

C A P. XXXIX.

The erection of the court of surveyors of the King's lands, the names of the officers there, and their authority.

The court of the general surveyors of the King's lands shall be a court of record, and shall have a privy seal, of which court shall be officers, the King's general surveyors, a treasurer, viz. the treasurer of the King's chamber for the time being, an attorney, the master of the woods, auditors, receivers, a clerk of the court, an usher, a messenger; their several oaths, duties and authorities. All lands only mentioned in a schedule, signed or to be signed with the King's sign manual, shall be in order and governance of the said court. 4 Inst. 122; Altered 1 M. sess. 2. c. 10.

L. And where divers and sundry obligations and specialties heretofore have been made to divers persons, part of them to the use of 7 Co. 19, 20, 21.

King Henry the Seventh, father of our now most gracious sovereign lord, and part of them to the use and behoof of our said now sovereign lord; (2) Be it enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That all obligations and specialties, which after the first day of May next coming shall be made for any cause or causes touching or in any wise concerning the King's most royal majesty, or his heirs, or to his or their use, commodity or behoof, shall be made to his highness, and to his heirs, Kings, in his or their name or names, by these words, *Domino regi*, and to none other person or persons to his use, and to be paid to his Highness by these words, *Solvend' eidem domino Regi, hæred', vel executoribus suis*, with other words used and accustomed in common obligations; (3) and that all such obligations and specialties so to be made, shall be good and effectual in the law to all purposes and intents, and shall be of the same nature, kind, quality, force and effect, to all intents and purposes, as the writings obligatory taken and knowledged according to the statute of the staple at Westminster hath at any time before the making of this present act been taken; used, exercised, and executed against any lay person or persons; any law, usage or custom to the contrary thereof notwithstanding. Godb. 289. pl. 416. Savil 13. Br. Prerog. 716. Obligations made to the King shall be in the nature of a statute staple, and shall be made Domino regi, &c. 13 & 14 Car. 2. c. 16.

LI. And that all such obligations and specialties, the debt whereof not being paid nor contented in the life of the King, shall come, remain, and be to the heirs or executors of the King, at the free liberty, disposition, assignment, and appointment of the same King, to whom such obligations or specialties shall be made, as is aforesaid. And if any person or persons, in his or their own proper person or persons, after the said first day of May, make or take any obligation or obligations to the use of the King's majesty, or of his heirs, Kings, otherwise than is before expressed; that then such person or persons only, that shall so offend contrary to this present act, for his or their so doing shall have and suffer such imprisonment, as shall be who shall have the King's specialties after his death.

assessed and adjudged by the King, or his most honourable council daily attendant upon his Highness most royal person.

All suits for the King's debts to be in his own name. 2 Leon. 33, 90.

LII. And that all suits to be made after the first day of *April* next coming, for the recovery of or for any the King's debts, in any of the King's courts mentioned in this act, of or upon any obligation or specialty dated or delivered before the making of this present act, or which shall be dated and delivered to the King, or to his use, afore the second day of *May* next coming, shall be taken, sued and pursued in the name of the King, and in the name of none other person or persons, to whatsoever person or persons the said obligations or specialties, or any of them be, have been, or shall be made to the King's use.

Process, judgment and execution for the King to be in the nature of the statute staple.

LIII. And that all suits, process, judgments, decrees, and executions hereafter to be taken, pursued, or given for the King in any the King's courts mentioned in this act, of or upon any of the same obligations last afore mentioned, shall be of the same or like strength, force, effect and intent in the law to all purposes, only against all and all manner such person and persons as been bound in such obligations or specialties, as well spiritual as temporal, as against their heirs, successors, executors and administrators, and every of them, and against none other, as writings obligatory taken and acknowledged according to the statute of the staple at *Westminster*, at any time before the making of this present act, have been used to be taken, exercised, and executed against any lay person or persons.

The King in all suits for debt shall recover his costs and damages.

LIV. And that the king in all suits hereafter to be taken in or upon any obligation or specialties made or hereafter to be made to the King, or any to his use, shall have and recover his just debts, costs and damages, as other common persons use to do in suits and pursuits for their debts. (2) And that all such suits as now be depending in the name of any common person to his Grace's use, whereof no verdict is, or before the feast of *Easter* next coming shall be given or passed, or no *exigent* awarded, shall abate, be void, and of none effect; and nevertheless the King, by the authority aforesaid, shall have his suit and remedy for the said debt so being in action and process, in form as is aforesaid, in any of the courts in this act mentioned; any thing in this act to the contrary thereof notwithstanding.

Suits for the King's debts shall be in the courts where they shall be due.

Crompt. Juris. 106.

