

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BRIAN WRENN, et al.

Plaintiffs,

v.

DISTRICT OF COLUMBIA, et al.

Defendants.

Civil Action No. 15-162-CKK

**APPENDIX OF HISTORICAL LAWS
OF *AMICUS CURIAE* EVERYTOWN FOR GUN SAFETY**

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Appendix of Historical Laws

English statutes and royal proclamations

13 Edw. 1, 102 (1285).....	App. 1
7 Edw. 2, 170 (1313).....	App. 2
Statute of Northampton, 2 Edw. 3, 258, ch. 3 (1328)	App. 3
25 Edw. 3, 320, ch. 2, § 13 (1351)	App. 4
34 Edw. 3, 364, ch. 1 (1360).....	App. 10
7 Ric. 2, 35, ch. 13 (1383)	App. 12
20 Ric. 2, 93, ch. 1 (1396)	App. 15
Calendar of the Close Rolls, Henry IV (Jan. 30, 1409).....	App. 17

Early American enactments of the Statute of Northampton

1694 Mass. Laws 12, no. 6	App. 19
1786 Va. Laws 33, ch. 21	App. 22
1792 N.C. Laws 60, ch. 3.....	App. 23
1795 Mass. Laws 436, ch. 2	App. 27
1801 Tenn. Laws 710, § 6	App. 28
1821 Me. Laws 285, ch. 76, § 1.....	App. 29
1852 Del. Laws 330, ch. 97, § 13	App. 35
1859 N.M. Laws 94, § 2	App. 43

Other colonial-era American laws

1686 N.J. Laws 289, ch. 9	App. 48
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American good-cause variants of the Statute of Northampton

1836 Mass. Laws 750, § 16.....	App. 50
1838 Wisc. Laws 381, § 16	App. 54
1841 Me. Laws 709, ch. 169, § 16.....	App. 55
1846 Mich. Laws 690, ch. 162, § 16.....	App. 56
1847 Va. Laws 127, ch. 14, § 16	App. 59
1851 Minn. Laws 526, ch. 112, § 18	App. 62
1853 Or. Laws 218, ch. 16, § 17	App. 66
1861 Pa. Laws 248, 250, § 6.....	App. 69
1870 W. Va. Laws 702, ch. 153, § 8	App. 88
1871 Tex. Laws 1322, art. 6512.....	App. 91
1873 Minn. Laws. 1025, § 17	App. 94
1891 W. Va. Laws 915, ch. 148, § 7	App. 95

Southern “lash and pistol” laws

1854 Ala. Laws 588, § 3272 App. 97
 1861 Ga. Laws 859, § 4413 App. 101

Post-Civil-War enactments of Northampton-style laws

1869 N.M. Laws 312, § 1 App. 102
 1870 S.C. Laws 403, no. 288, § 4 App. 105
 1871 Tenn. Laws 81, ch. 90, § 1 App. 108
 1875 Wyo. Laws 352, ch. 52, § 1 App. 109
 1881 Ark. Laws 490, ch. 53, § 1907 App. 110
 1889 Ariz. Laws 16, ch. 13, § 1 App. 111
 1889 Idaho Laws 23, § 1 App. 112
 1901 Mich. Laws 687, § 8 App. 113
 1909 Tex. Laws 105 App. 115

American municipal ordinances

Nebraska City, Neb., Ordinance no. 7 (1872) App. 116
 Nashville, Tenn., Ordinance ch. 108 (1873) App. 117
 Los Angeles, Cal., Ordinance nos. 35-36 (1878) App. 119
 Salina, Kan., Ordinance no. 268 (1879) App. 120
 La Crosse, Wis., Ordinance no. 14, § 15 (1880) App. 121
 Syracuse, N.Y., Ordinances ch. 27 (1885) App. 122
 Dallas, Tex., Ordinance (1887) App. 123
 Checotah, Okla., Ordinance no. 11 (1890) App. 124
 New Haven, Conn., Ordinances § 192 (1890) App. 125
 Rawlins, Wyo., Rev. Ordinances art. 7 (1893) App. 126
 Wichita, Kan., Ordinance no. 1641 (1899) App. 128
 McKinney, Tex., Ordinance no. 20 (1899) App. 130
 San Antonio, Tex., Ordinance ch. 10 (1899) App. 131

Right of
Tithes; and
Patronage.

And if Debate hang in a Spiritual Court for the Right of Tithes, having his Original from the Right of the Patronage, and the Quantity of the same Tithes do pass the fourth part of the value of the Benefice, a Prohibition shall lie.

Pecuniary
Penance.

Also if a Prelate enjoin Penance pecuniary to any Man for his Sin, if the Money be demanded before Prelates, a Prohibition shall lie.

Amends for
Violence
to a Clerk.

And if any lay violent Hands on a Clerk or Lay-Brother for the (') Peace broken, Amends shall be made before the King, and for the Excommunication before a Bishop or Prelate; and if a Corporal Penance be enjoined, which (') the Offender will (') redeem by giving Money to the Prelate, or to the Party grieved, a Prohibition shall not lie.

Defamation.

In Causes of Defamation, Prelates may freely correct the King's Prohibition notwithstanding; first enjoining a Corporal Penance, which, if the Party will redeem, the Prelate may lawfully receive the Money, though the Prohibition be shewed.

' King's ' if ' he may

Item si contencio sit (') de jure decimarum, originē hēns de jure patronatus, & earū decimarū q'ntitas excedat quartam partem ecclie, locū hēt Regia prohibicio.

Item si Prelatus imponat penā pecuniariam alicui p' pccō & petat illam pecuniam, locū hēt Regia phibicio, si coram Prelatis pecunia exigat'.

Item si quis manus violentes injeçit in clericum, (') p' (') pace Dñi Regis debent emende fieri coram Rege; p' exdicatione vero coram (') Epsō, & si imponat' pena corporalis, quam si reus velit redimē dando plato vel leso pecuniam potest, nec in tibi locus est phibicio.

In diffamacionibz [liboz'] corrigant Prelati regia prohibicione non obstante, [licet porrigat'.*]

' in Curia Christianitatis * vel conversum,
' violata * prelato vel ' libere
' prius injungendo penam corporalem, quam si reus redimere velit libere recipiat prelatus pecuniam, licet prohibicio porrigatur.

Statuta Civitatis London.

STATUTES FOR THE CITY OF LONDON.

None shall
walk the
Streets
armed, after
Curfew, &c.

THESE be the Articles which Our Lord the King doth command to be well kept in his City of London, for the keeping and maintenance of his Peace.

First, Whereas many Evils, as Murders, Robberies, and Manslaughters have been committed heretofore in the City by Night and by Day, and People have been beaten and evil intreated, and divers other Mischances have befallen against his Peace; It is enjoined that none be so hardy to be found going or wandering about the Streets of the City, after Curfew tolled at St. Martins le Grand, with Sword or Buckler, or other Arms for doing Mischief, or whereof evil suspicion might arise; nor any in any other Manner, unless he be a great Man or other lawful Person of good repute, or their certain Messenger, having their Warrants to go from one to another, with Lantern in hand. And if any be found going about contrary to the Form aforesaid, unless he have cause to come late into the City, he shall be taken by the Keepers of the Peace and be put into the place of confinement appointed for such Offenders; and on the morrow he shall be brought and presented before the Warden, or the Mayor of the City for the Time being, and before the Aldermen; and according as they shall find that he hath offended, and as the Custom is, he shall be punished.

Taverns
shall not be
open after
Curfew, &c.

And Whereas such Offenders as aforesaid going about by Night, do commonly resort and have their Meetings and hold their evil talk in Taverns more than elsewhere, and there do seek for shelter, lying in wait, and watching their time to do Mischief; It is enjoined that none do keep a Tavern open for Wine or Ale, after the tolling of the aforesaid Curfew; but they shall keep their Tavern shut after that hour, and none therein drinking or resorting; Neither shall any Man admit others in his House except in common Taverns, for whom he will not be answerable unto the King's Peace. And if any Taverner be found doing the contrary, the first time he shall be put in pledge by his Tavern drinking cup, or by other good pledge there found, and be amerced forty-pence; and if he be found a second time offending, he shall be amerced half a mark; and the third time Ten Shillings; and the fourth time he shall pay the whole Penalty double, that is to say, Twenty Shillings: And the fifth time he shall be forejudged of his Trade for ever.

Ex magno Rot. Stat. in Turr. Lond. m. 42, in Cedula.

LES sont les Articles le queus nre Seign' le Rey Comaunde q̄ bien seient gardez en sa Citee de Loundres, p' sa pes garder e meyntenir. Primeremēt p' ceo q̄ multz des mals com des murdres, Robberyes, e homycides ont este fetz ca en arriere deinz la Citee de nuyt e de Jour, e gentz Batues e mal tretes, e aut's diverses aventures de mal avenuz encontre sa pes; Defendu est q̄ nul seit si hardi estre trove alant ne wacraunt p' my les Ruwes de la Citee, ap̄s Coeverfu p̄sone a Seint Martyn le g'nt, a Espye ne a Bokuyler ne a autre arme p' mal fere, ne dout mal suspcion poet avenir; ne en autre manie nule, sil ne seit g'nt Seign' ou altre prodome de bone consyaunce, ou lour Meyn message q̄ de els serra garaunty q̄ vount li un a l'autre p' conduyte de Lumere. E si nul seit trove alant encontre la fourme avantdite, ou q̄ il seit encheson de tart venir en vyle, seit p's p' les Gardeyns de la pes e seit nys en Le Tonel, la quel p' tiels meffesours est assigne, e Lendeineyn seit amene e p̄sente devant le Gardeyn ou le Meyre de la Citee q̄ p' tens serra, e devant les Aldermans, e solong ceo q̄ il troveront qil eit trespasse e a ceo seit coustumers seit puny. E pur ceo q̄ tiels meffesours avantditz, alant nutauntre, communalment ont lour Recet e lour Covynes, e font lour mauveyses purparlances en taverne plus q̄ ailours, e illoekes quereunt umbrage attendanz e geitant lor tens de mal fere; Defendu est q̄ nul ne tiegne taverne overte de Vyn ne de Cerveyse ap̄s le Coeverfu avantdit p̄sone; mes q̄ il tiegne sa taverne close ap̄s eel houere, e nul leinz Bevaunt ne recettant ne en sa mesoun hors de Communes tavernes nul ne recette: p' quy il ne voillit estre respaignant a la pes le Rey. E si nul taverner seit trove q̄ autrement faceo, primerement seit degage p' soen Hanap de la Tavern, ou p' altre bon gage leinz trove, e seit anleye a quarante deniers; E si altre fiez seit trove q̄ ceo faceo, seit anleye a demy mark e a la tierce fiez a dys souz; e a la quarte fiez paie tute la peyne double, cest asaz vint souz. E la quynte fiez seit forsjugge del mestier p' tutz jourz.

That none be molested for the Return of Piers de Gavaston.

THE King to All who these Letters shall see or hear, Greeting. Know Ye that in our Parliament at Westminster, the Sunday next after the Feast of St. Matthew the Apostle, in the Seventh year of our Reign; for certain and expedient Causes, It was provided and granted by Us, and by the Archbishops, Bishops, Abbots, Priors, Earls, and Barons, and all the Commonalty of our Realm, there being at our command, with one accord assented and agreed; That no one, of what estate or condition soever he be, in any time to come be challenged, taken, nor imprisoned, hindered, molested, nor aggrieved, nor into judgement brought by Us, nor by any other at our Suit, nor at the Suit of any other whomsoever, in our Court nor elsewhere, by reason of the return of Monsieur Piers de Gavaston into England, nor of any Aid, Maintenance, Adherance, nor of any Counsel nor Receipt of him, nor Alliance made with him, or for him, by writing or otherwise, nor by reason of tarrying in his Company or Service in any time passed heretofore. And We will that this Grant and Accord be affirmed and established in all his Points, and that each of them be holden and kept for ever. In Witness whereof, &c. Given as above.

Ex Rot. Pat. 7 Ed. II. P. 1. m. 14. in Cedula.*

LE Roy, a tuz ceuz, qi cestes lres vront, ou orront Salut. Sachetz, qen nre plement, comence a Westmoistier le dimeynch pchein aps la feste de Seint Matheu le Apostle, en lan de nre regne septisme, p ceines & covenables enchesons, p'veu est & g'nte p no°, & p - - Ercevesqs, Evesqs, Abbes, Priours, Contes & Barons, & tote la comunalte de nre roiaume, illoeqs a nre maundement, uniement assentuz & acorde; q nul de quel estat, ou condicion qil soit, en nul temps avenir, soit chalange, ps, ne enpsonetz, empeschez, molestez, ne grevez, nen jugement menez, p no°, ne p autre a nre suite, ne a suite Jautri, qi qil soit, en nre Court ne nulle pt ailleurs, p encheson du revenir de monf Piers de Gavaston en Engleterre, ne de cide, meinteunance, aerdaunce, ne de conseil, ne de recete de li, ne dalliance fait a li, ou por li, p escrit ou autrement, ne p encheson de demorer en sa compaignie, ne en svive, en nul temps passe cea en arrieres. E volons q ce g'nt & acord soit ferm & estable en touz sez pointz, & chescun de eux soit tenu & garde a ppetuite. En tesmoign, &c. Doñ ut sup.

De eodem negotio.

* This follows on the Patent Roll immediately after the Article given in the Note in page 169. In the Old Printed Copies this Article is intituled "Ne quis occasione pro reditu Petri de Gavaston." It begins "Edwarde par la grace de dieu &c. as touts ceuz" and ends "Done a Westm le vii. jour de Novembre lan de nostre regne septisme."

Statutu sup' Aportam'to Armor.*

A STATUTE FORBIDDING BEARING OF ARMOUR.

Ex Rot. Pat. 7 Ed. II. P. 1. m. 14. in Cedula.

The King forbids the coming armed to Parliament, &c.

THE King [to the Justices of his Bench,'] sendeth Greeting. Whereas of late before certain Persons deputed to treat upon sundry Debates had between Us and certain great Men of our Realm, amongst other things it was accorded, That in our next Parliament after, Provision [shall'] be made by Us, and the common assent of the Prelates, Earls, and Barons, that in all Parliaments, [Treatises,'] and other Assemblies, which should be made in the Realm of England [for ever,'] that every Man shall come without all Force and ['] Armour, well and peaceably, to the Honour of Us, and the Peace of Us and our Realm; and now in our [next'] Parliament at Westminster, after the said Treatise, the Prelates, Earls, Barons, and the Commonalty of our Realm, there assembled [to take'] Advice of this Business, have said, that to Us it belongeth, and our part ['] is, through our Royal Seignorie, straitly to defend [Force'] of Armour, and all other Force against our Peace, at all Times when it shall please Us, and to punish them which shall do contrary, according to [our'] Laws and Usages of our Realm; and ['] hereunto they are bound to aid Us as their Sovereign Lord at all Seasons, when need shall be: We command you, that ye cause these Things to be read afore you in the said [Bench,'] and there to be enrolled. Given at Westminster, the thirtieth day of October.

LE Roy, au Lieutenant, le Tresorier, & as Barons del Eschekier, Salut. Come nadguaires devant ceines psones deutees a trefre s' aucun debatz, euz, entre no° & aucun de g'ntz de nre Roiaume, entre autres choses feust acordez, q en nre pchein plement aps, p'veaunce se feist p no° & le comun assentement des Prelatz, Contes, & Barons, q en touz plementz, tretementz, & autres assembletz, q se ferront en roiaume Dengleterre a tuz jours, q home veigne sanz tote force & saunz armes, bien & paisiblement al honur de no°, & a la pays de no° & de nre roiaume; et ja en nre [pchein'] plement a Westm aps le ditz treutz, les Prelatz, Contes, Barons, & la Comunalte de nre Roiaume illoeqs assemblez, eu avissement de ceste bosoigne, no° aient dit q a no° apent, & devons p nre roiale Seignurie, defendre [portement'] darmes, & tote autre force contre nre pais, a totes les foiz q nous plerra, & punir ceuz q contre vendront, selonc les leys & les usages de nre roiaume; E q a ce sont il tenuz de no° aider come leur bon Seign', totes les foiz q mester v'ra; Vo° mandons q cestes choses facetz lire devant vo° en le dit Eschekier, & illoeqs enrrouler. Doñ a Westm le xxx. jour Doctobr.

And It was commanded to Sir Roger Brabazon and his Fellows, Justices assigned to hold the King's Pleas before him, that these things they do cause to be read before them, and there to be enrolled.

And It was commanded to the Justices of the Bench, that these things they do cause to be read before them in the said Bench, and there to be enrolled.

¶ Et maunde est a Sire Rogier le Brabancon & ses compaignons, Justices a les pletz le Roy devant lui tenir assignetz, q cestes choses facent lire devant eux, & illoeqs enrrouler.

¶ Et maunde est as Justices du Bank, q cestes choses facent lire devant eux, en dit Bank, & illoeqs enrrouler.

* to the Lieutenant, the Treasurer and the Barons of the Eschequer, should without it that Treaties Old Translations omit. wearing Enchequer at all times, taking the

Old Printed Copies omit. fortement Old Printed Copies.

* This Title is in the Margin of the Roll. In the Old Printed Copies this is intituled "Statutum de Defensione portandi Arma," and is ascribed to the Seventh Year of King Edward I. The English Title is from the Old Translations.

17 Ed. I. c. 3.

Justices of Assise and Gaol-delivery.

Oyers and Terminers.

III. Riding or going armed in Affray of the Peace.

IV. The Statute of Lincoln, 9 Edw. II. concerning Sheriffs, &c. confirmed.

V. The Statute Westminster the Second, 13 Ldw. I. chapter 39. concerning the Delivery of Writs to the Sheriff, confirmed.

Grandfather to our Lord the King that now is, wherein is contained, that Justices assigned to take Assises, if they be Laymen, shall make Deliverance; and if the one be a Clerk, and the other a Layman, that the Lay Judge, with another of the Country associate to him, shall deliver the Gaols: Wherefore it is enacted, That such [Justices'] shall not be made against the Form of the said Statute; and that the Assises, Attaints, and Certifications be taken before the Justices commonly assigned, which should be good Men and lawful, having Knowledge of the Law, and none other, after the Form of another Statute made in the Time of the said [King Edward the First;] and that the Oyers and Terminers shall not be granted but before Justices of the one Bench or the other, or the Justices Errants, and that for great [hurt,] or horrible Trespasses, and of the King's special Grace, after the Form of the Statute thereof ordained in Time of the said Grandfather, and none otherwise.

ITEM, It is enacted, That no Man great nor small, of what Condition soever he be, except the King's Servants in his presence, and his Ministers in executing of the King's Precepts, or of their Office, and such as be in their Company assisting them, and also [upon a Cry made for Arms to keep the Peace, and the same in such places where such Acts happen,] be so hardy to come before the King's Justices, or other of the King's Ministers doing their office, with force and arms, nor bring no force in affray of the peace, nor to go nor ride armed by night nor by day, in Fairs, Markets, nor in the presence of the Justices or other Ministers, nor in no part elsewhere, upon pain to forfeit their Armour to the King, and their Bodies to Prison at the King's pleasure. And that the King's Justices in their presence, Sheriffs, and other Ministers (*) in their Bailiwicks, Lords of Franchises, and their Bailiffs in the same, and Mayors and Bailiffs of Cities and Boroughs, within the same Cities and Boroughs, and Borough-Holders, Constables, and Wardens of the Peace within their Wards, shall have Power to execute this Act. And that the Justices assigned, at their coming down into the Country, shall have Power to enquire how such Officers and Lords have exercised their Offices in this Case, and to punish them whom they find that have not done that which pertained to their Office.

ITEM, Because the Peace cannot be well kept without good Ministers, as Sheriffs, Bailiffs, and Hundreders, which ought to do Execution as well of the King's Privities as of other Things touching our Lord the King and his People; It is ordained and established, That the Statute made in the time of King Edward, Father to the King that now is, at Lincoln, containing that Sheriffs, Hundreders, and Bailiffs shall be of such People as have Lands in the same Shires or Bailiwicks, shall be observed in all Points after the Form thereof; and that Sheriffs and Bailiffs of Fee shall cause their Counties and Bailiwicks to be kept by such as have Lands therein.

ITEM, Where it was ordained by the Statute of Westminster the Second, that they which will deliver their Writs to the Sheriff, shall deliver them in the full County, or in the Rere County, and that the Sheriff or under Sheriff shall thereupon make a Bill; It is accorded and established, that at what Time or Place in the County a Man doth deliver any Writ to the Sheriff or to the Under-Sheriff, that they shall receive the same Writs, and make a Bill, after the form contained in the same Statute, without taking any Thing therefore; and if they refuse to make a Bill, others that be present shall set to their Seals; and if the Sheriff or Under-Sheriff do not return the said Writs, they shall be punished after the form contained in the same Statute; and also the Justices of Assises shall have power to enquire thereof at every Man's Complaint, and to award Damages, as having respect to the Delay, and to the loss and peril that might happen

* Commissioners
† upon a Proclamation of Drets of Arms in time of Peace, and that in Places where such Drets are to be done.—See Lib. Rub. Sec. Westm. fo 122 b. a Writ reciting a Grant of K. Richard I. "qd' Torrecantia sint in Angl' in v. placias: In p' Sarf & Wilton: In Warrewich & Keuelingworth: In Stanford & Warneford: In Brakel & Mireb: In Blic & Tykelit. Ita qd' pax tre nre no infringer, n' potestas Justiciarum minorabit' Nec de f. 122 b. nris dppnu infract'." of the King

nre Seign' le Roi qore est, en quele est contenuz q̄ les Justices as assises p̄ndre assignez sils soient lais, facent les delivances; et si lun soit clerck, & lautre lais, q̄ le dit lais, associe a lui un autre du pais, facent la delivance des gaols; p̄ qoi acorde est & establi, q̄ tiels Justiceries ne soient mes ḡntees coudre la forme du dit estatut, & q̄ les assises, atteintes, & Cifications soient p̄es devant les Justices cōmunement assignez, q̄ soient bones gentz & loialx & conissantz de la lei, & nemie autres; solonc la forme dun autre statut fait en temps meisme le ael; et q̄ les oiers & p̄miners ne soient grantees fors q̄ . . . devant les Justices de lun Baunk & de lautre, ou les Justices errantz; & ce p' led & orrible trespas, & de lespeciale ḡce le Roi, solonc forme de statut de ce ordene en temps meisme le ael; & nemie autrement.

