

by this act, shall make such allowance for serving the cure since the twenty-fourth of *August* one thousand six hundred sixty-two, as shall be judged fit by the ordinary of the place, and shall pay and discharge all tenths, pensions and other charges, wherewith the benefice to which he is by this act restored, hath been or might be legally charged since the day aforesaid.

Persons prohibited to preach.
13 & 14. Car. 2.
c. 4.

VII. *And whereas some doubt hath arisen, whether persons prohibited to preach by the said act are in the same plight as to punishment, with persons disabled by the said act to preach;* (2) be it declared and enacted by the authority aforesaid, That the penalties by the said act to be inflicted upon any person disabled by the said act to preach, for any offence against the said act, shall in like manner be inflicted upon every person so offending, that is prohibited by the said act to preach; any thing, doubt or ambiguity in the said act to the contrary notwithstanding.

C A P. VII.

An act for the encouragement of trade.

Tillage.

FORASMUCH as the encouraging of tillage ought to be in an especial manner regarded and endeavoured; and the surest and effectuallest means of promoting and advancing any trade, occupation or mystery, being by rendering it profitable to the users thereof; (2) and great quantities of land within this kingdom for the present lying in a manner waste, and yielding little, which might thereby be improved to considerable profit and advantage (if sufficient encouragement were given for the laying out of cost and labour on the same) and thereby much more corn produced, great numbers of people, horses and cattle employed, and other lands also rendered more valuable:

Corn not exceeding certain rates may be transported.

II. Be it enacted by the King's most excellent majesty, with the advice and consent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority thereof; and it is hereby enacted, That from and after the first day of *September* in the year of our Lord one thousand six hundred sixty and three, and from thenceforward, when the prices of corn and grain *Winchester* measure do not exceed the rates hereafter following, at the havens or places where the same shall be shipped or laden, (*viz.*) The quarter of wheat, eight and forty shillings; the quarter of barley or malt, eight and twenty shillings; the quarter of buck-wheat, eight and twenty shillings; the quarter of oats, thirteen shillings and four pence; the quarter of rye, two and thirty shillings; the quarter of pease or beans, two and thirty shillings current *English* money; that then it shall be lawful for all and every person and persons to ship, load, carry and transport any of the said corns or grains from the havens or places where they shall be of such prices, unto any parts beyond the seas as merchandize; any law, statute or usage to the contrary notwithstanding; paying such rates for the same, and none other, as are to be paid when the same might have been transported by one act passed this present parliament, intituled, *A subsidy granted to the King of tonnage and poundage.*

12 Car. 2. c. 4.

III. And

III. And it is hereby further enacted by the authority afore-
 said, That when the prices of the aforeſaid corns and grains do
 not exceed the rates above-mentioned reſpectively *Wincheſter*
 meaſure at the haven or place into which any of them ſhall be
 imported from any parts beyond the ſeas, there ſhall be paid for
 the cuſtom and poundage of every quarter of wheat, five ſhil-
 lings and four pence ; and for every quarter of rye, four ſhillings ;
 and for every quarter of barley or malt, two ſhillings and eight
 pence ; and for every quarter of buck-wheat, two ſhillings ; and
 for every quarter of oats, one ſhilling four pence ; and for eve-
 ry quarter of peaſe or beans, four ſhillings.

When corn
 may be im-
 ported, and
 what cuſtom
 to be paid.

IV. And it is hereby further enacted by the authority afore-
 ſaid, That when the prices of corn or grain *Wincheſter* meaſure
 do not exceed the rates following at the markets, havens or
 places where the ſame ſhall be bought, (*viz.*) the quarter of
 wheat, eight and forty ſhillings ; the quarter of rye, two and
 thirty ſhillings ; the quarter of barley or malt, eight and twenty
 ſhillings ; the quarter of buck-wheat, eight and twenty ſhil-
 lings ; the quarter of oats, thirteen ſhillings and four pence ; the
 quarter of peaſe or beans, two and thirty ſhillings ; that then it
 ſhall be lawful for all and every perſon and perſons (not fore-
 ſtalling nor ſelling the ſame in the ſame market within three
 months after the buying thereof) to buy in open market, and
 to lay up and keep in his or their granaries or houſes, and to
 ſell again, ſuch corn or grain of the kinds aforeſaid, as without
 fraud or covin ſhall have been bought at or under the prices be-
 fore expreſſed, without incurring any penalty ; any law, ſtatute
 or uſage to the contrary notwithstanding.