LV. And it is further enacted by the authority abovesaid, That all and every suit and suits, which hereafter shall be had, made, or taken of, for or upon any debt or duties, which heretofore hath grown or been due, or that hereafter shall grow or be due to the King, in the several offices and courts of his exchequer, duchy of *Lancaster*, augmentations of the revenues of his crown, surveyors general of his manors, lands and tenements, master of the wards and liveries, and court of the first-fruits and tenths, or in any of them, or by reason or authority of any of them, shall be severally sued in such one of the said courts and offices, in the which court and office, or by reason of the which court and office, the same debt or duty did first grow or become to be due, or hereafter shall grow or become due,

due, or in the which office or court the recognisance, obligation, or specialty is or shall be or remain. (2) And every such several suit and suits shall be made in every of the said several offices and courts, under the several seals of the said several courts, by *Capias*, *Extendi facias*, *Subpoena*, attachments and proclamations of allegiance, if need shall require, or any of them, or otherwise, as unto the said several courts shall be thought by their discretions expedient for the speedy recovery of the King's debts.

Process that shall be awarded in the said several courts for the recovery of the King's debts.

LVI. And that the said court of exchequer, and all and every of the said courts, shall have whole and full authority and power to hear and determine all and every such suit and suits as hereafter shall be taken, commenced and pursued for the intent above specified, and thereupon to award, make and do execution by and upon the body, lands and goods of the party or parties that shall be so condemned accordingly.

LVII. And also shall have full power and authority to hear and determine all and all manner of debts, detinues, trespasses, accompts, reckonings, wastes, deceits, negligences, defaults, contempts, complaints, riots, quarrels, suits, strifes, controversies, forfeitures, offences, and other things whatsoever they shall be, which hereafter shall grow, be moved, stirred, procured, pursued or arise, in, for or upon any matter, cause or other thing assigned, committed or appointed, or hereafter to be assigned, committed or appointed to the several directions, orders and governances of the same courts, or any of them, or for or upon any manner of thing or things which may or shall touch, or in any ways concern the same wherein the King shall be only party; (2) and also all manner of states for term of years between party and party concerning the premisses; (3) and to correct and punish by their discretions all and every person and persons, which before them shall be convicted of any of the premisses, according to the nature, quality and quantity of his or their offence or offences, cause or causes, matter or matters, all and all manner of treasons, murders, felonies, estates, rights, titles and interests, as well of inheritance as of freehold, other than jointures for term of life only excepted and always reserved.

The authority of the courts of exchequer, wards and duchy.

LVIII. And be it enacted by the authority aforesaid, That if any person or persons shall make or pretend any claim, right, title, interest or possession in or to any manors, lands, tenements or hereditaments, bargained, sold or exchanged, or hereafter to be bargained, sold or exchanged by the King our sovereign lord, to any person or persons in fee-simple or fee-tail, by his Highness letters patents, made or to be made thereof under the great seal of *England*, upon which letters patents there is or shall be reserved any annual rents or farms payable to the King's highness, his heirs or successors, in his said court of augmentations; (2) or demand or ask any rents, annuities, offices, fees or other profits, in, out, or of any such manors, lands, tenements or hereditaments, contained or to be comprised in

Title pretended to lands sold or exchanged by the King.

The King
pretending
title to any
lands by him
sold or ex-
changed.

The King de-
manding rents
or profits out
of such lands.

any such letters patents, made or hereafter to be made, as is aforesaid : (3) or if our said sovereign lord, his heirs or successors, shall make or pretend any claim, right, title, interest, or possession in or to any manors, lands, tenements or hereditaments bargained, sold or exchanged, or to be bargained, sold or exchanged by the King, his heirs or successors, to any person or persons in fee-simple or fee-tail, by his or their letters patents thereof made, or hereafter to be made, under his or their great seal of *England*, upon which letters patents is or shall be reserved any annual rents or farms payable, or which shall be payable to the King, his heirs or successors, in his said court of augmentations ; (4) or if the King, his heirs or successors, demand or ask any rents, annuities or other profits or hereditaments of any estate of inheritance in, of, or out of any manors, lands, tenements or hereditaments contained or comprised, or to be contained or comprised, appointed or to be appointed or assigned to the said court of augmentations, in any letters patents made, or hereafter to be made as is aforesaid ; (5) that then the chancellor of the said court of augmentations, by the assent of the council of the said court, or the more part of them, shall have power and authority, by authority of this act, to examine all such demands, rights, titles, interests and possessions, rents, annuities, offices, fees, and other profits and hereditaments, whatsoever they shall be, and every of them so to be demanded, pretended, claimed or asked as is aforesaid, and by witness, proofs and other ways and means by their discretions, to hear and determine the same. (6) And in case the King's patentees in any such letters patents as is aforesaid, or any of them, their heirs, successors or assigns, shall be compelled by the authority of the said court of augmentations, by decree or judgment of the same court, to render and yield to any person or persons, in fee-simple or fee-tail, the lands, tenements or hereditaments comprised or specified in any such letters patents, or any parcel of them, or to suffer any person or persons to have and enjoy any offices, rents, annuities, or other profits or hereditaments in fee-simple or in fee-tail, out of or of the same, or out of any parcel thereof ; (7) and that it shall appear in the said letters patents, that the King, his heirs or successors, is or shall be bounden, or of right and equity ought to recompense and satisfy the said patentees, their heirs, successors, executors or assigns, or any of them, of and for such manors, lands, tenements or hereditaments, annuities, rents, offices, fees, or other profits recovered in fee-simple or fee-tail, by decree or judgment of the said court as is aforesaid, or else to discharge and acquit the said patentees, their heirs, successors, executors and assigns, of or for any rents, annuities, offices, fees, or other profits aforesaid, recovered by decree or judgment in fee-simple or fee-tail as is above said : (8) or if it shall appear unto the said court of augmentations, or unto the more part of them, that the King, his heirs or successors, of right and equity ought to have, recover or enjoy in fee-simple or fee-tail, any manors,

