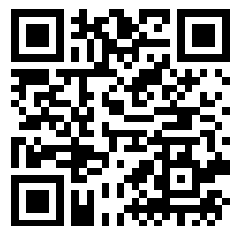

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George J. Purdy, Jr. and John C. Pitt in regard to
the land in the tract of 2000 A.C.

709. R 5.

B R I E F

Animadversions on, } & } *Additional Explanatory*
Amendments of, } } **RECORDS to,**

T H E

F O U R T H P A R T

O F T H E

INSTITUTES of the Lawes of ENGLAND ;
CONCERNING

The JURISDICTION of COURTS,

Compiled by the late *Famous Lawyer* Sir EDWARD COOKE Knight,
(Chief Justice of both Benches) in his *Life-time*, but published
and re-printed (with some disadvantage) since his *Death*.

WHEREIN

The *Misquotations, Mistakes of Records, Antiquities* cited in them, are *rectified*, some doubtful passages *explained*; many defective *Omissions of Usefull Records* supplied, especially such as relate to the *Proceedings, Priviledges, Members* of the *High Court of Parliament*, the Courts of the *High Steward, Constable, Marshal, Admiral*, with other *Civil, Ecclesiastical Courts*; the *Universities* of *OXFORD, Cambridge, City of London, Isles of Man, Jersey, Garnsey, Serke, Aurenay, Wight*, the *Principality of Wales, Kingdoms of Scotland, Ireland*, the *Dominion of the British Seas* invirohing them; *Sewers, Stanneries, Forests, Coat-Arms, Precedency of the Nobility*, and other particulars: The transcripts of which *Records* out of the *Originals*, are at large inserted, many others *Chronologically* and briefly quoted: With several *Fables* thereunto: for the *publike benefit, information* of all *Judges, Officers* in those *Courts*; all *Students, Professors* of the *Law*, and others delighting in *Antiquity, History* or *Heraldry*.

By WILLIAM PRYNNE Esquire, a *Bencher*, *Reader* of the *Honourable Society* of *Lincolnes-Inne*, and *Keeper* of His Majesties *Records* in the *TOWER* of *LONDON*.

The Epilogue to the Fourth Institutes: *Qui non liberè veritatem pronunciat, Proditor Veritatis est. Tutius est petere fontes, quam sectari rivulos.*

L O N D O N :

Printed by *Thomas Ratcliffe*, and *Thomas Daniel*, for *A. Croke, W. Leake, A. Roper, F. Tyton, T. Collins, J. Place, W. Place, J. Starkey, T. Bassett, R. Pawlett, S. Heyricke*, and *G. Daves*, *Bookfellers* in *Fleetstreet, Chancery-lane*, and *Holborne*, 1669.

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To His SACRED MAJESTY
King Charles the II.

ROYAL SIR,



OUR Monarchical Predecessors and Your own undoubted ancient Inheritance in, and Sovereign Jurisdiction over the Three famous Kingdoms of England, Scotland and Ireland; the Principality of Wales, Isles of Man, Jersey, Guernsey, Serke, Airenay, Wight, the British Seas' surrounding and annexed to them; all Courts of Judicature, Judges, Persons, Causes in them; the proper Subjects of these my Animadversions on, and Additional Records to the Fourth Part of Sir Edward Cooke's Institutes of the Lawes of England, concerning the JURISDICTION OF COURTS; have given Your Majesty such a legal Title to, and Interest in them, as obliged me in point of Justice, Loyalty, to Dedicate them to Your Royal Self, for the Kindication, Defence, Maintenance of Your Temporal and Ecclesiastical Sovereign Jurisdiction over all Your premised Realms, Dominions, Courts; which I have briefly asserted in this, but more largely in other Folio Volumes, out of Your Majesties antient Records.

When the Popes Agents, with some of our Popish Prelats, (to advance their usurped Authority and designs) had heretofore introduced a multitude not only of Papal, but Imperial Notaries into the Realm of England, who set up publike Offices to attest, register Obligations, Contracts, and some Instruments in our Kingdom, belonging only to our Kings

A

and

and their Officers, as the Popes and Emperors Notaries, to the prejudice of the Rights, Prerogatives of the Imperial Crown of this Realm King Edward the Second and his Loyal Subjects to the Honour of the same King's Participation in the same, that at their requests, by advice of his Council, he issued these two Memorable Writs to the Archbishop of Canterbury, and Sheriffs of London, to prohibit any Imperial Notaries to exercise their Offices, or give credit to their Instruments in any businesses or causes whatsoever for the future, within this Realm, which from the beginning of the World was alwayes free and exempt from any superior Imperial power: Thus enrolled in Your Majesties Records in the Tower.

RI 2 JAN 03

Claus. 13 E. 2. m. 6. in Cedula consultata eadem membrana. De Notariis Imperialibus non admittendis.

See Here, p. 411, 412.

REX *Venerabili in Christo Patri W. eadem gratia Archiep. Cantuar. totius Angl. Primate, salutem.* Ex parte Cleri et populi Regni nostri gravibus telacis nostris acribus insomnit et tumultus, quod licet Regnum nostrum Angliæ ab omni subjectione Imperiali sit immune, et ab origine mundi extiterit alienum; tanta tamen multitudo Notariorum auctoritate Imperiali Officium publicum in i. quo nostro prædicitur. *nam de his quorum cognitio ad nos et non ad alium pertinet, quam de aliis exercentium credit, quod nobis et Jur. Coronæ nostræ grave exheredacionis periculum, et incalis et habitatoribus dicti Regni nostri dampnum irreperabile præsumitur evenire, nisi remedium apponeretur in hac parte.* Nos igitur volentes huiusmodi dampnis et periculis (prout iuramenti vinculo astringimur) pro vobis obviare, et dictum Regnum nostrum inde eructe, prout decet; vobis mandamus, in fide et dilectione quibus nobis tenemini firmiter inhibentes, ne aliquem Notarium auctoritate Imperiali officium huiusmodi exercentem in aliquibus causis seu negotiis admittatis, nec instrumentis huiusmodi Notariorum ernunc faciend. fidem aliquam præbeatis, nec per Commissarios vestros quoscumque adhiberi permittatis: In hac parte taliter vos habentes, quod ab vos tanquam violatoribus iurum Coronæ nostræ prædicitæ adherentes nullatenus capiamus. *Teste Rege apud Westm. xxviii. die Aprilis.*

Per ipsam Regem et Consilium.

REX *vicesum. London. salutem.* Ex parte Cleri & populi Regni nostri gravibus telacis nostris acribus insomnit et tumultus, quod licet Regnum nostrum Angliæ ab omni subjectione Imperiali sit immune, et ab origine mundi extiterit alienum; tanta tamen multitudo Notariorum auctoritate Imperiali, &c. (as in the precedent Writ.) Nos igitur volentes huiusmodi dampnis et periculis

periculis (prouit iuramenti vinculo attingimur) pro vobis obbl.
 are, et dictum Regnum nostrum inde eruere, prout decet; Vo-
 bis præcipimus, quod in singulis locis infra Valliam vestram
 ubi expedire videritis publice proclamari, et ex parte nostra sit-
 miter inhiberi factatis, ne quis huiusmodi Notarius sub poena
 quæ incumbit, in causis, contractibus, seu aliis negociis officium
 Notarii exerceat quoquo modo: facientes autem in dictis locis
 publicari et districtius inhiberi, ne qui Archiepiscopi, Episcopi,
 seu alii Prelati vel eorum Ministri instrumentis huiusmodi
 Notariorum ernunc. faciend. fidem aliquam præbeant ullo modo.
 Teste ut supra. Per ipsum Regem et Consilium.

And when (a) Sir John de Bourne presumed to bring a
 Publike Notary of the Popes into the Court of Exchequer
 to make an Instrument in a Plea there depending between
 him and a Parson of a Church, in manifest derogation to the
 Rights of the Crown, and contempt to the Kings Court, the
 Barons for this high misdemeanor *adjudged him to prison du-
 ring the Kings pleasure, An. 3 E. 3.*

(a) Here, p.
58, 59.

After this, when the *Bishops of Rome* by their *Provisions*
 to *Benefices, Bulls, Notaries, Citations* and *Excommunicati-
 ons*, continued to undermine the *Laws* and *Sovereign*
Authority of our Kings and Rights of their Crown within
 this Realm, King *Richard* the second, at the (b) earnest
 prayer of the *Commons* assembled in *Parliament*, together
 with all his *Temporal Lords*, (and *Prelates* too, though
 somewhat coldly) made a *severe Statute* of **PRÆMU-
 NIRE** against, *all these Papal Usurpations*, declaring them,
 to tend to the open disturbance of the Kings Crown, and de-
 struction of his Regality, his Laws, and all his Realm. And so
 the Crown of England, which hath been so free at * all times, that
 it hath been in subjection to no Realm or Power, BUT IM-
 MEDIATELY SUBJECT TO GOD, AND TO
 NONE OTHER, IN ALL THINGS TOUCHING
 THE REGALTY OF THE SAID CROWNE,
 should be subjected to the Bishop of Rome, and the Laws and
 Statutes of the Realm by him defeated and frustrated at his
 will, to the perpetual destruction of the King our Sovereign
 Lord, his Sovereignty, Crown and Regality, and of all his
 Realm, which God defend.

(b) Rot. Sta-
 tutorum, An.
 16 R. 2. &
 cap. 16 R. 2.
 c. 5. in the
 Printed Sta-
 tutes.

* See 24 H. 8.
 cap. 12.

And this they did; even when the *Popish Religion* was
 publicly professed by them, they being then so far from
 reputed the *Pope, Court, Church of Rome* *Infallible*, that they
 A 2 declared

declared all their *Doctrines, Canons, Practises*, which concerned their own pretended *Sovereign Pontifical Jurisdiction, Profit, Interest*; to be *Treasonable, Unrighteous, Pernicious, destructive* to the King, his *Crown, Kingdom, Laws, Regality, Monarchy, Government*, as these, with sundry other Records and * Acts of Parliament attest to all the World.

* 24 H. 8. c.
12. 25 H. 8.
c. 19. 23, 22,
28 H. 8. c. 100
37 H. 8. c. 17.

(c) See p. 48,
to 52.

* Page 48, to
53.

By these Collections of Records (most of them formerly unpublished and buried in oblivion). Your Majesty, with all Your *Great Officers, Councillors of State, Courts, Judges, Ministers of Justice*, and other Subjects throughout Your *Realms, Dominions, Isles*, may perspicuously discern Your *Royal Predecessors ancient Titles to, Jurisdiction over them, and the Seas united to them; the legal (c) old Boundaries; Priviledges, Jurisdictions, Proceedings of their Courts, Judges in them: their Civil Government of them in times of Peace; their Military Discipline, and the several policies used to defend them by Sea, Land against Enemies or Rebels, in times of warr or danger; yea, the *great care of our Kings to preserve the now over-much neglected Records of the Kingdom, as their richest Treasures; wherein all the ancient Titles, Rights, Revenues, Prerogatives, Priviledges, Jurisdictions of their Crowns, Realms, Dominions, & all Tenures, Services Duties, Offices, Judicatures belonging to them; the Charters, Patents, Confirmations of all Corporations, and of the Subjects Inheritances, Liberties, Franchises, Honors, are inrolled, and by which they must be principally defended, evidenced, determined upon all emergent Controversies: with the necessity, utility of preserving, studying Records, and supporting, encouraging the Societies, Exercises, Study, Profession of the Common Laws of England, (originally contained in Records, but secondarily in Law-Books and Reports) as the chief Defenders, Supporters of the Imperial Crown, Royalities of our Kings against all foreign or domestick Usurpations; of all their Subjects Rights, Liberties, Properties, & of the publick Peace, Government Justice, Prosperity of the Kingdom.*

(d) See Here,
p. 248, 249.

It was the Observation of *Ranulphus de Glanvilla*, a famous Chief Justice of *England* under Your renowned predecessor King (d) *Henry the 2.* (who conquered and united *Ireland* to the Empire of *England*, and first established

the

the Laws of England in it;) in his ancientest Treatise Of the Lawes and Customes of England, now extant; (e) Regiam potestatem non solum armis contra Rebelles et Centes sibi regnoque Insurgentes, oportet esse deoq; sed et LEGIBUS ad subditos et populos pacifice regendos decet esse ornatum: ut utraque tempora gloriosus Rex noster ita transigat; ut effrenatorum et indomitiorum dextra fortitudinis elidendo superbiam; Et humilium et mansuetorum equitatis magna moderando iustitiam; tam in hostibus debellandis semper victoriosus existat, quam in subditis tractandis equalis semper appareat. Which is seconded by Henry de Bracton (a learned Judge and Writer under King Henry the 3d. in his First Book and Chapter of the Lawes and Customes of England, almost in the same words; who superaddes, (f) Ipse autem REX non debet esse sub homine, sed sub Deo et sub LEGE, QUIA LEX FACIT REGEM; Attribuit igitur REX LEGI, quod Lex attribuit ei, videlicet, Dominium et Potestatem; non est enim Rex ubi dominatur voluntas et non Lex.

(e) Prologus.

(f) De Legibus & Conductudinibus Angliz, l. 1. c. 1. f. 1. & c. 8. f. 5.

Upon this consideration Your Majesties Royal Grandfather K. James, in his (g) First Speech to his First Parliament held in England (inserted likewise into the Prologue of the second Act he passed therein) affirmed; That not only his Royal Authority, but the peoples security of Lands, Livings and Possessions both in general and particular, were preserved and maintained by the ancient fundamental Lawes, Priviledges and Customes of this Realm; and that by the abolishing or altering of them, it was impossible but that dissent Confusion will fall upon the whole State and frame of this Kingdom: (Of which great Truth, Your Majesties Royal Father, Your Self, and all Your Loyal Subjects, had many real, Tragical, sad Experiments during the lawlesse Tyranny of the late Usurpers;) And therefore that it was and ever should be care from his sincere care and affection to his Subjects of England; to alter or innovate them. Yea, Your Majesties Royal Father, not only in his Answer to the Petition of Right, 3. Car. but since, in his (h) Declaration, to all his loving Subjects, published by advice of his Privy Councill, Decemb. 19. 1641, truly informed them, That their quiet and prosperity depends wholly upon themselves and in their own power, by yielding all obedience and reverence to the LAW, which is the Inheritance of every Subject, and THE ONLY SECURITY he can have for his life, or estate; and the which being neglected or discontinued (under what specious shews soever) a very great measure of Infelicity, if not of irreparable confusion, must without doubt fall

(g) Jacobi, cap. 2.

(h) An Exact Collection of Declarations, &c. p. 28, 29.

fall upon them, & Us. And we doubt not but it will be the most acceptable Declaration A KING can make to his Subjects, that for Our part we are resolved, not only duly to observe the Lawes Our Self, but to maintain them against what opposition soever, though with the hazard of our being.

The like most acceptable Declarations forthe inviolable observation, and maintenance of the Lawes of the Land, both by Your Royal Self, and all Your Courts, Judges, Officers, Ministers whatsoever, Your Majesty made, sent to all Your Subjects from Breda, before Your most happy actual restoration to Your Kingdoms, without the least opposition, or effusion of blood; and since that in other Royal Declarations, Proclamations to all Your Loyal Subjects, and several Speeches to both Your Houses of Parliament. In pursuance whereof, You have by Your Regal Letters sent to all Innes of Court, commanded them to revive and keep up Readings, and other publike Exercises of the Law, with special care, to support Your Lawes, and furnish all Courts of Justice with learned Judges, as the probablest means under God to (i) establish Your Throne and Kingdoms, for ever, against all future concussions.

(i) Prov. 16.
12. c. 20. 28.
c. 23. 4. 14.

Upon which account, I cannot doubt of Your Majesties most Gracious Acceptance and Protection of this Small Volume relating to the Lawes of England, and most Courts of Justice in the Realms, Isles annexed to it; the fixing of whose ancient legal bounds, without any avaritious or ambitious encroachments upon each others Jurisdictions, or vexation to Your people, and reforming all unnecessary delays of speedy Justice, abuses, extortions of Officers in or under them, will much conduce to the peace, ease, contentment, tranquility, felicity of all Your Subjects, and eternal honor of your Majesties Just and most Gracious Government.

The continuance whereof in all Wealth, Peace, Godlinesse, Happinesse, Splendor, hath been, and shall be the constant endeavour, and daily prayer of,

From the Office of Your Majesties
Records in Your Tower of
London, May 29. 1669. the joy-
ful Anniversary Festival, both
of Your most Happy Birth, and
Return to Your Kingdomes.

Your Majesties most humble Servant,
and Loyal Subject,

WILLIAM PRYNNE.
TO

to the Court of the Lord High Chancellor of Great Britain and the Lord High Justices of the Bench of the King's Bench and the Lord High Justices of the Common Pleas

to the Lord High Chancellor of Great Britain and the Lord High Justices of the Bench of the King's Bench and the Lord High Justices of the Common Pleas

TO THE
RIGHT HONOURABLE

Sir ORLANDO BRIDGMAN Knight,

LORD KEEPER

OF THE

GREAT SEAL of ENGLAND:

AND

One of His Majesties most Honourable

PRIVY-COUNCIL.

YOUR Lordships eminent knowledge both in the Theory and Practise of the Common Lawes of England, and Jurisdictions of all Courts of Justice, in two whereof You successively late Chief Judge, till deservedly advanced by His Majesty to that Higher Place, Court of Judicature under His Majesty, wherein now (and long may You) sit with great Honour and Reputation, being the common OFFICINA JUSTITIÆ, whence all Original, Remedial, Mandatory Writs, Commissions issue without difficulty, under the KING'S GREAT SEAL (which is CLAVIS REGNI) to all other Courts, Officers, Judges throughout his Dominions, for all sorts of Complainants or grieved Subjects, from WHICH COURT NONE OUGHT TO DEPART WITHOUT REMEDY; AND IS THEREFORE EVER OPEN; as the (a) Author of the Institutes ob-

(a) Fourth Part, p. 78, 80. 2 Inst. in Westm. 2. c. 24. p. 103.

versions,

versions, Amendments and Supplemental Records to this Part of the Institutes, as not only Usefull, but Necessary in sundry respects, to rectifie the manifold misquotations and mistakes therein; (sundry of them, perchance, more through the Transcribers, Printers, than the learned Authors default, being published since his death:) and make them more usefull for the future; have engaged me, next after and under His Majesty, whom they most concern, to dedicate them to Your Lordship, a Chief Pillar, Patron of the Common Law and its Professors, to whom they principally owe their Nativity; as a publike lasting Testimony of that Honour and Gratitude which is justly due to Your Lordship, for Your resplendent Merits, Virtues, and particular Favours, from

Your Lordships most humble,

From the Office of Records in the Tower, May 29. 1669. His Majesties most joyfull Birth-day as a Prince, and actual King.

devoted Servant,

WILLIAM PRYNNE.



To all Ingenuous Readers, especially the generous
Students and Professors of the Common Lawes
of ENGLAND.

MY ardent desires, and studious endeavours to benefit the present age and posterity to my power, by advancing learning, and the knowledge of our over-much neglected ancient usefull Records of most publike concernment, relating to Parliaments, Courts, Officers of publike Justice, their severall duties, Jurisdictions, Proceedings; the ancient Lawes, Government of our Realms, Dominions, Isles thereto belonging in times of Peace, and to their Military Policy, Discipline, for necessary defence by Sea and Land in seasons of Warre; and to our Kings Treaties, Negotiations, Leagues, Truces with Foraign Princes upon severall occasions; by discovering fundry misquotations, mistakes of Records in our printed Law-books, Reports, especially in the Institutes of that eminent Patron and Pillar of the Common Law, Sir Edward Cooke (succesively Chief Justice of the Common Pleas and Kings Bench) published with some disadvantage to him and his Readers since his death; whose quotations (through too much credulity, or sapinenesse) are generally received, relied on by a meer implicit faith, as Infallible Oracles; not only by most young Students and Professors, but most ancient Sages of the Law in their Arguments and Resolutions; yea by many Members of Parliament in their Debates, Conferences, without the least examination of their Originals: when as upon strict search after, and diligent comparing many of them with the Records themselves, they frequently prove to be either a null tiel Record, or mistakes in their Years, numbers, or substances (and that probable for the most part by the default of the Transcribers, or Printers of them, commonly guilty of Errataes in most Impressions of Law-books, especially in the Figures, Names,

bers of Rolls, Chapters, Pages of Authors cited in them) than the learned *Author*; (who had little spare time to peruse the *Original Records* himself, but only the *Notes* or *Transcripts* of others, in his life, and could not correct their *misprinted quotations* since his *death*;) excited me to these *reasonable, if not necessary Animadversions* on, and *Amendments* of them, remaining uncorrected as well in the last, as *First Impressions* of the *Fourth Part* of his *Institutes*; and to a *Supplemental Addition* of the *Transcripts* & quotations of many usefull Records in the *Tower*, and *Exchequer Treasuries*, not hitherto published, in a *Chronological* method, unknown to, or omitted by the *Author*, though pertinent to the *Courts*, *Theams* he treats of, to supply the *Defects* of those Chapters in these *Institutes*, which are of most use or *publike concernment*; or of those wherein he is most *deficient*, or *mistaken* in his *opinions*, *quotations*; not out of the least intention or design to diminish the reverence, or eclipse the resplendent fame of the *Author*, (whom I shall ever honour;) but in pursuance of his own printed desire, thus expressed in the cloze of his *Epilogue* at the end of these *Institutes*: I shall heartily desire the wise-hearted and expert builders (*Justice* being *Architectonica Virtus*) both to amend the method, or *Uniformity*, or the *Structure* it self, wherein they shall find either want of *Windows*, or *sufficient lights*, or other *deficiency* in the *Architecture* whatsoever. And we shall conclude with the *Aphorisme* of the *Great Lawyer* and *Sage* of the *Law*, (*which we have heard him often say*) Blessed be the amending hand.

I must confesse, I have not had sufficient time or opportunity to examine and rectifie all the quotations of *Records* in the *Treasury* of *Receits* in the *Exchequer*, or other *Courts* at *Westminster*, but only those *Coram Rege* which concern the *Admiralty*, *Ireland*, and other *Chapters* herein specified; wherein I find sundry mistakes in the *Number Roll*, he usually quoting the number of the *folio* in *Mr. Agars Abridgments*, *Kalendars* of the *Records Coram Rege*, (out of which they were transcribed) instead of the number of the *Rolls* truly quoted by *Mr. Agar* in his *Margin*, (as I discovered by comparing them together) as well as in his quotations of *Records* in the *Tower* in my *Custody*, which I have carefully examined and corrected by the *Originals*, with no little

the pains. Upon which account, I shall seriously advise all Professors, Students of the Common Law, especially Judges, and all Members of Parliament, who shall have occasion to vouch any Records quoted in the *Institutes* in their Arguments or Debates, diligently to search for, and compare them with their Originals, before they make public use of, or depend upon them, (who upon that account should be very willing his *misquotations* or *mistakes* should be rectified) lest they be seduced or misguided by them, to their dishonor, as many have been; and to follow the Authors advise, * *Not to take any thing upon trust, but to search the Fountaines themselves;* which I fear himself did not constantly pursue.

* Epilogue to the 4. *Institutes*.

If any Perusers of these my *Animadversions* and *Collections*, shall reap benefit, knowledge, or conviction of their former *mistakes* or *errors*; (occasioned by the *Misquotations* here *discovered*) and other supplemental Records herein brought to public view; I shall only crave such a generous candid friendly acceptance of them, as may encourage me to the like *Animadversions* on, *Amendments* of, and *Additions* of Records to the 2. & 3. *Parts* of his *Institutes*, if God send life and opportunity. And withall, I shall importunately intreat all Benchers & others of my own Profession (for whose sake I have principally collected, published this *Volume*, as an *intervenient parenthesis* to the remaining *Tomes* of my *Exact Chronological Vindication*, &c.) to gratifie both themselves, their posterities, yea, the King and whole Kingdom, by their unanimous cordial endeavours to support, encourage the declining diligent *study*, and *public exercises* of the *Common Law*, which not only our former Kings, Queens, their Council and Judges, but likewise his present Majesty, his Council, Judges by their Letters, Orders, Conferences with the Benchers of the 4. *Innes* of Court, have required, enjoyned, as essential to their own and the whole Kingdoms support, Government, settlement, especially *Readings* in all *Innes* of Court and *Chancery*, now overmuch neglected, discontinued, or perfunctorily performed, through sloathfulness, selfishness, or pretended novel *Exemptions* from them by those advanced by the Law, who have

least reason to decline or discourage them, or for want of publike *Priviledges* formerly due and peculiar to *Readers* : which I hope they shall uninterruptedly enjoy for the future, especially from those of their own *Robe*. Above all, I shall exhort them to put to their helping hands to settle the *clashing Jurisdictions* of all publike *Courts*, and to reform all grievances, abuses, corruptions, obstructions, delays, excessive expenses, and new extorted, enhanced fees, in the practise, proceedings, or execution of the *Law* in all sorts of *Officers* ; which have brought a scandal on the *Law* it self and its professors, and rendered them lesse grateful to, and more *exactionous, oppressive* to the people than formerly; and, if not speedily redressed, portend the approaching Ruine both of the *Law* and *Lawyers* ; That speech of Christ himself to his Disciples in a spiritual, being likewise most true of the *Courts* of *Law* and *Lawyers*, in a temporal or politick sense ; (a) *Ye are the salt of the earth, (of our earthly Kingdom) but if the salt have lost its savour, wherewith shall it be seasoned or salted ; it is thenceforth fit for nothing, neither for the land, nor yet for the dunghill, but to be cast out and trodden under foot of men.* *Corruptio optimi est pessima*, is a received Maxim in *Physicks* and *Politicks*. If Monarchy the best of Governments degenerate into Tyranny, it becomes the worst of any, and soon after ends in an Optimacy ; *a Tyrannide in statum Optimatum, & inde in Oligarchiam, atque tandem in Democratiam* ; (and when they prove grievous and intollerable) *in fine curfus in statum Regium revoluntur* : as (b) *Polybius* of old, and (c) *Thomas Campanella* of late have observed. The readiest means to destroy the *Law*, and all old Legal *Courts* and proceedings, is for *Lawyers* (through *avarice* or *ignorance*) to alter it from a *speedy, easie, certain remedy*, into a *dilatary, over-costly, fraudulent cure*, and certain *exaction*, worse than the *maladies* it should heal : When (d) *Justice is turned into Gall, and the fruit of righteousness into hemlock* ; (e) *when Judgement is turned backward, and the Law and truth are fallen in our streets ; when Justice standeth asarre off, and equity cannot enter : we shall then wait for light, but behold obscurity ; for brightness but we shall walk*

(a) Mar. 5. 13.
Mar. 9. 15.
Lu. 14. 34.

(b) *Historiz*,
l. 6. p. 521, to
527.
(c) *De Monar-*
chiis Hispan.
c. 30.

(d) *Amos* 6. 10
Hosea 10. 4.
(e) *May* 19.
9. to 16.

To the Reader.

walk in darkness; we shall grope for the wall like the blinde,
as if we had no eyes; we shall stumble at noon-day as in the
night, and be in dark places as dead men. We shall look for
judgement, but there is none; for salvation, but it is farr from
us: Yea, our gates will sink into the ground, and our [†] Bars
shall be destroyed and broken; our Kings and our Princes
shall be (in Exile, Captivity) among the Gentiles, when
THE LAW IS NO MORE, as Lam. 2. 9. assures us,
and we have felt by sad experience during the late Lawlesse
Anarchy and Tyranny; when the Law of the longest sword,
not Land, was *Suprema Lex*. O therefore seriously confi-
der these dreadfull tragical consequences, and seasonably
endeavour to prevent them, by restoring the Law to its
primitive purity, integrity, celerity, splendor, ends, use, vigor;
as the Chiefest support (next to God and an holy conver-
sation) both of our Kings, Kingdoms, your own, and all o-
ther Subjects Lives, Liberties, Properties, Interests; to-
ward the speedy accomplishment whereof, you shall not
want the prayers and utmost assistance of,

† As London
& others
were.

From the Office of Records in
the City of London, May 29. 1669.
the annual joyful Festival of
His Majesties Birth, both as a
Prince, King, and of our
Kingdoms too, as the Act of
12. Car. 2. c. 14. resolves;

Your Friend and Servant for
the Common good, welfare
of King and Kingdom,

WILLIAM PRYNNE.

A

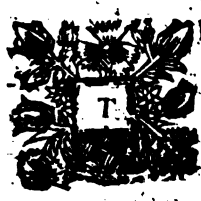
A Catalogue of the *Chapters* in the *Fourth Institutes* herein
animadverted on, amended, or enlarged with *Additional Records*,

- 1 **O**f the High and most honorable Court of Parliament, p. 1, to 43, 331, to 337.
- 2 Of the Council Board or Table, p. 45.
- 3 Of the Power of the Protector, p. 46.
- 4 Of the Court of High Steward of England, p. 46.
- 5 Of the Honourable Court of Star Chamber, p. 47, 416, to 423.
- 6 The Court of Kings Bench, Coram Rege, p. 47.
- 8 The Court of Chancery, p. 48.
- 9 The Court of Requests, p. 52, to 59.
- 10 The Court of Common Pleas, p. 52.
- 11 The Court of Exchequer, p. 52.
- 14 Of Fines, fruits and Tenths Ecclesiastical, p. 59.
- 17 The Court of Chivalry before the Constable & Marshal, p. 59, 74, 337, to 339.
- 18 The Court of Marshalsea, p. 74, 337, to 343.
- 22 The Court of Admiralty proceeding according to the Civil Law, p. 75, to 133,
339, 343, to 413.
- 25 The Power and Authority of Commissioners and others, for maintaining and g-
ridding of Beacons, Light-houses, &c. and concerning Warches, p. 134, to 141.
- 26 De Conservatore, sive Custode Treuggram, &c. p. 141, to 147.
- 27 & 28 The Court of Justices of Assize and Nisi Prius: Of Justices of Oyer and
Terminer, p. 147, 343, to 345.
- 31 Justices of Peace, p. 148.
- 33 Justices in Eyre, p. 150.
- 34 The Court of Justices of Trailbaston, p. 150.
- 35 The Court of Wards and Liveries, p. 150.
- 37 Of the County Palatine of Chester, p. 151, 345.
- 38 Of the County Palatine of Durham, p. 151.
- 39 Of the Royal Franchise of Ely, p. 152.
- 40 Of the County Palatine of Pembroke, p. 152.
- 42 Of the Court of Cinque-Ports, p. 152, 345, 346.
- 44 Courts in the Universities of Oxford and Cambridge, p. 155, 174, 346, to 376,
414, 415.
- 45 The Courts of Stanneries in Cornwall and Devon, p. 174.
- 46 The Court of Mayor of the Staple, p. 175.
- 47 Of the Legal Courts, &c. within the Principality of Wales, p. 176.
- 48 The Court of the President and Council in the Dominion and Principality of
Wales, and Marches thereof, p. 178.
- 49 The President and Council in the North, p. 178.
- 50 The Courts, &c. within the City of London, p. 178, to 188, 366, 381, to
414, 415. The Court of Justice assigned for Government of the Jews, p. 188.
- 51 Of the City of Westminster, p. 188.
- 53, 54, 55, 50. The Court of the Tourn, The Court of the Leet, The Court of the
County, The Court of the Hundred, p. 189.
- 60 Of the Court of Pipowders, p. 190, to 199.
- 91 The Court of the Clerk of the Market, p. 198, 381i
- 62 The Courts of the Commissioners of Sewers, p. 200, 381, to 384.
- 69 Of the Isle of Man, p. 201, to 205, 384, 385, 386.
- 70 Of the Isles of Jersey, Guernsey, Serke and Alderney, and of the Lawes and Ju-
risdictions of the same, &c. p. 205, to 208, 386, to 394.
- 71 De Insula Vecta, of the Isle of Wight, p. 208, to 218, 394, 395.
- 73 Of the Forests, and Jurisdiction of the Courts of the Forests, p. 218.
- 74 Of Ecclesiastical Courts, p. 221, to 243, 395, to 408.
- 75 Of Scotland, p. 243, to 248.
- 76 Of the Kingdom of Ireland, p. 248, to 322, 408, to 414.
- 77 Of the Precedency of the Great Officers, Nobility, and others of this Realm,
p. 323, to 330.

Brief



Brief Animadversions on, Amendments of, and Additional, Explanatory Records to, the Fourth Part of the INSTITUTES.



THE eminent learned Authors most ingenious, Epilogue at the end of this Part of his Institutes, and the Apophism of that great and sage Lawyer (Edm. Plowden) wherewith he concludes it, Blessed be the amending hand; both invited and encouraged me to these ensuing Animadversions, Amendments, and Explanatory Additions, for the benefit of all Persuers thereof.

CHAP. I. Of the High and Honourable COURT of PARLIAMENT.

THE first Thing I shall insist on, are those Passages which concern the Antiquity and Authority of the ancient Treatise and Record (as he supposeth) called MODUS TENENDI PARLIAMENTUM, cited not only in the Praeface to the Reader, before the 5th Part of his Reports. The First Part of the Institutes, p. 410. a. The Second Part of the Institutes, p. 7, 8. but more especially in this 4th Part of his Institutes, (p. 1, 2, 3, 4, 5, II. 13, 45, 51. & 349.) which make frequent use thereof. Page 12. and 349. he renders us this Account and Justification of its Antiquity, Authority, under a particular Title concerning it.

First, &c. CERTAIN IT IS, that this ANCIENT MODUS, was used in the time of King Edward sonne of Ethelred (commonly called the Confessor.)

2ly. It was rehearsed and declared before the Conqueror at the time of his conquest, and by him approved. That accordingly the Conqueror according to this Modus, held a Parliament in England, as it appears in 21 E. 3. f. 60. a.

3ly. After K. Henry 2. had conquered Ireland, he fitted for and transmitted this Modus into Ireland in a Parchment Roll for the holding of Parliaments there: which no doubt he did by advise of his Judges, being a matter of so great weight, and legal.

4ly. This Modus in the Parchment Roll transcribed by H. 2. remained in Ireland, and in An. 6 H. 4. was in the Custody of Sir Christopher Preston Knight, a man of great wisdom and learning; which Roll King H. 4. the same year, de assensu Johannis Talbot Chivalier, his Lieutenant there, and of his Council in Ireland, exemplified for the better holding of the Parliaments there, and in the exemplification it expressly appeareth, * that H. 2. did transcribe this Modus, as is aforesaid.

5ly. This Modus was seen by the makers of the Statute of Magna Charta, Anno 9 H. 3. cap. 2. concerning the reducing of the ancient reliefs of entire Earldoms, Baronies, and Knights fees according to such proportions as were contained in the Modus: which they could not have done so punctually, if they had not seen the same. That it is, justly called Antiquum relictum, because it is according to the proportion of this ancient Modus, (adds his Margin.) whereof you may read more at large in the First Part of the Institutes, Sect. 103. fo. 76. verbo relief.

6ly. That some Part of this Modus is cited in the Parliament Roll An. 11 R. 2. and other Records of Parliaments: and upon diligent search we can find nothing against it.

1. See the Title thereof in his Preface to his 9 Reports, and his Second Instit. p. 7.

2. 31 4.

* See p. 349. 3.

6.

All which particulars I humbly conceive to be no small mistakes, as I have heretofore intimated in several Treatises, and hope to clear and evidence by these ensuing Arguments, which I shall briefly recapitulate, and submit to the judicious Readers considerations.

b My Levellers levelled, p 18, 19, &c. The first Part of my Brief Register & Survey of Parl. Writs, p. 397, to 407. Part 2. p. 143, to 164. especially Part 4. sect. 8. p. 553, to 609. My Epist. & Preface before An Exact Abridgment of the Records in the Tower of London, and My Plea for the Lords and House of Peers, Epistle to the Reader, & p. 25, 26, 27, 29, 164, 165, to 185.

First, it is very probable, if not certain, that the Word *Parliamentum*, to expresse or denote a *Parliamentary Great Council*, as this *Modus* often useth it, was never used in any of the ancient Great Councils, Synods, Laws, Canons, Constitutions, Charters, Patents, Writs, or other Records, nor yet in any of our old Historians, living in the reigns of our *British, Saxon, Danish Kings* before, or of our *Norman or English Kings* after the Conquest, till the reign of King *Henry the third*, for which I referre you to *Sir Henry Spelman's Glossary*, Title *Parliamentum*, and my * Former Publications in the Margin. The first Record wherein the word *Parliamentum* is so used, for ought I can yet find upon my exactest search, is *Chans. 28 H. 3. m. 12. dorso*. And the next, *Cl. 32 H. 3. m. 13. dorso*. The first of our Historians I have observed who used it in this sense, is *Matthew Paris*, Anno 1246. being the 30th year of King *Henry the 3d*. And the first Statute wherein I find it mentioned, is the Prologue to the Statute of *Westminster*, Anno 3. *Edw. 1*. Therefore this *Modus tenendi Parliamentum*, which useth this word no lesse than 148 times, almost in every line besides the Title; and not the word *Concilium*, *Concilium Magnum*, *Commune Concilium*, *Conventus Sapientum*, *Colloquium*, &c. (the * ancient Names, stiles of our *Parliamentary Great Councils*;) must in all probability be compiled after the reign of King *Henry the 3d*, when the word *Parliamentum* was grown into common use in our Records, Writers, Acts, being not to be found in * *Glanvill* or † *Bracton*, two eminent Judges, who writ whole Treatises of the *Laws and Courts of England*, under K. *Henry the 2. & 3.* and use only the Titles of *Procerum Concilium*, & *Concilium Magni*, the then known stiles for such an Assembly.

c See Spelman. Glossar. Tit. Parliamentum, & Concil. Tom. 1. p. 534. Cottoni Posthuma, p. 44.

* The 1 Part of my Brief Register, p. 397. to 407. & Part 2. p. 143, to 164. Part 4. p. 567, 568.

* See 4 Instit. p. 2. & Cottoni Posthuma, p. 44, 345, 346.

* Tract. de Legibus Angl. Prologus, l. 8. c. 9. l. 13. c. 32.

† Lib. 1. c. 2. 3. & c. 8. sect. 2, 3.

2. This first clause in the *Modus*, *Summonitio Parliamenti precedere debet primam diem Parliamenti per quadraginta dies*, seems to be transcribed out of the *Great Charter* of K. *John* in the 15 year of his reign (not that in his Charter out of the *Modus*.) Now whereas his Charter useth the old stile, *Ad habendum Commune Concilium regni*, &c. this *Modus* changeth it into *Parliamentum*; to which all who ought to be summoned, are to have a summons, *ad terminum quadraginta dierum ad minus*, before the *Council*, *et ad certum locum*; Therefore it seems to be compiled after this Charter.

d Mat. Paris, Hist. Angl. p. 247. & Hist. Episcopi Spelmani Glossarium Tit. Parliamentum.

3ly

3ly. It mentions our *Kings usage*, (*Rex solebat, &c.*) to issue out *Writs* to the *Warden of the Cinque Ports* to summon 2. *Barons* out of every *Port*; and to *Sheriffs* and others to summon 2. *Knights* out of every *County*, with 2. *Citizens* and *Burgeses* out of every *City* and *Borough*; Whereas no such *Writs* for ought appears by *Histories* or * *Records* issued out to the *Warden of the Cinqueports* or *Sheriffs* to elect *Barons*, *Knights*, *Citizens*, *Burgeses* to serve in *Parliament*, before the 49 year of the reign of K. *Henry the 3d*, or not long after.

* See the 2d Part of my Brief Register, & Brevia Parliamentaria Rediviva, l. 242, to 249. Spelmani Glossar. Tit. Parliamentum, & Cottoni Posthuma, p. 15.

4ly. It affirms, that *Writs* usually issued to the *Warden of the Cinque Ports*, to the *Mayor and Sheriffs of London*, and to the *Mayors and Bayliffs of York* and other *Cities*, for to elect two *Citizens* for the * *Counties of their Cities*, and to pay *their wages and expenses*: when as the *City of London* had no *Mayor* nor *Sheriffs* before the first year of *Richard the 1* nor Charter to elect a *Mayor* before the 14 year of King *John*, as both our † *Histories*, *Records*, and * *himself* assure us, and *York* with other *Cities* had no *Mayors* till after *London*, and no *Writs* for *elections* of *Barons of Ports*, *Citizens* or *Burgeses*, ever issued to them before the

4. * *British, Canturbury*, & other *Cities* were not made *Counties*, till the reigns of *E. 1. R. 2. & H. 6*. See the 2 Part of my Brief Register. † *Falton's Chronicle*, *Stow's Survey of London* p. 345, to 350. *Holinshed & Grafton*, * 4 Instit. p. 253.

reign

reign of King Edward the 1. as I have proved at large in the * *Fourth Part of my Brief Register and Survey of Parliamentary Writts*; to which I refer you: Therefore this *Modus* was compiled after the *Confessors, Conquerors, Henry the 2ds,* and King *Henry the 3ds* reigns.

5ly. It informs us, That the Barons of the *Cinque ports* when they had license to depart from the Parliament, solebant habere bzebe sub magno sigilla Custodi Quinque Portuum, quod ipse rationabiles sumptuum & expensas suas hujusmodi Baronibus habere faceret, &c. verum non solebat poni pro duobus Baronibus per diem ultra 20s. (who never received so much, especially in the *Confessors* time or after, when *Cs.* was a Knights fee.) He adds, That for the expenses out of one County for 2. Knights, there was not wont to be allowed above one mark a day, (there being never so much allowed them) but NOW (mark it) † 8 s. a day, to wit for every one of them 4 s. a day. But it is most certain by the * *Writts pro expensis Militum, &c.* That no Writts issued for the expenses of Barons till the reign of *Edward the 1.* And that the fees for Knights of Counties were not ascertained to 4 s. by the day for each, before An. 19 E. 2. and 1 E. 3. Therefore penned after that time.

6ly. It mentions the calling of the Barons of Ports, Knights, Citizens, Burgeses of Parliament and other Members on several dayes: when as there is no mention of any such callings of them in History, Record, or the Parliament Rolls, as he fancieth, nor any * calling of them I can yet discover entred in our Parliament Rolls, before 5 R. 2. nu. 17. after which it was frequently practised, not before, by virtue of the Statute of 5 R. 2. cap. 4.

7ly. It mentions the calling of the Lords by name in Parliament, and the fines usually imposed on such of them as were absent, viz. *Baro ad C. marcas, Coms ad C. libras, &c.* when as there is no President of any such fine set on absent Lords for ought appears to me by History, or the Parliament, Fine, or other Rolls, before the Parliament of 31 H. 6. Rot. Parl. nu. 46. when the absent Earles were fined only (upon the Commons request) at C. marks, not pounds, and absent Barons at 40 l. and the Dukes and Archbishop at C. pounds a peece towards the defence of *Calezes and Guyen.* After which this *Modus* probably was compiled, as I have proved: The rather, for that I finde in *Pat. 8. E. 3. pars 2. m. 14.* That † *Georgium de Rupe de Hibernia* (an *Irisb* Baron as it seems) defunctus, pro eo quod ad Parliamenta apud Dublin An. regni Dom. Edw. patri nostri 20. & An. regni nostri tertio non venit, prout summonitus fuit, ad ducentas marcas amerciatas fuisse: Which upon the Petition of *John de Rupe* his sonne the King moderated, and remitted to x. marks, to be levied to his use, habito respectu ad hoc, quod se a Parliamentis predictis causa inobedientie non absentabit, per quod ITA EXCESSIVE AMERCIARI DEBERET, as the Petition suggested; discharging him of the residue of the 200 marks, as excessive; Therefore not usual, as the *Modus* suggests, especially before the Conquest: when as in 31 H. 6. they were fined only at 40 l. at most. And the Statute of 10 H. 7. in Ireland, cap. 16. for the Lords of the Parliament to wear robes, imposeth only the penalty of C s. (not marks or pounds) on every Lord Spiritual and Temporal who should appear in any Parliament without his Parliament Robes.

8ly. Sect. 15. *De Locis & Sessionibus in Parlamento*, it relates, that the usual place of the Bishop of *Carlisle* in Parliaments, was in parte sinistra Regis, next after the Archbishop of *Yorke* and Bishop of *Durham.* Which as it seems to be a * mistake contrary to the Statute of 31 H. 8. c. 10. (the *Modus* mistaking their sitting in Synods and Councils, for their sitting in Parliament :) so it is most clear by all our ^k *Historians*, that the *Bishoprick of Carlisle* was first erected by King *Henry the 1.* An. Dom. 1132 or 1133. Therefore he could have no usual place in Parliaments till after his reign, not before the Conquest; And so this *Modus* must needs be compiled after this *Bishopricks* erection and Bishops call to Parliaments.

linsted, Cambden, An. 1132, & 1133. Godwins Catalogue of Bishops. My Plea for the Lords, p. 262, 263.

9. 9ly. It asserts, that *Barones Regis de Scaccario cum Servientibus ad Placita Regis, tenentur interesse secundo die Parliamenti.* Now Sir ¹ Henry Spelman affirms, that there were no such *Barons* standing Officers in the *Kings Exchequer* before the reign of King Henry the 3d. or Edward the 1. And the first *Capitalis Baro* I finde summoned thither, was *Robertus de Sadington, Claus. An. 12 E. 3. pars 2. m. 32. dorso.* And we read of *No Serjeants at Law of the Kings* summoned as assistants to the Lords, or as the Kings Council in Parliament, before *Claus. 20 E. 3. m. 1. & 5. dorso.* Therefore this *Modus* seems to be compiled after it.
10. 10ly. It asserts, *Parliamentum non debet teneri diebus Dominicis, sed cunctis diebus illo die excepto;* when as ^m many ancient Parliaments of E. 1. 2. & 3. were summoned to meet on the *Lords day* till 5 R. 2. Rot. Parl. nu. 1. when the Parliament was adjourned till Monday, and late not on the *Lords day*: Therefore it was probably compiled after 5 R. 2. from which time no Parliaments have been summoned to meet on the *Lords day*, as they usually were before that time, for ought I find.
11. 11ly. Whereas it is asserted, p. 12. that the *Makers of Magna Charta* saw this *Modus*, and reduced the ancient Reliefs of entire Earldoms, Baronies, &c. according to such proportions as is mentioned in the *Modus*, which they could not have done so punctually if they had not seen the same: It seems more probable, that the Contriver of this *Modus* took his proportions from *Magna Charta*, and its Makers, since *Glanvil* expressly resolves in the reign of Henry 2. lib. 9. c. 4. & 6. cited in the 2 *Institutes*, p. 7. *De Baronis verò nihil certum statutum est; quia juxta voluntatem et misericordiam Domini Regis, solent Barones Capitales de Relevis suis Domino Regi satisfacere. Idem est de Serjeantariis.* To which this Note is annexed in the Margin, *Quic incertitudinè medetur Magna Carta, c. 2.* in the Copies printed *Cum privilegio Lond. 1604. p. 71.* That Earls and Barons Reliefs were not ascertained till *Magna Charta, c. 2.* our *Hen. de Bracton* lib. 2. c. 31. *de Relevis, sect. 2.* then living, informs us in these words. *Quale sit rationale Relevis antiquum de feodo militari distinguitur in Carta Libertatum, c. 2. sc. de Comitatu integro danda sunt C. libra de herede Comitibus pro relevis, &c.* Their reliefs being uncertain before, consisting of more or fewer Knights fees, as ^m Mr. *Selden* largely evidenceth: Therefore it must be compiled after *Magna Charta.* And whereas it is added, p. 12. *Some part of this Modus is cited in the Parliament Roll of 11 R. 2. and other Records of Parliament:* It is more likely, it cites some part of the Parliament Roll of 11 R. 2. and 31 H. 6. Rot. Parl. nu. 46. though corruptly; Therefore compiled after them. The rather, because our learned Antiquary ^o Mr. *Selden* further observes; *The mentioning of the Justitia de Banco, of Capitalis Justiciarius coram Rege, of the Barons of the Exchequer so severally; besides the language throughout it, and that occurrence of Comes Seneschallus, Comes Constabularius, and divers more Characters that remain in it, shew plainly enough, that it was written some ages (at least) after the coming of the Normans, of which I think no man doubts that hath read it. And for my part (writes he) I cannot yet believe that it is ancieuter then King Edward the third. * Divers Copies I have seen of it, but never any that exceeded that age. And the language and context perswade me also to that belief, The Treatise was written long after the beginning of the Norman Monarchy: and the Title of it is so false, that it much disparages the body of the Treatise. The vanity of it seemed such, as that we thought fittest to leave it for this place, so to speak of it by it self, as an Imposture of a bold fancy. For it will appear no better, if we examine the time when the autoz of it lived, and the matter of it. Therefore of no such Antiquity or Authority as is suggested.*
12. 12ly. Sir *Edward Cocks* in this 4. *Institutes*, p. 120. assures us, that the Title

the and Stile of COMES MARESCALLUS was first of all given, and came into Patents in the reign of King Richard 2. being granted to Thomas Earl of Nottingham and the heirs males of his body by a Charter confirmed in Parliament Cart. 20 R. 2. m. 1. nu. 3. in these words, *De gratia nostra speciali in prasenti Parlamento nostro concessimus pro nobis & heredibus nostris eidem Comiti Officium Marescalli Angli. ac nomen, titulum et honorem Comitum Marescalli Angliæ: And in Instit. f. 106.* This is to be observed, that though there were divers Lord Marshals of England before the reign of Rich. 2. yet King Rich. 2. created Tho. Mowbray first Earl Marshal of England, per nomen Comitum Marescalli Angliæ. He and his Successors Earls Marshals being enabled by this Charter to carry a golden staff before the King and in all other places, with the Kings Arms at the top of it, and his own at the lower end, when all the Marshals (before his creation to be Earl Marshal,) carried only a wooden staff. And although I finde the Marshal of England being an Earl, was sometime stiled * Comes Marescallus in Plac. Parl. Anno 21 E. 1. & Anno 33 E. 1. & 35 E. 1. yet it was only in respect of his Earldom, not his Office of Marshal: Therefore this Modus, which makes expresse mention of † Comes Marescallus, and his office in Parliament, as likewise the Treatises usually annexed to it in the Manuscript Copies, concerning the Office of the Earl Marshal pretended in the Proeme to be as ancient as the Coronation of King Henry the 2. and then so used by Gilbert Strogell Marshal of England, must in all probability be compiled after the 20 year of King Richard 2.

13ly. The 18 Section in this Modus. *De Casibus & Judiciis difficilibus. Si casus difficilis coram Cancellario Angliæ emergit, seu iudicium difficile coram Iustitiariis fuerit reddendum, &c.* seems to be transcribed out of the Statute of 14 E. 3. c. 5. with some additions and mistakes annexed to it for a disguise by the Compiler, (as his Comes Seneschallus, Comes Constabularius, Comes Marescallus, vel duo eorum eligerint 25 personas de omnibus Paribus regni, &c. to decide such cases and Judgements, wherein he varies both the number, persons, and method prescribed by the Statute, and used in our Parliaments, much punier than this Act) doe more then probably demonstrate.

14ly. This Clause in the Modus, sect. 11. *De prädicatione ad Parliamentum Archiepiscopus, &c. tenetur, &c. in sermone suo sequenti, subjungere toti Parlamento, quod ipsi cum eo humiliter Deo supplicaret, quod ipsum adoret pro pace et tranquillitate Regis et Regni;* seems to me to be borrowed from the Commons petition to King Edward the 3d. in the beginning of the † Parliament of 37. E. 3. rot. Parl. nu. 9. *That the King would require the Archbishop and all other of the Clergy to pray for his Royal Estate, and the peace and good government of the Kingdom, &c. which the King likewise then prayed, granted.* And so compiled after that president, here prescribed as a duty of course, to which he was obliged, and to exhort all the Members to joyn with him therein at the beginning of every Parliament in his Sermon and subsequent exhortations to them.

15ly. Those assertions in it, that the Barons of the Cinqueports, Knights, Citizens and Burgeses elected & returned to serve in Parliament, * *venirent cum Warrantis suis duplicatis sigillis Communicantes Portuum, Comitatum, &c. suorum signaria quod ipsi rite ad hoc atrozati sunt et missi pro Baronibus (Comitatibus, Civitatibus & Burgis) illis; quorum una liberatur Clericis Parliamenti, & altera remanebit penes Barones, Milites, Cives & Burgeses;* seem to be taken from the † Statutes of 7 H. 4. c. 14. 8 H. 6. & 22 H. 6. c. 15. which first enacted they should be all returned by Indentures under the Seals of the Sheriffs, Mayors, and Electors; when as before these Acts (as all their returns attest extant in the Bundles of Writs) they were indorsed on the Writs themselves, or in a Cedula annexed to them, with the names of their Manuaptors to appear at the Parliaments for which they were elected, without any such Warrants or Indentures under Seals, as this Modus mentions; and those returns and Indentures were not brought by the Members to the Clerks of the Parliament, as this Impositor suggests, but returned

* See Ryleys Plac. Parl. p. 218, 291, 333. † Sect. 18.

13.

* See 4 Institutes, p. 67, 68.

14.

† See An Exact Abridgement of the Records in the Tower, p. 96.

15.

* Sect. 3, 6, 7.

† Rastall Parliament 7, 13, 16.

turned into the *Chancery* (from whence the Writs issued) by the expresse provision of those Acts, as now they are, and remained not in the *Clerks and Members embodies*: Which particular alone will much disparage both the *Antiquity* and *Authority* of this *Modus*, as being puny to, and varying from those Statutes, and all ancient returns of writs of Election.

16.
See the Fourth Part of my Brief Register, p. 591. to 600. and My Levellers levelled, p. 18. &c.

+ 5 R. 2. c. 4.

* Which the Commons never did till Ed. the 2. & R. 2. their depositions.

† Glossarium, Tit. Parliamentum.

‡ My Levellers levelled. The First Part of my Historical Collection of the Ancient Parliaments of England: My Plea for the Lords, and Fourth Part of my Brief Register, p. 591, to 606, 607, 608.
* Rot. Parl. 3^o H. 6. nu. 7, 8. &c.

16ly. These *levelling Passages* in this *Modus* agreeing with the Tenets and Principles of *Jack Cade* and his complices, mentioned in the *Statutes* of 29 H. 6. c. 1. & 31 H. 6. c. 1. in *Hall, Fabian, Holinshed, Grafton, Trassel, Mr. Fox, Speer*, and other Historians, and *John Stowes Survey of London*; *Et intelligendum est, quod duo Milites qui veniunt ad Parliamentum pro ipso Comitatu, majorem hancem habent in Parlamento in concedendo et contradicendo, quam Patres Comitatus Angliæ, &c.* Et hoc patet, quod Rex potest tenere placitum in Communitate Regni sui absque Episcopis, Comitibus et Baronibus, dum tamen summoniti sint ad Parliamentum, licet nullus Episcopus, Comes vel Baro, ad ammonitiones venerint. Quia olim nec fuerat Episcopus, Comes, nec Baro, et adhuc tunc Reges tenuerunt Parliamenta sua: sed aliter est & contra, licet Communitates Cleri et Laici summoniti essent ad Parliamentum sicut * de jure debent, et propter aliquas causas venire nollent, ut si prætenderent quod Rex non regeret eos, sicut deberet, et assignarent specialiter in quibus Articulis eos non regeret, Parliamentum nullum est omnino, licet omnes Archiepiscopi, Episcopi, Comites et Barones, et omnes eorum pares cum Rege interessent. Et ideo oportet, quod omnia quæ affirmari vel informari, concedi vel negari, vel fieri debent per Parliamentum, per Communitates Parliamenti concedi, &c. Which Position, That our Kings OLIM, in or before the *Confessors, Conquerors*, and *Henry the seconds* reigns (if this *Modus* were so ancient) held Parliaments with the Commons alone, without Bishops, Earls or Barons: and that in *Times past*, there were no Bishops, Earls or Barons, and yet our Kings then held Parliaments without them: but could not in those ancient times hold Parliaments with the Bishops, Earls and Barons, without the Knights of Shires and Burgesses, which represent all the Commonalty, is so false, so contradictory to all our Histories, Charters, Records, before the reign of King *Henry the 3d*, as Sir † *Henry Spelman* evidenceth, and ‡ other Treatises, to which I refer you; that I conceive it was never heard of till *Jack Cades* times and was the principal Authority our late *Levellers* and *Usurpers* insifted on, to vote down and suppress the whole House of Lords, and the King too, and to hold *wock-Parliaments* without them: Therefore this *Modus* seems to me, to be compiled after the Articles against R. 2. Parl. 1 H. 4. yea after the Parliament of 31 H. 6. most likely by *Richard Duke of Yorkes* procurement, who secretly confederated with *Jack Cade*, his *Levellers*, and some of the Commons House, to deprive King *Henry the 6.* and usurp the Crown to himself by their assistance; as his * *impeachment* and attainder in Parliament assure us.

17.
See my Plea for the Lords, p. 27, to 31.

17ly. That Passage in the *Modus*, sect. 14. *De absentia Regis à Parlamento*; That the King is bound to be present at the Parliament, and not to lye out of the City or Town where the Parliament is held, &c. seems to be taken out of the History of the 10. & 11 years of King *Richard the 2d*, recorded by *Henry de Kynghton, Grafton*, and others: And that concerning the Lords absence and fines, sect. 10. & 25. out of 5 R. 2. chap. 4. and 31 H. 6. nu. 46. and so puny to them.

18.
See the Fourth Part of my Brief Register, p. 553. &c.

18ly. Had this been the *Mode* of holding Parliaments in *Edward the Confessors* reign, and this *Modus* shewed to, approved, used by *William the Conqueror*, and in the times of his Successors Kings of England, as its Title asserts; (which certainly was added long after the Conquest, if the *Modus* was before it) or transcribed in a Parchment Roll and sent into *Ireland* by King *Henry the 2.* so be there observed, and that no doubt by advice of his Judges; it is very probable some of our Historians, Parliamentary Writs, Rolls, Records, Statutes, Lawbooks would have mentioned it, especially *Statham, Fitzherbert, Brooke, Fortescue, Sir Thomas Swish, Edmond Fowell, Holinshed*, and *Mr. Camden* in their Titles and

Discourses

Discourses of *Parliaments*. But not one of all our ancient Historians, Parliament Writs, Rolls, Records, Journals, Statutes, Law-books, or Writers of *Parliaments* I have perused ever made the least mention of it; before Sir Edward Cooke vouched it in the Parliament of 35 Eliz. An. 1592. when he was *Speaker*, which *Modus a grave Member of the House then shewed and delivered him*; (as he informed the House in his Argument of *Fitzberberts case*) which *Book if any Member desired to see*, he then said, *he would shew it him; being a President of a Parliament holden before the Conquest*, intitled, *Modus tenendi Parliamentum*. And no sooner had he extolled its *antiquity, Authority* in print, but our most Judicious, Industrious Antiquary * Mr. John Selden, decried it as a late *Imposition of a bold fancy, not exceeding the reign of King Edward the 3d.* And our most learned Divine Bishop Usher in a Letter to Mr. William Hakewill of Lincolnes Inne, (who affirmed he had seen an exemplification thereof in the reign of K. Henry 4. said to be sent by King Henry the 2d. into Ireland) conceived it to be a *mistake*, and that this *Modus* was not so ancient, many *pregnant evidences of its Novelty* appearing throughout its whole contexture. To which I shall adde this among others; *Rotulus de Parlamento continet in latitudine decem pollices* (there being few so broad, and most of different breadths and lengths) and none so ancient as the *Confessor or Conquerors reigns*, when the word *Parliamentum*, and *Rotulus Parliamenti*, were not in use.

19ly. I suppose no *Antiquary or Lawyer* can produce one president of any Parliament or Great Council held in *England or Ireland* according to this *Modus*, either before, at, or since the Conquest, in any of our *Historists, Parliament, Clause Rolls, Records, or Journals*; Nor any such several calls of the Members on several dayes, or such fines set on the places for which they served, for their absence from Parliaments; or so many Clerks, Cryers, and other Officers of Parliament, or such hours, places of sitting, or wages of *Barons of the Cinqueports*, or desciding of difficult cases in point of difference, as this *Imposition* hath feigned: Therefore we may justly suspect both its *Antiquity and Authority*.

20ly. Whereas it is alledged, that the Conqueror according to *Modus* held a Parliament for England, as appeareth in 21 E. 1. f. 60 a. the words of this *Year-book* refute it; * *En temps W. Conqueror a son Parlement a certain jour tenuz, fait ordeigne † per le Roy, et per l'archeveque de Canturbury, et per tous les autres Evêques de la terre, Countes et Barons, que, &c.* there being no mention in that Book, nor in the Charter therein ratified, of any *Knights, Commons or Barons of Ports*, but only of *Bishops, Earls and Barons* in that Parliament, and of a Charter granted by King *Cnutus* by their assents to the Abbey of *St. Edmunds* (then confirmed) exempting it from all Episcopal Jurisdiction, and imposing a penalty of 30 Talents, upon such who should violate its Liberties: For contempt whereof King Edward the 3d. sued the Bishop of *Norwich* for the penalty.

Finally, Sir Edward in his *Preface* to his 9th Reports, (wherein he first asserted the Antiquity of this *Modus*) doth vouch and magnifie another *Manuscript Leiger Book* of the *Monastery of St. Edmunds*, of an ancient handwriting, to confirm it; wherein is cited a Parliament holden in the 5th. year of King *Cnutus* reign; who in suo publico Parlamento, &c. omnibus tunc in eodem Parlamento personaliter existentibus, confirmed the Liberties of *St. Edmunds Abby*. But this supposed ancient Manuscript (whose Antiquity was justly suspected by our learned eminent Antiquary * Sir Henry Spelman, who desired to peruse, but could not obtain the sight of it) which makes mention of King *Cnutus Parliament*, before that Title was used or known in our Island; appears since, to be *Registrum Johannis Lachinghish ejusdem Monasterii Monachi; pennis Robertum Bacon, equitem auratum*, part whereof is printed by Mr. William Dugdale in his *Monasticon Anglicanum* Vol. 1. p. 290, 291. which mentions the difference between *William Alnwick* Bishop of *Norwich*, and *William Curseys* Abbot of *St. Edmunds*, not elected Abbot till the 7th year of King H. 6. Anno Dom. 1429. And concludes thus; *Johannes Melford, ultimus Abbas creatur.*

* Titles of Honor, p. 708, 710, 718, to 721.

19.
† See Spelmani Glossarium Tit. Parliamentum; and the 4th Part of my Brief Register, sect. 8. p. 553 &c.

20.
* The words of the Charter, Monasticon Anglic. Vol. 1. p. 288. & the First Part of my Exact Chronological Collection, p. 357.
† Spelmani Gloss. Tit. Parliamentum.

21.

* Spelmani Conclia, Tom. 1. p. 534.

sur. 5 H. 8. and was compiled by him about that time, or soon after. So that this *Liber-Book* is not so ancient as was supposed, and no wayes proves the Word *Parliamentum* to be in use before the *Conquest*, nor yet the pretended *Antiquity* or *Authority* of the *Modus*, which I now submit to the *Readers* Judgment upon all the premised *Considerations* and *Evidences* to the contrary.

II. Page 2. it is several times repeated in the Text and Margin; **CERTAIN IT IS**, That at the first, and of ancient times both Houses sat together, as it appeareth in the *Treatise De modo tenendi Parliamentum*. Which the learned *Anchor* first affirmed in the Parliament of 35 Elizabeth, when he was *Speaker*, in the same words, from this *Modus*. But as I cannot finde any such convincing passage in the *Modus*, that both Houses sat together; so its distinguishing the *Members* of Parliament into * five distinct degrees (besides the Kings) his asserting, that they had 5. several Clerks to attend them; that every degree ought to debate all the difficult cases concerning warre and peace, &c. by themselves, and bring in their resolutions distinct from each other; and that none ought to sit but among his Peers in Parliament, with other passages: seem rather to prove that they never sat both together. However, its *Antiquity* and *Authority* being sufficiently refuted in the premises, it will not be a sufficient evidence of the *verity* or *certainity* of this Assertion: The rather, because there is no certainty or pregnant evidence, that there were any Knights, Citizens, Burgeses, or House of Commons in the *Confessors* or *Conquerors* reigis, to which this *Modus* refers, nor before the later end of *K. H. the 3d* his reign; though *Polydor Virgil* and others refer their and our *Parliamenos* Original to the Council at *Salisbury* in the 16 year of *K. H. the 1.* whereas there is not one syllable in any of our ancient *Historians*, concerning Knights, Citizens or Burgeses present in that Council; as our learned industrious Antiquary *Sir Henry Spelman* informs us in his *Glossary Tit. Parliamentum*, in these words. *REX* perinde, qui totius Regni Dominus est supremus, regnumque universum, tam in personis Baronum suorum, quam e subditorum ligantia, ex jure Corona sua subiectum habet, concilio et assensu Baronum suorum leges OLIM (to wit before the end of the reign of King Henry 3.) imposuit univesto Regno: et consentire inferiori quisque bitus est, in persona Domini sui Capitalis, prout hodie per Procuratores Comitatus vel Burgi, quos in Parliamentis Knights and Burgeses appellamus. Habes morem veterem, quem mutasse serunt Hebricum 1. anno regni sui 16. *PLEBE* ad Concilium Sarisberienae tunc accisa. Hec vulgaris opinio, quam 1370 primus *Parsie Polydorus Virgilius*, acceptam subsequentes *Chronographi*. Nos ad auctores illius seculi provocamus; refuting this opinion by *Florentius Wigorniensis*, *Eadmerus*, *Huntingdon*, and *Noubrigenfis*; concluding, *Lubunt* qui *Parliamenta* nostra in his quarrunt. *Sine* ut *sedes dicam*, collegisse me *Centenas* (reog) *Conciliozum* edictiones (tanquetque ipsos plurimozum) ab ingressu *Gulielmi* 1. ad excessum *Henrici* 3. existentium, nec in tanta multitudine, de plebe usquam reperisse aliquid, ni in his distiterit, viz. *Seniores*, *Sapientes* populi: which he conceives to be only *Aldermanni*, *Saxonice*, or *Barones* et *Pagnates* regni; not the Commons: Therefore they could not sit together with the Lords in one house, there being them no *House of Commons* to sit with them, as I have elsewhere evidenced by sundry testimonies; presidents, both before and long after the *Conquest*, till the later end of *King Henry* the 3d his reign. Yea *Polydor Virgil* himself writes thus of our *Parliaments*, that both Houses never sat together, but distinct; *Ut aqua unicuique loquendi potestas fiat*, alteri ab alteris disjuncti consulerunt. *Nam Rex*, *Pauisices*, *Principes*, & *Abbatas* in unum conueniunt locum, ibique consistunt, ac *Procuratores* *Citium* *Populique* in alteram partem, ibique de rebus agendis inter se disputant, &c.

See H. 1. Modus tenendi Parliamentum

* Sect. 3, to 11. 15, to 19. 24, 25, 27.

a *Histor. Angl.* l. 11. p. 188. Judge *Doderidge*, *Mr. Tate* & *Mr. Agar* their *Treatises* of the *Antiquity* of *Parliaments*, p. 18, 19, 20, 49, 80, 83, 87. *Hollinshed*, Vol. 3, p. 38, 39.

b Page 451. & *My Plea* for the *Lords*, p. 165, 166, to 182.

c *My Historical Collection* of the ancient *Parliamentary Councils* of *England*: *My Plea* for the *Lords*, p. 58, to 98, 108, to 128, 165, to 182, 203, to 259.

d *Hist.* l. 11. p. 188.

See *Printed Reports* Flores *Hist.* Anno 1302. *Immanit* p. 435. *Hist. Angl.* p. 54.

See *History of the Middle Ages* *Politia* 2. *Phil.* p. 294, 295, & 296.

As for the *Collection*, pag. 2. That the *Lords* and *Commons* sat together in the *Parliament* of 28 E. 1. because in the *Letters* to the *Pope* by all the *Nobility* of *England* at that *Parliament*, the conclusion is, *In cuius rei Testimonium sigilla nostra, tam pro Nobis, quam pro tota Communitate regni Angliæ, presentibus sunt appensa*; It seems not to be solid or convincing, 1. Because *Mat. Westm.* *Walsingham*,

Walsingham, and others out of them relate, That *Rex per se voluit responderet* (to the clause of Pope Boniface his Letter, to send Proctors to Rome to shew his Title to Scotland in a judicial way) *sed hoc commisit Comitibus, aliisque terrarum Proceribus*, not to the Commons: and the Lords in their Letter expresse; that the King in the Parliament at Lincoln exhibited the Popes Letters to them; et seriose Nobis fecit exponi; without any mention of the Commons sitting or treating with them. Hence ^a *Matthew Westminster* præfixeth this Title thereto. *Littera quæ Comes et Barones miserunt Domino Papæ super negotio Scotorum*. Adding, REX & BARONES ordinaverunt Domino Papæ elegantem Epistolam, sigillans Cartam cum sigillis 100. Comitum & Baronum; and Sir Edward Cooke in his 2. Institutes p. 98. assures us, that those Letters were sealed with the several seals of armes of ^a 104 Earls and Barons only; adding, that they wrote it by the assent of the whole Commonalty in Parliament: when as the Letter was sealed by them for the whole Commonalty of England: who certainly never sate personally in Parliament, much lesse with the Lords in the Lords House: Therefore the Lords tant pro Nobis, quam pro tota Communitate prædiat regni Angliæ, was intended by them of all the Commonalty of the whole Realm of England, as well absent from that Parliament, as present; not for the Commons house, or Commons of England assembled in Parliament. ^b Thus 6. Earles and 5. Barons only, Anno 44 H. 3. (before there were any Knights, Citizens and Burgesses in Parliament) set their seals to a Letter writ and sent by them to Pope Alexander against the restitution of Adomar Bishop of Winchester to his Bishoprick, not only for themselves, but VICE TOTIUS COMMUNITATIS, as well of the Baronage as Commons of the whole Realm; yet no man can thence inferre, that all the Commons sate with them. Thus the Mayor, Aldermen, and Common Council of Cities, the Masters and Fellows of Colledges use to set their Seals to Deeds for themselves, and the whole Commonalty, and Scholars of their Cities and Colledges, though they sit not in their Courts or Councils with them; Thus the Freeholders and Burgesses of Counties and Boroughs elect and return ^c Knights and Burgesses for all the Commonaltie of the Counties and Boroughs, though they were not present at, or had no legal voyces in their election, by whose Votes they are bound in Parliament, though they sit not with them there. Now that which seems to put it out of question; that the Lords & Commons never sate together, is the antient form of the Writs of Summons issued to all the Bishops, Prelates, Earls, Barons and Nobles in the reigns of Henry 3. Edward 1. 2. 3. continued till this day; ^d *Quoddam Parliamentum nostrum apud W. &c. teneri ordinavimus, & ibidem cum Prelatis, Magnatibus & Proceribus dicti regni Colloquium habere & Tractatum, &c. Vobis mandamus, quod personaliter interfisio Nobiscum et cum cæteris Prelatis, Magnatibus et Proceribus dicti regni (not with the Commons, Knights, Citizens or Burgesses) fractaturi, bestrumque consilium imperturi; apart by themselves, not joyntly with the Commons: as both the Writs and practise ever since evidence. Where as it is added, p. 2. Vid. Rot. Parl. 5 E. 3. nu. 3. and in other places of the same Roll, and in 6 E. 3. in divers places, That the Lords and Commons sate together, and that the surest mark of the division of the Houses is, when the House of Commons at first had a continual Speaker, which the ^e Author refers to Rot. Parl. 50 E. 3. nu. 8. All that these Rols warrant in my humble opinion, is but this, That the Commons came to the Lords house when the causes of summoning the Parliament were declared by the Chancellor, & at the end thereof, & had sometimes conferences with them, as now they have: But that they sate or debated together as one House, is no wayes proved, but contradicted by these and other Parliament Rols; witness Parl. 5 E. 3. nu. 5. compared with nu. 8. Parl. 6 E. 3. ap. Westm. le Lundy prochein apres Fest de Seint Gregory, num. 5. Si aieront mesmes les Prelatz et Procuratores de Clergie par eux mesmes; Et les diez Comtes, Barons & Grauniz par eux mesmes. Whose report being drawn up, and then read ^f before the King, & les Prelatz, Chivalers des Comtes, & les Genz de Commun, furent pleisanz a eux tous, & par nostre Seignour le Roy; Prelatz, Comtes, Barons, & autres*

^a Hist. Angl. p. 334. & 416.

^b It should be 100.

^c Mat. Paris, Additamentis, p. 215, 216. See My Preface to the Reader before An Exact Abridgement of the Records in the Tower.

^d See the First Part of my Brief Register, p. 232, 233.

^e See the First Part of my Brief Register throughout. Mr. Seldens Titles of Honor part 2. c. 5. p. 717, 719.

^f Instit. p. 295.

^g At the close of the Parliament, or Sessions.

autres Grantz, et auxint par le Chivalers des Countez & Gentz des Communs furent pleinement assentuz & accordz. And *nu. 11.* the Knights, Citizens and Burgeses, and also the Clergy, had leave to depart to their Countries; but the Earls, Prelates, Barons, and Counsel of the King stayed behind, because the King would have another Parliament. In the Parliament of 6 E. 3. the morrow after the *Nativity of our Lady*, the King requiring the Advise of his Parliament touching his *French* affairs and voyage thither, *nu. 3.* they thereupon treated and deliberated, *cest assavoir, Les Prelatz par eux mesmes, et les ditz Countes, Barons, et autres Grantz par eux mesmes, et auxint les Chivalers des Countes par eux mesmes*: and then gave their advise. So in the Parliament reasssembled at *Torke* in the *Uta's* of *St. Hilary*, An. 6 E. 3. *nu. 6.* The Prelates, Earles, Barons, and Great men by themselves, & *les Chivalers des Countes & Gentz des Communs par eux mesmes*, treated of the busineses propounded to them. And in the Parliament at *Torke* the Friday before the Feast of *S. Mich.* 6 E. 3. *as queux Prelatz oue la Clergie par eux mesmes, & les Countes & Barons par eux mesmes, Chivalers et Gentz des Countes & Gentz de la Commune par eux mesmes, ont srecorront & imparteron temps à Vendredi prochain suant; Et mesme le Vendredi en plein Parliament, les Prelatz par eux mesmes, les Countes & Barons par eux mesmes, & les Chivalers des Countes par eux mesmes, & puis toutz en commune responderont.* The like we read of the Prelats, Earls, Barons and Great mens, and of the Knights, Citizens, Burgeses and Commons separate Consultations by themselves, and their several answers to the Articles and busineses propounded to them in the *Parliaments* of An. 13 E. 3. *Parl. 1. nu. 6. to 11. Parl. 2. nu. 5. to 9. Parl. 14 E. 3. nu. 6, 7. Parl. 17 E. 3. nu. 9, 10, 11, 55, 58. Parl. 20 E. 3. nu. 10, 18. Parl. 25 E. 3. nu. 6, 7. Parl. 28 E. 3. nu. 55, 58, &c. Parl. 36 E. 3. nu. 6, 7. Parl. 40 E. 3. nu. 8.* (here cited by the *Author*, p. 13, 14. in case that the Pope should demand of the King the annual rent granted him by King *John*) *Parl. 42 E. 3. nu. 7. 47 E. 3. nu. 5, 6.* as well as in the *Parliaments* of 50 & 51 E. 3. when the Commons had a Speaker, and † departed to their accustomed place, *being the Chapter-house of the Abbot of Westminster.* It is therefore certain, *that both Houses never sate together before the 50 year of King Edward the 3d, nu. 8.* as is acknowledged by the *Author* they did not since.

III. *Page 2.* near the end observes; *Upon some of the Records and Rolls of the Parliament it is written, Panditur, &c.* I never saw those Verses writ on any of them in the *Tower*, and if they were, those Rolls if well considered would cause their Readers to discern the *Modus tenendi Parliamentum* (here highly magnified) to be *nothing but dreams of an idle head.*

IV. *Page 4.* *The King doth out of the Court of Chaucery send forth Writs of Summons, at least 40 dayes before the Parliament beginneth.* Which although it be generally true, yet it is not alwayes observed in special cases. or times of danger, or invasion; as in the *Parliament* of 49 H. 3. the Writ to the Bishop of *Norwich* was dated the 20. day of *December*, but 26 dayes before the Parliament; and the Writs to the Barons of the *Cinqneports* the 20. of *January*, but one day before the Parliament, held on *January 21. 49 H. 3.* being the first Parliament to which they and the Commons were summoned. In *Claus. 4 E. 3. m. 19. dorso.* there were but 35 dayes between the Teste of the Writs of Summons and Parliament, and the abbreviation of the Summons is expressed in the Writs. In *Cl. 1 H. 4. m. 37. dorso, & m. 21.* there were only 6. and 28 *Eliz.* but 30 days between the Writs of Summons and Parliament then summoned. I omit other Presidents of *Parliaments* summoned within 40. dayes after the Writs of Summons bore date upon extraordinary occasions of publike safety and concernment, which could not conveniently admit so long delay.

V. *Page 4.* *All the Judges of the Realm, Barons of the Exchequer of the Coyf, the Kings learned Counsil, and the Civilians Masters of the Chaucery are called by Writ (as Temporal Assistants) to give their attendance in the Upper House of Parliament.* It is clear by the *Sancient Writs of Summons* of this kinde, that the King may call or summon more or fewer of them, at his pleasure; yea, the Barons

d See My Preface to the Reader before An Exact Abridgement of the Records in the Tower, & p. 51. 58. My Plea for the Lords, p. 52, 53, 54.

* See An Exact Abridgement of the cords in the Tower, p. 17, 18, 19, 20, 22, 23, 37, 39, 41, 47, 48, 73, 88, 92, 105, 116, 120. † See 4 Instit. p. 253.

e See Brevia Parliamentaria Rediviva, p. 242, 243. The First Part of my Brief Register, p. 31, 81, & Part 4. p. 450, 561, 569, 1217.

f See the First Part of my Brief Register, p. 361, 362, &c & 4 Instit. p. 47.

rons of the Exchequer, the Kings Serjeants, and Sollicitors, have been frequently, and yet are chosen Members, and *Baron Thorpe*, sundry Masters of the Rolls, and Kings Attornyes have been *Speakers of the Commons House*, and not called as *Affidants* by Writ to the Lords house: and their elections as Knights, Citizens, Burgesses held good, before their calls to the Lords House.

VI. Page 8. *Sickness is a good cause to remove a Speaker, but it is no cause to remove any Knight, Citizen or Burgess of the House of Commons.* If it be a Palsie, Lethargy, Frenzy, or any Chronical, habitual, real sickness, totally disabling them from their attendance during the Parliament, it is a good cause of removal, especially if the Member himself, and those for whom he serves, desire it, as is adjudged, declared both by the *Writs and Returns* of 28 E. 1. m. 5. dorfo, & *Bundel. Brevium*, Anno 28 E. 1. in the Tower, and the resolution of the Parliament of 38 H. 8. *Brooke* Parliament 7. by the ancient Clause in Writs of elections of Knights, Citizens and Burgesses, to elect, *ad laborandum potentioribus*, (of which there are sundry precedents in the *Clause Rolls*,) and, by the multiplicity of Writs to discharge *Coroners, Verderers* elected by the County, as well as Knights, from their Offices, by reason of their sickness and infirmity, and to elect others in their places, when they are unable to discharge them in person, and cannot execute them by a deputy or proxy, like sick or absent Lords. See *Fitz. Nat. Brevium*, f. 163, 164. & *Register*, f. 177. b. Pat. 13 R. 2. pars 2. m. 8. 10. 27, 28. & *West. 2. c. 38. 2 Instit.* p. 447.

In the Parliament of 23 Elizabeth, during the Prorogation, as appears by the *Commons Journal* 16 Januarii (1580.) Several new Members were elected and returned in the places of those employed in forraign parts upon other occasions, and of those who were sick; whereupon 18 Jan. Mr. Treasurer by the assent of the House pronounced an admonition, that all such as were unduly returned in the places of others yet living, should forbear their repair to the House, till their case was further considered. Jan. 19. the matter began to be debated touching the Elections and Returns of the persons aforesaid, and their case propounded to this effect, That there were some Members of the House absent in her Majesties service as Ambassadors, and others in her affairs in Ireland, in whose places new were returned; some again sick of curable diseases, as Agnes and such like; others of lingering incurable diseases, and others returned in their Rooms. After long debate, March 18th 1580. It was resolved by the House of Commons, That all such persons as have not been duly returned to the House in the place of others absent in her Majesties service, or otherwise, or sick and not dead, should be excused of their attendance and of their sitting in the House until this present time, and shall from thenceforth stand and be utterly discharged and disabled of their return and places, unless special order shall be taken by this House to the contrary. And forasmuch as it was informed by Four Members, that Thomas Beaumont one of the Citizens for Norwich is impotent and incurably sick and diseased; At the earnest motion of his fellow Citizen of the City of Norwich made to this House for another Citizen to be chosen and returned in the place of the said Thomas Beaumont, It was ordered by this House, that the Clerk of the Crown Office in Chancery should make a new Writ for the choosing and returning of another Citizen for the said City in his place. Accordingly Gregory Peacock Citizen of York being incurably sick and diseased, Robert Astroll then elected, returned, was voted to sit in his place. The like Vote passed for one of the Burgesses of Kyngton upon Hull, in whose place another was elected, returned, and voted to sit. So that by the Vote of the whole House of Commons, after long consideration and debate, in these 31 cases, Impotency and an incurable sickness was resolved to be a good cause of discharging Members, as well as Speakers, and of a new election of others; (because they totally disabled the Members to perform their service in the House) but not a temporary sickness, or absence in the Queens service; because they might soon recover and return to do their service; whereupon those elected and returned in their places were discharged the House, as the *Commons Journal* more at large relates. Besides, the Kings Patents (hereafter cited) exempting some Bishops and

g Baron Thorpe his case, Rec. Parl. An. 31 H. 6. 27, 28, 29. here cited, p. 47. Mr. Hake-wells Catalogue of Speakers. The 4th Part of my Brief Register, p. 624, to 628, 677. b The Second Part of my Brief Register, p. 54, 55, 57, 58, 59, 160. See my Plea for the Lords, p. 389, 390. &c. i Ibidem, p. 39, 45, 67, 71, 77, 86, 89, 90.

Temporal Lords from attendance in Parliaments and Great Councils of the Realm during their lives, b) reason of age, impotency and sickness, and the Statute of Westminster 2. cap. 38. Anno 13 E. 1. De non ponendis in Assisi, &c. will warrant both the legality and equity of the premised resolutions.

VII. Page 9. The later Clause of the Statute of Anno 4 H. 8. cap. 8. recited at large, as there said, to be general, and declaratory of the ancient Law and custom of Parliament. This hath been accordingly declared, resolved of late by the concurrent Votes of both Houses of Parliament, in these words, viz.

Resolved, &c. That the Act of Parliament 4 Hen. 8. commonly intitled, An Act concerning Richard Stroud, is a general Law, extending to indemnify all and every of the Members of both Houses of Parliament in all Parliaments, for and touching any Wills, speaking, reasoning and declaring of any matter or matters in and concerning the Parliament to be continued and treated of, and is a declaratory Law of the ancient and necessary rights and privileges of Parliament.

Resolved, That the Judgment given 5th Caroli against Sir John Elliot, Denzell Holles, and Benjamin Valentine, Esquires, in the Kings Bench, was an illegal Judgment, and against the freedom and privilege of Parliament.

And the same day, Upon Consideration had this day of a Judgment given in the Court of Kings Bench in Michachmas Term in the fifth year of King Charles the First against Sir John Elliot Knight, Denzell Holles, and Benjamin Valentine Esquires, which Judgment is found to be erroneous; It is Ordered by the Lords Spiritual and Temporal in Parliament assembled, That the said Denzell Holles Esquire (now Lord Holles, Baron of Field) be desired to cause the Roll of the Court of Kings Bench wherein the said Judgment is Recorded, to be brought before the Lords in Parliament by a Warrant of Exog, so that in due time such further Judgment may be given upon the said Case as this House shall find meet. Which was accordingly done, and the Judgment thereupon reversed by the Lords as erroneous, in the next Session.

VIII. Page 10. Sec. 48. positively avers, That the Writs for the summoning of the highest Court of Parliament, can receive no alteration nor addition, but by Act of Parliament, and ought to continue in their original essence, without any alteration or addition but by Act of Parliament. Which assertion is clearly refuted, by the great variety of Parliamentary Writs of Summons, according to the diversity of occasions and circumstances extant in the Clause Rolls, printed in the 1, 2, 3, & 4. Part of my Brief Register and Survey of Parliamentary Writs; By the nature of the Writs, which are magistral, and not original; By the variety of emergent occasions to summon Parliaments, and frame Writs suitable yet them, and by the Kings Prerogative to summon Parliaments as the necessity of publick affairs shall require, and send forth his Writs of Summons answerable to those publick occasions. And though some new clauses have been inserted into Writs of Summons in later ages by Acts of Parliament in relation to the elections and returns of Knights, Citizens and Burgesses to prevent abuses; which the King cannot alter or omit but by Act of Parliament, yet all the other parts are alterable upon just grounds and occasions, as they were before those Acts, as I have repeatedly shew'd in my Observations. And whereas it is instanced, that *Dominus Miles placidus civitatis* for election of Knights, could not be altered without Act of Parliament: It is a clear mistake, to belaguer precisely the Writs for Elections of Knights, with Anno 13 E. 3. Claus. 13 E. 3. pars 2. d. 1. and in subsequent Writs without any Act of Parliament, and omitted in some others before the Stat. of 33 H. 6. c. 15. without which Act the King might have altered it, as he did other qualifications, at his pleasure.

IX. Page 10. Walsingham saith, That in Anno 1404. Anno 6 H. 4. in the writs of the Summons of Parliament there was added by the King *acommodationem in curia*, That no Lawyer should be returned Knight or Burgess. But this Opinion is mistaken, for there is no such clause in those Writs, but it was brought

Die Mercurii 22 Decemb. 1667. In the Lords Journal. See a Infrimities, p. 150. 16.

See Judge Crocks Report, Mill, & Cas. in Regio in Banco Rot. p. 107, 108. See a Justice, p. 215, 220.

Bracton, lib. 5. f. 413. West. 2. c. 24. 2 Indit. p. 407.

The 2d Part of my Brief Register, p. 126. to 138.

Ibidem, p. 161. & Part 2, p. 395, 396, 397. Ibid. Part 1, p. 88, 89, 106.

brought by the Kings Letters, by pretext of an Ordinance of the Lords House, 46 E. 3. In which passage I conceive there are these mistakes. 1. An averment, there was no such Clause as *Walsingham* mentions in his story in the Writs of Summons to that Parliament of 6 H. 4. when as it is undeniably evident by the Writs themselves introlled in the *Clause Roll* in the Tower, An. 5 H. 4. pars 2. to 4. (which I have oft perused, printed,) by several Transcripts of them, by the Testimony of Sir Henry Spelman in his *Glossary*, p. 44. Tit. *Apprenticium*, and of Mr. William Hakewill in his *Catalogue of Speakers*, that there was this clause inserted into them. *Nolumus autem quod tu, seu aliquis alius Vicecomes regni nostri, aut Apprenticium, seu aliquis alius homo ad Legem aliquam sit electus, &c. Teste Rego apud Lichefeld, 25 die Augusti.* Which fully justifies *Walsingham's* words. *Direxit ergo Rex Brevia Vicecomitibus, ne quicumque pro Comitibus eligeret quoslibet Milites, qui in iure regni vel dicit fuisse, vel Apprenticium, sed tales omnino mitterentur ad hoc negotium, quos constat ignorare cusulas juris apicem. Factumque est ita.* Whence he styles it, *Indoctum Parliamentum* in his *Margin*. 2ly. An adding of the word *Burgesses* to *Walsingham's* passage; who speaks only of *Knights of Shires*, not *Burgesses*, to whom this Writ extended not. 3ly. *That it was wrought by the Kings Letter, not Writs of Summons*; which, p. 48. seems thus to contradict, and justify *Walsingham*. *As a Parliament holden at Coventry, Anno 6. of H. 4. and (by colour of the said Ordinance) it was forbidden that any Lawyer should be chosen Knight, Citizen or Burgess, by reason whereof that Parliament was fruitlesse, and therefore called Indoctum Parliamentum, and lack-lattin Parliament. And because those Writs were against Law, the Lawyers ever since (for the great and good service of the Commonwealth) have been eligible.* 4ly. In affirming 40 E. 3. Rot. Parl. nu. 13. (by virtue whereof this Clause for electing no Apprentice or Lawyer a Knight of the Shire was made) to be an Ordinance of the Lords House, not an Act of Parliament, excluding Lawyers as well as Sheriffs from being elected Knights; when as it was an Act and Ordinance of Parliament, which are both one in Law and Obligation: Of which more in the next.

X. Page 10, 23, 25, 43, & 48. there is this difference put between an Act, and an Ordinance of Parliament, that An Act of Parliament must have the three-fold consent of the King, Lords and Commons, but an Ordinance not so, but of the King and Lords, or King and Commons only; when as in truth there is no such difference, nor any difference at all between an Ordinance and an Act of Parliament; True it is there are sundry Ordinances made by the King and his Council out of Parliament for regulating abuses or proceedings in Courts of Justice, the Mint, Monies, Victuals, or other occasions (entrolled in the *Clause* and *Parent*, not *Parliament Rolls*;) like Orders of the King and Lords of his Council at this day, these are different from Acts and Ordinances of Parliament, which are both the same, and had the three-fold assent; as this Clause in all Writs for electing Knights, Citizens and Burgesses of Parliament; *ad faciendum & consentendum hinc, quia de communi consilio regni nostri contigit ORDINARI* (from which the name ORDINANCE of Parliament is derived) the *Parliament Rolls* & above one hundred printed Acts of Parliament, which call Acts Ordinances, and Ordinances Acts of Parliament, and couple the words this Act and Ordinance usually together, abundantly evidence beyond contradiction, as I have at large demonstrated in my *Journals* *Raditionis*, p. 37. to 74. in My Preface to An Exact Collection of the Records of the Tower, and ibid. page 32, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100. If there were any difference between them, it was this, that an Ordinance was but a temporary Act by way of probation, which the Commons might amend at their pleasure; and an Act of Parliament, a perpetual Law, which they could not alter when they pleased without the Kings and Lords concurrent assents; which difference is hinted in 37 E. 3. Rot. Parl. nu. 38. *Exact Abridgem.* p. 98. though multitudes of printed Acts refute this distinction between them. Or else that the Commons Petitions in Parliament entred in the *Parliament*

n See My Preface to the Reader, before An Exact Abridgement of the Records in the Tower of London, My Brief Register, Part 2. p. 123. to 127. Part 4. p. 6, 617.

o *Historia Angliæ*, p. 414. *Ypodigma Neustriz*, p. 164. See My Plea for the Lords, p. 379, 380, 381.

* Rot. Parl. 46 E. 3. nu. 13. The 4th Part of my Brief Register, p. 616.

p See An Exact Abridgement of the Records in the Tower, p. 121, 148, 354.

Rolls,

Rolls, to which the King gave his royal assent, were stiled by some *Oraciones*, and these Petitions with the royal assent thereto, when made into Statutes by advise of the Kings Judges and Council, and entred in the Parliament or Statute Rolls, were stiled *Statutes* or *Acts of Parliament*, as the presidents of this kinde in *An Exact Abridgement, &c.* evidence.

XII. Page 10, 11. Concerning the *Receivers* and *Triers of Petitions* from the several places there mentioned. They were first appointed by King Edward the 1. and publike Proclamations were made in several places before the Parliament, for all to bring their Petitions by a set day to persons specially named by the King to receive them, (whence Masters of Requests had their original, as I conceive) & others were appointed to examine, answer them: as is evident by Clause An. 8 E. 1. m. 6. dorso, in Ced. *Memoranda de Parlamento apud Westm.* An. 33 E. 1. plac. 1. *Ordinatio receptionis Petitionum in Parlamento apud Westm.* An. 14 E. 2. nu. 1. Claus. 3 E. 2. m. 27. *Cedula Artie.* 6. In later times the Receivers and Triers of Petitions were usually named in the Lords House by the King or Lords, without tying themselves to any set number or quality of the Receivers or Triers of them, whose names are entred in the beginning of the *Parliament Rolls*, and the Lords *Journals*, as they evidence.

* See Ryleys Plac. Parl. & Appendix, p. 442, 240, 386, 459, 524, 289.

* *Exact Abridgement*, p. 14, 43, 46, &c.

† See *An Exact Collection of the Records in the Tower of London*, p. 295, 374, &c. 564, 584, 591, 596, 620.

XIII. Page 11. *That by the Law and Customs of Parliaments, (as appeareth by the ancient Treatise De modo tenendi Parliamentum) The Parliaments ought not to be ended, while any Petition dependeth undiscussed (or unanswered) to which a determinate answer is not made.* But this, though usual, is no general binding Law or Custome, many Parliaments having been ended before all Petitions in them have been answered; Yea certain Lords and other Commissioners, or the Kings Council have been appointed to answer them, † after Parliaments ended, as the Parliament Rolls of 7 R. 2. nu. 50. 21 R. 2. nu. 74. 80, 81, &c. 1 H. 6. nu. 20. 4 H. 6. nu. 21. 6 H. 6. nu. 45. 8 H. 6. nu. 67. 15 H. 6. nu. 32, 33. and other Rolls attest.

XIV. Page 11. l. 42, 43. *One of the principal ends of calling Parliaments, is for redresse of the mischiefs and grievances that daily happen. Appointment of Committees of Grievances, &c.* This is evident by this memorable Writ of King Edward the 1.

Clause Anno 17 E. 1. dorso, m. 2. Quod Vicecomes scire faciat illis qui de Ministris Regis se couqueri voluerint, quod veniant apud Westm. &c.

REX Vic. Nottingham salutem. *Tranquillitatem regni & populi nostri considerat affectantes, sicut affectare debemus, Assignauimus venerabiles Patres J. Winton. & R. Bathon. & Wellen. Episcopos, ac dilectos & fideles nostros Henr. de Lacy Comitem Lincoln, Johannem de Sancto Jobanne, Willielmum le Latimer, Magistros, Willielmum de Luda, Custodem Garderoba nostra, & Willielmum de Marchia, ad audiendum gravamina et iniurias si quæ, nobis existentibus extra regnum nostrum, per ministros nostros facta vel illata fuerint quibuscumque personis dicti regni nostri, ut ipsi fideles nostri auditis querimonibus super huiusmodi, ac responsionibus ipsorum ministrorum, nobis ea in proximo Parlamento referant et exponant debite corrigenda. Et ideo tibi precipimus firmiter injungentes, quod singulis et uniuersis in Com. tuo, si qui se tulerint, dum fuimus extra regnum nostrum per ministros nostros gravatos, et qui se inde conuenerint, per totam ballibam tuam distinte et aperte scire facias, quod veniant apud Westm. in crastino instantis festi Sancti Martini coram prefatis fidelibus nostris, sua gravamina fideliter ostenturi et prosecuturi: Et istud mandatum nostrum sicut te & tua diligis taliter exequaris, quod remissus vel negligens non sis inventus in premissis, per quod te tanquam ad mandatum nostrorum contemptorem graviter capere debeamus. Et habeam ibi hoc breve. T. Rege apud Westm. xiii. die Octobris.*

Sub eadem forma mandatum est singulis Vicecomitibus Angl. Teste ut supra.

To which I shall subjoyn this parallel Writ of King Edward the 3d. in the 4th year of his reign.

* **L**E Roi a Viscounte de *Lancast.* salut. Pur ce que nous avoms entenduz, que diverses oppreffions & duretes ont este faites sur plusieurs gentz de nostre Realme per ascuns quont este noz Ministres en diverses Offices, & auxint par ascuns grantz de nostre Realm auxibien noz Conseillers come autres, tant come noz boisoignes par reson de la tendereffe de nostre age ont este menéz par ascuns gentz a damage et deshonneur de nous, la quelle chose nous ne vorroms desore seoffrer; & nous avoms molt grant desir que tottes choses fussent mis en estat due & les tortz & mespriseons redresses. Vous maundoms & chargeoms en la foi que vous nous devez, que hastiment saunz delai facez crier par vestre Baillive, auxibien deins Fraunchise come dehors, que touz ceuz que se bodzeint pliendoz des oppreffions, duretes, ou autres grevauns a eux faites countre dreitz et les usages de nostre Realme, veignent a *Weymoster*, a cest nostre prestheyn Parlement, et monstrent illeques leur plaintes, a nous, ou a ceuz que nous ferroms a ce deput. et nous leur ferroms faire cobenable et hastif remede dont ils se deblient agrer par reson. Et pur ce que avant ces heures ascuns des Chivalers que sont vennis au Parlement par les Communantes des Countes ont este gentz de covaigne et maintenours de fauses querelos, et moine mie scouffret que les bones gentz poient monstrier les grevances du commun poeple, ne les choses que deussent aver este redresses en Parlement, a grant damage de nous et de nostre poeple; Vous maundoms & chargeoms, que vous facez eslire par commun assent de vestre Counte deux des plus leaur et plus iustifous Chivalers ou Serjantz de mesme le Counte que soient mie suspectious de male conduigna ne commun maintenours des parties deffre a nostre dit Parlement, selonc la forme de nostre mandement que vous enavez. Et ce ne laissez sicome vous voilliez eschoure nostre gref indignacion. Don a *Wodestock* le tierce jour de Novembre.

* Claus. 4 E. 3. m. 18. dorso. De conqueri volentibus ad Parliamentum veniend.

Per ipsum Regem.

Eodem modo mandatum est singulis Vic. per *Angliam*.

XV. Page 13. King John in the 13. year of his reign being in great fear of the Pope and French King, &c. sent Embassadors to Admiralus Marmelius great Emperor of Turkey, &c. Wherein are 3. mistakes, as I apprehend. 1. In the year 13 *Johan. Regis*, for Anno 15. it being after the surrender of his Crown to the Pope, as * *Mat. Paris* stories. 2ly. That *Marmelius* was great Emperor of Turkey, &c. when as he was King of *Africk*, *Morocco*; and *Spain*, not Turkey. 3ly. That King *John* sent such Embassadors or Embassy to him as was reported, it being a meer slander and scandalous invective forged of him, to render him odious; as I have proved in the *Second Tome* of my *Exact Chronological Collections*, p. 283. to 287. to which I refer you.

* *Historia Angliz*, p. 233. 234.

XVI. Page 13. In An. 40 E. 3. the Pope by his Ambassador demanded of the King, homage for the Kingdom of England and Land of Ireland. &c. When as the Parliament Roll there cited for it, makes no mention of any such demand by the Popes Ambassador or Nuncio; but only that the King was informed, The Pope intended to send out Proceffe against him and the Realm for the Homage and Rent granted him by King *Johns* Charter.

XVII. Page 14. It is the Law and Custom of the Parliament, when any New device is moved on the Kings behalf in Parliament, for aydes and the like, to answer, that in this new device, they dare not agree without conference with their Countreies; whereby it appeareth, that such conference is warrantable by the Law and Custom of Parliament. Which is repeated, p. 34. citing *Parl. 13 E. 3. nu. 5, 8.* to prove it. But this single president (as I humbly apprehend) makes neither a Law nor Custom of Parliament: And being expressly contrary to the Clauses in all Writs of Elections, and the Indentures and Retorns upon them; That the Knights, Citizens and Burgesses elected and returned; * *habent plenam & sufficientem potestatem, pro se & Communidate totius Comitatus, Civitatis & Burgi, ad faciendum et consentiendum hiis que de Comuni consilio regni nostri ordinari contigerit*; and to deny or grant what ever new Proposi-

a *Dyer* 113. 168. *Plowden* f. 118. to 131. *Old Book of Entries*, f. 446. *My Plea for the Lords*, p. 364. 365. 397. 398. 411. 412. * *My Brief Register*, &c.

tions are there made unto them of this Nature, without advising with their Countries concerning it, which would obstruct and delay all aydes and proceedings in Parliament, and make them fruitlesse, as the following words, *Ita quod, or ne pro defectu hujusmodi potestatis, &c. dicta negotia infecta non remaneant quobis modo*, resolve; I cannot conceive it to be *Lex & Consuetudo Parliamenti*, but rather the constant Law, Custom, usage to the contrary in all Parliaments both before and since 13 E. 3. to this very day.

XVIII. Page 15, 17, & 50. *The Judges ought not to give their opinion of a matter of Parliament, because it is not to be decided by the Common Law, &c. Which* (I humbly conceive) should have 2. limitations. First, unlesse the Lords (whom they are to assist in matters of Law) demand their opinions, as they did in *Thorpes case*, Rot. Parl. 31 & 32 H. 6. nu. 26, 27, 28. recited p. 50. and sundry others, wherein they judged according to the Law and advise of the Judges, 2ly. In the Parliament or Lords House, sitting the Parliament; But when matters or Priviledge of Parliament come judicially before them in the Courts where they sit as Judges, there they may, do, and ought to judge them, as in the cases of *Bartholmew Done* against *John Walsle*, Mich. 12 E. 4. rot. 20. in the Court of Exchequer; and of *John Ryver* against *Robert Cosyn*, Hil. 14 E. 4. rote 7. *Tremynards case* Dyer f. 59. &c. As also the Legality of Members elections upon actions brought against Sheriffs and other Officers for false returns upon the Statutes of 11 H. 4. c. 2. 6 H. 6. c. 2. 8 H. 6. c. 7. 23 H. 3. c. 16. and sundry other cases, which I have published in the 4th Part of My Brief Register, &c. of Parliamentary Writts.

XIX. Page 23. Of Judicature affirms, *The Commons in their House have power of Judicature*; but determines not in what matters, nor when their Judicature began: And, p. 28. asserts, *The House of Commons is a distinct Court, &c. because it can adjourn it self*, (as every Committee of Parliament can do, though no Court) which unlesse restrained to cases of elections, returns of their own Members, or their misdemeanours in the House, or breach of their Priviledges, which they have of late times judged, punished since *George Ferrers case*, Anno 34 H. 8. but not before; may be of dangerous consequence, both to the Members themselves, by ejecting one another at their pleasures, and the Majority by the Minority, and voting down the House of Lords, as in the last long Parliament of *King Charles the 1.* occasioned and justified by this indefinite ambiguous Clause, *that the house of Commons was a distinct Court, and without question were Judges of their own Members*; as the Author affirmed in the Parliament of 3 Caroli 1. when as the Judgements in Parliament belong to the King and to the Lords.

XX. Page 23. Rot. Parl. 1 H. 4. nu. 79. (concerning the Lords Judicature in Parliaments) is no Act of Parliament, but an Ordinance, and therefore bindeth not in succession; It is no Ordinance, but the old Law, Custom of Parliaments, and a Declaration of the King himself in Parliament delivered by the Archbishops mouth, entred of record in the Parliament Roll, as an Order which the King would have from that time to be observed, and hath been accordingly observed ever since, yea claimed by the Lords and assented to by the Commons in the Parliament of 18 & 19 Jacobi, Die Sabbati, 5, 7, & 12 Maii 1621. as the Lords Journal attests.

XXI. Page 23. Rot. Parl. 2 H. 5. nu. 12. Error assigned, *that the Lord gave Judgement without Petition or assent of the Commons*, Rot. Parl. 2 H. 5. nu. 19. and many others in the reign of H. 6. & Ed. 4. It is true, that in the first Parliament held 2 H. 5. at *Leycester* (not *Westminster*) such an Error amongst others was assigned, *that the Temporal Lords alone, with the assent of the King gave Judgement, sanz assent des Prelates, que sont Pieres du Parliament, Quelle Judgement doit estre donez par nostre Seignour le Roy, que est Souveraigne Juge en toutz cas, & par les Seignours Spirituels et Temporels, obe le assent des Communes de la terre, & de leur Petition, et nemy par les Seignours Temporels seulement*; But in the second Parliament at *Westminster*, to which this case was

See this case fully
in 2. Part of my
Brieve

a See the 4th
Part of My
Brief Register,
&c. p. 752, to
766, 680, 681,
686, 687, 742,
778, 780, 788,
789, 804, to
817, 847, 848,
8210, 1231, to
1217. & Here,
p. 200.

b See the 4th
Part of my
Brief Register,
&c. p. 856, to
863, 676, to
810, 715, 843,
844. My Plea
for the Lords,
p. 443, 444,
415, 416, &c.

c See the 4th
Part of my
Brief Register,
p. 817, 818,
819, 1188.

+ In Plea for Lord 297. & fref. to Cottons Records fol. b. 2. ad
Pygnon denie such assignment of error in Rot. Parliam of
2. Hen. 5. as per the states. further I printed drop the
denial, it is in self wings forward in after to like effect.
Hence, however, it is so as shown that verily all such
assignments in the roll of 2. H. 5. shall contain the
assignment in the roll of 2. H. 5. shall contain the

adjoined, after full debate and hearing, the first Judgement notwithstanding this and all other Errors assigned, was unanimously confirmed by the King and Lords, and the Petition and Prosecution dismissed. The words of the Parliament Roll 2 H. 5. nu. 13, 14. are observable, *Videbatur tam dicto Domino Regi, quam etiam Dominis suis (Spiritualibus & Temporalibus) predictis, quod Judicium et Declaratio predicta versus eundem Johannem quondam Comitem Sarum sic habitum sive redditum, SUNT & FUERUNT BONA, JUSTA ET LEGALIA DECLARATIO ET JUDICIUM. Per quod consideratum fuit in presenti Parlamento per predictos Dominos tunc ibidem existentes, de assensu dicti Domini nostri Regis, quod prefatus nunc Comes Sarum, nihil capiat per Petitionem aut prosecutionem suam supradictam. Et ulterius, tam Domini Spirituales quam Temporales supradicti JUDICIUM ET DECLARATIONEM predicta versus dictum Johannem Comitem Sarum ut premititur habita, sive reddita, de assensu ipsius Domini Regis AFFIRMARUNT FORE ET ESSE JUSTA, BONA ET LEGALIA, ET EA PRO HUIUSMODI EX HABUNDANTI DECREVERUNT ET ADJUDICAVERUNT TUNC IBIDEM.* Therefore it seems strange that it should be alledged to be Error, and to prove, that the Commons had a concurring Judicature with the * Lords in Parliament, against this expresse resolution and Declaration and of 1 R. 2. nu. 38, 39, 40. Rot. Parl. 1 H. 4. nu. 79. Rot. Parl. An. 5 H. 4. nu. 11, 12, 13, 14, & 15. 13 H. 4. Rot. Parl. nu. 12, 13, Plac. Parl. An. 1 H. 4. nu. 11, to 17. 5 H. 5. nu. 11. 38 H. 6. nu. 20, 21, 22. and other Records cited in my *Plea for the Lords*, p. 163. to 460. As for Rot. Parl. 28 H. 6. nu. 19. which is super-added, there is nothing in it to that purpose, but only Articles of Impeachment of the Commons against the *Duke of Suffolke*, and nothing in that or any other Rolls in *Edward the 4th.* to prove the Commons concurrent Judicature with the Lords, or that it was Error if they joyned not with them in the Judgement. And for the Case of *Nicholas de Segrave* Plac. Parliamenti An. 33 E. 1. plac. 2. (not 33. as it is misquoted) He was *judged* * only per *Baronatos, Comites, Barones, et alios de Consilio* (to wit, the Judges and Kings Counsil, Assitants to the Lords) not by the Commons, of whom there is no mention in the Record; and for the other cases of the Lord *Audeley* Anno 12 E. 2. and of the two *Spensers*, An. 15 E. 2. wherein the Commons joyned in the Judgement with the Lords, it was only in a Judgement given or confirmed by Act of Parliament, wherein they did and ought to concur with the Lords in their Legislative Sentences, but not in those which are solely and properly *Judicial*, wherein the *Lords* alone are the sole Judges without the Commons; as I have at large evidenced in my *† Plea for the Lords*, to which I referre you.

b See my Plea for the Lords, p. 296, 297, &c. to 307.

* My Plea for the Lords, p. 360, 360.

* See Rylyes Plac. Parl. p. 266, 267. &c. My Plea for the Lords, p. 361, 362, 363, 364.

† Page 183, to 190. 183, to 460.

Page 23. l. 25, 26. *The Book of the Clerk of the House of Commons, is a Record, as it is affirmed by Act of Parliament in Anno 6 H. 8. c. 16. (to wit, to one special purpose, to Record the license of Members departing with leave of the House, sitting Parliaments, to save their wages)* Yct, p. 84. l. 23. affirms, *This Court of Equity (the Chancery) proceeding by English Bill is no Court of Record: for which 37 H. 6. 16. is cited in the Margin: where some Judges held it to be a Court of Record; which Prisor only denyed.* Thence some have inferred, *That all Records ought to be in Latin, else they are not Records: But if so, then all the ancient Parliament Rolls and Acts of Parliament before the reign of K. Henry the 6, which are enrolled only in French for the most part, not Latin, with sundry Charters, Patents, Writs, Commissions, Pleas in French, in the Charter, Patent, Plea, and other Rolls: Yea all Parliament Rolls and Acts of Parliament from 1 H. 6. till this present, which are generally recorded in English not Latin; and the Clerk of the Commons House Journal Book, written in English not Latin, must be no Records; Then, all the Kings and other Lords. Courts whose Pleadings are in the English Tongue, according to the Statute of 36 E. 3. c. 15. and the Statute Roll of 36 E. 3. nu. 39. († which warrants, that all such Pleas should be enrolled in Latin, as the printed Statute prescribes) should be no Courts of Records in Law;*

* See Rolls Abridgement, p. 527.

† See Abridgement, p. 94.

which no judicious *Lawyer* upon due consideration will or dares affirm. And if entries and enrollments of things in the *Latine* tongue should make their entries Records; then all *Probats of Testaments*, and other proceedings in Ecclesiastical Courts being in *Latin*, should be *Records* at the Common Law, which 22 H. 6. 52. *Brooks Record* 28. and *Testament* 4. deny; Yea the *Conny Court*, the *Hundred Court*, and *Court Barons* should then be *Courts of Record*, because their *Rolls* and proceedings are entered in *Latin*, which the 1 *Institutes* l. 117 b. 260 a. and *Serjeant Rolls* his *Abridgement*, f. 527. affirm to be no *Courts of Record*, because the proceedings thereof may be denied, and tried by *Jury*; although the *Clauses* of (* *Recordart factas loquelam in Curia Comitatus tui, or Curia Baronis* of such a Lord *de averiis captis & injuste detentis, in Breve de Resto, De Debito, &c. & Recordum illud habere coram Justiciariis nostris sub sigillo tuo & sigillo quatuor legalium Militum ex illis qui Recordo illo interfuerunt*) seem to prove them *Courts of Record*. And if so, then the *Court of Chancery* much more.

* Register of Writs, p. f. 5, 6, 7, 10, 12, 85, 120, 132, 142, 166.

XXII. Page 24. l. 13. under the Title *Privilege of Parliament*, the author cites the *Case* and *Petition* of the *Master of the Temple*, which I have now at last after much search found in the *Treasury of the Kings Receipts* in the *Exchequer*, where it is thus entred in the *Roll of Petitions* in *Parliament*, An. 18 E. 1.

Petitiones coram Domino Rege, ad Parliamentum post Festum S. Mich. Anno Regis Edw. 1. 18. Rot. 7. in Thesaur. Receptoris Seac.

M Agister Militie Templi petit, quod dare possit Episcopo Menevensi xxx s. redditus anni & arrerag. x. Annorum, pro quadam domo in London. in qua non potest distringere nisi tempore Parliamenti. Petit, quod habeat licentiam distringendi tempore Parliamenti. (R.) Non videtur honestum, quod Rex concedat quod illi de Consilio suo distringantur tempore Parliamenti, set alio tempore distringat per hostia et fenestras prout moris est.

* See the 4th part of my Brief Register p. 317, 318. † His manner of holding Parliaments, & their privileges, p. 144, 145.

In which quotation as there is a defect in not mentioning the *Treasury* wherein these *Petitions* were to be found, so there are 3. misquotations, First of fol. 7. for *Rosulo* 7. which made me conceive, it referred to the *Parchment Book of Placita Parliamentaria* in the *Tower*, f. 7. in which *Page*, or *Book*, there is no such *Petition* to be found, nor yet in the *Plea Rolls* of this *Parliament*, to which † *Mr. Elsynge* refers it. 2ly. In leaving out the beginning of the *Petition* after *petit, quod dare possit, &c.* 3ly. In altering *Petit quod habeas licentiam distringendi tempore Parliamenti*, into, *petit quod distringat* (*catalla unius de Consilio pro redditu unius domus in London*) tempore *Parliamenti*. 4ly. In leaving out in the *Kings answer*, after *honestum*, (*quod Rex concedat*) and the last clause, *distringat per hostia et fenestra, sicut moris est*; with an *&c.* which were no *Catalla* of the *Tenants* or *Lord* of the *Counsil*, but appurtenances to the *House*. All then that this *Petition* or answer to it proves, is only this, That the *King* would not grant a special license to this *Master* to distrain any of the *Lords* of his *Counsil* during their attendance on him in *Parliament*, but left him to his *Liberty* and the *Law*, with this advice, rather to distrain at some other time, and that by the doors and windows, as the *Custom* then was: Which proves not, that a *Lord* or *Member* of *Parliament* is not distrainable by *Law*, by his chattels in the *Country*, or *City*, (if not necessary for him during his attendance in *Parliament*;) for the rent due to his *Landlord*; for then they should not be distrainable for *Rents* or *Taxes* due to the *King*, *Church*, or *Poor*, which would seem unjust, and prove very mischievous, especially when *Parliaments* sit and continue so long as now they use, and are adjourned for many *Moneths* together, claiming their privilege though they sit not, which was anciently confined only to * *exundo, morando, & redeundo*, even when *Parliaments* seldom sate above 2. or 3. weeks, or one month, and then dissolved; during which short space distresses for *Members* rents might well be forborn, without any, or little prejudice to their *Landlords*.

* See the 4th Part of My Brief Register. p. 478, to 483. 625, to 699. 989. 1213, to 1220.

XXIII. Page 24. the *Case* of *Bogo de Clare* is cited, to prove, That the serving of a *Citation* or *Subpœna* upon a *Member* during the *Parliament*, though it is a violation of privilege, when first given *Bogo de Clare's* case, it then is an arrest; and that the *Parliament* is not dissolved by the serving of a *Subpœna* without the least intimation of it being a violation of privilege from *Bogo de Clare's* case.

Ibidem, m. II
dorſo.

per Sacramentum proborum & legalium hominum de Civitate prædicta, & Com. Midd. Bucks. Herif. Kanc. & Surre. per quos, &c. qui sunt illi malefactores, & eorum scienter receptatores, & à quo loco, vel quibus locis dicti malefactores recentem venerunt ad dictam feloniam perpetrandam, & ad cujus vel ad quorum consensum, auxilium, abettum, missionem & procuracionem felonia illa exitie perpetrata, & quis, vel qui dictos malefactores dum se tenuerunt in Ecclesia occasione feloniarum antedictarum, cibos & potus ac alia necessaria die & nocte exhibuerunt, & qui etiam tam equites quam pedites eisdem malefactoribus post abjuracionem regni nostri vi & armis conductum versus portum nostrum *Doverr.* fecerunt, & ex quorum jussione vel missione, aut conductione vel procuramento, aut quavis alia via, vel quo colore, & qualiter, & quo modo, & de omnibus aliis circumstantiis per quas ad veritatem omnium præmissorum vel aliquorum de eisdem caucius & circumspicius poterit deveniri, & ad transgressionem illam audiend. & terminand. ac plenam & celerem justiciam inde faciend. secundum legem & consuetudinem regni nostri. Et ideo vobis mandamus, quod omnibus aliis prætermiſſis, ad certos dies & loca ubi certitudo plenior articulorum prædictorum fieri poterit accedentes, præmissa inquiratis & faciatis in forma prædicta facturi, &c. salvis, &c. Mandavimus enim Vicecomitibus nostris *London.* & Com. prædictorum, quod ad certos dies & loca, &c. venire fac. coram vobis tot & tales, &c. per quos, &c. T. R. apud *Culford* 6. die *Maii.*

Consimile breve dirigitur *Roberto de Herif. R. Malet, & W. de Beres.* T. R. apud *Berewyk* super *Twedam* 4 die *Junii.*

Consimiles literæ diriguntur eidem *R. de Herif. W. de Gyselham, & W. de Hereford.*

* An Exact Ab-
bridgement of
the Records in
the Tower of
London, p.
354, 433. My
Plea for the
Lords, p. 278,
279, &c. 392,
393.

So zealous was this King to punish the murder of one, and assaulting and wounding of other menial servants of a Noble Peer of the Realm summoned to his Parliament, and all Accessories, harborers, abettors, or transporters of these Murderers, Offenders, as tending not only to the breach of the Peace of the Realm, but to the disgrace and contempt of his Royal person, dignity, and Government. To which might be added by way of illustration and confirmation, the case of *Roger de Swinnerton*, who slew *John de Ipsſton* his fellow Knight of *Staffordshire*, Parl. 17. R. 2. nu. 23. And *Richard Chedder's* case, servant to *Sir Thomas Brooke* Knight, beaten, wounded and maimed by *John Savage*, Parl. 5 H. 4. nu. 78. 5 H. 4. c. 6. 8 H. 4. 13 a. 9 H. 4. *Roger Mortimer* Earl of *March* his Articles of Impeachment, 4 E. 3. rot. Parl. nu. 4. & 28 B. 3. nu. 7, 8. Rot. Parl. 28 H. 6. nu. 56. the Lord *Cromwells* and *William Talboys* case. And the information and Proceeding of King *Edward* the 2. against *Hugh le Despenser*, and *John de Ros* Members of Parliament only for assaulting and striking each other in the Parliament at *Lincolne*, Rot. Parl. An. 9 E. 2. rot. 5. & 6. printed in the Fourth Part of my *Brief Register and Survey of Parliamentary Writs*, p. 793, 703, 706. to 736.

The Second President is thus recorded in an Original Writ I found in the White Tower Chappel, Anno 9 E. 2. for punishing a breach of Privilege in the case of the Prior of *Malton* in his return from the Parliament held that year, and that at the Kings and Priors suit.

Brevia Regis
de Anno nono
E. 2.

Edwardus Dei gratia Rex Anglia, Dominus Hibernie, & Dux Aquitanie, Vicecomiti Eborum, salutem. Pone per vadim & salvos pleg. *Walterum le Flemmyng* de Eborum, *Ricardum de Duffeld*, *Willelmum del Abbeje*, & *Symonem le Clerk* de Eborum, quod sint coram nobis à die *Pasche* in tres septimanas, ubicunque tunc fuerimus in Angl. Ostens. quare, cum ad Parliamenta, in quibus tam nostri quam Regni nostri negotia debent pertractari, Prelatos, Comites, Barones, & alios tam Clericos quam Laicos, per quorum industriam super negotio hujusmodi consilium salutius poterit adhiberi, ad mandata nostra beatos et comparentes, * in ventendo ad eadem Parliamenta, ibidem morando, et exinde redeundo, ad omnimobis injuriis, opprellionibus, et gravaminibus,

+ So all the
ancient Writs,
Petitions,
Claims' of
Privilege of
Parliament
run.

nos

nos oportet protegere et tueri, prefati *Walterus, Ricardus, Willielmus & Symon* dilectum nobis in Christo Priorem de *Malsam*, nuper de Parlamento nostro, quod apud *Lincoln* in Quindena S. *Hilarii* prox. preterita summoneri fec. ad proptia redeuntem, in Civitate nostra *Eborac* per Equos et *Verneiss* sua, quo intrus idem *Rex* quasdam Cartas et quasdam munimenta hereditatem *Willielmi de Vescei* jam defuncti contingentia, et in custodia ejusdem *Prelatis* apud *Malew* residentia, prout sibi per nos in Parlamento predicto plenius fuerat insinatum, deferre potuisset, arrestarunt, et sub arresto diu detinuerunt, sed nostri contemptum, et Coronam nostram prejudicium, ac dampnum ipsius *Prelatis* ducentas lib. et contra pacem nostram. Et habeas ibi nomina Pleg. & hoc breve. Telle melsa apud *Lincoln*. 22 die Febr. Anno regni nostri nono,
Per *Causinus*.

Pleg. <i>Walteri le Flemmyng</i> de <i>Eborum</i> ,	$\left\{ \begin{array}{l} \text{Nicholans de Danolm.} \\ \text{Alex. de Therps.} \end{array} \right.$
Pleg. <i>Ricardi de Duffeld</i> ,	$\left\{ \begin{array}{l} \text{Walterus le Gedell,} \\ \text{Ricardus de Ferour.} \end{array} \right.$
Pleg. <i>Willielmi del Abbeys</i>	$\left\{ \begin{array}{l} \text{Regor de Carpenter,} \\ \text{Alamu del Abbeys.} \end{array} \right.$
Pleg. <i>Simonis le Clerk</i> de <i>Eborum</i> ,	$\left\{ \begin{array}{l} \text{Walterus de Knon,} \\ \text{Adam de Gedwall,} \end{array} \right.$

What Judgement was given hereupon for the King or Prior, I have not yet found, this being a true Transcript of the Original Writ, and its return.

Page 27. l. 3. & 27. Prorogation of Parliament. The Patent to *William* Archbishop of *Tork* and the Earl of *Warwick* for proroguing the Parliament at *Tork*, is thus recorded in the Patent Rolls of An. 4. R. 4.

REX Omnibus ad quos, &c. salutem. Scitis quod cum Parliamentum nostrum apud *Westm.* nuper inchoatum sit usque Vicefirmum diem *Februarii* ultimo preteritum apud Civitatem nostram *Eborum* tunc ibidem tenend. prorogatum fuerat & adjournatum, a eodem ab eodem Vicefirmo die *Februarii* usq; quintum diem *Maii* prox. futur. apud Civitatem predictam tunc ibidem tenend. similiter prorogatum esset. Nosque ad dictam Civitatem nostram ad dictum quintum diem *Maii* ob certas urgentes causas nos impediunt potenter interesse non possumus, ac de provida circumspicione & industria Venerabilis Patris *Willielmi* Archiepiscopi *Eborum* plenam fidenciam optinentes, Assignavimus & ordinavimus, ac per presentes assignamus & ordinamus eundem Archiepiscopum ad interessend. loco nostro ad Civitatem predictam, predicto quinto die *Maii*, et idem Parliamentum nostrum tunc ibidem tenend. et ab eodem quinto die usque ad festum septem idem *Novembris* prox. futur. apud eandem Civitatem nostram tunc tenend. prorogand. In testum, &c. T. R. apud *Westm.* octavo die *Aprilis*.

Pat. 4 R. 4. pars 1. m. 17. incus. De Prorogatione Parliamenti.

Consignat Literis patentes sigilli Regis & Senescalli, sub sigillo Comitis *Warwic & Sarum*, sub sigillo *Baron*.

It is worthy observation, that a Parliament summoned by the Kings Writs to meet at a certain day and place, may before the day on which it should meet, upon emergent occasions, be prorogued to another day, place, or to the same place, by other Writs issued to the Peers and Sheriffs before the first day appointed for the session, without any meeting of the Members in the House to prorogate it: as the several Writs of Prorogation recorded in Clauf. 35 E. 1. m. 2. dorf. Cl. 30. E. 1. m. 7. p. dorf. & Bundel. Brevia Sum. Parl. in Turri London An. 30. E. 1. Cl. 32. E. 1. m. 2. dorf. Cl. 35. E. 1. m. 10. 13. dorf. Cl. 5. E. 2. dorf. 17. Bundel. Brevia Sum. Parl. in Turri London An. 5. E. 2. Cl. 5. E. 2. dorf. 12. & My Brevia Parliamentaria Reduata, p. 124. 2. 10

to 146. The *Fourth Part of my Brief Register*, p. 651, & 1218. will inform you : Yea Parliaments have been sometimes *revoked* before the day of their meeting, by subsequent Writs, *De Revocatione Parliamenti*, as Claus. 11 E. 2. m. 2. dorso, & Claus. 5 E. 3. dorso. 21. assure us.

Page 28. l. 38. Of *Subsidies and Aydes granted by Parliament*; this memorable Record, concerning the Lords and Commons debates about them, when demanded, with the manner how they ought to be presented and notified to the King when agreed upon by both Houses, only by the mouth of the *Speaker* of the *Commons House*, and not privately by the Members of either House; is thus settled by an ancient Order made and established in Parliament by the Kings Royal assent, to compromise a difference happening between the Houses in the Parliament of *An. 9 H. 4.* titled the *Indemnity of the Commons*; which being frequently made use of, but not yet published in print, may be profitably and properly inserted in this place, as a prologue to the several sorts of *Subsidies and Aydes* there mentioned.

Ex Rot. Parl.
tenti apud
Glouc. 20 die
Octob. Anno
regni Regis
Henrici 4. post
Conquest. no.
no, m. 8. nu. 21.
Indemnitée
des Seigneurs
& Communes.

ITEM Vendredy le second jour de Decembr. qe fuit le darrein jour de Parlement, les Communes viendrent devant le Roy & les Seigneurs en Parlement, & illecques par mandement du Roy, une cedule de indemnité sur certain alteration moebe par-entre les Seigneurs et les Communes feult luez, et sur ce commande feult par mesme nostre Seigneur le Roy qe mesme la Cedule soit entreez de record en rolle de Parlement. De quele Cedule la tenure senfente. *Fait a remembrier, qe le Landy le xxvi. jour de Novembr. le Roy nostre Seigneur Souveraigne esteant en la Chambre du Conseil deinz l'abbacie de Gloucestre, y esteantz en sa presence les Seigneurs Espirituels & Temporels a ceste present Parlement assemblez, commenez estoit entre eux de lest at du Roialme & la defence dicell, par resister la malice des esumyes qe de chescun coust soi appavailent de grever mesme le Roialme & les foialx subgitez dicell, & qe homme ne poet resister a ycell malice, si von qe par la sauve garde & defence de son dit Roialme nostre Souveraign, Seigneur le Roy (nisdet ais en cest present Parlement aucune notable aide & subsidie a luy grantez. Et sus ce des sulsditz Seigneurs demande feult par voie de question, quele aide pourroit suffire et serroit subvoignable en ce cas? A la quelle demande & question, feult par mesmes les Seigneurs leberalement responduz, qe * consideré la necessite du Roy d'une partit, et la pobertie de son poeple d'autre partit, meindre aide suffire, ne parroit qe davoir une Disme et demy des Citeez, & Burghs, & une Quinzisme & demy des autres lites gentz; & outre de granter provogacion du Subsidie des laines, quors & peulx laines, & de trois soldz de souell, et dusca deniers de la livre, de le fest de saint Michell prochain venant, saunq a la fest de saint Michell en deux ans lors prochain ensuivant. Sur quoy, par commandement du Roy nostre dit Seigneur feult envoiez au Commune de cest present Parlement de soitz venir debant mesme nostre Seigneur le Roy et les ditz Seigneurs aucune certain nombre des personnes de leur compaignie, pur oier et repozter a louz compaignons ce qils aberoient en commandement de nostre Seigneur le Roy susdit. Et sur ce les ditz Communes envoierent a la presence du Roy nostre dit Seigneur, dusca de leur compaignons. As quenz par commandement de mesme celuy nostre Seigneur le Roy feult declare la question susdite, et la responce des susditz Seigneurs a pcelle leberalement donnee. Mais le responce la volunte dicelui nostre Seigneur le Roy estoit, qils seroient repozter a les autres de leur compaignons; au fin qils soy bozroient prendre le plus pres pur leur conformer a l'entent des Seigneurs abanditiz. Quele report ent fait es ditz Communes, ils ent furent grandement de courtois, endisant, et affermant, ce estre en grant prejudice et derogacion de leur libertez. Et depuis qe nostre dit Seigneur le Roy et avoit emenduz, Nient voulant qe riens soit fait a present au temps adven, que courrait purroit aucunement encontre la liberte de l'estate par quelle ils sont venuz au Parlement, nencomptez les libertez de les Seigneurs susditz, boet, et grantie et declare de ladit assent de mesmes les Seigneurs, en la manere qensent. Cest assavoir,*

* Nota.

De

De bien life as Seigneurs de communer entre eux ensemble en cest present Parlement, et en chescun autre en temps adven' en absence du Roy, de lessate du Roialme, et de le remede a ce besoignable; et qe pur semblable manere bien life as Communes de leur part de comunes ensemble de lessate et remede suisdoitz. *Purvenx toutesfoiz*, qe les Seigneurs de leur part, ne les Communes de la leur, ne facent aucun repozt a nostre dit Seigneur le Roy, dascun grant par les Communes grantez, et par les Seigneurs assentuz, ne de les communications du ditz grantz, abant ce qe mesmes les Seigneurs et Communes soient dun assent et dun accoꝝd en celle partie, et adonges en manere et foꝝime come il est accustumez. Cestassavoir, par bouche de Purparlour de la dite Commune pur le temps esseant, au fin qe mesmes les Seigneurs et Communes avoir puissent leur gré de nostre dit Seigneur le Roy; Mussant outre ce nostre dit Seigneur le Roy de lassent des Seigneurs avantditz. *Le la communication en cest present Parlement eue, come desuis*, ne soit traitez en ensamble en temps advenir, ne se tourne a pꝛesudice ou derogacion de la liberte de lessate pur quell mesmes les Communes sont presentement venuz, ne en cest present Parlement ne en null autre en temps advenir; mais boet, qe luy mesmes, et toutz les autres estates soient auxy franks come ils feurent perdebant. A memorable Record and Accord worthy the knowledge and consideration of all Parliament Members of either House, to preserve *Unity* and *amity* between them.

Page 29, 30. quotes *Rot. Cartarum* 31 E. 1. nu. 44. (called *Carta Mercatoria*) in the Margin and Text; as the original of *Custuma parba et noba*, granted that year to the King by the Merchant Strangers, in consideration of certain Liberties and Priviledges thereby granted by the King; which being frequently cited, but not hitherto printed, and of great use, not only in relation to the *New and small Customs*, but of the Exemption of Merchant-strangers from *Prisage* and other *Impostions* therein mentioned; of trials *per medietatem linguarum*, & *per legem mercatoriam & marisimam* in several cases, not by the *Common Law*, and ground of the Statutes concerning the *Staple*, An. 27 & 28 E. 3. I shall here insert a true Transcript thereof out of the *Charter Roll* in the *Tower*.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Justic. Vicecomitibus, Præpositis, Ministris, & fidelibus suis, salutem. Circa bonum statum omnium Mercatorum subscriptorum Regnorum, terrarum & provinciarum, videlicet, *Alemann. Franc. Hispania, Portugalia, Navarr. Lumbardia, Tuscia, Provincia, Cathalonia, Ducatus nostri Aquitann. Tholosan. Taurisini, Flandr. Brebant*, & omnium aliarum terrarum & locorum extraneorum quocumque nomine censeantur, venientium in regnum nostrum *Anglia* & ibidem conversantium; Nos præcipua cura sollicitat, qualiter sub nostro dominio tranquillitatis & plenæ securitatis immunitas eisdem Mercatoribus futuris temporibus præparetur: ut itaque vota ipsorum reddantur ad nostra & regni nostri servicia; promptiora ipsorum petitionibus favorabiliter annuentes, & pro statu eorundem plenius asscurando, in forma quæ sequitur ordinantes, subscripta dictis Mercatoribus pro nobis & hæredibus nostris imperpetuum duximus concedenda. In primis videlicet, quod omnes Mercatores dictorum regnorum & terrarum salvò & securè sub tuicione & protectione nostra in dictum regnum nostrum *Anglia*, & ubique infra potestatem nostram alibi veniant cum mercandis suis quibuscumque, de muragio, pontagio et pavagio liberi et quieti: quodque infra idem regnum & potestatem nostram in Civitatibus, Burgis & Villis mercatoriis possint mercari, duntaxat in grosso, tam cum indigenis seu incolis ejusdem regni & potestatis nostræ prædictæ, quam cum alienigenis, extraneis vel privatis. Ita tamen quod merces quæ vulgariter mercetia vocantur, ac species minutatim vendi possint, prout antea fieri consuevit: et quod omnes prædicti Mercatores mercandisas suas quas ipsos ad prædictum regnum & potestatem nostram adducere, seu infra idem regnum & potestatem nostram emers,

Cartæ de Anno 31 E. 1. in Turri London, m. 4. intras. De Mercatoribus alienigenis de libertatibus eis concessis.

emere, vel aliàs acquirere contigerit, possint quo voluerint, tam infra regnum & potestatem nostram prædicta, quam extra ducere, seu portare facere, præterquam ad terras manifestorum et notozorum hostium regni nostri, solvendo consuetudines quas debent, vniis dumtaxat exceptis, quæ de eodem regno seu potestate nostra, postquam infra idem regnum seu potestatem nostram ducta fuerint, sine voluntate nostra et licentia speciali, non liceat eis educere quoquo modo. Item, quod quilibet contractus per ipsos Mercatores cum quibuscumque personis undecumque fuerint super quocumque genere mercandisæ initos, firmus sit & stabilis, ita quod neuter Mercatorum ab illo contractu possit discedere vel resilire, postquam denarius Dei inter principales personas contrahentes datus fuerit et receptus. Et si forsan super contractu huiusmodi contencio oritur, fiat inde probatio aut inquisicio secundum usum & consuetudines feriarum & villarum ubi dictum contractum fieri contigerit & iniri. Item promittimus præfatis Mercatoribus pro nobis & hæredibus nostris imperpetuum concedentes, quod nullam præsumptam vel arrestacionem seu dilacionem occasione præsumptæ de cetero de mercimoniis, mercandisæ, seu aliis bonis suis per nos vel alium seu alios pro aliqua necessitate vel casu contra voluntatem ipsorum Mercatorum aliquatenus faciemus, aut fieri patiemur, nisi statim soluto prædicto pro quo ipsi Mercatores aliis huiusmodi mercimonia vendere possint, vel eis alias satisfacto, ita quod reputent se contentos, et quod super mercimoniis, mercandisæ, seu bona ipsorum per nos vel ministros nostros nulla appæciatio aut æstimatio imponetur. Item volumus, quod omnes ballivi & ministri feriarum, Civitatum, Burgorum & Villarum mercatoriarum Mercatoribus antedictis conquerentibus coram eis celerem iusticiam faciant de die in diem sine dilacione, secundum * legem mercatoriam, de uniberis et singulis quæ per eandem legem poterunt terminari: Et si fortè invenietur defectus in aliquo Ballivorum vel Ministrorum prædictorum, unde iidem Mercatores vel eorum aliquis incommoda sustinerit vel sustineat, licet Mercator versus partem in principali recuperaverit dampna sua, nichilominus ballivus vel minister alius versus nos prout delictam exigit puniatur, & punicionem istam concedimus in favorem Mercatorum prædictorum pro eorum iusticia maturanda. Item, quod in omnibus generibus placitorum, salvo casu criminis pro quo infligenda sit pœna mortis, ubi Mercator implacitatus fuerit vel alium implacitaverit, cujuscumque condicionis idem implacitatus extiterit, extraneus vel privatus, in Nundinis, Civitatibus, sive Burgis ubi fuerit sufficiens copia Mercatorum prædictarum terrarum, & inquisicio fieri debeat, sit † medietas Inquisitionis de eisdem Mercatores, et medietas altera de aliis probis et legalibus hominibus loci illius, ubi placitum illud esse contigerit: & si de Mercatoribus dictarum terrarum numerus non inveniatur sufficiens, ponantur in Inquisitione illi qui idonei inveniantur ibidem, et residui sicut de aliis bonis hominibus et idoneis de locis in quibus placitum illud erit. Item volumus, ordinamus, & statuimus, quod in qualibet Villa mercatoria & feria regni nostri prædicti & alibi infra potestatem nostram pondus nostrum in certo loco ponatur, & ante ponderacionem statera in præsentia emptoris & venditoris vacua videatur, & quod brachia sint æqualia, & extunc ponderator ponderet in æquali, & cum stateram posuerit in æquali statim amoveat manus suas ita quod remaneat in æquali, quodque per totum regnum et potestatem nostram unum sit pondus et una mensura, & signo Standardi nostri signentur, & quod quilibet possit habere stateram unius quarternii & infra, ubi contra Dominum loci aut libertatem per nos seu antecessores nostros concessam illud non fuerit, sive contra Villarum aut feriarum consuetudinem hætenus observatam. Item volumus & concedimus, quod aliquis certus homo fidelis & discretus London. residens assignetur Iusticiarius Mercatoribus memoratis, coram quo valeant specialiter placitare & debita sua recuperare celeriter, si Vicecomes et Iuratores eis non facerent de die in diem celeris iusticiæ complementum, et inde fiat Commissio extra Cartam præsentem concessam Mercatoribus antedictis, scilicet de hiis quæ sunt inter Mercatores et Mercatores secundum legem Mercatoriam deducenda. Item ordinamus & statuimus,

* I find sundry Commissions issued by our Kings before & since this Charter, to inquire of Depredations & Robberies of Merchants on the Sea, when their goods are brought into any Ports of England, and for frauds in contracts to give them damages and proceed therein, secundum Legem Mercatoriam, & Legem Maritimam, as Pat. 6 E. 1. m. 24. dorso, the case of William de Dunestaple, a Citizen of Wynton, Cl. 7 E. 1. m. 10, 11. Pat. 13 E. 1. m. 11. Claus. 25 E. 1. m. 4. 20. Pat. 23 E. 1. m. 8. Pat. 32 E. 1. m. 4. dorso. pro Wilhelmo Perrix & Domingo Perrix Mercatoribus, Pat. 8 E. 2. pars 1. m. 24. dorso. Pro Bartholomæo de Welle. Claus. 12 E. 2. dorso. 3. See 27 E. 3. The Statute of the Staple, cap. 8. 17, 19, 20.

† See the Statute of the Staple, 27 E. 3. cap. 8. 28 E. 3. cap. 13. Ath his Repertory, Alienac 11.

statuimus, & ordinacionem illam statutumque pro nobis & hæredibus nostris imperpetuum volumus firmiter observari, quod pro quacumque libertate quam nos vel hæredes nostri de cætero concedemus, præfati Mercatores suprascriptas libertates vel earum aliquam non amittant. Pro supradictis autem libertatibus et liberis consuetudinibus optinendis, et prius nostris remittendis eisdem, sæpediti Mercatores uniberſi et ſinguli pro ſe et omnibus aliis de partibus ſuis nobis concorditer et unanimiter conceſſerunt; quod de quolibet dolio vini quod adducunt vel adduci facient infra regnum vel poteſtatem noſtram, et unde Martiaria fretum ſolvere tenebuntur, ſolvent nobis et hæredibus noſtris nomine cuſtumæ duos ſolidos ultra antiquas cuſtumas ſolutas, et in denariis ſolvi conſueſas nobis aut aliis, infra quadraginta dies poſtquam extra naves ad terram poſtea fuerint dicta vina. Item, de quolibet ſacco lanae quem dicti Mercatores aut illi nomine ipſorum ement, et de regno noſtro educunt, aut emi et educi facient, ſolvent quadraginta denarios de incremento ultra cuſtumam antiquam dimidiæ marcæ quæ prius fuerat perſoluta; et pro laſſa coziorum extra regnum et poteſtatem noſtram bebendorum, dimidiam marcã ſupra id quod ex antiqua cuſtuma antes ſolbebatur; Et ſimiliter de treſcentis pellibus lanutis extra regnum et poteſtatem noſtram educendis, quadraginta denarios ultra certum illud quod de antiqua cuſtuma fuerat prius datum. Item duos ſolidos de qualibet ſcarleta et panno tincto in grano. Item, decem et octo denarios de quolibet panno in quo pars grani fuerit intermixta. Item, duodecim denarios de quolibet panno alio ſine grano. Item, duodecim denarios de quolibet ceræ quintallo. Cumque de præfatis Mercatoribus nonnulli eorum alias exerceanſ mercanditas, ut de averſo ponderis et de aliis rebus ſubtilibus, ſicut de pannis Warren, de Serico, de Cindatis, de ſeta, et aliis diversis mercibus, et de equis etiam ac aliis animalibus, bladis, et aliis rebus et mercanditiſ multimodis quæ ad certam cuſtumam facile poni non poterunt, iidem Mercatores conceſſerunt dare nobis et hæredibus noſtris de qualibet libra argenti æſtimacionis ſeu valoris rerum et mercanditarum huiusmodi quocumque nomine cenſeantur, tres denarios de libra in introitu rerum et mercanditarum ipſarum in regnum et poteſtatem noſtram prædictis, infra biginti dies poſtquam huiusmodi res et mercanditiæ in regnum et poteſtatem noſtram adductæ, et etiam ibidem exoneratæ ſeu venditæ fuerint, et ſimiliter tres denarios de qualibet libra argenti in educatione quarumcumque rerum et mercanditarum huiusmodi emptarum in regno et poteſtate noſtra prædictis, ultra cuſtumas antiquas nobis aut aliis ante datas. Et ſuper valore et æſtimacione rerum et mercanditarum huiusmodi de quibus tres denarios de qualibet libra argenti, ſicut prædicatur, ſunt ſolvendi, credatur eis per literas quas de Dominis aut ſociis ſuis oſtendere poterunt, et ſi literas non habeant ſetur in hac parte ipſorum Mercatorum ſi præſentes fuerint, vel balletorum ſuorum in eorumdem Mercatorum abſentia juramentis. Liceat inſuper ſociis de ſocietate Mercatorum prædictorum infra regnum et poteſtatem noſtram prædicta lanas vendere aliis ſociis ſuis, et ſimiliter emere ab eisdem abſque cuſtuma ſolvenda; ita tamen quod dictæ lanæ ad alias manus non debeant quod cuſtuma nobis debita defraudemur. Et præterea eſt ſciendum, quod poſtquam sæpediti Mercatores ſemel in uno loco infra regnum et poteſtatem noſtram euſtumam nobis conceſſam ſuperius pro mercanditiſ ſuis in forma ſolberint ſupradicta et ſuum habeant inde warrantum, erunt liberi et quieti in omnibus aliis locis infra regnum et poteſtatem noſtram prædicta de ſolutione cuſtumæ huiusmodi pro eisdem mercanditiſ ſeu mercimoniis per idem warrantum, ſibe huiusmodi mercanditiæ infra regnum et poteſtatem noſtram remaneant, ſibe exterius deſerantur, exceptis vinis quæ de regno et poteſtate noſtra prædictis ſine voluntate et licentiâ noſtra, ſicut prædictum eſt, nullatenus educantur. Volumus autem ac pro nobis & hæredibus noſtris concedimus, quod nulla exactio, priſa vel præſtatio, aut aliquod aliud onus ſuper perſonas Mercatorum prædictorum mercanditiſ ſeu bona eorumdem aliquatenus imponatur contra formam expreſſam ſuperius et conceſſam. Hiis teſtibus venerabilibus patribus Roberto Cantuarienſi Archiepiscopo,

piscopo, totius Anglia Primate, Waltero Count. & Litchf. Episcopo, Hugone de Lacz Comite Lincoln. Hunfrido de Bohun Comite Hereford. & Essex, ac Constabular. Angl. Adomaro de Valencia, Galfrido de Geynwill, Hugone le Despenser, Waltero de Bello Campo Senescallo Hospicii nostri, Roberto de Bures & aliis. Dat. per manum nostram apud Wyndesor. primo die Febr.

For this *Custuma parva, nova, antiqua, & magna*, you may consult at leisure, Pat. 13 E. 1. m. 5. Rot. *Vasconia*, 13 E. 1. m. 7, 10. Pat. 16 E. 1. m. 13. Fines 17 E. 1. m. 17. Cl. 17 E. 1. m. 3. Fines 18 E. 1. m. 13. 21. Rot. *Vasconia* 19 E. 1. m. 10. & dorf. 11. Rot. *Vasc.* 20 E. 1. m. 2. Pat. 26 E. 1. m. 7. Pat. 27 E. 1. m. 14, 15, 25. Cl. 27 E. 1. m. 12. Cl. 28 E. 1. m. 12. Fines 28 E. 1. m. 6. Cl. 29 E. 1. m. 13. Pat. 29 E. 1. m. 15. Fines 30 E. 1. m. 11, 14. Pat. 30 E. 1. m. 1, 11, 33. Pat. 31 E. 1. m. 4, 26, 46. Fines 31 E. 1. m. 5, 6, 10, 16. & Ced. Fines, 32 E. 1. m. 7, 8. Cedula Pat. 32 E. 1. m. 3, 9, 11, 17. & dorf. 12. Cl. 33 E. 1. pars 1. m. 6. 22. Pat. 33 E. 1. pars 1. m. 23. pars 2. 1, 2, 3, 12, 19, 21. Fines 33 E. 1. m. 1, 7, 17. Liberate 34 E. 1. m. 1, 2, 3. Fines 34 E. 1. m. 5, 6, 9. Pat. 34 E. 1. m. 7. Ced. 15, 21, 22. & dorf. 4. Fines 35 E. 1. m. 10. Pat. 35 E. 1. m. 2, 10, 12, 13, 23, 43, & dorf. 30. I omit all * others in succeeding Kings reigns.

* In the Fine & Patent Rolls.

Page 30. l. 37. *Prisage of Wines*, Concerning this duty and *Butlerage*, you may peruse at leisure, Cl. 9 H. 3. m. 8, 9. Pat. 34 H. 3. m. 24. Pat. & Cart. 34 H. 3. m. 4. Pat. 44 H. 3. m. 5, 6. Cl. 47 H. 3. m. 5, 6. Pat. 51 H. 3. m. 53. Pat. 54 H. 3. m. 16. Pat. 1 E. 1. m. 19. Pat. 3 E. 1. m. 19. Pat. 5 E. 1. m. 21. Cl. 6 E. 1. m. 2. Pat. 6 E. 1. m. 14. Pat. 7 E. 1. m. 4. Liberate 8 E. 1. m. 7, 8. Pat. 9 E. 1. m. 27. Pat. 10 E. 1. m. 4. Cart. 14 E. 1. m. 1. Pat. 18 E. 1. m. 31. Pat. 28 E. 1. m. 21. Pat. 30 E. 1. m. 2, 35. Pat. 31 E. 1. m. 21, 22, 23, 31. & dorf. 30. Claus. 32 E. 1. m. 16. Pat. 35 E. 1. m. 45. & *Petitiones in Parlamento Anno 30 E. 1. Ryley Appendix ad Plac. Parl. p. 610.* besides other Records of punier times, and *An Exact Abridgement of the Records in the Tower*, p. 312, 398, 412, 476.

Page 39: l. 38. To these summons of absent Persons, I shall annex this Summons of *Robert de Veer* and others appealed of *High Treason* by the Lords Appellants, by Proclamation issued to all Sheriffs, to appear, and answer to the Appeal in the next Parliament of 11 R. 2.

Clause Anno 11 Rich. 2. parte unica, m. 13. dorso. De Proclamatione facienda. See 11 R. 2. c. 1

REX Vic. *Kanc.* salutem. Cum dilecti & fideles nostri *Thomas de Wodestoke Dux Gloucest.* *Henr. Comes Derby.* *Ricardus Comes Arundell.* *Thomas Comes Warr.* & *Thomas Comes Norwugh.* coram nobis & Consilio nostro appellaverint *Alexandrum Archiepiscopum Eborum.* *Robertum de Veer Ducem Hibern.* *Michaelem de La Pole Comitem Suff.* *Robertum Trestlian Militem.* & *Nicholaum Brentford Militem.* de quibusdam publictionibus Nos & statum regni nostri *Angl.* tangentibus; Ipsique appellantes appellum suum predictum se optulerint, secundum legem & consuetudinem in regno nostro hactenus usitatas, prosecuturos in prox. Parlamento nostro, quod summonitum est in crastino Purificationis beate *Mariae* prox. futur. apud *Westm.* tenend. Nobis humiliter supplicando, quatinus eosdem Archiepiscopum, Ducem *Hibern.* Comitem *Suff.* *Robertum* & *Nicholaum*, ad respondendum tibi super appello predicto coram nobis in eodem Parlamento ad diem predictum, prout alias coram nobis extitit proclamatum copiosius venite faciamus: Nos supplicationi predicta annuentes, ut est iustum, tibi precipimus, quod in Com. tuo & in singulis Civitatibus & Villis mercatoris ejusdem publice proclamari, et ex parte nostra firmiter injungi facias eidem Archiepiscopo, Duci *Hibern.* Comiti *Suff.* *Roberto* & *Nicholao*, sub poena forisfacturæ omnium quæ nobis forisfacere poterunt, quos sint in propriis personis suis ad diem Parliamenti, ut predictum est assignati, ad respondendum ibidem in forma predicta super appello predicto. Proclamari facias etiam & ex parte nostra injungi sub eadem poena, ne quis eidem appellatis vel eorum alicui interim in corporibus vel bonis suis dampnum inferat vel gravamen, quominus in eodem Parlamento ex causa predicta comparere valeant.

ant. Ac etiam certis de causis coram Consilio nostro propositis omnia bona et catalla ipsorum Archiepiscopi, Ducis *Hibern. Comitis Suff. Roberti & Nicholai* in balliva tua, infra libertates et extra, ubicumque inventa fuerint, absque distractione aliqua sub falsa et secura custodia nostra, quousque aliud a nobis et dicto Consilio nostro inde habueris in mandatis, poni fac. Et nichilominus prefatos Ducem *Hibern. Comitem Suff. & Robertum*, qui se tenent fugitivos ex hac causa, ut dicitur, ubicumque inveniri poterunt in balliva tua, infra libertates vel extra, arrestari et capi, et coram nobis et Consilio nostro in Parlamento predicto ad diem predictum falso et secura ex causa predicta venire fac. Et habeas ibi hoc breve; Nos & Consilium nostrum, de eo, quod ad presens mandatum nostrum feceris in omnibus & singulis premisorum, & qualiter & quo modo, & ubi bona et catalla illa, & quae & cujusmodi fuerint, & de precio & vero valore eorundem, cum omni festinatione possibili distinctè & aperte certificans, cum transcripto hujus brevis. Teste Rege apud *Westmonasterium* quarto die *Januarii*.

Per ipsum Regem & Consilium.

Consimilia breviter diriguntur singulis Vicecomitibus per *Angliam*, sub eadem data ac subscriptione.

Johanni Regi Castella & Legionis, Duci *Laucastria*, & ejus locum-tenenti in Ducatu predicto.

Justic. & Camerar. Regis Cestria, & eorum loca tenentibus in *Com. Cestr.*

After which, upon their Attainders * by Act of Parliament, the King issued this Proclamation against them and some others, for seising their goods.

* 21 R. 2. cap. 5.

REX Vic. *Kanc.* salutem. Cum in presenti Parlamento nostro ratione quorundam Judiciorum in dicto Parlamento contra *Alexandrum* Archiepiscopum *Eborum*, *Robertum de Veer* Ducem *Hibern. Michaelem de la Pale* Comitem *Suff. Robertum Tresilian* Chivaler, *Nicholaum Brembre* Chivaler, *Johannem Blake*, *Thomam Usk*, *Robertum Bealknap* Chivaler, *Johannem Holt* Chivaler, *Johannem Cary* Chivaler, *Willielmum Burgh* Chivaler, *Rogerrum Fulsthorp* Chivaler, & *Johannem Lokton* redditorum, ordinatum sit & stabilitum, quod omnia bona et catalla quae fuerunt ipsorum Archiepiscopi, Ducis, Comitis, *Roberti Tresilian*, *Nicholai*, *Johannis Blake* & *Thoma*, vel eorum alicujus decimo septimo die *Novembris* prox. praeterito & postea, ac praedictorum *Roberti Bealknap*, *Johannis Holt*, *Johannis Cary*, *Willielmi*, *Rogeri*, & *Johannis Lokton*, vel alicujus eorum sexto die *Marcii* prox. praeterito & postea, nobis sint sequestrata; & si aliquis praedictorum Archiepiscopi, &c. & *Thoma*, à primo die *Octobr.* anno regni nostri decimo, usque viciesimum diem *Marcii* prox. praeteritum, & praedictorum *Roberti Bealknap*, *Johannis Holt*, *Johannis Cary* & *Willielmi*, à primo die *Augusti* prox. praeterito, usque praedictum sextum diem *Marcii*, ac praedictorum *Rogeri*, & *Johannis Lokton* à viciesimo quinto die *Augusti* prox. praeterito, usque eundem sextum diem *Marcii* de bonis & catallis suis, colore donationis, vel fidei venditionis, aut solutionis debiti indebitè, aut alio modo per fraudem vel collusionem se dimiserit, quod eadem bona & catalla nobis similiter sint sequestrata; & quod proclamatio fiat in Com. quod si quis fuerit qui aliqua hujusmodi bona & catalla nobis sequestrata habuerit, seu ad cujus manus hujusmodi bona & catalla devenerunt, quod ipse infra duos menses post hujusmodi proclamationem factam, veniat & inde certificet Consilio nostro; quod si non fecerit, & inde debite convincatur, dicta bona et catalla sic concejata, aut precium eorundem & ulterius, tantum quantum eadem bona & catalla sic concejata valent nobis reddere teneatur, & habeat prisonam unius anni, prout in statuto predicto plenius continetur: Tibi praecipimus firmiter injungentes, quod omnia & singula praemissa in singulis Civitatibus, Burgis, Villis mercatoris, ac aliis locis Com. tui, ubi expediens & necesse fuerit, cum omni celeritate possibili publice proclamari facias, nos de die sive diebus proclamationis hujusmodi in Cancellariam nostram distinctè & aperte certificans, unà cum hoc brevi. T.R. apud *Westm.* 21 die *Marcii*.

Clauſ. An. 21 R. 2. parsunica, m. 150 dorſo. De Proclamatione faciendâ.

Confirmata brevia diriguntur singulis Vicecomitibus per Angl. sub eadem data ac subscriptione.

Johanni Regi Castellæ & Legionis, Duci Lancast. vel ejus Cancellar. in Ducata predicto.

Johanni Episcopo Dunelm. vel ejus Cancellar. in Episcopatu predicto.

See likewise Pat. 13 R. 2. pars 1. m. 16. *A Prisoner in the Tower bayled to appear in the next Parliament*; and Pat. 13 R. 2. m. 28. & Claus. 13 R. 2. m. 30. *A Judgement of high Treason given in Parliament recited, and Writts to levy the forfeitures thereupon, to the King.*

Page 44, 45, 46. *If the King by his Writ calleth any Knight or Esquire to be a Lord of the Parliament, he cannot refuse to serve the King there in Comuni illo Concilio, for the good of his Country, &c. And First Part of the Institutes, f. 9. & 16 b. If the King call any Layman generally by his Writ to the Upper House of Parliament, this doth not create him a Baron and Lord in fee-simple without the word *hæres*, and enableth both himself and his heirs after him to as to make them hereditary Barons: (though they hold not by Barony), as the 4th Institutes p. 45. implies.) But if the King had called any Abbot, Prior, or other religious Prelate by Writ to the Parliament, as to the Common Council of the Realm, if he held not of the King per Baroniam, he might refuse to serve in Parliament.*

1. I humbly conceive the Law to be, that if the King summon any Knight or Esquire by Writ to the Upper House who holds of him per Baroniam in fee-simple, he and his heirs shall sit as Barons in Parliament, not by virtue of the first general Writ of Summons, (which hath no words of Creation in it) but by virtue of his Tenure by Barony, * of King John's Great Charter, the Parliamentary Great Council of Chertenden, and ancient Custom of the Realm, *Qui de Rege tenent in Capite possessiones suas sicut Baroniam, debent interesse Curie Domini Regis cum Baronibus.* And quod factemus Assinoneti *Wapores* Barones Regni singulatin per litteras nostras. But if any Knight or Esquire who holds not by Barony, be summoned once, twice or oftner to Parliament by the Kings general Writts, this doth not make him and his heirs Lords of the Parliament, no more then Abbots or Priors who held not by Barony, as I have proved at large in my *Plea for the Lords*, p. 147, to 160. and in the *First Part* of my *Brief Register*, p. 127, to 150. & 261, to 341. But if the King by a special Writ shall call any Knight or Esquire who holds not by Barony to the Lords House, as a Member thereof, with a clause of Creation in it, as in the case of *Sir Henry Bromfleis*, Claus. 27 H. 6. m. 24. *Woluntis enim vos & heredes vestros masculos de corpore vestro legitime excentes BARONES DE WESCY EXISTERE*; this special Clause in the Writ, will create him and the Heirs of his body lawfully begotten Barons, as well as if it had been by Special Patent. And whereas the *b* Author affirms, King Henry the 8. his Patent, creating *Richard Banham* Abbot of *Tewkesbury* and his successors, *ut eorum quilibet sit & erit unus de Spirituibus et religiosis DOMINIS PARLIAMENTI NOSTRI, HEREDUM & SUCCESSORUM NOSTRORUM*, &c. to be bops, because the Abbot was neither Baro, nor had Baroniam, &c: I humbly conceive, the King by his Royal Prerogative, being the fountain of Honour and Dignities, might create him and others, *Spiritual Lords of Parliament* by his Patents; (not by his general Writts of Summons) as well as *Temporal Lords*; though they were no Lords nor Barons before by Tenure; there being the self-same reasons for and against both of them, as I apprehend. And as our Kings may create and have created new Temporal Honors and Dignities, as *County Palatines, Marquesses, Viscounts, Earl Marshalls, Barons*, and the like; So by the same Royal Authority and reason they may create *Spiritual Barons*; there being no Law, nor judgement to the contrary, but the Authors own opinion.

* Cited in *Instit. p. 45.*

a Mr. Seldens *Titles of Honor*, p. 541.

b 4 *Institutes*, p. 45, 46. Mr. Seldens *Titles of Honor*, p. 750, 751. Pat. 5 H. 8. pars 2. m. 12.

c See Mr. Seldens *Titles of Honor*, part 2. c. 5. p. 635, to 830. & 4 *Instit. p. 205, 243, 361, 363*, accords.

Page 46. There is a particular Title of, *The fees of the Knights, Citizens and Burgesses in Parliament*; and *Writts de Expensis Militum*; for which you may consult

conſult my *Fourth Part of a Brief Register, Kalender and Survey of Parliamentary Writs*, London 1664. where they are collected and printed together, whereunto I ſhall annex theſe original Writs and their returns, (I ſince diſcovered in the *White Tower Cappel*) concerning the levying of Knights and Citizens expenſes, with one Commiſſion to inquire of Sheriffs and Bailiffs extortions in the levying of them.

Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, Vic. Surt. ſalutem. Præcipimus tibi, ſicut aliàs præcepimus, quod de Communitate Com. tui, tam infra Libertates quàm extra, habere fac. dilectis & fidelibus noſtris *Thomæ de Condry, & Petro de Everſy (Quercy)* Militibus ejuſdem Com. nuper pro communitate Com. illius de mandato noſtro ad Parliamentum noſtrum apud *Ebor.* convocatum venientibus, ad tractand. ibidem ſuper diverſis & arduis negotiis, Nos & ſtatuta regni noſtri tangentibus, expenſas ſuas, * in veniendo ad dictum Parliamentum, ibidem morando, uſque ad nonam diem Decembris prox. præteritam, ac exinde ad propria redeundo, videlicet utrique eorum per diem ſingulique ſolidos, vel cauſam nobis ſignifices, quare mandatum noſtrum aliàs tibi inde directum exequi noluiſti, vel non potuiſti. Teſte meipſo apud *Ebor.* 20 die Maii, Anno regni noſtri duodecimo.

Whereof the Sheriff made this return on the Dorse and in a Cedula thereto annexed, Ego *Jacobus de Norton* Vic. ſic reſpondeo, quod reſponſ. hujus brevis patet in Cedula dicto brevi conſuta,

Brevē hanc Cedula conſutum, retortum ſuit *Johanni Butcher*, ballivo libertatis Episcopatus *Winton*; *Egidio Hery, Waltero de Sydeſingy* ballivis libertatis Inſulæ *Vella*; *Willielmo de Forſuhull* ballivo libertatis *Chriſti Ecceſiæ*; *Johanni de Chancombe* ballivo libertatis *Nova Foreſta*; *Willielmo le Squier*, ballivo libertatis de *Ryngwode*; *David Bongle*, ballivo libertatis de *Rudbriggis*; *Willielmo le Orpode*, ballivo libertatis de *Audover*; *Thomæ de Wotrynge*, ballivo libertatis de *Baſingſtoke*; *Hugoni de Sartone*, Cuſtodi libertatis de *Oltham & Poreſtre*; & *Johanni le Swynge*, qui nullum inde mihi dederunt reſponſum.

Edwardus Dei gratia, &c. Majori & Ballivis Civitatis *Lincoln.* ſalutem. Præcipimus vobis, ſicut aliàs præcepimus, quod de Communitate Civitatis prædictæ fieri fac. dilectis nobis *Thomæ Gamel, & Henrico Stoyl* Civibus ejuſdem Civitatis, pro communitate Civitatis illius de mandato noſtro ad Parliamentum noſtrum apud *Eborum* convocatum venientibus, ad tractandum ibidem ſuper diverſis & arduis negotiis Nos & ſtatuta regni noſtri tangentibus, expenſas ſuas, * in veniendo ad dictum Parliamentum noſtrum, ibidem morando, uſque ad nonam diem Decembris prox. præteritam, ac exinde ad propria redeundo, videlicet utrique eorum per diem ſingulique ſolidos. Et hoc nullatenus omittatis, vel cauſam nobis ſignificetis quare mandatum noſtrum nobis inde directum exequi noluiſtis vel non potuiſtis. T. meipſo apud *Eborum* 6. die Maii, Anno regni noſtri duodecimo.

Dorſo. Reſponſ. *Roberti de Gardeneye Majoris Civitatis Lincol. & Henrici le Lavender, & Petri Ricardi Ballivorum juſtitiæ Civitatis.* Cuius quare non habere ſecimus *Thomæ Gamel & Henrico Stoyl* Civibus ejuſdem Civitatis nuper pro communitate Civitatis illius de mandato Domini Regis ad Parliamentum factum apud *Eborum* convocatum venientibus expenſas ſuas, prout hoc brevi ſuperponitur, videlicet utrique eorum per diem ſingulique ſolidos, hæc eſt. Convenit inter Communitatem Civitatis prædictæ & prædictos *Thomæ & Henrici* in Aſſiſſa placitorum *Liacebi.* priuſquam à Civitate prædicta in negotiis antedicto recellerent, quod prædicta Communitas ſolveret prædictis *Thomæ & Henrico* non ſolidos per diem, videlicet utrique eorum duodecim denarios pro expenſis ſuis. Et in ſedira ſua pro eorum labore xx. ſolidos, de quibus demar. tam pro expenſis quam pro labore ſuo, exceptis xvij. prædictis *Thomæ & Henrico* prædictis ſunt pacati. De quibus quidem xviij. licet Communitas prædicta *Thomæ & Henr.* parata eſt ſolutionem facere.

Bundel. Bre-
vium, An. 12.
E. 2. in Turri
London.

* The ancient
legal limits
both of the
Wages and
Priviledges of
the Members of
Parliament.

† See Here, p.
23.

Ibidem, An.
12 E. 2.

* Nota.

* See Here, p.
23.

Edwardus

Bundel. Brevium in Turri London, An. 15 E. 2.

E *Edwardus Dei gratia, &c. Vic. North.* salutem. Præcipimus tibi (sicut aliàs præcepimus) quod de Communitate Com. tui, tam infra Libertates quam extra, habere facias dilectis & fidelibus nostris *Simoni de Drayton et Henr. de Deen* Militibus dicti Com. nuper pro Communitate Comitatus illius de mandato nostro ad Parliamentum nostrum apud *Westm.* à die Nativitatis Sancti *Johannis Baptista* prox. præterito in tres septimanas convocatum venientibus, ad tractandum ibidem super diversis & arduis negotiis nos et statum Regni nostrî tangentibus, rationabiles expensas suas, in veniendo ad dictum Parliamentum nostrum, ibidem morando, ac exinde ad propria redeundo, prout aliàs fieri consuevit, habito respectu ad loci distantiam: vel causam nobis significes quare mandatum nostrum aliàs tibi inde directum exequi noluisti, vel non potuisti. Teste meipso apud *Salop.* 26 die *Januar.* Anno regni nostri Quintodecimo.

Dorso. Ego *Humphridus de Bassingbourne* Vic. vobis significo, quod per Communitatem Com. *North.* concessum fuit *Simoni de Drayton et Henrico de Deen* Militibus nuper pro eadem Communitate de mandato Domini Regis ad Parliamentum suum apud *Westm.* à die Nativitatis Sancti *Johannis Baptista* ultimo præterito in tres septimanas existentibus, sexdecim libz. pro Expensis suis, de qua quidem summa solvi eisdem *Simoni & Henrico* novem libr. & pro septem libris residuis levand. infra Libertates subscriptas plenum feci returnum hujus brevis *Johan. de Merle, Hugoni de Uddle* ballivis libertatis Abbatis de *Berge* Sancti *Petri, Willielmo de Straston* Ballivo libertatis Honoris *Peeverelli, Nicholao Galasfr.* Ballivo libertatis Hündr. de *Fallew. s. gh,* & *Radulpho Knotte* Ballivo libertatis Honoris *Lecestria,* qui quidem Ballivi plenum habent returnum omnium Brevium, qui nichil inde fecerunt.

King *Edward* the 3d in the 15th year of his reign being informed that divers Sheriffs and Bailiffs of Counties, Cities and Boroughs of the Realm levied farre greater summes of money for the expenses of Knights, Citizens and Burgeses of Parliament then were due or paid unto them, to the great oppression of the people, issued this memorable Writ and Commission to inquire thereof, and redresse the same upon complaint.

Bundel. Brevium in Turri London, An. 15 E. 3.

E *Edwardus Dei gratia, &c. Dilectis et fidelibus suis Richardo Comiti Arundell. & sociis suis Justic.* ad dampna, gravamina, extortiones, oppressiones, & excessus populo regni nostri *Anglia* illata audiend. & terminand. assign. in Com. *Salop. & Staff.* salutem. Quia datum est nobis intelligi, quod Vic. singularum Com. Regni nostri & eorum Ballivi, necnon Ballivi Civitatum & Burgorum in eisdem Com. libertas et excessivas pecuniarum summas pro expensis Militum, Cibium et Burgensium ad diversa Parliamenta, Consilia et Tractatus nostra diversis vicibus postquam dicti Regni gubernacula suscepimus de mandato nostro venientium, ultra summas Militibus, Cibibus et Burgensibus prædictis pro hujusmodi expensis suis per nos in Cancellaria nostra assignatas, levaverunt, in nostri contemptum, et populi dicti Regni deprecationem manifestam. Nos in præmissis remedium apponi volentes, prout decet, extractas Rotulorum Cancellariæ nostræ, tam nomina Militum, Civium & Burgensium Com. prædictorum ad diversa Parliamenta, Consilia, Tractatus nostra ac prædicatur venientium, quam summas eis pro hujusmodi Expensis suis, per nos assignatas contingentes, vobis mittimus sub pede sigilli nostri: Mandantes, quod inspectis extractis prædictis de hujusmodi excessibus pecuniarum summis per præfatos Vic. et Ballivos in Com. prædictis, ultra summas dictis Militibus, Cibibus et Burgensibus pro hujusmodi expensis suis assignatas levatis, tam ad Scaccarium nostrum quam aliarum quorumcumque, inde eosdem vobis conquiri volentium fieri fac. quod de jure et secundum formam Commissionis nostræ vobis in hac parte factæ fore videritis faciend. Teste meipso apud *Wodefolk* primo die *Marsii,* An. r. n. *Angl.* Quintodecimo, regni verò nostri *Franc.* Secundo.

Per Consiliium.

To

To these might be added, the memorable suit of *William Flamvill*, and *George Belers*, elected Knights for the County of *Leycester* in the 51 year of King *Edward* the 3. against *Richard Herthull* then Sheriff of that County, for their Expences at that Parliament, amounting to 32 l. *Placita coram Baronibus in Scac. Term. Sancti Hillarii An. 1 R. 2.* And of *John de Peito* Knight, one of the Knights for the County of *Warwick*, for his expences in the Parliament in the 10th year of *R. 2.* amounting to 13 l. *Placita coram Baronibus in Scac. Term. Paschæ, An. 10 R. 2.* in the Office of Pleas in the Exchequer, where those who please may peruse them.

Page 49. l. 4. To that concerning undue returns of persons not duly elected by Sheriffs, the first complaint and case I know of this nature is in the 12. year of King *Edward* the 2. with the Kings Counsels answer thereunto in the Parliament then held, which I found in the *White Tower*.

A Consail nostre Seignur le Roi, monstre *Mathen de Crantborm*, Que come Briefs fust venuz en le Conte de *Deveneshire* pur faire venir icy a cest Parlement deus Chivalers pur la Commune del dist Conte, meime celuy *Mathen* par le Evesque de *Excestre*, Sire *Willame Martyn*, par assent des autres bone gentz de cel Conte, si fust élu et al Visconte en pleyn Conte presente. Et garry, qe il fust a cest Parlement pur la disse Commune. Et sur ceo per meime le Viscont ce sommons, Mes oze en deceire de luy, *Robert Bendyn* *Visconte del dist Conte si ad retourne autres en son leyu, encontre la bolunte de disse Commune pur faire luy cel damage. Et pur ce, le dist *Mathen* prie due remede pur ses custages aver.

Anno 12 E. 2.
in Turri London.

* Under-sheriff, as the answer attests.

Dorso. Quoad istam Peticionem, habeat Breve Thes. & Baron. de Scaccario, quod venire fac. Subvic. ad respondendum de falso returno supradicto. Which the Kings Council in Parliament, to whom he petitioned, referred to the Barons of the Exchequers legal examination; the Commons having then no power or president to examine, punish or rectifie false returns.

To this may be added, the memorable Petition of the *Free-holders* of the County of *Huntingdon*, concerning an abuse and false Return of a Knight by the Under-sheriff, Anno 29 H. 6. made to the King himself: in my *Brevia Parliamentaria Redigiva*, p. 157, 158, 159. with other Presidents in *An Exact Collection of the Records in the Tower*, p. 429, 622.

Page 47. l. 3. One under the age of 21 years is not eligible to be a Knight, Citizen, or Burgess of Parliament. The Writs direct them to elect two, de discretioribus, magis sufficientibus, &c. in Cities, Counties, Boroughs: and Infants under age of discretion are not such, Therefore their elections meerly void in Law. Neither can any Lord of Parliament sit there until he be of the full age of 21 years, because he is to be a Judge in the Highest Court of Judicature, where the Judgements in other Courts of Judicature are examinable and reverfable by *Writs of Error, and he is to give his assent to Bills and Lawes not only concerning Civil, but Criminal and Capital matters, which oblige all the people of the Realm; and therefore ought to be of full age of discretion; as my *Minors no Senators*, Edition 2. largely evidenceth by Presidents, Judgements, the practice of all ages, places: fit to be insisted on when and where many electors are so indiscreet, as to elect Infants, against the expresse letter of the Writs, and the Law, Customs of Parliament, (out of favour to particular Grandees, not love and duty to their Country): even against their Judgements.

* 4 Instit. p. 21, 22, 23, 303, 363. & Here, p. 12.

Page 49. Concerning Charters of Exemption. The King cannot grant a Charter of Exemption to any man to be freed from election of Knight, Citizen, or Burgess of the Parliament, &c. Though we have some presidents, that Lords of Parliament have issued out Charters of Exemption from their service in Parliament; yet their Charters are holden to be voyd: for though they be not eligible, yet their service in Parliament

+ Published according to Wood's Hist. Mon. in 1646. in 2 vols. in 4. & The 2. ed. was reprinted by Wood in 1688. A very rare tract, but in the original printed in 1600.

Parliament is for the whole Realm, and for the benefit of his people, of which service he cannot be exempted by any Letters Patents, &c. Yet I shall observe First, that our Kings have granted such exemptions to particular persons, and to some *Boroughs*, from electing and sending any Burgesses to Parliament, upon their *Petitions*; witness this Patent of Exemption for Sir Robert Lisle, Anno 42 E. 3.

Pat 42 E. 3. pars 2. m. 43. Pro Roberto de Insula Mil. de non veniendo ad Parliamentum. Cottoni Posthuma, p. 165.

REX omnibus Ballivis & fidelibus suis ad quos, &c. salutem. Sciatis, quod de gratta nostra specialit concessimus pro nobis & hæred. nostris dilecto & fideli nostro Roberto de Insula Mil. fil. & hæredi Johannis de Insula; quod idem Robertus ad totam vitam suam habeat libertatem, videlicet, quod ad Parliamenta seu Concilia nostra, vel hæred. nostrorum ex quacunque causa ventrem minime teneatur. Et quod ipse in aliqua Jurata, atincta, aut magna Assisa nos vel hæredes nostros tangent. aut aliis Juratis, Atinctis aut Assisis quibuscunque non ponatur, &c. Et ideo vobis mandamus, quod prædictum Robertum contra hanc concessionem nostram non molestetis in aliquo seu gravetis. In cujus, &c. Teste Rege apud Westm. 24 die Novembr.

Per breve de privato sigillo.

a See the Writs de Non pœnendis in Assisis, De Coronatore, & Viridario eligendo, & exonerando. Register pars 1. f. 177, 178, 179, 181, 182, 183. Fitz.

Such exemptions to some few particular person, by reason of sicknesse, age, or other publike employments, (especially from being elected *Majors of Cities, Sheriffs, Coroners of Counties, Verderors of Forests*, and the like, though for the publike service of the King and Kingdom) have been ^a *adjudged to be good in Law*, (of which there are *hundreds of presidents* in our *Records*) when they prove not disserviceable to the King, or prejudicial and grievous unto others by reason of their *multitudes*, as in the case of the City of *Torke*, 29 H. 6. c. 3. and then the *abuse, grievance* makes them *void and revocable*.

Nat. Brev. f. 163, to 168. Westm. 2. c. 38. Antie. super Cartas, c. 9. 2 Instit. p. 446, 447, 559, 560. The 2d. Part of my Brief Register, p. 63.

b Pro Villa de Torrington in Com. Devon. de exoneracione Parliamenti See my Brevia Parliamentaria Rediviva, p. 186, 231, 241, &c. The Fourth Part of my Brief Register, p. 319, 320, 944, 945, 946, 1875, 1176.

2ly. King Edward the 3d. the same year, Pat. 42 E. 3. pars 1. m. 8. granted a perpetual exemption to the Borough of *Torrington* in *Devonshire*, from sending any Burgesses to *future Parliaments*, and that upon an untrue suggestion, they having *sent Burgesses* (or others for them) to 33 Parliaments before that time; yet the King by a special Patent discharged the Bayliffs, men, Commonalty, et *William prædictam ad inventend. seu mittendum aliquos homines ad Parliamenta nostra de cætero ratione communis summonitionis Parliamentorum eorundem, habemus et tenemus exculatos, et eos exinde exoneramus per præsentem IMPERPETUUM.* T. Rege apud Westm. 18 die Maii. *Per petitionem de Parliaments.* Since which they sent *Burgesses* but once to Parliaments, till this present day. So King *Richard* the 2d exempted the Borough of *Colchester* in the 6. year of his reign from sending *Burgesses* to Parliament for 5 years *then next ensuing*, in respect of their great expenses in building the walls thereof *with lime and stone*; but being contrary to the Statute of 5 R. 2. c. 4. made but the year before, they enjoyed no benefit by it, but elected, returned Burgesses to the succeeding Parliaments during that space. Pat. 12 R. 2. pars 1. m. 20. I find an Exemption granted by this King to *Maldon* for 3. years from sending Burgesses to Parliament, by reason of their expences in repairing a great Bridge near *Heshbrigge*. Pat. 16 R. 2. pars 2. m. 22. & Pat. 9 H. 4. pars 1. m. 28. they were twice exempted from sending Burgesses to Parliament for 7 years space, for the same reason: yet I find ^d Burgesses returned for it within those years. Yea, many ancient *Boroughs*, especially in *Lancashire*, by reason of their *poverty and inability to pay the Expenses of their Burgesses*, have been exempted from electing and sending Burgesses to Parliaments, without any Patents; by the *Sheriffs* returns alone on the Writs of Summons; viz. *Non sunt aliqui Cives seu (or neque) Burgesses in Com. (or Ducatu) Lanc. qui ad Parliamentum in brevi con-*

c Brevia Parliamentaria Rediviva, p. 241, &c.

d The Fourth Part of my Brief Register, p. 1052.

tent.

rent. venire possunt, debent aut solent, propter eorum debilitatem et paupertatem: whereof I have published several Presidents in the reigns of King *Edw.* 3. *Rich.* 2. *Hen.* 4. 5, & 6. in my *Brevia Parliamentaria Rediviva*, p. 235, to 238. And, p. 164, 165. An. 6 & 8 E. 2. & 1 E. 3. the County of *Northumberland*, and Burrough of *Newcastle* upon *Tyne*, upon Writs to elect Knights and Burgesses for Parliaments held in those years, refused to elect any for these reasons returned by the Sheriffs in the Writs. *Quia homines tam Com. Northumb. quam Villa Novi Castri super Tynam, multum timent, quod pax inter regna Angliz & Scotiz per quosdam Scotiz infringetur, propter quod ipsi se elongari ad presens commode non potuerant. Ideo predicti homines nullos Milites seu Burgenses pro instanti Parlamento curant mittere.*

Anno 6 E. 2.

Istud Breve ostensum fuit in pleno Comitatu. Ubi responsum fuit mihi, Quod omnes Milites de Balliva mea non sufficiunt ad defensionem Marchiz. Et mandatum fuit Ballivis Libertatis Villa Novi Castri super Tynam, qui sic responderunt, Quod omnes Burgenses Villa predicta non sufficiunt ad defensionem Villa ejusdem: Et ideo quoad executionem istius hzebis, nihil actum est.

Anno 8 E. 2.

Communitas Com. Northumb. sic respondit; quod ipsi per inimicos Scotiz adeo sunt destructi, quod non habent unde solvere expensas duobus Militibus proficisuris ad Tractatum et Concilium apud Linc. tenend.

Anno 1 E. 3.

Ballivi libertatis Novi Castri super Tynam, sic respondent. Quod ipsi tam onerantur circa salbam custodiam Villa predicta, quod neminem possunt de dicta villa carere. Ideo executio istius hzebis ad presens fieri non potest; which were held just temporary excuses and exemptions for not sending Knights and Burgesses to these Parliaments, without a Patent of Exemption.

If any Lords Spiritual or Temporal in the Kings Wars or Service beyond the Seas were summoned to Parliaments, their Summons were usually vacated, and the Vacat entred in the *Clause Rolls*, or else they were exempted and commanded by subsequent Writs not to appear in person, but by proxy only, whiles specially imployed in defence of the Realm against the *Scots*, or other enemies, of which I have printed several Presidents, in the *First Part of my Brief Register*, f. 51. 210, to 220,

¶ Titles of Honor, part 2. c. 5. Sect. 23, 24. p. 726, 727, to 736. See the First Part of my Brief Register, p. 121, to 152. † Pat. Ann. 15 E. 3. pars 1. m. 13. De Abbate Sancti Augustini Bristol. de non veniendo ad Parliamentum.

* I find his predecessors summoned to Parliaments An. 49 H. 3. An. 28 & 30 E. 1. & he An. 10, 11, 12, 13, 14, 15 & 17 E. 3. the last two years being after this Patent of Exemption, but not summoned afterwards.

3ly. The King may and hath exempted Abbots, Priors, and other Spiritual persons who hold not of him by *Barony* and *Knight-service*, from resorting to Parliaments or Great Councils, by themselves or their Proxies, although both they and their Predecessors have been formerly summoned to them by Writs, as is evident by sundry Presidents cited by * *Mr. Selden*; particularly of the Abbot of *St. James* without *Northampton*, An. 12 E. 2. the Prior of *Bridlington*, Cl. 19 E. 2. m. 22. dorso, the Abbot of *Leycester*, Cl. 25 E. 3. pars 1. m. 5. dorso, Pat. 26 E. 3. pars 1. m. 22. Claus. 28 E. 3. m. 8. dorf. Cl. 29 E. 3. m. 8. dorf. and others. To which I shall superadde this Exemption of the Abbot of *St. Augustines* in *Bristol* and his successors by this special Patent of King *Edward* the 3d. not mentioned by *Mr. Selden*, or the *Author*.

† REX omnibus ad quos, &c. salutem. Monstravit nobis dilectus nobis in Christo Abbas Sancti *Augustini Bristol*. Quod licet ipse non teneat per *Baroniam*, seu aliquo alio modo de nobis in capite, nec Domus sua predicta de fundatione Progenitorum nostrorum Regum *Anglia* seu nostra existat, per quod de veniendo ad Parliaments seu Consilia nostra jure summoneri debeat, idemque Abbas seu predecessores sui ad veniendum ad Parliaments & Consilia hujusmodi * ante annum regni nostri *Anglia* decimum summoniti non fuerint, sicut nec debebant; Dicto tamen anno decimo per procuracionem & abertum quorundam zmalorum suorum, & postmodum continuè idem Abbas ad Parliaments et Consilia nostra voluntarie summonitus fuit, et hucusque prateritu summonicionis ad hujusmodi Parliaments et Consilia nostra multipliciter et indebitè gradatus extitit et indies extitit, super quo supplicavit nobis dictus Abbas, ut sibi super hoc providere de remedio dignaremur. Et quia predictus Abbas

F

bas

bas seu prædecesores sui prædicti ante prædictum annum decimum de veniendo ad hujusmodi Parlamenta et Consilia dictorum progenitorum nostrorum seu nostra summoniti non fuerint, sicut per inspectionem Rotulorum Cancellariæ nostræ nobis constat. Nos consideratione præmissorum volentes securitati & quieti prædicti Abbatis & successorum suorum in hac parte providere, Volumus & concedimus pro nobis & hæredibus nostris, quod idem Abbas nec Successores sui de veniendo ad Parlamenta et Consilia nostra vel hæredum nostrorum futuris temporibus nullatenus summoniantur, nec occasione non aduentus sui ad Parlamenta et Consilia hujusmodi per nos vel hæredes nostros, aut ministros nostros seu hæredum nostrorum quoscumque occasionentur, impetrantur, molestantur in aliquo seu graventur: Ita tamen, quod ipsi Procuratores ad hujusmodi Parlamenta et Consilia mittend. per Clerum consentiant, et ut magis est pro expensis contribuant eorundem. In cujus, &c. T. R. apud Westm. secundo die Maii. Per breve de privato sigillo.

4 Instir. p.
44 45.

These Exemptions of Abbots and Priors the * Author holds to be legal and of meer right, because they held not by *Barony*.

4ly. Our Kings have granted exemptions to *Bishops* and *Archbishops* by reason of their age, or infirmity, or other occasions, to be personally absent from Parliaments and Councils during their lives, or for some years, notwithstanding they held of the King by *Barony*, and that some times upon condition to send Proxies in their places, and other times absolutely, without any such limitation; as these Presidents, not printed nor vulgarly known, will evidence, to omit others.

Pat. 8 R. 2. pars
1. m. 9 intus.
Pro Johanne
Episcopo Lin-
coln.

REX Omnibus ad quos, &c. salutem. Sciatis, quod nos considerantes qualiter Venerabilis in Christo Pater *Johannes* Episcopus *Lincoln.* ad senectutem aequaliter debent, et tam fortis infirmitate detinetur, quod ipse commode laborare non potest, ut solebat: de gratia nostra speciali concessimus ei, quod durante vita sua non teneatur venire in persona sua ad quæcumque Parlamenta seu Consilia nostra infra regnum nostrum tenend. set inde totaliter excusetur durante vita sua supradicta: Ita semper quod ad quodlibet dictorum Parliamentorum nostrorum habeat Procuratores suos idoneos cum sufficienti potestate per Literas suas ad consentiend. ad hoc. quod ad dicta Parlamenta nostra ordinatum fuerit & concordatum. Et etiam, quod habeat Procuratores suos ad prædicta Consilia nostra quando casus hoc requirit. In cujus, &c. Teste Rege apud Westm. Tercio die Decembris.

Per breve de privato sigillo.

Pat. 13 R. 2.
pars 1. m. 19.
Pro Episcopo
Exon.

REX Omnibus ad quos, &c. salutem. Sciatis, quod de gratia nostra speciali, & consideratione diutini laboris quem Venerabilis Pater *Thomas de Brantingham* Episcopus *Exon.* sustinuit in servitio carissimi Domini & Avii nostri Regis defuncti & nostro in diversis Officiis, & ex causa quod ipse ad magnam ætatem debent, et non potest in futur. laborare absque maxima debilitatione et destructione corporis sui: Concessimus ei, quod ipse ex parte generatus existat de veniendo ad Parlamenta vel Consilia nostra quæcumque, set inde omnino sit excusatus, et ipsum inde pro termino vite sue excusamus. Nolentes quod ipse ratione absentie sue a dictis Parliamentis & Consiliis nostris seu aliquo eorundem per nos vel Hæredes nostros seu Ministros nostros quoscumque aequaliter impetitus existat. In cujus, &c. T. R. apud Westm. 26 die Augusti.

Per breve de privato sigillo.

Pat. 4 E. 4.
pars 1. m. 4:
intus. De ex-
emptione pro
Archiepiscopo
Eborum.

REX Omnibus ad quos, &c. Sciatis quod nos considerantes qualiter Venerabilis Pater *Willielmus* Archiepiscopus *Eborum. Angl.* Primas, tanta corporis debilitate ac senio hactenusque infirmitatibus adeo contractus existit, quod ad Consilia seu Parlamenta nostra tenenda absque corporis sui periculo accedere nequeat seu vacare. De gratia nostra speciali, & ex certa scientia & mero motu

motu nostris ac p̄re compassionis intuitu, concessimus eidem Archiepiscopo, quod ipse durante vita sua ad personaliter veniend. ad aliquod Consilium seu Parliamentum nostrum vel Hæredum nostrorum ex nunc tenend. intendend. hujusmodi Consilio seu Parlamento, aut ad ibidem personaliter comparend. ut Dominus Consilii seu Parliamenti nostri vel hæredum nostrorum, p̄out alii Domini de Consilio seu Parlamento nostro fac. nullatenus artetur, teneatur, neque compellatur, nec quod ipse ratione absentie sue ab eisdem Consilio et Parlamento, seu non comparationis sue personaliter in eisdem aliquo qualiter impetatur, occasionetur seu perturbetur: Sed quod ipse de quovis incurso in contemptum, meliorem seu defectum erga Nos vel Hæredes nostros ex causa prædicta penitus sit quietus. Aliquo mandato nostro vel Hæredum nostrorum ubi ex nunc. in contrarium emanante in aliquo non obstante; dum tamen idem Archiepiscopus cum ipsum ab hujusmodi Parlamento nostro vel hæredum nostrorum personaliter abesse contigerit per Procuratorem suum idoneum, seu Procuratores suos idoneos sufficientem potestatem & auctoritatem ab ipso Archiepiscopo habentem seu habentes, ad consentiend. hiis quæ in hujusmodi Parlamento divina favente clementia contigerit ordinari compareat, ut est iustum. In cujus, &c. T. R. apud *Stansford* 10 die *Augusti*.

Per breve de privato sigillo, & de dat. prædict.

See the like Patent of Exemption from Parliaments, by reason of age and infirmity, for the Bishop of *Bath and Wells*, so as he appeared by Proxy, Pat. 1 E. 4. pars 1. m. 8. I shall adde only one more.

REX Omnibus ad quos, &c. salutem. Sciatis quod nos certis de causis & consideracionibus nos specialiter moventibus, de gratia nostra speciali concessimus, et licentiam dedimus, et per præsentem concedimus et licentiam damus Reverendo Patri *Laurentio* Episcopo *Dunelm.* quod ipse durante termino trium Annozum p̄or. sequen. intendere possit & vacare circa negotia sua; & ea quæ sunt ei necessaria & utilia, ac residere & inhabitare ubi sibi melius placuerit infra Regnum nostrum *Anglia.* Et quod non teneatur venire ad aliquod Parliamentum sive Consilium nostrum, set inde exoneratus et excusatus sit durante termino prædicto. Aliquo mandato nostro in contrarium dirigendo seu fiendo imposterum non obstante. In cujus, &c. T. R. apud *Westm.* 1^o die *Aprilis*.

Pat. 4 E. 4.
pars 1. m. 17.
intus. Pro Episcopo *Dunelm.*

Per breve de privato sigillo, & de data, &c.

gly. Our Kings by their Patents have exempted some Temporal Lords, by reason of age and infirmity, from coming to any Parliaments or Councils of the Realm, and all penalties that might be imposed on them for not repairing to them, during their lives, and yet giving some of them liberty to resort to them when they pleased. The Author, p. 49. misquotes three Patent Rolls together in his Margin, as relating to such exemptions, when as I can find nothing in any of them to that purpose. I shall therefore present you with these ensuing Presidents transcribed out of the Rolls themselves with which I have compared them, to gratifie the Readers, and justifie their legality, against the Authors single opinion to the contrary. The first is that for *James de Audels*, Baron of *Helegh*, Anno 27 E. 3.

REX Omnibus ad quos, &c. salutem. Sciatis quod de gratia nostra speciali concessimus pro nobis & hæred. nostris dilecto & fideli nostro *Jacobo de Audels de Helegh*, quod ipse ad totam vitam quietus sit de veniendo ad Parliamenta et Consilia nostra et hæred. nostrorum, ac etiam ad congregationes Magnatum et Procerum ad mandata nostra vel hæredum nostrorum ubicumque faciend. Ita quod idem *Jacobus* quoad hinc, ratione non adventus sui ad Parliamenta, Consilia, seu congregationes hujusmodi, seu Personalis Comparationis in eisdem per nos vel Hæredes nostros, aut Ministros nostros quocunque

Pat. 27 E. 3.
pars 1. m. 13.
Pro *Jacobo de Audels*, de non veniendo ad Parliamenta. See *Cottoni Posthuma*, p. 264.

cunque non impetatur, occasione[m] aequaliter seu grabetur, &c. In cujus rei &c. Teste Rege apud *Westm.* 20 die *Aprilis*.

* See the first Part of my Brief Register, &c. p. 298, 299.

Per ipsam Regem.

The second is that for * *William* Lord *Lovel*, Anno 24 H. 6.

Pat. 24 H. 6. m. 19. pars 1. De non veniend. ad Parl. *Lovel*.

REX Omnibus Ballivis & fidelibus suis ad quos, &c. salutem. Sciat, quod cum *Wilb. Lovell* Miles ad *Parlamentum* et *Concilia* nostra ad mandatum nostrum, venire teneretur, hinc est quod idem *Wilhelmus*, ob *libertas* infirmitates quibus detinetur, absque maximo *compos* sui *periculo* ad *Parlamentum* et *Concilia* praedicta laborare non sufficeret, ut informamur. Nos praemissa, ac bona & gratuita servitia quae idem *Wilb.* tam *Patri* nostro defuncto, quam nobis in partibus transmarinis impendit, & nobis in *Regno* nostro *Angl.* impendere desiderat considerantes, de gratia nostra speciali concessimus eidem *Wilb.* quod ipse durante vita sua per nos vel haered. nostros ad veniend. ad *Parlamentum* seu *Concilia* nostra quacunque tenet. sibi in posterum tenent. contra voluntatem suam non ardeatur nec compellatur quibus modo. Sed quod ipse ab huiusmodi *Parlamentis* et *Conciliis* in futurum. & absentare possit licite et impune, aliquo *Statuto*, *Actu*, *Ordinatione* sibi mandata inde in contrarium facta. ordinat. sibi prohib. non obstante. Et ulterius volumus, & eidem *Wilhelmo* per praesentes concedimus, quod absentia huiusmodi non cedat ei in dampnam seu praedictum quocunque modo, sed quod praesenti *Carta* nostra de exemptione, per praesatum *Wilhelmum* seu alium quemcunque nomine suo in quibuscunque locis infra *Regnum* nostrum *Angliae* demonstrat. super demonstratione illa eidem *Wilhelmo* valeat & allocetur. Proviso semper, quod idem *Wilhelmus* ad * voluntatem suam, & haeredes sui loca sua in *Parlamentis* & *Conciliis* praedictis habeant & teneant, prout idem *Wilb.* & Antecessores sui in huiusmodi *Parlamentis* & *Conciliis* ab antiquo habuerunt & tenuerunt, concessione nostra praedicta non obstante. In cuius, &c. Teste Rege apud *Westm.* quarta die *Febr.*

* Whence I find him summoned to all *Parliamentis* after this Patent, to which he might voluntarily resort. See the First Part of my Brief Register, p. 298, 299.

Per breve de privato sigillo, &c. dat. 24 die Novemb. auctoritate Parliamenti.

The third is this for Sir *Henry Bromflet* Baron of *Vesfy*, Anno 34 H. 6.

Pat. de Anno 34 H. 6. pars 1. m. 13. Pro *Henr.* Domino *Vesfy*, de exemptione. † See here, p. 28.

* Nota.

REX Omnibus ad quos, &c. salutem. Sciat, quod nos grata & laudabilia servitia quae dilectus & fidelis noster *Henr. Bromflete* Miles, Dominus *Vesfy* (created † a Baron by Writ, *Claus.* 27 H. 6. m. 24. dorso,) necum nobis, verum etiam recolendae memoriae praecarissimis avo & patri nostris super *Regibus Angliae* defunctis, tam in nostris *Regno Franc.* & *Ducatu Norman.* quam in *regno* nostro *Angliae*, * absque aliquo regardo a nobis seu a beato *Patre* nostro per ipsum *Henr.* recepto, multipliciter impendit merito contemplantes, et qualiter idem *Henricus* tanto et tantis infirmitatibus detentus esset, quod absque maximo *compos* sui periculo laborare non sufficeret, ut accepimus; Volentesque idcirco pro tranquillitate et quiete *suberem Henrici* in futurum habend. prohibere: de gratia nostra speciali concessimus eidem *Henr.* quod ipse durante vita sua ad personaliter veniendum ad personam nostram per aliquod *liber* sub magno vel privato sigillo nostro, aut per litteram sub sigillo signetti nostri, vel per aliquod aliud mandatum nostrum vel haeredum nostrorum, seu ad aliquod *Concilium* sibi *Parlamentum* nostrum vel haeredum nostrorum *etiam* tenend. ad veniendum nobis seu huiusmodi *Concilio* sibi *Parlamento*, seu ad aliud personaliter comparandum ut *Domino Concilio* seu *Parlamento* nostro vel haeredum nostrorum, prout illi *Domini* vel *Concilio* seu *Parlamento* nostro faciunt, vel aliquo alio modo nullatenus ardeatur neque compellatur: nec quod ipse ratione absentiae suae a nobis, seu ab eodem *Concilio* et *Parlamento*, seu non comparationis suae personaliter vel eisdem, seu alio modo *compos* sui, a quoque impetatur, molestetur, occasione[m] seu grabetur, sed quod ipse iuxta voluntatem suam

suam de quobis incurru in contemptum, mespersionem, seu defectum erga nos et heredes nostros ex hac causa penitus sit quietus et exoneratus; aliquo mandato nostro vel heredum nostrorum sibi emanante in contrarium emanante in aliquo non obstante. Volimus insuper & concedimus eidem *Henr.* pro nobis & heredibus nostris, quantum in nobis est, quod si aliquociens in futurum contingat dictum *Henricum* pro suis fortasse expediendis negociis, aut alia vel aliis causis ad nos seu ad aliquod Consiliorum seu * Parliamentorum hujusmodi ultro accedere, ipse tamen omnibus et singulis privilegiis et immunitatibus prout alii Barones de regno nostro *Anglia* predicto habent, habeat, gaudeat, et utatur; sed per hoc tamen huic gratiae nostrae nec pro tunc nec pro aliis temporibus quomodolibet derogetur, quin secundum voluntatem suam, ac juxta ordinem vim et effectum praesentis concessionis nostrae, a praesentia nostra, seu a quibuscumque Consiliis nostris aut Parliamentis nostris vel heredum nostrorum de quibus praefertur, absque offensa nostri vel heredum nostrorum se quando placuerit valeat ad propria divertere, et a quibuscumque aliis se libere absentare, aliquo Statuto, Actu, vel Ordinatione inde in contrarium facta, ordinata, seu prohibita non obstante. In cujus, &c. Teste Rege apud *Westm.* 12 die *Maii*.

Per ipsum Regem, & de data predicta, auctoritate Parliamenti.

* I find him afterward in the summons of Parliament, An. 38 H. 6. & 1, 2, & 6 E. 4. See the First Part of my Brief Register, &c. p. 271.

To these I might add the Exemption of * *Roger de Brabazon*, a Judge of the the Kings Bench and Privy Counsellor, from his attendance there, yet with free liberty to repair to the Kings Privy Council, et ad Parliamenta nostra ad summationem nostram sine impedimento, propter debilitatem corporis senescentis, ac infirmitatum frequentiam qua indies plus solito instruitur praegravari. Par. 9 E. 2. pars 2. m. 31. incus. Teste Rege apud *Lincol.* 23 die Febr.

* See Ryley, Appendix ad Plac. Parl. p. 554.

Now why such Exemptions to these Spiritual and Temporal Peers and Barons from coming to Parliaments and Councils of the King and Kingdom, rarely granted out of special favour to them at their own requests, (especially when disabled personally to repair to them, by reason of age or infirmity) should not be good in Law, as well as exemptions of persons from being elected Mayors of Cities, Sheriffs, Coroners of Counties, Verderers of Forests, and discharges of them from such offices by reason of age and infirmity after their elections to them, and from serving in Juries, (of which there are hundreds of presidents in the * Clause & Patent Rolls in the Tower, as well as in our Year-books): And why our Kings may not at their own requests dispence with Lords attendance in Parliament upon such just grounds, as well as create them Lords of, and summon them to Parliaments at first, without any prejudice to the Kingdom or the Crown, I can yet discern no reason. Yea the Authors Maxime, p. 28. *Nihil tam conveniens est naturali aequitati, nunquamque dissolvi eo ligamine quo ligatum est*, will justify these exemptions to be legal; else either House of Parliament, which usually * dispence with their Members absence upon extraordinary occasions of their own private concernments, (especially in cases of age and infirmity) though summoned thither by the Kings Writs, and specially elected, entrusted to serve the King and kingdom, shall have a greater Prerogative and Authority than the King himself, whom the Author acknowledgeth, p. 1. to be *Caput, Principium, et Finis*, of the High Court of Parliament.

* See the titles De non ponendis in Assis, &c.

* See here, p. 17.

I shall only draw this Argument from these presidents, That if our Kings by reason of age and perpetual infirmity may exempt Spiritual and Temporal Lords and Barons during their lives from any attendance in the Lords House; then by the self-same Law, reason, equity, aged, impotent, infirm Knights, Citizens, or Burgesses, unable to appear and serve the King and their Country in Parliament, may be discharged the Commons House (especially at their own requests, or those they serve for,) and new elected in their places; notwithstanding the Authors opinion to the contrary; Of which before, page 11, 12.

Page.

Page 50, 51, 52. In perusing over the Rolls of Parliament we finde, First, divers Acts of Parliament in print, that are not of Record in the Roll of Parliament, with 7. observations more; (most of them transcribed out of ^a *An Exact Abridgement of the Records in the Tower*, collected by Mr. Vincent, but published under the name of Sir Robert Cotton since the Authors decease, London 1657. as my Table to it, Title *Statutes* will inform you) As for the first; These are in print, but not of Record, 20 E. 3. the Oath of the Judges, 37 E. 3. c. 7. concerning Silver vessels, 37 E. 3. c. 19. Of Hawks, 2 R. 2. c. 5. Of News, 3 R. 2. c. 3. Of fained Gifts, 7 R. 2. c. 15. against Maintenance, 9 R. 2. c. 5. of Error and Attains, 11 R. 2. c. 4, 5, & 6. Not of Record, 13 R. 2. c. 12. touching Clothes, 13 R. 2. c. 19. concerning Salmons, 13 R. 2. c. 2. (it should be 20) touching Pilgrims, 13 R. 2. cap. 15. concerning the Kings Castles and Goales, 14 R. 2. cap. 7. concerning Tinne, 17 R. 2. c. 8. of unlawfull Assemblies, 17 R. 2. c. 9. concerning Salmons, 27 H. 6. c. 3. concerning employments: in print, but not of Record: But all these are apparent mistakes; for although they are not of Record in the Parliament Rolls of these respective Kings, and years of their reigns; yet every one of them (the Judges Oath 20 E. 3. excepted) are at large recorded in the Statute Rolls of these Years in the Tower of London, where all who please may peruse them as I have done, for my own satisfaction herein. As for the Oath of the Judges, Barons of the Exchequer, and Justices Itinerant, and the Ordinances annexed to the Oath, they were made by the King (because of divers complaints to him) by the assent of the Great men and other Wise men of his Council, and commanded to be openly published by the Sheriffs of every County by special Writs issued to them for the reasons specified in the beginning and close of the Writs, bearing date the 7. day of May, 20 E. 3. at least three moneths before the Parliament held that year at Westminster, the Monday next after the feast of the Nativity of the Virgin Mary, (being the 8. of September) as the ^b Writs of Summons attest: and they are all entred together of Record (as they are printed in our Statute Books at large) in Clauf. An. 20 E. 3. pars 1. m. 12, 13. but not in the Parliament or Statute Rolls of that year, because not made in, but before the Parliament, by the King, with the assent of the Great men and other Wise men of his Council: and the Commons themselves were so well pleased with this Oath, that (in their Petition to the King in the Parliament of ^c 20 E. 3. entred in the Parliament Roll, nu. 25.) they prayed, that Justices of Assise and of Inquiry might be sworn by the SAME OATH as the Justices of the Bench, and that the chief of them might have power to swear the rest; which the King assented to, with some qualifications. In the Parliament of 21 E. 3. nu. 7. they petitioned, that his other Ministers might take the Oath, and might be sworn to take nothing from any other. To which the King returned this answer; The King will advise what other Ministers shall be fit to take the Oath, and will do what shall be needfull. In the Parliaments of 25 E. 3. rot. 10. Sir William Thorp was condemned for breach of this Oath by taking Bribes, and the Parliaments of An. 3 R. 2. rot. 2 Parl. nu. 39, 40. An. 7 R. 2. nu. 27. & An. 10 R. 2. nu. 24. mention the Judges and Justices Oath, and urged it to be retaken by them: It is strange therefore it should be asserted not to be of Record; the rather, because I finde a shorter Oath prescribed to the Judges before they were admitted to their places, in Clause 18 H. 3. m. 19. Cl. 35 E. 1. m. 7. & Clauf. 1 E. 2. m. 19. dorso; Cl. 5 E. 3. pars 1. m. 27. agreeing in most Clauses with that ^{*} therein prescribed to those of the Kings Council, especially in the later Clause.

True it is (as the *Exact Abridgement of the Records in the Tower*, p. 82. observes, and the Author out of it, p. 51.) that the Statutes of 27 E. 3. c. 4, 5, 6, 7, 8. concerning the Aulnager and Gascoign Wines in our printed Books, are not of Record, neither in the Statute, nor Parliament Rolls for ought I can find upon my search after them; yea I finde this Petition in the Parliament Roll of 27 E. 3. m. 3. nu. 11. for the taking away the Aulnagers Office as † grievous and hurtful to the people, and giving the King something upon every Cloth in lieu thereof.

^a See An Exact Abridgement of the Records in the Tower, p. 98, 173, 180, 297, 313, 326, 335, 340, 356, 639.

^b Clause 20 E. 3. pars 2. m. 2. dorso. & My Brief Register, &c. Part 1. p. 50, 51.

^c An Exact Abridgement of the Records in the Tower, p. 48.

^{*} See Clauf. 37 H. 3. m. 9. & The First Part of my Brief Register, &c. p. 391, 392. See Ryly Plac. Parl. p. 317, 318, 513, 514.

† See 4 Instit. p. 31.

Item prient a nostre Seigneur la Roy, qe de sa bone grace lui pleste ostier loffic d'aunlage, qe est en † damage de lui et de tout son Roialme, et en lieu de ceo q'deiner un autre profit plus en avantage de lui et en safe de son people, et pur la realte s'aver, cest assaver de chescun Drapier entier, quatre deniers, a p'endze del vendour.

† Nota.

R. Quant al seconde Article veignent le Communes devant les Chancelier & Tresorer, & tretont de cest point au fin, qe bone recompenation ce face au Roy pur loffic du dit Office.

Whether the printed Statute concerning the Aulnager, was drawn upon the Commons subsequent treaty with the Chancellor and Treasurer upon a petition longer than that in the Parliament Roll, which abridged only the general scope and substance thereof; or whether it were a real Statute, since not extant in the Parliament or Statute Roll, let others determine.

For the second Observation p. 51. Of Acts which are of record and not in print; That of Bribery and Brocage in Great Officers, Judges, &c. 12 H. 4. nu. 28. & nu. 63. concerning Astormies, which seem to be publike; they were only the Kings answers to the Commons Petitions; yet with a *Respectuatur per Dominum Principem & Consilium*, added to both of them in the Margin of the Parliament Roll; who thought not meet to put them into a Law, or execution, but respited them to further consideration. No wonder therefore they were never printed as Acts or Statutes; As for the rest, they are all but private Acts concerning particular persons; therefore not fit to be printed among publike Acts, since no private Acts are printed at this day, but only their Titles.

For the other Observations, I shall referre you to An Exact Abridgement of the Records in the Tower of London, (and Title Statutes in the Table) from whence the Author seems to have transcribed them.

For the 7th. Page 52. Whole Parliaments omitted out of the print. (in our Statute Books) There were no publike Acts passed in them (except aydes granted) fit to be printed; but only debates concerning the defence of the Realm against enemies, redresse of grievances, answers to private Petitions, and contents between the Archbishops, Great men, and others, fitter for Parliament Rolls and Histories, than our Statute Books.

I shall close My Animadversions on this Chapter Of Parliaments, with these 6. Additional Records. The 1. concerning a summons, proceedings and determination of a right of Patronage upon Petitions in Parliament, and the hastning of a Judgement in them when long delayed, which may be referred to p. 38, 39. The 2d. and 3d. concerning the resommoning of Assistants and Commoners departing from Parliament, without the Kings special license during the Sessions, which may be reduced, p. 17, to 22. The 4th & 5th for proroguing Parliaments to a further time, when they had sate longer than they expected, or before they sate; The 6th, for revoking them before they met.

R EX dilecto sibi Bonifacio de Salucis salutem. Quia quorundam negocia per venerabilem patrem W. Archiepiscopum Eborum per petitionem presentibus interclusam in Parlamento nostro apud Karliolum, et per petitiones consimiles in aliis Parliamentis nostris per predecessores suos, necnon & negocia dilecti & fidelis nostri * Rogeri le Brabantis super jure Patronatus Ecclesie de Brigeford coram nobis et Consilio nostro proposita, multo tempore agitata dilacionem ceperunt diutinam; Nos ne negocia illa diucius ob pericula ex hujusmodi dilacione imminere manifeste noscuntur pendeant ulterius indecisa, volentes, ut nunc saltem sine debito terminentur, ad quod presentia vestra requiritur specialiter in hac parte; Vobis mandamus, quod in Crastino Sancti Gregorii Papae, coram nobis et Consilio nostro sitis, per vos vel alium sufficienter instructum apud Karliolum, ostensuri, si quid pro jure nostro, ac etiam statu vestro quoad contenta in petitionibus predictorum Archiepiscopi & Rogeri habeatis, quare ad finalem expedicionem predictorum negociorum minime fuerit procedendum, deferentis seu mixtentes evidencias unversas quas invenieritis

Claus. 25 E. 1. m. 14. dorso. De veniendo coram Rege pro advocacione Ecclesie de Brugesford.

* An eminent Judge, & Privy Counsellor.

tis vel habueritis in præmissis. Et habeas ibi tunc hoc breve. T. R. apud *Laure*
roft 8 die Febr.

Claus. 5 E. 1.
pars 1. dorf. m.
27.

* See Claus. 4
E. 2. m. 1.
dorf. Cl. 5 E. 2.
dorf. 14.

REX dilecto & fideli suo *Roberto de Resford* salutem. Nuper vobis ex parte nostra fuit injunctum, quod una cum cæteris de Consilio nostro in præsentem Parlamento nostro *London*. * ad terminand. ibidem super diversis & arduis negociis Nos, & statum regni nostri tangentibus, moxam continuam faceretis, quousque aliud inde præcepissemus; Vosque mandatum nostrum in hac parte minus julle ponderantes, a dicto Parlamento cæteris de Consilio nostro ibidem circa dicta negocia nostra tractantibus, ad partes alias vos elongastis, unde admiramur non modicum, et merito conturbamur. Vobis igitur mandamus in fide quâ nobis tenemini firmiter injungentes, quod statim vobis præsentibus, omnibus aliis prætermittis, usque ad dictam Civitatem omni festinatione redeatis, ibidem cum cæteris de Consilio nostro dictis negotiis tractaturi, bestrumque Consilium impensuri, et exinde sine licentia nostra speciali durante Parlamento prædicto nullatenus recedatis. Et hoc sicut indignationem nostram vitare volueritis nullo modo omittatis. Teste Rege apud *Haddesley*, 12 die Septemb.

Eodem modo mandatum est *Wilhelmo de Ormesby, Richardo de Beresford, Henrico de Staunton, Johanni de Mansford, Henrico le Scrop, Henrico de Guldeford, Wilhelmo de Colney, W. de Goldington, Johanni de Insula, Johanni de Duncastre, Johanni Lovel de Falsescumbe, Ricardo de Rodeney, Johanni Cheynel, Wilhelmo de Bourne, Johanni de Botesford, Rogero de Scotre.*

Roc. Cl. 5 E. 2.
m. 26. dorf.
See The 2d
Part of My
Brief Register,
P. 73, 74. &
the Observations
on & from
this Writ.

* Members
would better
attend if others
were chosen in
their places for
their Non-attendance
and departure
without the
Kings licence.

Claus. 5 E. 2.
m. 25. dorf.

REX Vic. *Eborum* salutem. Præcipimus tibi firmiter injungentes, quod illos Milites, Cives et Burgenses de balliva tua quos nuper ad præsens Parliamentum nostrum apud *London*. inchoatum, de mandato nostro venire fecisti, et qui ab eodem Parlamento certis de causis recesserunt, vel * alios ad hoc idoneo loco ipsorum & ad hoc hacere non possint, usque ad idem Parliamentum quod ibidem durimus continuandum venire facias, Ita quod sint ibidem in crastino Sancti *Martini* prox. futur. ad ultimum, cum sufficienti potestate Comitatus tui & Civitatum ac Burgorum prædictorum, ad consentiendum hiis que tunc ibidem super negociis, pro quibus dictum Parliamentum est taliter continuatum de nostro Communi Consilio contigerit ordinari, & ad faciendum ulterius, quod ipsis tunc ex parte nostra plenius injungetur. Et habeas ibi nomina Militum, Civium & Burgens. & hoc breve. T. Rege apud *London*. 12 die Octobr.

Consimiles literæ diriguntur singulis Vicecomitibus per *Angl.* Many of the Knights, Citizens, and Burgessees departing from it without licence.

REX Venerabili in Christo Patri *R.* eadem gratia Archiep. *Cantuar.* totius *Angl.* Primati, salutem. Ad instantiam quorundam Prælatorum, Comitum, & Baronum de regno nostro nobiscum in isto Parlamento nostro apud *London*. hucusque commorantium, ac desiderantium propter diutnam moxam suam inibi factam ad partes proprias se transferre, et de ipsorum consilio et assensu Parliamentum illud usque in diem *Veneris* proximam post festum *Omnium Sanctorum* prox. futurum, apud *Westm.* celebrand. durimus continuand. et quibusdam de Prælatibus, Comitibus et Baronibus prædictis licentiam concessimus se interim ad propria divertendi; Ita videlicet, quod sint apud *Westm.* ad dictum diem *Veneris* ad ultimum, Nobiscum ibidem et etiam nobiscum, ac cum cæteris Prælatibus ac Com. Baron. et al. fidelibus nostris de regno nostro prædicto, qui nobiscum intererunt tunc ibidem, super diversis et arduis negociis Nos et statum regni nostri tangentibus tractaturi. Et insuper ad hujusmodi continuationem Parliamenti nostri prædicti apud *Westm.* interim faciendum Venerabiles Patres *W. Wygorn.* Episcopum Cancell. nostrum, & *J. Bathon.* & *Willel.* Episcopum, & dilectum & fidelem nostrum *Henr. de Percy*, dilectum Clericum nostrum *Johannem Sandale* Theol. Justic. & quosdam al. fideles nostros deputavimus loco

loco nostri. Et quia in tractatu negociorum prædictorum in Parlamento prædicto vestram præsentiam perquam necessariam reputamus, Vobis mandamus rogantes, quatinus dicto die Veneris ad ultimum sitis apud *Westm.* in propria persona vestra, *Subscriptum*, et cum cæteris *Prælatiis*, *Proceribus* et *fidelibus* supradictis super memoratis negociis tractaturi, vestrumque consilium impensuri. Et ut negocia prædicta feliciter exitum forciantur, Vobis similiter mandamus rogantes, quod præmuniat Decanos & Priores Ecclesiarum Cathedralium ac eorum Capitula, necnon Abbates, Archidiaconos ac totum Clerum vestre Diocæsiæ, totiusque vestre Provinciæ *Cantuar.* quod iidem Decani, Priores, Abbates, & Archidiaconi in propriis personis suis, dicta Capitula & Clerus per Procuratores sufficientes plenam potestatem ab eisdem Capitulis & Clero, hiis quæ in Parlamento prædicto ordinari contigerit consensu habentes, eidem Parlamento in Octabis S. *Martini* prox. futur. modis omnibus exhibeant se præsentem. T. R. apud *London.* 8 die *Octobr.*

Eodem modo mandatum est Vicario Generali Archiepiscopi *Eborum*, &c. & Vicar. of 4. other Bishops, then *in remotis agendis.*

REX Venerabili in Christo Patri *J.* eadem gratia *Cicestr.* Episcopo, and 9 other Bishops.

REX Abbati *Westm.* salutem. Quia, &c. and to 7. more Abbots therein named. Teste ut supra.

REX dilecto Consanguineo & fideli suo *Thoma* Comiti *Lanc.* salutem. Ad instantiam, &c. Teste ut supra.

REX dilecto nepoti & fideli suo *Gilberto de Clare* Comiti *Glouc. & Hertf.* salutem, &c. Teste ut supra.

Eodem modo mandatum est Com. & Bar. subscript. viz. *Gnidoni de Bello Campo* Com. *Warr.* & 44. aliis Comitibus & Baronibus.

The Archbishop of *Canterbury* being discontented with some words in the Writ, and the shortness of the time to summon the Clergy of his Province, there being not above 28 days between the date of the Writ, and the day of their meeting upon this adjournment; the King being informed of it, issued this second Writ to him, giving him a longer time to summon his Clergy, if the former were too short, (the like whereof I have not observed) leaving the set time to his discretion, and *intreating*, instead of *commanding* him, somewhat below his Royal dignity.

REX Venerabili in Christo Patri *R.* eadem gratia Archiep. *Cantuar.* &c. salutem. Cum nuper Parliamentum nostrum quod tenendum *London.* fecimus summoneri, usque in diem Veneris prox. post festum *Omnium Sanctorum* prox. futurum quibusdam de causis apud *Westm.* celebrandum duxerimus continuandum, &c. ac quædam verba in dicto brevi inserta vobis displiceant, sicpe intelligi nobis datur, & quod tempus minus breve vobis videtur ad præmunionem hujusmodi faciendam, &c. Scire vos volumus, quod intentionis nostre non extitit nec existit, quod per aliqua verba in dicto brevi nostro apposta, vobis vel Ecclesie vestre præjudicium aliquod generetur, unde si quod verbum præjudiciale in dicto brevi contineatur, illud in dicto Parlamento modo debito corrigi faciemus. Vos igitur rogamus, quod si dicta præmunitio ad dictas Octab. commode fieri non possit, tunc eam ad Quindenam vel tres septimanas post festum *Sancti Martini*, prout discretio vestra faciend. viderit fieri fac. ne propter absentiam dictorum *Prælatorum* et *Cleric.* negotia prædicta, quod absit, assualiter retardentur. Teste Rege apud *Eltham* 24 die *Octobr.*

ibidem;

^a Printed in the First Part of my Brief Register, p. 18. & Part 4. p. 31, 32.

^b Claus. 49 E. 3. dorf. 10. See the 4th Part of my Brief Register, p. 3, 4.

^c Cl. 27 E. 1. dorf. 9. Cl. 8 E. 1. dorf. 12. The Fourth Part of my Brief Register, p. 8, 16, 17, 19, 20.

^d Cl. 34 E. 1. dorf. 2. Cl. 35 E. 1. m. 13. dorf. The First Part of my Brief Register, p. 167, 168.

^e See Ryley his Plac. Parl. p. 300, to 385. Mat. Westm. Walsingham, H. de Knyghton & others, An. 34 & 35 E. 1. The First Part of my Brief Register, p. 25, 26, 27. Part 4. p. 29, 30, 34, 35.

It appears by the Writs of Summons to this Parliament at London, Claus. 4 E. 2. m. 1. dorso, compared with the Writs ^a *De Expensis Militum, Civium & Burgensium*, Claus. 5 E. 2. dorf. 24. that this Parliament sate at London not above 9. weeks, from the 9th of August till the 8th of October, and then at the special request of some Prelates, Earles and Barons who continued at it, it was adjourned and prorogued for about one moneth space, *propter moram diutina*, few Parliaments before sitting half so long as this. The first Parliament to which we finde any Knights or Burgeses summoned by Writ, was in 49 H. 3. to settle the peace of the Kingdom after the Barons Wars, which they accomplished in 32 dayes, and then dissolved; yet that was reputed ^b *moza diuturnior quam credebant*. The Parliament of 28 E. 1. which confirmed the Great Charter, and made *Articulis super Cartas*, was summoned to meet on the second Lords day in Lent, and ended the 20 day of March, whereon the ^c Writs for the Knights and Burgeses expenses were dated, sitting not 3. weeks space. The famous Parl. at Lincoln where in the King and Nobles writ their Memorable Letters to Pope Boniface, evidencing the superiority of the Kings of England over the Realm of Scotland, and the Homages done by the Kings of Scotland to them in all preceding ages as the Supream Lords thereof, met *Octabis Hilarii*, Jan. 20. and ended the 30. of the same Moneth, and then dissolved, having dispatched that weighty affair with others, and the Perambulation of Forests in 10 dayes space, as the Writs of Summons, and for the Knights and Burgeses Expenses dated Jan. 30. 28 E. 1. assure us. The Parliament of 33 E. 1. was summoned and met at Westminster in *Octob. Purificationis beatae Mariae*, Feb. 10. and ended the 21 day of March following, as *Plac. Parliamentaria* (See Ryley, p. 241.) and the Writs *de expensis* dated two dayes after 23 *Marcii* 33 E. 1. demonstrate, sitting but 39 dayes at most, and then dissolving. ^d The Parliament of 35 E. 1. at Karliot was summoned to meet there *Octob. Hilari*. 20 Jan. when the King expected Cardinal Sabines presence at it: but he not arriving there as was expected, the King prorogued it by another Writ, till the Lords day next after *Mid-lent*, and on *Palm-Sunday* the Parliament ended, as the Writs of Expenses dated 10 *die Martii* recite; so that this Parliament sate only 14 dayes (whereof 3. were Lords dayes) though those Knights and Burgeses who continued there during this prorogation had their wages allowed them from their first setting out to come to that Parliaments first meeting, Jan. 20. What great things they did in that short Parliament, in opposing the Popes and his Agents extortions, Provisions, furthering the Expedition against the Scots, concluding Prince Edwards Marriage with France, &c. ^e *Placita Parliamentaria* and our Histories will inform us. In the first year of King Edward the 2d, there were 2. Parliaments, and in his 2d. year 4. Parliaments summoned and held, as the *Clausule Rolls* attest, who all sate but very few dayes, the certain number whereof I cannot define; only I finde by Clause 2 E. 2. dorso 11. that one of those Parliaments was summoned to meet *die Pascha*, (about the 20 day of April) and ended May 13. as the Writs *De Expensis* Cl. 2 E. 2. dorf. 4. assure us. This Parliament therefore of 5 E. 2. sitting 9. weeks space together, so tyred the Lords, Kings Council, Knights and Burgeses, that most of them departed from it without license, as the premised Writs, and these for their resummons at the day to which it was continued, attest; and the rest petitioned the King to adjourn it as aforesaid, and then had license to repair to their homes. Upon their re-assembling the next day after St. Martyn, (Nov. 12.) they sate only till the Saturday after St. Lucies day, (being 16 Decembr.) as the Writs *De Expensis* dated 18 Decembris recite, Cl. 5 E. 2. dorf. 16. so as they sate but 33 dayes, and then dissolved. And new Writs issued Decembr. 19. being the next day, for another Parliament at Westminster the first Lords-day in Lent following. How other of our ancient Parliaments during the reigns of King Edward 2, 3. Rich. 2. H. 4, & 5. sate only 4, 7, 8, 9, 10, 11, 12, 14, commonly but 15, 16, 17, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, or 31 dayes; and very few above 40 dayes; and that upon extraordinary emergent occasions; but none above 67 dayes at any one Sessions, I have at large irrefragably

fragably demonstrated by *Records* in the ^f *Fourth Part of my Brief Register of Parliamentary Writs*, to which I refer you. And happy would it be for the Subjects (as many considerate men apprehend) if Parliaments were reduced to their primitive brevity, or * *frequency*, to prevent the multitudes of long-lasting *Protections* of Members, Assistants, Officers of both Houses of Parliament, their servants, and dependents, against their Creditors, Land-holds, others suits, whose monyes, rents, Lands are detained by them to their undoing, especially when the Priviledges of Parliament are so farre extended beyond their innocent ancient bounds *enudo, morando & redende tantum*, and multiplied *in infinitum*; which would make Writs *De Revocatione Parliamenti*, when they have late over-long, more gratefull to the Kingdom, then Writs *de Prorogatione Parliamenti*, whereof there are * *sundry* in our *Records*, one whereof containing a double Prorogation of a *Parliament* to be held at *Lincolne* (at the Prelates and Clergies request) before it met, I shall here present you with for its rarity.

f See the Table thereto, Tit. Parliament, and the pages there quoted.

* See 4. Instit. P. 9.

* Claus. 23 E. 1. m. 2. dor. Cl. 36 E. 1. m. 7. dor. Cl. 35 E. 1. m. 13. dor. Cl. 5 E. 2. m. 25 dor. Cl. 5 R. 2. m. 25, 26 dor. fo.

REX Venerabili in Christo Patri W. eadem gratia Archiepiscopo Cantuar. totius Angl. Primati, salutem. Licet nuper super diversis & arduis negotiis Nos & statum Regni nostri specialiter tangentibus, Parliamentum nostrum apud *Lincoln*. in Quindena Sancti *Hilarii* prox. futur. præterita tenere, & vobiscum ac cum cæteris Prælati, Magnatibus, & Proceribus dicti Regni habere proposuissemus colloquium & tractatum. Et vobis mandassemus, quod dictis die & loco omnibus aliis prætermis, personaliter interessetis ibidem, nobiscum ac cum cæteris Prælati, Magnatibus & Proceribus prædictis super dictis negotiis tractatur, vestrumque (Consilium) impensur. Et postmodum Parliamentum prædictum apud locum prædictum tenend. usque ad primam Dominicam *Quadagesimæ* prox. futur. ad requisitionem Prælatorum dicti Regni durissemus prorogand. Vobis mandantes, quod ad dictum locum in dicta Dominica ex causa præmissa interessetis: Ad requisitionem Prælatorum ac Cleri Regni nostri prædicti Parliamentum prædictum adhuc usque in *Crastinum Sanctæ Trinitatis* prox. futur. apud locum prædictum tenend. durimus prorogand. Et ideo vobis mandamus in fide & dilectione quibus nobis tenemini firmiter injungentes, quod loco & crastino prædictis, omnibus prætermis personaliter interfis ibidem, nobiscum ac cum cæteris Prælati, Magnatibus & Proceribus prædictis super dictis negotiis tractaturi vestrumque Consilium impensuri. Præmunientes Priorem & Capitulum Ecclesiæ vestræ *Cantuar.* Archidiaconos, totumque Clerum vestræ Dioc. quod iidem Prior & Archidiaconi in propriis personis suis, & dictum Capitulum per unum, idemque Clerus per duos Procuratores idoneos plenam & sufficientem potestatem ab ipsis Capitulo & Clero habentes, unâ vobiscum interfis modis omnibus tunc ibidem, ad faciend. & consensuend. hiis quæ tunc ibidem de Communi Consilio favente Domino ordinari contigerit super negotiis antedictis. Et hoc nullatenus omitatis, &c. T. R. apud *Westmonaster.* Tertio die *Martii*.

Claus. 11 E. 2. m. 8. dor. fo. De Prorogatione Parliamenti.

Per ipsum Regem.

Eodem modo mandatum est diversis Episcopis, Abbatibus & Prioribus subscriptis (named in the Record) T. ut supra.

REX dilecto Consanguineo & fideli suo *Thoma Comiti Lancast.* salutem: Licet, &c. ut supra. Teste ut supra.

Eodem modo scribitur subscript. videlicet, *Thoma de Brodberton Comiti Norff.* & aliis Comitibus & Baronibus (there named.) T. ut supra.

REX Vic. *Essex.* & *Heriford.* salutem. Licet, &c. usque duobus prorogand. ut supra. Et tunc sic. Et ideo tibi præcipimus firmiter injungentes, quod de utroque Comitatu. Com. prædictorum duos Milites, & de qualibet Civitate Com. illorum duos Cives, & de quolibet Burgo duos Burgenfes, de discretioribus & ad laborand. potentioribus eligi, & eos ad dictum locum in dicto

Craftino venire fac. Ita quod Milites plenam & sufficientem potestatem pro se & Communitate dictorum Com. Et dicti Cives & Burgenses pro se & Communicatibus Civitatum & Burgorum predictorum, divisim ab ipsis habeant tunc ibidem, ad faciend. & consenciend. hiis quæ tunc de communi Consilio favente Domino ordinari contigerit super negotiis antedictis: Ita quod pro defectu potestatis hujusmodi negotia predicta infecta non remaneant quovismodo. Et habeas ibi nomina dictorum Militum, Civium, Burgensium, et hoc Breve. Teste ut supra.

Per ipsum Regem.

Eodem modo mandatum est singulis Vicecomitibus per *Angliam*.

The first Writ for this Parliaments prorogation is enrolled Cl. 11 E. 2. m. 12. dorso. *T. Rege apud Westm. 4 die Jan.* *Per ipsum Regem.*

* Printed in Rylyes Appendix ad Plac. Parl. p. 559.

Clauf. 5 E. 3. pars 1. m. 21. dorso. De revocatione Parliamenti.

I shall conclude with this Writ *de Revocatione Parliamenti*, Anno 5 E. 3. before it met, pretermittting that of 11 E. 2. m. 3. dorso.

REX Venerabili in Christo Patri S. eadem gratia *Cantuar.* Archiepiscopo, totius *Angl.* Primate, salutem. Licet nuper propter quædam ardua negotia Nos & Ducatum nostrum *Aquitania*, ac alias Terras nostras in partibus transmarinis, pro quibus ad easdem partes sollempnes Nuncios nostros destinaverimus contingencia ordinasset Parliamentum nostrum apud *Westm.* die Lunæ in *Craftino Pasche* proximo futur. teneri, & ibidem vobiscum & cum cæteris Prælati; Proceribus & Magnatibus regni nostri habere Colloquium & Tractatum; Vobisque mandasset, quod dictis die & loco personaliter interessetis, nobiscum; & cum dictis Prælati & Proceribus super dictis negotiis tractaturi, vestrumque consilium impensuræ Propter tamen aliquos rumores quos præfati Nuncii nostri nobis per literas suas certitudinaliter intimarunt super reformatione pacis & concordie inter Nos & Magnificum Principem Regem *Francia*, de assensu Prælatorum, Comitum et Baronum quos ea de causa fecimus convocari; Ordinavimus, quod Parliamentum prædictum ad dictos diem et locum nullatenus teneatur. Vobis significamus, quod occasione Parliamenti illius ad locum prædictum dicta die vos accedere non oportet. Teste Rege apud *Westm.* 23 die *Marci*.

Per ipsum Regem & Consil.

Et eodem modo mandatum est universis & singulis Archiepiscopis, Abbatibus, Comitibus & Baronibus.

REX Vic. *Lauc.* salutem. Licet nuper propter quædam, &c. *ut supra.* usque Tibi præcipimus, quod de dicto Com. duos Milites; & de qualibet Civitate duos Cives, & de quolibet Burgo duos Burgenses; de discretioribus & ad laborand. potentioribus eligi fac. ad dictum diem & locum venire fac. ad faciendum & consentiendum, &c. Propter tamen aliquos rumores (*ut supra, &c.*) Tibi præcipimus, quod in singulis locis infra Ballivam tuam ubi videris expedire publicè Proclamari facias, quod Milites, Cives, Burgenses, seu alios occasione Parliamenti illius ad locum prædictum dicta die accedere non oportet. *T. ut supra.*

Per ipsum Regem & Consil.

Thus much concerning the Authors first Chapter of the *High Courts of Parliament*, except some misquotations of Records in the Margin, as p. 4 l. 2, 3. *Rot. Parl. for Plac. Parl.* 19 E. 1. *Rot. for Plac.* 12. p. 15. l. 24. nu. 22. for 12. p. 24. l. 32, 33. *This John Thoresby was then Clerk of the Parliament: He was then only a Clerk in the Chancery, and cited in that Court, as the Record attests.* p. 48. l. 39, 40. in the Text. Vid. *Rot. Clauf.* 7 R. 2, &c. *Sir Thomas More villa, elected one of the Knights for the County of Hertf. Ib. James Berners chosen to serve in Parliaments, and both of them discharged. See the Record.* I have thrice perused that Record of Cl. 7 R. 2. and can see no such cases therein, nor in any other Roll as yet. Those who desire to know more concerning the Antiquity, Constitution, Jurisdiction, Priviledges, proceedings, summions of our Parliaments,

liaments, and what else concerns them, may peruse at leisure the Abridgements of *Statham, Fitzherbert, Brooke, Hughes*, Title *Parliament*: Mr. *Crompton* his *Jurisdiction of Courts*, cap. 1. *De Tresbant Court de Parliament*; Mr. *Cambdens* *Britannia* in fol. p. 120, 121, 122. *Edmond Vowell* his *Treatise of The Parliaments of England*, printed in *Ralph Holinsbeds Chronicle*, Sir *Henry Spelmans Concilia Orbis Britannici*, Tom. 1. & *Glossarium*, Tit. *Parliamentum*, Sir *Robert Cottons* (or rather Mr. *Vincentis*) *Exact Abridgement of the Records of the Tower*, *Cottons Poffhuma*, p. 342, &c. Judge *Doderidges*, *John Hollands*, Mr. *Agars*, and others *Treatises of the Antiquity of the Parliaments of England*, published by Mr. *John Doderidge*: Mr. *William Hakewill*, his *Manner of passing Bills in Parliament*; Mr. *Henry Elsing* his *old and new Manner of holding Parliaments, and of their Priviledges*; Mr. *Henry Scobell* his *Treatise of Parliaments and passing of Bills*; *Thomas Ashe* his *Repertory*, Tit. *Parliament, & Courts*, S. 1, 2. The 1, 2, 3, & 4. Parts of *My Brief Register, Kalendar and Survey of the severall kinds, forms of Parliamentary Writts*; *My Plea for the Lords and House of Peers*; *My Levellers levelled*; *Truth triumphing over Falshood, Antiquity over Novelty*; *The First and Second Part of a Seasonable, Legal and Historical Vindication of the Fundamental Lawes and Liberties of England*; the *First Part of an Historical Collection of the ancient Parliaments of England, from the year of our Lord 673, till Anno 1216*. The 2. and 3. Tomes of my *Exact Chronological Vindication, &c.* and Mr. *Ryleyes Placita Parliamentaria and Appendix*.

CAP. 2. Of the Councill Board or Table.

FOR the ancient Jurisdiction and Proceedings of the *Kings Council*, I shall referre you to Mr. *William Lambards Archaion*, p. 108, to 116, Mr. *Cromptons Jurisdiction of Courts*, fol. 29, &c, the severall Bundles of Petitions to the King and his Councill in the Tower of London, and the Answers to them. *Placita Parliamentaria coram Rege & Concilio* in the Tally Office in the Exchequer, and in the * *Parchment Book of them in the Tower under King Edward* the 1. the *First Part of My Brief Register and Survey of Parliamentary Writts*, p. 365, to 394. In what cases, things their *Jurisdiction and proceedings* have been restrained and taken away since these *Instances* were compiled by a *special Act* made in the Parliament of 17 *Caroli* 1. cap. 10. intituled, *An Act for regulating the Privy Council, and taking away the Star-chamber Court*, the Act it self will best inform you.

* Printed in Mr. Ryley his Plac. Parl. and Appendix.

Page 55. under the Title of *President of the Kings Council*, the Author cites the Patent of *Edward* the 4th to the *Bishop of Rochester*, omitting the *Membrana*; which I shall supply, who was made the *Princes Tutor*, and *President of his Council* only, not of the *Kings*; witness his Patent in *English* faithfully transcribed out of the Record, which is very memorable.

Edward by the grace of God King of England and of France, and Lord of Ireland, To all persons that thies presents shall see or here greting. And how be it every child in his yong age ought to be brought up in vertue and cunning; that he might delite therein and continue in the same, and soo consequently deserve the merits of everlasting blisse, and in this world to be therefore the more encreux and fortunate, yet natheless such persons as God hath called to the preeminent estate of Princes, and to succede thair progenitours in the State of Royalie, ought more singularly and more diligently to be enourmed and instructed in cunning and vertu: We therefore entirely desiring our deere sone the Prince perfectly, cunningly and vertuously to be guided and conducted in his yong age, whom it hath pleased God to geve unto us heil and fornyshed in nature, for the which we most humbly thank his bounteous magnificence, and hooly trusting in the trouth, witte, vertue, cunning, and also love and affection that the Reverend Fader in God our right trusty and welbeloved the Bissop of Rouchestre hath and berith

Pat. 13 E. 4o pars 1. m. 3. intus. Pro Episcopo Rochestensi.

nnce

unto Us and to our Issue; have committed and deputed, and by threes presentes committed and depute him to teche and enforce our seid sone in all cunning and vertu: and also PRESIDENT OF HIS (not our) COUNSELL, giving him powair and auctorite to calle and assemble all the Councillours of our seid sone as oftentymes as hit shall be thought unto hym necessarie and prouffitabile. And for the due execution of the premiffes, we will that the seid Bishop haue and enjoy during our pleaser, thoffice aforesaid, with, and in as large power and auctoritees as unto the said office of techer belongith or apperteyneth, and as any man had or occupied the said office in tyme passed: And therefore we strailly charge and commande that all onre Officers, Seruants and Subgiets accepte, take, and reput: the seid Bishop after the auctorite aforesaid by us unto hym geuen, and him assiste, aide and obey in execution of the premiffes and ebery of them. In witness whereof we have doon these our Lettres Patentes so be made: Witness our self at Westm. the 10th day of Novembr. the year of our Reigne the 13th.

Per ipsum Regem & dat. &c.

Page 56. l. 30. Acts of Council concerning the same. Rot. Finium 20 E. 3. parte 1. m. 26. (there being but 18 Membrana's in this Roll.) Cl. 4 H. 4. in dorf. m. 14. are misquotations, and nothing in those Rolls for which they are quoted; In Cl. 4 H. 4. dorf. 20. I find only a Citation for Priors. aliens to appear before the King and his Council. Pat. 19 R. 2. pars 2. m. 8. contains only an Order of the King, (without naming his Council) concerning *Hakeney-men*, the prises for, and marking of all *Hakenoyes* between *Southwerke, Rochester, Canterbury and Dover*. The only pertinent Record there cited, is Cl. 25 E. 3. m. 10. dorf. which contains a Proclamation of an Ordinance made by the King and his Council, concerning the sale, regulating of the abuses, and excessive prises of *Vi-ctuals* in *London*, not unseasonable for this age.

CAP. 3. p. 58. Of the Power and Authority of the Protector, concerns us not; his Power being more or lesse, and such only as the Kings Council and Parliament pleased to limit it.

Cap. 4. The Court of the High Steward of England, p. 58, 59.

IT is only (of late times) pro hac vice, as where a Lord of Parliament is indicted of Treason or Felony. I shall present you with two High Stewards Patents, pro hac vice tantum, in the 1. and 17 years of King Edward the 4th.

Pat. 1 E. 4.
pars 2. m. 1.
Pro Ricardo
Comite Warr;

REX carissimo Consanguineo suo Ricardo Comiti Warr. salutem. Sciatis quod cum Officium Senescalli Anglia quod in processu cujusdam actus adversus & contra tam Henr. nuper de facto & non de jure Regem Angl. adversarium inimicum nostrum, quam quosdam alios rebelles nostros, aliosque qui p̄nobilem Principem & Patrem nostrum Ricardum nuper Ducem Eborum apud Wakefield crudelissime & proditoriè murdraverunt & interfecerunt, in p̄senti Parlamento nostro auctoritate ejusdem Parliamenti fiendi ex certis causis exerceri debet, jam vacat, & in manibus nostris existit; Ac nos de fidelitate, probitate & provida circumspectione vestris quamplurimum confidentes; Assignavimus & constituimus vos Senescallum Angl. habend. gerend. & occupand. officium illud in processu p̄dicto, ac ad faciend. exercend. & exequend. ea omnia & singula quæ ad Officium p̄dictum ex causa processus actus p̄dicti hæc vice tantum pertinent. factend. Et ideo vobis mandamus, quod circa Officium p̄dictum intendatis, & illud fac. & exequimini in forma p̄dicta. Damus autem universis & singulis quorum interest in hac parte tenore p̄sentium firmiter in mandatis, quod vobis in executione officii p̄dicti intendentes sint, auxiliantes, consulentes & obedientes in omnibus, prout decet; In cujus, &c. T. R. apud Westm. tertio die Decembris.

REX

REX carissimo Consanguineo suo *Henr. Duci Buk*, salutem. Sciatis quod cum *Georgius* nuper Dux *Clarencia*, per nomen *Georgii Ducis Clarencia*, de alta prodicione per ipsum erga personam nostram Regiam facta & perpetrata, auctoritate presentis Parliamenti nostri combatus sit, et attinctus; Ac Nos considerantes, quod *Iusticia* est virtus excellens per quam Regna prosperantur, Reges et Principes regnant et gubernant, omnino bonum regimen politia et bonum publicum manentur et supportantur, quam virtutem ad Dei complacenciam per aliqua carnali affectione sequi et ea uti intendimus, ut debemus, multoque magis pro eo quod vinculo conscientie nostrae, et per solemne Juramentum erga Deum sub poena perpetuae damnacionis, primo pro securitate personae nostrae Regiae et exitus nostri, secundario pro tranquillitate et defensione Ecclesiae Christi infra Regnum nostrum *Angl.* et tercio pro bono publico, pace et tranquillitate Regni nostri praedicti, ac Dominorum et Populorum, et totius Communitatis eiusdem cuiuscunque gradus et conditionis existant, necnon in evitacionem effusionis sanguinis Christiani prospicere constitutumur, licet propinquitas sanguinis, & internus & teneris amor quem ad praesentem *Georgium* in teneri aetate sua habuimus & geremus, nos ad contrarium naturaliter movent & exhortant. Hinc est, quod pro eo quod Officium *Benestalli Angl.* cuius praesentia pro consideratione executionis *Iudicis* fieri in hac parte requiritur, ut accepimus, iam habeat; Ac nos de fidelitate, provida circumspectione & industria vestris plenius confidentes: Ordinamus & constituimus vos, *Benestallum Angliae*, ad Officium illud ex causa praedicta, cum omnibus eidem officio debite pertinentibus, hac vice gerendum, occupandum, & exercendum; Dantes & concedentes vobis tenore praesentium plenam sufficientem potestatem, & auctoritatem ac mandatum speciale, ad ea omnia & singula quae ad Officium *Benestalli Angl.* in hac parte pertinent & requiruntur hac vice ex causa praedicta faciend. exercend. & exequend. Et ideo vobis mandamus, quod circa Officium praedictum intendatis, & illud faciatis & exequimini in forma praedicta. Damus autem universis & singulis quorum interest in hac parte, tenore praesentium firmiter in mandatis, quod vobis in executione officii praedicti intendentes sint, consulentes, faventes, auxiliantes & obedientes in omnibus diligenter. In cuius, &c. *Pat. in Parlamento nostro apud Westm.* 7 die *Febr.*

Pat. 17 E. 4.
pars 2. m. 19.
Pro Duce Buk.

Per ipsum Regem, & de data praedicta, &c.

Cap. 5. p. 60. *The Honourable Court of Star-Chamber.*

THis Court since the *Institutes* compiled, is taken away by the Statute of 17 *Caroli* 1. cap. 10. for the reasons therein expressed; and likewise *The Court of Requests*, Cap. 9. p. 97. And *The Court before the Presidents of the Marches of Wales*, Cap. 48. p. 242. *The Court of the President and Council in the North*, Cap. 49. p. 245. and *Of the Court of the County Palatine of Chester, held before the Chancellor and Council of that Court*, Cap. 37. p. 212. are either totally abolished, or much eclipsed by that Act? Upon which account I shall forbear any further Animadversions on them.

Cap. 7. p. 70. *The Court of Kings Bench, Coram Rege.*

THere is little in it relating to *Records*, except p. 72. l. 22, 23. in the margin, where *Rot. Parl.* Par. 18 E. 1. nu. 97. is misquoted, for *Plac. Par.* plac. 8. inter *Job. de Novo Burgo, & Regiam*, (misprinted *Regiam* in the Author :) The case is printed in *Rylyes Plac. Parliamentaria*, p. 15, 16. For the *Chief Justices* and other *Justices Patents* or *Writs of Creation*, their *Names, Series, Jurisdiction* of that Court, you may consult *Richard Crompton his Jurisdiction des Courts*, cap. 4. *De Court de Banco Regis*, f. 67, to 82. *As* his *Promptuary*, Tit. *Courts*, sect. 4, 32, 49. and the Books there quoted. Serjeant *Rolls* his

Abridgement, f. 534, to 538. *Henrici Spelmanni Glossarium*, Tit. *Bancus Regis, Justiciarus Angliæ, & Capitales Justiciarus de Banco Regis*; and Mr. Dugdale, His *Chronica Series* of them, out of the Patent and other Rolls.

Cap. 8. p. 78. *The Court of Chancery.*

FOR the *Antiquity, Authority, Jurisdiction* of this Court, and of the *Lord Chancellors and Keepers of the Great Seal of England*, their *Names and Series*; you may consult *Richard Crompton's Jurisdiction des Courts*, cap. 3. *De Court de Chancery*, f. 41, &c. *Henrici Spelmanni Glossarium, Diatribe, De Cancellario et Cancellaria*, p. 125, to 135. The *Answers and References of Petitions to the King in Parliament*, or to him and his Council, to the Chancellor and Chancery, in the several Bundles of Petitions in the *Tower*; *Rylles Appendix: An Exact Abridgement of the Records in the Tower of London*. The Books quoted in *Asb*, his *Repertory*; Tit. *Conrurs*, Sect. 2. Mr. *William Dugdale* his *Chronica Series of the Lord Chancellors and Keepers of the Great Seal of England*, and *Masters of the Rolls*, and *Serjeant Rolls* his *Abridgement*, p. 374, to 587.

Page 95, 96. *Concerning the Keeper, Guardian, or Master of the Rolls, & Domus Conversorum*, See the *Histories and Records* in the First and Second Part of my *Brief Demurrer to the Jewes long discontinued Remitter into England*, Liberate 8 E. 1. m. 5. Cl. 20 E. 1. dorf. 13. Cl. 24 E. 1. dorf. 3, 11. Cl. 30 E. 1. dorf. 6. 11. Cl. 31 E. 1. dorf. 14. Cedula. Cl. 1 E. 2. dorf. 3. Cl. 2 E. 2. m. 13. Cedula. Cl. 10 E. 2. m. 22. intus, & dorf. 26, 28. Cl. 17 E. 2. m. 10. dorso. Cl. 18 E. 2. m. 1. dorf. Bat. 11 E. 3. pars 1. m. 13. dorf. Pat. 14 E. 3. pars 2. m. 12. dorf. Pat. 50 E. 3. m. 20. Petitions in Parl. An. 1 R. 2. Pat. 12 R. 2. m. 18. Pat. 1 H. 4. pars 1. m. 32. Pat. 1 H. 6. pars 7. m. 15. *Pro Johanne Hoppynden Custodi Rotulorum, & Rylles Appendix ad Plac. Parl.* p. 517, to 520, 556, 563, 575, 576, 607, 608, 610, 624, 670.

For the *Antiquity of sending and keeping the Records and Rolls as well of Scotland as England in the Tower of London*, and the *searches, Kalendring of them*, and the *Houses, Tower, Hamapers, places there provided and ordered for them*, you may consult *Placita Parliamentaria*, * An. 33 E. 1. the *Prior of Goldinghams case. Similiter scrutentur Rotuli de Scotia, qui sunt in Custodia apud TURRIM LONDON tangentes Regnum Scotiae, &c.* Cl. 33 E. 1. m. 3. *De Privilegiis & aliis à sedè Apostolica concessis, in Turri London. dependens. Rot. Parl. An. 8 E. 2. nu. 233. Scrutentur Rotuli Burgensium ad Parliamenta Regis prædicta Villa venientium, in Cancellaria, (then and since kept in the *Tower of London.) Cl. 14 E. 2. m. 22. intus, Pro Rege, de supervidendis Rotulis & in statum competentem disponendis in Turri London & alibi per Clericos sufficientes, Cl. 15 E. 2. pars 1. m. 24. intus. Cl. 16 E. 2. m. 19. intus, & Pat. 16 E. 2. pars 1. m. 28. intus, De Clericis assignatis, ad scrutandum, arriandum, & recto ordine ponendum Cartas nostras, scriptas, & omnia alia munimenta nostras in diversis Castellis existentia, necnon illa qua de novo venerunt & sunt in Custodia Custodis Turris nostræ London, &c. & quod in Kalendario certo distinctè ponerentur & arriantur, ita quod possint cum opus fuerit, consueto facilius reperiri: & illos quos ad hoc deputaveritis sumptus suos necessarios de Thesauris nostris liberetis. F. Rege apud Eborum 3. die Decembris. Per ipsum Regem.*

How and to whom King *Edward the 3d.* (like his predecessors) granted the *Custody of the Rolls of the Chancery*, and what *Oath* they then took for their safe Custody; how transmitted then over from one to another, in what *Baggs, Chests, Hampers* they were kept, and what care he took to repair the *House and the Tower* wherein they were kept in the *Tower of London*, and to make new *Presses* for the *Records* newly sent thither, these 4. *Records* will inform us,

Memorandum,

* See Ryley p. 284, 502, 503.

* See The 4th Part of My Brief Register, p. 900.

Memorandum, quod Dominus Rex vicesimo octavo die *Aprilis* anno regni sui undecimo apud *Mortelack* tunc personaliter existens, concessit Domino *Johanni de Sancto Paulo* Clerico Custodiam Rotulorum, Brevium, et Memorandorum Cancellariæ ipsius Domini Regis, habend. eodem modo quo Magister *Henricus de Cliffe* & alii Custodes eorundem eandem Custodiam habuerunt; & idem *Johannes* eodem die coram præfato Domino Rege in præsentia venerabilis Patris *Johannis* Archiepiscopi *Cantuar.* totius *Angliæ* Primatis, & discreti viri Magistri *Roberti de Stretford* Archidiaconi *Cantuar.* dicti Domini Regis Cancellarii, Domini *Henrici de Ferraris*, ac Magistri *Ricardi de Byntworth*, Custodis sigilli privati dicti Domini Regis, & aliorum plurimorum apud dictum locum de *Mortelack* præstitit sacramentum, de Custodia prædicta bene et fideliter faciend. et exercend. Et Dominus *Michael de Wash* tunc Custos Rotulorum prædictorum tricesimo die *Aprilis* prox. sequen. prætextu cujusdam brevis ipsius Domini Regis sub privato sigillo suo eodem *Michaeli* directi de Rotulis, Brevibus, et Memorandis ejusdem Cancellariæ, ac clavis cistarum quibus dicta Rotuli et brevia in TURRI LONDON. includuntur, præfato *Johanni* liberand. Rotulos, Brevia, et Memoranda in custodia sua apud *London.* tunc existentia ibidem cum clavis cistarum prædictarum, necnon quidam alii clavi cujusdam alterius cistæ apud *Eborum* in Abbatia beate *Mariæ Eborum* existentis, in qua quædam Rotuli & Brevia ejusdem Cancellariæ similiter includuntur, sicut dictus *Michael* dicit, eidem *Johanni* liberavit.

Claus. 11 E. 3.
pars 1. m. 23.
dorfo. Quali-
ter Rex concessit *Johanni*
de *S. Paulo*
Custodiam
Rotulorum
Canc. Regis.

Memorandum, quod die Sabbati secundo die *Decembris* Omnia Rotuli, Bundel, et Memoranda quæ in Hospitio Domini *Johannis de Sancto Paulo* tunc Custodis Rotulorum ejusdem Cancellar. extiterunt, de præcepto Domini Regis usque TURRIM LONDON. missa, & ibidem Domino *Willielmo de Kildesby* Custodi privati sigilli ejusdem Domini Regis per *Willielmum de Emeldon* Clericum prædicti Domini liberati fuerunt. Et sic in eadem TURRI in custodia ejusdem *Willielmi de Kildesby* usque ad diem *Mercurii* prox. post festum *Circumcisionis Domini* prox. sequen. detinebantur: quo die omnes Rotuli, Bundell, & Memorand. quæ fuerunt in quatuor Bagis, videlicet, De isto anno, de præcepto ejusdem *Willielmi*, Domino *Thoma de Evesham* qui coram Domino *Roberto de Burgher* Cancellar. & præfat. *Willielmo de Kildesby* ac aliis de Consilio dicti Dom. Regis apud *Westm.* sacramentum præstitit, de officio Custodis Rotulorum Cancellar. prædictæ fideliter faciend. liberati extiterunt. Et omnes alii Rotuli prædicti adhuc in Custodia ejusdem *Willielmi de Kildesby* in TURRI prædicta morantur. Et postmodum die *Martii* prox. sequen. omnia dict. Rotuli, Bundell, quæ sic in Custodia prædicti *Willielmi* in dicta TURRI remanserunt, viz. in decem et octo Bagis de Canebace, et uno sacco de Cozio, una cum quodam magno Paneperio de diversis Indenturis, ac clavis cistarum in eadem TURRI residentium; In quibus quidem Cistis diversa alia Rotul. Bundell, et Memorand. includuntur, præfato *Thoma* liberata extiterunt.

Claus. 14 E. 3.
pars 2. m. 10.
dorfo.

REX dilecto Clerico suo *Willielmo de Lambhish*, supervisoris operationum nostrarum in Turri nostra *London.* salutem. Quia quamplures defectus tam in coopertura quam in ostiis et fenestris cujusdam domus infra TURRI prædictam in qua Rotuli et alia memorand. Cancellar. tam de tempore Progenitorum nostrorum quondam Regum *Angl.* quam nostro pro salva et securâ custodia Rotulorum, et Memorandorum prædictorum reponi fecimus, existunt, ut accepimus; per quod dampnum maximum et periculum eidem Rotulis et Memorandis nisi defectus illi citius repararentur de facili possent evenire. Nos volentes pro saluatione Rotulorum et Memorandorum prædictorum prout convenit providere, Vobis mandamus, quod omnes defectus domus prædictæ supervideatis, et defectus illos sine dilatione reparari et emendari, necnon tres almoxias infra domum prædictam pro securiori custodia Rotulorum et Memorandorum eorundem de nobis fieri fac. Et de Clavis, quos

Claus. 14 E. 3.
m. 15. De defectibus domus pro Rotulis Cancellar. ordinatæ reparand.

in hac parte appofueritis, vobis in compoto vestre debitam allocationem habere faciemus. Teste Rege apud *Westm.* 20 die *Augusti*,
Per ipsum Regem.

Clauf. 36 L. 3.
m. 25. De defectibus Turris pro Rotulis Canc. ordinataz reperand.

