

*fear of God, by means and compasses to prove a pre-contract, a kindred und alliance, or a carnal knowledge, to defeat the same, and so under the pretence of these allegations afore rehearsed, to live all the days of their lives in detestable adultery, to the utter destruction of their own souls, and the provocation of the terrible wrath of God upon the places where such abominations were used and suffered:*

Co. Lit. 235. a.  
All persons be  
lawful to con-  
tract marriage  
that be not  
prohibited by  
God's law.

Vaugh. 206.  
That mar-  
riage is indis-  
soluble which  
is contracted  
and solemn-  
ized in the face  
of the church,  
and consum-  
mate with bo-  
dily know-  
ledge or fruit  
of child, not-  
withstanding  
any pre-con-  
tract.

Repealed by 2  
& 3 Ed. 6.

c. 23. f. 2. and  
1 & 2.

Ph. & M. c. 8.  
f. 20. and in  
part revived

by 1 El. c. 1.  
f. 12. as to so

much as is not  
repealed by 2  
& 3 Ed. 6.

f. 23.

(6) Be it therefore enacted by the King our sovereign lord, the lords spiritual and temporal, and the commons in this present parliament assembled, and by authority of the same, That from the first day of the month of *July* next coming, in the year of our Lord God 1540. all and every such marriages as within this church of *England* shall be contracted between lawful persons (as by this act we declare all persons to be lawful, that be not prohibited by God's law to marry) (7) such marriages being contract and solemnized in the face of the church, and consummate with bodily knowledge, or fruit of children or child being had therein between the parties so married, shall be by authority of this present parliament aforesaid deemed, judged and taken to be lawful, good, just and indissoluble, notwithstanding any pre-contract or pre-contracts of matrimony not consummate with bodily knowledge, which either of the parties so married or both shall have made with any other person or persons before the time of contracting that marriage which is solemnized and consummate, or whereof such fruit is ensued, or may ensue, as afore, and notwithstanding any dispensation, prescription, law or other thing granted or confirmed by act, or otherwise; (8) and that no reservation or prohibition, God's law except, shall trouble or impeach any marriage without the Levitical degrees; (9) and that no person, of what estate, degree or condition soever he or she be, shall, after the first day of the said month of *July* aforesaid, be admitted in any of the spiritual courts within this the King's realm, or any his Grace's other lands and dominions, to any process, plea or allegation, contrary to this foresaid act.

#### C A P. XXXIX.

The great master of the King's house shall have all authority that the lord steward had. Rep. 1 Mar. Stat. 3. c. 4.

#### C A P. XL.

*For physicians and their privilege.*

4 Inst. 251.

Cro. Jac. 121,

159.

Cro. Car. 256.

Privileges

granted to

physicians in

London.

**I**N most humble wise sheweth unto your Majesty, your true and faithful subjects and liege men, the president of the corporation of the commonalty and fellowship of the science and faculty of physick in your city of London, and the commons and the fellows of the same, that whereas divers of them many times having in cure, as well some of the lords of your most honourable council, and divers times many of the nobility of this realm, as many other of your faithful and liege people, cannot give their due attendance to them, and other their patients, with such diligence as their duty were and is to do, by reason they be many times compelled, as well within the city of London and

suburbs

*suburbs of the same, as in other towns and villages, to keep watch and ward, and be chosen to the office of constable, and other offices within the city and suburbs of the same, as in other places within this your realm, to their great fatigation and unquieting, and to the peril of their patients, by reason they cannot be conveniently attended :*

(2) It may therefore please your most excellent Majesty, with the assent of your lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, to enact, ordain and establish, That the president of the said commonalty and fellowship for the time being, and the commons and fellows of the same, and every fellow thereof, that now be, or at any time hereafter shall be, their successors, and the successors of every of them, at all time and times after the making of this present act, shall be discharged to keep any watch or ward in your said city of *London*, or the suburbs of the same, or any part thereof; (3) and that they or any of them shall not be chosen constable, or any other officer in the said city or suburbs; (4) and that if at any time hereafter the said president for the time being, or any of the said commons or fellows for the time being, by any ways or means be appointed or elected to any watch or ward, office of constable, or any other office, within the said city or suburbs, the same appointment or election to be utterly void and of none effect; any order, custom or law to the contrary before this time used in the said city notwithstanding.