V. And in regard his *Majeſty's* plantations beyond the ſeas are in-
 habited and peopled by his ſubjects of this his kingdom of England ;
 for the maintaining a greater correſpondence and kindneſs between them,
 and keeping them in a firmer dependance upon it, and rendring them
 yet more beneficial and advantageous unto it in the further employment
 and increaſe of English ſhipping and ſeamen, vent of English woollen
 and other manufaſtures and commodities, rendring the navigation to
 and from the ſame more ſafe and cheap, and making this kingdom a
 ſtaple, not only of the commodities of thoſe plantations, but alſo of the
 commodities of other countries and places, for the ſupplying of them ;
 and it being the uſage of other nations to keep their plantations trade to
 themſelves.

Plantations
 beyond the
 ſeas.

VI. Be it enacted, and it is hereby enacted, That from and
 after the five and twentieth day of *March* one thouſand ſix hun-
 dred ſixty-four, no commodity of the growth, production or
 manufaſture of *Europe*, ſhall be imported into any land, iſland,
 plantation, colony, territory or place to his *Majeſty* belonging,
 or which ſhall hereafter belong unto or be in the poſſeſſion of his
Majeſty, his heirs and ſucceſſors, in *Asia*, *Africa*, or *America*,
 (*Tangier* only excepted,) but what ſhall be *bona fide*, and without
 fraud, laden and ſhipped in *England*, *Wales*, or the town of *Ber-*
wick upon *Tweed*, and in *English* built ſhipping, or which were
bona fide bought before the firſt day of *October* one thouſand ſix
 hundred ſixty and two, and had ſuch certificate thereof as is

Commodities
 of the growth
 and manufac-
 ture of Eu-
 rope, how to
 be imported
 in *English*-
 built ſhipping.
 Repealed as to
Iriſh linen by
 3 & 4 *Anna*,
 c. 8. ſ. 1.

13 & 14 Car. 2.
C. 11.

The penalty.

directed in one act passed the last sessions of this present parliament intituled, *An act for preventing frauds, and regulating abuses in his Majesty's customs*; and whereof the master and three fourths of the mariners at least are *English*, and which shall be carried directly thence to the said lands, islands, plantations, colonies, territories or places, and from no other place or places whatsoever; any law, statute or usage to the contrary notwithstanding; (2) under the penalty of the loss of all such commodities of the growth, production or manufacture of *Europe*, as shall be imported into any of them from any other place whatsoever, by land or water; and if by water, of the ship or vessel also in which they were imported, with all her guns, tackle, furniture, ammunition and apparel; one third part to his Majesty, his heirs and successors; one third part to the governor of such land, island, plantation, colony, territory or place, into which such goods were imported, if the said ship, vessel or goods be there seized or informed against and sued for; or otherwise that third part also to his Majesty, his heirs and successors; and the other third part to him or them who shall seize, inform or sue for the same in any of his Majesty's courts in such of the said lands, islands, colonies, plantations, territories or places where the offence was committed, or in any court of record in *England*, by bill, information, plaint or other action, wherein no essoin, protection or wager of law shall be allowed.

Salt for fisheries.

VII. Provided always, and be it hereby enacted by the authority aforesaid, That it shall and may be lawful to ship and lade in such ships, and so navigated, as in the foregoing clause is set down and expressed, in any part of *Europe*, salt for the fisheries of *New-England* and *Newfoundland*, and to ship and lade in the *Maderas* wines of the growth thereof, and to ship and lade in the *Western* islands of *Azores* wines of the growth of the said islands, and to ship and take in servants or horses in *Scotland* or *Ireland*, and to ship or lade in *Scotland* all sorts of victual of the growth or production of *Scotland*, and to ship or lade in *Ireland* all sorts of victual of the growth or production of *Ireland*, and the same to transport into any of the said lands, islands, plantations, colonies, territories or places: any thing in the foregoing clause to the contrary in any wise notwithstanding.

13 Geo. 1. c. 5.

Prevention of frauds.