REX dilecto sibi *Willielmo de Sleford* Clerico operationum suarum infra **TURRIM** nostram **LONDON.** salutem. Precipimus tibi, quod omnes defectus tam in Cospertura quam in ostiis, fenestris, securis et ciabibus Turris in qua Rotuli et alia Memoranda Cancellaria nostrae hospitantur, sine dilacione reperari fac. et emendari; Et de Cullibus quos in hac parte appofueris, tibi in Compoto tuo debitam allocationem habere faciemus. T. R. apud *Westm.* 10 die *Junii*.

And no wonder this King, his Predecessors and Successors too, had so great a care to preserve and secure these Records in the *Tower*, since their ancient Rights, Titles to all their Crown-lands, Rents, Royalties, Prerogatives, Customs, Tenures, Services, Revenues, Jurisdictions, Offices, Inheritances whatsoever, both in *England, Wales, Scotland, Ireland, France, Normandy*, the Isles of *Oleron, Jersey, Gernesey, Serke, Alderney, Scilly, Lundy, Man, Weight*, and other Isles thereunto belonging, with the Lawes, Statutes, Orders, Ordinances concerning their Governments; Their ancient Dominion in the *British Seas, Ocean*; Their Superior Dominion over the Kings, Kingdom of *Scotland*, before its late happy Union by the descent of the Crown of *England* to King *James*; The Foundations, Erections, Endowments, Charters, Liberties of all Archbishopricks, Bishopricks, Abbies, Monasteries, or other Religious Houses, Cells, Deaneries, Archdeaconries, Prebendaries, Vicaridges, Chauntries, Chappelryes, Hospitals, Free-schools, Cities, Burroughs, Guilds, Fraternities, and all other Corporations in them; The Summons, Adjournments, Prorogations, Proceedings, Acts, Rolls Priviledges of Parliaments, and their Members; The Erection, Jurisdiction of all Courts of Judicature whatsoever in all our Realms and Dominions, with the respective creations, successions of all Judges, Sheriffs, Justices of Peace, and of all sorts of Great Civil and Military Officers, and of all Archbishops, Bishops, Abbots, Priors, and other Ecclesiastical persons; The creations of all Courts and County Palatines, of the Principality and Princes of *Wales*, Duchy and Dukes of *Cornwall*, of all other Dukes, Marquesses, Earls, Viscounts, Barons, Nobles: the ancient Fees, Salaries, Duties of all Great Officers, Ministers in *England, Scotland, Ireland*, and other our Kings Dominions; With all Grants of Arms, Offices, Mannors, Lands, Parks, Warrens, Fairs, Franchises, or other Liberties, Royalties to them, or other Subjects; The Treaties, Leagues made by our Kings with all Forraign Kings, States; the Letters, Negotiations between them; The bounds and Perambulations of Forests, Counties, Manors; Appropriations of Churches, the Tithes and endowments granted to them from time to time by our Kings or others, ratified by their Charters; The severall Summons, and excellent Writs, Commissions, Rules for arraying, ordering the Militia, Ships, Navy of the Realm, and other our Kings Dominions, for the Defence thereof against forraign Enemies or Rebels both by Land and Sea: and what Services the Clergy, Nobility, Gentry of the Realm were bound to perform therein by their respective tenures; with the severall aydes, means used, granted to support their Wars, and furnish their Armies, Navies, Castles with all sorts of Necessary provisions, Soldiers, Mariners, Pioners, Engines, Cariages, and the like, extant in our Clause and Patent Rolls, *Rotuli Wallie, Scocie, Normannie, Aquitanie, Francie, Scotagii*, and other Records, exceeding all the Military Policies and Discipline, in *Vegetium De re militari* of old, and of *Henricum Ranzovium* his *Commentarius Bellorum, Georgium Obbrechtum De Principiis Belli, & de Disciplina Militari*, or others who have writen of Wars and Military Discipline of later times: All matters concerning Merchants and merchandize whether forraign or domestic, the Monies, Mints, Exchanges, Trade, Tillage, Manufactures of the Kingdom or other our Kings Dominions, The Offices, Pedegrees, Descents, Tenures, Rights,

Rights, Titles of all or most of the Nobility, Gentry, Commonalty, are for the most part recorded, and are to be legally evidenced by them upon all emergent occasions, differences, and exemplified, when the Original Charters, Patents of any of them are casually lost, or consumed by War, Fire, or other accidents, Upon which considerations the Parliament of 46 E. 3. Rot. Parl. nu. 43. Rightly stiled them, not only the *Records of the King and kingdom*, but the *Evidences of every particular mans right*; who ought to have free recourse to them to defend his right, when drawn into question, and to take transcripts and exemplifications of what concerns him, for his legal defence. Therefore not to be so much slighted, neglected, (like old Almanacks out of date) as some *Ignoramuses* and *Novellers* fancy, much lesse to be burnt or defaced as the *Monuments of Tyranny*, as *Hugh Peters* advised, in his *Good work for a good Magistrate*.

Since the Masters and Keepers of the *Rolls* in Chancery by the Patents of King *Edward* the 3d, and *Richard* the 2d. had the *Downs Conversorum* in Chancery lane, (now called the *Rolls*, from the *Rolls* there kept) united and annexed to their Office, and there usually resided with their Clerks, our Kings and they by their respective *Letters Patents* have granted the Office of the Keeper of the *Books, Writs, Rolls, Memorandums* and *Records* remaining and being in the *Tower of London*, for life, to one or more persons of Note and Quality well versed in Records and Antiquities, auctentam Custodiam *Lurris, Cameræ, Domus, Domozum et Locozum infra Turrim London. pzo eidem Libris, Bzebibus, Rotulis, Demozandis et Recozdis imponendis et recipiendis, uisitatibus, ordinatis, bel ordinatis*; and likewise of all such *Writs, Rolls, Memorials, and Records*, quæ ANTIQUO MORE, in posterum ibi del eozum aliquibus imponerantur, seu DE JURE ibidem reponenda deberent bel adent quobismodo, et quæ in prædicta Turri extra qualcunque *Curtias nostras* ibidem imponi, et reporti confueverunt; (for their better preservation.) Una cum omnibus *hadis, feodis, regardis, pzoissis et libertatibus, cassamentis, commoditatibus et emolumentis quibuscunque eidem Officis et Custodi aliquo modo pertinentibus seu spectantibus*. Which were of a considerable value when the *Court of Wards, Tenures in Capite, Knights-service*, and *Offices and Inquisitions post mortem* were in use and being, but now will not defray the Salaries of the Clerks, and necessary expenses of the Office, since their total abolition and taking away by the Statute of 12 *Caroli Regis* 2. cap. 28. (unlesse more Records since the end of King *Edward* the 4ths reign, where those in the Tower end, according to ancient right and custom be transmitted thither from other Courts and Places.) Upon which Consideration, when His Majesty (without my sollicitation or seeking) was graciously pleased to conferre this Office upon me out of his meer motion, during life, he did by the same Patent (freely sent to me without fees) conferre on me an honourable Annual Salary out of the General Receipt of his Exchequer, (if as duly paid as royally intended) the better to enable me to peruse, calendar, and improve them for the publike good, and rescue them from obscurity and oblivion; which I have endeavoured to perform by my Publications of many of them upon several subjects and occasions.

For the Privileges of the *Clerks of the Chancery*, claimed by them by their special Petition in Parliament, and ratified by the answer to it, *That for all kinds of Trespasses committed by them, or done by others to them, they ought to be sued, and sue only in Chancery, and not elsewhere*; you may peruse the Parliament Roll of An. 18 E. 3. nu. 41, 42. abridged in English, *An Exact Abridgement of the Records in the Tower*, p. 45. but printed at large in French, in *Ryles Appendix*, p. 589, 590, and Serjeant *Rolls* his *Abridgement*, part 2. p. 273. What an high contempt and offence it was resolved to be, to serve a * *Clerk of that Court* (not of the Parliament, as the Author mistakes) with a Citation to appear upon an Appeal before the Pope without the Realm, the president of *John de Thoresby*, p. 24. will inform you. And for the Authority, Jurisdiction of the Lord Chancellor, and Keeper of the Great Seal of England, and the Court of Chancery, you may peruse Mr. *Dugdale* *Originales Juridiciales*, besides those forequoted.

* See the Patents of An. 3 E. 6. 8 die Maii Edwardo Hales, of An. 9 Eliz. 8 die Junii, *Willelmo Bowyer*, and afterwards to *Thomas Henneage* and *Willelmo Henneage*; then to *Roger Willelmo Armitage* Anno 2 Jacobi, 30 Decembr. *Robert Bowyer & Henrico Elsing* Armig. Anno 10 Jacobi & Julii *Johannis Burroughs* (postea Miles) & *Nicholao Parker* Armig. the one of *Grays Lane*, the other of the *Middle Temple*.

* See here, 19, 44.

Cap. 9. p. 37. *The Court of Requests.*

THis Upstart Court was in very great request when the Author writ this Chapter, extending its Jurisdiction to all causes in Equity, equal with the Chancery, without any legal foundation or Authority; as the Author informs us; yet is since grown quite out of request, and totally discontinued, if not finally abolished by the Statute of 17 Caroli I. cap. 10. though some Masters of Requests pretend to greater privileges and exemptions in some places then when this Court was standing, of which Mr. Crompton in his Book of the Jurisdiction of Courts in Queen Elizabeths reign, printed 1597. took no Notice; the Masters of Requests being only *Receivers of Requests and Petitions to the King, but not the Triers, Judges of them, as the Parliament Rolls in the Titles of Receivers and Triers of Petitions to the King and his Council, and the Bundles of Petitions in the Tower with their several Answers evidence.

* See 4 Institutes, p. 10, 11. & Here, p. 14.

Cap. 10. p. 99. *The Court of Common Pleas.*

CONCERNING this Courts Antiquity and Jurisdiction, you may peruse Mr. Richard Cromptons Jurisdiction of Courts, cap. 7. f. 91. The Year Books quoted in Ash his Promptuary, Tit. Courts, sect. 45, 49. Sir Henry Spelmans Glossary, Tit. Bancus, & Capitales Justiciarius de Banco Communi, p. 417. with Mr. Dugdales Origines Juridicales, & Chronica Series of all the Chief Justices and Judges of that Court, extracted out of our Records: There is nothing in this Chapter which concerns any Records in the Towers; only I shall adde this Rarity to it, transcribed out of the Records in Ireland; concerning the Jurisdiction and setting of the Court of Common Pleas in that Land at Dublin, Anno 6 B. 3. according to Magna Carta, c. 11. and the Court of Common Pleas in England.

Rot. Claus. de An. 6 E. 3. apud Tarrim vulgo vocat. Breminghams Tower in Arce Dublinensi.

REX Vic. Dublin. salutem. Cum in Magna Carta de Libertatibus Angl. continetur, Quod Communia placita non sequantur Cur. nostram, sed in aliquo certa locotententur: Nos volentes eandem Cartam tam in terra nostra Hibernia, quam in Regno nostro Angl. debito demandari effectu, quandoque placeat eorund. regni & terræ nostrorum sub uno & eod. ordine disponantur & ordinentur; Tibi præcipimus, quod statim visis presentibus in Civitatibus, Burgis Villis Mercatoris & omnibus aliis infra Ballivam tuam ubi videris expedire publicè proclamari fac. quod omnes illi qui aliquos vel aliquem implacitare voluerint de communibus placitis, viz. tam de Anno reddita, custodiis, & ejectione earund. & debito quod attingit vel excedit summam xl. solidorum, quam aliis quibuscunque placitis, eos implacitent coram Justic. nostris de Banco Dublin. per brevia de Canc. nostra terræ prædictæ impetrant. Ita quod de extero, nulla alia placita quam de Corona et transgressionibus in terra nostra Hibernia prædicta perpetratis vel perpetrandis, et etiam placita quæ coram Justic. nostris ad placita coram nobis in Angl. tenent. assignantur placitantur coram Justic. nostro terræ prædictæ, vel ejus locum tenente deducantur quovismodo. T. Antonio de Lucy Justic. &c. apud Dublin. 10 die Junii.

Consimilia brevia diriguntur Vic. Midd. Kildar. Loveth. Wexford, Waterford, Cork, Tjpar. Lymr. Connac. Croc. Kilkenn. Croc. Caterluch.

Cap. 11. *Of the Court of the Exchequer.*

THe Antiquity, Authority, Jurisdiction, Officers of this Court, and their respective Duties, are particularly related by Gervasus Tilberiensis in the reign of King Henry the 2d. whose Nephew he was, in his elegant Book, intituled, De Necessariis Scaccarii observantiis Dialogus; recorded in the Red, and Black Book in the Exchequer. Mr. Crompton in his Jurisdiction of Courts, cap. 9, Deschequer, f. 105, hath a Particular Treatise of this Court; Concerning the Barons

Barons and Chief Barons of it, you may consult Sir Henry Spelmans *Glossarium, Diatribæ de Baronibus, & Capitales Barones Scaccarii*, p. 418. & *Scaccarium, Mr. Dugdale's Origines Juridicales, & Chronica Series*. The Year-books concerning it are collected by Mr. Ash in his *Promptuary*, Tit. *Courts*, sect. 8. and the late Reports concerning it by Mr. Hughes in his *Grand Abridgement*, and Serjeant Rolles his *Abridgement*, part 1. p. 538, 539. Its Jurisdiction and Proceedings in cases concerning our *Queen's* and their *Queen-gold*, you may read in my *AVRUM REGINÆ*, and *APPENDIX* to it.

Page 114. l. 9, 10. *Habet in hac commune cum ipsa Domini Regis Curia in qua ipse in propria persona jura descendit, &c.* I find two memorable Presidents, that King Henry the 3d, in proper person sat, and gave Lawes and Judgement in the Court of Exchequer. The first is thus recorded in that Court, *Inter Communia Termina Michaelis, Anno 35 H. 3. rot. 2.*

Die Veneris, proxima ante Festum beati *Edwardi* Anno regni Regis *Henrici* tertii xxxiv. venit Dominus Rex cum suo Consilio ad Scaccarium, & ibidem proprio ore præcepit omnibus Vicecom. *Anglia* tunc ibidem existentibus: *Inprimis*, quod modis omnibus obsterbarent, et manutenerent † Libertates Sanctæ Ecclesiæ, & similiter manutenerent Pupillos, Orphanos, & Viduas, & celerem eis justiciam exhiberent. Et si inveniant aliquem * Blasphemantem nomen Ihesu Christi, statim attachietur, exinde respondend. ad diem et locum, quos Dominus Rex præceperit. Item, quod nullus Rusticus distringatur pro deb. Domini sui, quamdiu Dominus suus habuerit per quod poterit distringi. Et quod dil. inquirant & rectius, qualiter Magnates se gerunt erga homines suos; & si invenerint ipsos transgredientes, corrigant transgressiones quatenus poterunt. Et si forte non possunt plenarie corrigere, tunc ostendant eandem transgressiones Domino Regi. Item, * quod nullus Vic. ponat *Hundr. Wapentake*, vel alias *Ballivum* ad firmam pro majori quantum habendo, alicui nisi tali qui cum justicia tractet populum. Item, quod diligenter inquir. quæ sunt Mercata adultera, vel ad nocumentum vicinorum Mercatorum levata, & hoc scire faciant Domino Regi. Item, quod salvo custodiens omnia jura et libertates Domini Regis, nec faciens returnum de *Werbibus* Domini Regis alicui, nec permittent aliquem habere visum *Franci pleg.* nec *Tusnum Vic.* nec auxilium *Vic.* nec alias Libertates quæ ad Coronam Domini Regis specialiter pertinent, sine warranto, nisi illis qui Cartas Domini Regis inde habuerint, vel illis qui Cartas libertatis ab antiquo obtinuerunt.

The 2d. is thus recorded by *Rishanger*, the Continuer of * *Matthew Paris*, *An. Dom.* 1256. (40 H. 3.) Dominus Rex venit die quarta ante diem Sancti *Edwardi* ad Scaccarium, & sedentibus ibidem Baronibus, ore proprio pronuntiavit, Quilibet Vicecomes, qui in Octavis Sancti *Michaelis* non apparuerit singulis annis, cum ostensione pecuniæ Regis, tam de firmis, quam de amerciamenis, & aliis modis ei debitis, prima die sit amerciatum ad quinque marcas, secunda ad decem, tertia ad quindecim, & quarta sit redimendus, si absens fuerit. Similis quoque pronuntiatio facta fuit per eundem Regem contra Civitates quæ libertates habent, & per proprios Ballivos ad Scaccarium respondent, ita scilicet, quod quarta die amittant libertates suas, nisi comparuerint eo modo, quo Vicecomites debent comparere. Et sciendum est, quod eodem die amerciatum fuerunt omnes Vicecomites *Anglia*, scilicet, quilibet ad quinque marcas, pro eo, quod non distrinxerant in Comitibus quemlibet habentem decem libratis terræ, ut fieret Miles, vel dilationem quærerent à Rege, prout eisdem præceperat per Literas suas Vicecomitibus directas.

After which this King in the 54th. year of his reign, by advise of his Council, setled this Order for abbreviating the *Great Rolls* in the *Pipe Office*, and in what form they should be written.

REX

In Officio Remem. Theſ. in Scac. Rot. 2. intus. Præceptum Dom. Regis. † See Magna Carta, c. 1.

* Nota.

* Sec. 9. E. 2. Statute of Sheriffs. Rastal Sheriffs 2. 4 E. 3. c. 15.

* Eddis. Tigur. 1589. p. 956. Exactio Regis facta sedentibus Magnatibus ad Scaccarium.

Pat. 54. H. 3.
m. 22 De
Statu Scaccarii.

REX Magistro de *Chisbull*. Decano Sancti *Pauli London*. Thes. & Baronibus suis de Scaccario, salutem. Ex frequenti relatu vestro accepimus, quod propter longas & inutiles Annuas scripturas diversorum debitorum nostrorum, Compti plurimi Vicecomitum & aliorum Ballivorum nostrorum ad magnum dampnum nostrum remanent inauditi, propter quod quandam formam providistis, per quam correctio in hac parte fieri poterit in futurum; quæ quidem forma in crastino Sanctæ *Scolastica* Virginis Anno regni nostri quinquagesimo quarto coram Nobis, *Ricardo* Rege *Romanorum* fratre nostro; venerabilibus Patribus *Waltero Eborum* Archiepiscopo, & *Godefrido Wigornienfi* Episcopo, *Edwardo* Primogenito nostro, *Willielmo de Valenc.* fratre nostro, *Rogero de Mortua Mari*, *Philippo Basset*, *Henrico de Aleyn*, *Roberto Aguilon*, *Roberto Walterand*, & aliis Magnatibus, qui sunt de Consilio nostro, lecta fuit, exposita, examinata, & ab omnibus prædictis approbata, cujus formæ tenor talis est; *Primò*, scribatur Corpus Comitatus, deinde Elemosinæ constitutz & liberationes & brevia de Misfis Vicecom. sicut semper fieri consuevit. Deinde oneretur Vicecomes de firma pro proficuo Comitatus vel de proficuo. Deinde scribantur omnes firmæ tam majores quam minores, & omnia debita atterminata in suis locis secundum ordinem rotuli. Similiter scribantur omnia magna debita, & alia debita cognita usque ad titulum *Nova oblata*, & post titulum prædictum exigantur Debita contenta in originalibus, tam majoribus quam minoribus de quibus onerentur Vicecomites per suas Responsiones. Omnia vero alia debita exigantur diligenter à Vicecomitibus coram Assidentibus. Et si nulla fiat responsio de denariis inde receptis, tunc remaneant in Rotulo in quo scripta sunt, & ultra nomina eorum qui debent eadem debita ponatur litera *D*. Finito autem Compto singulis annis, scribatur Titulus talis; Debita diversorum, quorum nominibus præponitur litera *D*. in tali Rotulo, exigantur, & summonentur singulis annis, & postea fiat summonitio illa & mittatur Vic. cum aliis summonitionibus. Et finito Compto secundi Anni, exigantur eadem debita, sicut prius. Et si Vicecomes aliquid receperit de prædictis debitis; tunc deponatur litera *D*. Et scribatur, *Respondet in Rotulo annali*; & ibi scribantur eadem debita, & inde acquietantur debitores. Et iste ordo de cætero servetur. Nos igitur, prædictam formam concedentes & approbantes, vobis mandamus, quod in scripturis Rotulorum nostrorum & Comptis prædictis audiendis, sicut nobis melius videritis expedire, secundum tenorem formæ prædictæ de cætero procedatis. In cujus, &c. Teste Rege apud *Westm.* 12 die *Februarii*. Which form hath been generally observed ever since, as the *Great Rolls* in the *Pipe Office* evidence.

In *Michaelmas* Term the same Year, King *Henry* the 3d. commanded the Barons of his Exchequer to administer this new Oath to the Mayor elect of the City of *London* when he came to be sworn before them, which all the Citizens were ordered likewise to take within the City at a certain day, before the Treasurer of the Exchequer.

Communia
de Termino
Sancti Mich.
An. Regni Re-
gis H. fil. Reg.
Johannis 54.
incip. 55. rot. 3.
dorfo. Baroni-
bus pro Rege.
De Majore
Lond. admisso,
& Sacramento
ejusdem, & to-
tius Communi-
tat. Civitat.
ejusd. præstito.
See Claus. 20
R. 2. pars 2.
m. 1. dorfo.
Juramentum
Majoris Civi-
tatis London.

CUM Cives *London*. *Johannem Adriem Concivem suum*, qui Anno præterito Major ejusdem Civitatis extitit de assensu & admisione Regis, adhuc iterato sibi elegerunt in Majorem, sicut Barones per Literas suas Regi significaverunt, placet Regi quod ipsum admittant, recepto ab ipso Sacramento, in forma debita; Quod fideliter Regi suo perpetuo constanter adhærebit; & quod Civitatem prædictam ad securitatem Regis & fidelium suorum fideliter & bene conservabit; adjuvantes in Sacramento illo, quod si vivente *Edwardo* primogenito Regis de Rege humaniter contigerit, ipsi *Edwardo* tanquam Domino suo firmam fidem portabit. Et si vivente *Johanne* fil. ipsius *Edwardi* Regis ipse & *Edwardus* in fata concesserint, ipsi *Johanni* præ cæteris mortalibus eandem fidem portabit. Et post ejus decessum, rectis Hæred. Coronæ *Angliæ*. Et quod Concives suos & totam Communitatem ejusdem Civitatis illud Sacramentum coram *Thes. de Scaccar.* infra dictam Civitatem, ad diem certum, quem per Consilium ipsius

ipſius Theſ. præſtare faciet. Et ſimiliter, quod Portas Civitatis prædictæ, cum hominibus ſufficienter armatis, de die in diem cuſtodiri, & noctibus ſecurè claudi fac. Et quod Arma, aut aliquem Equum, pretiū Cent. ſolid. vel ultra, emi, & extra eandem Civitatem adduci niſi ſpecialibus, et hæcenus ꝑ exceptis & ꝑ approbatis, aut aliquod colloquium hominum de quibus aliquam ſiniſtram ſuſpicionem haberi poſſit, vel equos de pretio cum armis, niſi eorum qui Amici Regis notorii ſunt, dictam Civitatem intrare minimè permittat, ſuper forisfacturam terrarum & omnium bonorum quæ habent in regno Regis. Teſte Rege apud Windes. 29 die Octob. Anno, &c. 55.

Page 114. l. 18. The Writ there cited out of the Register prohibiting the holding of Common Pleas in the Court of Exchequer, I find iſſued to the Treasurer and Barons, Anno 10 E. 1. m. 2. dorſo. The like Writ iſſued to them, Cl. 30 E. 1. m. 10. dorſo in the Tower; you may find them alſo recorded inter Brevia directa Baronibus in the Lord Treasurers Remembrancers Office.

The like Prohibitions I find made by King Edward the 3d. and ratified by King Richard the 2d. to the Court of Exchequer in Ireland.

Item, cum brevia de Debitis et Transgreſſionibus et aliis etiam quæ coram Juſticiariis noſtris ad Communem legem placitari deberent, in Scaccario noſtro de Dublin. per brevia ejuſdem Scaccarii communiter placitantur; per quod Theſaurarius et Barones noſtri ac Clerici de eodem Scaccario circa hujusmodi placita intendentes impediri exiſtant, quo minus circa noſtra et populi noſtri negotia quæ ad officia ſua in eodem Scaccario de jure et conſuetudine ejuſdem Scaccarii pertinent vacare poſſint; per quod ipſa negotia in noſtri et populi noſtri grabe dampnum indies retardantur: Volumus et firmiter inſtituendo præcipimus, ne hujusmodi Communia Placita in dicto Scaccario placitentur, contra ſormam ꝑ ſtatuti inde editi et ꝑrohibiti. Et quod Cancellarius ejuſdem Scaccarii ſi hujusmodi brevia ad Communem legem ſub ſigillo dicti Scaccarii conſignaverit vel conſignari fecerit, vel permiſerit, de contemptu nobis facto, et de gravamine parti illato, coram Juſticiariis noſtris, vel per Willam respondeat ut debebat.

Ad. 31 E. 3.
& Pars. 17 R. 2.
Pars 1. m. 249

* Mag. Chart.
c. 11. 28 E. 1.
c. 6.

Page 113. l. 44. Others think that the Ordinance of Roſeland is no Statute, but made by the King for the Order of this Court. To which the Author answers, p. 114. l. 28, &c. and in the Margin: This is a Statute ꝑroved by the Title thereof, Stat. de Roſeland. 10 E. 1. In the Register 187 b. it is called Statutum de Roſeland. Vid. Pl. Com. 221. by two Barons; And for that it is entered in the Parliament Roll. To this I reply, 1. That the calling of any Writ or Ordinance of the King, with adviſe of his Judges or Privy Council, a Statute, is no proof at all that it is a Statute made by the King, Lords and Commons in Parliament; witneſſe, ꝑ Statutum de Circumſpecte agatis, Statutum de Militibus, and ſundry others in our Statutes at large, and Toſe bis Magna Charta, London 1556. pars 1 & 2. who fol. 46. firſt filed this, Statutum de Roſeland. and Raſſal our of him in his Abridgement of Statutes, Tit. Exchequer, ſc. 2. As for the Register, it is not filed Statutum de Roſeland in any Writ thereof, but only in an Additional quotation in the Margin by the publiſher: That it is filed a Statute by two Barons, Pl. Com. 221. there is a double miſtake in it, firſt, in the folio 221, for 208 b. 209. where Luke the ſecond Baron only, reſiſted the Statute de Roſeland: but Saunders Chief Baron, thent le contrary: Et il deny que ceo appelle Le Statute de Roſeland de eſſe Statute; car il dit, que il ne fuit que Ordinance, fait par le Roy par le ordre del Court del Exchequer, ſans authoꝛite del Parliament. And that it was ſo in truth, appears 1. By the whole frame and tenor of the Writ running in the Kings name alone, without the leaſt mention or intimation, that it was made by adviſe and aſſent of the King, Lords and Commons in Parliament, or of the King and his Council out of Parliament, like other Ordinances or Statutes concerning that Court; And it is directed to the

* No Statutes
but Writs.

Handwritten note: This is a Statute proved by the Title thereof, Stat. de Roſeland. 10 E. 1. In the Register 187 b. it is called Statutum de Roſeland. Vid. Pl. Com. 221. by two Barons; And for that it is entered in the Parliament Roll.

* See my Au-
rum Reginz.

a Rot. Walliæ,
Patents,
Clause, Fines,
Scutagii, An.
10 & 11 E. 1.
b Flores Hist.
An. 1282.
p. 370.
c Historia
Angliæ, p. 11.
12. & Ypodig.
Neustriæ.
d Flintshire.
e History of
Great Britain,
An 1182, 1283
See Holinshed,
Speed, and
Daniel.

f Rot. Walliæ
10 E. 1. m. 5,
7. dorf. Pat.
12 E. 1. m. 3,
6, 8. Rot.
Walliæ 11 E.
1. dorf. 3, 4.

† Page 370.

† Here, p. 49,
50, 51.

g Fol. 187 b.
h Fol. 208 b.

Claus. Anno
10 E. 1. m. 2.
dorfo, Ne
Communia
Placita placi-
tentur in Scac-
cario, nisi tan-
gen. Reg. vel
Ministros
Scaccarii.

the Treasurer and Barons, in the same form as other of the Kings Writs, entred & enrolled in the *Kings & Lord Treasurers Remembrancers Offices in the Exchequer in the Rolls of every Term, under the Title of *Wrebia directa Baronibus*: Therefore no Statute. 2ly. Whereas the Author allegeth it to be a Statute, for that it is entred in the Parliament Roll: it is a clear mistake. For 1. there is no Parliament Roll at all of An. 10 E. 1. extant, for ought I could ever find, hear, nor entred amongst the *Kalenders of Records* in the *Tower*, or Court of Exchequer. 2ly. It is not in the *Statute Roll* in the *Tower* of the Statutes made in the reign of *Edw.* the first, as I can averre after several perusals thereof. 3ly. No History or Record informs us, that there was any Parliament held at *Roteland* in *May 24.* An. 10 E. 1. when this supposed Statute bears date both in *Tottle* and *Rastal*, nor at any other time. 4ly. This *Roteland* where this Statute, Ordinance or Writ is said to be made, 10 E. 1. is not *Roteland*, or *Rutland* in *Rotlandshire* in *England*, as the Author and others seem to conceit, but *Rothe-land*, *Rocheland*, *Rothelan*, or *Rodolan* Castle in *Flintshire* in *Northwales*, as our ^a Records An. 10 & 11 E. 1. ^b *Matthew Westminster*, ^c *Thomas Walsingham*, ^d *Mr. Cambden*, ^e *Speed*, and other of our *Historians* stile it. Which informs us likewise, that *Leolin* Prince of *Wales* and his Brother *David* with a great Army sodainly on *Palm-Sunday* in the night An. 10 E. 1. came and besieged *Rothe-land* Castle, wasted the Country round about it with fire and sword, killing old men, women and children, taking *Robert Clifford*, the Kings Chief Justice of *Wales* (a Noble valiant soldier) Prisoner, and sending him to *Snowdon Hills*: whereupon King *Edward* sent all his *Milisia* then ready to *Rothe-land* Castle, and by his ^f Writs summoned all who held of him by Knights-service to meet him there with their Horses and Arms, from whence he soon after marched with his Army through *Anglesey* toward *Snowdon* against the *Welsh*, whose Pr. *Leolyn* was soon after slain in battel with most of his Army, his head cut off, sent to the *Tower* of *London*, and there set upon a poll for certain dayes crowned with Ivy; whereupon the *Welshmen* that year submitted themselves to the King. For defraying the expenses of this expedition, and reimbursing the monies the King had borrowed to promote it; *Clerus & populus primo Decimam, postmodo tricesimam bonozum suozum Regi suo concesserunt*: as *Rotulus Walliæ*, Patents An. 10 E. 1. with [†] *Mat. Westminster* inform us; not before, or in, but some moneths after *May* An. 10 E. 1. Therefore this pretended Statute could not be made at *Roteland* in any Parliament there held *May 24.* An. 10 E. 1. as is alleaged. 5ly. *Mat. Westminster* informs us, That upon the breaking forth of this *Welsh* Rebellion, *Reges Barones de Scaccario, et Justiciarius de Banco misit Salopiam pro regni sui Juribus obserbandis*, before he marched with his Army into *Wales*. 6ly. I find no such Writ, Ordinance or Statute, as that stiled *Statutum de Roteland*, printed in *Tottle*, *Rastal*, others, in the *Patent*, *Clause*, *Fine* Rolls, or *Rotulus Walliæ*, *Scutagii*, or other Roll in Anno 10 E. 1. the first part whereof seems to me to be transcribed out of the [†] premised *Ordinances* of King *Henry* the 3. concerning the *Exchequer*, by some Collector of the Orders and Writs sent to the Treasurer and Barons, and annexed by him to this Writ in Rot. Claus. An. 10 E. 1. containing the last Chapter or Clause of this pretended Statute, which is only mentioned in the ^g *Register of Writs*, and in ^h *Ploymden* (cited by the Author) without any other additions præfixed to it, stiled *Statut. de Roteland* by them.

REX Thes. & Baronibus sui: de Scaccario, salutem. Cum secundum legem et consuetudinem Regni nostri, Communia Placita coram Vobis ad Scaccarium prædictum placitari non debeant, nisi placita illa nos aut Ministros nostros esisdem Scaccarii specialiter tangant: Et iam ex insinuatione dilecti et fidelis nostri *Johannis de la Mare & Petronilla* uxoris ejus acceperimus, quod dilectus & fidelis noster *Robertus de Tatesale* ipsos implacitrat coram vobis in Scaccario prædicto de debito Tringinta et quinque librarum quod ab eis exigit. Vobis mandamus, quod si ita est, tunc de placito illo coram vobis ulterius tenendo vos non intromittatis, sed dicatis præfato *Roberto* quod bzebe nostrum de debito illo aliti

alibi, sicut fieri solet placitand. sibi perquirat, si sibi biderit expedire. T. &c. apud *Tlangernon*. 14. die *Sept.* (not apud *Roteland* 24. die *Maii*, as it is mistaken in the printed Copies, of which I thought fit to inform the Readers, to prevent mistakes) on which day it appears by the Records of this year in the *Tower*, that the King was elsewhere in his March towards, but not arrived at *Rothelan* till after *May*.

It is clear by the Testees of all the Writs, Patents, Charters, in the Clause, Patent, Charter, Fine Rolls, and of *Wales* Annis 10 & 11 E. 1. that King *Edward* by reason of *Llewelins* Rebellion marched in *April* from the *Devises* in *Wiltshire* towards *Rothelan* Castle in *Wales*, where he summoned all the Clergy, Nobility and Gentry who held of him by Knight-service to appear with their horses, arms and service, apud *Rothelanum*, die *Dominica* in *Crastino* *Sancti* *Petri* ad *vincula*, as the Writs, and *Rosinus* *Marescalli* & *Constabularii* that year attest. * *May* 1. to 6. he remained at *Glocester*. *May* 9. he was at *Havelugh*. *May* 17. to 22. he continued at *Worcester*. *May* 24. (when the supposed Statute of *Rotland* bears date in *Totle*, *Rasak*, and others) he dated Writs and Patents: apud *Hertleburg*, alias *Hertlebery*, where he then was, (not at *Rotland* in *Wales* or *England*.) *May* 28. his Testees are dated at *Affon* *Barnell*. *June* 1, 2. at *Salop*. *June* 7, to 28. he resided at *Chester*, from whence about *July* 10. he marched to *Rothelan* in *Flintshire*, where his first Patents, Writs, Charters bear Teste. *July* 12, and after till *Aug.* 23. from whence he marched to *Rubyn*, *Aug.* 30, 31. and then to other places towards *Snowdon*, from whence he returned to *Rothelan*, *Sept.* 23. and resided there till about *Octob.* and then removed to *Dynbech* till *Nov.* 5. when he returned to *Rotland*, from whence his Patents, Writs, Charters bear date *Nov.* 6. An. 10. til *March* 14. An. 11. when he marched thence to *Aberconwey*, where he resided, as all his Testees assure us from *March* 14. till *June*, except only *May* 24. An. 11. when his Teste is dated † apud *Doltridolan*, (not *Rothelan*) from *Aberconwey* he removed to *Rothelan* *June* 19. and remained there till after *June* 28. Therefore it is irrefragably evident by all these Testees and Records, that King *Edward* was not present at *Rothelan* in *Wales*, (much lesse at *Rotland* in *England*) nor kept any Parliament, nor dated any Writs from thence in *May*, either in the 10. or 11. year of his reign (or any other year before or after, that I can find:) Therefore this pretended Statute of *Rotland* affirmed to be there made in Parliament, and its date *May* 24. 10 E. 1. must needs be an *Imposition*, and mistake, which I have the longer insisted on, because the *Authors* venerable Authority, and *Totle*'s printing it *Cum Privilegio* in his *Magna Charta*, with the Title of, *Statutum novum de Scaccario, aliter dictum, Statutum de Roteland*, (which Title of *Statutum* he hath prefixed to sundry other Writs and Orders, which are no Statutes) have induced most Professors of the Law to believe it to be a real Statute made at *Rotland* in *England*, without examining it by the Records in the *Tower*, which would have detected it, to be neither a Statute nor Record: except only the last Clause thereof comprised in the forecited Writ in the case of a particular person sued in the Exchequer in a Common Plea, against the form of the great Charter.

* Cl. 10 E. 1. m. 6, 5, 4, 3, 2, 1. Par. 10 E. 1. m. 11, 13, 14. Rot. Walliz 10 E. 1. m. 7, 8, 9, 10.

† Rot. Walliz; An. 11 E. 1. m. 1.

For ancient Orders and Ordinances made by our Kings and their Council upon Petitions of the Lords and Commons in Parliament for the ease of the Subjects and regulating abuses in the Exchequer, and other matters concerning it, you may consult at leisure, *Provisiones facta Scaccario*, Cl. 12 E. 1. m. 17. dorso. *Forma concessionis & exemplificationis Cartarum in Scaccario, ad supplicationem Magnatum, &c.* Cl. 13 E. 1. m. 7. in *Cedula*. Cl. 20 E. 1. m. 8. dorso. *Clauſ. 6 E. 2. m. 18. dorso. Provisio de Talliis & Contra Talliis in Scaccario*. Cl. 14 E. 1. m. 1. *Ordinatio de Denariis Regis liberandis, in Parl. apud London. ad Palatia Antho* 26 E. 1. *Quod Ministri Regis de Scaccario non admittantur esse Attornatos alienis in eodem Scaccario*. *Clauſ. 4 E. 2. m. 17. intus. De ordinationibus publicandis & observandis*, Pat. 4 E. 2. pars 1. m. 18. intus. *De seruitiis faciendis super Libertatibus & aliis & Regem inde informando*. Cl. 13 E. 2. m. 3. intus. *Pro*

See Ryleys Appendix ad Plac. Parl. p. 446, 447, 448, 450, 458, 525, 528, 529, 536, 563, 566, 567, 584.

Magnas Angliæ de feodis & serviciis suis Militaribus. Gl. 14 E. 2. m. 21. intus. De superiendis Rotulis & Memorandis in Sac. Gr. Cl. 14 E. 2. m. 22. intus. Pro Rege, de quadam ordinatione facta de Inquisitionibus & extenuis in Scaccario per Escatores veterand. Fines 20 E. 2. m. 20. intus. Ordinatio pro terra Hiberniæ. Pat. 17 R. 2. pars 2. m. 34.

* Page 241, 245, 250, to 265, 290, to 307, 336, to 345, 350, to 356, 363, 367, &c.

What Matters have been referred to the Treasurer and Barons of the Exchequer, as proper for their Jurisdiction, examination, and Inquiry, upon Petitions to the King and his Council in and out of Parliament, the Bundles of Petitions in the Tower, the Parliament Rolls, Brevis directa Baronibus, entered in the Exchequer Rolls, and Ryley his *Placita Parliamentaria*, and *Appendix* will inform you.

Page 115. l. 44. &c. Though the Wines, Rings and Jewels delivered by the Kings command by word of mouth without a special warrant, were disallowed by the Barons of the Exchequer, unto *B. Fulham* the Kings Butler, and *Richard Bury*, Keeper of the Wardrobe, upon their Accounts according to the strict rules of Law in the Exchequer, yet upon the Petition of the first of them to the King and his Council in and out of Parliament, and of the second to the King himself, his command to deliver them by parcel; being proved by Testimony, and their own Oath, they were by special Writs to the Barons ordered to be allowed them, as Clauf. 4 E. 3. m. 4. & 19. which I have perused, and other like precedents in the Roll assure us; and may now be relieved in the Court of Equity in the Exchequer, as the Author proves, p. 118, &c.

Page 116. l. 7. *Of a Liberator.* For the name, nature, form of *Libertatis*, you may consult the *Libertate*, *Clause* and *Patent* Rolls in the Tower, in the reigns of King *John*, *Henry* the 3d. *Edward* the 1, 2, 3; abounding with them.

Anno 50 H. 3. I found this Action brought by a Clerk of the Exchequer against a Jew in that Court for a defamation.

Communia de Termino S. Mich. Anno 50 H. 3. Rot. 4. intus. Effex. In Offic. Remem. Thef. in Scaccario. Consideratio facta de placito inter Ricardum de Cestreford. Clericum, & Bonenf. Judicem Exon.

Richardus de Cestreford, Clericus Scaccarii de Reteptu, quer. quod Bonenf. Judex de Exon. coram Clericis, & servientibus, & aliis Ministris de eodem Scaccario die, &c. dixit ei verba probrosa, & contumeliosa, imponens ei, quod fuit falsarius Rotulorum Regis, & ita dixit, ad probum et dampnum ejus, quod noluit habuisse pro Cl. & inde produxit scriptum, &c. Et predictus Bonenf. qui presens fuit defend. &c. secundum quod Cur. voluerit considerare, &c. quia veritas in iudicium placitis, secundum antiquam consuetudinem Scaccarii, confuzet iniqui per illius qui illam melius sciunt. Et predictus Judex nichil sciuit dicere contra scriptam dicti Ricardi, nec voluit ponere se in inquisitionem aliquam. Consideratum est; Quod tanquam indefensus, sit in misericordia, & satisfaciatur predicto Ricardo de Transgressione predicta: pro qua postea finem stetit per unum Marcum, de qua solvit eidem Ricardo dimid. Mar. & residuum dimid. Mar. solvet eidem Ricardo in Octab. Sancti Hillar. ad quod invenit Pleg. viz. *Maffon*, *Babelard*, *Vines le Chanm*, *Jacobum de Novo Mercato*, quorum quilibet obligavit se in solidum ad predictam Marcum solvend. ut predictum est. Postea solverunt dimid. mar.

I shall close this Chapter with this memorable Record of this Courts Jurisdiction, in punishing *Sir John Bourn*, for bringing the Popes notary privately into it, to make an Instrument of a Suit pending therein, of purpose to question it in the Spiritual Court, to the parties vexation; in derogation of the Kings Royal Authority, and contempt of his Court.

Pat. 3 E. 3. pars 1. m. 3. intus. Pro Johanne de Bourn Milite. in Turri Lond.

R. E. X. Omnibus ad quos, &c. Saluta. Sciatis, quod cum *Johannes de Bourn* Miles noster in Curia nostra coram Thef. & Baronibus nostris de Scaccario allocutus fuisset, tunc, quod duxit de iure ibidem *Encum de Thakestade* Clericum, auctoritate Populi Notarium publicum, ad instrumentum super quodam placito motu in eodem Curia inter *Johannem* et *Ricardum*

dum de Possessione Personarum Ecclesiarum de Helynton factendum, ut idem Riccardus virtute instrumenti illius in Curia Christianitatis postmodum occasione nari potuisset et etiam molestari, in derogationem Juris nostri Regii, ac nostri et Curie nostre contemptum mentium, prefatus Johannes transgressionem illam debere non potuit, sed eam tamen dicta Curia nostra recognovit, et preterea, per quod persona nostra per constitutionem eisdem Curie adjudicatus est ad voluntatem nostram subiaceret in eadem. Nos ad requisitionem venerabilis patris H. Lincoln, Episcopi Cancellarii nostri, volentes eidem Johanni in hac parte gratiam facere specialem, pardonabimus ei transgressionem predictam, & quicquid ad nos pertinet in hac parte; Nolentes, quod predictus Johannes occasione premissorum per nos vel heredes nostros seu Ministros nostros quoscumque occasionetur, molestetur in aliquo seu gravejura. In cujus, &c. T. R. apud Wyndesore 28 die Julii.

Per breve de Privato Sigillo.

Cap. 14. p. 120. Of First-fruits and Tenths Ecclesiastical.

Concerning the Original of *First-fruits, Tenths, Annates*, and complaints against them, you may consult *Henrici Spelmanii Glossarium, Tit. De Annatis eorumque origine & usu*: and the Authors quoted by him: *Claus. 32 H. 3. m. 12. dorso. Pat. 41 H. 3. m. 13. intus Cedula. Petitiones in Parlamento, An. 35 E. 1. nu. 7. Ryley his Plac. Parl. p. 348, 349, 350, 383. Pat. 35 E. 1. m. 19. intus. Rot. Parl. 21 E. 3. nu. 63, 64. An. 25 E. 3. nu. 13, 14. 47, to 57. An. 27 E. 3. nu. 53, 54. & tap. 8: Statute against Provisions. Parl. 38 E. 3. nu. 9. to 22. Dr. Cowel's Interpreter, Tit. First-fruits: The Second Tome of my Exact Chronological Vindication, p. 683, 684, 718, 719, 740, 913, 921. & Tom. 3^d. p. 1077. and Tom. 4th. (when published.) For the first Taxation of Ecclesiastical livings, see Rot. Cl. Vasconia, An. 37, 38, 39 H. 3. m. 2. dorso.*

Cap. 17. p. 123. The Honorable Court of Chivalry, before the Constable and Marshall.

FOR the Antiquity of the *Constables and Marshals of England*, of *Heralds* attending them, their Institution, Succession, and Jurisdiction, Sir *Henry Spelman* his *Glossarium, Diatribe de Constabulario Anglia, & Marescalo, & Diatribe de Heraldia Anglicis, &c.* renders us the exactest account of any of our Writers; *Gervasius Tilberionensis*, in his *Dialogus De Necessariis Scaccariis Observantiis*, gives us the first account of the *Marshals Office*, Duty in the Court of Exchequer, and the fees belonging to him. *Mr. Richard Crompton* in his *Jurisdiction des Courts, c. 5. De Court de Haut Steward, Constable, & Maremarshall Dengleterre, f. 82. to 92.* discourseth learnedly of them and their Jurisdiction. *Dr. John Cowel* in his *Interpreter, Titles, Constable, Marshal, Steward*, hath some things that concern the Etimologie of their Names, Titles, but little of their Jurisdiction, especially in relation to *matters of warre, Coat-Arms*, and matters of *Heraldry*, which the Author hath discoursed of, whose defects I shall supply out of *Records* in the *Tower*, most of them not formerly published.

Page 123. l. 28. To the Constable it appertaineth to have Connsance also of things which touch Warre within the Realm, which cannot be determined or discussed by the Common Law. When and where Martial Law may be used and exercised in times of Warre upon Soldiers and Mariners, as well within the Realm as without, and when and where not, you may consult the *Petition of Right, 3. Caroli*, the learned debates in that Parliament of this question, and 13 *Car. 2. c. 9.* of late, & *Rot. Scotia An. 1 E. 3. m. 4. Pat. 1 H. 7. pars 1. m. 13.* the Patent of Admiral of England to *John Earl of Oxford*, *Pat. 7 H. 7. m. 32. to James Ormond,* and

and *The Garib Elqs.* conductors of the Kings forces sent into *Ireland*, Pat. 8 H. 7. pars 2. the Patent to *Roger Coizan* General of the Kings forces in *Ireland*; the Patent to *Sir Robert Wilsburghy* An. 8 H. 7. pars 1. to execute Marshal Law in the Kings Army designed for *France*, according to the Laws and Ordinances of War provided for that end; The Patent to *Sir Anthony Snyssleger* Knight, of the Garter, Marshal of *Ireland*, to execute Marshal Law there according to the Articles of Warre prescribed by the King, Pat. 38 H. 8. pars 3. and *Qu. Elizabeths* Patent to *Sir Thomas Wilsford* Knight, Pat. 37 *Eliz.* pars 17. and 3^d. *Institutes*, p. 52, 53. in former times.

What pulling down and firing of Houses and Suburbs in times of Warre, to prevent the Enemies harbouring in them, and preserve a City, or seising of goods and chattels to victual it, and keep them from Enemies and Rebels, are to be tried by the Law and Course of Warre, not by the Common Law, these memorable Records concerning the Mayor and Citizens of *Dublin* firing their *Suburbs*, and seising Cattle and provisions in times of Warre to preserve the City, will inform us.

Clauſ. 11 E. 2. m. 19. dorſ. Pro Majore & Civibus Dublin.

REX dilecto Confanguineo & fideli ſuo *Rogero de Mortuo mari*, Cuſtodi Terræ ſuæ *Hibern.* ac Locum noſtrum ibidem Tenenti, ſalutem. Ex inſinuacione Majoris & Civium Civitatis noſtræ *Dublin.* intelleximus, quod pro eo quod nuper imminente hoſtili irruptione *Scotorum* inimicorum noſtrorum infra terram noſtram prædictam, iidem Major & Cives pro ſalvatione &munitione Civitatis prædictæ, & ne dictis inimicis noſtris ad Civitatem prædictam, eo facilius pateret ingreſſus, quo in Suburbio dictæ Civitatis turæ recipi poſſent, & victualia & alia neceſſaria in partibus adjacentibus habundarent, Domos et Edificia dicti Suburbii præterni ac incendio conſumit, animaliaque, catalla, et alia libera victualium genera ibi capi, et uſque infra Civitatem prædictam carriari fecerunt; timent ſibi veriſimiliter per eos quorum dicta Edificia, Catalla & victualia fuerant coram vobis & vobis Communem Legem, qua uſtur in partibus illis, ſe ad rationem poni et multipliciter inquietari per eosdem. Et nobis cum inſtancia ſupplicarunt, ut conſideratis gravitate & circumſtantiis facti illius, eorum immunitati in hac parte proſpicere curaremus. Nos advertentes, quod ea quæ urgente neceſſitate guerra ſunt ponis *Legis Communis ſubelle non debent; Vobis mandamus, quod dictos Majorem aut Cives occasione præmiſſorum ſecundum Legem Communem Terræ prædictæ coram vobis vel alibi occasione prædicta in cauſa trahi, ſeu alias occaſionari vel inquietari nullatenus permittatis, donec inde plenius informati de Conſilio noſtro aliud in hac parte duxerimus ordinand. Dum tamen animalia, catalla, & alia genera victualium ibi capta, & uſque infra Civitatem prædictam occasione prædicta ducta, illis quibus & extent reſtituantur, † vel de valore eorum ſi non extent, prout juſtum fuerit ſatisfiat eidem. T. R. apud *Wyndefore* 10 die *Decembris*.

Per Conſilium.

* Inter arma ſilent leges.
† See Magna Carta, c. 19. *Westm.* l. c. 7. 2 *Inſtit.* p. 33. 170, 171.
* Pat. de Anno 12 E. 2. m. 30. *Intus*. De pardonacione pro Majore & Civibus *Dublin*.
† Had the Major & Citizens been Military Officers, commissioned by the King to Garrison and guard the City againſt the Enemies, their caſe had been ſtronger in point of Martial Law & warlike Diſcipline, needing no pardon in ſuch a caſe as this.

* **R**EX Omnibus Ballivis & fidelibus ſuis *Hibern.* ad quos, &c. ſalutem. Scitis, quod cum imminente nuper hoſtili irruptione *Scotorum* inimicorum & rebellium noſtrorum infra terram noſtram *Hibern.* prædictam † Major & Cives Civitatis noſtræ *Dublin.* timentes quod inimici noſtri prædicti verius Civitatem illam appropinquantes eam hoſtiliter obſeſſent, Domos et Edificia Suburbii Civitatis prædictæ, pro ſalvatione et munitione Civitatis illius, ne ipſi inimici in Suburbio ſiſe receptari poſſent, præterni, ac incendio conſumit feciſſent, ut accepimus; Nos attendentes, quod prædicti Major & Cives præmiſſa pro ſalvatione Civitatis noſtræ prædictæ et pro repulſione inimicorum noſtrorum prædictorum, et non per feloniam aut maliciam excogitatum fieri fecerunt; & volentes ea de cauſa eis ſuper hoc gratiam facere ſpecialem, pardonabimus eis et cuilibet de communitate Civitatis prædictæ id quod ad nos pertinet de proſtracione et incendio prædictis, et firmam pacem noſtram eis inde concedimus. Nolentes, quod idem Major & Cives, aut aliquis de Communitate

facie prædicta pro eo quod ad nos pertinet in præmissis per nos vel hæredes nostros, seu ministros nostros quoscumque occasione tur, molestentur in aliquo seu graventur. In cujus, &c. T. R. apud Norw. 20 die Julii.
Per ipsum Regem.

REX Omnibus Ballivis & fidelibus suis in Hibernia ad quos, &c. salutem. Ibidem. Sciatis, quod cum inimicant, &c. ut supra, usque ibi hostiliter obsedit, animalia, blada, & alia victualia diversa de pluribus hominibus parvorum circumadjacentium pro munitione Civitatis prædictæ cepissent, et ea usque ad Civitatem illam inbitis illis quoque bona illa et victualia fuerunt abduxerunt et asportaverunt, ut accepimus. Nos considerantes quod dicti Major & Chyres permissa pro subactione et munitione Civitatis nostræ prædictæ, et pro restitutione dictorum inimicorum nostrorum, et non felonice fieri fecerunt, pardonavimus eis & cuilibet de libertate Civitatis prædictæ, id quod ad nos pertinet de captione, abductione & asportatione prædictis, & firmam pacem nostram eis inde concedimus, salvis semper illis a quibus animalia, blada et victualia ista sit capta fuerunt, actione sua ad ea si extant, vel balozem eorumdem si non extant, cum volunt, per viam transgressionis, et non per viam felonie repetenda. In cujus, &c. T. ut supra.
Per ipsum Regem.

These presidents will help to explain the Authors 3. Institutes, cap. 15. p. 66. 67. Of felony in burning of Houses.

I shall only adde one president more, to prove, that in times of Warre, not only Houses, but † Monasteries and Churches adjoining to Castles or Forts, may not only be made Garrisons, but likewise demolished by the rules of War to preserve them from being garrisoned, or the Castles or Forts surprized by Enemies to the publike prejudice, as well after as during the Wars, giving convenient recompence, and that without the Bishops license, in case he dissented or agreed notthereto, prohibiting him to act any thing against him or his officers for demolishing it.

† See Grotius de Jure Belli, l. 3. c. 5. & Annotata. 2 Kings 25. 9. &c. 2 Chron. 26. 17, to 20. 1 Mac. 1. 21, to 40. c. 9. 54 c. 10. 84.

2 Mac. 5. 15, to 22. c. 6. 4, 5. Josephus Antiqu. Judæorum, l. 12. c. 14. De Bello Judaico, l. 7. c. 9, 10, 11.

REX Episcopo Vasatenſi, & ejusdem loci Capitulo salutem. Non latet discretionem vestram, quot et quanta dampna sustinimus per rebellionem et insolentem guerram Willæ nostræ de Regula, tam inestimabilibus sumptibus in hominum nostrorum mortibus et aliis guerrinis afflictionibus, quibus Nos et omnes Magnates de Regno nostro pluraquam referre valeamus turbamur; præcipuam etiam occasionem præscriptæ temerariæ præsumptionis imputamus Monasterii de Regula confinio Castrum nostrum de Regula tam propinquum, per quod Monasterium cum contra nos et Castrum prædictum sit armatis viribus munitum, ut de Domini Templo fieret † Turris Babylonis, ademptum fuit nobis Castrum prædictum, et sic crebit contra nos hominum proptiorum mactis, tot malorum et cedium inerrabilium mater, quæ his totis conatibus nostris valuit sedari. Nos igitur, ut per præterita de futuris malis nobis et hæreditibus nostris, immo toti terræ nostræ Wascon. præcaveamus, et pacti perpetuæ prohibitiæ prohibeamus, decrevimus per Consilium nostrum prædictum dicti Monasterii partem fore prostrernandam; Ita tamen quod ad dictum Venerabilis patris P. Herefordensis Episcopi vel alterius prohibi viri, si idem Episcopus ad hoc hacare non poterit, et vestram Episcopo Vasat. emendam his inde faciamus quorum interest competentem. Quocirca vos monere diximus rogantes, quantum cum communi conveniat utilitati quod in hac parte fieri præcepimus prostrationem ejusdem partis Ecclesiæ nocivam, ratam his de causa habere velit: Scituri, quod si sinistro, quod abſt, ducti Consilio quæquam contra nos vel Ballivos nostros aut Ministros ea de causa curaveris attemptare, licet speciali sedis Apostolicæ privilegio tueamur, ex habundanti tamen, ne quid tale

Vasc. Pat. pars 2. de Annis 37 & 38 H. 3. n. 21. Pro Rege de Ecclesia de Regula.

† Nota.

* Nota.

tale contra nos vel subditos nostros attemptetis eodem Apostolicam appellamus, nos et nostros tuicioni Summi Pontificis supponentes. In cujus, &c. Dat. apud Millan. 22 die Martii.

Page 125. l. 43. It is to be observed, that after sentence pronounced in the Court of Chivalry in case of Arms, the party grieved may appeal to the King, who by himself or his Commissioners may give final judgements therein; whereof you may read a notable case, Rot. Pat. 13 R. 2. I shall present the Readers with the Transcript of the Record, to gratifie *Heralds*, and those who delight in *Heraldry*.

Pat. 13 R. 3.
membr. 8.
Pro Richardo
Lescrop Chi-
valer.

REX Omnibus ad quos, &c. salutem. Inspecimus tenorem et iustitiam sententiarum per nos iuste late prodicto & fidei nostro *Richardo Lescrop Chivaler*, contra *Robertum Grosvenour Chivaler*, in quadam causa *Armozum* coram nobis & certis nuper Commissariis nostris, nuper pendente per eam Appellationis ad audientiam nostram Regiam per ipsum *Robertum Adversarium* predicti *Richardi* in causa predicta in Cancellar. nostram de mandato nostro missum, in hac verba. *En nom de Dieu, soit conis nos chiers et bien amez certains Commissaires en une cause dappell dune sentence diffinitif, dont le tenre deinz ensuyt par nostre treschier Uncle Thomas Duc de Gloucestre, & nostre Conestable Dengleterre, en une cause principall Dames Dazure ove une Bende dor, nagairs en la Courte de Chivalrie devant le dit Conestable par entre Richard Lescrop partie attour dune part, & Robert Grosvenour Chivaler, partie defendant dautre part, entre les dites parties donez & promulgez a nostre audience, par la partie du dit Robert fait & enterpose, Et auant la cause principall Commissaires & Juges ove autres leur Concommissaires & Colleges, ove ceste clause, a vous oep, sept, hys, cyuk, quatre, trois, ou deux de vous jointement & severalement, come en leur Commission ent fait appiert plus ou plein, par nous suffisamment & ducement deutes & assignes en la dicte cause dappell, & auant la principall par vertue de leur Commission par nous ent fait legitiment procedantz par leur jurisdiction en cest partie, & la dicte cause principall par vertue de lappelle du dit Robert a vous a nostre & leur audience & leur Colleges ent cest partie deutes estre legitiment devolutz, onnt prononciez, Et par tout le processe devant le dit Conestable entre les parties susdictes en la dicte Courte de Chivalrie enes & faitz, a eux onnt faitz transmittre, & depuis en la dicte cause devant eux entre les parties susdictes onnt successivement ranque a la Sentence diffinitif exclusive en la second instance termes & delayes, & due processe & ordre le loy en toutz pointes gardez ducement & legitiment procedes. De quel sentence diffinitif par le dit Conestable done, le tenre tiel est & cy ensuyt: Nos Thomas fitz au Roy, Duc de Gloucestre, Counts de Bukingham & Dessex, Conestable Dengleterre oiez & bien entendez les meritz & desertz de la cause sur le droit Dames Dazure ove une Bende dor, qest moeve & pendant devant nous en nostre Court entre *Richard Lescrop Chivaler* attour dune part, & *Robert Grosvenour Chivaler* defendant dautre part, enserchez auxi & diligemment enquis tout le processe du dit cause, par ce que par les actez & assictez productz & exhibitz en mesme la cause avous trouvez evidentement & suffisamment conuz le dit *Richard* sa entencion deduct en sa libell en nostre dit Courte, en mesme la dicte Cause, quant al effect de nostre sentence deinz escript pleynement proeves & soundes, & sa dicte entencion nient par les proeves de lavantdit *Robert* excluses, enes auxi deliberacion ove prodes hommes & discrettes en icell partie les dites Armes de Azure ove une Bende dor, avoir este et estre les Armes du dit *Richard Lescrop Chivaler*, et a luy adoit pertinez, et pertiner per cest nostre sentence diffinitif prononcions et declavons, et mesmes les Armes a luy asuggeons, et la partie du dit *Robert* en expentes en mesme la cause. Depuis le jour quel luy fuis assigne par excepter contre les productz & exhibitz del partie du dit *Richard*, condempnons, & la taxacion dicell a nous reservons en expentes le dit jour par excepter, assigne par cause proevable de pledir quil avoit equite movant nullement condempnantz ne chargeantz. Et outre ce par tant que de la partie du dit *Robert* avous trouvez grandes evidences & presump-*

cions

cions ſemblables en ſa defence de dictes Armes en meſme la cauſe, de noſtre Office
 oue Indoy du Mareſchall & de noſtre Conſeillo de Chavalrie les Armes dazure
 obe une Bende doz, obe un playn Boz dure dargent, au dit Robert Groſvendour
 regardons & ordeignoms. Es par tant qe nous Richard par la grace de Dieu Roy
 Dengleterre & de France, & Seigneur Dierland, conſiderantz les grandes delaires
 & frivoles en la dictz cauſe de vous faitz, & qe nous dictz chiers et bien amez
 Commiſſaires nous plonement venues, enſerches & diligemment examinez toutes les
 oſtes produitz & exhibitz probtes auant dites; ſibien de la premier inſtance come en
 la ſecounda, d'ubpleyn & mature deliberacion de noſtre treſchier & treſame Uncle
 le Duc de Guyen et de Lancastre & autres Sages par la greindre ſurtee, a nous
 eſlez & aſſumpz, prononcions et declarons la ſentence et jugement de
 noſtre dit Conſtable en les poſſez veſtoyez et l'oy, bien et legitiment fuiſſe
 et vire donnez et promulgez; eſſababotr, an eſt perre ou & per quel le Conſe-
 table auant dit les Armes dazure obe une Bende doz, aboiteſſe et eſtre les armz
 du dit Richard Leſcrap Chivaler, et a luy aboir portinez et pertiner pronuntiaſt
 et declarast, et meſmes les Armes a luy ajuggast, et la partie du dit Robert en
 eſpenles en meſme la cauſe fairez & a luy partie du dit Richard l'apuyez, come par le
 dit Sentence appiere plus un playn vous deſuis, & en velle partie la dite ſentence
 noticions, appodoms, et confirmons, et qe par la partie du dit Robert ſeuſt
 et eſt malbeſteuement appellez prononcions et declarons, Et les dites Armes ent-
 es a luy et ses heirs ou dit Richard a juggoms, et les dites Armes du dit Robert
 et ses heirs forjuggoms, et sur la portacion dicellz entiers ou obe difference per
 petuel ſilence a luy et ses heirs donnez et imponoms; et le dit Robert & sa
 partie en expenſz & coſtaz de la dite cauſe, & auxint la Principal devant nous
 en nos dictz Commiſſaires par la partie du dit Richard entz & faitz par noſtre Sen-
 tence diffinitif condempnoms en ceſt eſcript, la teneur deſſes a nous en nos Com-
 miſſaires reſervantz. Et outre ceo coment qe noſtre treſchier Uncle le Duc le Glou-
 cellere Conſtable Dengleterre, jadis de ſa carriere eſgard & ordeignz, au dit
 Robert armes dazure obe une bende doz obe un playn boz dure dargent, Nien-
 meyn nous conſiderantz les aboſes auant dites, et qe tel boz dure neſt differentz ſuf-
 ficent en armes entz deuz eſtandages et deuz Meſmes; meſ ſimilitudement
 entz coupz et eſtynz plus de ſang; Conſiderantz ausi que le dit Robert de-
 mand en ſa litiſſe appellast le grand aboſe de la dite ſentence eſtre eſſe et abolle; Et
 auxint en ses Informations objeſtione au dictz Commiſſaires noſtres il ad allie, qe
 lozdeignance et eſgard des dites armes dazure obe une bende doz obe un playn
 boz dure dargent furent eſſe et abolles par ſaute de ſe demanſtast uniez et
 deſe armz; veſpirantz qe les ordonnes & eſgard auant dites ſoient iſtruz
 eſſe, meſmes & annullz; Et nous auant conſiderantz qe le dit Richard ad ſe
 meſme la request; pour les eſtes ordonnes et eſgard par ſeſ noſtre ſentence
 diffinitif eſſe, eſtruz, et abolle. Donc, les & promulgez
 faitz eſt noſtre ſentence diffinitif, en noſtre grant Chambre, appelle de Chambre de
 Parlement, devant noſtre Parle de Westmouſter le vint & ſeſieme jour des
 moys de May, l'an de noſtre regne treſſeſme; eſſe et preſentz obaſe nous eſſe
 meſme le temps nos dictz iſſe; Unles les Ducs de Guyen & de Glouceſtre,
 &c. Nos moſes tenore ſentencez probtes ad requirandem perſoni Ri-
 card ad finem et effectum quod hiſtoſeſſe ſentencez pomes ipſum Ricardum
 et heredes ſuos, prout iſſeſſe est, pomen, de in perpetuum teſtimonium in ſatu-
 rum habentur, tenore preſentium diximus exemplificandz. In cuius, &c. Teſ-
 ſe Rege apud Weſt. quatuor die Junii.

Per breve de priore Wigornie.

What a memorable Proclamation King Henry the 7th. made, publicly to
 tear and deface ſuch Coat-Arms as ſome Soldiers whoſe Anceſtors had no Arms
 had unduly uſurped, or ſhould bear in the field as Muſters, without deſcent, or
 his ſpecial grants; this Record will inform us;

RE R

Pat. 5 H. 5. m.
15. dorso.
De proclamacione faciend.

REX Vic. *Subr.* salutem. Quia prout informamur diversi homines qui in viaggiis nostris ante hæc tempora factis armis et tunicas Armorum *v. l. c. t.* Cotearmures in se sumplerunt, ubi nec ipsi nec eorum Antecessores hujusmodi Armis ac tunicis Armorum temporibus retroactis uti fuerunt, & ea in presenti viagio nostro in prox. Deo dante faciend. exercere proponunt: & quanquam omnipotens suam gratiam disponat prout vult in naturalibus equisiter diviti atque pauperi, Volentes tamen quemlibet Ligeorum nostrorum predictorum juxta status sui exigentiam modo debito pertractari & haberi. Tibi præcipimus, quod in singulis locis infra Ballivam tuam ubi per breve nostrum nuper pro mensuris faciend. proclamari demandavimus publice ex parte nostra proclamari factas, quod nullus cuiuscumque status, gradus seu conditionis fuerit hujusmodi Armis sive tunicas Armorum in se sumat, nisi ipse iure antecessorio, vel ex *donacione alicujus ad hoc sufficientem potestatem habentis ea possideat aut possidere debeat. Et quod ipse arma sive tunicas illa ex cuius dono optinet die monstrationsis suæ personis ad hoc per nos assign. seu assignandis manifeste demonstrat; exceptis illis qui nobiscum apud Bellum de *Agencourt* Arma portabant, sub pœnis non admissionis ad præfiscend. in viagio predicto sub munere ipsius cum quo retentus existit, ac perditionis vaduorum suorum ex causa prædicta perceptorum, nec non raturæ et rupturæ victuorum Armorum et tunicarum vocat. Cotearmures tempore monstrationsis suæ prædictæ, si ea super illum monstrata fuerint seu inventa. Et hoc nullatenus omittas. T. R. apud Civitatem *Novæ Sarum* secundo die *Junii*.

* Nota.

Remissum Regem.

Consimilia Brevia diriguntur Vicecomitibus subscript. sub eadem dat. *v. l. c. t.*
Vic. Wiltes, Vic. Suffex, Vic. Dorf.

Pagæ 126, & 127. The Author writes, The Herald's are attendants upon the Court of Chivalry. Of these there be Tres Reges, &c.

Of the Antiquity, use, office of Herald's, you may peruse at leisure Sir *Henry Spelman* his *Glossarium*, p. 336, &c. *Diatriba De Herald's Anglicis.* I shall present you with this Patent of King *Edward the 4th.* to *John Facon* an expert Herald, of the place of *Clarencieux King at Arms*; since p. 126. l. 4. relates, *Our Herald's are consigned by Letters Patents*, but cites none of them.

Pat. 6 E. 4.
pars 2. m. 6.
De Rege Ar-
morum confi-
tuto.

Facon.

REX omnibus ad quos, &c. salutem. Scias, quod cum Officium Heraldi nostri Regis Armorum parcium borialium regni nostri *Angl.* per dimissionem & resignationem *Thome Holme*, alias dicti *Clarencieux*, idem officium nuperimè occupantis & exercentis, ac per restitutionem in Cancellariam nostram literarum nostrarum patecium de vadiis, & feodis officii prædicti eidem *Thome* factarum vacaverit: At nos officium illud per unum de expertissimis scientissimisque Heraldis regni nostri prædicti, prout decet, occupari et exerceri valentes: Hinc est quod nos bonum & laudabile obsequium nobis per dilectum & fidelem nostrum *Johannem Wrythe* alias dictum *Facon*, unum Heraldorum nostrorum in scientia et exercitio hujusmodi officii et occupationis probatissimum virum, multiplaciter et effectuose impensum merito contemplantes, ac de fidelitate, circumspicione & industria ejusdem plenariè confidentes, necnon de gratia nostra speciali ipsum *Johannem* in capitalem Heraldum nostrum Regemque Armorum parcium borialium regni nostri *Angl.* ereximus, fecimus, constituimus, ordinavimus, creavimus et coronavimus, ac per presentes erigimus, facimus, constituimus, ordinamus, creamus, et coronamus, ac et officium illud necnon nomen, stylum, titulum, libertates et præeminencias hujusmodi officio convenientes, et concordantes ab antiqua consuetudine damus et concedimus, ac ipsum realiter in eisdem investimus. Habend. occupand. & exercend. officium illud, ac nomen, stylum, titulum, & præeminencias prædictæ, eidem *Johanni* pro termino vite suæ, cum omnibus juribus, proficiis, commoditatibus & emolumentis eidem officio qualitercumque debitis, pertinentibus sive spectantibus. Et ulterius concedimus eidem

* Nota.

* Nota.

Edem Johanni viginti libras per annum, percipiendas eidem Johanni singulis annis durante vita sua pro badis et feodis officii predicti de feodi firma, ac aliis exitibus, proscuis, firmis et reversionibus de Com. nostro Eboram probentem. sibe crescen. per manus Vic. ejusdem Com. pro tempore existen. una cum tali liberata vesturæ qualem & eisdem modo & forma prout aliquis alius Rex Armo- rum sibe Heraldus tempore Domini Regis Edwardi nuper Regis Angliæ tercii progenitoris nostri habuit & percepit. Habend. & percipiend. annuatim liberatum hujusmodi eidem Johanni singulis annis ad terminum vitæ suæ ad magnam garderobam nostram per manus Custodis ejusdem Garderobæ pro tempore existen. Eo quod expressa mencio de vero valore annuo præmissorum, aut de aliis donis sive concessionibus per nos eidem Johanni perantea factis in præsentibus minimè facta existit, aut aliquo statuto, actu, ordinatione, provisione sive restrictione in contrarium factis, editis sive provis, aut aliqua alia re, causa vel materia quacumque non obstante. In cujus, &c. T. R. apud Westm. 25 die Januarii. Per breve de privato sigillo, & de dat. predict.

Page 126. l. 34. &c. relates, that King Edward the 2. at the humble sute of Edmond Deyncourt, by his Letters Patents under the great Seal (18 E. 2. as the Author quotes it) licensed him to grant his Sirname, Arms, and Lands held of him in Capite, to others, all which afterwards about 19 E. 2. he accordingly assigns, according to the Kings grant. In which, under correction, there are these mistakes. 1. In the dates of this Kings Letters Patents to this Edmond Deyncourt, the first of them being enrolled in Pat. 7 E. 2. (not 18.) pars 2. m. 21. intus in Cedula: and the later Pat. 10 (not 19) E. 2. pars 2. m. 13. intus: both printed at large in Mr. Rylyes Appendix, p. 547, 548, 557. where those who please may peruse them for their satisfaction, agreeing with the Records. 2ly. In affirming, that the King granted him a special license by these Patents to assign his Sirname, Armes, as well as his Lands to others; whereas both Patents only licensed him to grant and intayl his Lands, and Advowsons of Abbies, Churches, &c. (specified in the Patents) then held of the King in Capite; which without his special license he could not do. 3ly. That in 19 E. 2. (it should be 7. & 10.) he assigned his Sirname, Arms, Lands to others accordingly; when as he only intayled his lands after his decease to two of his own Name, kindred, family, (not of another Name as is mistaken) in pursuance of these Patents, enfeoffing Oliverum Deyncourt & Johannem Deyncourt de Parhall, and his heirs, of the Manors, Lands, &c. in trust; to reinfesse the said Edmond Deyncourt during his life: Et post decessum ejusdem Edmundi, Willielmo filio Johannis Deyncourt & hæredibus suis de corpore suo legitime procreatis: Et si idem Willielmus sine hæredibus de corpore suo legitime procreatis obierit, tunc maneria, terra, tenementa & feoda predicta (not cognomen & arma) cum pertinentiis & advocaciones predicta remaneant Johanni Deyncourt, fratri ejusdem Willielmi, & hæredibus ipsius Johannis de corpore suo legitime procreatis: Et si idem Johannis sine hærede de corpore suo legitime procreato obierit, tunc maneria, &c. predicta. rectè hæredibus predicti Edmundi remaneant: Tenend. de nobis & hæredibus nostris per servicia predicta imperpetuum, as both the Patents assure us. True it is, that in the recitals of both Patents and licenses of alienation, there is this reason inducing him to request, and the King to grant these licenses to settle those Lands on his Nephews of his Name, that he having then only an heir female, to who probably his Arms, Lands would descend, he conjectured and feared lest by her marriage with one of another name, his Arms and Lands would be translated from those of his own Name and family, to them. Rex, &c. Sciat, quod cum dilectus & fidelis noster Edmundus Deyncourt advertat & conjecturat, quod cognomen suum & ejus arma post mortem suam in personam Isabellæ filia Edmundi Deyncourt hæredis ejus modo apparentia à memoria delebuntur. Ac corditer affectat, quod cognomen et arma sua post ejus mortem in memoria impoterum habeantur: adquisitionem ipsius Edmundi, &c. concessimus & licentiam dedimus, for him to settle his Manors, Lands, &c. as aforesaid; not to assign his Sirname and Arms to others, as is in-

ferred from this recital; which occasioned this Common-mistake. 4ly. The Author addes, p. 126. *That after Edmunds decease, his Assignee William Deyncourt sate in Parliament by that name;* An. 1 E. 3. but I cannot find him summoned to Parliament in any Clause Rolls before An. 6 E. 3. and from thence to Anno 37. Anno 38 E. 3. there is no *Deyncourt* in the Writs of Summons. Claus. 39 E. 3. dorf. 2. *Johannis Deyncourt* was summoned amongst the other Barons. 5ly. Whereas the Author writes, *That this Dignity, Sirname, and Possessions continued in the heirs males of this William Deyncourt until 21 H. 6. and then the heir male together with the name and family ceased;* I doubt the heir male ceased long before, since I find not one of that name and dignity* summoned to any Parliament after An. 39 E. 3. when or soon after, it is probable, the name and dignity expired with *John* who was last summoned, else we should have found them in some summons between 39 E. 3. and 21 H. 6. in all probability. But although this *Deyncourt* entayled not his Arms, yet I finde by an *Inquisition* taken in the 22 of King *Richard* the 2d. that both the Castle of *Cokermonth*, with other Lands and Arms of *Henry Percy* Earl of *Northumberland*, were intailed upon his marriage to several of his sonnes and brother, and the heirs males of their bodies, in remainder one after, another, in this form therein contained, expressing the Coat-Arms.

* See my Brief Register of Parliamentary Writs, Part 1. p. 280, 281. & Clause Rolls there quoted.

Ex bundello Escaetorum & Inquisitionum de anno 22 Regis Ricardi post Conquestum secund. n. 38. in Turri London.

E Scaetria capta apud *Cokermonth* die Lunæ in festo Sancti *Mathie* Apostoli anno regni Regis *Ricardi* secundi post Conquestum 22. coram *Willielmo de Lowether* Escaetore Domini Regis in Com. *Cumbr.* virtute brevis Domini Regis directi eisdem Escaetori, & huic Inquisitioni confuti per Sacramentum *Roberti Mulcaster* Chivaler, &c. Jur. Qui dicunt super Sacramentum suum, quod *Matill.* in eodem brevi nominata die quo obiit fuit conjunctim seifita cum *Henrico Percy* Comite *Northumberl.* superstitite, in Dominico suo ut de feodo talliato ex concessione *Johannis de Waliham*, &c. tam per finem in Cur. Domini Regis inde levatam, quam per Serjancium Domini Regis de Castro & Honore de *Cokermonth* cum suis pertin. quæ *Philippa de Graystoke* tenet in dotem ad totam vitam suam ex hæreditate ipsorum Comitis & *Matill.* &c. Ita quod si prædicta *Matill.* sine hærede de corpore suo exeunte obierit, quod tunc omnia prædicta Castra, &c. integrè remaneant *Henr. de Percy* filio prædicti Comitis & hæredibus masculis de corpore suo exeuntibus tenen. de Domino Rege & hæredibus suis per servicia inde debita & consueta imperpetuum; Ita quod ipse & dicti hæredes sui masculi arma prædicti Comitis, quæ sunt de auro cum uno Leone de asureo rampante quarteriat. cum armis de *Lucy*, quæ de *Goules* cum tribus lucis argenteis consistunt, gerant in omnibus berillis, penonibus tunicis Armozum, et in omnibus aliis armaturis quæ de pictura cognittont Armozum solito competunt adoznari, quociens cogniciones Armozum in actibus bellicis vel alibi ostendere voluerint ubicumque; Ita quod si idem *Henricus* fil. prædicti Comitis sine hæred. masculo de corpore suo exeunte obierit, quod tunc post mortem ejusdem *Henr.* filii prædicti Comitis, omnia prædicta Castra, &c. integrè remaneant *Thoma de Percy* Chivaler fratri prædicti Comitis & hæred. masculis, &c. imperpetuum, et gerendo Arma prædicta in omnibus modo et forma prædictis; Ita quod si idem *Thomas* frater prædicti Comitis sine hærede masculo, &c. tunc post mortem prædicti *Thome* omnia prædicta, &c. integrè remaneant *Thoma de Percy* filio prædicti Comitis & hæredibus masculis, &c. et gerendo arma prædicta in omnibus modo et forma prædictis; Ita quod si idem *Thomas* fil. prædicti Comitis sine hærede masculo, &c. quod tunc post mortem ejusdem *Thome*, &c. omnia prædicta Castrum, &c. integrè remaneant *Radulpho de Percy* filio prædicti Comitis, & hæred. masculis, &c. Tenend. &c. et gerendo arma prædicta, &c. Ita quod si idem *Radulphus* sine hærede masculo, tunc post mortem prædicti *Radulphi* omnia prædicta castrum, &c. integrè remaneant reâis hæredibus prædictæ *Matill.* tenend. de Domino Rege, &c. imperpetuum.

For

For our Kings granting of Coat Arms, Crests, and Ensigns of honor to Earls, Knights, Esquires, others, I finde these remarkable presidents in our Records,

REX Omnibus ad quos, &c. salutem. Sciatis, quod cum nuper considerantes generis nobilitatem, probitatem strenuam, & sapientiam præcellentem carissimi Consanguinei nostri *Roberti de Veer* Comitis *Oxon.* de assensu Prælatorum, Ducum, & aliorum Procerum ac Communitatis Regni nostri in ultimo Parlamento nostro apud *Westm.* convocato existentium, eidem *Roberto* nomen **Marchionis Dublin.* imposuerimus, & ipsum de nomine *Marchionis* dicti loci investiverimus, ac læto corde dederimus & concesserimus pro nobis & hæredibus nostris, quantum in nobis fuit, præfato *Marchioni* Terram & Dominium *Hiberniæ*, Habend. ad terminum vite sue sub certa forma in Carta nostra inde confecta contenta, prout in eadem Carta plenius continetur. Nos pro honore ipsius *Marchionis* uberius ampliando, affectantes ipsum quem tanti nominis sublimitate, ac tantorum Dominiorum & Terrarum possessione exaltavimus, Armorum honorabilium nobilitate decorari; Volumus & eidem *Marchionis* concedimus, quod ipse quamdiu vixerit, et Terram et Dominium prædicta habuerit, Arma de Azure, cum tribus Coronis aureis, et una Circumferentia vel Bordura de Argento gerat in omnibus scutis, vexillis, penonibus, tunicis Armorum, et omnibus aliis Armaturis suis quæ de pictura cognicionum Armorum solito competunt adoznari, quotiens cogniciones Armorum in actibus bellicis vel alibi ostendere voluerit ubicumque. In cujus, &c. Teste Rege apud *Westm.* Tercio die *Januarii.*

Per ipsum Regem.

But lo the instability of this new Grandure and Coat-Arms, though serled on him for life by Act of Parliament, the mutability of Princes favours, and their Greatest Favourites! wishin two years after, this Grand Favorite, who sealed all Writs in *Ireland* with his own new Seal of Arms, and used his own Ensigns, and Colours in the field against the *Irish* Rebels, as Lord thereof, to the Kings dishonour; was attainted of *High Treason*; all his Lands, goods forfeited to the King by † Act of Parliament, and all his Seals, Coat-Arms, Ensigns used in *Ireland*, as well before as after his attainder, commanded to be publickly broken, torn, defaced, and the Kings own Seals, Pendants, Ensignes to be only used: as these memorable Letters Patents assure us; which others who presume to affix their own Arms and *Seals to publike Proceffe in lieu of the Kings, to his dishonour, may do well to consider.

REX Venerabili in Christo Patri *A.* eadem gratia Episcopo *Mid. Justic.* nostro, ac dilectis & fidelibus nostris *Roberto de Preston* Militi, Custodi magni Sigilli nostri, & Fratri *Richardo White* Priori Hospitalis Sancti *Johannis Jerusalem.* in *Hibern.* Thes. Scaccarii nostri *Hibern.* salutem. Quia datum est nobis intelligi, quod vos præfat. Episcopo magno sigillo *Roberti de Veer* nuper *Marchionis Dublin.* ac quidam alii nuper Ministri sui in terra nostra *Hibern.* certis aliis sigillis suis, tam in placea capitali, quam in *Scaccario* terræ prædictæ, una cum quodam sigillo privato ejusdem *Roberti*, cui nuper Dominium & Regimen Terræ prædictæ concessimus, qui omnia Dominia, Maheria, Terras, Ten. bona & catalla sua in præfati Parlamento nostro ratione judicii versus eundem *Robertum* ibidem redditi erga nos forisfecit, postquam vobis ac aliis nuper Ministris ejusdem *Roberti* notoriè, ut dicitur, innotescebat, in consignatione quamplurium Cartarum, Literarum Patentium & Brevium Statum & Regimen ejusdem Terræ concernentium erronee usi fuisset, ac vexilla et penuncellos ejusdem *Roberti de Veer* contra aggressus et invasiones Possium et nostrorum *Hibernicorum* similiter erigi, levari et displicari fecisset, in * nostri dedecus et vituperium manifesta. Nos nolentes talia incommoda in nostri et Regiæ dignitatis nostræ derogationem palam et expresse redundantia ulterius tolerare,

K 2

Vobis

Pat. 9 R. 2.
pars 1. m. 1.
Pro Marchion
Dublin.

* See Mr. Sel-
dens Titles of
Honor, part 2.
cap. 5. p. 750,
760. Rot. Parl.
9 R. 2. m. 3.
nu. 17. Chart.
9 R. 2. m. 13.

† 11 R. 2. c. 1, 5.

* See 1 Edw. 6.
c. 2.

Pat. 11 R. 2.
par. 2. m. 14.
De quibusdam
sigillis, vexillis
& penincellis
in *Hibern.* a-
movend.

* Nota.

Vobis districtè quo poterimus injungimus & mandamus, quod omnibus et singulis sigillis, vexillis et penuncellis prædictis in dicta Terra habitis et pro tempore usitatis, sine dilatione amotis penitus et deletis, ac tam in præsentia vestra quam conspectu aliorum Præcerum et fidelium ligeorum nostroꝝ Terræ prædictæ ad hoc per Regiam nostram specialiter evocandorum, palam et publice cancellatis et dampnatis, ac partibus seu fracturis sigilloꝝ prædictoꝝ æqualiter ponderatis, & in Thesauraria nostra ibidem appositis, omnia & singula commodum nostrum & Republicam in Terra prædicta concernentia, & pro sano regimine ejusdem Terræ necessaria & oportuna, cum magno Sigillo nostro, quam alii sigillis nostris quibus perantea inibi utebamur, quæ in Thesauraria nostra ibidem existunt, quociens necesse fuerit, et vobis ac Consilio nostro ibidem videbitur expedire, prout ad vestrum quemlibet pertinet in hac parte iuste et debite de cætero designari, nostraque vexilla et penuncellos contra hujusmodi hostes et Rebelles nostros in defensione Terræ illius similiter erigi et displicari fac. Et hoc sicut vestris fidelitate et providentia plene confidimus nullatenus omitatis. Teste Rege apud Westmonasterium 26. die Aprilis.

Per ipsum Regem & Consilium.

Sic transtis gloria mundi.

Anno 13 R. 2. the King by Patent granted this Crest to *Thomas* whom he created *Earl Marshal and Nottingham*, to difference it from the Prince his eldest Sons Crest.

Pat. 13 R. 2.
pars 1. m. 2.
intus. De
Thoma Comite
Marescallo
& Notyngh.

REX Omnibus ad quos, &c. salutem. Cum dilectus & fidelis Consanguineus noster *Thomas Comes Marescallus & Notyngh.* habeat iustum titulum hereditarium ad portandum pro crista sua, unum Leopardum de auro cum uno labello albo, qui de jure esset crista filii nostri primogeniti, si quærit procreassemus: Nos ea consideratione concessimus pro nobis et hæredibus nostris eidem *Thomæ* et hæredibus suis, quod ipsi pro differentia in ea parte deferre possint, et deferant unum Leopardum, et in loco labelli unam Coronam de argento, absque impedimento nostri vel hæredum nostroꝝ supradictoꝝ. In cujus, &c. T. R. apud Westm. 12 die Januarii.

Per breve de privato sigillo.

The same year he likewise granted these Coat-Arms to others.

Pat. 13 R. 2.
m. 15. intus.
Pro Ottone
Maundel
Chivaler.

REX Omnibus ad quos, &c. salutem. Sciatis, quod de gratia nostra speciali, & pro eo quod carissimus Dominus & avus noster Rex defunctus per literas suas Patentes concessit *Petro de Maundell & hæredibus suis*, quod ipsi portare possent arma de Beules cum tribus Leopardis de auro, quolibet eorum portante quandam coronam de auro circa collum, ad differentiam armorum infantum et filioꝝ prædicti Abt nostri, quæ quidem literæ casualiter sunt amissæ, ut accepimus: Concessimus *Ottoni de Maundell Chivaler filio & hæredi præfati Petri & hæredibus ejusdem Ottonis*, quod ipsi arma prædicta portare possint in forma prædicta. In cujus, &c. T. Rege apud Westm. 22 die Octobr.

Per breve de privato sigillo.

Pat. 13 R. 2.
pars 1. m. 37.
intus. Pro Jo-
hanne de
Kyngeston.
See Mr. Sel-
dens Titles of
Honor, Part 2.
c. 5. p. 82.

L E Roy a tous ceux as queux cestes Lettres viendront. Sachez qe come un Chivaler *Fraunceys*, a ceo qe nous soums enformez, ad chalenge un nostre Liege, *Johan de Kyngeston*, a faire certeinz faitz et pointz darmes oveke le dit Chivaler. Nous a syn qe le dit nostre liege soit le multz honorablement rescenz a faire puisse & perfoarmir les ditz faitz & pointz d'armes, luy adons rescenz en l'estat de Gentille homme, et luy fait Esquier. Et volons, qil soit comuz par armes, et porte desuze enabant, Cestassavoir d'argent ove une chapote dezure, oveque une plume Noirich de goules. Et ceo a tous yceux as queux y appartient nous notifions per ycelles. En tesmoignance de quelle chose

chose nous avons fait faire cestes noz lettres patentes. Done souz nostre grant Seal a nostre Paleys de Westm. le primer jour de Juyll.

Par brief de Prive Seal.

King Henry the 6. granted divers Castles and Manors in Aquitain, Ricardo Angevin uni Consiliorum nostrorum in Ducatu nostro Aquitania, and to the heirs males of his body, and that they should descend only to his eldest sonne and heir, but not to all his children, according to ancient custom and usage. * Et ulterius ad incrementum honoris & dignitatis, ut debetur, in casu tali, præfatum Bernardum ac procreatos suos in legitimo Matrimonio, ac de ipso sic procreandos & descendentes, nobilitamus, et ipsos nobiles facimus et creamus: ac in signum hujusmodi Nobilitatis, ipsis Arma hic depicta dedimus et concessimus, cum libertatibus, privilegiis, immunitatibus, juribus & insigniis hominibus nobilibus debitis et consuetis; quorum quidem Armozum campus est de Azura cum uno Leone de Auro, unguato et linguato de Gules, ac cum decem flozibus per circuitum vocatis Angebines de Argento. In cuius, &c. T. R. apud Palatium suum Westm. 11 die Martii.

* Rot. Vasconia An. 23 H. 6. m. 7. nu. 3. See Seldens Titles of Honor, Part 2. c. 8. Sect. 5. p. 873.

Per Breve de privato sigillo, & de dat. prædicta, auctoritate Parliamenti.

His Coat Arms are accurately blazoned, and painted in the Roll and Patent, with his Crest and Supporters, in their Colours.

He likewise granted this Coat-Arms to Bernard de Guars.

REX Omnibus ad quos, &c. salutem. Sciatis, quod Principis cuius interficere & deceat suos subditos, præcipue illos qui sibi tam in guerris suis quam alia servitia impendunt Honoribus, Privilegiis et Dignitatibus præmitare et decerare, ut ad hujusmodi servitia impendend. citius animentur & fiant propiciores. Hinc est, quod nos considerationem habentes ad grata & laudabilia servitia quæ dilectus & fidelis noster Bernardus de Guars multipliciter & diversimode nobis in guerris nostris quam alias impendit & impendet in futur. Volentes eidem & suis super prædictis Honoribus, Privilegiis et Dignitatibus gratiam nostram impartiri, eundem Bernardum tanquam benemeritum & nobis gratum, necnon ab eodem procreatos & procreandos, & descendentes ab eisdem nobilitamus, Nobilesque facimus et creamus; et in signum hujus nobilitatis Arma et Armozum insignia in his Literis nostris depicta, cum Libertatibus, Immunitatibus, Privilegiis, Franchesiis, Juribus, et aliis insigniis vtrius nobilibus debitis et consuetis imperpetuum damus & concedimus per præsentem. In cuius, &c. T. R. apud Westm. 18 die Septembris.

Rot. Vasc. An. 24 H. 6. m. 6. Pro Bernardo de Guars.

Per breve de privato sigillo, & de dat. prædicta, auctoritate Parliamenti.

His Arms then given by this Patent, are painted in the Roll in their Colours and blazon in this form, a Field azure counterchanged with a Chevron argent, charged with three Stars Gules; Three Talbots heads argent, with collars Gules, fessed Or, and two Lyons rampant Gules in a field Sable.

King Edward the 4th. in the first year of his reign, by his Letters Patents granted to Francis Bishop of Interam. heretofore the Popes Legat in England, not only an Annuity of 100 l. per annum, &c. but, * Insuper de uberiori gratia nostra, & insignium veræ ac perpetuæ dilectionis, sinceritatis & fidei, quas in præfato Francisco Episcopo Interammen, jugiter cognovimus, & experti sumus, eidem Francisco Episcopo, Bartholomæo & Thomasio de Coppinis, Nepotibus suis, et eorum Successoribus per lineam masculinam, ut in superiori parte Armozum insignium suorum unam Rotam albam, viz. orbem nostram, deferre possint et valeant perpetuis temporibus libere et licite concedimus, et donamus etiam per præsentem: Aliquo Statuto, Actu, Ordinatione si ve restrictione inde incontrarium

* Pat. 1 E. 4. pars 2. m. 6. nu. 56. Pro Legato Episcopo.

trarium fact. edit. ordinat. sive probis. non obstante. In cujus, &c. T. R. apud Westm. 23 die Novembr.

Per breve de privato sigillo, & de dat. &c.

How some Knights and others have by Deeds acknowledged and inrolled in Chancery, specially given, granted, confirmed, released and quite-claimed all their right and title to several Coat-arms to others and their heirs, who (it seems) laid Claim, Title to, and were in actual possession of them, I shall instance only in two Presidents I found in the Records in the Tower. The first in the 7th year of King *Richard* the 2.

Clauſ. de Ann.
7 R. 2. m. 4.
dorſo. De
ſcripto irrotul.

COnuz chose soit a toutz gentz, moi *John de Lyllebon*. Chivaler, avoir done, graunte, ratifie, conferme et relesse, et toutoutrement quit-claimme a *William Fishide* a ses heires et ses assignez, en la pleyn et paisible seisine et droituele possession de dit *William*, tout le droit, et clayme queur jay, ou en ascun manere aber purroi en les Armes, obe le Helmer, obe le Crest obe tout leur appartenantz, queur jadyz estoient a *Ponsigneur Hugh de Boucy* Chivaler del Counte de *Suffex* qe darein morust, ou a ascun des Aunceſtres du dit *Pont. Hugh*, issint qe moy labantdit *John*, ne mes heires, ne mes assignez, ne nullz autre en nostre nom ascune manere de droit, ou accion, ou clayme en ditz Armes, obe Helmer obe Crest, obe toutz leur appartenancesz puissonis claymer ou chalenger, epns ent de chescun manere title de droit, ou accion ou challenge des hozs enabant solome forzardez en chescun Court, et en chescun lieu a toutz jours per pceses. Et moy le dit *John* et mes heires garranteroms les Armes, et Helmer et Crest abantditz, obe toutz leur appartenantz au dit *William* et a ses assignez a touz jours encontre toutz gentz. En testmoignance des queles choses a celles mes presentz Lettres jay mys mon seal par pceses testmoignes *Pont. Richard de Poyngges* Seigneur de *Poyngges*, *John Faldeſte*, *Edward Balygeruggs*, *William Percy*, *Bernard Brocas*, *Hugh Camoys*, & *John Sonds* Chivalers, *Thomas Shelrey*, *William Stormy*, *John Cobeham*, *Thomas Rademeldo*, *William Changelton*, & *William Holmestede*, & plusieurs autres. Don le quynte jour de *Juyll*, l'an de Regne le Roi *Richard* D'engleterre le seconde, septisme.

Et Memorand. quod predictus *Johannes Lyllebon*. venit in Cancellar. Regis apud *Westmonaster*. octavo *Julii* Anno presentis & recognovit scriptum predictum, & omnia contenta in eodem in forma predicta.

The other president is in Anno 6 H. 6.

Clauſ. An. 6
H. 6. m. 20.

SAchent toutz gentz moy *Hamelet Swethewyk* Esquier, avoir relesse et quite clame pur moy et pur meiz heires a toutz jours a *John atte Wode* de *Wirceſtre* mon Colyn, tout le droit et clayme que jay, ou avoir purra en les entier armes les queur *Dir John atte Wode* del Countee de *Wireceſtr*. Chivaler, avoit et portz en la vie. Cestavoir de *Coboles* obec un *Lyon* Ramparand d'argent, et en arme d'azure et le Coo fourche, et les queur al dit atte *Wode* et a ses heires oze atepnent, et de droit pertainer deboent. Issint qe jeo le abantdit *Hamelet* ne meiz heires en les ditz armes ascun droit ou title claimer purra, mes diceur pur toutz estre dischargesz et forclosez. Et outre ceo, &c.

Et Memorandum, quod predictus *Hamo* venit in Cancellar. Dom. Regis apud *Westm*. vicessimo die *Novembr*. anno presentis, et recognovit scriptum predictum & omnia contenta in eodem in forma predicta.

Page 127. l. 43. The ancient Office and Fees of the Constable of England, will appear by this Certificate of the Barons of the Exchequer to King *Edward* the first, which I found in the *White Tower*.

Ex-

EXcellentissimo Domino *Edwardo*, Dei gratia Illustri Regi *Angl.* Domino *Hiberniæ*, & Duci *Aquit.* Frater *R. Abbas Westm.* Thesaurarius & ceteri Barones de Scaccario suo salutem, & felices ad vota successus. Mandavit nobis vestra Serenitas, quod scrutatis rotulis ejusdem Scaccarii, vobis sub sigillo dicti Scaccarii distinctè & apertè constare faceremus, utrum dilectus & fidelis vester *Humfridus de Bonn Comes Hereford & Essex*, Constabularius *Anglia*, percipere debeat, & ipse & prædecessores sui Comites *Hereford & Essex*, & Constabularii *Angliæ*, ratione offic. Constabulariæ suæ prædictæ, percipere consueverunt duos denarios de qualibet libra soluta stipendiariis vestris in exercitu, vel alibi in obsequio vestro, necne? et etiam, quæ alia jura in hujusmodi exercitiis, et aliis temporibus ad ipsum Comitem ratione Constabulariæ prædictæ pertinent, et quomodo: super quod sciatis Dominatio vestra, quod scrutato libro in quo Constitutiones ejusdem Scaccarii conscribuntur, inveniuntur hæc verba. Constabularii Officium est, ad Scaccarium, ut in brevibus Regis de exitu thesauri, vel de aliquibus computandis hiis qui compositum faciunt simul cum Præsidente testis existat: In omnibus enim hujusmodi brevibus ex antiqua Constitutione duos oportet conscribi testes. Item, ejus officium est, ut cum ad Scaccarium stipendiarii Regis venerint pro stipendiis suis, siue sint residentes in Castris Regis siue non, ascito secum Clerico Constabulariæ, cujus est terminos eorum nosse, & Marescallo Scaccarii, computet eorum liberationes & de retractis fidem suscipiat, & residuum solvi faciat. Omnis enim liberatio quorumcumque, siue Accipitrariorum, siue Falconariorum, siue Avenariorum, ad ejus officium spectat, si præsens fuerit, nisi forte Dominus Rex ad idem aliquem prius assignaverit, quia Constabularius à Rege non facile potest avelli propter majora & magis urgentia. Notandum verò, quod Marescallus Scaccarii deliberationibus residentium Militum percipit, quod ad eum pertinet ratione officii sui, de torneamentibus autem non. Item huic cum aliis magnis commune est, ut nichil magnum eo inconsulto fieri debent. Præterea testificatum est per quosdam nunc residentes nobiscum in eodem Scaccario fideles vestros, quod *Humfridus de Bonn* quondam Comes *Hereford*, et Constabularius *Angl.* avus prædicti Comitis, toto tempore suo percipere consuevit duos denar. de qualibet libra soluta stipendiariis Domini *H. Regis* patris vestri in exercitu, vel alibi in obsequio suo. Item, continetur in libro vestro feodorum, quod Constabularius *Angl.* si extra domum comederit, percipiet quinque solidos in die, et unum simenellum Dominicum, & duos sal. & unum sextarium de vino clare, & unum sextarium de vino expensabili, & unum grossum Cereum & quadraginta frustra Candelæ; Si vero intra domum comederit, tres solidos & sex denarios, simenellos, silem, & unum sextarium de vino expensabili, & plenariè candelam. Valeat excellentia vestra diu.

Bundel. Petitionum in Turri London, An. 10 E. 1.

* Transcribed out of *Gervasius Tuberius* De Necessariis Scaccarii Observantiis Dialogus, in the Red and Black Book of the Exchequer.

The Jurisdiction of the *Constable of England*, and the *Vice-Constable*, as well within the Realm as without, and the manner of proceedings before him, and those whom the King constituted *Commissioners* and *Vice-Constables* under him to execute this Office, will best appear by this Patent of King *Edward* the 4th in the 22 year of his reign.

REX Omnibus ad quos, &c. salutem. Sciatis, quod nos de fidelitate, circumspectione, & industria nobis dilectorum Dominorum *Willielmi Parre*, *Jacobi Haryngton*, *Jacobi Tyrell* Militum, quorum unum eorum altero absente, hac vice, *Viceconstabularium* esse volumus, & Magistrorum *Johannis Walkyngton*, *Willielmi Lacy*, *Willielmi Fuller*, & *Georgii Warde*, in Legibus Bacallariorum plurimum confidentes, fecisse, ordinasse, deputasse, ac præsentium tenore constituisse, ipsos *Willielmum*, *Jacobum*, *Jacobum*, & *Johannem*, *Willielmum*, *Willielmum*, & *Georgium*, *Commissarios* nostros generales, in officio Constabulariatus nostri *Angl.* ipsosque *Willielmum*, *Jacobum*, *Jacobum*, et *Johannem*, *Willielmum*, *Willielmum*, et *Georgium* *Commissarios* nostras generales, ut prædicatur, deputamus, ordinamus, & constituimus, habend. et occupand. dictum officium eidem

Pat. 22 E. 4. pars 1. m. 2. De Officiariis Constabulariatus *Angl.* constitutis.

eisdem Willielmo, Jacobo, Jacobo, et Johanni, Willielmo, Willielmo, et eorum cuilibet, conjunctim & divisim. Danus insuper, et per presentes concedimus eisdem Willielmo, Jacobo, Jacobo, et Johanni, Willielmo, Willielmo, et Georgia, auctoritatem et potestatem, ad cognoscend. procedend. et statuend. de, et super causis, querelis, negotiis, excessibus, criminibus, tam publicis, quam privatibus quibuscumque, cujuscumque naturæ seu conditionis fuerint; Etiam si capitalia fœrent, pro quibus pœna capitis esset infligend. quozum cognitio ad officium et Cur. Constabulariatum nostrum Angl. et Judices eiusdem, de jure, sive de consuetudine dinoscitur, seu debeat pertinere; etiam quemadmodum causæ, querelæ, et negotia, excessus, et crimina hujusmodi, in Cur. prædicta, tempore bonæ memoriæ Edwardi, quondam Regis Angl. illo nomine primo, progenitoris nostri pertinere, et citra consueverunt. Necnon de et super, ac in quibuscumque negotiis, et etiam crimina læsæ Majestatis, per quoscumque Subditos nostros, tam infra Regnum Angl. quam Villa Cales. ac partibus eidem adjacentibus, aut alibi ubicumque, in locis, jurisdictionibus, potestati et imperio nostris quomodolibet subjectis, qualitercumque commissa, concernentibus, et ad nostram cognitionem, correctionem, punicionem, et prærogativa, zona et imperio nostro mero aut mixto, jure seu consuetudine spectant. et pertinent. causas et negotia hujusmodi, sive crimina et excessus, et officio mero, mixto, vel promoto, seu ad partes alicujus instanciam contigerit induci aut attemptari, cum omnibus et singulis suis emergentibus, incidentibus, dependentibus, et connexis quibuscumque audiend. discutiend. et sine legitimo atque debito terminand. et exequend. necnon ad procedend. de et super excessibus, criminibus, etiam læsæ majestatis, per accusationem, inquisitionem, seu denunciationem summarie, et de plano sine strepitu et figura judicii, prout vobis Commissariis nostris antedictis videbitur expedire, sola facti veritate inspecta, ac appellacione remota, cum cujuslibet pœnæ sive cohercionis legitime, in hac parte plenar. potestate: Cæteraque omnia et singula, quæ ad officium prædictum pertinent, et pertinere debent, faciend. exercend. expediend. et exequend. Assumpto vobis in actorum vestrorum scribam aliquo fideli tabellione, qui singula conscribat acta, in præmissis negotiis tenore præsentium committimus vices nostras. Volumus etiam et deputamus dilectum et fidelem nostrum Thomam Grey Militem, in hac vice, Vicemarscallum nostrum, et quod præfatis Viceconstabulario et Commissariis associetur et assistat judicialiter in præmissis. Mandantes eidem Thomæ præsentium per tenorem, quod omnia quæ ad Officium Vice-marscalli pertinent, faciend. faciat et exequatur, prout decet. T. R. apud Westm. 14 die Novembr.

* Vide Pat. 23
H. 6. parte 2.
m. 20.

Per ipsum Regem, & de dat. &c.

For the Promotor causarum & negotiorum Regiam Majestatem tangentium, &c. before the Constable and Marshal, you may consult Pat. 22 E. 4. part 2. m. 4. Roberto Reydon, constituting him Promotor, or Advocate.

Page 127. l. 44, to 54. the Author cites several Patent Rolls of Grants of the Great Office of Constable of England, some of them true, without the Membrana of the Rolls, which I searched after, and shall here supply in a parenthesis, as Rot. Pat. 1 H. 4. parte 1. (m. 15.) Rot. Pat. 4 H. part 1. (m. 10.) Pat. 1 H. 6. part 2. (m. 7.) Pat. 1 E. 4. parte 3. (m. 2.) 1 E. 4. part 1. (m. 23. nu. 188.) Pat. 10 E. 4. (m. 10.) there is but one Patent Roll that year, and so parte with the blank superfluous. But his Rot. Pat. 25 H. 6. parte 1. &c. Pat. 9 E. 4. parte 2. &c. Pat. 16 E. 4. parte 1. &c. are all misquotations, there being no such Patents as he cites in these Rolls, which I perused to finde them. I shall add to his Catalogue of Constables Patents, Pat. 12 E. 3. pars 2. m. 25. Willielmo de Bohun Com. Norff. Pat. 1 R. 2. part 2. m. 7. Thoma de Wodefoke Com. Back. He adds, Page 128. l. 26. Vide Pat. 1 H. 4. parte 5. m. 7. I have perused both these Rolls, and can finde nothing in them for his purpose.

Page

Page 128. l. 43. adde, That all Sheriffs and other Accountants in the Exchequer were anciently of course committed to the Marshall or his Deputy, not to the Fleet, this Record will inform us.

Monstravit Regi R. l. *Bigot*, Comes Norff. & Mar. Angl. quod cum aliquis Vicecomes vel alius qui reddit compotum suum ad Scaccarium arretratur, contra antiquam & debitam consuetudinem ejusdem Scaccarii mittitur usque ad prisonam de *Flet*, & non liberatur Marescallo Scaccarii qui loco ipsius Comitis moratur ibidem, sicut tempore suo et antecessorum suorum fieri consuevit. Et quis Rex non vult quod aliquid de libertate vel de jure ejusdem Comitis ei subtrahatur, dum *absens sit propter servicium Regis, Mandatum est Baron. de Scaccario, quod si ita est, tunc id ei faciant modo debito emendari, et captos ipsos Marescallo liberari, &c. Teste 27 die Nov.

Rot. Claus. Vasconia, Ann. 37, 38 29 H. 3. Pro Comite Norf.

* In Vascony.

The Author in this Chapter writes, Page 124, 125. *If any Merchant English be spoiled, or his goods taken from him beyond Sea by any Merchants strangers, (or on the Sea by depredations by any Mariners of forraign Princes, States in amity with England, which may be added) and the English Merchant cannot upon suit (or the Kings Letters demanding Justice for him, which are frequent in such cases) he shall have upon testimony thereof a Writ out of the Chancery to arrest the Merchant strangers if they came into England, or their goods, (if they have any, or others goods of that Realm or State to satisfie them, or Letters of Marque or Reprifal in case they have none here) until they be satisfied.* (And so shall forreign Merchants from the *English*, if spoiled by them on the Sea.) For proof of this he cites no Records, although there are multitudes, grounded on the Law of Nations, and *Magna Charta*, c. 30. the later clause. To evidence this, I shall referre those who may be concerned to these ensuing. Claus. 7 Johannis Regis m. 22. Cl. 35 H. 3. dorf. 3. 16, 24. Cl. 45 H. 3. dorf. 3. Cl. 46 H. 3. dorf. 9, 11. Pat. 48 H. 3. dorfo 1. Pat. 2 E. 1. m. 20. Cl. 3 E. 1. m. 8. Pat. 3 E. 1. m. 26. 34. Claus. 4 E. 1. m. 9. Cl. 5 E. 1. dorf. 6. Pat. 8 E. 1. m. 9. Pat. 14 E. 1. m. 21. Cl. 21 E. 1. dorf. 5. Cl. 22 E. 1. m. 3, 5, 9. & dorf. 5. Rot Vascon. 22 E. 1. dorf. 8. Bundel. Brevium & Literarum An. 22 E. 1. Cl. 23 E. 1. m. 11, 12. & dorf. 6. Fines 29 E. 1. m. 12. & Fines 29 E. 1. m. 30. Cl. 30 E. 1. m. 5. Cl. 31 E. 1. m. 11, 16, 17. & dorf. 2, 3. Bundel. Brevium & Liter. An. 32 E. 1. Cl. 33 E. 1. m. 6, 10. Cedula 14, 17, 19, 20, 33. dorf. 16. Fines 33 E. 1. m. 9, 10, 15, 19, 20. Cl. 34 E. 1. m. 5. & dorf. 8, 21, 23, 31. Pat. 34 E. 1. m. 31. Bundelli Brevium & Literarum Annis 1, & 2, & 3, 4, & 6, & 10, & 11, & 13, & 16, & 17 Ed. 2. Sæpissimè Petitiones Regi & Consilio, An. 11 & 12 E. 2. Cl. 13 E. 2. m. 8, 9. Cl. 1 E. 3. pars 2. m. 3, 5, 7, 27. & dorf. 14. pars 2. m. 1, 14. Cl. 4 E. 3. dorf. 23, 27, 32, 33, 37, 42. Pat. 12 E. 3. pars 1. dorf. 23, 32. pars 2. dorf. 4, 10. Cl. 12 E. 3. dorf. 2. Pat. 15 E. 3. pars 2. dorf. 48. Cl. 11 R. 2. dorf. 11. Pat. 13 R. 2. pars 2. m. 7. Pat. 14 R. 2. pars 2. m. 34, 35. Pat. 13 H. 4. pars 1. m. 19. Pat. 14 H. 4. m. 5. & dorf. 12. Pat. 6 H. 5. dorf. 20, 22. Pat. 14 H. 6. pars 1. dorf. 15, 17, 22. & m. 5, 6, 7, pars 2. dorf. 18. Pat. 23 H. 6. pars 2. dorf. 14, 15. Pat. 22 E. 4. pars 2. m. 25. & dorf. 2, 4. besides sundry more in the *Clause* and *Patent Rolls*.

In the Text Page 128. l. 52. *Herestiza* should be *Herestiz*; and l. 53. *Her*, *Her*, & *stiten*, *lassen*, as *Fridericus Lindebrogus* in his *Glossarium*, *Verbum Herestiz*, and *Spelmani Glossarium*, p. 350. inform us, out of *Leges Longobardorum* l. 1. Tit. 14. *Lex* 15, 17. *De exercitiis & his qui in hostem ire contempserunt.* * *Si quis contumax adeo aut superbus extiterit, ut dimisso exercitu absque jussu & licentia Regis revertatur, & quod nos Teudisca lingua dicimus, Herstiz fecerit; ut ipse sit reus majestatis, vitæ periculum incurrat, et res ejus fitto nostro societentur.* See *Capit. Caroli & Ludovici*, l. 3. cap. 70. & lib. 4. *Append x* 2. cap. 4. *De fugitivis. Leges Edwardi Confessoris Lex* 35. *De Heretochiis. Spelmani Glossarium*, p. 348.

* Fridericus Lindebrogus Codex Legum Antiqu. p. 540.

Page 128. l. 11, 12. Margin. Parl. 5 E. 3. nu. 18. nor any other number in that Parliament hath any thing concerning Soldiers not appearing at Musters, or deserting their colours, for which it is quoted; instead whereof those who please may peruse Pat. 28 E. 1. m. 5, 8, 13, 18, 29. Cl. 28 E. 1. dorf. 15. & Cedula, & dorf. 6, 7, 8, 10, 11, 16, 17, 28, 29, 31. Fines 31 E. 1. m. 2, 5. Pat. 31 E. 1. m. 20, to 32. Pat. 35 E. 1. m. 8, 23, 32, 39. & dorf. 32. Pat. 12 E. 3. pars 1. dorf. 14, 20, 21. & pars 2. dorf. 13, 14, 16, 17, for arrayes and musters of men, and Writs to inquire of and punish those who appeared not, or departed without license; to omit multitudes of Records to this purpose not cited by the Author, in Rotulis Francia, Scotia, Aquitania, Vasconia, Normannia, Wallie.

Cap. 18. Of the Court of the Marshalsea.

FOR its Jurisdiction, and Complaints against its Proceedings, Usurpations, Peruse Cl. 4 E. 2. m. 27. Cedula. Pat. 6 E. 2. m. 38. intus. Plac. Parl. An. 18 E. 1. pl. 2. Ryley Plac. Parl: and Appendix, p. 422, 523, 542, 543, &c. Mr. Cromptons Jurisdiction of Courts, c. 8. Court de Marshalsea, f. 102, &c. and Ash his Promptuary; Action sur le Statute, and Authority, Sect. 6.

Page 130. & 2 Instit. p. 461. Concerning the Fees of the Marshal, See Westm. 2. cap. 42. De Mariscalis Domini Regis de feodo & Camerariis, &c. for regulating the Marshals fees demanded of those who do their homage to the King; This memorable Record concerning the King of Scots fees for his homage, may be here added thereunto.

* Claus. 21 E. 1. 8. dorfo. De Ordinatione facta per Regem, quantum Camerarius. suus capiat pro feodo suo, ratione Homagii Regis Scotiae.

* Memorandum, quod Rex in Parlamento suo apud Westmonaster. Anno regni Regis vicesimo primo, de consilio suo ordinavit, quod J. de Babilio det Camerario Regis pro feodo eundem Camerarium contingente, ratione Homagii quod idem Rex Scotia fecit Regi Anglia pro regno Scotia, viginti libras, videlicet duplum quod Comes dat ratione homagii sui pro feodo Camerarii predicti. Et preceptum est Petro de Chawment tunc Camerario, quod de predictis viginti libris sit contentus.

This Act of West. 2. is well explained by this Record, which recites it.

† Claus. 23 E. 3. pars 1. m. 5. De feodo Mariscalii levando.

† REX Thes. & Baronibus suis de Scaccario salutem: Cum in secundo Statuto apud Westmonaster. Anno regni Domini E. quondam Regis Angli. Avi nostri Tertio decimo edito, inter cetera sic contineatur. De Marefcallo suo de feodo Camerariis, Custodibus Hostiorum in itinere Justic. & servientibus virgam portantibus coram Justic. apud Westm. qui officium illud habent de feodo, & qui plus exigunt ratione feodi sui quam exigere consueverunt, secundum quod multi queruntur per eos qui statum Cur. a multo tempore viderunt & sciunt. Dominus Rex inquiri fecit, quem statum predicti Ministri de feodo habere consueverant temporibus retroactis; & per inquisitionem illam statuit & precepit, quod Marefcallus de Feodo qui de novo exigit palefridum, de Comitibus & Baronibus, & aliis per partem Baronia tenentibus quando homagium fecerint, & nichilominus ad militiam eorum alium palefridum, & de quibusdam de quibus palefridum habere non debuit, palefridum de novo exigit; Ordinavit, quod predictus Marefcallus de quolibet Comite & Barone integram Baroniam tenente, de unico palefrido sit contentus, vel de pretio, quale Antiquitus percipere consuevit: Ita quod si ad homagium quod fecit palefridum vel pretium in forma predicta ceperit, ad militiam suam nichil capiat, & si forte ad homagium nichil ceperit, ad militiam capiat. De Abbatibus & Prioribus integram Baroniam tenentibus cum homagium aut fidelitatem fecerint pro Baronibus suis, capiat palefridum vel pretiam, ut predictum est; hoc idem de Archiepiscopis & Episcopis observand. est. De his autem qui partem Baroniam tenent, sive sint Religiosi sive Seculares, capiat secundum portionem partis Baroniam quam tenent. De Religiosis tenentibus in liberam elemosinam, & non per Baroniam vel partem Baroniam, nichil de cetero exigit Marefcallus. Et concessit Dominus

Dominus Rex, quod per hoc Statutum non precludatur Mareſcallus ſuus de feodo in plus petendo, ſi impoſterum offendere poterit quod jus habeat plus petendi, prout in Statuto prædicto plenus continetur. Ac jam intellexerimus, quod nonnulli tam Episcopos, Abbates & Priores, quam Comites, Barones, et alii, qui homagia et fidelitates nobis pro terris & ten. quæ de nobis per Baroniam & partem Baroniam tenent, hujusmodi feoda Mareſcallo non ſolverunt, nec ſolvere intendunt, quod ſi permitteretur, in noſtri et Coronæ noſtræ præjudicium et exhæredacionem cedere diſcoſitur manifeſtè; Nos hujusmodi præjudicio & exhæredacioni in quantum poterimus præcavere, & jura Coronæ noſtræ noſtris temporibus manutenere volentes, ut tenemur, Vobis mandamus, quod viſis nominibus Prælatorum, Comitum, Baronum, Militum, Religioſorum & aliorum qui nobis homagia & fidelitates pro terris & ten. quæ de nobis tenent fecerunt, in quadam Cedula quam vobis mittimus ſub pede Sigilli noſtri contentorum, eoſdem Prælatos, Comites, Barones, Milites, Religioſos, & alios quos per ſcrutinium Rotulorum & Memorandorum Scaccarii prædicti, aut alio modo legitimo vobis conſtare poterit de nobis per Baroniam vel partem Baroniam tenere, et feodum illud non ſolviſſe. (quod ad nos, eo quod Feodum illud per mortem Thome nuper Comitis Norff. & Mareſcalli Angl. ad manus noſtras devenit pertinet) ſolvend. diſtringi, & Feodum illud ab eis ad opus noſtrum levari fac. prout de jure, & ſecundum formam Statuti prædicti fuerit faciend. T. R. apud Weſtſax 9 die Maii.

Cap. 22. p. 134. *The Court of the Admiralty, proceeding according to the Civil Law.*

THE whole Scope of this Chapter is to prove theſe two Propoſitions:
1. That the Admiralty Court by the Lawes and Statutes of this Realm hath no Jurisdiction to try or hold Plea of any Contracts, Covenants, Bonds, Charter-parts, Trespafſes, or other matters between or concerning Merchants, Mariners, touching Merchandiſe, Fraights or Navigation, made or done within the body of any County, or Part, River, Creek, which is part of any County within this Realm. This is granted on all hands as an undoubted truth; declared and enacted by the Statutes of 13 R. 2. c. 5. 15 R. 2. c. 3. 2 H. 4. c. 11. 27 Eliz. c. 11. and reſolved by the Year-books and Preſidents therein cited, which are moſt of them only to this purpoſe, unleſſe only in caſes ſince referred to the Admiralty, by the Statute of 32 H. 8. c. 14.

2ly. That the Admiralty hath no Jurisdiction to hold Plea of any Contracts, Covenants, Agreements, Charter-parts, Obligations, Contracts, made by and between Merchants or Mariners in any Ports, Harbours, or places out of the Realm beyond the Sea upon the Land, concerning merchandiſe, fraights, navigation, or offences or Trespafſes therein committed; but only made or done upon the Main Seas and that Prohibitions ought to be granted to prohibit their proceedings in the Admiralty in ſuch forraign contracts, things, caſes, as belonging to the Common Law. Poſſively aſſerted by the Author, p. 114, 139, 140.

The Preſidents he cites to make good this laſt propoſition, are only 4. the reſt being impertinent, for contracts only made within the Realm and body of Counties. The firſt is the caſe of James Tooley and Lewes, Hil. 36 H. 8. rot. (132. omitted in the print.) The 2. Hil. 2 Jac. Regis, inter Theodore Tamlinſon Querent, & Philips Def. wherein the whole Court of Common Pleas, becauſe the libel ſuppoſed the Act to be done in partibus tranſmarinis, granted a Prohibition. The 3. Mich. 39 & 40 Eliz. rot. 3154. C. B. A Prohibition out of that Court for a ſuit in the Admiralty upon a Bill under the parties hand and Seal for French Crowns, for that the Bill was made beyond the Sea. The 4. Mich. 3 Jacobi. A Prohibition was granted in like caſe to the Admiral by the Court of Chancery, for Sir John Sminerton, for matter riſing beyond the Sea. And divers Prohibitions granted in the like caſe in the Kings Bench: without citing the parties

4. *His. Serjeant.*

* Neither is it in Judge Crooks Reports of that Term, Year, or other Year of King James: Nor in Serjeant Rolles his Abridgement.

* 36 H. 3. B. R. m. 131. printed in the Old Book of Entries, f. 24, 25, &c.

parties names, Term, or Rolls wherein recorded. These Presidents I diligently searched after in the *Treasuries* of the *Kings Bench*, *Common Pleas* and *Exchequer*, Anno 1645, upon an Argument I was to make upon this particular point at the *Lords Barre* in Parliament. His 2d. President of *Th. Tomlinson*, and 4th of *Swinerton* I could not finde in any * *Rolls* or *Docquet Books* of those *Terms* or *Years* he quotes, p. 139, 140. nor could any of the *Prothonotaries* or *Clerks* inform me of any such cases. His 3d of *Mich.* 39 & 40 *Eliz.* rot. 3154. (between *William Dickenes* and *Rowland Pumrunt*) I found, and read the Roll 4. times over, being a suit on a Bill only for payment of *French Crowns*, without one fillable, that it was made beyond the Seas, or the least recital of the premised Statutes, whereupon a Prohibition was granted. For that between *Tooley* and *Lewes*, Hil. 36 H. 8. I thrice considerately perused the Roll, which the Author cites not, and found the case upon the whole Record to be this.

* *Richard Tooley* of *Ipswich* Merchant, one of the Executors of *John Pierpoint* deceased, suggested, That notwithstanding the Statutes of 13 & 15 R. 2. (at large recited in the Record) he being on the 3. day of *June* An. 36 H. 8. possessed of 6 Packs of Flax of the value of 60 l. as of his own proper goods and chattels, at *Black-wall* in the River of *Thames*, within the body of the County of *Essex*, yet one *John Lewes* not regarding the said Statutes, did *causid & subdole*, under the name of one *Humfry Carye* of *Dansicke* in *partibus transmarinis*, by an Officer of the *Lord Admirals*, attach the said six Packs of Flax in the River of *Thames* in the County of *Essex* aforesaid, and by pretext thereof distrained the said *Henry* to appear in the Admiralty Court in *Southwerke* before the *Lord Admirals Deputy*, to answer to the said *Humfry Carye* concerning a certain Contract, supposed to be made between the said *Humfry Carye* and *John Pierpoint* in his life-time, apud *Dansicke* *prohibet*. in *partibus transmarinis*: and did endeavour and use all diligence to have the said *Henry* condemned thereupon, contrary to the form of the said Statutes; Whereupon he prayed a Prohibition to the said *Admiral*, ad *prohibendum ipsum ne ulterius illud placitum prosequatur*. coram eo, quobis *quæsto colore teneat*, &c. et ei conceditur: he putting in 2. *Manuaptors* to prosecute the said suggestion with effect, in case the said *Carye* (not *Lewes*) should afterwards come and pray a *Consultation*, or otherwise demand Justice upon the premises, quousque placitum illud aliquo legitimo modo terminetur. This is the whole substance of the Record. From whence I observed.

1. That this is the first President produced from 13 R. 2. c. 5. till that time An. 1544. (being 155 years space) of any Prohibition granted by colour of that Act to the Admiralty, upon any Contracts made between Merchants in forraign parts; on which no doubt there had been many hundreds of suits brought in the Admiralty during that space.

2ly. That this Prohibition was granted without any Argument or hearing of *Lewes* or *Carye* upon *Tooleys* bare suggestion, who thereupon was enforced by the Court to put in 2. *Manuaptors* to prosecute his suggestion, if the Defendant should pray a *Consultation*, or demand Justice upon it.

3ly. That there is no such Clause in the suggestion, that this Contract was made at *Dansyke* in *partibus transmarinis super terram extra Jurisdictionem Admiralitatis*, & non super altum mare, which had been pertinent, neither was this Contract alleged to be against the Statutes of 13 & 15 R. 2. but the Prohibition (as I apprehend) was granted upon these grounds & reasons alleged in the suggestion. 1. For prosecuting the Plaintiff *Tooley* in the Admiralty, being only one of the Executors of *Pierpoint*, as the words, unus executorum Testamenti et ultimæ voluntatis *Johannis Pierpoint* defuncti, &c. inform us; when as there were more Executors, who ought to have been joyned with him in the Libel. 2ly. For attaching and seising his own proper goods, not the goods of the Testator, to answer this action in the Admiralty, which were no way liable to be seised or attached for the Testators Debt or Contract. 3ly. Which was the principal ground of the Prohibition; for attaching his six Packs of Flax at *Blackwall* in the River

of

of Thames INFRA CORPUS COMITATUS ESSEX. contra Statuta An. 13 & 15 Ricardi Regis edita; where the Admiral had no Jurisdiction. 4ly. For that he was there prosecuted by *John Lewes* (not by *Cary* himself) only under the name of *Carje* of *Dansicke* with whom the Contract was made, and that *causè & subdole*, by way of *Champerty* and *Maintenance*, notwithstanding the said Statutes of 13 & 15 R. 2. necnon diversa Statuta sustentatores et manutentores querelarum in patria, vel alibi nuper edita et probata, on purpose, illum indebite p̄grabari, opprimere, et subigere, contra formam et effectum Statutorum p̄dictorum, as the Record suggests: Unde idem *Henricum* dicta Curia D. Regis hic auxilium et munificentiam implozando petit remedium, et brevis de Prohibitione p̄fata Admirallo dirigend. ad prohibendū ipsum ne ulterius placitum p̄dict. coram eo QUOVISMODO COLORE PRÆDICTO TENEAT. Et ei conceditur, &c. Which, compared with the Manucaption of *Tooley*, quod si contingat eundem *Humfridum Cary* (not *Lewes*, who prosecuted by way of maintenance in his name) ad Curiam Domini Regis coram ipso Rege impofterum accedere, ad breve Domini Regis de Consultatione impetrand. seu aliter Justitiam ibidem de & super premissis prosequend. quod tunc dictus R. *Tooley* prosequeretur dictam materiam sive suggestionem cum effectu, quoultque placitum inde aliquo modo terminetur. These then being the true legal grounds of praying, granting this Prohibition, but not that he was there sued upon a Contract made at *Dansicke* beyond the Seas upon the Land, and not *super altum Mare*, as the Record assures us, it is no wayes pertinent to the point in controversy, and the subsequent Case, *President of Hil. 2. Jac. c. 2.* between *Tomlinson* and *Phillips* 60 years after, (if any such) and others since, grounded principally upon this mistaken single unargued *President*, can be of no validity to resolve and determin this great Controversie between the *Admiralty* and *Courts of Common Law*; as is resolved in *Slades Case*, *Cookes 4. Report, f. 73, 74.*

The best and surest way to determine this Controversie upon solid grounds of Justice, Law, Equity, and Reason, without the false *biasses* of *self-interest*, *ambition* to encroach Jurisdiction, or private lucre on either side, is freely, candidly and impartially to examine,

1. Upon what complaints, Petitions in Parliament, motives, abuses, and encroachments of Jurisdiction, the Statutes of 13 & 15 R. 2. and 11 H. 4. were made; and what kinds of suits and encroachments of the Admirals and their Deputies were really intended to be restrained and abolished by these Acts.

2ly. Whether the Kings Common Law Courts at *Westminster*, or Courts of Lords of Franchises, had ever any legal, usual, known Jurisdiction of such foreign Contracts, &c. or things done beyond the Seas before these Acts, or not? And whether they were or ought to be tried, judged by the Common Law of England, and not rather by the Lawes of *Oleron*, *Merchants*, and the Civil Law? especially where forreign Merchants or Mariners are concerned.

3ly. Whether the Admirals and Admiralty of England had not an antient legal Jurisdiction, which they usually and freely exercised without any Prohibitions against it, both before and when these premised Acts and Petitions were made, of all sorts of Contracts, Bonds, Obligations, Covenants, Charterparts, promises, made between our own and other forreign Merchants and Mariners, concerning Merchandise, freights, Trespasses touching Merchandise, and all Marine affairs made on the land in forreign parts beyond the Seas, as well as upon the Main Sea? And whether this Jurisdiction was ever petitioned or complained against, or intended to be restrained by the premised Petitions and Statutes made upon them? And then to ballance the Reasons, *Presidents*, *Resolutions* that have been produced either against or for the Admirals Jurisdiction, which of them are most consonant to the premised Statutes and Rules of Law.

1. For the first of these. The Author p. 146. l. 28. Addition of some Records in Parliament, quotes in his Margin, Rot. Parl. 17 R. 2. nu. 48. 4 H. 2. nu. 47. 11 H. 4. n. 14, 61. containing the Commons Petitions against the Admirals encroach-

encroachments; but neither the Author nor any of our Statutes or Law-books ever yet published those, or the former Petitions against them, An. 13 & 15 R. 2. and 2 H. 4. whereon the premised Acts were made. I shall therefore present you with the Transcripts of all of them in their order, which will best explain the Acts, out of the *Parliaments Rolls*, which I transcribed, produced, and most insisted on in my Argument at the *Lords Barre* in Mr. *Johns Case*, Anno 1645. whereon the Lords principally grounded their Judgement for him, in behalf of the *Admiralties Jurisdiction*, upon a forraign Contract made at *St. Maloes in France*.

The first Petition of this kinde, was in the Parliament of Anno 13 R. 2.

An. 13 R. 2.
Rot. Parl. n.
41. Admirall.

Item prient les Communes, qe come les Admirallx et leur Deputees teignent leur Sessions en diverses places deins le Royalme, sibien deins Franchise come dehors, encrochantz a eux plus grant poair qe a leur Office nappertient, en presudice de nostre Seigneur le Roy et la Commune Ley du Royalme, et grant embleissement de plusieurs diverses Franchises, en destruction et empoverissement del Commune Peuple, qe plese ordeiner et establir leur poair in ceste present Parlement, qe ils ne soy mellent, nempzeignent sur euz Comissions de nulles Contratts, Cobenances, Acgrateries, ne de autres choses quelconques, les queuz devoient et purroient estre terminez devant autres Juges nostre Seigneur le Roy deinz les Quatre Piers D'engleterre, deinz Franchise et dehors. Et qe les Justices de la Ptes eient poair denquerre de ceuz qui riens font al contraire. Et qe si aucuns des Admirallx ou leur Deputees soient de ce durement condictez, les Admirallx de perdre leur Office et cynth centz marcz au Roy, et leur Deputees de perdre leur Office et cent marcz au Roy.

To which the King gives this Answer.

Le Roy voet, qe les Admirallx et leur Deputees ne soy mellent dehors en abans de nul chose faite deins le Royalme, mes seulement de chose faite sur le mer, soient ce q'ad este durement use en temps du noble Roy *Edward*, Apel nostre Seigneur le Roy que oze est.

15 R. 2. Rot.
Parl. n. 30.
Admirall.

Item, prient les Communes par profit du Roy et de Royalme, qe come les Admirallx et leur Deputees accrochent a eux diverses Jurisdictions, Franchises, et autres profits qe appertinent au Roy, et as autres Seigneurs et Cités et Burghes, qils ne soient avoir de droit, a grant impoverissement a la Commune, et avissement des profits la Roy, qe pleise commander as ditz Admirallx et leur Deputees, qils mettent abant en ceste Parlement leur cleyrn del Jurisdiction, Franchise, et profits qe ils clament d'avoir appendant a leur Office, tant qe declaracion de leur cleyrn en escript puisse estre fait en cest present Parlement, purront la Commune y putra savoir dont il sera entendant au dit Admirall, et dont nemie.

Whereupon the King made this Answer and Declaration.

Resp. Le Roy voet, qe de tous maneres Contratts, Ptes, and Quereles, et tous autres choses faitz ou surdantz deins les Corps de Countees, sibien par terre comme par eau, et dury de Mer de Par, la Court de L'Admirall atte nul citatiere Confiance, Poair, ne Jurisdiction, mes soient tries, terminez, discuttez et remediez par les Juges de la Terre, et nempz devant ne per L'Admirall, ne son Lieutenant en nulle manere. Nientmoins, de mort de homme et de maheyn faitz es grosses nefs etveantz et hoberantz en my le haut, sil des grosses Ribers tantelouement par aballe les pontz de mesmes le Ribers plus profitables al mer; et en nul autre lieu de mesmes les Ribers, est L'Admirall contentance. Et aussy d'arrest des nefs in les grantz flotes par grantz biages du Roy et de Royalme. Saubant au Roy toutz maneres forsaitures et profits euz pravenantz. Et est ensemblement jurisdiction sur les ditz flotes durant les ditz biages tantelouement; saubant toutz ditz Seigneurs, Cités et Burghs leur Ribers et Franchises.

Item,

Item supplient tresumblement voz poveres lieges, Boregs de les Villes de *Bristnyr, Briggewater, Excessre, Barnestaple & Welles*, que come nadgairs plusours plees estoient pendantz en la Court *Dadmiraltie* es parties de South & West nient appartenantz al Jurisdiction de la dite Court, come plees de mecons debzusez, biens empoztez, bateries, et autres trespasses, et contracts queconque furent, qe a cause de tielz plees, plusours des liges nostre Seigneur le Roy, ont grant destruccion de leur biens et de leur estat. Par quoi toutz les Seigneurs et Communes de la darreign Parlement tenuz a *Westm.* debant cest present Parlement, eiantz consideracion a le grant meschief benant as liges nostre dit Seigneur le Roy en plusours pais a cause de les plees abantditz, orditerent establement del dit Court, que chescun deust avoir son accion a la Commune Ley de toutz tielz maneres plees, et nient en la dite Court *Dadmiraltie*. Et ne par quant devant qe la dite Court fuit establi plusours erroignes juggements furent renduz par les Officers del dite Court encontre voz ditz liges de les Villes susditz de tielz plees, *come de mecons debzusez, biens empoztez, et autres plees nient appartenantz al Jurisdiction de la dite Court, des queux erroignes juggements issint renduz en les Villes susditz, plusours efferont † appellez al audience nostre Seigneur le Roi, et ont estreuz pendantz debant les Commissairs nostre Seigneur le Roi a ceo assignez, par trois ans et plus nient discuss per diverses delais de la Ley de *Cibill*, et subtil imaginacion de les parties pleintifs, issint qe plusours des ditz liges nostre Seigneur le Roi en les Villes susdites pur les tresgrantz coustages qils ont fait debant les ditz Commissairs a causes de tielz erroignes juggements, sont tout outrement destruitz et apentisez, et ont lessez leur femmes et leur infants en les dites Villes mendinants, et sont aiez leur mesmes a demourer en Gales et autres terres hors de la terre *Dengleterre*; Qe pleise a vostre tresgraciose Seigneur grace & remedie en cest present Parlement, que toutz tielz maneres erroignes juggements issint renduz en la dite Court *Dadmiraltie* a cause de mecons debzusez, ou autre trespas, debant qe la dite Court estoit establi et ungoze pendantz endiscusse debant les Commissairs nostre Seigneur le Roy, puissent estre adnullez et pur null reputez, et qe les parties pleintifs eient leur accion a la Commune Ley, pur le profit nostre Seigneur le Roy, et en salvacion del povere estat de ses ditz liges, eiantz consideracion a les grantz delais de la Ley de *Cibille*, et les grantz coustages et expences que a ceo appartient, as queux les ditz poveres liges ne purront atteindze.

Resp. Soit la matire declarez en especiale devant le Chancellor, et si luy semble par advys des Justices qil nappertient mye al Office, Court ou conissance de *Ladmirall*, soient les parties adjournez a Commune Ley, et *Prohibicions busaignables faitz en le cas.

Item, monstrent les Communes, que come en le Parlement darrain tenuz a *Westm.* ordeigne & establie estoit, que nul des Lieges nostre Seigneur le Roy serroit mys a responde de rien fait deins son Roialme, que in temps de ses nobles Progenitours abant ces heurs soloit estre terminez par les Justices selonc la Commune Ley de son Roialme ailleurs qe en ces Courtz debant ces Justices susditz, ne par quant les Officers dez Courtz de Chivalrie, *Hosliell & de Amerall* de jour en autre par suggestions arrestent plusours des Lieges nostre dit Seigneur le Roy, al foitz les imprisonant, al foitz les mettant a responde en les Courtz susditz des matres faitz * deins le dit Roialme queux soloient et devoient estre terminez debant les ditz Justices en autres Courtz par la Commune Ley de Terre, a grant oppelle et arerissement de ses Lieges susditz, et translozement de les bones et ancient Leys de son dit Roialme nlez en temps de ses tresnobles Progenitours abantditz. Que pleite Ordeigner & establier en cest present Parliament, qe desore enabant nul tiel chose soit fait a ces ditz Lieges par les Officers des Courtz susditz, a contraire de *Restatut* en le dit Parlement abant ordeigne, et embleissement de bons ancient Leys de

Rot. Parl. apud Westm. in Quindena Sancti Hill. An. 17 R. 2. m. 1. Burgeis de Bristuit, Briggewater, & ailleurs.

* A good exposition of 13 & 15 R. 2. † Sec Cl. 6 R. 2. n. 12. Pat. 13 R. 2. pars 2. m. 27, 28. pars 3. m. 12. Pat. 14 R. 2. pars 2. m. 2, 6, 46. Pat. 16 R. 2. pars 1. m. 32, 35. pars 2. m. 35. & d. 5. for Appeals from the Admirall to the King, & Commissions thereupon.

* Nota.

Rot. Parl. An. 2 H. 4. m. 89. Justices.

* Not out of it in forraign parts.

de son Roialme, et que les Jurisdiction des *Courtz des Chivalry, Hestill & Admiralte* suivoit soient pleinement en cest present Parlement declares, et per estatut en especial specesiez les pointz queux dropturement et dauncien temps apperteignent destre pledez et terminez en pcellz, sur graunt peyne a courgera nostre dit Seigneur le Roy, et al partie grebez, en cas que aucun en temps ad venir face a contraire, dont les deux parties a nostre dit Seigneur le Roy, et la tierce partye al pursueant que soi sente grebez par la manere suivoit. Et en cas que ascuns de ces Lieges queux sont de bone fame soient prises ou arrestuz par les Officiers dascuns de ces Courtes abantditz sur suggestion, ou au contraire des Estatutz en let cas faitz, ou affairz en cest present Parlement, quils ne soient mys in prison ne demeyn tiers quils purront trover suffisante suerte de responde a ceo que enbers euz terra surmys ent les Courtz abantditz. Et quils soient quitement dischargz en les ditz Courtz sur leur Responce en cas quils soient empeschez encontre les aunciens Leps de son Roialme, et encontre le tenure de les Estatutz abantditz.

Resp. Soient les Leps et les Estatutz debant ces hebers en tien case faitz tenuz et gardez.

Rot. Parl. An.
2 H. 4. n. 75.
Court de Admiralte.

Item priont les Communes, que les Estatutz faitz en temps le Roy *Richard* touchant la Jurisdiction de *Court Admiralte*, soient tenuz et fermint gardez. Et que *Ladmirall* et ces *Lieutenantz* ne teignent null manere de plee deinz le *Court Damirall* en contra la forme et ordonnance des ditz Estatutz, et sils font a contraire, encourgent la peyne de 100 l. paiant la moite au Roy, et lautre moite a partie grebe.

Resp. Soit Lestatut, ent fait tenuz et gardez, et cutre ceo, quant a peyne metre sur *Ladmirall* ou son *Lieutenant*, soit Lestate et la *Commune Ley* tenuz divers euz, et que tely qi soit sente grebe encontre la forme de la dit Estatut, eit la action par *Writ* foundus sur la cas enbers celuy que ensi pursue en la *Courte de Admiralte*, et recoberes les damages debers mesme le poursuant au double, et encourage mesme les poursuant la peine de 100 l. pur sa poursuite ensi faite sil soit atteinte.

Rot. Parl. An.
4 H. 4. nu. 47.
Admirall.

* Nota.

* Nota.

Item priont les Communes, que par la ou estoit ordene a Parlement tenoz a *Westmuster* lan de reigne le Roy *Richard* Second puis le Conquest $xiii^{me}$, et null *Admirall* xiens melleroit de chose fait * deinz le Roialme, mes seulement sur le *Par*; Et par une autre Estatute tenuz a *Westmuster* lan 15^{me} de dit Roy *Richard* puis eskrit ordeigner, que toutes maneres contracts, ples et quereles, et toutes autres choses faitz od surdantz * deinz les corps de *Countees*, sibien per terre come par ewe, et aurit de *Wych* de *Mer*, la *Court Admirall* eit nulle manere consistance postr, ne jurisdiction ne soient toutz tiens maneres contracts, ples et quereles, et toutz autres choses surdantz deinz les Corps des *Countees* sibien per terre come par ewe, come de suis, et aurint *Wych* de *Mer*, soient tries, terminez, et discus et remediez par les Leps de la terre, et nemppe debant *Ladmirall* ne son *Lieutenant* en nulle manere. Et nient constresseantz touz les Estatutz abantditz les *Admiralls* gont estes en temps de dit Roy *Richard* et leur *Deputees* ount tenuz et determinez debant euz † ples de mesens debuzes, et biens empoztes sur la terre, encontre la forme de ditz Estatutz et la *Commune Ley* de la terre. Et aurit les *Deputies* de *Ladmirall* quoze est, ount faitz et sount de jour en jour pceptz a *Wiscountz* de prendre le corps dune homme, et luy metre en prison a seute de paripe par leur primere *Precept*, sur peyne de 100 l. per ont plusours de vos Lieges sount tout cutrement destrutz et anientilez a toutz jours. Que plese a vostre treshaute Regalite par bone avys toutz Estates de cest present Parlement, que mesmes les Estatutz soient firme tenuz et gerdez et en outre dozdeyner, et si aucun suit adestre pps ou commences debant le dit An $xiii^{me}$, et suggement sur ceo puis le lesantz des ditz Estatutz renduz encontre la fourme dicelles Estatutz enbers aucuns personnes debant vos *Admirall* ou *Admiralles* de darreine Roy *Richard*, que surdunt

† Nota the Pleas complained against, of things within the bodies of Counties only.

cu

ou serrount pris en temps avenir soient tielz processe obelque les Juggementz ent renduz, ou en temps avenir a rendze de tout boidez et pur null tenuz a toutz jours. Et si aucune persone soit maintenant en prison en arreste pur responze a aucune partye, ou par Execucion dascuns tielz Juggementz renduz en la Court Admirall encoutre la fourme de les Estatuz abantditz, quilz estent hzies de *Super sedens omnino* hozs de nostre Chancellozie directez as ditz Admirall et lour Deputez. Et estent toutz grevez en ceo cas lour remede devers les ditz Admiralls, lour Deputez ou Executors, et aurit devers la partye pleintif par Brief a recoberer lour dammages a le double de ceo queuz ont esse grevez a cause des ditz suites, Juggementz ou Executions. Et qe null Wiltont, Pair ne Baplist, ne null de ces Ministres de cy nebant ne soit entendant a null Admirall ne a les Deputez pur arrester nulle persone, si non tantsolement pur le Roy qant il ad affaire. Et auri qe la ou le partie pleintif allegge les Contrades, et toutz autres accions faitz deins la Jurisdiction de Admiralte, et la partie Defendant poet prober la contraire, qil soit a ceo rescueu, et apzès tiel probe duement fait demiz hozs de Courts. Et auri et les dites Admiralles usent lour Leps tantsolement par la Ley de OLERON, et aurtent I C P S de la M C R, et par la Ley Denglsterre, et nempye pur custums ne pur null autre manere. Et qe celuy qe pleint en le dit Courts mette en sa bille lan, jour, et lieu en certaine ou le contract ou trespas fuisit fait. Et qe la caus soit trie en mesme pcell lieu qe est pluis pzocheyne a la Mer, la ou le trespasse ou contract est suppose estre fait, et nempye ailloers.

Resp. Le Roi voet, que si *Ladmiral* ou ces *Officers*, ou les *Constable* et *Marschal*, ou leur *Officers* facent ou attemptent aucuns choses contre le fourme de *Le Statutz* faitz sur les *Offences* susditz, ou contre la *Commune Ley*, qe la partte qe soy seute grevez seue a *Conseill*; Et qe mesme le *Conseill* ait poair par autorite du *Parlement*, ent purvoyer de remede de temps en temps pur lour sages discrecions, et si a la *Commune Ley* qil le remittent.

I Tem pur ceo, qe les *Jugges de Courtez de Constable, & Marschal, & D Admirals*, si attreient debant euz *Conufance* et *Jurisdiction* des choses triables par la *Commune Ley*, et dont la cause de querell se commence de matere robe et commences * dein le corps de *Royalme Denglsterre*, Non obstant diverses *Estatutz* et *Ordinaunces*, et *Commune Ley*, ent faitz et usez a contraire, a tresgrandes damages et perils de hozz *Lieges*. *Quo pleais* fapre suffisant appointment en cest present *Parlement*, sur grandes peines qe en temps avenir ils n'attempterent ne traberent debant euz *conufance* de null chose dont la *conufance* appartient as autres *Courtez de Roy* deins son *Royalme*, ou dont la cours de la querell si commence de chose fait ou perpetrez de † deins le *Royalme Denglsterre*.

Resp. *Doyent Le Statutz* ent faitz tenuz et gardez, obelque les pepues en ycelles contenuz.

I Tem, supplient les *Communes*, qe toute *Ordreigne* et estable estoit pur un *Estatutz*, qe de poutz maneres *Contracts*, *Plais* et *Quereles*, et de toutes autres choses faitz ou sourdantz * deins les corps des *Countees* siben par terre, come par eawe, et aurtint de hozs du *Mer*, la Court de *Ladmiral* est null manere *conufance*, poair, ne *Jurisdiction*, come en le dit *Estatutz* plainement est contenu. Se pur quant les *Ministres D Admirals* quant elles de puis qe le dit *Estatutz* estoit fait, par tous les *Colles du Mer* voutz ppris *Quereles* debant euz deinz le *Corps des Countees*, et sount tenuz debant euz plusieurs *Lieges* nostre *Seigneur le Roy* par lour *discrecion* et *conufance* ascoben. Et leurs hozs des *Colles du Mer*, denquerer des plusieurs choses faitz † deins les *Countees*, come de *Deodandees* deuant des *franchises* des divers *Seigneurs* par my le *Royalme*, queuz debant appertendze a nostre dit *Seigneur le Roy* ou as autres *Seigneurs* des ditz *franchises*, et de *Leynes* et autres *Merchandises* cariez outre la *Mer*, nient payanz les *subsidies* et *custumes* ent dues a nostre dit

An. 11 H. 4.
Rot. Parl. n.
24.

* Nota.

† Nota.

Anno 11 H. 4.
n. 61. Rot.
Parl.

* Nota.

† Nota.

* Nota these particulars complained of, as against the Statutes of 13 & 15 R. 2. & 2 H. 4. were a l done upon the land, proper for the Common Law, Kings Courts, and Lords of Franchises.

dit Seigneur le Roy, * et aurint des goz, wres et kydells qe sont assizez in Rivers, freques boz del haut file du Pær, et des saur poises et mesure nient accordantz al standard nostre Seigneur le Roy, et de toutz maners bitailleurs et de leur bitailles venantz boz du Pær. eu issant boz dicell, si le soient bones et resonables, ou nemy. Et auxi des Artincers et labozes demozantz pzes les Costes du Pær silz pzeignent excessibe pur leur labour ou nemy; et de toutz autres choses dont ils poyent gagner aucun argent tozsenouement: Et aucun soitz il arrestent diverses gentz sanz garrant, sur-mettant qils sont enditez et accusez; lou en vente ils sont enditez et accusez, encoutre la fourme des Estaturz abantditz, et in derogacion del Cozone nostre tres excellent Seigneur le Roy. Et depuis comment qe soit, qe *Ladmirall* ne se *Ministres* nont poair tie auctorite dependre nulles tiels enquestes nenquistions faire des choses abantditz, si aucune homme quelque soit est endite debant euz par tiels enquestes, et la partye issint endite, ou nemy enditez naccusez boile scy justifier pur estre acquite, ou combia del enditment ou acusement dont il est endite, ou nemy endite neulez il ne sera my rescue a son respons en mesme la pays, ou il est issint endite ou nemy endite, mes sil ne voet faire fine obec les *Ministres* des ditz *Admiral* a leur voluntie, il sera adjourne a *London* a la ley de *William Horton Suchwerk* a certain jour par les ditz *Ministres* a luy assignez, sur certaine peyne importable as ditz enditez, dont ils cobient trober quatre plegges debant les ditz *Ministres* pur garde tout jour, comment qils soient demurrantz en les plus longues parties *De Angleterre*, et ce n'est pas pur null autre cause mais par cause, qe les ditz enditez ne voient faire sen a leur voluntie par tiels choses, desqe ne sont coupables et seroit bien trobe s'ils de voient estre ripes en leur pays ou ils sont demurrantz, come bone ley et la Commune Ley demandant; Et auxi tiels enditez payeront pur les fees des *Officers* du dit *Courte* avant qils seront liberez; et s'il soit il coupable ou nient. Et auxi les *Ministres* del *Admirall* teignent debant euz personelles plus par entre partie et partie, de dette, trespas, et de toutz autres choses sordantz deins les cozps des *Countees* et sount par les parties pleintifs mettre leur damage a deux cens, trois cens, ou mill libers, come ent qe le princippal ne passe 1 l. ou 6. soubz ou nient, et ce est par cause qe la *Courte* voet aboter 1 s. de chescun libere del un partie ou del autre, que le chose feult unques usez ne paie abant qe *Justicour* *John Holland* Count de *Huntingdon* estoit *Admirall*, mais debant son temps un resonable amercement solait estre pris, solonc le course del Commune Ley dont le pleint fait mencion, comont et le pleintiff noit recoberer de null denier, et grand destrucciõ des poveres *Lieges* nostre Seigneur le Roy par my le Roy. Et a cause de derogacion de la Commune Ley. De pleise a nostre tres excellent Seigneur le Roy, considerer le grand distrucion et impoverissement de les poveres *Lieges* abantditz par les grandes misprissions et opprissions a euz faitz par les ditz *Ministres* des *Admiral*, et la derogacion de la Cozone, et usurpacion sur la Commune Ley de la Terre, en cest present Parlement ordeiner par Estatut ent assaure, qe nulle *Admirall* ne leur *Deputies* ne teignent de ces enabant plee de nul chose sordant deins les Cozps des *Countees*, encoutre la fourme des Estaturz abantditz, et qils ne pzeignent de ce enabant 1 s. del libze de nul somme qest en demande debant euz, comment qile soit la cause pendant debant euz soit determinable par la Ley du Pær, et nient par la Commune Ley, si n'est un resonable amercement del partye pleintiff ou defendant, qe le amercement sera assy par loyalz afferours debant euz jures en leur *Courte*, solonc la fourme de la Commune Ley. Sur certaine peyne a mettre sur les *Admiral* ou les *Deputies* des *Ministres* sils font la contraire, a payer al *Lechever* al oeps nostre Seigneur le Roy chescun cotez qils sont trobez coupables en tiels cas, et qe les *Justices* de *Peas* a garde soient poair per mesure *Leffatuir* denquerer debant euz en leur *Countees* de toutz *Admiral* et leur *Ministres* qe font la contraire de cest request, et leur noms certifier in bestre *Eschequer* de jour en autre, par lon la peyn sur euz mys poest estre leve al oeps nostre Seigneur le Roy.

Resp. Doient *Leffatutz* ent fettes et gardees.

From

* Nota.

† Made *Admiral* An. 12 R. 2. & continued only An. 13 & 14 in that Office: against whose encroachments the Statutes of 13 & 15 R. 2. were made, *Spelmani Glossarium*, p. 19.

* Nota.

From all these 8. successive Petitions of the Commons in Parliament against the incroachments of Jurisdiction by the Admirals and their Lieutenants, on 3. whereof the Statutes of 13 R.2. c. 3. 15 R.2. c. 5. & 2 H. 4. c. 11. were framed, (these Petitions and the Kings answers to them being in truth the original Acts) it is most apparent.

1. That the only thing complained of, and for which these Acts were purposely provided, was, to restrain their usurping a Jurisdiction to hold Pleas of Contracts, Trespasses, Debts, Quarrels, Wreck, Kiddles, with other Nusances in Rivers, and other Offences done and committed by all sorts of persons (as well Victuallers, Laborers, others, as Merchants, Mariners, Seamen) within the Franchises, Cities, Ports, and bodies of the Counties of this Realm, both by Land or Water, to the great dammage and prejudice of the King, of Lords of Franchises, Cities, Ports, and Common Law of the Realm, by which they ought to be tried, judged, as they were in the time of his progenitors, and King *Edward* the first and 3d. to the grand oppression, vexation of the Subjects, against the Statutes of 13 & 15 R.2. made upon their two first Petitions and other Acts.

2ly. That the Admirals and their Officers had lately issued forth Warrants to Sheriffs and others to summon the Kings people to appear before them at *London* and *Suthwerke*, for things done and Contracts made in remote Counties of the Realm, where they ought by Law to be tried, to their intolerable expence, travel, vexation and oppression.

3ly. That they imprisoned them in their prisons there against the Lawes of the Realm, and extorted new excessive illegal fees from them, to their great oppression, and undoing, enlarging their Jurisdiction to all Contracts and offences aforesaid done within the Counties and Franchises of the Realm, only to extort money from the people; For redresse whereof they proposed severall remedies by forfeitures of their Offices, Fines to the King, and dammages to the parties grieved,

4ly. (Which is most observable,) That there is not one clause nor syllable in all or any of these Petitions suggesting or complaining, that the Admirals, their Lieutenants or Deputies, held pleas of any forraign Contracts, Obligations, Charterparties, Covenants, agreements, trespasses, or other things between Merchants or Mariners concerning their Merchandise or marine affairs done in any Parts or Ports beyond the Seas, upon the Land, out of the body of all Counties and Franchises of this Realm, of which no doubt they then held pleas, and daily tried before them, even when these Parliaments were held, and petitions exhibited against them, (yea time out of mind before, as I shall prove anon) since they thus usurped Jurisdiction of all contracts, matters relating to Merchants, Seamen, others, and of offences done upon the Land within the Realm. For our Nation (as all our Histories, Records, Statutes concerning Merchants, Merchandizes, Staples, Ships, Navigation assure us) then abounding with forreign and domestick Merchants, merchandise, shipping and navigation, no doubt they had many suits and actions concerning Contracts, Obligations, Charterparts, abuses, trespasses, and things relating to them, made or done on the Land in Ports beyond the Seas, as well as upon the high Sea, which they brought in the Admirals Court, and there tried, judged in a summary way, according to the Lawes of *Merchants*, and *Oleron*, not in the Kings Courts at *Westminster*, (much lesse in Courts of Lords of Franchises) who proceeded only by the Rules of the Common Law, since we find no Presidents nor Records of any (much lesse of many) suits of this nature brought in any of the Kings Courts upon such forreign Contracts, Obligations, Charterparts, Trespasses, Suits between Merchants or Mariners before these Petitions or Acts, nor during the Parliaments wherein they were exhibited, made, nor yet any Prohibitions issued to the Admiralty to restrain their Jurisdiction or Proceedings in such suits, from An. 13 R. 2. after the premised Statutes made, till * *Leighs case Mich. 7 Jacobi*, (except the mistaken Presidents of † *Tooley*, An. 36 H. 8. and of 39 & 40 Eliz. forecited) being at least 219 years space, for ought I can yet find on my strict-

*Rolls Abridgment, p. 531.
† 4 Instit. p. 139. Margin.

est scrutiny of Records and Presidents, since neither *Statham*, *Fitzherbert*, or *Brook* in their Abridgements, *Titles Prohibition*, nor any of our *Year-books* abridged by them; nor yet *Mr. Richard Crompton* in his *Jurisdiction of Courts*, Cap. 6. *De Courte de Admirable de Engleterre*, nor yet *Judge Crooks* or *Serjeant Morcs Reports*, or *Hughes*, or *Serjeant Rolls* their late *Abridgements*, cite any such Presidents before 7 Jac. and King *Charles* his reigns: whereas we should have met with hundreds of Prohibitions, and Actions grounded on the Statutes of 13 & 15 R. 2. & 2 H. 4. for prosecuting such suits in the Admiralty, in our Records, Year-books and Abridgements, before King *James* his reign, had our Parliaments, Judges, Lawyers, Subjects conceived these Acts to have abolished or restrained the Admirals Jurisdiction in such cases, as well as of Contracts made and matters done within the bodies of any County of the Realm.

51y. The enacting Charles of the printed Statutes of 13 R. 2. c. 5. 15 R. 2. 3. (& 2 H. 4. c. 11. relating to them) extend only to Contracts made, and things done within the body of Counties by Land or water, not to contracts or things done or arising beyond the Seas out of the Realm, viz. It is enacted and affirmed, that the Admirals and their Deputies do not meddle from henceforth with any thing done WITHIN THE REALM, but only upon the Sea, (a part of the Realm and within it) That of all manner of Contracts, Pleas, & Complaints, and of all other things arising WITHIN THE BODIES OF COUNTIES as well by Land as by Water, the Admirals Court shall in no wise have Consente, power nor jurisdiction; but that all such manner of Contracts, Pleas and Complaints, and of all other things rising WITHIN THE BODY OF THE COUNTIES, as well by Land as by Water, and also wrech of the Sea, shall be tried, determined, discussed and remedied by the Laws of the Land, and not before, nor by the Admiral or his Lieutenant in no wise. Which how they can be extended by any genuine or legal construction (without apparent deviation from the words and intention of those Acts, and the forecited Petitions, whereon they were framed) to any Contracts made, things done or arising between Merchants or Mariners beyond the Seas out of the body of any English County by Land or Water, I cannot apprehend.

51y. All the ancient Presidents and Law-books quoted by the Author, extend only to Contracts made, and things really done within the body of some County of this Realm, according to the words and intent of these Acts. The ancientest President he cites as *contemporanea expositio* of these Acts, *qua est opinio*, is that of *John Buteon* against *Barcholmen Pit* in the Court of Common Pleas Hil. 6 H. 6. rot. 303. for a ship supposed by the Libel in the Admiralty to be taken *super altum mare*: although the taking aforesaid was *rebera*, *infra Corpus Comitatus* in *Bristow* (the said ship lying in the harbour of *Bristow*) and not upon the main Sea, contrary to the form and effect of the said Statutes. His next President is 12 H. 6. C. B. rot. 124. for entering a Ship and taking away divers goods out of it, *In portu aquae Fernemutha infra Corpus Comitatus Norff. contra formam Statutorum predictorum*. His 2. next Presidents *Mich. 31 H. 8. Rot. 315.* and *Mich. 38 H. 6. rot. 36.* are of the same nature: the first for a Contract made *apud Nozium Saram infra Corpus Comitatus Wiltes*; the second for a Trespasse in taking away Jewels, *† apud Strasford at Bome infra Corpus Com. Mid. et non super altum mare, contra formam Statut. predict.* His next 4. Presidents out of the *Book of Entries*, f. 23. & Anno 5 H. 7. *Mich. 26 H. 8. rot. 140.* & 35 H. 8. are all of the same Nature, for Trespasses in carrying away Ships, and Contracts made within the bodies of the Counties there mentioned, with * others since reported. The *Year-books* quoted by him Temps E. 1. *Fitzh. Avowry* 192. 8 E. 2. *Tit. Corone* 399. 5 E. 3. *Replevin* 40. 43 E. 3. 46. *Fitz. Tit. Consans* 30. 7 H. 6. 22, 25. 19 H. 6. 7. *Fortescue* c. 32. f. 68. 4 & 5 *Maria*, *Dyer* 159 b. *Brook Judgement* 123. *Mich. & 16 Eliz.* the *Abbot of Ramsfes case*, *Pasch. 17 Eliz.* *Diggs case*, *Stanford* l. 1. *Plac. Cor. f. 51 b. Pasch. 28 Eliz.* *Evangelist Constantines case*, *Mich. 30 & 31 Eliz.* are all of things done and contracts made or to be performed in some County within

* 4 Instit. p. 138, 139.

† 4 Instit. p. 139, 140, 141, 142.

* *Dyer*, p. 159, & *Morcs Reports*, p. 891. *Crooks* 3 Reports, p. 514. *Rolls Abridgement*, p. 511.

within the Realm; and are most clear expositions that both the words and meaning of these Acts extend only to things done, and contracts made & to be performed within the Realm by land or water; not without it in forraign parts.

7ly. All our *High Admiralls Patents* made since these Acts, recite this enacting clause, and most clearly resolve, that these Acts extended only to Contracts and things done and arising within some Counties of the Realm, and not to parts beyond the Sea. I shall present you only with the transcript of one of them An. 4 H. 6. (two years before the Authors first President) to *John Duke of Bedford* the Kings Uncle.

REX Charissimo Avunculo suo *Johanni Duci Bedf.* salutem. Sciatis, quod nos de fidelitate & circumspectione vestris plenius confidentes, de avilamento & assensu Consilii nostri, Constituimus vos Admirallum nostrum *Angl. Hibern. & Aquitan.* Habend. officium predictum pro termino vite carissimi Consanguinei nostri *Thoma Ducis Exon.* & post mortem dicti Ducis, quamdiu nobis placuerit, cum omnimodis feodis, proficuis & commoditatibus ad officium predictum spectantibus, pertinentibus & consuetis, absque aliquo nobis vel heredibus nostris inde reddendo, aliquibus Statutis seu Ordinationibus in contrarium factis, non obstantibus; Dantes vobis plenam tenore presentium potestatem audiendi, querelas omnium et singulorum, de his que officium Admiralli tangunt, et cognoscendi in *Causis Paritimus*, et Justitiam faciendi, ac delinquentes juxta eorum demerita castigand. puniend. et incarcerandi, et incarceratos qui deliberandi fuerint, deliberandi; necnon ad *Rabes* et *nabuculas* guerrinas quot necessaria fuerint, cujuscumque portagii fuerint, quotiens necesse fuerint congregandi, et *markar.* et alios pro *nabibus* et *nabuculis* illis necessar. eligendi et capiendi, et in eisdem ponendi, et ad hujusmodi *Paritarios* qui *Rebelles* et *contrariandos* fuerint in hac parte debite compescend. et castigand. et ad omnia alia que ad officium Admiralli pertinent in hac parte faciend. et exercend. prout de jure, et * SECUNDUM LEGEM MARITIMAM fuerint faciend. & ad alios idoneos & sufficientes quotiens vos ad hoc vacare non poteritis, ad premissa omnia & singula faciend. loco vestri substituend. & deputand. Et ideo vobis mandamus, quod circa officium predictum intendatis, & illud exerceatis & exequamini in forma predicta. Proviso semper, quod de aliquibus *Contractibus*, *placitis* aut *querelis*, aut de aliquibus aliis rebus * INFRA CORPORA COMITAT. factis sive emergentibus per terram vel per aquam, aut de *torreco maris* nullam omnino habeatis cognitionem, potestatem, nec jurisdictionem, sed quod omnia hujusmodi *Contractus*, *placita*, et *querelæ*, ac alie res quascunque INFRA CORPORA COM. emergentia per terram vel per aquam, ut predictum est; ac etiam *torreco Paris*, per *Communem Legem terre*, et nullatenus *torreco* vobis seu locum vestrum tenentem, nec per vos seu locum vestrum tenentem discutiantur, terminentur, trientur, et remediuntur. Ita tamen, quod vos habeatis Cognitionem de morte hominis, & de *mahemio* factis in *grossis* navibus in medio alti sili *grossarum ripariarum*, tantum a *portibus* earundem *ripariarum* mari magis propinquis, & non in aliquo loco *ripariarum* predictarum existentibus & *flotantibus*, ac etiam *arehationes* navium in magnis *flotis* pro magnis *viagijs* nostris & regni nostri; necnon *Jurisdictionem* *vis.* *flotarum* nostrarum hujusmodi *viagijs* durarant *durantibus*; *Sabbis* *Dominiis* et *Civitatibus* et *Burgis* *libertatibus* suis, juxta formam Statuti in *Parlamento Domini R.* nuper *Regis Anglie* secundi post *Conquestum* apud *Westm.* Anno regni sui quinto decimo tento inde editi. Proviso semper, quod prefens *Concessio* nostra de *feodis*, *proficuis*, & *commoditatibus* predictis vobis per nos ut premititur facta, aliquibus aliis futuris temporibus non trahatur in exemplum quovis modo. In cujus, &c. T. R. apud *Westm.* vicesimo sexto die *Julii.*

Per breve de *Privato Sigillo.*

Ex Rotulo Patentium de Anno 4 H. 6. m. 11. pars 2. De Admirallo constituto, Bedford.

* Nota

* Nota

The subsequent Patents *Johanni Comiti Huntingdon* Pat. 14 H. 6. pars 1. m.

32.

* Com. Oxon. Pat. 1 H. 7. pars 1. m 13. See Mr. Seldens Mare Clausum, p. 198, 199, 200. 23. *Teste Rege apud Westm. 2 die Octobris*, and * others succeeding them, run in the self-same form of Words and Clauses, and are most clear expositions, that the premised Statutes extend not to forraign Contracts, concurring with the forelaid Presidents and Law-books.

8ly.^a *Justice Houghton Hil. 8 Jacobi* upon a Motion for a Prohibition to the Admiralty in the Common Pleas, urged, That the intent of the Statute of 13 R. 2. c. 5. was not to inhibit the Admiral Court to hold Plea of any thing made beyond Sea, but only of things made within the Realm which pertain to the Common Law; and it is not to the prejudice of the King or Common Law if it held plea of things made or done over the Sea: and that this was the intent of the Statute, appears by the Preamble. And *Walmesly and Warburton Justices agreed*, that if an Obligation bears date beyond Sea, or be so local, that it cannot be tried by the Common Law, there if the Admiral hold Plea of that, a Prohibition shall not be awarded, for it is not to the prejudice of the King nor of the Common Law; and so not within the Statute. But *Coke* (the Author, then Chief Justice) said, That the words of the Statute are in the Negative, That the Admiral or his Deputy, do not meddle from henceforth of any thing done within the Realm, BUT ONLY OF THINGS DONE UPON THE SEA; and said, that it was so adjudged in one *Weights* case, that a thing done at Constantinople shall not be tried in the Admiralty, for it ought to be made upon the deep Sea, otherwise they shall hold no trial of it, And upon this only reason, all the Prohibitions cited by the Author, or in the *Lord Hobards Reports*, *Serjeant Rolls Abridgement*, or others Modern Reports, have been granted; contrary (as *Judge Houghton* and many others have conceived) both to the words and genuine intent of the Statute, as these ensuing reasons will more then probably demonstrate.

1. Because there was never any complaint made in Parliament or elsewhere of the Admirals holding consance of such forraign Contracts, and things made, done, or arising beyond the Seas; but only within the Counties and Franchises of the Realm. 2ly. Because the Kings Courts and Common Law had then or before these Acts no ancient legal Cognisance of them, but the Admiralty, (of which more anon) therefore not to the prejudice of the King or Common Law. 3ly. If the words of the Act (but only of things done upon the Sea) should be taken in that absolute limited sense as the Author expounds them, the Admiral could hold plea of no Contract, Obligation or thing made or done between Merchants or Mariners concerning Merchandise or Navigation, though not triable at the Common Law, which *Warburton* and *Walmesly* affirmed they might, as well as *Houghton*, and so the Merchants and Mariners should be left destitute of any ordinary legal remedy in such contracts and cases, to their ruine, and the great decay of merchandise and commerce. 4ly. The Realm of *England* mentioned in this Act immediately before this Clause, in its legal extent and signification, comprehends the *British Seas* or *Ocean* invironing the whole Islands of *Great Britain, Scotland* and *Ireland*, as well as the Inland Counties and Rivers, and are as real a part of the Realm under the Sovereign Dominion of our Kings, as the Land it self. This is most apparent by the Law of King *Edward the elder* made at *Exeter*, Anno Dom. 905. pars 2. cap. 1. enjoying all his Subjects to love what he loved, and hate what he prohibited IN MARI et in Terra: by the Oath of King *Edgar* administered to the 8-Kings who met him at *Chester*, and rowed him up and down the River *Dee* to *St. Johns Church*, in the sight of all his Nobles, An. Dom. 973. or 974, as others, quod sibi fideles et Terra et MARI cooperatores esse vellent, suraberunt, or as *Huntindon* relates it, *Omnes illi Domino debitam dederunt fidem, se Terra et MARI servaturos ei ad ejus Imperium*. By the words of his Charter

B
d Chron. Joan. Bromton, col. 836. & *Lambardi Archaion, & Whelochus. e Simeon Dunelmensis, Florentius Wigorniensis, An. 973. p. 359. Hoveden An. pars 1. Ann. 973. p.*

426. Hen. Huntindon Hist. l. 5. p. 356. Mat. Westm. An. 974. p. 375. *Ranulfus Cestrensis*, Polychron. l. 6. c. 12. Mr. Seldens Mare Clausum, l. 2. c. 10. f Rot. Par. 7 E. 4 m. 16. Eccl. Wygotn. John Dee Monarch. Brit. p. 58, 60. Purchas Pilgrimage, part 3. l. 3. c. 19. p. 619. Sir Edward Cooks Preface to his 4 Report. Mr. Selden his Mare Clausum, p. 178. Jac. Usserius Armach. Epist. Hiberniz; Sylloge, p. 121, & 163.

to the Church of Worcester Anno 974. Ego Edgarus Anglorum Basileus, omniumque Regum, Insularum, OCEANIQUE Britanniam circumfacientis, cunctarumque Nationum que infra eam includuntur IMPERATOR ac DOMINUS, &c. By King's Cnutes speech to the Sea, sitting on the Sea-shore in his royal chair whiles the Sea was flowing; *Et Terræ in qua sedeo mea est, &c.* By the Patent of King Henry the 3d. to the Citizens of London, Pat. 51 H. 3. m. 11. & Bracton, l. 2. c. 24. f. 56, 57. *Quod quieti sunt de Theolonio & Consuetudinibus per totum Regnum Angliæ in Terra et MARI, & tam per MARE quam per Terram*, by Rot. Pat. 19 H. 3. m. 14. Pat. 27 H. 3. part 1. m. 3. dorso. Pat. 48 H. 3. pars 1. m. 3. & Cl. 48 H. 3. m. 3. constituting *Hugo de Crequeux*, thofe of the Cinqueports, and *Thomas de Moleton Custodes Quinque Portuum & MARIS in illis partibus, & Capitanem et Custos MARIS*, as part of the Realm; by two Rolls in the Tower, *De Superfortitate Paris Angliæ, et Aure Officii Admiraltatis*, in the reigns of King Edward the 1. and 3. ad retinendum et conservandum antiquam superioritatem *MARIS* Angliæ, &c. que les Roies D'engleterre par raison du dit Roialme dit temps dont il ny ad memoire al contraire eussent eûte in paisseable possession de la Soberaigne Seigneurie de la Mer D'engleterre, &c. thus seconded by Pat. 23 E. 1. m. 5. & Temps Ed. 1. Fitz. Avowry 192. more especially by Pat. 12 E. 2. pars 2. m. 26. Rot. Scotia 10 E. 3. m. 16. Rot. Parl. 46 E. 3. m. 3. Artic. 6. & nu. 20. *Progenitores nostri Reges Angliæ Domini MARIS* Anglorum circumquaque, et etiam Defensionis ejus contra hostium incurfiones semper extiterunt. Que touz les pais tenoient et appelloient nostre abanidit Seigneurie, LE ROY DE LA MER. Mich. 6 R. 2. Fitz. Protection 46. per Belknap. LE MIERE est del legiaunz le Roy come de son Cozone D'engleterre, and part of the Realm, therefore a Protection, quia profecturus est super MARE cum J. R. Admiral nest allowable. Rot. France 5 H. 4. m. 14. this King granted a Protection to the Embassadors of Charles the 6. of France sent to Robert King of Scots, quibus tuis forent par touz nos Pouars, Desrois et Seigneuries par MER et par Terre: and innumerable other Protections and safe-conducts of King Edward 1, 2, 3, 4. & H. 3, 4, 5, 6. to Embassadors, Legats, Merchants and others, to passe and repasse safely throughout their Realms and Dominions, tam per MARE quam per Terram. Rot. Parl. 8 H. 5. m. 3. Artic. 6. Item priors les Communes, que per lou nostre tressoberain Seigneur le Roy et ses Nobles Progenitours, de tout temps ont este SEIGNEURS del MEER, et oze par la grace de Dieu est venuz, que nostre dit Seigneur le Roy est Seigneur des costes d'ambeparties del MEER, tiel imposition al ceps nostre dit Seigneur le Roy ad pzeode que a supsemblera resonable pur la saubegarde del dite MEER. Resp. Soit avise par le Roy. Compared with all the Danegelds imposed, ^b Fifteens, Subsidies of Tonnage and Poundage granted in Parliaments to our Kings for the Defence, Safeguard, Keeping of the Seas against all Persons, and of our Kings Soberaign Dominion in them, as a Principal branch, part of the Realm of England; which Acts, together with St. German in his Doctor and Students, l. 2. c. 51. declare, That the King of the old Custom of the Realm, as THE LORD OF THE NARROW SEA, is bound, as it is said, to scoute the SEA of the Pirats and petty Robbers of the Sea, &c. as well as of Robbers and Highway-men on land; and our Kings Patents to their Lord High Admiralls from time to time, constituting them Admirallum nostrum Angliæ, Hiberniæ, Walliæ, Vasconiz, &c. & Dominiorum ac Insularum eorundem, Necnon Prefectum Generalem Classium et MARIUM dictorum Regnoz nostrorum Angliæ, Hiberniæ, &c. et Dominicium et Insularum nostrarum, &c. are an infallible evidence, that *The Sea is a chief part of, and within the Realm of Engl.* which the Author himself asserts, and Mr. Selden hath more largely evidenced in his *Mare Clausum*, l. 2. throughout; whence in our Law books and Statutes OUTRE LE MEER, without the Realm, & beyond the Seas, are used in opposition or contradistinction to those within the Realm, either on the land or British Sea in Glanv. l. 1. c. 25, 27, 29. l. 11. c. 5. Briston, f. 25. 263, 264, 282, 283. Bracton l. 5. c. 8.

g Mat. Westm
An. 1055. p.
409. Hen.
Huntindon
Hist. l. 6 p.
364. Camb-
dens Britanniæ
p. 189 Seldens
Mare Clausum
p. 178. and
others.

b Mich 25 E. 1.
coram Rege
rot. 72. in Scac;
Rot. Parl. 13
E. 3 nu. 6. Rot.
Parl. 2 R. 2.
pars 2. nu. 39.
Cedula 28 H.
6. nu 38. Rot.
Parl. 20 H. 6.
nu. 29. Stat.
30 H. 6. c. 11.
31 H. 6. nu. 30.
& 41. The
Acts for Ton-
nage & Pound-
age, An. 1 E.
6. 1 Phil &
Mar. 1 Eliz.
1 Jac. 12 Car.
2. c. 4. 16 &
17 Car. 2. c. 1.
19 Car. 2. c. 1.
i See Mr. Sel-
dens Mare
Clausum, lib.
2. c. 10, to 20.
& p. 195, 195,
&c.
4 Instic. p.
141, 143, to
146. 1 Instic.
l. 260; 391 f.
c. 8.

* And in the Charter of K. R. 1. releasing wrecks, per totam terram suam CITRA MARE, ET ULTRA, Hoveden Annual, pars posterior, p. 768.

c. 8. *De Effoniis*, Sect. 2. 2 E. 3. 3 a. 4 E. 3. 46. 7 E. 3. 37 b. 6 R. 2. *Fitzh. Protection* 46. 8 R. 2. *Continual Cleyms* 13. 26 H. 6. 3. a. *Plowdens Com.* f. 359, 360. *Lit. sect.* 439. *Cookes* 1 *Instit.* 260. b. 2. *Instit.* p. 516. 8 Report, f. 10. 4 *Instit.* 118. *Rot. Parl.* 17 E. 3. nu. 24, 25. 25 E. 3. *Parl.* 2. Of those that be born beyond the Sea. 42 E. 3. c. 10. & nu. 15. 1 *Rich.* 2. c. 7. 4 H. 7. c. 24. 26 H. 8. c. 13. 35 H. 8. c. 2. 5 E. 6. c. 1. with sundry * other Acts. This being most evident, the intent of this Act and Clause was only thus, to distribute the consuance of all causes and things done only within the Realm, between the Kings and other Lords Courts and the Admiral, without encroachment upon each other; That all matters done and arising by Land or Water within the body of any County in the Realm, should be tried only in the Kings Courts, and Lords of Franchises by the Common Law, not in the Admiralty, by the Marine or Civil Law: and that all things done within the Realm upon the Sea, or branches of it, out of the precincts of any County, should be heard and determined by the Admirals, according to the Law of *Oleron*, and old Custom of the Sea, not in the Kings or Lords Courts by the Common Law, without the least relation to any Contracts made or things done beyond the Sea, or without the Realm. That this only is the genuine sence thereof, will appear, First, by comparing the *Statute* and *Petition* of 13 R. 2. c. 5. with 15 R. 2. c. 3. and the subsequent Petitions of the Commons which so explain and construe them. 2ly. By comparing it with the Statutes of 2 H. 5. c. 6. for the Conservation of Truces, 5 *Eliz.* c. 5. & 27 *Eliz.* c. 11. cited by the Author, p. 137, 152. which use these expressions: *All and every such offences as hereafter shall be done on the main Sea, or Coasts of the Sea, being no part of the body of the County of this Realm, and without the precinct, jurisdiction and liberty of the Cinque-ports, &c. shall be tried and determined before the Lord Admirall: and according to the Old Custom and Law on the Sea used: but those within the body of any County of the Realm, by the Common Law and Kings Justices:* 3ly. Because these words are an exception, and saving of the Admirals Jurisdiction, as to things done upon the Sea, as their Conjunction to the preceding Clause, *That the Admirals and their Deputies shall not meddle with any thing done within the Realm*, demonstrate: Which first general Clause, *shall not meddle with any thing done within the Realm*, had totally deprived the Admiral of all Jurisdiction whatsoever of things done upon the Sea, as well as Land, had not this saving and excepting clause, *but only of things done upon the Sea*, been added to it. The Sea being within the Realm, and one principal part thereof, and of greatest concernment to the King and people, in respect of Merchandise, Commerce and Navigation, as our Kings themselves in their premised Charters, Patents, Commissions, our Parliaments, Judges, Lawyers, and Law-books have frequently declared, resolved in all former ages, with the * Author himself, and Mr. *Selden* in his *Mare Clausum*, l. 2. of late, to whom I refer you. 4ly. *The Realm*, is the immediate word before, *but only, &c.* to which this clause relates; not any other forraign Realm or Region; therefore it must and can be put in contradistinction, seclusion or exception only to it, not to any forraign Realm, Country, never mentioned nor intended in these Acts or Petitions. The sole Argument then properly deducible from this Clause against the Admirals Jurisdiction, is but this,

The Statute of 13 R. 2. prohibits the Admiral and his Deputies to hold Plea of any thing done within the Realm of *England* by Land or Water within the body of any County thereof; but only of things done within it upon the Sea, out of the body and precincts of any County.

Ergo, It prohibits them to hold Plea of any Contracts made or thing done out of the Realm in any forraign Realm, Port, Country whatsoever, out of any *English* County, but only upon the Sea.

By which kinde of Interpretation and Logick, they may as well argue, The Statute of 1 *Eliz.* cap. 1. enjoyns the Kings Officers and Subjects to swear, *That the Kings Majesty is the only Supreme Governor of this Realm; and that no forraign Prince, person, Prelate, State, or Potentate hath or ought*

to have any Jurisdiction, Power, Superiority, Prebeminency, or Authority in Ecclesiastical or Spiritual matters within this Realm, (the same words with those in this Act) with this additional Clause; And therefore I do utterly renounce and forsake all foreign Jurisdiction.

Ergo, No Prince, Person, Prelate, State or Potentate, hath or ought to have any Jurisdiction, Power, Superiority, Prebeminence or Authority out of this Realm within their own Realms and Dominions, but only the King of England.

Or thus,

Sundry * *penal* *Laws* and *Statutes* prohibit the coming or harbouring of Priests, Jesuites, receiving Orders from the See of Rome, and the importation of Popish Bulls, Books, Reliques, and several Commodities, Merchandises into, or vending them, within this Realm, or other the Kings Dominions, and the exportation of other persons and Commodities out of this Realm, under pain of High Treason, and several penalties, forfeitures expressed in them.

* 13 Eliz. 2.
23 Eliz. c. 2.
27 Eliz. c. 2.
See Rastall,
Crown, Ships,
Wools, Mo-
nics, Treason.

Ergo, It is Treason or such forfeiture for an Priests, Jesuites to come into, or any to harbour them; or for any of the Kings subjects or others under his obedience to import or export any such prohibited persons, Bulls, Books, Commodities or Merchandise into or out of any other Kings Realms or Dominions beyond the Seas.

If these be grosse misinterpretations of, and meer *Nonsequitars*, or fallacies from these Acts, Then, under correction, I humbly conceive by parallel reason the premised Misinterpretation of, and Argument from the Statute of 13 R. 2. against the Admirals Jurisdiction for things done out of the Realm beyond the Seas by land or water, must be so likewise.

We have the like expressions in Scripture as in this Act, where God threatned Pharaoh, his servants, and the Egyptians, † to send swarms of flies, frogs, locusts, hail, thick darknesse, &c. throughout the land of Egypt; and to sever the land of Goshen (part of Egypt) wherein his people dwelt, and put a division between them; which Judgements he accordingly executed upon, and throughout ALL THE LAND OF EGYPT, ONLY in the Land of Goshen where the children of Israel were; there were no flies, frogs, hail, thick darknesse, &c. BUT all the children of Israel had light in their dwellings. Will it therefore follow from this last clause; Ergo, there were flies, frogs, locusts, hail, darknesse, throughout all other Lands, Kingdoms, Countries in the World, though no part of Egypt, but only in the land of Goshen? No, because only, and but in the land of Goshen, are put as exceptions solely to all the land of Egypt, as only upon the Sea, in this Act, is an exception merely out of the Realm of England, not to other Realms or Counties in them, not mentioned in the Act.

† Exod. 8. 25,
22, 23. c. 9.
24, 25, 26.
c. 10. 14, 15,
22, 23.

Had the words of the Statute been, *That the Admirals and their Deputies shall not from henceforth meddle of any thing done within or without the Realm, or in any forraign Realm, Ports, or Sea coasts, but only of things done upon the Sea: And that all manner of contracts, pleas, complaints, and other things arising within the bodies of the Counties of this or any other Realm, or Land beyond the Seas, shall be henceforth tried, determined, discussed and remedied by the Lawes of the Land, and not before, nor by the Admiral nor his Lieutenant in no wise,* as these Statutes have been of late strainedly interpreted by the Author and other Common Lawyers: the premised Argument against the Admirals Jurisdiction had been irrefragable; neither could they have held plea of any thing done beyond the Sea by land or water in forraign Realms, Ports, but only of things done upon the Sea; and the Common Law would have thereby gained a new Jurisdiction of all forraign Contracts, things done between Merchants and Mariners in other Realms, ever since these Acts, as well as within any Counties of this Realm: whereas they never had, claimed, nor exercised such Jurisdiction before, but only the Admiralty and Marine Laws. But the premised words of the Acts and Petitions no way extending to such Contracts made, or things done by land or water beyond the

Seas, but appropriated only to things done within the Realm by land or water within the bodies of Counties, and giving the Common Law Courts no new Jurisdiction thereof, nor depriving the Admirals of their ancient consueance of them by expresse words, or necessary consequence; the arguments from them are no other but such *non-sequiturs* as premised.

To make this more apparent, I shall proceed to the second Question propounded;

2 *Quære.*

Whether the Kings Courts, or of Lords of Franchises in their Liberties, and the Common Law, had ever any real, legal, ancient Jurisdiction before these Petitions, Acts, or since, of any Contracts, Obligations, Charterparties, or matters really made, done, or arising upon the Land in any Realm or Port beyond the Seas, within or without our Kings forraign Dominions?

I humbly conceive they had not, For 1. if the Kings Courts of Common Law had any ancient Jurisdiction to hold Plea, and try Contracts, Charterparties, and other things between Merchants or Mariners touching Merchandize, Fraights, or other Marine affairs, (our Kingdom abounding with several Corporations of a Forraign Merchants as well as with *English*, to whom our Kings indulged several Priviledges for their encouragement in Merchandise, Shipping and Navigation, as all our Charter, Patent, Clause, Fine Rolls in the reigns of King *John*, *Henry* the 3. *Ed.* 1, 2, 3. and *Rich.* 2. the Parliament Rolls, Statutes made, and the Aydes granted during their reignes for defence of the Seas, Merchants, Navigation, Shipping, Commerce, and advancement of Trade, Staples, and the Impositions, Customs imposed upon Merchandise for the safeguard thereof, assure us,) it is not only probable, but certain, we should have found sundry Actions of this kinde brought in these Courts extant in the Records of the Kings Bench, Common Pleas, and other Common Law Courts, and likewise in our Year-books, *Statham*s, *Fitzherbert*s, and *Brooker* Abridgements before the Statute of 13 R. 2. and Judgements, Executions awarded thereupon, with many Prohibitions to the Admirals to stay their proceedings in such causes in the Admiralty; yea sundry Petitions in Parhament for encroaching Jurisdiction in such cases, since the Statutes of 13 & 15 R.2. as well as of Contracts made and things done within the Counties and Franchises of the Realm. But upon my diligentest search in Records and Lawbooks, I have not hitherto found, neither hath the learned Author, nor any other, hitherto produced any one material direct Precedent, or one Prohibition of this kind, before the Stat. of 13 R.2. nor yet any one Petition in Parl. in any age, against the Admirals holding Plea of such Contracts and Cases; Neither have any of our Year-books or ancient Abridgements of the Law, nor Mr. *Crompton* in his *Jurisdiction of Courts*, Tit. *Admiralty*; nor yet the Author, or the L. *Hobard* in his *Reports*, nor *Serjeant Rolls* in his late published *Abridgement*, nor Mr. *Hughes* in his *Abridgement*, Tit. *Courts of Admiralty*, produced any one real punctual Record, or Precedent of any Prohibition granted to the Admiralty for holding Plea of such forraign Contracts, and things done beyond the Sea upon the Land, from 13 R.2. An. 1390, before An.^b 7 Jac. Regis, An. 1609. being 219 years space, when the Author was Chief Justice of the *Common Pleas*, and delivered his opinion, that a Prohibition lay in such cases by the words of 13 R. 2. confirming the Admirals Jurisdiction only to things done upon the Sea, though then contradicted by *Serj. Houghton*: and though *Fleming* Chief Justice of the *Kings Bench*,^c *Mich.* 8 Jacobi, refused to grant a Prohibition to the Admiralty upon a forraign Contract made upon the Land at *Marseilles* in *France*, because that Court could not hold Plea thereof, being made in *France*: Therefore I may more then probably conclude, That the Common Law Courts had no Jurisdiction of such Contracts, but the Admiralty: it being *Littletons* own Argument in case of an Action of Disparagement, upon the Statute of *Merton*, sect. 108. approved by this Author in his 1 *Institutes* and Glosses thereon, f. 81. b.

^a See an Exact Abridgement of the Records in the Tower, Tit. Merchants, Merchandise, Corporations, &c. See Raftals Abridgement of Statutes, Tit. Merchants, Wools, Staple, Ships, Shipping, Stillyard, Winds.

^b See Rolls his Abridgement, p. 531.

^c *Brownloes* Reports, f. 10, 11. & 2 Part. f. 16, 17.

2ly. It is undeniable, that all Actions and Contracts between Merchants and Mariners, especially where any forraign Merchants were concerned, were

by

by the expresse^d Charter of King Edward the 1. Anno 31 of his reign to for-
 reign Merchants forecited, and by the^c Statutes of the Staple, and other Acts
 of Parliament, to be tried and determined only by the^f Laws of Merchants,
 and of Oleron, wherewith they were acquainted, and whereby all marine and
 Merchants affairs were regulated, and not by the Common Law, though made
 within the Realm, if the Merchants made choyce to sue according to these
 Laws; much more then are forraign Contracts; as sundry Records forecited,
 and Rot. Francie, Anno 6 R. 2. m. 21. assure us. Therefore the Common Law
 Courts had no ancient usual Jurisdiction of such cases, and by Carta Mercatoria
 could grant no prohibitions to the Admiralty, nor to the Judges or Mayors
 of the Staple to hinder their trials in a summary way by the Lawes of Mer-
 chants and Oleron, to appropriate their Jurisdictions and trials to them-
 selves.

3ly. It is undeniably clear, that no High Treason committed against the King
 or Kingdom, nor any Murder, Felony, Crime or Offence done beyond the Seas
 upon the Land, out of any County of the Realm, though within our Kings
 forraign Dominions in France, Ireland or Scotland, were triable or punishable
 within any of the Kings Courts at Westminster, by the Common Law or Custom
 of the Realm, as is resolved by Judge^s Bracton, Tractatus 5. De Exceptionibus, c. 2. f.
 401. in the reign of King Henry the 3. *Natione criminis conuenitur quis ubi
 deliquit: ut si quis crimen commisit in terra aliena, (out of the Realm of
 England) quia ibi deliquit, ibi subsaceat iuri, not in England.* Upon this
 ground, Mich. 2 & 3 E. 1. Coram Rege, rot. 56. Hereford. Walter Baskervill
 outlawed in England for the murder of Henry K. of Almain, by Simon de Monte-
 fort, apud Viterbium (Wittenberge in Germany) alleged this, as a just cause to
 reverse that Uslary, *Quod Utlagaria predicta minus rite et contra consue-
 tudinem regni fuit in ipsum promulgata in hoc; quod appellatus fuit de mo-
 te ipsius Henrici interfecti apud Wittenbergiam, quod est in extranea regione,
 unde desinit in regno Angliæ, et non potest procedi ad aliquam Utlagariam in
 aliquo Comitatu, de feloniam facta in alio Comitatu, much lesse in another forain
 Kingdom.* This is further evident by Trin. 8 E. 3. coram Rege, rot. 51. Elias de
 Afburnhams case, Cooke 4 Instit. p. 358. Rot. Parl. An. 1 R. 2. nu. 38, 39, 40. John
 L. de Gomynes and William de Westons cases. An. 3 R. 2. ^h Sir John Annesleyes
 case, recorded in Walsingham, Hist. Angliæ, p. 245, &c. Cookes 4 Instit. p. 124.
 An. 7 R. 2. Sir John Walsh his case. Walsingham, p. 337, and the cases of Pierce
 Cressingham, John de Spikesworth, the Bishop of Norwich, Sir William de Elmham,
 and others. Rot. Parl. An. 7 R. 2. nu. 17, 22, 24. Placitum inter Johannem de
 Roches Chivaler, & Johannem Hanley de Dertmouth, in Curia Marecalli in Tur-
 ri London, concerning the Castle of Brest, 13 R. 2. Rot. Parl. nu. 24. & cap. 2.
 An. 17 R. 2. Plac. Coronæ in Parlamento, An. 1 H. 4. nu. 11, to 17. John
 Halls case, 1 H. 4. cap. 14. Cookes 4 Instit. c. 17. 4 H. 4. nu. 47. 11 H. 4. nu.
 24. 2 H. 6. Rot. Parl. nu. 9. the Earl of Ormonds case: 8 H. 6. Rot. Parl. nu.
 38. and by the expresse Declarations and Resolutions of the Statutes of 26 H. 8.
 c. 15. 32 H. 8. c. 4. 33 H. 8. c. 23. 35 H. 8. c. 2. 5 E. 6. c. 13. Mich. 19 &
 20 Eliz. Dyer 360. b. Cromptons Jurisdiction of Courts, f. 23. a. Stamfords
 Ples del Corone, lib. 2. cap. 26. f. 90. Cookes 9 Report, Calvins case, f. 23. a.
 Cookes 1 Instit. f. 74 b. 261 b. 3 Instit. f. 111, 112. & 4 Instit. p. 123, 124,
 125, 140. If then Treasons, Murders, Felonies, and other offences against the
 King and Kingdom, of greatest consequence and concernment to the publick
 safety, peace, welfare, done in parts beyond the Seas out of the Realm, though
 within the Kings forraign Dominions, or without them, could not be tried by
 the Common Law and Custom of the Realm in any of the Kings Courts at West-
 minster, (no not by a fiction or feigned suggestion that they were done in such a
 place within the City of London, or any other County of England) but only
 before the Constable, Marshall, or High Court of Parliament, till specially en-
 acted by the premised Statutes: much lesse could any Private Contracts,
 Obligations, Charterparts, Suits, Trespasses, or any personal actions between
 private

d See here: p.
 23, 24.
 e 27 E. 3. Stat
 Staple, c. 8.
 17, 19, 20.
 f Page 24. 73,
 to 81.

*See here the
 Digest of
 Writs, c. 2, 4*

^h Speeds Hi-
 story of Great
 Britain, p. 739.

private Merchants, Mariners, and others, of farr lesse concernment be tried in *England*: there being the self-same reasons for both, because no Juries could be summoned thence to try the fact, and the Kings Courts had no Jurisdiction there, nor Officers to execute or return any Writs, if issued thither; neither were these suits to be tried by the Common Lawes of *England*, but only by their own peculiar Lawes, Customs, and by the Law of Merchants, *Oleron*; and the Kings Writs remedial ran not thither. Neither could the Judges by a meer devised fiction alter the Common Law herein, without a special Act of Parliament, no more then in cases of Treason.

4ly. Which is considerable; if a man were mortally wounded by another in *France*, or any other parts beyond the Seas, or on the Sea, though part of the Realm, and died in *England*, yet by the *Common Law* and *Customs* of *England*, the Judges and Courts at *Westminster* had no Jurisdiction thereof, because the mortal wound was given out of the Realm, or upon the Sea without their Jurisdiction, and from whence no Jury, or *Venire* could come; as is adjudged in *Stamfords Pleas of the Crown*, lib. 2. cap. 14. in *Lacy* and *Peacocks* case, 37 *Eliz. B. R. Cooks* 2 Report, f. 93 a. 5 Report, f. 73 b. 107 a. Sir *Henry Constables* case, Institutes 1. f. 74 b. 132 b. Instit. 3. p. 43. 49, 112, 113. Yea, before the Statute of 2 *E. 6. c. 24.* The Common Law was so strict, that if a man were feloniously murdered or poisoned in one Place or County, and died thereof in another, although the said places and Counties bordered near to each other; yet by the Lawes of this Realm the Jurors of the County where the party died, could take no notice of the stroke or poisoning in another County: Ne the Jurors of the other County where the stroke or poisoning was, take knowledge of the death in another County, although the death most apparently came of the same stroke, or poisoning: So that the King within his own Realm, cannot by any Enquiries yet made or known punish such Murders, nor any Appeal lye for the same: as this Act most positively declares. The like Law was there for goods stolen in one County, and carried into another County, and of an Attainder of a principal felon in one County, which the Jury of another County cannot take notice or inquire of to attain an accessory to him, nor yet in other cases: as 18 *H. 2. Fix. Assise* 380, 382. 10 *E. 3. 18 a. 10 Ass. 4. 18. Ass. 1. 18 E. 3. 32. 43 E. 3. 18, 45. Ass. 9. 7 H. 4. 28. 9 H. 6. 63. 11 H. 4. 93. 3 H. 7. 10. 4 H. 7. 12. 6 H. 7. 10. Cooks 7 Rep. f. 3. a. 9 Rep. f. 117, 118. 3 Instit. p. 38, 39. *Theftwells* Digest of Writs, l. 3. c. 4. *Bracton* in the place forecited, and this Act, resolve. Yea by the Books of 21 *E. 4. 53 a. 9 H. 6. 63. 4 H. 7. 5. Brooks* Attainder 107, 108, 121, and *Keilway*, f. 149. The Jury of one County cannot inquire of a *Trespasse*, or *Outlary*, or of goods taken away in another County, nor other thing done there, and if they do, the Verdict is voyd if they find it specially, and if they finde it generally, an Attaint will lye against them: Much lesse then could they (by a meer untrue, contradictory; feigned fiction, or suggestion) find a *Battery*, *Trespasse*, *Murder*, or *Contract* made or done out of the Realm, in a forreign Kingdom, whereof neither the *Common Law Courts* nor *Judges* had any Jurisdiction, but only the *Admiral*; or *Marshal*, the Court of *Parliament*, or *King* and his *Council*; who upon *Petitions*, usually grant *Commissions* to inquire of, hear and determine depredations, and such causes, *Per Legem Mercatoriam et Partitament*, nor by the *Common Law*, whereof there are sundry *Presidents* in the *Patent*, *Clause Rolls*, and *Bundles of Petitions* and *Writs* in the *Tower*; * of which before.*

* Here, p. 24. margin, & 73.

5ly. These resolutions in our Records and Law-books, seem to me to be punctual resolves of this Question against the Common Laws Jurisdiction; Hil. 22 *E. 1. coram Rege*, Rot. 26. *Nor: humb.* a Judgement given for *John de Castro Berhardi*, against the Abbot of *Keloben*, by the Justices Itinerant, for 6 l. arrears of an Annuity granted to him in *Scotland*, is reversed in these words; *Quis in regno Angliæ hucusque non est usitatum placitare in eodem regno primo et principaliter de Contractibus in regno Scotiæ initis*; though King

Edward

Edward the 1. was declared in Parliament to be the Supreme Lord of the Realm of Scotland, from whom their Kings held their Crowns, and ought to do Homage and Fealty to him as their Sovereign Lord, as they had constantly done to his predecessors Kings of England. Mich. 2 E. 2. Fitzh. *Obligation* 15. & 2 E. 2. Fitzh. *Uilagary* 18. Trin. 18 E. 2. Fitzh. *Testament* 6. & Perkins sect. 494. it was solemnly adjudged, that the Kings Courts in England had no Jurisdiction of an *Obligation* made and dated in *Berwick*, or in *Cane* in *Normandy*, and that it could not be tryed by them: Which is likewise agreed for Law in 6 E. 3. f. 16, 17. the Prior of *Durbams* case, Trin. 8 E. 3. f. 5. b. Fitzh. *Visue* 8. Trin. 18 E. 3. *coram Rege*, Rot. 148. *Hybernia*, Cooks 4 Institutes p. 356. Sir *Elia* de *Ashburnhams* case, 271 ass. pl. 43. *Brook* Faits 59. Mich. 41 E. 3. f. 23. b. Fitzh. *Obligation* 1. 41 E. 1. f. 3. b. 4. a. *Brook* Account 10. & Fitzh. Account 23. De ceo que fuit fait en Britain, (in France) jeo nay pas mestier de responde, car ceo n'est pas triable icy: et Thorpe, coment poit ceo estre trie, car ceo que fuit fait en Britain enter Marchant et Marchant, auterment qui per le ley Marchant ne poit estre trie; mes nos sumes icy al comen ley, ou chose fait per de la en Britain n'est pas triable. Hl. 48 E. 3. f. 2, 3. b. (misabridged by *Brook* Faits 95. & *Obligation* 87. and not warranting his inferences from it by a feigned suggestion) Where the contract to serve in the Wars in France was made in England, and the *Obligation* shewed in Court to pay 40l. to Sir *Ralph Pole*, for the residue of his service, whereon an *Action of Debt* was brought in the *Common Pleas*, post date a *Harflet* en le Countie de *Kent*, (not at *Harflet* in *Normandy*) lou de rei veritate, il fuit fait en *Normandy*. Here because it was expressly dated at *Harflet*, and not barely suggested to be made at *Harflet* in the County of *Kent* in the Declaration, (as *Brook* misreports it) he could not be admitted to traverse the place against his own *Obligation*, that there was no such place as *Harflet* in *Kent*, else he might have pleaded, it was made at *Harflet* in *Normandy*, and that there was no such place as *Harflet* in *Kent* where it was suggested to be dated; the place being traversable, because the *Venire facias* and *Jury* must be summoned from thence, the contrary usage not being set on foot till the reign of King *Henry* the 8. as *Brooks*, sic utebatur in London. (but no place else) tempeze H. 8. sur autiels faits, car le leiu n'est traversable, imply: Which usage and device is expressly contrary to the Statute of 6 R. 2. c. 2. & 6 R. 2. Rot. Parl. nu. 35. where it was enacted upon the *Commons* Petition, Que si home poit chiefs de Det, d'Account, de Detinue, ou autres tiels Actions, et en plea pledant fait son Counte de Contract fait en autre Counte que le brief n'est post, ou le fait ne soit fait, que maintenant brief sabate; which was no introduction of a new Law, but a declaration and ratification of the old, as is evident by *Bracton* f. 401. & *Britton* ch. 53. f. 135. a. 13 R. 2. Fitzh. *Brief* 649. M. 3 H. 4. 4. b. Fitzh. *Brief* 215. 3 H. 6. 35. Fitzh. *Brief* 18. And it is resolved in 30 E. 3. f. 4. Tr. 43 E. 3. 23. b. 46 E. 3. 3. a. 11 H. 4. 3, 40. 8 H. 6. 3, 23. 9 H. 6. 63. 11 H. 6. 9. 19 H. 6. 35, 48, 65. 20 H. 6. 46. 21 H. 6. 16, 24. 35 H. 6. 51. 38 H. 6. 14, 15. b. 9 E. 4. 26, 29. 18 E. 4. 1. 22 E. 4. 18, 19. 11 H. 7. 17. *Thelwels* Digest of Writs, l. 7. c. 3. & 15. That in *Trespasses of Battery, Detinue, Debt upon Contracts, and ravishments of Wards, the actions ought to be brought in the proper Counties wherein they were made, and not elsewhere*: and if laid elsewhere, as of late, upon Oath made in Court they shall be laid in the proper Counties where made. Therefore he may very well traverse, that the Bond or Contract was not made really within such a County of the Realm as is suggested, but in such a place beyond the Seas, out of any County of the Realm, and the Jurisdiction of the Court and Common Law; as well as all suggestions for Prohibitions to the Admiralties * traverse, that the thing was really done at such a place within the body of such a County, & non super altum mare: Yea *Brook* in abridging this case, Det 46. puts this *Quere*; If the Defendant had pleaded, that the Plaintiff did not perform his service in France, how it shall be tryed, because it was done beyond the Sea? intimating that it ought to be tryed before the Constable, or Marshall, not at the Common Law. To these

* 4 Instit. p. 138, 139.

I shall subjoyn the Statutes of 6 R. 2. c. 2. 13 R. 2. c. 2. Rot. Parl. nu. 31. & Trin. 18 R. 2. (misprinted Ed. 2.) Fitzh. Testament 6. which clearly resolve, *that no Action of Debt will lye in any of the Courts of Common Ley upon an Obligation made in Normandy, and that it is against the expresse provision of the Statute of 6 R. 2. c. 2. to lay it (by a feigned suggestion) in any County of England, being not made therein.* Mich. 14 H. 4. f. 4, 5, 6. *Adam Pountneyes case*, an Action is brought in the Constables Court upon an Obligation made at *Burdeaux in Gascoigne*, and the better opinion of the Judges is, that it was tryable only in the *Marshalls Court*, not at the Common Law, being for payment of money to *Souldiers*, though alleadged to be paid to the *Marshall* in whose Court it was sued; and that by the very words of the Statute of 13 R. 2. In 10 H. 6. c. 11. it was enacted, *That Recognisances of Debt before the Mayor and Constable of the Staple at Caley, (in France) should be as effectual and executory in all points within the Realm of England, as if made before the Mayor and Constable of the Staple at Westminster, of which there was great doubt before, being made without the Realm, and so not to be sued or executed in any of the Kings Courts in England.* 20 H. 6. 28. b. 44. b. *Brook* Obligation 7. & *Thelwels Digest of Writs*, f. 116. an Obligation made and dated at *Paris*, or any certain place in *France*, cannot be sued at the Common Law in *England*; but if it be dated at large at no certain place, it may be sued here, as these Books import. 32 H. 6. f. 35. *Brook Trial* 146. accord, that a thing done in *France, Normandy, or other place, extra potestatem legis, is not tryable here by the Common Ley.* *Littleton* who flourished in the reign of King *Edward 4.* resolves in his *Tenures* sect. 440. *That a thing done out of the Realm, cannot be found by the Oath of 12 men within the Realm.* And sect. 102. *If a Servant distrained by his Lord for Escuage, plead, that he was 40 dayes with the King in Scotland, this cannot be tryed by Jury, because Scotland is out of the Realm; but shall be tryed by a Certificate of the Marshall of the Army in writing under his Seal.* See 4 E. 4. 10. b. Mich. 15 E. 4. 14, 15, 18. (misbridged by *Brook Trial* 46.) *that a thing done at Caley in Picardy, is not tryable here;* wherewith agree 20 E. 4. 1. 21 E. 4. 10, 17, 22, 36, 72, 74. 22 E. 4. 6. *Brook* Condition 117. Obligation 70. 10 H. 7. 22. 11 H. 7. 16. 21 H. 7. 25, 37. *Brook Trial* 55, 105, 133, 154. & *Jurisdiction* 29. 11 H. 8. *Keilwayes Reports*, f. 202. *St. German* in his *Doctor and Student*, l. 2. c. 2. f. 23. written An. 26 H. 8. affirms, *it is oftentimes argued in the Laws of England, what matters of right ought to be determined by the Common Law, and what by the Admirals Court: And also if an Obligation bear date out of the Realm, as in Spain, France, or such other place, it is said in the Law, and Truth it is, that they be not pleadable at the Common Law;* *Mr. John Perkins*, *Faits* sect. 121, 494. asserts the same. *Fitzherbert* a learned Judge in that age, in his *Natura Brevium*, f. 114. b. is of opinion, *that an English Merchant cannot bring a Writ of Debt in England, against a Foreign Merchant if he come into England, upon a Contract made beyond the Sea.* It is observable, that in the Parliament of 31 H. 8. I find in the *Lords Journal*, fol. 16. a Bill there read *May 23. per quam debita in transmarinis partibus per Syngrapha concessa, habilita efficiantur in hoc regno Angliæ implacitari, (at the Common Law, they being not suable there before:)* *Qua quidem Billâ jam primo lecta et rejecta;* because the Lords would not * alter the Law, (which could not be done but by a Bill) nor deprive the *Marshalsea* or *Admiralty* of their old Jurisdiction to try them. To omit all other Authorities of this kind, * *Sir Edward Cooke* himself, and the rest of the Judges, expressly resolved in *Calvins case* Tr. 7 *Jac. That mandatory and remedial Writs, as Writs of Right, of Formedon, Debt, Trespass, &c. and briefly all Writs Real and Personal, whereby the party wronged is to recover somewhat, and to be remedied for the wrong offered to him, are recognizable within some Court of Justice in England, and to be served and executed by the Sheriff or other Minister of Justice within England. And these * cannot by any means extend into any other Kingdom, Country or Nation, though it be within the Kings actual Obedience and Allegiance. Therefore they could not try.*

* See 2 Instit. p. 96.

* 7 Reports 20. a. *Calvins case*.

* *Nota.*

try Contracts, Obligations, Charter-parties made, or Trespasses done beyond the Seas, within or without the Kings Dominions. Which our learned grand Antiquary Mr. *John Selden* thus seconds in his ** Mare Clausum. In Tribunalibus juris nostri municipalis ordinariis, quorum Jurisdictio ejusmodi semper habitata est, ut actio de re alibi ac intra regni fines emergente, ex scripto jure veteri instituta, nunquam non esset rescindenda, quandoquidem jam a seculis obtinuit plurimis rescindendam esse nisi intra corpus (uti aiunt) Comitatus, id est, intra Insulæ provinciam aliquam Præfectis, quos Vicecomites nuncupamus, mandavit institutam res optum habuerit.* Therefore by all these Opinions and Resolutions, the Kings and Lords of Franchises Common Law Courts in *England*, by the Law or Custom of the Realm, had no legal antient consuance of such Contracts made, and things done beyond the Seas, relating to Merchants or Marriners, (no more then to Souldiers or others) but only the Admiralty.

To evade all these Reasons, Presidents, and Resolutions, some Common Lawyrs and Courts, to enlarge their Jurisdiction beyond its antient limits, and diminish the Admirals, have by a *new strange poetical fiction*, (against this principle in Law, ** Fictio non habet locum in factis*) or *false, contrary, impossible, fraudulent, illegal suggestion, prejudicial to Merchants and Marriners, especially Foreigners, as well as to the Admiralty*, (as Sir *Thomas Ridley* smartly complains, affirms, asserts, in his *b View of the Civil and Ecclesiastical Law*, dedicated to King *James*) surmised, that Contracts, Bargains, Obligations, Charter-parties made, and things done by Merchants and Marriners in any Foteign Country, Port, Creek, Haven, City beyond the Sea, or any Shore thereof as far as the Winter wave doth run out, or of any great River in *France, Spain, Denmark, Germany, Italy, Turkey, the Indies*, or other Foreign Country, whereof the Admiralty since its first erection ever had, and ought to have the cognisance and Jurisdiction, was made and done at such a place of that name in the Parish of *Bow* in *Cheapside*, within the City of *London*, or in the Parish of *Hackney, Stepney, or Islington*, within the County of *Middlesex*; which fiction though never so false, absurd, or prejudicial to the parties concerned, they will not suffer to be contraried or traversed, because then they could not hold Plea of it, since made, done beyond Sea, out of the Courts and Common Laws Jurisdiction, from whence no *Venire* or Jury could be summoned; upon pretext the thing, contract is not local; though all *Treasons, Murders, Crimes* done beyond Sea are local, wherein they will allow no such fiction to make them triable here, because no gain ariseth to the Courts or Officers by such trials: when as in truth and right reason, the one is as local, and as really made, done in a particular certain place beyond the Seas, and not elsewhere in *England*, as the other; and so by this new-coyned untraversable fiction, which must be admitted for truth, though never so false and impossible, transporting whole Kingdoms, Countries, Cities, Rivers, Ports, Creeks, Shores in foreign parts, into *Cheapside* in *London*, or *Islington* in *Middlesex*, (which no Miracle nor Omnipotency it self can do, because a direct contradiction, repugnant to nature, experience, *c Scripture*, and Gods own constitution, *who hath inviolably and immutably severed them by distinct bounds, and large distances from each other*) they pretend and resolve, that the Contract, Bargain, and thing done beyond the Sea, is now become triable only at the Common Law, not in the Admiralty, by the Law of *Merchants, Oleron*, or the *Civil Law*; and restrain the Plaintiffs and Admiralty by Prohibitions to proceed any further in them.

Against which fictions and suggestions, the *d Civilians and Judges of the Admiralty* have frequently complained, in the reigns of Queen *Elizabeth*, King *James*, King *Charles* the first, and since; and made these following Objections.

1. That they are against the *end, use, nature of all legal fictions, which are to do right and justice to persons injured in an extraordinary way and manner, when they cannot do it by ordinary means and methods; else no fiction is to be afforded*: But these fictions are meerly invented to deprive Merchants, Marriners, and others, of their ordinary speedy, legal Suits, remedies for such Foreign Contracts, Bargains

** Lib. 2. c. 24. p. 258. Pat. 37 & 38 H. 3. rot. 10. Devon. Itin. Sess. 47 H. 3. rot. 10. Trin. 50 H. 3. rot. 22. Temps E. 1. Fitz. Avowry 92. & alii.*

a Rayne de Forlivio super ff. & novi. De Furtis, p. 111. sect. 1. b Part 3. c. 1. sect. 3. p. 128, &c Edit. Oxford 1634. cum privilegio

c Gen. 10. 33. 32. Deut. 32. 8. Act. 17. 26. Psal. 93. 1. Pl. 125 1. d See Sir Tho. Ridley's View of the Civil and Ecclesiastical Law, Part 3. c. 10. sect. 3. p. 128 & to 134. 4 Inst. p. 134. 136 e Ridley Ibid. Bartolus L: Si is qui pro empore, sect. 3. ff. de Ulucap. L. in causis ff. de meliorib. Joan. Schnelrewnii in lib. 4. Justin. Comment. l. 4. de Act. sect. fuerint. p. 902. Johan. Calvin. Lexicon Juridicum, Tit. Fictio. Summa Angelica Tit. Simulatio: & other Civilians Tit. Fictio. See Brook & Fitz. Tit. Colour.

Bargains made, and things done beyond the Seas, in the Admirals Court, by the Law of *Merchants, Oleron, and Civil Law*, appointed to decide them with all expedition; and to put them to an extraordinary, extrajudicial way, and more costly, dilatory tryal in the Courts at *Westminster*, by the rules of the Common Law, by which they ought not to be tryed; therefore not to be allowed.

2ly. Because they are ^f against equity and justice, which ought to attend all *fictions*, and that in three respects: 1. For that they were purposely invented and made use of to take away the trials, Jurisdiction and benefit of such causes from the *Admiralty, Civilians, and Civil Law*, for which they are most proper, and antiently belonging, both by uninterrupted Customs and Royal Designation, and pull, draw them by this late fiction, practise to the Courts of Common Law, and Lawyers, for which they are not so proper; out of ambition of more Jurisdiction, or for gain, not for the publick good, or Subjects ease or benefit. 2ly. Because many times such Foreign Contracts, and Suits on them, concern not only English Merchants and Mariners, but & Foreigners of other Kingdoms, Countries, unacquainted with, and not governed by the Common, but Civil, Marine, and Merchants Laws, by which they ought to be tryed, by ^h Carta Mercatoria, and the priviledges granted them by our Kings, and that from day to day with greater expedition then is used in Courts of Common Law, whose delays and Terms they and their Witnesses cannot attend; to their great prejudice, vexation, expence, and disappointment of their Voyages. 3ly. Because the removing of causes from one Court and Jurisdiction to another by Prohibitions, (specially when the cause hath long depended in the Admirals Court, and is ripe for sentence, or after Witnesses there examined, published, or sentence given, and execution ready to be awarded, or after an Appeal from the sentence, when Prohibitions are most commonly prayed, granted) and that upon a bare false suggestion and fiction of this kind, cannot but be a great injury to the Subjects and Foreigners, after so much labour lost, and money spent in vain, to begin their Suits a new at the Common Law, when perchance their money is spent, their Witnesses gone out of the Realm upon other Voyages, or dead, and those who made the Contracts likewise; which is like to Sisyphus his punishment in rolling his stone; and the latter suit more costly, grievous to the Clients then the first; if not a violation of this clause in *Magna Charta* it self, c. 29. *Nulli negabimus, nulli differemus Justitiam aut Rectum*, and the * Authors Commentary thereon: Therefore there can be no equity nor justice in this fiction; which likewise entrencheth upon the Kings Sovereign Jurisdiction in the British Sea, and † Foreign Coasts of *Aquitain, Normandy, Gascoigne, &c.* mentioned in the Admirals Patents.

3ly. If the Admirall or his Court hold plea of any Contracts made, or things done upon the Land by such a fiction and surmise in the Libel, that it was done *super altum mare, & infra Jurisdictionem Admirallitatis, ubi revera, it was done infra Corpus Comitatus B. or C.* the Common Law Judges, Courts, will not only grant a Traverse of the place layd in the Libel, but likewise Prohibitions against such feigned suggestions, yea punish them also by *Actions of the Case, and Premunires* too, as a grand offence and abuse, to elude these Laws, and encroach Jurisdiction, as the Authors Presidents in these *Institutes*, p. 138, to 142. and 3 *Institutes*, cap. 54 p. 121. resolve. Therefore by parity of Reason, Equity, Law, Justice, and our Saviours own Gospel-precept, Resolution, Mat. 7. 12. * *All things whatsoever ye would that men should do unto you, do ye also even so to them, for this IS THE LAW and the Prophets*; they should reject, punish the premised false, unjust fictions, suggestions, not justifie or assert them to be legal. And so much the rather,

4ly. Because by the self-same feigned suggestions they may ^a likewise surmise all Contracts whatsoever made, and things done upon the Sea, (which are acknowledged to be peculiar to the Admiralls and Admiralty) to be made in *Cheapside London, or Islington in Middlesex, not on the Sea*, and admit no Traverses of them; because no more local than those upon the Land beyond the Seas in any forraign Realm or Country; and so strip them of all their legal Jurisdiction whatsoever, against the premised *Statutes, and Kings Grants, Patents* to them.

And

^f Ridley Ibid.
^g See Dr. Donnes
Complaint.
^h 4 Inst. p. 134.

^g Ridley Ibid.

^h See here p.
24. 81.

ⁱ Ridley Ibid.

^{*} 2 Inst. p. 56.

[†] See Mr. Sel-
dens *Mare
Clausum*, p.
196, to 200.

^{*} Luke 6. 31.

^a See 4 Insti-
tutes, p. 134.
[†] 1 Institutes
f. 260.

And not only so, but also divest the *Constable, Steward, and Marshall* of England, of all their Jurisdiction in *Civil matters, causes*, both within and without the Realm, and monopolize them to themselves and the Common Law; against old Judge *Bractons* received definition of Justice. *Est autem Justitia, constantis & perpetua voluntas suum cuique tribuere, etsi non quantum ad actum, sed quantum ad effectum, alienum non vindicare.* And against *Cicero* his ancient definition of Law, *Lex est ratio summa iuxta in natura, quae jubet ea qua facienda sunt, prohibetq; contraria, et cujus ea vis sit ut recta facere jubeat, vetet delinquere.*

5ly. Because the Law (^d guided by nature and reason) cannot feign or allow things that are against Nature, reason, nor admit of fictions that are * contradictory to each other, yea false and impossible, as these fictions are, which make whole forreign Kingdoms, Cities, Port Towns to sail over-sea into England, to Cheapside, and Ships with their Merchants, Mariners, to sail upon dry Land, to make Contracts there: Yea things really done at Paris in France, or Madrid in Spain, not to be done, acted there, but at their imaginary Sign-posts in Cheapside in London, or Issington in England. And if * illegal, impossible, or repugnant conditions, Clauses in Deeds, Writs, Declarations, suggesting the same thing to be done in two distinct places, or, * one person to be born of two mothers or fathers, be null and void in Law, as our Judges, Law-books resolve, then these grosse contradictory fictions in Writs or Declarations must likewise be so: especially when invented and made use of for one Profession, Jurisdiction, Court, to devour and swallow up another, or break down those legal ancient Landmarks, which our Kings, Parliaments, and long Customs have prescribed them, to preserve publike peace, unity, unity amongst the publike Ministers of Justice, and the Subjects from being vexed, oppressed, delayed Justice, by their discords about Jurisdiction.

6ly. Because they would not admit such fictions to hold Conusance of high Treasons, Murders, Felonies done beyond the Seas, which concern the Kings, Kingdoms safety, peace, of greater moment than private mens civil actions, without * Acts of Parment to enable them: Therefore they ought not to admit them in forreign Contracts and things of lesser moment, without a special Statute.

7ly. Because these fictions are but of puny times, and not so ancient as 48 E. 3. 2, 3. as some pretend from *Brookes* misbridging thereof, *Faits 95. Obligation 87. & Dette 46.* The Book at large informs us that *Obligation* (not concerning Merchants but *Soldiers wages*) was dated at *Harflet* in the County of *Kent*, and so expressed in the bond, not in the Declaration, (as *Brooke* mistakes) though in truth it was made at *Harflet* in *Normandy*: and so he could not traverse the place against his own bond, that it was made at *Harflet* in *Normandy*, not in *Kent*, or that there was no such place in *Kent* as *Harflet*. The first fictions, suggestions of this kind I can yet discover are in *Brookes* Abridgment of this case *Faits 95. That a Deed bore date at Rosn in France*, and the Plaintiff in his Count suggested, *que le fait fut fait al Rone in Kent, et bien. Et sic utebatur in London tempore H. 8.* to which he adds *quod Nota bene, Obligation 87.* So that this fiction, to suggest a Deed really made and dated in a certain Place in *Normandy* in *France*, to be made at a place of the same Name in *Cheapside London* in *England* to make it triable at the Common Law, was not in use before the latter end of King *Henry* the 8. when a Bill in the Lords House to make such forraign Bills and Contracts triable at the Common Law, was rejected by the Lords at the very first reading. Now whereas *Brooke* and others alledge, that the place where Contracts, Bonds or things done beyond Sea are made, is not material, nor traversable, it is a great mistake in my apprehension, directly contrary to the ^h *Laws and Ordinances of God, Nature, Nations, and People* it self, which determine, limit, ascertain not only the habitations, Properties, Possessions, Jurisdctions of all Nations, Countries, Kingdoms, Counties, Cities, Corporations; Villages, Liberties, Forests, Franchises, Freeholds of private persons, but likewise of all Courts, Jurisdctions whatsoever; and the Conusance of Causes belonging to them, by restraining them to such particular places, Circuits, which they must not exceed; and within them to such a Countie, Hundred, Vill, Visnage, from

^b Lib. 1. c. 2.
4. Sect. 2.
St. Ambrose
Offic. 1. 1.
c De Legibus,
l. 10 p. 190.
Aristot. Ethicorum, l. 5. c. 9.
^d Ridly, ibid.
* As that a dead man is alive, &c.

^e See the Books in Ash his Repository, Conditions, l. 21. 29. 30, 31.
* 9 E. 3. 42.
30, 31. 7 E. 6. Dyer, f. 66.
14. E. 3. Fitz. Abbe 11, 12.
Rolls Abridgement, p. 417, 418, 419.
Thelwells Digest of Writs, lib. 10. c. 11.
* 35 H. 8. c. 1.
5 E. 6. c. 11.

^b Gen. 10. 9.
19, 20, 25, 30,
31, 32, 33. c.
31, 19, 31.
Acts 17. 26.
Joh. c. 14, to cap. 23. 1 Chr. 6. 94. to the end, Mr. Seldens Maro Clausum, l. 1. c. 4, 5, 6, 7, 8.

* Part 2. p. 618.
to 624.

* Page 121,
137.

which vifnes, places, all Juries by the Common Law ought to be summoned to try all things done, made and arising in them, or else they are erroneous, and in which all actions must be layd, brought by our Statute and Common Laws; as *Glanvill* l. 2. c. 8. 10, 11, 12. l. 3. c. 6. l. 8. c. 5, 6. l. 12. c. 7. 14. l. 13. c. 32, &c. *Bracton* l. 5. c. 5. f. 189, 416. *Magna Carta* c. 12. *Wylm.* 2. c. 30. *Briston*, f. 135, &c. *Rot. Parl.* 21 E. 3. nu. 66. 6 R. 2. *Rot. Parl.* nu. 25. cap. 2. the Year-books, and Reports abridged in *Fitzherbert*, *Statham*, *Brooke*, *Hughes*, * *Rolls Abridgements*, *Titles Challenge to the Hundred, Lien and County, Trial, Visne*, and *Ash his Promptuary*, *Brief*, Sect. 49. 88, 89, 99. (*challenge* 5. 38. *Trial* 82. *Enquiry* 60, 63. to 72. and *Visne* throughout: 3 E. 6. c. 24. The Statutes forecited, 21 Jac. cap. 4. & 12. resolve. And the Author himself 4 *Instit.* p. 172, to 177, 219, 231. 272. observes, that all Actions, Informations upon Penal Lawes, and against any Ministers of Justice, or in any County Palatine, or the Stanneries, ought to be brought in their proper, not forreign Counties, and within their Limits and Jurisdictions: and so in the case of Courts of Pipowders, Forests, Cinque-ports, Universities, and of other Corporations which he mentions: Yea, That the Admirals Jurisdiction is † confined only to the Sea, and that though the Libel there layes a Transitory Action to be done upon the Deep Sea, yet the Court upon a suggestion that it was done in such a place within the body of any particular County, and not upon the Sea, will admit this Traverse to the place, and grant a Prohibition, p. 138, 139. Yea to deprive it of its Jurisdiction of forraign Contracts, (pretended to be transitory and not local) a certainty of place is so essential to hook it within the Jurisdiction of the Common Law Courts; that it must be seigned and suggested (though falsely against the known truth of the fact) to be done in a certain place of the same name within the body of some English County, wherof the Common Law Courts have Jurisdiction, else they can take no Cognisance of, nor try it, because done out of the Realm, and their legal precincts of Judicature. And to take away distinctions and certainties of places by fictions, will overturn all limits of Kingdoms, Counties, Corporations, publike and private Courts, persons Jurisdictions, Properties, and introduce a Chaos of confusion into all Courts of Judicature, Liberties, Jurisdictions and Boundaries whatsoever, hitherto distinguished by Locality, essential to the certainty of all humane actions and affairs, as well as to the Properties of what ever men possesse or enjoy as their peculiar rights or Dominions, ascertained, distinguished only by their distinct places and bounds of situation from each other.

8ly. It is observable, that when such fictions and suggestions began to grow common by degrees to draw such forraign Bonds and Contracts to the Courts of Common Law to the prejudice of the Admiralty, the Lord Admiral and Judge of the Admiralty taking notice thereof, and of some attempts to procure Prohibitions to them to stay their proceedings on such forraign Contracts, they complained thereof to Queen Elizabeth as a grievance; whereupon the Judges of the Kings Bench and Admiralty came to this following Agreement, put into writing (reserved in the Admiralty,) An. 1575. alleged by Dr. Dunne, and read before King James, 11 Febr. Anno 8 Jacobi, which the Author acknowledgeth, p. 136. yet slightes it as a supposed agreement, because not subscribed by any Judges.

The JUDGE S Agreement.

THE 7th of May 1575.
It is agreed by the Lord Chief Justice and his Collegues, that after sentence given by the Delegates, no Pro-

The Request of the Judge of the Admiraltie to the Lord Chief Justice of her Majesties Bench and his Collegues.

THAT after Judgement or sentence definitive given in the Court of the Admiralty in any cause and Appeal made from the same, to the High Court of Chancery; that it may please them to forbear granting of any Writ of Prohibition, either

either to the Judge of the said Court, or to Her Majesties Delegates, at the suit of him by whom such Appeal shall be made, seeing by choyce of remedie that way, in reason he ought to be contented therewith, and not to be relieved any other way.

Also, that Prohibitions be not granted hereafter upon bare suggestions or surmises, without summary examination and proof made thereof, wherein it may be lawfull to the Judge of the Admiralty and the party Defendant, by the favour of the Court to have Counsil, and to plead for the stay thereof, if there shall appear cause.

That the Judge of the Admiralty, according to such ancient order as hath been taken 2 Ed. 1. by the King and his Council, and according to the Letters Patents of the Lord Admiral for the time being, and allowed of by other Kings of this land ever since, and by Custome, time out of memozy of man, may have and enjoy the cognition of all Contracts, and other things arising as well beyond, as upon the Sea, without any Let, or Prohibition.

That the said Judge, may have and enjoy the knowledge and breach of Charter-parties, made between Masters of Ships, and Merchants, for voyages to be made to the parts beyond the Seas, and to be performed upon, and beyond the Sea, according as it hath been accustomed, time out of mind, and according to the good meaning of the Statute of 32 H. 8. c. 14. though the same Charter-parties happen to be made within the Realme.

* That Writs of Corpus cum causa be not directed to the said Judge in causes of the nature aforesaid, and if any happen so be directed, that it may please them to accept the return thereof, with the cause, and not the Body, as it hath alwayes been accustomed.

These Agreements it seems continued till about the 7th year of K. James his reign, when the Author (then Chief Justice of the Common Pleas) granted Prohibitions to the Admiralty, because the Libel supposed the act to be done in partibus exteris et transmarinis, and not super altum Mare, as himself and † Serjeant Rolls more fully informs us. Upon which occasion, the Lord Admirall, and * Doctor Dunne then Judge of the Admiralty, complained to the King, Hit.

hibition shall be granted; And yet if there be no sentence, if a Prohibition be not sued within the next Tearn following sentence in the Admirall Court, or within two Tearn next after, at the farthest, no Prohibition shall pass to the Delegates.

They have agreed, that the Judge of the Admiralty and the party Defendant, shall have Counsil in Court, and plead the stay, if there may appear evident cause.

This is agreed upon by the said Lord Chief Justice and his Collegues.

Nota.

The Chief point now in question,

This is likewise agreed upon, for things to be performed either upon, or beyond the Seas, though the Charter-partie be made upon the land, by the Statute of 32 H. 8. c. 14.

If any Writ of this nature be directed in the causes before specified, they are content to return the bodies again to the Lord Admiralls Goal upon Certificate made of the cause to be such, or if it be for contempt, or disobedience done to the Court in any such Cause.

* See Rolls Abridgement, Part 1. p. 534.

† Abridgement part 1. p. Leighs case, & Hickmans case in 7 Jac. 4 Inst. p. 134, 135, 136. cap. 22.

* 4 Instic. p.
134, 135.

8. *Jacobi*, against the Judges of the Common Law, for this Innovation, which the * Author thus relates, *viz.*

That whereas the Consuance of all Contracts, and other things done upon the Sea, belongeth to the Admirals Jurisdiction, the same are made triable at the Common Law, by supposing the same to have been done in Cheapside, and such places.

Nota.

2. When Actions are brought in the Admiralty upon Bargains and Contracts made beyond the Seas, wherein the Common Law cannot administer Justice, yet in these Cases Prohibitions are awarded against the Admiral Court, &c.

4. That Charter-parties made only to be performed upon the Seas, are daily withdrawn from that Court by Prohibitions, &c.

7. That the Agreement made in Anno Domini 1575. between the Judges of the Kings Bench, and the Court of Admiralty, for the more quiet and certain executing of Admiral Jurisdiction, is not observed as it ought to be, &c.

† Tit. Admiralty.

To which the Author, then Chief Justice, and other Judges, made the answer inserted by him into the beginning of this Chapter. After which they granted more Prohibitions to the Admiralty for forraign Contracts, and Charter-parties in other cases, than ever before, as the Presidents in the Lord Hobards Reports, and † Mr. Hughes and Serjeant Rolles Abridgements, p. 531, 532. inform us, trying them at the Common Law by the premised fictions; Of which the Lord Admiral and Sir Henry Martyn then Judge of the Admiralty An. 1632. Anno 9 Caroli Regis made great Complaint to King Charles the 1. and the Lords of his Council; before whom the matters in difference between the Admiralty and Judges was several times heard and debated at large; and at last these ensuing Articles were drawn up, read, agreed and resolved at the Council Board by the King himself, and no lesse then 23 of his Council, (two of them the Lord Keeper Coventry, and Lord Privy Seal Mountague, eminent Lawyers) yea, ratified by the Subscriptions of all the Judges, being 12 in Number, very eminent learned Lawyers, and of the Grand Lawyer Mr. William Noy then Kings Attorney, as well as of Sir Henry Martyn then Judge of the Admiralty, entred in the Council Table Register of Causes, and the Original thereof kept by his Majesties command in the Council Chest in form following.

At Whitehall 18th of February 1632.

Present,

The Kings Most Excellent Majesty.

Lord Keeper	Earl of Holland.	Lord Cottington
Lord Archbb. of York	Earl of Darby	Lord Newburgh
Lord Treasurer	Lord Chanc. of Scotland.	Mr. Treasurer
Lord Privy Seal	Earl Merton	Mr. Comptroller
Earl Marshal	Lord V. Wimbleton	Mr. Vice-Chamberlain
Lord Chamberlain	Lord Visc. Wentworth	Mr. Secretary Coke
Earl of Dorset	Lord V. Falkland	Mr. Secretary Winderbanke.
Earl of Carlisle.	Lord Bishop of London	

This day His Majesty being present in Council, the Articles and Propositions following, for the accommodating and settling of the differences concerning Prohibitions arising between His Majesties Courts of Westminster and his Court of Admiralty, were fully debated, and resolved by the Board. And were then likewise upon reading the same as well before the Judges of his Highnesses said Courts at Westminster, as before the Judge of his said Court of Admiralty, and his Attorney General, agreed unto and subscribed by them all in his Majesties presence, and the transcript thereof ordered to be entred into the

the Register of Council causes, and the Original to remain in the Council Chest.

1. If suit shall be commenced in the Court of Admiralty, upon Contracts made, or other things personally done * **BEYOND THE SEAS**, or upon the Sea, no Prohibition is to be awarded.

* *Nota.*

2. If suit befoze the Admirall for freight, or Partners wages, or for the breach of Charter-parties for voyages to be made beyond the Sea, though the Charter-parties happen to be made within the Realm, and although the money be payable within the Realm, so as the penalty be not demanded; a Prohibition is not to be granted; But if suits be for the penalty, or if question be made, whether the Charter-partie were made, or not; or whether the Plaintiff did release or otherwise discharge the same within the Realme, That is to be tryed in the Kings Courts at Westminster, and not in the Kings Court of Admiralty, so that first it be denied upon Oath, that a Charter-partie was made, or a denial upon Oath tendered.

3. If suit shall be in the Court of Admiralty for building, amending, sailing, or necessary victualling of a Ship, against the Ship it self, and not against any party by name, but such as for his interest makes himself a partie, no Prohibition is to be granted, though this be done within the Realm.

4. Likewise, the Admirall may enquire of, and redresse all annoyances and obstructions in all Navigable Rivers, beneath the first Bridges, that are any impediments to Navigation, or passage to, and from the Sea, and also try personal Contracts and injuries done there, which concern Navigation upon the Sea, and no Prohibition is to be granted in such cases.

5. If any be imprisoned and upon *Habeas Corpus*, if any of these be the cause of imprisonment, and that be so certified, the partie shall be remanded.

(1) *Thomas Richardson,*
(2) *Ro. Heath,*
(3) *Humphry Daveuport,*
John Denham,
Rich. Hutton,

William Jones,
George Croke,
Tho: Trevor,
Geo. Vernon,
James Weston,

Robert Barkley,
Edw. Crawley,
Henry Marten,
William Noye.

Ex. T. Meantys.

(1) Ch. Justice of the Kings Bench.
(2) Ch. Justice of the Common Pleas.
(3) Ch. Baron.

These Resolutions (printed in * *Judge Crokes Reports* without the Names of the King, Lords of the Council, or Judges) thus made, assented to, ratified after long debate and deliberation in so solemn a manner by the King himself, all the Lords of his Council, and so unanimously subscribed by all his learned Judges, (who would part with no branches of his Majesties or his Common Law Courts Jurisdiction, to advance the Admiralties, against their Oaths, Trusts, and of his Attorney Mr. Noy, a Great Professor and Pillar of the Common Law) entred in the Register of Council Causes, and the Original then subscribed left to remain to Posterity in the Council Chest, and never since complained against in Parliament; (no not in the case of *Ship-money*, nor in the learned debates thereof in the Houses, nor † *Act* against it;) will doubtlesse overballance all the Presidents of Prohibitions produced by the Author, or printed in modern Reports, being granted upon sudden Motions without solemn Argument, to restrain the Admirals Jurisdiction of Contracts and other things concerning Merchants or Mariners done beyond the Seas, and other particulars expressed in these Articles and Propositions for accommodating and settling the differences between these Courts Jurisdictions concerning Prohibitions; and be a satisfactory Resolution to Professors and Students of the Common Law, that the Kings Common Law Courts never had any ancient legal Jurisdiction of such forraign contracts or things, before or since the Statutes of 13 & 15 R. 2. by fiction or otherwise, as the premises evidence, but only the Admiralty: Now that these fictions are not so just and legal as pretended, the only colourable pretence to justify these fictions

* Part 1. fol. 296, 297.

† 17 Car. cap. 14.

Objection. fictions I have yet heard, is, *That they are used only to prevent a * failer of Justice, that none may recede from the Kings Courts without remedy, and that the Kings Court might not fail in giving Justice to them who complain, according to the Statute of Westm. 2. cap. 24. and 51.*

* See 2 Instit. p. 404, 405, & 483, 486.

Answer.

† See Gerard Malines his Lex Mercatoria.

I answer, 1. That our Kings and Lawes have long since (for the benefit of Merchants and Mariners) provided the *Admiralty* as the proper Court to do right to all his Subjects and Forreigners in such cases of forraign Contracts, in an ordinary and more speedy summary way of Justice, according to the † Lawes of Merchants, and *Oleron*, without any such fictions, then the Kings Courts or Common Law can give them by colour of such fictions; which Court, if not restrained by Prohibitions, will not fail to do Justice to them if they complain therein: Therefore this Objection is groundlesse.

2ly. That our Kings and Parliaments in favour of Merchants, especially *strangers*, have by the Statutes of *Alton Burnel* An. 11 E. 1. & 13 E. 1. of Statute Merchants, (which recite; *That Merchants who had lent and sold their goods to divers persons, were fallen into great poverty, because there is no speedy remedy provided (by the Common Laws of this Realm) whereby they may straitly recover their Debts at the day of payment assessed. And that for this cause many Merchants are loath to come into the Realm with their Merchandize, to the great damage of such Merchants, and OF ALL THE REALM:*) provided more speedy Remedies then any at the *Common Law*, by *Statute Merchants* and *Recognisances* acknowledged before *Majors of Towns*, and *Clerks of Recognisances*, for the recovery of their Debts at the day of Payment, by taking the bodies, goods, & lands of the Creditors in execution, without any suit at, or Processe out of the *Common Law Courts*, by the *Majors* themselves before whom the *Recognisances* were made, & *Elegits*, or *Extents* out of the Court of *Chancery*, different from Executions and proceedings upon *Recognisances* made before *Justices of either Bench* and *Justices errants*; which were to be executed by the Law & manner before used; as these Statutes inform us. After which **Carta Mercatoria* An. 31 E. 1. grants this perpetual priviledge to Merchants coming into this Realm. *Quod omnes Ballivi, Ministri Feriarum, Civitatum, Burgozum et Villarum Mercatoriarum Mercatoribus antedictis comparantibus coram eis celerem Justitiam facient de die in diem sine dilatione, secundum legem Mercatoriam, de universis et singulis quæ per eandem legem poterunt terminari.* And the Statute of the Staple 27 E. 3. c. 8. 17, 19, 20. enacts the like for Contracts and things done within the Staples even within the Realm; because not properly triable by the dilatory proceedings in Courts of the *Common Law*. Yea the Statutes of 43 *Eliz.* c. 12. & 14 *Car.* 2. cap. 23. concerning *Matters and Policies of Assurance used by Merchants*, enact, That certain Commissioners specially appointed, shall have full power and authority to hear, examine, order & decree all & every such Cause and Causes (though made within the Realm) in a brief and summary course without formality of pleadings and proceedings; not the Kings Courts at *Westminster* according to the more tedious formalities and proceedings of the *Common Law*. And for as much as many *Witnesses* (Seamen and others) speedily come and go again to Sea, before a Court can be summoned, by which means the *Assurers* and *Assured* are much damaged, for prevention of this mischief, they are authorized, to administer an Oath to any *Witness* legally summoned to give testimony (timely notice being given thereof to the adverse party before such examination) to the end such *Witness* may be examined in the cause, before his departure to Sea; and likewise to give judgement against the Ship and goods, as well as against the party; which the *Common Law* cannot do. Therefore this pretence for these fictions to prevent a failer of Justice, to draw causes from the *Admiralty*, where they may thus summarily and speedily be heard and determined *de die in diem* by the *Civil Law* of Merchants and *Oleron*, to Actions and suits in the Kings Courts, according to the formalities and more dilatory proceedings of the *Common Law*, is so farre from preventing a failer of Justice for the benefit of Merchants and Sea-men, that it runs quite counter to all these Statutes

* See here, p. 24.

Statutes, deprives them of the benefit of speedy trials by the Law of Merchants and Oleron fitted for their cases, and is a great delay and obstruction of Justice, reviving the mischiefs which these Acts and Charters were purposely made to prevent; yea contrary to Magna Charta, c. 29. and the Kings Oath, *We will deferre to no man Justice or Right.*

3ly. That by the like pretence they may draw all Causes from the *Marshals Court, Stanneries*, and all *Ecclesiastical Courts*, to the Courts at *Westminster*, to prevent a *failer of Justice* in them; and so from all other inferiour Courts in all Counties, Corporations and Franchises, though properly triable and remediable in them; and all criminal Causes triable by the Justices of Peace at their *Quarter-Sessions of the Peace*, within their cognisance by expresse Acts of Parliament, (now almost totally wrested from them by the frequent abuses of *Certioraries*, and *Supersedeasses* granted to them,) and so introduce a great delay, obstruction, and *real failer of Justice*, under pretext of preventing them; to the prejudice, damage of the Subjects, and other Courts, and impunity and encouragement of several malefactors.

4ly. The Statute of *Westminster 2.* warrant no new fictions at all in any Courts of *Common Law*, but only gives new Writs in *parallel* or *New cases*, not formerly provided for, which the *Clerks* and *Court of Chancery* had no power to make before *these Acts*. If therefore these *Fictions* be necessary to prevent a *failer of Justice* as is pretended, there must be a special *Act of Parliament* made to introduce them, by the expresse provision of the *objected Acts*, and a time limited from whence they shall commence, as in the *new Writs* authorized by *West. 2. c. 51.*

5ly. The Author himself acknowledges in his *Commentary on West. 2. c. 24.* That the meaning of this Clause and ancient Maxim of the Common Law, *De catero non recedant quarentes à Curia Regis sine remedio; ne Curia Regis deficeret in Justitia exhibenda.* is only this; *That in one Court or other the party injured should have Justice.* But in these forraign Contracts and other things the party injured may and ought to have remedy in the *Admiralty Court*; which hath the proper Cognisance of them by ancient right, usage, and ought to be tried by the Laws of Merchants and Oleron, without any such fictions: Therefore not within this misapplied Statute. Which I shall now more fully clear, by debating the ** Third premised Quere*, without further repetition of it.

† 2 Institutes, p. 404.

That the *Admirals of England* from their original Institution had an ancient legal Jurisdiction in matters concerning Marine affairs, Merchandise, Mariners and Merchants not only upon the Sea, but forraign Sea-coasts, Ports, and judged them according to Marine or Merchants Laws, I shall thus endeavour to evidence, from the time of the *Romans* Dominion over our Island, till the Statute of *13 R. 2.* which never intended to abolish it as an encroachment on the King, Subjects, or Common Law.

Here, p. 77. Quere 3.

First it is evident, that the *British Seas* before the *Romans* Conquest of our *Island*, belonged to the *Isle of Great Britain* as part thereof, when the *Britons* had the sole knowledge & Dominion of the *British Ocean*, which accrued to the *Romans* by the Conquest of the *Island*, as Mr. *Selden* proves at large in his *Mare Clausum*, lib. 2. c. 2. to 9. & lib. 1. cap. 8. & 14. to which I referre you. 2ly. That the *Roman Admirals* and chief Commanders of their Naval forces had a Jurisdiction and Dominion as such, not only in and over the Sea, but *Isles* and *Sea-coasts* in and adjoining to the Sea, thus allegorically expressed and represented in their *God of the Sea, Neptune*, (an emblem of their *Admiral*) by *L. Calpurnius Laetantius*, (an eminent Father, flourishing about *Anno Christi 300.*) *Jupiter Neptuno IMPERIUM DAT MARIS, ut Insulis omnibus, et quæ loca essent secus MARE, omnibus regnaret. De Neptuni sorte manifestum est, cuius Regnum tale fuisse dicimus quale Pompeii (as some, or Marci Antonii, as other Copies) fuit infinitum illud Imperium, cui totius oræ Martimæ potentatem Senatus decreberat, ut prædones persequeretur, et MARE OMNE pacaret: Sic Neptuno maritima omnia cum Insulis obbenerrat,* as *Ehume-*

a De Falsa Religione l. 1. c. 11 See Bibliotheca Patrum, Colonia Agrip. 1618. Tom. 3. p. 214.
b See Mr. Seldens Mare Clausum, l. 1. c. 8. p. 33, 35. 36. Plutarchus in Pompeio Plin. Nat. Hist. l. 7. c. 26.

rus in his History of *Joves Actions*, collected out of sacred inscriptions in his Temple of *Triphylia*, and *Ennius* out of him, record. Hence *Marcus Tullius Cicero* writes thus to *Atticus*, *Vult me Pompeius* (then high Admiral of the Romans) *esse, quem tota hæc Partitima habeat* οὐκ ἔρωικόνον, *id est, Speculatorum, et Custodem*. The Roman Admirall under *Constantine the Great*, (born and made Emperor in our Island) had Jurisdiction over our *British Ocean* and Sea-coasts, and was stiled *Comes Partitimi Tractus et Litozis*, as *Ammianus Marcellinus*, l. 27. & *Comes Litozis per Britanniam*; as *Notitia Dignitatum Imperii Occidentalis*; Mr. *Selden* in his *Mare Clausum*, l. 2. c. 5, 6, 7, 8. *Pontanus* in his *Histor. Discussionum*, (or answer to him) lib. 1. cap. 6, 7. & *Petrus Canthercan*, in his *Sched. Magistratum Civilium* attest; So, *Capitularia Caroli Magni & Ludovici*, lib. 4. Tit. 5. *Volumus ut Comes qui ad Custodiam Partitimam deputati sunt, quicumque in suo Officio residet, de Justitia factenda se non excusent propter illam Custodiam, sed ibi habeat suos Scabinos si tibi placitum teneat, et justitiam faciat*; in marine and Merchants affairs. As our *British, Saxon, Danish, Norman Kings* when the *Roman Emperors* deserted this *Island*, gained the possessions, Jurisdiction of the *British Sea* as well as the *Iste* to which it was annexed; so they successively, in imitation of the *Romans* (who determined all Marine Causes by their *Lex Rhodia*) constituted Admirals (as we now stile them) under them with the like Jurisdiction, to govern by such Marine Lawes as they prescribed to them, as the *Romans* did by the *Rhodian Law*. To pretermitt the *Sovereign Jurisdiction of the Seas* claimed, enjoyed by *King Alfred, Edgar*, and other *Saxon Kings*, for which I refer you to Mr. *Seldens Mare Clausum*, l. 2. c. 10. to 16. the Authorities there cited, and *Hornes Mirrour of Justices*, f. 2. b. I shall begin with the Marine and Military Lawes made by our *King Ethelred*, his Bishops and Nobles in the General Council of *Enham*, An. 1009. for the setting out of a Fleet every year, and the punishment of those who hurt or spoyled any Ship, or deserted the service, especially if the King was present in the Expedition.

d Vid. Barch: Cassianus Catalogus Gloriz Mundi, part 9. sect. 26. p. 391. Fridericus Lindebrogus Codex Legum Antiquar. P. 392. e Digestum Vetus lib. 14. Tit. 4. See Mr. Seldens Mare Clausum, l. 2. c. 25.

f Spelmanni Concil. Tom. 1. p. 520, 521.

Oppidorum, Pontium, & de expeditione.

* De navali expeditione sub Paschate.

Navis ejusmodi corruptentis poena.

* De militiam detracente.

* Spelman, lib. p. 528. Expeditio Navalis.

+ Abrahamus Whelochus, de Priscis Anglorum legibus, p. 91. Chron. Joh. Bromton, col. 900. De Nave negotiali † Or Omnis Frithmannus ster, &c. as Bromtons Copy translates it.

Cap. 22. *Urbium, Oppidorum, Arcium atque Pontium instauratio sedulo fiat, prout opus fuerit: militaris etiam et Sabalis profectio, nisi imperatum est, ob universallem utique necessitatem.*

* Cap. 23. *Tabendum etiam est, ut celerius post Paschatis festum Sabalis expeditio annuo sit parata.*

Si quis navem in Reipub. expeditionem designatam vitaberit, damnum integre restituito, et pacem Regis violatam compensato. Si vero eam ita profectus coaruperit, ut deinceps nibili habeatur; plenam luito insuriam, et litem paxerea majestatem. (To wit, by Judgements in the Admiralty.)

* Cap. 24. *Si quis de profectioe militari cui Rex intecerit, sine licentia se subtraxerit, in detrimentum coaruat omnium fortunarum.*

So Sir *Henry Spelman*s Version out of the *Saxon Copy* renders these Lawes, but the ancient *Latin Copy* thus, somewhat more largely and clearly.

* *Sabes per singulos annos ob patriæ defensionem et munitionem paxparentur, postque sacrosanctum Pascha cum cunctis utensilibus competentibus simul congregentur. Qua igitur etiam poena digni sunt qui Sabium detrimentum in aliquibus perficiunt; notum cunctis esse cupimus. Quicumque stiquam ex Sabibus per quampiam inertiam, vel per incuriam, vel negligentiam coaruperit; et tamen recuperabilis sit; is navis coaruptelam vel fracturam ejusdem persolidam prius recuperet, Regique deinde, ea quæ pro esusoem munitionis fractura, abimet pertinent, rite persolbat.*

King Ethelred likewise made these Marine Lawes concerning forraign Merchants Ships and goods, and what Tolls they should pay.

* *Mercatorum Navigia vel inimicorum quidem, quæcunque ex alto nullis jactata tempestatibus in portum aliquem invehuntur, omni in eo pace fruuntur. Quiniam si Maris æta fluctibus in domicilium aliquod illustre ac pacis beneficio donatum navis appellaret inimica, atque illuc nautæ confugerunt, angustæ pace possuntur.*

† *Socii & federati nostri omnes per MARE & terras, in portu & extra quidem*

dem pace fruuntor. Atque si exercitus regnum aliquod adierit Regi inimicum, & eo etiam loci eorum aliquis (cui est cum Ethelredo Rege amicitia) invenerit, ipsi, navi, & rebus suis omnibus firma pax datur: Quinetiam si navis sua ad terram applicuerit, casulam paraverit, aut tabernaculum posuerit, ipse tamen ac bona ejus omnia in pace sunt. Sin res suas cum hominis inimici bonis in ades comportarit, rebus multatus suis, ipse (si modo in publicum proierit) pace ac visa fruatur. Ac si is sese in fugam dederit, aut repugnaverit, aut si ipse non indicarit, atque occidatur, nihil quicquam propterea perditor.

Si cui bonis spoliato, de Navi compertum fuerit (or, sciat in qua Navi) reddat Steopelman, id est Navarchus, bona, sive pecuniam illam: aut saltem adjunctis sibi aliis quatuor, justè ac legitime bona comparata esse (prout antea fuerat ab eo affirmatum) confirmato.

Et si navalis exercitus Angliam infestet, ut habeamus omnem populum & exercitum cui Rex pecuniam dedit, & eorum omne auxilium, ministrabimus eis victum quamdiu nobiscum erunt. Et omnis terra qua aliquem eorum manentem qui Angliam inquietat, sit exlex apud nos & omnem exercitum.

What Custom this King imposed on forein Commodities, Fish, Wines brought to the Port of London, this Law of his cap. 23. (in † Bromton) will inform us.

Ad Billinggetgate si advenisset una navicula, unus obolus Thelonei dabatur: Si major & habet siglas 1 d. Si adveniat Ceol, vel ulcus et ibi jaceat, 3 d. ad Thelonium detur; de Nave plena lignorum unum lignum ad Thelonium detur; in hebdomada panum thelonium detur 3. diebus, die Dominica, die Martis, & die Jovis. Qui ad portem veniat cum bato ubi piscis inest, annu ob. dabatur in thelonium, & de majori navi 1 d. Homines de Rothomaga qui veniebant cum vino vel crassisce, Flandrenses & Pontienfes, Normannia & Francia monstrabant res suas & extolnebant: Hogge & Icodium & Nivella qui per terras ibant offensionem dabant & theloneum. Et homines Imperatoris qui veniebant cum navibus suis, bonarum legum digni tenebantur, sicut & nos emere in suas naves. Et non licebat eis aliquod forcheapum facere burhmannis & dare thelonium suum. Et in Sancto Natali Domini duos grisengos pannos & unum brunum & x. libras piperis & cirotecas v. hominum, & duos cabillinos colennos aceto plenos, & totidem in Pascha. De dofferis cum gallinis una gallina thelon. Et de uno doffero cum ovibus 5. ova thelons Si veniat ad mercatum mongestre, sinere qui mangonant in casco & butiro xiiii diebus ante Natale Domini 1 d. & vii. diebus post Natale Domini unum alium denarium ad theloneum.

Our Danish victorious* King Cnute, as he maintained a puissant Fleet and Mariners to guard the Sea; for which he collected the Tribute of Danegeld from his Subjects; so he claimed the Sovereign Jurisdiction of the Sea as well as of the Land, saying to it when it flowed on the shore, * Tu meæ dittonis es, &c. so he made this Law against Cowards who should fly from their Commanders, Lords, or Companion, as well by Sea as by Land, Cap. 75. in the Saxon and 104. in the Latin; and for those who were slain in the wars.

† Qui fugiat a Domino bel socio suo pro timiditate in expeditione Sabalt bel terrestri, perdat omne quod suum est, et suam ipsius vitam, et manus mittat Dominus ad terram quam ei antea dederat, et si terram hæreditariam habeat, ipsa in manum Regis transeat.