Ensement acorde est & establi, q̄ nul, ḡnt ne petit de quele condicion qil soit, sauve les v̄jantz le Roi en la p̄sence le Roi, & les Ministres le Roi, enfesantz execucion des mandementz le Roi, ou de leur office, & ceux qi sont en leur compaignies, dadantz as ditz ministres, & auxint au cri de fait cimes de pees, & ce en lieux ou tielx faitz se ferront, soit si hardi de venir devant les Justices le Roi, ou autres Ministres le Roi enfesant leur office, a force & armes; ne force mesner en affrai de la pees, ne de chivaucher ne daler arme, ne de nuit ne de jour, en faires, marches, nen p̄sence des Justices, ne dautres Ministres, ne nule part aillours, sur peine de p̄dre leur armures au Roi & de leur corps a la prisone a la volute le Roi. Et q̄ Justices le Roi en leur p̄sences, viscountes & autres Ministres le Roi en leur baillies, seign's des fraunchises & leur baillifs en yeceles, & Meire & Baillifs des Citees & Burghs deinz meismes les Citees & Burghs, Burghaldres, conestables, & gardeins de la pees deinz leur gardes, eient poair affaire execucion de cest acord. Et q̄ les Justices assignez, a leur venu en pais, eient poair denquere coment tielx Ministres & seign's ont use leur office en ce, & de punir ceux qils trovont, qi nount mie fait ce q̄ a leur office appent.

Et p'ce q̄ la pees ne poet mie estre bien garde sauntz bons ministres, come Viscountes, Baillifs, & Hundreders qi doivent faire execucion, auxibien des p'vetez le Roi come dautres choses tochantes le Roi & son poeple, acorde est & establi q̄ lestatut fait en temps le Roi Edward, pere le Roi qore est, a Nicole, contenant q̄ Viscountes, Hundreders & Baillifs soient des gentz eantz v̄res en meismes les Countez, ou baillies, soit garde en touz pointz solonc la forme dycel, & auxint q̄ les Viscountes & Baillifs de fee, facent garder meismes leur Countez & Baillies p̄ gentz eantz v̄res en yeceles.

Ensement la ou ordine est, p̄ statut de Westminster le second, q̄ ceux q̄ liver volent leur briefs as viscountes, les liver en plein Counte, ou en rerecounte, & q̄ visconte ou southvisconte facent sur ce bille; acorde est & establi q̄ a quele heure ou a queu lieu deinz le Counte home livre a viscountes, ou a southviscontes, briefs, qils les rescivent & facent bille en la forme contenue en le dit estatut, & ce sanz rien p̄ndre; et sils refusent de faire bille, mettent autres leur realx qi v̄ront p̄sentz; et si le Viscounte ou le Southviscounte ne retourne mie les briefs, soient puniz solonc la forme contenue en le dit estatut; & jadumeins eient les Justices as assises p̄ndre assignez poair denquer de ce a chescun plainte & de agarder damages, eant regard au delai, & a les ptes & pils qi p'ront avenir.

A.D.1351-2.

25^o EDW. III. Stat. 5. c.1, 2.

319

Statutū apud Westm̄ in p̄liamento in festo S̄ci Hillari anno regni Regis E. t̄ci vicesimo q̄nto tento, f̄cm.

In Margine Rotuli.

A STATUTE made at WESTMINSTER;
In the Parliament holden in the Feast of Saint Hilary;
In the TWENTY-FIFTH Year of the Reign of K. EDWARD the THIRD.

Ex magno Rot. Stat. in Turr. Lond. m. 16.

Au plement somonz a Westm̄, en la feste de Seint Hiller lan du regne n̄re Seign' le Roi Edward Dengleterre vintisme quint, & de France douzisme, n̄re f̄' le Roi del assent des Prelatz, Ducs, Countes, Barons, & de tout la comunalte de son Roialme Dengleterre, au dit plement somons, al hon' de Dieu & de Seinte Eglise, & en amendement de son dit Roialme, ad ordeine & establi les choses soutezscriptes.

En p̄mes, p̄ce q̄ tresout'geouses damages & grevances sont faites au poeple p̄ les pno's & p̄veo's des vitailles p̄ les hosteux nre f̄' le Roi, ma dame la Roigne, & de lo' enfantz, Si est acorde & assentuz en le dit plement, q̄ les pno's & p̄veio's des bledz p̄ les ditz hosteux les p̄ignent p̄ mesure rase, selonc ceo q̄ hōme use p̄my le Roialme. Et q̄ touz bledz, feyns, litere & bestaill, & touz au's vitailles & choses quecūques, queles sont aprendre p̄ meismes les hosteux, soient p̄sez a la v̄roie value, p̄ les Conestables & au's bons gentz des villes ou tieles prises se feront, sanz ce q̄ p̄ manacés, ou duresces soient les preisours chacez a mettre autre pris q̄ lour d̄ement ne voet, & come curt cōement en les p̄scheins marches : et q̄ entre les Purveyours et ceux des queux les biens s̄ront prises, en la p̄sence des Conestables & preisours, soient taillies tantost faites, saunz ceo q̄ les gentz des queux les biens s̄ront prises soient aillours traiz ou t̄vailliez ; & meismes les taillies ensealez des seals les pnours des choses issint prises, p̄ les queles taillies gre soit fait as ceux des queux les choses s̄ront issint prises : et si nul pnour ou P̄veour p̄ les ditz hosteux face p̄ autre man̄e, soit meintenat̄ arestu p̄ la villee ou la prise s̄ra faite, et mesne a la p̄scheine gaole, et si de ceo soit atteint, soit la fait de lui come de laron, si la quantite des biens le demand ; solonc ceo qen un estatut fait en temps meisme n̄re f̄' le Roi lan de son regne quint, & en un autre estatut fait en temps laiell n̄re Seign' le Roi s' tieles prises, est contenuz plus au plein : et q̄ desore soit contenuz es cōmissions des tieux P̄veours et pnours, lentent et la peine contenuz en cest estatut : et q̄ nule cōmission soit faite forsq̄, soulement souz les ḡnt ou prive sealx le Roi ; ne q̄ nul hōme soit tenuz de obeier a autre cōmission nen autre man̄e q̄ nest dit en avant ; et q̄ meisme lestatut tiegne lieu en toutz pointz de v̄s chescun pnour & p̄veour, de chescune man̄e des vittailles en chescune p̄tie du Roialme de quele condition qil soit.

Auxint p̄ceo q̄ di v̄ses opinions oute este einz ces heures que cas, q̄nt il avient doit estre dit treson, & en quel cas noun, le Roi a la requeste des Seign's & de la Cōe, ad fait declarissement q̄ ensuit, Cest assavoir ;

STATUTE THE FIFTH.

AT the Parliament summoned at Westminster in the Feast of St. Hilary, the Year of the Reign of our Lord King Edward the Third [after the Conquest,] of England the Five and twentieth, and of France the Twelfth ; our said Lord the King, by the assent of the Prelates, Earls, Barons, and of all the Commonalty of his Realm of England summoned to the Parliament, to the honour of God and Holy Church, and in Amendment of his said Realm. hath ordained and established the Things underwritten.

FIRST, Forasmuch as great and outrageous damage and grievance hath been done to the People by the Takers and Purveyors of Victuals, for the Houses of our Sovereign Lord the King, the Queen, and their Children ; It is accorded and assented in the said Parliament, That the Takers (') of Corn for the said Houses shall take the same by Measure striked according as it is used through the Land. And that such Corn, Hay, Litter, Bestall and all other Victuals and Things, which shall be taken for the said Houses, shall be [taken'] by the very Value, by the Constable and other good People of the Towns where such Taking shall be made, without that that the Praisers by Menace or Duress shall be driven to set any other Price than their Oath will, and as commonly runneth in the next Markets. And that betwixt the Purveyors and them whose Goods shall be taken in the presence of the Constables and Praisers, Tallies be made incontinently, without that that the People whose Goods shall be taken, shall be drawn or travelled elsewhere, and the same Tallies sealed with the Seals of the Takers of the Things so taken, by which Tallies Gree shall be made to them whose Goods shall be so taken ; and if any Purveyor or Taker for the said Houses, do in any other Manner, he shall be [maintenant'] arrested by the Town where the Taking shall be made, and brought to the next Gaol ; and if he be thereof attained, it shall be done of him as of a Thief, if the Quantity of the Goods the same require ; according as in a Statute made in the Time of our Sovereign Lord the King that now is, the Fifth Year of his Reign, and in another Statute made in the Time of the King's Grandfather upon such Takings, is contained more at the full : and that from henceforth in the Commissions of such Takers and Purveyors, the Intent and Pain limited in this Statute shall be contained : and that no Commission be made, but only under the King's great Seal or Privy Seal ; nor that no Man be bound to obey [any such Commissions, other or in what Manner'] than is aforesaid ; and that the same Statute take place in all Points against every Taker and Purveyor of every Manner of Victual in every part of the Realm, of what Condition soever he be.

ITEM, Whereas divers Opinions have been before this Time [in what Case Treason shall be said, and in what not ;'] the King, at the Request of the Lords and of the Commons, hath made a Declaration in the Manner as hereafter followeth, that is to say ; When a Man

I.
Corn shall be taken by Purveyors by Measure striked
Things taken by Purveyors shall be appraised at the very Value.

Tallies of the Goods taken.

Punishment for undue Purveyance as under Stat. § E. III. c. 3.

Purveyors' Commissions shall be under the Great or Privy Seal.

II.
Declaration what Offences shall be adjudged Treason.

' and Purveyors

' prayed

' any other Commissions, or in other manner MS. Tr. 2.

' what case should be adjudged Treason, and what not ;

' immediately

Compassing the Death of the King, Queen, or their eldest Son; violating the Queen, or the King's eldest Daughter unmarried, or his eldest Son's Wife; levying War; adhering to the King's Enemies; counterfeiting the King's Seals, or Money; importing counterfeit Money; killing the Chancellor, Treasurer, or Judges in Execution of their Duty. The King shall have the Forfeiture of all the Offenders' Lands. Petit Treason. Forfeiture of the Lands to the Lords. New Questions of Treasons shall be decided in Parliament.

Certain Offences not Treason.

In such Cases already happened, the Chief Lords shall have the Escheats.

Saving the King's Year and Waste.

Scire facias to Tenants, &c.

III. Challenge of an Indictor upon an Inquest.

doth compass or imagine the Death of our Lord the King, or of our Lady his [Queen] or of their eldest Son and Heir; or if a Man do violate the King's [Companion,] or the King's eldest Daughter unmarried, or the Wife (') the King's eldest Son and Heir; or if a Man do levy War against our Lord the King in his Realm, or be adherent to the King's Enemies in his Realm, giving to them Aid and Comfort in the Realm, or elsewhere, and thereof be [probably'] attainted of open Deed by [the People'] of their Condition: And if a Man counterfeit the King's Great or Privy Seal, or his Money; and if a Man bring false Money into this Realm, counterfeit to the Money of England, as the Money called Lushburgh, or other, like to the said Money of England, knowing the Money to be false, to merchandise or make Payment in Deceit of our said Lord the King and of his People; and if a Man slea the Chancellor, Treasurer, or the King's Justices of the one Bench or the other, Justices in Eyre, or Justices of Assise, and all other Justices assigned to hear and determine, being in their Places, doing their Offices: And it is to be understood, that in the Cases above rehearsed, [that'] ought to be judged Treason which extends to our Lord the King, and his Royal Majesty: And of such Treason the Forfeiture of the Escheats pertaineth to our Sovereign Lord, as well of the Lands and Tenements holden of other, as of himself: And moreover there is another manner of Treason, that is to say, when a Servant slayeth his Master, or a Wife her Husband, or when a Man secular or Religious slayeth his Prelate, to whom he oweth Faith and Obedience; and [of such Treason the Escheats ought to pertain'] to every Lord of his own Fee: And because that many other like Cases of Treason may happen in Time to come, which a Man cannot think nor declare at this present Time; It is accorded, That if any other Case, supposed Treason, which is not above specified, doth happen (') before any Justices, the Justices shall tarry without any going to Judgement of the Treason, till the [Cause] be shewed [and declared before the King and his Parliament,] whether it ought to be judged Treason or [other] Felony. And if percase any Man of this Realm ride armed [covertly] or secretly with Men of Arms against any other, to slay him, or rob him, or take him, or retain him till he hath made Fine or Ransom for to have his Deliverance, it is not the Mind of the King nor his Council, that in such Case it shall be judged Treason, but shall be judged Felony or Trespass, according to the Laws of the Land of old Time used, and according as the Case requireth. And if in such Case, or other like, before this Time any Justices have judged Treason, and for this Cause the Lands and Tenements have come into the King's hands as Forfeit, the chief Lords of the Fee shall have the Escheats of the Tenements holden of them, whether that the same Tenements be in the King's hands, or in others, by Gift or in other Manner; Saving always to our Lord the King the Year, and the Waste, and the Forfeitures of Chattels, which pertain to him in the Cases above named; and that [the Writs] of Scire facias be granted in such Case against the Land-tenants, without other Original, and without allowing [any Protection] in the said Suit; and that of the Lands which be in the King's hands, Writs be granted to the Sheriffs of the Counties where the Lands be, to deliver them out of the King's hands without Delay.

ITEM, It is accorded, That no Indictor shall be put in Inquests upon Deliverance of the Indictors of Felonies or Trespass, if he be challenged for that same cause by him which is so indicted.

' Wife ' of
 ' proveably MS. Tr. 2. ' People ' it
 ' such Manner of Treason giveth Forfeiture of Escheats
 ' of new, MS. Tr. 2. ' Case
 ' before the King in his Parliament, and it be declared
 " else " openly
 " Writs " the Protection of our Lord the King

q'nt hōme fait compasser ou ymagine la mort nre Seign' le Roi, ma dame sa compaigne, ou de lour fitz primer & heir; ou si hōme violast la compaigne le Roi, ou leinesce fill le Roi nient marie, ou la compaigne leine fitz & heir du Roi; & si hōme leve de guerre contre nre dit Seign' le Roi en son Roialme, ou soit aberdant as enemys nre Seign' le Roi en le Roialme, donant a eux eid ou confort en son Roialme ou p' ailleurs, & de ceo p'ablement soit atteint de oyt faite p' gentz de lour condicion: et si hōme contreface [les g'nt ou prive seax le Roi,] ou sa monioie, et si hōme apport faus monioie en ceste Roialme contrefaite a la monioie Dengle're, sicome la monioie appelle [Lucynburgh'] ou autre semblable a la dite monioie Dengle're, sachant la monioie estre faus, p' marchander, ou paiement faire en deceit nre dit Seign' le Roi & son poeple; et si hōme tuast Chancellor, Tresorer, ou Justice nre Seign' le Roi del un Bank ou del autre, Justice en Eir & des assises & toutes au's Justices assignez a oier & yminer esteintz en lours places en fesantz lours offices: et fait a entendre qen les cases suisnomez doit estre ajugge tresson [q' sestent'] a nre Seign' le Roi & a sa roial majeste; et de tiele ma'ne de tresson la forfait'e des eschetes apptient a nre Seign' le Roi, si bien des Pres & teiz tenuz des au's, come de lui meismes: et ovesq' ceo il yad autre ma'ne de tresson, cest assavoir q'nt un v'vant tue son meistre, une fēme q' tue son baron, q'nt hōme secular ou de religion tue son Prelat, a qi il doit foi & obediēce; & tiele ma'ne de tresson donn forfait'e des eschetes a chescun Seign' de son fee p'pre: et p' ceo q' plusurs au's cases de semblable tresson p'ront escheer en temps a venir, queux hōme ne p'ra penser ne declarer en p'sent, assent est q' si autre cas supposee tresson q' nest especie p' amount aviegne de novel devant ascunes Justices, demoege la Justice saunz aler au juggement de tresson, tanq' p' devant nre Seign' le Roi [en'] son plement soit le cas monstree & desclarre le quel ceo doit estre ajugge tresson ou autre felonie. Et si p' cas aucun hōme de cest Roialme chivach arme desouvert ou secrement od gentz armes contre aucun autre, p' lui tuer ou derober, ou p' lui p'ndre & retenir tanq' face fyn ou raunceon p' sa deliv'rance avoir, nest pas lentent du Roi & de son conseil q' en tiel cas soit ajugge tresson, einz soit ajugge felonie ou p'spas solonc la lei de la Pre auncienement usee, & solonc ceo q' le cas demand: et si en tieu cas, ou autre semblable devant ces heures, ascune Justice eit ajugge tresson, & p' celle cause les Pres & teiz soient devenus en la main nre Seign' le Roi come forfaitz, eient les chiefs Seign's de fee lours eschetes des teiz de eux tenuz, le quel q' les teiz soient en la main nre Seign' le Roi, ou en la main des au's, p' donn ou en autre ma'ne; Sauv'ant totefoitz a nre Seign' le Roi lan & le wast, & au's forfait'es des chateux q' a lui attenent en les cases suisnomez; et q' briefs de Scire fa'c v's les Pres tenantz soient g'ntez en tieu cas, saunz autre originale & saunz alower la p'teccion nre Seign' le Roi en la dite seute; et q' de les Pres q' sont en la main le Roi, soit g'nte brief as viscontes des Countees la ou les Pres s'ront de ostier la main le Roi saunz outre delaie. Auxint acorde est, q' nul enditour soit mys en enquest s' la deliv'ance del endite de p'spas ou de felonie, sil soit chalange p' tiele cause p' celui q'est endite.

' le grant seal le Roi, Rat. Parl. 25 E. 3. P. II. nu. vij. (17.)
 ' Luseburgh Rat. Parl. ' q' ce estent Rat. Parl.
 & Rat. Parl.

Estre ceo, come contenu soit en la g^{nt} Chre des franchises Dengleterre qⁱ nul soit pris ne emprisonne, ne ouste de son frank teñ ne de ses franchises ne de ses franchises custumes, sil ne soit p^r lei de la l^re; Acorde est, assentu & establi, qⁱ nul desore soit pris p^r peticion ou suggestion faite a n^re Seign^r le Roi ou a son conseil, sil ne soit p^r enditement ou p^resentement des bones & loialx du visnee ou tiele fait se face, & en due man^re, ou p^rces fait sur brief original a la c^oe lei; ne qⁱ nul soit ouste de ses franchises ne de son frak^rteñ sil ne soit mesne duement en respons, & forjuge dycelles p^r voie de lei; et si rien soit fait al encont^r soit redresse & tenue p^r nul.

Ensement acorde est & establi, qⁱ executours des executours eient accion des dettes, acomptes, & des biens emportez du primer testatour, & execution des estatutz marchantz & reconissances faites en court de record au p^rmer Testatour, en meisme la man^re come le p^rmer testatour a^voit sil fust en vie, auxibien daccions de temps passe, come de temps avenir, en toutz cases ou juggementz ne sont pas renduz unqore entre tieux executours des executours; mes qⁱ les juggementz a cont^re en temps passe, estoient en lour force; et qⁱ meismes les executours des executours respoinent as auts de tant come ils a^veront reco^v des biens du p^rmer testatour, sicome les p^rmers executours ferroient sils feussent en pleine vie.

Auxint acorde est & assentu, qⁱ nul p^rour de buche ou de maerisme al oe^ps n^re Seign^r le Roi, p^r o^veys ne p^r auts choses faire, coupe, ne abate les arbres de nully cressantz entour ou dedeinz sa mansion; et si nul face au cont^re face gre a la ptie du damage au treble, & eit la prisone dun an, & soit forjuge de son office.

Estre ceo est acorde & establi, qⁱ nul Forester ne Gardin des forestes, ou des chaces, ne nul autre Ministre, ne face ne coille put'e ne nul autre coilect des vitailles ne de nul autre chose, p^r colour de son office contre nully volute, deinz lour baillie ne dehors, forspris ce q^{est} due dauncien droit.

Auxint acorde est & assentu, qⁱ nul h^ome soit arte de trover gentz darmes, hobellers narchers auts qⁱ ceux qⁱ tiegnent p^r tiele v^oice, sil ne soit de c^oe assent & g^{nt} fait en plement. Ensement p^rce qⁱ tresgrant damage & desceit est fait au poeple, p^r tant qⁱ plus^r marchantz usent dachater & poiser leines & auts marchandises p^r une pois q^{est} appelle Aunsel, acorde est & establi, qⁱ celle pois appelle Aunsel entre achatour et vendour soit del tout oste, & qⁱ chescun vend & achatte p^r balances, issint qⁱ les balances soient owels & les leines & auts marchandises owelment poisez p^r droit pois; et qⁱ le sak de laine ne poise qⁱ vint & sys peres, & chescun pere poise quatorze livres, & qⁱ lestater de la balance ne encline ne a lune ptie, ne al autre, & qⁱ le pois soit acordant al estandard del Eschequer: et si nul achatour face al encontre, soit grevousment puny si bien a la seute de ptie come a la seute n^re Seign^r le Roi.

Auxint come contenue soit en la g^{nde} Ch^re qⁱ une mesure soit usee p^rmy tout Engle^re, la quele chartre nad mie este tenu bien en ceo point avant ces heures; si est acorde & assentu, qⁱ touz les mesures cest asavoir bussel, di bussel, & peck, galon, potel & quart, p^r toute Engle^re deinz franchise & dehors soient acordantz al estandard n^re Seign^r le Roi; & contiegne le quart oet busselx p^r lestandard & nient plus; & soit chescune mesure de blee rase saunz comble, sauvez les rentes & fermes des Seign^rs queles soient mesurez p^r tiele mesure come eles soleient avant ces heures:

de mensur
& pond.

ITEM, Whereas it is contained in the Great Charter of the Franchises of England, that none shall be imprisoned nor put out of his Freehold, nor of his Franchises nor free Custom, unless it be by the Law of the Land; It is accorded assented, and stablished, That from henceforth none shall be taken by Petition or Suggestion made to our Lord the King, or to his Council, unless it be by Indictment or Presentment of good and lawful People of the same neighbourhood where such Deeds be done, in due Manner, or by Process made by Writ original at the Common Law; nor that none be out of his Franchises, nor of his Freeholds, unless he be duly brought into answer, and forejudged of the same by the Course of the Law; and if any thing be done against the same, it shall be redressed and holden for none.

IV.
None shall be taken upon Suggestion without lawful Presentment;

nor disfranchised, but by Course of Law.

ITEM, It is accorded and stablished, That Executors of Executors shall have Adions of Debts, Accompts, and of Goods carried away of the first Testators, and Execution of Statutes Merchants and Recognizances made in Court of Record to the first Testator, in the same Manner as the first Testator should have had if he were in Life, as well of Actions of the Time past, as of the Time to come, in all Cases where Judgement is not yet given betwixt such Executors (1); but that the Judgements given to the contrary to this Article in Times past shall stand in their Force; and that the same Executors of Executors shall answer to other of as much as they have recovered of the Goods of the first Testators, as the first Executors should do if they were in full Life.

V.
Executors of Executors shall have the same Rights and Duties as the first Executors.

ITEM, It is accorded and stablished, That no Taker of Wood nor of Timber to the King's Use for work, nor for to make other thing, shall cut or cast down the Trees of any Man growing about or within his House; and if any do to the contrary, he shall make Gree to the Party of his l^reble Damage, and to have one year's Prison and to be forejudged of his office.