VIII. And for the better prevention of frauds, be it enacted, and it is hereby enacted, That from and after the five and twentieth day of *March* one thousand six hundred sixty and four, every person or persons importing by land any goods or commodities whatsoever into any the said lands, islands, plantations, colonies, territories or places, shall deliver to the governor of such land, island, plantation, colony, territory or place, or to such person or officer as shall be by him thereunto authorized and appointed, within four and twenty hours after such importation, his and their names and surnames, and a true inventory and particular of all such goods or commodities: (2) and no ship or vessel coming to any such land, island, plantation, colony territory or place, shall lade or unlade any goods or com-

Farther provided for by
7 & 8 W 3.
C. 22. f. 5.

mo-

modities whatsoever, until the master or commander of such ship or vessel shall first have made known to the governor of such land, island, plantation, colony, territory or place, or such other person or officer as shall be by him thereunto authorized and appointed, the arrival of the said ship or vessel, with her name, and the name and surname of her master or commander, and have shewn to him that she is an *English-built* ship, or made good by producing such certificate, as abovesaid, that she is a ship or vessel *bona fide* belonging to *England, Wales*, or the town of *Berwick*, and navigated with an *English* master, and three fourth parts of the mariners at least *Englishmen*, and have delivered to such governor or other person or officer a true and perfect inventory or invoice of her lading, together with the place or places in which the said goods were laden or taken into the said ship or vessel; (3) under the pain of the loss of the ship or vessel, with all her guns, ammunition, tackle, furniture and apparel, and of all such goods of the growth, production or manufacture of *Europe*, as were not *bona fide* laden and taken in *England, Wales*, or the town of *Berwick*, to be recovered and divided in manner aforesaid; (4) and all such as are governors or commanders of any the said lands, islands, plantations, colonies, territories or places (*Tangier* only excepted) shall before the five and twentieth day of *March* one thousand six hundred sixty and four, and all such as shall hereafter be made governors or commanders of any of them, shall before their entrance upon the execution of such trust or charge, take a solemn oath before such person or persons as shall be authorized by his Majesty, his heirs and successors, to administer the same, to do their utmost within their respective governments or commands, to cause to be well and truly observed what is in this act enacted, in relation to the trade of such lands, islands, plantations, colonies, territories and places, under the penalty of being removed out of their respective governments and commands: (5) and if any of them shall be found, after the taking of such oath, to have wittingly and willingly offended contrary to what is by this act required of them, that they shall for such offence be turned out of their governments, and be incapable of the government of any other land, island, plantation or colony; and moreover, forfeit the sum of one thousand pounds of lawful money of *England*; the one moiety to his Majesty, his heirs and successors: and the other moiety to him or them that shall inform or sue for the same in any of his Majesty's courts in any of the said plantations, or in any court of record in *England*, wherein no essoin, protection or wager of law shall be allowed.

IX. And it is hereby further enacted, That if any officer of the customs in *England, Wales*, or town of *Berwick* upon *Tweed*, shall give any warrant for, or suffer any sugar, tobacco, ginger, cotton-wool, indigo, speckle-wood or *Jamaica*-wood, fustick or other dying-wood of the growth of any of the said lands,

Penalty upon officers of the customs.

islands, colonies, plantations, territories or places, to be carried into any other country or place whatsoever, until they have been first unladen *bona fide* and put on shore in some port or haven in *England* or *Wales*, or in the town of *Berwick*; that every such officer for such offence shall forfeit his place, and the value of such of the said goods as he shall give warrant for, or suffer to pass into any other country or place; the one moiety to his Majesty, his heirs and successors; and the other moiety to him or them that shall inform or sue for the same in any court of record in *England* or *Wales*, wherein no essoin, protection or wager in law shall be allowed.

Encouragement of plantations, and increase of shipping.
Sea-coals.
Altered by
9 *Annæ*, c. 6.
1. 7.

X. And for the better encouragement of the said plantations, and the increase of the shipping and navigation of this kingdom, (2) be it enacted, and it is hereby enacted by the authority aforesaid, That from and after the five and twentieth day of *March* one thousand six hundred sixty and four, it shall and may be lawful out of any port of *England* or *Wales*, or out of the town of *Berwick*, to ship and lade sea-coals for any part of them, paying for the chalder, *Newcastle*-measure, one shilling eight pence; and for the chalder, *London*-measure, one shilling and no more; in full of all custom and poundage for the same, any law, statute or prohibition to the contrary in any wise notwithstanding.

XI. Provided, That such sea-coals be shipped in such shipping, and so navigated, as abovesaid; and that good security be given to the officers of the customs in such port in which they are shipped, for the landing them in the said plantations, and not elsewhere.

Foreign coin or bullion may be exported.

XII. *And forasmuch as several considerable and advantageous trades cannot be conveniently driven and carried on without the species of money or bullion, and that it is found by experience, that they are carried in greatest abundance (as to a common market) to such places as give free liberty for exporting the same; and the better to keep in and increase the current coins of this kingdom,* (2) be it enacted, and it is hereby enacted, That from and after the first day of *August* one thousand six hundred sixty and three, it shall and may be lawful to and for any person or persons whatsoever, to export out of any port of *England* or *Wales*, in which there is a customer or collector, or out of the town of *Berwick*, all sorts of foreign kind or bullion of gold or silver, first making entry thereof in such custom-house respectively, without paying any duty, custom, poundage or fee for the same; any law statute or usage to the contrary notwithstanding.