manors, lands, tenements or hereditaments, in any such letters patents comprised, or rents, annuities, offices, fees or other profits, in, out or of the same; (9) that then, in all and every such case and cases, the said chancellor of the augmentations for the time being, with the assent of three or more such persons as hereafter shall be named by the King, his heirs or successors, shall have full power and authority, without any bill or warrant to be signed or sued from the King, his heirs or successors, for the same, as well to recompense and satisfy the party or parties grieved, so much in money of the King's treasure remaining in the said court of augmentations, as the said manors, lands, tenements, rents, annuities, offices, fees, or other profits or hereditaments lost or recovered by decree or judgment of the said court of augmentations as is aforesaid, shall be worth to be sold, or otherwise discharge and acquit such person or persons thereof, according to his or their letters patents; (10) as also to make and take order, direction, decree and judgment for the King, his heirs and successors, for the recovery, attaining and having of all and singular such manors, lands, tenements, rents, annuities, offices, fees, profits and hereditaments, and all and every other thing and things, which the King, his heirs and successors, by and upon such examination and examinations, ought, should and shall be justly intituled to have, recover, possess or enjoy in fee-simple or fee-tail; (11) and the same decree, direction, order and judgment to be good and effectual in the law, to bind all parties and privies to the same to all intents and purposes. (12) And where any decree or judgment, which shall be given in the said court of augmentations for any the premisses, extend to the loss of the King's patentee or patentees, their heirs, successors, executors or administrators, but for term of life or lives of the demandant or demandants, plaintiff or plaintiffs, or for term of years, the loss whereof the King is bounden and ought to recompense, discharge, or acquit by his letters patents; then the said chancellor of the augmentations shall have full power and authority to recompense or discharge the same in money as is aforesaid, or else to recompense the same of the lands, tenements, hereditaments and possessions limited to the survey and governance of the said court of augmentations, to be granted under the seal of the same court by the discretion of the said chancellor, as shall seem to him best for the King's profit, without any bill or warrant to be sued or signed by or from the King for the same. (13) And that every such recompence, satisfaction and discharge to be made by authority of this act to any person or persons by the said chancellor as is aforesaid, shall be good and effectual against the King, his heirs and successors; any law, usage or custom to the contrary thereof notwithstanding.

In what causes the court of augmentations, without other warrant, may make recompense to any person that is wronged.

A loss extending by a decree to the King's patentee for life or years, how to be made good.

The courts erected by this act were united to the exchequer, pursuant to the powers granted 1 M. stat. 2. c. 10.

LIX. And it is further enacted by the authority aforesaid, That every of the said courts shall have full power and authority by force of this act, to set such fines, penalties and amerciaments upon parties, sheriffs, officers, and other persons, for

The authority of the fore-said courts to set fines, &c. upon offenders.

4 Inst. 109,
110.
Trials in the
said courts.

his and their defaults, contempts, negligences or misdemeanors, as unto the said courts, or unto any of them, shall be reasonably considered and thought expedient; (2) and that all and every trial and trials, of all and all manner of suits, bills, plaints, informations, declarations, complaints, answers, replications, allegations, causes, matters and issues, or any of them, to be pursued, made, or tried in the said several courts, or any of them, shall be made and tried by due examination of witness, writing, proofs, or by such other ways or means as by the said several courts, or by any of them shall be thought expedient; (3) and that all and every such judgment and judgments, decree or decrees, examination and examinations shall be good, perfect, and in full strength, force and effect in the law to all intents, constructions and purposes.

The chief officers of the said courts may discharge recognizances taken there.