The physicians in London shall be discharged to bear certain offices there.

II. And that it may please your most royal Majesty, by the authority aforesaid, That it may be further enacted, ordained and established, for the common wealth and surety of your loving subjects of this your realm, in and for the administration of medicines to such of your said subjects as shall have need of the same, That from henceforth the said president for the time being, commons and fellows, and their successors, may yearly, at such time as they shall think most meet and convenient for the same, elect and choose four persons of the said commons and fellows, of the best learned, wisest and most discreet, such as they shall think convenient, and have experience in the said faculty of physick; (2) and that the said four persons so elected and chosen, after a corporal oath to them ministred by the said president or his deputy, shall and may, by virtue of this present act, have full authority and power, as often as they shall think meet and convenient, to enter into the house or houses of all and every apothecary, now or at any time hereafter using the mystery or craft of apothecary within the said city, only to search, view and see such apothecary wares, drugs and stuffs, as the said apothecaries, or any of them have, or at any time hereafter shall have, in their house or houses; (3) and all such wares, drugs and stuffs, as the said four persons shall then find defective, corrupted, and not meet nor convenient to be ministred in any medicines for the health of man's body, the same four persons calling to them the warden of the said mystery of apothecaries within the said city for that time being, or one of

Four physicians shall be chosen yearly to search apothecary wares in London.

Altered by 10. Geo. 1. c. 20.

them,

The forfeiture of an apothecary that refuseth to have his house searched. 1 M. st. 2. c. 9.

The forfeiture of such as being elected refuse to be sworn, or to make search.

Any of the physicians in London may practise surgery.

them, shall cause to be brent, or otherwise destroy the same, as they shall think meet by their discretion; (4) and if the said apothecaries, or any of them, at any time hereafter do obstinately or willingly refuse or deny the said four persons yearly elected and chosen, as is before said, to enter into their said house or houses for the causes, intent and purpose before rehearsed; that then they and every of them so offending contrary to this act, for every time that he or they do so offend, to forfeit C. 5. (5) the one half to your Majesty, and the other half to him that will sue for the same by action of debt, bill, plaint or information, in any of the King's courts, wherein no wager of law, essoin or protection shall be allowed; (6) and if the said four persons, or any of them, so elected and chosen as before is said, do refuse to be sworn, or after his said oath to him or them administered, do obstinately refuse to make the said search and view once in the year, at such time as they shall think most convenient by their discretions, having no lawful impediment by sickness, or otherwise, to the contrary; that then for every such wilful and obstinate default, every of the said four persons making default to forfeit forty shillings.

III. And forasmuch as the science of physick doth comprehend, include and contain the knowledge of surgery, as a special member and part of the same; therefore be it enacted, That any of the said company or fellowship of physicians, being able, chosen and admitted by the said president and fellowship of physicians, may from time to time, as well within the city of London, as elsewhere within this realm, practise and exercise the said science of physick in all and every his members and parts; any act, statute or provision made to the contrary notwithstanding.

## CAP. XLI.

REP. 21. Jac. 1. C. 21. Which inholders may bake horse-bread within their house, notwithstanding the statutes of 13 R. 2. Stat. 1. c. 8. and 4 H. 4. c. 25.

## CAP. XLII.

For barbers and surgeons.

The authority and liberties of barbers and surgeons in London, being made of one company. 18 Geo. 2. c. 15.

THE King our sovereign lord, by the advice of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, by all their common assents, duly pondering, among other things necessary for the common wealth of this realm, that it is very expedient and needful to provide for men expert in the science of physick and surgery, for the health of man's body, when infirmities and sickness shall happen, for the due exercise and maintenance whereof good and necessary acts be already made and provided; (2) yet nevertheless, forasmuch as within the city of London, where men of great experience, as well in speculation as in practice of the science and faculty of surgery, be abiding and inhabiting, and have more commonly the daily exercise and experience of the same science of surgery, than is had or used within other parts of this realm;