come by appointment of the faid late King Henry the Eighth. to repeal all statutes made before his full age of four and twenty years, saving this statute, and all pardons granted by parliament: So that the faid repeal contain all fuch acts as shall be repealed, and three several days be openly proclaimed in the chancery in term-time, &c. and once in every county at the affiles.

## CAP. XII.

An aet for the repeal of certain statutes concerning treasons and felonies.

OTHING being more godly, more sure, more to be wished Statutes con-and desired betwixt a Prince, the supreme head and ruler, and cerning treathe fubjects, whose governor and head he is, than on the Prince's part fons, &c. segreat clemency and indulgency, and rather too much forgiveness and pealed. remission of his royal power and just punishment, than exact severity and justice to be shewed; and on the subjects behalf, that they should over rather for love, and for the necessity and love of a King and prince, than for fear of his strait and severe laws; (2) yet such times at some time cometh in the common wealth, that it is necessary and expedient for the repressing of the insolency and unruliness of men, and for the foreseeing and providing of remedies against rebellion, insurrection, or such mischiefs, as God sometime with us displeased, for our punishment doth inflict and lay upon us, or the devil at God's permission, to assay the good and God's elect, doth sow and set among us; the which Almighty God with his help, and man's policy hath always been content and pleased to have staid, that sharper laws, as a harder bridle should be made, to stay those men and facts that might else be occasion, cause and authors of further inconvenience; (3) the which Sometimes thing caused the prince of most famous memory, King Henry the sharp and sometimes Eighth, father to our said sovereign lord the King, and other bis high-milder laws be ness progenitors, with the affent of the nobles and commons, at divers made, accordparliaments in their several times holden, to make and enact certain ing to the laws and statutes, which might seem and appear to men of exterior people's inchirealms, and many of the King's majesty's subjects, very strait, sore, extream and terrible, although they were then, when they were made, not without great consideration and policy moved and established, and for the time, to the avoidance of further inconvenience, very expedient and necessary: (4) But as in tempest or winter, one course and garment is convenient, in calm or warm weather a more liberal cafe er lighter garment, both may and ought to be followed and used; so we have seen divers strait and sore laws made in one parliament (the time so requiring) in a more calm and quiet reign of another prince. by the like authority and parliament, repealed and taken away: (5) The which most high clemency and royal example of his Majesty's most noble progenitors, the King's highnels of his tender and godly nature, most given to mercy and love of his subjects, willing to follow, and perceiving the hearty and sincere love that his most loving subjects, both the lords and commons, do bear unto his Highness, now in this his Majesty's tender age, willing also to gratify the same therefore, and minding

minding further to provoke his said subjects with great indulgency and clemency shewed on his Highness behalf, to more love and kindness toward his Majesty (if it may be) and upon trust that they will not abuse the same, but rather be encouraged thereby more faithfully and with more diligence (if it may be) and care for his Majesty, to serve his Highness now in this his tender age, is contented and pleafed, that the severity of certain laws here following be mitigated and remitted.

No offence made treason shall be so adjudged, but fuch as were made treason by the statute of 25 Ed. 3. Stat. 5. C 2. 1 H. 8. c. 4. 2H. 4. C. 15.

II. Be it therefore ordained and enacted by the King our fovereign lord, with the affent of the lords spiritual and temporal, by any flatute and of the commons, in this present parliament assembled, and by the authority of the same, That from henceforth no act, deed or offence, being by act of parliament or statute made treason or petit treason, by words, writing, ciphering, deeds, or otherwise whatsoever, shall be taken, had, deemed and adjudged to be high treason or petit treason, but only such as be treason or petit treason, in or by the act of parliament or statute made in 1 M. seff. 1.c. 1. the five and twentieth year of the reign of the most noble King of famous memory, King Edward the Third, touching or concerning treason or the declarations of treasons, and such offences as hereafter shall by this present act be expressed and declared to be treason or petit treason, and none other; (2) nor that any pains of death, penalty or forfeiture in any wife enfue or be to any of the offenders for the doing or committing any treason or petit treason, other than such as be in the said statute made in the faid twenty-fifth year of the reign of the faid King Edward the Third, or by this present statute ordained and provided; any act or acts of parliament, statute or statutes, had or made at any time heretofore, or after the faid twenty-fifth year of the reign of the faid late King Edward the Third, or any other declaration or matter to the contrary in any wife notwithstanding.

