

Statutes made at *Westminster*, Anno 37 HEN. VIII.  
and Anno Dom. 1545.

**STATUTES** made in the parliament holden at Westminster the twenty-third day of November in the seven and thirtieth year of the most renowned Henry the Eighth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth supreme head.

CAP. I.

*A bill for custos rotulorum and the clerkship of the peace.*

**W**HERE before this time the lord chancellor of England for the time being hath, by reason of his office of the chancellorship, the nomination and appointment of the custos rotulorum within all and every shire of this realm of England and Wales, and other the King's dominions, marches and territories of the same, (2) and that in like manner all and every person which hath had and enjoyed the said office of the custos rotulorum, hath had, until now of late, the nomination and appointment of the clerk of the peace within such shires where he or they had and enjoyed the said office of the custos rotulorum: (3) and where now of late divers and sundry persons within this realm, being not learned, nor yet meet ne able for lack of knowledge and learning to occupy and exercise the said offices of the custos rotulorum, and of the clerkship of the peace, have of late years by labour, friendship and means, attained and gotten for term of their lives, of the King's majesty, several grants by his Highness letters patents to them made of the said clerkships of the peace; by reason whereof, and for that the parties to whom the said several grants have been so made and granted, have not been sufficiently learned to exercise and occupy the same office and offices, many and sundry indictments, as well of felony, murder and other offences and misdemeanors, and the process awarded upon the same indictments, have not only been by reason thereof made clearly frustrate and void, sometime by reason of the negligent ingrossing and keeping of the said indictments, and sometime by reason of the imbecilling or rasure of the same indictments, (4) but also divers and sundry bargains and sales of divers and sundry manors, lands and tenements had and made between party and party, have been made frustrate and void for lack of sufficient inrollment of the same bargains and sales, to be had and made by the clerks of the peace, to the great hindrance of justice, and to the disinherittance of divers of the King's most loving subjects:

II. For reformation whereof, and to the intent that justice may be the better hereafter preferred, and that the same offices may hereafter be occupied and exercised by such persons learned in the laws of this realm, as shall be able to exercise and supply the same: (2) be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and of the commons,

Who shall appoint the custos rotulorum and clerk of the peace in every county.

Inconveniences ensuing by the ignorance of the clerk of the peace.

*Cus. rot. ant. appoint previous to this stat. 6 Bing: 2.*



hand.  
 Altered by 3  
 & 4 Ed. 6. c. 1.  
 f. 3.  
 4 Mod. 167.  
 1 Show. 430,  
 431.

commons, in this present parliament assembled, and by authority of the same, That no person or persons shall from henceforth be nominated and appointed to the said office and offices of the *custos rotulorum* within any shire of this realm of *England, Wales*, and other the King's dominions, marches or territories of the same, but such as shall have a bill signed with the King's hand for the same; (3) which bill signed shall be a sufficient warrant by the authority abovesaid, to the said lord chancellor of *England*, and the lord keeper of the great seal for the time being, to make from time to time commission or commissions, assigning and authorizing thereby the same person to be *custos rotulorum*, until the King hath, by another bill assigned with his own hand, appointed and ordained one other person to have, occupy and exercise the same office of the *custos rotulorum*, (4) and that the said person appointed and assigned to be *custos rotulorum* as is abovesaid, shall and may occupy, exercise and enjoy the same office of the *custos rotulorum*, by himself, or by his sufficient deputy, learned in the laws of this realm, and meet and able to supply the said office according to the tenor of the said grant or commission.

The *custos rotulorum* shall appoint the clerk of the peace.  
 Carth. 426.

