to be in like form recovered, as is aforeſaid.

Proviſo for the probate of teſtaments in the province of York. Rep. 1 & 2. Ph. & M. c. 8. Revived by 1 El. c. 1. ſ. 10.

VII. Provided always, That this act be not in any wiſe hurtful or prejudicial to the archbiſhop of *York*, nor to his ſucceſſors, of, for, or concerning probate of teſtaments within his province and juriſdiction, by reaſon of any prerogative; any thing in this act to the contrary thereof notwithſtanding.

CAP. X.

An act for feoffments and aſſurances of lands and tenements made to the uſe of any pariſh church, chapel, or ſuch like.

Feoffments and aſſurances of lands, tenements, &c. to churches, commonalties, &c. found prejudicial to the King and his ſubjects, as if they were aliened in mortmain.

WHERE *by reaſon of feoffments, fines, recoveries, and other eſtates, and aſſurances, made of truſts, of manors, lands, tenements, and hereditaments, to the uſe of pariſh churches, chapels, church-wardens, guilds, fraternities, commonalties, companies, or brotherheads erected and made of devotion, or by common aſſent of the people without any corporation, and alſo by reaſon of feoffments, fines, recoveries, wills, and other acts made to any uſes aforeſaid, or to the uſes and intents to have obites perpetual, or a continual ſervice of a prieſt for ever, or for threeſcore, or fourſcore years, founden of the iſſues and*

and profits of the manors, lands, tenements, and hereditaments, whereof ſuch feoffments, fines, recoveries, wills, and other acts been made, or that the feoffees, coniſees, recoverers, or other perſons, and their heirs thereof ſeiſed, ſhall take, levy, receive, and perceive, or cauſe or ſuffer to be taken, levied, and perceived the iſſues, revenues, and profits thereof, and the ſame to diſpoſe, pay, convert, or otherwiſe imploy or ſuffer, or cauſe to be diſpoſed, paid, converted, or imployed to any ſuch uſes, intents, or purpoſes, as been above ſpecified or to any other like uſes and intents; there groweth and iſſueth to the King our ſovereign lord, and to other lords and ſubjects of the realm, the ſame like loſſes and inconveniencies, and is as much prejudicial to them, as doth, and is, in caſe where lands be aliened into mortmain:

Aſſurances of lands to churches, chapels, &c. ſhall be void. Cro. El. 288. 11 Co. 71.

II. Be it therefore enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That all and every ſuch uſes, intents, and purpoſes, of what name, nature or quality they ſhall be called, that ſhall be deviſed, covenanted, made, declared, or in any wiſe ordained after the firſt day of *March*, in the three and twentieth year of the reign of our ſovereign lord King *Henry* the eighth, by any feoffee, recoverer, or coniſee, or by any other perſon or perſons to whoſe uſe any ſuch feoffee, recoverer, or coniſee ſhall be ſeiſed, of any manors, lands, tenements, or hereditaments, or of the iſſues, revenues, and profits of them, or any of them, ſhall be utterly void, and of no ſtrength, virtue, nor effect in the law.

Proviſo for aſſurances of lands to churches, &c. for xx. years.

III. Provided alway, That it ſhall be lawful to every perſon, being ſeiſed of any manors, lands, tenements, or hereditaments to his own proper uſe, or having feoffees, recoverers, or coniſees to his uſe, to make, ordain, or deviſe, or cauſe to be made, ordained, or deviſed, any of the uſes, intents, or purpoſes above ſpecified, in ſuch manner as they might have done before the making of this act, and as if this act had never been had ne made; (2) ſo that no ſuch uſes, intents, or purpoſes to be ſo made, ordained or deviſed after the ſaid firſt day of *March*, be not in any wiſe made, ordained, deviſed, or appointed, to endure, continue, or abide by any craft, colour, terms, ſentences, clauſes, words, or other means, above the term of twenty years next after the firſt making and beginning of any ſuch uſes, intents, or purpoſes.

Collateral aſſurances in defrauding of the ſtatute ſhall be void.

IV. And it is further enacted, That if any perſon or perſons, in defraud of this ſtatute, bind or ordain any their heirs or ſucceſſors, or any other perſon or perſons, that they ſhall ſuffer ſuch uſes, intents, and purpoſes to endure and continue, contrary to this act, upon pains or penalties of loſſes of any other lands, tenements, or hereditaments, or of any other thing or things; or do attempt or deviſe by any colour, craft, or means, any thing or things, to make any ſuch uſes, intents, or purpoſes to be declared, contrary to the true meaning of this act, to continue or abide for any longer time or ſeaſon than is above limited for the ſame; that then every ſuch pain, penalty, craft, colour, and every other thing and things, of what kind, nature, or quality ſoever it be that ſhall be ſo made, ordained, or deviſed in defraud of this act,

act, ſhall be utterly void in the law to all intents; and that this ſtatute ſhall be always interpreted and expounded, as beneficially as may be, to the deſtruction and utter avoiding of ſuch uſes, intents, and purpoſes therein above remembered, and of all other like uſes and intents, otherwiſe than only after ſuch manner as is afore by this preſent act provided.

Cuſtoms in cities and towns to deviſe lands, ſaved.

V. Provided alway, That in ſuch cities, and towns corporate, where by their ancient cuſtoms they have good and lawful authorities to deviſe into mortmain the lands, tenements, and hereditaments, within the ſame cities or towns corporate, that this act ſhall not be in any wiſe prejudicial or hurtful to any ſuch cuſtom.

Proviſo for the deviſes of the executors of Jannis and Terry of the city of Norwich.

VI. Provided alway, That this act, ne any thing therein contained, ſhall extend, or be in any wiſe prejudicial, to hinder or impair any ſuch ordinances, devices, or declarations of uſes, as ſhall hereafter be made and declared in writing, by the executors of the teſtaments and laſt wills of *Robert Jannis* and *John Terry*, late aldermen of the city of *Norwich*, now deceaſed, or by the executors or the ſurvivor of the executors of either of them, of any lands, tenements, or hereditaments, not amounting in the whole above the clear yearly value of forty pounds, to be imployed and converted to and for the diſcharge of tolls and cuſtoms within the ſaid city, and at the gates of the ſame, for the diſcharge of the poor people within the ſame city, of taxes and tallages hereafter to be aſſeſſed and levied, and for the cleanſing of the ſtreets of the ſame city, or for any of the ſaid good purpoſes, according to the true intents and meanings of the ſaid laſt wills and teſtaments, and either of them; ſo that the ſame ordinances, devices, and declarations be had, made, and certified in writing into the King's court of *Chancery*, within two years next enſuing the feaſt of *Eaſter* next coming.

7 & 8 W. 3. c. 37.
9 Geo. 2. c. 36.

CAP. XI.

An act for clerks convict breaking priſon.

3 Ed. 1. c. 2.

WHERE *divers perſons being convict of murder or felony, having the privilege of their clergy, and delivered to the ordinaries, afterwards willfully break the priſons of the ordinaries, and eſcape their ways, doing and committing great, horrible, and deteſtable offences; and as hitherto for ſuch wilful breaking of priſons of ordinaries by clerks convict, hath not been provided any great penalty, whereby they ſhould ſtand in dread of doing the ſame:* (2) Be it therefore enacted by authority of this preſent parliament, That if any clerk convict, being in priſon of any ordinary, wilfully break the ſaid priſon, and eſcape his way out of the ſame, that then every ſuch breaking of priſon and eſcape, ſhall be from henceforth deemed and adjudged felony, and the offender therein ſhall have and ſuffer ſuch pain of death and penalty, and loſs of his lands and goods, as for other felonies is accuſtomed by the laws of this realm, and ſhall not in any wiſe be admitted to have

It is felony for a clerk convict, being in the ordinary's priſon, to break the ſame.
Rep. 1 Ed. 6. c. 12.

the privilege or benefit of his clergy, nor enjoy any ſanctuary for the ſame.

They which be in holy orders, ſhall be delivered to the ordinary. Altered 28 H. 8. c. 1.

II. Provided alway, That if any ſuch offender be within holy orders, that is to ſay, of the orders of ſubdeacon, deacon, or prieſthood, that then after he is convict of the premiſſes, he ſhall be delivered to the ordinary, there to remain without any purgation.

The ordinary may diſgrade a clerk convict, and ſend him, to the King's bench. 23 H. 8. c. 1.

III. And it is enacted, That it ſhall be at the liberty of the ordinary, to diſgrade any ſuch offender after he is found guilty, and delivered to him as a clerk convict, and ſend him before the King in his bench, with letters witneſſing the ſaid diſgrading, (2) and thereupon the juſtices of the King's bench, having the record of his conviction, ſhall have power and authority to give judgment againſt every ſuch offender, being convicted and diſgraded, that he ſhall ſuffer death, like as they might do in caſe the ſame offender had been a lay-man, and arraigned, and found guilty afore them of the ſaid offence, the delivering of ſuch offender afore to the ordinary notwithſtanding.

CAP. XII.

An act for the exaction of tolls by the Severn *ſide.*

WHERE *the King's ſubjects, paſſing upon the river and water of* Severn, *have uſed time out of mind, to have and uſe a certain path of one foot and a half broad on every ſide of the ſaid river, for drawing up by lines or ropes, their trows, barges, boats, and other veſſels paſſing or re-paſſing on the ſaid river of* Severn, *with wine, or any other merchandiſe, without any impoſition, tax, or toll to be demanded of them that ſhould carry wine in any of the ſaid veſſels, for the ſaid paſſing and drawing in the ſaid paths accuſtomed, till now of late certain covetous perſons have perturbed and interrupted many of the King's ſubjects, haling and drawing up their veſſels in the ſaid paths, taking of them fines, and draughts, and bottles of wine, and yet daily uſe to take, to the diſturbance and loſs to many of the King's ſubjects:*

The penalty for hindering paſſengers upon the banks of the river of Severn, or for demanding of toll.

II. Be it therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, That no perſon or perſons interrupt by any obſtacle, let, or otherwiſe, any perſon or perſons paſſing or re-paſſing, over and upon every of the ſaid paths accuſtomed, nor alſo aſk, take, or demand any toll, called a draught, or bottle of wine, or any other tax or impoſition of any of the King's ſubjects there going in the ſaid paths accuſtomed, upon every ſide of the river of *Severn*, there haling or drawing their boats, trows, or veſſels, (2) upon pain to forfeit for every time that he or they ſo ſhall interrupt any of the King's ſubjects, or aſk or take any ſuch impoſition, by what name ſoever it be called, forty ſhillings; the one half thereof to be to the King our ſovereign lord, and the other half to the party grieved, that will ſue for the ſame by bill, plaint, information, or otherwiſe, in the which ſuit no eſſoin, wager of law, nor protection ſhall be allowed. 9 H. 6. c. 5. 19 H. 7. c. 18.

CAP.

CAP. XIII.

An act for trial of murders in cities and towns.

FORASMUCH *as trials in murders and felonies in cities, boroughs, and towns corporate within this realm, having authotity to proceed in the deliverance of ſuch offenders, been oftentimes deferred and delayed, by reaſon of challenge of ſuch offenders, for lack of ſufficiency of freehold, to the great hindrance of juſtice:* (2) It may therefore be enacted by authority of this preſent parliament, That every perſon and perſons, being the King's natural ſubject born, which either by the name of a citizen, or of a freeman, or any other name, doth enjoy and uſe the liberties and privileges of any city, borough, or town corporate, where he dwelleth and maketh his abode, being worth in moveable goods and ſubſtance to the clear value of forty pounds, be from henceforth admitted in trial of murders and felonies in every ſeſſions and gaol-delivery, to be kept and holden in and for the liberty of ſuch cities, boroughs, and towns corporate, albeit they have no freehold; any act, ſtatute, uſe, cuſtom, or ordinance to the contrary hereof notwithſtanding.

Trial of felons in corporate towns ſhall be by men worth xl. li. in goods.

II. Provided alway, That this act do not extend, in any manner of wiſe, to any knight or eſquire, dwelling, abiding, or reſorting in or to any ſuch city, town, or borough corporate, any thing in the ſame act mentioned or declared to the contrary hereof notwithſtanding.

CAP. XIV.

Proceſs of outlawry to lie in actions, on 5 RICH. 2. *and in covenant and annuity.*

FORASMUCH *as there is great delay in actions of treſpaſs brought upon the ſtatute of* Richard *the Second, made in the fifth year of his reign, againſt them that make entries into any lands or tenements where their entry is not given by the law, and alſo in actions of annuity, and actions of covenant, becauſe there lieth no proceſs of outlawry in ſuch nature of actions:* (2) For reformation whereof, it may pleaſe the King's highneſs, by the advice of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, to ordain and enact, That like proceſs be had hereafter in every action from henceforth to be brought upon the ſaid ſtatute of *Anno quinto*, as is in a common action of treſpaſs at the common law, (3) and that alſo like proceſs be had in every writ of annuity and covenant hereafter to be ſued, as is in an action of debt.

Like proceſs to be had in every writ of annuity and covenant, as in an action of debt.

5 R. 2. ſtat. 1. c. 8.

Br. Exigent, 22, 53, 63. Br. Proceſs, 12. 125.

CAP. XV.

An act that the plaintiff, being nonſuited, ſhall yield damages to the defendants in actions perſonal, by the diſcretion of the juſtices.

Hutt. 22, 69, 78.
1 Roll, 63.
2 Roll, 213.
Hetley, 146.
5 R. 2. ſtat. 1. c. 7.
8 El. c. 2.
2 Inſt. 651.
Cro. El. 177, 300, 465, 503.
3 Bulſtr. 248.
Moor, 625. pl. 857.
Br. Coſts. 23.
3 Leon. 92.
1 Salk. 207.
Hob. 219.
2 Leon. 9, 52.

BE it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That if any perſon or perſons, at any time after the feaſt of the *Purification* of our Lady, in the twenty third year of the reign of our ſovereign lord King *Henry* the Eighth, commence or ſue in any court of record, or elſewhere in any other court, any action, bill, or plaint, of treſpaſs upon the ſtatute of King *Richard* the Second, made in the fifth year of his reign, for entries into lands and tenements, where none entry is given by the law, (2) or any action, bill, or plaint of debt or covenant, upon any eſpecialty made to the plaintiff or plaintiffs, (3) or upon any contract ſuppoſed to be made between the plaintiff or plaintiffs, and any other perſon or perſons, (4) or any action, bill, or plaint of detinue of any goods or chattels, whereof the plaintiff or plaintiffs ſhall ſuppoſe that the property belongeth to them, or to any of them, (5) or any action, bill, or plaint of account, in the which the plaintiff or plaintiffs ſuppoſe the defendant or defendants to be their bailiff or bailiffs, receiver or receivers of their manor, meſe, money, or goods, to yield account, (6) or any action, bill, or plaint upon the caſe, or upon any ſtatute, for any offence or wrong perſonal immediately ſuppoſed to be done to the plaintiff or plaintiffs, (7) and the plaintiff or plaintiffs in any ſuch kind of action, bill, or plaint, after appearance of the defendant or defendants be nonſuited, or that any verdict happen to paſs, by lawful trial, againſt the plaintiff or plaintiffs in any ſuch action, bill, or plaint, that then the defendant or defendants in every ſuch action, bill, or plaint, ſhall have judgment to recover his coſts againſt every ſuch plaintiff or plaintiffs; (8) and that to be aſſeſſed and taxed by the diſcretion of the judge or judges of the court where any ſuch action, bill, or plaint ſhall be commenced, ſued, or taken; (9) and alſo that every defendant in ſuch action, bill, or plaint ſhall have ſuch proceſs and execution for the recovery and having of his coſts againſt the plaintiff or plaintiffs, as the ſame plaintiff or plaintiffs ſhould or might have had againſt the defendant or defendants, in caſe that judgment had been given for the part of the ſaid plaintiff or plaintiffs, in any ſuch action, bill, or plaint.

Where the plaintiff is nonſuit, &c. the defendant ſhall recover coſts.

Farther proviſion relating hereto, 4 Jac. 1. c. 3.
Mod. Caſes in law, 344.

Dyer, 32. 371.
Bro. Coſts, 23.

II. Provided alway, That all and every ſuch poor perſon or perſons being plaintiff or plaintiffs in any of the ſaid actions, bills, or plaints, which at the commencement of their ſuits or actions be admitted by diſcretion of the judge or judges, where ſuch ſuits or actions ſhall be purſued or taken, to have their proceſs and counſel of charity, without any money or fee paying

He that ſueth in *Forma pauperis* ſhall be otherwiſe puniſhed.
1 Roll. 88.

for

for the ſame, ſhall not be compelled to pay any coſts by virtue and force of this ſtatute, but ſhall ſuffer other puniſhment, as by the diſcretion of the juſtices or judge, afore whom ſuch ſuits ſhall depend, ſhall be thought reaſonable, any thing afore rehearſed to the contrary hereof notwithſtanding.

CAP. XVI.

Rep. by 1 Ed. 6. c. 12. and revived by 1 El. c. 7. and repealed by 4 Jac. 1. c. 1.

It ſhall be felony to ſell, exchange, or deliver to any *Scotiſhman*, or within *Scotland*, any horſe, gelding, &c.

CAP. XVII.

For the winding of wool.

No wool ſhall be wound that is not ſufficiently waſhed.

BE it enacted by the King our ſovereign lord, and the lords ſpiritual and temporal with the commons, in this preſent parliament aſſembled, and by authority of the ſame, That from henceforth no manner of perſon ne perſons do wind, or cauſe to be wound any fleece of wool being not ſufficiently rivered or waſhed, (2) ne wind, nor cauſe to be wound within any fleece, clay, lead, ſtones, ſand, tails, deceitful locks, cot, cals, comber, lambs wool, or any other thing, whereby the fleece may be the more weighty, to the deceit and loſs of the buyer; (3) upon pain the ſeller of any ſuch deceitful wools to forfeit for every ſuch fleece vi.d. the one moiety to the King, the other to the finder and prover of the ſame deceit, by action of debt, by original writ, bill, plaint, information, or otherwiſe, in any of the King's courts, in which action no wager of law, eſſoin, or protection ſhall be allowed for the defendant.

No deceitful thing ſhall be put in the fleece. 8 H. 6. c. 22.

Counties where wool is not waſhed, or where fleeces be ſold by tale. Continued by 33 H. 8. c. 17. & 37 H. 8. c. 23. Made perpetual by 13 El. c. 25.

II. Provided alway, That this act concerning rivering and waſhing of any wool, ſhall not in any wiſe extend to any ſhire or ſhires, the inhabitants whereof have not cuſtomably uſed before this time to river or waſh their ſheep afore they be ſhorn, (2) nor ſhall in any wiſe be hurtful or prejudicial to any perſon or perſons that have uſed cuſtomably to ſell their wools by tale or number of the fleece or fleeces, and not by the weight; any thing in this act to the contrary notwithſtanding: (3) this act to endure to the next parliament.

CAP. XVIII.

For pulling down of piles and fiſh-garths in the rivers Ouſe and Humber.

THE *mayor, ſheriffs, and commonalty of the city of* York, *and other the King's true ſubjects inhabiting and dwelling nigh unto the river of* Ouſe, *and the water of* Humber, *and all other occupiers of the ſame river and water, lamentably complaining, ſhewn unto our ſovereign lord the King, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, That where the ſaid city, being one of the moſt ancient cities of this realm, hath been much relieved, maintained, and ſupported by the ſaid river of* Ouſe, *and water of* Humber, *which be the common and direct paſſage and way from* Hull *unto* York *aforeſaid, by*

reaſon that many ſhips, keyls, cogs, and boats, and other veſſels have heretofore had their frank paſſages, without let, impediment, or interruption, in and upon the ſaid river and water of Ouſe, *and* Humber, *from divers parts of this realm unto the ſaid city, whereby the ſaid city hath hitherto moſt chiefly been advanced*; (2) *and now of late certain perſons, ſtudying only for their own private lucre, not regarding the common weal, but daily imagining the utter deſtruction, ruin, and decay of the ſaid city, and the countries adjoining upon the ſaid river of* Ouſe, *and water of* Humber, *and occupiers thereof, have, and daily do keep, preſerve, and maintain certain engines for taking of fiſh in the ſaid river and water of* Ouſe, *and* Humber, *commonly called* fiſh-garths, *and ſet in the ſaid river and water, in ſuch places of the ſame where ſhips ſhould have their liberal and direct paſſage, in the midſt of the ſtreams of the ſaid river of* Ouſe *and water of* Humber, *ſtakes, piles, and other things, in and upon the common paſſage for ſhips, keyls, cogs, boats, and other veſſels, at divers and many places in the ſaid river of* Ouſe, *and water of* Humber; *by reaſon whereof, not only the ſaid ſhips, keyls, cogs, boats, and other veſſels are daily in jeopardy, and men, children, goods, and merchandiſes in the ſame, of late have been, and daily be like more to increaſe to be drowned, ſlain, and deſtroyed, but alſo the brood and fry of fiſh in the ſaid river, and water of* Ouſe, *and* Humber, *be commonly thereby deſtroyed and putrified, to the utter impoveriſhment and deſtruction of the ſaid city, unleſs ſpeedy remedy be in this behalf ſhortly provided:*

The inconveniences enſuing the ſetting of fiſh-garths, ſtakes, piles, &c. in Ouſe and Humber.

A commiſſion ſhall be directed to viij, perſons to cauſe ſuch fiſh-garths, piles, &c. ſet in the rivers Ouſe and Humber to be pulled down. Two piles for water-marks ſhall be ſet up in the river. The lord chancellor may upon requeſt grant the like commiſſion at all times. No fiſh-garth or other engine ſhall be ſet up in Ouſe or Humber. With what nets men ſhall fiſh. The forfeiture of the offenders, and who ſhall have it.

CAP. XIX.

The King's pardon to all his ſpiritual ſubjects within the province of *York*, and of all offences and penalties not herein excepted.

EXP.

CAP. XX.

An act concerning reſtraint of payment of Annates *to the ſee of* Rome.

Not in the printed ſtats. Codex, Tit. 5. c. 1.

FORASMUCH *as it is well perceived, by long approved experience, that great and ineſtimable ſums of money have been daily conveyed out of this realm, to the impoveriſhment of the ſame; and eſpecially ſuch ſums of money as the Pope's holineſs, his predeceſſors, and the court of* Rome, *by long time have heretofore taken of all and ſingular thoſe ſpiritual perſons which have been named, elected, preſented, or poſtulated to be archbiſhops or biſhops within this realm of* England, *under the title of* Annates, *otherwiſe called firſt-fruits: which* Annates, *or firſt-fruits, have been taken of every archbiſhoprick, or biſhoprick, within this realm, by reſtraint of the Pope's bulls, for confirmations, elections, admiſſions, poſtulations, proviſions, collations, diſpoſitions, inſtitutions, inſtallations, inveſtitures, orders, holy benedictions*

Great ſums of money have been conveyed out of the realm, &c. for firſt-fruits of archbiſhopricks and biſhopricks,

dictions, palles, or other things requiſite and neceſſary to the attaining of thoſe their promotions; and have been compelled to pay, before they could attain the ſame, great ſums of money, before they might receive any part of the fruits of the ſaid archbiſhoprick, or biſhoprick, whereunto they were named, elected, preſented, or poſtulated; by occaſion whereof, not only the treaſure of this realm hath been greatly conveighed out of the ſame, but alſo it hath happened many times, by occaſion of death, unto ſuch archbiſhops, and biſhops, ſo newly promoted, within two or three years after his or their conſecration, that his or their friends, by whom he or they have been holpen to advance and make payment of the ſaid Annates, *or firſt-fruits, have been thereby utterly undone and impoveriſhed: and for becauſe the ſaid* Annates *have riſen, grown, and encreaſed, by an uncharitable cuſtom, grounded upon no juſt or good title, and the payments thereof obtained by reſtraint of bulls, until the ſame* Annates, *or firſt-fruits, have been paid, or ſurety made for the ſame; which declareth the ſaid payments to be exacted, and taken by conſtraint, againſt all equity and juſtice: the noblemen therefore of the realm, and the wiſe, ſage, politick commons of the ſame, aſſembled in this preſent parliament, conſidering that the court of* Rome *ceaſeth not to tax, take, and exact the ſaid great ſums of money, under the title of* Annates, *or firſt-fruits, as is aforeſaid, to the great damage of the ſaid prelates, and this realm; which* Annates, *or firſt-fruits, were firſt ſuffered to be taken within the ſame realm, for the only defence of chriſtian people againſt the infidels, and now they be claimed and demanded as mere duty, only for lucre, againſt all right and conſcience: inſomuch that it is evidently known, that there hath paſſed out of this realm unto the court of* Rome, *ſithen the ſecond year of the reign of the moſt noble Prince, of famous memory, King* Henry *the Seventh, unto this preſent time, under the name of* Annates, *or firſt-fruits, payed for the expedition of bulls of archbiſhopricks, and biſhopricks, the ſum of eight hundred thouſand ducats, amounting in* ſterling *money, at the leaſt, to eightſcore thouſand pounds, beſides other great and intolerable ſums which have yearly been conveighed to the ſaid court of* Rome, *by many other ways and means, to the great impoveriſhment of this realm: and albeit, that our ſaid ſovereign the King, and all his natural ſubjects, as well ſpiritual as temporal, been as obedient, devout, catholick and humble children of God, and holy church, as any people be within any realm chriſtned; yet the ſaid exactions of* Annates, *or firſt-fruits, be ſo intolerable and importable to this realm, that it is conſidered and declared, by the whole body of this realm now repreſented by all the eſtates of the ſame aſſembled in this preſent parliament, that the King's Highneſs before Almighty God, is bound, as by the duty of a good chriſtian prince, for the conſervation and preſervation of the good eſtate and common-wealth of this his realm, to do all that in him is to obviate, repreſs and redreſs the ſaid abuſions and exactions of* Annates, *or firſt-fruits: and becauſe that divers prelates of this realm, being now in extream age, and in other debilities of their bodies, ſo that of likelihood, bodily death in ſhort time ſhall or may ſucceed unto them; by reaſon whereof great ſums of money ſhall ſhortly after their deaths be conveighed unto the court of* Rome, *for the unreaſonable and uncharitable cauſes aboveſaid, to the univerſal*

(without which diſpatch could not be had at the ſee of Rome) to the impoveriſhing of the nation, and ſometimes the ruin of the friends of the perſons promoted,

which demands though made without any juſt title,

yet from the ſecond H. 7. 160,000l. hath been paid for firſt-fruits,

beſides other great ſums;

and though the King and his ſubjects are obedient children of holy church.

yet the ſaid exactions being intolerable, the eſtates have repreſented, that the King is bound to repreſs them; eſpecially now when divers prelates are in extream age,

ſal damage, prejudice, and impoveriſhment of this realm, if ſpeedy remedy be not in due time provided:

All ſuch payments other than are declared in this act, ſhall ceaſe,

II. It is therefore ordained, eſtabliſhed, and enacted, by authority of this preſent parliament, That the unlawful payment of *Annates*, or firſt-fruits, and all manner contributions for the ſame, for any archbiſhoprick, or biſhoprick, or for any bulls hereafter to be obtained from the court of *Rome*, to or for the aforeſaid purpoſe and intent, ſhall from henceforth utterly ceaſe, and no ſuch hereafter to be paid for any archbiſhoprick, or biſhoprick, within this realm, other or otherwiſe than hereafter in this preſent act is declared; and that no manner perſon, nor perſons hereafter to be named, elected, preſented, or poſtulated to any archbiſhoprick, or biſhoprick, within this realm, ſhall pay the ſaid *Annates*, or firſt-fruits, for the ſaid archbiſhoprick, or biſhoprick, nor any other manner of ſum or ſums of money, penſions or *Annates* for the ſame, or for any other like exaction, or cauſe, upon pain to forfeit to our ſaid ſovereign lord the King, his heirs and ſucceſſors, all manner his goods and chattels for ever, and all the temporal lands and poſſeſſions of the ſame archbiſhoprick, or biſhoprick, during the time that he or they which ſhall offend, contrary to this preſent act, ſhall have, poſſeſs, or enjoy the archbiſhoprick, or biſhoprick, wherefore he ſhall ſo offend contrary to the form aforeſaid. And furthermore it is enacted, by authority of this preſent parliament, That if any perſon hereafter named and preſented to the court of *Rome* by the King, or any of his heirs or ſucceſſors, to be biſhop of any ſee or dioceſe within this realm hereafter, ſhall be letted, deferred, or delayed at the court of *Rome* from any ſuch biſhoprick, whereunto he ſhall be ſo repreſented, by means of reſtraint of bulls apoſtolick, and other things requiſite to the ſame; or ſhall be denied at the court of *Rome*, upon convenient ſuit made, any manner bulls requiſite for any of the cauſes aforeſaid, any ſuch perſon or perſons ſo preſented, may be, and ſhall be conſecrated here in *England* by the archbiſhop, in whoſe province the ſaid biſhoprick ſhall be, ſo alway that the ſame perſon ſhall be named and preſented by the King for the time being to the ſame archbiſhop: and if any perſons being named and preſented, as aforeſaid, to any archbiſhoprick of this realm, making convenient ſuit, as is aforeſaid, ſhall happen to be letted, deferred, delayed or otherwiſe diſturbed from the ſame archbiſhoprick, for lack of pall, bulls, or other to him requiſite, to be obtained in the court of *Rome* in that behalf, that then every ſuch perſon named and preſented to be archbiſhop, may be, and ſhall be, conſecrated and inveſted, after preſentation made, as is aforeſaid, by any other two biſhops within this realm, whom the King's highneſs, or any of his heirs or ſucceſſors, Kings of *England*, for the time being, will aſſign and appoint for the ſame, according and in like manner as divers other archbiſhops and biſhops have been heretofore, in antient time, by ſundry the King's moſt noble progenitors, made, conſecrated, and inveſted within this realm: and that every archbiſhop and biſhop hereafter, being named

and no perſon ſhall pay them, upon pain to forfeit goods, &c. to the King;

and if any perſon is delayed, or denied his bulls at the court of Rome,

he ſhall be conſecrated by his archbiſhop, being firſt named by the King; and an archbiſhop being ſo letted, ſhall be conſecrated by two biſhops to be named by the King;

(as divers heretofore have been)

and

and preſented by the King's highneſs, his heirs or ſucceſſors, Kings of *England*, and being conſecrated and inveſted, as is aforeſaid, ſhall be inſtalled accordingly, and ſhall be accepted, taken, reputed, uſed, and obeyed, as an archbiſhop or biſhop of the dignity, ſee or place whereunto he ſo ſhall be named, preſented, and conſecrated, requireth; and as other like prelates of that province, ſee, or dioceſe, have been uſed, accepted, taken, and obeyed, which have had, and obtained compleatly, their bulls, and other things requiſite in that behalf from the court of *Rome*. And alſo ſhall fully and entirely have and enjoy all the ſpiritualities and temporalities of the ſaid archbiſhoprick or biſhoprick, in as large, ample, and beneficial manner, as any of his or their predeceſſors had, or enjoyed in the ſaid archbiſhoprick, or biſhoprick, ſatisfying and yielding unto the King our ſovereign lord, and to his heirs and ſucceſſors, Kings of *England*, all ſuch duties, rights, and intereſts, as before this time had been accuſtomed to be paid for any ſuch archbiſhoprick, or biſhoprick, according to the antient laws and cuſtoms of this realm, and the King's prerogative royal.

after which, he ſhall be inſtalled, and be archbiſhop and biſhop of the ſee,

and ſhall enjoy all ſpiritualties and temporalties,

yielding unto the King all duties, rights, &c.

III. And to the intent our ſaid holy father the Pope, and the court of *Rome*, ſhall not think that the pains and labours taken, and hereafter to be taken, about the writing, ſealing, obtaining, and other buſineſſes ſuſtained, and hereafter to be ſuſtained, by the offices of the ſaid court of *Rome*, for and about the expedition of any bulls hereafter to be obtained or had for any ſuch archbiſhoprick, or biſhoprick, ſhall be irremunerated, or ſhall not be ſufficiently and condignly recompenſed in that behalf; and for their more ready expedition to be had therein; it is therefore enacted by the authority aforeſaid, That every ſpiritual perſon of this realm, hereafter to be named, preſented, or poſtulated, to any archbiſhoprick or biſhoprick of this realm, ſhall and may lawfully pay for the writing and obtaining of his or their ſaid bulls, at the court of *Rome*, and enſealing the ſame with lead, to be had without payment of any *Annates*, or firſt-fruits, or other charge or exaction by him or them to be made, yielded, or paid for the ſame, five pounds *Sterling*, for and after the rate of the clear and whole yearly value of every hundred pounds *Sterling*, above all charges of any ſuch archbiſhoprick, or biſhoprick, or other money, to the value of the ſaid five pounds, for the clear yearly value of every hundredth pounds of every ſuch archbiſhoprick, or biſhoprick, and not above, nor in any otherwiſe, any thing in this preſent act before written notwithſtanding. And foraſmuch as the King's highneſs, and this his high court of parliament, neither have, nor do intend to uſe in this, or any other like cauſe, any manner of extremity or violence, before gentle courteſie or friendſhip, ways and means firſt approved and attempted, and without a very great urgent cauſe and occaſion given to the contrary, but principally coveting to diſburthen this realm of the ſaid great exactions, and intolerable charges of *Annates*, and firſt-fruits, have therefore thought convenient to commit the final order and determination of the premiſſes,

and that due reward may be allowed for the expedition of bulls,

every perſon preſented to archbiſhoprick, or biſhoprick, ſhall pay 5 l. for every hundred that the promotion is of clear yearly value.

The parliament not willing to uſe extremity without urgent cauſe,

have committed this matter to the

King (to compound it with the court of Rome)

premiſſes, in all things, unto the King's highneſs. So that if it may ſeem to his high wiſdom, and moſt prudent diſcretion, meet to move the Pope's holineſs, and the court of *Rome*, amicably, charitably, and reaſonably, to compound, other to extinct and make fruſtrate the payments of the ſaid *Annates*, or firſt-fruits, or elſe by ſome friendly, loving, and tolerable compoſition to moderate the ſame in ſuch wiſe as may be by this realm eaſily borne and ſuſtained; that then thoſe ways and compoſitions taken, concluded, and agreed, between the Pope's holineſs and the King's highneſs, ſhall ſtand in ſtrength, force and effect of law, inviolably to be obſerved. And it is alſo further ordained, and enacted by the authority of this preſent parliament, That the King's highneſs at any time, or times, on this ſide the feaſt of *Eaſter*, which ſhall be in the year of our Lord God, one thouſand five hundred and three and thirty, or at any time on this ſide the beginning of the next parliament, by his letters patents under his great ſeal, to be made, and to be entred of record in the roll of this preſent parliament, may and ſhall have full power and liberty to declare, by the ſaid letters patents, whether that the premiſſes, or any part, clauſe, or matter thereof, ſhall be obſerved, obeyed, executed, and take place and effect, as an act and ſtatute of this preſent parliament, or not. So that if his highneſs, by his ſaid letters patents, before the expiration of the times above limited, thereby do declare his pleaſure to be, that the premiſſes, or any part, clauſe, or matter thereof, ſhall not be put in execution, obſerved, continued, nor obeyed, in that caſe all the ſaid premiſſes, or ſuch part, clauſe, or matter, as the King's highneſs ſo ſhall refuſe, diſaffirm, or not ratify, ſhall ſtand and be from henceforth uttely void and of none effect. And in caſe that the King's highneſs, before the expiration of the times afore prefixed, do declare by his ſaid letters patents, his pleaſure and determination to be, that the ſaid premiſſes, or every clauſe, ſentence, and part thereof, that is to ſay, the whole, or ſuch part thereof as the King's highneſs ſo ſhall affirm, accept, and ratify, ſhall in all points ſtand, remain, abide, and be put in due and effectual execution, according to the purport, tenor, effect, and true meaning of the ſame; and to ſtand and be from henceforth for ever after, as firm, ſtedfaſt, and available in the law, as the ſame had been fully and perfectly eſtabliſhed, enacted and confirmed, to be in every part thereof, immediately, wholly, and entirely executed, in like manner, form, and effect, as other acts and laws; the which being fully and determinately made, ordained, and enacted in this preſent parliament. And if that upon the aforeſaid reaſonable, amicable and charitable ways and means, by the King's highneſs to be experimented, moved, or compounded, or otherwiſe approved, it ſhall and may appear, or be ſeen unto his grace, that this realm ſhall be continually burdened and charged with this, and ſuch other intolerable exactions and demands, as heretofore it hath been; and that thereupon, for continuance of the ſame, our ſaid holy father the Pope, or any of his ſucceſſors, or the court of *Rome*, will, or do,

whoſe compoſitions ſhall be inviolably obſerved,

and who ſhall have power to declare, by letters patents, whether this ſhall be a ſtatute or not,

ſo as, what he ſhall refuſe in whole or in part ſhall be void,

and what he ſhall accept ſhall be put in execution,

and be as available in law, as any other acts.

If no redreſs may be had by theſe amicable means,

but the court of Rome ſhall

or

or cauſe to be done at any time hereafter, ſo as is above rehearſed, unjuſtly, uncharitably, and unreaſonably, vex, inquiet, moleſt, trouble, or grieve our ſaid ſovereign lord, his heirs or ſucceſſors, Kings of *England*, or any of his or their ſpiritual or lay ſubjects, or this his realm, by excommunication, excomengement, interdiction, or by any other proceſs, cenſures, compulſories, ways or means; be it enacted by the authority aforeſaid, That the King's highneſs, his heirs and ſucceſſors, Kings of *England*, and all his ſpiritual and lay ſubjects of the ſame, without any ſcruples of conſcience, ſhall and may lawfully, to the honour of almighty God, the encreaſe and continuance of virtue and good example within this realm, the ſaid cenſures, excommunications, interdictions, compulſories, or any of them notwithſtanding, miniſter, or cauſe to be miniſtred, throughout this ſaid realm, and all other the dominions or territories belonging or appertaining thereunto, all and all manner of ſacraments, ſacramentals, ceremonies, or other divine ſervices of the holy church, or any other thing or things neceſſary for the health of the ſoul of mankind, as they heretofore at any time or times have been virtuouſly uſed or accuſtomed to do within the ſame; and that no manner ſuch cenſures, excommunications, interdictions, or any other proceſs or compulſories, ſhall be by any of the prelates, or other ſpiritual fathers of this region, nor by any of their miniſters or ſubſtitutes, be at any time or times hereafter publiſhed, executed, nor divulged, nor ſuffered to be publiſhed, executed, or divulged in any manner of ways.

enforce the continuance of thoſe exactions, by excommunications, interdicts, &c.

in ſuch caſe, all ſacraments and divine ſervices ſhall continue to be miniſtred, notwithſtanding,

and the excommunications, interdicts, &c. ſhall not be executed.

Memorand. *Quod nono die Julii, anno regni regis Henrici viceſimo quinto, idem dominus rex per literas ſuas patentes ſub magno ſigillo ſuo ſigillat. Actum predictum ratificavit & confirmavit, et actui illi aſſenſum ſuum regium dedit, prout per eaſdem literas patentes, cujus tenor ſequitur in hæc verba, magis aperte conſtat.*

Rol. Parl.

Then follows the ratification in form, with the act recited at large.

Ratified and confirmed by 25 H. 8. c. 20. ſ. 2.

Statutes made at *Weſtminſter*, *Anno* 24 HEN. VIII. and *Anno Dom.* 1532.

Acts *made in the ſeſſion of this preſent parliament holden upon prorogation at* Weſtminſter *the fourth day of* February, *in the four and twentieth year of the reign of our moſt dread ſovereign lord King* Henry *the Eighth, and there continued and kept till the ſeventh day of* April *then next enſuing, to the honour of God and holy church, and for the common weal of this his realm.*

CAP.

CAP. I.

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

Tanned leather ſhall not be ſold but in open fairs and markets, nor before it be ſearched and ſealed. Who ſhall be ſearchers and ſealers, and what their duty is. The curriers duty in currying of leather. The offenders forfeitures, and who ſhall have them.

CAP. II.

No perſon ſhall die or alter any woolen cloth, or hats, or caps, unleſs the ſame be perfectly boiled, grained or maddered upon the woad with good cork or orchal; (2) no dyer ſhall occupy brazile in the dying of woolen cloths, hats or caps, nor any thing but grain only in the dying of ſcarlet. *To continue to the next parliament.*

CAP. III.

25 H. 8. c. 1. 27 H. 8. c. 9. Rep. 33 H. 8. c. 11.

Beef, pork, mutton and veal ſhall be ſold by weight called *Haver-de-pois*. No perſon ſhall take for a pound of beef or pork above ob. nor for a pound of mutton or veal above ob. q. and leſs in thoſe counties where they be ſold for leſs.

CAP. IV.

Exp. 33 H. 8. c. 17. 5 El. c. 5. Rep. by 35 El. c. 7. ſ. 21.

Every perſon having in his occupation threeſcore acres of land apt for tillage, ſhall ſow one rood with flax or hemp-ſeed, upon pain to forfeit iii. s. iv. d. for every forty acres. An acre ſhall be counted 160 perches, and every perch 16 foot and a half.

CAP. V.

That a man killing a thief in his defence, ſhall not forfeit his goods.

3 Inſt. 56, 63, 220. Bracton 144. b. 1 Anderſ. 41.

No forfeiture for killing of a thief attempting to rob one by the highway, &c.

FORASMUCH *as it hath been in queſtion and ambiguity, that if any evil diſpoſed perſon or perſons do attempt feloniouſly to rob or murder any perſon or perſons in or nigh any common highway, cart-way, horſe-way, or foot-way, or in their manſions, meſſuages, or dwelling-places, or that feloniouſly do attempt to break any dwelling-houſe in the night-time, ſhould happen in his or their being in their ſuch felonious intent, to be ſlain by him or them whom the ſaid evil-doers ſhould ſo attempt to rob or murder, or by any perſon or perſons being in their dwelling-houſe, which the ſame evil-doers ſhould ſo attempt burglarily to break by night; if the ſaid perſon ſo happening in ſuch caſes to ſlay any ſuch perſon, ſo attempting to commit murder or burglary, ſhould for the death of the ſaid evil diſpoſed perſon forfeit or loſe his goods and chattels for the ſame, as any other perſon ſhould do that by chance-medley ſhould happen to kill or ſlay any other perſon in his or their defence*; (2) for the declaration of the which ambiguity and doubt, be it enacted by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That if any perſon or perſons, at any time hereafter, be indicted

indicted or appealed of or for the death of any ſuch evil diſpoſed perſon or perſons attempting to murder, rob, or burglarily to break manſion-houſes, as is aboveſaid, that the perſon or perſons ſo indicted or appealed thereof, and of the ſame by verdict ſo found and tried, ſhall not forfeit or loſe any lands, tenements, goods or chattels, for the death of any ſuch evil diſpoſed perſon in ſuch manner ſlain, but ſhall be thereof, and for the ſame fully acquitted and diſcharged, in like manner as the ſame perſon or perſons ſhould be if he or they were lawfully acquitted of the death of the ſaid evil diſpoſed perſon or perſons.

There ſhall be no forfeiture of lands or goods for the killing of any perſon that attempted to murder or rob.

Cro. Car. 544

CAP. VI.

The penalty for not ſelling of wines at the prices aſſeſſed. 28 *H.* 8. *c.* 14. (2) In what caſes juſtices of peace and other officers may ſell other men's wine. 37 *H.* 8. *c.* 23. (3) He that keepeth wine in his houſe to ſpend or retail, ſhall not be enforced to ſell it in groſs.

Rep. 21 Jac. 1. c. 28.

CAP. VII.

Whatſoever butcher killeth a calf to ſell that is calved between the firſt day of *January* and the firſt of *May*, ſhall forfeit vi. s. viii. d.

Exp. 14 El. c. 11.

CAP. VIII.

An act where defendants ſhall not recover any coſts.

BECAUSE *as well many recognizances, obligations, indentures and other ſpecialties, as alſo many contracts heretofore have been taken and made between divers perſons being of the King's moſt honourable council, and others his ſubjects, and by and between other perſons, to the uſe and behoof of our ſaid ſovereign lord the King, for great ſums of money, then being to his grace due, and for his proviſions, and other cauſes*; (2) *for which debts, actions by the laws of this realm be to be commenced, ſued and proſecuted to the King's uſe, by and in the name and names of the perſon or perſons to whom the ſaid recognizances, obligations and other ſpecialties were made, or by thoſe to whom the ſaid contracts were made:* (3) be it therefore ordained and enacted by authority of this preſent parliament, That albeit that the plaintiff or plaintiffs be or ſhall be nonſuited in any whatſoever action, ſuit, bill or plaint, commenced, or to be commenced, ſued, or to be ſued, to the uſe of our ſaid ſovereign lord the King, his heirs or ſucceſſors, Kings of *England*, or that it ſhall happen any verdict to paſs againſt any ſuch plaintiff or plaintiffs, in any action, ſuit, bill or plaint, ſued or to be ſued, to the King's uſe; the defendant or defendants ſhall not recover any coſts againſt any ſuch plaintiff or plaintiffs; any act or ſtatute made in this preſent parliament, or any other thing to the contrary being in any wiſe notwithſtanding.

23 H. 8. c. 15.

In what caſe the defendant ſhall not recover coſts.

There ſhall be no coſts of ſuit awarded to the defendant where any action is ſued to the King's uſe.

CAP. IX.

Butchers ſhall kill no wainlings under two years old. Lords marchers ſhall have their forfeitures within their liberties. (2) juſtices of peace ſhall hear and determine the ſame offences.

Exp. 14 El. c. 11. 27 El. c. 11. Continued to the end of the next ſeſſion of parliament by 1 Jac. 1. c. 25. & 21 Jac. 1. c. 28.

CAP.

CAP. X.

For the deſtruction of crows and rooks.

Choughs, crows and rooks ſhall be deſtroyed.

FORASMUCH *as innumerable number of rooks, crows and choughs do daily breed, and increaſe throughout this realm, which rooks, crows and choughs, do yearly devour and conſume a wonderful and marvellous great quantity of corn and grain of all kinds, that is to wit, as well in the ſowing of the ſame corn and grain, as alſo at the ripening and kernelling of the ſame, and over that a marvellous deſtruction, and decay of the covertures of thatched houſes, barns, reeks, ſtacks and other ſuch like:* (2) *ſo that if the ſaid crows, rooks and choughs ſhould be ſuffered to breed and continue, as they have been in certain years paſt, they will undoubtedly be the cauſe of the great deſtruction and conſumption of a great part of the corn and grain which hereafter ſhall be ſown throughout this realm, to the great prejudice, damage and undoing of the great number of all the tillers, huſbands and ſowers of the earth within the ſame.*

The great inconveniences ſuffered by reaſon of choughs, crows and rooks.

II. For remedy whereof, be it enacted by the authority of this preſent parliament, That every perſon and perſons, as well ſpiritual as temporal, having, keeping, holding and inhabiting in any manors, meaſes, lands or tenements in their own manurance and occupation of any eſtate of inheritance, or for term of life, or for years, or at will, or by copy of court-roll, or otherwiſe in poſſeſſion or uſe, ſhall hereafter do, or cauſe to be done, as much as in him or them reaſonably ſhall or may be, to kill and utterly deſtroy all manner of choughs, crows, rooks, coming, abiding, breeding or haunting within or upon any the ſaid manors, meaſes, lands or tenements which he or they ſhall inhabit and dwell upon, and have in their manurance and occupation, as is aforeſaid, (2) upon pain of a grievous amerciament, to be ſet and aſſeſſed as hereafter ſhall be expreſſed: that is to ſay, that if any offence be done contrary to the ſtatute, by any perſon or perſons inhabited within the limits of the leets, lawdays, rapes or court barons of any lords having ſuch courts, that then upon a preſentment thereof made before the ſteward of ſuch leets, lawdays, rapes or courts, the ſtewards with two of the preſenters, (by the ſteward and preſenters to be named) ſhall aſſeſs and ſet for every default preſented to be done contrary to this act, ſuch amerciament as to them ſhall ſeem reaſonable and convenient, after the quantity of the offence, (3) the ſaid amerciament to be to the uſe of the lord, or lords of the leets, lawdays, rapes or courts where the ſaid offence ſhall be done and preſented, to be levied by diſtreſs of the goods and chattels of the offender or offenders, like as other amerciaments for common annoyances (preſented in leets) have been accuſtomed to be levied.

Every man ſhall do his beſt to deſtroy crows, &c. upon pain of amerciament, being preſented at leets, ſheriffs turns, ſeſſions, &c.

(4) And if the offence be done contrary to this ſtatute by any perſon or perſons, which ſhall dwell and have the manurance of and in ſuch manors, meaſes, lands, tenements or hereditaments, whereunto ſuch leets, lawdays, rapes and courts do not belong, or by reaſon whereof any ſuch courts be not holden: that

that then upon a preſentment thereof had before the ſheriffs in the turns, or juſtices of peace in their ſeſſions, the ſteward of the turns with two of the preſenters, to be choſen as is aforeſaid, if the preſentment be within the turn, and the juſtices of peace, or two of them at the leaſt, if the preſentment be before them in their ſeſſions, ſhall aſſeſs and ſet the ſaid amerciament, after the quantity of the offence, by their diſcretions, to be had and levied to the uſe of our ſovereign lord the King by diſtreſs, like as other amerciaments be levied upon preſentments of common annoyances.

III. And farther be it enacted by the authority aforeſaid, That in every pariſh, townſhip, hamlet, borough or village within this realm, wherein is at leaſt ten houſholds inhabited, the tenants and inhabitants thereof ſhall before the feaſt of St. *Michael* the archangel next, and ſo during ten years next enſuing the ſaid feaſt, at their own proper coſts, charges and expences, provide, make or cauſe to be made one net, commonly called a net to take choughs, crows, and rooks, with all things requiſite or belonging to the ſame, (2) and the ſaid net ſo made or cauſed to be made, ſhall keep, preſerve and renew, as often as ſhall need: and with and after a ſhrap made with chaff and other things meet for that purpoſe, ſhall lay or cauſe to be laid, at ſuch time or times in the year, as are convenient for deſtruction of ſuch choughs, rooks and crows, and in ſuch place and places as ſhall be thought expedient to take the ſaid choughs, crows and rooks, (3) upon pain to forfeit ten ſhillings, the one moiety thereof to be to our ſovereign lord the King, and the other moiety to the lord or lords of the ſame courts, leets, lawdays or rapes, where any ſuch net ſhall be lacking, and not made, and put in execution according to this act, (4) to be levied of the ſaid tenants and inhabitants of the ſaid pariſh, townſhip, hamlet, borough or village, where any ſuch net ſhall be lacking, and not put in ure and execution as is aforeſaid. (5) And that every ſuch net with all things requiſite thereunto, ſhall one time in the year, at the leaſt, be preſented in the court baron, leet, rape or lawday, before the ſteward of the ſame court, leet, rape or lawday, whereunto the ſaid tenants and inhabitants ſhall be bounden to ſue, and appear, to be viewed, whether the ſame be ſufficiently repaired or not, for the foreſaid purpoſe: (6) So that by the advice of the ſteward, tenants and inhabitants of the ſaid court baron, leet, rape or lawday, where any ſuch net ſhall be neceſſary to be uſed, a ſure way and ordinance may be deviſed for the reparation, continuance and putting in execution of the ſaid net at times and places convenient, as is aforeſaid. (7) And that ſuch ordinances as ſhall be deviſed and made by the ſteward, tenants and inhabitants of and within the ſaid leets, lawdays, rapes and courts, or by the moſt part of them, to and for the deſtruction of the ſaid rooks, crows and choughs, ſhall ſtand good and effectual, and be put in due execution, according to the tenor thereof.

Every town, hamlet, &c. ſhall provide and maintain crow nets during x. years.

Revived as to the maintenance of nets, &c. for the deſtruction of crows, &c. and as to the reſt repealed by 8 El. c. 15.

IV. And

IV. And farther be it enacted by the authority aforeſaid, That as well ſuch perſon and perſons, as ſhall inhabit, and have in his manurance and occupation, any manors, meaſes, lands, tenements, or other hereditaments, whereunto any ſuch leets, lawdays, rapes or courts appertain, or by reaſon whereof any ſuch courts be holden, as the tenants and farmers inhabiting and having in their manurance and occupation, any meaſes, lands, tenements or hereditaments holding of ſuch manors, meaſes or other hereditaments, whereunto ſuch courts, as is aforeſaid, belong, ſhall yearly, during the ſaid ten years, at ſuch days, places and times, as by the ſteward of ſuch leets, lawdays, rapes, or courts ſhall be appointed, aſſemble themſelves together to view, viſit and ſurvey all the ſaid manors, meaſes, lands, tenements and hereditaments, where they or any of them ſhall happen to dwell or inhabit and be reſident; (2) and thereupon ſhall agree and conclude, how and by what means it ſhall be beſt poſſible to deſtroy all the young breed of the ſaid choughs, crows and rooks, for that year; (3) and the ſame aſſembly, view and viſitation ſhall make yearly, during the ſaid ten years, at moſt convenient and apt times for the ſame, and ſhall put the ſame in due execution, ſo as the ſaid young breed of choughs, crows and rooks may be utterly deſtroyed, (4) upon pain to forfeit for every year omitting ſuch aſſembly, endeavour, and view making according to this act, twenty ſhillings, after preſentment of ſuch default had before the King's juſtices of peace: the one half of which forfeiture to be to the King our ſovereign lord, and the other half to be to the preſenters of the ſaid offence, to be levied by diſtreſs, like as amerciaments for common annoyances have been accuſtomed to be levied.

The inhabitants ſhall during ten years, aſſemble and take order to deſtroy crows, rooks, &c.

V. And farther be it enacted by the authority aforeſaid, That as well the juſtices of peace in their ſeſſions, and ſheriffs in their turns, as ſtewards, mayors and bailiffs elected in their leets, lawdays, rapes and court-barons, to be hereafter holden before them, or any of them, ſhall give in charge to the tenants and inhabitants, and all other appearing before any of them, that they ſhall duly enquire and put in execution the effect of the premiſſes in due time, ſo that this act may be fully and truly executed, and the choughs, crows and rooks thereby deſtroyed in all places of this realm, according to the meaning and true intent of this ſtatute.

The defaults ſhall be given in charge in leets, &c.

VI. And over this it is enacted, That it ſhall be lawful to every perſon and perſons, only minding and willing to take and deſtroy the ſaid crows, rooks or choughs, after requeſt thereof made to the owner or occupier of the ſame ground where ſuch crows, rooks or choughs haunt or breed, to enter, take and carry away all ſuch rooks or choughs, and crows, as he ſhall take that ſame day in which ſuch requeſt ſhall be made, from time to time without let, impediment or impeachment by any manner mean of the ſaid owner or occupier of the ſame.

Any man with licence of the owner of the ground may take crows, &c.

VII. And it is farther enacted, That every farmer or owner, having in his own manurance and occupation, any manors,

The taker of crows, &c. ſhall have af-

meaſes, lands, tenements or other hereditaments, whereof the yearly value or rent amounteth to v. pounds, ſhall pay and give to every ſuch perſon, which by his diligence, labour and induſtry at his own proper coſts doth take any old crows, rooks or choughs, within and upon the ſaid manors, meaſes, lands or grounds of the yearly value aforeſaid, two pence for every twelve old crows, rooks or choughs, that any ſuch perſon ſhall take, bring and offer to any ſuch farmer or owner; and for every ſix old crows, rooks or choughs, a penny; for every three, an half penny: (2) And if any ſuch owner or farmer refuſe to pay the ſaid money accordingly, as is aforeſaid, then upon complaint and proof thereof made to any of the juſtices of peace or high-conſtable, the ſaid juſtice of peace or high-conſtable ſhall cauſe the ſaid money to be levied by diſtreſs of the goods and chattels of every ſuch farmer or occupier refuſing to pay the ſame according to the tenor and effect of this act. ter the rate of two pence the dozen.

VIII. Provided always, That no perſon or perſons, by colour or authority of this act, ſhall take or kill any doves or pigeons, upon the pains limited by the laws and cuſtoms of this realm heretofore for ſuch offences uſed and accuſtomed. None under pretence of this act ſhall kill pigeons. 2 Roll. 31.

CAP. XI.

The ſtreet-way between *Charing-Croſs* and *Strond-Croſs* ſhall be ſufficiently paved at the charge of the owners of the lands; and the pavement being made, it ſhall be maintained by the owners of the land adjoining to the ſame, upon pain of forfeiture to the King of vi. d. for every yard ſquare not paved or repaired.

CAP. XII.

For the reſtraint of appeals.

WHERE *by divers ſundry old authentick hiſtories and chronicles, it is manifeſtly declared and expreſſed, that this realm of* England, *is an empire, and ſo hath been accepted in the world, governed by one ſupreme head and King, having the dignity and royal eſtate of the imperial crown of the ſame*; (2) *unto whom a body politick, compact of all ſorts and degrees of people, divided in terms, and by names of ſpiritualty and temporalty, been bounden and owen to bear, next to God, a natural and humble obedience*; (3) *he being alſo inſtitute and furniſhed, by the goodneſs and ſufferance of Almighty God, with plenary, whole, and entire power, pre-eminence, authority, prerogative and juriſdiction, to render and yield juſtice, and final determination to all manner of folk, reſiants, or ſubjects within this his realm, in all cauſes, matters, debates and contentions, happening to occur, inſurge, or begin within the limits thereof, without reſtraint, or provocation to any foreign princes or potentates of the world*; (4) *the body ſpiritual whereof having power, when any cauſe of the law divine happened to come in queſtion, or of ſpiritual learning, then it was declared, interpreted, and ſhewed by that part of the ſaid body politick, called the ſpiritualty, now being uſually called the* Engliſh *church, which always hath been reputed, and alſo found of that ſort, that both for knowledge,* The power, pre-eminence and authority of the King of England. The power, learning and wiſdom of the body ſpiritual.

integrity and ſufficiency of number, it hath been always thought, and is alſo at this hour, ſufficient and meet of it ſelf, without the intermeddling of any exterior perſon or perſons, to declare and determine all ſuch doubts, and to adminiſter all ſuch offices and duties, as to their rooms, ſpiritual doth appertain; (5) *for the due adminiſtration whereof, and to keep them from corruption and ſiniſter affection, the King's moſt noble progenitors, and the anteceſſors of the nobles of this realm, have ſufficiently endowed the ſaid church, both with honour and poſſeſſions*; (6) *and the laws temporal, for trial of property of lands and goods, and for the conſervation of the people of this realm in unity and peace, without rapine or ſpoil, was and yet is adminiſtred, adjudged and executed by ſundry judges and miniſters of the other part of the ſaid body politick, called the temporalty*; (7) *and both their authorities and juriſdictions do conjoin together in the due adminiſtration of juſtice, the one to help the other.*

The form and manner of government of the eſtate temporal.

No appeals ſhall be uſed, but within this realm.

II. *And whereas the King his moſt noble progenitors, and the nobility and commons of this ſaid realm, at divers and ſundry parliaments, as well in the time of King* Edward *the Firſt*, Edward *the Third*, Richard *the Second*, Henry *the Fourth, and other noble Kings of this realm, made ſundry ordinances, laws, ſtatutes, and proviſions for the entire and ſure conſervation of the prerogatives, liberties and preeminences of the ſaid imperial crown of this realm, and of the juriſdiction ſpiritual and temporal of the ſame, to keep it from the annoyance as well of the ſee of* Rome, *as from the authority of other foreign potentates, attempting the diminution or violation thereof, as often, and from time to time, as any ſuch annoyance or attempt might be known or eſpied:* (2) *and notwithſtanding the ſaid good ſtatutes and ordinances made in the time of the King's moſt noble progenitors, in preſervation of the authority and prerogative of the ſaid imperial crown, as is aforeſaid; yet nevertheleſs ſithen the making of the ſaid good ſtatutes and ordinances divers and ſundry inconveniencies and dangers, not provided for plainly by the ſaid former acts, ſtatutes and ordinances, have ariſen and ſprung by reaſon of appeals ſued out of this realm to the ſee of* Rome, *in cauſes teſtamentary, cauſes of matrimony and divorces, right of tithes, oblations and obventions, not only to the great inquietation, vexation, trouble, coſt and charges of the King's highneſs, and many of his ſubjects and reſiants of this his realm, but alſo to the great delay and let to the true and ſpeedy determination of the ſaid cauſes, for ſo much as the parties appealing to the ſaid court of* Rome *moſt commonly do the ſame for the delay of juſtice.* (3) *And foraſmuch as the great diſtance of way is ſo far out of this realm, ſo that the neceſſary proofs, nor the true knowledge of the cauſe, can neither there be ſo well known, ne the witneſſes there ſo well examined, as within this realm, ſo that the parties grieved by means of the ſaid appeals be moſt times without remedy:* (4) in conſideration whereof, the King's highneſs, his nobles and commons, conſidering the great enormities, dangers, long delays and hurts, that as well to his highneſs, as to his ſaid nobles, ſubjects, commons, and reſiants of this his realm, in the ſaid cauſes teſtamentary, cauſes of matrimony and divorces, tithes, oblations and obventions, do daily enſue, doth therefore by his royal aſſent,

The ſeveral inconveniencies in ſuing of appeals to Rome.

and

and by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, enact, eſtabliſh and ordain, That all cauſes teſtamentary, cauſes of matrimony and divorces, rights of tithes, oblations and obventions (the knowledge whereof by the goodneſs of princes of this realm, and by the laws and cuſtoms of the ſame, appertaineth to the ſpiritual juriſdiction of this realm) already commenced, moved, depending, being, happening, or hereafter coming in contention, debate or queſtion within this realm, or within any the King's dominions, or marches of the ſame, or elſewhere, whether they concern the King our ſovereign lord, his heirs and ſucceſſors, or any other ſubjects or reſiants within the ſame, of what degree ſoever they be, ſhall be from henceforth heard, examined, diſcuſſed, clearly, finally, and definitively adjudged and determined within the King's juriſdiction and authority, and not elſewhere, in ſuch courts ſpiritual and temporal of the ſame, as the natures, conditions, and qualities of the caſes and matters aforeſaid in contention, or hereafter happening in contention, ſhall require, without having any reſpect to any cuſtom, uſe, or ſufferance, in hindrance, let, or prejudice of the ſame, or to any other thing uſed or ſuffered to the contrary thereof by any other manner of perſon or perſons in any manner of wiſe; any foreign inhibitions, appeals, ſentences, ſummons, citations, ſuſpenſions, interdictions, excommunications, reſtraints, judgments, or any other proceſs or impediments, of what natures, names, qualities, or conditions ſoever they be, from the ſee of *Rome*, or any other foreign courts or potentates of the world, or from and out of this realm, or any other the King's dominions, or marches of the ſame, to the ſee of *Rome*, or to any other foreign courts or potentates, to the let or impediment thereof in any wiſe notwithſtanding. (5) And that it ſhall be lawful to the King our ſovereign lord, and to his heirs and ſucceſſors, and to all other ſubjects or reſiants within this realm, or within any of the King's dominions or marches of the ſame, notwithſtanding that hereafter it ſhould happen any excommengement, excommunications, interdictions, citations, or any other cenſures, or foreign proceſs out of any outward parts, to be fulminate, promulged, declared, or put in execution within this ſaid realm, or in any other place or places, for any of the cauſes before rehearſed, in prejudice, derogation, or contempt of this ſaid act, and the very true meaning and execution thereof, may and ſhall nevertheleſs as well purſue, execute, have and enjoy the effects, profits, benefits and commodities of all ſuch proceſſes, ſentences, judgments and determinations done, or hereafter to be done, in any of the ſaid courts ſpiritual or temporal, as the caſes ſhall require, within the limits, power and authority of this the King's ſaid realm, and dominions and marches of the ſame, and thoſe only, and none other to take place, and to be firmly obſerved and obeyed within the ſame. (6) As alſo, that all the ſpiritual prelates, paſtors, miniſters and curates within this realm, and the dominions of the ſame, ſhall

All cauſes determinable by any ſpiritual juriſdiction ſhall be adjudged within the King's authority.

The prelates of this realm

may execute all ſacraments and divine ſervice to the ſubjects of this realm.

and may uſe, miniſter, execute and do, or cauſe to be uſed, executed, miniſtred and done, all ſacraments, ſacramentals, divine ſervices, and all other things within the ſaid realm and dominions, unto all the ſubjects of the ſame, as catholick and chriſtian men owen to do; any former citations, proceſſes, inhibitions, ſuſpenſions, interdictions, excommunications, or appeals, for or touching the cauſes aforeſaid, from or to the ſee of *Rome*, or any other foreign prince or foreign courts, to the let or contrary thereof in any wiſe notwithſtanding.

The penalty of them who omit to do their duty.

III. And if any of the ſaid ſpiritual perſons, by the occaſion of the ſaid fulminations of any of the ſame interdictions, cenſures, inhibitions, excommunications, appeals, ſuſpenſions, ſummons, or other foreign citations for the cauſes beforeſaid, or for any of them, do at any time hereafter refuſe to miniſter, or cauſe to be miniſtred, the ſaid ſacraments and ſacramentals, and other divine ſervices, in form as is aforeſaid, ſhall for every ſuch time or times that they or any of them do refuſe ſo to do, or cauſe to be done, have one year's impriſonment, and to make fine and ranſom at the King's pleaſure.

Whoſoever procureth from the ſee of Rome, &c. any appeals, proceſs, ſentences, &c. incur the forfeiture of premunire.

IV. And it is further enacted by the authority aforeſaid, That if any perſon or perſons inhabiting or reſiant within this realm, or within any of the King's ſaid dominions, or marches of the ſame, or any other perſon or perſons, of what eſtate, condition or degree ſoever he or they be, at any time hereafter, for or in any the cauſes aforeſaid, do attempt, move, purchaſe, or procure, from or to the ſee of *Rome*, or from or to any other foreign court or courts out of this realm, any manner foreign proceſs, inhibitions, appeals, ſentences, ſummons, citations, ſuſpenſions, interdictions, excommunications, reſtraints, or judgments, of what nature, kind or quality ſoever they may be, or execute any of the ſame proceſs, or do any act or acts to the let, impediment, hindrance or derogation of any proceſs, ſentence, judgment or determination had, made, done, or hereafter to be had, done or made, in any courts of this realm, or the King's ſaid dominions, or marches of the ſame, for any of the cauſes aforeſaid, contrary to the true meaning of this preſent act, and the execution of the ſame, that then every ſuch perſon or perſons ſo doing, and their fautors, comforters, abettors, procurers, executors, and counſellors, and every of them, being convict of the ſame, for every ſuch default ſhall incur and run in the ſame pains, penalties and forfeitures, ordained and provided by the ſtatute of proviſion and *Præmunire*, made in the ſixteenth year of the reign of the right noble prince King *Richard* the Second, againſt ſuch as attempt, procure, or make proviſion to the ſee of *Rome*, or elſewhere, for any thing or things, to the derogation, or contrary to the prerogative or juriſdiction of the crown and dignity of this realm.

16 R. 2. c. 5.

V. And furthermore, in eſchewing the ſaid great enormities, inquietations, delays, charges and expences hereafter to be ſuſtained in purſuing of ſuch appeals, and foreign proceſs, for and concerning the cauſes aforeſaid, or any of them, do therefore by authority aforeſaid, ordain and enact, That in ſuch caſes where heretofore

heretofore any of the King's ſubjects or reſiants have uſed to purſue, provoke, or procure any appeal to the ſee of *Rome*, and in all other caſes of appeals, in or for any of the cauſes aforeſaid, they may and ſhall from henceforth take, have and uſe their appeals within this realm, and not elſewhere, in manner and form as hereafter enſueth, and not otherwiſe; that is to ſay, firſt from the archdeacon, or his official, if the matter or cauſe be there begun, to the biſhop dioceſan of the ſaid ſee, if in caſe any of the parties be grieved.

Before whom, and in what courts appeals ſhall be ſued within this realm. 4 Mod. 116, 117. Dyer 209.

VI. And in like wiſe if it be commenced before the biſhop dioceſan, or his commiſſary, from the biſhop dioceſan, or his commiſſary, within fifteen days next enſuing the judgment or ſentence thereof there given, to the archbiſhop of the province of *Canterbury*, if it be within his province; and if it be within the province of *York*, then to the archbiſhop of *York*; and ſo likewiſe to all other archbiſhops in other the King's dominions, as the caſe by order of juſtice ſhall require; and there to be definitively and finally ordered, decreed, and adjudged, according to juſtice, without any other appellation or provocation to any other perſon or perſons, court or courts.

Appeals ought to be within 15 days.

VII. And if the matter or contention for any of the cauſes aforeſaid be or ſhall be commenced, by any of the King's ſubjects or reſiants, before the archdeacon of any archbiſhop, or his commiſſary, then the party grieved ſhall or may take his appeal within fifteen days next after judgment or ſentence there given, to the court of the arches, or audience, of the ſame archbiſhop or archbiſhops; (2) and from the ſaid court of the arches or audience, within fifteen days then next enſuing after judgment or ſentence there given, to the archbiſhop of the ſame province, there to be definitively and finally determined, without any other or further proceſs or appeal thereupon to be had or ſued.

Suits commenced before an archbiſhop ſhall be determined by him without any further appeal.

VIII. And it is further enacted by the authority aforeſaid, that all and every matter, cauſe and contention now depending, or that hereafter ſhall be commenced by any of the King's ſubjects or reſiants for any of the cauſes aforeſaid, before any of the ſaid archbiſhops, that then the ſame matter or matters, contention or contentions, ſhall be before the ſame archbiſhop where the ſaid matter, cauſe or proceſs ſhall be ſo commenced, definitively determined, decreed, or adjudged, without any other appeal, provocation, or any other foreign proceſs out of this realm, to be ſued to the let or derogation of the ſaid judgment, ſentence or decree, otherwiſe than is by this act limited and appointed; (2) ſaving always the prerogative of the archbiſhop and church of *Canterbury*, in all the foreſaid cauſes of appeals, to him and to his ſucceſſors to be ſued within this realm, in ſuch and like wiſe as they have been accuſtomed and uſed to have heretofore.

The prerogative of the archbiſhop of Canterbury ſaved.

Before whom an appeal ſhall be ſued in any cauſe touching the King.

IX. And in caſe any cauſe, matter or contention, now depending for the cauſes before rehearſed, or any of them, or that hereafter ſhall come in contention for any of the ſame cauſes, in any of the foreſaid courts, which hath, doth, ſhall or may touch

the King, his heirs or ſucceſſors, Kings of this realm; that in all and every ſuch caſe or caſes the party grieved, as before is ſaid, ſhall or may appeal from any of the ſaid courts of this realm, where the ſaid matter, now being in contention, or hereafter ſhall come in contention, touching the King, his heirs, or ſucceſſors (as is aforeſaid) ſhall happen to be ventilate, commenced or begun, to the ſpiritual prelates and other abbots and priors of the upper houſe, aſſembled and convocate by the King's writ in the convocation being, or next enſuing within the province or provinces where the ſame matter of contention is or ſhall be begun; (2) ſo that every ſuch appeal be taken by the party grieved within fifteen days next after the judgment or ſentence thereupon given or to be given; (3) and that whatſoever be done, or ſhall be done and affirmed, determined, decreed and adjudged by the foreſaid prelates, abbots and priors of the upper houſe of the ſaid convocation, as is aforeſaid, appertaining, concerning, or belonging to the King, his heirs, and ſucceſſors, in any of theſe foreſaid cauſes of appeals, ſhall ſtand and be taken for a final decree, ſentence, judgment, definition and determination, and the ſame matter, ſo determined, never after to come in queſtion and debate, to be examined in any other court or courts.

X. And if it ſhall happen any perſon or perſons hereafter to purſue or provoke any appeal contrary to the effect of this act, or refuſe to obey execute and obſerve all things compriſed within the ſame, concerning the ſaid appeals, provocations and other foreign proceſſes to be ſued out of this realm, for any the cauſes aforeſaid, that then every ſuch perſon or perſons ſo doing, refuſing, or offending contrary to the true meaning of this act, their procurers, fautors, advocates, counſellors, and abettors, and every of them, ſhall incur into the pains forfeitures and penalties ordained and provided in the ſaid ſtatute made in the ſaid ſixteenth year of King *Richard* the Second, and with like proceſs to be made againſt the ſaid offenders, as in the ſame ſtatute made in the ſaid ſixteenth year more plainly appeareth.

16 R. 2. c. 5. 28 H. 8. c. 10. Rep. 1 & 2 Ph. & M. c. 8. and revived by 1 El. c. 1.

CAP. XIII.

Rep. 1 Jac. 1. c. 25. A repeal of all former ſtatutes made againſt exceſs of apparel. What apparel men of all degrees, vocations, and functions are allowed, and what prohibited to wear. The forfeitures of the offenders, and who ſhall have them.

Statutes made at *Weſtminſter*, *Anno* 25 HEN. VIII. and *Anno Dom.* 1533.

ACTS *made in the ſeſſion of this preſent parliament, holden upon prorogation at* Weſtminſter *the fifteenth day of* January, *in the five and twentieth year of the reign of our*

our moſt dread ſovereign lord King Henry *the Eighth, and there continued and kept till the thirtieth day of* March *then next enſuing, to the honour of God and holy church, and for the common weal and profit of this his realm.*

CAP. I.

Governors of cities and market-towns, upon complaint to them made of any butcher refuſing to ſell victual by weight according to the ſtatute of 24 *H.* 8. *c.*3. may commit the offender to ward until he hath paid all penalties limited by the ſaid ſtatute; and may ſell, or cauſe to be ſold by weight, all ſuch victual for ready money to be delivered to the owner: and if any graſier, fermer, breeder, drover, *&c.* refuſe to ſell his fat cattle to a butcher upon ſuch reaſonable price, as he may retail it at the price aſſeſſed by the ſtatute, the juſtices of peace, mayors, or governors, ſhall cauſe indifferent perſons to ſet the prices of the ſame, which if the owner refuſe to accept, then the ſame juſtices, *&c.* ſhall bind him to appear the next term in the ſtar-chamber, to be puniſhed as the King's counſel ſhall think good.

27 H.8.c.9. Rep. 33 H.8. c.11.

CAP. II.

Proclamations for the prices of victuals, viz. *the prizing of them, and proclaiming the prices.*

FORASMUCH *as dearth, ſcarcity, good cheap and plenty, of cheeſe, butter, capons, hens, chickens and other victuals neceſſary for man's ſuſtenance, happeneth, riſeth, and chanceth of ſo many and divers occaſions, that it is very hard and difficult to put any certain prices to any ſuch things*; (2) *and yet nevertheleſs the prices of ſuch victuals be many times inhanced and raiſed by the greedy covetouſneſs and appetites of the owners of ſuch victuals, by occaſion of ingroſſing and regrating the ſame, more than upon any reaſonable or juſt ground or cauſe, to the great damage and impoveriſhing of the King's ſubjects:* (3) For remedy whereof, be it enacted by the authority of this preſent parliament, That upon every complaint made of any inhancing of prices of ſuch victuals, without ground or cauſe reaſonable, in any part of this realm, or in any other the King's dominions, the lord chancellor of *England*, the lord treaſurer, the lord preſident of the King's moſt honourable council, the lord privy ſeal, the lord ſteward, the lord chamberlain, and all other lords of the King's council, the treaſurer and controller of the King's moſt honourable houſe, the chancellor of the duchy of *Lancaſter*, the King's juſtices of either bench, the chancellor, chamberlains, under-treaſurer, and the barons of the King's exchequer, or ſeven of them at the leaſt, whereof the lord chancellor, the lord treaſurer, the lord preſident of the King's council, or the lord privy ſeal, to be one, ſhall have power and authority from time to time, as the caſe ſhall require, to ſet and tax reaſonable prices of all ſuch kinds of victuals above ſpecified,

3 Inſt. 196.

The prices of victuals ſhall be aſſeſſed by the King's counſellors, juſtices, and officers.

cified, how they ſhall be ſold in groſs, or by retail, for relief of the King's ſubjects; (4) and that after ſuch prices ſet and taxed in form aforeſaid, proclamation ſhall be made in the King's name, under the great ſeal, of the ſaid prices in ſuch parts of this realm, as ſhall be convenient for the ſame.

They which have victual muſt ſell them at the prices aſſeſſed.

II. And be it enacted, That all fermors, owners, broggers, and all other victuallers whatſoever, having or keeping any of the kinds of victuals afore rehearſed, to the intent to ſell, ſhall ſell the ſame to ſuch of the King's ſubjects as will buy them, at ſuch prices as ſhall be ſet and taxed by the ſaid proclamation, upon the pains to be expreſſed and limited in the ſaid proclamation, to be loſt, forfeited, and levied to the King's uſe, in ſuch wiſe as by the ſame proclamation ſhall be declared.

Head officers of corporate towns may ſet the prices of victuals. 23 Ed. 3. c. 6. 12 Ed. 4. c. 8.

III. Provided always, That this act or any thing therein contained, ſhall not be hurtful to mayors, ſheriffs, bailiffs, or other officers of cities, boroughs, or towns corporate, or to any other perſon or perſons, or bodies politick, having authority to ſet prices of ſuch victuals, or of any of them; but that they and every of them may ſet prices thereof, as if this act had never been had nor made.

No victual ſhall be tranſported without licence. 1 & 2 P. & M. c. 5. 5 El. c. 5, &c.

IV. And be it further enacted by authority aforeſaid, That no perſon or perſons, unleſs it be by licence under the King's great ſeal, from henceforth ſhall carry or convey, or cauſe to be carried and conveyed, any corn, beeves, muttons, veals, porks, or any other of the aboveſaid victuals, to any of the parties beyond the ſea, (2) except only for the victualling of the town of *Calais*, *Guiſnes*, *Hammes*, and the marches of the ſame, (3) and except for victualling of maſters, mariners, and merchants of ſhips paſſing the ſeas; (4) and alſo except barrelled butter and meal to be carried to the parties of *Iſeland*, as hath been accuſtomed, (5) upon pain of forfeiting of the value of the thing conveyed and carried into the parties beyond the ſea, contrary to this act; the one half thereof to the uſe of our ſaid ſovereign lord the King, and the other half to the party that will ſue for the ſame by bill, plaint, writ, or information in any of the King's courts; in which ſuits the defendant ſhall not wage his law, nor any protection or eſſoin for him ſhall be allowed.

CAP. III.

For ſuch as ſtand mute, &c.

1 And. 114. Clergy not allowed to thoſe who ſtand mute, or who do make peremptory challenge.

WHERE *at your parliament holden at* Weſtminſter, *in the three and twentieth year of your moſt noble reign, among other things it was ordained, eſtabliſhed and enacted, That no perſon or perſons which thereafter ſhould happen to be found guilty, after the laws of this land, for any manner of petit treaſon, or of any wilful murder of malice prepenſed, or for robbing of any churches, chapels, or other holy places, or for robbing of any perſon or perſons in their dwelling houſes or dwelling-place, the owner or dweller in the ſame houſe, his wife, his children, or ſervants then being within, and put*

in

in fear and dread by the ſame, or for robbing of any perſon or perſons in or near about the high-way, or for wilful burning of any dwelling-houſes or barns, wherein any grain or corn ſhall happen to be; nor any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining, or counſelling of or to any ſuch petit treaſon, murders, or felonies, ſhould from thenceforth be admitted to the benefit of his or their clergy, but utterly be excluded thereof, and ſuffer death in ſuch manner and form as they ſhould have done for any the cauſes or offences aforeſaid, if they were no clerks; ſuch as be within holy orders, that is to ſay, of the orders of ſubdeacon, or above, all only except, as more at large appeareth by the ſaid act.

Certain defects in the ſtatute of 23 H.8.c.1.

(2) *And foraſmuch as the ſaid act extendeth only to ſuch perſons as be found guilty after the due courſe of the laws of this land, divers and many great errant robbers, murderers, burglars and felons, that do offend and commit divers and many petit treaſons, robberies, burglaries and felonies, contrary to the tenor of the ſaid act, perceiving and clearly underſtanding, by the words of the ſame ſtatute and act, that they ſhall not loſe the benefit and advantage of their clergy, unleſs they be found guilty after the due courſe of the law, upon their arraignment of and upon the ſaid felonies, robberies, and other offences beforeſaid, ſo by them done and committed, by reaſon whereof divers and many of the ſame robbers and felons upon their arraignment of the ſame robberies and felonies, upon their indictments againſt them ſtand mute, and ſometimes challenge peremptorily over the number of twenty, or elſe will not directly anſwer to the ſame indictments whereupon they be ſo arraigned according to the order of the law.* (3) *And for that theſe eſpecial caſes be not expreſly compriſed and contained within the letter of the ſame ſtatute, it is neceſſary and expedient that the ſame caſe be clearly and definitively expounded and declared by authority of this preſent parliament.* (4) *And whereas alſo divers and many felons and robbers, that commit and do divers and many great heinous robberies and burglaries in one ſhire, and convey the ſpoil and robbery into any other ſhire, and there be taken, indicted, and arraigned upon felony and felonious ſtealing of the ſame goods in the ſame other ſhire, than there where the ſame robberies or burglaries were done and committed, and not upon the ſame robbery nor burglary, for that it was not done nor committed in the ſame ſhire where they be ſo indicted and arraigned, and by reaſon thereof the ſame miſdemeanors, felons, robbers, and burglars, have and enjoy the privilege and advantage of their clergy, to the great hurt and loſs of the King's prerogative, and great boldneſs of ſuch offenders.*

No man ſhall have his clergy who is indicted of murder, &c. and upon his arraignment doth ſtand mute, or challenge above 20 perſons, or will not anſwer directly.

II. In conſideration whereof, be it enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, That every perſon and perſons that is or hereafter ſhall be indicted of petit treaſon, wilful burning of houſes, murder, robbery, or burglary, or other felony, according to the tenor and meaning of the ſame ſtatute, and thereupon arraigned, and do ſtand mute of malice or froward mind, or challenge peremptorily above the number of twenty, or elſe will not or do not anſwer directly to the ſame indict-

Repealed in part by 1 Ed. 6. c.12. ſ.10. and revived by 5 & 6 Ed. 6.c.10. ſ. 4.

dictment and felony whereupon he is ſo arraigned, ſhall from henceforth loſe the benefit and privilege of his or their clergy, in like manner and form as if he had directly pleaded to the ſame petit treaſon, murder, robbery, burglary, or other felony whereupon he is ſo arraigned, not guilty, and thereupon had been found guilty after the laws of the land.

III. And by the ſame authority be it further enacted, That if any perſon or perſons hereafter be indicted of felony for ſtealing of any goods or chattels in any county within this realm of *England*, and thereupon arraigned and be found guilty, or ſtand mute of malice, or challenge peremptorily above the number of twenty perſons, as is aforeſaid, or will not upon his ſaid arraignment directly anſwer to the ſame felony, that then the ſame perſon and perſons ſo arraigned and found guilty, or ſtand mute of malice, or challenge peremptorily above the number of twenty perſons, or will not directly anſwer to the law, ſhall loſe and be put from the benefit of their clergy, in like manner and form as they ſhould have been, if they had been indicted and arraigned, and found guilty in the ſame county where the ſame robbery or burglary was done or committed, if it ſhall appear to the juſtices before whom any ſuch felons or robbers be arraigned, by evidence given before them, or by examination, that the ſame felonies, whereupon they be ſo arraigned, had been ſuch robberies or burglaries in the ſame ſhire where ſuch robberies or burglaries were committed or done, by reaſon whereof they ſhould have loſt the benefit of their clergy by force of the ſaid ſtatute, in caſe they had been found guilty thereof in the ſame ſhire where ſuch robberies or burglaries were ſo committed or done.

A man attainted where the goods were carried which were ſtolen in another county.

28 H. 8. c.1. Made perpetual by 32H.8. c.3. ſ.7.

CAP. IV.

Only ſuch perſons as be merchants adventurers to *Iſeland* for ſalt-fiſh, ſtock-fiſh, ling, haberdine, or lob-fiſh, or that be doggermen, or ſuch as be fiſhermen that actually labour for the taking of the ſaid fiſh in the eaſt ſea-ſide, or eaſt ſea-coaſt, ſhall buy any of the kinds of the ſame fiſh, at or upon the ſtone, or at the ſaid eaſt ſea-ſide or eaſt ſea-coaſt, to ſell the ſame again at any of the fairs of *Sturbridge*, *St. Ives*, or *Ely*.

Rep. 35 H.8. c.7.

CAP. V.

For callendring of Worſteds.

The ſtatute of 5 H. 8. c.4. touching callendring of worſteds, made perpetual.

WHEREAS *at the parliament holden at* Weſtminſter *the* xxiij. *day of* January, *in the fifth year of our ſovereign lord's reign the King that now is, there was an act and one ſtatute made, provided and eſtabliſhed, for the avoiding of deceits and falſneſs of worſteds, as well by reaſon of dry callendring thereof with gums, oils and preſſes, as alſo by wet callendring, by perſons having no cunning in ordering of the ſame, which act was made to endure but only to the parliament then next following:* (2) *and foraſmuch as it is evidently known, that the ſame act and ſtatute aforeſaid is very good and neceſſary to the com-*

common wealth of this realm: wherefore the King our ſovereign lord, by the advice and conſent of his lords ſpiritual and temporal, and the commons, of this preſent parliament aſſembled, and by the authority of the ſame, hath ordained, enacted and eſtabliſhed, That the ſaid act and ſtatute made in the fifth year of his moſt noble reign aforeſaid, and every thing therein contained, ſhall, from the feaſt of St. *Michael* the archangel next coming, continue and be good and effectual in every point and article of the ſame for ever.

II. And furthermore be it enacted and eſtabliſhed by the authority aforeſaid, for the common wealth of the city of *Norwich*, and maintenance, ſupportation and upholding of the houſes, tenements and habitations of the ſame, That no manner of perſon uſing the craft or myſtery of dying of worſteds, ſtamins or ſays, or any of them, neither by themſelves, or any ſervant, factor, deputy, or any other by his commandment or aſſignment, from the feaſt of *Chriſtmas* now next enſuing, ſhall uſe to callender any worſteds, ſtamins or ſays, or any other commodities made of worſted yarn, during all ſuch time as the ſame perſon ſhall uſe the myſtery or craft of dying aforeſaid, upon pain to forfeit for every piece ſo dyed and callendred by colour, covin or fraud, contrary to the true meaning and intent of this preſent act, xl. s. and to be divided in three equal parts, the one part thereof to the King our ſovereign lord, and another part to the mayor for the time being, and the third part to him or them that will ſue for the ſame by bill, action of debt, plaint, information, or otherwiſe, in any of the King's courts, wherein no eſſoin, delay or protection ſhall be allowed.

No perſon which dyeth worſteds ſhall callender them.

CAP. VI.

The puniſhment of the vice of buggery.

FORASMUCH *as there is not yet ſufficient and condign puniſhment appointed and limited by the due courſe of the laws of this realm, for the deteſtable and abominable vice of buggery committed with mankind or beaſt:* (2) it may therefore pleaſe the King's highneſs, with the aſſent of his lords ſpiritual and temporal, and the commons of this preſent parliament aſſembled, That it may be enacted by authority of the ſame, that the ſame offence be from henceforth adjudged felony, and ſuch order and form of proceſs therein to be uſed againſt the offenders as in caſes of felony at the common law; (3) and that the offenders being hereof convict by verdict, confeſſion, or outlawry, ſhall ſuffer ſuch pains of death, and loſſes and penalties of their goods, chattels, debts, lands, tenements and hereditaments, as felons be accuſtomed to do, according to the order of the common laws of this realm; (4) and that no perſon offending in any ſuch offence, ſhall be admitted to his clergy; (5) and that juſtices of peace ſhall have power and authority, within the limits of their commiſſions and juriſdiction, to hear and determine the ſaid offence, as they do uſe to do in caſes of other felo-

3 Inſt. 59.

He that committeth buggery with mankind or beaſt ſhall be adjudged a felon. Made perpetual 32 H. 8. c. 3. and repealed in part by 2 & 3 Ed. 6. c. 29. and in the whole by 1 Mar. ſeſſ. 1. c. 1. & revived

and made perpetual by 5 El. c. 17.

felonies. (6) this act to endure till the laſt day of the next parliament.

CAP. VII.

EXP. 13 Ed. 1. ſtat. 1. c. 47. 13 R. 2. ſtat. 1. c. 19. 17 R. 2. c. 9.

No perſon with any nets, engines, or device, ſhall take any fry, or ſpawn of eels, or ſalmon, in any waters, upon pain of forfeiture of v. li. and his ſaid nets, engines, *&c. during ten years.*

CAP. VIII.

The high ſtreet in *Holbourn*, between *Holbourn* bridge, and the bars, at the weſt end of the ſaid ſtreet, ſhall be paved on both ſides with paving ſtone, at the charges of the tenant in fee-ſimple, fee-tail, or for life, of the lands thereunto adjoining, their heirs and ſucceſſors, and they ſhall from time to time maintain the ſame paved; and if the leſſees do it, they may defaulk ſo much of their rent; and the mayor and aldermen of *London* may enquire every quarter of a year by the oaths of twelve men of the offenders. The like order ſhall be obſerved for the paving of the ſtreets in *Southwark*; and he that doth not from time to time maintain the pavements ſufficiently againſt his own ground, ſhall forfeit to the King, for every yard ſquare not repaired, ſix-pence.