Et qui in Bello ante Dominum suum ceciderit, sit hoc in terra, sit alibi (in the Sea) sint relevationes condonate, & habeant hæredes ejus tetram, sicut et pecuniam suam, et recte dividant inter se, (not the Ordinary, though he died intestate, as his Cap. 97. ordained.)

King^b William the Conqueror, and Henry the 1. made and ratified this Law concerning goods cast over-board by Mariners in a storm in imitation of the ancient Rhodian Law, De Factis: continuing still in force.

Si ego jecero res tuas de Navi ob metum mortis, de hoc non potes me implacitare. Nam licet alteri damnum inferre ob metum mortis quando periculum evadere non potest; Et si de hoc me mescer, quod ob metum mortis nil fecisse de comesprioris, et ea quæ in navi restant dividantur in communi secundum catalla, et si quis

† Chron. Jo: ar: B: omton, col. 897, 898,

* See Mr. Seldens Marc Clausum, l. 2. c. 11.

† Radulphus de Diceto, Abbr. Chronic. col. 468, 469.

Chron. Johan. Bromton, col. 912. a. Hen. de Knyghton de Event.

Angl. l. 1. c. 5. col. 2335.

† Chron. Jo: an. Bromton, col. 931.

b Leges Gul. 1. & H. 1. c. 98. De Factis, ac Legem

Rhodium. Jo: an. Seldeni, ad Eadmerum & Notæ & Spicilegiū, p. 183.

& Abrahamus Whelochus, de Prifcis Anglo: rum Legibus, p. 167.

fecerit Catalla extra nabin, quando necessitas non exigerit, ea restituat.

c Marc Clau-
sum, p. 176.
216.

That this *Conquerour* enjoyed the Sovereignty of the Seas, as well as his *Saxon Predecessors*,^c Mr. *Selden* proves at large out of *Doomesday Book* and other *Testimonies*, towards which his uniting the Dutchy of *Normandy* to *England*, and enjoyment of all the Ships, Ports therein, rendred him more advantage then any of his predecessors enjoyed, who were no Dukes of *Normandy*.

K. Henry I.

In my perusal of the *Black Book of the Admiralty* there reserved, (of as great Authority with them, as the *Black and Red Books* in the Court of *Exchequer* are there) p. 24, 27. I found an *Ordinance* made at *Ipswich* in the reign of King *Henry* the 1. by the Admirals of the *North and West*, and other Lords, and of *DIVERS KINGS* before that time, (Nota) containing the manner of outlawing and banishing persons attainted of *Felony* or *Trespas* in the Admirals Court; the former whereof is there recorded at large. By which it is apparent, that there was an Admirals Court, and proceedings in it even in Criminal and Capital causes, relating to Mariners and Seamen, (as well as in Civil) in the reign of King *Henry* the 1. derived from our ancient *Saxon Kings Alfred, Edgar, Ethelred*, and others who had the Dominion of the *British Ocean*, which continued in use till the reign of King *Richard* the 1.

K. Rich. 1.

a Annal. pars
posterior, p.
672.

b First Insti-
tutes, p. 7.

c Hoveden An-
nal. pars poste-
rior, p. 666.

Mat. Paris
Hist. Angl. p.
152, 153. Mat.

Westm. Anno
1190. Gul.
Neubrigenfis

Hist. l. 4. c. 12,
18. Chron.
Joan. Bromton

col. 1170, 1171
&c. Polychron:
l. 7. f. 25, 26.

Henede Kaygh-
ton de Event.
Angl. l. 2. c.

13, 14. Fabian,
Holinshed,
Grafton, Speed

Daniel, Poly-
dor Virgil, and
others in R. 1.

d Hoveden p.
666. Mat. Pa-
ris p. 152, 153.

Chron: Joan.
Bromton, col.
1173.

Our King *Richard* the 1. as^a *Roger de Hoveden* informs us, with a *sciendum est, quod tota terra qua est ab Anglia usque in Hispaniam scus Mare, viz. Normannia, Britannia, Pictavia, sit de Dominio Regis Angliæ*; whence he used the stile of *Rex Angliæ, Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ*, in his Patents and Writs, as the^b *Author* himself observes.

This glorious King in the^c 2d. year of his reign, Anno 1190. set forth a *Royal Navy*, consisting of 250 great ships, 53 Gallies, 13 Busses which had three courses of sayles to sayl with, well appointed for the Wars, besides many other Vessels, wherewith he sailed in person with a puissant Army to the relief of the Holy Land, with *Philip* King of *France* in his company. Over this great Navy he constituted five Admirals, by the stile of *Ductores et Gubernatores totius Navigii sui*; to wit, *Girardum Auxiensem Archiepiscopum, & Bernardum Episcopum de Baionia, & Robertum de Sabul, & Richardum de Canvil, & Willielmum de Forz de Ulerum (Oleron) & tradidit eis Cartam suam*: This Charter containing sundry Sea-Laws for the governing of his Fleet, and punishing offenders in them, is thus recorded by *Roger de Hoveden* and others.

^d *Charta Richardi Regis Angliæ de Statutis illorum, qui per Mare ituri erant.*

Richardus Dei gratia Rex Angliæ, & Dux Normanniæ & Aquitaniæ, & Comes Andegaviæ, omnibus hominibus suis *Jerosolymam* per mare ituris, salutem. Sciatis, Nos de communi prohorum virozum consilio, fecisse has subtitias subscriptas. Qui hominem in nabi interfecerit, cum mortuus ligatus projiciatur in mare. Si autem eum ad terram interfecerit, cum mortuus ligatus in terra infodiatur. Si quis autem per legitimos testes convictus fuerit, quod cultellum suum ad alium percutiendum extraxerit, aut quod alium in sanguinem percusserit, pugnum perdat. Si autem de palma percusserit sine effusione sanguinis: tribus vicibus mergatur in mari. Si quis autem socio approbium, aut consilia, aut odium Dei iniecerit: quos vicibus ei convictus fuerit, tot uncias argenti ei det. Hæc autem de furto convictus, fondeatur ad modum campionis, et pix bulliens super caput ejus effundatur, et pluma pulvinaris super caput ejus excutiat ad cognoscendum eum, et in p̄tma terra qua naves applicuerint, projiciatur. Teste meipso apud Chinonem. Præterea idem Rex præcepit in alio brevi suo, ut omnes homines sui, qui per mare essent ituri, obedirent dictis et præceptis prædictorum *Aussitiarozum* navigii sui.

After this when these Kings arrived at *Messana*, there were certain other Laws made by King *Richard* 1. *Philip* King of *France*, and the King of *Sicily*, with

with the advice of the Archbishops, Bishops, Nobles and Barons, (who took an Oath to observe them) for the Souldiers by Land, and Mariners at Sea and Land to observe, concerning gaming and other things; related at large in *Hoveden*; whereof I shall insert these two. *Marinarii vero si Interint, tribus diebus a summo mane in Mare demergentur in ore Marinariorum, quotiens semel, nisi se voluerint arbitrio pædicozum redimere. Si autem Marinarius aliquis conductus, a Domino suo in via hujus peregrinationis recesserit, nemo alius eum reciperet, nisi de voluntate Domini sui fuerit. Et si aliquis eum invito pzozi Domino suo receperit, pzo arbitrio dicozum virozum punietur.*

e Annal. pars posterior, p. 679. Chron. Joan. Bromton col. 1182; 1183.

By which Laws it is apparent, that these Admirals had Jurisdiction over the Mariners of the Fleet, to punish them for offences against these Laws, committed as well upon any Foreign Land, as on the Sea; as the words, * *Si autem cum ad terram interfeceris, cum morbo ligatus in terra i. fodiatur*, evidence; which the following clauses and offences relate likewise to, if done upon the Land, as well as when done on the Sea.

* Chron. Joannis Bromton col. 1173.

King *Richard* enlarging his Dominions both by Land and Sea by this expedition, being made King of *Jerusalem* and *Cyprus*, and having some kind of Royal Sovereignty in the Kingdom of *Sicily*, as *Hoveden* and others story; at his return from the *Holy Land*, in the Isle of *Oleron* in the Bay of *Aquitain*, (then part of his Inheritance and Dominion) as Sovereign Lord of the *Ocean*, and all these Maritime Kingdoms and Countries, did not only alter the inhuman *Rhodian* Law concerning *Wreck* throughout his Dominions, that if any person or living thing escaped out of any wrecked ship to land, it should not be wreck, nor confiscated to him or his successors, as it was before, though all the men escaped alive; but likewise as an evidence of this his Sovereignty in and over these Seas, Sea Coasts, and all trading, sailing in them, made and constituted a Body of *Marine Laws* for all *Merchants* and *Mariners* to observe; which being there compiled and published, were stiled, *The Judgements and Laws of Oleron*; recorded in the *Black Book of the Admiralty*, yea printed in *French* and *English* in the reign of King *Henry* the 8. by *William Copland*, with this Title or Preface; *Here begins the Judgement of the Sea, of Masters, of Mariners, and Merchants, and all their doings*; and since printed by others not only in *England* but *France*, and commented on by sundry *French Authors* in their Treatises of the Admirals and Admiralty of *France*, by which our and their Merchants and Mariners affairs, causes are judged and decided. And as the *English Writers* make these *Laws of Oleron* (* generally received not only in *England*, but *France* and most other neighbouring Kingdoms and Countries amongst Merchants and Mariners) a principal evidence of King *Richards* and other our Kings Sovereign Dominion in and over the *British* Seas and Ocean; so some late *French Authors* thence infer the *French Kings* Sovereignty over these Seas, because he is now Lord of *Oleron*, where these *Laws* were made by our King *Richard*; as if the *Laws* received their Authority from the place and Isle where they were made, (which had no Sovereignty nor Jurisdiction at all over the Sea, or any other parts of *France* or *England*, no more then *Nice*, where the first *General Council of Nice* held under our *Constantine the Great*, had over *Rome* and the *Roman Empire*, whose Creed, Canons there made, obliged all the Empire and Christian Churches under this *Emperors* Dominions, by virtue of his Sovereign Imperial Authority only, not because made at *Nice*) and not from King *Richard* himself, as King of *England*, and other Kingdoms, Countries, to whose Crown that Isle was then and afterwards unseparably annexed, till forcibly seized on by the *French*. Of these famous *Laws* (equal to the antient *Rhodian* Sea *Laws*, whiles *Rhodes* was under the *Roman Empire*) the 1, 4, 5, 6, 7, 8, 10, 12, 15, 16, 22, 23, 24, 25, 26. relate to *Contracts* and other things, made or done by Merchants and Mariners not only on the Sea, but also within Ports and Harbours on shore, (triable and punishable before the Admiral by these *Laws*) most * *Contracts* being made, and most Ships laden and unladen on land, where Mariners commonly are most unruly and peccant. Therefore to confine the

f *Hoveden* Annal. pars posterior, p. 678. Radulphus de Diceto Ymag. Hist. col. 657. Chron. Joana. Bromton, col. 1187.

† In Dr. Godolphin's his Treatise of the Admiralty.

‡ Les Edicts de France, Tom. 3. Tit. 2. De Juribus & Privilegiis Admiralli.

* Gerard Malines his Lex Mercatoria, l. 1. c. 17, to 27.

* See Gerard Malines his Lex Mercatoria, l. 1. c. 17, 19, 20, 21, 22, 23.

Admirals Jurisdiction meerly to things done upon the Sea, but not in Ports or Havens adjoining to the Sea in Foreign parts, would render these Laws ineffectual and useles in a great measure, against the intention of the Law-giver, and the usage of former ages before the Statute of 13 R. 2. by the premised mis-interpretation of this clause, *but only of things done upon the Sea*, against its proper meaning, and these Laws of Oleron.

Moreover the * *Black Book of the Admiralty* records, that it was ordained by King Richard the 1. about the beginning of his reign, by advice of many Lords of the Realm at Grimesby, That if the Admiral by the Kings command arrested any Ships for the Kings service, and he or his Lieutenant returned and certified the arrest, or a list of the Ships arrested into the Chancery, no Master nor Owner of the Ships so arrested shall be received to plead against the said return, *pur ces que l'Admiral et son Lieutenant sont de Record*. And if the Ship so arrested break the arrest, and the Master or Owner be indicted thereof and convicted devant l'Admiral, by the Oath of 12. men, the Ship shall be confiscate to the King. By which it appears, that the Admirals and his Lieutenants Certificates returned into the Chancery, (as well as the *Marshals* for Land Services into the Exchequer) was an untraversable Record; and that they held Plea by vertue of this Ordinance, of breaches of such arrests of Ships in † Navigable Rivers, Ports, Havens, (though within some County of the Realm, or in Foreign parts under the Kings Dominions) tryed them by Juries, and adjudged the Ships upon due proof and conviction by verdict, to be confiscated to the King by this antient *Marine Law*, which * Jurisdiction continued in force in all our succeeding Kings reigns, and is confirmed, reserved to them by the latter clause of the Statute of 13 R. 2. c. 5. and no wayes abolished or restrained by it.

King John being made a King of Ireland by his Father Henry 2. in his life time, and succeeding his Brother King Richard in the Crown of England, in all his Foreign Dominions, Titles in France, and in the ^b *Isle of Oleron*; not only maintained, executed the Laws of Oleron, and the last fore-mentioned Law for ^c *arresting Ships* by the Admirals, but likewise superadded this *New Marine Law* thereto, in the second year of his reign, to maintain his Sovereignty in the *British Seas*, registred in the *Black Book of the Admiralty*, p. 59. It was ordained at Hastings by advice of the Temporal Lords, for a Law and Customs of the Sea, that if in any Voyage ordained by the Kings Council, any Ships laden or unladen should not strike sayle, or vaile at the Admirals or his Lieutenants command, that they should be reputed as Enemies, the Ship and Goods confiscated, and the men therein imprisoned, although after it appeared they belonged to the Kings Friends. In the same *Black Book*, p. 155. there is another Sea-Ordinance of King Johns registred, made at Hastings, and this Note likewise: *Et Nota, quod licet Mercatoribus necessitate exigente vendere parcelas mercandiarum pro expensis suis si contingat esse aliqua Custuma pro eis pendenda aut exigenda, per Ordinationem Johannis quondam Regis Angliæ apud Hastings; which hath continued in force and use in most of our Kings reigns since, and is grounded on the ^d *Laws of Oleron*.*

As this Sovereignty of the Sea, and Isle of ^e *Oleron*, descended successively from King John to Henry the 3. so King Henry the 3. as an argument thereof, Anno 1266. (the 50th. of his reign) ratified and published these Laws afresh under the Seal of the Isle of Oleron, as some printed Copies attest. This King as he was likewise Lord of Oleron, Duke of Normandy and Aquitain, and Earl of Anjou, as well as Lord of Ireland; united to his Imperial Crown of England; so his Admirals by vertue of the Laws of Oleron and their Patents, had Jurisdiction of things done in his Ports, and on Sea coasts, relating to Marine affairs and Merchandize, as well as on the Sea, being stiled in his Patents to them, (like the Roman Admirals) *Custodes Partitæ*; having *Custodiam omnium Portuum, et Custodiam costæ Marinæ Angliæ*, as well as Paris, and the command of all Ships and Mariners within the Kings Dominions, committed to them; as * Sir Henry Spelman, Mr. Selden in his *Mare Clausum*, l. 2. c. 14, 17. the

* Page 28, 29, 157, 158.

† See 15 R. 2. c. 5.

* See the Presidents cited in Judge Crooks Argument of Ship-money in Mr. Hamdens case, p. 79, to 100.

a Hoveden Annual, pars posterior, p. 566.

4 Instit. p. 360.

b See Claus. 8

Johan. m. 6.

Pat. 15 Johan.

pars 1. m. 19.

c See Judge

Crooks Argument

of Mr.

Hamdens case,

p. 79, 80.

d Gerard Ma-

lines his Lex

Mercatoria, l.

1. c. 19, 20, 21,

&c.

e Pat. 19 H. 3.

dorf. 22. Pat.

20 H. 3. m. 7,

12. Carr. 20 H.

2. m. 4. Cl. 28

H. 3. dorf. 3.

Rot. Valconia

38 H. 3. m. 8.

Cl. 38 H. 3.

dorf. 8. Pat. 27

H. 3. pars 1.

dorf. 5. Pat. 44

H. 3. m. 17.

Carr. 57 H. 3.

m. 13. See

Seldens Mare

Clausum, p.

222.

* Glossarium,

Tit. Admiral-

lus, p. 16.

the * Author himself here, p. 145. and the Kings Patents *Galfrido de Lacy*, Pat. *Cooks 1a Re-
8 H. 3. pars 1. m. 3. to *Richard Aquillon*, Pat. 9 H. 3. pars 2. m. 9. *Petro de* port, p. 79. 86.
Rival, Pat. 19 H. 3. m. 4. Pat. 27 H. 3. pars 1. dorf. 3. Pat. 48 H. 3. pars 1.
m. 3. & Claus. 48 H. 3. m. 3. evidence. Hence *Fercatulus* de Gallorum Im-
perio, lib. 2. and *Barthol. Cassanau* Catalogus Gloriz Mundi, pars 9. sect. 16.
write thus of the Office and Dignity of an *Admiral*, (which word was deri-
ved from the French:) *Admirallus Gallica vox primum fuit & Dignitas: de-*
inde à variis populis usurpata, pro eo illustri Præfeto cui Paris Imperium ac
præcipue in Mare cui præest et Litozum a Rege concebitum est. Who having
several occasions, especially in times of War, to press Ships and Mariners in
Sea Ports, Havens, Shores, Sea Coasts, and take in Water, Provisions of all sorts,
and to land Mariners in them, (as Merchants, Ship-Masters likewise have) if his
Command or Jurisdiction were confined only to the main Seas, and he had no
Jurisdiction over Seamen to punish or hold plea of any thing they did on the
Land or Shore in Foreign parts, his Authority would be lame, imperfect, in-
sufficient to discharge his trust, office, if not contemptible and ridiculous; since
then most malefactors and run-aways might avoid his power and punishments,
by taking sanctuary on the land or shore in every place. Moreover the
Cinqueports, instituted in the *Confessors* reign, who have Admirals Jurisdiction
* *within themselves* ever since, and are exempted from the Admiralty, had not
only a Jurisdiction on the Sea, but likewise within their Ports, in respect of
their Sea-service for the Kingdoms defence, for all causes within themselves,
by their own Laws and Customs, not by the Common Law in the Kings Courts,
even in the reign of H. 3. and therefore *Beve Domini Regis non currit ad eos*,
as our † Law-books, and the Author himself informs us, 4 *Instit.* p. 222, 223,
224. 2 *Instit.* p. 20, 557, 575. and if an erroneous Judgement be there given,
it shall not be redressed in the Kings Courts, but before the Warden of the
Cinqueports at the Court at *Shipway*; of which more in Cap. 42. Therefore
our Admirals doubtless had the like Jurisdiction then in Foreign parts, especi-
ally in things concerning Merchants and Mariners.

Our renowned, victorious, and prudent King *Edward* the 1. as he enjoyed
his Fathers Crown and Dominions at home and abroad, and recovered some
of them which he had lost, enjoying *Aquitain*, *Gascoign*, and the † *Isle* of
Oleron too, as the Rolls of *Vascony* remaining in the Tower *Annis* 3, 4, 5, 7, 8,
10, 11, 12, 13, 14, 17, 18, 19, 20, 22, 23, 25, 32 E. 1. and other Rolls in his
reign attest; so he strenuously maintained his Sovereignty in the *British* Seas,
and Ports thereunto belonging, the Laws of *Oleron*, and his Admirals Juris-
diction, as the memorable Record and Roll, *De Superioritate Paris, et Jure*
Officii Admiralitatis Angliæ, in the Tower, (an ancient Duplicate whereof lately
discovered in the *White Tower Chappell*.) printed at large in Mr. *Seldens* *Mare*
Clasum, l. 2. c. 19, 24, 28. and by the Author in this Chapter, of the *Admi-*
rality, p. 142, 143, 144. Who both from thence assert the Kings Sovereignty over
the *British* Seas, which he and his Ancestors time out of mind were in peaceable
possession of, and also the Antiquity, Jurisdiction of the Admirals Court of *Eng-*
land therein, acknowledged by all neighbouring Nations, *quoad corrigendum*,
interpretandum, declarandum et confirmandum LEGES ET STATUTA (of
Oleron, and others forementioned) *per ejus Antecessores Angliæ Reges: du-*
rum ordinata, ad conservandam pacem et justitiam inter omnes gentes Na-
tionis cususcunque per MARE ANGLIÆ transeuntes; et ad cognoscendum
super omnibus in contrarium attemptatis in eadem, et ad puniendum delin-
quentes et dampna passis satisfaciendum; quæ quidem LEGES ET STATUTA
per Dominum Ricardum quondam Regem Angliæ in repiti suo a Terra Sancta
correcta fuerunt, interpretata, et in INSULA OLERON publicata, et nomi-
nata in Gallica lingua, LE LEY OLYRONN.

As he thus maintained the Laws of *Oleron*, so he likewise by advice of his No-
bles made new Marine Laws and Ordinances for explaining, declaring and
establishing the Jurisdiction of the *Admiralty* for that present and future ages.
recorded

* See Magna
Charta, c. 9.
& *Bracton* l. 3.
f. 118.
† 8 E. 3. 22.
39 E. 3. 17.
40 E. 3. 24.
See Mag. Cart.
c. 9. Artic. su-
per Cartas c. 7.
2 H. 5. c. 6.
32 H. 8. c. 15.
5 Eliz. c. 5.

K. Edw. 1.

† See Pat. 1 E.
1. pars 1. m. 32.
Cl. 2 E. 1. m. 12.
Cl. 5 E. 1. m. 13.
Rot. Vasconiz
8 E. 1. m. 5, 12,
13. Rot. Vas-
coniz 17 E. 1.
pars 2. m. 10,
20. Rot. Vas-
coniz 22 E. 1.
m. 13. Rot.
Vasconiz 32
E. 1. m. 16, 29.
Pat. 34 E. 1. m.
30. & Mat.
Westm. Anno
1303. p. 222,
254, 255, 275.
See also 1 In-
stit. p. 26. b.

recorded in the *Black Book of the Admiralty*, p. 29. The first of these Laws is thus entred. * *Item, Ordonne est a Hastings per le Roy Edward le primer, et SES SEIGNIORS, That no Mariners in a Voyage Royal should land on the Enemies coast, to besiege any Castle or Town, or burn any Houses, rob, ravish, or kill any persons on the land, without the Admirals or his Lieutenants direction, under pain of death, and other punishments to be inflicted on him, by the Admiral.* By which Ordinance the Admiral had express Jurisdiction over all Seamen under his command, to punish offences committed by them in Foreign parts upon the land, even with capital, corporal, and other punishments; as all Admirals in such cases usually have since, being absolutely necessary in all Royal Voyages, to prevent the Rapines and Insolencies of Mariners, and deserters of the Sea-service in Foreign parts, shores, & the mischiefs arising thereupon.

This Ordinance as I conceive was made upon this occasion, related by ^a *Matthew Westminster* living in that age. *Anno gratia 1293. ortu est discordia magna nimis inter Anglos & Normannos, Maritimi etenim Normannorum in impetu furoris sui, sive erroris, quosdam de Anglis diversis mortis generibus trucidarunt, alios super virgam mali navis cum canibus suspenderunt. Quod Barones Quinque Portuum molestè ferentes, paraverunt celeriter Naves suos cum omnibus navalibus ornamentis ad ulciscendam injuriam Anglicorum. Et transflicentes turgida terga maris in multitudine copiosa, adversarios suos sibi obviam venientes gladiis perimerunt; & in mari absque delectu conditionis, eorum cadavera projecerunt, nec unum solum superstitem dimiserunt, (blaying and drowning no lesse then 15000 of the French, and taking 200 of their Vessels in the Port of St. Matthew or Mallos, whiles they returned from Vascony laden with spoils and wine in great triumphs and glory, quasi sibi soli maris cessisset Libertas, with 60 Ships only) & eorum vasa, vina, & alia necessaria continentia reduxerunt ad propria cum contentis, inter se naves & spolia dividentes. De quibus Rex Angliæ nihil recipere voluit, quasi eorum non consentiens voluntati, pro eo quod absque estus præcepto talia perpetrarunt. Cetera vero dispendia qua inexpugnabilis manus Gernemuthensis exercuit Francigenis inferendo, quis innumerabit? Hi lustrantes confinia Normannorum, nulli parentes conditioni, sexui, aut ætati, rogo patriam illuminantes, manus prædis et discrimini laxaverunt. In illo tempore non erat Rex, NEQUE LEX NAUTIS POSITA, sed quod quisque rapere vel ferre valebat, hoc suum esse dicebat. Hereupon Philip King of France issued a solemn citation for King Edward personally to repair to his Parliament at Paris, as holding the Duchy of Aquitain of him, to answer such things as he and his Peers should object against him therein, Cum notorium sit & manifestum, per rei evidentiam, ad id quod nulla potest tergiversatione calari, quod homines de Baiona, condemnatis sibi quamplurimis aliis, qui de regno vestro Angliæ, assumptis navibus & armis, ac hominibus armatis in magna multitudine, ibidem palam & publicè collectis, vobis non inficiis, saltem probabiliter ignorare non valentibus, exierunt animo nephando, homines ac Subditos nostros de Normannia, et de quibusdam aliis partibus regni nostri, tam in terra quam in mari, in locis etiam nostræ jurisdictioni subjectis, nequiter inbalerunt, innumeros ex eis inhumaniter occidendo, stragemque horribilem eis faciendo, multos ex eis capiendo, et adhuc captos detinendo, ac eisdem navibus et mercibus, quasi inestimabilibus, ex diu ante concepta nequittia depredando, contractis quampluribus ex dictis navibus, et submersis, spretis et contemptis prohibitionibus et mandatis nostris, factis et propositis solemniter et publice ac palam editis Burdegali et Baionia et in multis aliis locis, ne aliquis prædictis, vel aliis quibuscunque specialiter, per terram vel mare vehentibus merces suas, præsumeret forisfacere, seu alias offendere quocumque modo, &c. To prevent the like disorders for the future, (which raised a bloody Warre by Sea and Land between the English and French, who by way of revenge landed at Dover; & intempesta nocte silentio piratica gens Francorum Doveriæ dâns assaltum, quandam domum religiosorum, et quamplures domos istoque vicinæ sacibus succenderunt) and for the better conduct of the Kings royal Navy set forth*

this

this year under 3. Admiralls against the French, was this new Law made. This Royal Navy was thus disposed of, as ^d Thomas Walsingham relates, *Navium etiam ad custodiendum Mare in tres Classes distinxit, tres proponens et Admirallios, viz. Germanienses, (who set out 53 Ships, as the Roll of their Names, Owners, Masters, Lieutenants, and Numbers of men in each then made, I found in the White Tower, with the names of those from other Northern Ports under Botetorts command, assures us) & ceteris illius partis navibus Johannem de Botetours, Portesmuthensibus Willielmum de Leybourn, Occidentalibus vero Navibus & Hibernicis, Militem quendam de Hibernia oriandum. Exercitum etiam ad Vasconiam transmittendum (which the French King adjudged to be confiscated to him for King Edwards not appearing at Paris upon his premised Summons, sending an Army thither to seise it) adnari jubens apud Portesmuth, Johannem de Britannia nepotem suum Comitum Richmundix eodem prefecit; dans ei Consiliarios Johannem de Sancto Johanne, & Robertum Typetot, milites prudentes & in bellicis rebus expertos. This Fleet in their passage to France landed by their Admirals directions at St. Matthews in France, summoned and then pillaged the Town and Country adjoining, after which they sailed to the River Garond, took some good fortified Towns, as Burgo super mare, & Blavio, and then summoned Burdeaux. ^c Cohors Procerum & robustorum militum de regno Angliæ versus Vasconiam vela dirigens, insulam quondam, cui nomen OLERON, cum magna difficultate nacta est. Exinde in Vasconiam appulsa, faventibus oppidanis, qui adhuc proprio Domino suo, Regi Angliæ, toto corde adhaerent, in munitas Civitates, in vitis Francorum custodibus, est admissa.*

d Hist. Angliæ, An. 1195. P. 25.

c Mat. Westm. An. 1295. P. 396.

In the second year of King Edward 1. before the former Law was made for the government and discipline of the Kings Navy by Sea, these two Lawes and Ordinances (which concern and resolve the point of forraign Contracts) were made and published by him and his Lords at Hastings, registred in the Black Book of the Admiralty, p. 29. out of which I transcribed them.

Item, Ordonne est a Hastings par le Roy Edward le premier, et les Seigneurs, que coment divers Seigneurs avoient divers Franchises de tenir Ports au Ports, que leur Seneschals ne Baylives ne tendant nul Plei sil touch Paravant ou Pariner, tant per faits come par Charter des Peifs, Obligations, ou autres faits, coment le somme n'amount que a xx s. ou x/s. Et si ascun est endite, que il au fait le contraire, et de ceo serra condit, il abera mesme le juggement come dessus est dit: (to wit, imprisonment, and fine at the Kings and Admirals pleasure.)

Item, chescun Contract fait enter Marchant et Marchant, ou Marchant ou Marchant OUSTRE LE MERE, OU DEINS LE FLODE MARKE, SERRA TRIE DEVANT LADMIRAL, ET NENIENT ALIBI, per le Ordonance de dit Roy Edward et les Seigneurs. An expresse Ordinance in point both in the Affirmative and Negative. To which this third was added.

Item, ceux que sont enditez qu'ils tiennentz devant eux hue et cry, ou langue dispende fait en eawe salez, ou dedins le Flodemarks, si sont de ceo condites, ils seront impyzionez per deux ans, et apres seront fine a la volunt du Roy et de Admirall.

The two first of these Ordinances of King Edward the 1. I find acknowledged as genuine in Qu. Elizabeths reign, and lately printed in Chief Justice Andersons authorized Reports in the case of * Sir John Constable, p. 89. with this observation on and from them. Accordant a ceux Ordonances les Admirals ont use leur Authoritie en les Rivières abantditz tanque a cest temps, s'bien pur choses faits OUSTRE LE MERE, et sur le Mere, come entre le Flodemark et Law-water marke. And that the Statute of 13 R. 2. referring to, and confirming the Jurisdiction of the Admiralty, used in the time of the Kings Grandfather and Edward the 1. being well known to the Commons and Parliament when this Act was made, the Statute of 15 R. 2. ne toll cest usage, but only the Admirals new usurpations of things done in Rivers and on land within the Realm, and

Nota.

* See Sir Henry Constables case, Pasch. 43 Eliz. Cooks 5. Report, f. 106, 107.

Nota.

and bodies of the Countiees. A most clear resolution of the thing in question, both in point of Right, Law, Usage, from 2 E. 1. till his time, with his genuine interpretation of the Statutes of 13 & 15 R. 2.

H. Edw. 1.
 * Much insisted on by the Author to prove the Antiquity of the Admiralty, 12 Reports, p. 79, 80. & 4 Instit. p. 140, 142.

That our Common Law Courts and Judges took notice of, and observed these Marine Lawes concerning the Admirals Jurisdiction in King Edward the first his reign, is most clear by *Fitzherberts Abridgement*, * Avowry 192. Temps E. 1. soon after their making. *En Replexin de son Nyeff prise en le cost de Scarborough en le Mere, &c.* Mutford (alleaged, and that truly) *De chose fait en le Mere cest Court ne puet aber Comufance, CAR CERTAINE JUDGE EST DONE AL MARIMERS,* (to wit, the Admiral by these New Lawes, and of *Oleron* before them :) whereupon after a short debate, the Plaintifs Counsel prayed *leave to seek a better Writ.* This Jurisdiction of the Admiral then declared and setled by the King and his Lords touching Contracts in forraign Parts, or within the Flood-mark, was so farr from being complained of or restrained by the Petition or Statute of 13 R. 2. c. 5. that it is expressly ratified by the Kings answer thereto, and this last Clause of the Act made thereon, as it hath been duly used in the time of King Edward, Grandfather to our Lord the King that now is, and by the Statute of 15 R. 2. c. 3. *Neverthelesse of the death of a man, and of a Mayhem done in great Ships, being and hobering in the main streams of the great Rivers, only beneath the brydges of the same rivers near to the Sea, (though within the body of any County) and in none other place of the same Rivers, the Admiral shall have cognifance, and to arrest Ships in the great flotes, for the great bofrage of the King and of the Realm.* And as his Predecessors before him, so he in his Patents to his Admirals, (as in that to *John Botetourt*) constituted him not only Admiral of the *Yarmuthian* and *Northern Fleet*, but likewise *Custos Regni Portuum Maritimorum versus partes Boreales, 1 Parte Pat. 25 E. 1. m. 9. 15 Martii,* as the Author himself informs us, p. 145.

K. Edw. 2.

King Edward 2. as he inherited his Fathers Kingdomes, Dominions, Titles both at home and beyond the Seas, so he challenged and maintained the selfsame Sovereign Dominion in the *British Seas*, as Rot. Pat. 14 E. 2. parte 2. m. 26 dorso assures us; wherein he justified the depredations of the *Flemings* by his men, * *quod bina et mercimonia p̄dicta abducta fuerunt infra Regnum et potestatem dicti Domini Regis, et quod ad ipsum Regem pertinuit sic facere; pro eo, quod IPSE EST DOMINUS DICTI MARIS,* et depredatio p̄dicta facta fuit supra dictum Mare in potestate sua; He likewise maintained the Marine Lawes of *Oleron*, and premised Lawes of his Father in favour of his Admirals, whose Catalogue and Patents you may read in *Sir Henry Spelmans Glossary*, p. 16, 17. and *Mr. Seldens Mare Clausum*, p. 185. with that to *Nicholam Kyriel* (or *Cryoll,*) p. 145. and to others, p. 146. in the Author, where *Battayle*, line 2. is mistaken for *Battel*, and line 4. *Porbrome* for *Perbrun*, alias *Perburn*, and line 7. *de Valloignes*, for *de Valoniss.* Which I thought fit to observe.

* See Mr. Seldens *Mare Clausum*, p. 282, 283.

† See Rylyes Appendix, p. 613, 614.

Moreover King Edward the 2d. in his † Parliament held in the second year of his reign, upon the Petition of the *English Merchants* complaining of Depredations they sustained by the *French*, appointed certain Auditors or Commissioners to inquire of them in a summary way according to truth, and the Marine Lawes, not the Common Lawes of *England* or *France*, upon the ensuing and other Articles, some whereof relate to things done upon the Land or Shore.

Articuli ad formam querelarum faciendam.

Inquirendum est de nominibus Navium, Magistrorum earum, & unde fuerint.

Item, de qualitatibus & quantitatibus mercium.

Item, de modo probationis, ut si lana vel coreum, tunc cokett, si vero alia merces, tunc litera signata communi sigillo loci in quo merces fuerunt carcata.

Item,

Item, de tempore recessus à portu.

Item, de loco depraedationis, et si in aliquorum visu per quos probari poterit depraedatio.

Item, utrum Navis depraedata fuerit & abducta, cum mercibus contentis in eadem; & si sic, tunc ubi nabis cepit ripam.

Item, si Marinarii fuerint incarcerati, per quantum tempus, et per quem, & de modo deliberationis; viz. utrum per Iudicium, aut motum pietatis.

Item, in casus commodum bona fuerunt conbersa. Et si qui alii Percreatores Angliæ fuerint in Portu, per quos occupatio bonorum possit probari; & si per eorum promulgationem fama labores vulgariter in Angliæ.

Item, de nominibus tam depraedantium, quam bona occupantium.

Item, inquirendum est, utrum Navis depraedata fuerit per costeram Maris, videlicet hominibus super terram, et utrum ad anchora, vel secias?

Item, si merces fuerint extracta ab una navi in aliam, tunc necessarium est habere testimonium nautarum existentium in Navi, & scire nomina depraedatorum, vel saltem nomina occupantium merces in portu, & ibi habere testes de occupatione bonorum, per quem, & in cuius commodum.

Quia Auditores hinc inde deputati, secundum solitum ordinem Iudiciorum non procedunt in premissis, nec iuxta localia unius vel alterius Regni imitantur, sed secundum quandam æquitatem sinceram et modos inter ipsos concordatos biam summarii processus tenent, et quod huiusmodi negotia sunt inter duo Regna, ut inter ea sicut alias ex defectu celeris sufficientis discordiæ emergent generales. Alia sunt inquirenda, quæ propter huiusmodi ordinationem, diversitatem, & factorum infinitatem exprimi non possunt, nec per aliquem et cogitari sine examinatione et noticia totius registri, ut cuilibet actioni secundum sui naturam ordinatio competens apponatur.

King Edward the 3. his Nobles and Mariners were most zealous to assert and maintain the ancient Sovereign Dominion of the British Seas, the Jurisdiction of his Admirals in them over the Merchants of all Countries, the Lawes of Oleron, and those of his Grandfather King Edward the 1. as the * forecited Record in the Tower about the 12 year of his reign, De Superioritate Paris Angliæ, et Jure Admiraltatis in eodem. (printed at large by the Author, p. 142, to 144.) with Rot. Scotia 10 E. 3. m. 16. (p. 145, & in Mr. Seldens Mare Clausum, p. 275, 276, 254, 255, & 185, 186, 191, 196.) assure us. Yea as an Embleme thereof, * he first stamped the Picture of a Ship and himself sitting therein on his Throne, in his gold Nobles, for a lasting Monument of his Sovereign Dominion in the Sea, as an English Poet in the reign of King Henry the 6. interpreted it, who writes thus further of him.

K. Edw. 3.

* Here p. 87. 109.

* See here, p. 87. Mr. Seldens Mare Clausum, p. 260, 261.

He kept the Sea, and thereof he was Lord,
Thus made he Nobles copyed of Record.

Which his Patents and Commissions to his successive Admirals in Sir Henry Spelmans Glossarium, p. 17, 18, Mr. Selden, and the Author, p. 146. confirm. This King Edward in the * 10th. and 21. year of his reign, to preserve his Dominion of the Sea, and his Navy and the Realm from destruction by forraign enemies, who designed it during his absence in forraign Warrs, issued Writs to all the principal Port-Towns throughout England, as to provide ships, so to elect and send two of the most sufficient men in their Towns best acquainted with the State of the Navy and Sea affairs, to his Council at Westminster on a set day, to inform them concerning the state of the Navy of the Realm, and execute such things as should be there ordained touching the premises: Some of the Original Writs (not mentioned by Mr. Selden or others) with their returns indorsed, I rescued from the Rubbish in the White Tower Chappel, one whereof I shall present you with, together with its return, the rest being of the same form mutatis mutandis.

* See Rot. Scotiæ, An. 10 E. 3. m. 1. to 34. intus, & dorso, & Rot. Vasconiz 10 E. 3. m. 1. 7. & dorso. 6.

Q

Edwardus

* Bundel. Bre-
vium in Turri
London, An.
21 E. 3.
† Vid. Rot.
Parl. An. 20
E. 3. nu. 21.
& Mr. Seldens
Mare Clau-
sum, p. 186.
De la Sauve-
gard de la Mer.

* **E** *Edwardus Dei gratia Rex Anglia & Francia, & Dominus Hibernia, Ma-
jori & Ballivis Villæ de Lennæ, salutem. Volentes, † salbacioni et defen-
sioni Pabigii nostri de Costerarum Partimarum Regni nostri Angliæ, dum
absentes fuerimus, contra pericula quæ ex incursubus Alienigenarum hostium
nostrozum, qui jam se parant, cum Pabibus et Galeis guerrinis, ad dictum
Pabigium nostrum destruend. et idem Regem invadend. ad mala quæ pote-
runt perpetrand. evenire poterunt, nisi eozum maliciæ, cauctus et celerius ob-
vietur p̄videre. Vobis mandamus, firmiter injungentes, quod duos homines de
Villa prædicta de magis sufficientibus hominibus ejusdem Villæ; notitiam sta-
tus Pabigii dicti Regni nostri habentibus, venire fac. usque Westmonaster. Ita
quod sint ibidem, sub forisfactura omnium quæ nobis forisfacere poterunt, die
Mercurii prox. post terciam Dominicam Quadragesimæ prox. futur. Nos et Con-
siliū nostrum, tunc ibidem, super aliquibus dictum Pabigium tangentibus
informatur, ulteriusque facturi, quod, Deo dante, tunc ibidem super hoc conti-
gerit ordinari. Et habeatis ibi nomina prædictorum hominum & hoc breve: &
hoc nullatenus omittatis. Teste Leonello fil. nostro Carissimo Custode Angl. apud
Redyng. 15 die Februarii, Anno regni nostri Angl. vicesimo primo, Regni vero
nostri Franciæ octavo.*

Per ipsum Regem.

Dorso sic: *Viro venerabili & discreto Domino Cancellario Domini Regis.*

Per Majorem & Ballivos Lennæ.

*Responsum hujus Brevis de hominibus Villa Lennæ. retornand. coram Consilio
Domini Regis, apud Westm. patet unâ cum nominibus eorum, videlicet Thoma
de Swerdiston & Richardo Skyren.*

I shall only hence observe, that the Council in that age deemed Seamen who
were best acquainted with the state of the Navy, Shipping of the Realm,
and Sea-fights, the fittest persons to be advised with about the defence of the
Navy and Sea-coasts in times of Warr and Invasion by forraign Enemies; upon
which account, the Writs of Summons to the Parliament of * An. 47 E. 3.
were thus altered as to Cities, Burroughs, and Sea Ports: *Et de qualibet Ci-
vitate Com. illius duos Cives, & de qualibet Burgo duos Burgenses qui in Pabi-
gio et exercitio Mercandiarum notitiam habeant meliorem, sc. eligi factas.*
What Admirals were then constituted to command the Kings Navy, you
may read in Sir Henry Spelmans Glossarium, p. 17. To which I shall super-
adde these ensuing *Inquisitions* in the same Kings reign, touching the *Admiralties
Jurisdiction* registred in the *Black Book* of the * *Admiralty*. *Item soit enquire de tous
ceux q̄ impleadant aucunes Merchants, Partners, ou autre hōmes quecong, a la
Commune Ley de la terre de chose apertenant a le LOP PARLE daancien
droit. Et si aucun la est endige et conbid per 12. il terra sine al Roy pur sa un-
due suite et veration, et oustre retretra sa suite hozs de la commune Ley, et la
poztera al Court de Admiral si veust ouster pourstyper.*

*Ibidem, p. 73. Item soit enquis de tous ceulz que pledant acun home a la
Commune Ley de la terre de chose apertenant dancien Droit a la Ley Pa-
rtine.*

*Ibidem, p. 142, 147. Among the Articles to be inquired of in another Inqui-
sition by the Grand Inquest of the Admiralty, those grounded on, and reciting
the premised Law of K. Edw. the 1. are most pertinent to the point in issue, being
successively given in charge in several Inquisitions under King Edward the 3d.*

*Item, inquiratur de h̄is Seneschallis et Ballivis quozumcunque Dominozum
per Costeras Parts Dominium habentium, qui tenent vel tenere usurpant ali-
quod Blacitum Mercatorum vel Partnarium concernens, excedens 40s. ster-
lingozum. Pena qui inde indotant fuerint et super hoc conbidti, per unam ean-
dem ponatur ut supra. ET HÆC EST ORDINATIO EDW. I. apud Ha-
stings, regni sui Anno 2.*

*Et Nota. Quod quilibet Contractus initus aut factus inter Mercatorem et
Mercatorem ULTRA MARE, sive infra fluxum Partis sive refluxum, bulga-
riter*

* Claus. 47 E.
3. m. 13. dorso.
See the Second
Part of my
Brief Register,
p. 114.

Page 36.

ster dictum Flode-marke, ERIT TRIATUS ET DETERMINATUS CORAM ADMIRALLO, ET NON ALIBI, PER ORDINATIONEM PRÆDICTAM.

† Inquiratur de hiis qui implacitant aliquos alibi quam in Curia Admiraltatis de hiis Negociis seu Causis quæ ad forum Admiraltatis pertinent, QUIA PER STATUTUM IN HAC PARTE PROVISUM ORDINATUM EST, quod si Judici de hoc constiterit, finem faciet eorum Domino Admirallo; et si actionem hujusmodi ulterius prosequi voluerit, suis propriis Costagiis placitum hujusmodi retrahendo et amovendo a lege Terræ, eorum Admirallo pertractabunt, Sumptus et Costagia parti læsæ prætextu indebitæ fatigationis suæ in hac parte solvendo. Most positive reiterated resolutions of the points in Controversie, by Statutes, Ordinances, Inquisitions and Presidents both in the reigns of King Edward the 1. and 3.

† Lib. Nigro Admiraltatis, P. 47.

All that can be pretended to enervate or evade them, is, That the *Black Book* of the *Admiralty* is no *Record*, nor sufficient evidence to prove the Jurisdiction of that Court, wherein it is reserved, being not certainly known when or by whom collected or compiled.

Objection.

To which I answer, 1. That the same Objections may be made against the *Black* and *Red Books* in the Court of *Exchequer*, the *Parchment Book* of *Placita Parliamentaria* in the reigns of King *Edward 1.* and *2.* in the *Tower*, the *Litiger Books* of all *Abbies*, *Monasteries*, the *Registers* of all *Archbishops*, *Bishops* in their Courts and *Consistories*, and all our ancient *Historians*, recording the *History* of the times they lived in, or before them out of other *Memorials* then extant: which although they be no *Records* in strictness of *Law* in the *Authors* sense; yet they are very good evidences, proofs of matters of fact in former times, as well as *Records* in superior and inferior Courts of *Law*, for which end they are frequently given in evidence upon *Trials*.

Answer.

2ly. Every Court is the best, fittest, properest, truest Register of its own Proceedings, and matters that concern it, of which other Courts being strangers to and little concerned in them take no Notice, but by accident; therefore the Registers and Records thereof, though reserved in it, ought to be credited, and not reputed partial or untrue, in cases where their proceedings or Jurisdiction are concerned; else all Court Rolls of Lords of Mannors, Leets, Hundreds, and other inferior Courts; yea all Presidents of Prohibitions granted to the Admiralty or Ecclesiastical Courts cited by the Author to prove the Jurisdiction of the Common Law Courts at *Westminster*, may be evaded, rejected by them as partial, because made in and kept by the Officers of these Courts; yea the memorable Record *De Superioritate Paris Anglia, &c.* which the Author and Mr. *Selden* so much insist on upon good grounds, may be slighted by the *French*, *Dutch*, and other Nations; as partial, suspicious, or of small validity to evidence our Kings ancient Sovereignty over the *British Sea*, nor any Manuscripts they alledge for themselves out of their own Antiquities or Records, be of any credit or moment as to us.

3ly. This Book is of an ancient hand, not written all at once as I conceive; nor by one person; but the first part in *Edw. 3.* or *Rich. 2.* the latter part in *H. 4.* *5.* & *H. 6.* reigns, long before any Controversies arose between the Admiralty and Kings Courts about forraign Contracts, whereof they had been in peaceable possession time out of minde when written; therefore not to be suspected in this particular; as partial or untrue.

4ly. There is no thing in any Record or History which contradicts the Ordinances, or Inquisitions registred in, or here transcribed out of it, but what concurs with and confirms their verity and reality.

5ly. Which is most considerable, it concurs with the *Laws* of *Oleron*, and there is not one clause or syllable in all the premised Petitions of the Commons in Parliament, either when the Statute of *13 R. 2. c. 5.* was made, or in any other since it, complaining against the Admirals encroachment; in holding Plea of any Contracts made between Merchants or Mariners beyond the Sea,

Q 2

either

* Rot. Parl 4.
H. 4. nu. 44.
11 H. 4. nu. 67.
Herc. p. 81, 82.

either within or without the *Flode-marke*, but only within the body of some County of this Realm; * especially and particularly *that they inquired of and held plea of Trespasses in breaking and entering into houses, of goods taken away on the land, of Deodands belonging to the King, and Lords of Franchises, of Wrecks, of all goods transported without paying customs, of victuals that were corrupt, or sold at unreasonable prizes, of all sorts of Laborers and Artificers (as well as Sea-men) taking excessive wages, of foretakers and regrators of Merchandise, of Kiddles, Wears, Ponds, in salt waters; of false weights and measures, harborers of Pyrates, receivers of stolen goods, of Debts, Trespasses, and all other things arising within the County, never used before, triable only by the Common Law, of all which I find particular Inquiries made, entred in the Black Book of the Admiralty, p. 36; to 38. 66, to 73. 145, 148, 149.* Since therefore no other probable reason can be rendered why there was no complaint at all in any of the premised Petitions against the Admirals or their Deputies, for holding Plea of Contracts beyond the Seas between Merchants or Mariners; but only of these premised particulars, arising within the body of some Counties and Franchises of the Realm, to the prejudice of the King, of Lords of Franchises, and the Common Law, to the Subjects oppression, but because they had then an ancient known legal Consuance of them in the Parliaments and Commons Judgement by the premised Statutes and Ordinances of King Edward the 1. and his Nobles, ratified, approved by King Edward the 3d, (very gratefull to and * necessary for Merchants and Mariners, who never petitioned nor complained of the Admiralty, but only the Commons of Port Towns, who were no Merchants nor Mariners.) And since the *Black Book* as well as the Commons Petitions inform us, that the Admirals and their Deputies about the 12. year of King R. 2. and after, not before, inquired and held plea of the things they mention in their petitions, it is an unquestionable evidence of its verity and integrity; in registering the premised Statutes and Ordinances, which ratifie their Jurisdiction.

* See Gerard Malines his Lex Mercatoria, l. 1. c. 17, to 28.

† Rolls Abridgment, p. 531.
* See Crooks 3 Reports, p. 124. The Table of the Judges, & Mr. Dugdales Chron. Series

6ly. There being no real Prohibition yet produced to stay the Admiralties proceedings in such Contracts made beyond the Seas, as against the Statute of 13 R. 2. (but those forecited, mistaken or misquoted by the Author, from 13 R. 2. An. 1390. till † *Mich. 7 Jacobi, C. B. Leighs case, & Hil. 7 Jacobi, Hickman and Skinners case*, when the * Author was Chief Justice of the Common Pleas, by any of his Predecessors, or Judges of the Kings Courts at Westminster, being 219 years space.) it is an unanswerable evidence, that the Admirals had an ancient uninterrupted peaceable possession and Jurisdiction of such causes, by the Lawes of Oleron, the premised Statutes and Ordinances of King Edward the 1. and 3. and of this *Black Book's* Credit and Authority, which records them.

I shall only adde some passages more of Inquests made by the Admirals in the reign of King Edward the 3. upon or relating to the Lawes of Oleron, by which they proceeded and judged in that age. Page 58, to 63. records an Inquisition taken at *Quinborow* by command of King Edward the 3d. in the 49 year of his reign, before *William Lord Latjmer Chamberlain of England, and Warden of the Cinqueports, and William de Nevill Admirall of the King for the parts of Northfolk*, to put in certainty and execution the points after written, *en manere come ils ont eue us en auncien temps*, by a Grand Inquest of 18 persons there named, impannelled and sworn. Several of the Articles they inquired of and ascertained, concerned *Writtes, Partners wages, Demorage, Fraights from and to several parts, and when to be payd.* To the last whereof they gave this answer. *Item en droit de Lodemorege dient les abantditz Juresz, que leur sembli cest case, ils ne scayvent meilleur advise ne Remedy mayz, que ce soit desore user & fait par maner quest contrayne EN LA LET D'OLERON.*

Page 71, 72. There is this Article of Inquirie. *Item, soit enquis de tous Mariners qui mettent en violent main, ou basent leur Maistres encontre LES LETES DE MEER ET STATUTES DULERON sur se fait.*

Item

Item des Maistres, que no tiennent pas leur Mariniers, ne paiss a la table, on ailleurs.

To which I shall subjoyn this memorable Record in the Tower, concerning a Judgement given between *Pilk* and *Venore* before the Mayor and Bailiffs of *Bristol*, (as Mayor of the * *Staple*) upon the Laws of *Oleron*: Whether the Master of a Ship should answer damages for a Trespass committed therein by his Servants to the party damaged, and adjudged he should; as appears by this Certificate of the Judgement into the Chancery Anno 24 E. 3. which I long since caused to be transcribed.

* See 27 E. 3. of the Staple, c. 7.

Venerabili in Christo patri Domino J. Dei gratia Wygorn. Episcopo, Domini Regis E. Cancellar. vel ejus locum tenenti, sui humiles & devoti Robertus Gyene Major Villa *Bristol*, Edwardus Blanket, & Johannes de Castleacre Ballivus libertatis ejusdem Villa, salutem cum omni reverentia & honore. De tenore recordis & processus loquela qua fuit coram nobis in Cur. Domini Regis ibidem sine brevi inter Henr. Pilk & Jurdanum Venore Magistrum navis voc. la Graciane de Bayone, in placito Transgres. prout per breve Domini Regis nobis directum fuit vos inde certificatur. sub sigillis nostris vobis si placet mittimus in hiis scriptis. Ad placit. Tols. tenr. ibidem die Martis prox. post festum Epiphaniæ Domini anno regni Regis nunc 24. Henr. Pilk quer. opt. se versus Jurdanum Venore Magistrum navis vocat. la Graciane of Bayone de placito Transgr. per pl. &c. & unde quer. quod secundum legem et consuetudinem de OLERON, unusquisque Magister navis tenetur respondere de quacunque transgret. per servientes suos in eadem fact. & Johannes de Rule, & Bartolet de Beraes servientes predicti Jurdani Magistri navis predicta, die Mercor. prox. ante festum Omnium Sanctorum anno regni predicti Regis E. 23. in Pari supra Brian. in eadem navi de Johanne de Cornub. serviant. predicti. Henr. 22 libr. in euro, arcus, sagit. glad. et alia bona et catalla ad valenc. 40 l. ceperunt et asportaverunt injuste, &c. ad dampnum predicti. Henr. 60 l. & si predictus Jurdanus hoc velit deducere, predictus Henr. paratus est verificare, &c. Et predictus Jurdanus venit & dicit, quod Lex de OLERON talis est, quod si aliqua bona et catalla Magistro alicujus navis liberata sunt custodiens. unde idem Magister pro eisdem vel pro aliqua alia re in eadem navi facta manucap. illo modo Magister navis tenetur respondere, et non alio modo; & super hoc petit judicium. Et predicti Henr. dicit, quod unusquisque Magister navis tenetur respondere de quacunque transgressionem per servientes suos in navi sua fact. & petit judicium finitum. Et super hoc predicta partes habens diem hic die Sabbati prox. post festum Sancti Hilarii prox. futur. ad audiend. judicium suum, &c. Ad quem diem predicta partes venerunt & petierunt judicium suum, &c. Et recitat. recordo & processu predictis in plena Curia coram Majore et Ballivis, et aliis presb. hominibus Villa, et * Magistris et Marinariis, visum fuit Curie, quod unusquisque Magister navis tenetur respondere de quacunque transgressionem per servientes suos in navi sua facta. Ideo consideratum est, quod predicti Henr. recuperet dampna sua 40 l. versus predicti Jurdanum per Curia tarat. & nichilominus idem Jurdanus pro transgressionem predicta in misericordia.

Brevia Regis in Turri London. Tr. An. 24 E. 3. nu. 45. Bristol.

* Nota.

Convenit cum Recordo. Willielmus Colet.

This Trespass being committed on the Sea, was properly determinable by the Admiralty, not by the Mayor of *Bristol*, as Mayor of the *Staple*, or otherwise, without a special Commission, being out of his Jurisdiction; and therefore it was thus removed and certified into the Chancery, as I apprehend.

King *Richard* the 2. and all his Admirals under him, claimed and exercised Sovereign Dominion in the *British Seas* and *Sea Coasts*, and in all Maritime causes, Contracts between Merchants and Mariners in Foreign parts, as King *Edward* the 3. and his Admirals did, from the first year of his reign till the 12. without interruption, prohibition or complaint, as is evident by the Provisions and Articles made for the defence of the Sea, * *Parl. 2 R. 2. pars 2.*

* See Seldens Mare Clausum p. 192, 193.

mp.

m. 39. in Cedula, and the Jurisdiction given to his Admirals thereby, Parl. 6 R. 2. nu. 30. & Parl. 2. 6 R. 2. nu. 11. 7 R. 2. nu. 44. 17 R. 2. m. 12. Next by the Statute of 2 R. 2. ch. 4. which enacted, *That such Mariners or Masters of Ships which are arrested or returned for the Kings service on the Sea, in defence of the Realm, having received their wages do flie out of the service, without license of the Admirals or their Lieutenants, and that truly proved BEFORE THE ADMIRAL or his Lieutenant, shall restore to the King all that they have taken for wages, and have one years imprisonment without baile or mainprise. And upon the Admirals certificate or Letters, all Sheriffs, Mayors, and other Officers shall cause such persons to be apprehended.* By which the Admiral had Jurisdiction given him in such cases as well upon the Land as Sea, which offences they inquired of in their Inquisitions taken on the shore within the Marine Coasts and Ports of the Realm, as the *Black Book of the Admiralty* informs us.

His Admirals Patents giving them Jurisdiction over Mariners and Merchants causes, *secundum Legem Mercatoriam*, were penned as in this form to *J. de Roches*, (whose Names with the dates of their Patents you may peruse in *Sir Henry Spelmans Glossary*, p. 18. and *Mr. Seldens Mare Clausum*, p. 187, 192, 196.)

Rot. Francie
An. 6 R. 2. m.
21.

REX universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris, Dominis, Magistris & Marinariis navium, & aliis fidelibus suis tam infra libertates quam extra, ad quos, &c. salutem. Sciatis, quod nos de fidelitate & circumspectione dilecti & fidelis nostri Johannis de Roches plenius confidenter, constitimus ipsum Johannem Admirallum nostrum flote navium ab ore aque Thamise versus partes Occidentales quamdiu nobis placuerit: dantes ei plenam tenore presentium potestatem, audiendi querelas omnium et singulorum de hiis que officium Admiralli tangunt, et cognoscendi in causis maritimis, et justitiam faciendi, ac delinquentes supra eorum demerita castigandi, puniendi, et incarcerandi, et incarceratos qui fuerint deliberandi: necnon ad naves et naviculas guerrinas quot necessar. cujuscumque portagii fuerint, quotiens necesse fuerit congregandi, et Partinarios et alios pro navibus et naviculis illis necessarios eligendi et captendi, et in eisdem ponendi, et ad hujusmodi Partinarios qui rebelles vel contrariantes fuerint in hac parte debite compescendi et castigandi, et ad omnia alia que ad officium Admiralli pertinent in hac parte faciendi et exercendi, PROUT DE JURE ET SECUNDUM LEGEM MERCATORIAM FUERIT FACIENDUM: & ad alios quos idem Johannes ad hoc idoneos noverit existere quotiens ipse ad hoc vacare non poterit, ad premissa omnia et singula faciend. loco ipsius Johannis substituendi et deputandi, prout ei melius expedire videbitur. Et ideo vobis mandamus, quod eidem Johanni substituti & deputati suis predictis, in premissis omnibus et singulis faciend. intendentes sitis, consulentes et auxiliantes quotiens et prout per ipsum Johannem seu substitutos aut deputatos suos predictos super hac fueritis premuniti, vel fuerit aliquis vestrum premunitus ex parte nostra. In cuius, &c. Teste Rege apud Westm. 26 die Octobris.

* See Rot. Parl.
Parl. 1. 6 R. 2.
nu. 37. Parl. 2.
nu. 11.

Per ipsum Regem et Consilium in Parlamento.

Eodem modo constituitur Walterus Fitz Wauter Admirallus Regis flote navium ab ore aqua Thamise versus partes Boriales quamdiu Regi placuerit. Teste ut supra.

Per ipsum Regem et Consilium in Parlamento.

* See Spelman
Glossarium, p.
18. & Here p.
82.

In the 12. year of K. Richard 2. * *John Holland* being made Admiral of the Western parts 18 *Martii*, he and his Lieutenants began to encroach new Jurisdictions of Contracts, and several things done upon the Land, within the body of Counties; and to introduce Innovations, Exactions in the Admiralty, to the prejudice of the King, Common Law, Lords of Franchises, and grievance of the people, never used before in the time of the Kings Progenitors; whereupon the Commons in Parliament Anno 13 R. 2. exhibited the precedent Petition, and procured an Act against these new Encroachments and Innovations, not restraining,

straining, but approving and ratifying their antient legal Jurisdiction in Foreign Contracts, and things done by Merchants and Mariners out of the Realm, (never petitioned against, as I have largely evidenced) which was seconded by another Petition and Act Anno 15 R. 2. forecited, to the same effect as the first.

Between these two Parliaments, An. 14 R. 2. Rot. Parl. nu. 37. the Owners of Ships petitioned and complained to the Lords and Commons, and they to the King in Parliament, That Masters and Mariners of ships for passing out of England to Burdeaux, and from thence to England and other parts, took twice as much for their salaries and freight as they did in the time of the Kings Grandfather (E. 3.) and that by confederacy amongst themselves, they would not serve in English Bottoms, but only go with Aliens, to the great detriment of the English Owners of ships and Navy of England. For redresse whereof they prayed, that the Mayors and Bayliffs of Towns where such Mariners lived, might have power to punish such Mariners at the suit of every man that complained. Which tending to the derogation of the Admirals former Jurisdiction, and most proper for them to redresse, the Kings answer thereunto was; *Le Roy voet charger SES ADMIRALS d'ordigner, que les Mariniers preguants raisonablement per leur service et travel, et les punier s'ils facent a le contre.* The Admirals both before and after this Petition, inquiring in their General Inquisitions of excessive wages and freights demanded and taken by Mariners, and punishing them for it, as the *Black Book of the Admiralty*, p. 48, 60, to 63. and the Petition of the Commons Anno 11 H. 4. Rot. Parl. nu. 61. inform us. Which they and their Deputies extending to the wages of other Labourers and Artificers, it was petitioned against as a grievance, but not as to Mariners wages and freights; so that the Admirals Jurisdiction, as to Foreign Contracts, Seamens wages, freights, and other things whereof they had antient legal Jurisdiction in the reigns of King Richard 1. Edward 1, 2, 3. continued in full force and exercise during all the reign of King Richard 2. and Henry 4. without the least restraint by the Statutes of 13 & 15 R. 2. or 2 H. 4.

That the Admiralty continued in the self-same state and Jurisdiction during the reign of King Henry the 4. appears by the very Statute of 2 H. 4. c. 11. and premised Petitions, only against the late Usurpations and Encroachments introduced when John Holland was Admiral, An. 12, 13, & 14 R. 2. and continuing unredressed notwithstanding the Petitions and Acts made against them; without the least diminution or complaint of their Jurisdiction in Foreign causes, by the Laws of Oleron, and Statutes of Edw. 1, 2, 3. & Rich. 2. premised. Yea they were so far from this, that in their Petition in Parliament Anno 4 H. 4. nu. 47. they prayed, * *Que les Admirals usent leur ley, TANT SOLEMENT PER LE LEY DE OLERON, ET AUXIENS LEYES DE LA MERE, et per le Ley d'Engleterre, et nemy per Custume, ne per null autre manere;* newly introduced by John Holland and his Deputies, to the peoples great grievance, expressed in their Petition Anno 11 H. 4. Which is likewise further manifested by all his Admirals Patents, being * persons of greatest honour and power, for whose Names and Patent dates I referre you to Sir Henry Spelman, and Mr. Selden, in their forecited places.

That our Kings Sovereign Dominion in the British Sea, and Foreign Sea-Coasts, and their Admirals old Jurisdiction continued un eclipsed, unimpached, unrestrained during all the reign of our victorious King Henry the 5. is irrefragably evident by the Statute of 2 H. 5. c. 6. for conservation of Truces, and the punishment of the infringers of them, according to THE OLD CUSTOME AND LAWS OF THE SEA, BY THE ADMIRALS of the Kings of England; by his Patents and Commissions to his Admirals, and his Conquests in France; as the Commons declared in Parliament Anno 8 H. 5. m. 3. forecited p. 85. & Mr. Seldens Mare Clausum, p. 261, 262.

King Henry the 6. his son maintained his Sovereignty in, and Admirals Jurisdiction on the Sea and Sea Coasts, as is evident by his * forecited Patents to his Admirals, (being his ^b greatest Nobles) for the custody of the

K. Henry 4.

* Here p. 81.

* See their Names and Catalogues Spelmanni Glossarium, p. 18.

K. Henry 5.

K. Henry 6.

a Here p. 85.
b Spelmanni Glossarium, p. 18, 19. Seldens Mare Clausum p. 197, 198.
Sea

e See an Exact
Collection of
the Records in
the Tower: the
Table, Tit.
Taxes, Subsi-
dies, & Rastals
Abridgement,
Tit. Taxes.

d Pag. 178,
179.

e Littleton sect.
194. Cooks
1 Instit. f. 126.
127, 288. a.
& 3 Instit. p.
118.

K. Edw. 4.
* See Mr. Sel-
dens Mare
Clausum, p.
260.

† See Spelman-
ni Glossarium
p. 39.

Pat. 22 E. 4.
part 1. m. 2.
Pro Magistro
Will. Lacy.

Sea and Sea Coasts of England, Ireland, Wales, and his other Dominions, and trial of all causes of right belonging to the Admirals Jurisdiction, save only of things done by land or water within the body of some County of the Realm, against the premised Statutes. By the Subsidies of *Tonnage and Poundage*, granted to him for the defence of the Seas and Sea Coasts at home and in Foreign parts, against Enemies and Pirates, of which Pirates the *Admiral* had Jurisdiction only, not the Common Law, before the Statute of 28 H. 8. c. 15. as the *Author* acknowledgeth, 3 Instit. c. 49. p. 111, 112. and 27 E. 3. Statute of the *Staple*, c. 13. 2 H. 5. c. 6. Rot. Parl. An. 20 H. 6. nu. 29. 20 H. 6. c. 1. Rot. Parl. 28 H. 6. nu. 32. 31 H. 6. nu. 30. Rot. Parl. 33 H. 6. nu. 27. Rot. Franciæ 32 H. 6. m. 4, 6, &c. Rot. Franciæ 38 H. 6. m. 4. evidence. I shall only adde one remarkable case in his reign, registred in the *Black Book of the Admiralty*, adjudged according to the Law of *Oleron*, Anno 23 H. 6. John Well of Shipden in the County of Norfolk, was indicted in the Admiralty, for that he being Master of a ship of one William Wcdens of Shipden, did in Lent the 23 year of this Kings reign, (H. 6.) cast one William Barker of North-ypre, one of the Mariners of the said ship who was sick, into the Hold of the said ship, and there suffered him to lye without any food, meat, drink, or person to attend him, from Saturday to Tuesday following, by means whereof both his feet began to rot, and were afterwards cut off: et sic exinde mahemium perpetuum assecutus est. To this William pleaded, Not Guilty; et hoc paratus est verificare per majorem Partiariorum partem in dicta navi tunc existentium, juxta formam STATUTI DE OLERON in hoc casu provissum. The Jury in the Admiralty found him guilty of the fact and *Mahem*, CONTRA LEGES MARITIMAS ET STATUTUM DE OLERON INDE PROVISUM, in malum exemplum et aliorum plurimorum. For which he was punished according to that Statute and Law; not by an *Action* or Indictment of *Mahem* at the Common Law.

King Edward the 4. as he maintained his Sovereign Dominion in the *British* and *Irish Seas* and *Sea-Coasts*, which he *emblematically* expressed in his *Coyne*, as King Edward the 3. did, and by a Statute enacted in Ireland An. 5 E. 4. c. 6. That none should fish in the *Irish Sea*, without his or his *Lieutenants* license; for defence whereof he had a *Subsidie* of *Tonnage* and *Poundage* granted him during life, An. 3 & 4 E. 4. Rot. Parl. 23, 24, 25. to his *Admirals*, (being Nobles of greatest Honour, Power) enjoyed their antient Jurisdiction in all Marine causes and Foreign Contracts, as amply as their predecessors, as his Patents to † *Richard Nevil* Earl of *Warwick* and *Salisbury*, to *William Nevil* Earl of *Kent*, and *Richard* Duke of *Gloucester*, evidence; and this Patent of his to *William Lacy* to be his Chief Judge and Commissioner of the Court of *Admiralty*, which I shall here insert.

R EX Omnibus ad quos, &c. salutem. Sciatis, quod nos de fidelitate, circumspeltione & industria per dilecti nobis Magistri Willielmi Lacy in Legibus Bacularii, plenarie confidentes, fecisse, ordinasse, prefecisse, deputasse & constituisse, hac vice, ipsum Magistrum Willielmum Capitalem Judicem, ac Commissarium nostrum generalem, in Curia nostra principali Admirallitatis Angl. necnon et quibuscumque aliis Cur. ejusdem Admirallitatis nostre regni Angliæ; habend. & occupand. dictum Officium eidem Willielmo per se, vel per sufficientem Deputatum suum percipiend. in & pro exercitio & occupatione predicti Officii feoda, vadia, proficua, commoditates & emolumenta eidem Officio debita & pertinent. Dantes insuper & tenore presentium concedentes eidem Magistro Willielmo, auctoritatem et potestatem ad cognoscend. procedend. et statuend. de et super querelis, causis et negotiis omnium et singulorum de his, quæ ad Cur. principalem Admirallitatis nostre predictæ pertinent, cususcumque naturæ seu conditionis fuerint, qualitercumque motis aut pendentibus, movendis seu pendendis ex Officio, seu ad instantiam partis, quæ in Cur. Admirallitatis nostre predictæ ab antiquo tractari, audiri, examinari et decidi consueverunt, et de jure debuerunt, seu de-

* Nota.

bent. *Causasque, querelas et negotia prædicta, cum omnibus et singulis suis emergentibus, incidentibus et conneris: necnon contra Piratos, Spoliatores, seu quosquomodo infra Jurisdictionem dictæ Admirallitatis nostræ derogantes, etiam si propter ea penam mortis eisdem sit infligend. audiend. examinand. et sine debito terminand. summarie et de plano, sine strepitu et figura judicii, sola facti veritate inspecta, et appellatione remota, cum iustitiet penæ coercitionis legitimæ executionisq; rerum debitarum in hac parte plenarie facultate: Ceteraq; omnia et singula quæ ad Officium prædictum pertinent, aut pertinere poterint, faciend. exercend. et expediend. quæ in præmissis, et circa ea necessar. fuerint seu quomodolibet oportuna. In cuius, &c. Teste Rege apud Westm. 10 die Marcii.*
Per ipsum Regem, & de dat. &c.

The like ancient Jurisdiction did King R. 3. and John Howard D. of Norfolk enjoy, constituted *Admiral of England, Ireland and Aquitain*, 25 July, An. 1 R. 3. as his Patent in the *Rolls Chappel* demonstrates. King H. 7. and John de Vere Earl of Oxon, great Chamberlain of England, constituted Lord High Admiral of England, Ireland and Aquitaine after him, 21 Sept. An. 1 H. 7. pars 3. enjoyed that Office and like Jurisdiction till 4 H. 8. who constituted him Admiral under him by a new Patent, An. 1 H. 8. Rot. Pat. pars 1. as Mr. *Seldens Mare Clausum*, p. 198. informs us. All these maintained the Jurisdiction of the Admiralty in forraign Contracts without interruption. * Rot. Pat. 4 H. 8. parte 2. 15 Aug. Edw. Howard Eques Auratus, eldest son of Thomas Earl of Surrey, (afterwards D. of Norfolk) was constituted Admirallus *Anglia, Wallia, Hibernia, Normannia, Vasconia, & Aquitania* by King Henry the 8. and so was Thomas Lord Howard his Brother, An. 5 H. 8. 4 Maii, (afterwards Duke of Norfolk) and Henry Duke of Richmond and Somerset, and the Earl of Nottingham after him, 16 Julii, An. 17 H. 8. After whose decease 16 Augusti Rot. Pat. An. 28 H. 8. pars 2. William Fitzwilliams Earl of Southampton was constituted Admirallus *Anglia, Wallia, Hibernia, Normannia, Vasconia, Aquitania*, with this addition of *Calissa & Marchiarum ejusdem*. So was John Russell Lord Russell 18 Julii, 32 H. 8. and John Dudley Visc. Lisle, & Baron of Malpas, 27 Junii, An. 34 H. 8. in succession one after each other. All these by their respective Patents had Jurisdiction to hear and determine all Criminal and Civil Marine and Merchants Causes, anciently of right belonging to their Office prout de Jure, et secundum Legem Partitiam fuerit faciendum, having free Conusance of all Contracts made, and things done out of the Realm, as well upon the Land as Sea, only with this restrictive Proviso in their Patents, as to things within this Realm. *Prohibito semper, quod de aliquibus Contractibus, placitis et querelis, seu aliis rebus quibuscumq; infra corpora Com. factis, sive emergent. per terram vel per aquam, seu de wycecco maris, nullam habeant cognitionem, potestatem, vel jurisdictionem, set quod omnia hujusmodi contractus, placita, querelæ, et alia quæcumque infra corpora Com. emergent. per terram vel per aquam, ut prædictum est: Ac etiam wyceccum maris, per Communem Legem Angliæ, et nullatenus coram dicto Johanne, Consanguineo nostro, seu ejus Locum tenente, ullo modo terminentur, trientur, nec remediuntur. Volumus tamen, quod prædictus Consanguineus noster cognitionem habeat de morte hominis & matremio, in grossis navibus in medio sili grossarum Ripariarum, tam de Portibus earumdem Ripariarum mari magis propinquis, & non in aliquo alio loco Ripariarum prædictarum existent, & floant. Ac etiam Arrestationem grandium navium in flotis, pro magnis viaggiis nostris & regni nostri, necnon jurisdictionem dictarum Flotarum nostrarum, hujusmodi viaggiis duntaxat durantiibus; salvis Dominis, Civitatibus et Burgis libertatibus suis, juxta formam * Statuti inde editi.*

Yea, whereas the Statutes of 13 & 15 R. 2. restrained the Admirals and Admiralty to hold Plea of any Contracts made within any County of the Realm, the Statute of 32 H. 8. c. 14. took off that restraint as to Contracts and Charter-parties made on land or water within the same concerning freights of Ships, and dammages done to Merchants goods on Ship-board, by negligence, or long delaying

R

Richard 3.

Henry 7.

Henry 8.

* See Spelmani Glossarium p. 19. & Mr. Seldens Mare Clausum p. 192.

* 15 R. 2. c. 3.

delaying Viages, enabling them to hold plea thereof by this Proviso.

Provided alway, and be it enacted by the authority aforesaid, that if any Merchant Stranger or other finde hym selfe aggrieved or dampnified by negligent keeping of the saide Marchandises or wares, or by longe delaying or protractysg of the tyme in taking the voiage by the saide Owner, his factor, maister, or any the mariners of the saide Shyp otherwise than shall be agreed betwixt the saide Marchant his factor, attorney or servant and maister or owner in or by the said Charter party, (not being lettied by wind or wether) shall and may have his remedy by way of Complaint † before the Lord Admiral of England for the tyme being, his Lieutenant or Deputie, against the saide owner or owners, maister or maisters, governour or governours, or hys or theys factor or factors: Which Lozde Admiral for the tyme being, his Lieutenant or Deputie, shall and may summarily and without delay take such order and direction therein, as shall be thought to his or theis discretions most convenient, and accordyng to right and justice in that behalf. In which cases no Prohibitions ought to be granted to the Admiralty, against this expresse Statute, nor find I any granted in his reign upon forraign Contracts.

† Nota.

K. Edw. 6.

King Edw. the 6. as he had a *Subsidy of Tonnage and Poundage* granted to him in Parliament during life, Parl. 1. An. 1. E. 6. cap. 13. for the defence of the Realm of England, & the keeping & safeguard of the Seas, for the entercourse of Merchants safely to come & passe out of the same Realm, &c. So he maintained his Sovereignty therein, his Admirals old Jurisdiction, and enlarged the Titles of his Admirals in his Patents to *Thomas Seymour* Baron of *Dudley*, 17 Febr. Pat. An. 1 E. 6. parte 6. m. 9. and afterwards to *John* Earl of *Warwick*, Pat. An. 3 E. 6. parte 1. Nov. 28. whereby they were successively constituted *Admirallus noster Angliæ, Hiberniæ, Walliæ, & Boleziæ, & Marchiarum nostrarum earundem, Normanniæ, Gasconiæ, & Aquitaniæ, necnon Praefectus Generalis Classium et Navium nostrorum*, &c. who enjoyed the Consuante of all forraign Contracts and things done beyond the Seas, concerning Merchandise, Merchants, and marine affairs, without any Prohibition or Interruption by the Common Law Judges, for ought appears.

* See Mr. Sedens Marc Clausum, p. 199.

Qu. Mary!

His Sister *Queen Mary* who succeeded him in her first Parliament had the like *Subsidy of Tonnage and Poundage* granted her during life, An. 1 *Marie*, Sess. 2. cap. 18. for the same ends, and in the same words as King *Edward* had; and her Patents to her Admirals ran in the same stile, and gave them the same Titles as those of King *Edward* the 6. as her Patent to *William* Baron *Howard* of *Effingham* 20 *Martii*, Pat. An. 1 *Marie*, m. 3. & Pat. 4 & 5 *Phil. & Marie* part 1. Feb. 13. to *Edward* Baron of *Clinton*, afterwards E. of *Lincolne*, attest; who exercised and enjoyed the same Admiral Jurisdiction in Merchants and Marine causes and forraign Contracts as their predecessors had done, without restraint by any Prohibitions that can be produced.

* See Spelmani Glossarium, p. 19. & Mr. Sedens Marc Clausum, p. 199.

Qu. Eliz.

Queen Elizabeth her successor, in her Parliament An. 1 *Eliz.* cap. 19. had *Tonnage and Poundage* granted to her by the Lords and Commons for her life, for the keeping and sure defending of the Seas, against all persons intending, or that shall intend the disturbance of her Commons in their intercourts, or the invading of this your Realm to our molestation, inquieting, or losse: And her Patents give the same Titles, Stile to her Lord Admirals as King *Edward* the sixth and *Queen Maryes*, witnesse her * Patent 8 *Julii*, Rot. Pat. 27 *Eliz.* pars 10. to *Charles* Baron of *Effingham*, Earl of *Nottingham*.

* Spelmani Glossarium, p. 19.

In the 19. year of her Reign, An. 1575. the Judges of the Kings Bench endeavouring to encroach the trials of Merchants and Mariners Contracts made upon the land in forraign parts, and to try them by feigned suggestions that they were made in England, and † some intending to procure Prohibitions to the Admiralty in such Cases, against the Lord Admirals Patents, and ancient Order of the Admiralty allowed by the Kings of this land, and by Custome time out of memory of man; upon complaint made thereof, it was agreed by the Judges, That the Admiralty should have and enjoy the cognition of all Contracts and other things arising as well beyond as upon the Sea, without any Let or Prohibition.

† See Here, p. 98, 99.

K. James.

King *James*, as he had a *Subsidy of Tonnage and Poundage* granted him for life, for

for the same ends, in the same words as *Qu. Elizabeth* his Predecessor had, in the Parliament of An. 1 *Jacobi* c. 24. so he * prohibited any *Forraigners* to fish in the Irish Seas without license by publike Proclamation 6 *Martij* 7 *Jacobi*, according to the Statute of 5 E. 4. c. 6. made in Ireland, or in the Scottish Seas, against the Statutes of Parl. 4 *Jacobi* 6. in Scotland, c. 60. & 66. as Lord thereof. Yea his Patents to his High Admirals retained the same stile as *Qu. Elizabeth* and her two Predecessors did, as those to *Charles Duke of Yorke*, Rot. Pat. 9 *Jacobi*, part 9. Jan. 17. and to *George Marquesse and Duke of Buckingham*, An. 17 *Jacobi* Regis, parte 17. attest. And when An. 7 *Jac.* the Author being Chief Justice of the Common Pleas, first began to grant Prohibitions to the Admiralty, to restrain their Proceedings upon Contracts made upon the Land, and things done beyond the Seas, affirming, that by the Statutes of 13 & 15 R. 2. they were to meddle with nothing but things done upon the Sea: thereupon (as the * Author relates) the Lord Admiral complained to the King against the Judges, of this and other grievances, drawn up into certain Articles at the Kings command by Dr. *Donne* then Judge of the Admiralty, Hil. 8 *Jacobi*; the second whereof was, for awarding Prohibitions against the Admirals Court upon Bargains and Contracts made beyond the Seas: To which he and the Judges returned the Answers printed by him in this Chapter of the Admiralty; which he saith, prevailed with the King, to whom they were delivered. After which, such Prohibitions became † frequent in such cases, both in the Common Pleas, and Kings Bench, though not in use before.

Yet notwithstanding these Answers of the Author and other Judges, gave no satisfaction to our Lord Admirals, or Judges of the Admiralty, who reiterated their Complaints, especially in the reign of King *Charles* the first.

Which King as he claimed and maintained the Sovereign Dominion of the British and Irish Seas as his royal Predecessors had done, by increasing the Number, strength of his Ships and Royal Navy, by giving the Name of the *EDGAR* (with this Motto engraven on it; *Ego ab Edgardo QUATUOR MARIA VENDIGO*), and of THE SOVERAIGN OF THE SEA, to the Admiral of his Fleet, and by appointing our eminent Antiquary Mr. *John Selden* publicly to assert and vindicate it to the World in his *Mare Clausum*, against *Hugo Grotius* his *Mare Liberum*: So upon his Admirals and his Judges Complaints, against the Judges of the Common Law, for granting Prohibitions to the Admiralty, to restrain their ancient Jurisdiction, Proceedings in Contracts made beyond the Seas, and other particulars, as contrary to Law, and the true intent, purport of the Statutes of 13 & 15 R. 2. as they apprehended; his Majesty was graciously pleased to hear the Controversies between them fully & freely debated on both sides before himself and Lords of his Council at Whitehall, as the properest and most indifferent Judges to descide and settle them for the future, the Complainants and Defendants (both parties interested) being not fit or likely to determine them, but according to their private interests. After which the † premised Articles for a final accommodation of the differences between them were made and sealed by his Majesty and Councils Order, which all his twelve Judges, Mr. Attorney Noy, and the Judge of the Admiralty subscribed before him & his Council in form aforesaid, 18 Feb. 1632. 9 *Caroli*: whereof this was the first; *That if suite be commenced in the Admiralls Court upon Contracts made, or other things personally done beyond the Sea, NO PROHIBITION IS TO BE AWARDED*. Which ended this Controversie, till some Judges in the Kings Bench, An. 1644. granted a Rule for a Prohibition to the Delegates, to stay their Proceedings in the case of one Mr. *Johns*, a London Merchant, upon a Contract made at *St. Maloes* in France; whose case was this,

Mr. *Johns* in Lent Vacation 1638. libelled in the Admiralty Court against *Anthony Hooper*, for 26000 pounds weight of *Barbadoes Tobacco* sold to him at *St. Maloes* in France in partibus transmarinis infra Jurisdictionem Admirallitatis, by one *Bates* his Factor, and for freight due to him by *Hooper* for a Ship called the *William and Anne*, whereof *Johns* was Owner, upon a Contract made at the said *St. Maloes* in France in partibus transmarinis infra Jurisdictionem Admir-

R 2

* Mr. Seldens *Mare Clausum*, p. 199, 289, 296, 292, 293, 303, 304.

* 4 Instit. p. 134.

† See Hobards Reports, p. 11, 79, 80, 212, 213: & Rolls Abridgement, p. 529, 531, 532, 533.

K. Charles I.

† Here, p. 100, 101.

rallstatis *Anglia*, not alleging in the Libel these Bargains and Contracts to be there made *super altum mare*. To which Libel Hooper then put in his answer, where *Le Gay* and *Fairfax* became his Bayle. *Johns* after two years and a halfe suit obtained a Sentence against Hooper in *Summer Vacation* 1640. for 682 l. against which Sentence Hooper appealed to the *Delegates*, and soon after died Bankrupt: whereupon his Bayl perceiving the *Delegates* were like to give Sentence against them, *Term. Pascha* 1641. moved in the *Kings Bench* for a *Prohibition*, and likewise Petitioned the *House of Lords* for relief against the Sentence in the Admiralty as illegal, because grounded upon a Contract made on the land at *St. Maloes* in *France*, and not upon the *Sea*, whereof the Admiralty had no Jurisdiction by the Statutes of 13 & 15 R. 2. & 2 H. 4. the principal point in the Case. Mr. *Johns* An. 1645. retained me for his Counsil to argue this point at the *Lords House Barre*, to make good the Admirals Jurisdiction, and Sentence for him, the *Lords* appointing it to be there argued, before they gave any final Judgement therein: Upon my single Argument thereof, (wherein I alledged, produced all the Commons premised Petitions whereon those Acts were framed, the forecited Records, *Black book* of the Admiralty, *Law-books*, *Order of the King and Council* subscribed by all the Judges, and discovered the misinterpretations of these Acts against their intention, answered all the reasons, Presidents produced out of the Authors Chapter of the Admiralty, and other late Reports alledged by Mr. *Serjeant Rolts*, and Mr. *Serjeant Maynard*, who argued strongly against the Sentence and Admirals Jurisdiction in this case) the *Lords* were so fully satisfied, upon Consideration of the Premises, that they unanimously gave Judgement for my Client *Johns*, that the *Delegates* should speedily proceed to hear and end the Cause: Which Judgement, and Order thereupon, is thus recorded in their *Journal*.

Die Mercurii, 15 Maii 1645.

The Cause between William Johns, Isaack Legay, and Daniel Fairefax, upon Petition and Answer, depending before the Lords in Parliament, came this day to an hearing at the Barre, by Order of the first of May 1645. And the Countel on both sides were fully and at large heard, concerning a former Order of this Houle, dated the 20th of Febr. last, for the referring and final determining a cause, depending upon Appeal with the Commissioners Delegates, concerning a suit long since commenced by the said Johns against Anthony Hooper deceased, in the said Court of Admiralty, wherein the said Fairfax, Le Gay, and others were Bayle, concerning a Contract at *St. Maloes* in *France*. And upon a full deliberate Consideration of the whole matter, and of the several Statutes of 13 R. 2. cap. 5. of 15 R. 2. cap. 3. the Statute of 2 H. 4. cap. 11. and of all other Statutes and Book-cases alledged at the said hearing; It is upon the Question, Ordered, Decreed, and ADJUDGED by the Lords in Parliament assembled, That the said Order of the 20th of Febr. 1644. authorizing the said Commissioners Delegates to hear, end and determine the said Cause, shall stand, continue and be in force, according to the true intent and meaning thereof. And that the said Order be hereby ratified and confirmed in all points, that the Commissioners Delegates shall speedily proceed therein, the former Order of the 21. of February, or any Causes or pretences whatsoever to the contrary hereof, in any wise notwithstanding.

The Delegates hereupon soon after confirmed the Judgement given for Mr. *Johns* in the Admiralty upon these *foreign Contracts*, who had Execution granted against the Bayle, and recovered his Debt and Costs against them.

After this Judgement given by the Lords, I was retained to argue the same point in the *Kings Bench*, *Hill. 22 Car. Regis* 1. upon a *Demurrer*, in an Action brought there by * *John Body* at his own and the Kings suite against *Edmund Clinch*; where the Case upon the whole Record was this.

Timothy Grumble Master and part Owner of a Ship called the *Diligence* of *Is-*
wich

* Inratur Pal.
22 Caroli Re-
gis, B. R. rot.
198.

wich, by a Bill of Lading dated 23 of June 1639. *super terram apud Dantzick in Regione Prussia in partibus transmarinis*, as the Plaintiff suggested, (not *infra fluxum et refluxum Maris et Jurisdictionem Admiraltatis*, as the Libel recited it) obliged himself and all his goods, together with the said Ship, her tackle, apparel, furniture, munition and freight, to Thomas Clinch, servant to the Defendant, to pay the Custom due for the Goods and Merchandise in the Bill of Lading specified, and put aboard the said Ship, at Dantzick in Prussia, and also in the Sound, and to deliver or cause to be delivered the said Goods & Merchandise (the danger and adventure of the Sea only excepted) in good order and condition to the Defendant Edmund Clinch, or his assigns, they paying freights for the same after the rate of 22 s. 6 d. the Tonne. Which goods not being delivered accordingly; the Defendant Clinch libelled in the Court of Admiralty against the Ship, tackle, ammunition and freight: where an unjust Sentence (as he conceived) was passed against him; against which he appealed to the Delegates, and there proceeded against the Ship, tackle, apparel, and ammunition upon this Bill: where John Body a part-owner coming in pro interesse suo appeared, and prayed and obtained a Prohibition to the Delegates, upon this suggestion, that this Bill of Lading was made, *super terram apud Dantzick in regione Prussia in partibus transmarinis; viz. apud Ratcliffe infra Corpus Comitatus Middlesex; et non super altum mare, nec infra Jurisdictionem Admiraltatis;* Which Prohibition was delivered to the said Delegates by the Plaintiff at Ratcliffe aforesaid, April 8. Ann. 22 Car. Regis. Notwithstanding which the Defendant Clinch still prosecuted the said Appeal before the said Delegates (therein named, against the Statutes of Magna Charta, c. 29. 13 R. 2. c. 3. 15 R. 2. c. 5. & 2 H. 4. c. 11.) in contempt of the said John Body, to the value of 40 l. for which he brought his Action. To which the Plaintiff generally demurred, and the Plaintiff joyned in demurrer. In which Case the principal point was this; whether the Admiralty or Delegates by Appeal from thence, had any legal Jurisdiction to hold plea of a Contract between Merchants for freight made at Dantzicke in Prussia, beyond the Seas, upon the Land, by a bill of lading, that it was made at a place called Dantzicke in Ratcliffe, within the County of Middlesex? And, whether an Action or Information lay for a suit thereon prosecuted before the Admiral or Delegates, as being against the premises Statutes? Which points I was ready to argue two severall dayes appointed for it at the Kings Bench Barre. But the argument being put off by the Plaintiff who doubted of the success, by reason of the Lords premised Judgement in the Case of Mr. Johns, and Resolution of the King and Council, subscribed by all the Judges, and Mr. Noy, agreed with my Client Clinch, and no further prosecuted the suit against him.

Whether any such Actions have been prosecuted, or Prohibitions granted in any Courts of Westminster upon any forraign Contracts sued in the Admiralty since this case, I am altogether ignorant, meeting with none in any Printed Reports, or Abridgements: Yea the late Usurpers during their Usurped Government, did for the publike Benefit of Merchants and Mariners, approve and ratify by their pretended * Ordinances, the Jurisdiction of the Admiralty in such Contracts, Cases, as their ancient undoubted Right; witness their Ordinance 4 April 1648. For settling the Jurisdiction of that Court, viz. That the Court of Admiralty shall have Cognizance and Jurisdiction in all Cases OF CONTRACTS MADE BEYOND THE SEAS, concerning Shipping or Navigation, or damages happening thereon: wherewith their Ordinances of Anno 1649. cap. 23. & Anno 1650. cap. 7. concurr.

Our Present Sovereign King Charles the Second, and his Parliament, as they have publickly * claimed, maintained, vindicated his Majesties undoubted ancient royal Sovereignty and Dominion in the British Seas, against the French and Dutch, by granting larger aydes, setting forth more puissant Royal Navies, and fighting more Naval Battels to defend it than any of his Royal Predecessors, since K. Rich. the 1. So his Admirals by the † Statute of 13 Car. 2. cap. 9. have as large or larger

* See Scobels Collection of Acts & Ordinances of Parliament. part 1. p. 112. 147, 148. & p. 16, 117, 118.

† See Stat. An. 16 & 17 Car. 2. c. 1. An. 17 Car. 2. c. 1. An. 19 Car. 2. c. 8. An. 13 Car. 2. cap. 9.

larger a Jurisdiction by the Articles and Orders for the regulating and better governing of his Majesties Navies, Ships of Warre, and forces by Sea, settled by Act of Parliament, then any of their Predecessors, in Capital and Criminal Causes therein mentioned, and as large a Jurisdiction by their Patents in Civil Causes between Merchants and Mariners, as any of their Predecessors and Admirals enjoyed.

I shall therefore cloze this Discourse concerning the ancient Jurisdiction of the Admirals and Admiralty of England in Marine Causes and Contracts, as well beyond as upon the Sea, with 3. modern Testimonies of the Antiquity and Authority of the Laws and Statutes of OLERON by which they Judge, and are warranted.

a Description of the British Islands, p. 432.

The 1. is of our famous Antiquary^a Mr. William Camden, in his Description of this British Island. The Isle of Oleron lyeth in the bay of Aquitain, and had many immunities granted from the Kings of England, then Dukes of Aquitain, at which time it so flourished for Marine Discipline and glory, that the Seas were governed by the Lawes established in this Island in the year 1266, (or rather 1195.) no lesse than in old time the Mediterranean Sea by the Lawes of Rhodes.

b Mare Clausum, l. 2. c. 24. p. 222, 224, 255.

The 2. is our most learned Antiquary^b Mr. John Selden, who renders us this account of these Lawes. *Insulam illam vulgò Oleron dictam (non minus in Occidente ac Rhodum olim, ob Leges Sabales celebrem, &c.) Neque obscurum est sanè signum hujus dominiis. Richardum primum Regem Angliæ in Uliari Insulâ, quam ipse in mari suo sitam, non tam ut Dux Aquitaniz quam Rex Angliæ possidebat: Leges illas marinas seu nauticas etiam vim obtinentes, in Insulâ illâ sua, velut rerum marinarum solum regnatozem moderatozemque primum promulgasse, et tantam eis atque tam perpetuam inde tribuisse eo nomine autoritatem, ut quemadmodum Rhodiz leges nauticæ seculis in betustioribus Rhodios fuisse Græci maris dominos (ut res ipsa se habet) probant, ita Uliarenses leges hujusmodi vim in mari sortitæ^c, a primâ earum institutione, Angliæ Regem, utpote authozem suum, Paris circumbictini dominum nunquam non recognoscant. Caterum harum legum exemplaria aliquot typis mandata, em sexaginta aut circiter annis recentiores esse Richardo illo Rege faciunt; quâ fide, nescio. Latas enim memorant anno LXVI. supra Millesimum & Ducentesimum, qui est Henrici nostri Tertii quinquagesimus.*

c Les Edicts de France, Tom. 3. tit. 2. De Juribus & privilegiis Admiralli, Sect. 19.

d Institutes 1. f. 11 b 260. 4 Instit. p. 142. & 12 Reports, p. 79, 80.

The 3d. is Reverend^d Sir Edward Cooke himself, who gives this Testimony of them. *There be divers Lawes within the Realm of England, &c. In which Court of the Admiralty is observed LE LEY OLERON, made An. 5 R. 1. And from thence he inferrs, The Lord Admirals Jurisdiction is very antient, and long before the reign of E. 3. as may appear by THE LAWES OF OLERON, so called, for that they were made and published by Richard the 1. in the Isle of Oleron when he was there.*

e Archæion, or Commentary upon the High Courts of Justice, p. 49, 50, 51.

f Crookes 3 Reports, f. 603. Bullstrodes Reports, p. 322, 323. Hobards Reports abridged in Hughes Abridgement, Tit. Admiralty, 2. 3. p. 111. Rolls Abridgement, part 1. p. 528, 530, 532.

Of what great Authority these Lawes are in the Admiralties of France, as well as of England, you may read in *Les Edicts de France*, Tom. 3. Tit. 2. *De Juribus & Privilegiis Admiralli*, Sect. 9. and other French Authors.

Thus much for the Antiquity of the English Admiralty: which will sufficiently disprove the Opinion of^e Mr. Lambard, (refuted by the reverend Author in his *Institutes* 1. f. 260. 4 *Instit.* p. 142. & 12 *Reports*, p. 79, 80.) and of Sir Henry Spelman in his *Glossary*, Tit. *Admirallus*, who repute it no ancienter then King Edward the 3d. and also in vindication of our Admirals and Admiralties antient Jurisdiction in cases of Contracts and things done between Merchants and Mariners beyond as well as upon the Sea, first contradicted and restrained by Prohibitions out of the *Common Pleas*, by the Author when Chief Justice thereof, for ought I can yet discover; Which I have thus largely insisted on, (I hope without any offence at all to those of my profession who have been of a contrary Judgement:) partly out of a desire to satisfie, or receive satisfaction from them herein, upon better reasons and more ancient Presidents, than any I have yet met with in any^f Reports, Abridgements, or in the *Institutes*, of Prohibitions granted to the Admiralty in cases of forraign Contracts; but principally because the extant

tent of our Kings, their Admirals and Admiralties Patents and Jurisdiction even to foreign Countries, is one of the principal Evidences and Arguments produced, insisted on by our learned Antiquary *Mr. John Selden in his *Mare Clausum*, (compiled, published by King Charles the 1. his special command; and dedicated to his Majesty Anno 1635.) to prove the Sovereign Dominion and Jurisdiction of our Kings both before and ever since the Conquest, in and over the British Seas, and foreign Sea Coasts, (mentioned in our Admirals Patents) united, annexed to the Imperial Crown of this Realm, which all Judges, Professors of the Law, and other Subjects by their Oaths and Allegiance are obliged to maintain and defend to their power, (and my self more especially as Keeper of his Majesties Records in the Tower) in such a time as this.

How our Kings have frequently in all ages, by their Writs and Patents, commanded not only their Admirals, but the Warden, Barons of the Cinqueports and others, to arrest and provide Ships of War and other Vessels, and impress, provide Masters of Ships, Seamen, Mariners, all necessary Tackle, Armes, and Provisions for Ships, for the defence of the Sea, Realm against Foreign Enemies, or transporting themselves, their Generals, Forces, or Provisions for them into *France, Ireland*, and other Foreign parts in times of War, and upon other occasions, paying their freights, wages, (if not bound thereto by tenure) as well as to elect and provide Hoblers, Archers, or men at Armes for Land service, and all sorts of Artificers, Masons, Carpenters, Miners, Pioneers, for building or repairing their Castles, Forts, Houses, and working in their Mines, those who please may read at leisure Pat. 6 Johan. m. 11. Claus. 8 Johan. m. 7. Pat. 9 Johan. m. 2, 3. Pat. 14 Johan. m. 2. Pat. 15 Johan. pars 1. m. 4, 6, 7. Claus. 17 Johan. pars 2. m. 6. Pat. 17 Johan. m. 4. Pat. 18 Johan. m. 3. Fines 8 H. 3. dorf. 3, 5, 8, 9. Pat. 10 H. 3. m. 3. dorf. 4, 9, 10, 15, 17, 18, 24, 25, 26. & pars 2. dorf. 24, 29. Claus. 11 H. 3. m. 21, 24, 25, 28. dorf. Claus. 12 H. 3. m. 3, 5, 6, 11, 13. dorf. Claus. 13 H. 3. dorf. 5, 6, 16. Pat. 14 H. 3. dorf. 4. Claus. 14 H. 3. dorf. 5. Pat. 19 H. 3. m. 4, 14, 15. Claus. 20 H. 3. dorf. 16. Claus. 21 H. 3. dorf. 2, 3, 14. Claus. 24 H. 3. dorf. 9. Claus. 36 H. 3. dorf. 3, 7, 26. Claus. 38 H. 3. dorf. 1, 10, 13. Claus. 48 H. 3. dorf. 2, 3, 4, 7. Rot. *Walia* 10 E. 1. m. 1, 10, 12. intus & dorso. Pat. 21 E. 1. m. 7, 8, 14, 21. Claus. 23 E. 1. dorf. 4, 5. *Brevia directa Baronibus in Scac.* in the Rolls of that year in the Kings and Lord Treasurers Remembrancers Offices, Rot. 77. & *Brevia An.* 24 E. 1. (ibidem) Rot. 16, 62, 78, 82. Claus. 24 E. 1. dorf. 9, 16, 26. Pat. 25 E. 1. m. 7, 8, 9, 12. Claus. 25 E. 1. pars 2. m. 4, 5, 6, 10. & dorf. 9, 11, 12, 14, 18, 19, 20, 26. Claus. 26 E. 1. m. 7. dorf. 11, 15, 16, 17, 18. Claus. 26 E. 1. m. 17, 25, 26, 28, 30. Pat. 27 E. 1. m. 3, 11. Claus. 27 E. 1. m. 9. & dorf. 6, 8, 9, 20. Claus. 28 E. 1. dorf. 14, 15. Claus. 29 E. 1. dorf. 5, 13. Claus. 30 E. 1. dorf. 1, 9, 10, 17. Pat. 30 E. 1. m. 2, 9, 13, 14, 15. Claus. 31 E. 1. dorf. 14, 15, 16. Pat. 31 E. 1. m. 27, 28, 30, 34, 39. & dorf. 36, 47. Fines 32 E. 1. m. 12. Pat. 32 E. 1. m. 13. Cedul. 14, 22, 28. Claus. 32 E. 1. dorf. 12. Pat. 34 E. 1. m. 13, 22, 25, 27, 28. & dorf. 13. Claus. 34 E. 1. m. 13, 14, 15. Cedul. Claus. 35 E. 1. m. 2, 3, 14. Pat. 9 E. 2. pars 2. dorf. passim, Claus. 15 E. 2. dorf. 15. Pat. 16 E. 2. m. 13. Claus. 19 E. 2. m. 6. Claus. 20 E. 2. m. 7, 8, 10. dorf. Claus. 1 E. 3. pars 1. dorf. 20. and elsewhere Claus. 2 E. 3. dorf. 32. Claus. 4 E. 3. m. 30, 33, 36, 10 41. & dorf. 30, 35. Rot. *Scotia* 7 E. 3. m. 19. Pat. 10 E. 3. m. 25. Rot. *Scotia An.* 10 E. 3. m. 2, 17, 22, 25, 27, 28, 29, 33, 34. intus, & dorso. 1, 2, 3, 5, 9, 13, 18, 21, 22, 27, 28. Rot. *Vasconia* 10 E. 3. m. 11. intus & dorso. (which two last Rolls abound with many excellent Writs, Patents for providing, furnishing, manning with Mariners, and gathering together Ships of War from all Ports, Places of the Realm, *Ireland, Jersey, Guernsey* and *Baion*, to guard and defend the Seas and Sea Coasts against Foreign Enemies; for electing and pressing Mariners and Carpenters to serve in them, for constituting several Admirals & Viceadmirals over them, for inquiring after, punishing all such Ships or Mariners as neglected or deserted the service without license, and to carry Victuals, Provisions to several places, as well as for arming, arraying all sorts of persons according

Lib. 1. c. 8,
14. l. 2. c. 5, 10
10. & c. 14,
16, 17, 18, 19,
22, 23, 27, 28.

† 1 Eliz. c. 1.
5 Eliz. c. 1.
3 Jac. c. 4.

* See Judge
Crooks Argu-
ment of Mr.
Hamdens case
of Ship-money
p. 79, to 89.

according to their abilities, and providing Hoblers, Archers, Foot Souldiers by Land for defence of the Realm and Sea Coasts, as well as against the *Scots*, worthy perusal.) Rot. *Alemannia* 11 E. 3. m. 12, 13. Claus. 12 E. 3. m. 8, 16. dorf. Rot. *Alemannia* 12 E. 3. m. 10. & 13 E. 3. m. 12. Claus. 13 E. 3. dorf. 12, 13, 14, 35, 38. Rot. *Francia* Annis 16, 17, 18, 19, 20 E. 3. passim. Rot. *Scotia* 20 E. 3. m. 14. Rot. *Francia* 21 E. 3. m. 31. & 25 E. 3. m. 5, 20. Rot. *Scotia* 29 E. 3. m. 13. Rot. *Francia* 40 E. 3. m. 31. & 46 E. 3. m. 34. & 50 E. 3. m. 47. Rot. *Francia* An. 1 R. 2. pars 1. passim, & pars 2. m. 7, 9, 11. & Claus. 1 R. 2. m. 7, 12, 42. Rot. *Scotia* 7 R. 2. m. 8. Pat. 11 R. 2. dorf. 17, 28, 33, 36. Rot. *Francia* 11 R. 2. m. 13, 14. & alibi. Pat. 13 R. 2. pars 2. m. 12. Pat. 14 R. 2. pars 2. m. 28. Pat. 17 R. 2. pars 1. dorf. 21. Rot. *Scotia* 21 R. 2. m. 3, 4, &c. Rot. *Viagii* An. 1 H. 4. throughout, Claus. 1 H. 4. m. 12. Pat. 5 H. 4. pars 2. m. 18. Pat. 14 H. 4. dorf. 3, 4, 7, 12, 13. Pat. 3 H. 5. pars 2. m. 37. Pat. 13 H. 6. m. 10. Pat. 14 H. 6. pars 1. dorf. 4, 7, 15, 16. & pars 2. dorf. 14, to 20, 34. Pat. 39 H. 6. m. 1, 11, 12, 22. Pat. 10 E. 4. m. 12, 13. Pat. 22 E. 4. pars 2. m. 27. with sundry others in *Regulis Alemannia, Francia, Normannia, Scotia, Vasconia, Wallia*, the *Clause* and *Patent* Rolls of these successive Kings reigns, suitable to their Wars and emergent occasions.

Page 135. & 137. the Author hath these observable passages against *Non-obstantes*: *Without all question the Statutes of 13 R. 2. c. 3. 15 R. 2. c. 5. 2 H. 4. c. 11. being Statutes declaring the Jurisdiction of the Court of Admiralty, and wherein all the Subjects of the Realm have interest, cannot be dispenced with by any Non-obstante*; which he thus seconds in another case, p. 362. margin: *The words negative in the Statute of Precedency, An. 31 H. 8. c. 12. were added, that the order for Precedency set down in the Parliament, should not be altered by any Non-obstante.*

I shall fully concurre with the Author herein, had the *Admiralty* needed a *Non-obstante* to *license* or *dispense* with its holding plea of Contracts and things done beyond the Sea, against these Acts, being not included in, nor intended by them; and shall differ from him only in his mis-application to the Admiralty, being alwayes of his Judgement, that all *Non-obstantes* in *Patents, Charters, Licenses, or Dispensations* against Acts of Parliament, made by the Royal consent of the King, Lords and Commons with greatest care and advice, for the publick benefit of the Kingdom, Subjects, the advancement, encouragement of Trade, Merchandize, domestick Manufactures of all sorts, the prevention, suppression of Monopolies, Common Grievances, Nusances, or exemptions from publick Taxes for the necessary defence of the Realm, or support of the Government, imposed by Act of Parliament, and the like, are void in Law to all intents, and detestable publick Nusances.

First, Because they have been frequently so declared by sundry antient and modern Acts of Parliament, especially by the Statutes of 10 E. 3. c. 2, 3. 27 E. 3. c. 7. Of the Staple, 42 E. 3. c. 3, 7. 1 R. 2. c. 11. 14 R. 2. c. 10. 17 R. 2. c. 3, 5, 7. 1 H. 4. c. 13. 4 H. 4. c. 20, 32. 7 H. 4. c. 8, 9. 13 H. 4. c. 5. Rot. Parl. 1 H. 5. nu. 15, 22. 3 H. 5. c. 4. 3 H. 6. c. 4. 8 H. 6. c. 18, 21. 23 H. 6. c. 8. 27 H. 6. c. 2. 31 H. 6. c. 5. 1 H. 7. c. 2. 7 H. 8. c. 2. 21 H. 8. c. 13. 32 H. 8. c. 16. against *Aliens*, 33 H. 8. c. 7, 9. 34 H. 8. c. 27. 1 & 2 Phil. & Mar. c. 9. 2 Jac. c. 2. 21 Jac. c. 3, 9. & 19 Car. 2. c. 8. the last clause thereof is, *And be it further enacted by the Authority aforesaid, That no Letters Patents granted by the Kings Majesty, or any of his Royal Progenitors, or to be granted by his Majesty to any person or persons, Cities, Boroughs, or Towns Corporate within this Realm, of any manner of Liberties, Priviledges, or Exemptions from Subsidies, Tolls, Taxes, Assessments or Aids, shall be construed or taken to exempt any person or persons, City, Borough, or Town Corporate, or any the Inhabitants of the same, from the burthen and charge of any sum or sums of money granted by this Act, or any other Act of this Parliament now in force, to the aid and supply of his Majesty in the present War. And all NON-OBSTANTES in any such Letters Patents made or to be made in bar of any Act or Acts of*

Nota.

of Parliament, for the supply or assistance of his Majesty, are hereby declared to be void and of none effect, any such Letters Patents, Grants or Charters, or any clause of NON-OBSTANTE, or other matter or thing therein contained, or any Law or Statute to the contrary notwithstanding. Made and passed upon this ground of Law and Justice, *Qui sentis commadum sentire debet & onus*; and since all equally enjoy the benefit of publick protection, safety, defence, without exception, in times of War and danger, they ought to contribute equally towards it according to their Estates with others; else the rest shall be overburdened by their Exemptions, and the burthen of the whole Kingdoms safety and defence, by such Exemptions with *Non-obstantes*, may be imposed only upon some few, unable to support it.

2ly. Because such *Non-obstantes* are declared, adjudged void in Law, by King James his memorable Proclamation against *Monopolies*, 3 Jac. Maii 7. 1603. by Trin. 18 Eliz. f. 352. a. *Cook* & Reports, the *Princes* case, f. 29. b. & 127, 128. the case of the City of *London*, 10 Reports f. 113. b. *Legats* case, & 11 Reports f. 53. the *Taylor* of *Ipswich* case, & *Edward Darcies* case of *Monopolies*, 11 Reports f. 84, to 89. by the cases in Serjeant *Rolls* Abridgement, part 2. p. 164, 179, 180, 214. in *Hobards* Reports f. 75, 146, 214, 230. and Serjeant *Moore*s Reports f. 714. Seignior *Wentworth*s case.

3ly. Because if *Non-obstantes* might dispence with *Acts of Parliament* and *Penal Laws*, made with greatest deliberation and advice for publick good, by the King, Lords and Commons in the High Court of Parliament, then every *Projector*, *Monopolist*, *Engrosser*, *Regrator*, *Forestaller*, *Courtier*, by procuring Patents under the Great Seal with a *Non-obstante*, for their own private ends and lucre, might by this *Papal Engine* not only elude, frustrate, and in a great measure repeal all such *Acts of Parliament* at their pleasures, but in a manner subvert & blow up the Sovereign Power, Authority, Jurisdiction, Honour of Parliaments themselves, and render them contemptible, useles, unable to prevent or redress any publick Grievances or *Monopolies* by penal Laws enacted against them, though penned with never so great caution even against *Non-obstantes* to them: Upon which consideration I could never (in my humble opinion) believe the cases of 2 R. 3. f. 12. 2 H. 7. f. 6. *Fitzh.* Grants 33, & *Brook* Patents 15. & 109. to be good Law, nor * *several cases* since, grounded on them.

4ly. Because they were first introduced by Pope *Gregory* the 10. and afterwards made use of by him and his successors to the subversion of all Oaths, Laws, Justice, precedent Bulls, Priviledges, Exemptions granted by former Popes, and all humane faith, honesty, for filthy lucre sake and other finiter ends, yea complained of as such, and as publick insufferable grievances by the King and Nobles in Parliament; which because not fully related in any of our Law-books, (but only † *briefly hinted*) I shall here more largely insist on, to render *Non-obstantes* more detestable then now they are reputed.

The first *Non-obstante* I have yet observed publickly taken notice of and opposed in *England*, was that of Pope *Gregory* the 10. in the 24. year of King *Henry* 3. Anno Dom. 1240. Some Popes by their special Bulls having exempted the *Abbies* and *Monasteries* of the *Cistercian Order* from the payment of *Procurations* of any kind, yet this year, (as * *Matthew Paris* stories) *Otto Legatus*, (by a *Non-obstante* from this Pope) ut pecuniæ plus emungeret, apposuit & manum, ut à *Monachis* *Cisterciensis Ordinis* suæ avaritiæ satisfaceret, *Procuraciones* instantèr exigendo. Sed ipsi viriliter contradicendo, *Curiam Romanam* privilegiis suis inultentes, ut contra hanc impopitatem impetrarent, adierunt, literas eidem Legato sub hac forma impetrantes.

Gregorius Episcopus, &c. Legato *Otoni*, &c. Licet tibi, si benè meminis, nuper direxerimus scripta nostra, ut liceat tibi de *Monasteriis Cisterciensis Ordinis* *Procuraciones* exigere moderatas, indulgentia concessa eidem. *Divini NON OBSTANTE*. Quia tamen non est intentionis nostræ, nec credimus esse tua, ut contra ipsorum indulgentiam *Procuraciones* ab eis pecuniarias exigantur; mandamus, quatinus tibi regularibus contentus, absque esu carnium, cum ad eos accesseris,

* See *Dyer* f. 52. pl. 2. 54. pl. 17, 18. 224, 225. pl. 31, 35. 270. pl. 22. 303. pl. 18. *Plowd.* f. 503. a

† *Serjeant Rolls* Abridgement, part 2. p. 179. *Spelman*i *Glossarium*, Tit. *Non-obstantes*, p. 431.

a *Hist. Angliæ*, *Tigurini* 1589 p. 529.

accesseris, prout in prædictis indulgentiis continetur, Procuratores pecuniarias occasione literarum huiusmodi non patiaris exigi ab eisdem.

b Mat. Paris
Hist. Angl. p.
648.

^b Anno 1245. (29 H. 3.) the Embassadors of the King, Nobles and Universality of England, sent to the General Council of Lyons under Pope Innocent the 4th. wherein they exhibited before the Pope and whole Council their Letters and Complaints of many intollerable grievances and oppressions of the Realm and Church of England, by the Pope and his Legates, added this against *Non-obstantes*. *Addebant quoque iidem Nuncios prioribus, querimoniam gravent et seriam, videlicet, de violenta oppressione, intolerabili gravamine, et impudenti exactione, quæ per hanc invitam adjectionem, Papatibus literis frequenter insertam, NON OBSTANTE, &c. exercetur.*

c Mat. Paris, p.
675.

The very next year, ^c Anno 1246. (30 H. 3.) this Pope to give some satisfaction to the King, Nobles and Clergy of England, granted them by several Bulls seven seeming Priviledges to redress their grievances complained of. *Sed omnia hæc et alia, per hoc repagulum NON OBSTANTE infirmantur. Ubi ergo fides? Ubi iura, quæ scriptis solebant solvenda? EXULARUNT;* adds *Mat. Paris* (though a Monk) at the close of these Priviledges. Whereof the King, Prelates, Earls, Barons, and Great men of the Realm, (then assembled in a most general Parliament at *Westminster*) were so sensible, that they drew up several *Articles of Grievances* against the Popes *Exorbitances* and illegal Oppressions, which they sent to, and vehemently urged him to redress; whereof this was the fifth. ^d *Item* grabatur regnum Angliæ, ex multiplici adjectione illius infamis nuntii, NON OBSTANTE; per quem Juramenti religio, Consuetudines antiquæ, Scripturarum vigor, concessionum auctoritas, STATUTA, JURA ET PRIVILEGIA DEBILITANTUR ET EVANESCUNT. Strange it is then, that after two such publick complaints of the whole Kingdom and King in Parliament, to the Pope and a General Council, against *Non-obstantes*, as an intolerable grievance, and such a true detestable character of them, they should ever afterwards be used, countenanced, much more reputed, adjudged legal, and screwed up to such a transcendent Sovereign omnipotency, as to null, subvert and frustrate the religion, vigor, fruit of all former Oathes, Customs, Charters, Grants, Statutes, Laws, Priviledges; and since of Acts of Parliament.

d Mat. Paris
Anno 1246.
p. 677. Mat.
Parker Antiqu.
Eccles. Brit. p.
179. Spelmani
Glossarium,
P. 431.

The Pope notwithstanding these Complaints and Declarations against them, to exalt, evidence the plenitude of his usurped power, and justify his illegal exactions, rapines, was so far from recalling them, that this very year he sent his Bulls to the Bishop of *Norwich* and others, to demand and exact from the *English Churches* a Subsidie of 6000 Marks, and other Taxes, for his own use, with this detreitable *Non-obstante* inserted therein. ^e *Contradictores per censuram Ecclesiasticam appellatione postposita compescendo, indulgentia quacunque vel privilegio quolibet, aut constitutione de duobus diebus, in Generali Concilio edita, NON OBSTANTE.* Which coming to the Prelates and Nobles eares, *corda omnium audientium vehementer non immerito exturbavit.* *Partim eo quod Puncti Universitatis Angliæ super talibus gravaminibus in Concilio Lugdunensi conquesti fuerant. Et postea in Angliæ in Parlamento Regis, ubi congregata fuerat totius regni tam Cleri quam Militiæ generalis Universitas deliberatum fuerat, ut ob reverentiam Domini Papa adhuc nuntius totius illius Universitatis ad ipsum Papa presentiam destinaretur, ut manum correctionis talibus apponeret injuriis, non pondus oppressionis, &c. Hac igitur cum ad audientiam Regis pervenissent, in iram et indignationem exarduit vehementem; and by the advice of all his Prelates and Nobles in Parliament, sent Writs of Prohibitions to the Bishops and Clergy not to proceed in assessing or levying this Pappal Subsidie, under pain of seising all their Baronies and Temporalties in *England*. Yet notwithstanding, this very year ^f *assumens ex præteritis audaciam Dominum Papa miseris Anglos concalcandi, & concalcatos apporriandi, imperiosè & solido imperiosum Prælati Angliæ demandavit, ut in Angliæ omnes beneficiati in suis beneficiis residentiam facientes, tertiam partem bonorum suorum Domino Papa conferrent, non facientes residentiam dimidiam; multis adjectis durissimis conditionibus prædictum**

e Mat. Paris p.
686, 687. &
Mat. Paris Ad-
ditamenta, p.
359. See the
Second Tome
of my Exact
Chronological
Vindication, p.
694, 695, 696.

f Mat. Paris,
p. 694.

prædictum mandatum restringentibus, per illud verbum et adjectionem detestabile NON OBSTANTE, quæ omnem iusticiam extinguit præhabitam. Which the King being informed of, strictly inhibited the Clergy not to consent to this Exaction.

Hence Anno 1247. (31 H. 3.) as *Mat. Paris* observes; *Hac cum ad multorum audientiam per hoc, videlicet, quod tam frequens extortio pecunia violenta per Papam, & suos Legatos sophisticis facta est, nec prævaluerunt Sanctorum privilegia vel Indulgentiæ ipsos defendere, (against his Non-obstantes) formidabant vehementer, ne Principes & Magnates laici & seculares, qui, vel quorum prædecessores Ecclesiam fundaverant, dotaverant, & ditaverant; & sua ob hoc possessiones magna ex parte mutilarunt, & inde Chartas suas conficerunt, reciperent Ecclesiarum bona & possessiones, exemplo Papæ edocti, NON OBSTANTE talis vel talis Chartæ tenore; præsertim cum ex illis, contra fundatorum intentionem Papa, & sui, quos unti, Italici & alii alienigenæ, indigenæ esurientibus, saginantur.*

g *Mat. Paris*, p. 706. Timent Ecclesiastici sua bona amittere.

^a *Mat. Westminster* Anno 1250. (being the 34 H. 3.) enumerates this among the mirabilia et insolita novitates that hapned during the space of 50 years, from An. 1200. Privilegia Sanctorum Patrum Romanorum suo robore præstantur et auctoritate per hanc adjectionem, NON OBSTANTE, non sine eorum injuria et contemptu. Prohibentur, et postea pecunia interveniente, permittantur aliqui Papali dispensatione, sacri * Concilii Constitutione NON OBSTANTE, plures Ecclesias habere, et legitimantur spurii. This Papal Engine being a new device to subvert all Priviledges, Bulls, Canons, Decretals whatsoever of Popes and Councils, to gain monies to the Popes Exchequer.

b *Flores Hist.* pars 2. p. 244. *Mat. Paris* Hist. Angl. p. 778, 779.

* *Sec Pat.* 56 H. 3. m. 2. intus.

The same ⁱ Historian, though a Monk much devoted to the Pope, Anno 1251. (35 H. 3.) makes this the common complaint in that age against Popes *Non-obstantes*. Hæc detestabilis adjectio (NON OBSTANTE) enervat Sanctorum scripta et facta. Not long after,

i *Mat. Westm.* *Flores Hist.* p. 249.

^k Anno 1253. (37 H. 3.) *Robert Grossthead* Bishop of *Lincoln* passed this sentence upon Pope *Innocens* Letter and Bull fraught with *Non-obstantes*. *Non est prædicta litera tenor Apostolica Sanctitati consonus. Primo, quia de illius litera & ei consimilium longe iniquè dispersarum, superaccumulato NON OBSTANTE, nec ex legis naturalis observandæ necessitate inducitur, scaturit cataclismus inconstantia, audaciæ et procacitatis, inverecundiæ, mentiendi, fallendi, diffidenter alicui credendi, vel fidem adhibendi; et ex his consequentium viciorum, quorum non est numerus, Christianæ religionis puritatem et socialis conversationis hominum tranquillitatem commovens et perturbans. These were the execrable fruits, consequences of Popes *Non-obstantes* in that age, yea of most others of that kind since introduced.*

k *Mat. Paris*, p. 843.

^l *Rishanger* the Continuer of *Mat. Paris* his History, Anno 1256. (40 H. 3.) writing of King *Johns* Charter concerning the freedom of Ecclesiastical Elections, ratified by Pope *Innocens* Bull, and the new Provisions then made for the confirmation of *Magna Charta* and it, subjoyns; *Hac & alia Romam defendenda, salubriter à Summo Pontifice discutienda, providebantur. Sed quid judat? Hæc adjectio detestabilis (NON OBSTANTE) omnia infirmat. Prævaricatores, suffragones, & Magnatum adulatores pervertentes omnia, sinistrè interpretantur universa, &c. Et sic, proh dolor, per meticulosos rigor justitiæ, maxime in illa Curia, cernitur vacillare. I forbear its application to other Courts.*

l *Mat. Paris* Contin. p. 891, 892.

^m Pope *Alexander* the 3. Anno 1255. (39 H. 3.) sent his Bull to *Rustand* his Legate, to extort and collect a Disme from all the Clergy of *England*, *Scotland* and *Ireland*; NON OBSTANTIBUS aliquibus literis, indulgentiis prius directis, seu quacunque forma verborum, vel etiam causa, pro qua concessa sunt, vel omni quod interligi possit obstaculo. Soon after, Anno 1256. (40 H. 3.) he sent another Bull to *Rustand* to enforce sundry Bishops, Abbots, Priors to enter into several forged Obligations to his Merchants and Agents, for several great sums of money pretended to be borrowed by them from his Brokers, with this *Non-obstante* in them. *Contradictores & detentores hujusmodi per con-*

m *Clauf.* 40 H. 3. m. 16. dorso. *Mat. Paris* Contin. p. 884, 885, 904.

suram Ecclesiasticam, appellatione postposita compescenda, NON OBSTANTIBUS aliquibus literis Apostolicis vel indulgentiis, cuiuscunque tenoris existant, impetratis, vel impofterum impetrandis, per quas huiusmodi solutio impediti valeat vel differri. Such was his detestable impudence, avarice and injustice.

n Mat. Paris
p. 907.

The same year, *n Protervionibus Papalibus exactoribus Ecclesia S. Albani per 15 dies supposita est interdictio, non quia magnificis sit descripta privilegiis, sed quia hæc adjectio detestabilis, NON OBSTANTE, omnium Sanctorum Patrum enervat concessionem et annullat auctoritatem. Cessavit igitur à campanarum pulsatione, divinarumque celebratione Conventus, &c.* Such was the vigor of these impious Papal *Non-obstantes*.

o Mat. Paris
Contin. p.
937, 940.

- Anno 1258. (42 H. 3.) *Abbas Sancti Edmundi Regis & Martyris mozosa dilatione et sumptuosa in Curia Romana protraxit, rediit domum in debitis expensarum non minimis obligatus. Fratres insuper Minores, Abbate & Conventum reclamantibus sibi mansorem adificabant, Abbas tamen cum extitit nuper Romæ, impetraverat privilegium, Ne Fratres hoc aliquatenus attemptarent. Sed ipsi adjecta hæc clausula NON OBSTANTE, &c. omnia impetrata infirmabant. Unde hoc audientes Universi non poterant satis admirari, quod tam sancti viri, contempto Dei timore, et tam reverendi Martyris et hominum oblocutione, et privilegiorum et conservatorum tuitione, violenter illius nobilis Ecclesie statum perturbarent.* Which abuse and grievance these shameless, faithless, greedy Popes have continued in succeeding ages.

p Hist. Angl.
p. 757.

King Henry the 3. though he at first detested, oppugned these infamous detestable *Non-obstantes* in Popes Bulls, as the premises relate, yet at last he began to imitate them by degrees, contradicting, revoking his former Patents and Charters by new ones, with a *Non-obstante* to them, which he justified by the Popes example, as *P Mat. Paris* thus relates. Anno 1246. (30 H. 3.) *Dominus Rex (Henricus) contra Chartas antecessorum suorum, & eorum etiam qui ante Angl. Conquestum regnaverunt in eadem, in læsionem fidei suæ et juramenti primitivi Chartam confecit Abbati Westm. in dampnum & injuriam Ecclesie S. Albani manifestam, in Villa videlicet de Aldenham antiquissima. Et cum huiusmodi libri scriptor, frater scilicet Mathæus Parisiensis, Dominum Regem super his impertinenter redargueret, ut Rex, Ppône Papa facit similiter, subjungens in literis suis manifeste, NON OBSTANTE aliquo privilegio vel indulgentia? Verumtamen modestius*

Nota.

q Claus. 40 H.
3. m. 16. dorf.

loquens subjunxit. *Nunc, nunc, nos inde cogitabimus. Sed dictorum & Provisorum memoria cum fonte pertransivis.*

r Pat. 56 H. 3.
m. 2. intus.
See the Second
Tome of my
Exact Chrono-
logical Vindica-
tion, p. 1063.
s Mat. Paris p.
784:

This King as he inserted sundry Popes Bulls into his *Patents* for levying Dimes, Taxes, and granting Dispensations for *Pluralities* of Livings, against the Canons of several Councils, so Anno 1257. (35 H. 3.) *Dum placitum moveretur inter Episcopum Karleolen, Sylvestrum, & quendam Baronem, super quodam Manerio quod idem Baro predecessori dicti Episcopi Waltero venderat, & iterum illud voluit revocare, ipse Episcopus S. respondit per se prudenter, adversarius enim ejus, licet ejus presentes essent Procuratores, tunc in partibus agebat transmarinis. Impetravit igitur à Rege literas protectionis Regie, dum absens erat Baro memoratus, & sic laicus repatriavit. Pars autem adversa sub silentio commorans, cum elongaretur Episcopus impetravit à Rege literas, ut NON OBSTANTE priorè litera negotium Baronis nullam caperet dilationem. Quod factum fuisse non creditur sine uniuscuiusque capitulatione: Sparsumque jam tales literæ, in quibus inserta est hæc detestabilis adjectio, NON OBSTANTE priorè mandato, vel hæc, NON OBSTANTE aliqua libertate, procedat negotium, suscitabantur, &c. Quod cum comperisset, quidam vir discretus tunc Justitiarius, scilicet Rogerus de Thurkeby, ab alto ducens scilicet, de prædictæ adjectionis appositione dixit; Heu, heu, hoc ut quis dies expectabimus? ecce jam civilis Curia exemplo Ecclesiasticæ coinquinatur, et a sulphureo fonte (of Rome) ribulus intorquetur. This was the exclamation, censure of this eminent upright Judge against these detestable *Non-obstantes*, when they first began to be inserted into our Kings Patents, Protections, and to be pleaded in the Kings Courts to defile and intoxicate them with this corrupt sulphurous Papal poyson, derived to us*

Nota.

from

from the Court of Rome, the fountain from whence it issued.

Anno 1252. (36 H. 3.) *Magister Hospitalis Hierosolymitani in domo de Clerkenwelle in pace expectans donec tempus quietis idonea inveniret confabulandi cum Rege, de quadam manifesta injuria ipsi illata querulus patefecit. Chartas quoque regum & suam de protectione ostendit: Cui Rex verba elevata iratus respondit, praevis magno juramento. Vos Praelati & religiosi, maxime autem Templarii & Hospitalarii, tot habetis libertates & Chartas, quod superflua possessiones vos faciunt superbire, & superbientes insanire. Revocanda sunt igitur prudenter, quae imprudenter sunt concessa, et revocanda consulte, quae inconsulte sunt dispersa. Et addidit, Nonne Dominus Papa quandoque, imo multoties, factum suum revocat? Nonne opposito hoc repagulo NON OBSTANTE, Chartas cassat concessas? Sic et ego infringam hanc et alias Chartas quas praedecessores mei et ego temere concessimus. Cui Magister Hospitalis respondit alacriter vultu elevato; Quid est quod dicis Domine Rex? absit ut in ore tuo recitetur hoc verbum illepidum & absurdum. Quamdiu justitiam observas, Rex esse poteris; et quam cito hanc infregeris, Rex esse desines. And did not Popes likewise cease to be Popes upon the same account, by their unjust Non-obstantes?*

Mat. Paris p. 826, 827.

Nota:

By all which Passages it is most apparent, that *Non-obstantes* were first invented, introduced by Popes, between the year of our Lord 1200, and 1250. for the premised purposes, yea publicly and privately protested against, opposed, condemned as intollerable grievances from time to time, subverting all Oathes, Priviledges, Charters, Bulls, Laws, Canons, Councils, faith, truth, rules of Justice, honesty, Christianity: yet were they afterwards inserted by degrees into *Protections* and *Patents* in imitation of Popes Bulls by King Henry the 3d. only to revoke some indiscreet Grants or Priviledges; but not to elude, subvert, or dispense with any Penal Lawes or Acts of Parliament: for which end they were first introduced, and made use of, for ought I can find, by Abbots and other Religious persons after the *Statute of Mortmain*, An. 7 E. 1. to elude and frustrate that Act. The *Patent* and *Charter Rolls* in the *Tower* from 8 E. 1. and most succeeding Rolls till the *dissolution of Monasteries*, abounding, yea surfeiting with special Licenses to purchase, or hold Lands, Mannors, Rents, Advowsons, &c. given or purchased in *Mortmain* without precedent Licenses, *Statuto de terris et tenementis in manum mortuam non pendens NON OBSTANTE*: which rendered this Statute altogether uselesse, but only to gain money and Fines by such Licenses and Pardons with * *Non-obstantes*, and encrease the mischiefs intended to be redressed by this wholesome prudent publicke Law, the principal use for which they serve in most other cases: Therefore fit to be regulated, restrained within just bounds, by the advise of the Great Council of the Realm for the publick weal thereof, if not totally abolished.

* See My Assum Reginae, p. 24, 26, to 101. & Additional Appendix, p. 8, 10, 12, 13, 17. 40.

I shall cloze this Chapter concerning the Jurisdiction of *Admirals*, the Court of *Admiralty*, *Marine Lawes*, and Merchants affairs, by referring those who desire further satisfaction therein, to *Benedictinus Stracca, De Mercatura, De Nautis, Navibus & Navigationibus*; *Simon Scardius* his *Leges Navales Rhodiorum*; *William Welwod* (a Scot, Professor of the Civil Law) his *Abridgement of all Sea-Lawes*, London 1613. *Gerard Makines* his *Lex Mercatoria*; *Johannes Nider, De Contractibus Mercatorum, & Mercatorum Decisiones*; *Sieur de Popellennere* L'Admiral de France, Paris. 1585. *Ediſa Regum Franciae*, l. 3. cap. 5. & Tom. 3. Tit. 2. *Renanus Choppinus, de Domino Franciae*, Paris 1588. l. 1. Tit. 15. Sect. 13. *Julius Ferretus, De Re Nautica*, 1589. *Henricus Ranzovius, Commentarius Bellicus*, lib. 5. throughout, *Francofurti* 1595. *Thomas Bonchison, Ms. de Officio Admiralitatis Angliae*, *Henrici Spelmanii Glossarium*, Tit. *Admiratus*; *Mr. John Selden* his *Mare Clausum*, London 1635. *Dr. Ridley* his *View of the Civil and Ecclesiastical Law*, Part 3. c. 1. sect. 3. and *Dr. Godolphin* his *Treatise of the Admiralty*.

added to the *Maritima Dicitur oblige* Cap.

Cap. 25. p. 148. *The Power and Authority of Commissioners and others for maintaining and erecting of BEACONS, and concerning WATCHES.*

SOME Deputy *Lichtenants* of *Counties* bordering on the Sea-coasts during the late Wars with the *Dutch* and *French* desiring me to furnish them with *Presidents* concerning the erection of *Beacons*, keeping *Watches*, *Guards* on the *Sea-coasts*, and drawing forces thither to resist the *Enemies* landing in times of *War* or feared *Invasions*, I furnished them with these following *Records*, some where of the *Author* hath only pointed at and misquoted, p. 149, 151. which because they may prove usefull in future times, I thought fit here to insert at large in their proper dialect, out of the *Rolls* themselves in the *Tower*, in their *Chronological Order*.

The first president I have observed is in *Rotulo Scotia*, Anno 10 E. 3. m. 22. & 25. intus, & dorso 15.

Rot. Scotiæ,
An. 10 E. 3.
m. 15. dorso.
De signo faci-
end. & terra
Maritima cul-
todiend. sicut
alias.

R EX dilecto & fideli suo *Hugoni de Courteney Comiti Devon.* salutem. Cum nuper per *Literas nostras* patentes assignaverimus vos & dilectum & fidelem nostrum *Philippum de Columbariis* conjunctim & divisim ad custodiendum & custodiri faciendum omnes *Portus* & *litora maris* in quibus *naves* applicant vel applicare poterunt, & omnem *terram maritimam* in *Com. Devon.* tam infra *Libertates* quam extra, & ad resistend. omnibus qui contra nos per *terram* vel per *mare* armata *potencia* venerint, vel *Regnum nostrum* invadere voluerint in *locis* supradictis, vobisque aliis mandaverimus, quod aliquod commune *Signum* per ignem super *montes*, vel alio modo in *Com. prædicto*, prout melius fore videritis faciend. et alias in hujusmodi casu fieri * consuevit, fieri faceretis, per quod patria congruo tempore si hujusmodi periculum immineret, posset præmuniri. Nos pro eo quod jam relatu dedicimus, nonnullorum, quod quamplures *Galez* cum magna *multitudine* *Armatorum* in partibus *transmarinis* existunt, ad divertend. se ad partes *Scotie* in succursum *hostium nostrorum* ibidem, vel ad invadend. *hostiliter* *regnum nostrum*: Volentes præmissa *vigilanciam* quo poterant maxime nobis in eisdem partibus *Scotie* pro defensione *Regni nostri*, & dictorum *hostium nostrorum* repulsatione agentibus adimpleri, vobis mandamus, quod consideratis periculis antedictis * *Signum prædictum* si nondum in *Com. prædicto* factum sit, necnon dictam *custodiam* cum omni festinatione quibus poteritis fieri fac. juxta tenorem *Literarum* et *mandati nostri prædictorum*: Talem & tantam *diligentiam* circa præmissa apponentes, ne pro vestri tepiditate in hac parte nobis seu *Regno nostro* periculum, quod absit, immineat quoquo modo, per quod ad vos *materiam* habeamus graviter capiendi: Et de novis *pœnes* vos emergentibus cum emerferint, necnon de toto facto vestro in hac parte de tempore in tempus nobis sub sigillo vestro significetis. Teste Rege apud *Villam de Sancto Johanne*, 18 die *Augusti*.

* Therefore
Beacons were
in use long
before this.

* To wit, a
Beacon.

Per Consilium.

The first Commission to *Courteney Earl of Devon*, mentioned in the premised *Writ*, * bears *Teste Rege apud Westm. 6 die Maii*. The *Alias* to him therein mentioned is, *Teste Rege apud Wodestok 1. die Junii, Per ipsum Regem & Consilium*.

* Rot. Scotiæ
10 E. 3. m. 12.
& 25. intus.
De Comuni
Signo faciend.
si factum non
fuerint.

Page 149. l. 3, 4. *Margin*, there is nothing in *Rot. Vasconia* 10 E. 3. to this purpose, there quoted by the *Author*.

The next *Presidents* I have observed, are these issuing An. 26 E. 3. not mentioned by the *Author*.

R E X

REX dilecto Consanguineo & fideli suo *Henrico Duci Lancast.* salutem. Quia sicut se habet vulgaris opinio, Adversarii nostri *Francia* nos & regnum nostrum *Anglia* invadere machinantes, magnum Navigium parari fecerunt & armari, nedum ad dictum Regnum nostrum *Anglia* sibi attrahend. sed ad nos & Dominium nostrum & totam Nationem *Anglicanam* pro viribus subvertend. & destruend. Nos considerantes, omnes incolas dicti Regni cuiuscumque conditionis extiterint cum verteretur commune periculum teneri de jure pro patria pugnare, et eam contra hostiles aggressus defendere: ac volentes dampnis et periculis quæ ex huiusmodi hostium incurribus evenire poterunt obviare, et saluationi et defensionem dicti Regni nostri, prout conuenit, prohibere: Vobis mandamus, quod omnes portus & litora maris in quibus naves applicant, vel applicare poterunt, & omnem terram maritimam in dicto Ducatu *Lancast.* salvo custodiri, & omnes & singulos qui contra nos per terram vel per mare infra dictum Ducatum, vel in costeris maritimis eidem adjacentibus venerint expugnari, destrui, capi, & arestari, et etiam omnes homines defensabiles, tam Milites et Armigeros quam alios quoscumque de Ducatu prædicto, cuiuscumque status seu conditionis fuerint arraiari, et eos, videlicet quemlibet eorum iuxta statum et facultates suas equitaturis et armis competentibus muniti, et eosdem equites in Constabulariis, et pedites in centenariis et vintenis ponti, et eos contra dictos hostes nostros si dictum Regnum nostrum ingredi præsumpserint, ad ipsorum hostium malitiam reprimend. et repulsand. duci, et signa consueta vocata *BEKNES*, per ignem super montes vel alia loca aptiora, per quæ homines Ducatus prædicti, si periculum aliquod ex huiusmodi hostium aggressibus imminet, leuius et citius præmuniti poterunt faciatis, prout pro maiori saluatione et defensione partium prædictarum videritis expedire. Et hoc sicut nos & honorem nostrum, ac saluationem & defensionem dicti Regni nostri diligitis, modis omnibus faciatis. Teste Rege apud *Westm.* 14 die Junii.

Rotulus Francie de Anno 26 E. 3. m. 5.

Nota.

Per ipsum Regem.

Consimilia Brevia diriguntur subscriptis sub eadem data, videlicet,
Tho. Episcopo Dunelm.
Edwardo Principi Wallie, Comiti Cornub. & Comiti Cestr.

REX Vicecomiti *Kanc.* salutem. Quia, &c. ut supra, usque ibi providere; *Rot. Francie 26 E. 3. m. 5.*
 & tunc sic. Tibi præcipimus firmiter injungentes, quod in singulis locis in Balliva tua ubi expedire videris, tam infra libertates quam extra publicè proclamari facias, quod omnes homines tam Milites & Armigeri quam alii quicumque de Comitatu prædicto ad laborand. potentes, cuiuscumque status seu conditionis fuerint, sub forisfactura omnium quæ nobis forisfacere poterant, videlicet, quilibet eorum iuxta statum et facultates suas & equitaturis et armis competentibus cum omni celeritate parari et muniti faciant. Ita quod prompti sint & parati ad proficiscend. nobiscum, seu cum aliis fidelibus nostris quos Ducatores eorumdem assignaverimus, contra dictos hostes nostros si dictum Regnum nostrum ingredi præsumpserint, ad ipsorum hostium malitiam cum Dei adjutorio reprimend. & propulsand. quociens necesse fuerit, & super hoc ex parte nostra vel fidelium nostrorum prædictorum fuerint præmuniti; Et super montes ac assibi in Com. prædicto ubi expedire videris, aliqua signa consueta vocata *BEKNES*, per ignem, per quæ homines Comitatus prædicti, si periculum aliquod ex huiusmodi hostium aggressibus imminet, leuius et citius præmuniti poterant, et dictorum hostium malicia si ad partes illas dechnaberint per attentionem et inflammationem Signorum prædictorum per homines partium prædictarum coadunatis viribus refræuari, fieri et ponti factas; & dilectis & fidelibus nostris *Willielmo Comiti Huntingdon, & Bartholomæo de Burghers* Constabulario nostro Castri *Dovorr.* & eorum Deputatis, ac eorum cuiuslibet quos Custodes terræ maritimæ in Com. prædicto, & ad omnes homines eiusdem Com. defensabiles arraiand. & eos contra dictos hostes nostros si ingredi præsumpserint

sumpserint partes illas, ad ipsos hostes expugnand. & destruend. docend. intendens his consulens & auxilians, & totum posse dicti Com. coram eisdem Comite & Bartholomao, & Deputatis ab eis ac eorum quolibet, quociens & prout ipsi vel eorum aliquis tibi scire fecerint vel fecerit, ex parte nostra venire facias, & omnes illos quos iidem Comes & Bartholomao & Deputati sui, aut eorum aliquis, propter contrarietatem vel rebellionem suam arestaverint vel arestaverit, ab eis & eorum quolibet recipias, & in prisona nostra salvo custodiri facias, quousque de punitione eorundem aliter duxerimus ordinand. Et hoc sub forisfactura prædicta nullatenus omittas. Teste ut supra.

Consimilia Brevia diriguntur singulis Vicecomitibus in quorum Com. Custodes terræ maritimæ assignentur sub eadem data.

Ibid. dorf. 12.
Pro hominibus
de Insula Ve-
sta arraiand.
& signis faci-
end.

REX dilecto sibi in Christo Abbati de *Quarvera* Custodi *Insula Vesta*, salutem. Quia, ut accepimus, Adversarii nostri de *Francia* congregata eis magna Armatorum potentia, se parant in quantum poterunt cum Navibus & Galeis ad invadend. Regnum nostrum *Anglia*, et præsertim dictam *Insulam*, et Nos et nostros tam per terram quam per mare destruend. Nos volentes ipsorum malitiæ obviare, et salvationi et defensionem Regni nostri circumquaque providere; Vobis mandamus firmiter injungentes, quod omnes homines defensabiles in eadem *Insula*, si nondum arraiati fuerint, sine dilatione arraiari et armis competentibus muniti, et in arraiatione hujusmodi teneri, et aliquod signum commune per ignem super montes, vel alio modo in *Insula* prædicta, ubi et quociens, et prout opus fuerit, et melius expedire videritis, ut alias in casu consimili fieri consuebit, fieri fac. per quod homines *Insula* prædictæ, si periculum aliquod ex hujusmodi hostium aggressibus immineat, poterunt congruo termino præmuniri, et dictorum hostium malicia, si ad partes illas declinaverint, per hujusmodi Illuminationem et præmunitionem per homines partium prædictarum coadunatis viribus refrenari. Et hoc nullatenus omittatis. Teste Rege apud *Westmonaster*. 6 die *Martii*.

Per ipsum Regem & Consilium.

In the *Clause Roll* of An. 1 R. 2. I finde these Ordinances made and sent by the King, by advise of his Counsil, to the Sheriffs of *Kent* and *Essex*, for defence of those Counties against the enemies, and erecting of *Bekens*.

Claus. 1 R. 2.
m. 42. De
ordinatione
facta pro de-
fensione Com.
Kanc. & *Essex*.

REX Vic. *Kanc.* salutem. Mittimus tibi præsentibus interclusam quandam Cedula continentem Ordinationem de avisamento Consilii nostri pro salvatione villarum super costera aquæ *Thamis.* et parcium adjacentium, ac navigii in aqua prædicta, factam. Mandantes firmiter et præcipientes, sub forisfactura omnium quæ nobis forisfacere poteris, quod inspecta eadem Cedula, diligenter executionem ordinationis prædictæ cum omni sollicitudine et celeritate facias, et per alios fieri facias juxta tenorem Cedula supra prædictæ. Teste Rege apud *Westm.* 7 die *Julii*.

Per ipsum Regem & Consilium.

Consimile breve dirigitur Vic. *Essex.* sub eadem data.

Ordinatio inde sequitur in hæc verba,

*Ordinance pur sauvacon des pais de Kent & Dessex, & nomement pur les villes esteantz sur la Ryvere de Thamyse, pur periles qe soudainement leur parroit avenir pur noz enemys come dieux descende, & auxi pur la sauvacon de la *Navye esteant es portz du dit River.*

* Nota.

Primes, soit ordaine al Isle de Shepeye un *Beken*, & a Shoubery en *Essex* un autre *Beken*. Item, a Hoo en *Kent* un *Beken*, & a Fobbing en *Essex* un autre *Beken*. Item, a Cleve en *Kent* un *Beken*, & a Tilbery en *Essex* un autre *Beken*. Item, a Gravesend en *Kent* un *Beken*, & a Farnedon en *Essex* un autre *Beken*.

Item, qe par especial mandement de per nostre tresredoute Seigneur le Roy soient chargez as *Viscountz*, *Conestables*, & autres *Ministres* es avantsdites parties de *Kent* & *Dessex*, que touz les dites *Bekens* soient hastivement et cobenablement

as lieux abantnomez appareillez et parfaitz, pur sauuation des pays abantdies, et pur la dite Baye.

Item, qe tantost qe les dites Bekenes soient faictes, qils soient bien & couvenablement veillez, sibien de jour come de nuyt sanz fault.

Item, qe les veillours qe pur le temps seront as dites Bekenes, et nomelement as Bekenes de Shepeye, et Shoubery, soient de temps en temps garniz et chargez, qe auri tost qils purred espier aucunes bestes d'ennemys venantz obestrel on ozes devers la dite Bayere, qe tost les ditz deux Bekenes de Shepey et Shoubery soient mys a fire, enesantz obestrel ce toute la noisse de cozn et de cri qils purred faire, pur garnir la pais environ pur venir obe leur force au dite Bayere, chescun en secours d'alters pur contester leur ennems.

Item, que les pais abantdies soient garniz et amonestez sur grebouse peine que tantost qils veient les dites Bekenes, ou les unes de euz mys a fyw, ou qils ozent la noisse de cozn ou de cri, qils baignent prestment de leur meillour arrais d'armes tanque au dit Bayere, pur sauver sibien les villes esteantz sur ycel, come la * Baye esteant es portz, sanz damage de nos ennems.

* Nota.

In the Parliament of 21 R. 2. cap. 18. there was an imposition layd on every Ship and Vessel that came into the Port of *Paradise* at *Caley* towards the repairing and strengthening of the said Port, and of the *BEKINS* before the said Port.

In the Parliament of Anno 5 H. 4. this *Commission of Array*, and for the King *Bekens* was amended, agreed unto and settled for the future, by the content of the Commons themselves.

Item, touchant la Commission de Larrais, pur les plusieurs forfaitures et autres diverses clauses et paroles compzises en ycelle, qe feurent trop grebouses, damageuses et perilouses pur les Comissioners nomez en mesme la Commission es diverses Countees Dengleterre, dont la copie feust liberee as ditz Communes pur ent estre adhibez, et de la corriger selonc leur ententions, mesmes les Communes eue sur ceo deliberacion et adbis, firent canceller certaines clauses et paroles compzises en ycelles, et pferent au Roy, qe desore enabant nulle Commission de larrais issiroit autrement, ne autres paroles qe n'est contenuz en la dite Copie. Et, qe nul des ditz Comissioners, leur Heires, Executoz ou terre tenantz par cause d'aucunes forfaitures ou peynes, ou aucunes autres choses compzises en la dite Commission soit ou soient desore aucunement molestez, grebez, endamagiez ou empeschez en aucun tempz advenir. Quelle pfer nostre dit Seigneur le Roy de ladvis de Seigneurs, eue sur ceo communicacion obestrel les Jugges du Royalme, molt graciousement ottroia en Parliament. De quelle Copie le rennure sensuite en cestes paroles. *J. Rex, &c. dilectis et fidelibus suis Thome Sakvill, Johanni Castellon, Johanni Reynes, Johanni Tiryngham, Richardo Darches, Willielmo Molyns, Johanni Boys, Edmundo Hampden, Simoni Darches, Rogero Dayrell, Rogero Chryne, Edmundo Brudnell, Johanni Barton seniori, et Ricardo Wyat, ac Vic. nostro Bnks salutem. Sciatis, quod cum quidam inimici nostri Regnum nostrum Angl. cum posse non modico, presentibus Treugis non obstantibus, jam tarde hostiliter ingressi fuerunt, et in diversis partibus ejusdem regni combusserint: Nos malicia hujusmodi inimicorum nostrorum, si regnum nostrum predictum iterato inbadere presumpserint, quod absit, gratia nobis favente divina, resistere, ac pro salvacione et defensione nostri ac regni predicti, ac ligozorum nostrorum ejusdem disponere et ordinare, ut tenemur; Assignavimus vos conjunctim & divisim ad armand, & triand, omnes & singulos homines ad arma, ac homines armatos & sagittarios in Com. predicto commorantes, infra libertates & extra, & ad armari faciend, omnes illos qui de corpore sunt potentes & habiles ad armand, qui de suo proprio habent unde seipos armare possunt, videlicet, quilibet eozum juxta statum et facultates suas, et ad assidend, et appozcionand, juxta abisamentum et discretiones vestras, ac etiam ad distringend, omnes illos qui in terris et bonis sunt parentes, et pro*

Rot. Parl. An.
5 H. 4. nu. 24.
Touchant la
Commission
de larrais.
See An Exact
Collection of
all Remon-
strances, &c.
P. 395, 396,
397, &c. 387,
388, 389, &c.
to 443.

debilitate corporum ad laborandum. impotentes, ad imbecillitatem. iuxta quantitatem terrarum et bonorum suorum, et prout rationabiliter postulare poterunt, salva statu suo, armaturas hominibus ad arma et hominibus armatis, ac arcus et sagittas; Ita quod illi qui morabantur seu morari poterunt ad domum suam propriam in patria sua, super defensione ejusdem regni contra inimicos nostros si periculum ebeat, non capiant badia nec expensas pro mora sua apud domos suas predictas: Et ad dictos homines ad arma, ac homines armatos et sagittarios sic arraiatos et munitos continue in arraiatione, et in militis, contentis et hincis, et alias prout convenienter fuerit et necesse, teneri et poni faciend. et eos tam ad costeram Paris quam alia loca, ubi et quoties necesse fuerit ad dict. inimicos nostros expellend. debelland. et destruend. de tempore in tempus, cum aliquod periculum imminet mandand. et injungend. Et ad monstrum sive ad monstracionem eorundem hominum ad arma, ac hominum armatorum et sagittariorum de tempore in tempus quoties indigerit diligenter faciend. et superbidend. ac etiam ad proclamand. ordinand. et diligenter examinand. quod omnes et singuli hujusmodi homines ad arma et homines armati et sagittarii in monstris hujusmodi armaturis suis propriis et non alienis armentur, sub poena amissionis earundem; exceptis duntaxat illis qui ad expensas aliorum armari debent, ut predictum est. Et ad omnes & singulos quos in hac parte inveneritis contrarios seu rebelles arrestand. & capiend. & eos in prisonis nostris committend. in eisdem moratur. quousque pro eorum punitione aliter duximus ordinand. Et ideo vobis & cuilibet vestrum districtius quo possumus, super fide & ligeantia quibus nobis tenemini injungimus & mandamus, quod statim visis presentibus vos ipsos melius et securius quo poteritis arraiari & parari, & coram vobis ad certos dies et loca quos videritis magis competentes et expedientes, & pro populo nostro minus damnosos, omnes homines in patria commorantes per quos arraiacio & munitio hujusmodi melius fieri & compleri poterunt, venire & vocari fac. & eos arraiari, armari & muniri; et eos sic arraiatos & munitos in arraiacione hujusmodi teneri fac. Et insuper signa, vocata *BEKINS*, poni fac. in locis consuetis, per quae patria de adventu inimicorum nostrorum poterunt congruis temporibus praemuniri; et eisdem homines sic arraiatos et munitos cum periculum imminuerit in defensionem regni et patriae predictorum de tempore in tempus, tam ad costeram Paris, quam alia loca ubi necesse fuerit duci fac. Ita quod pro defectu defensionis, arraiacionis, sive ductionis dictorum hominum, vel per negligentiam vestram dampna patriae predictae per inimicos nostros amodo non ebeat ulli modo pro posse vestro. Damus autem universis & singulis Comitibus, Baronibus, Militibus, Majoribus, Ballivis, Constabular. Ministris, et aliis fidelibus et ligeis nostris Com. predicti, tam infra libertates quam extra, tenore presentium firmiter in mandatis, quod vobis et cuilibet vestrum in omnibus & singulis praemissis faciend. & explend. intendentes sint, consulentes & auxiliantes. Et tibi praefato Vic. quod ad certos dies & loca quos ad hoc ordinaveritis, venire fac. coram vobis omnes illos in Com. predicto, per quos arraiacio, affectio & ordinatio melius poterint fieri & compleri, & illos quos pro rebellionem sua capi & arrestari contigerit, in prisona nostra custodias, sicut predictum est. In cujus rei, &c. T. R. apud *Westm.* 20 die *Octobris*.

Nota.

See the Statute of 5 H. 4. c. 3. concerning *Watches* on the Sea-coasts, and Rot. Parl. 5 H. 4. num. 6.

Anno 8 H. 4. the King issued these Proclamations to the Sheriff of *Kent*, for keeping *Watches* and *Wards* against the Enemies on the Sea-coasts, where *Bekins* were formerly erected and watched.

Claus. 8 H. 4.
m. 10. dorlo.
De Proclamatione
facienda.

REX Vic. *Canc.* salutem. Quia datum est nobis intelligi quod duae *Wardae*, una videlicet vocata magna *Warda*, et alia vocata parva *Warda*, apud *Willelmum de Lyde* quae super costera *Paris de Dingmarsh* situatur, per homines septem *Hundredorum Com.* tui ad cultus suos proprios pro salvacione *Willelmi* predictae

prædictæ et patriæ adjacentis contra invasiones inimicorum nostrorum, & qui regnum nostrum ibidem ingredi præsumperint, inveniendi debent, et a tempore cujus contraria memoria non existit inveniendi consueverunt, quodque Wardæ prædictæ per homines prædictos in præsentī guerra ibidem minime inveniuntur, per quod diversa dampna diversis ligis nostris prope ceteras prædictas commoventibus per inimicos nostros prædictos evenerunt, et majora dampna et pericula de cætero verisimiliter evenient, nisi Wardæ prædictæ per prædictos homines Hundredorum prædictorum inveniuntur, ut solebant; Nos dampna et periculis quæ nobis et regno nostro, ac ligis nostris prædictis in hac parte de facile possunt evenire præcabere volentes, ut tenemur; Tibi præcipimus firmiter insurgentes, quod statim his præsentibus, in singulis locis Hundredorum prædictorum ubi melius expedire videris, ex parte nostra publice proclamari fac. quod prædicti homines Hundredorum prædictorum hujusmodi Wardas super ceteras prædictas inveniunt, prout debent, et prout hujusmodi Wardas ibidem ante hac tempora rationabiliter inveniunt consueverunt. Quodque iidem homines Hundredorum prædictorum taliter se habeant in hac parte, ne per ipsorum defectum seu negligentiam dampnum vel malum aliquod nobis seu regno nostro prædicto, aut ligis nostris prædictis per hujusmodi inimicos nostros de cætero eveniat quobis modo, sub periculo quod incumbit. T. Rege apud Westm. 17 die Maii.

REX Vic. Canc. salutem. Quia datum est nobis intelligi, quod diversi ligei nostri Hundredorum de *Larkfeld, Filbarewe Street, Newchurch & Werche* in Com. prædicto quadam vigilia et Custodias apud quendam locum vocatur *Bredhill*, juxta mare in partibus *Romney-marsh*, pro salvacione et defensionis partium prædictarum contra subitos insultus et invasiones inimicorum nostrorum temporibus retroactis instanti guerra facere consueverunt, et adhuc teneantur: Nos salvacioni et defensionis partium prædictarum, ne dampnum seu periculum aliquod, præsertim his guerrarum temporibus, pro defectu hujusmodi vigiliarum et Custodiarum, quod absit, aliquo modo eveniat prospicere volentes, ut tenemur; Tibi præcipimus firmiter insurgentes, quod in singulis locis infra Hundreda prædicta ubi magis expedire videris publice proclamari fac. quod omnes et singuli ligei nostri prædicti qui vigilia et Custodias prædictas de jure facere debent et tenentur, et vigilia et custodias illas apud locum prædictum, prout de jure et ab antiquo fieri consueverunt instanti guerra, sub incumbenti periculo fac. indilate. Et hoc nullatenus omittas. T. R. apud Westm. 18 die April.

Clauſ. 8 H. 4.
m. 8. dorſo.
De proclamacione.

Anno 28. H. 6. I find this Patent issued for mustring, arming men, exercising *Bekyns*, and keeping Warches on the Sea-coasts of *Kens* against the Enemies.

REX dilecto & fideli suo *Johanni Cheyne* Mil. ac dilectis sibi *Willielmo Haute, Gervasio Clyfson, Willielmo Mansson, Johanni Pympe, Johanne Scotte, Roberto Horne, Ricardo Bammere, Johanne Warrnet, Johanne Fogge, Ricardo Bryjn, Willielmo Hexstall, & Willielmo Darell*, salutem. Sciatis, quod in resistentiâ quorundam inimicorum nostrorum qui fideles ligeos nostros sæpius hostiliter invadunt & fatigant; Assignavimus vos conjunctim & divisim ad omnes & singulos homines ad arma, ac alios homines defensabiles, tam Hobelarios quam Sagittarios infra Com. *Kent*. commorantes arraiand. et triand. & eos sic arraiatos continuè in arraiatione hujusmodi, et in Millenis, Centenis & Vintenis, ac aliter prout conveniens & necesse fuerit teneri & poni faciend. Ac etiam ad monstrum sive monstracionem eorundem hominum ad Arma, Hobeliorum & Sagittariorum de tempore in tempus cum opus fuerit diligenter faciend. & supervidend. Et ideo vobis & cuilibet vestrum districtius quod possumus injungimus et mandamus, quod statim visis præsentibus vos ipsos armari et arraiari, ac omnes & singulos homines Com. prædicti defensabiles et ad laborandum potentes coram vobis venire, et eos juxta gradus et facultates suos arraiari, armari

Pat. 28 H. 6.
pars 2. m. 21.
dorſo De
Monstro, sive
monstracione
facienda & su-
pervidenda.

mati & muniri, ac eos sic arraiatos, armatos & munitos in arraiatione hujusmodi teneri faciatis: Et insuper signa vocata *BEKINS* in locis infra eundem Com. consuetis et magis convenientibus, per quæ gentes de adventu inimicorum prædictorum congruis temporibus poterunt præmuniri, poni, et homines prædictos in forma prædicta arraiatos, armatos et munitos, in resistentiam eorundem inimicorum, et defensionem propriam ibidem duci faciatis; ac omnes et singulos qui vigiliis pro salvatione patriæ ac ligearum nostrorum ibidem temporibus retroactis ex debito et consuetudine facere solebant, et tenentur, et hujusmodi vigiliis horis et locis competentibus prout facere debent et solebant, in præfati necessitate facere compellatis, sic quod in vestri defectum seu negligentiam dampna seu pericula fidelibus nostris ob metum inimicorum prædictorum amodo non eveniant quovismodo. Damus autem universis & singulis ligis nostris Com. prædicti tenore præsentium firmiter in mandatis, quod vobis & cuilibet vestrum in executione præmissorum intendentes sint, consulentes & obedientes in omnibus, prout decet. In cujus, &c. T. R. apud *Westm.* 24. die *Aprilis*.

Ibidem, De
arraiatione.

REX carissimo Consanguineo suo *Johanni Comiti Oxon.* ac dilectis sibi *Willelmo Telverton, Miloni Staylton Mil. Johanni Ferrers, Johanni Berwyse Armigero, Johanni Paston Ar. Johanni Damme, et Willelmo Haynors,* salutem. Quia ut veraciter informamur nonnulli adversarii et inimici nostri diversas partes regni nostri *Angl.* ad mala quæ poterunt nobis et ligis nostris, et præcipue hiis qui costeris *Paris* propinquo fuerint inferendi, ingredi indies se præsumunt: Nos pro congruo & festino remedio in salvacionem et defensionem regni nostri prædicti, ac præventionem inimicorum et aduersariorum nostrorum prædictorum prohibere volentes; Assignavimus vos, &c. ut supra. Teste Rege apud *Westm.* 15 die *Junii*.

The like Commissions I find issued to the Sheriff of *Kent* and others, An. 1 E. 4.

Pat. 1 E. 4. pars
2. m. 3 dorso.
Pro signis vocat.
Bekenes ponend.

REX dilectis et fidelibus suis *Johanni Fogge Mil. Johanne Scotte Mil. Willelmo Peceke Mil. Johanni Gyldesford, Willelmo Haute juniori, Johanni Brigs, Johanni Oxenden, Thoma St. Nicholas, Roberto Martyn, Johanni Bamme, Richardo Culpoper, Johanni Rowt,* ac Vic. nostro *Cane.* salutem. Sciatis quod nos certitudinaliter variis modis informamur, quod diversi inimici nostri in numero non modico ad invicem confederati regnum nostrum *Angl.* in diversis partibus ejusdem in prox. invadere proponunt, ad mala quæ poterunt nobis et subditis nostris ejusdem regni pro viribus inferendi. Nos pro salvacione dicti regni nostri ac subditorum nostrorum prædictorum contra maliciam inimicorum nostrorum prædictorum meliori et tutiori modo quo possumus prospicere affectantes, ac de fidelitatibus et circumspectionibus vestris plenius confidentes; assignavimus vos conjunctim et divisim ad signa vocata *BEKENES*, in locis infra eundem Com. consuetis et magis convenientibus, per quæ gentes de adventu inimicorum prædictorum congruis temporibus poterunt præmuniri, poni. Ac omnes & singulos qui vigiliis & Wardas super costeras Maris pro salvacione patriæ ac ligearum nostrorum ibidem temporibus retroactis ex debito et consuetudine facere solebant et tenentur, hujusmodi vigiliis et Wardas horis et locis competentibus, prout facere debent et solebant in præfati necessitate facere compellatis; Et si quos vobis in hac parte inveneritis contravenientes, tunc eos arrestari et capi, et in prisonibus nostris quousque sufficientem securitatem coram vobis seu aliquo vestrum invenirent ad vigiliis & Wardas hujusmodi, prout eos custodire debent custodiendi, custodiri, vel coram nobis et Consilio nostro duci fac. ad faciend. et recipiend. quod de eis contigerit ordinari; sic quod in vestri defectum vel negligentiam dampna seu pericula fidelibus nostris per præfatos inimicos nostros amodo non eveniant quovis modo. Et ideo vobis et cuilibet vestrum mandamus, quod circa præmissa diligenter intendatis, et ea fac. et exequamini in forma prædicta. Damus autem universis

et

et singulis legibus et subditis nostris Com. prædicti tenore præsentium firmiter in mandatis, quod vobis et cuilibet vestrum in executione præmissorum intendentes sint et consulentes in omnibus, prout decet. In cujus, &c. T.R. apud Westm. 6 die Augusti.

* Pat. 1 H. 7. pars 3. in the Rolls, a Writ issued to the Sheriffs of *Norfolke* and *Suffolk* to proclaim in all parts of those Counties, for that there was like to be open Wars between *Charles* King of *France*, and the King of the *Romans*, and great Navies prepared by either side, that therefore *Watches* and *Wards* should be diligently kept, and *Beacons* erected and watched, and that every man should be warned if need be, to come and defend the Kingdom. See likewise 11 H. 7. cap. 16. for *Watches* at *Calcey*.

* See Judge Crooks Argument of Mr. Hampdens case, p. 98.

I pretermit all other Records and Writs of this kinde running in the selfsame form and words: See Claus. 17 H. 3. dor. 7, 9. Cl. 26 H. 3. dor. 10. and *An Exact Abridgement of the Records in the Tower*, p. 10, 17, to 21, 27, 29, 48, 59, 63, 64, 100, 114, 120, 126, 170, 171, 177, 179, 183, 288. Provisions made in Parliaments for defence of the Sea and Sea-coasts in times of warre and danger.

Cap. 26. p. 152. De Conservatoribus, sive CUSTODE TREUGARUM, &c.

BEfore the Statute of 2 H. 5. Stat. 2. cap. 6. whereon this Chapter is grounded, I find this memorable Commission, An. 10 E. 3. constituting two *Keepers of the Truce* made and prolonged by this King with the King of *Scotland* and his Subjects, and for punishing the Infringers thereof.

REX dilectis & fidelibus suis *Galfrido de Ros*, et *Eustachio de Makewell*, salutem; Sciatis, quod cum ob reverentiam Domini Summi Pontificis, & ad requisitionem Domini *Philippi* Regis *Francia* Consanguinei nostri carissimi, ac Nunciorum ipsorum Summi Pontificis et Regis ad partes Regni nostri pro negociis *Scotia*, et aliis de causis transmissorum, concesserimus hominibus de *Scotia* tam majoribus quam minoribus ad pacem et fidem nostram non existentibus, *treugam sive sufferentiam* usque ad diem Dominicam in *Quindena Pascha* prox. futur. eadem die Dominica inclusa duratur. prout in Literis nostris parentibus inde confectis plenius continetur. Nos volentes *Treugam sive sufferentiam* prædictam quantum ad nos pertinet observari, ac de fidelitate vestra et circumspectione confidentes; Assignavimus vos conjunctim et divisim ad *Treugam sive sufferentiam* prædictam, quam vobis mittimus sub sigillo nostro, in omnibus et singulis suis Articulis extra mare *Scotia*, pro nobis et nomine nostro conservand. et conservare facend. Dantes vobis & alteri vestrum tenore præsentium potestatem castigandi et puniendi omnes illos qui contra formam *Treugæ sive sufferentiæ* prædictæ, seu aliquem Articulum ejusdem deliquerint, seu aliquid attemptaverint, et ad justitiam omnibus et singulis coram vobis seu altero vestrum super injuriis et gravaminibus eis, contra tenorem ejusdem *Treugæ sive sufferentiæ* aut aliquem ejus Articulum facis, faciend. necnon ad omnia alia et singula faciend. quæ pro conservatione *Treugæ sive sufferentiæ* illius necessaria fuerint vel etiam oportuna, et prout iuste et rationabile faciend. fuerit, et hactenus in casu consimili fieri consuevit. Et ideo vobis & alteri vestrum mandamus firmiter injungentes, quod præmissa omnia et singula fac. et expleatis in forma prædicta. Mandavimus enim Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, Vicecomitibus, Ballivis, Ministris, & fidelibus nostris, tam infra Libertates quam extra, quod vobis et alteri vestrum in omnibus quæ ad conservationem *Treugæ sive sufferentiæ* prædictæ, sicut prædictum est, pertinent, intendentes sint

Ror. Scotiæ de Anno 10 E. 3. m. 36, intus. De puniendo illos qui contra formam *treugæ* hominibus de *Scotia* concessæ deliquerint.

Ant et auxilantes, quociens et quando per vos vel alterum vestrum requisiti fuerint, seu etiam p̄summitti. In cujus, &c. quamdiu nobis placuerit duratur. Teste Rege apud Berewicam super Tuedam, 26 die Januarii.

Per ipsum Regem.

Et mandatum est Archiepiscopis, Episcopis, & aliis p̄dictis in forma supra dicta de intendendo, *ut supra.* Teste ut supra. Et erat patens.

Soon after the Statute of 2 H. 5. c. 6. I find this Commission issued by King H. 5. to the Duke of Gloucester, Constable of Dover Castle, and Warden of the Cinque-Ports, to examine the breach of the Truce made between this King and the Duke of Britain by certain of the Kings Subjects, by depredations on sundry of the Duke of Britains Merchants, whereof they complained, and to give them reparations and dammages for the same.

Pat. de anno
6 H. 5. pars 1.
m. 9. dorso.
De certis per-
sonis arestand.
& capiend.

REX Carissimo fratri suo *Hmfr. Duci Glouc. Constabular. Castri Doverr.* ac Custodi *Quinque Portuum* nostrorum, vel ejus Locum tenenti ibidem salutem. Gravem querelam *Johannis Morell & Johannis Burdays*, Procuratorum *Johannis Duboull* de Sancto Malo, *Bartholomai Domgrawnt*, *Galsfridi Gon*, & *Johannis le Fener de Cantalls*, *Galsfr. Picher*, *Johannis Channell*, *Andrea Colyn*, *Roberti Jalner*, *Petri Ganley*, *Johannis Vincent*, *Johannis le Hudre*, *Petri Colyn*, *Stephani Guillemeaux*, & *Laurentii le Frank*, *Johannis Boisguerin*, *Sibilla uxoris Michaelis Thommot*, *Jacobi Jannet*, *Petri Berchault*, *Jacoba uxoris Stephani le Gay*, *Johannis Wynen*, & *Petri Baign de Dina* Mercatorum de Britannia recepimus, continentem. Quod licet quardam Treugz inter nos et Carissimum fratrem nostrum Ducem Britannia nuper initz, captz & firmatz fuerint, quiddam tamen *Robertus Willielmus*, *Johannes Brokstone* de Rye, *Ricardus Walter de Romneye*, *Radulphus Baker*, & *Thomas Scrivener*, ac diversi alii ligei regni nostri *Angl.* p̄missa mininè considerantes, aurum, argentum, jocalia, ac alia res, bona, & mercandisas ipsorum *Johannis Duboull*, *Bartholomai*, *Galsfridi*, *Johannis le Fener*, *Galsfridi*, *Willielmi*, *Johannis Channell*, *Andrea*, *Roberti Jalner*, *Petri*, *Johannis Vincent*, *Johannis le Hudre*, *Petri*, *Stephani*, *Laurentii*, *Johannis Boisguerin*, *Sibilla*, *Jacobi*, *Petri*, *Jacoba*, *Johannis Wynen*, & *Petri*, de p̄fatis Mercatoribus supra Mare ceperunt et asportaverunt, in nostri contemptum, et ipsorum procuratorum grabe dampnum, ac contra formam Treugarum p̄dictarum. Et quia treugas illas inbiolabiliter obserbari, ac p̄fatos *Robertum Webbe*, *Johannem Brokstone*, *Ricardum*, *Radulphum*, & *Thomam*, ac alios ligeos nostros p̄dictos, si p̄missa, ut p̄dictum est perpetrarunt, debito modo castigari, ac super querela p̄dicta si veritatem contineat per vos plenius certiorari, et p̄fatis Procuratoribus et aliis de Britannia p̄dictis p̄ter am et celerem justiciam volumus in hac parte, assignavimus vos ad inquirendum per sacramentum proborum et legalium hominum infra libertatem *Quinque Portuum* p̄dictorum de p̄missis omnibus et singulis, ac aliis articulis p̄missa qualitercumque concernentibus plenius veritatem, ac ad vos omnibus aliis viis et modis quibus melius sciveritis aut poteritis informand. si p̄dicti *Robertus Webbe*, *Johannes Brokstone*, *Richardus*, *Radulphus* et *Thomas*, aut eorum aliquis, vel aliqui ligei nostri bona, mercandisas, aut alia p̄dicta in forma p̄dicta ceperint et asportaverint: et si sic, tunc ad venire faciend. coram vobis p̄fato *Roberto Webbe*, *Johannem Brokstone*, *Richardum*, *Radulphum*, et *Thomam*, ac omnes alios quos in hac parte delinquentes invenire contigerit, et ad ipsos de omnibus bonis & mercandis, et aliis rebus per ipsos, ut pramittitur, injustè captis et asportatis si extent, aut de vero valore eorundem si non extent, p̄fatis procuratoribus, una cum eorum missis et expensis in hac parte rationabilibus, ac dampnis quz ea occasione sustinuerunt debitam restitutionem celeriter facere compelland. vel ad eos aut eorum quemlibet justiciari nolentes arestand. et capiend. et eos coram nobis et Consilio nostro in *Quindena Pasche* p̄ximo futur. salvo et secure adducend. ad respondend. super quereza p̄dicta. Et ideo vobis mandamus, quod ad certos dies et loca quos ad hoc provideritis

diligentes super præmissis faciatis inquisitiones, et eas distinctè et apertè factas nobis in Cancellariam nostram sub sigillo vestro, et sigillis eorum per quos factæ fuerint sine dilatione mittatis, et hoc breve, ac præmissa omnia et singula faciatis et expleatis in forma prædicta, Damus autem universis Vicecomitibus, Majoribus, Ballivis, Constabulariis, ac aliis fidelibus et subditis nostris, tam infra libertatem prædictam quam extra, tenore præsentium firmiter in mandatis, quod vobis in præmissis faciendis et exequendis, intendentes sint, consulentes et auxiliantes, prout decet. In cujus, &c. Teste præfato Custode apud Westm. 21 die Februarii.
Per Consilium:

Concerning Leagues with forraign Princes (whereof the Author discourseth) it is observable, That if any Receivers of the Kings Customs or Moneyes fled into forraign Princes Countries in League or Amity with the King, with their goods and estates, to cheat him of his Moneyes, as some did; the King usually writ Letters and sent Messengers to them, desiring them to seise their persons and goods whertever found within their Jurisdiction, till satisfaction given him.

Anno 4 E. 2. some Florentine Merchants of the Society of the Friscobaldi, being made Collectors and Receivers of the Kings Customs, Rents in England, Wales, Ireland and Gascoign, running away with the monies received, carrying it and their Goods to the Popes Court, Territories, to the damage and defrauding of the King, and sundry English Merchants, whose duties they had received without giving them Acquittances, the King thereupon sent special Messengers and Letters to the Pope, desiring him to arrest their Persons, Goods, and send them over to him, to satisfie the damages he and his Subjects had sustained by them, promising not to proceed against them to the loss of their limbs and lives.

Papæ Rex, devota pedum oscula beatorum. De immensis & innumerabili-
bus beneficiorum & gratiarum largitionibus, quibus nos, & nostros, ac alios
pro quibus Sanctitati vestræ direximus præces nostras, frequenter vestra respexit
munificencia paternalis, vestræ benevolentix ad quantas possumus gratiarum
assurgimus actiones, sumentes ex præmissis spem indubiam & fiduciam plenio-
rem, in hiis præcipuè quæ personam nostram specialiter tangere dinoscuntur,
vestræ paternitatis dulcedinem fiducialiter requirendi. Nuper siquidem de fi-
delitate *Emerici de Friscobaldi*, & *Bettini* fratris ejus, ac aliorum Mercatorum
de societate *Friscobaldorum de Florentia*, tunc in regno nostro commorantium,
plenam fiduciam optinentes, ipsos Collectores et receptores nostros Customa-
rum, et quorundam aliorum exituum et proventuum ejusdem regni, necnon
terrarum nostrarum *Scotia, Wallia, & Hibernia*, ac omnimodorum exituum
terræ nostræ *Wascom*, per nostras patentes literas duximus deputandos. Ita quod
de quibuscumque Receptis suis nomine nostro in regno & terris nostris prædictis
de Customis, exitibus & proventibus memoratis, nobis integrè responderent.
Et quia prædicti *Emericus & Bettinus*, & eorum socii de societate prædicta, cum
pecunia de Customis, proventibus & exitibus prædictis de aliquo tempore quo
Receptores eorundem fuerant proventibus compota seu ratiocinio nobis
inde sicut decuit non soluta, nec nobis de eisdem Customis, proventibus et exiti-
bus satisfacto, regnum et dominium nostra furtive et latenter erierunt, in nostræ
deceptionem, nostrumque et regni nostri dispendium manifestum; & jam ex
testimonio didicimus fidedigno, quod præfatus *Bettinus* & quidam alii de socie-
tate prædicta nuper ad vestram Curiam declinarunt, magnam partem bonorum
de Customis, proventibus & exitibus prædictis secum ad eandem Curiam defe-
rendo, quæ quidem bona in manibus ipsorum & quorundam aliorum Mercato-
rum in dicta Curia commorantium nunc existunt: Vestram clementiam devotis
precibus requirimus & rogamus, quatinus præfatum *Bettinum* & ejus socios de
societate prædicta, ac eorum bona in quorumcumque manibus in dicta Curia
vestra poterint inveniri, subere dignemini arrestari, et sub arresto firmiter deti-
neri,

Rot. Romæ
An. 4 E. 2. m.
17. docto.

No. 1.

neri, quousque prædicti *Emericus, Bottinus*, et eorum socii prænotati, nobis super receptis suis prædictis, fecerint quod debebunt, prout dilecti Clerici nostri Magistri *Willielmus de Maldon, & Henr. de Plunkeneys*, quos ad vestram præsentiam mittimus ex hac causa, & quibus super hoc exposuimus mentem nostram vestræ beatitudini secretius exponendam, quibus etiam in hac parte fidem credulam si placeat præbeatis, vestram paternitatem ex parte nostra plenius duxerint requirendam. Præmissa si libeat pater sancte alteri non pandantur, quousque rogatum nostrum super illis cujus expeditio votiva plurimum infidet cordi nostro iusseritis effectualiter adimpleri. Conseruet, &c. Dat. apud *Wyndesore* 3 die *Decembr.*

Hereupon the Pope seized both their Goods accordingly, as this Letter evidenceth; whereby he desired their Persons to be seized and sent unto him, to answer other frauds and injuries therein specified.

Rot. Romæ
An. 4 E. 2.
dors. 16.

PAPÆ Rex, devota pedum oscula beatorum. Redeuntes ad nos dilecti Clerici nostri Magistri *Willielmus de Maldon, & Henr. de Plunkeneys*, quos ad vestræ Sanctitatis præsentiam pro quibusdam negotiis nostris, Mercatores de societate *Friscobaldorum de Florentia*, super quadam fraude dampnosa nobis per ipsos Mercatores illata tangentibus, prout literæ nostræ deprecatorie vestræ benignitati super hoc directæ plenius continebant, nobis retulerunt, quod *Pepus* filius *Bevini de Friscobald.* & *Lapus de la Bruns* Mercatores de societate prædicta, in dicta vestræ Sanctitatis Curia inventi, et eorum bona eo prætextu per *Parescallum* vestrum ejusdem Curie, sub arresto detinentur: Unde vestræ mansuetudini ad grates assurgimus speciales. Et quis præter fraudem et dampna nobis per dictos Mercatores illata, alia gravamina innumera incolis regni nostri *Anglia*, et terrarum nostrarum *Scotia, Wallia, Hibernia, & Aquitania*, quoque eritus, customæ et proventus, ad manus ipsorum Mercatores, juxta Commissiones per nos sibi inde factis per tempus non modicum debenerunt, per eosdem Mercatores multipliciter irrogantur; ex eo videlicet, quod dicti Mercatores incolas prædictos de receptis ab eis erga nos non acquietarunt, nec debita diversa in quibus pluribus de incolis prædictis et aliis tenebantur, et quæ eis per dictos Mercatores liberari mandavimus non solverunt, prout hæc in regno & terris prædictis sole clarius jam clarescunt, & super præmissis nobis & incolis prædictis, per captionem et detentionem corporum dictorum *Pepi & Lapi* immunitas sufficiens non paratur: Sanctitati vestræ devotis precibus supplicamus, quatinus corpora eorumdem *Pepi & Lapi* ad nos infra regnum nostrum subere dignemini destinari, ut ibi, ubi præmissa perpetrarunt, et de commissis præbatio clarius fieri potest, tam nobis quam aliis, quod de jure in hac parte facere tenentur adimplere facilius compellantur. Contra eosdem Mercatores autem quoad amissionem vitæ et membrorum occasione prædicta procedere non intendimus ulla modo. Per memoratum *Henricum* quem ad vestræ Sanctitatis præsentiam remittimus ex hac causa, quæsumus super præmissis nobis rescribi vestræ beneplacita voluntatis. Conseruet, &c. Dat. apud *Dovor.* 22 die *Maii.*

Not long after one *Anthony Fazons* receiving 500 l. of this Kings monies, and running away with it into *Lorain*, the King writ this Letter to the Duke of *Lorain*, intreating him to search for and seise him in every place within his Territories, till he should satisfie the said 500 l.

Claus. 8 E. 2.
sh. 31. dorso.
Pro Rege.

REX Nobili viro Duci de *Loren*, amico suo charissimo, salutem, & sinceræ dilectionis affectum. Cum *Antonius Fazons*, quem nuper sub confidentia quam de ipso gerebamus, ad quasdam partes regni nostri destinavimus pro quingentis lib. sterlingorum quærendis & ad nos prout sibi injunctum fuerit cariad. recepta pecunia illa secum eadem ad partes potestatis vestræ transfulerit clam et latenter, ut accepimus, unde non immerito commovemur: amicitiam vestram affectuose requirimus & rogamus, quatinus præstatum *Antonium* velitis subere

subere per totam potestatem vestram diligentius explorari, et ipsum ubicumque infra eandem potestatem inveniri contigerit arrestari, et salvo custodiri, quousque de dicta pecunia nostra nobis fuerit satisfactum. Et de prefato Antonio ulterius fiat quod de jure fuerit faciend. Dat. apud *Lin.* 16 die *Octobr.*

Eodem modo scribitur Domino *J. Duci Brabantia, Loctissia & Lumburgia Comiti, Nepoti Régis charissimo.*

The Field and Theam concerning the Priviledges and Offices of Ambassadors, Legates, and of Leagues, Truces, is so large, that I shall not expatiate therein, but only referr you as to the Priviledges and duty of Ambassadors and Legates, to *Marcus Tullius Cicero*, in *Verrem* l. 1. & *Oratio de Aruspicum responsis*; to *Andreas Barbatius*, de *Cardinalibus Legatis à latere*; *N. Boerius*, de *Potestate Legati à latere*; *Jo. Brunellus*, de *Potestate Legati à latere*; *Dion Cassius*, de *Legationibus*; *Gondisalvus de Villa Diego*, de *Legato*; *Alexander ab Alexandro*, *Genialium dierum* l. 5. c. 5. *Johannus Calvini*, *Lexicon Juridicum Tit. Legatus*, p. 1055. *Julius Ferretus*, de *Legatis Principum, & de eorum fide & officio*; *Martinus Garat*, de *Legatis Principum*; *Johannus Baptista Nicholai*, *Regularum Juris Civilis & Pontificii*, l. 10. Tom. 2. p. 6, 7. *Tit. Legatus*; *Carolus Paschalinus*, *Legatus*, *Parisis* 1612. *Christoph. Warfemicus*, de *Legato & Legationibus Oratio*, *Lichæ* 1604. *Jo. à Chokier*, *Traictatus de Legato*, *Col. Agrip.* 1624. *Anastatius Germanius*, de *Legatis Principum & Populorum*, *Romæ* 1627. *Fedr. Marcellar*, *Legatus* lib. 2. *Antwerp.* 1626. *Antonius Corsetus*, *Angelus de Clavasio*, *Summa Angelica Tit. Legatus*, and other Canonists in that Title; *Hugo Grotius*, de *Jure Belli & Pacis* lib. 2. c. 18. & *Annotata*; *Johan. Schneidewini* lib. 1. de *Jure Naturali Gentium & Civili*; *Tit. 2. sect. 12. p. 16.* & lib. 2. de *Rerum divisione*, *Tit. 1. p. 160, 161.* *Cottoni* *Posthuma*; p 1, to 9. Of proceedings against Ambassadors who have miscarried themselves. And for the differences between a *Truce, League, Peace*, and their severall kinds, those who please may peruse *Julius Ferretus*, de *Feris, Induciis Militariibus, Treuga & Pace*; *Jacobus Novellus*, de *Treuga, Pace & Concordia, & eorum Privilegiis*; and *Octavius Vespellus* de *Treuga & Pace.*

Page 156. l. 41. Likewise the Pope sent Embassadors into England, who were sworn not to attempt anything prejudicial to the King or Kingdom. It is true that when Popes began to usurpe Authority and Jurisdiction over Kings and Kingdoms, their Legates and Nuncios were reputed so dangerous, pernicious, that by the ancient Custom, Priviledge of our Realm, the Pope ought not to send any Legate or Nuncio into England or Ireland; unless the King specially desired it before their mission; neither could they enter into, or pass through them to other places, but by the Kings special license, safe-conduct, they first taking an Oath, or giving good security, not to bring, do, or attempt any thing to the prejudice of the King, or of the Rights of his Crown or Kingdom; as I have elsewhere evidenced at large, together with the Names, Negotiations of the Legates, Nuncios, and other Romish Agents sent into England, Ireland, or Scotland, and of those Ambassadors, Proctors sent by our Kings to the Popes or Court of Rome, and shall not here insist on. But shall here only present you with the memorable Oath usually administered to the Popes Collectors of later times in England and Ireland, (not to his Ambassadors or Legates; as the Author mistakes in his marginal quotations to the premised passage) even in the height of Popery, Anno 17 R. 2. worthy observation; discovering and obviating all or most of the dangers, inconveniences to the King and Kingdom, arising in those times by such Romish Harpies, which yet a private Papal absolution from this Oath, or declaration of its nullity because against the Popes Prerogative, Interest, and Priviledge of the Roman Church, would elude and frustrate, as well as their absolutions from the Oaths of Supremacy and Allegiance, taken by some Priests and Papiests of late times.

In the First, Second, and Third Tomes of my Exact Chronological Vindication, whereto I referre the Readers who desire satisfaction herein.

† See my Epistle Dedicatory to the Second Tome of my Exact Chronological Vindication.

Pat. 17 R. 2.
pars 1. m. 23.
De permittendo
Collectorem
Cameræ Apo-
stolicæ in Hi-
berniæ exercere
Officium suum
juxta formam
Sacramenti sui
hic incorporati.

* Nota.

REX dilectis & fidelibus suis locum nostrum tenenti, ac Justic. sive Custodi, vel Governatori, seu Cancellar. & Thesaur. nostris terræ nostræ *Hiberniæ*, necnon Baronibus & Camerar. nostris de Scaccario nostro ibidem, qui nunc sunt, & qui pro tempore fuerint, & eorum cuilibet, ac quibuscumque aliis Ministris, Officiariis, ac ligens & fidelibus nostris in eadem terra, salutem. Sciat, quod *Franciscus de Capanago* Doctor Decretozum, quem Dominus Summus Pontifex ad terram nostram *Hiberniæ* ad officium Collectoris Cameræ Apostolicæ in eadem terra faciend. nuper destinavit, Sacramentum in eodem officio * constructum coram Consilio nostro *Angl.* super Sancta Dei Evangelia per ipsum facta, prout tenetur præstitit corporale, ejus quidem Sacramenti tenor sequitur sub hac forma. Ego fidelis Domino nostro Regi *Angl.* et Consorti suæ, nec faciam, aut procurabo, seu quantum in me est fieri, seu procurari permittam quicquam quod præjudiciale aut dampnosum dicto Domino Regi aut regno, vel terræ prædictæ, vel legibus aut juribus ejusdem Domini nostri Regis, aut dicti regni seu terræ esse poterit. Et quod bonum et fidele consilium pro sensu nro dabo eidem Domino nostro Regi super quibuscumque unde fuero ex parte sua requisitus. Consistam Domini nostri Regis, et dicti regni, aut terræ prædictæ, unde potero aliquo modo doceri, vel quod dictus Dominus noster Rex mihi scire fecerit per litteras vel alio modo, celato et secreto tenebo, absque revelatione inde faciendâ alicui personæ viventi, per quod dampnum, dedecus aut præjudicium dicto Domino nostro Regi aut regno, seu terræ prædictæ evenire poterit. Nullam executionem litterarum vel mandatorum Domini * Papæ per me, vel alium faciam, nec fieri permittam quæ poterit esse præjudicialis Regi Majestati dicti Domini nostri Regis, aut Regaliæ, legibus vel juribus suis, vel eidem regno vel terræ. * Nullas litteras Papales nec alias recipiam, nisi eas citius quo potero deliberavero Consilio dicti Domini nostri Regis antequam publicentur seu deliberentur alicui personæ viventi. Nullum Thesaurum regni vel terræ prædictæ, nec denarium Domini Papæ seu Cardinalis, nec alterius personæ cujuscumque, in moneta seu plata, auri vel argenti, per litteras cambitorias aut alias non mittam, nec mitti faciam extra dicta regnum vel terram, antequam super hoc dicti Domini nostri Regis, vel Consilii sui licentiam habuero specialem, nec aliquas litteras præmissis, seu alicui præmissorum præjudiciales seu contrarias mittam extra regnum vel terram prædictam. Honorem et statum dicti Domini nostri Regis, ac leges et iura sua prædicta, pro posse meo absque violatione custodiam et manutenebo. Nec aliquos primos fructus quorumcumque beneficiorum datorum, præsentatorum, vel nominatorum per dictum Dominum nostrum Regem quocumque titulo, nec de beneficiis per dictum Summum Pontificem concessis vel concedendis, per viam expectationis ex gratia communi vel speciali epigam seu levabo, nec processus ea de causa faciam, nec aliquas novitates incipiam, per mandatum nec absque mandato, sine voluntate et licentia speciali dicti Domini nostri Regis, et absque ea quod causa vel mandatum hujusmodi si quæ vel quod fuerint, primitus dicto Domino nostro Regi aut Consilio suo modo debito fuerit offensum. Et quod extra dictum regnum, aut terram prædictam, absque licentia speciali dicti Domini nostri Regis, et hoc per litteras vel brevia sub Magno sigillo dicti Domini nostri Regis me non transferam: Sic me Deus adjuvet, et Sancta eius Evangelia. Et ideo vobis & cuilibet vestrum mandamus, quod prædictum *Franciscum* ad hujusmodi officium Collectoris admittentes, ipsum officium illud ac ea quæ ad officium illud rationabiliter pertinent, in eadem terra nostra supra formam Sacramenti sui prædicti licite exercere & facere permittatis, & eidem *Francisco* in his quæ prædictum officium suum Collectoris fuisse concernunt, assistatis cum favore, dum tamen idem *Franciscus* Sacramentum suum in aliquo articulo excedere non præsumat. In cujus, &c. Teste Rege apud *Westm.* 15 die *Julii*.

* Nota.

* Nota.

In the end of page 156. the Author presents his Readers with a Transcript of King *Henry* the 6th. his Patent to his *Ambassadors* sent to the Council of *Basil*,

Basil, which because it wants the Beginning, (informing us by what Authority this Council was sommoned, to wit, of the preceding Council of *Constant*, and upon what motives the King sent these *Ambassadors* thither, and mistakes *Exoniensis* for *Lexoviensis*, and quotes Rot. Par. 12 H. 6. pars 12. when as there are only 3. parts of it, instead of pars 1.) I shall here present you with the intire Patent, which I transcribed out of, and compared with the Patent Roll in the Tower.

REX Omnibus ad quos, &c. salutem. Sciatis, quod cum juxta decreta *Constantien.* Concilii, p̄sents Concilium *Basilien.* actualiter celebretur, sub Sanctissimo patre Domino *Engenio* Papa quarto, Nos eidem Concilio nedum ex parte ejusdem Concilii per suos Oratores nobis ex hac causa specialiter destinatos, verumetiam Apostolicis et Imperialibus, ac aliorum quamplurimum Sanctæ matris Ecclesie Patrum et Principum secularium literis creberime insigniti, ad Dei laudem, Sanctæ matris Ecclesie prosperitatem optatam et honorem, et p̄sertim ob fidei Catholice exaltationem interesse cupientes, variis et diversis causis rationabilibus p̄pediti, quominus personaliter eidem interesse poterimus ut vellemus, venerabiles patres *Robertum London.* *Philippum * Lexovien.* *Johannem Roffen.* *Johannem Baion.* & *Bernardum Aque.* Episcopos, ac charissimum Consanguineum nostrum *Edmundum* Comitem *Moritonii*, dilectos nobis *Nicholaum* Abbatem *Glaston.* *Willielmum* Abbatem Ecclesie beatæ *Mariæ Ebor.* & *Willielmum* Priorem *Norwicen.* necnon dilectos & fideles nostros *Hem. Bronneste* Militem, Magistrum *Thomam Bronns* utriusque juris Doctorem, *Saram* Decanum, *Johannem Colvyll* Militem, Magistrum *Petrum Mauricis* Doctorem in Theologia, & Magistrum *Nicholaum David* Archidiaconum *Constantien.* & Licenciatum in utroque jure, nostros Ambassadors, Oratores veros, et indubitatos Procuratores, Actores, Factores, et Puncios speciales, constitimus, facimus et deputamus per p̄sentes. Dantes et damus eis et ipsorum majori parti potestatem et mandatum, tam generale quam speciale nomine nostro et pro nobis in eodem Concilio interessendi, tractandi, communicandi et concludendi tam de hiis quæ reformationem Ecclesie Universalis in capite et in membris, quam hiis quæ fidei Orthodoxæ fulcimentum, Regumque ac Principum pacificationem concernere poterunt, necnon de et super pace perpetua, guerrarumque abstinentia inter nos et *Karolum* Adversarium nostrum de *Francia*; ac etiam tractandi, communicandi et appunctandi, consentiendi insuper et si opus fuerit * dissentiendi hiis quæ juxta deliberationem dicti Concilii inibi, statui et ordinari continget: Promittentes et promittimus bona fide nos ratum, gratum et firmum perpetuo habiturum totum et quicquid per dictos Ambassadors, Oratores et Procuratores nostros, aut majorem partem eorundem, actum, factum seu gestum fuerit in p̄missis, et in singulis p̄missorum; et hoc idem cum de et super hiis certiorati fuerimus, quantum ad nos et Christianum Principem attinet, executioni debitæ curabimus demandare. In cujus rei testimonium has literas nostras fieri fecimus patentes. Dat. sub Magni sigilli nostri testimonio in Palatio nostro *Westm.* 10 die *Julii*.

Per Consilium.

Pat. 12 H. 6. pars 1. m. 6. enrolled also in Rot. Francie An. 12 H. 6. pars 1. m. 2. De potestate commissa Ambassiatoribus Regis ad intercessendum Concilio *Basili.* &c. * Not *Exoniens.*

* Resolutions and Decrees of Foreign General, or other Councils, bound neither the King, Kingdom, Church, nor Subjects of England, if they or their Ambassadors and Proctors in them dissent from, and received or owned them not afterwards.

Cap. 27. p. 157. *The Court of Justices of Assise and Nisi Prius.*
 & Cap. 28. p. 162. *Justices of Oyer and Terminer.*

THE respective successive Patents, Commissions, Powers, Proceedings, Names and Salaries of these Justices, are recorded at large in the Patent, Clause, and Fine Rolls of *K. John, Henry 3. Edward 1, 2, 3. Richard 2. Henry 4, 5, 6. and Edward 4.* in the Tower, (out of which *Mr. Dugdale* hath extracted his *Chronical Series* of these Justices Names, and dates of their Commissions;) the *Commissi-*

ons, Patents themselves, (especially of Oyer and Terminer) are so numerous, various, according to the variety of the Offences, Crimes, Riots, *Trifpasses*, *Misdemeanors* of all sorts arising from time to time, that they would amount to a large *Folio Volume*: I shall therefore totally pretermit the insertion of any of them, the Dorses of most *Clause* and *Patent Rolls* abounding with them, where those who please may peruse them when they have occasion.

Page 163. lin. 13, &c. *A special Commission of Oyer and Terminer shall not be granted, &c. but for great and horrible trespasses, &c.* according to the Statute of *Westm. 2. c. 29.* And in the Register there is a *Superfedeas*, *quia non est enormis transgressio.* Which is likewise evident by this memorable Record, and *Superfedeas*, An. 14 E. 3.

Clauſ. 14 E. 3.
pars II dorſo,
m. 41. De ſu-
perſedendo
placito.

REX dilectis & fidelibus suis, Radulpho Basset de Drayton, Rogero Hillary, & Johanni de Lee, salutem. Licet nuper ex querela Ranulphi de le Croft accipientes, quod Johannes Murdak Chivaler, Nicholauſ Murdak Persona Ecclesie de Huithcote, Johannes Trymenel Chivaler, Edmundus Pecche, Radulphus Pecche, Nicholauſ filius Trymenel, & Thomas frater ejusdem Nicholai, fil. Johannis, Johannes atte Orchard, Willielmus Wyberd, Nicholauſ Wyberd, Johannes Bagard, Johannes fil. Willielmi Hawe, Henricus Channberleyn, Richardus de Cooke, Johannes Boule, Alanus de Huntyngdon, Hericus Bernereve de Sheldon, Richardus Channtech, Willielmus Gower, & Stephanus de Bury, ac quidam alii malefactores & pacis nostrae perturbatores, domos & quondam cistam ipsius Ranulphi apud *Merston Culy* vi & armis fregerunt, & duodecim boves, viginti & quatuor boviculos, & decem vaccas suos precii quadraginta marcarum ibidem inventos, ceperunt & abduxerunt, & bona & catalla sua ad valenciam centum librarum, necnon cartas, scripta & alia munimenta sua ibidem inventa ceperunt, & asportaverunt, & alia enormia ei intulerunt, ad grave dampnum ipsius Ranulphi, & contra pacem nostram; Et nos ad prosecutionem ipsius Ranulphi, assignaverimus vos & duos vestrum, quorum vos praefat. Roger. unum esse volumus, Justic. nostros ad inquirendum per sacramentum proborum & legalium hominum de Com. *Warr.* per quos, &c. de nominibus malefactorum praedictorum qui una cum praefatis Johanne, &c. transgressiones praedictas perpetrarunt, & de transgressionibus illis plenius veritatem, & ad transgressiones illas audiendas & terminand. assign. secundum legem & consuetudinem regni nostri: Cuius tamen in *Statuto* apud *Westm.* de communi Consilio regni nostri statutum est, *Quod breve de transgressione de audiend. & terminand. non concedatur coram aliquibus Justiciariis, exceptis Justic. de utroque banco, & ceteris Justic. Itinerantibus, nisi pro enormi transgressione ubi necesse apponere festinum remedium:* Et videtur *Consilio* nostro, quod transgressiones praedictae non sunt ita horribiles vel enormes, quin placitum inde secundum cursum Legis Communis convenienter deduci poterit inter partes supradictas; Vobis mandamus, quod in placito praedicto inter partes praedictas virtute Commissionis nostrae praedictae vobis in hac parte factae directae tenendo, omnino superseatis et causa praedicta, et praefato Ranulpho dicatis ex parte nostra, quod breve nostrum ad Commune Legem inde impetret, si sibi viderit expedire. Teste Edwardo Duce Cornub. & Comite Cestria fil. nostro carissimo Custode Angl. apud *Kenynghon*, 18 die Febr.
Per Consil. in Parlamento.

* *Westm. 2.*
An. 13 E. 1.
c. 29.1

† See Register
of Writs, pars
2. f. 124, 125.

Cap. 31. Justices of the Peace.

a Fridericus
Lindebrogus,
Codex Legum
Antiquorum,
p. 19. 35:

THE Author observes, p. 170. l. 7. &c. *It is such a form of Subordinate Government for the tranquillity and quiet of the Realm, as no part of the Christian world hath the like.* Yet I find the like in effect in other Parts of the Christian world; particularly amongst the *Wisigothes*, as their *ancient Lawes* compiled by *Theodoricus* their King about the year of our Lord 437. l. 2. c. 16. which constituted

tuted *Pacis Assertores*, and appointed them *Judges* to hear and determine those causes, *quas illis Regia deputaverit ordinandi potestas*, and among the *Sicilians* and *Neopolitans*, as their *Laws* and *Constitutions* compiled by the Emperor *Frederic* the 2. about the year of our Lord, 1221. *Constitutionum Sicularum*, *Ibidem*, p. 704, to 721, lib. 1. Tit. 8. *De Cultu Pacis, et generali Pace in regno servanda*; & Tit. 41. 722.

De Officio Justitiariorum, evidence; where the *Title, Office, Commission* of *Justitiarii* (to wit, of the Peace) *Regionum*, is at large recited, almost in parallel Termes with ours at this day. Yea *Capitularia Caroli Magni & Ludovici, Leges Burgundiorum, Leges Alemannorum, Leges Bavariarum, Leges Saxonum, Leges Longobardorum, Leges Ripuariorum, & Leges Frisonum*, for preserving the *publike Peace*, and punishing all *Malefactors* and *Infringers* of the *Peace*, assure us they had the like *Subordinate Officers, Government* in those Countries to preserve the *Peace*, that we have; as I have evidenced in my *Irenarches Redivivum*, London 1648. p. 1, 2, 3, 4. to which I referre you.

Page 176. l. 36. *In Termino Pasch. 6 E. 1. Coram Rege prima fuit institutio Justitiariorum pro pace conservanda*. Yet I find their Constitution to be ancient: for our King *Henry* the 3. did by several *Patents* or *Writs*, constitute and appoint several persons in most Counties of the Realm, (*Pat. 48 H. 3. m. 7, 10, intus, and dorf. 1. to 14, 20.*) to be *Guardians* and *Preservers* of the *Peace* of the Realm, *ad pacem nostram conservandam*, upon the accord made between him and his *Barons*. Yea *Claus. 17 H. 3. dorf. 7, 9. Pat. 17 H. 3. m. 4. Pat. 18 H. 3. m. 17. Cl. 18 H. 3. dorf. 19, 24, 25, 30, 34. Cl. 19 H. 3. dorf. 11, 21. Pat. 19 H. 3. dorf. 4. Pat. 20 H. 3. dorf. 4. Cl. 20 H. 3. dorf. 9, 14. Cl. 21 H. 3. dorf. 11, 15. Cl. 22 H. 3. dorf. 2, 3. Cl. 24 H. 3. dorf. 8. Cl. 25 H. 3. dorf. 10. Pat. 26 H. 3. pars 2. m. 3, 4. Cl. 26 H. 3. pars 1. m. 8. dorf. 10. pars 2. dorf. 4. m. 5. Cl. 32 H. 3. dorf. 11. Cl. 36 H. 3. dorf. 3. 18, 22, 31. Pat. 36 H. 3. m. 11. Pat. 37 H. 3. dorf. 15. Pat. 38 H. 3. dorf. 7, 10, 13, 18, 19. Pat. 38 H. 3. m. 3. Cl. 38 H. 3. d. 11. Cl. 42 H. 3. dorf. 15. Pat. 43 H. 3. dorf. 12. Cl. 44 H. 3. m. 18. & dorf. 14. pars 2. dorf. 2. m. 1. Pat. 44 H. 3. pars 1. m. 8. dorf. 2, 3. pars 2. dorf. 6. Cl. 45 H. 3. dorf. 12. Pat. 45 H. 3. dorf. 14, 23. m. 5. & 4. Cedula Extracta An. 45, 46, 47 H. 3. m. 24, 25, 18, 19, 20. & dorf. 18. Pat. 46 H. 3. dorf. 13, 14, 18, 19. Cl. 47 H. 3. dorf. 8, 9, 13, 15. m. 3, 9. Pat. 48 H. 3. dorf. 1. to 14. & 20. Pat. 49 H. 3. dorf. 2. to 13. Pat. 50 H. 3. dorf. 13, 15, 18, to 24. 28, to 41. And Pat. 51 H. 3. m. 10, 13. dorf. 4, 13, 15, 17, 45, dilectis & fidelibus suis* **CUSTODIBUS PACIS** in *Com. Linc. North. Ebor. & Vic. eorundem Comitatus*. & Pat. 54 H. 3. dorf. 21. assure us, there were *Justices* and *Conservators* of the *Peace* in *Henry* the 3d. his reign. What *Commissions, Patents, Writs* King *Edward* the 1. issued for preserving the *Peace* of the Realm, and suppressing, seising, and punishing of those who disturbed it; you may consult *Cl. 9 E. 1. m. 10. dorf. Pat. 14 E. 1. m. 25. Pat. 15 E. 1. m. 13. De Militibus constitutis ad Articulos in Statuto de Conservatione Pacis edito contentos observandis, &c.* constituting persons of Note in every County to observe them named in this Record. *Cl. 16 E. 1. dorf. 4. Cl. 17 E. 1. m. 4, 6. dorf. Cl. 21 E. 1. dorf. 4. Pat. 21 E. 1. dorf. 22. Pat. 24 E. 1. m. 17, 24. Pat. 25 E. 1. pars 2. dorf. 4. Cl. 25 E. 1. pars 2. dorf. 4, 5, 6. Pat. 27 E. 1. dorf. 30. Cl. 28 E. 1. dorf. 7. Cl. 29 E. 1. dorf. 8. Pat. 31 E. 1. dorf. 18, 19. Cl. 33 E. 1. dorf. 10. Pat. 33 E. 1. dorf. 8, to 16. pars 2. dorf. 10. Fines 33 E. 1. m. 19. Cedula. Claus. 34 E. 1. m. 7, 10, 29. Which his Sonne King *Edward* the 2. pursued, *Cl. 3 E. 2. m. 7. intus, & 33 Cedula. Pat. 3 E. 2. m. 22. Cl. 5 E. 2. dorf. 7. 22. Cl. 6 E. 2. dorf. 26, 27, 28. Cl. 12 E. 2. m. 31. Cl. 14 E. 2. dorf. 7.* What *Justices* of *Peace* were constituted in the Counties of *England* by *Edw.* the 3d. *Hen. 4, 5, 6.* and *Edw.* the 4. with their *Commissions, Names*, you may find in *Pat. 12 E. 3. pars 1. dorf. 3, 4, 5. 23, 39. pars 2. dorf. 4, 7, 8, 11, to 17. Pat. 4 H. 4. pars 5. dorf. 36, 37, 38. Pat. 14 H. 4. dorf. 18, 19. Pat. 14 H. 6. pars 1. dorf. 25, 26, 27, 28. Pat. 29 H. 6. pars 1. dorf. 22, 23, 24. Pat. 4 E. 4. pars 1. dorf. 23, 24, 25, and in other dorfes of the**

Ibidem, p. 704, to 721, lib. 1. Tit. 8. 722.
See Frid. Lindbregus, Codex Legum Antiquarum, p. 273, 274, 275, 278, 279, 294, 295, 301, 303, 304, 305, 375, to 390, 400 to 430, 450, to 468, 474, to 478, 482, to 486, 490, to 508, 515, to 586, 704, to 780, 812, to 822, 838, 860, 861, 874, 877, 878, 880, 881, 1127, 1166, 1182.

See Rylyes Appendix, p. 443, 451, to 457, 473, 480.

See Rylyes Appendix, p. 511, &c. 537, 563.

the Patents Rolls of these Kings, and in Pat. 7 E. 4. pars 1. dorf. 22, 23, 24. Pat. 10 E. 4. dorf. 13, 14. Pat. 16 E. pars 4. 1. dorf. 25, 26, 27, 28, 29. the *Exact Abridgement of the Records of the Tower*, Title *Justices of the Peace* in the *Table*, and my *Irenarches Redivivus*; which may add some light and lustre to others who have written of late times concerning *Justices of Peace*, their *Power*, and *Office*.

Page 176. l. 38. the Author cites Rot. Parl. 18 E. 1. f. 3. nu. 41. (for Plac. Parl. f. 3. in the *Tower*) *Homines de Chesershire*: But in the Plea Rolls of this Parliament in the *Eschequer*, and *Placita Parliamentaria* in the *Tower*, there is no such thing as he there cites.

Cap. 33. p. 184. *Justices in E T R E.*

^a Annal. Pars posterior, p. 148, 149, 150. Edit. Francofurti, 1601. See Mr. Dugdale his *Origines Juridiciales*.

^b Hoveden, lb. p. 590, 591.

These *Justices Itinerant* were first instituted, for ought I can finde, by King Henry the 2. Anno 1176. being the 22. year of his reign; thus related by ^a Roger de Hoveden, and others. *Post Natale Domini in festo Conversionis Sancti Pauli, venit Dominus Rex Pater usque Nottingham, et ibi celebrabit Magnam Concilium, & coram Rege filio suo, & coram Archiepiscopo, Episcopis, Comitibus & Baronibus regni sui, communit omnium Concilio dixerunt regnum suum in sex partes, per quatum singulas JUSTICIARIOS ITINERANTES constituit; whose Names, Counties designed to them, Articles of Assises, and Inquiry, (first made at Clarendon and revived at Northampton,) he at large records. After which the same King, An. 1279. the 25 year of his reign, ^b *Dominus Rex Pater celebrato Concilio apud Windeshores, communit Concilio Archiepiscoporum, Episcoporum, Comitum et Baronum, (there being no Knights nor Burgeses of Parliament in that age) dixerunt Angliam in quatuor partes, et unicuique partium prefecit viros Sapientes ad faciendum Justiciam in terris hoc modo, reciting the Justices Names, and Counties for which they were assigned, constituted Justices, ad audiendum clamorem populi. What Justices Itinerant have since been constituted, and in what Counties, the Patent, Clause, and Fine Rolls of King John, Henry 3. Edward 1, 2, 3. Richard 2. Henry 4, 5, 6. and Edward the 4. in the *Tower*, and Mr. Dugdale his *Chronica Series* collected out of them will inform you, together with their respective Patents, and *Articles of Inquiry* entred at large in those *Rolls*, not much differing from each other in substance, unlesse upon some special emergent occasions, offences, and misdemeanours.**

Cap. 34. p. 186. *The Court of Justices of Trailbaston.*

These *Justices* being long since discontinued, I shall recite no Records belonging to them, but only referre you to King Edward the 1. his *Commission* and *Instructions* issued to them in the Parliament of 33 E. 1. printed at large in Mr. Ryley his *Placita Parliamentaria*, p. 280, 211. (titled *Ordinatio de Trailbaston* in the Margin) out of the Parchment Book in the *Tower*.

Cap. 35. p. 188. *The Court of WARDS and LIVERIES.*

This *Court*, and all *Officers* thereto belonging, as it was erected by authority of Parliament by the Statutes of 32 H. 8. c. 46. & 33 H. 8. c. 22. So it and they are totally and finally taken away and discharged, together with all *Wardships, Liveries, Premier Seisins, Ouster le maines, values and forfeitures of Marriages,*

Mariages, by reason of any Tenure of the Kings Majesty, or any other by Knights-Service, and all mean Rates, Gifts, Grants, or other Charges incident or arising by incident thereunto; and all fines for Alienations, Seisures, and Pardons for alienations, Tenures by Homage, Eschage, and all Aydes pur file mariter, et pur facer fitz Chivaler, by the Statutes of Anno 12. Caroli Regis 2. cap. 24. & An. 13. Car. 2. cap. 7. setting a Revenue on the Crown in lieu thereof; formerly propounded on the Kings behalf in the Parliament of 18 Jacobi, as the Author informs us. p. 202, 203. Upon which account I shall make no Additions to, or Observations on it, but only of some mistakes in the Authors quotations therein.

Page 193 & 194. He cites Rot. Parl. 15 H. 6. nu. 12. ^a instead of nu. 19. *John Earl of Oxforde's case*, who petitioned only for the pardon of 300 l. residue of his 3000 l. Fine, for marrying without the Kings license; which being assigned, could not be pardoned: Yea, nu. 15. in the same Parliament Roll, *Richard Widwell Knight*, paid a fine of 1000 l. to the King for marrying *Jaques Duchesse of Bedford* without license.

^a See an Exact Abridgement of the Records in the Tower, p. 619.

Page 196. l. 1, 2. in the Margin and Text, he quotes Rot. Parl. 18 E. 1. fol. 4. nu. 52. for Rot. Petitionum in Parl. (in the Tally Office in the Exchequer, not Tower) rot. 4. there being no folios in it, but only in the Book of *Placita Parliamentaria* An. 18 E. 1. in the Tower; wherein no such Petition of *Umphrevills* is extant. Page *ibid.* lin. 8, 9. Rot. Parl. 50 E. 3. nu. 118. & lin. 36, 37. 50 E. 3. nu. 184. are misquotations, having nought in them for the purposes to which they are cited: only nu. 175. hath a petition for the *Reverse of Inquests of Office found by Escheators.*

^b See an Exact Collection, &c. p. 138.

Cap. 37. p. 211. Of the County Palatine of Chester.

FOR the Original of our Counts and County Palatines in general, and of the Courts and County Palatines of Chester in particular; you may consult Mr. *Cambdens Britannia*, ^a *Cheshire*, p. 553, with Mr. *Seldens Titles of Honor*, Part 2. chap. 5. sect. 8, 9, 10. p. 632, to 646, &c. As for its Priviledges and Royalties, you may peruse these following Records, not cited by the Author, Cl. 46 H. 3. m. 18. Cl. 15 E. 2. m. 23. Cl. 17 E. 2. m. 30. Cl. 19 E. 2. m. 11. Petitiones in Parl. An. 4 E. 3. nu. 24. Pat. 7 E. 3. pars 1. m. 13.

^a Pag. 588. in the Latin Edition.

Cap. 38. p. 216. Of the County Palatine of Durham.

FOR the Antiquity and Original of this County Palatine and its Jurisdiction, you may peruse at leisure Mr. *Seldens Titles of Honor*, Part 2. chap. 5. sect. 8. p. 641, 642, 643. For the Bishops *Jura Regalia, Royalties, Coyning of monyes, Franchises and Liberties*; you may peruse at leisure, *Carta antiqua* A. nu. 18. & M. nu. 40. Cart. 5. Johan. m. 13. Cl. 12 H. 3. m. 11. Pat. 52 H. 3. m. 10. & Escheats H. 3. nu. 33. Pat. 54 H. 3. m. 28. Ced. Cl. 21 E. 1. dorf. 3. Pat. 31 E. 1. m. 18. Cl. 31 E. 1. m. 6. dorf. Cl. 32 E. 1. dorf. 8. Cl. 33 E. 1. pars 1. m. 11. Cl. 34 E. 1. dorf. 10, 14. Pat. 34 E. 1. m. 44. & dorf. 16. Cl. 35 E. 1. m. 8, 11. Pat. 35 E. 1. m. 31. & dorf. 30. Pat. 5 E. 2. pars 1. m. 21. Cl. 12 E. 2. m. 27. Cl. 16 E. 2. m. 1. Pat. 16 E. 2. pars 1. m. 28. Pat. 17 E. 2. pars 2. m. 21, 22. Cl. 1 E. 3. pars 1. m. 10. & pars 2. m. 20, 23. Petitiones in Parl. An. 4 E. 3. nu. 103. Pat. 6 E. 3. pars 3. m. 17. Cl. 7 E. 3. pars 2. m. 9. Pat. 10 E. 3. pars 1. m. 15. Pat. 16 E. 3. pars 2. m. 17. Cl. 18 E. 3. pars 2. m. 13. Pat. 19 E. 3. pars 1. m. 15. Pat. 48 E. 3. pars 2. m. 3. Pat. 7 R. 2. pars 2. m. 35. Cart. 7 R. 2. nu. 18. Cart. 12 R. 2. nu. 35. Cart. 15 R. 2. nu. 29. Cart. 8 H. 4. nu. 3. Pat. 10 H. 4. pars 1. m. 5. Cart. 1 H. 5. nu. 15. Pat. 11 H. 6. pars 2. m. 22. Pat.

22. Pat. 15 H. 6. nu. 26. Cart. 27 H. 6. pars 1. nu. 52. Pat. 13 E. 4. pars 1. m. 12.

Cap. 39. p. 220. *Of the Royal Franchise of Ely.*

FOR the first erection of this Bishoprick of *Ely*, and turning the *Abbey* thereof into a Bishops See, you may peruse Pope *Paschals* Bulls, and *Henry* the 1. his Charter. *Johanni Seldeni ad Eadmerum Notæ & Spicilegium*, p. 210, to 213. and the *First Part of my Exact Chronological Vindication*, &c. p. 432, to 435. For the Liberties, Franchises, and Royalties granted and belonging to the Bishops of *Ely*, within that Isle, you may peruse these following Records, not mentioned by the Author. Pat. 6 E. 2. pars 1. m. 20. Pat. 12 E. 2. pars 2. m. 13. Cl. 12 E. 2. m. 8. Cart. 12 E. 2. nu. 15, 40, 41, 42. Cl. 2 E. 3. m. 16. Cedula, & m. 31. Cart. 2 E. 3. nu. 70, 72. Cart. 11 E. 3. nu. 3. Cart. 17 E. 3. nu. 14. Pat. 20 E. 3. pars 2. m. 26. & pars 1. m. 4. Cart. 22 E. 3. nu. 11. Pat. 43 E. 3. pars 2. m. 34. Cl. 11 R. 2. m. 23. Cl. 12 R. 2. m. 39. Pat. 2 H. 4. pars 2. Pat. 6 H. 5. pars 1. m. 4, 5. Pat. 2 H. 6. pars 4. m. 4. Pat. 4 E. 4. pars 3. m. 19.

Cap. 40. p. 221. *Of the County Palatine of Pembroke.*

THE Author hath transcribed this Chapter out of Mr. *Seldens* *Titles of Honour*, Part 2. chap. 5. Sect. 8, 9. p. 641, 643, 644, 645. though he names him not: Only in his *Margin*, 18, 9. he misquotes *Rot. Parl.* 18 E. 1. f. 6. for *Plac. Parliamenti* (in the *Tower*) 18 E. 1. fol. 11. & 19 E. 1. f. 25. as Mr. *Selden* truly cites them, p. 641. Vide Patents 49 E. 3. pars 1. m. 12. & *Brevia Regis An. 1 R. 2. pars 2. num. 4. De Servitiis & Sellis Castro de Pembrok, & Com. ibidem debitis.*

Cap. 42. p. 222. *Of the Court of the Cinque-ports.*

THE general Writ of Summons to those of the *Cinque-ports*, *Gernemue*, and *Donewic*. mentioned by *Bracton* lib. 3. *De Corona*, cap. 2. f. 117, 118. with the Articles of which they were to inquire, I find thus recorded in the *Clause Roll* of An. 11 H. 3. The Writs concerning *Gernemue* and *Donewic*. not being directed to the Sheriff of *Norfolke* and *Suffolke*, but to the Bailiffes of those Ports.

Clauf. 6 H. 3.
m. 4. dorso.

REX dilectis & fidelibus suis Ballivis suis de *Hastinges* salutem. Præcipimus vobis, quod omni occasione postposita, sitis apud *Shipweye* in Octabis Sancti *Martini*, coram dilectis & fidelibus nostris *Martino de Pateshull* & sociis suis, & illuc tunc venire facias xxiv. de legalioribus & discretioribus Baronibus de *Hastinges* & alios sicut venire solent et debent ad placita de *Shipweye*, ad respondendum coram præfatis Justic. nostris de capitalis subscriptis. *De veteribus placitis Corona qua ultimò fuerunt coram Justic. apud Shipweye & non fuerunt terminata, & de novis placitis Corona qua infra libertatem vestram emerferunt tempore patris postquam Justic. ultimo itineraverunt de omnibus placitis apud Shipweye. De illis qui sunt in misericordia & non sunt amerciati. De Ecclesiis que sunt & esse debent de donacione nostra, que Ecclesiæ ille sint, & quis illas teneant & per quem: De escaetis nostris que sint, & quis illas teneant, & per quem, & per quod servicium, & quantum valent. De purprestariis factis super*

per nos in terra uel in aqua uel in libertatibus. De mensuris statutis & iuratis in regno, si seruata sint provisum fuit, & si Custodes mensurarum mercadem tēperant ab aliquo ut per illas possint emere & uendere, & hoc intelligatur de uinis & ponderibus. De assisa facta de latitudine pannorum si seruata sit sicut provisum fuit. De illis qui robbauerint in terra uel aqua post pacem etiam am. De uinis uenditis contra assisam. De thesauris inuentis. De Vicecomitibus & aliis balliuis qui tennerunt placita corona, & que placita. De catallis Francorum & Flandrensiū inimicorum nostrorum retentis, qui ea habeat. De falsariis & reuocatoribus Monetariorum. De burglatoribus & al. malefactoribus & eorum receptoribus tempore pacis. De mercatis remotis de uno die in alium diem sine licentia nostra, nisi sit de die Dominica. De escambio moneta nostra, qui illud fecerit sine licentia nostra. De fugitiuis & utlagatis, & si quis rediit post fugam, & ad quem. De mercede capta pro blado uel aliis catallis dimittendis ne caperentur ad castra, & similiter de prisīs factis per Vicecomites & Constabularios uel alios balliuis, contra uoluntatem eorum quorum catalla fuerunt. De nouis consuetudinibus levatis in terra uel in aqua, qui eas leuauit, & ubi. De defaltis, scilicet de illis qui per summonem. deberent esse coram Justic. & non uenerunt. De gaolis deliberatis sine iuramento. De rapinis & prisīs factis extraneis tempore pacis, per quos hoc factum fuit & quando, & ubi, & in cuius potestate, & de quibus rebus. De nauibus captis in guerra & traditis per balliuū Willielmi de Wrotham, cui tradebantur, & quis illas habet, & quid de illis actum sit. De illis qui uendiderunt naues uel matreminum ad naues faciendas inimicos patris nostri & nostris, contra prohibitionem suam & nostram. Præcipimus etiam uobis, quod venire faciatis coram prædictis Justic. ad prædictum terminum omnia placita & omnia attachiamenta quæ venire & terminari solent & debent coram Justic. tenentiibus placita apud Shipweye; Voluimus enim quod unicuique iusticia exhibeatur secundum regni nostri consuetudinem, & secundum leges & consuetudines nostras, & habeatis ibi hoc breve. Teste M. de Patesb. apud Cant. 28 die Sept.

Eodem modo scribitur Balliuis Dover. Sandwic. Rumenal. & Heth.

REX Balliuis suis de Gernem, salutem. Sciatis, quod summoneri fecimus in Octab. Sancti Martini apud Shipweye placita de *Quinque Portubus*, sicut teneri debent et solent coram Justic. apud Shipweye. Et ideo uobis mandamus, quod hoc scire faciatis hominibus de Gernem. Ita quod si aliquis de aliquo conuoluerit, tunc sit apud Shipweye coram præfatis Justic. propositurus loquelam suam & iusticiam habiturus. Teste ut supra.

Eodem modo scribitur Balliuis de Dunwic.

REX Baronibus de Dover. salutem. Sciatis, quod omnia placita de *Quinque Portubus* summoneri fecimus apud Shipweye in Octabis Sancti Martini coram dilectis & fidel. nostris M. de Patesbull & sociis suis Justic. Itinerantibus in Com. Kanc. Et ideo uobis mandamus, quod vos de Villa nostra tunc ueniat apud Shipweye coram præfatis Justic. sicut uentre debetis et solebatis, coram Justic. tenentibus omnia placita, audituri & facturi præceptum nostrum, & responsum Capitulis quæ misimus Balliuis Dover. & aliis balliuis *Quinque Portuum*; ita quod omnes de Villa nostra cum pertin. tunc sint ibi coram præfatis Justic. nostris, sicut esse debent et solent, coram Justic. tenentibus omnia placita apud Shipweye. T. R. apud Westm. 20 die Octobr.

Eodem modo scribitur Baronibus de *Quinque Portubus* similiter per literas patentes.

REX Baronibus et Balliuis de Sandwic. salutem; Sciatis, quod diem placitorum de *Quinque Portubus* quæ summonita fuerunt apud Shipweiam in Octabis Sancti Martini coram dilectis & fidelibus nostris M. de Patesbull & sociis suis Justic. nostris itinerantibus, prorogauimus usque ad diem Veneris proxim. post Purific. Sanctæ Mariæ. Et ideo uobis mandamus, quod præd. die Veneris ueniat coram præfatis Justic. nostris apud Shipweiam in forma

que summoniti fuisset, quod esset ibidem coram eis in Octab. Sancti Martini.
T. R. apud Cantuar. 4 die Novemb. An. &c. 12.

Eodem modo scribitur Baronibus & Ballivis de *Quinque Portibus*,

To which I shall annex these Petitions of the *Barons of the Cinque-ports* in the Parliament of An. 8 E. 2. with the answers thereunto.

Rot. Parl. An.
8 E. 2. nu. 262.
Pro Baronibus
de Cinque
Portibus,

AD Petitionem Baronum *Quinque Portuum* suggerentium Regi, se placita-
re non debere vel implacitari per *Chartas Libertatum* quas habent super
aliquibus transgressionibus, præterquam infra Libertatem suam, vel apud *Sher-
weye*, coram Custode suo, & jam per brevía de transgressis & alia indictamenta,
Barones ipsi ad sectam quarundam, & per falsum returnum Vic. returnantium
quod Barones ipsi non sunt inventi in ballivis suis, sæpius utlagantur & positi
sunt in Exigendis; unde petunt remedium.

Respons. est per Consil. De placitis intrinsecis respondeant & placitent infra li-
bertatem, allegent Libertatem, & allocetur eis, & de placitis forinsecis, respon-
deant ubi debebunt.

Ibidem, 263:

Item, præfati Barones habere debeat, ut asserunt, per Chartam suam *Regalem*
Iusticiam in Villa *Gornemuth*, tempore Feriæ una cum Ballivo seu Præposito
Villæ prædictæ, videlicet, cognitionem *Affisæ Panis*, ulnorum, ponderum, &
aliarum mensurarum, & similiter *vide Strand & Denne*, secundum consuetudi-
nes suas usitatas, Ballivi Villæ prædictæ *Fernemuth*, ipsos Barones super Li-
bertatibus prædictis impediunt minus justè. * Item, ubi Mercatores Piscatores
merchantifas suas in eadem feria deberent liberè exercere vel vendere consueve-
runt, prædicti Ballivi ipsos Barones ut merchandifas suas emere & vendere pos-
sint in feria prædicta, præterquam ad voluntatem ipsorum Ballivorum, impedi-
unt minus justè, unde petunt remedium.

* Pat. 12 E. 2.
pars 2, m. 18.
dors.

Resp. est per Consil. Mandetur Ballivis de *Fernemuth*, quod permittant Barones
Quinque Portuum merchandifas suas in Villa prædicta liberè exercere, & liber-
tatibus suis ibidem uti, prout eis hætenus uti consueverunt.

See Cl. 1 E. 1. m. 9. exempting them *Prisage of wines*, and Placita Parl. An.
18 E. 1. Plac. 21. & 23. & An. 21 E. 1. Plac. 16. *Ryley Plac. Parl. p. 38, 40.*
134, 135. Pat. 4 *Johan. Regis*, m. 12. Pat. 5 *Johan.* m. 6, 7. Pat. 8 *Johan.* m. 4.
Cl. 8 *Johan.* m. 7. Pat. 9 *Johan.* m. 1, 2, 3, 6. Pat. 10 *Johan.* m. 2, 3. Cl. 11
H. 3. dors. 4, 6, 9, 10, &c. Cl. 19 H. 3. m. 19. intus, to omit all other Records
since, and those cited by the *Author*, 2 *Instit.* p. 558. concerning the Priviledges
of the *Cinque-ports* and their Courts.

* See here, p.
127, 128.

I finde multitudes of Writs in all our *Potent* and *Clause Rolls* issued to the
Warden and *Barons* of the *Cinque-Ports*, for the *Safeguard* and *Defence* of the **Sea*,
and *Realm*, for transportation of the Kings forces, and provisions for foreign
parts, for hindring of Forraigners and others to enter into the Realm, or Na-
tives (especially Clergy-men and Soldiers) to passe out of it, without the
Kings special license; to arrest or deliver the Ships of Forraigners arrested or
taken by them; to search for all Letters, Bulls, instruments sent from the Popes
or Court of *Rome*, prejudicial to the Kings Crown, Dignity, or the Realm, or
from hence thither, and the like. I shall only insert this memorable Letter
of King *Henry* the 3d. directed to them and others from *St. Audons* in *France*,
for the preservation of his Royal Authority and Peace of the Realm against the
Barons turbulent meetings and proceedings, requiring their obedience and fide-
lity to him and his Chief Justice in his absence, till his return into *England* with
some forces for their defence.

Clauſ. Franc.
44 H. 3. m. 1.

REX Ballivis & Baronibus *Quinque Portuum* suorum, salutem. Deus crea-
tor cæli & terre qui omnia disponit prout vult, cum olim guerra genera-
lis esset in *Anglia*, nobis adhuc in minori ætate constitutis, imponi voluit regni
diadema, & ex inspecto quas inimicitia capitalis ab invicem separaverat ad uni-
tatem

pacem & pacem nostram dono suæ gratiæ revocavit, quam toto tempore nostro sui gratiæ usque ad hæc tempora felicibus auspiciis continuavit. Nunc autem, quod non sine animi turbatione referimus, videmus ipsum in se sine causa irrationabiliter commoveri, dum caterbatim illi de regno nostro cum equis et armis in pacis nostræ turbatione, et contra mandatum nostrum, tanquam fidei suæ immemores ruere intendunt ad colloquium in Civitate nostra *London*, celebrandum, unde clare videntibus visum est hujusmodi congregatio magis sonet ad educendum gladium quam pacem seminandum. Et esto quod intentio singulorum fuerit bona, modus tamen pessimus est, et exemplum perniciosum omnibus Regibus terræ et Regnis: Et ut causa nostræ absentiæ tam diu a regno nostro, licet eam sub silentii clastro libenter transiremus si possemus, vos non lateat, noveritis quod egredientibus nobis regnum nostrum aliquas dissensionis scintillas incendi comperimus, quas per aliquantulum personæ nostræ et quorundam aliorum subtractionem extingui sperabamus: nunc autem ipsas scintillas in faces videntes consurgere, amplius silere non possumus, quin verbo et opere antequam flamma coarctet tanto periculo salubriter occurramus. Nam licet adivimus, quidam de regno nostro miserunt pro gente cum armis ad partes alienas præter nostram conscientiam, cum sua non interesset gentes armatas in regnum nostrum introducere ad vindictam alter de altero sumendam, verumtamen ad nos pertineat si placeret Deo et eis commociones et turbationes hujusmodi per justitiæ exhibitionem sedare. Et quod ita fieri deberent omnes qui fidelitate nobis astringuntur vigili continuæque cura laborare. Et quia bonum est obviare principis, et nobis potissime cuius interest Regnum nostrum sub Deo moderari: Nos de ejus misericordia vestroque et aliorum fidelium nostrorum adjutorio confisi, ad reingrediendum regnum nostrum cum aliquibus Militibus nos accingimus, non quod communitati Regni nostri, quam integre diligimus, nocere, quod abist, intendimus, imo ut vobis et aliis fidelibus nostris in quibus nostræ consistit fiducia, circa tranquillitatem regni nostri et defensionem ejusdem cum opus fuerit fortius assistamus. Confidite ergo in Domino, et in fidelitate nobis debita tanquam viri famosi persistite, et erga nos fidelitatis constantiam firmiter observeate, ut per opera vestra bona alii ad consilia fortius animentur, propter quod vobis et vestris ad honores et commoda fortius astringamur; unde vobis mandamus, rogantes in fide et dilectione quibus nobis tenemini, quod dilecto et fidei nostro *H. de Bygod* Justitiæ nostro usque ad adventum nostrum in *Angliam* intendatis et obediat, ut probitatem et benevolentiam vestram in hac parte magis ac magis commendare possumus. Teste, &c. apud Sanctum *Andoenum* 11 die *Aprilis*, Anno, &c. 44.

Sub eadem forma scribitur Majoribus & Communitatibus *London*. & *Eborum*, Archiepiscopis *Cantuar.* & *Eborum*, verbis tamen competenter mutatis.

Nota.

Cap. 44. p. 227. Courts in the Universities of CAMBRIDGE and OXFORD.

THE Author being educated for a time in the University of *Cambridge*, before his translation from thence to the Innes of Court, for the honor of this his *nursing-Mother* (like others of that Academy) hath placed her before the University of *Oxford*, (wherein I was a Student for 4. years space in the Royal foundation of *Oriel Colledge*, and there received my first Degrees of Learning) though deservedly ranked before her Sister Academy of *Cambridge* both in the *Parliament Rolls* and *Acts of Parliament*, wherein they are both particularly mentioned; Witnesse Rot. Parl. An. 40 E. 3. nu. 9, 10. Rot. Parl. An. 16 R. 2. nu. 9. (in the Roll it self, though misplaced in the printed ^a *Abridgement* by mistake) Rot. Parl. 1 H. 4. nu. 88. Rot. Parl. 2 H. 4. nu. 28. Rot. Parl. An. 3 H. 5.

^a Exact Abridgement of the Records in the Tower, p: 102, 103, 407.

apud *Westm.* 16 die *Novemb.* nu. 29. 1 H. 6. c. 3. 2 H. 6. c. 8. 3 H. 8. cap. 11. 14 H. 8. c. 2. 21 H. 8. c. 16. 7 E. 6. c. 5. The several Acts for the Subsidies of the Clergy, Annis 2 & 3, & 4 & 5 Ph. & Mary. 1 Eliz. cap. 1. 4 Eliz. cap. 8. The several Acts for the Subsidies of the Clergy, Annis 8, 13, 18, & 23 Eliz. 1 Jacobi cap. 22. 3 Jac. c. 5. The respective Acts for the Subsidies of the Clergy, Annis 1, 3, & 16 *Caroli Regis* 1. 16 *Caroli Regis* 1. c. 4. And to omit all other Acts, in the memorable Act for incorporating and confirming the Privileges, Charters, Lands in perpetuity of the Universities of OXFORD and Cambridge, in the Parliament of 13 *Elizabetha*; the Title whereof being only printed in the Statutes at large, but not the Act, (which alwayes propones, ranks, names the University of OXFORD before Cambridge both in the Title and body of the Act,) I shall here insert at large for the Honour of both Universities, that Noble Queen, Parliament, and the benefit of Posterity.

An Act concerning the several Incorporations of the Universities of Oxford and Cambridge, and the confirmation of the Charters, Liberties and Privileges granted to either of them.

Rot. Parl. An.
13 Eliz. nu. 25.
in the Clerk of
the Parlia-
ments Office
at Westmin-
ster.

ELIZABETH. R.

FOR the great love and labour that the Queens most Excellent Majesty beareth towards her Highness Universities of OXFORD and CAMBRIDGE, and for the great zeal and care that the Lords and Commons of this present Parliament have, for the maintenance of good and godly literatures, and the vertuous education of Youth within either of the said Universities: And to the intent that the auncient privileges, liberties and franchises of either of the said Universities heretofore granted, ratified and confirmed by the Queens Highness and her most Noble Progenitors may be had in greater estimation, and be of greater force and strength for the better increase of learning, and the further suppressing of Vice. *Be it therefore Enacted by the authority of this present Parliament, that the Right Honourable Robert Earl of Leicester, now Chancellor of the said University of OXFORD and his Successors for ever, and the Masters and Schollers of the same University of OXFORD for the time being, shall be incorporated and have a perpetual succession in fact, deed, and name, by the name of the Chancellor, Masters and Schollers of the University of OXFORD. And that the same Chancellor, Masters and Schollers of the same University of OXFORD for the time being, from henceforth by the name of Chancellor, Masters and Schollers of the University of OXFORD, and by none other name or names shall be called, and named for evermore; and that they shall have a Common Seal to serve for their necessary causes touching and concerning the said Chancellor, Masters and Schollers of the said University of OXFORD and their Successors. And likewise that the Right Honourable Sir William Cecill Knight, and Baronet of Burghley, now Chancellor of the said University of Cambridge and his Successors for ever, and the Masters and Schollers of the same University of Cambridge for the time being, shall be incorporated, and have a perpetual succession in fact, deed and name, by the name of the Chancellor, Master and Schollers of the University of Cambridge; And that the same Chancellor, Masters and Schollers of the University of Cambridge for the time being from henceforth by the name of Chancellor, Masters and Schollers of the University of Cambridge, and by none other name or names shall be called and named for evermore. And that they shall have a Common Seal, to serve for their necessary causes touching and concerning the said Chancellor, Masters and Schollers of the said University of Cambridge, and their Successors; And further, that as well the Chancellor, Masters and Schollers of the said University of OXFORD and their Successors, by the name of Chancellor, Masters and Schollers of the University of OXFORD, as the Chancellor, Masters and Schollers of the said University of Cambridge and their Successors, by the name of Chancellor, Ma-*

sters

sters and Schollers of the Univerſity of Cambridge, may ſeverally implead and be impleaded, and ſue and be ſued for all manner of Cauſes, Quarrells, Actions real, perſonal and mixt, of whatſoever kinde, quality or nature they be: and ſhall and may challenge and demand all manner of liberties and franchiſes, and alſo answer and defend themſelves under, and by the name aforeſaid in the ſame Cauſes, Quarrells and Actions, for every thing and things whatſoever for the proſit and right of either of the aforeſaid Univerſities, to be done before any manner of Judge either Spiritual or Temporal, in any Courts and places within the Queens Highneſſe Dominions whatſoever they be. And be it further enacted by the Authority aforeſaid, That the Letters Patents of the Queens Highneſſe moſt Noble Father King Henry the Eighth, made and granted to the Chancellour and Schollers of the ſaid Univerſity of OXFORD, bearing date the firſt day of April in the fourteenth year of his Raige; And the Letters Patents of the Queens Maieſty that now is, made and granted unto the Chancellour, Maſters and Schollers of the Univerſity of Cambridge, bearing date the ſix and twentieth day of April in the third year of her Highneſſe moſt gracious Raige; And alſo all other Letters Patents by any of the Progenitors or Predeceſſors of our ſaid Sovereign Lady, made to either of the ſaid Corporated Bodies ſeverally, or to any of their Predeceſſors of either of the ſaid Univerſities, by whatſoever name or names the ſaid Chancellour, Maſters and Schollers of either of the ſaid Univerſities in any of the ſaid Letters Patents have been heretofore named, ſhall from henceforth be good, effectual, and available in the Law to all intents, conſtructions and purpoſes, to the aforeſaid now Chancellour, Maſters and Schollers of either of the ſaid Univerſities, and to their Succeſſors for evermore, after and according to the form, words, ſentences, and true meanings of every of the ſame Letters Patents, as amply, fully, and largely, as if the ſame Letters Patents were recited verbatim in this preſent Act of Parliament; Any thing to the contrary in any wiſe notwithstanding. And furthermore, Be it enacted by the Authority aforeſaid, That the Chancellour, Maſters and Schollers of either of the ſaid Univerſities ſeverally, and their Succeſſors for ever, by the ſame name of Chancellour, Maſters and Schollers of either of the ſaid Univerſities of OXFORD and Cambridge, ſhall and may ſeverally have, hold, poſſeſſe, enjoy and uſe to them and their Succeſſors for evermore all manner of Mannours, Lordſhips, Rectories, Parſonages, Lands, Tenements, Rents, Services, Annuities, Advowſons of Churches, Poſſeſſions, Penſions, Portions and Hereditaments, and all manner of Liberties, Franchiſes, Immunities, Quietances and Priviledges, View of Frank-pledge, Law-dages, and other things whatſoever they be; the which either of the ſaid Corporated Bodies of either of the ſaid Univerſities had, held, occupied or enjoyed, or of right ought to have had, uſed, occupied and enjoyed at any time or times before the making of this Act of Parliament, according to the true intent and meaning as well of the ſaid Letters Patents made by the ſaid Noble Prince King Henry the Eighth, made and granted to the Chancellour and Schollers of the Univerſity of OXFORD, bearing date as is aforeſaid, As of the Letters Patents of the Queens Maieſty made and granted unto the Chancellour, Maſters and Schollers of the Univerſity of Cambridge bearing date as aforeſaid, and as according to the true intent and meaning of all the other aforeſaid Letters Patents whatſoever, Any Statute or other thing or things whatſoever heretofore made or done to the contrary in any manner of wiſe notwithstanding. And be it further enacted by the Authority aforeſaid, That all manner of Inſtruments, Indentures, Obligations, Writings Obligatory and Recognizance, made or knownedged by any perſon or perſons or body Corporate to either of the ſaid Corporate bodies of either of the ſaid Univerſities by what name or names ſoever the ſaid Chancellour, Maſters and Schollers of either of the ſaid Univerſities have been heretofore called in any of the ſaid Inſtruments, Indentures, Obligations, Writings Obligatory or Recognizances, ſhall be from henceforth available, ſtand and continue of good, perfect, and full force and ſtrength to the now Chancellour, Maſters and Schollers of either of the ſaid Univerſities, and to their Succeſſors, to all intents, conſtructions, and

and purposes, although they or their Predecessors or any of them in any of the said Instruments, Indentures, Obligations, Writings Obligatory or Recognizances, be named by any name contrary or diverse to the name of the now Chancellour, Masters and Schollers of either of the said Universities. And be it also enacted by the Authority aforesaid, That as well the said Letters Patents of the Queens Highnesse said Father King Henry the eight, bearing date as is before expressed, made and granted to the said Corporate body of the said University of OXFORD, as the Letters Patents of the Queens Majestie aforesaid granted to the Chancellour, Masters and Schollers of the University of Cambridge, bearing date as aforesaid, and all other Letters Patents by any of the Progenitors or Predecessors of her Highnesse, and all manner of Liberties, Franchises, Immunities, Quietances and Priviledges, Lettes, Law-dayes, and other things whatsoever therein expressed, given or granted to the said Chancellour, Masters or Schollers of either of the said Universities, or to any of their Predecessors of either of the said Universities, by whatsoever name the said Chancellour, Masters and Schollers of either of the said Universities, in any of the said Letters Patents be named, be, and by vertue of this present Act shall be from henceforth ratified, stablished and confirmed unto the said Chancellour, Masters and Schollers of either of the said Universities, and to their Successors for ever, any Statute, Law, Usage, Custome, Construction or other thing to the contrary in any wise notwithstanding. Saving to all and every person and persons, and Bodies Politique and Corporate, their Heires and Successors, and the Heires and Successors of every of them, other then the Queens Majestie, her Heires and Successors, all such Rights, Titles, Interests, Leases, Entryes, Conditions, Charges and Demands which they and every of them had, might or should have had, of, in, or to any of the Mannours, Lordships, Rectories, Parsonages, Lands, Tenements, Rents, Services, Annuities, Advowsons of Churches, Portions, Hereditaments, and all other things in the said Letters Patents, or in any of them, mentioned or comprised by reason of any right, title, charge, interest or condition to them or any of them, or to the Ancestors or Predecessors of them or any of them, devolntie or grown before the severall dates of the same Letters Patents, or by reason of any gift, grant, demise, or other Act or Acts at any time made or done between the said Chancellour, Masters and Schollers of either of the said Universities of OXFORD and Cambridge, or any of them, and others, by what name or names soever the same were made or done, in like manner and form as they and every of them had or might have had the same before the making of this Act, any thing therein contained notwithstanding. Provided alwayes and be it enacted by the Authority aforesaid, That this Act or any thing therein contained, shall not extend to the prejudice or hurt of the Liberties and Priviledges of right belonging to the Mayors, Bayliffs and Burgeses of the Town of Cambridge, and City of Oxford, but that they the said Mayors, Bayliffs and Burgeses, and every of them and their Successors, shall be and continue free in such sort and degree, and enjoy such Liberties, Freedoms and Immunities as they or any of them lawfully may or might have done before the making of this present Act, any thing contained in this present Act to the contrary notwithstanding.

After the passing of which memorable Act, I wonder there should be any new contests for the placing and precedency of the University of Cambridge before the University of Oxford, in any Acts or Instruments in Parliaments or elsewhere, by those of that University.

The deserved honour and due respect I bear to my most famous, renowned Foster Mother the University of OXFORD, (whose Priviledges I am obliged by Oath to defend and maintain) and to my Aunt of CAMBRIDGE, have induced me to present you with my severall Collections of such Records in the Tower of London which concern their respective Charters, Priviledges, Jurisdictions, Immunities, Exemptions, Government, affairs, and other emergences in general, (without relation to the particular Colledges in them) totally omitted by the Author.



The principal Records of this kind relating to the University of *Oxford* in general, are * Pat. 7 H. 3. pars 2. m. 6. Claus. 15 H. 3. dorf. 14. Claus. 18 H. 3. m. 16. Claus. 19 H. 3. dorf. 18. Pat. 20 H. 3. m. 5. & dorf. 11. Claus. 21 H. 3. dorf. 13. Pat. 22 H. 3. m. 5, 6, 7. Claus. 22 H. 3. m. 15, 16. dorf. Pat. 28 H. 3. m. 6. Claus. 33 H. 3. dorf. 15. Escheats 45 H. 3. nu. 39. Pat. 48 H. 3. m. 2, 8, 10, 12, 16, 18. Claus. 52 H. 3. m. 6. dorf. Claus. 53 H. 3. m. 8, 12. Claus. 2 E. 1. m. 12, 13. Pat. 3 E. 1. m. 6, 34. Claus. 3 E. 1. m. 13. & dorf. 18. Pat. 8 E. 1. m. 21. Pat. 13 E. 1. m. 16. Pat. 14 E. 1. m. 15. & dorf. 7. Plac. Parliamento An. 18 E. 1. pl. 2, 22. Claus. 21 E. 1. m. 8. Pat. 26 E. 1. m. 22. dorf. 20, 29. Claus. 28 E. 1. dorf. 3. Claus. 29 E. 1. m. 14. Claus. 33 E. 1. dorf. 2. Petitiones in Parlamento An. 33 E. 1. Claus. 34 E. 1. m. 21. Pat. 34 E. 1. m. 15. Pat. 2 E. 2. pars 1. m. 24. Claus. 5 E. 2. m. 8. dorf. Pat. 7 E. 2. pars 2. m. 10. Pat. 8 E. 2. pars 2. m. 18, 24, 26. Claus. 8 E. 2. pars 2. m. 11, & 24. Rot. *Roma* An. 11 E. 2. m. 13, 14. Pat. 12 E. 2. pars 2. dorf. 16. Petitiones in Parlamento An. 14 E. 2. Pat. 17 E. 2. pars 2. m. 28. Cart. 1 E. 3. nu. 88. Pat. 1 E. 3. m. 8, 9. (a Patent ratifying all their precedent Charters and Priviledges) & 18, 26. Pat. 2 E. 3. pars 1. m. 16, 19. Petitiones in Parlamento An. 2 E. 3. Rot. *Roma* An. 2 E. 3. m. 3. intus, Rot. *Roma* An. 4 E. 3. m. 2. nu. 7. Pat. 5 E. 3. pars 2. m. 8. Escheats 9 E. 3. nu. 32. Pat. 10 E. 3. pars 1. m. 6. Cart. 10 E. 3. nu. 29. Pat. 12 E. 3. pars 3. m. 1. Pat. 18 E. 3. pars 2. m. 31. Pat. 27 E. 3. pars 2. m. 7. Cart. 29 E. 3. nu. 5. Pat. 29 E. 3. pars 2. m. 26. Cart. 30 E. 3. nu. 30. Pat. 30 E. 3. pars 2. m. 10. Pat. 31 E. 3. pars 2. m. 25, 26. Pat. 32 E. 3. pars 2. m. 3. Pat. 33 E. 3. pars 3. m. 4. Pat. 36 E. 3. pars 2. dorf. 44. Pat. 40 E. 3. m. 9, 10. Pat. 41 E. 3. pars 1. m. 13. Pat. 46 E. 3. pars 2. m. 17. Claus. 51 E. 3. m. 1. Pat. 51 E. 3. m. 28. dorso. Pat. 1 R. 2. pars 2. m. 7. Cart. 2 R. 2. nu. 14. Claus. 3 R. 2. m. 20. Pat. 8 R. 2. pars 2. m. 31. Claus. 12 R. 2. pars 1. m. 43. Cart. 14 R. 2. nu. 14. Claus. 14 R. 2. pars 1. m. 5. Rot. Parl. 16 R. 2. nu. 9. Claus. 19 R. 2. m. 20, 24. Pat. 20 R. 2. pars 1. m. 9. Cart. 1 H. 4. pars 1. nu. 7. Rot. Parl. 1 H. 4. nu. 88. Rot. Parl. 2 H. 4. nu. 18. Cart. 2 H. 4. pars 1. nu. 3. Pat. 5 H. 4. pars 1. m. 19. Cart. 6 H. 4. nu. 3. Rot. Parl. 9 H. 4. nu. 31. Rot. Parl. 11 H. 4. nu. 50. Rot. Parl. 13 H. 4. nu. 15, 16, 17. Cart. 1 H. 5. pars 2. nu. 1. Pat. 7 H. 6. pars 2. m. 8. Pat. 14 H. 6. pars 1. dorf. 25. Pat. 30 H. 6. pars 2. m. 9. Pat. 33 H. 6. pars 2. m. 13. Pat. 37 H. 6. pars 7. m. 7. Pat. 39 H. 6. m. 3. dorso. Parl. 12 E. 4. nu. 36. with the forecited Parliament Rolls and Statutes. To which I shall adde the Letters Patents of * King *Henry* the 8. dated *April* 1. in the 14. year of his reign, at the *Rolls*.

The most material Records in the Tower which concern the University of *Cambridge*, are Pat. 9 E. 1. m. 8. Cart. 12 E. 1. nu. 103. Pat. 18 E. 1. dorf. 27. Liberate 19 E. 1. m. 2. Cart. 20 E. 1. nu. 51. Brevia Regis in Turri London. An. 20 E. 1. Pat. 21 E. 1. m. 14. Claus. 21 E. 1. m. 8. Pat. 22 E. 1. m. 3. Pat. 29 E. 1. m. 21. Pat. 33 E. 1. pars 1. m. 16. & dorf. 17. Pat. 7 E. 2. pars 2. m. 16. Pat. 10 E. 2. pars 2. m. 6, 27. Pat. 1 E. 3. pars 1. m. 6, 8. pars 3. m. 13. Pat. 10 E. 3. pars 1. m. 32, 36. Pat. 16 E. 3. pars 3. m. 7. Pat. 36 E. 3. pars 1. m. 5. Pat. 2 R. 2. pars 1. m. 16, 39. pars 2. m. 10. Pat. 4 R. 2. pars 2. m. 24. Pat. 5 R. 2. pars 2. m. 22. Rot. Parl. 8 R. 2. m. 11, &c. Pat. 8 R. 2. pars 2. m. 41. Pat. 9 R. 2. pars 2. m. 20. Pat. 13 R. 2. pars 3. m. 30. Pat. 14 R. 2. pars 1. m. 6. Claus. 15 R. 2. m. 16, 17. Pat. 15 R. 2. pars 1. m. 3. Cart. 1 H. 4. pars 2. nu. 12. Pat. 6 H. 5. pars 1. m. 25. dorf. Pat. 7 H. 5. m. 29. Pat. 9 H. 6. pars 2. m. 16. Pat. 14 H. 6. pars 1. dorf. 25. & Pat. 9 E. 4. pars 3. m. 8. with the Statutes and Parliament Rolls forecited.

Those Charters, Patents, Records which concern particular Colledges in either *University*, I pretermitt as impertinent, over-numerous, with the * ancient and late Statutes concerning both *Universities* and their Priviledges, obvious in our printed Statutes.

I shall only present you with the Transcripts of these few Records at large, discovering the Eminency of the University of *Oxford* in former ages, and our Kings, Parliaments extraordinary zeal, care to preserve and enlarge the Priviledges,

* See the 2d. Tome of my Exact Chronological Vindication, p. 257, 287, 292, 446, 493, 10498, 787, 788, 1045, 1046, 1047. Tom. 3. p. 99, 91, 103, 123, 163, 163, 364, 408, 469, 884, 909, 910, 1152. & Ryley Plac. Parl. p. 4, 39, 40, 245, 248, 405, 406, 533, 534.

* See p. 157, 158.

* 3 H. 8. c. 11. 21 H. 8. c. 16. 24 H. 8. c. 1, 15. 28 H. 8. c. 13. 32 H. 8. c. 16, 23. 1 E. 6. c. 14. 2 & 3 E. 6. c. 1. 7 E. 6. c. 5. 5 Eliz. c. 1. 13 Eliz. c. 16.

ledges, Exemptions, and Honour thereof, against all Papal, Episcopal, and Archiepiscopal Usurpations, Bulls, Appeals, tending to the diminution thereof.

I shall begin with the Letters of King *Edward* the 2. to the Pope, setting forth its Eminency, Fertility, Utility to the whole Church of God, and Christian Religion, with its sublime Dignity, Learning, Fame, Merits, Antiquity, from whom all the Universities in *France* derived their Original, and therefore ought to be made equal with them in all sorts of *Academical* Priviledges.

Rot. Romæ
An. 11 E. 2.
m. 14. intus.
Pro Universi-
tate Oxon.