VI.
Purveyors shall not take Trees about the Mansion.

MOREOVER It is accorded and stablished, That no Forester, nor Keeper of Forest or Chase, nor any other Minister, shall make or gather Sustenance, nor other Gathering of Vi^tuals, nor other Thing, by colour of their Office, against any Man's Will, within their Bailiwick nor without, but that which is due of old Right.

VII.
Keepers of Forests shall not exact Puture, &c. by colour of Office.

ITEM, It is accorded and assented, That no Man shall be constrained to find Men of Arms, Hoblers, nor Archers, other than those which hold by such Services, if it be not by common Assent and Grant made in Parliament.

VIII.
No finding of Men of Arms, but by Tenure, or Grant in Parliament.

ITEM, Whereas great Damage and Deceit is done to the People, for that divers Merchants use to buy and weigh Wools and other Merchandises, by a Weight which is called Auncel; It is accorded and established, That this Weight called Auncel betwixt Buyers and Sellers, shall be wholly put out; and that every Person do sell and buy by the Balance, so that the Balance be even, and the Wools and other Merchandises evenly weighed by right Weight; so that the Sack of Wool weigh no more but xxvi Stones, and every Stone to weigh xiv l. and that the Beam of the Balance do not bow more to the one part than to the other; and that the Weight be according to the Standard of the Exchequer: And if any Buyer do the contrary, he shall be grievously punished, as well at the Suit of the Party, as at the Suit of our Lord the King.

IX.
Auncel Weight abolished.
Goods shall be weighed by Balance.

ITEM, Whereas it is contained in the Great Charter, that one Measure shall be throughout England, which Charter hath not been well kept and holden in this point in Times past; It is accorded and assented, That all the Measures, that is to say, Bushels, Half-bushels, Peck, Gallon, Pottle, and Quart, throughout England, within Franchises and without, shall be according to the King's Standard; and the Quarter shall contain Eight Bushels by the Standard, and no more; and every Measure of Corn shall be striken without Heap, saving the Rents and Fermes of Lords, which shall be measured by such Measures as they were wont in Times past.

X.
Magna Carta, chapter 25. respecting Measures recited and enforced.

¹ of Executors

And the Purveyors of the King, of the Queen, and all other, shall make their Purveyances by the same Measure striked in the same manner; and at all Times that shall be needful, [and] our Lord the King shall assign certain Justices in every County to inquire, hear, and determine upon the Points aforesaid, and upon the same to do Punishment according to the Trespass, as well at the Party's Suit as at the King's; so always, that all Manner of Franchises be saved to the Lords in all Points without Blemish to be made in any Manner.

Justices shall inquire of and punish the Offenders.

Saving of Franchises.

XI. Aid to make the King's Son Knight, or to marry his Daughter.

ITEM, It is assented, That reasonable Aid to make the King's eldest Son Knight, and to marry his eldest Daughter, shall be demanded and levied after the Form of the Statute thereof made, and not in other Manner, that is to say, of every (') Fee holden of the King without mean, Twenty Shillings and no more, and of every twenty pound of Land holden of the King without mean in Socage twenty Shillings and no more.

XII. None shall take Profit by Exchange of Gold or Silver.

ITEM, It is accorded, That it shall be lawful for every Man to exchange Gold for Silver, [or Silver for Gold, or for Gold and Silver,'] so that no Man hold [the same as exchanged,'] nor take no Profit for making such Exchange, upon Pain of Forfeiture of the Money so exchanged; except the King's Exchangers, which take Profit of such Exchange, according to the Ordinance afore made.

XIII. The current Coin shall not be impaired.

ITEM, It is accorded, That the Money of Gold and Silver which now runneth, shall not be impaired in Weight nor in Allay; but as soon as a good way may be found, the same be put in the antient State, as in the Sterling.

XIV. Process against Persons indicted of Felony.

ITEM, It is accorded, That after any Man be indicted of Felony before the Justices in their Sessions to hear and determine, it shall be commanded to the Sheriff to attach his Body by Writ or by Precept, which is called a Capias; and if the Sheriff return in the same Writ or Precept, that the Body is not found, another Writ or Precept of Capias shall be incontinently made, returnable at three weeks after; and in the same Writ or Precept it shall be comprised, that the Sheriff shall cause to be seised his Chattels, and safely to keep them till the Day of the Writ or Precept returned; and if the Sheriff return, that the Body is not found, and the Indictée cometh not, the Exigend shall be awarded, and the Chattels shall be forfeit, as the Law of the Crown ordaineth; but if he come and yield himself, or be taken by the Sheriff, or by other Minister, before the Return of the second Capias, then the Goods and Chattels shall be saved.

XV. The Penalty of Purveyors taking more Sheep before shearing Time than are wanted.

ITEM, Forasmuch as the Takers and Buyers of the King's Prises, do take Sheep from the People betwixt Easter and the Feast of Saint John Baptist, with their Wools, and prise the same at a small Price, and after send them to their own Houses, and do them to be shorn to their own Profit, in deceit of the King, and great Oppression of the People; It is accorded, that no such Taker, Purveyor, nor Buyer, shall take any Sheep before the Time of shearing, but as much as may reasonably suffice till the Time of shearing; and after that Time they shall take as many Sheep shorn, and not other, that may reasonably suffice them for the Time to come: And if any Taker, Purveyor, or Buyer of the Realm, do against the same, and be thereof attainted at the Suit of the King, or of the Party, it shall be done of him as of a Thief or a Robber; and the pain shall be contained in every Commission of such Purveyors.

XVI. Exception of Nontenure of Parcel.

ITEM, It is accorded, That by the Exception of Nontenure of Parcel no Writ shall be abated, but for Quantity of the Nontenure which is alleged.

XVII. Process of Exigent in Debt, Detinue, and Replevin.

ITEM, It is accorded, That such Process shall be made in a Writ of Debt, and Detinue of Chattels, and taking of Beasts, by Writ of Capias, and by Process of Exigent [by'] the Sheriff's Return, as is used in a Writ of Accompt.

¹ Omit this Word.

² or for Gold, or Silver for Silver or for Gold.

³ a common Exchange

⁴ Knight's

⁵ upon

et facent les p'veours le Roi, ma dame la Roigne, & toutz autres, leurs p'veances p meismes les mesures rases, & en meisme la manie; & a toutes les foitz q mestier sera, nre Seign' le Roi assignera ceines Justices en chescune Countee, denqueer & doier & rminer s' les pointz suisditz, & de faire s' ce due punissement, solonc chescun r'pas, si bien a la seute de ptie, come a la seute le Roi; Issint totes foitz q toutes manes des franchises soient sauvez as Seign's en touz pointz saunz nul embleissement ent faire en qcumq manie.

Estre ceo acorde est & assentu q renable eid, p' faire leisme fitz le Roi Chivaler, & sa eimesce fill marier, soit demande & leve solonc la forme del estatut ent fait, & nemie en autre manie, cest assavoir de chescun fee (') tenue du Roi saunz meen, vint souldz & nient plus; & de chescun vint livre de rre tenue du Roi saunz meen en sokage vint souldz & nient plus.

Ensement acorde est & establi, q bien lise a chescun hōme de chaunger or p' argent ou p' or, ou argent p' argent ou p' or, issint q nul hōme tiegne cōe eschange, ne rien pigne de pfit p' tiel eschange faire, s' peine de forfait'e de la monioe issint changee, forprises les Changeours le Roi, les queux pignent pfit p' tiele eschange solonc lordenance avant faite.

Auxint acorde est & establi, q la monioe dor & dargent qore coert, ne soit mie empire, en pois nen alai; mes au plus tost q hōme pusse trouver bone voie qele soit mys en laancien estat, come en esterling.

Et auxint est acorde & assentu, q ap's ceo q ascun hōme soit endite de felonie devant Justices en lour sessions doier & rminer, soit cōmande au viscount dattach son corps, p brief ou pcept qest appelle Capias, & le viscount retourn en le dit brief ou pcept q le corps soit mie trovee, maintenant soit autre brief ou pcept de Capias fait, retournable as trois symeignes ap's; & en meisme le brief ou pcept soit compris q le viscount face seisir les chateux & les sauvement garder tantq a jour de brief ou pcept retournable; et si le viscount respoigne q le corps nest pas trovee, ne lendite vient point, soit lexicend agarde & soient les chateux forfaitz, sicome la lei de la corone demand; Mes sil viegne & se rend ou soit pris p viscount ou p autre Ministre devant le retouri del sūde Capias, adonq's soient les biens & les chateux sauvez.

Ensement p'ce q les achatours & pnours des prises le Roi pncnt berbitz du pœple, pentre la Pasch et la fest de Saint Johan od les leines, & les fount preiser a [menc'] pris, & puis les mandent a leurs mesons demesne & les fount tounder a lour pfit demesne, en deceit du Roi & g'nt opp'ssion du pœple, Si est acorde & assentuz, q nul des tieux Purveyours, pnours & achatours ne pigne nules berbitz devant la seison de toundeson, forsq a tantz q p'ront suffire resonablement tantq au temps du toundison, & ap's cel temps pigne il a tantz de berbitz tounduz & nemie auts, come p'ront suffire resonablement p' le temps avenir; et si nul P'veour, pnour ou achatour du Roialme, face al encontre, & de ceo soit atteint a la seute le Roi ou de ptie, soit fait de lui come de laron ou de robbour, & soit la peine contenue en chescune cōmission des tieux p'veours.

Auxint acorde est & assentue, q p' exception de nouten'e de pcell null brief soit abatu forsq p' la quantite de la nouten'e qest allegge. Ensement acorde est & assentue, q autiele pces soit fait en brief de dette, detēne des chateux, & en prises des avers p brief de Capias, & p pces d'exigent, p retouri de viscount, sicome est usee en brief dacompt.

¹ de Chivaler *Rat. Parl.* 25 E. III. P. II. nu. xix. (29.)

² petit *Printed Capit*—meune *Rat. Parl.* xxxj. (41.)

Estre ceo acorde est & assentue, q̄ nient contre-esteant adjournement faite en Eire p̄ brief de libtate p̄banda p̄chacee en favour des neifs, p̄ delaiar les Seign's de leurs accions de v's tieux neifs, soient les Seign's receuz dalegger excepcions de villenage contre leurs vileins en toutz briefs le quel q̄ les ditz briefs de libtate p̄banda soient p̄chacez p̄ deceit ou en autre manere, et q̄ les Seign's pussent seisir les corps de leurs vileins, auxi bien come ils p̄roient devant q̄ tieux briefs de libtate p̄banda feurent ordenez & p̄chacez.

Auxint come nre Seign' le Roi eit avant ces heures fait pteccions as diuers gentz q̄ lui estoient tenuz en aucun manere des dettes, qils ne s̄ront mie empledez des dettes queles ils doivent as aut's, tanq̄ ils eussent fait gre a nre Seign' le Roi de ceo q̄ lui estoit due p̄ eux p̄ resou de sa p̄rogative, & issint durantes tieles pteccions nul hōme ad este osee demplerer tieux dett's; acorde est & assentue, q̄ nient contreesteant tieles pteccions les pties qount accions a leurs dettours, soient respouduz en la Court le Roi p̄ leurs dettours, et si jugement soit sur ceo rendu p̄ le pleintif ou demandant, soit lexecucion de cel jugement mys en suspenſ tanq̄ gre soit fait au Roi de sa dette; et si les Creansours voillent emp̄ndre p̄ la dette le Roi, soient ils a ceo receuz, & outre eient execucion de v's leurs dettours de dette a eux due, & auxint recoivent de v's eux tant come ils paieront p̄ eux au Roi.

Ensemble acorde est & assentue, q̄ les Moneours, & aut's gardains & Ministres de la monoie, receivent plat dor & dargent p̄ pois, & en meisme la manere deliuent les monoies q̄nt eles s̄ront faitz p̄ pois, & nemie p̄ nombre, saunz nully targer. Estre ce, come avant ces heures les Botillers nre Seign' le Roi & leurs deputees soleient p̄ndr̄, & p̄nent de jour en autre, moult plus des vns, p̄ colour de leur office al oeps nre Seign' le Roi qil ne bosoiheroit, des queux les plus fiebles ils deliuent al oeps nre Seign' le Roi, & les meillours en ḡnt nombre ils retiegnent de v's eux a vendre & a faire ent leur p̄fit, & alafoitz ils relessent as marchantz ceo qils ount pris de eaux, p̄ fines & donnes qils p̄ignent de meismes les marchantz p̄ extortion, en ḡnt damage & empov̄issement des ditz marchantz; si est acorde & establi q̄ le Seneschal del Hostiel le Roi, & le Tresorer de la Garderobe, mandent a touz les portz Dengleterre la ou vns sont a p̄ndr̄ al oeps le Roi le d̄tein nombre q̄ le Botiller p̄ndra en chescun port, si q̄ rien soit pris outre cel nombre; et q̄ Meir & Baillifs des ditz portz d̄tiffient les ditz Seneschal & Tresorer le nombre des toneux issint prises p̄ le Botiller ou ses lieutenantz, souz les seals des ditz Meir & Baillifs, & p̄ endenture faite entre eaux & les p̄nours des ditz vines; et en cas qil soit trove q̄ le Botiller ou ses lieu tenantz p̄ignent plus ou p̄ignent lower de nully ou delaiar nully p̄ colour de son office, come p̄ arest, face gre de double a la ptie & soit ouste de son office, & eit la prison & soit reint a la volunte le Roi; et le Roi assignera ses Justices q̄nt lui plerra denquere sur cestes choses; & respoigne le Botiller sibien p̄ ses deputees come p̄ lui meismes, la ou ils ne sont mie sufficientz.

Auxint p̄ ce q̄ aucuns p̄chacent a la Court de Rome p̄visions, davori Abbeies & Pories en Engleterre, en destruction du Roialme & de seinte religion, acorde est & assentue q̄ chescun q̄ p̄chace tieles p̄visions dabbie ou de priorie, q̄ lui & ses executours & p̄curatours q̄ suent & fount execucion de tieles p̄visions, soient hors de la pteccion nre Seign' le Roi; & q̄ hōme pusse faire

ITEM, It is accorded and assented, that notwithstanding adjournment made in Eyre, by Writ of Libertate probanda, purchased in favour of Villaines to delay the Lords of their Actions of such Villaines, the same Lords shall be received to alledge the Exception of Villainage against their Villaines in all Writs, whether that the said Writs of Libertate probanda were purchased by deceit or in other manner; and that the Lords may seise the Bodies of their Villaines, as well as they might before that the Writs of Libertate probanda were ordained or purchased.

XVIII. Villainage may be pleaded, and a Villaine seized, pending a Writ of Libertate probanda.

ITEM, Forasmuch as our Lord the King hath made before this Time Protections to divers People, which were bounden to him in some manner of Debt, that they should not be impleaded of the Debts which they owed to other, till they had made Gree to our Lord the King of that which to him was due by them, by reason of his Prerogative; and so during such Protections no Man [hath used, nor'] durst implead such Debtors; It is accorded and assented, That notwithstanding such Protections, the Parties which have Actions against their Debtors, shall be answered in the King's Court by their Debtors; and if Judgement be thereupon given for the Plaintiff or Demandant, the Execution of the same Judgement shall be put in Suspence till Gree be made to the King of his Debt; and if the Creditors will undertake for the King's Debt, they shall be thereunto received, and shall have Execution against the Debtors of the Debt due [and adjudged] to them, and also shall recover against them as much as they shall pay to the King for them.

XIX. The King's Debtors shall be answerable notwithstanding Protections.

Stray of Execution, until Payment of King's Debt; or the Creditors undertake for it.

ITEM, It is accorded and assented, That the Moneyors, and other Wardens and Ministers of the Money, shall receive Plate of Gold and Silver by the Weight; and in the same Manner shall deliver the Money when it shall be made, by Weight, and not by Number, without any tarrying.

XX. Plate shall be received at the Mint, and Coin delivered, by Weight.

ITEM, Whereas before this Time the King's Butlers and their Deputies were wont to take, and daily do take much more Wine, by Colour of their Office, to the King's Use, than they shall need, whereof the worst they deliver to the King's Use, and the best in great Number they retain to themselves, to sell and make thereof their Profit; and sometime they release to Merchants that which they have taken of them, for Fines and Gifts, which they take of the same Merchants by Extortion, to the great Damage and Impoverishment of the said Merchants; It is accorded, That the Steward of the King's House, and Treasurer of the Wardrobe, shall send to all the Ports of England, where Wines be to be taken to the King's Use, the certain number which the Butler shall take in every Port, so that nothing be taken over this Number; and that the Mayor and Bailiffs of the said Ports certify the said Steward and Treasurer of the Number of all the Tuns so taken by the Butler or his Lieutenant, under the Seal of the said Mayor and Bailiffs, by Indentures made betwixt them and the Takers of the said Wines; and in case that it be found, that the Butler or his Lieutenant take more, or take Reward of any, or delay any by Colour of his Office, as by arrest, he shall make Gree to the Party of the double, and shall be put out of his Office, and have Imprisonment, and be ransomed at the King's Will; and the King shall assign his Justices when it shall please him, to enquire upon these Things; and the Butler shall answer as well for his Deputies as for himself, where they be not sufficient.

XXI. Abuse by the King's Butlers in Purseance of Wine.

Regulations therein.

Punishment of the Butlers.

ITEM, Because that some do purchase in the Court of Rome Provisions, to have Abbeies and Pories in England, in Destruction of the Realm, and of Holy Religion; It is accorded, That every Man that purchaseth such Provisions of Abbeies or Pories, that he and his Executors and Procurators, which do sue and make Execution of such Provisions, shall be out of the King's Protection; and that a Man may do with them as of

XXII. Penalties on purchasing Provisions at Rome, for Abbeies, or Pories.

} Old Printed Copies omit these Words.

Enemies of our Sovereign Lord the King and his Realm; And he that offendeth against such Provisors in Body or in Goods, or in other Possessions, shall be excused against all People, and shall never be impeached nor grieved for the same at any Man's Suit.

XXIII. Companies of Lombards answerable for the Debts of their Fellows.

ITEM, Whereas much People of the Realm, which have made Contracts with Lombards, that be named of the Companies dwelling in the same Realm, which Lombards after that they have made their Obligations to their Creansours, have suddenly escaped out of the Realm without Agreement made to their said Creansours, in deceit and great damage of the People: It is accorded and assented, That if any Merchant of the Company, knowledge himself bound [by the Manner,] that the Company shall answer of the Debt. So that another Merchant which is not of the Company, shall not be thereby grieved or impeached.

in that manner,

Of the proclaiming the Statute.

The King to the Sheriff of Kent, Greeting. Certain Statutes passed in our Parliament assembled at Westminster in the Feast of St. Hilary last past, by Us, the Prelates, Dukes, Earls, Barons, and others of the Commonalty of our Realm of England, summoned to the said Parliament, We do send to you under our Seal; charging you to cause the said Statutes to be read in your full County Court, and the same to be strictly observed, and holden. Witness the King at Westminster, the sixth day of March.

Like Writs are directed to all the Sheriffs through England, under the same date.

A like Writ is directed to the Justice of Ireland, changing what ought to be changed, under the same date.

Like Writs are directed to the Persons under-written, under the same date; that is to say:

William de Shreshull and his Companions, Justices assigned to hold Pleas before the King himself:

John de Stonore and his Companions, Justices of the Common Bench:

The Treasurer and Barons of the Exchequer.

de lui come de enemy du Roi et du Roialme; et q̄ celui q̄ face contre tiels p̄visours en corps ou biens ou en aut's possessions, soit excuse de v's touz gentz, & p̄ tant ne soit james greve nempeschee au seure de nully.

Auxint p'ce q̄ plusurs gentz du Roialme, qont fait contractes ove Lumbardz q̄ sont nomez des compaignies demorantz en meisme le Roialme, queux Lombardz ap's qils ont fait leurs obligacions a leurs Creansours, se sont sodeinement eschapez hors du Roialme, saunz gre faire a les ditz Creansours, en deceit & g'nt damage du poeple; acorde est & assentuz q̄ si nul marchant de compaignie conue se oblige p la man'e, q̄ la compaignie respoigne de la dette. Issint q̄ autre marchant qi nest mie de la compaignie ne soit p tant greve nempeschez.

Et Vñ Kanč, saltm. Quedam statuta, in pliamento nro apud Westm̄ in festo scti Hillar' p̄ p̄rito convocato, p nos Prelatos Duces Comites Barones & alios de cõitate regni nri Angt ad dcm pliamentum sũmonitos, edita, tibi mittim' sub pede sigilli nri, mandantes qd statuta p̄dca in pleno Comi tuo legi & ea firmi' observari & teneri fač. T. R. apud Westm̄ vi. die Marč.

D' p̄lama66e Statuti.

Conš bria dirigunt' singulis vicecomitib; p Angt sub eadem data.

Conš bre dirigit' Justic' Hibñ mutatis mutand' sub eadem data.

Conš bria dirigunt' subscriptis sub eadem data videlt. Willo de Shreshull & sociis suis Justic' ad plita coram rege tenend' assign.

Joh de Stonore & sociis suis Justic' de civi Banco. Theš & Baronib; de scacc'io.

Ordinacio p' Clero
fc'a apud Westm̄, anno r. R. E. r'cii vicesimo quinto.

In Margine Rotuli.

AN ORDINANCE FOR THE CLERGY,
Made at Westminster in the Twenty-fifth Year of the Reign of K. EDWARD III.

STATUTE THE SIXTH.*

OUR Lord the King, seeing and examining by good Deliberation the Petitions and Articles delivered to him in his Parliament holden at Westminster in the Feast of St. Hilary, the Year of his Reign of England the Five and twentieth, and of France the Twelfth, by the Honourable Father in God, Simon Archbishop of Canterbury, and other Bishops of his Province, upon and for certain Grievances, which they alledged to be done to Holy Church, and to the Clergy, against the Privileges of Holy Church; and then they prayed, that

Ex magno Rot. Stat. in Turr. Lond. m. 16 d.

