

sovereign lord the King, and the other half to him that is grieved by reason of such imprisonment, to be recovered in manner and form afore said; and the defendant in any action or suit for the same shall not wage his law, ne have any essoin or protection allowed; (3) and if it shall appear, upon the appearance of such prisoner at the quarter-sessions, by examination of the justices of the peace there being, that he was imprisoned contrary to the form of this statute, that then he shall be forthwith dismissed, and thereby discharged; and if he were lawfully imprisoned for any other just cause, then to be remanded to prison by the discretion of the said justices.

The liberties of the stannaries saved.

V. Provided alway, That this act, or any thing therein contained, be not in any wise prejudicial or hurtful to any of the officers of the stannery, ne to any of their lawful liberties, privileges, usages, laws or customs, saving only in the cases and provisions contained and limited within this present act, which shall alway be put in execution according to the tenor of this act; any usage, custom, privilege, ordinance or liberty to the contrary thereof notwithstanding.

C A P. XXIV.

An act for recontinuing liberties in the crown.

The re-continuing of certain liberties taken from the crown.

No person shall pardon treasons or felonies but the King.

WHERE divers of the most ancient prerogatives and authorities of justice, appertaining to the imperial crown of this realm, have been severed and taken from the same by sundry gifts of the King's most noble progenitors, Kings of this realm, to the great diminution and detriment of the royal estate of the same, and to the hindrance and great delay of justice; (2) for reformation whereof, be it enacted by authority of this present parliament, That no person or persons, of what estate or degree soever they be, from the first day of July, which shall be in the year of our Lord God 1536, shall have any power or authority to pardon or remit any treasons, murders, manslaughter, or any kinds of felonies, whatsoever they be; (3) nor any accessaries to any treasons, murders, manslaughter or felonies; (4) or any outlawries for any such offences afore rehearsed, committed, perpetrated, done or divulged, or hereafter to be committed, done or divulged, by or against any person or persons in any part of this realm, Wales, or the marches of the same; (5) but that the King's highness, his heirs and successors, Kings of this realm, shall have the whole and sole power and authority thereof united and knit to the imperial crown of this realm, as of good right and equity it appertaineth; any grants, usages, prescription, act or acts of parliament, or any other thing to the contrary hereof notwithstanding.

No person shall make justices but the King.
Hob. 139.
1 Bull. 160.

II. And be it also enacted by authority afore said, That no person or persons, of what estate, degree or condition soever they be, from the said first day of July, shall have any power or authority to make any justices of eyre, justices of assize, justices of peace, or justices of gaol-delivery; (2) but that all such officers and ministers shall be made by letters patents under the King's

King's great seal, in the name and by authority of the King's highness and his heirs Kings of this realm, in all shires, counties, counties palatine, and other places of this realm, *Wales*, and the marches of the same, or in any other his dominions, at their pleasure and wills, in such manner and form as justices of eyre, justices of assise, justices of peace, and justices of gaol-delivery, be commonly made in every shire of this realm; any grants, usages, prescriptions, allowances, act or acts of parliament, or any other thing or things to the contrary thereof notwithstanding.

III. And be it further enacted by authority of this present parliament, That all original writs and judicial writs, and all manner of indictments of treason, felony and trespass, and all manner of process to be made upon the same, in every county palatine, and other liberty within this realm of *England*, *Wales*, and marches of the same, shall from the said first day of *July* be made only in the name of our said sovereign lord the King, and his heirs Kings of *England*; (2) and that every person or persons having such county palatine, or any other such liberty to make such originals, judicials or other process of justice, shall make the *Teste* in the said original writs and judicial, in the name of that same person or persons that have such county palatine or liberty.

All writs, &c. in a county palatine shall be made in the King's name. 4 Inst. 205.

