

*Anno Regni JACOBI Regis Angliæ, Scotiæ,
Franciæ & Hiberniæ,*

VIZ.

Angliæ, Franciæ & Hiberniæ secundo [vulgo primo,] & Scotiæ tricesimo septimo.

At the parliament begun and holden at Westminster the nineteenth day of March in the first year of the reign of our most gracious sovereign lord James, by the Grace of God, of England, France and Ireland King, defender of the faith, &c. and of Scotland the seven and thirtieth, and there continued until the seventh day of July one thousand six hundred four, and then prorogued until the seventh of February next following: to the high pleasure of Almighty God, and the weal publick of this realm, were enacted as followeth.

CAP. I.

A most joyful and just recognition of the immediate, lawful and undoubted succession, descent and right of the crown.

G*REAT and manifold were the benefits (most dread and most gracious sovereign) wherewith Almighty God blessed this kingdom and nation by the happy union and conjunction of the two noble houses of York and Lancaster, thereby preserving this noble realm, formerly torn and almost wasted with long and miserable dissension and bloody civil war; (2) but more inestimable and unspeakable blessings are thereby poured upon us, because there is derived and grown from and out of that union of those two princely families, a more famous and greater union (or rather a re-uniting) of two mighty, famous and ancient kingdoms (yet anciently but one) of England and Scotland, under one imperial crown, in your most royal person, who is lineally, rightfully and lawfully descended of the body of the most excellent lady Margaret, eldest daughter of the most renowned King Henry the Seventh, and the high and noble princess Queen Elizabeth his wife, eldest daughter of King Edward the Fourth; the said lady Margaret being eldest sister of King Henry the Eighth, father of the high and mighty princess of famous memory, Elizabeth late Queen of England:*

A recognition that the crown of England is lawfully descended unto King James, his progeny and posterity. The benefits ensuing by the conjunction of the houses of York and Lancaster. The uniting of England and Scotland in the King's person.

II. In consideration whereof, albeit we your Majesty's loyal and faithful subjects, of all estates and degrees, with all possible and publick joy and acclamation, by open proclamations within few hours after the decease of our late sovereign Queen, acknowledging thereby with one full voice of tongue and heart, That your majesty was our only lawful

The acknowledgement of the King's title, and the love of his subjects, shewed by several means.

lawful and rightful liege lord and sovereign, by our unspeakable and general rejoycing and applause at your Majesty's most happy inauguration and coronation, by the affectionate desire of infinite numbers of us, of all degrees, to see your royal person, and by all possible outward means have endeavoured to make demonstration of our inward love, zeal and devotion to your most excellent Majesty, our undoubted rightful liege sovereign lord and King: (2) yet as we cannot do it too often, or enough, so can there be no means or ways so fit, both to sacrifice our unfeigned and hearty thanks to Almighty God, for blessing us with a sovereign adorned with the rarest gifts of mind and body, in such admirable peace and quietness, and upon the knees of our hearts to aggrize our most constant faith, obedience and loyalty to your Majesty and your royal progeny, as in this high court of parliament, where all the whole body of the realm, and every particular member thereof, either in person or by representation (upon their own free elections) are by the laws of this realm deemed to be personally present.

Several causes that have bound all subjects to the love and obedience of the King.

III. To the acknowledgment whereof to your Majesty, we are the more deeply bounden and obliged, as well in regard of the extraordinary care and pains which with so great wisdom, knowledge, experience and dexterity, your Majesty (since the imperial crown of this realm descended to you) have taken for the continuance and establishment of the blessed peace both of the church of England in the true and sincere religion; and of the commonwealth by due and speedy administration of justice, as in respect of the gracious care and inward affection which it pleased you on the first day of this parliament so lively to express by your own words, so full of high wisdom, learning and virtue, and so repleat with royal and thankful acceptance of all our faithful and constant endeavours, which is and ever will be to our inestimable consolation and comfort,

Causes of thanksgiving to God for the King and his progeny.

IV. We therefore your most humble and loyal subjects, the lords spiritual and temporal, and the commons, in this present parliament assembled, do from the bottom of our hearts, yield to the divine Majesty all humble thanks and praises, not only for the said unspeakable and inestimable benefits and blessings above-mentioned, but also that he hath further enriched your Highness with a most royal progeny of most rare and excellent gifts and forwardness, and in his goodness is likely to increase the happy number of them: (2) and in most humble and lowly manner do beseech your most excellent Majesty, that (as a memorial to all posterities, amongst the records of your high court of parliament for ever to endure, of our loyalty, obedience and hearty and humble affection) (3) it may be published and declared in this high court of parliament, and enacted by authority of the same, That we (being bounden thereunto both by the laws of God and man) do recognize and acknowledge (and thereby express our unspeakable joys) That immediately upon the dissolution and decease of Elizabeth late Queen of England, the imperial crown of the realm of England, and of all the kingdoms, dominions and rights belonging to the same, did by inherent birthright, and lawful and undoubted succession, descend and come to your most excellent Majesty, as being lineally, justly and lawfully, next and sole heir of the blood royal

Immediately upon Queen Elizabeth's death the crown of England, &c. descended to the King by lawful birthright and descent.

royal of this realm as is aforesaid : (4) and that by the goodness of God Almighty, and lawful right of descent, under one imperial crown, your Majesty is of the realms and kingdoms of *England, Scotland, France and Ireland*, the most potent and mighty King, and by God's goodness more able to protect and govern us your loving subjects in all peace and plenty, than any of your noble progenitors : (5) And thereunto we most humbly and faithfully do submit and oblige ourselves, our heirs and posterities for ever, until the last drop of our bloods be spent : And do beseech your Majesty to accept the same, as the first-fruits in this high court of parliament, of our loyalty and faith to your Majesty, and your royal progeny and posterity for ever : (6) Which if your Majesty shall be pleased (as an argument of your gracious acceptation) to adorn with your Majesty's royal assent, without which it can neither be compleat and perfect, nor remain to all posterity, according to our most humble desire, (as a memorial of your princely and tender affection towards us) we shall add this also to the rest of your Majesty's unspeakable and inestimable benefits.