CAP. IX.

A bill concerning pewterers.

How pewterers ſhall uſe their trade.

IN *their moſt lamentable wiſe ſhewen, and piteouſly complaining unto the King's moſt royal majeſty, and to this his moſt high court of parliament, the King's moſt humble, poor and obedient ſubjects, the maſter, wardens and poor fellowſhip of the craft and myſtery of the pewterers, as well of the city of* London, *as of all other places within this realm of* England, *that where the ſaid craft or myſtery before this time hath been one of the beſt handicrafts within this realm, which hath only grown and continued by mean of divers good acts and ſtatutes made for the true exerciſe of the ſame, where-*

19 H. 7. c. 6. 4 H. 8. c. 7.

of one was made in the nineteenth year of the reign of the King's moſt renowned father, (whoſe ſoul God pardon) and one other was made in the fourth year of the King's moſt victorious reign, concerning the crafts of pewterers and braſiers, of and for the true making, mixing and ſelling of good and true pewter and braſen veſſels, and alſo for uſing and exerciſing of true weights and beams, to be occupied by the ſellers of any ſuch pewter or braſen veſſels within this realm, ſo that none of the King's ſubjects, nor any other perſon, ſhould by any ſale of any falſe mixed braſen and pewter veſſel, or any untrue weights,

The cauſe why the trade of pewterers did increaſe, and now doth decay in this realm.

be deceived, as by the ſaid eſtatutes more plainly doth appear; (2) *which good ſtatutes, duly put in execution, hath cauſed the ſaid craft to increaſe and multiply, to the great profit and utility of a great number of the King's ſubjects, and the commodity of pewter veſſel much to be had in reputation in all ſtrange regions and countries, until now of late divers evil diſpoſed perſons, being the King's ſubjects born, which have been apprentices, and brought up in the exerciſe of the ſaid craft of pewterers, have now of late, for their ſingular lucre, repaired into ſtrange regions and countries, and there do exerciſe the ſaid craft*

of

of pewterers, teaching ſtrangers not only the cunning of mixing and forging of all manner of pewter veſſel, but alſo do teach all things belonging to the ſaid craft of pewterers, by mean whereof there is not only brought daily into this realm, out of ſtrange regions, to be ſold, great number of things made of pewter, untruly mixed and made of tin, wherewith the King's ſubjects be daily deceived, and the people of ſtrange countries greatly inſtructed in the cunning of the ſaid craft of pewterers, ſo that thereby not only a great number and quantity of pewter veſſel, and other things of pewter, made in divers ſorts and faſhions, amounting to a great value, which was daily and continually wont to be carried and conveyed out of this realm by merchants into ſtrange regions and countries, there to be ſold and vended, whereby the commodity of tin made into pewter veſſel, which hath been had in great eſtimation, as things very neceſſary and commodious, and the King's cuſtoms thereby much advanced, is now like utterly to ceaſe and decay, and not to be eſteemed as heretofore hath been, but alſo the ſaid craft of pewterers, which at this day ſetteth and keepeth in work and occupation a great number of people, ſhall be utterly undone, and a great multitude of the King's natural ſubjects thereby fall into idleneſs, to the great impoveriſhment of this realm, if ſpeedy remedy for the redreſs of the premiſſes be not provided; (3) in tender conſideration whereof, and for reformation of the premiſſes, it may pleaſe the King's highneſs, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, to ordain and enact, That no perſon or perſons hereafter, at any time now inhabiting, or which hereafter ſhall inhabit within this realm, ſhall buy, or otherwiſe take by exchange for other wares, any manner wares made, or hereafter to be made out of this realm, of tin, or mixt with tin, as platters, diſhes, ſaucers, pots, baſons, ewers, flaggons, goblets, ſalts, ſaltcellars, ſpoons, or any other thing made of tin or pewter as aforeſaid, whatſoever it be, upon pain of forfeiture of the ſame ware, in whoſe hands ſoever it may be found or taken, and alſo lawful money current in this realm to the full value thereof; the one half of the ſame forfeiture to be to the uſe of the King's highneſs, the other half to be to the uſe of the finders of the ſame.

No perſon ſhall buy any wares made of tin out of the realm.

II. And furthermore be it enacted, That it ſhall be lawful to the maſter and wardens of the ſaid craft of pewterers, as well within the city of *London*, as within every other city, borough and town of this realm, where ſuch wardens be, and where no ſuch wardens be to the head officer or governor, head officers or governors of the ſame city, borough or town for the time being, to appoint divers perſons moſt expert in knowledge of the ſame, to make ſearch and ſeiſure, and to take into their hands and poſſeſſions all ſuch wares as hereafter ſhall be brought contrary to the true intent and effect of this preſent act, in whoſe ſoever hands or poſſeſſion any ſuch ſhall be found.

Officers may ſearch and ſeize wares brought into this realm contrary to this ſtatute.

III. And alſo be it enacted by the authority aboveſaid, That no perſon or perſons occupying the ſaid craft or occupation of pewterers within this realm, ſhall ſet on work, or retain in his

No pewterer ſhall take a ſtranger born

or

to be an apprentice or journeyman. Rep. 5. El. c. 4.

or their ſervice, any perſon or perſons to be his or their apprentice or journeyman, being ſtranger born out of this realm, upon pain to forfeit for every ſuch apprentice and journeyman, x. li. ſterling; (2) and that no ſtranger born out of this realm ſhall occupy, exerciſe or uſe, from the feaſt of *Penteco*ſt next coming, the ſaid craft of pewterers, ne work any manner of veſſel, or other ware aforeſaid, to be made of tin or pewter, within any place or places of this realm, upon pain of forfeiture of ten pound ſterling, and alſo upon pain of forfeiture of the ſame pewter or tin ſo wrought, in whoſe hands ſoever it may be found or taken.

No ſtranger born ſhall work any pewter or tin.

No pewterer ſhall teach his trade in a foreign country.

IV. And alſo be it enacted by authority aforeſaid, That no perſon or perſons being born within this realm, occupying or exerciſing the ſaid craft of pewterers, ſhall at any time hereafter reſort into any ſtrange regions or countries, there to uſe, teach or exerciſe the ſaid craft of pewterers, upon pain to loſe the privilege and benefit of an *Engliſhman*.

V. And if in caſe any of the King's ſubjects at this preſent time being dwelling in any ſtrange country or region, and there occupying the ſame craft of pewterers, do not repair into this realm within three months next after requeſt and warning to him to be given, by writing ſealed with the common ſeal of the wardens of the ſaid craft within the ſaid city of *London*, and here in this realm continually from henceforth dwell and inhabit, that then and from thenceforth he ſhall be reputed and taken as no *Engliſhman*, but ſhall ſtand, and be from thenceforth out of the King's protection.

Licences and placards made to hawkers for pewter ſhall be void.

VI. *And foraſmuch as ſundry evil-diſpoſed perſons, which commonly been called hawkers, by authority of the King's letters patents or placard, do not only go about from place to place within this realm, uſing buying and ſelling of braſs and pewter, and by colour and pretence of the ſame licences or placards, uſe unlawful and deceivable weights and beams, but alſo do uſe to ſell both braſs and pewter which is not good, nor truly nor lawfully mixt nor wrought, to the great deceit of the King's true liege people, contrary to the form and effect of the ſaid good act and ſtatute made in the ſaid fourth year of the King's moſt noble reign:* (2) be it therefore enacted by authority of this preſent parliament, That all ſuch licences and placards heretofore had, made or granted, to any ſuch perſon or perſons, contrary to the true meaning, form and effect of this ſtatute, ſhall be from henceforth, by authority of this preſent parliament, clearly void and of none effect. (3) *And whereas in the ſaid act of parliament, concerning the craft of pewterers and braſiers, made in the ſaid fourth year, for divers cauſes and conſiderations in the ſame act contained, amongſt other things it is expreſſed, That no other perſon or perſons uſing the ſaid craft of pewterers or braſiers, ſhould from thenceforth ſell or change any pewter or braſs, new or old, at any place or places within this realm, but only in open fairs or markets, or in their own dwelling-houſes, but if they were deſired by the buyers of ſuch wares, upon pain of forfeiture for every ſuch default* x. li.. (4) *Foraſmuch as the ſame forfeiture is to the only*

Pewter ſhall be ſold in fairs and markets, and in the owners houſes, and not elſewhere.

uſe

uſe of the King's highneſs, and that any party ſearching or finding the ſame, is not intituled to have any benefit thereby, it hath not been known that any perſon or perſons have taken any pain to ſearch, or make any enquiry thereof, by reaſon whereof divers and many evil-diſpoſed perſons, uſing buying and ſelling both of braſs and of pewter, and not regarding the ſaid good act, neither the ſaid penalty, daily go about from village to village, town to town, and from houſe to houſe, to ſell ſuch pewter and braſs which is not good, and alſo uſe deceivable weights and beams, as they did before the making of the ſaid act, to the great hurt and deceit of the King's true liege people and ſubjects: (5) wherefore be it enacted by the authority aforeſaid, That as well the moiety of the ſaid forfeiture of x. li. limited in the ſaid ſtatute made in the ſaid fourth year, as alſo the moiety of all other forfeitures before expreſſed, and every of them, be and ſhall be to the uſe of the King's highneſs, his heirs and ſucceſſors, and the other moiety of the ſame forfeitures, and every of them, to the uſe of him or them that ſhall ſeize, find or preſent the ſaid forfeitures, or any of them, or that ſhall ſue for the ſame in any competent court or courts within this realm, by action of debt, bill, plaint or information, wherein the defendant ſhall in no wiſe be admitted to wage his law, nor any protection or eſſoin to any perſon or perſons, which ſhall be impeached to have offended contrary to the form and effect of this eſtatute, ſhall be allowable. (6) This act to endure to the laſt day of the next parliament.

Who ſhall have the forfeitures, and by what means they ſhall be recovered.

Continued by 37 H. 8. c. 23.

Made perpetual 33 H. 8. c. 4.

CAP. X.

An act concerning the acceptance of the oath to the act of ſewers.

BE it enacted by authority of this preſent parliament, That the act late made for ſewers, and the commiſſion therein recited, ſhall be extended, uſed, and put in execution in the town and marches of *Calais*, according to the tenor of the ſame commiſſion, in like effect as it is enacted to be put in execution within this realm; (2) and that no perſon ſhall be compelled to be ſworn, or otherwiſe bound to ſit or travel in execution of any commiſſion of ſewers within this realm, unleſs that he be dwelling within the county whereof he is, or ſhall be aſſigned to be commiſſioner; and for *Calais*, and the ſaid marches thereof, unleſs that he be dwelling within the ſame town of *Calais*, or marches.

Every commiſsioner of ſewers to dwell in the ſame county.

II. *And becauſe that divers perſons heretofore aſſigned to be commiſſioners, have refuſed to be ſworn according to the ſaid former act, whereby divers commiſſions heretofore made remain hitherto without effectual execution:* (2) be it therefore enacted, That if any perſon aſſigned or to be aſſigned to be ſuch commiſſioner of ſewers, being required hereafter by ſuch perſon or perſons as have or ſhall have authority, by the King's writ or otherwiſe, to receive or accept the oath compriſed in the ſaid former act, every perſon that ſo refuſeth to take the ſame oath, or upon that requeſt made doth not receive the ſame oath, and that refuſal or con-

The forfeiture of a commiſſioner of ſewers refuſing to take the oath aſſigned by the ſtatute of 23 H. 8. c. 5.

contempt done in the chancery, or returned into the chancery with the ſaid writ, ſhall loſe and forfeit for the ſame contempt to the King our ſovereign lord, five marks, (3) and ſo to loſe, from time to time, five marks for every ſuch contempt as ſhall be done or returned into the ſaid chancery againſt any ſuch perſons, unleſs that he in the ſame chancery do ſhew and allege in the ſaid term, wherein ſuch return ſhall be made againſt him, ſufficient and reaſonable matter and cauſe to be allowed by the lord chancellor for his excuſe and diſcharge in that behalf.

CAP. XI.

To avoid deſtroying of wild-fowl.

The cauſe of the decay of wild-fowl.

WHERE *before this time there hath been within this realm great plenty of wild-fowl, as ducks, mallards, wigeons, teals, wild-geeſe, and divers other kinds of wild-fowl, whereby not only the King's moſt honourable houſhold, but alſo the houſes of the noblemen and prelates of this realm, have been furniſhed for the neceſſary expences of the ſame houſes, at convenient prices, but alſo all markets of the ſame realm were ſufficiently furniſhed with wild-fowl, there to be ſold, in ſuch wiſe that ſuch as were meet to make proviſion of the ſame for their houſes, might at reaſonable prices, at the ſame markets, be thereof provided*; (2) *nevertheleſs, divers perſons next inhabiting in the countries and places within this realm, where the ſubſtance of the ſame wild-fowl hath been accuſtomed to breed, have in the ſummer ſeaſon, at ſuch time as the ſaid old fowl be moulted, and not repleniſhed with feathers to fly, nor the young fowl fully feathered perfectly to fly, have by certain nets and other engines and policies, yearly taken great number of the ſame fowl, in ſuch wiſe that the brood of wild-fowl is almoſt thereby waſted and conſumed, and daily is like more and more to waſte and conſume, if remedy be not therefore provided.*

Wild-fowl ſhall not be taken between the laſt day of May and the laſt day of Auguſt. Rep. 3 & 4 Ed. 6. c. 7. and revived by 21 Jac. 1. c. 28. and farther continued by 3 Car. 1. c. 4. & 16 Car. 1. c. 4.

II. Be it therefore enacted by the king our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That it ſhall not be lawful to any perſon or perſons hereafter, between the laſt day of *May* and the laſt day of *Auguſt*, to take, or cauſe to be taken, any ſuch wild-fowl with nets or any other engines, (2) upon pain of one year's impriſonment, and to forfeit for every fowl ſo taken iv. d. the one half thereof to be to the King our ſovereign lord, and the other half to him that will ſue for the ſame by action of debt in any of the King's courts, and in the which action none eſſoin nor protection ſhall be allowed, nor wager of law received.

Juſtices may enquire of, hear and determine theſe offences.

III. And be it enacted by authority aforeſaid, That all juſtices of peace, within the limits of their commiſſion, ſhall have power and authority to enquire, hear and determine the offences aforeſaid, like as they commonly uſe and do in caſes of treſpaſs.

Freeholders of 40s per. ann.

IV. Provided always, That it ſhall be lawful to any gentleman, or any other that may diſpend forty ſhillings by the year of freehold, to hunt and take ſuch wild-fowl with their ſpaniels only,

only, without uſing any net or other engine for the ſame, except it be a long-bow or long-bows. may kill wild-fowl with ſpaniels only.

V. Provided alſo, and be it enacted by the ſame authority, That from the firſt day of *March*, which ſhall be in the year of our Lord God 1534. unto the laſt day of *June* then next enſuing, and ſo yearly from thenceforth, no manner of perſon or perſons ſhall preſume, by day or by night, willingly to withdraw, purloin, take, deſtroy, or convey any manner of eggs of any kind of wild-fowl, from or in any neſt, place or places where they ſhall chance to be laid by any kind of the ſame wild-fowl, (2) upon pain of impriſonment for one year, and to loſe and forfeit for every egg of any crane or buſtard, ſo deſtroyed, purloined, withdrawn, conveyed, or taken from any neſt or place, xx. d. and for every egg of every bittour, heron or ſhovelard, viii. d. and for every egg of every mallard, teal, or other wild-fowl, one peny; (3) the one moiety thereof to be to the King our ſovereign lord, and the other half to him that will ſue for the ſaime in form aforeſaid, wherein no wager of law, eſſoin or protection ſhall be allowed; (4) and that all juſtices of peace, within the limits of their commiſſion, ſhall have full power and authority to enquire, hear and determine the ſame in form before rehearſed. No perſon ſhall deſtroy or take away the eggs of a wild-fowl. 10 Geo. 2. c. 32. ſ. 10.

VI. Provided always, That this act extend not, nor be hurtful at any time hereafter, to any perſon or perſons that will deſtroy any crows, choughs, ravens and buſſards, or their eggs, or to any other fowl or their eggs not comeſtible, nor uſed to be eaten. Crows, rooks, choughs, &c. excepted.

CAP. XII.

Elizabeth Barton of *Kent*, and others attainted of high treaſon, for that under colour of hypocriſy, revelations, and falſe miracles practiſed by the ſaid *Elizabeth*, they conſpired to impugn and ſlander the divorce between the King and Queen *Katherine*, his firſt wife, the laſt marriage between him and Queen *Anne*, his ſecond wife, to deſtroy the King, and to deprive him of his crown. EXP.

CAP. XIII.

Concerning the number of ſheep one ſhould keep.

FORASMUCH *as divers and ſundry perſons of the King's ſubjects of this realm, to whom God of his goodneſs hath diſpoſed great plenty and abundance of moveable ſubſtance, now of late within few years have daily ſtudied, practiſed, and invented ways and means how they might accumulate and gather together into few hands, as well great multitude of farms as great plenty of cattle, and in eſpecial ſheep, putting ſuch lands as they can get to paſture, and not to tillage,* (2) *whereby they have not only pulled down churches and towns, and inhanced the old rates of the rents of the poſſeſſions of this realm, or elſe brought it to ſuch exceſſive fines that no poor man is able to meddle with it, but alſo have raiſed and enhanced the prices of all manner of corn, cattle, wool, pigs, geeſe, hens, chickens, eggs, and ſuch other, almoſt double above the prices which have been ac-* What number of ſheep men may keep.

cuſtomed; (3) *by reaſon whereof a marvellous multitude and number of the people of this realm be not able to provide meat, drink and clothes neceſſary for themſelves, their wives and children, but be ſo diſcouraged with miſery and poverty, that they fall daily to theft, robbery and other inconveniences, or pitifully die for hunger and cold*; (4) *and as it is thought by the King's moſt humble and loving ſubjects, that one of the greateſt occaſions that moveth and provoketh thoſe greedy and covetous people ſo to accumulate and keep in their hands ſuch great portions and parts of the grounds and lands of this realm from the occupying of the poor huſbandmen, and ſo to uſe it in paſture, and not in tillage, is only the great profit that cometh of ſheep, which now be come to a few perſons hands of this realm, in reſpect of the whole number of the King's ſubjects, that ſome have four and twenty thouſand, ſome twenty thouſand, ſome ten thouſand, ſome ſix thouſand, ſome five thouſand, and ſome more, and ſome leſs*;

The ſeveral enormities that do enſue by the greedy deſire of having many ſheep.

(5) *by the which a good ſheep for victual, that was accuſtomed to be ſold for two ſhillings four-pence, or three ſhillings at the moſt, is now ſold for ſix ſhillings, or five ſhillings, or four ſhillings at the leaſt*; (6) *and a ſtone of clothing wool, that in ſome ſhires of this realm was accuſtomed to be ſold for eighteen-pence or twenty-pence, is now ſold for four ſhillings, or three ſhillings four-pence at the leaſt*; *and in ſome countries where it hath been ſold for two ſhillings four-pence, or two ſhillings eight-pence, or three ſhillings at the moſt, it is now ſold for five ſhillings, or four ſhillings eight-pence the leaſt, and ſo are raiſed in every part of this realm*; (7) *which things, thus uſed, be principally to the high diſpleaſure of Almighty God, to the decay of the hoſpitality of this realm, to the diminiſhing of the King's people, and to the let of the cloth-making, whereby many poor people have been accuſtomed to be ſet on work*; *and in concluſion, if remedy be not found, it may turn to the utter deſtruction and deſolation of this realm, which God defend*; (8) it may therefore pleaſe the King's highneſs, of his moſt gracious and godly diſpoſition, and the lords ſpiritual and temporal, of their goodneſs and charity, with the aſſent of the commons, in this preſent parliament aſſembled, to ordain and enact by the authority of the ſame, That no perſon or perſons from the feaſt of Saint *Michael* the archangel, which ſhall be in the year of our Lord God 1535. ſhall keep, occupy or have in his poſſeſſion, in his own proper lands, nor in the poſſeſſion, lands nor grounds of any other which he ſhall have or occupy in farm, nor otherwiſe have of his own proper cattle, in uſe, poſſeſſion or property, by any manner of means, fraud, craft or covin, above the number of two thouſand ſheep at one time, within any part of this realm, of all ſorts and kinds, (9) upon pain to loſe and forfeit for every ſheep that any perſon or perſons ſhall have or keep above the number limited by this act, iii. s. iv. d. the one half to the King our ſovereign lord, and the other half to ſuch perſon as will ſue for the ſame, by original writ of debt, bill, plaint or information in any court of record, in which ſuit the defendant ſhall not wage his law, nor have any eſſoin or protection allowed.

No man ſhall have above 2000 ſheep.

II. Pro-

II. Provided alway, That lambs ſhall not be accounted of the number of the ſheep prohibited by this act, ſo long as they be under the age of a year, and not above. Lambs under one year old ſhall not be counted ſheep.

III. Provided alſo, That if any perſon having ſheep of his own, happen to be made executor, or to be adminiſtrator to any perſon which had ſheep at his death, or happen to be married to any perſon which ſhall happen to have ſheep at the time of the marriage, by reaſon whereof the perſon ſo being executor or adminiſtrator, or being ſo married, ſhall happen by ſuch means to be advanced, and have above the ſaid number of two thouſand ſheep; that then in every ſuch caſe the perſon ſo advanced to loſe no penalty for having above the number of two thouſand ſheep by ſuch means, ſo that within one year next after ſuch advancement, the perſon ſo advanced, from time to time, as often as any ſuch caſe ſhall happen, do put to ſale, or otherwiſe diſpoſe ſo many of the ſaid ſheep ſo to him advanced, or elſe of his own ſheep that he had before, ſo that above one year he ſhall not keep, have or occupy by any ſuch means, or otherwiſe by any fraud or covin, any more number of them than is before limited by this act, upon the pain before rehearſed. Sheep coming by executorſhip or marriage.

IV. Provided alſo, That if any perſon by his laſt will and teſtament give to any child within age any number of ſheep, and appoint them by his ſaid will to be kept by his executors, or by any other perſon, until ſuch time as the ſaid child ſhall come to a certain age limited by his will, that then in every ſuch caſe, after the death of the teſtator, the ſaid ſheep, ſo being in the poſſeſſion and occupation of the executors, or of any other perſon to the uſe of any ſuch child within age, for that time only that the ſaid child ſhall be within the age that he ſhall be limited to have the ſaid ſheep by the will of the teſtator, ſhall not be accounted againſt the ſaid executors, nor any perſon ſo having the ſaid ſheep, for the intent aforeſaid, any of the number of the ſheep prohibited by this act; any thing in this act to the contrary thereof notwithſtanding. Sheep bequeathed by will to a child within age.

V. And it is further enacted, That the juſtices of the peace of every ſhire ſhall have power and authority to enquire of the offenders of this act, as well by the oaths of twelve men, as by information of any of the King's ſubjects, and to make ſuch like proceſs upon every preſentment or information concerning this act, as they uſe commonly to do upon preſentments before them of treſpaſs; and that no perſon being convict by confeſſion or otherwiſe, that he hath done or attempted contrary to this act, ſhall be put to any leſs fine than after the rates of the forfeitures afore limited by this act. Juſtices of the peace ſhall enquire of the offenders of this act.

VI. Provided always, That no perſon ſhall be put to any anſwer or loſs of any forfeiture by virtue of this act, at the ſuit of any the King's ſubjects, by any original writ of debt, bill, plaint or information, except the ſuit be commenced within one year next after the offence done or committed contrary to this act: (2) nor that any perſon ſhall be put to anſwer, nor to any loſs of any forfeiture by virtue of this act, by reaſon of Within what time the ſuit ſhall be commenced againſt an offender.

any preſentment, action or information at the King's ſuit, except the ſame preſentment, action or information be had and made for the King within three years next after the offence done or committed.

Every perſon temporal may keep upon his inheritance, &c. as many ſheep as he will.

VII. Provided always, That all and every perſon and perſons, being the King's temporal ſubjects of this realm, and born under his obeiſance, which at this preſent time, or at any time hereafter ſhall have or be ſeiſed of inheritance, in poſſeſſion or in uſe, or that now hath, or hereafter ſhall have juncture in uſe or in poſſeſſion, or be or ſhall be tenant in dower, or by the curteſy of *England*, of or in any manors, lands, tenements, paſtures, feedings or liberty of foldage within any part of this realm of *England*, *Wales*, or the marches of the ſame, that every ſuch perſon and perſons, having any ſuch poſſeſſion to his own uſe, and every ſuch perſon and perſons, to whoſe uſe any other perſon or perſons now is or be, or hereafter ſhall be ſeiſed of any ſuch eſtate, as is before rehearſed, may at all times hereafter have, enjoy, keep and maintain upon the ſame their own demeſn lands, and all other their paſtures, feedings and fold-courſes, which they ſo have, as many their own ſheep and lambs in number to their own proper uſe, profit and behoof, as they or any of them of right had, or lawfully might have had and kept upon the ſame, or upon any part thereof, at any time before the making of this preſent act, this act, or any thing therein contained or ſpecified to the contrary in any wiſe notwithſtanding.

Two thouſand ſheep may be kept by any perſon upon demeſns and farms.

VIII. And over that be it enacted by the authority aforeſaid, That in caſe any ſuch perſon or perſons, having any ſuch eſtate in uſe or in poſſeſſion, of or in any manors, lands, tenements, paſtures, feedings, or liberties of fold-courſes, as is before expreſſed, have or do keep upon the ſame their poſſeſſions the number of two thouſand ſheep, or above, the ſame perſon or perſons ſo having the number of two thouſand ſheep, or above, ſhall not in any wiſe keep, ſuſtain, or have any ſheep above or beſide the ſaid number of two thouſand upon any lands, paſtures or feedings, which the ſame perſon or perſons have, or hereafter ſhall have, or take in ferm or otherwiſe, upon ſuch like pains and forfeitures for the ſame, as be limited in the ſaid act; that is to ſay, for every ſheep over and above the ſaid number of two thouſand, three ſhillings four-pence: (2) And in caſe the ſaid demeſn lands, tenements, paſtures, feedings and liberties of fold-courſes of any perſon or perſons before rehearſed, ſuffice not for the feeding, paſturing and keeping of two thouſand ſheep, as is aforeſaid, that then every ſuch perſon ſhall and may have, ſuſtain, or feed upon his ſaid demeſn lands, and upon his ferm-holds, which he lawfully may have, to the ſaid number of two thouſand ſheep, and not above, upon pain of forfeiture for every ſheep above that number, iij. s. iv. d.

Sheep for the maintenance of his houſe above two thouſand.

IX. Provided alway, and be it enacted, That it ſhall be lawful to every perſon or perſons within this realm, keeping a houſhold, to have from time to time ſuch convenient number of ſheep over and above the number expreſſed in this act, as ſhall

be

be neceſſary for the only expences of his houſhold, to be provided, kept and fed, in and upon his own lands, or other lands, ſuch as he can or lawfully may have or provide for, in ferm or otherwiſe; any thing in this preſent act contained to the contrary notwithſtanding; (2) ſo that the ſame houſholder at no one time ſhall have or keep, for the expences of his houſhold, or by colour of the ſame, over and above the number to him limited by this act, any number of ſheep more than ſhall ſuffice for the only expences of his houſhold for one year, without fraud or covin; any thing in this preſent act mentioned or expreſſed to the contrary notwithſtanding.

How fold-courſes in Norfolk ſhall be uſed, and quillets of land.

X. Be it alſo further enacted by the authority aforeſaid, That no manner of perſon or perſons, of what degree ſoever he or they be, being lord or lords, owner or owners, farmer or farmers, of or in any liberty of fold-courſes within any town, tything, village or hamlet within any of the counties of *Norfolk* and *Suffolk*, from and after the feaſt of the nativity of our Lord God next coming, ſhall take in farm for term of years, or otherwiſe, any quillets of lands or paſtures, that is to ſay, any number of acres of land or paſture appertaining to any other perſon or perſons, lying and being within the limit, extent or precinct of the ſaid liberty of the ſaid fold-courſes; (2) but that they ſhall permit and ſuffer the ſaid perſons, having or being, for the time, owner or owners, leſſee or leſſees of the ſaid quillets, to manure and paſture the ſaid quillets; (3) and alſo to ſuffer the ſheep of the ſaid owner or owners, farmer or farmers of the ſaid quillets, after the rate of the ſame quillets, to go with the flock of the owner, farmer or occupier of the ſaid liberty or liberties of the ſaid fold-courſes, paying the cuſtomary charges for the keeping and feeding of the ſame, after the rate and uſe of the country there commonly uſed, without any interruption therein to be made by the ſaid owner or owners, farmer or farmers, or occupiers of the ſaid liberties, (4) upon pain of forfeiture for every time that any ſuch perſon having any ſuch quillet, that ſhall be ſo letted or diſturbed of feeding, keeping or paſturing any of his ſheep, ſo to be fed and kept after the rate of his ſaid quillet, for every ſuch ſheep iii. s. iv. d.

To which ſort of quillets this ſtatute doth extend, and to which not.

XI. Provided alway, That this act, or branch concerning quillets, or any thing therein contained, ſhall not in any wiſe be available to any tenant, owner or occupier of any ſuch quillet or quillets, to claim, have, or uſe hereafter any ſuch paſture, or feeding of his ſheep, in or with any ſuch fold-courſes, but only where the tenants, owners and occupiers of any ſuch quillets have had, or might have had heretofore of right and duty, or uſed to have paſture and feeding in the ſaid fold-courſes, by reaſon of their tenures, and occupations of the ſame quillet and quillets, and none otherwiſe; (2) and where they have not uſed, ne ought to have any ſheep fed or kept within any ſuch fold-courſes, by reaſon of the ſaid tenures, That the owners or occupiers of ſuch fold-courſes may take ſuch quillets, lying within their fold-courſes, in farm, agreeing with the owners or occupiers of the ſaid quillets for the ſame.

Six ſcore of ſheep ſhall be accounted an hundred.

XII. *And foraſmuch as the number of the* C. *of ſheep in every country be not like, in ſome country the great* C. *where ſix ſcore is accounted for the* C. *and ſome country but only five ſcore*; it is eſt declared by this preſent act, that the number of two thouſand ſheep, limited to every perſon by this act, ſhall be accounted ten *C.* for every thouſand, after the number of the great hundred, and not after the leſs hundred, ſo that every thouſand ſhall contain twelve hundred after the leſs number of the hundred.

When lambs ſhall be taken for ſheep.

XIII. It is alſo further provided by the authority aforeſaid, That lambs under the age of one whole year, and as much as ſhall be from the time of the falling of them unto the feaſt of the *nativity* of St. *John Baptiſt*, in any year to come, ſhall not be adjudged, ne taken for ſheep prohibited in this ſtatute; any thing in this act to the contrary notwithſtanding.

No man ſhall take above two farms. 32 H. 8. c. 28.

XIV. It is alſo further enacted by authority aforeſaid, That no manner perſon after the ſaid feaſt of the *nativity* of our Lord, ſhall receive, or take in farm for term of life, years, or at will, by indenture, copy of court-roll, or otherwiſe, any more houſes and tenements of huſbandry, whereunto any lands are belonging, in town, village, hamlet, or tithing within this realm, above the number of two ſuch holds or tenements; (2) and that no manner perſon ſhall have or occupy any ſuch holds, ſo newly taken, to the number of two, as is before expreſſed, except he or they be dwelling within the ſame pariſhes where ſuch holds be, upon the pain of forfeiture for every week that he or they ſhall have, occupy, or take any profits of ſuch holds, contrary to this act, iii. s. iv. d. The one moiety of which forfeiture to be to the King our ſovereign lord, and the other moiety to the party that will ſue for the ſame in any of the King's courts, by bill, plaint, information, or otherwiſe, within one year next after ſuch contempt and offence committed and done, in the which none eſſoin, protection, ne wager of law ſhall be admitted or allowed.

4 H. 7. c. 19. 7 H. 8. c. 1.

XV. It is alſo further enacted by authority aforeſaid, That the ſtatutes made the fourth year of the noble prince, King *Henry* the Seventh, and in the ſeventh year of the reign of our ſovereign lord the King that now is, concerning the decay of towns, and maintenance of tillage and huſbandry, ſhall be good and effectual in every thing according to the true purport and intent of the ſame; any thing in this preſent act to the contrary notwithſtanding.

Spiritual perſons.

XVI. Provided alſo, That it may be lawful to all ſpiritual perſons, and every of them, to keep ſuch and as many ſheep upon their own lands, and after ſuch form and manner, and none otherwiſe, as they might have done afore the making of this act; any thing mentioned in the ſame to the contrary notwithſtanding.

CAP. XIV.

A repeal of the ſtatute of 2 *H.* 4. *c.* 15. and a confirmation of the ſtatutes of 5 *R.* 2. *St.* 2. *c.* 5. & 2 *H.* 5. *St.* 1. *c.* 7. touching

ing the puniſhment of hereticks. Sheriffs in their turns, and ſtewards in their leets, rapes and wapentakes, ſhall have authority to enquire of hereticks; and every ſuch preſentment made in any turn, leet, &c. concerning hereticks, ſhall be certified to the ordinary. Every perſon preſented or indicted of any hereſy, or duly accuſed by two lawful witneſſes, may be cited, arreſted, or taken by an ordinary, or other of the King's ſubjects, and committed to the ordinary, to anſwer in open court, and being convict, ſhall abjure his hereſies, and refuſing ſo to do, or falling into relapſe, ſhall be burned in an open place for example of others.

12 Co. 57.

Rep. 2 Ed. 6. c. 12.

CAP. XV.

An act for printers, and binders of books.

Touching the importation and binding of books.

WHEREAS *by the proviſion of a ſtatute made in the firſt year of the reign of King* Richard *the Third, it was provided in the ſame act, That all ſtrangers repairing into this realm, might lawfully bring into the ſaid realm printed and written books, to ſell at their liberty and pleaſure;* (2) *by force of which proviſion there hath come to this realm ſithen the making of the ſame, a marvellous number of printed books, and daily doth; and the cauſe of the making of the ſame proviſion ſeemeth to be, for that there were but few books, and few printers within this realm at that time, which could well exerciſe and occupy the ſaid ſcience and craft of printing; nevertheleſs, ſithen the making of the ſaid proviſion, many of this realm, being the King's natural ſubjects, have given them ſo diligently to learn and exerciſe the ſaid craft of printing, that at this day there be within this realm a great number cunning and expert in the ſaid ſcience or craft of printing, as able to exerciſe the ſaid craft in all points, as any ſtranger in any other realm or country:* (3) *and furthermore, where there be a great number of the King's ſubjects within this realm, which live by the craft and myſtery of binding of books, and that there be a great multitude well expert in the ſame, yet all this notwithſtanding, there are divers perſons that bring from beyond the ſea great plenty of printed books, not only in the* Latin *tongue, but alſo in our maternal* Engliſh *tongue, ſome bound in boards, ſome in leather, and ſome in parchment, and them ſell by retail, whereby many of the King's ſubjects, being binders of books, and having no other faculty wherewith to get their living, be deſtitute of work, and like to be undone, except ſome reformation herein be had:* be it therefore enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, That the ſaid proviſo, made the firſt year of the ſaid King *Richard* the Third, from the feaſt of the *Nativity* of our Lord God next coming, ſhall be void and of none effect.

1 R. 3. c. 9.

A repeal of the ſtatute of 1 R. 3. c. 9. touching bringing into this realm and binding of books.

II. And further be it enacted by the authority aforeſaid, That no perſon or perſons, reſiant or inhabitant within this realm, after the ſaid feaſt of *Chriſtmas* next coming, ſhall buy to ſell again, any printed books, brought from any parts out of the King's obeyſance, ready bound in boards, leather or parchment, upon pain to loſe and forfeit for every book bound out of the

Bound books brought from beyond ſea prohibited to be ſold again.

ſaid King's obeyſance, and brought into this realm, and bought by any perſon or perſons within the ſame to ſell again contrary to this act, vi. s. viij. d.

No man ſhall buy books by retail brought from beyond ſea by any ſtranger.

III. And be it further enacted by the authority aforeſaid, That no perſon or perſons inhabitant or reſiant within this realm, after the ſaid feaſt of *Chriſtmas*, ſhall buy within this realm, of any ſtranger born out of the King's obedience, other than of denizens, any manner of printed books brought from any the parties beyond the ſea, except only by engroſs, and not by retail, upon pain of forfeiture of vi. s. viij. d. for every book ſo bought by retail, contrary to the form and effect of this eſtatute; (2) the ſaid forfeitures to be always levied of the buyers of any ſuch books contrary to this act; the one half of all the ſaid forfeitures to be to the uſe of our ſovereign lord the King; and the other moiety to be to the party that will ſeiſe or ſue for the ſame in any of the King's courts, be it by bill, plaint or information, wherein the defendant ſhall not be admitted to wage his law, nor no protection ne eſſoin ſhall be unto him allowed.

The prices of books exceſſively increaſed, ſhall be qualified by the King's great officers.

IV. Provided alway, and be it enacted by the authority aforeſaid, That if any of the ſaid printers or ſellers of printed books, inhabited within this realm, at any time hereafter happen in ſuch wiſe to inhance or increaſe the prices of any ſuch printed books, in ſale or binding, at too high and unreaſonable prices, in ſuch wiſe as complaint be made thereof unto the King's highneſs, or unto the lord chancellor, lord treaſurer, or any of the chief juſtices of the one bench or of the other; that then the ſame lord chancellor, lord treaſurer, and two chief juſtices, or two of any of them, ſhall have power and authority to enquire thereof, as well by the oaths of twelve honeſt and diſcreet perſons, as otherwiſe by due examination by their diſcretions. (2) And after the ſame inhancing and increaſing of the ſaid prices of the ſaid books and binding ſhall be ſo found by the ſaid twelve men, or otherwiſe by examination of the ſaid lord chancellor, lord treaſurer and juſtices, or two of them; that then the ſame lord chancellor, lord treaſurer and juſtices, or two of them at the leaſt, from time to time ſhall have power and authority to reform and redreſs ſuch inhancing of the prices of printed books from time to time by their diſcretions, and to limit prices as well of the books as for the binding of them; (3) and over that, the offender or offenders thereof being convict by the examination of the ſame lord chancellor, lord treaſurer and two juſtices, or two of them, or otherwiſe, ſhall loſe and forfeit for every book by them ſold, whereof the price ſhall be inhanced for the book or binding thereof, three ſhillings four pence; the one half thereof ſhall be to the King's highneſs, and the other half to the parties grieved that will complain upon the ſame in manner and form before rehearſed.

CAP.

CAP. XVI.

An act that every judge of the high courts may have one chaplain beneficed with cure.

21 H. 8. c. 13.

WHERE *in the parliament holden at* Weſtminſter *in the year of the reign of our ſovereign lord King* Henry *the Eighth, it was among other things ordained and provided, That certain honourable perſons, as well ſpiritual as temporal ſhall have chaplains beneficed with cure, to ſerve them in their honourable houſes, which chaplains ſhall not incur the danger of any penalty or forfeiture made or declared in the ſame parliament for nonreſidence upon their ſaid benefices, or for obtaining licences for diſpenſations of pluralities:* (2) *in the which act no proviſion was made for any of the King's judges of his high courts, commonly called the King's bench and the common pleas, except only for the chief judge of the King's bench, nor for the chancellor nor the chief baron of the King's exchequer, nor for any other inferior perſons being of the King's moſt honourable council, as by the ſaid act may appear.*

What perſons may have a chaplain beneficed with cure.

II. Wherefore it is ordained and enacted by authority of this preſent parliament, That as well every judge of the ſaid high courts, and every of the chancellor and chief baron of the ſaid exchequer, the King's general attorney and general ſolicitor, which for the time is, be, or ſhall be, ſhall and may from henceforth at his liberty retain and have ſingularly to every of them in his houſe, or attendant to his perſon, one chaplain having one benefice with cure of ſouls, which may be abſent from his ſaid benefice, and not reſident upon the ſame; the ſaid ſtatute made in the ſaid one and twentieth year, or any other ſtatute, act or ordinance made to the contrary in any wiſe notwithſtanding.

Every of the judges of the King's bench and common pleas, &c. may have one chaplain having one benefice with cure of ſouls.

CAP. XVII.

19 H. 7. c. 4.
3 H. 8. c. 13.
6 H. 8. c. 13.
14 H. 8. c. 7.
Rep. 33 H. 8. c. 6.

Whoſoever ſhall ſhoot in any hand-gun or croſs-bow, or keep any in his houſe, except he has lands, annuities or offices, to the yearly value of an hundred pounds, ſhall forfeit ten pounds for every offence; (2) and a juſtice of the peace may commit the offender to the gaol until he hath paid the ſame forfeiture. (3) All former placards made to ſhoot in either of them ſhall be void.

CAP. XVIII.

An act for clothiers in Worceſterſhire.

SHEWETH *unto the King our ſovereign lord, and to the lords ſpiritual and temporal, and to the commons, in this preſent parliament aſſembled, the citizens, burgeſſes and inhabitants of the city of* Worceſter, *and of the towns of* Eveſham, Droitwich, Kederminſter, *and* Bromiſgrove, *within the county of* Worceſter, *That where the ſaid city, boroughs and towns have been in times paſt well and ſubſtantially inhabited, occupied, maintained and upholden by reaſon of making of woolen cloths, called Long Cloths, Short Cloths and other cloths, as well whites, blues and brown-blues, and the poor people of the ſame city, boroughs and towns, and of the country adjoining to them,*

them, daily ſet a work, as in ſpinning, carding, breaking and ſorting of wools, and the handicrafts there inhabiting, as weavers, fullers, ſhearmen and dyers, have been well ſet a work, and had ſufficient living by the ſame, until now within few years paſſed, that divers perſons inhabiting and dwelling in the hamlets, thorps and villages adjoining to the ſaid city, boroughs and towns within the ſaid ſhire, for their private wealths, ſingular advantages and commodities, nothing regarding the maintenance and upholding of the ſaid city, boroughs and towns, ne the common wealth of the ſaid handicrafts inhabiting and dwelling within the ſaid city, boroughs and towns, ne the poor people which had living by the ſame, have not only ingroſſed and taken into their hands divers and ſundry farms, and become farmers, graſiers and huſbandmen, but alſo do exerciſe, uſe and occupy the myſteries of cloth-making, weaving, fulling and ſhearing within their ſaid houſes, and do make all manner of cloths, as well broad cloths, whites and plain cloths within their ſaid houſes in the countries abroad, to the great decay, depopulation and ruin of the ſaid city, towns and boroughs:

What towns only in Worceſterſhire ſhall make cloths.

II. For remedy whereof, and for the amendment and good advancement of the ſaid city, boroughs and towns, be it enacted by authority of this preſent parliament, That after the laſt day of *September*, which ſhall be in the year of our Lord God 1536. no manner of perſon ne perſons, of what degree or condition ſoever he or they be of, ſhall make or cauſe to be made within the ſaid ſhire of *Worceſter*, any manner of woolen cloths to be ſold, except only ſuch perſon or perſons as after the ſaid laſt day of *September* ſhall be dwelling and inhabiting within the ſaid city of *Worceſter*, the boroughs and towns of *Eveſham*, *Droitwich*, *Kederminſter* and *Bromiſgrove* within the ſaid county of *Worceſter*, or in any one of them, upon pain of forfeiture for every ſuch broad cloth made after the ſaid day by any perſon or perſons contrary to the true meaning of this act, xl. s.

The rents of the houſes in thoſe towns ſhall not be raiſed. Rep. 21 Jac. 1. c. 28.

III. And further it is provided by the authority aforeſaid, That the lords and owners of the meaſes, tenements or cottages within the ſaid city, or any of the towns and boroughs aforeſaid, ſhall at no time hereafter dimit, ſet or let any meaſe, tenement or cottage ſufficiently repaired within the ſaid city, boroughs, or towns before limited, to any perſon or perſons, that hereafter ſhall inhabit in the ſaid city, boroughs or towns, and exerciſing any of the ſaid myſteries or crafts, at any higher rent, impoſition or charge than was given for the ſame at any time within twenty years next before the making of this act only except.

Proviſo for cloths not for ſale.

IV. Provided alway, That this act be not hurtful ne prejudicial to any perſon or perſons for making any cloths for their own wearing, their children or ſervants wearing.

Cloth ſhall be ſearched and ſealed in the foreſaid towns, 27 H. 8. c. 12. Rep. 5 & 6 Ed. 6. c. 6. ſ. 50.

V. Alſo provided, That in the ſaid city, and every town and borough aforeſaid, there ſhall be due ſearch made of every ſuch cloth beforeſaid there made, and that they be meted both length and breadth, being wet from the mill, and before they be ſet upon the wrack and dried; (2) and that they ſhall be ſealed with the ſeal of the ſearcher of the ſame city, town or borough, which ſeal ſhall have a ſtamp containing the true numbers for the

the length and breadth of the ſame cloth being wet, on pain of forfeiting for every cloth put to ſale, not having the ſaid ſeal of the ſearcher, xx. s. (3) and the ſealer to forfeit for every cloth by him ſearched and ſealed contrary to the true meaning of this act, vi. s. viii. d. the one half of the ſaid forfeits to be to the King our ſovereign lord, and the other half to the party that will ſue for the ſame in any of the King's courts, by writ of debt, bill, plaint or information, in which actions or action the defendants or defendant ſhall not wage their law, ne any eſſoin or protection ſhall be allowed: (4) and the ſearcher ſhall have for the ſearching and ſealing of every cloth a peny, and not above.

CAP. XIX.

The ſubmiſſion of the clergy, and reſtraint of appeals.

WHERE *the King's humble and obedient ſubjects, the clergy of this realm of* England, *have not only knowledged according to the truth, that the convocations of the ſame clergy, is, always hath been, and ought to be aſſembled only by the King's writ, but alſo ſubmitting themſelves to the King's majeſty, have promiſed* in Verbo Sacerdotii, *that they will never from henceforth preſume to attempt, allege, claim or put in ure, or enact, promulge or execute any new canons, conſtitutions, ordinance provincial, or other, or by whatſoever other name they ſhall be called, in the convocation, unleſs the King's moſt royal aſſent and licence may to them be had, to make, promulge and execute the ſame; and that his Majeſty do give his moſt royal aſſent and authority in that behalf:* (2) *and where divers conſtitutions, ordinances and canons provincial or ſynodal, which heretofore have been enacted, and be thought not only to be much prejudicial to the King's prerogative royal, and repugnant to the laws and ſtatutes of this realm, but alſo overmuch onerous to his Highneſs and his ſubjects; the ſaid clergy hath moſt humbly beſought the King's highneſs, that the ſaid conſtitutions and canons may be committed to the examination and judgment of his Highneſs, and of two and thirty perſons of the King's ſubjects, whereof ſixteen to be of the upper and nether houſe of the parliament of the temporalty, and the other ſixteen to be of the clergy of this realm; and all the ſaid two and thirty perſons to be choſen and appointed by the King's majeſty;* (3) *and that ſuch of the ſaid conſtitutions and canons, as ſhall be thought and determined by the ſaid two and thirty perſons, or the more part of them, worthy to be abrogated and adnulled, ſhall be abolite and made of no value accordingly;* (4) *and ſuch other of the ſame conſtitutions and canons, as by the ſaid two and thirty, or the more part of them, ſhall be approved to ſtand with the laws of God, and conſonant to the laws of this realm, ſhall ſtand in their full ſtrength and power, the King's moſt royal aſſent firſt had and obtained to the ſame;* (5) be it therefore now enacted by authority of this preſent parliament, according to the ſaid ſubmiſſion and petition of the ſaid clergy, That they ne any of them from henceforth ſhall preſume to attempt, allege, claim or put in ure any conſtitutions or ordinances provincial or ſynodal, or any other canons; nor ſhall enact, promulge or execute

Several canons have been prejudicial to the King's prerogative, and to the laws and ſtatutes of this realm.

The clergy ſhall not enact any conſtitutions or ordinances without the King's aſſent.

cute any ſuch canons, conſtitutions or ordinances provincial, by whatſoever name or names they may be called, in their convocations in time coming (which alway ſhall be aſſembled by authority of the King's writ) unleſs the ſame clergy may have the King's moſt royal aſſent and licence to make, promulge and execute ſuch canons, conſtitutions and ordinances provincial or ſynodal, (6) upon pain of every one of the ſaid clergy doing contrary to this act, and being thereof convict, to ſuffer impriſonment, and make fine at the King's will.

The convocation ſhall be aſſembled by the King's writ.

II. *And foraſmuch as ſuch canons, conſtitutions and ordinances, as heretofore have been made by the clergy of this realm, cannot now at the ſeſſion of this preſent parliament, by reaſon of ſhortneſs of time, be viewed, examined and determined by the King's highneſs, and thirty-two perſons to be choſen and appointed according to the petition of the ſaid clergy in form above rehearſed:* be it therefore enacted by authority aforeſaid, That the King's highneſs ſhall have power and authority to nominate and aſſign, at his pleaſure, the ſaid two and thirty perſons of his ſubjects, whereof ſixteen to be of the clergy, and ſixteen to be of the temporalty of the upper and nether houſe of the parliament; and if any of the ſaid two and thirty perſons ſo choſen ſhall happen to die before their full determination, then his Highneſs to nominate other from time to time of the ſaid two houſes of the parliament, to ſupply the number of the ſaid two and thirty; (2) and that the ſame two and thirty, by his highneſs ſo to be named, ſhall have power and authority to view, ſearch and examine the ſaid canons, conſtitutions and ordinances provincial and ſynodal heretofore made, and ſuch of them as the King's highneſs and the ſaid two and thirty, or the more part of them, ſhall deem and adjudge worthy to be continued, kept and obeyed, ſhall be from thenceforth kept, obeyed and executed within this realm, ſo that the King's moſt royal aſſent under his great ſeal be firſt had to the ſame; (3) and the reſidue of the ſaid canons, conſtitutions and ordinances provincial, which the King's highneſs, and the ſaid two and thirty perſons or the more part of them, ſhall not approve, or deem and judge worthy to be abolite, abrogate and made fruſtrate, ſhall from thenceforth be void and of none effect, and never be put in execution within this realm. (4) Provided alway, That no canons, conſtitutions or ordinances ſhall be made or put in execution within this realm by authority of the convocation of the clergy, which ſhall be contrariant or repugnant to the King's prerogative royal, or the cuſtoms, laws or ſtatutes of this realm; any thing contained in this act to the contrary hereof notwithſtanding.

The King may aſſign 32 perſons to examine the canons, and to continue ſuch as they think worthy, and to abridge the reſidue.

EXP.

35 H. 8. c. 16.
3 & 4 Ed. 6. c. 11.
3 Inſt. 39.
Hob. 148.
13 Co. 47.
2 Roll. 481.
2 Lev. 222.

No canons ſhall be executed which be contrary to the King's prerogative, or to the laws.

III. And be it further enacted by authority aforeſaid, That from the feaſt of *Eaſter*, which ſhall be in the year of our Lord God 1534, no manner of appeals ſhall be had, provoked, or made out of this realm, or out of any the King's dominions, to the biſhop of *Rome*, nor to the ſee of *Rome*, in any cauſes or matters happening to be in contention, and having their commencement and beginning in any of the courts within this realm,

3 Inſt. 178.

There ſhall be no appeals to Rome, but appeals ſhall be according to the ſtatute made 24 H. 8. c. 12.

or

or within any the King's dominions, of what nature, condition or quality ſoever they be of; but that all manner of appeals, of what nature or condition ſoever they be of, or what cauſe or matter ſoever they concern, ſhall be made and had by the parties grieved, or having cauſe of appeal, after ſuch manner, form and condition, as is limited for appeals to be had and proſecuted within this realm in cauſes of matrimony, tythes, oblations and obventions, by a ſtatute thereof made and eſtabliſhed ſithen the beginning of this preſent parliament, and according to the form and effect of the ſaid eſtatute; any uſage, cuſtom, preſcription, or any thing or things to the contrary hereof notwithſtanding.

Appeals from the archbiſhop's court into the chancery. 4 Mod. 117. Dyer, 209.

IV. And for lack of juſtice at or in any the courts of the archbiſhops of this realm, or in any the King's dominions, it ſhall be lawful to the parties grieved to appeal to the King's majeſty in the King's court of chancery; (2) and that upon every ſuch appeal, a commiſſion ſhall be directed under the great ſeal to ſuch perſons as ſhall be named by the King's highneſs, his heirs or ſucceſſors, like as in caſe of appeal from the admiral's court, to hear and definitively determine ſuch appeals, and the cauſes concerning the ſame. (3) Which commiſſioners, ſo by the King's highneſs, his heirs or ſucceſſors, to be named or appointed, ſhall have full power and authority to hear and definitively determine every ſuch appeal, with the cauſes and all circumſtances concerning the ſame; and that ſuch judgment and ſentence, as the ſaid commiſſioners ſhall make and decree, in and upon any ſuch appeal, ſhall be good and effectual, and alſo definitive; and no further appeals to be had or made from the ſaid commiſſioners for the ſame.

Præmunire for ſuing of appeal to Rome, or executing any proceſs from thence. 16 R. 2. c. 5.

V. And if any perſon or perſons, at any time after the ſaid feaſt of *Eaſter*, provoke or ſue any manner of appeals, of what nature or condition ſoever they be of, to the ſaid biſhop of *Rome*, or to the ſee of *Rome*, or do procure or execute any manner of proceſs from the ſee of *Rome*, or by authority thereof, to the derogation or let of the due execution of this act, or contrary to the ſame, that then every ſuch perſon or perſons ſo doing, their aiders, counſellors and abbettors, ſhall incur and run into the dangers, pains and penalties contained and limited in the act of proviſion and *Præmunire* made in the ſixteenth year of the King's moſt noble progenitor, King *Richard* the Second, againſt ſuch as ſue to the court of *Rome* againſt the King's crown and prerogative royal.

Appeals from places exempt, which were to the ſee of Rome, ſhall now be into the chancery.

VI. Provided always, That all manner of provocations and appeals hereafter to be had, made or taken from the juriſdiction of any abbots, priors, or other heads and governors of monaſteries, abbeys, priories and other houſes and places exempt, in ſuch caſes as they were wont or might afore the making of this act, by reaſon of grants or liberties of ſuch places exempt, to have or make immediately any appeal or provocation to the biſhop of *Rome*, otherwiſe called Pope, or to the ſee of *Rome*, that in all theſe caſes every perſon and perſons, having cauſe of appeal or provocation, ſhall and may take and make their appeals

peals and provocations immediately to the King's majeſty of this realm, into the court of chancery, in like manner and form as they uſed afore to do to the ſee of *Rome*; (2) which appeals and provocations ſo made, ſhall be definitively determined by authority of the King's commiſſion, in ſuch manner and form as in this act is abovementioned; (3) ſo that no archbiſhop or biſhop of this realm ſhall intermit or meddle with any ſuch appeals, otherwiſe or in any other manner than they might have done afore the making of this act; any thing in this act to the contrary thereof notwithſtanding.

What canons, &c. are ſtill in force. 27 H. 8. c. 20. 37 H. 8. c. 17. ſ. 2. Repealed by 1 & 2 Ph. & M. c. 8. and revived by 1 El. c. 1. ſ. 10.

VII. Provided alſo, That ſuch canons, conſtitutions, ordinances and ſynodals provincial being already made, which be not contrariant or repugnant to the laws, ſtatutes and cuſtoms of this realm, nor to the damage or hurt of the King's prerogative royal, ſhall now ſtill be uſed and executed as they were afore the making of this act, till ſuch time as they be viewed, ſearched, or otherwiſe ordered and determined by the ſaid two and thirty perſons, or the more part of them, according to the tenor, form and effect of this preſent act.

CAP. XX.

An act for the non-payment of firſt-fruits to the biſhop of Rome.

No firſt-fruits ſhall be paid to the biſhop of Rome; and within what time a biſhop ſhall be choſen, inveſted and conſecrated. Vide ſtat. 23 H. 8. c. 20. not in the printed ſtatutes before. Vid. Codex Tit. 5. c. 1.

WHERE *ſithen the beginning of this preſent parliament, for repreſs of the exaction of annates and firſt-fruits of archbiſhopricks and biſhopricks of this realm wrongfully taken by the biſhop of* Rome, *otherwiſe called the pope, and the ſee of* Rome, *it is ordained and eſtabliſhed by an act, among other things, That the payments of the annates or firſt-fruits, and all manner contributions for the ſame, for any ſuch archbiſhoprick or biſhoprick, or for any bulls to be obtained from the ſee of* Rome, *to or for the ſaid purpoſe or intent, ſhould utterly ceaſe, and no ſuch to be paid for any archbiſhoprick or biſhoprick within this realm, otherwiſe than in the ſame act is expreſſed:* (2) *and that no manner of perſon or perſons to be named, elected, preſented or poſtulated to any archbiſhoprick or biſhoprick within this realm, ſhould pay the ſaid annates or firſt-fruits, nor any other manner of ſum or ſums of money, penſions or annuities for the ſame, or for any other like exaction or cauſe,* (3) *upon pain to forfeit to our ſovereign lord the King, his heirs and ſucceſſors, all manner his goods and chattels for ever, and all the temporal lands and poſſeſſions of the ſaid archbiſhoprick or biſhoprick during the time that he or they that ſhould offend contrary to the ſaid act, ſhould have, poſſeſs and enjoy the ſaid archbiſhoprick or biſhoprick.* (4) *And it is further enacted, That if any perſon named or preſented to the ſee of* Rome *by the King's highneſs, or his heirs or ſucceſſors, to be biſhop of any ſee or dioceſe within this realm, ſhould happen to be letted, delayed or deferred at the ſee of* Rome *from any ſuch biſhoprick whereunto he ſhould be ſo preſented, by mean of reſtraint of bulls of the ſaid biſhop of* Rome, *otherwiſe called the Pope, and other things requiſite to the ſame, or ſhould be denied at the ſee of* Rome, *upon convenient ſuit made, for any bulls requiſite for any ſuch cauſe, that then every perſon*

If any preſented by the King to the ſee of Rome to a biſhoprick in England be there delayed, he may be conſecrated by an archbiſhop in England.

ſon ſo preſented might or ſhould be conſecrated here in England *by the archbiſhop in whoſe province the ſaid biſhoprick ſhall be; ſo always, that the ſame perſon ſhould be named and preſented by the King for the time being to the ſaid archbiſhop.* (5) *And if any perſon being named and preſented (as is before ſaid) to any archbiſhoprick of this realm, making convenient ſuit, as is aforeſaid, ſhould happen to be letted, delayed, deferred or otherwiſe diſturbed from the ſaid archbiſhoprick, for lack of pall, bulls, or other things to him requiſite to be obtained at the ſee of* Rome, *that then every ſuch perſon ſo named and preſented to the archbiſhop, might and ſhould be conſecrated and inveſted, after preſentation made as is aforeſaid, by any other two biſhops within this realm, whom the King's highneſs, or any his heirs or ſucceſſors, Kings of* England, *would appoint and aſſign for the ſame, according and after like manner as divers archbiſhops and biſhops have been heretofore in ancient time by ſundry the King's moſt noble progenitors made, conſecrated and inveſted within this realm.* (6) *And it is further enacted by the ſaid act, That every archbiſhop and biſhop, being named and preſented by the King's highneſs, his heirs and ſucceſſors, Kings of* England, *and being conſecrated and inveſted, as is aforeſaid, ſhould be inſtalled accordingly, and ſhould be accepted, taken and reputed, uſed and obeyed as an archbiſhop or biſhop of the dignity, ſee or place whereunto he ſhall be ſo named, preſented and conſecrated, and as other like prelates of that province, ſee or dioceſe, have been uſed, accepted, taken and obeyed, which have had and obtained compleatly their bulls and other things requiſite in that behalf from the ſee of* Rome, (7) *and alſo ſhould fully and entirely have and enjoy all the ſpiritualties and temporalties of the ſaid archbiſhoprick or biſhoprick, in as large, ample and beneficial manner, as any of his or their predeceſſors had or enjoyed in the ſaid archbiſhoprick or biſhoprick, ſatisfying and yielding unto the King's highneſs, and to his heirs and ſucceſſors, all ſuch duties, rights and inveſts as beforetime hath been accuſtomed to be paid for any ſuch archbiſhoprick or biſhoprick, according to the ancient laws and cuſtoms of this realm and the King's prerogative royal, as in the ſaid act amongſt other things is more at large mentioned.*

One preſented to the ſee of Rome to an archbiſhoprick, and there letted, may be conſecrated by two biſhops of England.

II. *And albeit the ſaid biſhop of* Rome, *otherwiſe called the Pope, hath been informed and certified of the effectual contents of the ſaid act, to the intent that by ſome gentle ways the ſaid exactions might have been redreſſed and reformed, yet nevertheleſs the ſaid biſhop of* Rome *hitherto hath made none anſwer of his mind therein to the King's highneſs, nor deviſed nor required any reaſonable ways to and with our ſaid ſovereign lord for the ſame:* (2) wherefore his moſt royal majeſty of his moſt excellent goodneſs, for the wealth and profit of this his realm and ſubjects of the ſame, hath not only put his moſt gracious and royal aſſent to the foreſaid act, but alſo hath ratified and confirmed the ſame, and every clauſe and article therein contained, as by his letters patents under his great ſeal inrolled in the parliament roll of this preſent parliament more at large is contained.

The King's conſent to the foreſaid ſtatute.

III.

III. *And foraſmuch as in the ſaid act it is not plainly and certainly expreſſed in what manner and faſhion archbiſhops and biſhops ſhall be elected, preſented, inveſted and conſecrated within this realm, and in all other the King's dominions,* (2) be it now therefore enacted by the King our ſovereign lord, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid act and every thing therein contained ſhall be and ſtand in ſtrength, virtue and effect; except only, that no perſon or perſons hereafter ſhall be preſented, nominated or commended to the ſaid biſhop of *Rome*, otherwiſe called the Pope, or to the ſee of *Rome*, to or for the dignity or office of any archbiſhop or biſhop within this realm, or in any other the King's dominions, nor ſhall ſend nor procure there for any manner of bulls, breeves, palls or other things requiſite for an archbiſhop or biſhop, nor ſhall pay any ſums of money for annates, firſt-fruits nor otherwiſe, for expedition of any ſuch bulls, breeves, or palls; but that by the authority of this act, ſuch preſenting, nominating or commending to the ſaid biſhop of *Rome*, or to the ſee of *Rome*, and ſuch bulls, breeves, palls, annates, firſt-fruits, and every other ſums of money heretofore limited, accuſtomed or uſed to be paid at the ſaid ſee of *Rome*, for procuration or expedition of any ſuch bulls, breeves or palls, or other thing concerning the ſame, ſhall utterly ceaſe and no longer be uſed within this realm, or within any the King's dominions; any thing contained in the ſaid act aforementioned, or any uſe, cuſtom or preſcription to the contrary thereof notwithſtanding.

No man ſhall be preſented to the ſee of Rome for the dignity of an archbiſhop or biſhop, nor annates or firſt-fruits ſhall be paid to the ſame ſee.

IV. And furthermore be it ordained and eſtabliſhed by the authority aforeſaid, That at every avoidance of every archbiſhoprick or biſhoprick within this realm, or in any other the King's dominions, the King our ſovereign lord, his heirs and ſucceſſors, may grant to the prior and convent, or the dean and chapiter of the cathedral churches or monaſteries where the ſee of ſuch archbiſhoprick or biſhoprick ſhall happen to be void, a licence under the great ſeal, as of old time hath been accuſtomed, to proceed to election of an archbiſhop or biſhop of the ſee ſo being void, with a letter miſſive, containing the name of the perſon which they ſhall elect and chooſe: (2) by virtue of which licence the ſaid dean and chapiter, or prior or convent, to whom any ſuch licence and letters miſſive ſhall be directed, ſhall with all ſpeed and celerity in due form elect and chooſe the ſame perſon named in the ſaid letters miſſive, to the dignity and office of the archbiſhoprick or biſhoprick ſo being void, and none other. (3) And if they do defer or delay their election above twelve days next after ſuch licence or letters miſſive to them delivered, that then for every ſuch default the King's highneſs, his heirs and ſucceſſors, at their liberty and pleaſure ſhall nominate and preſent, by their letters patents under their great ſeal, ſuch a perſon to the ſaid office and dignity ſo being void, as they ſhall think able and convenient for the ſame; (4) and that every ſuch nomination and preſentment to be

The manner of electing an archbiſhop or biſhop.

For default of election by the dean and chapiter, the King ſhall nominate a biſhop by his letters patents.

be made by the King's highneſs, his heirs and ſucceſſors, if it be to the office and dignity of a biſhop, ſhall be made to the archbiſhop and metropolitan of the province where the ſee of the ſame biſhoprick is void, if the ſee of the ſaid archbiſhoprick be then full, and not void; and if it be void, then to be made to ſuch archbiſhop or metropolitan within this realm, or in any the King's dominions, as ſhall pleaſe the King's highneſs, his heirs or ſucceſſors: (5) and if any ſuch nomination or preſentment ſhall happen to be made for default of ſuch election to the dignity or office of any archbiſhop, then the King's highneſs, his heirs and ſucceſſors by his letters patents under his great ſeal, ſhall nominate and preſent ſuch perſon as they will diſpoſe to have the ſaid office and dignity of archbiſhoprick being void, to one ſuch archbiſhop and two ſuch biſhops, or elſe to four ſuch biſhops within this realm, or in any of the King's dominions, as ſhall be aſſigned by our ſaid ſovereign lord, his heirs or ſucceſſors.

Conſecration of a biſhop.

V. And be it enacted by the authority aforeſaid, That whenſoever any ſuch preſentment or nomination ſhall be made by the King's highneſs, his heirs or ſucceſſors, by virtue and authority of this act, and according to the tenor of the ſame; that then every archbiſhop and biſhop, to whoſe hands any ſuch preſentment and nomination ſhall be directed, ſhall with all ſpeed and celerity inveſt and conſecrate the perſon nominate and preſented by the King's highneſs, his heirs or ſucceſſors, to the office and dignity that ſuch perſon ſhall be ſo preſented unto, and give and uſe to him pall, and all other benedictions, ceremonies and things requiſite for the ſame, without ſuing, procuring or obtaining hereafter any bulls or other things at the ſee of *Rome*, for any ſuch office or dignity in any behalf. (2) And if the ſaid dean and chapiter, or prior and convent, after ſuch licence and letters miſſive to them directed, within the ſaid twelve days do elect and chooſe the ſaid perſon mentioned in the ſaid letters miſſive, according to the requeſt of the King's highneſs, his heirs or ſucceſſors, thereof to be made by the ſaid letters miſſive in that behalf, then their election ſhall ſtand good and effectual to all intents; (3) and that the perſon ſo elected, after certification made of the ſame election under the common and covent ſeal of the electors, to the King's highneſs, his heirs or ſucceſſors, ſhall be reputed and taken by the name of lord elected of the ſaid dignity and office that he ſhall be elected unto; (4) and then making ſuch oath and fealty only to the King's majeſty, his heirs and ſucceſſors, as ſhall be appointed for the ſame, the King's highneſs, by his letters patents under his great ſeal, ſhall ſignify the ſaid election, if it be to the dignity of a biſhop, to the archbiſhop and metropolitan of the province where the ſee of the ſaid biſhoprick was void, if the ſee of the ſaid archbiſhop be full and not void; and if it be void, then to any other archbiſhop within this realm, or in any other the King's dominions; requiring and commanding ſuch archbiſhop, to whom any ſuch ſignification ſhall be made, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon

The name of a biſhop newly choſen, viz. a lord elect.

The King's ſignification of a biſhop or archbiſhop elect.

ſon ſo elected to the office and dignity that he is elected unto, and to give and uſe to him all ſuch benedictions, ceremonies, and other things requiſite for the ſame, without any ſuing, procuring or obtaining any bulls, letters or other things from the ſee of *Rome* for the ſame in any behalf. (5) And if the perſon be elected to the office and dignity of an archbiſhop, according to the tenor of this act, then after ſuch election certified to the King's highneſs in form aforeſaid, the ſame perſon ſo elected to the office and dignity of an archbiſhop, ſhall be reputed and taken lord elect to the ſaid office and dignity of an archbiſhop, whereunto he ſhall be ſo elected; (6) and then after he hath made ſuch oath and fealty only to the King's majeſty, his heirs and ſucceſſors, as ſhall be limited for the ſame, the King's highneſs, by his letters patents under his great ſeal, ſhall ſignify the ſaid election to one archbiſhop and two other biſhops, or elſe to four biſhops within this realm, or within any other the King's dominions, to be aſſigned by the King's highneſs, his heirs or ſucceſſors, requiring and commanding the ſaid archbiſhop and biſhops, with all ſpeed and celerity, to confirm the ſaid election, and to inveſt and conſecrate the ſaid perſon ſo elected to the office and dignity that he is elected unto, and to give and uſe to him ſuch pall, benedictions, ceremonies and all other things requiſite for the ſame, without ſuing, procuring or obtaining any bulls, briefs or other things at the ſaid ſee of *Rome*, or by the authority thereof in any behalf.

This election of a biſhop ſhall be lawful.

VI. And be it further enacted by authority aforeſaid, That every perſon and perſons being hereafter choſen, elected, nominate, preſented, inveſted and conſecrated to the dignity or office of any archbiſhop or biſhop within this realm, or within any other the King's dominions, according to the form, tenor and effect of this preſent act, and ſuing their temporalties out of the King's hands, his heirs or ſucceſſors, as hath been accuſtomed, and making a corporal oath to the King's highneſs, and to none other, in form as is afore rehearſed, ſhall and may from henceforth be throniſed or inſtalled, as the caſe ſhall require, (2) and ſhall have and take their only reſtitution out of the King's hands, of all the poſſeſſions and profits ſpiritual and temporal, belonging to the ſaid archbiſhoprick or biſhoprick whereunto they ſhall be ſo elected or preſented, and ſhall be obeyed in all manner of things, according to the name, title, degree, and dignity that they ſhall be ſo choſen or preſented unto, and do and execute in every thing and things touching the ſame, as any archbiſhop or biſhop of this realm, without offending the prerogative royal of the crown and the laws and cuſtoms of this realm, might at any time heretofore do.

The penalty for not electing or not conſecrating a biſhop named.

VII. And be it further enacted by the authority aforeſaid, That if the prior and covent of any monaſtery, or dean and chapiter of any cathedral church, where the ſee of an archbiſhop or biſhop is within any the King's dominions, after ſuch licence as is afore rehearſed, ſhall be delivered to them, proceed

ceed not to election, and ſignify the ſame according to the tenor of this act, within the ſpace of twenty days next after ſuch licence ſhall come to their hands; (2) or elſe if any archbiſhop or biſhop, within any the King's dominions, after any ſuch election, nomination or preſentation ſhall be ſignified unto them by the King's letters patents, ſhall refuſe, and do not confirm, inveſt and conſecrate with all due circumſtance as is aforeſaid, every ſuch perſon as ſhall be ſo elected, nominate or preſented, and to them ſignified as is abovementioned, within twenty days next after the King's letters patents of ſuch ſignification or preſentation ſhall come to their hands; (3) or elſe if any of them, or any other perſon or perſons, admit, maintain, allow, obey, do or execute any cenſures, excommunications, interdictions, inhibitions, or any other proceſs or act, of what nature, name or quality ſoever it be, to the contrary, or let of due execution of this act; (4) that then every prior and particular perſon of his convent, and every dean and particular perſon of the chapiter, and every archbiſhop and biſhop, and all other perſons, ſo offending and doing contrary to this act, or any part thereof, and their aiders, counſellers and abetters, ſhall run into the dangers, pains and penalties of the eſtatute of the proviſion and *præmunire*, made in the five and twentieth year of the reign of King *Edward* the Third, and in the ſixteenth year of King *Richard* the Second.

25 Ed. 3. ſtat. 5. c. 22. 16 R. 2. c. 5. 26 H. 8. c. 14. 31 H. 8. c. 9. 8 El. c. 1. Rep. 1 & 2 Ph. & M. c. 8. and revived by 1 El. c. 1.

CAP. XXI.

The act concerning Peter-pence and diſpenſations.

MOST *humbly beſeeching your moſt royal Majeſty, your obedient and faithful ſubjects, the commons of this your preſent parliament aſſembled, by your moſt dread commandment, That where your ſubjects of this your realm, and of other countries and dominions, being under your obeyſance, by many years paſt have been, and yet be greatly decayed and impoveriſhed, by ſuch intolerable exactions of great ſums of money as have been claimed and taken, and yet continually be claimed to be taken out of this your realm, and other your ſaid countries and dominions, by the biſhop of* Rome, *called the Pope, and the ſee of* Rome, *as well in penſions, cenſes, peter-pence, procurations, fruits, ſuits for proviſions, and expeditions of bulls for archbiſhopricks and biſhopricks, and for delegacies, and reſcripts in cauſes of contentions and appeals, juriſdictions legantine, and alſo for diſpenſations, licences, faculties, grants, relaxations, writs called* perinde valere, *rehabilitations, abolitions, and other infinite ſorts of bulls, breeves, and inſtruments of ſundry natures, names and kinds, in great numbers heretofore practiſed and obtained otherwiſe than by the laws, laudable uſes, and cuſtoms of this realm ſhould be permitted, the ſpecialties whereof been over long, large in number, and tedious here particularly to be inſerted*; (2) *wherein the biſhop of* Rome *aforeſaid hath not been only to be blamed for his uſurpation in the premiſſes, but alſo for his abuſing and beguiling your ſubjects, pretending and perſuading them that he hath power to diſpenſe with all human laws, uſes and cuſtoms of all realms, in all cauſes which be called ſpi-*

Hob. 146. 1 Roll. 468, 469, 471.

Sums of money which have been paid for ſeveral cauſes to the biſhop and ſee of Rome diſcontinued.

ſpiritual, which matter hath been uſurped and practiſed by him and his predeceſſors for many years, in great derogation of your imperial crown and authority royal, contrary to right and conſcience; (3) *for where this your Grace's realm recogniſing no ſuperior under God, but only your Grace, hath been and is free from ſubjection to any man's laws, but only to ſuch as have been deviſed, made and obtained within this realm, for the wealth of the ſame, or to ſuch other as by ſufferance of your Grace and your progenitors, the people of this your realm have taken at their free liberty, by their own conſent to be uſed amongſt them, and have bound themſelves by long uſe and cuſtom to the obſervance of the ſame, not as to the obſervance of laws of any foreign prince, potentate or prelate, but as to the cuſtomed and ancient laws of this realm, originally eſtabliſhed as laws of the ſame, by the ſaid ſufferance, conſents and cuſtom, and none otherwiſe*: (4) *it ſtandeth therefore with natural equity and good reaſon, that in all and every ſuch laws human made within this realm, or induced into this realm by the ſaid ſufferance, conſents and cuſtom, your royal Majeſty, and your lords ſpiritual and temporal, and commons, repreſenting the whole ſtate of your realm, in this your moſt high court of parliament, have full power and authority, not only to diſpenſe, but alſo to authorize ſome elect perſon or perſons to diſpenſe with thoſe, and all other human laws of this your realm, and with every one of them, as the quality of the perſons and matter ſhall require*; (5) *and alſo the ſaid laws, and every of them, to abrogate, annul, amplify or diminiſh, as it ſhall be ſeen unto your Majeſty, and the nobles and commons of your realm preſent in your parliament, meet and convenient for the wealth of your realm, as by divers good and wholeſome acts of parliaments, made and eſtabliſhed as well in your time, as in the time of your moſt noble progenitors, it may plainly and evidently appear*; (6) *and becauſe that it is now in theſe days preſent ſeen, that the ſtate, dignity, ſuperiority, reputation and authority of the ſaid imperial crown of this realm, by the long ſufferance of the ſaid unreaſonable and uncharitable uſurpations and exactions practiſed in the times of your moſt noble progenitors, is much and ſore decayed and diminiſhed, and the people of this realm thereby impoveriſhed, and ſo or worſe be like to continue, if remedy be not therefore ſhortly provided:*

This realm is free from any laws of man, but ſuch as have been deviſed within the ſame.

The power of the King and parliament to diſpenſe with, alter or annul the human laws of this realm.

II. It may therefore pleaſe your moſt noble Majeſty, for the honour of Almighty God, and for the tender love, zeal and affection that ye bear, and always have borne to the wealth of this your realm and ſubjects of the ſame, foraſmuch as your Majeſty is ſupreme head of the church of *England*, as the prelates and clergy of your realm, repreſenting the ſaid church, in their ſynods and convocations have recognized, in whom conſiſteth full power and authority, upon all ſuch laws as have been made and uſed within this realm, to ordain and enact, by the aſſent of your lords ſpiritual and temporal, and the commons in this your preſent parliament aſſembled, and by authority of the ſame, That no perſon or perſons of this your realm, or of any other your dominions, ſhall from henceforth pay any penſions, cenſes, portions, Peter-pence or any other impoſitions, to the uſe of the ſaid biſhop, or the ſee of *Rome*, like as heretofore they have uſed, by uſurpation of the ſaid biſhop of *Rome* and

No impoſitions ſhall be paid to the biſhop or ſee of Rome.

and his predeceſſors, and ſufferance of your Highneſs, and your moſt noble progenitors, to do; (2) but that all ſuch penſions, cenſes, portions and Peter-pence, which the ſaid biſhop of *Rome*, otherwiſe called the Pope, hath heretofore taken and perceived, or cauſed to be taken and perceived to his uſe, and his chambers, which he calleth apoſtolick, by uſurpation and ſufferance, as is aboveſaid, within this your realm, or any other your dominions, ſhall from henceforth clearly ſurceaſe, and never more be levied, taken, perceived nor paid to any perſon or perſons in any manner of wiſe; any conſtitution, uſe, preſcription or cuſtom to the contrary thereof notwithſtanding.

No perſon ſhall ſue for any diſpenſation or licence to the biſhop of Rome. 1 Roll. 460. Co. pl. f. 204. Moor 434. pl. 609. Goldeſb. 192.

III. And be it further enacted by the authority aforeſaid, That neither your Highneſs, your heirs nor ſucceſſors, Kings of this realm, nor any your ſubjects of this realm, nor of any other your dominions, ſhall from henceforth ſue to the ſaid biſhop of *Rome*, called the Pope, or to the ſee of *Rome*, or to any perſon or perſons having or pretending any authority by the ſame, for licences, diſpenſations, compoſitions, faculties, grants, reſcripts, delegacies, or any other inſtruments or writings, of what kind, name, nature, or quality ſoever they be of, for any cauſe or matter, for the which any licence, diſpenſation, compoſition, faculty, grant, reſcript, delegacy, inſtrument, or other writing, heretofore hath been uſed and accuſtomed to be had and obtained at the ſee of *Rome*, or by authority thereof, or of any prelates of this realm; (2) nor for any manner of other licences, diſpenſations, compoſitions, faculties, grants, reſcripts, delegacies, or any other inſtruments or writings that in cauſes of neceſſity may be lawfuly granted without offending of the holy ſcriptures and laws of God; (3) but that from henceforth every ſuch licence, diſpenſation, compoſition, faculty, grant, reſcript, delegacy, inſtrument and other writing afore named and mentioned, neceſſary for your Highneſs, your heirs and ſucceſſors, and your and their people and ſubjects, upon the due examinations of the cauſes and qualities of the perſons procuring ſuch diſpenſations, licences, compoſitions, faculties, grants, reſcripts, delegacies, inſtruments or other writings, ſhall be granted, had or obtained, from time to time, within this your realm, and other dominions, and not elſewhere, (4) in manner and form following, and none otherwiſe; that is to ſay, the archbiſhop of *Canterbury* for the time being, and his ſucceſſors, ſhall have power and authority, from time to time, by their diſcretions, to give, grant and diſpoſe, by an inſtrument under the ſeal of the ſaid archbiſhop, unto your Majeſty, and to your heirs and ſucceſſors, Kings of this realm, as well all manner ſuch licences, diſpenſations, compoſitions, faculties, grants, reſcripts, delegacies, inſtruments and all other writings, for cauſes not being contrary or repugnant to the holy ſcriptures and laws of God, as heretofore hath been uſed and accuſtomed to be had and obtained by your Highneſs, or any your moſt noble progenitors, or any of your or their ſubjects, at the ſee of *Rome*, or any perſon or perſons by au-

The archbiſhop of Canterbury may grant diſpenſations to the King. Vaughan 18, 19, 20, 27. Mod. caſes in law 364.

thority of the ſame; (5) and all other licences, diſpenſations, faculties, compoſitions, grants, reſcripts, delegacies, inſtruments, and other writings, in, for and upon all ſuch cauſes and matters as ſhall be convenient and neceſſary to be had, for the honour and ſurety of your Highneſs, your heirs and ſucceſſors, and the wealth and profit of this your realm; (6) ſo that the ſaid archbiſhop or any of his ſucceſſors, in no manner wiſe ſhall grant any diſpenſation, licence, reſcript, or any other writing afore rehearſed, for any cauſe or matter repugnant to the law of Almighty God.

The archbiſhop of Canterbury may grant licences of things wonted to be licenſed. Co. pl. f. 512. Hob. 147, 156 & 159.

IV. Be it alſo enacted by authority aforeſaid, That the ſaid archbiſhop and his ſucceſſors, after good and due examination, by them had, of the cauſes and qualities of the perſons procuring for licences, diſpenſations, compoſitions, faculties, delegacies, reſcripts, inſtruments or other writings, ſhall have full power and authority by themſelves, or by their ſufficient and ſubſtantial commiſſary or deputy, by their diſcretions, from time to time, to grant and diſpoſe, by an inſtrument under the name and ſeal of the ſaid archbiſhop, as well to any of your ſubjects, as to the ſubjects of your heirs and ſucceſſors, all manner licences, diſpenſations, faculties, compoſitions, delegacies, reſcripts, inſtruments, or other writings, for any ſuch cauſe or matter, whereof heretofore ſuch licences, diſpenſations, compoſitions, faculties, delegacies, reſcripts, inſtruments or writings, have been accuſtomed to be had at the ſee of *Rome*, or by the authority thereof, or of any prelate of this realm.

Diſpenſations to cauſes unwonted to be licenſed ſhall not be granted without the approbation of the King or his council.

V. And that the ſaid archbiſhop and his commiſſary, ſhall not grant any other licence, diſpenſation, compoſition, faculty, writing, or inſtrument, in caſes unwont, and not accuſtomed to be had or obtained at the court of *Rome*, nor by authority thereof, nor by any prelate of this realm, until your Grace, your heirs and ſucceſſors, or your or their council ſhall firſt be advertiſed thereof, and determine whether ſuch licences, diſpenſations, compoſitions, faculties, or other writings in ſuch caſes unwont and not accuſtomed to be diſpenſed withal, or obtained, ſhall commonly paſs as other diſpenſations, faculties, or other writings, ſhall or no, (2) upon pain that the grantors of every ſuch licence, diſpenſation, or writing, in ſuch caſes unwont, contrary to this act, ſhall make fine at the will and pleaſure of your Grace, your heirs and ſucceſſors; (3) and if it be thought and determined by your Grace, your heirs or ſucceſſors, or your or their council, that diſpenſations, faculties, licences, or other writings, in any ſuch cauſe unwont, ſhall paſs, then the ſaid archbiſhop or his commiſſary, having licence of your Highneſs, your heirs or ſucceſſors for the ſame, by your or their bill aſſigned, ſhall diſpenſe with them accordingly.

Licence of things whereof the tax extends to 4l. ſhall be confirmed by the King's great ſeal. Cro. Eliz. 540.

VI. Provided always, That no manner of diſpenſations, licences, faculties, or other reſcripts or writings hereafter to be granted to any perſon or perſons, by virtue or authority of this act, by the ſaid archbiſhop or his commiſſary being of ſuch importance, that the tax of the expedition thereof at *Rome* extended to the ſum of four pounds or above, ſhall in any wiſe be

put

put in execution, till the ſame licence, diſpenſation, faculty, reſcript, or other writing, of what name or nature ſoever it be of, be firſt confirmed by your Highneſs, your heirs or ſucceſſors, Kings of this realm, under the great ſeal, and enrolled in your chancery in a roll, by a clerk to be appointed for the ſame; (2) and that this act ſhall be a ſufficient warrant to the chancellor of *England* for the time being, or to him whom your Grace, your heirs or ſucceſſors, ſhall depute to be keeper of the great ſeal, to confirm in your name, your heirs or ſucceſſors, the foreſaid writings, paſſed under the ſaid archbiſhop's ſeal, by letters patents, in due form thereof to be made under your great ſeal, remitting as well the ſaid writing under the archbiſhop's ſeal, as the ſaid confirmation under the great ſeal, to the parties from time to time procuring for the ſame; (3) and that all ſuch licences, diſpenſations, faculties, and other reſcripts and writings, for the expedition of the which the ſaid taxes to be paid at *Rome*, was under iv. li. which be matters of no great importance, ſhall paſs only by the archbiſhop's ſeal, and ſhall not of any neceſſity be confirmed by the great ſeal, unleſs the procurers of ſuch licence, faculty or diſpenſation, deſire to have them ſo confirmed; (4) in which caſe they ſhall pay for the ſaid great ſeal, to the uſe of your Highneſs, your heirs and ſucceſſors, v. s. ſterling, and not above, over and beſides ſuch taxes as ſhall be hereafter limited for the making, writing, regiſtring, confirming and inrolling of ſuch licences, confirmations, and writings under the ſaid tax of iv. li.

What diſpenſations may be granted by the archbiſhop without the King's confirmation.

VII. And that every ſuch licence, diſpenſation, compoſition, faculty, reſcript and writing, of what name or nature ſoever it be, for ſuch cauſes as the tax was wont to be iv. li. or above, ſo granted by the archbiſhop, and confirmed under the great ſeal, and all other licences, diſpenſations, faculties, reſcripts, and writings hereafter to be granted by the archbiſhop by virtue and authority of this act, whereunto the great ſeal is not limited of neceſſity to be put to, by reaſon that the tax of them is under iv. li. ſhall be accepted, approved, allowed, and admitted good and effectual in the law, in all places, courts and juriſdictions, as well ſpiritual as temporal, within this realm, and elſewhere within your dominions, and as beneficial to the perſons obtaining the ſame, as they ſhould have been if they had been obtained, with all things requiſite, of the ſee of *Rome*, or of any other perſon by authority thereof, without any revocation or repeal hereafter to be had of any ſuch licences, diſpenſations, faculties, reſcripts or writings, of what nature ſoever they be.

All acts done by virtue of any of the aforeſaid licences ſhall be good and of force in law.

VIII. And that all children procreated after ſolemnization of any marriages to be had or done by virtue of ſuch licences or diſpenſations, ſhall be admitted, reputed, and taken legitimate in all courts, as well ſpiritual as temporal, and in all other places, and inherit the inheritance of their parents and anceſtors within this your realm, and all other your dominions, according to the laws and cuſtoms of the ſame; (2) and all acts

Licences to marry, and children born after the ſame marriages. 25 H. 8. c. 22, ſ. 4. Hob. 248.

to be done, had or executed according to the tenor of ſuch licences, diſpenſations, faculties, writings, or other inſtruments, to be made or granted by authority of this act, ſhall be firm, permanent, and remain in force; any foreign laws, conſtitutions, decrees, canons, decretals, inhibitions, uſe, cuſtom, preſcription, or any other thing had, or hereafter to be made to the contrary notwithſtanding.

A clerk to regiſter diſpenſations appointed by the archbiſhop.

IX. And be it further enacted, That the ſaid archbiſhop and his ſucceſſors, ſhall have power and authority to ordain, make, and conſtitute a clerk, which ſhall write and regiſter every ſuch licence, diſpenſation, faculty, writing, or other inſtrument to be granted by the ſaid archbiſhop, and ſhall find parchment, wax, and ſilken laces convenient for the ſame, and ſhall take for his pains ſuch ſums of money as ſhall be hereafter in this preſent act to him limited in that behalf for the ſame; (2) and that likewiſe your Grace, your heirs and ſucceſſors, ſhall by your letters patents, under your great ſeal, ordain, depute and conſtitute one ſufficient clerk, being learned in the courſe of the chancery, which ſhall always be attendant upon the lord chancellor, or the lord keeper of the great ſeal, for the time being, and ſhall make, write and inroll the confirmations of all ſuch licences, diſpenſations, inſtruments or other writing as ſhall be thither brought under the archbiſhop's ſeal, there to be confirmed and enrolled; and ſhall alſo intitle in his books, and inroll of record, ſuch other writings as ſhall thither be brought under the archbiſhop's ſeal, not to be confirmed, taking for his pains ſuch reaſonable ſums of money as hereafter by this act to him ſhall be limited for the ſame; (3) and that as well the ſaid clerk appointed by the ſaid archbiſhop, as the ſaid clerk to be appointed by your Highneſs, your heirs or ſucceſſors, ſhall ſubſcribe their names to every ſuch licence, diſpenſation, faculty, or other writing that ſhall come to their hands to be written made, granted, ſealed, confirmed, regiſtered, and inrolled by authority of this act, in form as is before rehearſed.

A clerk aſſigned by the King to write confirmations.

The charges qualified which had wont to be ſpent in obtaining diſpenſations and licences from Rome.