IV. And that in every writ and indictment that shall be made within any such county palatine or liberty, after the said first day of *July* next coming, whereby it shall be supposed any thing to be done against the King's peace, shall be made and supposed to be done only against the King's peace, his heirs and successors, and not against the peace of any other person or persons whatsoever they be; any act of parliament, grant, custom, usage or allowance in eyre before this time had, granted or used, to the contrary notwithstanding.

V. Provided always, That justices of assise, justices of gaol-delivery, and justices of peace, to be made and assigned by the King's highness within the county palatine of *Lancaster*, shall be made and ordained by commission under the King's usual seal of *Lancaster*, in manner and form as hath been accustomed; any thing in this act to the contrary thereof notwithstanding.

Justices assigned within the county palatine of *Lancaster*.

VI. Provided also, That all cities, boroughs, and towns corporate within this realm, which have liberty, power and authority to have justices of peace, or justices of gaol-delivery, shall still have and enjoy their liberties and authorities in that behalf, after such like manner as they have been accustomed, without any alteration by occasion of this act; any thing in this act, or in any article therein contained to the contrary thereof notwithstanding.

Towns corporate which have justices.

VII. And it is ordained by authority aforesaid, That all stewards, bailiffs, and other ministers of any liberties or franchises, which in times past have used, or ought to attend upon the justices of assise, justices of gaol-delivery, and justices of the peace at large in any county, shall be attendant to the justices of assise, done.

Bailiffs and officers of liberties shall attend upon the justices as they have done.

assise, justices of gaol-delivery, and justices of peace of the same shires wherein such liberties and franchises be, and make due execution of all process to them to be directed, for ministration of justice within such liberties or franchises; (2) and that also all such bailiffs, or their deputies or deputy, shall give their attendance and assistance upon the sheriff, together with the sheriffs bailiffs, at all courts of gaol-delivery from time to time, for execution of prisoners according to justice.

Liberties of cities or boroughs not to appear elsewhere.

VIII. Provided always, That the article next above rehearsed shall not in any wise be prejudicial to any stewards, or bailiffs of any cities, boroughs or towns corporate set in any shire of this realm, which have privilege that they should not be compelled to attend or appear out of such cities, boroughs or towns wherein they inhabit, but that every such city, borough and town corporate, shall use their said privileges and liberties as heretofore hath been accustomed; any thing in any of the articles above rehearsed to the contrary thereof notwithstanding.

The King shall have the fines, &c. of bailiffs of liberties.

IX. And it is further enacted by authority aforesaid, That the King our sovereign lord, his heirs and successors, Kings of this realm, from the said first day of *July* next coming, shall have all manner of fines, issues, amerciaments and forfeitures that shall be lost, forfeit or assessed by or upon any stewards, bailiffs, or any other ministers or officers of any franchises or liberties, for non-execution, mis-execution or insufficient returns of such writs, warrants, precepts or other process, which to them, or any of them, or to any their deputy or deputies, shall be directed, or for any contempt, or other misdemeanor whatsoever it be, concerning their offices, in and for the due execution or administration of justice; any grant or allowance, or other thing to the contrary hereof notwithstanding. (2) And that the amerciaments for insufficient returns of writs, or other process made by stewards or bailiffs of liberties or franchises, having returns of writs and execution of the same, shall be put and set upon the heads of such stewards or bailiffs, and not upon the sheriffs.

Fines shall be assessed upon the bailiffs of liberties for insufficient returns, and not upon the sheriffs.

Purveyors may provide within liberties, notwithstanding any grant.

X. And furthermore it is enacted by authority aforesaid, That purveyors assigned by the King's commission for provisions of his Grace, the Queen and their children, shall and may provide all victuals, corn, and other kinds of things whatsoever it be, according to their commissions, as well within liberties and franchises as without; any grants, allowances, or other thing to the contrary or let thereof notwithstanding.

2 Inst. 3.

XI. Provided always, That such purveyors shall observe the statutes for them provided in every behalf.

The King's officers may keep court within the verge, and his clerk of the market only execute his office there.