5 R. 2. Stat. 2. 34 & 35 H. 8. C. I.

III. And also be it further enacted by the authority aforesaid, That all acts of parliament and statutes touching, mentioning 25 H. 8. c. 14. or in any wife concerning religion or opinions, that is to fay, 31 H. 8. c. 14. as well the statute made in the first year of the reign of the King's noble progenitor King Richard the Second; (2) and the statute made in the second year of the reign of King Henry the fifth; and the statute also made in the twenty-fifth year of the reign of King Henry the Eighth, concerning punishment and reformation of hereticks and Lollards, and every provision therein contained; (4) and the statute made for the abolishment of diversity of opinions in certain articles concerning Christian religion commonthe before spe- ly called the Six articles, made in the parliament begun at Westminster the twenty-eighth day of April in the one and thirtieth year of the reign of the most noble and victorious prince of most act concerning famous memory King Henry the Eighth, father of our most dread fovereign lord the King that now is; (5) and also the act of parliament and statute made in the parliament begun at Westminster the sixteenth day of January in the three and thirtieth year of the reign of the faid late King Henry the Eighth, and after

35 H. 8. c. 5. A repeal of cified fix statutes, and of every other doctrine and matter of religion.

after that prorogued unto the two and twentieth day of Yanuary in the four and thirtieth year of the reign of the said late King Henry the Eighth, touching, mentioning or in any wife concerning books of the old and new testament in *English*, and the printing, uttering, felling, giving or delivering of books or writings, and retaining of *English* books or writings, and reading, preaching, teaching or expounding of scripture, or in any wife touching, mentioning or concerning any of the fame matters. (6) And also one other statute made in the parliament holden at Westminster in the five and thirtieth year of the reign of the faid late King Henry the Eighth, concerning the qualification of the statute of six articles; (7) and all and every other act or acts of parliament concerning doctrine or matters of religion; (8) and all and every branch, article, sentence and matter, pains and forfeitures contained, mentioned or in any wife declared in any of the same acts of parliament or estatutes, shall from henceforth be repealed, and utterly void and of none effect.

IV. And be it further ordained and enacted by the authority All statutes aforesaid, That all offences made felony by any act or acts of made fithence parliament, statute or statutes, made sithence the twenty-third of H. 8. to day of April in the first year of the reign of the said late King make any Henry the Eighth, not being felony before, and also all and thing felony, every the branches and articles mentioned or in any wife declar repealed. red in any of the same statutes concerning the making of any offence or offences to be felony, not being felony before, and all pains and forfeitures concerning the same or any of them, shall from henceforth be repealed and utterly void, and of none effect.

V. And be it also ordained and enacted by the authority a- A repeal of foresaid, That one act made in the parliament holden at West- the stat. of 32. minster in the xxxi. year of the reign of the said late King Hen- H. 8. c. 8. & by the Eighth, that proclamations made by the King's highness, 34 & 35 H. 8. by the advice of his honourable council, should be obeyed and ing the authokept as though they were made by authority of parliament; and rity of the also one other act made in the parliament holden in the xxxiv. King's proclayear of the reign of the said late King Henry the Eighth, for mations. the due execution of the said proclamations; and also all and every branch, article and matter in the same statutes and in every of them mentioned or declared, shall from henceforth be repealed, and utterly made void and of none effect.

VI. And be it enacted by the authority aforesaid, That if any The penalty person or persons, at any time after the first day of March next for affirming coming, by open preaching, express words or sayings, do affirm by words, that or set forth that the King, his heirs or successors, Kings of this supreme head realm, for the time being, is not, or ought not to be supreme of the church, head in earth of the church of England and Ireland or any of or that any othem, immediately under God; (2) or that the bishop of Rome, ther is; or to or any other person or persons, other than the King of England pose him, or to for the time being, is or ought to be by the laws of God supreme affirm that he head of the same churches or of any of them; (3) or that the ought not to

King,

King, his heirs or successors, Kings of this realm, is not, or

be King. Repealed 1 & 2 Ph. & M.c. 8. for so much as concerns the supremacy.