C A P. II.

An act authorizing certain commissioners of England to treat with commissioners of Scotland, for the weal of both kingdoms. 3 Jac. 1. c. 3. 4 Jac. 1. c. 1. 22 Car. 2. c. 9.

WHEREAS his most excellent Majesty hath been pleased, out of his great wisdom and judgment, not only to represent unto us by his owne prudent and princely speech on the first day of this parliament, how much hee desired, (in regard of his inward, and gracious affection to both the famous and ancient realmes of England and Scotland, now united in allegiance and loyall subjection in his royall person, to his Maiestie and his posterity for ever) that by a speedy, mature and sound deliberation, such a further union might follow, as should make perfect that mutuall love and uniformity of manners and customes, which Almighty God in his Providence for the strength and fastie of both realmes hath already so far begun in apparent sight of all the world, but also hath vouchsafed to expresse many ways, how farre it is, and ever shall be from his royall and sincere care and affection to the subjects of England, to alter and innovate the fundamentall and ancient laws, priviledges and good customes of this kingdome, whereby not onely his regall authority, but the people's security of lands, livings and priviledges (both in generall and particular) are preserved and maintained, and by the abolishing or alteration of the which, it is impossible but that present confusion will fall upon the whole state and frame of this kingdome.

II. Forasmuch as his Majesties humble, faithful and loving subjects, have not onely conceived the weight of his Majesties reasons, but apprehend to their unspeakable joy and comfort, his plaine, cleere and gracious intention, to seek no other changes or alteration, but of such particular, temporary or indifferent manner of statutes and customes, as may both prevent and extinguish all and every future questions, or
unhappy

unhappy accidents, by which the perfect and constant love and friendship and quietnesse between the subjects of both the realmes aforesaid, may be compleated and confirmed, and also performe and accomplish that real and effectuell union already inherent in his Majesties royal blood and person, and now desired by his Majestie to be performed and brought to an end, for the weale of both kingdomes, by this course following, &c.

C A P. III.

An act against the diminution of the possessions of archbishopricks and bishopricks, and for avoiding of dilapidations of the same.

All assurances made to the King of the lands of bishops shall be void.

By the statute of 1 El. c. 19. no bishop can make any lease of his land but for 21 years, or three lives to a subject.

No bishop shall assure his land to the King. 10 Co. 62. 11 Co. 71.

WHEREAS all the archbishopricks and bishopricks within this realm of England, were in ancient times founded by his Majesty's most noble progenitors, Kings of this realm, and in respect thereof, his Majesty is lawful and rightful patron of all and every of the same: (2) And where also by the laws and statutes of this realm, no archbishop or bishop can make any conveyance, assurance or estate whatsoever, of any honours, castles, manors, lands, tenements or hereditaments, parcel of the possessions of his archbishoprick or bishoprick, or united, appertaining or belonging to any of the same, to any subject whatsoever, whereby any estate should or might pass from any archbishop or bishop, other than for term of one and twenty years, or three lives, with such reservations of rent, and in such manner and form, as by the laws and statutes are provided: (3) His most excellent Majesty understanding that divers persons have with great suit and importunity sought to frustrate the true end and intent of the said good laws and statutes in that behalf, of his christian and princely piety and care, minding so to patronize and protect the said possessions from alienation or diminution, as that the same may, according to the true intent of the founders, remain and continue in succession to the archbishops and bishops of this realm and their successors, for the better maintenance of God's true religion, keeping of hospitality, and avoiding of dilapidations, and thereby for ever hereafter to avoid all suits and importunities for or concerning any of the said possessions, hath out of his own meer and godly motion, and of his blessed disposition for the publick good, without all regard of any private respect, vouchsafed and is pleased, That it may be enacted and established by his Majesty, by and with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled:

II. And be it enacted and established by authority of the same, That every archbishop and bishop within this realm, and their and every of their successors, shall be from and after the end of this present session of parliament, for ever wholly and utterly disabled in law, to make, do, levy or suffer any act or acts, thing or things, whereby or by means whereof, any of the said honours, castles, manors, lands, tenements or hereditaments, or any part of them, or any of them, shall or may be aliened, assured, given, granted, demised, charged, or in any sort conveyed to our said sovereign lord the King, his heirs or successors: (2) And that all alienations, assurances, gifts, grants, leases,

leaves, charges and conveyances whatsoever, from and after the end of this present session of parliament, to be done, suffered or made to our sovereign lord the King, his heirs or successors, by any archbishop or bishop, or their or any of their successors, of or out of any of the said possessions, or of or out of any part or parcel of them or any of them, and all and every confirmation and confirmations of the same, shall be from and after the end of this present session of parliament utterly void and of none effect, to all intents, constructions and purposes; any former law, statute, act, ordinance or other matter or thing to the contrary notwithstanding. *Co. Lit. 44. a.*

CAP. IV.