XII. And over this it is ordained by authority aforesaid, That in all such places wheresoever the King's highness in his own most royal person shall come to rest, tarry, abide, or make his repose within this realm, or any his dominions, within liberty or without, there and within the verge limited and accustomed to his Grace's court, during the time of his abode, his Grace's steward, marshal, coroner, and all other his ministers

sters, shall and may keep their courts for justice, and exercise their offices, as shall appertain to them, according to the laws, statutes and customs of this realm, as well within liberties as without. (2) And that his Grace's clerks of the market, and none other, during the same time, as well within liberties as without, shall exercise the office of clerk of the market; any privilege, grant, allowance or other thing to the contrary hereof notwithstanding.

XIII. Provided alway, That this article next afore rehearsed or any thing therein contained, be not in any wise prejudicial to the city of *London*, but that the same city shall have and use such liberties as they might if this article had never been made.

XIV. And be it also enacted by authority afore said, That all and every statute, act, and acts heretofore made and being in force, against sheriffs, their under-sheriffs, bailiffs, or other ministers, for making or returning of panels or juries, or for due execution or serving of any writs or other process, or for taking of fees, or for reformation of extortions, or for any other thing or things concerning their offices, and all pains and penalties contained in every such statute, shall from henceforth be extended to all stewards, bailiffs and other ministers and officers of liberties and franchises, having returns of writs and executions thereof, in like manner, form and condition as they extend to the sheriffs, their under sheriffs, bailiffs or other ministers, and as if the said stewards, bailiffs or other ministers or officers of liberties and franchises, had been specially and particularly named and rehearsed in such statutes.

All statutes made for sheriffs, under-sheriffs, &c. shall be in force against stewards and other ministers of liberties.

XV. Provided alway, That this article next above rehearsed shall not be prejudicial to any steward, bailiffs of franchises, or to their deputy or deputies, or their clerks, for exercising and occupying their offices over and above one year; but that they and every of them may keep and occupy their said offices for so long time as they be, or hereafter shall be, given to them, as if this article next afore rehearsed had never been made; any of the said acts to be expounded and taken against them or any of them to the contrary thereof notwithstanding.

Stewards and bailiffs of franchises may enjoy their offices above one year.

XVI. And it is enacted by authority afore said, That all such justices to be made as is afore rehearsed in this act, shall have authority and power to keep and hold their sessions of peace, and to deliver the same gaols from time to time only within the same liberties and franchises, and in such places, and in none other places, by reason and authority of that commission, and to do and execute all other things within the same, in as ample and large manner, as any other justices of peace and gaol-delivery in any shire within this realm may do, and have authority to do; any act, grant, use, custom and allowance heretofore had, made or used, or any article in this present act made to the contrary notwithstanding.

XVII. Provided always, That all and singular justices of the peace, gaol-delivery and assize, hereafter to be made, named and appointed by the King's highness, his heirs and successors, within

The new justices shall sit where commonly such have used to be before.

any liberty, where any such justice of peace, gaol-delivery or assize, or any of them, have been made by any person or persons by virtue or authority of any letters patents of the gift or grant of our sovereign lord the King, or his most noble progenitors, Kings of this realm, or otherwise, shall sit and keep their sessions, gaol-delivery, and assizes, only in such place and places as the justices of the said liberties lately have commonly used within the said liberties. (2) And that no person or persons within the said liberties, or any of them, shall be hereafter in any wise compelled by authority of this act to appear out of the said liberties before any other justices of assize, gaol-delivery, or of the peace than before such justices as shall be named and assigned to sit and be by the King's highness, his heirs and successors, within the said liberties in form abovesaid. (3) And that this act shall not extend, or be expounded or taken to any other liberty, privilege or franchise, granted, used or had to any person or persons, other than before in this present act is expressed, and plainly declared and rehearsed; any thing in this act to the contrary notwithstanding, and as if this act had never been made.