X. *And foraſmuch as the charges of obtaining the ſaid licences, diſpenſations, faculties, and other reſcripts or writings aforenamed, at the court of* Rome, *by the loſſes and exchanges, and in conducting of currors, and waging ſollicitors to ſue for any ſuch licences, diſpenſations, faculties, inſtruments, and other reſcripts or writings, have been grievous and exceſſive to your people, and many times greater ſums have been demanded for the ſpeedy expedition in the court of* Rome, *than be expreſſed in the old tax limited to be paid for the ſaid expeditions, whereby your people hath been brought to an incertainty upon the payment for expeditions of ſuch things, and by reaſon thereof have been conſtrained to pay more than they were wont to do, to the great impoveriſhing of this realm, as is aforeſaid:* (2) *and ſometimes the ſpeeding of ſuch diſpenſations, faculties, licences and other writings at* Rome *hath been ſo long deferred, that the parties labouring for the ſame have ſuffered great incommodities and loſs for lack of quick ſpeed, which hereafter may be had within this your realm, to the great*

great commodity of your people, whereby the charges of making exchanges, conducting of currors and ſollicitors, for the ſaid diſpenſations, ſhall be abated, and your people ſo much relieved and eaſed; to the intent that all ambiguity, and uncertainty of payments for diſpenſations, faculties, licences, and other reſcripts and writings, may be taken away, that no fraud or exaction ſhall be exerciſed upon your people, by ſuch officers as ſhall be appointed by this act, to take pains in ſpeeding ſuch diſpenſations, faculties and licences, but that your people may be ſure and certain what they be appointed to pay for the ſame:

Two books ſhall be made wherein the taxes of diſpenſations ſhall be written.

XI. Be it enacted by this preſent parliament, and by the authority of the ſame, That there ſhall be two books drawn and made of one tenor, in which ſhall be contained the taxes of all cuſtomable diſpenſations, faculties, licences and other writings wont to be ſped at *Rome*, which books, and every leaf of thoſe books, and both ſides of every leaf, ſhall be ſubſcribed by the archbiſhop of *Canterbury*, the lord chancellor of *England*, the lord treaſurer of *England*, and the two chief juſtices of both benches for the time being; to the which books all ſuitors for diſpenſations, faculties, licences, and other writings afore rehearſed, ſhall have recourſe if they require it; (2) and one of the ſaid books ſhall remain in the hands of him which ſhall be appointed to be regiſter and ſcribe of the ſaid diſpenſations, faculties and licences, under the ſaid archbiſhop of *Canterbury*, in form as is beforeſaid; (3) and the other book ſhall remain with the clerk of the chancery, which by your Grace, your heirs or ſucceſſors ſhall be appointed, as is before rehearſed; (4) which clerk of the chancery ſhall alſo intitle, and note particularly and daily, in his book ordained for that purpoſe, the number and qualities of the diſpenſations, faculties, licences, and other reſcripts and writings, which ſhall be ſealed only with the ſeal of the ſaid archbiſhop, and alſo which ſhall be ſealed with the ſaid ſeal, and confirmed with the great ſeal, in form as is before ſaid, that all fraud and concealment in this behalf may be avoided.

The fees of diſpenſations, faculties, licences, &c.

XII. And be it enacted by this preſent parliament, and by the authority of the ſame, That no man ſuing for diſpenſations, faculties, licences, or other reſcripts or writings, which were wont to be ſped at *Rome*, ſhall pay any more for their diſpenſations, licences or reſcripts, than ſhall be contained, taxed and limited in the ſaid duplicate books of taxes, only compoſitions excepted, of which being arbitrary, no tax can be made, wherefore the tax thereof ſhall be ſet and limited by the diſcretion of the ſaid archbiſhop of *Canterbury*, and the lord chancellor of *England*, or the lord keeper of the great ſeal for the time being; (2) and that ſuch as ſhall exact or receive of any ſuiter more for any diſpenſation, faculty, or licence, than ſhall be contained in the ſaid books of taxes, ſhall forfeit ten times ſo much as he ſhall ſo extortiouſly exact and receive; the one half of the which forfeiture to be to the uſe of your Grace, your heirs or ſucceſſors, and the other half thereof to be to ſuch of your ſubjects

The penalty of extortion in officers.

jects as will ſue for the ſame by action, bill or plaint in any of your Grace's courts, wherein the defendant ſhall have none eſſoin nor protection allowed, neither ſhall be admitted to wage his law.

XIII. Be it alſo enacted by this parliament, and by authority of the ſame, That the tax or ſum appointed to be paid for every ſuch diſpenſation, licence, faculty, inſtrument, reſcript, or other writing to be granted by authority of this act, ſhall be employed and ordered, as hereafter enſueth: that is to ſay, if the tax extend to iv. li. or above, by reaſon whereof the diſpenſation, licence, faculty, reſcript or writing, which ſhall paſs by the ſaid archbiſhop's ſeal, muſt be confirmed by the appenſion of the great ſeal, then the ſaid tax ſo extending to iv. li. or above, ſhall be divided into three parts, whereof two ſhall be perceived by the ſaid clerk of the chancery (to be appointed as is aforeſaid) to the uſe of your Highneſs, your heirs and ſucceſſors, and to the uſe of the lord chancellor, or the keeper of the great ſeal for the time being, and to the uſe of the ſaid clerk, in ſuch wiſe as ſhall hereafter be declared; (2) and that the third part ſhall be taken by the ſaid clerk of the archbiſhop, to the uſe of the ſame archbiſhop and his commiſſary, and his ſaid clerk and regiſter, in ſuch wiſe as ſhall hereafter be ordered and limited by this act; that is to ſay, the ſaid two parts ſhall be divided into four parts, of which three parts ſhall be taken to the only uſe of your Highneſs, your heirs and ſucceſſors, (3) and the fourth part ſhall be divided into three parts, whereof the chancellor of *England*, or lord keeper of the great ſeal for the time being, ſhall have two parts, and the ſaid clerk of the chancery the third part for his pains, travel and labours that he is limited to write and do by virtue of this act; (4) and the ſaid third part of the whole tax appointed to the ſaid archbiſhop, and his officers, (as is aforeſaid) ſhall be divided into three parts, whereof the archbiſhop ſhall have to his uſe two parts, and his officers ſhall have the third part thereof; (5) of which third part to be divided into two parts, the ſaid clerk or regiſter, which ſhall find parchment, wax and ſilk, and ſhall deviſe and write the ſaid diſpenſations, licences, faculties, reſcripts or other writings, and regiſter the ſame, ſhall have for his ſaid labour, and for receiving and repaying of the ſums of money that ſhall come to his hands for diſpenſations, faculties, licences and other reſcripts aforeſaid, the one moiety thereof, (6) and the commiſſary of the ſaid archbiſhop appointed to ſeal the ſaid diſpenſations, faculties, licences, and other reſcripts, ſhall have the other part.

How the tax for every diſpenſation, faculty or other writing, ſhall be divided.

XIV. And if the tax be under iv. li. and not under xl. s, then the ſaid tax ſhall be divided into three parts, as is aforeſaid, whereof the King's highneſs, his heirs and ſucceſſors, ſhall have two parts thereof, abating iii.s. iv.d. which ſhall be to the ſaid clerk of the chancery for ſubſcribing, intituling and inrolling the ſaid diſpenſations, licences, faculties, reſcripts, and other writings aforeſaid, and receiving of the King's money

If the tax be under iv. li. and not under xl. s.

ney ſo taxed; (2) and the archbiſhop and his officers ſhall have the third part, which third part ſhall be divided into two parts, whereof the archbiſhop ſhall have the one entirely to himſelf, his ſcribe and commiſſary ſhall have the other part thereof, equally to be divided amongſt them for their coſts and pains in that behalf; (3) and if the tax be under xl.s. and not under xxvi.s. viii.d. the ſame tax ſhall be divided into two parts, whereof the one part ſhall be to your Grace, your heirs and ſucceſſors, deducting thereof ii. s. for the clerk of the chancery for his pains, as is aforeſaid; (4) and the other part ſhall be to the ſaid archbiſhop and his officers, which other part ſhall be divided into two parts, whereof the archbiſhop ſhall have the one, and his commiſſary and ſcribe ſhall have the other, equally divided amongſt them; (5) and if the tax be under xxvi. s. viii. d. and not under xx. s. the ſame ſhall be divided into two parts, whereof your Grace, your heirs and ſucceſſors ſhall have one part entirely, abating ii. s. thereof to the ſaid clerk of the chancery; (6) and the archbiſhop and his officers ſhall have the other part, and the ſame other part ſhall be divided into three parts, whereof the archbiſhop ſhall have one, his commiſſary the ſecond, and his ſcribe or regiſter the third; (7) and in caſe the tax be under xx. s. the ſame ſhall be perceived to the uſe of the ſaid commiſſary, clerk of the ſaid archbiſhop, and clerk of the chancery, to be equally divided amongſt them for their pains and labours by them to be ſuſtained, by authority of this act, as aforeſaid.

If the tax be under xl. s. and not under xxvi. s. viij. d.

If the tax be under xxvi. s. viij. d. and not under xx. s.

XV. Provided always, That this act ſhall not be prejudicial to the archbiſhop of *York*, or to any biſhop or prelate of this realm; but that they may lawfully (notwithſtanding this act) diſpenſe in all caſes in which they were wont to diſpenſe by the common law or cuſtom of this realm afore the making of this act.

Diſpenſations by other prelates.

XVI. Provided alſo, and be it enacted by the authority aforeſaid, That if it happen the ſee of the archbiſhoprick of *Canterbury* to be void, that then all ſuch manner of licences, diſpenſations, faculties, inſtruments, reſcripts and other writings, which may be granted by virtue and authority of this act, ſhall (during the vacation of the ſame ſee) be had, done and granted under the name and ſeal of the guardian of the ſpiritualties of the ſaid archbiſhoprick for the time being, according to the tenor and form of this act, and ſhall be of like force, value and effect, as if they had been granted under the name and ſeal of the archbiſhop for the time being.

Diſpenſation by the guardian of the ſpiritualties.

XVII. And be it further enacted, That if the foreſaid archbiſhop of *Canterbury* for the time being, or the ſaid guardian of the ſpiritualties for the time being, hereafter refuſe or deny to grant any licences, diſpenſations, faculties, inſtruments, or other writings, which they be authoriſed to do by virtue and authority of this act, in ſuch manner and form as is afore remembred, to any perſon or perſons that ought, upon a good, juſt and reaſonable cauſe, to have the ſame, by reaſon whereof this preſent act, by their

A remedy where the archbiſhop or guardian of the ſpiritualties deny to grant diſpenſations, licences, &c.

their wilfulneſs, negligence or default, ſhould take no effect; then the chancellor of *England*, or the lord keeper of the great ſeal for the time being, upon any complaint thereof made, ſhall direct the King's writ to the ſaid archbiſhop or guardian denying or refuſing to grant ſuch licences, diſpenſations, faculties or other writings, enjoining him by the ſaid writ, upon a certain pain therein to be limited by the diſcretion of the ſaid chancellor or keeper of the great ſeal, that he ſhall in due form grant ſuch licence, diſpenſation, faculty or other writing, according to the requeſt of the procurers of the ſame, or elſe ſignify unto your Highneſs, your heirs or ſucceſſors, in the court of chancery at a certain day, for what occaſion or cauſe he refuſed and denied to grant ſuch licences, faculties or diſpenſations; (2) and if it ſhall appear to the ſaid chancellor or lord keeper of the great ſeal, upon ſuch certificate, that the cauſe of refuſal or denial of granting ſuch licences, faculty or diſpenſation was reaſonable, juſt and good, that then it ſo being proved by due ſearch and examination of the ſaid chancellor, or lord keeper of the great ſeal, to be admitted and allowed. (3) And if it ſhall appear upon the ſaid certificate, that the ſaid archbiſhop or guardian of the ſpiritualties for the time being, of wilfulneſs in contemning the due execution of this act, without a juſt and reaſonable cauſe, refuſed or denied to grant ſuch licence, faculty or diſpenſation, that then your Highneſs, your heirs or ſucceſſors, being thereof informed, after due examination had, that ſuch licences, faculties or diſpenſations, may be granted without offending the holy ſcriptures and laws of God, ſhall have power and authority in every ſuch caſe, for the default, negligence and wilfulneſs of the ſaid archbiſhop or guardian, to ſend your writ of injunction under your great ſeal, out of your ſaid court of chancery, commanding the archbiſhop or guardian that ſhall ſo deny or refuſe to grant ſuch licence, faculty or diſpenſation, to make ſufficient grant thereof, according to the tenor and effect of this act, by a certain day, and under a certain pain in the ſaid writ to be contained, and to be limited by your Highneſs, your heirs or ſucceſſors, Kings of this realm. (4) And if the ſaid archbiſhop or guardian, after the receipt of the ſaid writ, refuſe or deny to grant ſuch licences, faculties or diſpenſations, as ſhall be enjoined him by virtue of the ſaid writ, and ſhew and prove before your Majeſty, your heirs or ſucceſſors, no juſt or reaſonable cauſe why he ſhould do ſo; then the ſaid archbiſhop or guardian that ſhall ſo refuſe to put this act in execution according to the ſaid writ of injunction, ſhall ſuffer, loſe and forfeit to your Highneſs, your heirs and ſucceſſors, ſuch pain and penalty as ſhall be limited and expreſſed in the ſaid writ of injunction. (5) And over that, it ſhall be lawful to your Highneſs, your heirs and ſucceſſors, for every ſuch default and wilfulneſs of the ſaid archbiſhop or guardian for the time being, to give power and authority, by commiſſion under your great ſeal, to two ſuch ſpiritual prelates or perſons to be named by your Highneſs, your heirs or ſucceſſors, as will do and grant ſuch licences, faculties and diſpenſa-

penſations, refuſed or denied to be granted by the ſaid archbiſhop or guardian in contempt of this act.

Diſpenſations granted by other ſpiritual prelates.

XVIII. And be it further enacted by authority aforeſaid, That the ſaid two ſpiritual prelates or perſons, to whom in ſuch caſes any ſuch commiſſion ſhall be directed, ſhall have power and authority to grant every ſuch licence, faculty, diſpenſation, inſtrument and other writings, ſo refuſed to be granted by the ſaid archbiſhop or guardian for the time being by any inſtrument under their ſeals, taking like fees and charges for the ſame as is before rehearſed, and not above, under the pains afore remembred. (2) And that every ſuch licence, faculty and diſpenſation ſo granted for any caſes or matters, whereunto any confirmation under the King's great ſeal is appointed by this act, to be had in manner and form above declared, ſhall be had and obtained accordingly. (3) And ſuch licences and confirmation ſhall be had for like fees and charges as they are above ſpecified, and not above, under the pains abovementioned. (4) And that every ſuch licence, faculty, diſpenſation and other writing, to be granted by the ſaid prelates or perſons to be aſſigned by the King's highneſs, his heirs and ſucceſſors, as is aforeſaid, ſhall be of as good value, ſtrength and effect, and as beneficial and profitable to the perſons procuring the ſame, as if they had been made, granted and obtained under the name and ſeal of the ſaid archbiſhop.

The King and the realm do not mean to vary from the articles of the catholick faith of Chriſtendom.

XIX. Provided always, That this act, nor any thing or things therein contained, ſhall be hereafter interpreted or expounded, that your Grace, your nobles and ſubjects intend by the ſame to decline or vary from the congregation of Chriſt's church in any things concerning the very articles of the catholick faith of *Chriſtendom*, or in any other things declared by holy ſcripture and the word of God, neceſſary for your and their ſalvations, (2) but only to make an ordinance by policies neceſſary and convenient to repreſs vice, and for good conſervation of this realm in peace, unity and tranquillity, from ravin and ſpoil, inſuing much the old antient cuſtoms of this realm in that behalf; not minding to ſeek for any relief, ſuccours or remedies for any worldly things and human laws, in any cauſe of neceſſity, but within this realm at the hands of your Highneſs, your heirs and ſucceſſors, Kings of this realm, which have and ought to have an imperial power and authority in the ſame, and not obliged in any worldly cauſes to any other ſuperior.

The King by commiſſion may viſit colleges, hoſpitals and places exempt, and not the archbiſhop of Canterbury.

XX. Provided alway, That the ſaid archbiſhop of *Canterbury*, or any other perſon or perſons, ſhall have no power or authority by reaſon of this act, to viſit or vex any monaſteries, abbeys, priories, colleges, hoſpitals, houſes or other places religious, which be or were exempt before the making of this act; any thing in this act to the contrary thereof notwithſtanding; (2) but that redreſs, viſitation and confirmation ſhall be had by the King's highneſs, his heirs and ſucceſſors, by commiſſion under the great ſeal, to be directed to ſuch perſons as ſhall be ap-

appointed requiſite for the ſame, in ſuch monaſteries, colleges, hoſpitals priories, houſes and places religious exempt: (3) ſo that no viſitation nor confirmation ſhall from thenceforth be had or made, in or at any ſuch monaſteries, colleges, hoſpitals, priories, houſes and places religious exempt by the ſaid biſhop of *Rome*, nor by any of his authority, nor by any out of the King's dominions; (4) nor that any perſon, religious or other, reſiant in any the King's dominions, ſhall from henceforth depart out of the King's dominions to or for any viſitation, congregation or aſſembly for religion, but that all ſuch viſitations, congregations and aſſemblies ſhall be within the King's dominions.

None ſhall go forth of England to general councils.

XXI. Provided alſo, That this preſent act, or any thing therein contained, or any licence or diſpenſation hereafter to be made by virtue or authority thereof, ſhall not extend to the repeal or derogation of the late act made ſith the beginning of this preſent parliament for reformation of pluralities of benefices, and for non-reſidences of ſpiritual perſons upon their dignities or benefices, nor to any thing contained or mentioned in the ſaid act; (2) nor that this act, nor any thing to be done by authority thereof, ſhall not be taken, expounded or interpreted to give licence to any perſon or perſons to have any more number of benefices than is limited in the ſaid act; (3) and that the ſame act for pluralities and non-reſidencies of benefices, and every thing therein contained, ſhall ſtand good and effectual in all intents, according to the true meaning thereof; any thing in this preſent act, or any licence or diſpenſation to be had by authority thereof, in any wiſe notwithſtanding.

This act ſhall not derogate from the ſtatute of 21 H. 8. c. 13. touching pluralities of benefices, non-reſidence, &c.

XXII. And be it further enacted by authority aforeſaid, That if any perſon or perſons, ſubject or reſiant within this realm, or within any of the King's dominions, at any time hereafter ſue to the court of *Rome*, or the ſee of *Rome*, or to any perſon claiming to have his authority by the ſame, for any licence, faculty, diſpenſation, or other thing or things contrary to this act, or put in execution any licence, faculty, diſpenſation, or any other thing or things hereafter to be obtained from *Rome*, or the ſee of *Rome*, or from any claiming authority by the ſame, for any of the cauſes abovementioned in this act, or for any other cauſes that may be granted by authority of this act, or attempt, or do any thing or things contrary to this act, or maintain, allow, admit, or obey any manner of cenſures, excommunications, interdictions, or any other proceſs from *Rome*, of what name or nature ſoever it be, to the derogation or let of the execution of this act, or of any thing or things to be done by reaſon of the ſaid act; that then every ſuch perſon or perſons ſo doing, offending, and being thereof convict, their aiders, counſellors and abetters, ſhall incur and run into the pain, loſs and penalty compriſed and ſpecified in the act of proviſion and *Præmunire*, made in the ſixteenth year of your moſt noble progenitor, King *Richard* the Second, againſt ſuch as ſue to the court of *Rome*, againſt your crown and dignity royal.

The penalty for ſuing to the ſee of Rome for any licence, diſpenſation, &c. or for obeying any proceſs from thence.

16 R. 2. c. 5.

XXIII. Pro-

XXIII. Provided alway, That this act, or any thing therein contained, ſhall not hereafter be taken nor expounded to the derogation or taking away of any grants, or confirmations of any liberties, privileges, or juriſdiction of any monaſteries, abbeys, priories, or other houſes, or places exempt, which heretofore the making of this act hath been obtained at the ſee of *Rome*, or by authority thereof, but that every ſuch grant and confirmation ſhall be of the ſame value, force and effect, as they were before the making of this act, and as if this act had never been made. (2) Provided always, That the abbots, priors, and other chief rulers and governors of ſuch monaſteries, abbeys, priories and other houſes, and places exempt, ſhall not hereafter pay any penſion, portion, or other cenſe to the ſee of *Rome*; (3) nor admit or accept any viſitation, nor any confirmation from or by the ſaid ſee of *Rome*, or by authority thereof, of or for any perſon to be elected, named, or preſented to be heads of any ſuch monaſteries, abbeys, priories, places or houſes exempt; nor ſhall make any corporal oath to the biſhop of *Rome*, otherwiſe called the Pope, upon the pains limited in this act: (4) but that every ſuch viſitation, and confirmation of ſuch heads elect in any ſuch monaſteries, abbeys, priories, houſes or places exempt, where after their election they were bounden to have and obtain any confirmation of their election, or of the perſon named, preſented or elect, ſhall be from henceforth had, made and done within this realm, at and within every ſuch abbeys, monaſteries, priories, and other houſes and places exempt, by ſuch perſon and perſons as ſhall be appointed, by authority of the King's commiſſion, from time to time, as the caſe ſhall require, and not by the ſee of *Rome*, nor by authority thereof; any thing in this next proviſo above ſpecified to the contrary thereof notwithſtanding,

Grants and confirmations of liberties from the ſee of Rome to any abbey, &c. ſhall ſtill be of the ſame force as they were before.

Abbies, &c. ſhall pay no penſions to the ſee of Rome, nor accept any viſitation or confirmation from thence, nor ſhall make an oath to the biſhop thereof.

XXIV. Provided always, That in ſuch monaſteries, abbeys, priories and houſes exempt, where after election, preſentation or nomination of their heads, no ſuch confirmation is requiſite to be had, nor hath been uſed to be taken by reaſon of ſuch privileges as they have concerning the ſame, that in every ſuch monaſteries, abbeys, priories and places exempt, they ſhall not be bounden to obtain, have or take any confirmation for the ſame within this realm, by authority of this act, but uſe their privileges therein as they have done before the making of this act; any thing in this act, or any the proviſoes next above rehearſed, to the contrary thereof notwithſtanding.

Monaſteries, houſes, &c. where no confirmation is requiſite.

XXV. Provided alſo and be it enacted, That this act, or any thing or things, word or words therein, or in the preamble thereof mentioned or contained, is not intended or meant, nor ſhall be expounded nor interpreted, that any diſpenſations, licences or confirmations for marriages, granted to any the King's ſubjects born under his obeyſance, at any time before the twelfth day of *March* in the year of our Lord God 1533. ſhall be appaired, or of any leſs value, ſtrength, force or effect, than they were at the ſaid twelfth day of *March*; (2) nor that this act, or any thing therein contained, ſhall not extend to the derogation,

licences and diſpenſations obtained at the ſee of Rome before March 12, 1533. ſhall be of the ſame force they were before. 21 H. 8. c 13, ſ. 11.

appairing

appairing or adnullation of any licences, diſpenſations, confirmations, faculties or indulgences at any time before the ſaid twelfth day of *March* in the year of our Lord God 1533. had or obtained at the ſee of *Rome*, or by authority thereof, to or for any ſubjects born in this realm, or in any the King's dominions, or to or for the hoſpital of the prior of ſaint *John's Jeruſalem* in *England*, or any commandries or members thereof, or to or for any other cathedral churches, hoſpitals, monaſteries, abbeys, priories, colleges, conventual churches, parochial churches, chapels, fraternities, brotherheads or bodies politick within this realm, or in any other the King's dominions; (3) but that every ſuch licence, diſpenſation, confirmation, faculty and indulgence granted before the ſaid xii day of *March* to any ſuch ſubject, or to the ſaid hoſpital of the prior of St. *John's Jeruſalem* in *England*, commandries or members thereof, or to any other cathedral church, hoſpital, monaſtery, abbey, priory, college, church conventual, parochial church, chapel, fraternity, brotherhead or body politick, or to their predeceſſors or anceſtors within this realm, or in any other the King's dominions, ſhall be of the ſame force, ſtrength, value and effect, and may be from time to time put in execution at all times hereafter, by and to them that will uſe and have the ſame, as they might have been afore the making of this act, and as if this act had never been had ne made; any thing in the ſaid act to the contrary hereof notwithſtanding.

Hob. 146. XXVI. Provided always, That ſuch licences, diſpenſations, confirmations or faculties heretofore obtained at the ſee of *Rome*, or by authority thereof, contrary to the expreſs proviſions of the the laws and ſtatutes of this realm heretofore made, ſhall not at any time hereafter be uſed or put in execution in any caſe, to the derogation, or contrary to the ſaid laws and ſtatutes of this realm, and the proviſions of the ſame; any thing in this proviſo to the contrary thereof notwithſtanding.

The King with the advice of his council may reform the manner of indulgences. XXVII. And be it enacted by authority of this preſent parliament, That the King our ſovereign lord, by the advice of his honourable council, ſhall have power and authority from time to time, for the ordering, redreſs and reformation of all manner of indulgences and privileges thereof within this realm, or within any the King's dominions, heretofore obtained at the ſee of *Rome*, or by authority thereof, and of the abuſes of ſuch indulgences and privileges thereof, as ſhall ſeem good, wholeſome and reaſonable for the honour of God and weal of his people; and that ſuch order and redreſs as ſhall be taken by his Highneſs in that behalf, ſhall be obſerved and firmly kept upon the pains limited in this act for the offending of the contents of the ſame.

Repealed by 1 & 2 P. & M. c. 8. and revived by 1 El. c. 1. XXVIII. Provided alway, and be it enacted by authority of this preſent parliament, That this preſent act, or any thing or things therein contained, ſhall not begin to take effect nor be put in execution till the feaſt of the nativity of St. *John Baptiſt* next coming, except the King's majeſty, on this ſide the ſaid

feaſt, by his letters patents under his great ſeal to be inrolled in the parliament roll of this preſent parliament, do declare and expreſs, that it is his pleaſure that it ſhall begin and take effect at any time afore the ſaid feaſt; and if his Highneſs happen ſo to do, that then, immediately after ſuch declaration of his pleaſure by his ſaid letters patents in form aforeſaid, this ſaid act ſhall begin and be put in execution afore the ſaid feaſt, according to his ſaid pleaſure ſo to be declared by his ſaid letters patents; any thing in this proviſo to the contrary hereof notwithſtanding.

XXIX. And be it further enacted by authority aforeſaid, That the King's majeſty at all times on this ſide the ſaid feaſt ſhall have full power and authority, by his letters patents under his great ſeal to be inrolled in the parliameut roll of this preſent parliament, to abrogate, adnull and utterly repeal and make void this act and every thing and things therein contained, or elſe as much and ſuch part thereof as ſhall be declared and limited on this ſide the ſaid feaſt by his letters patents to be void and repealed; and that all ſuch repeal and adnullation ſo to be made in form aforeſaid by his Highneſs on this ſide the ſaid feaſt, ſhall be as good and effectual as though it had been done and had by authority of parliament; any thing or things contained in this preſent act to the contrary hereof notwithſtanding; and if no ſuch repeal be had or made by the King's majeſty on this ſide the ſaid feaſt, in form as is afore rehearſed, that then the ſaid act, or as much and ſuch part thereof as ſhall not be repealed on this ſide the ſaid feaſt, ſhall immediately after the ſaid feaſt ſtand firm, good and effectual, and from thenceforth be put in due execution according to the tenor thereof; any thing in this act or in any the proviſions aforeſaid to the contrary hereof notwithſtanding.

CAP. XXII.

An act concerning the King's ſucceſſion.

The ſucceſſion of the King's majeſty in the imperial crown. Repealed 1 & 2 Ph. & M. c. 2, & c. 8.

IN *their moſt humble wiſe ſhewn unto your Majeſty your moſt humble and obedient ſubjects, the lords ſpiritual and temporal and the commons in this preſent parliament aſſembled, That ſince it is the natural inclination of every man, gladly and willingly to provide for the ſurety of both his title and ſucceſſion, although it touch only his private cauſe, we therefore, moſt rightful and dreadful ſovereign Lord, reckon our ſelves much more bound to beſeech and inſtant your Highneſs (although we doubt not of your princely heart and wiſdom, mixed with a natural affection to the ſame) to foreſee and provide for the perfect ſurety of both you, and of your moſt lawful ſucceſſion and heirs, upon which dependeth all our joy and wealth, in whom alſo is united and knit the only mere true inheritance and title of this realm, without any contradiction*; (2) *wherefore we your ſaid moſt humble and obedient ſubjects, in this preſent parliament aſſembled, calling to our remembrance the great diviſions which in times paſt have been in this realm, by reaſon of ſeveral titles pretended to the imperial crown of the ſame, which ſometimes, and for the moſt part enſued, by occaſion of ambiguity and*

doubts, then not ſo perfectly declared, but that men might upon froward intents, expound them to every man's ſiniſter appetite and affection, after their ſenſe, contrary to the right legality of the ſucceſſion and poſterity of the lawful Kings and emperors of this realm; (3) *whereof hath enſued great effuſion and deſtruction of man's blood, as well of a great number of the nobles, as of other the ſubjects, and eſpecially inheritors in the ſame*; (4) *and the greateſt occaſion thereof hath been becauſe no perfect and ſubſtantial proviſion by law hath been made within this realm of itſelf, when doubts and queſtions have been moved and proponed, of the certainty and legality of the ſucceſſion and poſterity of the crown*; (5) *by reaſon whereof the biſhop of* Rome, *and ſee apoſtolick, contrary to the great and inviolable grants of juriſdictions given by God immediately to emperors, kings and princes, in ſucceſſion to their heirs, hath preſumed in times paſt, to inveſt who ſhould pleaſe them, to inherit in other men's kingdoms and dominions, which thing we your moſt humble ſubjects, both ſpiritual and temporal, do utterly abhor and deteſt*; (6) *and ſometimes other foreign princes and potentates of ſundry degrees, minding rather diſſenſion and diſcord to continue in the realm, to the utter deſolation thereof, than charity, equity or unity, have many times ſupported wrong titles, whereby they might the more eaſily and facily aſpire to the ſuperiority of the ſame; the continuance and ſufferance whereof deeply conſidered and pondered, were too dangerous and perilous to be ſuffered any longer within this realm, and too much contrary to the unity, peace and tranquility of the ſame, being greatly reproachable and diſhonourable to the whole realm:*

The ambiguity of the ſeveral titles to the crown of this realm, and the not eſtabliſhing of the ſucceſſion thereof, hath been the cauſes of much trouble.

II. *In conſideration whereof, your ſaid moſt humble and obedient ſubjects, the nobles and commons of this realm, calling further to their remembrance, that good unity, peace and wealth of this realm, and the ſucceſſion of the ſubjects of the ſame, moſt eſpecially and principally above all worldly things conſiſteth and reſteth in the certainty and ſurety of the procreation and poſterity of your Highneſs, in whoſe moſt royal perſon, at this preſent time, is no manner of doubt nor queſtion*; do therefore moſt humbly beſeech your Highneſs, that it may pleaſe your Majeſty, That it may be enacted by your Highneſs, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the marriage heretofore ſolemnized between your Highneſs and the lady *Katherine*, being before the lawful wife to prince *Arthur*, your elder brother, which by him was carnally known, as doth duly appear by ſufficient proof in a lawful proceſs had and made before *Thomas*, by the ſufferance of God, now archbiſhop of *Canterbury* and metropolitan and primate of all this realm, ſhall be, by authority of this preſent parliament, definitively, clearly and abſolutely declared, deemed and adjudged to be againſt the laws of Almighty God, (2) and alſo accepted, reputed and taken of no value nor effect, but utterly void and adnihiled, and the ſeparation thereof, made by the ſaid archbiſhop, ſhall be good and effectual to all intents and purpoſes; any licence, diſpenſation or any other act or acts going afore, or enſuing the ſame, or to the contrary thereof, in any wiſe notwithſtanding; (3) and that every ſuch licence, diſpenſation,

The marriage between the King and the lady Katherine ſhall be adjudged void, and the ſeparation good.

penſation, act or acts, thing or things heretofore had, made, done, or to be done to the contrary thereof, ſhall be void and of none effect; (4) and that the ſaid lady *Katherine* ſhall be from henceforth called and reputed only dowager to prince *Arthur*, and not queen of this realm; (5) and that the lawful matrimony had and ſolemnized between your Highneſs and your moſt dear and entirely beloved wife Queen *Anne*, ſhall be eſtabliſhed, and taken for undoubtful, true, ſincere and perfect ever hereafter, according to the juſt judgment of the ſaid *Thomas*, archbiſhop of *Canterbury*, metropolitan and primate of all this realm, whoſe grounds of judgment have been confirmed, as well by the whole clergy of this realm in both the convocations, and by both the univerſities thereof, as by the univerſities of *Bonony*, *Padua*, *Paris*, *Orleance*, *Tholouſe*, *Angiewe* and divers others, and alſo by the private writings of many right excellent well learned men; (6) which grounds ſo confirmed, and judgment of the ſaid archbiſhop enſuing the ſame, together with your marriage ſolemnized between your Highneſs and your ſaid lawful wife Queen *Anne*, we your ſaid ſubjects, both ſpiritual and temporal, do purely, plainly, conſtantly and firmly accept, approve and ratify for good, and conſonant to the laws of Almighty God, without error or default; moſt humbly beſeeching your Majeſty, that it may be ſo eſtabliſhed for ever by your moſt gracious and royal aſſent.

The lady Katherine ſhall be called dowager to prince Arthur, and not Queen.

The marriage between the King and his wife Q. Anne ſhall be taken for good, and conſonant to God's law.

III. *And furthermore, ſince many inconveniencies have fallen, as well within this realm as in others, by reaſon of marrying within the degrees of marriage prohibited by God's laws, that is to ſay, the ſon to marry the mother, or the ſtepmother, the brother the ſiſter, the father his ſon's daughter, or his daughter's daughter, or the ſon to marry the daughter of his father procreate and born by his ſtepmother, or the ſon to marry his aunt, being his father's or mother's ſiſter, or to marry his uncle's wife, or the father to marry his ſon's wife, or the brother to marry his brother's wife, or any man to marry his wife's daughter, or his wife's ſon's daughter, or his wife's daughter's daughter, or his wife's ſiſter*; (2) *which marriages, albeit they be plainly prohibited and deteſted by the laws of God, yet nevertheleſs at ſometimes they have proceeded under colours of diſpenſations by man's power, which is but uſurped, and of right ought not to be granted, admitted nor allowed; for no man, of what eſtate, degree or condition ſoever he be, hath power to diſpenſe with God's laws, as all the clergy of this realm in the ſaid convocations, and the moſt part of all the famous univerſities of chriſtendom, and we alſo, do affirm and think.*

Marriage within the degrees prohibited by God's law. 2 Vent. 11. 32 H. 8. c. 38.

No man hath power to diſpenſe with God's law.

IV. Be it therefore enacted by the authority aforeſaid, That no perſon or perſons, ſubjects or reſiants of this realm, or in any your dominions, of what eſtate, dignity or degree ſoever they be, ſhall from henceforth marry within the ſaid degrees afore rehearſed, what pretence ſoever ſhall be made to the contrary thereof; (2) and in caſe any perſon or perſons, of what eſtate, dignity, degree or condition ſoever they be, hath been heretofore married within this realm, or in any the King's

dominions, within any the degrees above expreſſed, and by any the archbiſhops, biſhops or miniſters of the church of *England*, be ſeparate from the bonds of ſuch unlawful marriage, that then every ſuch ſeparation ſhall be good, lawful, firm and permanent for ever, and not by any power, authority or means to be revoked or undone hereafter, and that the children proceeding and procreate under ſuch unlawful marriage, ſhall not be lawful ne legitimate; any foreign laws, licences, diſpenſations or other thing or things to the contrary thereof notwithſtanding.

Perſons heretofore married within the degrees aforeſaid ſhall be ſeparated by the ordinary's ſentence. Hob. 148. 25 H. 8. c. 21. ſ. 8. n. 1.

V. And in caſe there be any perſon or perſons within this realm, or in any the King's dominions, already married within any the ſaid degrees above ſpecified, and not yet ſeparate from the bonds of ſuch unlawful marriage, That then every ſuch perſon ſo unlawfully married, ſhall be ſeparate by the definitive ſentence and judgments of the archbiſhops, biſhops and other miniſters of the church of *England*, and in other your dominions, within the limits of their juriſdictions and authorities, and by none other power or authority; (2) and that all ſentences and judgments given and to be given by any archbiſhop, biſhop or other miniſter of the church of *England*, or in other the King's dominions, within the limits of their juriſdictions and authorities, ſhall be definitive, firm, good and effectual, to all intents, and be obſerved and obeyed, without ſuing any provocations, appeals, prohibitions or other proceſs from the court of *Rome*, to the derogation thereof, or contrary to the act made ſince the beginning of this preſent parliament, for reſtraint of ſuch provocations, appeals, prohibitions and other proceſſes.

All the iſſue procreate between the King and his wife Q. Anne ſhall be his lawful children.

VI. And alſo be it enacted by authority aforeſaid, That all the iſſue had and procreate, or hereafter to be had and procreate, between your Highneſs and your ſaid moſt dear and entirely beloved wife Queen *Anne*, ſhall be your lawful children, and be inheritable, and inherit according to the courſe of inheritance and laws of this realm, the imperial crown of the ſame, with all dignities, honours, preheminences, prerogatives, authorities and juriſdictions to the ſame annexed or belonging, in as large and ample manner as your Highneſs at this preſent time hath the ſame as King of this realm, the inheritance thereof to be and remain to your ſaid children and right heirs, in manner and form as hereafter ſhall be declared.

The imperial crown of England, &c. intailed.

VII. That is to ſay, firſt the ſaid imperial crown, and other the premiſſes, ſhall be to your Majeſty, and to your heirs of your body lawfully begotten; that is to ſay, to the firſt ſon of your body, between your Highneſs and your ſaid lawful wife Queen *Anne* begotten, and to the heirs of the body of the ſame firſt ſon lawfully begotten, and for default of ſuch heirs, then to the ſecond ſon of your body and of the body of the ſaid Queen *Anne* begotten, and the heirs of the body of the ſaid ſecond ſon lawfully begotten, and ſo to every ſon of your body and of the body of the ſaid Queen *Anne* begotten, and to the heirs of the body of every ſuch ſon begotten, according to the courſe of inheritance in that behalf; (2) and if it ſhall happen your ſaid dear and entirely

entirely beloved wife Queen *Anne* to deceaſe without iſſue male of the body of your Highneſs to be begotten, (which God defend) then the ſame imperial crown, and all other the premiſſes, to be to your Majeſty, as is aforeſaid, and to the ſon and heir male of your body lawfully begotten, and to the heirs of the body of the ſame ſon and heir male lawfully begotten; and for default of ſuch iſſue, then to your ſecond ſon of your body lawfully begotten, and to the heirs of the body of the ſame ſecond ſon lawfully begotten, and ſo from ſon and heir male to ſon and heir male, and to the heirs of the ſeveral bodies of every ſuch ſon and heir male to be begotten, according to the courſe of inheritance, in like manner and form as is aboveſaid; (3) and for default of ſuch ſons of your body begotten, and of the heirs of the ſeveral bodies of every ſuch ſons lawfully begotten, that then the ſaid imperial crown, and other the premiſſes, ſhall be to the iſſue female between your Majeſty and your ſaid moſt dear and entirely beloved wife Queen *Anne* begotten, that is to ſay, firſt to the eldeſt iſſue female, which is the lady *Elizabeth*, now princeſs, and to the heirs of her body lawfully begotten, and for default of ſuch iſſue, then to the ſecond iſſue female, and to the heirs of her body lawfully begotten, and ſo from iſſue female to iſſue female, and to the heirs of their bodies one after another, by courſe of inheritance, according to their ages, as the crown of *England* hath been accuſtomed, and ought to go, in caſes when there be heirs females to the ſame; and for default of ſuch iſſue, then the ſaid imperial crown, and all other the premiſſes, ſhall be in the right heirs of your Highneſs for ever.

The lady Elizabeth the firſt iſſue female of the King and Q. Anne his wife.

VIII. And be it further enacted by authority aforeſaid, That on this ſide the firſt day of *May* next coming, proclamation ſhall be made in all ſhires within this realm, of the tenor and contents of this act; and if any perſon or perſons, of what eſtate, dignity or condition ſoever they be, ſubject or reſiant within this realm, or elſewhere within any the King's dominions, after the ſaid firſt day of *May*, by writing or imprinting, or by any exterior act or deed, maliciouſly procure or do, or cauſe to be procured or done, any thing or things to the peril of your moſt royal perſon, (2) or maliciouſly give occaſion by writing, print, deed or act, whereby your Highneſs might be diſturbed or interrupted of the crown of this realm, (3) or by writing, print, deed or act, procure or do, or cauſe to be procured or done, any thing or things to the prejudice, ſlander, diſturbance or derogation of the ſaid lawful matrimony ſolemnized between your Majeſty and the ſaid Queen *Anne*, or to the peril, ſlander or diſheriſon of any of the iſſues and heirs of your Highneſs, being limited by this act to inherit and to be inheritable to the crown of this realm in ſuch form as is aforeſaid, whereby any ſuch iſſues or heirs of your Highneſs might be deſtroyed, diſturbed or interrupted in body or title of inheritance to the crown of this realm, as to them is limited in this act in form above rehearſed; (4) that then every ſuch perſon and perſons, of what eſtate, degree or condition they be of, ſubject or reſiant with-

This act ſhall be proclaimed in all the ſhires of England.

The penalty for hurting the King's perſon, diſturbing his title to the crown, or ſlandering his marriage.

in this realm, and their aiders, counſellors, maintainers and abettors, and every of them, for every ſuch offence ſhall be adjudged high traitors, and every ſuch offence ſhall be adjudged high treaſon, and the offenders and their aiders, counſellors, maintainers and abettors, and every of them, being lawfully convict of ſuch offence by preſentment, verdict, confeſſion or proceſs, according to the cuſtoms and laws of this realm, ſhall ſuffer pains of death, as in caſes of high treaſon; (5) and that alſo every ſuch offender, being convict as is aforeſaid, ſhall loſe and forfeit to your Highneſs, and to your heirs, Kings of this realm, all ſuch manors, lands, tenements, rents, annuities and hereditaments, which they had in poſſeſſion as owners, or were ſole ſeized of by or in any right, title or means, or any other perſon or perſons had to their uſe, of any eſtate of inheritance, at the day of ſuch treaſons and offences by them committed and done; (6) and ſhall alſo loſe and forfeit to your Highneſs, and to your ſaid heirs, as well all manner ſuch eſtates of freehold and intereſts for years of lands and rents, as all their goods, chattels and debts, which they had at the time of conviction or attainder of any ſuch offence: (7) ſaving always to every perſon and perſons, and bodies politick, to their heirs, aſſigns and ſucceſſors, and every of them, other than ſuch perſons as ſhall be ſo convict, and their heirs and ſucceſſors, and all other claiming to their uſes, all ſuch right, title, uſe, intereſt, poſſeſſion, condition, rents, fees, offices, annuities and commons, which they or any of them ſhall happen to have in, to or upon any ſuch manors, lands, tenements, rents, annuities or hereditaments, that ſhall ſo happen to be loſt and forfeit by reaſon of attainder for any the treaſons and offences above rehearſed, at any time before the ſaid treaſons and offences committed.

Rep. 1 E. 6. c. 12. ſ. 2.

The rights of all others, except the offenders, ſaved.

The penalty for publiſhing any thing to the peril of the King, or the ſlander of his marriage, or to the diſheritance of his iſſue.

IX. And be it further enacted by authority aforeſaid, That if any perſon or perſons after the ſaid firſt day of *May*, by any words, without writing, or any exterior deed or act, maliciouſly and obſtinately ſhall publiſh, divulge or utter any thing or things to the peril of your Highneſs, or to the ſlander or prejudice of the ſaid matrimony ſolemnized between your Highneſs and the ſaid Queen *Anne*, or to the ſlander and diſheriſon of the iſſue and heirs of your body begotten and to be begotten by the ſaid Queen *Anne*, or any other your lawful heirs, which ſhall be inheritable to the crown of this realm, as is before limited by this act; that then every ſuch offence ſhall be taken and adjudged for miſpriſion of treaſon; (2) and that every perſon and perſons, of what eſtate, degree or condition ſoever they be, ſubject or reſiant within this realm, or in any the King's dominions, ſo doing and offending, and being thereof lawfully convict by preſentment, verdict, proceſs or confeſſion, ſhall ſuffer impriſonment of their bodies at the King's will, and ſhall loſe as well all their goods, chattels and debts, as all ſuch intereſts and eſtates of freehold or for years, which any ſuch offender ſhall have of or in any lands, rents or hereditaments whatſoever, at the time of conviction and attainder of ſuch offence.

X. And

X. And be it alſo enacted by the authority aforeſaid, That no perſon nor perſons offending in any of the treaſons and miſpriſions contained and limited by this act, ſhall in any wiſe have or enjoy the privilege and immunity of any manner of ſanctuaries within this realm, or elſewhere within any of the King's dominions, but ſhall utterly loſe and be excluded of the ſame; any uſe, cuſtom, grant, preſcription, confirmation, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

An offender ſhall not have the privilege of ſanctuary.

XI. And be it alſo enacted by authority aforeſaid, That if your Majeſty ſhould happen to deceaſe before any ſuch your iſſue and heir male which ſhould inherit the crown of this realm, ſhall be of his age of eighteen years, or before ſuch your iſſue and heir female which ſhould inherit the crown of this realm, ſhall be married, or be of the age of ſixteen years, which Almighty God defend, that then your ſaid iſſue and heir male to the crown, ſo being within the ſaid age of eighteen years, or your ſaid iſſue and heir female to the crown, being unmarried, or within the ſaid age of ſixteen years, ſhall be and remain unto ſuch time as ſuch iſſues and heirs ſhall come to the ſaid ſeveral ages afore limited, at and in the governance of their natural mother, ſhe living, with ſuch other counſellors of your realm, as your Majeſty in your life-time ſhall depute and aſſign by your will, or otherwiſe, for the ſame, without contradiction of any perſon or perſons to the contrary thereof.

Who ſhall have the government of the King's iſſue and heir during minority.

XII. And if any perſon and perſons by writing, or exterior deed or act, procure or do, or cauſe to be procured or done any thing or things to the let or diſturbance of the ſame; that then every ſuch offence ſhall be high treaſon, and the offenders being thereof convict, ſhall ſuffer ſuch pains of death and loſſes of inheritance, freeholds, intereſts for years, goods, chattels and debts, in ſuch manner and form as is above ſpecified in caſes of treaſon afore mentioned.

XIII. And for the more ſure eſtabliſhment of the ſucceſſion of your moſt royal Majeſty, according to the tenor and form of this act; be it further enacted by authority aforeſaid, That as well all the nobles of your realm ſpiritual and temporal, as all other your ſubjects now living and being, or which hereafter ſhall be, at their full ages, by the commandment of your Majeſty or of your heirs, at all times hereafter from time to time, when it ſhall pleaſe your Highneſs or your heirs to appoint, ſhall make a corporal oath in the preſence of your Highneſs or your heirs, or before ſuch others as your Majeſty or your heirs will depute for the ſame, that they ſhall truly, firmly and conſtantly, without fraud or guile, obſerve, fulfil, maintain, defend and keep, to their cunning, wit, and uttermoſt of their powers, the whole effects and contents of this preſent act. (2) And that all manner your ſubjects, as well ſpiritual as temporal, ſuing livery, reſtitutions, or *ouſter le main* out of the hands of your Highneſs or of your heirs, or of doing any fealty to your Highneſs or to your heirs, by reaſon of tenure of their lands,

All perſons ſhall be ſworn to perform the contents of this act. 26 H. 8. c. 2.

ſhall ſwear a like corporal oath, that they and every of them without fraud or guile, to their cunning, wit, and uttermoſt of their powers, ſhall truly, firmly and conſtantly obſerve, fulfil, maintain, defend and keep the effects and contents contained and ſpecified in this act, or in any part thereof; (3) and that they, nor any of them, ſhall hereafter have any liveries, *ouſter le mains*, or reſtitution out of your hands, nor out of the hands of your heirs, till they have made the ſaid corporal oath in form above rehearſed: and if any perſon or perſons, being commanded by authority of this act to make the ſaid oath afore limited, obſtinately refuſe that to do, in contempt of this act, that then every ſuch perſon ſo doing, to be taken and accepted for offender in miſpriſion of high treaſon; and that every ſuch refuſal ſhall be deemed and adjudged miſpriſion of high treaſon; and the offender therein to ſuffer ſuch pains and impriſonment, loſſes and forfeitures, and alſo loſe privileges of ſanctuaries, in like manner and form as is above mentioned for the miſpriſions of treaſons afore limited by this act.

The penalty of them which refuſe to take the oath.

XIV. Provided always, That the article in this act contained concerning prohibitions of marriages within the degrees aforementioned in this act, ſhall always be taken, interpreted and expounded of ſuch marriages, where marriages were ſolemnized and carnal knowledge was had.

Marriage with carnal knowledge.

Statutes made at *Weſtminſter*, *Anno* 26 HEN. VIII. and *Anno Dom.* 1534.

ACTS *made in the ſeſſion of this preſent parliament, holden upon prorogation at* Weſtminſter *the third day of* November *in the ſix and twentieth year of the reign of our moſt dread ſovereign lord King* Henry *the Eighth, and there continued and kept till the eighteenth day of* December *next enſuing, to the honour of God, and for the common weal and profit of this his realm.*

CAP. I.

The King's grace to be authorized ſupreme head.

The King ſhall be reputed ſupreme head of the the church of England, and correct all hereſies and offences.

ALBEIT *the King's majeſty juſtly and rightfully is and ought to be the ſupreme head of the church of* England, *and ſo is recognized by the clergy of this realm in their convocations, yet nevertheleſs for corroboration and confirmation thereof, and for increaſe of virtue in Chriſt's religion within this realm of* England, *and to repreſs and extirp all errors, hereſies, and other enormities and abuſes heretofore uſed in the ſame:* be it enacted by authority of this preſent parliament, That the King our ſovereign lord, his heirs and ſucceſſors, Kings of this realm, ſhall be taken accepted and reputed the only ſupreme head in earth of the church of *England*, called *Anglicana Eccleſia*; (2) and ſhall have and enjoy, annexed and united to the imperial crown of this realm, as well the title and ſtile thereof, as all honours, dignities, preheminences, juriſdictions,

juriſdictions, privileges, authorities, immunities, profits and commodities to the ſaid dignity of ſupreme head of the ſame church belonging and appertaining; (3) and that our ſaid ſovereign lord, his heirs and ſucceſſors, Kings of this realm, ſhall have full power and authority from time to time to viſit, repreſs, redreſs, reform, order, correct, reſtrain and amend all ſuch errors, hereſies, abuſes, offences, contempts and enormities, whatſoever they be, which by any manner ſpiritual authority or juriſdiction ought or may lawfully be reformed, repreſſed, ordered, redreſſed, corrected, reſtrained or amended, moſt to the pleaſure of Almighty God, the increaſe of virtue in Chriſt's religion, and for the conſervation of the peace, unity and tranquility of this realm; any uſage, cuſtom, foreign laws, foreign authority, preſcription, or any other thing or things to the contrary hereof notwithſtanding.

Repealed by 1&2Ph.&M. c. 8. and revived by 1 Eliz. c. 1. 5 Eliz. c. 1.

CAP. II.

The oath of obedience to the King and the heirs of his body begotten of Queen *Anne*. Any former oath made to be reputed vain and annihilate. The expoſition of the oath, and who have and ſhall be bound to take it. Certificate ſhall be made into the King's bench of the refuſers of the oath.

25 H. 8. c. 12. 28 H. 8. c. 7. 1&2Ph.&M. c. 8. 1 Eliz. c. 1.

CAP. III.

The bill for the firſt-fruits, with the yearly penſions to the King.

FOraſmuch *as it is, and of very duty ought to be, the natural inclination of all good people, like moſt faithful loving and obedient ſubjects, ſincerely and willingly to deſire to provide, not only for the publick weal of their native country, but alſo for the ſupportation, maintenance and defence of the royal eſtate of their moſt dread benign and gracious ſovereign lord, upon whom, and in whom dependeth all their joy and wealth, in whom alſo is united and knit ſo princely a heart and courage, mixed with mercy, wiſdom and juſtice, and alſo a natural affection joined to the ſame, as by the great, ineſtimable and benevolent arguments thereof, being moſt bountifully, largely, and many times ſhewed, miniſtered and approved towards his loving and obedient ſubjects, hath well appeared, which requireth a like correſpondence of gratitude to be conſidered, according to their moſt bounden duties*; (2) *wherefore his ſaid humble and obedient ſubjects, as well the lords ſpiritual and temporal, as the commons, in this preſent parliament aſſembled, calling to their remembrance not only the manifold and innumerable benefits daily adminiſtered by his Highneſs to them all, and to the reſidue of all other his ſubjects of this realm; but alſo how long time his Majeſty hath moſt victoriouſly, by his high wiſdom and policy, protected, defended and governed this his realm, and maintained his people and ſubjects of the ſame in tranquillity, peace, unity, quietneſs and wealth*; (3) *and alſo conſidering what great, exceſſive and ineſtimable charges his Highneſs hath heretofore been at, and ſuſtained by the ſpace of five and twenty whole years, and alſo daily ſuſtaineth, for the maintenance, tuition and defence of this his realm, and his loving ſubjects of the ſame, which cannot be ſuſtained and born without ſome honourable*

Firſt-fruits of all dignities ſpiritual ſhall be paid to the King, &c. 12 Co. 45. Rep. 2&3Ph. &M. c. 4. and revived by 1 Eliz. c. 4. 2 Ann. c. 11.

able proviſion and remedy may be made, found, provided and ordained for maintenance thereof; do therefore deſire, and moſt humbly pray, that for the more ſurety of continuance and augmentation of his Highneſs royal eſtate, being not only now recognized (as he always indeed hath heretofore been) the only ſupreme head in earth, next, and immediately under God, of the church of England, *but alſo their moſt aſſured and and undoubted natural ſovereign liege lord and King, having the whole governance, tuition, defence and maintenance of this his realm, and moſt loving and obedient ſubjects of the ſame:* it may therefore be ordained and enacted by his Highneſs, and the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, in manner and form following:

The firſt-fruits and profits for one year of every ſpiritual living is granted to the King. By 27 H. 8. c. 8. ſ. 1. a deduction is to be made of the tenth part of the whole out of the firſt-fruits for the firſt year.

II. That is to ſay, That the King's highneſs, his heirs and ſucceſſors, Kings of this realm, ſhall have and enjoy from time to time, to endure for ever, of every ſuch perſon and perſons which at any time after the firſt day of *January* next coming ſhall be nominated, elected, prefected, preſented, collated, or by any other means appointed, to have any archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, college, hoſpital, archdeaconry, deanry, provoſtſhip, prebend, parſonage, vicarage, chauntery, free chapel, or other dignity, benefice, office or promotion ſpiritual within this realm, or elſewhere within any of the King's dominions, of what name, nature or quality ſoever they be, or to whoſe foundation, patronage or gifts ſoever they belong, the firſt-fruits, revenues and profits for one year of every ſuch archbiſhoprick, biſhoprick, abbey, monaſtery, priory, college, hoſpital, archdeaconry, deanry, provoſtſhip, prebend, parſonage, vicarage, chauntery, free chapel or other dignity, benefice, office or promotion ſpiritual afore named, whereunto any ſuch perſon or perſons ſhall after the ſaid firſt day of *January* be nominated, elected, prefected, preſented, collated, or by any other means appointed; (2) and that every ſuch perſon and perſons, before any actual or real poſſeſſion, or meddling with the profits of any ſuch archbiſhoprick, biſhoprick, abbacy, monaſtery, college, hoſpital, deanry, provoſtſhip, prebend, parſonage, vicarage, chauntery, free chapel, priory or other dignity, benefice, office or promotion ſpiritual, ſhall ſatisfy, content and pay, or compound or agree to pay to the King's uſe, at reaſonable days, upon good ſureties, the ſaid firſt-fruits and profits for one year.

Every ſpiritual perſon ſhall be bound for his firſt-fruits before his actual poſſeſſion of his benefice. See 28 H. 8. c. 11. ſ. 3.

Commiſſioners to ſearch for the value of benefices, and to compound for the firſt-fruits.

III. And be it alſo enacted by authority aforeſaid, That the chancellor of *England* and maſter of the rolls for the time being, jointly and ſeverally, or ſuch other perſon and perſons as ſhall pleaſe the King's highneſs, his heirs or ſucceſſors, from time to time, at his or their pleaſure, to name and depute, by commiſſion or commiſſions under the great ſeal, ſhall have power and authority, as well to examine and ſearch for the juſt and true value of the ſaid firſt-fruits and profits, by all ways and means that they can, as to compound and agree for the rate of the ſaid firſt-fruits and profits, and to ſtall and limit reaſonable days for payment thereof upon good and ſuffi-

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cient ſurety or ſureties by writings obligatory by their diſcretions; (2) and if compoſition or agreement be had or made for the ſaid firſt-fruits before the ſaid lord chancellor or maſter of the rolls, that then the writings obligatory, or money taken for the ſame, ſhall reſt, remain and abide in the hanaper of the King's chancery, there ſafely to be kept to the King's uſe, and the money to be due of ſuch writings obligatory, or to be received in hand by reaſon of any ſuch compoſition, ſhall be paid in the ſaid hanaper to the clerk of the hanaper for the time being, and that the ſaid clerk of the hanaper ſhall make a true and juſt account thereof, like as he is bound to do of the money received of the profits of the King's great ſeal; (3) and if compoſition or agreement be had or made for the ſaid firſt-fruits, afore any other perſon or perſons to be deputed by the King's highneſs, his heirs or ſucceſſors, by commiſſion under his great ſeal, that then the writings obligatory, and money taken for the ſame, ſhall be delivered to the treaſurer of the King's moſt honourable chamber for the time being, or elſewhere to whom it ſhall pleaſe the King's highneſs, his heirs or ſucceſſors, to give authority by commiſſion under the great ſeal to receive the ſame.

The money taken for firſt-fruits ſhall be delivered to the treaſurer of the chamber,

IV. And it is alſo ordained and enacted by authority aforeſaid, That every writing of acquittance ſubſcribed with the hand and name of the clerk of the hanaper, and treaſurer of the chamber, or other commiſſioners aforeſaid, or any of them, witneſſing the receipt of the ſaid firſt-fruits or any part thereof, ſhall be as good and effectual againſt the King's highneſs, his heirs and ſucceſſors, to every perſon and perſons having the ſame, for ſo much money as ſhall be mentioned to be received and contained in every ſuch acquittance, as if ſuch acquittance were or had been lawfully had and obtained in the King's name, under the King's great ſeal, and ſo ſhall be admitted, accepted, allowed and taken in every of the King's courts; (2) and that all writings obligatory to be taken for payment of the ſaid firſt-fruits, by and afore the ſaid lord chancellor, or maſter of the rolls, or by and afore any other perſon or perſons to be deputed to compound and agree for the ſaid firſt-fruits as is aforeſaid, ſhall be of the ſame ſtrength, force, virtue, quality and effect, to all intents and purpoſes, as writings obligatory heretofore made by any lay perſon by authority of the ſtatute of the ſtaple been; (3) and that upon certificate hereafter to be made into the King's chancery, of any ſuch writings obligatory to be taken for payment of ſuch firſt-fruits, like proceſs and execution ſhall be thereupon made and had againſt any perſon ſpiritual and temporal, as hath been accuſtomed to be made againſt any lay perſon, upon certificate of writings obligatory of the ſaid ſtatute of the ſtaple; (4) and that no perſon ſhall be compelled to pay for any writing obligatory to be made for the ſaid payment of the ſaid firſt-fruits, above viii. d. nor for any acquittance to be made for receipt of ſuch firſt-fruits, above iv. d. (5) and that ſuch perſon and perſons as ſhall be deputed by the King's highneſs by commiſſion under the great ſeal, to compound and agree for the ſaid firſt-fruits, ſhall, at the end

Whoſe acquittance ſhall be ſufficient diſcharge for the firſt-fruits.

An obligation for the firſt-fruits ſhall be of the ſame ſtrength that a ſtatute of the ſtaple is.

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of every ſix months next after the date of their commiſſion, and ſo from ſix months to ſix months, deliver or cauſe to be delivered unto the treaſurer of the chamber for the time being, or elſewhere to ſuch commiſſioners as ſhall be appointed as is aforeſaid, to receive the ſame, as well all ſuch money, as all ſuch ſpecialties and bonds as they ſhall have taken for the payment of the ſaid firſt-fruits, by indenture to be made between them and the ſaid treaſurer, or other commiſſioners as is aforeſaid, containing the certainty and number of the ſums of money and ſpecialties, and bonds by them taken and received; (6) and if any perſon or perſons to whom any deputation ſhall be made by commiſſion, to compound and agree for the payment of the ſaid firſt-fruits, their heirs, executors or adminiſtrators, conceal or imbezzle any of the ſaid ſpecialties or bonds taken for the ſure payment of the ſaid firſt-fruits, and do not deliver them according to the tenor of this act, that then every ſuch offender ſhall forfeit that office of deputation, and over that make fine and ranſom at the King's own pleaſure and will.

The penalty of commiſſioners concealing bonds taken for the payment of firſt-fruits.

Whoſo entreth upon his ſpiritual living before compoſition ſhall forfeit double the value of the firſt-fruits.

V. And it is alſo enacted by authority aforeſaid, That if any perſon or perſons, which at any time after the ſaid firſt day of *January* ſhall be nominated, elected, prefected, preſented, collated, or by any other means appointed to any of the dignities, offices, benefices or other promotions ſpiritual before-mentioned, do enter into the actual and real poſſeſſions thereof, or meddle with the profits thereof, before they ſhall have truly ſatisfied and paid to the King's uſe, the firſt-fruits and profits thereof for one year, or elſe ſhall have agreed or compounded for payment of the ſame at reaſonable days upon good ſureties, in manner and form as by this act is above ſpecified, that then every ſuch perſon and perſons ſo doing and offending, and being thereof convict by preſentment, verdict, confeſſion or witneſs before the ſaid lord chancellor, or ſuch other as ſhall have authority by commiſſion to compound for the ſaid firſt-fruits and profits as is aforeſaid, ſhall be accepted and taken an intruder upon the King's poſſeſſion; (2) and that they, their executors or adminiſtrators, ſhall pay to the uſe of the King's highneſs, for every ſuch offence, ſo much ſums of money as ſhall amount to the double value of the ſaid firſt-fruits and profits of ſuch dignities, benefices or other ſpiritual promotions wherein they ſhall ſo enter and intrude before the payment of the ſaid firſt-fruits and profits for one year thereof, or before due agreement made for the ſame, in manner and form as is above rehearſed.

All firſt fruits payable to other perſons ſhall ceaſe, and be paid to the King. See 32 H. 8. c. 47. ſ. 3.

VI. And be it further enacted by authority aforeſaid, That the firſt-fruits of benefices heretofore accuſtomed to be paid to the biſhop of *Norwich*, within his dioceſe, and to the archdeacon of *Richmond*, within his archdeaconry, or to any other perſon or perſons within this realm, or any other the King's dominions, ſhall from the ſaid firſt day *January* ceaſe, and be extinct, and no longer be paid, but only to the King's highneſs,

highneſs, his heirs and ſucceſſors, in ſuch form as is above mentioned in this act.

VII. Provided always, That archbiſhops and biſhops, and all other having juriſdiction ordinary, may give and deliver letters of inſtitution and induction, as they might do before the making of this act, without any offence of any article contained in this act; any thing in this act contained to the contrary thereof notwithſtanding. The biſhops may give inſtitution and induction.

VIII. Provided alſo, That where there be divers cells appertaining to monaſteries and priories, and that the priors of ſuch cells be named, and removeable from time to time, at the only wills and pleaſures of their maſters and ſovereigns of the monaſteries and priories whereunto ſuch cells belong; that the priors of ſuch cells ſhall not be compelled to pay any firſt-fruits by virtue or authority of this act; any thing in this act contained to the contrary thereof notwithſtanding; (2) but that the firſt-fruits and profits of every ſuch cell ſhall be paid to the King's highneſs, his heirs and ſucceſſors, whenſoever and as often as any perſon ſhall be nominated, elected, prefected or collated to the monaſtery or priory whereunto ſuch cells belong. Priors removable ſhall pay no firſt-fruits.

IX. And over this be it enacted by the authority aforeſaid, That the King's majeſty, his heirs and ſucceſſors, Kings of this realm, for more augmentation and maintenance of the royal eſtate of his imperial crown and dignity of ſupreme head of the church of *England*, ſhall yearly have, take, enjoy and receive, united and knit to his imperial crown for ever, one yearly rent or penſion, amounting to the value of the tenth part of all the revenues, rents, farms, tythes, offerings, emoluments, and of all other profits as well called ſpiritual as temporal, now appertaining or belonging, or that hereafter ſhall belong to any archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntery, free chapel, or other benefice or promotion ſpiritual, of what name, nature or quality ſoever they be, within any dioceſe of this realm, or in *Wales*; (2) the ſaid penſion or annual rent to be yearly paid for ever to our ſaid ſovereign lord, to his heirs and ſucceſſors, Kings of this realm, at the feaſt of the nativity of our Lord God, (3) and the firſt payment thereof to begin at the feaſt of the nativity of our Lord God, which ſhall be in the year of our Lord God 1535. (4) And to be paid yearly by ſuch as ſhall be appointed to have the collection thereof by this act, in ſuch manner and form as ſhall hereafter be limited by this act, before the firſt day of *April* yearly next following after the ſaid feaſt of the nativity of our Lord. A yearly tenth of all ſpiritual livings given to the King. The tenth muſt be paid at Chriſtmas.

X. And it is ordained and enacted by authority aforeſaid, That the ſaid yearly rent and penſion ſhall be taxed, rated, levied, perceived and paid to the King's uſe, his heirs and ſucceſſors, in manner and form hereafter to be declared by this act; that Commiſſions ſhall be awarded into every dioceſe to enquire of the

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value of every ſpiritual living.

is to ſay, that the chancellor of *England* for the time being ſhall have power and authority to direct into every dioceſe in this realm, and in *Wales*, ſeveral commiſſions in the King's name, under his great ſeal, as well to the archbiſhop or biſhop of every ſuch dioceſe, as to ſuch other perſon or perſons as the King's highneſs ſhall name and appoint, commanding and authoriſing the ſaid commiſſioners ſo to be named in every ſuch commiſſion, or three of them at the leaſt, to examine, ſearch and enquire by all the ways and means that they can by their diſcretions, of and for the true and juſt whole and entire yearly values of all the manors, lands, tenements, hereditaments, rents, tythes, offerings, emoluments and all other profits, as well ſpiritual as temporal, appertaining or belonging to any archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntery, free chapel, or to any other benefice or promotion ſpiritual within the limits of their commiſſion, (2) with a clauſe to be contained in every ſuch commiſſion, that the ſaid commiſſioners, or three of them at the leaſt, ſhall deduct and allow in the making and rating of the ſaid yearly values of the premiſſes theſe deductions following, and none other; that is to ſay, the rents reſolute to the chief lords, and all other annual and perpetual rents and charges, which any ſpiritual perſon or perſons been bounden yearly to pay to any perſon or perſons, to their heirs and ſucceſſors for ever, or to give yearly in alms, by reaſon of any foundation or ordinance, and all fees for ſtewards, receivers, bailiffs and auditors, and ſynods and proxies, with another clauſe to be alſo contained in every ſuch commiſſion, that the ſaid commiſſioners or three of them at the leaſt, ſhall certify under their ſeals, at ſuch days as ſhall be limited by the ſaid commiſſions, as well the whole and intire value, as the deductions aforeſaid, of every archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntery, free chapel, and of all other benefits and promotions ſpiritual.

Deductions to be defalked out of ſpiritual livings.

The commiſſioners ſhall be ſworn indifferently to execute their commiſſions.

XI. And it is ordained and enacted by authority aforeſaid, That the ſaid commiſſioners that ſhall be ſo appointed, or three of them at the leaſt, ſhall have full power and authority to do, accompliſh and execute the effects and contents of their ſaid commiſſions in every behalf; (2) and that every the ſaid commiſſioners, before they ſhall execute their ſaid commiſſion, ſhall receive and take a corporal oath before the lord chancellor, or before ſuch other as ſhall be appointed by the ſaid chancellor by the King's writ of *Dedimus poteſtatem*, that they ſhall diligently and truly, without favour, affection, fraud, covin, meed, dread or corruption, do, fulfil and execute the whole effects and contents expreſſed in every ſuch commiſſion within the

the limits thereof, to their cunning, wits, and uttermoſt of their powers.

XII. And it is ordained and enacted by authority aforeſaid, That after ſuch certificate made by the ſaid commiſſioners, the ſaid yearly rent and penſion of the tenth part ſhall be ſet, taxed, rated and taken juſtly and truly and indifferently by the treaſurer, chancellor, chamberlain and barons of the King's exchequer, of and out of the clear yearly value of the premiſſes, that ſhall be above the deductions afore-mentioned, and none otherwiſe. (2) And that every archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, archdeaconry, deanry, hoſpital, college, houſe collegiate, prebend, cathedral church, collegiate church, conventual church, parſonage, vicarage, chauntery, free chapel, or other benefice or promotion ſpiritual, ſhall be ſeverally and diſtinctly taxed, charged and chargeable, in the proper dioceſe where they been, for the payment of ſuch portion of the ſaid tenth part as ſhall be taxed and ſet upon them by authority of this act; that is to ſay, every of them by and for themſelves ſhall be taxed, charged and chargeable in the proper dioceſe where they been, for the tenth part of the yearly value of their poſſeſſions and profits to them belonging, whereſoever their ſaid poſſeſſions and profits ſhall happen to be or lie in any part of this realm, or elſewhere in any of the King's dominions; (3) and that none of them ſhall be charged or chargeable for the payment of the others charge or portion.

Every ſpiritual perſon ſhall be charged for his tenths in the dioceſe where they be, though their poſſeſſions lie in other dioceſes.

XIII. And it is alſo enacted by authority aforeſaid, That after ſuch certificate made into the King's exchequer, and tax ſet of the tenth part, in form above remembered, every archbiſhop and biſhop now being, and that hereafter ſhall be, ſhall be charged and chargeable to levy, collect and receive, within their proper dioceſe, as well in places exempt as not exempt, all ſuch ſums of money wherewith the dignities, benefices and other promotions ſpiritual afore mentioned within their dioceſe, chargeable by this act, ſhall be ſet, taxed and charged towards the payment of the ſaid yearly penſion, (2) and ſhall pay and content the ſaid ſums of money yearly, before the ſaid firſt day of *April*, to the treaſurer of the King's chamber for the time being, or to any other perſon or perſons whom it ſhall pleaſe the King's highneſs to appoint to receive the ſame; (3) and that every of the ſaid archbiſhops, and biſhops, their executors and adminiſtrators, and the poſſeſſions of their dignities and churches, ſhall ſtand charged and chargeable for the ſure and true payment of ſuch ſums of money as they ſhall collect and receive of the ſaid yearly rent and penſion.

Biſhops ſhall be charged to the collection of their tenths in their dioceſes.
12 Co. 45.
32 H. 8. c. 47.
34 H. 8. c. 17.
31 H. 8. c. 13.
27 H. 8. c. 28.
By 3 G. 1. c. 10. the King is to appoint a collector to receive the tenths.

XIV. And that the treaſurer chancellor, chamberlain and barons of the King's exchequer, ſhall yearly cauſe proceſs to be made by their diſcretions for nonpayment of the ſaid penſion or yearly rent, or any parcel thereof, againſt every archbiſhop and biſhop of this realm; that is to ſay, againſt every archbiſhop and biſhop for ſo much part and portion of the ſaid penſion and yearly rent, wherewith the dignities, benefices and other pro-

Proceſs againſt a biſhop for the payment of all tenths within his dioceſe.

promotions ſpiritual afore mentioned within his dioceſe ſhall be taxed and charged; (2) ſo that every of the ſaid archbiſhops and biſhops ſhall be charged and chargeable for the rate and portion of the ſaid yearly rent and penſion ſet and taxed within his own peculiar dioceſe, and not otherwiſe.

By what means the biſhop ſhall levy the tenths of every ſpiritual promotion. 32 H. 8. c. 22.

XV. And be it alſo enacted by authority aforeſaid, That every archbiſhop and biſhop ſhall have power and authority to levy, take and perceive, by authority of the cenſures of the church, or by diſtreſs or otherwiſe, by their diſcretion, all ſuch ſums of money as ſhall be rated, taxed and ſet to go out of the lands, tenements, hereditaments, profits and emoluments of any dignity, office, benefice or other place or promotion ſpiritual within their dioceſe, towards the payment of the ſaid yearly rent and penſion; (2) and that no replevin, prohibition nor *ſuperſedeas* upon any excommunication, nor any other writ or impediment ſhall be ſued, allowed or obeyed, for any perſon or perſons making default of payment of ſuch part and portion as they ſhall be rated and taxed unto by authority of this act, till ſuch time as they have truly ſatisfied their ſaid part and portion to them allotted of the ſaid yearly rent and penſion.

Who ſhall be collectors in time of vacation of a biſhoprick.

XVI. And it is alſo enacted by authority aforeſaid, That whenſoever and as often as any of the archbiſhopricks or biſhopricks happen to be void, that then the dean and chapiter of the cathedral church, or the prior and convent, or chapiter or convent of the monaſtery or cathedral church, where the ſee of ſuch archbiſhoprick or biſhoprick being void ſhall happen to be, during the time of the vacation thereof, and their executors, adminiſtrators and poſſeſſions, ſhall be charged and chargeable to do and cauſe to be done all and every thing and things for the due execution of this act, within the dioceſe of ſuch archbiſhoprick or biſhoprick being void, as the ſame archbiſhop or biſhop of the ſee, being void, ſhould have done, according as it is limited and appointed by this act, or by any thing therein contained.

The penalty for default of payment of tenths. 1 El. c. 4. Moor 541. pl. 714.

XVII. And it is ordained and enacted by authority aforeſaid, That if any ſum of money being once due by any incumbent of any the dignities, benefices or promotions ſpiritual afore ſpecified, charged to the payment of the ſaid yearly penſion and annual rent, be reaſonably demanded and required any time after the ſaid feaſt of the nativity of our Lord, at their dignities, monaſteries, priories, hoſpitals, colleges, churches, chaunteries or houſes, by the archbiſhop or biſhop, or ſuch as ſhall be charged with the collection of any part of the ſaid penſion, or by any other their miniſters, ſervants or officers, to pay ſuch portion of the ſaid penſion and yearly rent, as they ſhall be taxed and aſſeſſed unto, be not truly contented and paid unto ſuch archbiſhop or biſhop, or their miniſters and officers, and to ſuch other perſon or perſons, or their miniſters or ſervants, as ſhall have the charge of collection thereof every year yearly, at the time of ſuch requeſt and demand thereof, or elſe within forty days next after every ſuch requeſt at the fartheſt; that then

then every incumbent making ſuch default of payment, after ſuch default thereof certified into the King's exchequer in writing under the ſeals of any archbiſhop or biſhop, or of ſuch as be limited and charged to the collection of the ſaid penſion by this act, ſhall be adjudged deprived *ipſo facto* of all ſuch dignities, benefices, penſions and promotions ſpiritual, as any ſuch incumbent, making ſuch default, ſhall have at the time of ſuch certificate to be made, or at any time after; (2) ſo that all ſuch dignities, benefices, penſions and promotions ſpiritual, which any incumbent, making ſuch default of payment, ſhall have at the time of any ſuch certificate to be made, or at any time after, ſhall be clearly void and deſtitute of incumbent in the law, to all intents and purpoſes, as if ſuch incumbent, making ſuch default of payment, were dead indeed.

Altered by 2 & 3 Ed. 6. c. 20. ſ. 3.

XVIII. And it is ordained and enacted by authority aforeſaid, That if any archbiſhop or biſhop, or any other, limited and charged by this act to the collection and payment of the ſaid penſion and annual rent, do make a certificate unto the King's exchequer before the ſaid firſt day of *April*, or at any time within four and twenty days next after the ſaid firſt day of *April*, that they according to this act have reaſonably required and demanded any incumbent of any dignity, benefice or promotion ſpiritual, chargeable by this act, to pay ſuch part or portion of the ſaid penſion and annual rent, as they ſhall happen to be aſſeſſed unto, and that ſuch incumbent, ſo being required, hath not paid his ſaid part and portion according to the form and effect of this act; that then every ſuch archbiſhop and biſhop, and every other perſon having the charge by this act for collection and payment of the ſaid penſion and annual rent, upon every ſuch certificate, ſhall be diſcharged and acquitted for ever againſt the King, his heirs and ſucceſſors, of and for all ſuch ſums of money as any ſuch incumbent, againſt whom ſuch certificate ſhall be made, ſhould or ought to have paid by this act; (2) and that then in every ſuch caſe the treaſurer, chancellor, chamberlain and barons of the King's exchequer, ſhall deviſe and direct, upon every ſuch certificate, ſuch proceſs out of the King's exchequer againſt every ſuch incumbent, againſt whom any ſuch certificate ſhall be made, and their executors and adminiſtrators, or for inſufficiency of them, againſt the ſucceſſors of every ſuch incumbent, whereby the King's highneſs, his heirs and ſucceſſors, ſhall and may be truly anſwered, paid and contented of ſuch portion and part as the incumbent againſt whom any ſuch certificate ſhall be made, was taxed and aſſeſſed for his dignities, benefices or promotion ſpiritual chargeable by this act.

The biſhop making a certificate of any incumbent omitting to pay his tenths, ſhall be diſcharged thereof. 7 Ed. 6. c. 4. Savil 1.

Proceſs ſhall be awarded againſt the refuſers to pay their tenths.

XIX. And it is alſo ordained and enacted by authority aforeſaid, That all manner of acquittances made by the treaſurer of the King's chamber, or by any other ſuch commiſſioners as ſhall be appointed as is aforeſaid, to receive the ſaid penſion, or any part thereof, and ſubſcribed with the name of the ſaid treaſurer, or any other ſuch commiſſioner, for the payment of the

Whoſe acquittances ſhall be a diſcharge for the payment of the tenths.

ſaid penſion or annual rent, or any part thereof, to any ſuch perſon or perſons as be limited and charged with the collection thereof, ſhall be of as good ſtrength, force, virtue and effect to the parties having the ſame, as if they were made in the King's name, under his great ſeal, and ſo ſhall be allowed, admitted and accepted in all courts of this realm; (2) and that the treaſurer, chancellor, chamberlain and barons of the King's exchequer, ſhall, by virtue and authority of this act, as well admit and allow ſuch acquittances, as all ſuch certificates as ſhall be made againſt any incumbent for default of payment, as is above ſaid, upon the account of every archbiſhop and biſhop, and of every other perſon limited and charged by this act for the collection and payment of the ſaid penſion and annual rent, without any writ, bill or warrant, to be ſued in or for that behalf.

Nothing ſhall be taken in the exchequer of a biſhop or his collector for his account or *quietus eſt*. Savil 38.

XX. And that no manner of officer of the King's exchequer ſhall take of any archbiſhop or biſhop, or of any other perſon having charge with the collection and payment of the ſaid penſion or annual rent, any manner reward or thing for making their account or *quietus eſt* in the ſame exchequer, or for any manner of thing appertaining to the ſame, concerning the ſaid penſion and annual rent, upon pain of every officer, doing contrary to this act, to loſe and forfeit his office, and make fine to the King at his will and pleaſure.

XXI. *And foraſmuch as every incumbent of the dignities, benefices and promotions ſpiritual afore mentioned ſhall be charged by this act to the payment of the tenth part of the value of their dignities, benefices and promotion ſpiritual, without any deduction or allowance of ſuch penſion or penſions, wherewith ſome of them been charged to pay to their predeceſſors during their lives, or to other perſons to the uſe of ſuch their predeceſſors during their lives:* (2) it is therefore ordained and enacted by authority aforeſaid, That it ſhall be lawful to every incumbent charged with any ſuch penſion payable to any his predeceſſors, or to any to his uſe, to retain and keep in his hand the tenth part of every ſuch penſion; (3) and that every ſuch incumbent and his ſureties ſhall from henceforth be acquitted and diſcharged of the ſaid tenth part of every ſuch penſion, by virtue and authority of this preſent act; any decree, ordinance or aſſignment of any ordinary, or any collateral writing or ſecurity made for ſuch penſion to any ſpiritual perſon or perſons, or to any to their uſes for term of their lives, in any wiſe notwithſtanding; (4) and that as well every incumbent, as ſuch perſons as ſtand bound for him for payment of any ſuch penſions, ſhall plead this act in every of the King's courts, for the clear extinguiſhment and diſcharge of the tenth part of every ſuch penſion.

They which pay penſions to others out of their ſpiritual living may retain the tenth part thereof.

No penſion ſhall be reſerved upon the reſignation of a benefice, above the value

XXII. And be it alſo ordained and enacted by authority aforeſaid, That no penſion ſhall hereafter be aſſigned by the ordinary, or by any other manner of agreement, by collateral ſurety, or otherwiſe, upon any reſignation of any dignity, benefice or promotion ſpiritual, above the value of the third part of the dig-

dignity, benefice or promotion ſpiritual reſigned: (2) and if any penſion amounting above the value of the third part of the dignity, benefice or promotion ſpiritual heretofore reſigned, be already limited and made ſure to any ſpiritual perſon or perſons, by decree of the ordinary, or otherwiſe by any collateral ſurety, or hereafter ſhall happen to be aſſigned and made ſure to any perſon or perſons ſpiritual, or to any other to their uſe, by decree of the ordinary, or by any other collateral ſurety, upon any reſignation thereof; yet nevertheleſs the incumbent charged with ſuch penſion, nor his ſureties collateral, ſhall not be compelled to pay any more penſion than the value of the third part of his dignity, benefice or promotion ſpiritual ſo reſigned ſhall amount unto; (3) but ſhall by authority of this act be clearly acquitted and diſcharged of ſo much of the ſaid penſion as ſhall amount above the value of the third part of the dignity or benefice reſigned; any decree or aſſignment of the ordinary, or any collateral writings or ſureties heretofore made, or hereafter to be had or made for the ſame, to the contrary thereof notwithſtanding.

of the third part. 13 El. c. 20.

XXIII. *And foraſmuch as divers abbots and priors been charged to pay great penſions to ſundry their predeceſſors yet living, to the great decay of their hoſpitalities and houſekeeping*; be it enacted by authority aforeſaid, That every ſuch predeceſſors of ſuch abbots or priors, having any penſion made ſure unto them, or to any to their uſe, during their lives, amounting above the yearly value of xl. li. ſhall from henceforth be defalked and abated of the moiety and half-deal of every ſuch penſion; (2) and that every abbot, and all other perſons charged for the payment of ſuch penſion above the ſaid yearly value of xl. li. ſhall be clearly acquitted and diſcharged by authority of this act of the moiety and half-deal thereof for ever; any decree or aſſignment thereof by the ordinary, or any writing or ſurety collateral had or made for the ſurety thereof notwithſtanding.

Abbots or priors paying penſions to their predeceſſors.

XXIV. *And foraſmuch as the lord prior of Saint* John's *of* Jeruſalem *in* England, *and his brethren, be not ſpecially named and expreſſed in this act, whereby ambiguity might ariſe, whether they ſhould be compriſed within the limits of this act*; it is therefore for plain declaration thereof enacted by authority aforeſaid, That every perſon and perſons which after the ſaid firſt day of *January* ſhall happen to be nominated, elected, collated, or by any other means appointed, to the dignity of the ſaid prior of Saint *John's* of *Jeruſalem* in *England*, or to any commandry appertaining unto the ſame, ſhall before their actual and real entry into the ſame dignity or commandry, or meddling with the profits thereof, ſatisfy and pay to the uſe of the King's highneſs, his heirs and ſucceſſors, the firſt-fruits and profits thereof for one whole year, or agree or compound for the ſame at reaſonable days, in like manner and form, and upon like pain in every behalf, as archbiſhops and biſhops and other ſpiritual perſons be bound to do by virtue and authority of this act: (2) and that alſo the prior of St. *John's* now being, and his ſucceſſors, and every of his brethren having any commandry, and

The prior of St. John's of Jeruſalem ſhall pay firſt-fruits and tenths.

their ſucceſſors, ſhall contribute and pay yearly to the King's highneſs, his heirs and ſucceſſors, one yearly rent and penſion amounting to the tenth part of all their poſſeſſions and profits, as well ſpiritual as temporal, and ſhall be charged, rated, taxed and ſet to the contribution and payment of the ſaid tenth part; (3) and that alſo the ſaid tenth part ſhall be levied, collected and paid, in ſuch like manner and form, to all intents and purpoſes, as the tenth part of other dignities and benefices ſpiritual ſhall be charged, taxed, ſet, levied, collected and paid by authority of this act.

They which in one corporation have ſeveral poſſeſſions belonging to their dignities, ſhall pay for their own poſſeſſions, and not for others.

XXV. *And foraſmuch as in ſundry and many cathedral churches colleges and hoſpitals of this realm, there is, and time out of mind hath been, certain ordinances inſtituted and made, whereby the dean, provoſt, maſter, or other chief governor of ſuch churches, colleges and hoſpitals, hath a certain part and portion of the poſſeſſions and profits belonging to ſuch churches, colleges and hoſpitals, all only limited and belonging to their offices and dignities*; (2) *and every prebendary, brother, vicar, fellow, petit canon, and other miniſters ſpiritual, in ſuch churches, colleges and hoſpitals, hath another portion, all only and diſtinctly limited, appertaining and belonging to their dignities and offices in ſuch churches, hoſpitals and colleges:* (3) it is therefore provided and ordained by authority aforeſaid, That ſuch perſon and perſons which at any time after the ſaid firſt day of *January* ſhall be nominated, elected, preſented, prefected, collated, or by other means appointed to be dean, provoſt, maſter, or other chief governor of ſuch cathedral churches, colleges or hoſpitals, ſhall be rated, compound and pay, for their firſt-fruits, but only after the rate of the yearly value of the poſſeſſions and profits limited and belonging to their office and dignity.

XXVI. And that every other perſon and perſons, that after the ſaid firſt day of *January* ſhall be nominated, elected, preſented, prefected, collated, or by any other means appointed to have any prebend, brotherſhip, fellowſhip, or to be any vicar or petit canon, or to have any other dignity or office ſpiritual in any ſuch cathedral churches, colleges or hoſpitals, ſhall be rated, compound and pay, for their firſt-fruits, after the rate of the yearly value of the poſſeſſions and profits limited and belonging to their dignities and offices, in ſuch churches, colleges and hoſpitals, and none otherwiſe; any thing in this act to the contrary hereof in any wiſe notwithſtanding.

No firſt-fruits ſhall be paid for a benefice being not above the yearly value of eight marks. Altered by 1 El. c. 4. ſ. 29.

XXVII. Provided always, That ſuch perſon or perſons, that after the ſaid firſt day of *January* ſhall be preſented or collated to any parſonage or vicarage, whereof the yearly value ſhall not exceed viij. marks, ſhall not be compelled to pay any firſt-fruits for any ſuch parſonage or vicarage whereunto they ſhall be preſented or collated, not being above the ſaid yearly value of viij. marks; except that the incumbent preſented or collated to ſuch parſonage or vicarage, whereof the yearly value ſhall not exceed viij. marks, do live three years next and immediately following after his inſtitution, induction or collation to ſuch parſonage or vicarage; (2) and if ſuch incumbent do live after the

ſaid

ſaid three years, then he or his executors or adminiſtrators, ſhall pay, at days to be limited after the ſaid three years, upon ſureties (as is aforeſaid) the firſt-fruits of every ſuch parſonage or vicarage: (3) and that in every obligation to be made by any incumbent of ſuch parſonage or vicarage, and his ſureties, for payment of the firſt-fruits of ſuch parſonage or vicarage, there ſhall be contained a proviſo, That if the ſaid incumbent die within three years next after the date of the inſtitution, induction or collation of the ſaid perſonage or vicarage, that then the obligation ſhall be void and of none effect, any thing in this act to the contrary hereof notwithſtanding.

A proviſo in the obligation, if the incumbent die within three years.

XXVIII. *And over this where the clergy of the province of* Canterbury, *in their convocation, have granted unto the King's highneſs one hundred thouſand pounds, and the clergy of the province of* York *eighteen thouſand eight hundred forty pounds ten pence, to be paid by even portions in five years, and that which could not be levied thereof in the ſame five years, to be paid in the ſixth year, as by the tenor of their ſeveral grants thereof made in their ſeveral convocations more plainly appeareth:* (2) it may pleaſe the King's majeſty of his excellent goodneſs, in conſideration that the ſaid yearly penſion and annual rent ſhall be yearly from henceforth duly paid and ſatisfied to his Highneſs and to his heirs and ſucceſſors, according to the tenor, form, purport and effect of this preſent act, that it may be enacted by authority of this preſent parliament, That the clergy of the ſaid province of *Canterbury*, and every of them, ſhall be diſcharged and acquitted againſt our ſaid ſovereign lord, his heirs and ſucceſſors, of and for the twenty thouſand pound, parcel of the ſaid hundred thouſand pound, which ſhould be paid in the fifth year of payment limited by their grant: (3) and that the clergy of the ſaid province of *York* ſhall likewiſe be diſcharged and acquitted of and for all ſuch ſums of money, parcel of the ſaid eighteen thouſand eight hundred forty pounds and ten pence, which ſhould be paid in the fifth year of payment limited by their grant; any thing in their ſaid ſeveral grants thereof made in any wiſe notwithſtanding.