An act for the due execution of the statutes against jesuits, seminary priests, recusants, &c.

FOR the better and more due execution of the statutes heretofore made, as well against jesuits, seminary priests, and other such like priests, as also against all manner of recusants; (2) Be it ordained and enacted by authority of this present parliament, That all and every the statutes heretofore made in the reign of the late Queen of famous memory, *Elizabeth*, as well against jesuits, seminary priests and other priests, deacons, religious and ecclesiastical persons whatsoever, made, ordained or professed, or to be made, ordained or professed, by any authority or jurisdiction derived, challenged or pretended from the see of *Rome*, as those which do in any wise concern the withdrawing of the King's subjects from their due obedience, and the religion now professed, and the taking of the oath of obedience unto the King's majesty, his heirs and successors, together with all those made in the said late Queen's time, against any manner of recusants, shall be put in due and exact execution.

II. Provided nevertheless, and be it enacted by the authority of this present parliament, That if any that is or shall be a recusant shall submit to reform him or herself, and become obedient to the laws and ordinances of the church of *England*; and repair to the church and continue there during the time of the divine service and sermons, according to the true meaning of the statutes in that behalf, in the said late Queen's time made and provided, That then every such person for and during such time as he or she shall so continue in such conformity and obedience, shall from thenceforth be freed and discharged of and from any the penalties and losses which the same person might otherwise sustain and bear in respect or by reason of such persons recusancy.

III. And if any recusant shall hereafter die, his heir being no recusant, That in every such case, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances, happening upon him or her in respect or by reason of his or her ancestor's recusancy: (2) And if at the decease of any such recusant, his heir shall happen to be a recusant, and after shall become conformable and obedient to the laws

Statutes made in the reign of Qu. Elizabeth shall be put in execution.

In what case a recusant's heir shall be charged in what not.

Going into seminaries.

3 Inst. 178.

1 Eliz. c. 1.

5 Eliz. c. 1.

13 Eliz. c. 2.

23 Eliz. c. 1.

27 Eliz. c. 2.

29 Eliz. c. 6.

35 Eliz. c. 1, 2.

2 Bulstr. 324.

A recusant conforming himself shall be discharged. Raym. 465, 466.

laws and ordinances of the church of *England*, and repair to the church, and continue there during the time of the divine service and sermons, according to the intent and true meaning of the said statutes and ordinances in that behalf made as is aforesaid, and also shall take the oath of supremacy in such sort as that oath is expressed in one act of parliament made in the first year of the reign of our late sovereign lady Queen *Elizabeth*, before the archbishop or bishop of the diocese; that in every such case, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances, happening upon him or her in respect or by reason of any of his or her ancestor's recusancy.

1 Eliz. c. 1.

A recusant's heir within age at the time of his ancestor's death.

IV. Provided always, and be it enacted by authority of this present parliament, That if the heir of any recusant shall happen to be within the age of sixteen years at the time of the decease of his or her ancestor, and shall after his or her said age of sixteen years, become or be a recusant, that in every such case, any such heir shall not be freed or discharged of all or any of the penalties, charges and incumbrances happening upon him or her in respect or by reason of any of his or her ancestor's recusancy, until he or she shall submit or reform him or herself, and become obedient to the laws and ordinances of the church of *England*, and repair to the church, and continue there during the time of the divine service and sermons, according to the intent and true meaning of the said statutes and ordinances in that behalf as is aforesaid, and shall take the said oath of supremacy in manner and form afore expressed; and yet nevertheless, from and after such submission and oath had and taken, every such heir shall be freed and discharged of all and singular the penalties, charges and incumbrances happening upon him or her in respect or by reason of any of his or her ancestor's recusancy.

A third part of his living shall remain clear to a recusant.
29 Eliz. c. 6.

V. And be it further enacted by authority of this present parliament, That where any seizure shall be had of the two parts of any lands, tenements, hereditaments, leases or farms, for the not payment of the twenty pounds, due and payable for each month, according to the statute in that case lately made and provided; That in every such case, every such two parts shall, according to the extent thereof, go towards the satisfaction and payment of the twenty pounds due and payable for each month, and unpaid by any such recusant: (2) And that the third part thereof shall not be extended or seized by the King's majesty, his heirs or successors, for not payment of the said twenty pounds payable for each month forfeited or lost by any such recusant: (3) And where any such seizure shall be had of the two parts of the lands, tenements, hereditaments, leases or farms of any such recusant as is aforesaid, and such recusant shall die, (the debt or duty, by reason of his recusancy, not paid, satisfied or discharged) that in every such case, the same two parts shall continue in his Majesty's possession, until the residue or remainder of the said debt or duty be thereby or otherwise paid, satisfied or discharged: (4) And that his Majesty, his

The two parts of a recusant's lands, after his death, shall remain in the King's hands until he be satisfied of the arrearages.

his heirs or successors, shall not seize or extend any third part descending to any such heirs or any part thereof, either by reason of the recusancy of his or her ancestor, or of the recusancy of any such heir.