LX. And where divers and sundry persons stand bounden to the King's highness in divers great and notable sums of money, by recognizance or other bonds in the said several courts, for debts due to the King's highness, as well for the purchase of lands and woods, and performance of conditions, as also for divers and sundry other causes: (2) and albeit the same persons have well and truly satisfied, contented, and paid the same debts, or performed the conditions of the same recognizances, or other bonds, yet the same recognizances, or other bonds, cannot be made void without the King's especial warrant, which should be much unquietness to the King's majesty, and also very chargeable to his Grace's subjects to sue to his Highness from time to time for the same: (3) In consideration whereof, and forasmuch as the said persons being so bounden by recognizance, or in other bonds, may by divers casualties lose their acquittances, whereby great danger and peril may grow to them, their heirs, executors and successors: (4) Be it therefore enacted by the King our sovereign lord, with the assent of the lords spiritual and temporal, and the commons, in this present parliament assembled, and by authority of the same, That upon the sight of the acquittances, made or to be made for the payment of the said debt or debts, or sum or sums of money grown or to be grown, or due, and sufficient proof made, or hereafter to be made, before the said several head officers for the time being of the said several courts, as the case shall rise or grow, or if the condition of the same recognizance or bond be performed or kept; that then every such several head officer for that recognizance taken, or to be taken by him, or any of his predecessors, or of any other bond for that time being within his charge and cure, shall have full power and authority to cancel and make void the said recognizance or other bond, calling to him such of the same court as to him or them shall seem most convenient for the cancellation of the same recognizance or bond.

LXI. And be it enacted by the authority aforesaid, That the same cancellation so made shall be a sure and sufficient discharge of the same recognizance or other bond, to all and every such person or persons, as do or shall stand bounden in the same recognizance

cognizance or bond so cancelled, against the King's highness, his heirs, executors and successors for ever.

LXII. And be it further enacted by the authority aforesaid, That the same several head officers for the time being, in every of their said several courts, shall have full power and authority to discharge, cancel or make void, by his or their discretion, all and singular recognizances now made, or hereafter to be made in the said court, for any appearance or other contempt; and that the same head officer or officers, and the parties so bounden and to be bounden, to be discharged against the King our sovereign lord, his heirs, executors and successors, for the cancellation of the same recognizance.

Discharging
of recogni-
zances taken
for appearance
or contempt.

LXIII. *And where the King's majesty sithen the making of the same statute in the said twenty-seventh year of his noble reign, of his own meer motion, liberality and benignity, hath freely given and granted by his sundry letters patents under his great seal of England, unto divers and sundry of the nobles and lords, as well spiritual as temporal, of this his realm, and also unto divers and many other persons and bodies politick, to their heirs or successors, and to the heirs of their bodies, or for term of life or lives, divers and many sundry honours, castles, manors, lands, tenements, rectories, pensions, portions and other hereditaments, which then were in the order, governance and survey of the same court of the augmentations of the revenues of his Grace's crown, or out of any other of the said several courts, reserving unto his Majesty, his heirs and successors, by the same letters patents, one yearly rent in the name of one tenth, or the tenth part of the yearly value of the same premisses, or any other tenth payable and to be paid in the same courts, or to the officers of the same courts deputed and assigned for the same, at one certain feast or day in the same letters patents mentioned and declared; (2) which said persons so advanced, notwithstanding they have sithen and after the making of the same letters patents peaceably enjoyed the same manors, lands, tenements and hereditaments so given, and thereof have quietly perceived and taken the issues, revenues and profits thereof; yet nevertheless divers of the same persons have not, at the days and feasts assigned and limited unto them in the same letters patents, nor yet in long time after the same days and feasts of payment thereof, contented and paid in the same courts, or to the officers of the same courts assigned and deputed for the same, the said yearly rent or rents so reserved to the King's highness, contrary to their duties, and against all reason and good conscience: (3) In consideration whereof, be it therefore now ordained, enacted and established by the assent of the King's majesty, the lords spiritual and temporal, and the commons, in this present parliament assembled, and by the authority of the same, That if any person of what estate, degree or condition soever he be, or body politick, to whom the King's majesty hath by his letters patents under his great seal of England, or under the great seal of the same court of augmentations, given or granted, or hereafter shall give or grant, with like reservation of rent or rents, any manors, lands, tenements, rectories or other hereditaments whatsoever,*

27 H. 8. c. 27.

which

A remedy for
tithes not paid
issuing forth of
abbey lands
given by the
King to
others.

The penalty
for default of
payment at
the day as-
signed, or
within three
months after.

The penalty
for default of
payment
within a year.