Nre Seignour le Roi, veues & examinez p bone deliberacion les petitions & articles a lui bailliez en son plement, tenuz a Westmonster en la feste de saint Hillar' lan de son regne Dengle're vintisme quint, & de France duszisme, p Lon'able pierre en Dieu Simon Ercevesq. de Cant'bris et aut's Evesqs de sa pvince, s' & p' ceines grevances queles ils disoient estre faites a seinte eglise et a la clergie, encontre les privileges de seinte eglise, & dunk ils prierent q̄ cove-

* Statute the Third in all former Printed Copies; and entitled "Statutum pro Clero. A Statute for the Clergy."—It is entered on the Back of the Statute Roll. See the Note to Statute the First of this Year.

to the manifest Destruction and Injury of the said People, and against Justice and the Form of the Statute aforesaid: We will and stedfastly command that our Justice of Ireland for the Time being, in every County and Place through which he shall pass, associating with him a Prelate of the Place, and some Earl or other Nobleman or Knight of that Neighbourhood, concerning the aforesaid Deceits, Extortions, Oppressions, Grievances, and Excesses, and all the Matters aforesaid by those Farmers howsoever committed, and of all their acts and doings in this Behalf, as well at the Suit of Us as of any others whomsoever who shall complain thereof, as well for the Time past as for the Time to come, shall make Enquiry; and against them shall proceed, and the Contempts, Deceits, Extortions, Oppressions, Grievances, and Excesses, and other the Matters aforesaid shall hear and determine, and the Delinquents and Offenders when they shall be found such, shall punish and chastise, according to the Law and Custom of our Land of Ireland before mentioned; and nevertheless to Us and our Council in England, the Names of those so offending, and the Deceits, Extortions, Oppressions, and Grievances and other Matters aforesaid, under the Seals of him the said Justice and of the others associated with him, distinctly and openly, from Time to Time, for good Cause shall certify.

In Witness whereof, &c. Witness the King at Westminster, the Twenty-fifth Day of October.

By the King Himself and Council.

judiciū, & ipsius populi destructiōem & injuriam manifestas, ac cont' justiciam & formā statuti p̄dcti: Volum⁹ & firmū p̄cipim⁹ qđ Justic' n̄r Hib̄ni qui p̄ tempe fuit, in singulis Com̄ & p̄tib; p̄ quos t̄nsierit, associatis sibi Prelato loci, & aliquo Comite seu alio nobili vel Milite eazdem p̄ciū vicinaz, de p̄dctis falsitatib;, extorsionib;, opp̄ssionib;, g'vaminib;, & excessib;, & om̄ib; sup'dctis p̄ ip̄os firmarios quomodolibet p̄p̄ctis, & de ip̄oz sc̄is & gestib; in hac pte, tam ad sec̄tam n̄ram q'm alioz quozcūq;, inde conq̄eri volenciū tam de tempe p̄rito q'm futuro inquirat; & vsus eos p̄cedat, & contemptus, falsitates, extorsiones, opp̄ssiones, g'vamina & excessus, ac alia p̄dctā audiat & t̄minet, necnon delinquentes & culpabiles cum tales inventi f̄rint castiget & puniat, sc̄dm legem & consuetudinem t̄re n̄re Hib̄ni antedctas; & nos & consiliū n̄m in Angl de n̄ob; sic culpabili, ac de falsitatib;, extorsionib;, opp̄ssionib; & g'vaminib; & aliis p̄dctis sub sigillis ipsius Justic' & sibi associatoz, distincte & apte de tempore in tempus nichilomin⁹ d̄ificet ex t̄ta causa. [In cujus, &c. T. R. apud Westm̄ xxv. die Octobr. p̄ ip̄m Regem & Cons.].

In cujus rei testimoniū has lras n̄ras fieri fecim⁹ patentes. Teste me ip̄o apud Westm̄ vicesimo quinto die Octobr, anno regni n̄ri Angl t̄cesimo p̄mo, regni v̄o n̄ri Fran̄ decimo octavo.

Nos autem Ordinaciōes Voluntates & s̄cepta p̄dctā, ac om̄ia alia & singla in lris p̄dctis cōtenta rata hentes & ḡta, ea p̄ nob & heredib; n̄ris quantum in nob est, acceptam⁹ approbamus, ratificam⁹ & confirmam⁹, put lre p̄dctē rationabilē testant'. In cuj⁹, &c. T. R. apd Westm̄ xxvj die Junii.

Rot. Pat. 17 Ric. II.

Anno 34° EDWARDI, III. A. D. 1360-1.

Statutū fc'm in p̄līamēto tento apud Westm̄; anno xxxiiii°.

In Margine Rotuli.

A STATUTE MADE IN THE PARLIAMENT HOLDEN AT WESTMINSTER; IN THE THIRTY-FOURTH YEAR.

THESE be the Things which our Lord the King, the Prelates, Lords, and the Commons have ordained in this present Parliament, holden at Westminster, the Sunday next before the Feast of the Conversion of St. Paul, to be holden and published openly through the Realm (')

I. Who shall be Justices of the Peace. Their Jurisdiction over Offenders; Rioters; Barrators;

Vagabonds;

They may take Surety for good Behaviour;

FIRST, That in every County of England shall be assigned for the keeping of the Peace, one Lord, and with him three or four of the most worthy in the County, with some learned in the Law, and they shall have Power to restrain the Offenders, Rioters, and all other Barators, and to pursue, arrest, take, and chastise them according their Trespass or Offence; and to cause them to be imprisoned and duly punished according to the Law and Customs of the Realm, and according to that which to them shall seem best to do by their Discretions and good Adviseiment; and also to inform them, and to inquire of all those that have been Pillors and Robbers in the Parts beyond the Sea, and be now come again, and go wandering, and will not labour as they were wont in Times past; and to take and arrest all those that they may find by Indictment, or by Suspicion, and to put them in Prison; and to take of all them that be [not'] of good Fame, where they shall be found, sufficient Surety and Mainprise of their good

*) that is to say:

*) All Translations read thus.

Ex magno Rot. Stat. in Turr. Lond. m. 10.

CES sont les choses queles n̄re Seign' le Roi Prelatz Seign's & la cōmune ont ordinez en cest p̄sent plement, tenuz a Westm̄stier le Dymenge p̄schein devant la feste de la Con'v̄sion de Saint Paul, a tenir & publier ov̄tement p̄ny le Roialme; Cestassavoir:

Pr̄mement q̄ en chescun Countee Dengleterre soient assignez, p' la garde de la pees, un Seign', & ovesq; lui trois ou quatre des meultz vauz du Countee, ensemblement ove ascuns sages de la ley, & cient poer de restreindre les mesesours, rioters, & touz auts baretors, & de les p'suir, arester, p̄ndre, chastier, selonc leur t̄spas ou mesprision; & de faire emprisonner, & dument punir selonc la ley & custumes du Roialme, & selonc ce qils v̄ront mieltz affaire p̄ lo' discrecions & bon avisement; & ausint de eux enformer & denquere de touz ceuz q̄ ont este pilours & robeours es p̄ties de dela, & sont ore revenuz & vont vagantz, & ne voillent t'vailler come ils solcient avant ces hours; & de p̄ndre & arester touz ceuz qils p̄ront trov̄ p̄ enditement, ou p̄ suspencion & les mettre en prisone & de p̄ndre de touz ceuz [q̄ sont'] de bone fame, ou ils s̄ront trov̄ez, souffisant seurete & ineinprise de

*) q̄ ne sont Lib. Scacc. Westm. IX; MS. Cott. Nere C. I.; and the Old Printed Copies.

lo' bon port, de^vs le Roi & son poeple, & les au^ts duement punir; au fin q̄ le poeple ne soit p̄ tieux riotos' trouble nendamage ne la pees enblemy, ne marchantz nau^ts passantz p̄ les hautes cheimyns du Roialme destourbez ne abaiez du pil q̄ p'ra avenir de tieux messesours: & auxint doier & yminer a la suite le Roi, tote maⁿde de felonies & v̄spas faites en meisme le Countee, selonc les leys & custumes avantdites; & q̄ briefs doier & yminer soient g'ntes selonc les estatuz ent faites, mes q̄ les Justices q̄ enserront assignez soient nomez p̄ la Court, & nemie p̄ la ptie. Et le Roi voet q̄ totes g'eⁿales enquerres avant ces heures g'ntez deinz seign'ies queconqes p' les meschiefs & opp'nsions q̄ ont este faites au poeple p̄ tieles enquerres, cessent outriement & soient repellez: Et q̄ fins q̄ sont affaire devant Justices, p' v̄spas fait p̄ aucune psonne, soient resonables & justes, eant regard au q'ntite du v̄spas & les causes p' queles eles sont faites.

Item acorde est q̄ prises desore ne soient faites p̄ au^ts q̄ p̄ les p'veours le Roi, ma Dame la Roine & le Prince leur eisme filtz; & q̄ si Purveyours des au^ts facent tieu prises soit fait de eux come des gentz q̄ fount sanz garaunt, & leur fait jugge come chose faite contre la pees & la ley de la t're; & soient tieux q̄ se fount p'veours en la maⁿde duement puniz.

Item des p'veances faites al oep^s la Roine & du Prince, du polaitt & dautres menuz choses, soit paiement fait en poigne s' la prise; & des au^ts grosses p'veances deinz le Mois ou sis simaignes es Countees ou ils s'ront prises; & q̄ le nombre de tieux p'veours soit abregge, en tant come bonement p'ra p' eide & quiete du cōmune poeple.

Item porce q̄ viscontes & au^ts ministres sovent araient leur panels en tote maⁿde denquestes des gentz p'ceuz & plus lointifs du Countee, q̄ nont conissance du fet dount lenqueste s'ra prise; Acorde est, q̄ tieu paneles soient faites des plus p'scheins gentz, q̄ ne sont pas suspectes, ne p'ceuz; & q̄ les viscontes, Coroners & au^ts ministres q̄ font alencontre soient puniz devant les Justices q̄ la dite enqueste p'ndra, selonc la q'ntite de leur v̄spas, sibien de^vs le Roi come de^vs la ptie, p' la q'ntite du damage q̄il ad sufert en tieu maⁿde.

Item est acorde, q̄ ceuz q̄ s'ront assignez de garder la pees eient poair denquere des mesures & auxint des pois, selonc lestatut ent fait lan du regne n're Seign' le Roi vint & quint, en quel est contenu la forme q̄ sensuit. Porce q̄ v̄sg'nt damage & descet est fait au poeple p̄ tant q̄ plusieurs Marchantz usent dachater & poiser leines & au^ts marchandises p̄ une pois qest appelle Aunsel; Acorde est & establi, q̄ celle pois appelle Aunsel entre achatour & vendour soit de tout ouste, & q̄ chescun vende & achate p̄ balances; issint q̄ les balances soient owels & les leins & au^ts marchandises owement poisez p̄ droit pois, et q̄ le sac de leine ne poise q̄ vint & sis peres, & chescun perc poise quatorze livres, & q̄ lestatut de la balance ne encline ne a l'une ptie ne al autre, & q̄ le pois soit acordant al estandard del Eschequer; et si nul Achatour face al encontre, soit grevousment puny sibien a la suite de ptie come a la suite n're Seign' le Roi.

Item come contenu soit en la g'nt Ch're, q̄ une mesure soit use pmy tut Engle^tre, la quele Ch're nad mie este tenue bien en ce point avant ces heures; si est acorde & assentu, q̄ totes les mesures, cest assavoir bussel demy bussel & Peck, galon potel & quart, p̄ tout Engle^tre deinz franchise & dehors

Behaviour towards the King and his People, and the other duly to punish; to the Intent that the People be not by such Rioters or Rebels troubled nor endamaged, nor the Peace blemished, nor Merchants nor other passing by the Highways of the Realm disturbed, nor [put in the Peril which may happen'] of such Offenders: And also to hear and determine at the King's Suit all Manner of Felonies and Trespasses done in the same County according to the Laws and Customs aforesaid; and that Writs of Oyer and Determiner be granted according to the Statutes thereof made, and that the Justices which shall be thereto assigned be named by the Court, and not by the Party. And the King will, that all general Inquiries before this Time granted within any Seigniories, for the Mischiefs and Oppressions which have been done to the People by such Inquiries, shall cease utterly and be repealed: and that Fines, which are to be made before Justices for a Trespass done by any Person, be reasonable and just, having regard to the Quantity of the Trespass, and the Causes for which they may be made.

and may hear and determine Felonies and Trespasses.

Commissions of general Inquiries shall cease.

Fines for Trespasses shall be reasonable.

ITEM, It is accorded, That [Taking'] shall not be from henceforth made by other than the Purveyors of the King, of the Queen, and of the Prince their eldest Son; and that if any other Man's Purveyors make such Takings, it shall be done of them as of People which do without Warrant, and their Deed judged as a Thing done against the Peace and the Law of the Land; and such as do make themselves Purveyors in such Manner shall be duly punished.

II. No Purveyance except for the King, the Queen, and the King's eldest Son.

ITEM, Of Purveyances made to the Use of the Queen, and of the Prince, of Poultry and of other small Things, Payment shall be made in Hand upon the Taking; and of other great Purveyances within the Month or Six Weeks, in the Counties where they shall be taken; and that the Number of such Purveyors be abridged in as much as conveniently may, for the Aid and Quietness of the Common People.

III. When Purveyances for the Queen &c. shall be paid for.

ITEM, Because that the Sheriffs and other Ministers often do array their Panels in all Manner of Inquests, of People procured, and most far off [from'] the Counties, which have no Knowledge of the Deed whereof the Inquest shall be taken; It is accorded, That such Panels shall be made of the next People, which shall not be suspect nor procured; and that the Sheriffs, Coroners, and other Ministers which do against the same shall be punished before the Justices that take the said Inquest according to the Quantity of their Trespass, as well against the King as against the Party, for the Quantity of the Damage which he hath suffered in such Manner.

IV. Panels of Inquests shall be of the Neighbourhood.

ITEM, It is accorded, That they which shall be assigned to keep the Peace shall have Power to inquire of Measures, and also of Weights, according to the Statute thereof made the five-and-twentieth Year of the Reign of our Lord the King, wherein is contained the Form that followeth; "Whereas great Damage and Deceit is done to the People, for that divers Merchants use to buy and weigh Wools and other Merchandises, by a Weight which is called Auncel; It is accorded and established, That this Weight called Auncel betwixt Buyers and Sellers, shall be wholly put out; and that every Person do sell and buy by the Balance, so that the Balance be even, and the Wools and other Merchandises evenly weighed by right Weight, so that the Sack of Wool weigh no more but xxvi. Stones, and every Stone to weigh xii. l. and that the Beam of the Balance do not bow more to the one Part than to the other; and that the Weight be according to the Standard of the Exchequer; and if any Buyer do the contrary, he shall be grievously punished, as well at the Suit of the Party, as at the Suit of our Lord the King."

V. Justices of the Peace shall inquire of Weights and Measures, according to the Statute 25 E. III. Stat. 5. ch. 9.

ITEM, Whereas it is contained in the Great Charter, that one Measure be used through the Realm, which Charter hath not been holden well in this Point before this Time; It is accorded and assented, That all the Measures, that is to say, Bushel, Half Bushel, Peck, Gallon, Pottle, and Quart, through (') England, within

VI. All Measures shall be according to the King's Standard, &c.

¹ put in fear by peril which might happen

² Takings

³ of

⁴ all

Application
of the
Forfeitures.

be present, or of the Lords of the Fairs and Markets, and other Places where such Cloths shall be found defective, or of their Stewards or Bailiffs, or of the Constables of the Towns and Places aforesaid, by Indenture betwixt them duly to be made; which Indentures shall be every Year at the Feast of St. Michael delivered into the Exchequer, by them which so shall make the said Delivery, to the Intent there to charge the Aulnegers and Collectors aforesaid, by whom such Defaults ought to have been searched, corrected, and mended, and be not, but commonly maintained and concealed in all Parts; for which Third Part that pertaineth to the King as his Forfeiture by force of the Statutes made in Times past, the Aulnegers and Collectors aforesaid, in every County and Place where such Cloths defective shall be found, for the Pain against the said Offences and Concealment, shall make Gree of their own Money to our Lord the King in his Exchequer, of the Value of the same Third Part; so that as well of the same Third Part as of the Remnant of the said Cloth, the King shall be wholly answered at his said Exchequer.

X.
Trial of
Assize for
Rent out of
Lands lying
in Two
Counties.

ITEM, It is ordained and assented, That an Assize of Novel Disseisin shall be from henceforth granted and made of Rent behind, due of Tenements being in divers Counties, to be holden in the Confine of the Counties, within which the Tenements be; and thereupon the Assize taken and tried by People of the said Counties in the same Manner as is done of a Common of Pasture being in one County, and appendant to Tenements in another County; and that as well of Disseisins done in Time past, as of Disseisins yet to be done; and that Writs thereupon at the Suit of the Plaintiffs be made from henceforth in the Chancery without any Manner of Contradiction, in a due Form.

XI.
The Statutes
5 Ric. II.
c. 4, 5, and
6 Ric. II.
c. 7, 11, 12,
concerning
Fishmongers,
Vintners,
and Vintners,
repealed.

ITEM, Whereas in divers Parliaments holden at Westminster, the Fifth and Sixth Years of our said Lord the King, divers Ordinances and Statutes of Fishers of London and other Viſtuallers were made, and also of Vintners, and of the Sale of Wines, and thereupon the same Ordinances and Statutes, with the Pains in them contained, were published and proclaimed throughout the Realm, as in the said Statutes and Ordinances more plainly may appear: Nevertheless for certain Causes, at the Request of the Commons of England thereupon specially made, It is assented and agreed, That the same Ordinances and Statutes of Fishers, Vintners, and Viſtuallers, made in the Years aforesaid, shall be wholly annulled and repealed, and shall lose their Effect and Strength: Nevertheless saving to the King all the Forfeitures of Wines for the Time past that to him pertaineth by virtue of the same Ordinances and Statutes: Provided always, that all the [Vintners and] Viſtuallers, as well Fishers as other coming with their Viſtuals to the City of London, shall be from henceforth under the Governance and Rule of the Mayor and Aldermen of the said City for the Time being, as in Time past it hath been used.

Viſtuallers of
London shall
be under the
Rule of the
Mayor and
Aldermen.

XII.
Stat. 3 Ric. II.
c. 3. recited.

ITEM, Whereas late in the Parliament holden at Westminster, the Third Year of the Reign of our said Lord the King, at the Request of the Commons, and by the Assent of the Lords Temporal, it was ordained and assented, and upon a grievous Pain prohibited, that no Subject of the King nor other Person, of what Estate or Condition he were, should take, neither receive from thenceforth, within the Realm of England, Procuracy, Letter of Attorney, ne Ferm, nor any other Administration by Indenture, or in any other Manner, of any Person concerning any Benefice of Holy Church within the Realm, but only of the King's Subjects of the same Realm, without the especial Grace and express Licence of our said Lord the King, upon a certain Pain contained in the said Statute; It is assented and agreed by the same Lords, That the same Statute shall keep his

confirmed
and extended
to Aliens
holding
Benefices in
England;

¹ Wines, and the

soient pventz ou des f's des feires & marchees, & auſs lieux ou tielz draps defectives ſront trovez, ou de lo's Seneschalx & Bailiffs ou des Conestables des villes & lieux avantditz p endentures ent entre eux duement affaires; les queles endentures soient chescun an a le feste de Saint Michel liſez en lescheqir p ceux qensi ferront la dite liſee, al effect de charger illoeqs les Alneours & coillours avantditz p queux tielz defautes deussent estre ſchez chastiez & amendez & ne sont my einz cõement maintenuz ou concelez toutz ptez; pur quele tierce pte qappdient au Roi come sa forfaiture p force de lestatutz devant ore faitz les alneo' & coillo' avantditz, en chescun Countee & lieu ou tielz draps defectives ſront trovez p' peine encontre lo's ditz mal fait & concelement, facent gree de lo's ppres deniers a nre dit f' le Roi en son Escheqir de la value de celle tierce pte, issint q s'bn de mesme la tierce pte come del remenant du dit drap nre f' le Roi soit entierement responduz a son Escheqir avantdit.

Item est ordeigne & assentuz qassise de Novele Disseisine soit desore g'nte & faite de rent adieriere, due des teiz esteantz es diſses Countees a tenir en la confyne des Countees deinz queux les teiz sont, & sur ce laisse prise & trie p gentz des diiz Countees en mesme la manere come est fait du cõe de pasture esteantz en un Countee & appendante as teiz en autre Countee, & ce auxi avant des disseisines faites devant ceste heure, come de disseisines unqore affaire, & q briefs sur ceo a la p'suyte des pleintifs soient desore faitz en la Chauncellerie sanz nulle manere de cont'diccion en due forme.

Item combn q nadgairs en diſses plement tenez a Westminster les ans du regne nre dit f' le Roi quint & sisme, furent faitz diſses ordinances, & estatutz des pessoners de Londres & dauſs vitailleurs & auxint des vintners & la vente des vins, & sur ce mesmes les ordinances & estatutz ovesq, les peynes en ycelles contenez furent publiez & pclamez pny le Roialme sicome en les ditz ordinances & estatutz plus pleinement purra apparoir; Nientmeyns p' cteins enchesons a la requeste des Cões Dengleſtre sur ceo especialment faite, est assentuz & accordez q mesmes les ordinances & estatutz des Pessoners Vintners & Vitailleurs, faitz en les ans desuisditz, soient de tout anientiz & repellez & pdent lour force & v'ue; Sauvez nientmeins a nre f' le Roi toutz les forfaitures des vins a lui apptenantes p v'ue de mesmes les ordinances & estatutz qantal temps passez. Purvez toutz foitz q toutz les [vins'] & vitailleurs s'bn Pessoners come auſs ove leur vitailles venantz a la dite Citee de Londres, soient desore desouz le goſnaille [& reulle'] des Meir & Aldermannes de la Citee avandce p' le temps esteantz come auncienement y soleient estre.

Item come nadgairs en plement tenez a Westminster lan du regne nre f' le Roi tierce, a la requeste des Cões & p assent des f's temporels, estoit ordeigne & assentuz & sur grevouse peyne defunduz q null liege le Roi nautre psone quelconq de quel estat ou condicion qil fuist, pndroit ne receivoit delors enavant deinz le Roialme Dengleſtre pcuracie, tre datto'ne, ne ferme, nautre administracõiõ p endenture nen autre manere quelconq, de nulle psone dascun benefice de Seinte Eglise deinz le dit Roialme fors tantoulement des lieges nre f' le Roi de mesme le Roialme sanz especiale g'ce & exp'sse congie de nre f' le Roi sur cõeine peine comprise en lestatutz avantdit, assentuz est ore & accordez p mesmes les f's q mesme lestatutz tiegne ses

¹ Vintners Old Printed Copies.