VI. And be it further enacted by the authority of this present parliament, That all and every person and persons under the King's obedience, which at any time (after the end of this session of parliament) shall pass or go, or shall send or cause to be sent, any child, or other person under their or any of their government, into any the parts beyond the seas, out of the King's obedience, to the intent to enter into, or to be resident in any college, seminary or house of jesuits, priests or any other popish order, profession or calling whatsoever, or repair in or to any the same, to be instructed, persuaded or strengthened in the popish religion, or in any sort to profess the same; every such person so sending or causing to be sent, any child or other person, beyond the seas to any such purpose or intent, shall for every such offence forfeit to his Majesty, his heirs and successors, the sum of one hundred pounds: (2) And every such person so passing or being sent beyond the seas to any such intent or purpose as is aforesaid, shall by authority of this present act, as in respect of him or herself only, and not to or in respect of any of his heirs or posterity, be disabled and made incapable to inherit, purchase, take, have or enjoy any manors, lands, tenements, annuities, profits, commodities, hereditaments, goods, chattels, debts, duties, legacies or sums of money, within this realm of *England*, or any other his Majesty's dominions: (3) And that all and singular estates, terms, and other interests whatsoever hereafter to be made, suffered or done, to or for the use or behoof of any such person or persons, or upon any trust or confidence, mediately or immediately, to or for the benefit or relief of any such person or persons, shall be utterly void and of none effect, to all intents, constructions and purposes.

VII. And be it further enacted by the authority aforesaid, That if any person born within this realm or any the King's Majesty's dominions, be at this present in any college, seminary, house or place in any parts beyond the seas, to the end to be instructed or strengthened in the popish religion, which shall not make return into this realm, or some of his Majesty's dominions, within one year next coming after the end of this session of parliament, and submit himself as is aforesaid, shall be in respect of himself only, and not to or in respect of any of his heirs or posterity, utterly disabled and incapable to inherit, have or enjoy any manors, lands, tenements, hereditaments, goods, chattels, debts, or other things aforesaid, within this realm or any other his Majesty's dominions. (2) Provided always, That if any such person or child so passing, sent, sending, or now being, beyond the seas as aforesaid, to such intent as is before-mentioned, shall after become conformable and obedient unto the laws and ordinances of the church of *England*, and shall repair to the church, and there remain and be as is aforesaid, and

None shall go or send any other to a seminary, &c.
3 Jac. 1. c. 5

Further provisions relating hereto,
3 Car. 1. c. 24.
f. 1.

They who be in seminaries shall return.
27 Eliz. c. 2.

Explained by
3 Geo. 1. c. 18.
f. 4.

A remedy for such as do return into the realm, and become conformable to the laws.

continue

continue in such conformity, according to the true intent and meaning of the said statutes and ordinances; that in every such case every such person and child, for and during such time as he or she shall so continue in such conformity and obedience, shall be freed and discharged of all and every such disability and incapacity as is before-mentioned.

No woman or child shall pass over the seas without licence.

3 Jac. 1. c. 5.
See 12 W. 3. c. 4.

The forfeiture of those who do suffer them to pass.

The forfeiture for being or keeping a school-master contrary to this act.
Carthew 464.
2 Ventr. 41.

VIII. And be it further enacted by the authority of this present parliament, That no woman, nor any child under the age of one and twenty years (except sailors or ship-boys, or the apprentice or factor of some merchant in trade of merchandize) shall be permitted to pass over the seas (except the same shall be by licence of the King, his heirs or successors, or of some six or more of the King's privy council, thereunto first had under their hands) (2) upon pain that the officers of the port that shall willingly or negligently suffer any such so to pass, or shall not enter the names of such passengers licenced, shall forfeit his office, and all his goods and chattels; (3) and upon pain that the owner of any ship or vessel that shall wittingly or willingly carry any such over the seas without licence as is aforesaid, shall forfeit his ship or vessel and all the tackle: (4) And every master or mariner of or in any such ship or vessel offending as aforesaid, shall forfeit all their goods, and suffer imprisonment by the space of twelve months, without bail or mainprize.

IX. And be it further enacted by the authority aforesaid, That no person after the feast of St. *Michael* the archangel next shall keep any school, or be a school-master, out of any the universities or colleges of this realm, except it be in some publick or free grammar school, or in some such nobleman's or noblewoman's, or gentleman's or gentlewoman's house, as are not recusants, or where the same school-master shall be specially licenced thereunto by the archbishop, bishop or guardian of the spiritualties of that diocese; (2) upon pain that as well the school-master, as also the party that shall retain or maintain any such school-master contrary to the true intent and meaning of this act, shall forfeit each of them for every day so wittingly offending, forty shillings. (3) The one half of all the penalties and sums of money before-mentioned to be forfeited, to be to the King, his heirs and successors, the other to him or them that shall or will sue for the same, in any the courts of record in *Westminster*, by action of debt, bill, plaint or information, in which no essoin, protection or wager of law shall be allowed.

CAP. V.

An act to prevent the over-charge of the people by stewards of court-leets and court-barons.