SANCTISSIMO in Christo patri Domino J. divina providentia Sacrosanctæ Romanæ & Universalis Ecclesiæ Summo Pontifici; *Edwardus* ejusdem gratia Rex *Angl.* Dominus *Hibern.* & Dux *Aquitan.* devota pedum oscula beatorum. De fructu salutari qui ex Universitate *Oxon.* infra regnum nostrum, et ibidem Studentibus, ad exaltationem Ecclesiæ Sanctæ, et consolidationem ac augmentationem fidei Catholicæ, necnon ad nostri et dicti regni laudis præconium, et utilitatum incrementa indies crescit, et multiplicat, gaudere debet Ecclesiam; et præ cæteris *Anglicanam*, ex eo etiam quod idem regnum nostrum decoratur sociali tam nobili colletamur; desiderantes eandem Universitatem quæ Regiam magnificentiam multipliciter honozat, et eo prætextu in Regia benevolentia recumbit speciali, nostris intercessionibus apud vestram beatitudinem favoribus præcipuis attolli, et utilis gratis communiti. Quocirca Sanctitati vestræ humiliter supplicamus, quatinus in hiis quæ Cancellar. Magistri & Scholares Universitatis prædictæ erga vestram clementiam præ honore et commodo ejusdem Universitatis habuerunt prosequend. eis dignemini suam liberalis gratiæ aperire, et supplicand. gratiosius exaudire. Conservet vos altissimas per tempora prospera & longeva. Dat. apud *Lyc.* 13 die *Julii.*

Ibid. m. 13.
nu. 23.

PAPÆ Rex, devota pedum oscula beatorum. Intet eximia gratiarum donaria quibus regnum nostrum *Angl.* manus Altissimi mirifice stabilivit, summo meretur attolli præconio, et favoris cusulibet insigniri præsidio sublimis illa sapientialis studii dignitas, quæ in *Oxon.* Universitate continuatis viget successibus, et floquit ab antiquo. Ipsa namque ut mater fecunda prolem innumeram procreare non desinit, cujus Scientialis claritas cæteros irradiat et illustrat. Ipsa etiam velut vitis fructifera palmites suos circumquaque diffundit, qui situbundis Ecclesiæ filiis salutaris doctrinæ pocula copiose ministrant, et de virtutum celario totam lætificant domum Dei. Sane intelleximus hanc dudum a scelicis memoriæ Domino *Bonifacio* Papa octavo prædecessore vestro Universitatibus regni *Franc.* gratiam suisse concessam, ut omnes qui gradum *Pigistræ* honozis in quacumque facultate asseuti fuerint, in eisdem possint ubique terrarum lectiones resumere, et eandem continuare pro lux libito voluntatis, absque novæ examinationis vel approbationis præludiis, seu debito iterandi principii aut petendæ gratiæ cususcumque. Verum quia dubium non est secundum veterum testimonio Scripturarum, *Gallicanum* studium ab *Anglicis* nostris originale traxisse principium, constatque talem Apostolicæ dispensationis gratiam in *Anglicani* studii redundare dispendium, si Universitas nostra *Oxon.* cum prædictis Universitatibus regni *Franc.* in Libertatibus et Scholasticis actibus non concurrat: Sanctitati vestræ affectuosa instantia supplicamus, quatinus ad pacem mutuam inter viros Scholasticos nutriendam, Universitatem prædictam *Oxon.* consimili velitis prævilegio decorare. Nos siquidem plurimum gauderemus, si in nostri et Universitatis nostræ prædictæ favorem, quod a providentia vestra deposcimus exauderetis gratiosè; quia valde molestum nobis foret, si tanta Universitas aliqua nostris adversa temporibus pateretur, aut redigeretur ad insolitam servitutem. Conservet, &c. Teste Rege apud *Westm.* 26 die *Decembris.*

* Nota.

See Mr. Cambdens Britannia P. 376, 377, 378. Brianus Twin. & Parker Antiqu. Academiæ Oxoniensis.

Ibidem. Pro Magistro Johanne Luterele Cancellari Universitatis Oxon.

PAPÆ Rex, devota pedum oscula beatorum. Dilectum Clericum nostrum Magistrum *Johannem Luterele* Sacræ Theologiæ Doctorem, Cancellar. Universitatis *Oxon.* vestræ Sanctitati pleno commendamus affectu, rogantes quatinus

nus eidem Clerico nostro in negotiis ex parte ipsius vestre Sancte paternitati plenius exponend. gratia suam aperite, vosque super felici expeditione eorundem reddere dignemini gratiosos. Conserver, &c. Teste Rege apud Wyndes. 27 die Decembris.

The Freers Predicant in Oxford procuring Bulls from the Pope to exempt themselves from the Chancellors and Universities Jurisdiction, formerly granted and confirmed to them by our Kings Charters, King Edward the 2, upon the Chancellors Petition to him and his Council in Parliament, declared these Bulls of Exemption to be illegal, null, and issued these Writs to the Sheriff and Mayor of the County and Town of Oxford, to assist the Chancellor in the exercise of his Jurisdiction; preservation of the peace; and punishment of these tumultuous Freers and their assistants, according to their Charters.

REX Vic. Oxon. salutem. Petitionem dilectorum nobis Cancellarii & Universitatis Villæ Oxon. coram nobis in Consilio nostro in presenti Parlamento nostro apud Ebor. convocato, exhibitam recepimus, continentem, quod cum dictus Cancellarius per Cartas Progenitorum nostrorum quondam Regum Angliæ, habeat cognitiones de quibuscumque transgressionibus infra Villam prædictam et Suburbium ejusdem, Scholaribus seu Clericis ejusdem Villæ, aut per ipsos Scholares seu Clericos aliis factis, exceptis mortis et mahemto, et idem Cancellarius pacem nostram ibidem manutenere debeat et conservare, tanquam Missus noster: ipsæque et prædecessores sui in officio illo cognitiones hujusmodi virtute Cartarum prædictarum, exceptis mortis et mahemto, habeat, et pacem nostram ibidem tanquam Missus noster conservare consueverint temporibus retractis. Fratres tamen Predicatores in eadem Villa commoventes, de transgressionibus per ipsos ibidem perpetratis se per prædictum Cancellarium justitiam non permittunt, prætendentes se per privilegia Papalia ab ejusdem Cancellarii jurisdictione liberos debere esse et immunes; unde frequenter in eadem Universitate tumultus oritur, et contentiones varie suscitantur, et tranquillitas Universitatis prædictæ placidum conserbatur. Super quo petimus per nos congruum remedium adhiberi. Nos itaque attendentes ea quæ ad jurisdictionem nostram spectant temporalem: Petimus in hijs quæ ad conservationem pertinent pacis nostræ, præ privilegia Papalia non debere nec posse diminui, seu etiam aboleri; Et præcipimus, quod non obstantibus privilegijs prædictis præfatus Cancellarius qui nunc est, et quis pro tempore erit, in hijs quæ ad cognitionem seu punitionem transgressionum prædictarum, ac conservationem pacis nostræ pertinent pareas et intendas prout hactenus fieri consuevit. Teste Rege apud Wyndes. 24 die Nov. in hijs verbis: Nos per privilegia de Consilio.

Clauf. 12 E. 2. m. 22. intus. Pro Cancellar. & Universitate Oxon.

* Nota.

* Nota.

Kohennin de mandatis est Majori de Ballivis Villæ Oxon. Anno 40. de his verbis: Nos per privilegia de Consilio.

After which these tumultuous Freers residing in Oxford and Cambridge, procuring new Bulls and Priviledges from the Pope, in derogation of the Priviledges of both Universities, who made several Orders against them King Edward the 3. upon the Chancellors Petitions in Parliament, Anno 40. of his reign, upon a full hearing of both parties in Parliament, ordered the Freers to suspend and revoke the execution of all Papal Bulls, and Proffesse awarded on them, to the prejudice of the Universities Charters and Priviledges, or any Member thereof, in the Court of Rome or elsewhere, as the Parliament Roll thus records, placing Oxford University before Cambridge.

Parl. 40 E. 3. num. 9, 10, 11.

Et assisit missus in eadem Villam de Oxonford et Cambridge, per litteras de quatuor Ordinibus Mendicantibus, complementis per litteras Reversionis, nisi de parte Roi en Parlement, surdicionis outrage, debata, damages et mesmes chiefs, fides et assumpet. duo partibus: et illam; les Chanceliers et Provoines des ditz Universitez, et les Provinciales et Ministres des ditz Ordres, aloues presentes, et sur submissiois de touz les Ordres, le Roi, et fides et assumpet.

Nota.

par le Roi de l'assent des Prelatz, Ducs, Comtes & Barons, par les diez debatz, damages, outrages & meschiefs de son ouster & admitter en manere desoubz escripte. Nostre Seignur le Roi en ce Parlement eue deliberacion plein, & avys ouc les Prelatz, grantz, & sages de son Conseil, sur diverses grevances, outrages, controverses & debatz mevez perentre les Universteez de * Orenford & de Cambridge dun part, & les quatre Ordres de Freres Mendicantz dautre part: et monstrez a lui per leur Peticions en mesme le Parlement, sur plusieurs pointz de Privileges et Immunitiez clamez dun part et autre, in presence des Chancelliers & Procureurs des diez Universteez, canez plein poair de diez Universteez & de Provinciales & Ministres de diez Ordres canez plein poair de diez Ordres, & eux submittantz de leur bon gree en haut & bas, & sanz aucun retenue ou reservational Ordinance nostre dit Seignur le Roi, des pointz de grevances, controverses & debatz moes entre eux celle partie, de l'assent des diez Prelatz, Nobles, grantz & sages en mesme le Parlement, par aise, quiete & tranquillite des diez Universteez, & des Escoliers en ycoles, ad anciens voes & commande, que les Chancelliers des diez Universteez, Maistres, Regenz & Non-regenz, & tous autres des diez Universteez, les Freres des diez Ordres illeques demourantz & a demourer, vissent & amourent en graces & toutes autres choses que touchent fait Desputer, & les Freres mesme se croit & concient devers les Universteez, & chescune persone d'ycole honestement, sanz rancour & amiablement en toutes choses, solonc ce & en manere come solonc & se font devant l'estat fait madgairs en les diez Universteez, convenant, que nul des diez Ordres receivoit en leur diez Ordres Escolers de les diez Universteez deinz l'age de xvij. ans, quele estat le Roi voea que soit ouster & tenu par nul. Et que nul novel estat se feroit, ou Ordinance soit fait en mesme les Universteez, que soit prejudiciale au commandement de Dieu, sanz luy & sans desobeyssance. Et aussi soit le Roi, que l'execution de tous les impetracions des Bulles et Brevets, faitz suppur luy, ou assente ou pincet en temps avenir en la Court de Rome, et ailleurs par les Freres des diez Ordres ou nul persone singuliere de ycelles, en general ou especial, contre la dite Universtee, ou aucune persone d'ycelle puis la soluce du dit estat, nulle option, et soit mena niant. Et mesme, que mesmes les Freres, en aucun de fait, et parole au fait advantage, que peulz peulz pervertir de tous leurs impetracions faitz per eux ou nul de eux contre les diez Universteez, ou aucune persone d'ycelles, en general ou especial, et par ce nul soit commencement ou fait de telle partie des medmes les impetracions puis la dite Ordinance, ne l'estat fait par les diez Universteez, et ce de tout Oust et perent force et vigueur.

Anno 3. E. 3. *Guillelmus Roman Cardinal residing at Rome, being Archdeacon of Oxford, disquieted and vexed divers Scholars of the University of Oxford by his Citations, against their Rights and Privileges, upon complaint thereof to the King, he wrote thus to the Pope and Cardinals in a friendly manner, to command persistently to give over these vexations, and refer the difference between them to some English Prelates to hear and determine.*

Rot. Romæ
An. 3. E. 3.
m. 9. intus.
Pro Magistris
& Scholaribus
Universitatis
Oxon.

Venerabili in Christo patri Domino M. Dei gratia. Sisto Maris in Aquino
Diacono Cardinali, amico suo clarissimo, Edwardo, &c. salutem, &
sincere dilectionis affectum. Quo tenore diligimus Magistroz et Scholasticorum Universitatis Oxon. tranquillitatem et quietem, ut liberam studii seculo insistentes, in Ecclesia Dei sanctis assensum libertatem ad illuminationem populorum temporibus opportunis, eo solertius agemus, ut ab eis cujuslibet inquietudinis interdictum decessa, transferatur materia scandalorum. Cum itaque intellectum, quod venerabilis pater Dominus Guillelmus de Monte Sancti Lucii in Christo Diaconus Cardinalis, Archidiaconus Oxon. ipsos Magistros et Scholasticos super scriptis et consuetudinibus suis quibus habemus usum situm in Universitate predicta, et aliter, per processum veros hucusque inquietaret, et adus inquietum ad nos permissum diffensionem moleste verentes, Dominus Dominus Pontifici

Pontifici diximus supplicand, ut p̄f̄cto Cardinali iubere dignetur, ipsum que inducere salubribus hortamentis, quod omnino superseadet inquietationibus supradictis, vel saltem assensum p̄beat, quod negotium illud aliquibus p̄latiis de Regno nostro Angli. committatur audiendo, et sine debito cernendo, ne, quod abdit, p̄pter veritates nimias dictæ Universitatis imminuat dispositio vel ruina; Vestram igitur Paternitatem (de qua confidimus) rogamus & requirimus ex affectu, quatinus Universitatem prædictam reedimendam datam habentes, p̄ones præfatum Dominum Summum Pontificem, necnon et p̄enes ipsam Dominum Cardinalem iussere velitis, modis p̄videndis libere expedire, ut p̄o pace et quiete in dicta Universitate conservandis, velite in p̄missis condescendere votis nostris. Dat. apud † *Olshum*; tertio decimo die † *Eltham* *Maii*.

Consimiles Literæ diriguntur Domino P. de Martino mari, Tit. Sancti Stephani in Scio Monte Presbytero Cardinali Domino P. Episcopo Penesbrim, Sanctæ Romanæ Ecclesiæ Cardinal. Vicecancellario Domino G. Episcopo Albanen. Sanctæ Romanæ Ecclesiæ Cardinali.

After this the Doctors, Bachelors, and Students of the Canon and Civil Law residing and meeting from all Parts in the University of Oxford in Conventicles, to advance these Lawes with their own Jurisdiction and designs in all places, (being backed, countenanced by the Pope and Bishops, as the chief promoters of their Authority) to the great disturbance of the University, whose priviledges they opposed: the King upon the Masters and Schollars complaint thereof issued several Inhibitions to suppress these their Conventicles and Confederacies: whereupon they procured this special License from King *Richard* to hold their Conventicles and meetings there in a legal and peaceable manner, notwithstanding these Inhibitions, provided alwayes they did not hinder the Chancellor of University in the due execution of their Offices, and the Inhibitions against Conventicles and unlawfull Assemblies, nor disturbe the Peace of the University in any sort by colour of this License.

REX Universis & singulis Doctoribus, Baccalaris, et Scholaribus Juris Canonici et Civills in Universitate Oxon. studentibus et degentibus, salutem. Ut p̄o communibus negotiis hoc ac gradus et facultates vestros concernentibus in Curis nostris Regis et alibi infra Regnum nostrum Angli. p̄sequend in Universitate prædicta in numero moderato pacifice et absque tumultu conbentire, ac invicem super negotiis illis communicare et tradare, Consiliisque vestra in hac parte inire et tenere, et Procuratores vestros ad negotia prædicta rite et debite p̄sequend. in forma juris constituere et ordinare quociens et quando vobis videbitur expedire, libere et impune valeatis, Licentiam vobis tenore præsentium diximus concedend. aliqua inhibitione nostra de Conventiculis, congregacionibus seu confederacionibus illicitis in Universitate illa faciendis vobis prius facta aut directa non obstant. Dum tamen Cancellar. Procuratores, seu alii Ministri Universitatis prædictæ in executione officiorum suorum secundum Statuta et Ordinationes dictæ Universitatis faciendæ, colore præsentis Licentiæ nostræ nullatenus perturbentur, nec Par nostra ibidem aliquasiter violetur. Et hoc vobis & omnibus aliis quorum interesse poterit innotescimus per presentes. In cujus, &c. Teste Rege apud *Westm.* 18 die Febr.

Par. 8 R. 2. m. 35. intus. Pro Doctoribus, Baccalaris & Scholaribus Juris Canonici, & Civills in Universitate Oxon.

I shall next present you with this memorable Petition of the Commons to King *Henry* the 5th. in Parliament, against the Popes provisions, conferring Ecclesiastical Promotions and Benefices on Aliens and Canonists, contrary to the Statutes made against Provisions, to the grand discouragement, impoverishment of the Graduates and Schollers in the Universities of *Oxford* and *Cambridge*, as also to the great prejudice of the Clergy and Church of *England*.

relating the manifold mischiefs ensuing thereupon, whereof they prayed redress.

Rot. Parl. apud Westm. 16 die Martii, Anno 3 H. 5. m. 4. pars 1. nu. 39.

Item supplicavit et restituitur vobis Communes, qe come sadyz la Clergie de la Roialme fuit creffant et florant et pofitant en boyz Univerfitez D'OXENFORD et Cantebregge par Docteurs en Divinite, en les Leyes Canon et Civil, et par autres de divers Degres, a graunt confort, confolacion et haut profit de royaume de France et de vobz Chyftien Dengleterre, enbyen a greyn contraire de vobz L'etatuer de Provision & encontre Provisionz fuit fait par Parlement, la Clergie en les ditz Univerfitez lamentablement est extinte, et en plusieurs parties despit, a graunt anientiffement de Saint Eglise: et sur ceo pur defect qe les ditz Clerkes fludeantz en les boyz ditz Univerfitez ne fount pas abasturies, pzonotz et nuretez en leur vmpzise honelle et vertue; Et si pur taunt qe la dite Clergie n'est confort et nurete, grauntz et entolerables Errouz et Hereses enbers Dieu et homme, et rebellior et obftinacie encontre vobz tresfideraigite Seignour entre les Commune poeple de vobz Roialme fount nadgairs enfurdez, encontre ancien doctrin de vobz Seintz Pieres, et determination a tout Saint Eglise: Et la d'adant ditz Univerfitez ont mys en hautz lamentacion, desolacion et d'adant heritaunce de les Chyftiens fitez et profitables Studantz, a graunt difcomfozt et prejudice de toute Saint Eglise fuifoite, et extinacion de foie Chyftiene, et male examplye a toutz autres Chyftians et Roialmes, si hasty remedy ne foit fait en ceste matere si volontable. Ne pleafe a tant vobz tresexcellont Seignourz, qes die et adette toutz jours tresabundante de grace, noblesse et de boante, aver pite, compaffion et mercy sur vobz poebere et humble Clerge fuifoite, qes si lamentablement mys en taunt de poberte, difcomfozt et desolacion, et par vobz haute discretion, et circumspecte Seignourz, et par adys de vobz treffage Conteil des Seignours Chyftiens et Temporels en cest present Parlement, aucte gracions remede en cest cas et matere faire, qe vobz fount dite Clergie si humble et poebre, al honore de Dieu, et de Sainte Eglise, a profait de vobz Roialme poair encrocier, et estre pzonotz, et aver substance a bibe honellement, chescun folonc son estate, deserte et degre, par Seignours et Religions, sur quez provisionz courgier foloient deus vobz Roialme.

Nota;

Resp. Sur la demonstrence, le Roy fait a les Seignours Chyftiens, et pzonotz en Parlement, de la matre contenu en la Peticion, mesme les Seignours ont pzonis a Roi de la remebier.

I shall conclude with this memorable Commission of *Queen Elizabeth* occasioned by an Appeal in the Case of *William Willson*, upon the Petition of the Chancellor, Doctors, Masters, and Schollers of the University of *Oxford*, for the preservation of their Priviledges, Liberties, and Exemptions therein expressed at large, from the Archbishop and his Officials encroachments thereon, which this famous Queen had a special care to maintain, as this her Patent evidenceth.

Pat. 14 Eliz. Reginz at the Rolls. De spiritali (speciali) Commissione pro Academia Oxon.

REGINA, &c. Dilectis nobis Reverendis in Christo Patribus *Johanni Lowan.* & *Johanni Rossen.* respectivè Episcopis, necnon Honorandis Dominis Domino *Christophero Wray* Militi, Baroni Capital. Scaccarii nostri; Egregiis viris, Domino *Willielmo Cordell* Militi, Rotulorum Magistro, & *Thoma Wilson* Legum Doctori; à libell. supplic. Magistro *Johanni Gibbons* Legum Doctori, Curiz Cancellariæ nostræ Magistro, & *Johanni Griffith* Legum Doctori, salutem. Ex parte prænobilis viri & dilecti Consanguinei & Consiliar. nostri Domini *Roberti* Comitis *Leicesfriae*, Univerfittatis et Academiz nostræ *Oxon.* summi Cancellarit, et Doctorum, Magistrorum, Scholariumque ejusdem Academiz, nobis querelat. et supplicat. est, Quod cum Academia nostra *Oxonii* prædicta multis abhinc annis retroactis ampliffimis pzonotz, exemptionibus, concessionibus, indultis et immunitatibus Regis auctoritate et Statutis Parliament.

uent. Regni nostri Anglia confirmatis et corroboratis, ornata et dotata fuerit; Ita quod Inquisitio, cognitio, audie. decisis finalis et terminatio omnium et singulorum Contract. placitorum personar. querel. causarum, controvertarum quocumque nomine censeantur, sive tertius poterint (Papemia et Felon. et Alia et placitis de libero tenement. duntaxat exceptis) qualitercumque emergentibus infra prædicta. Universitatis prædictæ, ubi una pars est Magister, Scholarius aut scribens Scholarius aut alia privilegiata persona, ad Cancellarium præfatum Universitatis pro tempore existente pertineat, ac pertinere debeat: Quodque Doctores, Magistri et Scholares omnes et singuli dictæ Academiæ ab utraque Jurisdictione, Dominio vel Potestate quocumque Archiepiscoporum, etiam Legatorum natorum, necnon Episcoporum et aliorum Ordinariorum Arbitrum quocumque, quas ad omnes Contractiones vel quasi iustas infra prædictam Universitatem, et quoad omnia crimina vel quasi et punitionem eorundem, (exceptis præceptis.) et quoad omnes Actus Scholasticos quomodolibet degerint in eadem Universitate, sint exempti et totaliter liberati, et prædicto Cancellario subiecti. Et quod Cancellarius prædictæ Universitatis omnem et omnimodam Jurisdictionem, etiam Ecclesiasticam et Spiritualem, in prædictis Scholares, et alias personas exercere libere et licite possit et valeat. Et quod nulli homini liceat huiusmodi pagin. et privileg. exemptionis, liberationis et subjectionis ullatenus infringere vel contravenire. Cuiusmodi Cancellarius pro tempore existens. et Scholares dictæ Universitatis per tempus rufus initii vel contrarii memoria hominis non existit, fuerint et sint, (sæpius infra dicend.) et sic esse debent in pacifica et quietâ possessione, quasi huiusmodi privilegiorum, exemptionis, immunitatis, liberationis et subjectionis, ut præfertur; cum etiam omnes et singuli Graduati qui sunt de gremio Universitatis prædictæ tempore eorum et cujuslibet eorum Admissionis ad gradum quemcumque, tactis sacrosanctis Evangelicis, solemne et corporale præstant Juramentum et dant fidem, ad observand. Statuta, privilegia, consuetudines et libertates prædictæ Universitatis, et quod adversant. quemcumque Statuta, Consuetudines, aut alia prædictæ Universitatis factis, libertatibus et privilegiis non sobebunt consilio, auxilio, nec favore, sed quantum in illis est eadem inconcussa observabunt pariter et sobebunt. Quidam tamen *Willielmus Willson*, in Theologia Bachalareus & Scholarius in dicta Universitate degens & de gremio ejusdem existens, qui prædictum Juramentum vel in effectu condonili subivit, et præmissorum omnium et singulorum satis scilicet. asserens, & minus verè præterdend. se fuisse & esse legitime electum ad *Officium Rectoris* sive Præpositur. *Collegii Lincoln.* in dicta *Academia*, ac etiam sub sigillo communi Collegii prædicti juxta tenorem Statutorum ejusdem Collegii præsentatus Reverendo in Christo patri Domino *Thoma Lincoln.* Episcopo, (quum tamen sic minime legitime electus aut præsentatus fuerit) ac dictum Reverendum patrem eundem *Willielmum Willson* in *Officium Rectoris* admittere penitus recusasse, seu factem æquo diucius distulisse: contra privilegium exemptionis, liberationis, et subjectionis prædictæ Universitatis, et in manifestum præjudicium et violatorem eorundem, ac contra juramentum suum prædictum, apud dilectum subditum nostrum *Bartholomæum Clerke* Legum Doctorem, Curie *Cantuar.* de *Archibus Official.* de præmissis ad Jurisdictionem Universitatis prædictæ spectantibus et pertinentibus, de facto in Judicio contra præfatum Reverendum patrem conquestus & querelatus fuit, atque autoritate dicti *Officialis Cantuar.* præfatum Reverendum patrem *Lincoln.* Episcopum ad admittendum eundem *Willielmum* in Rectorem prædicti Collegii, beate *Mariæ ac Omnium Sanctorum Lincoln.* in Universitate *Oxonii*, seu sic admitti faciendum, justiciamque eidem in ea parte administrandum infra quoddam tempus in ea parte assignatum & limitatum mōneri mandavit & curavit, ipsumque Reverendum patrem ad comparandum coram eodem *Officiali Cantuar.* ad dicendam causam, quare jus admittendum prænomiatum *Willson* in Rectorem Collegii prædicti non debeat pronudari ad dictum *Officialem* & Curiam prædictam, ob justiciam per eundem Reverendum patrem in ea parte denegatam devolvi, citari fecit & obtinuit: Ac etiam tam dicto

Reve.

Nota.

* Nota.

Reverendo patri, quàm enam venerabilibus viris Magistris *Herberto Westfaling*, *Laurentio Humphrye*, & *Thoma Buckle* Sacræ Theologiæ Professoribus, Magistris *Waltero Baylie* & *Olivero Whittington*, in Medicina Doctoribus, necnon *Willielmo Smyth* Legum Doctori, prædicti Reverendi Patris *Patroni & Visitoris* Commissariis ritè & legitime infra dictam Universitatem sub pœna contemptu, ne quicquam in præjudicium prædicti *Willielmi Willson* aut suæ quæstionis prædictæ attemptent, seu eorum aliquis attemptare: Necnon postea Reverendissimus pater Dominus *Edmundus* permissione divina *Cantuariensis* Archiepiscopus (being of the University of * Cambridge, and so lesse careful to preserve, and more apt to invade these Liberties and Exemptions of Oxford) ad instantem petitionem & procuracionem ejusdem *Willielmi Willson* causam hanc sive querelam ad se advocavit, atque cognitionem, discussionem, & finalem determinationem ejusdem *Davidi Lewes*, *Henrico Jones*, *Laurentio Hulse*, & *Nicholao Steward* Legum Doctoribus, & Curie *Cantuarie* Advocatis conjunctim, seu eorum duobus quibuscunque de facto commisit & delegavit, iidemque Commissarii sive Delegati, vigore Commissionis sive Delegationis hujusmodi in dicto negotio processerint, coram quibus lis adhuc pendet indecisè. Et licet pars dicti Reverendi patris coram dictis Commissariis nonnulla pro defensione sua, tam contra præsentiam electionem & personam dicti *Willielmi Willson* & ejus inhabilitatem, quàm contra debitam formam & modum præsentationis dicti *Willson* sibi sub sigillo Collegii ad causas factas allegavit, allegataque hujusmodi admitti, ac jus & justitiam sibi & parti suæ ministrari, terminumque probatorum ad probatos hujusmodi allegat. sibi assignari petierit, dicti tamen Commissarii terminum probatorum hujusmodi assignare expressè seu saltem tacitè recusare, seu plus justè distulere, partique dicti Reverendi patris ad probandum hujusmodi allegatum per responsionem partis principalem, & exhibitionem instrumentorum tantum assignare. Et licet quidam *Thomas Underhill* Artium Magister, Procurator dictæ Universitatis *Oxon.* et nomine Procuratoris ejusdem Universitatis, sub protestationibus de non consensiendo in dictos Commissarios tanquam in Judices competentes neque de provocando quobismodo eorum Jurisdictionem comperuerit, ac animo declinandi forum dictorum Commissariorum, præbilibus, exemptionibus, libertates et immunitates dictæ Universitatis omnia et singula prædicta in debita juris forma proposuerit et allegaverit, et ideo supersedendum fore in prædicta causa, ac recognitionem et determinationem ejusdem causæ ad examen dicti Cancellarii *Oxon.* remitti petierit. Dicit tamen Commissarii non solum supersedendum fore decrebere, ac causam remittere expressè seu saltem tacite renuerunt et recusarunt, seu saltem plus justè distulerunt, seu ad nonnullos alios Actus Judiciales et præbilibus prædictis præjudiciales processerunt, in præjudicium non modicum et violacionem præbilibus et exemptionis dictæ Universitatis, et Cancellarii et Scholarum ejusdem, et in contemptum et præjudicium auctoritatis nostræ Regiæ in dicta Academia, et personam ejusdem exempt. cui immediate subjiciuntur. Unde pars dicti prænobilis Comitis Cancellarii, Doctorum, Magistrorum, & Scholar. Universitatis prædictæ nobis humilliter supplicari fecit; quatenus tam recognitiones querelæ prædictæ, quam quarumcunque aliarum causarum, præbilibus et exemptiones prædictæ, qualescunque concernent, seu tangentes, aliquibus probis et prudentibus viris examinandas, et sine debito terminandas committere dignaremur. Nos vero eorum in hac parte humilibus supplicationibus favorabiliter inclinati, ac jus et iusticiam ejusque ministracionem ac complement. nemini denegare volentes, quoniam debite administrari maxime affectantes, volentesque præbilibus, immunitates et executiones Universitatis nostræ prædictæ in aliquo violari, aut quavis auctoritate, seu quovis questio colore minui aut infringi, sed quantum in nobis est eadem tueri et defendere; Vobis, de quorum probitate, prudentia, scientia, & in rebus gerendis dexteritate * spiritual. fiduc. obtinemus, ex certa scientia & mero motu nostris, et ex plenitudine potestatis nostræ per hac scripta nostra committimus & mandamus vos, quod omnes, octo, septem, sex, quatuor, tres, aut duos vestrum, vocatis dictis Reverendo patre *Lincolni.* Episcopo

* See Godwins Catalogue of Bishops, p. 131. Edmundus Gryndall.

Nota.

* speciale

piscopo & *Willielmo Willson* in specie, & aliis quibuscunque de Jure vocandis in genere, summarie & de plano, ac sine strepitu & figura Judicii, sola rei et facti veritate inspecta ac mera aequitate attenda, omnibus viis modis & formis quibus melius & efficacius possit de & super veritate pramissorum, et prohibitorum et exemptionum dicte Universitatis, ac in causa et causis predictis una cum suis incidens, emergentibus, dependentibus annex, et connex, quibuscunque procedatis, et sine debito, omni appellacione et querelis, nullitat, et applicacione quacunque remotis, terminatis: Statutis, Canonibus, et Consuetudin. in contrarium editis, litte penden. in aliquo non obstantibus facientes quod ea que in pramissa decreveritis, per legitima juris remedia, firmiter observari. In cujus rei, &c. Teste Regina apud *Westm.* vicesimo tertio die *Aprilis*, Anno Regni nostri decimo nono.

For the Antiquity, Eminency, Priviledges, and other affairs of our famous ancient Univerſity of *Oxford*, (which some affirm to be originally founded by *Ayviragus* our *British King* about 70 years after our Saviours Nativity, or before it, regulated afterwards by *St. German*, about the year 440. and for certain restored, enlarged, or at least founded by our Noble King *Alfred* about the year of Christ, 886) those who please may consult *Affarius Menevensis* Episcopo his *Alfredi Regis Res gesta & Vita*, cited at large in * *Mr. Cambdens Britannia*, *Oxfordshire*, & others. † *Ingulphi Abbatiss Historia*, who in the reign of King *Edward the Confessor*, writes thus of himself, and it, *Pro literis addiscendis in teneriori aetate constitutus, primum Westmonasterio, postmodum OXONIENSI STUDIO, traditus eram. Cumque in Aristotele arripiendo supra multos coactos meos profecissim, etiam Rhetoricam Tullii primam & secundam solo somno induobam, &c.* *Mat. Paris* in his *Historia Anglia*, (*Tiguri* 1589. p. 219, 237, 417, 453, 454, 407, 487, 830, 915, 917, 950, 956.) makes frequent mention of this Univerſity, which had at least three thousand Clerks, Masters, and Shoers in it, Anno 1209. That, *Scholarium Univerſitatis que de diversis mundi partibus, illic studii congregata. Quorum facietiam, gestus maturitatem, vestium compositionem, morum severitatem, cum Archiepiscopo Bonifacio* (Anno 1252.) & ejus umbratiles Clerici Provinciales confiderassent, consideri cogebantur, quod OXONIENSIS UNIVERSITAS amula Parisiensis censeri promeretur: That, Anno Dom. 1257. (414. 8.) *Septimo Idus Martii, venerunt ad Sanctum Albanum quidam Magistri Oxonie, circiter novem Artista, qui querebula voce coram Rege, in Capella sancti Oswini, reposerunt questumtiam de Episcopo Lincolnensi, qui contra Statuta Universitatis antiqua et approbata, infrebat libertatem Scholarium exerbare: Et statuens est dies responsionis, ad instans magnum Parliamentum, ut auditis partium rationibus, pacificarentur. Eodemque discesserunt dicit Frater* (*Mat. Parisiensis, qui & hoc scripsit*) *Domino Regi: Domine, pro Domino curam habe de Ecclesia jam vacillante. Univerſitas enim Parisiensis, tot atrix & magistra sanctorum Prelatorum, non medioeriter perturbatur, et (si) similiter uno tempore perturbetur OXONIENSIS UNIVERSITAS, cum sit schola secunda Ecclesie, immo Ecclesie fundamentum, timendum est vehementer, ne Ecclesie tota ruinam patiatur. Et Rex, Abbat quod hospitandat, maxime in eo tempore. Whereupon, videro anno, in die Quadragesima factum est magnum Parliamentum, ubi de precepto Regis denerunt Magistri Oxonie, ut per reseraretur inter Episcopum Lincolnensem, qui eos infestabit, et UNIVERSITATEM OXONIENSEM: on whose welfare the whole Church of God and Christian Religion, as well as the honor and felicity of the Kingdom and human learning, so much depended in that age. *Johannes Bromton* in his *Chronicon*, col. 814, to 819, hath a large Discourse, concerning the Antiquity and Original of our first Schools and Univerſities, yet of the Univerſities of *Arbou*, and *Paris*, (wherein *Alguisus*, as he styles him, a *Brison*, Scholler of *Beda*,) was the first Reader and Tutor: and withall relates, That King *Alfred*, ad consilium beati *Nepoti Abbatis*, *Scholas publicas honoratissimum apud OXONIAM* ppetuis instituit, que in multis privilegiis precurabit;*

* Editione ult. in folio.

† *Ingulphi Hist.* p. 903.

† *Our of Alexander Nequam* whom he cites

curabit, &c. Iste Rex omnes provinces in duas partes divisit, quarum primam ad huc in aequales partes subdivisit, Quarum tertiam Scholaribus Oxoniae nobiliter congregatis assignabit. ^a Pope Clement the 5th. in the General Council of Vienna in the year of our Lord, 1310. by his usurped Papal Sovereignty to ordain, constitute, privilege Universities for all Languages; Arts, Sciences in Christian Kingdoms, decreed and constituted, by that Councils, provision, That OXFORD should be the sole University for languages for England, Scotland, Ireland and Wales, as Paris for France, Salamanca for Spain, and Bononia for Italy; in these words. *Ut igitur peritia linguarum hujusmodi (quibus utuntur infideles, & valeant sacris institutis instruere, &c.) possit habilitate per instructionis efficaciam obtineri. Hoc sacro approbante Concilio Scholas in subscriptarum linguarum generibus, ubique Romanam Curiam residence contigerit, necnon in Parisiensi, OXONIENSI, Bononiensi, & Salamantini studiis (without any mention of Cambridge) prohibemus erigendas: Statuimus, ut in quolibet locorum ipsorum teneantur viri Catholici sufficientem habentes Hebraicæ, Arabicæ; & Chaldaeæ linguarum noticiam: duo videlicet uniuscujusque lingua periti, qui Scholas regant inibi, et libros de linguis ipsis in Latium fideliter transferentes, alios linguas ipsas sollicite doceant, earumque peritiam, studiosa in illis instructione transfundant: ut instructi et edocti sufficienter in linguis hujusmodi fructum speratum possint (Deo auctore) producere, fidem propagaturi salubriter in ipsos populos infideles. Quibus equidem in Romana Curia legentibus, per sedem Apostolicam; in studiis vero Parisien. per Regem Franciæ, in OXONIENSI, per Angliæ, Scotiæ, Hyberniciæ, & Walliæ, in Bononiensi. per Italiæ; in Salamantino per Hispaniæ. Praetores, Monasteria, Capitula, Conventus, Collegia exempta et non exempta, et Ecclesiarum Rectores in stipendiis competentibus et sumptibus volumus prohiberi, contributionis onere juxta facultatem exigentiam imponendo. Privilegiis et exemptionibus quibuscumque contrariis nequaquam obstantibus; quibus tamen volumus quoad alia praejudicium generari. Which the Authorized Glosse thereon thus explains: *Istud cap. dicit, quod in Civitate Romana, in Civitate Parisiensi, OXONIENSI, Bononiensi, & Salamantino, ubi est Universitas generalis, dua debent esse Magistri, qui sciunt loqui idioma de quibus in textu, & quod valeant docere & erudire infideles &c. errantes ibi existentes, qui diversarum linguarum exstant; et isti Magistri in Universitate Parisiensi, debent institui per Regem Franciæ; in OXONIENSI, debent institui PER REGEM ANGLIÆ: & sic de aliis.* In pursuance whereof, Anno Dom. 1320. ^b in Synodo Lambethi celebrata (under Walter Reynolds Archbishop of Canterbury) Clerus pro salario publici Praeceptoris Hebraicarum literarum in OXONIENSI ACADEMIA, quadragentem et singulis libris Ecclesiasticarum reddituum concesserunt.*

a Clementinarum Constit. lib. 5. Tit. 1. De Magistris Lugduni, 1606 p. 258, 259. See also Johannes Pitsæus, De Academia Oxoniensi, c. 5. p. 32.

b Mar. Parker, Antiqu. Eccles. Brit. p. 227. & Pitsæus, De Academia Oxon. p. 32. Here, p. 264.

Ordinatio Ven. in Christo Patris Domini Henrici Chicheley, Cantuar. Archiepiscopi pro promotione Graduatorum in Academia OXON. & Cantabr: facta in Convocatione Cleri in Ecclesia Cath. S. Pauli Londono. interpres vi. die Novemb. Anno Dom. 1421. *Henricus, &c. Gravi etiam & frequentius de re multorum filiorum nostrorum in summi Universitate OXON. & Cantabriggiæ nostræ Cantuar. &c. Propter desiderium, ac quodammodo clamore super ad nos delato percepimus, necnon experientia præsertim temporum manifeste declarans, quomodo Universitates hujusmodi aliter matres pariter et matris quocumque studentium in eisdem, tam a multis retro temporibus plurimè excubuerant desolatione, & prope, &c. hic facti qui aliter Ecclesiasticæ promotionis operatio reme-*

* Henrici Spelmanii Concil. Tom. 2. p. 275, 276. Ex Codice Ms. in Reg. Tro. p. 190. Archiep. Cantuar. nuncupato Chicheley, Vol. 2. f. 13. b.

dio consolaretur eadem ex omnibus caris suis. Proinde igitur attendentes A-
 postoli attestante doctrinâ, *laborantem Agricola[m] de fructibus oportere percipere*,
 ne terræ deficiente culturâ sterilitatis immensæ jactura proveniat, ac ut Un-
 versitates jam dictæ spe firmâ conceptâ de futurâ promotione condignâ juxta
 filiorum suorum exigentiam meritorum gentem multiplicent magnificatione
 lætitiæ, ac multiplici fructu Scolasticæ disciplinæ pinguescant; et ne continu-
 ata vigilia graduatorum et graduandorum impotenter in eisdem in desperatio-
 nem aliquam promotionis jam dictæ labatur, et disciplinæ religio naufragetur,
 dignumque, justum, ac etiam salutare merito reputantes, ut dignis digna re-
 pendere valeamus, ac potioribus attollamus beneficiorum insigniis, quos dig-
 niores agnoscimus et labor commendat ingentior meritorum; de nostrorum
 fratrum ac Cleri Provincie nostræ Cantuariensis prædictæ consilio et assensu, ad
 Dei laudem, gloriam & honorem, sanctissimæque Virginis matris suæ * *Mariæ*,
 ac omnium supernorum civium ordinamus; & præsentium tenore per decen-
 nium duraturum statuimus; quod promoveantur Doctores sacre Theologiæ,
 Decretorum, Legum, et in Medicinis licentiat in eisdem facultatibus, Bac-
 callarique in sacra Theologiâ, qui formam opponendo et legendo debite comple-
 berunt, ac Magistri in Artibus, qui in Universitate in qua inceperunt per unum
 annum integrum a tempore inceptionis suæ continue numerandum debite re-
 erunt in eisdem; ac etiam Bacallarii in Decretis qui unum librum Decretali-
 um pro forma in Scholis publice et non cursorie: Bacallarii vero in jure
 Civili, qui libellum *Institutionum* etiam pro formâ suâ, ut præmittitur, perle-
 gerint debite & complete. Proviso semper, quod personæ prædictæ gradus su-
 prædictos per gratias de cætero non attingant, exceptis personis infrascriptis,
 videlicet, Religiosis viris, qui quodam obstante Statuto Universitatem prædi-
 ctam in Artibus regere non valebunt, atque Scolariibus juris Canonici, qui abs-
 que verbo complete de audiendo lecturam *Decretalium*, & triennio in jure Ci-
 vili qui in ipso studere non possunt, cum quibus Universitates *OXONII* &
Cantabriggiæ supradictæ super impedimentis prædictis usque ad decennium dis-
 pensabunt. Quodque Doctores in facultatibus prædictis promoveantur ad be-
 neficia curata, ad verum balozem annum secundum communem ætimationem
 seraginta marcarum vel supra; ad beneficia non curata quadraginta marcarum
 vel supra. Licentiat vero in facultatibus prædictis, ac Bacallarii in Theologiâ
 superius limitati, ad beneficia curata quinquaginta marcarum; non curata
 triginta marcarum vel supra. Ac Magistri & Bacallarii prædicti ad beneficia
 curata quadraginta marcarum; non curata viginti marcarum vel supra, nisi
 Graduati prædicti de beneficiis minoribus voluerint contentari.

* Coupled here
with God, as
his equal.

Et volumus ac etiam ordinamus, quod omnes & singuli Spirituales Patroni
 infra nostram Provinciam *Cantuariensem* constituti, & quilibet eorundem ad
 quorum collationem, nominationem, seu quamvis aliam dispositionem, benefi-
 cia hujusmodi occasione Patronatus Ecclesiastici pertineant, sive infra dictam
 Provinciam nostram sive extra, primum beneficium hujusmodi in proximum
 vacaturum alicui de personis prædictis quam duxerint eligendis conferre, aut
 ad hujusmodi beneficium aliquam personam de superius expressatis, ut præmit-
 titur, præsentare, sive nominare, usque ad tempus prædicti decentis de cætero
 teneantur. Et deinde expedita & executâ hujusmodi primavâ vacatione, Pa-
 troni prædicti in qualibet tertiâ vacaturâ consimiliter teneantur personis ante-
 dictis prohibere de beneficiis superius expressatis.

Statuimus insuper ac etiam ordinamus, quod si quibusvis supradictis beneficia
 prænominati valoris offerantur, & ipsa beneficia infra tres dies continuos à
 tempore oblationis eorundem admittere recusaverint, ipsæ personæ ab omni
 beneficio hujus ordinationis eo ipso de cætero sint exclusæ, & bene liceat Pa-
 tronis eorundem, & teneantur aliis personis superius nominatis providere; Et
 sic usque ad tertiam personam: Et si ipsa tertia persona beneficium hujusmodi
 recusaverit, infra tempus prædictum, bene liceat eisdem Patronis de ipso bene-
 ficio disponere pro suæ libito voluntatis, ordinatione prædictâ non obstante;
 salvo ordinatione prædictâ, quo ad alia beneficia postea vacatura, salvo etiam

eo, quod Patroni de fundatione Regiâ existentes, qui ratione vacationum dignitatum loci, Monasteriorum suorum diversis Clericis Domini nostri Regis in certis pensionibus annis sunt astricti, quousque ipsi aliqua beneficia competentia eisdem Clericis obtulerint, & ipsa acceptaverint, seu ipsa recusaverint, ordinatione præsentis non ardentur.

Et in evento quo pensionarii hujusmodi beneficia sic eis oblata admittere recusaverint, quod ipsi Patroni de beneficio hujusmodi personis prædictis in formâ supradictâ providere teneantur: Quodque Patroni supradicti beneficia quæcunque quibusvis personis offerre minimè teneantur, nec de eisdem providere, illis personis graduatis quæ ad summam prædictam jam promotæ sunt, vel in futurum tempore vacationis beneficiorum hujusmodi contigerit promoveri; & omnes & singuli graduati prædicti antequam ad beneficia hujusmodi promoveantur, literas testimoniales sub Sigillo Universitatis in qua gradus suos adepti fuerunt, Patronis, & Ordinarii locorum, de gradibus & lecturis suis exhibeant realiter & ostendant.

Ac insuper statuimus & ordinamus, ut ordinatio prædicta executioni debitè demandetur, ac ut de nominibus Promotorum publicè constare poterit, quod omnes & singuli ad quos institutiones beneficiorum pertinere debeant, de nominibus & cognominibus promotorum hujusmodi ac beneficiorum ad quæ promoti fuerint, necnon de valore eorundem de Convocatione in Convocationem durante tempore supradicto, Dominum Archiepiscopum *Cantuariensem* distinctè certificent & aperte. Proviso, quod si per sedem Apostolicam (* contra quam nullatenus attemptare intendimus) alias pro promotione dictorum Graduatorum infra tempus prædictum provisiones generales dudum consuetas fieri contingat, quod extunc omnino cesset Ordinatio antedicta, nec per eam ardentur, aut quomodolibet obligentur Collatores aut Patroni supradicti. Post quam quidem Ordinationem sic factam, incontinenti ostensa erat in publico quædam Supplicatio in scriptis redacta, ex parte duarum facultatum, Theologicæ scilicet et Juris Canonici concepta, remedium et emendationem exposcens gravatissimum prædictorum; super quâ supplicatione, habitâ in Consilio deliberatione maturâ, tandem placuit toti Concilio, quod hujusmodi supplicatio, una cum copiâ Ordinationis prædictæ transmitteretur ad Universitates prædictas, ad illum finem, quod si Magistri regentes & non regentes, ac illi quorum in hac parte interest eandem supplicationem admitterent, & eidem consentirent, & super consensu suo hujusmodi Literis sub Sigillis dictarum Universitatum communibus præfate Reverendissimo Patri Archiepiscopo, citra Festum Purificationis beatæ Mariæ proximo futurum, transmitterent, tunc primo & non ante ligaret ordinatio prænotata; & tunc etiam primo & non aliter deberet eadem Ordinatio per eundem Reverendissimum patrem, ut moris est, per Provinciam suam *Cantuariensem* tanquam Constitutio Generalis, auctoritate & assensu unanimi totius Provincialis Concilii legitimè facta & approbata publicè promulgari.

* Which the Commons in Parliament principally complained against, if conferred on aliens, Here, p. 164.

† Spelmani Concil. Tom. 2. p. 677. Ex MS. Registro prædicti. Chichley, Vol. 1. f. 27. a.

After which, 16 July, Anno 1421. this Ordinance being accordingly assented to by the *Universities*, there was another Ordinance published by the said Archbishop *Chichley* for the Graduates *Universitatum OXONII & Cantabrigiæ*, reciting and confirming the former; and commanding its due observation, in these words, in a Mandate to the Bishop of *London*.

Auctoritate etiam prædictâ omnibus & singulis Coepiscopis, Confratribus & Suffraganeis nostris per literas vestras mandantes quatinus ipsorum singuli præmissa omnia & singula, quatenus personas eorundem concernunt diligenter observent, & facta publicatione Ordinationis prædictæ, per suas Civitates & Dioecios, ut præfertur, eandem à suis subditis faciant inviolabiliter observari. De die verò receptionis vestræ præsentium, modoque & formâ executionis vestræ eorundem, nos citra festum Sancti *Michaelis* Archangeli proximo futurum ad ultimum debitè certificetis, per vestras, dictis Confratribus nostris &

& Suffraganeis mandantes, quod eorum singuli de publicatione Ordinationis hujusmodi, necnon de modo & formâ executionis præsentium literarum nostrarum, citra Festum *Omnium Sanctorum* proximo futurum ad ultimum curent reddere certiores, per suas Literas Patentes harum seriem continentes, auctoritate sigillatas. Datæ in *Hospitio Residentia* nostræ juxta *Westmonasterium*, decimo sexto die mensis *Julii* Anno Domini 1421. & nostræ Translationis Anno octavo.

To these I shall subjoyn, *Henry de Knighton de Eventibus Angliæ*, col. 2432, 2447, 2448, 2565, 2707, 2735. *Polydorus Virgilius*, *Hist. Angliæ*, l. 5. p. 106, 147, 325, 329, 362, 389, 391, 482, 492, 614. *Johannes Balans*, *Centuriz Scriptorum Britan. Basileæ* 1559. p. 123, 191, 324, 444, 466, 657, 731. & *Cent. 12.* p. 82, 84. Mr. *John Fox* his *Acts and Monuments*, *London* 1641. Vol. 1. p. 347, 425, 428, 514, 533, 563, 686, 816. *Brianus Twyne*, *De Antiquitate Academiæ Oxoniensis*, Dr. *Puer Heylyn* his *Geography*, Edit. 8. p. 476, 477. *Centuriz Magd. 9.* col. 594. *Jacobus Ufferius De Ecclesiarum Britannicarum Primordiis*, c. 9. p. 338, to 343. *Johannes Pisseus de Academia Oxoniensi*, and the late Apostate from our Church, *Serenus Cressy* a Monk, in his New published *History of the Church of Britain*, Book 9. c. 12. Book 29. cap. 1. to 8. & 11. who write of the *Antiquity and affairs of the University of Oxford*.

What multitudes of famous learned men the University of OXFORD hath produced in former ages in all sorts of Arts and Sciences, from King *Alfreds* time till Queen *Maryes*, you may read at your leisure in *John Bale* Bishop of *Osford* (of the *University of Cambridge*, and so an impartial Witnessse) his *Scriptorum Britanniz*, *Centur. 2.* cap. 23, 24, 25, 26, 65, 81, 98. *Centur. 3.* c. 4, 8, 19, 29, 30, 36, 41, 42, 47, 49, 52, 61, 74, 77, 79, 84, 92, 94, 96, 97, 98. *Centur. 4.* c. 3, 4, 6, 7, 9, 10, 14, 15, 19, 21, 28, 31, 32, 37, 38, 39, 40, 45, 46, 52, 53, 55, 57, 61, 64, 66, 67, 71, 72, 77, 79, 82, 83, 84, 86, 88, 91, 92, 96, 97. *Centur. 5.* c. 1, 3, 6, 7, 10, 11, 12, 13, 14, 17, 18, 19, 21, 22, 24, 25, 26, 31, 32, 33, 34, 35, 37, 38, 39, 41, 43, 44, 46, 52, 53, 56, 58, 63, 65, 66, 69, 70, 73, 74, 82, 83, 84, 85, 86, 87, 90, 91, 94, 95, 96, 98. *Centur. 6.* c. 1, 2, 4, 5, 6, 7, 8, 9, 10, 13, 15, 16, 19, 20, 21, 27, 28, 29, 30, 38, 40, 44, 53, 54, 55, 61, 65, 66, 67, 71, 74, 75, 77, 78, 79, 81, 82, 83, 84, 85, 86, 87, 89, 90, 91, 92, 93, 94, 95, 97, 99. *Centur. 7.* c. 1, 2, 4, 7, 8, 9, 13, 14, 15, 16, 17, 19, 20, 22, 29, 32, 34, 35, 37, 38, 41, 42, 43, 44, 49, 50, 52, 53, 56, 58, 61, 64, 66, 67, 68, 70, 71, 73, 74, 75, 79, 84, 86, 90, 93, 97. *Centur. 8.* c. 1, 2, 4, 10, 11, 12, 14, 15, 17, 19, 21, 22, 23, 29, 31, 34, 38, 39, 42, 50, 53, 60, 61, 63, 71, 72, 89, 93, 94. *Centur. 9.* c. 28, 30, 33, 39, 46, 70, 72, 73, 80, 83, 84, 90, 93, 94. *Centur. 10.* c. 34, 40, 63, 64, 68, 69, 70, 71, 75, 76, 77, 80, 81, 82, 83, 87, 89, 90, 93, 94. *Centur. 11.* c. 7, 9, 13, 20, 21, 23, 25, 30, 31, 35, 39, 41, 44, 47, 48, 50, 54, 63, 67, 69, 70, 71, 78, 80, 81, 85, 88, 90. *Centur. 12.* c. 9, 10, 11, 12, 14, 15, 18, 20, 21, 25, 30, 35, 38, 46, 52, 53, 54, 58, 59, 64, 65, 72, 78, 80, 81, 84, 88, 89, 94, 95, 96, 97, 99, 100. *Centur. 13.* c. 80, 82, 98. *Centur. 14.* c. 53, 54, 84, 91, 92, 93, 97, 98, 99.

To all these ancient Worthies, whose Piety, Learning, Works are there recorded, *Johannes Pisseus* in his Catalogue of our learned famous *British Writers* hath added sundry others, and p. 936. to the end, hath rendred us an account of many hundreds of Eminent Schollers, Doctors, School-men, educated in the *University of Oxford*, and how many *Cardinals*, *Archbishops*, *Bishops*, and *Dignified Clergy-men* in his observation have been educated in, advanced out of this famous Seminary of Learning, Religion, in the Churches of Christ, to whom I shall referre you.

It is worthy our special observation, that as this famous University in times of *Popery* and *Romish Superstition* produced many learned persons, who propagated the Errors and Superstitions of the Church of *Rome* throughout the Christian World, so it brought forth and educated our famous *English Apostle John Wicliffe*,

liffe, (besides sundry Disciples of his,) who gave the first greatest blow and mortallest wound to the Popes Usurped Jurisdiction, and to the Errors, Superstitions of the Church of Rome, both in England, Bohemia, France, Germany, and forraign parts of all others, and was the principal Assertor, Propagator of that true Reformed Orthodox Religion, now professed in England and other Reformed Churches; as the Popes Bulls, Letters to the King, Archbishop, and University of Oxford, (recorded in ^a Thomas Walsingham, ^b Henry de Knyghton, ^c Johannes Bales, and ^d Mr. Fox attest; with this Constitution, Edict of Thomas Arundel, Archbishop of Cantorbury (his mortal Enemy) made in a Convocation in relation to Wickliff and his Schollers, and sent to the University of Oxford, (setting forth the eminency and fertility of this fruitfull Vine, spreading her branches into all Countries and Churches) likewise informs us.

^a Historiz Angl. An. 1377
1378. p. 187,
118, 200, to
210. 256, 302,
to 307. Ypodigma Neustr.

p. 135, 139.

^b De Eventibus Angliæ, l. 5. col. 2644, to 2666. 2707, to 2770, 2736, 2737. ^c Scriptor. Brit. Cæc. 62 p. 450, to 456. 469, 546. ^d Acts and Monuments, Vol. 1. p. 552, to 589, 591, 603, 606, 685.

^e Henrici Spelmani Concil. Tom. 2. p. 654, 655. Ex Cod. MS. in Bibl. Cotton. sub effigie Vitellii, A. 2. f. 98 a.

^{*} *Constitutiones Domini Thomæ Arundel, Archiepiscopi Cantuariensis, editæ in Convocatione Cleri, Oxoniæ, Anno Dom. 1394.*

Frauster, quia ipsa quæ de novo, & insolite emergunt, novo & maturo indigent auxilio; & ubi majus est periculum, ibi cautius erit providendum, & fortius resistendum, nec injustè minus nobile, discretè abscinditur, ut quod nobilius est, perfectius nutriatur. Considerantes igitur, sed dolenter referentes, quomodo alma Universitas OXONII, quæ sicut vitis habens suos palmitas fructuosos ad honorem, multiplicemque profectum, et protectionem Ecclesie suæ consuevit extendere, sævè partim versè in labyrinthos, ubi acerba gignit; quibus indiscretè committis a partibus, in lege videlicet Dei reputantibus se peritos, dentes obrupescunt filioz, nostraque Probita herita et infructuosiss doctrinis insicitur, et nobis et dampnabit Lollararia nomine maculatur, in ipsius Universitatis scandalum non modicum, ad partes exteras et remotas extensum, et persequentium in eadem permaximum tedium, necnon et Ecclesie Anglicane, quæ per virtuosam doctrinam ejusdem, tanquam muro inerpugnabili defendi solebat, jam scissis et dibissis lapidibus, nisi celerius occurratur, secundum verisimile irrecuperabile. Ad supplicationem igitur Procuratorum totius Cleri nostræ Cantuariensis provincie, consensuque & assensu omnium Confratrum & Suffraganeorum nostrorum, ac aliorum Prelatorum in hac Convocatione presentium, & Procuratorum insuper absentium; ne purgato rivulo, maneat sors infectus, & aqua ab eo currentem, non sinat esse claram; Volentes honori, & utilitati Sanctæ matris Ecclesie, et Universitati prædictæ salubriter prohibere; Statuimus & Ordinamus, quod quislibet Cardianus, Pæpositus, seu Custos Collegii, Principalis Aula, sive introitus cuiuscunque Universitatis præfatæ, semel singulis mensibus, ad minus, inquirat diligenter in Collegio, Aula, sive introitu cui præest, an aliquis Scolaeris, sive Inhabitans in Collegio, Aula, sive introitu hujusmodi, aliquam aliam quæstionem sive propositionem, aut opinionem, in fide Catholica, aut bonis moribus male sonantem, aut contra determinationem Ecclesie, præter necessariam doctrinam facultatis suæ affectuerit, tenuerit, defensa verit, seu aliquo modo proposuerit: Et si aliquem super hoc suspectum aut diffamatum reperiat, ipsum moneat effectualiter ut desistat, et si post, citra commonitionem hujusmodi, iterato eadem vel consimilia reassumat, præter poenas supradictas, majoris Excommunicationis sententiam incurrat ipso facto.

Et nihilominus, si Scolaeris fuerit, qui se reassumit, quicquid extunc in eadem Universitate fecerit, non stet sibi pro forma; et si Doctor, Magister, sive Baccalarus fuerit, eo ipso, ab omni actu Scolaerico sit suspensus; et in utroque casu sus quod habet in eadem Collegio, Aula, sive introitu amittat ipso facto, et per ipsos Cardianos, Custodes, Pæpositos, Principales, seu alios, ad quos hoc spectat, realiter expellatur; et statim, via legitima, substitutur Catholicus suo

luc loco. Et si ipsi Cardiani, Praepositi, seu Custodes Collegiorum, aut Principales Aularum, sive introitum in quibus degunt huiusmodi personae suspectae, et detestae, aut diffamatae, negligentes fuerint circa inquisitiones, aut executiones praedictas, per decem dies continuos a tempore notitiae verae, vel praesumptae publicationis praesentium; eo ipso sententiam Excommunicationis majoris incurrant; et nichilominus omni iure, quod in ipsa Collegiis, Aulis, sive introitibus se habere praetendunt, ipso facto sint privati; et ipsa Collegia, Aulae, vel introitus effectualiter vacent. Et facta super hoc legitima declaratione, per ipsos quorum interest, nobis substituuntur Cardiani, Custodes, Praepositi, sive Principales, prout secundum antiquum morem Universitatis praedictae, vacantibus Collegiis, Aulis, sive introitibus fieri consuevit. Quod si ipsi Custodes, Praepositi, Cardiani, sive Principales praedicti, de, et super huiusmodi questionibus, aut propositionibus, diffamati, suspecti fuerint, aut detesti, seu defensores, protectores, aut fautores eorundem, si per nos, et auctoritate nostra, per Ordinarium loci, aut auctoritate sua moniti non desistant; extunc, omni privilegio Scholastico Universitatis praedictae; et iure, quod sibi competebat in huiusmodi Collegio, Aula, sive introitu, praeter alias poenas, de quibus supradictum est, ipso iure privetur, et sententiam insuper majoris Excommunicationis praedictam incurrat. Quod si quis in aliquo casu praesentis ultimae Constitutionis, aliquo quocumque superius expresso, Statuta nostra huiusmodi, in aliqua sui parte, etiam si poena alia expresse ibidem limitetur, temere violare praesumpserit; eo ipso, quodcumque beneficium Ecclesiasticum, in nostra Cantuariensi Diocesi, obtinendum per triennium, extunc, absque spe veniae reddatur inhabilis et omnino indignus; et nichilominus iuxta singula demerita, et qualitatem excessus, secundum sui superioris discretionem, Canonice puniatur.

Yet notwithstanding all these Cautions of this Popish Archbishop and Council, *John Wickliffe's* Orthodox Doctrine, taught, propagated by his *Disputations* and *Writings* against the *Popes Hierarchy, Errors, Superstitions*, so farre prevailed, and his Disciples so multiplied throughout *England* and *foreign Kingdomes*, that our *Kings, Churches*, with the Kingdomes of *Denmark, Sweden, Bohemia*, and many *Princes, Cities, Churches* in *Zwitzerland, Germany, France, Poland, the Netherlands, Transylvania*, and other Parts, soon after by degrees cast off the *Popes usurped Authority, Erronious Doctrine, Superstitions, Ceremonies*, which he opposed, and embraced that *Orthodox, true Reformed Religion* which he asserted, and they now profess. Whence * *John Bale* Bishop of *Ossory* (a *Cambridge* learned Writer) renders us this true Character of our *Oxford Wickliffe*. *Præter vitam quam verè Apostolicam Wiclevus duxit, ingenio, facundia, atque eruditione multiplici, omnes in Anglia commilitones longo interballo superabat.* Unde ipsum aeternus Pater, *anno post Servatorem natum, 1360.* per suum spiritum suscitavit, ut in mediis errorum tenebris, ac locustarum Tartarorum seu Hypocritarum obscuratombus, pro sua veritate staret, magnanimus Christi pugil: siceretque adversus infestissimos hostes, Antichristos, insuperabilis Ecclesiae columna. Erat profecto suorum temporum Helias validissimus, ut distorta omnia restitueret. UNUS ET PRIMUS POST SATANÆ SOLUTIONEM EXTITIT, qui in caliginoso illo seculo, peritatis attulit lucem, et coram tota Diaboli Synagoga, ausus fuerit aperte confiteri Christum, revelareque scdissimas meretricis magnae turpitudines. Illuxit enim, Simoniae Sacerdotis exemplo, ut stella matutina in medio nebulae, et diebus multis permanet testis in Ecclesia fidelis. Quasi Sol splendens in Templo Dei resulsit, et quasi thus ardens in igne, &c. Who is thus seconded by Mr. *John Fox* *In hac tanta rerum perturbatione ac confusissimis ignorantia tenebris, cum nulla propemodum scintilla relicta videretur prioris doctria, exortus est divinis auspiciis Johannes Wiclevus, in quo primum voluit Dominus mundum expergescere plus nimio humanarum traditionum somniis infepultum, &c.*

To whom I might subjoyn our late incomparable *John Jewel* Bishop of *Salisbury*,

Salisbury, Dr. John Reynolds, Dr. John Prideaux, late Bishop of Exeter, and Centuries of other Dionians, who have been principal Champions against the Church of Rome, and asserters of the Reformed Religion professed by Wickliff, since John Bale his Centuries.

I shall cloze up all concerning my ever-honoured Mother the Univerfity of OXFORDS Dignity, Præminency, Priviledges, with this Observation, That she is præponed, ranked before her Sister of Cambridge, and her Rights, Priviledges ratified, saved, not only in all the 25 forecited Rolls and Acts of Parliament, p. 155, 156, &c. but likewise in no leffe than 25 more printed Acts, Statutes, made in 25. several Parliaments, (there casually omitted) amounting in all to 50. viz. 24 H. 8. c. 1. 28 H. 8. c. 13. 3 & 4 E. 6. c. 23. 7 E. 6. c. 12. 2 & 3 Ph. & Ma. c. 23. 4 & 5 Ph. & Ma. c. 10, 11. 1 Eliz. c. 20. 5 Eliz. c. 30. 8 Eliz. c. 18. 13 Eliz. c. 24. 18 Eliz. c. 22. 23 Eliz. c. 15. 27 Eliz. c. 29. 29 Eliz. c. 8. 31 Eliz. c. 15. 35 Eliz. c. 11. 39 Eliz. c. 27. 43 Eliz. c. 18. 3 Jac. c. 26. 21 Jac. c. 33. 1 Car. 1. c. 6. 3 Car. 1. c. 6. 16 Car. 1. c. 3. most of which (in the Acts of Subsidies granted by the Temporality to these Kings and Queens for the Kingdomes publike safety and defence) have this special proviso inserted into them. Prohibited also that this Act, nor any thing therein contained, shall extend to the goods or lands of any Colledge, Hall or Hostel within the * UNIVERSITIES OF OXFORD and CAMBRIDGE, or any of them: And 12 Car. 2. in *The Act for Confirmation and Restoring of Ministers* it is first named. When the Advocates of Cambridge can produce 50 such Records and Acts of Parliament, or one fourth part so many, wherein the Univerfity of Cambridge, is præponed, ranked before the Univerfity of OXFORD, they may justly boast of, and contend for her Precedency: but till then they must for ever keep silence, and give the right hand of Priority, Dignity to the Univerfity of OXFORD, as the Elder Sister, as so many successive Parliaments have done in these publike Acts, which none else to my knowledge have formerly taken notice of, and I could not conceal without violation of my faith, and duty to this my foster-Mother.

* See 7 H. 8.
c. 7. 7 Jac. c. 6.
14 Car. 2. c. 4.
15 Car. 2. c. 11.
17 Car. 2. c. 1.

For the Antiquity of the Univerfity of Cambridge, (which hath produced many Eminent learned Schollers and Divines, especially in this later age since King Henry the 7th his reign) the Author, p. 255. l. 7. and others, affirm it to have been founded by Seburt the first Christian King of the West-Saxons; for which you may consult Nicholauus Cantelopus his *Cantabrigia Historiola*, and John Caius his *Historia Academia Cantabrigiensis*. (fraught with fables and untruths) who are sufficiently refuted by Brianus Twyne and Johannes Pissarus in his Treatise *De Academia or Univerfitate Oxonii & Cantabrigiæ*; our learned Antiquary Dr. Usher Primate of Ardmach in Ireland, *De Britannicarum Ecclesiarum Primordiis*, c. 9. p. 207. 337, to 340. and the premisses.

Cap. 45. p. 229. *The Courts of the STANNERIES in CORNWALL and DEVON.*

FOR their Antiquity and Jurisdiction, See *Rolls Abridgement*, part 1. p. 347. 348. The *Extravagant Incroachments, Oppressions* of these Courts and their Officers since this Chapter was compiled, were complained against, and redressed by a special Act in the Parliament of 17 *Caroli*, 1. cap. 15. which those concerned may peruse. As for Records which concern the Priviledges, Immunities of the *Stanneries* and *Tinners*, the ordering, sealing, sale, coyning, preemption, transportation of *Tinne* and other matters relating to it; some whereof are imperfectly cited by the Author, p. 232, to 237. I shall for the benefit

nefit of those therein concerned present you with my own brief Chronological Collections of them for their ease in searching after them; Cart. An. 3 Johan. Regis 29 *Octobris*, Cartæ Antiquæ in Turri London R. nu. 5. *Stannatoribus Cornubiæ & Devon*. Pat. 4 Johan. Regis m. 7. Cl. 6 Johan. Regis m. 16, 17. Pat. 9 Johan. Regis m. 16. Pat. 17 Johan. m. 9, 12. Pat. 1 H. 3. m. 11, 12. Pat. 4 H. 3. pars 1. m. 3. pars 2. m. 4, 5. Pat. 5 H. 3. pars 1. m. 6, 8. (*bis*) Cl. 5 H. 3. pars 2. m. 7. (& *ibid. De Decimis Stagnar. Cornubiæ Episcopo Exon. concessis solvend.*) Fines 10 H. 3. m. 10. Pat. 10 H. 3. m. 9. (*bis*) Fines 18 H. 3. m. 5. Pat. 19 H. 3. m. 16. Pat. 21 H. 3. m. 10. Pat. 28 H. 3. m. 17. Pat. 37 H. 3. m. 18. Pat. 45 H. 3. m. 26. Pat. 47 H. 3. m. 12. Pat. 48 H. 3. m. 3. Pat. 11 E. 1. m. 11, 15. Cl. 24 E. 1. m. 11. dorf. Pat. 24 E. 1. m. 20. Pat. 25 E. 1. pars 2. m. 13. Pat. 27 E. 1. m. 11, 25. Pat. 28 E. 1. pars 1. m. 21 dorf. Pat. 29 E. 1. m. 24, 26. dorf. 26, 27. *Cart. 33 E. 1. nu. 40, 41. Plac. Parl. An. 33 E. 1. *Ryley* Plat. Parl. p. 248, 250, 251. Pat. 33 E. 1. pars 1; m. 10. Pat. 34 E. 1. m. 7. Pat. 35 E. 1. dorf. 35. Fines 1 E. 2. m. 15. Pat. 1 E. 2. m. 15. Pat. 9 E. 2. pars 2. m. 6, 24. Fines 10 E. 2. m. 8. Inquisitio ad *Quod dampnum*, An. 10 E. 2. nu. 29. Pat. 12 E. 2. dorf. 30. Petitiones in Parl. An. 12 E. 2. *Comitat. Cornub. & Devon*. Inquisitio ad *Quod dampnum*, An. 18 E. 2. nu. 219. Inquisitio ad *Quod dampnum*, An. 19 E. 2. nu. 109. Pat. 2 E. 3. pars 2. m. 27. Fines 2 E. 3. m. 9. Cl. 2 E. 3. m. 24. Fines 3 E. 3. m. 3. Cl. 4 E. 3. m. 32, 39. Pat. 11 E. 3. pars 3. m. 28. Cl. 11 E. 3. pars 2. m. 22. intus. Cl. 12 E. 3. pars 1. m. 2. dorf. pars 3. m. 52. Pat. 12 E. 3. pars 2. dorf. 23. Pat. 18 E. 3. pars 1. m. 7. Pat. 21 E. 3. pars 2. m. 3, 7. dorf. 9. Petitiones in Parlamento An. 21 E. 3. (*Ryley* Appendix, p. 663, 664.) † Rot. Parl. 21 E. 3. nu. 27. Exact Collection of Records in the Tower, p. 142, 149, 150. & Pat. 50 E. 3. pars 1. m. 7. dorf. Cl. 50 E. 3. pars 2. m. 20. intus. Rot. Parl. 50 E. 3. Exact Collection, p. 142. Rot. Parl. An. 51 E. 3. nu. 47, 48, 49. Rot. Parl. 5 R. 2. m. 26. Cl. 8 R. 2. m. 48. Cl. 12 R. 2. m. 45. Pat. 14 R. 2. pars 1. m. 1, 15 R. 2. c. 8, 13. Pat. 16 R. 2. pars 3. m. 13, 14. Rot. Parl. 17 R. 2. nu. 34. Pat. 18 R. 2. pars 1. m. 34. Pat. 22 R. 2. pars 2. dorf. 29. Pat. 3 H. 4. pars 2. m. 16. Pat. 5 H. 4. pars 1. m. 18, 19. Pat. 1 H. 5. pars 1. m. 23. Pat. 3 H. 6. m. 17. Pat. 12 H. 6. pars 1. m. 14. intus. Pat. 29 H. 6. pars 1. m. 14. intus. Pat. 1 E. 4. pars 3. m. 4, 7, 13. pars 2. m. 2, 21. & Pat. 5 E. 4. pars 2. m. 7.

* Printed in
Plowden, p.
327, 328.

† Exact Col-
lection, p. 56,
197.

Cap. 46. p. 237, 238. *The Court of the Mayor of the Staple.*

THis Court is now expired, yet being guided by the Law of Merchants, not by the Common Law, and the Mayor and Judge thereof being enabled to be a good, lawfull, and sufficient person, having knowledge in the Law of Merchants, not a Common Lawyer, as the Statutes there cited by the Author, and *Carta Mercatoria* declare; it is a strong evidence (against the Authors opinion) that the Common Law, and Judges of it, never had any ancient lawfull Jurisdiction of Charter-parties or Contracts made between Merchants or Mariners, for Merchandize, Staple Commodities, or freights beyond the Seas out of the Realm, since they had no ancient legal Jurisdiction over such Charter-parties and Contracts, though made in Staple-Towns or Fairs within the Realm; which persons, suits could not stay the prolix summons, proceedings of the Common Law, but ought presently to be dismissed, ended with all expedition in a summary way, as these Acts prescribe, and *William Welwood*, in his *Abridgement of the Sea-Lawes*, Tit. 2, 3, 4, 5. *Gerard Malines* in his *Lex Mercatoria*, l. 1. c. 17, to 28. and the Author in his *Court of Pipowders*, p. 272. acknowledgeth.

Cap.

Cap. 47. p. 239. *Of the Legal Courts and their Jurisdiction within the Principality of WALES.*

THE Records concerning the Principality, Princes, Justices, Courts, Jurisdictions, affairs of *Wales*, and the *Marches* thereof, are very numerous, out of which a more exact History of *Wales* may be collected than any yet published; for which purpose those who are or shall be concerned, may peruse

Pat. 10 Johan. dorf. 2, 3. Claus. 14 Johan. m. 5. Pat. 15 Johan. pars 1. m. 9. Claus. 16 Johan. dorf. 8. Claus. 2 H. 3. dorf. 7, 9, 14, 15. Claus. 4 H. 3. dorf. 8. Pat. 4 H. 3. m. 3, 8. dorf. 5, 6. Claus. 5 H. 3. dorf. 12. Pat. 6 H. 3. pars 1. dorf. 21. pars 2. m. 4, 5. dorf. 2. Pat. 7 H. 3. m. 2. dorf. 2, 4. Claus. 7 H. 3. dorf. 2, 7, 10. Claus. 8 H. 3. pars 1. dorf. 10. pars 2. dorf. 2, 3. Pat. 8 H. 3. pars 2. dorf. 2, 8. Claus. 9 H. 3. dorf. 6. Pat. 9 H. 3. pars 2. dorf. 4, 12. Claus. 10 H. 3. dorf. 5. Pat. 11 H. 3. pars 1. m. 8. Pat. 12 H. 3. m. 2. dorf. 4. Claus. 12 H. 3. dorf. 2, 4. Pat. 13 H. 3. m. 3, 4. Claus. 13 H. 3. m. 5, 13. dorf. 5. Claus. 15 H. 3. m. 4, 6, 8, 10, 12. Pat. 15 H. 3. m. 2. Pat. 16 H. 3. m. 6, 7. Claus. 16 H. 3. dorf. 14, 15. Claus. 17 H. 3. dorf. 4, 6. Pat. 17 H. 3. m. 8, 9. Claus. 18 H. 3. dorf. 2, 17, 22, 27, 28, 30. & m. 20. Claus. 19 H. 3. dorf. 2, 12. Pat. 20 H. 3. m. 5, 8. Claus. 20 H. 3. m. 8. dorf. 8, 16. Claus. 21 H. 3. dorf. 4, 5, 8, 11, 15. m. 21. Pat. 21 H. 3. m. 7. Claus. 22 H. 3. dorf. 6, 46. Pat. 22 H. 3. m. 4, 9. dorf. 9. Claus. 24 H. 3. dorf. 2, 4. Cedula, Pat. 25 H. 3. m. 3, 4, 5, 8. dorf. 4. Cart. 25 H. 3. m. 3. dorf. 5. Claus. 25 H. 3. dorf. 7, 8, 9, 14, 15, 18. Claus. 26 H. 3. pars 3. m. 3. Liberate 26 H. 3. pars 2. m. 3. dorf. 5. Pat. 26 H. 3. m. 8, 12. dorf. 3. Pat. & Cart. 27 H. 3. dorf. 10. Claus. 27 H. 3. pars 1. m. 10. pars 2. m. 10. Liberate 28 H. 3. m. 19. Pat. 28 H. 3. m. 6. dorf. 5. Claus. 29 H. 3. dorf. 2, 3, 4, 6, 8, 9, 16, 19. Liberate 29 H. 3. m. 4. Cedula, & 5. Claus. 30 H. 3. dorf. 21. Pat. 30 H. 3. m. 2, 5, 10. dorf. 8. Pat. 31 H. 3. m. 8, 9. Claus. 32 H. 3. m. 9. Fines 32 H. 3. m. 3. Pat. 33 H. 3. m. 6. Claus. 33 H. 3. m. 16. Fines 33 H. 3. m. 8. Claus. 36 H. 3. dorf. 15, 32. Claus. 38 H. 3. m. 13, 14. Pat. 39 H. 3. pars 1. dorf. 4, 14. Claus. 39 H. 3. pars 1. m. 16. pars 2. m. 3. Liberate 41 H. 3. m. 5. Pat. 41 H. 3. m. 3, 7. dorf. 4, 14. Claus. 41 H. 3. dorf. 3, 4, 5, 6, 13, 14. m. 3. & Cedula. Pat. 42 H. 3. m. 15. dorf. 10. Claus. 42 H. 3. dorf. 5, 6, 10, 11, 13. Pat. 43 H. 3. m. 14. Claus. 43 H. 3. dorf. 10, 11, 12, 14. Claus. 44 H. 3. m. 8, 16, 17, 19. dorf. 5, 8, 12. Pat. 44 H. 3. pars 1. m. 4, 6, 10, 12, 14. dorf. 6. Claus. 45 H. 3. m. 14. Cedul. 21. dorf. 9. Extract. 45 H. 3. m. 18. Claus. 46 H. 3. dorf. 3, 5, 10, 16. pars 1. & pars 2. m. 4. Pat. 46 H. 3. m. 5. Claus. 47 H. 3. dorf. 7, 9, 10, 13, 14, 15. & 9. Cedula. Pat. 47 H. 3. m. 4, 10, 20. dorf. 16. Cart. & Pat. 47 H. 3. m. 5, 6. Cedula 8, 9, 13. & dorf. 9. Pat. 48 H. 3. Pat. 49 H. 3. m. 12. Cart. 49 H. 3. m. 4, 5. Claus. 49 H. 3. dorf. 3. Pat. 50 H. 3. dorf. 7, 8. Cart. 51 H. 3. m. 2. Claus. 51 H. 3. dorf. 6. Pat. 51 H. 3. m. 8. dorf. 9. Claus. 52 H. 3. dorf. 12. Pat. 52 H. 3. m. 6, 22. Pat. 53 H. 3. m. 2, 13, 25, 27. dorf. 8. m. 5, 13, 18. Claus. 54 H. 3. m. 2, 5. dorf. 3. Pat. 55 H. 3. m. 5, 6, 22. Pat. 56 H. 3. m. 4, 6. Claus. 56 H. 3. m. 12. Cedula, & dorf. 2. Claus. 1 E. 1. m. 11. dorf. 7. Pat. 1 E. 1. pars 1. m. 2, 20, 36. pars 2. m. 10. Claus. 2 E. 1. dorf. 9, 15. Pat. 2 E. 1. m. 19. Claus. 3 E. 1. m. 24. dorf. 11. Pat. 3 E. 1. m. 10, 36. Claus. 4 E. 1. dorf. 1. Rot. Scutagii 5 E. 1. throughout, Pat. 5 E. 1. m. 2, 10, 18, 22, 24, 26. Cart. 6 E. 1. m. 1. dorf. 4. Cart. 7 E. 1. dorf. 2. Pat. 7 E. 1. m. 9, 19, 26. dorf. 3. Cart. 8 E. 1. m. 1. Claus. 8 E. 1. dorf. 4. Pat. 9 E. 1. m. 15. Cart. 10 E. 1. nu. 1. Pat. 10 E. 1. m. 1. Rot. *Wallia* An. 10, 11, 13, 14, & 23 E. 1. Pat. 12 E. 1. m. 11. Pat. 13 E. 1. m. 17, 18. Claus. 15 E. 1. dorf. 9. Pat. 18 E. 1. m. 21, 25. Pat. 19 E. 1. m. 18. Pat. 20 E. 1. dorf. 11. Pat. 21 E. 1. m. 20. Claus. 22 E. 1. m. 1, 2. Pat. 23 E. 1. m. 5, 6. Claus. 23 E. 1. m. 5, 6. Cart. 23 E. 1. m. 2. Claus. 24 E. 1. m. 3, 8. Pat. 24 E. 1. m. 14, 24. Claus. 25 E. 1. m. 7, 15. dorf. 16, 18, 26. Cedula. Pat. 25 E. 1. pars 1. m. 6, 7, 23. pars 2. m. 11, 12. dorf. 18. Cedula 20, 26. Fines 26 E. 1. m. 4.

m. 4. Claus. 26 E. 1. dorf. 9, 10, 12. Pat. 26 E. 1. m. 15, 23. dorf. 31. Pat. 27 E. 1. m. 9, 11. Pat. 28 E. 1. m. 6, 10, 11, 14, 21. Claus. 28 E. 1. m. 12. Claus. 29 E. 1. dorf. 10. Pat. 29 E. 1. m. 11, 12, 30. Cart. 29 E. 1. m. 9. Placita Parl. An. 30 E. 1. pl. 3. *Ryley* Plac. Parl. p. 234, 235. Pat. 30 E. 1. dorf. 3, 12, 18. Pat. 32 E. 1. dorf. 5. Pat. 34 E. 1. m. 23. dorf. 33. Claus. 34 E. 1. dorf. 12. m. 11. Pat. 35 E. 1. m. 3, 8, 10. Claus. 35 E. 1. m. 5, 6. pars 2. m. 2. Fines 35 E. 1. m. 1. Rot. *Scotia* 1 E. 2. m. 1, 4, 8, 9. & dorf. 2, 5, 6, 7, 8, 9. Fines 1 E. 2. m. 10, 11. Claus. 1 E. 2. m. 16. Pat. 1 E. 2. pars 2. m. 19, 28. Claus. 2 E. 2. m. 15. Pat. 3 E. 2. dorf. 26, 46. Claus. 4 E. 2. m. 20. dorf. 5. Rot. *Roma* 4 E. 2. dorf. 2. Pat. 5 E. 2. pars 2. m. 7. Claus. 6 E. 2. m. 8, 27. Pat. 6 E. 2. pars 2. m. 10. Cart. 7 E. 2. m. 8. Fines 8 E. 2. m. 8, 20. Claus. 8 E. 2. m. 3, 6, 12, 18, 19. Pat. 8 E. 2. pars 1. dorf. 28. pars 2. dorf. 6. Claus. 9 E. 2. m. 4, 7, 8, 13, 14, 17, 18, 19, 22, 23, 28. Cart. 9 E. 2. m. 15. Pat. 9 E. 2. pars 1. m. 15, 21, 23, 28. pars 2. m. 24, 28, 33, 34. Claus. 10 E. 2. m. 7, 8, 13, 20, 24, 25, 28, 29, 31. Fines 10 E. 2. m. 8. Pat. 10 E. 2. pars 1. m. 5, 9, 21, 22. pars 2. m. 22, 25. Claus. 11 E. 2. m. 8, 9. Pat. 11 E. 2. pars 1. m. 31. pars 2. m. 10. Claus. 12 E. 2. m. 5, 6, 8, 30. Pat. 12 E. 2. pars 1. m. 8. pars 2. m. 8, 18, 27. Claus. 14 E. 2. dorf. 7. Pat. 15 E. 2. m. 13. Claus. 15 E. 2. m. 13. dorf. Claus. 20 E. 2. m. 3. Pat. 3 E. 3. pars 1. m. 36. Claus. 4 E. 3. m. 21, 35, 41, 42. Pat. 5 E. 3. pars 2. m. 2. Claus. 13 E. 3. pars 2. m. 3. Pat. 18 E. 3. pars 2. m. 32. Pat. 21 E. 3. pars 3. m. 12. Pat. 26 E. 3. pars 2. m. 13. dorf. Rot. Parl. 28 E. 3. nu. 29. Pat. 28 E. 3. pars 1. m. 24. Rot. *Wallia* 28 E. 3. m. 61. Rot. Parl. 50 E. 3. nu. 41. Rot. Parl. 51 E. 3. nu. 9, 10, 11, 65, 66. Pat. 4 R. 2. pars 1. m. 4. Rot. Parl. 15 R. 2. nu. 48. Rot. Parl. 17 R. 2. nu. 44. Pat. 1 H. 4. nu. 72, 73, 82. Pat. 2 H. 4. pars 1. m. 18. pars 2. m. 20. Rot. Parl. 2 H. 4. m. 15. Rot. Parl. 4 H. 4. m. 4, 12, 65, 87, 103. Rot. Parl. 5 H. 4. nu. 9, 29. Parl. 6 H. 4. nu. 24, 32. Parl. 8 H. 4. m. 39, 103. Rot. Parl. 9 H. 4. nu. 17, 38, 39, 41, 42, 45, 46. Pat. 11 H. 4. pars 2. m. 15. Pat. 1 H. 6. pars 2. m. 16. Rot. Parl. 18 H. 6. nu. 18. Rot. Parl. 31 H. 6. nu. 47. Rot. Parl. 33 H. 6. nu. 42, 43, 44. Parl. 38 H. 6. nu. 29. Parl. 39 H. 6. nu. 30. Rot. Parl. 12 E. 4. m. 12, 13, 14. Pat. 22 E. 4. pars 2. m. 18.

I shall close this Chapter with an Inquisition concerning the Custom of Lords of Mannors in the Marches of *Wales*, that the Jewels and other Goods of their Tenants dying Intestate, belonged and accrued to them, not to the Ordinary, or their Wives, Children, Kinred, according to the antient Law, Custom of *England*, as the Laws of * King *Knut*, others, and *Glanvil* l. 7. c. 16. inform us.

* Chron. Joannis Bromton col. 914, 929, 930.

REX dilectis & fidelibus suis *Thoma de Aston, Willielmo de Frome, & David ap Howell*, salutem. Cum secundum consuetudinem in *Marchia Wallia* hactenus, ut dicitur, optentam et usatam, Domini partium illarum omnia bona et catalla tenencium suorum in partibus illis Intestatorum decedentium ratione Domini sui prædicti habeant et habere consueverunt temporibus retroactis. Ac intellexerimus, quod diversa bona et catalla quæ fuerunt *Willielmi de Hastyngs* Chivaler defuncti, qui de nobis tenuit in capite, & aliorum tenencium nostrorum in partibus prædictis, qui quidem *Willielmus* et alii Intestati, ut dicitur, decesserunt, et quæ ad nos iuxta consuetudinem prædictam pertinere dinoscuntur, post mortem prædicti *Willielmi* et aliorum prædictorum per alios occupata fuerunt, concealata et nobis defensa, in nostri præjudicium et dampnata, et contra consuetudinem prædictam. Nos volentes super præmissis plenius certiorari, utrum videlicet talis consuetudo in partibus prædictis, ut præmittitur, habeatur necne? et si sic, tunc a quo tempore? Et si prædictus *Willielmus*, vel aliqui alii tenentes nostri in partibus prædictis Intestati decesserint, ut est dictum, necne? et si sic, tunc, quæ et cuiusmodi bona et catalla tam prædictus *Willielmus* per se, quam quilibet aliorum tenencium nostrorum prædictorum per se, die obitus sui habuit in partibus supradictis, et cuius valoris extiterunt, et ad cuius vel quorum manus bona et catalla illa post mortem ejusdem *Willielmi*, et aliorum tenencium nostrorum prædictorum devenerunt, et in cuius vel quorum

Pat. 26 E. 3. pars 2. m. 22. dorf. De inquirendis de bonis decedentium intestatorum in *Marchia Wall.*

manibus iam erisiant, et qualiter et quo modo. Assignavimus vos & duos vestrum ad inquirend. per Sacramentum proborum & legalium hominum de partibus predictis, per quos rei veritas melius sciri poterit, super praemissis omnibus & singulis, & aliis circumstantiis praemissa contingentibus plenius veritatem, et ad eadem bona et catalla si ad nos iuxta consuetudinem praedictam pertinere debeant, in quozumcunque manibus inventa fuerint, in manum nostram capiend. et ea salvo custodiend. quozumque aliud a nobis in hac habueritis in mandatis. Et ideo vobis mandamus, quod praemissa omnia & singula cum omni diligentia fac. in forma praedicta, & Inquisitiones inde distincte & aperte facias mentionem de bonis & catallis praedictis, & precio eorundem facientes, nobis in Cancellaria nostra sub sigillis vestris, vel duorum vestrum, & sigillis eorum per quos facta fuerint, sine dilatione mittatis & hoc breve. Mandavimus enim Vic. nostro *Hereford.* quod ad certos dies & loca quos vos tres vel duo vestrum ei scire fac. venire fac. coram vobis, &c. tot, &c. de partibus praedictis, per quos, &c. & inquire. In cuius, &c. Teste Rege apud *Westm.* 18 die *Julii.*

Per Consilium.

* In the Third
Tome of my
Exam Chrono-
logical Vindi-
cation, p. 18,
19, 130, to
134, 222, 332,
333, 350, 381,
386, 543, 544.

In the Bundle of Inquisitions Anno 28 E. 3. nu. 61. (which hath been either mislaid or imbezeld) this Custom concerning Intestate Goods was found, and accordingly returned, as I find by some Notes thereof, it being the general Custom of *England, Scotland, Wales, France,* till altered by special Laws, and *Magna Charta* cap. 18. of which I have * elsewhere largely discoursed.

Cap. 48. p. 242. *The Court of the President and Council in the Dominion and Principality of WALES, and MARCHES thereof.*

THE Jurisdiction and Encroachments of this Court have since this Chapter was compiled, been much eclipsed, restrained, regulated by the Statute of Anno 17 *Caroli* 1. c. 10. and by Prohibitions out of the Kings Courts, printed in *Rolls* Abridgement, part 1. p. 540. part 2. p. 313, 317.

Cap. 49. p. 245. *The President and Council in the North.*

THIS Presidents Court and Jurisdiction have not only been restrained, but abolished by the premised Statute of 17 *Caroli* 1. c. 10. fatal to several *exorbitant Courts*, over-grievous to the people, not guided by the rules of the Common Law. See the Prohibitions granted to it, in Serjeant *Rolls* Abridgement, part 1. p. 540. part 2. p. 314.

Cap. 50. p. 247. *The Courts and their Jurisdictions within the City of LONDON.*

FOR the Antiquity, Mayors, Sheriffs, Officers of this famous City, its Government, Wards, Courts, and what else concerns it, I shall refer you to *John Stow* his Survey of the City of London, in folio, *Edit. ult.* Mr. *Cambdens Britannia* in folio, *Middlesex & London*; and Mr. *Weavers* Funeral Monuments: For the Court of the *Hustings*, its proceedings, and form of correcting, reverting erroneous Judgements given in it, I shall refer you to the Patent Clause

Clause Rolls of K. *Henry 3. Edw. 1, 2, 3. Rich. 2. Henry 4, 5, 6. and Edw. 4.* in the Tower of *London*, where I meet with many presidents of this kind, over-
 numerous to insert. The Charters, Records in the Tower which concern the
 City in general, its Mayors, Aldermen, Sheriffs, Officers, Companies, Religious
 Houses, Bishop, Dean, Chapter, and Cathedral of *Pauls*, Parish Churches, Hospi-
 tals, Liberties, particular Houses, places in it, and the Tower it self, are so many,
 various, that I cannot comprise them in the narrow confines of this Chapter.
 I shall therefore present you only with the Transcripts and Quotations of some
 special Records for reforming, punishing *Regrators, Forefallers* of Fish, and
 other Victuals, which enbaunted the prices of them; and preventing sundry
 disorders, frauds committed in, and for the better Government of the City, not
 unusefull for our present age: To which I shall subjoyn some others which
 may conduce towards the repairing, reedifying the publick Edifices, Walls,
 Gates, Bridges of the City, decayed or destroyed by the late consuming Fire,
 and redressing some Nufances to the River of *Fleet*, and making it Navigable as
 formerly to and under *Holborn-bridge*, not unseasonable to be thought upon, for
 preserving the health, and advancing the trade of those who inhabit near unto it.

Quia datum est Regi intelligi, quod quidam Piscatores Civitatis Regis Lon-
don, piscem tam friscum quam salicum in eadem Civitate, tam per terram
 quam per aquam venientem, contra provisiones & statuta dudum in eadem
 Civitate ad communem utilitatem tam hominum ejusdem Civitatis, quam alio-
 rum de regno Regis, hujusmodi victualia ibidem emencium, de omnibus hujus-
 modi victualia vendentibus & ementibus edita & facta, vendunt et emunt, ad
 grave dampnum Regis, et Communitatis Civitatis predictae, et aliorum homi-
 num predictorum: Rex assignavit dilectos & fideles suos *Johannem de Lovator,*
Willielmum de Carleton, & Hugonem de Cressingham, ad inquirendum per sacra-
 mentum proborum et legalium hominum de Civitate predicta, per quos, &c.
 qui hujusmodi victualia contra statuta predicta vendiderunt & emerunt, & qualiter,
 & quo modo, & a quo tempore, & de omnibus aliis circumstantiis negotii
 illud qualitercumque contingentibus, et ad debitas correptiones inde faci-
 endas, et ad delinquentes in hac parte puniendos, juxta formam statutorum
 predictorum, et prout utilitati Regis et Communitatis Civitatis predictae, ac
 aliorum hominum predictorum magis viderint expedire. Et ideo mandatum est
 eisdem *Johanne, Willielmo & Hugoni,* quod ad certos diem, &c. quos, &c. Salvis,
 &c. In cujus, &c. Teste *Edmundo, &c.* apud *Westm.* 18 die *Julii.*

Pat. 16 E. 1.
 m. 8. verso.
 De inquisitione
 facienda de
 victualibus
 contra statuta,
 &c. venditis.

Upon which 92 *Fishmongers* were indicted, and compounded with the King
 for 500 marks for their offences, as this Record attests.

REX Omnibus ad quos, &c. salutem. Noveritis quod cum ex relato quo-
 rundam nuper intellexissemus, quod *Adam de Fulham senior,* (and 91.
more mentioned in the Record) Burgenses & Piscatores Civitatis nostrae *London,*
 super illicitis negotiationibus, forskallationibus, et aliis diversis transgressionibus
 in officio suo Piscatorum per eos factis, ut dicebatur, contra legem et con-
 suetudinem Civitatis predictae sibi impositis calumpniati essent coram nobis et
 impelcati, iidem Piscatores absque discussione transgressionum hujusmodi voluntati
 nostrae se totaliter submiserunt: Volentes igitur Burgenses & Piscatores
 predictos omnes & singulos per affectionis plenioris iudicium favorabiliter pro-
 sequi & obsequiis nostris intendendis reddere promptiores in futurum, eisdem
 Burgensibus & Piscatoribus omnimodas transgressiones officium qualitercumque
 tangentes factas per eisdem, vel aliquem ipsorum, quocumque tempore praeterito
 usque ad diem confectionis praesentium, videlicet diem *Jouis* proximum
 post festum translationis beati *Thome* Martyris, 900 quingentis maris quas
 in *Treasur.* nostra liberati fecerunt, tenore praesentium remittimus, et omnino
 pardonamus. Nolentes quod iidem Burgenses & Piscatores, vel eorum aliquis,
 occasione transgressionum predictarum, vel alicujus earum factarum per eos-

Pat. 18 E. 1.
 pars 1. m. 13.
 inus.
 Pro Piscatori-
 bus *London,*

Nota.

dem retroactis temporibus usque ad diem supradictum, per nos seu aliquos Ministrorum nostrorum quorumcumque occasionentur in aliquo seu graventur. In cuius, &c. Teste Rege apud *Westm.* 16 die *Julii*. Et dupl.

If *Fishmongers, and other Regrators, Hucksters, Ingrassers of Fish*, all sorts of Victuals, Coals, Fuel, and users of false unsealed Weights, Measures, Bottles within and about the City, were fined and thus proceeded against in these extravagant times, it would bring in good store of money to the Kings Exchequer, and give much ease, content to the people cheated and abused by them.

Claus. 26 E. 1.
m. 8. intus.
De Malefactoribus in Civitate castigand.

REX Majori & Vicecomitibus *London*. salutem. Quia accepimus, quod *Witzozes, et Bzaciatozes, ac Molendinarii in Civitate predicta*; minus bene frequenter se habent in officiis suis, et quod *Malefactozes* nocenter cum gladiis et buclariis, ac aliis armis per Civitatem dictam incidentes, tam ad aliorum procuracionem, quam ob propriam malitiam suam, quosdam verberare et male tractare, ac alia flagitia et enormia multiplicia contra pacem nostram perpetrare solent, in nostrorum fidelium dispendium non modicum et gravamen. Nos de Consilio nostro ad omnia premissa remedium oportunum adhiberi, et hiis et aliis timorem delinquendi incuti volentes; Vobis mandamus firmiter injungentes, quod huiusmodi *Witzozes, Bzaciatozes et Malefactozes*, per ponas corporales et alia flagitia, iuxta discretionem vestram providenda saliter castigetis, quod aliis in casibus consimilibus timorem prebeant delinquendi; Et quod omnia blada molenda ad molendina infra Civitatem predictam & extra, per pondus liberentur molendinariis. Ita quod iidem Molendinarii de farina inde proveniente, per pondus consimile respondeant. Et hęc premissa & omnia alia quę ad officium *Magistratus eiusdem Civitatis*, et conservationem pacis nostrę ibidem pertinent, inviolabiliter observari faciatis. Teste Rege apud *Ebor.* 28 die *Maii*.

Claus. 4 E. 2.
pars 1. m. 16.
dorfo.
De roberis & murdris in *London*. corrigendis.
† Never more or so many as now.

REX Majori & Vicecomitibus *London*. salutem. Quia intelleximus quod plures roberis, murdris, et alie transgressiones diversę perpetrantur, manutententur, et nequiter sustentantur per receptatores et receptatrices publicas lupanatrices, in diversis hospitiiis et locis aliis in Civitate nostra predicta, et suburbis eiusdem, ac prociadu eorundem commozantes, de quo quamplurimum admiramur, preteritum ex eo quod vos qui ad custodiam tam honestam quam securam dictorum Civitatis et suburbii strictius tenemini, mala et facinorosa huiusmodi et alia hiis similia inibi perpetrari, manuteneri et sustentari, in nostri * dedecus et Civitatis predictę scandalum, ac plurimorum ad Civitatem et suburbium predicta confluentium grave periculum, non sine vestri negligentia et defectu hactenus permittitis: Vobis mandamus in fide & dilectione quibus nobis tenemini firmiter injungentes, quod in premissis tale remedium apponatis, et defectus predictos saliter corrigi faciatis, quod exinde nobis et vobis, ac Civitati predictę honorum accrescat, et probis hominibus de regno nostro, et omnibus aliis qui in dicta Civitate negotia habuerint facienda securitas debita preparetur. Teste Rege apud *Berewicum* super *Twed.* 30 die *Decembris*.

Rox. Scotiz
An. 10 E. 3.
m. 14. dorfo.
De Civitate *London*. a periculis custodiend. & transgressionibus in ea castigand.

REX Majori, Vicecomitibus & Aldermannis suis *London*. salutem. Licet nuper habito tractatu coram nobis & Consilio nostro in Parlamento nostro apud *London*. nuper convocato, super salva & segura custodia Civitatis nostrę predictę, vos nobis ibidem promiseritis, quod eandem Civitatem nobis et heredibus nostris salvo et secure custodiretis, et similiter coram nobis et Consilio nostro apud *Northampton*. ultimo convocato habito alio tractatu pro conservatione predicta manuceperitis ibidem, dictam Civitatem in pace et tranquillitate bene et fideliter absque quibuscumque periculis imminetibus conservare, et transgressozes in eadem punire et castigare, et in casu quo ad hoc minus sufficientes essetis nos et Consilium nostrum inde certificare. Quia tamen ex frequentibus querimoniis diversorum hominum regni nostri ad nostrum pervenit auditum,

audicum, quod quamplures malefactores et pacis nostræ perturbatores, tam de Civitate prædicta quam aliunde se adinvicem * confederantes, congregationes, et conventicula illicita facientes, tam de die quam de nocte in Civitate prædicta armati procedentes, et arma portantes, armatamque potentiam ducentes, et duci procurantes vagantur et discurrunt, homines verberando, vulterando, quosdam membris mutilando, et quosdam de bonis et rebus suis depredando, et quosdam capiendo, et in prisona occulte, quousque fines et redemptiones ad voluntatem suam fecerint detinendo, et a quibusdam per minas et metum mortis, et alias hujusmodi duritias, graves pecuniarum summas extorquendo, et alia mala et facinorosa quamplurima inde perpetrando, in * nostri dedecus et contemptum, pacisque nostræ lesionem, et terrorem populi nostri manifestum, unde remedium per vos nondum est appositum, de quo quamplurimum conturbamur. Nos salutationem Civitatis prædictæ multum cordi habentes, affectantesque pacem nostram illam observari, et quietem et tranquillitatem populi nostri manuteneri, considerantes quod si hujusmodi malefactores sub dissimulatione impunitos protraherent, consimiles malefactores poterunt effici audaces mala prædicta perpetrandi: Volentesque malis et periculis frequenter hiis diebus imminetibus viis et modis quibus poterimus præcavere, et eo curiosius, quo in partibus Scotia pro repulsione Scotorum inimicorum et rebellium nostrorum moxam facimus continuam. Vobis mandamus, quod Civitatem prædictam ab hujusmodi malis et periculis salvo et secure custodiat, et transgressores in eadem castigetis et puniat, et si in casu hoc facere nolueritis, vel non poteritis; Nos et Consilium nostrum sub Communi sigilla Civitatis prædictæ certificatis, ut extunc pro salva custodia Civitatis prædictæ, ac quiete et tranquillitate populi ibidem cum celeritate per nos et Consilium nostrum valeat ordinari. Teste Rege apud Villam de Sancto Johanne 28 die Augusti.

Per Consilium.

REX Majori & Vicecomitibus London. Quia panis, vina, cervisia, et omnia alia genera victualium in Civitate prædicta, et in suburbio ejusdem, pro gratiaria hujusmodi victualia vendentium per vos perpeffa redduntur multum cara. Et licet quilibet Pafor ejusdem Civitatis in prima creatione sua * Sacramentum præbet corporale ad venditionem hujusmodi victualium, et mensuras et pondera supervidens, et defectus inde corrigens. † nullus tamen Pafor Sacramentum suum hujusmodi, prout debuit, observavit, in grave scandalum Paforum Civitatis prædictæ, et dampnum tam in Civitate illa habitantium, quam ad eandem confluentium. Nos pro utilitate Reipublicæ volentes super præmissis celeriter remedium apponi, prout convenit, oportunum, vobis injungimus et mandamus sub forisfactura omnium quæ nobis forisfacere poteritis, quod habita convocacione Aldermanorum et aliorum Communium de discretioribus Civitatis illius, et de communi consensu eorundem convocatorum, tale præcium super victualibus prædictis habita consideratione ad primariam emptionem eorundem ordinetis, et mensuras et pondera prædicta corrigatis, quod hujusmodi vendentes * lucrum non excessivum set rationale reportent, et dicti habitantes et consentes emendas de venditione hujusmodi, et mensuris et ponderibus per vos appostas sentiant, et ut * Sacramentum vestrum præfate Paforum illatum permaneat, omnes contra rectum attemptantes de tempore in tempus castigetis et puniat, et omnia alia quæ ad bonum regimen ejusdem Civitatis et suburbiorum pertinere noveritis, faciatis et exequamini. Ac ex diligentia vestra in hac parte exhibita Civitas prædicta ad statum debitum reducatur, et hujusmodi regratiaria excessiva omnino tollatur. Et præmissa omnia et singula in Civitate et suburbis prædictis in locis consuetis publice proclamari faciatis, omnibus et singulis ejusdem Civitatis scire facientes, quod si de hujusmodi excessibus celere remedium non apposueritis, tunc * nobis et Consilio nostro se inde conquerantur, et nos in vestri defectum de excessibus illis remedium congruum sine dilacione apponi faciemus. Teste Rege apud Westm. 29 die Octob.

Per ipsum Regem & Consilium.

* Like the HeGors, Burg-larers, & Highway-men in this age.

* Nota.

Claus. 35 E.3. pars 1. m. 16. dorf. De proclamatione faciendâ in Civitate London.

* Nota.

† Nota.

* Nota.

* Nota.

* Nota.

A Proclamation now worthy to be revived, and put in vigorous execution, if the Mayor, Sheriffs, and other City Officers neglect their Oathes and duties therein.

In the latter end of the reign of King *Edward* the 1. when Brewers, Diers, and other Artificers using great Fires, began to use Sea-coals instead of dry Wood and Char-coal, in and near the City of *London*, the Prelates, Nobles, Commons, and other people of the Realm resorting thither to Parliaments, and upon other occasions, with the Inhabitants of the City, *Southwerk*, *Wapping*, and *East-Smithfield*, complained thereof twice one after another to the King as a publick Nuisance, corrupting the air with its stink and smoak, to the great prejudice and detriment of their health: Whereupon the King first prohibited the burning of Sea-coal by his Proclamation; which being disobeyed by many for their private lucre, the King upon their second complaint issued a Commission of Oyer and Terminer to enquire of all such who burned Sea-coals against his Proclamation within the said City or parts adjoining to it, and to punish them for the first offence by great fines and ransoms, and for the second offence to demolish their Furnaces, Kills wherein they burnt Sea-coals, and to see his Proclamation strictly observed for times to come; (though since it is the Fuel principally used by them, and all sorts of persons in and near the City and elsewhere, and is no wayes reputed a publick Nuisance) as this Record in 35 E. 1. informs us.

Pat. 35 E. 1.
m. 4. dorso.
De Regis in
Civitate Lon-
don. supervi-
dendis.

REX dilectis & fidelibus suis *Radulpha de Sandewico & Johanni de Blund*, salutem. Cum nuper ex gravi querela tam *Prælatozum* et *Pagnatum* regni nostri frequentium *London*. pro utilitate *Reipublicæ* de mandato nostro confluentium, quam *Civium* et totius populi inibi et apud *Southwerk*, ac etiam apud *Waplyng & Est-smythfeld* habitantium, accipientes, Quod rogozum artifices ipsos rogos qui in Civitate et *Willis* prædictis, ac earum confinibus ex *Butca* vel *Carbone* bosci fieri conlueverunt, jam de nobis præter solitum ex *Carbone* marino concremant et componunt; de quo tantus et talis proflit scotoꝝ intolerabilis, quod diffundens se per loca vicina, aer ibidem sufficitur in immensum: Præcepimus *Pasagi* et *Wicecomitibus* nostris Civitatis prædictæ, quod in eadem Civitate, et *Wic. nostro Surr.* quod in prædicta *Willa de Southwerk*, ac etiam *Wic. nostro Middlesex.* quod in dictis *Willis de Waplyng & Est-smythfeld* publice facerent proclamari, quod omnes qui in eisdem Civitate et *Willis* seu earum confinibus rogozum exercere vellent ministerium, ipsos ex *Butca* seu *Carbone* bosci, moꝝe solito facerent, *Carbonibus* marinis in *Strutura* eozundem nullatenus utendo. Et jam ex iterata querimonia eozundem *Prælatozum*, *Pagnatum*, *Civium* et alioꝝum intellexerimus, quod prædicti rogozum factozes, prædictam Proclamationem parvipendentes, et *lucra* sua incolumitati hominum præferentes, dictos rogos marinis *Carbonibus* (non sicut prius) facere non desistunt; in dictozum *Prælatozum*, *Pagnatum*, *Civium* et alioꝝum dispendium non modicum, et sanitatis corporeæ detrimentum. Nos hujusmodi periculo præcavere, et incolumitati *Prælatozum*, *Pagnatum*, *Civium* et alioꝝum prospicere volentes, assignavimus vos ad inquirendum per *Sacramentum* probozum et legalium hominum de Civitate et Comitatus prædictis, per quos rei veritas melius sciri poterit, qui in Civitate et *Willis* prædictis, et earum confinibus, post Proclamationem nostram prædictam in factura hujusmodi rogozum usi sunt *Carbonibus* marinis, et ad omnes illos quos inde culpabiles inbeneritis, primo per graves redemptiones; et si iterato deliquerint per hujusmodi rogozum præstrationes puniendos, et ad hanc ordinationem in eisdem Civitate et *Willis*, et earum confinibus inviolabiliter futuris temporibus observandam. Et ideo vobis mandamus, quod quotiens necesse fore videritis præmissa faciatis; subis nobis amerciamenis et redemptionibus inde provenientibus. Mandavimus etiam *Wic. nostris Civitatis* et *Com. prædictozum*, quod quotiens eis scire fac. venire fac. coram vobis tot et tales probos et legales homines de Civitate et *Com. illoꝝum*, per quos rei veritas in præmissis melius sciri poterit et inquire. In cujus, &c. Teste Rege apud *Caldecotes* 28 die Junii.

The

The excessive prises of *Str-coals* of late years, by the Confederacy of *Wood-mongers* and others, not the Coals, or burning in or near the City, is now the only publick *Newsmor* complained against, fit to be redressed.

The dolefull spectacle of the ruines and decayes of the Walls, and several of the Bridges, Gates, Prisons, Churches in the City of *London*, by the late consuming Fire, have induced me to insert into this Chapter a transcript of some, and a brief memorial of other Records of Collections, Aydes, Impositions upon Carriages, and most sorts of Commodities, which our Kings have anciently granted to the City by their Letters Patents under the Great Seal for several years, to repair their Bridges, Gates, Walls, Wharfs, &c. when there was no such extraordinary occasion or necessity for them as now, the greatest part of the dwelling houses of the City, with its Walls, Churches, and publick Edifices, needing not only repairing, but reedifying from their very Foundations.

London-bridge being in great decay and like to fall, not only King *John* by his Charter 3 *John*. nu. 2. commanded it to be repaired, but likewise King *Edward* 1. granted a Patent for a charitable Collection through all *England* towards its reparation; and also imposed a Custom or Imposition of Pontage for sundry years upon several Commodities, and on every Cart, Pack-horse, other Carriages and Passengers, towards its repairs; as these Records assure us.

REX Omnibus Ballivis & fidelibus suis ad quos, &c. salutem. Dolentibus nobis nuper innotuit, Pontis *London*. imminere ruinam, ad cuius reparationem (nisi celeriter accurratur) nedum status Pontis illius repentinus, verum etiam innumerabilis fere populi super inhabitantis ex inopinato poterit interitus loquidari; et opus illud quod servari posset modo aliquibus ante casum, pro defectu subsidii ad irreparabilis damni dispendia poterit pervenire. Quocirca Nos qui publicis utilitatibus et privatis, tenemur prospicere et benignius providere; ac ipsos quos huiusmodi inforti commodis perspicimus, affectione speciali complecti, et praesidiis regalibus communitre; Vobis mandamus rogantes, quatenus cum ad hos custodes illius sumptuosi operis Pontis praedicti, vel nuncios eorundem, (quos in protectionem et defensionem nostram suscepimus specialem) ad colligendum ubicunque per regnum nostrum dicto operi pia devotozorum subsidia contigerit declinare, ipsos Dei contemplatione et caritatis intuitu, ac nostrae in hac parte devotionis obtentu, amicehbiliter admittatis; Non inferentes eis vel inferri permittentes injuriam, molestiam, dampnum, impedimentum seu gravamen. Et si quid eis forsifacatum fuerit, id eis sine dilatione faciatij emendari. Cumque a praefatis Custodibus seu Runciis eorundem ad subveniendum reparationi Pontis praedicti fueritis requisiti, quicquam de bonis vestris iuxta facultates vestras contribuere velitis humiliter operi memorato; et unusquisque vestrum alterum nitatur praecurrere in tantis operibus caritatis, pro quo a Deo meritum, et a nobis gratias reportare debeatis. In cujus, &c. Teste Rege apud *Walsingham* 8 die *Januarii*.

Et mandatum est Archiepiscopis, Episcopis, Abbatibus, Prioribus, Rectoribus, et omnibus aliis sanctae matris Ecclesiae Anglicanae, ad quos, &c. quod cum ad ipsos Custodes illius sumptuosi operis Pontis praedicti, vel Runcios eorundem, quos in protectionem, &c. ad colligendum ubicunque per *Dio.* Rectoriae, vel quascunque jurisdictiones dicto operi pia devotozorum subsidia, contigerit declinare, ipsos Dei contemplatione, &c. admittentes, eos populum ibidem piis suasionibus excitare, et suarum Cleemosuarum subsidia, ad reparationem Pontis praedicti, caritative invocare permittatis; Non inferentes, &c. Et si quid, &c. In cujus, &c. Teste ut supra.

REX Majori suo *London*. Cum nuper propter subitam ruinam Pontis *London*. vobis mandaverimus, quod associatis vobis duobus vel tribus de discretioribus et legalioribus Civibus Civitatis praedictae, caperetis usque ad Parliamentum nostrum post *Pasch.* proximo praeteritum, in subsidium reparationis Pontis praedicti, quandam consuetudinem, prout in litteris nostris patentibus,

Pat. 9 E. 1.
m. 27.
De subventione
facienda reparacione Pontis
London.

Pat. 10 E. 1.
m. 8.
De consuetudinibus capiendis
ad reparacionem Pontis
London.

tibus, quas vobis inde fieri fecimus, plenius continetur. Nos captionem hujusmodi consuetudinis ulterius continuari volentes, vobis mandamus, quod a festa Sanctæ Margareta Virginis. prox. futur. usque ad finem trium annorum proximo sequentium, completorum, in subsidium reparationis Pontis prædicti capiatis consuetudinem subscriptam; videlicet, de quolibet homine pedite Marchandis vel alia venalia deferente, et Pontem prædictum transeunte, et se ad partes alias divertente, *Unum Quadrantem*. De quolibet homine equite Pontem illum transeunte, et se ad partes alias (sicut prædictum est) divertente, cum Marchandis vel aliis rebus venalibus, *Unum Denarium*. De quolibet summagio venali, Pontem illum transeunte, *Unum Obolum*. Nec volumus, quod aliquid ibidem hac occasione interim capiatur, nisi in subsidium reparationis Pontis ejusdem. Completo autem termino prædictorum trium annorum consuetudo prædicta penitus cesset et deleatur. In cujus, &c. per prædictos tres annos duratur. Teste Rege apud *Cestriam* 6 die *Julii*.

Pat. 10 E. 1.
m. 18.
De reparatione
Pontis London.

REX Majori suo *London*, salutem. Propter subitam ruinam Pontis *London*, vobis mandamus, quod associatis vobis duobus vel tribus de discretioribus et legalioribus Civibus Civitatis prædictæ, caperetis usque ad Parliamentum nostrum post *Pascha* proximo futurum, in subsidium reparationis Pontis prædicti, consuetudinem subscriptam; videlicet, de quolibet homine transeunte aquam *Thamisa*, ex transverso ex utraque parte Pontis *London*, de *London*, usque *Suthwerke*, et de *Suthwerke* usque *London*, occasione defectus reparationis Pontis prædicti, *Unum Quadrantem*. De quolibet equo sic transeunte ibidem, *Unum Denarium*. Et de quolibet summagio sic ibidem transeunte, *Unum Obolum*. Nec volumus, quod aliquid ibidem hac occasione interim capiatur, nisi in subsidium reparationis Pontis prædicti. In cujus, &c. Teste Rege apud *Cirenc*, 4 die *Februarii*.

Pat. 27 E. 1. m. 23. & Pat. 30 E. 1. m. 9. the like Impositions and Customs were continued for the repairing of this Bridge. So Pat. 14 E. 2. pars 1. m. 19. there were the like Patents issued for publick Collections to repair *London-bridge*, (Pro Eleemosinis colligendis pro reparatione Pontis *London*, literæ Regis ad Archiepiscopos, et omnes Episcopos, &c. et alios Ecclesiarum Principales) as in 9 E. 1.

Moreover King *Edward* 1. *Edward* 2. & 3. and *Richard* 2. granted an Ayd, Custom and Imposition upon several Commodities and Merchandizes brought to the City by land or water, towards the repair of the City Walls, Forts, Ditches, for divers years, as Pat. 3 E. 1. m. 9. Pat. 7 E. 1. m. 23. Pat. 10 E. 1. m. 20, 21, 22. Pat. 12 E. 1. pars 1. m. 18. Pat. 30 E. 1. m. 9. Pat. 1 E. 2. pars 1. m. 18. Pat. 2 E. 2. pars 1. m. 10. Pat. 6 E. 2. pars 1. m. 17. Pat. 8 E. 2. m. 21. (which was afterwards taken off as to victuals only) & Pat. 12 E. 2. pars 2. m. 6. inform us. I shall only insert Pat. 10 R. 2. pars 1. m. 30. containing the substance of them.

Pat. 10 R. 2.
pars 1. m. 30.
De Muragio
pro Civitate
London.

REX dilectis sibi *Majori* et *Aldermannis*, et cæteris Civibus Civitatis nostræ *London*, salutem. Scitis, quod cum tam *Muri* et alia a *Fortificamenta* Civitatis prædictæ vetera et debilia existant, et pro defectu reparationis in aliquibus locis prosterantur; quam *Fossata* ejusdem Civitatis firmis, firmariis, et aliis *fordibus* ac herbis in eisdem crescentibus multipliciter sunt impleta; non solum in dictæ Civitatis et inhabitantium ejusdem, et præcipue præsentis tempore *guerræ* evidens periculum, verum etiam in nostri et totius ejusdem Civitatis *dedecus* et *scandalum* manifesta. Nos in auxilium *securæ*, ac *emendationis* et *reparationis* tam *Muro*rum et aliorum *fortificamentorum* dictæ Civitatis, quam *Fossatorum* prædictorum pro *defensione*, *securitate*, et *salvatione* ejusdem Civitatis, concessimus vobis et *successoribus* vestris, quod a die *confectionis* præsentium usque ad finem *decem* annorum proximo sequentium *plene* completorum, capiatis de omnimodis *Victualibus* et *Merchandis* venalibus ad Civitatem prædictam,

prædictam, per terram et per aquam; iuxta libertatem eisdem venientibus;
 Consuetudines subscriptas; videlicet, de qualibet centena *Cris venal.* quatuor
 denarios; de qualibet centena *Amigdalorum venal.* duos denarios; de qualibet
 bale *Risurum venal.* unum denarium; de qualibet centena *Pipera, Zinziberis,
 Setewall, Kanel, Frankinsens, Brasil, Ffargent, Vermilon, Ferrugis, & Succi
 venal.* sex denarios; de qualibet centena *Sulphur, Apeol, Atramentum, Rofia,
 Coperosa, & Calamenti venal.* unum denarium; de qualibet libra *Gurijffis, Ga
 lingale, uncis muscati, massorum, quibeles, croci & cerici venal.* unum obolum;
 de qualibet centena *Cupri & Stanni venal.* duos denarios; de qualibet centena
vitri venal. unum denarium; de quolibet bale de *Maider venal.* duos denarios;
 de qualibet millena de *meliori griseo operis venal.* duos solidos; de qualibet mil
 lena de *Rubid opere venal.* duodecim denarios; de qualibet millena operis de
Raskyn venal. quatuor denarios; de qualibet *Tymber de Erwyns venal.* duos de
 narios; de qualibet *Tymber de Letuse venal.* unum denarium; de qualibet
Tymber de Calabre venal. unum obolum; de qualibet *Tymber Caratam venal.*
 unum quadranem; de qualibet *Tymber Valpium venal.* unum obolum; de
 qualibet *Tymber de Bevere venal.* quatuor denarios; de qualibet *Tymber de Orvos
 venal.* duos denarios; de qualibet *Tymber de Fitchew venal.* unum obolum;
 de qualibet duodena de *Foyns venal.* unum denarium; de qualibet duodena
 pell. de *Fenets venal.* unum denarium; de qualibet centena pell. *Cunitulorum
 venal.* unum denarium; de qualibet centena pell. *Agri venal.* unum denarium;
 de qualibet centena de *Buze venal.* unum obolum; de qualibet duodena de
Cordeman venal. unum denarium; de qualibet duodena de *Bustyns venal.* unum
 obolum; de qualibet dyker *Corti tahnavi venal.* duos denarios & unum obolum;
 de quolibet dolio *Wilde venal.* duodecim denarios; de qualibet bala de *Wysse
 venal.* duos denarios; de quolibet batrelo *Melle venal.* unum denarium; de
 quolibet quarterio *Satu venal.* unum obolum; de qualibet *Mela pro mullandis
 venal.* quatuor denarios; de quolibet pari de *carminum manimoliarum venal.* unum
 obolum; de qualibet *Mela pro fabricis vocat. Grynafon venal.* unum obolum;
 de quolibet batrelo *Cinirum de Wood venal.* unum obolum; de qualibet centena
 de *Wynustose venal.* duos denarios; de qualibet centena de *Rigold venal.* qua
 tuor denarios; de quolibet batrelo *Astere venal.* viginti denarios; de quolibet
 centena de *Deles venal.* decem denarios; de qualibet centena de *Londhorit
 venal.* quatuor denarios; de qualibet centena de *Bowstaves venal.* duos dena
 rios; de quolibet lasso de *Pischo & Therr venal.* tres denarios; de quolibet ba
 rellio de *Ofemona venal.* unum denarium; de qualibet centena de *Pontandemet
 venal.* duos denarios; de quolibet panno de *Flandre incho & afforciato venal.*
 quatuor denarios; de quolibet panno *intero venient. London. venal.* quatuor
 denarios; de qualibet duodena *panni venient. London. venal.* duos denarios;
 de quolibet trassello *Kerseje, Walfshurfer & Maucell Irland venal.* duodecim
 denarios; de quolibet panno *intero de Schilt venal.* duodecim denarios; de
 qualibet duodena *nixi vel albi panni Monachal. venal.* duos denarios & libra;
 de quolibet panno *operato in London. venal.* octo denarios; de qualibet * *Chaldre* * On which
Carbonum maris venal. unum obolum; de quolibet *Fosher Carbonum venal.* unum only there is
 obolum; de quolibet *summagio Equorum cum Surgu, Stangis, Grissis pannis,* now an Impos
& lincis pannis venal. duos denarios de libra; de qualibet centena *Candapil venal.* sition by Act
 quatuor denarios; de qualibet duodena *peplorum venal.* unum denarium; de of Parliament.
 quolibet panno de *serico sive auro ragema venal.* quatuor denarios; de quolibet
Sametto & panno operato cum auro venal. octo denarios; de quolibet *picia integra
 de Fustian venal.* unum denarium & unum obolum; de quolibet *Semilid affor
 ciato venal.* duos denarios de libra; de duobus aliis *Semilid. non afforciat. venal.*
 duos denarios de libra; de qualibet centena *tele veniente London.* de quibus
 transmarinis venal. octo denarios; de qualibet duodena de *omnimodis vel omni
 bus venal.* quatuor denarios; de qualibet duodena de *double Worste de venal.*
 octo denarios; de qualibet duodena de *single Worste de venal.* quatuor denarios;
 de quolibet *lento cum Coverlis & Testour de majori assisa venal.* quatuor dena
 rios; de quolibet *lento cum Coverlis & Testour de media assisa venal.* duos dena

rios; de qualibet millena de *Talvode* venal. quatuor denarios; de qualibet millena de *Faget* venal. duos denarios; de qualibet millena de *Billet* venal. unum obolum; de qualibet carecta *fani* venal. unum obolum; de quolibet *Barillo* venient. per aquam cum *fago* secundum estimationem per carectam venal. unum obolum; de quolibet *quarteria frumenti* venal. duos denarios; de quolibet *quarteria Brassi* venal. duos denarios; de quolibet *quarteria alterius grani* venal. unum denarium; de quolibet *dolio olei* venal. duodecim denarios; de quolibet *dolio vini* venal. sex denarios; de qualibet centena ponderis de *Bacerie*, scilicet *Bassinzum* patell. *Ollarum* & *Cacaborum* venal. quatuor denarios; de quolibet *Egna* *vengli* precti quadraginta solidorum & amplius venal. duos denarios; de quolibet *Egna* minoris precti quam quadraginta solidorum, venal. unum denarium; de quolibet *Bove* venal. unum denarium; de qualibet *Vacce* venal. unum denarium; de quolibet *Bideis* venal. unum obolum; de quinque *Bacconibus* venal. duos denarios; de quolibet *vitulo* venal. unum quadrantem; de quolibet *porca* venal. unum obolum; de quolibet *agna* venal. unum quadrantem; de corpore cuiuslibet *magna navis carcata cum rebus venalibus* venient. *London* dictis rebus in eadem exceptis, quatuor denarios; de corpore cuiuslibet *minoris navis carcata cum huiusmodi rebus venalibus*, eisdem rebus exceptis, duos denarios; de quolibet *barillo carcata* unum denarium; de qualibet duodena *Salmorum* *salsatorum* venal. quatuor denarios; de viginti & quinque *Millnell* venal. quatuor denarios; de quolibet *barillo de Haddocke* venal. unum denarium; de qualibet centena de *Mackerell* *sals.* venal. unum obolum; de qualibet millena *Allec* venal. duos denarios; de quolibet *barilla Allec* venal. duos denarios; de qualibet duodena *Lampredarum* *sals.* venal. duos denarios; de qualibet millena *Anguillarum* venal. decem denarios; de qualibet centena ponderis *grasti piscis* venal. quatuor denarios; de quolibet *barillo de Sturgeon* venal. sex denarios; de qualibet centena de *Stackfish*, vocat. *Rae* *fish* & *Carr* *fish*, venal. quatuor denarios; de qualibet centena de alio *Stackfish*, vocat. *Halsewox* *fish*, venal. duos denarios; de qualibet centena de alio *Stackfish*, vocat. *Gropling* & *Tieling*, venal. unum obolum; de qualibet centena de *Bunshes* *Allei* venal. tres denarios; de quolibet viginti & quinque *Bussell* *Ceparum* venal. unum denarium; de quolibet *Asser* *Piscis* venal. unum denarium; de qualibet millena *ferri* venal. quatuor denarios; de *Armatura*, videlicet *banberjons* & alia *armatura*, venal. valoris viginti solidorum, duos denarios; & de qualibet alia *Merchandise* venal. valoris viginti solidorum hic non specificata, (exceptis *lavis*, *coriis*, & *pellibus lanatis*) duos denarios. Et ideo vobis mandamus, quod Consuetudines predictas durante dicto termino decem annorum capiatis in forma predicta, et eas super reparatione et emendatione *Murozum* et *Fossatorum* predictorum; ac pro defensione et securitate *Civitatis* predictae ponatis, prout melius faciendum fuerit in hac parte: Volumus autem, quod completo huiusmodi termino decem annorum dictae Consuetudines penitus cessent et deleantur. In cuius, &c. per predictos decem annos duratur. Teste Rege apud *Westm.* 18 die *Septembris*.

Per brevis de *Privata* Sigillo. Dupl.

Moreover I find an imposition granted them by *K. Edward* the 2. towards the building of a New Tower on the Wall near the *Freers Preachers*, Pat. 10 E. 2. pars 2. m. 11.

A like was granted them to pave and mend the Streets and High-ways between *Temple-bar* and *Westminster*, *Chancery-lane*, *Shoo-lane*, *Fenter-lane*, from *Portvobrig* to *Tyburn*, and from *London* to *Highgate*, Pat. 9 E. 2. pars 1. m. 25. Pat. 37 E. 3. pars 2. m. 47. Pat. 40 E. 3. pars 2. m. 40. Pat. 51 E. 3. m. 7. Pat. 4 R. 2. pars 1. m. 21.

I shall adde to these the Petition of the *Commons of London*, and *Inhabitants of Holborn*, in the Parliament of 35 E. 1. against the obstructions of *Flete River*, to the hindrance of its Navigation to *Holborn-bridge*, as formerly, and corruption of the Air near it; with the *Kings Commission* for redress thereof, grounded thereupon.

* Ad

* **A**D Petitionem Communicatis London, querentis, Quod cum cursus aquæ quæ currit apud London, sub Ponte de *Holeburn*, et Ponte de *Flete* usque in *Tamisiam*, solebat ita largus et latus esse, ac profundus, quod decem *Habes* vel duodecim ad prædictam pontem de *Flete* cum diversis rebus et merchandis solebant venire, et quædam *Martini* *Habium* sub illo Ponte transire, usque ad prædictum Pontem de *Holeburn*, ad prædictum cursum mundandum et firmos erinde cartand. Nunc ille cursus per *fordes* et *inundationes* *Lannatozum* et per varios perturbaciones in prædicta aqua factas, et maxime per exaltationem *Caye* et diversionem aquæ quem ipsi de *Novo Templo* fecerunt ad molendina sua extra *Castra Baignard*, quod *Habes* prædictæ nitime intrare possunt sicut solebant et facere debeant, &c. Unde supplicat, quod *Masoz de London*, assumptis secum *Viccom*, et discretioribus *Aldermannis*, cursum prædictæ aquæ videat, et quod per vicum et sacramentum proborum et legalium hominum fiat omnia nocumenta prædictæ aquæ quæ inveniunt ammovere et reparare cursum prædictum, et ipsum in tali statu manentem in quo antiquitus esse solebat, &c. Ita responsum est. Assignentur *Rogerus le Brabançon*, & *Comitabularius Turris London*, Major & *Viccom*, *London*. Quod ipsi assumptis secum discretioribus *Aldermannis London*, &c. inquirent per Sacramentum, &c. qualiter fieri consuevit et qualis cursus: et nocumenta quæ inveniunt ammoveant, et manentem faciant in eodem statu quo antiquitus esse solebat.

* Placita & Petitiones in Parlamento, An. 35 E. 1. Ryley Plac. Parl. p. 340.

REX, dilectis & fidelibus suis, *Rogero le Brabançon*, *Radulpho de Sandewyc*, & *Johanni de Bland*, Majori Civitatis suæ *London*, salutem. Quia ex querela quorundam accepimus, quod Cursus aquæ de *Flete* sub Ponte de *Holeburn*, usque *Tamisiam* decurrens, tam per fimos & *fordes* varias in eadem aqua projectas, quam per exaltationem cuiusdam *Caye* per Magistrum & Fratres *Novi Templi London*, pro Molendinis suis supra *Tamisiam* juxta Castrum *Baignard* de novo factæ, adeo obturatur & arcuratur, quod *Batelli* cum *Bladis*, *Winis*, *Butes*, et aliis necessariis, per meatum cursus aquæ illius a *Tamisia* usque Pontem prædictum transire nequeunt, ut solebant; ad nocumentum hominum supra *Flete*, et in partibus vicinis commozantium non modicum et gravamen. Nos impedimentis et nocumentis hujusmodi remedium apponere volentes, assignamus vos ad prædicta impedimenta et nocumenta supervidenda, et ad faciend. ea per illos, quos ad hoc teneri videritis, amoveri, aquamque prædictam adeo largam et profundam fieri, quod cursus aquæ illius de cætero sic se habeat sibi, sicut se habere antiquitus consuevit. Et ideo vobis mandamus, quod ad certos diem & locum, quos ad hoc provideritis, assumptis habitum discretioribus *Aldermannis* Civitatis prædictæ, et *Viccomitibus* nostris ejusdem Civitatis, ad aquam prædictam accedentes, impedimenta et nocumenta prædicta supervideatis, et per sacramentum proborum et legalium hominum Civitatis prædictæ et *Suburbii* ejusdem, per quos rei veritas melius sciri poterit, diligenter inquiretis, Qualiter et quo modo Cursus aquæ prædictæ se habere antiquitus consuevit, et per quos idem Cursus obturatur et arcuratur; et qualiter, et quo modo: et impedimenta ac nocumenta, (si quæ ibidem inveniunt) amoveri, Cursumque aquæ prædictæ, quamcivis fieri poterit, reduci fac. in statum debitum et antiquum. Mandavimus enim *Vic*, nostris prædictis, quod ad certos diem & locum, quos eis scire fac. venire fac. coram vobis tot & tales probos & legales homines de Civitate & *Suburbio* prædictis, per quos rei veritas in præmissis melius sciri poterit & inquireti, & quod vobis in præmissis pareant & intendant. In cuius, &c. Teste Rege apud *Karlslem* 4. die *Junii*
Per *Procuratorem de Conf.*

Par. 35 E. 1. m. 8. dorso. De cursu aquæ de Flete supervidendo & corrigendo.

The like Commission issued to perfect this Work, discontinued by the Kings death, Pat. 1 E. 2. pars 1. m. 14. dorso. De Cursu aquæ *Flete*, &c. reducend. et impedimenta remobend.

Whether such a Commission and Inquiry to make this River navigable to
B b 2 *Halborn*

Holborn Bridge, or Clerkenwell, would not now be seasonable, and a Work worthy to be undertaken, for the publike benefit, trade, health of the City and Suburbs, I humbly submit to the Wisdom and Judgement of those whom it most concerns.

Page 250. l. 15. sect. 11. The Author informs us, *That the Mayor of London for the time being hath the Conservation and Rule of the River of Thames, from the Bridges of Stanes, to the waters of Yendall and Medway, &c.* This Jurisdiction was granted to the Mayor and City of London by the Charter of King Henry the 3. Cart. 11 H. 3. pars 2. m. 16. nu. 140. since recited, confirmed in and by Pat. 2 E. 3. m. 27. intus. Pat. 23 H. 6. pars 3. dorf. 18. & Pat. 9 E. 4. pars 2. dorf. 18. See the 2 *Institutes*, p. 38.

Page 153. l. 23. Rot. Pat. An. 1 E. 3. *the King granted, That the Citizens of London should not be constrained to goe out of the City to any warre.* Which I conceive is mistaken by the Author for Pat. 12 E. 3. pars 2. m. 17. & Pat. 17 E. 3. m. 6. importing such a priviledge.

Cap. 50. p. 254. *The Court of Justices assigned for the Government of the J E W E S.*

OF this Court and the Justices thereof, with other particulars relating to the Jewes, and Statute *de Judaismo*, the Authors mistakes concerning them, and the Jewes banishment out of England, I have so largely discoursed of them, and refuted his mistakes out of our Histories, and Records in the Tower (to which many more might be added out of the Records in the Kings and Lord Treasurers Remembrancers, and Pipe and Tally Offices in the Court of Exchequer at Westminster) in the First and Second Part of my Short Demurrer to the Jewes long discontinued Remitter into England, and Third Tome of my Exact Chronological Vindication, &c. that I shall not here insist thereon, but refer you to them.

Cap. 51. p. 255. *Of the City of Westminster.*

Concerning the Foundation and Antiquity of the Monastery and Church of Westminster, and the Priviledges conferred on it by King Edward the Confessor, who re-edified and endowed it with ample possessions and Immunities; you may consult at leisure, *Ailredus Abbas Rievallis, De Vita & Miraculis Edwardi Confessoris*, col. 381, 385, 386, 388. & *Genealogia Regum Anglia*, col. 366. *Chronicon Johannis Bromton*, col. 726. (which affirms, that *Lucius*, our first Christian King, *Ecclesiam Westmonasterii primo construxit.*) *Henrici Spelmanii Concilia* Tom. 1. p. 628, to 632. Mr. Dugdales *Monasticon Anglicanum*, Vol. 1. p. 54, to 66. The First Part of my *Exact Chronological Vindication*, &c. p. 4, 5. 322, to 329. *Placita Parliamentaria*, An. 18 E. 1. plac. 434. *Ryley*, p. 6, 7, 57, 58. *Plac. Parl.* An. 33 E. 1. pl. 1. *Ryley*, p. 292, 293, to 330. What Parliaments have there been summoned, held, what Acts they have made, and in what places either House sate, or met, the Parliament Rolls, printed Statutes, My *Brief Register and Survey of Parliamentary Writs*, Part 1, 2, 3, 4. And An *Exact Abridgement of the Records in the Tower*, will inform you.

Cap.

Cap. 53, 54, 55, 56. p. 259, to 267. *The Court of the Tourn.*
The Court of the Leet. The Court of the County.
The Court of the Hundred.

I Conjoyn all these Courts, because the Statute of *Magna Carta*, cap. 35. and the Author in his Commentary thereon in his 2 *Institutes*, p. 69, 70. hath done it, where he discourseth at large of their Antiquity and Jurisdiction: wherein I cannot but take notice of one grosse mistake, in the * *Spurious addition* to the Lawes of King *Edward the Confessor* in Mr. *Lambert*, cited in the 2 *Institutes*, p. 70. concerning the Antiquity of the *Folkemote* or *Court Leet*; and administering the Oath of Allegiance in it to the people; *Ad defendendum regnum, &c.* *Hanc legem invenit Arthurus, (qui quondam fuit inclytissimus Rex Britonum) & ita consolidavit & confederavit regnum Britannia Universum semper in unum. Hujus legis autoritate expulit Arthurus pradietus Saracenos & inimicos à regna.* When as it is most clear, by *Galfridus Monmouthensis, Mat. Westmister, Radulfus Cestrensis, Panticus Verumnius, &c.* An. Dom. 516. to 542. and other our antient and modern Historians who write of King *Arthur* record, that he only fought his several battles with the *Saxons, Scots, Picts*, whom he expelled out of the Realm, but not with the *Saracens*, who never infested nor entred our *Island*, nor mention any such Oath, Law, Court prescribed or held by him. For the Jurisdiction of these Courts, you may peruse, *Richard Crompton* his *Jurisdiction des Courts*, c. 22, 23. *Court de Viscount, Court de Hundred & Conney Court, John Kitchin* his *Court Leet and Court Baron*, The Lawbooks cited in *Ash* his *Prompnary*, Tit. *County Courts, & Turn de Viscounte*, *Serjeant Rolls* his *Abridgement*, Part 1. p. 541, 542, 544. *Dr. Cowels* Interpreter, Title *Hundred Court, Leet and Tourn*, and Mr. *Hughes* *Abridgement* in these Titles. There arising some doubt in several Counties upon King *Henry* the 3d. his Confirmation of the *Great Charter*, how often the *Sheriffs Turn, Wapentakes*, and the *County Court* ought to be held by the 35 Chapter thereof, upon the Kings confirmation of it in a Parliament at *Lincoln* in the 18 year of his reign, this doubt was thus resolved, and that Act thus interpreted by the greater and discreeter part of the Prelates, Earls and Barons of the Realm, and all Sheriffs enjoyned by the Kings Writs to observe this their resolution for the future, not hitherto published, nor taken notice of by the Author.

* See the learned Archbishop *Usserius*, De *Ecclesiarum Britan. Primordiis*, p. 516, 517, 1180. who styles it, *Spurrius*, *Edwardi Confessoris Legibus additum*.

REX Vic. *Linc.* salutem. Quia audivimus quod tu & Ballivi tui, & etiam Ballivi aliorum qui *Hundreda* habent in Comitatu tuo, non intelligitis qualiter *Hundr. & Wapentac.* teneri debeant in Comitatu tuo, postquam concessimus omnibus de Regno nostro Libertates contentas in Cartis nostris quas inde fecimus dum fuimus infra etatem; Nos eandem Cartam nuper legi fecimus in presentia Domini *Cantuar.* & majoris & sanioris partis omnium Episcopum, Comitum & Baronum totius Regni nostri, ut coram eis & per eos exponeretur hæc clausula contenta in Carta nostra de Libertatibus, videlicet, Quod nullus *Wicecomes* vel *Ballivus* faciat *Turnum* suum per *Hundreda* nisi bis in anno, et non nisi loco debito et consueto, videlicet semel post *Pascha* et iterum post festum *Sancti Michaelis* tunc occasione; Ita scilicet quod quilibet habeat libertates suas quas habuit et habere consuevit tempore *H. Regis* avi nostri, vel quas postea perquisivit. Unde à multis tibi dictum fuit & restatum, quod tempore *H. Regis* avi nostri tam *Hundreda & Wapentac.* quam *Curia Magnatum Angl.* solebant teneri de *Quindona* in *Quindenam*. Et licet multum placuerit nobis communi utilitati totius Regni & indemnitati pauperum providere, tamen quia illi duo *Turni* plene non sufficiunt ad pacem Regni nostri conservandam, & ad excessus tam divitibus quam pauperibus illatis corrigendos

Cl. An. 18 H. 3. m. 10. dorf. De interpretatione Clausulæ contentæ in Libertatibus qualiter debeat intelligi.

rigendos quæ ad *Hundreda* pertinent; de communi consilio prædicti Domini *Cantuariensis* & omnium prædictorum Episcoporum, Comitum, & Baronum & aliorum ita provisum est. Quod inter prædictos duos *Turnos*, teneantur *Hundreda* et *Wapentakia*, et etiam *Curia Magnatum* de tribus Septimanis in tres Septimanas, ubi prius teneri solent de *Quindena* in *Quindenam*; Ita tamen quod ad illa *Hundreda* et *Wapentakia*, et *Curias* non fiat generalis summonitio sicut ad *Turnos* prædictos, sed ad *Hundreda* illa, *Wapentakia*, et *Curias*, consentiant *Conquerentes* et *Adherarii* sui et illi qui sectas debent, per quas teneantur placita et fiant *Judicia*, nisi ita sit quod ad *Hundreda* illa et *Wapentakia* fieri debeat *Inquisitio* de placitis *Cozonæ*, sicut de morte hominis, *Thesauro invento*, et hujusmodi, ad quæ inquirenda consentiant cum prædictis *separatis* quatuor *Willatæ* proximæ, scilicet omnes de illis *Willis* qui necessarii fuerint ad *Inquisitiones* illas faciendas. Et ideo tibi præcipimus, quod prædicta *Hundreda*, *Wapentakia* & *Curias* tam nostras quàm aliorum teneri facias de cætero secundum quod prædictum est de tribus Septimanis in tres Septimanas, exceptis prædictis duobus *Turnis*, qui de cætero teneantur secundum quod prius teneri solebant. T. R. apud *Westm.* i i die *Octobris*.

To which I shall subjoyn Claus. 44 H. 3. wherein I find most of the Statutes of *Marlebridge* inrolled, being made at *Westminster* in the 43 year of this King.

Cl. 44 H. 3. m. 17. dorso. De Provisionibus factis per Regem & Consilium suum.

ANNO ab Incarnatione Domini 1259. regni autem *Henrici* fil. Regis *Jo-*
han. 43. Convenientibus apud *Westm.* in *Quindena* *Sancti Michaelis*, ipso Domino Rege & Magnatibus suis, de communi Consilio et assensu dictorum Regis et Magnatum factæ sunt *Prohibitiones* subscriptæ per ipsos Regem et Magnates, & duplicatæ in hunc modum.

De sectis faciendis ad *Curias Magnatum* & Dominorum ipsarum *Curiarum* provisum est, & concorditer statutum, Quod nullus qui per *Curiam*, &c. as in the Statute of *Marlebridge*, cap. 9. Then follows. *De Turnis Vic. provisum est*, &c. as in cap. 10. of *Marlebridge*, with other Statutes: and at the end of the *Membrana*, this Writ grounded thereon.

Novum breve de Turnis.

Quia de Communi Consilio Regni Regis provisum est, quod *Abbat*, *Priores*, *Comites*, *Barones*, aut viri *Religiosi*, seu mulieres, non habeant necesse ad *Turnos Vicecomitum*, nisi eorum presentia specialiter exigatur, & si qui in *Hundredis* diversis habeant tenementa hujusmodi, necesse non habeant venire ad hujusmodi *Turnum*, nisi in *Ballivis* ubi fuerint conversantes. Mandatum est *Vic. Essex.* quod *Jacobum* de *Creker*, & *Sarram* uxorem ejus occasione tenementi sui quod habent in *balliva* sua, non distringat, vel distringi permittat pro prædicto *Turno suo* contra formam *Provisionis* prædictæ. Teste *A. de Bigod: Justic. no-*
stro Angl. apud *Westm.* 7 die *Febr.*

A clear evidence this Act was first made in the Parliamentary Council held at *Westminster* in the 43. year of King *Henry* the 3. not at *Marlebridge* in his 52 year, as is commonly mistaken in all our printed Statute Books.

Cap. 60. p. 272. Of the Court of Pipowders.

FOR the Jurisdiction and Antiquity of this Court, annexed to every Fair for the benefit of Merchants and Traders immediately to recover their Debts and Contracts made therein; you may peruse Mr. *Crompton's Jurisdiction of Courts*, cap. 19. f. 221, 224. As his *Promptuary*, Tit. *Courts*, & *Serjeant Rolls* his *Abridgement*, Part 1. p. 544, 545. and *Judge Crooks* 2 Reports, 10 *Jacobi*, B. R. p. 513.

The

The longest, fair and urangett Power to make Justices and Coroners, equal to the Kings, and Mayor and all Officers in the City, and to hold such an exorbitant Court of Pipowars I ever met with, is that of the Bishop of Winchester, kept for 24. dayes together on St. Giles hill near that City, over which he and his Officials had and exercised for 16. dayes thereof, a transcendent and more than Regal Jurisdiction over the Mayor, Citizens of the City of Winchester, gained by degrees by the extraordinary Power and Greatness of the Bishops of that rich See, when Chancellors, Treasurers, and Great Officers of State; thus found by Inquisition, and expressed confirmed to them by the Patents of King Richard the 2. and Edward the 1. under their Great Seals, though contrary to *Magna Charta*, and the Lawes of the Land, and derogatory to the Kings Prerogative and Subjects Liberties and Properties.

REX Omnibus ad quos, &c. salutem. Insuper Cartam confirmationis Domini Ricardi nuper Regis Angliæ secundi post Conquestum in hæc verba; Ricardus, &c. Insuper etiam quandam aliam Cartam Domini Henrici nuper Regis Angliæ avi nostri, in hæc verba; Edwardus Dei gratia Rex Angliæ & Franciæ & Dominus Hiberniæ Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Justicis, Vicecomitibus, Praepositis, Magistris, & omnibus Ballivis & fidelibus suis, salutem. Sciatis, quod cum celeberrimis memorie Domini Willielmi olim Rex Angliæ progenitor noster per Cartam suam dedisset & concessisset Deo & Sancto Petro, veteris Monasterii Wynton, Episcopo, unam Fertam ad Ecclesiam Sancti Egidii, quæ sita est in monte Orientali Wynton, & omnes redditus suos & justicias suas quæ ad ipsum pertinuerunt in Wynton, Civitate per tres dies integros, scilicet, diem proxim. ante festum, & diem ipsius festi, & diem subsequentem post festum, ita plenarie & quiete cum omnibus consuetudinibus sicut eam haberet, si sua propria esset; Ac postmodum inclite memorie Dominus Henr. dudum Rex Angliæ, frater predicti Regis Willielmi, per Cartam suam dedisset & concessisset Deo & Sancto Petro, & Sancto Swithuno, veteris Monasterii Wynton, & Willielmo Giffard tunc Episcopo loci predicti unam Fertam ad Ecclesiam Sancti Egidii, predictam, & omnes redditus suos & justicias suas quæ ad ipsum pertinuerunt in dicta Wynton, Civitate per octo dies integros, tres videlicet dies quos frater suus Rex Willielmus eis concessit, & post illos tres dies quinque dies, ita plenarie & quiete cum omnibus consuetudinibus sicut idem Rex eam haberet si sua propria esset. Subsequenterque claræ memorie Dominus Stephanus quondam Rex Angliæ, progenitor noster, per Cartam suam etiam concessisset Deo & predictæ Ecclesiæ Wynton, & Henr. tunc dicti loci Episcopo, fratri suo, & omnibus successoribus suis, sex dies continuos de accremento ad dictam Fertam Sancti Egidii Wynton, ita quod, inter totum haberet quatuordecim continuos dies; volens, quod præcipiens, quod predicta Fertia omnibus hiis quatuordecim diebus haberet omnes consuetudines et quietancias et libertates quas solebat habere infra Civitatem predictam et extra tempore Regis Henrici antedicti. Posteaque bonæ memorie Dominus Henricus quondam Rex Angliæ progenitor noster, per Cartam suam concessisset Deo & Ecclesiæ Wynton, supradictæ ad tunc Episcopo dicti loci octo dies ad accrementum Fertiæ predictæ, ut quæ tempore predicti Regis Henr. avi sui octo diebus tantummodo durabat, est tunc sexdecim diebus duraret, prout in Cartis predictis quas Dominus E. nuper Rex Angliæ, pater noster per cartam suam confirmavit, concedens pro se & hæredibus suis Johanni nuper Episcopo dicti loci, quod licet ipse aut prædecessores sui libertatibus predictis usi antea non fuissent, idem tamen Episcopus & successores sui eis extunc plene gauderent & uterentur, ut in eadem confirmatione plenius continetur. Nosque nuper ad prosecutionem venerabilis patris Willielmi de Edynton ipsius loci nunc Episcopi nobis suggerentis ipsum & prædecessores suos ejusdem loci Episcopos virtute cartarum predictarum, & verborum generalium in eis contentorum, ac Fertiæ supradictæ à tempore confectionis earundem cartarum, & aliis, & tempore quo non extat memoria, Justic. suorum qui vocantur Justic. pabillonis, cognitiones placitorum

Par. An. 2. E. 4.
para 6. m. 6.
Pro Priore &
Conventu S.
Swithuni Win-
ton. de Confir-
macione.

Vide Par. 2
E. 3. para 1.
m. 16. dorso.

rum et aliorum negotiorum eodem Feria durante, necnon claves portarum et
custodiam predicta Civitatis nostrae Wynion. pro certo tempore Feria illius, et
nomillas alias libertates, franquitates et consuetudines habuisse, et eis,
quantis in dictis cartis bene minime exprimaatur, libere et inconvulso usas
fuisse; & nobis supplicantis, ut libertates, immunitates & consuetudines hujus-
modi quas consistere possent dictam Episcopum & predecessores suos virtute, cog-
nitione confirmationum ac verborum generalium predictorum, seu alias, a tem-
pore quo non erant memoria habuisse, vellemus per expressam specificationem
verborum sub forma cartae redigi facere in scripturam, & concedere, quod pra-
dictus Episcopus et successores sui predictis libertatibus, franquitatibus et con-
suetudinibus quiete imperpetuum utantur: volentes inde plenius informari, as-
signavimus dilectos & fideles nostros *Willielmum de Sharnbull, Johannem de San-
cto Paulo, Willielmum de Fyfbide, & Willielmum de Overton*, tres & duos corpes,
ad inquirendam per sacramentum proborum et legitimum dominum de *Com.
Suth.* per quos res veritas tactus fieri posset, de praemissis omnibus & singulis
& earum circumstantiis, ac aliis quibuscumque quae in hac parte necessaria vel
opportuna fuerint plenas veritatem. At per Inquisitionem per praefatos *Willi-
elmu de Sharnbull* de mandato nostro hujusmodi capram, & in Cancellariam
nostram recitatum compertum sit, quod praefati *William*, nunc Episcopi pra-
decessores, Episcopi dicti loci, virtute concessionum Regiarum predictarum ac
generalium & regaliu verborum in eisdem contentorum, & alias, a tempore
quo non erat memoria habuerunt, et idem nunc Episcopus habet predictam
Feriam in predicto loco in Cartis predictis nominato, qui modo Seynt *Gylef-
dome* nomen portat, per predictos septem dies duraturam, & ratione Feria
illius, ac virtute verborum generalium & regaliu predictorum, & alias, a tem-
pore quo non erat memoria, ut est dictum, idem nunc Episcopus & praedecesso-
res sui predicti hucusque in fuerint libertatibus et consuetudinibus subscriptis,
videlicet, Quod Episcopus loci predicti qui pro tempore fuerit, habet, et habere
debet iustitiam suam sub vocantur *Iustic. pabilonis* ipsius Episcopi Feria illius,
per commissionem ejusdem Episcopi assignatos. Qui *Iusticiarii* qualibet anno
in principio Feria predictae, videlicet in vigilia *Sancti Egidii* ante ortum solis,
vel in ortu, vel statim post ad portam australem Civitatis predictae, vel ad por-
tam ejusdem Civitatis quae vocatur *Kyngegate*, pro voluntate sua equitabunt,
et Civitatem istam ibidem ingredientur. Ad quam quidem portam australem
passi, *Ballibi*, ac *Cibes* ejusdem Civitatis eisdem *Iusticiariis* obediabunt,
et claves et custodiam ejusdem parte australis eis nomine predicti Episcopi,
et tanquam ejus ministris liberabunt et tradent, et eisdem *Iusticiariis* *Custo-
des* sive *Sanctores* pro voluntate sua ibidem ponent; et exinde usque ad portam
occidentalem ejusdem Civitatis simul equitabunt, ubi predicti *Passi*, *Ballibi*
et *Cibes*, eisdem *Iusticiariis* *Claves* et custodiam ejusdem parte ac tram
lateralis dictae Civitatis praefatis *Iusticiariis* in forma predicta tradent et li-
berabunt. Et eisdem *Iusticiariis* *Custodem* seu *Sanctorem* ad eandem portam
constituent, et ibidem *Feriam* predictam in forma qua sequitur proclamari fa-
cient, videlicet, Quod nullus *Percussor* nec alius per predictum tempus *Leu-
dum* dferim per septem leucas in circuitu placeat Feria illius, mercandis
aliquas affibi quam in eadem Feria bandat, emat, nec venditioni exponat, sub
* *Forstacuris* parundem mercandis arum ad opus predicti Episcopi. Qua pro-
clamatione sic facta, eisdem *Iustic. Passi*, *Ballibi* ac *Cibes* ad portam orientalem
ejusdem Civitatis simul equitabunt, et ibidem *Claves* et custodiam ejusdem por-
te eisdem *Iustic.* in forma predicta tradent et liberabunt. Et eisdem *Iustic.
Custodem* seu *Sanctorem* ibidem pro voluntate sua ponent, et postea eisdem
Iustic. ibidem et alibi in Civitate illa quocumque huerint consimilem procla-
mationem facient et scire possint et solebant pro voluntate sua. Et exinde
eisdem *Iustic.*, *Passi*, *Ballibi* ac *Cibes*, usque ad portam orientalem ejusdem Ci-
vitate simul equitabunt, et *Claves* et custodiam ejusdem parte eisdem *Iustic.
Iusticiariis* in forma predicta liberabunt, exceptis theolonis et *Culturis* *Abbatibus*
et *Combertis* beate *Maria Wynion*, et eorum successoribus, et Ecclesiae suae de
eadem

Vide Escheats
An. 13. E. 3.
par. 2. in. 42.
et in. 100.
et in. 100.
et in. 100.

Vide Part. 2.
et in. 100.
et in. 100.

* Nota.

* Nota.

eadem porta orientali debitis sive pertinentibus. Et iidem Iusticiarii, Pajoz, Wallibi ac Cibes exinde usque ad pablonem predicti Episcopi Ferie illius super montem Sancti Egidii extra Civitatem predictam simul equitabant, et extunc iidem Pajoz, Wallibi et Cibes recedere, et ad Civitatem predictam pro voluntate sua redire possunt. Et iidem Iustic. eligent et constituent Pajonem et Wallibos ad deseruiendum in huiusmodi officio in Civitate predicta durante Ferie predicta, necnon unum Cozonatorem ad faciendum ea quae ad officium Cozonatoris pertinent infra Civitatem predictam durante Ferie predicta, ex hoc de * hominibus forinsecis sive de predicta Civitate pro voluntate eorundem Iustic. et habebunt quendam Parescallum ad executiones faciend. et eis deseruiend. prout docet, tam infra Civitatem quam extra. Et predictus Episcopus a tempore quo Claves et custodia portarum, ut permittitur liberata fuerint, per Iustic. et alios Ministros suos * habebit custodiam totius Civitatis predictae, et cognitionem omnium placitorum de transgressionibus, debitis, et aliis contractibus quibuscumque, tam homines et tenentes Civitatis predictae, quam alios quoscumque partium per septem leucas in circuitu placeae Ferie illius adiacentium, necnon omnes alios homines sive mercatores modo contingent, et quobis loco seu tempore, tam videlicet citra mare quam * ultra huiusmodi contractus sive conventiones facta fuerint, apud pablonem predictum placitand. et tenend. absque hoc, quod aliquis de Civitate predicta seu partibus illis infra spacium predictum se inde intronittere debeat per tempus predictum, Omnia placita personalia ab initio Ferie illius usque vigiliam Patibitatis beatae Mariae coram eisdem Iustic. inchoata, deducti debent et regulari, primo per summonicionem seu attachiamentum, et postea per distinctiones, prout in * Curia nostra Regia usitatum est, et prout casus exigunt et requirunt. Et a vigilia Patibitatis beatae Mariae usque finem sexdecim dierum predictorum processus omnis huiusmodi placitorum et querelarum extunc motarum et motorum, per antiquam consuetudinem Ferie predictae a tempore quo non extat memoria, ut permittitur, usitatum incipient per distinctionem, et semper per distinctionem continentur de hora in horam, vel de die in diem, secundum discretionem Iusticiariorum predictorum, pro * celeriori remedio querentibus exhibendo. Et tam homines Civitatis predictae quam alii quicumque, per eundem processum iusticiantur et regulentur: et si partes aliqua in Inquisitionem se posuerint coram eisdem Iusticiariis in huiusmodi placitis, vel in aliis quibuscumque placitis de quibus Iusticiarii pablonis predicti cognitionem habent, preceptetur Parescallis, quod venire faciat coram eisdem Iustic. Inquisitiones iam de hominibus Civitatis predictae, quam de forinsecis, sive de Dora vel de Ferie, vel de Mercatoribus in Ferie illa inventis, sive fuerint de Civitate predicta, sive de Civitate London. vel de alio loco quocumque citra mare * vel ultra, prout necesse fuerit. Et cum Mercatores per processum venerint, tunc in praesentia partis vel partium iurare cogentur super his de quibus per Iustic. onerari debent, viz. per poenam * imprisonmenti, vel alio modo per poenam poenitentiae secundum discretionem Iustic, prout in Curia nostra Regia coram Iustic. nostris usitatum est, et hoc sive sint homines de Civitate predicta, sive de London. sive forinseci. Et postquam aliquis convictus fuerit per Inquisitiones huiusmodi, vel per cognitionem suam in quocumque placito personali fuerit, statim per iudicium et preceptum Iustic. * attach. per corpus suum, et liberabitur Parescallis, salvo custodiendus quousque satisfactus fuerit parti et Curiae. Et similiter omnes qui rescusum faciunt super Ministros predicti Episcopi vel Iustic. suorum vel ministroz eorundem in Ferie predicta, seu pablonem predicto deseruiendum, vel infra septem leucas predictae, vel apud Sushr. et eos impediunt ad executiones et precepta Iustic. faciend. sive sint homines de Civitate predicta, sive forinseci, sive de Villa Sushr. sive aliunde, statim per eorum corpora attachentur et ducentur pabloni, et ibidem moventur quousque finem predicto Episcopo pro transgressionibus illis et rescusu fecerint. Et si ipsi seu alii quicumque ad certam partem seu partis convicti et custodiae commisi, ut predictum est, infra predictos sexdecim dies finem Episcopo et satisfactionem

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

tisfactionem partibus facere voluerint, statim post septumdecimum diem ducentur apud *Wulveseye*, et ibidem * detinebuntur in custodia predicti Episcopi quousque finem fecerint et satisfecerint in forma predicta. Quodque omnia placita debitorum inter Mercatores quoscumque durante Feria predicta tenebuntur, et totis temporibus retroactis teneri consueverunt coram prefatis Iustic. per probationes talliarum, secundum * legem Mercatoriam, si pars querens hoc voluerit. Et si aliquis atrahatus vel districtus fuerit coram prefatis Iustic. ad sectam iustitiamque querentis, et comparere noluerit, nec se iusticiari coram eisdem Iustic. infra predictos septedecim dies, tunc in fine septedecim diei Feriæ predictæ bona et catalla sic attachiata, districta, vel arectata, per sacramentum proborum et legalium hominum de loca *Wynton*, appreciari debent, et partibus querentibus pro debitis suis et pro damnis, secundum discrecionem Iustic. liberabuntur si districtio huiusmodi sufficiat. Et si valor districtionis non attingat ad summam debiti et dampnorum, tunc pro portione debiti liberabuntur, secundum quod districtio illa fuerit maior vel minor, et isto modo iustitatum est, tam de hominibus Civitatis *Wynton*, et *London*, quam de aliis quibuscumque personis et quocumque locorum fuerint, et omnia placita coram prefatis Iustic. inchoata, et quæ non sunt infra predictos septedecim dies terminata in fine septedecim diei * asonabuntur ibidem usque vigiliam Sancti *Egidii* tunc prox. futur. et idem dies detur partibus eorum placitorum. Et quod habentur quamplures tenentes predicti Episcopi qui terras et tenementa sua tenent de eodem Episcopo per servicium faciendi sectam ad dictum pablonem, et venient ibidem quolibet anno in vigilia Sancti *Egidii* ante horam primam ad sectam suam faciend. et pacem suam cum equis et armaturis suis quociens necesse fuerit, de quibus Iustic. predicti pro voluntate sua aliquos tres vel quatuor, vel plures vel pauciores, prout viderint fore necesse, ad describendum et commozandum in Feria predicta ipsa durante, et executiones faciend. et precepta eorundem Iustic. exequend. ubique infra predictas septem leucas apud *Surbt.* quociens necesse fuerit, pro salva custodia pacis et Feriæ predictæ, et hoc sumptibus ipsius Episcopi consuetis. Ita, videlicet, quod tenentes predicti redeant et parati sint ad premissa faciend. quociens et quando per Iustic. predictos fuerint premoniti. Et erant ibidem durante Feria illa quidam Serbientes et Ministri ad scribend. placita, querelas recipiend. et executiones iudiciorum exercend. et prosequend. videlicet *Camerarius*, *Parecallus*, *Stiarius*, et alii diversi Serbientes eiusdem Feriæ, qui de illis hominibus qui querelas prosequuntur vel distringuntur, seu coram eisdem Iusticiariis in placitis convincuntur, et in aliis pluribus casibus premissa seu feoda capient consueta, (moderanda tamen ex causa rationabili per districtionem Episcopi vel Iustic. suorum) a tempore quo non extat memoria huiusmodi feoda ceperunt ratione officiorum suorum. Et quod districtiones fieri debent rationabiles et non nimis graves, secundum discrecionem Iustic. et secundum exigentiam negotiorum coram eis emergentium. Et predictus *Parecallus* * quolibet die durante Feria illa, statim post occasum Solis equitabit per medium Feriæ predictæ, et publice proclamari faciet, quod quilibet Mercator incontinenti claudet seclam suam, post quam proclamationem sic factam, nullus mercanditas aliquas vendere potest nec venditioni exponere, quod si fecerit et inde confidus fuerit, finem faciet predicto Episcopo pro transgressione illa secundum discrecionem Iustic. Et post eandem proclamationem factam usque ortum solis diei crastini, nullus alius quam Ministri predicti Episcopi vel Iustic. suorum predictorum in Feria predicta bagari debet, quod si fecerit statim per ministros attachietur et usque pablonem predictum ducetur, et finem faciet in forma predicta. Et nullus Mercator ignem aliquem infra Feriam predictam notanter habebit nec tenebit, nisi sit in lampade seu in mortario, et si quis aliter fecerit, per amerciammentum punietur. Et si domus alicujus infra barram Feriæ predictæ contracta sit vel diruta, per quod aliquis per huiusmodi domos cum rebus benealibus emptis vel venditis subito evadat, vel evadere possit sine custodia et solneto solberit, ille cuius domus illa fuerit punietur per grave amerciammentum

* Nota.
Not the Common Law.
See here, p. 24.

* Nota.

* Nota.

tum * secundum discrecionem Iustic. et nichilominus res illæ sic sine custodia et soluto asportatæ dicto Episcopo forisstant. Et quod prædict. Iustic. et Theol. prædicti Episcopi de *Wolsey* qui pro tempore fuerit, ac Clericus placitorum prædictorum, quatuor pelves cum lavatoris annuatim nomine feodi percipient; et antiquitas percipere solebant, videlicet de illis Mercatoribus alienigenis vocatis *Mercatores Dynaniteres*, qui vasa enea in Feria prædicta vendunt. Quodque prædicti *Majoz* et *Ballivi* Civitatis prædictæ postquam per prædictos Iustic. ut præmittitur, electi fuerint, summoniciones, attachmenta, distinctiones, et omnimodas executiones omnium querelarum, placitorum coram eisdem Iustic. ad dictum pabillonem placitorum videlicet de rebus infra Civitatem prædictam emergentibus, sine occasione vel impedimento quorumcumque hominum Civitatis illius de mandato eorundem Iustic. facient et facere tenentur, ac Cives prædicti coram præfatis Iustic. ad pabillonem prædictam quandoque summoniti vel præmuniti fuerint dicto tempore sedecim dierum durante, sine contradictione ad ea quæ secundum leges et consuetudines Ferie illius pertinent faciend. venient, necnon Aldermanni et omnes decenarii de omnibus decennis in circuitu Ferie illius per septem leucas adjacentes, ad quemlibet clamorem et hutchum lebat, et sanguinis effusionem venire tenentur, et si quicumque aliud contra pacem nostram Aldemariis et decenis suis emerferit, transgressores attachient, et securitatem ab eis in casu ubi capiendæ existit, ad standum legi et consuetudinibus Ferie illius capient, et ad pabillonem illum venient, et de die in diem durante Feria prædicta huiusmodi casus cum emerferint, coram præfatis Iustic. præsentabunt, et eidem Iustic. ulterius secundum leges et consuetudines præcedent. Et idem Episcopus habebit omnia animalia, bona et catalla, quæ dicuntur *wayf* et *stray* infra dictos limites septem leucarum indenta. Et prædicti Iustic. in principio Ferie prædictæ quendam diem discretum de tenentibus prædicti Episcopi qui festam debent ad pabillonem prædictum, in * Coronatores eligent, et sacramentum suum recipiet, ad faciendum et exequendum omnia et singula quæ ad officium Coronatoris pertinent, tam infra Feriam prædictam quam in partibus septem leucarum adjacent. qui quidem Coronator. eidem Iustic. nostris intendat. Idemque Iustic. * omnia placita Coronæ tenebunt, tam per appella quam per iudicamenta de factis emergentibus infra prædictum prædictum, et inde iudicia facient et executiones eorundem dicta Feria sic durante, * adeo plene sicut Iustic. nostri faciunt alibi in regno nostro *Angl.* in huiusmodi casu. Et prædicti Iustic. licet *Willa de Suthampton* distet a prædicta Feria plus quam per septem leucas unum *Pinckram* distet Episcopi pabillonis prædicti, viz. *Marescallum* ad eandem *Willa de Suthampton* singulis annis in vigilia *Partivritatis* beate *Mariae*, vel ante, vel post, prout eis placuerit mittent, ad proclamandum ibidem, Quod nullus vendiciones nec empciones rerum venalium, nec mercandiarum tronagium vel pelagium earundem rerum venalium durante Feria *Sancti Egidii* prædictæ. in eadem *Willa Suthampton*, except. bidualibus tantum fac. sub sollicitudine eorundem rerum venal. et mercandiarum ad opus ipsius Episcopi, set omnes Mercatores cum sebus suis venal. et mercandis prædictis ad dictam Feriam venient, prout in quadam Compositione inter *Adomarus* quondam *Wynton*. Electam & Communicatam *Villa Suthampton*. prædictæ facta, & per Cartam Domini *Henr.* quondam Regis *Anglia* confirmata plenius continetur. Et eidem Iustic. ad portem de *Stokbrigge*, *Romeseye*, *Rodbrigge*, *Crabbewode*, *Hursels*, *Manesbrigg*, *Oterbourne*, *Kyngbrigge*, *Carbrigge* et *Alresford*, et ad plura alia loca Custodes Libe *Pinckros* constituent, qui theolonia et customas de mercandis rebus venalibus per prædictos pontes et per alia loca transeuntibus colligent et capient ad opus prædicti Episcopi eisdem modo et forma sicut in Feria et Civitate prædictis, ac partibus septem leucarum adjacentibus, durante Feria prædicta. Et, quod * nullus de Civitate *Wynton*. Mercator nec alius mercandis nec merces aliquas in eadem Civitate dicta Feria sedecim dierum durante vendet, nec vendere potest, nec venditioni exponere, si fecerint, erunt prædicto Episcopo forisfacta; * Nec aliquis in eadem

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

* Nota.

- Cibitate per idem tempus seldam apertam tenebit; nec Mercator aliquis de minutis mercimoniis, utpote burfarum, citrotecharum, cultellozum et aliozum mercium minutatum, absque sine cum eodem Episcopo, ad voluntatem ipsorum Iustic. vel aliozum per ipsum Episcopum deputatozum faciend. pakella sua ad merces illas vendend. libe ostendend. aperire debeat. Ademque Iustic. seu alii per ipsos ad hoc deputati * Mercatores victualium de Civitate p̄dicta primo die Feriæ p̄dictæ de locis ubi huiusmodi victualia in eadem Civitate vendere solebant, ad alia loca extra Civitatem ad hoc ordinata cum victualibus suis, ibidem et non alibi vendend. transferent et venire facient; et omnes pisciores et carnifices, et piscenar. ejusdem Civitatis apud pablonem p̄dictum in principio Feriæ p̄dictæ venient, de quibus p̄dicti Iustic. magis sufficientes et legaliores et discretores ad deserbiendum hominibus ad Feriam illam vententibus de sanis utilibus et competentibus victualibus eligent, et * sacramenta sua super hoc capient; Ita quod si aliquis victualia non sana inventa fuerint, illis quibus extiterint * ea omnino omittent, et nichilominus per Iustic. graviter amercientur. Et quod p̄dictus Episcopus habeat cognitionem * placitozum fozicæ fozicæ et inquisitionum de ten. in Civitate p̄dicta, et tenebit placita per h̄be nostrum de Westo patens de terris et ten. tam infra Civitatem p̄dictam quam infra p̄dictas septem leucas existentibus, et habebit cognitiones eozundem placitozum cozam p̄fatis Iustic. ad sectam quarumcumque parcium quæ cozam eis p̄sequi seu conqueri voluerint, et Iudicia et executiones p̄out casus exigunt et requirunt facient. Et quod * omnes Domini et alii qui Curias Baronum infra p̄dictas septem leucas habent, in principio Feriæ p̄dictæ venire debent, et antiquitus venire solebant cozam p̄fatis Iustic. ad pablonem p̄dictum, et de eisdem Iustic. licentiam petent ad Cur. suas et placita in eisdem tenend. durante Feriâ p̄dictâ, qui quidem Iustic. eis licentiam p̄stabunt per finem faciend. vel alio modo p̄o voluntate eozundem Iustic. Et nullus Dominus nec alius alio modo Curiam aliquam infra p̄dictum p̄dictum durante Feriâ p̄dictâ tenebit, nec unquam a tempore quo non extat memoria tenuit absque licentia in forma p̄dictâ optinend. et si fecerint, amercientur per discretionem Iusticiariozum. Quodque * quambis nos vel Senescallus hospicii nostri et Parescalcia nostra durante Feriâ p̄dictâ infra p̄dictum p̄dictum venerimus vel venerit, p̄dicti tamen Iustic. omnia placita et alia quæcumque ad libertates p̄dicti Episcopi et Feriæ suæ p̄dictæ pertinentia tenebunt et exercerebunt, non obstante quod Feriâ illa et p̄dictus p̄dict. infra burgam tunc extiterint: Ita, quod * quancito Senescall. et Parescalcia p̄dict. vel illi qui placita Parescalciæ tenent per p̄dictos Iustic. p̄muniantur, extra p̄dictum p̄dictum recedent, et nichil quod ad officium Parescalciæ pertinet infra p̄dictum p̄dictum facient nec exercerebunt durante Feriâ p̄dictâ. Et eidem Iustic. nomine p̄dicti Episcopi * assisam panis, vini et cervisæ, et aliozum victualium ponent et stablilent in Civitate p̄dicta, et in Feriâ p̄dictâ, et ubicumque infra p̄dictas septem leucas per sexdecim dies p̄dictas; et Ministri ipsius Episcopi mensuras, balanceas, pondera, et ulnas ejusdem Civitatis et Feriæ infra p̄dictas septem leucas durante Feriâ p̄dictâ capere, et ea ad pablonem p̄dictum deferre et cozam p̄fatis Iustic. p̄obare et assisam inde facere, necnon mensuras, balanceas, et pondera et ulnas quæ extra assisam reperiri contigerit comburere, et homines qui eisdem uruntur tempore Feriæ illius amerciare, et amerciamenta illa ad opus ipsius Episcopi levare debent et solebant. Et quod * nullus Civis Civitatis illius, nec alius qui in gilda Mercatorum ejusdem Civitatis non fuerit, Feriam illam cum mercandisiâ seu mercimoniis suis post diem Partibitatis beate Mariæ absque sine cum eodem Episcopo p̄o voluntate ipsorum Iustic. faciend. ingredi debet, eidemque Iustic. quacumque hora vel die eis durante Feriâ sexdecim dierum placuerit p̄dictam Civitatem ingredientur, et omnia * dolia vinozum venalium in eadem Civitate qualitercumque inventa possint p̄obare et assisare, et eadem singillarim tassare: Et si qua reperierint infra, putrida vel non sana vina continencia, a Selariis extrahent, et capita eozundem

dem dolozum frangi facient, et tabernarios seu Dominos vinozum illozum ad opus ipsius Episcopi graviter amercent. Et quod Cognelat. lutozes seu alii operarii sive artifices quicumque in prædicta Civitate, alibi quam in eadem Feria operationes seu opera sua sub forisfactura eozundem, * non exercebunt nec vendere possunt, nec aliqui ea emere debent. Iusticiarii que prædicti ad Civitatem illam de Piniis ipsius Episcopi quociens per idem tempus voluerint, ad capiendum de quolibet genere panis venalis in eadem Civitate unum vel duos panes, et eos usque dictum pavilionem portand. mittent, iidemque Piniis panem seu panes sic captos ponderare, et si defectus in eodem vel eisdem repertus fuerit, panis huiusmodi præfato Episcopo erit forisfactus, et pisces ejusdem subdicium pillozi subibit, seu alias finem faciet secundum discrecionem Iustic. Et prædictus Episcopus per idem tempus serdecim dierum * ad omnes portas ejusdem Civitatis theolonium sive custumam, de qualibet videlicet carectata bulcæ, sive carbonum venalium quardam portionem consuetam, et de quolibet summagio bladi venalis ducti per equum, obolum; et de quolibet summagio bladi per hominem portato, quadzantem; et de qualibet carectata bladi, duos denarios; et de qualibet carectata sceni sive straminis venalis, unum denarium; et de quolibet trucko huiusmodi sceni sive straminis venalis, quadzantem; et de qualibet alia carectata quaruncunque rerum venalium ad eandem Civitatem et Feriam venientium per tempus prædictum serdecim dierum, duos denarios; et de quolibet Gallo panis in summo vico ejusdem Civitatis * qualibet die Dominica durante Feria prædicta, obolum; de quolibet sacco lanæ per licentiam Iustic. infra muros dictæ Civitatis vendito pro pelaria Episcopi, quatuor denarios; et pro seodo petarit per dictum Episcopum ad hoc constituti, unum denarium de empfoze, et de venditoze unum denarium: Ac etiam omnimodis artificibus et mercimoniis minutis in eadem Civitate venditis, tolmeta, et custumas inde debita et consueta percipiunt infra Civitatem, et percipere solebant durante Feria prædicta. Præterea de omnibus merchandis et rebus venalibus quæ veniunt et ducuntur ad dictam Feriam ante festum Nativitatis beatæ Mariæ, dictus Episcopus tolmeta et custumas sequentia percepit, et percipere solet: videlicet, de una bala cusulibet avoirdupois, et de quolibet sacco merceriz, duos denarios; et de qualibet pecia ceræ integræ, duos denarios; de quolibet summagio per hominem portato, unum denarium; de quolibet papello portato, ut de panis et avoirdupois, obolum. Et si duo habeant unam balam huiusmodi mercimonii, quilibet dabit duos denarios: Et de qualibet carectata merchandis in balis non contentæ utpote de pilce, cozio, ferro, vel alia re, sive de una bala cusulique mercimonii ductu per carectam, quatuor denarios; de falcone vendito, quatuor denarios; de furecto vendito, quatuor denarios; de limea, quatuor denarios; de urfa, quatuor denarios; de ponderante sive ponderatoze, duos denarios; clavis ductis per summagium, obolum; de quolibet dolio vini et cisterz, quatuor denarios; de carectata sceni vel bladi, obolum; de quolibet rapenacio per totum tempus Feriæ, unum denarium; de cozeo crudo, obolum; de quolibet sannatoze, quatuor denarios; de tresdecim aycis venditis, unam anciam. Et quod nulli quieti sint de huiusmodi theolonio nisi Mercatozes ac Cives Civitatum London. et Wynton. ac Hokeris Walyngford, et hoc a principio Feriæ usque festum Nativitatis beatæ Mariæ. Et quando contingit dictos Mercatozes ac Cives London. ac Wynton. vel aliquem hominem seu Mercatozem, cusulcumque Willæ vel partis fuerit, post dictum festum Nativitatis beatæ Mariæ aliquas merchandis seu mercimonia per dictam Feriam adducere vel portare causa venditionis seu emptionis in dicta Feria de illis faciend. quod tunc pro prædictis merchandis vel mercimoniis ibidem sic adducendis vel deferendis, coram præfatis Iustic. finem facient: Et ad hoc faciendum quando recusant, per huiusmodi merchandis suas distringentur et compellentur. Et quod dictus Episcopus Wynton. ac omnes prædecessores sui Episcopi loci illius, virtute Chartarum prædictarum vel alias, a tempore quo non extat memoria, tam omnimodis consuetudinibus et libertatibus supradictis per prædictos serdecim dies Feriæ prædictæ, quam aliis libertatibus et consuetudinibus quæsupradictis

* Nota.

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NON

non specificantur nec memoriae occurrebant ad eandem Feriam pertinentibus, hucusque integre et pacifice usi sunt sine aliqua contradictione vel impedimento quocumque. Quodque licet praefatus pater noster per aliam Cartam suam concessit praefato *Johanni* nuper Episcopo *Wynton.* praedecessori dicti nunc Episcopi, quod ipse & successores sui imperpetuum haberent apud locum praedictum uocam Feriam singulis annis per viginti et quatuor dies duraturam, videlicet, per praedictas sexdecim dies, et per octo dies prior. sequentes de incremento, cum libertatibus et libertis consuetudinibus ad hujusmodi Feriam pertinentibus, dictus tamen Episcopus et praedecessores sui per eosdem octo dies sic de incremento concessio, non ulli fuerant aliis libertatibus et libertis consuetudinibus in Feria illa, nisi talibus quae ad Feriam spectant et pertinent, et in regno nostro *Angliae* ratione Feriae communiter usantur: Nos pro intentione ducti, ad laudem Dei, et decorem dictae *Wynton.* Ecclesiae, et ob sinceram devotionem quam ad sanctos *Petrum et Paulum* Apostolos, in quorum honore ipsa consecratur Ecclesia, optinamus, ac eo magis et libencius tempore praefati (*† W.*) de *Edyngton* nunc Episcopi dicti loci, et ejus contemplatione personae, eidem ipsi Ecclesiae suo commissae regimini ac successoribus suis de securitate, quiete, et tranquillitate succedibus providere cupimus, quo ipsum in nostris regni et regni etiam negotiis continuos ac studiosos labores prudenter et utiliter subisse, et fidelia obsequia in dirigendis nostris negotiis diuiciis praestitisse nobis, dictaque *Wynton.* Ecclesia per progenitores nostros fundata, de nostro existit eadem patronatu; De gratia nostra spectasti omnes et singulas libertates, immunitates et consuetudines supra dictas, quae sic in Inquisitione praedicta annotantur, et per eam compertae sunt, acceptamus, approbamus et confirmamus: Et ne ex crescente hominum malicia labenteque memoria reuocentur in dubium, aut in deceptionem, seu disputationem exquisitam impollerum deducantur, immo certae et indubiae imperpetuum permaneant et perdurent, concessimus et habendam pro nobis et haeredibus nostris, et hac carta nostra confirmabimus praefato *Willielmo* nunc Episcopo et Ecclesiae suae praedictae, quod ipse Episcopus et successores sui uniuersas et singulas libertates, immunitates, et consuetudines praedictas, superius ut praemittitur expressatas, durante dicta Feria sexdecim dierum imperpetuum habeant, et eis libere, quiete, et integre, sine impedimento, inquietatione, seu contradictione nostri, aut haeredum nostrorum, iustitiae. Vicecomitum, seu Ministrorum nostrorum aliorum quocumque gaudeant et utantur. Volumus insuper et concedimus pro nobis et haeredibus nostris, quod idem Episcopus et successores sui omnes alias libertates et consuetudines quibus ipsi et praedecessores sui bitute Cartarum praedictarum ac verborum generatum in eis contentorum, et Feriae praedictae usi sunt, quae non supra specificantur, sed forsitan in captione Inquisit. praedictae neglectae fuerant et omittae, habeant et utantur eisdem, prout praedictus nunc Episcopus et praedecessores sui eis usi sunt hactenus et habitae. His testibus, Venerabilibus patribus *Johanne Ademouensi* Episcopo Cancellar. nostro, *Radulpho London.* & *Thoma Dunelm.* Episcopis, *Willielmo de Bobus North.* & *Willielmo de Clyntan Haust.* Comitibus, ac *Radulpho* Barone de *Stafford,* & *Johanne de Grey de Rotherfeld* Senescallo Hospicii nostri, & aliis. Dat. per manum nostram apud *Westm.* decimo die *Novembris* Anno regni nostri *Angliae* vicesimo tercio, regni vero nostri *Franciae* decimo. Nos autem uniuersas et singulas donationem, concessiones, confirmaciones acceptacionem et approbacionem supra dictas ratas habentes et gratas, eas pro nobis et haeredibus nostris quantum in nobis est venerabili patri *Willielmo de Wykeham* nunc Episcopo *Wynton.* et successoribus suis Episcopis *Wynton.* ac Ecclesiae et Episcopatu *Wynton.* tempore praesentium concedimus et confirmamus, sicut Cartae supra dictae rationabiliter testantur. Insuper volentes eidem nunc Episcopo gratiam in hac parte facere uberiores, concessimus ei pro nobis & haeredibus nostris, & hac Carta nostra confirmavimus, quod licet ipse aut praedecessores sui Feria praedicta, aut libertatibus, libertatibus, quietantibus, immunitatibus seu consuetudinibus in Cartis praedictis contentis, aut equum aliquo alio casu emergente hactenus usi non fuerint, idem tamen Episcopus

* *St. Giles, Peter, and Paul,* must pillage, rob the people for 24 days space.

† *Treasurer, & Chancellor of England;* See *Godwin's Catalogue of Bishops,* p. 181.

Episcopus et successores sui Episcopi Wybren. omnibus et singulis Fecis, libertatibus, privilegiis, quietiandis, immunitatibus et consuetudinibus super dictis, et eorum quolibet, De cetero plene gaudeant et utantur in forma predicta in perpetuum, sine occasione vel impedimento nostro vel heredum nostrorum, Iusticiariozumi, Estraetozumi, Vicecomitum, aut aliozumi Ballibozum seu Ministrorum nostrorum quozumcumque. Hinc testibus; venerabilibus patribus S: Cantuariensi Archiepiscopo, sociis Anglie Primare, Cancellario nostro, Th. Broniensi Thestarario nostro, & Th. Londonensi Episcopo, Edmundo Comite Cantabrigie Avunculo nostro, Thoma Comite Warr. Wilhelmo de Bello Campo Camerario nostro, Hugoni de Segrub Senescallo Hospicium nostri, Johanne de Fordham Custode privati Sigilli nostri, & aliis. Dat. per manum nostram apud Westmonasterium vicesimo die Augusti, anno regni nostri quarto. Nos autem cartas predictas ac omnia & singula in eisdem contenta rata habentes & grata, ea pro nobis & heredibus nostris quantum in nobis est acceptamus & approbamus, ac dilectis nobis in Christo nunc Priori & Conventui ejusdem & successoribus suis ratificamus & confirmamus, prout Cartar & Literar predictar rationabiliter testantur. In cujus, &c. Telle Rege apud Westmonasterium primo die Julii

Pro decem libris nobis solutis in Hanaperio.

The Author, p. 272. and * others affirm and resolve, That it hath been adjudged, that this Court can hold Plea of nothing but some matter concerning the same Fair and Market, and that within the precinct of that Fair and Market, as the Statute of 17 E. 4. c. 2. resolves, (enacted since these extravagant Patents, Inquisitions; and Pipowder Court, whose extravagances are restrained, abolished by it, as I conjecture.) And, that the Courts of Burroughs and other inferior Courts, cannot hold Plea of any Obligation, Contract, or other transitory Action made out of their respective limits and Jurisdictions, or to be performed out of them, though made within their Jurisdiction: For although such Actions be transitory as to the Courts of Westminster, which have a general Jurisdiction, yet they are local as to them; and the Judgements given in such Actions (though transitory) if out of their Jurisdictions, are Coram non Judice; and so was it twice adjudged. Pasch. 15. Caroli 1. B. R. between Richardson and Bernard; and also between Brian and Langborne in a Writ of Error; and in other cases since. Therefore by parity both of Law and Reason; the Courts at Westminster cannot legally hold plea of any Contracts, Bonds, or Charter-pacts made between Merchants or Mariners in foreign parts beyond the Sea, (being out of their Jurisdiction, and so local not transitory unto them, as well as to inferior Courts and Pipowders) but only the Admiralty, according to the Law of Merchants and Oleron, as I have formerly evidenced at large, and the * premised Patent proves.

* Serjeant Rols Abridgement, Part 1. p. 544, 545, 546.

* Page 194

Cap. 61. p. 273, The Court of the Clerk of the Market.

Concerning the Uniformity and regulation of all measures of grain, liquors, weights throughout the Realm according to the Busel of Winchester, and Kings Standard, and for the gaging, marking, true keeping of them; (wherein the Clerk of the Markets duty principally consisted) you may consult at leisure the ^a Lawes of King Adelfan in the Synod of Grætreley An. 928. ^b Leges Regis Edgari, about Anno 970. cap. 13. Una mensura sit sicut apud Wincestriam habetur. Assisa pro Mensuris facta per Richardum primum Regem Anglie Anno Gratia 1198, recorded by Roger de Hoveden Annal. pars posterior, p. 774, 775. Chron. Johannis Bromton, col. 1258. Mat. Paris, Hist. Angl. p. 184. Edit. Figuri, and by Fabian, Holinshed, Speed, others out of them, before the Statute of Magna Charta, c. 25. which only confirmed their Lawes; since seconded by

^a Johan. Bromton, col. 845. ^b H. r. Spelmani Concilia, Tom. 1. p. 405. ^c Chron. Joh. han. Bromton, col. 872.

by Claus. 9 H. 3. dorf. 9. Pat. 12 H. 3. m. 10. Claus. 21 H. 3. m. 14. Pat. 22 H. 3. dorf. 11. Pat. 55 H. 3. m. 15. & dorf. 11. Cl. 55 H. 3. m. 3. Pat. 56 H. 3. m. 24. & dorso 10. Pat. 1 E. 1. m. 3. Cl. 3 E. 1. dorf. 18. Pat. 5 E. 1. m. 2. Cl. 6 E. 1. dorf. 7. Pat. 7 E. 1. m. 3. Pat. 8 E. 1. m. 27. Pat. 11 E. 1. m. 9. Pat. 14 E. 1. m. 7. Claus. 21 E. 1. m. 8. Pat. 24 E. 1. m. 17. * Cart. 31 E. 1. m. 4. Pat. 35 E. 1. dorf. 4. 13. 34. Pat. 4 E. 2. pars 2. m. 22. Cl. 9 E. 2. m. 26. Cl. 10 E. 2. dorf. 13. Cl. 14 E. 2. m. 14. & dorf. 8. Cl. 18 E. 2. m. 2. 16. Fines 18 E. 2. m. 16. (*Ryley Plac. Parl. Appendix, p. 567, 568.*) Cl. 8 E. 3. m. 19. Cl. 10 E. 3. m. 8. Cl. 13 E. 3. pars 2. dorf. 20, 21. & 13 E. 3. c. 12. Rot. Parl. 17 E. 3. nu. 39, 40. Cl. 18 E. 3. pars 2. dorf. 3. Stat. 23 E. 3. c. 9. of the Sraple, Cl. 28 E. 3. dorf. 6. Rot. Parl. 28 E. 3. nu. 37. Cl. 32 E. 3. m. 13. 34 E. 3. c. 6. Rot. Parl. 50 E. 3. nu. 78. Rot. Parl. 8 R. 2. nu. 11. Rot. Parl. 14 R. 2. nu. 31. Rot. Parl. 3 H. 5. nu. 38. 2 H. 6. Rot. Parl. nu. 63. 8 H. 6. c. 12. 9 H. 6. c. 8. 11. H. 6. Rot. Parl. nu. 54. & cap. 8. All now generally neglected in most places, to the great injury of all sorts of people, fit to be put in vigorous execution for the publike good. The late Statute of 17 *Caroli* 1. c. 19. *For regulating the Office of the Clerk of the Markes, and for the Reformation of Weights and Measures*; limits their excessive Fees, Fines, and inflicts punishments for imposing and exacting them.

Page 275. l. 5, 6. the Printer or Author misquotes Rot. Parl. 37 E. 3. for 17 H. 3.

Cap. 62. p. 275. *The Court of the Commissioners of Sewers.*

Concerning Commissions of Sewers, *de Wallis & Fossatis, &c.* there are multitudes of them issued to several Counties enrolled in the dorsets of the Patent and Clause Rolls of King Henry the 3. *Edw.* 1, 2, 3. *R.* 2. *H.* 4, 5, 6. and Edward the 4. in the Tower, and in the Bundles of Writs and Commissions, many of them collected, printed by Mr. Dugdale, in his laborious Volume concerning *Draynings and Sewers*, to which I referre you, and to *Serjeant Caley's* his *Reading of Sewers, and their Jurisdiction*. I shall only present you with these ensuing Records in the Tower concerning Sewers of my own collection in the by. Pat. 6 H. 3. m. 3. Pat. 6 E. 1. dorf. 3. Pat. 7 E. 1. dorf. 8. Pat. 8 E. 1. m. 13. Pat. 11 E. 1. dorf. 6. Pat. 13 E. 1. m. 6, 8, 10. dorf. 14. Pat. 15 E. 1. m. 6, 10. Fines 16 E. 1. m. 3. Pat. 16 E. 1. m. 9. & dorf. 1, 2. Pat. 17 E. 1. m. 10, 12, 13. & dorf. 4, 20, 21. Pat. 18 E. 1. m. 5. & dorf. 6, 19, 29, 30, 33, 34. Pat. 19 E. 1. m. 5. dorf. 2, 22, 23. Pat. 20 E. 1. dorf. 19, 22. Pat. 21 E. 1. m. 9, 10, & 17. Cedula. Pat. 22 E. 1. dorf. 8, 13, 15, 24, 28, 29. Pat. 23 E. 1. dorf. 3, 4, 7, 14, 15, 16, 17, 18. Pat. 24 E. 1. dorf. 13. Pat. 25 E. 1. pars 1. dorf. 2, 17, 24. pars 2. dorf. 13. Pat. 26 E. 1. m. 17. dorf. 4, 28. Pat. 27 E. 1. dorf. 5, 6, 12, 25, 28. Pat. 28 E. 1. dorf. 12, 22, 23, 25, 26. Pat. 29 E. 1. dorf. 18, 26, 35. Pat. 30 E. 1. dorf. 3, 14, 15, 22. Cl. 31 E. 1. m. 2. Pat. 31 E. 1. dorf. 10, 11, 12, 31, 34, 40, 43. Pat. 32 E. 1. m. 17, 22. dorf. 10, 15, 16, 17, 20. Pat. 23 E. pars 1. m. 11, 19. dorf. 14, 16, 17. pars 2. dorf. 2. Pat. 34 E. 1. dorf. 5, 16, 35, 36. & 6. Cedula. Pat. 35 E. 1. m. 9. & dorf. 12, 34, 44. Pat. 1 E. 2. pars 1. dorf. 8, 15. pars 2. dorf. 24. Pat. 2 E. 2. dorf. 5, 11, 19, 22. Pat. 3 E. 2. dorf. 26, 38, 40. Cl. 4 E. 2. m. 7. Pat. 4 E. 2. pars 1. dorf. 16, 18, 25. pars 2. dorf. 9. Claus. 5 E. 2. m. 9. Pat. 5 E. 2. pars 1. dorf. 8, 15. pars 2. dorf. 4, 6. Claus. 6 E. 2. m. 27. Pat. 6 E. 2. pars 1. dorf. 2, 3, 16, 18, 23, 25. pars 2. dorf. 4, 5, 21. Cl. 7 E. 1. m. 17. Pat. 7 E. 2. pars 1. dorf. 10, 19. pars 2. m. 26. dorf. 3, 4, 13, 14, 16, 18, 22, 23, 24, 26. Rot. Parl. 8 E. 2. nu. 81, 163. Cl. 8 E. 2. m. 28. dorf. 18, 22. Pat. 8 E. 2. pars 2. m. 2. & dorf. 24. Cl. 9 E. 2. m. 13. & dorf. 22. Pat. 9 E. 2. pars 1. dorf. 3, 5, 8, 20, 22, 25, 26, 27. pars 2. dorf. 11, 13, 14, 17, 26, 26, 29, 30. Pat. 10 E. 2. pars 1. dorf. 11, 23, 38. pars 2. dorf. 4, 11, 15, 21, 23. Pat. 11 E. 2,

11 E. 2. pars 1. dorf. 9. & 30. Cedula. pars 2. dorf. 4, 7, 15, 21, 31. Pat. 12 E. 2. pars 1. dorf. 4, 9, 27, 34. pars 2. dorf. 4, 8, 14, 20. with others in the Patent and Clause Rolls of An. 13, 14, 15, 16, 17, 18, 19, 20 E. 2. and Bundles of Writs in his reign. Pat. 2 E. 3. pars 2. dorf. 7, 8, 10, 12. Pat. 5 E. 3. dorf. 44. and other Patent and dorfes of Clause Rolls in most yeares of his long reign. Pat. 13 Hen. 4. pars 1. dorf. 23. Pat. 14 H. 4. dorf. 28. Pat. 14 H. 6. pars 1. dorf. 18. Pat. 23 H. 6. pars 2. dorf. 25. with sundry others in the Reigns of E. 3. Rich. 2. H. 4, 5, 6. Edw. 4. and since, (most whereof are cited by Mr. *Dugdale*) and the General Commission agreed on in Parliament, Rot. Parl. An. 2 H. 6. nu. 57. See Rot. Parl. An. 4 H. 6. nu. 49. 6 H. 6. nu. 35. 8 H. 6. nu. 34. 18 H. 6. nu. 46. 23 H. 6. nu. 3. & 14 E. 4. nu. 22, 23. with the Statute Rolls and Acts made in those Parliaments concerning *Sewers*, and others since, collected, published in *Rastals* Abridgement, Tit. *Sewers*, and the late Statute of An. 12 Car. 2. c. 6.

I pretermitt the *Authors* six next Chapters, the two first of them being of puny times, the two next of small concernment, and the other two, long since grown obsolete and useles.

Cap. 69. p. 283. Of the Isle of MAN.

I Find that King *John* by his Patent 6 *Johan. m. 4. 8 die Februarii*, took *Reginald* King of *Man*, & omnes terras & homines suos in custodiam, protectionem & defensionem nostram. Cart. 14 *Johan. m. 7.* he granted to this *Reginald* King of *Man*, one Knights Fee in *Ireland*, pro feodo & servicio suo, and 100 quarters of *Corn* every year to be received at *Droghedah*, 16 die *Maii* anno regni sui 14. The same *Reginald* (stiled *Rex Insularum*) repairing to *K. Henry* 3. Pat. 2 H. 3. part 2. m. 1. & 4. 10 die *Octobris*, habet literas de salvo conductu pro se & suis quos secum adduxeret, in veniendo ad Dominum Regem, et ad faciendum ei homagium, & ad emendandum excessus hominum suorum factos hominibus Domini Regis. Et mandatum est *Justitiariis* *Hibernie*, *R. de Veteri Ponti*, *Ballivis de Lancastria* & de *Cestria*, quod interiri ei, vel hominibus suis, vel terra sua gravamen vel molestiam non inferunt, vel inferri permittunt. Et mandatum est *Gilberto filio Rinfredi*, quod occurrat ipso Regi apud *Salwod*, vel *Carleolum*, vel *Lancastriam*, vel alibi in partibus illis, ad conducendum ad Dominum Regem. Et mandatum est eidem Regi, quod sub tali conductu, secure et sine dilatione ad Dominum Regem veniat. Pat. 3 H. 3. pars 2. m. 1. apud *London*, 23 die *Septembris*, the like safe-conduct was granted him for a longer time then the former, where is recited, *Reginaldus Rex de Man venit ad fidem & servitium nostrum*, et nobis homagium suum fecit. He had likewise Letters of Protection *Justitiariis*, *hominibus* & aliis fidelibus *Regis* *Hibernie*, of the same date, with this clause at the end of them; Si vero inimici nostri & sui insurrexerint in nos & in ipsum, ad dampnum terræ nostræ & suæ, tunc ei viriliter sitis auxiliantes ad terræ nostræ & suæ defensionem.

Clauſ. 5 H. 3. m. 18. the King writes to his Justice of *Ireland*, 4 die *Novembris*, to deliver and pay to *Reginald* King of *Man* the Knights Fee, two Tuns of *Wine*, and 120 *Crannocos bladi*, granted him every year by the Charter of King *John* his Father; and likewise to ayd him against the King of *Norwey*.

REX *Justiciario Hibernie*, salutem. Monstravit nobis dilectus & fidelis noster *R. Rex de Man*, quod *Rex Norweg.* insidias ei ponit, & terræ suæ mala machinatur, necnon & terræ partium vestrarum, pro eo quod (sicut ipsa asserit) fidelitatem nobis fecit et homagium, tributum indebitum ab eo exigens; unde nos rogavit, ut ei succursum faceremus si fortè in terram suam ingrederetur. Et ideo vobis mandamus, quatinus si est ita, & vos sic esse audieritis, ipsi Regi tunc succursum habere faciatis ad defensionem terræ suæ & nostræ qualem poteritis ad honorem nostrum & sine dampno nostro. providentes dil-

D d

genter

genter ut à dicto Rege *Norweg.* & fais nos & nostri conservemur indempnes. Teste *H.* apud *Westm.* 4 die *Novemb.* By which Records it is clear, that the Kings of *Man* did homage for it to the King of *England*, as then held of him, not of the King of *Norway*.

Pat. 19 H. 3. m. 11. 13 die *Aprilis*, King *Henry* granted a safe conduct *Olavo Regi Mannæ et Insularum*, in veniendo in *Angliam* ad loquendum nobiscum, ibidem morando, & exinde recedendo, directed omnibus *Ballivis & fidelibus suis* in *Anglia*: with the like *M. filio Geroldi Justic. Hiberniæ*, & omnibus *Ballivis & fidelibus suis* *Hiberniæ*: And in *July* the same year, he granted him the Commission, together with 40 Marks, 200 Cannocs of Corn, and 5 Tuns of Wine every year, for his homage, and the defence of the Sea-coasts towards *England*, *Ireland*, and the *Isle of Man*, at his proper costs, so long as he should faithfully perform that service.

Pat. 19 H. 3.
m. 6. Pro
Rege Mannæ.

REX dilecto & fideli suo *M. filio Geroldi Justitiano suo Hiberniæ*, salutem. Sciatis nos dedisse & Charta nostra confirmasse dilecto & fideli nostro *Olavo Regi Mannæ et Insularum*, pro homagio suo & servitio custodiendi ad cultum suum costeram maris *Anglia* versus *Hiberniam*, & versus *Insulam de Man*, & similiter costeram maris *Hiberniæ* versus *Angliam*, & versus prædictam *Insulam de Man*, ne dampnum prædictis terris nostris *Angliæ & Hiberniæ* pro posse suo per mare in costeris illis possit evenire, quadraginta marcas, & centum Crannocos frumenti, & quinque dolia vini singulis annis, percipienda in terra nostra *Hiberniæ* ad terminum *Pasch.* per man. Justic. nostri *Hiberniæ*, quamdiu prædictus *Rex Man* bene et fideliter vobis servierit prædictas costeras custodiendo. Et ideo vobis mandamus, quod prædictas quadraginta marcas, & prædictos centum Crannocos frumenti, & prædicta quinque dolia vini singulis annis ei habere faciatis, sicut prædictum est; Incipientes primum terminum ad *Pascha* prox. venturum anno regni nostri vicésimo. In cujus rei testimonium has literas nostras patentes vobis mittimus. Teste Rege apud *Westm.* 12 die *Julii*.

Which being not paid accordingly, the King Claus. 20 H. 3. m. 12. dorsoi pro Rege *Mannæ et Insularum*, 24 die *Maii*, sent a Writ to this Justice of *Ireland* to pay it without delay: and the same day granted him this protection.

Pat. 20 H. 3.
m. 7. De Pro-
tectione Regis
Mannæ.

REX omnibus *Ballivis & fidelibus suis* presentes literas inspecturis, salutem. Sciatis nos suscepisse in protectionem et defensionem nostram homines, terras, res, redditus, et omnes possessiones dilecti et fidelis nostri *O. Regis Mannæ et Insularum*, qui pro negotiis suis ad partes *Norweg.* de mandato *Regis Norweg.* profectus est. Et ideo vobis mandamus, quod homines, terras, res, redditus, & omnes possessiones ipsius *Regis Mannæ & Insularum* manuteneatis, protegatis & defendatis. Nullum ei inde inferentes gravamen, &c. Et si quid ei inde fuerit forisfactum, &c. Teste Rege apud *Merewell* 24 die *Maii*.

This Isle being surrendered to King *Edward* the 1. by *Richard de Burgo* Earl of *Ulster*, who claimed the inheritance thereof; thereupon the King by his Patent, 4 die *Junii*, Pat. 18 E. 1. m. 28. committed the custody thereof *Waltero de Hamrecombe*, quamdiu nobis placuerit; ita quod de exitibus inde provenientibus respondeat ad mandatum nostrum; commanding all to be intendentes & respondentes eidem *Waltero* tanquam Custodi nostro *Insulæ prædictæ*. Et mandatum est omnibus *Ballivis dictæ Insulæ* sub prædicto *Richardo*, quod eidem *Waltero* Custodi et *Insulam prædictam*, cum omnibus ad ea spectantibus, liberent custodienda in forma prædicta.

Ibidem.

Homines *Insulam prædictam* inhabitantes, habent literas *Regis de Protectione* simplices sine clausula, quamdiu *Regi* placuerit duratur. Teste ut supra.

The very next year King *Edward* having adjudged the Realm of *Scotland* to *John Balliol*, and receiving his Homage as Supreme Lord thereof, ordered *Hunrecombe* to deliver him such possession of this Isle as *Alexander* King of *Scots*, whose

Heir

Heir he was, had in his life time; saving his own and all others rights thereto, and former grants; as this Record assures us.

REX et Superius Dominus Regni Scotia, dilecto & fidei suo Waltero de *Huntresombs* Custodi terræ de *Man*, salutem. Quia de gratia nostra speciali reddidimus dilecto & fidei nostro *Johanni de Balliolo* Regi *Scotie*, talem seisinam terræ de *Man* cum pertin. qualem *Alex.* ultimus Rex *Scotie* antecessor suus, cujus hæres ipse est, habuit de eadem terra die quo obiit, salvo jure nostro et alterius cujuscunque, & salvis nobis & hæredibus nostris exitibus, wardis, maritagis, televiis, escaetis, finibus, amerciamentis, areragiis firmarum & reddituum quæ tempore seisinæ nostræ ejusdem terræ acciderunt, & salvis nobis & hæredibus nostris cognitionibus placitorum et attach. quorumcunque; de Ballivis & Ministris nostris ibidem de tempore prædicto, una cum cognitione transgressionis impositæ *Duncan* de *Malcoly*, & judiciorum super eisdem reddendorum, executionibus, & similiter quod omnia judicia tempore seisinæ nostræ per Ballivos & Ministros nostros in eadem terra reddita teneantur, & executioni demandentur; Vobis mandamus, quatinus præfato Regi seisinam terræ prædictæ cum suis pertinentiis in forma prædicta liberari faciatis, salvo jure nostro et alterius cujuscunque. Teste Rege apud *Novum Castrum* super *Tjnam* 5 die *Januar.* & sunt *Clauræ*.

Rot; Scotie
19 E. 1. m. 53
De seifina Insulæ de Man liberand. J. Regi Scotie.

This *Duncan de Malcoly* of *Man*, was Outlawed for divers Trespasses there committed, and imprisoned in the Tower of *London*; but the Record of his Outlawry being reversed and nulled for apparent Error, the King thereupon by his Writ, *Claur.* 21 E. 1. m. 6. 28 die *Junii*, directed to the Constable of the Tower, commandad him immediately to release him.

4 Par. 20 E. 1. m. 7. Thereupon such a Commission was granted to *Nicholus de Seggræ* and others, as the Author mentions, p. 285. b Ryley Plac. Parl. p. 257.

It appears by a Petition to King *Edward* the 1. in Parliament, *Anna* 33 E. 1. in the *Placita Parliamentaria* in the Tower, that whiles this Island was in the hands of *John Balliol* King of *Scots*, *Mary* the wife of *John de Woldeboef* presenting her right before King *Edward*, ad terram de *Man* cum *Insulis adjacentibus*; Et fuit tunc ei responsum, Quod prosequeretur jus suum coram Rege *Scotie*, et quod tunc temporis terra illa tenebatur de ipso Rege *Scotie*. Qua obit in prosequendo jus suum. De qua quidem *Maria* descendit jus cuidam *Willielmo filio* & heredi prædictæ *Mariæ*; & ab ipsa *Willielmo* descendit jus *Johanni de Woldeboef filio* & heredi prædicti *Willielmi*, qui nunc possit terram de *Man*, cum *Insulis adjacentibus*, tanquam verus hæres earundem. In the Parliament of 33 E. 1. Ita responsum est; Sequitur coram *Justitiariis de Barco Regis*, & audiamur & fiat justitia. Et mittatur ista petitio *Justitiariis* sub origina sigillis Regis. So as the *Justices of the Kings Bench* by this reference had Jurisdiction of this cause.

Anna 35 E. 1. I find this memorable Record of our Kings right to, and seisure of the Isle of *Man*.

REX Vic. *Northumbr.* salutem. Cum per inspectionem Rotulorum et aliorum memorandorum quæ coram Consilio nostro secretari et diligenter examinari fecimus, nobis constat, quod plures de antecessoribus nostris, quondam Reges *Angliæ*, de terra de *Man* seisinæ fuerunt, ut de jure suo, et quod nos similiter seisinæ fuimus de eadem, ex his et proficua inde percipienda, quousque nos de gratia nostra speciali seisinam terræ illius, talem videlicet qualem *Alexander* quondam Rex *Scotie* habuit de eadem, *Johanni de Balliolo* nuper Regi *Scotie*, salvo semper jure nostro et hæredum nostrorum, seisinam liberavi; Tibi præcipimus, quod scire facias venerabili patri *Antonio Dunelmensi* Episcopo, qui prædictam terram modo tenet, ut dicitur, per duos liberos & legales homines de *Balliva* ipsa, quod sit coram nobis a die *Sancti Michaelis* in 15 dies ubicunque, &c. ostenturus, si quis pro te habeat vel dicere sciat quare terram illam in manum nostram, ut jus nostrum, resumere minime debeamus. Et habeas ibi nomina illorum per quos præfato Episcopo scire feceris, & hoc breve. Teste Rege apud *Caldicotis* 28 die *Junii*, Per Consilium.

Claur. 35 E. 1. m. 4. dorso. Pro Rege de terra de *Man*.

* Fines 5 E. 2.
m. 17.

Anno 3 E. 2. 16 die Martii, King Edward 2. as appears by the * *Fine Rolls*, granted to *Henry de Bello Monte* the custody of the Isle of *Man*; which being resumed by advice of his Council, he granted the custody thereof *Gilberto Makaskil*, *quamdiu nobis placuerit*; 20 die Octobris, Anno 5 E. 2. commanding *Henry de Beaumont* or his Lieutenant, *quod eidem Roberto terram prædictam, una cum exitibus inde perceptis, à tempore donationis & concessionis nostrarum deliberari fac.* and commanding *Robert de Leyburne* Constable of *Cockermouth* Castle, to resume and deliver the same unto *Makaskil*: and Pat. 5 E. 2. m. 5. he granted the Islanders this protection.

Pat. 5 E. 2. m.
3. Pro homi-
nibus Insulæ
de Man.

REX omnibus Ballivis, &c. ad quos, &c. salutem. Volentes homines *Insulæ de Man*, qui nobis et fidelibus nostris hactenus fideliter adhaerunt, et adhuc adhaerent, et ad fidem et pacem nostram fideliter se tenent, favore prosequi gratiale; Vobis mandamus, quod homines prædictos cum ad partes vestras eos venire cogitaverit, amicabiliter pertractantes, eis in veniendo, morando, seu ad partes proprias redeundo, non inferatis, seu quantum in vobis est ab aliis inferri pervertitis injuriam, molestiam, dampnum, impedimentum aliquod seu gravamen. In cuius, &c. usque ad finem Natalis Domini prox. futur. duratur. Teste Rege, &c. 20 die Octobris.

Per ipsum Regem.

This *Gilbert de Makaskil* whiles he was *Steward* and *Custos* of this Isle, expended the sum of 1215. marks 3 s. 9 d. in the defence thereof against the *Scots*, and other the Kings enemies and Rebels, as appeared by his Accounts passed before the Barons of the Exchequer; and likewise by the Kings order, he bought with the Profits of the Isle 380 l. 17 s. 6 d. Victuals, which he delivered to the Governour of the Castle of *Karleol*, to victual it against the *Scots*; which sums upon his * *Petition* were allowed and ordered to be paid him.

* Cl. 12 E. 2.
m. 19. Pro
Gilberto Ma-
kaskil.

About the 7. year of *Edward 2.* this Isle was taken by the *Scots*, and *John de Ergad* a potent man of that Island, and his Family driven from thence (after great losses sustained) into *Ireland*; upon which the King writ to his Justice, Chancellor and Treasurer of *Ireland*, to allow him a competent sum of money for his and his Families support; who soon after returning with some of his men into *Man*, * *dictos inimicos Scotos à terra nostra prædicta expulsi, & terram illam in manibus nostris reposuit; ac quamplures de hominibus suis pro munitione dictæ terra nostra dimisit*: Whereupon the King writ to his said Officers in *Ireland*, to pay his expenses in that expedition, and to allow a competent maintenance to him, his Family, and men employed in the defence of the Island. Teste Rege apud Westm. 15 die Febr. Anno regni nostri 8.

* Cl. 8 E. 2.
m. 17.

Fines 10 E. 2. m. 1. the Custody of this Isle was granted by the King to *John Ashbrig* during pleasure, rendering an account of the profits thereof at the Exchequer.

This Island was parcel of the possessions of *William le Scrop* Knight, which coming to King *Henry the 4.* by his Conquest and Atrander, he in Parliament granted to *Henry Percy* Earl of *Northumberland*, and his Heirs, Pat. 1 H. 4. * *parts 1. m. 34. Insulam, Castrum, Pelam & Dominium de Man, & omnia Insulas & Dominia eidem Insula de Man pertinentia, seu qua fuerunt Willielmi le Scrop Chivaler defuncti, quem nuper in vita sua conquestati fuimus, & ipsum sic conquestatum decrevimus, & qua ratione conquestus illius tanquam conquestata cepimus in manum nostram; qua quidem decretum & conquestus in presenti Parlamento nostro de assensu Dominorum Temporalium in eodem Parlamento existentium, quo ad personam præfati Willielmi, & omnia terras & tenementa, bona & catalla sua, tam infra dictum regnum nostrum quam extra, ad supplicationem Communivitatis dicti regni nostri affirmata existunt. Habend. & tenend. eidem Comiti & heredibus suis omnia insulas, Castrum, Pelam, &c. una cum regalibus, regalitatibus, franchis, libertatibus, Portibus maris, & omnia ad Portum rationabiliter & debite pertinentibus; homagiis, fidelitatibus, wardis, &c. wrecco maris, mineris plumbi & ferri, foris, mercatis,*

* Not. Rot. 2.
Bundello 2.
parte 5. m. 36.
as misquoted
by the Author
p. 283. l. 13,
14. in the
Margin.

mercatis, &c. ad Insulas, Castrum; &c. predicta qualitercunque pertinentibus; simul cum patronatu Episcopatus dicta Insula de Man, &c. necnon Advocationibus & Patronatibus Abbatiarum, Prioratum, Hospitalium, Ecclesiarum, Vicariorum, Capellarum, Canteriorum, & aliorum Ecclesiasticorum beneficiorum quorumcunque ad eadem Insulas, Castrum, &c. pertinentibus; Tenend. de nobis & heredibus nostris imperpetuum, per servitium portandi diobus Coronationis nostra & heredum nostrorum ad sinistrum humerum nostrum, & sinistros humeros heredum nostrorum per seipos, vel sufficientem & honorificum deputatum sumus, illum gladium nudum quo cincti eramus quando in partibus Holderness applicuimus, vocatum Lancastrefwerb, durante processione, et toto tempore solemnizationis Coronationis predicta, &c. Teste Rege apud Westm. 19 die Octobr.

This Earl being attainted of High Treason, * 6 die Maii An. 6 H. 4. (not 5 H. 4. as the Author mistakes) and Judgement given against him Plac. Parl. An. 7 H. 4. thereupon Pat. 6 H. 4. pars 2. m. 18. Sir *William de Standly*, with *John de Myles* were sent to seize and take possession of the Isle and Castle of *Man*, and there to remain for their safe custody. Pat. 7 H. 4. pars 2. m. 18. the King granted the said Isle, Castle, Pele and Dominion of *Man*, &c. to Sir *John de Standley* and his Heirs, in as ample manner as he had granted them to the Earl of *Northumberland*, to hold of him and his Heirs, per hamagium ligium & servitium reddendi duos falcones die Coronationis nostra & heredum nostrorum pro omnibus servitiis, &c. Teste Rege apud Westm. 6 die Aprilis. Pat. 5 H. 4. m. 16. 26 die Decembr. the King granted to *Luce Macgryn de Insula de Man Scholari*, quandam elemosinam vocatam *petticulas*, ad sustentationem cujusdam pauperis Scholaris de *Insula predicta ad exercend. Scholas per progenitores nostros quondam Reges Angl. datam & concessam.*

* Pat. 8 H. 4. m. 14. dorso.

So far the Records in the Tower touching this Isle.

The Isle of * *Man* (if the *Chronicle* thereof rightly informs us) antiently belonged to the Kings of *Norway*, and the Bishop of *Sodor* therein was subject to, and consecrated by the Archbishop of *Nidrosia* in *Norway* as his Metropolitan, till the year 1275, like other Bishops of the *Orcades*; after which when the Kings of *England* became Lords thereof, he was subject to, and consecrated by the † Archbishop of *York* as his Metropolitan, and a part of his Province, and since that for ever united to it by the Statute of 33 H. 8. c. 31. The second Bishop thereof was one *John* a Monk, Anno Dom. 1151.

* Jac. Ufferius de Ecclef. Brit. Primordiis, p. 643, 644, 645. † Tho. Stubbs Actus Pontif. Ebor. col. 1714. Mat. Paris & Mat. Westm. An. 1151. p. 81. & 41. The first Tome of my Exam Chronological Vindication, p. 555.

Cap. 70. p. 286. Of the Isles of Jersey, Gernsey, Serke and Alderney, and of the Law and Jurisdiction of the same, and matters concerning them.

BESIDES the Records concerning these Isles cited by the Author in this Chapter, you may peruse at your leisure Pat. 3 Johan. m. 7. nu. 31. Pat. 4 Johan. m. 12. Pat. 5 Johan. m. 7, 8. Claus. 8 Johan. m. 7. Pat. 9 Johan. m. 5. Pat. 10 Johan. m. 5. Claus. 10 Johan. m. 7. Pat. 14 Johan. m. 4. Pat. 15 Johan. pars 1. m. 14. Pat. 16 Johan. pars 1. m. 5, 16. & dorso. 19. Claus. 16 Johan. dorso. 19. Pat. 3 H. 3. m. 3, 4. Claus. 5 H. 3. m. 31. Pat. 5 H. 3. m. 4, 6. Claus. 6 H. 3. pars 1. dorso. 14. pars 2. dorso. 13. Claus. 7 H. 3. m. 1, 18. Pat. 8 H. 3. pars 1. dorso. 2. pars 2. m. 5. Pat. 9 H. 3. pars 2. m. 2, 3, 4. Pat. 10 H. 3. m. 2, 3. Pat. 11 H. 3. m. 3, 4, 7, 10. Claus. 11 H. 3. m. 2, to 7. Claus. 13 H. 3. m. 13. Claus. 14 H. 3. m. 6. Pat. 14 H. 3. pars 1. m. 9. pars 2. dorso. 1. Pat. 15 H. 3. m. 1. Pat. 16 H. 3. m. 2. Pat. 17 H. 3. m. 4. Pat. 18 H. 3. m. 13. Claus. 18 H. 3. dorso. 4. Pat. 19 H. 3. m. 18. Claus. 19 H. 3. dorso. 13. Pat. 20 H. 3. m. 7. Claus. 20 H. 3. dorso. 12, 19. Pat. 21 H. 3. m. 7. Claus. 24 H. 3. m. 18. Claus. 25 H. 3. m. 4, 12. Claus. 26 H. 3. pars 2. m. 11. Fines 26 H. 3. m. 14. Claus. 31 H. 3. dorso. 20. Pat.

Pat. 32 H. 3. m. 2. Liberate 32 H. 3. dorf. 4. Pat. 33 H. 3. m. 1. Claus. 36 H. 3. m. 2. Pat. 36 H. 3. m. 9. Claus. 37 H. 3. m. 1. Pat. 37 H. 3. m. 8. Claus. 39 H. 3. pars 2. m. 3. Pat. 41 H. 3. pars 1. dorf. 6. Cedula. Pat. 44 H. 3. pars 3. m. 2, 3, 5. dorf. Claus. 47 H. 3. m. 15. Pat. 54 H. 3. m. 10. Pat. 56 H. 3. m. 31. Pat. 1 E. 1. pars 1. m. 1, 23, 36. Claus. 2 E. 1. m. 1. dorf. 4. Pat. 2 E. 1. dorf. 5. Claus. 3 E. 1. m. 3. Pat. 3 E. 1. m. 30. Fines 3 E. 1. m. 3. Claus. 4 E. 1. m. 2. Fines 4 E. 1. m. 32. Pat. 4 E. 1. m. 13, 36. Pat. 5 E. 1. m. 22. Cedul. 25. Cedul. Pat. 6 E. 1. m. 1, 2. Fines 7 E. 1. m. 18. Pat. 7 E. 1. m. 1, 26. Pat. 8 E. 1. m. 14. dorf. *Justitiarum Itinerantes* ibidem, *de querelis audiendis*, Pat. 9 E. 1. m. 20. *de wracco maris Inquisito*, Pat. 10 E. 1. m. 4. *libera warrenna* ibid. & m. 22. Pat. 10 E. 1. m. 15. *Justitiarum Itinerantes*, Pat. 11 E. 1. m. 20. Pat. 12 E. 1. m. 4. Pat. 13 E. 1. m. 23, 26. *de Assis ibidem tenendis*, Brevia Regis An. 18 E. 1. Claus. 18 E. 1. m. 41, 42. Pat. 18 E. 1. m. 3. Rot. *Vulcania* An. 19 E. 1. m. 5. Pat. 19 E. 1. m. 8, 16, 17, 19. Pat. 20 E. 1. m. 10, 12, 15, 16. Claus. 21 E. 1. dorf. 7. Brevia Regis An. 22 E. 1. Claus. 22 E. 1. m. 7. Pat. 22 E. 1. m. 4, 12, 13, 15, 16, 23. Claus. 23 E. 1. m. 6. Cedulae duae. *Petitionum & Responsum eisdem*, Pat. 23 E. 1. m. 18. Claus. 24 E. 1. m. 3. Pat. 24 E. 1. m. 20. Claus. 25 E. 1. pars 2. m. 4, 23, 26. Reginaldus de Carteret, *querela ejus contra inimicos*, & dorf. 7. Pat. 25 E. 1. pars 1. m. 10, 12. pars 2. m. 19. Cedula. *Petitione Insulae contra Custodes*, Claus. 26 E. 1. dorf. 15. Pat. 26 E. 1. m. 20, 25, 26. Pat. 27 E. 1. m. 12, 14, 42. *de Assis ibidem tenendis*, Claus. 28 E. 1. dorf. 9. Pat. 28 E. 1. m. 38. Petitiones in Parlamento An. 30 E. 1. in Turri London. Pat. 31 E. 1. m. 47. Pat. 32 E. 1. m. 23. *Justitiarum Itinerantes*, Pat. 33 E. 1. pars 2. m. 6. *Bargenses de Peterport*, m. 21. Pat. 33 E. 1. pars 1. m. 23. * Plac. Parliamentaria An. 33 E. 1. nu. 1. *Ordinatio de receptione petitionum in Parlamento*, & Plac. 7. *Placita coram Henrico de Gildesford & facis suis Justitiarum Itinerantibus in Insula de Jereseye, die Lune prox. post festum Sancti Petri ad Vincula, anno regni Regis Edwardi 32. inter Dominum Regem & Abbatem de Monte Sancti Michaelis de Jereseye*; Pat. 35 E. 1. m. 45. Reginaldus de Carteret, Claus. 1 E. 2. m. 4. *intus, de terminand. feodo Regis substracto, & custuma de Makarol, Regi debita, substracta*; *Placita Itineris venti in Insula Gernesey, Jeresey, Serke, & Aureney, de consuetudinibus & legibus earundem, &c.* An. 2 E. 2. in Turri London. (worthy perusal) Brevia Regis in Turri Lond. An. 2, 4, 5, 7, & 10 E. 2. Claus. 2 E. 2. m. 4. *quod non solvant custuma sicut alienigeni*, & dorf. 7. & 5. *quod non trahantur in plac. coram Episcopo Constant. de rebus pertinentibus ad cognitionem Regis*, Pat. 4 E. 2. m. 4, to 7. Claus. 7 E. 2. m. 20. Pat. 9 E. 2. m. 29. pars 2. m. 27. Pat. 10 E. 2. pars 2. m. 35. Fines 11 E. 2. m. 5. Pat. 12 E. 2. pars 2. m. 2. dorf. Pat. 14 E. 2. pars 2. m. 7. Parl. 14 E. 2. Rylex Plac. Parl. p. 416. Pat. 15 E. 2. pars 1. m. 6, 22, 23. Pat. 16 E. 2. pars 1. m. 5. Claus. 2 E. 3. m. 9, 16. Pat. 2 E. 3. m. 9, 16. pars 2. m. 34. Brevia Regis An. 4 E. 3. nu. 57. Petitiones in Parl. An. 4 E. 3. apud *Winton.* nu. 4. Claus. 4 E. 3. m. 27, 31, 32. & dorf. 2. Brevia Regis An. 5 E. 3. nu. 53. Rot. Scotix 10 E. 3. m. 12. Rot. Aleman. 12 E. 3. pars 2. m. 7. Pat. 17 E. 3. pars 2. m. 33. Claus. 18 E. 3. m. 15, 17, 24. Pat. 22 E. 3. pars 1. m. 26. dorf. 29. Escheats 24 E. 3. nu. 26, 46. Fines 26 E. 3. m. 19. Fines 31 E. 3. m. 18. Escheats 32 E. 3. nu. 95. Fines 36 E. 3. m. 19. Escheats 45 E. 3. nu. 80. Pat. 50 E. 3. pars 2. dorf. 33. *de Inquirendo de vera valent. Insularum Jeresey, Gernesey, Serke, & Aureney*; Rot. Francix 1 R. 2. pars 2. m. 7. Pat. 13 R. 2. pars 1. m. 2. pars 2. m. 26. Pat. 14 R. 2. pars 1. m. 35. Rot. Francix An. 1 H. 4. m. 9. besides others both before and since. I shall conclude with this Patent confirming their Liberties, and commending their Loyalty to the Crown of England, expressed in several Patents.

* See Ryley Plac. Parl. p. 240, 241, 285, 286, 287, 467, to 472 515, 602,

Pat. 5 E. 4. pars 2. m. 22. Confirmatio Libertatum.

REX omnibus ad quos, &c. salutem. Inspezimus literas patentes Domini *Richardi* nuper Regis *Angl.* secundi post conquestum, factas in hac verba. *Richardus* Dei gratia Rex *Anglia & Francia, & Dominus Hibernie*; omnibus ad quos presentes littere pervenerint, salutem. Inspezimus literas patentes quas Dominus *E.* nuper Rex *Angl.* avus noster fieri fecit in hac verba.
Edwardus

Edwardus Dei gratia Rex Anglia & Francia, & Dominus Hibernia; omnibus ad quos præsentes literæ pervenerint, salutem. Sciatis, quod nos grata memoria recententes, quasi constanter et magnanimiter dilecti et fideles nostri homines Insularum nostrarum de Gornesey, Feresey, Serk, & Aurenay, in fidelitate nostra et Progenitorum nostrorum Regum Angl. semper hactenus persistecerunt, et quanta pro salvatione dictarum Insularum, et nostrorum conseruatione Jurium et honoris ibidem sustinuerunt, tam pericula corporum quam suarum dispendia facultatum, et proinde volentes ipsos favore prosequi gratioso concessimus pro nobis et heredibus nostris dictis hominibus Insularum prædictarum, quod ipsi, heredes et successores sui, omnia privilegia, libertates, immunitates, exemptiones, consuetudines in personis, rebus, monetis, et aliis eis virtute concessionum Progenitorum nostrorum Regum Angl. vel alias legitime competentia habeant et teneant, ac eis sine impedimento vel molestatione nostri heredum vel ministrorum nostrorum quorumcumque plene gaudeant et utantur, prout ipsi et eorum antecessores habitatores dictarum Insularum eis usi sunt rationabiliter et gavisi, quæ jam eis in forma prædicta generaliter confirmamus. Volentes ea cum super his plenè informati fuerimus, prout iustum fuerit, specialiter confirmare. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Turrim London. decimo die Julii, anno regni nostri Anglia quintodecimo, regni verò nostri Francia secundo. Nos autem concessionem confirmationem privilegia, libertates, immunitates, exemptiones & consuetudines prædicta rata habentes & grata, ea pro nobis et heredibus nostris, quantum in nobis est, acceptamus, approbamus, ratificamus, et ea prædictis hominibus Insularum hujusmodi heredibus et successoribus suis concedimus et confirmamus, prout literæ prædictæ plenius testantur, & prout ipsi & eorum antecessores habitatores dictarum Insularum eis usi sunt rationabiliter & gavisi. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Gloucestriam decimo die Novembris, anno regni nostri secundo. Inspeximus etiam alias literas patentes prædicti Domini Richardi nuper Regis Anglia secundi post conquestum, similiter factas in hæc verba. Richardus Dei gratia Rex Anglia & Francia, & Dominus Hibernia; omnibus ad quos præsentes literæ pervenerint, salutem. Sciatis, quod nos considerantes bonum gestum et magnam fidelitatem quam ligeis et fidelibus nostris gentibus et Communitatibus Insularum nostrarum de Gornesey, Feresey, Serk, & Aurenay in dies invenimus, de gratia nostra speciali concessimus pro nobis et heredibus nostris, quantum in nobis est, eisdem gentibus et Communitatibus, quod ipsæ ac heredes et successores sui imperpetuum sint libere et quiete in omnibus Civitatibus, Villis mercatoris, et portibus infra regnum nostrum Angl. de omnimodis theloniis, exactionibus et custumis saliter et eodem modo quo fideles ligei nostri in regno nostro prædicto existunt. Ita tamen quod dictæ gentes & Communitates nostræ ac heredes & successores sui prædicti bene & fideliter se gerant, erga nos et dictos heredes nostros imperpetuum. In cujus rei testimonium has literas nostras fieri fecimus patentes. Teste meipso apud Westm. vicesimo octavo die Julii, anno regni nostri decimo octavo. Nos autem literas prædictas, ac omnia & singula in eis contenta, rata habentes & grata, ea pro nobis et heredibus nostris, quantum in nobis est, acceptamus et approbamus, ac nunc hominibus, gentibus et Communitatibus Insularum de Gornesey, Feresey, Serk, & Aurenay, et successoribus suis ratificamus et confirmamus, prout literæ prædictæ rationabiliter testantur. In cujus, &c. Teste Rege apud Westm. 29 die Martii. Pro viginti solidi solatis in hanaperio.

To which I shall only adde for the honour of the antient family of the *Carterets*, and their favour to me whiles a close Prisoner in *Mons Orgueil* Castle in *Fersey*, *Bundel. Inquisit. An. 4 E. 2. nu. 45.* concerning the Lands of *Johannis Carteret*. *Miles; Escheat. An. 14 E. 3. nu. 28. & Escheat. An. 23 E. 3. pars 2. nu. 150. Willielmus de Carteret; & Escheat. An. 4 E. 2. nu. 50.* concerning *Castellum de Gersbrike* in that Isle.

Cap. 71. p. 287. De Insula Vectæ. Of the
Isle of WIGHT.

THE safe Guarding of this Isle bordering so near the Coast of France was of so great concernment, that our Kings in former ages appointed and constituted from time to time special Guardians of it, erected, repaired the Castles, Forts within it, and in times of warre or danger were very carefull to send forces to, and array the Inhabitants in it, commanding them to keep Watch, Ward, and erect Beacons to defend it from being surprized by the Enemies, as these ensuing Records in the Tower which concern it, will more fully inform us, than any of our Histories.

* W. S. de Malo Leone de Bobus de saisina.

* Com. id est, Custodis.

* Pat. 52 H. 3. m. 36. intus.

† Claus. 4 E. 1. m. 7. Cedula.

* See Mr. Cambdens Britannia, p. 276, 277.

Cl. 13 H. 3. m. 15. * S. de Malo Leone had the Custody of this Isle from the King, wherein it was found by Inquisition returned by the Sheriff of Southampton, quod temporibus H. Regis avi nostri, & R. Regis avunculi nostri, & Dom. J. Regis patris nostri, nunquam Vicec. Suthampton boves ceperunt pro disseisimis in Insula Vectæ. in Itinere Justic. ad opus ipsorum Regum; set ad opus * Com. de Insula semper capi consueverunt, & quod nunquam temporibus prædictorum Regum in prædicta Insula Coronatores existerunt: Et ideo tibi præcipimus, quod si quos boves cepisti pro disseisimis in prædicta Insula, eos dilecto & fideli S. de Malo Leone cui Custodiam ejusdem Insulæ commisimus sine dilatione reddi facias, & Coronatores ibidem esse non permittas. T. Rege apud Weilm. 12 die Febr.

An. 52 H. 3. this King by Writ to * Mat. de Columbaris, and 3. other Custodibus Insule de Whyt, commanded them immediately to deliver *Isabella de Forribus Comitissa Albemaria, Castrum suum de Caresbroks & Insulam suam prædictam* (cui illa reddidimus, as being her inheritance by descent from her Father Earl of Devon) liberetis: habend. eodem modo quo ea prius habuit; In nullo quod ad Custodiam illam pertinent de cetero vos intrumittentes. This Countesse *Isabella*, (for the summe of twenty thousand Marks) † concessit, reddidit, & quietum clamavit omnes terras & tenementa quæ habuit in Insula Vectæ, cum pertinentiis, to King Edward the 1. habend. & tenend. sibi & heredibus suis quæta de ipsa *Isabella & heredibus suis imperpetuum*: whereupon the King committed the Custody of the Island to *John Fitz-Thomas* Steward of *New Forest*, during pleasure; Pat. 21 E. 1. m. 3. which recites this grant of hers to the King; and *Liberate* An. 31 E. 1. m. 3. several sums of money were allowed to *Richard de Aston*, to whom the King committed the Custody of this Isle, for fortifying of the harbors in it, making of Engines, and payment of Soldiers to defend it during the Warres. Fines 1 E. 2. m. 5. the King committed the Custody of it and *Caresbroks* Castle to *Nicholas de Bosco* during pleasure, as his Father King Edward 1. committed them to *William Russell*, during pleasure, rendring an account of the profits thereof at his Exchequer, receiving only his due and accustomed fees out of it: Fines 3 E. 2. m. 14. the King committed the Isle to *John de Bosco*, during pleasure, in the same manner. Pat. 9 E. 3. pars 2. m. 24. this King committed the custody of the Isle and Castle to *John Langford*, during pleasure; & Patents Anno 28 E. 3. m. 13. to *John de Gateden*. Pat. 19 R. 2. pars 1. m. 26. the King granted the Custody of the Castle and Isle to *William de Monte Acuto* Earl of *Sarum* during life; the like grants for life were made of them to *Henry Duke of Somerset*, Pat. 36 H. 6. pars 1. m. 10. and to *Guridge Gate* Knight; and afterwards to *A. Lord Rivers* and the heirs of his body, Pat. 13 E. 4. pars 2. m. 11.

What *Manors* and other *Lands* within the Isle of *Wight* have been held of the *Castle and Honor of Carisbrook* within that Isle, and by *suit or service* to the *Court of Newport*, together with their values and extents, and by what persons, these *Bundles of Escheats and Inquisitions* will in part inform you; viz. *Escheats* 9 E. 1. *Werpinham* Mannor. *Escheats* 22 E. 1. nu. 31. *secunda Willielmi He-*

ster,

fer, & nu. 59. *Whitfield Manor Johannis Harrington.* Escheats 25 E. 1. nu. 89. *Messuagium in Caresbroke.* Escheats 32 E. 1. nu. 60. *feoda Johannis filii Willielmi de Insula.* Escheats 33 E. 1. nu. 40, 43, 237. Escheats 4 E. 2. nu. 11. Inquisitiones An. 7 E. 2. nu. 30. Esch. 10 E. 2. nu. 33. Esch. 16 E. 2. nu. 8. Inquisitiones 18 E. 2. nu. 78. Escheats 1 E. 3. nu. 140. pars posterior. Escheats 2 E. 3. pars 1. nu. 39. & 5 E. 3. nu. 51. & 6 E. 3. nu. 32, 65. & 11 E. 3. nu. 41, 55. Esch. 15 E. 3. nu. 38, 40. & 16 E. 3. nu. 28, 41, 51. & 17 E. 3. nu. 12, 52. Escheats 23 E. 3. pars 2. nu. 27, 29, 33, 67, & 24 E. 3. nu. 16. Escheats 25 E. 3. nu. 55, 57, 58. & 35 E. 3. nu. 5. Escheats & Inquisit. An. 37 H. 3. nu. 2. 38 H. 3. nu. 4. 45 H. 3. nu. 9. & 47 H. 3. nu. 32. Esch. & Inquisit. 43 E. 3. pars 1. nu. 88. 4 R. 2. nu. 28, 89. 7 R. 2. nu. 46. 17 R. 2. 35. 20 R. 2. nu. 26, 35. 5 H. 4. nu. 17. 6 H. 4. nu. 28. 3 H. 5. nu. 47 & 14 E. 4. nu. 38.

What arrayes, armes, Beacons, watches, wards for the defence thereof in times of warr or danger the Inhabitants of it were bound to make, perform, find by their tenures, these Inquisitions and Records will inform you.

Inquisicio capta apud *Schidhambrigge* die Jovis prox. post festum Sancti Petri quod dicitur a vincula, Anno Regni Regis Edwardi filii Regis Edwardi decimo octavo, Coram Johanna de la Hoese, & Johanne de Insula, Custodibus portuum, litorum, et terrarum maritimarum in Insula Vecta, tam infra libertates quam extra per Dominum Regem, pro defensione dictae Insulae tempore guerrae, ab antiquo tempore debitis et ordinatis, ab Abbatibus, Prioribus, Rectoribus et Villitis terras seu redditus infra dictam Insulam habentibus, necnon de aliis liberis tenentibus et assis, si jurati fuerint et arrati in armis, et arma habeant juxta formam per dictum Regem ultimò ordinatam, per sacramentum Roberti Vrry, Walteri de Coditone, Roberti Dogelandic, Johannis le Femers, Johannis de Comptone, Willielmi le Tailour, Ricardi de Donewyle, Walteri de Kygestone, Rogeri le Wyce, Thoma de Colewile, Roberti de Frelende, Johannis de Comptone, (and 33. others therein named.) Et etiam de ignibus loco continuatum agnorum, quot debent esse, ab antiquo? per quot homines vigiliae debent fieri de nocte et die infra dictam Insulam? Qui dicunt per sacramentum suum, quod Comites, Abbates, Priores, Rectores, Villites, et alii liberi tenentes qui viginti libertas terrarum seu redditus haberent, cujuscunque status extiterint, habebunt equitaturam et arma competencia, et omnes homines qui plus habuerint plus habeant, et qui minus minus, secundum ordinationem factam in Statuto Domini Regis Wynton. Item dicunt, quod omnes liberi tenentes et alii totius Insulae predictae jurati sunt in armis et arrati per Constabularios pacis Domini Regis, secundum formam a Curia Domini Regis ultimo ordinatam, et ibidem missam. Item dicunt, quod in Hundredo de *Bremedine* est unus ignis infra pontem super *Pintokstone*, et debet ibidem vigilia fieri per quatuor homines de nocte, et per duos homines per diem. Item, alius ignis juxta sanctam *Helenam* apud *Tarshfords*, et debet vigilia fieri sicut prius. Item, tertius ignis apud *Sandham* super *Rotirburgh*, et debet vigilia fieri sicut prius. Item, quartus ignis apud *Schant* Hundredo super montem, et super la *Chyne*, et debet vigilia fieri per duos homines de nocte, et per Hundredum de die. Item, quintus ignis super *Smeredona*, et debet vigilia fieri per quatuor homines de nocte, et per duos homines de die. Item, sextus ignis est apud *L. Hinn*, et debet vigilia fieri per duos homines de nocte, et per unum hominem de die. Item, septimus ignis est apud la *Wyedich* apud *Apulderecombe*, et debet vigilia fieri per tres homines de nocte, et per unum hominem de die. Item, octavus ignis est apud *Nywerone* apud la *Wynke*, et debet vigilia fieri per tres homines de nocte, et per duos homines de die. Item, nonus ignis est apud *Ashertone* super *Bersadone*, et debet vigilia fieri, ut prius. Item, decimus ignis est apud *Staudene*, et debet vigilia fieri per duos homines de nocte, et per unum hominem de die. Item, undecimus ignis apud *Woditont* apud le *Cole*, et debet vigilia fieri per quatuor homines de nocte, et per duos homines de die. Item, duodecimus ignis apud *Wirpingham* super *Rydwylstone*, et debet vigilia fieri per tres

*Bund. Inquis. An. 18 E. 2. nu. 216. in Turri Londoni

homines de nocte, ac per duos homines de die. Item, tresdecimus ignis est apud la Rye, et debet vigilia fieri per sex homines de nocte, et per duos de die. Item, in Hundredo de Westmedine, est unus ignis super Chaledone, et debet vigilia fieri per quatuor homines de nocte, et per duos homines de die. Item, secundus ignis est apud Aiberpwe, et debet vigilia fieri sicut prius. Item, tertius ignis est super Louykedone, et vigilia debet fieri ut prius. Item, quartus ignis est apud la Wyrd, et debet vigilia sua fieri ut prius. Item, quintus ignis est super Berclmeworth, et debet vigilia fieri ut prius. Item, sextus ignis est apud Lnsburgbe, et debet vigilia fieri ut prius. Item, septimus ignis est apud Gertbell, et debet vigilia fieri ut prius. Item, octavus ignis est apud Hamstede, et debet vigilia fieri ut prius. Item, nonus ignis est apud Havedburgh, et vigilia debet fieri ut prius. Item, decimus ignis est apud Thoruebye, et vigilia debet fieri ut supra. Item, undecimus ignis est apud le Ferbelonde, et vigilia debet fieri ut prius. Item, duodecimus ignis est apud Hersepoll, et vigilia debet fieri ut prius. Item, tresdecimus ignis est apud Wyghtbergh, et vigilia debet fieri ut prius. Item, quatuordecimus ignis est apud Lavendone, et vigilia debet fieri ut prius. Item, quindecimus ignis est apud Ewidone, et vigilia debet fieri ut prius. Item, sextusdecimus ignis est apud Holsbergh, et debet vigilia fieri ut prius. In cujus rei testimonium predicti Jurati sigilla sua apposuerunt. Dar. die, loco, & anno supradictis.

Bundels In-
quis. & Ad
quod damp-
nam, Anno 18
E. 2, n. 416.

Inquisicio capta apud Schidbambrige die Lunæ prox. post festum Sancti Petri quod dicitur *Ad vincula*, Anno regni Regis Edwardi filii Regis Edwardi 18. Coram Johanne de la Hoese & Johanne de Insula, Custodibus portuum, litonitium et terrarum maritimarum in Insula Vella, tam infra libertates quam extra per Dominum Edwardum, de auxiliis pro defensione dictæ Insulæ tempore Guærræ, ab antiquo tempore debitis et ordinatis, ab Abbatibus, Prioribus, Rectores et Vicariis terras, ten. redditus infra dictam Insulam habentibus, nequa de aliis liberis tenentibus et aliis, si jurati fuerint et arratati de armis, et arma habeant iuxta formam per Dominum Regem ultimo ordinatam, per sacramentum Simonis Gilherd, Ad. Afrish, Johannis le Clerke, Nicholai John. & Roberti Fynder, Walteri le More, Wilhelmi atte Brugge, Ad. Jorsal, Marini Tressant, Wilhelmi le Savage, Walteri Legifre, & Stephani Bigges. Et etiam de ignibus loco communium signorum: quot debent esse ab antiquo et in quo loco, et per quot homines vigilia debent fieri de nocte et die infra dictam Insulam. Qui dicunt per sacramentum suum, quod omnes Abbates, Priores, Rectores, Vicarii, et alii libere tenentes qui viginti libertas terræ habuerint cum quocumque status extiterint, habebunt equitaturam et arma competentia pro homine, et qui plus habuerit plus habeant, et qui minus minus, secundum ordinationem factam in Statuto Domini Regis Wynon. Item dicunt, quod omnes libere tenentes et alii tenentes libertatis de *Froskwaere* jurati sunt in armis et arratati per Constabulos, peria Domini Regis secundum formam a Curia Domini Regis ultimo ordinatam, et ibidem militari. Item dicunt, quod in dicta libertate de *Froskwaere* est unus ignis super *Schirpenarde*, et debet vigilia fieri per tres homines de nocte, et per duos homines tota die. Item, alius ignis est super *Herdene*, et debet vigilia fieri sicut prius. In cujus rei testimonium predicti Jurati per se ipsos sigilla sua apposuerunt. Dar. die, loco, & anno supradictis.

Ces sont les gardes, serjices des gens de Saint Eglise de l'Isle de Wyght ordenez en defens de la dite Isle en temps de guerre, de le quels le Roy Roy Edward pere nostre Seigneur le Roy Edward estoit s'icy en temps de la guere entre li et le Roy de France, par la Duchie D'Acquit. Et alits per Saint. Richard D'Acquit en cel temps gardein de la dite Isle, et les queles serjices sont ore suscripts.

ibidem.

De la Personne de l'Esglise de Beading par ix. liveres de Rente en la dite Isle, De
De

De la Personne del Eglise de *Godeshall* pur C. liveres de Rente en la dite Isle, iij. hommes d'armes.

De la Personne del Eglise de *Nywechurcha* pur C. marches de Rente en la dite Isle, ii. hommes d'armes.

De la Personne del Eglise de *Atherton* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Wyppingham* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne des Eglises du *Gatecombe* et du *Chale* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Freikewatera* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Schaldestet* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Caulborn* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Caresbrok* pur ix. liveres de Rente en la dite Isle, iij. hommes d'armes.

Del Procurator de *Lyre*, pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Seint Blens* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Nyweton* pur xxx. liveres de Rente en la dite Isle, i. homme d'armes.

De la Personne del Eglise de *Brygheston* pur xl. liveres de Rente en la dite Isle, i. homme d'armes.

T Resonorable Seigneur, En droit des services ordonnez des gentz de *Seint Eglise* en la Isle de *Wyght* en temps de guerre, et a oze lustretz, vous pleste extendre, que labissement pur ce celi Ordinance feist fait, comment, et en quel temps ensemblement obe les enuelles de ces par nous prises, a vous ensemblement selonc le purport de vostre mandement, a vostre tres honorable Seigneurie y mettons desouz les Seals d'un de nous par le portez de cestes, a commander de ceo autre vostre volente. Tres honorable Seigneur Dieu vous doigne bone vie et lange, et meynesne vostre honneur.

Ibidem.

E *Edwardus Dei gratia Rex Angl. & Franc. & Dominus Hibern. dilectis & fidelibus suis Bartholomaeo de Insula, Johanni de Kyngeston, & Henr. Romyn, Custodibus Insulae Velle, salutem. Mandamus vobis, quod per sacramentorum proborum & legalium hominum de Insula praedicta, per quos rei veritas melius sciri poterit diligenter inquiratis, quae et cuiusmodi servitia Insulae praedictae tempore guerrae debentur? et per quos? et de quibus terris et ten. et qualiter, et quo modo? Et inquisitionem inde distincte & aperte factam, nobis sub sigillo vestro ac sigillis eorum per quos facta fuerit sine dilatione mittatis, & hoc breve. T. meipso apud Westm. 13 die Maii Anno Regni nostri Angl. sextodecimo, regni vero nostri Francia tercio.*

Eschaet. & Inquisitionum de Anno 16 E. 3. 2. 69.

I nquisitione capta apud *Newport*, in *Crastino Sanctae Trinitatis Anno Regni Regis Edwardi tercii a Conquestu sextodecimo, Coram Bartholomaeo de Insula, I. de K. & H. R. suis Custodibus Insulae Velle per Commissionem Domini Regis assignatis, per sacramentum duodecim Juratorum, viz. Thome de Vavafor, Johannis de Wyvelle, Thome de Godison, Roberti Molendinarii, Roberti de Pis. Roberti Fryleinde, Henr. atte Hale, Johannis de Martre, Johannis William, Willielmi atte Stone, Johannis Pajm, & Willielmi de Emuntan. Qui dicunt, quod Dominus quondam Comes Devon. et Dominus Insulae Westx, & omnes predecessores sui a tempore quo non existit memoria, in omni tempore habuerunt lxxvi. homines ad arma pro defensione et saluatione Insulae praedictae de*

E c 2

Comitatu

Comitatu Devon: hinc hominibus ad arma exceptis terris et ten. in dicta Insula habentibus. Mortuo vero Baldewino Comite, Insula predicta Domina *Isabella de Forseton* Comitissa *Albermarlia & Devon* sine hereditate descendebat. Quae quidem Domina *Isabella* illustrem & excellentissimum Dominum * *Edwardum* Regem Anglia avum Domini Regis nunc, de tota Insula fecerunt Tenend. sibi & hered. Regibus Anglia jure hereditario imperpetuum. Qui quidem Dominus *Edwardus* ut supra; sup. tempore in eam guerra inherit homines ad arma subscriptos pro defensione et salvacione dictae Insulae, viz. De Episcopo *Sarum* vii. homines ad arma; De Abbate de *Gliffingbury* vii. homines ad arma, De *Johanne Mandet* i. hominem ad arma, De *Emestino Longussey* i. hominem ad arma, De Abbate de *Sawtze* ii. homines ad arma, De *Beatrice* de *Wynterhill* i. hominem ad arma, De Abbate *Gloucestris* i. hominem ad arma, De *Abbaissa* de *Gilbourn* i. hominem ad arma, De *Roberto de Kryu* i. hominem ad arma, De Abbate de *Malmysbery* iii. homines ad arma, De Abbate de *Cottristr* ii. homines ad arma, De *Thoma Warblington* i. hominem ad arma, De Priore de *Hurle* i. hominem ad arma, De *Mar. Thom.* de *Ambrisbery* i. hominem ad arma, De Abbate de *Abby* iii. homines ad arma, De *Elia Molendinari* i. hominem ad arma, De *Johanne Dandile* i. hominem ad arma, De *Wihelmo* *Plaghan* i. hominem ad arma, De *Ricardo Wynter* i. hominem ad arma, De *Petro Condray* i. hominem ad arma, De *Hugone Tylour* i. hominem ad arma, De *Abbatia de Rowle* i. hominem ad arma, De *Lucia de Grey* i. hominem ad arma, De *Abbatia de Walton* i. hominem ad arma, De Praeceptor. de *Shalford* i. hominem ad arma, De Praeceptor. de *Coneldi* hominem ad arma, De *Nicholao Burdon* i. hominem ad arma, De *Rogero de Sancto Martino* i. hominem ad arma, De *Mariabil* Regis *Mortali* de *Ambrisbery* ii. homines ad arma, De Episcopo *Wygornie* i. hominem ad arma, De *Hamone de Partes* i. hominem ad arma, De Episcopo *Bath. & Well.* i. hominem ad arma, De *Roberto Ryngborne* pro *Willelmo de Coget* i. hominem ad arma, De *Johanne Grey* pro *Waltero de Skydenour* i. hominem ad arma, De *Johanne Blayne* pro Abbate de *Thunkeburgo* i. hominem ad arma, De *Ricardo Selby* pro *Hundredo de Herewelkeden* i. hominem ad arma, De *Henr. Hemaphal* pro *Chipham & Malmsbury* i. hominem ad arma, De *Waltero Cornisey* pro *Hundredo de Warham* i. hominem ad arma, De *Johanne Carrile* pro *Chalk & Domesham* i. hominem ad arma, De *Galfrido de Galne* pro *Heghebery* i. hominem ad arma, De *Rogero de Stok* pro *Westbury* i. hominem ad arma, De *Abbatia de Werenil* i. hominem ad arma, De *Hugone Peverelli* i. hominem ad arma, De *Willelmo Ires* pro Abbate de *Shaston* i. hominem ad arma, De *Man. de Wilk.* pro *Matheo* fil. *Johannis* i. hominem ad arma, De *serne* i. hominem ad arma, De *Comunitate de Wyltes* vi. homines ad arma, De *Aleisa de Boven* i. hominem ad arma, De Priore de *Ad. de Brettoni* i. hominem ad arma, De *Ricardo de la Ryvze* i. hominem ad arma. Item dicunt, quod Dominus *Edwardus Rex* mille centum tam *Ballivarios* quam *lagittarios*, de *Cibitate London.* CCC. pro defensione dictae Insulae, qui quidem homines ad arma, *Ballivarios* *lagittarios*. Inbenti fuerunt ad *badia* Domini Regis; vel ad *badia* sua propria In cujus rei testimonium predicti *Jurati* huius Inquis. sigilla sua apposuerunt. Dat. die, loco, & anno supradictis.

* See here, p. 208.

23. 200. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100.

* *Exad* Collection of the Records in the Tower, p. 21, 28, 179, 425.

To which may be added, * *Rot. Parl.* apud *Westm.* Octabis *Hil.* An. 13 E. 3. nu. 28, 29, 30. & *Rot. Parl.* 14 E. 3. nu. 15. & *Rot. Parl.* 2 R. 2. nu. 72. & 5 H. 4. nu. 3. Anno 26 E. 3. I finde this King constituting a Governour of this Isle, and issuing sundry Writs to him to aray all the Inhabitants thereof to defend it, and to keep watch and ward, and erect *Bekins* or lights on Hills, to defend it against the *French*, which I shall here present you with.

Rot. Francie An. 26 E. 3. m. 13. De Custode Insulae Vectae constituto.