² Interlined on the Roll.

force & Vtrue en toutz pointz; et outre ceo est auxint assentuz q̄ si aucun alien eit purchacez ou desore purchace aucun benefice de Sainte Eglise Dignite ou autre & en ppre p̄sone p̄sone possession dicelle ou loccupie de fait, deinz mesme le Roialme, soit il a son oeps ppre, ou al oeps dautri sanz especiale congie du Roi, soit il compris en mesme lestatut, & outre ceo encourage en toutz pointz tielx peines & forfaiture come sont ordeignez p un autre estatut fait en lan xxv' del regne luy noble Roi E. aiel nre f' le Roi qore est, contre ceux q̄ purchacent p̄visions dabbeies ou Pories; et enoutre au fyn q̄ tielx licences ne se facent desore enavant, le Roi voet & comande a toutz ses lieges & autres q̄ils lour abstiegnent de cy enavant de luy prier dascuns tielx licences doner; et si voet auxi le Roi luy mesmes abstiegnre de doner aucune tielle licence, durantes les guerres horspris au Cardinal de Naples ou a autre especiale p̄sone a q̄ le Roi soit p especiale cause tenuz.

xiiij. Item est ordeignez & assentuz & le Roi defende q̄ desoremes null hōme chivache deinz le Roialme armez, encontre la forme de lestatut de Northampton sur ce fait, ne ovesq̄ lancegay deinz mesme le Roialme, les queux lancegayes soient de tout oustez deinz le dit Roialme come chose defendue p nre f' le Roi, sur peine de forfaiture dicelx lancegayes armures & aut's herneys quelconqes es mayns & possession de celluy q̄ les port'a desore deinz mesme le Roialme contre cestz estatut & ordonances sanz especiale congie de Roi nre f'.

xiiij. Item es briefs de p̄munire fāc est assentuz & accordez q̄ ceux v̄s queux tielx briefs sont portez, & q̄ sont de p̄sent hors de Roialme & sont de bone fame & aient faitz lo' ḡn'alx atto'nes devant lo' deupir, q̄ le Chauceller [Dengleire'] pur le temps estean, p ladvis des Justices purra ḡntier q̄ mesmes les p̄sones purront apparoir & respondre & faire & reseivre ce q̄ la ley demande, p lo' ḡn'alx atto'nes avandiz siavant come es autres cas & quedeles; et ceux p̄sones q̄ decy enavant passeront p licence nre f' le Roi & soient auxint de bone fame, q̄ a lo' requeste le dit Chauceller p ladvis des Justices lour purra ḡntier defaire lo' ḡn'alx atto'nes en la Chancellerie p patent du Roi devant lo' passer, [a respondre'] s̄itn es ditz briefs de p̄munire fāc, come en aut's quedeles en quel cas toutes voies soit exp̄sse mencion [faite'] des briefs & quedeles de p̄munire fāc; et celle patente ensi faite, purront des lors les ditz atto'nes en absence de lo' Meistres, respondre p eux & aut's atto'nes desouz eux, devant quelconq̄ juge du Roialme & faire & reseivre el dit cas, siavant come en null autre cas nientcontrestean aucun estatut fait a contr'rie avant ces heures.

Item sur la grevous plainte q̄est faite des meyn-teno's des quedeles & chaumpo's; est ordeignez & assentuz q̄ lestatut ent faitz en les ans du regne le Roi Edward aiel nre dit f' le Roi primer & quart, et auxint en lan de nre f' le Roi qore est primer, soient tenuz & gardez & duement executz en toutz pointz.

Item est assentuz & le Roi defende estroitement q̄ decy enavant nulle p̄sone aliene ou denszein de quelconq̄ estat ou condicion qil soit amesme ou envoie ou face amesner ou envoier p v̄re ou p meer hors du Roialme Dengleire as aucunes pties Descocce en prive ne en appt aucune maibe darmure de blee de brees ne dautre vitaille ou dautre refreshchement queconq̄, sur peine de forfaiture de mesmes les vitailles armures & des autres choses avandites ensemble avec les niefs vesseulx charettes & chivalx q̄ les portent ou amesment, ou de la v̄roie value dicelles, si ensi ne soit q̄ le

*** Interlined on the Roll.

Force and Effect in all Points; and moreover it is assented, That if any Alien have purchased, or from henceforth shall purchase any Benefice of Holy Church, Dignity, or other Thing, and in his proper Person take Possession of the same, or occupy it himself within the Realm, whether it be to his own proper Use, or to the Use of another, without especial Licence of the King, he shall be comprised within the same Statute; and moreover shall incur all Pains and Forfeitures in all Points as is before ordained by another Statute made the Five and twentieth Year of the noble King Edward the Third, Grandfather to our Lord the King that now is, against them that purchase Provisions of Abbeyes or Pories; and to the Intent that such Licences shall not be from henceforth made, the King willett and commandeth to all his Subjects and other, that they shall abstain them from henceforth to pray him for any such Licence to be given; and also the King himself will refrain to give any such Licence during the Wars, except to the Cardinal of Naples, or to some other special Person to whom the King is beholden for a special Cause.

ITEM, It is ordained and assented, and also the King doth prohibit, That from henceforth no Man shall ride in Harness within the Realm, contrary to the Form of the Statute of Northampton thereupon made, neither with Launcegay within the Realm, the which Launcegayes be clearly put out within the said Realm, as a Thing prohibited by our Lord the King, upon Pain of Forfeiture of the said Launcegayes, Armours, and other Harness, in whose Hands or Possession they be found that bear them within the Realm, contrary to the Statutes and Ordinances aforesaid, without the King's special Licence.

ITEM, In Writs of Præmunire facias, It is assented and agreed, That they against whom such Writs be sued, and who at this Time be out of the Realm, and be of good Fame, and have made their general Attornies before their departing, that the Chancellor of England for the Time being, by the Advice of the Justices, may grant, that the same Persons may appear to answer, to do, and to receive that Thing which the Law demandeth, by their general Attornies aforesaid, as well as in other Causes and Quarrels; and those Persons which from henceforth shall pass by the King's Licence, and be of good Fame, that at their Request the Chancellor, by the Advice of the Justices, may grant to them to make their general Attornies in the Chancery by the King's Patent, before their Passage, to answer as well in the said Writs of Præmunire facias, as in other Writs and Plaints; in which Case express Mention shall be made at all Times of the Writs and Plaints of Præmunire facias; and this Patent so made, the said Attornies from henceforth, in Absence of their Masters, may answer [for them, and make'] other Attornies under them, before any Judge of the Realm, [to'] do and receive in the said Case as much as in any other Case or Matter, notwithstanding any Statute made to the contrary heretofore.

ITEM, For the grievous Complaint that is made of Maintainers of Quarrels, and Champertors; It is ordained and assented, That the Statutes thereof made in the First and Fourth Years of King Edward, Grandfather to our Lord the King that now is, and also in the First Year of our Lord the King that now is, shall be holden and kept, and duly executed in all Points.

ITEM, It is assented, and the King straitly defendeth, That from henceforth no Person, Alien nor Denizen, of whatsoever Estate or Condition that he be, shall carry nor send, nor do to be carried nor sent, by Land nor by Sea, out of the Realm of England, to any Parts of Scotland, privily nor apertly, any Manner of Armour, Corn, Malt, or other Victuals, or any other refreshing, upon Pain of Forfeiture of the same Victuals, Armours, and other Things aforesaid, together with the Ships, Vessels, Carts, and Horses which shall bring or carry the same, or of the very Value of the same, except so it be

who shall also be liable to the Penalties of 15 Ed. III. tit. 5. c. 22.

The King's Licences to the contrary shall not be asked for.

XIII. No Man shall ride armed contrary to the Statute 2 Edw. III. chapter 3.

XIV. For enabling Parties out of the Realm to appoint Attornies in Writs of Præmunire.

XV. Statutes 1 Edw. III. stat. 2. c. 14; 4 E. III. c. 11; 1 Ric. II. c. 4; against Maintenance, &c. confirmed.

XVI. No Armour or Victual shall be sent into Scotland without Licence of the King; on Pain of Forfeiture thereof.

' by themselves and ' and

that the King do give his special Licence to the contrary. And to the Intent that these Ordinances be duly kept and put in due Execution, It is also assented, that he which after Proclamation thereof made, espy and prove that any hath offended or forfeit in any Point against the Form of this Ordinance, shall have the Third Part of the said Forfeitures wholly to his own Use (').

XVII. When Mainperners shall be liable in Damages by Delay.

ITEM, It is assented and accorded, That in Writs of Debt, Trespass, and Account, and in all other Cases where Mainprise and Writs of Supersedas be grantable, that if the Persons [comprised ']' come not before the Judges at a Day comprised in the same Mainprise, and by so much the Plaintiff is put to Delay and Loss, the said Mainperners shall be answerable to the Plaintiffs of a certain Sum of Silver, to be limited by the Discretion and Advice of the said Judges, having Consideration to the Quality and Quantity of the Damages of the Parties, and of the Things in Demand. And this Ordinance of Mainperners shall endure in Assay till the next Parliament only.

[' And therefore We command you that as well the said Statute of Winchester, four times in each Year from henceforth, in Manner as above is ordained, as the other Statutes and Ordinances above written, in all the Cities, Boroughs, Market Towns, and other notable laces within your Bailiwick, where it shall seem to you most expedient, within Franchise and without, you do cause to be proclaimed on our behalf, and to be published and duly kept and observed according to the Form and Effect of the same. Given under the Witness of our Great Seal at our Palace of Westminster the Twentieth Day of November, in the Seventh Year of our Reign. ']

Like Commands of the King are directed to the several Sheriffs throughout England, under the same Date.

' for his labour ' mainprised
' Former Translations read only thus :
And therefore We command you, &c. Dated, &c.

Roi nre f' nent donne sa licence speciale a contr'rie. Et au fyn q̄ ceste ordinance soit duement gardez & mys en bone execucioñ est auxint assentuz q̄ celluy qi a p̄s q̄ proclamacion ent soit faite purra espier & p̄ver qascun eit mespris, ou forfait en ascun point contre la forme de ceste ordinance, eit la tierce p̄tie des dites forfaitures entement a son p̄pre oepe p' son t'vaille.

Item est assentuz & accordez qen briefs de dette trespas & de compte, & en toutz autres cas ou maynprise & brief de Supedeas sont g'ntables, si les psones maunprisez ne viegnent mye devant les Juges au j' compris en mesme la meynprise, & p tant le pleinf soit mys en delay & pde, soient les ditz meinpnours respaignables as pleintifs dune c̄teine s̄ome, (') a limiter p la discrecion & avis des ditz Juges, eiantz consideracion a la qualitee & quantitee des damages du p̄tie & de la chose en demande. Et si d'urera ceste ordinance des mainpno's en assaie, tanq̄ al p̄chein plement tantoulement.

Et purce vous mandons q̄ sibn le dit Estatut de Wyncestre quatre foitz chescun an decy enavant p mañe q̄ dessus est ordeignez, come les autres Estatutz & ordinances desusescritz en toutz les Citees Burḡhs villes marches & autres lieux notables deinz v̄re baillie ou vous verrez q̄ mieutz soit affaire deinz franchise & dehors, facez p̄clamer dep nous & publier & duement garder & tenir selonc la forme & effect dicelles. Doñ p tesmoignance de nre g'nt Seal a nre Paleys de Westminster avantdit le xxvj^m jour de Novembre lan de nre regne septisme.

Consimilia mandata & dirigunt' singulis Vicecomitibz p Angl' sub eadem dat.

' dargent Old Printed Copies.

Anno 8° RICARDI, II. A.D. 1384.

Statutū apud Westm̄ anno octavo editū.

In Margine Rotuli.

STATUTE MADE AT WESTMINSTER IN THE EIGHTH YEAR.

Ex Rot. Stat. in Turr. Lond. II. m. 18.

TO the Honour of God, and at the Request of the Commonalty of the Realm of England made to our Lord the King in his Parliament holden at Westminster in the Morrow of St. Martin, the Eighth Year of his Reign; the same our Lord the King of the Assent of the Prelates, Great Men, and Commons aforesaid, hath caused to be made in the same Parliament, a certain Statute for the common Profit of the said Realm, and especially for the good and just Governance, and due Execution of the Common Law, in the Form following.

I. Liberties of the Church, and Statutes confirmed.

FIRST, It is [ordained and enacted,'] that Holy Church have all her Liberties; and that the Great Charter, and the Charter of the Forest, the Statutes of Purveyors and Labourers, and all other Statutes and Ordinances heretofore made and not repealed, shall be holden and observed, and put in due Execution according to the Form and Effect of the same.

II. No Lawyer shall be a Judge in his own Country.

ITEM, It is [ordained and assented,'] That no Man of Law shall be from henceforth Justice of Assises, or of the common Deliverance of Gaols in his own Country; and that the Chief Justice of the Common Bench be assigned amongst other to take such Assises, and deliver Gaols; but as to the Chief Justice of the King's Bench, it shall be as for the most part of an hundred Years last past was wont to be done.

' ' accorded and statuted MS. Tr. 2.

AD honorem dei & requisicōem cōitatis regni Angl' f̄ram dño Regi in pliamto suo tento apud Westm̄ in Crastino S̄ci Martini anno regni sui octavo, idem dñs Rex de assensu Prelatoꝝ Magnatū & Cōitatis p̄d̄ce quoddam statutū in eodem pliamto p cōi utilitate d̄ti regni & p̄sertim p bona & justa gubnacōe ac debita execuōe cōis legis fieri fecit in forma subsequenti :

In primis concordatū est & statutū qd̄ s̄ca ecclia heat om̄es libtates suas, & qd̄ Magna Carta & Carta de Foresta, Statuta de p̄visoribz & laboratoribz & om̄ia alia statuta & ordinaōes ante hec tēpora edita & minime revocata teneant' observent' & execuōi debite demandent' juxta formam & eff̄m̄ eoꝝdem.

Item concordatū est & statutū qd̄ nullus homo de lege sit deceto Justic̄ assisaz vel cōis delibacōis gaolaz in p̄pria p̄ria sua et qd̄ capitalis Justic̄ de cōi Banco assignet' in d̄ alios ad h̄p̄i assisas capiend' & ad gaolas deliband set quoad capitale Justic̄ de Banco Regis fiat sicut p̄ majori pte Centū annoꝝ p̄ p̄t̄itoꝝ fieri consuevit.

Ward of Farringdon-Within may elect an Alderman, wise, sufficient, and able to govern the said Ward Within, and to be named the Aldermen of the Ward of Farringdon-Within; and that between this and the said Feast of Saint Gregory the People of the Ward of Farringdon-Without may elect another Alderman, wise, sufficient, and able to govern the said Ward Without; and to be named the Alderman of the Ward of Farringdon-Without: And that the said Two Aldermen so elected may be established and not removed, except for Cause reasonable, as is ordained and granted by our said Lord the King in this Parliament, of the other Aldermen of the said City.

For the
proclaiming
the Statute.

THE King to the Sheriff of Kent, Greeting. A certain Statute, in our last Parliament holden at Westminster, by Us with the Assent of the Great Men and Commons of our Realm of England there assisting Us, made, We do send to you in Form Patent; Commanding that the same Statute and all and singular the Articles in the same contained, in the Cities, Boroughs, Market Towns, and other Places within your Bailiwick, where you shall see it to be most expedient, you do cause to be publicly proclaimed, and as far as in you lieth, to be firmly and inviolably observed. Witness the King at Westminster, the first Day of June.

By the King Himself and Council.

Like Writs are directed to the several Sheriffs throughout England; and to John Duke of Aquitain and Lancaster, or to his Chancellor in the same Duchy of Lancaster, under the same Date.

garde de Farndon dedeins puissent eslire un Alderman sage sufficient & able p' gouverner mesme la garde dedeins, & estre nome lalderman de la garde de Farndon dedeins; et q' pentre cy & le dit fest de Saint Gregoire les gentz de la garde de Farndon dehors puissent eslire un autre Alderman sage sufficient & able p' gouverner mesme la garde dehors, & estre nomes lalderman de la garde de Farndon dehors. Et q' les diz deux Aldermans issint esluz puissent estre establiz & nemye remoez si noun p cause resonable, come ordeinez est & g'ntez p nre dit le Roi en cest plement des auts Aldermans du dite Citee.

Et Viç Kanç, sahm. Quoddam statutum in ultimo Parlamento nro apud Westm̄ tento p nos de assensu Magnatum & Cōitatis regni nri Angt nobiscum ibidem tunc assistentiū editū tibi mittim⁹ in forma patentī; Mandantes qd Statutum illud & om̄es & singulos articulos in eodem contentos, in Civitatibus Burgis Villis m̄icatoriis & aliis locis infra ballivā tuam ubi melius expediri videris, publice pclamari & quantum ad te p̄inet firmit̄ & inviolabilī observari fac. T. R. apud Westm̄ primo die Junii.

p ipm Regem & consilium.

Consimilia bñā dirigit' singulis Vicecomitibz p Angt; ac Johi Duci Aquit̄ & Lancast̄ vel ejus Cancellario in eodem Ducatu Lancast̄ sub eadem data.

Anno 20° RICARDI, II. A.D. 1396-7.

Statutū de Anno vicesimo.

STATUTE OF THE TWENTIETH YEAR.

In Margine
Rotuli.

THE KING at his Parliament holden at Westminster in the Feast of Saint Vincent, the Twentieth Year of his Reign, by the Assent of the Prelates, Lords, and Commons of his Realm [of England,] assembled in the same present Parliament, for the Quietness and Tranquillity of his People, hath made certain Statutes and Ordinances in the Form which followeth:

Recital of St.
7 R. II. c. 13.

FIRST, Whereas in a Statute made the Seventh Year of the Reign of the King that now is, it is ordained and assented, That no Man shall ride armed within the Realm, against the Form of the Statute of Northampton thereupon made, nor with Launcegays within the same Realm; and that the said Launcegays shall be utterly put out within the said Realm, as a Thing prohibited by the King, upon Pain of Forfeiture of the same Launcegays, Armours, or any other Harness, in the Hands and Possession of them that bear them, from henceforth within the same Realm against the same Statutes and Ordinances, without the King's special Licence:

Ex Rot. Stat. in Turr. Lond. II. m. 4.

LE ROY en son parlement tenuz a Westm̄ en la feste de Saint Vincent lan de son roialme vintime, del assent des Prelatz f's & Cōmunes de son roialme en mesme le parlement, pur quiete & t'nquillite de son poeple ad fait deins estatutz & ordenances qensuiet.

Pr̄mement, come en un estatut fait lan septisme du regne nre Seignur le Roy soit ordeignez & assentuz q' null hōme chivache deins le Roialme armez contre la fourme de l'estatut de Norhampton sur ce fait, ne ovesq lancegaye deins mesme le roialme, et q' les diz lancegayes soient de tout oustez deins le dit Roialme, come chose defendue par le Roy sur peyne de forfeiture dicelles lancegayes armures & auts hernoys quelconques, es mayns & possessioni dycelz qui les porta delors deinz mesme le Roialme encontre ycelles estatutz & ordenances sanz espale congie du Roy:

Nre Seignur le Roy considerant le g'nt clamour a luy fait en cest p'ent plement de ce q' le dit estatut nest mye tenuz, Si ad ordeignez & establi en mesme le plement q' les ditz estatutz soient pleinement tenuz & gardez & dueiment executz; et q' les ditz lancegayes soient tout ou'iment oustez sur la peine contenue en le dit estatut de Northampton & outre de fair fyn & ranceon au Roy. Et outre ce q' null e', Chivaler nautre petit ne g'nt aile ne chivache p' noet ne jour armez ne porte Palet ne chapett de ferre nautre armure sur la peine susd'ce; Sauvez & exceptz les off'cs & Ministres du Roy enfaisantz leur offices. Et outre ce le Roy voet & ad ordeignez q' lestatut fait lan de son regne prime de li'ee des Chaperons soit tenuz & gardez sur la peine contenue en mesme lestatut & sur peine destre emprisonnez & de fair fyn & ranceon au Roy.

Item q' Vadletz appelez Yomen ne null au' de meindre estat qesquier ne use ne porte null signe ne li'ee appelle li'ee de compaignie dascun e' deins le roialme, sil ne soit menial & familier ou officer continual de son dit e' et q' les Justices de la paix' aient poair denquer de ceux qi font a lencontre & de les punir selonc leur discrecion.

Item le Roy voet & defende q' null e' nautre du pais petit ne g'nt ne soit seant en Bank ovesq, les Justices as assises p'ndre en leur sessions es Countees Dengle're sur grief forfaiture v's le Roy; Et ad chargez ses ditz Justices qils ne soeffrent le contraire estre fait.

Item q' come il soit contenuz en un estatut de e' Edward nadgairs Roy Dengle're Aiel a nre e' le Roy qorest lan de son regne vynt & oetisme, q' nulle man'e de nief q' soit frette dev's Engle're ou aillours soit artez de venir a nul port Dengle're ne y dem'er contre le gree des Mestres & Marins dicelle, ou des Marchantz as queux les biens sont, et si tielx niefs veignent de gree ou soient chacez p' tempeste ou au' infortune ou meschief a ascun port Dengle're & les Meistres & marins ou Marchantz de mesmes les niefs voillent vendre & deliv'er p'ie de leur m'chandises p' loure bone voluntee, bien lise a chescuny tieles m'chandises achatre franchement sanz empeschement en le port ou tieles niefs viendront, tout ne soient les m'chandises mises a la r'e pur vendre; Et q' les Meistres Marins & Marchantz, aps ce qils av'ont issint venduz ce q' lour plerra de leur ditz biens & paie ent la custume, puissent f'unchement deputer & aler ove lour niefs & tout le remenant de lour b'is pla ou lour plerra sanz custume ent paier: Nre Seignur le Roy p' la quiete & ease de son poeple voet q' le dit estatut soit tenuz & gardez en toutz pointz & dueiment executez nient contreestant ascune ordeignance ou usage a contr'ie.

Item pur ce q' les C'omunes cunt fait complaint q' plusours g'ntz meschiefs extorsions & disease sont faitz p' div'ses gentz de mauveis condicion q' de leure auctoritee demesne p'ignont & font p'ndre roialment chivalx & auf's choses & bestes hors de leur charues charettes & mesons, disantz & imaginantz qils sont a chivaucher en hastifs messages ou bosognes, la ou en vite ils ne sont aucunement privez de nulle bosoinne ou message, mes soulement en deceite & subtilite p' p'ndre chivalx

Our Lord the King, considering the great Clamour made to him in this present Parliament, because that the said Statute is not holden, hath ordained and established in the said Parliament, That the said Statutes shall be fully holden and kept, and duly executed; and that the said Launcegayes shall be clear put out upon the Pain contained in the said Statute of Northampton, and also to make Fine and Ransom to the King. And moreover, that no Lord, Knight, nor other, little nor great, shall go nor ride by Night nor by Day armed, nor bear [Sallet'] nor Skull of Iron, nor [of'] other Armour, upon the Pain aforesaid; save and except the King's Officers and Ministers in doing their Office. And Moreover, the King will and hath ordained, that the Statute made the First Year of his Reign, of Liveries of Hats, shall be holden and kept upon the Pain contained in the same Statute, and upon Pain to be imprisoned, and make Fine and Ransom to the King.

ITEM, That no Varlets called Yeomen, nor none other of less Estate than Esquire, shall use nor bear no [Sign of Livery'] called Livery of Company of any Lord within the Realm, unless he be menial and familiar or continual Officer of his said Lord. And that the Justices of the Peace shall have Power to enquire of them, which do to the contrary, and them to punish according to their Discretion.