The steward of a court shall take no benefit of the lord's profits. How the profits and perquisites of

WHEREAS the King's most excellent majesty, the lords spiritual and temporal, and other his Highness's subjects of this realm of England and Wales, have in divers places of the same many franchises, jurisdictions, privileges and liberties to keep court-leets or court-barons, for the true administration of justice, and to the punishing and suppressing of offences; the profits and perquisites of which

which courts have heretofore been used to be levied and collected by the bailiff or other minister of such court, and by him accounted for to his Highness progenitors, or other lords or ladies of such courts and manors, and as of right it ought so to be: (2) But now by reason of the great increase of people, the said profits and perquisites of courts are grown to be of a better yearly value than in ancient time it hath been, divers that are now stewards of such courts have heretofore in their own names, or in the names of some other to their use, obtained and gotten divers grants of all the profits and perquisites of such courts whereof they are stewards, whereby many of his Majesty's subjects are unjustly vexed, and by grievous fines and amerçiements unduly punished, greatly to the wronging and impoverishing of the tenants and inhabitants where such stewards are, proceeding out of a greedy desire to make and obtain an undue and extraordinary gains to themselves: (3) It is therefore by the authority of this present parliament established and enacted, That no steward, deputy-steward, or other under-steward of any the courts aforesaid, shall directly or indirectly, in his own name, or in the name of any other, from and after the expiration of one year next after the end of this session of this present parliament, take, receive, or make benefit to his own use, in money, goods, or any other thing, to the value of twelve-pence or more, by virtue or colour of any demise or grant hereafter to be made of any the profits or perquisites, or amerçiements of any such courts whereof they are steward, which rightfully shall belong to the lords of the same; (4) upon pain that every steward offending contrary to the tenor of this present act of parliament, shall for every such his offence forfeit the sum of forty pounds, and to be disabled ever after to be steward of such court or of any other; (5) the one half of the forfeiture to be to our sovereign lord the King's majesty, his heirs and successors; the other half to any of his Majesty's subjects that shall complain in any of his Highness courts of record, by action of debt, bill, plaint or information; in which suit no essoin, protection, wager of law, or other dilatory plea shall be allowed.

courts-baron and leets have been collected. Oppressions done to many for the private gain of stewards of courts.

A steward of a court shall not take benefit by the profit of the same court.

C A P. VI.

An act made for the explanation of the statute made in the fifth year of the late Queen Elizabeth's reign, concerning labourers.

WHEREAS by an act made in the parliament holden at Westminster in the fifth year of the reign of the late Queen Elizabeth of famous memory, intituled, An act touching divers orders for artificers, labourers, servants of husbandry and apprentices, it was provided and enacted by the authority of the same parliament, for the declaration and limitation what wages servants, labourers and artificers, either by the year or day, or otherwise, should have and receive, That the justices of peace of every shire, riding or liberty, within the limits of their several commissions, or the more part of them, being then resident within the same, and the sheriff of that county, if he conveniently may, and every mayor bailiff or

Rating of the wages of artificers, labourers, &c. according to the statute of 5 Eliz. c. 4.

The penalty of a clothier refusing to obey the assessment.

A rehearsal of
the said statute.

Rating of wa-
ges by the
year, day,
week or
month, or by
the great.

A question
moved upon
the statute of
5 Eliz. c. 4.
whose wages
the justices
may rate.

5 Eliz. c. 4.
Labourers,
weavers, spin-
ners and
workmens wa-
ges may be
rated by the
justices.

other head officer, within any city or town corporate, wherein is any justice of peace within the limits of the said city or town corporate, and of the said corporation, should before the tenth day of June next coming, and afterwards should yearly at every general sessions first to be holden and kept after Easter, or at some time convenient within six weeks next following every of the said feasts of Easter, assemble themselves together; (2) and they so assembled, calling unto them such discreet and grave persons of the said county, or the said city or town corporate, as they shall think meet, and conferring together, respecting the plenty or scarcity of the time, and other circumstances necessarily to be considered, should have authority by virtue thereof, within the limits or precincts of their several commissions, to limit, rate and appoint the wages, as well of such and so many of the said artificers, handicraftsmen, husbandmen, or any other labourer, servant or workmen, whose wages in time past hath been by any law or statute rated and appointed; (3) and also the wages of all other labourers, artificers, workmen or apprentices of husbandry which have not been rated, as they the same justices, mayors, or head officers within their several commissions or liberties should think meet by their discretions to be rated, limited or appointed, by the year, or by the day, week, month or otherwise, with meat and drink, or without meat and drink; (4) and what wages every workman should take by the great for mowing, reaping or thrashing of corn and grain, and for mowing and making of hay, or for ditching, pailing, railing or hedging by the rod, perch, lugge, yard, pole, rope, or foot, and for any other kind of reasonable labours or service; (5) and should yearly before the twelfth day of July next after the said assessment and rate so appointed and made, certify the same ingrossed in parchment with the considerations and causes thereof, under their hands and seals, into the said Queen's most honourable court of chancery, to the end that proclamation should be made in the name of the Queen's majesty, her heirs or successors, for observing of the same rates, in such sort, manner and form as in the said act more at large is declared.

II. And whereas the said act hath not, according to the true meaning thereof, been duly put in execution, whereby the rates of wages for poor artificers, labourers and other persons whose wages was meant to be rated by the said act, have not been rated and proportioned according to the plenty, scarcity, necessity, and respect of the time, which was politickly intended by the said act; (2) by reason that ambiguity and question have risen and been made, whether the rating of all manner artificers, workmen and workwomen, his and their wages, other than such as by some statute and law have been rated, or else such as did work about husbandry, should or might be rated by the said law: Forasmuch as the said law hath been found beneficial for the commonwealth;

III. Be it enacted by authority of this present parliament, That the said statute, and the authority by the same statute given to any person or persons for assessing and rating of wages, and the authority to them in the said act committed, shall be expounded and construed, and shall by force of this act give authority to all persons having any such authority, to rate wages of any

any labourers, weavers, spinsters, and work-men or work-women whatsoever, either working by the day, week, month, year, or taking any work at any person or persons hand whatsoever, to be done in great or otherwise.