REX Univerfis & singulis Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, Vic. *Synd.* Constabular. Ballivis, Ministris

Aris, & omnibus aliis de Insula Wexa, tam infra libertates quam extra, salutem. Sciatis, quod nos de fidelitate & circumspccta industria dilecti & fideles nostri *Johannis de Guitden* confidentes, assignavimus & deputavimus ipsum ad custodiendum Insulam predictam contra alienigenarum hostium nostrorum incurfus, qui cum galeis & navibus guerronis ad dictam Insulam accedere, eam ingredi & occupare nituntur, & ad supervidendum arraiacionem hominum ad arma, hobelatorum, sagittariorum, & omnium aliorum hominum tam equitum quam pedum, tam in Castro nostro de *Caresbrok* quam in aliis locis & partibus ejusdem Insule jam factam, necnon quoscumque ibidem, in Castro & Insula predictis existentes: & in casu quo hujusmodi arraiacio minus sufficienter facta fuerit, vel dicti homines nondum sint arraiati, ad homines tam equites quam pedites de novo arraiandi, & armis competentibus muniti, & eos sic bene & sufficienter arraiatos & munitos in Constabularis, Militenis, Centenis & Vintenis poni faciend. Ita quod prompti sint & parati ad proficiscendum cum prefato *Johanne* pro defensione & salvacione Insule predictae contra hostes nostros predictos, quociens & quando periculum eidem Insule imminet, & per ipsum *Johannem* ex parte nostra fuerint presentati: & ad omnes defectus quos tam in Castro predicto quam in aliis partibus Insule predictae invenerit, sine dilacione reparari & emendari faciend, necnon ad tot operarios quot pro reparacione & emendacione hujusmodi necessari fuerint tam in Insula predicta quam in dicto Com. *Sulbi*, infra libertates & extra eligend. & in operationibus nostris in eadem Insula ad vadia nostra munitur, poni faciend. Necnon ad inquirendum de omnibus qui extra eandem Insulam morantur qui servicia eidem Castro & Insula debent, & custodiam eis facere tenentur, & ad eos premuniend. & summoniend. quod ad Insulam predictam cum familia suis, quanto decencius poterunt infra certum tempus per ipsum *Johannem* subire limitandum, sub forsactura terrarum et ten. bonorum et catallorum que habent in eadem Insula, accedant, ibidem super satisfactione et defensione ejusdem, sumptu hujusmodi periculo morantur, et ad hoc etiam, si necesse fuerit ex parte nostra proclamari et publicari faciend. Et si idem homines sic extra dictam Insulam morantes, juxta premunitionem, summonitionem et proclamationem predictas ad dictam Insulam venire et morari in forma predicta neglexerint, ad omnia terras, ten. bona et catalla sua in eadem Insula in manu nostram capi, et alios homines sufficientes loco ipsorum rebellium de terris, ten. bonis et catallis suis pro defensione ejusdem Insule indelicet faciend. Et etiam ad omnes homines Insula illius tam prelatos et Religiosos quam alios quoscumque, ad inventiendum supra quantitatem terrarum et ten. bonorum et catallorum que habent in eadem Insula sufficientes homines pro defensione ejusdem Insule, necnon ad litora maris infra Insulam predictam custodiend. et vigiliis per costeram partis ibidem faciend. per distributiones, et alias vias et modos quibus pro satisfactione dictae Insule et securae custodia ejusdem melius et rationabilius fore viderit faciend, compellend. et ad omnia alia et singula ordinand. et faciend. que pro satisfactione et defensione ejusdem Insule, et fidelium nostrorum ibidem necessar. fuerint, vel oportuna faciend. et explend. Dantes eidem *Johanni* plenam tenore presentium potestatem arestandi, captendi, et prisonis nostris committendi, ac supra delictorum quantitates puniendi omnes illos qui in premissis, vel eorum aliquo contrariis et inobedientes inventi fuerint vel rebelles. Et ideo vobis omnibus & singulis districte mandamus, sub forsactura omnium que nobis forisfacere poteritis firmiter injungentes, quod prefato *Johanni* tanquam Custodi Insule predictae in omnibus que sui salvacionem & defensionem Insule predictae, ac repulsionem hostium predictorum contingunt, vel contingere poterunt, intendentis sitis, consulentes & auxiliantes, quociens & quando per ipsum *Johannem* super hiis fueritis requisiti. Et vos prefati Vic. Constabular. & Ballivi omnes illos quos predictus *Johannes* occasione rebellionis suae in premissis, vel eorum aliquo arestari & capi fecerit, ab eo recipiatis, et in prisonis nostris salvo custodiri faciatis, quousque aliud super

hoc duxerimus demandandum. In cuius, &c. quamdiu nobis placuerit duratur.
Teste Rege apud *Westm.* 19 die *Marcii*.

Per ipsum Regem et Consil.

Rot. Francie,
An. 26 E. 3. m.
10. De compellendo homines habentes terras in Insula Vecta ad inveniend. homines ad arma pro defensione eiusdem.

REX dilecto & fideli suo *Johanni de Garsden*, Custodi Insule Vecte, salutem. Quia intelleximus, quod adversarius noster *Franc.* magnam Classem Navium & Galearum in partibus *Norman.* ad fines dictae Insule & alios fines regni nostri *Angl.* noviter invadend. & eisdem fines occupand. ac populum nostrum in eisdem Insula & Regno pro viribus expugnand. & destruend. congregavit, quodque quamplures homines Insula illius terras & ten. in eadem Insula habentes, qui homines ad arma pro defensione eiusdem, temporibus guerra, ratione terrarum et ten. eorundem invenire tenentur, eos invenire recusant, ut accepimus: Nos volentes salvacioni et defensionis Insule illius contra huiusmodi invasiones quantum poterimus providere, ac de fidelitate & circumspicione vestris plenius confidentes, assignavimus vos, ad omnes homines Insule predictae, et alias terras et ten. in eadem Insula habentes, qui homines ad arma pro defensione eiusdem Insule durantibus huiusmodi guerrarum temporibus invenire tenentur, ad ipsos homines bene armatos et armis competentibus munitos, pro necessaria defensione Insule illius imminente dicta guerra invenire, praeveniend. et tam ipsos ad hoc, quam alios, qui serbicia sua, et alia deberia ad Castellum nostrum de *Caresbrok* in eadem Insula, seu ad alia loca ibidem facere tenentur, ad eadem serbicia et deberia sua faciend. per districtiones, et alias vias, et modos quibus melius expedire videritis compellend. et ad rebelles in hac parte debite puniend. Et ideo vobis mandamus, quod circa praemissa omnia et singula in forma praedicta faciend. et celeriter exequend. cum diligentia intendatis. Damus autem universis & singulis tam Religiosis quam aliis Insulae praedictae tenore praesentium in mandatis, quod vobis in executione praemissorum intendentes sint, consulentes & auxiliantes, quociens, & prout eis vel eorum alicui scire feceritis ex parte nostra. In cuius, &c. T. R. apud *Westm.* 9 die *Apr.*

Rot. Francie
26 E. 3. m. 12.
dors. De praemuniendo quod homines habentes terras in Insula Vecta morentur in eadem Insula.

REX dilecto sibi *Wilhelmo de Dale*, Constabulario Castri nostri de *Caresbrok* in Insula Vecte, salutem. Quia, ut accepimus, adversarii nostri de *Francie* Insulam nostram praedictam hostiliter invadere, & eam occupare, ac destructiones & mala quae poterunt ibidem perpetrare intendunt, nisi eorum nequiciae celerius obvietur: Nos volentes salvacioni & defensionis Insulae praedictae contra hostiles aggressus, prout convenit, providere; Vobis mandamus firmiter injungentes, quod omnes & singulos homines de Insula praedicta, terras & ten. possessiones & bona in praedicta Insula habentes, praemuniri faciatis, quod sub foetifatura omnium quae nobis foetifacere poterunt, sint in eadem Insula cum familia in festo *Annunciationis* beatae *Mariae* Virginis prox. futur. ad ultimum, armis competentibus iuxta status sui exigentiam bene et sufficienter muniti, ad morandum in eadem Insula ad resistend. hostibus nostris, & Insulam praedictam invadere praesumpserint, ut est dictum. Teste Rege apud *Westm.* 6 die *Martii*.

Per ipsum Regem et Consil.

The Writ then issued for erecting *Beacons*, and making *Fires* on Hills, to give notice of the Enemies approach this year, is before recited in the Chapter of *Beacons*, p. 136.

* Bund. Brevium Regis, An. 31 E. 1. in Turri London. Insula Vectis Auxilium ad maritand. primogen. fil. Regis.

The Inhabitants of this Isle, in respect of their services and great expenses in warding and defending the Island, claimed an exemption from all Aydes to marry the Kings eldest daughter, as appears by this * Record of 31 E. 1. which I found in the *White Tower*.

Edwardus Dei gratia Rex *Angliae*, Dominus *Hiberniae*, & Dux *Aquitaniae*, tenenti locum Thesaurarii & Baronibus suis de *Scaccario*, salutem. Ex parte

parte dilecti & fidelis nostri *Radulphi de Gorges* nobis est ostensum, quod cum ipse et tenentes sui infra Insulam *Vestam*, seu ceteri homines et tenentes de eadem Insula auxilium aliquod ad primogenitam filiam nostram maritandam de feodis suis Militaribus, seu terris et ten. suis in eadem Insula ratione concessionis nobis nuper de huiusmodi auxilio factæ facere non debeant, nec ipsi seu aliqui alii huiusmodi feoda, vel terras et tenementa in dicta Insula tenentes, aliquod huiusmodi auxilium progenitoribus nostris quondam Regibus Anglia ad primogenitas filias suas maritandas facere consueverint temporibus retroactis; Collectores nichilominus Auxilii prædicti in Insula prædicta Auxilium prædictum a præfato *Radulpho*, et aliis huiusmodi feoda et terras et tenementa in Insula prædicta tenentibus exigunt, et ipsos ea occasione, aliter quam hactenus fieri consuevit, graviter distringunt faciunt minus iuste. Et quia super præmissis plenius certiorari, et præfato *Radulpho* et tenentibus prædictis de Insula prædicta quod solum fuerit fieri volumus in hac parte; Nobis mandamus, quod scrutatis Motibus nostris de eodem Scaccario de huiusmodi Auxiliis progenitoribus nostris prædictis concessis, utrum videlicet tenentes de Insula prædicta huiusmodi Auxilium eidem progenitoribus nostris vel eorum alicui, sicut tenentes de Regno nostro facere consueverunt, necne? et si sic, tunc quibus vel cui de progenitoribus nostris prædictis, et quo tempore? Et si inde fuerint evenerunt, ex qua causa, et qualiter, et quo modo? De ea quod inde inteneritis Nobis sub sigillo ejusdem Scaccarii distincte et aperte constare faciatis, citra festum *Pentecostes* proximo futurum, hoc hæc nobis remittentes. Teste meipso apud *Cestreburne* 14 die *Marcii*, Anno regni nostri tricesimo primo.

Per breve de privato sigillo.

What Certificate they returned hereupon, I have not yet discovered!

I finde by the Records in the *Tower*, that King *Edward* the 2. in the first year of his reign by his Charter, granted the Castle of *Carisbrooke*, with all the Lands and Tenements in the Isle of *Wight* formerly belonging to *Isabella de Fortibus* Countesse of *Albemar*, to his great Favourite *Peter de Gaveston* and *Margaret* his wife, and the heirs of their two bodies begotten, (together with sundry other Castles and Lands) and commanded *Nicholas de Bosco* put him into actual possession thereof, and likewise commanded *Robert de Sanson* Keeper of the Forest of *Parkbursh* in that Isle to be intendent to them for the Farm he had granted him for life for the Custody thereof. Which being soon after re-seised into the Kings hands, he granted this Castle with all its ferces, and all his lands in this Isle, to Prince *Edward* his Sonne and his heirs Kings of *England*, as this Patent informs us,

REX, Omnibus ad quos, &c. salutem. Sciatis, quod cum nuper per Cartam nostram dederimus & concesserimus *Edwardo* filio nostro primogenito carissimo Castrum de *Carisbrook*, ac omnia Maneria, Terras & Ten. cum pertinentiis quæ habuimus in *Insula Vestæ* in Com. *Sutht.*. Habend. eidem *Edwardo* & hæredibus suis Regibus *Angl.* imperpetuum, prout in Charta nostra prædicta plenius continetur. Nos volentes præfato *Edwardo* gratiam in hac parte facere ampliolem, concessimus eidem *Edwardo*, quod ipse & hæredes sui Reges *Angl.* habeant & teneant prædicta Castrum, Maneria, Terras & Ten. cum pertinentiis, simul cum Hundredis, Visibus Franci plogii, Libertatibus, sberis Consuetudinibus, Feodis Militum, Advocationibus Ecclesiarum, Domorum Religiosarum, Hospitalium, & omnibus aliis ad prædicta Castrum, Maneria, Terras & Ten. spectantibus quoquo modo, adeo plene & integrè sicut ea in manu nostra extiterunt, imperpetuum; Et quod habeant in eisdem Castro, Maneriis, Terris & Ten. & eorum feodis, retentionum omnium Brevium nostrorum & summopitionum, & omnes fines, redempciones & atterementa omnium hominum & tenentium de eisdem Castro, Maneriis, Terris & Ten. ac eorum feodis & exitus forisfactos, & omnia quæ ad nos pertinent poterunt de anno, die, vasto,

* See p. 216.

* Cart. 2 E. 2.
m. 6. m. 6;

Pat. 20 E. 2.
m. 10. intus.
Pro Edwardo
fil. Regis.

vasto, forisfacturis & murdris in quibuscumque Cur. nostris, homines & tenentes illos tam coram nobis, & in Cancellaria nostra, quam coram Thef. & Baronibus nostris de Scaccario, & coram Justiciariis nostris Itinerantibus, ad Communia placita & ad placita Forestæ, & etiam coram aliis Justic. & Ministris nostris quibuscumque fines, redemptiones facere vel amerciari, seu hujusmodi Exitus, murdræ, forisfacturas, annum, diem & vastum ad judicari contigerit; Ita quod idem *Edwardus* per manus Ballivorum & Ministrorum suorum fines, redemptiones & amerciamenta hominum & tenentium prædictorum, & exitus, forisfactos, & omnia quæ ad nos pertinere poterunt de anno, die, vasto, forisfacturis & murdris in Castro, Maneriis, Terris & Ten. prædictis, ac eorum Feodis, quæ coram prædictis Justiciariis Itinerantibus ad communia placita & ad placita Forestæ fieri & adjudicari contigerit, per Extractas eorumdem Justic. Itinerantium in itineribus suis, eisdem Ballivis & Ministris inde liberand. necnon fines, redemptiones, & amerciamenta hominum & tenentium prædictorum, & exitus, forisfactos, & omnia quæ ad nos pertinere poterunt de anno, die, & vasto, forisfacturis & murdris, in Castro, Maneriis, Terris & Ten. prædictis, ac eorum feodis, quæ coram nobis, vel in Cancellaria nostra, seu coram Thef. & Baronibus nostris de Scaccario, seu coram Justiciariis aut aliis Ministris nostris de Scaccario, seu coram Justiciariis aut aliis Ministris nostris quibuscumque fieri & adjudicari contigerit per Extractas Scaccarii nostri, Ballivis & Ministris dicti *Edwardi* per manus Vicecomitis Com. prædicti qui pro tempore fuerit inde liberand. levare, percipere & habere possint, sine occasione vel impedimento nostri, aut Ballivorum seu Ministrorum nostrorum quorumcumque, & quod habeant in prædictis Castro, Maneriis, Terris & Ten. ac eorum feodis, catalla felonum & fugitivorum; Ita quod si quis hominum vel Tenentium suorum pro delicto suo vitam vel membrum debeat amittere vel fugerit, & iudicio stare noluerit, vel aliud delictum fecerit, pro quo catalla sua debeat perdere ubicumque justitia de eo fieri debeat, sive in Curia nostra sive in alia Cur. ipsa catalla sint præfati *Edwardi*, & liceat eidem *Edwardo* seu Ministris suis ponere se in seisinam de catallis prædictis, & ea ad usum ejusdem *Edwardi* retinere sine occasioe vel impedimento nostri, Vicecomitum, vel Ballivorum seu Ministrorum nostrorum quorumcumque. In cuius, &c. Teste Rege apud *Eborum*, 27 die *Maii*.
Per ipsum Regem.

What Knights Fees and Lands were antiently held of this *Castle*, and what Profits belonged thereunto, this antient *Inquisition* in the 47. year of King *H. 3.* (somewhat defaced and torn) will resolve us.

Inquisitiones
de An. 47H. 3.
p. 32.

Inquisitio de Juribus & Libertatibus pertinentibus ad Castrum de *Karibroc.* facta per hos subscriptos, *Willielmum de Clanmorgan*, *Thomam de Curcy de Cumpston*, Milites, *Johannem de Heym*, *Simonem de Bondinges*, *Johannem de la Brigg*, *Richardum de la Thorp*, *Radulphum de Swerton*, *Galfridum de Chibingwed*, *Walterum le Peltur*, *Johannem de Bentsumb*, *Willielmum de Norman*, & *Jocelinum de Harwisle*, Jurat. Qui dicunt super Sacramentum suum, quod Dominus *Willielmus de Insula* tenet de Domino Castri prædicti septem feodo Militum, & octavam partem 1. feodi, & debet inde Domino Castri de *Karibroc.* homagium & relevium, & rationabile auxilium ad primogenitum filium Militem fac. & ad * primogenitam filiam suam maritandam, & debet custod. dicti Castri tempore guerra; & † ————— ad terram de *Insula* custod. tempore guerra; & hoc ad custum suum. Et idem Dominus *Willielmus* debet facere sextam ad Curiam Domini Castri prædicti de tribus septimanis in tres septimanas in Curia quæ vocatur *Curia Militum*.

Item *Maria*, de *Gatecumb* tenet quinque feoda in capite de dicto Domino Castri per eadem servitia quæ prædictus *Willielmus* facit.

Item *Radulphus de Gorges* tenet 3. feoda Militum per eadem servitia quæ dictus *Willielmus de Clanmorgan* tenet, 3. feoda & sextam partem 1. feodi per eadem servitia quæ dictus *Willielmus*.

Item

See p. 215.
† vigilla, ut
credo;

Item ——— de *Inſula*, & *Philippus de Cantilupo* tenent dimid. feodum per eadem ſervitia quæ dictus *Willielmus*.

Item *Simon de Bendinges* tenet dimid. feodum per eadem ſervitia quæ dictus *Willielmus*.

Hæredes *Richardi de Langeford* tenent 1. feodum per eadem ſervitia quæ dictus *Willielmus*.

Item Vic. de la *Clyve* tenet tredecimam partem 1. feodi.

Hæredes *Alani de Checkenulle* tenent octavam partem 1. feodi per eadem ſervitia quæ dictus *Willielmus*.

Johannes de la Wode tenet octavam partem 1. feodi per eadem ſervitia quæ dictus *Willielmus*.

Jordanus de Kyngeston tenet dimid. feodum per eadem ſervitia quæ dictus *Willielmus*.

Item *Johannes de Cundey*, & Dominus *Richardus de Aſton* tenent dimid. feodum per eadem ſervitia quæ dictus *Willielmus*.

Item *Richardus de Aſton* tenet adhuc 1. feodum per eadem ſervitia quæ dictus *Willielmus*.

Johannes de la Briggo tenet octavam partem 1. feodi per eadem ſervitia quæ dictus *Willielmus*.

Rogerus de Ogelandr. tenet tertiam partem 1. feodi per eadem ſervitia quæ dictus *Willielmus*.

Willielmus de Odonaton tenet tredecimam partem 1. feodi per eadem ſervitia quæ dictus *Willielmus*.

Prior de *Chriſti Eccleſia* tenet tredecimam partem 1. feodi & nullam ſectam facit.

Galfridus de Chillingwod tenet tredecimam partem 1. feodi per eadem ſervitia.

Hæredes *Galfridi de Albamarla* ten. 1. feod. per eadem ſervitia.

Dominus *Johannes de Wyvite* tenet 40. partem 1. feodi per eadem ſervitia quæ dictus *Willielmus* facit.

Summa feodorum iſtorum præſcriptorum ———

Item dicunt, quod duæ partes duorum hundredorum infra *Inſulam de Wyth.* ſunt pertinentes ad dictum Caſtrum de *Kariſbroc.* ſimul cum viſu franci plegii; Et valent. per annum in omnibus exitibus quatuor marcas.

Item placita & perquiſita Cur. de *Kariſbroc.* quæ dicitur *Miliam,* valent. per annum 100 s.

Item dicunt, quod Dominus Caſtri poteſt capere per annum in *Foreſta ſua* in *Inſula* 30. damos & damas, ſet cuſtus cuſtodiendi ejuſdem *Foreſtæ* exſuperat valore dictarum beſtiarum.

Item dicunt, quod idem Dominus poteſt capere in duabus *Coningeriis* quas habet infra *Inſulam prædictam* 100 Cuniculos per annum; & valet quilibet Cuniculus 2 d.

Item dicunt, quod idem Dominus poteſt habere in *Foreſta* paſturam ad 100 & 50 aberta; paſtura cuſuſlibet aberti valet per annum 4 denar. Sum. 50 s.

Item dicunt, quod pannagium porcorum in eadem *Foreſta* valet per annum 3 s. Summa patet.

Item dicunt, quod *Ceppeg.* et *Cablit.* vento proſtrat. valent. per annum dimid. marc. Summa patet.

Item dicunt, quod focalia capienda in dicta *Foreſta* ad opus Domini, valent. per annum 20 s. Summa patet.

Item dicunt, quod poteſt habere in paſtura ibidem per totum annum 40 porc; paſtura cuſuſlibet valet per annum ———

Item, placita et perquiſita ſes. valent. per annum 42 s. Summa patet.

Item dicunt, quod *Wærchum maris* pertinens ad dictum Caſtrum valet per annum 4 s. Summa patet.

The reſt concerning Advouſons of Churches is illegible and defaced.

Concerning the Forest, Warrens, Bayliwicks, Offices, Wrecks therein, and their grants, those who please may peruse, Pat. 6 E. 2. pars 2. m. 6. Pat. 16 E. 2. pars 2. m. 24. Fines 16 E. 2. m. 16. Pat. 2 E. 3. pars 1. m. 33. Fines 2 E. 3. m. 4, 12. Pat. 3 E. 3. pars 2. m. 15. Pat. 6 E. 3. pars 2. m. 8. & pars 3. m. 13, Fines 13 E. 3. m. 18. Pat. 15 E. 3. pars 1. m. 32. Escheats 34 E. 3. nu. 57, & 58. Pat. 6 R. 2. m. 35. Claus. 8 R. 2. m. 2. Claus. 19 H. 6. m. 35 dorso. See Claus. 17 E. 3. pars 1. m. 23. *De non retinendo homines ad arma* there at the Kings pay after the truce made with France, & Pat. 31 E. 3. pars 1. m. 14. *Pro Archipresbytero ac Capellanis Domus S. Trin. Burton*, in that Isle.

To what the Author observes of the ancient Baron de *Insula* or *Liste*, I shall only adde, that in Pat. 20 E. 3. pars 3. m. 9. intus. I finde a grant of an Annuity of 200 marks out of the Exchequer, by King Edward the 3. *Johanni de Liste, pro servicio nobis impenso, ad statum Banaretti, quam de mandato nostro suscepit, manutenendum.*

+ See the like Grant of Cl. per an. Tho. Cooke, pro statu BANARETTI *manutenend.* Pat. 22 E. 3. pars 1. m. 30.

Cap. 73. p. 289, &c. Of the FORESTS, and the Jurisdiction of the Courts of the FOREST.

Concerning Forests, Forest-Lawes, Officers, Courts, their Jurisdiction, and Priviledge; Mr. John Manwood in his *Treatise of the Forest Lawes*, (out of which the Author hath borrowed most of his materials, though he names him not) the Law-books collected in *Asb his Repertory*, Tit. *Forests*, our learned Antiquary Sir Henry Spelman in his *Glossarium*, Tit. *Diatribes de Forestis*, *praefertim Anglicanis*, p. 238, to 244. and the Author in this Chapter, have so largely and learnedly discoursed of them, that I shall only adde thereto sundry usefull Records relating to the *Eyres*, *Perambulations*, and *Deafforestations* of Forests, in the Tower of London, not mentioned by the Author or others.

Page 291, 310, 311, 315. The Author treats of *The Court of the Justice in Eyre holden before the Chief Justice of the Forest, called the Justice in Eyre, and the persons summoned to these and other Eyres*, without quoting any Records concerning such Eyres, or the Articles, Chapters inquired of, & given in charge in them, commonly stiled *Capicula Itineris & Regardis*: For which you may peruse, Pat. 9 Johan. m. 6. Cl. 10 H. 3. m. 15. dorso. Pat. 13 H. 3. m. 12. dorso. Pat. 19 H. 3. dorso. 1, 2. Pat. 27 H. 3. dorso. 3. Pat. 29 H. 3. dorso. 10. Pat. 38 H. 3. dorso. 12, 13. Cl. 6 E. 1. dorso. 6, 7. Pat. 8 E. 1. m. 28. Cl. 9 E. 1. m. 7, 8, 9. dorso. Pat. 9 E. 1. m. 15. Fines 9 E. 1. m. 9. Cl. 10 E. 1. m. 6, 7. & dorso. 8. Pat. 10 E. 1. m. 19. Cl. 11 E. 1. dorso. 2, 4, 8. Pat. 11 E. 1. m. 5. Cl. 12 E. 1. dorso. 4, 5, 6, 8. Pat. 12 E. 1. m. 5, 6. Cl. 13 E. 1. dorso. 6, 7, 13. Cl. 14 E. 1. dorso. 1, 2, 5, 8. Cl. 15 E. 1. dorso. 5, 6, 8. Cl. 16 E. 1. dorso. 3, 5, 7, 9. Ced. Cl. 17 E. 1. dorso. 2. Cedula. Cl. 19 E. 1. dorso. 8. Cl. 20 E. 1. dorso. 1, 2, 3, 6, 7. Pat. 20 E. 1. m. 5. Cl. 21 E. 1. dorso. 9, 10. Cl. 22 E. 1. dorso. 9, 10. Cl. 24 E. 1. dorso. 6. Cl. 27 E. 1. dorso. 8, 13, 16, 17. Cl. 30 E. 1. dorso. 8, 18. Pat. 30 E. 1. m. 12. Claus. 31 E. 1. dorso. 12, 13. Pat. 31 E. 1. m. 31. Cl. 32 E. 1. dorso. 14. Cl. 33 E. 1. dorso. 9, 12. Cl. 34 E. 1. dorso. 15. Cedula. Cl. 3 E. 2. dorso. 11, 23. Cl. 17 E. 2. m. 30. Cl. 1 E. 3. pars 1. dorso. 7, 24. Cl. 4 E. 3. m. 32. Pat. 17 E. 3. pars 2. dorso. 9. Pat. 22 E. 3. pars 2. m. 39. Pat. 42 E. 3. dorso. 17. Pat. 1 E. 4. pars 2. m. 18. pars 3. m. 20. and sundry other Rolls.

For Patents, and Fees granted to the Justices of the Forests on this side and beyond Trent, peruse Pat. 9 Johan. m. 9. Pat. 13 H. 3. m. 10. *pro Rogero de Clifford junior*. Liberate 2 E. 1. m. 2. Liberate 3 E. 1. m. 11. *pro Gaisfr. de Nevil*. Pat. 28 E. 1. pars 1. m. 20. pars 2. m. 10, 11, 17. Pat. 18 E. 2. pars 1. m. 29. *pro Henrico de Scrop*. Pat. 14 E. 3. pars 2. m. 53. *pro Johanne Mandevil, made Supervisor. Ferrarum nostrar. &c. tam in Forestis, Ghaccis, & Parcibus Regis per totum Regnum nostrum*. Fines 25 E. 3. m. 22. *pro Willielmo de Wickham, & Petro Attewode*.

For the *Perambulations, Bounds, Deafforestations* of Forests, or any Part of them, and

Manwood is not quite correct: he cites Manwood in the margin of the concluding part of his Lord Coke's chap. 100. ke 9. m. 320.

and affarting or exempting any woods, lands in them from the Jurisdiction of the Lawes, Officers of the *Forests*, you may consult, Cart. 1 Johannis pars 1. m. 22. nu. 88, 89. exempting lands of the Bishop of *Ely* from *Forest Lawes* and Officers. Cart. 16 Johan. m. 2. *Deafforestatio Comitatus Cornubiz*. Fines 7 H. 3. m. 3. Pat. 3 H. 3. m. 3, 4. & dorso. Claus. 4. H. 3. dorso 17. Fines 8 H. 3. m. 3, 10. Pat. 8 H. 3. pars 2. dorso 3, 7. Pat. 9 H. 3. m. 3, 4, 5. dorso super Cl. 9 H. 3. m. 11. dorso 6, 15. Fines 9 H. 3. m. 1. Pat. 10 H. 3. m. 19. Claus. 11 H. 3. m. 19. & dorso 5, 6, & 20, 22, 26. *Perambular. Forestarum Com. Huntingdon. Leycestre. Salop. Hereford. &c.* Cart. 11 H. 3. pars 2. nu. 48. *Deafforestatio Com. Berks.* Cl. 12 H. 3. m. 5, 9, 13. Cl. 12 H. 3. m. 15. Cl. 15 H. 3. m. 15 dorso. Pat. 26 H. 3. pars 2. dorso 1, 11. Pat. 29 H. 3. dorso 10. Cl. 30 H. 3. m. 10. & Cart. 36 H. 3. m. 15. *Deafforestatio Com. Devon, except Dertmouth and Exmuth Forests.* Cl. 4 E. 1. m. 20, 31, 32, 33. & dorso 27, 37. Pat. 5 E. 1. m. 1. Cedula. & dorso 23. Cl. 8 E. 1. dorso 8, 9, 10. Cart. 18 E. 1. m. 23. & nu. 70. Fines 18 E. 1. m. 7, 8, 10, 11, 12, 13. Pat. 18 E. 3. dorso 18, 34, 36. *Stafford & Fekenham.* Pat. 24 E. 1. m. 15. Fines 25 E. 1. m. 13, 18. Pat. 25 E. 1. m. 13, 16. Cl. 26 E. 1. dorso 14. Ced. 12. Claus. 26 E. 1. dorso 17. Pat. 26 E. 1. m. 6, 10, 14, 33. Pat. 27 E. 1. m. 5, 6, 9, 10 17. Rot. Statutorum, An. 27 & 34 E. 1. m. 35. & m. 13, 14. Pat. 28 E. 1. m. 15, 19. Cl. 28 E. 1. m. 4, 10. dorso 2, 3, 5, 7, 8, 9, 13, 14. Rotulus Perambulationum Forestarum *Anglia*, Anno 29 E. 1. Cl. 29 E. 1. m. 13. Pat. 29 E. 1. m. 7, 16, 26, 27, 33. Cl. 33 E. 1. dorso 11, 12, 18. Pat. 3 E. 2. m. 38. Ced. Pat. 8 E. 2. pars 2. m. 7. Pat. 12 E. 2. m. 15 Cedula. in Com. *Devon.* Cl. 16 E. 2. m. 22. Cl. 17 E. 2. m. 35. Cl. 1 E. 3. pars 2. m. 19, 26. Cl. 7 E. 3. pars 1. m. 3. Escheats 37 E. 3. nu. 3. Pat. 12 H. 3. pars 1. dorso 8. *Perambulatio Forestarum in Com. Nottingham.* Pat. 1 H. 4. pars 6. n. 38, 39. *Exemplificatio perambulationum omnium Forestarum in Com. Wiltes.* Pat. 22 E. 4. pars 2. dorso 12. concerning the Metes and Bounds between the Forest of *Knaresburgh* and Chase of *Nettesdale*. To which I shall adde the Stat. of 27 Car. 1. c. 16. declaring and setting the Bounds of *Forests*, since these *Institutes* were compiled by the Author.

For Commissions and Commissioners to sell the Kings decayed Timber, Woods, and renting, leasing out his Wastes in *Forests* and Chases for his best advantage to raise moneys, (which the Author toucheth, p. 299, 300.) you may peruse Claus. 2 E. 1. m. 9, 11. Pat. 25 E. 1. pars 1. m. 13. Pat. 26 E. 1. m. 12, 14. Pat. 29 E. 1. m. 25, 26, 27. Pat. 31 E. 1. m. 13, 44, 44. Pat. 39 E. 1. m. 28. Ced. Cl. 33 E. 1. m. 5, 4, 6. Fines 33 E. 1. m. 18. Pat. 33 E. 1. m. 20. & Cedula, pars 1. & pars 2. m. 11. Fines 33 E. 1. m. 18. Pat. 34 E. 1. m. 26. & Cedula. Fines 35 E. 1. m. 10. Pat. 35 E. 1. m. 14. & 15. & Ced. Cl. 3 E. 2. pars 2. m. 8. Pat. 15 E. 2. pars 2. m. 21. Fines 6 E. 3. m. 14, 18. Pat. 10 E. 3. pars 2. m. 26. Pat. 11 E. 3. pars 3. m. 15. Pat. 21 E. 3. pars 2. m. 10. The Records which concern all the Particular *Forests* and *Chases* in *England* and *Wales* are overnumerous to be here inserted.

Page 303, & 304. The Author cites some Petitions in Parliament against abuses, encroachments and extorsions of *Foresters*, to which I shall adde this memorable Record, Pat. 9 E. 2. pars 1. m. 29.

REX dilectis & fidelibus suis *Willielmo Inge*, Magistro. *Johanni Withwary*, Henr. *Spigurnel*, & *Willielmo Truffell*, salutem. Quia ex frequentibus diversorum hominum querelis accepimus, quod Custodes *Forestarum* nostrarum, tam citra *Trentam* quam ultra, et eorum *Ballivi* et *Ministri* et alij, diversas oppressiones, utpote exheredationes, falsa indictamenta, et imprisonmenta, et super hoc graves redemptiones, et alia gravamina oborta dominibus infra ballivas suas, sub colore *Ballivarum* et *Officiorum* suorum multipliciter extorserunt; de quibus fidei homines partium conqueuti; et querelas suas in Curias nostras secundum legem et consuetudinem regni nostri protulerunt; non autemabant propter potentiam et malitiam Custodum, *Ballivorum* et *Ministorum* predictorum, per quos nos supra societatem ordinationum per *Justitios*, et *Comites*

mittes et Marones de regno nostro nuper factarum et per nos approbatarum, custodias, ballivas, et officia predicta capi fecimus in manum nostram, ut sic omnes et singuli qui versus aliquem vel aliquos de Custodiis, Ballivis, Spinistris seu aliis quibuscumque conquiriti fuissent, querelas suas prosequi valeant, prout decet: Nos de gestu dilecti & fideli nostri Hugonis le Despenser senioris, nuper Custodis Forestarum nostrarum citra *Trentam* certiorari volentes, assignavimus vos vel tres vestrum, ad audiendum querelas omnium & singulorum de Comitatibus *Salop, Stafford, Wygorn, Warr, Hereford, & Glouc*, qui de ipso Hugone de tempore quo fuit Custos Forestarum predictarum, de huiusmodi oppressionibus, exheredacionibus, falsis indictamentis et imprisonmentis, ac etiam redemptionibus et occasione receptis, et aliis gravaminibus quibuscumque per ipsum eis illatis conquiriti voluerint, et ad inquirendum per sacramentum, et de Comitatibus, per quos, et de querelis predictis, necnon et de gestu ipsius Hugonis in officio supradictis plenius veritatem. Et ideo vobis mandamus, quod ad certos, &c. quos vos vel tres vestrum, ad hoc providebitis, querelas predictas audiat, et diligenter super premissis inquisitiones faciat, & eas nobis sub sigillis vestris & sigillis eorum per quos facta fuerint sine dilacione mittatis, & hoc breve, ut tunc inde ulterius fieri faciamus, quod nobis & Consilio nostro de jure fore videbitur faciend. Mandavimus enim Vicecomitibus nostris Com. predictorum, quod ad certos, &c. quos vos vel tres vestrum eis scire fac. venire fac. coram vobis vel tribus vestrum tot, &c. de Com. predictis, per quos, &c. In cujus, &c. T. R. apud *Westm.* 13 die *Julii*.

Eodem modo assignentur subscripti in Com. subscriptis, de inquirendo de gestu ejusdem Hugonis, videlicet,

Wilhelmus de Harden, Walterus de Malesworth, Nicholaus Fremband, Gilbertus de Holm, vel tres eorum in Com. *Oxon. Buck. North. Roset.*

Magister *Ricardus Abyndon, Henricus de Cubham, Johannes Randolf, Willielmus de Harden*, vel tres eorum in Com. *Somer. Dor. Wiltes. Surr. Berks.*

Johannes de Matford, Willielmus de Goldington, Willielmus de VVanton, Nicholaus de Barington, vel tres eorum in Com. *Essex. Cantabr. Huntngd.*

That those who are Tenants and Inhabitants within the Kings Forests ought to enjoy their right of Common in them, (but not others) is evident by Cl. 10 H. 3. m. 18. Liberate 10 H. 3. m. 5, 6. Claus. 13 E. 2. m. 3.

For Tithes of Assarts, Venison, and Mines of Iron within Forests granted by our Kings to Bishops, Abbots, and other Clergymen by special Charters, out of mere grace, not de Jure, you may consult, Cart. 6 Johan. nu. 107. Pat. 6 Johan. nu. 10. Cl. 9 H. 3. m. 9, 11. Cl. 11 H. 3. m. 5. whereby the King granted the Tithes of all his Venison taken in the Forest and County of *Essex* to the Bishop of *London*, and Church of *St. Paul*. Pat. 4 H. 3. pars 1. m. 1. Cl. 24 H. 3. nu. 2. Decima Venationis was granted and commanded to be paid *Abbati Saverbi Edmundi de Bury*, within the Forest of *Northon*, according to former Charters, Claus. 17 H. 3. m. 4, 5, 11. Cl. 18 H. 3. m. 10, 33. Cl. 20 H. 3. m. 3, 19. Cl. 24 H. 3. m. 5. Pat. 1 E. 2. dorf. 22. Pat. 13 E. 1. m. 6. & Cl. 26 E. 1. m. 8. by which Writs and Patents Decimam Venationis in the Kings Forests are granted, paid to several * Bishops, Abbots, Priors, Persons, to whom they were granted by our Kings. By Claus. 2 E. 2. m. 1, 5. Cl. 10 E. 2. m. 15. Cl. 14 E. 12. Claus. 2 E. 3. m. 23. these two Kings gave the Tithes of Assarts, and of the Mines of Iron within the Forest of *Dene* in *Glocestershire* to the Bishop of *Landaff*, and Chantry of *Newland*. By Claus. 24 E. 1. m. 8. Pat. 2 E. 3. m. 24. & Pat. 9 E. 3. pars 2. m. 6. the Tenth of the Venison taken in the Forests of *Galtes* and *Spawton* is granted to the Abbey of *St. Maries* in *Torke*. Petitions in Parliament An. 4 E. 3. nu. 19. 68. the * Prior of *St. Maries* in *Carleton* claimed the Tenth of the Venison taken in the Forest of *Inglewood* by our Kings Charters, Cart. 15 E. 2. nu. 8. & Pat. 13 H. 4. parte 1. m. 5. *Roger Earl of Hereford* by his Charter there confirmed, granted to the Monastery of *Brecknock* in *Wales*, the Tithes of all things, de omnibus Forestis mess per totum

Honorem

* Such Spiritual persons loved flesh and fat venison very well.

* See Monasticon Anglicanum Vol. 1. p. 321, 322, 354.

Honorem totius Brechoniz. See the Charter of *Henry de Ferrarius*, whereby he granted, *Decimam vini mei, & totius Venationis mee*, to the Monastery of *Tutbury* in *Staffordshire*. † The Charter of *Robert Malet* to the Monastery of † *Monasticon Eye* in *Suffolke*, whereby he grants to it, *totam Decimam de omnibus sylvis meis de pasnagio, tam in denariis quam in porcis, tam in garbis quam in apris, vel viliis, sive in omnium Forestarum decimis et essatis.* See the like Charter of *Godfrey* Prior of *Harley*. The grant of King *Henry the 3.* to the Monastery of *Salop*, *De dono Hugonis Comitis, totam Decimam Venationis de Salopesceria, nisi de sylvia Sancta Wilburgæ.* The Charter of King *Henry the 2.* whereby he granted *totam Decimam Forestæ Bricollii Canonice de Nova Lira.* Withundry others.

What complaints there have been, and contents too, between our Kings, their Barons, and Parliaments, concerning the extortions, encroachments, oppressions of the Officers, and *Perambulations, Bounds, Parliens of Forests*, you may read in *Historia Ricardi Prioris Hagustaldensis*, col. 311, 1. 51. *Simeon Dunelmensis Historia*, col. 225. *Radulphus de Diceto*, *Ymagines Histor.* col. 947. *Chronicon Johannis Bromton*, col. 981, 996, 1022. *Henry de Knyghton*, *de Eventibus Angliæ*, col. 2344, 2373, 2417, 2523, 2528. *Thomas Walsingham*, *Hist. Angliæ*, Anno 1298, 1299, 1300. p. 40, 44, 45, 63; *Ypodigma Neustria*, p. 84, 85, 86, 87, 88. and the *Third Tome of my Exact Chronological Vindication*, &c. p. 732, 733, 734, 736, 739, to 744, 747, 780, 810, 811, 842, to 856. 1141, 1142, 1143.

I shall cloze this Chapter of *Forests* with a correction of some erroneous quotations of the Author or Printer I have observed therein: Page 299. Margin. l. 25. Rot. Parl. 18 E. 1. f. 16. & p. 108. l. 44. in the Text, (the Bishop of *Coventry* and *Litchfields* case) should be *Plac. Parliamenti An. 18 E. 1. plac. 11.* (See *Rylyes Plac. Parl. pl. 1.*) Page 304. Page 304. Margin. l. 14, 15. Rot. Parl. 12 E. 3. should be 22 E. 3. nu. 26, 27. *Ibid.* l. 28, 29. Parl. 50 E. 3. nu. 80, is misquoted, there being nothing in that Roll concerning *Forests*, but only in nu. 55, & 71. neither to the purpose he quotes this Roll for. Page 307. l. 13, 14. Margin. *Plac. Parl. An. 18 E. 1. (rot. 8.)* should be † *plac. 39.* Page 316. l. 10, 11. Margin. *Rot. Parl.* should be *Rot. Petitionum in Parl. Anno 18 E. 1.* (in the *Tally Office* at *Westminster*, not in the *Tower*.)

Page 318. Margin. l. 19. adde, *Rot. Parl. 2 H. 4. nu. 76.* (wherein the first complaint of the *Commons* of *Herefordshire* against the encroachments and extortions of the Officers of the *Forest of Ewias*, is enrolled.) See more concerning *Forests*, in *An Exact Abridgement of the Records of Parliament in the Tower*, p. 16, 59, 71, 125, 127, 147, 160, 162, 269, 172, 178, 202, 296, 338, 355, 411, 467, 536, 594.

† See *Ryley*, *Plac. Parl.* p. 49, 50.

Cap. 74. p. 321. Of Ecclesiastical Courts.

Concerning our Kings Sovereign Jurisdiction over all Ecclesiastical Persons, Causes, Courts, as well as Temporal, which the Author treats of in this Chapter, *That Bishops and their Ecclesiastical Courts have no coercive Authority nor Jurisdiction but by, from, under our Kings, as their Delegates, by whom they were originally constituted, erected, and in whose names, rights they ought to be held, exercised; That no Councils, Synods, Convocations ought to be summoned but by their special Writs, licenses; nor Canons, Constitutions made but by their Royal Authority and assents thereto. That our Kings, Nobles were personally present, and presided in most ancient Councils, Synods; with their Oppositions against Papal, Prelatical Usurpations, Exactions, I have elsewhere at large historically demonstrated in several* * *Folio Tomes* already printed, and shall God willing more fully clear in other succeeding *Tomes* out of our Histories and Records, from the first planting of Religion in this Island, till the reign of *Queen Elizabeth*, and therefore shall not

* The First, Second, and Third Tomes of my *Exact Chronological Vindication*.

not here insist on, but refer you therunto for satisfaction; and to the Statutes of 25 E. 3. Stat. 7. against *Provisors* and *Provisors*, 38 E. 3. c. 1. 3 R. 2. c. 3. 7 R. 2. c. 12. 12 R. 2. c. 15. 2 H. 4. c. 4. 6 H. 4. c. 1. 7 H. 4. c. 8. 3 H. 5. c. 4. 8 H. 6. c. 1. 21 H. 6. c. 13. 24 H. 8. c. 13. 25 H. 8. c. 19, 21. 26 H. 8. c. 1, 3, 10, 14, 15. 27 H. 8. c. 20, 21. 28 H. 8. c. 7, 10, 11, 16. 31 H. 8. c. 9, 10, 13, 14. 32 H. 8. c. 12, 15, 24, 26, 38. 33 H. 8. c. 31. 34 & 35 H. 8. c. 1, 15, 17, 19. 35 H. 8. c. 1, 3, 5, 16. 37 H. 8. c. 6, 12, 17. 1 E. 6. c. 1, 2, 12. 2 & 3 E. 6. c. 1, 13, 21, 36. 3 & 4 E. 6. c. 10, 11, 12. 5 & 6 E. 6. c. 1, 3, 4. 1 Eliz. c. 1, 2, 3, 4, 5. 8 Eliz. c. 1. 13 Eliz. c. 2, 12.

Page 324. *Of the High Commission in Causes Ecclesiastical.* This Court being abolished and taken away since the Author writ, by the Statute of 17 Car. 1. c. 11. I shall not insist thereon, nor on our Kings Ecclesiastical Jurisdiction, right, duty to correct, punish, reform and suppress all *Heresies, Errors, Schisms* in matters of Religion, and defend the *Catholic Faith*, (recited in the Statute of 1 Eliz. c. 1. and commented on by the Author p. 325, 326.) but only insert (for the honour of the University of OXFORD) some memorable proceedings of the Pope, our Bishops, King Edward 3. and Richard 2. against the Conclusions of our famous OXONIAN *John Wickliff*, and his Disciples, which the Pope, Bishops reputed Heretical and Erroneous, though Orthodox, thus related by *Thomas Walsingham* a Monkish Historian then living.

a Tho. Walsingham Hist. Angliæ, p. 200, to 207. See Fox Acts and Monuments, vol. 2. p. 562, 563, to 568.

Oxonienfes dubitant recipere Bullam Papæ.

Anno Dominice incarnationis 1378, qui est annus regni Regis Richardi 2. primo, paucis diebus ante Natale Dominicum, missi Dominus Papa (Gregorius 11.) Bullam suam Universitati OXONIE, ministerio Magistri Edmundi Stafford, increpans eos correptione paterna super eorum desidia manifesta, et quod tanta tempe opiniones erroneas ipsius Antichristi (or rather Christi) discipuli, scilicet Magistri Johannis Wickles, radicari permiserant inter eos, dum non fuerat qui ferrum doctrinæ Catholicæ assumere laboraret ad extirpandum tam pestiferæ plantationis radicem. Cuius Universitatis moderni Procuratores sive Rectors, quantum degeneraverint a prudentia seu sapientia antiquorum per hoc facile consici poterit, quod audita causa adventus dicti Papalis Prælati, diu in pendulo hærebant, UTRUM PAPALEM BULLAM DEBERENT CUM HONORE RECIPERE, VEL OMNINO CUM DEDECORE REFUTARE. Whereupon this Monkish Historian subjoyns, *OXONIENSE STUDIUM GENERALE, quam gravi lapsu a sapientiæ et scientiæ culmine decidisti, quod quondam inextricabilia atque dubia TOTI MUNDO DECLARARE CONSUEVISTI, jam ignorantia nubilo obfuscatum dubitare non vereris, quæ quemlibet è laicis Christianis dubitare non decet. Pudet recognitionis tantæ imprudentiæ, et ideo supercedo in huiusmodi materia immorari, ne materna videar ubera decerpere dentibus, quæ dare lac potum scientiæ consuevere. Ergitur Bullæ Papalis tenor missæ OXONIE studio, talis est; (thus expressing its ancient splendor, learning, piety and glory throughout the world.)*

Gregorius Episcopus servus servorum Dei, dilectis filiis Cancellario et Universitati studii OXONIENSIS, Lincolnensibus Diocesis, salutem, & Apostolicam benedictionem. Mirare cogimur et dolere, quod vos propter gratias et privilegia vestra, studio OXONIENSI ab Apostolica sede concessa, et propter scientiam scripturarum, in quarum pelago sancti remigio (vante Domino) navigatis, tanquam pugiles et propugnatores Orthodoxæ fidei (sine qua salus animarum nobis probent) esse deberetis, solium inter purum criticum campi gloriosi studii vestri prædicti per quandam desidia et ignaviam permittitis pullulare, et quod est perniciosius etiam adolere, nec circa extirpationem huius solii (sicut super apud nos insinuat) curam aliquam adhibetis, non sine clari nominis obfuscatione, et animarum vestrarum periculo, et CONTEMPTU ECCLESIE ROMANÆ, et memoratæ fidei detrimento. Et quod nos torquet acerbius, plus de incremento solii prædicti sentitur in ROMA quam in ANGLIA, ubi tamen extirpationis remedium appneretur. Multorum siquidem fide dignorum insinuat, ore admodum dolentium nostris est auribus intinatum, Johannem Wickles Rectorem Ecclesie de Lutelworth Lincolnensis Diocesis, sacræ pagina præfectorum,

* As then they were in offering Wickliff's Positions.

515
516
517
518
519
520
521
522

tem, (ut inam non Magistram errozum) in illam desestabilem erupisse vecordiam, nonnullas propositiones et conclusiones erroneas et falsas, ac pravitatem hæreleos sapientes, quæ statum totius Ecclesiæ, et etiam secularem policiam subvertere et enervare nituntur, quarumque aliquæ (licet quibusdam mutatis terminis) sentire videntur perverfas opiniones et doctrinam indoctam damnatæ memoriæ Marculii de Padua, & Johannis de Gandavo, quorumlibet per felicis recordationis Johannem Papam 22. prædecessorem nostrum reprobatus exiit, et damnatus, in regno Angliæ nempe glorioso potentia, & copia facultatum, sed gloriose pietate fidei rutilante, sacræ paginæ claritate, consueto viros producere divinarum scripturarum recta scientia illustratos, moxum gravitate maturos, devotione conspicuos, (& ferventes) et Catholicæ fidei (et Orthodoxæ pugiles, as he adds in his Bulls to the King, Archbishop, and Bishop of London) defensores, qui non solum proprios, sed alienos populos documentis verissimis et præceptis salutariibus instruebant, dirigebantque in divinarum semitam mandatorum, dogmatizare et publice prædicare, seu potius de virulento claustris sui pectore evomere non veretur, nonnullos Christi fideles earum resperione commaculans, et a fidei præfata recta semita in præcipitium perditionis abducens. (To which he adds in his Bull to the Archbishop of Canterbury, and Bishop of London; Et sicut ex effectum contingentium temporis antiqui colligitur, dicti regni Præfules in specula sollicitudinis possit, proprias excubias exercentes sollicite, non permittebant aliquod oriri erroneum, quod posset inficere oves suas, sed si oriretur gizanis ex inimici hominis insperione, illam protinus ebellebant, crescebat assidue purum triticum in dominicum horreum inferendum. Sed (proh dolor!) nunc apparet, quod in ipso regno officio vigiles, negligentia vero delinens, non circumant Civitatem, dum hostes ingrediuntur in eam, animarum thesaurum preciosissimum prædantur. Quorum latentis ingressus, et patentes aggressus, PRIUS SENTIUNTUR IN ROMA, intercapedine longa remota, QUAM EIS IN ANGLIA RESISTATUR, &c.) Quare cum tam læthiferam pestem, cui si ejus non obstat principis & ipsa radicum evellatur, serò posset medicina parari quum per contagionem plurimos infecisset, nolimus prout nec velle debemus, sub connivencia pertransire, Universitati vestræ per Apostolica scripta in virtute sanctæ obedientiæ, et sub pœna privationis omnium gratiarum, indulgentiarum, et privilegiorum vobis ac studio vestro a dicta sede concessorum, districte præcipiendo mandamus, quatenus conclusiones et propositiones in hontis operibus et siq̃ male sentientes, licet eas proponentes sub quadam verborum libe terminorum curiosa implicatione nitantur defendere, de cætero non permissatis asseri vel proponi: dictumque Johannem anthonitate nostra capiat, sed capi faciat, et ipsum venerabilibus fratribus nostris Archiepiscopo Cantuariensi, et Episcopo Londoniensi, aut eorum alteri sub fida custodia transmittatis. Contradictores quoque de dicto studio vestræ jurisdictioni subiectos, si qui forsitan (quod Deus avertat) essent hujusmodi erroribus maculati, si in illis pertinaciter persistere ad similem captivonem et missionem, aliasque prout ad vos spectat, firmiter et sollicite procedatis, perinde vestram suppleturi diligentiam, hactenus in præmissis remissam, nostramque et dictæ sedis præter divinæ retributionis præmium et meritum, gratiam et benevolentiam adepturi. Dat. Romæ apud Sanctam Mariam majorem 22 Calendas Junii, Pontificatus nostri anno septimo.

This Pope likewise sent^b three other Bulls of the same date, much to the like effect, to the Archbishop of Canterbury, and Bishop of London, (at large recited in Walsingham) to apprehend and imprison Wickliff; Et si per vos capi & in carcerari non possit, per edictum publicum proponendum in studio OXONIE & aliis locis publicis, de quibus fit verisimilis conjectura, quod ad dicti Johannis notitiam pervenire valeat, & de quibus vos expedire videatur, ex parte nostra peremptorie monere & citare curatis, quod infra trium mensium spatium a die citationis hujusmodi in aucto comparandum, (to appear before him, &c.) ubicunque tunc nos esse contigerit, &c.

Yet this Pope well knowing, that neither his own Bulls nor Papal Authority were of any validity for the apprehending or citing of Wickliff out of the Realm,

^b Walsingham Hist. Angl. P. 201, 202.

Realm, without the concurrence of the Kings Supreme Ecclesiastical and Temporal Authority, (upon which account the University of *Oxford* for a long time refused to receive them, and acted nothing on them) he thereupon sent a Bull of the same date to King *Edward* the 3. reciting the effect of his Bulls to the Archbishop of *Canterbury* and B.shop of *London*, enclosing *Wickliff's* pretended erroneous and heretical opinions therein, and concluding it thus. *¶ Cum isaque dicti Archiepiscopus & Episcopus in prosecutione hujus negotii noscantur favore et auxilio tue Celsitudinis indigere, Majestatem tuam quam et tui Progenitores incliti Catholicæ fidei, cuius in hac parte res agitur, semper consueverunt esse et præcipui zelatores, requirimus et deprecamur attente, quatenus ob reverentiam Dei, dictæ fidei, et Apostolicæ sedis, et nostrum intuitum digneris præfatis Archiepiscopo et Episcopo, et aliis qui hujusmodi negotium persequuntur, in ipsa prosecutione tui favoris et auxilii patrocinium exhibere prohibe, præter humanæ laudis præconium, divinæ retributionis præmium, nostram et dictæ sedis adepturus benevolentiam ampliozem.*

The *Conclusions* of *Wickliff* which the Pope sent enclosed to the King as erroneous and heretical, were 19. as he and *Walsingham* divided them, but these 7. comprised all the rest; fatal to his usurped Universal Papal Authority, Temporal Dominion, abused Excommunications and Temporalities.

1. *¶ Totum genus humanum extra Christum non habet potestatem simpliciter ordinandi; ut Petrus, et omne genus suum (to wit, all Popes his pretended Successors) domineatur pollicite super mundum.*

2. *¶ Si Deus, Rex et Domini temporales possunt legitime ac meritoze auferre temporalia et bona fortunæ a viris Ecclesiasticis ipsis abutentibus habitualiter, et a delinquente Ecclesia. A conclusion warranted by the Decree of Pope *Clement* the 5th. and the whole General Council of *Vienna*, (Anno Dom. 1312.) who totally suppressed the *Religious Order of the Templars*, after near 200 years continuance, imprisoned all their persons, confiscated and took away all their lands and revenues through all Christendom, for their pretended delinquency and abuse, (amounting to 9000 manors) which our King *Edward* the 2. and other Lords whose Ancestors conferred any Lands on them, entered into and enjoyed as their *Escheats*, till the King and Parliament some years after conferred most of them on the *Hospitalers*. And the dissolution of sundry *Monasteries, Churches*, and selling their Lands for *Heretic* and *Delinquency*, not only by Christian Emperors, Kings, but *Popes* themselves in our own and Foreign Kingdoms, in the reigns of King *Henry* 5, 8. and *Edward* 6. ratified by the Pope himself, and the Parliaments of 2 H. 5. apud *Loycester*, (See *Monasticon Anglic.* vol. 1. p. 1035, to 1038.) and 2 & 3 Phil. & Mar. c. 8. as well as of 27, * 31, & 37 H. 8. & 1 E. 6.*

3. *¶ Nemo ad sui deteriorationem excommunicatur, suspenditur, vel aliis censuris (Papalibus vel Ecclesiasticis de jure) cruciatur, nisi in causa Dei.*

4. *¶ Non est exemplificata potestas a Christo vel suis discipulis excommunicandi, subditos, præcipue propter negationem temporalium, sed è contra.*

5. *¶ Crederè debemus, quod solum tunc Papa ligat et solvit, quando se conformat legi Christi.*

6. *¶ Hoc debet credi Catholicè, quod quilibet Sacerdos rite ordinatus habet potestatem sufficientem sacramenta quælibet conferendi, et per consequens quælibet contritum a peccato quolibet absolvendi; (as well as the Pope.)*

7. *¶ Ecclesiasticus, imò et Romanus Pontifex potest legitime a subditis et laicis corripri, et etiam accusari.*

The King and his Nobles being not satisfied, that these opinions were either erroneous or heretical, refused either to apprehend or imprison *Wickliff*; whereupon the Bishops grew very cold in their prosecution of them; as *Walsingham* thus complains. *¶ Quam indevote, quam segniter commissa tibi mandata Episcopi compleverint, melius est silere quam loqui. Hoc tantum post eorum notitiæ declarare studuimus, quod cum ipsi Episcopi tanta dignationis favore & apices suscipissent, animas plerimum, nec immerito, profitebantur se nullius precibus,*

c *Walsingham*
Hist. Angl. p.
204. See *Henr.*
de *Knyghton*
de *Eventibus*
Angl. l. 5. col.
2644, to 2666.

d *Walsingham*
Hist. Angl. p.
205. Fox *Acts*
and *Monu-*
ments, vol. 1. p.
564, to 576.

e *Chronicon*
Joannis B. om-
ton, col. 1003.
Chronica Ger-
vafii, col. 1454.
Henry de
Knyghton de
Event. Angl.
l. 3. c. 14. col.
2530. See *Jus*
Concil. Tom.
2. p. 459, to
463. Cl. E. 2.
dork. 12. Ced.
Cl. 7 E. 2. dorf.
11. & 16. Ced.
Cl. 17 E. 2. m.
1, 4. 7, 17.
* See *Rastals*
Abridgement,
Tit. Monaste-
riæ

f *Hist. Angl.*
p. 205, 206.

precibus, mollioribus vel milderibus esse florentes, quin in ista causa recta iustitiam sequerentur, etiam si periculum capitis immineret. Sed infans die excommunicationis ipsius apostata, a timore, a vento acuminis agitata, molli sunt sermones edunt super oleum, in sacram publicam prope dignitatis, et totius Ecclesie detrimentum. Qui nec ipse Dominus, regique Principibus se obtemperare debuerant, donec excessus ipsius heretice punitissent iuxta mandata prophetia, a facie iustitiam, nec molliis Militis, neque potentis de Curia, prescripta: Johannem videlicet Ludovici Chisforde pompose veratit, ne presumere aliquid contra ipsum Johannem (Wickles) sententiasiter distine, tanto timore concussi sunt, ut coribus vos carere putares, factos velut homo non audens, et non habens in ore suo redargutiones. Insuper nec illud esse flendum testimo, cum Episcopi predicti, cum isto schismatico in Capella Archiepiscopi apud Lambeth convenissent, non dico Civis tantum Londonienses, sed viles ipsius Civitatis se impudenter ingerere presumpserunt in eandem Capellam, et verba facere pro eodem, et istud negotium impedire, confisi (ut reor) de ipsorum premissa negligentia prelatozum. Where Wickliff making a special Declaration and Justification of all the Articles objected against him by the Pope, (recorded in *Walsingham*, Mr. Fox, and others) favors & diligentia Londinensium delisti suos examinatores, Episcopus venit, et pro tunc evasit, amplius non compariturus coram dictis Episcopis circa mortem Gregorii Papae, asserting the promised and several other Conclusions, against the Popes Usurpations, Errors, Temporal Dominion, Transubstantiation, &c. recited in *Walsingham*, by his preaching and writings till his death, without imprisonment or restraint. In the 5. year of King Richard 2. & Wickliff, himself and his Disciples, especially Mr. Nicholas Hereford; (then Chancellor of the University of Oxford; acerrimus sectator. Johannis Wickles) cum multis aliis, non in quibuscumque Villis aut Civitatibus, sed in ipsa Universitate OXONIE, predictis diebus, predicaverunt, maintainig his assertions not only in the Schools, but Churches; whereupon William Courtey then Archbishop of Canterbury, convocatis suis suffraganeis condemned 12. of his Conclusions as erroneous and heretical; Consequenter idem Archiepiscopus mandavit vicis Cancellaris Universitatis OXONIE, Roberto Rugge, in quo declaravit damnationem, et mandavit ut per se vel per alium eadem esse damnatas faceret publice declarari. Prohiberet insuper hac et cetera talia vel in Scholis communitari, vel in predicationibus attentari de cetero. Which heretia much neglected, the diebus solemnibus quibus ejus incumbere officia sedentes in populo facere, commisit. omnia verbi his quos scribit acerrimus Johannis Wickles. senta tages, (preto vel parvipens Archipontificali mandato. Hereupon King Richard the 2. as Defender of the Catholick Faith, (as he styled himself) sent a Letter to the Chancellor, with other Letters to the Proctors of the University of OXFORD, (printed in Mr. Fox his Acts and Monuments, vol. 1. p. 576, to 581.) where in by his Sovereign Ecclesiastical Authority, he constituted them and all the chief Divines of the University of Oxford, Inquisitors general, to enquire after all such within their Jurisdiction, which they should know or probably suspect to favour, believe or defend any Heresie or Error, condemned by the said Archbishop by the Council of his Clergy; and to expill and banish them; and all such as should receive into their Houses or Innes Mr. John Wickles, Mr. Nicholas Hereford, Mr. Philip Repindon, Mr. John Astton, or any other Lollard; and to search for and seize all Books and Writings of theirs, and deliver them to the Archbishop. Dated July 13. in the 6. year of his reigh.

What these erroneous and heretical Opinions of John Wickliff were, which so much incensed the Pope and Clergy, *Thomas Walsingham* thus relates, in the 5. year of King Richard 2. when Johannes Wickles, sollicitus pervertere tam majores quam minores regionis incolae sui nequano advectionibus, sunt dampnabilis opinionis modo per se, modo per sequaces suos, modo scripsit, modo predicationibus, per totum tempus istud edicare contudit. Et quia minus satisfaciobaeque affectus, predicationibus in vulgari plabe inexorabiliter declamans scribit ad Dominos et Magnates, qui circa festum Sancti Johannis ante portam latinam Londonias ad

G g

Parlia.

1. Hist. Angl. p. 206, to 210.

2. Hist. Angl. p. 206, to 210.

3. Hist. Angl. p. 206, to 210.

4. Hist. Angl. p. 206, to 210.

5. Hist. Angl. p. 206, to 210.

6. Hist. Angl. p. 206, to 210.

Parliamentum coadunati fuerunt, machinationes suas, quibus & illis allicere
 posset, & in errorem trahere: sub his verbis modum pœnitentiæ promissum: ut in ejus
 schola scriberetur, erat namq; ista præscriptio. Quod Rex aut regnum, nulli sed
 vel Prelato obediat, nisi de quanto ex hęc scriptura sonat in obedientiam Jhu
 Christi. *Pater, quia aliter proponitur Christo in obedientia Antichristi: Omnis
 enim obedientia que non sit Christo sit Antichristo: Quia Luc. 11. Qui amo est
 mecum, contra me est, &c. Quod nec Curia Romanæ, nec Aliponitica; nec alius
 extrinsecus emittatur regni pecunia, nisi doceatur hoc esse debitum ex scriptura sacra,
 Patet, quia aliter foret rapina luprapæcis, quam Christi. Mach. dicitur, esse à
 fructibus cognoscendum. Quod nec Cardinalis, nec alius habeat fructum Ec-
 clesiæ vel Præbende de Anglia, nisi vel rite reddat, vel occupetur legitime in
 causa regni a proceribus rationabiliter approbata. *Pater, quia aliter non intraret
 per Christum, sed aliunde ascenderet ut Antichristi discipulus, & per traditiones
 saculi tanquam sacro prædicetur Regnum in subditis pauperibus, sine equiva-
 lentia pecuniæ recompensæ. Quod Rex et regnum tenentur destitute regni
 proditores, et suos a ferocibus Inimicis defendere. Quod quocunque Episcopo
 vel Curato dotato de Anglia in contemptum Dei notis incidente, nequam liceat
 Regi, sed teneatur sua temporalia confiscare: Pater, quia alio Regnum post-
 poneret, Christum Regis Domini temporalis contempserit ponderans plusquam viginti:
 Quod Rex nullam Episcopum vel Curatum mancipiet suo ministerio seculari.
 Patet, &c. Quod Rex nullum propter moxam in excommunicatione teneat, antequam
 secundum legem Dei moxa ista sit docta esse illicita: Pater, quia sepe
 excommunicantur multi improbi, &c. Ut autem periculosius traheret auditores
 suos, scripsit eo tempore, & publicavit alias conclusiones ab omni Ecclesia auctoritate
 tenendas, & sunt ista: Substantia panis manet post consecrationem, et sub-
 stantia panis post consecrationem est Corpus Christi: Deus de potentia sua
 absoluta non potest facere quod in Sacramento altaris essent accidentia sine
 subjecto. Papa plus tenetur Imperatori, quam s. convento. Omnes Monachi
 de ordine Sancti Benedicti volentes labore manuum vitam acquirere, non so-
 lum non sunt Apostatae ab ordine Sancti Benedicti, sed quod verius est, a disci-
 pulatu Christi. Si Divines fratrum essent certi et in Christo fundati, non
 quaerent confirmationem a Papa. Hoc likewise taught by his Disciples at Ley-
 ceffer, Quod homines qui dimittunt audire verbum Dei et Evangelium prædi-
 catum propter excommunicationes hominum, sunt excommunicati, et in die ju-
 dicii traditores Dei habebuntur, et etiam illi qui dimittunt prædicare propter
 talem excommunicationem. Excommunicatio que datur ad impediendum ho-
 mines audire verbum Dei, excommunicatio Antichristi est, et non Christi.
 Nullus debet aliquem excommunicare nisi ex charitate, et pro salute anime sue.
 Quod Deus nunquam constituit missam celebrari, et quod bonum esset istis tem-
 poribus ut parvas missæ celebrarentur quam celebrantur. Item dixit, quod
 sacra Canonis (of the Pope and Prelates, not grounded on Gods Word) sunt
 traditiones humane.**

Magistri Johannis Wickliff septem interpretaciones, ad tutelam regni Angliz, per ejus Proceres crequendæ.

* Offium, Joan. 10. 1.

Aliz Propositiones Johannis Wickliff.

* Figurative & Sacramentaliter tantum,

Conclusiones Johannis Wickliff.

* Act. 4. 18, 19, 20. c. 5. 27, 28, 29, 40, 41, 42.

Conclusiones in die Parascetes.

i See Mr. Fox his Acts and Monuments, vol. 1. p. 385, to 607.

& De Eventibus Angl. l. 4. col. 2662, 2663, 2664, 2666.

These were the principal Articles objected against Wickliff by the Pope and his Prelates, (recorded by Thomas of Walsingham, Henry de Knighton, and other Pontificians) condemned by them as heretical and erroneous, which were not only soon after asserted, defended by John Hus, and the University of Prague, as Orthodox, warranted by the holy Scriptures; but generally believed, embraced as the Doctrine of Christ and his Apostles, by many of the Nobility, Gentry, and Citizens of London, before whom he preached, justified them; the multitude of his Disciples being so great, numerous, that Henry de Knighton a Canon of Leyceffer (a zealous Pontifician and his opposite) records of them; Credit populus credentium in ista doctrina, et quasi germinantes multiplicati sunt nimis, et impleverunt ubique orbem regni, et ades domestici facti sunt, acsi essent de uno die procreati, audacesque ad plenum facti sunt, nec in aliquo erubuerunt. In tantum enim suis laboriosis dogmatibus prævaluerunt, quod mediam partem populi aut majorem partem, sacra sacra adquisierunt. Sacra ista in martiris honore illis diebus habebatur, et in tantum multiplicata sunt, quod hie duas videres in

via quin alter eorum discipulus Wickliffe fuit. Who also relates, that his and his Disciples chief adherents & protectors were, *Dominus* Thomas Latymer, *Dominus* Johannes Trussell, *Dominus* Lodowicus Clyfford, *Dominus* Johannes Pecche, *Dominus* Richardus Story, *Dominus* Reginaldus de Hylton, *Milites*, cum Ducibus et Comitibus, whereof the Duke of *Lancaster* was chief. *Alii* erant precipue eis adherentes, et in omnibus eis faventes. *Alii* erant hujus secte promotores frequentissimi, et propugnatores fortissimi, et invincibiles protractatores. *Qui* militari cingulo ambiebant ne a recte credentibus aliquid approbrii aut dampni propter eorum prophanam doctrinam (as he saies it) loquerebantur; nam zelum Dei habuerunt, sed non secundum scientiam: crebiderunt namque vera fuisse quae a pseudo-doctoribus (as he saies them) audiebant, factique sunt Civis et domestici eorum. Cumque aliquis pseudo-prædicatoꝝ (as he terms him) ad partes alicujus istozum militum se diverteret prædicationis gratia, incontinenti cum omni promptitudine populum patriæ convocare, et ad certum locum vel Ecclesiam cum ingenti sollicitudine congregare satagebat, ad audiendum voces eorum licet invito, resistere tamen vel contradicere non audentes. *Stant* assistere solent supra sic inepte prædicantes gladio et peltâ stipati ad eorum defensionem, ne quis contra eos vel eorum doctrinam blasphemam (as he calls it) aliquis temptare vel contradicere quandoque audiret, &c. so *Knyghton*.

John Wickliffe's principal Disciples were *Philip Repington*, *Nicholans Hertford*, *Roberto Lyeblade*, *Johannes Ashon*, *Johannes Ashworib*, *Gualterus Briste*, (or *Brute*) *Wilhelmus Swinderly*, *Johannes Parney*, (or *Parney*) and *Reginaldus Pavo* (*Peacock*) Bishop of *Chichester*, *Regalis Collegii quod ORIAL vocant alumnus*, all of the University of *Oxford*, who strenuously asserted his Orthodox Conclusions both by preaching and writing, for which some of them suffered Martyrdom; when as not one of the University of *Cambridge* in that age, durst oppose the Popes Usurpations, Errors, Superstitions, or assert the Truth, as these, others, and the generality of the University of *Oxford* did; though many of that University as well as of *Oxford*, in the reigns of King *Henry* 8. and Queen *Mary*, suffered as Martyrs at the stake for maintaining *Wickliffe's* Orthodox Doctrines.

Johannis Ed-
laus Scriptor.
Brit. Cent. 6:
c. 70, 72, 75,
78, 81, 90, 92;
94. Cent. 7. c.
50. Cent. 8. c.
19. Fox Act
& Monument
Vol. 1. & 2.

King *Richard* the 2. in the 17th year of his reign, as the Chief Defender of the *Catholic* faith within his Dominions, issued this Proclamation against *Walter Brute*, one of *John Wickliffe's* disciples, at the solicitation of the Bishop of *Hereford*, who cited him to appear before him and some of his Clergy in the Cathedral of *Hereford*, to prohibit their meetings, or keeping any Conventicles.

REX dilectis & fidelibus suis *Johanni Channos*, Chivaler, *Johanni Eynsford* Chivaler, *Kynardo de la Bere* Chivaler, *Waltero Deveros* Chivaler, *Thoma de la Barre* Chivaler, *Willielmo Lucy* Chivaler, *Leonardo Hakluc* Chivaler, ac Majori Civitatis *Hereford*, *Thoma Oldcastel*, *Ricardo Nassb*, *Rogato Wigmore*, *Thoma Walways*, *Johanni Skjedmore*, *Johanni ap' Hery*, *Henr. Moton*, ac Vic. *Heref.* salutem. Quia datum est nobis intelligi, quod quidam *Walterus Brute*, ac alii iniquitatis filii, certos articulos et conclusiones sanz doctrinae notorie repugnantes, quozum quidam ut haereses, ceteri vero ut errores per Ecclesiam sentencialiter sunt dampnati, in variis locis *Diot. Hereford.* ac partium vicinorum clam et palam animo obstinato licet dampnabiliter tenuerunt, affirmarunt et prædicarunt, quod non solum in fidei *Catholicæ* quam * Nos ac alios Principes *Catholicos* et jure debito manuteneere et defendere oportebit, verumetiam fidelium nostrorum *Diot.* prædictæ verisimilem subversionem redundare sentimus; quodque venerabilis pater *Johannes* Episcopus *Hereford.* Dioecesanus ibidem acquisita sibi bona & matura deliberatione, quamplurimum in sacra *Theologia* Doctorum, ac aliorum Clericorum in Scripturis peritorum et summa mentis devocione supra officii sui debitum, diversis processibus legitimis ad præfatum *Walterum* ac alios complices suos coram eo et aliis Doctoribus prædictis in Ecclesia Cathedrali *Hereford.* in Crastino Translationis *Santis Thoma.* *Hereford.* prox. futur. personaliter comparere faciend. et contra eundem ibidem in præmissis articulis et conclusionibus, ad correctionem anime

Part 17 R. 2.
part 1. m. 26.
dorfo, De pro
clamanda

* Nota

luz procedend. inchoare et facte proposuit jam de nobo, propter quod dictus *Walserm* ac alii sibi ex eorum proterbia inhzrentes et confederati, ne ipsi poenam condignam iuxta eorum demerita sustinerent, dictum plium propositum ipsius Episcopi in hujusmodi correptione et executione ejusdem faciend. cassare et annullare, ac manu forti resistere et perturbare pro viribus se commantur, in nostri et *Corone* nostre maximum vituperium ac pacis nostre lesionem, alioquinque exemplum perniciiosam: Adignavimus vos & quemlibet vestrum ad preiens mandatum, statim cum vobis liberatum fuerit, in Dioc. & partibus predictis ubi melius expedire videritis, ex parte nostra publice proclamari faciend. et ulterius inhibend. Ne quis cujuscumque status seu conditionis fuerit infra Dioc. et partes predictas, sub fortisfactura omnium que *Robis* fortisfacere poterit, *Conventicula*, *Congregaciones* vel *Confederaciones*, ulla colore facere vel habere, seu quicquam alias attemptare vel procurare presumat, per quod per nostre ladi, aut idem Episcopus et *Doctores* predicti in executione hujusmodi correptionis iuxta *Canonicas* sanctiones faciend. poterunt aequaliter perturbare, et ad omnes illos quos in hac parte delinquentes, aut se in hujusmodi *Conventiculis* tenentes inveniatis arestant. et carcerali custodia mancipand. in eadem moratur. quousque aliud a *Robis* et *Consilio* nostro pro eorum deliberacione habueritis in mandatis, ac ad *Ros* et dictum *Consilium* nostrum de facto facta vestra in hac parte sub sigillis vestris vel alicujus vestrum distincte et aperte certificand. Et ideo vobis & cuilibet vestrum in iungimus & mandamus, quod circa premissa diligenter intendatis, et ea cum omni diligencia et sollicitudine vestris faciatis, et exequamini in forma predicta. Datum autem universis & singulis *Viccomitibus*, *Majoribus*, *Ballivis*, *Ministris*, ac aliis fidelibus & subditis nostris tenere presentium firmiter in mandatis, quod vobis & cuilibet vestrum in premissis faciend. & exequendis, intendentes fiat, consulentes & auxiliantes, prout decet. In cujus, &c. T. R. apud *Westm.* 28 die *Septembris*, per ipsum Regem et *Consilium*.

This King the same year, to maintain his Sovereign Ecclesiastical and Temporal Jurisdiction in appointing Visitors over the Colledges of his Foundation, the Archbishop of *Canterbury* and Bishop of *Lincoln* endeavouring to usurp a power and Jurisdiction over the Provost and Scholars of *Queens Colledge* in *Oxford*, whereof the Kings ancestors had made the Archbishop of *Yorke* Visitor, though out of his Province, (most likely upon this pretext, that they fomented *Wickliffe* opinions, and favoured *Lollards*) the King thereupon issued this memorable Prohibition to them, and all other the Clergy and their Officers in general,

Par. 17 R. 2.
pars 4. m. 17.
dors. De prohibitione.
Oxon.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Decanis, Archidiaconis, Offic. Cancellar. Praeceptoribus, Praepositis, Sacristis, Prebendaris, in Ecclesiis Cathedralibus five Collegiatis, & omnibus aliis personis Ecclesiasticis in quacumque dignitate vel officio constitutis, necnon Notariis publicis quibuscumque ad quos, &c. salutem. Cum in statatis & ordinationibus Collegii vocati *Queneulle* in *Oxon.* quod de nostra patronatu existit, inter cetera contingatur, quod Archiepiscopus *Eborum* pro tempore existens statam Collegii predicti superhibere, Praepositumque ejusdem cum electus fuerit confirmare, et in quibusdam casibus deponere, ac discordias et contentiones omnimodas ibidem quae per Praepositum et Scholares Collegii predicti commode sedari non possunt, cessare debet et terminare. Ac jam Archiepiscopus & praedecessores sui a primava fundacione Collegii predicti, in possessione visitacionis et jurisdictionis ejusdem, abbas eo, quod aliquis Ordinarius nisi idem Archiepiscopus ad deputandi ab eodem, officium Visitacionis sive Jurisdictionis, vel aliquam aliam jurisdictionem ordinariam in Collegium predictum, seu Praepositum aut Scholares, seu Ministros ejusdem hucusque exercere consueverat: sunt nonnulli nitentes nos nostrum Regnum enerbare, ac *Coronam* nostram in hac parte turbare, necnon *Statuta* et ordinationes hujusmodi annullare, et ipsum Archiepiscopum et deputand. ab eodem quominus ipsi hujusmodi jurisdictionem

* Nota.

ristiotionem habere possint impedire, quamplures processus ad Collegium prædictum per alios quam per prædictum Archiepiscopum, seu deputandos ab eodem distitari, et jurisdictionem ordinariam in prædictum Collegium, ac Præpositum et Scholares, necnon Ministros ejusdem exercere faciend. processu fuerunt, et iudiciis prosequuntur, et ipsos Præpositum, Scholares et Ministros ea de causa multipliciter inquietant et molestant minus iuste, ac acceptimas, in nostri contemptum et præjudicium, et * juris nostri Regii adiunctionem, ac Cozonæ nostræ exheredationem, et jurisdictionis prædicti Archiepiscopi annullationem manifesta: Nos iura Cozonæ nostræ Regiæ, ac jurisdictionem ipsius Archiepiscopi in hac parte illata oblerbare, et huiusmodi præjudicialibus obtinere volentes, Vobis et cuiuscumque vestrum districte quo possimatis prohibemus, ne quicquam quod in nostri contemptum vel præjudicium, aut Cozonæ nostræ Regiæ exheredationem, seu jurisdictionis ipsius Archiepiscopi in hac parte annullationem sive derogationem, seu ipsorum Præpositi, Scholarum et Ministrorum in hac parte inquietationem sive molestacionem redere valeat attemptetis, seu attemptari præsumatis quobis modo. Et si quod per vos vel aliquem vestrum in hac parte minus rite attemptatum sive factum, id sine disactione aliqua revocetis et revocari fac. sub periculo quod incumbit. In cuius, &c. T. Rege apud Westm. 26 die Junii.

* Nota.

Anno 18 R. 2. (1395.) King Richard being in Ireland, and keeping the Feast of Christs Nativity in Dublin, soon after the Epiphany a Parliament was held in London under Edmund Duke of York, then Chiefes Regni. *Et tempore Lollardi cum suis fautoribus fixerunt publice super officia Ecclesie Sancti Pauli Londoniis, & Westmonasterii, abominabiles Cleri accusationes, et hadenus inauditas conclusiones, (the same is substance with those * premised which Wickliff propounded to the Nobles in Parliament An. 5 R. 2.) quibus nitentur destrere personas Ecclesiasticas, & Ecclesia Sacramentis animarum (ut ferunt) nihilo favore quorundam Procerum et Episcopum Anglicorum. Inter quos campy doctores fuerunt Richardus Stury, Lodovicus Clifford, Thomas Latymer, Johannes de Monte Acuto, qui instigabant et conducebant hereticos (as this Monk miscalls them) ad confundendum (si posse daretur) præcipue religiofos. Rex igitur (upon the Popes and Prelates sollicitation, as Supreme Defender of the Faith) conceptis Lollardorum maliciis, festinavit in Angliam, ut dissiparet eus intentata mala; (by his Sovereign Ecclesiastical Authority.) Quo cum pervenisset feliciter, quidam de Proceribus oburgavit acriter, somnians eos terribiliter sive de cetero Lollardis haberent, vel eos in aliquo consistarent. De Richardo quoque Stury accepit juramentum, quod de cetero opinioniones huiusmodi non teneret. Quo facto, dixit Rex, si tu inquam violaberis juramentum, morte turpissima morieris. Audientes ceteri tantum rugitum, coram retraxerunt et hadenus delinuerunt.*

Walsingham Hist. Angl. p. 388.

* Here p. 235, 226, see Rot. Parl. An. 5 H. 5 m. 11. & Ced. Sir John Oldcastle Indictment.

The next year, Anno 19 R. 2. the King at the Popes and his Popish Prelates instigation, as Supreme Defender of the Catholick Faith, (as he stiled himself in his Writs, long before the * Pope conferred this Title on King Henry the 8.) sent these two Writs to the Chamberlons of the University of Oxford, (who then slighted both the Popes Bulls, Edicts, and Archbishops Mandates) to summon all Doctors of Divinity in the University to meet and examine what Errors and Heresies were contained in a Book called Trilogus, written by Wickliff, to certify their particular opinions of it to him, to expell all Lollards, especially Robert Lyebale by name, out of it, and preserve it from the infection of Lollardy.

* See 4 Instit. P. 344, 345.

REX Cancellario Universitatis sue OXON. salutem. Fama celebri divulgante nostris auribus jam novitæ est incinatum, quod quamplures opinioniones nepharias, et allegationes detestabiles, in quodam libro ex compilatione Johannis Wickliff, Trilogus vulgariet nuncupato, vices et errores notorie includentes, ac sacræ doctrinæ et Canonice sanctionibus sanctæ matris

Clanf. 19 R. 2. part 1. m. 20. intus. De quodam libro vocato Trilogus errores continente examinando.

* Nota:

matris Ecclesie, et maxime consecrationi Sacramentali multipliciter repugnantes, continentur et conscribuntur, ex quorum publicatione et vesana doctrina populus Christianus, qui ex allectione et indignatione latentis inimici pronior est ad malum quam ad bonum, et praesertim hiis diebus, quod absit, infici potest, et per consequens dampnabiliter labi et decidere in errores, unde non modicum esset condolendum. Nos zelo fidei Catholice, casus sumus et erimus Deo dante DEFENSORES, salubriter commoti, nolentesque huiusmodi haereses aut errores infra terminos nostrae potestatis quatenus poterimus suslinere, immo pro eis penitus resecandis et delendis hactum seculare apponere cupientes. Vos in fide & ligeancia quibus nobis tenemini sub forisfactura omnium quae nobis forisfacere poteritis injungimus & mandamus, quatinus omnes et singulos Doctores Theologiae ejusdem Universitatis, regentes et non regentes, ad certos dies eis per vos ex parte nostra praefigendos et statuendos convocari, et librum illum in praesentia vestra et eorumdem Doctorum praesentari, et publice et expresse perscrutari, perlegi et examinari, necnon quoscumque haereses et errores quos vos in libro praedicto per vos et eosdem Doctores reperiri contigerit, in scriptis redigi et intitulati faciat. Et nobis de omnibus et singulis quae in praemissis senseritis, seu inveneritis, una cum singulis attestacionibus et opinionibus Doctorum praedictorum in Cancellariam nostram sub sigillo vestro distincte et aperte sine dilatione reddatis certiores, ut hiis inspectis et mature ponderatis, ulterius de avilamento Consilii nostri ordinare valeamus, prout pro fulcramento fidei Catholice et defensione regni nostri fore viderimus salubrius faciendum. Teste Rege apud Lodes 18 die Julii.

Per ipsum Regem & Consilium.

Ibid. m. 24.
intus. De Lollardis & aliis haeresim praedicantibus extra Universitatem Oxoniam amovendis.

* Nota.

REX Cancellario Universitatis suae OXON. salutem. Cum prout ex certa relatione sane didicimus, quidam iniquitatis filii suae salutis immemores in Universitate praedicta commozantes et scolatizantes, et praesertim Robertus Lychlade qui prophane conversari permittitur in eadem, opiniones nepharias ac conclusiones et allegationes detestabiles fidei Catholice multipliciter repugnantes in Universitate illa, ac aliis locis clandestinis adiu publicaverint, communicaverint et docuerint, et tanquam sizzania in populo seminaverint, et adhuc publicare, communicare et docere intendunt dampnabiliter et inique, in fidei Catholice lesionem, et Universitatis praedictae subversionem evidentem, nisi hactenus Regiae Majestatis citius resistatur. Nos, ne populus regni nostri (cujus regimen nobis ab alto committitur) per huiusmodi opiniones nepharias, ac conclusiones et allegationes detestabiles latentis inimici nequitia indies invalescente, quomolibet inficiatur, desiderantes Universitatem illam quae roze et deliciis scientiae literalis et virtutis hactenus potissime reflozebat, ab huiusmodi erroribus quatenus poterimus expurgari; Vobis praecipimus firmiter injungentes, quod omnes et singulos Lollardos et alios praebitate haeretica notorie suspectos in Universitate praedicta commozantes, et praesertim praefatum Robertum, si per inquisitionem vel alio modo legitimo ipsum talem rozam vobis reperiri contigerit, qui eandem Universitatem tanquam ovem moribida gregem inficere, sizzidatur, ab eadem Universitate amoveri et expelli, ac rebelles quos in hac parte inveneritis rozam nobis et Consilio nostro de tempore in tempus ducti Consilii nostri fore viderimus salubrius faciendum. Teste Rege apud Lodes 18 die Julii.

Per ipsum Regem & Consilium.

What the University of Oxford did upon the receipt of these Letters from, or what return they made of them to the King, I find not in our Records or Histories; but I read they all unanimously in a full Convocation gave this honourable Testimony of the unspotted Innocency, piety of Wickliffe's life, Orthodox Doctrin, & eminent Learning, which I shall here insert for his and their perpetual honour and vindication, against the crime of Heresy wherewith Pope Gregory the 11. some

some of our Popish Prelates, Clergy, *Walingham, Henry de Kynghton* injuriously branded him, and his *Trilogus* in his life time, for which the Popish Council of *Constance*, who condemned him for an *Heretic*, commanded his dead bones, and his *Trilogus* with other Books to be burnt, as *heretical*; long after his death, when unable to justify himself or them, though sufficiently vindicated from these false infamous Calumnies by *John Hus*, the University of *Prague*, * *Mr. John Fox*, others, and this memorable Certificate.

* Acts and Monuments vol. 1. p. 574, to 607. † Ex 2. Tomo Operum Johannis Hus, fol. ult. Fox Acts and Monuments Tom. 1. p. 583.

† The publique Testimony given out by the University of OXFORD, touching the commendation of the great learning and good life of John Wickliffe (thus translated into English by Mr. Fox, out of the Latin Copy, sent to John Hus, the University of Prague, and others abroad and at home.)

Unto all and singular the Children of our Holy Mother the Church, to whom this present Letter shall come, the Vicechancellor of the University of OXFORD, with the whole Congregation of the Masters, with perpetual health in the Lord. Forasmuch as it is not commonly seen, that the Acts and Monuments of pious men, nor the praise and merita of good men should be passed over and hidden with perpetual silence, but that true report and fame should continually spread abroad the same in strange and farre distant places, both for the witness of the same, and example of others; For so much also as the provident discretion of wiser nature being recompensed with cruelty, hath devised and ordained this buckler and defence against such an de blasphemie and slander other mens doings, that whosoever witness by word of mouth cannot be present, the pen by writing may supply the same.

Ex 2. Tomo Operum Joh. Hus, fol. ult.

Hereupon is followeth, that the special good will and care which we have unto John Wickliffe, sometime Child of this University, and Professor of Divinity, moving and stirring our minds (for his manners and conditions required no lesse) with one minde, voice, and testimony, we do witness, altho conditions and doings throughout his whole life, to have ben most sincere and commendable: whose honest manners and conditions, profoundness of learning, and most redolent renowne and fame, we desire the more earnestly to be notified and known unto all faithfull, for that we understand the maturitie and ripeness of his conversation, his diligent labours and travaile to tend to the praise of God, the help and safeguard of others, and the profit of the Church.

Great learning joyned with good life and godlyneffe.

Wherefore we signify unto you by these presents this his Conversation (euen from his youth upward, unto the time of his death) was so praise-worthy and honest, that never at any time was there any note or spot of suspicion noted of him. But in his answering, reading, preaching, and determining, he behaved himself laudable, and as a stout and valiant Champion of the faith, banquishing, by force of the Scriptures all such, who by their wilful beggary blasphemed and slandered Christs Religion. Neither was this * Doctor convicted of any hereffe, either burned of our Prelates after his burial: God forbid that our Prelates should have condemned a man of such honesty, for an hereticke, who, amongst all the rest of the University had * written in Logish, Philosophie, Divinity, Morality, and Speculative art without pere. The knowledge of which all and singular things we do desire to testify and deliver forth, to the intent that the same and renown of this said Doctor may be the more evident and had in reputation, amongst them unto whose hands these present Letters testimonial shall come.

* Nota.

† The bones of Wickliffe were not yet commanded by the Council of Constance to be burned, when this Certificate was made.

In witness whereof we have sealed these our Letters Testimonial to be sealed with our Common Seal. Dated at OXFORD in our Congregation house, the first day of October, in the Year of our Lord, 1406.

* Yet Johannes Pitsanus leaves him quite out of Catalogus Scripturum Britannias; and all his Disciples.

Page 336. It is worthy consideration, Whether any Ordinaries or Judges in Ecclesiastical Courts in England, can by the Common or any Statute Law of this Realm,

Realm, assesse a convenient summe in pios usus, or make commutations of penances for summes of money, with those 3. limitations there prescribed; which many much doubt of; upon the Statute of 31 B. 3. c. 11. and the resolution in *Hessloes* case, *Cookes* 9 Rep. p. 37; to 49; backed since that by Serjeant *Mores* Reports; nu. 1191. p. 864. *Slawny* vers. *Elbridge*; by *Hobards* Reports, p. 83, & p. 193. *Tooker* against *Loane*; by Judge *Crookes* 3 (or 1.) Reports; *Hil. 2 Caroli* Regis, Com. B. *Fotherbies* case, f. 62, 63. *Mish.* 6 Car. B. R. *Leyannis* case. *Ibid.* p. 201, 202. where the Judges resolved, *The Ordinary could make no distribution of the Incestres goods in pios usus, or to others, after Debts and Legacies paid; and that bonds exacted from Administrators, to make such distributions by the Ordinaries appointment, were against Law; and so was it lately resolved upon long and solemn Arguments by the Judges of the Common Pleas, Hil. 19 Car. Regis 2.* in the case of *Hughes* and *Hughes*.

It is evident by the *Charter of King Henry the 1. Gilavoil*, and other Authorities, that by the ancient Law and Custome of *England*, the goods of all persons dying Intestate, were seized into the Kings and their Lords hands, as belonging to them; and that the Ordinaries had no Jurisdiction over them; yea this was the ancient Custom of the *Marches of Wales*, as also of *Wascony* and *Bordeaux*, as appears by this memorable Record.

a Mat. Paris. Hist. Angl. p. 52, 53.
b Lib. 7. c. 16.
See the Third Tome of my Exact Chronological Vindication, &c. p. 18, 19.
c See here, p. 177, 178.

Rot. Vasc. An. 4 E. 3. m. 3. in us. Pro Alefia quæ fuit uxor Reyneri de Berfrey.

REX Constabulario suo *Burdeg.* qui nunc est, vel qui pro tempore fuerit, salutem. Monstravit nobis *Alefa* quæ fuit uxor *Reyneri de Berfrey* Burgensis *Bristol.* & *Creutrici* testamenti prædicti *Reyneri*, quod cum idem *Reynerus* transgrediendo versus partes Ducatus prædicti, in quadam Navi vocata la *Leiffota* de *Bristol*, cujus Navis *Ricardus Pynnok* Magister fuit, pro mercandis suis in Ducatu prædicto exercendis, in eadem Navi morte sua naturali obisset, dictaque Navis apud *Burdegal.* cum bonis & mercandis ipsius *Reyneri* applicata fuisset; Nos prætendentes ipsum Intestatum decessisse, omnia bona et catalla quæ fuerunt ipsius *Reyneri* in *Parti* prædicta inventa, juxta antiquam consuetudinem in dictis partibus *Vasc.* de bonis intestatorum seiscind. diuictus obderbatam, capi fecistis in manum nostram, (as belonging to the King) et ea in manum nostram ea occasione detinetis: super quo eadem *Alefa* nobis supplicavit, ut ea bona & catalla prædicta tanquam *Creutrici* testamenti prædicti *Reyneri* liberari faciamus, ad executionem Testamenti prædicti faciend. Nos pro eo quod per literas patentes *R. Bathon. & Wellen.* Episcopi sigillo ipsius Episcopi consignatas, quas eadem *Alefa* in Cancellaria nostra exhibuit plenius apparet, quod idem *Reynerus* die Martis proxima post festum *Exaltacionis Sanctæ Crucis*, Anno Domini Millesimo trescentesimo tricesimo condidit testamentum suum, et præfatam *Alefam* *Creutrici* testamenti prædicti constituit principalem, & quod idem Episcopus administracionem bonorum quæ fuerunt prædicti *Reyneri* præfatæ *Alefiæ* commisit: Nolentes ei injuriam fieri in hac parte, Vobis mandamus, quod omnia bona et catalla quæ fuerunt prædicti *Reyneri* per vos præmissa occasione ad manum nostram posita, præfatæ *Alefiæ* vel ejus in hac parte Actorum, ad executionem testamenti prædicti *Reyneri* faciend. plene et integre liberari faciatis, (because he died not intestate, as was suggested, but made a Will.) Dat. apud *Wiscm.* 8 die *Decembris*.

* Nota.

As for the Fees and great Extortions of Ordinaries and their Officers for Probate of Wills, and other matters, and the successive complaints against them in Parliaments and elsewhere, for their manifold extortions and vexations, mentioned in the 4 *Institutes*, p. 360. and 3 *Institutes*, p. 69, 149, 150. you may add thereunto the *Commons Petitions* against them in the Parliament at *York*, An. 8 E. 3. Rot. Parl. nu. 9. 2 R. 2. Rot. Parl. nu. 46. with this memorable Petition of the City of *London* in the Parliament of 18 E. 1. in the *Tally-Office*.

Petitiones

Petitiones coram Domino Rege ad Parliamentum post festum Sancti Michaelis Anno Regni Regis Edw. 1. 18. rot. 6. in dorso, inter al. sic continetur ut sequitur.

* **H**ominines de London. conqueruntur de Officialibus et Ministris Ecclesie, de multimodis veracionibus, citacionibus, et exacionibus minus onerosis et debitis, per quas plus extorquent de populo quam omnes Curias Laicales. Et petunt, quod Rex apponet remedium festinanter, ne destruat populus in occulto.

Resp. Si Curia Regis possit, emendari fac. Cancellar. emendet in Temporalibus, Archiepiscopus faciat in Spiritualibus.

Inter Recorda
D. Regis Car.
2. in Thesaur.
Recept. Scac.
sub custodia
D. Theff. &
Camer. ibidem
reman.

What complaints have been made of, and Canons, Constitutions published against the extorsions, excessive fees of Archdeacons, Officials, and other Ecclesiastical Officers, Courts, you may read at large in Sir *Henry Spelman his Councils. Synodi Wygornienis Constitutiones, An. 1240. decreed, *Nec Archidiaconi, nec eorum Ministri, Officiales videlicet aut Decani, pro millionibus Clericorum in possessionem Ecclesiarum in quibus fuerint per Episcopum instituti, nihil omnino recipere vel extorquere presumant.* To which I shall subjoyn two Constitutions made in the Provincial * Council of London, under John Street-

* Tom 2. p.
248, 249.

ford Archbishop of Canterbury, against Exactions of money for Letters of Orders, Certificates, Institutions and Inductions into Benefices or Ecclesiastical Livings. Nova et insatiabilis cupiditas advenit, ut pro literis in testimonium Clericorum ad beneficia Ecclesiastica admittorum, et ordinatorum literis ordine, pro scripturarum labore et sigillis, fiant multociens exactiones immensae, id reprobante Canone, dicente, Sicut non decet Episcopum manus impositionem vendere, ita nec Ministrum, nec Notarium * mysterium eorumdem, nec calamus benundare. Archidiaconorum et suorum Officialium, necnon aliorum talium Certificationum, literas inquisitionum super beneficiis habentibus, tradere factis renuunt presentatis, nisi prius nimis excessivam summam habeant pro scriptura.

* Ibid, p. 573,
574.

Pro hunc abutum abolere volentes, presentis deliberatione Concilii, duximus ordinandam, quod pro scriptura literarum Inquisitionum, Institutionum et Ordinationum, vel Commissionum ad inducendum, vel Certificatorum ipsarum in beneficiis ultra 6. denarios, dicti Clerici, per se, vel ultra alias non recipiant quovis modo: Ceterique Ordinarii suis tenentur Ministris stipendia constituere, quibus debent merito contentari pro sigillatione literarum. Hoc aut Marescallis pro introitu, seu janitoribus, hostiariis, vel Barbitoribus Episcoporum, a Clericis junioribus vel majoribus Ordinibus decoratis, nil omnino extigi volumus, vel percipi, ne cuiusvis spectet belamne, solutio pro sigillis literarum, vel introitu supradictis, in quibusdam damnabilem convertatur. Et ne temeritas, provisoria remedia violans, praterat impunita, sed, contra premissa, quicquam recipiatur ab aliquo, duplum sic recepti reddi precipimus, infra mensem; alioquin, extunc Clerici beneficiarii, receptorum per ipsos iniquorum duplum restituere differentes, ab officio & beneficio norint se suspensos. Clerici vero non beneficiarii, & laici, ingressum Ecclesie sibi noverint denegatum, quousque de duplo satisfactionem impenderint solventibus competentem.

* Ministerium.

Item, Archidiaconi & eorum Officiales, alique Ministri Ecclesiastici nostrae Provinciae, post collationem beneficiorum Ecclesiasticorum, vel institutionem factam, in ipsi promoti in illis Beneficiis, ad superioris mandata, inducere, ac inductionis Certificatorias Literas facere, vel concedere differunt, nisi prius eis de summoderata summa pecuniae satisfaciunt, Sacro approbante Concilio, statuimus, Quod his sic promoti, ad mandatum superioris, tenentur inducere, pro inductione huiusmodi facienda, sumptibus moderatis, viz. Si Archidiaconus inducat xl. denar. suis Officialis inducens ii. solid. perceptione, pro singulis suis, et suorum expensis, pro dieta penitus sit contentus. Ipsi tamen inducendo, ut permittitur, optime servata ante dicta pecunie quantitate, seu in aliis necessariis ipsum inducendum, & suos voluerit procurare. Siquidem vero ultra hoc ab induc-

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ductozibus,

ductozibus, occasione p̄mittozum, recipiatur, ut recipient, qui quam amplius propter inductionem faciendam per ipsos vel inductionem Certificatozas Literas facere, et inductis tradere, acquisitis coloribus deserte illos contingat indebite, culpabiles in hac parte suspensionem ab officio, et ingressum Ecclesie, tam diu tr̄ volumus incurrere, ipso facto, donec hæc contra recepta solventibus restituant, et læso sua culpa satisfaciant in p̄missis. By what Law or colour of right Archbishops, Bishops Officers can exact more for Letters of Orders or Certificates, than these Canons prescribe: Or they or other Visitors exact 6 s. 8 d. or any other summe of money from every Minister in their Visitations, only for shewing his Letters of Ordination or license to preach; or Archdeacons exact 5. or 6 l. for an Induction to a Benefice, by new Simonaical extortions, (much complained of, and fit to be reformed) I am yet altogether ignorant and to seek.

What Canons and Constitutions have been made by our Archbishops, Bishops, against their, or Archdeacons *exalling Procurations from any poor Churches, or from any other Churches but those they actually and personally visit, and that not in money, but diet and provisions; and against their immoderate traines, and exacted Procurations in money, when they visit, you may read at leisure in the Second Tome of* * Sir Henry Spelmans Councils, *Lyndwode, and Johannes de Aton his Constitutiones Legitimæ; In which I finde no colour at all for the late extortions of money, fees for Books, or Articles of Inquiry, (not known in former times), or for Churchwardens and others presentments on them condemned in general by all ancient Canons against extortions, and new Exactions in Visitations, fit to be redressed, punished in due form of Law. What Constitutions have been made against excessive fees for Probate of Wills, and Letters of Administration, upon complaints against them in Parliament, and what moderate fees they ought to take for them, (now twenty-fold or more exceeded) you may read in Sir Henry Spelmans Concilia, Tom. 2. p. 488, 489, 495, 575, 670, 672. & the Statute of 21 H. 8. cap. 5.*

Page 337. The Author writes thus, *The Court of Audience kept by the Archbishop in his palace dealeth with matters of voluntary Jurisdiction; as dispensing with Banes of Patrimony, &c. The Court of the Faculties, Magister ad Facultates; his power is to grant dispensations, as to marry, (to wit, without Banes of Matrimony published in the Church) to eat flesh on dayes prohibited, &c.*

How any *Dispensations to marry without publishing the Banes thrice in the Church, can be legally granted by vertue or pretext of the Statutes of 25 H. 8. c. 21. or 28 H. 8. c. 16. or 32 H. 8. c. 38. (though they are de facto) I cannot apprehend, being, First, against the exprels Canons & Constitutions of sundry Provincial Councils under our Archbishops and Bishops; thus successively decreeing, * Denunciandum Matrimonium prius quam contrahatur: Nec contrahatur aliquod Matrimonium sine trina denunciationse publica in Ecclesia, competenti termino prefinito, ut infra illum, qui voluerit & voluerit legitimam impedimentam apponat: pro quibus denunciationsibus faciendis nihil omnino exigatur. Witness Concilium Londinense, sub Herberto Archiepiscopo Cant. An. Dom. 1200. 2 Regis Johannis: Constitutiones Ricardi Poore Episcopi Sarum, Anno 1223. Constitutiones Ricardi de Marisco Episcopi Dunelm. An. 1220. Constitutiones Episcopi in Synodo Anonymi, An. 1237. Constitutiones Walteri de Cantilupo in Synodo Wigorniensis, An. 1240. sub Henr. 3. Concilium Londinense sub Waltero Ryanand Archiep. Cant. An. 1228. sub Ed. 2. Concilium Lanthensense sub Simone Asepham Archiep. Cant. 1332. sub Ed. Rège 3. Concilium Londinense sub Johanne Stretford Archiepisc. Cant. An. 1342. sub Ed. 3. Concilium Eboracense sub Johanne de Thursby, Archiepiscopo Ebor. An. 1360. To which they adde, *Contrahentes absque editione Bannorum, & Matrimonium solemnizari facientes sunt etiam excommunicati, & Presbyter solemnizans. Item, ubi Contrahentes faciunt solemnizari matrimonium, scientes legitimum impedimentum, etiamsi in Bannorum editione nihil objicatur, vel ubi est obiectum impedimentum in editione Bannorum, ipso impedimento prius non discusso* fuit*

* Concil. Tom. 2, p. 124, 125, 156, 157, 184, 222, 223, 226, 249, 275, 304, 388, 450, 489, 503, 504, 505, 506, 507, 576.

* Spelmanni Concil. Tom. 2 p. 127, 152, 154, 177, 179, 233, 244, 245, 443, 496, 498, 588, 606, 607. Hoveden, p. 806.

but excommunicati. 2ly. Against several Statutes made since these Acts, and the Form of Solemnization of Matrimony in the Books of Common Prayer, ratified by them, yea made part of the late Statute of 14 Caroli 2. cap. 14. whereunto it is annexed: which expressly prescribe and provide, (for the better prevention of rash, unequal, clandestine, disparaging marriages, especially of † Wards, Women, heirs, persons of quality and estate to others of inferiour condition, who often inveigle, ravish, or steal them away, against their Parents, Gardians, Friends consents, to their great discontent, and their own prejudice, disparagement, yea ruine of their families, and of marrying persons præ-contracted or married to others, occasioned by these Licenses and clandestine Marriages in remote, obscure places, without any Banes,) First, that the BANES OF ALL THAT ARE TO BE MARRIED (without any exception) MUST BE ASKED, and published in the Church thre severall Sundayes or Holydayes, in the time of Divine Service, the people being present, immediately befoze the Sentences for the Offertory, the Curate saying after THE ACCUSTOMED MANNER, I publish, &c. If any of you know cause or just impediment why these two persons should not be joyned in holy Matrimony, ye are to declare it: (repeated at the first, second, and third time of asking, and at the time of the marriage; which Provision is totally eluded, frustrated by such Dispensations to marry without Banes thus thrice published:) 2ly. And if the persons to be married dwell in divers Parishes, THE BANES MUST BE ASKED IN BOTH PARISHES, (an affirmative reiterated Injunction with a peremptory MUST BE) and the Curate of the one Parish SHALL NOT SOLEMNIZE MATRIMONY BETWEEN THEM (a universal Negative Inhibition, indispensible by any faculty) without a Certificate of THE BANES THrice ASKED; from the Curate of the other parish. 3ly. It further prescribes, declares, and enacts; At the day and time appointed for the solemnization of Matrimony, the persons to be married shall come into the body of the Church, WITH THEIR FRIENDS AND NEIGHBORS, (which they frequently elude by these dispensations, being married usually in obscure places, Churches or Chappels where they are unknown, without their Friends or Neighbours presence or knowledge) At which day of marriage if any man do alledge and declare any impediment why they may not be coupled together in Matrimony by Gods Law, OR THE LAW OF THIS REALM, (which prescribes the Banes to be thrice published as aforesaid, and therefore the not publishing thereof a just impediment, till performed, as well as other causes) and will be bound with sufficient sureties with him to the parties, or else put in a caution (to the full value of such charges as the persons to be married do sustain) to prove his allegation; then the solemnization must be deferred untill such time as the truth be tried. All which cautions and provisions are wholly frustrated by Dispensations (usually granted to all sorts of persons that will purchase them for money, not only by every Mr. of Faculties, but by all Diocesan Bishops, their Chancellors and other Officers) to marry without banes; to the great prejudice, disparagement, ruine of many persons, families, against these excellent provisions to prevent such mischiefs; and the Statutes of 2 E. 6. c. 1. 5 & 6 E. 6. c. 1. 1 Eliz. cap. 2. & 14 Car. 2. cap. 14. which all ratifie them: Yea, against the Statutes of 2 & 3 E. 6. c. 21. & 5 & 6 E. 6. c. 12. taking away all positive Lawes against the marriage of Priests, and declaring their marriages to be lawfull, and their Children to be legitimate; in both which Acts there is this special Proviso inserted; Provided alwayes and be it enacted, that this Act, or any thing therein contained, shall not extend to give any Liberty TO ANY PERSON TO MARRY WITHOUT ASKING IN THE CHURCH, being APPOINTED by the Order prescribed and set forth in the Book of the Common Prayer, &c. any thing above mentioned to the contrary in any wise notwithstanding. Which 6. Acts as I humbly conceive, have totally abolished all Faculties or Dispensations to marry without Banes thrice asked, and all lawlesse Priviledged *Chappels, Churches, pretending or assuming to themselves a priviledge to marry any Inhabitants or forrainers repairing to

† Magna Carta, c. 6. 20 H. 3. Marton, c. 6, 7. Westm. 1. c. 13. West. 2. c. 35. See 6 R. 2. c. 6. 31 H. 6. c. 9. 4 & 5 Phil. & Mar. c. 8 Cooks 1 Instit. f. 80. 2 Instit. p. 155. 90, 91, 180. 181, 437, 438.

* Yea some of my own relations.

* In the Tower, Minories, or elsewhere

* None ever sent so farre as Rome, out of England, for such Licenses: therefore they are out of the words & meaning of the Statutes of 25 H. 8. c. 21. & 28 H. 8. c. 16.

them, without any *Banes, Dispensation, or Faculty*. Usurpations, abuses of a very high dangerous nature, and grievances worthy common reformation. And that which further evidenceth these *Dispensations* to be both illegal; and voyd in Law, are the *Dispensations and Licenses to eat flesh on dayes prohibited*; which had been voyd in Law notwithstanding the Statutes of 25 & 28 H. 8. had not the Statutes of 5 Eliz. c. 5. & 27 Eliz. c. 7. authorized such licenses to be granted, and excepted them out of those Acts in expresse terms; when as there is not the least authority given to any person, to grant * licenses to marry without their *Banes first asked*, in the premised Acts, or old or new *Books of Common Prayer*; or any exception of such *Licenses* in them, or the *Books of Common Prayer*, which prescribe an *Uniformity in all Rites, Ceremonies*, concerning the solemnization of Matrimony, without any *Dispensation* to any persons, as well as in any other particulars, whose design was totally to abolish these Licenses, for the premised reasons and mischiefs, more fully expressed in the *Bishops own Constitutions, Canons made against mariages without banes*, inflicting severe penalties on *Priests which transgressed them*: Yea the resolution in the Case of *James Rowse* upon the Statute of 21 H. 8. c. 5. 4 Instit. p. 336. that if the Ordinaries demanding and taking fees for *Writings or ingrossing the Probate of Wills*, when the transcript was brought ingrossed to him in parchment, should be admitted out of the Statute, this beneficial Law should be *illusory*, all in vain, and of none effect; doth fully evidence, (there being the same reason for both) that the gaining of fees to Ordinaries and Masters of Faculties, for licenses to marry without banes thrice asked, would wholly elude and make void the premised Acts and Provisions; therefore voyd in Law.

* See here, p. 128, &c.

It is the Authors opinion, p. 135, 137, 337, & 362. * That the King himself by his Prerogative Royal cannot dispense by his Letters Patents with any Statutes, wherein the Subjects of the Realm have interest, no not by a *Non-observance*. And that the Archbishop himself could not grant a dispensation to any person to eat flesh on *Fridayes, Saturdayes, Ember-dayes, Vigils, and Lent*, unlesse authorized thereunto by an expresse Proviso, in the Statute of 5 Eliz. c. 5. I fear therefore it can be reputed no lesse than an encroachment of Regal power, or more, if duly considered, for any Subject whatsoever, upon any pretext, avowedly to grant *Dispensations to marry without banes thrice asked, against the premised Acts, and Books of Common Prayer*, wherein all the Subjects of the Realm (especially those who have Children, Wards, Pupils, Kinred committed to their trusts, to see them duly and legally married by their advise and consents, without disparagement;) have a common interest. And what an high offence the * *encroachment of such a Regal power* is, the Statute of *Exilium Hugonis de le Spenser*, Anno 15 E. 2. Rot. Parl. 21 E. 3. nu. 15. Rot. Parl. 21 R. 2. n. 15, 16. & Rot. F. I. nu. 3. Plac. Coronæ in Parl. An. 22 R. 2. nu. 10. will inform those who are guilty thereof; and help to reform this grand abuse for the future, if nothing else will effect it.

* See An Exact Abridgement of the Records in the Tower, p. 53. 368, 376, 378.

I shall conclude this particular with 3. consequences, some *Non-conformists* and *Sectaries* have lately deduced from such *Licenses and Dispensations*, which should be prevalent Arguments with our Bishops and their Officers presently to abolish them, if the premised reasons prevail not.

a *Historia Angliæ*, p. 403, 443, 499, 925. See the Second Tome of my *Exact Chronological Vindication*, p. 467, 488, 489, 491, 492, 502, 632, 362, 365, 925, 953, 955, 984, 1042, to 1049.

1. That herein they directly imitate the Pope and his Officers, who as^a *Mat. Paris* and others observe, made very strict successive *Canons and Constitutions* against *Pluralities of Benefices, Commendæ, Non-residence, ordaining any unlawfully begotten Ministers, Simony, Perjury, and Mariages within their prohibited degrees of consanguinity or affinity*; and yet made it their daily practise to grant dispensations against them for *filthy Luchre*, as if they had been purposely made, to enrich the Pope and his Officers by such *dispensations*, and not at all to prevent and reform these abuses, as the Statutes of 25 H. 8. c. 21. 28 H. 8. c. 16. & 32 H. 8. c. 38. likewise resolve.

2ly. That if Bishops and their Officers may daily and publikely grant licenses to marry without asking banes, for a little money, to the disparagement, ruine

of

of many persons, families, against their premised *Constitutions*, 6. *Acts of Parliament*, and *Books of Common Prayer*; they may and ought much more to dispense with them in all matters of lesser moment, comprised in his *Majesties most Gracious Declarations from Breda*, and 5 October 1660. concerning *Ecclesiastical Affairs*, or any other particulars in the *Book of Common Prayer*, wherein their *several consciences are unsatisfied*, and can no wayes justify their *prosecutions* or *suspensions* of any of them from their *Ministry* for not conforming to them meetly out of judgement and conscience.

3ly. That since Bishops and their Officers arrogate to themselves such a transcendent Regal Authority, as daily and avowedly to dispense with the premised *Acts of Parliament*, *Books of Common Prayer* and *Form of solemnizing Matrimony*, for illegal summs of money given them, by such licenses under their hands and seals, judicially recorded in their *Registers*; they hope his Majesty may more legally and justly dispense with them, to *exercise their Ministry*, and enjoy *Ecclesiastical Preferments*, or their *meetings in Conventicles*, or for not complying with some other things in the *Book of Common Prayer*, according to his most *gracious Declarations*, notwithstanding the premised *Acts*, which his Majesty hath more right, cause to dispense with, than they; Or else, that his Majesty will give order to prosecute, punish them more exemplarily for this their daily gainful avowed high *Non-conformity* to, and *Dispensations* against them, than either they, their Officers, or Instruments now prosecute punish any of them, for their *Non-conformity* of an *inferiour degree*, in things of lesse moment and consequence to the publike: The rather, because none to whom they grant licenses to marry without *asking banes*, do hold or pretend the *publishing of their banes thrice in the Church*, *unlawfull in point of Conscience*, and therefore ought in Conscience to submit thereto: whereas they are prosecuted only for such things which their prosecutors themselves hold to be indifferent in their own nature, but they in their consciences think them unlawfull, not indifferent in Gods worship; and yet cannot be dispensed with for not conforming to them, and dare not purchase *dispensations* from them for money.

If these Consequences and Objections cannot be rationally, satisfactorily answered by those they concern, I hope they will silence them, by their future reformation of this great and common abuse.

For the *Prerogative Courts*, the *Court of Arches*, and *Court of Audience* of the Archbishop of *Canterbury*, mentioned by the Author, p. 336, 337. and their Officers, Proctors, Proceedings in them, and Constitutions made to reform their abuses, extorsions and excesses, I referre you to, * *Statuta & Ordinationes Roberti Winchelsey, Archiepiscopi Cantuar. An. 1295. pro meliori Curia sua Cantuariensis regimine. Statuta & Ordinationes Johannis de Stretford Archiepiscopi Cantuar. pro bono regimine Curia sua Cantuariensis de Arcubus vocata, Anno 1342. Ordinatio Simonis Islip, Archiepiscopi Cantuariensis, Anno 1350. Ordinatio Willielmi Courtney Archiepiscopi Cantuariensis, Anno 1390. De forma Juramenti ab omnibus Curia Cantuariensis Ministris prestandi; And Anno 1391. Ordinatio super augmentationem feodorum Registrarii Curia Cantuariensis, pro scriptura attestacionum Testium & Examinationum in eadem Curia. Ordinationes Thomæ Arundell Archiepiscopi Cantuar. to the same effect, Anno 1397. Ordinatio Henrici Chichley Archiepiscopi Cant. An. 1423. Pro decenti regimine & gubernatione tam Advocatorum, quam Procuratorum, & ceterorum Ministrorum Curia Cantuariensis; Ordinationes Willielmi Warham Archiepiscopi Cantuar. Anno 1527. De numero Procuratorum Curia Cantuariensis. And, Ordinationes ejusdem Archiepiscopi, An. 1508. in Curia Audientia apud Lambeth, de Consensu omnium Advocatorum & Procuratorum ejusdem Curia, (printed at large in the Second Tome of Sir Henry Spelman his *Concilia, Decreta, Leges, Constitutiones, in re Ecclesiarum Orbis Britannici*, London. 1664. in the pages quoted in the Margin;) And to Matthew Parker Archbishop of *Canterbury*, his *Antiquitates Ecclesie Britannicæ*, p. 31, 36, to 42.*

* Henrici Spelmani Concilia, &c. Tom. 2. p. 413, to 429. to 550, to 579; 595, 596, 597, 638, 639, 656, 657, 662, 685, 686, 687, 723, 724.

Page 439, 440. The Author discourseth concerning *Appeals in Causes Ecclesiastical*

ecclesiastical; concerning which you may consult, *Gratianus* *Causa* 2. quæst. 6. *Hostiensis* *Summa*, lib. 2. Tit. *De Appellationibus*; *Summa Angelica & Rosella*, Tit. *Appellatio*. *Guillelmus Lindewode*, *Provincialis*, l. 2. Tit. *de Appellationibus*; *Franciscus Zerula*, his *Praxis Episcopalis*, Tit. *Appellatio*; *Henrici Spelmanni* *Concilia*, &c. Tom. 2. p. 63, 125, 385, 455, 495. *Augustinus Barbosa*, *De Officio & Potestate Episcopi*, pars 1. Tit. 3. *Gloss.* 27. p. 132. Tit. 4. p. 175. nu. 61, 62, 63. Pars 2. *Allegatio* 32. p. 375. nu. 52. Pars 3. *Allegat.* 92. p. 391, 393. nu. 13, 14. and all *Civilians*, *Canonists* in their *Titles*, *Discourses De Appellationibus*.

* See *Willielmus Malmesburienfis*, *De Gestis Pontif. Anglorum*, l. 3. p. 262. to 270. *Simeon Dunelmensis* *Epistola de Archiepiscopis Eborac.* col. 78. *Ricardus Prior Haguftaldensis*, *de Statu & Episcopis Haguftaldensis Ecclesie*, c. 8, 11. col. 294, 295, 296. *Radulphus de Diceto* *Abbrev. Chronicorum*, col. 440. 441. *Chron. Johannis Bromton*, col. 764 793. *Tho. Stubbs Actus Archiep. Eboracensium*, col. 1744, 1731. *Godwin & Mat. Parker*, *Antiqu. Eccles. Brit.* in the

For Appeals out of *England to Rome*, the first I meet with, was that of *Wilfrid* Archb. of *York*, (before that of *Anselm*) which had ill success, and was no way submitted to, but rejected, as I have^a elsewhere evidenced at large. *Henr. de Huntingdon*, *Histor.* l. 8. p. 395. hath this passage and observation, *An. 16 Regis Stephani*, *Teobaldus Cantuariensis Archiepiscopus*, & *Apostolica sedis Legatus tenuit Concilium generale apud Londoniam in media Quadragesima*; ubi *Rex Stephanus & filius suus Eustachius*, & *Angliæ proceres interfuerunt*; *Illud Concilium nobis Appellationibus infrenduit*: In *Anglia* namque *Appellationes in usu non fuerunt*, donec eos *Henricus Wintoniensis*, dum *Legatus* esset, male suo crudeliter intrussit. In eodem namque *Concilio ad Romani Pontificis audentiam ter appellatus est*. In the famous^b Council of *Clarendon*, *An. 1164*, c. 8. this was resolved and confirmed as the ancient Law and Custom of the Realm in Appeals, which all the Prelates, Nobles swore to observe. *De Appellationibus* si emerferint, ab *Archidiacono* debent procedere ad *Episcopum*, ab *Episcopo* ad *Archiepiscopum*. Et si *Archiepiscopus* defuerit in *justitia exhibenda*, ad *Dominum Regem* est perueniendum postremo; ut præcepto ipsius in *Curia Archiepiscopi* controvertis terminetur, ita quod non debet ulterius procedere absque assensu *Domini Regis*. Upon which occasion, that Arch-traytor *Thomas Becket*, then Archbp. of *Canterbury*, (who first swore to observe, but afterwards perfidiously opposed the forecited *Constitution of Clarendon*) wrote thus to *Pope Alexander* the 3d. *Scriptum et auctoritatem scripti quo fuerant confirmatæ, publice condemnabit, tam obserbatores quam erectores et patronos eorum, fautores etiam ac consiliarios, seu adiutores quicumque fuerint, sibe Clericis, sibe Laicis, generaliter excommunicans, Episcopos nostros a Juramento quo ad eorum obserbantiam violentè astricti fuerant, absolvens. Sunt autem hæc quæ in scripto illo specialiter condemnavi*; Quod non Appelletur ad *sedem Apostolicam* qualicunque de causa absque assensu *Regis*, &c. See more in *Sir Roger Twissden* his *Historical Vindication of the Church of England*, p. 28, to 41. 57, 67. And the Third Tome of my *Exact Chronological Vindication*, p. 182, to 588, 632, 633, 634. and elsewhere, concerning Appeals to *Rome*.

Lives of *Theodor* Archbishop of *Canterbury*, and *Wilfrid* Archbishop of *York*. *b* *Mat. Paris*, *Historia Angl.* p. 96, 97. *Chronica Gervasii*, col. 1386, 1387. The First Part of my *Exact Chronological Vindication*, p. 612. *c* *Roger Hoveden*, *Annal.* pars posterior, p. 503. *Henrici Spelmanni* *Concil.* Tom. 2. p. 17. See *Johannis Salisburienfis* *Epistola*, 159. *Bibl. Patrum*, Tom. 15. p. 542. The First Tome of my *Exact Chronological Vindication* p. 632, 633, 634.

For Appeals from the *Admiralty*, p. 340. peruse, *Clauſ. 6 R.* 2. dorſ. 12. *Pat.* 13 *R.* 2. pars 2. m. 27, 28. pars 3. m. 12. *Pat.* 14 *R.* 2. m. 2, 6. *Pat.* 15 *R.* 2. pars 1. m. 32, 35. pars 2. m. 5, 35. *Pat.* 17 *R.* 2. pars 1. m. 8. *Pat.* 18 *R.* 2. pars 2. m. 12. *Pat.* 20 *R.* 2. pars 1. m. 12. *Pat.* 6 *H.* 5. pars 1. m. 17. *Pat.* 23 *H.* 6. pars 2. m. 18. *Pat.* 25 *H.* 6. pars 2. m. 21. And for Appeals from the *Marshals Court*, *Pat.* 17 *E.* 4. pars 1. m. 21, 27. & Here, p. 62, 63.

I shall cloze this Chapter with some memorable Records evidencing our Kings Sovereign Authority in and over Ecclesiastical Courts, Censures, and the execution or prohibition of them.

First, in giving authority by their Charters and Patents to those who were no Bishops, Ordinaries, nor Ecclesiastical Judges or Officers, to inflict Ecclesiastical Censures of the greater Excommunication on offenders for Crimes not merely spiritual

spiritual or ecclesiastical, with power to certify them into the Chancery, and thereupon, to obtain Writs *De Excommunicato Capiendo*, in as ample manner as if excommunicated and certified by a Bishop; for which I find this *memorable president* in the case of the Chancellor of the University of Oxford, or his Vice-chancellor, though a Lay-man.

King * Edward the 3d. by his Letters Patents or Charter dated *apud Westm.* 16 die Julii, *Anno Regni sui Angliæ, 30.* having confirmed the Jurisdiction of the Chancellor and Schollers of the University, as well in and over the suburbs of Oxford, and Hundred beyond the *Northbridge* thereof, and an award concerning the same, *Quodque Cancellarius dictæ Universitatis OXON. qui pro tempore erit, vel ejus vices gerens, hominum in dicto Hundredo vel Suburbio et Villis residentium sive tenementa habentium imperpetuum haberet correctionem, inquisitionem, coercionem, et punitionem perturbatorum pacis, et delinquentium contra Statuta, consuetudines, libertates et privilegia ipsius Universitatis, (viz. de forstallatoribus, regrataris, ac de omnibus venditoribus victualium, de carnibus sive piscibus putridis et immundis, victiosis, seu alias incompetentibus, ac vino putrido et corrupto, &c.) per incarcerationem, baniticnem, CENSURAS ECCLESIASTICAS, et aliis modis consuetis infra Villam prædictam et suburbio et hundredo prædict. and likewise to excommunicate such as refused to cleanse the streets from filth, and which might infect the ayr, or to pave them before their doors, confirmed by sundry succeeding Charters of our Kings, by this Patent.*

* Exemplified
in Pat. 7:
H. 6. part 2
m. 3.

REX, Omnibus ad quos, &c. salutem. Ut Magistri et Scholares Universitatis nostræ OXON. suis studiis et scolasticis actibus vacent tranquillius et intendant, et ipsi ac alii sub jurisdictione Cancellarii dictæ Universitatis existentes, eo diligentius ab excessibus, offensis, contumaciis, et injuriis se abstineant committendis quo commissa noberint propinquius puniendæ, de gratia nostra concessimus speciali, quod Cancellarius Universitatis prædictæ qui pro tempore fuerit, a die consecrationis præsentium per quinquennium, pro. sequens continue numerandum, per literas suas patentes Cancellario nostro Angl. pro tempore existentii, significare possit et certificare de nominibus singulorum de jurisdictione præfati Cancellarii OXON. qui majoris excommunicationis vinculo fuerint innodati: et quod dictus Cancellarius noster Angl. qui fuerit pro tempore brevia nostra in Cancellaria nostra fieri, et sub magno sigillo nostro consignari faciet pro captione illozum de jurisdictione prædicta, qui sic per dictum Cancellarium OXON. fuerint excommunicati, et per quadraginta dies perseveraverint in eadem, ad significacionem sive certificationem ipsius Cancellarii OXON. super prædictam, prout ad significacionem et certificationem Episcoporum Angl. præfati Cancellario Angl. faciend. de excommunicatis auctoritate ipsorum Episcoporum hujusmodi capiend. et sic et fieri consuebit. In cuius, &c. T. R. apud Westm. primo die Junii, A priviledge not granted to the Chancellor of Cambridge University.

Pat. 31 E. 3.
pars 2, m. 25.
Pro Magistris
& Scholaribus
Universitatis
Oxon. de signifi-
cacione de
excommunica-
tis.

The like Priviledge of certifying Excommunications into the Chancery without the Bishop, and that the Chancellor should issue out *Capias Excommunicatum* upon them, I finde granted by King Richard the 2. to Richard de Ravenserach Archdeacon of Lincoln out of special grace, so long only as he should continue Archdeacon thereof; and then to cease, Pat. 6 R. 2. pars 2. m. 22. against the ordinary course and rule of Law. See *Cooks* 1 Institutes, f. 134. 2. and the Law-books there quoted.

2ly, In prohibiting or restraining Bishops by their Writs to cite persons out of the Counties or Corporations wherein they lived, though within their Diocese, for fornication, and adultery, or unjustly to excommunicate them or any others without their license, and also authorizing them by their Patents upon special reasons to cite them out of their Counties to such places within their Diocese, as they should think meet, for such offences; for which I shall present you with this memorable president.

R E X

Pat. 27 H. 6. pars 1. m. 15. intus. Pro Episcopo Coventr. & Lich.

REX Omnibus ad quos, &c. salutem. Sciatis, quod nos per *Humblem Supplicationem* Reverendissimi in Christo Patris *Willielmi Coventr. & Lichf. Episcopi* intelleximus, qualiter multi adulteri et fornicatores, et alii malefactores contra legem divinam infra *Com. Cestr.* et infra *Civitatem Cestr.* existunt, quos quidem malefactores *Officiarii ipsius Episcopi* infra *eid. Com. et Civitatem*, quosdam causa vitium semetipsorum, et quosdam causa manutenentiæ quam de hominibus potentibus infra eundem *Com.* habent corrigere nec emendare audent. Nos consideratione præmissorum, concessimus præfato Episcopo et *Officiariis suis* durante *bita ipsius Episcopi*, quod ipse et *Officiarii sui* prædicti quascunque personas residentes et residend. infra *dict. Com. et Civitatem* in omnimodis causis et materiis legem *Ecclesiasticam* concernentibus et pertinentibus, extra *dict. Com. et Civitatem* ad * aliqua alia loca *sua Dioc. citare et vocare, ac citari et vocari valeant; aliquo* *Wzbi sibe Mandato* a nobis præfato Episcopo, aut alicui *Officiariozorum suozum* ante hæc tempora inde in contractum *direct. sibe dirigend.* non obstante. In cujus, &c. Telle Rege apud *Wynson.* quarto die *Julii.*

* See 23 H. 8. c. 9. Rastal, Citation 2.

Per Breve de privato Sigillo, & de dat. prædict. auctoritate *Parliamenti.*

^a *Historia Novorum* l. 1. p. 6. See The First Tome of my *Exact Chronological Vindication*, p. 334
^b *Mar. Paris, Histor. Angl.* p. 96, 97. *Chronica Geruasi*, col. 1386
 See the First Tome of my *Exact Chronological Vindication*, p. 611, 612.
^c *Ibidem*, p. 615.

^d *Matth. Paris Hist. Angl.* 693, 694. Cl. 33 H. 3. d. 11. Cl. 36 H. 3. dorf. 14. Cl. 39 H. 3. d. 17. The Second Tome of my *Exact Chronological Vindication*, p. 699, 705, 706, 728, 760, 830, 831, 969, 970, 73, 768, 829, 878, 891, 1089, 901, 10905.

^a *Eadmerus* stories of our King *William the Conquerour*; Nulli Episcopozum suozum concessum iri permittebat, ut aliquem de Baronibus suis aut *Wzris*, sibe incesto, sibe adulterio, sibe aliquo capitali crimine denotarum publice, nisi ejus præcepto implacitaret aut excommunicaret, aut ulla ecclesiastica rigoris pœna constringeret: Which was afterwards thus ratified by the 7. Article of the famous *Parliamentary Council of Clarendon*, An. 1164. (which all the *Archbishops, Bishops, and Nobles* took an Oath inviolably to observe, as the ancient Rights, Customes, Priviledges of the King and Kingdom, to King *Henry the 2.* and his heirs for ever.) Nullus qui de Rege teneat in Capite, nec aliquis *Dominicozorum ministrozorum* ejus excommunicetur, nec terræ alicujus eozum sub interdico ponantur, nisi prius Dominus Rex, si in terra fuerit, conveniatur, vel *Justiciarius* ejus si extra regnum fuerit, ut rectum de ipso factat; Or as the *Barons of Normandy* in their Declaration and Presentment upon Oath under their Seals, *Rothomagi*, An. 1205. mense Novembr. Item diximus per *Sacramentum nostrum*, quod *Archiepiscopus* vel *Episcopus*, vel alia infertor *Ecclesiastica* persona non debet inferre sententiam excommunicationis in *Barones*, vel in *Ballivos*, aut in *servientes Domini Regis*, aut in *Clericos domus sue*, Rege non requisito, vel suo *Weneschallo*. Upon which ground, our King *Henry 3.* issued several ^d *Prohibitions* to *Robert Groshead* Bishop of *Lincoln* and his Officers, forbidding them, facere *inquisitiones districtas* de *incontinentia* et *mozibus* tam *Nobilium* quam *ignobilium*, in enozmem *lætionem* *samæ multozum* et *scandalum*, quod nunquam fieri consueberat. Claus. 44 H. 3. pars 1. m. 12. he issued a *Prohibition* to the Bishop of *Durham*, prohibiting him or his Officers to cite the *Burgesses* of *Newcastle upon Tyne*, extra *Burgum suum* ad loca remota coram suis *Ordinaris* seu eozum *Offic.* comparere, &c. ut eos *sumptibus* et *labozibus* graviter fatigarent; in grabe *dampnum* ipsozum, *detrimetum* et *depauperationem* *Burgi prædicti*, et in *præjudicium* *Coronæ nostræ*, et *Regiæ dignitatis*. Claus. 20 H. 3. dorf. 3. 10, 11. Cl. 30 H. 3. dorf. 5. Claus. 35 H. 3. dorf. 25. & 39 H. 3. dorf. 11. He issued several *Writs* against *Bishops* excommunications of his Officers or *Bayliffs*, commanding them to absolve them: The like did King *Edward* the first, Claus. 30 E. 1. dorf. 13. King *Edward* the 2. likewise issued *Writs* of *Prohibition* upon complaints of his people, to his *Archbishops* and *Bishops*, to restrain their and their Officers unjust vexations. Citations of his Subjects. I shall insert only one, which is observable.

R E X

REX Venerabili in Christo Patri *W.* eadem gratia Archiepiscopo *Ebor. Anglia* Primati, salutem. Ex parte Civitatis *Ebor.* Nobis est per Petitionem suam coram Nobis & Consilio nostro exhibitam, conquerendo monstratum, quod aliqui de Com. prædicta vicinos suos gravare, et expensis et laboribus fatigare multipliciter machinantes, ipsos coram Ordinariis locorum ad respondend. coram eis de Adulterio vel Fornicatione, seu consimilibus delictis, quibus per Prohibitionem nostram non poterant se subare, malefeste citari procurarunt, quamvis ipsi super gravaminibus hujusmodi per visitationem aut alio modo prius non fuerint diffamati: et si forte hujusmodi citati ad primum diem non venerint, statim contra eos excommunicationis sententia fulminatur, et licet ad diem citationis veniant, et super delictis sibi impositis canonicam purgationem faciunt sicut decet, nihilominus post lapsum octo dierum vel circiter, per falsam et maliciosam procuratorem amulorum suorum super prædictis criminibus ipsis ut præmittitur impositis, non obstante quod inde legitime se purgarunt, iterato citantur, sicque expensis et laboribus indies fatigantur, propter quod nobis est cum instantia supplicatum, ut ipsis velimus super præmissis de remedio prohibere. Et quia populum nobis commissum nolumus indebite heberari, Vobis mandamus, quod hujusmodi oppressiones et gravamina indebita ponderantes, Ministros vestros ab oppressionibus et gravaminibus hujusmodi aliquibus vel alicui de Com. prædicta de cætero inferendis, prout ad hos pertineret, desistere faciatis; taliter in hac parte vos habentes, quod per vestri defectum querela inde ad nos non perbeat iterata. Teste Rege apud *Ebor.* 28 die *Novembris.*

Per Petitionem de Consilio.

Class. 12 E.2.
m. 20. inus.
De oppressionibus populos
Per Citationes
non inferendis.

317. In qualifying and enabling Doctors of Divinity and other Graduates in both the Universities of *Oxford* and *Cambridge* for the better instruction of their subjects, encouragement of Schollers, and advancement of learning, to be capable of being preferred to all manner of Ecclesiastical Dignities, Benefices, Preferments in *England, Wales, and Ireland,* belonging to any Collegiate or Cathedral Churches, or Monasteries, by presentation of the Patrons, or *graces or provisions of Popes,* (whiles their usurped power was here tolerated or connived at) notwithstanding any Lawes or Constitutions to the contrary; and in restraining them from holding pluralities of such livings or preferments, or appropriated or united Churches, even by the Popes provisions, as this memorable Charter of King *Henry* the 4th. to both our Universities, (wherein he placed the University of *OXFORD* before *Cambridge,* indulging * *greater Priviledges* unto it in some particulars by his former Charters than he did to *Cambridge*) will most clearly evidece.

* Cart. 1 H. 4.
nu. 7. Cart. 2
H. 4. pars 1.
nu. 3. Cart. 6
H. 4. nu. 3. Rot.
Pall. An. 11
H. 4. nu. 50.

REX Omnibus ad quos, &c. salutem. Sciatis, quod Nos, ad honorem Omnipotentis Dei (in cujus clementi bonitate & non alio spem semper posuimus & habemus) necnon caritatis intuitu, ac in Cleri et virtutis augmentum, ut in hinc Domini tales Cultores ponantur imposterum quoque industria, scientia, doctrina et conversatione fructus salutis animarum habundantius valeant accrescere, et tempore messis ad ortum Domini ultra granum centesimum augmentari: Et Regis benignitate et gratia nostra speciali, necnon ad supplicationem carissimæ Consortis nostræ *Johanna* Regina *Anglia,* concessimus, & licentiam dedimus pro nobis & hæredibus nostris, quantum in nobis est, dilectis nobis Cancellariis, Doctoribus, et Magistris, necnon Bacallariis et aliis quibuscumque graduatis et graduandis personis in Universitatibus nostris *OXON.* et *Cantabr.* quod ipsi futuris temporibus imperpetuum, videlicet, Doctores et Magistri ac Licentiatii in Sacra Theologia, jure Canonico et Civili, singuli eorum in Metropolitanis et Cathedralibus, Collegiatis et Conventualibus Ecclesiis Regni nostri *Anglia,* ac parcium *Wallie,* et terræ nostræ *Hibernie,* ad dignitates electivas etiam majores post Pontificales, ac administrationes personatus et officia, necnon Canonatus et Præbendas, ac ipsi et alii Bacallarij et

Pat. 5 H. 4.
pars 1. m. 29.
Pro Universitatibus Oxon.
& Cantabrig.

Graduati prædicti Anguli eorum qui dignitates in Ecclesiis Petropolitans et Cathedralibus prædictis vigore hujusmodi nostræ licentiæ prius non sunt recepti consecuti, ad quæcumque beneficia et officia Ecclesiastica curata et non curata consueva Clericis secularibus assignari, ad collationem, præsentationem, nominationem, seu quavis aliam dispositionem Archiepiscoporum, Episcoporum, Decanorum, Priorum et Capitulorum, necnon Abbatum, Priorum, et aliorum quorumcumque Patronorum Ecclesiasticorum, a Domino Summo Pontifice gratias expectativas seu prohibitiones in præmissis eis et eorum cuilibet necessarias impetrare, ac vigore hujusmodi gratiarum dignitates personatus et officia, necnon Canonicatus et Præbendas, ac alia beneficia et officia curata et non curata, sub gratis hujusmodi cadentes, et cadentia, ac jam occupata seu occupata, sed de cætero vacaturas et vacatura, de facili cum vacaverint, per se et suos procuratores acceptare, ac collationes et investuras de jure vel consuetudine requisitas eis seu eorum procuratoribus nomine suo per executores, subexecutores, et notarios quoscumque in ea parte deputandos seu requirendos fieri et subire, necnon realem et expeditam possessionem dignitatum et personatum, et Officiorum, ac Canonicatum, Præbendarum, et beneficiorum hujusmodi capere, adipisci, et nactus libere valeant: ac possessionem sic captam et adeptam secundum exigentiam juris Canonici publice continuare, et defendere, ac eam tenere et habere, secundum vim, formam et effectum gratiarum prædictarum, ac processuum in hac parte fiendorum, quos facere et effectualiter exequi, et contra attemptantes in contrarium, et impedientes eorum executionem debitam in quacumque Curia Christianitatis eis placuerit libere persequi, et ibidem agere quicquid concernit gratias ac causas, et materias exinde subortas vel quæ exoriri contigerit, absque occasione vel impedimento nostri, ac heredum nostrorum, seu Principum nostrorum quorumcumque, *Statuto de Provisoriis* Anno regni Domini R. nuper Regis Angli. secundi post conquestum Prædecessoris nostri tertio decimo, edito, seu aliquo alio Statuto, et Ordinationibus quibuscumque in contrarium editis non obstantibus. Volentes quod prædicti Doctores, Magistri et Baccallarii, Procuratores, Executores vel Subexecutores, aut Rotarii et alii de Consilio eorumdem propter executionem et expeditionem gratiarum hujusmodi, ac Processuum eorumdem, ut præfertur, per nos vel heredes nostros, Justic. Crætores, Vicecomites, aut alios Ballivos seu Principes nostros vel heredes nostrorum quoscumque inquietantur, molestentur in aliquo seu graventur. Proviso semper, quod quancumque Cancellarij, Doctores et Magistri, necnon Baccallarii seu quicumque alii supradicti, vigore præsentium aliquorum beneficiorum ecclesiasticorum incompatibilium canonicam et pacificam possessionem adepti fuerint, aut quibus eorumdem aliquus beneficii ecclesiastici incompatibilis canonicam et pacificam possessionem fuerit adeptus, beneficia incompatibilia seu beneficium incompatibile, per ipsos seu eorum aliquem prius occupata et acceptata, sibi occupatum et acceptatum omnino dimittant, et quilibet eorum penitus dimittat: Ita quod Cancellarii, Doctores et Magistri, necnon Baccallarii seu quicumque alii prædicti, seu eorum aliquis * duo Beneficia ecclesiastica incompatibilia post hujusmodi possessionem vigore præsentium sic adeptam, simul et semel ultra unum mensem nullatenus optineant seu optineant, nec eorum aliquis aliquam prohibitionem aliquorum beneficiorum Ecclesiasticorum, nisi in una Ecclesia Cathedrali, aut de una collatione duntaxat, prout inferuntur in *Decretis Universitatum* prædictarum, et per eosdem articulos et non particulariter, neque alio modo in Curia Romana per se vel per alios persequatur, aut hujusmodi prohibitionis gratiam acceptet, seu executioni demandare præsumat, nec aliquos seu aliquem super jure, titulo seu possessione aliquorum beneficiorum, seu aliquis beneficii per ipsos occupatorum sibi occupati, nec alicui collatorum seu collati, nec alicuius beneficii, seu aliquo beneficio Religiosæ, sive aliis vel alii appropriatorum, unitorum sive annexorum, appropriati, uniti vel annexi qualitercumque in presenti, soloque hujus licentiæ nostræ, aut prohibitionum vigore ejusdem licentiæ faciendarum, aut præteritu revocationis, annullationis, irritationis sive cassationis hujusmodi appropriacionum,

* Nota.

proactionum, unionum sive annexionum in dicta Cur. Romana, nuper ut dicitur fact. heret, impediatur sive inquietetur, nec aliquam provisionem seu alicujus hujusmodi provisionis executionem de aliquibus beneficiis sive beneficio hujusmodi ad presentem sic appropriatis, unitis vel annexis, appropriato, unito vel annexa, per se aut per alios fac. seu facere presumat, aut hujusmodi beneficia sive beneficium acceptet quobis modo in presentem, colore presentium aut provisionum bigoze earundem sic faciendarum, heret, impediatur sive inquietetur quobis modo. In cujus, &c. Teste Rege apud Westmonasterium, xxxv. die Novembris.

Per ipsum Regem.

4ly. In granting Commissions to visit Free Chappels, Hospitals, Monasteries, and all sorts of Ecclesiastical persons, and correct their abuses, For which see Cl. 1 E. 3. pars 2. dorf. 14. Pat. 12 E. 3. pars 2. dorf. 31. Cl. 15 E. 3. pars 1. dorf. 17. Pat. 15 E. 3. pars 2. dorf. 49. pars 3. dorf. 9. Pat. 16 E. 3. pars 1. dorf. 34. pars 2. dorf. 20. Cl. 16 E. 3. pars 2. dorf. 17. Pat. 17 E. 3. pars 1. dorf. 7. Pat. 50 E. 3. pars 1. dorf. 41. pars 2. dorf. 25. 26 H. 8. c. 1. 1 Eliz. c. 1. & Here, p. 228, 229.

Cap. 75. p. 345. Of SCOTLAND.

IN this Chapter, p. 347, 348. the Author presents his Readers with such *Miscellanea*, as he had observed in *Records* and *Authorities* there collected, printed, being all (writes he) which we have observed in our reading concerning this matter: adding, *Multi multa, nemo omnia novit*. I shall therefore adde such Histories and Records concerning the ancient Subjection, Homage of the Kings, Kingdom, Prelates, Nobles of Scotland to the Kings of England, as their *Sovereign Lords*; their Writs, Summons to them upon several occasions; their summons of forces by Land and Sea against them, when they revolted from, rebelled against them, or invaded England; their Ordinances for their Government, settlement, and pleas before them, both for the Crown of Scotland, and Lands in it, with other matters relating to it, omitted by the Author.

For ancient Histories concerning the premises, you may consult at leisure, *Abbas Ingalphi Historia*, p. 908. *Willielmus Malmesburiensis*, De Gestis Regum Anglie, *Francfurti* 1601. l. 2. c. 3, 6, 7, 8, 12, 13. l. 3. p. 101. l. 5. p. 158. *Rogerus de Hoveden Annalium*, pars prior & posterior, p. 423, 426, 443, 445, 446, 454, 545, 546, 548, 550, 629. *Henr. Huntindon*, *Historiarum*, l. 5. p. 354, 355. l. 6. p. 364, 366. l. 7. p. 369, 371. *Florentius Wigorniensis*, *Chron.* p. 333, 347, 348, 352, 353. *Simeon Dunelmensis*, *Historia De Gestis Regum Anglorum*, An. 1093. col. 151, 156, 187, 318. *Radulphus de Diceto*, *Ymagine Historiarum*, col. 584, 585. *Chronicon Johannis Bromton*, col. 909, 987, 988, 989, 990, 1003, 1004, 1008, 1167, 1168, 1169. *Mat. Paris*, *Historia Anglie*, *Tigur.* 1589. p. 5, 16, 124, 126, 431, 626, 627, 628, 838, 839, 912. *Matth. Westminster*, *Flores Historiarum*, Annis 926, 933, 947, 975, 1033, 1054, 1062, 1078, 1015, 1091, 1092, 1174, 1175, 1190, 1220, 1295, to 1307. *Chronica Willielmi Thorne*, col. 1962. *Henry de Knyghtan de Eventibus Anglie*, l. 2. c. 12. l. 3. c. 2. col. 2396, 2402, 2468, to 2472, 2484, to 2494. *Thomas Walsingham*, *Ypodigma Neustrix*, p. 72, to 78, 92. to whom I shall adde *Heffor Boethius*, *Regum & Rerum Scotticarum Historia*, and *Ryley* his *Placita Parliamentaria*, & *Appendix*, p. 100, 143, to 148, 152, to 165. 240, to 250, 266, 270, 284, 318, to 324, 344, 355, 365, 371, to 376. 483, to 508, 512, 520, 521, 540, 572, 618, 619, 639, 657. To these I shall annex these ensuing Records of my Collection in the *Tower*, Pat. 9 Joh. m. 14. Clauf. 17 Joh. dorf. 15. Cl. 4 H. 3. d. 13. Cl. 5 H. 3. d. 11. pars 1. & pars 2. dorf. 16. Pat. 5 H. 3. dorf. 6. Cl. 7 H. 3. m. 4. Pat. 8 H. 3. pars 2. m. 2. Fines 10 H. 3. m. 19. Liberate 14 H. 3. m. 7. Pat. 20 H. 3. m. 7.

m. 7. Cl. 21 H. 3. dorf. 11. Pat. 21 H. 3. m. 9. dorf. 7. Cl. 22 H. 3. dorf. 12. Cl. 22 H. 3. dorf. 15. Pat. 22 H. 3. dorf. 5, 8. & m. 8, 9, 18. Pat. 25 H. 3. dorf. 21. Pat. 26 H. 3. dorf. 7. n. 9. Cl. 28 H. 3. dorf. 7, 8, 12. Escheats An. 31 H. 3. n. 51. Perambulatio inter Regnum *Angl. & Scotia*, num. 65. Cl. 34 H. 3. dorf. 13, 19. Pat. 35 H. 3. m. 2. Clauf. 36 H. 3. dorf. 23. m. 30, 31. Pat. 36 H. 3. m. 14. dorf. 3. Cl. 38 H. 3. dorf. 8, 13. Pat. 39 H. 3. pars 3. m. 4, 5, 27, 29. Cart. 39 H. 3. m. 3. Ced. Cl. 39 H. 3. dorf. 7. Pat. 40 H. 3. dorf. 4. Cl. 40 H. 3. m. 4. Cl. 41 H. 3. dorf. 8. Pat. 42 H. 3. m. 11. Cl. 42 H. 3. dorf. 8, 10, 12. Cl. 43 H. 3. dorf. 8, 15. Ced. Cl. 44 H. 3. dorf. 5. pars 2. dorf. 2. Pat. 44 H. 3. dorf. 2, 4. & m. 3. Cl. 45 H. 3. m. 7. Pat. 45 H. 3. m. 6, 22. Extract. 45 H. 3. nu. 28. Cl. 46 H. 3. dorf. 9. Ced. d. 13. & m. 8. Ced. Cl. 46 H. 3. pars 2. dorf. 1. Ced. Cl. 47 H. 3. dorf. 9. Pat. & Cart. 47 H. 3. m. 8, 12. & dorf. 8. Pat. 49 H. 3. dorf. 5. Cl. 49 H. 3. dorf. 8. Pat. 52 H. 3. m. 8. Pat. 53 H. 3. m. 3. Pat. 56 H. 3. m. 8. Pat. 5 E. 1. m. 5. Cedula & 16. Cl. 6 E. 1. dorf. 5. Cl. 6 E. 1. m. 11. Pat. 6 E. 1. m. 6, 11. Cl. 7 E. 1. m. 8, 11. & dorf. 24. Pat. 9 E. 1. m. 23. Pat. 17 E. 1. m. 1. & 3, 4. Cedula. Pat. 18 E. 3. m. 8, 9, 23, 30, 33. Bundel. Brevium, An. 18 E. 1. Rot. *Scotia*, An. 19 E. 1. Cl. 19 E. 1. dorf. 6. Pat. 19 E. 1. m. 14, 15. Pat. 20 E. 1. m. 7, 14. Cl. 21 E. 1. m. 2. dorf. 8. Fines 21 E. 1. m. 16. Rot. *Alemannia* 22 E. 1. m. 7. Rot. *Vasconia* 22 E. 1. m. 7, 4, 11. Cl. 23 E. 1. m. 4. Rot. *Scotia* 24 E. 1. Cl. 24 E. 1. m. 4, 5, 6. & dorf. 12. Fines 24 E. 1. pars 2. m. 12. Pat. 24 E. 1. m. 2, 3, 4, 5, 10, 14, 15. Escheats 24 E. 1. nu. 58, 61. The 9. large, fair, memorable Rotuli. *De Superioritate Regis Angliæ in Regno Scotiæ, Homagiis, & Juramentis Fidelitatis Regis, Proce- rum, Pralatorum, Cleri & Populi Scotiæ Regi Edwardo* 1. Annis 19, 20, 21, 22, 23 E. 1. Bundel. Brevium, An. 25 E. 1. Cl. 25 E. 1. m. 5, 11. dorf. 7, 8, 9, 13, 26. Cedula. Pat. 25 E. 1. pars 1. m. 2, 6, 7, 24. pars 2. m. 2, 3, 6, 10. Rot. *Scotia* 26 E. 1. Pat. 26 E. 1. m. 2, 17, 18, 20, 22, 30, 31. Cl. 26 E. 1. dorf. 10, 12. & Ced. 15, 16, 17. Pat. 27 E. 1. m. 20, 21, 18, 38, 39. dorf. 29. Cl. 27 E. 1. m. 7, 9, 10, 14, 20. Rot. Protectionum *Scotia* 27 E. 1. Cl. 28 E. 1. m. 3, 4, 13, 17. dorf. 13, to 19. Pat. 28 E. 1. m. 6, to 12, 16, 17, 27, to 32. Libe- rate 28 E. 1. m. 1, to 7. Cl. 29 E. 1. m. 3, 8, 9, 10, 12, 16, 17. dorf. 10, 11, 12, to 17. Liberate 29 E. 1. m. 2, 3. Pat. 29 E. 1. m. 8. 16, to 23. Rotulus *Scotia* 30 E. 1. Cl. 30 E. 1. m. 18. dorf. 6, 14. Ced. 18. Pat. 30 E. 1. m. 1, 2, 3, 12, 23, 34, 36. Cl. 31 E. 1. dorf. 5, 10, 13, 17, 18, 20, 27, 28, 29, 47. Pat. 31 E. 1. m. 20, 21, 26. Rot. Scutagii An. 31 E. 1. Cl. 32 E. 1. m. 10, 13, Cedula. Liberate 32 E. 1. m. 3. Pat. 32 E. 1. m. 7. Pat. 32 E. 1. m. 24, 34. dorf. 25. Cl. 33 E. 1. m. 3, 4, 6, 15, 17, 21, 22. dorf. 5, 13. Cedula. Pat. 33 E. 1. pars 1. m. 3, 5, 13, 15, 17, 22. dorf. 5, 6, 12, 13. Cedula, pars 2. m. 4, 8, 10. Cart. 33 E. 1. m. 10. Fines 33 E. 1. m. 2, 19. Cart. 34 E. 1. m. 2, 18. Fines 34 E. 1. m. 2. Pat. 34 E. 1. m. 15, 26, 27, to 32, 34, 35. Cl. 34 E. 1. m. 4, 11. dorf. 1, 2, 4, 6, 8, 9, 14, 15. Ced. 17. Rot. *Scotia* 35 E. 1. Cl. 35 E. 1. m. 7, 11, 14. dorf. 11, 14, 15, 17. Pat. 35 E. 1. m. 1, 23, 24, 25, 29, 39. Rot. *Scotia*, An. 1 E. 2. & Rot. *Roma*, 1 E. 2. m. 7. Cl. 1 E. 2. m. 3, 9, 11, 14, to 19. & dorf. 13, 14, 28. Pat. 1 E. 2. pars 1. m. 6, 18, 20. pars 2. m. 22, 24, 28. Clauf. 2 E. 2. m. 20. dorf. 15, 20, 21. Pat. 2 E. 2. pars 1. m. 1, 3, 18. Ro- tulus *Scotia*, 4 E. 2. Rot. *Roma*, 4 E. 2. m. 21, 23, 24. dorf. 3, 4, 5, 19, 20. Cl. 4 E. 2. dorf. 4, 5, 14, 18, 22, 23. Pat. 4 E. 2. pars 1. m. 6. Cedula, pars 2. m. 1, 2. Bundel. Inquisitionum An. 5 E. 2. nu. 55, 75, 76. Rotulus *Scotia*, 5 E. 2. Pat. 5 E. 2. pars 1. m. 5. pars 2. m. 8, 11, 12, 13. Cl. 6 E. 2. m. 20. dorf. 13. Pat. 6 E. 2. pars 1. m. 15, 16, 17, 18. pars 2. m. 8, 10, 16. Rot. *Scotia*, 7 E. 2. Fines 7 E. 2. m. 9. Cl. 7 E. 2. dorf. 7, 8, 14, 25, 27. Pat. 7 E. 1. pars 1. dorf. 4. pars 2. m. 3, 15. Rotulus *Scotia*, 8 E. 2. Cl. 8 E. 2. m. 17. dorf. 13, 25. Pat. 8 E. 2. pars 1. m. 10, 21, 26, 30. dorf. 8, 17, 18, 19. pars 2. m. 18, 20, 25. Rot. *Scotia*, 9 E. 2. Fines 9 E. 2. m. 3, 14. Cl. 9 E. 2. dorf. 10, 19, 25. Pat. 9 E. 2. pars 1. m. 7, 8, 9, 12, 13, 14. dorf. 3, 5, 13, 17, 18, 21, 22. pars 2. m. 22. Rot. *Scotia*, 10 E. 2. Cl. 10 E. 2. dorf. 2, 3, 6, 25, 29, 30. Pat. 10 E. 2. pars 1. m. 10. pars 2. dorf. 25. Rot. *Vasconia*, 10 E. 2. m. 8. Rot. *Scotia*, 11 E. 2.

E. 2. Cl. 11 E. 2. dorf. 2. Pat. 11 E. 2. pars 2. m. 4, 20. Rot. Scotia 11 E. 2. to An. 13. Cl. 12 E. 2. m. 12. dorf. 19. Pat. 12 E. 2. pars 1. m. 12, 13. Cl. 14 E. 2. dorf. 29. Cl. 15 E. 2. dorf. 16. Cl. 16 E. 2. dorf. 26. Cl. 18 E. 2. m. 21. dorf. 34. Rot. Scotia, 1 E. 3. Cl. 1 E. 3. pars 1. m. 8, 12. pars 2. m. 5, 11, 14. Cl. 4 E. 3. pars 1. m. 4, 11, 14. pars 2. m. 1, 5, 11, 14, 28. Rot. Scotia, Annis 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 35, 36, 37, 38, 39, 40, 41, 42, 43, 45, 46, 47, 48, 49, 50, 51 E. 3. Rot. Parl. 6 E. 3. nu. 6. Cl. 8 E. 3. dorf. 33. Rot. Parl. 13 E. 3. nu. 3, 18, 20, to 28. Parl. 2. 13 E. 3. nu. 34, to 44. Parl. 1 An. 14 E. 3. nu. 41, to 55. Parl. 2. nu. 1, 14. Pat. 15 E. 3. pars 1. dorf. 24, 39. pars 3. dorf. 9, 11. Rot. Parl. 22 E. 3. nu. 11. & 29 E. 3. nu. 10. Rot. Parl. 30 E. 3. nu. 14. Pat. 31 E. 3. pars 2. dorf. 9. Rotuli Scotia, Annis 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 19, 21 R. 2. Rot. Parl. 2 R. 2. nu. 33, 37. & An. 3 R. 2. nu. 5, 7. & 4 R. 2. n. 3, 5. An. 6 R. 2. nu. 1, 4, 5, 6, 33. Parl. 1 & Rot. Parl. 2 R. 2. nu. 4, 9. Parl. 7 R. 2. nu. 4, 5. Rot. Parl. 8 R. 2. nu. 2, 5. 13 R. 2. nu. 1, 2. 14 R. 2. nu. 1, 2. 15 R. 2. nu. 10. 17 R. 2. nu. 1, 2. 20 R. 2. nu. 2, 3. Rot. Parl. 1 H. 4. nu. 66. Rotuli Scotia, Annis 1, 4, 8, 10 H. 4. Rot. Parl. 4 H. 4. nu. 2, 12, 13, 14, 15. An. 5 H. 4. nu. 3, 4. An. 8 H. 4. nu. 2, 4, 135. Rot. Scotia, Annis 1, 2, & 9 H. 5. Rot. Parl. 1 H. 5. nu. 3, 9. & An. 5 H. 3. m. 3, 4. Rotuli Scotia, Annis 1, 3, 8, 12, 13, 15, 16, 17, 21, 23, 26, 28, 29, 30, 31, 32, 35, 37, 38, 40 H. 6. Rot. Parl. An. 3 H. 6. nu. 18. Rot. Parlamenti Anno 1 E. 4. nu. 21, 23. Rotuli Scotia, Annis 1, 11, 22 E. 4. The First Tome of my Exact Chronological Vindication, &c. p. 545, to 556. & the Third Tome thereof, p. 390, 391, 392, to 400, 487, to 548, 645, to 668, 735, 791, 792, 861, 874, to 898, 1009, 1010, 1050, to 1058, 1060, 1090, 1119, to 1127, 1132, 1133. Out of which an Exacter History of the Affairs, Leagues, Warrs between England and Scotland, and of our Kings old Superiority over it may be extracted, then any yet published to the World.

I shall cloze this Chapter of Scotland, with the signal Patent whereby King Edward the 3d. conferred the Honor of a Baneret, on John de Coupeland and his heirs for ever, together with an Annuity, Mannors and Lands to the value of 500 l. by the year to support it, for his acceptable, laudable services, valour performed for him in his wars, especially in the Battle at Durham, where he routed the Scots army, took David de Bruys, who had made himself King of Scots, prisoner, and freely delivered him up to the King without ransom, for his and others future encouragement; (afterwards altered by his voluntary agreement by another settlement on him and his wife) as this Record informs us.

REX Omnibus ad quos, &c. salutem. Sciatis, quod cum Nos nuper considerantes, grata et laudabilis obsequia Nobis per dilectum nobis Johannem de Coupland impensa, et bonum locum quem nobis in guerris nostris tenuit, necnon strenuum gestum ipse Johannes, in bello apud Dunolm. ubi Deus sua divina potencia fidelibus nostris in partibus hostilibus historiam de Scotis inimicis nostris contulit gloriosam; in quo bello idem Johannes, David de Bruys, qui se Regem Scotia fecerat nominare, de guerra cepit, et ipsum David nobis gratanter liberavit; Ac volentes ipsum Johannem propter ipsius probitatis et strenuitatis merita taliter premiare, quod alii per hoc exemplum captant nobis temporibus futuris fideliter obsequendi, eundem Johannem in STATU BANARETTI posterimus; et pro eodem statu manutenendo, concesserimus pro nobis et heredibus nostris eidem Johanni quingentas libras percipiendas sibi et heredibus suis singulis annis, videlicet, quadringentas libras de exitibus customarum nostrarum in portu Civitatis nostrae London. et Centum libras de exitibus customarum nostrarum in portu Ville Berewici super Twedam, per manus Collectorum Customarum predictarum qui pro tempore fuerint, ad terminos Pasche et Sancti Michaelis, per aequales portiones, quousque predicto Johanni et heredibus suis de quingentis libratibus tertie

Pat. 29 E. 3.
pars 1. m. 2.
Pro Johanne
de Coupeland,
& Johanna
uxor. ejus.

bel redditus per annum in loco competenti eidem *Johanni* et hæredibus suis habend. per Nos vel hæredes nostros foret probisum. Et postmodum volentes concessionem nostram prædictam effectui mancipari, dederimus et concesserimus pro nobis et hæredibus nostris præfato *Johanni*, Manerium de *Coghull* cum pertin. in Com. *Eborum*, & medietatem Manerii de *Kirkeby* in *Kendale*; cum membris & aliis pertin. suis in Com. *Westmerl.* & *Cumberl.* & medietatem Manerii de *Ulreston* cum pertin. in Com. *Lanc.* quæ fuerunt *Willielmi de Concy*, & quæ post mortem ipsius *Willielmi* ad manus nostras tanquam escaeta nostra devenerunt: Habend. & tenend. eidem *Johanni* & hæredibus suis, cum omnibus ad prædicta Manerium de *Coghull*, & medietates dictorum Manerii de *Kirkeby*, & Manerii de *Ulreston* qualitercumque spectantibus seu pertinentibus, de nobis & hæredibus nostris, ac aliis Capitalibus Dominis feodorum illorum; per servicia quæ inde antequam ad manus nostras devenerunt debebantur, in valorem annum ducentarum triginta & unius librarum, octo solidorum, novem denariorum, & unius quadrantis, ad quos dicta Manerium de *Coghull* & medietates extenduntur per annum, in partem satisfactionis quingentarum librarum terræ & redditus prædictarum; Salvis nobis parco & bosco separali super le *Bradewode*, bosco infra Insulam de *Wynandermere*, medietate bosci vocati *Rithemersfeld*, bosci de *Crosthwayt* vocati *Brenawode*, & bosci de *Aymerholm*; necnon feodis Militum, & advocacionibus Ecclesiarum quæ ad eadem Manerium de *Coghull*, & medietates dictorum Manerii de *Kirkeby*, & Manerii de *Ulreston* pertinent; Concesserimus etiam eidem *Johanni* Maneria de *Morholm*, *Warton*, *Carnesford*, & *Lynheved*, cum pertin. in Com. *Lanc.* quæ fuerunt prædicti *Willielmi*, & quæ post mortem ipsius *Willielmi* ad manus nostras tanquam escaeta nostra devenerunt; Habend. ad voluntatem nostram ad firmam in valorem annum sexaginta & decem & octo librarum, quinque solidorum, & undecim denariorum, quos ei singulis annis pro tempore quo maneria prædicta sic tenuerit, in partem satisfactionis quingentarum librarum terræ & redditus prædictarum volumus, quousque aliud inde præcipissemus. Et nos volentes eidem *Johanni* de residuis Centum quaterviginti & decem libris, quinque solidis, & tribus denariis, uno obolo, & uno quadrante, qui ei de dictis quingentis libris terræ & redditus per annum aretro fuerunt satisfieri; Voluerimus & concesserimus nobis & hæredibus nostris, quod idem *Johannes* dictos Centum quaterviginti & decem libras, quinque solidos, tres denarios, unum obolum, & dictum quadrantem haberet & perciperet sibi & hæredibus suis singulis annis de exitibus Customarum nostrarum in portu Civitatis nostræ *London.* per manus Collectorum Customarum nostrarum ibidem qui pro tempore fuerint, ad festa Sancti *Michaelis* & *Pascha* per æquales porciones, quousque eidem *Johanni* & hæredibus de Centum quaterviginti & decem libris, quinque solidatis, tribus denaratis, una obolata, & una quadrantata terræ & redditus in loco competenti, habend. in plenam satisfactionem quingentarum librarum terræ & redditus prædictarum per nos vel hæredes nostros foret provisum, prout in diversis literis nostris patentibus inde confectis plenius continetur. Ac jam præfatus *Johannes* Manerium de *Coghull*, medietatem Manerii de *Kirkeby* cum membris, & aliis pertin. suis, ac medietatem Manerii de *Ulreston* prædicta cum pertin. ac prædicta Maneria de *Morholm*, *Warton*, *Carnesford* & *Lyndeheved* cum pertin. necnon dictos Centum quaterviginti & decem libras, quinque solidos, tres denarios, unum obolum, & unum quadrantem annuos reddiderit in manus nostras, & dictas literas nostras in Cancellaria nostra restituerit cancelland: Nos ad reddicionem & restitutionem prædictas, ac bonum servicium ipsius *Johannis* prædictum considerationem habentes, ac volentes eo prætextu cum eodem *Johanne* agere graciosè, dedimus & concessimus pro Nobis & hæredibus nostris eidem *Johanni* & *Johanna* uxori ejus Manerium prædictum de *Coghull* cum pertin. ac dictas medietates prædicti Manerii de *Kirkeby* cum membris & pertin. suis, & dicti Manerii de *Ulreston* cum pertin. præfato *Johanni* & hæredibus suis per nos prius data & concessa, necnon parcum & boscum separalem super le *Bradewode* boscum infra Insulam de *Wynandermere*,

manderere, medietatem bosci vocati *Rishmerfeld*, bosci de *Croftswais* vocati *Brendewode*, & bosci de *Ayverholm* predictos, ac feoda Militum, & advocaciones Ecclesiarum predicta, que ad eandem Maneriam de *Cogbaly*, & medietatem dictorum Manerii de *Kirkeby*, & Manerii de *Ulfeston* pertinent seu pertinuerunt, que in manibus nostris retenta fuerunt, habend. & tenend. prefatis *Johanni & Johanne* ad totam vitam utriusque eorundem. Concessimus etiam pro nobis & heredibus nostris: eisdem *Johanni & Johanne* predicta Maneria de *Merholm*, *Warton*, *Carnesford* & *Lynsbewod*, cum pertin. ac feoda Militum, & advocaciones Ecclesiarum, & omnia alia ad eadem Maneria qualitercumque spectantia: Habend. ad voluntatem nostram ad firmam in valorem annuum sexaginta & decem & octo librarum, quinque solidorum, & undecim denariorum predictorum, quos eis singulis annis pro tempore quo eadem Maneria sic teneant in partem satisfactionis dictarum quingentarum librarum terre & redditus dicto *Johanni & heredibus suis*, per nos ut permittitur concessarum; & quod prefati *Johannes et Johanna* et tenentes sui, de parco & boscis predictis capere possint ad edificand. combarend. et ad parcos & hais faciend. & claudend. ac housbote et haybote, et alia necessaria sua quacumque faciend. absque molestacione seu impetitione nostri vel heredum nostrorum, seu Ministrorum nostrorum quorumcumque. Notumus autem quod predicti *Johannes et Johanna*, vel assignati sui, ratione alicujus vasti vel exilii in Maneriis, terris, ten. parcis et boscis predictis, aut domibus seu gardinis ibidem facti vel faciendi, nisi solummodo de vasto parcorum et boscorum in casa quo parcos aut boscos illos, vel partem eorundem, aut arbores in eisdem crescentes dederint vel vendiderint, per nos vel heredes nostros occasionentur, molestantur in aliquo seu graventur. Et si contingat dicta Maneria de *Merholm*, *Warton*, *Carnesford*, & *Lynsbewod*, cum pertin. extra manus ipsorum *Johannis & Johanne* per considerationem Curie nostre, aut per nos vel heredes nostros ex quacumque causa capi vel poni, antequam eisdem *Johanni & Johanne* de predictis sexaginta & decem & octo libris, quinque solidis, & undecim denariis de exitibus Customarum nostrarum in portu dictae Civitatis nostre *London*. habeant et percipiant ad totam vitam ipsorum *Johannis et Johanne* ad terminos predictos, quousque eisdem *Johanni & Johanne* de sexaginta & decem & octo libris, quinque solidis, & undecim denariis predictis, singulis annis ad totam vitam eosundem *Johannis & Johanne* habend. per nos vel heredes nostros fuerit provisum. Volumus insuper & concedimus pro nobis & heredibus nostris, quod predicti *Johannes & Johanna* dictos Centum quaterviginti & decem libras, quinque solidos, & tres denarios, unum obolum & unum quadranteum, habeant & percipiant singulis annis de exitibus Customarum nostrarum in dicto portu *London*. per manus Collectorum Customarum nostrarum ibidem qui pro tempore fuerint, ad festa Sancti *Michaelis & Pasche* per equales porciones, quousque eisdem *Johanni & Johanne* & ad totam vitam utriusque eorundem, de Centum quaterviginti & decem libris, quinque solidis, tribus denariis, una obolata, & una quadrantata terre & redditus per annum in loco competenti, Habend. in plenam satisfactionem quingentarum librarum terre & redditus predictarum per nos vel heredes nostros fuerit provisum: Ita quod post mortem predictorum *Johannis & Johanne* Maneria & medietates predicta cum pertin. una cum feodis & advocacionibus, parco, boscis, & omnibus aliis predictis, necnon dicti Centum quaterviginti & decem libr. quinque solid. tres denar. unus obolus, & unus quadrans annui de exitibus Customarum predictarum ad nos & heredes nostros integre revertantur. In cujus, &c. Teste Rege apud *Turrim London*, 27 die *Mayis*

Per Breve de Privato Sigillo.

Cap.

Cap. 76. p. 349.. Of the Kingdom of IRELAND.

Concerning our Kings ancient Rights, Titles to the Kingdom of Ireland, as well in our *Brisons* and *Saxons* Kings reigns, as since the Conquest thereof by our King *Henry* the 2^d. and their voluntary submissions, Homages, Fealties, Oathes to him and his successors, the erection of their Archbishopsricks, Bishopricks, and subjection of their Bishops to the Archbishop of *Canterbury*, and most other things concerning it, you may consult at leisure, *Giraldus Cambrensis* his *Topographia Hibernie*, and his *Hibernie Expugnatio*, our Venerable *Beda* his *Ecclesiasticz Historiæ*, l. 4. cap. 2. *Willielmus Malmesburiensis* de *Gestis Regum*, l. 2. c. 8. *Matth. Westminster* his *Flores Historiarum*, Pars 1. Annis 525, 684, 685, 937, 975. Pars 2. Annis 1171, 1184, 1210. *Guilielmus Nubrigensis*, *Rerum Anglicarum Histor.* lib. 2. c. 26. *Henricus Huntindon*, *Histor.* l. 5. *Galfridus Monmouthensis*, *Hist.* l. 9. c. 10. *Florentius Wygorniensis*, An. 973. *Roger de Hoveden*, *Annal.* pars posterior, An. 1171, &c. p. 527, to 532, 566, 567, 582, 608, 611, 614, 629, 630, 632, 634. *Radulphus de Diceto*, *Ymagines Historiar.* col. 626. *Simon Dunelmensis*, *Historia*, col. 279. *Matth. Paris*, *Historiz Anglie*, *Tigur.* p. 91, 121, 220, &c. 227, 228, 353, 386. *Chronica Gervasis*, col. 1420. *Actus Pontif. Cantuariensis*, col. 1638. *Chronicon Johannis Bromton*, col. 970, 1069, 1070, to 1080, 1127, 1128. *Henry de Knighton* de *Eventibus Anglie*, l. 1. c. 3. col. 2348. lib. 2. col. 2395. lib. 3. col. 2609. l. 5. col. 2742. *Annales Hibernie*, printed in *Mr. Cambden*, *Thomas Walsingham*, *Ypodigma Neustria*, p. 35, 39, 44, 147, 148. *Polydorus Virgilium*, *Anglie Histor.* l. 13. p. 220, 221, &c. l. 15. p. 274. *Mat. Parker*, *Antiquitates Eccles. Brit.* p. 28, 29, 30. *Johannes Balaw*, *Centur. Scriptorum Brit.* 14. c. 76, to 100. p. 233, to 249. *Ralph Holinshed* his *History and Description of Ireland*. *Mr. William Cambden* his *Description of Ireland*. *The Statutes of Ireland* published by *Mr. Bolton*. *Richard Stanishurst*, de *Rebus Hibernicis*, and *Notes to Giraldus Cambrensis*. *Osolevan* his *Historia Catholica Hibernia*. *Sir John Davis* his *Irish Reports*. *Mr. John Selden* his *Titles of Honor*, Part. 2. Chap. 6. p. 837, &c. & *Mare Clausum*, lib. 2. cap. 10. p. 165. cap. 12. p. 177, 178. & cap. 31, 32. our learned Antiquary *Jacobus Usserius* *Primate of Ardmach* his *Treatise Of the Religion professed by the ancient Irish*, London 1631. *Veterum Epistolarum Hybernensium Sylloge*, & *De Britannicarum Ecclesiarum Primordiis*. *Sir James Ware*, de *Præsulibus Hibernia*; and *The First Tome of my Exact Chronological Vindication*, p. 555, to 567. 578, 579, 709, to 724. where I have largely treated of the first erection of the Bishopricks in Ireland, vindicated our Kings ancient Right, Titles to it, and refuted the Popes pretended Title thereunto as part of *St. Peters patrimony*, against all their ancient and late pretensions, and Advocates.

The Records concerning the Ecclesiastical and Temporal Government, Affairs, Lawes, Courts, Archbishopsricks, Bishopricks, Religious Houses, Deans, Chapters, Cities, Corporations, Nobility, Gentry, Great Officers, Customs, Revenues, Franchises, defence of Ireland, are so numerous in the Charter, Clause, Fines, Liberate, Parliament, Patent Rolls, and Rotulis Francia, Hibernia, Normannia, Romania, Scotia, Vasconia, Wallia, and Bundles of Escheats, Inquisitions, Writs in the Tower; that they would amount to sundry large Volumes, out of which a more exact Ecclesiastical and Civil History might be collected than any yet published. I shall only insist upon some of the principal Records relating to the Parliaments, Lawes, Courts, Government, Safety of Ireland, and redressing abuses, extorsions of its Officers by the Kings of England, and other things principally insisted on in this Chapter by the Author, (whose misquotations and mistakings I shall rectifie as they occur) for the benefit of those of that Kingdom, (especially of the long robe) having published those Records which concern the Ecclesiastical affairs, persons, Church of Ireland, in the First, Second and Third Tomes of my *Exact Chronological*

Chronological Vindication, &c. till the end of the reign of King Edward the 1. reserving the residue for the succeeding *Tomes*.

The Author, p. 349, 350. begins this Chapter with a Discourse concerning the Parliament of Ireland, being the highest Court there, where some (as he writes) have supposed that it had its beginning there but in An. 17 E. 3. which he proves to have been held there of ancient time, long before: Affirming, True it is, that the Father of King John, viz. H. 2. when he had conquered Ireland, sent that Treatise, intituled *Modus tenendi Parliamentum* in a fair Parchment Roll for the better holding of Parliaments there, as you may read more at large before; Cap. The High Court of Parliament, p. 12. But this mistake of his I have at large refuted before, as a fabulous untruth, and proved this *Modus* to be a spurious late Imposture, p. 1, to 9, which I shall no farther here insist on. Yet most certain it is, that King Henry the 2d. after his Conquest of Ireland, and the general voluntary submission, homages, fealties of most of the Irish Kings, Prelates, Nobles, Cities, people to him, as to their Sovereign Lord and King, Anno 1170. held therein a General Council of the Archbishops, Bishops, Abbots, Clergy of Ireland, at Cassil, (much different from the forged *Modus*) wherein he abolished the unchristian, beastly Lawes, Customs of the Irish Clergy, Church, Nation, concerning marriages and other things formerly used, and made, established sundry Ecclesiastical Lawes therein, agreeable to those in the Church of England; *Ecclesie illius statum ad Anglicaræ Ecclesie formam redigere modis omnibus elaborando*; To which they all promised conformity, and to observe them for time to come; as ^a *Giraldus Cambrensis*, there present, and other ^b *Historians* relate, Et ut in singulis observatio similis regnum colligaret utrumque (of England and Ireland): passim omnes unanimi voluntate, communi assensu, pari desiderio Regis imperio se subjiciunt. Omnibus igitur hoc modo consummatis, in Concilio habito apud Liffemor. (the same year) LEGES ANGLIÆ AB OMNIBUS SUNT GRATANTER RECEPTÆ, et juratoziam cautione præstita confirmatæ, as ^c *Mat. Paris*, and others story, and I have ^d elsewhere more largely evidenced.

After this King John (^e created and made King of Ireland by his Father H. 2. in his life-time in a Parliament held at Oxford, which Title he enjoyed till his death) passing into Ireland with a puissant army to reduce them to their former obedience, arrived there on the 8. day of June, An. 1210 (12 regni sui.) ^f *Campg. p. 115* *Occurrerunt ei ibidem plus quam 20 Reguli illius regionis, qui omnes timore maximo perterriti, homagium et fidelitatem fecerunt. Fecit quoque Rex ibidem CONSTRUERE LEGES ET CONSUETUDINES ANGLICANAS, pogens Wiccomites aliosque Principes, qui populum regni illius JUXTA LEGES ANGLICANAS JUDICARENT. Præceperat autem ibidem Johannem de Gray Episcopum Norwicensem Justiciarium, qui denarium terræ illius ad pondus numismatis Angliæ fecerat fabricari, et tam opolum quam quadzantem rotundum fieri præcepit. Fecit quoque Rex, ut illius monete usus tam in Angliæ quam in Hybernia communis ab omnibus haberetur, et utriusque Regni denarius in thesauris suis indifferenter poneretur.* Which ^g *Henry de Knyghton* thus relates. *Processit Rex in Hiberniam cum plebe maxima, statuitque ibidem legem Anglicanam, et ut omnia eorum judicia, secundum eandem legem, vel Anglicanam consuetudinem terminarentur; wherewith Thomas of Walsingham, Holinsbed, Speed, p. 725. and Danysl, p. 136. agree.* Whether this was done by a Parliament summoned by him for that purpose in Ireland, as the Author collects, from the Writ he there cites out of *Rot. 18 H. 3. m. 17. nu. 21.* (misquoted instead of *Pat. 18 H. 3. 17 inq. s.*) with this *Notus Johannes pater noster Rex de communi consensu de Hybernia, consensu terræ factum in terra illa, or by Act of Parliament* (since no Historian nor Record affirms he held any Parliament or Great Council in Ireland, as his Father did) I am yet unsatisfied, conceiving, that it was rather done at their request by his own Royal Writs to his Barons and Justices there, upon his return into Ireland, or before his last voyage thither, as these Writs expressly resolve.

^a Giraldus Cambrensis, Topographia Hiberniæ, l. 3. c. 18. Hiberniæ expugnata, l. 11. c. 33. 34.

^b Roger. de Hoveden, Annal. pars posterior, p. 302. Chronicon Johannis Bromton, col. 1071. Henry de Knyghton, de Event. Angl. l. 2. c. 10. col. 2394, 2395. Polydor. Virgil. Hist. Angl. l. 13. Centur. Magdeburg.

12. c. 9. col. 1340: Radulfus de Diceto, Ymag. Hist. l. 2. p. 159. Tho. Walsingham Ypodigma Neustriz, An. 1178

^c Historia Angl. p. 121. ^d The First Tome of my Exact Chronological Vindication, p. 716, 717.

^e Roger Hoveden, Annal. pars posterior, p. 634. 4 Inst. p. 358. ^f Mat. Paris, Hist. Angl. p. 220.

^g De Eventibus Angliæ, l. 2. c. 15. c. 60. 2410.

Pat. 6 Johan.
Regis, m. 6.
nu. 17.

REX, &c. Justiciariis, Baronibus, Militibus, & omnibus fidelibus suis *Hibern.* &c. Sciatis, quod debemus potestatem *Justic. nostro Hibern.* quod *Uzbevia* sua currant per totam terram nostram, et potestatem nostram *Hibern.* scilicet Breve de *Reco* de feodo dimid. Mil. & infra, et de *Morte Antecessoris* similiter de feodo dimid. Mil. & infra; et erit terminus de *Morte Antecessoris* post transfretationem *Henrici* Regis patris nostri de *Hibern.* in *Angl.* Et Breve de *Nova disseisina*, cujus erit terminus post primam Coronacionem nostram apud *Cantuar.* Et breve de *Fugitivis & Nativis*, qui ejus erit terminus post captio- nem *Dublin.* Et breve de *divisis faciendis inter duas villas*, exceptis Baronibus, Et ideo vobis mandamus & firmiter precipimus, quod hac ita fieri et firmiter teneri per totam potestatem nostram *Hibern.* faciatis. Teste meipso apud *Westm.* secundo die *Novembris.*

Pat. 9 Johan-
nis Regis, para
1. m. 2. incus.
n. 8.

*Not *Hibernia.*

REX *M.* fil. *Henr.* Justic. *Hibernia*, &c. & omnibus aliis Baron. & fidelibus suis *Hibern. &c.* Sciatis, quod ad voluntatem et consilium dilectorum et fidelium nostrorum *Com. W. Marefc. & Walteri de Lasey*, et aliorum Baro- num nostrorum *Hibern.* qui nobiscum fuerunt in *Angl.* et per Consilium fide- lium nostrorum **Angl.* volumus et statuimus, quod Latrones *Hibern.* expellan- tur de terra nostra *Hibern.* et quod ipsi et Receptores eorum deducantur secun- dum legem *Angl.* Et ideo vobis mandamus, quod id ita fieri faciatis. Et in hujus rei testimonium has literas nostras patentes vobis mittimus. Teste meipso apud *Suthampton.* 23 die *Marci.*

His Son King *Henry* the 3d. in the very first year of his reign, being scarce 9 years old, by advise of all his faithfull Counsellors in *England*, to gratifie the *Irish* for their eminent loyalty to his father and him, granted them out of his spe- cial grace, that they and their heirs for ever should enjoy the *Liberties* granted by his Father and himself to the Realm of *England*, which he reduced into writing, and sent sealed thither under the seal of the Popes Legat, and *W. Earl Marshall* his Governour, because he had then no seal of his own, as this Record attests.

Pat. 1 H. 3^o
m. 13. incus.

REX Archiepiscopis, Episcopis, Abbatibus, Comitibus, Baronibus, Militibus, & Libere Tenentibus, & omnibus fidelibus suis per *Hibern.* constitutis sa- lutem. Fidelitatem vestram in Domino commendantes quam Domino patri no- stro semper exhibuistis, & nobis estis diebus nostris exhibitori. Volumus, quod in signum fidelitatis vestre tam preclaræ, tam indignis, Libertatibus regio no- stro *Angl.* a patre nostro et nobis concessis, de gratia nostra et dono in Regno nostro *Hibern.* gaudeatis vos et heredi *Perpetuum.* Quas distin- ctè in scriptum redatas de Comuni Consilio omnium fidelium nostrorum vobis mittimus, signatas signis Domini nostri *G. Apostolicæ sedis Legari,* & fidelis nostri *Com. W. Marefc.* Rectoris nostri & Regni nostri, quia sigillum nondum habuimus, eadem processu temporis de majori Consilio proprio sig- lo signaturi. Teste apud *Glouc.* 6 die *Februar.*

In the 7th. year of his reign, upon complaint of the Citizens of *Dublin* in *Ire- land* against their Archbishop, whom the King had constituted his Chief Justice there, for proceeding against the Lawes and Customs of the Realm used in all places of *England*, and for his Usurpations upon the Rights of the Crown and their Liberties, against his Trust and Duty as Chief Justice of *Ireland*, in draw- ing several Causes belonging peculiarly to the Kings *Temporal.* into his own *Ecclesiastical,* and other Courts, to enlarge his Jurisdiction, to their great grie- vance, and the Kings dishonor. He issued this memorable increpatory Writ to him.

Claus. 7 H. 3.
m. 7. dorso.

REX, *Dublin.* Archiepiscopo, Justic. *Hibern.* salutem. Ex insinuacione proborum hominum nostrorum *Dublin.* audivimus de vobis quædam
quæ

quæ plerimum admittentes tamquam mirabilia nondum credere nossumus, ut
 dicitur, quod ad hoc nimirum, quod homines vestri qui participes sunt libertatis
 quas habent Cives nostri *Dublin.* & communiam cum eis habent in contractibus
 venalium, a tallagiis & auxiliis sint immunes. Item, quod Clerici vestri Curiam
 suam habeant, *vis.* in foro Ecclesiastico de laicis feodis quæ emerunt infra metas
 prædictæ Civitatis. Item, quod si quis de hominibus Clericorum etiam gartio
 Laicus heretiam habeat versus aliquem de Civibus nostris, omnes illi trahan-
 tur inde in placitum ibidem responduri et iuri parituri. Item e contrario, quod
 si quis de hominibus nostris Laicis contra aliquem de Civibus nostris detrahe-
 rit, quod Civis ille in Curia vestra veniat iustitiam ibidem petiturus et accep-
 tutus. Item, si quis Pistor in terra nostra manens pro falso pane, vel alius pro
 consimili transgressione, attachatus & etiam convictus fuerit, coram Ballivis
 nostris Curiam nostram inde præteritis, et ipsum transgredientem erigitis a man-
 bus Ballivorum nostrorum solutum, et quietum, et pro voluntate vestra dedu-
 cend. Item, quoddam Pistor in chemino nostro levare fecistis ad feodum &
 jus vestrum attrahentes, quod ad nos noscitur pertinere, contra dignitatem no-
 stram, ad quam noscitur huiusmodi dignitas tam in Civitatibus et Villis no-
 stris in partibus *Angl.* quam *Hibern.* pertinere. Item, quod Domus religionis
 in Curia Christianitatis placuit de terris sibi datis, venditis vel delegatis.
 Item, quod incoactam præteritis purpessuram quam domus religionis faciunt
 super Civitatem prædictam. Hæc quidem omnia manifeste iuri et dignitati no-
 stræ repugnant et contraria sunt consuetudini optentæ ab antiquis temporibus
 in omnibus Civitatibus. Villis, Locis totius Regni nostri, quæ tanto nobis
 gravioza et molestioza sunt, et famam nostram magis obfuscantia, quanto po-
 tentiozes loco nostro Nos constituimus in Regno nostro *Hibern.* ad iura nostra
 tenenda, et iustitiam cæteris exhibenda, eatenus, quod si alius huiusmodi ac-
 ceptaret Nos ipsi teneremini de commissa nobis potestate grabæ in eum hndictam
 exercere. Mandamus igitur vobis et districte, quatinus ab huiusmodi Nos de-
 cetero cobideat fidelitas vestra nobis debita, et honoz better propius, ut nec
 cessis contra Nos attemptetis, nec attemptari permittatis. Alioquin scitari
 quod manus ad hoc graviozes apponemus, nullatenus huiusmodi contra nos tra-
 balecere permittari. T. H. &c. apud *Turrim London* 9. die *Augusti.*

The King withall sent him another Writ of the same date, to redress a Nufance
 to the Harbour and Citizens of *Dublin* therein expressed, (according to the
 Lawes of *England*) which had been neglected upon a former Writ of the like
 nature.

REX eidem, salutem. Probi homines nostri *Dublyn.* graviter conquerendo Cl 7 H. 3. m.
 nobis monstraverunt, quod fratres Hospital. de *Kilman.* per quædam Mo- 7. dorso.
 lendina quæ ad nocumentum Civitatis nostræ *Dublyn.* erexerunt, & per trans-
 versam Aquæ *Aveneliff* fecerunt, magna perpeffi sunt dispendia & gravamina;
 Ita quod naves cum Merchandis liberum non habent ingressum ad Villam no-
 stram *Dublin.* & egressum, & quod pisces in ea non possunt sine impedimento
 ascendere versus prædictam Villam *Dublin.* sicut facere consueverunt & descen-
 dere; unde mandavimus G. de *Marisc.* dum fuit Justic. *Hybern.* quod Mole-
 dina & stagna & alia ad nocumentum Civitatis nostræ *Dublyn.* erecta, & ad dic-
 torum hominum nostrorum gravamina in eo statu esse faceret, quo fuerunt in
 recessu Domini 7. Regis patris nostri de *Hibern.* Et quod assumptis secum dis-
 cretis & legalibus Militibus, & liberè Tenentibus, & aliis de partibus *Hibern.*
 amensurari faceret cursum aquæ de *Aveneliff* sicut esse debet et solet; Ita quod
 Naves cum Merchandis liberum haberent ingressum ad Villam nostram
Dublyn. et egressum, et quod pisces in ea sine impedimento possent ascendere
 versus prædictam Villam sicut facere consueverunt et descendere. Et quia idem
 G. huiusmodi mandatum nostrum non est execut. Vobis mandamus firmiter
 injungentes in fide qua nobis tenemini, quod omnia prædicta exequi non diste-
 ratis. Attendentes quod ea si vera sint, in præiudicium dignitatis nostræ, et
 nocumentum

nocumentum Civitatis nostræ *Dublin*. et dictorum hominum nostrorum dispendia et grabamina sunt erecta. Taliter autem in his vos habeatis, ne iteratis, inde clamor ad aures nostras debeat pervenire. T. ut supra per eundem.

CL. 11 H. 3. m. 21. intus. He issued this Writ to his Chief Justice in *Ireland* for seeing and observing the same Custom and Law there, as was used in *England*, for taking persons continuing excommunicated by the space of 40 dayes by a *Ca. de Excommunicatum*, till their obedience and submission to the Church, upon the Archbishops and Bishops Certificates,

Claus. 11 H. 3.
m. 21. intus.
Hibern.

REX G. de Mar. Justic. *Hibern.* salutem. Significavit nobis Ven. Pat. R. *Armachan*. Archiepisc. quod cum quidam Canonici sui de *Lisette* & alii de Archiepiscopatu suo propter manifestam contumaciam suam & suos enormes excessus, excommunicati sint per censuram Ecclesiasticam, nolentes justificari, et in contumacia sua perdurantes per xl. dies incorrigibiles existunt. Cum autem consuetudo Regni nostri *Angl.* sit, quod postquam Literas Archiepiscoporum et Episcoporum nostrorum *Angl.* receperimus patentes et testificantes quoscumque Excommunicatos perdurare per xl. dies et amplius, manus Regias ad ipsos extendamus, videlicet de ipsis per corpora eorum justificandi secundum consuetud. *Angl.* donec sanctæ Ecclesiæ tam de injuria ei illata, quam de contemptu, ab eis fuisset satisfactum, Vobis mandamus, quod cum prædictus Archiepiscopus, et ceteri Archiepiscopi et Episcopi nostri *Hibern.* vobis significaverunt per literas suas parentes de hujusmodi Excommunicatis in contumacia sua per xl. dies perdurantibus, ipsos per corpora eorum justificetis, donec sanctæ Ecclesiæ tam de injuria ei illata, quam de contemptu ab eis sit satisfactum. T. R. apud *Westm.* 18 die *Januar.*

Anno 12 H. 3. (imperfectly cited by the Author, without any particular mention of the Roll thereof in the Text or Margin, p. 350.) the King issued this Proclamation for observing the Charter & Laws of *K. John*, to which they had sworn.

Claus. 12 H. 3.
m. 8. De legibus & consuetudinibus observandis in Hibern.

* Some conceive this to be the Great Charter granted by him at *Running Meads*; but it was only that forecited, Here, p. 250.

REX dilecto & fideli suo *Ricardo de Burgo* Justic. suo *Hibern.* salutem. Mandamus vobis firmiter præcipientes, quatinus certo die et loco factatis venire coram vobis Archiepiscopos, Episcopos, Abbates, Priores, Comites, et Barones, Milites et Libere tenentes, et Ballivos singulorum Comitatum, et coram eis publice legi faciatis * *Cartam Domini J. Regis patris nostri* cui sigillum suum appensum est, quam fieri fecit et jurari a Magnatibus *Hibern.* de legibus et consuetudinibus *Angl.* observandis in *Hibern.* Et præcipiatis eis ex parte nostra, quod leges illas et consuetudines in Carta prædicta contentas de cætero firmiter teneant et observent. Et hoc idem per singulos Comitatus *Hiberniæ* clamari factatis et teneri, prohibentes firmiter ex parte nostra, et satisfacturam nostram, ne quis contra hoc mandatum nostrum venire præsumat, eo excepto, quod nec de morte, nec de catallis *Hibernensium* occisorum nichil statuatur ex parte nostra citra quindecim dies a die *Sancti Michaelis*, Anno regni nostri 12. super quo respectum dedimus Magnatibus nostris *Hibern.* usque ad terminum prædictum. Teste meipso apud *Westm.* 8 die *Maii*, An. r. n. 12.

* Hist. Angliz, An. 1234. p. 378, 379, 383, to 387. Mat. Westm. p. 140. & others out of them.

CL. 18 H. 3. m. 17. See the 2d. Part of my Brief Register &c. p. 158.

In the 18 year of King *Henry* the 3d. upon the death of *Richard Marshall* Earl of *Pembrook*, (slain in *Ireland* by the Conspiracy of the Chief Justice and Nobles of *Ireland* by secret Letters from the King and Council, who seized and divided his Castles and Lands there between them, confiscated for his Treason and Rebellion against the King, as a reward of their treachery, by the Kings Charter to them, as * *Matthew Paris* stories,) the King thereupon issued this Writ to the Mayor and Citizens of *Dublin*, upon that occasion.

REX Majori & Civibus *Dublin.* &c. Nos verò ea occasione convocabimus Archiepiscopos, Episcopos, Comites, Barones, et omnes Magnates regni nostri *Angliæ*, (without mentioning any Knights, Citizens, Burgeses or Commons

mons, not summoned to Parliamentary Councils in that age) quod fuit ad Ros apud London. die Dominica proxima post instantem mediam *Quadragesimam*, ad tractandum Nobiscum ibidem super his et aliis Statum nostrum et terrarum nostrarum Angliæ et *HIBERNIÆ*, tangentibus. Et Nos, Domino conceperente, de Concilio ibidem prohibebimus, secundum quod Nobis, et indemnitati terrarum nostrarum Angliæ et *HIBERNIÆ* viderimus expedire. Quid vero ad diem illum actum fuerit et prohibitum vobis sine mora et dispendio et significari curabimus. Teste Rege apud *Westm.* 27 die *Martii*.

From which I shall observe, That the King and his Parliaments in *England*, did in that age make *Laws*, *Ordinances* for the safety, peace, Government of *Ireland*, which were transmitted to them, and they were both obliged, commanded there to obey; and so no necessity of calling any Parliaments in *Ireland* for that purpose, whereof I find no expresse mention in *History* or *Records* during this Kings 56 years reign.

The very next year the King issued this Writ to his Chief Justice, there for free commerce and trade between the Subjects of both Kingdoms without restraint, which some endeavoured to hinder, to the prejudice of both.

REX dilecto & fideli suo *M.* filio *Giraldi* Justiciario suo *Hiberniæ*, salutem. Cl. 29 H. 3. m. 20. dorso.
 Vestra non ignorare debet discretio, quod dignum est, et id volumus, quod terra nostra *Angliæ*, et terra nostra *HIBERNIÆ* COMMUNES SINT AD INVICEM; et quod homines nostri *Angliæ* & *HIBERNIÆ* hinc inde negociari possunt ad commodum et emendationem terrarum prædictarum. Et ideo vobis mandamus, quod homines de terra *HIBERNIÆ* volentes emere blada in *HIBERNIA* ducenda in *Angliam* in nullo impediatis, vel impediri permittatis, quin libere et sine impedimento id facere possint. Teste Rege apud *Westm.* 2 die *Junii*. See *Ibid.* dor. 19. & m. 16. intus. De *Calets de Hibernia in Angliam mittendis*, to aid the King.

An. 20 H. 3. this King issued this Writ to the Archbishop of *Dublin*, and to his Justice in *Ireland*, for observing the Statutes of *Merton*, especially concerning *Barthard* in a particular case there depending, which well explains this Act. * Cap. 9.

Constitutiones factæ apud Merton, superius irrotulata, scilicet 8 die Febr. sigillata fuerunt sigillo Domini Regis, transmissæ sunt in Hyberniam, et currant in partibus illis & teneantur sicut in Angliæ, & de hoc fit mencio in brevi directo Justiciar. Hybern. inferius irrotulato. Rot. Claus. 20 H. 3. m. 13. dorso. *Hibern.* De Constitutionibus novis apud *Merton*: factis de cætero tenend. in *Hybernia*. See *Cook 2 Inst. c. p. 99, 97.* The Second Tome of my *Exact Chronological Vindication*, p. 472, to 475, 875, 880.

H. Dei gratia Rex *Angl.* &c. Venerabili patri *L.* eadem gratia Archiepiscopo *Dublin.* & dilecto & fideli suo *M.* fil. *Geroldi* Justic. suo *Hiberniæ*, salutem. Accedens nuper ad Curiam nostram *Georgius de Laffidell* nobis ex parte vestra supplicavit, ut vobis scire faceremus quid juris sit secundum consuetudinem *Angl.* in casibus subscriptis, videlicet, cum contingat filium alterius Nobilis natum ex matrimonio, movere quæstionem fratri suo in fornicatione ante matrimonium de eadem matre progenito super paterna hæreditate? Item, si contingat quod frater natus ante matrimonium defendendo, dicat se esse legitimum, utrum in tali casu mittendus sit ad forum Ecclesiasticum? Item, si mittendus sit, in qua forma, &c. Item, si contingat quod natus ante matrimonium fecerit homagium suum de terris suis post decessum patris sui, et ratione homagii sic facti vocaberit Dominum suum ad warrantum, quid Juris sit de illa vocatione? Et si warrantizare debeat aut velit, sponte, utrum duellum possit esse de jure inter natum ex matrimonio et Dominum warrantizantem, cum inter ipsos fratres esse non possit? Ad hæc etiam vobis significamus de primo capitulo, quod si natus ante matrimonium cui movebatur quæstio cognoscat se natum esse ante matrimonium, nec petere potest hæreditatem, nec petitam retinere secundum *Angliæ* consuetudinem, nec talis si dicat se natum esse post, non est mittendus ad Curiam Christianitatis, eo quod Clerus

Clerus talem habet pro legitimo. Cum autem de casu illo anno præterito tractatum esset coram venerabili patre Archiepiscopo *Cantuariensi* & Coepiscopis suis, & Magnatibus nostris *Angl.* scilicet, Utrum inquisitio de tali nato deberet fieri in Curia nostra, vel in Curia *Christiansitatis*? tandem prædictus Archiepiscopus & Episcopi petierunt, sibi dari potestatem inquirendi: Postea vero, processu temporis, quia in forma brevis nostri eis super hoc transmissi contentum fuit, quod respondere deberent, utrum talis natus esset ante Matrimonium vel post? videntes hoc esse contrarium legibus suis, noluerunt ad hoc respondere, sed reliquerunt vobis et Curia nostra hoc inquirendum et terminandum, et nondum probatum est in Curia nostra sub qua forma hoc debeat inquiri, vel per sacramentum 12. Juratorum, vel per probationem a partibus producendam. Item, de Domino si debeat warrantizare tenenti contra fratrem suum? vobis respondemus, quod non; eo quod tam natus post matrimonium quam ante, uno et eodem jure utuntur, & Dominus in captione homagii potius circumventus fuit quam ratione astrictus. Nec esse poterit duellum inter eos prædicta ratione; Et præterea, quia Dominus tenetur plus warrantizare petenti nato post matrimonium, quam tenenti nato ante matrimonium. Hiis igitur intellectis secundum quod prædictum est in partibus vestris faciatis. T. R. apud *Mortilac.* 9 die *Maii*.

Ibidem.

* Merton, c. 3.

REX dilecto & fideli suo *M. filio Geroldi*, Justic. suo *Hibernia*, salutem. Monstravit nobis lator præsentium, quod cum ipse nuper in Curia nostra coram Justic. nostris ad hoc nuper per vos constitutis in *Hibernia* recuperasset seisinam suam versus quendam hominem de libero ten. suo, idem adversarius suus postea de eodem ten. iterum ipsum disseisivit. Et ideo vobis mittimus sub sigillo nostro * Constitutionem nuper factam coram nobis et Magnatibus nostris *Anglia* de prædicto casu, et similiter de aliis articulis ad emendacionem regni nostri: Mandantes quatinus de consilio venerabilis patris *L. Dublin.* Archiepiscopi, Constitutionem illam in Curia nostra *Hibernia* legi, et decetero firmiter observare fac. et secundum eandem prædicto querenti plenam justiciam exhiberi faciatis. Teste Rege ut supra.

King *Henry* the 3d. in the 30th year of his reign sent this Writ to the Archbishops and others in *Ireland* for the strict observance of the Lawes of *England* in *Ireland*, as King *John* his Father had formerly commanded, which being imperfectly printed in the *Author*, p. 350. I shall present you with a true transcript of the Record.

Pat: 30 H. 3.
m. 1. Hibern.

* Anno 1210. the 12 year of his reign, before his Great Charter to the Barons An. 17. and so not meant of it. See Mat. Paris, p. 220, 246, &c.

Quia pro communi utilitate terræ *Hibernia* et unitate terrarum Regis, Rex vult, et de Comuni consilio Regis probatum est, quod omnes leges et consuetudines quæ in regno *Anglia* tenentur in *Hybern.* teneantur, et eadem terra eisdem legibus subiaceat, et per easdem regatur, sicut Dominus *J. Rex* cum ultimo esset in *Hybern.* statuit et fieri mandavit. Quia etiam Rex vult, quod * omnia hæc de communi jure quæ currant in *Angl.* similiter currant in *Hybern.* sub novo sigillo Regis. Mandatum est Archiepiscopis, &c. quod pro pace et tranquillitate ejusdem terræ, per easdem leges eos Regi et deduci permittant, et eas in omnibus sequantur. In cujus, &c. Teste Rege apud *Wodestok*, 9 die *Septembr.* See here, p. 250.

Yet notwithstanding, this priviledge of using the Lawes of *England* in *Ireland* was never intended by King *John* nor King *Henry* to extend to all the Native *Irish* in general, but only to the *Englisch* inhabitants transplanted thither, or there born, and to such Native *Irishmen* as faithfully adhered to these Kings and the *Englisch* in *Ireland* against the *Irish Rebels*, to whom this benefit was never intended, as this memorable Writ of 37 H. 3. assures us.

R E X

REX Justiciano *Hibernia*, salutem. Monstravit nobis *Mamorch Offerthierun* & *Rothericum* frater ejus, quod Antecessores sui et ipsi, licet *Hibernenses* Cl. 37 H. 3. m. 15. dorso.
 fuerint, semper tamen firmiter fuerunt ad fidem et serbicium nostrum et pax-
 drosorum nostrum Regum *Anglia* ad conquestum una cum *Anglicis* faciendum
 super *Hibernenses*. Et ideo vobis mandamus, quod si ita est, tunc non permittas
 ipsos *Mamorch* et *Rodericum* repelli, quin possint ad terras vindicare in quibus jus
 habent, sicut quilibet *Anglicus*; quia si ipsi et antecessores sui sic se habuerunt
 cum *Anglicis*, quamvis *Hibernenses*, INJUSTUM EST, licet *Hibernenses* sint,
 quod exceptione qua repelluntur *Hibernenses* a vindicatione terrarum et aliis re-
 pellantur. Teste, &c.

King *Henry* being informed that the King of *Castol* intended to invade his
 Land of *Gascoign* with a great Army to seise on it, and then to invade *England*
 and *Ireland*, and resolving to go either in person to resist him, issued this Writ
 to *Maurice Fitz-Gerald* and other Nobles in *Ireland* to assist and repair to him
 with horse and arms into *Gascoign* in this his necessity, which he should ever
 gracefully acknowledge to those who assisted, but be less gratefull to those who
 deserted him in this necessity.

REX *Mauricio* filio *Geroldi* salutem. Quia Rex *Castell*, cum multitudine Cl. 38 H. 3. m. 13. See the First Part of my Brief Register, &c. p. 392.
 exercitus Christianorum & Saracenorum terram nostram *Vasconia* in *Quin-*
ana Pascha prox. futur. ingressurus est hostiliter, non solum ad eandem terram
 destruendam et occupandam, sed et terras nostras *Anglia* & *HIBERNIAE*,
 per incroitum dictae terrae si eam optineret (quod absit) invadendas aspirat; &
 Nos in propria persona nostra cum eodem Rege bellum campestre aggredi pro-
 posuimus; de universa fidelitate vestra quam in agendis nostris fructuosam
 invenimus, plenam gerentes fiduciam, vos requirimus, & in fide qua nobis te-
 nemini affectuose rogamus, quatenus sicut Nos & honorem nostrum, & indemp-
 nitatem corporis nostri diligitis, in hac necessitate nostra non parcentes personae
 aut rebus vestris, nulla occasione seu oportunitate differatis, quin poteritis vos
 preparare ad veniendum ad Nos in *Vasconiam*, omnes amicos vestros ad hoc idem
 inducentes; Ita quod sitis apud *Watesford* in *Octabis Pasch*, prox. futur. cum
 equis et armis et bona gente, prompti et parati naves ascendere ad transiretan-
 dum ad Nos in terram praedictam. *Deisora indubitanter*, qui vobis in hac parte
 subbeverit, eorum amicos erimus et benevoli imperpetuum; et qui Nos in hac
 urgenti et insuperabili necessitate relinquerint, de eis alias minus confidere po-
 terimus, et eis minus grati erimus. Nunquam etiam futuris temporibus
 terrae vobis imminet necessitas consilii et auxilii sicut in praesenti negotio:
 Et ad advertendum vobis plenius pericula nostrorum inimicorum, *Johannem*
Alium Giffardi Justiciarium nostrum *Hibernia* ad partes illas misimus, cui apud
Dublin ad instantem mediam *Quadragesimam* una cum aliis *Pagnatibus* no-
 stris *Hibernia* quibus id mandavimus decedatis, audiri voluntatem nostram,
 et cum illis super praemissis plenius tractari, (as the Kings Commissioners and
 Council of Warre for that purpose, not as a Parliament of all *Ireland*, as the Writ
 imports.) Teste Rege apud, &c.

King *Henry* the 3d. having conquered *Ireland* upon his eldest Son *Prince Ed-*
ward; in as ample manner as himself enjoyed it, and he issuing a Writ of Em-
 pty out of his Chancery there, which was contrary and illusory to the Lawes
 of *England* there established by him and King *John* as aforesaid; upon complaint
 thereof by the Bishop of *Dismore*, thereby grieved, he sent this memorable
 Writ to the Chief Justice of *Ireland* to stop all proceedings in Law upon that
 illegal Writ. See Polychro- nic. l. 2. cap. 36. Mem. de Roythron de Event. Angl. l. 2. col. 243. Pat. 32 H. 3. m. 26.

REX Thesaurario & Baronibus de *Scaccario Dublin*, salutem. Quia de as-
 sultu et voluntate Praetorum et *Pagnatium* terrae *Hiberniae* dudum Cl. 41 H. 3. m. 11.
 fuit

fuit prohibitum et concessum, quod eidem legibus tenerentur in terra illa, quibus homines regni nostri utantur in regno nostro Anglia, quod eadem heredia quoad terras et tenementa recuperanda teneant in terra illa, quae, tenentur in regno predicto, sicut iusta. Et dicta prohibitio et concessio omnibus retroactis temporibus fuerunt obtenta et approbata; miramur quamplurimum, quod sicut ex insinuatione venerabilis patris *Thoma Lismor*. Episcopi accepimus, emanare permittitis ex Cancellaria *Edwardi* filii nostri in *Hibernia* contra consuetudinem optentam, et formam *Heredia* in regno nostro usitatam, herede infra scriptum contra praesatum Episcopum, in haec verba.

E. illustris Regis Angliae primogenitus, ad Vicecom. Waterford. salutem. Praecipio *Tho. Lismor* Episcopo, quod iuste & sine dilatione reddat *Waltero* Episcopo Waterford. Maneria de *Archmurdeglan*, *Kilmurdri* & *Motha*, cum pertinentiis, quae clamat esse jus Ecclesiae suae, & in qua idem Episcopus non habet ingressum nisi per *Alanum* quondam *Lismor*. Episcopum, cui *Griffinus* quondam *Lismor*. Episcopus, qui inde iniuste & sine iudicio disseisivit *Robertum* quondam *Waterford*. Episcopum praedecessorem Episcopi post ultimum reditam, &c.

Quia vero dictum herede tam distonum est, et contra leges et consuetudines in regno nostro tentas, et formas heredium nostrorum ibidem approbatas, praesertim cum herede ingressus non transeat tertiam personam, nec ratione intrationis in terram aliquam post mortem alicujus competat actio alicui de terra illa, nisi illi cui per mortem illam jus debetur in eadem: Recerim dicitur *Intrusio*, qui iure hereditario vel ratione Ecclesiae suae succedit praedecessori suo in his de quibus idem praedecessor fuit seistus in *Dominico* suo ut de feodo die quo obiit. Vobis mandamus, quod si dictum Breve a Cancellaria praedicta in forma praedicta emanaverit, executionem ejusdem heredis supersedeatis, rebocantes sine dilatione, quicquid per idem herede actum fuerit in Curia praedicti filii nostri. Teste apud *Windefor*. 27 die *Januar*.

Eodem modo scribitur *Adamo la Sale* Justiciario *Hiberniae*, & *Walcranno de Willesby*, & sociis suis itinerantibus, ut supra.

After this King *Henry* his decease, his Son King *Edward* the 1. in the first year of his reign, when the late Chief Justice and Escheator in *Ireland* endowed *Avelina* wife of *Walter de Burgh* Earl of *Ulster* of 5. several Castles there, and of more lands than they ought, against the Law and Customes of *England*, he thereupon being informed thereof, revoked this indiscreet and illegal Dowry, and ordered her to be endowed of such lands and rents only as she ought by Law to be endowed of, but, not of any Castles, by this Writ.

* REX Dilecto & fideli suo *Wilhelmo* filio *Warini* Senescallo suo Comitatus *Ulton*. salutem. Ex relatu fidedignorum intelleximus, quod cum *Facobus de Aldeshel*. defunctus nuper Justiciarius noster *Hiberniae*, & *Wilhelmus de Bakepuz* tunc Escheator noster *Hiberniae*, statim post mortem *Walteri de Burgo* quondam Comitatus *Ulton*. *Avellinam* quae fuit uxor ipsius *Walteri*, de quinque Castellis quae fuerint praedicti *Walteri* quondam bini sui, in *marchia* Comitatus *Ulton*, et quae de guerra existunt, et etiam fere de omnibus homagiis *Hibernicorum* ipsius Comitatus *Ulton*. quae similiter sunt de guerra, pro voluntate sua minus iuste dotaverunt et discrete, Castellum de *Cracfergu* quod fuit ipsius Comitatus solummodo ad opus suum retinendo. Vos postmodum perpendentes, quod plus fuerat assignatum praesatae *Avelinae* in dotem de terris & tenementis quae fuerunt ipsius Comitatus, quam ad ipsam secundum rationabilem dotem debuit pertinere, quosdam terras & tenementa tanquam rationabilem dotem excedentia, inde ad manum nostram rebocastis. Ob quod dicta *Avelina* fidelibus nostris locum nostrum in *Anglia* tenentibus dedit intelligi, quod vos ipsam de rationabili dote sua sibi per praedictos Justiciarium & Escheatorem assignata, pro libito vestrae voluntatis eiecistis. Ad cujus suggestionem, cum nobis de facto praedicto non constaret. Vobis mandavimus, quod si ista essent, tunc eidem *Avelinae* plenam iustitiam fieri faceretis in hac parte. Verum cum huiusmodi dotis

* Stat. Marlbr. c. 30. Brañon, l. 4. f. 318. Cooks 2 Instit. p. 153, 154, 155. Registers, f. 230.

* Pat. 1 E. 1. pars 1. m. 17. See Rylyes Appendix, p. 431, 432. *Hibernia* pro Rege de dote assignanda, &c. si minus, &c.

† Non debent Mulieres assignari in dotem Caput Baronie, vel castra quae fuerunt virorum suorum, & quae de guerra existunt, vel etiam homagia & servitia aliquorum de guerra existentia. Brañon l. 2. c. 39. sect. 6. f. 93. 3 H. 3. Fitz. Dower 180. Magna Charta, 9 H. 3. cap. 7. 8 H. 3. Dower 194, 196, 30 f. 1. Fitz. Dower, 81. & Voucher, 298. Britton, f. 193. Fleta, b. 3. c. 24. f. 344. Cooks 1 Instit. f. 31 b. 32 b. 1654. 2 Instit. f. 17. Escheator 4 E. 1. nu. 88.

dotis assignatio rationalis non eritit, praesertim cum huiusmodi mulieribus
Castra quae fuerunt viroꝝ suozum, et quae de guerra existunt, vel etiam homa-
 nomagia aut serbitta aliquozum de guerram existentiam (being for the Common
 defence and safety of the Land against Enemies and Rebels, to which all private
 interests must give place, and whereof the King only hath the supreme Custody,
 disposal, and command in times of warre) debuerunt aut consueverunt assignari.
 Nos volentes quod dictus Comitatus *Ultonia* ac alia terra & tenementa quae fu-
 erunt ipsius Comitris, per Milites & alios legales homines partium illarum di-
 stincte & fideliter extendantur, & quod praefata *Avelina* secundum extentam
 illam rationalis dotis inde assignetur; saluo Nobis praedictis Castris, homa-
 giis, et placitis *Assisarum* et Comitatum infra dictum Comitatum *Ultonia* e-
 mergentibus; Vobis mandamus, quod in praesentia eius quem *Mauricium* filii
Mauricii Iusticiarius noster *Hibernia*, & *Elchaetor* noster *Hibernia*, quibus
 scribimus in hac parte, ad vos propter hoc transmittant, ac duorum Episcopo-
 rum, vel Abbatum, partium illorum ad hoc fideliter eligendorum, praesentia cor-
 rigatis, et tunc Nobis quam praefata *Avelina* fieri facias in hac parte quod de
 iure fuerit faciendum.

In the 8. year of King *Edward 1.* the *Irishmen* in *Ireland* petitioning the King,
 that he would vouchsafe out of his special grace, to grant, that they might for
 the future use and enjoy there the Lawes and Customs of *England*; the King
 would do nothing therein without the advise and consent of the *English* Inhabi-
 tants thereof; whereupon he commanded them by a certain day to assemble to-
 gether (not in a Parliament, but in such places as they should think meet) to
 treat and examine, whether it would be for his or their damage and prejudice
 to grant their petition, and to certifie him their opinions thereof unto him, un-
 der the Seal of his Chief Justice of *Ireland*, or his Lieutenant, before his next
 Parliament at *Westminster*, that he might by advise of his Council do what should
 be thought expedient therein; as this Record informs us.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baroni-
 bus, Militibus, & omnibus *Anglicis* de terra *Hibernia* salutem. Ex parte
Hibernicorum de terra praedicta Nobis exiit humiliter supplicatum, Quod sibi
 de gratia nostra concedere dignaremur, ut eisdem legibus et consuetudinibus
 communibus usque et gaudere possint in terra quibus *Anglicis* ibidem utuntur et
 gaudent, et secundum easdem leges et consuetudines deduci valeant in futurum.
 Nos autem quia huiusmodi concessionem absque conscientia vestra esse ad pre-
 tens non diximus facientiam; Vobis mandamus, quod ad certos dies quos
 ad hoc provideritis, videlicet, circa festum Nativitatis beatae *Mariae* Virginis, in
 aliquibus locis opportunis conveniatis, & inde diligentem tractatum inter vos ha-
 beatis: Verum hae praesentis vestri, et libertatum et consuetudinum vestra-
 rum, et etiam dampna vestra dictam concessionem facere possimus eisdem, nec-
 ne? Et de omnibus aliis circumstantiis huiusmodi concessionem contingenti-
 bus, et de hoc quod inde feceritis, Nobis circa proxt. Parliamentum nostrum,
 quod erit apud *Westm.* a die Sancti *Michaelis* in unum mensem, sub sigillo Justic.
 nostri *Hibern.* vel eius locum tenentis, & sigillo dilecti & fidelis nostri *Roherti*
Bagot distincte & aperte, una cum consilio vestro, conpare faciat. Et hoc
 propter absentiam quorundam de *Baronibus* vestris quos ibidem interesse non
 contigerit, vel illorum qui sunt infra aetatem & in custodia nullatenus contractatis,
 ut nos ex tunc habita super hoc deliberacione pleniori inde provideri faciamus,
 quod Nobis et Consilio nostro magis videbitur expedire. In cuius &c.
 R. apud *Westm.* 10 die *Westm.*

Pat. 8 E. 1. m.
 13. Hibernia
 ...

* Not uno lo-
 co.

...
 ...

* See also Ysh
 Davis hb. H. 10
 Record 1157
 38, 39.

What return or answer they sent to the King, I find not; but, these ensuing
 Records of Licenses granted out of this & other Kings special favor since to some
 particular *Irish* to use the Lawes of *England* there, and so be tried by them, evi-
 dence, that no such general License was granted to all the *Irish* as they petiti-
 oned for.

LI. notum on eadem tollit. REX

Pat. 13 E. 1. m. 19. intus. Hibern. Pro Philippo Cumirghechan & fratribus suis.

REX Omnibus Ballivis & fidelibus suis (in Hibernia) ad quos, &c. salutem. Ad instantiam dilecti & fidelis nostri *Walteri Lensane*, volentes *Philippo Cumirghechan*, & *Simoni & Johanni* fratribus eius *Hibernicis* gratiam facere spectatalem, concedimus pro nobis et heredibus nostris, quod *idem Philippus*, *Simon* et *Johannes* toto tempore vite sue hanc habeant libertatem, quod ipsi de cetero in *Hibernia* utantur legibus *Anglicanis*; Et firmiter inhibemus, ne quis eos contra hanc concessionem nostram veret in aliquo vel perturbet. In cujus, &c. T. R. apud *Westm.* 23 die *Maii*.

Ibid. m. 13. intus. Hibern. Pro Mariota filia Macirechti & aliis, quod uti possint legibus Anglicanis.

REX Omnibus Ballivis & fidelibus suis in *Hibernia* ad quos, &c. salutem. Quia *Mariota* filia *Mairechti Hibernici*, *Raaulpho Burges Anglico*, qui in predicta terra nostra continue moratur, maritata est, ut accepimus; Nos etiam *Mariota* volentes gratiam facere spectatalem, concedimus pro nobis et heredibus nostris, quod ipsa et liberi sui de corpore suo legitime procreati, hanc habeant libertatem, vide licet, quod ipsi de cetero in *Hibernia* utantur legibus *Anglicanis*. Et prohibemus, ne quis eos contra hanc concessionem nostram veret in aliquo vel perturbet. In cujus, &c. T. R. apud *Westm.* 26 die *Junii*.

Consimiles literas de libertate habet *Rosita* filia *Matthiasum Hibernicum*, quae *Petro Rapetony Anglico* maritata est, qui in predicta terra *Hibern.* moratur continue, ut Rex accepit, pro se et liberis suis de corpore suo legitime procreatis, ut supra. In cujus, &c. T. ut supra.

Consimiles literas de libertate habet *Christophorus* filius *Bonaldi Matthiasum Hibernicum* Clericus, pro se, &c. in omnibus ut supra. In cujus, &c. Teste ut supra.

* In my Argument of the Case of the L. Macguire, Hill 29 Car. Regis. p. 27, 28. Pat. 6 R. 2. pars 2. m. 16. Pro Concilio de Clone & aliis de sanguine suo.

I pretermitt sundry others of this nature to other particular persons, Pat. 12 E. 1. m. 11. Pat. 18 E. 1. m. 24. Pat. 10 E. 1. m. 20. Pat. 24 E. 1. m. 3. Pat. 12 E. 2. pars 2. m. 4, 10. which I have elsewhere printed, and shall conclude with this memorable Patent of like nature, Anno 6 R. 2.

REX Omnibus ad quos, &c. salutem. Sciatis, quod de assensu Concilii nostri concessimus pro nobis & heredibus nostris, ad supplicationem *Cornelii de Clone de Hibernia* alii of *Fynasha*, Militis *Hibernici*, & pro suo bono gestu erga nos, & pro bono servicio quod nobis impendit tempore preterito, eam predictam *Cornelio* qui est de natione *Hibernica*, quam omnibus aliis de predicta natione qui sunt et erunt ad obedientiam nostram, et de sanguine ipsius *Cornelii* existunt, et gerunt illud cognomen de of *Fynasha*, quod ipsi pro tempore quo sic obedienter nobis et heredibus nostris existunt, uti et gaudere possint omnimodis hereditariis, beneficiis et libertatibus in terra nostra *Hibernia* predicta, prout *Leges* nostrae *Anglicane* et obedienter nostri ibidem gaudent et utuntur; Aliquo Statuto seu Ordinatione in contrarium edito non obstante. In cujus, &c. Teste Rege apud *Westm.* 12 die *Februarii*.

Per Breve de Piscario Sigillo.

In the 13. year of King Edward 1. the Statutes of *Westminster* 1. Anno 3. of *Gloucester*, An. 6. and of *Merchants*, and *Westminster* 2. An. 13. of his reign, were by his command sent to his Chief Justice in *Ireland*, to be there proclaimed and observed, as this Memorandum in the Clause Roll of that year assures us.

Cl. 13 E. 1. dorso, m. 5. De Statutis liberatis.

Memorandum, quod die *Veneris* in festo *Exaltationis Sancte Crucis*, Anno, &c. 13. apud *Wynton*. liberata fuerunt *Rogero Breium* Clerico *Venerabilis Patris W. Waterfordensis* Episcopi, tunc *Justic. Hibern.* quaedam Statuta per Regem et Concilium suum edita et probata, viz. Statuta *Westm.* *Canonum* contra *Constitutionem* editam, et Statuta *Glouc.* et Statuta pro *Mercatoribus* facta, ac Statuta *Westm.* in Parlamento *Henrici Pasch.* anno predicto probata et facta in *Hibernia* deterrere, et locum proclamationis et observandae. Of all which Records the Author makes no mention.

For the form of adjourning Appeals in Criminal Causes which concern the King, before the King and his Council, or Parliament in England, and rectifying erroneous proceedings therein against the Laws of England, during the reign of King Edward 1. you may peruse the * Case of John Fitz-Thomas, who defamed and accused William de Wescy of Treasonable Words against the King before the Chief Justice and Kings Council in Ireland, wherein battle was resolved to be lawfully joyned, Plac. Parliamentaria An. 22. E. 1. pl. 2. How persons have been accused of divers Trespasses and Felonies committed against the King in Ireland, before the King and his Council at Westminster, and what manner of pledges and obligations they have been thereupon ordered to give to the King both here and in Ireland during his reign, you may read in the Pleas of the same Parliament, pl. 4. in the case of John Fitz-Thomas.

* See Ryley's Placita Parliamentaria, p. 198, to 208. nu.

The first Parliament I find held in Ireland (except that of King Henry the 2. forementioned) after its subjection to the Crown of England, was that at * Kilkenny, An. 3. E. 2. the Acts whereof are all printed in the Statutes of Ireland, collected by Mr. Richard Bolton, printed at Dublin, Anno 1621. being the ancientest he could find in the Records thereof, under the Custody of the Master of the Rolls there. And the same year there was another Parliament held at Kildare, as the * Annals of Ireland record.

* See Annals of Ireland, p. 166, 167.

* Printed in Mr Cambdens Britannia in English.

Reg. 1350. l. 19. &c. The Author observes, that, Sometimes the King of England called his Nobles of Ireland to come to his Parliament of England, &c. for which he quotes Rot. Parl. 8 E. 2. m. 31. 10 Octobris. Rex affertans, &c. but there is not one syllable in all that Parliament Roll, of what he cites out of it.

True it is that I find in the Clause Roll of 8 E. 2. that the King sent John de Horham with Letters of Credence into Ireland to Richard de Burgo Earl of Ulster, and other his Officers, Judges, and great men there, particularly named, to communicate some things to them, which specially concerned him and the affairs of his Kingdom of England; for which end he writ to his Chief Justice to summon those Nobles and Great men to whom he writ, to meet together at such time and place as he and Horham should appoint to treat and consult about those affairs, as they should deem most expedient for his honour and profit; as this Record informs us.

... the King's ...

REX dilecto & fideli suo Ricardo de Burgo Comiti Ulton. salutem. Quia dam negotia Nos & statum regni nostri specialiter tangencia, & quæ multo infident cordi nostro Johanni de Hothum quem ad partes Hibern. destinamus commisimus, vobis per ipsum viva vocis oraculo exponenda. Quocirca attendens vos rogamus, quatinus eidem Johanni in his quæ vobis ex parte nostra exposuerit super negociis antedictis, fidem credulam adhibeatis, & ea sicut de vobis confidimus, curetis optato effectu mancipare. Teste Rege apud Eborac. 10 die Aug. Per ipsum Regem.

Cl. 8 E. 2. m. 34. dorf. Pro Rege de Credencia.

Consimiles literæ diriguntur subscriptis, videlicet, Edmundo le Botiller, Johannis fil. Thome, Johanni de Barre, Ricardo de Clara, Mann de Rocheford, Johanni le Pover le jyne, Johanni le Pover de Doneval, Waltero de Lascey, Thome de Manderdeyle, Ricardo de Exon, Arnaldo le Poppe, Thome le Botiller, Hugoni Lagatse, Roberto Bagat, Hug. Canon, Willielmo Alimandra, Waltero Wogan, Galfrido le Bret, Simone de Genouille, Johanne de Berpyngham, Ricardo Tun, Balduino de Flemings, Thome le Fitz, Johar. Mauris, Joh. Thome, Nichola le Hildemire, Georg. de la Robbe, Davy de la Roche.

REX dilectis et fidelibus suis Justis, suo Hibern. vel in suis partibus tenentibus, et Castellis suis eidem, Theob. & Baronibus, Comitibus aliis Ministris suis & suis vicariis et officialibus de Banco, salutem. Quia in junctis dilecto Johanni de Hothum, in quibusdam vobis ex parte nostra expositis exprimenda: Vobis mandamus, quod eidem Johanni in his quæ vobis nostro nomine exposuerit credulam fidem adhibeatis, & ea optate compleritis, etiam si M

prout vobis per ipsum ex parte nostra plenius injungeretur. T. R. apud Eborum
12 die Augusti.
Per ipsum Regem.

Ibidem.

REX Justic. suo Hibern. vel ejus locum tenenti, & Cancellar. suo ibidem salutem. Cum pro quibusdam negotiis Nos et statum Regni nostri specialiter tangentibus, dilectum Clericum nostrum Johannem de Horbum ad partes Hibern. destinemus, Magnatibus et Proceribus terræ illius ex parte nostra per eundem Clericum nostrum plenius exponendo. Vobis mandamus firmiter injungentes, quod Magnates et Proceres terræ prædictæ, ad certos diem et locum quos inter hos et præfatum Johannem infra terram prædictam duxeritis assignandos, convocari fac. ad tractandum super negotiis antedictis. Et eidem Johanni in prosecutione negotiorum prædictorum erga dictos Magnates & Proceres faciend. modis & viis omnibus quibus pro nostri honore & commodo melius expedire videritis intendatis. Teste ut supra.

* No mention of any Knights, Citizens, or Burgesses:

Per ipsum Regem.

At the same time he likewise sent these Writs to the Earl of Ulster, Theobald de Verdun his Chief Justice of Ireland, & Theobald de Botiller to appoint an able Guardian or Lieutenant of Ireland, to preserve the Peace thereof in their absence, by advise of his Chancellor, Horham, and others; and to come personally to his Parliament in England which he had summoned, to treat with him, his Prelates and Nobles concerning the state and settlement of Ireland, and other weighty affairs, not as Members of Parliament, (as most mistake) but only as Commissioners or Treaters from thence, as the Writ informs us, without any addition of hedrumque consilium impensuri, &c. added in all Writs of summons to the Prelates and Temporal Lords who are Members of Parliament, and to all the Kings Council summoned as Assistants to them.

Claus. 8 E. 2. m. 32. dorso. Pro Rege de veniendo ad Parliamentum.

REX dilecto & fideli suo Ricardo de Burgo Comiti Ulton. salutem. Affectantes statum terræ nostræ Hibern. pacificum et tranquillum, ac super statum ejusdem terræ, et aliis negotiis artibus et urgentibus nos contingentibus, vobiscum habere colloquium et tractatum; Vobis mandamus, quod de consilio & avisamento Cancellar. & Thef. nostrorum de terra prædicta, ac dilecti & fidelis nostri Edwardi de Botiller, & dilecti Clerici nostri Johannis de Horbum, quibus super hoc scribimus, de Custode terræ nostræ prædictæ, pro nostro commodo & honore, ac pace & tranquillitate ejusdem terræ prosequend. & conservand. magis idoneo, quam si vobis placuerit prohibeatis, ac vos ad nos in Angliam personaliter accedatis, Ita quod sitis ad Parliamentum nostrum, quod apud Westm. in Octab. Sancti Hilarii prox. futur. sectinus summoneri, ad tractandum ibidem vobiscum, et cum Prelatis ac Proceribus de regno nostro prædicto, super negotiis antedictis. Et hoc sicut de vobis confidimus, nullo modo omittatis. Mandavimus enim dilecto & fideli nostro Theobaldo de Botiller Custodi nostri terræ prædictæ, quod ad Parliamentum nostrum prædictum accedat, tractatur. super negotiis antedictis. Teste Rege apud Eborum 10 die Octobris.
Per ipsum Regem.

Et mandatum est Theobaldo de Verdun Justic. Hibern. quod omnibus aliis prætermisiss. ad Parliamentum prædictum accedat, tractatur. super negotiis antedictis, & quod præfatis Cancellar. Thef. Comiti, Edwardo & Johanni in præmissis assistat, si per ipsos super hoc fuerit requisitus. Teste ut supra.

Et mandatum est Ricardo de Beresford Cancellar. & Magistro Johanni de Isflep Thef. terræ prædictæ, quod unâ cum præfatis Comite, Edwardo & Johanne, provisioni hujusmodi Custodie terræ faciend. intendat. Teste ut supra.

Et mandatum est præfato Edwardo, quod provisioni Custodie prædictæ secum faciend. intendat, & ulterius in negotio prædicto faciat, quod pro honore Regis et commodo melius viderit faciendum. Et hoc pro honorem Regis diligit modis omnibus faciat. Teste ut supra.

Eodem modo mandatum est Johanni de Horbum. Teste ut supra.

Mandatum

Mandatum est Th. d. de Verden Justic. Regis Hibern. quod cum omni fe. Cl. 8 E. 2. m. 34. dorso.
 Anacione, omnibus aliis prætermisiss, ad Regem in Angliam cum equis et armis
 quanto decentiâ et potenciâ poterit, veniat, aliquem fidelem Regis sufficien-
 tem & idoneum, de quo plenè confidit, loco ipsius Thobaldi, pro præd. & ter-
 ra Regis Hibern. bene & salvo custodiendâ dum absens fuerit; deputet loco sui.
 Teste ut supra.

Roger Mortimer of Wigmore an English Baron, being in the Kings service in
 Ireland when King Edward summoned a Parliament at Lincoln in Quindena San-
 ti Hillarii, (the 28 of January), and thereupon left out in the first Writs of sum-
 mons to the other Barons and Lords dated 17 Olobris (3. months before,) the
 King understanding that he was come into England, issued this special Writ to
 him to repair to that Parliament, if he returned not into Ireland before its mee-
 ting, being but 11 dayes before it was to meet: A pregnant evidencè to prove
 that no Barons, Earls, or Great Officers of Ireland were ever summoned to re-
 pair to any Parliaments in England as Members thereof, to treat and advise with
 the King and rest of the Lords therein, unlesse they were Earls or Barons of
 England, as the * Author collects they did, (from the premised Writ to Richard
 de Burgo Earl of Ulster) which much differs from this to Mortimer. * 4 Instit. p. 350.

R E X dilecto & fideli suo Rogero de Merino mare de Wygmore, salutem. Cum Cl. 9 E. 2. m. 30. dorso. De
 vos tempore quo Parliamentum nostrum usque Lincoln. in Quindena intercessendor
 Sancti Hillarii, prox. futur. summoneri fecimus, in partibus Hibernia fuissetis, Parliamento.
 per quod Nos vobis non scripsimus ad interessendum dicto Parliamento; ac vos See the First
 a dictis partibus Hibernia usque Regnum nostrum, iam, ut accepimus, acce- Part of my
 sissetis; Ideo vobis mandavimus in fide et homagio quibus nobis tenemini firmi- Brief Register
 ter insurgentes, quod si ad dictas partes Hibernia citra dictum Parliamentum & Survey of
 non essetis regressuri, tunc eidem Parliamento nostro dictis die et loco modis Parliamentary
 omnibus personaliter interstis, super negotiis Nos et statum Regni nostri Writs, p. 184,
 tangentibus, pro quibus Parliamentum nostrum mandavimus convocari, Nos 186.
 discum et cum Magnatibus et Proceribus Regni nostri tractaturi, bestrumque
 Consilium impenturi. Et hoc nullo modo omittatis. Teste Rege apud Clip-
 ston, 18 die Januarii.

The Author in the same 350 page, lin. 30, 31. De Parliamentis singulis annis
 in Hibernia tenendis, & de legibus & consuetudinibus ibidem custodiendis: quotes
 in his Margin, Rot. Parl. An. 10 E. 2. to warrant it: whereas there is no Par-
 liament Roll of 10 E. 2. or Parliament held that year, nor any thing in the Par-
 liament Rolls to justify it; to which he subjoyns in his Margin, Cl. 10 E. 2. m. 38
 (mistaken for m. 28.) & Claus. 12 E. 2. m. 2. whereas there is nothing in that
 membrana or Roll to the purpose he quotes them.

True it is, I finde in Clause 10 E. 2. m. 2. that those of Ireland petitioned the
 King, that a Parliament might be held once every year in Ireland to redress their grie-
 vances mentioned in their petition: Whereupon the King ordered the summoning
 of a Parliament there by his Writ, if they would or could conveniently meet
 together, nor else that the discreetest Prelates and Nobles should meet in several
 places, and certifye him of their unanimous resolutions therein; but never assented
 that a Parliament should be annually held in Ireland, for aught I find; as the
 Record it self attests, which I shall here insert, to rectifie his mistake.

R E X dilectis & fidelibus suis, Justic. Cancellar. & Theof. suis Hibern. salutem.
 Ex parte Papuli nostri terræ prædictæ per petitionem suam coram vobis Cl. 10 E. 2. m. 28. in ass. Pra
 & Consilio nostro exhibitam, nobis sic cum instancia supplicatum, quod cum Committitur
 in terra illa sic talia habeatur, videlicet, quod Angliam de morte Angliæ, in terra illa
 tractato, incendio, vel depredatione cuiuscunque rei vel personæ, vel de hereditate, et
 unius ob. contingenti, vel excedenti conditionis, ultimam supplicium subire
 debeat, Hibernicus vero de morte Angliæ, vel incendio conditionis, subire debeat
 iudicium;

Judicium; sed *Hibernicus* de latrocinio vel depredatione cuiuscumque *Anglico* vel *Hibernico* facto, conditus, ad voluntatem sui Judicis relinqui solet redemptus, vel ultimo supplicio condemnandus, per quam quidem legem, dum in terra predicta legitime fuit observata, credit populus *Anglicanus* (ibidem; et multiplicabatur, possessionesque et terminos sanctæ matris *Ecclesiæ* distabat ibidem; postquam vero *Iustic.* partium illarum auctoritatem sibi sumentes rectos de felonis pro modico, aliquando pro nihilo redimi fecerunt, et permittebant, videlicet, captendo pro morte *Anglici* felonice interfecti, depredatione et latrocinio, Centum libras, vel centum, quadraginta, vel viginti solidos, cuius preterea maleficis sub spe huiusmodi facilitatis venæ delinquendi audaciam summentibus, homicidia, depredationes, incendia, et alias felonias perpetrantibus, cessarunt in plerisque locis agræ cultura, et mercandis plus solito deciderunt, sic ipsa terra per felones *Anglicos* et *Hibernicos* qui sub spe huiusmodi venæ, ac etiam pro eo quod fideles huiusmodi felones indicare, nec de eis in iudicio verum dicere non audent, ne pro suo heredito per eosdem felones pro huiusmodi redemptione dimissos occidantur seu distruantur, homicidia, incendia, latrocinia et depredationes committere non verebantur, nec adhuc verentur, in immentum est desiderata, populusque sub pace et lege nostra vivere cupiens loca in quibus morari solebat vacans, et felonibus et huiusmodi mala perpetrantibus, ut est dictum, reliquit; per quod *Ecclesia* sancta, quæ observata pace et lege predicta suos limites longe lateque distenderat, rogante huiusmodi maleficia quasi penitus est destructa. Ordinare vellemus, quod in terra predicta quolibet anno semel teneatur *Parliamentum*: Et quod si pro morte *Anglici* dextero felonice interfecti, vel incendio facto, redemptionis seu pardonatio supplicetur à *Iustic.* tunc illius, tunc ipsi non nisi in *Parlamento*, et de assensu *Consilii* et fidelium nostrorum ibidem concedatur; et pro illa redemptione ad minus Centum libras, pro latrocinio vero, vel depredatione valoris duodecim denar. et ob. attingens, vel eam excedens decretum perpetratis, ad opus nostrum quadruplum capiantur; et quod huiusmodi felones a *Paola* non delibentur, donec pecunia predicta in satisfactione nostra fuerit persoluta. Nos igitur sanctæ *Ecclesiæ* indemnitati, et populi nostri terræ predictæ commodo et quieti in hac parte iuxta *Consilium* fidelium nostrorum partium illarum prospicere volentes, ut tenemur; Vobis mandamus, quod convocatis *Archiepiscopis*, *Episcopis*, *Abbatibus*, *Prioribus*, *Comitibus*, *Baronibus*, et *Communitate* terræ predictæ quam cito commode poteritis, habitisque super premissis et eorum omni consilio et abisamento, si ad unum condescendere voluerint, vel requisiti, per breve nostrum sub sigillo quo utimur in partibus illis discretorum *Justiciorum* et *Paganorum* nostrorum partium illarum separatum consilio, et ex causa legitima convenire non possunt, rationesque singulorum nominatim inferendo, super quo vel quibus videbitur terram predictam uberius populo nostro tranquillam pacem multiplicari, ipsumque populum qua lege et consuetudine fore perturband. an videbitur lege prohibita, vel tentatio supplicatio habendo de pardonatione facienda in *Parlamento*. Nos de re quod in hac parte per vos et viros fideles nostros super premissis, ut predictum est, contigerit differri, sine delatione aliqua certificate sub sigillo nostro predicto; ut inde certiorari, ulterius inde de *Consilio* nostro saltem ordinemus, quod ex hac timor incurfatur delinquentibus, et populus nostre terræ predictæ melius valeat prosperari. Remittentes nobis hoc Breve. Teste Rege apud *Lincol.* octavo die *Augusti*.

This they petitioned for.

Per Petitionem de Consilio.

What Certificate was made or returned by all or any of them to the King hereupon, appears unto me by Record or History; only I read that Anno *Ireland.* 1375, 1377. Roger *Mortimer* Chief Justice of *Ireland*, the Lord *Moyle*, Sir *Fulke* 180, 185, 186. *Martin*, and 30 Knights were, held a Parliament at *Dublin*, with all the Nobles and Gentlemen of the Land of *Kylmannan*, but did nothing there but only created a new title of the *Earl of Ulster*, who was imprisoned by the Citizens of *Dublin*, and delivered upon his oath given, and an Oath taken by him, on the

SACRAMENT,

Sacrament, neither by himself, his friends or followers, as given to the Duke of Dublin for his apprehension. The Author from the premised Records of 10 E. 2. p. 350 affirms, that Order was taken at the Parliament that year, that Parliaments should be holden in Ireland every year; but this is a clear mistake, it being most apparent by Records and Histories, that the King did not grant them an Annual Parliament to be there held according to their Petition; For the next Parliament I find there held was at Kilkenny, An. 10 E. 2.

Upon the premised Petition of those in Ireland, An. 10 E. 2. seconded with another Petition to King Edm. 2. in Parliament, An. 14. of his reign, the King issued this Writ to his Chief Justice in Ireland for the use of the same Law there in cases of Felony, as was used in England, instead of granting them an Annual Parliament.

† Annals of Ireland.

REX Justiciario suo Hibernia qui nunc est, & qui pro tempore fuerit, vel ejus Locum-tenenti, salutem. Sciatis, quod cum tempore celebris memorie D. H. quondam Regis Anglie Patris nostri, eidem Patri nostro, & postmodum tempore nostro nobis pluries sit offensum, graviter conquerendo, quod pro eo quod Hibernici ad legem Anglicanam in terra predicta admittunt, lege ipsa de vita et membris prius non gaudent, pars nostra in dictis partibus fuit multipliciter perturbata, ac malefactorum ibidem non parva audacia sibi sumptere in veritas felonias perpetrandi, ad grave damnum populi nostri partium earumdem, & tandem in Parlamento nostro apud Westm. in Octabis Sancti Michaelis proximo preteritis, convocato, nobis sit supplicatum, quod super hoc remedium adhibere curaremus. Nos igitur paci et tranquillitati populi nostri predicti providere volentes, omnes Hibernicos ad legem Anglicanam prius admittas, utique spone, & voluntate consentientes ad eandem, lege predicta de vita et membris de cetero uti volumus; et Hibernicos, amittas et admittendos ad legem predictam, tam infra Libertates, quam extra more Anglicorum pertractari volumus per presentes, iura nostra et aliorum Dominorum in hominibus et catallis nativorum, qui vulgariter in illis partibus BETACHES nominantur, quoad legem predictam admitti contigerit, et sequarum pariter, quoad bona et catalla illa habenda in omnibus semper salvo. In cujus, &c. per quinquaginta annos duratur. Teste Rege apud Westm. 20. die Junij.

Pat. 14 E. 2. pars 2. m. 27. intus. De lege Anglicana de vita & membris in Hibernia utendis.

+ By special Patents or Grants.

Per ipsum Regem, & per Robertum de Castilia, b.

The next year, An. 15 E. 2. The King being informed, that there were divers Errors against Law in Judgments there given by Roger Mortimer, whiles his Lieutenant there, in Assises of Novel disseisin and other Actions, which the parties injured by reason of their poverty and impotency were unable to prosecute in England; according to former Writs authorized John de Bromyngham his Chief Justice there by this Patent to hear and redresse them, according to the Law and Custom used in Ireland, and likewise to inquire of the insufficiency of the Officers there placed by Mortimer whiles Chief Justice, and to displace them, and substitute able ones in their places.

REX Dilecto Amico suo Johanni de Bromyngham Comiti de Lincoln Justiciario suo Hibernia, salutem. Sciatis, quod cum scimus, quod sit nobis intelligi, quod in Assise Nova disseisine, & Mortis Antecessoris, quam illis placitis diversis contra Rogera de Mortimer, & Willelmu, dum sine locum nostrum regens in Hibernia per breve nostrum sub sigillo quo iudiciorum in terra illa legitur, & consuetudinem eandem partium predictarum, & eorum inter se sunt inquisisse, etiam quod consequentes in huiusmodi Casibus, tam propter distantiam loci, & propter plures, qui possunt evenire, quod propter impotentiam et paupertatem plurimum, qui se in hoc parte conqueri possent, quod nos coram nobis infra regnum nostrorum de veritate huiusmodi corrigendis, non modo prosequi non possint his diebus, prout haec verba de Ordoibus coram Justiciario Hibernia satisfieri consuevit; super quo nobis est supplicatum, ut fieri factamus

Processibus in Hibernia super vendis & examinandis

mus remedium oportunum. Nos ex causis prædictis, et ut hujusmodi conque-
rentium parcatur laboribus et expensis, volentes super præmissis competenciori
modo quo poterimus congruum remedium adhibere, Assignabimus vos loco
nostri ad faciendum venire coram nobis Recorda et processus supervidendos et
examinandos, et ad errores, si qui interfuerint, ad sextam omnium se inde conque-
rentium corrigendos et emendandos, et partibus inde justitiam faciendam,
secundum legem et consuetudinem partium prædictarum. Et ideo vobis manda-
mus, quod ad certos dies & loca quos ad hoc provideritis, præmissa loco nostro
faciatis & expleatis. Mandavimus enim Cancellario, Thesaurario, & cæteris
Ministris nostris partium illarum, quod vobis in præmissis pareant & intendant,
& super hoc faciant quod ad ipsos & eorum quemlibet noverint pertinere: So-
lumus autem quod hæc concessio nostra que ex causis prædictis de gratia nostra
speciali procedit, et alia consimilia præterita vel futura trabatur in consequen-
tiam in futurum. In cujus, &c. Teste Rege apud Westm. 8 die Decembris.

Per ipsum Regem.

He likewise issued this Writ for removing any insufficient Officers which Roger
de Mortimer had placed in Ireland, and to put good and sufficient persons in
their places, for his and his peoples benefit.

Ibidem, m. 7.
incus. Rylyes
Appendix, p.
571. De Mi-
nistris in Hi-
bernia amo.
vendis.

REX dilecto & fideli suo Johanni de Bermyngham Comiti de Lonik. Justicia-
rio suo Hibernia, salutem. Quia accepimus quod aliqui de Justiciariis &
aliis Ministris nostris placearum terre nostræ Hiberniæ, & qui per Roger. de Mort-
imer tempore quo fuit Justiciarius noster ibidem, & per procuracionem quo-
rundam in officiis suis positi fuerunt, minus sufficientes existunt, per quod ne-
gotia nostra in partibus illis minus bene fiunt. Nos super præmissis remedium
apponere volentes oportunum, dedimus vobis potestatem amovendi ab officiis
suis omnes illos de dictis Ministris nostris quos indeneritis insufficientes, et
altos bonos et sufficientes eorum locis per literas sub sigillo nostro quo utimur
in partibus illis substituendi. Et ideo vobis mandamus, quod hujusmodi Mi-
nistros nostros insufficientes ab eorum officiis sine dilacione amoveatis, et al-
ios bonos et sufficientes eorum locis substituatis, qui dictas placeas nostras
juste ad nostrum et populi nostri commodum custodire et gubernare poterunt,
secundum legem et consuetudinem terre supradictæ. In cujus, &c. Teste Rege
apud Istheworth, quarto die Decembris.

Per breve de Privato sigillo.

A Notable President, worthy imitation in all ages, places, throughout our
Kings Dominions.

Anno 17 E. 2. The King by assent of his Council, made these ensuing excel-
lent Ordinances for the better Government of Ireland, and preventing corrup-
tions and abuses in his Officers there, to his own or his Subjects injury or
oppression.

Par. 17 E. 2.
part 1. m. 3.
incus. Rylyes
Appendix, p.
574. Ordina-
tio de statu
Terræ Hiber-
niæ facta.

EDward par la grace de Dieu Roy Dengleterre, Seigneur Dirlann, & Duc
Daquitaigne: As toutz ceaus qui cestes presentes lettres verront ou orront,
saluez. Sachez, qe a lamendement du gupement de nostre terre Dirlann, &
plus grant pès et tranquillite du nostre peuple en cele terre, A Notyngham al
oytaves de Seint Martin l'an de nostre regne dis septisme, per assent de nostre
Conseil illoques sont les pointz souz escriz assentuz et acordez, a fin que euz so-
ent tenuz et sermentent gardez en meisme la terre: Primierement, qe le Justice
Dirlann, ne nul autre nostre Ministre en cele terre tantcom il soit en nos offices
illoques, ne purchacent terre ne tenement dedeins les listes ou boundes de leur
baillies sanz nostre conge especial, & si nul face le contrari, ceo qe il adra pur-
chace soit encurre et forfait a nous et nos heirs, sauve as chiefs Seigneurages de
see services, dues & acoustumez de terres & tenementz issint encorruz & forfaitz
a nous. Item, que nostre Justice Dirlann, ne nul de noz autres Ministres il-
loques

loeqes par colour de lour offices, ne preignent vitailles ne autres choses de nuli contre son gree, hozzis en cas de necessite pur le commun profit de la terre, et adonqe qe ceo se face par sabz et lassent de plus Grantz de nostre Conseil celes parties, et par bze de nostre Chancellerie *Dirlaund*, & en cas qe nous ou noz heirs commauderoms par bref de nostre Chancellerie *Dengleterre*, ou par nos autres lettres. *Item*, qe nostre dite Justice ne nul de nos autres Ministres illoeqes par colour de lour office ne arestont niels, ne autres biens des estranges ne des privez, mes qe tutz marchants et autres pussent carier *bledz et autres vitailles et marchandises hozs de nostre terre *Dirlaund* jusqe en nostre Roialme *Dengleterre*, ou en nostre terre de *Gales*, hozzis en le cas susditz, fesauntz les customs dues et usees. *Assint* totes boies qil facent cobenable seurte qil ne iront nene communerent ad noz enemis *Descece*, ne noz autres enemis, si nul fussent. Et si nul Justice ou autre Ministre face le contrari des choses susdites & de ceo soit atteint, face gre au pleintif de ses damages a double, et sadumefms seit grebement puni debers nous. *Item*, pur le seal nostre Justice *Dirlaund* de chescune bille de grace quatre deniers, & pur lescription de chescune bille deux deniers, desore soient pris & paieez, et nient plus. *Item*, de celui qest comande a la prisone par auctorite de nostre Court ou a seute de partie, quant il sera delibrez, quatre deniers soient pris pur le fee de *Parshals*, et nient plus. Et si par case nul beigne encontre les choses susditz, et de ceo seit atteint a nostre suite, ou a suite de partie, face gree a la partie, & seit grevement puniz debers nous. *Item*, qe nul pardon de la seute de nostre pte pur mozt de homme, ne pur autre felonie ne tuicion pur cest qi sera des tteus felonies rette ou endite, ne soit fait ne grante desore pur nostre Justice *Dirlaund* de seal de nostre seal illoeqes sanz especial comandumant de nous meismes desouz ascuns de noz seals *Dengleterre*; saube qe nostre dite Justice et nostre Chanceller *Dirlaund*, ou labilement de nostre Conseil *Dirlaund* pussent faire pardon des felonies faites devant la date de cestes, solom ceo qe pur nostre boneur et profit, et pes et tranquillite de nostre poeple illoeqes veient qe sont a faire, et solom le mandement qil eient de nous. *Assint* totes boies qe des felonies qe se seront desore nul pardon se face ne tuicion seit grante sanz especial comandumant de nous meismes, sicom dessus est dit. *Item*, qe nul bze original plebable a la Commune *Lei*, ne seit receu par nul de noz Ministres sorzqe bze seale desouz nostre Grant seale *Dirlaund*, ne nul proces fait pur autra bze, saube qe pur nostre seal de nostre *Eschequer Dirlaund* des choses touchantz cele place, seit fait aussicome doit estre fait de reson, et solom ceo qe cea en arete ad estez acustumee. *Item*, qe nostre Justice de la dite terre par ses brefs ou lettres ne targe ne ajozne *Assise de novele disseisine* devant lui sorzqe en le Counte ou il sera present, & tant come il demorra en meisme le Countee. En tesmoignance de quele chose nous avoms fait faire cestes noz lettres overtes. *Don a Notingham* le 24 jour de *Novembr*. l'an du nostre regne dis seprisme.

Sec p. 292

17 E. 3.

Pat. 17 E. 3.
m. 3.
De Articulis in
dign. ordina-
cionem contentis
in terra Hi-
berniz publi-
candis.

17 E. 3.

He likewise issued this Patent for proclaiming, enrolling, observing, and executing these Articles.