ITEM, The King doth will and forbid, That no Lord, nor other of the Country, little nor great, shall sit upon the Bench with the Justices to take Assises, in their Sessions in the Counties of England, upon great Forfeiture to the King; and hath charged his said Justices, that they shall not suffer the contrary to be done.

ITEM, Whereas it is contained in a Statute of the late King Edward, Grandfather to the King that now is, the xxvij Year of his Reign, That no Manner of Ship, which is freighted toward England, or elsewhere, shall be compelled to come to any Port of England, nor there to tarry against the [Agreement'] of the Masters and Mariners of the same, or of the Merchants to whom the Goods be; and if such Ships come of their own Good-will, or be driven by Tempest, [Casualty, or other Misfortune,'] to any Port of England, and the Masters or Mariners, or Merchants of the same Ships, will sell or deliver Part of their Merchandizes with their Good-will, it shall be lawful to every Person to buy such Merchandizes freely without Impeachment in the Port where such Ships shall come, albeit the Merchandizes be not [put to Sale to the Land;] And the Masters, Mariners, and Merchants, after that they have so sold so much as pleaseth them of their said Goods, and the Custom thereof paid, may freely depart and go with their Ships, and all the Remnant of their Goods, where it shall please them, without paying thereof Custom: Our said Lord the King, for the Quietness and Ease of his People, willeth, That the said Statute shall be holden and kept in all Points, and duly executed, notwithstanding any Ordinance or Usage to the contrary.

ITEM, Forasmuch as the Commons have made Complaint, that many great Mischiefs, Extortions, and Oppressions be done by divers People of evil Condition, which of their own Authority take and cause to be taken royally Horses and other Things, and Beasts out of their Wains, Carts, and Houses, saying and devising that they be to ride on hasty Messages and Business, whereof Truth they be in no wise privy of any Business or Message, but only in Deceit and Subtilty by such Colour

¹ Prill ² Omit this word. ³ Badge or Livery ⁴ Will
⁵ or other Misfortune or Mischief, ⁶ put to Land, to sell.

Confirmation thereof.

No Man shall ride or go armed.

The Statute Ric. II. c. 7, touching giving of Liveries, confirmed.

II. Liveries of Companies restrained.

III. None shall sit upon the Bench with Justices of Assise.

IV. Recital of St. 28 Edw. III. chapter 13, concerning Merchants Strangers.

Confirmation thereof.

V. Penalty for taking Horses, &c. for the King's Service, without Warrant.

Membrane 24d—cont.

1409.
Jan. 20. Westminster. To the sheriffs of London. Writ of *supersedeas*, and order by mainprise of William Carneby, John Laweson, William Clifford and Henry Cotes, each of London 'wever,' to set free Adam 'Jonesservant Boston cooke,' if taken at the several suits of Richard Meryot of London 'goldsmyth' and Thomas Totenham averring threats.
- Jan. 26. Westminster. John Bolyngbroke esquire to Master John Kyngton clerk, William Wilyngham parson of Ketilthorp and Simon Foulter. Recognisance for 40*l.*, to be levied etc. in Notynghamshire.
- Feb. 7. Westminster. To the sheriff of York. Order upon sight etc. to cause proclamation to be made, that no man of whatsoever estate or condition shall under pain of forfeiture take over wool, corn or other merchandise in any places by the sea called 'crykes' or any other places, known ports excepted, without special licence of the king. Like writs to the sheriffs of the following counties etc. :
- | | |
|----------------------|-----------|
| Kent. | Devon. |
| Suthampton. | Cornwall. |
| Essex. | Somerset. |
| Norfolk and Suffolk. | Bristol. |
| Surrey and Sussex. | |
- Also to the chancellor of the county palatine of Lancastre.

MEMBRANE 23d.

- Jan. 25. Westminster. To the sheriffs of Norwich. Writ of *supersedeas*, and order by mainprise of John Alderforde, William Champeneys, Thomas Dounham and William Folkys of Norfolk to set free Alan Buntrell of Norwich 'coursour,' if taken at suit of the king and Nicholas Castel esquire for leaving the service of Nicholas Castel before the term agreed.
- Feb. 4. Westminster. To the sheriffs of London. Writ of *supersedeas*, by mainprise of John Jay, Robert Aby, William Skendelby and Thomas Leeffe of Suthwerke co. Surrey, in favour of John Welles of Suthwerke 'whittawer' at suit of John Fuller of London 'glover' averring threats.
- Jan. 30. Westminster. To the mayor and sheriffs of London. Order upon sight etc. to cause proclamation to be made, on the king's behalf forbidding any man of whatsoever estate or condition to go armed within the city and suburbs, or any except lords, knights and esquires with a sword, and the king's will is that one sword and no more be borne after each of these, under pain of forfeiting armour and swords, or there to make unlawful assemblies, disputes, affrays or riots, and order to arrest all whom they may find so doing after the proclamation, with their armour and swords, and commit them to the nearest prison, there to abide until the king shall take order for their deliverance ; as the king has information that great number of disputes etc. are made within the city by certain lieges gathering

1409.

Membrane 23d—cont.

in such assemblies with hauberks, swords and other arms and armour contrary to divers statutes and other ordinances, and in these days more than were used to be in times past, in contempt of the king, to the terror and disturbance of the people and contrary to the peace, and his will is that peace be cherished there and elsewhere within the realm. By K. and C.

Edmund Hamden, John Buktoft clerk, Walter Gayton, John Skrevan and John Kenwoldmerssh to Elizabeth la Vache late the wife of Philip la Vache knight. Grant that she shall not be troubled by them, their heirs or assigns for any waste now or hereafter made in the manor of Hognorton co. Oxford, whereof she is tenant for life with reversion to them, but shall be discharged of all action for waste therein. Dated 1 January 10 Henry IV.

Memorandum of acknowledgment, 6 February.

Henry ate Grene, otherwise 'Leycestre heraude,' to Thomas Fereby clerk and John de Pokelynton, their heirs and assigns. Charter indented with warranty of the three messuages, lands, wood etc. in the town and county of Hertforde which he had by feoffment of Maud Blakwelle his mother, sometime wife of Robert Blakwelle, and the reversion thereof after the death of William Blakwelle and Joan his wife, reserving to the grantor and his assigns during his life, with remainder to the grantees, the chamber on the right hand side just within the gate of one of those messuages wherein his mother lately dwelt, and a stable to that chamber adjacent, also the chamber there between the kitchen and the garden, with free ingress and egress, under a condition for defeasance of this grant if John de Pokelynton, his heirs and assigns, pay not 30*l.* to the grantor or his attorney, namely 10*l.* at Easter next, 10*l.* at Michaelmas following and 10*l.* at the Purification following, any clause in this charter and any money paid notwithstanding. Witnesses: Nicholas Schosse bailiff of Hertforde, Master Thomas Ferrour, John Carpenter, Henry Fuller, John Fleccher, William Lythyng. Dated Hertforde, 2 February 1408, 10 Henry IV.

Memorandum of acknowledgment, 7 February.

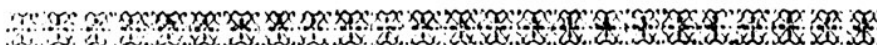
Feb. 9. To the treasurer and the barons of the exchequer. Writ of Westminster. *supersedeas omnino* in respect of any process against William Banastre, appointed with others, upon an information that John Kyghlay and John Kent banished Englishmen, Wybert Fretton a banished Frenchman, the captain of Boulogne, John Burnet, William Ryncelyn and the captain of Normandy of France, and Uter Jonessone banished from Flanders committed and attempted at sea great number of robberies and misdeeds, contrary to the truce between England and France and to the appointment made at Lenlyngham by the ambassadors of England and France, whereby war might be like to arise, to arrest those robbers and evildoers, their accomplices and partisans and others of Saint

One Half of
the Fines and
Forfeitures to
be unto Their
Majesties, and
the other Half
to the Informer.

AND further it is Enacted by the Authority aforesaid, That all Fines, Penalties, and Forfeitures arising by force and virtue of this Act, shall be, the one Half to Their Majesties, towards the Support of the Government of this Province, and the other Half to him or them that shall inform and sue for the same in any of Their Majesties Courts of Record within this Province.

Measurer of
Salt, and Cull-
ler of Fish.

BE it further Enacted by the Authority aforesaid, That there be a Measurer of Salt, and Culler of Fish in every Sea-port Town within this Province, to be appointed, as aforesaid, who being likewise sworn for the faithful Discharge of that Office, shall cull all merchantable Fish, and measure all Salt that shall be imported and sold out of any Ship or other Vessel, and shall have Three-half Pence for every Hoghead of Salt by him so measured, to be paid, the one Half by the Buyer, the other Half by the Seller; and One Penny per Quintal for every Quintal of merchantable Fish by him culled, to be paid, one Half by the Buyer, and the other Half by the Seller.



N^o 6.

Continued
22 Aug. 1695.

An Act for the Punishing of Criminal Offenders.

Curfing and
Swearing.

BE it Enacted and Ordained by the Governor, Council, and Representatives, in General Court Assembled, and by the Authority of the same, That if any Person or Persons shall prophanely Swear or Curse in the hearing of any Justice of the Peace, or shall be thereof convicted by the Oaths of Two Witnesses, or Confession of the Party, before any Justice or Justices of the Peace, every such Offender shall forfeit and pay unto the Use of the Poor of the Town where the Offence shall be committed, the Sum of Five Shillings; and if the Offender be not able to pay the said Sum, then to be set in the Stocks, not exceeding Two Hours: And if any Person shall utter more prophane Oaths or Curses at the same time, and in hearing of the same Person or Persons, he shall forfeit and pay to the Use aforesaid, the Sum of Twelve Pence for every Oath or Curse after the first, or be set in the Stocks Three Hours.

Drunkennes.

PROVIDED, That every Offence against this Law shall be complained of, and proved, as aforesaid, within Thirty Days next after the Offence committed.

Drunkennes.

FURTHER it is Enacted by the Authority aforesaid, That every Person convicted of Drunkenness by View of any Justice of Peace, Confession of the Party, or Oaths of Two Witnesses, such Person so convicted, shall forfeit and pay unto the Use of the Poor of the Town where such Offence is committed, the Sum of Five Shillings for every such Offence; and if the Offender be unable to pay the said Sum, to be set in the Stocks, not exceeding Three Hours, at the Discretion of the Justice or Justices before whom the Conviction shall be: And upon a second Conviction of Drunkenness, every such Offender, over and above the Penalty aforesaid, shall be bound with Two Sureties in the Sum of Ten Pounds, with Condition for the good Behaviour; and for want of such Sureties, shall be sent to the Common Goal until he find the same.

PROVIDED, That no Person shall be impeached or molested for any Offence against this Act, unless he shall be thereof Presented, Indicted, or Convicted, within Six Months after the Offence committed; and the Justice or Justices before whom Conviction of any of the aforesaid Offences shall be, are hereby impowered and authorized to restrain or commit the Offender, until the Fine imposed for such Offence be satisfied; or to cause the same to be levied by Distress and Sale of the Offender's Goods, by Warrant directed to the Constable, returning

Anno Regni Quarto Gulielmi & Mariae.

II

returning the Overplus (if any be.) All such Fines to be levied within One Week next after such Conviction, and delivered to the Select-men, or Overseers of the Poor, for the Use of the Poor, as aforesaid.

It is further Enacted and Ordained by the Authority aforesaid, That whosoever shall steal or purloin any Money, Goods, or Chattels, being thereof convicted by Confession, or sufficient Witness upon Oath, every such Offender shall forfeit treble the Value of the Money, Goods, or Chattels so stolen or purloined, unto the Owner or Owners thereof; and be further punished, by Fine or Whipping, at the Discretion of the Court or Justices that have Cognizance of such Offence, not exceeding the Sum of Five Pounds, or Twenty Stripes: And if any such Offender be unable to make Restitution, or pay such Threefold Damages, such Offender shall be enjoined to make Satisfaction by Service; and the Prosecutor shall be, and hereby is empowered to dispose of the said Offender in Service to any of Their Majesties Subjects, for such Term as shall be assigned by the Court or Justices before whom the Prosecution was. And every Justice of the Peace in the County where such Offence is committed, or where the Thief shall be apprehended, is hereby authorized to hear and determine all Offences against this Law: Provided, that the Damage exceed not the Sum of Forty Shillings. And if any Person shall commit Burglary by breaking up any Dwelling-house, Ware-house, Shop, Mill, Malt-house, Barn, Out-house, or any Ship or other Vessel lying within the Body of the County, or shall rob any Person in the Field or High-ways, every Person so offending shall, upon Conviction, be branded on the Forehead with the Letter *B*; and upon a second Conviction, shall be set upon the Gallows for the space of One Hour, with a Rope about his Neck, and one End thereof cast over the Gallows, and be severely Whipt, not exceeding Thirty nine Stripes; and upon a third Conviction of the like Offence, shall suffer the Pains of Death, as being Incurable; and shall likewise, upon the first and second Convictions, pay treble Damages to the Party injured, as is provided in case of Theft.

AND it is further Enacted by the Authority aforesaid, That if any Man commit Fornication with any single Woman, upon due Conviction thereof, they shall be fined unto Their Majesties, not exceeding the Sum of Five Pounds; or be corporally punished by Whipping, not exceeding Ten Stripes apiece, at the Discretion of the Sessions of the Peace, who shall have Cognizance of the Offence. And he that is accused by any Woman to be the Father of a Bastard Child, begotten of her Body, she continuing constant in such Accusation, being examined upon Oath, and put upon the Discovery of the Truth in the time of her Travail, shall be adjudged the Reputed Father of such Child, notwithstanding his Denial, and stand charged with the Maintenance thereof, with the Assistance of the Mother, as the Justices in the Quarter-Sessions shall order; and give Security to perform the said Order, and to save the Town or Place where such Child is born, free from Charge for its Maintenance; and may be committed to Prison until he find Sureties for the same, unless the Pleas and Proofs made and produced on the behalf of the Man accused, and other Circumstances, be such as the Justices shall see reason to judge him innocent, and acquit him thereof, and otherwise dispose of the Child: And every Justice of the Peace, upon his Discretion, may bind to the next Quarter-Sessions him that is charged or suspected to have begotten a Bastard Child; and if the Woman be not then delivered, the Sessions may order the Continuance or Renewal of his Bond, that he may be forth-coming when the Child is born.

FURTHER it is Enacted by the Authority aforesaid, That every Justice of the Peace in the County where the Offence is committed, may cause to be staid and arrested all Assaulters, Rioters, Disturbers, or Breakers of the Peace, and such as shall ride or go armed Offensively before any of Their Majesties Justices, or other Their Officers or Ministers doing their Office, or elsewhere,

by Night or by Day, in Fear or Af fray of Their Majesties Liege People ; and such others as shall utter any Menaces or Threatning Speeches ; and upon View of such Justice or Justices, Confession of the Party, or other legal Conviction of any such Offence, shall commit the Offender to Prison, until he find Sureties for the Peace and good Behaviour, and seize and take away his Armour or Weapons, and shall cause them to be apprizd and answered to the King as forfeited : And may further punish the Breach of the Peace, in any Person that shall smite or strike another, by Fine to the King, not exceeding Twenty Shillings, and require Bond with Sureties for the Peace, or bind the Offender over to answer it at the next Sessions of the Peace, as the Nature or Circumstance of the Offence may be ; and may make Enquiry of forcible Entry and Detainer, and cause the same to be removed, and make out Hue and Cries after Runaway Servants, Thieves, and other Criminals.

Breach of the Peace.

Forcible Entry and Detainer.

Lying and Libelling.

AND it is further Enacted by the Authority aforesaid, That if any Person or Persons of the Age of Discretion (which is accounted Fourteen Years, or upwards) shall wittingly and willingly make or publish any Lye or Libel, tending to the Defamation or Damage of any particular Person, make or spread any false News or Reports, with Intent to abuse and deceive others, every such Person or Persons offending in any of the Particulars before mentioned, and being duly convicted thereof before One or more Justices of the Peace, shall be fined according to the Degree of such Offence, not exceeding the Sum of Twenty Shillings for the first Conviction, and find Sureties for the good Behaviour : And if the Party be unable to pay the said Fine, then to be set in the Stocks, not exceeding Three Hours, or be corporally punished by Whipping, at the Discretion of the Justice or Justices before whom the Conviction shall be, according as the Circumstances or Nature of the Offence shall be ; and the said Justice or Justices may restrain and commit the Offender until he pay the said Fine, and find Sureties for the good Behaviour, or may cause the Fine to be levied by Distress and Sale of the Offender's Goods ; and the Party or Parties grieved or injured by reason of any of the Offences aforesaid, shall or may take his or their Suit against any such Offender or Offenders in any Court of Record.

Forgery.

It is further Enacted by the Authority aforesaid, That if any Person or Persons, upon his or their own Head or Imagination, or by false Conspiracy and Fraud with others, shall wittingly, subtilly, and falsely forge or make, or subtilly cause, or wittingly assent to be forged or made, any false Deed, Conveyance, or Writing sealed, or the Will of any Person or Persons in Writing, to the Intent that the Estate of Free-hold or Inheritance, Right, Title, or Interest of any Person or Persons, of, in, or to any Lands, Tenements, or Hereditaments, shall or may be molested, troubled, defeated, recovered, or charged, or shall, as is aforesaid, forge, make, or cause or assent to be made or forged, any Obligation, or Bill Obligatory, Letter of Attorney, or any Acquittance, Release, or other Discharge of any Debt, Account, Action, Suit, Demand, or other Thing Personal ; or if any Person or Persons shall pronounce, publish, or shew forth in Evidence, any such false and forged Deed, Conveyance, Writing, Obligation, Bill Obligatory, Letter of Attorney, Acquittance, Release, or Discharge, as true, knowing the same to be false and forged, as is aforesaid, to the Intent above remembred, and shall be thereof convicted, either upon Action or Actions of Forger of false Deeds to be founded upon this Act at the Suit of the Party grieved, or otherwise according to the Order and due Course of Law, or upon Bill or Information, that then every such Offender shall pay unto the Party grieved his double Costs and Damages, to be found and assessed in such Court where the said Conviction shall be ; and also shall be set upon the Pillory in some Market-Town, or other open Place, and there to have One of his Ears cut off, and also shall have and suffer Imprisonment by the Space of One whole Year without Bail or Mainprize ; and the Party or Parties grieved by reason

1786.

terposition disarmed of her natural weapons, free argument and debate, errors ceasing to be dangerous when it is permitted freely to contradict them :

II. *BE it enacted by the General Assembly,* That no man shall be compelled to frequent or support any religious worship, place, or Ministry whatsoever, nor shall be enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief; but that all men shall be free to profess, and by argument to maintain, their opinions in matters of religion, and that the same shall in no wise diminish, enlarge, or affect their civil capacities.

No man compelled to frequent or support any religious worship. All men free to profess, and by argument to maintain their religious opinions.

III. *AND* though we well know that this Assembly elected by the people for the ordinary purposes of legislation only, have no power to restrain the Acts of succeeding Assemblies, constituted with powers equal to our own, and that therefore to declare this Act to be irrevocable, would be of no effect in law; yet we are free to declare, and do declare, that the rights hereby asserted, are of the natural rights of mankind, and that if any Act shall be hereafter passed to repeal the present, or to narrow its operation, such Act will be an infringement of natural right.

Declaration that the rights by this Act asserted, are of the natural rights of mankind.



General Assembly, begun and held at the Public Buildings, in the City of Richmond, on Monday, the 16th Day of October, in the Year of our Lord, 1786.

C H A P. XXI.

An Act forbidding and punishing Affrays.

[Passed the 27th of November, 1786.]

B*E it enacted by the General Assembly,* That no man, great nor small, of what condition soever he be, except the Ministers of Justice in executing the precepts of the Courts of Justice, or in executing of their office, and such as be in their company assisting them, be so hardy to come before the Justices of any Court, or other of their Ministers of Justice, doing their office, with force and arms, on pain, to forfeit their armour to the Commonwealth, and their bodies to prison, at the pleasure of a Court; nor go nor ride armed by night nor by day, in fairs or markets, or in other places, in terror of the Country, upon pain of being arrested and committed to prison by any Justice on his own view, or proof by others, there to abide for so long a time as a Jury, to be sworn for that purpose by the said Justice, shall direct, and in like manner to forfeit his armour to the Commonwealth; but no person shall be imprisoned for such offence by a longer space of time than one month.

Punishment of persons going armed before Courts of Justice, or the Ministers of Justice, or in fairs or markets in terror of the Country

C H A P. XXII.

An Act against Conspirators.

[Passed the 27th of November, 1786.]

B*E it declared and enacted by the General Assembly,* That Conspirators be they that do confederate and bind themselves by oath, covenant, or other alliance, that every of them shall aid and bear the other falsely and maliciously, to move or cause to be moved any indictment or information against another on the part of the Commonwealth, and those who are convicted thereof at the suit of the Commonwealth, shall be punished by imprisonment and amercement, at the discretion of a Jury.

Who shall be deemed conspirators.

24627

North Carolina. Laws, Statutes, etc., 1792.

A Collection of the Statutes of the Parliament of England
in Force in ... North Carolina.

Newbern, 1792. xxvi, 424, [3] pp.

AAS copy.

A
COLLECTION
 OF THE
STATUTES
 OF THE PARLIAMENT OF
ENGLAND
 IN FORCE IN THE STATE OF
NORTH-CAROLINA.



PUBLISHED ACCORDING TO A RESOLVE OF THE GENERAL ASSEMBLY
 BY FRANCOIS-XAVIER MARSHALL, Esq.
 COUNSELLOR AT LAW.

NEW BERN:
 FROM THE EDITOR'S PRESS.

1792.

(60)

C H A P. VIII.

Nothing shall be taken for Beaupleader.

ITEM, Whereas some of the realm have grievously complained, that they be grieved by Sheriffs, naming themselves the King's approvers, which take money by extortion for Beaupleader, the King will, that the statute of Marlebridge shall be observed and kept in this point.

C H A P. XIV.

None shall commit Maintenance.

ITEM, Because the King desireth that common right be administered to all persons, as well poor as rich, he commandeth and defendeth, that none of his Counsellors, nor of his house, nor none other of his Ministers, nor no great man of the realm by himself, nor by other, by sending of letters, nor otherwise, nor none other in this land, great nor small, shall take upon them to maintain quarrels nor parties in the country, to the let and disturbance of the common law.

Statutes made at Northampton, tribus Septimanis Paschae, in the Second Year of the Reign of Edward the Third, and in the Year of our Lord 1328.

C H A P. I.

A Confirmation of the Great Charter and the Charter of the Forest.

[Unnecessary to be inserted.]

C H A P. III.

No Man shall come before the Justices, or go or ride armed.