How much the clergy of the two provinces of Canterbury and York ſhall be yearly diſcharged of, and wherefore.

XXIX. Provided always, That all the reſidue of ſums of money, which be yet to be paid, and not releaſed nor diſcharged by this act, ſhall be truly paid and ſatisfied to our ſaid ſovereign lord, his heirs and ſucceſſors, according to the tenor, form and effect of their ſaid ſeveral grants.

XXX. Provided alſo, That all ſuch fees, which any archbiſhop, biſhop, abbot, prior or other prelate of the church is bounden yearly to pay to any chancellor, maſter of the rolls, juſtices, ſheriffs or other officers or miniſters of record, for temporal juſtice to be done or miniſtered within their dioceſe or juriſdictions, ſhall be allowed and deducted by the commiſſioners aforeſaid, in and upon the valuation of the dignities, monaſteries, priories or churches chargeable with ſuch fees; any thing in this act to the contrary hereof notwithſtanding.

Fees which any prelate is bound to pay for temporal juſtice.

26 H. 8. c. 17.
27 H. 8. c. 8.
32 H. 8. c. 28.
2 & 3 Ed. 6. c. 20.
7 E. 6. c. 4.
1 Eliz. c. 4.

Ann. c. 13. 5 Ann. c. 24. 6 Ann. c. 27. 1 Geo. 1. c. 10. 3 Geo. 1. c. 19.

CAP. IV.

For jurors in Wales.

WHERE *for lack of diligent and ſure cuſtody of jurors ſworn for trials of murderers, felons and acceſſaries of felonies and murders in* Wales *and the marches of the ſame, divers adherents, friends and kinſfolks to ſuch offenders, have reſorted to the ſame jurors, and have ſuborned them to acquit divers murderers, felons and acceſſaries, openly and notoriouſly known, contrary to equity and juſtice:* (2) it is therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That forthwith, upon the charge given to any inqueſt hereafter to be taken and ſworn before any juſticer, ſteward, lieutenant, or other officer within *Wales* or the marches of the ſame, of, for and upon any traverſe againſt the King, or the trial of any recognizance broken, or any other forfeiture forfeited to the King, or of, for and upon the trial of any murderer, felon or acceſſary of felony or murder, one officer or other perſon ſhall be deputed and ſworn in the preſence of the ſaid juſticer or other officer, for the true and diligent keeping of the ſame jurors; (3) and that the ſame officer or other perſon ſo ſworn, without the ſpecial commandment of the ſaid juſticer or other officer, ſhall not do, or ſuffer to be miniſtered, to the ſame jurors, any bread, drink, meat, fire or light, nor ſhall ſuffer the ſame jurors to ſpeak to any perſon or perſons; (4) nor the ſame officer or other perſon ſworn, without the commandment aforeſaid, ſhall not ſpeak to the ſaid jurors, but only to demand of them of their agreement; unto ſuch time as the ſame jurors ſhall have given their verdict; any uſage or cuſtom heretofore uſed to the contrary notwithſtanding; (5) and if the ſame officer, or other perſon ſo ſworn in form aforeſaid, do not execute and accompliſh the premiſſes in the oath before rehearſed in every point and article, then the ſame officer, or other perſon ſo ſworn, ſhall be puniſhed and impriſoned, and make fine and ranſom to the King's highneſs, by the diſcretion of the ſaid juſticer, ſteward, lieutenant or other officer.

How an officer ſworn for the keeping of jurors in Wales ſhall demean himſelf.

II. And alſo be it enacted by the authority aforeſaid, That if the ſame jurors do acquit any ſuch felon, murderer or acceſſary, upon whoſe trial they ſhall be charged, or give any untrue verdict againſt the King, upon the trial of any traverſe, recognizance or other forfeiture, contrary to good and pregnant evidence miniſtered to them by perſons ſworn before the ſaid juſticer, ſteward, lieutenant or other officer, or that the ſaid jurors, or any of them, do eat, drink or ſpeak to or with any other perſon or perſons than to ſuch as be ſworn with them, or otherwiſe miſdemean themſelves after they be ſworn, and before they have given their verdict, that then the lord preſident, and other of the council of the marches for the time being, upon notice or complaint thereof to them made, ſhall not only have power and authority by this preſent act to call ſuch jurors before them,

The penalty of jurors in Wales committing perjury, or otherwiſe miſdemeaning themſelves. Vaughan 150, 151.

them, (2) but alſo the ſame juſticer, ſteward or other officer, afore whom any ſuch acquittal, untrue verdict or miſdemeanour ſhall happen to be made, ſhall have full power and authority to compel ſuch jurors, and every of them, upon pain of impriſonment, to be bounden by recognizance in a certain ſum of money, by their diſcretion to be limited, that the ſame jurors, and every of them, ſhall perſonally appear at a certain day, by the ſame juſticer, ſteward or other officer, to be limited, before the lord preſident, and other of the council aforeſaid for the time being, then and there to abide and ſtand to ſuch direction and order as the ſame council ſhall make, ordain and decree, of, in and upon the ſame; (3) and that the ſame council ſhall thereupon have authority and power, by examination or otherwiſe, to hear and determine all and every ſuch cauſe, and ſhall have like authority to commit every of the ſame jurors to priſon or other puniſhment, as ſhall be thought moſt meet by the diſcretion of the ſaid council, or otherwiſe aſſeſs or tax every ſuch juror to his fine or ranſom by the ſame diſcretion, to be paid and levied of their lands, goods and chattels, to the uſe of the King's highneſs.

CAP. V.

For the paſſage over the Severn.

No paſſage upon the Severn at unlawful times.

FORASMUCH *as daily divers felonies, robberies and murders been many times committed and done in the counties of* Gloceſter *and* Somerſet *in the parts near adjoining unto the water called the water of* Severn, *between* England *and* South-Wales, *and after ſuch murders and felonies done, the ſaid robbers, felons and murderers, with the ſaid goods ſo robbed and ſtolen, make their conveyance with the ſaid goods ſo ſtolen, by night, at divers paſſages or ferries over the ſaid river or water, as the paſſages of* Auſte, Fremeland, Pyrton, Arlingham, Newenham, Portſedes, Poynte, *and all ſuch other like paſſages over the ſaid river into* South-Wales, *or into the foreſt called the foreſt of* Dean, *alſo adjoining to the ſame water*; (2) *and when they be over the ſaid water, then the goods ſo ſtolen, be by divers privileges there kept, albeit the owner and owners have true and perfect knowledge thereof, yet they ſo robbed and ſpoiled be without remedy for to obtain their ſaid goods ſo ſtolen*; (3) *ſo that the ſecret and ſudden conveyance by night of the ſaid goods over the ſaid ferries and paſſages, doth not only greatly encourage divers perſons to come out of the parts of* South-Wales, *to ſteal, rob and murder divers perſons in their houſes in the ſaid counties joining upon the ſaid borders of* Wales, *but alſo cauſeth many robberies and felonies in ſundry ways to be committed and done upon the ſaid border near adjoining to the ſame river, to the great damage and hurt of the King's ſubjects inhabiting there, unleſs ſome remedy therefore be provided*: (4) it may therefore pleaſe the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, by the authority of the ſame to enact, That every perſon or perſons taking upon him or them to have and keep any of the ſaid paſſages, or any other paſſages

The penalty for tranſporting offenders into or forth of Wales at unlawful times.

upon *Severn* aforeſaid, from henceforth do not convey, neither carry with any manner barge, boat or other veſſel, any perſon or perſons with horſes, mares, oxen, kine or any other cattle, nor no other perſon or perſons, before the time of the ſun riſing in the morning, and after the time of the ſun being gone down at night, (5) upon pain of impriſonment and fine to be ſet on him that ſhall ſo convey or carry over any of the ſaid paſſages over the ſaid river of *Severn* out of *England* into *Wales* or the foreſt of *Dean*, or out of *Wales*, or the ſaid foreſt of *Dean*, into *England*, unleſs the ſaid paſſengers and every of them, have good knowledge of ſuch perſon and perſons and of their dwelling-places; (6) and upon requeſt to them made by any perſon or perſons, to diſcloſe the name and the dwelling-place of every ſuch perſon or perſons ſo by them conveyed over the ſaid water, to any ſuch perſon or perſons requiring the ſame, if ſuit be made for and after them upon any outcry, huy or freſh ſuit, of or for any felony, robbery, murder and manſlaughter, committed and done from henceforth.

Keepers of ferries ſhall be bound to tranſport no offenders at unlawful times.

II. And that the King's juſtices of the peace within every of the ſaid counties of *Gloceſter* and *Somerſet*, at their quarter-ſeſſions, ſhall have full power and authority to call before them all ſuch perſons which hereafter ſhall keep any of the ſaid paſſages, or any other ferry or paſſage over the ſaid water into *Wales* or the ſaid foreſt, or out of *Wales* or the ſaid foreſt into *England*, and to bind them with ſufficient ſureties with them in recognizance in ſuch ſums of money as it ſhall ſeem to the diſcretion of the ſaid juſtices of peace, that they and every of them, being paſſengers and keepers of ferries and paſſages as is aforeſaid, from henceforth ſhall not, after the ſaid times before limited and appointed, convey or carry, or cauſe to be conveyed or carried, any manner of perſon or perſons or any kind of cattle, but ſuch perſons as they do know and will anſwer for, and know where their abidings, dwellings and habitations be, and upon requeſt made to them, or any of them, as is aboveſaid, ſhall from time to time diſcloſe, as well the ſame perſon or perſons, as the goods and chattels ſo paſſing the ſaid paſſages, upon freſh ſuit made or hereafter to be made upon any felony, murder or robbery committed and done in the borders of the counties aforeſaid, or in any other place within this realm or *South-Wales*.

CAP. VI.

The bill concerning councils in Wales.

Murders, felonies, &c. in Wales to be inquired of in the ſhires next adjoining, &c. Cro. Car. 331. Mod. caſes in law 136.

FORASMUCH *as the people of* Wales *and marches of the ſame, not dreading the good and wholſom laws and ſtatutes of this realm, have of long time continued and perſevered in perpetration and commiſſion of divers and manifold theſts, murders, rebellions, wilful burnings of houſes and other ſcelerous deeds and abominable malefacts, to the high diſpleaſure of God, inquietation of the King's well-diſpoſed ſubjects, and diſturbance of the publick weal, which malefacts and ſcelerous deeds be ſo rooted and fixed in the ſame people, that they be not like to ceaſe, unleſs ſome ſharp correction and puniſhment for redreſs and amputa-*

The long perſeverance in wickedneſs of

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tion of the premiſſes be provided, according to the demerits of the offenders: (2) be it therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this parliament aſſembled, and by authority of the ſame, That all and ſingular perſon and perſons dwelling or reſiant within *Wales*, or in the lordſhips marchers of the ſame, from time to time, and at all times hereafter, upon ſuch monition or warning given for the court to be kept in *Wales*, or in any of the lordſhips marchers aforeſaid, as before this time hath been uſed, ſhall perſonally repair, reſort and appear before the juſtice, ſteward, lieutenant or other officer, at all and every ſeſſions, court and courts, to be holden before the ſame juſtice, ſteward or other officer, in any whatſoever caſtle, fortreſs or other place within *Wales*, or within the precincts, limits and juriſdictions of every the lordſhips marchers or ſeigniories aforeſaid, or the marches of the ſame, as by the ſaid juſtice, ſteward or other officer ſhall be appointed; (3) and then and there ſhall give his or their perſonal attendance, to do, execute and accompliſh all and every thing and things which to him or them ſhall affere and appertain, upon pain of ſuch fines, forfeitures and amerciaments as ſhall be affered, aſſeſſed and taxed by the juſtice, ſteward or other officer, to the King's uſe, if it be within any of the King's lordſhip's marchers; (4) and if it be within any other lordſhips marchers, then to the uſe of the lord of the ſaid lordſhip marcher for the time being; (5) the ſaid forfeitures and amerciaments to be levied, perceived and taken by way of diſtreſs of the goods and chattels of every perſon not appearing at the ſaid court or courts, or not doing, executing or accompliſhing his duty as is aboveſaid.

ſome lewd people in Wales, and the marches thereof.

All perſons ſhall appear, upon lawful ſummons given, before the juſtices in the courts in Wales.

II. *And foraſmuch as the officers in the lordſhips marchers in* Wales *have often and ſundry times heretofore unlawfully exacted of the King's ſubjects within ſuch lordſhips where they have had rule or authority, by many and ſundry ways and means, and alſo committed them to ſtrait dureſs and impriſonment for ſmall and light feigned cauſes, and extortiouſly compelled them thereby to pay unto them fines for their redemptions, contrary to the law:* (2) therefore be it further enacted, That if any ſteward, lieutenant or any other officer of any lordſhip marcher, do feign, procure or imagine any untrue ſurmiſe againſt any perſon or perſons that ſhall ſo give their perſonal attendance before them at ſuch court or courts, and upon the ſame untrue ſurmiſe commit them to any dureſs or impriſonment, contrary to the law, or contrary to the true and laudable cuſtom of that lordſhip, that then upon ſuit made unto the King's commiſſioners, or council of the marches for the time being, by any ſuch perſon or perſons ſo impriſoned, or by any of their friends, that then the ſame commiſſioners or council ſhall have full power and authority to ſend for ſuch ſteward, lieutenant or officer, and alſo for the perſon or perſons ſo impriſoned; (3) and if the ſame perſon or perſons ſo impriſoned, can evidently prove before the ſaid council, by good and ſubſtantial witneſs or otherwiſe, that his impriſonment was upon any feigned ſurmiſe, without cauſe reaſonable or lawful, that

Wrongs done by officers in lordſhips marchers.

Untrue ſurmiſes feigned againſt them which appear, to impriſon them.

then the ſame commiſſioners ſhall have full power and authority to aſſeſs the ſaid officer, to pay to the ſaid perſon or perſons wrongfully impriſoned, vi. s. viij. d. for every day of their impriſonment or more, by the diſcretions of the ſaid commiſſioners, according to the hurts and behaviour of the perſon or perſons impriſoned.

The party's remedy againſt the officer which doth impriſon him upon feigned ſurmiſes.

III. And that the ſame commiſſioners ſhall ſet further fine upon the ſaid officer, to be paid to the King's uſe, as by their diſcretions ſhall be thought convenient; (2) and in caſe the ſame officer do refuſe to appear before the ſame commiſſioners incontinent after any commandment to them directed and delivered after any ſuch complaint made to the ſame commiſſioners, that then the ſame commiſſioners ſhall have full power and authority, upon every default made by any officer or officers, to aſſeſs and ſet upon every ſuch officer or officers making default, ſuch fine or fines to be levied to the King's uſe, as by their diſcretions ſhall be thought convenient; (3) and that the ſame commiſſioners ſhall have full power and authority to compel the ſaid officer or officers by way of impriſonment, as well to pay ſuch fines as ſhall be ſet and taxed upon them to the King's uſe, as to pay unto every perſon or perſons ſo impriſoned, ſuch ſums of money as they ſhall be ſeſſed to pay for their wrong impriſonment.

No weapon ſhall be brought to courts, fairs or churches in Wales. 4 H. 4. c. 27 & 29.

IV. And be it alſo enacted by authority aforeſaid, That no perſon or perſons dwelling or reſiant within *Wales* or the lordſhips marchers of the ſame, of what eſtate, degree or condition ſoever he or they be of, coming, reſorting or repairing unto any ſeſſions or court to be holden within *Wales*, or any lordſhips marchers of the ſame, ſhall bring or bear, or cauſe to be brought or borne to the ſame ſeſſions or court, or to any place within the diſtance of two miles from the ſame ſeſſions or court, nor to any town, church, fair, market or other congregation, except it be upon a hute or outcry made of any felony or robbery done or perpetrated, nor in the highways, in affray of the King's peace, or the King's liege people, any bill, long-bow, croſs-bow, hand-gun, ſword, ſtaff, dagger, halbert, moreſpike, ſpear or any other manner of weapon, privy coat or armour defenſive, (2) upon pain of forfeiture of the ſame weapon, privy coat or armour, and to ſuffer impriſonment and make fine and ranſom to the King's highneſs by the diſcretion of the King's commiſſioners of his marches for the time being, except it be by the commandment, licence or aſſent of the ſaid juſtices, ſteward or other officer, or of the commiſſioners or council of the marches for the time being.

None ſhall levy any exactions, or commorths, or collections, or make games in Wales.

V. And that no perſon or perſons from henceforth, without licence of the ſaid commiſſioners in writing, ſhall within *Wales*, or the marches of the ſame, or in any ſhires adjoining to the ſame, require, procure, gather or levy any commorth, bydale, tenants ale, or other collection or exaction of goods, chattels, money, or any other thing, under colour of marrying, or ſuffering of their children ſaying or ſinging their firſt maſſes or goſ-

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pels, of any prieſts or clerks, or for redemption of any murder, or any other felony, or for any other manner of cauſe, by what name or names ſoever they ſhall be called; (2) nor ſhall make or procure to be made any games of running, wreſtling, leaping, or any other games, (the game of ſhooting only excepted and forepriſed,) (3) upon pain of one whole year's impriſonment of every perſon or perſons as ſhall gather, or procure to be gathered, any ſuch collection or exaction, or ſhall make or procure to be made any games as is aforeſaid; (4) and further, they and every of them ſhall make ſuch fine as by the diſcretion of the King's commiſſioners of his marches ſhall be thought convenient: (5) and further, the ſaid commiſſioners by this preſent act ſhall have power and authority to hear and determine the ſaid offences by their examination; (6) and that no perſon or perſons ſhall hereafter at any time caſt any thing into any court within *Wales*, or in the lordſhips marchers of the ſame, by the mean or name of an arthel, by reaſon whereof the court may be letted, diſturbed or diſcontinued for that time, upon pain of one whole year's impriſonment of any ſuch perſon or perſons as ſhall caſt or cauſe to be caſt any ſuch arthel into any court or courts hereafter to be holden within *Wales* or the lordſhips marchers of the ſame; any cuſtom before this time uſed to the contrary notwithſtanding.

No *arthel* ſhall be caſt into any court.

VI. And that all ſeſſions and courts hereafter to be holden within *Wales*, or the lordſhips marchers of the ſame, ſhall be kept within the moſt ſure and peaceable place within the ſame lordſhip marcher, where the ſaid juſtice, ſteward, or other officer ſhall appoint; (2) and for the puniſhment and ſpeedy trials, as well of the counterfeiters of any coin current within this realm, waſhing, clipping or miniſhing of the ſame, as of all and ſingular felonies, murders, wilful burning of houſes, manſlaughters, robberies, burglaries, rapes and acceſſaries of the ſame, and other offences felonioufly done, perpetrated and committed, or hereafter to be done, perpetrated and committed, within any lordſhip marcher of *Wales*: (3) be it enacted by the authority aforeſaid, That the juſtices of the gaol-delivery and of the peace, and every of them for the time being, in the ſhire or ſhires of *England* where the King's writ runneth, next adjoining to the ſame lordſhip, marcher, or other places in *Wales*, where ſuch counterfeiting, waſhing, clipping or miniſhing of any coin current within this realm, or murder hath been, or hereafter ſhall be committed or done, or where any other felonies or acceſſaries ſhall be hereafter committed, perpetrated or done, ſhall have from henceforth full power and authority at their ſeſſions and gaol-delivery, to enquire by verdict of twelve men of the ſame ſhire or ſhires next adjoining within *England* where the King's writ runneth, there to cauſe all ſuch counterfeiters, waſhers, clippers of money, felons, murderers and acceſſaries to the ſame, to be indicted according to the laws of this land, in like manner and form as if the ſame petit treaſons, murders, felonies and acceſſaries to the ſame had been done, committed or perpetrated within any of the ſaid ſhires within

All courts ſhall be kept within moſt ſure places.

Indictment in the next county for a felony committed within any lordſhip marcher.
27 H. 8. c. 26.
34 & 35 H. 8. c. 26.
Rex v. Athoe, Trin. 9 Geo. 1. in B. R.

within the ſaid realm, and alſo to hear, determine and judge the ſame, according to the laws of this realm.

Acquittal in lordſhips marchers no bar.

VII. And that all foreign pleas pleaded by any of the ſaid malefactors and offenders, ſhall be tried and determined in the ſaid ſhire or ſhires; (2) and that the acquittal or fine making for any of the cauſes aforeſaid in any of the lordſhips marchers, ſhall be no bar for any perſon or perſons, being indicted in the ſaid ſhire or ſhires, within two years next after any ſuch murder or felony done.

Juſtices may award proceſs unto lordſhips marchers.

VIII. And further it is enacted, That the ſaid juſtices of peace and gaol-delivery, and every of them, ſhall have full power and authority to award all manner of proceſs as well of outlawry as otherwiſe, againſt all and every ſuch offender and offenders ſo indicted in manner and form, and according to the cuſtoms and laws uſed and accuſtomed within this realm of *England*; (2) and that the ſaid juſtices or two of them, afore whom any ſuch offender ſhall happen to be outlawed, or attainted by outlagary, ſhall immediately upon the ſame outlagary or attainder, direct and ſend unto the King's officers of his lordſhips marchers or to their deputies, or unto the lord or lords marchers of the ſame lordſhip marcher or to his or their officer or officers or to their deputies, wherein ſuch offence, murder or felony ſhall happen to be done, or where any ſuch offender, murderer or felon ſhall happen to be reſiant, a certificate under the ſeals of them or two of them, of any ſuch outlagary or attainder; (3) commanding them and every of them by the ſame, under pain of forfeiture of a hundred pounds to the King, to be levied and perceived as well of the goods, chattels, lands and tenements of the ſame lord or lords marchers, as of the goods and chattels, lands and tenements of the King's officer there to apprehend and attach, or cauſe to be apprehended and attached, the body or bodies of the ſame offender or offenders ſo outlawed or attainted, and ſafely to keep, or cauſe to be kept, the ſame offender or offenders, till ſuch convenient time before the next ſeſſions of the King's juſtices of the gaol-delivery of the ſhire where ſuch offender or offenders ſhall happen to be outlawed or attainted, as to the King's officers of his lordſhips marchers, or to their deputies, or unto the lord marcher or lords marchers of the ſame lordſhip marcher, or his or their officer or officers, or their deputies, where ſuch offender or offenders ſhall be apprehended, attached, detained and kept, ſhall be thought expedient for the conveyance and conducting of the ſame offender or offenders, (4) in manner and form following, to be delivered from the King's officers or their deputies, or the lord marcher or the lords marchers, or his or their officer or officers, to other perſons aſſigned by this act to receive and convey ſuch offender or offenders, by indenture to be made between the deliverer or deliverers, and the receiver or receivers, that is to ſay, that the King's officers of his lordſhip marcher, or their deputies, or the lord or lords marchers of the lordſhip marcher, or his or their officer

A certificate of an outlawry to a lordſhip marcher, &c.

By what means an offender ſhall be conveyed from one lordſhip marcher to another.

or

or officers, or their deputies, where ſuch offender or offenders ſhall be apprehended, attached, detained and kept, ſhall ſafely and ſurely conduct and convey, or cauſe to be conducted and conveyed, the ſame offender or offenders, to the next lordſhip marcher toward the ſhire where the ſame offender or offenders ſhall happen to be outlawed or attainted; (5) and that the King's officers of the ſame lordſhip marcher, or their deputies, or the lord or lords marchers of the ſame lordſhip marcher, or his or their officer or officers, or their deputies, ſhall receive, and ſafely and ſurely conduct and convey the ſame offender or offenders to the next lordſhip marcher; (6) and ſo the King's officers of every lordſhip marcher, or their deputies, or the lord or lords marchers of the ſame lordſhip, or his or their officer or officers, or their deputies, to receive, conduct and convey ſafely and ſurely, every ſuch offender or offenders from one lordſhip marcher to another lordſhip marcher, by indenture, as is aforeſaid, unto the time that ſuch offender or offenders ſhall be ſafely delivered before the ſaid juſtices of the gaol-delivery; (7) upon pain of forfeiture by every of the King's officer or lord marcher, by whoſe default the ſame offender or offenders ſhall ne may not appear before the ſame juſtices at their ſaid ſeſſions, there to ſtand and abide the order of the King's laws, C. li. to be levied and perceived of the goods and chattels, lands and tenements of the ſame officer or lord, to the King's uſe.

The officer ſhall return his precept.

IX. And that all and every officer and officers, lord and lords, or other perſons to whom any certificate ſhall be directed as is aboveſaid, ſhall at the next ſeſſions and gaol-delivery to be holden after the apprehenſion or attachment of ſuch offender or offenders, return the ſame certificate in due form, and what he or they have done in that behalf, upon the pain aforeſaid; (2) ſaving alway to all and every offender and offenders, all and ſingular traverſes, challenges, exceptions, advantages, and all other pleas, to, of, and upon the outlawry pronounced or promulged againſt the ſame offender or offenders, in manner and form as is and hath been uſed and accuſtomed by the laws of this realm for any the King's ſubjects dwelling within the ſame realm.

All advantages ſaved to the offenders.

An offender attainted of any felony, upon ſurety found of his good behaviour, may be diſcharged. See 34 & 35 H. 8. c. 26. ſ. 100.

X. Provided always, and be it enacted by the authority aforeſaid, That if any perſon or perſons which ſhall happen hereafter to be indicted, outlawed, arraigned, convicted or attainted by force of this act, do find ſuch ſufficient ſureties before the King's juſtices of the gaol-delivery as by their diſcretions ſhall be thought convenient, that the ſame perſon or perſons ſhall not from thenceforth commit nor do any felony, murder or felonious offence, nor be acceſſary to any felony, murder or felonious offence, but at all times from thenceforth ſhall be of good behaviour againſt the King our ſovereign lord, his heirs and ſucceſſors, his and their laws and ſubjects, that then the ſame juſtices of gaol-delivery for the time being, with and by the aſſent, conſent and agreement of the lord preſident,

and

and two of the King's commiſſioners, or council of the marches for the time being, or three of them at the leaſt, whereof the lord preſident, or one of the ſaid council, to be one, ſhall and may by their diſcretions, for one time only, admit any ſuch offender to a certain fine or ſum of money on him by them to be aſſeſſed and taxed, to be ſurely paid to the King's uſe; (2) and ſhall have full power and authority, by this preſent act, to diſcharge any ſuch offender or offenders, ſo arraigned, outlawed, convicted and attainted of all and every ſuch felony, murder or felonious offence and acceſſaries of the ſame, and of all executions and puniſhments of death, which the ſame offender or offenders ſhould ſuffer by the common laws of this realm, ſo that the ſame offender or offenders ſtand not appealed of the ſaid felony, murder or felonious offence, or as acceſſaries of the ſame offences, at the time of his ſaid diſcharge; (3) and that every ſuch offender ſo diſcharged, as is aboveſaid, ſhall be for the ſaid offence or offences done within any of the King's lordſhips marchers, or any other lordſhips marchers, diſcharged as well againſt the King's highneſs, his heirs and ſucceſſors, as againſt all other lords marchers, for one time only.

No liberties of lord marcher ſhall be abridged.

XI. Provided alway, and be it enacted by the authority aforeſaid, That this preſent act, or any thing therein contained, ſhall not extend ne take place to abridge, deprive, or minorate any liberties, privilege or authority of any lords marchers heretofore granted to the ſame lord, or lawfully uſed or accuſtomed by the ſaid lord or any of his anceſtors, unleſs the foreſaid offenders happen to be indicted, outlawed, arraigned, convicted or attainted by force of this act, as is aboveſaid, within two years next after ſuch murder or other felonious offence perpetrated, done, or committed within the ſaid lordſhips marchers, or any of them; any thing in this preſent act before rehearſed to the contrary notwithſtanding.

Where felonies committed in *Merioneth* in *Wales* ſhall be enquired of, heard and determined. Repealed by 8 El. c. 20.

XII. And furthermore be it enacted by the authority aforeſaid, That all murders, robberies, felonies and acceſſaries of the ſame, which ſhall happen hereafter to be done, perpetrated or committed, within the ſhire of *Merioneth* in *Wales*, ſhall and may be from henceforth enquired, heard and determined in the counties of *Carnarvon* or *Angleſey*, before the King's juſtice of *North Wales*, or his deputy for the time being, by verdict or inqueſt to be taken by the inhabitants of the ſame ſhires of *Carnarvon* or *Angleſey*, or otherwiſe, if by the diſcretion of the juſtice there, or his deputy, it ſhall be thought convenient: (2) and that the ſame juſtice, or his deputy for the time being, ſhall have full power and authority by his diſcretion, by force of this preſent act, to hear and determine all and every the aforeſaid murders, felonies, robberies and acceſſaries, in form aforeſaid.

XIII. *And where heretofore upon divers murders, robberies and felonies perpetrated and done, as well within the lordſhips marchers of* Wales, *as in other places of* Wales *without the ſame lordſhips, the offenders divers times flee and eſcape from the ſame lordſhip or other*

place

place where ſuch offence was committed, and have repaired and reſorted into another lordſhip marcher, and there by the aid, comfort and favour of the ſaid lord of the ſame lordſhip, or his officer or officers, have been abiding and reſiant, into the which lordſhips the ſame lords marchers have and do pretend a cuſtom and privilege, that none of the King's miniſters or ſubjects may enter to purſue, apprehend and attach any ſuch offender thereunto repaired, as is aforeſaid, by reaſon whereof the ſame offenders went unpuniſhed, to the animation and encouraging of other evil-diſpoſed people: (2) it is therefore enacted by the authority aboveſaid, That every officer and officers, and their deputies, upon commandment given by the commiſſioners or council of the marches for the time being, ſhall bring, ſend or deliver every ſuch offender to the officer of the lordſhip marcher, or other place, where any ſuch offence is or ſhall be committed or done, upon the metes and bounds of the ſaid lordſhips, or to the ſaid commiſſioners or council, according as to the ſaid officers by them ſhall be commanded under pain of xl. li. the ſaid commandment or commiſſion to be directed to any ſuch officer, to be ſent, conveyed and delivered by a ſerjeant at arms, or a purſuivant, attendant on the ſaid council in the marches for the time being.

Where and to whom any offender taken in Wales ſhall be delivered.

CAP. VII.

The bill for the highways in the county of Suſſex.

WHERE *it is ordained and enacted by authority of this preſent parliament heretofore holden at* London *the fifteenth day of* April *in the fourteenth year of the King's moſt noble reign, and from thence adjourned to* Weſtminſter *the laſt day of* July *the fifteenth year of his reign, and there holden; in conſideration that many common ways in the Weld of* Kent *be ſo deep and noyous by wearing and courſe of water, and other occaſions, that people cannot have their paſſages and carriages by horſes upon or by the ſame, but to their great pains, perils and jeopardy;* (2) *that if any perſon or perſons from that time, in any place within the ſaid Weld of the ſaid county, of his good mind and diſpoſition, without any value of good by him or by them to be received for the ſame, will, for the common weal of the King's people, aſſign and lay out a more commodious way in and over the lands thereunto adjoining, whereof the perſon or perſons, or other to his uſe, ſhall be ſeiſed of fee in eſtate of inheritance, that the ſame new way, ſo to be aſſigned and laid out, by overſight and aſſent of two juſtices of the peace of the ſaid county, and twelve other diſcreet men within the ſame hundred inhabiting, where any ſuch new way ſhall be limited and laid out, or inhabiting within the ſame hundred, and other hundreds to the ſaid hundred next adjoining, ſhall be from thenceforth holden, occupied and uſed in like manner as the ſaid old way there now is, or before hath been;* (3) *and that alſo the ſame perſon or perſons ſo diſpoſed, willing and accompliſhing, ſhall and may, for the ſame new way, ſo aſſigned and uſed, receive and hold, in way of recompence for the ſame new way ſo to be given, the ſoil and ground of the old way in ſeveralty to them their heirs and aſſigns,*

Highways in Suſſex ſhall be amended. 14 & 15 H. 8. c. 6.

Any perſon may lay out a new way in his own ground in the Weld of Kent by the conſent of two juſtices of peace, &c. and keep ſeveral the old.

aſſigns, to their own uſe and profit for ever, without any common way or paſſage there from thenceforth to be had or claimed, any preſcription or uſe to the contrary notwithſtanding, in like manner and form as is limited by the ſaid act, of a certain new way granted by the ſame act to be made by George *Gilford, Eſquire, at* Hempſtead *in the ſaid Weld of* Kent. (4) *And that the two ſaid juſtices of peace, and twelve other diſcreet men by whoſe overſight and aſſent the ſaid new way, by virtue of the ſaid act, ſhall be aſſigned, limited and laid out, ſhall, within three months next after the aſſignment, limitation, and laying out of the ſame, make certificate into the King's moſt honourable court of chancery, under their ſeals, of the length and breadth of the ſaid new way or ſtreet, and of other things adjoining or concerning the ſame, as by their diſcretions ſhall be thought moſt expedient or requiſite for the common wealth of that country to be certified;* (5) *and that certificate to be made from time to time, as oft as any ſuch new way or ſtreet ſhall be aſſigned, limited and laid out in form above written.*

Certificate ſhall be made into the chancery of the new way.

II. *Provided alway, That if any perſon or perſons, or body politic, have or ought to have, or hereafter ſhall have any church-way, or other whatſoever way or paſſage, over or through any manner lands adjoining to any the ſaid old ways and ſtreets, which ſhall be taken and uſed by force of that act as ſeveral ſoil and freehold, in recompence for any new way to be made, and laid out in form aforeſaid, or have or ought to have, or hereafter ſhall have, any lands or tenements adjoining to the old way; that they and every of them, their heirs and ſucceſſors, ſhall and may have and uſe their ſaid way or ways out of and in the ſaid new way, over and through the land of the ſaid old way or ſtreet, into or over the ſaid lands or tenements adjoining to the ſame, and ſo to paſs and repaſs, as ſhall appertain over the ſame old way, at ſuch convenient place or places thereof, as therefore ſhall be limited and aſſigned by the ſaid two juſtices of peace and other twelve men, and by them to be certified in the chancery, among other things by them to be certified in form aforeſaid, any thing in the ſaid act above written notwithſtanding, as by the ſaid act manifeſtly appeareth.*

They which have any way through the old way may uſe it.

III. *And foraſmuch as in many places within the county of* Suſſex *like act for the alteration of common ways and ſtreets there, being much annoyous, is much neceſſary and expedient for the common wealth and commodity of the King's ſubjects of the ſaid county of* Suſſex *to be had and made:* in conſideration whereof, be it ordained and enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That the ſaid act above rehearſed and recited ſhall and may from henceforth extend, take effect, and be put in execution in every place convenient or neceſſary within the ſaid county of *Suſſex* where the ways and ſtreets be noyous to the King's ſaid ſubjects of the ſame county of *Suſſex*, in like form and manner, and in all points and conditions, and with like proviſo to be had, done and executed, as it is contained and rehearſed in the above recited act concerning the change of the ways and ſtreets in the ſaid

The ſtatute of 14 & 15 H.8. c.6. touching altering ways in the Weld of Kent, ſhall be put in execution in the county of Suſſex.

ſaid county of *Kent*; any preſcription, uſe, cuſtom or other thing to the contrary being in any wiſe notwithſtanding.

CAP. VIII.

For the city of *Norwich*, for re-edifying of the houſes there. PR.

CAP. IX.

The bill for *Lynn*. PR.

CAP. X.

The King during his life may repeal the ſtatute of 23 *H.*8. c.7. by his proclamation, and revive the ſame by like means, and all other ſtatutes made ſithence *Anno* 21 of his reign, concerning the carrying forth of the commodities of this realm, or bringing in of foreign merchandiſes. EXP.

CAP. XI.

Whoſoever dwelling in *Wales* or the marches thereof, ſhall aſſault, beat or hurt any perſon of the county of *Gloceſter*, *Salop*, or *Hereford*, and ſhall be indicted and convict thereof, ſhall be one year impriſoned. *To endure to the next parliament.* EXP. 33 H. 8. c. 17.

CAP. XII.

The bill concerning counties in *Wales*. Clerks convict in *Wales* ſhall find ſurety for their good abearing. The benefit of clergy taken from offenders in ſeveral felonies, unleſs they be within holy orders. He within holy orders, who is convict of felony, before his purgation ſhall find ſureties for his good abearing. A remedy where there be no juſtices of peace in that county in *Wales* where the clerk convict doth remain in priſon. 23 H. 8. c. 1. 27 H. 8. c. 26. 28 H. 8. c. 1. 32 H. 8. c. 3. 1 Ed. 6. c. 12. 5 & 6 Ed. 6. c. 9.

CAP. XIII.

An act whereby offences be made high treaſon, and taking away all ſanctuaries for all manner of high treaſons.

FORASMUCH *as it is moſt neceſſary, both for common policy and duty of ſubjects, above all things to prohibit, provide, reſtrain and extinct all manner of ſhameful ſlanders, perils or imminent danger or dangers, which might grow, happen or riſe to their ſovereign lord the King, the Queen, or their heirs, which when they be heard, ſeen or underſtood, cannot be but odible, and alſo abhorred of all thoſe ſorts that be true and loving ſubjects, if in any point they may do, or ſhall touch the King, his Queen, their heirs or ſucceſſors, upon which dependeth the whole unity, and univerſal weal of this realm, without providing wherefore too great a ſcope of unreaſonable liberty ſhould be given to all cankard and traiterous hearts, willers and workers of the ſame; and alſo the King's loving ſubjects ſhould not declare unto their ſovereign lord now being, which unto them hath been, and is moſt entirely both beloved and eſteemed, their undoubted ſincerity and truth.* What crimes ſhall be accounted high treaſon.

II. Be it therefore enacted by the aſſent and conſent of our ſovereign lord the King, and the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by

the authority of the ſame, that if any perſon or perſons, after the firſt day of *February* next coming, do maliciouſly wiſh, will or deſire, by words or writing, or by craft imagine, invent, practiſe or attempt any bodily harm to be done or committed to the King's moſt royal perſon, the Queen's or their heirs apparent, or to deprive them or any of them of their dignity, title or name of their royal eſtates, or ſlanderouſly and maliciouſly publiſh and pronounce, by expreſs writing or words, that the King our ſovereign lord ſhould be heretick, ſchiſmatick, tyrant, infidel or uſurper of the crown, or rebelliouſly do detain, keep or withhold from our ſaid ſovereign lord, his heirs or ſucceſſors, any of his or their caſtles, fortreſſes fortileſſes or holds within this realm, or in any other the King's dominions or marches, or rebelliouſly detain, keep or withhold from the King's ſaid highneſs, his heirs or ſucceſſors, or any of his or their ſhips, ordnances, artillery or other munitions or fortifications of war, and do not humbly render and give up to our ſaid ſovereign lord, his heirs or ſucceſſors, or to ſuch perſons as ſhall be deputed by them, ſuch caſtles, fortreſſes, fortileſſes, holds, ſhips, ordnances, artillery and other munitions and fortifications of war, rebelliouſly kept or detained, within ſix days next after they ſhall be commanded by our ſaid ſovereign lord, his heirs or ſucceſſors, by open proclamation under the great ſeal; That then every ſuch perſon and perſons ſo offending in any the premiſſes, after the ſaid firſt day of *February*, their aiders, counſellers, conſenters and abettors, being thereof lawfully convict according to the laws and cuſtoms of this realm, ſhall be adjudged traitors, and that every ſuch offence in any the premiſſes, that ſhall be committed or done after the ſaid firſt day of *February*, ſhall be reputed, accepted and adjudged high treaſon, and the offenders therein and their aiders, conſenters, counſellers and abettors, being lawfully convict of any ſuch offence as is aforeſaid, ſhall have and ſuffer ſuch pains of death and other penalties, as is limited and accuſtomed in caſes of high treaſon.

4 Inſt. 42, 43. 1 H.H.P.C. 112

See 1 Ed. 6. c. 12. & 1 M. ſeſſ. 1. c. 1. 1 & 2 Ph. & M. c. 9. 10.

III. And to the intent that all treaſons ſhould be the more dread, hated and deteſted to be done by any perſon or perſons, and alſo becauſe it is a great boldneſs and an occaſion to ill-diſpoſed perſons, to adventure and embrace their malicious intents and enterprizes, which all true ſubjects ought to ſtudy to eſchew: (2) Be it therefore enacted by the authority aforeſaid, That none offender in any kinds of high treaſons whatſoever they be, their aiders, conſenters, counſellers nor abettors, ſhall be admitted to have the benefit or privilege of any manner of ſanctuary, conſidering that matters of treaſons touch ſo nigh both the ſurety of the King our ſovereign lord's perſon, and his heirs and ſucceſſors.

No offender in high treaſon ſhall have the benefit of ſanctuary.

IV. And over that, be it enacted by authority aforeſaid, That if any of the King's ſubjects, denizens or other, do commit or practiſe out of the limits of this realm, in any outward parties, any ſuch offences, which by this act are made, or heretofore have been made treaſon, that then ſuch treaſons, whatſoever they

Treaſons committed out of the realm ſhall be enquired of in ſuch coun-

they be, or whereſoever they ſhall happen ſo to be done or committed, ſhall be enquired and preſented by the oaths of twelve good and lawful men, upon good and probable evidence and witneſs, in ſuch ſhire and county of this realm, and before ſuch perſons as it ſhall pleaſe the King's highneſs to appoint by commiſſion under his great ſeal, in like manner and form as treaſons committed within this realm have been uſed to be enquired of and preſented; (3) and that upon every indictment and preſentment found and made of any ſuch treaſons, and certified into the King's bench, like proceſs and other circumſtance ſhall be there had and made againſt the offenders, as if the ſame treaſons, ſo preſented, had been lawfully found to be done and committed within the limits of this realm. (4) And that all proceſs of outlawry hereafter to be had and made within this realm againſt any offenders in treaſon, being reſiant or inhabited out of the limits of this realm, or in any of the parties beyond the ſea, at the time of the outlawry pronounced againſt them, ſhall be as good and as effectual in the law to all intents and purpoſes, as if ſuch offenders had been reſident and dwelling within this realm at the time of ſuch proceſs awarded, and outlawry pronounced.

ty, and before ſuch perſons as the King ſhall appoint by commiſſion. 1 And. 262.

7 Co. 25. Dyer, 360.

Proceſs of outlawry awarded againſt any traitor remaining beyond ſea. 5 & 6 Ed. 6. c. 11. Dyer, 287. 3 Inſt. 32.

V. And be it further enacted by authority aforeſaid, That every offender and offenders, being hereafter lawfully convict of any manner of high treaſons, by preſentment, confeſſion, verdict or proceſs of outlawry, according to the due courſe and cuſtom of the common laws of this realm, ſhall loſe and forfeit to the King's highneſs, his heirs and ſucceſſors, all ſuch lands, tenements and hereditaments, which any ſuch offender or offenders ſhall have of any eſtate of inheritance in uſe or poſſeſſion, by any right, title or means, within this realm of *England*, or elſewhere within any of the King's dominions, at the time of any ſuch treaſon committed, or any time after; (2) ſaving to every perſon and perſons, their heirs and ſucceſſors, (other than the offenders in any treaſons, their heirs and ſucceſſors, and ſuch perſon and perſons as claim to any their uſes) all ſuch rights, titles, intereſts, poſſeſſions, leaſes, rents, offices and other profits, which they ſhall have at the day of committing ſuch treaſons, or at any time afore, in as large and ample manner as if this act had never been had nor made.

What an offender in treaſon ſhall forfeit. 2 Mod. 131. Co. pl. f. 422. 12 Co. 6. Palmer 439. 1 Leon. 21. Plowd. 378, 481, 552. Dyer, 332. 3 Co. 10. 7 Co. 33. 9 Co. 140.

A ſaving of the right of others. Godb. 303. pl. 417.

CAP. XIV.

For nomination of ſuffragans, and conſecration of them.

ALBEIT *that ſithen the beginning of this preſent parliament, good and honourable ordinances and ſtatutes have been made and eſtabliſhed for elections, preſentations, conſecrations, and inveſting of archbiſhops and biſhops of this realm, and in all other the King's dominions, with all ceremonies appertaining unto the ſame, as by ſundry ſtatutes thereof made more at large is ſpecified*; (2) *yet nevertheleſs no proviſion hitherto hath been made for ſuffragans, which have been accuſtomed to be had within this realm, for the more ſpeedy adminiſtration of the ſacraments, and other good wholſom and devout things,*

By whom ſuffragans ſhall be nominated and elected. 25 H. 8. c. 20.

and laudable ceremonies, to the increaſe of God's honour, and for the commodity of good and devout people: (3) Be it therefore enacted by authority of this preſent parliament, That the towns of *Thetford*, *Ipſwich*, *Colcheſter*, *Dover*, *Guilford*, *Southampton*, *Taunton*, *Shaftſbury*, *Molton*, *Marlborough*, *Bedford*, *Leiceſter*, *Gloceſter*, *Shrewſbury*, *Briſtow*, *Penreth*, *Bridgwater*, *Nottingham*, *Grantham*, *Hull*, *Huntington*, *Cambridge*, and the towns of *Pereth* and *Berwick*, S. *Germains* in *Cornwall*, and the *iſle of Wight*, ſhall be taken and accepted for ſees of biſhops ſuffragans to be made in this realm, and in *Wales*, and the biſhops of ſuch ſees ſhall be called ſuffragans of this realm; (4) and that every archbiſhop and biſhop of this realm, and of *Wales*, and elſewhere within the King's dominions, being diſpoſed to have any ſuffragan, ſhall and may at their liberties name and elect, that is to ſay, every of them for their peculiar dioceſe, two honeſt and diſcreet ſpiritual perſons, being learned, and of good converſation, and thoſe two perſons ſo by them to be named, ſhall preſent to the King's highneſs, by their writing under their ſeals, making humble requeſt to his Majeſty, to give to one ſuch of the ſaid two perſons as ſhall pleaſe his Majeſty, ſuch title, name, ſtile and dignity of biſhop of ſuch of the ſees above ſpecified, as the King's highneſs ſhall think moſt convenient for the ſame; (5) and that the King's majeſty upon every ſuch preſentation, ſhall have full power and authority to give to one of thoſe two perſons ſo to his Highneſs to be preſented, the ſtile, title and name of a biſhop of ſuch of the ſees aforeſaid, as to his Majeſty ſhall be thought moſt convenient and expedient, ſo it be within the ſame province whereof the biſhop that doth name him is.

Sees for the ſuffragan biſhops.

The biſhop ſhall preſent two perſons to the King for his ſuffragans.

The King's allowance of a ſuffragan.

II. And that every ſuch perſon to whom the King's highneſs ſhall give any ſuch ſtile and title of any of the ſees aforenamed, ſhall be called biſhop ſuffragan of the ſame ſee whereunto he ſhall be named.

III. And after ſuch title, ſtile and name ſo given as is aforeſaid, the King's majeſty ſhall preſent every ſuch perſon, by his letters patents under his great ſeal, to the archbiſhop of *Canterbury*, if the town whereof he hath his title be within the province of *Canterbury*, and likewiſe to the archbiſhop of *York*, if the town whereof he hath his title be within the province of *York*, ſignifying and declaring by the ſame letters patents, the name of the perſon preſented, and the ſtile and title of dignity of the biſhoprick whereunto he ſhall be nominated, requiring the ſame archbiſhop to whom ſuch letters patents ſhall be directed, to conſecrate the ſaid perſon ſo nominate and preſented to the ſame name, title, ſtile and dignity of biſhop, that he ſhall be nominated and preſented unto, and to give him all ſuch conſecrations, benedictions and ceremonies, as to the degree and office of a biſhop ſuffragan ſhall be requiſite.

The King preſenteth the ſuffragan to the archbiſhop.

IV. And be it alſo enacted by authority aforeſaid, That all and every ſuch perſon and perſons as ſhall be nominated, elected, preſented and conſecrated as is afore rehearſed, ſhall be taken, accepted and reputed, in all degrees and places, according to the ſtile, title, name and dignity that he ſhall be ſo preſented unto,

Within what time after the King's preſentation the archbiſhop

unto, and have ſuch capacity, power and authority, honour, preeminence and reputation, in as large and ample manner, in and concerning the execution of ſuch commiſſion, as by any of the ſaid archbiſhops or biſhops within their dioceſe ſhall be given to the ſaid ſuffragans, as to ſuffragans of this realm heretofore hath been uſed and accuſtomed. ſhall conſecrate a ſuffragan.

V. And be it further enacted by authority aforeſaid, That every archbiſhop of this realm, to whom any the King's letters patents, in the caſes afore rehearſed, ſhall be directed, having no lawful impediment, ſhall perform and accompliſh the effects and contents of this act within the time of three months next after ſuch letters patents ſhall come to their hands; any uſages, cuſtoms, foreign laws, privileges, preſcriptions, or other thing or things heretofore uſed, had or done to the contrary hereof notwithſtanding.

VI. Provided always, That no ſuch ſuffragans, which ſhall be made and conſecrate by virtue and authority of this act, ſhall take or perceive any manner of profits of the places and ſees whereof they ſhall be named, nor uſe, have or execute any juriſdiction or epiſcopal power or authority within their ſaid ſees, nor within any dioceſe or place of this realm, or elſewhere within the King's dominions, but only ſuch profits, juriſdiction, power and authority, as ſhall be licenced and limited to them to take, do and execute by any archbiſhop or biſhop of this realm, within their dioceſe to whom they ſhall be ſuffragans, by their commiſſion under their ſeals; (2) and that every archbiſhop and biſhop of this realm, for their own peculiar dioceſe, may and ſhall give ſuch commiſſion or commiſſions to every ſuch biſhop ſuffragan as ſhall be ſo conſecrate by authority of this act, as hath been accuſtomed for ſuffragans heretofore to have, or elſe ſuch commiſſion as by them ſhall be thought requiſite, reaſonable and convenient; (3) and that no ſuch ſuffragan ſhall uſe any juriſdiction ordinary or epiſcopal power, otherwiſe, nor longer time, than ſhall be limited by ſuch commiſſion to him to be given as is aforeſaid, upon pain to incur into the pains, loſſes, forfeitures and penalties mentioned in the ſtatute of proviſions, made in the ſixteenth year of King *Richard* the Second. What authority and benefit ſuffragans ſhall have in their dioceſes.

VII. Provided always, That the biſhop that ſhall nominate the ſuffragan to the King's highneſs, or the ſuffragan himſelf that ſhall be nominate, ſhall provide two biſhops or ſuffragans to conſecrate him with the archbiſhop, and ſhall bear their reaſonable coſts; (2) provided alſo, That the reſidence of him that ſhall be ſuffragan over the dioceſe where he ſhall have commiſſion, ſhall ſerve him for his reſidence, as ſufficiently as if he were reſident upon any other his benefice; any act heretofore made to the contrary notwithſtanding. A ſuffragan's reſidence over the dioceſe ſhall be ſufficient for his benefice.

VIII. Be it further enacted, That all ſuch ſuffragans as ſhall hereafter exerciſe the offices aforeſaid, by the commiſſion of the biſhop, for the better maintenance of his dignity, may have two benefices with cure; any former act made to the contrary notwithſtanding. A ſuffragan may have two benefices with cure. Rep. 1 & 2 Ph. & M. c. 8. and revived by 1 El. c. 1.

CAP. XV.

To avoid exactions taken by ſpiritual men in the archdeaconry of Richmond.

FORASMUCH *as divers and many the King our ſovereign lord's ſubjects, inhabited within the archdeaconry of* Richmond, *in the county of* York, *be, and of long time have been, ſore and grievouſly exacted and impoveriſhed by the parſons, vicars and others, ſuch as have benefices and ſpiritual promotions within the ſame, as by taking of every perſon, when he dieth, in the name of a penſion, or of a portion, ſometime the ninth part of all his goods and chattels, and ſometime the third part, to the open and manifeſt impoveriſhing of moſt part of all the King's poor ſubjects inhabited, and deceaſing within the ſame:*

II. Wherefore be it ordained, enacted and eſtabliſhed by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That from the feaſt of S. *Mark* the evangeliſt next coming, no manner of ſpiritual perſon or others, now having or that from the ſaid feaſt ſhall have any manner of benefice or other ſpiritual promotion within the ſaid archdeaconry, ſhall in no wiſe aſk, levy, demand or take, after the deceaſe of any perſon or perſons, any ſuch portions or penſions, nor any other demand or duty in the name or lieu of the ſame, upon pain to incur ſuch dangers, forfeitures and penalties as be contained in the ſtatute of priviſors, made the five and twentieth year of the reign of your moſt noble progenitor King *Edward* the Third; (2) but that all and every the King's ſubjects of the ſaid archdeaconry, and their executors and adminiſtrators, from henceforth ſhall be ordered, intreated and uſed for their goods and chattels, after their deceaſe, in like manner, form, order and condition, as is contained in the ſtatute made in the one and twentieth year of your moſt noble and victorious reign, for probate of teſtaments, and none otherwiſe; any uſe, cuſtom, bull, compoſition, preſcription or ordinance heretofore had, obtained or uſed to the contrary, within the aforeſaid archdeaconry, in any wiſe notwithſtanding.

What duties ſpiritual men in Richmond in Yorkſhire ſhall take after the deceaſe of any perſon. 25 Ed. 3. ſtat. 6.

21 H. 8. c. 5.

CAP. XVI.

An act for the making of worſteds in the city of Norwich, *and in the towns of* Lynn *and* Yarmouth.

WHERE *at a parliament holden at* London *the fifteenth day of* April *in the fourteenth year of the reign of our ſovereign lord the King that now is, and from thence adjourned to* Weſtminſter *the laſt day of* July *in the fifteenth year of our ſaid ſovereign lord, and there ended; it was ordained, enacted and eſtabliſhed, That the craftſmen called worſted-weavers, inhabiting in the town of* Great Yarmouth, *ſhould have power and authority by that act from thenceforward to elect and chooſe yearly for ever, on the* Monday *next after the feaſt of* Pentecoſt, *one honeſt man of the myſtery and occupation of worſted-*

Recital of the ſtatute relating to the worſted-weavers of Norwich, and thoſe of Lynn and Yarmouth in the county of Norfolk, made in 14 H. 8. c. 3.

worſted-weavers, being an houſholder within the ſaid town of Great Yarmouth, *and having of his proper goods and chattels to the value of* x. li. *at the leaſt, or lands and tenements to his own uſe of eſtate of freehold at the leaſt to the clear yearly value of* xx.s. *to be warden of the ſame craft and myſtery of worſted-weavers for the year next enſuing, which man, ſo elected and choſen, ſhould perſonally appear before the mayor of the city of* Norwich *for the time being, the* Monday *next after the feaſt of* Corpus Chriſti *then next enſuing, then and there to be ſworn and charged by like oath concerning the true and ſubſtantial making of worſteds, ſays and ſtamins within the ſaid town of* Great Yarmouth, *as the four wardens of the ſaid city of* Norwich, *by virtue of an act of parliament made in the ſeventh year of King* Edward *the Fourth, were charged and ſworn for the ſame city of* Norwich. *And if the ſaid mayor happened to be abſent the ſaid* Monday *next after* Corpus Chriſti, *or elſe then refuſed to receive or take the ſaid oath, then the ſaid warden ſo elect, within four days next after the ſame* Monday, *ſhould come before the bailiffs of the ſaid town of* Great Yarmouth *for the time being, or before one of them, the other being abſent, and then and there receive a corporal oath for the true exerciſing of the ſame office of wardenſhip, after the tenor of the oath accuſtomably uſed to be given to the ſaid wardens of the ſaid city of* Norwich; *and then the ſaid warden of the ſaid town of* Great Yarmouth *for the time being, ſo elected and ſworn, might ordain and appoint a ſeal, with this letter* Y. *to be graven in the ſame ſeal, and might have full power and authority to view, ſearch, ſeize and ſeal in lead with the ſame ſeal, ſo to be appointed and engraven, and none other, all worſteds, ſays and ſtamins within the ſaid town of* Yarmouth, *and ſuburbs of the ſame, made or be made, and not elſewhere, in as large and ample manner as the ſaid wardens of the ſaid city of* Norwich, *and the wardens of the county of* Norfolk, *or any of them, had within the ſaid city or county, or in any wiſe may do in that behalf by authority or virtue of the afore remembred act, made in the ſaid ſeventh year of King* Edward *the Fourth: any thing in the ſame contained to the contrary thereof notwithſtanding. And that no perſon inhabiting within the ſaid town of* Great Yarmouth, *or ſuburbs thereof, ſhould weave any worſteds, ſays or ſtamins within the ſame town, except he be an* Engliſhman *born, and had been apprentice to the ſaid occupation, and without he weaved therein ſuch proper marks as ſhould be limited and appointed by the ſaid warden of the ſaid town for the time being, elect and ſworn as is aforeſaid, upon pain of forfeiture thereof to the King our ſovereign lord; and that every warden of the ſaid town ſhould limit diſtinct and ſeveral marks to every of the ſaid worſted-weavers of the ſame town of* Great Yarmouth, *and the ſame marks by the ſaid warden to be regiſtred in a book.*

And alſo it was further enacted, That if and whenſoever the town of Lynn *ſhould be inhabited with ten ſundry houſholders, or more number of houſholders, exerciſing and uſing the ſaid craft or myſtery of worſted-weavers, then and from thenceforth, that is to ſay, as long as the ſame town of* Lynn *ſhould be inhabited with the number of ten ſuch houſholders at the leaſt, it ſhould be lawful to the ſame inhabitants of the ſaid town of* Lynn *yearly, in the* Monday *next after the feaſt of*

Pentecoſt, *to elect and chooſe of themſelves one warden of the ſaid craft and myſtery of worſted-weavers, to be of the value in lands and goods, as is aforeſaid of the warden of* Yarmouth; *which warden, ſo elect, ſhould yearly be ſworn and charged at the ſaid city of* Norwich, *in like manner and at like day, as is before limited to the wardens of* Yarmouth; *or, in default of the ſaid mayor of* Norwich, *then the ſaid warden, ſo to be elect for the ſaid town of* Lynn, *to take a corporal oath before the mayor of the ſaid town, within ſuch time, and after ſuch form, as is before limited unto the ſaid warden of* Yarmouth. *And that the ſaid warden of the ſaid town of* Lynn *for the time being, ſo elect and ſworn, by himſelf might ordain and appoint a ſeal with this letter* L. *to be graven in the ſeal, and might have full power and authority to view, ſearch, ſeize and ſeal in lead, with the ſame ſeal ſo to be graven, and with none other, all worſteds, ſays and ſtamins within the ſaid town of* Lynn *and ſuburbs of the ſame, made or to be made, and not elſewhere, in as large and ample manner, as the ſaid warden of the ſaid city of* Norwich, *and the warden of the ſaid county of* Norfolk, *or any of them had within the ſaid city or county, or otherwiſe might do by authority or virtue of the aforeſaid act made in the ſaid ſeventh year of King* Edward *the Fourth; any thing contained in the ſame act to the contrary notwithſtanding.*

And that no perſon inhabiting within the ſaid town of Lynn *or ſuburbs thereof, ſhould make any worſteds, ſays or ſtamins, within the ſame town, except he were* Engliſh *born, and had been apprentice to the ſame occupation, and without he weaved therein ſuch proper mark as ſhould be limited and appointed by the ſaid warden of the ſame town of* Lynn *for the time being, upon pain of forfeiture thereof to the King our ſovereign lord. And that every warden of the ſaid town ſhould limit diſtinct and ſeveral marks to every of the ſaid worſted-weavers of the ſame town, and the ſame marks by the ſaid warden to be regiſtred in a book.*

And it was further enacted, That from the feaſt of St. Michael *the archangel then next following, unto ſuch time as the ſaid town of* Lynn *ſhould be inhabited with the ſaid number of ten houſholders of the ſaid craft of worſted-weavers, and always after, when the number of ten houſholders ſhould happen to fail, and not be inhabited in the ſaid town of* Lynn, *the ſaid wardens of the ſaid city of* Norwich, *and their ſucceſſors, ſhould procure and cauſe one of themſelves, or one of the wardens of the ſaid craft of the ſaid county of* Norfolk, *perſonally to come and be, every eight and twentieth day from and after the ſaid feaſt of St.* Michael *the archangel, in and to the ſaid town of* Lynn, *or within ſix days next after every ſuch eight and twentieth day, and there to continue and abide by ſo long time as he might ſearch and ſeal all ſuch worſteds, ſays and ſtamins made in the ſame town of* Lynn, *as then ſhould be brought to him to be ſealed within the ſpace of one whole day. And the ſaid inhabitants of worſted-weavers of the ſame town of* Lynn *being, ſhould content and pay to the ſaid wardens of* Norwich *or* Norfolk, *which ſhould ſo come to* Lynn *in the ſaid eight and twentieth day, or within the ſix days next after the twenty-eighth day, for his coſts and expences, for every time that he ſhould*

ſo

ſo come to Lynn, *between the feaſts of St.* Michael *the archangel and the* Annunciation *of our lady St.* Mary, iii. s. *and for every time that he ſhould ſo come to the ſaid town of* Lynn *between the feaſt of the* Annunciation *of our lady and the feaſt of St.* Michael *the archangel,* ij. s. *And if the ſaid inhabitants of worſted-weavers of the ſaid town of* Lynn *did not content and pay to the ſaid warden, coming to* Lynn *in form aforeſaid, for his ſaid coſts and charges, the ſaid three ſhillings or two ſhillings as is above limited, then the ſame inhabitants ſhould forfeit and pay to the ſaid warden, or to his executors, for every ſuch default of payment,* xl. s. *And if none of the ſaid wardens of* Norwich *and* Norfolk *come to the ſaid town of* Lynn *for the cauſe aforeſaid, in manner and form above remembred, that the ſaid wardens of the ſaid city of* Norwich *ſhould forfeit and pay to the ſaid inhabitants of* Lynn, *of the ſaid myſtery of worſted-weavers, for every ſuch default,* xl. s. *for recompence of the penalty and forfeits; the ſaid wardens of* Norwich *or* Norfolk *being thereunto intituled by that act by its proper name, with this addition, that is to ſay,* Unius gardianorum, *or* nuper unius gardianorum artis ſive myſterii textorum panni lanei vocat. worſteds in civitat. Norwic. *vel* com. Norf. *as the truth requireth, ſhould and might have action of debt by writ, bill or plaint, in any competent or lawful court of this realm, againſt the inhabitants of* Lynn, *of the ſaid myſtery for the time being, by their ſundry proper names, and the ſaid inhabitants by their ſaid names, with this addition,* Textorum panni lanei vocat. Worſteds inhabitantes villæ de Lynn, *ſhould and might have like action of debt againſt the ſaid wardens of* Norwich, *by the name of* Gardiani artis ſive myſterii textorum pannorum laneorum vocat. Worſteds infra civitatem Norwic. *vel* com. Norf. *to be uſed in good congruities of* Latin *and form of the laws of this realm; in which actions, or any of them, none eſſoin, protection or wager of law ſhould be ſuffered or allowed; and that the particular bodies or goods of any of the ſaid wardens or inhabitants, being condemned in any of the ſaid actions, ſhould and might be put in execution, after ſuch manner and form as is uſed in an action of debt by courſe of the common law of this realm.*

And moreover it is enacted, That all cloths of worſteds, ſays and ſtamins, made within any of the ſaid towns of Lynn *and* Great Yarmouth, *or ſuburbs of the ſame, or any of them, and marked with ſuch marks as ſhould be limited to the makers by the ſaid wardens of the ſaid town, in manner and form as is aboveſaid, and viewed and ſealed by any of the ſaid wardens of the ſaid towns of* Lynn *and* Yarmouth, *in form remembred, by force and virtue of the ſaid act, might be lawfully put to ſale by the owners and makers of the ſame, without any other marking or ſealing upon the ſame cloths, or upon any of them, to be had or made of or upon any of the ſaid cloths, for lack of any other ſeals or marks; any thing contained in the ſaid ſeventh year of King* Edward *the Fourth to the contrary notwithſtanding.*

And moreover it was enacted, That every craftſman of the ſaid myſtery and occupation of worſted-making, dwelling within any of the ſaid towns of Lynn *and* Yarmouth *and ſuburbs of the ſame, at their own free-wills and liberties from thenceforth for ever, might have*

and

and take apprentice or apprentices, being male, of the age of xiiij. *years and upward, and being the King's natural ſubjects, for term of ſeven years, and not under, ſo that none of them exceed the number of two at once, to learn, uſe and exerciſe the ſaid craft within either of the ſaid two towns of* Lynn *and* Great Yarmouth *and ſuburbs of the ſame, albeit the father of the ſaid apprentice or apprentices might not expend in lands or tenements to the yearly value of twenty ſhillings; any act or ordinance to the contrary made, or to be made, notwithſtanding.*

Provided always, That the ſame act, or any thing therein contained, ſhould not in any wiſe be hurtful or prejudicial to the mayor of Norwich, *or to his ſucceſſor, or to the wardens of the ſaid city or county, or to their ſucceſſors, in any point, article, power or authority, other than for weaving, ſearching and ſealing of the worſteds, ſays and ſtamins, made or to be made only within the ſaid towns of* Lynn *and* Yarmouth, *or ſuburbs of the ſame or any of them, and for limiting of marks to the makers of worſteds, ſays and ſtamins, only inhabiting in either of the ſaid towns, or ſuburbs thereof, and taking of apprentices in form above remembred; but that the ſaid mayor of the ſaid city of* Norwich, *and wardens of the ſame city and county, and every of them, might have and uſe all other points, articles, powers and authorities contained and ſpecified in the above remembred act made in the ſaid ſeventh year of King* Edward *the Fourth, as well for the ſearch, ſealing, correction and reformation of the ſaid wardens newly to be elected by the virtue of the ſame act, and every of them, according and after ſuch form as they might do or uſe any of the ſaid wardens of the ſaid city or county, by force of the ſaid act made in the ſaid ſeventh year of King* Edward *the Fourth, as all and every other enquiries, corrections, ſearches, ſeizings and reformations to be had for the true making of worſteds, ſays and ſtamins, in and upon any perſon or perſons, as well within the ſaid towns of* Lynn *and* Yarmouth *as without, without trouble, let, or vexation of any of the inhabitants of the ſaid towns, in as large and ample wiſe, as they might have done before the making of the ſaid act; any thing contained in the ſame act to the contrary notwithſtanding.*

And alſo it was further provided and enacted, That the ſaid craftſmen of worſted-weavers, inhabiting or after that to be inhabiting, within either of the ſaid towns of Lynn *and* Yarmouth, *or ſuburbs of the ſame, and the merchants, or any other perſon or perſons, which ſhould happen to buy of the ſame craftſmen, or any of them, or any other perſon any of the ſaid cloths of worſted, ſays and ſtamins, made or to be made within either of the ſaid towns of* Lynn *and* Yarmouth, *and ſealed by the ſaid wardens of the ſame towns, to be elect and ſworn as is aforeſaid, and any of them, ſhould not ſhear, dye or put in colour, or callender any worſteds, ſtamins or ſays, made or after that to be made within either of the ſaid towns of* Lynn *and* Yarmouth, *and ſuburbs of the ſame, in any other place or places, but only within the ſaid city of* Norwich, *or ſuburbs of the ſame, upon pain of forfeiture of every piece of worſted, ſays or ſtamins, to be made within any of the ſaid towns of* Lynn *and* Yarmouth, *or ſuburbs of the ſame, or the value thereof, ſhorn, dyed, coloured or callendred by any of the ſaid craftſmen, buyers or merchants, in any other place or places, than in the ſaid*

ſaid city of Norwich, *or ſuburbs of the ſame; the one half thereof to be to the King our ſovereign lord, and the other half thereof to ſuch perſon or perſons as ſhould ſeize the ſame; ſo that the ſaid worſteds brought to the ſaid city of* Norwich *to be ſhorn, dyed, coloured and callendred without covin or craft of any of the ſaid inhabitants and merchants, might be ſhorn, dyed, coloured and callendred at and by as convenient price or prices, and in as ready wiſe, as the ſaid inhabitants of either of the ſaid towns of* Lynn *and* Yarmouth, *and merchants buyers of the ſaid worſteds, or other of the ſaid city and county had had in times paſt, or after that ſhould have. And alſo that the ſaid inhabitants and merchants, and every of them, ſo bringing the ſaid worſteds to the ſame city to be ſhorn, dyed, coloured and callendred, were reaſonably and lawfully intreated according to the ſaid act made in the ſaid ſeventh year of King* Edward *the Fourth, and the ordinances made and affirmed, or thereafter to be made and affirmed for the ſaid myſtery, without let or diſturbance contrary to the ſame act or ordinances in that behalf.*

And it was further enacted, That no perſon or perſons any time after that ſhould convey or tranſport into any of the parts beyond the ſea, any manner of cloths or worſteds, before the ſame cloths were ſhorn, dyed, coloured and callendred, upon pain of forfeiture of the value thereof; the one half to the King our ſovereign lord, and the other half thereof to the party that will ſue therefore by action or plaint of debt in any of the King's courts; in which action or ſuit no protection or eſſoin ſhall be allowed, nor the defendant admitted to wage his law, as by the ſaid act thereof made more plainly appeareth; which act was made to endure unto the next parliament, whereby it is now expired. In conſideration whereof, and foraſmuch as the ſame act is a good and neceſſary act for the true making of worſteds, ſays and ſtamins, and very commodious and profitable for the increaſe of the ſaid towns of Yarmouth *and* Lynn; be it therefore enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, That the ſame act, and every article, ſentence and proviſion therein contained, ſhall from henceforth be continued, and ſtand for ever in full ſtrength and virtue.

The foregoing act confirmed. 21 H. 8. c. 21.

CAP. XVII.

For leſſees to be diſcharged for paying any thing for their leſſors to the King, by reaſon of the act of firſt-fruits.

FOR certain reaſonable and urgent conſiderations moving the King's moſt high court of parliament, it is ordained and enacted by authority of the ſame, That all and ſingular fermors and leſſees of any manors, lordſhips, lands, tenements or other hereditaments, parſonages, vicarages, portions of tythes, or other whatſoever profits or commodities belonging to any archbiſhop, biſhop or other prelate, or ſpiritual perſon or perſons, or ſpiritual body corporate or politick, whereof any firſt-fruits or yearly penſion of the tenth part is granted to the King our ſovereign lord in this preſent ſeſſion of the ſaid court of parliament, ſhall be diſcharged, and not

26 H. 8. c. 3. Fermors of ſpiritual perſons ſhall not pay any firſt-fruits of the tenth granted to the King.

chargeable to pay to our ſaid ſovereign lord, of his or their proper money, coſt or charge, for or in diſcharge of the leſſor or leſſors, owner or owners of the ſame, by reaſon of any covenant, bargain, bond, condition, clauſe of re-entry, or other thing heretofore made or concluded; (2) but that every of the ſaid leſſors and owners and their ſucceſſors, ſhall be charged and chargeable to pay and ſatisfy the ſame of his and their proper coſt and charge, to the King our ſovereign lord, his heirs and ſucceſſors, according to the grant thereof; any covenant, bargain, contract, bond, condition, clauſe of re-entry, or other thing heretofore made or concluded to the contrary thereof, in any wiſe notwithſtanding.

1 El. c. 4.

CAP. XVIII.

EXP. The King's pardon to all his ſubjects of all felonies, treſpaſſes, and offences not excepted.

Statutes made at *Weſtminſter Anno* 27 HEN. VIII. and *Anno Dom.* 1535.

ACTS *made in the ſeſſion of this preſent parliament, holden upon prorogation at* Weſtminſter *the fourth day of* February *in the ſeven and twentieth year of the reign of our moſt dread ſovereign lord King* Henry *the Eighth, and there continued and kept till the fourteenth day of* April *next enſuing, to the honour of God, and for the common weal and profit of this his realm.*

CAP. I.

PR. For the re-edifying of *Nottingham, Gloceſter, Northampton,* and other towns.

CAP. II.

REP. 1 Ed. 6. c. 12. ſ. 8. It ſhall be high treaſon to counterfeit the King's ſign-manual, privy-ſignet, or privy-ſeal.

CAP. III.

REP. 33 H. 8. c. 33. A reſtraint of the exactions taken by the mayor and commonalty of the town of *Hull.*

CAP. IV.

For pirates and robbers on the ſea.

The inconveniencies of the trial of piracy after the courſe of the civil law.

WHERE *pirates, thieves, robbers and murderers upon the ſea, many times eſcape unpuniſhed, becauſe the trial of their offences hath heretofore been ordered before the admiral, or his lieutenant or commiſſary, after the courſe of the civil laws, the nature whereof is, that before any judgment of death can be given againſt the offenders, either they muſt plainly confeſs their offence, (which they will never*

never do without torture or pains (or elſe their offences be ſo plainly and directly proved by witneſſes indifferent, ſuch as ſaw their offences committed, which cannot be gotten but by chance at few times, becauſe ſuch offenders commit their offences upon the ſea, and at many times murther and kill ſuch perſons being in the ſhip or boat where they commit their offences, which ſhould bear witneſs againſt them in that behalf, and alſo ſuch as ſhould bear witneſs be commonly mariners and ſhipmen, which for the moſt part cannot be gotten ne had always ready to teſtify ſuch offences, becauſe of their often voyages and paſſages in the ſeas, without long tarrying or protraction of time, and great coſts and charges, as well of the King's highneſs, as of ſuch as would purſue ſuch offenders: (2) for reformation whereof, be it enacted by authority of this preſent parliament, That all ſuch offences done in or upon the ſea, or in any other haven, river or creek where the admiral or admirals pretend to have juriſdiction, ſhall be enquired, tried, heard and determined in ſuch ſhires and places in this realm as ſhall be limited by the King's commiſſion to be directed for the ſame, in like form and condition as if ſuch offences had been done upon the land; (3) and that ſuch commiſſions ſhall be had under the King's great ſeal, directed to the lord admiral or admirals, or to his or their lieutenant, deputy or deputies, and to three or four ſuch other ſubſtantial perſons as ſhall be named by the lord chancellor for the time being, as often as need ſhall require, to hear and determine ſuch offences after the common courſe of the laws of the land uſed for felonies done and committed within this realm.

Before what perſons offences committed upon the ſea ſhall be heard and determined.

II. And be it enacted by the authority aforeſaid, That ſuch perſons to whom ſuch commiſſions ſhall be directed, or three of them at the leaſt, ſhall have full power and authority to enquire of ſuch offences, by the oaths of twelve good and lawful men inhabited in the ſhire limited in their commiſſion, in ſuch like manner and form as if ſuch offences had been committed upon the land within the ſame ſhire; (2) and that every indictment found and preſented before ſuch commiſſioners, of any felonies, robberies, murders or manſlaughters, done upon the ſeas, or in or upon any other haven, river or creek, ſhall be good and effectual in the law; (3) and if any perſon or perſons happen to be indicted for any ſuch offence done or hereafter to be done upon the ſeas, or in any other places above limited, that then ſuch order, proceſs, judgment and execution ſhall be uſed, had, done and made, to and againſt every ſuch perſon and perſons ſo being indicted, as againſt felons and murderers for murder or felony done upon the land, as by the laws of this realm is accuſtomed; (4) and that the trial of ſuch offence, if it be denied by the offenders, ſhall be had by twelve men inhabited in the ſhire limited within ſuch commiſſion, which ſhall be directed as is aforeſaid, and no challenge to be had for the hundred; (5) and ſuch as ſhall be convict of any ſuch offence, by verdict, confeſſion or proceſs, by authority of any ſuch commiſſion, ſhall have and ſuffer ſuch pains of death, loſſes

By what jurors the ſame offences ſhall be enquired of.

The trial, judgment and forfeiture of offenders in piracy.

loſſes of lands, goods and chattels, as if they had been convict of any felonies or murders done upon the lands.

Clergy ſhall not be allowed to pirates.

III. And be it enacted by authority aforeſaid, That for robberies, felonies and murders done upon the ſeas, or in any other places above rehearſed, the offenders ſhall not be admitted to have the benefit of their clergy, but be utterly excluded thereof, and alſo of the privilege of any ſanctuary.

Things taken upon the ſea by neceſſity.

IV. Provided alway, That this act extend not to be prejudicial or hurtful to any perſon or perſons for taking of any victuals, cables, ropes, anchors or ſails, which any ſuch perſon or perſons, compelled by neceſſity, taketh of or in any other ſhip, which may conveniently ſpare the ſame, ſo that the ſame perſon or perſons pay out of hand for the ſame victual, cables, ropes, anchors or ſails, money or money-worth, to the value of the thing ſo taken, or deliver for the ſame a ſufficient bill obligatory to be paid in form following; that is to ſay, if the taking of the ſame things be on this ſide the ſtraits of *Marrok*, then to be paid within four months; and if it be beyond the ſaid ſtraits of *Marrok*, then to be paid within twelve months next enſuing the making of ſuch bills; and that the makers of ſuch bills well and truly pay the ſame debt at the day to be limited within the ſaid bills.

Commiſſions directed into the five ports.

V. Provided alway, That whenſoever any ſuch commiſſion for the puniſhment of the offences aforeſaid ſhall be directed or ſent to any place within the juriſdiction of the five ports that then every ſuch commiſſion ſhall be directed unto the lord warden of the ſame ports for the time being, or to his deputy, and unto three or four ſuch other perſon or perſons as the lord chancellor for the time being ſhall name and appoint; any thing in this preſent act to the contrary thereof in any wiſe notwithſtanding.

VI. Provided alſo, That whenſoever any commiſſion ſhall be directed into the five ports for the inquiſition and trial of any of the offences expreſſed in this act, that every ſuch inquiſition and trial to be had by virtue of ſuch commiſſion, ſhall be made and had by the inhabitants in the ſaid five ports, or the members of the ſame; any thing in this act to the contrary thereof notwithſtanding.

28 H. 8. c. 15.

CAP. V.

For the making of juſtices of peace within Cheſter *and* Wales.

THE *King's highneſs conſidering the manifold robberies, murders, thefts, treſpaſſes, riots, routs, embraceries, maintenances, oppreſſions, ruptures of his peace, and many other malefacts, which been daily practiſed, perpetrated, committed and done within his counties and county palatines of* Cheſter *and* Flintſhire *in* Wales, *adjoining to the ſaid county of* Cheſter, *and alſo in his counties of* Anglice, *otherwiſe called* Angleſey, Cayernarvan *and* Mereoneth, *within his principality of* North-wales, *and alſo in his counties of* Cardigan, Cayermarthen, Pembroke *and* Glamorgan, *in* South-Wales; *by reaſon that common juſtice hath not been indifferently miniſtred there,*

The lack of the execution

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like and in ſuch form as it is in other places of this his realm, by reaſon whereof the ſaid murders, robberies, thefts, treſpaſſes and breaking of the peace, have remained unpuniſhed, to the great animation of evil-doers in the ſame countries; (2) *for redreſs and amputation whereof, and to the intent that one order of miniſtring of his laws ſhould be had, obſerved and uſed in the ſame, as in other places of this realm of* England *is had and uſed*, It is ordained and enacted by the King our ſovereign lord, and the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the lord chancellor of *England*, or the lord keeper of the great ſeal for the time being, from time to time, and at all times, ſhall have full power and authority, by his diſcretion, to nominate and appoint juſtices of peace, juſtices of the *quorum*, and juſtices of gaol-delivery in the ſaid counties of *Cheſter*, *Flint*, *Angleſey*, *Kayernarvan*, *Mereoneth*, *Cardigan*, *Kayermerthen*, *Pembroke* and *Glamorgan*, by commiſſion under the King's great ſeal, which ſhall have full power and authority to enquire, hear and determine all manner of thing and things enquirable, preſentable or determinable before juſtices of peace, juſtices of *quorum*, and juſtices of gaol-delivery in other ſhires of this realm of *England*, by force or virtue of any ſtatute or ſtatutes made and to be made, or by the courſe of the common-laws of this realm; (3) and that the ſaid juſtices of peace, juſtices of *quorum*, and juſtices of gaol-delivery, ſo to be named and appointed by the ſaid lord chancellor or lord keeper of the great ſeal, and every of them, ſhall have like power and authority within the ſaid counties of *Cheſter*, *Flint*, *Angleſey*, *Kayernarvan*, *Mereoneth*, *Cardigan*, *Kayermarthen*, *Pembroke* and *Glamorgan*, to do, uſe and execute every thing and things, as other juſtices of peace, *quorum* and gaol-delivery have within any other of the ſhires of this realm of *England*; (4) and alſo ſhall be ſworn, aſtricted and obliged to the keeping of their ſeſſions of the peace, and to the due execution of all and ſingular ſtatutes and ordinances made and to be made, in like manner and form, and under like pains and penalties, as juſtices of peace, juſtices of *quorum* and gaol-delivery in other ſhires of this realm of *England* been and ſhall be bounden and obliged; any act, ſtatute, preſcription, uſage, cuſtom, liberty or privilege, had, made, accuſtomed or uſed, to the contrary notwithſtanding.

of juſtice the cauſe of diſorders.

Seſſions to be held but twice a year at Cheſter. 32 H. 8. c. 43.

Juſtices of the peace, of quorum, and of gaol-delivery, ſhall be aſſigned in certain ſhires in Wales, and their authority.

II. And it is further enacted by the authority aforeſaid, That the eſtreats of the iſſues, fines and amerciaments taxed, ſet, loſt or forfeited by or before ſuch juſtices of the peace, *quorum* and gaol-delivery in the ſaid counties of *Cheſter* and *Flint*, ſhall be returned and certified into the exchequer of *Cheſter* before the King's chamberlain there.

Where the eſtreats of the particular counties in Wales ſhall be returned.

III. And that the eſtreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited by or before the juſtices of peace, *quorum* and gaol-delivery in the ſaid counties of *Kayernarvan* and *Mereoneth*, and every of them, ſhall be returned and certified into the King's exchequer at *Kayernarvan*, to and before the King's chamberlain of *North-Wales*.

IV.

IV. And that the eſtreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited by or before the juſtices of the peace, *quorum* and gaol-delivery in the ſaid counties of *Kayermarthen* and *Cardigan*, and every of them, ſhall be returned and certified into the King's exchequer at *Kayermarthen*, to and before the King's chamberlain of *South-Wales*.

V. And that the eſtreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited by or before the juſtices of peace, *quorum* and gaol-delivery in the county of *Pembroke*, ſhall be returned and certified into the King's exchequer at *Pembroke*.

VI. And that the eſtreats of the iſſues, fines and amerciaments, taxed, ſet, loſt or forfeited by or before the juſtices of peace, *quorum* and gaol-delivery in the ſaid county of *Glamorgan*, ſhall be returned and certified in the King's exchequer at *Caierdiff*: (2) And that the ſaid eſtreats of the ſaid iſſues, fines and amerciaments, certified and returned into every of the foreſaid exchequers, ſhall be indented in ſuch like manner and form as is uſed in the King's exchequer at *Weſtminſter*: (3) And that the ſaid juſtices of peace and *quorum*, or gaol-delivery in every of the ſaid ſhires, ſhall direct ſuch like proceſs by eſtreats indented with the eſtreats certified into the ſaid exchequer, to the ſheriff of every of the ſaid counties, for the levying and gathering of the ſaid iſſues, fines and amerciaments, in ſuch like manner and form as is uſed by the juſtices of peace, *quorum* and gaol-delivery in every other of the ſhires within this realm of *England*; (4) and that every ſheriff of every of the ſaid ſhires ſhall make their accompts in every of the ſaid exchequers, of and for the ſaid iſſues, fines and amerciaments, upon the extreats to them directed in manner and form as is uſed in the King's exchequer at *Weſtminſter*.

Where the ſheriffs ſhall make their accounts of iſſues, fines and amerciaments.

The juſtices and clerk of the peace's allowances.

VII. And it is alſo enacted by the authority aforeſaid, That the ſaid juſtices of peace and clerks of the peace within the ſaid counties of *Cheſter*, *Flint*, *Angleſey*, *Kayernarvan*, *Mereoneth*, *Cardigan*, *Kayermarthen*, *Pembroke* and *Glamorgan*, and every of them, ſhall be paid and allowed of the ſaid iſſues, fines and amerciaments, ſuch like fees, profits and commodities, as other juſtices of peace and clerks of the peace in other ſhires of this realm have and ought to have.

Inferior officers ſhall be attendant to the juſtices.

VIII. And it is further enacted by authority aforeſaid, That the ſheriff or his deputy, and all other his miniſters in all and every of the ſaid ſhires, and all coroners, high conſtables, petty conſtables, and all other officers within every of the ſaid ſhires, ſhall be obliged and bounden to be as well attendant unto the ſaid juſtices of peace, *quorum* and gaol-delivery, in all and every thing and things concerning their authorities, as in executing and returning of all precepts and proceſſes to them directed by any of the ſaid juſtices, in like manner and form, and under like pains and penalties, as all and every ſheriffs, coroners and other officers, be and ſhall be bounden and obliged by any ſtatute or common law, in other ſhires of this realm of *England*; any

any act, ſtatute, preſcription, uſage, cuſtom, liberty or privilege, had, accuſtomed or uſed to the contrary notwithſtanding. 32 H. 8. c. 43. 34 & 35 H. 8. c. 26.

CAP. VI.

The bill for the increaſe of horſes.

THE *King our ſovereign lord continually ſtudying for the advancement, augmentation and increaſe of the publick weal of this his realm, calling to his moſt gracious memory the great decay of the generation and breeding of good, and ſwift and ſtrong horſes, which heretofore have been bred in this realm, to the great defence, profit and common commodity of the ſame; and now remembring that like breed of horſes is ſore diminiſhed and decayed, the occaſion whereof is thought to proceed, for that in many and moſt places of this realm, commonly little horſes and nags of ſmall ſtature and value be ſuffered to depaſture, and alſo to cover mares and fillies of very ſmall ſtature, by reaſon whereof the breed of good and ſtrong horſes of this realm is now lately diminiſhed, altered and decayed, and farther is like to decay, if ſpeedy remedy be not ſooner provided in that behalf.*

The cauſe of the decay of the breed of horſes.

II. The King's highneſs willing therefore to provide remedy in that behalf, by the advice of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, hath ordained, enacted and eſtabliſhed, That every perſon and perſons, as well ſpiritual as temporal, of what eſtate, degree or condition ſoever he or they be, which at this preſent time, or at any time hereafter, ſhall have any park or ground incloſed with hedge, ditch, wall or pale, wherein any deer is, or hereafter ſhall be, uſually kept for game, containing the quantity of one mile in compaſs, and is or ſhall be ſeiſed thereof in fee-ſimple, fee-tail, or for term of life, in poſſeſſion, to his or their own profit and behoof, that every ſuch owner of every ſuch park and ground being in his own hand, and every fermer of every ſuch park or ground being let to ferm, from the firſt day of *May*, that ſhall be in the year of our Lord God 1537, ſhall keep for every ſuch park or ground being incloſed as is aforeſaid, as long as the ſame park or ground incloſed ſhall be uſed, and kept with deer in the ſame for games, two mares being not ſpayed, apt and able to bear foals, each of them of the altitude or height of thirteen handfuls at the leaſt, to be meaſured from the loweſt part of the hoof of the foot unto the higheſt part of the ſhoulder, and every handful to contain four inches of the ſtandard, upon pain of forfeiture of xl. s. for every month's lacking the ſame mares contrary to this act; (2) and that every ſuch owner or fermer of park or ground, whereof the compaſs is four miles and above, upon pain afore expreſſed, ſhall keep for every ſuch park four mares being not ſpayed, apt and able to bear foals, of the altitude or height of thirteen handfuls at the leaſt, to be meaſured as is afore ſaid.

Owners and farmers of parks ſhall be charged to keep mares.

III. Provided, That if it ſhall happen any of the ſaid mares by miſchance or caſualty for to die, that then the lord, owner or owners of the ſaid mares, providing or buying others of like height and altitude as is before limited, within three months next

after the death of the ſame mares, ſhall not incur the danger and penalty of this eſtatute; any thing before rehearſed to the contrary notwithſtanding.

Mares ſhall not be covered with ſmall horſes.

IV. And it is alſo enacted by authority aforeſaid, That the lords, owners and farmers of all parks and grounds incloſed as is above rehearſed, limited and appointed by this act to keep mares, ſhall not at any time after the ſaid firſt day of *May*, which ſhall be in the year of our Lord God 1537. willingly ſuffer any of the ſaid mares to be covered or leapt with any ſtoned horſe under the ſtature of fourteen handful, to be meaſured in form afore rehearſed, (2) upon pain of forfeiture of xl. s. The moiety of all ſuch forfeitures ſhall be to the King our ſovereign Lord, and the other moiety thereof to the party that will ſue for the ſame in any court of our ſaid ſovereign lord the King, by action, bill, plaint, information, or otherwiſe; in which action or ſuit the defendant ſhall not be admitted to wage his law, or any protection or eſſoin ſhall be unto the defendant allowed in that behalf.

To what counties this ſtatute extendeth not.