Penalties upon importation of foreign cattle at certain times.

XIII. *And lastly, whereas a very great part of the richest and best land of this kingdom is and cannot so well be otherwise employed and made use of as in the feeding and fattening of cattle; and that by the coming in of late of vast numbers of cattle already fatted, such lands are in many places much fallen, and like daily to fall more in their rents and values, and in consequence other lands also, to the great prejudice, detriment and impoverishment of this kingdom;* (2) be it further enacted by the authority aforesaid, and it is hereby enacted, That for every head of great cattle (except such as are

of

of the breed of *Scotland*) that shall be imported or brought into *England, Wales, or the town of Berwick upon Tweed*, after the first day of *July*, and before the twentieth day of *December* in any year, and for every head of great cattle of the breed of *Scotland* that shall be imported or brought into *England, Wales, or the town of Berwick*, after the four and twentieth day of *August*, and before the twentieth day of *December* in any year, there shall be paid to his Majesty, his heirs and successors, the sum of twenty shillings; and the sum of ten shillings to him or them that shall inform or seize the same; and the sum of ten shillings to the poor of the parish where such seizure or information shall be made, to be recovered and levied by bill, plaint or other action, wherein no essoin, protection or wager in law shall be allowed. *EXP.*

Farther provisions relating hereto, 18 Car. 2. c. 2. For Scots cattle, see 5 Annæ, c. 8. Article 6.

XIV. And moreover, That there shall be paid to his Majesty, his heirs and successors, for every sheep which shall be imported into *England, Wales, or the town of Berwick* aforesaid, after the first day of *August*, and before the twentieth day of *December*, in any year, the sum of ten shillings of lawful money of *England*, to be recovered and levied in manner aforesaid.

XV. Provided always, That this act, in so far as it relates to great cattle or sheep, shall not take place till the first day of *July* one thousand six hundred sixty and four, nor continue longer than the end of the first session of the next parliament.

The continuance of this act as to importation of cattle.

XVI. And for the encouragement of the herring and *North-sea, island and Westmony* fisheries, (2) be it enacted, and it is hereby enacted by the authority aforesaid, That from and after the first day of *August* which shall be in the year of our Lord one thousand six hundred sixty and four, no fresh herring, fresh cod or haddock, coal fish or gull-fish, shall be imported into *England, Wales, or the town of Berwick*, but in *English-built-ships* or vessels, or in ships or vessels *bona fide* belonging to *England, Wales, or the town of Berwick*, and having such certificate thereof as is aforesaid, and whereof the master and three fourths at the least of the mariners are *English*, and which hath been fished, caught and taken in such ships or vessels, and so navigated, and not being bought or had of any strangers born, or out of any strangers bottoms, under the pain of the forfeiture of all such herring, cod, haddock, coal-fish or gull-fish imported contrary to the true intent and meaning hereof, and of the ship or vessel in which it was imported; (3) one moiety of which forfeitures shall be to his Majesty, his heirs and successors; and the other moiety to him or them that shall inform, seize or sue for the same, to be recovered by bill, plaint or other action, wherein no essoin, protection or wager in law shall be allowed.

Encouragement of herring fisheries. Altered by 1 Geo. 1. stat. 2. c. 18. s. 1.

XVII. And be it further enacted, and it is hereby enacted by the authority aforesaid, That for the following sorts or kinds of salted or dried fish, which from and after the said first day

Duties to be paid upon importation of

salted or dried day of *August* shall be imported into *England, Wales* or the town of *Berwick*, in any other ship or vessel than what is *English*-built or belonging to *England, Wales* or town of *Berwick*, and having such certificate thereof as abovesaid, and whereof the master and three fourths of the mariners at least are *English*, and not having been fished and caught in such ships or vessels, and navigated, there shall be paid by way of custom and impost the several sums of money herein after particularly mentioned, (that is to say) for cod-fish the bartel, five shillings; for cod-fish the last, containing twelve barrels, three pounds; for cod-fish the hundred, containing sixscore, ten shillings; for ling the hundred, containing sixscore, five shillings; for white herrings the last, containing twelve barrels, one pound sixteen shillings; for haddocks the barrel, two shillings; for gull-fish the barrel, two shillings.