The punishment for the 5. C. 2.

The punishment for the third offence, being twice convicted.

ought not to be King of England, France and Ireland, or any of them; (4) or after the faid first day of March do compass or imagine, by open preaching, express words or sayings, to depose or deprive the King his heirs or successors, Kings of this realm, from his or their royal estate or titles to or of the realms aforesaid; (5) or do openly publish or say by express words or sayings, that any other person or persons, other than the King, his heirs or successors, Kings of this realm, of right ought to be Kings of the realms aforefaid or of any of them, or to have and enjoy the fame or any of them; (6) that then every such offender, being thereof duly convicted or attainted by the laws of this realm, their aiders, comforters, abettors, procurers and counsellors, for his or their such first offence, shall lose and forfeit to the King all his and their goods and chattels, and also shall have and suffer imprisonment of his and their bodies, at the King's will and pleasure. (7) And if any person, being once convicted or attainted of any of the said offences, shall after his conviction fecond offence or attainder eftsoons commit or perpetrate any of the offences being once be-foreconvicted. Defore mentioned, other than such as be expressed in the said 25 Ed. 3. stat. estatute made in the said xxv. year of King Edward the Third, and shall be thereof duly convicted and attainted by the laws of this realm; that then every such offender, their aiders, comforters, abettors, procurers and counsellors, for his or their said second offence or offences, shall lose and forfeit to the King the whole issues and profits of all his and their lands, tenements and other hereditaments, benefices, prebends and other spiritual promotions, for term of life of such offender or offenders; and shall also lose and forseit to the King all his and their goods and chattels, and also suffer, during his and their lives, perpetual imprisonment of his and their bodies: (8) And if any person being two times hereafter convicted or attainted of any of the same offences, shall after his said second conviction or attainder estsoons commit or perpetrate again any of the said offences, and be thereof duly convicted or attainted by the laws and statutes of this realm; that then every such third offence or offences shall be deemed and adjudged high treason, and the offender or offenders, their aiders, comforters, abettors, procurers and counfellors, being therein convicted or attainted, according to the laws and statutes of this realm, shall be deemed and adjudged high traitors, and shall suffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements to the King, as in cases of high treason.

VII. And be it further enacted by the authority aforesaid, That if any person or persons, at any time after the said first day of March next coming, by writing, printing, overt-deed or act, do affirm or fet forth that the King of this realm for the time being is not or ought not to be supreme head in earth of the church of England and Ireland, or of any of them, immediately under God; (2) or shall by writing, printing, overt-deed or act, after the said first day of March affirm or set forth, that the bishop of

Rome,

Reme, or any other person or persons, other than the King of England for the time being, is or ought to be by the laws of God or otherwise, the supreme head in earth of the same churches or of any of them; (3) or do after the said first day of March com- It shall be high pass or imagine by writing, printing, overt-deed or act, to de-treason to aspose or deprive the King, his heirs or successors, Kings of this ing, printing realm, from his or their royal estate or titles of the King of or deed, that England, France or Ireland, or of any of them; (4) or by any the King is not writing, printing, overt-deed or act, do affirm that any other supreme head of the church, person or persons, other than the King, his heirs and successors, or that any ois or of right ought to be King of the realms of England, France ther is, or, &c. or Ireland, or to have and enjoy the same or any of them; (5) Repealed 1 & 2 that then every such offence and offences shall be deemed and ad-Ph. & M. c. 8. judged high treason, and the offender and offenders, their aiders, 26 H. 8. c. 13. comforters, abettors, procurers and counsellors, therein convicted or attainted according to the laws and statutes of this realm, shall be deemed and adjudged high traitors, and shall fuffer pains of death, and lose and forfeit all their goods and chattels, lands and tenements to the King, as in cases of high treason.

VIII. Provided always, and be it enacted by the authority To which acts aforesaid, That this statute or any thing therein contained, shall of parliament not in any wife extend to repel, annul or make frustrate or void, this statute exany act or acts of parliament, statute or statutes made concerning the counterfeiting or forging of any of the coins of this realm, (2) or of the coin of any other realm or realms, current within this realm, (3) or for clipping, washing or filing of any of the said coins, (4) or for or concerning the bringing into this realm of counterfeit money or coin; (5) ne to any statute made 27 H. S. c. 2. in the xxvij. year of the said late King Henry the Eighth, concerning the falle forging and counterfeiting of the King's signs manual, privy fignet or privy feal; (6) ne to their counsellors, procurers, aiders and abettors, (7) nor to any article or branch concerning the same offences or any of them, contained in the same statutes or any of them.