A further re-
medy for the
tenth, and

which were or hereafter shall be in the order, governance and survey of the same courts, or any of them, to be had to them and their heirs or successors, or for any other estate of inheritance, or for term of life or lives, yielding and reserving to the same our said sovereign lord the King, his heirs or successors, one yearly rent at one certain day or feast in the same letters patents expressed, mentioned and declared, and to be paid into the same courts; that if the same persons, bodies politick, their heirs or successors, or assigns, or any of them, do not truly content or pay, or cause to be contented or paid unto the treasurer of the said several courts, or to the general or particular receiver of the same several courts, deputed and assigned for the same for the time being, to the use of the King's highness, at the day or feast limited by the same letters patents, or within three months next and immediately after the same day or feast of payment thereof, all such sums of money, which been or hereafter shall be due, reserved to the King's majesty, his heirs and successors, by the same letters patents, or by any of them, or make sufficient tender thereof to the said treasurer, or general or particular receiver; that then every of the same persons, bodies politick, their heirs, successors or assigns, for lack and default of payment of the same rent, to forfeit and lose to the King's majesty, his heirs and successors, as much money as the fourth part of the same rent so reserved, or hereafter to be reserved for one year, doth or shall amount unto, for and in the name of one pain, over and above the same rent reserved, or hereafter to be reserved. (4) And if it happen the same persons, or bodies politick, their heirs, successors or assigns, or any of them, do not, within one half year next after the day or feast expressed in the same letters patents, content or pay, or lawfully tender unto the same treasurer, or general and particular receiver, to the use of the King's majesty, his heirs or successors, as well the said yearly rent reserved, or hereafter to be reserved, as also the said money forfeited for and in the name of a pain; that then the same persons, bodies politick, their heirs, successors or assigns, so offending, shall forfeit and lose to the King's majesty, his heirs and successors, so much money as the moiety or half-deal of the same rent reserved or to be reserved for one year doth or shall amount unto, over and above the said rent reserved or to be reserved; (5) and so to forfeit and lose for every half year after, so much money as the whole rent reserved or to be reserved for one whole year doth or shall amount unto, until the same rent so reserved or to be reserved, and the arrearages of the same, and also the said sums of money so forfeited and lost for a pain, been unto the same treasurer, or general or particular receiver, truly satisfied, contented and paid, to the use of the King's highness, his heirs and successors.

LXIV. And be it also enacted by the authority aforesaid, That it shall be lawful to the same treasurer, and general or particular receiver, to distrain as well for the same rent so reserved or

to be reserved, and for the arrearages of the same, as also for money forfeited in the name of a penalty. the said sums of money so forfeited or to be forfeited and lost, for and in the name of the pain aforesaid: (2) and also the head officer or officers of either of the same courts for the time being, upon certificate to him made or to be made of the same default and contempt, shall and may award such process out of the same courts against the same offender for not paying of the said rent so reserved or to be reserved, and also for the same sums of money forfeited and to be forfeited by this act, as by his or their discretion shall seem convenient.

LXV. And be it also enacted by the authority aforesaid, That if any person or persons hereafter make lawful payment to any of the said treasurers, or general or particular receivers of any of the same courts, deputed and assigned for the same, of any sum or sums of money due to the King's highness, his heirs or successors, for any yearly rent or tenth, and upon or after such payment offer unto the same treasurer, or general or particular receiver, one lawful and sufficient acquittance ready made, to be assigned by the same treasurer, or general or particular receiver, witnessing the receipt of the said sum or sums of money so paid; that then the said treasurer, general or particular receiver, shall with his own hand assign the same acquittance without taking any fee or reward for the making of the same acquittance, (2) upon pain to forfeit and lose for every time offending contrary to this act, forty shillings; one moiety thereof to be to the King's highness, and the other moiety to the party that will pursue for the same; (3) and if the parties which hereafter shall happen to pay to the same treasurer, or general or particular receiver, any such sum or sums of money, and do not bring an acquittance with him to be assigned, as is before said; that then if the same treasurer, or general or particular receiver, upon request to him made, shall make and deliver unto the same party one sufficient acquittance, testifying the same receipt, that then the same treasurer, or general or particular receiver, or any of his clerks, shall receive or take of the same party for the making of the said acquittance, not above four-pence, (4) upon pain to forfeit for every such acquittance twenty shillings, for which he or they shall happen to take above the said sum of four-pence, to be recovered as is before said, that is to say, the one moiety thereof to the use of the King's highness, his heirs and successors, and the other moiety thereof to the party that will pursue for the same.

LXVI. And be it also enacted, That the same acquittance shall be a sufficient discharge according to the tenor and effect of the same.

LXVII. And be it also further enacted and ordained by the authority aforesaid, That if any of the same general or particular receivers, which now be or hereafter shall be within any of the said courts, happen to pay to any person or persons any annuity, pension or other rent, that then if the same person or persons, upon the receipt thereof, deliver unto the same general or particular receiver one sufficient and lawful acquittance

How much he shall pay for an acquittance which doth receive any annuity.