Sir Thomas
Englefield,
justice of
Chester and
Flint.

XVIII. Provided always, That this act, nor any thing therein contained, be in any wise hurtful or prejudicial unto Sir *Thomas Englefield*, knight, justice of the county palatine of *Chester* and *Flint*, nor to his deputy or deputies, nor to any of them, of, for or concerning the office of justice or justicer of the said county palatine and *Flint*, nor for or concerning any fees, profits or advantages to the same office in any manner wise appertaining or belonging; (2) but that the said Sir *Thomas*, his deputy and deputies, and every of them, may lawfully have, occupy and exercise the said office, and also receive and take to their own use all manner profits, commodities and advantages to the said office belonging or appertaining, according to the tenor, purport and effect of such letters patents, as before this time were unto the same Sir *Thomas* made under the seal of the said county palatine, or under any other seal, by our said sovereign lord the King that now is, of, for or concerning the said office and other the premisses, or any parcel thereof, in as ample and large manner as though this act had never been had made; any thing in this act contained to the contrary in any wise notwithstanding.

Cities and
towns corpo-
rate shall have
such liberties,
&c. as they
had before.

XIX. Provided alway, That this act, ne any thing therein contained, be in any wise prejudicial or hurtful to any city, borough or town corporate, by what name or names soever they or any of them be incorporate, and their successors, and the successors of every of them, of or for any manner of liberties, privileges, customs, ancient usages and franchises; and also of all manner of fines, issues and amerciaments, and forfeitures, which they or any of them have of the grant or grants of our said sovereign lord the King, or of any of his noble progenitors, Kings of this realm of *England*; (2) but that the said cities, boroughs and towns corporate, and every of them and their successors, may have, take, levy and enjoy all and every such law-
ful

ful liberties, privileges, franchises, customs and ufages, in as ample and large manner, and in like form and condition, as they and every of them have lawfully taken, used and had the fame before the making of this act; any thing in this act to the contrary notwithstanding, and as if this act had never been had ne made.

XX. Provided alway, and be it enacted, That *Thomas* now The bishop of
bishop of *Ely*, and his fucceffors, bishops of *Ely*, and their tem- Ely and his
poral fteward of the ifle of *Ely* for the time being, and every fteward fhall
of them, fhall from henceforth be juftices of peace within the be juftices of
faid ifle, and fhall ufe and exercife all manner of things within the fame ifle,
the fame ifle, that appertaineth or belongeth to any juftices of peace within any county of this realm of *England* to do, exercife and ufe, by virtue and authority that they be juftices of peace, in as ample and large manner as any other juftices of peace in any county within this realm have or might do, exercife or ufe; any thing or things in this act contained to the contrary notwithstanding.

XXI. Provided alway, and be it enacted, That *Cuthbert* now The bishop of
bishop of *Durham*, and his fucceffors, bishops of *Durham*, and their Durham and
temporal chancellor of the county palatine of *Durham* for the his chancellor.
time being, and every of them, fhall from henceforth be juftices 1 Roll 400.
of peace within the faid county palatine of *Durham*, and fhall exercife and ufe all manner things within the fame county palatine, that appertaineth or belongeth to any juftice of peace within any county of this realm of *England*, to do, exercife and ufe, by virtue and authority that they be juftices of peace, in as ample and large manner as any other juftices of peace in any county within this realm have, or might do, exercife or ufe; any thing or things in this act contained to the contrary notwithstanding.