REX Cancellario sua *Hibernia* qui pro tempore fuerit, salutem. Quosdam articulos Nos & statum terrarum nostrarum *Hibern.* & Ministrorum nostrorum ibidem tangentes, per Nos de abisamento Consilii nostri ordinatos; Vobis mittimus sub sigillo nostro in forma patentis, mandantes, quod articulos illos in rotulis Cancellarie nostrae praedictae irrotulari, et eos sub sigillo nostro *Hiberniae* in forma patentis exemplificari, et Justic nostrae terrae praedictae, ac Justic nostris de Banco *Dublin.* & Thef. & Baron. nostris de Scaccario *Dublin.* ac aliis Ministris nostris in eadem terra ubi expedire videritis mitti fac. Mandantes eisdem & ex parte nostra districtius injungentes, quod omnes et singulos articulos praedictos in placitis et ballibis suis publicari, et quantum ad ipsos pertinet obserbare faciant, juxta formam articuloz praedictozum. Et quod praedicti Justic. Thef. & Barones articulos eisdem similiter in rotulis suis faciant irrotulari. Volumus insuper & vobis injungimus & mandamus, quod ad petitionem et prosecutionem cujuslibet conquerentis de attemptato seu attemptatis contra Articulos praedictos, seu aliquem eozundem quociens requisiti fueritis

M m

fueritis

facitis sub Sigillo nostro Hibern. prædicto, tam pro Nobis quam pro huiusmodi conquirentibus debitum, et festinum remedium fac. Ita quod non possitis super aliquo defectu, repiditate vel negligencia reprehendi. In cujus, &c. T. R. Nottingham 24 die Novembr.

* Annals of Ireland, p. 380. See here, p. 279. Anno 1326. being the 20 of King Edward the 2. his reign, a * Parliament was holden at Whitfontide at Kilkenny, (the first after their premised Petition, An. 10 E. 2.) to which Parliament the Lord Richard Burk, Earl of Ulster, and all the Lords and Potentats of Ireland repaired, to whom the said Earl made a great and Noble Feast. But what else was done there I find not.

* Annals of Ireland, p. 180. * Anno 1327. the 1. of King Edward the 3. his reign, the Lord Arnold Power, Lord Morris Fitz-Thomas, the Lord Morris Butler, and their confederates encountering and wasting one anothers Lands in an hostile manner with great armed forces; thereupon the Earl of Kildare then Lord Justice of Ireland, and others of the Kings Council gave a day between them, at a Parliament held by them at Kilkenny, where the Lord Morris Butler, and Morris Fitz-Thomas, demanded the Kings Charter of Peace of the Kings Council, who took day till the Month of Easter to advise thereon with their fellows of the Council.

* Annals of Ireland, p. 181, 182. See here, p. 270. * Anno 1328. the 2d year of King Edward the 3d. about Mid-lent there was a Parliament held at Dublin, to which the Earl of Ulster came, and all the Nobles of Ireland were present, and to which the Bishop of Ossorie was summoned, to follow a suit against the Lord Arnold Power, convicted before him upon divers Articles of heresse, being at the suit of the said Bishop arrested by vertue of the Kings Writt, and layd up in the Castle of Dublin untill the Parliament following; He died in prison before he came to his trial.

The same year some Irish-men petitioned the King, that it might be enacted by a Statute, That all Irish men who would might use the Lawes of England, without purchasing particular Charters to enable them thereto: the Kings proceedings therein are thus recorded.

Cl. 2 E. 3. m. 29.

REX dilecto & fideli suo Johanni Darcy de Neven. Justiciario suo Hibernia, salutem. Ex parte quorundam hominum de Hybernia nobis extitit supplicatum, ut per Statutum inde faciendum concedere velimus, quod omnes Hibernici qui voluerint legitime utantur Anglicanis, ita quod necesse non habeant super hoc, Chartas aliquas a Nobis impetrare. Nos igitur certiorari volentes, si sine aliquo præiudicio præmissis annuere valeamus, Vobis mandamus, quod voluntatem Magnatum terre illius in proximo Parlamento nostro ibidem tenendo, super hoc cum diligentia perscrutari facias, et de eo quod inde inveneritis, una cum hestero consilio et adiutamento, Nos distinde et aperte, cum celeritate qua poteris, certificetis, hoc breve nostrum Nobis remittentes. Teste Rege apud Pontem fractum, 22 die Augusti. Per Regem & Consilium.

He likewise issued this Writ of the same date for the supervising of the Treasury in his Eschequer there twice every year, and to certifie him the true state thereof from time to time.

Clas. 4 E. 3. m. 17. inus. Pro Rege, de Supervidendi Thesaurarium Regis Hibernia.

REX Thes. & Camerariis suis de Scaccario Dublin. salutem. Quia volumus quod dilectus & fidelis noster Johannis Darcy de Neven. Justic. noster Hibernia, una cum Cancellario nostro Hibernia qui pro tempore fuerit, supervideat his per annum Thesaurarium nostrum, et res nostras in eadem existentes, ut nos inde certificare valeant quociens opus fuerit, et ipsos super hoc fecerimus præiudicari: Vobis mandamus, quod præfatos Justiciarium et Cancellarium ad hoc singulis annis cum hoc super hoc præiudicari fecerint admittatis. Et hoc nullo modo omittatis. Teste Rege apud Pontem fractum 22 die Aug. Per ipsum Regem & Consilium.

What Certificates were made hereupon in any Parliament there held, or by this Chief Justice to the King, I find not, only I read in the * Annals of Ireland, that An. 1329. (3 E. 3.) the Nobles of Ireland came unto the Parliament at Dublin, where a peace was renewed between the Earl of Ulster, the Lord Morris Fitz-Thomas and others; and the said Lords with the Kings Council there ordained, that the Kings

Kings peace should be fully kept; so that every Nobelman and Chieftain should keep in his own sept, retinue and servants.

* Anno 1330. (4 E. 3.) A Parliament was holden at Kilkenny by Roger Uclaw * Annales Hi-
Kylmannam, then Lieutenant under the Lord Justice, at which were present berniz, p. 184.
Alexander Archbishop of Dublin, the Lord William Earl of Ulster, the Lord
James Earl of Ormond, the Lord William Bermyngham, and Walter Burke of Co-
naght, and every of them with a great power, to expell Briene O Briene out of
Urkiffs.

* Anno 1331. (5 E. 3.) Anthony Lord Lucy Justice of Ireland ordained a + Ibid. p. 185.
Parliament at Dublin at the Ura's of St. John Baptist, unto which certain of the
ancients of the land came not; whereupon he removed to Kilkenny, pzozoguing the
said Parliament from the foresaid Octaves to the Feast of St. Peter ad Vincula.
Unto which place there repaired the Lord Thomas Fitz-Thomas and others which
came not in before, submitting themselves to the Kings grace and mercy. And
the King for his part, for as much as concerned himself, under a certain form of par-
don, graciously forgave all the mischiefs there committed by them.

The same year King Edward the 3d. by advise of his Council in a Parliament
of England, ordained these ensuing Ordinancés and Articles for the reformation
of the State, weal, peace, tranquillity of Ireland, and sent them to his Chief Officers
there to be kept and observed by them and other his Subjects of that Land.

REX Justic. Cancellar. & Thes. suis HIBERNIÆ, salutem. Mandamus Pat. 5 E. 3.
vobis, quod Articulos subscriptos, quos pro emendatione Status terræ pars 1. m. 29.
nostræ HIBERNIÆ, quiete et tranquillitate populi nostri ibidem, per abisa- De quibusdam
mentum Consilii nostri in ultimo Parlamento nostro apud Westm. tento 27di- Articulis in
nabimus, in dicta terræ HIBERNIÆ quantum ad nos attinet, teneatis et Hibernia ob-
obserbetis, et per alios fideles nostros dicta terræ teneri et obserbari faciatis. servandis.
Tenor autem Articulorum prædictorum talis est. *Imprimis*, Justiciarius Hi-
berniæ qui nunc est, vel pro tempore fuerit, non concedat Cartas pardonacionis
de morte hominis, nec de roboratis et incendiis aliquibus, nisi de roboratis et in-
cendiis ante festum Pasche Anno Regni Domini Edwardi Regis Angliæ tertii
post Conquestum quinto perpetratis: Et quod decetero certificet Regem de no-
minibus hujusmodi pardonaciones petencium, et de abisamento suo; et quod
Rex faciat inde voluntatem suam; et quod nullus in terra HIBERNIA ex-
nunc fac. tales pardonaciones infra libertatem et extra, sub gravi forisfactura
Domini Regis. *Item*, quod dictus Justic. decetero non concedat tuicionem pa-
cis felonibus ad Albam existentibus. *Item*, quod una et eadem Lex fiat tam
Hibernicis quam Anglicis; excepta servitute Bagiarum, penes Dominos suos
eodem modo quo usitatum est in Anglia de Villanis. *Item*, quod Justic. nec
aliquis alius Minister decetero det aliquid custodiam vel maritagium alicujus ha-
redis ad Regem pertinentia, nec pardonet debita Regis, seu fines, amercia-
menta vel Catalla forisfacta, set quod Justic. et alii Ministri hujusmodi custodi-
as et maritagium vendant, et aliud commodum Regis inde fac. juxta discrecio-
nes suas: *Item*, quod Vic. et Coronatores decetero eligantur per Communi-
tates Comitatum, et non alio modo. Et quod Catalla forisfacta remaneant in
custodia villatarum. *Item*, quod Justic. seu aliquis alius Minister non recipiat
aliquem Pagnatem in plegium vel manucaptozem versus Dominum Regem,
nisi quatenus pro commodo Regis viderint faciendum. *Item*, quod Justic. obfides
pro conserbacione pacis sibi liberatos in Castris Domini Regis, faciat salbo
custodiri, ad sumptus suos pzoprios, et quod ipsi qui posuerunt hujusmodi ob-
fides condiciones et conventiones quas fecerunt non obserbent, Justic. faciat
Justiciam et Judicium de hujusmodi obfidibus. *Item*, quod Justic. seu aliquis
Pagnas HIBERNIÆ non concedat pzoteccionem alicui contra pacem Regis
existenti. *Item*, quod nullus Minister Regis decetero recipiatur in plegium vel
manucaptozem versus Dominum Regem. *Item*, quod fines de bacis decetero
pro redemptione non capiantur, set denarii. *Item*, quod Treuga, capta et ca-
pienda inter Anglicos & Hybernicos decetero obserbetur, et quod neutra pars
M m 2 dampnum

dampnum alteri durante hujusmodi treuga inferat; et si fecerit pro feloniam habeatur. *Item*, quod nullus *Ulagatus* in *gildabili* receptetur infra libertates, nec e conberso, et inde fiat ordinatio per *Iustic.* et alios *Ministros* et *Dominos* libertatum. *Item*, quod *Uic.* et alii *Ministri* computent quolibet anno semel ad minus, si commode fieri poterit. *Item*, quod *Senescallus* alicujus *Domini* in *Hibernia* non ponatur in aliquo *Officio Regis*. *Item*, quod *Thes.* vel aliquis alius *Minister Regis*, ubi ipse intendere non potest, superbideat quolibet anno *Castra Regis* et *Natum* eozundem, et quod emendari fac. defectus eozundem. *Item*, quod *Uic.* in *curiis* quae faciunt de *brevisibus* *Domini Regis* ponant nomina sua, ita quod quilibet *Uic.* de exitibus, *fortisfactoris*, et aliis *profficiis* quae requiruntur sub nomine *Uic.* oneretur ad *Scaccarium* pro tempore suo proprio. *Item*, quod *Extranei* non assignentur *Collectores* *Custumarum Regis*, sed *Burgenes* *billarum* ubi tales *custumae* colligi debent assignentur ad eas colligendas, et hoc fiat de *potenciozibus* et *discreciozibus*. *Item*, quod *Iustic.* fac. inquirere quolibet anno, de *Ministris* *Domini Regis* et eorum factis, et quod puniat delinquentes per *Consilium* et *abascamentum* *Cancellar.* et *Thes.* et alioz *de Consilio Regis*, et amoveat insufficientes. *Item*, quod nullus manuteneat nec ducat *Kernes*, nec gentes vocatas *Idelmen*, nisi in *Parochiis* suis propriis, et ad *custus* eozundem, nec fac. *pyfas*. *Item*, quod omnes *Ministri* *Regis* qui tenentur ad computand. et non habent terras seu ten. *suffic.* in *Hibernia*, inveniunt manucaptionem in *Hibern.* ad respondend. *Regi* de *comptis* suis ibidem. *Item*, quod omnes habentes terras et ten. in *Hibernia*, tam *Religiosi* quam *alii*, *præmuniantur*, quod *resideant* in eisdem si sint in *Parochiis* vel alibi, vel ponant *sufficientem* *custodiam* pro *conserbacione* *pacis* in eisdem *citra* *festum* *Sancti Petri ad vincula* *prop.* futur. Et si non fecerint, quod *Rex* in eorum defectum terras et ten. illa in *manum* suam capiet, et de *sufficienti* *custodia* eozundem ordinabit. *Item*, quod nullus *cujuscumque* *status* seu *condicionis* manuteneat, *sobeat*, nec *defendat* *Hibernicos*, seu *alium* quemcumque *contra* *pacem* *Domini Regis* *insurgentem*. Et si aliquis sic fecerit, et inde *convictus* fuerit pro *felonia* habeatur. In *cujus*, &c. *Teste* *Rege* apud *Croyndon* *tercio die* *Marcii*.

Per ipsum Regem et Consilium.

He likewise issued this Writ to his Chief Justice there for observing the Law of England in the recovering of Wardships, against the Irish Customs there used.

Clauſ. 5 E. 3.
pars 1. m. 25.
Pro hominibus
terræ Hibern.
de lege Angl.
utend in Cu-
stodiis recupe-
rand. Sec Ry-
lyes Appendix,
p. 588.

REX *Iustic.* suo *Hibern.* qui nunc est, vel qui pro tempore fuerit, salutem. Cum Dominus *Edwardus* quondam *Rex Anglia* avus noster ex parte *Prioris Sanctæ Trinitatis Dublin.* intelligens, quod *Magnates* & *Capitales* *Domini* in *Hibern.* *custodias* *terrarum* & *ten.* quae de *ipsis* tenebantur per *homagium* & *& certa* *servicia* post mortem *tenencium* eozundem *terrarum* & *ten.* secundum *consuetudinem* in *dicta* *terra* *nostra* *Hibern.* *uſtatam* *habere* *deberent*, et *tempozibus* *retroactis* *habere* *conſueberunt*, quodque *idem* *Prior* *custodiam* *Manerii* *de* *Kynesbale* quod *Johannes Comyn* de eo tenuit per *homagium* & *certa* *servicia*, post mortem *praedicti* *Johannis* secundum *consuetudinem* *praedictam* *ingresſus* *fuit*, et eam *possedit*, quousque *Escaetoz* *dicti* *Abi* *noſtri* in *Hibern.* *credens* *custodiam* *dicti* *Manerii* *ad* *dictum* *abum* *noſtrum* *ratione* *vacationis* *Prioratus* *praedicti* *pertinere*, *dictam* *custodiam* *in* *manum* *dicti* *Abi* *noſtri* *cepisset*: Et quod *idem* *Escaetoz* *comperto* *postmodum* *per* *Inquisitionem* *per* *ipsam* *captam*, quod *praedicta* *custodia* *ad* *dictum* *Priorem*, & *non* *ad* *dictum* *Avum* *noſtrum* *pertinuit*, eam *praedicto* *Priori* *postmodum* *restituit*, quodque *Amabilia* quae *fuit* *uxor* *praedicti* *Johannis*, *asserens* *custodiam* *Manerii* *praedicti*, *pro* *eo* *quod* *tenebatur* *in* *Socagio*, & *eadem* *Amabilia* *propinquior* *fuit* *haeredi* *ipsius* *Johannis* *ad* *ipsam* *pertinere* *debere*, *ipsum* *Priorem* *a* *custodia* *praedicta* *ejecit*, *mandasset* *Roberto de Nifford* *tunc* *Iustic.* suo *Hibern.* quod *partibus* *praedictis* *diem* *praefigeret* quod *essent* *coram* *Ayo* *noſtro* & *Consilio* *suo* *ad* *certum* *diem* *tunc* *futur.* *ubicumque* *tunc* *esset* *in* *Angl.* *factur.* & *receptur.* quod *tunc* *de* *Consilio* *suo* *contingeret* *ordinari*: Et quod *idem* *Robertus* *Recordum* & *processum* *inde* *habita*

bita in *Hibern.* cum brevibus & omnibus aliis negocium illud tangentibus dicto Avo nostro mitteret; Et postmodum idem Avus noster per certificationem prædicti *Roberti* intelligens, quod custodia dicti *Manerii* pertinebat ad ipsum *Priorem* ratione homagii eidem *Priori* per præfatum *Johannem* facti secundum consuetudinem prædictam, sicut per quandam Inquisitionem quam idem *Robertus* inde fecit, fuit compertum, volensque pro eo quod consuetudo prædicta legibus *Anglicanis* contraria fuit, cerciozari si prædicta consuetudo per Judicium approbata vel annullata fuerit; Mandasset S. tunc Episcopo *Waterford.* Theſ. suo *Hibern.* & *Ricardo de Exon.* tunc Capitali Justic. de Banco *Dublin.* quod scrutatis Rotulis Justic. suorum tam in Thesauria quam alibi existentibus, Recorda et Processus consuetudinem prædictam tangentia, dicto Avo nostro mitterent distincte et aperte; Et postmodum pro eo quod per certificationem prædictorum Episcopi & *Ricardi* dicto Avo nostro missam compertum fuit, quod *Rogerus Andrea* & *Rosamunda* uxor. ejus in loquela quæ fuit coram *Alex. de Notyngham* & sociis suis nuper Justic. itinerantibus apud *Cassell.* inter prædictos *Rogero* & *Rosamundam* & *Matthæum Power* & *Dionisiam* uxorem ejus, de eo quod iidem *Matthæus* & *Dionisa* redderent præfatis *Rogero* & *Rosamunda* custodiam Manerii de *Cloneth.* & quadraginta acrarum terræ cum pertin. in *Kilmeroch;* tanquam propiores hæredi *Ada Cristophre* qui Manerium & terram prædictam tenuit in Socagium, per considerationem Cur. prædictæ recuperarent custodiam prædictam versus prædictos *Matthæum* & *Dionisiam*, non obstante quod prædicta Manerium & terra tenebantur de eisdem *Matthæo* & *Dionisa* per homagium & certa servicia, coram eodem Avo nostro in Curia sua, pro eo quod dictum Judicium concordabat legi *Anglicana;* Consideratum fuit, quod prædicta *Amabilia* recuperaret seisinam suam de prædicta custodia de dicto Manerio de *Kynesbale,* non obstante consuetudine prædicta, sicut per Recordum & processum coram dicto Avo nostro super præmissis habita quæ coram nobis certis de causis venire fecimus nobis constat. Ac jam ex insinuacione hominum de dicta terra nostra *Hibern.* per petitionem suam coram nobis & Consilio nostro in Parlamento nostro exhibitam accepimus, quod Capitales Domini de dicta terra nostra *Hibern.* custodias de ten. quæ de ipsis tenentur tam per certa servicia quam per homagium & certa servicia, secundum consuetudinem prædictam jam vendicant & diversos homines ejusdem terræ de hujusmodi custodiis eisdem Capitalibus Dominis secundum consuetudinem prædictam reddend. coram vobis implæcant jam de novo, in ipsorum hominum dispendium & gravamen, et contra legem et consuetudinem regni nostri, et formam Judiciorum prædictorum in casu consimili prius redditozum. Super quo Nobis supplicarunt sibi per nos remedium adhiberi: Nos eisdem hominibus in hac parte volentes fieri quod est justum, Vobis mandamus, quod in hujusmodi casu de custodiis recuperand. legem et consuetudinem Regni nostri, & non consuetudinem prædictam, coram vobis & aliis Justic. nostris de dicta terra nostra *Hibern.* decretis observari fac. juxta tenorem Judiciorum prædictorum. T. R. apud *Wyndesore,* 18 die Febr.

Per Petitionem de Consilio.

R & Justic. suis de Banco *Dublin.* salutem. Cum Dominus *Edm. Rex*, Ibidem; &c. ut supra, usque ibi; Vobis mandamus, tunc sic: quod in hujusmodi casu de custodiis recuperand. legem et consuetudinem Regni Regis, et non consuetudinem prædictam coram vobis decretis observari fac. juxta tenorem Judiciorum prædictorum. Teste ut supra.

Per Petitionem de Consilio.

* The same year 1331. (5 E. 3.) the Irish of Leinster made spoil of the English, burnt Churches, yea burned about 80 men and women and a certain Chaplain in the Church of *Fryndeston*, prayed in his sacred vestments with the body of the Lord, being repelled back with javelins when he would have gone forth, and so burnt with the rest in the Church: These news coming to the Popes ears, he sent his Bull unto the Archbishop of *Dublin*, commanding

* Annales of Ireland, p. 187.

manding him to excommunicate the said *Irish* and all their adherents; which he fulfilled. But the *Irish* contemning the said Bull and Excommunication, interdiction, and chastisement of the Church, drew themselves together again, and invaded and spoiled the whole County of Weisford.

* Pat. 6 E. 3.
pars 2. m. 15,
16.

Hereupon, I find by the * Patent and other Rolls, that King Edward the 3^d. in the 6. year of his reign intended to go over into *Ireland* in person with an Army to suppress these *Irish* Rebels, who invaded and wasted his, his Officers and Subjects Lands, seized their goods, murdered their persons, and committed many outrages, and that by advise of his Parliament, for which end he issued forth Commissions to raise foot men and men at arms to go with him into *Ireland* at the least of Sr. Michael, at his wages, & to provide victuals and arteft ships to transport them. Which he soon after recalled, and instead thereof issued a Commission to the † Prior of the Hospital of St. Johns in *Jernusalem* in *Ireland*, by advise of his Officers there, to treat with the Captains of those Rebels, and grant them safe conducts for that purpose, and to receive them to his grace and peace, upon such terms as they should think most expedient, and promises of future obedience and allegiance to him; constituting a new Chief Justice and Chancellor of *Ireland* only during his pleasure.

† Ibid. m. 14.

* Annals of
Ireland, p. 186

* Anno 1333. (7 E. 3.) John Lord Darcy Lord Chief Justice of *Ireland* assembled a Parliament at *Dublin*, where by advise of all the States of the Land assembled in the said Parliament, he marched forthwith with his Army to *Cratfergus* to avenge the murder of *William Burk* Earl of *Ulster*, there treacherously slain; whose murderers he routed in a pitched field, putting many of them to the sword, and taking some of them Prisoners. During this Parliament at *Dublin* one *Murchard* was suddenly slain in the company of many Nobles of the land and of the Earl of *Ormond* in a great press of people, by a person unknown, which struck them all into an extraordinary and strange affright.

Anno 8 E. 3. upon the Petition of *John de Rupe* the King issued this Patent and Mandate to his Treasurer and Chamberlains of his Exchequer at *Dublin*.

Pat. 8 E. 3.
pars 1. m. 14.
incus pro
Georgio de
Rupe. See
Here, p. 3.

REX Omnibus ad quos, &c. salutem. Sciatis, quod cum *Georgius de Rupe de Hibern.* defunctus, pro eo, quod ad Parliamenta apud *Dublin*. in *Hibern.* Anno regni Domini E. nuper Regis *Angl.* Patris nostri vicesimo, & Anno regni nostri secundo, tenta, non venit, prout summonitus fuit, ad Ducentas marcas amerciatas fuisse, ut acceptimus; ac *Johannes* filius predicti *Georgii* nobis supplicaverit, ut habito respectu ad hoc, quod predictus Pater suus se a Parliamentis predictis, causa inobediencie non absentabit, per quod ita excessibe amercari deberet; Wellmus concedere, quod amerciamenta illa, quæ ab ipso *Johanne* ad opus nostrum per summonitionem *Scaccarii* nostri *Dublin*. jam extinguntur jussu moderentur: Nos volentes cum eodem *Johanne* gratosè agere in hac parte, volumus & concedimus, quod decem libras tantum de predictis Ducentis Marcis ad opus nostrum, ex causis premissis lebentur, et prefatum *Johannem* de toto residuo earundem Ducentarum Marcarum tenore presentium quietamus. In cujus, &c. Teste Rege apud *Novum Castrum* super *Tynam*, 20 die Junii.
Per Petitionem de Consil.

Et mandatum est Thef. et Camerar. de *Scaccario Dublin*: quod predictas Decem libras de predictis Ducentis Marcis de prefato *Johanne* ad opus Regis lebent, et ipsum de toto residuo inde ad dictum *Scaccarium* exonerari et quietum esse fac. Teste Rege apud *Westmonasterium*, ut supra.

Per eandem Petitionem.

* See here, p.
166.

By which Record it is evident; First, that there was a * Parliament summoned and held in *Ireland*, An. 20 E. 2. and another An. 2 E. 3. to both which *George de Rupe* was summoned as a *Baron*. 2ly: That he was fined no lesse then 200 marks, for his two defaults in not appearing at these two Parliament, though not out of contempt or disobedience. 3ly. That proccesse issued out of the Exchequer

chequer there after his death, to levy these two fines upon the lands descended to his heir. 4ly. That these two fines were reputed excessive by the King and his Counsil, and therefore ordered by the King to be remitted to ten pounds, (5*l.* for each default) and the rest pardoned.

The same year upon the supplication of the Citizens of *Dublin*, (who in the 11th. year of King *Edward* the 2d. upon the approach of * *Brus* with a great Army of *Scots* Rebels towards *Dublin* had burned the Suburbs thereof to the ground, lest the *Scots* should seise on them, and to preserve the City, which Suburbs continued unbuilt,) abated half of their fee-farm Rent issuing out of the burnt houses, (to encourage them to continue in their Loyalty) by this Patent.

* See here, p. 60, 61. Annals of Ireland, p. 174

REX Omnibus ad quos, &c. salutem. Supplicarunt nobis Cives Civitatis nostræ *Dublin*. in *Hibern*. ut cum ipsi teneant de nobis Civitatem prædictam ad feodi firmam pro Ducentis marcis nobis inde annuatim reddendis, cujus quidem Firmæ duæ partes de ten. in Suburbiiis Civitatis illius dudum ædificatis, et pro salbatione Civitatis ejusdem, ne *Scoti* nuper partes *Hiberniæ* ingressi ibidem receptarentur, de communi assensu terræ illius combustis, quæ adhuc sic basta jacent, levari solebant, ut asserunt; ac tisdem Civibus tam per combustionem illam, et per frequentes aggressus *Hibernicorum* inimicorum nostrorum ibidem, quem propter diversas misas et expensas, quas ipsi pro salbatione et defensione ejusdem Civitatis et parcium adjacentium, ac alibi in serbitio nostro in eadem terra in Comitibus *Intic*. ejusdem terræ diversis vicibus hæcenus gratanter fecerunt et apposuerunt, in tantum depauperati existant, quod ipsi Firmam suam prædictam absque intollerabili distructione solvere non possunt; Velimus præmissis consideratis talem diminucionem de Firma sua prædicta eis concedere, quod ipsi per hoc statum suum relevare, et Civitatem illam ad honorem et commodum nostrum fortius et decencius custodire valeant et manutenere: Nos ad bonum gestum suum prædictum considerationem habentes, et volentes cum eis ut negotiis nostris in partibus illis contentius et promptius erunt intendant graciosè agere in præmissis, pardonavimus eis medietatem Firmæ suæ prædictæ unius anni, videlicet, Centum marcas, ipsosque Civibus de eisdem Centum marcis, tenore præsentium quietamus. In cujus, &c. T. R. apud *Novum Castrum* super *Tynam* 20 die Junii.

Pat. 8 E. 3: pars 1. m. 11: intrus. Pro Civibus Civitatis Dublin.

Per Petitionem de Consil. apud *Novum Castrum* super *Tynam*.

Et mandatum est Thef. & Baronibus de *Scaccario Dublin*. quod ipsos Civibus de eisdem Centum marcis, pro medietate Firmæ suæ unius anni ad idem *Scaccarium* excquerari et quietas esse faciant. Proviso, quod residua Centum marce de Firma prædicta anni illius de eisdem ad dictum *Scaccarium* ad opus Regis leventur; prout decet. Teste ut supra.

Per eandem Petitionem.

Anno 1337. (11 E. 3.) While *John Charlton* Lord Chief Justice held a Parliament at *Dublin*, Dr. *David O-Hirregby* Archbishop of *Armagh*, being called to the Parliament, made his provision for house keeping in the Monastery of *St. Mary* neer unto *Dublin*, but because he would have his *Crosier* carried before him, he was impeached by the Archbishop of *Dublin* and his Clerks, and pernit him they would not.

* Annals of Ireland, p. 187. † The like controversy was then betwixt the Archbishops of York and Canterbury. * Annals of Irel. p. 188.

* Anno 1341. (15 E. 3.) The King reboked all those gifts and grants that by him or his father had been conferred by any means upon any persons whatsoever in *Ireland*, were they liberties, lands, or other goods; for which rebocation great displeasure and discontent arose in the land of *Ireland*, which was at the point to be lost for ever out of the King of *England*'s hand. Whereupon by the Kings' Council there was ordained a General Parliament of *Ireland* in the month of *October*; before which time there was never known so notable and manifest a division in *Ireland* between those that were English by birth and English in blood. The *Adajors* of the Kings' Cities in the same land, together with all the better sort of

the Nobility and Gentry of the Land, with one consent, upon mature deliberation and counsell had, among other their conclusions, decreed and appointed a common Parliament at Kilkenny in November, to the utility and profit both of the King and the Land, without asking any Counsel at all of the Lord Justice (Sir John Morris Knight) or the Kings Officers aforesaid in that behalf: Nor the Lord Justice and the rest of the Kings Ministers in no wise presumed to come to the same Parliament at Kilkenny. The Elders therefore of the Land, together with the Ancients and Mayors of the Cities agreed and obtained, as touching solemn Embassadors to be sent with all speed unto the King of England, and to complain of his Ministers in Ireland, as touching their unequal and unjust regiment of the same; and that from thenceforth they neither could nor would endure the Realm of Ireland to be ruled by his Ministers, as it had wont to be. And particularly they made complaint of the aforesaid Ministers by way of these questions. Imprimis, How a land full of Warrs could be governed by him, that was unskillful in Warre? 2ly. How a Minister or Officer of the King should in a short time grow to so much wealth? 3ly. How it came to passe, that the King was never the richer for Ireland? So the *Annals of Ireland*; wherewith these Records of this year in the Tower, accord, wherein the King recites not only this general and some particular revocations of lands, grants, gifts made, and allowances of Accounts and monies received in Ireland, (some few excepted, which he ratified) but likewise commanded strict Inquiries to be made and sent to him of the Numbers, fees, deportments, abuses, usurpations, sufficiency and insufficiency of his Officers there, especially of his Treasurer of the Exchequer, removing some of them out of their places, and regulating the Abuses, Extravagances in his Exchequer and Treasury for the future, as these Writs, Patents evidence, which I shall here insert according to their respective dates.

Cl. 15 E. 3.
pars 1. m. 33.
incus. De ter-
ris & ten. Elie
de Assheburn.
in Hibern. dar.
& concessis
revocandis.

REX Justic. & Cancellar. suis *Hibern.* vel ejusdem Justic. Locumtenenti, ac Thes. & Baronibus de Scaccario suo *Dublin.* salutem. Quibusdam certis de causis coram nobis et Consilio nostro per quosdam fideles nostros propositis. Vobis mandamus, quod omnes donaciones et concessiones de terris et ten. *Elie de Assheburn.* illi in dicta terra *Hibern.* quocumque modo per nos factas, sine dilatione revocari, et terras et ten. predictas, sibi per sic data et concessa, in manum nostram capi et seiscire, et nobis de exitibus eorundem responderi, ipsumque *Eliam* ab officio, si in aliquo per vos fuerit, amoveri, et alium idoneum loco sui, quem pro nobis utilem videritis in hujusmodi officio poni fac. Nolumus enim quod predictus *Elias* de aliquibus nos in dicta terra *Hibernie* tangentibus, decetero in aliquo se intromittat. Et hoc nullo modo omittatis. Teste Rege apud *Langile*, 20 die *Marcii*.

Per ipsum Regem.

Ibid. Cl. 15
E. 3. pars 1.
m. 36. De non
intromittand.
de Officio Ju-
stic. Regis de
Banco *Dublin.*

REX Dilecto sibi *Thoma de Monte Pessulano*, salutem. Licet nuper constituerimus vos unum Justic. nostrorum de Banco *Dublin.* ad Communia Placita, una cum aliis de fidelibus nostris ibidem tenend. Nolumus tamen ex certis causis quod vos officium illud de cetero exerceatis; Et ideo vobis mandamus, quod de Officio illo vos erunc in aliquo non intromittatis. Teste Rege apud *Langile* 14 die *Marcii*.

Per ipsum Regem et Consil.

Eodem modo mandatum est *Henrico Bagot*. Teste ut supra.

Per ipsum Regem et Consil.

Ibidem.

REX Thes. & Camerario suis de Scaccario *Dublin.* salutem. Licet nuper constituerimus dilectos nobis *Thomam de Monte Pessulano* & *Henr. Bagot* Justic. nostros de Banco *Dublin.* ad Communia Placita, una cum quibusdam aliis fidelibus nostris ibidem tenend. Nolumus tamen ex certis causis, quod ipsi Officium illud de cetero exerceant. Et ideo vobis mandamus, quod prefatis *Thoma*

Thome & Henr. aliquod Feodum ratione officii prædicti de Thesauro nostro ex nunc nullatenus solvatis. Teste ut supra.

Per ipsum Regem & Consil.

REX Justic. suo *Hibern.* vel ejus Locumtenenti, ac Thes. & Baronibus & Camerar. suis de Scaccario suo *Dublin.* salutem. Quia ob certas causas eorum *Rebus* et Concilio nostro per diversos fideles nostros propositas de abisamento ejusdem Concilii ordinatum et concordatum existit, quod omnes atterminaciones Debitorum nostrorum in dicta terra *Hibern.* post Coronationem nostram factæ, et etiam omnes pardonaciones Debitorum quæ nobis de arregragis compozorum Ministrorum nostrorum in terra prædicta, tam de tempore nostro quam de temporibus Progenitorum nostrorum debentur factæ (illis debitis quæ per processus super inquisitionibus per brevia nostra sub magno Sigillo nostro *Angl.* in terra prædicta captis, et in Cancellar. nostra *Angl.* recognatis factos pardonata existunt, exceptis) necnon cessiones illius feodi firmæ *Paneri* de *Saltu Salmonis* et de *Chapelsold* fratri *Rogero Uilawo* nuper Priori Hospitalis Sancti *Johannis Jerusalem.* in *Angl.* per nos facta sibi & successoribus suis habend. et similiter omnes pardonaciones et respectus de birtidi *Cera* post Coronationem nostram prædictam facti rebocentur et adnullentur. Vobis mandamus, quod omnes atterminaciones, pardonaciones et respectus de debitis nostris et de birtidi *Cera*, ac etiam concessionem nostram de feodi firma prædicta præfato *Proxi* sic factos, (exceptis debitis quæ per processus super inquisitionibus per brevia nostra sub magno Sigillo nostro *Angl.* in terra prædicta captis, et in Cancellaria nostra recognatis pardonata existunt, ut prædicitur) rebocari, et omnia debita nostra hujusmodi in partibus illis quæcumque fuerint dictis debitis per processus superius expressos pardonatis, habita consideratione ad necessitatem, quam jam pro guerra nostra in partibus transmarinis manuteneb. et aliis urgentissimis negotiis nostris expediend. patimur, sine dilatione levari, et nobis inde responderi fac. Teste Rege apud *Langels* 15 die *Marci*.

Per ipsum Regem.

REX Dilectis & fidelibus suis *Johanni Morice*, Locum tenenti dilecti & fidelis nostri *Johannis Darcy* Justic. nostri *Hibern.* Magistro *Roberto de Askeby* Cancellar. ibidem, & *Hugoni de Burgh* Thes. Scaccarii nostri *Dublin.* salutem. Quia quibusdam certis de causis certiorari volumus, qui et quot Ministri officis nostris in dicta terra *Hibern.* intendentes existunt, et in quibus Officiis, et quæ feoda et badia quilibet eorum de nobis percipiunt annuatim, et ex qua causa, et quale servicium, videlicet, quilibet Ministrorum illozum in officio suo nobis facit, vel qualem locum nobis tenet, et quæ et cuiusmodi proficua et exitus de dictis Officiis ad nostri commodum seu dampnum probentur, et de quantis, et quibus Ministris, pro officiis nostris in terra prædicta competentiter exercend. in præsent. habita consideratione ad exitus et proficua, de quibus nobis in terra prædicta est responsum indiguerimus, et qualiter dicti Ministri nostri tam illi qui in hujusmodi Officiis jam existunt, quam alii qui in eisdem officiis a tempore quo Regni nostri gubernacula suscepimus extiterunt, hactenus se gesserunt, et de omnibus aliis statum dictæ terræ et commodum nostrum ibidem tangentibus plenius veritate, assignabimus vos et duds vestrum ad informandum vos et duds vestrum per inquisitiones et Sacramentum probozum et legalium hominum de terra prædicta per quos rei veritas melius sciri poterit, tam infra Libertates quam extra capiend. et aliis viis et modis, quibus melius pro modo nostro expedire videritis, super præmissa omnibus et singulis, et ad certificand. nos in Cancellaria nostra *Angl.* de toto facto vestro in hac parte: Et ideo vobis mandamus, quod circa præmissa intendatis, et informationes hujusmodi capiatis, et de eo quod per informationes illas inveneritis, nos in dicta Cancellaria nostra *Angl.* sub sigillis vestris et duorum vestrum, et sigillis eorum per quos dictæ informationes factæ fuerint sine dilatione reddatis certiores. Damus autem universis & singulis Vicecomitibus, Ballivis, & omnibus aliis Ministris & fidelibus

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Ibidem, m. 35.
De atterminacionibus & pardonacionibus Debitorum in *Hibern.* per Regem factis revocatis.

Pat. 15 E. 3.
pars 1. m. 35.
dorso. De certificatione de Ministris Regis in *Hibern.*

fidelibus nostris in terra prædicta, tenore præsentium in mandatis, quod vobis in executione omnium & singulorum præmissorum intendentes sint & respondentes, quociens & prout eis, vel eorum alicui scire feceritis ex parte nostra, in cuius, &c. Teste Rege apud *Langele* 28 die *Marci*.

Per Breve de privato sigillo.

Cl. 15 E. 3.
pars 2. m. 28.
iuris. De Officiariis in Hibern. amovend.

REX dilecto & fideli suo *Johanni Darcy* Justic. suo *Hibern.* vel ejus *Locum.* tenenti, salutem. Quia videtur nobis et Consilio nostro multis de consilio, quod melius et utilius nobis deferri potest in dicta terra per *Anglicos* habentes redditus et possessiones in *Anglia*, quam per *Hibernicos* vel *Anglicos* maritatos et possessionatos in *Hibern.* et nihil infra Regnum nostrum *Angl.* optinentes. Vobis mandamus, quod super omnibus *Officiis* nostris, tam majoribus quam minoribus infra dictam terram nostram *Hibern.* hos diligenter informetis, et omnes hujusmodi *Officiis* in terra prædicta beneficiatos, maritatos et possessionatos, et nichil habentes in *Angl.* ab officiis illis amoveri, et alios *Anglicos* idoneos, terras, ten. et beneficia in *Angl.* habentes in eisdem officiis poni et substitui, et dicta officia per ipsos *Anglicos*, et non per alios decetero regi fac; aliquo mandato nostro vobis in contrarium facto non obstante. Volumus etiam, & vobis mandamus, quod alienationes aliquæ de *Dominiciis* terris nostris, seu aliis in manu nostra in dicta terra existentibus nullatenus fiant, antequam per inquisitiones super hoc per *Justitias* nostra in forma debita faciend. informati fuerimus, quod rationabiliter fieri poterunt absque dampno et præjudicio nostri, et aliorum quorumcumque. Teste Rege apud *Turrim Lond.* 27 die *Julii*.

Per ipsum Regem.

Cl. 15 E. 3.
pars 3. m. 19.
& dorf. 7. De donis seu remuneracionibus sine assensu, & Canc. terræ Hibern. alicui non faciendis.

REX Theſ. de Scaccario *Dublin.* salutem. Quia intelleximus, quod vos de rena et remuneraciones de denariis nostris quociens vobis placuerit, usque ad summam *Centum* solidorum illis quibus volueritis ante hæc tempora absque compoto per vos inde reddendo fecistis, et id ad officium vestrum prætentis pertinere debere; Nos volentes donaciones et remuneraciones hujusmodi fieri sine causa, Vobis mandamus firmiter injungentes, quod dona seu remuneraciones aliqua absque præsentia et assensu *Justic.* et *Cancellar.* nostrorum terræ nostræ *Hibern.* et aliorum de consilio nostro parciunt illarum alicui ex quacumque causa nullatenus faciatis, seu facere præsumatis, sine mandato nostro special. Mandabimus enim præfato *Cancellario*, quod per *Justitiam* nostram sub sigillo nostro quo utimur in terra prædicta, vobis et *Camerar.* nostris *Scaccarii* prædicti dirigendum *Rotulos* et *Memoranda* *Scaccarii* ejusdem scrutari, et de summis sic per vos et alios qui *Thesaurarii* nostri ibidem fuerunt a tempore suscepti regni nostri regiminis pro donis et remuneracionibus hujusmodi datis, et quibus personis, et ex qua causa data fuerunt, nos in *Cancellaria* nostra *Anglia* certificet indilate, cui super his faciendis intendentes sitis et respondentes, prout vobis scire facient ex parte nostra. Et hoc sub periculo quod incumbit nullatenus omittatis. Teste Rege apud *Stannford* 20 die *Novembri*.

Per ipsum Regem.

Ibid. De Vic. seu Officiariis sine assensu dictorum *Justic.* & *Cancellar.* non faciend.

Nota.

REX eidem, salutem. Quia datum est nobis intelligi, quod vos ad libitum vestrum, sine assensu *Consilii* nostri in dicta terra nostra *Hibern.* *Miscecomites* in eadem terra, et alios *Officiarios* majores per *Commissiones* *Scaccarii* prædicti quociens per annum volueritis facitis, et certas personas ad hos nominatis, et diversas summas de quibusdam eorum de exonerando eos de officiis illis ad usum vestrum proprium extorqueatis, et minus sufficientes dictis officiis præponatis, in nostri deceptionem, et grave dampnum populi nostri præjudicium. Nos volentes hujusmodi deceptioni et dampnis prout expedit obviare; Vobis mandamus districtius injungentes, quod aliquos *Miscecomites* seu *Officiarios* in terra prædicta absque abstantio et assensu *Justic.* dictæ terræ *Hibern.* vel ejus locum tenentis, et *Cancellarii* nostri in eadem terra

ra

ra et aliorum de Consilio nostro totidem decetero nullatenus taciatis, seu facere presumatis sub periculo quod incumbit. Teste ut supra.

Per ipsum Regem et Consilium.

REX eidem salutem. Quia datum est nobis intelligi, quod hos et alii Principes nostri de Scaccario predicto diversis vicibus per annum diversas remunerationes pro debitis nostris respectuand. et levacionibus eorumdem temporibus quibus levari deberent prorogand. cepistis, et inde capere non desistis, per quod nos pluries magnam partem et pluries tota debita hujusmodi amissimus, in nostri grave dampnum et iacturam: Nos nolentes talia nobis, dampna ulterius tolerare, vobis districte inhibemus, ne hujusmodi respectus seu prorogaciones de debitis nostris levandis decetero, ex quibuscumque cause, absque assensu et consilio Judic. et Cancellar. nostrorum et aliorum de Consilio nostro in dicta terra *Hibern.* faciatis nec concedatis, sub periculo quod incumbit. Teste ut supra.

Per ipsum Regem et Consilium.

Ibidem.

De non concedendo respectum de debitis Regis levandis.

REX eidem salutem. Quia datum est nobis intelligi, quod vos absque scitu et assensu Camerarioz nostrorum Scaccarii predicti diversas summas de denariis nostris in Camera vestra extra receptam Scaccarii predicti recipitis, et exitus ibidem secrete scribere, et illos postmodum ad dictam receptam per Camerarios predictos intrare facitis, contra Judicium super hoc ordinatum, in verisimilem deceptionem nostram: Nos volentes indemnitati nostre prospicere in hac parte, vobis mandamus firmiter injungentes, quod aliquas receptiones pecuniarum seu exitus de denariis nostris alicubi extra receptam Scaccarii predicti nullatenus faciatis, seu facere presumatis. Mandabimus enim prefatis Camerariis, quod receptiones seu exitus aliquos extra receptam factos in rotulis ejusdem recepte, sub forisfactura omnium quae nobis forisfactura omnium quae nobis forisfacere poterunt nequaquam faciant irrotulari. T. ut supra.

Per ipsum Regem.

Ibidem.

De non faciendis receptionibus pecuniarum extra receptam Scaccarii Regis Dublin.

REX Justic. & Cancellar. suis *Hibern.* vel ejusdem Justic. locum-tenenti, & Thes. & Baronibus suis de Scaccario suo *Dublin.* salutem. Cum nuper ex certis et legitimis causis omnes donationes et concessiones de terris, redditibus et libertatibus in dicta terra *Hibern.* tam per Dominum *E.* quondam Regem *Angliae* patrem nostrum, quam per Nos quibuscumque personis factas revocaverimus, et eas per vos in manum nostram capi mandaverimus: Nos volentes cerclozari quae terrae, ten. redditus et libertates praetextu revocacionis et mandati nostrorum predictorum sic captae sunt in manum nostram, et de vero valore eorumdem; vobis mandamus, quod Nos super praemissis in Cancellaria nostra *Angliae* sub sigillo nostro quo utimur in terra predicta districte et aperte sine dilacione reddatis cerclozes, ut hiis inspectis, ulterius inde fieri faciamus quod de Consilio nostro rationabiliter fore viderimus faciend. T. ut supra.

Per ipsum Regem.

Ibidem.

De cerclozand. terris, &c. quae praetextu revocacionis & mandati Regis captae sunt in manum

REX Justic. suo *Hibern.* vel ejus locum-tenenti, ac Cancellario suo ibidem salutem. Quia intelleximus, quod Thes. noster de Scaccario nostra *Dublin.* dona et remunerationes de denariis nostris quotiens sibi placuerit usque ad summam Centum solidorum absque compoto inde reddendo, et etiam Vic. et alios Officiar. ad libitum suum per Commissiones de Scaccario predicto facit, et diversas summas de quibusdam ad officia hujusmodi electis et nominatis deonerando illos de officiis illis ad usum suum proprium extorquet, et minus sufficientes eidem officiis praeposit, in nostri deceptionem, nostrique et populi nostri parvum predictarum dampnum manifestum; Mandabimus prefato Thes. quod dona seu remunerationes aliqua, aut Vic. vel alios Officiales in terra predicta absque abisamento et assensu vestris nullatenus faciat sine mandato nostro speciali; vobis mandamus, quod in electionibus hujusmodi Vic. et Officiorum, cum fieri debeant assistatis, et eos quos magis sufficientes et

Ibidem.

De praeposendo magis sufficientes & idoneos in Officiis Vic. & Officiorum Regis.

idoneis tam pro nobis quam pro populo nostro parcium illarum in officiis illis noberitis præponi fac. prout iuxta discreciones vestras melius videritis faciend. Et vos præfate Cancellarie per breve nostrum sub sigillo nostro quo utimur in terra prædicta, prædicto Thef. et Camerariis nostris Scaccarii prædicti dirigend. Rotulas et Remozanda Scaccarii prædicti scrutari, et de summis quas per sortitium hujusmodi indeneritis per prædictum Thef. seu alios qui Tresaurarii nostri ibidem fuerunt a tempore suscepti Regni nostri regiminis pro donis et remuneracionibus hujusmodi datas fuisse, et quibus personis, et et qua causa, data fuerunt nos in Cancellaria nostra Angl. sub sigillo nostro prædicto distincte et aperte sine dilacione reddatis certiores. Teste ut supra.

Per ipsam Regem.

Claus. 15 E. 3.
pars 3. m. 19.
Pro Johanne
Darcy de ter-
ris in Hibern.
restituendis.

REX Justic. suo Hibern. vel ejus locum-tenenti, ac Cancellario & Thef. suis Hibern. salutem. Licet nuper omnes donaciones et concessiones de terris et ten. in Hibern. quibuscumque personis factas rebocaverimus; et vobis mandaverimus quod eadem terras et ten. per nos sic donata et concessa in manum nostram resumeretis; Ita quod nobis de existibus terrarum et ten. illorum ad Scaccarium nostrum Dublin. respondeatur. Volentes tamen dilecto & fidei nostro Johanni Darcy seniori prætextu boni serviticii sui quod nobis a tamdiu impendit, et indies impendere non desistit, iuxta latus nostrum continue commozando gratiam facere specialem; Vobis mandamus, quod omnia terras et ten. præfate Johanni in terza prædicta per nos data et concessa, et quæ virtute rebocacionis et mandati nostroꝝum prædictoꝝum cepistis in manum nostram, præfate Johanni vel suis in hac parte attoꝝum. una cum existibus per vos de eisdem terris et ten. perceptis, restituatis, tenend. iuxta formam donacionum et concessionum nostrarum sibi inde confectarum, vos de eisdem terris et ten. prædicti Johannis in terra prædicta nisi ob aliam causam in manibus nostris detinend. fuerint nullatenus intromittentes. Teste Rege apud Westm. 20 die Octobris.

Per ipsam Regem.

Pars 15 E. 3.
pars 3. m. 5.
De inquirendo
de Officiar.
Regis in Hi-
bern.

REX Dilectis & fidelibus suis Johanni Darcy Justic. suo Hibern. & Johanni Morice ejus locum-tenenti, ac Magistro Roberto de Askeby Cancellario suo ibidem, salutem. Quia datum est nobis intelligit, quod quamplures defectus in Ministeriis nostris de Scaccario nostro Dublin. existunt, et quod pro defectu boni regiminis placez ejusdem Scaccarii diversa dampna et desperdita nobis multociens inferuntur, et per incuriam eozundem Ministerioꝝum nobis de debitis nostris et aliis quæ ad nos in terra prædicta pertinent, non est, prout decuit, responsum; Nos volentes indemnitati nostri prospicere in hac parte, Assignavimus vos et duos vestrum ad statum placez prædictæ, quociens opus fuerit, et vobis pro commodo nostro expedire videritis, superhibend. et ad ea quæ ibidem indebite facta fuerint, corrigend. et reformand. et in statum debitum reducend. et ad omnia alia commodum nostrum in præmissis concernentia faciend. et executioni demandand. et ad certificand. nos de gestibus Ministerioꝝum prædictoꝝum et de toto facto vestro in hac parte. Et ideo vobis mandamus firmiter in iungentes, quod circa præmissa intendatis, et ea fac. et expleratis, et nos inde in dicta Cancellar. certificetis in forma prædicta. Damas autem Thef. & Camerar. necnon omnibus aliis Ministeriis nostris de Scaccario prædicto in mandatis, quod vobis & duobus vestrum in præmissis omnibus & singulis faciend. & explend. intendentes sint & respondentes, quociens & quando per vos vel duos vestrum super hoc ex parte nostra fuerint præmoniti. In cuius, &c. quamdiu nobis placuerit duratur. Teste Rege apud Stamford 15 die Novemb.

Per ipsam Regem.

Et mandatum est Thef. & Baronibus, ac Camerar. necnon omnibus aliis Ministeriis Regis de Scaccario Regis Angl. quod eisdem Justic. & ejus Locum-tenenti, ac Cancellar. & duobus eorum in præmissis omnibus & singulis faciend. & explend. intendentes sint & respondentes; quociens & quando per ipsos

iplos vel duos eorum super hoc ex parte Regis fuerint prævuniti. Teste Rege apud *Stauford* 25 die *Maii*.

Per ipsum Regem.

REX Justic. & Cancellar. suo *Hbern.* velejusdem Justic. locum-tenenti, salutem. Quia datum est nobis intelligi, quod *Thef.* noster de *Scaccario* nostro *Dublin.* diversa dona et remunerationes de denariis nostris diversis personis quociens voluerit, sub colore officii sui, absque aliquo composito nobis inde reddendo facit, et certas personas diversis vicibus per annum cum sibi placuerit ad officium *Viccomitis* in diversis locis in terra prædicta facit nominare, et postmodum certum finem de exonerando eos de officiis ad opus suum proprium ab illis percipit, necnon debita nostra ultra tempora quibus deberent levari respectuar, et levacionem eorum prorogat, per quod nos hujusmodi debita vel magnam partem eorumdem sapissime amittimus, et etiam in solucionibus debitorum per ipsum *Thef.* de mandata nostro faciend. procurat remissionem magne partis debitorum illorum pro solucione reddendi habend. computando, penes nos solucionem totius debiti quantitatem sic remissum sibi met applltando, necnon diversas receptiones et exitus de denariis nostris in *Camera* sua propria extra receptam *Scaccarii* prædicti fieri, et postmodum per *Camerarios* nostros ejusdem *Scaccarii* in rotulis ejusdem receptæ pro libito suo intrari facti, quæ in nostri deceptionem et grabamen et subditorum nostrorum in terra prædicta tendere dinoscuntur. Nos pro indemnitatem nostram et populi nostri terræ prædictæ, volentes super præmissis remedium congruum adhibere, ac de circumspectione et fidelitate vestris plenius confidentes; Vobis mandamus, quod per sacramentum proborum et legalium hominum terræ prædictæ per quos rei veritas melius scire poterit, ac etiam per scrutinium rotulorum et memorandorum de *Scaccario* prædicto, ac aliis viis et modis quibus melius expedire videritis vos diligenter insonmetis, quæ, et cuiusmodi summa per *Thef.* nostros *Scaccarii* prædicti a tempore suscepti Regni nostri regiminis sic de denar. nostris pro donis et remunerationibus data fuerint, et quibus personis, et ex qua causa, et quæ summa de exonerando illos qui nominati fuerunt ad officium *Viccomitis*, vel alia officia assumenda. de eisdem officiis, et de quibus personis, quo tempore, et ex qua causa per ipsos *Thef.* perceptæ fuerunt, et quæ et cuiusmodi debita per eisdem *Thef.* respectuata et prorogata, et quantum inde amissam extiterunt, et ex qua causa, et qualiter, et quo modo, et per quos *Thef.* Et si prædictus nunc *Thef.* aut aliquis alius ante ipsum receptus seu exitus aliquos extra receptam *Scaccarii* prædicti fecerint, necne? Et si sic, tunc quis vel qui, et quas receptas, et quos exitus, et ubi, et qualiter, et quo modo, et qualiter postmodum in recepta *Scaccarii* prædicti tractati fuerunt, et per quos *Camerar.* et etiam quæ, et cuiusmodi summa, illis quibus soluciones aliquas ad eam *Scaccarium* fieri mandaverimus, seu alio modo soluta extiterunt, et quantum inde remissum fuerit, et cui, et per quos, qualiter et quo modo, et de omnibus aliis circumstantiis præmissa contingentiis: Ac informatione hujusmodi distincte et circumspecte habita, nos tam sub sigillo nostro quo utimur in terra prædicta in *Castellaria* nostra *Angl.* reddatis sine dilacione tertiozes. T. R. apud *Novum Castrum* super *Tynam* 6. die *Decembr.*

Per Consilium.

I shall conclude this year with a memorable Record not impertinent to my purpose, though of a different nature from the premised. *Walter* Archbishop of *Ardmach* being advanced to it by the Popes provision in the reign of King *Edward* the 2. wherein there were some Clauses prejudicial to the Crown; the King refused to restore the Temporalities thereof to him, till he had renounced all clauses in the Popes Bulls prejudicial to him and his Crown, and engaged to pay him a fine of 1000. pounds to receive his temporalities, and for procuring such a Provision from the Pope, who dying before this fine was levied, the Treasurer and Barons of the *Exchequer* in *Ireland* issued out Proccesse to levy the

Clauſ. 15 E. 3.
Pars 3. m. 7.
dorſo. De
Caccario.

Nota these re-
ſpe Chvs frauds
then in uſe.

* Nota.

the fine upon the Temporalities of his Successor therein, though he was neither heir nor executor to, or manucaptor for him, nor held any of his lands, against Right. Upon complaint whereof to the King, he issued this Writ to them, to discharge his successor, and to levy this fine upon the lands and goods of the heir, executors, tenants, and manucaptors of his predecessor, who had made this fine with his Father.

Cl. 15 E. 3.
pars 2. m. 30.
intus. Pro Ar-
chiepiscopo
Ardmahan.

REX Thef. & Baronibus suis de Scaccario *Dublin*. salutem. Ex parte Venerabilis Patris *David* Archiepiscopi *Ardmahan*. nobis est ostensum, quod licet ipse Hæres aut Executor Testamenti *Walteri* forz nuper Archiepiscopi loci prædicti non existat, seu Manucaptor ipsius *Walteri* aliquo tempore devenerit, nec aliqua terras aut ten. quæ fuerunt ejusdem *Walteri*, nisi terras & ten. quæ sunt de Temporalibus Archiepiscopatus prædicti teneat, per quod de debitis suis debeat onerari; hos nichilominus Mille libras, per quas idem *Walterus* Domino *E.* nuper Regi *Angl.* Patri nostro, pro eo, quod Dominus — nuper Summus Pontifex Ecclesie Cathedrali *Ardmahan*. tunc per mortem *Johannis* nuper Archiepiscopi loci illius vacanti, de persona prædicti *Walteri* providit, et ipsum in Archiepiscopum loci prædicti præfexit, pro temporalibus Archiepiscopatus prædicti, (eo quod idem *Walterus* Literis dicti Domini Summi Pontificis eidem *Waltero* de præfatione prædicta factis, quatenus Literæ illæ dicto Patri nostro et Corona suæ præjudiciales fuerint omnino renunciabit) habend. sinem fecit, a præfato nunc Archiepiscopo per summationem *Scaccarii* prædicti erigi, et ipsum in Temporalibus dicti Archiepiscopatus distringi, et multipliciter inquietari facitis, minus iustis, super quo nobis supplicavit sibi per Nos de remedio provideri: Nos nolentes ipsum Archiepiscopum injuriari in hac parte, Vobis mandamus, quod scrutatis Rotulis & Memorandis *Scaccarii* prædicti præmissa tangentibus, si per inspectionem eorundem, vel per inquisitionem super præmissis faciend. vel alio modo legitimo vobis consiterit prædictum *David* Hæredem, Manucaptorem, seu Executorem Testamenti prædicti *Walteri* non existere, nec aliqua terras & ten. quæ fuerunt ejusdem *Walteri*, nisi terras & ten. quæ sunt de Temporalibus Archiepiscopatus prædicti tenere, nec ipsum de dictis Mille libris et aliqua alia causa rationabiliter onerari debere, tunc demandæ quam eidem nunc Archiepiscopo pro eisdem mille libris in Temporalibus Archiepiscopatus prædicti fieri facitis superferri, et ipsum inde ad *Scaccarium* exonerari, et quietum esse fac. Probitis, quod eadem Mille libra de Hæredibus, Manucaptoribus, et Executoribus Testamenti ipsius *Walteri*, ac Tenentibus terrarum et ten. quæ fuerunt ejusdem *Walteri* in feodo, et non Temporalibus prædictis, ad opus nostrum lebentur, ut est iustum. Teste Rege apud *Turrim London.* 20 die Junii.

In the *Clause Roll* of Anno 16 E. 3. I find this memorable Petition sent to the King from all the Prelates, Earls, Barons, and Commons of Ireland: by the Prior of the Hospital of *St. Johns of Jerusalem*; and *Thomas Wogan*, their special Messengers from the * Parliament at *Kilkenny*, as I conjecture, by the premised passages out of the *Annals of Ireland*, touching the retrasse of several misdemeanours and grievances in his Officers there, to the prejudice of the King, people, with his Councils respective answers to them, afterwards ratified by the King, and ordered to be thenceforth observed in *Ireland*, worthy publick view.

* See here, p.
272.

Cl. 16 E. 3.
pars 1. m. 25
dorfo. Les Peti-
cions ove les
responses
Dirland.

Les Petitions qes furent seurent baillez a nostre Seignour le Roy de France & Dengleterre, par Frere Johan Larch Prior del Hospital Saint Johan de Jerusalem en Irlande, & Mons. Thomas Wogan embodez au Roy en message par les Prelatz, Countes, Barons, et la Commune de la terre Dirlannde ove autres articles queur le Roy par lavisement de son Conseil ad ordeine. Quelles Petitions seurent diligement examinez & responduz par le Conseil le Roy, et les responses escriptes liberalment aprez chescune petition. Et puis le Roy oy; et entenduz les dites petitions et responses. Et sacorda, et commanda qe

de les dites responses obe les dites articles fessent tenuz et maintenus en tous pointz sur les peines contenuz en ycelles.

T Rescher Seigneur, Partie de les defantes par quoi vous nestes mye responduz des issues de vestre terre *Dirlande* come voz progenitours soleient estre si sont par les encheisons que ensuent, ceste assavoir, Sire que anubien voz Manoirs, Chasteux, Forceletz, & autres voz demeines terres donnt voz progenitours soleient recevoir grantz issues & profitz, come les Manoirs, Chasteaux, & Forceletz *Dulnestr.* & de *Connaght* que furent al Conte *Dulnestr* et ore sont en vestre garde, dont Sire vous avietz en *Connaght* la jurisdiction reale par tout de — & de queles les Contes *Dulnestr* soloient avoir grantz issues & avantages. Et ensemblement Sire autres diverses terres & temporaltez que deyeigence en vestre garde par defaute des hons *Ministres* que y deussent avoir mys bon gouvernement, si sont molt destruits, ainsi Sire que poi de profit vient a vous des totes celes terres et parmi mesme les terres ainsi destruites, et tieblement gardes les terres hoisnables si sont destruites, peront Sire la tierce partie et plus de vostre terre *Dirlande* que seut conquise par voz progenitours est ore dedepus en la main de voz ennemis *Irreys*, et voz luges gentz *Englejs* sont tant empobrez de ayrens poent ils vivre. Et ainsi Sire que par grace de dieu des ditz ennemis d'une part, et excessive doctice des *Ministres* d'autre part, com e sera bien monstre, vous n'estez mye si responduz des issues et profitz de vostre dite terre come voz progenitours soleient estre, ne voz ditz luges ne se poent contener sans remedie de vostre hons Seigneurie.

A ceste petition par ceo que est generale si nest mye response done icy, mes cele est assez response en les autres articles gensement, que sont mys en especial.

Ensemblement Sire, voz Chasteux de *Roscoman*, *Rayden*, & *Athlon*, *Bouras*, & autres Chasteux & Forceletz que deussent estre en vostre mein, & par queux tot le pais entour soleit estre confort & defende, si sont ore en mains des *Irreys* ennemis, et par cestes defantes, ceste assavoir Sire que les *Trelozers* que deussent yressement avoir paie es *Conestables* leur s'es, si nel болоient pas faire, ainsi delastereys la voie tant qil leur cobendreit ent relesser grant partie par avoir le remenant, ainsi Sire que les ditz *Conestables* ne poent leur offices cobenablement parquimer, et sadumeyns Sire les ditz *Trelozers* ont entz plene allowance sur leur acomptes des s'es abandonitz. Ensemblement Sire, certains ont la garde des Chasteux que ja ne mye mettent le pie, et certains des *Ministres* ont la garde des Chasteux par cobelle des grantz s'es, et mettent en leur lieu gentz de n'est a n'estre s'adages qil poent esther. Et ainsi Sire sont voz Chasteux et Forceletz les uns abatus, et les uns en mains des *Irreys* ennemis, et les autres en grant peril de estre perdus, et ceo Sire par defaute des bones *Ministres* que y deussent amendement mettre.

Quant es *Trelozers* ne ne beleient paiier au temps, et ne prissent partie par payer le remenant, et ont entz allowance de tut sur leur acomptes, soit enquis et due punissement fait de sur. Et les *Trelozers* paient delors les s'es pressement sur peine de respondre au Roy et a son poeple des damages que ent abendoient par leur defaute; et la Justice ou son Lieutenant surbeyve que les Chasteux le Roy soient bien esloffeys des gentz darmes archers et des autres garnisons, solonc la sufficiente des s'es des *Conestables*, et solonc ceo que la chose demande de necessite, et solonc ceo que parquinte soleit estre fait. Et quant a ceo que ont la garde des Chasteux le Roy, et ne demorent point sur leur dites gardes, et ensemblement des *Ministres* que pernent la garde des Chasteux le Roy par cobelle des grant s'es, sont mande a la Justice *Dirlande* ou a son Lieutenant qil mette tieux *Conestables* et tieux garnisons es Chasteux que parront sauber Chasteux et aider au pais environ, et qils demoerent sur leur gardes sur peine de respondre au Roy et au poeple des damages sabendreit par leur defaute. Et ne autres que ont la garde des Chasteux en pais dun don le Roy en sa ou en autre manere, y mettent cobenable garnison solonc l'assent de leur s'es, et demoerent sur leur gardes des ditz Chasteux ove les appartenances,

Nota.

Nota.

Nota.

ces, et de respondre au Roy et as autres des damages qenſ avenszient par leur defautes. Et qe pur nul mandement qe bendra du Roy nul home est garde de Chassel ſil ne demoege en propze persone, et face ceo qe attient come dessus est dit. Et soit mande al Tresorer q'il ne paie gages a celui forſque pur le temps qil demoeert, et pur les gentz qil retient.

Nota.

Enſement Sire, voz Ministres donnent ſez pur la garde des Chasteuz aussi bien la ou Chasteuz ne sont mys, come la ou ils sont; sur quel Sire si home enquerge bien, terra trone qe Tresorerz enouint pleine allowance sur leur accomptes, par la ou ils nount paie forſque poſte ou niens.

Le Roy deſent, qe riens ne soit paie pur le garde de Chassel perdu ou abatu, et soit enquis de ceuz qe ont ensi ſolement paie et respoignent ent au Roy. Et soient baillez a cy qe enquergent les transſcriptz des comptes des Tresorerz renduz al Echequer, et soient puniz solonc leur deſerte a la ſute le Roy et de partie. Et qe la Justice ou son Lieutenant et le Chancelier *Dirlande* qe pur le temps serroit, surbeient chescun an obe bone diligence aussi bien les parcelles des arcomptes des ſoutz Ministres, et de ceuz qe paient gages de guerre, et de toutz autres arcomptables al Tresorer en *Leſebeker*, touchant les acomptes des Tresorerz, come doit Tresorer, mesmes, et si riens soit a chalenger y mettent leur chalenges, et mesme les acomptes et parcelles issint surbebes et examinez ensemblement obe leur chalenges, soient clos ſouz les ſeaux des ditz Justice ou son Lieutenant et Chancelier et le seal del Echequer, et envoie en *Engleterre*, qe le hure qe les Tresorerz serront mandez pur leur acomptes rendre.

Nota.

Enſement Sire, plusieurs autres choses sont, come donnis de vostre dit poeple avous Sire faitz, et puzes de vitailles pur vostre guerre *Descoc* et ailleurs, de queuz Sire pleine allowance est faite as Tresorerz, sanz paiement faire a ceuz des queuz les vitailles sont ensi pris, ou grez aboir de vous Sire pur leur donnis.

Sont enquis et puny come debant.

Enſement Sire, divers Echequerz, Viscontes, et autres Ministres arcomptables sont faitz, alguns par Commissions de delat, et alguns de deceu, et sont grantment endettes a vous Sire, et poi ont ou niens dont passer, et alguns passent en *Engleterre*, et alguns moerent pardéceo, issint Sire qe vostre poeple nest descharge de ceo qils lebent de eaur, ne vous Sire serbz, en desces de vostre Tresor, et grez damage de vostre poeple.

Soit enquis de tieux Ministres qount este, & le Roi certifie des nouns & de leur meinpernours, & de leur terres, & tenz, & biens, & quele parte qils scient, & si voet le Roy qe desore la Justice & son Lieutenant, Chancelier ne Tresorer *Dirlande* pur nul mandement qe leur vendra hors *Dengleterre* reçoivent ne facent nul Ministre arcomptable ſil ne ſeit ſufficeant de respondre au Roi et au poeple, solonc ceo qe y appent. Et si nulles qe ount ensi Ministres soient demeurantz en *Engleterre* et ne ont renduz acompte, soit la Court si certifie de leur nouns, et soit proces fait vers euz en *Engleterre* de les faire venir en *Irlande* a *Leſebeker* de rendre acompte illoques, et y soit fait ceo qe la Ley veut pur le Roy et pur autre.

Enſement Sire, Si nulles terres eschessent en vostre mein en marche ou fors de marche par voie de garde & soient lessez a aucun home, voz Ministres nalloient nulle manere des custages mys en ſuſtenance des dites terres, par quele defaute Sire, Manoirs sont gastez et destrutz, et Chasteuz abatus, come piert en *Ulneſter* et en *Connaght*, et ailleurs en vostre dite terre, pur quel Sire voz enemys sont le plus esbanditz et confortez,

Soyent desoremes tieles terres lessez par bone ſcurte, de les garder en aussi bien pointe en totes choses come celes seurent au jour de lees, et si celes demoeert en la mein, le Roy facent les Ministres en mesme la manere, & si ils ne facent, soient responsables au Roy & as heires des dites terres quant ils serront de plein age, & ceo aussi bien du temps passee come du temps avenir.

Enſement Sire, pur ceo qe voz Ministres *Dirland* enbzassent plusieurs offices de

pur cobetisse d'auer multz des s'es, boilliez Sire pur vostre p'p'it ordiner, qe nul de voz Ministres illoeges n'a eyt qe un office soulement.

Le Roy voet, qe nul Ministre neyt qe un office et un fee. si necessite qe le demande, ne qe Ministre le Roy tantcome il est officer le Roi preigne s'es ne empension de nuly, si le dit fee ou empension ne luy feut grante debant qe il feut Ministre le Roy, et a ceo soient les Ministres juréz debant la chief Justice ou son Lieutenant illoeges.

A nostre Seigneur le Roy monstrent voz liges, Prelatz, Countes, Barons & les Communes de vostre terre *Dirlande*, qe come diverses gentz de vostre ligeance, come *Descoce, Gascoigne, & Gales*, lovent as temps passez eient levez de guerre contre leur Seigneur lige, tot temps Sire voz liges gentz *Engleys, Dirlande* se sont bien & loialment contenuz devers leur Lige Seigneur, & touz temps feront, si a Dieu plect, mayntenant vostre dite terre al eops de voz progenitours, Sire, & de vous, sibien encontre les *Escotoys* come les *Irreys* voz enemys, et ceo Sire tout le plus a leur custages * p'p'ozes, coment sir quautrement. ^{See here, p. 271.} soit tesmoigne allours par ceuz qe sont mandez hozs *Dengleterre* de les gouverner, qe euz ne ont geyzes de conissance de vostre dite terre *Dirlande*, ne qe qunt riens ne poi a leur venir illoeges dont ils poent bire, et leur estatz contenir, tanqe ils se eient chevz par extorsions colozéz de leur offices, a grant destruction de vostre poeple, coment Sire qe ils rechevent de vostre Tresorie illoeges leur s'es dues et acustumez chescun pur son office: et hoz progenitours Sire et vous eitez donez et grantez par voz chartres as divers gentz de vostre dite terre, terres, tenz, franchises, gardes, mariages et pardons des dettes, en regard pur leur bons services, par vertue Sire des queles chartres ils enount este en paisible possession, tanqe oze la nobellement qe hoz Ministres illoeges par mandement hozs *Dengleterre* a ceo q'ils dient eient * respelléz, et pris en vostre mein, quantque hoz progenitours et vous Sire abez ensi done et grante aussi bien ceo q'est done et grante par bone et resonable cause, come autre: et ceo Sire contre la force du dit mandement, et tout pur avoir gentz endamages pur leur singuler profit, quele chose Sire semble a voz ditz liges contre reson, depuis qe leur auncetres et euz leur bien deserby et deservent de leur en autre gardant et meynenant en quantque en euz est la Seigneure de vostre dite terre a vostre eops, pur quel Sire vous pleise ordiner, qe euz ne soient ostéz de leur franc tenementz sanz estre appellez en jugement, come la * Grande Chartre hozt.

Les terres, tenz, franchises, & autres choses donez & grantez par les progenitours le Roi, soient restituéz et entierement librez as ceuz des queuz eles furent prises, saube tote foiz, au Roi son droit quele bure qil pur ent estre ap'ris ou meutz enfourme: Et les terres, tenz & franchises, & autres choses donez & grantez par le Roy mesmes, soient librez par bone et sufficeante seurte de les rendre entierement au Roy ensemblement oze les issues ent recebiz puis le temps de la seurte trobe, tant qe apres la seurte trobe ne soient ostéz de celles terres abant qe la verite soit sur ceo trie, en cas qe tienz domins et grantz soient trobez repellables par reson come faites par non juste cause ou fause suggestion. Et en cas qe les domins et grantz issint faitz par le Roi soient trobez resonables et faitz par verroie cause estrissent en leur force, et soit la mein le Roi oste et demorerent les choses paisiblement a ceuz as queuz eles furent grantez et donez. Et les pardons des dettes grantez en temps le Roi mesmes estrissent en leur force et surfissent les Ministres le Roi de lever autiels dettes sur au tele seurte tanque les causes des ditz pardons soient duement triéz; saube tote foiz le droit le Roy.

Ensement Sire, come voz progenitours et vous eieez donez & grantz par vos chartres as aucuns de vostre dite terre, terres & tenz a fee ferme, rendant par an a vostre Eschequer de *Dyulyn* leur fermes, solonc les estentes ent faites a la verroi value, par vertue Sire de queles chartres ils ont este en paisible possession des dites fermes tanque ore ia novellément, qe hoz susditz Ministres par colour du mandement susditz, eient repelle et pris en vostre mein mesmes telles fermes contre reson depuis Sire, qe hoz ditz fermes p'zessément paient leur

Nota.

leur dites terres et piecques sont et suffisantes a ces faire ; sur quoi Sire vous pleisse ordonner remede : Et voslez Sire sçavoir, que si ceuz terres et tenz demourerent en vostre mein vous n'averiez ny de cler la moite de profit come les autres amourerent.

Soient les dites terres et tenz livres as ditz fermiers par bone seurte come devant, et soient veues les essentes by ceuz et si celes soient trovez resonables escrivent en leur force, et si nemye, soient essendez de novel selonc ceo que les choses valent au temps de l'ors, et soient ceuz que les tindrent chargez de payer selonc les nouvelles essentes, et in celle manere les tiegnent avant. Et que le Roy soit responduz de les dites terres de tant come les fermiers deussent avoir renduz et de plus si la novele essente le demande, et sils soient abatus boys que le Roi soit responduz de tant come il volett.

Ensement Sire, si nul grant en mein de voz ditz Liges desye, et vous soit ceuz en plus ou en meyns, voz ditz Ministres sanz monstrer summons, seissent et parnent tantost en vostre mein les terres et tenz, biens et chateux sanz iustre ordinaire, Executeur ou autre administrer, de quei Sire vous ne parnez tiens ne le heir ne le plus descharge de la dette son ancestre tanque par soit fait a voz Ministres, dont il pleint remede.

* See Magna Charta, c. 18.

Soit seisi tant que a la mountance de la dette, & soit le heir descharge de ceo que se leve de biens son ancestre, & soit enquys de ceuz que ont fait tiens oppressions avant ces heures come devant ; & soit defendu qils ne seissent nully biens si ne soit detour le Roi, ou que il soit tenuz de rendre acompte au Roi, & soit desresse fait tanque a la mountance de la dette et nemye outre, & de tant come sera levee des biens lancestre soit le heir descharge, & des autres biens lancestre facent Lordinar ceo que a eux attient. Et soit enquys de ceuz, que ont seisi en autre manere, & de ceo soient responables a la suite le Roi & de partie.

Ensement Sire, coment que voz mandementz veignent a voz Ministres *Dirlande* de oster la meyn des terres & tenz, biens & chateux queux ils ont pris & seisi en vostre mein des gentz de vostre dite terre *Dirlande*, & a liverer a eux leur terre & tenz, biens & chateux avantditz ensemblement, ove les issues puis le temps de la prise ent receuz en qi meyn qils soient devenus, voz Ministres Sire ne ont voleuz les issues des ditz terres et tenz, biens et chateux avantditz selonc la force de voz sulditz mandementz deliberer, pur quoi Sire multz gentz de vostre dite terre sont grantement empoverys et abeliez, sur quei Sire vous pleisse ordonner remede.

Soit enquys sur ceo, & ent fait droit des tiens Ministres a la suite le Roi & de partie ; & ce totes les foitz qom se sentira en tiele manere greve devant la Chief Justice ou son lieutenant de touz les autres Ministres.

Nota.

Ensement Sire, les *Eschetours Dirlande* sont lovent seller videtes terres en vostre mein, plus pur avoir le se de lacher la mein des dites terres que pur cause resonable, a grant oppzession de vostre poeple et nul profit Sire avous, pur quei Sire vous pleisse ordonner, que nul *Eschetour* desozemes preigne se la ou tye soit a suite de partie la seisine issint faite par eux nient dzollurele.

Soit defenduz, que pur la ou seissent par non juste cause qils ne preignent nul fee, et tot soit ces qils seissent pur juste cause, ne preignent autre se que ne soient les *Eschetours* en *Engleterre* : Et soit mande en *Irlande* quel se les *Eschetours* percent en *Engleterre*.

Ensement Sire, ascunes gentz per meyns resonable suggestion ont soy briefs hors de vostre Chancellerie, al Lieutenant vostre Justice *Dirlande* a faire venir le corps d'ascunes gentz enditez en *Irlande*, a respondre devant vous Sire en *Engleterre* des felonnes et trespas supposiez estre faitz en *Irlande* ; Mele chose Sire, encontre Commune Ley et reison, pur quei vous pleisse Sire ordonner, que la Ley se face de tiens enditez desozemes en *Irlande* come tot temps entea ad esse fait.

Nota.

Soit fait, saube chese tresson que touche la persone le Roy.

Ensement Sire, monstrent voz ditz liges, que par la ou les *Irreys* voz enemys que

que marchent & joynet as divers Countes se levent de guerre si est suffrez, que l'un Counte tiegne pès ou trewe ove les ditz *Irreys* enemys tant come ils guerroyent et destruent jour veillus de mesme le Counte : sur quoi Sire vous pleisse ordiner remede.

Soit defendutz, que nulle trewe ne pès se pzeigne si non pur tousz, et si nul face alencontre soit tenuz de coveyne des enemys.

Ensement Sire, la ou les *Irreys* voz enemys destruent & occupent les terres de voz liges par guerre tant avant qil buoigne, que voz Ministres y veignent par remede mettre, & pernent ils trewe ou pees od les ditz *Irreys* & les loefrent, occupent les dites terres par euz destruytez ausibien apres le trewe ou pès come devant : Et si nulles de voz liges as queux celes terres sont se efforcent de ouster les ditz *Irreys* des dites terres durant la dite trewe ou pees, voz ditz Ministres par cele encheion patnent grevousment devers euz, et les font prendre et impzisoner, et en pzisonne detenir et mettre a spy et rancon; par quele cause Sire ils ne se sent mais medier de leur dites terres issint occupez par force repurchacer, et issint Sire diverses terres de voz liges en meins de voz enemys *Irreys* touz jours demorent, sur que Sire vous pleisse ordiner remede.

Soit defendutz, que desoremes quant tielle trewe ou pees sera prise, que nulle trewe ou pès ne soit ny grante os enemys en mande que les terres le Roi ou dautri demorent devers les enemys durant la trewe ou pès eintz; lassozcent les ditz gentz le Roy de recoberer ces que est en tielle manere perdutz sanz estre challenge ou empeschet par celle cause.

Ensement Sire, moltz gentz ont diverses Seigneuries et terres en vostre terre *Dirlande* queux ne veignent point mesmes, ne y mettent cullages par leur dites Seigneuries et terres meintenir, eintz les baillent aucunes a ferme et ent pernent cele qil poent avoir, et aucunes demorent en mains des febles gardeins, issint Sire que par defaute nom ny mette point cullages demander et bien garder les ditz Seigneuries et terres mesme, celes et autres terres veisnables par cele cause sont molt destruytes, sur quei Sire vous pleisse remede ordiner.

Soit veue lozbinance faite avant ces hures en ces cas, et si riens y soit demander, soit amende et mande en *Irlande* et fourny en toutz points.

Ensement Sire, chescun an vieignent hors de vostre Eschequer de *Dyvelyn* deuz de voz Ministres a voz custages par trier la verte cyre en chescun Counte, & quant termes sont assignez par voz ditz Ministres de paier ceo que poet estre leve come est trove par verdit denquestz, par quele chose, enquere et la dette atermin. chescun des dettors donne largement de serny as ditz Ministres, quele chose faite a plus tost que voz ditz Ministres veignent a vostre dit Eschequer ils fount mander garrantz as *Wiktontes* a distreindz et lever le tier de chescun dette nié eant regard as termes issint grantez, a damage Sire de vous, et oppression de vostre poeple, dont sir ils pzent remede.

Soit defendutz que desoremes nulle dette soit atermine hors del Eschequer, & que le Chancelier ne le Tresorer *Dirlande* ne determinent nul dette que passe CCC livres sanz assent de la Justice *Dirlande* ou son Lieutenant. Et soit enquoy de ceuz que ont receu les deners en pays, & ne ont pas acquitez les parties, et soit fait droit, &c. Ensement, est ordinez, * que nul ple de dette, da compte, nautre commune ple soit plede en Eschequer, forspz de ceuz que demorent come Ministres en mesme le place. ^{See here, p. 55}

Ensement Sire des Viscontes, Coroners, souz Eschetours, Bailiffs, Receivours, & autres voz Ministres que sont esluz contre Estatut, ceste assavoir cynk ou sys seront destreintz de faire leur serementz, des queux ceuz que ne voleient estre a la volonte de voz Ministres seront ranconez avant qils puissent estre delivres, & ceuz que voillent estre en office seront pur quey avant que ils soient jurez. Et ceuz sont receus en tielle manere seront remuez sanz resonable cause ou accompte rendre, si nul autre voudra plus doner, issint Sire que les successours des sieles Viscontes nallowent mys les rolles ne les dividendes de leur predecessours.

a See Articuli
super Cartas,
28 Edw. 1.
c. 8, 13. Cl.
31 E. 1. m. 13.
b 14 E. 3. c. 3.
4a E. 3. c. 9.

Soit enqays de ceux qount ensi greve le poeple & soient duement puniz, au-
sibien a la suyte de partie come a la suyte le Roi, et est sentencion le Roi, qe les
gents de chescun Counte^a essient chescun an en Lescheker debant le Chancelier,
Tresorer, et autres du Conseil persone sufficeante qe soit receaute et est de quoz
responde au Roy en mesme le Counte pur loffice de Visconte, et qe les Viscon-
tez essuz en tiele manere demourgent en loffice pur^b un an sanz estre remuetz, si
non par cause resonable. Et quant ils serront ensi remuez soit faite nouvelle
election par gentz de Counte en manere avantdite; Et pur ceo qe ordine est
de novel en *Engleterre*, qe ceux qe sont Viscontes, soient ausi Eschetours en
mesme les Countes ou ils sont Viscontes, si semble il au Roi qil fait affaire en
mesme la manere en *Irlande*, depuis qe Leschetour illoeqes prent 40 l. pur an
pur son fee & fait poi de profit, mais ceste chose mette le Roi en la discrecion de
la Justice de *Irlande*, ou Lieutenant, Chancelier, Tresorer, et autres de Conseil
sils paient qe ceo soit al profit le Roi, tantqe le Roi soit mientz avise. Et voet
ausint le Roi qe nul autre Ministre qe recevra les deners le Roi & soit acompta-
ble ne soit fait ne receu sil ne^c soit sufficeant de respondre au Roi.

c 2 E. 3. c. 4.

Ensement Sire, coment Visconte ou autre Officer qe soit arestuz sur son a-
compte en vostre Eschequer et commande a la Marchalcy, paiera chescun nuyt
au Mareschal dimid marc pur son fee, quele chose Sire lour semble grant op-
pression.

Soit fait en ceo cas come est fait en *Engleterre* si usage de la dite terre *Dirlande*
le demande, & soit la manere vewe & mande en *Irlande*.

Ensement Sire, coment briefs sont mandez lovent a prendre en vostre meyn
terres de diverses gentz pur dette pur malice, par prendre avantage as ministres,
& ceo encontre Commune Lei.

d See Stat. of
Ireland, 28
H. 6. c. 1.

Soit defenduz qe nul Ministre le Roi le face mes en la manere, & soit enqays
de ceux qount ensi fait, & soient^d punitz solonc lour deserte a la suyte le Roi
& de partie.

Ensement Sire, coment voz Ministres pernent vitailles et cariages en pays
par lour garrantz sanz riens paier _____ coment qils purront trober
assez des vitailles en villes marchetz pur lour deniers; et quant ils paient pur
leur vitailles ne sera a leur volente sanz rien paier pur cariage, et ce ausibien
de gentz de *Seinte Eglise* come d'autres.

e See Stat. of
Ireland, 18
H. 6. c. 1.
f 28 E. 1. c. 2.
5 E. 3. c. 3.
See Rastals
Abridgement,
Tit. Purveyors.

Soit^e defenduz qe les Ministres le Roy ne facent prises de vitailles nene preig-
nent cariages sanz necessite, ne la demande pur les husoignes le Roy, et adonges
paient ils pur vitailles et cariages cobenablement^f come est fait en *Engleterre*,
saube tote fois qe la chief Justice et son Lieutenant puissent prendre vitailles et
cariages par leur deniers, paier solonc la prise le Roi et les usages resonablement
avant ces heres illoeqes usz. Et si nul eyt fait al encontre soit puny co-
me deusur.

Ensement Sire, coment voz Ministres sont crier real service parmy vostre
dite terre sanz assent des grantz de la terre et sanz necessite, et mettent les ser-
vices qe deussent estre faitz par corps en deners, a grant oppression du
poeple.

Il est a la Justice de faire sommoundre le service le Roi quele hure qil veie,
qe nuyt soit de chibacher de guerre en terre qest de guerre, et feut al temps qe
cuz qe deussent vol. services seurent fessez, et qe les services le Roi se facent en
corps ou en deners, solonc la tenure de leur fessementz.

Ensement Sire, come ils soient en chescun marche de vostre dite terre *Dirlande*
assez & plus des *Irreys* enemys de grever voz gentz *Engleys*, qils ne sont de poec
de les arster, saube la grace de Dieu qe leur meppient, plus Sire lour grebe
les orzoisons et oppressions de voz Ministres qe ne fait la guerre des ditz *Irreys*,
qar Sire quant voz Ministres soient en Counte a tenir pliez, ils amercent ceuz
qe moquent en marche grevoulentent sanz avoir regard a leur mefficef.

Nota.

g Cap. 14. See
Cooks & Infitr.
P. 27. 28.

Doient amerciez resonablement et assurez solonc la fourme de la 5 Grande
Chartre.

Ensement Sire, coment Pleres de la terre, Ministres, et autres gentz sont
pris

pris et empzisonetz ^h sanz enditement, et leur biens et chateux seisis en vostre ^h Sec Magna
meyn, dont dire riens ne vient a vostre profit, et ne poent estre delibrez par la ^{Carta, c. 29.}
ley, mais sont detenuz en prison a la volonte de voz ditz Ministres. Quele
chose dire lout semble grant oppzession.

Doit defenduz al Chancelier qil ne face chose qe soit contre son serment, et qil
ne faeste nul bzief passer le sel le Roi si nel poet abower par la ley, et qil mande
as touz Ministres qil ne preignent les corps ne les terres de nulz sanz enqueste qe
purra estre abowe par ley.

Ensement pur ceo qil est use en *Engleterre* qe il y soient en chescun port de
la dite terre deuz Customers, un Contreroulour & un Tronour & Coket de re-
ceivre totes maneres des Customs.

Si voet le Roi qom face en mesme la manere en *Irlande*, & qil y soient esluz
devant la Justice ou son Lieutenant, Chancellor, Tresorer, & autres du Con-
seil illoeqes, & qe le fee qe les Customers soient prendre tourne desore au
profil le Roi.

Ensement voet le Roi, ⁱ qe un Clerc des gages de guerre soit fait par commissi- ⁱ Sec Ruffall
on *Dengleterre*, et qil surbepe et mette en escript la nombre des gentz darmes, ^{Captains &}
et dactres qe receyvent gages, et de touz les chevauz qe seront prest quant la ^{Soldiers.}
Justice ou son Lieutenant chevauera de guerre, et le pris de mesme les chevauz
par beuve de Marechal del host, et ceux qe deivent tenir gentz darmes en certain
sur leur fee ne preignent riens pur le nombre qils deberent de reson tenir, mais
pur ceux qil tendront outre denrees, et ceo quant necessite le demande et nemy
autrement. Et que nul Ministre ne preigne riens pur sa meigne qil tient ad-
essement si non son fee acudume. Et qe nulles tiels gages soient payez si non
par mesme cest Clerc, et qil soit acomptable en Westcheper illoeqes, ne qe rester
des chevauz se face sanz la beuve et tesmoignance des abantditz Clerc et Mare-
chal, solonc ceo qil est use en guerre.

Rex Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, ^{ibidem.}
Justic. Vicecomitibus, Praepositis, Ministris, Ballivis, & toti Communitati terre
sue *Hibern.* salutem. Quasdam petitiones tam pro utilitate nostra quam vestra
ac bono regimine d. & c. terre & reformatione illorum quae per Ministros nos-
tros & alios ibidem attemptata sunt indebitè nuper ex parte vestra nobis missas,
una cum responsionibus & ordinacionibus de deliberato Consilio nostro factis in
hac parte, quas juxta bini formam et effectum responsionum et ordinacionum
predictarum plene volumus observari, vobis sub magno sigillo nostro jam duru-
um remittendas, mandantes quod ipsas in omnibus observari curetis, et prout
ad vos et bestrum singulos attinet observari ab aliis factatis.

Le Roi a ses chiers & soialx Erceveques, Evesques, Countes, Barons, & Com- ^{ibidem.}
munes des Citeez, Burghs & Villes de la terre *Dirlande*, salut. Nous avons
entendu les Letres queles vous nous avez envoiez par voz chiers & soialx Frere
Johan Larcher Priour del Hospital Seint *Jahan de Jerusalem* en *Irlande*, & *Monf.*
Thomas de Wogan, & les excusacions ensemblement ove les requestes queles ils
ont fait de par vous, de quoi nous vous tenoms a content, & vous ensavons
tresbon gre, et si nous est il moltz au cuer de bien pzdiner sur le bon gouverne-
ment de la dite terre al honneur de Dieu et meymenace de la Repe, et profit et
este de nous et de vous, a quele chose vollez en quantque a vous attent, &
chescun de vous mettre vostre aide & conseil selonc voz seus & poers, & faire
tout dys devers nous par enres vostre devoir, & pur tant vous nous trouverez
si gracios devers vous qe vous agrerez par reson. Et si avons euz sur voz
dites requestes bone deliberacion, & par bon avis des sages de nostre Conseil
fait convenables respous distinctement a chescun dycelles: Queles peticions en-
semblement les dites respous avons fait bailler au dit Priour nostre Chancelier, &
au dit *Monf. Thomas* enseales souz nostre Grant Seal de reporter en nostre dite
terre, au fin queles soient illoeqes publies, et gardez solonc des ditz respous en
toutz points. Et pur ceo qe nous pensons od leide de dieu passer novelement
en fort mayn devers *France* par voz droitures recoverir, & avons ordine da-
voir adonques partie de voz bone gentz *Dirlande* en nostre compaignye sicome
en

en noz mandementz faitz a noz Ministres celles parties queux il vous pount monstrier est contenu plus ou plain, si vous prioms & chargeoms qe au bone & hastif acomplissement de noz dirtz mandementz voillez ensi eider, qe nous puissons le meuz sentir vostre naturese la quele se monstre toute voirs mentz au busoigne. Et coment gascuns articles furent ordinez come estatut a nostre Parlement tenuz a *Westminster* a la quinzeme de *Pasche*, lan de nostre regne quinzysme, si est le dit estatut par bone et jouste cause duement et de tout repelle, et sur ceo noz bziefs envoieez par my nostre Roialme *Dengleterre* de publier le dit repelle, si ne voloms mye qe home face en nostre dite terre *Dirland* publier ne tenir le dit estatut, einz qil soit tenu pur nul, et de tout anient. Don a *Westminster* le 14 jour *Daver*l.

* Pat. 16 E. 3. In the * Patent Rolls of this year, I find a new Baron and Chancellor of the Exchequer at Dublin, a new Deputy Lord Chief Justice, and a new Chancellor of Ireland constituted by the King, the others being removed most probably for their misdemeanors contained in the precedent Petitions: and some Castles were likewise committed to the Custody of others upon the same account. In † Pat. 18 E. 3. pars 2. m. 25. I find a new Chief Justice of Ireland, and a new Judge there made, together with a Pardon to the Archbishop of Dublin late Treasurer of Ireland, for sundry false Writs and Acquittances which he had put into his Treasurers account, in deceit of the King. And if this Archbishop was such an unfaithfull Steward and Treasurer to the King, no wonder that other Officers followed this their ghostly fathers leading example.

King Edward the 3d. in the 29. year of his reign, by advise of his Counsil, made this Ordinance for the easier restoring of lands seised into his hands, and reforming of Errors in Judgements given in his Courts in Ireland, in the Parliaments to be there held, for the more ease of his people, and not in England only, as formerly.

Cl. 29 E. 3. m. 12. De Erroribus corrigendis in Parliamentis tenend. in Hibern.

REX Justic. & Cancellar. suis *Hibern.* salutem. Et parte nonnulorum fidelium nostrorum Communitatis terrarum nostrarum *HIBERNIAE* nobis est graviter conquerendo monstratum, ut cum ipsi damna et gravamina quamplurima a magno tempore sustinerint, ex hoc, quod ipsi terras et ten. sua in manum nostram per *Justitios* nostros terrarum predictarum, cum nomine districtionis, tum ex causa transgressionis sive alienationis sine licentia nostra factae voluntarie et absque causa rationabili capta extra manus nostras, licet rite et processu debito inde penes vos et alios de Consilio nostro in partibus illis iuxta legem et consuetudinem terrarum predictarum prosecuti fuissent, recuperare non possunt; et etiam ex hoc, quod *Executores* qui in Recordis et processibus placitorum coram *Justic. nostris*, et aliis Curis et placetis in eadem terra quae Recordum habent habitis, et in redditionibus iudiciorum et placitorum eorumdem interbenisse pretenduntur, in Parliamentis in eadem terra corrigi nequeunt, nec alias iusticia inde fieri sine remedio in *Angl.* querendo, propter quod quidem propter labores et expensas circa praemissa appostas ad maximam miseriam et inopiam deducuntur, et quidam omnino exhereditati existunt; unde iidem fideles nostri nobis cum instantia supplicarunt, ut super praemissis remedium congruum apponi faciamus; et quia videtur vobis et Consilio nostro durum esse et grave, quod conquerentes super assécutione iusticiae de iniuriis sibi illatis in partibus praedictis taliter absque remedio fatigentur, per quod pro quiete et indemnitatem populi nostri in terra praedicta sub nostro Regimine existentis, cui in exhibitione iusticiae sumus debitores, **ORDINAVIMUS**, quod de omnibus terris et ten. in terra praedicta per *Justic. Executores*, seu quoscumque alios *Justitios* nostros sine mandato nostro sub Sigillo nostro in manum nostram captis, illis qui pro eisdem terris et ten. extra manum nostram debito et iusto processu coram vobis prosequi voluerint, super hoc plena iusticia secundum legem et consuetudinem Regni nostri *Angliae*, et dictae terrae nostrae *Hiberniae* fiat, quibuscumque mandatis nostris sub magno vel privato Sigillo nostro *Angl.* vobis aut aliis *Justitios* in terra

Nota.
* See Placita Parliamenti, An. 22 E. 1. plac. 2. Ryley p. 198, to 203. & 4 Inst. p. 356.

terra prædicta ante hæc tempora directis non obstantibus; Et quod ad protectionem omnium et singulorum qui conqueri voluerint, errores in Recordis et processibus coram aliquibus Justic. seu aliis Ministris prædictis habitis interbenisse, Notum eorundem Recordorum et processuum in PARLIAMENTIS nostris in eadem terra tenend. per Justic. seu Ministros coram quibus Recorda et processus illa fuerint deferantur, et ibidem eadem Recorda et processus diligenter recitentur et examinentur; et Errores si quos in eisdem inveniri contigerit, debite corrigantur; et ideo vobis mandamus, quod **DE PRAESERTIM** prædictam in terra nostra prædicta teneri, et partibus conquerentibus plenam et celerem Justiciam fieri fac. in forma prædicta, quibuscumque mandatis vobis aut aliis in terra prædicta ante hæc tempora in contrarium directis, non obstantibus; Ita quod aliquis materiam non habeat vobis pro defectu Justicie super casibus prædictis, de cætero conquerendi. Teste Rege apud Westm. xxx. die Augusti.

Per ipsum Regem et Consilium.

ANNO 31 E. 3. (not An. 17. as the Author mistakes, p. 350. margin, l. 32.) this King made these Ordinances by advise of his Council for the better government of the Church and State of Ireland, the maintenancé of the good Lawes and Statutes of England there established, (especially the Statutes against the invasions, abuses of Rebels, Broakers, Parveyors, Champerty, Clerks of the Market, the Great Charter, and Statute of Winchester) the suppression of Robberies, burning of houses, depredations, and other abuses by Kernes and others, and the manifold extorsions, oppressions of the Subjects by the Kings Officers, as well great as small, especially of the Exchequer, and Court of Wards, which I shall here insert, as not unusefull, unseasonable in this age, out of the Statute Roll in the Tower, wherein they are at large enrolled.

Edwardus Dei gratia Rex Angl. & Francia, & Dominus Hiberniæ, Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ministris nostris tam majoribus quam minoribus, & quibuscumque aliis de terra nostra Hiberniæ fidelibus nostris ad quos præsentis literæ pervenerint, salutem. Quia ex frequentibus fidedignorum insinuatione accepimus, quod terra nostra Hiberniæ, Ecclesiæque Hibernicæ, ac Clerus et populus ejusdem nobis subditus, ob defectum boni regiminis, ac per negligentiam et incuriam Ministrorum Regiorum ibidem, tam majorem quam minorem, hætenus turbati fuerant multipliciter et gravati, maximeque terræ ipsius juxta hostes postea per hostiles inballones vastata, occisis matronis et depredatis et eorum habitationibus enormiter concrematis, ceterisque coactis loca propria deserere, quibusdam videlicet ad hostes, ceteris ad loca extranea fugientibus, diversaque partes dictarum Marchiarum taliter desolatæ et devestitæ per hostes eisdem occupatæ, nostraque et ejusdem terræ negotia incongrue et inutiliter agitata, Leges et approbatæ consuetudines minus debite observatæ, populus noster bonis et rebus suis contra justiciam, legem, et formam Statutorum inde editorum, diversimode spoliatus, parque nostra terra et minime custodita, ac proditores, latrones et malefactores non sicut continebant castigati, quorum malorumque occasione maxima dampna irreparabilia evenire, quod absit, timentur, nisi præmissis opportunis remediis occurratur. Nos desiderantes utili regimini & quieti eorundem terræ & populi providere, quæ sequuntur propterea de assensu Consilii nostri ordinanda duximus et firmiter observanda.

INPRIMIS videlicet volumus & præcipimus, quod sancta Hibernicæ Ecclesia suas libertates et liberas consuetudines illæsas habeat, et his libere gaudeat ut utatur. ITEM, volumus & præcipimus, quod nostra et ipsius terræ negotia, præsertim majora et ardua in Consilio per peritos Consiliarios nostros, ac Prælatos et Magnates, et quosdam de discretioribus et probioribus hominibus de partibus vicinis ubi ipsa Consilia teneri contingeret propter hoc evocandos: In *Parliamentis vero, per ipsos Consiliarios nostros, ac Prælatos et Proce-

Ordinatio de statu terræ Hibernicæ Rec. Stat. An. 31 E. 3. m. 11, 12. exemplified likewise in Pat. 17 R. 2. pars 2. m. 34. See Rylyes Appendix, p. 592, &c.

* Parliam. menta.

con-

consuetudinem, et rationem tractentur, deducantur, et fideliter timore, fabore odio aut precio postpositis disructantur et etiam terminentur. ITEM, Cum Justic. et quidam alii Ministri nostri dictæ terræ qui hactenus extiterunt ducti consillis privatorum Consiliarioz suozum, non nostrorum, ne dicamus broccatozom, innumeras injurias tam nobis quam personis aliis singularibus frogaverint, commoda in ea parte illicite adqussita suis ppozitis non nostris usibus applicand. volumus & præcipimus, quod ipsi Ministri, Majores maximè, tales Consiliarios, ut præmittitur, broccatores præsertim illos de hujusmodi broccagiis diffamatos, qui cum hujusmodi majoribus Ministris ante hæc tempora extiterant, secum non teneant, & si quos tenuerint, ipsos ab eis statim amoveant, ne nostra et terræ negotia per ipsos broccatores impetantur, ne commoda ad nos pertinentia, a nobis per fabricata consilia auferantur, & si hujusmodi privati Consiliarii, quod absit, in eorundem Ministrorum nostrorum comitivis contra Ordinationem prædictam retenti, quicquam à populo seu eozum quolibet in eorum grabamen ex broccagio vel alio sinistro pacto, ad suum vel Dominozom suozum opus receperint, illud plene solvant, restituant, et nihilominus pro excessu hujusmodi erga nos per Justic. et Consilium nostrum *Hibern.* debite puniantur, et rationabilem, ppozit eisdem Justic. et Consilio nostris expedire videbitur, faciant nobis finem, et amoveantur statim ut prætangitur a comitivis eozumdem, districtius Justic. nostro *Hibern.* qui pro tempore fuerit injungentes, quod hoc penes se fideliter observet, & penes alios faciat observari. ITEM, cum populus quasi per totam *Hibern.* nobis subjectus, per spoliaciones et captiones victualium, et aliozom bonozum suozum per ppozitos dictozum majorum Ministrorum, et sapissime de mandato ipsozom Ministrorum lamentabiliter sit deprezzus; Volumus & firmiter præcipimus, quod ppozisiones victualium ad nostrum et dictozum majorum Ministrorum nostrorum opus in dicta terra *Hibern.* faciend. fiant juxta formam Statutozom et Articulozom per nos in * *Parliamentis* et aliis magnis Consillis ad utilitatem populi nostri editozum et factozum, et non aliter, ita quod victualia sive res aliæ quæcumque ad opus hujusmodi capiend. per ppozitos et legales homines ubi ea capi contigerit victinos juratos non commutatos, nec commutationibus compulsos, habita consideratione ad pprecium, quo talia victualia et res in vicinis mercatis vendantur appzeccentur, et statim pprecium persolbatur: et si imminente pecuniæ defectu, ppozitos prædicti talias de pprezzo ipso illi a quibus victualia et res capta fuerint juxta dictam pprecium faciant, infra unum vel duos menses pprecium ipsum solvant; Ita semper quod pro modicis victualibus et rebus sic emptis, præcipimus quod *Thes. noster Hibern.* qui pro tempore fuerit, dictum pprecium de feodis, quæ ipsi majores Ministri nostri ad *Scaccarium* nostrum *Dublin.* percipiunt sine difficultate solvat, alioquin tantum de feodo dicti *Thes.* subtrahatur, et pro eisdem victualibus obesus in hac parte culpa solvat. Et quod ppozitos ad victualia hujusmodi ppozidend. deputati, eozam Consilio nostro *Hibern.* eozogale præstent super sancta *Dei* *Evangelia* juramentum, quod victualia ipsa ppozidebunt et capient, ubi ad majus commodum nostrum et Ministrorum nostrorum, et minus dampnum populi fieri poterit, secundum formam commissionum nostrarum eis sub magno sigillo nostro *Hibern.* inde faciendarum, quæ continent modum et formam ppozidenciarum hujusmodi juxta tenores Statutozom et Articulozom prædictorum faciendarum, et specialiter istam clausulam, *Si aliter fecerint, fiat de eis sicut de Latronibus*; quodque fines seu dona ab aliis non recipiant, ut eis parant et alios grabent; et quod nulla victualia seu res aliæ ad opus prædictum, per aliquas Commissiones dictozum majorum Ministrorum nostrorum sub sigillis suis, set tantum per Commissiones sub magno sigillo nostro *Hibern.* capiuntur seu ppozideantur, ut est dictum. Et volumus insuper, quod ppozisiones hujusmodi fiant per deliberacionem tam Consilli nostri quam quozundam ppozitorum et sbedignozum hominum de majoribus de vicinis partibus, in quibus ipsi majores Ministri nostri eozam traxerint, vel ad quas eos contigerit declinare, ut cessent in ea parte grabamina quæ populum nostrum fidelem *Hibern.* hactenus lacrimabile opprezzent. Volumus tamen ob honorem et reverentiam

* See *Rassals*
Abridgement,
Tit. *Parveyors*.

tiam Dei, sanctæ matris Ecclesiæ, quod quicumque in Ecclesiis aut Ecclesiarum dotibus et feodis ad nostrum aut ipsorum Ministrorum usus per ipsos Ministros nostros probatores, seu quosvis alios contra voluntatem Prælatorum, aut Ecclesiasticarum personarum, seu Custodum locorum eorumdem aliquantulum captatur. ITEM, cum propter defectum & desidiam dictorum majorum Ministrorum nostrorum, pax nostra in diversis ejusdem terræ partibus, tam extra Marchias quam in eis fuerit improvidè custodita, per quod, latrones, malefactores, et dictæ pacis perturbatores audaces effecti, homicidia et roberias tam in terris pacis quam in Marchiis hactenus publice perpetrarunt, et fines et redemptiones a diversis hominibus, ut eos in pace dimitterent exegerunt, et per comminationes de corporibus interficiendis, et domibus incendiendis, extorsit, neque in diversis partibus ubi pax viguit, facta est guerrina Marchia; et afflictio populorum. Volumus & districtè præcipimus, quod Justiciarius noster *Hiberniæ* qui nunc est vel qui pro tempore fuerit quolibet Com. ubi Sessiones suas fecerit, de hujusmodi homicidiis et homicidiis, latronibus et latrocinis, transgressoribus et transgressionibus, ac hujusmodi fines et redemptiones exigentibus et extorquentibus, necnon de illis qui dicuntur *Homines ociofi*; et malefactoribus qui etiam *Kernys* dicuntur, et eos ducentibus, per quos populus fidelis diversarum partium opprimitur et destruitur, et quamplures eorum loca propria relinquere coartantur sæpe et sæpius in anno inquisitiones faciat diligentes, et subire justiciam indictatos, si indignacionem nostram et debitam erga nos punicionem voluerit evitare. Volumus insuper & præcipimus, quod residentes in patria ubi hujusmodi latrones & malefactores vagari & furta & latrocinia perpetrari contingeret, illis de eadem patria de bonis suis per prædictos spoliatis et deturbatis satisfactionem exhibeant competentem, si hujusmodi latrones et malefactores cum clamore et tumultu prosecuti non fuerint, nec responderint de corporibus eorumdem, juxta formam Statuti dudum apud *Wynnon* editi et probati. Et si Custodes pacis in Com. dictæ terræ nostræ *Hiberniæ* circa executionem Officii sui fuerint negligentes, volumus et præcipimus, quod eorum negligentia et improvido gestu per Justic. nostrum *Hiberniæ* sæpissime inquiratur, et ipse eos per incarcerationem corporum suorum et per fines nobiscum faciendos, juxta modum qualitatem et quantitatem culpæ negligentiarum et defectuum suorum puniat et castiget. ITEM, cum occasione Cartarum de pardonatione feloniarum et transgressionum per Justic. nostros *Hiberniæ* qui hactenus extiterunt generaliter et improvide concessarum sediciones, homicidia, roberia, latrocinia et transgressiones frequencius fuerint perpetrata, aliaque mala exinde immiunera sint secuta. Volumus & præcipimus, quod Cartæ hujusmodi de cætero non nisi in Parlamento, aut Consilio de assensu et deliberatione eorumdem Parliamentorum et Consiliorum consideratis personarum et malefactorum perpetratorum qualitatibus concedantur. Ita quod nulla generalis pardonatio inde fiat, set specificentur et eximitur in eisdem perpetrata felonis sive transgressionis juxta tenorem cusesdam Statuti per nos et Concilium nostrum *Angliæ* editi et missi ad *Hiberniæ* observand. ITEM, cum Consilium nostrum *Hiberniæ* nonnullique Prælati, Magnates, Communitates Civitatum & Villarum, & alii etiam missi nuncii de *Hiberniæ* per literas & suggestiones nos & consilium nostrum in *Angl.* de diebus in dies certificaverint minus verè, quod bona Pax in dicta terra nostra *Hiberniæ* viguit, et paces ubilibet, sive in diversis Marchiis fuerant reformatæ, quibus temporibus majora ex repentinis hostium inbationibus, homicidia, incendia, et depredationes Marchiarum *Anglicorum* et alia incommoda quam guerrarum temporibus contingebant, nosque de hujusmodi certificationibus confidentes, defensiones aliaque remedia prout oportuit non providimus temporibus oportunitis, unde debilitantur libertas patris et bastantur, quas deceptiones et delusiones in certificationibus hujusmodi sub silentio transire non intendimus, set punire. Volumus, & sub gravi forisfactura nostra præcipimus, quod nulli de cætero Prælati, Magnates et Communitates, aut quibus alii nos et Consilium nostrum in tali casu nisi de facti veritate ad procuratores quorumcumque Ministrorum nostrorum, seu alias certifi-

care pro eblandis futuris periculis audeant vel presumant : quod si facere presumpserint, eos si culpabiles iuventi fuerint puniri poena debita faciemus. ITEM, cum per maritagia & alias diversas allegationes & infancium nutrimenta inter *Anglicos* morantes in *Marchiis & Hibernicis*, & per praemunitiones & explorationes utrobique factas occasionibus supradictis infinitae destructiones & mala alia haecenus evenerunt, & expeditiones nostrae & Justic. nostrorum ibidem nostro nomine tam in guerrinis actibus, quam aliis commodiferis progressibus exiterant impeditae : Volumus & praecipimus, quod huiusmodi contra habenda inter *Anglicos et Hibernicos* matrimonia, caeteraque privatae allegationes et nutrimenta infancium cessent de caetero, et penitus dimittantur ; et quod Justic. noster *Hibern.* qui pro tempore fuerit, de tempore in tempus de huiusmodi matrimoniis inter *Anglicos et Hibernicos*, alligacionibus, infancium nutrimentis, ac de adhaesionibus, praemunitionibus, et explorationibus hiis occasionibus faciend. si quae de caetero contrahi vel fieri continget, diligenter inquirat et puniat secundum legem et consuetudinem terrae nostrae *Hibern.* delinquentes. ITEM, cum Majores, Constabularii, & alii Ministri Stapulae *Hibern.* colore Statuti ejusdem Stapulae in placitis debitorum, transgressionum, & aliarum diversarum querelarum quae mercimonia de Stapula non concernunt, & de antiquis actionibus dictam Stapulam praecedentibus, sicut in negotiis & placitis de Stapula cognoscant & processus faciant erroneos & injustos, in dampnum populi nostri earundem partium valde grave. Volumus & prohibendo praecipimus, ne dicti *Magistros, Constabularii, aut alii Ministri dictae Stapulae*, pacta alia teneant, nisi ea quae ad eos pertinent, secundum vim, formam et tenorem Statuti de Stapula supradicti : quod si fecerint, dictus Justic. noster de tempore in tempus inde inquirat & debite puniat excedentes. ITEM, cum quidem Ministri, tam majores quam minores, ac servientes in Cur. nostris ibidem placitantes, & quandoque Clerici placeorum, non obstantibus Statutis de *Cambipartibus* editis, tam propter munera & pacta, quam mutuas convenciones inter ipsos & quosdam partium coram eis placitantium, de terris placitatis cum recuperatae fuerint habend. alteram partem manutenerint, defenderint & juverint ; Ita quod communiter terra huiusmodi placitata, per manutenciam & defensionem Ministrorum & servientium praedictorum errante justitia, recuperata penes aliquem eorum nichil proinde solvendo, vel modicum remanebat, sicque partes terra sua fraudatae, factisque expensis circa ipsa placita perditis, ad paupertatem vel statum miserum ducebantur. Volumus & praecipimus, & sub gravi forisfactura nostra, & sub poenis etiam in dictis Statutis contentis distinctius inhibemus, ne huiusmodi Ministri nostri majores vel minores, servientes aut Clerici quicumque huiusmodi manutencias, defensiones seu auxilia partibus hiis occasionibus contra justitiam faciant vel impendant, nec huiusmodi terram placitam sic adquirant, seu quicquam aliud attemptent, contra formam Statutorum eorumdem. ITEM, cum Brevia de debitis, transgressionibus, & alia etiam quae coram Justic. nostris ad Communem legem placitari deberent, in Scaccario nostro *Dublin.* per Brevia ejusdem Scaccarii communiter placitentur, per quod Thef. & Barones nostri, ac Clerici de eodem Scaccario circa huiusmodi placita intendentes impediti existant, quominus circa nostra & populi nostri negotia, quae ad officia sua in eodem Scaccario de jure & consuetudine ejusdem Scaccarii pertinent vacare possint, per quod ipsa negotia in nostri & populi nostri grave dampnum indies retardantur. * Volumus & firmiter inhibendo praecipimus, ne huiusmodi Communia placita in dicto Scaccario placitentur contra formam Statuti inde editi et probati ; et quod Cancellar. ejusdem Scaccarii si huiusmodi brevia ad Communem Legem sub sigillo dicti Scaccarii consignaverit, vel consignari fecerit vel permiserit, de contemptu nobis facto, ac de gravamine parti illato coram Justic. nostro per breve nostrum vel per billam respondeat, ut debet. ITEM, * cum per falsas et minus veras suggestiones quorundam de *Hibern.* intercurrentium et facta habencium latrantia, nitenciumque famam et opinionem bonorum Ministrorum nostrorum et aliorum fidelium in illis partibus, tam per falsas quam suggestiones non sine scandalo depravare, per quod nostra et terrae nostrae negotia frequentius impetuntur. Volumus

* See Here, p. 54.

* Nota.

lunus & ordinamus. quod de cetero hujusmodi billæ et suggestiones in scriptis redactæ sub sigillo Cancellar. Angli. pro tempore existentis ad Justic. Cancellar. et Thes. nostros Hibern. qui pro tempore fuerint, transmittantur, ut ipsi vocatis ad se aliis quos vocandos viderint, in presentia datorum intercurrentium sive hęcatozum, quos similiter ad Hibern. remitti volumus, de contentis in billis hujusmodi et suggestionibus prædictis diligenter inquirent, et si billæ et suggestiones veritatem contineant, defectus iuste corrigant, et emendant. Et si ipsi intercurrentes et hęcatozes falla et mendacia suggererint, pœna debita puniantur, ut pœna ipsa exemplum aliis præbeat a talibus obediendi. ITEM, Licet in pacum reformationibus inter Justic. nostrum Hibern. & Hibernicos super guerris hinc inde fuisset communiter expressatum, quod de dampnis datis per injuriantes violatis pacibus vel factis per invasiones autius depraedationibus, fieret honorum restitutio vel debita satisfactio dampna passis, ipsi tamen Justic. circa satisfactionem hujusmodi injuriarum Anglicis impendendam, hactenus insistere non curabant, per quod Anglici adhuc depreßi fuerant, et dicant erinde hostes, pacem eo ciclus rumpere et depraedaciones, ac alia dira mala facere satagebant; Volumus & firmiter præcipimus, quod Justic. Hibern. qui pro tempore fuerit cum per pacem & pacum tractatus, seu aliâs ordinatum fuerit, quod hujusmodi satisfactio fieret hinc et inde diligenter insistat et intendat, ut fiat in casu hujusmodi mutua justiciæ et ceteris satisfactio injuriam patientibus in hac parte. ITEM, cum Vicecomites Com. Hibern. nonnulla & diversa debita de viridi terra, & alia currencia per summoniciones & extractas & alias in demandis, de Ballivarum suarum populis sæpè & iteratis vicibus per graves districiones levaverint, & nec se in compotis suis oneraverint, nec solventes ad dictum Scaccarium acquietaverint, in nostri græhe dampnum et depreßionem populi manifestam, volentes remedium apponere in hac parte. Volumus & firmiter præcipimus, quod Justic. noster Hibern. pro tempore existens in singulis Com. in quibus suas fecerit Sessiones diligenter, videlicet ad minus semel in anno, inquirent de hujusmodi debitis per ipsos de populo sive semel sive pluries Vicecomitibus sic solutis, viz. tam de tempore præterito prout expedire viderit quàm futuro, & omnia hujusmodi debita quæ per tallias seu acquietancias dictorum Vicecomitum aut Subvic. seu servientium eorundem Com. generalium seu Senescallorum vel Ballivorum aut aliorum Ministrorum, vel per Inquisitiones vidend. faciend. aut alio modo legitimo constare poterit eis per ipsos de populo soluta fuisse, una cum nominibus recipientium & solvencium irrotulari & in scriptis redigi, & rotulos illos sub sigillo suo ad Scaccarium prædictum mitti faciat, ad effectum ut Thes. & Barones de eodem Scaccario, inspectis rotulis ipsis scrutatisque rotulis compotorum ipsorum Vic. & aliorum Ministrorum prædictorum ibidem residentibus, ac aliis rotulis & memorandis premissa tangentibus, vocatis ipsis Vic. Ministris, & aliis quæ fuerint evocandi, eisdem Vic. & Ministros de summis quas eos constare poterit sic levasse, & se in compotis suis aut alio modo onerasse eisdem onerari, et pro concelamentis in ea parte puniri, et solventes inde ad eodem Scaccarium acquietari; Et si iidem Debitores unum et idem debitum pluries solverint, eisdem Vic. et Ministros seu eorum Hæredes aut Executores ad restituend. illud ultra unam vicem receptum, ipsi Debitores, eorum Hæredibus seu executoribus compelli faciat, ut est iustum. Et si Justic. prædictus circa hoc vacare non poterit ex causis variis præpeditis, Volumus & præcipimus, quod tres vel duo de fidelitibus et legalitibus hominibus ipsorum Com. per Commissiones sub magno sigillo nostro quo utimur in Hibern. assignentur ad inquirend. et ad omnia alia in eodem Articulo contenta faciend. et explend. in forma prædicta. ITEM, quamvis nonnulli Debitores nostri debita sua ab eis exacta ad Scaccarium prædictum solverint, & in magnis Rotulis ejusdem Scaccarii inde exonerati fuerint & quieti, ipsi tamen Debitores in rotulis Memoratorum ejusdem Scaccarii unde exactio ipsorum Debitorum processerit, de ipsis debitis minime quietantur, per quod ipsa soluta debita currunt quasi cotidie in demenda, et ipsi sic quieti nihilominus præteritu exactorum de officiis Memoratorum

* Nota.

Sec 3 E. 1. c. 33
Cl. 9 E. 3. m.
15. 2 R. 2. c.
5. Rastals A-
bridgement,
Newes 1, 2, 3.

mozatozum exuncium, per graves discriptiones cum expensis et laboribus gradibus coacti ad dictum Scaccarium ea occasione venire, et placitare, et summas graves pro scrutinis in eisdem Memozatozum officis faciend. solbere miserabiliter depugnantur. Volumus igitur & firmiter precipimus, quod Thes. & Barones de Scaccario predicto injungant & faciant grossarios ejusdem Scaccarii cum quicumque tales debitores de debitis in eisdem Rotulis quieti facti fuerint, illas quietancias statim predictis Memozatozibus ostendere, et ipsos Memozatozes in Rotulis suis inde similiter exponerari et quietari, sub gravi pena illis in quibus negligentia vel omissio in hac parte reperta fuerit per dictum Justic. nostrum et alios de Consilio nostro, vel pecuniaria vel alia debita per eorum moderamine imponenda. ITEM, cum quidam Justic. nostri *Hibern.* diversos homines *Hibern.* majores et minores per hzebia, pzecepta, billas et aliis modis voluntarie, et absque indictamentis, pzentationibus seu debitis pzeocessibus arestaberint, ceperint et impzisonaberint in pziionisque obscuris, et in ferris ligatos detinuerint, donec per duricias, impzisonamenta, et infictas penas fines et redemptiones cum ipsis Justic. et eorum pziatis Consiliariis et hzocatozibus pro eorum voluntatibus, ad ipsorum singulare et non nostrum commodum fecerint, contra formam * MAG. NÆ CHARTÆ, et aliozum Statutozum nostrorum inde editozum, et contra legem et consuetudinem dictæ terræ; Ita quod per hujusmodi pziaros Consiliarios, eorumque cupiditates et singularia sua commoda, jura nostra et Coronæ nostræ, ac commoda nostra lapsus substracta, laesa, subverta et perditæ fuerint, et etiam nonnulli tam indictati quam non indictati et impzisonati petierint a dictis Justic. suas liberationes, secundum legem et consuetudinem dictæ terræ, quas ad Communem Legem habere non poterant donec fines et redemptiones hujusmodi, cum ipsis Justic. et eorum pziatis Consiliariis ad opus suum et non nostrum percipiend. pro liberationibus suis ad Communem Legem habend. similiter fecerint et solverint, vel inde eis securitatem fecerint, unde reputaberint se contentos. Volumus & firmiter precipimus, quod homines subditi nostri absque indictamentis, pzentationibus, aut aliis debitis pzeocessibus contra formam Cartæ et Statutozum predictozum, ac legem et consuetudinem supradictas per Justic. nostros *Hibern.* qui pro tempore erunt, seu eorum loca tenentes, aut eorum pzecepta vel mandata seu billas nullatenus capiantur nec impzisonentur. Et si contrarium factum fuerit tam pro tempore pzetexto quam futuro contra excedentes, juxta deliberacionem Consilii nostri ad querelas grabatozum et conquerencium apponi oportunum remedium faciemus. ITEM, cum per bonum et discretum Pzinistrozum regimen terra et populus solidentur, et prospere negocia peragentur, sic per horum negligentiam et incuriam insperata pzeocurentur, adversa oziantur, injuriæ et expeditioes variz retrocedunt; Volumus, et pro nostra terræque et populi nostri *Hibern.* utilitate publica Ordinamus, quod Justic. noster *Hibern.* qui pro tempore fuerit, assumptis sibi uno Pzxlato et uno Comite de vicinioribus partibus ubi sub sequentes inquisitiones fieri debent, ac Cancellario et Thes. ac quibusdam aliis de periciozibus Justic. placearum, et Baronibus de Scaccario, ibidem quolibet anno circa anni medium per sacramentum pzoorum et legalium hominum tam Clericorum quam Militum, aliozumque legalium hominum de Com. *Dublin.* et aliis etiam si opus fuerit Com. dictæ terræ nostræ *Hibern.* de gestibus et factis Pzinistrozum nostrorum terræ predictæ, Cancellar. Thes. ac Justic. de utraque placea, et Baronibus de Scaccario predicto, qui in suis placeis sunt Judices et reddunt judicicia duntaxat exceptis, qualiter videlicet quislibet in Officio suo se habeat, et Officium suum regat, et justiciam vel injurias seu oppzeociones vel grabamfina aut dampna nobis aut ipsi populo nostro tam in partibus quam in placea sua, colore Officii sui, seu Commissionum Regiarum sibi inde factarum faciat, vel propter munera justiciam pervertat, seu quemquam gravet, ac de omnibus circumstanciis et aliis quæ nobis dampnum seu pzejudicium, et populo nostro injuriam generarent, vel grabamen diligenter inquirat, et de hñis singulis quæ sic per inquisitiones hujusmodi comperta fuerint Nos et Consilium

cap. 29.

Nota.

Nota.

um notum in *Angl.* sub sigillo suo et sigillis sic assumptorum, ac eorum etiam per quos factæ fuerint certificet indilate, injungentes eidem *Justic.* quod dictas inquisitiones in forma prædicta annuatim capiat, et nos inde certificet, ut est dictum. Volumus insuper et præcipiendo ordinamus, quod dicti inferiores *Justicarii*, exceptis majoribus *Justicariis*, ut prædictum est, videlicet eorum singuli in fine cujuslibet anni, si opus fuerit, ac etiam cum remoti fuerint ab officio suis statim post remotiones suas hujusmodi coram præfato *Justic.* et aliis assumendis prædictis de excessibus suis et aliis supradictis, tam ad nostram quam populi nostri, et singularium personarum de eodem populo sectam respondeant, et iusticiam subeant, secundum legem et consuetudinem terræ nostræ *Hibern.* antedictæ quod per dictum *Justic.* fieri volumus et mandamus, ac idem *Justic.* et alii sibi assumpti *Pos* et *Consilium* nostrum in *Anglia* quociens opus fuerit etiam certificent de statu ejusdem terræ nostræ et negotiorum nostrorum ibidem, et gestibus *Justiciorum* prædictorum. ITEM, Licet tam illi de *Hibern. Anglici* omnium, quam ipsi de *Angl.* nati & in *Hibern.* conversantes sint heri *Anglici*, et sub nostris degant dominio et regimine, et eisdem legibus, juribus et consuetudinibus contantur, varix tamen dissensiones et mantenenciæ ratione nationis inter ipsos et *Hibern.* et illos de *Angl.* natos sunt subortæ et sunt hinc et inde, unde nonnulla mala hactenus contigerunt, et de futuris majoribus esse timemo. nisi super hoc remedium apponatur. Volumus et firmiter præcipimus, quod dictus *Justic.* noster, vocatis ad se *Cancellar.* et *Thes.* nostris *Hibern.* ac quibusdam *Prælati* et *Comitibus*, quos eligendos noberit cum in vicinis partibus fuerint, de hujusmodi dissensionibus cum ostentur, et mantenenciis, ac de nominibus illorum hujusmodi dissensiones, et mantenenciis, et se partes facientium, sæpe et sæpius cum opus fuerit serbenter inquirat, et delinquentes serbato processu debito, cum inde convicti seu culpabiles indenti fuerint, per imprisonment corporum, et graves redemptiones nobiscum factend. et alias prout iustum fuerit puniat et castiget, cum tales dissensiones et mantenenciæ non aliud sapiant quam scisma, et divisiones ac proditiones quodammodo in populo nobis subito procurare. ITEM, cum firmarii *Officii Clerici Percassi* in *Hibern.* lucra propria scientes, non dicti officii debitum, juxta formam Statuti inde editi, nec alias rationabiliter exequantur, sed communiter pro finibus et aliis redemptionibus mensuras, et alia *Instrumenta* ad officium illud spectantia non vident, nec examinant, nec frangunt falsa, nec bona consignant, nec alias delinquentes debite puniunt, et sæpissime nobis coram eis factos et amerciamenta ad nos pertinentia in rotulis suis inserta et irrotulata, solutis eis pecunia aut muneribus aliis ab ipsis culpabilibus hujusmodi ad nos se spectantia, ab eorum rotulis vel radendo desunt, vel nobis scriptos rotulos faciunt, in quibus ipsa fines et amerciamenta sic deleta non scribunt, sed extra dimittunt, et fines et amerciamenta facta et non irrotulata remittunt, et alias falsitates, extorsiones, oppressiones, grabamina et excessus, tam nobis quam populo nostro in partibus illis quasi per totam *Hibern.* faciunt, et ea ac alia prædicta fecerunt, remiserunt et perpetrarunt in nostri contemptum et præjudicium, et ipsius populi destructionem et injuriam manifestas, ac contra iusticiam et formam Statuti prædicti; Volumus et firmiter præcipimus, quod *Justic.* noster *Hibern.* qui pro tempore fuerit in singulis *Com.* et partibus per quos transferit, associatis sibi *Prælato* loci, et aliquo *Comite* seu alio *Nobile* vel *Milite* earundem pertin. vicinarum de prædictis falsitatibus, extorsionibus, oppressionibus, grabaminibus et excessibus, et omnibus supradictis per ipsos firmarios quomodolibet perpetratis, et de ipsorum factis et gestis in hac parte, tam ad sectam nostram quam aliorum quorumcumque inde conqueri volentium, tam de tempore præterito quam futuro inquirat, et versus eos procedat, et contemptus, falsitates, extorsiones, oppressiones, grabamina et excessus, et alia prædicta audiat et terminet, necnon delinquentes et culpabiles cum tales inventi fuerint castiget et puniat, secundum legem et consuetudinem terræ nostræ *Hibernie* antedictæ, et *Pos* et *Consilium* nostrum in *Angl.* de nominibus sic culpabilium, ac de falsitatibus, extorsionibus, oppressionibus et grabaminibus,

Nota:

et aliis prædictis sub sigillis ipsius Justic. et sibi Assessorum distincte et aperte de tempore in tempus nichilominus certificet ex certa causa. In cujus, &c. Teste Rege apud *Westmonasterium*, 25 die *Octobris*, Anno Regni nostri *Angliae* 31, Regni vero nostri *Franciae* 18.

Per ipsum Regem et Consilium.

These Ordinances were so gratefull, usefull, necessary for the good Government, ease, safety, and preservation of the Kings Loyal Subjects in *Ireland*, that I find them ratified, exemplified and sent into *Ireland* to be observed in the * 17 year of King *Richard* the 2d. the exemplification whereof you may peruse in *Rylyes Appendix*, p. 592, to 601. concluding thus, Nos autem Ordinationes, voluntates et præcepta prædicta, et omnia alia et singula in litteris prædictis contenta, rata habentes et grata, ea pro Nobis et hæreditibus nostris, quantum in nobis est, acceptamus, approbamus, ratificamus et confirmamus, prout litteræ prædictæ rationabiliter testantur. In cujus, &c. Teste Rege apud *Westm.* 26 die Junii.

* Pat. 17 R. 2.
pars 2. m. 34.

In pursuance of these Ordinances, the King at the same time issued this Commission to his Chief Justice there, by advise of his Chancellor and Treasurer, to receive all persons, as well *English*, and all others, as *Irish*, who had been there in rebellion against him, to his grace and peace, to grant them pardons in special not general under the Great Seal of *Ireland*, and put them to fines and ransomes for all manner of Offences, Trespasses there committed by them, Treasons only excepted, for the settling of the peace of that land, this his power to continue only for one years space.

Pat. 31 E. 3:
pars 3. m. 14.
intus. De po-
testate data
Justic. Hiberniz recipiendi
homines ad
pacem.

REX Dilecto & fideli suo *Almarico de Sancto Amando* Justic. suo *Hibern.* salutem. De vestris circumspeditione & industria plenius confidentes, ac sperantes pacem et tranquillitatem populi nostri dictæ terræ nostræ *Hibernia* ex his melius posse consoberi, dedimus vobis potestatem recipiendi ad fidem et pacem nostram, tam *Anglicos* quam *Hibernicos*, et quoscunque alios qui nobis contrarii et rebelles existunt, et eis et eorum cuilibet, de secta pacis nostræ quæ ad nos pertinet, et quolibet homicidio, feloniam, roberiam, latrocinio, aut alio crimine seu transgressionem per ipsos in dicta terra nostra *Hibernia* perpetratis, (proditiionibus dumtaxat exceptis) per consilium et abisamentum Cancellar. et Thes. nostrorum ibidem, in speciali et non in generali, pardonationem faciendi, et firmam pacem nostram eis concedendi, prout vobis per nos plenius est insinuatum, Literæque nostras Patentes sub sigillo nostro quo utimur in terra prædicta, eis inde in forma debita similiter concedendi, necnon fines et redemptiones, in casu quo de jure, et secundum legem et consuetudinem partium prædictarum admittendi fuerint, nomine nostro recipiendi. Et ideo vobis mandamus, quod præmissa consilium & avisamentum prædictorum Cancellar. & Thes. nostrorum in forma prædicta fieri fac. Mandavimus enim dicto Cancellar. nostro, quod Literas et Cartas nostras illis quibus hujusmodi pardonationem sic feceritis, ad significacionem vestram in speciali in forma debita fieri fac. Ita semper, quod nulla generalis pardonatio de omnibus homicidiis, felonis, roberis et latrocinis, aut criminibus seu transgressionibus alicui fiat quavis modo. In cujus, &c. per annum annum duratur. Teste Rege apud *Westm.* 24 die *Octobr.*

. Per ipsum Regem.

Moreover, for the better instruction of the peoples soules in *Ireland* by reason of the *Non-residence* of their Pastors, this King by his Sovereign Ecclesiastical Jurisdiction, authorized and licensed the Archbishop of *Dublin*, to constitute perpetual Vicars in all Benefices, Prebendaries belonging to his Archbishoprick, and of this Kings Patronage, with certain proportions of greater or lesser Tithes, and other profits, who should perpetually reside upon them, by this memorable Patent.

R E X

REX Omnibus ad quos, &c. salutem. Supplicavit nobis Venerabilis Pater *Johannes Archiepiscopus Dublin.* Ut cum in quibusdam Ecclesiis parochialibus prebendaris sive dignitatibus in Ecclesia sua *Dublin.* annexis, et de patronatu suo existentibus, quarum advocaciones simul cum temporariis ejusdem Archiepiscopatus de nobis tenentur in Capite, Rectores earundem non respondeant, nec sint Vicarii in eis perpetui instituti, per quod cura animarum in ipsas Ecclesias negligitur, ipsaque minus provide in divinis obsequiis officiantur, hospitalitatesque et alia pietatis opera quae ibidem per Rectores et Vicarios ministrari deberent negligencius omittuntur, velimus eidem Archiepiscopo concedere, quod ipse in singulis Ecclesiis de Patronatu suo sic existentibus, sive Prebendatae fuerint sive factae dignitates, Vicarios perpetuos de nobis creare possit, eosque instituere et induci facere, et eis prout decet, tam de majoribus quam minoribus Decimis, et aliis proventibus Ecclesiarum earundem rationabiles portiones, et eorum cuilibet competentem locum pro habitatione sua assignare: Nos attendentes supplicationem hujusmodi fore piam, Concessimus quantum in nobis est prefato Archiepiscopo, quod ipse in singulis Ecclesiis praedictis de Patronatu suo sic existentibus, sive Prebendatae, sive inde factae dignitates, Vicarios perpetuos de nobis creare, et eos cum creati, ac hujusmodi Vicariae ordinatae fuerint, in eisdem Vicariis instituere, et induci facere possit, ac eisdem Vicariis tam de majoribus quam minoribus decimis, aliisque proventibus Ecclesiarum earundem portiones rationabiles eorumque cuilibet competentem locum pro habitatione sua assignare, et omnia alia in hac parte facere, quae circa hoc necessaria fuerint vel erant opportuna, prout melius et utilius sibi videbitur expedire, Volentes quatenus sara permittunt quod advocaciones Vicariarum earundem sic de nobis creandarum prefato Archiepiscopo et successoribus suis sede plena, nobisque et heredibus nostris vacacionum dicti Archiepiscopatus temporibus referrentur. In cujus, &c. Teste Rege apud *Westm.* 18 die *Octobr.*

Pat. 31 E. 3. pars 3. m. 14. intus. Pro Johanne Archiepiscopo Dublin.

* Nota.

Per ipsum Regem.

King *Edward* the 3d. having published a Proclamation in *Ireland* about the 34th year of his year of his reign, that no *Irish-men* should be made a Mayor, Bailiff, or other Officer in any City or Borough, or be promoted to any Ecclesiastical benefice or promotion in *Ireland* within the *English* Pale, to prevent their confederacies with, and giving intelligence to the *Irish* Rebels; upon the Petition of some *Irish* Clerks who had been and continued loyal to him and his predecessors in his Parliament in *England* in the 35 year of his reign, he made this explanation of that his Proclamation, by this Writ to his Chief Justice and Chancellor, (wherein the Proclamation is recited) as to *Irish* Clerks alone.

REX Justit. & Cancellar. suis *Hibernia*, salutem. Cum nuper ex frequentia relatione nonnullorum accipientes, quod diversa dampna et incommoda nobis et fidelibus nostris terrae *Hibernia* evenerunt, ex hoc, quod mere *Hibernici* tam Clerici quam Laici inimici nostri in Civitatibus, Burgis, Villis, Castellis, et aliis locis in terra praedicta Ministri et Officiares deputati, et ad Canonatus et Prebendas in Ecclesiis Cathedralibus in nostro Dominio existentibus, et alia beneficia Ecclesiastica inter *Anglicos* promoti existunt: Vobis mandavimus, quod in Civitatibus, Burgis, Villis Mercatoris, et aliis locis in singulis Com. terrae praedictae publice proclamari faceritis, Quod nullus mere *Hibernicus* de natione *Hibernicana* existens fiat Major, Ballivus, Janitor, aut alius Officiar. seu Minister in aliquo loco nobis subjecto, nec quod alius Archiepiscopus, Episcopus, Abbas, Prior, aut aliquis alius ad fidem nostram existens, sub forisfactura omnium quae nobis forisfacere poterit, aliquem mere *Hibernicum* de natione *Hibernicana* ut praemittitur existentem, causa consanguinitatis, affinitatis, aut alio modo quocumque in Canonicum recipiat, vel ad aliquod beneficium Ecclesiasticum inter *Anglicos* promoveat vel admitat, sed quod omnia beneficia et quaevis eorum conferenda cum vacuerint, Clericis *Anglicis*, sive aliis ad fidem et obedientiam nostras existentibus in terra praedicta

Claus. 35. m. 40. intus. Pro Clericis de Natione *Hibernicana*.

prædicta conferantur; Ac jam ex parte Clericorum de natione *Hibernica* qui inter *Anglicos* in terra prædicta ad fidem et pacem nostram morantur, Vobis per petitionem suam coram nobis et Consilio nostro in præfenti Parlamento nostro exhibitam sic supplicatum, Ut cum ipsi tanquam meriti *Hibernici* inimici nostri, cum non sint, a promotione Ecclesiastica infra dictam terram in Dominio nostro virtute Proclamationis prædictæ sint exclusi, belimus ad eorum conditionem et constantiam in fidelitate nostra continue et inflexibiliter persistendo considerationem habere, et eis super hoc de remedio prohibere. Et quia non est iustum, nec intentionis nostræ extitit nec existit, quod Clerici de natione *Hibernica* qui in fidelitate et obedientia nostris sicut cæteri de natione *Anglicana* continue et inflexibiliter persistunt, et adhuc persistunt, et de quorum moribus et bono gestu erga nos et nostros bonam informationem habueritis, de conditione *Hibernicorum* inimicorum nostrorum reputentur, aut a promotione sua sic excludantur; Vobis mandamus, quod aliquos huiusmodi Clericos *Hibernicos* fideles nostros occasione receptionis sive acceptionis beneficiorum Ecclesiasticorum infra Dominium nostrum terræ prædictæ existencium, aut Prælatos vel alios Patronos eorundem beneficiorum ratione præsentationis vel admittentis huiusmodi Clericorum fidelium nostrorum ad eadem, non molestetis in aliquo seu gravetis, nec per alios Ministros nostros molestari seu gravari permittatis, quamdiu bene et fideliter se gesserint erga nos et nostros, sicut prædictum est, proclamationibus prædictis seu quibuscumque mandatis vobis in contrarium directis non obstantibus. Teste Rege apud *Westmonasterium* Quarto die *Marci*.

Per ipsum Regem, et per Petitionem
de Parlamento.

The same year King *Edward* summoned all Noble Men, Countesses, Abbots, Priors, Clergymen, and others in *England* who had Lands in *Ireland*, to appear in person or by their Proxies before him and his Council, (not in Parliament as Members thereof, as Justice *Dodderidge*, Mr. *Holland*, and others mistake) to advise with them concerning the defence of *Ireland*, and to repair thither in person with all the forces they could raise by a certain day if able, or else by their Substitutes, to assist his Son *Lionel*, whom he designed to send thither as his Deputy General, under the penalties mentioned in the ensuing Writs.

Claus. 35 E. 3.
pars 1. m. 36.
dorso. De
Consilio sum-
monito.

REX Dilecto & fideli suo *Humphrido* Comiti *Norhampton*, salutem. Quia terra nostra *Hibernia* per inbalescentes a diu *Hibernicorum* inimicorum nostrorum incursum, propter impotentiam fidelium nostrorum habitantium in eadem, et pro eo quod *Magnates* et alii de Regno nostro *Angl.* terras in ea habentes commodum dictarum terrarum suarum ab eadem terra capiunt, et defensionem aliquam non faciunt, jam tantæ vastitatis et destructionis miseræ subditur, quod (nisi Deus advertat et celerius succurratur eidem) ad totalem perditionem in prox. deducetur: per quod pro saluatione eiusdem, **ORDINAVIMUS**, quod *Leonellus* Comes *Ulton.* filius noster carissimus cum ingenti exercitu ad terram prædictam cum omni festinatione transmittetur, et quod omnes *Magnates* et alii de dicto Regno nostro terras in dicta terra *Hibern.* habentes quanto potentius poterunt in Comitibus dicti filii nostri proficiantur, vel si debiles in corpore existant, loco suo alios sufficientes ibidem mittant, pro repulsione dictorum inimicorum, et saluatione et defensione terrarum suarum, et in succursu terræ supradictæ. Et pro dicto negotio accelerando, volumus vobiscum et cum aliis de eodem regno terras in dicta terra *Hibern.* habentibus colloquium habere et tractatum. Vobis in fide et ligeancia quibus nobis tenemini firmiter insurgendo mandamus, quod omnibus aliis prætermittis sitis personaliter apud *Westmonaster.* in *Quindena Pascha* prox. futur. ad loquend. nobiscum et Consilio nostro super dicto negotio et illud concernentibus, et ad faciend. et consenciend. super hoc quod ibidem contigerit ordinari; et interim vos et homines vestros quanto potentius et decencius poteritis

poteritis ad arma pareris; Ita quod in vestri defectum progressus dicti filii nostri et exercitus sui non retardetur, nec dicta terra amissionis periculo subsceat ex hac causa. Et hoc sicut nos et honorem nostrum, ac saluationem et defensionem terræ prædictæ diligitis, nullatenus omittatis. Et habeas ibi hoc breve, Teste Rege apud Westm. 15 die Marcii.

Per ipsum Regem et Consilium.

Consimilia brevia diriguntur subscriptis, de essendo coram Rege et Consilio suo ad dies subscriptos; videlicet,

Radulpho Comiti Stafford. Thoma Comiti Oxon. Edwardo le Despenser, Waltero de Manny, Edwardo Mountagu, Almarico de Sancto Amando, Bartholomæo de Burghersh, Johanni de Crophull, Nicholao Gernoun, Johanni de Bohun de Midhurst, Johanni de Carren, Willielmo la Zouche de Haryngworth, Waltero de Bermyngham, Johanni Comyn, Johanni Wogan, David. Barry, Johanni Cornewail, Petro Malure, Johanni Mansnauer, Ad quindenam Pasche.

REX Vic. Notingh. & Derb. salutem. Quia, &c. ut supra; usque ibi terræ Ibidem: supradictæ; & tunc sic, Tibi præcipimus firmiter injungentes, quod præmuntre fac. hæredes de Camwyl. terras et ten. in Hibern. habentes, quod sint apud Westm. in tribus septimanis Pasche prox. futur. ad loquend. &c. ut supra, usque ibi contigerit ordinari; & tunc sic. Et habeas ibi nomina illorum per quos vos præmuniri feceris, & hoc breve. T. ut supra.

Consimilia Brevia diriguntur Vic. Staff.

David. de Strabolgi Comiti Athol. Thoma de Roos, Rogero de Clifford, Thoma de Furnival, Thoma de Lney, Edwardo Laurence, Johanni de Tibetot, Johanni de Erlee, Johanni de Bromwych, Jacobo de Stafford, Stephano Marex, Willielmo de Morle, Ricardo de Stafford, Willielmo de Ferrers, Ad tres septimanas Pasche.

REX Dilecto sibi Maria Comitissæ Norff. salutem. Quia, &c. ut supra, Ibidem: usque ibi accelerando, & tunc sic. Volumus cum Magnatibus et aliis de eodem Regno terras in dicta terra Hibern. habentibus colloquium habere et tractatum; Vobis in fide et ligeancia quibus nobis tenemini firmiter injungendo mandamus, quod omnibus aliis prætermittis aliquem vel aliquos de quibus confiditis apud Westm. mittatis. Ita quod sint ibidem in tribus septimanis Pasche prox. futur. ad loquend. nobiscum et Consilio nostro super dicto negotio et illud concernentibus, et ad faciend. et contentiend. nomine vestro super hoc quod ibidem contigerit ordinari, et interim homines vestros, &c. ut supra, usque ibi, nullatenus omittatis; & tunc sic, Nos in Cancellaria nostra de nominibus illorum quos usque Westm. ex causa prædicta duxeritis destinand. reddentes ad diem prædictum distinte et aperte serciores. Et habeas ibi tunc hoc Breve. Teste Rege ut supra.

Consimilia Brevia diriguntur subscriptis sub eadem data de essendo coram Rege et Consilio suo ad dies subscriptos; videlicet,

Alianora Comitissæ Dormond, Anna le Despenser, Ad Quindenam Pasche.

Philippa Comitissæ de la March, Johanna Fitz-Wanter, Agneti Comitissæ Pembr. Maria de Sancto Paulo Comitissæ Pembr. Margeria de Roos, Matill. Comitissæ Oxon. Katerina Comitissæ Athol. Ad tres septimanas Pasche.

REX Dilecto sibi in Christo Abbati de Faurneuz salutem. Quia terra no- Ibidem: stra Hibern. &c. usque ibi accelerando; & tunc sic. Volumus habere et cum aliis de eodem Regno terras in Hibern. habentibus colloquium habere et tractatum; Vobis mandamus firmiter injungentes, quod omnibus aliis prætermittis sitis personaliter apud Westmonaster. in tribus septimanis Pasche prox. futur. vel si personaliter tunc ibidem commode interesse non possitis, tunc aliquem vel aliquos de quibus confiditis ad diem et locum prædictos mittatis, ad loquend. nobiscum et Consilio nostro, &c. Et interim homines vestros, &c. ut supra, usque ibi, nullatenus omittatis; & tunc sic, Nos in Cancellaria nostra, &c. ut supra. Et habeatis ibi hoc Breve. Teste ut supra.

Q q

Consimilia

Consimilia Brevia diriguntur subscriptis de essendo coram Rege et Consilio suo ad diem subscriptum; videlicet,

Priori de *Malvern*, Abbati de *Sancto Augustino de Bristol*, Abbati de *Oswestry*, Abbati de *Foure*, Priori de *Lanibona juxta Gloucest.* Priori de *Lanibona in Wall.* Priori de *Cartmel*, Priori *Ecclesia Christi Cantuar.* Ad tres septimanas Paschæ.

Ibidem.

REX dilecto sibi Magistro *Thoma de Nevill*, salutem. Quia terra nostra *Hibern.* &c. ut supra, usque ibi *accelerando*, & tunc sic; *Ustumus* habitum et cum aliis de eodem regno sive beneficia Ecclesiastica in *Hibern.* habentibus, colloquium habere et tractatum; Vobis mandamus firmiter injungentes, quod omnibus aliis prætermittis sitis personaliter apud *Westm.* in tribus septimanis Paschæ prox. futur. vel si personaliter tunc ibidem commodè interesse non possitis, tunc aliquem vel aliquos, &c. ut supra; & interim vos vel homines vestros quanto, &c. ut supra, usque ibi nullatenus omittatis, &c. nos in Cancellaria nostra, &c. ut supra. Teste ut supra.

Consimilia Brevia diriguntur subscriptis de essendo coram Rege et Consilio suo ad diem subscriptum; videlicet,

Magistro *Reymundo Poleryn*, Magistro *Johanni Bryant*, Magistro *Wilhelmo Crouer*, *Wilhelmo de Winterton*, *Wilhelmo Sond*, *Wilhelmo de Bromle*, *Henr. de Sneyth*, Magistro *Morio de Bermyngham*, Magistro *Hugoni Præbendar. de Ballymore*, Magistro *Griffino de Cherleton Præbendar. Præbendæ de Dunlovan.* Ad tres septimanas Paschæ.

The Author p. 356. cites the Names of the premised Countesses and Dowagers to whom these Writs were directed, without the Writs, and so do Justice *Dodrige* and *Hugh Holland* in their respective Treatises of the *Antiquity of the Parliaments of England*, p. 13. & 88. and thence seem to infer, that these Countesses were summoned amongst other Earls and Barons, to send *sive dignos ad Colloquium* in our Parliaments. (upon which mistake perchance they have of late times claimed and enjoyed Priviledge during Parliaments;) but these Writs were no summons at all to an *English* or *Irish* Parliament, but of all those Noblemen, Gentlemen, Abbots, Priors, Prebends, Inheritrixes and Dowagers residing in *England*, who had any Lands or Dowers in *Ireland*, to appear before the King and his Council in person, or by their Proxies, who were to be persons of credit, to confer and advise with them concerning the raising of Forces for the defence of *Ireland*, against the *Robels* then in Armes, according to their respective qualities and values of their Lands; and to have them ready by a day to be transported into *Ireland* with the Kings Son Lieutenant thereof, as the Writs expressly resolve; without any mention of, or relation to a Parliament, as I have † *elsewhere* evidenced at large, and shall no longer here insist on.

† In the First Part of my Brief Register, &c. p. 187, to 191. 213, to 217.

The same day he issued these Writs to his Officers in *Ireland*, to proclaim, that none should privately or publicly export any Corn or Victuals out of *Ireland*, under pain of forfeiting the same, and other penalties; that so the forces be intended to send thither, might be the better victualed and provided for, when they arrived there.

Claus. 90 E. 3. m. 34. dorso. De victualibus non ducend. extra terram *Hibern.*

REX Justic. & Cancellar. suis *Hibern.* vel ejusdem Justic. locum tenenti, salutem. Quia terra nostra *Hibern.* per invalescentes adu *Hibernicorum* inimicorum nostrorum incurtus, propter impotentiam fidelium nostrorum habitantium in eadem, et per hoc quod *Maguates* et alii de regno nostro *Anglia* terras in ea habentes, commodum dictarum terrarum inarum ab eadem terra capiunt, et defensionem aliquam non faciunt, jam tantæ vastitatis et destructionis miseræ subditur, quod (nisi *Deus* advertat et ceteris succurrat eidem) ad totalem perditionem in prox. deducitur; per quod pro salvatione eisdem *Orinabimus*, quod *Leonellus Comes Ulton.* filius noster charissimus, cum ingenti exercitu, ad terram prædictam cum omni festinatione transmittetur; et quod omnes *Maguates* et alii de dicto regno nostro, terras in dicta

dicta terra *Hibern.* habentes, quanto potentius poterunt in comitibus dicti filii nostri proficiantur, vel si debiles in corpore erant loco eorum alios sufficientes ibidem mittant, pro repulsione dictorum inimicorum, et salvatione et defensione terrarum suarum, et succursu terræ prædictæ. Nos ne dicta terra *Hibern.* in adventu dicti filii nostri ad eandem victualibus destituatur, volentes providere, vobis mandamus firmiter injungentes, quod per totam terram prædictam in Civitatibus, Burgis, Villis Mercatoriis & Portibus maris, & alibi ubi expedire videritis, publice proclamari et ex parte nostra firmiter inhiberi fac. ne quis blada, seu alia victualia quæcumque, a dicta terra *Hibern.* ad aliquas alias partes educat, vel educi faciat, clam vel palam, sub forisfactura bladorum et victualium eorundem, absque licentia nostra speciali; et omnia blada et alia victualia post et contra proclamationem et inhibitionem prædictas, in navibus aut aliis vasibus sine licentia nostra carcata ad alias partes transitura inveniri contigerit, sine dilatione tanquam nobis forisfacta arrestari, et nobis inde responderi fac. Teste Rege apud *Westm.* 15 die *Marci*.

Per ipsum Regem.

He likewise issued this Writ, to seise all Lands or Tenements purchased in *Ireland* by any of his Officers without his special license, contrary to the * promised Ordinance of his Father, as confiscated unto him.

* See here p. 264, 265.

REX Justic. Cancellar. & Thesaur. suis *Hibernia*, salutem. Cum per Dominum *E.* nuper Regem *Anglia* Patrem nostrum, & Consilium suum, ordinatum & concordatum fuisset, quod Justic. *Hibern.* aut alius Minister noster in eadem terra *Hibern.* quamdiu in Officiis nostris ibidem fuerit, terras vel tenementa infra listas et bundas *Ballivarum* suarum, sine licentia nostra speciali non adquirat, et si quis quicquam incontrarium fecerit, tunc illud quod sic adquisitum fuerit, nobis et heredibus nostris confiscatum incuratur. Ac jam intellexerimus, quod *Robertus de Holivode* qui Minister noster in diversis Officiis in terra prædicta adiu extitit, diversa terras et tenementa ipso sic in Officio nostro existente sine licentia nostra adquisivit, contra formam Ordinationis et concordatæ prædictarum. Nos volentes statutum prædictum in omnibus observari, vobis mandamus, quod omnia terras et tenementa quæ vobis per inquisitionem vel alio modo legitimo constare poterit, prædictum *Robertum* dum sic in servicio nostro in dicta terra *Hibern.* extitit, adquisivisse, in manu nostra sine dilatione tanquam nobis occasione transgressionis prædictæ incurta, et nobis forisfacta capti, et de exitibus eorundem ad *Decanarium nostrum Dublin.* responderi fac. Et hoc nullatenus omittatis. Teste Rege apud *Westm.* 6 die *Aprilis*.

Per ipsum Regem.

He likewise issued this Proclamation, that all who had Lands in *Ireland*, should repair thither with all the forces they could raise, to his son *Lionel* Lord Lieutenant thereof, to preserve them from, and defend them against the *Irish* Rebels, or else they should be confiscated and conferred upon others.

REX Vic. *Kanc.* salutem. Cum nuper audito quod terra nostra *Hibern.* per invalescentes adiu *Hibernicorum* inimicorum nostrorum incurtus propter impotentiam fidelium nostrorum habitantium in eadem, & per hoc quod *Paganates* et alii de regno nostro *Angl.* terras in ea habentes, commodum dictarum terrarum suarum ab eadem terra capiunt, et defensionem aliquam non faciunt, tantæ vastitati et destructioni miserabiliter subduntur, quod (nisi *Deus* advertat et celerius succurratur eidem) ad totalem perditionem in pro. deducetur, per quod pro salvatione ejusdem, Ordinavimus *Leonellum* Comitem *Ulton.* fil. nostrum charissimum, cum ingenti exercitu, ad terram prædictam destinare, et idem filius noster ad hoc se paravit, et jam promptus existat, cum non modico numero armatorum et sagittariorum ad iter suum versus partes illas accipiend. Et ideo tibi precipimus, quod statim vobis presentibus in singulis locis Com. prædicti

Claus. 35 E.3. pars 1. m. 30. intus. De terris pro Officiari. Regis in Hibr. adquisitis in manum Regis capiend.

Claus. 35 E.3. m. 21. dorso. De proclamatione faciend. in terra Hiber.

ubi expedire videris publice ex parte nostra proclamari fac. quod omnes de regno nostro *Angl.* terras in dicta terra *Hibern.* habentes, quorum terra per praedictos inimicos nostros sint occupatae, quanto potentius poterunt versus dictas partes *Hibern.* cum omni celeritate se trahant, vel alios sufficientes loco sui ibidem mittant. Ita quod sint ibidem in adventu dicti filii nostri ad eandem partes ad terras suas praedictas recipiend. et eas inhabitand. et dictam terram *Hibern.* una cum aliis fidelibus nostris defendend. Scire faciens eisdem, quod nisi ad dictas partes *Hibern.* in forma praedicta venerint, dictus filius noster, quem locum nostrum tenentem in terra praedicta constituimus, omnes terras illorum qui ad dictam terram *Hibern.* in adventu dicti filii nostri ibidem non venerint per dictos inimicos occupatas aliis fidelibus nostris qui eas recipere et inhabitare, ac defendere voluerint nomine nostro, donabit eis imperpetuum remansur. Et de eo quod inde feceritis, nos in Cancellaria nostra citra festum *Saucti Laurentii* prox. futur. reddas distinde et aperte certiores. Et hoc sub forisfactura omnium quae nobis forisfacere poteris, nullatenus omittatis. Teste Rege apud *Westm.* 2 die *Julii.* Per ipsum *Rigem.*

Conf. brevia diriguntur singulis Vicecomitibus per *Angl.* sub eadem dat. mutatis mutandis.

* See the *Annales of Ireland.*

The *Irish* * Enemies, Rebels still wasting the Land, and destroying the Kings Subjects in it, notwithstanding all the forecited Ordinances, Writs for its defence; the King upon information thereof, by advice of his Prelates, Nobles, and others of his Council, made and sent New Ordinances thither to his Chief Officers, commanding them to summon a Parliament or Great Council there, and communicate the Ordinances to them, to supply any defects that should appear to them in them, and to certify them to him, together with the quantity and real value of the Lands which any in *England* there held, and of the number of men they ought to find and array for its defence, as this Writ assures us.

Claus. 42 E. 3. m. 6. De Ordinando de statu terrae *Hibern.*

REX Justic. Cancellar. & Thesaur. nostris *Hibern.* ac aliis de Consilio nostro ibidem, salutem. Cum nos habita super dampnis, destructionibus, turbationibus, et aliis dispendiis quibus terra nostra *Hibern.* per *Hibernicos* et alios inimicos et rebelles nostros qui hostiliter contra nos et fideles nostros terrae illius insurrexerunt subsicitur factis, unde nos tam per nuncios quam per literas nuper certificastis, cum *Prælati*, *Magnatibus*, et aliis de Consilio nostro deliberatione diligenti de consilio et assensu eorumdem, quasdam *Ordinationes* super directione et reformatione praemissorum fieri fecimus, quarum copiam vobis mittimus sub magno sigillo nostro in forma patenti, pro pleniori informatione inde per vos *Prælatos*, *Magnates*, et alios fideles nostros terrae illius optinend. Et cum in dictis *Ordinationibus* contineatur, quod quilibet habens vel vendicans terras, dominia, aut aliqua alia jura hereditaria in dicta terra *Hibern.* infra regnum nostrum *Angl.* moram trahens, ad eandem terram *Hibern.* cum familia sua hominibus ad arma, et aliis quanto decentius et potentius poterit, juxta portionem et quantitatem terrarum, dominiorum et hereditatum suorum citra festum *Pasche* prox. futur. se transferat, ibidem pro recuperatione, defensione ac conquestu terrarum, dominiorum et hereditatum suorum praedictorum, continue moraturus: quia nobis non constat, nec evidenter constare poterit, de sufficientia nobilium et aliorum terras, dominia et hereditates in dicta terra habentium, sive vendicantium ad eandem terram se venturorum quae quemlibet eorum decet juxta statum suum, ut in numero, arratione et apparatu hominum ad arma et aliorum ex causa praedicta. Volumus & vobis mandamus, quod unum * *Parliamentum* sive *Magnam Consilium* de *Prælati*, *Magnatibus*, et aliis fidelibus nostris terrae praedictae, quos videritis convocand. ad citius quo poteritis certis die et loco per vos statuend. convocari, et dictas *Ordinationes* in pleno *Parliamento* sive *Consilio* praedicto ostendi et exponi fac. Utrum videlicet plene et sufficienter juxta intentionem vestram, ac *Prælatorum*, *Magnatum*, et aliorum fidelium nostrorum praedictorum, ac certificationem nobis alias factam pro

* *Nota.*

reformatione et relevatione status terrarum predictarum, facta fuerint, necne? Et si forsitan defectus, in eisdem Ordinationibus, inventi fuerint, ac etiam de sufficientia quam decet Nobiles et alios homines ad eandem terram *Hibern.* circa *Pascha* sic ventur, et quantum, et quae terrae, et dominia quemlibet eorum contingunt, ipsorumque ac cuiuslibet eorum vero valore annuo antiquo et moderno, et de numero, aratione et apparatu eorumdem, ut in hominibus ad arma et aliis personis pro portione et quantitate terrarum et dominiorum suorum predictorum, de abutamento et consilio Praelatorum, Magnatum, et aliorum fidelium nostrorum predictorum in dicto Parlamento sive Consilio plenius declarari et diligenter tractari et concordari fac. Et ea quae super predictis omnibus et singulis in dicto Parlamento sive Consilio tractari et concordari contigerit, nos in Cancellar. nostra *Angl.* sub sigillo quo utimur in dicta terra *Hibern.* et per literas patentes Sigillis Praelatorum, Magnatum, et aliorum predictorum, quae sic ad dictum Parliamentum sive Consilium venerint consignatas distincte et aperte sine dilatione certificetis, Transcriptum istius brevis nobis remittentes. T. R. apud *Westmonaster.* primo die *Decembris.*

Per ipsum Regem.

The * *Annals of Ireland* inform us, that there was a kinde of Parliament held this year at *Carbry* in *Ireland* between the *English* and *Irish*, most likely by virtue of the precedent Writ, for the ends therein expressed.

* An. 1638. p. 194.

The Ordinance forementioned I find in the dorse of the same Roll, which was sent to several Noblemen and others who had lands in *Ireland*, to be strictly observed by them, under pain of seising their lands, and enfeoffing others of them who should continually reside on them for their defence.

LE Roi, a nostre chier & foial *Thomas de Roos de Hamelaks* salutuz, Signifiez nous ont par diverses foitz noz Liges, Prelatz, Contes, Barons, & auters Genz & Communes de nostre terre *Dirlande*, qe par defaute de ceulz qi ont terres et seigneuries en la dite terre *Dirlande*, et ne sont demoeure illoques sur la defense dycelles, les *Irreys* noz Enemys par chestune part de la terre susdite de guerre chivacheont, faisantz plusieurs homicides, roberies, arsurés, et auters malz plusieurs et destruantz nos terres, et les terres de nos foialz en la dite terre, issint qe mesme la terre est en point de estre deinz vrief temps perduz, si socours et remede ne y soient par la grace de Dieu plus hastinement mys. Nous eue sur la dite besoigne diligent traicte et deliberacion ove Prelatz, Ducs, Contes, Barons, et auters de nostre Conseil, et considerantz coment sur la premiere conquete du dit terre *Dirlande* faite per noz progenstours sadis Rois *Dengleterre*, plusieurs seigneuries et terres illoques par noz ditz progenstours feurent donez et grantez a divers seigneurs et autres personnes de nostre *Reyne Dengleterre* * a cause qe la dite terre *Dirlande* par les ditz seigneurs et autres personnes noz foialz *Dengleterre* qi tiex guerdons avoient, par leur continuelle demoeure sur leur dites seigneuries et terres illoques, purteit saubement estre defenduz et paisiblement gouvernez a touz jours; et coment plusieurs seigneurs et auters de nostre dit terre *Dengleterre*, des terres et seigneuries qils ont en meisme la terre *Dirlande*, de long temps ont pris les issues et profitz sanz defens ou garde convenable y mettre; come ils sont tenus, siqe par leur defaute et non chaler sont les ditz malz abenuz, en tresgraunt damage et desheritison de nous et de nostre Copouns, et destruction de nostre loial poeple illoques, et en perdition de la dite terre, qe Dieu desende; pur touz jours. Et heullantz par fait en quanque nous purrons sicome nous debous et sumes tenuz par la dite defense purvoier de lassent des Prelatz, Grants, et autres de nostre dit Conseil, par meure et diligents deliberacion sur ce eche, avons ordene; qe touz Seigneurs et auters de nostre *Reyne Dengleterre*, qi aucunes seigneuries ou terres ont ou elemeir avoient en *Irelande* soient en la dite terre *Dirlande* en la feste de *Pasque* prochain abenuz, bien et suffisamment aretrez et appareillez darmes et getitz a demourer et enhabiter sur leur dites terres et conqueste dycelles. Et en cas qe aucun des ditz seigneurs

Claus. 42 E. 3. m. 13. dorso. pro statu *Hibern.*

* *Notae*

Nota:

seigneurs par aucunes disourdances necessaires, ne pourra en propre persone y aller come dit est, lors envoiera il autres suffisantz gentz en son noun par demurret a ses propres coustages, sur la defense governail et conquesse de ses terres et seigneurtes dessusdites: Et en cas q'ils ne voillent cestes choses faire, nous prendrons en nostre main les seigneurtes et terres abantdites, a donner as autres q' illoques verront demour et enhabiter sur la defense et conquesse dyceulz, a avoir en manere come nous plerra; per quoi nous mandons fermement enjoignantz en la foi et ligeance es queux vous nous estes, qe toutes autres choses lessez, vous voz appareillez de gentz et Armes si forciement et avenamment come vous purriez par aller debers les dites parties *Dirlande*, issint qe vous y soiez a la dite feste de *Pasque* a demourer sur voz terres et seigneurtes illoques et la conquesse dyceses en manere qe dessus est dit. Et par ce qe cest besoigne nous yssint tresdoyement a coer, a cause qe la perde et destruction de mesme la terre *Dirlande*, soit oze plus ebidentment apparantz qe n'estoient unques debant ces heurs, nous volons et vous mandons si estroitement come nous pourrons enjoignantz; qe vous soiez debant nous et nostre Conseil a *Westminster* a la quinzeme de *Seint Michel* prochain venant, par nous enfourmer de les terres et seigneurtes qe vous avez a present en *Irlande*, ou y clamez d'avoer, et de leur verroie balue quele eles soloient baloier anciennement; et si vous voillez en bestre propre persone aller a les dites parties, ou autres suffisantz en vostre noun y mander par salvacion de voz dites seigneurtes et terres, ou nemye, issint qe en cas qe vous les dites choses ne vozrez faire par estubar les damages, perils et desheritefons appareantz, queux nous doutons abentr a nous et a nostre dite terre *Dirlande* deinz brief, qe Dieu defende, si remede ne y soit mys plus en haste, puissions en vostre defaute de voz dites seigneurtes et terres en mesme la terre *Dirlande* par salvacion dycelle et de voz foialz illoques en si chargeant necessite, en desheritance de vous ordeigner come devoit boer, et necessite demande. Don souz nostre grant Seal a *Guildeford* le xxviii^{me} jour de *Juyll*.

Per ipsum Regem et Consilium.

Autielles mandementz sont faitz a les Seigneurs souzescritz de meisme la date; Cestassavoir,

A *Roger de Clifford*, a *Richard Vernoun*, a *Johan Bromwyck*, a *Nichol de Bekensfield*, a *Rauf de Crophill*, a *Nichol Gernoun*, a *Walter de Manny*, a *Robert de Tibetot*, a *Autoin de Lucy*, a *Johan de Crophull*, a *William la Souche de Flaringworth*, a *Johan Comyn*, a *David Strabolgi Conte Dabels*, a *Johan Conte de Pembroke*, a *Esmen Conte de la Marchy*.

An. 46 E. 3. the Barons of the Exchequer in *Ireland* issuing forth Proccesse to levy the Escuage from the Kings Subjects in *Ireland*, as well for the lands they held in their hands, as those lands the *Irish* Rebels had seised and taken from them; the King upon their petition issued this Writ for their just relief therein.

Cl. 46 E. 3. m. 25. incus. Pro hominibus de *Hibernia* de exonerando de de *Scutag.*

REX Thes. & Baronibus de Scaccario suo *Hibernia*, salutem. Ex parte Ligearum nostrorum Terrarum nostrarum *Hibernia* accepimus, quod licet magna pars dictarum terrarum quae in manibus ipsorum Ligearum nostrorum quondam existit, et pro qua iidem Ligei nostri Scutagium in eadem terra currens solvere consueverunt, per *Hibernicos* Rebelles et Inimicos nostros vastata et occupata jam existat, sic quod dicti Ligei nostri ad dictum Scutagium nisi pro terris et ten. in manibus suis propriis existentibus solvere non tenentur. Nos tamen ipsos Ligeos nostros ad dictum Scutagium nobis tam pro terris et ten. extra manus suas per dictos Inimicos captis et detentis, quam pro terris et ten. suis in manibus suis propriis existentibus nobis solvend. compellere nitimur, in ipsorum Ligearum nostrorum distructionem et depauperationem manifestam; unde nobis supplicarunt sibi per nos remedium adhiberi: Nos volentes ipsos Ligeos nostros indebito onerari, hodie mandamus, quod demande quam eidem Ligearum nostrorum

noſtris de dicto Scutagio infra dictam terram currente pro terris et ten. in manibus dictorum inimicorum noſtrorum ſic exiſtentibus per ſummonitionem Scaccarii predicti fieri factis ſuperſederi, et ipſos de eodem Scutagio pro eisdem terris et ten. ſic extra manus ſuas exiſtentibus, pro toto tempore quo dicti Inimici noſtri eadem terras et ten. ſic occuparunt, quietos eſſe fac. Ligeos noſtros de dicto Scutagio ipſos pro terris et ten. in manibus ſuis exiſtentibus rationally contingente cum infra eandem terram legitime currat, prout ſuum fuerit onerantes. Teſte Rege apud Weſtm. 22 die Maii.

Conſimile Breve habet *Milo de Courcy* mutatis mutandis. T. ut ſupra.

He likewiſe iſſued this Writ upon the Complaint of his Subjects in *Ireland* to inquire of and rectifie ſome new Customs and Impoſts pretended to be granted and impoſed on merchandize by a Parliament held in *Ireland* upon ſundry commodities in perpetuity, by fraud and praſiſe of the Kings Lieutenant thereof, and a Minor party joyning with him, againſt the negative Votes of the Majority.

REX Dilecto & fideli ſuo *Roberto de Aſſheton*. Juſtic. ſuo *Hibernie*, ſalutem. Ex gravi conqueſtione Ligeorum noſtrorum terræ noſtræ *Hibernie* accipimus, quod cum *Willielmus de Wyndesore* nuper locum noſtrum tenens in terra predicta, ad præſens Parliamentum poſt adventum ſuum in *Hibernia* tentum apud *Dublin*. diſſerſa cuſtomas et onera quæ antea aliquo tempore conſeſſa non fuerunt ab ipſis Ligeis noſtris petitiſſe, videlicet de quolibet Laſto allecis, tres ſolidos; de quolibet centena groſſi piſcis, duodecim denarios; de quolibet centena minoris piſcis, ſex denarios; de quolibet dolio ſalmonis, quatuor ſolidos; de quolibet pipa ſalmonis, duos ſolidos; de quolibet dolio vini, ſex ſolidos, & octo denar. de quolibet pipa vini, tres ſolidos, & quatuor denar. de quolibet libra carniſum bonum, porcorum & ovium, ſex denar. de quolibet Weya frumenti, ſex ſolidos, & octo denar. de quolibet Weya Braſei, fabarum, piſarum, ordei, filiginis & haſtinel, quinque ſolidos; de quolibet Weya ſalis, ſex ſolidos, & octo denar. de quolibet libra pellium equorum, cervorum, affrorum, piſfell. & pannorum laneorum & lineorum & ſuldinorum & aliarum Mercaandiarum, ſex denar. Et licet Prelati, Magnates, et alii Ligei noſtri pro maſore parte in dicto Parlamento noſtro exiſtentes conſeſſionem, levationi et ſolucionem Cuſtomæ et onerum predictorum expreſſe contradixerunt, et quidem Prelati de conſilio et aſſenſu præſati *Willielmi* exiſtentes, et alii ſingulares perſonæ pro minori parte ejuſdem Parliamenti in quadam Camera congregati, Cuſtomam et onera ſupradicta abſque aſſenſu maſoris partis dicti Parliamenti per tres annos tantum et non ultra conſeſſerunt; præſatus tamen *Willielmus* et alii de conſilio ſuo in Rotulis Cancellar. noſtræ ejuſdem terræ ſrotulari et regiſtrari fecerunt, quod dicta Cuſtomæ et onera per omnes in dicto Parlamento præſentes perpetuis temporibus percipienda conſeſſa fuerunt, in ipſorum Ligeorum noſtrorum terræ noſtræ predictæ deſtructionem, et depauperationem maniſeſtam; unde nobis ſupplicarunt ſibi per nos de remedio provideri: Nos nolentes ipſos Ligeos noſtros iniuſte onerari, vobis mandamus, quod præmiſſa omnia et eorum ſingula eodem modo et forma quibus geſſa et acta fuerunt in proximo Parlamento noſtro in terra predicta tenend. coram Prelatis, Magnatibus, et Communitate dicti Parliamenti rectitari et declarari; et ſi per expoſitionem et examinationem eorundem vobis conſtare poterit præmiſſa veritatem continere, tunc irrotulamentum ac recordum conſeſſionis Cuſtomæ et onerum predictorum de aſſenſu dicti Parliamenti ſine dilatione conſeſſari et dampnari, et levationi et exactioni Cuſtomæ et onerum predictorum ratione Conſeſſionis antedictæ, poſt dictum triennium faciend. ſuperſederi faciatis omnino. Teſte Rege apud Weſtm. 28 die Maii.

Cl. 46 E. 3. m. 25. intus. Pro hominibus de *Hibernia* de Cuſtomis & oneribus revocandis.

Conſimile Breve dirigitur Juſtic. Regis *Hibernie*, qui nunc eſt, vel qui pro tempore fuerit, mutatis mutandis. T. ut ſupra.

From which memorable Record, I ſhall obſerve: Firſt, that there were ſeveral

several Parliaments held in *Ireland* during the reign of King *Edward* the 3. though there be no mention of them, or of any Acts passed in them in Mr. *Bolton* his Statutes of *Ireland*. 2ly. That their Parliaments then consisted of Prelates, Temporal Lords and Commons, like our Parliaments in *England*. 3ly. That the Minor part of them could legally passe no Act, nor grant any Impositions, Customes on Merchandize to the King to bind the Subjects thereof, if denied or contradicted by the majority of them. 4ly. That Acts there clandestinely and fraudulently procured, and falsly entred in the Parliament Roll by practise, confederacy, and power of a prevailing Minority, against the votes and consent of the Majority, ought to be examined, cancelled, nulled in the next succeeding Parliament, as this first president of such a sinister unparliamentary practise I have yet observed, resolves.

It seems to me by this Record, that upon examination of the premised misentry of their Ayde granted to the King in the Parliament of *Kilkenny*, it appeared they had by common consent granted an Ayd only of 3000 *l.* and likewise an Ayd of 2000 *l.* in another Parliament at *Balydoill*, which the King comded to be levyed by this Writ, though he had formerly respited the levyng thereof upon their premised suggestion till examined.

Claus. 47 B. 3.
m. 3. intus.
De quodam
subsidio in ter-
ra Hibern. nu-
per Regi con-
cessa levando.

Nota.

REX universis & singulis Dominis, Magnatibus, Proceribus, Militibus, Iusticiariis, Vicecomitibus, Majoribus, Ballivis, Officiariis, Ministris, fidelibus & subditis nostris in terra nostra *HIBERNIÆ*, salutem. Licet nuper ad prosecutionem quorundam ligeorum nostrorum terræ prædictæ nobis suggerentium, dilectum & fidelem nostrum *Willielmum de Wyndesore*, tempore quo locum nostrum tenens in eadem terra exiit, quasdam impositiones populo nostro ibidem imposuisse, videlicet, ad Parliamentum nostrum tentum apud *Kilkenny* tria millia librarum, et ad Parliamentum nostrum tentum apud *Balydoill* duo millia librarum, per *Wyeve* nostrum mandaverimus eidem *Willielmo*, quod levationi hujus summe omnino superfederet, pro eo tamen quod per Magnates et alios de terra prædicta sibi dignos pro certo sumus informati, quod dictæ summe quinque millium librarum ad dicta Parliamenta nostra apud *Kilkenny* & *Balydoill* tenta, per Dominos, Magnates, et Communitates terræ nostræ prædictæ, ex eorum mera et libera voluntate, in auxilium expensarum guerræ nostræ ibidem concessæ, et non per viam impositionis exactæ fuerunt. Volumus de avilamento Consilii nostri, quod omnes denariis de dicta summa quinque millium librarum qui aretro existant, et nondum levati de hominibus et ligeis nostris terræ nostræ prædictæ, supra formam concessionis earundem leventur, et præfato *Willielmo* nunc Governatori et Custodi terræ nostræ prædictæ solvantur. Dantes eidem *Willielmo* tenore præsentium potestatem, executionem levationis & collectionis denar. prædictorum de summis prædictis aretro existentium, per *Litteras* et *Wyevia* nostra ibidem in forma debita fieri faciend. *Wyevi* nostro prædicto non obstant. Et hoc vobis et cuiuslibet vestrum innotescimus per præsentem. In cujus, &c. Teste Rege apud *Westm.* 20 die *Decembr.*

In the 50. year of King *Edward* the 3. I find this special license granted by the King, to buy and export Corn out of *Ireland* into *England*, notwithstanding former restraints.

Pat. 50 E. 3.
part 2. m. 4.
De frumento
in Angl. du-
cend.

REX universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris, & aliis fidelibus suis ad quos, &c. salutem. Sciatis, quod licentiam dedimus dilecto nobis *Johanni de Kendale* Clerico, quod ipse frumentum usque ad summam quadringentorum quarteriorum frumenti in terra nostra *Hibern.* per se vel deputatos suos emere, & ea in quibuscumque Portibus ejusdem terræ sibi placuerit carcare, & in regnum nostrum *Angl.* versus partes de *Kendale* in Com. *Westmerl.* ducere & cariare possit ad commodum suum inde faciend. Et ideo vobis mandamus, quod ipsum *Johannem* frumentum usque ad summam quadringentorum quarteriorum frumenti in terra nostra *Hibern.* per se vel deputatos suos

saos emere, & eas in quibuscumque Portibus ejusdem terræ sibi placuerit carere, & in regnum nostrum Angl. versus partes de Kentale in Com. West. diti. salutis custumis, ducere; &c. Teste Rege apud Westm. 22 die Julii.

This year the Commonalty of the respective Counties, Cities and Boroughs in Ireland, elected certain persons (by the Kings Writs as I conceive, or of their own accord) to repair to the Kings Council, as *Informers* or *Commissioners* as *Members*, as some mistake.) on whose behalf the King issued these Writs to his Chief Justice and Chancellor there, for levying their reasonable expenses in coming thither, abiding here, and returning thence to their homes, (as King Edward the 1. issued like Writs for the expenses of those Commissioners elected by the Scots, to repair (as *Commissioners*, not *Members*) to his Parliament in England, An. 33 E. 1. about the affairs and settlement of Scotland) as this Record assures us.

* See Plac. Parl. An. 33 E. 1. Ryley. p. 243; 244. The First Part of my brief Register and Survey of Parliamentary Writs, p. 417, to 420. & Part 4. p. 22, 23. 307; 308, 309. Clauf. 50 E. 31 pars 2. m. 23. dorso. Pro Hibernia venientibus ad Parliamentum Regis.

REX dilecto & fideli suo Jacobo Botiller Justic. terræ nostræ Hiberniæ, & venerabili patri Roberto Archiepiscopo Dublin. Cancellario terræ nostræ prædictæ, salutem. Mandamus vobis, quod de Communitate Comitatum et Burgozum terræ prædictæ faciatis habere per breve de Pugno Sigilla nostro ejusdem terræ, hominibus terræ prædictæ regni nostri Angliæ penes CONSILIUM NOSTRUM, (not Parliamentum) pro Communitate Comitatum et Burgozum ultimo convenientibus; videlicet, cuilibet eorum pro Communitate Comitatus pro quo electus fuit, sive Civitatis, sive Burgi rationabiles expensas suas, veniendo ad Consilium nostrum prædictum, ibidem morando, et erigendo ad propria redeundo. Teste Rege apud Westm. 25 die Julii.

Over against this Writ, in the margin of this Roll, there is this abbreviation: *Pro Hibernia de Hibernia venientibus ad Parliamentum* (mistaken for *Consilium*) *Regis*; which made others mistake that they were sommoned and sent from thence as *Members* to the Parliament of England, and so had wages allowed them as well as the Knights, Citizens and Burgeses in England. But the difference of the Writs for their expenses; those for the English Knights, Citizens and Burgeses that year being, in veniendo ad Parliamentum nostrum apud Westm. die Luna prox. post festum Sancti Gregorii, &c. quod summoneri fecimus, ibidem morando, & exinde ad propria redeundo, &c. Teste Rege apud Westm. 10 die Julii. The Writ for the Irish, only penes Consilium nostrum, veniendo ad Consilium nostrum, &c. (without the word *Parliamentum* in it, and without naming the day or place where this *Council* late:) and Teste Rege apud Westm. 25 die Julii; 15 dayes after that of the English 10 Julii, when that Parliament ended, will sufficiently discover and refute this mistake.

This year the King constituted James le Botiller Earl of Ormond, his Chief Justice in Ireland, by this Patent, allowing him 500 l. a year to maintain his Office, and 20 Horse-men at Armes with himself, continually to guard him.

REX Omnibus ad quos, &c. salutem. Scitis, quod commisimus dilecto Consanguineo nostro Jacobo le Botiller Comiti Dormond Officium Justiciarie nostræ Hiberniæ & terram nostram Hiberniæ cum Castris & aliis pertinen. suis, custodiend. quamdiu nobis placuerit, percipiend. per annum ad Scaccarium nostrum Hiberniæ, quamdiu in officio illo sic fuerit, quingentas libras, pro quibus officium illud & terram custodiet & erit re. vicimus de hominibus ad arma, cum tot equis coispetis combant. durante Commissione supradicta. In cuius, &c. Teste Rege apud Westm. 24 die Julii.

Pac. 50 E. 3. pars 1. m. 3. De Justic. Hiberniæ constituto.

Pro ipsam Regem & magnum Consilium.

Et mandatum est Archiepiscopis, Episcopis, Abbatibus, Prioribus, Comitibus, Baronibus, Militibus, liberis dominibus, & omnibus illis de terra Regis Hiberniæ, quod eidem Comiti tanquam Justic. Regis terræ prædictæ in omnibus quæ ad

R r

officium

officium Justiciarum predictarum pertinent intendentes sint & respondentes. In
cujus, &c. Teste ut supra.

Et mandatum est *Willelmo de Wyndesore* nuper Gubernatori & Custodi terre
predictarum vel ejus Locum tenenti ibidem, quod eidem Comiti Officium & terram
predictam, cum Castris & aliis pertinentiis suis predictis, ac omnibus & singulis
officium illud tangentibus quae in custodia sua existunt liberet, custodiend. in for-
ma predicta. Teste ut supra.

He likewise constituted *Alexander* Bishop of *Ossory* Treasurer of *Ireland*, al-
lowing him a guard of 6. men et arms, and 12 Archers at the Kings wages, payd
out of the Exchequer whiles he continued in his office and kept such a guard,
by this Patent.

Ibid. m. 4. Pro
Alexandro E-
piscopo Ossor-
ien.

REX Omnibus ad quos, &c. salutem. Sciatis, quod cum de avifamento
Consilii nostri concesserimus Venerabili Patri *Alexandro* Episcopo *Ossori-*
en. in *Hibern.* Theſ. nostro *Hibern.* quod ipse sex homines ad arma et duodecim
sagittarios habeat de retinentia sua ad cultus et badia nostra, quamdiu in officio
steterit supradicto. Volumus & concedimus, quod idem Episcopus habeat &
percipiat per manus suas proprias ad Scaccarium nostrum *Hibern.* vadia & feoda
competentia & consueta, pro hominibus ad arma et sagittar. supradictis quam-
diu in dicto officio steterit, et dictos homines ad arma et sagittarios in forma
tenuerit supradicta, et quod dicta vadia et feoda competentia et consueta eidem
Episcopo in compoto suo debite sint allocata. In cujus, &c. Teste Rege apud
Westm. 6 die *Augusti.* Per Consilium.

What power he gave this Chief Justice to receive Rebels as well *Irish* as
English to the Kings faith and peace, to grant them pardons general and special,
and receive fines and ransoms from them for all crimes and offences, and to dis-
place ill or insufficient Officers, and put able honest men in their places, by
advise of his Council there, this Patent will instruct us.

Pat. 50 E. 3.
pars 1. m. 3.
De potestate
tradita Justic.
Regis in Hi-
bernia.

REX Omnibus ad quos, &c. salutem. Sciatis quod nos de fidelitate & cir-
cumſpectione dilecti & fidelis nostri *Jacobi* Bariller Comitis *Darmond.* Ju-
tic. terrarum nostrarum *Hibernie* plenius confidentes, dedimus ei tenore presentium
potestatem admittendi ad fidem et pacem nostram tam *Anglicos* quam *Hiber-*
nicos, qui nobis Rebelles et contrarii existunt, et eis et eorum cuilibet pardo-
nationem faciendi de terra pacis nostrae ad nos pertinente tam generaliter quam
specialiter, pro homicidiis, roboris, felonis, seditionibus, latrociniis, abhomi-
nibus et rebellionibus quibuscumque in dicta terra nostra per ipsos perpetratis,
et firmam pacem nostram eis inde concedendi; Literasque nostras patentes
sub sigillo quo utimur in terra predicta eidem in forma debita faciendi; necnon
fines et redemptiones ab illis qui eos facere voluerint, ad opus nostrum reci-
piendi, et eorum quorumcumque Ministrorum nostrorum ibidem superbiendi,
et eos quos nobis inutiles invenerit (Cancellar. et Theſ. nostris ejusdem ter-
rae ac aliis Ministris et Officiariis nostris per Literas nostras sub magno sigillo
nostro ibidem per nos constitutis duntaxat exceptis) ab officiis suis per consilium
deliberacionum et assensum ipsorum Cancellar. et Theſ. et aliorum meliorum
discretiorum de consilio nostro ibidem amovend. et loco ipsorum alios utiles et
idoneos ordinandi et subrogandi, et plenam justiciam singulis juxta leges et con-
suetudines terrae illius exhibendi, et omnia alia et singula faciendi et ordinandi
quae pro bona regimine et salvatione terrae nostrae predictae et populi nostri ibi-
dem ac recuperatione jurium nostrorum in partibus illis necessaria fuerint, et
oportuna. Mandavimus enim Cancellar. nostro *Hibern.* qui nunc est vel qui
pro tempore fuerit, quod literas et cartas nostras illis quibus idem Justic. du-
tunodi pardonationem virtute potestatis suae predictae rationabiliter fecerit,
sicut predictum est, ad significacionem ipsius Justic. nostri fieri fac. in forma
debite

ordina et conducta. In cujus, &c. Teste Rege apud Westm. 6 die Augusti.
Per ipsum Regem & Consilium.

The King by another Patent of the same date explained, that this power of his should not extend to any Felonies, Treasons, or to the forfeitures of any Prelates or Earls in *Ireland*, or any Capital or other offences committed by them, the judgement or pardon whereof he intirely reserved to himself alone.

REX Omnibus ad quos, &c. salutem. Licet per Literas nostras Patentes Pat. 50 E. 3. pars 3. m. 3. De Declaratione intencionis Regis super potestate Juris. Hibern. dederimus potestatem dilecto & fideli nostro *Jacobo Ruciler* Comiti *Dormond*. Justic. terrarum nostrarum *Hibern.* admittendi ad fidem et pacem nostram tam *Anglicos* quam *Hibernicos* qui nobis *Rebeldes* et contrarii existunt, et eis et eorum cuilibet pardonacionem faciendi de facta pacis nostrae ad nos pertinentis, tam generaliter quam specialiter, pro homicidiis, robariis, felonis, seditionibus, latrocinis, adhesionibus, et rebellionibus quibuscumque in dicta terra nostra per ipsos perpetratis, et firmam pacem nostram eis inde concedendi, Literasque nostras patentes sub sigillo quo utimur in terra praedicta, eisdem in forma debita faciendi, prout in Literis nostris praedictis plenius continetur. Intencionis tamen nostrae non existit, quod potestas hujusmodi in casu quo aliquis Praelatorum vel Comitum feloniam vel prodicionem, aut aliud delictum fecerit, pro quo vitam vel membrum perdere, vel terras et catalla sua forisficere debeat ad pardonacionem eisdem Praelatis vel Comitibus de felonis, prodicionibus, seditionibus, et aliis delictis per eos perpetratis per dictum Justic. nostrum praesertim potestatis praedictae sibi sit attributa faciend. se extendat; nec quod eodem Praelati et Comites super perpetracione feloniarum, prodicionum, seditionum, et aliorum delictorum per eos vel eorum facta eorum eodem Justic. trahebantur in judicium, sed punicionem eorumdem et gratiam pardonacionis eis in hac parte faciend. nobismetipsis durimus reservand. In cujus, &c. Teste Rege apud Westm. vi. die Augusti.
Per ipsum Regem.

After King *Edward* the 3d. his decease in the Parliament Roll of An. 3 R. 2. I finde these Petitions from *Ireland*, with their Answers, and some Ordinances made thereon, thus recorded to posterity.

* *Pro Hibernia sequuntur Petitiones liberata in presenti Parlamento, cum Responsonibus eisdem ibidem factis.*

* Rot. Parl. An. 3 R. 2. m. 3. n. 42.

ENDroit des terres & benefices en *Ireland* de ceux qui se sont demurrantz illoques, sçien Prelatz, Seigneurs, et *Dames*, come autres, en cas q'il semble d'ave d'acquiesce tous les profits des dites terres et benefices, pur le gouvernement des guerres illoques, come estoit ordinez avant ces heures, et come Penditure de leur message demande: soit ordaine, que ceux benefices et terres respoigne a les guerres trouantz gentz darmes et *chevaliers* pur leur assent, soient auxint en tous autres points come autres de leur degré, demurrantz en la dite terre serrount: notamment q'ils soient contrainte de resaler leurs *Chastels* et *Fortelles* en dite terre, en default des queux q'ils sont & ruinoues, la terre est grandement feblez, et les *Marches* degastez.

Resp. Pur ce que nostre seigneur le Roi ad entendu par la certification de les seigns *Liges* de la terre *Direlande*, Prelatz, Nobles et Communes, que la dite terre a este et moest endamagez et empovelez pur ce, que plusieurs des *Liges* nostre dit seigneur le Roi etantz terres, terres, benefices, offices, et autres possessions en la dite terre, ne sont pas resceantz ne demurrantz illoques, einz & absentent et sont hors de la terre, preignantz et freinantz devers eux hoys de meisme la terre les profits et revenus des dites terres, rentz, possessions, benefices et offices, et les uns sellantz les *Chastels* et *Fortelles* a eulz appertentz, nantz en les dites parties, aier a ruiue, et aier sans garde ordonnance et gouvernement, a grant peril de la dite terre, et des dites *Liges*, par les quelles causes

Nota.

Nota.

les Rebeals Irroys en la dite terre sont encruz, et encrocent, et conquirent de jour en autre, et les ditz fozals le plus annintiz d'avoit, et de puissance a resister a leur malice, & que la dite terre est en point de estre perduz en deseretison nostre dit Seigneur le Roi et de la Cozoune D'Engleterre; si sur ceo ne soit ordeigne de hastive remede; Ordeigne est par nostre Seigneur le Roi del addis et assens des Seigneurs et Nobles de son Roialme esteantz en ce Parlement, De toutes maners de gentz, de quel estat ou condicion qils soient aiantz illoques terres, rentes, benefices et offices, et autres possessions quelesconques, se treent devers la dite terre D'Irlande par entre cy et la Rattvite de Saint Johan p'ochain venant, et desloz soient restantz et demourantz illoques, en aide, et affozcement des ditz fozals Lieges, a garder et defendre la dite terre encontres les ditz Irroys Rebeals; que toutz ceux qui ont Chastels et Fozeresses en mesme la terre les facent repater et tener en estat cobenable, et ymittent bone et seure garde, pur la salbacion de mesmes les Chastels et Fozeresses, sur le peril q'appent. Et en cas que aucun de ceulz qont terres, offices, rentes, benefices ou autres possessions en la dite terre, soient pur resonable cause absentz hors de mesme la terre apres la dite feste; adonques pur le temps de leur absence soient tenuz denboter, et de trober illoques, gentz defensables en leur lieu, en defens de mesme la terre, selonc ce que la necessite requerra, aiant regard a la quantite et a la value de mesmes les terres, rentes, offices, et autres possessions; et ils nel facent, soient les deux partz des partz de leurs terres, rents, offices et possessions avant-dites lebez et conbertiz a la garde et defens de mesme la terre, par l'advys des Justices et Gouvernours de mesme la terre, qui pur le temps seront. Horspris toutz soitz que les benefices de ceux qui sont en la service du Roi, ou Estudiantz en Universites, ou hors de mesme la terre pur resonable cause, de la licence du Roi de hors son grant Seal en Engleterre, ne terra pris nappiez a les ditz garde et defens forsque tantseulement la tierce partie de la value dicelle, apres les ordinaires et necessaries charges repatus, selonc la certification de leurs ordinaires.

Nota.

Numero 43.

Item a cause que Marchantz pur singular profit, apportent hors de la terre Or & Argent pur faire leur marchandises, siq poy ou riens en la dite terre, perront les ditz Lieges sount grandement empoveriz; Que p'ese a nostre Seigneur le Roi ordenez & grantier, en la dite terre myne & coigne; Cest assavoir, myne de tout manere de metal, & coigne de Or & Argent, et que chescun Seigneur de la terre ordeinz la Seigneurie ait myne, faisant plate pur appozter a bullion, ou de faire beuzels, et autres leurs necessaires, sanz mander ou carier come marchandise hors de la terre. Et sur ceo demaunders mynours & overours de mettre ceste Ordinance en execution.

* See the like grant of King Ed. 3. to those in England. Pat. 12 E. 3. pars 2. m. 4. Pat. 15 E. 3. pars 2. m. 37. Fines 15 E. 3. m. 14. upon a Petition in Parliament. See My Augurum Reginae, p. 128, 129. Num. 44.

Il p'est au Roi, que chescun puisse myner et s'ober beuz son propre soil en la dite terre, Or, Argent, et toutz autres metals pur bi. ans p'ochain abentz, rendant au Roi la neessime part, et qils facent plate, ou pece del Or et Argent, qentz s'oberont, et l'apportent a coignage du Roi deinz la Cite de Dyvlyn, repzeignant illoques monnoie du Roi a la value; saubant la seigneurage du Roi et les s'es accoustumes pur le dit coignage, sanz ce que le dit pece ou autre bullion soit enboies ou cariez par boie de Marchandie, nen autre manere hors de la dite terre, sanz especial cong' du Roi par ses Letres, except en Engleterre, sur peine de forfaiture dycell si soit trobez, ou de la value, a payer par celluy qui ent terra atteint.

Item, Que les Marchantz de Portyngale & de Lussemben puissent s'ouverement venir en Irlande ove vins & autres Marchandises queconques, & illoques demurrer, & retourner franchement. Et auxi que les Marchantz D'Irlande puissent franchement & sanz empeschement aler ove leurs Marchandises as ditz parties de Portyngale & de Lussemben, & que sur ce Proclamacion soit fait a Brissnie & aillours en Engleterre & en Irlande, ou mestier serra: & que Patentes & Briefs nostre Seigneur le Roi ent soient faitz, tantz & tieux come besoignera, & ce pur profit le Roi & grant relevacion de la terre D'Irlande.

Resp. Le Roi nostre Seigneur par l'advys de Conseil ent ordeignera de remedic.

After

After which *Petitions* and *Ordinances* made thereon, I find several special licenses granted by King *Richard* and his successors under their Great Seals, to some Archbishops, Bishops, Prebends, Clerks, Earls, Knights, and others, having Ecclesiastical Preferments, Benefices, Lands and Possessions in *Ireland*, to be absent from thence upon special occasions, without incurring the penalties and forfeitures in the first of the said *Ordinances*; as in Pat. 6 R. 2. pars 1. m. 26. pro *Nicholao Gernoun* Chivaler, Pat. 11 R. 2. pars 1. m. 11. pro *Archiepiscopo Armchano*, & m. 17. for a Prebend in *Ireland*, Pat. 23 H. 6. pars 2. m. 16. pro *Jacobo Comite Ormond*, & m. 21. to an *Irish* Prebend; with sundry others.

Anno 4 R. 2. the King issued this Writ to his Lientenant in *Ireland*, to summon a Parliament there, to consult of the good government, preservation, and supportation thereof, and of the Kings great expenses in his Wars; and to certifie him with all speed by fitting messengers of their own choice, what they should ordain therein.

REX Carissimo Consanguineo & fideli nostro *Rogero de Mortuo mari* Comitum *Marchie*. Locum nostrum tenenti in *Hibernia*. salutem. Ad vestri ac Prælatorum, Magnatum, Procerum, & Communitatum Terræ nostræ *Hibernie*, notitiam deduci volumus, qualiter onera nostris humeris pro regimine & salvatione Regni nostri *Anglia*, ac Terræ nostræ *Hibernie*, & aliorum Terrarum & locorum nostrorum, necnon expeditione Guerrarum nostrarum multipliciter incumbentia, sine magno labore & sumptibus immensis sustineri & manuteneri non poterunt; Ac jam ad nostrum pervenit auditum, quod *Edmundus de Mortuo mari* nuper Comes *Marchie* Locum nostrum tenens in dicta Terra nostra *Hibernie*, diem suum clausit extremum, per quod expeditum est et necesse, quod pro bono regimine, salvatione et defensione Terræ nostræ prædictæ, magnum Parliamentum ibidem per vos teneatur. Et ideo vobis mandamus, quod cum omni celeritate qua commodè fieri poterit Parliamentum in eadem Terra nostra de Prælatibus, Magnatibus, Proceribus et Communitatibus ad certos diem et locum quos ad hoc providideritis summoneri fac. & computatib. statu dictæ Terræ nostræ & expensis quamplurimis quas circa expeditionem guerrarum nostrarum juxta propositum quod cepimus ad partes externas, Deo volente cum Comitibus ad hoc competenti transmeare, apponere oportebit, et hiis expensis Prælatibus, Magnatibus, Proceribus et Communitatibus dictæ Terræ nostræ *Hibernie*; iidem Prælati, Magnates, Proceres et Communitates inter se tractent et consulant in Parlamento prædicto diligenter, tam de bona regimine, salvatione et defensione Terræ nostræ prædictæ, quam de supportatione oneris ex illis causis pro parte sua necessar. faciend. et adimplend. Et nos pro parte nostra semper prompti erimus & parati apponere quod commodè poterimus ex causa suprascripta. Et quid per dictos Prælatos, Magnates, Proceres et Communitates in dicto Parlamento ordinatum, consentum et actum fuerit, nos in *Angl.* per nuncios idoneos ex parte dictorum Prælatorum, Magnatum, Procerum et Communitatum eligend. cum omni festinatione possibili quacumque excusatione postposita certificetis. Et hoc sicut nos & defensionem Regni nostri *Angl.* & Terræ nostræ prædictæ, necnon expeditionem guerrarum nostrarum diligitis, nullo modo omitatis. In cujus, &c. T. R. apud *Westm.* 29 die *Martii*.

Per ipsum Regem & Consil.

King *Richard* the 2. in the 14. year of his reign, issued these memorable Commissions of Inquiry concerning the state, losses, abuses, corruptions, frauds of his Officers in *Ireland*, and for repairing, victualing the Castle of *Cragfergus*, and arraying of men for its defence.

REX Venerabili in Christo patri *Richardo* Episcopo *Ossorienf.* ac dilecto sibi in Christo fratri *Richardo* White Priori Hospitalis Sancti *Johannis* *Ferolsolymitane*

Pat. 4 R. 2. pars 2. m. 19. intus. De Parlamento summoniendo in Terra *Hibernie*.

Nota.

Pat. 14 R. 2. pars 2. m. 18. intus. De inquirendo de dampnis, &c. que per aggressus rebellium contigerunt in *Hibernia*.

Solymitana in Hibernia, necnon dilectis sibi Roberto Crank Clerico, Walero Brigge Clerico, & Johanni Elyngbam Servienti nostro ad arma. Quia pleno conceptus intellectu, quod ob defectum sanæ et probæ gubernationis terræ nostræ Hibern. quamplura dampna, discrimina et deperdita eidem terræ nostræ, tam per frequentes aggressus et hostiles incurtus Hibernicorum rebellium nostrorum, quam per diversos Officiarios et Ministros nostros ibidem, qui rebelliones et proficua ejusdem terræ ad nos pertinentia in usus voluntarios accumularunt et converterunt, ante hæc tempora multipliciter contigerunt, et majora erinde futuris temporibus (quod absit) verisimiliter evenire formidantur, nisi pro remediis inde providendo manus nostras adjuatrices in ea parte celerius apponamus; Ac volentes proinde hujusmodi dampnis et deperditis quatenus poterimus, Deo dante, præcavere, ac pro re publica ac quiete singulorum subditorum nostrorum ejusdem terræ grato animo, ut tenemur, salubriter providere: Assignavimus vos quatuor, tres & duos vestrum, quorum alterum vestrum vos præfati Walerus & Johannes unum esse volumus, ad meliores sufficientiores, discretiores et magis idoneos Prælatos, Dominos, Magnates, et Communitates partium Memon, Lagen, Mid. Uriel. & Ulton. ac aliarum partium terræ nostræ Hibern. in quodam loco seu diversis locis competentibus et honestis, prout vobis melius videbitur expedire, convocand. et conveniend. et ad vos omnibus viis et modis rationabilibus quibus juxta sanas discretionem vestras scriberitis aut poteritis informand. et ulterius ad inquirend. per Sacramentum proborum et legalium hominum partium prædictarum, tam de statu dictæ terræ nostræ, quam de singulis defectibus, dampnis, gravaminibus et deperditis ejusdem, de causis efficientibus et inceptionibus eorumdem, et qualiter et quo modo remedium inde apponi poterit et ordinari; ac tam de captione Nigelli fil. senioris Nigelli Ouel Capicanei Hibernici rebellis pertin. Memon. et per quos, vel per quem, qualiter et quo modo, et pro qua redemptione et securitate pacis deliberatus fuit, et si ad commodum aut dampnum nostrum, vel populi nostri terræ prædictæ, quam omnium aliorum personarum, et aliorum rebellium nostrorum ibidem, post adventum dilecti et fidelis nostri Johannis Stanley Justic. nostri Hibern. in terram nostram prædictam, in forma prædicta captorum et deliberatorum: Et ulterius ad inquirendum de numero retinentiæ præfati Johannis ab ultimo adventu suo in Hiberniam, et de continuatione ejusdem retinentiæ; et si idem Johannes conventiones in quibusdam indenturis inter nos et ipsum de mora sua penes nos in terra prædicta contractis, fideliter adimpleverit et observaverit necne, et quot homines ad arma et sagittarios dictæ retinentiæ facti de Angl. secum in Hibern. duxit et optinuit, et quot de Hibern. vel commozantes ibidem habuit, et hucusque in comitis suis retinuit. Ac etiam de annuo vero valore rebellionum et proficuarum terræ nostræ prædictæ pro tempore quo idem Johannes Justic. noster ibidem existit, et quantum idem Johannes de rebellionibus et proficuis illis, aut impositionibus et concessionibus, seu quovis alio modo post dictum adventum suum in terram prædictam ad opus suum recepit; necnon ad supervidendam, scrutandam et examinandam pro nobis et nomine nostro omnimoda rotulos, recorda, et alias evidencias Recordarum nostri, et aliarum Curiarum nostrarum ibidem quotiens et quando vobis placuerit; Ac de gestu Officiariorum et Ministrorum nostrorum ibidem in Officiis suis, et de omnibus aliis articulis et circumstantiis statum et regimen, ac suam gubernationem terræ nostræ prædictæ qualitercumque concernentibus plenas veritatem. Et ideo vobis mandamus, quod ad certos, &c. quos, &c. quorum, &c. ad hoc provideritis statum dictæ terræ nostræ in omnibus quatenus poteritis supervideatis, et super præmissis omnibus et singulis pro commodo nostro diligenter inquiri faciatis et examinari, et inquisitiones et examinationes inde factas nobis in Cancellar. nostram Angl. sub sigillis vestris, &c. quorum, &c. et sigillis eorum per quos factæ fuerint, ac de toto facto vestro in hac parte distincte et aperte sine dilatione mittatis et hoc Breve. Damus autem universis & singulis Prælati, personis Ecclesiasticis, Dominis, Magnatibus, Proceribus, Nobilibus, Officiariis, Ministris, & aliis fidelibus & subditis nostris terræ prædictæ, tam infra libertates quam extra, tenore præ-

sentium

sentium firmiter in mandatis, quod vobis, &c. quorum, &c. in præmissis faciend. & exequend. intendentes sint, consulentes & auxiliantes, quociens & prout eis seu eorum alicui scire feceritis ex parte nostra. In cujus, &c. Teste Rege apud *Westm.* 20 die *Februarii*.

Per Consilium.

REX eisdem, salutem. Quia pleno concepimus intellectu, &c. ut supra, Ibidem.
 usque ibi unum esse volumus, & tunc sic; ad vos omnibus viis & modis rationabilibus quibus juxta sanas discretiones vestras melius sciveritis aut poteritis informand. & ulterius ad inquirendum per Sacramentum proborum & legalium hominum partium *Momon, Lagen, Mid. Uriel, & Uston.* ac aliarum partium ejusdem terræ, tam infra libertates quam extra, per quos rei veritas melius sciri poterit, tam de statu terræ nostræ *Hibern.* quam de singulis defectibus, dampnis, gravaminibus et deperditis ejusdem, et de causis efficientibus et inceptioibus eorundem, et qualiter et quo modo remedium inde apponi poterit et ordinari: Ac ad supervidendum, scrutandum et examinandum pro nobis et nomine nostro omnimoda rotulos, recorde, et alias evidencias & cacchari nostri, et aliarum Curiarum nostrarum ibidem quociens et quando vobis placuerit, et de omnibus aliis articulis et circumstantiis statum et regimen, ac sanam gubernationem terræ nostræ prædictæ concernentibus plenius veritatem. Et ideo vobis mandamus, quod ad certos, &c. quos, &c. quorum, &c. ut supra. Teste ut supra. De supervidendo rotulos, recorde, & alia.

Per Consilium.

REX Majori & Ballivis Civitatis nostræ *Dublin.* in terra nostra *Hibern.* Ibidem.
 salutem. Cum per literas nostras patentes assignaverimus venerabilem *Richardum* De venire faciend.
 patrem *Richardum* Episcopum *Ossoriensem*, ac dilectum nobis in Christo *Richardum*
White Priorem Hospitalis Sancti *Johannis Jerosolymitana* in *Hibern.* *Robertum*
Cruil Clericum, *Walterum* *Brigge* Clericum, & *Johannem* *Elyngbam* Servientem nostrum ad arma, quatuor, tres, & duos eorum, quorum alterum prædictorum *Walteri* & *Johannis* unum esse volumus, ad inquirend. per Sacramentum proborum & legalium hominum partium *Momon, Lagen, Mid. Uriel, & Uston.* ac aliarum partium terræ nostræ prædictæ, tam infra libertates quam extra, per quos rei veritas melius sciri poterit, super quibusdam materiis & articulis statum et regimen, ac sanam gubernationem ejusdem terræ concernentibus, prout in eisdem literis plenius continetur; Vobis præcipimus, quod ad certos dies & loca quos iidem Episcopus, Prior, *Robertus, Walterus & Johannes,* quatuor, tres, vel duo eorum, quorum alterum prædictorum *Walteri & Johannis* unum esse volumus, vobis scire facient, venire fac. coram eis quatuor, tribus vel duobus eorum, quorum, &c. tot, &c. de Civitate prædicta & suburbiis ejusdem, per quos, &c. & inquiri; Et eis in executione literarum nostrarum prædictarum intendentes sitis obedientes, consulentes & auxiliantes prout decet. Teste ut supra.

Per Consilium.

Consimilia brevia diriguntur subscriptis sub eadem data, videlicet, Majori & Ballivis Villæ de *Droghda,* ex parte *Uriel.* Senescallo & Ballivis Villæ de *Droghda,* ex parte *Mid.* Vic. *Mid.* Vic. *Uriel.* Vic. *Dublin.* Vic. *Cathrigb.* Vic. *Kildar.* Vic. de *Kilkenny.* *Johanni de Stanley* Justic. nostro *Hibern.* Et universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris, & aliis fidelibus & subditis nostris in terra nostra *Hibern.*

REX dilecto & fideli suo *Johanni de Stanley* Justic. nostro *Hibern.* salutem. Ibidem.
 Quia pleno concepimus intellectu, quod dominium & Com. *Uston.* in terra De Castro de
 nostra *Hibern.* infra quæ Castrum de *Cragfergus* situm existit, per frequentes Cragfergus
 aggressus & hostiles incurfus inimicorum nostrorum *Hibernicorum,* adeo vastati salvo & secure
 sunt et consumpta, quod pene modicum præteritum de dictis dominio et Com. custodiendo.
 percipi potest: Ac Castrum illud munitione et defensione competentit taliter desolatum et desertum existit, quod de captione et amissione ejusdem Castri, ac aliarum partium adjacentium verisimiliter est timendum, nisi pro meliori gubernatione

natione et defensione eozundem celerius provideatur. Nos dampnis et periculis quæ exinde faciliter evenire possent, Deo dante, volentes præcavere; Vobis præcipimus firmiter injungentes, quod Castellum prædictum defensione competenti tam hominum quam victualium et arcillar. muniti, et ad opus nostrum salvo et secure custodiri fac. sicut dampnis et periculis si quæ (quod absit) eidem Castro aut partibus prædictis vestra tepeditate causante de cætero eveniant ullo modo, volueritis respondere. Et hoc sicut nos et honorem nostrum, ac salvationem Castri et partium prædictarum diligitis, et vosmetipsos erga nos indemnum servare volueritis nullatenus omittatis. Teste ut supra.

Per Consilium.

Pat. 14 R. 2.
pars 2. m. 18.
De monstro
sominum ad
arma, &c. in
Hibern. super-
videndo.

REX dilectis sibi *Waltero de Burgo Clerico, & Johanni de Elyngham* Servienti nostro ad arma, salutem. Sciatís quod nos de fidelitate & circumspectione vestris plenius confidentes; Assignavimus vos ad monstrum sive monstracionem ducentorum et quadraginta hominum ad arma et sagittariorum qui in obsequium nostrum in terram nostram *Hibern.* præmunitione et defensione ejusdem profecturi erant, tam apud *Licherpool* vel *Cestr.* nono die *April.* profutur. qui cum ad partes terræ prædictæ applicuerint supervidend. et ad defectum si quos in arraitione hujusmodi hominum ad arma et sagittariorum inbeneritis, quantum in vobis est corrigi et emendari faciend. et ad quascumque personas dictorum ducentorum et quadraginta hominum ad arma et sagittariorum inhabiles et insufficientes de armatura et equitatura incompetenter arraitiones et munitos amovend. et recusand. ac ad *Thes.* et *Berones* nostros de *Scaccario* de dicto monstro sive monstracione, et de numero hujusmodi hominum ad arma et sagittariorum, et de sufficientia personarum suarum, necnon de singulis defectibus quos in hac parte inbeneritis, sub sigillis vestris distincte et aperte certificand. Et ideo vobis mandamus, quod circa præmissa diligenter intendatis, & ea faciatis & exequamini in forma prædicta. Damus autem universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris, hominibus ad arma armatis & sagittariorum, ac aliis fidelibus & subditis nostris tenore præsentium firmiter in mandatis, quod vobis in præmissis faciendis & exequendis pareant, obediant, & finaliter intendant. In cujus, &c. Teste ut supra.

Nota.

Per Consilium.

I pretermitt all other Records in King R. 2. his reign relating to Ireland.

* Page 196,
197, 198.

The * *Annals of Ireland* relate, that An. 1402. (3 H. 4.) in the month of September, there was a Parliament held at Dublin. That An. 1404. (5 H. 4.) on St. Vitalis day before the Earl of Ormond, then Chief Justice of Ireland, a Parliament began at Dublin, wherein the Statutes of Kilkenny and also of Dublin, and the Charter of Ireland, were confirmed. That An. 1406. (7 H. 4.) a Parliament began at Dublin on St. Hilaries day, which ended at Trim in Lent. That An. 1408. (9 H. 4.) James Boteler Earl of Ormond chosen Lord Chief Justice by the Country, held a Parliament at Dublin, wherein the Statutes of Kilkenny and Dublin were confirmed, and a Charter granted under the Great Seal of England against Purveyours. That the same year Thomas Earl of Lancaster the Kings sonne, being made Lieutenant of Ireland, after St. Hillaries feast held a Parliament at Kilkenny for to have a Tallage granted. That An. 1410. (11 H. 4.) A Parliament began at Dublin and continued 3. weeks; the Prior of Kylmanam sitting as Lord Justice. That An. 1413. (14 H. 4.) a Parliament began at Dublin the morrow after St. Matthias day, and lasted 15 dayes; during which time the Irish fell to burning in divers places; as they had done often in Parliament times; wherefore, a Tallage was demanded, but not granted. That An. 1416. (17 H. 4.) a Parliament was holden at Dublin, in the time whereof the Irish fell upon the English, and slew many of them. This Parliament lasted in that place 6. weeks, and then was removed to Trym the 11. day of May, and there it continued 11. dayes; and granted there was unto the Lieutenant a Subsidy of 400 marks. An. 1420. (7 H. 5.) The Lord James Butler Earl of Ormond
Lieutenant

* *Annals of
Ireland*, p. 198,
199, 200.

Lieutenant of Ireland held a Counsel at Dublin, and called a Parliament there, which began the 8. of June, wherein were granted to the Lieutenant 700 marks. That Parliament continued for 16. dayes, and then was prorogued unto the Monday after St. Andrews day. In the foresaid Parliament were cast up the Debts of the Lord John Talbot late Lieutenant, which arose to a great summe. On Monday after the feast of St. Andrew the said Parliament began at Dublin, and continued 13 dayes, wherein 300. marks were granted to the Lieutenant, And the Parliament was adjourned afterwards unto the Monday after St. Ambrose day. At which day the Parliament began by prorogation the 3. time at Dublin, and there certain persons were ordained to be sent in message to the King, as touching the redress of the land. At the same time Richard O-Hedian Bishop of Cassel was accused by John Gele Bishop of Lismore and Waterford upon 30 Articles layd to his charge: After all that, he charged him, that he made very much of the Irish, and loved none of the English; that he bestowed no Benefice on any Englishman, and gave order likewise unto other Bishops, that they should not conferre the least living that was upon them. Item, that he counterfitted the King of Englands Seal and the Kings Letters Patents: That he went about to make himself King of Mounster; Also, that he took a ring away from the image of St. Patrick, which the Earl of Desmond had offered, and bestowed it upon an harlot of his; beside many other enormities, which he exhibited in writing. And the Lozes and Commons were much troubled between these twain. In the same Parliament there was debate between Adam Pory Bishop of Clon, and an other Prelate, for that the said Adam went about to unite the others Church to his, but the other would not: and so they were sent and referred to the Court of Rome; and this Parliament lasted 18 dayes.

Rot. Parliamenti An. 1 H. 6. nu. 43, & Rot. Parl. An. 2 H. 6. nu. 47. the Commons in Parliament by the reason of the multitudes of murders, man-slaughters, rapes, robberies, riots, and other misdemeanors committed by the Irish repairing into England, especially to the Universities of OXFORD and Cambridge, petitioned the King, that all but such as were graduates, or had lands or benefices in England, or were married to English women, and were of good fame & conversation, or should not put in sureties before the Chancellours of the Universities of OXFORD and Cambridge for their good behaviour whiles they continued there, should be banished the Universities and Realm by a day, and if they departed not by it, they should be apprehended, imprisoned and proceeded against as Rebels; whereupon the Statutes of 1 H. 6. c. 3. & 2 H. 6. c. 8. were made for their banishment: And Rot. Parl. An. 8 H. 6. m. 3. nu. 36. There was the like petition against Irish, Scots, and Welsh Scholars, To which this answer was given, That the Statutes formerly made against the Irish Scholars should be observed.

Rot. Parl. An. 8 H. 6. memb. ult. nu. 70. I finde this memorable Petition concerning an Erronious Judgement given in the Parliament of Ireland upon a Writ of Error there brought certified into the Kings Bench in England, which had no power to reverse it, as the petition suggested, and therefore prayed, it might be removed into the Parliament and Lords House in England to redress it.

AU ROI nostre tressoveraigne Seigneur, et a les Seigneurs Esprituels et Temporels en cest present Parlement, Supplic humblement *John Penbruggge* Priour de *Lanthon*, par mer en *Gales*. Que come en les Recorde & processe & en rendre de Juggement de le plee que fuit en vostre Parlement tenuz a *Develyn* en vostre terre *Dyrland* devant *James Bosiker* Counte de *Urmound*, nadgairs vostre Justice en mesme vostre terre, del assent des Seigneurs Esprituels et Temporels illeoques adonques esseantz, saunz Briel, Bille ou Petition Original perentre le Priour de Meason Dieu de *Molynger*, & *William* nadgairs Priour de *Lanthon* suisdit, de le Plee que fuit devant vous nostre Sovereigne Seigneur en vostre dit terre; perentre le dit Priour de Meason Dieu de *Molynger* & le dit nadgairs Priour de *Lanthon*, par vostre Brief de Errouer quel en Me-

corde et Procèsse, & auxi en le rendze de Juggement de le Pite que fuist devant *Johan Fitz-Adam* & sez Compaignons nadgairs Justic. de Seigneur *Henry* nadgairs Roi *Dengleterre* vostre Aiel, de son Bank, en mesme le terre par Brief de mesme vostre Aiel, entre le dit nadgairs Priour du dit lieu de *Lanthon*. Predecessour du dit ore Priour de *Lanthon*, & le nadgairs Priour du dit Meason Dieu de *Molynger*. Predecessour du dit ore Priour de Meason Dieu de *Molynger* de xvi l. xviii d. Les queux a dit nadgairs Priour de *Lanthon*. furent adereres dun annuell Rent xiii l. vi s. viii d. le quel le dit nadgairs Priour de *Lanthon*. de dit nadgairs Priour de Meason Dieu de *Molynger* demaunda de la querell. de mesme le Priour de Meason Dieu de *Molynger* nadgairs receultes. davoit entreevenue si aucun isuse a cogiere. Le quel Juggement debant les ditz nadgairs Justic. de Bank rendu; devant vous en vostre dite terre fuist afferme. Erreur oberte entierement, a grande damage du dit Suppliant; de quel Pite en le dit vostre Parlement eue le Recoarde et Procèsse debant vous en vostre Chancellier *Dengleterre* pur certein; causes nadgairs per vostre Brief que issit boz de vostre Chaunceller. *Dengleterre* a vostre Chaunceller *Dyrland* direct, fistes venir, et les queux ore en vostre Court debant vous en vostre Bank en *Engleterre* emaignent al suite de dit Suppliant, a cause que le Erreur susdit ne poet npe illoeges estre termine ne discute, a cause que les Justic. as Pites atepir debant vous en vostre dit Bank en *Engleterre* nount npe poiar determiner, ne de adjugger par la Ley, ceo que fuist fait en vostre dit Parlement *Dyrland*. Pleas a vostre Hautesse de commaunder *William* Cheyne Chibaler, vostre Chief Justice as Pites debant vous tressoveraign Seigneur atepir assigne, de fair venire en cest present Parlement les ditz Recoarde, et Procèsse du dit pite, obs toutz choses eur touchantz debant vous tressoveraigne Seigneur, et les Seigneurs susditz, ensy que venetz les ditz Recoarde et Procèsse en mesme cest present Parlement doit soit fait en les pzemises, solonge la Ley et Custume de vostre Roialme *Dengleterre*. Et ceo pur Dieu en oebre de Charite.

To which Petition there is no answer entred in the Parliament Roll, but only the Petition it self, at the end of the Roll: By which Petition it seems the Judges of the Kings Bench in *England* were of Opinion, that they could not reverse an Erronious Judgement given in the Parliament of *Ireland*, but only the King and Lords house in the Parliament of *England*.

+ See the Statutes of *Ireland*, p. 3, 4, 5, 6.

* Anno 7. & 18 H. 6. there were two Parliaments held in *Ireland*, and Acts made in them.

An. 23 H. 6. the King granted this Patent to *James* Earl of *Desmond*, exempting him (for the reasons therein expressed) from coming in Person to any Parliaments or Great Counsils held in *Ireland*, so as he appeared by a sufficient Proctor, and to purchase any lands there held of the King in *Capite*, without any special license.

Pat. An. 23 H. 6. parte 2. m. 12. Pro Jacobo Comite *Dessemoniz*.

REX Omnibus ad quos, &c. salutem. Sciat, quod ex parte carissimi Consanguinei nostri *Jacobi* Comitis *Dessemoniz* in terra nostra *Hiberniz* intelleximus, quod intellectis et bene pensatis tam magnis laboribus, pceptis et diligentis quas pzetatus Consanguineus noster circa constructionem et custodiam juris tituli nostrozum quatuor Com. videlicet, *Waterford*, *Cork*, *Limerick* & *Kery*, in alta patria terraz pzetatez situatorum, ac populi Com. illorum de ligeancia nostra ab *Hibernicis* inimicis nostris & rebellibus, ad destructionem, subversionem et adnichillationem populi et Com. pzetatozum indies se satagentibus perantea fecit, et adhuc facere non desistit, quam magna distancia quz inter Comitatus pzetatos ac partes et loca in quibus Parliaments et magna Consilia terraz nostre pzetatez ante hzc tempora teneri et custodiri consueverint, ac propter magnam potentiam inimicorum nostrozum qui magnam partem patriarum pzetatarum inhabitaverunt, pzetatus Consanguineus noster ad Parliaments et Consilia hujusmodi absque maximo periculo et perturbatione suis pacifice transire non valeat; Unde nobis humiliter supplicavit, ut sibi de gratia

gratia nostra speciali impartiri dignemur: Nos præmissorum consideracione, de gracia nostra speciali, ac de abisamento Consilii nostri, licenciam dedimus præfato Consanguineo nostro, quod ipse pro termino vite sue ad huiusmodi tempora quibus ipse Parliamentis et Magnis Consiliis nostris in terra nostra prædicta in futurum tenend in propria persona sua bene et commode adesse nequeat, per autenticum procuratorem et sufficientem, ad ea omnia et singula quæ dictus Consanguineus noster facere valeat, licet personalem præsentiam ipsius Consanguinei nostri requirant faciend. et dicend. comparere poterit. Et ulterius, de uberiori gratia nostra & avisamento prædicto, licenciam dedimus præfato Consanguineo nostro, quod ipse terras & redditus qui de nobis tenentur in Capite, per quodcumque servitium fuerit, infra terram nostram prædictam de tenentibus nostris ejusdem terræ nostræ perquirere poterit, habend. & tenend. sibi imperpetuum, absque impetitione nostri vel hæredum seu successorum nostrorum, vel alicujus Officiorum seu Ministrorum suorum in futurum. Incujus, &c. T. R. apud Westm. 11 die Augusti.

Per Breve de privato Sigillo, &
de data prædicta, &c.

In the same Roll, m. 16. The King granted a special license to James Boteler Earl of Ormond to be absent from thence for certain years, without incurring the forfeitures mentioned in the * Statute of An. 3. R. 2.

What Parliaments have been held in Ireland, and what Acts made in them since that year in the reigns of King H. 6. Ed. 4. H. 7, 8. Philip and Mary, Queen Elizabeth and King James, and what else concerns the Parliaments of Ireland; their Summons, Members, Priviledges, Jurisdictions, Proceedings, Acts, and setting of the English Laws, Government, Statutes in that Realm, you may peruse at leisure in the Statutes of Ireland published by Mr. Rich. Bolton, Dublin 1621. especially in 25 H. 6. c. 8. An Act that Lords of Parliament in pleas shall not be amerced otherwise, than other persons; 3 E. 4. c. 5. An Act whereby the Lords and Commons of Parliament have Priviledge for 40. dayes before and after Parliaments. 15 E. 4. c. 1. An Act prohibiting taking Distresses contrary to the Common Law. 18 E. 4. c. 2. An Act concerning the choosing of Knights and Burgeses of Parliament. 10 H. 7. c. 4. That no Parliament be holden in this Land, untill the Acts be certified into England; cap. 16. An Act that the Lords of Parliament shall wear Robes, cap. 22. An Act confirming all the Statutes made in England: & Cap. 23. An Act for Repeal of a Parliament at Drogheda, before Robert Preston Lord of Gormanston, decreed and deemed voyd to all intents, for three causes; 1. Because the Duke of Bedford Lieutenant of Ireland, surrendered his Letters Patents before the said Parliament summoned by his Lieutenant. 2ly. Because there was no general summons of the said Parliament to all the Shires, but only to four Shires. 3ly. Because the said Deputy by his Commission had no manner of power to keep a Parliament. 28 H. 8. c. 12. An Act against Proctors of the Clergy (or Convocation) to be any Members of Parliament. And cap. 4. & 20. An Act declaring the effect of Poynings Act. 33 H. 8. c. 1. An Act for the adjournment of the Parliament, and the place to hold the same, and what persons shall be chosen Knights and Burgeses. 3. & 4 Ph. & Mary, An Act declaring how Poynings Act shall be expounded; And cap. 7. An Act against making of Aqua Vitæ; 11 Eliz. Sess. 2. An Act authorizing Statutes to be made in this Parliament notwithstanding Poynings Act; 11 Eliz. Sess. 3. cap. 7. An Act, that there be no Bill certified into England, for the repeal or suspension of Poynings Act, before the same be first agreed upon in a Session of Parliament holden in this Realm; And 11, 12, & 13 Jacobi, cap. 5 & 6. An Act of Repeal of divers Statutes, concerning the Natives of this Kingdom of Ireland: And, of bringing in Scots, retaining of them, and marrying with them. To which I shall adde these usefull Acts made upon the premised Ordinances, and subsequent Petitions of the Parliament and people of Ireland, viz. The Statutes of 3 E. 2. cap. 3. That none shall give Protections in Ireland, except the King, and

See Here, p.
307, 308.

- ^a Here, p. 284, *Lords of Royal Franchises*. 18 H. 6. c. 2. No^a Purveyour, Harbeger or Avener to be within Ireland. 25 H. 6. c. 1, 2, 9. 7 E. 4 c. 1. & 28 H. 8. c. 3. That^b no person whatsoever having any Office or Lands in Ireland, shall absent himself from thence, without the Kings or his Councils Special command or license, under pain of forfeiting his Office and Lands. 28 H. 6. c. 1. That no Proceſſe shall be made out of the Exchequer against him that hath a discharge of Record, under pain of forfeiting the Office of him that made it. 38 H. 6. c. 10. ^c That no Common Plea should be sued in the Exchequer by any person, but such who were actual Officers of the King in that Court: & 10 H. 7. c. 2. That the Chancellor, Treasurer, Judges, Master of the Rolls, and all Officers accountant in Ireland, should hold their Offices only during the Kings pleasure. 36 H. 6. c. 1. That all manner of beneficed persons within the land of Ireland, of what condition soever they be, shall keep residence continually in their proper persons within the said Land, or otherwise the issues and profits of their said Benefices (Divine service and ordinary charges kept) shall be divided, the one half to the profit of their Benefices and Churches, the * other half to be expended in the Kings wars, and defence of that poor land; and that all grants and dispensations by the King to them or any of them to the contrary, to be void and of no force in Law, unlesse it be by authority of Parliament: 28 H. 8. c. 13. The Act abolishing the usurped Power and Authority of the Bishop of Rome, and likewise enacting, That every Archbishop, Bishop, Archdeacon, Commissary and Official shall exercise * IN THE NAME OF THE KING ONLY; (not his own) all Canons, Constitutions and Ecclesiastical Lawes made for the direction and order of Spiritual and Ecclesiastical causes, not repugnant to the Kings Laws, Statutes and Customs of this land, nor to the dammage and hurt of the Kings Prerogative Royal. And 32 H. 6. c. 1. 7 E. 4. c. 2, 3. 10 H. 7. c. 5. 28 H. 8. c. 5, 6, 8, 13, 15, 19. 33 H. 8. c. 1, 12. 2 Eliz. c. 1; 2, 3, 4, 5. against the Popes provisions, and for the Kings Supremacy in and over all Ecclesiastical persons and causes, as well as Temporal, within that Realm, as in England.
- ^a A good expedient to prevent Non-residency upon Ecclesiastical Preferments & Benefices in England, if made a Law.
- * Nota. See 1 E. 6. c. 2.

For the manner and form of our Kings creating *Earls, Viscounts, and Barons in Ireland*, I referre you to Mr. *Seldens Titles of Honor*, part 2. chap. 6. p. 837, &c. to which I shall only adde this president omitted by him, of King *Edward* the 2d. his *Charter*, whereby he created *Edmund le Botiller* Earl of *Karryk*, by conferring on him and his heirs the Castle and Mannor of *Karryk* in *Ireland* with its appurtenances, &c. sub nomine et honore Comitiss de *Karryk*, like that of *John Fitz-Thomas* created Earl of *Kyldare* in like manner the same year, printed in * Mr. *Selden*.

* Titles of Honor, p. 837, 838.

Cart. 9 E. 2. n. 51. Pro Edmundo le Botiller de Hibern.

E *Edwardus Dei gratia Rex Angl. Dominus Hibernia, & Dux Aquitanie, Archiepiscopus, Episcopus, Abbatibus, Prioribus, Comitibus, Baronibus, Justiciar. Vicomitibus, Præpositis, Ministris, & omnibus Ballivis & fidelibus suis salutem.* Sciatis nos pro bono & laudabili servicio quod dilectus & fidelis noster *Edmundus le Buttiller de Hibern.* nobis impendit & impendet in futurum, Dedit, concessisse, & hac Carta nostra confirmasse eidem *Edmundo* Castrum & Manerium de *Karryk-wacgriffin*, cum pertin. & Castrum & Manerium de *Roskre*, cum pertin. in *Hibern.* Habend. et tenend. eidem *Edmundo* et hæredibus suis, cum feodis Militum, advocacionibus Ecclesiarum, & omnibus aliis ad prædicta Castrum & Maneria pertinentibus, (viz.) prædict. Castrum & Manerium de *Karryk-wacgriffin*, cum pertin. sub nomine et honore Comitiss de *Karryk* de nobis et hæredibus nostris, per servicium duorum feodorum Militum perpetuum. Quare volumus & firmiter præcipimus pro nobis & hæredibus nostris, quod prædictus *Edmundus* habeat & teneat prædicta Castra & Maneria cum pertin. sibi et hæredibus suis, cum feodis Militum, Advocacionibus Ecclesiarum, & omnibus aliis ad prædicta Castra & Maneria pertinentibus, (viz.) prædicta Castrum & Manerium de *Karryk*, cum pertin. sub nomine et honore Comitiss de *Karryk* de nobis et hæredibus nostris, per servicium duorum feodorum Militum

Militum imperpetuum, sicut prædictum est. Hiis Testibus Venerabilibus patribus *W. Cantuar. Archiepiscopo totius Angl. Primate, & J. Norwicens. Episcopo, Thoma Comite Lancastr. Johanne de Britannia Comite Richemund, Humfrido de Bohun Comite Hereford. & Essex. Roberto fil. Walteri, Johanne de Crambwell Senescallo Hospiti nostri, & aliis.* Dat. per manum nostram apud *Lincoln.* primo die *Septembr.*

Per ipsum Regem. Marchumlege.

See the Creation of *James Botiller Earl of Ormond.* Clauf. 15 E. 3. pars 1^a m. 6.

The Author * Page 358. discourseth of, *over-strictly limits*, and too narrowly confines the ancient Duty of *AURUM REGINÆ*, due to our *Queen-Consorts* in England and Ireland: viz. That it is no right in the Crown: and therefore fines for offences for alienations are no part of this revenue, (though submitted to.) It must be freely, without any consideration of any grant, sale, or lease of any thing wherein the King hath any revenue, estate or interest. And therefore Sales, Leases, grants of Lands, Tenements, Wardships, or the like, are out of the same, for there is, *Quid pro quo.* Which limitations are contradicted by multitudes of Records, Judgments, Writs cited at large in my *AURUM REGINÆ*, and Appendix thereunto, to which you may refer for satisfaction. I shall only here insert four old Records I since discovered, which concern this duty and prerogative of *QUEEN-GOLD.*

* See likewise his 12 Reports, p. 11, 12. & My Aurum Reginz, p. 124, 125.

The first is, an *Action of Covenant* brought in the 43 year of King *Henry the 3d.* by *William de Lassels* against *Richard Fitz-martyn*, for not acquitting him from an Extent of Lands whereof he infeoffed him, extended afterwards by the Queen for her *QUEEN GOLD*; and other Debts to *Jews.*

Placita de Assis & querel. & Inquisitionibus quatuor Militum coram Hugone Bigot Jusficiar. Angl. Anno Regis Henr. fil. Regis Johannis quadrag. tertio in Comitibus Surr. & Kanc.

Ebor. ff. **C**onvenit inter *Willielmum de Lassels* ex una parte, & *Richardum fil. Martini de Otringham* ex altera, de eo quod prædictus *Willielmus* quæsitus fuit, quod cum prædictus *Richardus* ipsum acquietasse debuit ad Festum Sancti *Hillar.* Anno xlii. de Ducentis libris versus *Haginum Judæum Linc.* & Centum & novem libris versus *Solomonem Judæum London.* & pro *AURO REGINÆ*, pro quibusdam terris et tenementis de quibus idem *Willielmus* ipsum *Ricardum* festaverat, scilicet pro pasturis de *Northgunder Mareys* & *Middelgunder Mareys*, & viginti solidat. redditus cum pertin. in *Otringeham*, idem *Ricardus* ipsum non acquietavit: & similiter, quod prædictus *Richardus* ultra prædictos mariscos & redditum occupavit & attraxit sibi quasdam partes aliarum terrarum & tenementorum suorum. Et unde placitum fuit, &c. scil. quod prædictus *Willielmus* recognovit & concessit pro se & hered. suis, quod prædicti marisci & redditus extendantur & apprecientur per *Johannem de Frithwareys* & al. Et quod quælibet duodecim denariata terræ & redditus & pasturæ allocentur prædicto *Richardo* & heredibus suis pro una marca usque trescent. & novem libr. argenti. Et si prædictæ pasturæ & redditus per prædictam extensionem ad prædictas trescent. & novem libr. non sufficiant; tunc id quod defuerit per eandem extensionem perficietur eidem *Richardo* & heredibus suis de omnibus terris & ten. ipsius *Willielmi* de feodo Comitis *Albemari.* in eadem villa usque ad prædictam summam, scilicet de remotioribus terris à capitali mesuag. ipsius *Willielmi* in eadem villa & propinquieribus mesuagio ipsius *Ricardi* quousque plena extensio facta fuerit ad prædictas trescent. & novem libras argenti. Et si terræ ipsius *Willielmi* de feodo prædicti Comitis ad hoc non sufficiant; tunc id quod defuerit perficietur in aliis terris & tenementis ipsius *Willielmi* usque

* In Thesuro Receptæ Scac. D. Regis, Car. 2. Rot. 9. in dorso.

usque ad prædictam summam per prædictam extens. sicut prædictum est. Et pro hac, &c. prædictus *Richardus* concessit pro se & hæredibus suis, quod ipsi acquietabunt prædictum *Willielmum* de prædicto debito, versus prædictos *Haginnum & Salomonem*, et versus *Dominam Regnam de AURO SUO*, & similiter de omnibus aliis debitis quæ idem *Willielmus* & antecessores sui debeant in Judaismo à principio seculi usque ad Festum Sanctorum *Simonis & Jude* Anno xlii. et de *AURO REGINÆ*, quantum pertinet ad debita illa, & facta extenta prædicta & retornata coram *Hug. le Bygod* Justic. *Angl.* omnes Cartas, Scarras, & alia Instrumenta quæcumq; ad hujusmodi debita pertinentia deliberare faciet. Prædicto *Willielmo* concessit etiam prædictus *Ricardus* pro se & hæredibus suis, quod per sacramentum prædictorum extensorum æstimentur dampna prædicti *Willielmi* occasione prædicti debiti ad Festum Sancti *Hillar.* An. xlii. non acquietati si qua fuit. Et quod idem *Ricardus* eidem *Willielmo* inde satisfaciet quamcivis prædicta extenta coram præfato Justic. retornata fuerit sicut prædictum est. Et similiter prædictus *Willielmus* concessit, quod si prædictæ pasturæ de *Northgunder Mareys & Middlegunder Mareys* non pertingant ad valorem prædictarum trescentarum & novum libr. per prædictam extentam, sicut prædictum est, tunc per sacramentum prædictorum extens. æstimentur dampna, quæ idem *Ricardus* habuit ad Festum Sancti *Hillarii* anno 42. ea occasione, quod seisinam de superplusagio terræ vel redditus usque ad prædictam summam pecuniæ nondum habuerit. Et ideo præceptum est Vic. quod in propria persona accedat ad prædicta tenementa per sacramentum prædictorum *Johannis* & aliorum, extendi & appreciari fac. prædicta tenementa in forma qua prædictum est. Et similiter quod inquiret de dampnis prædict. & extens. & Inquis. &c. scire fac. in crastino Purificationis beatæ *Maria* coram Rege ubicumque, &c. distinctè & apertè per literas, &c. & per duos, &c.

Postea ad diem illum misit prædictus Vic. prædictam extens. factam per prædictos Extensores, & similiter prædictam Inquis. Et super hoc ven. prædictus *Willielmus*, & calumpniat prædictam extens. & dicit, quod minus sufficienter facta fuit eo quod, &c. Et petit, quod iterato fiat extens. &c. Postea ad diem misit Vic. extens. quæ dic. quod pasturæ de *Northgundermareis & Middelgunderemers* valent. per annum 14 l. & 40 d. & 20 s. redd. Et quod prædictus *Ricardus* non occupavit nec attraxit sibi aliquas partes aliarum terrarum & tenement. ipsius *Willielmi* ultra prædictas pastur. & redd. nisi hoc modo, quod terræ prædicti *Willielmi* de feodo Com. *Albemar.* fuerunt in manu *Dominæ Reginæ* pro *AURO SUO*, quas dictus *Richardus de Otringham* habet per præceptum *Dominæ Reginæ* quousque de *AURO SUO* fuerit satisfactum de quaterviginti libz. et decem pro debito. *Aaron* Judæi de *Ebor.* Item idem *Willielmus de Lascellis* habet in *Otringham* de terris quæ sunt in manu dicti *Richard.* per *Dominam Regnam* pro debito prædicti *Aaron*, scilicet, in dominico 10 bovat. quarum quælibet sine capitali mesuagio valet per annum 10 s. unde sum. 100 s. Item idem *Willielmus* habet modo supra dicto in *Villeum* 2 bovat. de quibus una valet per annum 16 s. & altera bovat. 1 marc. unde sum. 29 s. & 4 d. Item idem *Willielmus* habet modo prædicto in *servic.* liberorum hominum 53 s. & 2 d. per annum; Dicunt etiam, quod si prædictus *Willielmus* sustinuit aliqua dampna, eo quod dictus *Richardus* non acquietavit ipsum versus *Judaos* nominatos in brevi ad festum Sancti *Hillar.* anno 42. hoc non stetit per ipsum *Richardum*, set per dictum *Willielmum*, quia non tenuit conventionem inter eos factam, nisi tantummodo, &c. Dicunt etiam, quod prædictus *Richardus* sustinuit dampna, eo quod non habuit seif. de superplusag. terræ & redd. ad valent. 60 l. & 8 s. sum. totius prædictæ extentæ 24 l. 5 s. & 10 d. de quibus 23 l. 3 s. & 6 d. terræ & redd. assignantur prædicto *Richardo* pro prædictis 300 & 9 l. & residuum prædictarum terrarum, scil. 22 s. & 4 d. terræ & redd. de terris propinquieribus capitali mesuagio prædicti *Willielmi*, remanebunt prædicto *Willielmo*. Et ideo præceptum est Vic. quod eidem *Richardo* de omnibus prædictis terris & ten. quæ prius tenuit, tam ex dimissione prædicti *Willielmi*, quam ex dimissione *Dominæ Reginæ* in *Otringham*, sicut prædictum est, exceptis 22 s. & 4 d. terræ

terræ & redd. de terris propinquieribus capitali mesuag. prædicti *Willielmi*, sine dilatione plenariam seisinam habere fac. Et prædicto *Willielmo* seisinam suam de 22 s. & 4 d. terræ & redd. de terris propinquieribus mesuag. prædicti *Willielmi*; scil. de prædictis decem bovat. terræ de dominico si sint propinquieres prædicto dominico, quarum quælibet extenta est ad decem solid. per annum; vel de prædictis duabus bovat. terræ de villenagio si sint propinquieres, &c. quarum una extenditur ad 21 s. per annum, & altera ad 1 marc. Et similiter præceptum est Vic. quod de terris, &c. prædicti *Willielmi*, &c. fieri fac. 48 s. & illos habeat à die Sanctæ *Trinitatis* in 15 dies ubicumque, &c. ad reddend. prædicto *Richardo* pro dampnum suis, &c. quæ habuit occasione quod prædictus *Willielmus* seisinam suam de superplusag. terræ & redd. ultra prædictas trescentas & novem libr. nondum habere fecit, &c.

The second is, * *Clamea de Quo Warranto in Com. Ebor. & ad. de tempore Regis Edwardi primi.* * See my Auri Reginz, p. 30.

Philippus le Lardimerr clamat esse venditorem Domini Regis de feodo in Com. Ebor. de omnimodis rebus quæ vendi debent, pro debito Domini Regis, vel etiam pro *AURO REGINÆ*. Ita videlicet quod ipse vel certus suus attornatus ibit ad mandat Vic. de loco in locum infra Com. sumptibus suis ad prædictas venditiones faciendas. Et capiet de unaquaque venditione pro feodo suo triginta et duas denar.
Per manus ejusdem Philippi.

Which liberty was afterwards seised into the Kings hands for the abuse thereof, as appears by the * *Great Roll* in the Pipe Office, Anno 2 E. 2.

The third Record most clearly evidenceth the undoubted right of the *Queen-Consort* to *AURUM REGINÆ*, from the very time of her marriage to the King, by vertue thereof.

* Printed in my Auri Reginz, p. 30.

REX dilecto & fideli suo *Roberto de Holand* Justic. suo Cestr. salutem. Mandamus vobis, quod de omnibus finibus in *Dalliva* vestra factis, a tempore quo *Isabellam* Reginam *Angl.* Consortem nostram carissimam disponabimus, ex nunc faciend. *AURUM* ipsius *REGINÆ* per *Ministros* nostros partium illarum levari, et *AURUM* illud usque *Scaccarium* nostrum *Westm.* dilecto Clerico nostro *Petro de Colymburn* Custodi *AURI* prædicti, ibidem liberand. mitti fac. *Thes.* et *Baron.* nostros *Scaccarii* prædicti de finibus prædictis, et de nominibus illorum de quibus *AURUM* prædictum levatum fuerit, sub sigillis vestris distincte et aperte certificantes. Teste Rege apud *Westm.* 4 die *Martii*.

Clauſ. 2 E. 2. m. 7. incus. De AUROR REGINÆ.

The fourth relates only to the Collecting and levying of *AURUM REGINÆ*, by the *Queens* Attorney General (made by her Letters Patents) or his Deputies in *Ireland*, from the time of her Coronation in *England*; to wit, one Mark out of every ten Marks Fine to the King.

Richardus Dei gratia Rex *Anglia & Francia*, & Dominus *Hibernia*, locum tenenti sive Justic. suo terræ suæ *Hibernia*, seu eorum loca tenentibus, ac Cancellario, necnon *Thesaur.* & *Baronibus* suis de *Scaccario* terræ illius qui nunc sunt, vel qui pro tempore fuerint, salutem. Cum carissima Consortis nostræ *Anna* Regina *Angl.* per literas suas parentes ordinaverit & constituerit dilectum nobis *Willielmum de Karoll* Clericum, *Attornatum* suum generalem in terra nostra prædicta; dans & committens eidem *Willielmo* plenariam potestatem exigendi, levandi et recipiendi per se et sufficientes *Deputatos* suos, pro quibus respondere voluerit, nomine et ad opus ipsius Consortis nostræ *AURUM* tibi a vicessimo secundo die *Januar.* anno regni nostri quinto, * quo die eadem Consortis nostræ coronata fuit, in terra nostra prædicta pertinens, et quod ad ipsam quantidum prædictus *Willielmus* ejus *Attornatus* fuerit, poterit pertinere; videlicet, de quolibet sine decem marcarum nobis in terra prædicta factis, unam marcam; et

Clauſ. 7 R. 2. m. 41. incus. Pro Anna Regina Angl.

* Nota.

de quolibet sine decem marcas excedente, juxta ratam ejusdem per modum in partibus illis antiquitus consuetum: Vobis et cuilibet vestrum injungimus et mandamus, quod eidem *Willelmo* tanquam generali Attornato prefate Consortis nostrae, et Deputatis suis, in exactione, collectione et levatione quarumcumque summarum quae praedictae Consorti nostrae de hujusmodi finibus in dicta terra a praedicto vicelimo secundo die *Januar.* factis pertinuerunt, et de finibus exunc pertinere poterunt in quantum poteritis, intendentes sitis, consulentes et auxiliantes quociens et quando super hoc per praefatum *Willelmum* ex parte ipsius Consortis nostrae fueritis requisiti. Et vos praefate Cancellarie tot et talia brevicia et mandata nostra sub sigillo quo utimur in terra praedicta ad requisitionem praefati *Willelmi*, et ejus Deputatorum quorumcumque, omnibus et singulis quorum interest et intererit in hac parte fieri fac. qualia pro levatione et collectione summarum hujusmodi eis necessaria fuerint, seu quomodolibet oportuna. Et hoc nullatenus omittatis. Teste meipso apud *Westm.* 24 die *Junii*, anno regni nostri septimo.

Et erat patens.

What other *Records* relate to the payment and collection of this Royal Revenue in *Ireland*, due to our *Queens of England* by their Prerogative, you may peruse in my *ALL RUM REGINAE*, p. 18, 19, 22, 29, 30, 46, 125. and in my *Epistle Dedicatory* to the *Appendix* thereto, *Rot. Francia Anno 16 H. 3. M. 4.*

Page 359. l. 4. The Author writes, *That if an Archbishoprick or Bishoprick in Ireland be void, the Chapter shall sue to the King in England to go to election, and after election made, they ought upon certificate thereof made to the King, to obtain his Royal assent to this election, &c.*

This was ever the constant course in *Ireland*, as well as in *England*; and if any Chapters elected any Archbishop or Bishop without the Kings previous license, (as oft times they presumed) our Kings did either null their elections, as void, and command them to proceed to new elections upon and after a license to elect procured from them, (unless they pleased out of their especial grace to pardon their offence and contempt herein, in regard of the electors poverty, or out of their affection to the person elected, and to confirm his election, provided it should not be drawn into consequence for the future to the prejudice of their Crowns, and security given by the electors and elected for that purpose;) and sometimes they judicially proceeded against, and imposed a great Fine upon them for this their contempt, as in the case of the * *Prior and Convent of the Sacred Trinity*, and of the *Dean and Chapter of Dublin*, in the Parliament of *England* Anno 33 E. 1. as I have at large demonstrated in the *Second and Third Tomes* of my *Exact Chronological Vindication, &c.* to which I refer you, (and the *Tables* thereunto of the *Archbishops, Bishops in Ireland, and Fide Elections*) and to the Statutes of *Ireland*, An. 32. H. 6. c. 1. 36 H. 6. c. 1. 7 E. 4. c. 2, 3. 10 H. 7. c. 5. 28 H. 8. c. 5, 6, 7, 8, 12, 13, 14, 15, 16, 18, 19. 33 H. 8. c. 1, 5, 6, 8, 12, 14. 2 Eliz. c. 1, 2, 3, 4, 5. & 12 Eliz. c. 1.

How carefull King *Henry* the 3d. was to preserve his Prerogative in *Elections* of Bishops, as well in *England* as *Ireland*, this president will inform us.

Rot. Vaston.
An. 37, 38, &
39 H. 3. pars
1. m. 3. dorso.
Pro Priore de
Karliolo.

REX Archiepiscopo *Ebor.* R. Comiti *Cornub.* & Magistro *W. de Kilkenny*, salutem. Veniens ad nos Prior *Karl.* cum literis sigillis Capituli sui signatis, Magistrum *Thomam de Veteri Ponte* electum *Karl.* nostro conspectui presentavit, humiliter supplicans, quod ipsius et Conventus sui electioni dignaremur, assensum regium adhibere. Et licet in persona ipsius electi nihil reprehensibile viderimus, sed ipsum potius ingentis dignam honoribus, pro eo quod *Robertus de Dacre, Thomas de Staunford, & Johannes de Summercote*, quos ad dictos Priorem & Conventum cum literis nostris deprecatoriis destinavimus, ut Priorem de *Novo Burgo* Capellanum nostrum elegerint, nobis significarunt, quod antequam literae nostrae quas eis dedimus de licentia eligendi ad ipsos Priorem et Conventum pervenissent, eligere * praesumpserunt, de quo quidem facto, si est

* Nota.

ita,

ita, reputamus nos graviter offensos, et dignitati Regiæ turpiter derogatum. Et quia dictus Prior asserbat firmiter coram nobis, se recepisse prædictas literas nostras de licentia eligendi priusquam ad huiusmodi electionem processissent, et se posse sufficienter hoc probare, nos probationem huiusmodi discretioni vestre relinquimus admittendam; Vobis mandantes quatinus si prædicti Prior & Canonici sufficienter probaverint coram vobis, quod prædictæ literæ nostræ de eligendi licentia prius pervenerint ad eos quam eligere incepissent, tunc eorum electioni vice nostra assensum Regium præbeat: Denunciantes Metropolitanus loci, quod id quod suum fuerit in hac parte ulterius exequatur. Cum autem prædicta probatio plenius facta fuerit, & electio postea confirmata, hoc nobis per vestras patentes literas significetis per Procuratorem ipsius electi, ut nos parcendo laboribus et expensis dicti electi, temporalia dicti Episcopatus in manu nostra existentia, prout iustum fuerit, sibi restitui faciamus. Si vero prædicti Prior et Canonici in dicta probatione desecerint, et in elusionem nostram ad electionem sic processerint, nos in negotio illo nullatenus procedatis veritatem rei nobis per vestras literas significantes. Teste Rege apud Burdeg. decimo die Septembris.

REX Mandavit Magistro *W. de Kilkenny*, & *Philippo Lovell* Thesaur. quod bene constat eis, quod in recessu suo ab *Angl.* retinuit in manu sua præsentem præbendi licentiam eligendi omnibus Electoribus omnium Cathedralium Ecclesiarum et Abbatiarum excedentium valore quingentarum Marcarum. Injungens eis, quod si Canonici *Karolienses* de facto obtinuerint licentiam eligendi ipso Rege irrequisito, ipsam licentiam nullam esse faciatis denunciari. Et si ulterius processerint ad eligendum, quod appellari faciatis coram Metropolitanus de iure Regis et dignitate sua. Teste Rege apud *Millan*, 4 die *Maii*.

Ibid. m. 7.
De Canonicis
Karl.

Et rogat Rex *Ebor.* Archiepiscopum, ne audientiam præbet Electoribus in isto casu, vel eorum electum confirmet. Teste ut supra.

The Author Page 360. l. 3. adds, *What Ecclesiastical Jurisdiction the Archbishop of Canterbury had in Ireland of ancient time, before it was subject to the Crown of England, you may read in Cambdens Britannia, &c.* Of this, and the *Irish Bishopricks* erections, I have at large discoursed in the * *First, Second, and Third Tomes* of my *Exact Chronological Vindication, &c.* out of *Histories and Records*, to which I refer you, and to *Eadmerus Hist. Novorum*, p. 14, 34, 35, 36, 93, 130, & *Johannis Seldeni ad Eadmerum &c. Notæ & Spicilegium*, p. 202.

* See Tom. 1.
p. 430, 443,
444, 453, 554,
to 570. &
Tom. 2. & 3.
The Table of
Irish Archbishops
and
Bishops.