IX. And be it further enacted by the authority aforefaid, It hall be high That if any of the heirs of the King our said sovereign lord treason to inthat now is, or any person or persons to whom the crown and terrupt any dignity of this realm is limited and appointed by act of parlia- whom the ment made in the xxxv. year of the reign of the said late King crown is limit-Henry the Eighth, or the heirs of any of them, do at any time ed by the stahereafter usurp the one of them upon the other in the crown of tute of 35 H.8. this realm, or demand, challenge or claim the same otherwise, c. 1. or in any other form or degree of descent or succession, or in any other course, form, degree or condition, but only in such manner and form as is declared by the faid statute; or if any of the laid heirs or persons aforesaid do interrupt or let the King's highness that now is, peaceably and quietly to keep, have and enjoy the faid imperial crown: that then all and fingular the offenders, their aiders, comforters, abettors, procurers and counsellors therein, shall be deemed and adjudged high traitors,

and shall suffer and incur the pains of death, losses and forseitures, as is aforesaid, in cases of high treason.

The offenders in these felonies shall be excluded of their clergy

C. 33. Hob. 294-

ing one horse are outted of elergy, &c.

1 Jac. 1. C.25. Sanctuaries extinct.

11 Coke 31.

Statutes made during the reign of King confirmed. 35 H. 8. c. 6.

4 H. 8. c. 2. 22 H. 8. c. 2.

This statute shall not extend to those that be arrested, imprisoned, indicted, ed, or fléd for treason.

X. And it is further ordained and enacted by the authority aforesaid, That no person or persons that heretofore hath been, or at any time hereafter shall be, in due form of the laws, attainted or convicted of murder of malice prepented, or of poiand fanctuary soning of malice prepensed; (2) or of breaking of any house by by 2 & 3 Ed. 6. day or by night, any person being then in the same house where the same breaking heretofore hath been or hereafter shall be committed, and heretofore hath been or hereafter shall be thereby put in fear or dread; (3) or of or for robbing of any per-Persons steal- son or persons in the highway, or near to the highway; or for felonious stealing of horses, geldings or mares; (4) or of selonious taking of any goods out of any parish church, or other church or chapel; (5) or being indicted or appealed of any of the same offences, and thereupon found guilty by verdict of twelve men, or shall confess the same upon his or their arraignment, or will not answer directly, according to the laws of this realm, or shall stand wilfully, or of malice mute, (6) shall not Clergy allow- be admitted to have or enjoy the privilege or benefit of his clergy ed in all other or fanctuary, but shall be put from the same: (7 And that in cases of felony. all other cases of felony, other than such as are before mentioned, all and fingular person and persons, which after the first day of March next coming shall be arraigned or found guilty upon his or their arraignment, or shall confess the same, or stand mute, in form aforefaid, or will not answer directly in form 2bovesaid, shall have and enjoy the privilege and benefit of his or their clergy, the liberty and privilege of fanctuary, in like manner and form as he or they might or should have done before the four and twentieth day of April in the first year of the reign of the laid late King Henry the Eighth.

XI. Provided always, and be it enacted by the authority aforesaid, That all clauses, articles and sentences mentioned or H. 8. touching specified in any act or acts of parliament, statute or statutes challenges and made in the time of the reign of the said late King Henry the foreign pleas, Eighth, touching or in any wife concerning any manner of challenge for the county, hundred, or peremptory challenge, or any of them, or touching or in any wife concerning any manner of trial of foreign pleas pleaded by murderers, felons or other offenders, shall, as concerning the said challenges and trials, remain in their force and strength not repealed; any thing in this act mentioned founding or feeming to the contrary in any wife

notwithstanding.