ITEM, It is enacted, that no man great nor small, of what condition soever he be, except the King's servants in his presence, and his Ministers in executing of the King's precepts, or of their office, and such as be in their company assisting them, and also upon a cry made for arms to keep the peace, and the same in such places where such acts happen, be so hardy to come before the King's Justices, or other of the King's

(61)

Ministers doing their office with force and arms, nor bring no force in an affray of peace, nor to go nor ride armed by night nor by day, in fairs, markets, nor in the presence of the King's Justices, or other ministers, nor in no part elsewhere, upon pain to forfeit their anour to the King, and their bodies to prison at the King's pleasure. And that the King's Justices in their presence, Sheriffs and other ministers, in their bailiwicks, Lords of Franchises, and their bailiffs in the same, and Mayors and Bailiffs of cities and boroughs, within the same cities and boroughs, and borough-holders, constables and wardens of the peace within their wards shall have power to execute this act. And that the Justices assigned, at their coming down into the country, shall have power to enquire how such officers and lords have exercised their offices in this case, and to punish them whom they find that have not done that which pertain to their office.

C H A P. V.

The Manner how Writs shall be delivered to the Sheriff to be executed.

ITEM where it was ordained by the statute of Westminster the second, that they which will deliver their writs to the Sheriff shall deliver them in the full county, or in the rere county, and that the Sheriff or Under-Sheriff shall thereupon make a bill: it is accorded and established, that at what time or place in the county a man doth deliver any writ to the Sheriff or to the Under-Sheriff, that they shall receive the same writs, and make a bill after the form contained in the same statute, without taking any thing therefore. And if they refuse to make a bill, others that be present shall set to their seals, and if the Sheriff or Under-Sheriff do not return the said writs, they shall be punished after the form contained in the said statute. And also the Justices of Assize shall have power to enquire thereof at every man's complaint, and to award damages, as having respect to the delay, and to the loss and peril that might happen.

C H A P. VI.

Justices shall have Power to punish Breakers of the Peace.

ITEM, as to the keeping of the peace in time to come, it is ordained and enacted that the statutes made in time past, with the statute of Winchester, shall be observed and kept in every point: and where it is contained in the end of said statute of Winchester, that the Justices assigned shall have power to enquire of defaults, and to report to the King in his next parliament, and the King to remedy it, which no man hath yet seen, the same Justices shall have power to punish the offenders and disobeyers.

Q

In the Year of our LORD, 1795.

436

Criminal Offenders.

on said fence, till it comes to the land improved by *George Sumner*; then through said land nearly the same course, till it comes to the south-west corner of said *George Sumner's* home meadow, so called; then turning and running easterly in said meadow, as the ditch which forms the fence is made, till it comes to the south end of *Benjamin Hawes's* meadow; then in the line between said *Hawes's* meadow, and the land of *William Richards*; then in the line between said *Richards's* home lot, and the meadow lots, till it comes to *Cumming's* brook, so called; thence on said brook, till it comes to the line between *Stoughton* and *Sharon*; thence on said line till it comes to *Neponset-river*; thence westerly on said river, till it comes to *Trapbale brook*; thence on said brook, till it comes to the bounds first mentioned—shall be considered as *one Common and General Field*; and that the proprietors of said lands, their heirs and successors be, and they hereby are incorporated and invested with all the powers and privileges which the proprietors of Common and General Fields by Law are invested with.

[This Act passed *January 22, 1795.*]

C H A P. II.

An Act for repealing an Act, made and passed in the year of our Lord, one Thousand six Hundred and Ninety-two, entitled, “An Act for punishing Criminal Offenders,” and for re-enacting certain Provisions therein.

An Act repealed.

BE it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, That the said Act be, and hereby is repealed, and made wholly null and void.

Justices of the Peace empowered.

And be it further enacted by the authority aforesaid, That every Justice of the Peace, within the county for which he may be commissioned, may cause to be seized and arrested, all affrayers, rioters, disturbers, or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this Commonwealth, or such others as may utter any menaces or threatening speeches, and upon view of such Justice, confession of the delinquent, or other legal conviction of any such offence, shall require of the offender to find sureties for his keeping the Peace, and being of the good behaviour; and in want thereof, to commit him to prison until he shall comply with such requisition: And may further punish the breach of the Peace in any person that shall assault or strike another, by fine to the Commonwealth, not exceeding *twenty shillings*, and require sureties, as aforesaid, or bind the offender, to appear and answer for his offence, at the next Court of General Sessions of the Peace, as the nature or circumstances of the case may require.

[This Act passed *January 29, 1795.*]

C H A P.

1804. co unty, shall proceed against such offender, in the same manner as is heretofore prescribed for vagrants.

Keepers of certain gaming tables deemed vagrants. 1811, c. 112, s. 1, 2.

3. *Be it enacted*, That all and every keeper or keepers, exhibitor or exhibitors, of either of the gaming tables commonly called A. B. C. or E. O. tables, or faro bank, or of any other gaming cloth table, or bank of the same, or like kind, under any denomination whatever, shall be deemed and treated as a vagrant, and moreover it shall be the duty of any judge or justice of the peace, by warrant under his hand, to order such gaming table or cloth to be seized and publicly burned or destroyed; said warrant shall be directed to some one constable within the county, whose duty it shall be, forthwith to execute the same: *Provided*, That nothing herein contained, shall be so construed as to extend to billiard tables.

Penalty for harboring vagrants. April 1784, c. 34, s. 4.

4. *Be it enacted*, That it shall not be lawful for any house keeper to harbor any idle person of the character aforesaid, for any longer time than is heretofore specified, under the penalty of twenty dollars for every such offence, to be recovered by warrant before any justice of the peace of the county where the offence is committed.

Duty of the justices herein. Apl. 1784, c. 34. 1811, c. 112, s. 1, 2.

5. *Be it enacted*, That it shall be the duty of each justice of the peace, on information being made on oath to him or them, that there is a person or persons of the aforesaid description, loitering in his or their county, then and in that case he or they shall issue his or their warrant against such person or persons agreeable to this act: *And provided*, he or they shall neglect or refuse so to do, it shall be deemed a misdemeanor in office, for which he or they shall be impeachable, and on conviction be removed from office.

Penalty for failing.

Proceedings against persons going armed contrary to this act.

6. *Be it enacted*, That if any person or persons shall publicly ride or go armed to the terror of the people, or privately carry any dirk, large knife, pistol or any other dangerous weapon, to the fear or terror of any person, it shall be the duty of any judge or justice, on his own view, or upon the information of any other person on oath, to bind such person or persons to their good behaviour, and if he or they fail to find securities, commit him or them to jail, and if such person or persons shall continue so to offend, he or they shall not only forfeit their recognizance, but be liable to an indictment, and be punished as for a breach of the peace, or riot at common law.

Felony to maim or disfigure any person, &c. Dec. 1754, ch. 15. 1807, ch. 73, s. 13.

7. *Be it enacted*, That if any person or persons shall unlawfully cut out or disable the tongue, put out an eye, slit a nose, bite or cut off a nose, ear or lip, or cut off or disable any limb or member, or stab any person whatsoever, in doing so, to maim, wound or disfigure in any of the manners before mentioned, such person or persons so offending, their counsellors, aiders and abettors, knowing of, and privy to the offence, shall be and are hereby declared to be felons, and shall suffer as in case of felony: *Provided nevertheless*, he or they shall be entitled to benefit of clergy, and be further liable to an action of damages to the party injured.

POWER OF JUSTICES.

285

CHAPTER LXXVI.

An Act describing the power of Justices of the Peace in Civil and Criminal Cases.

SEC. 1. **BE** it enacted by the Senate, and House of Representatives, in Legislature assembled, That it shall be within the power, and be the duty of every Justice of the Peace within his county, to punish by fine not exceeding five dollars, all assaults and batteries that are not of a high and aggravated nature, and to examine into all homicides, murders, treasons, and felonies done and committed in his county, and commit to prison all persons guilty, or suspected to be guilty of manslaughter, murder, treason or other capital offence; and to cause to be staid and arrested, all affrayers, rioters, disturbers or breakers of the peace, and such as shall ride or go armed offensively, to the fear or terror of the good citizens of this State, or such others as may utter any menaces or threatening speeches; and upon view of such Justice, confession of the delinquent, or other legal conviction of any such offence, shall require of the offender to find sureties to appear and answer for his offence, at the Supreme Judicial Court, or Circuit Court of Common Pleas, next to be held within or for the same county, at the discretion of the Justice, and as the nature or circumstances of the case may require; and for his keeping the peace, and being of the good behaviour, until the sitting of the Court he is to appear before; and to hold to bail all persons guilty or suspected to be guilty of lesser offences which are not cognizable by a Justice of the Peace; and require sureties for the good behaviour of dangerous and disorderly persons; and commit all such persons as shall refuse so to recognize, and find such surety or sureties as aforesaid; and take cognizance of, or examine into all other crimes, matters and offences, which by particular laws are put within his jurisdiction.

General jurisdiction of Justices of the Peace, and their duty in criminal cases, in arresting, trying, recognizing and committing offenders.

SEC. 2. *Be it further enacted,* That all fines and forfeitures accruing for the breach of any bye-law, in any town within this State, may be prosecuted for, and recovered before any Justice of the Peace in the town or county where the offence shall be committed, by complaint or information, in the same way and manner other criminal offences are prosecuted before the Justices of the Peace within this State.

Breaches of the bye-laws of towns may be prosecuted before Justices of the Peace.

SEC. 3. *Be it further enacted,* That any person aggrieved at the sentence given against him, by any justice of the Peace, may appeal therefrom to the next Circuit Court of Common Pleas to be held within the same county, and shall, before his appeal is granted, recognize to the State in such reasonable sum, not less than twenty dollars, as the Justice shall order, with sufficient surety or sureties for his prosecuting his appeal; and shall be held to produce the copy of the whole process, and all writings filed before the Justice, at the Court appeal-

Persons aggrieved may appeal to the C. Court of Com. Pleas.

Must recognize with sureties,

and produce copies of case at C. C. Common Pleas.

Failing to prosecute his appeal, his default to be entered.

Court may order such case to be laid before Grand Jury, or arrest appellant, and affirm sentence, &c.

Justices may command assistance of sheriff, deputies and constables at riots, affrays, &c.

Justices may, on their own view, (in absence of sheriff, deputies or constables,) require any person to apprehend offenders.

Penalty for refusing to obey such Justice.

If the Justice be known or declared—plea of ignorance of his office not admissible.

Justices may grant subpoenas for witnesses in criminal cases:

But not on behalf of the State without consent of Attorney General, or County Attorney, except before himself.

Justices to account annually to State, County and Town Treasurers for all fines, &c.

Penalty for neglect.

ed to. And if he shall not there prosecute his appeal, and produce the copies as aforesaid, the Court shall order his default to be noted upon their record. And the said Court may order the same case to be laid before the Grand Jury, or may issue an attachment against the body of such appellant, and cause him thereby to be brought before them, and when he is so in Court, shall affirm the sentence of the Justice against him, with all additional costs.

SEC. 4. *Be it further enacted,* That each Justice shall have authority to command the assistance of every Sheriff, Deputy Sheriff, Constable, and all other persons present at any affray, riot, assault or battery, and may fine any person refusing such assistance, in a sum not exceeding six dollars; to be disposed of for the use of the town where the offence shall be committed; and levied by warrant of distress on the offender's goods and chattels, and for want thereof on his body.

SEC. 5. *Be it further enacted,* That any Justice of the Peace for the preservation thereof, or upon view of the breach thereof, or upon view of any other transgression of law, proper to his cognizance, done or committed by any person or persons whatever, shall have authority, (in the absence of the Sheriff, Deputy Sheriff or Constable,) to require any person or persons to apprehend and bring before him such offender or offenders. And every person so required, who shall refuse or neglect to obey the said Justice, shall be punished in the same manner as for refusing or neglecting to assist any Sheriff, Deputy Sheriff or Constable in the execution of his office as aforesaid. And no person who shall refuse or neglect to obey such Justice, to whom he shall be known, or declare himself to be a Justice of the Peace, shall be admitted to plead excuse on any pretence of ignorance of his office.

SEC. 6. *Be it further enacted,* That Justices of the Peace within their respective counties, be, and they are hereby authorized and empowered to grant subpoenas for witnesses in all criminal causes pending before the Supreme Judicial Court and Circuit Court of Common Pleas, and before themselves or any other Justice: *Provided,* That no Justice of the Peace shall grant subpoenas for witnesses to appear in any Court, except before himself, to testify on behalf of the State, unless by the request of the Attorney General or County Attorney. And all Sheriffs, Constables and other officers are directed and empowered to serve any warrant issuing from a Justice of the Peace.

SEC. 7. *Be it further enacted,* That the Justices of the Peace shall account annually with the Treasurer of the State, the Treasurer of their respective counties, and the town Treasurer, as the case may be, for all fines by them received or imposed, upon pain of forfeiting the sum of thirty dollars, to be sued for and recovered by the Treasurer of the State, the county or town Treasurer for the time being, to which the said fines may respectively belong.

POWER OF JUSTICES.

287

SEC. 8. *Be it further enacted,* That all civil actions, where- Justice's juris-
 in the debt or damage does not exceed twenty dollars, (and diction in civil
 wherein the title of real estate is not in question, and special- actions, (where
 ly pleaded by the defendant,) shall, and may be heard, tried, title to real es-
 adjudged and determined by any Justice of the Peace within tate is not in
 his county; and the Justices are severally empowered to grant question,) to
 summons, *capias* and attachment, at the request of any per- extend to 20
 son applying for the same, directed to some proper officer dollars.
 within the same county, empowered by law to execute the Justices may is-
 same. And such summons or *capias* and attachment shall be sue *ammovus*,
 duly served by such officer, seven days at the least before the *capias*, attach-
 day therein set for trial, otherwise the party sued shall not ment, &c.
 be held to answer thereon; and if after such process shall be —to be served
 duly served, the party sued, after being duly called, shall not seven days be-
 appear to answer to the same suit, the charge against him in fore trial.
 the declaration shall be taken to be true, and the Justice shall Proceedings be-
 give judgment against him for such damages as he shall find fore Justice.
 the plaintiff to have sustained, with costs; and if the person Judgment, &c.
 sued shall appear to defend the suit or oppose the same, if plaintiff pre-
 the Justice shall award such damages as he shall find the plaintiff prevail.
 to have sustained: *Provided,* That no more damages than the Damages not to
 sum of twenty dollars shall be awarded in any action origin- exceed 20 dol-
 ally brought or tried before a Justice of the Peace; but if the lars.
 plaintiff shall not support his action, shall fail to prosecute, or Judgment in
 become nonsuit, the Justice shall award to the party sued, his case defendant
 reasonable costs, taxed as the law directs. And upon all prevail.
 judgments given by a Justice of the Peace in civil actions, he Execution.
 shall award execution thereon in form by law prescribed.

SEC. 9. *Be it further enacted,* That the amount of the sum Justice to have
 or several sums, specified, expressed or supposed to be de- jurisdiction
 manded by the plaintiff in his declaration, shall not be con- where the *ad*
 sidered as any objection against the Justice's jurisdiction, pro- *damnum* does
 vided the *ad damnum*, or damage is not laid or stated to ex- not exceed 20
 ceed twenty dollars. dollars.

SEC. 10. *Be it further enacted,* That any party aggrieved Party aggriev-
 at the judgment of any Justice of the Peace, in a civil action, ed may appeal
 where both parties have appeared and plead, may appeal to C. C. Com-
 therefrom to the next Circuit Court of Common Pleas to be Pleas.
 held within the same county; and shall before his appeal is —Must recog-
 allowed, recognize with a surety or sureties, in such reason- nize to prose-
 able sum as the Justice shall order, not exceeding thirty dol- cute.
 lars, to pay all intervening damages and costs, and to prose- and produce co-
 cute his appeal with effect; and shall be held to produce a pies at C. C. C.
 copy of the whole case, at the Court appealed to, and both Pleas.
 parties shall be allowed to offer any evidence upon the trial Proceedings in
 at the Circuit Court of Common Pleas, in the same manner as that Court.
 if the cause had been originally commenced there. And no No further ap-
 other appeal shall be had on such action after one trial at the peal.
 Circuit Court of Common Pleas. And the Circuit Court of Defendant in
 Common Pleas, when any person recognized as before men- trespass failing
 to bring for-

ward the action according to his recognition.—Plaintiff to have his damages.

Appellant failing to prosecute, on complaint judgment may be affirmed.

In action of trespass when defendant pleads title to real estate—mode of proceeding before Justice.

Appeal allowed in such cases from C. C. Pleas to S. J. Court.

General issue may be plead in all actions before Justices and special matter given in evidence except where title to real estate is relied on by defendant.

Justices may grant subpoenas in all civil actions.

May adjourn their Courts by proclamation:

No Justice to be of counsel in any suit before himself.

tioned to bring forward an action of trespass, doth neglect to do it, upon complaint thereof made in writing by the plaintiff, shall give judgment for such sum in damages, as the plaintiff hath declared for, together with all reasonable costs which accrued both in the same Court and before the Justice. And the Circuit Court of Common Pleas shall, when any appellant thereto shall fail to prosecute his appeal, or if he shall neglect to produce a copy of the case, affirm the former judgment upon the appellee's complaint, and award such additional damages as shall have arisen in consequence of the said appeal, and cost.

SEC. 11. *Be it further enacted*, That when an action of trespass shall be brought before any Justice of the Peace, and the defendant shall plead the general issue, he shall not be allowed to offer any evidence that may bring the title of real estate in question. And when the defendant in any such action shall plead the title of himself or any other person in justification, the Justice upon having such plea plead, shall order the defendant to recognize to the adverse party in a reasonable sum, with sufficient surety or sureties to enter the said action at the next Circuit Court of Common Pleas to be holden within the same county, and to prosecute the same in the same manner as upon an appeal from a Justice's judgment; and if such pleader shall refuse so to recognize, the Justice shall render judgment against him, in the same manner as if he had refused to make answer to the same suit. And either party in such cause, shall be allowed to appeal from the judgment of the Circuit Court of Common Pleas, in the same manner as if the suit had been originally commenced there.

SEC. 12. *Be it further enacted*, That in all civil actions triable before a Justice of the Peace, except such actions of trespass wherein the defendant means to avail himself, by pleading the title of himself or any other person under whom he claims in justification of the trespass or trespasses alleged to be committed on real estate; the defendant shall be entitled to all evidence, under the general issue, which by law he might avail himself of under any special plea in excuse or justification, any law, usage or custom to the contrary notwithstanding.

SEC. 13. *Be it further enacted*, That each Justice of the Peace may grant subpoenas for witnesses in all civil actions and causes pending before the Supreme Judicial Court, Circuit Court of Common Pleas, Court of Sessions, and before him or any other Justices, and in all civil actions and causes pending before arbitrators or referees. And every Justice of the Peace shall have power by public proclamation to adjourn the trial of any action brought before him, from time to time, when equity may require it; but he shall not be of counsel to either party, or undertake to advise or assist any party in suit before him.

POWER OF JUSTICES.

289

SEC. 14. *Be it further enacted*, That when an executor or administrator shall be guilty of committing waste, whereby he is rendered unable to pay the judgment recovered before any Justice of the Peace, against the goods and estate of the deceased in his hands, out of the same, the Justice may proceed against the proper goods and estate of such executor or administrator, in the same manner as the Circuit Court of Common Pleas are empowered to do.

In case of waste by executor or administrator, Justice may proceed as C. C. Pleas may in such cases.

SEC. 15. *Be it further enacted*, That each Justice of the Peace shall keep a fair record of all his proceedings; and when any Justice of the Peace shall die before a judgment given by him is paid and satisfied, it shall be in the power of any Justice of the Peace in the same county to grant a scire facias upon the same judgment, to the party against whom such judgment was rendered up, for him to show cause if any he hath, why execution should not be issued against him. And although the costs and debt awarded by the deceased Justice when added together, shall amount to more than twenty dollars, it shall be no bar upon such scire facias, but judgment shall be given thereon for the whole debt and cost, together with the cost arising upon the scire facias. *Provided always*, That either party may appeal from the judgment as in other personal actions, where judgment is given by a Justice of the Peace. And every Justice of the Peace who shall have complaint made to him, that a judgment given by a Justice of the same county then deceased, remains unsatisfied, shall issue his summons to the person in whose possession the record of the same judgment is, directing him to bring and to produce to him the same record; and if such person shall contemptuously refuse to produce the same record, or shall refuse to be examined respecting the same, upon oath, the Justice may punish the contempt by imprisonment, until he shall produce the same, or until he submits to be examined as aforesaid; and when the Justice is possessed of such record, he shall transcribe the same upon his own book of records, before he shall issue his scire facias; and shall deliver the original back again to the person who shall have produced it, and a copy of such transcription, attested by the transcribing Justice, shall be allowed in evidence in all cases, where an authenticated copy of the original might be received.

Justice to keep record of his proceedings.

When Justice shall die before a judgment given by him is satisfied what proceedings to be had.

Appeal allowed to either party.

Justice to whom complaint is made in such cases may summon the person possessing the record to produce it.

Punishment for refusal so to do.

Duty of the Justice when the record is produced, to transcribe it into his own record.

Copy of such transcript to be evidence.

SEC. 16. *Be it further enacted*, That all Justices of the Peace before whom actions may be commenced under former commissions, and such commissions shall expire before judgment shall be rendered thereon, or judgment being rendered, the same remains in whole or in part unsatisfied, such Justices of the Peace who shall hereafter have their said commissions seasonably renewed, and being duly qualified agreeably to the Constitution of this State, to act under such commissions, be and they hereby are authorized and empowered to render judgment, and issue execution on all such ac-

Justices, whose commissions expire before judgment or satisfaction, may proceed, under a new commission, seasonably obtained, to render judgment, &c.

RECOVERY OF DEBTS.

tions, commenced as aforesaid, in the same manner as if the commissions under which such actions may be commenced, were in full force.

[Approved March 15, 1821.]

—:00:—

CHAPTER LXXVII.

An Act providing a speedy Method of recovering Debts, and for preventing unnecessary costs attending the same.

Justices may take recognizances for debts.

SEC. 1. **BE** it enacted by the Senate and House of Representatives, in Legislature assembled, That every Justice of the Peace in this State shall have power within his county to take recognizances for the payment of debts of any person who shall come before him for that purpose: which recognizance may be in substance as follows:—

Form of recognizance.

Know all men, that I, A. B. of , in the County of , do owe unto C. D. of , the sum of , to be paid to the said C. D. on the day of ; and if I shall fail of the payment of the debt aforesaid, by the time aforesaid, I will and grant that the said debt shall be levied of my goods and chattels, lands and tenements, and in want thereof of my body. Dated at , this day of , in the year of our Lord , Witness, my hand and seal A. B.

ss. Acknowledged the day and year last abovesaid. Before E. F. Justice of the Peace.

To be recorded by the Justice.

