

unto, and there inrolled in that court: (6) which consent royal being obtained for the soil of such waste, being of the possessions of the crown, and under the seal of the said duchy, of your Highness soil of such wastes as are of those possessions; the said undertakers, and their heirs and assigns, shall and may enjoy in severalty the soil of so much waste and common as was so contracted for, assigned and set forth by the most part of your Highness commoners, in such sort and quality as the said undertakers shall hold and enjoy the interest of common, to all intents and purposes.

This statute shall extend but to so much common as shall be contracted for.

This assignment shall hinder no man's liberty.

Not prejudicial to the ports or havens.

1 Saund. 346.

IV. Provided always, and be it enacted, That this act, nor any thing therein contained, shall not extend to the impairing, diminishing, letting, taking away or extinguishing of the interest of the commoners or any of them, or of the lords or owners of the soil, of, in or to any part of the residue of the wastes or commons, which is not or shall not be so set forth or assigned to the undertakers: (2) nor to any franchises, or liberties, or waif, stray, leet, lawday, nor other liberties to be used or taken in the part so to the said undertakers assigned; (3) but that as well the commoners, and lords and owners of that soil, shall and may enjoy their commons in the residue thereof, and the Queen's majesty, her heirs and successors, and the lords and owners shall and may have and enjoy such liberties and franchises in such their part as heretofore was lawfully used, and as they or any of them should or might have done, if this act or such contract, bargain and assignment had never been; any thing in this statute contained to the contrary notwithstanding.

V. Provided always, and be it enacted, That this act, nor any thing therein contained, shall not extend either to any bargain, sale, agreement, grant, conveyance or assurance, or to the inning, draining or laying dry of any commons, marshes or surrounded grounds, whereby or by means whereof any of the havens or ports of this realm of *England* may be in any sort annoyed, impaired or hindred; nor to any grounds within eight miles of *Yarmouth*, or six miles of *Lynn* within the county of *Norfolk*. 4 Jac. I. c. 8.

C A P. XII.

An act concerning matters of assurances used among merchants.

The benefits ensuing by the encouragement of merchants.

3 Inst. 165.
Stiles 166.

WHEREAS it ever hath been the policy of this realm by all good means to comfort and encourage the merchant, thereby to advance and increase the general wealth of the realm, her Majesty's customs, and the strength of shipping; which consideration is now the more requisite, because trade and traffick is not at this present so open as at other times it hath been: (2) and whereas it hath been time out of mind an usage amongst merchants, both of this realm and of foreign nations, when they make any great adventure, (especially into remote parts) to give some consideration of money to other persons (which commonly are in no small number) to have from them assurance made of their goods, merchandizes, ships and things adventured,

or some part thereof, at such rates and in such sort as the parties assurers and the parties assured can agree, which course of dealing is commonly termed a policy of assurance; (3) by means of which policies of assurance it cometh to pass, upon the loss or perishing of any ship, there followeth not the undoing of any man, but the loss lighteth rather easily upon many than heavily upon few, and rather upon them that adventure not than those that do adventure, whereby all merchants, especially of the younger sort, are allured to venture more willingly and more freely: (4) and whereas heretofore such assurers have used to stand so justly and precisely upon their credits, as few or no controversies have arisen thereupon, and if any have grown, the same have from time to time been ended and ordered by certain grave and discreet merchants appointed by the lord mayor of the city of London, as men by reason of their experience fittest to understand, and speedily to decide those causes, until of late years that divers persons have withdrawn themselves from that arbitrary course, and have sought to draw the parties assured to seek their monies of every several assurer, by suits commenced in her Majesty's courts, to their great charges and delays: (5) for remedy whereof, be it enacted by the authority of this present parliament, That it shall and may be lawful for the lord chancellor, or lord keeper of the great seal of England, for the time being, to award forth under the great seal of England, one general or standing commission, to be renewed yearly at the least, and otherwise so oft as unto the said lord chancellor or lord keeper shall seem good, for the hearing and determining of causes arising and policies of assurances, such as now are or hereafter shall be entered within the office of assurances within the city of London, and whereof no suit shall be depending the last day of this session of parliament, in any of her Majesty's courts: (6) which commission shall be directed to the judge of the admiralty for the time being, the recorder of London for the time being, two doctors of the civil law, and two common lawyers, and eight grave and discreet merchants, or to any five of them: (7) which commissioners, or the greater part of them, which shall sit and meet, shall have by virtue of this present act full power and authority to hear, examine, order and decree all and every such cause and causes concerning policies of assurances in a brief and summary course, as to their discretion shall seem meet, without formalities of pleadings or proceedings.