tance sealed and signed, testifying the same receipt, that then the same general or particular receiver shall receive the same acquittance, without taking or receiving any fee or reward for the making of the same; (2) and if the same party to whom the said general or particular receiver have so contented and paid any such annuity, pension or rent, do not bring with him one sufficient acquittance signed and sealed, testifying the receipt of the same money, by reason whereof the same general or particular receiver, by himself or his clerk, maketh one acquittance for the receipt of the same annuity, pension or rent, that then the same receiver or his clerk shall not receive or take for the making of such acquittance, which he shall so happen to make, above four-pence, upon pain to forfeit for every such acquittance which he shall happen to refuse, being ready made and offered to be delivered to him, as is abovesaid, twenty shillings; (3) and for every acquittance which he shall hereafter happen to make for any the payments aforesaid, and to receive for the making of the same acquittance above the sum of four-pence, to forfeit twenty shillings; the one moiety to the King, and the other to the party that will sue for the same; (4) and also that the same general or particular receiver, or their deputies, which hereafter shall happen to pay any such annuity, pension or rent, shall not retain or take of the party to whom he shall happen to pay the same, in the way of reward or otherwise, not above the sum of four-pence for every pound which the same general or particular receiver shall so happen to pay, (5) upon pain to forfeit vi. s. viii. d. for every peny which he or they shall happen to receive above the said sum of four-pence, for every pound which he or they shall so happen to pay; the one moiety of the said forfeiture to be to the King, and the other moiety to the party that will sue for the same; (6) and that all the said suits concerning the said forfeitures may be commenced and pursued by bill, information or action, in which suit none effoin, protection or wager of law to be admitted.

The receiver
shall take but
iv. d. a pound.

The auditor's
fees for inrol-
ments.

LXVIII. And be it further enacted, That if any person or persons hereafter happen to tender or offer unto any of the auditors of the same several courts, for the time being, any of the King's letters patents, decrees of any of the same several courts, grants, indentures of leases, as well for term of years as for term of life or lives, to be inrolled before the same auditor, according to his office; that then the same auditor, upon the same tender or offer, shall inrol the same, or as much of the same letters patents, decrees, grants or indentures, as shall appertain to his said office; (2) and if any of the same auditors, or any of their clerks, or any other to their use, or to the use of any of them, receive and take for the inrolment of any of the same letters patents, decrees, grants or indentures, or for the allowance of the same, above the sum of three shillings four-pence, that then the same auditor or his clerk, so offending, shall forfeit six shillings eight pence for every peny which the same auditors, or any of them, shall happen at any time hereafter to receive contrary to the form aforesaid; the

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one moiety of the same forfeiture to be to the King's highness, and the other moiety to him that will sue for the same by such manner and form as is aforesaid.

LXIX. And be it also further enacted by the authority aforesaid, That every auditor of every the said several courts, yearly in every county within their said several limits, by the space of twenty days or more before their audit, shall proclaim and declare in four several markets or other places, the place and days where and when they will keep their several audits in the same shire, upon pain to forfeit for every time doing the contrary five pounds, the one moiety whereof to be to the King's highness, and the other moiety to the party that will sue for the same in form aforesaid.

Auditors shall cause proclamation to be made in four market-towns 20 days before their coming.

LXX. And that also every of the auditors of the said several courts, being severally assigned to their several limits, and every the particular receivers of the same several courts, being also severally assigned and joined with the same several auditors in their said several limits, after and between every of the feasts of St. *Michael* the archangel and *Christmas*, shall direct and award their several warrants and precepts under their seals to every of the receivers, bailiffs, reeves and other officers whatsoever accountable before the same auditors, and by the same warrant or precept to charge and command, in the name of our said sovereign lord the King, every of the said receivers, bailiffs, reeves and other officers, to appear before them at one certain day and place in the same warrant or precept to them prescribed, there to declare and make a just and true account of all such receipts whereof they be accountable and owe to account.

Auditors and receivers shall make their precepts to bailiffs, &c.

LXXI. And after if the same auditors and particular receivers do repair unto the same place, and there keep their audit according to the same proclamations, precept and warrant; that then if any receiver, bailiff, reeve or other officer, being accountable of or for any of the manors, lands, tenements or other whatsoever hereditaments now remaining, or which hereafter shall be and remain in the order, governance or survey of any of the same several courts, be lawfully warned, as well by the same proclamation, or by precept or warrant in writing sealed, and in the name of any of the auditors of the said several courts, personally to appear by himself, or by his sufficient and lawful deputy, before the same auditor and receiver, at one certain day or place in the said warrant or precept prescribed, there to make and declare a just and true account of all receipts of his said office: (2) and if the same receiver, reeve, bailiff and other officer, so being lawfully warned, do not appear before the same auditor and receiver at the same day and place in the said warrant expressed; or if the same receiver, bailiff, reeve or officer do, at the same day and place to them prescribed, appear, and will not account before the same auditor, according to the tenor and effect of the same precept and warrant; or if the same receiver, bailiff, reeve or other officer accountable, do by himself, or by his sufficient and

A remedy against accomplices which make default of appearance or payment.

and lawful deputy, appear before the same auditor and receiver, and then and there enter into his or their accompt before the said auditor, and after the same accompt finished and ended, if the same receiver, bailiff, reeve or other officer, do not content and pay unto the treasurer of the same several courts, or to the general or particular receiver of the same county for the time being, as the case shall require, within three weeks next and immediately after the same accompt fully finished and ended, all such sums of money, which upon the determination of his said accompt he shall happen to be found in arrearages, and the same default and contempt being duly proved before the head officer and officers of the said several courts for the time being; that then every such receiver, bailiff, reeve or officer so offending, to forfeit and lose his said office, and also his fee which he or they had and received for the exercising of the same office.