SEC. 2. *Be it further enacted,* That every Justice of the Peace taking any such recognizance, shall immediately record the same at large in a book to be kept by him for that purpose; and after the same is recorded, may deliver it to the Conusec; and upon the Conusee's lodging the same with the said Justice, at any time within three years from the time when the same is payable, and requesting a writ of execution, it shall be the duty of such Justice to issue a writ of execution thereon for such sum as shall appear to be due on the same; which writ of execution shall be in substance as follows:

Execution may issue thereon within 3 years.

State of Maine.

(SEAL.) To the Sheriff of the County of , or his deputy, or either of the Constables of the town of , in said County, Greeting.

Form of execution.

Because A. B. of , in the County of , on the day of , in the year of our Lord before E. F. Esq. one of the Justices of the Peace for the said County of , acknowledged that he was indebted to C. D. of , in the county of in the sum of which he ought to have paid on the day of , and remains unpaid as it is said : We command you therefore, that of the goods, chattels or real estate of the said A. B. within your precinct, you cause to be paid and satisfied unto the said C. D. at the value

TITLE FIFTEENTH.

Of Justices of the Peace.

CHAPTER 97. General powers, duties and jurisdiction of justices in criminal cases.

- 98. Jurisdiction in bastardy cases.
- 99. Justices' jurisdiction in civil cases of debt.
- 100. Justices' jurisdiction in trespass cases.
- 101. Justices' jurisdiction in cases of forcible entry and detain-
er; and of holding over.

CHAPTER 97.

GENERAL POWERS, DUTIES AND JURISDICTION OF JUSTICES IN CRIMINAL CASES.

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| <p>SEC. 1. Number in the several counties.
 2. Power to issue process.
 3. To keep records. Adjournments.
 4. To issue subpoenas.
 5. To administer oaths.
 6. To punish contempts.
 7. To arrest without warrant.
 To commit or bind to appear.
 Form of commitment.
 Form of binding to KEEP THE PEACE.
 8. Power to punish assaults and batteries.
 Form of binding to ANSWER CHARGE.
 Binding witnesses to appear.
 9. To permit parties to settle cases of as-
 sault and battery.
 10. Not to receive fine or costs.
 To put it in charge of a constable.
 11. To certify fines to the auditor. Penalty.
 12. Power to BIND OVER FOR THREATS.
 13. To cause arrests of peace breakers, &c.,
 &c.
 14. To fine drunkards and swearers.
 15. To punish those who resist authority.
 16. Mode of proceeding in criminal cases.
 17. After arrest.
 18. The examination.
 19. The commitment or binding to appear.
 Binding witnesses.
 20. To deliver recognizances to clerk of
 the peace. Fee.</p> | <p>SEC. 21. To indorse the names of witnesses.
 22. To arrest persons complained against.
 23. Warrant may be executed in any county.
 24. Bail for appearance; how taken; by
 whom.
 Commitment in default of bail.
 25. How discharged from prison on bail.
 26. Capital cases; when bail may be taken
 27. Bail in other cases; how determined.
 28. How taken by sheriff. &c.
 29. SEARCH WARRANTS, when and how to
 be issued.
 Complaint must be in writing.
 Warrant; how directed.
 When it may be executed at night.
 30. Power of justice to try certain offences
 by slaves.
 31. Power of two justices to try slaves.
 Order on master to pay restitution, &c.
 Service of notice on master; verification.
 32. Power to punish Sabbath breaking.
 33. Duty of representatives of a deceased
 justice to deliver records; penalty.
 34. Duty of justice to give transcripts,
 copies, &c.; penalty.
 Originals may be required by the court.
 35. Duty to attend elections; penalty.</p> |
|---|--|

Number.

2003
Number.

New Cas-
tle.

Kent.
Sussex.

SEC. 1. The number of justices of the peace now allowed by the constitution and laws, shall, two-thirds of each house of the legislature concurring, continue to be in the several counties, as follows: in New Castle county twenty, of whom one shall reside in Red Lion hundred, within one mile of Delaware City, one in the town of St. Georges, and one in Christiana hundred; in Kent county eighteen; and in Sussex county twenty, one of whom shall reside within two miles of Cannon's Ferry.

General powers and duties.

2004
May issue
process.
Forms.

SEC. 2. Justices of the peace may issue all writs, warrants and process proper to carry into effect the powers granted to them; and when no form is prescribed by statute, they shall frame one in con-

formity with the law, in substance; and, when substantially right, such process shall not be invalid for any defect in form. All sheriffs, deputy-sheriffs, coroners and constables are required duly to serve all legal writs, warrants and process to them directed by any justice of the peace.

SEC. 3. Each justice of the peace shall keep a record of all his judicial proceedings in criminal as well as civil cases. 2005
Records.

He shall have power to adjourn cases on trial before him, taking security for the appearance of the party complained against. 2006
Adjourn-
ments.

SEC. 4. He may issue summonses for witnesses in all cases pending before himself, and in all civil cases pending before any magistrates, referees, arbitrators, or other persons authorized to examine witnesses. 2007
Subpoenas.

SEC. 5. He may administer oaths in all cases where an oath is required by law. 2008
Oaths.

SEC. 6. Every justice of the peace may punish such disorderly conduct as shall interrupt any judicial proceedings before him, or before referees appointed by him, or which shall be a contempt of his authority, by fine not exceeding ten dollars, or by imprisonment in the jail of the county not exceeding ten days. 2009
Power to
punish con-
tempt.

SEC. 7. Every justice of the peace may, as a conservator of the peace, upon view of any affray, riot, assault, or battery, within his county, without any warrant in writing command the assistance of any sheriff, deputy-sheriff, coroner, or constable, and of all other persons present, for suppressing the same, and arresting all who are concerned therein, and may commit or bind them to surety of the peace and for their appearance at the proper court. 2010
Power to ar-
rest without
warrant.

A commitment may be in this form:—

— County, ss. *The State of Delaware: To A. B., constable, and to the keeper of the jail of said county: this is to command you the said constable forthwith to convey and deliver into the custody of the keeper of said jail the body of C. D. charged, before E. F. a justice of the peace for said county, on oath by G. H. with (here state the offence), and you the said keeper of the jail are hereby required to receive the said C. D. into your custody in said jail, and him there safely keep until he be thence delivered by due course of law.*

{ L. S. } Given under my hand and seal this — day of ———
{ } A. D., 18—. J. P.

Binding to keep the peace and for appearance at court may be in this form: 2012
Binding to
KEEP THE
PEACE.

— County, ss. *State of Delaware. BE IT REMEMBERED, that C. D., of ——— hundred, and R. S. and T. W., of ——— hundred, in said county, personally appeared before E. F., a justice of the peace for said county, and acknowledged to owe the State of Delaware the sum of ——— dollars, to be levied on their goods and chattels, lands and tenements respectively, for the use of the said State: UPON CON-
DITION, that if the above bound C. D. be and appear before the next Court of General Sessions of the Peace and Jail Delivery, to be held*

at ———, for the county aforesaid, there to answer such matters as shall be objected against him by G. H., and shall in the mean time keep the peace and be of good behavior towards all the people of this State, and especially towards the said G. H., and shall not depart the court without leave thereof, then this recognizance to be void, otherwise to be in full force and virtue.

Taken, signed and acknowledged before E. F., a justice of the peace for said county, the ——— day of ———, A. D., 18—.

2013
Power to
punish as-
saults and
batteries.

SEC. 8. Every justice of the peace may punish by fine, not exceeding ten dollars, all assaults and batteries, and other breaches of the peace punishable by any law of the State, when the offence is not of a high or aggravated nature: *provided*, that the defendant shall, in writing, submit to his decision: *and provided also*, that after hearing, he shall consider that the case ought not to be submitted to a higher jurisdiction; otherwise he shall commit, or bind, the defendant for his appearance at the proper court to answer the charge, and shall also bind the witnesses for their appearance and may require surety of them, if necessary. He may also punish, by such fine, any offence against an authorized ordinance of a city, or town.

2014
Binding to
ANSWER
CHARGE.

Binding for appearance to answer may be thus:—

——— county, ss. *The State of Delaware.* BE IT REMEMBERED, that C. D., of ——— hundred, and R. S. and T. W., of ——— hundred, in said county, personally appeared before E. F., a justice of the peace for said county, and acknowledged to owe the State of Delaware the sum of ——— dollars, to be levied on their goods and chattels, lands and tenements respectively for the use of the said State: UPON CONDITION, that if the above bound C. D., be and appear before the next Court of General Sessions of the Peace and Jail Delivery, to be held at ———, for the county aforesaid, there to answer such matters and things as shall be objected against him, and particularly touching a charge (here state the offence charged) said to have been committed by the said C. D., at ——— hundred, in said county, on the ——— day of ———, and shall not depart the court without leave thereof; then this recognizance to be void, otherwise to be in full force and virtue.

Taken, signed and acknowledged before E. F., a justice of the peace for said county, the ——— day of ———, A. D., 18—.

2015
Binding a
witness to
appear.

Binding a witness for appearance may be in the same form, substituting for the words "there to answer such matters," &c., down to "and shall not depart the court," the words "*as a witness for the State.*" A recognizance, when taken by a justice of the peace, or a judge out of court, shall be signed by the parties bound.

2016
Parties may
settle as-
saults and
batteries.

SEC. 9. In every case of assault and battery the justice may permit the parties to settle the matter; and either discontinue the proceedings or annul any recognizance, on payment of costs.

2017
Not to re-
ceive fines.

SEC. 10. He shall, in no case, receive a fine, or costs, imposed by him; but upon imposing any fine, he shall charge a constable present with the defendant, and enter the constable's name on his docket,

and if the fine and costs be not paid, the constable shall convey said defendant to jail, for which a copy of the judgment shall be a sufficient warrant.

SEC. 11. Every justice of the peace shall transmit to the auditor of accounts, by mail, on the first Tuesday of April and October in each year, a duly certified list of the cases in which any fine, or forfeiture, has been imposed by him before that time; stating the party, the fine, and the name and place of residence of the constable chargeable. Any neglect of this duty shall be deemed a misdemeanor, and shall be punished by fine not exceeding one hundred dollars; and the court shall, on conviction of such justice, transmit a copy of the record to the general assembly.

2018
To certify
fines to au-
ditor.

Penalty.

SEC. 12. Whoever shall threaten to kill, or wound, another, or to injure him in person, or estate, shall, on proof of such threats, before a justice of the peace, either by the oath of the party threatened, or otherwise, and on affidavit, by the said party, that he believes, from such threatening, he is in danger to be hurt in body, or estate, be bound to surety of the peace, and for his appearance at the next Court of General Sessions for the county.

2019
Power to
bind over
for THREATS

SEC. 13. Any justice of the peace may also cause to be arrested and bind to surety of the peace all affrayers, rioters, breakers and disturbers of the peace, and all who go armed offensively to the terror of the people, or are otherwise disorderly and dangerous.

2020
To cause ar-
rests.

SEC. 14. He may also cause to be arrested any drunken person, or any person who, in his hearing, shall profanely swear by the name of God, Christ Jesus, or the Holy Spirit; and such person, being thereof convicted by view of the justice, or other proof, shall be fined by him fifty cents for every such profane oath, and fifty cents for every such offence of being drunk.

2021
Drunkards;
swearers.

SEC. 15. If any person, arrested by warrant, or order, of any court of justice, magistrate, or justice of the peace, shall use abusive, railing, or threatening speeches against such court, magistrate, or justice, or shall resist, or assault, any person executing, or aiding in the execution of any such warrant, or order, he shall be fined by such court, magistrate, or justice, any sum not exceeding fifteen dollars.

2022
To punish
those who
resist au-
thority.

SEC. 16. When complaint is made in due form to a justice, alleging that an offence has been committed, the justice shall carefully examine the complainant on oath, or affirmation, and if he considers there is probable ground for the accusation, he shall issue his warrant.

2023
Proceed-
ings in cri-
minal cases;
complaint.

A warrant of arrest may be in this form:

2024
Warrant of
arrest.

— County, ss. *The State of Delaware,*
To any constable of said county, greeting:

Whereas G. H. of — hath upon oath (or affirmation) before me, a justice of the peace of said county declared that on the — day of — at — (state the offence charged) and that he hath just cause to suspect and doth suspect C. D. of — hundred, of committing the said offence: You are therefore hereby commanded to take the said

C. D. and bring him before me, or some other justice of the peace of the county, forthwith, to answer said charge.

{ L. S. } Witness the hand and seal of the said justice, the _____ day of _____ A. D. 18—.

2025
How directed.

In case of emergency, the warrant may be directed to the sheriff, or coroner, or to any person the justice may name.

2026
Proceeding on arrest.

SEC. 17. Upon the arrest of any person so charged, the justice, before whom he is brought in the county where the offence was committed, shall try the case so far as to determine whether the defendant ought to be discharged, or bound for his appearance at court, or held to answer finally before the justice; in which last case, the justice shall proceed to hear fully and to determine the case. But if the matter be not properly cognizable before the justice for final decision, he shall commit, or bind the party for his appearance at the court having cognizance of the case.

2027
Examination. Voluntary declarations

SEC. 18. He shall examine the party accused, taking his voluntary declarations, without threats, or promises, and shall also examine the witnesses in the presence of the accused.

2028
In felonies to be in writing.

If the offence is a felony, he shall reduce the examination of the accused to writing, and read it to him, and offer it for his signature. The justice shall sign it.

2029
Testimony in writing.

He shall also reduce to writing the testimony of each witness, if material, read it to him in the presence of the accused, sign it, and require the witness to sign it. In case of the death of the witness, it shall be evidence on the trial.

2030
Commitment; or binding to appear.

SEC. 19. If he considers there is probable ground for the accusation, he shall, in case of a capital crime, commit the accused for trial, and in any other case bind him, with sufficient surety, for his appearance at the next Court of General Sessions of the Peace and Jail Delivery for the county where the offence is alleged to have been committed; and, if he do not give such surety, shall commit him for trial. But when the accused is carried before a justice in another county than that wherein the warrant was issued, he shall be held to surety for his appearance, of course.

2031
Binding the witnesses.

He shall also bind material witnesses for their appearance, without surety, unless he believes the witness will not appear, and that the loss of his testimony ought not to be risked; in which case, he may require surety and may commit the witness if it be not given.

2032
[2014, &c.]

Such binding of the accused, and of the witnesses, shall be by recognizance, as provided in section 8.

2033
To deliver recognizances, &c.

SEC. 20. Each justice of the peace shall deliver every recognizance, examination and deposition, by him taken, touching any offence, to the clerk of the peace of his county ten days before the next Court of General Sessions, if the court do not sit sooner; and if so, then at the session of the court. For this service, he shall receive one dollar from the county if the service be rendered ten days before the court.

Fee.

2034
Names of witnesses to be indorsed.

SEC. 21. He shall indorse on the recognizance the names of the material witnesses, and the clerk shall issue subpoenas for their ap-

pearance on the first day of the court, or otherwise as the attorney general may direct.

SEC. 22. Every justice shall cause to be arrested, on proper complaint, all persons found within his county charged with any offence; and all persons who, after committing any offence in such county, shall escape out of the same.

2035
Duty to arrest persons complained against.

SEC. 23. A warrant of arrest, issued by a justice in one county, may be executed in any county of the State; and the constable, or officer, having it in hand, may command aid as in his own county; but he shall, upon request, carry the defendant before some justice of the county, where he is arrested, to be bailed, if he offer sufficient bail and the offence is bailable; otherwise he shall convey him from the county in execution of his warrant.

2036
Warrant, where executed.

SEC. 24. In criminal cases, bail for the appearance of the accused, except when taken by the sheriff, or officer to whom process is directed, and security for the appearance of a witness, shall be given by recognizance. Each judge of the Superior Court, and every justice of the peace shall have authority to take such recognizance; and when so taken out of court, the recognizance shall be signed by the recognizers. When a person is committed for want of bail, or security, the sum required shall be set down on the commitment.

2037
Bail for appearance, how taken.

By whom.

Commitment.

SEC. 25. A person, so committed, shall be discharged upon giving sufficient bail, or security; and any judge, or justice, may require such person to be brought before him for that purpose.

2038
How discharged.

SEC. 26. A capital offence shall not be bailable; but the Court of General Sessions of the Peace and Jail Delivery, when in session, or any judge thereof in vacation, may admit to bail a person accused of such offence before indictment found, if, upon full inquiry, it appears that there is good ground to doubt the truth of the accusation. On such inquiry, the justice, or officer who committed the accused, shall be summoned, and care shall be taken to hear the proper witnesses.

2039
Capital cases.

When bail may be taken.

SEC. 27. When a person arrested by virtue of process issued upon an indictment, or presentment, except for a capital crime, and except process returnable forthwith, offers sufficient bail, it shall be taken, and the person discharged. The court awarding the process, or any judge thereof, or the attorney general, may determine the sum in which bail shall be taken, and set it down on the process; or if no sum be so determined, the officer issuing the process shall set down what sum he deems reasonable for bail.

2040
Bail in other cases.

How determined

SEC. 28. Bail shall be taken by the sheriff, or officer to whom the process is directed, by a joint and several bond executed, by the accused and his bail, to the State, in the sum set down for bail upon the process, with condition, in substance, *that if the accused shall appear in the court, mentioned in the process, at the place and time of the return thereof, to answer as expressed therein, and shall not depart the court without leave, the said bond shall be void.* Bond so taken, shall be returned with the process, and, if default be made, it shall be recorded thereon in the same manner as in the case of a recognizance.

2041
How taken by sheriff.

LAWS OF THE

2042
Search war-
rants, when
and how to
be issued.

SEC. 29. Any justice of the peace, or other magistrate authorized to issue warrants in criminal cases, may, within the limits of his jurisdiction, issue his warrant to search any house, or place, for property stolen, or concealed, or for forged, or counterfeited coins, bank bills, or other writings, or for any instrument, or materials, for making the same, and in other cases and for persons when such search is authorized by law, in the manner prescribed by this section and not otherwise, namely:

2043
Complaint
in writing.

The application, or complaint, shall be in writing, signed by the complainant and verified by his oath, or affirmation. It shall designate the house, or place, to be searched, and the owner, or occupant thereof (if any), and shall describe the things, or persons sought, as particularly as may be, and shall substantially allege the offence committed by, or in relation to such person, or thing, or the cause for which said search is made, and that the complainant has probable cause to suspect, and does suspect that the same is concealed in the house, or place, designated.

2044
How direct-
ed.

The warrant may be directed to any proper officer, or to any other person by name, for service; it shall recite the essential facts alleged in the complaint, and may be made returnable before the magistrate, or justice, issuing it, or before any other magistrate, or justice, before whom it shall also direct to be brought the person, or thing, searched for, if found, and the person in whose custody, or possession, the same may be found, to be dealt with according to law.

2045
When it
may be exe-
cuted at
night.

A search warrant shall not authorize the person executing it to search any dwelling-house in the night time, unless the magistrate, or justice, shall be satisfied that it is necessary in order to prevent the escape, or removal, of the person, or things, to be searched for; and then the authority shall be expressly given in the warrant.

2046
Power to try
offences by
SLAVES.

SEC. 30. Justices of the peace shall severally have jurisdiction to try and punish any slave who shall join, or be wilfully present at any riot, rout, or unlawful assembly, or who shall commit an assault and battery on any person, or who shall, without the special permission of his master, go armed with any dangerous weapon. In every case of conviction under this section, the justice shall give judgment against the master for the costs of the prosecution, and may issue execution thereon as upon a judgment for debt.

Judgment
for costs.

2047
Power of
two justices
to try offen-
ces by
SLAVES.

SEC. 31. Any two justices of the peace for the county shall have jurisdiction to try and punish any slave for the offence of stealing, taking and carrying away any goods, chattels effects, bank note, money, bill, promissory note, check, order, bond, or written contract for the payment of money, or delivery of goods, or of receiving, or concealing, any such stolen property knowing it to be stolen, or taken by robbery.

2048
Order on
master to
pay costs,
&c.

The justices, on conviction of such slave, shall assess the value of the property, so stolen or concealed, unless it shall have been restored, and tax the costs; and shall make an order that the master pay the same, and shall commit the slave until payment, or sale, as provided in chapter 80.

They shall indorse on any process for the arrest of a slave under this section, an order that the constable shall serve a copy of such process on the master as provided in respect to an original summons.

2049
Service on
master.
[2066]

The trial shall not proceed, without the appearance of the master, until the return of the service of such copy is duly verified.

2050
To be veri-
fied.

SEC. 32. Justices of the peace shall severally have jurisdiction of the several offences mentioned in section 4, of chapter 131, being violations of the Sabbath day; and may proceed therein upon their own view, or on other competent evidence.

2051
[2902, &c.]

SEC. 33. Upon the death of a justice, or expiration of his term of office, and the appointment of another, it shall be the duty of such justice, or his executors, or administrators, to deliver all his dockets and records, within three months, to his successor in office, if appointed within that time; and if not, then with one of the nearest justices of the same county. The neglect of this duty shall be a misdemeanor punishable by fine of fifty dollars; and the Superior Court may name the justice to whom the delivery shall be made, and enforce an order for such delivery by fine and imprisonment.

2052
Duty of ex-
ecutors of a
justice in
respect to
his records.

Penalty.

SEC. 34. It is the duty of a justice of the peace, upon request and payment, or tender, of the legal fee, to make and certify, under his hand and seal, a true transcript of all the docket entries in any cause before him, or upon any record in his possession, or if specially required, a full and true copy of all the records, entries, process and papers in or touching such cause; and such transcript, or copy, shall be received in evidence in any court.

2053
Duty of jus-
tice to give
TRANSCRIPT.

Or full
copies.

Upon an appeal, a transcript shall be sufficient, unless a full copy be specially requested. Upon a certiorari, the justice shall make a full copy of the entire record and proceedings.

2054
On appeals.
On certiora-
ri.

If any justice of the peace shall, upon such request and payment, or tender, of the lawful fees, refuse or neglect to perform the duty above required, or shall falsely certify any such transcript, or full copy, or shall use any fraud, falsehood, or deceit, in making the same, he shall be deemed guilty of a misdemeanor, and shall be fined not exceeding one hundred dollars, and shall be liable to the party aggrieved in double damages.

2055
Penalties.

The Superior Court may, in a proper case, supported by affidavit, require the production of the original record.

2056
Originals
may be re-
quired.

SEC. 35. Every justice of the peace shall attend, at the place of election in his hundred, on the day of every general election, or special election, from the opening to the closing of the poll, and shall take care that the peace shall be kept, and that the election shall not be interrupted, or disturbed.

2057
Duty to at-
tend elec-
tions.

If any justice shall refuse, or wilfully neglect, to perform this duty, or to obey the lawful commands of the inspector of such election, he shall be deemed guilty of a misdemeanor and shall be fined one hundred dollars.

2058
Penalty.