The Author in this Chapter concerning *Ireland*, p. 356. l. 25, 26, 27. cites Mich. 32 E. 1. Rot. 76. instead of Rot. 33. & Trin. 33 E. 1. Rot. 56. for 53. Ibid. Margin l. 5, 6. Tr. 13 E. 1. coram Rege, Rot. 38. is misquoted for Rot. 7. quod una et eadem lex esse debeat, tam in regno *Angliæ* quam *Hiberniæ*, de custodiis terrarum et corporis hæcæum infra ætatem existentium; Ibid. l. 26, 27, 28. Margin, he quotes Tr. 33 E. 1. coram Rege, Rot. 124. for Rot. 53. *Inquisitio de Præfagio vinorum in Hibernia*, Pag. 356. l. 28, 29, 30. he cites Tr. 33 E. 1. coram Rege, Rot. 56. *consuetudo Hiberniæ de bonis testatorum*, with an &c. which custom is, that if the Husband died possessed of Goods, if he had Children, the Goods shall be divided into three equal parts, after Debts and Funeral expenses discharged, whereof the Wife should have one third part, the Children another third, and the Husband the other third part: but if the Husband died without Children, then they shall be equally divided into two parts only, whereof the Wife should have the one moiety, the Husband the other moiety. At the close of his Chapter of *Ireland*, p. 361. he miscites Trin. 13 E. 1. coram Rege, Rot. 36, 38. for Rot. 7. Mich. 17 E. 1. Rot. 31, 38. for Rot. 13, 37. Hil. 19 E. 1. Rot. 68. which hath nothing in it of *Ireland*. Pasch. 19 E. 1. Rot. 69. for Rot. 50. Trin. 20 E. 1. Rot. 40. for Rot. 30. Pasch. 34 E. 1. Rot. 104. instead of Rot. 14. when as there are not so many Rolls of

T t

that

* As I find by perusing both that Term; the Author in his *Institutes* usually quoting the *folio of the *Kalendar*, *Abstracts*, and *Abridgement* of these *Rolls* in the Tally Office made by Mr. *Agar*, for the number *Roll* of the Records, which it seems he never perused, nor distinguished from each other, though much differing. Moreover he omits many *Rolls coram Rege* concerning *Ireland*, in the reign of King *Edward 1.* (in the Treasury of the Receipts in the Exchequer) which I shall here supply; viz. Mich. 4 E. 1. coram Rege, Rot. 47. *Hibern.* Mich. 8 E. 1. Rot. 8. *Hibern.* Pasc. 8 E. 1. Rot. 21. & 28. *Hibern.* (Error.) Mich. 9 E. 1. Rot. 24. *Hibern.* (Error.) Mich. 10 E. 1. Rot. 6. *Hibern.* Trin. 13 E. 1. Rot. 23. *Hibern.* (for Lands between the Bishops of *Lismore* and *Waterford*; and their union) Pasc. 14 E. 1. Rot. 24. *Hibern.* Trin. 16 E. 1. Rot. 17. *Hibern.* (a suit between the Bishops of *Waterford* and *Limric* for a Mannor) Mich. 16 E. 1. Rot. 44. *Hibern.* Mich. 17 E. 1. Rot. 6, 13, 46. *Hibern.* Pasc. 18 E. 1. Rot. 8. *Hibern.* Trin. 18 E. 1. Rot. 8. *Hibern.* Pasc. 19 E. 1. Rot. 22. (Bastardy pleaded) *Hibern.* Mich. 19 & 20 E. 1. Rot. 26. *Hibern.* Hil. 20 E. 1. m. 11. (a notable Record) & Rot. 23. *Hibern.* Pasc. 21 E. 1. m. 27, 30. *Hibern.* Trin. 21 E. 1. Rot. 1. *Hibern.* Mich. 21 E. 1. Rot. 18. *Hibern.* Hil. 22 E. 1. m. 43. *Hibern.* (Error.) Trin. 22 E. 1. Rot. 33. *Hibern.* (Pro Libertate *Kildare*) Mich. 27 E. 1. Rot. 43. Pasc. 28 E. 1. Rot. 41. *Hibern.* Hil. 30 E. 1. Rot. 38. *Hibern.* Mich. 30 & 31 E. 1. m. 33. (Probatio ætatis *Ormond*) Hil. 31 E. 1. Rot. 30. Trin. 33 E. 1. Rot. 56. *Hibern.* To these I shall annex Mich. 1 E. 2. Rot. 10. *Hibern.* (containing a suit between the Archbishop of *Tuam*, and the Bishop elect of *Erashannan* for his Temporalities, which the Archbishop pretended to be annexed to his Archbishoprick.) Mich. 2 E. 2. Rot. 102. *Hibern.* containing an Indictment, Conviction of Felony, and Judgement thereon against one of the Chamberlains of the Exchequer in *Dublin*, for robbing the King therein of 400*l.* in money; whose execution was respited till the King declared his pleasure therein; Mich. 4 E. 2. Rot. 101. *Hibern.* Trin. 2 E. 3. Rot. 10. *Hibern.* (a *Quo warrantio* concerning Liberties claimed and exercised by *Roger de Mortimer* and *Jone* his wife;) Hil. 5 E. 3. Rot. 128. & 151. concerning *Kildare*; Mich. 6 E. 3. Rot. 28. Judgement in a *Quare Impedit* against the Prior of *Lanbony* in *Wales* for a Church in *Ireland*, reversed for Error by the opinion of the Judges of the Kings Bench and Common Pleas in *England*, because the Prior was dead before the Judgement given against him; recited likewise Hil. 29 E. 3. Rot. 46. *Hibern.* in his successor Priors case of *Lanbony*; Trin. 10 E. 3. Rot. 112. a Judgement given in *Ireland* for an annuity of 30*s.* a year, reversed afterwards in *Ireland*, confirmed in *England* in a Writ of Error brought against the Judgement of reversal; Hil. 15 E. 3. Rot. 117. *Hibern.* a *Quare Impedis* brought by the King by reason of the Wardship of the Earl of *Louth*, for the Church of *Kuckgraffan*; Trin. 18 E. 3. Rot. 27. (miscited Rot. * 148. in the *Institutes*, p. 356. l. 32. margin) Mich. 19 E. 3. Rot. 163. *Hibern.* concerning dammages in an Assise of *Novel disseisin* between the Archbishop of *Dublin*, and the Bishop of *Osory*; Pasc. 20 E. 3. Rot. 60. & Trin. 21 E. 3. Rot. 90. Error in a Judgement concerning Lands; Mich. 22 E. 3. Rot. 133. *Hibern.* Error in a Judgement for two acres of Turbary in an Assise brought for them; Mich. 34 E. 3. Rot. 72. *Hibern.* several Errors assigned in a Judgement given in *Ireland* against an Abbot; Trin. 2 H. 4. Rot. 40. *Hibern.* *revocatio feodi firma Villa de Drogedah*; Pasc. 6 H. 5. Rot. 60. *Hibern.* & Trin. 50 E. 3. Rot. 19. *Hibern.* a case concerning *Waterford*, in whose Port I shall now cast Anchor, having sailed over-long on this *Irish Sea and Coast*.

* Being the Folio of Mr. *Agar's* Abridgement and Kalendar only.

Cap. 77. p. 360. Of Precedency.

THE Author having only imperfectly glanced at one Patent of Precedency between the Nobility of this Realm, I shall present you with the transcripts of some Charters and Patents in the *Tower*, which concern and explain this subject. The first is that of the Creation, and then of the Precedency of *John Duke of Exeter*, Anno 22 H. 6.

REX Archiepiscopis, Episcopis, &c. salutem. Constat felicem fore Rempublicam quo multis Nobilibus, ne dum Consilii maturitate set armorum strenuitate pollentibus resplendet ornata, nam sicut cœlum stellis redditur positum et clarum, sic relucet non solum regna, set regia diademata lumine dignitatum; Et quanto nobilioz et strenuioz fuerit qui ad honorum sales evebitur, tanto virtuosioz ratione efficitur, cum crescentibus donis rationes crescant donorum, et ab eo cui plus committitur conversatione, et pollicia ordo perfectioz postulat. Quis enim opinionem suam negligentem seu culpabiliter tractare presumeret, quam ad honorum calmina propter meritozum excellentiam censerit elevatam. Hęc quidem in regalis discussionis examine revolventes, ad personam magnifici & præcharissimi Consanguinei nostri *Johannis Comitis Huntingdon* intuitum considerationis direximus, quem propter meritozum excellentiam, et præsertim armorum strenuitatem et consilii profunditatem, ad excelsa honorum producere a regiminis nostri primordiis optabamur. Scientes quod tantarum virtutum titulis insignitis ex justa meritozum compensatione debitoz damus justitiam, et quicquid meritozum incognito erogatur tanquam donum gratuitum et voluntarium procedit totaliter ex favore. Cumque etiam decus Principum sapientum et sublimium constat multitudinis subditozum, et eo magis regale attollitur solium, regni regimen roboratur, quo plures sibi subsistunt nobiles status et eminentiæ celsioz; Volentesque idcirco sceptrum regium tam adfectione novozum honorum, quam restauratione veterum securius stabilire, et augere numerum nobilium per quozum Consilium regnum nostrum dirigi possit in dubiis et sulcari suffragiis in adversis: ipsum Consanguineum nostrum in *Ducem Exon.* erigimus, ipsumque Consanguineum nostrum in Ducatu illo cingendo sibi gladium, ac per appositionem cappæ capiti suo investimus, ut est moris, eidemque Consanguineo nostro nomen, titulum et honorem Ducatus illius damus, conferimus et concedimus per præsentem. Habend. et tenend. nomen, titulum, et honorem Ducatus illius sibi, et hæredibus masculis de corpore suo exeuntibus. Et quia crescente status celsitudine ex consequenti necessario crescunt sumptus et onera grandiosa, de spec. ali gratia nostra præmissozum intuitu, pro hujusmodi statu Ducali decentius et honorificentius per ipsum Consanguineum nostrum et hæredes suos prædictos manutenendo et sustentando Concessimus eidem Consanguineo nostro quadraginta libras, percipiend. annuatim sibi & dictis hæredibus suis masculis de corpore suo, ut præmittitur, exeuntibus, de firmis, exitibus, reventionibus, proficuis & commoditatibus de Com. *Devon.* provenientiibus, per manus Vic. Com: illius pro tempore existen. ad terminos *Pasche* & Sancti *Michaelis*, per æquales portiones, eo quod expressa mentio de aliis donis & concessionibus eidem Consanguineo nostro, aut alicui antecessorum suorum cujus hæres ipse est, per nos aut aliquem Progenitorum nostrorum quondam Regum *Angl.* ante hæc tempore factis, in præsentibus facta non existit, aut aliquo Statuto, Actu sive Ordinatione in contrarium fact. non obstante. Hiis testibus; venerabilibus patribus *J. Cantuar.* Archiepiscopo Cancellario nostro, *W. Lincoln.* Th. *Norwicon.* W. *Sarum.* Th. *Bathon.* & *Wellen.* Custode Privati Sigilli nostri, Episcopis; charissimo Avunculo nostro *Hunfrido Duce Gloucest.* charissimis Consanguineis nostris *Hunfrido Stafford.* *Willielmo Suff.* Comitibus, *Johanne Vicecomite de Beaumont.* dilectis & fidelibus nostris *Radulpho Botiller* Thesaur. *Angl.* & *Rogero Feys* Thesaur.

Cart. 22 H. 6.
m. 41. nn. 40.
De erigendo in
Ducem Exon.

Theſaur. Hoſpitiſ noster Militibus, & aliis. Dat. per manum noſtram apud Caſtrum noſtrum de Wyndſore 6 die Januarii.

Per ipſam Regem, & de dat. predict. &c.

About 11. dayes after this Patent of Creation, he granted him place and Precedency next to the Duke of York, by this Patent.

Pat. 22 H. 6.
pars 1. m. 13.
factus. Pro
Duce Exon.

REX omnibus ad quos, &c. ſalutem. Sciatis, quod nos ſanguinis propinquitatem in qua chariſſimus Conſanguineus noſter *Johannes Dux Exon.* nobis exiſtit, ac etiam quam maximum et fidele ſervitium nobis per ipſum ante hac tempora impenſum, necnon ſinceram affectionem quam idem Dux nobis de cetero ſervitium impendere deſiderat merito contemplantes: Volo- mus et concedimus, quod ipſe et heredes ſui maſculi de corpore ſuo legitime procreati, habeant ſedes et loca ſua in Parliamentis et Conſilii noſtris, pro chariſſimo Conſanguineo noſtro *Duci Ebor.* et heredibus ſuis *Ducibus Ebor.* eo quod expreſſa mentio de aliis donis et concessionibus per nos vel Progenitoſ noſtros preſato Conſanguineo noſtro *Duci Exon.* ante hac tempora factis, in preſentibus minime fact. exiſtit, aut aliquo Actu, Statuto ſive Ordinatione in contrarium fact. ſeu faciend. non obſtantibus. In cujus, &c. Teſte Rege apud *Wyndſore*. 17 die Januarii.

Per Breve de Privato Sigillo, & de dat. predicta auctoritate Parliamenti.

The next is the Patent of Precedency granted to *Henry Earl of Warwick*, Anno 22 H. 6. as the firſt Earl of *England*, thus recited in an Exemphification thereof, Anno 28 H. 6.

Pat. 28 H. 6.
pars 2. m. 23.
factus. Pro Co-
mice Warr. &
aliis.

REX Omnibus ad quos, &c. ſalutem. Sciatis nos inſpexiſſe literas noſtras patentes factas in hac verba. *Henricum Dei gratia Rex Anglia & Francia, & Dominus Hibernia, Archiepiſcopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Juſticiariis, Vicecomitibus, Prepoſitis, Miniſtris, & omnibus Balivis & fidelibus ſuis, ſalutem.* Sciatis, quod nos conſiderantes probitatem, ſtrenuitatem, et providentiam circumſpectam, ac geminatam morum et generis claritatem chariſſimi Conſanguinei noſtri *Henrici Comitis Warrenici*, qui in deſenſionem Ducatus noſtri *Aquitan.* ac reſiſtentiam malicis hoſtium inimicorum et rebelliam noſtroꝝ ibidem, ac partibus eidem Ducatui adjacentibus, quibus vallantur, humaniter ac proſona promptitudine ſe prebet proſecturus gratanter et indefeſſe ſubmiſit; ſperantesque quod honoris adjectis tam probitari quam ſtrenuitati ſuis penes nos gratum adſacet incrementum: Nos igitur ex mere motu noſtro, concessimus preſato Conſanguineo noſtro, quod ipſe cum titulo, ſilo et honore **PRIMI COMITIS, SIT PRIMUS COMITUM, AC PRIMUS COMES REGNI NOSTRI ANGL.** infra regnum noſtrum predictum, ac heredes ſui maſculi ſint **PRIMI COMITUM IN EODEM**; et quod ipſe ſedeat et heredes ſui hujusmodi ſedeant et ſtent in preſentia noſtra, et in omnibus aliis locis honorificis in primo et pro. loco Ducibus et Marchionibus ſive Marchioni etiam et propinquo, et pre ceteris aliis Comitibus dicti regni *Angl.* de tempore in tempus reſideat, et dicti heredes ſui maſculi modo conſimili reſideant et ſedeant, ac ante omnes filios et heredes omnium Ducum dicti regni noſtri *Angl.* in eodem. Et in differentia inter ipſum et alios Comites predicti regni *Angl.* volumus quod utatur circulo antes ſuper caput eſus, ac heredes ſui maſculi utantur in diebus feſtivalibus in omnibus locis ubi talia conveniunt uti, tam in preſentia noſtra quam alioꝝ, ac omnia et ſingula pro nobis et negotiis noſtris ad aliud bonum regni noſtri *Anglia*, ac Dominioꝝ noſtroꝝ, necnon Rigeoꝝ noſtroꝝ concernentibus, ſuſta ſtatus ſui hujusmodi exigentiam in Parliamentis et Conſilii noſtris quibuſcumque locis et temporibus de cetero tenendi ſive assignandi, faciat et exerceat, ac dicti heredes ſui maſculi faciant et exerceant. Huſ teſtibus, venerabilibus patribus *Johanne Archiepiſcopo Cantuar.*

Cancellario

Cancellario nostro, *Wilielmo Lincoln. Thoma Bathon. & Willen. & Wilielmo Sarum* Episcopis, charissimo Avunculo nostro *Humfrido Duce Gloucestre*, charissimis Consanguineis nostris *Humfrido Stafford. & Wilielmo Suff.* Comitibus, *Johanne Vicecomite de Beaumont*, dilectis & fidelibus nostris *Radulpho Cromwell, & Radulpho Borellor* Theaur. *Angl.* & aliis. Dat. apud *Dovor.* secundo die *Aprilis*, anno regni nostri vicefimo secundo.

To this I shall annex the Charter of King *H.* the 6. the same year, whereby this Earl was created Duke of *Warwick*, and had precedency given him before the Duke of *Buckingham*.

REX Archiepiscopis, Episcopis, &c. salutem. Sciatis, quod cum compagna potestatis et Republicæ præminens structura incorrupta quadam constantia, ad celebrem sui nominis honorem et gloriæ magnificentiam impertalem, velut Cælum stelliferis luminibus ornatum, eo decentior et gloriofior refulgeat, quo ampliores fortissimæ et celsioris eminentiæ fidelissimæ columnam virtutum generis et nobilitatis insignis excellentiæ adornatæ in locis dignioribus ad onus superimpositum firmiter supportand. honorificentius sublimetur. Nos igitur præclarissimum Consanguineum nostrum *Henr. Comitem Warr.* PRIMUM COMITEM Regni nostri *Anglia*, conspicuis sui generis claritate et innata probitate aliisque morum et virtutum meritis quibus suis inventus præ cæteris excellenter eminet et præpollet, bonoque et laudabili festivo ac eminenti labore, quæ nobis facere et pro nobis subire pollicetur, (ut asserit & intendit) et quæ *Richardus* nuper Comes *Warr.* pater prædicti *Henrici*, cujus Hæres idem *Henr.* est, & filius unicus, nobis et progenitoribus nostris multotiens impendebat, et subire non dedignabatur, quem dignissime in armorum strenuitate ut columnam immobilem Belli facta pro nobis et nostris magnanimiter et libenter sustinentem suorum agnoscit et commendat ingeniorum excellentiæ merituum, minime per nos aut progenitores nostros hucusque remuneratum. Ac etiam prædicti *Henr.* generis et sanguinis nobilitate nostram Regiam Majestatem, proximiori gradu dicto patre suo attingent. omnino laudabiliter incorrupt. continuata; necnon dignitate et reuerentiâ quibus prædictus nuper Comes et Antecessores sui a tam longo tempore inter alios Comites Regni nostri *Angl.* quos jam tarde nos in Duces creabimus, præpollebat et ornabatur, iusta præmissorum consideratione sublimare cupientes; ipsum Comitem ad honoracionis dignitatis fastigium, iuxta status sui probitatem et decenciam, et prout Regiam decet Majestatem graciolè dirigend. in Ducem *Warr.* cum titulo, stilo, ac nomine et honore eidem debitis præfecimus, erigimus, ordinamus et creamus, ac per cincturam gladii, et cappæ et circulatori in capitis sui impositionem realiter inuestimus. Volumus etiam et concedimus per præsentem, quod idem Consanguineus noster habeat locum et sedem suam in nostris Parliamentis, Conciliis, Congregationibus et aliis locis, *immediate et pro. sed Consanguinei nostri Ducis *Norff.* et præ Consanguineo nostro Duce *Beck.* Et quia crescente status celsitudine ex quadam sequentiâ necessaria debent crescere sumptus et onera, præfato Consanguineo nostro *Henr.* pro statu suo Ducatus hujusmodi decencius et honorificentius manutenendo et sustinendo, dedimus & concessimus eidem Consanguineo nostro *Henr.* Quadraginta libras, percipiend. annuatim de exitibus & reuencionibus Com. *Warr. & Leys.* per manus Vic. eorundem Com. pro tempore existen. ad terminos Sancti *Michaelis & Pasche* per æquales portiones. Habend. et tenend. omnia hujusmodi titulum, stylum, nomen, locum, sedem, et honorem, cum omnibus iuribus et pertinentiis quibuscumque, necnon prædictas Quadraginta libras annuatim eidem Consanguineo nostro *Henr.* et heredibus suis masculis de corpore suo legitime procreantibus. Eo quod expressa mentio de aliis dote & concessionibus eidem Consanguineo nostro *Henr.* ante hæc tempora factis in præsentibus facta non existit, non obstante. Hiis testibus, Venerabilibus patribus *J. Archiepiscopo Cantuar.* *to* *ciis Angl.* Primato, & Apostolicæ sedis Legato Cancellariis nostro, *W. Sarum, & Tho.*

Cart. 22 H. 6.
nu. 24. Pro
Duce Warr.

* Nota.

& *Tho. Bathon. & Wellen. Episcopis; carissimis Consanguineis nostris Johanne Exon. & Johanne Norff. Ducibus, Edmundo Marchione Dorf. Ricardo Comite Sarum, Johanne Vicecomite de Beaumont; Dilectis & fidelibus nostris Radulpho de Cromwell, & Radulpho de Sudeley Thes. nostro Angl. ac Camerario nostro Militibus, ac Magistro Adam Moleyns Custode Privati Sigilli nostri, & aliis. Dat. per manum nostram apud Castrum nostrum de Wyndesore, quinto die Aprilis. Per ipsum Regem.*

To these I shall accumulate this Kings' Charter of Precedency granted to *John Viscount Beaumont*, to take place, and sit before all other *Viscounts*, and next to *Earles*, in all *Parliaments, Counsils*, and other places.

PAT. 23 H. 6.
PART. 2. M. 20.
PRO VICECOMITE
DE BEAUMONT.

REX Omnibus ad quos, &c. salutem. Sciatis, quod cum nos considerantes qualiter per Literas nostras Parentes de gratia nostra speciali dilectum & fidelem Consanguineum nostrum *Johannem Vicecomitem Beaumont* ad nomen et statum Vicecomitis habend. apud *Redyng.* creaverimus et constituerimus. Nos de uberiori gratia nostra concessimus eidem Vicecomiti et heredibus suis masculis Vicecomitibus *Beaumont*, sedem et locum ante et supra omnes Vicecomites fiendos sive creandos, et ante et supra Heredes et Filios omnium Comitum, ac sedem et honorem immediate et prior. Comitibus dicti Regni *Angl.* in singulis Parliamentis, Consiliis, et aliis locis, tam in presentia nostra, quam heredum nostrorum, et alibi habend. eo quod expressa mencio de aliis donis & concessionibus per nos eidem Vicecomiti ante hæc tempora factis, ac de vero valore eorundem in presentibus minime specificat. existit, aut aliquo Statuto, Actu, vel Ordinatione in contrarium fact. sive faciend. non obstante. In cujus, &c. Teste Rege apud *Westm.* 12 die *Marctii.*

* Nota.

Per Breve de Privato Sigillo & de data predicta, auctoritate Parliamenti.

The next in order, is his Patent granted to *Humfry Duke of Buckingham*, giving him precedency before all other Dukes of *England* or *France*, which should be created afterwards, except only those of the *Blond Royal*, Anno 25 H. 6.

PAT. 25 H. 6.
PART. 1. M. 28.
NU. 31. PRO
HUMFRIDO DUCE
BUCK. SEE
ALSO CART. 23
H. 6. M. 32.
NU. 33.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Marchionibus, &c. salutem. Sciatis, quod cum nos Quartodecimo die *Septembr.* Anno regni nostri vicesimo tercio, per quandam Cartam nostram certis notabilibus de causis & considerationibus in eadem carta specificatis, specialiter nos moventibus, carissimum Consanguineum nostrum *Humfridum Comitem Buckingham & Stafford* in Ducem *Buckingham* ex certa sciencia nostra creverimus, ordinaverimus, presecerimus et creaverimus, ac per cincturam gladii et cappe et circuli auri in capitis sui impositionem realiter investiverimus, et omnimoda filium, titulum, nomen, sedem, prerogativam et preeminenciam dicto statui Ducatus quomodolibet pertinentia eidem Consanguineo nostro dederimus, contulerimus et concessimus per eandem Cartam. Habend. et tenend. omnimoda hujusmodi stylum, titulum, nomen, sedem, prerogativam et preeminenciam dicto statui Ducatus quomodolibet pertinentia, sibi et heredibus masculis de corpore suo exeuntibus, prout in eadem Carta plenius continetur. Nos proximitatem sanguinis qua idem Consanguineus noster nos attingit inter alia specialiter ponderantes, & ne ipse & heredes sui predicti de sede prerogativa & preeminenciam quibus ipse ratione & pretextu dicti status Ducatus *Buck.* uti & gaudere debeant in futur. ex nunc aliquo modo perturbentur, impetantur, molestentur, impediuntur, seu aliquo modo graventur: ex certa sciencia nostra concessimus predicti. Consang. nostro & heredibus suis predictis, quod idem Consanguineus noster & heredes sui predicti, in quibuscumque Parliamentis nostris, Heredum et Successorum nostrorum, ac Consiliis Regis, ac aliis locis quibuscumque, tam in presentia nostra Heredum et Successorum nostrorum quam alibi, habeant sedem,

dem, Prærogativam, et Præeminencias habendo, sedendo, ac alias res, quacumque huiusmodi sedem, prærogativam et præeminencias concernentes exercendo sicut sequendo, et sicut et sedent in omnibus huiusmodi Parliamentis, Consiliis, et aliis locis, ante et præ quibuscumque personis et quacumque persona in statu Ducis in Regnis nostris Angliæ et Franciæ, seu in eorum altero, ac in Ducibus vel Ducem eorumdem Regnorum seu eorum alterius per nos vel Heredes seu Successores nostros etiam in posterum ordinand. erigend. creand. seu præficiend. Personis de corpore nostro, seu Heredum vel Successorum nostrorum Regni Angliæ duntaxat exceptis: Ita, quod nulla persona in statu Ducis in dictis Regnis nostris vel eorum altero, per nos, Heredes vel Successores nostros etiam in posterum ordinand. erigend. creand. seu præficiend. nec Heredes sui, exceptis præceptis, stet, eat, nec sedeat, nec sent, eant, nec sedent præ debante præfatum Consanguineum nostrum et Heredes suos prædictos in aliquibus Parliamentis et Consiliis nostris, vel Heredum et Successorum nostrorum, nec in alijs locis honorificis in præsentia nostra vel Heredum et Successorum nostrorum, nec alibi. Quare volumus & firmiter præcipimus præ nobis & heredibus nostris, quod idem Consanguineus noster & Heredes sui prædicti, in quibuscumque Parliamentis nostris, Heredum et Successorum nostrorum, ac alijs locis quibuscumque, tam in præsentia nostra, Heredum et Successorum nostrorum, quam alibi, habeant sedem, prærogativam et præeminencias habendo, sedendo, ac alias res quacumque huiusmodi sedem, prærogativam et præeminencias concernentes exercendo sicut sequendo, et sicut et sedent in omnibus huiusmodi Parliamentis, Consiliis, et alijs locis, ante et præ quibuscumque personis et quacumque persona in statu Ducis in Regnis nostris Angliæ et Franciæ seu in eorum altero, ac in Ducibus vel Ducem eorumdem Regnorum seu eorum alterius, per nos vel Heredes seu Successores nostros etiam in posterum ordinand. erigend. seu præficiend. personis de corpore nostro, seu Heredum vel Successorum nostrorum Regni Angliæ exceptis: Ita quod nulla persona in statu Ducis in dictis Regnis nostris vel eorum altero, per nos, Heredes vel Successores etiam in posterum ordinand. erigend. creand. seu præficiend. nec Heredes sui, exceptis præceptis, stet, eat, nec sedeat, nec sent, eant, nec sedent præ debante præfatum Consanguineum nostrum et Heredes suos prædictos in aliquibus Parliamentis et Consiliis nostris vel Heredum et Successorum nostrorum, nec in alijs locis honorificis, in præsentia nostra vel Heredum et Successorum nostrorum, nec alibi, ut prædictum est. His testibus Venerabilibus Patribus J. Archiepiscopo Cantuar. totius Angliæ Primare, Cancellario nostro, M. Karliol. Theol. nostro Angliæ, W. Sarum & A. Cisterien. Custode Privati Sigilli nostri, Episcopis, carissimis Consanguineis nostris Richardo Eborum. & Johanne Exon. Ducibus, Edmundo Dorset. & Willielmo Suff. Camerario nostro Angliæ, Marchionibus, Richardo Sarum & Henrico Northumbr. Comitibus, necnon dilectis & fidelibus nostris Radulpho Botiller Senescallo Hospicii nostri, & Jacobo Fenys Camerario Hospicii nostri Militibus, & alijs. Dat. per manum nostram apud Westminster. 22 die Maii.

Nota.

Per ipsam Regem, & de dat. prædicta, auctoritate Parliamenti.

The last I shall mention, is the Patent of Precedency made to Henry Nevill creating him Earl and his wife Countess of Warwick after the death of Henry Duke of Warwick forementioned, and to the heirs of Anne, with remainders thereof over to others, with the same precedency that the said Henry deceased enjoyed whiles Earl, before he was created Duke of Warwick, thus recited and exemplified, Anno 18 H. 6.

Sciatis Nos etiam inspexisse alias Literas nostras Patentes fact. in hæc verba, **S**HENRICVS Dei gratia Rex Angliæ & Franciæ, et Dominus Hiberniæ, Omnibus ad quos præsentem Literarum pervenerint, salutem. Sciatis, quod cum carissimus Consanguineus noster Henricus, nuper Dux Warr. defunctus, frater Pat. 12 H. 6. pars 2. m. 237. intus. Pro Comite Warwick & alijs.
Anna

* Nota.

Anna uxoris prædicti Consanguinei nostri *Richardi Neville* Militis, filii Primogeniti carissimi Consanguinei nostri *Richardi Neville* Comitis *Sarum*, cujus quidem *Henrici* hæres ipsa est, Comes *Warr.* exiterit, idemque *Henr. &* Antecessores sui, à tempore cujus contrarii memoria hominum non existit, Comites *Warr.* fuerant. Nos præmissa, ac gratuita & laudabilia servicia per prædictum *Richardum* fil. tam circa personam nostram & aliter, quam in *Scotia*, super pacificationem hostium & inimicorum nostrorum ibidem ad ²suos Costus, & corporis sui labores non modicos in sua minore ætate adhuc existentem, multipliciter impensa ponderantes; considerantesque probitatem, strenuitatem et providentiam circumspiciendam in persona sua clarescere et digere: Operantes insuperque bono negotio adjectis, tam probitati quam strenuitati suis prædictis penes nos gratum adjectis incrementum; de gratia nostra speciali, et mero motu et certa scientia nostris, statum, nomen, titulum, honorem et dignitatem Comitum *Warr.* prædictis *Richardo* fil. et *Anna*, et hæredibus ipsius *Anna* habend. confirmamus, ratificamus et declaramus, eoque eisdem *Richardo* et *Anna* et hæredibus ipsius *Anna*, cum tot, tantis, et talibus præeminenciis, dignitatibus et honoribus, tam in præsentia nostra, hæredum et successorum nostrorum, quot, quanta et qualia dicitur *Henr.* vel aliquis Antecessorum suorum Comitum *Warr.* aliquo iure vel titulo ut Comes *Warr.* vel aliter, antequam dicitur *Henr.* in Ducem *Warr.* creatus seu perfectus fuit unquam habuit vel exercuit, aut habere vel exercere debuit quodvis modo, licet prædictis *Richardo* fil. et *Anna* eorum iure se ad præsentem non habeant, concedimus per præsentem, eo quod expressa mentio de singulis præmissorum hic facta non existit, aut aliquo Statuto, Ordinatione, Actu, Appendamento, re vel materia quacumque facta, vel edita, aut aliquo dono seu concessione per nos dictis *Richardo* fil. & *Anna*, seu eorum alteri, aut eorum alicuius alicui Antecessori facta, seu quod inde in præsentibus minime informamur non obstante. In cujus Rei testimonium has Literas nostras fieri fecimus patentes. Teste nostro apud *Westm.* vicesimo tertio die *Junii*, Anno Regni nostri vicesimo septimo. — Quas quidem Literas eisdem *Richardo* & *Anna* facta, iidem *Richardus* & *Anna* in Cancellar. nostram nobis restituerunt cancelland. ea intentione quod nos eis statum, nomen, titulum, honorem & dignitatem prædicta, cum ceteris præmissis in eisdem Literis memoratis in forma sequenti concedere dignaremur. Nos præmissa considerantes, ex mero motu & certa scientia nostris concedimus eisdem *Richardo* & *Anna*, statum, nomen, titulum, honorem et dignitatem Comitum *Warr.* cum tot, tantis et talibus præeminenciis, dignitatibus et honoribus, tam in præsentia nostra, hæredum et successorum nostrorum, in Parliamentis et Consiliis nostris, hæredum et successorum nostrorum, et alibi, quam in absentia nostra, hæredum et successorum nostrorum, ubique, quot, quanta et qualia dicitur *Henr.* virtute Literarum prædictarum Dat. dicta secundo die *Aprilis*, vel aliter antequam idem *Henr.* in Ducem *Warr.* creatus aut perfectus fuit, unquam habuit vel exercuit, seu habere aut exercere debuit vel potuit quodvis modo, licet iidem *Richardus* & *Anna* exitum inter se ad præsentem non habeant. Habend. tenend. occupand. & exercend. omnia & singula eadem statum, nomen, titulum, honorem, præeminencias et dignitates eisdem *Richardo* & *Anna*, et hæredibus de corpore ipsius *Anna* exeuntibus imperpetuum. Volumus etiam et concedimus, quod idem *Richardus* ad terminum vite sue sit Comes *Warr.* dictaque *Anna* sit Comitissa *Warr.* quodque iidem hæredes ejusdem *Anna* post mortem ipsorum *Richardi* & *Anna* sine Comitibus *Warr.* habeantque occupent et exercent iidem *Richardus* & *Anna*, & hæredes ipsius *Anna* prædicti post mortem eorundem *Richardi* & *Anna* nomen, statum, titulum, dignitatem et honorem Comitum *Warr.* cum tot, tantis et talibus præeminenciis, dignitatibus et honoribus, tam in præsentia nostra hæredum et successorum nostrorum, in Parliamentis et Consiliis nostris, hæredum et successorum nostrorum, et alibi, quam in absentia nostra, hæredum et successorum nostrorum ubique, quot, quanta et qualia dicitur *Henr.* virtute Literarum prædictarum Dat. dicta secundo die *Aprilis*, vel aliter, antequam idem *Henr.* in Ducem *Warr.* creatus aut perfectus fuit unquam habuit vel habere potuit quodvis

quobis modo; Et si contingat eandem *Annam* sine hæredē de corpore suo exeunte obire, tunc volumus & concedimus, quod eadem status, nomen, titulus; honoz et dignitas, cum omnibus et singulis eidem præeminenciis, dignitatibus et honozibus post mortem eorundem *Richardī & Annæ, Margareta Comitissæ Salop. et Hæredibus masculis de corpore ejusdem Margareta. exeuntibus remaneant*; et pro defectu hujusmodi hæred. eadem status, nomen, titulus, honoz et dignitas *Comitis Warr.* cum omnibus et singulis præeminenciis, dignitatibus et honozibus prædictis hæredibus de corpore ejusdem *Margareta* exeunt. post mortem prædicti *Richardī* remaneant imperpetuum, et pro defectu hujusmodi hæred. eadem status, nomen, titulus, honoz et dignitas, cum omnibus et singulis præeminenciis, dignitatibus et honozibus prædictis post mortem dicti *Richardī* rectis hæred. *Richardī* nuper *Comitis Warr.* remaneant imperpetuum. Volumus insuper & concedimus, quod si contingat prædictam *Annam* sine Hærede de corpore suo exeunte obire, tunc post mortem eorundem *Richardī Nevillæ & Annæ, dictæ Margareta ut Comitissæ Warr.* quodque Hæredes masculi de corpore dictæ *Margareta* procreati, ac hæredes de corpore ejusdem *Margareta* procreati, pro defectu hujusmodi hæred. mascul. post mortem dicti *Richardī* nunc *Comitis Warr.* sint *Comite Warr.* habeantque, occupent et exercent eandem *Margaret.* et hæredes sui masculi prædicti, necnon hæredes de corpore suo procreati prædicti, post mortem dicti nuper *Comitis* pro defectu hujusmodi hæred. mascul. nomen, statum, titulum, honozem et dignitatem *Comitis et Comitissæ Warr.* cum tot, tantis, et talibus præeminenciis, dignitatibus et honozibus, tam in præsentia nostra, hæredum et successorum nostrorum, in *Parliamentis et Consiliis nostris, hæredum et successorum nostrorum, et alibi, quam in absentia nostra, hæredum et successorum nostrorum, ubique, quot, quanta et qualia dictus Henr. virtute Literarum prædictarum, dat. dicto secundo die Apr. vel aliter, antequam idem Henr. in Ducem Warr. creatus aut præfectus fuit, unquam habuit vel exercuit, seu habere aut exercere debuit vel potuit quobis modo.* Et si contingat dictam *Margaretam* sine hæred. de corpore suo exeunt. obire, tunc volumus & concedimus, quod recti hæred. dicti nuper *Comitis Warr.* post mortem dicti *Richardī* nunc *Comitis Warr.* sint imperpetuum *Comites Warr.* habeantque exercent et occupent post ejusdem nunc *Comitis* mortem, nomen, statum, titulum, honozem et dignitatem *Comitis Warr.* cum tot, tantis, et talibus præeminenciis, dignitatibus et honozibus, tam in præsentia nostra, hæredum et successorum nostrorum, in *Parliamentis et Consiliis nostris, hæredum et successorum nostrorum, et alibi, quam in absentia nostra, hæredum et successorum nostrorum, ubique, quot, quanta et qualia dictus Henr. virtute Literarum prædictarum, dat. dicto secundo die April. vel aliter, antequam idem Henr. in Ducem Warr. creatus aut præfectus fuit, unquam habuit vel exercuit, seu habere aut exercere debuit vel potuit quobis modo, eo quod expressa mentio de aliquibus donis vel concessionibus per nos aut aliquem Progenitorum nostrorum dictis *Richardo* nunc *Comiti et Annæ* aut dictæ *Margareta* seu eorum alicui perantea fact. in præsentibus fact. non existit, seu quod inde minime informamur, aut aliquo alio Statuto, Actu, Ordinatione seu Prohibitione in contrarium fact. sibe edit. aut aliqua alia re, causa, vel materia quacumque non obstante. In cujus, &c. Teste Rege apud *Westm.* secundo die *Marcii.**

Per breve de Privato Sigillo, &
dat. prædict. &c.

To these might be added, the Patent of 51 E. 3. m. 33. (not Pat: 50 E. 3. + 4 Institutes; m. 33. as the * Author hath misquoted it,) whereby King Edward the 3d. p. 204. l. 8. created the County of *Lancaster* a County Palatine, for the greater honour margin. of his Sonne *John Duke* thereof, cited by the Author, p. 204. & Clause 15 E. 3. pars 1. m. 6, 15, 19, 20, 27. pars 3. m. 1, 2. pars 4. m. 17. Cl. 16 E. 3. pars 1. m. 7, 21, 43. pars 2. m. 13, 17, 27. creating *James Bosiller* Earl of *Ormond*, *John de Ufford* Earl of *Suffolke*, *William de Bohun* Earl of *Northampton*, and *Henry de Lancaster* Earl of *Derby*; and conferring Lands upon them to support their new Dignities;

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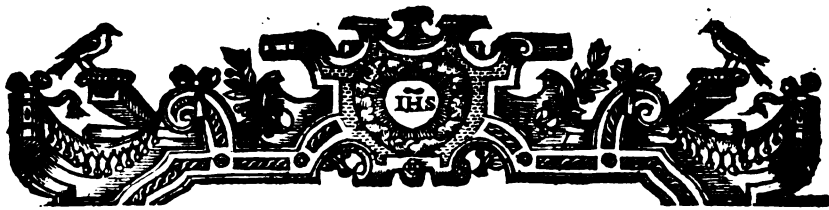
I shall cloze this *Chapter of Precedency*, and my *Animadversions* on this 4th Part of the *Institutes*, with * *Abbot Borengosus* his Encomium of our first Christian Queen *Helena*, and her famous Sonne *Constantine the Great*, commending their real Nobility and just Precedency before others. *Nobilis vos genere, sed nobiliorum sanitate: Nobilitate etenim morum suorum nobilitatem præcallebat aliorum, sciens videlicet, quia hæc est Nobilitas indubitata, quæ bonis moribus et virtutibus prædatur ornata. Unde et ex semine Senatorum Nobilium, nobiliter quendam generabit filium CONSTANTINUM; qui secundum lumen majus, quod videtur præesse diei, splendor fuit Imperii in his quæ erant, sæculi, et in his quæ Dei: sed licet secundum dignitatem sæculi Nobilis esset ex semine Patris; Nobilior tamen in his quæ Dei sunt, erat ex progenie Patris, dum post acceptam gratiam Dei vivens, Nobilitati corporis, Nobilitatem prætulit mentis, seipsum scilicet et erga Deum majorem constantiam habere demonstrans, quam idem parentes sui Constantius haberet aut Constantus.* With the resolution of that excellent Heathen Philosopher *Seneca*. * *Nemo altero Nobilior nisi cui rectus ingenium, et in bonis artibus aptius. Qui imagines in atris exponunt et nomina familiarum suarum longo ordine et multis gemmatum illigata flexuris in parte prima ædium introducunt, Post magis quam Nobiles sunt.* And with that of † *St. Hierom* in his 14 Epistle to *Celantia*. *Nescit religio nostra personas accipere, nec condiciones hominum, sed animos inspicit singulorum; Servum & Nobilem de moribus pronunciat. Sola apud Deum libertas est, non servire peccatis. Summa apud Deum est Nobilitas, clarum esse virtutibus.*

* De Inventione sanctæ Crucis, lib. 2. cap. 1.

* De Beneficiis l. 3. c. 28.

† Tom. 1. Operum, p. 38 H. Edit. Colonia Agrip. 1616.

FINIS.



AN
Additional Appendix of RECORDS
 TO THE
 Premised CHAPTERS.

Courteous Readers, *Having casually omitted some transcripts and quotations of Usefull Records which should have been inserted into the premised Chapters, I thought it convenient, rather to supply them by an Additional Appendix, with reference to the Chapters and pages wherein they should have been placed and printed, than to deprive you wholly of them.*

Cap. I. *Of the High and Honourable Court of Parliament.*

PAge 8. lin. 5. after *contrary*, insert. In perusing Mr. *Agars* Abridgement of *Placita coram Rege*, in the *Treasury of the Receipts of the Kings Exchequer* (the *folios* whereof I find the Author generally quotes throughout his *Institutes*, under the name of *Rotulo 1, 5, &c.* and so mistakes the number Roll of most *Records* he quotes, out of his Abridgement of them, wherein he exactly cites it in his Margin) I found at the end of his Abridgement and Table to the *Placita* of King *Richard* the 2. this *Modus tenendi Parliamentum* transcribed by him, out of a Manuscript in Sir *Robert Cottons* Library, as relating to the time of King *Richard* the 2d. and containing some passages in it transcribed out of *Records* in his reign : Observing withall, that he never found the least mention of this *Modus* in any Record of his or former Kings reigns, though a most diligent laborious peruser and abridger of them. Therefore in his opinion, its highest *Antiquity* exceeded not the later end of King *Richard* the 2. his reign. And so the Authors discourse of its *Antiquity* and *Authority* will prove but a meer *Utopian fancy* of his own invention.

Page 21. l. 22. after *return*, this should have been inserted. Pat. 11 R. 2. I find this Record concerning an extraordinary forcible Riot and Trespasse committed upon the Goods, Lands, Servants and Tenants of one of the Knights of the Shire for *Cumberland*, whiles he was sitting in Parliament under the Kings protection, and this Writ of Inquiry issued out by the King upon his complaint thereof unto him.

REX dilectis & fidelibus suis *Henr. de Percy Comiti Northumbr. Rogero de Clifford, Radulpho Baroni de Graybok, Willielmo de Culwen, Clementi de Stalton,*

Pat. 11 R. 2.
 pars 2. m. 3.
 docto. De in-
 quirendo.

*Stelton, Johanni de Preffon seniori, Willielmo de Hilton, Thoma del Sandes, & Roberto Ormesbeved, salutem. Ex parte dilecti & fidelis nostri Johan de Derwentwatre Chivaler, unius Militum Com. Cumbria, qui ad Parliamentum nostrum apud Westm. ultimo tentum pro communitate ejusdem Comitatus venit, nobis est graviter conquerendo monstratum, quod quidem malefactores et pacis nostre perturbatores armati et modo guerrino arratati apud Bolton in Com. Westmerl. accesserunt, et clausum et domos ipsius Johannis dum ipse in Parlamento nostro predicto, et sub protectione nostra fuit, ibidem hi et armis fregerunt, et bona et catalla sua ad valenciam quadraginta librarum ibidem inventa ceperunt et asportaverunt, et in Willielmum Mashewesson serbientem suum ibidem insultum fecerunt, et ipsum verberaverunt, vulneraverunt, mahemiaverunt, et male tractaverunt, et homines et serbientes suos quod ipsi eidem Johanni non deserbirent, ac tenentes suos quod ipsi ten. sua nullatenus tenerent * sacramentum corporale prestare compulerunt, et eidem hominibus et serbientibus ac tenentibus tantas minas de vita et mutilacione membrorum suorum imposuerunt, et indies imponere non desistunt, quod idem homines et serbientes a serbicio ipsius Johannis recesserunt, dicti tenentes tenementa sua reliquerunt, per quod idem Johannes tam serbicum predicti Willielmi ac hominum et serbientum suorum predictorum, quam redditus et serbicia tenencium suorum predictorum per magnum tempus amisit, et alia enozmia et iniulerunt, et alia mala quamplurima, in nostri et pacis nostre lesionem et perturbacionem; necnon populi nostri moestonem, et aliorum hujusmodi malefactorum perniciosum exemplum fecerunt, in nostri contemptum et prejudicium, et ipsius Johannis grabe dampnum, et contra pacem nostram, necnon contra formam Statuti apud Norht. de armia contra pacem Domini E. nuper Regis Anglia abi nostri non portand. editi. Nos talia, si fiant, relinquere nolentes impunita, volentesque super premissis per vos plenius cerciorari, Assignavimus vos, octo, septem, sex, quinque, quatuor, tres, & duos vestrum, ad inquirendum per sacramentum proborum & legalium hominum de dicto Com. Westmerl. per quos rei veritas melius sciri poterit de premissis omnibus & singulis, & circumstanciis premissa qualitercumque tangentibus plenius veritatem, & ad omnes illos quos coram vobis, &c. in hac parte indictari contigerint arrestand. et capiend. et coram Nobis et Consilio nostro in Quindena Sancti Michaelis prox. futur. ubicumque tunc fuerit venire faciend. ad faciend. et recipiend. quod de eis predictum Consilium nostrum contigerit ordinari tunc ibidem. Et ideo vobis mandamus, quod ad certos, &c. quos, &c. ad hoc provideritis super premissis omnibus & singulis diligentes faciatis inquisitiones, et eas distincte et aperte factas nobis in Cancellariam nostram sub sigillis vestris, &c. et sigillis eorum per quos factae fuerint sine dilatione mittatis, et hoc breve. Mandavimus enim Vic. nostro de Com. Westmerl. quod ad certos, &c. quos, &c. ei scire facere facietis venire faciat coram vobis, &c. tot, &c. de balliva sua per quos, &c. & inquire. In cujus, &c. T. R. apud Westm. 16 die Junii.*

* Nota.

* Nota.

* In my Plea for the Lords and House of Peers, p. 185, 186, 391, to 410. The 4th. Part of my Brief Register and Survey of Parliamentary Writs, p. 673, to 677, 819, to 844, 823, 1214.

From which President it is observable; First, That the House of Commons in that age assumed no Jurisdiction to themselves, or their Committee of Priviledges, to examine and punish this transcendent Riot and breach of Priviledge of their Member, but only complained thereof to the King in Parliament, for redresse thereof, as they did to the King and Lords in all other cases of like nature, till the end of King Henry the 8. as I have * elsewhere evidenced at large. 2ly. That the King upon this complaint, did not presently send for the offenders in custody by a Serjeant at Armes, (as the Commons of late times have done) but issued out a Commission to enquire of the Riot and abuses by a Jury, upon Oath soon after the Parliament ended; and then ordered those who were found guilty thereof to be imprisoned, and to appear before him and his Council at a certain day (not before the Commons House) to abide their Order and sentence. 3ly. That this extraordinary Riot, force upon the Goods, Lands, and

and Oath imposed on the Servants, Tenants of this Member, is declared to be a great breach and disturbance of the peace, of pernicious example, contrary to several Statutes, in contempt and prejudice of the King, and an high violation of the Kings Protection of him as a Member sitting in Parliament, worthy exemplary punishment, though committed in the Country; as it had been in the case of any others, though no Members. 4ly. That this president extends not to legal Suits, or Executions against the Members Servants, Goods, Lands in the Country; the Priviledge of Parliaments in that age being * *confined only to Members menial Servants, and Goods brought with them to the Parliament, as the ancient Presidents, Petitions, and Writs of Priviledge assure us, which were free from all Arrests and Executions.* Which I observe, not to diminish any of the just antient Priviledges of the Commons House, or Members, or the exemplary punishment of the wilfull contemptuous infringers of them, but to rectifie the late irregularities in sending for persons in custody upon every motion and suggestion of a pretended breach of Priviledge, to their extraordinary vexation or expence, before any legal proof or conviction of their guilt, against the *Great Charter* and all antient Presidents, Proceedings in Parliament; now Parliaments sit so long, and the Members thereof, claiming their Priviledges for sundry years, are not only multiplied, but extend their Priviledge to more persons, causes then were known to our Ancestors, when Parliaments seldom sate above *one month*, and then dissolved; and so their Priviledges for so short a space were no grievances, obstructions, or prejudicial delayes to Suits or publick Justice against any Members, Assistants, Officers of Parliament, or their menial Servants, as many *Creditors, Land-lords*, and others now sadly complain they are.

* See the 4th. part of my Brief Register p. 660, 669, 672, &c. 690, to 694, 1200, to 1209.

K. Henry the 4th. having issued forth Writs dated * 28 *Octobris* apud *Westm.* for the summoning of a Parliament at *Bristol* in *Quindena Sancti Hillarii*, and some of the Forest of *Dean*, and others of the County of *Gloucester* hindring strangers of the Kings friendship, and his Native Subjects from carrying Corn of divers kinds, Flesh, Fish, and other Victuals thither for the better provision of the City, and of the King and all others resorting to the Parliament there summoned, issued this Proclamation for the free carriage thereof to *Bristol* without any impediment by Land or Water, and for the securing all those rebellious persons who should disobey it; which hath some relation to the Priviledge due to Parliaments in general, though not to particular Members.

* Claus. 11 H. 4. m. 23.

REX dilectis & fidelibus suis *Johanni Greyndre* Chivaler; *Johanni Jace*, & *Henr. Moton*, salutem. Quia datum est nobis intelligi, quod quidam de Foresta de *Deue*, ac alii ligei nostri Com. *Glouc.* tam alienigenas de amicitia nostra existentes quam indigenas, qui diversa genera bladorum, carnes, pisces, et alia victualia usque *Willam* nostram *Bristol.* ubi Parliamentum nostrum in *prox.* (Deo dante) teneri ordinabimus, ducere et cariare vellent, quominus ipsi hujusmodi victualia usque *Willam* predictam ducere et cariare possint, ausu temerario impediverunt, et indices impedire non desistunt, in nostri preiudicium ac dicta *Willae* inhabitantium, necnon aliozum ligozum nostrorum qui ad eandem *Willam* ex causa Parliamenti predicti veniunt, dampnum non modicum et gravamen. Nos considerantes *Willam* predictam, et ut nobis in adventu nostro ad eandem *Willam*, ac ligoos nostros qui ibidem ad dictum Parliamentum nostrum conveniunt de victualibus hujusmodi melius provideatur prospicere volentes: Ac de fidelitate & circumspectione vestris plenius confidentes, assignavimus vos conjunctim & divisim ad proclamand. & proclamari faciend. ex parte nostra, tam infra Forestam predictam, quam alibi in Com. predicto ubi magis expediens fuerit & necesse, quod omnes & singuli ligei nostri Com. predicti quoscumque, tam alienigenas de amicitia nostra existentes quam indigenas, qui aliqua genera bladorum, carnes, pisces, aut alia victualia quacumque usque *Villam* predictam ducere & cariare voluerint, hujusmodi victualia usque *Villam* predictam, tam per terram quam per aquam, ducere & cariare permittant, & ipsos

Pat. 11 H. 4. pars 1. m. 149 dorso. De Proclamatione faciend.

ipſos de hujusmodi cariagio faciend. nullatenus impediant aut perturbent, ſub periculo quod incumbit. Et inſuper ad omnes illos quos in hac parte contrarios indeneritis ſeu rebelles arreſtand. et priſonæ noſtræ committend. in eodem ſalvo et ſecure cuſtodiend. quouſque aliud a nobis inde habueritis in mandatis. Et ideo vobis & cuilibet veſtrum mandamus, quod circa præmiſſa diligenter intendatis, ac ea facere exequamini in forma prædicta. Damus autem univerſis & ſingulis Vicecomitibus, Majoribus, Conſtabulariis, Ballivis, Miniſtris, ac aliis fidelibus & ſubditis noſtris infra Libertates & extra, tenore præſentium firmiter in mandatis, quod vobis & cuilibet veſtrum in executione præmiſſorum intendentes ſint, conſulentes & auxiliantes prout decet. In cujus, &c. Teſte Rege apud Weſtm. 12 die Novembr.

Page 30. l. ult. after *Per Conſilium*, this ſhould have been inſerted. Before this Inquiſition, I find this Preſentment of the Sheriff of *Northampton*, for levying more Expences upon the County for the Knights thereof than the Writ of the King preſcribed; and putting it into his own purſe, for which he made a fine to King *Edward* the 3d. in the 3. year of his reign.

Placita Corona apud Northampton. coram Galfrido le Scrop & aliis Juſticiariis. Domini Regis Itinerant. ibidem die Luna prox. poſt feſtum Omnium Sanctorum, Anno Regis Edwardi tertii poſt Conqueſtum tertio.

Northamp.

* See the Firſt Part of my Brief Register, &c. of Parliamentary Writs, p. 29, 30. Cl. 3 E. 3. dorf. 19. & Cl. 4 E. 3. dorf. 41.

Jur. præſentant, quod cum concordatum fuit, ſquod *Robertus de Daventre & Johannes de Seymour* Milites electi fuiſſent eſſendi ad Parliamentum Domini Regis nunc tentum apud * *Wynton*. pro Communitate iſtius Com. et quod haberent pro expenſis ſuis pro moza ſua ibidem de Communitate Com. xx l. *Willielmus de Seymour* tunc Vic. iſtius Com. falſo et malicioſe levare fecit de Communitate prædicta pro prædictis xx l. 50 l. et id quod exceſſit prædictam ſummam de xx l. retinuit ad opus ſuum proprium ad maximam oppreſſionem populi. Ideo præceptum eſt Vic. quod venire fac. eum, &c. Poſtea venit prædict. *Willielmus*, & dicit, quod Dominus Rex nunc Anno Regni ſui primo, tempore quo idem *Willielmus* fuit Vic. &c. per breve ſuum ei inde directum, præcepit, quod de Communitate Com. prædicti, tam infra Libertatem quam extra faceret præſatis *Roberto* et *Johanni* Militibus venientibus ad prædictum Parliamentum pro Communitate totius Com. xxviii l. pro expenſis ipſorum Militum, quod quidem hæbe idem *Willielmus* proferit in Cur. hic. in hæc verba. * *Edwardus Dei gratia Rex Angl. &c.* videlicet, pro ſexaginta et decem diebus utroque prædictorum *Johannis* & *Roberti* captente per diem quatuor ſolidos. Teſte moipſo apud Weſtm. xii. die Marcii, Anno regni noſtri primo. Prætextu cujus brevis idem *Willielmus* in pleno Com. North. per aſſenſum Com. prædicti aſſidere fecit prædictas xxviii l. ad opus prædictorum Militum pro expenſis ſuis, et quod niſi ulterius ad opus ſuum levabit nec retinuit; petit, quod inquiratur per patriam. Et *Ric. de Aldeburgh* qui ſequitur pro Rege ſimiliter. Ideo veniat inde Jurat. &c. Poſtea venit prædictus *Willielmus* et fecit ſententiam cum Domino Rege pro omnibus tranſgreſſ. ſuper ipſum præſentat. prout patet alibi.

* See the 4th Part of my Brief Register of Parliamentary Writs, p. 107, 108.

* In the Tally Office.

Page 31. l. 9. after *them*, inſert. To which * *Mich. 14 H. 4. coram Rege, Rot. 22. Subtr.* the caſe of *Henry Abraham* Burgeſſe of Parliament for *Southampton*, who ſued for and recovered his expenſes, may be accumulated.

* See the Firſt Part of my Brief Register, &c. p. 123.

Page 34. l. 14. this ſhould have been inſerted. To this I ſhall ſubjoyn the Exemption of the Abbots of *Bolton Royal* from coming to future, though * frequently ſummoned to former Parliaments, (becauſe they held not by Barony, but *Frankalmoign*) and likewise from a Diſme granted to the King.

R. E X

REX Venditoribus & Assessoribus nonæ garbarum, vellerum & agnorum in Com. Berk. salutem. Cum nuper dilectus nobis in Christo Abbas de *Bello loco Regis* nobis supplicaverit, quod cum ipse teneat omnia terras et tenementa Abbatiz suæ annexa in puram et perpetuam elemosinam, et non per Baroniam aut alias de nobis in capite, per quod ad Parliamenta seu Consilia nostra, vel hæredum nostrorum minime debeat summoneri; ibemque Abbas ad Parliamenta et Consilia nostra, ac Domini *E.* nuper Regis *Angl.* Patris nostri, post annum regni sui primum non continue, sed vicibus interpolatis indebite summonitus fuisset, vellemus ipsum de veniendo ad hujusmodi Parliamenta et Consilia nostra et hæredum nostrorum subere exonerari; et nos pro eo quod per inspectionem Chartarum Progenitorum nostrorum quondam Regum *Angl.* nobis constat, quod idem Abbas tenet omnia terras et tenementa sua Abbatiz suæ prædictæ annexa, in liberam, puram et perpetuam elemosinam; quodque per certificationem Theaur. & Baronum nostrorum de Scaccario de mandato nostro factam, & in Cancellaria nostra retornatam, non est compertum, quod ibem Abbas tenet aliquas terras seu tenementa per Baroniam, seu alias de nobis in capite: Volentes supplicationi suæ annuere gratiose in hac parte, Quintodecimo die *Julii* prox. præterito per literas nostras patentes concesserimus pro nobis et hæredibus nostris præfato Abbati, quod ipse et successores sui Abbates loci prædicti, de veniendo ad Parliamenta seu Consilia nostra vel hæredum nostrorum superpetuunt exonerentur, et quod ad eadem evnunt nullatenus summonentur, nisi eorum præsentia ob aliam causam nobis vel hæredibus nostris necessaria fuerit vel oportuna, prout in literis nostris prædictis plenius continetur. Jamque idem Abbas nobis supplicaverit, ut cum ipse quandam Decimam annalem nobis ultra Decimas triennem & annalem nobis per Clerum regni nostri *Angl.* concessas de Spiritualibus & Temporalibus illis annexis, de quibus Decimas hujusmodi dare & solvere hætenus consuevit concesserit, ac portiones ipsum de hujusmodi Decimis contingentes nobis ad terminos jam elapsos solverit, vos tamen ipsum Abbatem ad eandem nonam nobis de Temporalibus suis prædictis solvend. distringi, & ipsum ea occasione multipliciter gravari & inquietari facitis, in ipsius Abbatis dampnum non modicum & gravamen: Super quo nobis est supplicatum sibi per nos de remedio congruo provideri. Nos ad præmissa considerationem habentes, necnon ad hoc, quod in Parlamento nostro apud *Westm.* ultimo tento extitit concordatum, quod Religiosi et alii viri Ecclesiastici qui ad Parliamenta nostra venire non tenentur, de Temporalibus et Spiritualibus suis annexis quæ ad Decimam inter eadem Spiritualia anno regni Domini *E.* quondam Regis *Angl.* Abi nostri vicelesimo taxata fuerunt pro quibus hujusmodi Decimam nobis solvunt, de solutione nonæ prædictæ penitus exonerentur, et quod de aliis terris et tenementis per ipsos pro dicto anno vicelesimo acquisitis eadem nona ad opus nostrum levetur. Vobis mandamus, quod demandæ quam facitis præfato Abbati pro dicta nona garbarum, vellerum & agnorum de Temporalibus, Spiritualibus suis prædictis annexis, quæ ad Decimam inter eadem Spiritualia dicto anno vicelesimo taxata fuerant & unde Decimam solvit, nobis solvend. superfedeatis omnino. Et distinctionem si quam præfato Abbati occasione nonæ prædictæ feceritis relaxari, vel si quicquam ab eo pro eadem nona levaveritis, id ei restitui fac. indilate. Proviso quod eadem nona de terris & tenement. si quæ per ipsum Abbatem vel Prædecessores suos post dictum annum vicelesimum acquisita fuerint, ad opus nostrum levetur juxta concordiam supradictam. Teste Rege apud *Turrim London.* 25 die *Julii.*

Per Consilium.

Eodem modo mandatum est Venditoribus & Assessoribus nonæ garbarum, vellerum & agnorum in Com. *Sarbr. & Wils.* Eodem modo mandatum est Assessoribus & Collectoribus lanarum in Com. prædictis pro eodem Abbate, de supersedendo de lanis prædictis. Teste ut supra.

Per Consilium.

Page 34. l. 23. after *others*, this should have been inserted.

Pat. 16 E. 3.
pars 1. m. 5.
Pro Wolfstano
Episcopo Wy-
gorn.

REX omnibus ad quos, &c. salutem. Supplicavit nobis venerabilis pater *Wolfstans* Episcopus *Wygorn.* ut cum ipse tantæ ætatis et sui ipsius tam impotens existat, quod absque periculo et corporis sui dampno non modico multum laborare non possit: Idemque Episcopus Anniversario Domini *E.* nuper Regis *Angl.* Patris nostri, singulis annis apud *Gloucestr.* pro solemnitate ejusdem Anniversar. ibidem personaliter faciend. ad rogatum nostrum concesserit interesse, absentiam ipsius Episcopi in Parliamentis, Consiliis, et aliis Congregationibus quæ per nos extra Dioc. ipsius Episcopi futuris temporibus teneri seu summoneri contigerit, habere velimus excusatum. Nos ad præmissa considerationem habentes, ac volentes eo prætextu supplicationi ejusdem Episcopi annuere in hac parte, de gratia nostra speciali concessimus pro nobis et hæredibus nostris præfato Episcopo, quod ipse pro toto tempore vitæ suæ, ad Parliamenta, Consilia, seu alias Congregationes quæcumque quæ per nos vel hæredes nostros extra dictam Dioc. exnunc teneri seu summoneri contigerit, in propria persona sua venire minime teneatur, nec ad hoc aliqualiter compellatur, set ipsum Episcopum de adventibus suis ad Parliamenta, Consilia, et Congregationes hujusmodi habere volumus excusatum ex causis antedictis. Ita tamen quod idem Episcopus sufficientes vel sufficientem Procuratores vel Procuratorem ad Parliamenta, Consilia, et Congregationes hujusmodi mittat, ad consentiend. hiis quæ per Prælatos et alios ibidem summonitos contigerit ordinari. In cujus, &c. Teste Rege apud *Westm.* tertio die *Maii.*

Per Breve de Privato Sigillo.

Concerning the proclaiming of Acts, execution of Judgements given in, the levying of Aydes granted by, the exemplifications, answers of Acts, Petitions, and other proceedings in, the prohibitions of Justs, Armes sitting Parliaments, and other particulars relating to them, you may consult at leisure Pat. 3 E. 1. m. 10. Claus. 3 E. 1. pars 1. m. 7, to 25. intus & dorso. Pat. 4 E. 1. m. 6. Pat. 6 E. 1. m. 6, 7. Cedula. Claus. 11 E. 1. dorso. 2. Pat. 11 E. 1. m. 9. Pat. 13 E. 1. m. 13. (a Fine of 500 l. imposed upon *Bristol*) Claus. 18 E. 1. dorso. 6. Pat. 20 E. 1. dorso. 11. Fines 21 E. 1. m. 25. Claus. 25 E. 1. dorso. 8. Cedula. Claus. 28 E. 1. dorso. 2, 3, 4, 13. Claus. 29 E. 1. m. 3. Pat. 29 E. 1. m. 24. Fines 29 E. 1. m. 13. Claus. 30 E. 1. m. 3, & 6. Cedula. Pat. 30 E. 1. m. 21. Claus. 31 E. 1. m. 2. Pat. 31 E. 1. m. 22, 36. dorso. 15. Claus. 33 E. 1. m. 16, 20, 39. & dorso. 26. Pat. 33 E. 1. pars 1. dorso. 8. pars 3. dorso. 20. Claus. 6 E. 2. m. 20. dorso. 8. Pat. 8 E. 2. pars 1. m. 26. Claus. 8 E. 2. dorso. 22, 33, 34, 35. & m. 3, 14. Claus. 10 E. 2. m. 18. dorso. 28. Claus. 12 E. 2. dorso. 22. Claus. 14 E. 2. m. 11. dorso. 7. Claus. 20 E. 2. m. 13. the Statute Rolls of King *Edw.* 1, 2, & 3. Claus. 1 E. 3. pars 1. m. 3, 5, 7, 8, 9, 10, 14, 17, 18, 19, 25, 26, 27, 28. dorso. 9, 21, 23. Claus. 4 E. 3. m. 1, to 16, 22, 32, 37, 39. dorso. 6, 12, 17, 22, 36, 38, 41. Pat. 6 E. 3. pars 2. dorso. 19, 23, 30. Claus. 9 E. 3. m. 6, 8, 10. Pat. 10 E. 3. pars 1. m. 13. Pat. 15 E. 3. pars 1. m. 2, 3. pars 2. m. 24. Pat. 16 E. 3. pars 1. m. 5. Claus. 17 E. 3. pars 1. m. 7. Pat. 18 E. 3. pars 2. m. 39. Pat. 19 E. 3. pars 2. m. 4. Claus. 31 E. 3. pars 1. dorso. 7. Pat. 31 E. 3. pars 3. dorso. 7. Claus. 35 E. 3. dorso. 1, 30. Pat. 50 E. 3. pars 1. m. 17. dorso. 2, 7, 8. pars 2. m. 6. dorso. 32. Pat. 51 E. 3. m. 24, 27, 29. Claus. 1 R. 2. pars 1. dorso. 19. Rot. *Francia* 1 R. 2. pars 1. m. 5, 6, 9, 10, 11, 12, 14. pars 2. m. 14, 15, 18. Fines 1 R. 2. pars 1. m. 13, 16, to 22. pars 2. m. 6, 9, 15. Rot. *Strapula* 1 R. 2. m. 4, 5, &c. Pat. 5 R. 2. pars 2. m. 19. Pat. 6 R. 2. pars 2. m. 18, 19, 31, 34, 35. Claus. 11 R. 2. m. 3, 11, 14, 15, 16, 24. dorso. 13, 49. Pat. 12 R. 2. pars 1. m. 20. pars 2. m. 7, 9, 14, 17, 22. dorso. 11, 22, 25. Pat. 13 R. 2. pars 1. m. 19, 28. pars 2. m. 1, 2, 10, 30, 31. pars 3. m. 2, 26, 28, 30. Claus. 13 R. 2. m. 10, 13, 17, 24. dorso. 12, 14, 17. Pat. 14 R. 2. pars 1. m. 9. Pat. 16 R. 2. pars 2. dorso. 4. Claus. 17 R. 2. pars 1. dorso. 13. Pat. 17 R. 2. pars 2. m. 16, 26. dorso. 31. Claus. 19 R. 2. m. 3. Pat. 11 H. 4. pars 2. m. 14, 15. Pat. 12 H. 4. dorso.

dorf. 21. Claus. 14 H. 4. dorf. 11. Pat. 1 H. 6. m. 38. Pat. 13 H. 6. pars 2. m. 3. Pat. 25 H. 6. pars 2. m. 12, 22. & Pat. 1 E. 4. pars 2. m. 18.
 Page 39. l. 13. after *determine*, adde, Concerning the Affises of Clothes, the Aulnegers and his Deputies Patents, Office, duty, abuses, you may consult these Records following; Claus. 9 H. 3. m. 3. & dorf. 9. Fines 10 H. 3. m. 4, 5. Claus. 22 H. 3. dorf. 11. Pat. 54 H. 3. m. 14. Pat. 55 H. 3. m. 15. & dorf. 11. Claus. 55 H. 3. m. 3. Pat. 56 H. 3. m. 4. & dorf. 18. Claus. 6 E. 1. dorf. 7. Pat. 7 E. 1. m. 3. Pat. 8 E. 1. m. 27. Pat. 11 E. 1. m. 9. Pat. 12 E. 1. m. 20. Pat. 14 E. 1. pars 1. m. 7, 8. Pat. 24 E. 1. m. 17. Fines 29 E. 1. m. 12, 20. Claus. 32 E. 1. dorf. 6. Pat. 4 E. 2. pars 2. m. 22. Fines 17 E. 2. m. 23. Claus. 3 E. 3. m. 13. Pat. 31 E. 3. pars 1. m. 27. pars 3. m. 3, & 16. Claus. 34 E. 3. m. 16. Claus. 43 E. 3. dorf. 20. Claus. 48 E. 3. dorf. 10. Pat. 50 E. 3. pars 1. m. 17. pars 2. m. 13. Pat. 51 E. 3. m. 37. Pat. 6 R. 2. pars 2. m. 10. Pat. 11 R. 2. pars 1. m. 28. & pars 2. m. 32. Pat. 14 R. 2. m. 26. Pat. 17 R. 2. pars 1. m. 16. intus. Pat. 11 H. 4. pars 2. m. 20. & Placita coram Rege Pasc. 11 H. 4. Rot. 27. where a Patent to the Aulneger to seal and measure Clothes within the City of London, is revoked because against the Cities Liberties.

Cap. 17. Of the Honourable Court of Chivalry, before the Constable and Marshall.

PAge 59. l. 45. after *Common Law*, this should have been inserted. The Jurisdiction and proceedings of the Constable and Marshall in the Kings Armies, with their Military discipline in them, and tryal of offenders by Jurors, where they did not confesse their offences, is best discovered by the *Placita Exercitus*, Anno 24 E. 1. in his Army sent into *Scotland*; remaining in the Treasury of the Kings Receipts in the Exchequer, consisting of 9. Rolls, the Abstracts of some of which I shall here present you with as a rarity.

Placita Exercitus Regis apud Werk. die Mercurii prox. post Dominicam in Ramis Palmarum, Anno regni Regis Edwardi primi. 24. Rot. 9.

Willielmus de Wittingham attachiatus est, &c. per Juratores non est culpabilis de his quæ sibi imponentur, quod est infidiator regni *Scotia*.

Placita apud Branck. die Mercurii post Mensem Pasc. anno prædicto.

Radulphus de Midhurst de Com. Wiltes. & Johannes de Lenyng, quia perrexerint de Vexilla ad prædand. ideo ad prisonam quousque, &c.

Richardus de Launton, & Ivone Sidors in misericordia, quia contempserunt Centenarium eorum, scil. 3 s. quos solverunt statim.

Richardus de Taylor Centenar, de Millag. & Henricus de Brndesford, fecit finem pro se & pro Centenaria sua pro transgressione, quia non fecit vigiliam, 1 marc.

Rot. 7. Radulphus de Lutue, quia fecit attach. super socium suum sine Marefcal. fecit finem 6 d. & solvit. Simile quia attachiari voluit sine Marefcallo.

Johannes de Aueruiths occasionatus per Constabul. suum, quod noluit vigilare, nec ire ad forac. sicut præmunitus fuit. Ideo ad prisonam quousque, &c.

Placita apud Rokesburgh. die Jovis prox. post festum Assumptionis.

Herwic. de Dunbam attachiat. pro eo quod insultum dedit cum gladio in Roggerum Leam in capite & brachio, & vulneravit, venit & factum recognovit, ideo adjudicatur prisonæ quousque, &c. & finem fecit 12 d.

Walterus de Willes Vintenarius, & res alii Vintenarii, attach. fuerunt pro regrator. & forstal farinæ & aliorum victualium, & super hoc inculpati, non

possent hoc dedicere. Ideo ad prisonam quousque, &c. & finem fecerunt
40 d.

But that which is most memorable, *Thomas Capellanus de Benburgh* attach, quia excommunicavit *Domini Regem Anglia publice, campanis et candelis, et hoc concecit coram Marescallo se fecisse in despectu Regis. Ideo ad voluntatem Domini Regis. Et Richardus Gills* eo modo, quia pullavit campanum in despectu Regis. Postea deliberati sunt ad *Archidiaconum Linor.* per preceptum Regis. It seems he was a *Scottish Priest*, and this Excommunication made in *Scotland*, when the King invaded it.

Placita apud Menes die Martis prox. ante festum Sancti Thomæ Martyris.

Alminus de Whittban attach. fuit ad respondend. Domino Regi de placito Transgres. & unde *Johannes Lovel* tanquam Marescal. Domini Regis prædict. in exercitu suo *Scotia*, queritur pro eodem Domino Rege, Quod cum die *Luna* prox. post festum *Sancti Johannis Baptista*, An. prædict. idem Marescal. apud *Kynelton* nomine ipsius Domini Regis proclamationem fecisset, quod ne quis sub forisfactura Domini Regis prædicti ante *Uerillum Constabular.* et Marescal. quoquo modo transiret; idem *Alminus* non obstante proclamatione prædicta, apud *Clony* ante *Uerilla* prædicta temere transire præsumpsit. Et super hoc venit prædict. Marescallus; & prædict. *Alminus* qui tanquam Domini Regis proclamationem contempsit, per corpus suum, & duos equos secum inventos attachiavit, & prædicta attachiata cuidam valecto suo commisit: Et prædict. *Alminus* se justificare non permittens, se & alios de comitiva sua prædict. attach. per rescussum transfugit, in contemptu Domini Regis, et ad dampnum ipsius Marescal. centum marc. Et hoc petit pro Domino Rege, quod inquiratur. Et prædict. *Alminus* venit & defendit vim & injuriam, &c. Et dicit, quod prædict. proclamationem ignorabit. Et quia prædict. *Alminus* non potest hoc dedicere, prædict. Marescal. pro Domino Rege petit inde iudicium. Et quo ad rescussum prædict. dicit, quod non est inde culpabilis sicut ei ex parte Domini Regis imponitur: petit quod inquiratur. Et prædict. Marescal. similiter. Ideo præcept. &c.

Et *Inrazozes* dicunt super Sacramentum suum, quod prædict. *Alminus* prædict. rescussum fecit. Et prædict. Marescal. ipsum inculpavit, & de prædicto rescusso adhuc seistus remansit. Ideo consideratum est, quod prædict. Marescal. rehabeat attachiata sua tanquam ei forisfact. Et prædict. *Alminus* ad prisonam Domini Regis ad voluntatem suam quousque, &c.

Item, non liceat præbare post protectionem Domini Regis concessam; de qua *Hugo Pefatser* implac. *Johannem Simpson* & alios, quod fugarunt averia sua in salvo conductu & protectione Domini Regis; though he shewed them the Kings Safe-conduct and Protection under his seal, which they refused to see or obey.

To these I shall adde two memorable Records concerning the Law and Custom of Armes in cases of Prisoners of War, not paying their ransoms, and breaking their faith whereupon they were conditionally released, with the means of recovering their ransoms, or reseising their persons in such cases.

* Pro Roberto de Marcy.

* Rot. *Vasconia* 21 E. 3. m. 2: *Robert de Marcy* having taken some Prisoners of War in *Gascoign*, then Rebels against the King, some of which obliged themselves by publick Instruments, others only *per fidem suam*, to pay certain sums of money to him for their ransoms at certain terms, which they failed to pay; the King upon his Petition issued a Writ to the *Senescal of Gascoign*, and *Marescal of Burdeaux*, quod vocatis coram vobis Prisonibus prædictis, auditisque rationibus ipsius Roberti vel ejus attorney in hac parte, eidem Roberto super præmissis, omnibus & singulis quibuscumque excusationibus, dilationibus & cavillationibus postpositis fieri facerent, ac de jure debito & festinus justitia complementum, secundum fores & consuetudinem partium prædictarum, ET LEGEM ET CONSUETUDINEM ARMORUM fuerit faciendum, &c. Teste Rege apud *Wellesham*. 15 die *Novembris*.

Rot.

* Rot. Francie 21 E. 3. pars 2. m. 8. *William de Wyncheles* taking *William de Conce* a Prisoner of War in Normandy, and detaining him for a time, *ipsum postmodum per fidem suam sub tali conditione, ut ipse infra certum tempus jam prateritum, ad eundem Gullum de Wyncheles revertetur, ad satisfaciendum ei de redemptione sua in hac parte, transire permiserit*; who breaking his faith, and going into Jersey, the King upon his Petition issued a Writ to the Bayliffs and Jurates of the Isle, to seise the said *William de Conce* wherever they found him, upon evidence of the fact, & *ipsum prefato Guillo de Wyncheles liberare, tenendum sicut prisonem suam, prout secundum JUS ARMORUM fuerit faciendum. Teste Rege apud Westm. 10 die Decembr.*

* Pro Guillo de Wyncheles.

To which may be added Claus. 15 E. 3. pars 1. m. 15. Claus. 17 E. 3. pars 1. dorf. 6. & Pat. 12 H. 4. dorf. 43. concerning Prisoners of War, their ransoms, and recovery of them.

Page 73. l. 40. before Claus. 11 R. 2. adde these Records, concerning *Depredations at Sea*, against *Truces*, *Safe-Conducts*, and *Protections*; Claus. 45 H. 3. dorf. 7. Claus. 15 E. 3. pars 1. dorf. 12, 23. pars 3. dorf. 6, 7, 16. Pat. 16 E. 3. pars 1. dorf. 11, 28, 36, 41. pars 2. dorf. 5, 15, 21, 22, 36. pars 3. m. 4. intus, & dorf. 2, 5, 7. Claus. 16 E. 3. pars 1. m. 30. intus, & dorf. 41. pars 2. dorf. 6, 25. Pat. 17 E. 3. pars 1. dorf. 29, 33, 35, 40. Pat. 19 E. 3. pars 1. dorf. 1, 21. Pat. 50 E. 3. pars 1. dorf. 8. Pat. 6 R. 2. pars 1. dorf. 16. pars 2. dorf. 16, 17, 19, 26. pars 3. dorf. 7. Pat. 11 R. 2. pars 1. m. 27. dorf. 6. pars 2. m. 28. Pat. 11 H. 4. pars 1. dorf. 3, 5, 7, 11, 12, 16. Pat. 12 H. 4. dorf. 6, 13, 16, 41.

Cap. 18. *Of the Marshall, and Court of the Marshalsea.*

Page 75. l. 21. after *Maii*, adde, Concerning the Jurisdiction of the *Marshall of the Kings Household*, of the *Marshalsea*, and limits of the Verge, you may peruse Claus. 25 H. 3. dorf. 29. Pat. 9 E. 1. m. 19. an Exemption of the Inhabitants of *Westminster* by Patent, from the *Marshals* and his Ministers Jurisdiction, to lodge Strangers with them against their wills, and these Records in the *Kings Bench*, (kept in the Treasury of the Kings *Recebers* at *Westminster*) Hil. 22 E. 3. coram Rege, Rot. 105. Mich. 10 H. 4. coram Rege, Rot. 57. *Bedford*. Mich. 8 H. 5. coram Rege, Rot. 32. & Pat. 19 E. 3. pars 2. dorf. 30 in the *Tower*. For the *Marshall of England* and his Office, peruse Cart. 7 Johan. Regis, pars 2. m. 13. the Charter to the Earl of *Pembrok*, Fines 18 E. 3. m. 22. *de Inquirendo de Officio Marescal. Angliæ*, Claus. 1 E. 3. pars 2. m. 19. & Pat. 25 H. 6. pars 2. m. 22.

Cap. 22. *The Court of Admiralty.*

Page 117. l. 45. before King *Richard 2.* these Records should have been inserted, which concern the *Admirals Jurisdiction* under King *Edward 3.* in cases of *Piracy* and *Depredations*, breaches of arrest of *Ships* and *Mariners* for the Kings Fleet and Service, to the prejudice thereof, and to punish all persons of the Fleet who should disobey his commands, & all breakers of the Kings Protections and Truces on the Sea to Foreign Merchants; to imprison, fine their persons, and seise their Goods, till they should make satisfaction, or contribute proportionably towards the said Fleet and Sea Service, as the Admiral should think meet.

Pat. 16 E. 3. pars 2. m. 39. dorf. De intendendo Admirallo & aliis assigna-

REX Vicecomitibus, & omnibus aliis Ballivis, Ministris, & fidelibus suis, tam infra libertates quam extra, ad quos, &c. salutem. Sciat, quod

assignavimus dilectos & fideles nostros *Robertum de Morley* Admirallum flote nostre *Radium* ab ore aque *Thamisis* versus partes boziales, *Johannem de Hales* Chivaler, & *Willelmum de Playford*, conjunctim & divisim, ad inquirend. per Sacramentum proborum et legalium hominum de Com. in Balliva predicti Admiralli, tam infra libertates quam extra, per quos rei veritas melius sciri poterit, de nominibus omnium illozum qui aliquas partes, vel aliquam partem bonozum et mercimontozum captozum, appoztatozum, seu abductozum de quadam *Rad* vocata *la Taryce*, quam quidam malefactozes de regno nostro *Angl.* nuper supra mare ceperunt, et deprecati fuerunt, per captivem, emptionem, venditionem, vel alio modo qualitercumque habuerunt vel occupant, et etiam omnium illozum qui arellationes *Radum*, *Parinariorum*, vel aliozum per predictum Admirallum infra Ballivam suam predictam, pro expeditione negotiozum nostrozum tempore quo predictus *Robertus* Admirallus noster extitit factas, fegerunt: et ad omnes illos quos de premissis culpabiles inventi contigerit, et viagio flote nostre predicte celeriter faciend. contribuere vel auxiliari recusataverint, per eozum corpora attachiand. et bona et catalla sua arelland. quousque ipsi viagio predicto cum celeritate, ut premititur, faciend. juxta discretionem ipsius Admiralli rationabilem contributionem fecerint, et ad nos de nominibus omnium illozum quos premissa occasione arellaverint, et de quantitate vel valore bonozum et catallozum singulozum per ipsos Admirallum, *Johannem* & *Willelmum* sic arellatozum, et de toto facto suo in hac parte in Cancellaria nostra sub sigillis suis distincte et aperte certificand. Volumus enim quod prelati Admirallus, *Johannes* & *Willelmus*, vel eozum aliquis occasione premissozum, per nos vel heredes nostros, Justic. seu alios Ministros nostros vel heredum nostrozum, occasionentur, molestentur in aliquo seu graventur. Et ideo vobis omnibus & singulis firmiter injungeddo mandamus, quod *Albertus* Admirallo, *Johanni* & *Willelmo*, et cuilibet eozum, in premissis faciendis et explendis, pareatis et intendatis quociens et prout per ipsos vel eozum aliquem super hoc premissi fueritis ex parte nostra. In cujus, &c. Teste Rege apud *Westm.* 30 die *Maii*.

Per ipsum Regem et Consilium.

Pat. 16^e E. 3.
pars 1. m. 18.
incus. De potestate tradita
Admirallo.

REX Omnibus Ballivis & fidelibus suis ad quos, salutem. Sciatis, quod cum nos de fidelitate probata, & circumspicione provida dilecti & fidelis nostri *Johannis de Monte Gomeri* plenarie confidentes, constituerimus ipsum *Johannem* Capitaneum et Admirallum de Flota nostra omnium *Radium*, ab ore aque *Thamisis*, per costeram maris versus partes Occidentales, quas ad proficiscend. in obsequium nostrum pro defensione Regni nostri sub certa forma parate mandabimus, quamdiu nobis placuerit, *Dantes* eidem *Johanni* potestatem omnes et singulos *Parinarios* et alios de flota nostra predicta castigandi et puniendi prout iustum fuerit, et prout hactenus fieri consuebit. Nos securitati & indemnitati prefati *Johannis* prospicere volentes, et ut ipse premissa celerius et efficacius facere valeat, *Dantes* tenore presentium eidem *Johanni* potestatem et mandatum speciale omnes et singulos *Parinarios* et alios de Flota nostra predicta in hac parte inobedientes, contrarios vel rebelles, seu alios delinquentes, per captivem bonozum et catallozum suozum in manum nostram, et incarcerationem corporum suozum, et alio modo juxta modum delictozum suorum castigandi et puniendi. Volentes quod idem *Johannes* occasione huiusmodi castigationis vel punicionis per nos vel heredes nostros, Justic. vel alios Ministros nostros vel heredum nostrozum occasionentur in aliquo, seu gravetur. In cujus, &c. Teste Rege apud *Westm.* 25 die *Aprilis*.

Per ipsum Regem et Consilium.

Anno 35 E. 3. the King having issued out a Commission to two of his Judges and others, to inquire of a depredation of a certain ship, and other offences committed on the Sea according to the Law and Custom of the Realm, in derogation of the Admirals Jurisdiction, and Marine Law; the King thereupon by advise

advise of his Council, repealed this Commission as unjust, as this writ informs us.

REX dilectis & fidelibus suis *Roberto de Herle & Roberto Belknap*, salutem. Licet nuper assignaverimus vos & quosdam alios fideles nostros, ad diversas transgressiones et felonias per quosdam subditos nostros et alios supra mare quibusdam Mercatoribus, tam alienigenis quam indigenis existentibus in quadam *Pauci Johannis Goldebotere, Johannis Saleman de Angl. & Jakemars Fleming* Mercatorum, unde *Cristianus Ross de Lescluse* Magister extitit, & quæ Navis diversis bonis & mercimoniis ad valenciam Viginti Millium librarum apud *Nannet* in *Britann.* carcata fuit, exinde usque *Flandr.* ducend. illatas et perpetratas, ut dicebatur, audiend. et terminand. secundum legem et consuetudinem Regni nostri. Quia tamen negotia hujusmodi coram nobis et Consilio nostro jam nobiter reducto, videtur esse consonum dictis legi et consuetudini, quod feloniarum, transgressiones, seu injuriarum super mare factarum, non coram Justitiis nostris ad Communem Legem, sed **CORAM ADMIRALLIS NOSTRIS**, juxta Legem Partitiam deducantur et terminentur; Volentes fieri quod est justum, dictam Commissionem nostram sic vobis factam duximus revocand. Et ideo vobis mandamus, quod executioni alicui de dicta Commissione sic vobis facta, faciendæ omnino supercedentes, eos inde in aliquo ulterius non mittatis. Feste Rege apud *Westm.* 11 die *Majj.*

Per ipsam Regem et Consilium.

Claus. 35 E. 3.
m. 28. dorso.
De revocatione Commissionis.

REX dilectis & fidelibus suis, *Thoma de Belto Campo, Comiti Warr. Henr. de Percy, Guidoni de Grient, Nicholao Carren, & Thoma Heton.* salutem. Sciatis, quod cum nos nuper susceperimus in protectionem & defensionem nostras speciales, ac saluum & securum conductum nostrum diversos Mercatores, Marinar. & alios in regnum & potestatem nostram, cum caricis, navibus, bonis & merchandisiis suis quibuscumque veniend. ibidem morando, & exinde ad partes proprias redeundo, & ipsi Mercatores, Marinarii & alii sub spe hujusmodi protectionis & conductus nostrorum cum diversis caricis & navibus, diversis bonis et merchandisiis suis carcatis per costeras maris, infra Dominium et potestatem nostram venientes, per quosdam subditos nostros, considerationem de litteris nostris patentibus de hujusmodi protectione et conductu eisdem Mercatoribus, Marinariis et aliis per nos factis, et eisdem subditis nostris essent. non habentes, capti, ipsique Mercatores, Marinarii et alii interfecti, ac bona Merchandisiæ capta et elongata, ac naves et caricæ prædictæ combustæ fuerint in nostri contemptum et maximum vituperium; Et volentes ea quæ in tantum nostri vituperium et contemptum per subditos nostros, ut prædictur, attemptata sunt relinquere aliquo modo impunita. Assignavimus vos, quatuor, tres, & duos vestrum, Justitiis nostros, ad inquirend. per sacramentum proborum et legal. hominum de Dominio et potestate nostris, tam infra libertates quam extra, per quos rei veritas melius sciri poterit de quibuscumque hujusmodi Mercatoribus, Marinariis et aliis sub protectione et conductu nostris existentibus, ut prædictum est, interfectis ac depredatiombus rapinis et aliis dampnis et contemptibus quibuscumque in hac parte perpetratis, et quibus personis, et per quos vel quem, et quando, qualiter, et quo modo, et de præmissis omnibus et singulis, ac aliis articulis et circumstantiis præmissa qualitercumque concernentibus plenius veritatem, et ad præmissa omnia et singula secundum Legem et Consuetudinem Regni nostri *Anglia*, (as for the goods taken, sold, or things acted by them upon the land in the body of any County) ac Legem Partitiam (as to the depredation, or what was acted on the Sea, or any part beyond the Sea) audiend. et terminand. Et ideo vobis mandamus, quod ad certos, &c. quos, &c. ad hoc provideritis inquisitiones super præmissis fac. & præmissa omnia & singula audiatis & terminetis in forma prædicta; Facturi, &c. salvis, &c. Damus autem universis & singulis Vicecomitibus nostris in hac parte tenore præsentium in mandatis, quod ad certos,

Pat. 30 E. 3.
pars 2. dorso. 24.
De audiend.
& terminand.
pro Mercatoribus super mare depredati.

* Nota.

ros, &c. quos, &c. ei scire fac. venire fac. coram vobis, &c. Et, &c. de Ballivis suis, tam infra Libertates quam extra, per quos, &c. et inquiri. Intencionis tamen nostræ existit, quod Officio Admiralli colore presentium nullo modo præjudicatur. In cujus, &c. Teste Rege apud *Westm.* 19 die Novemb.
Per Consilium.

In the Treasury of the Receipts of the Exchequer.

Page 91. l. 31. after *Kingdom*, insert. *Placita coram Rege, Mich. 18 E. 1. rot. 6. Norff.* One being indicted and outlawed in the County of *Norfolk* in *England*, for killing one *Robert* in a forraign Country, the Outlary was reversed for this reason; *Si dictus Robertus in aliena Regione nequiter occisus fuerit, hoc esse non potest contra pacem Regis Angliæ; super quo rebotatur Magistria, the Kings Bench and Common Law having no Jurisdiction of it.*

Page 92. l. 28. after *declares*, adde. This is most apparent by this memorable Record and Appeal. *Trin. 5 E. 3. coram Rege, rot. 9. Wallia.* *Howellus appellat Willielmum de Baldesford pro Conspirationis mortis patris Regis nunc (Ed. 2.) una cum Rogero de Mortuo mari; Qui dicit, quod ipse est alienigena, natus infra Principatum Wallie extra regnum Angliæ, et quod secundum consuetudinem dicti Principatus non debet aliquod placitum in Angliæ: super quo judicium redditum est. Et compertum est, &c. quod prædictus Howellus appellat prædictum Willielmum de quibusdam contentis in Appello quæ fieri deberent infra Principatum Wallie, et de quibusdam quæ fieri deberet apud *Berkely* in *Com. Glouc.* infra Regnum Angliæ. Quod quidem Appellum (for things in *Wales*) infra Curiam Regis hic secundum legem et consuetudinem regni Angliæ ad finem exitum deduct non potest in forma prædicta. Per quod dictum est eis, quod eat sine die. And if this Appeal for conspiring the death of King *Edward* the 2^d in his Principality of *Wales*, but executed in the County of *Glocester*, could not then by the Law and Custom of the Realm of *England* be tried in the *Kings Bench* at *Westminster*, or in *England*, because *Wales* was then in some respects reputed to be out of the Realm, though justly and rightly it ever hath been incorporated, united, and subj. Et to and under the Imperial Crown of this Realm, as the * Statutes of *Wales*, An. 12 E. 1. & 27 H. 8. c. 26. resolve and declare, and because the Jury of one County could not take notice of what was done in another County: much lesse could it try or hold plea of any Treason, Murder, or other Offence, Trespasse committed, or Contract made out of the Realm.*

* See Ristals Abridgement of Statutes, Wales 1, & 28.

In Theaur. Recept. Regis in Scac.

Page 92. l. 52. before *Hil. 22 E. 1.* this memorable Record should have been printed. *Mich. 9 E. 1. rot. 53. Coram Rege, Florentia.* The factions of the *Guelfs* and *Gibellines* in *Florence* warring against each other, the *Guelfs* obtaining the Victory, and thrusting the *Gibellines* out of it, after they had taken the City, domum cuiusdam *Hugonis de Papi* in hoc regno Angliæ demorante diruerint, and plundered his goods therein; qui *Hugo* supplicavit Dom. Regi, ut inde *Itali* mercatores (of that fact on and City then in *England*) emendas hic sibi facerent; Qui convocatis dictis Mercatoribus extraneis, inquisitio reperunt, ut supra. Sed vult quia coram Rege per breve de Cerciorari, &c. compertum, quod adjudicatum fuit per unum dictorum Justiciariorum, quod dicti Mercatores dicto *Hugoni* satisfactant pro damnis susceptis et destructione demus suæ: the whole process and judgement was reversed as erroneous in these words. Quod non est consuetudo Angliæ de aliqua transgressione facta in aliena Regione tempore guerræ, vel alio modo; Consideratum est, quod totus processus et ejus effectus reuertentur, &c. See *Rot. Vasconia* 28 E. 3. rot. 7. pro *Roberto Draper*, & aliis Civibus *Cork* in *Hibernia*.

That the Admirals of *England* had ancient Jurisdiction in Marine causes and contracts made in the Ports within the Realm, may be collected by this Patent of Exemption of the Burgesles of *Newcastle upon Tyne*, from the Admirals, Constables, and Marshals Warrants and Jurisdiction, and of the Guardian of the *Marches of Scotland*

REX

REX Archiepiscopis, Episcopis, &c. salutem. Sciatis, quod de gratia nostra speciali, & pro maiore tranquillitate, quiete, & utilitate Villæ nostræ *Novi Castri super Tynam*, Majoris & Burgenſium noſtrorum ejuſdem Villæ, hæredum et ſucceſſorum ſuorum, conceſſimus eiſdem Majori & Burgenſibus, hæredibus & ſucceſſoribus ſuis, pro nobis, hæredibus & ſucceſſoribus noſtris, quantum in nobis eſt, quod Major & Burgenſes Villæ prædictæ & ſucceſſores ſui ad intendendum ſeu obediendum aliquibus præceptis ſeu mandatis Conſtabularis, Mareſcalli, ſeu Admiralli Angl. aut Cuſtodis Marchiarum verſus *Scotiam*, ſeu aliquorum Officiariorum et Miniſtroꝝ noſtroꝝ, aut ſucceſſoꝝ noſtroꝝ, exceptis mandatis noſtris, & dictorum ſucceſſorum noſtrorum ſub nominibus et titulis noſtris ſub magno vel privato ſigillo ſigillar. except. etiam mandatis & præceptis Juſtic. noſtrorum, juxta formam Statutorum in ea parte editorum, non teneantur, ſed inde ſint quieti et exonerati imperpetuum, ſic quod dict. Conſtabular. Mareſcallus, Admirallus ſeu Cuſtos Marchiarum prædictarum, aut aliquis Miniſtroꝝ ſuorum Villam prædictam, ſeu libertatem ejuſdem ad aliqua placita ibidem tenenda, aut quicquam aliud quod ad officium alicujus eorundem pertinet, ſeu pertinere poterit in futurum faciend. nullatenus ingrediatur, nec aliquod placitum extra Villam et libertatem prædictæ, de aliqua re infra eandem Villam ſeu ejuſ libertatem fact. teneat, & quod nulla ſummonicio, attachmentum ſeu executio fiat per aliquos Miniſtroſ noſtroſ, vel hæredum noſtrorum quocumque, per breve vel ſine breve infra Libertatem Villæ prædictæ, niſi per Miniſtroſ ejuſdem Villæ. Hiſ teſtibus, &c. Dat. per manum noſtram apud Manerium noſtrum de *Shene*, 11 die Julii.

Cart. 21 H. 6. m. 41. Pro Burgenſibus Villæ Novi Caſtri ſuper Tynam.

Per breve de privato Sigillo,
& de dat. &c.

Cap. 27, 28. Of the Juſtices of Aſſiſe, and of Oyer and Terminer.

PAGE 148. line 46. after *Parlamento*, this ſhould have been inſerted. As our Kings by their Royal Prerogative have the ſole power to Conſtitute and Commiſſion Juſtices of Aſſiſe and Niſi Prius, and of Goal delivery; ſo they have likewise ſometimes by their Charters and Patents limited the places in ſome Counties upon ſpecial Conſiderations, wherein they ſhould be only held, for which I ſhall cite only two memorable preſidents.

The Firſt, is the Patent of King *Edward* the 3d. to the Town of *Worceſter* in the County of *Somerſet*, which then had ſuſtained great damage by fire and peſtilence; commanding the Sheriffs to keep all County Courts, and Juſtices of Aſſiſe and Goal Delivery, and all Juſtices aſſigned to make Inquiſitions, to keep their Aſſiſes, Seſſions and Inquiries for that County only there, and at no place elſe within that County, for the melioration thereof.

REX Omnibus ad quos, &c. ſalutem. Volentes utilitati ac relebationi Villæ noſtræ de *Worceſter*. quæ per diversas adverſitates et ante hæc tempora ſuperbientibus multum depauperatur et depſimitur hiis diebus, ut accipimus, prohibere, Volumus et ordinamus, quod omnes Comitatus Communitem *Com. Somerſ.* tangentes apud Villam noſtram prædictam, et non alibi in eodem Comitatu teneantur; Et quod Juſticiarii noſtri, tam ad Aſſiſas capiend. quam ad Goals deliberandas in Comitatu illo pro tempore exiſtentes pro captationibus Aſſiarum, et deliberationibus Gaolarum, ac alii quicumque ad inquiſitiones, ſeu ad alia faciend. et exequend. infra eundem Com. ex parte noſtra aſſignati et aſſignandi Deſſiones ſuas apud Villam prædictam, et non in alio

Pac. 40 E. 3. pars 1. m. 29. De Comitatu de Somerſ. apud *Worceſter*. tenend. &c.

alio loco teneant; pro melioracione Willæ nostræ antedictæ. In cujus, &c. T. Rege apud Westm. 12. die Maii.

Per ipsum Regem, & Consl.

By vertue whereof the County Courts have been there usually held ever since, and likewise the Assises, Gaole-delivery, and Sessions of the Peace, till of late times. Which the King upon like occasion may settle on the * City of Bath; or any other City or Town of that County for its relief, when impoverished by the Warrs, Chimney mouey, or other accidents, out of special grace.

* See Pat. 21 H. 3. m. 11. dor. Justic. ad Assis. Novæ D. ff. cap. 2. apud Bathon. in Ordinab. S. Hil. An. 21 H. 3. & sundry others held there since.

The next are the Charter and Patent of King Richard the 2. and Henry the 4th. to the Burrough of Lanuceston in Cornwall, that all Justices of Assise and Gaol-delivery should hold the Assises and Sessions only at Lanuceston for that County and no where else, and that in perpetuity, though at the North-east end of the County, and 60 miles distant from the West end thereof; which privilege they have ever since claimed and enjoyed till this present.

Pat. 9 H. 4. pars 2. m. 25. De confirmacione. * Cartæ 9 R. 2. m. 5. n. 6. Pro Burgenfibz Villæ de Lanuceston.

REX Omnibus ad quos, &c. salutem, Inspeximus Cartam Domini Regis Angl. Rich. secundi post Conquestum, dilectis Burgenfibz Villæ de Lanuceston in Com. Cornub. factam, in hæc verba. * Ricardus Dei gratia Rex Angl. & Franc. & Dominus Hiberniæ, Archiepiscopis, Episcopis, Abbasibus, Prioribus, Ducibus, Comitibus, Baronibus, Justic. Vicecomitibus, Præpositis, Ministris, & omnibus Ballivis & fidelibus suis, salutem. Monstraverunt nobis dilecti Burgenfes nostri Villa nostra de Lanuceston in Com. Cornubiz, Ut cum ipsi a tempore quo non extat memoria hanc habuerint libertatem dictæ Willæ pertinentem, videlicet, quod tam Justiciarii prædecessorum nostrorum quondam Regum Angl. quam Justiciarii nostri ad Assisas capiend. et Gaolas deliberand. in Com. prædicto assignati tenuerint Sessiones suas in dicta Villa de Lanuceston. et * non alibi infra Com. prædictum; quam quidem libertatem dicti Burgenfes nostri et prædecessores sui semper hactenus habuerunt et habere consueverunt, quousque jam de modo adultinas Sessiones quæ apud Lofwischiel tenebantur. Ac præfati Burgenfes nostri nobis supplicaverunt, ut cum pro commodo nostro, ac assiameto et quiete populi nostri * partium illarum existat, quod prædictæ Sessiones et Deliberaciones in prædicta Villa de Lanuceston. prout ante hæc tempora teneri consueverunt teneantur; velimus eidem Burgenfibz dictam libertatem de cætero Cartæ nostræ munimine concedere et firmate. Nos precibus ipsorum Burgenfum nostrorum favorabiliter inclinati, de gratia nostra speciali concessimus, et hæc Carta nostra confirmavimus pro nobis et hæredibus eidem Burgenfibz et successoribus suis, libertatem prædictam, videlicet, quod Justiciarii nostri et hæredum nostrorum ad Assisas capiend. et Gaolas deliberand. in Com. prædicto assignati et ernunc assignandi, Sessiones suas et Deliberaciones Gaolarum in dicta Villa nostra de Lanuceston. et * non alibi, infra Com. prædictum teneant. Habend. et tenend. eidem Burgenfibz nostris, et successoribus suis Burgenfibz prædictæ Willæ de Lanuceston. in perpetuum. Quare volumus et firmiter præcipimus pro nobis et hæredibus nostris, quod prædicti Burgenfes nostri et successoribus sui libertatem prædictam habeant et teneant sibi et successoribus suis prædictis in perpetuum, ut prædictum est, videlicet, quod Justiciarii nostri vel hæredum nostrorum ad Assisas capiend. et Gaolas deliberandas assignati in Com. prædicto, et ernunc assignandi, Sessiones suas et Deliberaciones Gaolarum in Villa nostra de Lanuceston, et non alibi infra Com. prædictum in forma prædicta teneant in perpetuum, prout Sessiones et deliberaciones prædictæ ibidem ante hæc tempora teneri consueverunt, eo non obstante quod prædictæ Sessiones et Deliberaciones Gaolarum apud dictam Villam de Lofwischiel tenebantur jam de nobis. His testibus Venerabili Patre Archiepiscopo Cantuar. Edmundo Duce Eborum, Thoma Duce Gloucestriz Avunculis nostris, carissimis, Roberto Duce Hibern. & Comite Oxon. Camerar. Angl. Thoma de Moubray Comite Notyogh. Marefcalco

* Nota.

* Not of the whole County.

* Nota.

callo Angl. Michael de Pole Comite Suff. Cancellario nostro, Johanne de Monte Acuto Senescallo Hospicii nostri, & aliis. Dat. per manum nostram apud Westm. sextodecimo die Octobris, anno regni nostri decimo. Nos autem concessionem et confirmationem predictas, ac omnia alia et singula in Carta predicta contenta rata habentes et grata, ea pro nobis et heredibus nostris quantum in nobis est acceptamus, approbamus, et dilectis nobis nunc Burgensibus de Villa de Lanneston et eorum successoribus tenore presentium concedimus et confirmamus, prout Carta predicta rationabiliter testatur. In cujus, &c. T. R. apud Westm. 24 die Maii.

Pro duabus marcis solutis in Hannoverio.

I likewise find sundry Acts of Parliament to the like effect. By the Statute of 14 H. 6. cap. 3. *The Justices of Assise and Gaol-delivery for the County of Cumberland in times of Peace and Truce, are to hold their Assises and Sessions only at the City of Carlisle, and in no other place within that County; and that according to the Statute of 6 R. 2. cap. 5. & Rot. Parl. An. 6 R. 2. Part 1. nu. 40, 41. and as it hath been used and accustomed of old time.* By the Statute of 19 H. 7. c. 24. *The Shire Court for the County of Sussex is enacted to be holden and kept one time at the City of Chichester, which is in the extreme part of the County, being 70. miles in length, and the next time at the Borough of Lewes, which is in the midst of that Shire, and so to be kept alternis vicibus for ever: And every Shire Court holden to the contrary hereof, and all things therein done, to be void.* And the Statute of 2 Edw. 6. c. 25. enacts, *That the Sheriff of Northumberland shall from thenceforth keep the County Court of that Shire in the Town or Castle of Alnwick, and in none other place, any use late began or brought in to the contrary notwithstanding.*

Cap. 37. Of the County Palatine of Chester.

Page 151. l. 31. after m. 18. adde. To which I shall annex these Records in the Kings Bench, and in the Treasury of Receits in the Exchequer, concerning its Priviledges, Lawes, Customes, worthy perusal. Pas. 27 E. 1. coram Rege, rot. 31 & 36 *Cestria*. Mich. 33 & 34 E. 1. rot. 49 *Cestria*. Trin. 2 E. 2. rot. 32 *Cestria*. & Pas. 20 E. 3. rot. 75. Rot. *Vasemia*, m. 3, 4, 7. Cl. 39 H. 3. m. 4. Cedula. Par. 44 H. 3. pars 3. dorf. 1, 3, 31. Pat. 45 H. 3. m. 4. Extract. An. 45 H. 3. m. 21, 29. Cl. 46 H. 3. dorf. 19. Pat. 46 H. 3. m. 14. dorf. 4. Pat. 47 H. 3. m. 22. & Pat. 56 H. 3. dorf. 8. Inquisicio de feodis *Cestria*.

Cap. 42. Of the Court of the Cinque-ports.

Page 154. line 35. after *Courts*, add. For the Priviledges of matters relating, and Writs directed to the Cinque-Ports upon severall occasions, you may consult at leisure, Cart. 1 Joban. pars 2. nu. 88. Pat. 15 Job. pars 1. m. 6, 7. Cl. 17 Job. pars 2. m. 6. Pat. 17 Job. m. 4. Pat. 18 Job. m. 4. Pat. 1 H. 3. m. 3. Pat. 3 H. 3. m. 5, 6. Cl. 3 H. 3. dorf. 6. Cl. 5 H. 3. dorf. 26. Cl. 8 H. 3. pars 1. dorf. 25. pars 2. dorf. 15. Pat. 9 H. 3. pars 2. m. 3. dorf. 8. Cl. 12 H. 3. m. 3, 5, 6, 11, 13. Pat. 13 H. 3. m. 5, 14. dorf. 24. Cl. 13 H. 3. dorf. 5, 6, 16. Pat. 14 H. 3. pars 2. m. 1. dorf. 2. Cl. 17 H. 3. dorf. 7. Pat. 19 H. 3. m. 14. dorf. 3, 4, 14, 15. Cl. 20 H. 3. dorf. 16. Pat. 20 H. 3. m. 8. Pat. 21 H. 3. dorf. 4, 6, 9. Cl. 22 H. 3. dorf. 2, 3, 14. Cl. 24 H. 3. dorf. 34. Pat. 25 H. 3. dorf. 1, 25. Cl. 25

Cl. 25 H. 3. dorf. 12. Cl. 26 H. 3. pars 3. m. 14. Pat. 26 H. 3. pars 2. m. 2, 3. dorf. 8. Pat. & Cart. 27 H. 3. dorf. 16, 18. Pat. 27 H. 3. m. 3, 4. dorf. 9. Cl. 28 H. 3. dorf. Cl. 30 H. 3. m. 11. Cl. 31 H. 3. m. 12. Pat. 35 H. 3. dorf. 10. Cl. 36 H. 3. pars 2. dorf. 3. Pat. 36 H. 3. m. 7. Pat. 37 H. 3. dorf. 12. Cl. 38 H. 3. dorf. 3, 4, 9, 11, 12, 19. Pat. 38 H. 3. dorf. 3, 10, 18. Cl. 39 H. 3. dorf. 5, 13. Cl. 40 H. 3. dorf. 2, 18. Cl. 44 H. 3. pars 1. m. 8. dorf. 15. Cl. 46 H. 3. m. 19. Pat. 46 H. 3. m. 4, 7. Cl. 47 H. 3. dorf. 3, 8. Pat. 47 H. 3. m. 1. Cart. & Pat. 47 H. 3. dorf. 9, 14. Cl. 48 H. 3. dorf. 9. Pat. 48 H. 3. dorf. 1, to 10, 18. Cl. 49 H. 3. dorf. 5, 6, 11. Cl. 50 H. 3. dorf. 3. Pat. 50 H. 3. pars 1. m. 18, 22, 30, 34, 40. dorf. 18. Cart. 51 H. 3. dorf. 3. Ced. (Carta Libertatum) Pat. 52 H. 3. dorf. 26. Pat. 54 H. 3. m. 12. Pat. 55 H. 3. m. 18. Pat. 56 H. 3. m. 15. Pat. 18 E. 1. m. 14, 28, 30, 35, 39, 40. Pat. 31 E. 1. m. 29. dorf. 36. Pat. 18 E. 3. pars 2. m. 8. & Pat. 6 R. 2. pars 2. m. 13. Confirmatio Libertatum *Quinque Portuum*.

Cap. 44. Of the Universities of OXFORD and CAMBRIDGE.

THE great love, honor and respect I bear to the famous Universities of this *Realm*, and more especially to my Mother of *OXFORD*, have induced me to present You with the transcripts of some *Records* which concern their Honor, Priviledges, Peace, Government, Jurisdiction, Affairs, and our Kings great care for rectifying abuses, and suppressing of all Seditious and Schisms arising within them, not vulgarly known, omitted in my *Additional Records* to the 44. & 74. Chapters of these *Institutes*. I shall begin with those relating to the University of *OXFORD*, and conclude with some that concern *Cambridge* only.

King *Edward* the 3d. as he conferred many Priviledges and Liberties on University of *OXFORD* by his Charters and Patents,^a *elsewhere* quoted: so in the 8th year of his reign, when there arose an extraordinary discord and division in the University of *OXFORD*, between the Schollers of the *South* and *North* parts of *England*, and their *Servants*, which the^b *Chancellor* and *Proctors* could not appease: whereupon many of the Schollers departed from thence to *Stamford*, (there formerly happening the^c like Seditious between the Schollers of *Aquitain* and *Ireland*, An. 1273. wherein some *Irish* Schollers were slain by the *French*;) the King upon the *Chancellors* Petition to him in Parliament, issued these *Commissions* for the pacifying thereof, and suppression of all riots, force, and breakers of the peace therein: wherein he expresseth the dignity and utility of this University, in relation to the Christian faith, our Church, *Realm*, together with his own royal care of, and affection to it.

^a See here, p. 159.

b Henr. de Knyghton de Eventibus Angl. l. 3. c. 16. col. 2565. l. 60.

c Ibidem, l. 2. c. 15. col. 2460. l. 28.

Pat. 8 E. 3. pars 2. dorf. 23. De informatione capiend. super discordiis in Universitate Oxon. motis & de tractando super eisdem cum Canc. & Magistris Universitatis prae-dictae, &c.

* Nota.

REX Dilectis & fidelibus suis Venerabilibus Patribus in Christo *Richardo* Episcopo *Duholm*. Cancellario suo, *Rogero* *Conventr.* & *Lich.* & *Willielmo* *Norwicen.* Episcopis, salutem. Petito Cancellarii Universitatis nostrae *OXON.* eorum nobis et Consilio nostro in Parlamento nostro exhibitae continet; quod in *Ultra Oxon.* ubi Universitas praedicta a divo est, extitit, et adhuc existit, inter Scholares eiusdem Universitatis et eorum familiares et servientes, graves discussiones et discordias suborta fuerunt et indies augmentantur, quibus per multa haecur; et populus noster pariter illarum terretur, malaque alia summeda haecur; et proventur hiis diebus; et nihilominus verisimiliter timetur quod dispersio Universitatis praedictae inde proventur, nisi cibus super hoc per nos opponatur remedium oportunitum. Nos considerantes, quod per * Universitatem praedictam fides Christiana defenditur et dilatatur, ac Regnum nostrum ac *Incolae* eiusdem Regni multipliciter exornantur.

agnantur. Volentesque dictam Universitatem, et ad eandem declinantes, et
 ibidem conuersante in pace et tranquillitate deservare, et si qua in contrarium
 attemptata fuissent, prout factum fuerit, punire, ac de rebus fidei et cir-
 cumspicione provida, plenius confidentes, Assignavimus vos conjunctim &
 divisim, ad informand. vos vel aliquem vestrum, per Cancellarium, Procura-
 tores, Magistros et Scholares Universitatis predictae, et alios viros et modis qui-
 bus expedire videritis super dissensionibus et discordiis superdictis et earum cau-
 sis, et per cujus vel quorum culpam, dissensiones illae et discordiae oriebantur
 necnon ad tractand. cum eisdem Cancellario, Procuratoribus, Magistris et
 Scholaribus super dissensionibus et discordiis predictis, pacifice videlicet ad
 maiorem et perpetuam quietem et tranquillitatem Universitatis predictae
 sapiri valeant, seu etiam recognoscere, et ad certificand. nos de eo quod per vos
 seu praemissis factum fuerit et tractatum, Ita quod nos inde certiorati ulterius
 in praemissis, cum deliberatione probata fieri faciamus, quod nobis et Consilio
 nostro fore videbitur faciend. Et ideo vobis mandamus, quod vos, vel aliquis
 vestrum ad Villam predictam accedatis, vel accedat, & ad certum diem quem
 vos duo, vel unus vestrum ad hoc provideritis, vel providerit, praemissa omnia
 & singula fac. in forma praedicta. non obstantibus aliquibus libertatibus, pri-
 vilegiis, aut Statutis; Immo recedentes eisdem Cancellario, Procuratoribus,
 Magistris et Scholaribus, et aliis quorum interell, ex parte nostra, quod nisi in
 malis huiusmodi se retrahant, et recognoscioni dissensionum et discordiarum
 praedictarum citius inclinent, ipsos, et eorum quemlibet vestret puniri et casti-
 gari faciamus, quod eorum punicio aliter eadet in terrorem et exemplum nulli
 huiusmodi futuris temporibus perpetrandi. Mandabimus enim Cancellar.
 Procuratoribus, Magistris, et Scholaribus Universitatis predictae, quod si pra-
 missis vobis duobus, vel uni vestrum assident, pareant et intendant. In tes-
 tus, &c. Teste Rege apud Westm. 20 die Septemb.

Per ipsum Regem et Consil.

R Ex Majori & Ballivis Oxon. salutem. Ea gravi querela Cancellar. Pro-
 curatorum et Scholarum Universitatis nostrae OXON. Intelleximus, quod
 quamplures Malefactores et pacis nostrae Perturbatores, tam Scholares
 quam alii, ad dictam Villam et ejus Suburbia frequenter accedentes et in eis-
 dem commorantes, diversas transgressiones ibidem haecenus perpetraverunt et
 perpetravit, et post transgressiones per ipsos sic factas infra Villam praedictam,
 quandoque in Suburbis ejusdem et aliis locis vicinis receptantur et hospitantur.
 Et licet dicti Cancellar. et Procuratores frequenter vobis mandaverint,
 et penes vos cum diligentia fuerunt prolecati, quod ad huiusmodi Malefactores
 insequend. arestand. et captend. intendentes essetis, et auxiliantes, vos tamen
 quicquam ad huiusmodi mandata facere neglectistis; per quod transgressiones
 sic perpetratae multociens impunitae remanserunt, et dicti transgressores sibi vi-
 datiam assumpserunt, maiora facinorosa perpetrandi in ipsorum Cancellar. Pro-
 curatorum et Scholarum dampnum non modicum et effectus studii retardatio-
 nem, ac populi nostri partium illarum terrorem manifestum, unde perturba-
 mur non immerito et movemur: Nos huiusmodi maliciis obviare, & trans-
 gressores praedictos, juxta eorum demerita in hac parte castigari volentes, prout
 astringimur, & puniri; Vobis praecipimus firmiter injungentes, quod ad huius-
 modi Transgressores in Villa praedicta et ejus Suburbis, tam infra Libertates
 quam extra insequend. arestand. et captend. sumpto ad hoc si necesse fuerit posse
 Villa praedictae intendentes sicut et auxiliantes, quociens super hoc per praedictos
 Cancellar. et Procuratores qui pro tempore fuerint, fueritis praemuniti. Sci-
 entes, quod nisi praemissa in forma praedicta diligentius exequamini dissimulare
 volumus, quin ad vos tanquam mandatorum nostrorum contemptores, et pa-
 cis nostrae perturbatores, ac malefactorum praedictorum manutentores non im-
 merito capiemus. Mandavimus enim Vic. nostro Oxon. & Berk. quod ad Ma-
 lefactores praedictos ubicumque in locis praedictis dictae Villae Oxon. vicinis in-
 ventum fuerint, tam infra Libertates quam extra insequend. et captend. quoci-

Ibidem dorl.
 20. Pro Can-
 cellar. Proc-
 uratoribus, Sch-
 laribus Uni-
 versitatis Oxon.

ens quod per p̄satos Cancellar. et Procuratores requisitus seu p̄munitus fuerit, p̄ceas et intenda, sumpto ad hoc si necesse fuerit posse Com. p̄adictorum. In cujus, &c. Teste Rege apud Westm. tercio die Octobr.

Per ipsum Regem et Consil.

See the like Writ, with little difference, Ibidem dorf. 20. *Majori & Ballivis Villa Oxon. de damnis & periculis in Villa Oxon. praecavendis.*

Ibidem.

REX Vic. Oxon. & Berks, salutem. Cum nuper ex gravi querela Cane, &c. ut supra, mutatis mutandis, usque ibi fuerint p̄muniti, tunc sic. Tibi praecipimus, quod ad Malefactores p̄adictos ubicunque in Balliva tua inventi fuerint, tam infra Libertates quam extra, insequend. et capiend. quociens per p̄satos Canc. et Procuratores requisitus seu p̄munitus fueris p̄ceas et intendas, sumpto ad hoc si necesse fuerit posse Com. p̄adictorum. In cujus, &c. Teste ut supra. Per ipsum Regem et Consiliam.

Ibidem.

REX Majori & Ballivis Villa suae Oxon. salutem. Cum diversae dissentiones et discordiae nuper inter Scholares Universitatis Villa p̄adictae et eorum familiares ac serbientes in eadem Villa exortae, et homicidia, depraedationes, et alia mala ibidem perpetrata fuissent; Ac intellexerimus, quod nonnulli Scholares, tam videlicet illi qui post factioza et mala p̄adicta perpetrata, et a Villa p̄adicta retraxerunt, quam alii ad eandem Villam manu armata venerunt, et diversae armaturas secum indoles ducunt, et duci faciunt, eisdem armaturis in hospitiis suis detinentes, tam publice quam occulte, per quod timendum est, quod mala peiora exinde poterunt de facili evenire. Nos volentes huiusmodi malis hiis et modis quibus poterimus praecavere, et quieti et tranquillitati Scholarium Universitatis p̄adictae, et aliorum in eadem Villa degentium, et ad eandem confluentium prohibere. Vobis praecipimus firmiter injungentes, quod statim vobis praesentibus, tam in Villa p̄adicta, quam in Suburbis ejusdem ubi expedire videritis publice proclamari, et ex parte nostra firmiter subserri fac. ne qui Scholares seu alii ad dictam Villam, sub colore studendi venientes, armaturas aliquas ad Villam p̄adictam deferant, seu deferri fac. aut eas in Domibus aut Hospitiis suis retineant, nec quod aliqui de Villa et Suburbis p̄adictis, aut alii ad ea declinantes, armaturas aliquas Scholaribus p̄adictis, de p̄satis, seu faciant ministrari, sub poena incarcerationis corporum suorum ad voluntatem nostram, et amissionis armaturarum p̄adictarum; et de nominibus illorum quos post proclamationem et inhibitionem p̄adictas contraria inveneritis, facientes nobis sub sigillis vestris de tempore in tempus distincte et aperte constare fac. ut nos inde certiorati eos iuxta demerita puniri faciamus; Taliter in executione hujus mandati nostri vos habentes, quod propter tepiditatem seu remissionem vestras in hac parte non habeamus materiam ad vos graviter capiendi. Teste ut supra.

Per ipsum Regem et Consil.

Ibidem.

REX Cancellar. et Procuratoribus Universitatis suae OXON. salutem. Cum diversae dissentiones et discordiae nuper inter Scholares Universitatis Villa p̄adictae et eorum familiares et serbientes in eadem Villa exortae, et homicidia, depraedationes et alia mala ibidem perpetrata fuissent; Ac intellexerimus quod nonnulli Scholares, tam videlicet illi qui post, ut supra, usque de facili evenire; quodque vos diversas poenas et punitiones Scholaribus Universitatis p̄adictae pro huiusmodi maleficiis per ipsos ante hanc tempora commisisse si sigend. contra Statuta et Privilegia Universitatis p̄adictae, et Sacramenta per vos in hac parte praestita remissis, quo p̄terito dicti malefactores et alii maiorem audaciam sibi assumpserunt delinquendi; Nos volentes huiusmodi malis hiis et modis quibus poterimus praecavere, et tranquillitati Scholarium Universitatis p̄adictae et aliorum in eadem Villa degentium, et ad eandem confluentium prohibere; Vobis firmiter injungendo mandamus, quod Scholares

Univer-

Universitatis prædictæ præmunire, eisque ex parte nostra firmiter inhiberi fac. ne quis eorum, aut eorum familiares, seu servientes, armaturas aliquas ad Villam prædictam, vel Suburbia ejusdem deferant, seu deferri fac. seu eas in domibus aut hospitibus suis retineant, publice vel occulte; et nichilominus diligens scrutinium post præmunitionem et inhibitionem prædictas in domibus et hospitibus suis de hujusmodi armaturis fac. et contravenientes in hac parte juxta privilegia et statuta vestræ, et Sacramenta prædicta puniatis, nemini prædictorum contravenientium in hac parte parcetes; Scientes, quod nisi præmissa cum majori diligentia feceritis ad vos, et statuta et privilegia prædicta prout condemit captemus. Teste ut supra.

This King and his Council in the 13. year of his reign being informed, that the ayre of *Oxford* was very much corrupted with abominable stinks and smels, by reason of the killing of great Beasts, and the filth and dung of the Streets, Lanes, and Shambles within the Walls and Suburbs thereof, to the great nuisance of the Scholars of the University and others, and prejudice of their healths, thereupon gave order for removing the Shambles and Butchers from the ancient place provided for them, out of the City, and to cleanse the Streets and Lanes thereof from all filth and dung, and to see them kept clean from time to time, (as his Grandfather * King *Edward* the 1. had done before him) authorizing the Chancellor of the University from time to time to punish all those by *amerciaments* or otherwise, who should refuse or neglect to do it; as this memorable Judgement and Record informs us.

* See Claus. 19 E. 1. dorf. 14.

REX Dilectis & fidelibus suis Cancellar. Universitatis OXON. & custodi Domus de *Merton*. ibidem, qui nunc sunt vel qui pro tempore erunt, salutem. Sciatis, quod cum nuper datur nobis intelligi, quod quamplures grossæ *W. W.*, videlicet, *Boves*, *Uacæ*, *Porci*, *Oves*, *Uituli* et alia hujusmodi in diversis locis infra muros *Villæ* prædictæ indies mactatæ fuerunt, et etiam quod tot simi et simarii, ac alia foeditates in *Stratis*, vicis et venellis *Villæ* illius infra eosdem muros extiterunt, quod per abominabiles foetores, quæ ex mactatione dictarum Bestiarum, ac foeditate simozum et simariozum hujusmodi provenerunt, aer ibidem in tantum inficiebatur, quod quidam tam *Pagnatum* et aliozum ad dictam *Villam* declinantium, quam *Scholarium* et *Burgensium*, ceterozumque in *Villa* prædicta degentium, gravibus corporozum suozum infirmitatibus læpius detinebantur, et erinde aliqui moriebantur; Volentes hujusmodi malis & periculis præcavere & sanitati prædictorum, ac honestati *Villæ* prædictæ, * maxime dum *Magistrozum* et *Scholartum* *Universitas* ibi viget providere, per breve nostrum mandaverimus Majori & Ballivis *Villæ* prædictæ, quod in *Villa* prædicta ubi expedire viderent publice proclamari, & ex parte nostra firmiter inhiberi facerent, ne qui carnifices aut alii hujusmodi grossas Bestias infra muros prædictos mactarent, nec *Burgenses* seu alii simos, simar. sive alias foeditates in *Stratis*, vicis et venellis prædictis ubi communis est hominum transitus, ponerent, seu poni facerent, nec fieri permitterent, sed quod statim facta proclamatione hujusmodi illos per quos hujusmodi simi, simarii et foeditates imponerentur, dictas *Stratas*, vicos et venellas sine dilatione aliqua iudè mundare et mundatos custodiri facerent. Ac idem Major & Ballivi nobis retornaverint, quod à tempore quo non extat memoria, certus locus deputatus & ordinatus extitit pro carnificibus ad Bestias ibidem mactand. & etiam carnes vendend. qui quidem locus arentarius fuit ad centum solidos in firma *Villæ* prædictæ. Ita quod dicti carnifices in loco illo à tempore prædicto sine interruptione officium suum prædictum exercuerunt, & quod sine diminutione firmæ prædictæ alibi locus aliquis pro officio prædicto exercend. provideri non potuit, per quod nos breve nostrum prædictum per ipsos Majorem & Ballivos sic indorsatum, & coram nobis in Cancellaria nostra retornatum coram dilectis & fidelibus nostris *Richardo Wylngby*, & sociis suis *Justic.* ad placita coram nobis tenend. assign. misimus; mandantes, quod inspectis brevi & indorsamento prædictis, vocatisque coram nobis

Pat. 13 E. 3. pars 2. m. 28. incus. Quod venellæ Villæ Oxon. munda- datæ custodi- antur.

* Nota.

ambos est

nobis prefatis Majore & Ballivis, & aliis qui forent evocandi, et auditis tam predicti Cancellar. aut Procuratorum Universitatis predictae, quam dictorum Majoris et Ballivorum rationibus hinc et inde, ulterius in hac parte facerent quod de iure et rationabiliter fore viderent faciend. Et quia vocatis coram nobis prefatis Majore & Ballivis in forma predicta, qui coram nobis juxta praemissionem eis inde factam per *Robertum de Haverbergh*. attorn. suum comparuerunt, & auditis tam ipsius Cancellar. quam Majoris & Ballivorum predictorum in hac parte rationibus, praemissisque omnibus & singulis coram nobis processu debito deductis, consideratum fuit, quod communis macatio grossaturae Bestiarum in loco predicto in commune dampnum et oppressionem populi nostri de cetero non fiat, et per hunc nostrum de iudicio sub testimonio predicti *Richardus* Vic. nostro *Oxon.* exitit demandatum, quod huiusmodi macationem Bestiarum ibidem, aut finage, finarios, seu alias seditates in locis publicis ejusdem Villae in oppressionem et commune dampnum populi, de cetero fieri non permittent, sicut per tenorem recordi & processus inde habitorum, quem coram nobis in Cancellar. nostra, certis de causis venire fecimus nobis constare, quod quidem mandatum prefatus Vic. hactenus facere recusat, ut accepimus. Nos videntes ea quae sic in Curia nostra considerata existunt executioni debite demandari; Assignavimus nos ad superhibend. et ordinand. quod huiusmodi grossae Bestiae in loco predicto non macentur, nec quod simi, finarii, aut aliae seditates predictae in locis publicis ejusdem Villae ponantur, nec fiant, sed quod predicti stratz, vici et venellae de finis, finariis et seditatibus predictis mundentur et mundati custodiantur ex causis praemissis, juxta formam considerationis supradictae, et ad inlozmand. vos per inquisitiones tam per Clericos quam per Laicos Villae predictae inde quociens opus fuerit capiend. de veritate praemissorum, et ad illos quos culpabiles vel rebelles inveniri contigerit, per amerciamenta et alias nobis prout expedire videritis et rationabiliter faciend. fuerit puniri faciend. considerata diligentius qualitate et quantitate delicti in hac parte, et ne executio praemissorum per absentiam, contrarietatem aut reculationem vestram prefatae Custos retardetur; Volumus, et vobis predictae Cancellar. volumus tenore praesentium potestatem, praemissa omnia et singula juxta formam considerationis predictae, sicut praedictum est, faciendi et exequendi, quocienscumque opus fuerit, et vos prefatae Custos si hoc facere recusaveritis vel nosueritis dum tamen sitis per vos prefatae Cancellar. ad praemissa una vobiscum predictae Cancellar. faciend. cum ea fieri debeant, debite praemuniri. Et ideo vobis mandamus, quod circa praemissa quandocumque opus fuerit intendatis & ea exequamini, & fieri fac. in forma predicta. Damus autem universis & singulis Villae predictae quorum interest, ac Vic. nostro Com. predicti, tenore praesentium in mandatis, quod vobis in praemissis omnibus & singulis in forma predicta pareant & intendant quociens & prout eis scire feceritis ex parte nostra. In cujus, &c. Teste prefato Custode apud *Kenington* 30 die *Julii*.

Per Consilium.

Ibidem.
De eodem.

REX Vic. *Oxon.* salutem. Cum nuper data nobis intelligi, &c. ut supra, usque ibi, & *mundatos custodiri facerent*, & tunc sic; Ac iidem Major & Ballivi praetendentes certum locum in Villa predicta pro carnificibus ad Bestias macand. a tempore quo extat memoria, deputatum fuisse, & alium locum in eadem Villa pro huiusmodi officio exercendo, non existere, quicquam ad mandatum nostrum praedictum facere non curarunt. Et quia praemissis coram nobis processu debito deductis, consideratum est, quod communis macatio grossaturae Bestiarum in loco predicto in commune dampnum et oppressionem populi nostri, de cetero non fiat, et tibi per hunc nostrum de iudicio, sub testimonio dilecti et fidelis nostri *Richardus de Wylughby* Capitalis Justic. nostri exitit demandatum, quod huiusmodi macationem Bestiarum ibidem, aut finos, finarios, seu alias seditates in locis publicis ejusdem Villae fieri non permittentes, sicut per tenorem Recordi & Processus super praemissis habitorum, quae coram nobis in Cancellaria nostra certis de causis venire fecimus nobis constare, quod quidem

mandatum

mandatum hactenus exequi recusasti, ut accepimus, unde plurimum admiramur. Nos volentes ea quæ sic in Curia nostra considerata existunt executioni debite demandari. Tibi præcipimus, quod in Villa prædicta in locis ubi expedire videritis publice proclamari, et ex parte nostra publice inhiberi fac. ne qui Carnifices, aut alii hujusmodi grossas Bestias in loco prædicto mactare præsumant, nec alii simos, simar. sive alias scditates in locis publicis ejusdem Villæ ponant seu poni faciant, nec fieri permittant; Et si hujusmodi simos, simar. aut alias scditates in locis publicis ejusdem Villæ inveneris, & homines ejusdem Villæ loca illa inde mundare recusent, tunc eadem loca publica de eisdem simis, simar. et scditatibus sine dilatione mundare et mundata custodiri fac. juxta formam considerationis supradictæ, et dicti mandati nostri de judicio tibi super hoc prius directi, Libertate Villæ prædictæ non obstante. Teste ut supra.

Per Consilium.

The Writ issued to the Mayor and Bailiffs of *Oxford* immediately to cleanse the Streets and Lawes within the Town and Suburbs from all filthes, dung, Hoggs, and other noysom things and smels, and keep them so cleafed from time to time, is printed at large in the † *Register of Writs*, where all may peruse it. After which King *Edward* the 3. in the 30th year of his teign authorized the Chancellor of *Oxford*, not only to *amerce*, but also to *excommunicate* all those within the Town, Suburbs, and Hundred beyond the *Northbridge*, who refused to cleanse and keep the streets clean from filth, dung, and also well paved, afterwards exemplified, confirmed by the Patent of 7 *H. 6.* pars 2. m. 3. (forecited, p. 239.) and by his Patent of 37 *H. 6.* part 7. m. 7. he granted the Chancellor of the University and his successors for ever, authority to amerce and punish all within the Town or Suburbs, habentes pavimenta confecta, aut simum, aut segetes in dictis *Villa et Suburbis Oxon.* according to their precedent Patents and Charters.

* Pars 1. f. 267
b. De Vicis & Venellis mundandis.

Anno 15 E. 3. the King being informed, that divers Malefactors who had been banished or deserted the University of *Oxford* for the seditions and riots raised in it in the 8. year of his reign, repaired thither in great companies, and confederating with some Townsmen and Schollers, raised and endeavoured to raise new seditions and commotions therein between the Schollers and Townsmen, to the disturbance of the Peace of the Schollers and University, which the Chancellor was unable sufficiently to redresse; issued these Patents to inquire of these Offences and Malefactors, and to return their names from time to time into the Chancery, that so they might be exemplarily punished; without any prejudice to the Priviledges of the University, from which he would not derogate in any thing, for maintaining the peace and tranquillity of this University, from which so many Doctors and Schollars heretofore and then daily proceeded, to dilate the Catholick faith, and to instruct, enlighten and corroborate the Church of God, and his people especially of *England*.

REX dilecto Clerico suo Magistro *Willielmo de Bergevinj* Cancellario, Universitatis suæ *Oxon.* salutem. Quod tempore et dissonantibus et discordibus in *Universitate* prædicta sæpius exortis, dampnis et facinora innumera; in nostri contemptum et pacis nostre lætionem, ac quietis ibidem Studentium perturbacionem fuerant enormiter perpetrata; qualiter etiam quidam duorum facinororum perpeccatores se a dicta *Villa Oxon.* contraxerunt; et in dictis Regni partibus discurrebant, mala perpetrare hujusmodi non timentes, eo quod ipsi cum dictam *Villam* ingressi fuerint præ Cancellario, et Ministris *Universitatis* illorum puniri non poterant, ut deceret, non credimus vos latere. Jamque ex relationibus intelleximus nonnullorum, quod quorundam dissonantibus et contumeliis graves in *Universitate* prædicta, inter Scholares ejusdem *Universitatis*, ac etiam eisdem Scholares et Laicos, tam ex antiquo odio et ipsorum insolentis juvenitatis etiam lascivis strulante, quam ex aliis aliis causis, per quas quidam contra alios occasiones querere moluntur, incipiunt

Pat. 15 E. 3.
pars 2. m. 41.
dorso. De inquirendo de Malefactoribus in Universitate Oxon.

Nota.

incipiunt nobilitate subverti, per quod nisi celerius super hoc apponatur remedium oportu-
 opotunum, de subvertione Universitatis predicta, et forsan turbatione et mo-
 tione tam inter Pagnates, quam alios Regni nostri herisimiliter formidatur.
 Nos considerantes, quod ex Universitatis nostrae predictae et studentium in ea-
 dem doctrina, fides dilatatur Catholica, et sancta Dei Ecclesia, maxime Anglica-
 na, dilucide roboratur; Cupientes igitur tranquillitati et quieti Universitatis
 ejusdem, de qua tot ad regendos populos, ad illuminationem multorum Doctores
 hactenus processerunt, et indices procedunt, modis omnibus quibus poterimus
 prohibere, rebellionemque pertinaciam hujusmodi Malefactorum refrenare, et
 eos cum rigore justitiae punire, et prout convenit castigare, advertentes insuper,
 quod quamplures de malefactoribus illis propter diversas alligaciones et con-
 federaciones, tam cum aliis dictae Villae et forinsecis, quam cum Clericis Uni-
 versitatis ejusdem initas atque factas, se juxta privilegia et libertates per Pro-
 genitores nostros et Nos dictae Universitati concessa, ac secundum legem et
 consuetudinem Regni nostri justiciari contempribiliter non permittunt, nec
 hactenus permiserunt, et quidam ex eis, se a Villae predictae elongarunt, in
 aliis partibus, ut permittitur discurrere. Vobis firmiter injungendo man-
 damus, quod Inquisitionibus per vos quociens opus fuerit faciend. ac his et mo-
 dis aliis, quibus melius expedire videritis, vos cum diligentia informetis de
 nominibus Malefactorum et Rebellium predictorum, qui mala et facinorosa hujus-
 modi in Universitate predicta hactenus perpetrarunt, et perpetrari fecerunt, vel
 procurarunt, et etiam perpetrant et perpetrari faciunt, seu procurant, et ipso-
 rum manutentorum similiter et fautorum, et de nominibus hominum hujus-
 modi Malefactorum et Rebellium, ac eorum manutentorum et fautorum, qui
 per vos vel Ministros vestros dictae Universitatis in hac parte castigari non po-
 terunt, vel se juxta Libertates et privilegia hujusmodi non permittunt, seu qui
 extra eandem Villam ob perpetracionem facinororum hujusmodi se elongant, nos
 in Cancellar. nostram sub sigillo vestro de tempore in tempus reddatis distincte et
 aperte certiores, ut ulterius inde fieri faciamus, quod de jure et secundum legem
 et consuetudinem Regni nostri Angl. fuerit faciend. Nolumus tamen vobis
 aut dictae Universitati seu privilegiis eidem Universitati per Progenitores no-
 stros et nos concessis praetextu praesentis mandati nostri, seu executionis ejus-
 dem praedjudicari, vel in aliquo derogari. Teste Rege apud Turrim London.
 20 die Junii.

Nota.

Per ipsum Regem et Consilium.

Par. 15 E. 3.
 pars 3. dorf. 8.
 De intendendo
 Cancellar. U-
 niversitatis
 Oxon. ad are-
 stand. & ca-
 piend. Male-
 factores, &c.

REX Majori & Ballivis suis Villae Oxon. salutem. Quia intelleximus, quod
 quidam Malefactores, & pacis nostrae perturbatores, tam Scholares quam
 alii, pro transgressionibus et excessibus enormibus apud Oxon. ac infra motas
 et bundas Universitatis ejusdem Villae ante haec tempora hantit, jam diversas
 malefactores et pacis nostri perturbatores ad se attrahentes, et diversas alliga-
 ciones et confederaciones illicitas facientes in passibus, hostiis, bibitis et qua-
 dribitis, ac aliis locis suspectis ibidem hominibus insidiantes, tam de die quam
 de nocte, hi armata vagantur et discurrunt, Scholares ac alios verberantes et
 vulnerantes, et bona et catalla diversorum hominum captantes et asportantes, et
 alia mala quamplurima perpetrantes, ad quorum castigationem et punicionem
 Cancellarius Universitatis predictae non sufficit, nisi aliter ad hoc huiusmodi sen-
 tenciam apponatur: Nos affectantes tranquillitatem et quietem Scholarium Uni-
 versitatis predictae, ac aliorum ad eandem Villam confluentium, ac aliorum ibi-
 dem degencium obseruari, et maliciae dictorum malefactorum et danatorum ob-
 stare, et ad punicionem eorumdem manum nostram volentes apponere adju-
 tricem. Vobis praecipimus, quod eidem Cancellario ad inquirend. arestand.
 et captend. dictos malefactores et Bannitos, cum per ipsum super hoc ex parte
 nostra fueritis praemuniti intendentes firis, consulentes et auxiliantes, ut
 idem Cancellar. huiusmodi Malefactores, ac arestatos, castigare et punire valeat,
 juxta libertates et privilegia Universitatis predictae; Taliter vos habentes in
 hac parte, quod non possitis super aliqua negligentia reprehendi, per quod
 materiam

materiam habemus ad hos et bestra grabiter capiendi. Teste Rege apud Staunford. 27 die Novembri.

The next year, 16 E. 3. the King issued this memorable Writ of *Quia Regis* to all Archbishops, Bishops, Deans, Chapters, Archdeacons, and other Clergy-men within certain Diocesses, and likewise to the Chancellors, Masters and Schollers of both the Universities, where in he placeth the University of *OXFORD* before *Cambridge*, and in all other Writs of this kind wherethe Universities are named in them, as in this,

REX Archiepiscopis, Episcopis, Decanis & Capitulis Ecclesiarum Cathedralium & Collegiarum in Diocibus *Cicestrie, Saruburie, Dunelmie, Eboracensi, & Liebefeldensi*, & Archidiaconis, Canonibus, & aliis dignitate vel officium in eisdem Ecclesiis habentibus, Abbatibus, Prioribus, Recloribus & Vicariis Ecclesiarum eorundem, & aliis Ministris Ecclesiasticis in quibusvisque statu, officio, vel dignitate constitutis, necnon Cancellariis Universitatum *OXON:* et *Canter.* ac universis et singulis Magistris et Doctoribus eorundem Universitatum, salutem. Ad iura nostra Regis nos deprecant, seu per aliquorum usurpaciones indebitas aliquatenus libertabantur, quatenus in his potestates manutend. subtrahantur et occupata, & que fuerint ad statum debitum reducend. nec non ad impugnationem eorundem iurum advenand. et pro: nobis iure iure eorum demerita puniend. eo quod nos nos deprecant adhibere et subicius extendere manum nostram, qua ad hoc juramenti vinculo teneri dicitur et astringi, pluresque conspiciamus ad hoc iura pro istis impugnavere. Cum igitur nuper in Curia nostra coram nobis per nos nos deprecant verimus presentacionem nostram ad Ecclesiam de *Salesye*, vacanciam ad nostram donationem spectantem, ratione Episcopatus *Chastrensis* tunc vacantis & in manu nostra existentis, & presentaverimus dilectum Clericum nostrum *Galsfr. de Sibletham* ad Ecclesiam predictam, qui ad eandem per totius Diocesis nunt admittis & in eadem canonicè exivit institutus, & postmodum pro eo quod datur nobis intelligi, quod *Willielmus de Roswylth* iura eorum nostra predicta impugnare, et consideracionem predictam machinans evadere debitas processus in Curia Christianitatis versus prefatum Clericum nostrum extitit, prosecutus, ipsum a possessione sua predicta amovere faciendo, eidem *Robertia* per debitas brevia nostra mandaverimus, ne quicumque in Curia Christianitatis quod in derogacionem iuris nostri Regis seu evadacionem consideracionis seu presentacionis nostre predictarum cedere valeret, attemptaret, sed attemptare presumeret quobis modo, nihilominus predictus *Rogerus* debitas processus in Curia Christianitatis versus prefatum Clericum nostrum postmodum est prosecutus, quorum execuciones nobis committimus, ut dicitur, faciendo, per quos si tolerarentur, prejudicium tam nobis et *Regni* nostri quam prefato Clerico nostro, super possessione sua predicta de facti posset generari. Vobis igitur omnibus et singulis districte prohibemus, ne execuciones aliquorum processuum factorum in Curia Christianitatis que in evadacionem consideracionis seu presentacionis nostre predictarum cedere possint exagrandi quobis modo, nec citaciones, permissiones, processus, seu alia impedimenta debita per que jus nostrum predictum aliquatenus poterit impugnar: attemptatis, seu per alios attemptari faciatis quobis mando. Sciens, quod si secus fueritis, ad nos tanquam ad iuris nostri Regis violatores grabiter capiemus. T. Custode predicto apud *Wynton*, 6 die *Janij*.

Pat. 16 E. 3. m. r. dorlo. Pro Galsfr. de Sibletham.

In the 18. year of King Edward the 3d. some of the seditious tumultuous Schollers of the University of *Oxford* whom the Chancellor had punished and banished the University for the premised seditious and riots, according to the Kings Writs, appealed and cited the Chancellor thereupon to the Court of

Remedy for *disturbing* them, on the *subjection* of the *Liberties* and *Government* of the *University*, and the *Chancellors* great *vexation* and *oppression*, in *contempt* and *prejudice* of the *right* of the *Kings* *Crown* and *dignity*, where- upon he *issued* this *memorable* *Prohibition* to *preserve* the *Liberties* of the *University* and the *Chancellor* from *vexation*, prohibiting the *servings* of any *processes* upon *himself* or the *University* or *elsewhere* upon this *occasion*, and *stopping* what *was* or *should* be *done* the *contrary*.

Pat. 18 E. 3.
pars 2. m. 31.
intus, Pro
Cancellor. &
Scolariis. U
niversitatis
Oxon.

REX Archiepiscopis, Episcopis, Abbatibus, Prioribus, Decanis, Archidia-
conis, Officialibus, Praepositis, Sacris, Praebendis in Ecclesiis, Cathedra-
libus, seu Collegiatis, Advocatis, Procuratoribus, & Vicariis Publicis, & aliis
quibuscumque personis Ecclesiasticis, in quacumque dignitate vel officio consti-
tuta, Communiis aliis ad quos, &c. saltem: Cum super inter Privilegia Un-
iversitatis Oxon. ac Cancellario studentium qui pro tempore fuerit, per nos et
Progenitores nostros quondam Regem Henricum, concessum sit, quod
Quodlibet Episcopus pro inhibitione pacis nostrae intercessionem, ac tran-
quillitatem quiete, & solacionem in eadem Universitate studentium, omnes trans-
gressus impetia noster in eadem Universitate perturbatores et violatores,
quorum nomina Cancellarius capere non habuerit ratione delictorum, quorum cog-
noscere, et comparare possunt, ubi altera pars est Decanus a dicta Univer-
sitate huiusmodi possit, ad iura, inellectores, quod quidem de manifestis pacis
nostrae perturbationibus, & transgressionibus in dicta Universitate factis, sit pro-
hibere, ad mandatum Cancellari dictae Universitatis, per se quod ipse, modo de-
bita iura, super praedictis respectibus, & delictis, per processum rite in-
de factum a dicta Universitate fuerit, & tunc, et per mandatis solenniter pro-
nunciatis, mandantes privilegia praedicta, praedictis Cancellari, et Univer-
sitati, per consecrationem patris praedicti, & quidem Secularium, ibidem studentium
se concedit, per processum rite in dicta Universitate factum, deinceps totaliter et
absolute, ipsam Cancellari ad respondendum, super delictis praedictis circa
Regiam nostram ad dictam Universitatem Romanam, custodiari fecerunt, et citatio-
nes, prohibitiones, appellationes, inhibitiones eidem Cancellari, notificari pro-
curarunt, et quae in negotiis pecunie summas pro dampnis suis, & per hoc cau-
sa offerunt, & de iusticiis ad eam ibidem argunt, et ipsam, ea occasione mult-
pliter inquietant, & turbant, in iura, & contemptum ad praedictum, et Le-
gem, et iuriam Regiam nostram laeserunt, et ipsam Cancellari, dampnam gra-
vissimam, et Libertatem dictae Universitatis adversitatem manifestam, de
qua manifestissime conturbantur. Nos solentes Privilegia praedicta dictae
Cancellari, et Univeritati pro consecratione pacis praedictae et quiete solacio-
rum in dicta Universitate studentium, per dictos Progenitores nostros sit con-
cessa, inhibitiones, & appellationes, et impugnationes eorumdem debite coherere,
& ubi Consuevis de singulis vicibus prohibemus, ne praeterquam aliquarum Com-
missionum, & mandatorum de dicta Curia Romana, vel aliqua alia Curia
hodie, seu aliquibus vicibus, & delictorum, & impugnationum dirigendo, quic-
quid quod in factum de parte et dignitate nostra Regiae, seu executionem
Privilegiorum praedictorum, et dictae Cancellari, dampnam in hac parte vel pra-
judicium, & conturbationem, & contemptum, &c. aliquoties attemptari. Et si
quid in contrarium fuerit in hac parte, id sine quacumque difficultate re-
voctis, & nullate, ne ad hoc tanquam ad Regiam et Iuriam nostrorum violato-
rum, et Regiam nostram, & delictorum, materiam habeamus cum rigore capti-
endi. Teste Rege apud Westm. 12 die Augusti.

Nota.

Nota.

Nota.

The next year some unruly seditious Scholars of the University, and their Servants, assembling together in great number, whiles the Kings Justices were sitting in *Oxford* to enquire and punish certain Felonies and Trespasses done in that County, committed some Trespasses and Enormities which so frightened the Justices, that they could not duly execute their Commission; for which the Chancellor being unable alone to punish them, without further assist-
ance

ance from the King, he issued this Commission to the Bishop of *Chichester* and Chancellor, to enquire of and punish these contempts and outrages according to their demerits, having respect to the Liberties and Privileges of the University.

REX Venerabili in Christo patri *Roberto* eadem gratia *Cicestr.* Episcopo, salutem. Quia intelligi nobis datur, quod quidam Scholares Universitatis nostrae *Oxon.* et eorum Ministri nuper dum quidam fideles Justic. nostri judicialiter in eadem *Villa Oxon.* sedebant, ad inquirend. de Feloniis, Transgressionibus, et aliis excessibus in *Cam. Oxon.* factis, in copiosa multitudine congregati, et quamplures ex eis armis prohibitis communiti in *Villa* predicta notorie incesserunt, quasdam transgressiones ac enormia alia, ut dicitur, perpetrantes, et Justic. nostros predictos incussis eis ex repentina hujusmodi congregatione timore, impedientes, quo minus tunc ea quae ad Officium suum juxta formam Commissionis nostrae eis inde factae exercere, et facere debite potuerant, in nostri contemptum, pacisque nostrae ibidem lesionem, et terrorem etiam nonnullorum. Nos transgressiones et excessus hujusmodi nolentes absque impoenenda punitione debita praeterire, advertentesque quod Cancellarius Universitatis predictae, ad cuius Officium juxta Privilegia et Libertates sibi et ipsius Universitatis per nos et Progenitores nostros concessa punitionis Clericorum et Ministrorum suorum ibidem delinquentium pertinere distulit, ut accepimus, ad puniend. tantam Scholarum et Servientum suorum multitudinem non sufficit, nisi subetur potestatis Regiae fulcimentis; ac de ista circumspicione prohibita confidentes, assignabimus vos ad inquirend. una cum predicto Cancellario, de nominibus hiis Scholarum et ipsorum Servientum qui congregationes, transgressiones, excessus, ac alia predicta, ut praemittitur, perpetraverunt, et ad ipsos juxta eorum demerita et excessus ac juris exigentiam, habita consideratione ad Privilegia et Libertates predicta, quibus praetextu praesentis assignationis nostrae ad praesens derogare nolumus, castigand. et puniend. sicut melius pro conservatione pacis ibidem videbitur expedire, ne pro defecto debite punitionis hujusmodi, necessitate cogente, nos oporteat manum ad hoc extendere gravatores. Et ideo vobis mandamus, quod circa praemissa omnia et singula, unarum partium Cancellario, faciend. et explend. in forma predicta celerius quo poteritis interdati: Universis insuper et singulis Magistris et Scholaribus, ac aliis diebus Universitatis quos praemissa contingunt, vobis tenore praesentium firmiter in mandatis, quod vobis in executione praemissorum, una cum Cancellario predicto, faciend. et explend. pareant et intendant quotiens et prout per vos vel vicarium Cancellarium super hoc fuerint praemuniti. In cuius, &c. Teste Rege apud *Westm.* 14 die *Marci.*

Pat. 19 E. 3. pars 1. m. 22. dorso. De inquirendo de transgressionibus in Oxon. factis.

Deo Consilium.

In the 30. year of King *Edward* the 3d. the Townsmen of *Oxford* made a sudden interrection against the Clerks and Scholars of the University; and slew many of them; for which offence, and the sacrilege then committed by them, the Town was interdicted by *Johannes* Bishop of *Lincoln*, and *Thomas* Archbishop of *Canterbury* informers. The Mayor, Bayliffs and Company of *Oxford* by way of satisfaction for these offences, came to this agreement with the Chancellor, Masters and Scholars of the University, and entered into these ensuing Obligations ratified by the King; thus recorded to posterity, yet not mentioned in our Histories.

* Hist. Angl. Anno 1357. P. 165. Ypodig. Neustr. p. 127.

REX Omnibus ad quos, &c. salutem. Nos scimus quod quidam Scholares Universitatis nostrae *Oxon.* et eorum Ministri nuper dum quidam fideles Justic. nostri judicialiter in eadem *Villa Oxon.* sedebant, ad inquirend. de Feloniis, Transgressionibus, et aliis excessibus in *Cam. Oxon.* factis, in copiosa multitudine congregati, et quamplures ex eis armis prohibitis communiti in *Villa* predicta notorie incesserunt, quasdam transgressiones ac enormia alia, ut dicitur, perpetrantes, et Justic. nostros predictos incussis eis ex repentina hujusmodi congregatione timore, impedientes, quo minus tunc ea quae ad Officium suum juxta formam Commissionis nostrae eis inde factae exercere, et facere debite potuerant, in nostri contemptum, pacisque nostrae ibidem lesionem, et terrorem etiam nonnullorum. Nos transgressiones et excessus hujusmodi nolentes absque impoenenda punitione debita praeterire, advertentesque quod Cancellarius Universitatis predictae, ad cuius Officium juxta Privilegia et Libertates sibi et ipsius Universitatis per nos et Progenitores nostros concessa punitionis Clericorum et Ministrorum suorum ibidem delinquentium pertinere distulit, ut accepimus, ad puniend. tantam Scholarum et Servientum suorum multitudinem non sufficit, nisi subetur potestatis Regiae fulcimentis; ac de ista circumspicione prohibita confidentes, assignabimus vos ad inquirend. una cum predicto Cancellario, de nominibus hiis Scholarum et ipsorum Servientum qui congregationes, transgressiones, excessus, ac alia predicta, ut praemittitur, perpetraverunt, et ad ipsos juxta eorum demerita et excessus ac juris exigentiam, habita consideratione ad Privilegia et Libertates predicta, quibus praetextu praesentis assignationis nostrae ad praesens derogare nolumus, castigand. et puniend. sicut melius pro conservatione pacis ibidem videbitur expedire, ne pro defecto debite punitionis hujusmodi, necessitate cogente, nos oporteat manum ad hoc extendere gravatores. Et ideo vobis mandamus, quod circa praemissa omnia et singula, unarum partium Cancellario, faciend. et explend. in forma predicta celerius quo poteritis interdati: Universis insuper et singulis Magistris et Scholaribus, ac aliis diebus Universitatis quos praemissa contingunt, vobis tenore praesentium firmiter in mandatis, quod vobis in executione praemissorum, una cum Cancellario predicto, faciend. et explend. pareant et intendant quotiens et prout per vos vel vicarium Cancellarium super hoc fuerint praemuniti. In cuius, &c. Teste Rege apud *Westm.* 14 die *Marci.*

Pat. 31 E. 3. pars 2. m. 26. Pro Magistris & Scholaribus Universitatis Oxon.

le Maire & Communaltee de mesme la Ville d'altre part, tesmoigne, que acorde est entre les parties avantdites, que la dite Communaltee d'Oxford tendra perpetuellement une messe d'anniversarie le jour de Seinte Scolaste la Virgine, a Oxford en la Eglise de nostre Dame, pur les almes des Clercs et altres occis en la confluct que nagairs estoit entre les Clercs et Lais de la dite Communaltee. A la quele messe d'anniversarie seront en propres personnes et offriront en noun de la dite Communaltee d'Oxford, le Maire que pur le temps sera, les Bailifs, les Aldermans, et touz iceaux que furent jurez a dite Universitee, meisme l'an de la dite Ville, et de les Suburbes au lieu del Suburbe vezoqs la porte de North: come de altres Suburbes si noun aucuns deaux eient congie del Chauceller, que pur le temps sera, ou de son Commissar. de soi absentir per resonable cause, et accept a dit Chauceller ou de son Commissar. Et en cas que aucuns eussit soi absentir, facent altres honnestes de la dit Ville ou Suburbes venir en tout lieu, et acceptation del dit Chauceller, ou de son Commissar. que pur le temps sera, eussit que cellaunt, et deuz de la dite Communaltee ne queaux le dit Chauceller ou son Commissar. soi agree soient presentz a la dite messe del comencement tanque au fyn, et offre chescun un denier si nul deaux n'est congie del Chauceller ou de son Commissar. d'offrir son denier et valer en tout ses besoignes necessaries adouque affaires. Et si nul de la dite Communaltee jurez a la Universitee cel an soi absentir de venir a la dite messe et d'offrir come avant est dit sanz resonable encheson, et congie del dit Chauceller ou de son Commissar. que pur le temps sera, et altre en son lieu accept a dit Chauceller ou son Commissar. ne soit a la dite messe et offre pur lui come avant est dit soit si pur per le Chauceller ou son Commissar. duement, come le dit Chauceller ou son Commissar. lui perra pur. Ceste ceo le Chauceller et la Universitee avantditz ne soi assentent mie que Johan de Beresford, Robert le Lardner, Mathew Kyng, Robert le Goldsmith, & Johan de Godestre, soient contenuz ne compris en ceste trove. En despoignance des queles choses les Seals de la Universitee d'Oxford d'une part; & de la Communaltee de mesme la Ville d'altre part, a ceste Endanture entrecchangeablement sont mys. Don a Oxford jour & an avantditz. *Insuperius etiam quoddam scriptum obligatorium cum sigillo Villa predicta signatum, in hac verba.* Noverint universi quod nos Major & Ballivi, ac tota Communitas Villa Oxon. per suam concordiam factam super quadam consensu inter Clericos et Laicos in Villa predicta nuper suborto, obligamus nos & Successores nostros, Majores & Ballivos, ac Communitatem predictam imperpetuum Cancellar. & Procuratoribus Universitatis Oxon. & successoribus suis Cancellar. & Procuratoribus, & Universitati predicta imperpetuum, in centum marcus annui redditus salendi. eidem vel eorum certa Altitudo annuatim apud Oxon. in Ecclesia beate Marie in festo Sancte Scolastice Virginie, sine ulterioři dilatione. Ad quam quidem solutionem fideliter faciendam, obligamus nos & Successores nostros, Majores & Ballivos, & Communitatem Villae Oxon. & omnia bona nostra & Communitatis predictae habita & habenda, districtioni predictorum Cancellar. & Procuratorum qui pro tempore fuerint, & Ministrorum suorum, necnon Robertum Cusumque Judicis Ecclesiastici seu Secularis. In cujus rei testimonium sigillum commune Communis predictae presentibus est appensum. Dat. apud Oxon. quatuordecimo die Mensis, anno regni Regis Edwardi tertii post coronatum Angl. tricesimo primo, & Francie decimo octavo. *Insuperius etiam quoddam scriptum indentatum communi sigillo Villa predicta signatum, in hac verba.* Omnibus Christi fidelibus ad quos presens scriptum indentatum pervenerit, Cancellarius & Procuratores Universitatis Oxon. & tota Universitas predicta, salutem in Domino. Licet Major & Ballivi Villa Oxon. & tota Communitas ejusdem Villae, & Successores sui, nobis Cancellar. & Procuratoribus Universitatis Oxon. & Successoribus nostris, & Universitati predictae imperpetuum obligentur in centum marcus annui redditus salendi. apud Oxon. annuatim in Ecclesia beate Marie Oxon. in festo Sancte Scolastice Virginie, pro quadam finali concordia nobiscum facta, super quadam consensu inter Clericos & Laicos in Villa predicta nuper suborto, prout in ipso-

149A. 1011
p. 137. 137. 137.
149B. 1011
p. 137. 137. 137.

149C. 1011
p. 137. 137. 137.
149D. 1011
p. 137. 137. 137.

rum scripto obligatorio inde confecto plenius continetur; Volumus tamen & concedimus nos prædicti Cancellarius & Procuratores, ac tota Universitas, pro nobis & successoribus nostris imperpetuum, quod si prædicta Communitas Villa Oxon. pro animabus Scholarium et aliorum in dicto conductu occisorum, unam missam anniversariam in Ecclesia beate Maria Oxon. in festo Sanctæ Scolasticæ Virginis, annuatim faciat celebrari, modo et forma quibus in quodam Indentura inter nos et dictam Communitatem de materia ipsa facta plenius continetur, et omnes insuper alii articuli in eadem Indentura contenti, ex parte dictæ Communitatis quolibet anno debite fuerint observati, quod pro illo anno prædictæ centum marce nullatenus exigantur, pro aliis vero annis ipso scripto obligatoris suo robore et efficacia imperpetuum duratur. In cujus rei testimonium tam sigillum nostrum commune Universitatis prædictæ, quam sigillam commune Communitatis prædictæ, huic Indenturæ alternatim sunt appens. Dat. apud Oxon. sextodecimo die *Massi*, anno regni Regis *Edwardi tertii* post conquestum *Angl.* tricesimo primo, & *Francia* decimo octavo. *Post autem Indentura & scripta prædicta, & omnia contenta in eisdem, quatenus rite & rationabiliter facta fuerint, rata habentes et grata, ea pro nobis et hæredibus nostris, quantum in nobis est, approbamus, ratificamus et confirmamus. In cuius, &c. Teste Rege apud Westm. primo die Junii.*

Per breve de Privato Sigillo.

Hereupon, * *Eodem anno relaxatum est Interdictum Oxoniæ, quod auctoritate Domini Johannis Episcopi Lincoln. propter Clericidium et Sacrilegia, anno proximo præterito fuit illatum.*

King Edward having the same year granted authority to the Chancellor of Oxford, by his † *forecited Patent*; to certify into the Chantry the Names of persons Excommunicated by him, upon which Certificates the Chancellor should issue forth Writs *de Excommunicato capiendo*, as well as upon Bishops Certificates, I find this president of a *Capias Excommunicatum* issued upon his Certificate soon after.

* Walsingham Hist. Ypodigm. Neustriz, An. 1357. p. 125. & Hist. Angl. p. 165. † Here p. 239.

REX Vic. *Berks.* salutem, Cum de gratia nostra speciali concesserimus, quod Cancellarius Universitatis OXON. pro tempore fuerit, per literas suas patentes Cancellario nostro *Anglia* pro tempore existenti dare possit et significare, de nominibus singulorum de Jurisdictione præfati Cancellarii OXON. qui majoris Excommunicationis vinculo fuerint innodati, et quod dictus Cancellarius noster *Anglia* qui pro tempore fuerit, hæc verba nostra fieri et sub magno sigillo nostro consignari faciat, pro captione illorum de Jurisdictione prædicta, qui sic per dictam Cancellariam OXON. fuerint excommunicati, et per quadraginta dies perseveraverint in eadem ad significationem hujus certificationem ipsius Cancellarii OXON. supradictam, prout in literis nostris patentibus inde confectis plenius continetur. Et *J. de W.* Cancellarius Universitatis prædictæ, per literas suas patentes nobis significaverit, quod *G. J.* sub Jurisdictionis propter suam manifestam contumaciam, auctoritate ipsius Cancellarii OXON. excommunicatus est, nec se vult per censuram Ecclesiasticam iustificari. Quia vero potestas Regis Sacrosanctæ Ecclesiæ in quærellis suis deesse non debet, tibi præcipimus, quod prædictum *G.* per corpus suum secundum consuetudinem *Anglia* iustificare, donec summe Ecclesiæ tam de contemptu quam de injuria et illata ab eo fuerit satisfactum. Teste, &c.

Register of Writs, pars 2. f. 67. b. 68. a. De homine per Cancellarium Oxoniæ excommunicato capiendo.

See the like power of *Excommunicatio* and certifying it, with an *Excommunicato capiendo* granted to the Provost of *St. John of Beverly*, upon his certificate against all such who paid not their *Taxes due unto it*, *Clauſ. 9 B. 2. fol. 21.*

In the 50. year of King Edward the 3d. there fell out a great Controversie and Contention between the Chancellor, Doctors, and Masters of Divinity and Arts, regents and non-regents, on the one side, and the Doctors and Bachelors of the Canon and Civil Law; and Decretals, on the other side; concerning some

some Statutes made in the University to regulate the excuses for their Degrees, whereof the King being informed, he thereupon in Parliament constituted certain Commissioners in his name and stead, to summon both parties before them, and bear and settle all differences between them by orders and records under their hands and seals; which being accordingly executed, they were ratified by the King, as this memorable Record of the Commission, Orders and proceedings informs us, not unworthy publick view.

PAL. 50 B. 3.
pars 1. m. 10.
Pro Universi-
tate Oxon. de
confirmatione
Ordinationis.
Vide Pal. 20
R. 2. pars 3. m.
36. Exempla-
tatio istius
Ordinationis.
& Here p. 163.

REX Omnibus ad quos, &c. salutem. Inspecimus quasdam Ordinationes per venerabiles patres *Wilhelmum London. Thomam Elien. Adam Meneven. Radulphum Sarum, & Willielmum Cicestremsens* Episcopos, vice et auctoritate nostris, ac instantis Parliamenti nostri, super controversiis et litibus quæ inter Cancellarium Universitatis *OXON.* et Magistros in Theologia et Artibus, regentes et non regentes, et eorum facultates ex parte una, et Magistros seu Doctores de jure Canonico et Civili, eorumque facultates et studentes in eisdem ex altera parte, optæ fuerunt factas, et sub sigillo prædictorum *London. Elien. Meneven. & Sarum* Episcoporum, ac sub signo tabellionis publici consignatas, in hæc verba. Universis præsentibus literas inspectoris, *Wilhelmus London. Thomas Elien. Adam Meneven. Radulphus Sarisberien. & Willielmus Cicestren.* Episcopi, Domini nostri Regis *Anglia* illustris, de consensu omnium Prælatorum et Procerum regni, et instantis Parliamenti sui Commissarii ad cognoscendum, procedendum, et sine debito terminandum in quibuscumque controversiis, litibus et dissentionibus inter Cancellarium Universitatis *OXON. Lincoln. Dioc.* ac Magistros in Theologia et Artibus, regentes et non regentes, et eorum facultates ejusdem Universitatis ex parte una, ac Doctores in jure Canonico et Civili, regentes et non regentes, Baccallarios et Studentes in eisdem Juribus ipsius Universitatis ex altera suscitatas, sub forma infra scripta specialiter deputati, salutem in omnium salvatore. Literas Commissionis dicti Domini nostri Regis; seu mandatum vel breve suum Regium patens nuper recepimus, tenorem qui sequitur continentes. *Edwardus Dei gratia Rex Anglia & Francia, & Dominus Hibernia,* venerabilibus patribus *W. London. Th. Elien. A. Meneven. R. Sarum, & W. Cicestren.* Episcopis, salutem. Super audivimus de quibusdam dissentionibus, et rixis insalutis et retroactis temporibus inauditis, inter Magistros et Doctores Theologiæ juris Canonici et Civili, et facultatis Artium, earumque scientiarum Baccallarios et Scholares nobiter fameratis, occasione quorundam Statutorum formam et responsiones Baccallariorum juris Civili et Canonici, ad quæstiones per Doctores decretorum et legum disputandas concernentium nobiter editorum, quorum occasione banitiones, conditiones, et alia gravamina variis contra certas personas plurima sunt secuta, quæ dissentiones, rixæ, et alia gravamina prænotata, in præjudicium non modicum et enervationem quodammodo prædictæ Universitatis tenderent, nisi per nos manus essent appositæ, pro repellendis præmissis inconvenientibus ab intrinsecis; Nos volentes prædictam Universitatem sustinere in suis usibus, privilegiis et consuetudinibus univèrsis, prout eam ab initio privilegiis dotavimus, et eadem privilegia sæpius augmentavimus per temporum curricula diversorum pro prædictæ Universitatis pariter et quiete, in causis et negotiis præmissorum, et omnium aliorum incidentium, emergentium, et ea qualitercumque contingentium, Vobis committimus plenarie vices nostras, dantes vobis quatuor vel tribus vestrum tenore præsentium, auctoritatem, ac mandatum speciale, negotium prædictum cum omnibus et singulis præmissis, vel ea quocumque contingentibus vel dependentibus ab eisdem vice nostra audienti, et in eisdem amputatis, quibuscumque dilacionibus et allegacionibus tribolis, alterius eorum partis præsentia nullatenus expectata, plenarie cognoscendi, ac ea reformandi ad debito sine terminandi, banitiones, conditiones, Statutaque prædicta in parte vel in toto revocandi et subducendi, prout vobis quatuor vel tribus vestrum debitur expedire, banitionesque et conditiones prædictas in Universitatem prædictam rescindendi, prout vobis, quatuor vel tribus vestrum videbitur oportu-
num.

num, Cancellarioque, Procuratoribus Magistris, Doctoribus, Baccalariis, et aliis quibuscumque Universitatis predictae subibendi, nec contra Ordinationes vestras, quatuor vel trium vestrum, neque de cetero locuta in sua servitacnabilia contra facultates Juris Canonici vel Civiles edant seu faciant quovismodo, sub poena forisfacturae omnium horum in eorum temporibus, et revocationis privilegiorum omnium a nobis vel predecessoribus nostris Universitati predictae Magistris, Doctoribus, vel Scholaribus ejusdem constituta concessorum, et ea quae, sic per vos quatuor, vel tres vestrum remota vel ordinata fuerint ballandi et affirmandi, et omnia alia facienda et exequenda quae pro reformatione praemissorum iuxta discreciones vestras, quatuor vel trium vestrum necessaria fuerint vel etiam oportuna. Et ideo vobis mandamus, quod ad certos dies & loca quos vos, quatuor vel tres vestrum ad hoc provideritis circa praemissa solerter cum efficacia intendatis, & ea faciatis & exequamini, prout a parte sufficienti et pro pace, quiete et tranquillitate predictae Universitatis, vobis quatuor vel tribus videbitur expedire. Damus autem unicuique parem mandatum, quod vobis, quatuor vel tribus vestrum in praemissis et praemissorum quolibet faciend. et exequend. obediant et pareant pariter et intendant. In cuius rei testimonium has literas nostras fieri fecimus patentes. Teste nos ipso apud Westm. 20 die Junii, Anno regni nostri Anglie quinquagesimo, regni vero nostri Francie tricesimo septimo.

*Concessum est de assensu Doctorum
existencium in Parlamento.*

In fine vero ipsius brevis in ejus margine scribebantur verba praedicta. Quorum auctoritate literarum seu mandati aut brevis Regii supradicti Nos Episcopi & Commissarii memorati in praedictis controversiis litibus & dissensionibus quae inter partes praedictas occasione quarundam Ordinationum per Magistros Theologiae et Artium regentes dictae Universitatis et Statutorum per Magistros regentes et non regentes earundem facultatum ipsius Universitatis contra Baccalarios Juris Canonici et Civiles et facultates earundem, reclamantibus omnibus et singulis Doctoribus ipsius utriusque Juris in eadem Universitate regentibus et non regentibus, citra videlicet festum Sancti Michaelis Archangeli proximo praeteritum editorum concernencium responsiones Baccalariorum Juris Canonici et Civiles ad quaestiones per Doctores Decretorum et Legum disputandas nobismet sint exortae, legitime procedentes, discretis viris Magistris Johanne Gascoyn & Johanne Pakwode Decretorum, Johanne Kresmann & Willielmo Todeworth Legum Doctoribus, dictae Universitatis regentibus, ad informandum nos super praemissis per mandatum seu breve Regium in hac parte eis directum specialiter et personaliter evocatis, pro se personaliter omnibusque Doctoribus, Baccalariis et Scholaribus Juris Canonici et Civiles ejusdem Universitatis, per discretum virum Magistrum Michaelem Cergeaux Clericum et in Legibus Baccalarium eorum Procuratorem literatoque et legitime constitutum sufficienter etiam comparentibus ex parte una, ac venerabili viso Magistro Johanne Turk, sacrae paginae Professore & dictae Universitatis Cancellario, ac discretis viris Magistris Willielmo Wakefeld Magistro in Artibus ejusdem Universitatis Procuratore, necnon Willielmo Berton & Roberto Aylesham Baccalariis in Theologia & Magistris in Artibus pro se, & ut asserunt, nomine dictarum duarum facultatum Theologiae & Artium, absque tamen mandato sufficienti personaliter comparentibus ex parte alia, ad hoc, ut dicebatur, per eisdem missis & etiam destinatis ceterisque omnibus Magistris in Theologia & Artibus regentibus & non regentibus predictae Universitatis, ad comparandum coram nobis Commissariis praedictis in instanti Parlamento per duos in hac parte sufficientem potestatem habentes, ordinationem instantis Parlamenti et nostram super praemissis dissensionibus, hinc et auctoritate Regis factendum hinc, et receptum, per breve Regium rite et legitime evocatis sufficientes expectatis, et ut debeant, et tenebantur sufficienter comparere non curantibus, set se contumaciter

citer et rebelliter absentantibus, ac per nos propterea contumacibus reputatis, ipsorum presentia, ob quietem et tranquillitatem dictæ Universitatis et studentium in eadem, et pro bono pacis celeriter reformand. secundum exigentiam dicti mandati Regii nullatenus expectata, set eorum absentia Dei repleta presentia; Auditis per nos partium prædictarum Juribus, rationibus et allegacionibus, ac ipsius et hujusmodi dissensionem et licitum meritis plene cognititis, rimatis etiam et discussis, concurrentibus etiam omnibus in ea parte requisitis et in eandem contumaciam non comparencium, Dei nomine invocato ad sententia prolationem in dicto negotio die et loco infra scriptis processimus, ac vice et auctoritate Regia et illustri Parliamenti prædicti, ordinavimus, statuimus, et diffinivimus, sub hac forma verborum. In Dei Nomine, Amen. Auditis per nos *Willielmo Londonien. Thomam Elien. Adam Meneven. Radulphum Sarrebrisensem, & Willielmum Ciestrensem* Episcopos; Domini nostri Regis Angliæ Illustris, et ipsius Parliamenti in negotio infra scripto Commissarios, ad cognoscend. procedend. & sine debito terminand. in quibuscumque controversiis & litibus inter Cancellarium Universitatis Oxon. et Magistros in Theologia et Artibus regentes et non regentes, et eorum facultates, ex parte una, et Magistros seu Doctores in Jure Canonico et Civili, eorumque facultates et Studentes in eisdem ex altera, sub certa forma, prout in certa Commissione dicti Domini nostri Regis plenius apparet, quam hic pro expectata haberi volumus deputatos; et intellectis ac plenus discussis meritis dictorum negotiorum, Nos *Willielmus Londinensis* Episcopus supra dictus, vice & consensu Collegarum nostrorum prædictorum & nostra, Ordinavimus, statuimus et diffinivimus, quod Cancellarius et Universitas Oxon. citra festum Translationis Sancti Thomæ Martyris proximo futur. statuant cum plena solemnitate consultata juxta formam et tenorem immediate sequentes, et quæcumque alia Ordinationes et Statuta super eadem materia jam nobiter edita in Universitate prædicta tollant et subducant omnino, et pro nullis et cassatis reputentur, necnon Magistros *Thomam Montagn & Henr. Ingelby* et ceteros quoscumque bannitos, occasione contencionis hujusmodi factæ, ad statum suum pristinum et plenum restituant sine mora, et quoscumque processus contra quoscumque Scholares ea occasione factos rebocent: et quod de cetero nulla Statuta nova vel Ordinationes contra dictas facultates Juris Canonici et Civiles vel Studentes in eisdem faciant, nec fieri procurabunt, sub poena amissionis omnium bonorum suorum temporalium Domino nostro Regi applicandorum, necnon rebocacionis omnium privilegiorum et immunitatum a Domino nostro Rege et prædecessoribus suis eis hactenus concessorum. Et, si contingat quod infra terminum memoratum præmissa plene & perfecte, ut præfertur, non expediantur & perficiantur, omnino: Nos *Willielmus London.* Episcopus antedictus, vice et auctoritate quibus supra omnia et singula præmissa prout superscribuntur, Ordinavimus, diffinivimus et statuimus etiam in perpetuum valitura, bannitosque prædictos rebocavimus, et eorum statum plene reformavimus in Universitate prædicta, Statutaque et Ordinationes contra facultates prædictas Juris Canonici et Civiles editam et in futur. edend. supra dicta materia cassamus, annullamus, et irritamus, cassa, nulla et irrita pronunciamus, emendandi, corrigendi et interpretandi præmissa nobis quatuor vel tribus nostram potestate reservata. Tenores vero Statutorum per dictam Universitatem juxta Ordinationem nostram ut præmittitur edendorum & per nos in eventum editorum sequuntur sub hiis verbis. Statutum est, quod quilibet Baccalaris Juris Civilis qui prius pro forma non responderit, requisitus à Doctore Decretorum ad disputandam astricto ut sibi respondens, dum tamen totam formam suam præter responsonem formalem prius compleverit quod extunc teneatur respondere, habita deliberacione trium mensium à requisicionis tempore numerandorum, sub hac poena, quod aliter nec ipse nec aliquis alius Scholasticus ejusdem anni stet sibi pro forma in aliqua facultate, nisi excusacionem rationabilem habeat coram Cancellario & Doctore Juris Canonici vel Civilis, & altero Procuratorum vel duobus ipsorum approbatam. Quid si pro respon-

sione

forme formali in Jure Canonico vel Civili pecuniam vel sibi æquivalens ex pacto receperit, eo ipso pœna consimili se noverit subjacere, quibuscumque Ordinacionibus Magistrorum regencium, vel Statutis Magistrorum regencium & non regencium Universitatis OXON. super præmissis, vel eorum aliquo, Anno Domini Millesimo trecentesimo septuagesimo quinto, secundum cursum & computationem Ecclesia Anglicanæ qualitercumque editis non ligantibus quovismodo, tanquam inefficacibus atque nullis. Item Statutum est, quod cum Baccalarium Juris Canonici ante ejus inceptiorem in Jure Canonico singulis Doctoribus regentibus in facultate Decretorum teneatur respondere requisitus à Doctore Decretorum, qui teneatur disputare ut sibi respondeat, si idem Baccalarium totam formam præter responsiones prius compleverit, & dummodò alicui Doctore per annum immediatè præcedentem prius pro forma non responderit, ac dummodò per tres menses ante diem responsionis fuerit requisitus & respondere recusaverit, nisi eorum Cancellario ac Doctore Juris Canonici vel Civilis & altero Procuratore causam rationabilem ab eis vel a duobus ipsorum approbatam allegaverit, quod nec annus ille, nec aliquis actus Scolasticus ejusdem anni infra Universitatem Oxon. eodem anno sibi cedat pro forma. Et si Baccalarium quicumque dictæ facultatis pro responsione formali in Jure Canonico vel Civili pecuniam vel sibi æquivalens ex pacto receperit, eo ipso pœna consimili se noverit subjacere; quibuscumque Ordinacionibus Magistrorum regencium & non regencium ejusdem Universitatis super præmissis vel eorum aliquo, Anno Domini Millesimo trecentesimo septuagesimo quinto secundum cursum & computationem Ecclesia Anglicanæ qualitercumque editis non ligantibus quovismodo, tanquam inefficacibus atque nullis. Quæ quidem Ordinacionem, diffinitionem et Statuta nostra deducimus et deduci volumus per præsentis; præcipientes, ac bice et auctoritate quibus supra sub pœna prædicta firmiter insurgentes, ea omnia et singula a Cancellario et Universitate prædictis perpetuis temporibus inviolabiliter observari. In quorum omnium testimonium has literas nostras seu præfens publicum infrascriptum scribi & publicari mandavimus. Ac nos Londoniensis, Eliensis, Menevensis & Saresberiensis Episcopi supradicti sigillorum nostrorum appensionibus fecimus communiri. Dat. & act. in Ecclesia Sancti Pauli London. primo die mensis Julii, Anno ab incarnatione Domini secundum cursum & computationem Ecclesie Anglicanæ, Millesimo tricesimo septuagesimo sexto, Indictione 14. Pontificatus sanctissimi in Christo Patris et Domini nostri Domini Gregorii divina providencia Papæ undecimi anno sexto, Præsentibus tunc ibidem venerabilibus & discretis viris Magistris Edmundo de Stafford Canonico Lincoln. Johanne Codford Archidiacono Wilts. Adami de Metrum Baccalario in Decretis, & Gilberto Stone, Mattheo Meyvor, & Roberto Dolfal publicis Apostolica auctoritate Notariis, necnon Johanne Berton, dictæ Universitatis Bedello & aliis in multitudine copiosa testibus rogatis specialiter ad præmissa. Et ego Johannes Prophet. Clericus Menevensis Diocesis, publicus Apostolica auctoritate Notarius præmissis ordinacioni, statuto & diffinitioni, ac omnibus aliis & singulis dum sic ut in suprascripta sententia præmittitur agerentur, & fierent sub Anno Indictione Pontificatu, mense, die & loco prædictis, unâ cum prænominatis testibus præsens interfui, eisque omnia & singula sic fieri vidi & audivi, scripsi, ac de mandato dictorum reverendorum patrum præcedentium in hanc publicam formam redigi, meisque signo & nomine consuetis signavi, rogatus in eisdem & testimonium præmissorum. Nos autem Ordinaciones prædictas prout per prædictos Episcopos factæ existunt, necnon literas ipsorum Episcoporum inde confectas, & omnia & singula in eisdem literis contenta, pro nobis et heredibus nostris quantum in nobis est acceptamus, approbamus, ratificamus et confirmamus imperpetuum, prout dictæ literæ testantur. In cujus, &c. Teste Rege apud Westm. 8. die Julii. Anno regni nostri Angliæ 50. regni vero Franciæ 37.

Pro dimidia marca soluta in Hanaperia.

These Ordinances were exemplified *verbatim* and confirmed by King Rich. 2. in the 20 year of his reign, in these words. Nos autem literas et ordinaciones prædictas

prædictis, et omnia et singula in eis contenta rata habentes et grata, ea pro nobis et hæreditibus nostris quantum in nobis est, acceptamus, approbamus, ratificamus et confirmamus, sicut literæ prædictæ rationabiliter testantur. In cuius, &c. T. R. apud Westm. 8 die April.

Pro dimidia Marca soluta in Hawaperio.

Pat. 50 E. 3.
pars 1. intus.
De Protectione
ne pro Scola-
ribus Oxon.

REX Universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris, & aliis fidelibus & subditis nostris, tam infra libertates quam extra, ad quos, &c. salutem. Quia dissensiones et debates inter Magistros et Baccalarios in Theologia in Universitate Villæ Oxon. ex una parte, et Baccalarios in Jure Canonico et Civili ex altera parte, occasione quorundam Statutorum ibidem de nobis editorum motæ sunt et subortæ, eorum Prælati et aliis Magnatibus Regni nostri Angliæ decrevimus fore terminand. Ac volentes proinde ipsos Baccalarios in Jure Canonico et Civili, ac alios studentes in eisdem facultatibus, ne contingat ipsas in studio suo et gradu in hac parte suscipiendo impediri fraude protequi gracioso, ac statum et gradum eorum interitum serbari pacifice et quiete, absque innovacione seu occasione vel impedimento quobismodo faciend. aliter quam ante brigam et iram prædictas fieri consuebit, suscepimus ipsos Baccalarios in Jure Canonico et Civili, et omnes et singulos studentes in eisdem facultatibus, ac statum et gradum eorum in protectionem et defensionem nostram specialem. Et ideo vobis et cuilibet vestrum injungimus et mandamus, quatinus ipsos omnes et singulos Baccalarios et studentes in Jure Canonico et Civili, ac statum et gradum ipsorum manuteneatis, protegatis et defendatis, non inferentes eis seu eorum alicui inferri permittentes injuriam, molestiam, dampnum, violenciam, impedimentum aliquod seu grabamen. Et si quid eis forisfactum sive injuriatum fuerit, ad eis sine dilacione corrigi faciatis. In cuius &c. Teste Rege apud Westm. 27 die Febr.

The same year the King granted this Commission of the Peace to the Chancellor of the University, and Mayor of the Town and others, for all Offences inquireable and punishable by Justices of Peace within the Precincts of the Town, saving the Priviledges of the University in such things as belonged to the Chancellor alone; whereia the Mayor and the other Justices were not to intermeddle.

Pat. 50 E. 3.
m. 35. dorso.
De Custodi-
bus pacis in
Villa Oxon.
constitutis.

REX dilectis & fidelibus suis Cancellario Universitatis OXON. vel ejus vices gerenti, ac Majori ejusdem Villæ qui nunc sunt, vel qui pro tempore erunt, & Waltero Perle, David Hannemere, & Johanni de Baldyngton, salutem. Scitis, quod assignavimus vos conjunctim & divisim ad pacem nostram, necnon ad Statuta apud Wynton. North. & Westm. pro conservacione pacis ejusdem vltra in omnibus & singulis suis articulis in Villa Oxon. & in suburbio ejusdem custodiend. & custodiri faciend. & ad omnes illos quos contra formam Statutorum prædictorum delinquentes inveneritis castigand. & puniend. prout secundum formam Statutorum eorundem fuerit faciend. & ad omnes illos qui aliquibus de populo nostro de corporibus suis, vel de incendiis domorum factam vias fecerint, ad sufficientem securitatem de pace & bono gestu suo erga nos & populum nostrum inveniendam coram vobis venire, & si hujusmodi securitatem invenire recusaverint, tunc eos in prisona nostra quousque hujusmodi securitatem invenerint salva custodia, faciend. Assignavimus, &c. Nossumus autem quod vos prælati Major, Walter. David, & Johannes, de aliquibus de quibus Cancellarius Universitatis prædictæ salus, virtute libertatum Universitatis Villæ prædictæ per nos et progenitores nostros concessam cognitionem habere debet, colore presentis assignacionis nostre in aliquo intromittatis. In cuius, &c. T. R. apud Westm. 13 die Febr.

In the 31 year of this King there arising some Differences in the University between the Chancellor and some Regent Masters of the University, about

about Ground granted by them, in the absence of other Regents, who endeavoured to revoke them, to the disturbance of the peace of the University, the King issued this Commission to examine and settle this difference, according to the Statutes of the University; and if any opposed their proceedings, to certify their Names to him in Chancery under their hands and seals, that he might take further order therein.

REX dilectis sibi Magistro *Johanni Marri* Doctori sacre Theologie, Magistro *Johanni Packenode* Doctori Decretorum, Magistro *Philippo Bryan*, & Magistro *Thoma de Mountagu* Juris Civilis Baccalario, salutem. Scitis, quod cum ut accepimus facta et celebrata in Universitate nostra *Oxon.* in crastino Purificationis beatæ *Mariae* prox. præterito, quadam congregatione modo & forma quibus decuit, juxta Statuta et privilegia Universitatis prædictæ, ac certis gratiis, dispensationibus et reconciliationibus diversis personis ibidem, ut est moris, debite factis et concessis, quidam Magistri in Artibus de dicta Universitate, qui dictæ congregationi ex malitia et negligentia sua propria non intererant, ac alii fautores et complices sui nonnullis personis facientibus gratias, dispensationes et reconciliationes hujusmodi, ac eas optinentibus invidentes, eadem gratias, dispensationes et reconciliationes pro vicibus impedire procuraverint, et nitantur, et tam eas quam congregationem prædictam si illozum potestas voluntati- bus suis responderet cassare vellet totaliter et annullare, et sic aperta man- tenentia, conventicula illicita, dissensiones et discordiæ ibidem habitæ et factæ existant, quæ nisi celerius per nos pacificata fuerint et levata, in Statutorum et privilegiorum prædictorum lesionem et eversionem, ac Scholarium studen- tium in Universitate prædicta perturbationem, commotionem et turbationem, ac totius Universitatis illius scandalum et obprobrium tendere manifeste: Nos volentes hujusmodi voluntariæ malitiæ et peccatiis prout condempni obviare, et om- ninosas dissensiones et discordias ibidem habitas, ut per hoc Statuta et privilegia prædicta absque violatione custodiantur, et Scholares prædicti honestati moribus et studiis vigilantius et quietius vacent et intendant, ut tenemus, abolere. Et de circumspetione & discretionem vestris plenius confidentes, assignavimus vos et tres vestrum ad inquirendum, et vos congruis vris et modis quibus melius et celerius expedire videritis informand. utrum prædicta congregatio ac dictæ concessiones gratiarum, dispensationum et reconciliationum debite factæ fuerint, secundum formam Statutorum et privilegiorum prædictorum necne? et si sic, tunc ad eandem congregationem gratias, dispensationes et reconciliationes admi- nistrand. et nostro nomine rogand. et quibuscumque vobis in hac parte reclama- tionibus vel contrariis molestiam imponens, necnon ad dissensiones et discor- dias prædictas, et earundem causas et circumstantias extirpand. levand. paci- ficando, decidend. et finaliter terminand. et ad nos de nominalibus vobis contra- riantium in præmissis, si qui fuerint, in Cancellaria nostra sub sigillis vestris vel trium vestrum certificand. ut pro eorum punitione ulterius fieri faciamus, quod iustum fuerit et rationis. Et ideo vobis mandavimus, quod circa præmissa cum omni sollicitudine & efficacia interdatis, & ea faciatis & exequamini, decida- tis & terminetis in forma prædicta. Damus autem Cancellario et Procuratoribus, ac Regentibus et Non-regentibus, et quibuscumque aliis Universitatis prædictæ, necnon Vic. ac Poforti et Ballivis *Oxon.* tempore præsentium in man- data, quod vobis et tribus vestrum in præmissis intendentes sint, consulentes, respondentes et auxiliantes quovis et prout per vos vel tres vestrum super hoc requisiti fuerint ex parte nostra. In cuius, &c. Teste Rege apud *Wills.* 16. die *Februarii.*

Par. 51 E. 3.
pars 1. m. 28.
dorlo. De
discordiis, &c.
in Universitate
Oxon. sedand.

R. Richard 2. as he confirmed the Priviledges, Liberties of the University of Oxford by his forequated Patents, Charters, so out of his zeal to the Christian and Catholick Faith, (whereof he usually filled himself **THE DEFENDER** in his Patents, Wri s. before the Pope conferred that Title on King *Henry 8.*) he issued this memorable Commission to the Chancellor and Proctors of the Uni-

* See p. 159.

† See here p. 252, to 253. Spelmani Concilia Tom. 2. p. 629, to 637. & Henr. de Knyghton de Eventibus Angl. l. 5. col. 2706, to 2711.

verity for the time being, with the assistance of the Masters and Doctors of Divinity, diligently to enquire in all Colledges, Halls, and other places within the Town, of all maintainers, favourers, procurers or receivers of any persons who preached or maintained any corrupt, erroneous or heretical Opinions, contrary to the *Catholic Faith*, to apprehend, banish them the University, and search after, seise, suppress their heretical Books, especially those of *John Wickliff* and his Disciples, whose positions the † Archb. shop and some of his Clergy (most of them Monks of several Orders, or Doctors of the Canon Law) had condemned as heretical out of *self-interest*, though agreeable to the Doctrine of Christ and his Apostles.

Pat. 6 R. 2. pars 1. m. 32. De baniando & expellend. à Villa Oxon. omnes fautores & receptatores certorum hæreticorum, &c.

REX Cancellar. et Procuratoribus Universitatis OXON. qui nunc sunt, vel qui pro tempore fuerint, salutem: Zelo fidei Christianæ, CUIUS SUMUS ET SEMPER ESSE VOLUMUS DEFENSORES, moti salubriter et induci, volentes summo desiderio impugnatores diæ fidei, qui suas pravas et perversas doctrinas infra regnum nostrum Angl. seminare, et damnatas conclusiones eidem fidei notorie obviantes, tenere et prædicare jam nobiter pessime præsumperunt et conantur, in perversionem populi nostri, ut accepimus, antiquam ulterius in suis procedant erroribus et malitiis, vel alios inducant reprehendere, et condigna castigatione coercere; Assignavimus vos ad inquisitionem generalem, assistentibus vobis omnibus Theologis Universitatis prædiæ regentibus faciend. ab omnibus et singulis Graduat. Theologis et Juristis Universitatis ejusdem, si quos de jurisdictione Universitatis illius agnoverint, qui sint eis probabiliter suspecti de favore, credentia, vel defensione alicujus hæresis vel erroris, et maxime quarundam conclusionum per venerabilem patrem *Willelmum Archiepiscopum Cantuar.* de Consilio sui Cleri publice damnatarum; vel etiam alicujus conclusionis alicui earundem consimilis in sententia vel in verbis; et si aliquos de cæteris inveneritis qui quicquam prædictorum hæresum vel errorum, vel quemcumque consimilem crediderint, foverint, seu defenderint, vel qui Magistros *Johannem Wyclif*, *Nicholaum Hereford*, *Philippum Reppugdon*, vel *Johannem Aston*, vel aliquem alium de aliquo prædictorum hæresum vel errorum, seu alio simili in verbis vel sententia probabili suspitione notatum in domos et hospitia auri fuerint receptare, seu cum eorum aliquo communicare, vel sibi defensionem aut favorem præbere præsumperint aliqualem, ad hujusmodi fautores, receptatores, communicantes et defensores infra septem dies postquam præmissa vobis contigerint, ab Universitate et Villa Oxon. baniend. et expellend. donec eorum Archiepiscopo Cantuar. pro tempore existente suam innocentiam manifesta purgatione monstraverint; Ita tamen ut se purgare cogantur ipsos tales esse nobis et eidem Archiepiscopo de tempore in tempus infra mensem sub sigillis vestris certificetis. Pandantes in super quod per universas Aulas Universitatis prædiæ diligenter inquiri et scrutari fac. indilate, si quis aliquem Librum, sive Tractatum de editione vel compilatione prædictorum Magistro *Johanne Wyclif* vel *Nicholai* habuerint, et quod Librum illum sive Tractatum ubicumque contigerit inveniri, arrestari, capi, et præfato Archiepiscopo infra mensem, absque correctione, corruptione, seu mutatione quacumque quod ad eius sententiam vel verba, præsentari fac. Et ideo vobis in fide et legitimitate quibus nobis tenemini, et sub sigillis vestris omnium et singulorum Libertatum et Privilegiorum Universitatis prædiæ, et omnium aliorum que vobis fore et esse poteritis, iungimus et mandamus, quod circa præmissa bene et fideliter et frequenter diligenter intendatis, et ea fac. et exequamini in forma prædicta; Et quod præfato Archiepiscopo, et ejus mandatis licitis et honestis, vobis in hac parte dirigent. paratis prout decet. Datum autem Vic. & Majori Oxon. pro tempore existentibus, ac universis & singulis Vicecomitibus, Majoribus, Ballivis, Ministris, & aliis fidelibus & subditis nostris, tenore præsentium in mandatis, quod vobis in executione præmissorum auxilientur, pareant et intendant. In cujus, &c. Teste Rege apud *Westm.* 13 die Julii.

Per Consilium.

Annus

* Anno 11 R. 2. *Orta est gravis discordia Oxonia, inter Scholares, videlicet, inter Australes & Wallenies ex una parte, & Boreales ex altera parte, 3 Kalend. Maii, & in tanta increvit illa dissensio, quod pro maiori parte Scholares recesserunt singuli in suas patrias, quibusdam tamen primo occisis. Quam ob causam Cancellarium Universitatis per Consilium Regis in Parlamento jam instante depositus est, & Magister Nicholaus Brizzewell Decanus novi oppidi Leycestriz, per ceterum Universitatis Oxoniensis eodem tempore Cancellarius electus est, as Henry de Knyghson stories; who informs us, that the very next year, Anno 1389. (12 R. 2.) in Quadragesima orta est dolozosa discordia in Oxonia, discordia anni p̄cedentis ad plenum nondum sopita, sed semper partes adhuc irritante. Nam Wallani Scholares semper inquieti adhaerentibus sibi Australibus Scholaribus insurrexerunt contra Boriales Scholares, et hinc inde multa mala mortis inter eos ebenerunt. Et in tantum increvit istud decidium quod dies campestris p̄alii in campo p̄strus est inter partes. Et Deo mediante & Thoma de Wodeltoke Duce Gloucestriae se intromittente, cum minore dampno conquietit, et multi de Wallanis banitti sunt ab Universitate Oxoniae; et in recedendo per alios Scholares Boriales ad hoc paratos, ad portas Willa in recedendo oscula offerre compulsi sunt.*

* Henry de Knyghson de Evenc. Angliae l. 5. col. 2705.

* Ibidem. col. 2725.

Many of the Freers Predicants in that age turning Apostates from their *Romish* Superstitions, deserting their Orders, embracing *Wickliffe* Doctrines, and taking degrees of Learning in our own and Foreign Universities, King *Richard* upon the supplication of these Freers, pretending they were Apostates and vicious persons, granted them this Patent, that no *Apostate* from their Order, or person imprisoned by them, should be promoted to any degree of Masterhip, or other graces, Priviledges, favours, or receive any graces usually confetred on the Doctors of their Order in the University of *OXFORD* or *Cambridge*, (postponed after *Oxford* in this and all other his Patents, when they are both named) against the rules and Statutes of their Order.

REX Omnibus ad quos, &c. salutem. Supplicarunt nobis Fratres Ordinis Prædicatorum in regno nostro *Angl.* ut cum prædictus Ordo institutus fuerit in subsidium Ecclesie, et ad expugnand. hæreses et errores, et ad prædicand. populo Verbum Dei, ad quæ scientia et bona vita maxime requiruntur, in quibus Doctores prædicti Ordinis in Universitatibus *OXON.* & *Cambrig.* per præsentationem dicti Ordinis consueverant examinari, et sic ad gradum Magisterii promoveri; & nunc quidam Fratres dictorum regni & Ordinis notabiliter viciosi, ut puta *Apostatae*, et propter sua scelera carceribus in Ordine condemnati mare transeuntes, subdole & fraudulenter procurant sibi gradum Magisterii & alias exemptiones, in detrimentum Ecclesie, læsionem fidei Catholice, et præiudicium et scandalum nostrum et regni nostri, ac verecundiam Prædicti antedicti, velimus ob zelum Dei, et fidei suam habemus ad Ecclesiam et Ordinem antedictum, super præmissis de remedio congruo prohibere. Nos igitur Ordinem antedictum, & statum eiusdem sordis specialiter habentes; damnis universis & singulis Fratribus regni nostri Ordinis antedicti, tenore præsentium firmiter in mandatis, quatinus ipsi sub forisfactura omnium quæ nobis forisfacere poterunt, nullum Fratrem *Apostatam* eiusdem Ordinis, seu in Ordine antedicto carceri condemnatum, seu notabiliter viciosum, qui sibi gradum Magisterii, seu gratias exemptionis procuravit, admittant ad Libertates, honores seu favores Doctoribus in Theologia in Ordine prædicto consuetos, nec alicui tali Fratri favent in aliquo præmissorum, set omnem talem Fratrem solummodo secundum conversationem suam et demerita et statuta dicti Ordinis tractent, et etiam quantum poterunt nullum talem *Apostatam* seu notabiliter viciosum coherant seu permittant gratias seu huiusmodi Præiilegii exemptionis gaudere, set procurantem tales gratias exemptionis, seu eidem utentem sub pena præmissa, secundum regulam dicti Ordinis, et statuta tanquam suis professioni et Ordini contrarium tractent in omnibus, secundum sal. Ordinis dicti.

Pat. 14 R. 2. pars 1. m. 6. De Fratribus Apostat. ad gradum Magisterii non promovend.

disciplinam. In cujus, &c. Teste Rege apud Westmonasterium primo die Decembris.

Per Breve de Privato Sigillo.

As the University of Oxford was ranked in the first place before Cambridge, as the elder, worthier, in this Regal Patent; so likewise was it by Thomas Arundel Archbp. of Canterbury and the whole Clergy of his Province, in their Provincial Council held at Oxford under him, An. 1409. (9 H. 4.) specially called for the suppression of the Books, Conclusions of John Wycliff and his Disciples, (embraced by us) spread over all the Realm, threatening ruine to the usurped Authority, Errors, Superstitions of the Pope, Court of Rome, which decreed, That no Book or Treatise should be thenceforth read or taught in Schools, Colledges, Innes, or any other places, but such as should be first approved by the University of OXFORD or Cambridge, or 12. persons specially appointed by them in each University for that end, and after them by the Archbishop himself or his successors; nor no Text of Scripture translated into English by Wycliff or any other, read or retained by any person, unlesse approved by the Bishop of the Diocesse or by a Provincial Council, under pain of being punished as a favourer of Schisme, and an abetter or maintainer of Heresie: The words of their Decree are these.

* See Here, P. 226, 227.

* Constit. Provinciales Tho. Arundellii Cant. Archiep. in Convocatione Cleri ipsius Provinciae Oxon. celebratae, An. Dom. 1408. & publicata in Ecclef. S. Pauli Lond. in praesentia suorum Suffraganeorum An. 1409. Jodocus Radius Conf. Provinciales ab Archiepisc. Cant. edit. f. 153. Provincialis Guilelmi Lindwode, l. 5. Tit. de Magistris f. 205, 206. Henrici Spelmanii Concilia, Tom. 2. p. 665.

Quia insuper nova via frequentius seducit quam antiqua; Volumus & mandamus, quod nullus libellus sive tractatus per Magistrum Johannem Wycliff aut aliorum quemcumque tempore suo, aut citra nobis composuit, sive in posterum componendus, audeo legatur in Scholis aut Hospitiis, seu locis aliis quibuscumque infra nostram Provinciam antedictam, sive secundum ipsum doceatur, nisi per Universitatem OXON. aut Cantabrig. seu saltem 12. personas p[ro]vident, quas eadem Universitates aut altera earumdem, sub nostra successorum nostrorum discretionem notabiliter duxerint eligendas, primitus examinatur, et examinatus unanimiter per eadem, deinde per nos seu successores nostros expresse approbetur: et Universitatis nomine et auctoritate Stationariis tradatur, ut copieetur, et facta collatione fidei petentibus vendatur iusto pretio, sive detur, originali in c[on]tra aliqua Universitatis ex tunc perpetuo remaneant. Quod si quis libellum vel tractatum huiusmodi in Scholis vel alibi, ut supra legit, sive secundum ipsum docuerit, contra formam supradictam, ut seminaret scismaticis, et fautores heresis pensatur, prout delicti qualitas flagitaverit. To which they subjoined this Constitution against translating any Text of Scripture into English. Statuimus igitur & ordinamus, ut nemo deinceps Tertium aliquem legem Scripturae auctoritatem sua in linguam Anglicanam vel aliam translatam per hanc lib[er]i, vel libelli, aut tractatus; nec legatur aliquis huiusmodi libellus aut tractatus iam nobis tempore dicti Johannis Wycliff, sive citra composuit, sive in posterum componendus in parte vel in toto, publice vel occulte, sub penae maioris excommunicationis, quousque per loci Diocesanum seu tres erigatur per Concilium provinciale ipsa translatio fuerit approbata. Qui vero contra hoc fuerit, ut fautores heresis et erroris similiter puniatur.

William Lyndwode in his Glasse on the first of these Constitutions, c. 70. habet hanc additionem, Haresarchum magnam, qui multas hereses antiquas resuscitavit in Anglia tempore suo, et ex cuius doctrina tota Europa moderna contra ipsos Bohemos fides Orthodoxae rebelles cruciatum exercit. hoc Anno Domini M. CCCC. XXX. sub auctoritate reverendissimi Patris Domini Henrici sexti Sancti Rubei Presbyteri Cardinalis Angliae, dicti Wynton. in partibus Germaniae, Hungariae & Bohemiae Apostolicae sedis Legatis & dicti Johannis Wycliffi coram quodam sepulchro in Ecclesia parochiale de Loterworth.

* See Mr. Fox AAs & Monuments, Vol. 1. p. 665, 666.

Lincoln. Diocesis ubi fuit Rector, de mandato et decreto sedis Apostolicae sustinuit, et eius ossa combusta, cineribus eorundem proscindis in proximum amurum, et damnationem et dejectionem memoriae suae, reverenda patre Dominus Richardo Fleming Lincoln. Episcopo moderno praemissa exequente, Anno Domini MCCCCXXVII.

MCCCCXXVII. Whose Doctrine is now generally professed, and his memory precious through all our Realms, Churches, and in Germany, Hungary, Bohemia, which it then and since inlightened, maugre all these antichristian proceedings and Condemnsions against him, his Books and Disciples.

* The University, Chancellor, Proctors, and others of Oxford, were so addicted to John Wycliffe, and his Orthodox Protestant Conclusions, Doctrines forecited, that they procured a Bull from the Pope to be exempted from all Episcopal and Archiepiscopal Jurisdiction and Visitations, to free themselves from their vexations and persecutions for the same: whereupon some Schollers thereof by the procurement of the Archbishop of Canterbury, *guerelami contra Thomam Hyndiman Universitatis Cancellarium*, & *Nicholaum Faux ejus Commissarium proposuerunt*, Quod exemptionis Jura quibus ab Episcopali et Archiepiscopali Jurisdictione Universitas fuit immunita, a Papa impetrassent, non modo in Metropolitani et Ordinarii, sed in ipsius Antecessoris præsudicium atque grabamen: Quod privilegium serbituris potius quam libertatis instat esse dicebant. Cum enim antea se iniquis Cancellarij aut Procancelarij imperijs opprimerentur, appellacionibus et Archiepiscopali aequitate subventum eis fuit, nunc in unius potestatem redacti, a quo nec est permittitur provocatio, nec superioris Jurisdictionis possit coerceri, &c. whereupon some Scholars renouncing this Bull and Priviledge in that Synod, and the Archbishop *William Courteney* ratifying their renunciation, thereupon the Chancellor *Thomas Hyndiman*, renounced his Chancellorship with indignation and departed out of the Synod. After this, they procured King *Richard the 2d.* by his Charter to declare: *That the Visitation of the University of Oxford; & ad præfatam Archiepiscopum et successores suos ac Ecclesiam suam Cantuar. pertinet; et pertinere debet; quod ne nos aut Progenitores nostri Cancellarium aut Universitatem prædictam retroactis temporibus minime visitare contulerunt;* (as they alledged they did, and ought of right to do) *and that the Visitation thereof, ad præfatum Archiepiscopum, successores nos ac Ecclesiam perpetuis temporibus pertineat.* In the Parliament of 13 H. 4. num. 25. in the Archbishop's Petition, there is this recital, that King *Richard the 2d.* caused the Popes Bull exempting the University from Archiepiscopal visitation, to be brought into the Chancery, where both parties submitting themselves to the Kings arbitrament, *Adem Rex habita inde matura et plentia deliberacione cum Consilio suo, et clare considerans Bullam prædictam fore impediatam in præjudicium Corone sue, et legum ac consuetudinum regni sui exheredationem, et IN HÆRETICORUM ET LOLLARDORUM, et aliorum malefactorum errorem et audaciam, dictaque Universitatis declinabilem destructionem; Ordinavit; et super hoc præceptum suum præcepit et inhibuit dicto Cancellario, Magistris, Doctoribus, et Scholasticis Universitatis prædictæ in fide, Itellançia et dilectione quibus sibi tenebantur, ac sub poena amissionis privilegiorum Universitatis prædictæ, et sub forisfactura omnium aliorum quæ sibi forisfacere poterant, ne dictam Bullam in aliqua sui parte brogni seu exercere; seu honestatim aliquod exemplum per Bullam illam aliquo modo reputare seu recipere præsumerent; sed omnibus exemptionibus et privilegijs in ea parte contentis cogitavit tunc dilecto Clerico suo notario *Richardo Renballe*, quem ad hoc per litteras prædictas destinavit, ipsam et publice per imperpetuo remunerarent, et super conuersionem hujusmodi quendam certificacionem sub suo sigillo dictæ Universitatis, et publica instrumenta fieri, et sibi per quendam Clericum tuum transmitti faciant, sub penis antedictis. A memorable president of this Kings Sovereign Jurisdiction even in matters Ecclesiastical; by opposing, suppressing the Popes own Bull, and enjoining the University to renounce it. Yet notwithstanding this Regal Injunction, Archbishop *Arundell* coming to visit the University after King *Richards* death, An. 12 H. 4. *Richardus Comites* et tunc Cancellarius Universitatis, ac *Benedictus Brent* & *Johannes Birch* ad tunc Procuratores dictæ Universitatis, et quatuordecim alii eius abrogantes, in eadem Universitate dictam Archiepiscopum de dicta ratione sua prædictæ, et jurisdictionis ejusdem Archiepiscopum manifestè impedierunt; whereupon*

* Mar. Parker, Antiq. Eccles. Brit. p. 304. Regist. Arch. Tho. Arundel, f. 46, 91, 92.

Par. 12 H. 4. m. 9.

20 T. 2. m. 9. Antiqu. Eccles. Brit. p. 269. Archbishop Parkers Register, f. 269. See my University of Ox-fords Plea refused, p. 10; to 28.

H. 11. m. 9.

Nota.

whereupon there arising many Controversities between them and the Archbishop, they both at last referred themselves to King *Henries* arbitrement with the advise of his Council; who hearing both parties at *Lambeth 17 die Septembris*, ratified King *Richards* forementioned Decree, for the Archbishops vilitation of them, with this addition. *Quod totiens Cancellarius, Commissarius, Procuratores, et Scholares dictæ Universitatis prædictæ visitationi Archiepiscopi resisterent, omnes Franchettas, libertates, ac omnia privilegia ejusdem Universitatis in manum Domini Regis vel hæredum suorum seiscantur, in eisdem manibus Domini Regis vel successorum suorum remansura, quousque prædictus Archiepiscopus vel successorum sui pacificam visitationem ac Jurisdictionem in forma prædicta in dicta Universitate habuerit vel habuerint: et etiam totiens Cancellarius, Commissarius et Procuratores ejusdem Universitatis qui pro tempore fuerint et eorum successorum, ac Universitas prædicta. solvant et teneantur solvere ipso Domino nostro Regi *Henrico* et hæredibus suis, mille libras sterlingis monetæ *Angliæ*; which award was recited in and confirmed by a special Act of Parliament An. 13 H. 4. nu. 15. with a saving of the Archbishop of *York* his Jurisdiction to visit *Queen-Hall* in *Oxford*, if he could shew any special Record of such a privilege; but that the Archbishop of *Canterbury* should visit the Schollers thereof as members only of the University, but not the Hall it self.*

* See Here, p. 228, 229.

* In the Treasury of Receipts in the Exchequer. See Infit. 3. p. 141.

In the **Plea Rolls* in the *Kings Bench*, Pas. 21 R. 2. rot. 21. *Coram Rege, Oxon.* & Trin. 2 H. 4. *Coram Rege*, rot. 13. the Commissary of the Chancellor of the University of *Oxford* being indicted, for drawing his sword in *Oxford*, and striking one of the Marshals of the King coming to execute his Office within the precincts of the University, (which are bounded in these Records) the Chancellor prayed the confusion of this Indictment, according to the Charter of King *Richard* the 2. which was allowed him both in the reign of King *Richard*, and *Henry* the 4th; and likewise Hil. 6 H. 5. *Coram Rege*, rot. 8. *Oxon. Universitates*, & Mich. 7 H. 5. *Coram Rege*, rot. 74.

King *Henry* the 4th, by his Charters granted such large Priviledges to the Chancellor and Schollers of the University of *OXFORD* and their servants, that the Knights, Esquires, and other Gentlemen of the Counties of *Oxford* and *Berks*, and the Maior and Burgeses of *Oxford*, petitioned the King in the Parliament of 11 H. 4. to have some Clauses in them revoked, as being against Common right, the Law of the Land, and the Kings prerogative; who thereupon referred the Examination thereof by authority of Parliament to his Council, assited with his Judges and Serjeants at Law, and upon hearing both parties, to do what they should deem just therein, as the Parliament Roll thus records.

Parl. 11 H. 4. n. 50.

ITEM suppliount treshumblement sibien les Chivalers, Esquiers, & autres gentiels des Countees *D'oxenford* & *Berk*, come les Mair & Burgeyses del Ville *D'oxenford*, qe come nostre Seigneur le Roi ore tarde par disloial suggestion, ad graunt pur ses Letres Patentes al Chancellor & Escolers del Universitee, illoques & leur Successours, a toutz jours, qils ne leur serbantz, ne null qe soit desout leur privilege, ne serroit mys a respoundre devant aucun Juge nostre Seigneur le Roy de tresone, selonse, au mahems, par eux fait deins la Ville ou Countees susditz, si non devant leur Benetdal demesne, et en mesme la Ville; et silz pledent al issue de pays, qe la moite de lenquest sera pris par gentz queur sont desout leur privilege: et leur serbantz; retournez par les Revelles du dite Universitee; et qe chescun Juge et Ministre nostre Seigneur le Roi doit liberer a eux les Appelles et Inditementz des matiers susditz, quant ils sont par eux requis, sur peyne de C l. le qele est molt encontre commune drost, la Ley du terre, et la egalte nostre Seigneur le Roy; et obett matier pur faire debars et dissencion entre l'Escolers illoques et les Suppliantz avantditz, et autres lieges nostre dit Seigneur le Roy. Pleuse a nostre Seigneur le Roy considerer la matier avantdir, & les miechiefs queoz purront avenir, en icelle partie, et qe les ditz Letres Patentes en ceste present Parlement

lement soient repelles, aduulles, rebokes, et tout outrement cottes, et de es enabant par nulle tenuz.

Resp. Soit Briefe direct a Chauceller *DOXFORD* destre devant le Council du Roy a *Westminster* a les Oeptaves de la *Trinitie* prochein, par y monstre les Charters de Libertees & Fraunchises, grauntees a la *Universitee* *D'oxenford*, & ait mesme le Council poair par auzozite de *Parlement*; appeller a eux les Justices & les Sergeantz du Roy, de xaminer le graunt fait de les ditz Libertees et Fraunchises, et se surce de tiels Libertees et Fraunchises: come leur semble molt prejudicieux au Roy, soient modifiez et reformez selonc leur sages discretions; & quant a les autres Libertees & Fraunchises comprizez en leur ditz Charters, queux sont prejudiciables a mon Seigneur le Prince, ou a *Esvesque* de *Wynchestre*, ou as autres perones qont libertees, celles porties, soient les Conseils sibien de mon dit Seigneur le Prince, come le dit *Esvesque*, & de les autres perones dessusditz devaunt le dit Conseil, appeller a eux les Justices & Sergeantz dessusditz, & oiez & entenduz leur raisons dambes parts, facez mesme le Council par auzozite de *Parlement*, ce se moult leur semblera en les matiers dessusdites.

What was done in pursuance thereof, I find not, but certain it is that those Priviledges were not revoked, but approved by them; since Pat. 39. H. 6. part 2. m. 13. dorso, (which at large recites, confirms the Charter and Priviledge granted by H. 4. to the University and their successors,) authorized and commanded *John Norris* constituted Steward of the University by *Mr. George Nevill* Chancellor thereof, to do and execute all things according to the tenor of this their Charter.

The same year, Anno 11 H. 4. I find this composition made between the Provost and Schollers of *Oryel* Colledge in *Oxford*, (whereof I was a member) and the Chancellor and Schollers of the University of *Oxford*, concerning their *Congregation House* adjoining to *St. Maries* Church appropriated to the Colledge; shewing the Antiquity of their Congregations held therein time out of minde, thus recited in, and ratified by this Kings Charter.

REX Omnibus ad quos, &c. salutem. Insuper, quosdam Literas indempnas inter Cancellarium et Scholares Universitatis nostre *OXON.* Præpositum & Scholares Collegii nostri de *Oriel.* ejusdem Universitatis factas in hæc verba. *Omnibus Christi fidelibus presentes Indempnas. Literas inscriptas.* Nos Johannes Possell. Præpositus, & Scholares, Domus beate *Mariæ Oxiæ. Collegii de Oriell.* alias Anz Regalis vulgariter nuncupata, salutem. Cum existat ma veteri crebescente Librorum & monumentorum antiquorum officina reparimur, quod quondam et ab antiquo Domus quædam in *Cimiterio* *Beate Mariæ* *Virginitis Oxon.* ex parte *Bozali* Cancelli scituæ *Ecclies* *Beate Mariæ* *Virginitis Oxon.* Domus Congregationis Universitatis *OXON.* vulgariter nuncupata, per quendam ab Universitatis quondam antiquo Scholarem licentia prædicta legitima omnium quorum interfuit in hac parte elemosinarie edificata fuerat et constructa, per dictamque Universitatem, Cancelli, videlicet *Beate Mariæ* *Virginitis Oxon.* fuerat approbata, unita quomodolibet vel agere, habere, possidere in dispoitione neque libera Universitatis prædictæ, alia, extra et contra in hunc diem recognitionis præsentium, tam in parte interiori, quam superiori, cum omnibus suis pertini, una cum libero et perpetuo ingressu et egressu ad eandem, cum potuerit, seu quicquidque alius vel quicunque alii Universitatis prædictæ voluerit vel voluerint Cancelli, videlicet et Scholares prædicti, confirmant. Cuius quidem Domus Congregationis dominium, possessionem, possessionem, usumque quietum et dispositionem liberam cum pertini, ejusdem, prædictæ, per prædictas Universitatem Cancelli, videlicet, et Scholares habent et habent, possessum et possidens, recognitum et recognitas, extantur et extantur

Pat. 11 H. 4. part 2. m. 22. insus. De confirmatione Oriell.

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petuis existentes ab omni iuris et facti, actione, petitione, clamore et titulo nobis, successoribus nostris et domui nostræ beatæ *Mariæ* supradictæ contra prædictam Universitatem Cancellar. videlicet et Magistros ratione, occasione vel causa domus prædictæ Congregationis cum pertin. et descriptionibus, ut prædicitur, competenti, vel competitur, imposterum penitus et perpetuo fore et esse exclusos et p̄batos et exutos discernimus et fateamur per præfentes. Hoc excepto, quod nos et successores nostri domum prædictam congregationis ingredi possimus libere sicut alii Universitatis Scholares gradus consimilis, prout moris est vel erit cum voluerint supradictam. Salvis semper nobis et successoribus nostris, et realiter reservatis Ecclesiæ nostræ et domui in futur. perpetuo prædicto annuo denario, si petitus per nos vel nostros fuerit successores, oblacionibus etiam nobis reservatis sub eisdem modo et forma clare superius expressatis, cum potestate libera nobis quæ subsequitur reservata, videlicet, quod si contingat dictum denarium annum, vel oblaciones in domo prædicta factas, si quæ sint a retro existere in parte vel in toto non solutum vel solutas post trinam requisicionem, Cancellario, Procuratoribus et Regentibus pro tempore existentibus tribus diebus in domo prædicta Congregationis, ex causa Congregationis vel Convocacionis, prout moris est in unum congregatis, perhabentem ad hæc specialem potestatem a domo prædicta beatæ *Mariæ* eisdem sub eodem sigillo communi offensam præsentibus annexa, quod super bene liceat nobis et successoribus nostris dicant domum superiorem tantum ingredi, et ibidem bona existentia etiam et domum occupare et retinere, quousque de dicto denario et collacionibus a retro existentibus plenarie fuerit satisfactum, recognicione, concessione, relaxacione prædictis in aliquo non obstantibus. *Ut autem huiusmodi concessio, confessio, recognicio, tradicio & dimissio domus Congregationis prædictæ per nos & nostram domum facta, concessa, tradita & dimissa per Universitatem etiam Magistros & Scholares ex his suprascriptis & aliis consuetudinariis legibus ulterius etiam memoriam dampnum, ut prædicitur, laudabiliterque præscriptam, nostra etiam & domus nostra confessio, recognicio & concessio præmissorum, uberius Universitati Cancellario, Magistris et Scholaribus accretas et accrescant, firmiter etiam et solidius in Universitatis bonis consistat perpetuo domus Congregationis antedictæ sine clamore, actione iuris vel facti remedio, impetitione, molestacione, inquietacione, perturbacione vel aliquibus, nisi ut præmittitur per nos nostros vel successores, vel nostram domum aliquam vel alium nomine nostro vel domus nostræ prædictæ contra Universitatem, Cancellar. Magistros et Scholares ratione, occasione vel causa domus Congregationis prædictæ in inferiori et superiori, et cum pertin. ut præfertur imposterum movend. suscitand. vel tendis. Reverendissimus in Christo Pater & Dominus, Dominus Thomas Arundell Cantuar. Archiepiscopus, totius Angliæ Primas, Apostolica sedisque Legatus, in nostra domus & Ecclesiæ melioracionem, commodum & augmentum domus, contemplacione Congregationis antedictæ in usus perpetuos Universitatis et quietos permanenturos existere et permanere debere in futurum, quinquaginta marcas bone et legalis monete Anglicane nobis domuique Ecclesiæ nostris prædictis realiter præmanibus persolvit pro compensa majori concordieque perbetni iam inter nos propter hoc perpetuo solvat. et ex abundantia quiete sempiterna servand. fideliter parciam prædictarum. In cujus rei testimonium partes prædictæ, Universitas videlicet & domus Sanctæ *Mariæ* antedictæ sigilla sua hiis literis alternatim apposuerunt. Dat. Oxon. in Ecclesia beatæ *Mariæ* Virginis decimo septimo die mensis *Marcii*, Anno Domini Millesimo CCC. nono, & regni Regis *Henrici* post conquestum, undecimo. Nos autem literas prædictas ac omnia et singula in eisdem literis contenta rata habentes et grata, ea pro nobis et hæredibus nostris quantum in nobis est, acceptamus, approbamus, et tenore præsentium confirmamus, prout literæ prædictæ rationabiliter testantur. Et ulterius, ex mere motu nostro, et ob internam affectionem quam ad Universitatem nostram prædictam gerimus et habemus, de gratia nostra speciali concessimus præfatis Cancellar. et Scolar. et eorum successoribus, quod licet dicta domus Congregationis præfatis Cancellar. et Scholaribus post statutum*

de Religiosis de terris seu ten. ad manum mortuam non ponend. vel ante dictum Statutum seu aliud Statutum causam, forisfacturam, vel quencumque titulum qui ad nos vel heredes nostros in dicta domo pertinere poterit data, concessa, vel appropriata fuerit, iidem tamen Cancellarius et Scholares et eorum successores inde per nos vel heredes nostros, Justic. Itinerates, Ballivos vel Ministros nostros vel heredum nostrorum quoscumque, futuris temporibus non impetantur, molestentur, inquietentur vel graventur, sed dictam domum habeant, et ea gaudeant juxta effectum litterarum predictarum. In cuius, &c. T. R. apud Westm. 19 die Aprilis.

Per breve de privato sigillo, & pro una marca soluta in Hanaperia.

The next year this King being informed of some new breaches of the peace, and seditions in the University of Oxford, out of his affection to its tranquillity and felicity, issued this Commission to the Chancellor and others, to enquire of the names of those who were the Authors thereof, and return them to him and his Council, that they might be exemplarily punished to the terrour of others, and prevention of the like in future times.

Pat. 12 H. 4.
m. 17. dorso.
De inquirendo.

RE. X. Cancellar. Universitatis suæ OXON. vel eius Commissariis, ac dilecto Consanguineo suo Magistro *Richardo Courtney*, necnon Magistro *Rogero Cotyngbam* Clericis, salutem. Quia ex relatu plurimum certitudinaliter informamur, quod quamplures riote, discordias, divisiones et debata in Universitate predicta, inter normales ve eadem Universitate jam de novo motæ existunt et subortæ, per quas, per nos ibidem laedi, ac alia quamplura nobis et Coronæ nostræ Regiæ præjudicialia, et populo nostro dampnosa verisimiliter generari formidantur, si super hoc remedium congruum citius non adhibeatur: Nos præmissa debite considerantes, ac dampnis et periculis quæ inde sequi possunt obviare volentes, ut tenentur; Assignavimus vos, super nominibus omnium et singulorum Alorum de Universitate predicta qui riotas, discordias, divisiones et debatas predictas, in forma predicta moverunt, aut eas causarunt vel adhuc manutinent, qualiter et quomodo, tam per inquisitiones coram vobis per Clericos et gentes Laicas in forma debita, et ibidem ante hæc tempora legitime usitata capiend; quam aliis hiis et modis licitis et honestis, quibus melius liberitis seu poteritis debite informand, et ad inquisitiones hujusmodi una cum certificatione totius facti vestri in hac parte, cum præsens mandatum nostrum fueritis executi, nobis in Cancellariam nostram sub sigillis vestris distincte et aperte sine dilatione mittend. unâ cum hoc breve, ut hiis inspectis ulterius pro castigacione delinquentium predictorum, de avilamento Consilii nostri saltem providere et ordinare valeamus, quod aliquis consimilia in Universitate predicta movere, causare aut manutenerè non audeat in futurum, castigacione hujusmod. omnibus aliis cedere valeat in exemplum talia perpetrandi. Et ideo vobis mandamus, quod circa præmissa diligenter intendatis, et ea faciatis et exequamini in forma predicta. Damus autem Vic. nostro Oxon. ac Majori & Ballivis Villæ Oxon. necnon aliis fidelibus ligeis & subditis nostris ibidem, tam infra libertates quam extra, tenore præsentium firmiter in mandatis, quod vobis in executione præmissorum intendentes sint, consulentes & auxiliantes prout decet. In cuius, &c. Teste Rege apud Wyndesore 24 die Aprilis.

a See Math. Westm. Flores Hist. p. 417, to 435, & The Third Tome of my Exact Chronological Vindication, p. 872, to 873.

I shall cloze up these Records concerning the UNIVERSITY of OXFORD with the memorable Writs of King *Edward the 1.* issued to the Chancellors and Universities of OXFORD and Cambridge, to elect and send 4. or 5. of the discreetest and expertest Schollers in the Written (or Civil) Law from the University of OXFORD, and but 2. or 3. from Cambridge, to the famous Parliament held at *Lincolne*, Anno 28 E. 1. to treat and advise with him and his Council about his ancient Right to, and Dominion over the Realm of *Scotland*, then opposed by ^a Pope *Boniface* and the *Scots* who had bribed him, thus recorded to posterity.

R E X

REX dilectis sibi in Christo Cancellario et Universitati OXON. salutem. Quia super Jure et Dominio quæ nobis in regno Scotia competit, et quæ Antecessores nostri Reges Anglia in eodem regno Scotia habuerunt temporibus retroactis, cum Jurisperitis et aliis de Consilio nostro speciale colloquium habere volumus et tractatum. Nobis mandamus firmiter injungentes, quod QUATUOR vel QUINQUE de discretioribus et in Jure scripto magis expertis Univer-
b Cl. 28 E. 1. m. 3. dorso. See the First Part of my Brief Register of Parliament Writs, p. 245. & Tome 3. Of my Ex: Chronological Vindication, p. 384.

statis prædictæ, ad Parlamentum nostrum apud *Lincoln.* mittatis; ita quod sint ibi in *Oratio Sancti Hilarii*, Nobiscum et cum cæteris de Consilio nostro super præmissis tractaturi, bestrumque Consilium impensuri: et hoc sicut Nos, et Honorem et Commodum regni nostri diligitis, nullatenus omittatis. Teste Rege apud *le Rose*, 28 die Septembris.

Eodem modo mandatum est Cancellario et Universitati *Cantabr.* quod mittant ad dictum Parlamentum DUO vel TRES de discretioribus et magis in Jure scripto expertis Univerſitatis prædictæ, &c. Teste ut supra.

From whence I shall observe: 1. That in this Record and Summons the Chuncellor and University of OXFORD are ranked before Cambridge Chancellor and University, as the more eminent and worthy; and the Writ at large for Oxford entered in the *Clause Roll*, like that to the Archbishop of *Canterbur*, but the Writ to the Chancellor and University of Cambridge, enrolled after it, only with an *Eodem modo mandatum est*, &c. like the * Writs to other Bishops after the Writ at large to the Archbishop.

2ly, That the University of Oxford are commanded to send 4. or 5. but the University of Cambridge only 2. or 3. of the expertest Lawyers in them to this Parliament. An invincible Argument of its eminency, dignity, and plenty of learned Schollers, before Cambridge; even as the City of London electing and sending 4. Knights or Citizens to every Parliament by the Kings Writs, when no other City or Borough sends above 2. is an evidence of its double dignity, precedency before all other Cities, Burroughs of the Realm, and of its being the * Nobleſt, and Head City of the Kingdom, specially named, ranked before all others in *Magna Charta* it self, c. 9.

3ly, The Original Returns of these Writs by both Universities (which I rescued from rubbish and oblivion in the *White Tower*) will further evidence its precedency, Oxford University (like London) then sending 4. and Cambridge only 2. Masters and Lawyers to this Parliament, one of them a Monk: Their returns, wherein OXFORDS is largest and first recorded, are in these words.

Excellentissimo Principi & Serenissimo Domino, Domino E. Dei gratia Illuſtri Regi Angli. sui (ſi placet) Cancellarius Univerſitatis OXONIE, Cæterisque unanimis Magiſtrozum, Deotionis obſequium et reberentia debi-
Bundel Brevium & Literar. An. 28 & 29 E. 1. in Turri London.

tum cum honore. Literas Regis Majestatis ſuſcepimus, continentes, ut ad bestrum Parlamentum *Lincoln.* pro arduis Regni negotiis pertractandis cum cæteris de Consilio, QUATUOR ſaltem mitteremus Magiſtros. Dane præcep-
* Nota.

tis Regis obtemperare propenſius congraudentes, Serenitati Regali Magi-
Ibidem.

ſtros QUATUOR deſtinamus, quozum ſacta et nomina apud *Scolasticos* * ex-
 talluntur, viros utique ſcientia Juris præditos, et moribus venudatos, be-
 ſtrique honozis et ſamæ ſeribidos zelatozes: Rogantes humiliter, ut Regis li-
 beralitatis immenſitas et affluentia bonitatis ipſos dignetur recommendatos
 habere, atque remittere, prosperatis bestro pro beneplacito negociis expeditis
 Dierum longitudo cum ſalute adſiſcat vobis ille per quem Reges regnant,
 et Principes dominantur.

gistros *Simonem de Waldene* Monachum, & *Hugonem Sampsonem* Jurisperitos, ad bestræ Dominattonis præsentiam destinamus, ut in hiis quæ vos et regimen vestrum contingere dinoscuntur, pareant in omnibus et intendant. Conseruet vos, &c.

I premit all other Records relating to the Priviledges, Peace, Government of the Univerity of *Oxford*, and shall conclude with three *Records* which concern her younger Sister *Cambridges* Honour, Jurisdiction and Government: The first is for the prevention of young Scholars being withdrawn from their Studies by lascivious common women, to Gods dishonour and the Universities scandal, by ordering the Mayor and Officers of the Town, upon the Charcellors and Vicechancellors denuntiation, from time to time to banish all such common women from thence, in imitation of the Writ of * Claus. 18 H. 3. m. 16. to the Mayor and Bayliffs of *Oxford*, to expell all publike Harlots and Clerks Concubines out of *Oxford* Town.

* Printed in the Second Tome of My Chronological Vindication, &c. p. 445, 446.

Pat. 1 E. 3. pars 1. m. 13. incus. Pro Univerficate Cantebriegg. de mulieribus publicis extra dictam Villam amovend.

REX Omnibus ad quos, &c. salutem. Dignum esse censemus et gratum Altissimo non immerito reputamus, quieti et honestati Scholarium saliter providere, ut ipsi subtrahatis quibuscumque occasionebus ex quibus bagandi materiam valeant assumere seu aliter delinquendi, studiis et disciplinis Scholasticis intendant assidue sicut decet. Considerantes itaque, quod per mulieres publicas, si in *Villa Cantabr.* vel Suburbio ejusdem moram trahere sinerentur, dampna et pericula quamplurima multociens evenire, et Juvenes ibidem studentes juvenili lascivia stimulante, per mulieres hujusmodi decipi poterunt de facili et fraudari, studium deserendo, proptiusque voluptatibus adherendo; Concessimus, quod nulla publica mulier infra dictam *Villam Cantabr.* vel Suburbium ejusdem convertetur et moretur. Et quod super hoc ad denuntiationem Cancellarii Univerfatis *Cantabr.* vel ejus Vices-gerentis, quædam proclamatio seu inhibitiõ ex parte nostra per *Majorem* et *Ballivos* dictæ *Villæ*, quatuor in anno vel pluries si necesse fuerit, fiat in eadem *Villa*. Et si aliquæ hujusmodi mulieres ultra tres dies post Proclamationem seu Inhibitionem hujusmodi in *Villa* prædicta vel Suburbio ejusdem inveniantur convertentes, tunc ad denuntiationem dicti Cancellarii, vel ejus Vices-gerentis, per *Majorem* et *Ballivos* *Villæ* prædictæ qui pro tempore fuerint capiuntur, et in prisona nostra *Villæ* illius imprisonantur, quousque per ipsum Cancellarium vel ejus Vices-gerentem inde fuerint deliberata. In cujus, &c. Teste Rege apud *Nor.* 23 die *Octobr.*

Per ipsum Regem.

The second is the Patent of 17 E. 3. granting the same Priviledges to the Chancellor and University of *Cambridge*, concerning the holding of Pleas of all Debts, Contracts, &c. between Scholars and their Servants, and Townsmen, and punishment of Malefactors and Misdemeanors within the Town of *Cambridge*, as he and his Predecessors had formerly granted to the Chancellor and University of *Oxford*, within the Town of *Oxford*.

Pat. 17 E. 3. pars 2. m. 23. incus. Pro Univerficate Cantabr.

REX Omnibus ad quos, &c. salutem. Sciatis, quod ad studium uberes, quos dilecta nobis Univerfitas *Cantebriegg.* Mater et Propagatrix Studentium peritiorum in Ecclesia Dei sua fecunditate produxit, et etiam ad locum bonum quem fructuosos palmites, ex ipsius Univerfatis gremio prodeuntes, nobis et Progenitoribus nostris in Consiliis et agendis aliis tenuerunt et tenere poterunt in futuro dignæ considerationis intuitum dirigentes: ac pensantes, quod Studentes ibidem tanto libentius et avidius proficere poterunt in studio, quanto magis a laicorum et aliorum inquietudine liberi fuerint et quieti. Volentesque consideratione præmissa dictam Univerfitem favoribus prosequi gratiosis; volumus et concedimus pro nobis et hæredibus nostris Cancellariis, Magistris et Scholariis Univerfatis prædictæ, et Successoribus suis, quod in causa Clericorum ejusdem Univerfatis, ex mutuis datis et receptis ac taxacionibus

ntibus et locacionibus Domoꝝum equis conductis, venditis seu commodatis, ac pannis et bidualibus mutuum habentibus, et aliis quibuscumque rerum mobilium contractibus in Villa Cantebrię seu suburbis ejusdem ortum habentibus, Prohibicio nostra vel Hæredum nostrorum de cetero aliquibus futuris temporibus non currat, nec locum habeat, sed causa hujusmodi coram Cancellar. Universitatis prædictæ, qui pro tempore fuerit, vel ejus Commissar. vel ejus Locum tenente, non obstantibus hujusmodi Prohibitionibus Regis perpetuo decedantur. Volumus etiam et concedimus pro nobis et hæredibus nostris, quod quilibet Burgensis dictæ Villæ pro familia sua et servientibus suis respondeat in emptionibus et venditionibus sicut et aliorum Vicinialium quorumcumque, ipsorum Burgensium, tam in suburbis quam Villa prædictæ venditioni expositorum ubi Scolaris est una parsium ipsius Burgensibus de excessibus et iniuriis per familiam vel servientes suos in hujusmodi emptionibus et venditionibus factis, per præfatum Cancellar. vel ejus Vicegerentem semel vel bis si opus fuerit primitus debite præmittitis. Et quod dictus Cancellar. vel ejus Commissar. aut Locum tenens qui pro tempore fuerit, cognitionem de hujusmodi excessibus et iniuriis in emptionibus et venditionibus prædictis ubi Scolaris est una pars, ut prædicitur habeat, et delinquentes in hac parte punire faciat, prout decet. Insuper, cum Cancellar. Universitatis prædictæ pro quiete ejusdem Universitatis, et conservatione pacis nostræ ibidem, ac malefactorum maleficia refrægendis Clericos in eadem Universitate delinquentes, tam pro suspitionibus et aliis causis diversis pro majoribus dampnis et periculis evitandis, quam pro delictis suis intelligari et capti facere sapiens et videri oporteat, et committere custodia carcerali, et tunc Cancellar. metuat se ad prosecutionem hujusmodi Impersonariorum de imprisonmentis illis impotenter prægrabari, et motis se supplicatum, ut indemnitati Cancellari dictæ Universitatis belimus prospicere in hac parte: Nos considerantes, quod Pax nostra ibique inobstanter observetur, et delinquentes in eadem Universitate ad majorem quietem et tranquillitatem ejusdem debite castigentur: Ac volentes Cancellari Universitatis prædictæ pro tempore existentis securitati in præmissis prohibere, volumus et concedimus pro nobis et hæredibus nostris, quantum in nobis est, quod Cancellarii ejusdem Universitatis qui hactenus fuerunt, vel erunt erunt, aut eorum Commissarii vel Locum tenentes, eorumque hæredes et successores, eorumque hæredum dictæ Universitatis, seu aliorum per ipsos Cancellarios pro conservatione pacis et quiete Universitatis prædictæ, ac punitione et castigacione malefactorum hujusmodi ibidem hactenus imprisonmentum, seu erunt imprisonmentum, in omnibus videlicet, qui in eadem Universitate in Villa et suburbis prædictis Scolaribus seu eorum servientibus, aut aliis de jurisdictione Universitatis prædictæ delinquentes inveniunt, seu de maleficia ibidem perpetrata notorie suspecti vel convicti fuerint, per Hæredum nostrorum, vel Hæredum nostrorum de audiendo exheredando, vel de falso imprisonmentamento, seu quobis alio colore in Curia nostris vel Hæredum nostrorum sibi aliis, aut alibi nullatenus occasione inveniatur, inquietentur, molestentur in aliquo seu grabentur. In cujus, &c. Teste Rege apud Westm. 19. die Septembris.

Per Breve de Privilegio Sixto.

The third is the Patent of King Richard the 2. granting the Chancellor of the University of Cambridge, the same power to certify Excommunications into the Court of Chancery for five years, as King Edward the 3. his Grandfather, and he, had granted to the Chancellor of the University of Oxford, which Privilege they had not before.

REX Omnibus ad quos, &c. salutem. Nos Magistri et Scholares Universitatis nostræ Cantebrię, suis iudiciis et scholasticis actibus varent tranquillus, et intendant, et ipsi ac alii sub jurisdictione Cancellar. dictæ Universitatis et officiorum, eo vigilantius ab excessibus, offensis, contumaciis et iniuriis se abstinuant committendis, quo commissa noverint propinquitas puniendi, de gratia nostra

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Pat. 6 R. 2.
part. 2. m. 1.
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Universitate
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nostra speciali, & ad instantiam dilecti nobis in Christo fratris *Thome Raushek* de ordine Prædicatorum, Confessoris nostri, concessimus, quod Cancellar. Universitatis prædictæ, qui pro tempore fuerit, per literas suas patentes Cancellar. nostro *Angl.* pro tempore existenti significare possit, et certificare, de nominibus singulorum de jurisdictioni præfati Cancellar. *Cambrig.* qui majoris Excommunicationis vinculo fuerint innodati, et quod dictus Cancellarius noster *Angl.* qui pro tempore fuerit, Brevia nostra in Cancellar. nostra fieri, et sub magno sigillo nostro consignari faciat pro captione illoz de jurisdictione prædicta, qui sic per dictum Cancellar. *Cambrig.* fuerint excommunicati, et per quadraginta dies perseveraverint in eadem, ad significationem sive certificationem ipsius Cancellar. *Cambrig.* suppeditam, per quinquennium pror. jam ventur. prout ad significationem et certificationem Episcopozum *Angl.* præfati Cancellar. *Angl.* faciend. de Excommunicatis auctoritate ipsorum Episcopozum hujusmodi capiend. fit et fieri conuevit, et * prout Cancellar. Universitatis *OXON.* hujusmodi privilegium ex concessione nostra per certum tempus dinoscitur optinere. In cujus, &c. per dictum quinquennium duratur. Teste Rege apud *Westm.* 8 die *Aprilis.*

Per Brevis de Privato Sigillo, & per suam dimid. marc.

By which Records it is evident, that all the Priviledges, Liberties granted to the University of *Cambridge* by our Kings at the second hand, were only such as they had antiently and in the first place formerly granted to the University of *Oxford*, as the *ancientest* and most eminent in their Judgement and estimation, and therefore dignified, honoured for some time with those Priviledges and Franchises, before they conferred them on her younger and inferiour Sister *Cambridge.*

* The Continuance of Pleas was granted to the University of Oxford in the Court of Exchequer Tr. 20 Car. 2.

To this may be added Hil. 1 H. 5. coram Rege, Rot. 45. *Cambr.* wherein the Chancellor of the University of *Cambridge* his Priviledge to hold Pleas of Trespas like *Oxford*, was claimed and allowed in the Kings Bench, as it had been to * *Oxford.*

Cap. 50. Of the Courts, and City of London.

Page 179. line 3. after *insert*, add: I shall present you with this memorable Record, to prevent the frauds and abuses in bringing Writs of Error upon judgments justly given in the *Hustings* in *London*, by selling and conveying away their goods to avoyd the execution when confirmed, by selling and securing the goods untill the Error decided, by a special order of the King and Council made in this case upon the Citizens petition.

Claus. 8 E. 2. m. 4. Quod bona & catalla partis defendentis in placito de errore in *London*. cur. Rodianur. pendente illo errore indiffuso.

REX Majori & Vicecomitibus *London.* salutem, Supplicarunt nobis Cives nostri Civitatis prædictæ per petitionem suam coram nobis & Consilio nostro exhibitam, ut cum querentes in diversis placitis coram vobis præfati Vicecomites in Curia nostra *London.* deductis, per iudicium rite redditum demandam suam recuperent, et partes defendentes machinantes sapius executionem iudicii illius prorogare, assentant errorem in recordo et processu inde, licet nullus sit intervenisse; recordum illud & processum in pleno *Hustings* nostro Civitatis prædictæ coram vobis, & postmodum quandoque coram Justic. nostris ad hoc specialiter deputatis venire faciant, ad errorem, si quis fuerit, corrigendum: et eadem partes defendentes pendente hujusmodi placito de errore per diversas cabillationes longius indiffuso executioneque prioris iudicii interim retardante, bona et catalla sua quæ infra Civitatem illam habent, et de quibus executio prioris iudicii si affirmaretur fieri deberet vendant, et contingit, quo minus executio inde fieri possit in euentu, ad * maximum dampnum partium conquerentium, et retardacionem executionis illius ac emerbacionem iudicii prædictæ,

* The grand abuse in most Writs of Error now brought.

predicti, belimus super hoc de remedio congruo providere: Nos hujusmodi dampnis precebere, et maliciis illis volentes obviare, Vobis mandamus, quod in omni casu ubi pars defendens recordum et processum alicujus loquela coram vobis in *Hustings*, predicta vel coram aliquibus Justic. nostris venire facit, ad errorem si quis interbenerit corrigend. et executio prioris judicii retardatur, ut predictam est, taliter prohibeatis et ordinatis, quod unita bona et caralla ipsius partis defendentis infra ballidam vestram existens, usque ad summam rei adjudicata dampnozorum, misericordiarum, et aliozum hujusmodi salbo et secure absque amocione aliqua pendens hujusmodi pacto de errore indissoluto, custodiantur; Ita quod executio prioris Judicii inde, si consideretur modo debito fieri, poterit de effectu. Telle Rege apud *Westm.* 4 die Junii.

Per Petitionem de Consilio.

A provision necessary to be made and extended to all Writs of Error brought in this fraudulent dilatory age.

Pat. 180. l. 42. after *Septembris*, these two Ordinances and Proclamations of King *Edward* the ad. for setting prises upon all sorts of catel, fowls, victuals, and prohibiting the wearing of arms within the City or Suburbs, should have been inserted.

REX Majori & Vicecomitibus *London*. salutem. Querelam Archiepiscoporum, Episcopozorum, Comitum, Baronum, et aliozum de Communitate regni nostri per petitionem suam coram nobis et Consilio nostro exhibitam recepimus, continentem, quod de Bobus, Maccis, Pultronibus, Porcis, Auis, Gallinis, Caponibus, Pullinis, Columbellis et Obis, magna et quasi intolerabilis est caristia his diebus, in ipsorum et omnium aliozum infra idem regnum degenetum dampnum non modicum et grabamen, propter quod nobis contra instantia supplicarunt, ut super hoc curarem de congruo remedio providere. Nos igitur supplicationi predicta pro communi utilitate populi sicut regni prout expediens. hunc fuisse annuentes. Ordinabimus de consilio et assensu Prelatorum, Comitarum, Baronum, et aliozum de Consilio nostro existencium in ultimo Parlamento nostro apud *Westm.* habito, quod meliores Bos vitus verialis crassus de grano non passis, vendatur de cetero pro sexdecim solidis et novis ultra; et si de grano passus fuerit et sit crassus, pro viginti et quatuor solidis, ad plus tunc vendatur: Et quod meliores Macce vitis crassa pro duodecim solidis: quoque Porcus digne amozum crassus pro quatuordecim denariis: Pultra sanitus crassus pro viginti denariis. Pultra confus crassus pro quatuordecim denariis. Auis crassa in Civitate nostra predicta pro tribus denariis. Capo domus et crassus pro duobus denariis et obol. Galline crassa pro uno denariis, et obol: duo Pullini pro uno denariis. Tres Columbellae pro uno denariis. Et similiter Obis pro uno denariis. De cetero veniantur. Et quod si aliquis vel aliqui hujusmodi res venales pro precto, et pro isto modo ordinatis vendere voluerint vel aluerint commigerint inveniati, tunc predicta res venales suis venientur forisfacta. Et quia Ordinacionem predictam voluitur firmam in Civitate nostra predicta fieri et observari et observari: Vobis preceptum firmiter in Anglonia, quod in Civitate nostra predicta et subditis partibus ubi videtur expedire, Ordinacionem predictam publicam et clamantem predicari, et in eadem sit omnibus et singulis suis articulis sub forisfactura predicta per eam ballivos vestros de cetero faciat observari. Et hoc firmam et observari faciat. Telle Rege apud *Westm.* 23 die Junii.

Pat. 8 E. 1. m. 24. incus. De quibusdam ordinacionibus factis super vendicione bozum, vaccarum, & diversorum animalium ob servandis.

REX Majori & Vicecomitibus *London*. salutem. Nos ut intelligimus, plures tam de Civitate nostra *London*, quam alii dependentium communitates, in eadem Civitate, nosse aliquos habent, et alii hujusmodi malitiosos parentes.

Pat. 13 E. 1. m. 29. incus. De Gladiis & Masuell. in Civitate *London*. non parand.

hærentes, balistas et arcus pro lapidibus et pelletis terreis, et aliis nocivis fundendis per Civitatem prædictam deferunt, et lapides ac pelotes terreas ad hoc aptas, et alia nociva emittunt per balistas et arcus supradictos per vicos et venellas in Civitate prædicta, ex quibus hominibus pacis, quietis et honestatis in Civitate prædicta degentibus, et aliis ad eandem confluentibus, non solum timor gravis incutitur, sed etiam dampna quamplurima irrogantur, in pacis nostræ læsor è manifestam, unde non immerito commovemur. Nos volentes huiusmodi malicias restrenare, vobis præcipimus firmiter injungentes, quod in Civitate prædicta in locis ubi expedire videritis factatis publice proclamari, et ex parte nostra firmiter inhiberi, quociens forte videritis faciendo, ne quis per Civitatem prædictam vagans aut in eadem moram faciens, gladium, mæuellam, vel alia arma ex quibus contumelias præsumatur oriri posse, aut alias suspiciones mali habere debeat, vel balistam seu arcum pro lapidibus seu pelletis terreis, aut aliis nocivis fundendis deferat in Civitate prædicta. Et si quos post proclamationem et inhibitionem prædictas inveneritis contraria facientes, tunc eos sine dilatione aredetis, et in prisona nostra custodiatis quousque aliud a nobis habueritis in mandatis, Nos et Isabella Regina Angliæ Consortis nostræ charissimæ servientibus ad Arma, et vobis Comitum et Baronum de Regno nostro, videlicet pro quolibet Comite vel Barone suo vobis gladium Domini sui in eius præsentia deferente, duntaxat exceptis. Teste Rege apud Eborum 16 die Octobr.

Per ipsum Regem et Consil.

A Proclamation not unseasonable for these times, when so many Murders and breaches of the peace are committed in the City and Suburbs, by reason so many of all sorts go armed therein with swords and other weapons, without restraint, as this likewise concerning *Vintners*, never more cheating, mixing, corrupting wine in this kinde, than now.

Pat. 1 E. 3.
pars 3. m. 13.
Pro Commun-
nicate Civitatis
London.

REX Majori & Vicecomitibus London. salutem. Quia datum est nobis intelligi, quod Vinetarii ejusdem Civitatis et eorum Tabernarii vina ad retalliam in eadem Civitate et suburbio ejusdem vendentes, vina debilita et corrupta cum aliis vinis miscunt, et vina sic mpyta et corrupta ad idem precium ad quod bona vina et pura venduntur vendere non formidant, non permitentes homines in tabernis suis potantes, seu alias vina ab eis ementes inspicere, utrum vina a dolis extrahuntur in mensuris, an aliunde capiantur, in vestri ac Communicatis Civitatis prædictæ scandalum, et hominum vina in eadem Civitate ad retalliam emencium, et in tabernis potantium solutis corporez corruptionem et vitæ periculum, unde non immerito commovemur: Nos huiusmodi periculis volentes præcabere, vobis præcipimus, quod in Civitate prædicta et in suburbis ejusdem in locis ubi expedire videritis publice proclamari et inhiberi faciatis ex parte nostra, ne qui huiusmodi vina miscere, nec aliqua vina mpyta, nisi bona et pura vendere præsumant quobis modo: et quod omnes qui singuli vina in tabernis potantes, seu alias vina ab eis ementes inspicere possunt & velint, utrum vina sic in tabernis, ut præmittitur mpyta, a dolis extrahantur, seu aliunde capiantur. Et si quos forte post proclamationem et inhibitionem prædictas inveneritis contraria facientes, tunc ipsos ita per misericordiam ad opus nostrum levand, cadigetis, quod castigatio illa timorem aliis in huiusmodi casu præbeat delinquendi, et ne ob vestri defectum manus ad hoc nos oporteat apponere graviores. Teste Rege apud Notingh. octavo die Novembris.

* Nota.

* Nota.

Ibidem.

REX eisdem, salutem. Quia receptimus, quod Pistores, Tabernarii, Ponderarii, Colli, Puleterii, Pittuarii, Carnifices, Baciatores, Bladarii, et alii de diversis officiis et mysteriis ejusdem Civitatis, in eadem Civitate minus bene frequenter se habent in officiis et mysteriis suis, et quod malefactorum nocte dieque cum gladiis, mæuellis, bucliaris, et aliis armis per Civitatem indebentes, ad aliorum indignationem seu propriam molestiam tuam quodam barbarè et male tractare, et alia flagitia et enormia multiplicia contra pacem nostram perpetrare solent, in huiusmodi casu præbeat delinquendi, et ne ob vestri defectum manus ad hoc nos oporteat apponere graviores. Teste Rege apud Notingh. octavo die Novembris.

dicum et grabamen; Nos de Consilio nostro ad omnia præmissa remedium oporturum adhiberi, et alius timorem delinquendi incuti volentes; Vobis mandamus firmiter injungentes, quod hujusmodi Pistozes, Tabernarios, Polendarios, Cocos, Pulecarios, Piscenarios, Carnifices, Bzaciatores; Bladarios, et alios de diversis officiis et ministeriis, ubi de sano consilio fore videritis faciendum ac etiam malefactores per poenas corporales, et alia flagicia, iuxta discretionem vestram prohibendo, taliter castigetis, quod castigatio illa aliis in casibus consimilibus timorem præbeat delinquendi. Et hæc præmissa et omnia alia quæ ad pacem nostram et commoditatem ibidem pertinent inviolabiliter observari faciatis. Teste ut supra.