V. Provided alway, That this act extend not to charge the lord, owner or owners of any park or ground incloſed within the counties of *Weſtmoreland*, *Cumberland*, *Northumberland* and the biſhoprick of *Durham*, nor any of them, to keep any mares for any park or parks, ground or grounds incloſed as is afore ſaid, lying in the ſaid counties of *Weſtmoreland*, *Cumberland*, *Northumberland* and the biſhoprick of *Durham*, otherwiſe than they have or might have done before the making of this act; (2) nor alſo ſhall extend to charge the lords, owner or owners of any park or parks, or grounds incloſed, with the finding of any mares, the herbage of which park or parks is common to the tenants and inhabitants of the townſhips next adjoining to the ſame park or parks; any thing in this preſent act made to the contrary hereof notwithſtanding.

Spiritual perſons may ſell the increaſe of their mares.

VI. Provided alſo, That every ſpiritual perſon and perſons, charged and chargeable by this act with the finding of mares, may lawfully bargain and ſell the increaſe and breed of their ſaid mares; any act or acts heretofore made to the contrary in any wiſe notwithſtanding.

CAP. VII.

For the abuſes in the foreſts of Wales.

A rehearſal of divers unlawful and unreaſonable cuſtoms that were in ſome foreſts in Wales.

WHERE *divers and many foreſts being in* Wales, *and the marches of the ſame, as well of the inheritance and poſſeſſions of our ſovereign lord the King, as of divers others being lords marchers; within which foreſts certain unreaſonable cuſtoms and exactions have been of long time unlawfully exacted and uſed, contrary both to the law of God and man, to the expreſs wrong and great impoveriſhing of divers of the King's true ſubjects,* (2) *the effect of which ſaid unlawful exactions and cuſtoms be hereafter declared; that is to wit, it hath been there unlawfully uſed, that if it fortuned any of the King's ſubjects to paſs, go or ride through or in any way or path of any of the ſaid foreſts, not having upon him or them that ſo ſhall fortune*

tune to paſs, go or ride, a token delivered to him or them by the chief foreſters, rulers, walkers or farmers, the which token ſhall be well known amongſt all them that are walkers and rulers under him or them; or that he or they that ſo ſhall fortune to paſs, go or ride in or through any of the ſaid foreſts, be not yearly tributors or chenſers, then he or they ſo going, riding or travelling in or through any of the ſaid foreſts, having no token, nor being yearly tributors or chenſers, as is aforeſaid, have uſed to pay by unlawful exactions, unto the ſaid foreſters, rulers, walkers and farmers of the ſaid foreſts, a grievous fine or reward: (3) *and if any perſon or perſons, not having ſuch token or tokens, and not being a yearly tributor or a chenſer, as is aforeſaid, ſhould happen to be taken, found or eſpied by any of the ſaid foreſters, rulers, walkers or farmers, or their aſſigns, by the ſpace of* xxiv. *foot out of the highway, then he or they ſo being taken, found or eſpied out of the highway, within any of the ſaid foreſts as is aforeſaid, to forfeit and loſe unto the ſaid foreſters, rulers, walkers or farmers, all ſuch money or gold as ſhould be then found upon him or them ſo being taken in any of the ſaid foreſts, out of the highway, as is aforeſaid.*

II. *And alſo the ſame perſon or perſons ſo being taken or found out of the highway, to forfeit and loſe a joint of one of his or their hands, or elſe to make fine therefore with the ſaid foreſters, rulers, walkers and farmers, at the will and pleaſure of the ſaid rulers, walkers or farmers.*

III. *And if alſo that it happen any beaſt or quick cattle to come, go or eſcape into any of the ſaid foreſts by ſtray or thief-ſtolen, or otherwiſe, the ſaid foreſters, rulers, walkers or farmers, after knowledge to him or them given, have likewiſe unlawfully uſed to ſeiſe and take the ſame beaſt or cattle as his or their own, and mark them with the marks of their foreſt there uſed, and ſo ſeiſed, marked, taken, and them retain as cattle forfeited unto their own uſe; by reaſon whereof the owner and owners of the ſame cattle have been clear without remedy for the having again of the ſaid cattle, except only by way of redemption or buying again of their own cattle, contrary to all equity and conſcience:* (2) in conſideration whereof, it may pleaſe the King's highneſs, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, to enact, ordain and eſtabliſh, That from the feaſt of the nativity of St. *John Baptiſt* next coming, which will be in the year of our Lord God 1536. all the ſaid unlawful cuſtoms be determined, void and had for naught throughout all and every of the ſaid foreſts within *Wales* and the marches of the ſame.

No exactions ſhall be taken in the foreſts of Wales.

IV. And that it ſhall be lawful from thenceforth to all and every the King's true ſubjects, and all other perſon or perſons being in league and amity with our ſovereign lord the King, his heirs and ſucceſſors, Kings of *England*, freely, quietly, and in peace to paſs and repaſs, travel, and go into and through the ſaid foreſts, and every of them, both on horſeback and on foot, as well following and driving of cattle, as with carrying of wares, or otherwiſe about their lawful buſineſs and affairs, without

All the King's ſubjects and friends may paſs freely through all the foreſts in Wales without payment of any unlawful exactions.

any fine, forfeiture, toll, cuſtom, exaction, or other impoſition to be taken, exacted or demanded of them, or any of them, by the ſaid foreſters, rulers, walkers, farmers, or their aſſigns. (2) And if it ſhall chance or happen any of the ſaid foreſters, rulers, walkers, farmers or their aſſigns, or any of them, at any time after the ſaid feaſt of St. *John Baptiſt*, to take any perſon or perſons, being the King's true ſubjects, or otherwiſe in league and amity with our ſaid ſovereign lord, his heirs or ſucceſſors, Kings of *England*, as is aforeſaid, and exact and take of them, or any of them, any of the ſaid forfeitures, fines, tolls, cuſtoms and exactions, as is above mentioned, and be thereof lawfully convicted, that then he or they ſo doing and offending contrary to this act, to incur and ſtand in the dangers of the ſtatute heretofore provided for robberies by the King's highway, and the ſame to be tried before the juſtices of the peace in their next ſhire adjoinant, according to the law of this realm of *England*.

The penalty of ſuch who take unlawful exactions.

Cattle ſtrayed, being recovered within a year, ſhall be re-delivered to the owner.

V. And further be it enacted by the authority aforeſaid, That if any manner of beaſt or quick cattle of any of the King's true ſubjects, or others of the King's friends, at any time after the ſaid feaſt of the nativity of St. *John Baptiſt*, do come into any of the ſaid foreſts by ſtrays, thief-ſtolen or otherwiſe, and there be marked and ſeiſed by any of the ſaid foreſters, rulers, walkers, farmers or their aſſigns, or any of them, and the owner and owners, of the ſame cattle, within one year and a day then next enſuing, chance to find the ſaid cattle ſo taken, and lawfully prove the ſame to be his or their own proper cattle, that then the ſame cattle to be re-delivered to the owner or owners thereof, according to the ancient law of this realm of *England*; the ſaid owner and owners reaſonably paying for the keeping of ſuch cattle after the rate of the time that ſuch cattle ſhall have been in the cuſtody and keeping of any ſuch foreſters, rulers, walkers and farmers, or his or their aſſigns, in ſuch manner and form as heretofore hath been in like caſe uſed to be done by the law of this realm, of eſtrayed cattle claimed and proved by the owners within a year and a day next after the ſeizing of the ſame cattle; (2) and if any of the ſaid foreſters, rulers, walkers, farmers, their aſſigns, or any of them, do deny the deliverance of any ſuch cattle, by them or any of them ſo ſeiſed or marked within any of the ſaid foreſts, after the owner or owners of them ſhall have duly and lawfully proved them to be his or their own proper goods and chattels as is afore ſaid, that then every ſuch foreſter, ruler, walker, farmer or their aſſigns, ſo doing and offending contrary to this act, to forfeit and pay unto the party grieved the double value of all ſuch cattle as ſhall be ſo taken and marked, and not re-delivered to the owner or owners as is aforeſaid: (3) and that the party grieved may have his action of detinue at the common law, of and for the ſame cattle, againſt every ſuch offender or offenders, and the ſame to be tried in the next ſhire adjoinant; in which action the defendant ſhall not be admitted to wage his law, nor eſſoin nor protection ſhall be allowed for them; and like proceſs of outlawry to be had

The penalty for detaining cattle ſtrayed.

had and made in the ſaid action of detinue in the next ſhire adjoinant, againſt every foreſter, ruler, walker, farmer or their aſſigns, ſo offending contrary to the tenor of this act, as in an action of treſpaſs at the common law of this realm is uſed.

CAP. VIII.

An act that the King's ſpiritual ſubjects ſhall pay no tenths of their ſpiritual promotions for that firſt year for which they paid their firſt-fruits.

WHERE *by a late act made in this parliament, for and concerning the grant made to the King's highneſs of the tenth of the yearly value of all ſpiritual poſſeſſions of this realm and of the firſt-fruits thereof, there appeareth by the words of the ſaid act, that prelates and all other incumbents be charged to the payment of the tenth that ſhall be due to the King's highneſs in and for the firſt year that they ſhall be elected, prefected, preſented, collated or admitted to any dignities, benefices, or other promotion ſpiritual,* (2) *and for the ſame firſt year ſhall alſo pay the whole firſt-fruits of their ſaid dignities, benefices and promotions, which is a double charge:* (3) for reformation whereof, the King's highneſs, for the entire and hearty love that his Grace beareth to the prelates and other incumbents, chargeable to the payment of the ſaid tenth and firſt-fruits, of his excellent goodneſs is pleaſed and contented that it be enacted by authority of this preſent parliament, That whenſoever any perſon or perſons, from the firſt day of *May*, which ſhall be in the year of our Lord God one thouſand five hundred thirty and ſix, ſhall be named, prefected, preſented, collated, or by any other means appointed to have any archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, college, hoſpital, archdeaconry, deanry, provoſtſhip, prebend, parſonage, vicarage, chauntery, free chapel or other dignity, benefice or promotion ſpiritual, by virtue whereof they ſhall be charged or chargeable, as well for the payment of the tenth of every the ſaid archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, college, hoſpital, archdeaconry, deanry, provoſtſhip, prebend, parſonage, vicarage, chauntery, free chapel, or other dignity, benefice or promotion ſpiritual, as with the payment of the firſt-fruits of the ſame, and every of the ſame, ſhall at his or their compoſition, agreement, or entry into ſpecialty or ſpecialties for the payment of the ſaid firſt-fruits, have allowance and deduction of the ſaid tenth part of the whole out of the ſum to be paid for the ſaid firſt-fruits for the year wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed to have any of the ſaid dignities, benefices, offices, or other promotions ſpiritual, according to the juſt rate, taxation and ſeſſment of the tenth of every of the ſaid archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, college, hoſpital, archdeaconry, deanry, provoſtſhip, prebend, parſonage, vicarage, chauntery, free chapel or other dignity,

No ſpiritual perſons ſhall pay any tenth the ſame year they pay their firſt-fruits. 26 H. 8. c. 3. ſ. 9.

benefice, office or promotion ſpiritual within this realm, or elſewhere within any of the King's dominions, of what name, nature or quality ſoever they be, or to whoſe foundation, patronage or gift ſoever they belong, now being inrolled, or that hereafter ſhall be inrolled in the King's exchequer, or in any other the King's courts of record.

Every perſon authorized to compound for firſt-fruits, may deduct the tenth part out of the firſt-fruits.

II. And be it further enacted, That every commiſſioner or commiſſioners, or other the King's officers or miniſters, or any other perſon or perſons, which either by authority of any act of parliament, or by commiſſion or commiſſions under the King's great ſeal, or otherwiſe by his Grace's commandment, or by the commandment of ſuch as by his Highneſs ſhall be authorized for that purpoſe, be appointed, aſſigned or deputed, or that hereafter ſhall be appointed, authorized, aſſigned or deputed to compound, agree and receive bonds and ſpecialties to his Majeſty's uſe, for payment of the ſaid firſt-fruits of every of the ſaid dignities, benefices, offices or other promotions ſpiritual, ſhall and may by force of this act, from the ſaid firſt day of *May* for ever forward, have authority to deduct and allow unto every ſuch perſon or perſons as from the aforeſaid firſt day of *May* ſhall be nominated, prefected, preſented, collated, or by any other means appointed to have any of the ſaid archbiſhoprick, biſhoprick, abbacy, monaſtery, priory, college, hoſpital, archdeaconry, deanry, provoſtſhip, prebend, parſonage, vicarage, chauntery, free chapel, or other dignity, benefice, office, or promotion ſpiritual, the tenth part of the whole, as is aforeſaid, out of the ſame firſt-fruits for the year wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed unto every of the ſame, as is aforeſaid, without any further ſuit to be made to the King's highneſs, and without impoſition, exaction or other charge to be in any wiſe demanded or exacted of the perſon or perſons ſo preferred, for the allowance unto them of the ſaid tenth, for the ſaid firſt year, in form above expreſſed; any thing or things in the ſaid act of the grant of the ſaid tenth and firſt-fruits to the contrary notwithſtanding.

He that hath his tenth deducted out of the firſt-fruits, ſhall pay it to the King. Lane 29.

III. And it is alſo enacted by the authority aforeſaid, That all and every perſon and perſons, that upon his or their compoſition and agreement for the firſt-fruits ſhall be defalked and allowed the tenth part of the whole ſum of his or their dignities, benefices, offices or promotions ſpiritual, for the year wherein he or they ſhall be firſt nominated, prefected, preſented, collated, or by any other means appointed unto any of the ſame as is aboveſaid, ſhall yield and pay the ſaid tenth part unto the King's majeſty, his heirs and ſucceſſors, the ſaid firſt year, in like manner and form, and at ſuch day as is limited in the ſaid act of the grant of the ſaid tenth and firſt-fruits; any thing contained in this act to the contrary notwithſtanding.

What remedy the ſucceſſor

IV. Be it further enacted by the authority aforeſaid, That in ſuch caſes where the ſucceſſor of any incumbent ſhall be charge-

able

able to the payment of ſuch ſums of money as ſhall be due of and for the ſaid tenth that ſhall happen to be behind unpaid in the time or life of his predeceſſor, there every ſuch ſucceſſor may lawfully diſtrain ſuch goods and chattels of his predeceſſor as ſhall happen to be and remain in and upon the dignity, benefice or promotion ſpiritual, of the which the ſame tenth was behind and unpaid in the life or time of his predeceſſor, (2) and to retain the ſame goods and chattels till ſuch time as the ſaid predeceſſor, if he be alive, and if he be dead, then his executors or adminiſtrators, or ſuch other to whom his goods or chattels ſhould appertain, have fully ſatisfied and paid ſuch ſums of money as ſhall happen to be behind and unpaid of the ſaid tenth; (3) and in caſe the ſaid predeceſſor, his executors, adminiſtrators, or ſuch other to whom his goods or chattels ſhould appertain, within twelve days next after the diſtreſs thereof, do not ſatisfy the ſaid ſums of money, being behind of the ſaid tenth as is aforeſaid, that then for ſuch default of payment, it ſhall be lawful to every ſuch ſucceſſor to cauſe the ſaid goods and chattels ſo diſtrained, to be praiſed by two or three indifferent perſons to be ſworn for the ſame; (4) and according to the ſame appraiſing, to ſell ſo much thereof as ſhall amount as well to the full ſatisfaction of the ſaid ſums of money being behind and unpaid of the ſaid tenth in the life or time of his predeceſſor, as for the reaſonable coſts that ſhall be ſpent by the occaſion of diſtraining and appraiſing of the ſame goods and chattels; (5) and in caſe no ſufficient goods and chattels may be found in or upon ſuch dignities, benefices or promotions ſpiritual, for the ſatisfaction of the ſaid tenth, being behind unpaid, as is aboveſaid, that then the predeceſſor by whom ſuch tenth was due to be paid, if he be alive, and if he be dead, then his executors, adminiſtrators, and other to whom his goods and chattels ſhall appertain or belong, ſhall be compelled to the payment of the ſaid tenth being behind and unpaid, as is aforeſaid, by bill to be purſued in the King's chancery by the ſucceſſor, that ſhall be chargeable for the ſame, or elſe by action or plaint of debt to be taken or commenced by ſuch ſucceſſor, by order of the common laws.

ſhall have, who is compelled to pay the tenth for his predeceſſor.

Rep. 2 & 3 Ph. & M. c. 4. and revived by 1 El. c. 4.

CAP. IX.

Butchers may ſell fleſh during two years, as they did before the making of the ſtatute of 24 *H.* 8. *c.* 3. and 25 *H.* 8. c. 1. notwithſtanding the ſame ſtatutes.

EXP.

CAP. X.

An act concerning uſes and wills.

WHERE *by the common laws of this realm, lands tenements and hereditaments be not deviſable by teſtament,* (2) *nor ought to be transferred from one to another, but by ſolemn livery and ſeiſin, matter of record, writing ſufficient made* bona fide, *without covin or fraud*; (3) *yet nevertheleſs divers and ſundry imaginations, ſubtle inventions and practices have been uſed, whereby the hereditaments of this realm have been conveyed from one to another by fraudulent feoffments, fines, reco-*

1 Co. 123. 1 Leon. 14. 2 Leon. 16. Lane 93. How by the common law lands ought to be transferred from one perſon to another.

3 Bulſtr. 185, 252. Godbolt 299. pl. 416.

recoveries and other aſſurances craftily made to ſecret uſes, intents and truſts; (4) *and alſo by wills and teſtaments, ſometime made by* nude parolx *and words, ſometime by ſigns and tokens, and ſometime by writing, and for the moſt part made by ſuch perſons as be viſited with ſickneſs, in their extreme agonies and pains, or at ſuch time as they have ſcantly had any good memory or remembrance*; (5) *at which times they being provoked by greedy and covetous perſons lying in wait about them, do many times diſpoſe indiſcreetly and unadviſedly their lands and inheritances*; (6) *by reaſon whereof, and by occaſion of which fraudulent ſeoffments, fines, recoveries and other like aſſurances to uſes, confidences and truſts, divers and many heirs have been unjuſtly at ſundry times diſherited, the lords have loſt their wards, marriages, reliefs, harriots, eſcheats, aids* pur fair fits chivalier, & pur file marier, (7) *and ſcantly any perſon can be certainly aſſured of any lands by them purchaſed, nor know ſurely againſt whom they ſhall uſe their actions or executions for their rights, titles and duties*; (8) *alſo men married have loſt their tenancies by the curteſy*, (9) *women their dowers*, (10) *manifeſt perjuries by trial of ſuch ſecret wills and uſes have been committed*; (11) *the King's highneſs hath loſt the profits and advantages of the lands of perſons attainted*, (12) *and of the lands craftily put in feoffments to the uſes of aliens born*, (13) *and alſo the profits of waſte for a year and a day of lands of felons attainted*, (14) *and the lords their eſcheats thereof*; (15) *and many other inconveniencies have happened, and daily do encreaſe among the King's ſubjects, to their great trouble and inquietneſs, and to the utter ſubverſion of the ancient common laws of this realm*; (16) *for the extirping and extinguiſhment of all ſuch ſubtle practiſed feoffments, fines, recoveries, abuſes and errors heretofore uſed and accuſtomed in this realm, to the ſubverſion of the good and ancient laws of the ſame, and to the intent that the King's highneſs, or any other his ſubjects of this realm, ſhall not in any wiſe hereafter by any means or inventions be deceived, damaged or hurt, by reaſon of ſuch truſts, uſes or confidences*: (17) it may pleaſe the King's moſt royal majeſty, That it may be enacted by his Highneſs, by the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, in manner and form following; that is to ſay, That where any perſon or perſons ſtand or be ſeized, or at any time hereafter ſhall happen to be ſeized, of and in any honours, caſtles, manors, lands, tenements, rents, ſervices, reverſions, remainders or other hereditaments, to the uſe, confidence or truſt of any other perſon or perſons, or of any body politick, by reaſon of any bargain, ſale, feoffment, fine, recovery, covenant, contract, agreement, will or otherwiſe, by any manner means whatſoever it be; that in every ſuch caſe, all and every ſuch perſon and perſons, and bodies politick, that have or hereafter ſhall have any ſuch uſe, confidence or truſt, in fee-ſimple, fee-tail, for term of life or for years, or otherwiſe, or any uſe, confidence or truſt, in remainder or reverter, ſhall from henceforth ſtand and be ſeized, deemed and adjudged in lawful ſeiſin, eſtate and poſſeſſion of and in the ſame honours, caſtles, manors, lands, tenements, rents,

Several inconveniencies enſuing by conveyance of lands to uſes, and by the deviſing them by wills.

1 Roll 260, 327, 385. 2 Roll 170, 335, 336. Poph. 21, 70. Lloyd v. Spillit in Chan. Hill. 1740.

The poſſeſſion of lands ſhall be in him or them that have the uſe.

1 Leon. 258. 2 Leon. 6, 15. 3 Cr. 903. 1 Co. 162. 8 Co. 94. 11 Co. 24. Cro. El. 46. pl. 2. Cro. Jac. 6. 401, 453. Cro. Car. 44. 218. 1 Anderſ. 337. Bro. feoffm. al uſes 55, 56, 58. Plowd. 111, 346. Moor 859, pl. 1180.

rents, ſervices, reverſions, remainders and hereditaments, with their appurtenances, to all intents, conſtructions and purpoſes in the law, of and in ſuch like eſtates as they had or ſhall have in uſe, truſt or confidence of or in the ſame; (19) and that the eſtate, title, right and poſſeſſion that was in ſuch perſon or perſons that were, or hereafter ſhall be ſeized of any lands, tenements or hereditaments, to the uſe, confidence or truſt of any ſuch perſon or perſons, or of any body politick, be from henceforth clearly deemed and adjudged to be in him or them that have, or hereafter ſhall have, ſuch uſe, confidence or truſt, after ſuch quality, manner, form and condition as they had before, in or to the uſe, confidence or truſt that was in them.

Dyer, 155, 235, 274, 309, 340, 349, 362, 369. Co. Lit. 187. b. 237. a. 272. a. 287. a.

II. And be it further enacted by the authority aforeſaid, That where divers and many perſons be, or hereafter ſhall happen to be, jointly ſeized of and in any lands, tenements, rents, reverſions, remainders or other hereditaments, to the uſe, confidence or truſt of any of them that be ſo jointly ſeized, that in every ſuch caſe that thoſe perſon or perſons which have or hereafter ſhall have any ſuch uſe, confidence or truſt in any ſuch lands, tenements, rents, reverſions, remainders or hereditaments, ſhall from henceforth have, and be deemed and adjudged to have only to him or them that have, or hereafter ſhall have any ſuch uſe, confidence or truſt, ſuch eſtate, poſſeſſion and ſeiſin, of and in the ſame lands, tenements, rents, reverſions, remainders and other hereditaments, in like nature, manner, form, condition and courſe, as he or they had before in the uſe, confidence or truſt of the ſame lands, tenements or hereditaments; (2) ſaving and reſerving to all and ſingular perſons, and bodies politick, their heirs and ſucceſſors, other than thoſe perſon or perſons which be ſeized, or hereafter ſhall be ſeized, of any lands, tenements or hereditaments, to any uſe, confidence or truſt, all ſuch right, title, entry, intereſt, poſſeſſion, rents and action, as they or any of them had, or might have had before the making of this act.

Aſſurance made of divers to the uſe of one or ſome of them. 13 Co. 55, 56. 2 Roll 246.

Saving of the right of ſtrangers.

III. And alſo ſaving to all and ſingular thoſe perſons, and to their heirs, which be, or hereafter ſhall be ſeized to any uſe, all ſuch former right, title, entry, intereſt, poſſeſſion, rents, cuſtoms, ſervices and action, as they or any of them might have had to his or their own proper uſe, in or to any manors, lands, tenements, rents or hereditaments, whereof they be, or hereafter ſhall be ſeized to any other uſe, as if this preſent act had never been had nor made; any thing contained in this act to the contrary notwithſtanding.

Saving of the right of the feoffees to uſe. 2 Lev. 126, 127. 1 Salk. 241. 1 Anderſ. 84. 2 Roll 105, 245. 7 Co. 39. Dyer, 349. Moor 196. pl. 345. Jones 179.

IV. *And where alſo divers perſons ſtand and be ſeized of and in any lands, tenements or hereditaments, in fee-ſimple or otherwiſe, to the uſe and intent that ſome other perſon or perſons ſhall have and perceive yearly to them, and to his or their heirs, one annual rent of* x. li. *or more or leſs, out of the ſame lands and tenements, and ſome other perſon one other annual rent, to him and his aſſigns for term of life or years, or for ſome other ſpecial time, according to ſuch intent and uſe as hath been heretofore declared, limited and made thereof:*

V. Be

Land aſſured to the uſe, that rent ſhould be paid out thereof to ſome other. 1 Anderſ. 275, 338.

V. Be it therefore enacted by the authority aforeſaid, That in every ſuch caſe the ſame perſons, their heirs and aſſigns, that have ſuch uſe and intereſt, to have and perceive any ſuch annual rents out of any lands, tenements or hereditaments, that they and every of them, their heirs and aſſigns, be adjudged and deemed to be in poſſeſſion and ſeiſin of the ſame rent, of and in ſuch like eſtate as they had in the title, intereſt or uſe of the ſaid rent or profit, and as if a ſufficient grant, or other lawful conveyance had been made and executed to them, by ſuch as were or ſhall be ſeized to the uſe or intent of any ſuch rent to be had, made or paid, according to the very truſt and intent thereof, (2) and that all and every ſuch perſon and perſons as have, or hereafter ſhall have, any title, uſe and intereſt in or to any ſuch rent or profit, ſhall lawfully diſtrain for non-payment of the ſaid rent, and in their own names make avowries, or by their bailiffs or ſervants make coniſances and juſtifications, (3) and have all other ſuits, entries and remedies for ſuch rents, as if the ſame rents had been actually and really granted to them, with ſufficient clauſes of diſtreſs, re-entry, or otherwiſe, according to ſuch conditions, pains, or other things limited and appointed, upon the truſt and intent for payment or ſurety of ſuch rent.

A woman ſhall not have both a jointure and dower of her huſband's lands. Co. pl. f. 171, 172. 4 Co. 2.

VI. And be it further enacted by the authority aforeſaid, That whereas divers perſons have purchaſed, or have eſtate made and conveyed of and in divers lands, tenements and hereditaments unto them and to their wives, and to the heirs of the huſband, or to the huſband and to the wife, and to the heirs of their two bodies begotten, or to the heirs of one of their bodies begotten, or to the huſband and to the wife for term of their lives, or for term of life of the ſaid wife; (2) or where any ſuch eſtate or purchaſe of any lands, tenements, or hereditaments, hath been or hereafter ſhall be made to any huſband and to his wife, in manner and form expreſſed, or to any other perſon or perſons, and to their heirs and aſſigns, to the uſe and behoof of the ſaid huſband and wife, or to the uſe of the wife, as is before rehearſed, for the jointer of the wife; (3) that then in every ſuch caſe, every woman married, having ſuch jointer made or hereafter to be made, ſhall not claim, nor have title to have any dower of the reſidue of the lands, tenements or hereditaments, that at any time were her ſaid huſband's, by whom ſhe hath any ſuch jointer, nor ſhall demand nor claim her dower of and againſt them that have the lands and inheritances of her ſaid huſband; (4) but if ſhe have no ſuch jointer, then ſhe ſhall be admitted and enabled to purſue, have and demand her dower by writ of dower, after the due courſe and order of the common laws of this realm; this act, or any law or proviſion made to the contrary thereof notwithſtanding.

4 Co. 1, &c. Dyer, 61, 97, 228, 248, 266, 317, 340. Co. Lit. 36. b.

A woman ſhall be endowed, whole jointure is recovered. Moor 717.

VII. Provided alway, That if any ſuch woman be lawfully expulſed or evicted from her ſaid jointer, or from any part thereof, without any fraud or covin, by lawful entry, action, or by diſcontinuance of her huſband, then every ſuch woman ſhall be

be endowed of as much of the reſidue of her huſband's tenements or hereditaments, whereof ſhe was before dowable, as the ſame lands and tenements ſo evicted and expulſed ſhall amount or extend unto.

Women heretofore married.

VIII. Provided alſo, That this act, nor any thing therein contained or expreſſed, extend or be in any wiſe hurtful or prejudicial to any woman or women heretofore being married, of, for or concerning ſuch right, title, uſe, intereſt or poſſeſſion, as they or any of them have, claim or pretend to have for her or their jointer or dower, of, in or to any manors, lands, tenements, or other hereditaments of any of their late huſbands, being now dead or deceaſed; any thing contained in this act to the contrary notwithſtanding.

A jointure made after marriage may be taken or refuſed by the wife. Moor 721.

IX. Provided alſo, That if any wife have, or hereafter ſhall have any manors, lands, tenements or hereditaments unto her given and aſſured after marriage, for term of her life, or otherwiſe in jointer, except the ſame aſſurance be to her made by act of parliament, and the ſaid wife after that fortune to overlive her ſaid huſband, in whoſe time the ſaid jointer was made or aſſured unto her, that then the ſame wife ſo overliving ſhall and may at her liberty, after the death of her ſaid huſband, refuſe to have and take the lands and tenements ſo to her given, appointed or aſſured during the coverture, for term of her life, or otherwiſe in jointer, except the ſame aſſurance be to her made by act of parliament, as is aforeſaid, (2) and thereupon to have, aſk, demand and take her dower by writ of dower or otherwiſe, according to the common law, of and in all ſuch lands, tenements and hereditaments as her huſband was and ſtood ſeized of any ſtate of inheritance at any time during the coverture, any thing contained in this act to the contrary thereof notwithſtanding.

This ſtatute ſhall extinguiſh no ſtatute or recognizance, &c.

X. Provided alſo, That this preſent act, or any thing herein contained, extend nor be at any time hereafter interpreted, expounded or taken, to extinct, releaſe, diſcharge or ſuſpend any ſtatute, recognizances or other bond, by the execution of any eſtate, of or in any lands, tenements or hereditaments, by the authority of this act, to any perſon or perſons, or bodies politick; any thing contained in this act to the contrary thereof notwithſtanding.

Wills made before the ſtatute, or ſhortly after, how they ſhall be taken. Dyer, 143.

XI. *And foraſmuch as great ambiguities and doubts may ariſe of the validity and invalidity of wills heretofore made of any lands, tenements and hereditaments, to the great trouble of the King's ſubjects*; (2) the King's moſt royal majeſty minding the tranquillity and reſt of his loving ſubjects, of his moſt excellent and accuſtomed goodneſs is pleaſed and contented that it be enacted by the authority of this preſent parliament, That all manner true and juſt wills and teſtaments heretofore made by any perſon or perſons deceaſed, or that ſhall deceaſe before the firſt day of *May*, that ſhall be in the year of our Lord God 1536. of any lands, tenements or other hereditaments, ſhall be taken and accepted good and effectual in the law, after ſuch faſhion, manner and form

as they were commonly taken and uſed at any time within forty years next afore the making of this act; any thing contained in this act, or in the preamble thereof, or any opinion of the common law to the contrary thereof notwithſtanding.

How fines for alienation, reliefs and harriots, ſhall be paid to the King. 6 Co. 28.

XII. Provided always, That the King's highneſs ſhall not have, demand or take any advantage or profit, for, or by occaſion of the executing of any eſtate, only by authority of this act, to any perſon or perſons, or bodies politick, which now have, or on this ſide the ſaid firſt day of *May*, which ſhall be in the year of our Lord God 1536. ſhall have any uſe or uſes, truſts or confidences in any manors, lands, tenements or hereditaments holden of the King's highneſs, by reaſon of primer ſeiſin, livery, *ouſter le main*, fine for alienation, relief or harriot; (2) but that fines for alienations, reliefs and harriots, ſhall be paid to the King's highneſs, and alſo liveries and *ouſter les mains* ſhall be uſed for uſes, truſts and confidences to be made and executed in poſſeſſion by authority of this act, after and from the ſaid firſt day of *May*, of lands and tenements, and other hereditaments holden of the King, in ſuch like manner and form, to all intents, conſtructions and purpoſes, as hath heretofore been uſed or accuſtomed by the order of the laws of this realm.

Other lords fines, reliefs and harriots.

XIII. Provided alſo, That no other perſon or perſons, or bodies politick, of whom any lands, tenements or hereditaments be or hereafter ſhall be holden mediate or immediate, ſhall in any wiſe demand or take any fine, relief or harriot, for or by occaſion of the executing of any eſtate by the authority of this act, to any perſon or perſons, or bodies politick, before the ſaid firſt day of *May*, which ſhall be in the year of our Lord God 1536.

Ceſtuy que uſe may take all ſuch advantages as his feoffees might have had.

XIV. And be it enacted by authority aforeſaid, That all and ſingular perſon and perſons, and bodies politick, which at any time on this ſide the ſaid firſt day of *May*, which ſhall be in the year of our Lord God 1536. ſhall have any eſtate unto them executed of and in any lands, tenements or hereditaments, by the authority of this act, ſhall and may have and take the ſame or like advantage, benefit, voucher, aid prayer, remedy, commodity and profit by action, entry, condition or otherwiſe, to all intents, conſtructions and purpoſes, as the perſon or perſons ſeiſed to their uſe of or in any ſuch lands, tenements or hereditaments ſo executed, had, ſhould, might or ought to have had at the time of the execution of the eſtate thereof, by the authority of this act, againſt any other perſon or perſons, of or for any waſte, diſſeiſin, treſpaſs, condition broken, or any other offence, cauſe or thing concerning or touching the ſaid lands or tenements ſo executed by the authority of this act.

Actions now depending.

XV. Provided alſo, and be it enacted by the authority aforeſaid, That actions now depending againſt any perſon or perſons ſeized of or in any lands, tenements or hereditaments, to any uſe, truſt or confidence, ſhall not abate ne be diſcharged for or by reaſon of executing of any eſtate thereof by authority of this act,

act, before the ſaid firſt day of *May*, which ſhall be in the year of our Lord God 1536. any thing contained in this act to the contrary notwithſtanding.

Wardſhips, liveries, or ouſter le main, of any now being within age, or of full age.

XVI. Provided alſo, That this act, nor any thing therein contained, ſhall not be prejudicial to the King's highneſs for wardſhips of heirs now being within age, nor for liveries, or for *ouſter le mains*, to be ſued by any perſon or perſons now being within age, or of full age, of any lands or tenements unto the ſame heir or heirs now already deſcended; any thing in this act contained to the contrary notwithſtanding.

Recognizances taken to the King's uſe concerning recoveries.

XVII. Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular recognizances heretofore knowledged, taken or made to the King's uſe, for or concerning any recoveries of any lands, tenements or hereditaments heretofore ſued or had, by writ or writs of entry upon diſſeiſin *in le poſt*, ſhall from henceforth be utterly void and of none effect, to all intents, conſtructions and purpoſes.

Eſtates of lands executed to perſons born in Wales.

XVIII. Provided alſo, That this act, nor any thing therein contained, be in any wiſe prejudicial or hurtful to any perſon or perſons born in *Wales* or the marches of the ſame, which ſhall have any eſtate to them executed by authority of this act, in any lands, tenements or other hereditaments within this realm, whereof any other perſon or perſons now ſtand or be ſeized to the uſe of any ſuch perſon or perſons born in *Wales* or the marches of the ſame; but that the ſame perſon or perſons born in *Wales*, or the marches of the ſame, ſhall or may lawfully have, retain and keep the ſame lands, tenements or other hereditaments, whereof eſtate ſhall be ſo unto them executed by the authority of this act, according to the tenor of the ſame; any thing in this act contained, or any other act or proviſion heretofore had or made to the contrary notwithſtanding.

CAP. XI.

For clerks of the ſignet.

4 Inſt. 45.

WHEREAS *the King's clerks of his Grace's ſignet and privy ſeal, giving their daily attendance for the paſſing and writing of his Majeſty's great and weighty affairs, and the cauſes of this his realm, having for their entertainment, and their clerks, no fees nor wages certain for thoſe offices, other than ſuch fees as cometh and groweth of the ſaid ſignet and privy ſeal*; (2) *to the intent that from henceforth they ſhould not by any manner of means be defeated of any part or portion of the ſame their fees:* be it therefore ordained, eſtabliſhed and enacted, by the conſent and aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That all and every gift, grant and other writing, which ſhall be made or given in writing by the King's highneſs, or any his moſt noble poſterity, to any perſon or perſons, ſigned with his Grace's ſign, or the ſign or ſigns manual of any of them, to be paſſed under any his Grace's great ſeals of *England*, *Ireland*, duchy of *Lancaſter*, or any of his Highneſs counties palatines, or principality of *Wales*, or

The courſe of ſuing forth gifts and grants made under the King's ſign manual, and the clerk of the ſignet's fees.

or by other proceſs out of the *Exchequer*, after the fifteenth day of *April* in the twenty-ſeventh year of his moſt noble reign, (3) and that all and every gifts, grants and other writings, of what name or names, quality or qualities ſoever the ſame be, or hereafter ſhall be named, deemed or called, which the maſter of the King's wards, or general ſurveyors of the King's lands, for the time being, or any other officer or officers that now be, or hereafter ſhall be made, ſhall by virtue of an act of parliament, or any the King's grants to them, or any of them made, or hereafter to be made in that behalf, give, grant or make, after the aforeſaid fifteenth day of *April*, to any perſon or perſons in the King's name, to be paſſed under any his Majeſty's ſeals, (4) be in any wiſe firſt, and before the ſame grant, or any of them, be paſſed under any the King's ſaid ſeals, or other proceſs made of the ſame, brought and delivered to the King's principal ſecretary, or to one of the King's clerks of his Grace's ſignet for the time being, to be at the ſaid office of the ſignet paſſed accordingly.

The King's grants ſhall be brought to the ſecretary or clerk of the ſignet. 8 Co. 18.

II. And be it alſo ordained and enacted by the authority aforeſaid, That one of the clerks of the ſaid ſignet, to whom any of the ſaid writings ſigned with the King's moſt gracious hand, or the hand of any other aforeſaid, or any of them, fortune to be delivered, may and ſhall by warrant of the ſame *bills*, and every of them, within the ſpace of eight days next after *he* ſhall have received the ſame, unleſs he have knowledge by the ſaid ſecretary, or otherwiſe, of the King's pleaſure to the contrary, make or cauſe to be made in the King's name, letters of warrant ſubſcribed with the hand of the ſame clerk, and ſealed with the King's ſignet, to the lord keeper of the King's privy ſeal, for further proceſs to be had in that behalf; (2) and that one of the King's clerks of the ſaid privy ſeal, upon due examination had by the ſaid lord keeper of the ſaid privy ſeal, of the ſaid warrant to him addreſſed from the office of the ſaid ſignet as afore, may and ſhall, within the ſpace of eight days next after he ſhall have received the ſame, unleſs the lord keeper of the privy ſeal do give them commandment to the contrary, make or cauſe to be made, by warrant of the foreſaid warrant to the ſaid lord keeper of the privy ſeal, addreſs from the office of the ſignet aforeſaid, other letters of like warranty, ſubſcribed with the name of the ſame clerk of the privy ſeal, to the lord chancellor of *England*, lord keeper of the great ſeal, chancellor of the duchy of *Lancaſter*, chancellor of the King's land of *Ireland*, treaſurer and chamberlains of the exchequer, and chamberlains of any of his counties palatines, or principality of *Wales*, or other officer, and to every of them, for the writing and enſealing with ſuch ſeals as remain in their cuſtody, of letters patent or cloſed, or other proceſs making, due and requiſite to be had or made upon any the ſaid grants, according to the tenor of the warrant to them or any of them directed from the officer of the privy ſeal, as is afore ſpecified.

A warrant by the clerk of the ſignet to the lord keeper of the privy ſeal.

A warrant from the privy ſeal to the great ſeal, &c.

III. And alſo be it enacted by the authority aforeſaid, That no

no manner clerk or clerks, or other perſon or perſons, do write or make any manner of writing, warrant or warrants upon any manner gift or grant made by the King's highneſs, or by any other his Grace's officers as aforeſaid, or procure the ſame, or any of the ſame to be paſſed under any the ſeals aforeſaid, after any other ſort, manner or faſhion, or by any other warrant or warrants than as before is ſpecified and declared, (2) upon pain to forfeit for every bill, warrant or writing paſſed contrary to the order before limited and preſcribed, the ſum of x. li. ſterling, the one half thereof to be to our ſovereign lord the King, and the other half to him that ſhall firſt ſue for the ſame by action of debt, writ, bill, plaint or information in any the King's courts; in which action or ſuit, no eſſoin, protection, privilege, nor wager of law ſhall be admitted; any manner act, ſtatute, proviſion, proclamation or other ordinance heretofore had or made, contrary to this preſent act, or any article of the ſame, in any wiſe notwithſtanding.

The penalty for altering of the courſe aforeſaid.

IV. And nevertheleſs be it alſo enacted, That every of the ſaid clerks, or other perſon, which ſhall paſs in writing, or procure to be paſſed in writing, any grant or grants by immediate warrant, wherefore fees be paid at the great ſeal, ſhall of the parties receive for the offices of the ſaid ſignet and privy ſeal, as well ſuch fees as in this act is taxed for writing of any ſuch grant or other writings, as alſo the fees for the ſeal of the ſame; (2) which fees, and every part or portion thereof, the ſame clerk or clerks, by whom any grant ſhall paſs in writing by immediate warrant, ſhall, upon a bill of the hand of one of the ſaid clerks of the ſaid ſignet or privy ſeal, deliver unto one of the ſame clerks of the ſignet or privy ſeal, within the ſpace of three months next and immediately enſuing after the paſſing and ſealing of any the ſaid grant or grants by immediate warrant, (3) upon pain of x. li. ſterling, to be by every ſuch of the ſaid clerks, or other perſon, as ſhall offend, forfeited, to be levied in form aforeſaid, as often as he or they ſhall offend contrary to the meaning of this act.

Fees for writings which paſs by immediate warrant.

V. Provided alſo, That this act, or any thing contained in the ſame, be not in any wiſe prejudicial to the lord treaſurer of *England* for the time being, concerning ſuch warrants or precepts, as he by virtue of his office ſhall and may direct immediately to the lord chancellor of *England*, or to any other perſon or perſons for making out of the King's grants or letters patents to any perſon or perſons, of any offices, farms of lands or tenements, or of any other thing belonging to his nomination or diſpoſition; (2) but that as well he may direct his ſaid warrants or precepts for the cauſes aboveſaid, as alſo his clerk or clerks, or other perſon, may procure the ſame to be ſealed under any of the ſeals aforeſaid, without any warrant to be before or after ſued or obtained under the King's ſignet or privy ſeal for the ſame, in as large and ample manner, and after ſuch ſort and faſhion, as he or they might have done at any time before the making of this act; any thing in the ſame act mentioned to the contrary notwithſtanding.

This act ſhall not prejudice the lord treaſurer for directing of warrants to the great ſeal.

Leaſes of the duchy lands may paſs under the ſeal of the ſame duchy. 4 Inſt. 210.

VI. Provided alſo, That all and every leaſe and leaſes of the King's manors, lands, tenements, poſſeſſions, or other profits or hereditaments within the county palatine of *Lancaſter*, or of the duchy of *Lancaſter* out of the ſaid county palatine, which the chancellor of the duchy of *Lancaſter* for the time being, or the chancellor of the ſaid county palatine for the time being, or either of them, ſhall hereafter make or grant in the name of the King our ſovereign lord, his heirs or ſucceſſors, to any manner perſon or perſons, ſhall and may paſs and be paſſed under the ſeals of the ſaid duchy of *Lancaſter*, or of the ſaid county palatine of *Lancaſter*, or of either of them, in manner and form as heretofore hath been uſed and accuſtomed; any thing in this preſent act before made to the contrary notwithſtanding.

A grant of a ſmall office in the duchy.

VII. Provided alſo, That all and every gift, grant and patent of any manner office or offices, or any other thing being, or which hereafter ſhall be in the county palatine of *Lancaſter*, or of the ſaid duchy of *Lancaſter* out of the ſaid county palatine, the yearly wages or fees whereof amounteth not over and above the value of ii. d. by the day, ſhall and may paſs and be paſſed by the ſaid chancellor of the duchy of *Lancaſter*, or by the ſaid chancellor of the ſaid county palatine, or of either of them for the time being, in manner and form as heretofore hath been uſed and accuſtomed; any article or thing in this preſent act before made to the contrary notwithſtanding.

VIII. And to the intent that as well ſuch as now be, or hereafter ſhall be miniſters and clerks of the King's ſignet and privy ſeal, ſhould have and take honeſt and ſufficient ſalary and reward for the writing of the ſaid warrants to be by them made as aforeſaid; as alſo the King's moſt loving, faithful and obedient ſubjects, knowing the certain charges to be by them laid out for the writing of the ſaid warrants, ſhould not by any manner exaction or other ſiniſter means, be conſtrained by any the ſaid clerks to pay more large and exceſſive fees for the writing of the ſame, than reaſon and conſcience ſhall require: (2) be it enacted by the authority aforeſaid, That all and every clerk and clerks of the ſaid ſignet and privy ſeal ſhall have and take for his or their writing of a warrant upon a bill for *tales* or reward, xij. d. (3) for the writing of a warrant for the gift of every office, xx. d. (4) for the writing of a warrant for a penſion, annuity or wages, xx. d. (5) for the writing of a warrant for a ſpecial livery or other perpetuity. vi. s. viij. d. (6) for the writing of a warrant upon every bill for a *Conge deſter*, royal aſſent, reſtitution of temporalties, donatives, advocations, preſentations, or other eccleſiaſtical matter, iij. s. iv. d. (7) for the writing of every warrant upon a placard, licence, pardon, or ſheriffs reward, ij. s. (8) for the writing of every warrant upon a denizen, iij. s. iv. d. (9) for the writing of a warrant for keeping of an ideot, xx. d. (10) for the writing of a warrant for keeping of a ward, iij. s. iv. d. (11) and that no manner of clerk or clerks of the ſignet or privy ſeal aforeſaid ſhall take for the writing of any manner warrant above ſpecified, more large and ample fees than before is preſcribed and

What fees in ſeveral caſes the clerk of the ſignet ſhall have.

ap-

appointed, (12) upon pain of x. li. ſterling to be by him forfeited, that ſhall offend contrary to the true tenor and meaning of the ſaid act; the one half thereof to be to the King our ſovereign lord, the other half to him that ſhall firſt ſue for the ſame by bill, action, plaint or information in any of the King's courts; in which action or ſuit no eſſoin, protection or wager of law ſhall be admitted. The penalty for taking more or larger fees.

IX. Provided alſo, That the lord chancellor of *England* for the time being ſhall and may at all times uſe his diſcretion in paſſing and ſpeeding any thing by the great ſeal, and delivering the ſame, without paying any fees for the great ſeal, ſignet and privy ſeal, as the caſe of neceſſity ſhall require, and as hath been accuſtomed; and that the clerks for writing, or procuring ſuch writings and patents by his commandment, ſhall be diſcharged of all penalties expreſſed before in this act, for not receiving and paying fees to the ſignet and privy ſeal; any thing in this act contained to the contrary hereof notwithſtanding. The lord chancellor may paſs things without fees.

X. And be it furthermore enacted by the authority aforeſaid, That this preſent act, and every part and parcel thereof, ſhall extend to the court of augmentation of the revenues of the King's crown; and bind every officer and officers, their clerks and miniſters, that now be, and hereafter ſhall be of the ſame court, to the obſervation thereof, and of every part thereof, for and concerning the ſealing and writing of any manner patent, leaſe or other grant, which upon the King's bill ſigned ſhall paſs the great ſeal of the ſame court; any ſpecial words contained in the act made in this preſent ſeſſion for the eſtabliſhment of the officers of the ſaid court of the augmentation, or any other act or proviſion made to the contrary hereof in any wiſe notwithſtanding. This act ſhall bind every officer and clerk of the court of augmentations.

XI. Provided nevertheleſs, That this act, or any thing contained in the ſame, be not in any wiſe prejudicial to any manner perſon or perſons whom the King's highneſs ſhall by expreſs commandment direct, ſend or appoint, to procure any thing or things to be ſealed with any his Majeſty's ſeals, for or concerning his Majeſty's private affairs, or the affairs of his Highneſs realm; (2) but that as well the ſame perſon or perſons, being appointed by the King's highneſs as aforeſaid, as alſo ſuch officer and officers as ſhall have the keeping of any of the King's ſeals, their miniſters and clerks, ſhall and may ſeal, write and deliver, and procure the ſealing, writing and delivering of any ſuch thing and things concerning the King's highneſs affairs as aforeſaid, without being bound to procure any manner warrant, or paying any manner fees at or to the ſignet or privy ſeal for the ſame; (3) ſo that the name or names of every ſuch perſon or perſons, as ſhall procure the ſealing of any ſuch thing or things on the King's behalf as aforeſaid, be entered in the clerk of the hanapers book after this ſort, *Per A. ad mandatum Domini Regis*; any thing in this act contained to the contrary notwithſtanding. Sealing of things touching the King's private affairs, or the affairs of his realm.

XII. Provided alſo, That this act, nor any thing contained in the ſame, be not in any wiſe prejudicial to any manner perſon The grant or leaſe of any farms under

the yearly rent of vi. li. xiij s. iv. d.

ſon or perſons, which hereafter ſhall have by the King's highneſs, or by any his Majeſty's officers, the grant or leaſe of any manner farm or farms to be ſealed with any his Highneſs ſeals the yearly rent whereof amounteth not above the ſum of vi. li. xiij. s. iv. d. ſterling; (2) but that as well every ſuch perſon and perſons, as officer and officers, having the cuſtody of ſuch ſeal or ſeals, their miniſters and clerks, may write, ſeal and deliver, to procure the writing, ſealing and delivering of any ſuch leaſe or leaſes as aforeſaid, without paying therefore any manner fees at or to the ſignet or privy ſeal for the ſame; any thing in this act mentioned to the contrary notwithſtanding.

CAP. XII.

The act for the true making of cloth.

An order for true making of woollen cloths.

FORASMUCH *as great infamy and ſlander hath riſen of late years in ſundry outward parties beyond the ſea, of the untrue making of woollen cloths within this realm, to the great derogation of the common weal of the ſame, and to the no little hindrance of the ſale of the ſaid commodity:* (2) for remedy whereof, be it ordained and enacted by the King our ſovereign lord, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That after the feaſt of St. *Michael* the archangel next coming, all and every clothier within this realm ſhall weave, or cauſe to be woven, his or their ſeveral token or mark in all and every cloth, kerſey and other cloths, whatſoever they be, made and wrought to be uttered and ſold: (3) and when any ſuch cloth ſhall be ready made and dreſſed to be put to ſale, every of the ſame clothiers ſhall ſet his ſeal of lead unto every of the ſame his or their cloths and kerſeys, in which ſeal of lead ſhall be contained the true and juſt length of every of the ſame cloths or kerſeys, as it ſhall be duly found by every buyer of the ſame, upon due proof thereof to be tried by the water: (4) and in caſe upon any ſuch proof to be made by any buyer of them at the water, there ſhall be found leſs or ſmaller content in length than is contained and ſpecified in every of their ſaid ſeals, then every of the ſaid clothiers making ſuch default, ſhall loſe and forfeit, unto every ſuch buyer of the ſame, the double value of ſo much cloth as ſhall want and lack of the ſaid content in length, at the only ſight and judgment of any two indifferent perſons that ſhall meaſure the ſame cloths and kerſeys. (5) And every clothier ſending or putting any of their cloths to ſale, before ſuch time as all and every of of the ſame cloths ſhall be ſealed by the aulneger of the ſame counties where it ſhall chance any of the ſaid cloths ſo to be made, and alſo to be ordered and ſealed by every of the ſaid clothiers in form aforeſaid, ſhall loſe and forfeit his cloth or cloths whatſoever they be; the one half thereof ſhall be to the King's highneſs, his heirs and ſucceſſors, and the other half to him or them that will ſue for the ſame by bill, plaint, action of debt or otherwiſe; in which action no wager of law, eſſoin or protection ſhall be allowed.

Every clothier ſhall weave his mark in his cloth, and ſet his ſeal to it.

The penalty for want in length.

The clothier's forfeiture omitting his duty.

II.

II. And it is further enacted by authority aforeſaid, That after the ſaid feaſt of St. *Michael* the archangel, every broad cloth ſhall contain in breadth ſeven quarters of a yard within the liſts at the leaſt, and to hold the ſame content always, if it be proved at the water; the act made in the firſt year of the reign of our ſaid ſovereign lord, that every broad cloth ſhould contain two yards in breadth within the liſts, or any other thing therein contained, touching the keeping of the ſame breadth of two yards, in any wiſe notwithſtanding. (2) And every kerſey ſhall contain in breadth one yard within the liſts at the leaſt, if it be proved in the water, upon pain to forfeit for every ſuch broad cloth iij. s. iv. d. and for every ſuch kerſey xx. d. to be recovered, to the uſe of the King's highneſs, and of any other that will ſue for the ſame in manner and form before declared.

The breadth of broad cloth.

The breadth of kerſeys. Rep. 33 H. 8. c. 18.

III. Provided always, That this preſent act extend not to any cloths called ſet cloths, of all ſorts, made in the county of *Suffolk*, not exceeding the price of xlvi. s. viij. d. the cloth; nor to any cloths called taveſtocks, weſtern dozens, frizes, kendals, cottons, and all manner of coarſe cloths made for linings.

To what cloths this ſtatute doth not extend.

IV. And be it further enacted by the ſaid authority, That the aulneger of any county ſhall not ſeal any of the ſaid cloths with the King's ſeal, until ſuch time as they and every of them ſhall firſt be ordered and ſealed with their contents, according to the true meaning of this preſent act, in form aforeſaid, upon pain of loſing of his office; (2) and that no buyer of any of the ſaid cloths or kerſeys, marked and ſealed in form aforeſaid, preſume by any manner of ſleight, means or engines, to draw, pull or ſtretch out any of the ſame cloths or kerſeys, otherwiſe than to make them even after they be wet, and to agree with the contents ſpecified and contained in the ſeal of every of the ſame cloths and kerſeys, as near as they can, upon pain to forfeit the double value of every ſuch cloth or kerſey ſo miſuſed, contrary to the true intent and meaning of this preſent act, to be levied to the uſe of the King's highneſs, and of any other that will ſue for the ſame, in like manner and form as is before declared.

When the aulneger ſhall ſeal.

How far the buyers of cloths or kerſeys may draw or ſtretch them.

V. Provided alway, That all cloth hereafter made to be ſold within the city of *Worceſter*, the towns of *Droitwich*, *Eveſham*, *Kederminſter* and *Bromeſgrove*, in the county of *Worceſter*, ſhall be ſealed with the ſeal of the ſearchers there, according to an act of parliament in that behalf provided and made the five and twentieth year of the reign of our ſaid ſovereign lord; (2) and that the owners of the cloths made within the ſaid city and towns, ſhall not be compelled by this act to put their own ſeals to any cloths there made or hereafter to be made.

Cloth made in Worceſter, &c. ſhall be ſealed according to the act thereforе provided. 25 H. 8. c. 18. 5 & 6 Ed. 6. c. 6. ſ. 50. See 10 Annæ, c. 16

CAP. XIII.

For cloths whites of iv. li. *and not above, and coloured cloths of* iii. li. *and not above, to be carried over the ſea unbarbed and unſhorn.*

WHEREAS *by act of parliament holden in the fifth year of the reign of our ſovereign lord the King that now is, it was ordained* The inconveniencies which

would enſue if the ſtatute of 5 H. 8. c. 3. ſhould be put in execution.

dained and enacted, That no woolen cloth above the price of five marks ſhould be conveyed over the ſea unrowed, unbarbed and unſhorn, upon certain penalties in the ſame act expreſſed more at large; (2) *which act being put in execution, ſhall not only redound and turn to the abatement of the King's cuſtoms, but alſo grow to the utter undoing of his Grace's ſubjects, cloth-makers and merchants, conveyers of the ſaid cloths, by reaſon that wool is riſen to a far greater price than it was at the making of the aforeſaid act; for where a cloth was then commonly ſold at five marks, it is now ſold for four pounds*; (3) *and alſo by force of the ſaid act, the merchants ſhould be bound to dreſs every white cloth above the value of five marks on this ſide the ſea, after that they have bought them, which white cloth ſo dreſſed, when they be brought into the parties beyond the ſea, and there by the buyers of them dyed and put in colours, then they muſt be newly dreſſed, barbed, ſhorn and rowed, and ſo they ſhall be thereby the leſs in ſubſtance of themſelves, and the worſe to ſale, and ſold for leſs price by ten or twelve ſhillings apiece beyond the ſea, than they ſhould be undreſſed:* Wherefore be it ordained and enacted by the King our ſovereign lord, his lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by authority of the ſame, That every white woolen cloth ſold for four pounds and under, and every coloured cloth ſold for three pounds and under, may be carried and conveyed into the parties beyond the ſea, there to be ſold at the pleaſure of the buyers of the ſaid cloth or cloths, unbarbed, unſhorn and unrowed; any act or acts to the contrary made notwithſtanding.

What cloths may be carried over ſea unbarbed, unſhorn, &c.

The penalties of the offenders.

II. And over this be it ordained and enacted by the ſaid authority, That if any perſon or perſons ſend or convey, or cauſe to be ſent and conveyed, into the parts beyond the ſea, any white woolen cloth above the value of four pounds, or any coloured cloth above the price of three pounds, unrowed, unbarbed and unſhorn, in other form than is aforeſaid, that then the perſon or perſons ſo offending ſhall forfeit the value of the ſaid cloths ſo carried and conveyed into the parties beyond the ſea; (2) the one moiety of the ſaid forfeiture to be to the uſe of our ſaid ſovereign lord the King, and the other moiety to every perſon which will or ſhall ſue by bill, writ, information or otherwiſe, againſt any perſon for the ſame; and that the defendant in any plea upon any ſuch action be not admitted to wage his law, nor any protection or eſſoin for any ſuch defendant be allowed in the ſame.

By 33 H. 8. c. 19. the cloth, or the value thereof, to be forfeited.

3 H. 7. c. 11. 8 El. c. 6.

CAP. XIV.

A bill concerning the cuſtom of leather.

In what manner cuſtom ſhall be taken for leather.

WHERE *great quantity and much abundance of leather is daily conveyed out of this realm, as well by ſtrangers, as alſo by tanners, and other the King's ſubjects inhabited in divers parts of this realm, towards the ſea coaſts, and in ſpecially out of* Wales, Cheſhire *and* Cornwall, *where little or no cuſtom is paid for the ſame, which leather is commonly packed by the ſaid ſtrangers, tanners and other the King's ſubjects in their houſes, and ſo conveyed unto the ports and havens*

havens where they intend to ſhip the ſame; which packs, ſo conveyed and brought to ſuch ports and havens to be ſhipped, be never there unpacked, to be viewed what number of leather is contained in any ſuch pack, but entered in the cuſtomers books by and upon the information and report of the ſaid ſtrangers, tanner or other perſon, tranſporter of the ſame leather; (2) *and albeit that the King's highneſs in ſuch places and ports hath very little cuſtom paid for the ſame, yet foraſmuch as in ſuch places there is no better ſearch nor view had for the perfect knowledge of the number and quantity of the leather ſo by them packed, the King's grace is much deceived of ſuch his cuſtoms as ought therefore to accrue to his Highneſs*; (3) *for where in the port of* London *two perſons be named and appointed, by the weigher of the wools within the ſaid port for the time being, to tell and number all ſuch leather by the hide, accounting ten hides to the dicker, and alſo all woolfels as within the ſame port ſhall be ſhipped from time to time, which two perſons be ſworn before the cuſtomers of his great cuſtom, truly and duly to do and execute their offices, in telling and numbring all ſuch leather and woolfels, in the preſence of the ſaid cuſtomers, and of the comptroller of the ſame cuſtom, or of their deputies, who being preſent, and viewing the ſame, do make entry thereof in their books*; (4) *and after ſuch tale made, and entry taken, another perſon, by the mayor of* London *for the time being conſtituted and appointed, is alſo ſworn truly to pack the ſame leather ſo told and entered into the cuſtomers books, every of the ſame tellers and packers taking ſuch fees for their labours as of old time have been uſed, limited and accuſtomed*, (5) *every ſtranger paying for cuſtom of every dicker* iv. s. ix. d. *and every denizen* iv. s. i. d. *which like cuſtom is alſo paid in the port of* Hampton, *but not in any other ports of this realm, and ſpecially in* Wales, Cheſhire *and* Cornwall, *out of the which parts, by reaſon of ſuch ſmall cuſtoms, more leather is conveyed over the ſea, than out of other places of this realm, which is an occaſion of the dearth and great prices of the ſame leather*; (6) *for the redreſs whereof, and to the intent that one manner of cuſtom for every ſuch dicker of leather ſo conveyed over the ſea, as well by denizens as ſtrangers, ſhall be paid throughout this realm,* Wales, *and other the King's dominions, and alſo that the King's highneſs may be the better aſſured of his cuſtoms to be paid for all ſuch leather as ſhall be hereafter carried and conveyed over the ſea:* (7) Be it enacted by the authority of this preſent parliament, That from henceforth no manner of ſtranger or denizen ſhall pack, or cauſe to be packed, any manner of leather to be conveyed or ſhipped over the ſea, out of this realm, *Wales*, or other the King's dominions, otherwiſe than in this act is expreſſed, that is to ſay, that all ſuch leather ſhall be hereafter packed by a packer ſworn in every ſuch port where any leather ſhall be ſhipped to be conveyed out of this realm, *Wales*, or other the King's dominions, upon pain of forfeiture of all ſuch leather as hereafter ſhall be packed contrary to the purport of this act, or of the value thereof; (8) and alſo that from henceforth every ſtranger and denizen, which ſhall ſhip, ſend or convey any leather over the ſea, out or from any part of this realm, *Wales, Cheſhire*, or other the King's dominions, ſhall pay like

The manner of telling of leather in London, and entering the ſame into cuſtomers books.

How much ſtrangers and how much denizens do pay for the cuſtom of a dicker of leather.

Leather to be carried beyond the ſea ſhall be told and packed by a man ſworn thereunto.

cuſtom for the ſame as is uſed to be paid within the port of *London* that is to ſay, every ſtranger to pay for every dicker of leather for cuſtom iv. s. ix. d. and every denizen iv. s. i. d.

The cuſtomers and comptrollers ſhall appoint tellers at ports where none be.

II. And be it alſo enacted, That within every port, haven and creek within this realm, *Wales*, and other the King's dominions, where no tellers nor packers at this preſent time be, nor before the making of this act have been, that from henceforth the cuſtomers and comptrollers of every ſuch port, haven and creek, where ſuch leather ſhall be ſhipped to be conveyed into the parties beyond the ſea, ſhall have power by authority of this act to name, conſtitute and appoint one able perſon to tell and number all ſuch leather as ſhall be at any time there ſhipped, (2) which perſon ſo named ſhall be ſworn by the cuſtomer and comptroller of every ſuch port haven and creek, duly and truly to execute his office in the preſence of the cuſtomer and comptroller of every ſuch port, creek or haven where any ſuch leather ſhall be ſhipped, or of his or their deputy or deputies; (3) the ſame teller taking of every ſtranger for the telling of every dicker of leather vi. d. whereof the ſame teller to have for his labour ii. d. and iv. d. to be to the commonalty of the ſame town and port, toward the payment of their fee-farm, and other their charges; (4) and of every denizen, not being a freeman of the ſaid port and haven, for every dicker iv. d. whereof the teller to have ii. d. and the other ii. d. to be to the commonalty of the ſame port or haven, for the intent above declared; (5) and of every dicker by any perſon being a freeman of ſuch port and haven, but only ii. d. for his labour; (6) and that immediately after ſuch tale had, and entry thereof made by the cuſtomer or his deputy, another able perſon named, deputed and aſſigned by the ſaid cuſtomers and comptrollers of every ſuch port and haven and before them ſworn truly and duly to do and execute his office, ſhall pack all ſuch leather ſo told and entered, every pack to contain as many dickers, under the number of ſeven dickers, as it ſhall pleaſe the merchant or owner thereof to appoint, taking for his labour for the packing of every pack iv. d.

The teller's fee for telling a dicker of leather.

A packer of leather ſhall be aſſigned, and his fee.

The ſeveral forfeitures of the packer and teller not performing their duties.

III. And be it further enacted by the ſaid authority, That if any packer take upon him to pack any leather before it be told or numbered, and entry thereof made by the cuſtomer, or his deputy, or at any time pack more leather than ſhall be told and entered, according to the purport of this act, then the ſame packer to forfeit and loſe for every time doing the contrary v. li. and to ſuffer therefore impriſonment at the King's pleaſure; (2) and alſo that if the teller within any ſuch port or haven, at any time hereafter, take upon him to tell or number any leather in the abſence of the cuſtomer, comptroller, or of his or their deputy or deputies, then the ſame teller, for every time ſo doing, to loſe and forfeit five marks.

IV. *And foraſmuch as divers ſtrangers carry and convey their leather from one port to another, and by the way cauſe the ſame leather to be packed, which packs ſo conveyed be not undone nor opened at their arrival within the ports whereunto they be ſo tranſported,*

but

but there only entered by and upon the report and information of the merchant eſtranger, or of his factor, whereby much cuſtom is concealed:

In what ſort a ſtranger conveying leather from one port to another ſhall uſe it.

(2) Be it therefore alſo enacted by the ſaid authority, That if any ſtranger, or other his factor, at any time hereafter do convey and carry any leather from one port to another, to the intent to ſhip the ſame in ſuch other port whereunto it ſhall be ſo conveyed, the ſame ſtranger, or other his factor for him, before ſuch tranſporting of the ſame leather, ſhall cauſe the ſaid leather firſt to be told within the ſame port from whence he will, or intendeth, to carry the ſame; (3) and the ſame ſo told cauſe to be entered by the cuſtomer of the ſame port, or his deputy, and cauſe to be alſo packed by the ſaid packer of the ſaid port where it ſhall be ſo told, taking of the cuſtomer or cuſtomers of the ſame port or haven, or of their deputy or deputies, a certificate expreſſing the number or quantity of dickers of all the ſame leather ſo to be carried and tranſported, directed to the cuſtomer of the other port or haven whereunto the ſame leather ſhall be ſo conveyed, making mention alſo in the ſame certificate, whether the cuſtom thereof accordingly be truly paid, or not; (4) and in caſe any ſuch leather be carried or conveyed from one port to another, there to be ſhipped, without having of ſuch certificate, that then the ſame leather, or the value thereof, to be forfeited.

None having a tan-houſe ſhall tranſport any manner of leather tanned or untanned.

V. And be it further enacted, That no tanner within this realm, *Wales*, or other the King's dominions, or other perſons occupying or having a tanhouſe, ſhall from henceforth ſend or cauſe to be conveyed over the ſea, by way of merchandiſe or otherwiſe, any manner of leather tanned or untanned, upon pain of forfeiture of all ſuch leather, or the value thereof. (2) Nor that any perſon or perſons at any time hereafter ſhall carry or convey over the ſea out of this realm, *Wales*, or other the King's dominions, any ſalt or untanned hides, or any leather called backs or ſole-leather, the King's ſpecial licence not obtained for the ſame, upon pain of forfeiture of all ſuch hides and leather called backs or ſole leather, or the value thereof; (3) the one half of all the ſaid forfeitures to be to the King's highneſs, and the other half to any of his ſubjects that will purſue for the ſame in any his courts by action of debt, bill, plaint, information or otherwiſe; in which ſuit none eſſoin, protection, wager of law, or other dilatory plea for the defendant, ſhall be admitted or allowed.

The captain and the owner of a ſhip in ſome caſe excepted out of this ſtatute.

VI. Provided always, That this act, or any thing therein contained, ſhall not be hurtful nor prejudicial to any captain of any ſhip in the time of war, being in the retinue and ſervice of the King's highneſs, nor to any owner or maſter of any ſhip, being the King's ſubject, going into *Iſeland*, *Danſke*, *Norway*, or ſouthward beyond the ſtraits; but that every ſuch captain and maſter of every ſuch ſhip during the war-time, and every maſter to ſuch ſhips paſſing into the places before named, may and ſhall at their pleaſure have and carry ſalt hides in their ſhips, ſo that every of them ſhall not have at ſuch voyage,

or during the war, at any one time above the number of eight ſalt hides; this act or any thing therein contained to the contrary in any wiſe notwithſtanding.

Hides untanned of beaſts killed in Wales may be tranſported. 18 El. c. 9. ſ. 4.

VII. Provided always, That hides untanned of any beaſts being killed within *Wales*, or the marches thereof, may be conveyed and carried into outward parties by any perſon or perſons from time to time, except only by tanners, and ſuch as have tan-houſes, in ſuch and like manner as they might have been before the making of this act; any thing in the ſame mentioned to the contrary notwithſtanding.

CAP. XV.

See 35 H. 8. c. 16. 3 & 4 Ed. 6. c. 11. Exp. and repealed by 1 & 2 Ph. & M. c. 8.

The King ſhall have authority to name xxxij. perſons, *viz.* xvi. ſpiritual and xvi. temporal, to examine the canons and conſtitutions heretofore made according to the ſtatute of 25 *H.* 8. *c.* 19. But no canons or conſtitutions ſhall be made without the King's aſſent, nor which be contrary to the King's prerogative or the laws of this realm.

CAP. XVI.

For inrollment of bargains and ſales.

No land ſhall paſs by bargain and ſale, unleſs it be by writing indented, ſealed and inrolled. 1 Bulſtr. 163. 2 Inſt. 671. Hob. 136, 222. 1 Roll. 424. 2 Roll. 105. 119, 204. Hob. 128, 140. Dyer, 155 218. 2 Co. 36. 4 Co. 70. 7 Co. 40. 8 Co. 93. Cro. El. 166, 917. Cro. Car. 110. 129, 218. The fees for inrollment in the county. 1 Ander. 285. Extended to counties palatine by 5 El. c. 26.

BE it enacted by the authority of this preſent parliament, That from the laſt day of *July*, which ſhall be in the year of our Lord God 1536. no manors, lands, tenements or other hereditaments, ſhall paſs, alter or change from one to another, whereby any eſtate of inheritance or freehold ſhall be made or take effect in any perſon or perſons, or any uſe thereof to be made, by reaſon only of any bargain and ſale thereof, except the ſame bargain and ſale be made by writing indented ſealed, and inrolled in one of the King's courts of record at *Weſtminſter*, (2) or elſe within the ſame county or counties where the ſame manors, lands or tenements, ſo bargained and ſold, lie or be, before the *Cuſtos Rotulorum* and two juſtices of the peace, and the clerk of the peace of the ſame county or counties, or two of them at the leaſt, whereof the clerk of the peace to be one; (3) and the ſame inrollment to be had and made within ſix months next after the date of the ſame writings indented; (4) the ſame *Cuſtos Rotulorum*, or juſtices of the peace and clerk, taking for the inrollment of every ſuch writing indented before them, where the land compriſed in the ſame writing exceeds not the yearly value of forty ſhillings, ii. s. that is to ſay, xij. d. to the juſtices, and xij. d. to the clerk; (5) and for the inrollment of every ſuch writing indented before them, wherein the land compriſed exceeds the ſum of xl. s. in the yearly value, v. s. that is to ſay, ii. s. vi. d. to the ſaid juſtices, and ii. s. vi. d. to the ſaid clerk for the inrolling of the ſame: (6) and that the clerk of the peace for the time being, within every ſuch county, ſhall ſufficiently inroll and ingroſs in parchment the ſame deeds or writings indented as is aforeſaid; (7) and the rolls thereof at the end of every year ſhall deliver unto the ſaid *Cuſtos Rotulorum* of the ſame county for the time being, there to remain in the cuſtody of the ſaid *Cuſtos Rotulorum* for the time being, amongſt other records

records of every of the ſame counties where any ſuch inrollment ſhall be ſo made, to the intent that every party that hath to do therewith, may reſort and ſee the effect and tenor of every ſuch writing ſo inrolled.

II. Provided always, That this act, nor any thing therein contained, extend to any manner lands, tenements, or hereditaments, lying or being within any city, borough or town corporate within this realm, wherein the mayors, recorders, chamberlains, bailiffs or other officer or officers have authority, or have lawfully uſed to inroll any evidences, deeds, or other writings within their precinct or limits; any thing in this act contained to the contrary notwithſtanding.

Towns corporate, &c. may inroll. Dyer, 229. 10 Ann. c. 18. ſ. 3.

CAP. XVII.

A ſervant imbezzling his maſter's goods to the value of forty ſhillings, ſhall loſe the privilege of his clergy and ſanctuary.

See 21 H. 8. c. 7. 28 H. 8. c. 2. Confirmed by 1 Ed. 6. c. 12, and repealed by 1 M. ſeſſ. 1. c. 1. See 5 El. c. 10. 3 Inſt. 105.

CAP. XVIII.

If any perſon do, or procure any thing to be done, to the annoying of the ſtream of the river of *Thames*, making of ſhelps by any manner of means, by mining, digging, caſting of dung, rubbiſh, or other thing in the ſame river; or take or convey away any boards, ſtakes, timber-work, pillars or other things from the ſaid banks or walls, except it be to repair or amend the ſame again, or dig or undermine any banks or wall upon the water-ſide of *Thames*, to the hurt, impairing or damage of the ſaid banks or walls, he ſhall forfeit for every time ſo offending C. s. to the King, and to the mayor and commonalty of *London*, to be recovered by the mayor and commonalty by bill, plaint, writ of debt or information, wherein no eſſoin, wager of law, protection, *&c.* A proviſo for taking of ballaſt for ſhips in the ſhelps near unto *Thames*, the ſaid gravel, earth or rubbiſh of which ſhelps, any perſon may take and carry away.

CAP. XIX.

Sanctuary perſons ſhall wear badges, and no weapons. They ſhall not go abroad before ſun-riſing, nor after ſun-ſetting. They ſhall not reſiſt their governors. Their governors ſhall determine contracts of debts, treſpaſſes, and covenants between them under xl. s.

REP. 1. Jac. 1. c. 25. & 21 Jac. 1. c. 28.

CAP. XX.

For tithes to be paid throughout this realm.

FORASMUCH *as divers numbers of evil diſpoſed perſons inhabited in ſundry counties, cities, towns and places of this realm, having no reſpect to their duties to Almighty God, but againſt right and good conſcience have attempted to ſubtract and withhold, in ſome places the whole, and in ſome places great parts of their tithes and oblations, as well perſonal as predial, due unto God and holy church*; (2) *and purſuing ſuch their deteſtable enormities and injuries, have attempted in late time paſt to diſobey, contemn and deſpiſe the proceſs, laws and decrees of the eccleſiaſtical courts of this realm, in more temerous*

This ſtatute is confirmed and enlarged by 2 & 3 Ed. 6. c. 13.

temerous and large manner than before this time hath been ſeen: (3) for reformation of which ſaid injuries, and for unity and peace to be preſerved amongſt the King's ſubjects of this realm, our ſovereign lord the King being ſupreme head on earth (under God) of the church of *England*, willing the ſpiritual rights and duties of that church to be preſerved, continued and maintained, hath ordained and enacted by authority of this preſent parliament, That every of his ſubjects of this realm of *England*, *Ireland*, *Wales*, and *Calais*, and marches of the ſame, according to the eccleſiaſtical laws and ordinances of his church of *England*, and after the laudable uſages and cuſtoms of the pariſh or other place where he dwelleth or occupieth, ſhall yield and pay his tythes, offerings and other duties of holy church; (4) and that for ſuch ſubtractions of any of the ſaid tithes, offerings or other duties, the parſon, vicar, curate, or other party in that behalf grieved, may by due proceſs of the King's eccleſiaſtical laws of the church of *England*, convent the perſon or perſons ſo offending before his ordinary, or other competent judge of this realm, having authority to hear and determine the right of tithes, as alſo to compel the ſame perſon or perſons offending to do and yield their ſaid duties in that behalf. (5) And in caſe the ordinary of the dioceſe or his commiſſary, or the archdeacon or his official, or any other competent judge aforeſaid, for any contempt, contumacy, diſobedience or other miſdemeanor of the party defendant, make information and requeſt to any of the King's moſt honourable council, or to the juſtices of the peace of the ſhire where ſuch offender dwelleth, to aſſiſt and aid the ſame ordinary, commiſſary, archdeacon, official or judge, to order or reform any ſuch perſon in any cauſe before rehearſed; that then he of the King's ſaid honourable council, or ſuch two juſtices of peace, whereof the one to be of the *quorum*, to whom ſuch information or requeſt ſhall be made, ſhall have full power and authority, by virtue of this act, to attach or cauſe to be attached, the perſon or perſons againſt whom ſuch information or requeſt ſhall be made, (6) and to commit the ſame perſon or perſons to ward, there to remain without bail or mainprize, till that he or they ſhall have found ſufficient ſurety, to be bound by recognizance or otherwiſe before the King's ſaid councellor, or juſtice of peace, or any other like councellor, or juſtice of peace, to the uſe of our ſaid ſovereign lord the King, to give due obedience to the proceſſes, proceedings, decrees and ſentences of the eccleſiaſtical court of this realm, wherein ſuch ſuit or matter for the premiſſes ſhall depend or be. (7) And that every of the King's ſaid councellors, or two juſtices of the peace, whereof the one to be of the *quorum* as is aforeſaid, ſhall have full power and authority, by virtue of this act, to take, receive, and record recognizances and obligations in any of the cauſes above written.

Tithes ſhall be paid according to the cuſtom of the pariſh where they be due.

The offender in ſubtracting of tithes ſhall be convented before the ordinary.

The offender ſhall be bound by two juſtices of peace, &c. to obey the ordinary's ſentence.

II. Provided alway, That this act, or any thing therein contained, ſhall not extend to any inhabitant of the city of *London*,

This act ſhall not extend to the citizens of London.

London, for or concerning any manner of tithe, offering, or other eccleſiaſtical duty, grown and due, to be paid or yielden within the ſame city, becauſe there is another order made for the payment of tithes and other duties within the ſaid city.

III. Provided alſo, That every perſon and perſons, being party or parties to any ſuch ſuit, ſhall and may make and have his and their lawful action, demand or proſecution, appeals, prohibitions, and all other their lawful defences and remedies in every ſuch ſuit, according to the ſaid eccleſiaſtical laws, and laws and ſtatutes of this realm, in as ample and liberal manner and form as they or any of them might have had, if this act had never been made; any thing in this act above written notwithſtanding. Every perſon ſhall have his demand and defence according to the laws eccleſiaſtical.

IV. Provided always, and be it enacted by authority aforeſaid, That this act for recovering of tithes, ne any thing therein contained, ſhall take force and effect but only until ſuch time as the King's highneſs, and ſuch other xxxii. perſons which his Highneſs ſhall name and appoint for the making and eſtabliſhing of ſuch laws as his Highneſs ſhall affirm and ratify, to be called the eccleſiaſtical laws of the church of *England*; (2) and after the ſaid laws ſo ratified and confirmed as is afore ſaid, that then the ſaid tithes to be paid to every eccleſiaſtical perſon according to ſuch laws, and none otherwiſe. 25 H. 8. c. 19. ſ. 7. 13 Car. 2. ſtat. 1. c. 12. ſ. 5. 32 H. 8. c. 7.

CAP. XXI.

An act for the payment of tithes within the city and ſuburbs of *London*, until another law and order ſhall be made and publiſhed for the ſame. EXP. 37 H. 8. c. 12.

CAP. XXII.

The King ſhall have the moiety of the profits of thoſe lands already converted from tillage to paſture ſithence three years before *Ann.* 4. *H.* 7. until the owner hath builded up a convenient houſe to inhabit, and converted the ſame paſture to tillage again; and alſo ſhall take the moiety of the iſſues of thoſe lands hereafter to be converted, if the immediate lord do it not within one year. 4 H. 7. c. 19. 7 H. 8. c. 1. 5&6Ed.6.c.5. 5 El. c. 2. REP. 39 El. c.1.&21Jac.1 c.28.

CAP. XXIII.

For the preſervation of the havens in Devon *and* Cornwal.

WHERE *by a ſtatute made in this preſent parliament, for and concerning the amending and maintenance of the havens and ports of* Plymouth, Dartmouth, Tinmouth, Falmouth *and* Fowey, *in the counties of* Devonſhire *and* Cornwal, *among other things it was ordained and enacted, That no perſon or perſons from and after the feaſt of St.* Michael *the archangel, which was in the twenty-fourth year of the reign of the King's highneſs that now is, ſhould labour or work, or cauſe to be laboured or wrought in any manner of tin-works, called ſtreme works, within the ſaid counties of* Devon *or* Cornwal, *nigh to any of the freſh waters, rivers or low places, deſcending or having courſe unto the ſaid havens or ports, or any of them, nor* A rehearſal of the ſtatute of 23 H. 8. c. 8. made for the preſervation of ports and havens in Cornwall and Devonſhire,

ſhould

ſhould labour, dig or waſh any tin in any of the ſaid tin-works called ſtreme-works, unleſs the ſaid digger, owner or waſher ſhould make, or cauſe to be made, ſufficient hatches and tyes in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid, all the ſaid ſtones, gravel and robel, digged about the enſearching, finding and waſhing of the ſaid tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water courſes, or any of them, ſo that the ſaid ſtones, gravel and robel, ne any part thereof, be, for lack of ſuch hatches or tyes, conveyed into the ſaid ports and havens, or any of them, (2.) upon pain to forfeit for every time that any owner or digger ſhould dig or waſh, or cauſe to be digged or waſhed, any tin contrary to the form aforeſaid, x. li. the one half thereof to be to the uſe of our ſovereign lord the King, and the other half thereof to be to any of the inhabitants of the ſaid port towns or havens that would ſue for the ſame in any of the King's courts, by original writ, bill, plaint, information or otherwiſe, wherein the defendant ſhould not be admitted to wage his law, ne any proteƈtion or eſſoin ſhould be allowable, as in the ſaid aƈt among other things more plainly is expreſſed and declared.

23 H. 8. c. 8. II. *And becauſe ſith the making of the ſaid ſtatute, the inhabitants of the ſaid port towns or havens, having little regard, reſpeƈt, love, or affeƈtion to the amending and maintenance of the ſame towns and havens, nor to their poſterity, as they been naturally bounden and obliged, have permitted and ſuffered the ſaid owners and diggers to perſevere and continue in digging, ſearching and waſhing of tin nigh the ſaid freſh waters, rivers or low places, not making ſufficient hatches and tyes as by the ſaid ſtatute is provided and ordained without any manner of ſuit commenced or purſued by the ſaid inhabitants, according to the tenor of the ſaid aƈt, to the great animation and encouragement of the offenders, and to the utter undoing and deſtruƈtion of the ſaid port towns and havens*; the King's majeſty, minding and intending the ſupportation and maintenance of his ſaid towns and havens, and the animadverſion and correƈtion of the ſaid offenders, hath, by the aſſent of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by the authority of the ſame, ordained, enacted and eſtabliſhed, That no perſon or perſons hereafter ſhall labour or work, or cauſe to be laboured or wrought, in any manner of tin-works called ſtreme-works, within the ſaid counties of *Devon* or *Cornwall*, nigh to any of the ſaid freſh waters, rivers or low places, deſcending or having courſe unto the ſaid havens or ports, or any of them, nor ſhall labour, dig or waſh any tin in any of the ſaid tin-works called ſtreme-works, unleſs the ſaid digger, owner or waſher ſhall make, or cauſe to be made, ſufficient hatches and tyes in the end of their buddles and cords, and therein put and lay, or cauſe to be put and laid, all the ſaid ſtones, gravel and robel, digged about the enſearching, finding and waſhing of the ſaid tin, there to be wholly and ſurely kept by the ſaid hatches and tyes, out and from the ſaid freſh rivers or water courſes, or any of them, ſo that the ſaid ſand, ſtones, gravel and robel, ne any part thereof, be, for lack of ſuch

They that work for tin-works ſhall make hatches and tyes in the ends of their cords or buddels.

ſuch hatches or tyes, conveyed into the ſaid ports and havens, or any of them, upon pain to forfeit for every time that any owner, tinner, digger or labourer, ſhall dig or waſh, or cauſe to be digged or waſhed, any tin contrary to the form aforeſaid, xx. li. the one half thereof to be to the uſe of his Highneſs, and the other half thereof to be to any of his Grace's ſubjects that will ſue for the ſame in any of his Grace's courts, by original writ, bill, plaint, information or otherwiſe, wherein the defendant ſhall not be admitted to wage his law, ne any protection or eſſoin ſhall be allowable.

There ſhall be no penalty inflicted for proſecuting according to this ſtatute.

III. And it is further enacted by the authority aforeſaid, That if any perſon or perſons ſhall happen to be ſued, accuſed, indicted, impriſoned, amerced, condemned or otherwiſe vexed or troubled in his perſon, lands, tin works, goods or chattels, by any of the miniſters or officers of any of the King's courts of ſtannery, or by any other perſon or perſons, for purſuing or attempting any ſuit or action according to this eſtatute, againſt ſuch perſon or perſons as ſhall offend contrary to the form aforeſaid; that then all ſuch ſuits, accuſements, indictments, impriſonments, actions, condemnations, fines, amerciaments, and every other act or acts to be done in any of the ſaid courts of ſtannery, or elſewhere, by any perſon or perſons againſt any perſon or perſons for ſuing or attempting any ſuits or actions by virtue of this eſtatute, ſhall be utterly void and of none effect in the law; (2) and that the party ſued, indicted, accuſed, impriſoned or otherwiſe grieved or moleſted, for purſuing againſt any perſon or perſons offending this ſtatute, ſhall have his action and remedy grounded upon this ſtatute, by original writ, bill, plaint, information or otherwiſe, in any of the King's courts, againſt ſuch as ſhall procure or attempt to vex, trouble or otherwiſe moleſt any ſuch perſon or perſons for ſuing or purſuing of the forfeitures aforeſaid, and ſhall recover treble damages in that behalf; and the party defendant ſhall not be admitted to wage his law, ne any protection, eſſoin nor privilege ſhall be to him allowable.

A remedy to relieve him that ſhall be impriſoned for ſuing according to this ſtatute.

IV. And if it ſhall happen any perſon or perſons, for purſuing any ſuit or action upon this ſtatute, or by occaſion of the ſame, hereafter to be impriſoned by any manner of perſon or perſons being officers or miniſters of the court of ſtannery, their deputies or ſubſtitutes, that then every of the juſtices of peace within any of the counties aforeſaid, wherein the ſaid priſoner ſhall happen to be committed to priſon, upon credible information thereof, taking ſurety by his diſcretion for appearance of ſuch priſoner at the next general ſeſſions of peace, ſhall have power and authority as well to direct his warrant to the gaoler or keeper of the priſon, as to any other perſon or perſons to whom the ſaid priſoner ſhall be committed unto, commanding him or them, upon pain of forfeiture of xl. li. to deliver and put at large the ſaid priſoner or priſoners, (2) which if he refuſe ſo to do, then every ſuch offender ſhall loſe and forfeit the ſaid xl. li. the one half of which forfeiture to be to the uſe of our ſovereign

ſovereign lord the King, and the other half to him that is grieved by reaſon of ſuch impriſonment, to be recovered in manner and form aforeſaid; and the defendant in any action or ſuit for the ſame ſhall not wage his law, ne have any eſſoin or protection allowed; (3) and if it ſhall appear, upon the appearance of ſuch priſoner at the quarter-ſeſſions, by examination of the juſtices of the peace there being, that he was impriſoned contrary to the form of this ſtatute, that then he ſhall be forthwith diſmiſſed, and thereby diſcharged; and if he were lawfully impriſoned for any other juſt cauſe, then to be remanded to priſon by the diſcretion of the ſaid juſtices.

The liberties of the ſtannaries ſaved.

V. Provided alway, That this act, or any thing therein contained, be not in any wiſe prejudicial or hurtful to any of the officers of the ſtannery, ne to any of their lawful liberties, privileges, uſages, laws or cuſtoms, ſaving only in the caſes and proviſions contained and limited within this preſent act, which ſhall alway be put in execution according to the tenor of this act; any uſage, cuſtom, privilege, ordinance or liberty to the contrary thereof notwithſtanding.

CAP. XXIV.

An act for recontinuing liberties in the crown.

The re-continuing of certain liberties taken from the crown.

WHERE *divers of the moſt ancient prerogatives and authorities of juſtice, appertaining to the imperial crown of this realm, have been ſevered and taken from the ſame by ſundry gifts of the King's moſt noble progenitors, Kings of this realm, to the great diminution and detriment of the royal eſtate of the ſame, and to the hindrance and great delay of juſtice*; (2) for reformation whereof, be it enacted by authority of this preſent parliament, That no perſon or perſons, of what eſtate or degree ſoever they be, from the firſt day of *July*, which ſhall be in the year of our Lord God 1536, ſhall have any power or authority to pardon or remit any treaſons, murders, manſlaughters, or any kinds of felonies, whatſoever they be; (3) nor any acceſſaries to any treaſons, murders, manſlaughters or felonies; (4) or any outlawries for any ſuch offences afore rehearſed, committed, perpetrated, done or divulged, or hereafter to be committed, done or divulged, by or againſt any perſon or perſons in any part of this realm, *Wales*, or the marches of the ſame; (5) but that the King's highneſs, his heirs and ſucceſſors, Kings of this realm, ſhall have the whole and ſole power and authority thereof united and knit to the imperial crown of this realm, as of good right and equity it appertaineth; any grants, uſages, preſcription, act or acts of parliament, or any other thing to the contrary hereof notwithſtanding.