IV. *And whereas in divers shires within this realm, the justices of peace have not usually kept their general sessions in one place of the shire together, but the general sessions have been kept in several places for several divisions, by reason whereof the most part of the justices of the peace coming not together, no rating of wages could be well made in the said shire where such general sessions have been used; and for other respects,*

V. Be it enacted by authority of this present parliament, Rates of wages where sessions be kept in several parts of the shire. That the justices of peace, or the more part of them, residing in any shire, or in any riding, liberty or division, where such sessions have been usually severally kept, shall at any general sessions of the peace to be holden for the same shire, division, riding or liberty, or at such time of rating of wages as is limited by the said act made in the fifth year of her Majesty's reign, have as full authority and power to rate all manner of wages to be rated within such shire, and within the limits of such division, in any such shire, riding or liberty, as if the same were done in the general sessions for the said county, or by the most part of the justices meeting for the rating of wages by the said act of the fifth year of the late Queen, for the wages men- 5 Eliz. c. 4. tioned in the same act.

VI. And be it further enacted, That after the rates made for wages, and engrossed in parchment under the hands and seals of them having authority to rate the same, it shall and may be lawful to the sheriff of the said county, or to the mayor or chief officer or officers of any city or town corporate, to cause proclamation to be made of the several rates so rated, in so many places within their authorities as to them shall seem convenient, and as if the same had been set down printed by the lord chancellor or keeper, after declaration thereof to his Majesty, and certificate of the same into the King's most honourable court of chancery: (2) And that every person and persons shall be bound to observe the said rates in giving and receiving wages, upon the pains and punishments mentioned in the said act to be recovered, or punishment inflicted, as in the said act is mentioned. Proclamations shall be made by the sheriff of the rates of wages.

VII. And furthermore, be it enacted by the authority aforesaid, That if any clothier or other shall refuse to obey the said order, rate and assessment of wages as aforesaid, and shall not pay so much or so great wages to their weavers, spinsters, workmen or workwomen, as shall be so set down, rated and appointed, according to the true meaning of this act; that then every clothier and other person and persons so offending, shall forfeit and lose for every such offence to the party grieved, ten shillings: (2) And that if the said offence and offences of not paying so much or so great wages to their said workmen, workwomen and others, shall be confessed by the offender, or that The forfeiture of a clothier not paying the wages rated to his workmen.

the same shall be proved by two sufficient and lawful witnesses before the justices of peace in their quarter-sessions of the peace, the justices of assize in their sessions, or before any two justices of the peace whereof one to be of the *quorum*; that then every such person shall forthwith stand and be in law convicted thereof: (3) Which said forfeiture of ten shillings shall be levied by distress and sale of the offender's goods, by warrant from the said justices before whom any such conviction shall be had; which sale shall be good in law against any such offender and offenders.

The rates of wages need not to be certified into the chancery, but proclaimed in the county.
5 Eliz. c. 4.

VIII. And be it further enacted, That no person or persons shall incur any danger or penalty for not making certificate unto the King's most honourable court of the chancery, of any rates of wages appointed to be certified by the said act made in the said fifth year of the said late Queen, so as the same be proclaimed according to the true intent of this law; (2) but the said rates ingrossed in parchment and sealed as aforesaid shall, if the same be in any shire, be kept by the *custos rotulorum* of the said county, amongst the records in his custody for the said shire, and in any city or town corporate, amongst the records of the said city or town corporate. (3) This act to continue until the end of the next parliament.

The continuance of this act.

A clothier being a justice of peace shall be no rater of wages for spinners, &c.

IX. Provided nevertheless, and be it enacted by the authority aforesaid, That no clothier being a justice of peace in any precinct or liberty, shall be any rater of any wages for any weaver, tucker, spinster or other artizan that dependeth upon the making of cloth: (2) And in case there be not above the number of two justices of the peace within such precinct or liberty, but such as are clothiers; that in such case, the same wages shall be rated and assessed by the major part of the common council of such precinct or liberty, and such justice or justices of peace (if any there be) as are not clothiers. 3 Car. 1. c. 4. Continued until the end of the first session of the next parliament, and farther continued by 16 Car. 1. c. 4.

CAP. VII.

REP.

An act for the continuance and explanation of the statute made in the thirty-ninth year of the reign of the late Queen Elizabeth, intituled, An act for punishment of rogues, vagabonds and sturdy beggars. Continued by 3 Car. 1. c. 4. and further continued by 16 Car. 1. c. 4. but repealed by 12 Annæ, stat. 2. c. 23. s. 28.

CAP. VIII.

An act to take away the benefit of clergy for some kind of manslaughter.

Clergy taken from him that doth stab another having not a weapon drawn.

Godbolt 154.

pl. 204.

Stiles 86, 468.

1 Hawk. pl.

Cr. 77.