The penalty if
an accomptant
do withdraw
any rent.

LXXII. And be it also further enacted by the authority of this present parliament, That if any of the said receivers, bailiffs, reeves or other officers, upon the declaration of their said accompts, do willingly conceal and withdraw any rent, revenue, fine, heriot or other casualty whatsoever it be, of the which he ought to have made accompt, and the same duly proved before the said head officer or officers for the time being; that then every such receiver, bailiff, reeve or other officer so offending, to forfeit and lose his said office and fee which he had for the exercising of the same, and also three times as much as he hath so concealed and withdrawn: (2) and that the said head officer or officers of the same several courts for the time being, immediately upon certificate to him made of the same default, contempt or offence, shall award process in nature of attachment against the same receiver, bailiff, reeve or other officer, as well for the same arrearages remaining in the hands of the same receiver, bailiff, reeve or officer, as also for the penalty of their recognizance or bond in which the same receiver, bailiff, reeve or officer standeth bounden to our said sovereign lord the King, as also for the contempt and pain limited and appointed by this act.

A remedy for
debts which
grow to the
King by at-
tainer, out-
lawry, forfei-
ture, gift, &c.

LXXIII. And be it further enacted by authority aforesaid, That in all actions and suits to be taken or pursued in any the courts aforesaid, for the recovery of any debt or debts, which now be, or that hereafter shall happen to appertain, accrue, remain, or be to the King, by reason of any attainder, outlawry, forfeiture, gift of the party, or by any other collateral way or means, it shall be sufficient in the law to shew and alledge in the said suit generally, that the party to whom the said debt or debts was or did belong, such year and day did give the same debt or debts unto the King, or was attainted, outlawed, or other offence, forfeiture, deed, act, or thing committed or done, by reason whereof the said debt or debts did accrue, and ought to remain, come, and be to the King. (2) And that the same matter so to be shewed, alledged, or declared in a generality, without shewing and declaring the circumstances thereof, shall be of as good force and effect in the law to all intents,

intents, constructions and purposes, as if the whole matter thereof had been or were alledged and declared at large in every point, according to the due order of the common laws of this realm.

LXXIV. And be it also enacted by the authority aforesaid, That if any suit be commenced or taken, or any process be hereafter awarded for the King, for the recovery of any of the King's debts, that then the same suit and process shall be preferred before the suit of any person or persons: (2) and that our said sovereign lord, his heirs and successors, shall have first execution against any defendant or defendants, of and for his said debts, before any other person or persons, so always that the King's said suit be taken and commenced, or process awarded for the said debt at the suit of our said sovereign lord the King, his heirs or successors, before judgment given for the said other person or persons.

The King shall be preferred in suit and execution.
9 H. 3. stat. 2, c. 18.

LXXV. And be it enacted also by authority aforesaid, That all manors, lands, tenements, possessions and hereditaments, the which now be, or that hereafter shall come or be, in or to the hands, possession, occupation, or seisin of any person or persons, to whom the same manors, lands, tenements or hereditaments have heretofore or hereafter shall descend, revert or remain in fee-simple, or in fee-tail general or special, by, from or after the death of any his or their ancestor or ancestors as heir, or by gift of his ancestors whose heir he is, which said ancestor or ancestors was, is, or shall be indebted to the King, or to any other person or persons to his use, by judgment, recognizance, obligation, or other specialty, the debt whereof is or shall not be contented and paid; that then in every such case the same manors, lands, tenements, possessions and hereditaments, shall be and stand, by authority of this act, from henceforth charged and chargeable to and for the payment of the same debt, and of every part thereof.

Tenant in fee-simple or tail to pay his ancestor's debts to the King.
1 Roll. 94.
2 Roll. 420.

LXXVI. And that our said sovereign lord, his heirs and successors, at any time hereafter shall not be barred, delayed, foreclosed, or excluded, to demand, have and receive his or their just, due, and lawful debts and duties against any of his subjects, as heir or heirs to any person or persons indebted to his Highness, or to other persons to his use, or which shall be indebted to his Highness, his heirs or successors, albeit this word *heir* be not or shall not be comprised in such recognizance, obligation or specialty, or that any such person or persons shall say or alledge, that he or they have not any manors, lands, tenements or hereditaments to them descended, but only such manors, lands, tenements or hereditaments, as be or shall be intailed or given to them by any their ancestors to whom they be heirs; any laws, uses or customs before this time used or had to the contrary notwithstanding.

The King's debts payable by the heir, though in the bond he be not named.
Lane 51.

Lands intailed chargeable.