No perſon ſhall pardon treaſons or felonies but the King.

No perſon ſhall make juſtices but the King. Hob. 139. 2 Bulſt. 160.

II. And be it alſo enacted by authority aforeſaid, That no perſon or perſons, of what eſtate, degree or condition ſoever they be, from the ſaid firſt day of *July*, ſhall have any power or authority to make any juſtices of eyre, juſtices of aſſiſe, juſtices of peace, or juſtices of gaol-delivery; (2) but that all ſuch officers and miniſters ſhall be made by letters patents under the

King's

King's great ſeal, in the name and by authority of the King's highneſs and his heirs Kings of this realm, in all ſhires, counties, counties palatine, and other places of this realm, *Wales*, and the marches of the ſame, or in any other his dominions, at their pleaſure and wills, in ſuch manner and form as juſtices of eyre, juſtices of aſſiſe, juſtices of peace, and juſtices of gaol-delivery, be commonly made in every ſhire of this realm; any grants, uſages, preſcriptions, allowances, act or acts of parliament, or any other thing or things to the contrary thereof notwithſtanding.

All writs, &c. in a county palatine ſhall be made in the King's name. 4 Inſt. 205.

III. And be it further enacted by authority of this preſent parliament, That all original writs and judicial writs, and all manner of indictments of treaſon, felony and treſpaſs, and all manner of proceſs to be made upon the ſame, in every county palatine, and other liberty within this realm of *England*, *Wales*, and marches of the ſame, ſhall from the ſaid firſt day of *July* be made only in the name of our ſaid ſovereign lord the King, and his heirs Kings of *England*; (2) and that every perſon or perſons having ſuch county palatine, or any other ſuch liberty to make ſuch originals, judicials or other proceſs of juſtice, ſhall make the *Teſte* in the ſaid original writs and judicial, in the name of that ſame perſon or perſons that have ſuch county palatine or liberty.

IV. And that in every writ and indictment that ſhall be made within any ſuch county palatine or liberty, after the ſaid firſt day of *July* next coming, whereby it ſhall be ſuppoſed any thing to be done againſt the King's peace, ſhall be made and ſuppoſed to be done only againſt the King's peace, his heirs and ſucceſſors, and not againſt the peace of any other perſon or perſons whatſoever they be; any act of parliament, grant, cuſtom, uſage or allowance in eyre before this time had, granted or uſed, to the contrary notwithſtanding.

Juſtices aſſigned within the county palatine of Lancaſter.

V. Provided always, That juſtices of aſſiſe, juſtices of gaol-delivery, and juſtices of peace, to be made and aſſigned by the King's highneſs within the county palatine of *Lancaſter*, ſhall be made and ordained by commiſſion under the King's uſual ſeal of *Lancaſter*, in manner and form as hath been accuſtomed; any thing in this act to the contrary thereof notwithſtanding.

Towns corporate which have juſtices.

VI. Provided alſo, That all cities, boroughs, and towns corporate within this realm, which have liberty, power and authority to have juſtices of peace, or juſtices of gaol-delivery, ſhall ſtill have and enjoy their liberties and authorities in that behalf, after ſuch like manner as they have been accuſtomed, without any alteration by occaſion of this act; any thing in this act, or in any article therein contained to the contrary thereof notwithſtanding.

Bailiffs and officers of liberties ſhall attend upon the juſtices as they have done.

VII. And it is ordained by authority aforeſaid, That all ſtewards, bailiffs, and other miniſters of any liberties or franchiſes, which in times paſt have uſed, or ought to attend upon the juſtices of aſſiſe, juſtices of gaol-delivery, and juſtices of the peace at large in any county, ſhall be attendant to the juſtices of aſſiſe,

aſſiſe, juſtices of gaol-delivery, and juſtices of peace of the ſame ſhires wherein ſuch liberties and franchiſes be, and make due execution of all proceſs to them to be directed, for miniſtration of juſtice within ſuch liberties or franchiſes; (2) and that alſo all ſuch bailiffs, or their deputies or deputy, ſhall give their attendance and aſſiſtance upon the ſheriff, together with the ſheriffs bailiffs, at all courts of gaol-delivery from time to time, for execution of priſoners according to juſtice.

Liberties of cities or boroughs not to appear elſewhere.

VIII. Provided always, That the article next above rehearſed ſhall not in any wiſe be prejudicial to any ſtewards, or bailiffs of any cities, boroughs or towns corporate ſet in any ſhire of this realm, which have privilege that they ſhould not be compelled to attend or appear out of ſuch cities, boroughs or towns wherein they inhabit, but that every ſuch city, borough and town corporate, ſhall uſe their ſaid privileges and liberties as heretofore hath been accuſtomed; any thing in any of the articles above rehearſed to the contrary thereof notwithſtanding.

The King ſhall have the fines, &c. of bailiffs of liberties.

IX. And it is further enacted by authority aforeſaid, That the King our ſovereign lord, his heirs and ſucceſſors, Kings of this realm, from the ſaid firſt day of *July* next coming, ſhall have all manner of fines, iſſues, amerciaments and forfeitures that ſhall be loſt, forfeit or aſſeſſed by or upon any ſtewards, bailiffs, or any other miniſters or officers of any franchiſes or liberties, for non-execution, miſ-execution or inſufficient returns of ſuch writs, warrants, precepts or other proceſs, which to them, or any of them, or to any their deputy or deputies, ſhall be directed, or for any contempt, or other miſdemeanor whatſoever it be, concerning their offices, in and for the due execution or adminiſtration of juſtice; any grant or allowance, or other thing to the contrary hereof notwithſtanding. (2) And that the amerciaments for inſufficient returns of writs, or other proceſs made by ſtewards or bailiffs of liberties or franchiſes, having returns of writs and execution of the ſame, ſhall be put and ſet upon the heads of ſuch ſtewards or bailiffs, and not upon the ſheriffs.

Fines ſhall be aſſeſſed upon the bailiffs of liberties for inſufficient returns, and not upon the ſheriffs.

Purveyors may provide within liberties, notwithſtanding any grant.

X. And furthermore it is enacted by authority aforeſaid, That purveyors aſſigned by the King's commiſſion for proviſions of his Grace, the Queen and their children, ſhall and may provide all victuals, corn, and other kinds of things whatſoever it be, according to their commiſſions, as well within liberties and franchiſes as without; any grants, allowances, or other thing to the contrary or let thereof notwithſtanding.

2 Inſt. 3.

XI. Provided always, That ſuch purveyors ſhall obſerve the ſtatutes for them provided in every behalf.

The King's officers may keep court within the verge, and his clerk of the market only execute his office there.

XII. And over this it is ordained by authority aforeſaid, That in all ſuch places whereſoever the King's highneſs in his own moſt royal perſon ſhall come to reſt, tarry, abide, or make his repoſe within this realm, or any his dominions, within liberty or without, there and within the verge limited and accuſtomed to his Grace's court, during the time of his abode, his Grace's ſteward, marſhal, coroner, and all other his miniſters

ters, ſhall and may keep their courts for juſtice, and exerciſe their offices, as ſhall appertain to them, according to the laws, ſtatutes and cuſtoms of this realm, as well within liberties as without. (2) And that his Grace's clerks of the market, and none other, during the ſame time, as well within liberties as without, ſhall exerciſe the office of clerk of the market; any privilege, grant, allowance or other thing to the contrary hereof notwithſtanding.

XIII. Provided alway, That this article next afore rehearſed or any thing therein contained, be not in any wiſe prejudicial to the city of *London*, but that the ſame city ſhall have and uſe ſuch liberties as they might if this article had never been made.

All ſtatutes made for ſheriffs, under-ſheriffs, &c. ſhall be in force againſt ſtewards and other miniſters of liberties.

XIV. And be it alſo enacted by authority aforeſaid, That all and every ſtatute, act, and acts heretofore made and being in force, againſt ſheriffs, their under-ſheriffs, bailiffs, or other miniſters, for making or returning of panels or juries, or for due execution or ſerving of any writs or other proceſs, or for taking of fees, or for reformation of extortions, or for any other thing or things concerning their offices, and all pains and penalties contained in every ſuch ſtatute, ſhall from henceforth be extended to all ſtewards, bailiffs and other miniſters and officers of liberties and franchiſes, having returns of writs and executions thereof, in like manner, form and condition as they extend to the ſheriffs, their under ſheriffs, bailiffs or other miniſters, and as if the ſaid ſtewards, bailiffs or other miniſters or officers of liberties and franchiſes, had been ſpecially and particularly named and rehearſed in ſuch ſtatutes.

Stewards and bailiffs of franchiſes may enjoy their offices above one year.

XV. Provided alway, That this article next above rehearſed ſhall not be prejudicial to any ſteward, bailiffs of franchiſes, or to their deputy or deputies, or their clerks, for exerciſing and occupying their offices over and above one year; but that they and every of them may keep and occupy their ſaid offices for ſo long time as they be, or hereafter ſhall be, given to them, as if this article next afore rehearſed had never been made; any of the ſaid acts to be expounded and taken againſt them or any of them to the contrary thereof notwithſtanding.

XVI. And it is enacted by authority aforeſaid, That all ſuch juſtices to be made as is afore rehearſed in this act, ſhall have authority and power to keep and hold their ſeſſions of peace, and to deliver the ſame gaols from time to time only within the ſame liberties and franchiſes, and in ſuch places, and in none other places, by reaſon and authority of that commiſſion, and to do and execute all other things within the ſame, in as ample and large manner, as any other juſtices of peace and gaol-delivery in any ſhire within this realm may do, and have authority to do; any act, grant, uſe, cuſtom and allowance heretofore had, made or uſed, or any article in this preſent act made to the contrary notwithſtanding.

The new juſtices ſhall ſit where commonly ſuch have uſed to be before.

XVII. Provided always, That all and ſingular juſtices of the peace, gaol-delivery and aſſiſe, hereafter to be made, named and appointed by the King's highneſs, his heirs and ſucceſſors, within any

any liberty, where any ſuch juſtice of peace, gaol-delivery or aſſize, or any of them, have been made by any perſon or perſons by virtue or authority of any letters patents of the gift or grant of our ſovereign lord the King, or his moſt noble progenitors, Kings of this realm, or otherwiſe, ſhall ſit and keep their ſeſſions, gaol-delivery, and aſſizes, only in ſuch place and places as the juſtices of the ſaid liberties lately have commonly uſed within the ſaid liberties. (2) And that no perſon or perſons within the ſaid liberties, or any of them, ſhall be hereafter in any wiſe compelled by authority of this act to appear out of the ſaid liberties before any other juſtices of aſſize, gaol-delivery, or of the peace than before ſuch juſtices as ſhall be named and aſſigned to ſit and be by the King's highneſs, his heirs and ſucceſſors, within the ſaid liberties in form aboveſaid. (3) And that this act ſhall not extend, or be expounded or taken to any other liberty, privilege or franchiſe, granted, uſed or had to any perſon or perſons, other than before in this preſent act is expreſſed, and plainly declared and rehearſed; any thing in this act to the contrary notwithſtanding, and as if this act had never been made.

Sir Thomas Englefield, juſtice of Cheſter and Flint.

XVIII. Provided always, That this act, nor any thing therein contained, be in any wiſe hurtful or prejudicial unto Sir *Thomas Engleſield*, knight, juſtice of the county palatine of *Cheſter* and *Flint*, nor to his deputy or deputies, nor to any of them, of, for or concerning the office of juſtice or juſticer of the ſaid county palatine and *Flint*, nor for or concerning any fees, profits or advantages to the ſame office in any manner wiſe appertaining or belonging; (2) but that the ſaid Sir *Thomas*, his deputy and deputies, and every of them, may lawfully have, occupy and exerciſe the ſaid office, and alſo receive and take to their own uſe all manner profits, commodities and advantages to the ſaid office belonging or appertaining, according to the tenor, purport and effect of ſuch letters patents, as before this time were unto the ſame Sir *Thomas* made under the ſeal of the ſaid county palatine, or under any other ſeal, by our ſaid ſovereign lord the King that now is, of, for or concerning the ſaid office and other the premiſſes, or any parcel thereof, in as ample and large manner as though this act had never been had ne made; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Cities and towns corporate ſhall have ſuch liberties, &c. as they had before.

XIX. Provided alway, That this act, ne any thing therein contained, be in any wiſe prejudicial or hurtful to any city, borough or town corporate, by what name or names ſoever they or any of them be incorporate, and their ſucceſſors, and the ſucceſſors of every of them, of or for any manner of liberties, privileges, cuſtoms, ancient uſages and franchiſes; and alſo of all manner of fines, iſſues and amerciaments, and forfeitures, which they or any of them have of the grant or grants of our ſaid ſovereign lord the King, or of any of his noble progenitors, Kings of this realm of *England*; (2) but that the ſaid cities, boroughs and towns corporate, and every of them and their ſucceſſors, may have, take, levy and enjoy all and every ſuch lawful

ful liberties, privileges, franchiſes, cuſtoms and uſages, in as ample and large manner, and in like form and condition, as they and every of them have lawfully taken, uſed and had the ſame before the making of this act; any thing in this act to the contrary notwithſtanding, and as if this act had never been had ne made.

The biſhop of Ely and his ſteward ſhall be juſtices of peace within the ſame iſle.

XX. Provided alway, and be it enacted, That *Thomas* now biſhop of *Ely*, and his ſucceſſors, biſhops of *Ely*, and their temporal ſteward of the iſle of *Ely* for the time being, and every of them, ſhall from henceforth be juſtices of peace within the ſaid iſle, and ſhall uſe and exerciſe all manner of things within the ſame iſle, that appertaineth or belongeth to any juſtices of peace within any county of this realm of *England* to do, exerciſe and uſe, by virtue and authority that they be juſtices of peace, in as ample and large manner as any other juſtices of peace in any county within this realm have or might do, exerciſe or uſe; any thing or things in this act contained to the contrary notwithſtanding.

The biſhop of Durham and his chancellor. 1 Roll 400.

XXI. Provided alway, and be it enacted, That *Cuthbert* now biſhop of *Durham*, and his ſucceſſors, biſhops of *Durham*, and their temporal chancellor of the county palatine of *Durham* for the time being, and every of them, ſhall from henceforth be juſtices of peace within the ſaid county palatine of *Durham*, and ſhall exerciſe and uſe all manner things within the ſame county palatine, that appertaineth or belongeth to any juſtice of peace within any county of this realm of *England*, to do, exerciſe and uſe, by virtue and authority that they be juſtices of peace, in as ample and large manner as any other juſtices of peace in any county within this realm have, or might do, exerciſe or uſe; any thing or things in this act contained to the contrary notwithſtanding.

The archbiſhop of York and his temporal chancellor, of Hextoldſham.

XXII. Provided alway, and be it enacted, That *Edward* now archbiſhop of *York*, and his ſucceſſors, archbiſhops of *York*, and their temporal chancellor of the ſhire and liberty of *Hexam*, otherwiſe called *Hextoldſham*, for the time being, and every of them, ſhall from henceforth be juſtices of peace within the ſaid ſhire and liberty of *Hexam*, otherwiſe called *Hextoldſham*, and ſhall exerciſe and uſe all manner of things within the ſaid ſhire and liberty, that appertaineth or belongeth to any juſtice of peace within any county of this realm of *England* to do, exerciſe and uſe, by virtue and authority that they be juſtices of peace, in as large and ample manner as any other juſtice of peace in any county within this realm have, or might do, exerciſe or uſe; any thing or things in this act contained to the contrary notwithſtanding.

CAP. XXV.

All governors of ſhires, cities, towns, hundreds, hamlets and pariſhes, ſhall find and keep every aged, poor and impotent perſon, which was born or dwelt three years within the ſame limit, by way of voluntary and charitable alms in every of the ſame cities and pariſhes, *&c.* with ſuch convenient alms as ſhall be thought meet by their diſcretion, ſo as none of them ſhall

ſhall be compelled to go openly in begging. And alſo ſhall compel every ſturdy vagabond to be kept in continual labour. (2) Children under fourteen years of age, and above five, that live in idleneſs, and be taken begging, may be put to ſervice by the governors of cities, towns, &c. to huſbandry, or other crafts or labours. (3) A valiant beggar, or ſturdy vagabond, ſhall at the firſt time be whipped, and ſent to the place where he was born or laſt dwelled by the ſpace of three years, there to get his living; and if he continue his roguiſh life, he ſhall have the upper part of the griſtle of his right ear cut off; and if after that he be taken wandering in idleneſs, or doth not apply to his labour, or is not in ſervice with any maſter, he ſhall be adjudged and executed as a felon. (4) No perſon ſhall make any open or common dole, nor ſhall give any money in alms, but to the common boxes, and common gatherings in every pariſh, upon pain to forfeit ten times ſo much as ſhall be given. (5) There ſhall be no playing at unlawful games.

EXP. 31 Hen. 8. c. 7. 39 Eliz. c. 4.

CAP. XXVI.

Concerning the laws to be uſed in Wales.

Juſtice executed in Wales in manner as it is in England. 4 Inſt. 233.

ALBEIT *the dominion, principality and country of* Wales *juſtly and righteouſly is, and ever hath been incorporated, annexed, united and ſubject to and under the imperial crown of this realm, as a very member and joint of the ſame, wherefore the King's moſt royal majeſty of meer droit, and very right, is very head, King, lord and ruler*; (2) *yet notwithſtanding, becauſe that in the ſame country, principality and dominion, divers rights, uſages laws and cuſtoms be far diſcrepant from the laws and cuſtoms of this realm,* (3) *and alſo becauſe that the people of the ſame dominion have, and do daily uſe a ſpeech nothing like, ne conſonant to the natural mother tongue uſed within this realm,* (4) *ſome rude and ignorant people have made diſtinction and diverſity between the King's ſubjects of this realm, and his ſubjects of the ſaid dominion and principality of* Wales, *whereby great diſcord, variance, debate, diviſion, murmur and ſedition hath grown between his ſaid ſubjects*; (5) his Highneſs therefore of a ſingular zeal, love and favour that he beareth towards his ſubjects of his ſaid dominion of *Wales*, minding and intending to reduce them to the perfect order, notice and knowledge of his laws of this his realm, and utterly to extirp all and ſingular the ſiniſter uſages and cuſtoms differing from the ſame, and to bring the ſaid ſubjects of this his realm, and of his ſaid dominion of *Wales*, to an amicable concord and unity, hath by the deliberate advice, conſent and agreement of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, ordained, enacted and eſtabliſhed, That his ſaid country or dominion of *Wales*, ſhall be, ſtand and continue for ever from henceforth incorporated, united and annexed to and with this his realm of *England*; (6) and that all and ſingular perſon and perſons, born and to be born in the ſaid principality, country or dominion of *Wales*, ſhall have,

The cauſes why a diverſity hath been made between the King's ſubjects of England and Wales. 3 Bulſtr. 117.

Palmer 15. All perſons born in Wales ſhall enjoy all liberty as

have, enjoy and inherit all and ſingular freedoms, liberties, rights, privileges and laws within this his realm, and other the King's dominions, as other the King's ſubjects naturally born within the ſame have, enjoy and inherit. other ſubjects in England do.

II. And that all and ſingular perſon and perſons inheritable to any manors, lands, tenements, rents, reverſions, ſervices or other hereditaments, which ſhall deſcend after the feaſt of *All-Saints* next coming, within the ſaid principality, country or dominion of *Wales*, or within any particular lordſhip, part or parcel of the ſaid country or dominion of *Wales*, ſhall for ever, from and after the ſaid feaſt of *All-Saints*, inherit and be inheritable to the ſame manors, lands, rents, tenements, reverſions and hereditaments, after the *Engliſh* tenure, without diviſion or partition, and after the form of the laws of this realm of *England*, and not after any *Welch* tenure, ne after the form of any *Welch* laws or cuſtoms; (2) and that the laws, ordinances and ſtatutes of this realm of *England*, for ever, and none other laws, ordinances, ne ſtatutes, from and after the ſaid feaſt of *All-Saints* next coming, ſhall be had, uſed, practiſed and executed in the ſaid country or dominion of *Wales*, and every part thereof, in like manner, form and order, as they be and ſhall be had, uſed, practiſed, and executed in this realm, and in ſuch like manner and form as hereafter by this act ſhall be further eſtabliſhed and ordained; any act, ſtatute, uſage, cuſtom, precedent, liberty, privilege, or other thing had, made, uſed, granted or ſuffered to the contrary in any wiſe notwithſtanding. The laws of England ſhall be uſed in Wales. Dyer, 113. Plowd. 120.

III. *And foraſmuch as there be many and divers lordſhips marchers within the ſaid country or dominion of* Wales, *lying between the ſhires of* England *and the ſhires of the ſaid country or dominion of* Wales, *and being no parcel of any other ſhires where the laws and due correction is uſed and had, by reaſon whereof hath enſued, and hath been practiſed, perpetrated, committed and done, within and among the ſaid lordſhips and countries to them adjoining, manifold and divers deteſtable murders, brenning of houſes, robberies, thefts, treſpaſſes, routs, riots, unlawful aſſemblies, embraceries, maintenances, receiving of felons, oppreſſions, ruptures of the peace, and manifold other malefacts, contrary to all laws and juſtice; and the ſaid offenders thereupon making their refuge from lordſhip to lordſhip, were and continued without puniſhment or correction*; (2) *for due reformation whereof, and foraſmuch as divers and many of the ſaid lordſhips marchers be now in the hands and poſſeſſion of our ſovereign lord the King, and the ſmalleſt number of them in the poſſeſſion of other lords*, it is therefore enacted by the authority aforeſaid, that divers of the ſaid lordſhips marchers ſhall be united, annexed and joined to divers of the ſhires of *England*, and divers of the ſaid lorſhips marchers ſhall be united, annexed and joined to divers of the ſhires of the ſaid country or dominion of *Wales*, in manner and form hereafter following; (3) and that all the reſidue of the ſaid lordſhips marchers within the ſaid country or dominion of *Wales*, ſhall be ſevered and divided into certain particular counties or ſhires, that is to ſay, the county or ſhire of *Monmouth*, the Lordſhips marchers, and the diſorders committed therein. Lordſhips marchers divided into ſhires.

county or ſhire of *Brecknock*, the county or ſhire of *Radnor*, the county or ſhire of *Montgomery*, the county or ſhire of *Denbigh*; (4) and that the lordſhips, townſhips, pariſhes, commotes and cantreds of *Monmouth*, *Chepſtow*, *Matherne*, *Llanvihangel*, *Magour*, *Goldecliffe*, *Newport*, *Wenllonge*, *Llanwerne*, *Caerlion*, *Uſk*, *Treleek*, *Tintern*, *Skynfreth*, *Gronſmont*, *Wite-caſtle*, *Reglan*, *Calicote*, *Biſton*, *Abergevenny*, *Penroſe*, *Grenefield*, *Maghen* and *Hochuyſlade* in the country of *Wales*, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, townſhips, hamlets, pariſhes, commotes and cantreds, and every of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be from and after the ſaid feaſt of *All-Saints* guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid ſhire of *Monmouth*; (5) and that the ſaid town of *Monmouth* ſhall be named, accepted, reputed, uſed, had and taken, head and ſhire-town of the ſaid county or ſhire of *Monmouth*; (6) and that the ſheriffs county or ſhire-court of and for the ſaid ſhire and county of *Monmouth*, ſhall be holden and kept one time at the ſaid town of *Monmouth*, and the next time at the town of *Newport*, in the ſame county or ſhire, and ſo to be kept in the ſame two towns *alternis vicibus*, and according to the laws of this realm of *England* for ever, and in none other places.

The county of Monmouth and the towns within the ſame.

IV. And it is further enacted by the authority aforeſaid, That all actions reals that hereafter ſhall be conceived, perpetrated or ſued for any lands, tenements or hereditaments, or any other thing within the ſaid county or ſhire of *Monmouth*, and all actions perſonals within the ſame ſhire or county of the ſum of xl. s. or above, and all actions mixt, ſhall be ſued by original writ out of the King's high court of chancery in *England*, (2) and heard, determined and tried before the King's juſtices in *England*, or by aſſiſe or *niſi prius* within the ſaid county of *Monmouth*, in ſuch like manner, form and wiſe, as all other actions reals, perſonals, and actions mixt, be ſued, heard, determined and tried in or for any ſhire of this realm of *England*; (3) and that the King's juſtices of his bench, or of his common bench of *Weſtminſter*, ſhall have full power and authority to direct all manner proceſs to the ſheriff and all other officers of the ſaid county of *Monmouth*, (4) and alſo to direct writs of *venire facias* to the ſame ſheriff, for the trial of every iſſue joined before them; (5) and alſo to award commiſſions of *niſi prius* into the ſaid county of *Monmouth*, for the trial of ſuch iſſues joined before them, in like manner and form as they do into every ſhire of this realm of *England*; (6) and all and every the King's ſubjects and inhabitants within the ſaid county of *Monmouth*, ſhall be for ever, from and after the ſaid feaſt of *All-Saints*, obliged and bounden to be obedient and attendant to the lord chancellor of *England*, the King's juſtices, and other of the King's moſt honourable council, and unto all laws, cuſtoms, ordinances and ſtatutes of this realm of *England*, in like manner, form and wiſe, as all other the King's ſubjects within every ſhire of this realm of *England*

Actions for lands or other things to be ſued in the county of Monmouth. Savil 12. 2 Roll. 29.

The King's juſtices may award *venire facias* into the county of Monmouth, and all other proceſs.

The inhabitants of the county of Monmouth obedient to the King's officers and laws.

land be obliged and bounden; any act, ſtatute, uſage, cuſtom, liberty, privilege, or any other thing to the contrary in any wiſe notwithſtanding; (7) and that the ſheriff of the ſaid county ſhall hold plea of *replegiare*, and all other ſuits and plaints under forty ſhillings, in his county or ſhire-court, in like manner and form as all other ſheriffs do within this realm of *England*; (8) and that the ſheriff, eſcheators and coroners, that hereafter ſhall be within the ſaid county or ſhire of *Monmouth*, ſhall be obliged and bounden to execute all the King's proceſſes, and to make due returns thereof, and to uſe and exerciſe their offices according to the laws and ſtatutes of this realm of *England*, in all and every thing as the ſheriffs, eſcheators and coroners be obliged and bounden to do in all and every other ſhire of this realm of *England*; (9) and that the ſheriffs and eſcheators of the ſaid ſhire or county of *Monmouth*, that hereafter ſhall be appointed by our ſovereign lord the King, make their accounts for their ſaid offices in the King's exchequer in *England*, in like manner and form as other ſheriffs and eſcheators do within this realm of *England*, and upon ſuch like pain and penalty as is upon other ſheriffs and eſcheators in every other ſhire within this realm of *England*.

The ſheriffs and eſcheators of Monmouth's duties.

V. And it is enacted by the authority aforeſaid, That the lordſhips, townſhips, pariſhes, commotes and cantreds of *Brecknock*, *Cretkhowel*, *Tretowre*, *Penkelley*, *Engliſh-talgarth*, *Welſh-talgarth*, *Dynas*, the *Haye*, *Glynebogh*, *Broyulles*, *Cantercely*, *Lando*, *Blaynllinby*, *Eſtrodew*, *Buelthe* and *Lingros*, in the ſaid country or dominion of *Wales*, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, pariſhes, commotes and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from the ſaid feaſt of *All-Saints*, guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid county or ſhire of *Brecknock*; (2) and that the ſaid town of *Brecknock* ſhall be named, accepted, reputed, uſed, had and taken, head and ſhire-town of the ſaid ſhire or county of *Brecknock*; (3) and that the ſhire-court or county of and for the ſaid ſhire or county of *Brecknock*, ſhall be holden and kept in the ſaid town of *Brecknock*.

Brecknockſhire.

VI. And it is enacted by the authority aforeſaid, That the lordſhips, townſhips, pariſhes, commotes and cantreds of *New Radnor*, *Eliſtherman*, *Elue-les*, *Bonghred*, *Glaſebery*, *Glawdiſtre*, *Mihelles Church*, *Meleneth*, *Blewagh*, *Knighton*, *Norton*, *Preſton*, *Commothuder*, *Rayder*, *Gwethronyon* and *Stenage* in the ſaid country of *Wales*, and every of them, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, townſhips, pariſhes, commotes and cantreds, or any of them, in whoſe poſſeſſions ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from the ſaid feaſt of *All-Saints*, guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid county or ſhire of *Rad-*

Radnorſhire.

The county

court of Radnor. Altered by 34 & 35 H. 8. c. 26. ſ. 118.

nor; (2) and that the ſaid town of *New Radnor* ſhall be named, accepted, reputed, uſed, had and taken head and ſhire-town of the ſaid county or ſhire of *Radnor*; (3) and that the ſhire-court or county of and for the ſaid county or ſhire of *Radnor*, ſhall be holden and kept one time at the ſaid town of *New Radnor*, and the next time at the town of *Rothergowy* in the ſame county or ſhire, and ſo to be kept in the ſaid two towns *alternis vicibus* for ever, and in none other place.

Mountgomeryſhire.

VII. And it is enacted by the authority aforeſaid, That the lordſhips, townſhips, pariſhes, commotes and cantreds of *Mountgomery*, *Kedewenkerry*, *Cawrſland*, *Aruſtely*, *Keviliock*, *Deythur*, *Poweſland*, *Cluneſland*, *Baleſley*, *Tempceſter* and *Alceſter*, in the ſaid country of *Wales*, and every of them, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, pariſhes, townſhips, commotes and cantreds, or in any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from the ſaid feaſt of *All-Saints*, guildable, and ſhall be reputed, accepted, named and taken, as parts and members of the ſaid county or ſhire of *Mountgomery*; (2) and that the ſaid town of *Mountgomery* ſhall be named, accepted, reputed, uſed, had and taken head and ſhire-town of the ſaid county of *Mountgomery*; (3) and that the county or ſhire-court of and for the ſaid county or ſhire of *Mountgomery*, ſhall be holden and kept the firſt time at the ſaid town of *Mountgomery*, and the next time at the town of *Maghenleth*, in the ſame ſhire or county, and ſo to be kept in the ſame two towns *alternis vicibus* for ever, and in none other place.

Denbighſhire. Altered as to Moleſdale by 27 H. 8. c. 13. ſ. 3.

VIII. And alſo it is enacted by the authority aforeſaid, That the lordſhips, townſhips, pariſhes, commotes and cantreds of *Denbighland*, *Ruthin*, *Saint Taſſee*, *Kinllethowen*, *Bromfilde*, *Yale*, *Chirke* and *Chirkeland*, *Moleſdale* and *Hopeſdale*, in the ſaid country of *Wales*, and every of them, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, townſhips, commotes and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from the ſaid feaſt of *All-Saints*, guildable, and ſhall be reputed, accepted, named and taken as parts and members of the ſaid county or ſhire of *Denbigh*; (2) and that the ſaid town of *Denbigh* ſhall be named, accepted, reputed, uſed, had and taken head and ſhire-town of the county or ſhire of *Denbigh*; (3) and that the county or ſhire-court of and for the ſaid county or ſhire of *Denbigh*, ſhall be holden and kept the firſt time at the ſaid town of *Denbigh*, and the next time at the town of *Wrixham* in the ſaid ſhire or county, and ſo to be kept in the ſame two towns *alternis vicibus* for ever, and in none other place.

The King ſhall have a chancery and ex-

IX. *And foraſmuch as the counties and ſhires of* Brecknock, Radnor, Mountgomery *and* Denbigh, *be far diſtant from the city of* London, *where the laws of* England *be commonly uſed, miniſtered,*

ex-

exerciſed and executed; *and for that the inhabitants of the ſaid ſhires of Brecknock, Radnor, Mountgomery* and *Denbigh, be not of ſubſtance, power and ability to travel out of their countries to ſeek the adminiſtration of juſtice*; (2) it is therefore enacted by the authority aforeſaid, That the King our ſovereign lord ſhall have one chancery and exchequer at his caſtle of *Brecknock*, and one other at his town and caſtle of *Denbigh*; (3) and that the ſheriffs, eſcheators, and other officers accomptants of the counties of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, from and after the ſaid feaſt of *All-Saints*, ſhall be yearly appointed by our ſovereign lord the King, for and within every of the ſaid ſhires of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*; (4) and that the ſheriffs, eſcheators and other officers accomptants of the counties of *Brecknock* and *Radnor*, from and after the ſaid feaſt of *All-Saints*, ſhall yearly make their accompts before the King's auditors, and ſuch chamberlain or baron of the ſaid exchequer, as ſhall be thereunto appointed by our ſaid ſovereign lord the King, in ſuch like manner and form as ſheriffs, eſcheators and other officers accomptants do yearly make their accompts in the King's exchequer at *Weſtminſter* within this realm of *England*. (5) And that the ſheriffs, eſcheators, and other officers accomptants of the counties of *Mountgomery* and *Denbigh*, from and after the ſaid feaſt of *All-Saints*, ſhall yearly make their accompts before the King's auditors, and ſuch chamberlain or baron of the ſaid exchequer, as ſhall be thereunto appointed by our ſaid ſovereign lord the King, in ſuch like manner and form as ſheriffs, eſcheators and other officers accomptants do yearly make their accompts in the King's exchequer at *Weſtminſter*, within this realm of *England*.

chequer at Brecknock, and another at Denbigh.

The accounts of the ſheriffs, eſcheators and other officers.

X. And that juſtice ſhall be miniſtered, uſed, exerciſed and executed unto the King's ſubjects and inhabitants in every of the ſaid ſhires of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, according to the laws and ſtatutes of this realm of *England*, and according to ſuch other cuſtoms and laws now uſed in *Wales* aforeſaid, as the King our ſovereign lord and his moſt honourable council ſhall allow and think expedient, requiſite and neceſſary, by ſuch juſticer or juſticers as ſhall be thereunto appointed by our ſaid ſovereign lord the King, and after ſuch form and faſhion as juſtice is uſed and miniſtred to the King's ſubjects within the three ſhires of *North Wales*.

Juſtice uſed in Brecknock, Radnor, Mountgomery, and Denbigh. Vaughan 417.

XI. And alſo it is enacted by the authority aforeſaid, That the lordſhips, towns, pariſhes, commotes, hundreds and cantreds of *Oſweſter*, *Whetington*, *Maſbroke*, *Knoking*, *Elleſmer*, *Downe* and *Churbury* hundred in the marches of *Wales* aforeſaid, and every of them, and all and ſingular honours, lordſhips, caſtles, manors, towns, hamlets, lands, tenements and hereditaments lying or being within the compaſs or precinct of the ſaid lordſhips, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from and after the ſaid feaſt of *All-Saints* guildable, and ſhall be united, annexed and joined to and with the county of *Salop*, as a member,

Towns annexed to the county of Salop.

part

part or parcel of the ſame; (2) and that the ſaid lordſhips of *Oſweſter*, *Whetington*, *Maſbroke* and *Knoking*, with their members, ſhall be taken, named and known by the name of the hundred of *Oſweſter* in the county of *Salop*; and the inhabitants thereof ſhall be attendant and do every thing and things at every ſeſſions, aſſiſe and gaol-delivery, to be holden within the county of *Salop*, as the inhabitants of all other hundreds do within the ſaid county of *Salop*, according to the laws of this realm of *England*. (3) And that the lordſhip of *Elleſmer*, with the members of the ſame, ſhall be united, joined and knit to the hundred of *Pymhill* in the county of *Salop*, and ſhall be taken, named and known to be parcel of the ſame hundred; and the inhabitants thereof ſhall be attendant and do every thing and things with the inhabitants of the ſaid hundred of *Pymhill*, as the inhabitants of the ſame hundred now do and uſe, according to the laws of this realm of *England*. (4) And that the lordſhip of *Downe*, with the members, ſhall be united, joined and knit to the hundred of *Churbury* in the county of *Salop*; and that the inhabitants of the ſaid hundred of *Churbury* and lordſhip of *Downe* ſhall be attendant and do every thing and things at every ſeſſions, aſſiſe and gaol-delivery, to be holden within the ſaid county of *Salop*, as the inhabitants of all other hundreds do within the ſaid county of *Salop*, according to the laws of this realm of *England*. (5) And that the ſaid hundred of *Churbury*, after the ſaid feaſt of *All-Saints*, nor the ſaid hundred of *Oſweſter*, nor yet the lordſhip of *Elleſmer*, ſhall be in no wiſe otherwiſe privileged, nor have no other liberty nor privilege, but as hundreds united, annexed and knit to the ſaid county of *Salop*, as other hundreds be within the ſaid county.

Oſweſter hundred in the county of Salop.

Elleſmer in Pymhill hundred.

Downe in Churbury hundred.

XII. And that the lordſhips, towns, pariſhes, commotes, hundreds and cantreds of *Ewyas Lacy*, *Ewyas Harold*, *Clifford*, *Wynſorton*, *Yerdeſley*, *Huntington*, *Whytney*, *Wygmore*, *Logharneys* and *Stepulton*, in the ſaid marches of *Wales*, and every of them, and all and ſingular honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be for ever, from and after the ſaid feaſt of *All-Saints*, guildable, and ſhall be united, annexed and joined to and with the county of *Hereford*, as a member, part or parcel of the ſame county of *Hereford*; (2) and that the lordſhips of *Wygmore* and *Logharneys*, with their members, ſhall be taken, named and known by the name of the hundred of *Wygmore* in the county of *Hereford* aforeſaid; and that the inhabitants thereof ſhall be attendant and do every thing and things at every ſeſſions, aſſiſe and gaol-delivery, to be holden within the ſaid county of *Hereford*, as the inhabitants of all other hundreds do within the ſaid county of *Hereford*, according to the laws of this realm of *England*. (3) And that the whole lordſhip of *Ewyas Lacy*, with the members, ſhall be taken, named and known by the name

Towns annexed to the county of Hereford.

name of the hundred of *Ewyas Lacy*, within the ſaid county of *Hereford*; and the inhabitants thereof ſhall be attendant and do every thing and things at every ſeſſions, aſſiſe and gaol-delivery, to be holden within the ſaid county of *Hereford*, as the inhabitants of all other hundreds do within the ſaid county of *Hereford*, according to the laws of this realm of *England*. (4) And that the lordſhip of *Ewyas Harold*, with the members, ſhall be united, joined and knit to the hundred of *Webtree* in the ſaid county of *Hereford*, and ſhall be taken, named and known to be parcel of the ſaid hundred of *Webtree*; and the inhabitants thereof ſhall be attendant and do every thing and things with the inhabitants of the ſame hundred of *Webtree*, as the inhabitants of the ſame hundred now do, according to the laws of this realm of *England*. (5) And that the lordſhips of *Clifford*, *Wynforton*, *Yerdeſley*, *Whitney* and *Huntington*, with their members, ſhall be taken, named and known by the name of the hundred of *Huntington*, within the county of *Hereford* aforeſaid, and that the inhabitants thereof ſhall be attendant and do every thing and things at every ſeſſions, aſſiſe and gaol-delivery, to be holden within the ſaid county of *Hereford*, as the inhabitants of all other hundreds do within the ſaid county of *Hereford*, according to the laws of this realm of *England*. (6) And that the ſaid hundred of *Wygmore*, with the members, and the ſaid hundred of *Ewyas Lacy*, and the ſaid hundred of *Huntington*, and the ſaid lordſhip of *Ewyas Harold*, annexed unto the hundred of *Webtree*, after the ſaid feaſt of *All-Saints*, ſhall be in no wiſe otherwiſe privileged, nor have no other liberty, franchiſes, nor privilege, but as hundreds united and annexed to the ſaid county of *Hereford*, and as other hundreds be within the ſaid county of *Hereford*.

Towns in the marches of Wales annexed to the county of Glouceſter.

XIII. And that the lordſhips, towns and pariſhes of *Wollaſtone*, *Tidnam* and *Bechley*, in the ſaid marches of *Wales*, and all honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being between *Chepſtow* bridge in the ſaid marches of *Wales* and *Glouceſterſhire*, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable from and after the ſaid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the ſaid county or ſhire of *Glouceſter*, as a member, part or parcel of the ſame. (2) And that the ſaid lordſhips, towns, and pariſhes of *Wollaſtone*, *Tidnam* and *Bechley*, and all honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being between *Chepſtow* bridge and the ſhire of *Glouceſter*, as is aforeſaid, ſhall be united, joined and knit to the hundred of *Weſebery* within the ſaid ſhire of *Glouceſter*, and ſhall be taken, named and known to be part and parcel of the ſame hundred, and the inhabitants thereof ſhall be attendant and do every thing and things with the inhabitants of the ſaid hundred of *Weſebery*, as the inhabitants of the ſame hundred now do, according to the laws of this realm of *England*. (3) And that the ſaid lordſhips of *Wollaſtone*, *Tidnam* and *Becheley*, after the ſaid

feaſt

feaſt of *All-Saints*, ſhall be in no wiſe privileged, nor have any other liberty, franchiſe, ne privilege, but as parcel of the ſaid hundred of *Weſebery* in the ſaid county of *Glouceſter*.

Towns annexed to the county of Glamorgan.

XIV. And that the lordſhips, towns, pariſhes, commotes, hundreds and cantreds of *Gowerkilvy*, *Biſhops Town*, *Landaffe*, *Singhnithe ſupra*, *Singhnithe ſubtus*, *Maſkin*, *Ogmore*, *Glynerotheney*, *Tallagarney*, *Ruthien*, *Tallavan*, *Lanblethyan*, *Lantwid*, *Tyeryal*, *Avan*, *Nethe*, *Landewey*, and the *Clays* in the ſaid country of *Wales*, and every of them, and all honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever from and after the ſaid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Glamorgan*, as a member, part or parcel of the ſame. (2) And that the ſaid ſhire of *Glamorgan* and *Mordonnoke*, and all the aforeſaid lordſhips, towns, pariſhes, commotes, hundreds, and cantreds, united and annexed to the ſaid county of *Glamorgan*, ſhall from and after the ſaid feaſt of *All-Saints* be reputed, named, accepted and known by the name and ſhire of *Glamorgan* only, and by none other name.

Juſtice executed in Glamorganſhire.

XV. And that from and after the ſaid feaſt of *All-Saints*, juſtice ſhall be miniſtred and executed to the King's ſubjects and inhabitants of the ſaid county of *Glamorgan*, according to the laws, cuſtoms and ſtatutes of this realm of *England*, and after no *Welch* laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the King's ſubjects within the three ſhires of *North Wales*.

Towns annexed to the county of Kayermarthen.

XVI. And that the lordſhips, towns, pariſhes, commotes, hundreds and cantreds of *Lanemthevery*, *Abermerleſe*, *Kedwely*, *Eſkenning*, *Cornewolthou*, *Newcaſtle*, *Emel*, *Abergoyly*, in the ſaid country of *Wales*, and every of them, and all honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Kayermarthen*, as a member, part or parcel of the ſame; (2) and that from and after the ſaid feaſt of *All-Saints*, juſtice ſhall be miniſtred and executed to the King's ſubjects and inhabitants of the ſaid county of *Kayermarthen*, according to the laws, cuſtoms and ſtatutes of this realm of *England*, and after no *Welch* laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the King's ſubjects within the three ſhires of *North Wales*.

Towns annexed to the county of Pembroke.

XVII. And that the lordſhips, towns, pariſhes, commotes, hundreds and cantreds of *Haverfordweſt*, *Kilgarran*, *Lanſteffan*, *Langeharne*, otherwiſe called *Tallangherne*, *Walwynſcaſtle*, *Dewsland*, *Lannebadein*, *Lanfey*, *Herberth*, *Slebeche*, *Roſmarket*, *Caſtellan*

¶ Init. 222.

lan and *Landofleure*, in the ſaid country of *Wales*, and every of them, and all honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying and being within the compaſs or precinct of the ſaid lordſhips, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Pembroke*; (2) and that from and after the ſaid feaſt of *All-Saints*, juſtice ſhall be miniſtred and executed to the King's ſubjects and inhabitants of the ſaid county of *Pembroke*, according to the laws, cuſtoms and ſtatutes of this realm of *England*, and after no *Welch* laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the King's ſubjects within the three ſhires of *North Wales*.

Towns annexed to the county of Cardigan.

XVIII. And that the lordſhips, towns, pariſhes, commotes, hundreds and cantreds of *Tregaron*, *Glenergine*, *Landway*, *Ureny*, in the ſaid country of *Wales*, and every of them, and all honours, lordſhips, caſtles, manors, lands, tenements and hereditaments, lying or being within the compaſs or precinct of the ſaid lordſhips, towns, pariſhes, commotes, hundreds and cantreds, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Cardigan*, as a member, part and parcel of the ſame; (2) and that from and after the ſaid feaſt of *All-Saints*, juſtice ſhall be miniſtred and executed to the King's ſubjects and inhabitants of the ſaid county of *Cardigan*, according to the laws, cuſtoms and ſtatutes of this realm of *England*, and after no *Welch* laws, and in ſuch form and faſhion as juſtice is miniſtred and uſed to the King's ſubjects within the three ſhires of *North Wales*.

Towns annexed to the county of Merioneth.

XIX. And that the lordſhip, town, and pariſh of *Mouthway*, in the ſaid country of *Wales*, in whoſe poſſeſſion ſoever it be, and all lands, tenements and hereditaments now lying or being within the compaſs or precinct of the ſaid lordſhip, town and and pariſh of *Mouthway*, or any of them, in whoſe poſſeſſion ſoever they be or ſhall be, and every part thereof, ſhall ſtand and be guildable for ever, from and after the ſaid feaſt of *All-Saints*, and ſhall be united, annexed and joined to and with the county of *Merioneth* in *North-Wales*, as a commote, member, part or parcel of the ſame.

Seſſions, courts, leets, &c. ſhall be kept in the Engliſh tongue.

XX. Alſo be it enacted by the authority aforeſaid, That all juſtices, commiſſioners, ſheriffs, coroners, eſcheators, ſtewards, and their lieutenants, and all other officers and miniſters of the law, ſhall proclaim and keep the ſeſſions courts, hundreds, leets, ſheriffs courts, and all other courts in the *Engliſh* tongue; and all oaths of officers, juries, and inqueſts, and all other affidavits, verdicts and wagers of law, to be given and done in the *Engliſh* tongue; (3) and alſo that from henceforth no perſon or perſons that uſe the *Welch* ſpeech or language, ſhall have or enjoy

joy any manner office or fees within this realm of *England*, *Wales*, or other the King's dominion, upon pain of forfeiting the ſame offices or fees, unleſs he or they uſe and exerciſe the *Engliſh* ſpeech or language.

Theſe ſheriffs ſhall put every miſruled perſon under common mainpriſe. 34 & 55 H. 8. c. 26.

XXI. And it is further enacted by the authority aforeſaid, That it ſhall be lawful to the ſheriff of every of the aforeſaid ſhires of *Monmouth*, *Brecknock*, *Radnor*, *Montgomery* and *Denbigh*, and every of them, to put every miſruled and ſuſpect perſon within their ſheriffwick, under common mainpriſe and ſurety of their perſonal appearance, as the ſheriffs do within every of the three ſhires of *North Wales*; (2) and that the recognizances of ſuch common mainpriſe and ſurety of appearance taken before any of the ſaid ſheriffs, ſhall be as good and effectual as if it were taken by any juſtice of record.

Certificate of recognizance in Monmouth.

XXII. And that the ſheriff of the county of *Monmouth* ſhall certify ſuch recognizances, common mainpriſe or ſurety of appearance, at every quarter-ſeſſions, before the juſtices of the peace of the ſaid county of *Monmouth*; (2) and that every perſon or perſons within the ſaid county of *Monmouth*, put under common mainpriſe, and bound to his perſonal appearance, ſhall keep their perſonal appearance at the ſeſſions holden within the ſaid ſhire of *Monmouth*, next after the clauſe of *Eaſter*, and at the ſeſſions to be holden within the ſaid ſhire next after the feaſt of Saint *Michael* the archangel, until ſuch time that they be thereof releaſed after the form of the law.

Certificate of recognizances.

XXIII. And that every of the ſheriffs of the ſaid counties of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, and every of them, ſhall certify ſuch recognizances, common mainpriſe or ſurety of appearance by them taken, before ſuch juſtice as ſhall be appointed by our ſovereign lord the King within every of the ſaid ſhires, at every ſeſſions to be holden in any of the ſaid ſhires before the ſame juſtice.

Appearance of them which are bound.

XXIV. And that every perſon and perſons within the ſaid counties of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, and alſo within the abovenamed counties of *Glamorgan*, *Kayermarthen*, *Pembroke* and *Cardigan*, or any of them, put under common mainpriſe, and bound to his or their perſonal appearance, as well by the aforeſaid ſheriffs, as by the juſtices of any of the ſaid counties, ſhall keep their appearances before the ſaid juſtices at every ſeſſions within the ſaid counties to be holden, in ſuch like manner and form as is uſed in the three ſhires of *North Wales*.

Lord marcher ſhall have half the forfeiture of his tenants.

XXV. *And for that the lords marchers before this preſent parliament have uſed to put their tenants within their lordſhips marchers, under ſuch common mainpriſe and ſurety of appearance, and have had the forfeitures thereof, which for ever from and after the ſaid feaſt of* All-Saints, *ſhall utterly ceaſe and determine:* (2) therefore be it enacted by the authority aforeſaid, That after the ſaid feaſt of *All-Saints*, every lay and temporal perſon now being a lord marcher, ſhall have the moiety or half of every forfeiture of all and every common mainpriſe, recognizance for the peace

Farther proviſions relating hereto, 1 & 2 Ph. & M. c. 15. ſ. 5. Co. pl. f. 534.

or

or appearance, forfeited by any of their tenants inhabiting within any of their lordſhips marchers; (3) and they to be paid the ſame moiety or half by the hands of the ſheriffs of every of the ſame counties where ſuch forfeitures ſhall be, if the ſheriff can levy the ſame; (4) and the ſame ſheriff to account to our ſovereign lord the King for the other half or moiety, in ſuch exchequer as they be bound to be accomptant.

Commiſſions to divide the ſhires of Wales into hundreds.

XXVI. Be it further enacted by the authority aforeſaid, That immediately upon the prorogation or diſſolution of this preſent parliament, the lord chancellor of *England* ſhall direct the King's commiſſion under his Grace's great ſeal, to ſuch perſons as to him ſhall be thought convenient, to enquire and view all the ſaid ſhires of *Kayermarthen*, *Pembroke*, *Cardigan*, *Monmouth*, *Brecknock*, *Radnor*, *Mountgomery*, *Glamorgan* and *Denbigh*, and every part and parcel of them; and upon ſuch view and ſearch, to divide them and every of them into ſo many hundreds as they ſhall think moſt meet and convenient; (2) and the hundreds ſo divided ſhall return and certify with the ſaid commiſſion into the high court of chancery before the ſaid feaſt of *All-Saints*, and the ſame to remain of record, and to be of ſuch force and effect as it were by act of parliament; (3) and that the ſaid hundreds, after the ſaid certificate, ſhall be uſed and taken as other hundreds be in every other ſhire within this realm of *England*.

Commiſſions to inquire the laws and cuſtoms of Wales.

XXVII. Furthermore it is enacted by the authority aforeſaid, That immediately after the prorogation or diſſolution of this preſent parliament, the lord chancellor of *England* ſhall direct the King's commiſſion under his Grace's great ſeal to ſuch perſons as to him ſhall be thought convenient, to enquire and ſearch out, by all ways and means that they can, all and ſingular laws, uſages and cuſtoms uſed within the ſaid dominion and country of *Wales*; (2) and the ſame ſhall return and certify to the King's highneſs, and his moſt honourable council, before the ſaid feaſt of *All-Saints* next coming; (3) and that upon deliberate advice thereof had and taken, all ſuch laws, uſages and cuſtoms as the King's highneſs and his ſaid moſt honourable council ſhall think expedient, requiſite and neceſſary to be had, uſed and exerciſed in the before rehearſed ſhires, or any of them, or in any other ſhire of the dominion or country of *Wales*, ſhall ſtand and be of full ſtrength virtue and effect, and ſhall be for ever inviolably obſerved, had, uſed and executed in the ſame ſhires, as if this act had never been had ne made; any thing in the ſame act contained to the contrary in any wiſe notwithſtanding.

Two knights for the ſhire of Monmouth, and one burgeſs for the town.

XXVIII. And it is further enacted by the authority aforeſaid, That for this preſent parliament, and all other parliaments to be holden and kept for this realm, two knights ſhall be choſen and elected to the ſame parliament for the ſhire of *Monmouth*, and one burgeſs for the borough of *Monmouth*, in like manner, form and order, as knights and burgeſſes of the parliament be elected and choſen in all other ſhires of this realm of *England*,

(2) and

(2) and that the ſame knights and burgeſſes ſhall have like dignity, preeminence and privilege, (3) and ſhall be allowed ſuch fees, as other knights and burgeſſes of the parliament have been allowed; (4) and the knights fees to be levied, perceived, received, gathered and paid in ſuch manner, form and order, as ſuch fees be gathered, levied, perceived, received and paid in other ſhires of this realm of *England*; (5) and the burgeſſes fees to be levied as well within the borough of *Monmouth* as within all other ancient boroughs within the ſaid ſhire of *Monmouth*.

Knights and burgeſſes for the parliament in Wales, and their fees.

XXIX. And that for this preſent parliament, and all other parliaments to be holden and kept for this realm, one knight ſhall be choſen and elected to the ſame parliaments for every of the ſhires of *Brecknock*, *Radnor*, *Mountgomery* and *Denbigh*, and for every other ſhire within the ſaid country or dominion of *Wales*; (2) and for every borough being a ſhire town within the ſaid country or dominion of *Wales*, except the ſhire town of the foreſaid county of *Merioneth*, one burgeſs; (3) and the election to be in like manner, form and order, as knights and burgeſſes of the parliament be elected and choſen in other ſhires of this realm; (4) and that the knights and burgeſſes, and every of them, ſhall have like dignity, preeminence and privilege, and ſhall be allowed ſuch fees, as other knights of the parliament have and be allowed; (5) and the knights fees to be levied and gathered of the commons of the ſhire that they be elected in; (6) and the burgeſſes fees to be levied and gathered as well of the boroughs and ſhire-towns as they be burgeſſes of, as of all other ancient boroughs within the ſame ſhires.

Lords marchers ſhall keep their liberties.

XXX. And it is further enacted by the authority aforeſaid, That all and every lay and temporal perſon and perſons, now being lords marchers, and having any lordſhips marchers or lordſhips royal, ſhall from and after the ſaid feaſt of *All-Saints* have all ſuch myſes and profits of their tenants, as they have had or uſed to have at the firſt entry into their lands in times paſt, (2) and alſo ſhall have, hold and keep, within the precinct of their lordſhips, courts baron, court leets and law-days and all and every thing to the ſame courts belonging; (3) and alſo ſhall have within the precinct of the ſaid lordſhips or law-day, waife, ſtraife, infanthef, outfanthef, treaſuretrove, deodands, goods and chattels of felons, and of perſons condemned or outlawed of felony or murder, or put in *exigent* for felony or murder, and alſo wreck *de mer*, wharfage and cuſtoms of ſtrangers, as they have had in times paſt, and as though ſuch privileges were granted unto them by our ſovereign lord the King by point of charter, any thing in this preſent act to the contrary notwithſtanding.

Farther proviſions relating hereto, 1 & 2 Ph. & M. c. 15. ſ. 6.

The cuſtoms of North Wales and the county palatine of Lancaſter ſaved.

XXXI. Provided alway, That this preſent act, nor any thing therein contained, ſhall take away or derogate any laws, uſages or laudable cuſtoms now uſed within the three ſhires of *North Wales*; (2) nor ſhall not deprive nor take away the whole liberties of the duchy of *Lancaſter*, but that the ſaid liberties

ſhall

ſhall continue and be uſed in every lordſhip, parcel of the ſaid duchy, within the dominion and country of *Wales*, as the liberties of the ſaid duchy, be uſed in ſhire ground, and not county palatine, within this realm of *England*.

XXXII. Provided alſo, That this act, nor any thing therein contained, do not extend nor be prejudicial to any perſon or perſons, to avoid any patent, joint patent of any office fees, annuities or reverſion of any office fees or annuities to them granted for term of their life or lives, by our ſovereign lord the King, or by any other perſon or perſons, either for the uſing, exerciſing or occupying any manner of office or otherwiſe; (2) but that they ſhall have and enjoy their ſaid fees, and all other offices or conſtableſhips, porterſhips, ſtewardſhips of leets, law-days, court barons and other offices, being not repugnant againſt this act; (3) and in caſe any ſuch offices be repugnant againſt this act, that then the grantees to have and enjoy their fees during their life or lives; any article or clauſe in this preſent act to the contrary in any wiſe notwithſtanding. A reſervation of patents.

XXXIII. Provided alſo, That this act, nor any thing therein contained, be not in any wiſe prejudicial to the right honourable *Henry* earl of *Worceſter*, for the exerciſing, uſing and occupying of the office of the juſtice of the whole county of *Glamorgan*; any thing in this preſent act contained to the contrary in any wiſe notwithſtanding. Earl of Worceſter juſtice of Glamorgan.

XXXIV. Provided alſo, That this act, nor any thing therein contained, extend not to deprive, take away or derogate any other acts before this time made for the trial of treaſon, murder or felonies, or acceſſaries of the ſame, committed and done in any lordſhip marcher in *Wales*, in the next ſhires of *England* adjoining to the ſaid lordſhip marcher. 26 H. 8. c. 6.

XXXV. Provided alway, That lands, tenements and hereditaments lying in the ſaid country and dominion of *Wales*, which have been uſed time out of mind, by the laudable cuſtoms of the ſaid country, to be departed and departable among iſſues and heirs males, ſhall ſtill ſo continue and be uſed in like form, faſhion and condition, as if this act had never been had nor made; any thing in this act to the contrary thereof notwithſtanding. Lands partable.

XXXVI. Provided alſo, and be it enacted by the authority aforeſaid, That the King's highneſs, notwithſtanding this act, or any thing therein contained, ſhall have power and authority, for the term of three years next after the end and diſſolution of this preſent parliament, to ſuſpend for ſuch time as ſhall pleaſe his Grace, or utterly to repeal, revoke and abrogate, this whole act or any part thereof, from time to time, as ſhall ſtand with his moſt gracious pleaſure, ſo that every ſuch ſuſpending, repeal and revocation from time to time, as often as any ſuch caſe ſhall happen, ſhall be made in writing under the great ſeal of *England*, and be annexed to the roll of this preſent parliament wherein this act ſhall be inrolled, and proclamations The King may ſuſpend or revoke this ſtatute.

thereupon to be made in every ſhire within the ſaid country and dominion of *Wales*; (2) and that every ſuch ſuſpending, repeal and revocation, ſo to be had and made by the King's highneſs, ſhall be as good and effectual to all intents and purpoſes, as if the ſame had been done by authority of this preſent parliament; this act, or any thing therein contained to the contrary thereof notwithſtanding.

The King may erect in Wales ſo many courts and juſtices, &c. as he will.

XXXVII. *And where by this preſent act there is appointed one chancery and one exchequer at* Brecknock, *and another chancery and exchequer at* Denbigh, it is enacted by authority aforeſaid, That the King's highneſs, from time to time, within the term of five years next after the end of this parliament, for due miniſtration of juſtice in the ſaid country of *Wales*, ſhall have power and authority to erect, make and ordain ſuch court or courts, and ſo many courts of record, and ſuch and ſo many juſtices, miniſters, officers and clerks, as by his highneſs within the time of five years next after the end of this preſent parliament ſhall be thought ſufficient and convenient, as well for the due execution of this act, or of any thing or things that ſhall be had, done or made by authority of the ſame, as for the good governance and rule of the ſaid country of *Wales*.

The office of prothonotary and clerk of the crown.

XXXVIII. Provided alway, That this act, or any thing or things to be done by authority thereof, ſhall not be prejudicial to any perſon or perſons, which now have by the King's letters patents any office or offices of prothonotary or clerk of the crown in the ſaid country or dominion of *Wales*; but that they and every of them ſhall and may ſtill have and uſe their offices in as large and ample manner, form, faſhion and condition, as if this act, or any thing to be done by authority thereof, had never been had or made, any thing in this act to the contrary thereof notwithſtanding.

Lord Ferrers's offices in Wales reſerved.

XXXIX. Provided alſo, That this act, or any thing therein contained, extend not, or in any wiſe be prejudicial or hurtful to Sir *Walter Devereux*, knight of the noble order of the Garter, and Lord *Ferrers* of *Chartley*, of, for and concerning the offices of chief juſtices of *South Wales*, the office of chamberlain of *South Wales*, and of the counties of *Carmarthen* and *Cardigan* in *South Wales* aforeſaid, and of and for the office of the ſtewardſhip of the lordſhip of *Bealth* in the marches of *South Wales*, and of and for the office of receiverſhip of the ſaid lordſhip of *Bealth*, or of, for or concerning any of the ſaid offices; (2) but that the ſaid lord *Ferrers* may have, uſe, exerciſe and enjoy the ſaid offices, and every of them, with all fees, wages, emoluments, commodities and profits to the ſame offices, or to any of them in any wiſe belonging or appertaining, in as large and ample manner, form and condition, as if this act had never been had or made.

1 Ed. 6. c. 10.

CAP. XXVII.

An act eſtabliſhing the court of augmentations.

33 H. 8. c. 39.
7 Ed. 6. c. 2.
1 M. ſeſſ. 2. c. 10.
1 Eliz. c. 4.

BIBLIOTHECA BODLEIANA

CAP.

CAP. XXVIII.

* *All monaſteries given to the King, which have not lands above two hundred pounds by the year.*

* *An act that all religious houſes under the yearly revenue of two hundred pounds ſhall be diſſolved and given to the King and his heirs.* —Rot. Parl'. —Prima Pars.—

FOraſmuch *as manifeſt ſynne, vicious, carnal and abominable living is dayly uſed and committed commonly in ſuch little and ſmall abbeys, priories and other religious houſes of monks, canons and nuns, where the congregation of ſuch religious perſons is under the number of twelve perſons, whereby the governors of ſuch religious houſes, and their covent, ſpoyle, deſtroye, conſume and utterly waſte, as well their churches, monaſteries, priories, principal houſes, farms, granges, lands, tenements and hereditaments, as the ornaments of their churches, and their goods and chatells, to the high diſpleaſure of Almighty God, ſlander of good religion, and to the great infamy of the King's highneſs and the realm, if redreſs ſhould not be had thereof. And albeit that many continual viſitations hath been heretofore had, by the ſpace of two hundred years and more, for an honeſt and charitable reformation of ſuch unthrifty, carnal and abominable living, yet nevertheleſs little or none amendment is hitherto had, but their vicious living ſhameleſsly encreaſeth and augmenteth, and by a curſed cuſtom ſo rooted and infected, that a great multitude of the religious perſons in ſuch ſmall houſes do rather chooſe to rove abroad in apoſtacy, than to conform themſelves to the obſervation of good religion; ſo that without ſuch ſmall houſes be utterly ſuppreſſed, and the religious perſons therein committed to great and honourable monaſteries of religion in this realm, where they may be compelled to live religiouſly, for reformation of their lives, the ſame elſe be no redreſs nor reformation in that behalf. In conſideration whereof, the King's moſt royal Majeſty, being ſupreme head on earth, under God, of the church of* England, *dayly ſtudying and devyſing the increaſe, advancement and exaltation of true doctrine and virtue in the ſaid church, to the only glory and honour of God, and the total extirping and dyſtruction of vice and ſin, having knowledge that the premiſſes be true, as well by the accompts of his late viſitations, as by ſundry credible informations, conſidering alſo that divers and great ſolemn monaſteries of this realm, wherein (thanks be to God) religion is right well kept and obſerved, be deſtitute of ſuch full number of religious perſons, as they ought and may keep, hath thought good that a plain declaration ſhould be made of the premiſſes, as well to the lords ſpiritual and temporal, as to other his loving ſubjects the commons, in this preſent parliament aſſembled: whereupon the ſaid lords and commons, by a great deliberation, finally be reſolved, that it is and ſhall be much more to the pleaſure of Almighty God, and for the honour of this his realm, that the poſſeſſions of ſuch ſmall religious houſes now being ſpent, ſpoiled and waſted for increaſe and maintenance of ſin, ſhould be uſed and committed to better uſes, and the unthrifty religious perſons, ſo ſpending the ſame, to be compelled to reform their lives:* And thereupon moſt humbly deſire the King's highneſs that it may be enacted by authority of this preſent parliament, That his Majeſty ſhall have and enjoy to him and

This ſtatute is omitted by Raſtal.

All monaſteries given to the King which have not above two hundred pounds lands. Watſon's Compl. Incumb. c. 48. 31 H. 8. c. 13. 35 H. 8. c. 14. 37 H. 8. c. 20. 1 Ed. 6. c. 14.

his heirs for ever, all and ſingular ſuch monaſteries, priories and other religious houſes of monks, canons and nuns, of what kinds of diverſities of habits, rules or order ſoever they be called or named, which have not in lands, tenements, rents, tythes, portions and other hereditaments, above the clear yearly value of two hundred pound. (2) And in like manner ſhall have and enjoy all the ſites and circuits of every ſuch religious houſes, and all and ſingular the manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, annuities, rights, entries, conditions, and other hereditaments appertaining or belonging to every ſuch monaſtery, priory or other religious houſe, not having, as is aforeſaid, above the ſaid clear yearly value of two hundred pound, in as large and ample manner as the abbots, priors, abbeſſes, prioreſſes and other governors of ſuch monaſteries, priories and other religious houſes now have, or ought to have the ſame in the right of their houſes.

The King ſhall have all monaſteries before aſſured to him, or that have been ſuppreſſed. Hob. 242, 307.

(3) And that alſo his Highneſs ſhall have to him and to his heirs all and ſingular ſuch monaſteries, abbies and priories, which at any time within one year next before the making of this act hath been given and granted to his Majeſty by any abbot, prior, abbeſs or prioreſs, under their covent ſeals, or that otherwiſe hath been ſuppreſſed or diſſolved, and all and ſingular the manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions, churches, chapels, advowſons, patronages, rights, entries, conditions, and all other intereſts and hereditaments to the ſame monaſteries, abbeys and priories, or to any of them appertaining or belonging; (4) to have and to hold all and ſingular the premiſſes, with all their rights, profits, juriſdictions and commodities, unto the King's majeſty, and his heirs and aſſigns for ever, to do and uſe therewith his and their own wills, to the pleaſure of Almighty God, and to the honour and profit of this realm.

They ſhall enjoy thoſe abbey lands to whom the King hath given them.

II. And it is ordained and enacted by the authority aforeſaid, That all and every perſon and perſons, and bodies politick, which now have, or hereafter ſhall have, any letters patents of the King's highneſs, of any of the ſites, circuits, manors, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, tithes, entries, conditions, intereſts or other hereditaments, which appertained to any monaſteries, abbies or priories, heretofore given or granted to the King's highneſs, or otherwiſe ſuppreſſed or diſſolved, or which appertaineth to any of the monaſteries, abbies, priories or other religious houſes, that ſhall be ſuppreſſed or diſſolved by the authority of this act, ſhall have and enjoy the ſaid ſites, circuits, manors, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, churches, chapels, advowſons, patronages, tithes, entries, conditions, intereſts and all other hereditaments, contained and ſpecified in their lette s patents now being thereof made, and to be contained and expreſſed in any letters patents hereafter to be made, according to the tenor, purport and effect of any ſuch letters patents;

patents; and ſhall alſo have all ſuch actions, ſuits, entries and remedies to all intents and purpoſes, for any thing and things contained in every ſuch letters patents now made, or to be contained in any ſuch letters hereafter to be made, in like manner, form and conditions, as the abbots, priors, abbeſſes, prioreſſes, and other chief governors of any religious houſes which had the ſame, might or ought to have had, if they had not been ſuppreſſed or diſſolved.

A ſaving of the right of others.

III. Saving to every perſon and perſons, and bodies politick, their heirs and ſucceſſors, (other than the abbots, priors, abbeſſes, prioreſſes, and other chief governors of the ſaid religious houſes ſpecified in this act, and the covents of the ſame, and their ſucceſſors, and ſuch as pretend to be founders, patrons or donors of ſuch religious houſes, or of any lands, tenements or hereditaments belonging to the ſame, and their heirs and ſucceſſors) all ſuch right, title, intereſt, poſſeſſions, leaſes for years, rents, ſervices, annuities, commodities, fees, offices, liberties and livings, penſions, portions, corrodies, ſynodies, proxies, and all other profits, as they or any of them hath, ought or might have had, in or to any of the ſaid monaſteries, abbies, priories or other religious houſes, or in or to any manors, lands, tenements, rents, reverſions, tithes, penſions, portions, or other hereditaments appertaining or belonging, or that appertained to any of the ſaid monaſteries, priories or other religious houſes, as if the ſame monaſteries, priories or other religious houſes had not been ſuppreſſed by this act, but had continued in their eſſential bodies and ſtates that they now be, or were in.

Fraudulent aſſurances made by governors of houſes before their diſſolutions ſhall be void.

IV. Provided always, and be it enacted, That foraſmuch as divers of the chief governors of ſuch religious houſes, determining the utter ſpoil and deſtruction of their houſes, and dreading the ſuppreſſing thereof, for the maintenance of their deteſtable lives, have lately fraudently and craftily made feoffments, eſtates, gifts, grants and leaſes, under the covent ſeals, or ſuffered recoveries of their manors, lands, tenements and hereditaments in fee-ſimple, or fee-tail, for term of life or lives, or for years, or charged the ſame with rents or corrodies, to the great decay and diminution of the houſes; that all ſuch crafty and fraudulent recoveries, feoffments, eſtates, gifts, grants and leaſes, and every of them, made by any of the ſaid chief governors of ſuch religious houſes, under their covent ſeals, within one year next before the making of this act, ſhall be utterly void and of none effect: (2) provided always, That ſuch perſon and perſons as have leaſes for term of life or years, whereupon is reſerved the old rents and ferms accuſtomed, and ſuch as have any offices, fees or corrodies, that have been accuſtomed or uſed in ſuch religious houſes, and have bought any livery or living in any ſuch houſes, ſhall have and enjoy their ſaid leaſes, offices, fees, corrodies, liberties, liveries and livings, as if this act had never been made.

Ornaments, jewels, goods,

V. And it is further enacted, by authority aforeſaid, That the King's highneſs ſhall have and enjoy to his own proper uſe, all

chattels, debts of monaſteries, given to the King.

ſuch ornaments, jewels, goods, chattels and debts, which appertained or belonged to any of the chief governors of the ſaid monaſteries or religious houſes, in the right of their ſaid monaſteries or houſes, at the firſt day of *March* in the year of our Lord God 1535. or any time ſithen whenſoever, and to whoſe poſſeſſion ſoever they ſhall come or be found, except only ſuch beaſts, grain and woods, and ſuch other like chattels and revenues, as have been ſold before the ſaid firſt day of *March* or ſithen, for the neceſſary or reaſonable expences or charges of any of the ſaid monaſteries or houſes.

Provided always, That ſuch of the ſaid chief governors which have been elect or made abbot, prior, abbeſs or prioreſs of any of the ſaid religious houſes ſithen the firſt day of *January*, which was in the year of our Lord God 1534. and by reaſon thereof be bounden to pay the firſt-fruits to the King's highneſs, at days to come, limited by their bonds made for the ſame, that in every ſuch caſe ſuch chief governors and their ſureties, or any of them, ſhall be clearly diſcharged by authority of this act, againſt the King's highneſs, and all other perſons, for the payment of ſuch ſums of money as they ſtand bounden to pay for the ſaid firſt-fruits, or for any part thereof. And foraſmuch as the clear yearly value of all the ſaid monaſteries, priories and other religious houſes in this realm, is certified into the King's exchequer, amongſt the books of the yearly valuation of all the ſpiritual poſſeſſions of this realm, amongſt which ſhall and may appear the certainty and number of ſuch ſmall and little religious houſes, as have not in lands, tenements, rents, tythes, portions and other hereditaments, above the ſaid clear yearly value of two hundred pounds:

The King ſhall have the actual poſſeſſion of the abbey lands.

VI. Be it therefore enacted by authority aforeſaid, That the King's highneſs ſhall have and enjoy, according to this act, the actual and real poſſeſſion of all and ſingular ſuch monaſteries, priories and other religious houſes, as ſhall appear by the ſaid certificate remaining in the King's exchequer, not to have in lands, tenements, rents, tithes, portions and other hereditaments, above the ſaid clear yearly value of two hundred pounds, ſo that his Highneſs may lawfully give, grant and diſpoſe them, or any of them, at his will and pleaſure, to the honour of God, and the wealth of this realm, without farther inquiſitions or offices to be had or found for the ſame.

* *All that follows to ſect. 7. is omitted in Pulton's and Keble's ſtatutes; but is in the parliament records.* Vid. Watſon's compl. Incumb. 536.

* In conſideration of which premiſſes to be had to his Highneſs, and to his heirs, as is aforeſaid, his Majeſty is pleaſed and contented, of his moſt excellent charity, to provide to every chief head and governor of every ſuch religious houſe, during their lives, ſuch yearly penſions and benefices as for their degrees and qualities ſhall be reaſonable and convenient, wherein his Highneſs will have moſt tender reſpect to ſuch of the ſaid chief governors, as well and truly preſerve and keep the goods and ornaments of their houſes, to the uſe of his Grace, without ſpoil, waſte, or embezzling the ſame; and alſo his Majeſty will ordain and provide, that the covents of every ſuch religious houſe ſhall have

have their capacities, if they will, to live honeſtly and virtuouſly abroad, and ſome convenient charity diſpoſed to them towards their living, or elſe ſhall be committed to ſuch honourable great monaſteries of this realm wherein good religion is obſerved, as ſhall be limited by his Highneſs, there to live religiouſly during their lives; and it is ordained by the authority aforeſaid, That the chief governors and covents of ſuch honourable great monaſteries ſhall take and accept into their houſes, from time to time, ſuch number of the perſons of the ſaid covents as ſhall be aſſigned and appointed by the King's highneſs, and keep them religiouſly, during their lives, within their ſaid monaſteries, in like manner and form as the covents of ſuch great monaſteries be ordered and kept.

Provided always, that all archbiſhops, biſhops and other perſons which be or ſhall be chargeable to and for the collection of the tenths, granted and going out of the ſpiritual poſſeſſions of this realm, ſhall be diſcharged and acquitted of and for ſuch parts and portions of the ſaid tenths wherewith the ſaid houſes of religion, ſuppreſſed and diſſolved by this act, were charged or chargeable to the King's highneſs, except of ſuch ſums of money thereof, as they or any of them have or ſhall have received for the ſaid tenths, of the chief governors of ſuch religious houſes.

Provided alſo, That where the clergy of the province of *Canterbury* ſtand and be indebted to the King's highneſs in great ſums of money, remaining yet unpaid, of the reſt of a hundred thouſand pounds granted and given to his Grace in their convocation, towards the payment whereof the ſaid religious houſes ſhould have been contributory if they had not been ſuppreſſed by this act; and alſo ſome of the governors of the ſaid religious houſes have been collectors for levying of the ſaid debt, and have received thereof great ſums of money yet remaining in their hands; the King's moſt royal majeſty is pleaſed and contented to deduct, abate, releaſe and defalk, to the ſaid clergy, of the ſaid reſt yet unpaid, as well ſuch ſums of money as any the chief governors of ſuch religious houſes hath received, and not paid, as ſo much money as every of the ſaid religious houſes, ſuppreſſed by this act, were rated and taxed to pay in any one year, to and for the payment of the ſaid hundred thouſand pounds: and alſo the King's majeſty is pleaſed and contented, that it be enacted by authority aforeſaid, that his Highneſs ſhall ſatisfy, content and pay all and ſingular ſuch juſt and true debts which been owing to any perſon or perſons by the chief governors of any the ſaid religious houſes, in as large and ample manner as the ſaid chief governors ſhould or ought to have done if this act had never been made:

Provided alway, That the King's highneſs, at any time after the making of this act, may at his pleaſure ordain and declare, by his letters patents under his great ſeal, that ſuch of the ſaid religious houſes which his Highneſs ſhall not be diſpoſed to have ſuppreſſed nor diſſolved by authority of this act, ſhall ſtill

23 H. 8. c. 20.
25 H. 8. c. 20.
ſ. 2.

continue, remain and be in the ſame body corporate, and in the ſaid eſſential eſtate, quality and condition, as well in poſſeſſions as otherwiſe, as they were afore the making of this act, without any ſuppreſſion or diſſolution thereof, or of any part of the ſame, by authority of this act, and that any ſuch ordinance and declaration, ſo to be made by the King's highneſs, ſhall be good and effectual to the chief governors of ſuch religious houſes which his Majeſty will not have ſuppreſſed, and to their ſucceſſors, according to the tenors and purports of the letters patents thereof to be made; any thing or things contained in this act to the contrary hereof notwithſtanding.

Provided alſo, That where the clergy of the province of *York* ſtand and be indebted to the King's highneſs in great ſums of money yet unpaid, of the reſt of ſuch ſums of money which was granted by them to his Majeſty in their convocation, towards the payment whereof the religious houſes that ſhall be ſuppreſſed and diſſolved by this act, being within the ſame province, ſhould have been contributory if they had not been diſſolved, and alſo ſome of the governors of the ſaid religious houſes within the ſaid province, that ſhall be ſuppreſſed by this act, have been collectors for levying of part of the ſaid ſums of money granted to the King's highneſs as is aforeſaid, and have certain ſums thereof in their hands yet unpaid, the King's majeſty is pleaſed and contented to deduct, abate, releaſe and defalk, to the ſaid clergy of the ſaid province of *York*, of the reſt of their ſaid debt yet unpaid, as well ſuch of the ſaid ſums of money, as any chief governors of any religious houſes within the ſame province, that ſhall be ſuppreſſed by this act, hath collected and not paid, as ſo much money as every of the ſaid religious houſes, ſuppreſſed by this act, were rated and taxed to pay in any one year, towards the payment of the ſaid ſums of money granted to the King's highneſs.

A proviſo for the cells of other monaſteries being under obedience.

VII. Provided always, That this act, or any thing or things therein contained, ſhall not extend, nor be prejudicial to any abbots or priors of any monaſteries or priories being certified into the King's exchequer to have in poſſeſſions and profits ſpiritual and temporal above the clear yearly value of two hundred pounds, for or concerning ſuch cells of religious houſes, appertaining or belonging to their monaſteries or priories, in which cells the priors or other chief governors thereof be under the obedience of the abbots or priors to whom ſuch cells belong, as the monks or canons of the covents of their monaſteries or priories, and cannot ſue nor be ſued, by the laws of this realm, in or by their own proper names, for the poſſeſſions or other things appertaining to ſuch cells whereof they be priors or governors, but muſt ſue and be ſued in and by the names of the abbots or priors to whom they be obediencers, and to whom ſuch cells belong; (2) and alſo be priors or governors dative, and removable from time to time, and accountants of the profits of ſuch cells, at the only pleaſure and will of the abbots or priors to whom ſuch cells belong; but that every ſuch cell ſhall be and

and remain undiſſolved in the ſame eſtate, quality and condition, as if this act had never been made; any thing in this act to the contrary hereof notwithſtanding.

VIII. Saving always, and reſerving unto every perſon and perſons, being founders, patrons or donors of any abbies, priories or other religious houſes, that ſhall be ſuppreſſed by this act, their heirs and ſucceſſors, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, fees, offices, leaſes, commons, and all other profits whatſoever, which any of them have, or ſhould have had, without fraud or covin, by any manner of means, otherwiſe than by reaſon or occaſion of the diſſolution of the ſaid abbies, priories or other religious houſes, in, to or upon any the ſaid abbies, priories or other religious houſes, whereof they be founders, patrons or donors, or in, to or upon any the lands, tenements or other hereditaments appertaining or belonging to the ſame, in like manner, form and condition, as other perſons and bodies politick be ſaved by this act, as is afore rehearſed, and as if the ſaid abbies, priories or other religious houſes had not been ſuppreſſed and diſſolved by this act, but had continued ſtill in their eſſential bodies and eſtates as they be now in; any thing in this act to the contrary hereof notwithſtanding.

The right of founders and patrons ſaved.

IX. And be it further enacted, ordained and eſtabliſhed by authority aforeſaid, That all and ſingular perſons, bodies politick and corporate, to whom the King's majeſty, his heirs and ſucceſſors, hereafter ſhall give, grant, let or demiſe any ſite or precinct, with the houſes thereupon builded, together with the demeans of any monaſteries, priories or other religious houſes, that ſhall be diſſolved or given to the King's highneſs by this act, and the heirs, ſucceſſors, executors and aſſigns of every ſuch perſon, body politick and corporate, ſhall be bound by authority of this act, under the penalties hereafter enſuing, to keep, or cauſe to be kept, an honeſt continual houſe and houſhold in the ſame ſite or precinct, and to occupy yearly as much of the ſame demeans in ploughing and tillage of huſbandry, that is to ſay, as much of the ſaid demeans which hath been commonly uſed to be kept in tillage by the governors, abbots or priors of the ſame houſes, monaſteries or priories, or by their farmer or farmers occupying the ſame within the time of twenty years next before this act.

Hoſpitality and husbandry ſhall be kept upon the ſite of the houſes ſuppreſſed. Rep. 21 Jac. 1. c. 28.

X. And if any perſon or perſons, bodies politick or corporate, that ſhall be bounden by this act, do not keep an honeſt houſhold of huſbandry and tillage, in manner and form as is aforeſaid, that then he or they ſo offending ſhall forfeit to the King's highneſs for every month ſo offending, ſix pounds thirteen ſhillings and four-pence, to be recovered to his uſe in any of his courts of record.

XI. And over that it is enacted by authority aforeſaid, That all juſtices of peace, in every ſhire where any ſuch offence ſhall be committed or done, contrary to the true meaning and intent of this preſent act, ſhall, in every quarter and general ſeſſions within

Juſtices of peace ſhall enquire of and puniſh offenders.

within the limits of their commiſſion, enquire of the premiſſes, and ſhall have full power and authority to hear and determine the ſame, (2) and to tax and aſſeſs no leſs fine for every the ſaid offences, than is afore limited for the ſame offences, (3) and the eſtreats thereof to be made and certified into the King's exchequer, according and at ſuch time and form, as other eſtreats of fines, iſſues and amerciaments been made by the ſame juſtices.

Cui quidem bille perlect' &c. talit'eſt reſpons' le Roy le vult.

Statutes made at *Weſtminſter*, *Anno* 28 HEN. VIII. and *Anno Dom.* 1536.

ACTS *made in the parliament begun and holden at* Weſtminſter *the eighth day of* June *in the eight and twentieth year of the reign of our moſt dread ſovereign lord King* Henry *the Eighth, and there continued and kept till the diſſolution of the ſame parliament the eighteenth day of* July, *to the honour of God, and for the common weal and profit of this his realm.*

CAP. I.

An act that abjurers in caſes of petty treaſon ſhall not have clergy.

A rehearſal of the ſtatute of 21 H. 8. c. 14. touching the uſing of ſanctuary-perſons.

WHERE *in the laſt parliament begun and holden at* London *the third day of* November *in the one and twentieth year of the King's moſt gracious reign, and from thence adjourned to* Weſtminſter, *and there holden and continued by divers and ſundry prorogations, it was enacted, amongſt other things, That ſuch perſon and perſons which did flee or reſort to any pariſh church, cemitory or other like hallowed place, for tuition of his life, by occaſion of any murder, robbery or other felony by the ſame perſon committed, and thereupon confeſſed any murder, felony or other offence before a coroner, for the which the ſame perſon, by the law of this realm afore that time uſed, ſhould abjure and paſs out of this realm, ſhall be directed by the coroner to take his abjuration to any one ſanctuary being within this realm, which the ſame perſon would elect and chooſe, there to remain as a ſanctuary-man abjured during his natural life*; (2) *and if after ſuch abjuration any perſon ſo abjured came out of the ſame ſanctuary to the which he was aſſigned, and be taken without the ſame ſanctuary, not having the King's ſpecial pardon or licence ſo to do; that then every ſuch perſon abjured, and after abjuration taken without ſanctuary whereunto he was aſſigned, ſhould ſuffer like pain of death, and after ſuch like manner ſhould be ordered, as he ſhould have done and biden in caſe he had abjured this realm for murder or felony, and after ſuch abjuration had returned again into this realm, contrary*

trary to the laws of this land; (3) *and it is further ordained by the ſame act, That if any ſuch ſanctuary-perſon ſo abjured, or any other perſon or perſons which then were, or at any time after ſhould happen to be, in any ſanctuary within this realm for doing of any petty treaſon, murder or felony, or for being acceſſary to any ſuch offences; or if any perſon or perſons, which, at any time after the making of the ſame act, ſhould take any ſanctuary of this realm, for any petty treaſon, murder or felony, or for being acceſſary to any ſuch offences, or upon abjuration; and ſo being in ſanctuary for any ſuch cauſe, matter or offence, afterward commit any petty treaſon, murder or felony within the ſame ſanctuary, or be acceſſary to any ſuch offences, or go out of the ſame ſanctuary and commit any petty treaſon, murder or felony, or be acceſſary to any ſuch offences, and afterward come again to the ſame ſanctuary, or take any other ſanctuary for the ſame, that every ſuch perſon and perſons, being indicted for any of the ſaid cauſes or offences, ſhould loſe the privilege of the ſanctuary by him taken, and of every other ſanctuary within this realm, for any ſuch cauſe of petty treaſon, murder, felony or abjuration, or for any acceſſary to any ſuch offences.*

Felons abjuring for petty-treaſon, &c. ſhall not have clergy.

II. *And it was further ordained by the ſame act, That all foreign pleas triable by the country, which ſhould be pleaded by any perſon or perſons arraigned upon any indictment for any petty treaſon, murder or felony, ſhould be tried before the ſame juſtices afore whom ſuch perſons ſhould be arraigned, and by the ſame jurors of the county that ſhall try the petty treaſon, murder or felony, without any further reſpite or delay*; (2) *and that no perſon arraigned for any petty treaſon, murder or felony, ſhould be admitted to any peremptory challenge above the number of twenty*; (3) *which act was made to endure to the end of the next parliament, as by the ſaid act, amongſt divers clauſes and proviſions contained in the ſame, more plainly is expreſſed.*

Trial of foreign pleas.

No peremptory challenge above the number of 20.

III. *And where alſo in the ſame parliament it was enacted, That no perſon or perſons, which ſhould happen to be found guilty, after the laws of this realm, for any manner of petty treaſons, or for any wilful murder of malice prepenſed, or for robbing of any churches, chapels or other holy places, or for robbing of any perſon or perſons in their dwelling-houſes or dwelling places, the owner or dweller in the ſaid houſe, his wife, his children, or ſervants then being within, and put in fear and dread by the ſame; or for robbing of any perſon or perſons in or near about the highways, or for wilful burning of any dwelling-houſes, or barns wherein any corn or grain ſhall happen to be; nor that any perſon or perſons being found guilty of any abetment, procurement, helping, maintaining or counſelling of or to any ſuch petty treaſons, murders or felonies, ſhould be admitted to the benefit of their clergy, (ſuch as be within holy orders, that is to ſay, of the orders of ſubdeacon, or above, all only except) with many other clauſes and proviſions contained in the ſaid act, as by the ſame act more plainly appeareth*; (2) *which act was alſo made to continue and endure to the laſt day of the next parliament.*

25 H. 8. c. 3. Clergy taken from divers perſons which do commit ſeveral offences.

IV. *And*

IV. *And where alſo in the ſame parliament it was further enacted, That every ſuch perſon and perſons, which ſhould happen to be indicted of any petty treaſon, wilful burning of houſes, murder, robbery or burglary or other felony, according to the tenor and meaning of the ſaid eſtatute next above rehearſed, and thereupon arraigned, did ſtand mute of malice or froward mind, or challenge peremptory above the number of twenty, or elſe will not anſwer directly to the ſame indictment and felony whereupon they ſhall be arraigned, that then every ſuch perſon and perſons ſhould loſe the benefit and privilege of their clergy.*

25 H. 8. c. 3. V. *And it was alſo ordained by the ſame act, That if any perſon or perſons be indicted, and found guilty for ſtealing of any goods or chattels in any county of this realm, or being indicted ſtand mute of malice, or challenge peremptory above the number of twenty perſons, or will not anſwer directly to the law, ſhould alſo loſe the benefit of their clergy, in like manner and form as they ſhould have done if they had been indicted, arraigned and found guilty in the ſame county where the ſame robbery or burglary was done, if it ſhall appear to the juſtices, by evidence or examination, that the ſaid felons or robbers, arraigned before them, ſhould or ought to have loſt their clergy by force of the ſaid eſtatute, in caſe they had been found guilty of the ſame felonies or burglaries in the ſame ſhire where they were committed, as by the ſaid act amongſt other things more at large is expreſſed.*

The ſtatute of 25 H. 8. c. 6. rehearſed, and made to continue unto the next parliament.