XII. Provided also, and be it ordained and enacted by the authority aforesaid, That this act of parliament or any thing therein mentioned, as concerning the repeal of any estatute of estatutes made touching treason or misprission of treason, shall not in any wife give any manner of benefit, advantage or comconvicted, out- modity to any person or persons, being the last day of October lawed, attaint- last past arrested or imprisoned for treason, petit treason, or misprision of treason, or to any person or persons heretofore being indicted indicted of treason, petit treason, or misprission of treason, or to any other person or persons being likewise convicted, outlawed or attainted of treason, petit treason, or misprission of treason, or being fled beyond the feas or into Scotland, before the faid last day of October last past, for any treason, petit treason, or misprission of treason; but that they and every of them shall suffer such pains of death, losses and forseitures of lands and goods, as in cases of treafon as though this act had never been had or made; any thing in this act to the contrary in any wife notwithstanding; and that the laws and statutes repealed by this act shall stand against them and every of them in full strength, virtue, force and effect concerning all and every offence by them or any of them heretofore committed or done.

XIII. Provided also, and be it ordained and enacted by the Wilful killing authority aforesaid, That all wilful killing by poisoning of any by poisoning person or persons, that at any time hereafter shall be done, per-shall be adpetrated or committed, shall be adjudged, taken and deemed judged murwilful murder of malice prepensed; (2) and that the offenders 1 Bulftr. 87.

therein, their aiders, abettors, procurers and counsellors shall Plowd. 473. suffer death, and forfeit in every behalf, as in other cases of wil- 4 co. 47. ful murder of malice prepensed. XIV. And over that, be it enacted by the authority aforesaid, A lord of the That in all and every case and cases, where any of the King's parliament majesty's subjects shall and may, upon his prayer, have the pri- shall have his wilege of clergy as a clerk convict, that may make purgation; clergy for the in all those cases and every of them, and also in all and every case felony, though and cases of felony, wherein the privilege and benefit of clergy he cannot is restrained, excepted or taken away by this statute or act, (wil-read and withful murder and poisoning of malice prepensed only excepted) out burning.

prayer, alledging that he is a lord or peer of this realm, and claiming the benefit of this act, though he cannot read, without any burning in the hand, loss of inheritance or corruption of his blood, be adjudged, deemed, taken and used for the first time only, to all intents, constructions and purposes, as a clerk convict, and shall be in case of a clerk convict, which may make purgation, without any further or other benefit or privilege of clergy to any fuch lord or peer from thenceforth at any time after for any cause to be allowed, adjudged or admitted; any law, flatute, usage, custom, or any other thing to the contrary in any

the lord and lords of the parliament, and peer and peers of the realm, having place and voice in parliament, shall by virtue of this present act, of common grace, upon his or their request or

wife notwithstanding. XV. Provided always, That if any of the faid lords of the Trial by peers parliament, or any of the peers of this realm for the time be- of a lord of the ing, shall fortune to be indicted of any of the offences limited parliament. in this act; that then they and every of them shall have his or their trial by their peers, as it hath been used heretofore in cases of high treason.

XVI. And be it further enacted by the authority afore- Bigamus alsaid, That if any person or persons, that by this statute or by lowed his clerany 87.

I Jac. 1. c. 11. any other statutes or laws of this realm ought to have or be ad-Brook clergy mitted to the benefit of his or their clergy; that the same person and persons shall be from henceforth admitted and allowed to have his or their clergy, although they or any of them have been divers and fundry times married to any fingle woman or fingle women, or to any widow or widows, or to two wives or more: any law, statute or usage to the contrary in any wife notwithstanding.

tho' her husband be attainted of treason, &c. Altered for high treason by 5 & 6 Ed. 6. c. 11. f. g. Dyer 97.

The wife shall thority aforesaid, That albeit any person or persons of what XVII. And over that it is ordained and enacted by the auestate, condition or degree he or they be, shall hereaster fortune to be attainted, convicted or outlawed of any treason, petit treason, misprission of treason, murder or felony whatsoever, yet that notwithstanding, every woman that is or shall fortune to be wife of the person so attainted, convicted or outlawed, shall be endowable and enabled to demand, have and enjoy her dower in like manner and form as though her hufband had not been attainted, convicted or outlawed; any statute, law, usage or custom to the contrary in any wife notwithstanding: (2) Saving to all and every other person and persons, bodies politick and corporate, their heirs and fuccessors, and to every of them, (other than to such offender or offenders as shall be attainted, convicted or outlawed) all fuch right, title, interest, entry, leases, possession, condition, profit, commodity and hereditaments, as they or any of them had or should or of right ought to have before or at the time of the faid attainder, conviction or utlagary.