XXII. Provided alway, and be it enacted, That *Edward* now The archbi-
archbishop of *York*, and his fucceffors, archbishops of *York*, and shop of *York*
their temporal chancellor of the fhire and liberty of *Hexam*, and his tem-
otherwife called *Hextoldfham*, for the time being, and every of poral chance-
them, fhall from henceforth be juftices of peace within the faid lator, of *Hex-
toldfham*.
fhire and liberty of *Hexam*, otherwife called *Hextoldfham*, and fhall exercife and ufe all manner of things within the faid fhire and liberty, that appertaineth or belongeth to any juftice of peace within any county of this realm of *England* to do, exercife and ufe, by virtue and authority that they be juftices of peace, in as large and ample manner as any other juftice of peace in any county within this realm have, or might do, exercife or ufe; any thing or things in this act contained to the contrary notwithstanding.

C A P. XXV.

All governors of fhires, cities, towns, hundreds, hamlets and parishes, fhall find and keep every aged, poor and impotent person, which was born or dwelt three years within the fame limit, by way of voluntary and charitable alms in every of the fame cities and parishes, &c. with fuch convenient alms as fhall be thought meet by their difcretion, fo as none of them fhall

shall be compelled to go openly in begging. And alfo fhall compel every fturdy vagabond to be kept in continual labour. (2) Children under fourteen years of age, and above five, that live in idlenefs, and be taken begging, may be put to fervice by the governors of cities, towns, &c. to husbandry, or other crafts or labours. (3) A valiant beggar, or fturdy vagabond, fhall at the firft time be whipped, and fent to the place where he was born or laft dwelled by the fpace of three years, there to get his living; and if he continue his roguifh life, he fhall have the upper part of the griftle of his right ear cut off; and if after that he be taken wandering in idlenefs, or doth not apply to his labour, or is not in fervice with any mafter, he fhall be adjudged and executed as a felon. (4) No perfon fhall make any open or common dole, nor fhall give any money in alms, but to the common boxes, and common gatherings in every parifh, upon pain to forfeit ten times fo much as fhall be given. (5) There fhall be no playing at unlawful games.

EXP.

31 Hen. 8. c. 7.

39 Eliz. c. 4.

C A P. XXVI.

Concerning the laws to be ufed in Wales.

Justice executed in Wales in manner as it is in England.

4 Inft. 233.

The caufes why a diverfity hath been made between the King's fubjects of England and Wales.

3 Bulft. 117.

Palmer 15.
All perfons born in Wales fhall enjoy all liberty as

ALBEIT the dominion, principality and country of Wales juftly and righteoufly is, and ever hath been incorporated, annexed, united and fubject to and under the imperial crown of this realm, as a very member and joint of the fame, wherefore the King's moft royal majefty of meer droit, and very right, is very head, King, lord and ruler; (2) yet notwithstanding, becaufe that in the fame country, principality and dominion, divers rights, ufages laws and customs be far discrepant from the laws and customs of this realm, (3) and alfo becaufe that the people of the fame dominion have, and do daily ufe a fpeech nothing like, ne confonant to the natural mother tongue ufed within this realm, (4) fome rude and ignorant people have made diftinction and diverfity between the King's fubjects of this realm, and his fubjects of the faid dominion and principality of Wales, whereby great difcord, variance, debate, divifion, murmur and fedition hath grown between his faid fubjects; (5) his Highnefs therefore of a fingular zeal, love and favour that he beareth towards his fubjects of his faid dominion of Wales, minding and intending to reduce them to the perfect order, notice and knowledge of his laws of this his realm, and utterly to extirp all and fingular the finifter ufages and customs differing from the fame, and to bring the faid fubjects of this his realm, and of his faid dominion of Wales, to an amicable concord and unity, hath by the deliberate advice, confent and agreement of the lords fpiritual and temporal, and the commons, in this prefent parliament affembled, and by the authority of the fame, ordained, enacted and eftablifhed, That his faid country or dominion of Wales, fhall be, ftand and continue for ever from henceforth incorporated, united and annexed to and with this his realm of England; (6) and that all and fingular perfon and perfons, born and to be born in the faid principality, country or dominion of Wales, fhall

The custom of England that Rectors & Vicars leave have, their vicarages in repair to their successors is by this statute transferred to Wales Bumbley o Hewson