The further penalty for planting tobacco in England.
20 Car. 2. c. 34.

XVIII. *And forasmuch as planting and making tobacco within this kingdom of England doth continue and increase, to the apparent loss of his said Majesty in his customs, the discouragement of the English plantations in the parts beyond the seas, and prejudice of this kingdom in general, notwithstanding an act of parliament made in the twelfth year of his said Majesty's reign for prevention thereof, intituled, An act for prohibiting the planting, setting or sowing of tobacco in England and Ireland: (2) and forasmuch as it is found by experience, that the reason why the said planting and making of tobacco doth continue is, that the penalties prescribed and appointed by that law are so little, as have neither power or effect over the transgressors thereof; (3) for remedy therefore of so great an evil, be it enacted by the authority aforesaid, That all and every the person or persons whatsoever, that do or shall at any time hereafter set, plant or sow any tobacco in seed, plant or otherwise, in or upon any ground, field, earth or place, within the kingdom of England, dominion of Wales, islands of Guernsey and Jersey, or town of Berwick upon Tweed, or kingdom of Ireland, shall, over and above the penalty of the said act for that purpose ordained, for every such offence forfeit and pay the sum of ten pounds for every rod or pole of ground that he or they shall so plant, set or sow with tobacco, and so proportionably for a greater or lesser quantity of ground; one third part thereof to the King's majesty, one other third part thereof to the use of the poor of such respective parish or parishes wherein such tobacco shall be so planted, set or sowed; and the other third part thereof to him or them that shall sue for the same, to be recovered by action of debt, bill, plaint or information, in any of his said Majesty's courts of record at Westminster, wherein no essoin, protection or wager of law shall be allowed.*

XIX. *And it is hereby further enacted, That in case any person or persons shall resist or make forcible opposition against any person or persons in the due and thorough execution of the said act of the twelfth of his said Majesty's reign, that he, she*
or

or they, so resisting and making forcible opposition, shall over and above the penalties therein mentioned for such offences, be committed to the common gaol of the county where such offence shall be committed, there to remain without bail or mainprize, until he, she or they, have entred into a recognizance to his Majesty, his heirs and successors, with two sufficient sureties, of ten pounds penalty, not to do or commit the like offence again.

XX. Provided always, That this act, nor any thing therein contained, shall extend to the hindrance or prejudice of planting tobacco in any physick-garden of either of the universities, or any other private garden for chirurgery, so as the quantity so planted exceed not the half of one pole, in any one place or garden. Proviso for tobacco planted in physick-gardens.

XXI. Provided also, and be it enacted, That it shall and may be lawful to import cattle of the breed of the *isle of Man*, not exceeding six hundred in any one year, and corn of the growth of that island, out of that island into *England*; so as the said cattle be landed at *Chester*, *Liverpool* or *Wire-water*; any thing in this act to the contrary thereof in any wise notwithstanding. Cattle imported from the isle of Man.

C A P. VIII.

An act to prevent the selling of live fat cattle by butchers.

WHEREAS by an act made in the third and fourth years of the reign of King Edward the Sixth, it is enacted, That no person using the craft or mystery of a butcher should buy any fat oxen, steers, runts, kine, heifers, calves or sheep, and sell the same again alive, upon pain of forfeiture of the cattle so sold; (2) which law hath not wrought such effectual reformation as was intended, by reason of the difficulty in the proof of such buying and selling, being for the most part at places far distant, if not in several counties, by means whereof the parties so offending have escaped unpunished: 3 & 4 Ed. 6. c. 19. f. 3. 22 & 23 Car. 2. c. 19. 25 Car. 2. c. 4. 1 Jac. 2. c. 17. 4 & 5 W. & M. c. 24. 11 & 12 W. 3. c. 13. 5 Annæ, c. 34. 7 Annæ, c. 6.

II. Be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by authority of the same, That no person using the trade of a butcher shall at any time from and after the feast of *St. Michael* the archangel next ensuing, sell, offer or expose to sale in any market or elsewhere, either by himself or any servant or agent whatsoever, any fat oxen, steers, runts, kine, heifers, calves, sheep or lambs alive; (2) upon pain to forfeit the double value of the cattle so sold or offered or exposed to sale as aforesaid; the one moiety of which forfeiture shall be to the King's majesty, his heirs and successors; and the other moiety to him or them that will sue for the same in any of his Majesty's courts of record, by bill, plaint, action of debt or information, wherein no essoin, protection or wager of law shall be allowed. Penalty upon butchers for selling live fat cattle.