VI. *And whereas alſo in the ſaid parliament it was further ordained, That the deteſtable vice of buggery, committed with mankind or beaſt, ſhould be felony, and that the offenders therein ſhould loſe the privilege of their clergy*; (2) *which act was made to endure to the laſt day of the next parliament, as by the ſame act, among other things, it appeareth more at large.* (3) *Foraſmuch as the ſaid acts be beneficial and profitable for the common wealth of this realm:* be it therefore enacted by authority of this preſent parliament, That the ſaid acts, and every of them, and all clauſes and proviſions contained in the ſame, ſhall ſtand in full ſtrength and virtue; and ſo from henceforth to continue and endure unto the laſt day of the next parliament.

Perſons in holy orders ſubject to the ſame pains that others be. 23 H. 8. c. 11. Made perpetual 32 H. 8. c. 3. Rep. 1 Mar. ſtat. 1. c. 1. ſ. 5.

VII. And be it alſo enacted by authority aforeſaid, That ſuch as be within holy orders ſhall from henceforth ſtand and be under the ſame pains and dangers for the offences contained in any of the ſaid ſtatutes, and be uſed and ordered to all intents and purpoſes, as other perſons not being within holy orders; any proviſion or exception ſpecified in any of the ſaid acts, or any other uſage or cuſtom of this realm, to the contrary thereof notwithſtanding. (2) This act to endure unto the laſt day of the next parliament.

CAP. II.

Rep. 1 M. ſeſſ. 1. c. 1. The ſtatutes of 21 *H.* 8. *c.* 7. and 27 *H.* 8. *c.* 17. touching ſervants imbeziling their maſters goods, made perpetual.

CAP.

CAP. III.

Authority given to the King *during three years* to allot newly the towns in the ſhires and marches of *Wales*, notwithſtanding the ſtatute of 27 *H.* 8. *c.* 26. *Continued for three years by* 31 H. 8. c. 11.

CAP. IV.

The repeal of the ſtatute made Anno 21. *for doulas and Lockeram.*

A rehearſal of the ſtatute of 21 H. 8. c. 14. touching the length and breadth of doulas and lockeram.

WHERE *in the parliament holden at* Weſtminſter *the third day of* November *in the* xxi. *year of the reign of our* ſovereign *lord King* Henry *the Eighth, amongſt other things it was enacted and eſtabliſhed, That no perſon or perſons* Engliſh *nor ſtranger, denizen or alien, from or after the feaſt of St.* Michael *the archangel then next following, ſhould bring or convey, or cauſe to be conveyed or brought, by any manner of means, into this realm of* England, *any linen cloth called doulas or lockerams, unleſs every whole piece of doulas contained in length five ſcore ells of aſſiſe, accounted to every ell one inch of aſſiſe, and in breadth one yard of aſſiſe; and every half piece fifty ells in length, and one yard in breadth of like aſſiſe, and all the whole piece and half piece of one goodneſs in making.* (2) *And alſo it was there enacted and eſtabliſhed, That every whole piece of lockerams ſhould be of like length as the whole piece of doulas; and every half piece of lockerams ſhould be of like length as the half piece of doulas; and every ſuch whole piece and half piece of lockerams to be in breadth a whole yard lacking a nail of the yard,* (3) *and every piece and half piece to be in like goodneſs by all the length of the ſame piece,* (4) *upon pain of forfeiture of the ſame doulas and lockerams ſo to be brought or conveyed into this realm, not containing the full length, breadth and goodneſs, or the value thereof, as in the ſame ſtatute more plainly at large doth appear:* (5) *ſithen the making of which act a great number of the King's ſubjects, that is to ſay, weavers, tuckers, ſpinners, dyers, and wool-pickers, and many others, have been idle and without work, to their great impoveriſhing, which more and more is like daily to increaſe, if remedy be not provided; foraſmuch as the cloth-makers, which before the making of the ſaid act were wont to convey their ſaid cloths into* Britain, *where the ſaid linen cloth called doulas and lockerams is made, and from thence to bring with them the ſaid linen cloth called doulas and lockeram, which they cannot do, ſithence the making of the ſaid act, without danger and forfeiture of the ſaid linen cloth, by reaſon that there ſhall no* Engliſhman *be ſuffered to carry or convey any of the ſaid cloths, called doulas or lockerams, from the parties of beyond the ſea into this realm, of the length contained in the ſaid act; which will make the ſaid cloth-makers to leave the making of their cloth, to the great and manifold perils of the King's ſubjects:* be it therefore enacted by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid act made in the ſaid xxi. year, be to all intents, purpoſes and conſtructions in the law, made utterly

How the aforeſaid ſtatute is prejudicial to cloth-makers.

A repeal of the ſaid ſtatute.

utterly void and of none effect, as if the ſaid act had never been had nor made. (6) Nevertheleſs, to the intent that the buyers of the ſaid linen cloths ſhall not be at any time hereafter deceived by the length of the ſaid cloths:

In what manner doulas and lockeram ſhall be brought into this land and put to ſale.

II. Be it therefore enacted by the authority aforeſaid, That after the feaſt of St. *Michael* the archangel next coming, no manner of perſon, *Engliſh* nor ſtranger, denizen nor alien, put to ſale any whole piece or half piece of the ſaid linen cloth, called doulas and lockerams, unleſs there be mention expreſſed upon every of the ſaid whole piece or half piece of the ſaid linen called doulas or lockeram, ſo put to ſale as is aforeſaid, the whole and entire number of the yards or ells that is contained in every ſuch whole piece or half piece, (2) upon pain of forfeiture of the ſame whole piece or half piece, not containing the number of yards or ells ſo mentioned upon every of the ſaid whole piece or half piece ſo put to ſale as is aforeſaid; the one half of every ſuch forfeiture to be to the King our ſovereign lord, and the other half to him that ſhall ſeiſe and will ſue for the ſame by action of debt, bill, plaint, information or otherwiſe; in which action, ſuit or information, no wager of law nor eſſoin ſhall be admitted or allowed.

The contents of every piece of doulas and lockeram ſhall be ſet upon the cloth.

Penalty.

Informations againſt offenders before this ſtatute.

III. Provided always, That this act, or any thing therein contained, be not prejudicial ne hurtful to any perſon or perſons that before the firſt day of this parliament hath made any ſeiſure, or put in any information into any of the King's courts, for any manner of forfeiture done or committed by any perſon or perſons contrary to the ſaid eſtatute made in the ſaid third day of *November*, the twenty-firſt year of the reign of our ſovereign lord King *Henry* the Eighth.

CAP. V.

For apprentices.

19 H. 7. c. 7. No ordinances ſhall be made by fellowſhips of crafts, but by the conſent of the chancellor, &c.

WHERE *in the parliament begun at* London *the third day of* November *in the twenty-firſt year of the reign of our moſt dread ſovereign lord King* Henry *the Eighth, and from thence adjourned and prorogued to* Weſtminſter *the ſixteenth day of* January *in the twenty-ſecond year of the reign of our ſaid ſovereign lord, and there then alſo holden; it was and is recited, That where before that time it was eſtabliſhed and enacted in the nineteenth year of our late ſovereign lord King* Henry *the Seventh, that no maſter, wardens and fellowſhip of crafts, or any of them, nor any rulers of guilds or fraternities, ſhould take upon them to make any acts or ordinances, ne to execute any acts or ordinances by them before that time made, or then hereafter to be made, in diſheritance or diminution of the prerogative of the King, nor of other, nor againſt the common profit of the people, except the ſame acts or ordinances were examined or approved by the chancellor, treaſurer of* England, *or chief juſtice of either bench, or three of them, or before the juſtices of aſſiſe in their circuit or progreſs, in the ſhire where ſuch acts or ordinances be made,* (2) *upon pain of forfeiture of forty pounds for every time that they do the contrary, as more plainly in the ſaid act doth appear;* (3) *ſith which time divers war-*

wardens and fellowſhips have made acts and ordinances, that every prentice ſhould pay at his firſt entry in their common hall, to the wardens of the ſame fellowſhip, ſome of them xl. s. *ſome* xxx. s. *ſome* xx. s. *ſome* xiii s. iv. d. *ſome* vi. s. viij. d. *ſome* iij. s. iv. d. *after their own ſiniſter minds and pleaſure, contrary to the meaning of the ſaid act made in the ſaid nineteenth year of the reign of the ſaid late King* Henry *the Seventh, and to the great hurt of the King's true ſubjects putting their children to be prentices:* (4) *it was therefore, in the ſaid parliament holden at* Weſtminſter *in the ſaid twenty-ſecond year of the reign of King* Henry *the Eighth, eſtabliſhed and enacted by the King our ſovereign lord, by the advice of the lords ſpiritual and temporal, and of the commons, in the ſame parliament aſſembled, and by the authority of the ſame, That no maſter, wardens, or fellowſhips of crafts, or maſters of any of them, nor any rulers of fraternities, ſhould take fr.m thenceforth of any prentice, or of any perſon or perſons, for the entry of any prentice into their ſaid fellowſhip, above the ſum of* ij. s. vi. d. *nor for his entry, when his years and term is expired and ended, above* iij. s. iv. d. (5) *upon pain of forfeiture of* xl. li. *for every time that they do to the contrary; the one half to the King our ſovereign lord, and the other half to the party that therefore ſhall ſue by action of debt, information or otherwiſe; and that in the action aforeſaid, no protection or eſſoin ſhall be allowed, as by the ſame act, amongſt other things therein contained, more plainly may appear:* (6) *ſithen which ſaid ſeveral acts eſtabliſhed and made as is aforeſaid, divers maſters, wardens and fellowſhips of crafts have by cautil and ſubtil means compaſſed and practiſed to defraud and delude the ſaid good and wholſome ſtatutes, cauſing divers prentices or young men, immediately after their years be expired, or that they be made free of their occupation or fellowſhip, to be ſworn upon the holy Evangeliſt at their firſt entry, that they nor any of them, after their years or time expired, ſhall not ſet up or open any ſhop, houſe nor cellar, nor occupy as freemen, without the aſſent and licence of the maſter, wardens or fellowſhips of their occupations, upon the pain of forfeiting their freedom, or other like penalty; by reaſon whereof, the ſaid apprentices and journeymen be put to as much or more charges thereby, than they beforetime were put unto for the obtaining and entring of their freedom, to the great hurt and impoveriſhment of the ſaid apprentices and journeymen, and other their friends:* (7) for remedy whereof, be it now by the authority of this preſent parliament eſtabliſhed, ordained and enacted, That no maſter, wardens or fellowſhips of crafts, nor any of them, nor any rulers of fraternities, guilds or brotherhoods, from henceforth compel or cauſe any apprentice or journeyman, by oath or bond heretofore made, or hereafter to be made, or otherwiſe, that he, after his apprenticeſhip or term expired, ſhall not ſet up nor keep any ſhop, houſe or cellar, nor occupy as a freeman, without licence of the maſter, wardens or fellowſhip of his or their occupation, for and concerning the ſame, (8) nor by any means exact or take of any ſuch apprentice or journeyman, nor any other occupying for themſelves, nor of any other perſons for them, after his or their ſaid years expired, any ſum of money, or other things,

Exactions ſhall not be taken upon apprentices in cities, &c.

22 H. 8. c. 4. The fees of officers for the entry of an apprentice or freeman into their fellowſhip.

No apprentice or journeyman ſhall be reſtrained by oath or bond to keep ſhop.

The wardens or officers fees for entry of an apprentice or journeyman.

things, for or concerning his or their freedom or occupation, otherwiſe or in any other manner than before is recited, limited and appointed in the ſaid former act made in the ſaid twenty-ſecond year of the reign of King *Henry* the Eighth, (9) upon the pain to forfeit for every time that they, or any of them, ſhall offend contrary to this act, xl. li. the one half thereof to the King our ſovereign lord, and the other half to the party that will ſue for the ſame, in any of the King's courts, by action of debt, information or otherwiſe; in which ſuit or action no protection nor eſſoin ſhall be allowed for the party defendant.

CAP. VI.

An act made for continuance of the ſtatutes of 22 *H.* 8. *c.* 12. 22 *H.* 8. *c.* 7. 26 *H.* 8. *c.* 11. and 25 *H.* 8. *c.* 6. for beggars and vagabonds, againſt conveyance of horſes and mares out of this realm, againſt *Welchmen* making affrays in the counties of *Hereford*, *Glouceſter*, and *Salop*, and againſt the vice of buggery. — *to endure to the laſt day of the next parliament.*

1, El. c. 18.

CAP. VII.

An act concerning the ſucceſſion of the crown.

Ex edit. Pult.

IN *their moſt humble wiſe ſhewen to your moſt royal Majeſty, the lords ſpiritual and temporal, and all other your moſt loving and obedient ſubjects, the commons in this your moſt high court of parliament aſſembled, that where in your laſt parliament begun and holden at* London *the* iii. *day of* November, *in the* xxi. *year of your moſt gracious reign, and from thence adjourned to* Weſtminſter, *and there holden and continued by divers and ſundry prorogations unto the* xv. *day of* January, *in the* xxv. *year of your moſt noble reign, and then there holden: it was made and ordained an act concerning amongſt many things as well for ratification, and confirmation of your marriage, then had and ſolemnized between your Highneſs and the late lady* Anne Bolein *marqueſs of* Pembroke, *as for the limitation of the ſucceſſion of your imperial crown of this realm, to the iſſue of your body begotten, and to be begotten of the body of the ſaid lady* Anne, *with divers remainders over for default of ſuch iſſue, as in the ſaid act plainly and particularly more at large is expreſſed and mentioned. And where alſo by the ſaid act it was ordained and eſtabliſhed, that all and ſingular your ſubjects ſhould take a corporal oath for the fulfilling, maintaining and defending the whole effects and contents of the ſaid act. And it was further ordained by the ſaid act amongſt other things, that if any perſon or perſons, ſubject or reſiant within this realm, or within any your Grace's dominions, after the* 1. *day of* May, *then next enſuing, by writing, print, deed, or act procured, or did, or cauſed to be procured or done any thing or things to the prejudice, ſlander, diſturbance, or derogation of the ſaid matrimony, ſolemnized between your Majeſty and the ſaid lady* Anne, *or to the peril, ſlander, or diſheriſon of any the iſſues, and heirs of your Highneſs, being limited by the ſame act to inherit, and to be inheritable to the crown of this realm, whereby any ſuch iſſues or heirs of your Highneſs might be deſtroyed, diſturbed, or interrupted in body, or title of inheritance to the crown of this realm,*

A rehearſal of the ſtat. of 25 H. 8. c. 22. touching the King's marriages, and limitation of ſucceſſion to the crown.

as

as to them is limited in the ſame act: that then every ſuch perſon and perſons, and their aiders, counſellers, maintainers, and abetters, and every of them, for every ſuch offence, ſhould be adjudged high traitors, and that every ſuch offence ſhould be adjudged high treaſon. And the offenders and their aiders, counſellers, maintainers, and abetters, and every of them being lawfully convict of ſuch offence by preſentment, verdict, confeſſion or proceſs, according to the cuſtoms and laws of this realm, ſhould ſuffer pains of death, as in caſes of high treaſon: as in the ſaid act amongſt many other articles, clauſes, and proviſions, is more at large mentioned and ſpecified.

II. *And alſo in the ſaid parliament holden at* Weſtminſter *by prorogation, in the third day of* November *in the* xxvi. *year of your moſt noble reign, another act was made for declaration and ratification of the ſaid oath, which divers of your ſubjects then had taken, and all your ſubjects after that were bound to take for due obſervation of the ſaid act of the ſaid ſucceſſion, as by the ſame act amongſt other things is alſo ſpecified and expreſſed.* Stat. 26 H. 8. 2.

III. *And albeit, moſt dread ſovereign lord, the ſaid acts were then made, as it was then thought by your Majeſty, nobles and commons, upon a pure, perfect, and clear foundation, thinking the ſaid marriage then had between your Highneſs and the ſaid lady* Anne, *in their conſciences to have been pure, ſincere, perfect and good, and ſo was reputed, accepted, and taken in the realm, till now of late, that God of his infinite goodneſs, from whom no ſecret things can be hid, hath cauſed to be brought to light, evident and open knowledge, as well certain, juſt, true, and lawful impediments unknown at the making of the ſaid acts, and ſithen that time hath been confeſſed by the ſaid lady* Anne, *before the moſt reverend father in God* Thomas *archbiſhop of* Canterbury, *metropolitan and primate of all* England, *ſitting judicially for the ſame: by the which plainly appeareth, that the ſaid marriage between your Grace and the ſame lady* Anne, *was never good nor conſonant to the laws, but utterly void and of none effect. By reaſon whereof your Highneſs was and is lawfully divorced, and ſeparated from the bonds of the ſaid marriage in the life of the ſaid lady* Anne. *And this notwithſtanding moſt gracious ſovereign lord, the lady* Elizabeth *your daughter being born under the ſaid unlawful marriage, by virtue and authority of the act of your ſucceſſion above remembred, for lack of heir males of your body ſhould immediately ſucceed as your lawful heir in the moſt royal eſtate of your imperial crown of this realm, againſt all honour, equity, reaſon, and good conſcience, if remedy ſhould not be provided for the ſame. And over this, moſt dread ſovereign lord, albeit that your Majeſty not knowing of any lawful impediments, entered into the bonds of the ſaid unlawful marriage, and advanced the ſame lady* Anne *to the honour of the ſovereign eſtate of Queen of this realm: yet neverthleſs ſhe inflamed with pride, and carnal deſires of her body, putting apart the dread of God, and excellent benefits received of your Highneſs, confederated herſelf with* George Boleine *late lord* Rochford, *her natural brother,* Henry Norris *eſquire,* Francis Weſton *knight,* William Brereton *eſquire, gentlemen of your privy chamber, and* Mark Smeton *groom of your ſaid privy chamber, and ſo being confederate, ſhe and they moſt traiterouſly commit-*

The marriage between the King, and lady Anne Boleine was never good, nor conſonant to law.

The lady Elizabeth not born in lawful marriage.

Treaſon committed by the lady Anne Boleine and

others attainted and executed.

mitted and perpetrated divers deteſtable and abominable treaſons, to the moſt fearful peril and danger of the deſtruction of your moſt royal perſon, and to the utter loſs, diſheriſon and deſolation of this realm, if God of his goodneſs had not in due time brought their ſaid treaſons to light: for the which being plainly and manifeſtly proved, they were convict, and attainted by the due courſe and order of your common laws of this realm, and have ſuffered according to their merits, as by the records thereof more at large may appear.

IV. *And albeit moſt gracious and moſt dread ſovereign lord, divers and ſundry honourable, juſt, true and reaſonable clauſes be contained and expreſſed in the ſame act, made for the eſtabliſhment of your ſucceſſion, which be very neceſſary and profitable for the common wealth of this realm: yet neverthelefs becauſe certain articles and clauſes contained in the ſame, concerning the ratification of your ſaid unlawful marriage, between your Highneſs and the ſaid lady* Anne, *and the limitation of your ſucceſſion to the iſſues of your body had by the ſaid lady* Anne, *and the other expreſſed and mentioned in both the acts above remembred for the defending and maintaining the whole effects and contents of the ſaid act, which clauſes and articles be now become of late ſo diſhonourable and ſo far diſtant from the due courſe of your common laws of your realm, and alſo ſo much againſt good reaſon, equity and good conſcience, that they cannot be ſuſtained, nor tolerated to continue, and endure without great peril of diviſion hereafter to be had, by occaſion of the ſame amongſt us your ſaid moſt humble, loving, and obedient ſubjects, and our poſterities.*

A repeal of the ſtat. of 25 H. 8. c. 22. and 26. H. 8. c. 2.

It may therefore pleaſe your Highneſs of your moſt excellent and accuſtomable goodneſs, and for the entire love, favour, and hearty affection that your Majeſty hath always borne, and beareth to the common wealth of this your realm, and for the conſervation of the good peace, unity, and reſt of us your moſt bounden and obedient ſubjects, and of our ſaid poſterities, that it may be enacted by authority of this preſent parliament, that the ſaid ii. acts and every of them, and all clauſes, articles, and proviſions therein contained, from the firſt day of this preſent parliament, ſhall be repealed, adnulled, and made fruſtrate, and of none effect.

They ſhall not be pardoned which have offended before the firſt day of this parliament.

V. Provided alway that the ſaid repeal, and adnullation of the ſaid act, which was made for the eſtabliſhment of your ſucceſſion, ſhall not be taken, expounded, nor underſtood to diſcharge any perſon or perſons which have done or committed any offences of treaſon or miſpriſion of treaſon contrary to the ſame act, or any part thereof, at any time afore the firſt day of this preſent parliament: but that ſuch offences of treaſon and miſpriſion of treaſon, done and committed by any perſon or perſons, contrary to the ſame act, afore the firſt day of this preſent parliament, ſhall be, and remain in the ſame degree and quality to be puniſhed by authority of the ſame act, as if the ſame act had not been repealed: the repeal and adnullation of the ſame act by authority of this preſent parliament in any wiſe notwithſtanding.

VI. Neverthelefs the King's moſt royal majeſty, moſt graciouſly conſidering that divers and many of his moſt loving and obedi-

ent ſubjects now lately afore the beginning of this preſent parliament, have ſpoken, done, practiſed, procured, and attempted, as well by word, writing, printing, as by exterior acts, not only againſt the ſaid unlawful marriage, ſolemnized between his Highneſs and the ſaid lady *Anne*, and to the prejudice, ſlander, diſturbance, and derogation thereof, but alſo to the peril, ſlander and diſheriſon of the lady *Elizabeth* the King's daughter illegitimate born under the ſame marriage, and to the let, diſturbation and interruption of the ſaid lady *Elizabeth* to the title of the crown: and alſo to deprive the ſaid lady *Anne*, late Queen, and the ſaid lady *Elizabeth*, and every of them, of their dignity, title, and name of their royal eſtates, contrary to the tenors, purports, proviſions, and ordinancces, as well contained in the ſaid act made in the laſt parliament, for the eſtabliſhment of the King's ſucceſſion, as in any other act made in the laſt parliament for puniſhment of treaſons. Which words, doings, practices, procurements, and attempts of his ſaid ſubjects, albeit they proceeded of no malice, but upon true and juſt grounds, for puniſhment of the ſaid late lady *Anne*, according to her deſerts, and for reformation of the ſaid unlawful marriage, for the ſurety of the King's highneſs, and for the unity and wealth of his realm: yet nevertheleſs the King's ſaid ſubjects might hereafter happen to be impeached, troubled, and vexed for ſuch their words, doings, acts, procurements, and attempts, as well by reaſon of the ſaid eſtatute, made for the eſtabliſhment of the King's ſucceſſion, and now repealed by this act, as by occaſion of other ſtatutes heretofore made for puniſhment of treaſon and miſpriſion of treaſon, to the great danger and perils of the lives, lands, and goods of the King's ſaid ſubjects, which only for hearty good will, and faithful obedience that they bear to the King's majeſty incurred into the ſaid dangers and perils: the King's highneſs therefore of his moſt bountiful mercy and benignity is pleaſed and contented that it be enacted by authority of this preſent parliament, That all and ſingular his loving ſubjects, which have ſpoken, done, practiſed, committed or attempted, or procured to be done, or attempted directly or indirectly, by words, writings, prints, or any exterior act: any thing or things whatſoever it be, againſt the ſaid marriage, ſolemnized between his Highneſs and the ſaid late Queen *Anne*, or for the ſetting forth or preferment of the divorce or diſſolution thereof: or againſt the ſaid late Queen *Anne*, or the ſaid lady *Elizabeth*, or to any of their ſlanders, perils, or diſheriſons, or have wiſhed, willed, or deſired by words or writings, or invented, imagined, practiſed or attempted any bodily harm to the ſaid late Queen *Anne*, or lady *Elizabeth*, or to deprive the ſame late Queen *Anne*, or lady *Elizabeth*, or any of them, of the dignity, title or name of their royal eſtates, or have, ſpoken, done, or procured to be done, any other words, writings, printings, wiſhing, willing, thing or things, act or acts againſt the ſaid late Queen *Anne*, or lady *Elizabeth*, which is or might be deemed or interpreted for treaſon, or miſpriſion of treaſon by any

Some upon good will and meaning to the King that have ſpoken or written againſt Queen Anne or her daughter the lady Elizabeth.

They pardoned which ſpake or did any thing againſt the King's marriage, Queen Anne or lady Elizabeth.

conſtruction upon any of the ſtatutes of this realm heretofore made, ſhall be freely and clearly pardoned, diſcharged, and releaſed by authority of this act, of all thoſe and ſuch treaſons and miſpriſions of treaſons above mentioned. And that none of his ſaid loving ſubjects for any of the ſaid treaſons or miſpriſions of treaſon above mentioned and ſpecified, ſhall hereafter at any time, by any manner of means be impeached, vexed, or troubled in their bodies, lives, lands, goods, or chattels, any thing in this act, or in any act or acts heretofore made for treaſons or miſpriſions of treaſon, to the contrary thereof notwithſtanding.

Queen Anne Bolein and her complices attainted of high treaſon, and their lands ſhall be forfeit to the King.

VII. And be it further enacted by authority aforeſaid, That the ſaid late Queen *Anne*, *George Bolein*, late lord *Rochford*, *Henry Norris* eſq; *Francis Weſton* knight, *William Brereton* eſq; and *Mark Smeton*, for their abominable and deteſtable treaſons, by them and every of them moſt abominably and traiterouſly committed and done againſt your Majeſty and the realm, ſhall be by authority of this preſent parliament convicted, and attainted of high treaſon, in ſuch manner and form, and accordingly as they be, by the due courſe and order of your laws of this realm. And that the ſaid late Queen *Anne*, *George* lord *Rochford*, *Henry Norris*, *Francis Weſton*, *William Brereton*, and *Mark Smeton*, and every of them, ſhall loſe and forfeit to your Highneſs and to your heirs, all ſuch their manors, meaſes, lands, tenements, rents, reverſions, remainders, uſes, poſſeſſions, offices, rights, conditions, and all other hereditaments, of what names, natures, or qualities ſoever they be, which they or any of them, or any other to their uſes, or to the uſe of any of them had, or ought to have had of any eſtate of inheritance in fee-ſimple or in tail, in uſe or poſſeſſion, at the days of their ſeveral treaſons committed, limited, and expreſſed in their indictment, or at any time after. Saving to every perſon and perſons, and bodies politick, and to the heirs aſſigns and ſucceſſors of every of them (other than to the ſaid late Queen *Anne*, and the other traitors aforenamed, and the heirs, aſſignes, and ſucceſſors of every of them, and all and every other perſon and perſons claiming by them, or any of them, or to their uſes, or to the uſes of any of them, or to the uſe of any of their heirs) all ſuch right, title, uſe, poſſeſſion, intereſt, condition, fees, offices, rents, annuities, commons, and all other commodities, and hereditaments, whatſoever they or any of them might, ſhould or ought to have had, if this act had never been had, ne made.

The right of all others ſaved, but of the offenders, &c.

VIII. And over this, moſt gracious ſovereign Lord, for as much as it hath pleaſed your moſt royal Majeſty, notwithſtanding the great and intolerable perils and occaſions, which your Highneſs hath ſuffered and ſuſtained, as well by occaſion of your firſt unlawful marriage, ſolemnized between your Highneſs and the lady *Katharine*, late princeſs dowager, as by occaſion of the ſaid unlawful marriage between your Highneſs and the ſaid late Queen *Anne*, at the moſt humble petition and interceſſion of us

your

your nobles in this realm, for the ardent love and fervent affection which your Highneſs beareth to the conſervation of the peace, and unity of the ſame, and for the good and quiet governance thereof, of your moſt excellent goodneſs to enter into marriage again, and have choſen and taken a right noble, virtuous, and excellent lady Queen *Jane* to your true and lawful wife, and have lawfully celebrated, and ſolemnized marriage with her, according to the laws of holy church: who for her convenient years, excellent beauty, and pureneſs of fleſh and blood, is apt, (God willing) to conceive iſſue by your Highneſs: which marriage is ſo pure and ſincere, without ſpot, doubt, or impediment, that the iſſue procreated under the ſame, when it ſhall pleaſe Almighty God to ſend it, cannot be lawfully, truly, nor juſtly interrupted or diſturbed of the right and title in the ſucceſſion of your crown: It may therefore now pleaſe your moſt gracious Majeſty, at the moſt humble petition and interceſſion of us your nobles and commons, aſſembled in this preſent parliament, as well for the clear extinguiſhment of all ambiguities, and doubts, as for a pure and perfect unity of us your moſt humble and obedient ſubjects, and of all our poſterities, That it may be enacted by your moſt gracious and royal Majeſty, by conſent of us the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, and by authority of the ſame, in manner and form as hereafter in articles enſueth.

Queen Jane married to the King according to the laws of the church.

IX. Firſt, foraſmuch as the marriage heretofore ſolemnized between your Highneſs and the ſaid lady *Katharine*, late princeſs dowager deceaſed, which afore was lawful wife to your natural brother prince *Arthur*, and by him carnally known, as hath duly been proved by ſufficient witneſſes, at all times was, is, and ought to be deemed and determined, to be againſt the laws of Almighty God, and not diſpenſable by any human authority, and ſo hath been deemed and determined, as well by the whole clergy of this realm, in both convocations, and by both the univerſities thereof, as by the univerſities of *Bononie*, *Padua*, *Paris*, *Orleans*, *Tolowes*, *Ainew*, and divers other, and alſo by a great number of private writings of many right excellent well learned men: Be it therefore enacted by authority of this preſent parliament, according as it was ordained, and enacted in the ſaid act made in the laſt parliament for the eſtabliſhment of your ſucceſſion, That the ſaid marriage heretofore had, and ſolemnized between your Highneſs and the ſaid lady *Katharine*, which was before lawful wife to the ſaid prince *Arthur* your elder brother, and by him carnally known, as doth duly appear by ſufficient proof in a lawful proceſs had and made before the ſaid moſt reverend father in God, *Thomas*, by the ſufferance of God, archbiſhop of *Canterbury*, metropolitan and primate of all *England*, ſhall be, by authority of this preſent parliament, definitively, clearly, and abſolutely declared, deemed, and adjudged to be againſt the laws of Almighty God, and alſo accepted, reputed and taken of no value nor effect, but utterly void and adnichiled:

The marriage between the King and Queen Katharine void.

adnichiled: And that the ſeparation thereof made by the ſaid archbiſhop ſhall be good and effectual to all intents and purpoſes, any licence, diſpenſation, or any other act or acts going before, or enſuing the ſame, or to the contrary thereof in any wiſe notwithſtanding. And that every ſuch licence, diſpenſation, act or acts, thing or things, had, made, done, or to be done to the contrary thereof, ſhall be to all intents void, and of none effect, and ſo ſhall be reputed, and taken by and amongſt us your true ſubjects and inhabitants, our heirs and ſucceſſors of and in your realm and dominions for ever. And that the iſſue born and procreated under the ſame unlawful marriage, made and ſolemnized between your Highneſs and the ſaid lady *Katharine*, ſhall be taken, deemed, and accepted, illegitimate to all intents and purpoſes, and ſhall be utterly foreclоſed, excluded, and barred to claim, challenge, or demand any inheritance as lawful heir to your Highneſs by lineal deſcent.

The lady Mary illegitimate and not inheritable to the King.

X. And alſo, for as much as the marriage ſolemnized between your Highneſs and the ſaid late Queen *Anne*, upon true and juſt cauſes, was, and is deemed, and adjudged by the ſaid moſt reverend father, to be of no value ne effect, and a divorce and ſeparation thereof had, and made by the due order and proceſs of the laws of the church of *England*, before the ſaid reverend father: Be it therefore enacted, by the authority of this preſent parliament, That the ſame marriage between your Highneſs and the ſaid late Queen *Anne*, ſhall be taken, reputed, deemed and adjudged to be of no force, ſtrength, virtue, nor effect: and that the ſeparation and divorce thereof had by the ſentence and judgment of the ſaid moſt reverend father, ſhall be good and effectual, and ſo hereafter ſhall be taken and reputed for ever by all your ſubjects their heirs and ſucceſſors. And that none appeal, repeal, revocation, or adnullation thereof, or any part of the ſame, ſhall hereafter be had, taken, allowed, or admitted in any behalf. And that all the iſſues and children born and procreated under the ſame marriage between your Highneſs and the ſaid late Queen *Anne*, ſhall be taken, reputed, and accepted to be illegitimate to all intents and purpoſes, and utterly forecloſed, excluded, and barred to claim, challenge, or demand any inheritance as lawful heir or heirs to your Highneſs by lineal deſcent, the ſaid former act made in the laſt parliament, for the eſtabliſhment of your ſucceſſion, or any thing therein contained, or any other thing or things to the contrary thereof in any wiſe notwithſtanding.

The marriage between the King and Queen Anne was void, and the ſeparation and divorce between them lawful.

The lady Elizabeth illegitimate, and not inheritable to the King.

XI. And furthermore, ſith many inconveniencies have fallen, as well within this realm as in others, by reaſon of marrying within the degrees of marriage, prohibited by God's laws, that is to ſay, the ſon to marry the mother, or the ſtep-mother carnally known by his father, the brother the ſiſter, the father his ſon's daughter, or his daughter's daughter: or the ſon to marry the daughter of his father procreate and born by his ſtepmother: or the ſon to marry his aunt, being his father's or mother's ſiſter:

Marrying within degrees prohibited by God's law, and which be thoſe degrees. 28 H. 8. c. 16.

ſiſter: or to marry his uncle's wife carnally known by his uncle: or the father to marry his ſon's wife carnally known by his ſon: or the brother to marry his brother's wife carnally known by his brother: or any man married, and carnally knowing his wife, to marry his wife's daughter, or his wife's ſon's daughter, or his wife's daughter's daughter, or his wife's ſiſter.

XII. And furthermore, to dilate, and declare the meaning of theſe prohibitions, it is to be underſtood, that if it chance any man to know carnally any woman, that then all and ſingular perſons being in any degree of conſanguinity or affinity, as is above written, to any of the parties ſo carnally offending, ſhall be deemed and adjudged to be within the caſes and limits of the ſaid prohibitions of marriage. All which marriages, albeit they be plainly prohibited and deteſted by the laws of God, yet nevertheleſs, at ſome times they have proceeded under colours of diſpenſations by man's power, which is but uſurped, and of right ought not to be granted, admitted, nor allowed. For no man, of what eſtate, degree, or condition ſoever he be, hath power to diſpenſe with God's laws, as all the clergy of this realm in the ſaid convocations, and the moſt part of all the univerſities of Chriſtendom, and we alſo do affirm and think.

No man can diſpenſe with the law of God.

XIII. Be it therefore enacted by authority aforeſaid, according as it is declared and contained in the ſaid act, made in the laſt parliament for the eſtabliſhment of your ſucceſſion, that no perſon, or perſons, ſubjects or reſiants, of this realm, or in any your dominions, of what eſtate, degree, or dignity ſoever they be, ſhall from henceforth marry within the degrees afore rehearſed, what pretence ſoever ſhall be made to the contrary thereof. And in caſe any perſon or perſons, of what eſtate, dignity, degree, or condition ſoever they be, that been heretofore married within this realm, or in any other the King's dominions, within any the degrees above rehearſed, and by any the archbiſhops, or miniſters of the church of *England*, be ſeparate from the bond of ſuch unlawful marriages: that then every ſuch ſeparation ſhall be good, lawful, firm and permanent for ever, and not by any power, authority or means, to be revoked or undone hereafter. And that the children proceeding or procreate under ſuch unlawful marriage, ſhall not be lawful nor legitimate: any foreign laws, licences, diſpenſations, or other thing or things to the contrary thereof notwithſtanding. And that in caſe there be any perſon or perſons within this realm, or in any of the King's dominions, already married within any of the ſaid degrees above ſpecified, and not yet ſeparate from the bonds of ſuch unlawful marriage, that then every ſuch perſon, ſo unlawfully married, ſhall be ſeparate by the definitive ſentence, and judgment of the archbiſhops, biſhops, and other miniſters of the church of *England*, and in other your dominions, within the limits of their juriſdictions and authorities, and by none of other power or authority. And that all ſentences, and judgments, given and to be given by any archbiſhop, biſhop or other miniſter of the church of *England*, or in any other the

No perſon ſhall marry within the degrees prohibited.

King's dominions, within the limits of their juriſdictions, and authority, ſhall be definitively firm, good, effectual to all intents, and be obſerved, and obeyed, without ſuing any provocations, appeals, prohibitions, or other proceſs, from or to the court of *Rome*, to the derogation thereof, or contrary to the act made ſince the beginning of the laſt parliament for reſtraint of ſuch provocations, appeals, prohibitions, and other proceſſes.

There ſhall be no appeals to the church of Rome. 24 H. 8. c. 12.

XIV. And alſo be it enacted by authority aforeſaid, That all the iſſue hereafter to be had and procreate between your Highneſs and your ſaid moſt dear and entirely beloved lawful wife, Queen *Jane*, ſhall be your lawful children and heirs, and be inheritable and inherit, according to the courſe of inheritance and laws of this realm, the imperial crown of the ſame, with all dignities, honours, pre-eminences, prerogatives, authorities, and juriſdictions to the ſame annexed or belonging, in as large and ample manner, as your Highneſs at this preſent time hath the ſame as King of this realm, the inheritance thereof to be and remain to your ſaid children and right heirs, in manner and form as hereafter ſhall be declared, that is to ſay:

The crown of England entailed to the King and to the heirs males of his body begotten, with ſeveral remainders over.

XV. Firſt, the ſaid imperial crown and other the premiſſes, ſhall be to your Majeſty, and to your heirs of your body lawfully begotten: that is to ſay, to the firſt ſon of your body between your Highneſs and your ſaid lawful wife Queen *Jane* begotten, and to the heirs of the body of the ſame firſt ſon lawfully begotten. And for default of ſuch heirs, then to the ſecond ſon of your body, and of the body of the ſaid Queen *Jane* begotten, and the heirs of the body of the ſame ſecond ſon lawfully begotten, as aforeſaid, and ſo to every ſon of your body, and of the body of the ſaid Queen *Jane* begotten, and to the heirs of the body of every ſuch ſon begotten, according to the courſe of inheritance in that behalf.

XVI. And if it ſhall happen your ſaid moſt dear and entirely beloved wife Queen *Jane* to deceaſe without iſſue male of the body of your Highneſs to be begotten (which God defend) then the ſame imperial crown, and all other the premiſſes to be to your Majeſty, as is aforeſaid, and to the ſon and heir male of your body lawfully begotten by any other lawful wife, and to the heirs of the body of the ſame ſon and heir male lawfully begotten. And for default of ſuch iſſue, then to your ſecond ſon of your body lawfully begotten, and to the heirs of the body of the ſame ſecond ſon lawfully begotten, and ſo from ſon and heir male, to ſon and heir male, and to the heirs of the ſeveral bodies of every ſuch ſon and heir male lawfully begotten, according to the courſe of inheritance, in like manner and form, as is above ſaid.

For default of iſſue male of the King's body, the crown ſhall deſcend to the eldeſt

XVII. And for default of ſuch ſons of your body lawfully begotten, and of the heirs of the ſeveral bodies of every ſuch ſon lawfully begotten, that then the ſaid imperial crown, and other the premiſſes, ſhall be to the iſſue female between your Majeſty and your ſaid moſt dear and entirely beloved wife Queen *Jane* begotten:

gotten: and for lack of ſuch iſſue, then to the heirs females of your body lawfully begotten by any other lawful wife: that is to ſay, firſt, to the eldeſt iſſue female, and to the heirs of her body lawfully begotten, and ſo from iſſue female to iſſue female, and to their heirs of their bodies one after another by courſe of inheritance, according to their ages, as the crown of *England* hath been accuſtomed and ought to ſucceed and go, in caſe where there is heir female inheritable to the ſame.

iſſue female of his body begotten.

XVIII. And foraſmuch as it ſtandeth at this preſent time in the only pleaſure and will of Almighty God, whether your Majeſty ſhall have heirs begotten and procreated between your Highneſs and your ſaid moſt dear and entirely beloved wife Queen *Jane*, or elſe any lawful heirs and iſſues hereafter of your own body begotten by any other lawful wife, and if ſuch heirs ſhould fail, as God defend, and no proviſion made in your life, who ſhould rule, and govern this realm for lack of ſuch heirs: That then this realm, after your tranſitory life, ſhall be deſtitute of a lawful governour: or elſe percaſe encumbered with ſuch a perſon, that would covet to aſpire to the ſame, whom the ſubjects of this realm ſhall not find in their hearts to love, dread, and obediently ſerve, as their ſovereign Lord. And if your Grace, afore it may be certainly known whether ye ſhall have heirs or no, ſhould ſuddenly name and declare any perſon or perſons to ſucceed after your deceaſe, and for lack of heirs of your body lawfully begotten, into the royal eſtate of the imperial crown of this realm; then it is to be doubted, that ſuch perſon that ſhould be ſo named, might happen to take great heart, and courage, and by preſumption fall to inobedience and rebellion, by occaſion of which premiſſes great diviſion and diſſention may be, and is very likely to ariſe, and ſpring in this realm, to the great peril and deſtruction of us your moſt humble and obedient ſubjects, and of all our poſterities, if remedy for the ſame ſhould not be provided. For reformation and remedy whereof, we your moſt bounden and loving ſubjects, moſt obediently knowledging, that your Majeſty moſt victorioufly, prudently, politickly, and indifferently hath maintained, defended, governed, and ruled this realm in good peace, reſt, quietneſs and obedience, during all the time of your moſt gracious reign, which we moſt heartily deſire might continue for ever, putting all our whole truſt and confidence in your Highneſs, and nothing doubting, but that your Majeſty, if ye ſhould fail in heirs of your body lawfully begotten, (which God defend) for the hearty love and fervent affection that ye bear to this realm, and for avoiding all the occaſions of diviſion afore rehearſed, ſo earneſtly mindeth the wealth of the ſame, that ye can beſt and moſt prudently provide ſuch a governour for us and this your realm, as ſhall, and will ſucceed, and follow in the juſt, and right tread of all your proceedings, and maintain, keep, and defend the ſame, and all the laws, and ordinances eſtabliſhed in your moſt gracious time, for the wealth of this realm, which all we deſire, whereby we your ſaid moſt loving and obedient

The perils that might enſue to the realm, for want of knowledge of a lawful ſucceſſor to the crown.

dient ſubjects, and our heirs and ſucceſſors, ſhall and may live, as near as may be, in as good peace, unity, and obedience after your deceaſe, as we have lived in the time of your moſt gracious reign, Do therefore moſt humbly beſeech your Highneſs, that it may be enacted, for avoiding of all ambiguities, doubts, diviſions, and occaſions in that behalf, by your moſt royal Majeſty, by the aſſent of us the lords ſpiritual and temporal, and the commons in this your preſent parliament aſſembled, and by authority of the ſame, that your Highneſs ſhall have full, and plenary power, and authority to give, diſpoſe, appoint, aſſign, declare, and limit by your letters patents under your great ſeal, or elſe by your laſt will made in writing, and aſſigned with your moſt gracious hand, at your only pleaſure, from time to time, hereafter the imperial crown of this realm, and all other the premiſſes thereunto belonging, to be, remain, ſucceed, and come after your deceaſe, and for lack of lawful heirs of your body to be procreated and begotten as is afore limited by this act, to ſuch perſon or perſons in poſſeſſion, and remainder, as ſhall pleaſe your Highneſs, and according to ſuch eſtate, and after ſuch manner, form, faſhion, order and condition as ſhall be expreſſed, declared, named, and limited in your ſaid letters patents, or by your ſaid laſt will. And we your moſt humble and obedient ſubjects, do faithfully promiſe to your Majeſty by one common aſſent, that after your deceaſe, and for lack of heirs of your body lawfully begotten, as is afore rehearſed, we, our heirs and ſucceſſors, ſhall accept, and take, love, dread, ſerve and all only obey ſuch perſon and perſons, males or females, as your Majeſty ſhall give your ſaid imperial crown unto, by authority of this act, and to none other, and wholly to ſtick to them, as true and faithful ſubjects ought to do, to their regal rulers, governours, and ſupreme heads.

If the King die without iſſue of his body, he may limit the crown to any by his letters patents, or his laſt will in writing.

A ſubmiſſion to the King's aſſigne.

XIX. And for ſure corroboration thereof, be it further enacted by authority aforeſaid, That ſuch perſon and perſons, to whom it ſhall pleaſe your Majeſty to diſpoſe, limit, and aſſign your ſaid crown, and other the premiſſes thereto appertaining, by your letters patents, or by your laſt will, as is aforeſaid, ſhall have and enjoy the ſame after your deceaſe, and for lack of heirs of your body lawfully begotten, according to ſuch eſtate, and after ſuch manner, form, faſhion, order, and condition as ſhall be thereof expreſſed, mentioned, and contained in your ſaid letters patents, or in your ſaid laſt will, in as large and ample manner, as if ſuch perſon, and perſons had been your lawful heirs to the imperial crown of this realm, and as if the ſame crown of this realm had been given and limited unto them plainly and particularly by ſpecial names and ſufficient terms, and words, by the full, and immediate authority of this your moſt high court of parliament.

XX. And it is further enacted by authority aforeſaid, That if any of your heirs or children hereafter do uſurp the one of them upon the other in the crown of this realm, or claim or challenge your ſaid imperial crown in any other form, or degree of deſcent,

ſcent, or ſucceſſion than is afore limited by this act: Or if any perſon or perſons, to whom it ſhall pleaſe your Highneſs of your moſt excellent goodneſs by authority of this act to give and diſpoſe your ſaid crown and dignity of this realm, or the heirs of any of them, do at any time hereafter demand, challenge, or claim your ſaid crown of this realm, otherwiſe, or in any other courſe, form, degree or condition, than the ſame ſhall be given, diſpoſed and limited unto them by your Highneſs, by virtue and authority of this act. Or, if any ſuch perſon or perſons, to whom your Majeſty ſhall hereafter give or diſpoſe your ſaid crown by authority of this act, or any of their heirs, do interrupt or let any of the heirs of your Majeſty, that is, or ſhall be begotten, born, and procreated under your lawful, pure, ſincere and undoubted marriage, now had and ſolemnized between your Highneſs and your ſaid moſt dear and entirely beloved wife Queen *Jane*, or any other your lawful heirs hereafter to be begotten of your body by any other lawful marriage, peaceably and quietly to keep, have, and enjoy the ſaid imperial crown, and other the premiſſes, by courſe of inheritance, according to the limitation thereof, expreſſed and declared by this act: that then all and ſingular the offenders in any of the premiſſes, contrary to this act, and all their abettors, maintainers, fautors, counſellors, and aiders therein, ſhall be deemed and adjudged high traitors to the realm, and that every ſuch offence ſhall be accepted, reputed and taken to be high treaſon, and the offenders therein, their aiders, maintainers, fautors, counſellors, and abettors, and every of them, for every ſuch offence ſhall ſuffer ſuch judgment and pains of death, loſſes and forfeitures of lands, goods and privileges of ſanctuary, as in any caſes of high treaſon. And over that as well your ſaid heirs, and children, as every ſuch perſon and perſons, to whom your Highneſs ſhall limit your ſaid crown, in form as is aforeſaid, and every of their heirs for every ſuch offence above ſpecified, by them or any of them to be committed, ſhall loſe and forfeit as well all ſuch right, title, and intereſt, that they may claim or challenge in or to the crown of this realm, as heirs by deſcent, or by reaſon of any gift or act that ſhall be done by your Highneſs, for his or their advancement, by the authority of this act, or otherwiſe by any manner of means or pretence whatſoever it be.

A means to prevent uſurpation of the crown, and the penalty of the uſurpers.

XXI. And be it further enacted by authority aforeſaid, That if any perſon or perſons, of what eſtate, degree, dignity, or condition ſoever they be, at any time hereafter, by words, writing, imprinting, or by any exterior act or deed, maliciouſly or willingly procure or do, or cauſe to be procured or done, directly or indirectly, any thing or things to the peril of your moſt royal perſon, or to the peril of the perſon of any of your heirs or ſucceſſors, having the royal eſtate of the crown of this realm: Or maliciouſly or willingly give occaſion by words, writing, print, deed or act, whereby your Highneſs or any your ſaid heirs or ſucceſſors, having the royal eſtate of the crown of this realm,

It ſhall be high treaſon to write any of the offences hereafter ſpecified.

realm, might be diſturbed or interrupted of the crown of this realm: Or by words, writing, print, deed or act, procure or do, or cauſe to be procured or done, any thing or things, to, or for the interruption, repeal or adnullation of this act, or of any thing therein contained, or of any thing that ſhall be done by your Highneſs in the limitation and diſpoſition of your crown by the authority of the ſame. Or by words, writing, print, deed, or act, procure, or cauſe to be procured or done, any thing or things to the prejudice, ſlander, diſturbance, or derogation of the ſaid lawful matrimony, ſolemnized between your Majeſty and the ſaid Queen *Jane*, or any other your lawful wife, or wives, hereafter by your Highneſs to be taken: Or to the peril, ſlander, or diſheriſon of any of the iſſues, and heirs of your Highneſs, being limited by this act to inherit, and to be inheritable to the crown of this realm, in ſuch form as is aforeſaid: Or to the interruption or diſheriſon of any ſuch perſon or perſons, to whom your Highneſs ſhall aſſign and diſpoſe your ſaid imperial crown by authority of this act, as is afore remembered; whereby any ſuch iſſues or heirs of your Highneſs, or ſuch other perſon or perſons might be deſtroyed, diſturbed, or interrupted in fame, body, or title of the inheritance to the crown of this realm, as to them is limited in this act, in form above rehearſed, or as to them ſhall be limited and aſſigned by your Highneſs, by virtue and authority of this act: *Or if* any perſon or perſons, by words, writing, imprinting, or any other exterior act, directly or indirectly accept, or take, judge, or believe any of the marriages had, and ſolemnized between the King's highneſs and the ſaid lady *Katharine*, or between the King's highneſs and the ſaid late Queen *Anne*, to be good, lawful, or of any effect: Or by words, writing, printing, or any other exterior act, directly or indirectly, ſlander, interrupt, impeach, gainſay, or impugn the lawful judgments and ſentences of the ſaid moſt reverend father in God, *Thomas* archbiſhop of *Canterbury*, and primate of all *England*, for and concerning the divorces and ſeparations of the ſaid unlawful marriages, or any of them. Or by words, writing, print, or any other exterior act, directly or indirectly take, accept, name, or call by any pretence any of the children born and procreated under any of the ſaid unlawful marriages, to be legitimate and lawful children of your Majeſty. Or if any perſon or perſons craftily imagine, invent, or attempt by colour of any pretence, to deprive the King's highneſs, the Queen, or the heirs of their bodies begotten, or any other the heirs of the King's body lawfully begotten, or any perſon or perſons, to whom the King's highneſs ſhall diſpoſe, give, and limit the crown of this realm, by authority of this act, or any of their titles, ſtiles, names, degrees, or royal eſtates or regal power. Or if any perſon or perſons at any time hereafter, being required or commanded by the King's highneſs, or by ſuch perſon or perſons, as ſhall be authorized by his Grace, or his lawful heirs, to make or take an oath, to anſwer to ſuch queſtions and interrogatories as ſhall

Treaſon to believe either of the marriages between the King and the lady Katharine or Anne to be good.

Treaſon to call lady Mary or lady Elizabeth legitimate.

Attempting to deprive the King his heirs or aſſignes of the crown.

Refuſing to take an oath to anſwer interrogatories.

be objected to them, upon any clauſe, article, ſentence or word contained in this act, do contemptuouſly or utterly refuſe to make or take ſuch oath, or without fruſtratory delay do not make, or take the ſame oath: or after the making or taking ſuch oath, do contemptuouſly refuſe directly to anſwer to ſuch queſtions and interrogatories, as ſhall be objected concerning the ſame or any part thereof: that then every ſuch perſon and perſons, of what eſtate, degree or condition ſoever he or they be, and their aiders, counſellors, maintainers and abettors, and every of them, for every ſuch offence afore declared, ſhall be adjudged high traitors. And that every ſuch offence afore ſpecified, ſhall be adjudged high treaſon, and the offenders therein, and their aiders, counſellors, maintainers, and abettors, and every of them being lawfully convict of any ſuch offence by preſentment, verdict, confeſſion, or proceſs, according to the cuſtom and laws of this realm, ſhall ſuffer pains of death, as in caſes of high treaſon. And that alſo every ſuch offender, being convict as is aforeſaid, ſhall loſe and forfeit to your Highneſs, and to your heirs or ſucceſſors Kings or regal rulers of this realm, all ſuch manors, lands, tenements, rents, annuities, and hereditaments, which they had in poſſeſſion as owners, or were ſole ſeiſed of, by or in any right, title, or means, or any other perſon or perſons had to their uſe of any eſtate of inheritance, at the day of ſuch treaſons and offences by them committed and done. And ſhall alſo loſe and forfeit to your Highneſs and your ſaid heirs, as well all manner ſuch eſtates of freehold, and intereſt for years of lands, and rents, as all other goods, chattels and debts, which they had at the time of their conviction or attainder, of any ſuch offence: Saving alway to every ſuch perſon and perſons, and bodies politick, to their heirs, aſſignes, and ſucceſſors, and to the heirs and ſucceſſors of every of them, (other than ſuch perſon as ſhall be ſo convict or attainted, and their heirs and ſucceſſors, and all other claiming to their uſes) all ſuch right, title, uſe, intereſt, poſſeſſion, condition, rents, fees, offices, annuities, and commons, which they, or any of them, ſhall have in or upon any ſuch manors, lands, tenements, rents, annuities, or hereditaments, that ſo ſhall happen to be loſt and forfeit by reaſon of any conviction or attainder, for any the treaſons and offences above rehearſed, at any time before the ſaid treaſons and offences committed.

The offender ſhall forfeit his lands, leaſes and goods.

Other perſons rights ſaved.

XXII. Be it alſo enacted by authority aforeſaid, That no perſon or perſons, offending in any the treaſons contained and limited by this act, or in any other treaſons, ſhall in any wiſe have and enjoy the privilege, or immunity of any manner ſanctuary within this realm, or elſewhere within any the King's dominions: but ſhall utterly loſe and be excluded of the ſame, any uſe, grant, cuſtom, preſcription, confirmation, or any other thing or things to the contrary hereof in any wiſe notwithſtanding.

None that committeth treaſon ſhall have the benefit of ſanctuary.

XXIII. And

If the King die, his heir within age, in whoſe cuſtody the ſame heir ſhall be.

XXIII. And be it alſo enacted by authority aforeſaid, That if your Majeſty ſhall happen to deceaſe before any ſuch your iſſue and heir male of your body, which ſhould inherit the crown of this realm, ſhall be of his age of xviii. years, or before that ſuch your iſſue and heir female, which ſhould inherit the crown of this realm, ſhall be married, or be of the age of ſixteen years, (which Almighty God defend) that then the ſaid iſſue and heir male to the crown, ſo being within the age of eighteen years, or your ſaid iſſue and heir female to the crown, ſo being unmarried or within the ſaid age of ſixteen years, ſhall be and remain, until ſuch time as ſuch iſſues and heirs ſhall come to their ſaid ſeveral ages afore limited, at and in the governance of their natural mother, and of ſuch other your counſellors, and nobles of your realm, as your Highneſs ſhall limit and appoint by your laſt will made in writing, ſigned with your moſt gracious hand, if it ſhall be thought by your Highneſs moſt convenient ſo to be: or elſe the ſaid iſſues and heirs ſhall be at, and in the governance of ſuch of your counſellors and nobles of your realm, as your Majeſty ſhall name and appoint by your laſt will made in writing, and ſigned with your moſt gracious hand, as is aforeſaid. And if any perſon or perſons, by writing, printing, or exterior deed, or act, directly or indirectly, procure or do, or cauſe to be procured or done any thing or things, to the let or diſturbance of the ſame: that then every ſuch offence ſhall be high treaſon, and the offenders being thereof convicted, ſhall ſuffer ſuch pains of death and loſs of inheritance, privileges of ſanctuaries, freeholds, intereſts for years, goods, chattels, and debts, in ſuch manner and form as is above ſpecified in caſes of treaſon aforementioned.

XXIV. And for the more ſure eſtabliſhment of the ſucceſſion of your moſt royal Majeſty, according to the tenor and form of this act, be it further enacted by the authority aforeſaid, That as well all the nobles of your realm ſpiritual and temporal, as all other your ſubjects now living and being, or that hereafter ſhall be at their full ages, by the commandment of your Majeſty, or of your heirs, or ſucceſſors, at all times hereafter from time to time, when it ſhall pleaſe your Highneſs, or your heirs or ſucceſſors to appoint, ſhall make a corporal oath in the preſence of your Highneſs, or your heirs or ſucceſſors, or before ſuch other as your Majeſty or your heirs or ſucceſſors will aſſign for the ſame, for the keeping, obſerving, defending, avowing, and maintaining of this act, and of all things that ſhall be done by your Highneſs by authority thereof, according to the tenor of an oath hereafter enſuing, that is to ſay, Ye ſhall ſwear to bear faith, truth and obedience all only to the King's majeſty, ſupreme head in earth under God, of the church of *England*, during his life, and to his heirs of his body of his moſt dear and entirely beloved lawful wife Queen *Jane*, begotten and to be begotten and procreated: and further to the heirs of our ſaid ſovereign Lord, according to the limitation in the ſtatute made

All the King's ſubjects ſhall take an oath for the performance of this act.

The form of the oath.

made for ſurety of his ſucceſſion in the crown of this realm, in the parliament begun and holden at *Weſtminſter* on the eighth day of *June*, in the xxviii. year of the King's moſt gracious reign. And alſo for lack of ſuch heirs, to ſuch perſon and perſons as the King's highneſs ſhall limit and appoint to ſucceed to the crown, by virtue and authority of the ſame act, and not to any other within this realm, nor foreign authority, power, or potentate. And in caſe any other oath be made, or hath been made by you to any perſon or perſons: that then ye to repute the ſame as vain and adnichilate. And that to your cunning, wit, and uttermoſt of your power without guile, fraud, or other undue manner, ye ſhall obſerve, keep, maintain, and defend the ſaid act of ſucceſſion made in the ſaid parliament, begun and holden at *Weſtminſter* in the ſaid viii. day of *June*, in the ſaid xxviii. year of the King's moſt royal reign, and all the whole effects, and contents thereof, and all things that ſhall be done by the King's highneſs by authority of the ſame, and all other acts and ſtatutes made in confirmation, or for execution of the ſame, or of any thing therein contained: and this ye ſhall do againſt all manner of perſons, of what eſtate, dignity, degree, or condition ſoever they be: and in no wiſe do or attempt, nor to your power ſuffer to be done, or attempted directly, or indirectly, any thing or things, privily or appertly, to the let, hindrance, damage, or derogation thereof, or of any part of the the ſame, or of any thing or things that ſhall be done by the King's highneſs, by virtue or authority of the ſaid act, by any manner of means, or for any manner of pretence, ſo help you God, all ſaints, and the holy evangeliſts.

A diſpenſation of any former oath, and the ſame ſhall be reputed as void.

XXV. And it is alſo enacted by authority aforeſaid, That all manner your ſubjects, as well ſpiritual as temporal, ſuing livery, or *ouſtre le maine*, out of the hands of your Highneſs, or of your heirs or ſucceſſors, or doing any fealty to your Highneſs, or your heirs or ſucceſſors, by reaſon of the tenure of their lands, ſhall ſwear the ſaid corporal oath abovementioned: and that they, nor any of them, ſhall hereafter have any liveries, *ouſtre le maine*, or reſtitution out of your hands, nor out of the hands of your heirs or ſucceſſors, till they ſhall have made the ſaid corporal oath, in form above rehearſed. And if any perſon or perſons, being commanded by authority of this act, to make the ſaid oath afore limited, obſtinately or wilfully refuſe that to do, or will proteſt and ſay, when they ſhall be examined upon any interrogatories, that ſhall be objected to them, for or concerning this act, or any thing therein contained, that they be not bound to declare their thought and conſcience, and ſtiffly thereon abide: that then every ſuch perſon ſo doing, for every ſuch offence ſhall be taken and accepted for offender in high treaſon.

What ſort of perſons ſhall take this oath.

The penalty of refuſers to take the oath.

XXVI. And that every ſuch refuſal ſhall be deemed and adjudged high treaſon, and the offender therein, being as afore is limited, lawfully convicted or attainted thereof by the laws of this realm, ſhall ſuffer ſuch pains of death, loſſes, and forfeitures, and alſo loſe

Honours, titles, ſtiles or lands given by the King's

etters patents, or laſt will to ſome of his kin.

loſe privileges of ſanctuaries, in like manner and form as is above mentioned, for the treaſons afore limited by this act.

XXVII. And be it further enacted by authority of this preſent parliament that if it ſhall pleaſe the King's majeſty at any time hereafter, by his letters patents under his great ſeal, or by his laſt will made in writing, and ſigned with his moſt gracious hand, to advance any perſon or perſons of his moſt royal blood to any title, ſtile, or name, of any eſtate, dignity, or honour, whatſoever it be, and to give to them or to any of them, any caſtles, honours, manors, lands, tenements, liberties, franchiſes, or other hereditaments, in fee-ſimple, fee-tail, or for term of their lives, or the life of any of them: that then all and every ſuch letters patents, and laſt will of his Highneſs, ſo to be made to any ſuch perſon or perſons of his blood, ſhall be good and effectual to them, and every of them, according to the tenor, purports, and effects of every ſuch letters patents and laſt will. And that the ſaid perſon and perſons, and every of them, ſhall have and enjoy as well all ſuch titles, ſtiles, and names of honour, dignity, and eſtate, which ſhall be contained and expreſſed in any ſuch letters patents or laſt will of the King's highneſs, as ſuch caſtles, honours, manors, lands, tenements, liberties, franchiſes, and all other hereditaments, which ſhall be ſpecified, and mentioned in every ſuch letters patents, or laſt will, in ſuch manner, form, faſhion, and condition, and according to ſuch eſtate, or eſtates in the law, as ſhall be expreſſed and limited in every ſuch letters patents, or laſt will, in as large and ample manner to all intents and purpoſes, as if the titles, ſtiles, and name of honour, dignity and eſtate, and the caſtles, honours, manors, lands, tenements, liberties, franchiſes, and other hereditaments, which ſhall be compriſed in any ſuch letters patents, or laſt will to be made, were already given by good and ſufficient letters patents to ſuch perſon or perſons of the King's blood by their ſpecial names and ſurnames, and ratified and confirmed by authority of this preſent parliament: Or as if the names of ſuch perſon or perſons, ſo being of the King's blood, and ſuch titles, ſtiles, names, caſtles, honours, manors, lands, tenements, liberties, franchiſes or other hereditaments, had been ſpecially named, and expreſſed in this act, and given to ſuch perſon or perſons of the King's blood by their proper names and ſurnames, by ſufficient words, terms, clauſes and ſentences, immediately by authority of this preſent parliament. Saving to all and every perſon and perſons and bodies politick, and to their heirs, aſſignes and ſucceſſors other than to the King's highneſs, his heirs or ſucceſſors, all ſuch right, title, intereſt, poſſeſſion, rents, annuities, fees, offices, commons, rights, intereſts, petitions, conditions, and all other hereditaments, which they or any of them may or might claim, of, in, or to any the ſaid titles, ſtiles, names, caſtles, honours, manors, lands, tenements, liberties, franchiſes, and other hereditaments contained or mentioned

The rights and eſtates of all others ſaved.

in

in any ſuch letters patents, or laſt will, in as large and ample manner as if this act had never been had nor made.

XXVIII. And be it finally enacted by authority aforeſaid, That this preſent act, and every clauſe, article, and ſentence compriſed in the ſame, ſhall be taken and accepted according to the plain words and ſentences therein contained, and ſhall not be interpreted nor expounded by colour of any pretence or cauſe, or by any ſubtil arguments, inventions or reaſons to the hindrance, diſturbance or derogation of this act, or any part thereof: any thing or things, act or acts of parliament heretofore made, or hereafter to be had, done or made to the contrary thereof notwithſtanding. And that every act, ſtatute, law, proviſion, thing and things heretofore had or made, or hereafter to be had, done or made contrary to the effect of this ſtatute, ſhall be void, and of no value nor force.

This act ſhall be conſtrued according to the plain words thereof.

Altered by 35 H. 8. c. 1. Repealed, 1 M. ſeſſ. 2. c. 1.

CAP. VIII.

An act for continuance of the ſtatutes of 21 *H.* 8. *c.* 10, 12. 23 *H.* 8. *c.* 17. and 24 *H.* 8. *c.* 9. againſt the carriage of braſs, laten and copper, out of this realm; and for making cables and ropes; for the winding of wool, and againſt killing of weanlings under the age of two years.---*To endure to the laſt day of the next parliament.*

1 El. c. 18.

CAP. IX.

An act for continuance of the ſtatutes of 23 *H.* 8. *c.* 2, 3. 25 *H.* 8. *c.* 9. and 24 *H.* 8. *c.* 4. of perjury, for making of jayles for pewterers, and for ſowing of flax and hemp.---*To endure to the laſt day of the next parliament.*

1 El. c. 18.

CAP. X.

If any perſon ſhall extol the authority of the biſhop of *Rome*, he ſhall incur the penalty of *præmunire* provided *Anno* 16 *R.* 2. *c.* 5. Every eccleſiaſtical and lay officer ſhall be ſworn to renounce the ſaid biſhop and his authority, and to reſiſt it to his power, and to repute any oath taken in maintenance of the ſaid biſhop or his authority, to be void; and the refuſing of the ſaid oath, being tendred, ſhall be adjudged high treaſon.

REP. 1 & 2 Ph. & M. c. 8. See 13 El. c. 2.

CAP. XI.

For the reſtitution of the firſt-fruits in time of vacation to the next incumbent.

FOraſmuch *as in the ſtatute of the payment unto the King's majeſty, his heirs and ſucceſſors, of the firſt-fruits of ſpiritual promotions, offices, benefices and dignities within this realm, and other the King's dominions, expreſs mention and declaration is not had ne made, from what time the year ſhall be accounted, in which the firſt-fruits ſhall be due and payable to his Highneſs, that is to wit, whether immediately from the death, reſignation or deprivation of every incumbent, or from the time of admiſſion or new taking of poſſeſſion in every ſuch promotion.*

The reaſons for making this act. 1 Roll. 462, 469. 26 H. 8. c. 3.

Firſt-fruits taken during the vacation of a benefice, ſhall be reſtored to the next incumbent, whoſe charge for firſt-fruits ſhall begin from the firſt vacation.

II. *And alſo by reaſon that in the ſame ſtatute it is not declared who ſhall have the fruits, tithes and other profits of the ſaid benefices, offices, promotions and dignities ſpiritual, during the time of vacation thereof, divers of the archbiſhops and biſhops of this realm have, not only when the time of perceiving and taking of tithes (that is to ſay, wool, lamb, corn and hay, and tithes uſually paid at the holy time of* Eaſter) *hath approached, deferred the collation of ſuch benefices as have been of their own patronage, but alſo have, upon preſentations of clerks made unto them by the juſt patrons, protracted and deferred to inſtitute, induct and admit the ſame clerks, to the intent that they might have and perceive to their own uſe the ſame tithes growing during the vacation*; (2) *ſo that through ſuch delays (over and above the firſt-fruits, which be juſtly due to the King's highneſs) they have been conſtrained alſo to loſe all or the moſt part of one year's profits of their benefices and promotions, and to ſerve the cure at their and their friends proper coſts and charges, or utterly to forſake and give overt heir benefices and promotions, to their great loſs and hindrance:*

The ordinaries delay to inſtitute clerks for their private gain.

The next incumbent's charge to the King ſhall begin from the firſt vacation of the benefice. The fruits taken during the vacation of a benefice, ſhall be reſtored to the next incumbent. See 1 El. c. 4. f. 24. Co. pl. f. 368. b.

III. For reformation whereof, be it ordained and enacted by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That the ſaid year, in which the firſt-fruits ſhall be paid to the King's grace, ſhall begin and be accounted immediately after the avoidance or vacation of any ſuch benefice or promotions ſpiritual afore rehearſed; (2) and that the tithes, fruits, oblations, obventions, emoluments, commodities, advantages, rents and all other whatſoever revenues, caſualties or profits, certain and uncertain, affering or belonging to any archdeaconry, deanry, prebend, parſonage, vicarage, hoſpital, wardenſhip, provoſtſhip, or other ſpiritual promotion, benefice, dignity or office (chaunteries only except) within this realm, or other the King's dominions, growing, riſing, or coming, during the time of vacation of the ſame promotion ſpiritual, ſhall belong and affere to ſuch perſon as ſhall be thereunto next preſented, promoted, inſtituted, inducted or admitted, and to his executors, towards the payment of the firſt-fruits to the King's highneſs, his heirs and ſucceſſors; any uſage, cuſtom, liberty, privilege or preſcription to the contrary had, uſed or being, in any wiſe notwithſtanding.

The forfeiture of the ordinary which receiveth the fruits of a benefice during the vacation, and doth not reſtore them to the next incumbent.

IV. And it is alſo enacted by the authority aforeſaid, That if any archbiſhop, biſhop, archdeacon, ordinary, or any other perſon or perſons to their uſes and behoof, at any time heretofore ſith the firſt day of *May* laſt paſt, have perceived, received or taken, or at any time hereafter do perceive, receive or take the fruits, tithes, obventions, oblations, emoluments, commodities, revenues, rents, advantages, profits or caſualties, coming, growing or belonging, or which hereafter ſhall come, grow, affere, or belong to any archdeaconry, deanry, prebend, parſonage, vicarage, hoſpital, wardenſhip, provoſtſhip or other ſpiritual promotion, benefice, dignity or office (chaunteries

only)

only excepted) within this realm or other the King's dominions, during the vacation of ſuch archdeaconry, deanry, prebend, parſonage, vicarage, hoſpital, wardenſhip, provoſtſhip, or other ſpiritual promotion, benefice, dignity or office (chauntries only excepted) and the ſame, upon reaſonable requeſt from henceforth to be made, doth not render, reſtore, ſatisfy, content and pay to the next incumbent, being lawfully inſtituted, inducted, or admitted to ſuch archdeaconry, deanry, prebend, parſonage or vicarage, or other promotion, benefice, dignity or office ſpiritual, except before excepted, or do let or interrupt the ſaid incumbent to have the ſame; that then every archbiſhop, biſhop, archdeacon, ordinary or other perſon ſo doing, ſhall forfeit and loſe the treble value of ſo much as he ſhall then have received of the fruits of every prebend, parſonage, vicarage, hoſpital, wardenſhip, provoſtſhip or other ſpiritual promotion, whereof he ſo ſhall perceive, receive or detain, let or interrupt the incumbent to perceive, receive and have the fruits, tithes, obventions, oblations, emoluments, commodities, revenues, rents, advantages, profits or caſualties; (2) the moiety of which forfeiture ſhall be to the King our ſovereign lord, and the other moiety thereof to the incumbent of the ſame prebend, parſonage or vicarage, or other ſpiritual promotion, to be recovered in any of the King's courts, by action, bill, plaint, information or otherwiſe, in which action or ſuit the defendant ſhall not be admitted to wage his law, nor any protection or eſſoin ſhall be unto the defendant allowed.

What part of the fruits of a benefice the ordinary may retain in his hands, and for what cauſes.

V. Provided alway, That it ſhall be lawful to every archbiſhop, biſhop, archdeacon, and ordinary, their officers and miniſters, to retain in his or their cuſtody ſo much of the tithes, fruits, obventions, oblations, emoluments, commodities, advantages, rents, revenues, caſualties and profits, as ſhall amount to pay unto ſuch perſon or perſons, as hath or ſhall ſerve or keep the cure of ſuch archdeaconry, deanry, prebend, parſonage or vicarage, or other ſpiritual promotion, during the vacation, his or their reaſonable ſtipend or ſalary; (2) and alſo for the collection, gathering and levying of ſuch tithes, fruits, emoluments, rents and other profits riſing and growing during the vacation aforeſaid; any thing in this act contained to the contrary in any wiſe notwithſtanding.

Incumbents may declare their wills of any corn ſown by them upon their glebe lands.

VI. Provided alſo, and be it further enacted by the authority aforeſaid, That in caſe any of the incumbents aforeſaid happen to die, and before his death hath cauſed any of his glebe lands to be manured and ſown at his proper coſts and charges with any corn or grain; that then in that caſe, all and every of the ſame incumbents may make and declare their teſtaments of all the profits of the corn growing upon the ſaid glebe lands ſo manured and ſown; any thing contained in this preſent act in any wiſe notwithſtanding.

VII. *And where alſo before this time divers and many parſons, vicars and other ſpiritual perſons, being ſeiſed for term of their lives, of and in the ſaid ſpiritual promotions aforenamed, as well for great ſums of money to them beforehand paid, as for other cauſes and conſiderations,*

ſiderations, have let in ferm for term of years, by ſufficient writings, their ſaid parſonages, vicarages and other ſpiritual promotions, or part thereof, unto divers and many of the King's ſubjects, and after ſuch leaſes by them ſo made, the leſſors thereof have oftentimes uſed to reſign their ſaid benefices or ſpiritual promotions ſo demiſed and letten in ferm; by reaſon of which reſignation and other acts of the ſaid leſſors, the ſaid benefices and other ſpiritual promotions have been void, and the title and intereſts of the ſaid leſſees hath been thereby annihilate, and of none effect in the law, contrary to right and good conſcience: (2) *for reformation whereof, and for a quietneſs the better hereafter to be had and continued between the King's ſubjects,* be it enacted by authority of this preſent parliament, That from the foreſaid firſt day of *May* laſt paſt, no manner of ſuch leaſe, by ſufficient writing heretofore made, nor hereafter to be made, by any ſpiritual perſon within this realm of *England*, *Wales*, or the marches of the ſame, to any lay perſon, of any parſonage, vicarage or other ſpiritual promotion aforeſaid, within this realm, upon which leaſe the rent and ſervices reſerved, with other the yearly charges of the leaſe, as in ſerving the cure and otherwiſe, ſhall amount within forty ſhillings by the year of as much as the ſaid parſonage, vicarage, or other ſpiritual promotion aforeſaid, ſo letten, is rated and valued at upon the King's books, for paying the firſt-fruits, ſhall be adjudged void, annihilate or determined, by reaſon of any ſuch reſignation, or other avoidance of the ſaid benefice or ſpiritual promotion ſo letten, by the only act of the ſaid leſſor; (3) but that every ſuch leſſee or grantee of any ſuch benefices or ſpiritual promotions aforeſaid, their executors or aſſigns, ſhall have and may enjoy their terms and intereſts of and in the ſame, for the term of ſix years, to be accounted next and immediately after the ſaid avoidance, if the ſaid leſſor do ſo long live, and the leaſe ſo by him before made do ſo long continue and endure; (4) and that after ſuch avoidance, the ſucceſſor or ſucceſſors of every ſuch leſſor ſhall and may diſtrain for the rent and ſervices ſo reſerved, and have their actions of debt and all other advantages by way of action, entry or otherwiſe, againſt the ſaid leſſee, his executors or aſſigns, for recovery of the ſaid rent and covenants upon the ſaid leaſe reſerved, as the leſſor thereof might have had if no ſuch avoidance had been had.

If a ſpiritual perſon do demiſe his benefice for years, and after doth reſign or die, how long the leſſee may enjoy it. Altered by 1&2 Ph. & M. c. 17.

VIII. And further be it enacted by the authority aforeſaid, That if hereafter it happen any ſuch leſſor to deceaſe and die before the end of the term by him ſo made, and that there be one year at leaſt to come of the ſaid term, that then it ſhall be lawful to the leſſee thereof, his executors or aſſigns, to hold and enjoy their ſaid leaſe to the end of the ſame year, wherein he is ſo entered at the time of his ſaid leſſor's death, if his ſaid leaſe do ſo long continue, bearing and paying unto the ſucceſſor of every ſuch leſſor, all ſuch rent and ſervices, as for the remnant of the ſaid year ſhall upon every ſuch leaſe be due; for the recovery whereof the ſaid ſucceſſor ſhall and may have all

ſuch

ſuch ways and advantages as before is limited and given to the ſucceſſor, where his predeceſſor maketh ſuch leaſe, and reſigneth.

IX. Provided alway, That every ſucceſſor, after the death of his predeceſſor, may and ſhall have, upon one month's warning after the time of his induction, the manſion-houſe of every ſuch parſonage, vicarage, or other ſpiritual promotion aforeſaid, with the glebe belonging to the ſame, not being ſown at the time of his ſaid predeceſſor's death, for maintenance of his houſhold, deducting therefore in his rent, as heretofore hath been borne for the ſame, or as it is reaſonably worth; any thing in this act contained to the contrary notwithſtanding. The ſucceſſor ſhall have the parſonage-houſe, and the glebe not ſown.

X. Provided alway, That if the fruits of the vacation of the ſaid ſpiritual promotions be not ſufficient to pay the curate's ſtipend and wages for ſerving the cure the vacation time, that then the ſame to be borne and paid by the next incumbent within fourteen days next after that he hath the poſſeſſion of any of the ſaid promotions ſpiritual. Proviſion for the curate who ſerves during the vacation.

CAP. XII.

The limits of the King's palace at *Weſtminſter* to be from *Charing-Croſs* to *Weſtminſter-Hall*, which ſhall have ſuch privileges as the King's ancient palaces have.

CAP. XIII.

The bill for non-reſidence of ſpiritual men and their benefices.

WHEREAS *in the parliament begun at* London *the third day of* November *in the twenty-firſt year of the reign of our ſovereign lord King* Henry *the Eighth, and from thence adjourned and prorogued to the palace of* Weſtminſter *the ſeventeenth day of* December *then next enſuing, amongſt other good acts and ordinances, then and there by the authority of the ſaid parliament, it was eſtabliſhed, ordained and enacted, That as well every ſpiritual perſon, then being promoted to any archdeaconry, deanry or dignity in any monaſtery or cathedral church, or other church conventual or collegial, or being beneficed with any parſonage or vicarage, as all and every ſpiritual perſon and perſons, which ſhould after the feaſt of St.* Michael *the archangel, which was in the foreſaid twenty-firſt year of the reign of our ſovereign lord King* Henry *the Eighth, be promoted to any of the ſaid dignities or benefices with any parſonage or vicarage, ſhould from the ſaid feaſt of St.* Michael *the archangel be perſonally reſident and abiding at and upon his ſaid dignity, prebend or benefice, or at one of them at the leaſt; (2) and in caſe any ſuch ſpiritual perſon, at any time after the ſaid feaſt, kept not reſidence at one of his ſaid dignities, prebend or benefices, (as is aforeſaid) but abſent himſelf wilfully by the ſpace of one month together, or by the ſpace of two months to be accounted at ſeveral times in any one year, and make his reſidence and abiding in any other places by ſuch time, that then he ſhall forfeit for every ſuch default* x. l. *ſterling, as in the ſame act more plainly doth appear; (3) in which act, among other proviſions contained and ſpecified in the ſame, it was provided, That the ſaid act of non-reſidence ſhould not in any wiſe extend ne be prejudicial to any ſcholar or ſcholars, being converſant and abiding for ſtudy, without fraud or* A recital of 21 H. 8. c. 13. ſ. 28. and of the practices made uſe of to evade the meaning of the ſame.

covin, at any univerſity within this realm or without, as by the ſame proviſion doth alſo appear more at large; (4) *ſithence the making of which good act and ſtatute, divers and many perſons being beneficed with cure of ſouls (as is aforeſaid) and being not apt to ſtudy by reaſon of their age, or otherwiſe, ne never intending, before the making of the ſaid act, to travel in ſtudy within any of the ſaid univerſities for the increaſe of learning, but rather minding and intending their own eaſe, ſingular lucre and pleaſure, by the ſame proviſion colourably to defraud the ſame good ſtatute and ordinance, do daily and commonly reſort and repair to the ſaid univerſities of* Oxford *and* Cambridge, *and to either of them, where they, under the ſaid pretence and colour of ſtudy, do continue and abide, living diſſolutely, nothing profiting themſelves by ſtudy at all in learning, but conſume the time in idleneſs and in other paſtimes, and inſolent pleaſures, giving occaſion and evil example thereby to other young men and ſtudents within the ſaid univerſities, little or nothing regarding their cure and charge of ſouls, contrary to the minds and intent of the makers of the foreſaid good ſtatute and ordinance*; (5) *and alſo divers and many old beneficed men have and do continually remain there, never exerciſing nor practiſing their learning to the example of virtue and maintenance of the common weal, in diſcharge of their conſcience, according to their duty, having nevertheleſs and occupying ſuch rooms and commodities, as were inſtituted and ordained for the maintenance and relief of poor ſcholars, to the great hindrance and detriment of the ſame:*

What ſpiritual perſons may be diſcharged from reſidence upon their benefices, and for what cauſe. 21 H. 8. c. 13.

II. Be it therefore enacted by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, That all and ſingular ſpiritual perſon and perſons, which now be, or hereafter ſhall be, to any benefice or benefices promoted, as is aforeſaid, being above the age of xl. years, (the chancellor, vice-chancellor, commiſſary of the ſaid univerſities, or any of them, wardens, deans, provoſts, preſidents, rectors, maſters, principals and other head rulers of colleges, halls and other houſes or places corporate within the ſaid univerſities, or any of them, doctors of the chair, readers of divinity in the common ſchools of divinity in any of the ſaid univerſities, only excepted) ſhall be reſident and abiding at and upon one of their ſaid benefices, according to the intent and true meaning of the ſaid former act, upon ſuch pain and penalties as be contained in the ſaid former act made and appointed for ſuch beneficed perſons for their non-reſidence. (2) And that none of the ſaid beneficed perſons being above the age aforeſaid, except before except, ſhall from henceforth be excuſed of their non-reſidence upon the ſaid benefices, for that they be ſtudents or reſiant within the ſaid univerſities, or any of them; any proviſo, or any other clauſe or ſentence ſpecified or contained in the ſaid former act of non-reſidence, or any other thing or things, to the contrary hereof in any wiſe notwithſtanding.

III. And over this be it enacted by the authority aforeſaid, That all and ſingular ſuch beneficed perſons, being under the age of xl. years, reſiant and abiding within the ſaid univerſities,

or

or any of them, ſhall not enjoy the privilege and liberty of non-reſidence, contained in the proviſo of the ſaid former act, made for the ſcholars and ſtudents of the ſaid univerſities, or any of them, unleſs he or they be preſent at the ordinary lecture and lectures, as well at home in their houſes, as in the common ſchool or ſchools, and in their proper perſons keep ſophiſms, problems, diſputations and other exerciſes of learning, and be opponent and reſpondent in the ſame, according to the ordinances and ſtatutes of either of the ſaid univerſities, where he or they ſhall be ſo abiding or reſiant; any thing contained in the ſaid proviſo or former act to the contrary notwithſtanding.

IV. Provided alway, That this act ſhall begin to take effect at the feaſt of St. *Michael* the archangel next coming, and not before.

V. Provided alway, That this act, nor any thing therein contained, ſhall extend to any perſon or perſons which now is, or hereafter ſhall be readers of any publick or common lecture in divinity, law civil, phyſick, philoſophy, humanity, or of any of the liberal ſciences, or publick or common interpreters or teachers of the *Hebrew* tongue, *Chaldee* or *Greek*, in whatſoever college or place of any of the ſaid univerſities the ſaid perſons for the time being ſhall read the ſaid common or publick lectures; nor yet to any perſon or perſons after or above the age of xl. years, which ſhall reſort to any of the ſaid univerſities to proceed doctors in divinity, law civil or phyſick, for the time of their ſaid proceedings, and executing of ſuch ſermons, diſputations or lectures, which they be bound by the ſtatutes of the univerſities there to do for the ſaid degrees ſo obtained.

Proviſo for readers of lectures, &c. in the univerſities, and for thoſe that proceed doctors in divinity, law or phyſick.

CAP. XIV.

For prices of wines.

BE it enacted by authority of this preſent parliament, That no perſon or perſons ſhall ſell any *Gaſcoin*, *Guyen* or *French* wines, above viij. d. the gallon, that is to ſay, a peny the pint, two-pence the quart, four-pence the pottle, and eight-pence the gallon, upon pain of forfeiture for every pint to be ſold above the ſaid price, iv. d. and for every quart ſold above the ſaid price, viij. d. and for every pottle ſo ſold above the ſaid price, xij. d. and for every gallon ſo ſold above the ſaid price afore limited, ij. s. (2) And that no malmeſeys, romneys, ſacks nor other ſweet wines ſhall be ſold by retail above xij. d. the gallon, vi. d. the pottle, iij. d. the quart, i. d. *ob.* the pint, upon pain to loſe and forfeit iij. s. iv. d. for every gallon, xx. d. for every pottle, xij. d. for every quart, and vi. d. for every pint that ſhall be ſold contrary to this act.

None ſhall ſell Gaſcoign or Guyen wine above viij. d. the gallon. 7 Ed. 6. c. 5. ſ. 12. 5 El. c. 5. Repealed by 21 Jac. 1. c. 28. See 12 Car. 2. c. 25.

II. Provided alway, That the lord chancellor, lord treaſurer, lord preſident of the King's moſt honourable council, lord privy ſeal, and the two chief juſtices of either bench, or five, four, or three of them, ſhall have power and authority by their diſcretions to ſet the prices of all kind of wines, that is to ſay, of the prices of the butt, tun, pipe, hogſhead, puncheon, tierce, barrel

The prices of wines ſold in groſs ſhall be aſſeſſed by the King's great officers. 34 H. 8. c. 7. 37 H. 8. c. 23.

barrel or rundlet, when it ſhall be ſold in groſs, ſo that they or any of them cauſe the prices by them ſet, to be written, and open proclamation thereof to be made in the King's court of chancery openly in the term-time, or elſe in the city, borough or town, where any ſuch wines ſhall be ſold in groſs; any thing contained in this act to the contrary hereof notwithſtanding.

The forfeiture for ſelling of wines in groſs contrary to the prices aſſeſſed.

III. And it is further enacted, That if any perſon or perſons, after ſuch prices be ſet and put in writing by the ſaid lord chancellor, lord treaſurer, lord preſident of the King's moſt honourable council, lord privy ſeal, and the two chief juſtices, or by five, four or three of them, and proclamation thereof had (as is aforeſaid) do ſell any wines in groſs by any fraud or covin, contrary to the ſaid prices ſo ſet and proclaimed; that then every ſuch offender in that behalf ſhall loſe and forfeit for every veſſel by them ſold in groſs contrary to the ſaid prices, xl. s. (2) the one half of all which forfeitures to be to the King our ſovereign lord, and the other half thereof, if it be within any city, borough or town corporate, to be to the mayors, ſheriffs, bailiffs or other head rulers of ſuch cities, boroughs or towns corporate; (3) and if it be without city, borough or town corporate, then to be to ſuch of the King's ſubjects as will ſue for the ſame; and that every ſuch forfeiture ſhall be recovered by original writ of debt, bill, plaint or information, in which ſuit no wager of law ſhall be admitted, nor any protection or eſſoin allowed.

Juſtices of peace and chief officers in boroughs, &c. ſhall enquire of and puniſh offenders.

IV. And it is alſo enacted, That the juſtices of peace in every ſhire of this realm, and all mayors, ſheriffs, bailiffs and other head officers in cities, boroughs and towns corporate, that is to ſay, every of them within the limits of their commiſſions and authorities, as well within franchiſes as without, ſhall have power and authority to examine, hear, enquire and determine the defaults of ſuch as ſhall attempt to ſell any wines in groſs or by retail contrary to this act, and to puniſh the offenders by impriſonment, or otherwiſe, by their diſcretions.

The contents of every veſſel of wine, and the ſtatute of 1 R. 3. c. 13. and other ſtatutes made touching the ſame, confirmed. 18 H. 6. c. 17.

V. *And whereas in the parliament holden at* Weſtminſter *in the firſt year of the reign of King* Richard *the Third, among other things, it was eſtabliſhed, ordained and enacted, That every tun of wine ſhould contain* cclij. *gallons, every butt of malmeſey ſhould contain* cxxvj. *gallons, every pipe* cxxvj. *gallons, every tertian or puncheon* lxxxiiij. *gallons, every hogſhead* lxiij. *gallons, every tierce* xlj. *gallons and di. and every barrel* xxxj. *gallons and di. and every rundlet* xviij. *gallons,* (2) *and that no veſſel ſhould be put to ſale till it were gauged, upon pain of forfeiture, as by the ſame ſtatute it doth appear more at large.* (3) *Nevertheleſs, great deceit is daily uſed in ſelling of wines and oyls in caſks and veſſels not bearing the contents above limited, to the great loſs of the King's poor ſubjects*: for remedy whereof, it is enacted by the authority of this preſent parliament, That the ſaid ſtatute made in the firſt year of King *Richard* the Third, and all other ſtatutes heretofore made for true gauging and meaſuring of wines, oyls, honey or any other liquors, which eſtatutes afore this time be not repealed nor expired, ſhall ſtand in their ſtrength and virtue, and be put in due execution according to their tenors and effects in every behalf.