LXXVII. Provided always, That the King's majesty, his heirs and successors, may at his or their liberty and pleasure demand, have and recover his or their said debt or debts, of

The King may charge the executors or administrators.
and Savil 13.

and against any executor or executors, administrator or administrators of any such person or persons, which is, hath been or shall be indebted in manner and form abovesaid, if the same executor or executors, administrator or administrators, shall have assets in his or their hands, in deed or in law; any thing before mentioned to the contrary notwithstanding.

The lands chargeable to the King recovered. Savil 11.

LXXVIII. Provided also, That if the said manors, lands and hereditaments, or any of them, shall hereafter be recovered or evicted out of or from the possession of any such person or persons, by any just or former title, without fraud or covin, whose manors, lands, tenements or hereditaments been or shall be charged or chargeable, as is abovesaid; that then all and every such manors, lands and hereditaments, shall be clearly acquitted and discharged of and for the payment of the same debts, and of every part thereof; any thing before mentioned to the contrary notwithstanding.

Sufficient matter pleaded in discharge of the debt. 2 Mod. 248. 7 Co. 19.

LXXIX. Provided alway, and be it enacted by the authority aforesaid, That if any person or persons, of whom any such debt or duty is, or at any time hereafter shall be, demanded or required, alledge, plead, declare or shew, in any of the said courts, good, perfect and sufficient cause and matter in law, reason or good conscience, in bar or discharge of the said debt or duty, or why such person or persons ought not to be charged or chargeable to or with the same: and the same cause or matter so alledged, pleaded, declared or shewed, sufficiently proved in such one of the said courts, as he or they shall be impleaded, sued, vexed, or troubled for the same; that then the said courts, and every of them, shall have full power and authority to accept, adjudge, and allow the same proof, and wholly and clearly to acquit and discharge all and every person and persons that shall be so impleaded, sued, vexed, or troubled for the same; any thing in this present act before mentioned to the contrary notwithstanding.

Lands chargeable to the King in several mens tenures.

LXXX. Provided also, and be it enacted by the authority aforesaid, That if any manors, lands, tenements or hereditaments, which be, or at any time hereafter shall be charged or chargeable to or with the debt of our said sovereign lord, his heirs or successors, and be at any time hereafter or shall be in the seisin and possession of divers and sundry persons, other than the obligor or obligors, that then all and singular the said manors, lands, tenements and hereditaments, and every parcel of them, shall be wholly and entirely, and in no wise severally, liable and chargeable to and with the payment and payments of the said debts, of the said debt and duty; any thing before rehearsed to the contrary notwithstanding.

The liberties of the duchy of Lancaster saved.

LXXXI. Provided also, That this act, nor any thing therein contained, shall in any wise extend to minish, abrogate, or take away, any realties, liberties, privileges, franchises, pre-eminences, jurisdictions, fines, issues or amerciements, appertaining or belonging to the said duchy of *Lancaster*, and county palatine of *Lancaster*, or any of them; (2) but that the same liberties,

liberties, realties, privileges, franchises, preeminences, jurisdictions, fines, issues and amerciaments, and every of them, shall still continue, remain, and be to the said duchy of *Lancaster* and county palatine, and to every of them, as fully, wholly and plenarily, as they were before the making of this present act; any thing in the same contained to the contrary notwithstanding.

LXXXII. Provided alway, and be it enacted by the authority of the said Parliament, That all manner of proceſſes, proceſſes, and executions for debts, only coming or growing in the court of the exchequer, ſhall be made in the ſame court of the exchequer, by ſuch officer and officers, clerk or miniſter of the ſame court, as hath been afore this time uſed to be made, after and with ſuch kind of proceſſes, proceſſes and executions, as by this act is limited and declared; any thing in this act contained to the contrary notwithstanding.

Statutes made at *Westminster*, Anno 34 & 35
HEN. VIII. and *Anno Dom.* 1542-3.

ACTS made in the session of this present parliament holden upon prorogation at Westminster the two and twentieth day of January in the four and thirtieth year of the reign of our most dread sovereign lord Henry the Eighth, by the grace of God, King of England, France and Ireland, defender of the faith, and of the church of England, and also of Ireland, in earth the supreme head, and there continued and kept to the twelfth day of May in the five and thirtieth year of our said sovereign lord, to the honour of God, and for the common weal and profit of this his realm.

CAP. I.

Recourse must be had to the catholick and apostolick church for the decision of controversies; and therefore all books of the Old and New Testament in *English*, being of Tindal's false translation, or comprising any matter of christian religion, articles of the faith, or holy scripture, contrary to the doctrine set forth thence *Anno Dom.* 1540. or to be set forth by the King, shall be abolished. No printer or bookseller shall utter any of the aforesaid books. No persons shall play in interlude, sing or rhyme, contrary to the said doctrine. No person shall retain any *English* books or writings concerning matter against the holy and blessed sacrament of the altar, or for the maintenance of anabaptists, or other books abolished by the King's proclamation. There shall be no annotations or preambles in Bibles or New Testaments in *English*. The Bible shall not be read in *English* in any church. No