III. And be it further enacted by the authority of this present parliament, That every *custos rotulorum* for the time being shall, at all times hereafter in every shire of this realm, *Wales*, and other the King's dominions, marches and territories of the same, nominate, elect, appoint and assign all and every person and persons which hereafter shall be clerks of the peace within any of the said shires of this realm of *England, Wales*, and other the King's dominions, marches and territories of the same, (2) and to give and grant the said office and offices of the clerkship of the peace to such able person instructed in the laws of this realm, as shall be able to exercise and occupy the same, to hold and enjoy the same during the time that the said *custos rotulorum* shall occupy and exercise the foresaid office of *custos rotulorum*, so that the said clerk demean him in the said office justly and honestly: (3) and that it shall be lawful to every such grantees of the said clerkship, to occupy and enjoy the same office of the clerkship of the peace, by himself, or by his sufficient deputy instructed in the laws of this realm, so that the same deputy be admitted, taken and reputed by the said *custos rotulorum*, to be sufficient and able to exercise, occupy, keep and enjoy the same office of the clerkship of the peace.

The clerk of the peace may make a deputy by the assent of the *custos rotulorum*.

IV. Provided alway, and be it enacted by the authority abovesaid, That all such as now have any of the said offices of *custos rotulorum*, or clerkship of the peace, by the King's letters patents or commission to them made, shall and may enjoy, have and exercise their said offices by virtue of the same letters patents or commission, by themselves, or by their sufficient and able deputy instructed in the laws of this realm; any thing in this present act had or made to the contrary notwithstanding.

Persons having authority to assign *custos rotulorum* or

V. Provided also, and be it enacted by authority abovesaid, That the archbishop of *York*, the bishop of *Durham*, the bishop of *Ely*, and every of their successors, and all and every such person and persons, corporations and bodies corporated, to whom the



the King's majesty, or any of his noble progenitors by his or clerk of the their letters patents have given and granted any liberty and au- peace. thority, or otherwise have authority by other lawful means or ways, to ordain, make and constitute any of the said offices of *custos rotulorum*, or clerk of the peace, within any county palatine, or other place, shall and may have and enjoy the same liberty and authority, according as they have had and enjoyed the same; any thing in this present act had or made to the contrary notwithstanding.

## CAP. II.

*Hounslow-beath* in the county of *Middlesex*, which doth contain four thousand two hundred fourscore and thirteen acres and one rood of ground, extendeth into several parishes: so much thereof as is the King's inheritance, and is meet for tillage, pasture, meadow or other several ground, shall be of the nature and condition of copyhold land: or the same may be letten by the steward of the manor at will, or for twenty-one years, which lessee shall or may improve it.

## CAP. III.

*Huntingdon-lane* near the city of *Chester*, being in length two miles and half, shall be from time to time repaired by one that shall dwell in the said lane, and shall have pasture for five kine or beasts in the highway from *Bothill* to *Butterbach-bridge*, Sir *William Stanley* and Sir *Hugh Calverley*, and their heirs male, being of full age, and in default of them, the mayor and aldermen of *Chester*, shall appoint the same party, and remove him if he be negligent in repairing any part of the said way.

## CAP. IV.

*A bill for colleges, chantries, &c.*

IN their most humble wise shewn unto your royal Majesty your loving subjects, the lords spiritual and temporal, and the commons, of this present parliament assembled, That where there have been divers colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, guilds and stipendary priests, having perpetuity for ever within this your realm of England, Wales, and the marches of the same, of which, some of them by the licence of your gracious Highness, or of your noble progenitors, and some of them by feoffments and wills thereupon declared, and some of them by other devises, conveyance and assurance, have been incorporated, established, founded, erected, had or made by divers names, surnames, degrees and corporations, to have had a perpetual continuance for ever; (2) sitbence which time divers and many of the donors, founders or patrons, or such as pretend to be donors, founders or patrons of the same colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, guilds, and stipendary priests, and divers other, of their avaricious and covetous minds, and of their own authority, without your gracious licence, have of late entered into the mansion houses, manors, lands, tenements and other hereditaments, to the same colleges, free chapels, chantries, hospitals, fraternities, brotherhoods, guilds and stipendary priests belonging and appertaining,

That all chapels, &c. shall be in the King's disposition.  
3 Bulstr. 152.  
Hob. 123.