VI. And

VI. And over that be it enacted by authority of this preſent parliament, That every gauger within this realm ſhall truly and effectually, within the limits of his office, gauge all the ſaid tuns, butts, pipes, tierces, puncheons, tertians, barrels, hogsheads and rundlets, and ſhall plainly and truly mark upon the head of every ſuch veſſel the content of the ſame, (2) upon pain to forfeit to the party, to whoſe uſe the wine, oyl or other thing therein being ſhall be ſold, four times the value of that that the veſſel ſo marked ſhall lack of his lawful content above written; (3) the ſame forfeiture to be recovered over and beſide the coſts of the ſuit, by the King's original writ, or by bill in any of the King's courts of his common laws, or in any competent court having juriſdiction in the place where that offence ſhall be committed, by action or bill of debt; in which action or ſuit none eſſoin, protection nor wager of law ſhall be accepted, admitted or allowed to the defendant or defendants: (4) and that every merchant or other perſon ſelling the ſaid wine, oyl or other things contained in the ſaid veſſel marked, ſhall allow of the price thereof to the buyer of the ſame, for every quantity of wine, oyl or other thing contained in the ſaid marked veſſel, the full value of the lack thereof, being by reaſon of default of full gauge of the veſſel marked, or of default of filling of the ſame veſſel, or by reaſon of default of any of them, after the rate of the whole price of the wine, oyl or other thing ſo being ſold by that veſſel marked, and that upon pain of forfeiture to the ſame buyer the double value of the ſame veſſel and wine, oyl or other thing therein being ſo ſold; the ſame forfeiture to be recovered, together with the coſts of the ſuit, in manner and form as the forfeiture laſt before written is limited to be recovered.

Every veſſel of wine, &c. ſhall be truly gauged and marked upon the head.

27 Ed. 3. c. 8.
23 H. 6. c. 16.

How he ſhall be recompenſed which lacketh meaſure.

CAP. XV.

For pirates.

WHERE *traytors, pirates, thieves, robbers, murderers aud confederates upon the ſea, many times eſcaped unpuniſhed, becauſe the trial of their offences hath heretofore been ordered, judged and determined before the admiral, or his lieutenant or commiſſary, after the courſe of the civil laws, (2) the nature whereof is, that before any judgment of death can be given againſt the offenders, either they muſt plainly confeſs their offences (which they will never do without torture or pains) or elſe their offences be ſo plainly and directly proved by witneſs indifferent, ſuch as ſaw their offences committed, which cannot be gotten but by chance at few times, becauſe ſuch offenders commit their offences upon the ſea, and at many times murder and kill ſuch perſons being in the ſhip or boat where they commit their offences, which ſhould witneſs againſt them in that behalf; and alſo ſuch as ſhould bear witneſs be commonly mariners and ſhipmen, which, becauſe of their often voyages and paſſages in the ſeas, depart without long tarrying and protraction of time, to the great coſts and charges as well of the King's highneſs, as ſuch as would purſue ſuch offenders:* (3) for reformation whereof, be it enacted by the authority of this preſent parliament, That all treaſons, felonies, robberies, murders

Mod. caſes in law 74.
3 Inſt. 48, 111, 112.
13 Co. 53.
1 Roll. 175.

Trial of offences committed upon the ſea,

or within the admiral's juriſdiction, by the King's commiſſion. Altered by 11 & 12 W. 3. c. 7. 3 Inſt. 147. Hob. 146. Dyer 211. pl. 33.

murders and confederacies hereafter to be committed in or upon the ſea, or in any other haven, river, creek or place where the admiral or admirals have or pretend to have power, authority or juriſdiction, ſhall be enquired, tried, heard, determined and judged, in ſuch ſhires and places in the realm, as ſhall be limited by the King's commiſſion or commiſſions to be directed for the ſame, in like form and condition, as if any ſuch offence or offences had been committed or done in or upon the land; (4) and ſuch commiſſions ſhall be had under the King's great ſeal, directed to the admiral or admirals, or to his or their lieutenant, deputy and deputies, and to three or four ſuch other ſubſtantial perſons, as ſhall be named or appointed by the lord chancellor of *England* for the time being, from time to time, and as oft as need ſhall require, to hear and determine ſuch offences after the common courſe of the laws of this realm, uſed for treaſons, felonies, murders, robberies and confederacies of the ſame, done and committed upon the land within this realm.

The commiſſioners authority. 1 Leon. 106, 270. 3 Bulſtr. 28, 29.

II. And be it enacted by the authority aforeſaid, That ſuch perſons to whom ſuch commiſſion or commiſſions ſhall be directed, or four of them at the leaſt, ſhall have full power and authority to enquire of ſuch offences, and of every of them, by the oaths of twelve good and lawful inhabitants in the ſhire limited in their commiſſion, in ſuch like manner and form, as if ſuch offences had been committed upon the land within the ſame ſhire; (2) and that every indictment, found and preſented before ſuch commiſſioners, of any treaſons, felonies, robberies, murders, manſlaughters, or ſuch other offences, being committed or done in or upon the ſeas, or in or upon any other haven, river or creek, ſhall be good and effectual in the law; (3) and if any perſon or perſons happen to be indicted for any ſuch offence done or hereafter to be done upon the ſeas, or in any other place above limited, that then ſuch order, proceſs, judgment and execution ſhall be uſed, had, done and made, to and againſt every ſuch perſon and perſons ſo being indicted, as againſt traytors, felons and murderers, for treaſon, felony, robbery, murder or other ſuch offences done upon the land, as by the laws of this realm is accuſtomed; (4) and that the trial of ſuch offence or offences, if it be denied by the offender or offenders, ſhall be had by twelve lawful men inhabited in the ſhire limited within ſuch commiſſion, which ſhall be directed as is aforeſaid, and no challenge or challenges to be had for the hundred; (5) and ſuch as ſhall be convict of any ſuch offence or offences, by verdict, confeſſion or proceſs, by authority of any ſuch commiſſion, ſhall have and ſuffer ſuch pains of death, loſſes of lands, goods and chattels, as if they had been attainted and convicted of any treaſons, felonies, robberies, or other the ſaid offences done upon the lands.

The puniſhment of offenders. 1 Salk. 85. Co. Lit. 391. a.

Moor 756. pl. 1044.

III. And be it enacted by authority aforeſaid, That for treaſons, robberies, felonies, murders and confederacies done upon the ſea or ſeas, or in any place above rehearſed, the offenders ſhall not be admitted to have the benefit of his or their clergy,

but

but be utterly excluded thereof and from the ſame, and alſo of the privilege of any ſanctuary.

IV. Provided alway, That this act extend not to be prejudicial or hurtful to any perſon or perſons for taking any victual, cables, ropes, anchors or ſails, which any ſuch perſon or perſons (compelled by neceſſity) taketh of or in any ſhip which may conveniently ſpare the ſame, ſo the ſame perſon or perſons pay out of hand for the ſame victual, cables, ropes, anchors or ſails, money or money-worth, to the value of the thing ſo taken, or do deliver for the ſame a ſufficient bill obligatory to be paid in form following, that is to ſay, if the taking of the ſame things be on this ſide the ſtraits of *Marroke*, then to be paid within four months, and if it be beyond the ſaid ſtraits of *Marroke*, then to be paid within twelve months next enſuing the making of ſuch bills, and that the makers of ſuch bills well and truly pay the ſame debt at the day to be limited within the ſaid bills. Taking of things that may be ſpared upon neceſſity, and paying for them.

V. Provided alway, That whenſoever any ſuch commiſſion for the puniſhment of the offences aforeſaid, or of any of them, ſhall be directed or ſent to any place within the juriſdiction of the five ports, that then every ſuch commiſſion ſhall be directed unto the lord warden of the ſaid ports for the time being, or to his deputy, and unto three or four ſuch other perſon or perſons as the lord chancellor for the time being ſhall name and appoint; any thing in this preſent act to the contrary notwithſtanding. Commiſſions directed into any place within the five ports.

VI. Provided alway, That whenſoever any commiſſion ſhall be directed unto the five ports for the inquiſition and trials of any the offences expreſſed in this act, that every ſuch inquiſition and trial to be had by virtue of ſuch commiſſion, ſhall be made and had by the inhabitants in the ſaid five ports, or the members of the ſame; any thing in this act to the contrary thereof notwithſtanding. 27 H. 8. c. 4. 1 Geo. 1. ſtat. 2. c. 25. 4 Geo. 1. c. 11. 8 Geo. 1. c. 24, 28.

CAP. XVI.

A proviſion for diſpenſations and licences heretofore obtained from the ſee of Rome.

WHERE *the biſhop of* Rome *and his predeceſſors, of his and their covetous and ambitious minds, to the intent to advance and enrich themſelves and the ſee of* Rome, *to the great impoveriſhing of this realm of* England, *and other the King's dominions, contrary to God's laws, the laws and ſtatutes of this realm, and in derogation of the imperial crown of this ſaid realm, have heretofore wrongfully pretended, extorted, uſed and exerciſed within the ſame divers and many uſurped powers, juriſdictions and authorities, during and by the which time the ſaid biſhop and his predeceſſors arrogantly and unjuſtly have taken upon them, for great ſums of money, and other profits to them given, to grant unto the King's ſubjects, and other inhabitants within this realm and other the King's dominions, many, divers and ſundry authorities, immunities, faculties, privileges, licences, indulgences and preheminences of divers kinds, natures and qualities,* 2 Roll. 451.

(2) *which,*

Releaſe of ſuch who have obtained licences from the ſee of Rome.

(2) *which, although they proceeded by an unjuſt and uſurped authority, have been until now of late, by the ſubjects of this realm, timorouſly and ignorantly accepted, received, uſed, and erroneouſly put in exerciſe and execution*; (3) *the which uſurped authority, juriſdiction and power is now juſtly, truly, and ought to be clearly and abſolutely extinguiſhed, extirped and aboliſhed, within this realm and other the King's dominions*; (4) *and foraſmuch as all and every ſuch perſon and perſons, bodies politick and corporate, which unlawfully, and without any manner of authority or juſt ground, heretofore have timorouſly and ignorantly accepted, received, uſed and erroneouſly put in execution, and exerciſed the ſaid faculties, immunities, authorities, privileges, licences, indulgences and preheminences, have now ſincere, pure and perfect intelligence and knowledge of the ſaid uſurped authority, juriſdiction and power; and that the ſaid faculties, authorities, privileges, licences and indulgences, ſo as is aforeſaid accepted, received, uſed and erroneouſly exerciſed, were and been to all intents and purpoſes clearly void, fruſtrate and of none effect; albeit, if they ſhould be impeached or interrupted of ſuch privileges, liberties, preheminences, authorities, juriſdictions, profits and other commodities, which they now have, uſe and exerciſe, by colour of ſuch vain and void licences, diſpenſations and faculties, it ſhould be to their intolerable inquietations and utter undoing.*

All bulls and diſpenſations from the biſhop or ſee of Rome to any ſubjects of this realm ſhall be void.
1 Roll. 92.

II. Wherefore be it enacted by authority of this preſent parliament, That all bulls, breves, faculties and diſpenſations, of what names, natures or qualities ſoever they be of, heretofore had or obtained of the biſhop of *Rome*, or any of his predeceſſors, or by the authority of the ſee of *Rome*, by or to any ſubjects, reſiants, or bodies politick or corporate, of or in this realm, or of or in any other the King's dominions, ſhall from henceforth be clearly void and of no value, force, ſtrength nor virtue; (2) and ſhall never hereafter be uſed, admitted, allowed, pleaded or alledged in any places or courts of this realm, or of any other the King's dominions, upon the pains contained in the ſtatute of proviſion and premunire, made in the fixteenth year of the reign of King *Richard* the Second: (3) yet notwithſtanding, at the moſt humble petition and interceſſion of the lords ſpiritual and temporal, and the commons in this preſent parliament aſſembled, it may pleaſe the King's majeſty of his moſt gracious benignity, goodneſs and bleſſed diſpoſition, that it may be enacted by authority of this parliament, That all

A confirmation of former lawful marriages.

marriages had and ſolemnized within this realm, or in any other the King's dominions, before the third day of *November* in the twenty ſixth year of the King's moſt gracious reign, whereof there is no divorce or ſeparation had by the eccleſiaſtical laws of this realm, and which marriages be not prohibited by God's laws, limited and declared in the act made in this preſent parliament for the eſtabliſhment of the King's ſucceſſion, or otherwiſe by holy ſcripture, ſhall be by authority of this preſent parliament good, lawful and effectual, and ſhall be from the beginning of ſuch marriages reputed, eſteemed, taken, adjudged, received, approved and allowed, by the authority of this

preſent

preſent parliament, to all and ſingular purpoſes, effects and intents, as good, as ſufficient, and as available, as though no impediment of matrimony had ever been between them that have contracted and ſolemnized ſuch marriages; (4) and that all children procreated and to be procreated in and under ſuch marriages, ſhall be lawful to all intents and purpoſes.

A confirmation of all archbiſhops and biſhops, and their authority, and other eccleſiaſtical perſons and orders.

III. And that it may be alſo enacted by the authority of this preſent parliament, That all archbiſhops and biſhops of this realm, or of any the King's dominions, conſecrated, and at this preſent time taken and reputed for archbiſhops and biſhops, may by authority of this preſent parliament, and not by virtue of any proviſion or other foreign authority, licence, faculty or diſpenſation, keep, enjoy and retain their archbiſhopricks and biſhopricks, in as large and ample manner, as if they had been promoted, elected, confirmed and conſecrated according to the due courſe of the laws of this realm; (2) and that every archbiſhop and biſhop of this realm, and of other the King's dominions, may miniſter, uſe and exerciſe all and every thing and things pertaining to the office or order of an archbiſhop and biſhop, with all tokens, enſigns and ceremonies thereunto lawfully belonging.

IV. And that all eccleſiaſtical perſons of the King's realm and dominions, which at this time be taken, had and reputed for abbots, priors, abbeſſes, prioreſſes, and other heads of religion, (which be not, neither ſhall be excluded from their dignities by the late act of ſuppreſſion) and the religious perſons living under their obedience, and all perſons now taken and reputed as maſters, preſidents, provoſts and wardens of cathedral churches and colleges, with the companies and fellowſhips of the ſame, all prieſts and clerks which have received any of the eccleſiaſtical orders, all archdeacons and deans, and other having offices, cures and dignities ſpiritual, may by authority of this act, and not by the virtue of any foreign power or authority, adminiſter, uſe and exerciſe all things pertaining to their dignities, offices, orders, cures, religions and fellowſhips, and may lawfully hereafter uſe all tokens, enſigns and ceremonies, which they have been accuſtomed to uſe in times paſt, ſo it be not expreſly againſt the laws of God and this realm; any thing or things contained in any act or acts made ſithen the beginning of this preſent parliament to the contrary of any of the premiſſes in any wiſe notwithſtanding.

V. *And where divers and many of the King's ſaid ſubjects have purchaſed and obtained many diſpenſations, bulls, breves and faculties of the biſhop of* Rome *for the time being, or by authority of the ſee of* Rome, *as pluralities, unions, trialties, appropriations, commendams, exemptions and other bulls, breves and faculties, for divers cauſes and matters, other than be afore expreſſed, which be of no ſtrength or virtue:* (2) it may therefore pleaſe the King's majeſty, that it may be enacted by authority aforeſaid, That all and every his ſaid ſubjects, during the time of one whole year next after the feaſt of St. *Michael* the archangel next coming, may enjoy, uſe and

and have, by authority of this preſent act, and not by the virtue of the ſaid bulls, breves and faculties, all and every the effects contained and ſpecified in ſuch bulls, breves and faculties, in all ſuch caſes only as may be diſpenſed with by the archbiſhop of *Canterbury*, by authority of the laws and ſtatutes of this realm.

The effect and contents of bulls, breves, faculties, &c. purchaſed of the ſee of Rome, which be allowable, ſhall be confirmed under the great ſeal. Dyer, 233, 345, 352.

VI. And that it may be further enacted by authority aforeſaid, That all and every the King's ſaid ſubjects, bringing, rendring and delivering to ſuch perſons of his council, or of the maſters of his chancery, as the King's highneſs ſhall name and appoint, any bulls, breves, or any other faculties concerning any the premiſſes, that then, if it ſhall appear to ſuch perſons as the King's highneſs ſhall ſo name and appoint to receive ſuch bulls, faculties and breves, after due examination thereof had, that the effects contained and ſpecified in ſuch bulls, faculties and breves, or any part thereof, may be lawfully granted by the ſaid archbiſhop of *Canterbury*, by authority of the laws and ſtatutes of this realm; that then and in every ſuch caſe the King's ſaid ſubjects making humble ſuit to have the effects contained in the ſaid bulls, breves and faculties to be granted unto them, ſhall have, receive and obtain of the chancellor of *England*, or keeper of the great ſeal for the time being, by ſufficient writing in due form to be made, and to be ſealed under the King's great ſeal, all and every ſuch effects contained and ſpecified in ſuch bulls, breves and faculties, as may be lawfully granted by the ſaid archbiſhop of *Canterbury*, by authority of the laws and ſtatutes of this realm, (2) paying only for ſealing of every ſuch writing xx s. iv. d. and over that, for the reaſonable coſts for pains of the writing thereof, iij. s. iv. d. and not above; and for the pain taken for due examination of every ſuch bulls, breves and faculties, iij. s. iv. d. and not above. (3) And that this preſent act ſhall be ſufficient and immediate warrant to the chancellor or keeper of the great ſeal, for enſealing and delivery of ſuch licences, faculties, diſpenſations and other writings, which ſhall be made, granted and ſealed under the King's great ſeal, by virtue and authority of this act.

VII. And it is alſo enacted by authority aforeſaid, That all and every ſuch licence, diſpenſation, faculty, confirmation or other writing, to be had, made or granted under the King's great ſeal out of the ſaid court of chancery by authority of this act, in form as is above rehearſed, ſhall be good and effectual to the ſaid parties ſuing for the ſame, according to the tenor and effects thereof, and ſhall be admitted, accepted and allowed in all courts and places of this realm, and in all other the King's dominions; any uſage, preſcription, foreign laws, cuſtoms or ordinance to the contrary thereof notwithſtanding.

Repealed by 1 & 2 Ph. & M. c. 8. and revived by 1 El. c. 1.

CAP. XVII.

Rep. 1 Ed. 6. c. 11. Any inheritable to the crown (to be limited by King *Hen.* VIII.) after his age of xxiv. years, may repeal ſuch ſtatutes as were made in his time before that age.

CAP. XVIII.

It ſhall be high treaſon for any man to eſpouſe, marry or take to his wife, any of the King's children being lawfully born, or otherwiſe commonly reputed for his children, or any of the King's ſiſters, or aunts of the part of the father, or any of the lawful children of the King's brethren or ſiſters, or to contract matrimony with any of them, without the King's licence firſt had under the great ſeal, or to deflower any of them being unmarried: and the woman ſo offending ſhall incur the like danger. 4 Inſt. 362. Rep. 1 Ed. 6. c. 12. 1 M. ſeſſ. 1. c. 1.

Statutes made at *Weſtminſter*, *Anno* 31 HEN. VIII. and *Anno Dom.* 1539.

HENRY *the Eighth, by the grace of God King of* England, *and of* France, *defender of the faith, lord of* Ireland, *and in earth ſupreme head immediately under Chriſt of the church of* England, *to the honour of Almighty God, conſervation of the true doctrine of Chriſt's religion, and for the concord, quiet and wealth of this his realm, and ſubjects of the ſame, held his moſt high court of parliament, begun at* Weſtminſter *the twenty-eighth day of* April *and there continued till the twenty-eighth day of* June, *the one and thirtieth year of his moſt noble and victorious reign, wherein were eſtabliſhed theſe acts following.*

CAP. I.

For joint tenants and tenants in common.

FORASMUCH *as by the common laws of this realm divers of the King's ſubjects, being ſeiſed of manors, lands, tenements and hereditaments, as joint tenants, or as tenants in common with other, of any eſtate of inheritance, in their own right, or in the right of their wives, by purchaſe, deſcent or otherwiſe, and every of them ſo being joint tenants, or tenants in common, have like right, title, intereſt and poſſeſſion in the ſame manors, lands, tenements and hereditaments, for their parts or portions jointly or in common undividedly together with other*; (2) *and none of them by the law doth or may know their ſeveral parts or portions in the ſame, or that that is his or theirs, by itſelf undivided, and cannot by the laws of this realm otherwiſe occupy or take the profits of the ſame, or make any ſeverance, diviſion or partition thereof, without either of their mutual aſſents and conſents*; (3) *by reaſon whereof divers and many of them, being ſo jointly and undividedly ſeiſed of the ſaid manors, lands, tenements and hereditaments, oftentimes of their perverſe, covetous and malicious minds and wills, againſt all right, juſtice, equity and good conſcience, by ſtrength and power, not only cut and fallen down all the woods and trees growing upon*

Several inconveniencies enſuing by holding lands jointly, or in common, being undivided. Godbolt 84. pl. 97. Keilw. 208. b. 211. b.

upon the ſame, but alſo have extirped, ſubverted, pulled down and deſtroyed all the houſes, edifices and buildings, meadows, paſtures, commons, and the whole commodities of the ſame, and have taken and converted them to their own uſes and behoofs, to the open wrong and diſheriſon, and againſt the minds and wills of other holding the ſame manors, lands, tenements and hereditaments jointly or in common with them, and they have been always without aſſured remedy for the ſame:

Joint tenants and tenants in common are compellable to make partition by writs. Extended to joint tenants, &c. for life or years by 32 H. 8. c. 32. 8 & 9 W. 3. c. 31. 7 An. c. 18. Co. pl. f. 410. Raymond 249. Dyer 128, 350. b. Bro. Partit. 38, 42. Cro. El. 759. 2 Bulſt. 114.

II. Be it therefore enacted by the King our moſt dread ſovereign lord, and by the aſſent of the lords ſpiritual and temporal, and by the commons, in this preſent parliament aſſembled, That all joint tenants and tenants in common, that now be, or hereafter ſhall be, of any eſtate or eſtates of inheritance in their own rights, or in the right of their wives, of any manors, lands, tenements or hereditaments within this realm of *England*, *Wales*, or the marches of the ſame, ſhall and may be coacted and compelled, by virtue of this preſent act, to make partition between them of all ſuch manors, lands, tenements and hereditaments, as they now hold, or hereafter ſhall hold as joint tenants or tenants in common, by writ *De participatione facienda*, in that caſe to be deviſed in the King our ſovereign lord's court of chancery, in like manner and form as coparceners by the common laws of this realm have been and are compellable to do, and the ſame writ to be purſued at the common law.

Every of the joint tenants and tenants in common ſhall have aid of the other. Hob. 179. 6 Co. 12.

III. Provided alway, and be it enacted, That every of the ſaid joint tenants or tenants in common, and their heirs, after ſuch partition made, ſhall and may have aid of the other or of their heirs, to the intent to dereign the warranty paramount, and to recover for the rate, as is uſed between coparceners after partition made by the order of the common law; any thing in this act contained to the contrary notwithſtanding.

CAP. II.

An act that fiſhing in any ſeveral pond, or mote, with an intent to ſteal fiſh out of the ſame, is felony.

All fiſhing with nets, &c. with intent to ſteal fiſh in the night, or breaking the head of a pond to take fiſh, ſhall be felony. Repealed 1 Ed. 6. c. 12. 1 M. ſeſſ. 1. c. 1. The penalty for fiſhing in any pond, ſtew or mote, in the day-time, without the owner's

WHEREAS *divers and many of the lords, knights, eſquires, gentlemen, and other the King's ſubjects within this his realm, at their great coſts and charges have cauſed to be made within their ſeveral grounds many ponds, ſtews and motes, and ſtored them with divers kinds of fiſhes, as pikes, bremes, carps, tenches and other fiſhes, whereof they have thought to have had great commodity, as well for the pleaſure of their friends, as for their own commodity and profit towards the neceſſary finding of their houſes, divers and many light and unreaſonable perſons of this realm, being of no good rule nor honeſty, little or nothing regarding God, the fear of their ſovereign lord the King's highneſs, nor his laws, have not only fiſhed the ſaid ponds, ſtews and motes, as well by night as by day, with nets, hooks, and baits of divers ſorts, but alſo with great number of miſruled perſons have entered into ſuch grounds, and there with great violence have broken up the heads of the ſame ponds, ſtews and motes, and deſtroyed and taken the fiſh of the ſaid ponds, ſtews and motes, to the great diſ-*

pleaſures

pleaſures and loſſes of the owners of the ſaid ponds, ſtews and motes, and contrary to all good reaſon, right and conſcience. Wherefore be it enacted by the King our ſovereign lord, with the aſſent of the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, and by the authority of the ſame, That as well all manner of fiſhings with any nets, hooks or baits, of what kind ſoever they be, in any ſeveral pond, ſtew or mote, with an intent to ſteal fiſh out of the ſame, done or committed at any time after the feaſt of the nativity of St. *John Baptiſt* next coming, that is to ſay, in the one and thirtieth year of the reign of our ſaid ſovereign lord, from the hour of ſix in the eventide, unto the hour of ſix in the morning, againſt the wills and minds of the owners or poſſeſſioners of ſuch ponds, ſtews or motes, as alſo the unlawful breaking up of the head of any ſeveral pond, ſtew or mote, by day or by night, after the ſaid feaſt, without colour of title ſo to do, whereby any fiſh of the ſame pond, ſtew or mote, is taken or deſtroyed, againſt the will or mind of the owner or poſſeſſioner of the ſame, be to all intents deemed, taken and adjudged felony; and that thoſe perſons ſo offending ſhall have and ſuffer all ſuch pains of death and puniſhments, as other felons ought to have and ſuffer for felony by the courſe of the laws of this realm.

conſent, is three months impriſonment, and after to find ſurety for his good abearing. Altered by 5 El. c. 21.

This clauſe is repealed by 1 E. 6. c. 12. ſ. 4.

II. And alſo be it further enacted by the authority aforeſaid, That if any ſuch evil diſpoſed perſons, after the feaſt before limited, do fiſh in the day-time, at any other time than is before rehearſed, in any ſuch ſeveral ponds, ſtews or motes, with any manner of nets, hooks or baits, as is aforeſaid, what kind ſoever they be of, againſt the will, pleaſure and mind of the owners or poſſeſſors of the ſame ſeveral ponds, ſtews or motes, not having any manner of colour of title ſo to do, and thereof be lawfully convict at the ſuit of our ſovereign lord the King, or the party grieved, that then the ſaid parties ſo convicted ſhall ſuffer impriſonment by the ſpace of three months, and after the ſaid iii months expired, ſhall find ſufficient ſurety for his or their good abearing, or elſe to remain ſtill in priſon without bail or mainpriſe, unto ſuch time as he or they can find ſuch ſurety.

CAP. III.

An act changing the cuſtom of gavelkind.

The manors, &c. of Thomas lord Crumwel, and of others to the number of xxxiv. perſons, being within the county of Kent, and gavelkind-lands, ſhall hereafter deſcend as lands at the common law.

THE King our ſovereign lord, for divers conſiderations his Majeſty moving, by authority of this his high court of parliament, enacteth, ordaineth and eſtabliſheth, That as well all the lordſhips, manors, lands, tenements, woods, paſtures, rents, ſervices, reverſions, remainders, advowſons, and all other whatſoever hereditaments, ſet, lying and being within the county of *Kent*, of the which *Thomas Crumwel*, knight of the honourable order of the garter, lord *Crumwel* of *Wimbledon*, lord privy ſeal, *Thomas Burgh* knight, lord *Burgh*, *George Broke* knight, lord *Cobham*, *Andrew Windſor* knight, lord *Windſor*, *Thomas Cheine* knight, treaſurer of our ſaid ſovereign lord the King's moſt honourable houſhold, *Chriſtopher Hales* knight, maſter of the rolls

rolls of our ſaid ſovereign Lord's court of chancery, *Thomas Willoughby* knight, one of the judges of the King's court of the common place, *Anthony Saintleger* knight, *Edward Wotton* knight, *Edward Boveton* knight, *Roger Cholmeley* knight, ſerjeant at law, *John Champneis* knight, *John Baker* eſquire, our ſaid ſovereign lord the King's general attorney, *Reinold Scotte* eſquire, *John Guldford* eſquire, *Thomas Kempe* eſquire, *Edward Thwaitis* eſquire, *William Roper* eſquire, *Anthony Sandes* eſquire, *Edward Iſaac* eſquire, *Percival Hart* eſquire, *Edward Monyns* eſquire, *William Whetnel* eſquire, *John Fogge* eſquire, *Edmund Fetyplace* eſquire, *Thomas Hardres* eſquire, *William Waller* eſquire, *Thomas Wylford* eſquire, *Thomas Moile* eſquire, *Thomas Harlakinden* eſquire, *Geffrey Lee* eſquire, *James Hales*, *Henry Huſſee* and *Thomas Roidon* gentlemen, or any of them, is or be ſeiſed to his or their own uſe or uſes in fee-ſimple or in fee-tail, the which now been of the tenure and nature of gavelkind, and heretofore have been departed or be departible between heirs males by the cuſtom of gavelkind, ſhall from henceforth be clearly changed from the ſaid cuſtom, tenure and nature of gavelkind, and in no wiſe hereafter be departed or departible by the ſaid cuſtom of gavelkind between heirs males, but ſhall remain, revert, abide, deſcend, come and be, after and according as lordſhips, manors, lands, tenements and other hereditaments do or may deſcend, remain, revert, abide, come or be, according to the common law of this realm, and as other manors, lands and tenements being in the ſaid county of *Kent*, which never were holden by ſervice of ſoccage, but be and always have been holden by knights ſervice, do deſcend, remain, revert, abide, come, and be; and in like manner to deſcend and be deſcendible, remain, revert, come and be inheritable to the heir or heirs, after and according to the ſaid common laws of this realm of *England*. (2) And that all and ſingular the ſaid lordſhips, manors, lands, tenements and other hereditaments, with the appurtenances, of the ſaid lord *Crumwel*, lord *Burgh*, lord *Cobham*, lord *Windſor*, *Thomas Cheine*, *Chriſtopher Hales*, *Thomas Willoughby*, *Anthony Saintleger*, *Edward Wotton*, *Edward Boveton*, *Roger Cholmeley*, *John Champneis*, *John Baker*, *Reinold Scotte*, *John Guldford*, *Thomas Kempe*, *Edward Thwaitis*, *William Roper*, *Anthony Sandes*, *Edward Iſaac*, *Percival Hart*, *Edward Monyns*, *William Whetnal*, *John Fogge*, *Edmund Fetyplace*, *Thomas Hardres*, *William Waller*, *Thomas Wylford*, *Thomas Moile*, *Thomas Harlakinden*, *Geffrey Lee*, *James Hales*, *Henry Huſſee* and *Thomas Roidon*, or of any of them, and which before the making of this act have been of the ſaid nature and tenure of gavelkind in the ſaid county of *Kent*, ſhall from henceforth be accepted, taken, inherited, deemed, and adjudged to be, like as lordſhips, manors, lands, tenements and other hereditaments at the common law of this realm, and in ſuch manner and form, as if the ſame manors, lordſhips, lands, tenements and other hereditaments had never been of the ſaid nature of gavelkind; any uſage or cuſtom in the ſaid county of *Kent* heretofore had, accepted or uſed, to the contrary notwithſtanding: (3) ſaving always, and reſerving to all and ſingular perſons, other than the ſaid lord

Hard. 325.

A ſaving of other mens rights, &c.

lord *Crumwel*, lord *Burgh*, lord *Cobham*, lord *Windſor*, *Thomas Cheine*, *Chriſtopher Hales*, *Thomas Willoughby*, *Anthony Saintleger*, *Edward Wotton*, *Edward Boveton*, *Roger Cholmeley*, *John Champneis*, *John Baker*, *Reinold Scotte*, *John Guldford*, *Thomas Kempe*, *Edward Thwaitis*, *William Roper*, *Anthony Sandes*, *Edward Iſaac*, *Percival Hart*, *Edward Monyns*, *William Whetnal*, *John Fogge*, *Edmund Fetyplace*, *Thomas Hardres*, *William Waller*, *Thomas Wylford*, *Thomas Moile*, *Thomas Harlakinden*, *Geffrey Lee*, *James Hales*, *Henry Huſſee* and *Thomas Roidon*, or any of them, and to every of them againſt any other of them, all ſuch right, title, intereſt and inheritance, as they or any of them had before the making of this act, of, to or in any of the ſaid manors, lands, tenements, woods, paſtures, rents, ſervices, reverſions, remainders, advowſons, and other the premiſſes, as if this preſent act had never been had nor made.

CAP. IV.

The mayor and bailiffs of *Exeter* may break all wears and lets in the river of *Exe*, and ſhall pay to the owners and farmers of ſo much ground as they ſhall dig, the rate of twenty years purchaſe, or ſo much as ſhall be adjudged by the juſtices of aſſiſe in the county of *Devon*. P R.

CAP. V.

The manor of *Hampton-Court*, with divers lordſhips, lands and tenements thereunto united, ſhall be called the *Honour of Hampton-Court*; (2) and the King ſhall have therein a chaſe, and free chaſe and warren for all beaſt of venery and fowls of warren, which ſhall be called *Hampton-Court-Chaſe*; (3) and all offenders in the ſame ſhall incur ſuch penalties as the like offenders do in any other foreſt or chaſe: and the ſaid honour and chaſe of *Hampton-Court*, and all the manors and lands within the ſame, ſhall be in the ſurvey and governance of the court of augmentations. (4) The manor of *Sheppon* in the county of *Berks*, made parcel of the duchy of *Cornwal* in reſpect of the manors of *Biflete* and *Weibridge*, by this act taken from the ſaid duchy.

CAP. VI.

Religious perſons are enabled to ſue and be ſued. Religious perſons deraigned ſhall not ſue for any former right deſcended unto them. Explained by 5 & 6 *Ed.* 6. *c.* 13. Religious perſons being prieſts, or that have vowed religion at 21 years of age, ſhall not marry. 32 H. 8. c. 24. Explained by 33 H. 8. c. 29.

CAP. VII.

A continuance, until the laſt day of the next parliament, of the ſtatutes of 22 *H.* 8. *c.* 12. 27 *H.* 8. *c.* 25. 22 *H.* 8. *c.* 7. 26 *H.* 8. *c.* 11. 25 *H.* 8. *c.* 6. 21 *H.* 8. *c.* 10. 21 *H.* 8. *c.* 12. 23 *H.* 8. *c.* 17. 24 *H.* 8. *c.* 9. 23 *H.* 8. *c.* 3. 25 *H.* 8. *c.* 9. 24 *H.* 8. *c.* 4. 23 *H.* 8 *c.* 2. 28 *H.* 8. *c.* 6, 8, 9, concerning beggars, &c. 1 El. c. 18.

CAP. VIII.

The King for the time being, with the advice of his council, or the more part of them, may ſet forth proclamations under ſuch penalties and pains as to him and them ſhall ſeem neceſſary, which ſhall be obſerved as though they were made by act of parliament; but this ſhall not be prejudicial to any perſon's inheritance, offices, liberties, goods, chattels or life; and whoſoever ſhall willingly offend any article contained in the ſaid proclamations, ſhall pay ſuch forfeitures, or be ſo long impriſoned, as ſhall be expreſſed in the ſaid proclamations; and if any offending will depart the realm, to the intent he will not anſwer his ſaid offence, he ſhall be adjudged a traitor.

34 H. 8. c. 23. REP. by 1 Ed. 6. c. 12.

CAP. IX.

REP. by 1 & 2 Ph. & M. c. 8. 8 El. c. 1.

An act authorizing the King's highneſs to make biſhops by his letters patents.

CAP. X.

For placing of the lords.

4 Inſt. 361.

FOraſmuch *as in all great councils and congregations of men, having ſundry degrees and offices in the commonwealth, it is very requiſite and convenient that an order ſhould be had and taken for the placing and ſitting of ſuch perſons as been bounden to reſort to the ſame, to the intent that they, knowing their places, may uſe the ſame without diſpleaſure or let of the council*; (2) *therefore the King's moſt royal majeſty, although it appertaineth unto his prerogative royal to give ſuch honour, reputation and placing to his councellors, and other his ſubjects, as ſhall be ſeeming to his moſt excellent wiſdom, is nevertheleſs pleaſed and contented, for an order to be had and taken in this his moſt high court of parliament, that it ſhall be enacted by authority of the ſame, in manner and form as hereafter followeth.*

How the lords in parliament ſhall be placed.

None ſhall ſit on either ſide of the cloth of eſtate.

II. Firſt, it is enacted by authority aforeſaid, That no perſon or perſon, of what eſtate, degree or condition ſoever he or they be of, (except only the King's children) ſhall at any time hereafter attempt or preſume to ſit or have place at any ſide of the cloth of eſtate in the parliament chamber, neither of the one hand of the King's highneſs, nor of the other, whether the King's majeſty be there perſonally preſent or abſent. (2) *And foraſmuch as the King's majeſty is juſtly and lawfully ſupreme head in earth, under God, of the church of* England, *and for the good exerciſe of the ſaid moſt royal dignity and office, hath made* Thomas *lord* Crumwel *and lord privy ſeal, his vicegerent, for good and due miniſtration of juſtice to be had in all cauſes and caſes touching the eccleſiaſtical juriſdiction, and for the godly reformation and redreſs of all errors, hereſies and abuſes in the ſaid church:* (3) It is therefore alſo enacted by authority aforeſaid, That the ſaid lord *Crumwel*, having the ſaid office of vicegerent, and all other perſons which hereafter ſhall have the ſaid office of the grant of the King's highneſs, his heirs or ſucceſſors, ſhall ſit and be placed, as well in this preſent parliament, as in all parliaments to be holden hereafter, on the right ſide of the parliament chamber, and up-

The King's vicegerent in eccleſiaſtical juriſdiction.

on

on the ſame form that the archbiſhop of *Canterbury* ſitteth on, and above the ſame archbiſhop and his ſucceſſors, and ſhall have voice in every parliament to aſſent or diſſent, as other the lords of the parliament.

How the biſhops ſhall be placed in the parliament houſe.

III. And it is alſo enacted, That next to the ſaid vicegerent ſhall ſit the archbiſhop of *Canterbury*; and then next to him, on the ſame form and ſide, ſhall ſit the archbiſhop of *York*; and next to him, on the ſame form and ſide, the biſhop of *London*; and next to him, on the ſame ſide and form, the biſhop of *Durham*; and next to him, on the ſame ſide and form, the biſhop of *Wincheſter*; and then all the other biſhops of both provinces of *Canterbury* and *York* ſhall ſit and be placed on the ſame ſide after their ancienties, as it hath been accuſtomed.

The lord chancellor, preſident of the King's council and lord privy ſeal.

IV. *And foraſmuch as ſuch other perſonages, which now have, and hereafter ſhall happen to have other great offices of the realm, that is to ſay, the offices of the lord chancellor, the lord treaſurer, the lord preſident of the King's moſt honourable council, the lord privy ſeal, the great chamberlain of* England, *the conſtable of* England, *the lord marſhal of* England, *the lord admiral, the grand maſter or lord ſteward of the King's moſt honourable houſhold, the King's chamberlain, and the King's ſecretary, have not heretofore been appointed and ordered for the placing and ſitting in the King's moſt high court of parliament by reaſon of their offices:* (2) It is therefore now ordained and enacted by the authority aforeſaid, That the lord chancellor, the lord treaſurer, the lord preſident of the King's council, and the lord privy ſeal, being of the degree of barons of parliament, or above, ſhall ſit and be placed, as well in this preſent parliament as in all other parliaments hereafter to be holden, on the left ſide of the ſaid parliament chamber, on the higher part of the form of the ſame ſide, above all dukes, except only ſuch as ſhall happen to be the King's ſon, the King's brother, the King's uncle, the King's nephew, or the King's brothers or ſiſters ſons.

The great chamberlain, conſtable, marſhal, admiral, ſteward, &c. See 1 Geo. 1. c. 3. *a private act.*

V. And it is alſo ordained and enacted by authority aforeſaid, That the great chamberlain, the conſtable, the marſhal, the lord admiral, the great maſter or lord ſteward, and the King's chamberlain, ſhall ſit and be placed after the lord privy ſeal, in manner and form following; that is to ſay, every of them ſhall ſit and be placed above all other perſonages being of the ſame eſtates or degrees that they ſhall happen to be of, that is to ſay, the great chamberlain firſt, the conſtable next, the marſhal third, the lord admiral the fourth, the grand maſter or lord ſteward, the fifth, and the King's chamberlain the ſixth.

The King's chief ſecretary.

VI. And it is alſo enacted by authority aforeſaid, That the King's chief ſecretary, being of the degree of a baron of the parliament, ſhall ſit and be placed afore and above all barons, not having any of the offices above mentioned; (2) and if he be a biſhop, that then he ſhall ſit and be placed above all other biſhops not having any of the offices above remembered.

Dukes, marqueſſes, earls,

VII. And it is alſo ordained and enacted by authority aforeſaid, That all dukes not aforementioned, marqueſſes, earls,

viſcounts, barons. viſcounts and barons, not having any of the offices aforeſaid, ſhall ſit and be placed after their ancienty, as it hath been accuſtomed.

The place of great officers under the degree of barons. VIII. And it is further enacted, That if any perſon or perſons, which at any time hereafter ſhall happen to have any of the ſaid offices of lord chancellor, lord treaſurer, lord preſident of the King's council, lord privy ſeal, or chief ſecretary, ſhall be under the degree of a baron of the parliament, by reaſon whereof they can have no intereſt to give any aſſent or diſſent in the ſaid houſe, that then in every ſuch caſe, ſuch of them as ſhall happen to be under the ſaid degree of a baron, ſhall ſit and be placed at the uppermoſt part of the ſacks, in the midſt of the ſaid parliament chamber, either there to ſit upon one form, or upon the uppermoſt ſack, the one of them above the other, in order as is above rehearſed.

Places in trials by peers. IX. Be it alſo enacted by authority aforeſaid, That in all trials of treaſons by peers of this realm, if any of the peers that ſhall be called hereafter to be triours of ſuch treaſons, ſhall happen to have any of the offices aforeſaid, that then they, having ſuch offices, ſhall ſit and be placed according to their offices, above all the other peers that ſhall be called to ſuch trials, in manner and form as is above mentioned and rehearſed.

Places in the ſtar-chamber and other aſſemblies. X. And it is alſo enacted by authority aforeſaid, That as well in all parliaments, as in the ſtar-chamber, and in all other aſſemblies and conferences of council, the lord chancellor, the lord treaſuer, the lord preſident, the lord privy ſeal, the great chamberlain, the conſtable, the marſhal, the lord admiral, the grand maſter or lord ſteward, the King's chamberlain, and the King's chief ſecretary, ſhall ſit and be placed in ſuch order and faſhion as is above rehearſed, and not in any other place, by authority of this preſent act.

CAP. XI.

The authority given to the King by the ſtatute of 28 *H. c.* 3. to allot the towns in *Wales*, continued for three years.

CAP. XII.

It ſhall be felony to take, in the King's ground, any egg or bird of any faulcon, goſhawk or laner, out of the neſt; or to find or take up any faulcon, jerfaulcon, jerkin, facer or facerit, goſhawk, laner or lanerite, of the King's, and having on it the King's arms and verviles, and do not within twelve days bring or ſend the ſame to the maſter of the King's hawks, or to one of his faulconers, or to the chief of the ſhire; (2) or between the riſing of the ſun, and ſetting of the ſame, with his face hid or covered with hood or viſert, or painted, or diſguiſed, to the intent he would not be known, to enter into any foreſt, chaſe or park of the King's, Queen's, prince's, or any of the King's children, or into any other ground of either of theirs incloſed with wall or pale, ordained for the keeping of deer, to the intent to ſteal any of them, or to drive

REP. 1 Ed. 6. c. 12.

any

any of them forth of the same forest, &c. or in or at any time of the day, with his face hid or disguised, to kill any conies or rabbits within any ground, being the lawful warren of the King's, &c. in or within any of his or their parks; or in the night to enter into any park, chase or forest of the King's, &c. to the intent to steal any deer, or into his or their warren to kill and steal any conies. 3 & 4 Ed. 6. c. 17. 7 Ed. 6. c. 11. 1 M. sess. 1. c. 1.

CAP. XIII.

An act for dissolution of monasteries and abbies.

How leases made of manors belonging to monasteries dissolved, and assured to the King, shall take effect. 3 Bulst. 152.

WHERE *divers and sundry abbots, priors, abbesses, prioresses and other ecclesiastical governors and governesses of divers monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars and other religious and ecclesiastical houses and places within this our sovereign lord the King's realm of* England *and* Wales, *of their own free and voluntary minds, good wills and assents, without constraint, coaction or compulsion of any manner of person or persons, sithen the fourth day of* February *the twenty-seventh year of the reign of our now most dread sovereign lord, by the due order and course of the common laws of this his realm of* England, *and by their sufficient writings of record, under their covent and common seals, have severally given, granted, and by the same their writings severally confirmed all their said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars and other religious and ecclesiastical houses and places, and all their sites, circuits and precincts of the same, and all and singular their manors, lordships granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, woods, tithes, pensions, portions, churches, chapels, advowsons, patronages, annuities, rights, entries, conditions, commons, leets, courts, liberties, privileges and franchises, appertaining or in any wise belonging to any such monastery, abbathy, priory, nunnery, college, hospital, house of friars and other religious and ecclesiastical houses and places, or to any of them, by whatsoever name or corporation they or any of them were then named or called, and of what order, habit, religion, or other kind or quality soever they or any of them were then reputed, known or taken; to have and to hold all the said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lands, tenements, meadows, pastures, rents, reversions, services, and all other the premisses, to our said sovereign lord, his heirs and successors for ever, and the same their said monasteries, abbathies, priories, nunneries, colleges, hospitals, houses of friars, and other religious and ecclesiastical houses and places, sites, circuits, precincts, manors, lordships, granges, meases, lands, tenements, meadows, pastures, rents, reversions, services, and other the premisses, voluntarily, as is aforesaid, have renounced, left and forsaken, and every of them hath renounced, left and forsaken.*

Monasteries and their lands, before surrendered or dissolved,

II. Be it therefore enacted by the King our sovereign lord, and the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That the King our sovereign lord shall have, hold, possess and

given to the King.

enjoy to him, his heirs and ſucceſſors for ever, all and ſingular ſuch late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, of what kinds, natures, qualities or diverſities of habits, rules, profeſſions or orders they or any of them were named, known or called, which ſith the ſaid fourth day of *February* the twenty-ſeventh year of the reign of our ſaid ſovereign lord, have been diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to his Highneſs; (2) and by the ſame authority, and in like manner ſhall have, hold, poſſeſs and enjoy all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, parſonages appropriated, vicarages, churches, chapels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, commons, leets, courts, liberties, privileges, franchiſes and other whatſoever hereditaments, which appertained or belonged to the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, or to any of them, in as large and ample manner and form, as the late abbots, priors, abbeſſes, prioreſſes, and other eccleſiaſtical governors and governeſſes of ſuch late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friers and other religious and eccleſiaſtical houſes and places, had, held or occupied, or of right ought to have had, holden or occupied, in the rights of their ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars or other religious and eccleſiaſtical houſes and places, at the time of the ſaid diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or by any other manner of mean coming of the ſame to the King's highneſs ſithen the fourth day of *February* above ſpecified.

27 H. 8. f. 10. Bro. Choſe en action 14.

Co. pl. f. 445. All other houſes to be diſſolved, and their lands given to the King. 2 Roll. 100.

III. And it is further enacted by the authority aforeſaid, That not only all the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, and all other the premiſſes, forthwith, immediately and preſently; (2) but alſo all other monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and all other religious and eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come to the King's highneſs; (3) and alſo all the ſites, circuits, precincts, manors, lordſhips, granges, meaſes, lands, tenements, meadows, paſtures, rents, reverſions, ſervices, woods, tithes, penſions, portions, parſonages appropriate, vicarages, churches, chapels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, commons, leets, courts, liberties, privileges, franchiſes and other hereditaments

hereditaments whatſoever they be, belonging or appertaining to the ſame or any of them; (4) whenſoever and as ſoon as they ſhall be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or by any other mean come unto the King's highneſs, ſhall be veſted, deemed and adjudged by authority of this preſent parliament, in the very actual and real ſeiſin and poſſeſſion of the King our ſovereign lord, his heirs and ſucceſſors for ever, in the ſtate and condition as they now be; (5) and as though all the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and all other religious and eccleſiaſtical houſes and places ſo diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come unto the King's highneſs as is aforeſaid, (6) as alſo the ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of frairs, and other religious and eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up or come unto the King's highneſs, ſites, circuits, precincts, manors, lordſhips, granges, lands, tenements and other the premiſſes, whatſoever they be, and every of them, were in this preſent act ſpecially and particularly rehearſed, named and expreſſed by expreſs words, names, titles and faculties, and in their natures, kinds and qualities.

Co. pl. f. 187, 546.

10 Co. 55. Plowd. 193.

The ſites and lands of the monaſteries ſhall be in the actual poſſeſſion of the King.

IV. And be it alſo enacted by the authority aforeſaid, That all the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, which being diſſolved, ſuppreſſed, renounced, relinquiſhed, given up or come to the King's highneſs by any manner of means as is aforeſaid, and all the manors, lordſhips, granges, lands, tenements, and other the premiſſes (except ſuch thereof as be come to the King's hands by attainder or attainders of treaſon) (2) and all the ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes or places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up or come unto the King's highneſs, (3) and all the manors, lordſhips, granges, lands, tenements, meadows, paſturages, rents, reverſions, ſervices, woods, tithes, portions, penſions, parſonages appropriate, vicarages, churches, chapels, advowſons, nominations, patronages, annuities, rights, intereſts, entries, conditions, commons, leets, courts, liberties, privileges, franchiſes and other hereditaments, whatſoever they be, belonging to the ſame, or to any of them (except ſuch thereof which ſhall happen to come to the King's highneſs by attainder or attainders of treaſon) ſhall be in the order, ſurvey and governance of our ſaid ſovereign lord the King's court of augmentations of the revenues of his crown, and of the chancellor, officers and miniſters of the ſame; (4) and all the ferms, iſſues, revenues and profits, coming and growing of the premiſſes, and of every part thereof, (except before except) ſhall be ordered, taken and received for the King's

All abbey lands ſhall be within the ſurvey of the court of augmentations, except ſuch which come by attainder.

Explained by 32 H. 8. c. 20. ſ. 1.

uſe

uſe by the ſaid chancellor, miniſters and officers, of the ſame court, in ſuch and like manner and form, as the monaſteries, priories, ſites, circuits, manors, granges, meaſes, lands, tenements, rents, reverſions, ſervices, tithes, penſions, portions, advowſons, patronages, rights, entries, conditions and other hereditaments, late appertaining or belonging unto the monaſteries, abbathies, priories or other religious houſes, late by authority of parliament ſuppreſſed, been ordered, ſurveyed and governed; (5) ſaving to all and every perſon and perſons, and bodies politick and their heirs and ſucceſſors, and the heirs and ſucceſſors of all and every of them (other than the ſaid late abbots, priors, abbeſſes, prioreſſes and other eccleſiaſtical governors and governeſſes of the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars and other religious and eccleſiaſtical houſes and places and their ſucceſſors, and the ſucceſſors of every of them, and ſuch as pretend to be founders, patrons or donors of ſuch monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements, or other hereditaments belonging to the ſame, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every ſuch founder, patron or donor, and the now abbots, priors, abbeſſes, prioreſſes, and other eccleſiaſtical governors and governeſſes of ſuch monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the King's highneſs, and ſuch as pretend to be founders, patrons, or donors of ſuch monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other eccleſiaſtical houſes and places, or of any manors, meſſuages, lands, tenements or other hereditaments to the ſame belonging, or to any of them, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them; (6) all ſuch right, title, claim, intereſt, poſſeſſion, rents, charges, annuities, leaſes, ferms, offices, fees, liveries and livings, portions, penſions, corrodies, commons, ſynods, proxies and other profits, which they or any of them have, claim, ought, may or might have had, in or to the premiſſes, or to any part or parcel thereof, in ſuch like manner, form and condition, to all intents, reſpects, conſtructions and purpoſes, as if this act had never been had ne made (rents ſervices, rents ſeck, and all other ſervices and ſuits only except.)

Other mens titles ſaved.

Rents ſervice, rents ſeck, and other ſervices and ſuits excepted out of the ſaving.

V. Provided always, and be it enacted by the authority aforeſaid, That if any late abbot, prior, prioreſs, abbeſs, or other eccleſiaſtical governor or governeſs aboveſaid, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the King's highneſs, of his late monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, hath made any leaſe or grant under his co-

Leaſes or grants made within a year of lands not uſed to be let to ferm. Savil 66. Dyer 77, 207, 231.

vent

vent or common ſeal, or otherwiſe, for term of life, or for term of years, of the ſite, circuit and precinct of his ſaid late monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, or of any part thereof, or of any manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions or other hereditaments, which belonged or appertained to his ſaid late monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, (2) which manors, meſſuages, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions or other hereditaments, were not before the ſame leaſe commonly uſed to be ſet nor let to ferm, but kept and reſerved in the manurance, tillage or occupation of the ſaid governor or governeſs, for the maintenance of hoſpitality and good houſe-keeping; (3) or within one year, as is aboveſaid, hath made any leaſe or grant for term of life, or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages impropriate, tithes, penſions, portions, churches, chapels, or other hereditaments, whatſoever they be, whereof or in the which any eſtate or intereſt for term of life, year or years, at the time of the making of any ſuch grant or leaſe, then had his being or continuance, and then was not determined, finiſhed or expired, (4) or within the time of one year, as is aboveſaid, hath made any leaſe or grant for term of life, or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chapels, or other hereditaments, whatſoever they be, upon the which leaſes and grants, the uſual and old rents and ferms, accuſtomed to be yielded and reſerved by the ſpace of twenty years next before the firſt day of this preſent parliament, is and be not thereupon reſerved and holden; (5) or if any ſuch governor or governeſs hath made any bargain or ſale of his woods within one year, as is afore limited, which woods be yet growing and ſtanding, (6) that then all and every ſuch leaſe, grant, bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

Dyer 280. Leaſes made in reverſion within one year before the diſſolution. Hob. 248, 298.

Dyer 123. Leaſes made not reſerving the old rent.

Wood-ſales within one year before the diſſolution.

VI. And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries had, made, acknowledged or ſuffered by any governor or governeſs, without the King's licence under his great ſeal, within one year next before the diſſolution, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the King's highneſs, of his ſaid monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, or any manors, meaſes, lands, tenements or other hereditaments whatſoever they be, which the ſaid late abbot, prior, abbeſs, prioreſs, and other eccleſiaſtical governor and governeſs, or any of them, or any of their predeceſſors, had or held, of the gift, grant or confirmation of our ſaid ſovereign lord, or of any of his Highneſs progenitors, or of the which monaſteries, abbathies, priories, nunneries,

Feoffments, fines and recoveries, knowledged by abbots of lands of the King's gift, or of their ancient foundation.

neries, colleges, hoſpitals, houſes of friers, or other religious or eccleſiaſtical houſes or places, our ſaid ſovereign lord was founder or patron, or which manors, meaſes, lands, tenements, or other hereditaments were of the ancient or old foundation or poſſeſſion of the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other religious or eccleſiaſtical houſes or places, ſhall be utterly void and of none effect.

Leaſes of lands not uſually let of ſuch monaſteries as hereafter ſhall be ſuppreſſed.

VII. And it is further enacted by the authority aforeſaid, That if any abbot, prior, abbeſs, prioreſs, or other eccleſiaſtical governor or governeſs of any monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the King's highneſs, within one year next before the firſt day of this preſent parliament, have made, or hereafter do make, any leaſe or grant under his covent or common ſeal, or otherwiſe for term of years, or life or lives, of the ſite, circuit and precinct of his ſaid monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, or of any part thereof, (2) or of any manors, meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments belonging or appertaining to his ſaid monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, which manors, meaſes, granges, lands, tenements, parſonages appropriate, tithes, penſions, portions, and other hereditaments, whatſoever they be, were not, before the ſame leaſe, commonly uſed to be ſet nor let to ferm, but kept and reſerved in the manurance, tillage or occupation of the ſaid governor or governeſs, for the maintenance of hoſpitality and good houſe-keeping, or now be in the manurance, tillage or occupation of the ſaid governor or governeſs, for the maintenance of hoſpitality and good houſe-keeping; (3) or within one year next before the firſt day of this preſent parliament, hath made, or hereafter ſhall make any leaſe or grant for term of life, or for term of years, of any manors, meaſes, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chapels, or other hereditaments whatſoever they be, whereof and in the which any eſtate or intereſt for term of life, year or years, at the time of the making of any ſuch grant or leaſe, then had his being or continuance, or hereafter ſhall have his being or continuance, and then was not determined, finiſhed or expired, or at any time of any ſuch leaſe to be made, ſhall not be determined, finiſhed or expired; (4) or within one year next before the firſt day of this preſent parliament hath made, or hereafter ſhall make, any leaſe or grant for term of life, or for term of years, of any manors, meſſuages, lands, tenements, meadows, paſtures, woods, parſonages appropriate, tithes, penſions, portions, churches, chapels, or other hereditaments,

Leaſe of lands in leaſe. Moor 60. pl. 169. 128. pl. 276. 3 Co. 7.

2 Roll. 171. Leaſes of abbey lands which are to be diſſolved, not reſerving the old rent.

taments, whatſoever they be, upon which leaſes and grants the uſual and old rents and ferms accuſtomed to be yielden and reſerved by the ſpace of twenty years next before the ſaid firſt day of this preſent parliament, is or be not, or hereafter ſhall not be there upon reſerved and yielden; (5) or if any ſuch governor or governeſs of any ſuch monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up or come to the King's highneſs, within one year next before the firſt day of this preſent parliament, hath made, or hereafter ſhall make, any bargain or ſale of his woods, which woods be yet growing and ſtanding; (6) that then all and every ſuch leaſe, grant, bargain and ſale of wood or woods, ſhall be utterly void and of none effect.

Wood-ſales made or to be made within one year before the diſſolution.

VIII. And it is alſo enacted by the authority aforeſaid, That all feoffments, fines and recoveries had, made, knowledged or ſuffered within one year next before the firſt day of this preſent parliament, or hereafter to be had, made, knowledged or ſuffered by any governor or governeſs of any monaſtery, abbathy, priory, nunnery, college, hoſpital, houſe of friars, or other religious or eccleſiaſtical houſe or place, which hereafter ſhall happen to be diſſolved, ſuppreſſed, renounced, relinquiſhed, forfeited, given up, or come to the King's highneſs, without the King's licence under his great ſeal, of any manors, meaſes, lands, tenements, or other hereditaments, whatſoever they be, which the ſaid abbots, priors, abbeſſes, prioreſſes, and other eccleſiaſtical governors and governeſſes, which hereafter ſhall happen to be diſſolved, ſuppreſſed, relinquiſhed, forfeited, given up, or come unto the King's highneſs, as is aforeſaid, or any of them, or any of their predeceſſors had or held, or have and hold, of the gift, grant or confirmation of our ſaid ſovereign lord, or of any of his Highneſs progenitors, or of the which monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other religious and eccleſiaſtical houſes and places our ſaid ſovereign lord is founder or patron, or which manors, meaſes, lands, tenements or other hereditaments, were or be of the ancient or old foundation or poſſeſſion of the ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other religious or eccleſiaſtical houſes or places, ſhall be utterly void and of none effect.

Aſſurances made by governors of houſes of religion ſuppreſſed, of any of their lands within one year before.

IX. Provided alway, and be it enacted by authority aforeſaid, That if any abbot, prior, abbeſs or prioreſs, or other governor or governeſs aboveſaid, within one year next before the firſt day of this preſent parliament; or if any late abbot, prior, abbeſs, prioreſs or other late governor or governeſs aboveſaid, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the King's highneſs, of the premiſſes, or of any parcel thereof, as is aforeſaid; have made any demiſe, leaſe or grant to any perſon or perſons for term of years, of any manors, meaſes, lands,

2 Roll. 402. A leaſe for years made to the old leſſee for years within a year before the diſſolution, or of this parliament. Co. pla. f. 188. 2 Leonard 55. 3 Leonard 164.

Plowd. 102. Dyer 102, 352.

lands, tenements, parſonages appropriate, tithes, penſions, portions or other hereditaments aforeſaid, which perſon or perſons, at the time of the ſaid demiſe, leaſe or grant, had and held the ſame to ferm for term of years then not expired; that then the ſaid perſon or perſons, to whom any ſuch demiſe, leaſe or grant hath been ſo made, ſhall have and hold the ſame for the term of one and twenty years only from the time of the making of the ſaid demiſe, leaſe or grant, if ſo many years be by the ſame demiſe, leaſe or grant ſpecified, limited and expreſſed, or elſe for ſo many years as in ſuch demiſe, leaſe or grant been expreſſed, ſo that the old rent be thereupon reſerved, and ſo that the ſame leaſe or leaſes exceed not twenty-one years; this act or any thing therein contained to the contrary notwithſtanding.

A leaſe for life made to the old leſſee for life or years.

X. Provided alſo, and be it enacted by the authority aforeſaid, That if any abbot, prior, abbeſs, prioreſs, or other late governor or governeſs, within one year next before any ſuch diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming unto the King's highneſs, of the premiſſes, or any parcel thereof, as is aforeſaid, have made any demiſe, leaſe or grant to any perſon or perſons, for term of life or lives, of any manors, meaſes, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, which perſon or perſons, or any of them, at the time of the ſaid demiſe, leaſe or grant, had and held the ſame for term of life or lives, or for term of years then not expired; that then the ſaid perſon or perſons, to whom any ſuch leaſe or grant hath been ſo made, ſhall have and hold the ſame for term of their life or lives, ſo that the old rent be thereupon reſerved; this act or any other thing therein contained to the contrary thereof notwithſtanding.

All copies for life granted according to the cuſtom ſhall be good.

XI. Provided alſo, and be it enacted by the authority aforeſaid, That all and ſingular leaſes and grants, made by copy to any perſon or perſons, of any of the ſaid meſſuages, lands, tenements, parſonages appropriate, tithes, penſions, portions, or other hereditaments aforeſaid, for term of life or lives, which by the cuſtom of the country hath been uſed to be demiſed, letten or granted by copy of court-roll, ſhall be good and effectual in the law, ſo that the old rent be reſerved by and upon every ſuch leaſe and leaſes; this act or any thing therein contained to the contrary in any wiſe notwithſtanding.

Leaſes allowed in the court of augmentations. Dyer 80.

XII. Provided alway, and be it further enacted by the authority aforeſaid, That all leaſes heretofore made of any of the premiſſes by authority of our ſovereign lord the King's court of augmentations of the revenues of his crown, (2) and all ſuch leaſes, feoffments and wood-ſales, made by the ſaid governors and governeſſes, or any of them, under their covent ſeals, or under the covent or common ſeal of any of them, within one year next before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up or coming to the King's highneſs, of the ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other religious or eccleſiaſtical

ſiaſtical houſes or places, (3) which ſaid leaſes, grants, feoffments and wood-ſales have been examined, enrolled, decreed or affirmed in our ſaid ſovereign lord the King's court of augmentations, and the decree of the ſame put in writing, ſealed with the ſeal of the ſaid court of augmentations, ſhall be good and effectual according to the ſame decree; any clauſe or act heretofore in this preſent act to the contrary notwithſtanding.

How they ſhall be relieved who have truly paid money for wood to any eccleſiaſtical governor.

XIII. Provided alway, and be it alſo further enacted by the authority aforeſaid, That if any perſon or perſons have juſtly and truly, without fraud or covin, paid or given any ſum or ſums of money to any of the ſaid late governors and governeſſes, for the bargain and ſale of any woods, being or growing in or upon any manors, lands, tenements or hereditaments, which appertained or belonged to the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friers, or other religious or eccleſiaſtical places, or unto any of them, which bargain and ſale by authority of this act is made void and of none effect, and by mean thereof the King's highneſs may have and take the commodity and profit of ſuch woods ſo bargained and ſold; that then the chancellor and other officers of our ſaid ſovereign lord the King's court of augmentations, or three of them, whereof the chancellor for the time being ſhall be one, of our ſaid ſovereign lord the King's treaſure remaining in the treaſury of the ſame court, ſhall ſatisfy and recompenſe every ſuch perſon or perſons ſuch ſum of money, or other recompence, as the ſame chancellor and officers, or three of them, whereof the ſaid chancellor ſhall be one, ſhall think meet and convenient. (2) And if any other perſon or perſons ſhall happen to take profit and commodity, by reaſon of avoiding of ſuch wood-ſales by authority of this act, that then every perſon and perſons, which may or ſhall take ſuch profit, ſhall be ordered for ſatisfaction to be made to the parties that ſhall happen to be grieved by this act, by the ſaid chancellor and other officers of the ſame court.

Aſſurance to others by the King's licence of any abbey lands.

XIV. Provided alſo, and be it further enacted by the authority aforeſaid, That all and every perſon and perſons, their heirs and aſſigns, which ſithen the ſaid fourth day of *February*, by licence, pardon, confirmation, releaſe, aſſent or conſent of our ſaid ſovereign lord the King, under his great ſeal heretofore given, had or made, or hereafter to be had or made, have obtained or purchaſed by indenture, fine, feoffment, recovery or otherwiſe, of the ſaid late abbots, priors, abbeſſes, prioreſſes, or other governors or governeſſes of any ſuch monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other religious and eccleſiaſtical houſes or places, any monaſteries, priories, colleges, hoſpitals, manors, lands, tenements, meadows, paſtures, woods, churches, chapels, parſonages, tithes, penſions, portions or other hereditaments, ſhall have and enjoy the ſame, according to ſuch writings and aſſurances, as been thereof before the firſt day of this preſent parliament or hereafter ſhall be had or made:

XV. Saving

A ſaving of the right of others accrued unto them before the ſaid purchaſe. 12 Co. 45.

XV. Saving to all and every perſon and perſons, and bodies politick, their heirs and ſucceſſors, and to the heirs and ſucceſſors of every of them (other than the ſaid late abbots, abbeſſes, priors, prioreſſes, and other governors and governeſſes, and their ſucceſſors, and the ſucceſſors of every of them, and ſuch as pretend to be founders, patrons or donors of the ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals and other religious or eccleſiaſtical houſes or places, or of any of them, or of any manors, meſſuages, lands, tenements or other hereditaments late belonging to the ſame, or to any of them, and their heirs and ſucceſſors, and the heirs and ſucceſſors of every ſuch founder, patron or donor, (2) all ſuch right, title, intereſt, poſſeſſion, rents, annuities, commodities, offices, fees, liveries and livings, portions, penſions, corodies, ſynods, proxies and other profits, which they or any of them have, ought or might have had, in or to any of the ſaid monaſteries, abbathies, priories, colleges, hoſpitals, manors, lands, tenements, rents, ſervices, reverſions, tithes, penſions, portions or other hereditaments, at any time before any ſuch purchaſe, indentures, fines, feoffments, recoveries, or other lawful mean between any ſuch parties had or made, as is aboveſaid; this act or any thing therein contained to the contrary notwithſtanding.

XVI. *And where our ſaid ſovereign lord, ſith the fourth day of* February *the ſaid twenty-ſeventh year of the reign of our ſaid ſovereign lord, hath obtained and purchaſed, as well by exchanges, as by gifts, bargains, fines, feoffments, recoveries, deeds enrolled, and otherwiſe, of divers and ſundry perſons, many and divers honours, caſtles, manors, lands, tenements, meadows, paſtures, woods, rents, reverſions, ſervices and other hereditaments, and hath not only paid divers and ſundry great ſums of money for the ſame, but alſo hath given and granted for the ſame, unto divers and ſundry perſons, divers and ſundry manors, lands, tenements and hereditaments, and other recompences, in and for full ſatisfaction of all ſuch honours, caſtles, manors, lands, tenements, rents, reverſions, ſervices and other his hereditaments, by his Highneſs obtained or had, as is aboveſaid:* (2) be it therefore enacted by the authority aforeſaid, That our ſaid ſovereign lord the King, his heirs and ſucceſſors, ſhall have, hold, poſſeſs and enjoy all ſuch honours, caſtles, manors, lands, tenements and other hereditaments, as his Highneſs ſith the ſaid fourth day of *February* the twenty-ſeventh year aboveſaid, hath obtained and had by way of exchange, bargain, purchaſe, or other whatſoever mean or means, according to the true meaning and intent of his Highneſs bargain, exchange or purchaſe; miſrecital, miſnaming or nonrecital, or not naming of the ſaid honours, caſtles, manors, lands, tenements and other hereditaments, comprized or mentioned in the bargains or writings made between the King's highneſs and any other party or parties, or of the towns or counties where the ſaid honours, caſtles, manors, lands, tenements and hereditaments lie and been, or any other matter or cauſe whatſoever it be, in any wiſe notwithſtanding.

A confirmation of the King's purchaſes made ſithence 4 Febr. Ann. 27 H. 8.

XVII. Saving

XVII. Saving to all and every perſon or perſons and to their heirs, bodies politick and corporate and to their ſucceſſors, and to every of them, (other than ſuch perſon and perſons, and their heirs, and their wives, and the wives of every of them, bodies politick and corporate, and their ſucceſſors, and every of them, of whom the King's highneſs hath obtained by exchange, gift, bargain, fine, feoffment, recovery, deed enrolled or otherwiſe, any ſuch honours, caſtles, manors, lands, tenements and other hereditaments, as is aforeſaid) (2) all ſuch right, title, uſe, intereſt, poſſeſſion, rents, charges, annuities, commodities, fees and other profits (rents ſervices and rents ſeck only except) which they or any of them have, might or ought to have had, in or to the premiſſes ſo obtained and had, or in or to any parcel thereof, if this act had never been had nor made; this preſent act or any thing therein contained to the contrary notwithſtanding.

A ſaving of the right of all others, but of the ſellers, their heirs and wives.

An exception of rents ſervice rents ſeck.

XVIII. *And where it hath pleaſed the King's highneſs of his moſt abundant grace and goodneſs, as well upon divers and ſundry conſiderations his Majeſty ſpecially moving, as alſo otherwiſe, to have bargained, ſold, changed, or given and granted by his Grace's ſeveral letters patents, indentures or other writings, as well under his Highneſs great ſeal, as under the ſeal of his Highneſs duchy of* Lancaſter, *and the ſeal of the office of the augmentations of his crown, unto divers and ſundry of his loving and obedient ſubjects, divers and ſundry honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, reverſions, ſervices, parſonages appropriate, advowſons, liberties, tithes, oblations, portions, penſions, franchiſes, privileges, liberties, and other hereditaments, commodities and profits, in fee-ſimple, fee-tail, for term of life, or for term of years; (2) for avoiding of which ſaid letters patents, and of the contents of the ſame, divers, ſundry and many ambiguities, doubts and queſtions might hereafter ariſe, be moved and ſtirred, or well for miſrecital or non-recital, as for divers other matters, things or cauſes to be alledged, objected or invented againſt the ſaid letters patents, as alſo for lack of finding of offices or inquiſitions, whereby the title of his Highneſs therein ought to have been found, before the making of the ſame letters patents, or for miſrecital or non-recital, of leaſes, as well of record as not of record, or for lack of the certainty of the values, or by reaſon of miſnaming of the honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other hereditaments compriſed and mentioned within the ſame letters pateuts, or of the towns and counties where the ſame honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, rents, and other hereditaments lien and been, as for divers and ſundry other ſuggeſtions and ſurmiſes, which hereafter might happen to be moved, ſurmiſed and procured againſt the ſame letters patents, albeit the words in effect contained in the ſaid letters patents be according to the true intent and meaning of his moſt royal Majeſty.*

XIX. Be it therefore enacted by the authority of this preſent parliament, That as well all and every the ſaid letters patents, indentures and other writings, and every of them, under the ſeal or ſeals aboveſaid, or of any of them, made or granted by the King's highneſs ſithen the ſaid fourth day of *February* the ſaid twenty-ſeventh year of his moſt noble reign, as all and ſingular

2 Roll. 277. The King's patents ſufficient notwithſtanding Miſrecital, not finding of of-

fices, &c.
34 & 35 H. 8. c. 21.
Hob. 222, 227.

other his Grace's letters patents, indentures or other writings to be had, made or granted to any perſon or perſons within three years next after the making of this preſent act, of any honours, caſtles, manors, monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or of other religious or eccleſiaſtical houſes or places, ſites, circuits, precincts, lands, tenements, parſonages, tithes, penſions, portions, advowſons, nominations, and all other hereditaments and poſſeſſions, of what kind, nature or quality ſoever they be, or by whatſoever name or names they or any of them be named, known or reputed, ſhall ſtand and be good, effectual and available in the law of this realm, to all reſpects, purpoſes, conſtructions and intents, againſt his Majeſty, his heirs and ſucceſſors, without any other licence, diſpenſation or tolerance of the King's highneſs, his heirs and ſucceſſors, or of any other perſon or perſons whatſoever they be, for any thing or things contained, or hereafter to be contained, in any ſuch letters patents, indentures or other writings; any cauſe, conſideration, or thing material to the contrary in any wiſe notwithſtanding:

A ſaving of the right of others in the lands aſſured by the King.

XX. Saving to all and ſingular perſons, bodies politick and corporate, their heirs and ſucceſſors, and the heirs and ſucceſſors of every of them (other than his Highneſs, his heirs and ſucceſſors, and the ſaid governors and governeſſes, and their ſucceſſors, donors, founders and patrons aforenamed, and their heirs and ſucceſſors, and all other perſons claiming in their rights or to their uſe, or in the right, or to the uſe of any of them) all ſuch right, title, claim, intereſt, poſſeſſion, reverſion, remainder, offices, annuities, rent charges and commons, which they or any of them have, ought or might to have had, in or to any of the ſaid honours, caſtles, manors, monaſteries, abbathies, priories, lands, tenements, and other hereditaments, in the ſaid letters patents made, or hereafter to be made, comprized at any time before the making of the ſaid or ſuch letters patents; this act or any thing therein contained to the contrary notwithſtanding.

Hetley 145. Latch 89. Bridgm. 32. 2 Roll. 142, 252.

XXI. *And where divers and ſundry abbots, priors, abbeſſes, prioreſſes, and other eccleſiaſtical governors and governeſſes of the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, have had, poſſeſſed and enjoyed divers and ſundry parſonages appropriated, tithes, penſions and portions, and alſo were acquitted and diſcharged of and for the payment or payments of tithes, to be paid out of their ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, manors, meſſuages, lands, tenements and hereditaments:* (2) be it therefore enacted by the authority aboveſaid, That as well the King our ſovereign lord, his heirs and ſucceſſors, as all and every ſuch perſon and perſons, their heirs and aſſigns, which have, or hereafter ſhall have, any monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other eccleſiaſtical houſes or places, ſites, circuits, precincts of the ſame, or of any of them, or any manors, meſſuages, parſonages appropriate, tithes, penſions, portions or other hereditaments, whatſoever

Such abbey-lands as before the diſſolution of them were diſcharged of tithes, ſhall ſo continue.
Cro. El. 206. Cro. Jac. 607. Cro. Car. 265, 422. Moor. 219. pl. 356.

ſoever they be, which belonged or appertained, or which now belong or appertain unto the ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other religious and eccleſiaſtical houſes or places, or unto any of them, ſhall have, hold, retain, keep and enjoy, as well the ſaid parſonages appropriate, tithes, penſions, and portions of the ſaid monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, ſites, circuits, precincts, manors, meaſes, lands, tenements and other hereditaments, whatſoever they be, and every of them, according to their eſtates and titles, diſcharged and acquitted of payment of tithes, (3) as freely, and in as large and ample manner, as the ſaid late abbots, priors, abbeſſes, prioreſſes, and other eccleſiaſtical governors and governeſſes, or any of them had, held, occupied, poſſeſſed, uſed, retained or enjoyed the ſame, or any parcel thereof, at the days of their diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting, giving up, or coming to the King's highneſs, of ſuch monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, or other religious eccleſiaſtical houſes or places, or at the day of the diſſolution, ſuppreſſion, renouncing, relinquiſhing, giving up, or coming to the King's highneſs of any of them; this act or any thing therein contained to the contrary notwithſtanding.

Dyer 277. pl. 60. 349. pl. 16. 2 Co. 46. 11 Co. 8. 16. Co. pl. f. 451, 454. Watſon's compl. Incumb. cap. 48.

XXII. Saving to the King's highneſs, his heirs and ſucceſſors, all and all manner of rents, ſervices, and other duties, whatſoever they be, as if this act had never been had nor made.

All rents, ſervices, &c. reſerved to the King.

XXIII. And be it further enacted by authority of this preſent parliament, That ſuch of the ſaid late monaſteries, abbathies, priories, nunneries, colleges, hoſpitals, houſes of friars, and other religious and eccleſiaſtical houſes and places, and all churches and chapels to them, or any of them belonging, which before the diſſolution, ſuppreſſion, renouncing, relinquiſhing, forfeiting giving up, or coming unto the King's highneſs, were exempted from the viſitation or viſitations, and all juriſdiction of the ordinary or ordinaries, within whoſe dioceſe they were ſituate or ſet, ſhall from henceforth be within the juriſdiction and viſitation of the ordinary or ordinaries within whoſe dioceſe they or any of them be ſituate and ſet, or within the juriſdiction and viſitation of ſuch perſon or perſons, as by the King's highneſs ſhall be limited or appointed; this act, or any other exemption, liberty or juriſdiction to the contrary notwithſtanding.

Monaſteries, &c. exempt from viſitation and juriſdiction of the ordinary.

XXIV. *And where before this time it hath pleaſed the King's majeſty, at the contemplation and humble petition of the right noble* Thomas *duke of* Norfolk, *to give his royal aſſent of licence by his Grace's word, without any manner of letters patents, or other writing, to purchaſe and receive to him and to his heirs for ever, of* William Flatbury, *late abbot of the monaſtery of* Sipton *in the county of* Suffolk, *and covent of the ſame late monaſtery now being diſſolved, all the ſame monaſtery, together with all and ſingular manors, lordſhips, lands, tenements, woods, waters, commons, courts, leets, advowſons, patronages, parſonages, vicarages, chauntries, free chapels, tithes, portions of tithes, penſions, annuities, rents, ſuits, ſervices, reverſions,*

Duke of Norfolk.

Sipton abbey.

remainders, and all other things which were the hereditaments or the poſſeſſions of the ſaid late monaſtery, whereſoever they lay or were within the realm of England. (2) *And in likewiſe our ſaid ſovereign lord gave like licence by his Grace's word, unto the right honourable* George *lord* Cobham, *to purchaſe and receive to him and to his heirs for ever, of the late maſter and brethren of the college or chantry of* Cobham *in the county of* Kent, *now being utterly diſſolved, the ſite of the ſame college or chantry, and all and ſingular their hereditaments and poſſeſſions, as well temporal as eccleſiaſtical, whereſoever they lay or were within the realm of* England :

Lord Cobham. Cobham chantry.

XXV. Be it therefore enacted by the authority of this preſent parliament, That the act above written or any thing therein contained, ſhall not be in any wiſe prejudicial or hurtful to the ſaid duke and lord *Cobham*, or to either of them, or to the heirs or aſſigns of either of them, but that the ſame duke and lord *Cobham* and either of them ſundrily, and the heirs and aſſigns of either of them, ſhall and may have, hold, receive and enjoy the premiſſes by them ſundrily purchaſed or received, according to the purports and effects of ſuch evidences, writings and conveyances, as they or any of them ſundrily have cauſed to be deviſed and made to them or to their uſes for the ſame :

Saving of other mens rights in the monaſtery of Sipton, and Cobham Chantry.

XXVI. Saving alway, and reſerving to all and ſingular perſons and bodies politick, and to their heirs and ſucceſſors (other than the ſaid late abbot and convent and their ſucceſſors, and the ſaid late maſter and brethren and their ſucceſſors, and to the founders of the ſame monaſtery, or of the ſaid college or chantry and the heirs of either them, and all donors, granters or augmenters of them or of either of them, and the heirs and aſſigns of either of them) (2) all ſuch rights, titles, poſſeſſions, rents, ſervices, fees, offices, annuities, corrodies, liveries, leaſes, and all other ſuch their intereſſes, profits and commodities, as they or any of them had, ſhould or ought to have, of, to, or in any of the premiſſes ſundrily purchaſed or received by the ſaid duke or lord *Cobham*, if this preſent act had never been had or made ; any thing in the ſame act to the contrary being in any wiſe notwithſtanding.

CAP. XIV.

An act for aboliſhing of diverſity of opinions in certain articles concerning chriſtian religion.

WHERE *the King's moſt excellent majeſty is by God's law ſupreme head immediately under him of this whole church and congregation of* England, *intending the conſervation of the ſame church and congregation in a true, ſincere and uniform doctrine of Chriſt's religion, calling alſo to his bleſſed and moſt gracious remembrance, as well the great and quiet aſſurance, proſperous increaſe, and other innumerable commodities, which have ever inſued, come and followed of concord, agreement and unity in opinions, as alſo the manifold perils, dangers and inconveniencies, which have heretofore, in many places and regions, grown, ſprung and ariſen of the diverſities of minds and opinions, eſpecially of matters of chriſtian religion, and therefore deſiring that ſuch an unity might and ſhould be charitably eſtabliſhed in*

all

all things touching and concerning the ſame, as the ſame ſo being eſtabliſhed might chiefly be to the honour of Almighty God, the very author and fountain of all true unity and ſincere concord, and conſequently redound to the common wealth of this his Highneſs moſt noble realm, and of all his loving ſubjects, and other reſiants and inhabitants of or in the ſame; hath therefore cauſed and commanded this his moſt high court of parliament, for ſundry and many urgent cauſes and conſiderations, to be at this time ſummoned, and alſo a ſynod and convocation of all the archbiſhops, biſhops and other learned men of the clergy of this his realm, to be in like manner aſſembled.

And foraſmuch as in the ſaid parliament, ſynod and convocation, there were certain articles, matters, and queſtions proponed and ſet forth touching chriſtian religion, that is to ſay:

Firſt, Whether in the moſt bleſſed ſacrament of the altar remaineth, after the conſecration, the ſubſtance of bread and wine or no.

Secondly, Whether it be neceſſary by God's law, that all men ſhould be communicate with both kinds, or no.

Thirdly, Whether prieſts, that is to ſay, men dedicate to God by prieſthood, may by the law of God marry after, or no.

Fourthly, Whether vow of chaſtity or widowhood, made to God adviſedly by man or woman, be by the law of God to be obſerved, or no,

Fifthly, Whether private maſſes ſtand with the law of God, and be to be uſed and continued in the church and congregation of *England*, as things whereby good chriſtian people may and do receive both godly conſolation and wholeſome benefits, or no.

Sixthly, Whether auricular confeſſion is neceſſary to be retained, continued, uſed and frequented in the church, or no.

The King's moſt royal majeſty, moſt prudently pondering and conſidering, that by occaſion of variable and ſundry opinions and judgments of the ſaid articles, great diſcord and variance hath ariſen, as well amongſt the clergy of this his realm, as amongſt a great number of vulgar people, his loving ſubjects of the ſame; and being in a full hope and truſt, that a full and perfect reſolution of the ſaid articles ſhould make a perfect concord and unity generally amongſt all his loving and obedient ſubjects; of his moſt excellent goodneſs not only commanded, that the ſaid articles ſhould deliberately and adviſedly, by his ſaid archbiſhops, biſhops and other learned men of his clergy, be debated, argued and reaſoned, and their opinions therein to be underſtood, declared and known, but alſo moſt graciouſly vouchſafed, in his own princely perſon, to deſcend and come into his ſaid high court of parliament and counſel, and there, like a prince of moſt high prudence, and no leſs learning, opened and declared many things of high learning and great knowledge, touching the ſaid articles, matters, and queſtions, for an unity to be had in the ſame; whereupon, after a great and long, deliberate and adviſed diſputation and conſultation, had and made concerning the ſaid articles, as well by the conſent of the King's highneſs,

as by the aſſent of the lords ſpiritual, and temporal, and other learned men of his clergy in their convocations, and by the conſent of the commons, in this preſent parliament aſſembled, it was and is finally reſolved, accorded and agreed in manner and form following, that is to ſay,

Firſt, That in the moſt bleſſed ſacrament of the altar, by the ſtrength and efficacy of Chriſt's mighty word (it being ſpoken by the prieſt) is preſent really, under the form of bread and wine, the natural body and blood of our Saviour Jeſus Chriſt, conceived of the Virgin *Mary*; and that after the conſecration there remaineth no ſubſtance of bread or wine, nor any other ſubſtance: but the ſubſtance of Chriſt, God and man.

Secondly, That communion in both kinds is not neceſſary *ad ſalutem*, by the law of God, to all perſons; and that it is to be believed, and not doubted of, but that in the fleſh, under the form of bread, is the very blood; and with the blood, under the form of wine, is the very fleſh; as well apart, as though they were both together.

Thirdly, That prieſts after the order of prieſthood received, as afore, may not marry by the law of God.

Fourthly, That vows of chaſtity or widowhood, by man or woman made to God adviſedly, ought to be obſerved by the law of God; and that it exempteth them from other liberties of chriſtian people, which without that they might enjoy.

Fifthly, That it is meet and neceſſary, that private maſſes be continued and admitted in this the King's *Engliſh* church and congregation, as whereby good chriſtian people, ordering themſelves accordingly, do receive both godly and goodly conſolations and benefits; and it is agreeable alſo to God's law.

Sixthly, That auricular confeſſion is expedient and neceſſary to be retained and continued, uſed and frequented in the church of God.

For the which moſt godly ſtudy, pain, and travel of his Majeſty, and determination and reſolution of the premiſſes, his moſt humble and obedient ſubjects, the lords ſpiritual and temporal, and the commons, in this preſent parliament aſſembled, not only render and give unto his Highneſs their moſt high and hearty thanks, and think themſelves moſt bound to pray for the long continuance of his Grace's moſt royal eſtate, but alſo being deſirous that his moſt godly enterpriſe may be well accompliſhed, and brought to a full end and perfection, and ſo eſtabliſhed, that the ſame might be to the honour of God, and after to the common quiet, unity and concord to be had in the whole body of this realm for ever, moſt humbly beſeechen his royal Majeſty, that the reſolution and determination above written of the ſaid articles may be eſtabliſhed, and perpetually perfected by authority of this preſent parliament, &c.

* 1 If any perſon by word, writing, printing, cyphering, or any other-

* Ex Edit. Raſtal.

otherwiſe, do preach, teach, diſpute, or hold opinion that in the bleſſed ſacrament of the altar, under form of bread and wine (after the conſecration thereof) there is not preſent really the natural body and blood of our Saviour Jeſus Chriſt conceived of the Virgin *Mary*. Or that after the ſaid conſecration, there remaineth any ſubſtance of bread or wine, or any other ſubſtance, but the ſubſtance of Chriſt, God and man: Or that in the fleſh under form of bread, is not the very blood of Chriſt: Or that with the blood under the form of wine, is not the very fleſh of Chriſt, as well apart, as though they were both together: Or affirm the ſaid ſacrament to be of other ſubſtance than is aforeſaid: Or deprave the ſaid bleſſed ſacrament: then he ſhall be adjudged an heretick, and ſuffer death by burning, and ſhall forfeit to the King all his lands, tenements, hereditaments, goods and chattels, as in caſe of high treaſon.

2 And if any perſon preach in any ſermon, or collation openly made, or teach in any common ſchool or congregation, or obſtinately affirm or defend, that the communion of the bleſſed ſacrament in both kinds is neceſſary for the health of man's ſoul, or ought or ſhould be miniſtered in both kinds: Or that it is neceſſary to be received by any perſon (other than by prieſts) being at maſs, and conſecrating the ſame.

3 Or that any man after the order of prieſthood received, may marry or contract matrimony.

4 Or that any man or woman which adviſedly hath vowed or profeſſed, or ſhould vow or profeſs chaſtity or widowhood, may marry, or contract marriage.

5. Or that private maſſes be not lawful, or not laudable, or ſhould not be uſed, or be not agreeable to the laws of God.

6 Or that auricular confeſſion is not expedient, and neceſſary to be uſed in the church of God, he ſhall be adjudged, ſuffer death, and forfeit lands and goods, as a felon. If any prieſt or other man or woman, which adviſedly hath vowed chaſtity, or widowhood, do actually marry or contract matrimony with another: Or any man which is or hath been a prieſt, do carnally uſe any woman, to whom he is, or hath been married, or with whom he hath contracted matrimony, or openly be converſant or familiar with any ſuch woman; both the man and the woman ſhall be adjudged felons. Commiſſions ſhall be awarded to the biſhop of the dioceſe, his chancellor, commiſſary, and others, to enquire of the hereſies, felonies, and offences aforeſaid. And alſo juſtices of peace in their ſeſſions, and every ſteward, underſteward, and deputy of ſtewards in their leet, or lawday, by the oaths of twelve men have authority to enquire of all the hereſies, felonies, and offences aforeſaid.

32 H. 8. c. 10.
35 H. 8. c. 5.
Repealed 1 Ed. 6. c. 12.
1 Eliz. c. 1. ſ. 18.

END *of the Fourth* VOLUME.


BIBLIOTHECA BODLEIANA