A confirmation of the statute 27 H. 8. c. 17. concerning a fervant taking his master's goods. Rep. 1 M. sess. 2. C. I. 21 H. 8. c. 7. 5 El.c. 10.

XVIII. Provided also, and be it enacted by the authority aforesaid, That one act made at the parliament holden at Westminster upon divers prorogations the iv. day of February in the xxvij. year of the said late King Henry the Eighth, and there continued and kept until the xxiv. day of April then next ensuing, concerning and touching the felonious taking away by any fervant the goods or chattels of the master or mistress, and all articles and fentences contained in the same act, shall stand, be and remain in full strength, force and effect, in such manner and form as it did before the making of this present act; the repeal or revocation of the acts abovefaid to the contrary notwithstanding.

Within what offence committed the be accused.

XIX. Provided alway, and be it enacted by the authority time after the aforesaid, That no person or persons shall in any wise be impeached or put to answer for any of the offences abovesaid conoffender must cerning treason by open preaching or words only, unless the party, offender or offenders be thereof accused within thirty days next after the fame open preaching or words to spoken or declared, if the accusers shall fortune to be within this realm, during the said space of thirty days next after the said offence committed or done: (2) and if the accusers shall happen to be out of this realm during the faid space of thirty days, then the party or parties to offending shall be accused as is aforesaid, within fix months next after the fame preaching, or words for spoken or declared; or else the party or parties so offending,

their

their aiders, comforters, abettors and counsellors, or any of them, not to be impeached, or put to answer for any such offence or offences; (3) and that the same accusation or accusations so Towhom the to be had, made and declared, shall be made to one of the accusation King's council, or to one of the King's justices of assis, or else must be made. to one of the King's justices of peace, being of the quorum, or to two justices of the peace within the shire where the same offence or offences shall happen to be done or committed; any thing in this act contained to the contrary thereof notwithstanding.

XX. Provided also, and be it declared and enacted by the Keeping authority aforesaid, That concealment, or keeping secret any secret high high treason, shall be from henceforth adjudged, deemed and misprisson of taken misprission of treason, and the offender therein shall forseit treason. and fuffer as in cases of misprission of treason, as heretofore hath been used; any thing above mentioned to the contrary not-

withstanding.

XXI. Provided also, and be it declared and enacted by the The French authority abovelaid, That this act, or any thing therein contained, shall not extend to charge, or make any person or per- be so called. sons to be offender or offenders in any of the articles abovesaid, for calling, naming, saying, writing or printing the French King for the time being, by the name of the King of France or French King; any thing above declared and enacted to the contrary in any wife notwithstanding.

XXII. Provided always, and be it enacted by the authority Noindictment aforesaid, That no person or persons, after the first day of or arraign-February next coming, shall be indicted, arraigned, condemned two witnesses or convicted for any offence of treason, petit treason, misprission or confession. of treason, or for any words before specified to be spoken after 1 & 2 Ph. & the said first day of February, for which the same offender, M. c. 10. speaker, offenders or speakers, shall in any wise suffer any pains 3 Inst. 25, 26. of death, imprisonment, loss or forfeiture of his goods, chattels, lands or tenements; unless the same offender, speaker, offenders or speakers, be accused by two sufficient and lawful witnesses, or shall willingly without violence confess the same.

## CAP. XIII.

A lublidy of tonnage and poundage granted to the King during 4 Inft 33. his life.

## CAP. XIV.

## The all for chantries collegiate.

HE King's most loving subjects, the lords spiritual and temporal, All chantries. and the commons, in this present parliament assembled, consider- &c. be granting that a great part of superstition and errors in christian religion ed to the bath been brought into the minds and estimations of Men, by reason Cro. Jac. 51. of the ignorance of their very true and perfect salvation through the Hob. 123. death of Jesus Christ, and by devising and phantasying vain opinions Moor 865. of purgatory and masses satisfactory, to be done for them which be de- 1 Roll. 152, parted; the which destrine and vain opinion, by nothing more is main- 2 Roll. 160. tained Goldsb. 93.