A policy of assurance, and the benefit coming thereby.

Commissions awarded to hear and determine touching policies of assurances.

Who shall be commissioners.

1 Show. 396.

II. And be it further enacted by the authority aforesaid, That it shall be lawful for the said commissioners, as well to warn any of the parties to come before them, as also to examine upon oath any witnesses that shall be produced, and to commit to prison without bail or mainprize, any person that shall wilfully contemn or disobey their final orders or decrees: (2) and that the said commissioners shall once every week at the least, meet and sit upon the execution of the said commission in the office of the assurances, or in some other convenient publick place by them to be assigned: (3) and that no person by virtue of this act may claim or exact any fee, for any matter

The commissioners authority.

matter or cause concerning the execution of the said commission.

A remedy for the party grieved by the commissioners decree.

III. And be it further enacted by the authority aforesaid, That if any person shall be grieved by sentence or decree of the said commissioners, that such persons so grieved may at any time within two months of the said decree so made, exhibit his bill into the high court of chancery for the re-examination of such decree; (2) so as every person complainant, before he shall exhibit any such bill, do either execute and satisfy the said sentence so awarded, or at the least lay down *in deposito* with the said commissioners such sums of money as he shall be awarded to pay, and that upon so doing the said complainant shall be enlarged of his imprisonment: (3) and that the lord chancellor, or lord keeper, for the time being, shall have full power and authority by virtue of this act, upon every complaint made (in order as aforesaid) to reverse or affirm every such sentence or decree, according to equity and conscience: (4) and that the said lord chancellor or lord keeper, in every such suit brought before him, as aforesaid, by such assurers, and decreed against the said assurers, shall award double costs to the party assured.

No assurer or assured shall meddle in the commission. Every commissioner may act having taken an oath before the lord mayor. 13 & 14 Car. 2. c. 23. f. 2.

IV. Provided nevertheless, That no commissioner shall intermeddle in the execution of any such commission in any cause or matter of assurance where himself shall be either a party assurer or assured in the same assurance which is brought in question: (2) nor that any commissioner (other than the said judge of the admiralty and the recorder of *London*) shall deal or proceed in the execution of any such commission before he have taken his corporal oath before the lord mayor and court of aldermen of the city of *London*, to proceed uprightly and indifferently between party and party.

C A P. XIII.

An act for the more peaceable government of the parts of Cumberland, Northumberland, Westmorland, and the bishoprick of Duresme.

FORASMUCH as now of late years very many of her Majesty's subjects dwelling and inhabiting within the counties of Cumberland, Northumberland, Westmorland, and the bishoprick of Duresme, have been taken, some forth of their own houses, and some in travelling by the highway, or otherwise, and carried out of the same counties, or to some other places within some of the said several counties, as prisoners, and kept barbarously and cruelly until they have been redeemed by great ransoms: (2) and where now of late time there have been many incursions, roads, robberies, and burning and spoiling of towns, villages and houses within the said counties, that divers and sundry of her Majesty's loving subjects within the said counties, and the inhabitants of divers towns there, have been forced to pay a certain rate of money, corn, cattle or other consideration, commonly there called by the name of black-mail, unto divers and sundry inhabiting upon or near

Several outrageous misdemeanors committed in Cumberland, &c.