TO the end that stabbing and killing men on the sudden, done and committed by many inhumane and wicked persons, in the time of their rage, drunkenness, hidden displeasure, or other passion of mind, contrary to the commandment of Almighty God, and the common peace and tranquillity of this realm, may from henceforth be restrained through fear of due punishment to be inflicted on such cruel and bloody malefactors, who heretofore have been thereunto emboldened by presuming on the benefit of clergy.

II. Be

II. Be it therefore enacted by the King's most excellent majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, That every person and persons which after one month next ensuing the end of this present session of parliament, shall stab or thrust any person or persons that hath not then any weapon drawn, or that hath not then first stricken the party which shall so stab or thrust, so as the person or persons so stabbed or thrust shall thereof die within the space of six months then next following, although it cannot be proved that the same was done of malice forethought, yet the party so offending, and being thereof convicted by verdict of twelve men, confession or otherwise according to the laws of this realm, shall be excluded from the benefit of his or their clergy, and suffer death as in case of wilful murder.

III. Provided always, That this act or any thing therein contained, shall not extend to any person or persons which shall kill any person or persons *se defendendo*, or by misfortune, or in any other manner than as aforesaid; (2) nor shall extend to any person or persons which in keeping and preserving the peace shall chance to commit manslaughter, so as the said manslaughter be not committed wittingly, willingly and of purpose, under pretext and colour of keeping the peace; (3) nor shall extend to any person or persons which in chastising or correcting his child or servant, shall besides his or their intent and purpose chance to commit manslaughter. (4) This act to continue until the end of the first session of the next parliament. *Continued by 3 Car. 1. c. 4. and 16. Car. 1. c. 4.*

Killing another in defence of himself, by misfortune, in preserving the peace, or giving correction.

CAP. IX.

An act to restrain the inordinate haunting and tipling in inns, alehouses, and other victualling-houses.

WHEREAS the ancient, true and principal use of inns, alehouses and victualling-houses was for the receipt, relief and lodging of wayfaring people travelling from place to place, and for such supply of the wants of such people as are not able by greater quantities to make their provision of victuals, and not meant for entertainment and harbouring of lewd and idle people to spend and consume their money and their time in lewd and drunken manner:

The true and principal use of inns and ale-houses.

II. Be it therefore enacted by the King's most excellent Majesty, the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if after forty days next ensuing after the end of this present session of parliament, any inn-keeper, victualler or alehouse-keeper, within this realm of *England* or the dominion of *Wales*, do permit or suffer any person or persons inhabiting and dwelling in any city, town corporate, market-town, village or hamlet, within this realm of *England* or dominion of *Wales*, where any such inn, ale-house or tipling-house is or shall be, to remain and continue drinking or tipling in the said inn, victualling-house, tipling-house or ale-house; (2) other than such as shall be invited by any traveller, and shall accompany him only

The forfeiture of an alehouse-keeper permitting one to continue unlawful drinking in his house.

7 Jac. 1. c. 10.
1 Car. 1. c. 4.

Farther provisions relating hereto,
1 Car. 1. c. 4.

during his necessary abode there; (3) and other than labouring and handicraftsmen in cities and towns corporate, and market-towns, upon the usual working-days, for one hour at dinner-time to take their diet in an ale-house; (4) and other than labourers and workmen, which for the following of their work by the day or by the great, in any city, town corporate, market-town or village, shall for the time of their said continuing in work there, sojourn, lodge or victual in any inn, ale-house or other victualling-house: (5) Other than for urgent and necessary occasions to be allowed by two justices of peace: That then every such inn-keeper, victualler or alehouse-keeper, shall for every such offence forfeit and lose the sum of ten shillings of current money of *England*, to the use of the poor of the parish where such offence shall be committed; (6) the same offence being viewed and seen by any mayor, bailiff or justice of peace, within their several limits, or proved by the oath of two witnesses to be taken before any mayor, bailiff or any other head officer, or any one or more justice or justices of the peace, who by virtue of this act shall be authorized to minister the said oath to any person or persons that can or will justify the same, being within the limits of their said commission.

One witness
sufficient.
27 Jac. 1. c. 7.
i. 1.

The prices of
ale and beer
sold in an inn
or alehouse.

III. And be it further enacted by the authority aforesaid, That if any inn-keeper, alehouse-keeper or victualler, shall at any time utter or sell less than one full ale-quart of the best beer or ale for a penny, and of the small two quarts for one penny, that then every such inn-keeper, alehouse-keeper or victualler, shall forfeit for every such offence, being duly proved in manner above limited, the sum of twenty shillings of lawful money of *England* to the use aforesaid: (2) All and every the said penalties to be levied by the constables or church-wardens of the parish or parishes where the offence or offences shall be committed, by way of distress to be taken and detained for the said forfeitures, and for default of satisfaction within six days next ensuing, the same then to be presently appraised and sold, and the surplussage or remainder over and above to be delivered to the party of whom the distress was taken; (3) and for want of sufficient distress the party or parties offending to be by the mayor, bailiff, or other head officer, or justice or justices aforesaid, committed to the common gaol, there to remain until the said penalty or penalties be truly paid.

The penalty of
the constables
or church-
wardens omit-
ting their
duty.

IV. And be it further enacted by the authority aforesaid, That if the constables or churchwardens do neglect their duty in levying, or do not levy the said several penalties, or in default of distress or distresses, from time to time do neglect to certify the same default of distress by the space of twenty days then next ensuing, to the mayor, bailiff, other head officer or justice of peace within whose jurisdiction the offence is committed, then every person and persons so offending shall forfeit for every such default the sum of forty shillings of current money of *England*, to the use of the poor of the parish where such offence shall be committed; (2) to be levied by way of distress
of

of the offender's goods, by warrant from any one or more justice or justices of the peace, mayor, bailiff or other head officer, within the limits of their jurisdictions respectively, under his or their hand and seal, to be taken and detained for the said forfeitures, for the space of six days then next ensuing: Within which time if payment be not made, the same goods to be presently appraised and sold, and the surplussage and remainder over and above (if any be) to be delivered to the party of whom the distress was taken; (3) and for want of such sufficient distress the constables, church-warden or church-wardens so offending, to be by the mayor, bailiff, or other head officer, justice or justices of peace, committed to the common gaol, there to remain until the said penalty or penalties be truly paid; (4) for all which penalties which so shall be levied by the said constables or church-wardens, they the said constables and church-wardens shall be accountable to their successors and other the parishioners, in such sort as they usually be in other church-reckonings or accounts: (5) And for all forfeitures to be levied by reason of any neglect of the constables or church-wardens, those shall be accountable who by force of any warrant or precept do levy the same, or upon the enlargement of persons committed do receive the same.

The constable and church-warden's account.

V. And be it further enacted, That all other laws and statutes touching inn-keepers, victuallers and alehouse-keepers, shall still remain in their former force, and be put in due execution. (2) This act to continue to the end of the first session of the next parliament.

12 H. 7. c. 2.
5 & 6 Ed. 6.
c. 25.

The continuance of this statute.

VI. Provided always, and be it enacted by the authority of this present parliament, That the correction and punishment of such as shall offend against this act or any part thereof, within either of the two universities of this realm or the precincts or liberties of the same, shall be done upon the offenders, and justice shall be ministered in this behalf, according to the intent and true meaning of this law, by the governors, magistrates, justices of the peace or other principal officers of either of the same universities, to whom in other cases the administration of justice, and correction and punishment of offenders by the laws of this realm and their several charters doth belong or appertain, and that no other within their liberties, for any matter concerning this law, contrary to their several charters, do intermeddle; (2) and that all penalties and sums of money to be forfeited or lost by force of this act, within either of the universities or the liberties or precincts of the same shall be levied by the officers or ministers of either of the said universities, to be from time to time in that behalf appointed by the vice-chancellors thereof for the time being respectively; (3) and that all powers and authorities either of imprisonment or otherwise before given or appointed by this act, shall by the governors, magistrates and principal officers abovesaid of either of the said universities, be duly executed and done within either of the said universities and the liberties and precincts of the

Offences committed within the universities.

same, according to the true intent and meaning of this act.
Made perpetual by 21 Jac. I. c. 7. s. 1.

CAP. X.

An act for the better execution of justice.

Nothing shall be taken for the report of a cause referred by any court.

FOrasmuch as all exactions, extortions and corruptions are odious, and prohibited in all well governed commonwealths, (2) Be it enacted, That no person to whom any order or cause shall be committed or referred by any of the King's, judges, or courts at *Westminster*, or any other court, shall directly or indirectly, or by any art, shift, colour or device, have, take or receive any money, fee, reward, covenant, obligation, promise, agreement or any other thing, for his report or certificate by writing, or otherwise; (3) upon pain of the forfeiture of one hundred pounds for every such report or certificate, and to be deprived of his office and place in the same court; (4) the one moiety of the said forfeitures to be to our sovereign lord the King, his heirs, and successors, the other moiety to the party grieved which will sue for the same, at any time during the said suit, or within one year after the same cause discontinued or decreed; and in his default of such suit, to him or them that will sue for the same, by original writ, bill, plaint or information, in his Majesty's high court of star-chamber, or in any his Majesty's courts of record at *Westminster*, in which suit, by writ, bill, plaint or information, no wager of law, essoin, privilege, superedeas, protection, or any other delay, shall be suffered or admitted.

The clerk's fees for writing a report.

II. Provided nevertheless, That it shall be lawful for the clerk to take for his pains for writing of every such report or certificate twelve pence for the first side, and two pence for every side after, and no more, upon pain to forfeit ten shillings for every penny taken over and above the said sum, to be had and recovered as aforesaid.

CAP. XI.

An act to restrain all persons from marriage until their former wives and former husbands be dead.

Felony to marry a second husband or wife, the former being living.

1 Ed. 6. c. 12. s. 16.

3 Inst. 88.

Cro. Eliz. 94.

March 101.

Kelyng 79, 80.

FOrasmuch as divers evil disposed persons being married, run out of one county into another, or into places where they are not known, and there become to be married, having another husband or wife living, to the great dishonour of God, and utter undoing of divers honest mens children, and others; (2) Be it therefore enacted by the King's majesty, with the consent of the lords spiritual and temporal, and of the commons, in this present parliament assembled, That if any person or persons within his Majesty's dominions of *England* and *Wales*, being married, or which hereafter shall marry, do at any time after the end of the session of this present parliament, marry any person or persons, the former husband or wife being alive; that then every such offence shall be felony, and the person and persons so offending shall suffer death as in cases of felony; (3) and the party and parties so offending shall receive such and the like proceeding,

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