REX Omnibus ad quos, &c. salutem. Sciat, quod cum pridem dispo-
nentes ad partes transmarinas proficisci, et volentes super tuta custodia
Civitatis nostræ London, et conservatione pacis nostræ ibidem securius quo
poterimus ordinare, Rogassemus & onerassemus dilectos nobis Pajozem,
Wicecomites, Aldermannos, et Communitatem Civitatis prædictæ, quod no-
bis extra Regnum nostrum Angl. agentibus, dictam Civitatem et pacem no-
stram ibidem pro viribus custodirent, et quod in malefactores et dictæ pacis
nostræ perturbatores, si quos in dicta Civitate nobis sic agentibus in remotis
inveniri contingeret, punitionem facerent debitam et festinam, iidemque Pa-
joz, Wicecomites, Aldermanni et Communitas custodiam Civitatis et con-
servacionem pacis, et punicionem prædictas, sic ad rogatum et mandatum no-
strum in se suo periculo suscepissent; Sed postmodum idem Pajoz et Wiceco-
mites, audito quod quædam pugna seu dissentio inter Pistenarios et Pelli-
partos Civitatis nostræ prædictæ in perturbationem dictæ pacis, subito fuerat
in dicta Civitate suscitata, ad pacificand. dictam pugnam seu dissensionem ac-
cessissent, et quosdam malefactores et pacis nostræ perturbatores ibidem re-
pertos attachassent, prout ipsorum officio incumberebat: ac *Thomas fil. Johan-
nis Haunsard, et Johannes le Brewere*, ac quidam alii Malefactores et pacis no-
stræ perturbatores dictum attachamentum fieri minime permittebant, in-
dictos Pajozem et Wicecomites ac alios Ministros Civitatis prædictæ, tunc
ibidem pro conservacione pacis nostræ officii sui debitum exequentes insultum
fecissent, et malefactores per dictos Pajozem et Wicecomites attachatos
reversissent, dictusque *Thomas* extracto Gladio in dilectum nobis *Andream Au-
brey* tunc Pajozem Civitatis ejusdem manus iniecit, et ipsum ad prosterne-
ndum irruens iuxta vires, et præfatus *Johannes* quendam de servientibus ejus-
dem Civitatis, tunc dicto Pajoz et Wicecomitibus obsequentem graviter
hulnerasset, in nostri contemptum, et commocionis dictæ Civitatis periculum
manifestum; iidemque *Thomas & Johannes* propter hoc statim capti, et usque
ad Aulam placitorum dictæ Civitatis vocatam *Le Gibell*. ducti, et ibidem
eorum præfatis Pajoz et Wicecomitibus super prædictis excessibus allocuti, et
ibidem super his, per proprias recogniciones suas confititi, et ea de causa;
per consideracionem Pajozis, Wicecomitum, Aldermannorum et Communi-
tatis prædictorum in Aula prædicta morti adjudicati, et in quadam Strata dictæ
Civitatis vocata *Le Chepe*. decollati fuissent. Nos considerantes, quod si
tanta temeritas prædictorum *Thome et Johannis* transisset impunita, præbu-
isset audaciam aliis consimilibus perpetrandi, et sic arbitantes dictam pacifi-
cacionem fuisse pro conservacione pacis nostræ opportunam et benefactam,
ac volentes consideracione præmissa securitati dictorum Pajozis, Wicecomitum,
Aldermannorum et Communitatis, ne propter hoc futuris temporibus impeti
habeant prohibere, ea quæ per Pajozem, Wicecomes, Aldermannos et Com-
munitatem prædictos facta sunt in præmissis, quantum ad nos attinet, approba-
mus et confirmamus: Volentes quod ipsi vel eorum aliquis occasione mortis
prædictorum *Thome & Johannis*, aut consideracionis prædictæ, per nos vel hæ-
redes nostros, seu Justic. vel Ministros nostros quoscumque impetantur, mole-
stantur in aliquo seu grabentur. In cujus, &c. Teste Rege apud *Turrin* Lon-
don, quarto die Junii.

Pat. 15 Ed. 3.
pars 2. m. 45.
intus. Pro
Majore & Al-
dermannis
London.

* Nota.

Per Peticionem de Canll.

* Walsingham
Hist. Angl.
1369. Henry
de Knyghton,
Fabian, Holin-
shed, Speed,
Stow, Daniel.

Page 182, l. 3. after *therein*, this Ordinance should have been inserted. After the great Plague in *London*, wherein * near nine parts of ten of the Inhabitants, and of the Kingdom too, were swept away with that contagion, the King by advice of his Parliament published this Ordinance to prevent the corruption of the air, that no great Beasts should be killed within the City or Suburbs by Butchers, nearer then *Stroisford* or *Knyghtbrugg*.

Claus. 35 E. 3.
m. 40. dorso.
De Proclaman-
do de grossis
animalibus in-
fra Civitatem
London. non
occidend.

REX Majori & Vicecomitibus *London*. salutem. Quia per macellationem grossarum Bestiarum in Civitate predicta ex quorum sanguine putrefacto in stratis decurrente, et visceribus in aqua de *Thames*. projectis, aer in ipsa Civitate multipliciter corrumpitur, et infectur, unde abominaciones et foetores pestimi generantur, per quod hominibus in eadem Civitate morantibus, et confluentibus ad eandem agritudines et alia mala quamplurima hactenus evenerunt, et majora pericula imposterum evenire formidantur, nisi super hoc remedium celerius apponatur: Nos volentes hujusmodi periculis precavere, et honestati dicte Civitatis, et incolumitati populi nostri ejusdem in quantum poterimus providere, de assensu Consilii nostri in presenti Parlamento nostro ordinavimus, quod omnes *Boves*, *Oves*, *Porci*, et alia grossa animalia pro sustentatione Civitatis predictae macanda, usque ad *Willam de Stroisford* ex una parte, et *Willam de Knyghtbrugg* ex altera parte dicte Civitatis ducantur, et ibidem et non citra macentur, et quod viscera eorumdem ibidem mundentur, et ea mundata una cum carnisbus predictis ad dictam Civitatem vendend. deferantur. Et si quis carnifer quicquam in contrariu Ordinationis ausu temerario presumpserit, forisfacturam carnis animalium que citra *Willas* predictas macari fecerit, penes nos, ac poenam Imprisonamenti per unum annum incurrat. Et ideo vobis mandamus, quod Ordinationem predictam in eisdem Civitate et Suburbis in locis ubi expedire videritis publice proclamari et teneri fac. et omnes carnifices contrarium facientes castigetis et puniatis juxta formam Ordinationis predictae. Et hoc sub periculo quod incumbit nullatenus omittatis. Teste Rege apud *Westm.* 25 die *Februarii*.

* Pat. 12 E. 2.
m. 2. intus.
Pro Civibus
London. de
Novis Articulis
ibidem statu-
tis, Vid. Cart.
22 H. 6. m. 34.
nu. 33.

I pretermitt the * New Statutes and Articles made by the Citizens, and ratified by King *Edward* the 2. and his Council, and commanded to be observed for the Election and change of the Mayor and Aldermen of the City every year, and concerning the Election of Freemen and Officers of the City, and their Oathes, with other particulars, since altered by subsequent Charters.

I shall conclude with the Prologue of the Charter of King *Henry* the 6. to the City of *London*, confirming all their former Charters, and constituting the Mayor, Recorder and Aldermen of *London* who have been, or should be Mayors thereof, after their Mayoralty expired, Justices of Peace, to execute the Laws belonging to Justices of Peace within the City, for the peace and good government thereof, like a City situated upon a Mountain of good manners and virtues, dispersing the rayes of her virtuous Government far and near, to her and their perpetual praise, fame, which I wish she may now strenuously endeavour more then ever, after her late *dewouring Plague*, and *consuming Fire*.

Cart. 22 H. 6.
m. 34. nu. 36.

HENRICUS Dei gratia Rex *Angl. &c.* Archiepiscopis, Episcopis, Abbatibus, Prioribus, Ducibus, Comitibus, Baronibus, Justiciariis, & omnibus fidelibus suis, salutem. Quamquam ut accepimus talia in omnibus que per Custodes pacis & Justicie, ad diversa felonias, transgressiones & malefacta in omnibus Com. regni nostri *Angl.* auctoritate regia audiend. & terminand. assignandos, virtute ordinationum & statutorum regni nostri predicti, pro bono pacis ac quiete & regimine populi edictorum teneri observari, dicant et terminari debent in Civitate nostra *London*. a tempore et per tempus cuius contrarii memoriam non erit, semper ultra fuerint, habita ac bene affirmata et adhuc existant, nichilominus ut de cetero quidam certus, verus, determinatus et indubitatus modus in Civitate nostra predicta, de et super custodia pacis ac regimine et

et gubernatione populi nostri ejusdem, omnium locorum regni nostri predicti
 p[ri]me et p[ri]ncipal[is] ad quam indies confluit, quasi ab omnibus mundi partibus
 populi multitudo continue habeatur, et sit illa semper et permaneat Civitas pa-
 cis et quietis, Civitas super montem morum et virtutum, in reppressionem et
 punitionem malorum, laudem vero ac nutrimentum bonorum posita et locata,
 radios sui virtuosi regimini longe lateque diffundens, ut de ea semper victuosa
 et gloriofa merito valeant enarrari. Volimus & ex merito motu nostro tenore
 presentium concedimus pro nobis, heredibus & successoribus nostris quantum
 in nobis est, quod Civis Civitatis illius habeant et teneant omnes et singulas
 suas libertates, franchisas, et liberas consuetudines adeo integras et illasas,
 sicut eas unquam aliquis tempore Regentium nostrorum melius, quietius
 et liberius habuerunt et tenuerunt. Et ulterius concedimus pro nobis, here-
 dibus et successoribus nostris predictis, eidem Civibus et successoribus suis li-
 bertates, quietantias et franchisas subscriptas: videlicet, quod amodo Mayor
 et Recorder Civitatis predicta qui nunc sunt, et successores sui Mayores et
 Recorder ejusdem Civitatis imperpetuum; Ac tam illi Aldermanni qui
 Mayores dicta Civitatis antea extiterunt, quam alii Aldermanni qui onus Ma-
 joris Civitatis illius imponerem sustinebunt, postquam a Majoratu illo cessa-
 verint, et inde sint dimissi, quandoque Aldermanni ibidem steterint, sicut Castellus
 pacis nostrae, heredum et successorum nostrorum infra Civitatem nostram pre-
 dictam, et Libertatem ac Suburbium ejusdem, ad omnia Statuta et Ordina-
 tiones apud Wynton. Northampton, & Westm. pro conservatione pacis, et apud
 Canteb[rigie] de Venatoribus, Operariis, Artificibus, Servitoribus, Possessoribus,
 Mendicantibus, Magabundis, et aliis hominibus Mendicantibus qui se nomi-
 nant Travelyngmen, &c. And all other Acts which Justices of Peace had then
 power to put in execution, &c. Dat. per manum nostram apud Westm. 26 die
 Octobris.

Nota.

Per ipsam Regem & de data predicta, auctoritate Parlamenti,
 & pro quadraginta libris solut. in Hanaperio.

Cap. 61. The Court of the Clerk of the Market.

Page 200. to the Records there cited, concerning Weights, Measures, and
 the gaging, scrutiny of them, and Inquisitions after false Weights, Mea-
 sures, (never so necessary as in this deceitful cheating age) you may see
 Pat. 5 E. 2. pars 1. dorf. 15. Claus. 8 E. 2. m. 14. Pat. 8 E. 2. pars 2. dorf. 13.
 Claus. 10 E. 2. dorf. 10, 16. Pat. 15 E. 3. pars 2. dorf. 25. pars 3. dorf. 8.
 Pat. 16 E. 3. pars 1. dorf. 40. pars 3. dorf. 8, 14. Pat. 17 E. 3. pars 1. dorf.
 26, 37. Claus. 31 E. 3. m. 13. Pat. 31 E. 3. pars 1. dorf. 19, 20. Pat. 30 E. 3.
 pars 1. dorf. 35. Pat. 17 R. 2. pars 1. dorf. 23. Pat. 25 H. 6. pars 2. dorf. 30.

Cap. 62. Commissioners of Sewers.

Page 201. l. 9. after dorf. 44. add these Records; Pat. 11 H. 3. pars 1.
 dorf. 3. Claus. 19 H. 3. dorf. 7. Claus. 22 H. 3. dorf. 2. Claus. 24 H. 3.
 m. 4. Claus. 27 H. 3. pars 2. dorf. 6. Claus. 30 H. 3. dorf. 3. Proclamatio de
 Pontibus & Ripariis reparandis. Claus. 35 H. 3. dorf. 6. Claus. 35 H. 3. m. 16.
 Claus. 36 H. 3. dorf. 28. Claus. 38 H. 3. dorf. 4. Claus. 39 H. 3. dorf. 4, 15.
 & m. 22. intus. Pat. 41 H. 3. dorf. 10. Romenal in Com. Kane. Claus. 42 H. 3.
 dorf. 9. Pat. 42 H. 3. m. 7. dorf. 14. Claus. 43 H. 3. dorf. 12. Claus. 44 H. 3.
 dorf. 16. Pat. & Cart. 47 H. 3. m. 4, 12, 13. Pat. 50 H. 3. dorf. 27. Pat. 10 E. 1.
 dorf. 43. Cant[er]b. Pat. 2 E. 3. pars 1. m. 27. Pat. 6 E. 3. pars 2. dorf. 27. Com. Lin[coln].
 Pat. 8 E. 3. pars 2. dorf. 32. Trem; Lyndsey; Lincoln. Pat. 9 E. 3. pars 2. dorf.

20. *Kancia, Romeney marsh*, Pat. 12 E. 3. pars 1. dorſ. 11, 15. pars 2. dorſ. 7, 17. *Ebor. Linc. Kanc. &c.* Pat. 14 E. 3. pars 1. dorſ. 14, 21. Pat. 15 E. 3. pars 1. dorſ. 45. *Middleſex, Weſtm. Thames, Suffex, Suff. Cantbrig.* pars 2. dorſ. 39. pars 3. dorſ. 10, 11. *Suffex, Grimesbey, &c.* Pat. 16 E. 3. pars 1. dorſ. 10. *Linc. Grimesbey*, dorſ. 11. *Trent, Belvere*, dorſ. 27. *Cantbrig.* dorſ. 29. *Ebor. Humber*, pars 2. dorſ. 16. *Huntingdon*, dorſ. 25. *Norfolk, Marſhland*, dorſ. 34. *Ebor. Holderneffe*, dorſ. 42. *Kanc. Suffex, Knewfleſt*, pars 3. m. 6. intus, pro *Gilb. de Umfravil, Kyme, &c.* Clauſ. 16 E. 3. pars 2. m. 26. *De Contributione*, Pat. 17 E. 3. pars 2. dorſ. 22, 28. *Somerſes*, inter *Villam de Briſtow & Dunſtre*, dorſ. 35. *Ebor. Holderneffe*, pars 3. dorſ. 6, 12, 17, 25, 28, 29. Pat. 18 E. 3. pars 2. dorſ. 49. *East-Kanc.* *Romenal*, Pat. 19 E. 3. pars 1. dorſ. 18. *Linc.* dorſ. 20. *Ebor.* dorſ. 27. *Effex, Kanc, Thames*, pars 2. dorſ. 5. *Ebor. Holderneffe*, dorſ. 19. *Linc. Grimesby, Botbo, &c.* dorſ. 25. *Houſden*, Pat. 31 E. 3. pars 1. dorſ. 4, 8, 25. pars 3. dorſ. 8. Clauſ. 35 E. 3. dorſ. 21. *de Kidellia & Ssagnis amovend.* Pat. 50 B. 3. pars 1. dorſ. 14. *Kingſton ſuper Hull*, dorſ. 20. *Foſſedake, Ebor. Nottingham*, Pat. 51 E. 3. dorſ. 10. *Linc. Grimesby*, dorſ. 30, 37. *Effex, Kanc.* dorſ. 31. *Linc.* dorſ. 41. *Norfolk, Nottingham, &c.* & dorſ. 32. *de Kidellia amovend.* Pat. 6 R. 2. pars 1. dorſ. 2, 3. *Linc. Keſſeven*, dorſ. 9. *Glouceſtr. Ely, Ebor. Middleſex, Linc.* dorſ. 31. *Kanc. Effex, Thames*, pars 2. dorſ. 12. *Ely*, dorſ. 24, 26. *Linc. Holland.* Pat. 11 R. 2. dorſ. 37. *Somerſet Coſter, maris, Effex, Kanc. Thamesis*, à *Ponte Loudon*, uſque *Greenwich*, & pars 2. dorſ. 11, 19. *de Kidellia amovendis*, Pat. 17 R. 2. pars 1. dorſ. 37. *Suffex*, pars 2. dorſ. 6. *Linc. Holland, Keſſeven*, Pat. 11 H. 4. pars 1. dorſ. 3. *Glouc. inter Glouc. & Briſtoll.* Pat. 12 H. 4. dorſ. 23. *Ebor. Humber, Trent, &c.* Pat. 11 H. 6. pars 1. dorſ. 2. *de Kidellia, &c.* Pat. 25 H. 6. pars 1. dorſ. 9. *Surrey, Lambbeth, Thames.* Mich. 11 & 12 E. 1. coram Rege, rot. 1. *Sarr. Thames, &c.* dorſ. 25. *de Kidellia amovendis, &c.* & pars 3. dorſ. 5. Trin. 18 E. 2. coram Rege, rot. 174. Mich. 2 R. 2. rot. 8. *Glouc. & 17, 22. Glouc.* Mich. 4 R. 2. rot. 47. *Norhampton, Hil. 5 R. 2. rot. 26. Linc. Paſc. 5 R. 2. rot. 20. Middleſex, Trin. 6 R. 2. rot. 3. Linc. Paſc. 10 R. 2. rot. 4. Trin. 11 R. 2. rot. 1. Glouc. Mich. 11 R. 2. rot. 16. Glouc. Trin. 15 R. 2. coram Rege, rot. 2. Effex, & rot. 20. Northumberland, Paſc. 19 R. 2. rot. 27. & 37. Linc. Mich. 20 R. 2. rot. 16. Linc. Paſc. 22 R. 2. rot. 10. Middleſex, Hil. 9 H. 4. coram Rege, rot. 7. Berks, Paſc. 5 B. 5. coram Rege, rot. 18. Devon.*

To which I ſhall annex the Transcripts of theſe three Records, concerning the River *Avene*, formerly Navigable between *Bath* and *Briſtoll* with Ships, Boats and other Veſſels, till obſtructed by Mills, Weirs, Dams, to the great damage of the King, and his people of thoſe places and Countries, and ordered to be opened, removed, and made Navigable again.

Clauſ. 4 B. 1.
pars 1. m. 4.
in Cedula.

* Nota.

Edwardus Dei gratia Rex Anglia, Dominus Hibernia, & Dux Aquitania, Majori Briſtoll. & Richardo de Tikehull Vic. Somers. ſalutem. Quia intelleximus, quod nos et noſtri dampnum ſuſtinemus non modicum, et etiam periculum imminet tranſeuntibus pro eo quod * naves et batelli per aquam de *Avene* inter Civitatem noſtram *Bathon.* et Villam noſtram *Briſtoll.* propter ſtrictitudinem gurgitum aquæ illius ſine impedimento tranſire non poſſunt, (as formerly) Vobis mandamus in fide & dilectione quibus nobis tenemini firmiter injungentes, quod per vilum et teſtimonium duorum proborum et legalium hominum de Civitate noſtra *Bathon.* et aliorum duorum de Villa noſtra *Briſtoll.* ad hoc ſpecialiter per homines earundem partium electorum, et coram vobis juratorum, coſideras aquæ prædictæ ſuxta gurgites hujusmodi, et alibi per partes prædictas amplari fac: et aperiri, quod batelli et naves hujusmodi, abſque aliquo impedimento ſeu periculo libere tranſire poſſint per totam aquam prædictam in partibus prædictis. Proviſo tamen, quod hujusmodi aquæ apertio et amplatio non cedant in dampnum aut præjudicium hominum partium earundem. Teſte meipſo apud *Briſtoll.* 22 die Septembr. anno regni noſtri quarto. Which was accordingly effected, till many years after again obſtructed, as theſe Petitions in Parliament and Commiſſions grounded thereon aſſure us.

R E X

REX dilectis & fidelibus suis *Guidoni de Bryen Chivaler, Thoma de Hungerford Chivaler, Johanni de la Mare Chivaler, & Waltero Clopton*, salutem. Cum nuper ad supplicationem Communicatum Comitatum *Somerset & Wilts.* per petitionem suam coram Domino E. nuper Rege Angl. Avo nostro, in Parlamento suo exhibitam, asserentium ripariam vocatam *Aveno* inter Civitatem nostram *Bathon.* et Villam nostram *Bristol.* currentem, per quam victualia et alia populo nostro in partibus illis necessaria in Craeris et Batellis inter eadem Civitatem et Villam duci solebant, per gurgites, et pilos, et palos in eadem riparia positos et factos, et terram ex utroque latere ripariæ prædictæ elevatam, adeo obstructa et artata fuit, quod terræ, præta et pasturæ adjacentia diversimode inundabantur, per quod terræ, præta et pasturæ illa cepissime destructæ fuerunt, et transitus Craerarum et Batellozum cum victualibus et aliis necessariis inter loca prædicta in totius Communitatis dampnum non modicum et gravamen; idem Avus noster assignasset *Johannem Clyvedon Mil. Matham Clyvedon, & Henricum Percibay*, et duos eorum, ad supervidendum ripariam prædictam, et cursus ejusdem impedimenta. Et si invenirent ripariam illam obstructam fuisse, ad inquirendum super præmissis, et aliis in literis dicti Avi nostri inde factis specificatis, et ad omnes transgressiones in hac parte factas audiend. et terminand. sicut per literas illas in Cancellaria nostra exhibitas plene liquet. Et quia præfati *Johannes, Matham & Henricus*, processum aliquem super præmissis virtute literarum prædictarum non fecerunt, per quod dampna prædicta adhuc remanent cum incremento; Ac nos indemnitati populi nostri in hac parte prædicere volentes, assignabimus vos, tres, et duos vestrum, quorum vos præfat. *Waltero* unum esse volumus, ad supervidendum ripariam prædictam et cursus ejusdem impedimenta inter dicta loca, et si inveneritis ripariam illam per gurgites, et pilos, et palos, vel aliqua alia impedimenta quo minus rectum cursum suum tenete, et Craeræ et Batelli absque impedimento transire possint obstructam esse, ad inquirendum per Sacramentum proborum et legalium hominum Comitatum prædictorum, per quos rei veritas melius sciri poterit, de nominibus omnium et singulorum illorum qui hujusmodi, gurgites, et pilos, et palos, ac alia impedimenta hujusmodi, et prope eam ut est dictum fecerunt, et ad ripariam illam in rectum et debitum cursum suum revocet et poni, et ad hujusmodi gurgites, et pilos, et palos, ac alia per quæ transitus Craerarum et Batellozum impediuntur ibidem amoveri, et delinquentes in hac parte juxta quantitatem delictorum suorum debita puniri faciend. et ad omnes transgressiones in hac parte factas audiend. et terminand. secundum legem et consuetudinem regni nostri Angl. Et ideo vobis mandamus, quod ad certos, &c. quos, &c. quorum, &c. ad hoc prævideritis circa præmissa intendatis: Et inquisitiones factæ et eas audiatas et terminetis in forma prædicta; facturi, &c. Salvis, &c. Mandavimus enim Vicecomitibus nostris Comitatum prædictorum, quod ad certos, &c. quos, &c. quorum, &c. eis scire fac. venire fac. coram vobis, &c. quorum, &c. tot, &c. de Ballivis suis per quos, &c. & inquiri. In casus, &c. Teste Rege apud *Westm.* tertio die *Marci*.

Par. 6 R. 2. pars 2. m. 13. dorso. De inquirendo de riparia de Avene, ac inde audiend. & terminand.

* Nota.

After which in the Parliament of 12 H. 4. the Commons of the Counties of *Somerset, Bristol, Wilts, and Gloucester*, exhibited their Petition to the King, to remove all Weirs and obstructions of this River, which hindered the ancient free passage of Boats and other Vessels in it, to their publick prejudice, and much enhanced the price of their carriages by water between *Bath* and *Bristol*.

Lem prient les Communes par les Communes des Countees de *Somerset, Bristol, Wilts, & Glouc.* par prest du Roy et de Moisme, que come per les Weires, biers, faitz de pere come de moisme, et autres riches que sont si estreites et enhances en la Ryver appelle *Aven*, que court de *Bathe* a *Bristol*, et ailleurs. Et par ce faitz de jour en autre aveignent plusieurs et diverses grandes meschises as loialz lieges nostre Seigneur le Roy, et toutz les Communes

Rep. Parl. An. 11 H. 4. Pour les Communes de Somerset, Bristol, Wilts, & Glouc.

Communes de Countees avantoitz, et le cours del Stream du dit Ryber enli
 illopes, que hommes, femmes, enfantz, bestes et merchantz oue lour biens et
 Merchandises sont souvent soitz per. et noiez, et les pzees, pastures, et terres
 semez adjoynantz a dit Ryber fouroundez, gastez, et destruitz, et les * vessels
 et bateuz que soleient franchement passer illoques desfourbez de lour passage, a
 damage du dit Commune. Et aurint lou les ditz Communes et Merchantz
 soleient aboit un bessell passant en la dit Ryber par le Stream chargez ove byn,
 cere, sele, et autres merchandises, polantz pur la cartage pur les dys leukes
 viii d. unquoze ne purront aboit le de cartage meyns qe viii s. a grand de-
 struction des ditz Communes, et * avertement de tout la pays enbyzonz. Que
 pleaste a nostre Seigneur le Roy considerer les meschiefs, damages, et pertes
 subiditz, et sur ce ordaigner en cest present Parlement par estatut, qe resonable
 ouverture soit fait in toutz tiely Mers en la Rybere suitoit, issint levez, enhan-
 cez et estreitez puis le coronement le Roy * Richard fitz a Roy H. sanz estre ar-
 ceremain levez, enhancez, ou estreitez, sur peyn de cent marcz a paters au Roy
 bers ceuz qe sont a lencontre, issint qe les vessels et bateuz charges des leyns,
 quirs, et peaux lanuz, byns, cere, sele, draps, et autres diverses merchandises
 purront franchement passer et repasser par le Stream du dit Ryber, COME
 AUNCIENMENT SOLEIENT sanz estre desfourbez, pur profit du Roy, et
 en avantage de ses custumes et subsidies. Et sur ce grantier des lettres Pa-
 tentes a suffisantz Commissioners pur enquerer la verite du cest matre, et
 qila estent poite par autorite de Parlement, Abien par enquettes come par
 lour surbey, et discrecion, de faire sufficient ouverture en toutz les Mers en
 le dit Ryber, issint qe le Stream dicell purra aboit franchement son Cours, et
 les vessels et bateuz dalsitz passer et repasser sanz estre desfourbez. Et si aucuns
 facent estreiter aversentoin les ditz Mers, encontre lozdinance suitoit, qila
 encourgent la peyne a chescun soitz C. marcz pur estre payz a nostre Seigneur
 le Roy par estretes ont affaire, et deliberes en Leschequer le Roy. Et ensint
 qen chescun Mers en toutz les autres Rybers par my Engleterre soient suffi-
 ciantz ouvertures faitz sanz estre estreites en peyn et en fourme suitoit.

* Nota.

* Nota.

* Rich. 1. when it was navigable, without such obstructions.

* Magna Cart. c. 23. 25 E. 3. c. 4. 45 E. 3. c. 1. See Rastal, Wears.

Pat. 11 H. 4. pars 1. m. 2. dorso. See Pat. 24 H. 1. pars 1. dorl. 14. 21.

Resp. Solent les * estatutz ent faitz tenuz et gardez, et soient Commissions faitz a les plus sufficientz persones en chescun Countee dont faire Inquisition selonc la fourme des ditz * Statutz.

Hereupon I find Commissions issued to several Counties to put the Statutes against Kideis, Wears and other Nusances in the Rivers and other Rivers to the hinderance of Navigation, in due execution.

Chap. 69. Of the ISLE of MAN.

a Of the British Islands, p. 205, 206, &c.
b Flores Hist. pars 1. p. 375.
c Sim. Dunelm. Hist. col. 159.
Echelredus Abbas de Genalogia Regis Angl. col. 382.
Henr. Henr. 973, of 974.
l. 5. p. 576. & others here quoted, p. 86.
R. 426. Chron. Johan. Bromton, col. 662. H. de Kaytham, de Exon. Angl. 316. col. 498.

Concerning our Kings ancient Title to this Island, * Mr. Cambden writes thus, It is confessed by all, that the Britains held this Island as they did all Britain, till it became subject to the Scots, who were not long after driven out of it by Caneda grandfather to Maghocinus, strived for this cause, the Dragon of the Isles, by Gildas. After this, Edwin King of Northumberland brought this Island under subjection of the English, till it was usurped by the King of Norway, and put under the gover of the petty Kings thereof, mentioned in the Chronicle of the Kings of Man, printed in Mr. Cambden, to which I refer you. Only I shall observe what he and the Author of the Institutes do both omit.

Mac, Westminster, and other of our Historians relate, That Anno Gracie 973, of 974. Maccu, or Makku AEBSTONIE, & plurimum Insularum, was

de Gulseford de Waterford, Johannes de Brissol, Thomas Sloghore de Ulton. Johannez Jolans & Robertus filius ejus, Adam Serle de Drogheda, Hugo Pyrosion de Ulton, & alii complices sui cum tribus navibus de Hibernia, asserentes, se Custodes aque maritimae, nec tantum inde ostendentes, et navibus dicti Abbatis et sociorum suorum praedictorum hi armata insulrum fecerunt, et eadem naves ingressi, pecuniam, una cum bonis et catallis praedictis, et etiam unam navium suarum ceperunt et abduxerunt, et voluntatem suam inde fecerunt, dimissisque praefatis Abbate et quibusdam servientibus suis, praedictos Nicholaum, Willielmum, Wylford, Cambroun, & Willielmum Fayrshare, et eorum servientes ceperunt, et secum ad dictam terram Hibern. duxerunt, et ibidem impetitione ceperunt, eos abduc in prisona detinendo, in nostrri contemptum et dedecus, et ipsius Insulae amissionis periculum, et aliorum marcatorum ad Insulam illam confluencium, ut praemittitur, et hominum esulescentiam Insulae dampnum manifestum. Super quo nobis est supplicatum, ut eis in hac parte subveniamus remedio oportuno: Nos volentes tantam injuriam, si perpetrata fuerit, sub dissimulatione absque opposicione remedii transire impunitam; Vobis mandamus districtius injungentes, quod venire faciatis coram nobis et consilio nostro in Anglia, praedictos Andream et Johannem, ac alios quos per inquisitionem per vos inde faciendam de dicto malefacto eos inveneritis; Ita quod eos habeatis ibidem in Quindena Sancti Martini prox. futur. ad respondendum, tam vobis quam praefatis dampnificatis de transgressione praedicta, sic extra dictam terram Hibern. perpetrata et aliis praemissis, et ad faciendum, ultimum et recipiendum, quod tunc ibidem contigerit ordinari, et praedictos impetitionis hactenus praesentibus deliberari faciatis. Et hoc nullatenus omittatis. T. R. apud Turrim London. 28 die Augusti.

Cap. 70. Of the Isles of Jersey, Guernsey, Serk and Aureney.

Page 207. line ult. after *Isle*, these Records should have been added.

King Edward the 3. being informed that during the Wars with France, divers Inhabitants of these Islands having lands, chattels, and goods in them, deserted the Islands, adhered to, and resided among his enemies in France, against their Allegiance, but returned thither again when a Truce and peace was made, and enjoyed their lands, chattels, goods, which were forfeited to the King for this their * Treason: issued this Commission to seize all their lands, chattels and goods so forfeited into his hands.

* See 27 E. 3.
C. 2. Cooks 3
Instit. p. 10.
11, 12.

Claus. 16 E. 3.
pars 1. m. 42
intus: De terris & ten. in quantum Regis tenent.

REX dilecto & fideli suo Thoma de Hampton, Castodi Insularum suarum de Guernese, Gereseye, Serke, & Aureneye, vel ejus locum-tenenti, salutem. Quia datum est nobis intelligi, quod diversi homines terras et ten. in Insulis praedictis habentes, tempore guerra de eisdem Insulis se absterant, inter inimicos nostros de regno France commorantes, et eis contra fidelitatis suae debitum contra nos adherentes, et postmodum temporibus treugarum et pacis redeuntes, et terras, ten. et bona sua quae illis prius habuerunt, licet nobis propter hoc sint commissa, occupantes, et pro libertate disponentes: Nos volentes talia, sicut nec conberit, tolerare; Vobis mandamus, quod omnia terras et ten. bona et catalla talium insidelium nostrorum in dictis Insulis in manus nostram sine dilatione deseri faciatis: Ita quod nobis de redditibus terrarum et ten. praedictorum ac de dictis bonis et catallis respondeatur: Et hoc sub gravi satisfactione nostra nullatenus omittatis. Teste Rege apud Turrim London. 30 die Jan.

Per ipsum Regem.

Consimile breve dirigetur Ballivis & Joratis Insulae de Gereseye.

The King having then likewise repaired a Castle in Guernsey, for the preservation

tion of his Subjects of those Isles and their goods during the Wars with *France* at their request, assigned certain places therein for the Inhabitants safety and their goods, according to their respective qualities, commanding the Guardian thereof to summon them by proclamation to repair to it for the defence thereof of during the wars, and to attach the bodies and goods of such who refused to guard it; as this Writ assures us.

REX eidem Custodi, vel ejus locum-tenenti, salutem. Cum pro salute cione, fidelium nostrorum Insularum predictarum et bonorum suorum in eisdem Insulis quoddam Castrum vocatum *Gerebrok*, in dicta Insula de *Guernereye*, ad requisitionem hominum dictarum Insularum et de eorum assensu, contra hostiles inimicorum nostrorum de regno *Francie* incursum reparari fecerimus sumptuose, ut accepimus. Et quia iustum est, quod id quod pro communi utilitate et defensionis hominum predictarum constructum, communibus sumptibus tempore guerra defendatur. Vobis mandamus, quod si ita est, tunc singulis hominibus tam maioribus quam minoribus dictarum Insularum certa loca infra dictum Castrum, juxta qualitatem personarum et quantitatem bonorum suorum assignari faciat, et ipsos ad defendendum certa loca, et ad prohibendum eis de victualibus pro tempore guerra ibidem imminentis, per incarcerationem corporum suorum, et captivem bonorum et catallorum suorum in manum nostram compellatis. Et ne quis super hoc excusationem possit pretendere, per totas Insulas predictas publice ex parte nostra proclamari faciat, quod quilibet de eisdem Insulis ad Castrum predictum cum omni celeritate veniat locum suum ibidem in forma predicta recepturus, sub periculo quod incumbit. Teste ut supra.

Cl. 16 E. 3. pars 1. m. 42. intus.

The King of *France* often changing and abasing his moneys during the wars, and the Kings tenants in the Isles paying their rents in baser *French* money there current, than they did before, to his prejudice; he thereupon issued this Writ, commanding them to pay it in good money, of the same intrinsic value as that they payd before the money was embased.

REX eidem Custodi, vel ejus locum-tenenti, salutem. Quia datum est nobis intelligi, quod per frequentes mutationes monetarum factarum in regno *Franc.* moneta currens in dictis Insulis est debilitata ultra medietatem valoris ejusdem, et homines dictarum Insularum firmas et redditus qui nobis solvere deberent in moneta forti, nituntur solvere in illa moneta debili jam currente, in nostri delusionem et prejudicium manifestum: Nos considerantes, quod non est æquum, quod dictæ mutationes factæ per alios cedant in nostri dispendium, maxime cum illi qui nobis habent dictos redditus solvere possunt terrarum et ten. pro quibus solvantur dicti redditus integre percipiunt sicut prius, et proinde volentes predictæ delusioni ut convenit obviare: Vobis mandamus, quod firmas et redditus dictarum Insularum in moneta forti sicut solvi consueverunt ad opus nostrum colligi et levari faciat, et homines Insularum predictarum ad solutiones hujusmodi debite compellatis. Teste Rege apud *Turrim London.* tercio die *Febr.*

Ibid. De Firmis & redditibus in forti moneta recipiendis.

Per ipsam Regem.

The King likewise prohibited the exportation of any arms, armor, or victuals out of the Islands during the Wars with *France*, under pain of imprisonment, and forfeiture of the arms and victuals, by this Writ.

REX dilecto & fideli suo *Thome de Hampton*, Custodi Insularum suarum de *Guernereye, Gereseye, Serke, & Aureneye*, vel ejus locum-tenenti, salutem. Mandamus vobis firmiter injungentes, quod in singulis locis in Insulis predictis, ubi expedire videritis, publice proclamari facias, et ex parte nostra inhiberi fac. ne quis, cujuscumque conditionis fuerit, sub forfeiture omnium que

Clam. 16 E. 3. pars 1. m. 42. dorso. De Proclamando ne quis victualia ducat extra Insulas.

nobis cognoscere poterit, durante presentis guerra inter nos et Inimicos nostros Franc. bidualia, arma seu armaturas extra Insulas predictas ductas; seu ductas faciat; et si quos post proclamationem et inhibitionem predictam bidualia, arma, seu armaturas aliqua extra easdem Insulas, sine licentia nostra spectat ducentes intuleritis, tunc corripa ipsorum, eadem bidualia, arma, seu armaturas si ducentium, una cum bidualibus, armis, et armaturis illis ardeat; et saluo ad opus nostrum custodiri fac. quousque aliud inde duxerimus demandand. et de eo quod inde feceritis, nos in Cancellar. nostra de tempore in tempus sub sigillo quo utimur in civitate Anglis distincte et aperte certificetis. Teste Rege apud *Warrim London.* 30 die *Januarii*.

Per ipsam Regent.

King *Edward* having commanded that all the lands, possessions, benefices, goods and Chattels of Aliens born under the power of the King of France should be seized into his hands during the wars, being informed that divers *Normans* who were Rectors, Vicars and Chaplains in the Isles resided constantly in them, and adhered faithfully to him both before and during the wars, issued this Writ on their behalf, exempting them out of his former Edict.

Cl. 16 E, 3.
pars 1. m. 8.
intus. Pro Rectoribus Vicariorum & Capellanis de *Greseye, Serk & Auncy.*

REX dilecto & fidei suo *Thome de Hampton*, Custodi Insularum suarum *Greseye, Guernsey, Serk, & Auncy*, vel ejus Locum-tenenti, salutem. Licet nuper vobis mandavimus, quod omnia terras, ten. possessiones, beneficia, hortes, catalla Religiosorum et aliorum Alienigenarum de potestate Franc. occasione guerra inter nos et aduersarios nostros de Regno Franc. mota in eisdem Insulis, capi facerent in manum nostram; Volentes, tamen de avisamento Consilii nostri Rectoribus et Vicariis Ecclesiarum et Capellarum, ac Capellanis perpetuis de eisdem Insulis, qui de partibus *Norman.* oriundi erant, ut qui super beneficiis et redditibus suis in Insulis predictis ante inceptiorem guerra predicta semper hactenus personaliter residerent ad fidem et pacem nostram existendo, et dictas Insulas in partibus suis, una cum aliis fidelibus nostris partium earundem defend. et se erga nos bene et fideliter gerendo, gratiam facere spectalem. Vobis mandamus, quod omnibus hujusmodi Rectoribus et Vicariis Ecclesiarum Capellanis perpetuis qui de partibus *Norman.* sunt oriundi, et qui super beneficiis et redditibus suis in dictis partibus suis ad fidem et pacem nostram, ante guerram et post continuam moram traxerunt, et se erga nos bene et fideliter gesserunt, et gerant in presentem, et fuerunt et parati sunt pro posse suo dictas Insulas contra Inimicorum nostrorum aggressus, una cum aliis partium earundem defendari, Ecclesias, Vicarias, redditus et possessiones suas, per vos aut alios occasione predicta in manum nostram captos, una cum exitibus inde per vos perceptis sine dilatione restitui et liberari fac. hac vice de gratis nostra special. volumus primum hos inde erga nos exonerari. Teste Rege apud *Westm.* 18 die *Jun.*

Pro Consilio.

The King presenting his Clerk to a Church in *Guernsey* by reason of the temporalities of a Prior alien seized into his hands, during the wars, the Bishop of *Constans* in contempt of the King, and to his prejudice, refused to admit him, and thrust a Clerk of his own, a *Norman*, living among the Kings enemies into it, whose Proctors received the profits thereof; the King thereupon by his prerogative issued this Writ to seize the Rectory into his hands, till his Clerk was admitted thereunto.

Claus. ibid. m. 2. De Rectoria in Insula de *Guernsey*, cap. in manu Regis.

REX Custodi Insularum suarum de *Greseye, Guernsey, Serk, & Auncy*, vel ejus Locum-tenenti, salutem; Quia datum est nobis intelligi, quod licet nuper ad Ecclesiam beate *Mariae de Castello* in Insula de *Guernsey*, vacantem, & ad nostram donationem spectantem, ratione Temporalium Abbatis de *Manso Sancti Michaelis* alienigenarum in manu nostra, occasione guerra inter nos

& illos de *Prant*. motu existentium; *Guillelmum de Gailled* Episcopo *Constan-*
senfi personam verum reges iure nostrum, ac eodem Episcopo mandaverunt; quod
 ipsam *Guillelmum* ad Ecclesiam illam admitteret, et personam institueret in
 eadem: Hec tamen Episcopus prefatum Clericum nostrum ad ipsam Eccle-
 siam virtute presentationis nostre prebendam, et iuris nostri competens admitt-
 ere penitus recusat, et quendam *Johannem Pikes de Alanca* Clericum suum,
 qui inter institutos nostros debentur sequantur, ad collatorem suam personam in
 eandem Ecclesiam instituit, et ad hunc, ac Procuratorem, ipsius *Johannes* pro-
 fectus dicit Ecclesiam colligant, et ea sibi in suam suamque solatium, et in
 nostrorum ibidem mittunt, in nostri contemptum et prejudicium manifestum,
 et epherebationis periculum. Nos premissa altioris collationis mandantes, nos
 mandamus, quod si vobis curare poterit premissa recitatione, contumacia, tunc
 hanc Ecclesiam prefatam cum omnibus ad eam spectantibus in ipsa iure no-
 stram sine dilatione capi, et in manu nostra detineri; et nobis de profectis et
 preventibus ejusdem responderi fac. quousque ad presentem Clericum nostrum ad Ec-
 clesiam illam fuerit admittus, et personam instituta in eadem, vel alias inde
 duxerimus demandand. *Dae apud Westm. 27 die Julii*

Per Consilium

Some differences arising between the Governor and Inhabitants of these Isles,
 to the prejudice of the King and Isles, the King thereupon issued forth this
 Commission to inquire of the said differences, and of several offences, frauds
 therein specified during the *Wars* and *Truces*; to arrest the persons, and seize
 the Lands, Goods of those who were guilty or rebellious, and to take security
 of them to appear at his next Parliament in *England*, or before him and his
 Council immediately after the Parliament; together with the Guardian of the
Islands and his Lieutenant, where the King would hear all complaints of the
 Islanders against them, and do them right, and that they should take care for
 the safe custody of the Castles and Isles.

Page 17 E. 3.
 pars 1. dicit. 27.
 De inquirendo
 de gestu custo-
 dia Insularum.

REX, principibus & singulis Ballivis, Juratis, Praepositis, Ministris, & aliis qui-
 buscumque Officiariis, & fidelibus suis, in Insulis de *Guernsey*, *Jersey*,
Sark & *Aurigny*, salutem. Quia intelleximus, quod quaedam compositiones,
 dissensiones & debata inter dilectum & fidelem nostrum *Johannem de Hampton*
 Custodem Insularum illarum, & *Henricum de la More* eius locum tenentem
 ex una parte, & homines dictae Insulae de *Guernsey*, ex altera parte sunt exorta,
 per quae diversa mala, dampna et gravamina in partibus illis evenerunt, et ma-
 iora eripere diligenda evadere formidantur, nisi super hoc citius apponatur re-
 medium oportunitum. Nos de fidelitate & circumspectione dilectorum & fide-
 lium nostrorum *Willielmi de Chequer*, *Johannis de Tamworth*, & *Johannis de Han-*
gerford plenius confidentes, assignavimus ipsos & duos eorum, ad informand.
 * eos huius et modis quibus melius noverint super commotionibus, dissensionibus
 et debatis praedictis, et ad convocand. coram eis, vel duobus eorum, quos vide-
 rint convocand. et ad querelas omnium et singulorum super praemissis coram eis
 conqueri volentium, audiend. et inquirend. per Sacramentum proborum et le-
 galium hominum de eisdem Insulis, per quos rei veritas melius sciri poterit,
 per quos dicta commotiones, dissensiones et debata mota fuerunt, et ex quibus
 causis, et qualiter et quo modo; et de dampnis et gravaminibus hinc inde illa-
 tis, et quibus personis, et per quos, et ubi, quo tempore, qualiter, et quo modo.
 Assignavimus etiam ipsos *Willielmum*, *Johannem* & *Johannem*, & duos eorum, ad
 inquirend. per Sacramentum proborum & legalium hominum de Insulis pre-
 dictis, per quos rei veritas melius sciri poterit, de conspirationibus et alligantiis
 tam inter ipsos homines de dictis Insulis, quam cum inimicis nostris factis, et
 manutentionibus falsarum querelarum, et de hiis qui bonam moretatem, virtutem
 et armaturas extra eandem Insulas ad inimicos nostros detulerunt et miserunt,
 seu deferri et mitti fecerunt, et falsam monetam infra eandem Insulas reporta-
 runt,

* Nos

runt, et aliis falstractibus et injuriis quibuscumque infra dictas Insulas per quoscumque factis, ac de illis qui se extra Insulas illas ante ultimam treugam initam a tempore presentis guerrae inceptae, sine licentia Custodis dictarum Insularum elongarunt, et etiam de illis qui uxores et Liberos suos extra dictas Insulas ad partes *Norman.* durante dicta treuga miserunt, et qua de causa necnon de hiis qui contra nos et Principes nostros in dictis Insulis in presenti guerra lenaverunt, ac de hiis qui homines nostros in dictis Insulis iniuste deprimunt et grabant, contra leges et consuetudines partium eorundem; et ad superbidend. Castra et Fortalicia nostra in eisdem Insulis, et munitiones et garriburas eorundem, tam de hominibus et armatis, quam de victualibus in eisdem Castris existentibus, et per quos bona et victualia in Castris illis per munitionibus eorundem posita ab eisdem Castris asportata et elongata, et domus vocata *Logis* in eisdem Castris praeteritua guerrae praedictae erectae, prostratae et combusta fuerunt, et de omnibus aliis circumstantiis praemissa tangentibus plenius veritatem, et ad omnia alia quae pro comando nostro fore viderint, ibidem faciend. et ad omnes illos quos per inquisitiones huiusmodi in hac parte culpabiles, seu alias rebelles aut eis contrariantes inveniendi contigerit capiend. et arestand. et bona et catalla sua in manum nostram seiscind. et ad dictos culpabiles, rebelles et contrariantes in prisonis nostris, nisi sufficientem securitatem coram praefatis *Wilhelmo, Johanne & Johanne*, vel duobus eorum, de essenda ad pror. Parliamentum nostrum, vel statim post, coram nobis et Consilio nostro, si ad dictum Parliamentum commode venire non possint, super praemissis responsum. invenerint, ac bona et catalla praedicta salvo et secure custodiri faciend. quousque aliud inde duxerimus demandand. et ad nos de praemissis omnibus et singulis, ac de tota facto suo ad idem Parliamentum, vel Consilium praedictum distincte et aperte certificand. Ita quod nos inde certiorati, remedium in hac parte apponete, et de punitione illozum quos in praemissis culpabiles inveniri contigerit ordinare valeamus, prout de iure et rationabiliter fuerit faciend. Damus etiam praefatis *Wilhelmo, Johanni & Johanni*, & eorum cuilibet, plenam tenore praesentium potestatem, capiendi in protectionem et salvam gardiam nostram omnes conquerentes in hac parte, et etiam alios de Insulis praedictis qui se erga nos bene et fideliter gesserunt, una cum possessionibus, bonis et catallis suis quibuscumque, sive sunt infra Castra nostra ibidem, sive extra, et ad insurgend. et praecipuend. tam praedictis *Thoma & Henrico*, et eorum hominibus, quam praedictis hominibus de dicta Insula de *Gerssey*, ne quis alteri sub foistatura omnium quae nobis foistificare poterit dampnum inferat seu grabamen, et similiter ad insurgend. praedictis *Thoma & Henr.* quod sint coram nobis et Consilio nostro in Parlamento praedicto, seu postmodum coram nobis et dicto Consilio nostro in forma praedicta de praemissis responsum. et facturi et recepturi quod per nos et dictum Consilium inde ibidem ordinari contigerit; et ad praestigend. et statuend. dictis hominibus de dicta Insula de *Gerssey*, qui super hoc conqueri voluerint eundem diem essendi ad idem Parliamentum sive Consilium in propriis personis suis, vel per Procuratores, querelas suas prolecuturi, et sibi viderint expedire; et ad ordinand. inter ipsos *Wilhelmum, Johannem & Johannem*, et praedictum *Thomam*, de salva custodia Insularum praedictarum, et Castrorum nostrorum ibidem. Ita quod periculum aliquod eidem Insulae et Castris interim non eventiat. Et ideo vobis & cuilibet vestrum mandamus firmiter injungentes, quod eisdem *Wilhelmo, Johanni & Johanni* in praemissis omnibus & singulis faciend. & exequend. intendentes sitis & respondentes, prout ipsi vobis & cuilibet vestrum scire fecerint ex parte nostra. Et vos praefati Ballivi, Jurati, Ministri & Officiarii, & quilibet vestrum, ad certos dies & loca quos iidem *Wilhelmus, Johannes & Johannes*, vel duo eorum vobis scire fecerint, venire fac. coram eis vel duobus eorum. tot & tales probos & legales homines de Ballivis vestris, per quos rei veritas in praemissis melius sciri poterit, & inquiri. In cujus, &c. Teste Rege apud *Westm.* 14 die *Marci*.

Per Breve de Privato Sigillo.

The

The Masters and Admirals of the Kings Gallies of *Bayon*, having taking the Castle of * *Corneil* in *Guernsey* in time of War, *Anno* 19 E. 3. the King issued his Writ to them to deliver it and all things in it to the Custody of *Thomas de Ferraris*, Guardian of the Isles of *Guernsey*, *Jersey*, &c. to the Kings use, by an Indenture; and to return to *Bayon*, promising to indemnifie them against all men for their taking thereof, as the Record attests,

* Rot. Vafcon. An. 19 E. 3. m. 3.

The King being informed, that many Inhabitants of these Isles had illegally usurped divers Lands, Rents, Rights, and other profits belonging, forfeited or escheated to him, and that they entred into his Warens and Parks therein, and destroyed the Game without punishment, issued this Commission to enquire of and redress the premisses, and reduce them into the Kings possession.

REX univ[er]sis & singulis Castellanis, Praepositis, Ballivis, Ministris, Officiariis & habitatoribus Insularum nostrarum de *Guernsey*, *Jersey*, *Serk* & *Aursey*, salutem. Quia ex assertione nonnullorum nobis datur intelligi, quod quidam in dictis Insulis moram trahentes, terras, tenementa, redditus, reversiones, et alia proficua magna ad nos pertinentia sine spectantia temere, in nostri praesudicium, et utperiam usurperunt, et a nobis calidè concealentes, ipsique et alii ibidem hujusmodi terras, tenementa et possessiones, necnon domnia et jurisdictiones quae nos concernunt aut concernere deberent, penes se attraxerunt, et inde attrahunt; Nos quantum in ipsis est de nostro dominio et alio justitiatu quae ibidem optinere noscitur excludendo. Quidam etiam earundem Insularum denarios, redditus, reversiones, et alia emolumenta quampura, unde nobis tam ex causa consecrationis et extracte, quam alias diversimode responderi deberet propriis suis usus applicarunt, et de tempore in tempus non desunt applicare. Quidam insuper habitatorum praedictorum nimia presumptione duci Barcos, Marennas, et Cunicularia nostra in dictis Insulis intrarunt et stegerunt, et in eisdem non licentia fugaverunt, et lepores, cuniculos, damos et damas, et alios feras, phasanos et perdices ceperunt, abspolaverunt et distruxerunt, in nostri contemptum, dampnum et exheredationem manifestam, unde aliqua punitione sine reformatione hujusmodi iniquae attemptatae non habemus facta non fuit. Nos desiderantes super praemissis opportunum apponere remedium & festinum, ac de fidelitate & circumspicione dilectorum & fideiurorum nostrorum, *Oswin de Heland*, & *Pari Figon* plerum confidentes, assignavimus ipsos ad se informandum, et diligenter inter et nos quibus legitime expedire deberent inquirere de nominibus omnium et singulorum exheredationum, habitus sine conditionis fuerint, qui super praemissis vel eorum aliquo, aut ab eis vel eorum aliquo dependentibus, seu de aliquibus aliis circumstantiis vel articulis contra nos sine dominio et alium, iustitiatum nostrum habere, quolibet remaneat, attemptata culpabiles fuerint, vel notati. Et ad omnes quos inde habundat, concitatos, usurpatos, applicatos, fugatos, vel alios super praemissis vel eorum aliquo seu exinde dependentibus, per hujusmodi Inquisitiones seu legitimas informationes reos invenerint iuxta quantitatem et qualitatem delicti sui castigans, et ubi nec potuerint ad omnia ad nos pertinentia sine spectantia, et per alios usurpata, concitata, applicata, fraudetenta, per quoscunque et ubi quocunque, in Regiam nostram captam, et confiscandam. Ita quod nobis inde sponte iustitiam fuerit, et responsura. Et ad omnia, et iniquae, abspolatas, reformationis, et reformationis facienda, necnon ad omnia alia et singula quae per commissa nostra in his partibus fieri debent, et exequenda, et ad omnia alia et singula quae per commissa nostra et mandata, quod eisdem *Oswin* & *Pari* in omnibus partibus et locis, singulis factis, et exequenda, in forma praedicta, intendentes, et considerantes, et auxiliantes quocunque et prout per ipsos *Oswin* & *Pari* in partibus nostris fuerint praemissa, in ea causa, &c. *Hebe* *Ruge* apud *Wylton*, *Radis* *Patris*, &c.

Pat. 31 E. 3. part 1. m. 19. intus. De inquirendo de Juribus Regis in Insula de Guernsey, &c.

The likewise upon the Petitions of the Jurors and Commons of *Guernsey* issued this Writ to compel all Merchants, and those who had Lands, Tenements, Goods,

Goods, or made any profit or Merchandize in the said Isles to contribute proportionably towards the defence thereof, against the invasions of the Kings Enemies in case they should attempt to enter into them; a precedent not unreasonable in this age.

Pat. 31 E. 3.
pars 1. m. 19.
intus. De
compellendo
homines In-
sula de Gerne-
sey ad inven-
iend. homines
pro salvacione
ejusdem In-
sula.

REX Omnibus ad quos, &c. salutem. Supplicarunt nobis Jurati & Communitas Insulae nostrae de *Guernsey*, ut eis concedere velimus, quod homines de dicta Insula, ac Mercatores et alii ad ipsam confluentes, et proficuum in eadem Insula captentes, compellantur, videlicet, unusquisque eorum juxta quantitatem illius quod in dicta Insula lucratus fuerit, vel de eadem ceperit, ad inveniendum homines pro salva custodia et defensione dictae Insulae contra hostiles invasions inimicorum nostrorum, ad ipsorum malitiam si dictam Insulam de cetero ingredi voluerint reprimendam. Nos supplicationi praedictae annuentes, volumus, et tenore praesentium concedimus pro nobis et haeredibus nostris, eisdem Juratis et Communitati, quod omnes homines dictam Insulam inhabitantes, et alii terras et ten. in ea possidentes, videlicet quilibet eorum juxta statum et facultates suas, ad inveniend. homines ad dictam Insulam contra invasions hujusmodi inimicorum quocumque periculum imminet custodiendam compellantur. In cujus, &c. T. R. apud *Westm.* 26 die *Februarii*.

The Bayliffs and Jurats of *Jersey* and *Guernsey* usurping to themselves the Cognisance of divers Causes concerning *Waire* and other things by undue process, not granted or belonging to them, to the damage of the King; and his people; he thereupon issued this Writ of Prohibition to them, and a mandate to the Guardian of these Islands, to restrain their Usurpations, and maintain the rights of the Crown according to their Oath, duty, which he was obliged by Oath to maintain.

Rot. Francie
48 E. 3. m. 21.
Prohibicio pro
Rege.

REX Ballivis & Juratis in Insula de *Jersey*, salutem. Quia ut de certo didicimus per vestri negligentiam et rebelliohem, ac responsiones frivolas, nobis et mandatis nostris non parendo; ac etiam causas et rogaciones de guerra et aliarum legum; consuetudinum et querelarum quam per nos seu progenitores nostros vobis seu praedecessoribus vestris concessarum seu pertinentiarum usurpando et attrahendo, quamplura dampna incoherabilia et nobis praesudicialia in partibus praedictis a jandiu sustinimus; et sustinemus in presenti: volentes hinc inde tam pro bono regimine partium praedictarum quam utilitate nostrae hujusmodi praesudicialibus obviare, prout decet; vobis prohibemus strictius quo poterimus, ne hujusmodi causas seu querelas ad vos minime pertinentibus de cetero penes vos attrahere, seu vos inde. aliquid mandato nostro spectatis in hac parte habitis, sub incumbenti periculo incurrere quomodolibet attemptetis. Teste Rege apud *Westm.* primo die *Febr.*

Per ipsum Regem & Consil.

Rot. Francie
51 E. 3. m. 7.
De Juribus Regis in Insulis de *Guernsey* & *Jersey* manutenedis.

RED dilectis & fidelibus suis Custodi Insularum suarum de *Guernsey* & *Jersey*, pro eisdem loca tenentibus, salutem. Per relatione plurimorum accepimus, quod quidam infra Coronam nostram usurpantes, ipsas Insulas cum debitis literis et processibus nobis et Coronae nostrae ac juribus ejusdem Coronae praesudicialibus subdole ingressi, quamplures ligeros et fideles nostros a possessionibus suis per nos in hac parte collatis et concessis in dicto jure nostro habend. praeter litterarum et processuum praedictorum expulserunt, et eas colige illis detinere et occupant minus jure, ut dicitur, redditus et alia bona inde proboniam et percepta percipientes, consumentes et dissipantes, ac plura alia dampna et injurias nobis et eisdem ligeros et fideibus nostris ibidem facientes, unde remedium aliquod per vos vel aliquem vestrum, licet ad jura Coronae nostrae ibidem manutened. et observand. et quoscumque ea impugnantem castigand. et puniend. et attemptata contra eadem debite reformand. vinculo juramenti & tunc stricti, appositum non esset, ut deberet, de quo quamplurimum mitauerunt,

et non immerito conturbamur et molestemur. Et volentes jura Coronæ nostræ, ad quorum illam observacionem astringimur juramento, deperire, et ea contrahentes quin supra eorum demerita debite puniantur, aliquantulum ebadere; Vobis in fide et ligentia quibus nobis tenemini, et sub incumbenti periculo insungimus et mandamus, quod super præmissis omnibus et singulis, ac dependenciis et conneris eorumdem vos debite informetis, ac querelas omnium et singulorum pro nobis et seipsis super præmissis conqueri volentium audiatas; et ulterius pro recuperacione iurium nostrorum in hac parte, ac reformacione attemptatorum contra eadem, necnon restitutione possessionum ac dampnorum et deperditorum ipsorum ligentium et fidelium nostrorum super iure nostro ac condigna punicione delinquentium in hac parte fac. quod de iure et secundum leges et consuetudines parciarum illarum fuerit faciendum, et hactenus in casu consimili rationabiliter fieri consuevit, literas seu processus huiusmodi vel aliqua alia que in nostri seu Coronæ nostræ aut iurium ejusdem enervacionem cedere poterunt de cætera ibidem deferri, seu executioni demandari minime permittentes, ac omnes illos qui ipsas Insulas et causa huiusmodi ingressi, et ipsos ligentos et fideles nostros quominus libertatem dispositionem omnium possessionum, reddituum et aliorum bonorum sibi per nos in hac parte concessorum in iure nostro habere, percipere, et inde libere disponere possint, impediti fuerint seu erunt impediti contigerit, capi, et in præmissa nostra ibidem quovis alius a vobis inde habueritis in mandatis taliter custodiri fac. Et quid ad præsens mandatum nostrum feceritis citra festum Pentecostæ prox. futur. nos in Cancellaria nostra Angl. reddatis sub sigillis distinctis et aperte certiores, cum transcripto huiusmodi. Taliter vos habentes in hac parte ne in hec defectu jura nostra deperant, et ad vos tanquam voluntarios deperditores eorumdem, et eadem jura impugnantium deperditorum materiam habeamus quovis modo capiendi. Teste Rege apud Westm. 8 die Februarii.

Et si...

Per Consilium.

† Pasch. 17 E. 2. Coram Rege, Rot. 99. (note 67. at the * Author: all quotes it) Jersey, I find a Quo Warranto brought by the King against an Inhabitant thereof, for usurping certain Liberties in his Signetory in Jersey without warrant. Mich. 18 E. 2. coram Rege, rot. 223, 224. Jersey and Guernsey, there is a large record concerning the Custom of the Chief Lords of Manors in these Islands, and as Inquisition found of them. Mich. 5 E. 3. Coram Rege, rot. 160. there is mention of Justices Itinerant in those Isles, and pleas held before them. And Mich. 42 E. 3. Coram Rege, rot. 45. (note Mich. 41 E. 3. Coram Rege, rot. 109. as misquoted in the 4 Insular, p. 286.) I finde two Bills of Complaint to the King, and his Counsil for a false imprisonment, and other Injuries and trespasses done to an Inhabitant in Jersey, the record of which proceedings and Bills of Complaint were sent into the Chancery; and upon deliberation had of these Bills of Complaint, dismissed, quia compertum est, quod negotia predicta in Curia hic terminari non possent, eo quod Juratores Insularum predictarum hic venire non possunt, eorum Justiciariis, seu aliquis negotiatis Insularum predictarum tangencia, non debent terminari, nisi secundum consuetudinem Insularum predictarum, ac. as in the Insular, p. 286. And if the Kings Courts could not hold plea of a Trespass done in Jersey by this resolution (nor by a fiction) though united to the Crown, much less of Merchants and Mariners Contracts, Charter-parts there or beyond the Seas in foreign parts. Upon the same account upon a Petition and complaint of some Merchants of Jersey against certain Inhabitants of the Isle of Guernsey for a depredation, in taking away and detaining their Merchandise and goods to the value of many thousand pounds, out of a ship wrecked by Tempest near that Isle; the King issued forth a special Commission to inquire of this Depredation in the Island, and there do the Merchants right, and punish the offenders. Rat. 26 E. 3. part 1. m. 16. verso; and likewise issued another General Patent to Commissioners, enrolled in the same dorse, to inquire of all Trespasses and Offences committed by

† In the Tally Office at Westminster. 4 Instic. p. 286.

† The folio of Mr. Agars Abridgement.

Ecc

any

any Inhabitants or others within the Islands of *Fersey, Gernsey, Serke* and *Auresey*, in the Isles themselves; as being neither triable nor inquirable by Law in *England*.

Chap. 71. De Insula Vectæ, or Wight.

Page 218. line 9. after *Isle*, adde these Records relating to it.

An. 16 E. 3. the King issued this memorable Patent to inquire of all Transgressions and extortions of his Officers and others in that Island, to the great oppression of the Inhabitants thereof.

Pat. 16 E. 3.
pars 1. m. 31.
dorfo. De in-
quirendo de
extorsionibus
in Insula Ve-
ctæ.

REX dilectis & fidelibus suis *Johanni de Stonford, Philippo de Weston, Jo-*
hanni de Kyngeston, &c. Nicholao de Bokland, salutem. Sciatis, quod nos
compascentes statum hominum Insulæ *Vectæ*, qui per frequentes acces-
sus *Justic. nostrorum* ad partes *Cont. Swth.* ad veniend. coram eisdem *Justic.*
extra eandem Insulam ad diversa loca longinqua compulsi fuerunt, et labores et
expensas onerosas ea de causa multipliciter sustinuerunt; Ac volentes proinde
eorundem hominum quos hiis guerrarum temporibus pro defensione ejusdem
Insulæ in eadem Insula necessariis morari oportebit tranquillitati et quieti, ne
laboribus et expensis hujusmodi extra dictam Insulam faciend. fatigentur prohi-
dere, ac de transgressionibus et aliis facinoribus per *Spintros* nostros et alios
infra eandem Insulam ante hæc tempora factis, ne impunita remaneant inibi
inquiri facere; Assignabimus vos, tres et duos vestrum *Justic. nostros*, ad in-
quirendum per sacramentum proborum & legalium hominum de Insula præ-
dicta, per quos rei veritas melius sciri poterit, tam infra libertates quam extra,
de oppressionibus, extorsionibus, dampnis, gravaminibus, et excessibus per *Sp-*
intros nostros et alios quoscumque in eadem Insula factis, et de gestis *Extrato-*
rum et *Layatorum* et *Collectorum Decimarum* et *Quintadecimarum*, *Captozum* et
Receptozum lanarum venditarum, *Allozum* et *Receptozum* *Monarum*, et alio-
rum; subsidiozum nobis ante hæc tempora concessozum in Insula prædicta, ac
aliozum ministrozum nostrorum quorumcumque ibidem, qualiter se in officiis
suis erga *Res* et populum nostrum habuerunt, et dicta officia sua exercuerunt,
et de pecuniarum sumptis, et aliis muneribus quæ a dicto populo nostro colozæ
officiozum suozum, vel alio modo pro officis suis faciendis, vel ut aliter parce-
rent vel haberent indebitè ceperunt, vel alias extorsorunt: necnon de illis qui
lanas aliquas non cohattatas aut non custrumatas, vel alias contra defensionem
nostram extra regnum nostrum duxerunt, et quam summam lanarum, et in
quibus nabibus, et quozum lanarum et nabes illæ fuerunt? Ac etiam de quibus-
cumque transgressionibus hi et armis et contra pacem nostram factis, et de no-
minibus illozum qui eas perpetrarunt, et de transgressionibus et aliis præmissis
sibi plenam veritatem; et ad eandem transgressiones ac omnia alia et singula
præmissa, ad statum nostram aut aliozum pro nobis et pro *superis* super hiis et
eorundem aliqua conquestibolenctum audiend. et terminand. secundum legem et
consuetudinem regni nostri *Angliæ*. Assignavimus etiam vos ad inquirendum
per sacramentum proborum et legalium hominum de Insula prædicta, per quos
rei veritas melius sciri poterit, tam infra libertates quam extra, quæ terre et
ten. redditus, feoda, vel advocaciones ad manum nozorum in nostri dampnum
et decepcionem arte vel ingonito tempore *Regis Henrici* prædicti nostri, et extrane
hucusque adquisita fuerunt, et per quos vel per quem, et a tempore qualiter et
quo modo, et per quos *Extratozes* inquisitiones de hiis quæ sic adquisita seu ap-
propriata erant capta, et in *Cancellaria* nostra et progenitozum nostrorum
a tempore prædicto hucusque recogniti fuerunt, et ad quozum vel cuius pro-
curacionem, et qualiter et quo modo, et ad certificandum nos in *Cancellar.*
nostra de acquisitionibus et appropriationibus hujusmodi, et de toto facto vestro
in

In hac parte. Et ideo vobis mandamus, quod inquisitiones predictas factas & transgressiones & omnia alia predicta audiat & terminetis in forma supradicta; Facturi, &c. Salvis, &c. Mandavimus enim Vic. nostro *Subr.* quod ad certos, &c. quos, &c. eis scire facietis, venire faciat, &c. cor, &c. per quos, &c. & inquiri. In cujus, &c. Teste Rege apud *Westmonasterium*, decimo sexto die *Februarii*.

Per ipsum Regem et Consilium.

To which I shall adde, Cl. 16 E. 3. pars 2. *De Vicualibus retinendis in Insula Vectæ*, and none to be thence exported; but reserved for the Castle and Soldiers sent to defend it. And Pat. 15 E. 3. pars 3. m. 10. *Pro Archipresbytero Capella S. Trin. de Burton in Insula Vectæ*, to purchase lands in mortmain to provide one Chaplain to celebrate divine service there for ever. Vid. Pat. 19 E. 3. pars 1. dorf. 9. *Inquisitio de terris in Insula Vectæ alienatis, sine licentia Regis*: & dorf. 19. *De Inquirendo de destructionibus in Insula Vectæ*, et etiam de Transgressionibus, &c. ibidem perpetratis; & *Inquisitio de locis annuat. Firmæ*, Reddit. et *Manerii de Caresbroke in Insula Vectæ*. Pat. 26 E. 3. pars 1. m. 19. *Pro Burgensibus de Novo Burgo in Insula Vectæ*, a confirmation of the Charter of *Isabella* Countesse of *Albemarle* to them, to elect their own Baili, to be exempt from all Tolls and Tallages throughout *England*, &c. And dorf. 13. *De Inquirendo de Manerio de Hale in Insula Vectæ*, whether held in *Capite* of the King, to entitle him to the Wardship of the heir of it; formerly found not to be held in *Capite*.

Cap. 74. Of Ecclesiastical Courts.

Page 227. l. 30. after *Doctrinas*, these Records should have been inserted; King *Richard* the 2. in the 6. year of his reign, at the Archbishop of *Canterbury* and his Suffragans instigations, out of his zeal to the *Catholic Faith* whereof he stiled himself *DEFENDER*, issued these Writs and Commissions for the apprehending and imprisoning all those who should openly or secretly preach, teach, or maintain any Conclusions of *John Wickliff*, or any of his Disciples, which the * *Archbishop* and some few of his *Monkish Clergy* had condemned to be erroneous and heretical, (though *Orthodox*) and to seise all their Books, Pamphlets, Cedulae and Writings, by his Sovereign Ecclesiastical Authority, and colour of the pretended Statute of 5 R. 2. c. 5. to which the † *Commons* never assented.

See Spelmani Concil. Tom. 2. p. 630, to 637. † Exact Collection, &c. p. 285.

Richardus Dei gratia Rex *Anglia & Francia*, & Dominus *Hibernia*; omnibus ad quos presentes literæ pervenerint, salutem. Significante nobis venerabili patre *Willielmo* Archiepiscopo *Canthar.* totius *Anglia* Primatte, petitionem suam nobis exhibitam pleno concepimus intellectu, quod quamplures conclusiones sanæ doctrinæ obviantes, et in fidei *Catholicæ*, *Ecclesiæque Sanctæ* ac *luz Provinciæ* subversionem notorie redundantes, in locis diversis infra *Provinciam* prædictam fuerunt palam et publice licet dampnabiliter prædicatæ, quarum quidem conclusionum, quædam ut hæreses, cæteræ verb ut errores per *Ecclesiam* dampnatæ, habita inde prius bona et matura deliberatione, de communi Consilio ipsius Archiepiscopi, Suffraganeorum sitozum quamplurimum in *Theologia* Doctorum, aliozumque Clericorum in sacris *Scripturis* peritorum, fuerunt sententialiter et salubriter declaratæ: Super quo idem nobis Archiepiscopus supplicavit, ut pro coheritione, debitaque castigatione illozum qui conclusiones prædictas erunt prædicare seu manutenere voluerint, animo obtinato, dignemur apponere brachium regis potestatis; Nos zelo fidei *Catholicæ*, CUIUS SUMUS ET ESSE VOLUMUS * *DEFENSORES* in omnibus, ut tenemur commoti, nolentesque sustinere huiusmodi hæreses aut errores infra terminos

Pat. 6 R. 2. pars 1. ms 35. De prædicantibus hæresim arestand. See Henrici Spelmani Concilia, Tom. 2. p. 628. Fox Acts and Monuments, Vol. 1. p. 658, 659.

* Nota.

terminos nostre potestatis aliquantulum pullulare, prefato Archiepiscopo et suis Suffraganeis ad omnes et singulos qui dictas conclusiones sic dampnatas, predicare seu manutenere voluerint, clam vel palam, ubicumque inveniri poterint arestand. et personis suis propriis, seu aliorum pro eorum beneplacito committend. in eisdem detinendos, quousque ab errorum et heresum pravitatibus resipiscant, vel de huiusmodi arestatis per nos et Consilium nostrum aliter fuerit provolum, auctoritatem et licentiam, tenore presentium concedimus et committimus speciales. Mandantes insuper & injungentes universis & singulis ligeis, Ministris & subditiis nostris, cujuscumque status seu conditionis fuerint, in fide & ligeantia quibus nobis tenentur, ut ipsi mandatoribus sive pravitatibus dictarum conclusionum sic condemnatarum, aut eorum fautoribus habeant, consulant, aut audiantur illo modo, sub satisfactura omnium que nobis satisfacere poterunt in eventu, sed potius prefato Archiepiscopo, et suis Suffraganeis ac Ministris suis in executione presentium pareant, obediant humiliter et intendant, sic quod dicta et aperta publicis adversus conclusiones pravitatas, et earum manutenentes absque perturbatione fieri valeat, prout pro defensione et conservatione fidei Catholice fuerit salubrius faciend. In cujus, &c. Teste Rege apud Westm. 26 die Junii.

* Not of the forged Statute of 5 R. 2. c. 5.

* See here p. 216, 217. Fox Acts and Monuments, Vol. 1. p. 657, to 671.

But *Wickliffe's* Doctrines and Conclusions spreading, and his Disciples * every where increasing more and more, notwithstanding these Writs and all endeavours to suppress them, the King in the 11. year of his reign, by the Bishops instigations, issued new Patents to certain Commissioners in most Counties, as *Defender of the Christian and Catholick Faith*, reciting the former to the Archbishop and his Suffragans, with some new additions to them, in these words.

Pat. 11 R. 2. pars 2. m. 10. intus. De Libris haresem continetur capiendo.

REX Omnibus ad quos, &c. salutem. Sciatis, quod cum nuper significante nobis venerabili patre *Wilhelmo* Archiepiscopo *Canuar.* totius *Anglia* Primace, per petitionem suam nobis exhibitam, quodamplures conclusiones sacre doctrine obviantes, et in fidei Catholice, Ecclesieque Sancte ac sue Provinciae subversionem notorie redundantes, in diversis locis infra Provinciam pravitant fuisse palam et publice, licet dampnabiliter pravitatas, quarum quidem conclusionum quaedam ut hareses, cetera vero ut errores per Ecclesiam dampnata, habita inde prius bona et iusticia deliberatione de communi Consilio ipsius Archiepiscopi, et Suffraganeorum suorum quamplurimum in Theologia Doctorum, aliorumque Clericorum in sacris Scripturis peritorum, fuerunt sententialiter et salubriter declarate: Super quo supplicato nobis per ipsum Archiepiscopum, ut pro coheritione, debitaque castigatione illorum qui conclusiones pravitatas exnunc predicare, docere seu manutenere vellent animo obstinato, dignaremur apponere hancum regie potestatis; Nos zelo fidei Catholice, CUIUS SUMUS ET ESSE VOLUMUS DEFENSORES in omnibus; ut tenemur, commotus, volentesque sustinere huiusmodi hareses aut errores infra terminos nostre potestatis aliquantulum pullulare, prefato Archiepiscopo, et suis Suffraganeis ad omnes et singulos qui dictas conclusiones sic dampnatas, predicare, docere seu manutenere vellent, clam vel palam, ubicumque inveniri possent arestand. et personis suis propriis, seu aliorum pro eorum beneplacito committend. in eisdem detinendos, quousque ab errorum et heresum pravitatibus resipuerint, vel de huiusmodi arestatis per nos et Consilium nostrum aliter fuerit provolum, auctoritatem et licentiam, per certas nostras patentes litteras concesserimus et commiserimus speciales. Nos iam pro coheritione et debita castigatione omnium illorum qui conclusiones pravitatas seu alias quascumque haresim vel errorem includentes, aut sacris Canonibus vel fidei Catholice qualitercumque repugnantes infra Civitatem et Dioc. *Wigorn.* exnunc forte predicare, docere seu manutenere voluerint, necnon ipsorum fautorum et eis adhaerentium volentes zelo dicte fidei providere, venerabili patri *Honor.* Episcopo *Wigorn.* singulisque eius Commissariis et Ministris per terras Civitatem et Dioc. committimus auctoritatem et licentiam in omnibus, et ex habundanti, ad quoscumque Libros, Libellos, Cedulas

Cedulas et quaternos per Magistrum Johannem Wyeliff defunctum, Magistrum Nicholam Hereford, Magistrum Johannem Aston, & Johannem Burney, tam in Angliis quam in Lancio (sermone) compilatos, et hujusmodi conclusiones sine neccariis opinionones sacre doctrine obviantes continentes, ubicumque et in quocumque manibus seu possessione in Civitate et Dioc. predictis, tam infra libertates quam extra, inveniri poterunt, investigand. captand. et arrestand. et ad Consilium nostrum cum omni celeritate possibili deferri facies, ut tunc ibidem de eisdem ordinare valeamus, prout de avilamento Consilii nostri predicti magis salubrius videbimus faciend. et ulterius ad proclamand. et ex parte nostra firmiter inhiberi faciend. ne quis cuiuscumque status, gradus seu conditionis fuerit, sub pena imprisonmenti ac forisfactura omnium que nobis forisfactore poterit aliquis hujusmodi Libros, libellos, Cedulas et quaternos de cetero ehere dei vendere, seu aliquas hujusmodi conclusiones, ac gradus et neccarias opinionones predicare, docere seu manutendere presumat aliquo modo, plenam omnem presentium concedimus et committimus facultatem. Mandantes insuper et injungentes universis et singulis Regibus, Principibus et feudis nostris, ecclesiasticis que status seu conditionis fuerit, in nos et obedientia habere nobis tenentur, ne ipsi Doctoribus, manutentoribus, sive Predicatoribus hujusmodi conclusionum sic condemnatarum, et aliarum permissarum, aut eorum factis, vel eis adherentibus favent, consulant aut assistant quolibet modo, sed forisfactura omnium que nobis forisfactore poterunt in eventum, sed prefato Episcopo Wygorn. etiamque Commissariis et Ministris suis in executione presentium parent, obediant humiliter et intendant, sic quod debita et aperta publicatio ad veritas Conclusiones hereses et Errores hujusmodi, et eorum Doctores et manutentores absque perturbatione fieri valeat, prout pro defensione et correctione sicut Catholice fuerit salubrius faciend. In cuius, &c. Teste Rege apud Westm. 29 die Maii.

Pat. 11 R. 2.
 De libris &c.
 Harel. concil.
 neribus capi
 endis, & coram
 Consilio defe
 rendis. See
 Henrici Spel
 manni Concil.
 Tom. 2. p. 637.

REX dilectis & fidelibus suis Radulpho de Cromwell Chivale, & Johanni Leke Chivale, ac dilectis sibi Majori & Ballivis Villae Norwingham, necnon Vicecomit. Norwingham, salutem. Quia ex insinuatione certitudinaliter informamur, quod Magister Nicholam Hereford, & Magister Johannes Wyeliff, dum vixit, quosdam Libros, libellos, cedulas et quaternos, libellos hereses et errores manifestas in fidei Catholice rationem, et sacre doctrine integritatem palam, notorie, et expressit redundantes, continentes, per se et discipulos suos frequentius scribi, compilari, communicari et publicari fecerunt, ac omnes gradus et neccarias opinionones et conclusiones sacre doctrine similiter contrarian-tes tenebant et docterunt dampnabiliter, et inique, in fidei orthodoxe institutionem, et ex consequenti (quod adde) hujusmodi incredulitatem et subversionem credentium: Nos ZELO FIDEI CATHOLICE, CUIUS SUMUS ET ESSE VOLUMUS DEFENSORES, moti et salubriter induci, volentes hujusmodi hereses, aut Errores infra terminos nostre potestatis, quatenus poterimus agri, seu quomodolibet palliare; Assignavimus vos conjunctim et dividim, ad omnes et singulos Libros et libellos, cedulas et quaternos predictos ubicumque et in quocumque manibus seu possessione inveniri poterunt, infra libertates vel extra, sine dilatione investigandos, captandos, et arrestandos, et penes Consilium nostrum cum omni celeritate possibili deferri facer- dos, ut tunc ibidem de eisdem ordinare valeamus, prout de avilamento Con- silii nostri predicti magis salubrius fore videbimus faciendum: Ac ulterius ad proclamandum, et ex parte nostra firmiter inhibendum, ne quis cuiuscumque status, gradus seu conditionis fuerit, sub pena imprisonmenti, et forisfactura omnium que nobis forisfactore poterit, aliquos hujusmodi Libros, libellos, ce- dulas et quaternos de cetero emere dei vendere, seu aliquas hujusmodi gradus et neccarias opinionones manutendere et docere presumat quolibet modo. Et ad om- nes istos quos post proclamationem et inhibitionem predictas invenierit in contrarium facientes similiter arrestandos, et prisoris nostris mancipandos, in eisdem detinendos, quousque pro eorum deliberatione aliter duxerimus ordi- nandum.

Pat. 11 R. 2.
 De libris &c.
 Harel. concil.
 neribus capi
 endis, & coram
 Consilio defe
 rendis. See
 Henrici Spel
 manni Concil.
 Tom. 2. p. 637.

mandum. Et ideo vobis mandamus, quod circa præmissa diligenter & efficaciter intendatis, & ea faciatis & exequamini in forma prædicta. Damus autem tam universis & singulis viris Ecclesiasticis, quam Vicecomitibus, Majoribus, Ballivis, Ministris, & aliis fidelibus & subditis nostris, tam infra Libertates quam extra, tenore præsentium in mandatis, quod vobis et cuilibet vestrum in præmissis faciendis intendentes sint et consulentes, et auxiliantes, prout decet. In cuius, &c. Teste Rege apud Westmonasterium 30 die Martii, Anno r. n. 11.

Per Consilium.

* Pat. 11 R. 2.
pars 2, m. 22.
† Ibid. m. 26
diso.

* Which I find
printed in Hen.
de Knyghton
de Eventibus
Angliz, l. 5.
col. 2709.

The like Commission verbatim issued Johanni Godard Chivaler, Johanni Hothorn Chivaler, Willielmo de Riffely, & Vica Ebor. T. R. apud Westm. 8 die Aprilis. Per Consilium. The like, † Magistro Thoma Brighamelle in Theologia Doctore, Decano Collegii novi operis Leycestr. & Willielmo Chiffelden præbendario præbendæ ejusdem Collegii, Richardo de Baccove Chivaler, & Roberto Langham. T. R. apud Westm. 23 die Maii. The like, Magistro Johanni Norton Cancellario Ecclesie Cathedralis beate Marie Sarum, Hugoni Chyne Chivaler, & Johanni Bisberke Civi Civitatis Novæ Sarum. Teste ut supra. The like, Priori de Thurgarton, & Officiali Archidiaconi Notingham, Johanni Grey de Codnore Militi, Hugoni Amessley & Roberto Martell. Teste ut supra.

All which Patents and Commissions (grounded on the pretended Statute of 5 R. 2. c. 5. made by the Prelates themselves without the Commons privity or assent, and thereupon repealed the next Parliament upon their petition against it, 6 R. 2. rot. Parl. nu. 62. Exact Abridgement of the Records in the Tower, p. 285. and Fox Acts and Monuments, Vol. 1. p. 575, 576.) being contrary to Magna Charta, c. 29. 5 E. 3. c. 5. 15 E. 3. rot. Parl. nu. 35, 36, 37. 25 E. 3. c. 4. nu. 16. 27 E. 3. rot. Parl. nu. 28. 28 E. 3. c. 3. 36 E. 3. rot. Parl. nu. 60. & 51 E. 3. rot. Parl. nu. 46. were illegal in themselves; as 42 Affis. 5. 12. Brooke Commission, 15, 16. 17 R. 2. rot. Parl. nu. 37. and Cookes 2 Instit. p. 46, 52. to 56. resolve.

† Ibidem, col.
2706, 2707,
2708.

The occasion of issuing these Writs, is thus related by † Henry de Knyghton. *Adhuc his diebus florescunt et increfcunt Wycliviani, qui et Lollardi dicti sunt, et erroribus suis habundant et inedicibiliter in eis virefcunt, nec in eis adhuc erubescunt, set tamen impetuositate clamosa atqualicumque tabescunt. Insuper nobos errores antiquis immiscunt. Quidam etiam eorum ad Parlamenta submonentur, opprobria etiam et obsurgationes multiplices in Parlamento et domi inter proximis passim patiuntur, nec adhuc ab inceptis desistunt, set tamen errores suos et opiniones ubique prudentius solito indefesse evomunt, et eis addunt: Quorum quidam hic inferuntur, quidam quoque supra notati iterum recitantur.* Their new pretended dangerous Errors were these.

Opinio prima, Quod Papa modernus Urbanus sextus non gerit bices beati Petri in terris, set est illius Antichristi, nec erat verus Papa a tempore sancti Silvestri.

Item, Quod Papa non potest concedere aliquas Indulgentias, nec Episcopi quicumque, et quod omnes confidentes in hujusmodi indulgentiis sunt maledicti.

Item, Quod Papa non potest condere Canones Decretales, seu Constitutiones, et si quos condiderit nullus tenetur eos observare.

Item, Quod et sola cordis contritione deletur omne peccatum absque oris confessione (Sacerdoti) nec requiritur oris confessio etiam ubi copia Sacerdotum haberi poterit.

Item, quod Imagines crucifixi, beate Virginis, aliorumque Sanctorum nullo modo sunt veneranda, immo ipsas vel picturas aliquas quomodolibet venerantes peccant, et ydolatriam committunt: et quod Deus non facit aliqua miracula per illas, et quod omnes facientes peregrinationes ad ipsas vel eas aliquo modo adorantes, lumen vel alias devotiones eorum ipsas ymaginibus exhibentes, sunt maledicti.

Item, Quod sancta Trinitas nullo modo est figuranda, formanda, nec depingenda.

genda in forma qua communiter depingitur per totam Ecclesiam.

Item, Quod non tenet neque ligat excommunicatio Papæ vel Episcopi, (ubi Deus non ligat.)

Item, Quod non est supplicandum Sanctis orare pro viventibus.

Item, Quod nullus Rector vel Vicarius, aut Prelatus aliquis excusetur a personali residentia facienda in suis beneficiis, commorando in obsequiis Episcoporum, Archiepiscopi seu Papæ.

Item, Non licet Presbytero locare operas suas.

Item, Quod Presbyteri et Diaconi quicumque trahantur et debent populo publice prædicare ratione Ordinis suscepti, licet populum non habeant, nec curam animarum.

Item, Quod Rectores et Vicarii non celebrantes, nec ministrantes Sacramenta Ecclesiastica etiam removendi, et alii loco eorum instituendi, quia indigni sunt et dissipatores bonorum Ecclesiæ.

Item, Quod Alii Ecclesiastici non deberent tam validis incedere equis, nec uti tantis focalibus, vestibus pretiosis, aut prædiis delicatis, set omnibus renunciare et dare ea pauperibus, * pedibusque incedentes, accipientesque baculos manibus formam pauperum suscipientes, aliis dando exempla per conversationem.

Videntes igitur Proceres & Communes Regni navem Ecclesia istius & aliis innumeris erroribus atque nefandis opinionibus, quasi undique de die in diem incessabili impulsione quassari, petierunt a Rege in presenti Parlamento de istis remedium apponi, ne forte archa totius fidei Ecclesiæ talibus impulsioibus in istius temporibus pro defectu gubernaculi irremediabiliter quateretur, et gloriosum Regnum Angliæ per fidei depravationem in desolationem gratiæ et honoris paulatim, duceretur. Rex vero sano Consilio * totius Parliamenti in hac parte utens, iussit Archiepiscopo Cantuariensi, ceterisque Episcopis Regni ut officium suum singuli in suis Diocesis secundum jura Canonica acriter et ferventius exercerent, delinquentes castigarent, liberosque eorum Anglicos plenus examinaerent, errata exterminarent, populumque in unitatem fidei Orthodoxæ reducere studerent, Ecclesiamque uticis, hecibus desolatam iustis et rosis ornarent, sulcimentumque Regiæ potestatis ut audacius et fortius agerent eis annuit. Et iussit Rex statim absque dilatione Literas suas patentes in singulos Comitatus Regni velociter mitti, et in quolibet Comitatu certos inquisitores de huiusmodi Libris et eorum fautoribus instituit, præcipiens eis ut remedium celeriter apponerent, Rebelles primum carceri manciparent donec Rex eis mitteret. Sed executis tarda et quasi nulla affuit, quia nondum hora correctionis advenit, and the Commons disavowed it.

In the *Placita Coram Rege Hil. 1 H. 5. rot. 7. Middlesex. Hil. 2 H. 5. rot. 6. Oxon. Trin. 2 H. 5. rot. 6. Trin. 3 H. 4. rot. 4. Rex. Trin. 2 H. 5. rot. 6. Angliæ, Tr. 3 H. 5. rot. 4. Leicestr. Rex. Pas. 4 H. 5. rot. 7. I find some presentments of, and Judgements against several persons as *Lollards*, for holding some of these opinions of *Wickliff*, and adhering to Sir *John Oldcastle*.

Page 232. line 45. after *Decembris*, adde. What was the Custom of *Vascony* in case of Intestates goods, till altered by King *Edward* the 3d. this memorable Record will inform us.

LE ROY a touz ceulx qe cestes lettres verront ou orront, salut. Noz chiers & foialx Mair, Juratz, Burgeoys & Communes de nostre Citee de *Burdoux* nous ont fait monstrier par lour supplicacions, baille a nous et a nostre Conseil, qe come il ad estes tout dis uses et accoustumez su *Burdaloyz*, qe quant aucun homme ad biens debers la l'yne son pere et aussi debers la l'yne son pere, et aussi debers la l'yne sa miere de vie sanz faire testament, et sanz avoir aucuns parents debers lautre des dites l'ynes, le Designeur li succedera en les Cloys et bien francs, et les Designeurs des siez la succederont en les biens effolantz de leur siez, tout soit il enst qe le mozt ait debers lautre l'yne parents, freres, & freres, nebeuz

* John 4. 3, 10
8. 43. Mat. 10.
9, 10 16. Lu. 9.
3, &c. Mar. 16.
15, 20. Act. 20.
13.

* The Commons Petition
An. 6 Ric. 2. rot.
Parl. nu. 52.
& rot. Parl. 2
H. 4. nu. 80,
81. prove this
to be the Act
of the Prefates
ordy, for of the
whols Parliam-
ent, the
Commons ne-
ver assenting
to it. See p.
398.

* In the Treas-
ury of Records
in Scac.

Rot. Vast. 47
E. 3. m. 6.
Pro Majore,
Juratis, &c.
Burdog.

nebeuz ou autres quelz qils soient. Nous a la supplication et instance de noz foialx avantditz, & por les bone et agreables services qils nous ont fait & font en ces presentes guerres, et ferront si Dieu plest en temps avenir ; de nostre ceterne science et auctorite royale par l'advis de nostre grant Conseil, et de nostre grace especiale bolons et grantons poꝛ nous et poꝛ noz heirs, quantz en nous est, as ditz Pair, Jurez, Burgeois et Comunalte, et a lour heirs et successeurs, demourrantz toutdps en nostre foy et obeissance, qe en le cas qe escherront dozes en avant en dit pays de *Burdelys*, qe cessant la lyne et patent debers les biens de tuel mozt, ou qi en avant come dit est mourra, les parentz de lautre lyne puissent et doibent en pceulz biens succeder, non obstantz les usages et custumes avantditz, ou autre droitz, qe nous ou noz heirs y purrons reclamer ne demander poꝛ temps abenir. Pandantz et commandantz as Seneschal de nostre dit *Seigneurie Daquisaigne*, et a touz nos autres Officere et Ministres, qe les avantditz Pair, Jurez et Comunalte et lour successeurs soeffrent et laissent par l'espace avantdit paisiblement user et joyz de noz surditz grace et otrops sanz aucun empeschement. Don per tesmoignance de nostre grant Seal a nostre Palays de *Westmonster*, le 20 jour de *Marcz*, lan ut supra.

Par la peticion baillee & signee de per
le Conseil.

If any Bishop or other Clergymen died intestate, the greedy Pope claimed all his goods as belonging to him, by his usurped power, *non sine Principum injuria & jactura, ut bona sine testamento decedentium in gremio sua avaritia amplecteretur*; as ^a *Mat. Westminster* and ^b *Mat. Paris* observe, and that by the new Decree of Pope *Innocent* the 4th made at *Rome*, *non sine nota manifeste cupiditatis, ut si Clericus ex tunc decederet intestatus, ejusdem bona in usus Domini Papae converterentur*; which this Pope commanding to be promulged and executed in *England*, Anno 1246. seising by his Agents the goods of divers rich Archdeacons and Clergymen dying intestate; *Dominus Rex detestans Romanae Curiae argumentosam et multiplicem et multiformem avaritiam, hoc fieri prohibuit, compertens illud in damnum regni, et suum redundare praesudicium*; as I have ^c *essembere* evidenced at large. Which Decree of this Pope soon after, propter scandalum indecenter per diversa climata ventisatum, cogentibus Cardinalibus, revocatum est; Yet notwithstanding some succeeding Popes in the reign of King *Edward* the 3d. claimed the goods of the intestate Bishop of *Aguen* in *Gascoigne*, (belonging to the King, who was cheated of them, as paid to the Pope, without his order) as this Record informs us.

a Flores Hist. An. 1246. p. 205, 206.
b Hist. Angliae p. 685.

c The Third Tome of my Eng. & Chronological Vindication p. 664, 671, 672, 681, 682, 692.

Rot. Vasa. Pat. 7 E. 3. pars 1. m. 5. De denariis Domino Summo Pontifici solvendis.

REX Constabulario suo *Burdeg.* salutem. Significavit nobis dilectus & fidelis noster *Oliverus de Ingham* Senescallus noster Ducatus praedicti, quod *Reymundus Durand* Senescallus *Candaram* jam defunctus, tempore commocionis in Ducatu praedicto inter gentes Domini *E.* nuper Regis *Angl.* patris nostri & gentes tunc Regis *Franciae* exorta, non modicam partem thesauri *Garsie Arnaud de Coupenne* nuper Episcopi *Aguen.* fecerat occupari, et tria millia libz. *Burdegal.* de thesauro illo pro negotiis dicti Ducatus et Juribus ipsius patris nostri ibidem defendendis praefato *Olivero* tunc Senescallo dicti patris nostri mutuabit; et quod idem *Oliverus* obligabit se et bona sua nomine ejusdem patris nostri addicta tria millia libz. Domino Summo Pontifici per camera sua solvend. pro eo; quod idem Dominus Summus Pontifex, * praetendebat bona quae fuerunt ipsius Episcopi ad se pertinere debere, eo quod idem Episcopus obiit ut dicebatur intestatus; quodque dictus pater noster postmodum ad prosecutionem praefati *Reymundi* afferentis, se summam praedictam praefato Summo Pontifici perfolvisse, * cum non solberit, mandaverat tunc Constabulario suo *Burdegal.* quod eidem *Reymundo* de eisdem tribus millibus libz. *Burdegalen.* satisfaceret, siveque dicta tria millia libz. *Burdegalen.* a praefato *Olivero* per ipsam Dominum Summum Pontificem per graves censuras exigunt; per quod nobis supplicavit, ut eidem Domino Summo Pontifici de

Summa

* Nota.

* Nota.

summa illa subere velimus satisfactionem exhiberi, præsertim cum pecunia prædicta circa negocia Ducatus prædicti expensita fuisset, ut est dictum. Nos volentes fieri quod iustum fuerit in hac parte, vobis mandamus, quod vos de dicta obligatione per præfatum *Oliverum* ut præmittitur facta, ac etiam de mandato prædicti Constabular. de denar. illis præfato *Reymundo* solvend. facto plenius informetis, et si vobis legitime constiterit prædicta tria millia lib. in negotiis Ducatus prædicti fuisse expensita, sicut prædictum est, nec inde præfato *Reymundo* in toto vel in parte satisfactum extitisse, tunc dicta tria millia lib. *Burdegal.* præfato * Summo Pontifici in festo *Sancti Michaelis* prox. futur. absque ulteriori

* Nota.

dilatione de dicti Ducatus extitibus persolvatis; Recipientes inde literas acquiescentiæ receptionem dictæ pecuniæ testificantes, quæ pro vobis sufficientes fuerint in hac parte. Et nos vobis inde in computo vestro debitam allocationem habere faciemus. Teste Rege apud *Twedemonth* secundo die *Junij*.

Per ipsum Regem et Consilium.

Page 233. l. 9. after *spiritualibus*, these Presidents should have been added. *Placita coram Domino Rege apud Ebor. Pasc. 26 R. 2. rot. 35. Southampton.* Johannes Laurence *Registrarius Episcopi Winton.* was indicted and found guilty de pluribus extortionibus colore *Officii* sui pro probatione Testamentorum, in receiving and exacting from some 13s. 4d. from others 40s. from others 10s. for probate of Wills, for which he afterwards procured and pleaded the Kings pardon. Hil. 1 H. 5. coram Rege, rot. 27. *Middlesex, James Cole* Commissary to the Bishop of London, was indicted for extortion, in capiendo plus quam debet pro probatione Testamentorum; & Pasc. 3 H. 5. rot. 15, 16. *Not.* the Archbishop of York himself and his Sequestrator, were indicted for extortions, in exacting and taking excessive Fees for probate of Wills; for which they were enforced to purchase pardons from the King, to avoid their fines for these extortions. I omit all other Presidents of this kind, now fit to be remembered, when extortions of this nature are multiplied to ten or twenty times more for probate of Wills, and Letters of Administration, then the * *Bishops own Constitutions*, the Statutes of 3 H. 5. c. 8. (made by reason of the premised complaints and Indictments) & 21 H. 8. c. 5. prescribe, under the penalty and forfeiture of so much money as shall be taken above the due Fees therein limited, and of ten pounds more, the one moiety to the King, the other moiety to the party grieved in that behalf, who will sue for the same, for every such extortion.

* See Spelmani Concil. Tom. 2. p. 488, 489, 575, 670, 672. Pro Testamenti probatione nihil accipiat Episcopus, scriba accipiat tantum sex denarios pro labore, &c.

4 *Instit.* p. 338. l. 18, to 31. margin. The Author cites M. 19 E. (3.) omitted, rot. 157. *Norff.* the folio of Mr. *Agars* Abridgement, instead of rot. 114. & Trin. 21 E. 3. coram Rege, rot. 170. for rot. 46. the Bishop of *Normich* case, against whom the King by verdict recovered XM marks, for suing the Abbot of *St. Edmunds* against his Prohibition; for which his Temporalties were adjudged to be seised. For Suits, Judgements of like nature against Bishops and their Officers, for holding pleas in Ecclesiastical Courts of things determinable only in the Kings Courts, against his Prohibitions; and *Premunires* against Bishops and others for procuring or executing the Popes Provisions or Processe against the Kings Prerogative, Crown, Dignity, you may consult the *First, Second, and Third Tomes* of my *Exact Chronological Vindication*, and these Records in the Treasury of Receipts in the Exchequer coram Rege; Mich. 6 E. 1. coram Rege, rot. 2. *Lond.* Hil. 30 E. 1. coram Rege, rot. 30. *Anglia*, Hil. 31 E. 1. coram Rege, rot. 47. *Stafford*, Trin. 32 E. 1. rot. 73. the Archbishop of *Yorks* case, Mich. 32 & 33 E. 1. rot. 1. *Glouc.* Hil. 33 E. 1. rot. 16. *Ebor. William de Segrave* his case, Trin. 34 E. 1. coram Rege, rot. 35. *Dunelm.* Mich. 34 E. 1. coram Rege, rot. 59. *Kanc. Hugo de Treslams* case, Hil. 35 E. 1. coram Rege, rot. 52. Hil. 17 E. 2. coram Rege, rot. 87. *Hereford*, Mich. 21 E. 3. coram Rege, rot. 11. *Norff.* Mich. 1 R. 2. coram Rege, rot. 16. *Cornub.* Pasc. 3 R. 2. rot. 20. *Warwick*, & rot. 25. *Middlesex*, Mich. 3 R. 2. rot. 44. *Berks*, Mich. 6 R. 2. rot. 42. *Ebor.* Pasc. 9 R. 2. rot. 18. *Stafford*, Pasc. 13 R. 2. rot. 31. *Essex*, Trin. 17 R. 2. coram Rege, rot.

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46.

46. *Somerset*, Hil. 20 R. 2. rot. 58. Pasf. 20 R. 2. rot. 25. *Hereford*, Mich. 21 R. 2. rot. 16. *Cornub.* Pasf. 21 R. 2. rot. 25. *Hereford*, Mich. 8 H. 4. coram Rege, rot. 8. *Oxon.* Hil. 10 H. 4. coram Rege, rot. 45. Mich. 14 H. 4. rot. 31. Mich. 1 H. 5. coram Rege, rot. 14. *Ebor.* Pasf. 3 H. 5. coram Rege, rot. 35. *London.* Pasf. 6 H. 5. coram Rege, rot. 28. *Linc.* Mich. 6 H. 5. coram Rege, rot. 65. & Pasf. 7 H. 5. coram Rege, rot. 15. *Bristol*, worthy perusal.

Page 234. l. 13. after *seek*, and before *What Canons, &c.* this should have been inserted. I shall only present you with one memorable Record against Bishops exacting of *Procurationes* in their Visitations from Parochial Churches, which anciently paid them none.

Claus. 31 E. 1.
m. 15. dorso.
Pro Magistro
Philippo de
Waleys.

REX Venerabili in Christo Patri & eadem gratia *Hereford*, Episcopo, salutem. Ex infirmatione dilecti Clerici nostri Magistri *Philippi de Waleys*, Rectoris Ecclesie de *Stratton* in *Tratonsdale* vestre Diocesis, quae de nostro patronatu existit, nuper accepimus, quod vos ratione Visitationis quam in Ecclesia sua praedicta tribus vicibus, ut dicitur, jam fecistis, duodecim marcas nomine Procurationis, videlicet, pro qualibet vice quatuor marcas erigitis ab eadem; Nec alii Episcopi regni nostri suas Dioceses, et etiam Archiepiscopi suas Provincias visitantes, a Cathedralibus et Collegiatis Ecclesiis, et Religiosis domibus duntaxat, non autem a Parochialibus Ecclesiis Procurationem exigere conlueverint, a tempore cuius memoria non existat, prout ex relatu didicimus plurimorum. Potentes igitur praefatum Clericum nostrum taliter in debite praegrabari, nec Ecclesie praedictae ad diminutionem nostri patronatus onere inflecto per vos aut alios quoscumque imponi, paternitatem vestram affectuose rogamus, quatenus ab exactione praedictae pecuniae, si ex causa praedicta et non alia a praefato Rectore jam erigitis, totaliter desistatis. Teste Rege apud *Waltham Sancta Crucis* 23 die Febr.

* Nota.

Page 238. l. 45. adde to *Appeals from the Admiralty*, Pat. 6 R. 2. pars 1. dorso. 12. pars 2. dorso. 14. Pat. 14 R. 2. pars 2. m. 3, 6, 14. Pat. 17 R. 2. pars 2. m. 25. Pat. 11 H. 4. pars 1. m. 22. I shall only present you with the Transcript of one Appeal from a sentence in the Admiralty, Anno 11 H. 4. which will evidence not only the form of such Appeals, but likewise the Antiquity of the Admirals Court time out of mind in that age; That it had Jurisdiction of Freights for Ships between Mariners and Merchants, made in Ports and Port-Towns even in *England*, as well as beyond the Seas; and that their proceedings and Tryals were according to the Laws of *Oleron* and Merchants, by Juries of Merchants, Masters of Ships and Mariners; and that they held their Courts upon the Keys of Sea-ports, close by the flux and reflux of the Sea, for which I principally cite it.

Pat. 11 H. 4.
pars 1. m. 12.
intrus. De ap-
pellatione au-
diend.

REX dilectis & fidelibus suis *Radulpho Rochefort* Chivaler, Magistro *Henrico Ware*, Magistro *Richardo Brynkley*, & Magistro *Thoma Felde*, salutem. Sciatis, quod cum ut accepimus, nuper in quadam causa maritima pecuniaria viginti et quinque librarum, praetextu affectamenti medietatis cuiusdam *Craiese* vocatae *in Christo fre de Boston*, ad *Alanum Wasertoft* de Villa Sancti *Borbi*, ut ad Dominum & Possessorem ejusdem medietatis, alias pertinent, partem actricem & prosequentem ex parte una, & *Thomam Jonsson* & *Thomam Rasyn* de Villa praedicta partem ream & defendentem ex parte altera, quae coram *Henrico Bole* Rotumtinentem generalem Curiae Admirallitatis *Angl.* se pretendente aliquandiu verrebatur, adeo fuisset & sit processum, quod dato atque proposito in scriptis quodam Libello per partem praedicti *Alani* in causa et *Cur.* antedictis, contra partem praedictorum *Thoma* & *Thoma*, ac deinde quadam responsione ad Libellum hujusmodi per partem eorundem *Thoma* & *Thoma* etiam in scriptis proposit. subsequente, de consensu partium praedictarum, per *Cur.* Admirallitatis superadditam, ad inquirend. rei veritatem super dictis Libello et responsione certo die, apud *Feyam* sive Portum Sancti *Borbi* superadditi, iuxta fluxum maris ibidem;

dem; videlicet, per duodecim bonos et legales homines, videlicet, decem tamen Mercatores, Magistrosque Ravium et Martenarios; Commissio dicta fuerat certis personis in dicta Commissione nominatis. Et quamvis ex p̄b̄o facto, prædictus *Alanus* congruis loco & tempore, coram præfato Locumtenente in eadem Curia judicialiter pro tribunali sedente comparuisset, ac coram ipso sufficiens enter et debite proposuisset et allegasset, quod præfati Commissarii super *Reyam* sive *Portum* prædictæ iuxta flurum maris ibidem, videlicet, secundum vim, formam et exigentiam eiusdem Commissionis, necnon secundum antiquam consuetudinem Admirallitatis nullatenus ledere curarunt, neque sedebant, prout debuerunt, sed in quodam alio loco distante infra *William* prædictam, extra omnem jurisdictionem Admirallitatis scituat. Ac insuper, quod personæ receptæ & admittæ prædictos Commissarios in dicta Inquisitione; At saltem n̄s̄ pars eandem minime fuerat neque fuerat Mercatores, Magistri Ravium, sive Martenarii, prout secundum tenorem Commissionis prædictæ, et naturam et qualitatem causæ supplicatæ fuissent. Et quod prædictus *Alanus* neque Commissarii sui tempore receptionis Inquisitionis prædictæ propter potentiam, per horrentiam, manutentionem, & graves comminationes prædictorum *Thome* & *Thome*, ac aliorum complicum, fautorum & manutentorum suorum, in ea parte ad excipiendum, contra personas prædictorum Inquisitorum sive Juratorum eidem *Alano* nimis suspectorum, seu quicquam aliud rationabile & iudicium pro parte sua proponendum, et allegandum poterat exaudiri, neque iustitiæ complementum et equitatem, neque fuerat exauditus, aut iustitiam consecutus, ac ad probandum huiusmodi materias et iniurias quorundam evidencias notabiles coram præfato Locumtenente exhibuisset, ipsasque ad plenum probandum, quatenus de iure foret requisitum preparatum obtulisset, et deinceps de remedio legitimo et oportuno in hæc parte sibi provideri petuisset: præfatus tamen Locumtenens eundem *Alanum* sicut præfertur proponentem et allegantem, offerentemque et presentem, exaudire non curavit; sed huiusmodi propositionem, oblationem et petitionem penitus prætermittit, ipsaque non obstantibus sed post et contra eas parti prædictorum *Thome* & *Thome* diem ad audiendum sententiam pro parte ipsorum ferendum præstitit et assignavit, per decretum perperam et iniuste ad instantiam dictorum *Thome* & *Thome* subdolos et injustas, in ipsius *Alani* præiudicium non modicum et gravatum. Unde idem *Alanus* sentiens se ex præmissis gravaminibus, & eorum quolibet indebite prægravari, ab eisdem gravaminibus omnibus et singulis, et propter ea et quæ ex eis colligi poterunt aut debebant, ad nos et nostram audientiam legitime appellavit, sicut per Instrumentum publicum super hoc confectum & in Cancellaria nostra exhibitum, plenè liquet; nobis supplicando, ut eis certos Iudices sive Commissarios super Appellatione sua prædicta assignare digneremur. Nos supplicationi prædictæ annuentes, ac de fidelitate & circumspeditione vestris plenè confidentes, vobis tribus et duobus vestrum committimus vices nostras, ac plenam tenore presentium potestatem, ad cognoscendum et procedendum in causa Appellationis prædictæ, et negotio in ea parte præcipuali, ipsamque cum suis emergentibus, dependentibus, incidentibus et conneris, debito sine terminando, ipsamque cum casu iustitæ correctionis canonice potestate, &c. Et ideo vobis tribus & duobus vestrum mandamus, quod circa præmissa diligenter intendatis, & ea fac. & exequamini in forma prædicta, prout iustum fuerit & consonum rationi. Volumus etiam, quod si aliquis vel aliqui vestrum inchoaverit, vel inchoaverint procedere in præmissis, alius vel alii vestrum liberè procedere valeat & valeant in eisdem, licet inchoans absens, inchoantes absentes fuerit seu fuerint, etiam nullo impedimento legitimo impeditus vel impediti. Damus autem universis et singulis Capitaneis, Castellanis, et eorum Loca tenentibus, Majoribus, Constabulariis, ac aliis Officiariis et Ministris, Ligis, Subditis et fidelibus nostris quorum interest, tenore presentium firmiter in mandatis, quod vobis tribus, et duobus vestrum, in præmissis faciendum et exequendum intendentes sint, respondentes, consulentes et auxiliantes, et in vestris mandatis obediunt prout decet. In cujus, &c. Teste Rege apud *Westm.* primo die Decembr.

* Nota.

For Appeals from the *Marshals Court*, you may further consult, Pat. 51 E. 3. dorf. 17. 36. Pat. 6 R. 2. pars 1. dorf. 26. pars 2. dorf. 7. Pat. 11 R. 2. pars 1. m. 6. Pat. 13 R. 2. pars 3. m. 8. Pat. 14 R. 2. pars 2. m. 14. Pat. 17 R. 2. pars 1. m. 27. pars 2. m. 27. in cases of *Scandal, Soldiers Contracts, Wages, Cass Arms.*

* In Theaur. Recept. Scac.

† See the 3d Tome of my Exact Chronological Vindication, p. 1020.

Page 240. l. 43. after dorf. 13: insert. * *Placita coram Rege apud Westm. Term. Sancti Hillarii, An. 35. E. 1. rot. 52. Gloucestr.* The Archbishop of *Canterbury* having excommunicated the Prior of *St. Oswalds* in *Gloucester* for opposing his Visitation thereof, as exempt from his Jurisdiction; being the Kings Free Chappel; † in *Regis contemptum, & Regia dignitatis nostra præjudicium*; (as Claus. 32 B. 1. m. 2. & 17 dorf. inform us) & *damnum ipsius Prioris 200 l.* for which he was attached to answer the Prior in the Kings Bench; the Archbishop refusing to absolve him from his Excommunication upon the Kings Writ, thereupon his Excommunication, per præceptum Domini Regis directum Custodi Spiritualitytis Archiepiscopatus *Canuar.* revocatur, eo quod Archiepiscopus distulit illud facere cum per Regem ei injunctum esset: by the Kings Sovereign Ecclesiastical authority, to right his Subjects against all illegal vexatious excommunications.

Page 240. after *them*, this Writ should have been inserted: *K. H. 3.* in like manner issued this memorable Writ to the Archb. of *Burdwan* to absolve his Provost, whom he had excommunicated without his license, against his prerogative.

Rot. Claus. Vasc. 37 & 38 H. 3. m. 7. De Præposito inter duo mari.

H. Dei gratia, &c. Venerabili in Christo Patri G. eadem gratia *Burdeg.* Archiepiscopo, salutem. Compellimur mirari nec immerito, quod vos in Præpositum nostrum inter duo maria, nobis ignorantibus et irrequisitis præpropere fulminatis sententiam Excommunicationis, non attendentes quod ob Ordinarius locorum non possunt excommunicari ballivi nostri, nisi de excessibus eorum prius fuerit nobis relata querela, propter sedis Apostolicæ nobis indultum privilegium. Et insuper alia ratione miramur et hoc facto impetiosa, quia si tam festinam tulisset sententiam in illos mendaces bishopones *B. de Bevil et Wic. Frowaakz* qui Abbatiam nostram de *Silva majori*, et viros Religiosos ibi degentes deperdati sunt, turpiter tractantes, forte multa alia remanissent quæ per dissimulationem vestram perpetrata sunt. Si vero Præpositus noster quid deliquerit contra dignitatem Ecclesiasticam, faciemus eum Juri parere postquam delictum fuerit nobis denunciatum, pro quo interim eum absolvi facietis. T. R. apud *Millan*, 28 die *Maii*, An. regni nostri 38.

† See my Exact Chronological Collection, &c. Tom. 3. 244, 583.

* Lib. 5. de Essonis, c. 2. f. 337. a.

Upon the like account King *Edward* the 1. Claus. 8 B. 1. dorf. 6. and Claus. 32 E. 1. dor. 11. issued out Writs to his Bishops, commanding them not to excommunicate his Bailiffs and Officers, and absolve them if excommunicated, without his previous license and order. Yea * *Judge Brabon* in the reign of King *Henry* the 3d. affirmed. *Si quis in placitatus fuerit in Curia Domini Regis, vel vocatus ad Curiam Regis ob aliquam causam* (though not the Kings immediate servant) *omnibus Curis inferioribus excusatur*; sed quid dicendum est de Curia Christianitatis, cum magis obedendum est Deo quam hominibus? *Hoc dico*, quod ad hunc differendum erit, et quod Dominus Rex warrantizare poterit, ad reverentiam quæ Principi debetur. Yea the King by his Ecclesiastical Prerogative may command any Bishop by his Writs to revoke any illegal Excommunications denounced against any of his Officers or Subjects; and command his Chancellor not to issue out a *Capias Excommunicatum*, and his Sheriffs not to execute it in such cases, as this memorable Record will assure us.

Rot. Vasconiz, An. E. 1. Contra Thomam Menevensem Episcopum.

REX Magistro *W. de Killymy* Archidiacono *Coventrensi* salutem, &c. Quærelam *J. filii Gasfridi* accepimus, quod *Thomas Menevensis* Episcopus in *Wallerum* Ballivum ipsius, *Johanni de Enyas*, & quosdam al. homines suos minus rite sententiam Excommunicationis fulminabit, et insuper terram ipsius *Johanni de Enyas* ipso *Johanne* nec monito nec vocato supposuit Interdicta, pro

pro quo Nos literas nostras eidem Episcopo memoratas direximus, continentes, ut ad hujusmodi sententiis erroneis de extero desistat, et latus revocet. Et ideo vobis mandamus, quod donec ad literas nostras predictas factum dederit responsum, et hoc vobis per literas nostras constiterit, ad ipsius Episcopi preces vel suggestiones nullum de hominibus dicti Johannis ab eo excommunicatum capti facias. Et interim si qui excommunicati capti sint ad ipsius suggestionem, eos factas desisterari, et causam deliberationis eidem Episcopo sicut facias. T.R. apud *Bardeg.* 10 die *Sept.*

Page 241. l. 23. before 3ly. this should have been inserted.

How vexatious, oppressive, Ecclesiastical Persons and Courts were to the Kings subjects, not only in *England* but *Vascony* in *France*, to extort moneys from them, and what care King *Edward* the 3d. took for their relief herein, this memorable Writ issued by him and his Council to them, will fully inform us.

REX dilectis sibi in Christo, Decano & Capitulo Ecclesie Sancti *Andree* de *Bardeg.* salutem. Ex parte dilectorum & fidelium nostrorum proborum dominum & habitatorum parochie de *Condoiac* nobis est graviter conquerendo monstratum, quod cum ipsi sub jurisdictione vestra in casu civili et criminali sint constituti; & quamplures dictarum partium, ut petuntam ab eis extorqueant, vel alias molestiam inferant, falsos clamores, querelas sive accusationes, contra ipsos probos homines et habitatores coram vobis fingentes et moventes, eos laboribus et expensis magnis indebite herent et fatigent; (not only in their Temporal but especially in their Ecclesiastical Court) Et licet hujusmodi clamores, querelae vel accusationes falsae et maliciose compositae existant; fidem tamen probi homines et habitatores, recuperationem, aut remedium aliquod pro dampnis suis et interesse, contra hujusmodi clamantes, querelantes, sive accusantes consequi non possunt: Et insuper quod praetextu jurisdictionis vestrae predictae, * corpora virorum et mulierum interfectorum et murtheratorum infra eandem jurisdictionem, quandoque tenuissis adeo diu inhumata, quousque per abes et missas pro majori parte fuerant deponata, quod ad hoc creditur velle facere in futurum. (to extort money for licenses to bury them) Super quo nobis est supplicatum, congruum remedium per nos adhiberi. Nos volentes dictos probos homines et habitatores ab hujusmodi injuriis heractionibus praeterbare, et corpora sic defuncta, sine diutina detentione eorumdem sepeliri; Vobis committimus et mandamus, quod omnes et singulos qui clamores, querelas sive accusationes contra dictos probos homines et habitatores, coram vobis in forma vestra instituerint, si eisdem clamores, querelas, vel accusationes, veros et stiles probare nequeant, statim in sex libris & dimidi; aequaliter inter vos & partem sic iniquite vexatam distribuend. condemnentis, aut condemnari fac. et corpora virorum et mulierum infra vicium jurisdictionem vestram sic interfectorum, sive murtheratorum, statim, cum ab amicis suis, aut aliis, a nobis vel officariis vestris petantur, sepeliend. absque ulteriori detentione eorumdem corporum, liberari fac. Ecclesiastica sepultura tradenda, ne querela ad nos inde perveniat iterata, per quod materiam habeamus ad hoc et vestra graviter capiend. Dat. in Palatio nostro *Westm.* primo die *Novemb.*
Per ipsum Regem et Consilium.

Rot. Vascón:
An. 18 E. 3. m.
7. Pro hominibus & habitatoribus parochiis de *Condoiac*.

* Nota their barbarous inhumanity.

Page 243. l. 16. to the Kings Commissions for visiting his Free Chappels and Hospitals, adde; Pat. 9 E. 3. dorf. 2. & pars 2. m. 22. Hospitale Sancti *Nicholai Karliol.* Pat. 17 E. 3. pars 1. dorf. 25. Pat. 19 E. 3. pars 2. dorf. 23, 28. pars 3. dorf. 12. Hospitale Sancti *Leonardi Derby.* Pat. 19 E. 3. pars 1. d. 23. Libera Capella Regis de *Hastings*, dorf. 9. Hospitale Sancti *Johannis Baptistae Glouc.* Pat. 50 E. 3. pars 1. dorf. 3. Libera Capella Sancti *Stephani Westminster.* Pat. 51 E. 3. dorf. 38. Pat. 6 R. 2. pars 1. m. 29. *Ravenher.* pars 2. dorf. 2. Hospitale Sancti *Bartolomei Gloucestre.* Pat. 14 R. 2. pars 2. m. 8.
Visitatio

Visitatio Cantuariarum per Episcopum London, et Ordinationes superinde confirmatio Regis. Pat. 11 H. 4. pars 2. dorf. Libera Capella Regis Hastings, & dorf. 11. Capella libera de Briggenorth. Pat. 12 H. 4. dorf. 4. & 22. Libera Capella de Terenball: & dorf. 21. de Hastings. Confirmatio Ordinis in Visitatione factæ.

Although our Kings were carefull to preserve and maintain the ancient just legal Priviledges of the Church and Clergy in forraign parts, not repugnant to their Lawes, Prerogatives, or vexatious and prejudicial to their Subjects, as these 2. Records will informus.

Rot. Vasc. 4
E. 3. m. 7.
Pro Petro
Mannefang.
Clerico, & al.

REX Senescallo suo Vascon. qui nunc est, vel qui pro tempore fuerit, salutem. Supplicarunt nobis Petrus Mannefang, Petrus de Verre, Guilielmus de Bryon, Petrus & Reymundus de la Case Clerici, & in statu Clericali constituti, ut cum secundum consuetudinem in partibus Ducatus prædicti a tempore quo non extat memoria usitatum, Clerici super criminibus rectari seu accusati, * iudicium laicorum in nullo subire debeant, nec libem laici in corporibus, bonis seu possessionibus Clericorum huiusmodi jurisdictionem habeant aliqualem, set tota cognitio Clericorum huiusmodi ad Archiepiscopos et Episcopos et eorum Commissar. debeat; Optimus vobis dare in mandatis, ne de corporibus, bonis seu possessionibus ipsorum Petri, Petri, Guilielmi, Petri & Reymundi occasione criminum eis impostorum vos intromittatis, contra consuetudinem prædictam: Nos ipsorum supplicationibus quatenus iuste factæ fuerint volentes anuere in hac parte, vobis mandamus, quod habita cum illis de Consilio nostro parcium illarum super consuetudine prædicta informacione pleniori, si per informacionem huiusmodi vel alio modo legitimo vobis constare poterit, præmissa veritatem continere, tunc prædictos Petrum, Petrum, Guilielmum, Petrum & Reymundum, si Clerici sint, ut est dictum, contra consuetudinem prædictam non molestetis seu grabetis. Et si quid contra huiusmodi consuetudinem minus rite per vos fuerit attemptatum, id sine dilatione rebocari, et ad statum debitum reduci faciatis. T. R. apud Wodestok 12 die Maii.

* A strange
Antimonarchi-
cal custom.

Rot. Vascon.
21 H. 6. m. 12.
De libertatibus
& privilegiis
sacrofanctæ
Matris Eccle-
siæ minime
infringendis.

REX univervis & singulis Comitibus, Baronibus, Nobilibus, Senescallis, Constabulariis, Capitaneis, Majoribus, Ballivis, Juratis, Præpositis, Justic. cæterisque Officiariis & Ministris in Ducatu nostro Aquitan. constitutis, ad quos, &c. salutem. Et si sacrosancta Mater nostra Ecclesia libertatibus et privilegiis ad sui et suorum munimen balletur, quæ nemini fidelium infringere ac infirmare liceret; Serenitati tamen nostræ datur intelligi, quod quidam ejusdem matris nostræ degengres filii suæ salutis immemores, infra Ducatum nostrum prædictum libertates et privilegia Ecclesiastica non metuunt nequiter et temere violare, quæ nobis summæ curæ est protegere, et illasa ac sibiata conservare. Nos igitur totis cupientes visceribus quod dicta libertates et privilegia tempore nostri suscepti regiminis, sicut et iustitissimorum progenitorum nostrorum temporibus in quantum in nobis est integra, salva et inconcussa constant et permaneant; vobis et cuilibet vestrum firmiter injungimus et districtius prohibemus, ne quicquam contra libertates et privilegia sancta Ecclesiastica indebite attemptetis, attemptaribe faciatis, seu per quocumque alios attemptari quomodolibet permittatis. Et si quid contra dicta libertates et privilegia actum fuerit, et contra iustitiam indebite attemptatum, id cum omni favore redintegrare curetis, et sub pœna indignacionis nostræ in statum pristinum reformare. In cujus, &c. Teste Rege apud Castrum nostrum de Wyndesore, sextodecimo die Septembris.

Per ipsum Regem.

Yet notwithstanding our Kings would by no means connive at their injurious usurpations on their Lawes, Crowns, Prerogatives, or Liberties of their Subjects, to their oppression or vexation; witnesse the * premised Writs of King Henry the 3d. to the Archbishop, and Dean and Chapter of Burdeaux,

* Page 404,
405.

to

to revoke an illegal Excommunication, and this memorable Prohibition of King Edward the 3. to the Official of the Archbishop of *Burdeaux*, for holding Plea of a Debt not belonging to him, but to the Kings Court; evidencing the insolent encroachments of the Prelates and their Officials on the Kings Rights, Officers, Subjects.

REX Senescallo suo *Vascon.* & Constabulario suo *Burdeg.* ac Præposito Umbrar, nostræ *Burdeg.* qui nunc sunt, vel qui pro tempore erunt, aut eorum loca tenentibus, salutem. Cum cognitiones placitoꝝum de catallis et debitis, quæ non sunt de Testamento vel Patrimonio, ad nos et Cozonam regie dignitatis nostræ, et non ad alium infra dominium et potestatem nostram pertineant, et de jure pertinere debeant. Ac jam ex parte *Guilielmi Mercetii* Civis & Mercatoris Civitatis nostræ *Burdeg.* nobis sit conquerendo monstratum, quod cum *Petrus Bonelli* Civis Civitatis prædictæ, teneatur eidem *Guilielmo* in quaterviginti & quatuor florenis auri descuto, pro vinis ab eodem *Guilielmo* per præfatum *Petrum* empris: præfatusque *Petrus* machinans ipsum *Guilielmu*m de recuperatione debiti sui prædicti callidè defraudari, ipsum *Guilielmu*m coꝝam Offic. Domini — Archiepiscopi *Burdeg.* et ejusdem Offic. Commissar. statim post terminos solutionis debiti illius elapsos, quamquam idem *Petrus* in quinquaginta marcis argenti nobis ad terminos jam elapsos solvend. in casu quo præfatum *Guilielmu*m super cognitione debiti prædicti coꝝam aliquo Judice Ecclesiastico trahi procuraret, per Instrumentum publicum efficaciter obligatus existat, citari, et ipsum *Petru*m ibidem * multipliciter inquietari et gravari procurabit: dictusque Officialis præfatus *Guilielmo* coꝝam ipso ex hac causa comparente, sub pœna centum marcarum argenti * insurpit, ne aliquod placitum super recuperatione debiti sui prædicti in Curia nostra, vel alibi in foro Seculari lequeretur. Quæ si permittèrentur non solum in nostri contemptum, præjudicium et dampnum, verumetiam ipsius *Guilielmi* dampnum non modicum et deperditionem cœrent manifestet. Super quo præfatus *Guilielmu*s nobis supplicavit, sibi remedium congruum in hac parte provideri: Nos volentes talia nobis et subditis nostris præjudicialia, sicuti nec debemus, ulterius tolerare; Vobis & cuilibet vestrom in solidum injungimus & mandamus, quod præfato Officiali et Commissariis suis prædictis, ac aliis Judicibus Ecclesiasticis se de placito prædicto intromittentibus; ex parte nostra firmiter inhibeatis, seu inhiberi faciatis, ne placita de cognitione debito illius, seu cujuscumq; alterius, ad nos seu Cozonam et dignitatem nostram regiam in hac parte pertinentis, se intromittant, seu quicquam aliud quod in jure nostri regis, et superioris domini nostri partium illarum derogationem cedere valeat attemptare, seu facere præsumant, et processus si quos contra ipsum *Guilielmu*m in hac parte fecerint vel fieri mandaverint, tunc eos sine dilatione quacumque revocent et annullent sub periculo quod incumbit. Et vos præfate Constabularie dictas quinquaginta marcas, si vobis constiterit, eas nobis prætextu Instrumenti prædicti rationabiliter deberi, ad opus nostrum prout justum fuerit exigatis, & eas à præfato *Petro* levetis, seu levari faciatis indilate. Teste Rege apud *Westm.* 26 die *Julii*.

Rot. Vascon.
An. 21 E. 3.
pars 1. m. 15.
Pro Guilielmo
Mercetii.

* Nota.

* Nota:

REX dilecto & fideli suo *Reymundo Bernardi* de *Duro Forti* Militi, Capitaneo nostro in Castro & loco de *Belaico*, salutem. Ut tuæ et complicum tuorum animarum saluti satisfaciter consulatur, quod dictum Castellum et locum de *Belaico*, pro cuius cœntione Excommunicationis sententiæ in te et dictos complices promulgatæ existunt, Ecclesie et Episcopo *Caturcons.* cuius dictum Castellum existit restituere valeas, tibi tenore præsentium licentiam concedimus et donamus. Prohibito tamen, per te ante omnia de cautione idonea per præfatum Episcopum præstand. quod exnunc ex dictis Castro et loco nobis locis et personis nostris et obedientiæ nostræ guerra nullatenus inferatur, quam etiam eidem Castro et loco nostro nomine inferri tenore præsentium prohibemus. In cujus, &c. Teste Rege apud *Westm.* sexto die *Julii*.

Ibid. m. 22.
Pro Episcopo
Caturcons.

Per Petitionem de Parlamento.

Cap.

Cap. 76. Of the Kingdom of Ireland.

Page 259. l. 19. after record, this should have been inserted. King Edward the 2. being informed, that there were more Justices appointed then there ought to be in the Kings Bench in *Ireland*, issued this Writ to discharge and remove all but three of the most sufficient of them.

Claus. 4 B. 2:
m. 6. dorso.
De exonerati-
one Justic. in
Hibern.

REX dilectis & fidelibus suis *Johanni Wogan* Justic. suo *Hibern.* & *Waltero de Thornbury* Cancellar. suo *Hibern.* & tenenti locum Thesaur. nostri ejusdem terræ, salutem. Quia datum est nobis intelligi, quod plures sunt Justic. in Banco nostro *Dublin.* quam oporteret ibidem nos habere, vobis mandamus, quod de Justic. nostris in Banco prædicto tres magis sufficientes ad placita in eodem Banco, secundum legem et consuetudinem partium illarum tenenda eligi fac. Cæteris nunc Justic. ibidem ex parte nostra scire facientes, quod nos de Officiis suis Justic. in eodem Banco ernunc ipsos exoneramus, et inde exoneratos reputamus. Teste Rege apud *Berewick* super *Twedam* 2 die Junii.

Per Breve de Privato Sigillo.

King Henry the 6. conferring the Office of Chief Baron in *Ireland* upon *Michael Griffyn* during his life, who after he had taken his Oath and gained possession thereof, was dispossessed of it by one *John Cornewalsh*, by vertue of Letters Patents from the Lieutenant and the Lord Deputy of *Ireland*; the King upon his Petition in Parliament, issued these Writs for his readmission thereunto, according to his Petition.

Claus. 21 H. 6.
m. 11. incus.
Pro Michael
Griffyns Capi-
tali Barone
Regis de Scac-
cario Regis in
terra sua Hi-
bernæ.

REX charissimo Consanguineo suo *Jacobo Comiti Dormand*, Locumtenenti suo in terra sua *Hibernia*, seu ejus Deputato ibidem, salutem. Cum nos tricesimo primo die *Octobr.* anno regni nostri vicesimo, consideratione boni & fidelis obsequii quod dilectus nobis *Michael Griffyn* nobis impenderat, & extunc impenderet, de gratia nostra speciali constituerimus ipsum *Michaellem* Capitalem Baronem nostrum de Scaccario nostro in terra nostra prædicta; Habend. & occupand. Officium illud pro termino vitæ suæ, percipiendo in eodem Officio hujusmodi feoda vadia, regarda & proficua adeo integrè, sicut *Jacobus Cornewalsh*, nuper Capitalis Baro ibidem habuit & percepit, prout in Literis nostris Patentibus inde confectis plenius continetur. Jamque ex parte ipsius *Michaelis* nobis sit intimatum, quod licet ipse virtute Literarum nostrarum prædictarum, ac diversorum Brevium nostrorum in hac parte confectorum, ad Officium prædictum admissus fuerit, et coram Cancellario nostro terræ nostræ prædictæ Sacramentum (prout moris est) præstiterit corporale, de se bene et fideliter gerendo in Officio prædicto, idemque *Michael* Officium illud eo prætertu per tempus congruum pacifice habuerit et occupaverit; Ipse tamen ab eodem Officio per *Johannem Cornewalsh* jam tarde, colore quarundam Literarum eidem *Johanni*, per vos dum eratis deputatus Domino de *Welles* nuper Locumtenenti nostro terræ prædictæ confectarum, amotus fuit et expulsus minus justè, in ipsius *Michaelis* dampnum non modicum & gravamen; unde nobis supplicavit, sibi de remedio congruo in hac parte providere. Nos supplicationi prædictæ annuentes, nolentesque præfatum *Michaellem* in hac parte taliter injuriari, set potius ut ipse ad Officium prædictum, prout convenit, restituatur: Vobis igitur in fide & ligentia quibus nobis tenemini firmiter injungendo, mandamus, quod ipsum *Michaellem*, quem sub correctione et protectione nostris volumus permanere, in realem et corporalem possessionem Officii prædicti ponatis et inducatis, poni vel induci fac. ipsumque ad idem restituatis, seu restitui factatis; Habend. et occupand. juxta tenorem Literarum nostrarum prædictarum, absque interruptione, impedimento, vel perturbacione quascumque: Aliquo Statuto, Actu, sive Ordinatione in contrarium editis, factis, sive faciend. non obstantibus. Nolentes etiam

etiam quod vos, nec Castellarius noster terræ prædictæ, seu Consilium nostrum, ibidem, de Officio Capitalis Baronis prædicti de cætero in aliquo nullatenus interromittatis, seu interromittatur quovis modo. Teste Rege apud Westm. 12 die Julii. Per ipsum Regem, & de dat. prædicta auctoritate Parliamenti.

REX. Cancellarius, salutem. ac Consilio suo ibidem, salutem. Cum nos, &c. ut supra; usque ad hunc diem, per Carissimum Consanguineum nostrum, Jacobum Comitem Dormund. dum erat deparatus Dominus de Welles, &c. ut supra; usque ibi non obstante. & tunc sic. Nolentes etiam quod vos nec ipsius Locumtenens noster de Officio Capitalis prædicti Baronis de cætero in aliquo interromittatis seu interromittatur quovis modo. Teste ut supra. Per ipsum Regem, & de data, &c.

REX. Johanni Cornwallis, salutem. Cum nos, &c. ut supra; usque ad hunc diem, Jamque, & tunc sic. Tibi in fide & fideantia quibus nobis teneris, precipimus, quod te de Officio illo ulterius in aliquo coercendo nullatenus interromittas. Volumus enim te inde erga nos exonerari. Teste ut supra. Per ipsum Regem, & de dat. &c.

Page 271. line 46. after would not, this should have been inserted. The Archbishop of Armagh bearing; he should be hindered by the Archb. of Dublin and Citizens thereof, to bear up his Cross before him, within his Diocess or Province, though Primata of all Ireland, and specially summoned to the Parliament at Dublin by the Kings Writ, intended to retire from the Parliament, to the retarding of the Kings publike affairs therein; the King therefore issued these ensuing Writs to the Archbishop of Dublin, or his Vicar General in his absence, and likewise to the Mayor and Bayliffs of Dublin, strictly prohibiting them not to disturb or hinder the Archbishop or his men in any part of his Province, Diocess, or City to carry his Cross before him, in coming to, continuing at, or returning from that Parliament, on offer them any injury, under pain of imprisonment, and other penalties; but to meet, receive and assist them in bearing his Cross; (as he had formerly issued the like Writs to the Archbishop of Yorke on behalf of the Archbishop of Cantebury disturbed by him, to carry up his Cross, within his Province and Diocess, when summoned to a Parliament at Yorke; and to the Archbishop of Cantebury, for hindring the Archbishop of Yorke to carry up his Cross in his Province, when summoned to Parliaments or Great Councils held within it.) The sign of Christs Cross (a badge of the greatest humility, which should mortify all pride, and crucify all Christians to the world) being made by these proud Prelates, a Flagge and Ensign of their own Pride, whereby they sought to insult, and trample one over the other; as Mr. Lambard observes.

* Cl. 6 E. 3. m. 13. dorf. Par. 6 E. 3. pars 2. m. 15. The first Part of My Brief Register &c. of Parliamentary Writs p. 436, 437. Antiqu. Eccles. Brit. p. 198, 233. Mr. Lambards Perambulation of Eng. p. 85, to 87. * Phil. 2. 8: Gal. 6. 14. Mat. 11. 29.

REX. venerabili in Christo Patri Anthuro Dublin. vel ejus Vicario Generali, si ipsum Archiepiscopum ad alias partes divertere se contingat, salutem. Cum nuper per breve nostrum sub sigillo quo utimur in Hibernia, mandaverimus venerabili patri Archiepiscopo de Armagh. totius Hibern. Primati quod ipse ad Parliamentum nostrum quod apud Dublin. infra Dioc. destrange Diociniam, ad Crastinum Sancti Hillar. prox. futur. pro quibusdam arduis negotiis nostris humanitati mandaverimus personaliter interit, ibidem super dictis negotiis una cum aliis Prelatis et Poceribus extra prædicta tractatur, suumque consilium impendat. Ac jam intellexerimus, quod vos ipsum Archiepiscopum de Armagh, qui ad dictum Parliamentum supra mandatum nostrum prædictum accedere est paratus, super satisfactione Cruce sue in Diocess sive Provincia vestra, versus Parliamentum illud proponitis impedire, per quod idem Archiepiscopus ab eodem Parlamento retrahere se intendat, nisi super hoc aliquid per nos ordinetur. Nos nolentes prædicta negotia nostra aliquatenus retardari, sed volentes ea prout expediat maturari, vobis districte prohibemus, ne eidem

Claus. 11 E. 3. pars 2. dorso. m. 5. Pro Archiepiscopo de Armagh de Cruce hujus Landæ d. 6. 11. 8. negotiis. Cl. andiv. 10. 11. 11. ni. 10. 10. b. and

eidem Archiepiscopo seu hominibus suis infra dictam Diocesim vestram & de p[ro]vinciam venientibus, super basulacione Crucis ipsius Archiepiscopi ante se in veniendo ad Parliamentum predictum, ibidem morando, seu exinde ad p[ro]p[ri]a redeundo, dampnum, molestiam seu impedimentum aliquod inferatis, seu ab aliis aliquo modo inferri procuratis; Scientes, quod si secus feceritis, ad vos tanquam ad negotiorum vestrorum impeditores graviter prout convenit, capiemus. Mandavimus enim Wic. Ballivis, Militibus, et aliis fidelibus nostris parvum predictarum, tam infra libertates quam extra, quod predicto Archiepiscopo cum ipsius ad districtum suorum loca et causa predicta declinare contigerit occurrant, et ei in basulacione huiusmodi assistant quocumque per ipsum super hoc fuerint requisiti. Teste Rege apud *Bukdon* 21 die *Januarii*.
Per Consilium.

Ibidem.

REX Majori & Ballivis Civitatis suae *Dublin*. Salutem. Cum nuper p[ro]hibere nostrum sub sigillo quantivis in *Hibernia* mandaverimus Venerabili Patri Archiepiscopo de *Armagh*. totius *Hibernia* Primate, quod ipse ad Parliamentum nostrum quod apud *Dublin* infra Dioc. et Provinciam Archiepiscopi *Dublin*. ad crastinum *W. Hillar*. p[ro]x. futur. p[ro] quibusdam arduis negotiis nostris summoneri mandavimus personaliter interire, ibidem super dictis negotiis una cum aliis Prelatis et Proceribus terrae predictae tractatur. Numquam consilium impendat. Ac jam intellexerimus, quod vos ipsum Archiepiscopum de *Armagh*. qui ad dictum Parliamentum iuxta mandatum nostrum predictum accedere est paratus, super basulacione Crucis suae in Dioc. & Provincia predicta versus Parliamentum illud proponitis impedire, per quod idem Archiepiscopus ab eodem Parlamento retrahere se intendit, nisi super hoc aliquid per nos ordinetur. Vos molentes predicta negotia nostra aliquo modo retardari, seu volentes ea prout expediat naturari, vobis districte prohibemus, ne eidem Archiepiscopo seu hominibus suis infra predictas Dioc. & Provinciam venientibus, super basulacione Crucis ipsius Archiepiscopi ante se in veniendo ad Parliamentum predictum, ibidem morando, seu exinde ad p[ro]p[ri]a redeundo dampnum, molestiam seu impedimentum aliquod inferatis, seu ab aliis aliquo modo inferri procuratis; Scientes, quod si secus feceritis ad vos tanquam ad negotiorum vestrorum impeditores graviter prout convenit capiemus. Teste ut supra.
Per Consilium.

Which Writ it seems by the *Annals of Ireland* they both disobeyed.

Anno 28 E. 3. The Major, Jurats and Communalty of *Burdeaux* in *France*, arresting some Merchants of *Cork* in *Ireland* and seising their goods there by way of reprisal, upon pretext, that the Mayor and Citizens of *Cork* upon receipt of their Letter, refused to do right to a *French* Citizen of *Burdeaux* concerning some Tenements in *Cork* which he laid claim to; the King thereupon issued this memorable Writ to them, to release their persons and goods seised upon that account, as being unjust and illegal to draw any out of *Ireland* to answer there, or in any other forreign place, concerning their Tenements and Free-holds therein.

Res. Vaso ad E. 3. 1. 1. 1. Pro Roberto Drouper, & aliis Civibus de *Cork* in *Hibernia*.

REX Majori, Juratis & toti Communitati Civitatis nostrae *Burdeaux* salutem. Ex parte *Roberti Drouper*, Civis Civitatis de *Cork* in *Hibernia*. & aliorum Civium ejusdem Civitatis; Nobis est conquirendo monstratum, quod cum idem *Robertus* teneat quaedam ten. in dicta Civitate de *Cork*, sibi & heredibus de corpore suo legitime procreatis, quae *Nandinus Blank* de *Burdeg.* asserit ad se de jure pertinere debere, nosque *Nandinum* et Communitatem dictae Civitatis de *Cork*, ut eidem *Nandino* Concilio vestro iustitiam super recuperatione tenementorum predictorum facerent, per Literas vestras requisiveritis. Et licet iidem Major & Communitas de *Cork* ad iustitiam prefato *Nandino*, quantum in ipsis fuit in hac parte faciend. prompti & parati fuissent, & adhuc existant, sicut per Literas sigillo suo communi signatas & vobis directas vos, ut asserunt, certificarunt

mus etiam exemplandum. Volentes eandem fidem transcripto & exemplificari nostro huiusmodi, sicut libris & voluminibus originalibus Statutorum predictorum fore exhibendam. Dat. in Palatio nostro *Westmonaster.* sub magni Sigilli nostri testimonio tricesimo die mensis *Julii*, Anno Domini Millesimo quadragintesimo decimo, Regni vero nostri Anno undecimo.

I shall cloze these Additions concerning *Ireland*, Rot. Cl. 41 E. 3. m. 7. to all the Kings Officers and Counsil there to certifie him the true estate of *Ireland*, before *Easter*, and with this Patent of King *Henry* the 5th. to the Earl of *Ormond* his Lieutenant of *Ireland* for 2. years, and his ample Authority, especially in calling, dissolving Parliaments, and other particulars therein specified.

Pat. 7 H. 5. m. 9. intus. De Locumtenente terræ Hibern. constituto,

* *Nota.*
The like Commission concerning Parliaments the King granted to his *Guardians* of *England* this year, during his absence in *France*, Rot. 7 H. 5. m. 23.

REX Omnibus ad quos, &c. salutem. Sciatis quod nos, de fidelitate & circumspicione Carissimi Consanguinei nostri *Jacobi de Boreler*, Comitis *Dormond* plenius confidentes, constituimus ipsum Comitem Locum nostrum tenentem in terra nostra *Hibernia*, a primo die quo idem Comes in terra predicta applicabit, usque finem duorum annorum tunc prox. sequen. plenarie completur. Dantes & concedentes eidem Comiti, plenam (tenore presentium) potestatem, ad pacem nostram ac Leges ac consuetudines terræ nostræ predictæ custodiend. et custodiri faciend. et ad omnes et singulos Ligeros nostros, tam *Anglicos*, quam *Hibernicos* dictæ terræ nostræ contra nos et pacem nostram leges et consuetudines predictas qualitercumque delinquentes et bententes, iuxta eorum demerita secundum leges et consuetudines predictas, his et modis quibus melius, tam pro honore et proficuo nostris, quam pro bona gubernatione terræ nostræ predictæ, ac Ligerozum et Subditozum nostrozum ibidem castigand. et puniend. et castigari et puniri faciend. Ac ad * Parliamenta et Consilia in terra predicta quotiens opus fuerit summoneri et convocari, seu assignari faciend. et ea eorum se in terra predicta in locis ubi pro majori commodo populi terræ predictæ sibi videbitur, nomine nostro tenend. et ad *Præceres*, *Pagnates*, ac alios de terra predicta qui ad huiusmodi Parliamenta secundum consuetudinem terræ predictæ venire debent ad Parliamenta eorum se tenend. per *hæc* via nostra terræ predictæ venire faciend. et ad Statuta et Ordinationes in Parliamento et Consilio huiusmodi pro bona regimine terræ predictæ secundum consuetudinem continuand. prozovand. ordinand. et dissolvand. ceteraque in eisdem Parliamento et Consilio debite statuendi, exercendi, faciend. et exequendi, prout in huiusmodi Parliamento et Consilio de iure et secundum consuetudinem predictam ante hæc tempora rationabiliter sibi consueverint. Nec non ad proclamari faciend. in terra predicta per *hæc* via nostra eisdem terræ, *servitiis* nostra regalia ibidem, ac ad *servitiis* huiusmodi secundum eandem consuetudinem debite fieri faciend. et delinquentes in hac parte iuxta eorum demerita debite puniend. Ac insuper ad proclamari faciend. in terra predicta quotiens opus fuerit, quod omnes et singuli qui aliquas *Annuitates* sive *feoda* de dono nostro sive *Prædecessorum* nostrozum, aut nostra confirmatione in terra predicta habent et percipiunt, de tempore in tempus exempti sint et parati ad proficiscend. equitand. et laborand. cum præfato Locumtenente infra terram predictam ad restitend. inimicis et rebellibus nostris eisdem terræ, si qui fuerint, quotiens opus fuerit, et per præfatum Locumtenentem ad hoc ex parte nostra fuerint debite requisiti. Per unum rationabili sine per *advisamentum* Consilii nostri terræ predictæ faciend. et ad opus nostrum laband. et per *Thes.* nostrum terræ predictæ pro tempore existent. nobis *solvend.* ad restitend. et admittend. ad pacem nostram, tam *Anglicos* quam *Hibernicos*, qui legibus et consuetudinibus nostris predictis rebelles et contrarii existunt. Et ad faciend. et concedend. plenam pardonationem sibi et eorum cuiuslibet, ac alii personæ quicunque huiusmodi pardonationes petent de terra pacis nostræ quæ ad nos pertinet, tam generaliter quam specialiter, de *prohibitionibus*, *homicidiis*, *robertis*, *ploniis*, *murdis*, *raptibus* mulierum, *latrocinis*, *alligacionibus*, *adheracionibus* inimicis, *utlagis*, *transgressionibus*, *contemptibus*, *conspirationibus*

bus, confederacionibus, forisfacturis, et aliis rebellionibus, intrusionibus, abatementis, alienacionibus, sive indebitis liberationibus, concealmentis, impetitionibus, impetitionibus, sive insurris quibuscumque per ipsos in dicta terra nostra *Hibern.* perpetratis, et firmam pacem nostram et inde concedend. et Litteras nostras sub sigillo nostro quo utimur in terra nostra *Hibern.* eis inde in forma debita faciend. et ad singulis personis iuxta legem et consuetudines predictas iustitiam faciend. Ac etiam ad uniuersos et singulos tam *Anglicos* rebelles quam *Hibernicos* inimicos dictae terrae nostrae, eandem terram nostram causa deprehendendi, guerrendi, seu alio modo destruendi sive deballandi imposturam inuadentes, et se iuxta leges et consuetudines predictas iustitiam defendentes si necesse fuerit, cum potestate regia, et aliis iuris et modis quibus fieri poterit iuxta eorum demerita guerrendi, castigandi et puniendi, ut predictum est. Et etiam cum eis pacificandi, ac eos paci nostrae reduciendi. Concessimus etiam et plenam tenore presentium committimus potestatem prefato Comiti, quod ipse omnia terras et tenementa quae per inimicos nostros in terra predicta per guerram pro defectu defensionis, vel alio modo aduersa quae per nos recuperari et conuulsari contingeret, necnon omnia terras et tenementa rebellionis nobis ibidem confiscata et confiscanda personis ibidem, quae ad fidem et obedientiam nostram fideliter perstiterunt et nobis deservire voluerunt; iuxta meritum suorum epigentiam pro firma sive redditu rationabili nobis pro eisdem annuatim solvendo; per abbas et conventus dicti Consilii nostri sibi et hereditibus suis imperpetuum, vel ad terminum vite vel ad tempus habenda dand. et concedend. Concessimus insuper eidem Comiti plenam tenore presentium potestatem et auctoritatem, ad gestum quorumcumque Militum sive Officiorum nostrorum quorumcumque in *Hibern.* superbiens, et illos quos nobis invidiosos habuerit ab officijs suis amovend. et alios utiles et idoneos loco ipsorum seu alterius ipsorum ordinandi et subrogandi, Cancellar. et Thesaur. nostris terra predicta dimittat exceptis. Ac ad vicualia sufficientia et necessaria pro expensis hospitii sui, ac Soldatorum suorum in quocumque loco infra terram predictam, per Prohibitos hospitii sui predicti, et alios Officiales suos, una cum carlagio sufficienti pro eisdem, tam infra Libertates quam extra, terras Ecclesiae dimittat exceptis; pro venariis suis rationabiliter solvend. capere et prohibere possint, iuxta formam libertatum Statutorum de *Hibernia* predictis ante hoc tempus factorum, necnon omnia alia et singula faciend. et ordinand. quae pro bono regimine et satisfactione dictae terrae nostrae *Hiberniae*, ac populi nostri ibidem, ac pro recuperatione iurium nostrorum in partibus illis necessaria fuerint, seu quomodolibet oportuna. In cujus, &c. Teste *Humphrido* Duce *Gloucestrie*. Custode *Angliae* apud *Wosm.* 10 die *Februarii*.

Per Consilium.

Handwritten marginal notes on the right side of the page, including names like "H. 21" and "1547".

Cap. 22. p. 341: Of the Court of Admiralty, 1547 after Coopers, should have followed. Which is recorded by this calling Record, concerning the Admirals Jurisdiction, and Marine Law, Anno 4. Elizabeth.

REX. Vicecomitibus *London.* Salutem. Precipimus vobis, quod *Johannes Nichol* pro suspicionem mortis *Willielmi Danzel* Mercatoris de *Paribus*, per ipsum *Johannem* in mari iuxta *William de Lassheben* in *Ipsa*, nuper interfecit, ut dicitur, per vos captum & in prisonem de *Nygate* detentum, cum omnibus bonis & rebus suis, necnon *Johannem* *Manu* Mercatoris, & eorum causa per vos arrestatum, cum rebus omnibus bonis & rebus suis in eisdem locis tempore arrestationis eisdem existentibus, si occasionebus illis, & non aliis, detenti & arrestati fuerint, dilecto et fidei nostro *Rodolpho Spig* vel *Admiralto* nostro liberetis, ad citationem de eis quod secundum legem maritimam fieri solent. Teste *Reginaldo* *Wosm.* primo die *Febr.*

Class. 41 H. 3. m. 23. De Prisoner delib. Admi. rallo.

Per Consilium.

Cap.

Cap. 44. p. 346. Of the Universities of Oxford and Cambridge, this Record should have been printed, l. 25. after only. This Record in the reign of King Henry 3. for the Dignity of the University of Oxford, assures us, that the Chancellor of the University in that age had Jurisdiction and Conuifance of Suits between the Scholars and Jews in Oxford, as well as Christians, for the peace thereof, and more speedy execution of justice; which no other Courts nor Cities had, but only the Court specially assigned for the Jews, as the 4. Indit. p. 254. informs us, to which this may likewise be referred.

Escheat. An. 45 H. 3. nu. 49.

Cancellarius Universitatis OXON. confitebitur habere cognitiones querelarum inter Christianos et Judaeos. Dicunt etiam, quod de hujusmodi cognitionibus profectus non decedit Domino Regi per annum, nec eidem Universitati accedit, quia praedictus Cancellarius non capit misericordiam neque iuramentum de praedictis Scholasticis, nec de Judaeis, sed solummodo praedictus Cancellarius nutrit pacem et tranquillitatem inter praedictos Scholasticos Universitatis et Judaeos, et utrique parti celerem exhibet iustitiam.

Anno 52 H. 3. an Oxford Jew in contempt of Christ and Christian Religion, having on the Feast day of Christ's Ascension, in the solemn Procession of the Chancellor and University, audaciously cast down and broken the Cynicix carried before them, and then escaping by the help of other Jews of Oxford, who neglected or refused to bring him forth to publick Justice, as the King commanded them by his Writs; the King thereupon by other Writs, commanded the Sheriff of Oxford, to seize the Bodies and Goods of all the Jews in Oxford, till they gave sufficient sureties at their proper costs to erect a beautiful Marble High Cross, in the place where this contempt was committed, adorned with the Image of Christ crucified on the one side, and of the Virgin Mary with Christ in her lap, on the other side, curiously and richly gilt, with the cause engraven thereon; and had likewise made and delivered to the Professors of the University, another portable Cross of Silver decently gilt, with a long staff, for the honour of Christ and the University, to be preserved by the University, and carried before the Masters and Scholars thereof in all future Processions; which was accordingly done, as Class. 43 H. 3. m. 10. & 12. assure us, * elsewhere printed by me at large.

* The Second Tome of my Exact Chronological Vindication, p. 1045, 1046, 1047. & Second Part of my Short Demurrer, &c. An. 53 H. 3.

To which I shall annex another Record Anno 52 H. 3. (omitted in the Second Part of my Brief Demurrer to the Jews long discontinued Remitter into England) evidencing the Kings Prerogative to give and dispose all the Goods, Chattels, Lands of every Jew after his death, if his Heir sued not and paid a Fine to the King to enjoy them.

Escheat. An. 52 H. 3. nu. 31.

Utratores super Sacramentum suum dicunt, quod praedictum mestuagium fuit quondam Elyze le Bland. hui. &c. diem clausit extremum. Et quia mos est Judaeorum, quod Dominus Rex omnia catalla Judaei mortui de jure dare poterit cui voluerit, nisi propinquior heres ejusdem Judaei suum fecerit pro eisdem, dicunt, quod Dominus Rex dictum mestuagium dare poterit cui voluerit, sine injuria vel iniuria faciendo, Cui sit quod heres dicti Elyze suum non fecerit pro catallis ejusdem Elyze habentis, &c.

See the Second Part of my signal Loyalty & Devotion &c. p. 45, 46.

I shall conclude with this Record, evidencing Oxford's precedency before Cambridge. 33. Class. 20 H. 2. m. 11. d. 1. The King issued Writs, dilectis sibi in Christo Scholasticis, Magistris et Scholasticis Universitatis OXON. reciting the condescency of the King and Queen, his own Queen, and other his Enemies against them, and the sinister Reports they had raised of him, to alienate the hearts of his Subjects from him; and that he desired, Nos ipsos malis obviare & veritatem rei gesta cunctis pacem fieri cupientes; vobis in fide et dilectione quibus nobis tenemini firmiter insurgendo mandamus, quod ad confutandam hujusmodi malevolentium audaciam, praemissa omnia et singula in publicis Sermonibus et aliis

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Congregationibus vestris recitari et saltem exponi faciat, ut series generationum rerum univ[er]sals et singulis nota fiat. Rogantes etiam vos, quatinus vos et quilibet vestrum pro nobis et prospero statu regni nostri, quodam solennitate, elemosynarum largitionibus, et aliis operibus pietatis, ac iugis et devotis precibus fugiter instatis apud Altissimum Creatorem, quatinus ipse sua pietate vos regat et dirigat in mundi huius turbulibus per suorum semitam mandatorum, ut statum regni nostri conservet incolumem, et sua ineffabili potentia a malignorum incursum tueatur. Teste Rege apud *Percester* 5 die Septemb.

After which follows in the Roll, *Eodem modo mandatum est Cancellario, Magistris et Scholasticis Universitatis Cantuarie*, in the second and last place, as inferior to *Oxford*; as in all other Rolls and Writs I have likewise met with.

Cap. 50. p. 383. l. 29. Of the City of London, these Records should have been inserted. I shall only add these two Proclamations of King *Ricardus* the 2^d to execute an Ordinance of Parliament for cleansing the Cities of London and *Westminster*, & Banks on both sides the *Thames*, from all bowels of Beards killed, fish, dung, and nuisances which might infect the air, under a great penalty.

REX Ballivis Abbatis *Westm.* salutem. Cum in ultimo Parlamento nostro apud *Wynton*, tento, tam pro maiori honestate Civitatis nostre Londonie ac aliorum locorum inter Palatium nostrum *Westm.* et Turrim nostram Londonie, quam pro corruptione aeris ibidem magis evitand. Ordinatum sit et concordatum, de assensu eiusdem Parliamenti, quod omnia imunda viscerala, exitus et intestina bestiarum, ac sordes, siccantia, Berquillina, sordes et rubbola inter loca predicta, ex utraque parte aquae *Thamesis*, omnino amoveantur, deleantur, et abducantur, circa festum *Pentecostes* prox. futur. Et quod nullus de cetero aliqua huiusmodi imunda viscerala, exitus et intestina bestiarum, aut sordes, siccantia, Berquillina, sordes, mucos, rubbola, lassarium, aut alia sordida in aqua predicta, inter loca predicta ex una parte vel altera, ponat vel possit, seu poni vel possit fac. sub pena quadraginta librarum ad opus nostrum solvend. Vobis precipimus, quod itaque hiis presentibus, premissa omnia et singula in predicta Villa *Westm.* ex parte nostra publice proclamari et firmiter observari fac. Teste Rege apud *Westm.* 12 die Martii.

Clauſ. 16 R. 2. dorſ. 11. De Proclamationibus.

Conſimile breve dirigitur Ballivis Regis de *Sutbwork*, sub eadem data.

REX Majori & Vicecomitibus Londonie salutem. Cum in ultimo Parlamento nostro apud *Wynton*, tento, pro maiori honestate Civitatis predictae, ac corruptione aeris in eadem Civitate magis evitand. Ordinatum sit et concordatum, de assensu eiusdem Parliamenti, quod siccantia sive Berquillinum super totam aquam *Thamesis*, iuxta domum *Robertii de Paris* omnino amoveatur, et penitus abducatur, et quod in eodem loco fiat quaedam domus per carnifices dictae Civitatis, circa festum *Pasche* prox. futur. quodque dicti carnifices omnia imunda viscerala, exitus et intestina bestiarum, per ipsos in Civitate predicta interficiendarum, ad domum predictam sic de nobis edificand. honestiori modo quod poterunt ducti et cattari, et in eadem domo in minutas partes secundum quantitatem in Civitate predicta olim usitatum scindi et secari, et in Ballis ibidem poni, et abinde usque ad medium aquae predictae, quando altior est, ducti et ibidem in aquam predictam, quando refluxere incipit, et in nullo alio loco eiusdem aquae, nec in aliquo alio tempore possit faciant: Aliqua Ordinatione sive Proclamatione prius in contrarium facta non obstant. Et insuper cum in eodem Parlamento, pro salvatione et conservatione aquae predictae, ac commodo et utilitate dictae Civitatis ordinatum sit et concordatum, de assensu eiusdem Parliamenti, quod omnia sordes, siccantia, Berquillina, sordes, mucos et rubbola inter Palatium nostrum *Westm.* et Turrim nostram Londonie, ex utraque parte aquae predictae omnino amoveantur, deleantur et abducantur, circa festum *Pentecostes* prox. futur. et quod nullus de cetero aliqua huiusmodi sordes, siccantia, Berquillina, sordes, mucos, rubbola, lassarium, aut alia sordida in aqua predicta inter

Ibidem.

* Paris Garden.

inter loca prædicta ex una parte vel altera ponat vel præficiat, seu poni vel præficiat, fac. sub pena quadragesime librarum ad opus nostrum solvend. Vobis præcipimus, quod præmissa omnia et singula in Civitate prædicta et Suburbis eiusdem, in locis ubi melius expedire videritis, publice proclamari et firmiter observari fac. Teste ut supra.

The Epilogue.

I shall close up my *Animadversions* and *Amendments*, with this *Epilogue*, of other misquotations or mistakes of *Records*, and supply of defects in their Numbers or Membranaes, in the Margin and Text of this *Forth Part* of the *Institutes*, not formerly touched, beginning with those in the *Placita coram Rege*, (kept in the Treasury of the Kings Receipts in the Exchequer at *Westminster*) the learned Author for the most part usually quoting the number of the Folio of Mr. *Agars* Abridgments of, and *Kalendar*s to them, for the number of the Roll or Record it self, (though truly cited in the margin of Mr. *Agars* Abridgement.) as I found by comparing both together, (the Author as it seems having no leisure to peruse or examine either of them himself,) and then proceed to those in the *Records* in the *Tower of London*, the list whereof may serve instead of a new and further *Errata* to these *Institutes*.

Page 72. l. 4. his 27 H. 3. coram Rege, rot. 9. *Hus. &c.* is not to be found in the *Exchequer* or *Tower*. P. 105. l. 34. marg. 34. & 35 E. 1. coram Rogero, &c. is rot. 75. *Middlesex*. P. 182. l. 7. marg. Hil. 3. E. 1. coram Rege, rot. 91. 97. have nothing in them for which they are quoted. P. 200. l. 24. marg. Mich. 26 E. 1. coram Rege, *Will. de Ludars* case, (is rot. 43. omitted.) P. 215. l. 1, 2. marg. Pasch. 9 E. 2. coram Rege, rot. 32. should be rot. 113. *Cestria*. P. 241. l. 32. marg. rot. 73. should be rot. 115. P. 270. l. 45. marg. rot. 133. *Ebor.* should be rot. 88. *Ibid.* l. 47. rot. 108. *Glouc.* should be rot. 78. P. 271. l. 36. marg. rot. 80. *Ebor.* should be rot. 131. P. 280. l. 5. rot. 124. is rot. 22. *Essex*. P. 286. l. 5. rot. 109. *Fersey*, is rot. 89. P. 308. l. 5. marg. Tr. 2 E. 3. coram Rege, rot. 12. is a mistake in both. P. 313. l. 9. marg. rot. 103. *Ebor.* should be rot. 106. P. 338. l. 30. marg. rot. 157. *Norff.* is rot. 114. *Ibid.* l. 32. rot. 170. is rot. 46. the Folioes of Mr. *Agars* Abridgement being quoted in most of these, for the Number Roll. As for the Rolls he quotes in *Com. Banc.* in his margin p. 100, 101, 102, 202, 210, 258, 261, 270, 314. I have not had leisure to examine them with the Records themselves in the Office of Receipts in the Exchequer, having had trouble enough to examine those premised. The mistakes in them may justly admonish all who shall have any occasion to vouch or make use of those in *Com. Banc.* to compare his quotations of them with the originals, before they relye upon them, and should excite some industrious Professors of the Law, to undertake this Task, to rectifie all his mistakes of Records in the *Common Pleas*, and other Treasuries at *Westminster*, for their own and other Lawyers publick benefit, and not repute it a superfluous or useless undertaking, as some have done, upon no other account, but because they are unwilling to be at the pains or cost to examine them, or cited them as genuine; and therefore would have all repute them true and infallible quotations, not fit to be doubted, much less questioned or rectified, though mistakes: As *Popes* and *Romanists* refuse to correct or discover the grosse ridiculous false *Legends*, *Miracles*, *Impositions* in the Lives of their *Ramish Saints*,* because they have been so long preached by crafty covetous *Priests*, *Monks*, and received, believed by the over-credulous deluded ignorant people, though most notorious *falsehoods*, *impositions*, and the correcting of them would convince their *Popes*, *Church* of *Errors*, and not to be infallible. I shall next give you an account of some few more mistakes, misquotations, and defects of Membranaes in Records in the *Tower of London*, cited in these *Institutes*.

† See Ribadeniera his Preface to his *Fleures des Vies des Saints*.

* In Antoninus his *Chronica Lippomanes*, & Laurentius Surius *Hist. Sanctorum*, Caograve, Ribadeniera, and others.

Page 45. l. 13, to 19. marg. Claus. in dor. 17 E. 3. pars 21 m. 11. &c. hath no such words as are there quoted. P. 60. l. 9. marg. 22 lib. Asspl. 52. hath nothing in it for which it is cited. The case of *Radland contra Spangy, coram Rege & Consilio*, l. 20. cited to be in Rot. Pat. part. 1. 38 E. 3. m. 131 & l. 23. *Ralph Bransingham's case*, cited to be Rot. Pat. part. 1. 39 E. 3. m. 132. are now to be found in those Membranes or Rolls, upon my diligentest perusal of them; being mistakes or misquotations.

Cap. 5. p. 60; & 61. (Of the Honourable Courts of Star-chamber,) abound with several mistaken numbers of *membranes*, *misquotations*, and some greater mistakes, which I cannot pretermitt, though that Court be suppressed.

Page 60: l. 37. Rot. Claus. 16 R. 2. dor. m. 11. the Abbot of *St. Augustines* case, is truly cited: so Pat. 6 H. 5. and the case of *William Godred* and his wife against *H. S.* (I found in m. 7. of that Roll, which he omits;) In Pat. 7 H. 5. (m. 12. omitted by him) I found the case between *Thomas de Boile* and others; against *Jehan Manors* and others for certain *Manors*; for which these were suits depending *coram Rege & Consilio suo*; and that sequestrations of the *Manors* were granted by consent of the parties into the Kings hands to preserve the peace; till a certain time; by which those suits might be determined: But all these suits before the *King and his Council* for the *Right, Title* to the *Manors, Lands* in question, I conceive to be only held before them in *Parliament*; not in *Star-chamber*; (named not in these records) which intermedd not with rights, *Tithes* to *Liberties, Manors* or *Free-holds*, as *Parliament* usually did; but only with *misdemeanors, crimes*, which were *malum in se*; or *malum prohibitum*, as the Statute of 3 H. 7. c. 1. and himself in these his *Inquiries* resolve, p. 61. l. 3.

Ibid. l. 41. An. 41 E. 3. Rot. Claus. is a Bill of Complaint exhibited to the King by *Elizabeth* the widow of *Nich. Audley* plaintiff, against *John Audley* defendant, who appeared before the Kings Council, viz. the Chancellor, Treasurer, Justices, and others; assembled in the Chamber des *Escheviers* *paris de la recette*. In which case, as the Author omits the *membrane* of the Roll; viz. m. 22. l. 13. here supplied: so he is culpable of many mistakes therein; viz. in making *Jehan Audley* Defendant in this case, instead of *Johan Audley*; viz. in placing this case under the Title of the *Honorable Courts of Star-chamber, Coram Rege & Consilio suo*: as properly belonging to, and determined by that Court as such: when as the very beginning of the Record assures us, it was, *Al Parlement nostre Seigneur le Roy tenuz en la cite de Bayn an de son regne 40.* wherein *Elizabeth* femme de *Nich. Audley* plaitte a nostre Seigneur le Roy, to have an estate of 400 marks a year settled on her according to Contracts and Agreements made with her Mother *Alice* Countesse of *Begons*, before her mariage with his son *Nicholas*; which Assurance he refused to make; for which she prayed remedy of the King in Parliament; not in the *Star-chamber*; Whereupon; nostre Seigneur le Roy fist venir le dit *Point* *Jehan* devant son Conseil, *eschevier*, Chancellor, Treasurer, Justices et autres *Seigns* assamblez in la *Chambre des Escheviers*, &c. (where they met for this purpose as his Council, or a Committee in Parliament; not as a *Star-chamber Court*.) *Et sur ce le dit *Mons. James* se mit a parler et dit en la agard et Obediance nostre Seigneur le Roy et de son Conseil de les plaintes faittes, et le dit *Elizabeth* sur ce: The whole debate, proceedings and award made therein by the King and his Council are recited in the Roll at large, with the penalty if not performed by the Defendant; against whom they awarded damages to the Complainant; After which, the performance of the award was acknowledged by both parties before the Council, and in the *Chancery*, and the acquittance of the money paid therein enrolled in *Chancery*: In fine, (the Parliament being ended) is *le dit Elizabeth* volent en propre persone en la dit *Chancellerie*, (not *Star-chamber*.) et pria pour elle; quel jour luy estoit a la requeste. So as this case hath no relation to the *Star-chamber* as a Court, but only as to a place where those Lords met as a Committee of Parliament to hear and end this Petition delivered to the King in Parliament.*

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* See Rylce his Placita Parliamentaria.

Processus inter Jacobum Daudeley & Elizabethum uxorem Nicholai Daudeley, coram Consilio Regis.

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Ibid,

Ibid. l. 47. Cl. 17 H. 6. *John Ford's* Case and confession is truly cited; but *membrana 6.* (omitted by him) wherein it is enrolled.

Page 61. l. 11. margin: he omits *m. 4. dorso*, after Cl. 11 H. 4. *Robert Davers*, not *Davers* case. Ib. l. 15. (*m. 2.* is omitted) after Pat. 3 E. 4. part 2. *Richard Horons* case. Ib. l. 18. (*m. 26.*) omitted after Pat. 20 E. 4. part 2. the Abbot of *Bury* case.

* See an Exact Collection of the *Marshalsea*, but only the *extortions of the Archbishop of York and his Clerks*, Records in the *for admissions of Priests to benefices*. Page 282. l. 2. nn. 211, 212. should be Tower, p. 128; nn. 200, 201, 202.

136, 140.

Page 130. l. 33. Text. nn. 91. should be nn. * 82. and 162. concerns not the *Marshalsea*, but only the *extortions of the Archbishop of York and his Clerks*, Records in the *for admissions of Priests to benefices*. Page 282. l. 2. nn. 211, 212. should be Tower, p. 128; nn. 200, 201, 202.

Page 194. l. 14. Marg. he quotes 13 E. 3. m. 24. when as there are but 19 membranae in the Roll, and nothing in them for the purpose for which quoted. Pag. 205. l. 31. to 36. marg. quotes Pat. 1 H. 4. (whereof there are 8. parts) intituled *Carta Regis H. 4. Pro separatione Ducatus Lancastriae & Corona auctoritate Parliamenti*; instead of *Rot. Parl. An. 1 H. 4. nn. 82.* truly cited, p. 209. l. 19, to 25.

Cap. 66. p. 280. *Of the Kings Swanbeard*, l. 10. he quotes, *Rot. Patentium An. 11 H. 4. part 1. m. 14 & Rot. Pat. 30 E. 3. part 1. m. 20. For the Office of Magister deductus Cygnorum*, in neither of which Rolls or Membranae is any thing, I can find upon search, to that purpose: only in Pat. 16 R. 2. pars 1, m. 38. this King granted to *Baldwin Bedford Knight*, all wilde Swans flying without a mark in the Countyes of *Bedford and Holland*, and all Swans there forfeited to him, to be taken by *Ralph Scot, Custodem Cygnorum nostrorum*, sine per alium quemcumque qui pro tempore Custos Cygnorum nostrorum predictorum fuerit. T. R. apud Castrum suum de *Notingham*, 23 die Junii. Per breve de Privato Sigillo.

I shall only inform you of 3. other mistakes worthy special observation:

The First, in his Chapter of the *Star Chamber*, Page 60, line 29, &c. in the Text. The case of the *Abbot of Bruera*, and *Robert Ragg* his fellow Monk, *Rot. Claus. 42 E. 3. m. 8. dorso*. Though the Roll thereof be truly quoted; yet the case is misreported in two particulars: First, that they were sentenced *Coram Rege & Consilio* for raising a Record: (to wit, *for the Monks raising the word *Fiffe-bids* out of the Charter of divers Lands and Liberties granted to the Abbot and Monks of that Abbey by King *Rich. 1.* and inserting *Esfleg* in its stead, and then procuring it to be confirmed by the Charter of King *Edward* the 3d, with the name of *Esfleg* in it, and endeavouring to have the Charter thus ratified allowed in the *Kings Bench* in a suit between him and the Abbot of *Cirencester*: which rasure the Abbot alleged was made without his privity;) When as there was no penal sentence passed against their persons in the Record, it being done without the Abbots knowledge, and the Monk then fled from the house. 2ly. In affirming that this was done *Coram Rege & Consilio* in the *Honorable Court of Star Chamber*; and that the *Letters Patents* were there by sentence cancelled: when as the Record is; That this *Cognitio Abbatis de Bruera*, and all these proceedings were, *facta coram Rege in Cancellaria sua in Quindena S. Michaelis, &c.* at which day the Abbot was summoned to appear by the Kings Writ, & bring the rased Charter of King *Richard* coram *Consilio nostro apud Westm. &c.* *Ad quem diem prefatus Abbas de Bruera dictam Cartam de confirmatione Domini Regis nunc super dicta Carta predicti Ricardi Regis sic in verbo predicto rasa facta ad dictam Cancellariam (not Cameram Stellatam) detulit;* and there averred, *quod ipse nunquam eandem Cartam illam rasam, si qua fuerit, vidit, nec penes se habet, &c. ita quod Cartam illam aliquo modo habere non possit: Per quod dicta Carta confirmationis restituitur, cancellatur & damnatur*, in the *Chancery*, (the proper Court to examine and cancell rased Charters,) not *Star Chamber*; as the Author too grossly fancied.

* Omitted in the Institutes; p. 60.

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The Second, is in Page 61. line 3. &c. which very confidently relates, That the *Abbot of Westminster* exhibited his *Bill* to the *King* against the *Sheriffs* of *London*, for *arresting* and *drawing out* with force a *privileged person* out of the *Sanctuary* of *St. Martins le grand*, belonging to the said *Abbey*, &c. *Which matter* after due proceedings being heard in the *Court of Starchamber* before the *Lords* and others of the *Kings Council*, and *Hodey* and *Newton* Chief *Justices*: which *Justices* determining, that by *Law* the party ought to enjoy the *privilege* of *Sanctuary*, the *Sheriffs* were grievously fined in *Starchamber* by particular name. *Which Sentence* the *Lord Dier*, as he reported under his own hand, saw upon a reference to him and *Justice Southcote* out of the *Starchamber*, Trin. 11 Regiæ Eliz. concerning the *Sanctuary* of *Westminster*, &c. and the *Lord Dier* made this *Note* with his own hand. *Nota, pur le Starchamber*. And this is a notable proof of the *Jurisdiction* of the *Court* for *fining*, &c. That the *Bill* was exhibited to the *King*, and that the two *Chief Justices* then did sit, and were *Judges* (among others) in that *Court*.

But this Case is too grossly mistaken, misreported both by the *Lord Dier*, (if this Report of him be true) and by the reverend Author of the *Institutes* in sundry particulars: First, in the year, An. 29 H. 6. as his *Margin* quotes it, without any *Roll*, wherein to find it: when as it was Anno & Pat. 19 H. 6. parte 3. m. 3. intus, as the *Record* attests. 2ly. In the party *Complainant*; which he makes to be the *Abbot of Westminster*: affirming, the *Sanctuary* of *St. Martyns* belonged to the said *Abbey*; when as the *plaintiffs* were the *Dean and Chapter* of *St. Martyns the Great London*; being the *Kings own Free Chappel and Sanctuary*, not the *Abbot of Westminster*, and so a violation of the *rights* of the *King* and his *Crown*, as the *Kings Writ* thereon, and exemplification thereof, *Pro Decano & Capitulo Sancti Martini magni London*. assure us, and many other *Records* concerning *St. Martyns* being the *Kings Free Chappel*. 3ly. In the number of *Defendants*, the *Mayor* as well as *Sheriffs* of *London* being *Defendants*, as the *Kings Writs* to them inform us: 4ly. In the number of the *privileged persons* taken by force out of the *Sanctuary*, being not one, but five. 5ly. In the manner of proceeding; That the *Abbot* exhibited his *Bill* to the *King*, &c. when as the *Dean and Chapter* only petitioned the *King* in writing. 6ly. That the matter was heard in the *Court of Starchamber* before the *Lords* and others of the *Kings Council*; when as the *King* referred the examination of the *Right* of the *Sanctuary* and *Petition* to his *Chancellor* and *Treasurer*, to report the same unto him when examined; who by the *Kings* command called both the *Chief Justices* to their assistance: and when they had heard the *Records*, *Charters*, *Bills* and *allegations* of both parties; reported the whole matter and their opinions to the *King*, That the *Prisoners* ought to be restored to the *Sanctuary*; which the *King* accordingly ordered, by advise of others of his *Council* present at their report. 7ly. That the *Sheriffs* were grievously fined in *Starchamber* by particular name: And that this is a notable proof of the *Jurisdiction* of this *Court* for *fining*, &c. A notable president of his mistakes: when as there was no fine at all imposed on the *Sheriffs*, or any others, but the *prisoners* only restored to the *Sanctuary*, as the *Record* thereof informs us. 8ly. That the two *Chief Justices* then, did sit and were *Judges* amongst others, in that *Court* of *Starchamber*: when as they sat not in the *Starchamber*, not once named in the *Record*; but in the *Chancery*, as assistants to the *Chancellor* and *Treasurer*, to whom the *King* referred this case, and wherein all the proceedings then were, and still remain recorded. For the irrefragable proof of all which particular mistakes by the *Record* thereof, I shall here present you with its examined transcript.

REX Omnibus ad quos, &c. salutem. Inspeimus quoddam Recordum super quodam Breui nostro Roberti Large nuper Majori, ac Philippo Malpas & Roberto Marchall nuper Vicecomitibus London: ad prosecutionem Decani et Capituli liberæ Capelle nostræ Sancti Martini Magni London, directæ, et in filaciis Cancellar. nostræ residens, factum in hæc verba: Dominus Rex misit Breve

Pat. 19 H. 6.
pars 3. m. 3.
dorfo. De Exemplificatione
pro Decano &
Capitulo S.
Martini Magni
London.

Breve suum clausum *Roberto Luge nuper Majori, ac Philippo Mafpa & Roberto Marshall nuper Vicecomitibus London.* cujus tenor sequitur in hæc verba. *Henricum Dei gratia Rex Angl. & Franc. & Dominus Hibern.* Majori & Vice-London. salutem. Quædam querimoniam dilectorum nobis in *Chyello Decani et Capituli liberæ Capellæ nostræ Sancti Martini Magni London.* recepimus, continentem, qualiter à tempore & per tempus cujus contrarij memoria hominum non existit, fugientes ad Capellam nostram prædictam, pro immunitate ejusdem habend. seu in eadem ex quocumque causa existentes et residentes, quieti fuerunt et immunes, et sic esse debuerunt et debent ab omni Jurisdictione, arrestatione, impedimento sive attachmento Majoris et Vicecomitum Civitatis prædictæ, aut Officiorum seu Ministorum suorum quorumcumque pro tempore existentium, quocumque nos præfati Vicecomites libertatem et immunitatem Capellæ nostræ prædictæ, a tam longinquo tempore bene usitatam, et inviolabiliter observatam, maliciose violare et infringere satagentes, Capellam prædictam cum multitudine gravi jam tarde introiitis, ac *Johannem Knyght, Johannem Rede, Thomam Blackbourne, Willielmum Janyver, & Richardum Moreys,* qui in eadem Capella causa immunitatis ejusdem habend. residere, auctoritate vestra propria violenter extraxistis, et eos prisonæ nostræ Civitatis prædictæ commisitistis, eoque ibidem adhuc detinetis, in Libertatis Ecclesiasticæ habentem, ac Corporis et dignitatis nostræ regis derogationem et præjudicium manifesta. Unde nobis humiliter supplicarunt, ut pro consideratione justa Ecclesiasticæ et nostræ in hac parte proficere digneremur. Nos jura, libertates, immunitates et consuetudines præfate Capellæ nostræ siem et inviolata, prout vinculo juramenti in Coronatione nostra asserimus observari volentes, ac supplicationi dictorum Decani et Capituli in hac parte benevole inclinati, vobis districtius quo possumus injungendo mandamus, quod statim post receptionem præsentiam, præfatos *Johannem, Johannem, Thomam, Willielmum & Richardum,* præfato Decano seu ejus Commissario adeo libere et integre, tam corpore quam bonis, sicut eos vos præfati Vicecomites à Capella nostra prædicta, ut præmittitur, abstraxistis, restituantis et realiter liberetis, taliter quod dicti Decanus et Capitulum in vestri culpam seu defectum causam non habeant nobis iterum conquerendi. Et hoc sub fide & ligeantia quibus nobis venemini nullatenus omitatis. Teste meipso apud Castrum nostrum de *Wyndesore* 13 die *Septembris,* anno regni nostri 19. Quo quidem brevi dictis Majori & Vicecomitibus per *Johannem Comitem Hantsyngden* de mandato regio liberata, ac per eisdem recepto, non obstante præfatos *Johannem, Johannem, Thomam, Willielmum & Richardum,* dicti Major & Vicecomites in prisona ut prius detinuerunt, nec eos secundum effectum Brevis prædicti ad Sanctuarium prædictum liberari curaverunt. De quo Rex postea informatus, ceterum precavit venerabilis in Christo patri *Johanni Episcopo Bathon.* Cancellar. ac *Radulpho Domino de Cromwell Thesaur. Angliæ,* quod in dicta materia restitutionis Prisonariorum prædictorum ad dictum Sanctuarium Sancti Martini, cognoscerent, ac Regi super eadem quod juris per examinationem partium invenerint reportarent. Unde mandato regio, assumptis secum Dominis *Johanne Hody & Richardo Nevill,* Capitibus Justic. Regis de utroque Banco, vocaverunt prædictum Decanum ac dictam nuper Majorem et Vicecomites eorum se, injungentes dicto Decano ex parte Regis, quod si quid pro parte sua haberet quare dicti Prisonarii ad Sanctuarium prædictum restitui debeant, ut petebat, ostenderet; & pariter dictorum Majoris & Vicecomitum, quod si quid pro parte sua haberent quare eorum Prisonarii non deberent ad dictum locum restitui, consimiliter ostenderent eorum eis, ad effectum ut hiis auditis et intellectis per eos Regi inde sicut in mandatis habuerant reportarent. Cui mandato partes prædictæ obediens, Decanus prædictus protulit eorum Dominis querimonia suas in scriptis, ac *Chartas Regias, Bullas Papales,* et alia munimenta et probationes, quarum quorundam et probationum copias abesse parti per dictos Dominos decretis, et sibi ad respondend. &c. Eadem pars die assignato, eisdem respondebat in scriptis. Cui responsoni dictus Decanus replicavit in scriptis, et ultra hoc protulit multa et varia genera probationum

* Nota.

in scriptis facientia, ut apparuit pro parte sua. Et pars altera è contrario, etiam in scriptis pro se protulit pretenarum plurima genera probationum quæ omnia exceptis Bullis et Chartis remanent hiis annexa in Cancellar. Regis de Recordo. Quibus quidem Chartis Regis, & Bullis Papalibus, ac aliis munimentis probationibus hinc inde & scripturis, per Dominos Cancellarium, Thesaur. ac Justic. predictos cum magna maturitate læpius vills et intellectis: Consideratum fuit per dictos Dominos Cancellar. et Thesaur. de abutamento et consilio Justic. predictorum, quod personæ predictæ a Capella predicta violenter abstraxerunt, restitui debeant ad eandem tanquam ad locum plenaria libertate, tam de jure quam consuetudine gaudere debentem, et non de Civitate predicta, nec Pasozis, Vicecomitum, Aldermannoꝝ, aut Officiorum ejusdem Jurisdictioni, seu districtioni subiecta. set eisdem immunitatibus, privilegiis et libertatibus quæ *Westm. Beverley*, aut quibus alius locus privilegiatus in *Anglia* meliores habet, tam de jure quam consuetudine pro se et proinde ejusdem, ad tuendam quascumque personas pro quibuscumque causis criminalibus sive civilibus illuc confugientes gaudere debentem, et sic ad tunc per eosdem Dominos et Indices fuerat decretum et sententialiter adjudicatum; eo quod verba generalia libertatum & consuetudinum in Charta Domini Regis *Willielmi Conquestoris* contenta, una cum eandem à tempore quo non extat memoria usu quasi continuo valios sunt in jure pro Capella predicta et proinde ejusdem, ut secundum quod in Chartis, Bullis et probationibus per dictum Decanum prolati continetur apparet. Et super his omnibus dicti Dominus Cancellar. et Thesaur. die sequenti lecerunt * relationem plenariam Domino Regi. Super quibus idem Dominus Rex precepit eisdem Cancellar. suo, quod per Breve suum Vicecomitibus *London*, dirigend. venire faceret in Cancellar. suam corpora ipsorum *Johannis, Johannis, Thoma, Willielmi & Richardi*, à Capella predicta, ut prefertur, extractorum; una cum causis eorundem captionis & detentionis. Quibus quidem *Johanne, Johanne, Thoma, Willielmo & Richardo*, eorundem Domino Rege in Cancellar. suam per prefatos Vicecomites de mandato regio adductis, idem Vicecomites de abutamento et consilio Dominorum Ducis *Gloucestr.* ac Cardinalium *Sancti Eusebii, & Sanctæ Sabinae de Angl. & Ebor.* vulgariter vocat. et aliorum Regiorum Consiliarioꝝ, et per considerationem Curie, de omnimoda custodia eorundem predictorum *Johannis, Johannis, Thoma, Willielmi & Richardi* totaliter responderunt fuerunt, et eosdem Prisonarios in presentia eorundem Vicecomitum ac Recordatorum, et Consilii Civitatis predictæ ad hoc evocatoꝝ, *Thoma Colledge* Serjenti Domini Regis ad Arma, personaliter liberati ibidem, ad effectum, quod idem Serjenti dictos Prisonarios et eorum quemlibet usque dictam Capellam et Sanctuarium salvo et secure adduceret, et eos ibidem de mandato regio prefato Decano sive ejus Deputatis liberaret, et ibidem juxta libertates, privilegia et immunitates predictas in Sanctuario predicto quamdiu eis placeret moraretur. Sicque idem Serjenti eos & eorum quemlibet in Vigilia *Omnium Sanctorum* anno 19. Regis nunc predicto; prefato Decano infra Sanctuarium predictum realiter juxta mandatum regium, decretum et considerationem predictam liberavit. De qua quidem liberatione tam per attestationem dicti Serjenti ad Arma, quam confessionem dicti Decani prefatis Dominis Cancellar. et Thesaur. ad Cur. Cancellar. in crastino Animatum tunc prox. sequen. ad plenum innodum et scriptis factis fides. Nos autem tenorem Recordi predicti ad requisitionem prefatorum Decani & Capituli duximus exemplificand. per presentes. In witness &c. Teste Rege apud *Westm.* 26 die *Novembris*.

* Nota.

How far the two Reverend Chief Justices Reports of, and Inferences from this Case for the Star Chamber Courts Jurisdiction, Proceedings, &c. vary from the Record is self, in all the premised particulars; and how unsafe it is to take Records upon trust, from the reports of learned Judges, who never read nor perused their originals, let the indifferent Readers judge by this precedent; and that which next follows.

The

The Third, is Page 61. l. 34. *The Kings Council assembled in the Starchamber; The Lord Cromwells case*, Rot. Cl. 28 H. 6. so the Margin; (and that as in a Court of Justice to punish riots, as the Author intends by placing it under his Title *Of the Honourable Court of Starchamber*, and inserting it in the midst of other cases there sentenced. In which there is a double mistake; First, in the quotation of Rot. Cl. 28 H. 6. and that in grosse: wherein there is not one syllable to that purpose: when as the case of the Lord Cromwell he cites and meant, is mentioned only in Rot. Parl. Anno 28 H. 6. nu. 56. in the Commons impeachment of *Talboys* in that Parliament. 2ly. That the *Lords of the Kings Council* assembled then in the *Starchamber*, as a *Court*, not as in the *Kings Counsaile house sitting the Parliament*, about the affairs thereof; upon which account they then met in it: where *William Talboys*, a Common Murderer, & Breaker of the Peace, accompanied with divers other riotous people, arrayed with *Facks, Salettes, swords* and *glayves in manner of warre*, intended maliciously to *slay* and *murder* the Lord *Cromwell*, the King being there at that time in his *Higb and Royal Court of Parliament*: *The which great riot thus done in the fourme aforesaid*, (as the Commons expressly declare in their appeachment of him for it, in that *Parliament*) is *one of the greatest, heynous, and most odious riots that hath been seen in your time, or in the time of your Progenitours, and most perillous ensample to all misdoers and riotours, if this be not openly, duely and creptely punished. Of which riot and offense so done in your said Palays* (where many great Lords of your *Counsaile* by your high command were assembled in your *Counsaile house* called the *Sterre Chamber*, within your *Palays of Westminster*) *See your Commons of this your Realm in this your present Court of Parliament assembled, accuse and appeache the said William Talboyes. Beseeching your Higb and most Noble Grace of your great Righteousnesse; that this our Petition may be enacted in this your Higb and Royal Court of Parliament: wherein they prayed, That the said William Talboyes might be sent Prisoner to the Tower of London, and there kept without bapl or mainprize for 12. moneths space next after such Commitment, and brought to answer all Indiments against him for it, and other riots; befoze the King and his Justices in his Bench within the said time: And that if the Constable of the Tower or his Lieutenant should suffer him to escape or go at large out of the Tower, they should forfeit the sum of 50. lib. the one trepety to the King, the other to him who would sue for the same against the Constable and Lieutenant. To which Article of the Commons Petition and Bill the King assented.* So as this Record and Case hath no relation at all to the *Starchamber* as a Court, nor yet to its Jurisdiction to punish *notorious riots* against any Lords of the Council sitting in it; but only to the *Priviledge of Parliament*, their *Members*, and the *Kings Palace, sitting Parliaments*, and to the *Jurisdiction of the Kings Bench to punish riots*, to which this transcendent Riot was specially recommended by the Commons Petition and Impeachment, not to the *Starchamber Court*.

* See the 4th Part of My Brief Register &c. p. 732, to 735.

In his *Chapter of Precedency*. Page 360. line 24, 25. he writes. *The same King created Edward of Hadham to be Earl, of Richmond, and granted him precedency before all other Earls, and also created Jasper of Hatfield Earl of Pembrock, and gave him precedency before all other Earls, next to his Brother Earl of Richmond: omitting Rot. Parl. An. 31 H. 6. nu. 50, 51. by which they were created Earls; and had this precedency given them in and by Parliament.* And, Page 364. line 13, &c. He observes. *In ancient time the Archbishops and Bishops had great precedency, even † before the Brother of the King, as appears by the Parliament Roll of 18 E. 1. and many others; which continued till it was altered by a Roll of Parliaments in that Kings reign, enspad in the back of the Parliament Roll; but that they took place, and had precedency of them in all Parliaments and Councils, cannot be inferred from thence.*

ment

ment Roll: Wherein, I humbly conceive, there are three mistakes: First, there is no such Parliament Roll of An. 18 E. 1. extant, as he cites, unless he means the Roll of *Placita Parliamenti*, or *Petitiones Parliamenti*, An. 18 E. 1. in the Treasury of the Kings Records in the Exchequer; in which I can find no evidence or proof, That our Archbishops or Bishops had their precedency of the Kings Brother. 2ly. That this their precedency continued till the reign of King Henry the 6. 3ly. That it was then altered by an Ordinance of Parliament entred in the back of the Parliament Roll. Had the Year, *membrana*, or number of the Parliament Roll wherein he affirms this Ordinance is entred, been mentioned by him, I could then have easily discovered the truth, or mistake therein; but that ing omitted, and I having not yet been so happy, to meet with any such Parliament Roll or Ordinance in Henry the 6. or any other Kings reign; and our most diligent searcher of all Records and Antiquities of that kind (Mr. John Selden) making no mention at all thereof in his *Titles of Honour*, and Chapter of *Precedency*; for which it was most pertinent, (as no doubt he would have done in his last Impression with large additions, had there been any such Roll extant:) I must say of it and other uncertain Records he cites, as the * Poet did in another Ovid. *Metamorph.* *Quod non invenit usquam, esse putat nusquam*; or else plead, nul tiel Record, till produced in open Court to publike view.

I shall cloze up all, with St. *Augustines* words and resolution, to those who have erred and been deceived by the premised, or any other misquotations of this Reverend Judge and famous Author, who hath merited eternal honour and just respect from all of his profession, (to whose memory I shall pay all deserved homage, without prejudice to truth) who probably was sometimes deceived by other mens Notes, and misquotations.

errare Angelicum; animositate in errore perseverare Diabolicum. Melius quidem erat si nunquam errarem, sed quod secundum est faciamus, ut errorem aliquando emendemus. Dicant sui; decepti sumus, quia decepti eramus: simul erravimus, simul ab errore rediamus. † *Humanum est errare, non retractat. l. 1. c. 1. contra Donatistas, Tom. 7. & De Verbis Apostoli, li, Serm, 24.*

FINIS.

To



To the Readers.

For your greater ease, and publick benefit, I have with no little pains digested the Contents of these Animadversions and Additional Records, into 10, distinct Alphabetical and Chronological Tables, to gratifie our Heralds, Historians, Prelates, Noblemen, Gentlemen, and others delighting in Antiquities, as well as Lawyers.

The 1. Of Authors cited in it; wherein the misquotations, mistakes of Records and Antiquities in the Fourth Part of the Institutes, are referred to their severall pages, whereby you may easily discern and correct them,

The 2. Of all our Domestick and Foreign Kings, Emperors, Queens mentioned herein, and all matters relating to them which will make some Additions to our Histories of their Reigns:

The 3. Of Abbies, Priors, Abbots, Abbesses, Priors, and what concerns them, which some may make use of.

The 4. Of the Archbishopricks, Bishopricks, Archbishops, Bishops of England, Wales, Scotland, Ireland, Gascoign, and other parts, and things pertaining to them; which will make some accession to Matthew Parkers, Godwins, and Sir James Wares Catalogues and Histories of their Lives.

The 5. Of Popes, their Legates, Cardinals, Collectors, Agents in England and Ireland, and matters concerning them.

The 6. Of all principal Officers of State in England and Ireland, and in what years.

The 7. Of the Princes of Wales, and all Dukes, Marquesses, Earls, Countesses, Viscounts; their times, with some of their Creations, Offices, and other things relating to them.

The 8. Of all Barons, Knights, Esquires, Commissioners, and other Persons Cases; these three last usefull for Heralds, and those delighting in Pedegrees.

The 9. Of particular Cities, Towns, Churches, (except Abbies, Priors, Bishopricks, mentioned in the third and fourth Tables) Parks, Rivers; which may concern those who have interest in them:

The 10. Of the principal Matters of State, Government, Points of Law, Jurisdiction of Courts, Statutes, Writs, Patents, Charters, Records, and Law-cases in this Volume; to which Table I have referred whatever concerns England, Wales, Scotland, Ireland, the Universities of Oxford and Cambridge, City of London, County Palatines, Isles of Man, Gornesey, Jeresey, Serk, Aureney, Wight, Parliaments, Courts, omitted out of the 8. Table, and all particular matters that concern them, being the principal subjects of the 4th. Institutes, and Additional Records herein published.

TABLE



TABLE I. Of Authors quoted, or mistakes; misquotations rectified in them, in these Animadversions.

A.

John de *Aitas*, or *Aibon*, p. 234.
 Mr. *Agar*, p. 8. m. 45. his censure of *Modus tenendi Parl.* p. 331, 461.
Ailredus Abbas, p. 188.
Alexander ab Alexandro, p. 145.
St. Ambrose, p. 97.
Ammianus Marcellinus, p. 104.
 Judge *Anderson*, p. 111.
Angelus de Clavasio, p. 145, 238.
Annals of Ireland, p. 248, 259, 262, 266, 267, 269, 270, 271, 272, 301, 312, 313.
Antoninus, p. 416.
Aristotle, p. 97.
Thomas Ash, p. 45, 47, 53, 74, 97, 98, 189, 190.
Asterius Menevensis, p. 167.
St. Augustine, p. 423.

B.

Jodocus Badius, p. 366.
Johannis Baleus, p. 171, 172, 173, 227, 248.
Johannis Baptista Nech. p. 145.
Andreas Barbassius, p. 145, 238.
Augustinus Barbosa, p. 278.
Bartholus, p. 95.
Beda, p. 248.
Berengosus Abbas, p. 330.
Black Book of the Admiralty, and its Authority, p. 104, 106, 108, 110, 111, 114, to 117, 120, 124.
Black and Red Book of the Exchequer, p. 52, 106, 115.
Nich. Boerius, p. 145.
Hector Boetbius, p. 243.
Richard Bolton, p. 248, 315, 316.
Thomas Boughton, p. 123.
Henr. de Bracton, p. 2, 4, 12, 87, 91, 92, 93, 97, 98, 109, 256, 404. & *Epist. Ded.*
Britton, p. 87, 93.
Johannes Bromton Chron. p. 86, 104, to 108, 167, 168, 177, 188, 224, 238, 243, 248.
Sir Robert Brooke, p. 6, 8, 9, 45, 90, 92, 93, 94, 95, 97, 98. Cases misabridged by him, p. 93, 94.
Richard Brownle, p. 86, 90.
Johannes Brunellus, p. 145.
Bulstrode Reports, p. 126.

C.

Johannes Caius, p. 174.
Johannes Calvin, p. 95, 145.
Giraldus Cambrensis, p. 248, 249.
Mr. William Camden, p. 3, 6, 45, 56, 87, 151, 167, 208, 248.
Petrus Cantibereau, p. 104.
Nichol. Cantilupus, p. 174.

Johannes Capgrave, p. 416.
Caroli Magni Capicularia, p. 73, 104, 149.
Barthol. Cassanens, p. 104, 109.
Dion Cassius, p. 135.
Radulphus Cestrensis Polychron. p. 86, 106, 189, 255.
Johannes Chokier, p. 145.
Renanus Choppinus, p. 133.
Chronicle of Man, p. 205.
M. T. Cicero, 97, 104, 145.
Clementis Papæ 5. Constitutiones, p. 168.
A Collection of Ordinances, &c. p. 137.
Sir Edward Cooke; quoted, p. 1, 5, 6, 22, 61, 86, 91, 92, 94, 96, 106, 109, 126, 129, 232, 253, 256. his mistakes in the Antiquity, Authority of *Modus tenendi Parliamentum*, its sending into Ireland, and holding Parliaments according to it, p. 1, to 9, 249. that both Houses anciently sat together, p. 8, 9, 10. mistakes, misquotations of Records, Antiquities, and other defects in his Institutes, discovered, rectified, p. 8, 9, 10, 12, to 24, 28, 31, 32, 37, 38. (concerning Acts of Parliaments, and the Judges Oath) 44, 46, 47, 51, 72, 73, 74, 75, 76, 84, 86, 112, 145, 147, 148, 150, 151, 152, 188, 221, 249, 261, 317, 321, 322, 329, 393, 401, 402, 416, 417, 418. See Table 8.
Antonius Corsetus, p. 145.
Sir Robert Cotton Posthuma, p. 2, 3, 13. Exact Abridgment, p. 38, 39, 45, 51, 141, 175, 212, 221, 236.
Dr. John Cowel, p. 59.
Serenus Cressy, p. 171.
Mr. Richard Crompton, p. 45, 47, 52, 59, 74, 90, 91, 189, 190.
Sir George Crookes Reports, &c. p. 12, 84, 101, 108, 116, 141, 190, 232.

D.

Samuel Daniel, p. 106, 249.
Sir John Davis Reports, p. 248, 257.
John Dee, p. 86.
Radulphus de Diceto, p. 105, 248.
Gondesalvus de Villa Diego, p. 145.
Sir James Dier, p. 84, 91, 97, 98, 129, 238, 243, 248.
Sir John Dodridge his mistake, p. 8, 45.
Mr. William Dugdale, p. 7, 48, 51, 52, 53, 116, 147, 150, 186, 220, 221.
Simcon Dunelmensis, p. 86, 238, 243, 248.

E.

Eadmerus, p. 8, 240, 321.
Edicta de France, p. 107, 126.
Henry Elsyng his mistake, p. 18, 45.
Emmius, p. 104.
Old Book of Entries, p. 15, 76.

The First Table.

F.

Fabians Chronicle, p. 2, 106.
Julius Ferretus, p. 133, 145.
Sir Anthony Fitzherbert, p. 6, 45, 88, 90, 92, 95, 97, 98, 256.
Fleta, p. 256.
Freytag, p. 109.
Rayn de Forlivio, p. 95.
Fortescue, p. 68, 84.
Mr. John Fox, p. 172, 224, 225, 227, 231, 366.

G.

Martinus Garat, p. 145.
St. Germin, p. 187.
Anastasi Germanicus, p. 145.
Geruasi Chronica, p. 224, 228, 240, 248.
Ranulphus de Glanvilla, Epist. Dcd. p. 2, 87, 98, 177, 232.
Dr. Gdolphin, p. 107, 133.
Francis Godwin, p. 3, 238.
Richard Grafton, p. 2, 6, 106.
Gruianus, p. 238.
Hugo Grotius, p. 61, 145.

H.

Richard Prior Hagustaldensis, p. 3, 238.
Mr. William Hakewell, p. 7, 11, 13, 45.
Edward Hall, p. 6.
St. Hieron, p. 336.
Peter Hoylyn, p. 171.
Sir Henry Hobards Reports, p. 90, 223, 226, 232.
Ralph Holleshead, p. 2, 3, 6, 45, 106, 248, 249.
John Holland, his mistake, p. 45.
Andrew Horne, p. 104.
Cardinalis Hostiensis, p. 238.
Roger de Houddin, p. 3, 86, 106, 107, 150, 243, 248, 249.
Mr. Hughes his Abridgement, p. 45, 53, 90, 98, 189.
Henry Huntingdon, p. 8, 86, 87, 238, 243, 248.
John Hus, p. 226, 231.

I.

Ingulphus Abbas, p. 167.
Josephus, p. 61.
Journal of the Commons, p. 11, 17.
Journal of the Lords, p. 12.
Justinians Digest. Vetus, p. 104.

K.

Katany, p. 92, 94.
John Kitchen, p. 189.
Henry de Kyngdon, p. 43, 105, 106, 171, 172, 224, 225, 243, 248, 249, 255, 344, 345. Of the multitude of *Wickliff's Disciples and Patrons*, p. 226, 227.

L.

Johannes Lachingbist, p. 7.
L. Caelius Lactantius, p. 103.
Mr. William Lambard, p. 45, 86, 126, 189, 409.
Fridericus Lindebragus, p. 73, 104, 149, 234.
Guillelmus Lindewode, p. 366.
Lippomanes, p. 416.

Littleton, p. 90, 120.

M.

Magdeburgenses Centuriæ, p. 171, 249.
Gerard Malines, p. 107, 108, 116, 175.
Willielmus Malmesburiensis, p. 238, 243, 248.
Fred. Marcellar, p. 145.
Modus tenendi Parliamentum, a novel absurd Imposture of no Antiquity, Authority; full of grosse mistakes in sundry particulars; never sent into Ireland, nor Parliaments held according to it, proved, p. 1, to 9, 249. when first delivered to, and made use of by *Sir Edw. Cooke*, p. 9.
Galfridus Monumetensis, p. 189, 248.
Serjeant Moores Reports, p. 84, 129.

N.

Alexander Nequam, p. 167.
Willielmus Neubrigensis, p. 3, 8, 104, 106, 248.
Johannes Nider, p. 133.
Jacobus Novellus, p. 145.

O.

Georgius Obrechtus, p. 50.
Oleron Laws, p. 81, 82, 90, to 96, 104, 106, to 113, 115, to 121, 126, 133, 175, 199.
Osolevan, p. 248.
Ovid, p. 423.

P.

Mat. Paris, p. 3, 15, 53, 106, 129, to 133, 236, 238, 240, 243, 248, 249, 252, 254, 400. his censures of Papal and Regal Non-obstantees, p. 129, to 133. his Testimony of the Fame, Antiquity of, and mediation for the University of *Oxford*, p. 167.
Mat. Parker, p. 130, 168, 225, 237, 238, 248, 367.
Carolus Paschatus, p. 145.
John Perkins, p. 93, 94.
Johannes Piseus, p. 169, 171, 231.
C. Plinius, p. 103.
Edm. Plowden, p. 1, 15, 55, 88, 129, 175.
Plutarchus, p. 103.
Jo. Is. Pontanus, p. 104.
Seign. de Popelenseve, p. 133.
Samuel Purchas, p. 86.

R.

Henricus Ranovius, p. 50, 133.
Justice Rasall, p. 5, 53, 224, 240.
Register of Writs, p. 19, 118, 351, 357.
Petrus Ribadenira, p. 416.
Sir Thomas Ridley his complaint against Fictions, p. 95, 96, 97, 133.
Rishanger his censure of Popes Non-obstantees, p. 131.
Serjeant Rolls, p. 17, 47, 48, 51, 52, 53, 83, 84, 86, 90, 97, 98, 99, 100, 116, 123, 129, 175, 178, 189, 190, 199.
Summa Rosella, p. 238.
William Rylie, p. 5, 17, 19, 26, 37, 38, 44, 45, 47, 51, 57, 59, 74, 150, 187, 200, 206, 221, 243, 256.

S.

Johannis Salubriensis, p. 238.
Simon Scardius, p. 133.

Johannes

The Second Table.

- Johannes Schneidewinus**, p. 145.
Henry Scobell, p. 45.
Mr. John Selden his censure of the novelty, falsity of *Modus tenendi Parliamentum*, p. 4, 5, 7. quoted, p. 28, 33, 67, 86, 87, 95, 97, 103, 105, 106, 108, 112, to 124, 126, 127, 151, 152, 248, 321.
L. A. Seneca, p. 330.
Sir Th. Smith, p. 6.
John Speed, p. 56, 91, 106, 249.
Sir Henry Spelman, p. 2, 6, 7, 8, 13, 45, 48, 52, 53, 59, 64, 73, 82, 104, 108, 112, 113, 114, 117, to 124, 126, 129, 130, 133, 168, 170, 188, 220, 233, 234, 235, 237, 238, 366.
Stamford, p. 91, 92.
Stabam, p. 6, 45, 90, 98.
John Stow, p. 2.
Richard Stanburff, p. 248.
Beneventinus Straccha, p. 133.
Thomas Stubbs, p. 238.
Laurentius Surius, p. 224, 416.
- T.
- Mr. Tate**, p. 8.
Thetwel, p. 91, 92, 93, 94, 97.
William Thorne, p. 238, 243.
Gervasius Tilberiensis, p. 52, 53, 59, 71.
Trussel, p. 6.
Brianus Trine, p. 171.
Sir Roger Twysden, p. 238.
- V.
- Ponticus Verumianus**, p. 189.
Octavius Vespellus, p. 145.
- Polydorus Virgilius**, p. 8, 106, 171, 248, 249. his mistake of the time when the Commons were first summoned to Parliaments, p. 8.
Edmond Vowell, p. 6, 45.
James Usher Primate of *Ardmachi*, p. 7, 86, 171, 174, 189, 248.
- W.
- Thomas Walsingham**, p. 8, 12, 13, 56, 91, 172, 222, to 227, 229, 243, 248, 249, 357. justified against **Sir Edw. Cooks** mistake, p. 12, 13. his censure of the Archbishops and Bishops carelessness, fearfulness, negligence in defence of the Christian Faith and Religion, and of their duties, p. 214, 225, &c.
Sir James Ware, p. 248.
Christopher Warszewic, p. 145.
Mr. Weaver, p. 178.
William Welwode, p. 133, 175.
Mat. Westminster, p. 3, 8, 9, 56, 86, 87, 106, 109, 110, 111, 131, 243, 248, 252, 372, 400. his censure of **Popes Non-obstantes**, p. 131.
Abraham Whelock, p. 86, 104, 105.
Mr. John Wicliff his Books, Conclusions, eminent piety, learning, oppositions against Popes, Popish Errors; the great number of his followers, and spreading of his Doctrine in all places; **John Hus** his defence, and the University of *Oxford*s testimonial of him; and what else concerns him, p. 171, 172, 173, 222, to 238, 395, to 400.
Florentius Wigorniensis, p. 8, 88, 243.
- Z.
- Franciscus Zerula**, p. 238.

The Second Alphabetical Table; Of our own and Foreign Kings, Emperors, Queens, mentioned in these Animadversions and Additional Records, and all matters relating to them; which will make some Additions to our Histories of their Reigns.

- A.
- A** **Delfan**, his Law concerning Measures, p. 199.
Alexander King of *Scots*, his heir possessed of the Isle of *Man*, p. 202, 203.
K. Alfred, his Sovereignty in the British Seas, p. 104. repairer, re-founder of the University of *Oxford*; what part of his revenue he allowed to the Scholars there, 167, 168, 171.
K. Athur, expelled the *Saxons*, not *Saracens*, p. 189.
K. Arviragus, founder of the University of *Oxford*, p. 167.
Anna Queen to **K. Richard 2.** his Writ for her Queen-golds Collection in *Ireland*, p. 319.
- B.
- John Balliol** King of *Scots*, right heir to **Alexander**, p. 202, 203. the same possession of *Man* delivered to him as **Alexander** had, but soon after resumed by **K. Edward 1.** *ibid.* his homage to **K. Edward 1.** as Supreme Lord of *Scotland*, and violation of it, 93, 243, 244. See *Scotland*.
David de Bruys pretended King of *Scotland*, taken pri-
- C.
- soner in battel at *Durham*, p. 245.
- Castel** King, his intention to invade *Gascoign*, p. 255.
Charles 1. King of *Great Britain*, &c. Lord Admiral of *England*, p. 123. his Statutes, Acts of Parliament concerning the High-Commission, Star-Chamber, other Courts, and Council Table, 45, 47, 52, 174, 200. See Table 10. Statutes: his and his Councils Articles, Order subscribed by all his Judges and Attorney, for settling the differences, and Prohibitions between his Courts at *Westminster*, and the *Admiralty*, 100, 101, 123, 124, 125. his claim, defence of the Sovereign Dominion in the British Seas, from **K. Edgar** and other Kings; **Mr. Seldens** *Mare Clausum* in defence thereof, dedicated to him, writ by his command, 123.
CHARLES 2. King of *Great Britain*, &c. his miraculous restitution; Acts of Parliament abolishing the Court of Wards, Tenures, Policies of Assurance, Sewers, defence of his Sovereign Dominion in the British Seas, and regulating his Navies, Forces by Sea, p. 102, 125, 126, 151, 202.
- Charles

The Second Table.

- Charles the Great* Emperor, King of France; his *Copitularia* concerning *Comites & Custodes Maritima*, p. 104. for keeping the Peace, 149.
- K. *Charles 6.* of France, K. *Henry 4.* his protection to his Embassadors to the K. of Scots, p. 87.
- K. *Charles 7.* of France; his Embassadors in the Council of *Basil*, to treat a Truce and perpetual Peace between K. *Henry 6.* and him, p. 147.
- K. *Charles 8.* of France, his intended Wars with the King of *Romans*, caused Beacons to be erected here, p. 141.
- K. *Clare, Canutus*, his Navy, Danegelt, Sea-Laws, Sovereignty in the British Sea, and words to the flowing Sea, p. 87, 165. his Charter to *St. Edmunds Bury*; the word *Parliamentum* not heard of in his reign, p. 7. his Law concerning Intrestes Goods, p. 177.
- Constantine* the Emperor, inferior to *Constantine*, p. 330.
- Constantine the Great* Emperor, born, declared Emperor in our Island of *Britain*; his Admirals; Sovereign Dominion in the British Seas, p. 104. the first General Council of *Nice* held under, had its general authority from him, and his Edicts, 107. his Nobility, emiancy above all other Emperors; his transcendent piety, and his Mothers, 330.
- Constantinus* the Emperor, excelled in piety by his son *Constantine*, p. 330.
- K. *Cuneda*, drave the Scots out of *Man* Island, p. 384.

E.

- K. *Edgar*, rowed by 8. Kings, he sitting at the sterne, who swore fealty and service to him by Sea and Land; his Sovereignty over the British Isles, Seas; Charter to the Church of *Worcester*, p. 86, 87, 104, 123. his Law concerning Measures, 199.
- K. *Edward the Elder*, his Dominion in the Sea, Land; his Law, p. 86.
- K. *Edward the Confessor*; rebuilt, endowed *Westminster* Abby; his life, miracles, p. 188. *Madus tenendi Parliamentum* not used in his time, as its Title and *Sir Edw. Cooke* affirm, p. 1, 2, 6, 7, 8. his Law concerning Heretochs, 73.
- K. *Edward 1.* his Statutes. See Table 10. *Statutes*. His Parliament at *Lincolns*; answer to Pope *Boniface* his Letter concerning his Sovereign Dominion over the Realm of *Scotland*, p. 8, 9. summons the same Members to two Parliaments; dischargeth the sick Members, and elects others, 11. his Ordinance for Petitions in Parliament, 14. his Commission to redresse all oppressions, grievances of his Officers, *ibid.* punished breach of Priviledge in Parliament, 19, 20. his *Charta Mercatoria*, 25, 91. his Writs to prorogue Parliaments, 21, 43. his Writs concerning great and small Customs, Prilage of Wines, &c. 26. his Privy Counsils, Judges Oath, 38. his summons of one to appear in a cause pending in Parliament, 39. his Parliaments very short, 42. his Writ concerning the Records in the Tower, 48. his Prohibitions against holding Common Pleas in the Exchequer, 55, 56. held no Parliament at *Roteland*, his proceedings against the *Welsh*, *Rotheland* Castle, *Leolin* and *David* Prince of *Wales*, 55, 56, 57. his Ordinances touching the Exchequer, 57. his Marshals Pension and Fees certified, 71. his Writs concerning depredations, 73. against Souldiers departing from their colours without license, 74. his Order what Fees the K. of Scots should pay to the Chamberlain when he did homage to him, *ibid.* his Sovereignty in the Seas, and Sea-Laws, 87, 109, to 113. his Laws in favour of Merchants, 102. disowhs the right of those of the Cinqueports and *Yarmouth* with the French, taking their Ships and infesting their Coasts with fire and sword; summoned to the French Parliament to answer it, the Wars arising thereupon between him and the French King, his Forces by Land, Navy by Sea, and Sea-Laws, 110, 111, 112. his Ordinances for suits in the Admiralty for Foreign Contracts, 111, 112; 114, 115. his Writs to arrest Ships, Mariners for Sea-service and defence, 127. his Patents, Justices for keeping the Peace, 149. his Patents, Writs to *Chester*, *Durham*, *Ely*, *Pembroke*, 151, 152. to the Universities of *Oxford* and *Cambridge*, 159. his Writs to them to send Scholars learned in the Law to the Parliament at *Lincoln*, concerning his Dominion over *Scotland*, 372, 373. his Charters, Writs concerning the Stanneries, 175. *Wales*, 176, 177. his Patents, Writs to the Mayor and Sheriffs of *London*, concerning Fishmongers and others abuses in Victuals, and to remove Nuisances, 179, 180, 182, 183. for repairing *London-bridge*, 183, 134. for cleansing *Fleet-river*, and making it navigable as before, 187. Commissions, Writs concerning Clerks of the Market, Measures, Sewers, Kidels, &c. 200, 381. for making *Avene* river navigable between *Bath* and *Bristol*, 382, 383. his Writs, Patents concerning the Iles of *Jersey*, *Feresey*, &c. 206. his grant of the Ise of *Man* to the King of Scots, and rescising it, 202, 203. his Charters, Patents, Writs concerning Forests, Perambulations, Desafforestations; contests about them, Tithes in them, 218, 219, 220, 221. a Petition to him against Officials Extortions, 232, 233. his Prohibitions to Bishops to excommunicate his Officers, and absolve them if excommunicated, 240, 404. his Sovereignty over *Scotland*, and Records concerning it, 243, 244. his Patents, Writs concerning *Ireland*, the settling, observing the Laws, Statutes of *England* there, and endenizing Irish Subjects, 256, 257, 258. his proesse against the Dean and Chapter of *Dublin*, for electing an Archbishop without his license, 320. Records *contra Rege* that concern *Ireland*, 321, 322. his Writs, Patents for proclaiming Acts; and other matters relating to Parliaments, 336. concerning the assise and measuring of Clothes, 337. his *Placita Exercitus*, and Military discipline, 337, 338. Prohibitions to, and Præmunire against Bishops and Ecclesiastical Officers, 401. against Bishops Procurations from Parochial Churches, 402. his Writ to the Vicar-general of the Archbishop of *Canterbury*, to absolve the Abbot of *St. Oswalds*, whom the Archbishop delayed to absolve upon his Writ to absolve him, 404. See more Table 10. *Ireland*.
- K. *Edward 2.* his Statutes. See Table 10. *Statutes*. His Ordinance for Petitions in Parliament, p. 14. punisheth breach of Priviledge in Parliament, 20, 21. his Writs to prorogue and revoke Parliaments, 24. his Writs for Knights, Burgeses expenses, 3, 29, 30. a Petition to him against a false return of a Knight, 31. his perpetual exemption of some Peers from Parliaments, 33. of *Brabazon* a Judge, 37. his Writs resummoning of Members, Assistants, departing without license from Parliament, and to elect others if they refused to come, 40, 41. to prorogue Parliaments and revoke them, 40, 41, 42, 43. his Parliaments very short, 42. his Writs concerning the Records in the Tower, 48. his Ordinances touching the Exchequer, 55, 57, 58. his pardon to the Citizens

Citizens of *Dublin* for fixing the Suburbs to preserve the City, and seizing victuals in time of War to preserve it from the Scots Rebels, 60, 61. his Patents to *Edm. Deyncourt* for settling his Lands, Armes, 65, 66. his Writs concerning Depredations, 73. his Dominion in the Seas, 87, 112. his Commissioners instructions to determine the differences concerning Depredations by English and French Merchants, 112, 113. his Writs for arresting Ships and Seamen for defence of the Seas, and Sea-service, 127. his Letters to the Pope, Duke of *Lorain*, others, to seize the persons, goods of those *Italian* Merchants, and others, who received and ran out of the Realm with his Customs, and moneys, 143, 144, 145. his Patents, Justices for keeping the peace, 149. his Patents to *Ghester*, Bishops of *Durham*, *Ely*, *Pembroke*, 151, 152. to the Universities, and Letters to the Pope for the University of *Oxford*, 159, 160, 161. his Charters, Writs concerning the Stanneries, 175. *Wales*, 177. his Writ to suppress robberies, murders in and about *London*, 180. Patents to repair *London-bridge*, Walls, Pavements, and Aydes for that end, 184, 186. concerning Errors upon Judgements in the Hustings, 376. for setting prizes on victuals, and suppressing those who went armed and broke his peace in *London*, 377. confirmation of their New Articles, 380. Commissions concerning Weights, Measures, Sewers, Kidels, 200, 281, 382. his Writs, Patents concerning *Gernesey*, *Jersey*, &c. 206, 393. *Man*, 204. his interest in, Patents, Writs concerning the Isle of *Wight*, 208, 210, 211. Forests, Perambulations, Deafforestation, Tithes in them, 218, 219, 220. seized the Templars Lands as escheated, till conferred by Act of Parliament on the Hospitalers, 224. his Prohibitions against vexatious Citations and Excommunications, 240, 241. his Writs, Records concerning *Scotland*, 244, 245, &c. his Patents, Writs, Ordinances concerning *Ireland*, its Parliaments, Government, Laws of *England* in it, and what else relates to it, 258, to 266. his creation of *Edmond Botiller* Earl of *Kerry*, 316. his Patent for Queen-gold in *Ireland*, 319. his Records *coram Rege* that concern *Ireland*, 322. Prohibitions to, and Præmunies against Ecclesiastical persons, 401. the Emperors, Popes Notaries in *England*, Epist. Ded. his Writs to discharge supernumerary Justices, in the Common Bench in *Ireland*, 408. an Appeal against *Howell* a Welshman for his murder, discontinued because contrived in *Wales*, but acted in *England*, 342. An Anniversary at *Gloucester* where he was buried observed for him, and *Wolstan* Bishop of *Worcester* exempted from Parliaments and Councils to attend it, 336. See more Table 10.

K. Edward 3. his Statutes, See Table 10. *Statutes*. Both Houses sate not together in his Parliaments, p. 9, 10. *Milites gladiis civitatis* first put into his Writs of summons, 12. his Ordinance against Sheriffs, or practising Lawyers Elections, 13. his Writs for all to complain in Parliament of oppressions, grievances, and for electing Knights, Burgesses, 15. opposeth the Popes intended demand of Homage and Rent for *England* and *Ireland*, 15. his Commission, to punish extorptions in levying Knights wages, 30, 334. his exemption of Burroughs, Abbots from coming to Parliaments and Great Councils, 32, 33, 34, 335. and of Barons, Bishops, others for life, 35, 336. his Judges Oath, Acts, 36, 37. his Writ to revoke a Parliament summoned, 44. his Proclamation concerning the price of victuals in *London*, 46. his

Writs concerning the Records in the Tower, and repairing the Tower House wherein they were kept, and Master of the Rolls, 48, 49, 50. annexed *domus Conversorum* to the Master of the Rolls and his Clerks, 51. his privileges to Clerks of the Chancery, *ibid.* his Prohibition against holding Common Pleas in the Exchequer of *Ireland*, 55. his pardon for bringing a Popes Notary into the Court of Exchequer, to make a publick Instrument in it, 58, 59. his Statutes against Provocoes, and complaints against Popes First-fruits, 59. his Commission for Marshal Law, *ibid.* his Writs concerning depredations, 73, 339. against Souldiers running from their colours, 74. for the Marshals Fees due from such Barons Temporal and Spiritual, and others, who did homage to him, 74, 75. his Sovereignty in the Seas, and Admiralty, 87. his Statutes for the Staple Merchants, and Law of Merchants, 91, 102. his Sovereign Jurisdiction in the Seas, taxes, aydes to defend them; and his Admirals Jurisdiction, 113, to 118. his Writs for summoning, arresting Ships, Mariners for defence of the Seas and Sea-coasts, 127, 128. his Writs for Watches and Beacons on the Sea-coasts in times of War or danger, and arraying men, 134, 135, 136. his Truce with the Scots, and Commission to punish the infringers of it, 141. his revocation of a Commission of Oyer and Terminer, 148. his Charters to the Bishops of *Durham*, *Ely*, 151, 152. to the Universities of *Oxford* and *Cambridge*, 159. the differences between the Freers and Universities submitted to him, 161, 162. his Letters on behalf of *Oxford* University, 162, 163. his Patents, Writs for preserving the peace of, suppressing the seditions, discords, and cleansing the fith in it, 346, to 364. for banishing common women out of *Cambridge* University, and Patent of its Liberties, 374, 375. his Patents, Writs concerning the Stanneries, 175. *Wales*, 177. his Writ concerning the Custome of the Marches of *Wales* as to Intestates goods, *ibid.* his Writs to the Mayor of *London* for preserving the peace thereof, punishing abuses and excessive prizes of Victuals, Vintners, others, 180, 181, 378, 379. his pardon of them for behaving a contemptuous malefactor to preserve the Cities peace, 379. his Proclamation against killing great Cattel in the City, 380. his grant of paviage to mend their High-ways, Streets, 186. his Patent to the Bishop of *Winchester* for *St. Giles* his Fair, 191, &c. Patents, Writs concerning Weights, Measures, 200. Sewers, Kidels, &c. 209, 381, 382, 383. to *Man*, *Gernesey*, *Jersey*, &c. 206, 207, 386, to 394. to *Wight* Island, for Tenures, Beacons, Watches, punishing abuses therein, 208, 209, 211, to 219, 385, 394, 395. concerning Forests, Perambulations, Deafforestation, Tithes of Vemson in them, 218, 219, 200. Acts against Popes Usurpations, 222. Pope *Gregories* Bull to him against *John Wickliffe*s Conclusions, 224. his Writ to the Constable of *Burdeaux* to restore goods seized, 222. his Patent to the Chancellor of *Oxford*, to certify excommunications, 239. his Commissions to visit Free-Chappels and Hospitals, 243, 401. his Rolls, Writs concerning *Scotland*, 245. his Patent to *John de Cospeland* who took the Scots King prisoner, creating him a Baneret, and conferring Lands on him, 245. his Patents, Writs, Ordinances, answers to the *Irish* Parliaments petitions, concerning *Ireland*, its Lawes, Parliaments, Government, Defence, Impositions, Errors, Grievances, Courts, placing, displacing Officers, Suppression of Rebels, and

Kkk other

The Second Table.

other matters, 266, to 307. his Records *Coram Rege* that concern *Ireland*, 322. he creates his Son Earl of *Lancaster*, and it a County Palatine, 329. What other Earls he created, 322. his Parents, Writs, Records relating to Parliaments, 336. concerning Aulnagers, 337. the Marshal and Marshallsea, 339. concerning his Admirals & their Jurisdiction, 339, 340, 341. his Patent to *Iwelcester*, for all Assises, Goal-deliveries, County-courts, Inquiries to be there held to repair its losses, 343, 344. Prohibitions, to and *Præmunires* against Bishops and others, 401. to the Dean and Chapter of *Burdeaux*, not to vex or delay his Subjects in their Courts, and to bury the dead who were slain, 405. his Writs to inquire of, and maintain the privilege of the Church and Clergy in *Vascoy*, 406. his Prohibition against the Archbishop of *Burdeaux* his Commissary for holding plea of Debt, nor of Matrimony or Testament, 407. concerning the Castle *Belaico*, *ibid.* his Writ of Prohibition *ad Jura Regia* against Popes excessive Citations and process, 354. his Writs to the Universities of *Oxford* and *Cambridge* their publike Convocations and Assemblies, to refuse the sinister reports raised of him, to offer up Masses, Alms and prayers to God for him and his good Government, 414, 415.

K. *Edward 4.* his Patent to prorogue the Parliament, p. 21. to exempt some Bishops from personal attendance in Parliaments and Councils, 32, 33. to his eldest Sons Tutor, and President of his Council, 45, 46. his Patent sent to his High Steward, 46, 47. his Patent to *Clarencieux* King at Arms, 64. his grant of a Rose to the Popes Legates Nephews arms, 69. his Commissioners for the Constables office, and Constables Patents, 71, 72. concerning Depredations, 73. his Sovereignty in the *British* Seas, his Admirals, and Judge of the Admiralties Patents, 120. his Act, that none should fish in the *Irish* sea without license, *ibid.* his Patent of Liberties to the Isles of *Jersey*, *Gernsey*, &c. 206, 207. his Statutes, See Table 10. *Statutes*. his Admirals Patents, Jurisdiction, 120. his Writs for impressing ships and Seamen, 128. his Patent for erecting and watching Beacons, 140. his Patents to Justices of Peace, 150. Patents to the Bishops of *Durham*, *Ely*, 151, 152. to the Universities, 159. Patents, &c. concerning the *Stanneries*, 175. *wales*, 177. his Confirmation of *St. Giles* his Fair, and strange Pipowder Court to the Bishop of *Winchester*, 191, to 199. Patents concerning *Sewers*, 201. his Parliaments in *Ireland*, 317.

K. *Edward 6.* his Patent for keeping the Records in the Tower, p. 51. Subsidies of Tonnage and Poundage, Sovereignty of the Sea, Admirals Patents, 222. his Statutes, See Table 10. *Statutes*, his Act for dissolution, and grant of Abby lands, 224.

Edwin King of *Northumberland* subdued the Isle of *Man*, p. 384.

Qu. *Elizabeth*: her Patents for keeping the Records in the Tower, p. 51. her Tonnage, Poundage, defense of the Seas, Admirals Patents and Jurisdiction, 98, 99, 222. her Act incorporating the Universities of *Oxford* and *Cambridge*, 156, to 158. her Commissioners to Delegates in an Appeal concerning its privileges, 164, to 167. her Statute, see *Statutes*, Table 10. Act for policies of Assurance, 102. her Parliaments in *Ireland*, 315, 316.

K. *Estabed*, Father to the Confessor, p. 1. his Marine, Merchant, Military Lawes, Customs, Defence of the Seas, 105, 106. he subdues the Isle of *Man* taken by the *Danes*, 385.

F.

Fiagall King of *Man*, p. 385.

Frederic 2. Emperor his Constitutions concerning Justices, and keeping the peace, p. 149.

G.

Godred King of *Man*, p. 385.

H.

K. *Henry the 1.* founded the Bishoprick of *Kent*, p. 3. his Parliamentary Council at *Sarum* with his Bishops, Lords, without Commons, 8. his Sea-Lawes, Ordinances, Admirals, 105, 106. His Patent of *St. Giles* Fair to the Bishop of *Winchester*, 191. his Law concerning intestates goods, 232.

K. *Henry 2.* conquered *Ireland*, sent not *Modus tenendi Parliamentum* thither, as some assert, p. 1, 2, 6, 7, 248, 249. The *Irish* Kings, Lords, Prelates, Peoples submissions to him, his Synod, Parliamentary Council, and setting the Lawes of *England*, Ecclesiastical and Civil in *Ireland*, 249. his Coronation, Marshal, 5. his institution of Justices in Eyre, Parliamentary Councils without Commons, only with his Bishops, Earls, Barons, 150. his Charter of the Tithes of a Forest to the Canons of *Lyn*, 221. his Great Council at *Clarendon*, against his Bishops excommunications of any of his Tenants in *Capite*, or Ministers without his license, 138, 150, 170, 228, 240, 248. his Barons reliefs uncertain, 2. his Charter concerning Intestates goods, 232. his Laws concerning Appeals, none to *Rome* without his special license, 238. Archbishop *Anselms* Treason, opposition against him and his Prerogatives, *ibid.*

K. *Henry 3.* his Statutes. See Table 10. *Statutes*. The word *Parliamentum*, and Writs to summon Knights and Burgeses to Parliament, first introduced in his reign, p. 8, 10. his Writs concerning Prifage, 26. his Privy Councils Oath, 38. sits personally in the Court of Exchequer, his Charge there to Sheriffs to preserve the Liberties of the Church, imprison blasphemers; to inquire and redresse Great meane oppressions, not to farm out their Hundred, Wapentakes, Bayliwicks, and preserve the rights of his Crown; his Order for Sheriffs levying moneys, and amercements of them for their neglect, 53. his Ordinance for writing and abbreviating the Great Rolls in the Pipe Office, 54. His new Oath of Allegiance, &c. to the Mayor, Citizens of *London*, 54, 55. his Writ to demolish part of the Monastery of *Regula*, as hurtfull to the Castle and Town by harbouring enemies when besieged, 61. his Writ concerning Prisoners to be committed to the Marshal of the Exchequer, 73. concerning Depredations, *ibid.* his Patents of Exemption from toll, Protections by Sea and Land, Patents to his Admirals, expressing his Sovereignty in the Sea, 87. he confirms the Lawes of *Oleron*, his Admirals Patents, Sovereignty in the Seas, 108, 109. his Writs for arraying, arresting Ships and Seamen for defence of the Sea, and service, 127. his and his Parliaments publike Complaines, oppositions against *Non-obstantes* in Popes Bulls; his subsequent introduction of them into his Patents by degrees, 129, to 134. his Patents to Justices for keeping the Peace, 149, 150. Patents, Writs to *Chester*, the Bishop of *Durham*, *Cinque-poris*, 151, 156, 345, 346. to the Univ. of *Oxford*,

The Second Table.

Oxford, 159. Patents, Writs concerning the Stanneries, 175. *Wales*, 176. Charter to *London*, 188. his Writs, when, how to keep Hundreds, Wapentakes, Turns, 189, 190. Patents, Writs concerning Clerks of the Market, Measures, Sewers, Kiddles, 381. his Patents, Writs, Protections concerning the Isle, Kings of *Man*, their homage to him, 201, 202, 285. to the Isles of *Guernsey*, *Jersey*, &c. 205, 206. his Patents, Writs, Inquisitions concerning the Isle of *Wight*, 208, 216, to 218. Concerning Forests perambulations, deafforestations of them, 218, 219. Grant of Tithes of Venison, &c. in them, 220. his Prohibitions to excommunicate his Officers or vex his Subjects for whoredom or adultery, 240, 404. his Records, Writs, concerning *Scotland*, 243, 244. his Patents, Charters, Writs concerning *Ireland*, settling the Lawes of *England* in it, and of all matters that concern it, 255, to 257. his Writs not to elect Bishops without his previous license, 320, 321. his Writs, Patents concerning Assises of Clothes and Aulnegers, 337. See more Table 10.

K. Henry 4. his Statutes. See Table 10. *Statutes*. His Writ that no Apprentice of Law should be elected a Knight for Parliament, p. 12, 13. his Judgments of the Commons, concerning Judicature, & Subsidies granted in Parliaments, 16, 17, 22, 23. his Citation of Priors aliens, 46. his Patents to the Constables of *England*, 72. his Acts and Answers to the Commons Petitions against the Admirals encroachments, printed, explained, extend not to Foreign Contracts, 79, to 84. his protection by Sea and Land to the French Embassadors sent to *Scotland*, 87. his Admirals encroachments on the Land, (not Jurisdiction of Foreign Contracts,) restrained by his Laws, 119. his Writs for arresting ships, Sea-men, for defence of the Seas, 128. his Act for a Commission of arraying men, erecting, watching Beacons, 137, 138. his Patents to Justices of the Peace, 149. Patents to the Bishops of *Durham*, *Ely*, 151, 152. to the Universities, 159. his large Charters, privileges to the University of *Oxford* and settling their Convocation house, 315, 318, to 372. his Patents, Writs concerning the Stanneries, 375. *Wales*, 177. Sewers, 401, 382. his Assises, Patents of the Isle of *Man*, 204, 205. Patents, Writs to *Guernsey*, *Jersey*, &c. 206, 207. Isle of *Wight*, 209, 212. Act against Popes Usurpations, 222. Patents for Graduates promotions in the Universities of *Oxford* and *Cambridge*, 247, 242. his Rolls concerning *Scotland*, 245. his Parliaments in *Ireland*, 312. his Writ for bringing provisions without impediment to a Parliament held at *Bristol*, 333. his Act for the Archbishop of *Canterbury*s Visitation of *Oxford* University, 367, 368. his Patent to *Lancesson* in *Cornwall*, that all Justices of Assise and Oyer and Terminer should hold their Assises and Sessions for that Country there, and not elsewhere, 344. For removing Weares out of the River *Avon* between *Bath* and *Bristol*, and in all other Rivers, 383, 384. his Patent to Delegates in an Appeal from the Admiralty, 402, 403.

K. Henry 5. his Statutes. See Table 10. *Statutes*. Confirms the Judgement in Parliament against the Earl of *Sarum* with his Lords, 16, 470. his Proclamation against such as usurped Com-munings without right, 84. his Writs concerning Depredations, 73. his Sovereignty in the *British* Isles, 87. his Admirals Patents, 119. his Writs to impress ships, Mariners, to guard the Seas, and Sea-services, 128. his Act and Commission to punish breakers of Tutes, 142. his

Charters to the Universities, p. 159. The Commons Petition to him on behalf of the Universities, 163, 164. His Patents, Writs concerning the Stanneries, 173. *Wales* 177. his suppression of Monasteries, 224. his Rolls concerning *Scotland*, 245.

King Henry 6. his Statutes, See Table 10. *Statutes*. His Statutes for electing Knights of Shires, p. 12. Creates *Bromflet* a Baron by Writ, 28, 50. a Petition to him against a return of a Knight, 32. his Exemption of Barons, others from Parliaments, for age or infirmity during life, 36, 37. His Patent of Arms to *Bernard Augevin*, and *Bernard de Guaret*, 69. Writs concerning Depredations, 73. his Patents to his Admirals, 85, 119, 120. his Writs to impress ships, Mariners for the Seas defence, 128. his Embassadors to the Council of *Basil*, their Patent, 147. his Patents to Justices of the Peace, 149. his Rolls concerning *Scotland*, 245. his Acts for banishing the *Irish* from the Universities, 313. his Parliaments in *Ireland*, 314, 315. his Patents of Creation and Precedency to the Duke of *Exeter*, Earl, Duke of *Warwick*, Viscount *Beaumont*, Duke of *Buckingham*, 323, to 336. his Charters to the Bishops of *Durham*, *Ely*, 151, 152. to the Universities, 159. his Patents, Writs concerning the Stanneries, 175. *Wales*, 177. his Charter to, and commendation of the City of *London*s Government, 380, 381. Patents concerning Sewers, 200, 201. Acts against Popes usurpations, p. 222, 316. his Charter of exemption to *Newcastle*, 342, 343. his Writ to maintain the Liberties of the Church in *Wiltshire*, 406. his Writs for restoring *Gryffith* Chief Baron in *Ireland* unjustly removed from his place, 408, 409.

K. Henry 7. his Statutes, see *Statutes*. His Patents for Marshal Law, p. 59, 60. his Admirals Patents, 121. his Patents for erecting and watching Beacons, 143. his Parliaments in *Ireland*, 315.

K. Henry 8. his Statutes. See Table 10. *Statutes*. creates an Abbot a Spiritual Baron, p. 28. his Patents for Marshal Law, 59, 60. His Admirals Patents, 121. his Statute giving them consensio of Contracts for freights made on Land in *England*, 121, 122. his Charter to the University of *Oxford*, 157. his Acts against Popes usurpations, 222, 316. his suppressions of Monasteries, 224. The Title of Defender of the Faith conferred on him, used by King *Richard 2.* 229. his Parliaments, Act in *Wales*, 355, 316.

King James, His Patents for keeping the Records in the Tower, p. 51. The Admiralties Articles against Prohibitions presented to him, Judges answers to, and proceedings thereon, p. 98, 99, 100, 122. His Subsidies for defence of the Seas, his Court-martyr in the *British* Isles, Proclamations against Fishing in them without his license, his Admirals Patents, Jurisdiction, 220, 223. His Statutes. See Table 10. *Statutes*. His Parliaments Acts in *Ireland*, 315, 316.

King John. his Charter to *London*, to elect a Mayor, p. 2. his forced surrender of his Kingdom to the Pope, 15. His Embassy to *Marmelins*, a slander, forgery, ibid. His Great Charters passages concerning summons of Parliaments and of Barons to them, 2, 28. his protection and grants of Knight-hood in *Ireland* to the King of *Man*, 201. his Patent, Writs, Records concerning *Man*, *Jersey*, *Guernsey*, and other Isles, 202, 203. to the

The Second Table.

the Bishop of *Durham*, 151. to the Cinque-ports, 154, 345. concerning the Stanneries in *Cornwall* and *Devon*, 175. concerning *Wales*, 176. & Forests, Perambulations, Deafforestations, 258, 259. & *Scotland*, 243. made King of *Ireland* by his Father *K. H. 2.* reduceth, settles the Lawes, Government of *England* in it, 108, 249, 250. his Charter to it, 250, 252. his Sovereignty over the *British* seas, *Isle of Oleron*, *Sea Laws*, 108. grant of Tithes of Venison to Bishops, Abbots, &c. 220. his Writs for arresting ships, mariners for defence of the Seas, and other services, 127, 345. his Charter to the Bishop of *Durham*, 151. to the Cinque-ports, 154, 155, 345. his Writs concerning the Stanneries, 175. *Wales*, 176. *Scotland*, p. 243.

Jane Queen to *H. 4.* procured a grant of priviledges for Graduates in *Oxford* and *Cambridge* to enjoy Ecclesiastical Benefices and Promotions in *England*, *Wales*, *Ireland*, p. 241, 242.

Jfabella Qu. Consort to *E. 2.* his Writ for her *Annum Regine*, p. 319. her Custos of it, *ibid.*

L.

Lewis the Emperor his *Capitularia*, p. 104, 149.

King *Lucius* the first Christian King, founder of *Wesminster* Abby, p. 188.

M.

Macco, alias *Machus*, King of *Man* and other Isles, one of the 8. Kings who rowed King *Edgar*, and swore fealty to him as his Sovereign Lord, p. 86, 123, 384, 385.

K. Marglacenus, p. 384.

Qu. *Mary*: her Tonage for defence of the Seas, Admirals, and their Patents, p. 122. See Table 10. Statutes, her Act for confirming the dissolution of Monasteries, and grant of their lands, 224.

Admirallus *Murmelinus*, King of *Africa*, *Morocco*, *Spain*, not Emperor of *Turkey*, King *Johns* Embassy to him a forgery, p. 15.

N.

Norwy, Kings thereof, Lords of *Man* for some time, p. 201, 202, 384, 385.

O.

Olave King of *Man*, his homage to King *H. 3.* his safe Condukt, and grant of Knights fees, Corn, Wine to him for defence of the Seas, p. 202.

P.

Philip 4. called the *Fair*, King of *France*, summons *K. E. 1.* to his Parliament for the *English* defeating his fleet, and invading his subjects: invadeth *Gascony*; the wars between them upon this occasion, p. 110, 111.

Philip de Valois, King of *France*, a Truce between King *E. 3.* and him, p. 241.

Reginald K. of *Man*, his homage to *K. John*, & *H. 3.* their prosecutions and grants of Knights fees and Corn to him, &c. p. 201, 202, 385.

K. Rich. 1. his Charter releasing Wreck, p. 88. his ample dominion by Land, Sea, Admirals, Navy, Sea Laws, and Sovereign Jurisdiction in the Seas, p. 106, 107, 108. Lord of *Oleron*, and his Lawes there made, *ibid.*

King *Richard 2.* his Writs to summon persons impeached in Parliament, and seise their goods, lands, when attainted, p. 26, 27. his temporary exemption of some Burroughs from sending Burgeses to Parliament, 22. his Proclamation concerning Hackney-men and Hackneyes, 46. his Ordinance for the Exchequer, 58. his Commission of Appeal and Judgment in a case of Armes, 60, 61. his Patent creating *Robert de Veer* Marqueesse of *Dublin*, and giving him Coat arms by Act of Parliament; his revoking them upon his attainder in Parliament, 67, 68. his Patents of Crests, Arms to *Thomas* Earl *Marshal*, *Peter* *Maudell*, and *John* de *Kingeston*, 68. his Writs concerning depreddations, 73. his Acts and Answers to the Original Petitions against the Admirals encroachments, refused, explained, 75, to 80, 84, 88, 89. See *Admiral* Table 10. His Admirals & their Patents, 82. his Sovereignty in the Sea, 87, 117, 118. his Admirals Patents, Jurisdiction, not restrained by his Law, 117, 118, 119. his Writs to impress ships, mariners for defence of the Seas, 128, 346. his Ordinance for erecting and watching at *Beakens* in times of war, danger, 8, 136, 137. his Oath administr'd to the Popes Collector in *Ireland*, 145, 146. his Charters to the Bishops of *Durham*, *Ely*, 151, 152. to both Universities, 159. his Patent to the Graduates of the Canon and Civil Law in *Oxford*, 163. his Patents to banish all favourers of errors or heresies out of *Oxford* University, and concerning apostate Freets taking degrees in it, 364, 365. his priviledge to the Chancellor of *Cambridge*, to certifie excommunications, 375, 376. his Patents, Writs concerning the Stanneries, 175. *Wales*, 177. his Patent of Murage on several merchandize to repair *London* walls, gates, 184. his Commissions concerning Clerks of the Market, Measures, Sewers, Kiddels, 380, 381, 382. for making *Avene* navigable between *Bath* and *Bristol*, 383. his Patents, Writs concerning the Isles of *Jersey*, *Gernsey*, &c. 206, 207, *Wight*, 208, 209, 212, 219. his Acts against Popes provisions and usurpations, *Epist. Ded.* p. 322. his Patents, proclamations against *Wickliff's* Disciples, Books, to inquire after them, at the Popes and Archbishops instigations, 227, to 228. stiled himself *Defender* of the *Christian* and *Catholick* faith in his Patents, Writs against the *Lollards*, 227, 230, 395, 396, 397. his Patent for the Archbishop of *Torky* visiting *Queens* Colledge in *Oxford*, 228. for the Archbishop of *Canterburys* visiting the University of *Oxford*, & revoking the Popes Bull, 367, 368. his Oath to some to abjure *Lollardy*, 219. his Writs to the University of *Oxf.* against *Wickliff's* *Trilogum*, & followers, 229, 230. Petitions to him against extortions of Ordinaries for probate of Wills, &c. 232. Indictments of them for the same, 208. His Records, Writs concerning *Scotland*, 245. his Patent of Enderization to some *Wish*, 278. his answers to the Petitions from *Ireland*; Ordinances, Writs, Patents for the Government, Parliaments, defence, peace thereof, and what else concerns it, 307, to 312. his Writ to collect *Queen-gold* in *Ireland*, 319. His Commission to punish a great riot upon the forums, tenants of a Knight of Parliament, 332. his Patents, Writs, relating to Parliaments, 336. concerning depreddations at Sea, 337. his Patent to the Town of *Lancaster* for all Justices of Assises

Affises and Oyer and Terminer to hold their Affises, Sessions for *Corwall* there, and not elsewhere, p. 354. Prohibitions to, and *Premunires* against Providers from *Rome*, and others, 401, 402.

Robert King of Scots, Charles the 8th of France his Ambassadors to him, p. 87.

S.

King *Sebert* the supposed founder of *Cambridge University*, p. 174.

King *Stephen* his Charter of *St. Giles Fair*, &c. to the Bishops of *Winchester*, p. 194. Appeals to *Rome* introduced in his time, 238. held a Parliamentary Council with his Prelates, Nobles, without Commons, *ibid.*

King *William the Conqueror*: held no Parliament according to the *Modus tenendi Parliamentum*, not shewed to him as suggested, p. 1, 2, &c. Held a Parliamentary Council with his Bishops, Earls, Barons, without the Commons, and confirmed the Charter of King *Cnut* to *St. Edmunds*, 7. His Sea-Lawes, Sovereignty in the *British Seas*, 105, 106. His Sovereign Ecclesiastical Jurisdiction, and restraint of Bishops to excommunicate, or interdict any of his Barons, Ministers without his assent for any Ecclesiastical affairs, 240.

K. *William Rufus* his Charter to the Church of *Winton*, p. 191.

TABLE 3. Of Abbeyes, Priories, Abbots, Abbeses, Priors, and what concerns them.

A.

A *Byngdon* Abby: to find 3. men in the Isle of *Wight*, p. 222.

St. Alban Abby interdicted notwithstanding its privileges, for not paying Popes exactions, p. 132. A suit between this Abbot and the Abbot of *Westminster*, for *Aldenham*, belonging to *St. Alban* before the Conquest, granted with a *Non-obstante* by H. 3. to *Westminster*, 132.

Ambristry, p. 212.

St. Augustines *Bristol*, its Abbot exempt from Parliaments and Great Councils, p. 33. summoned to a Council concerning *Ireland*s defence, 298.

Bella loco Regis Abbots exempt from Parliaments, p. 334, 335.

St. John of *Beverley*, its Provofts power to excommunicate, and signify excommunications for those who paid not their *Thraves*, p. 357. its privilege of *Sanctuary*, 421.

Bechenoc, Tithes of Forests granted to it, p. 222, 223.

Bridlington, its Priors exempt from Parliaments, p. 83.

Bruera, its Abbot's case, and Monks' refusal of a Charter, p. 418.

Cartmel Prior, summoned to a Council for defence of *Ireland*, p. 298.

Christ Church *Canterbury*, summoned in like manner, *ibid.*

Christ Church *Twinham*, its Liberty, p. 29. Its tenure in the Isle of *Wight*, 217.

Cirencester Abbot found 2. men at Armes for *Wight*, p. 212. His suit with the Abbot of *Bruera*, 418.

Cistercian Abbots exempt from procurations, refuse to pay them to the Popes Legats, p. 229, 230.

B.

St. Edmonds, K. *Cautes* exemption of it from Episcopal Jurisdiction; the Bishop of *Norwich* fined 12000 l. for invading its Liberties, p. 72, 220, 401, 418. Tithes of Venison granted to it, 220.

Eye, Tithes of Venison granted to it, p. 226.

Four Abbot summoned to a Council to ayde *Ireland* p. 298.

Fournew Abbot, summoned in like manner, p. 297.

Glaston Abbot, found 7. men at arms to defend the Isle of *Wight*, p. 212. *Nicholas* Abbot, one of K. H. 6. his Ambassadors to the Council of *Basil*, 147.

Gloucester Abbot, found 2. men at arms for defence of *Wight*, 212.

Godeffowe Abbesse, 1. man at arms *ibid.*

Goldingham Prior, his case, Search of Records of *Scotland* in the *Tower*, and elsewhere, p. 48.

H.

Harte, alias *Hurle* Prior, found 1. man at arms for defence of *Wight* Island, p. 212. *Godfrey* Prior of it, his gift of *Table* in *Fotesley*, 220.

Harlesham Abbot, found 2. men at arms for defence of *Wales*, p. 212.

St. James *Norhampton*, its Priors exempt from Parliaments, p. 33.

K.

Karlise Prior and Canons, K. H. 3. his indignation, Writ against them, for not electing the Prior of *Newburgh*; his Chaplain recommended to them, and promising to elect a new Bishop before and without his license to elect one, their Certificate of their Bishop elect, and Kings appeal against his confirmation, p. 320, 321. See Table 4. *Karlise*.

Kelben Prior in *Scotland*, his case, not suable originally in *England* for an Annoity, p. 92.

Kylmanan Prior, Chief Justice in *Ireland*, held a Parliament there, p. 312.

L.

Lambury Prior near *Gloucester*, summoned to a Council, p. 212.

The Fourth Table.

fil for defence of Ireland, p. 298.
Lanbony Prior in *Wales* summoned in like sort, *ibid.*
 A Judgement against him reversed for Error, p. 313, 314, 322.
Lrycester Abbots exempt from Parliaments, p. 33.
Lira Nova, Tithes of Forests granted to it, p. 221.

M.

Malmesbury Abbot, found 3. men at arms to defend *Wight*, p. 212.
Maton Prior his case of Priviledge of Parliament, p. 32, 33.
Milvern Prior, summoned to a Council for defence of Ireland, p. 298.
St. Maries Carlisle, Tithes of Venison in Forests granted to it, p. 220. The like to the Abbots of *St. Maries* in *York*, *ibid.* *William* Abbot thereof one of *K. H. 6.* his Ambassadors to the Council of *Basil*, p. 147.
Molinger Prior *Maifon de Diau*, p. 314.
Mont St. Michael Priory, the Kings presentation up a Church by its vacancy, p. 388, 389.

N.

Norwich, *William* Prior thereof one of *K. H. 6.* his Ambassadors to the Council of *Basil*, p. 147.
Notelunge Prior, 37 H. 3. his Chaplain, p. 322.

O.

Osney Abbot, summoned to a Council for Irelands defence, 298.
St. Oswalds Priory in *Gloucestre* the Kings free Chapel, exempt from Archiepiscopal Jurisdiction; his suit against the Archbishop for excommunicating him for opposing his Visitation, and Kings Writ to absolve him, p. 404.

P.

Peterburgh Abbot, his Liberty, p. 30.

R.

Romele Abbot, found 2. men at arms to defend *Wight*, p. 212.
Ruybyn Abbot in *Man* Island, a Commissioner for it, plundered, released, complaint thereof, and Writ thereupon, p. 385.

S.

Salop Abb. Tithes granted to it of Forests and Woods, p. 221.
Shaftes Abby found 1. man at arms for defence of *Wight*, p. 212.
Siva Abby in *Vascony* spoiled, the religious in it ill handled, without excommunication, p. 404.
Stanlye Abbot, found 2. men at arms for *Wights* defence, p. 212.

T.

Thavefcock: *Richard* *Barnham* Abbot thereof and his successors, created Spiritual Lords of Parliament, p. 22.
Theuseburge Abbot, found 1. man at arms to defend *Wight*, p. 212.
Trinity Priory *Dublin*, its case concerning a Wardship, p. 268.
Trinity Priory, exempt from Bishops Citations, whiles the King and his Court were there, p. 19.
Tisbury. Tithes of Wine and Venison granted to it, p. 221.

W.

Walter Abbey, found 1. man at arms to defend *Wight*, 212.
Waverell Abby found 1. man at arms for the like, *ibid.*
Westminster Abbey founded by King *Lucus*, repaired by *Edm. Confessor*, p. 188. A Writ upon a prerogation of Parliament issued to the Abbot, 41. Obtained a Grant from King *H. 3.* with a *Non-obstante* for *Aldenham*, anciently belonging to *St. Albans*, 132. Its Priviledge of Sanctuary, 421. *St. Martyn le Grand* belonged not to it, but was the Kings Free-Chappel, 419, 420.

TABLE 4. Of the Archbishopricks, Bishopricks, Archbishopps, Bishops of England, Wales, Scotland, Ireland, Gascoigne, and other places mentioned in this Volume, and things therein relating to them; which will make some Addition to, and supply some defects in Matthew Parkers, Godwins, and Sir James Wares Catalogues of them.

A.

Archamb Archbishop, Primate of all Ireland: *R. 11 H. 5.* a *Copus excommunication* granted to him upon his signification against a Canon of *Lanthe*, whom he had excommunicated, p. 252.
David O Herryghy Archbishop thereof, 11 E. 3. Summone to a Parliament at *Dublin* by the Kings Writ, prohibited to bear upon his Crosser within the Province and City of *Dublin*, by the Archbishop of *Dublin* and Citizens thereof, thereupon refused to come, and resolved to depart from the Parliament, to the obstruction of the Kings business, p. 271. The Kings Writs thereupon to the Archbishop, Mayor, and Citizens of *Dublin* to permit him to bear his Cross be-

fore him, being Primate of all Ireland, and to assist, and not oppose him therein, 409, 410:
Walter Jarr, his predecessor, advanced to it by the Popes provision after the death of *John* Archbishop, was refused to be admitted to the Temporalities thereof by *K. E. 2.* till he renounced all Clauses in the Popes Bull prejudicial to the Kings prerogative, and made a Fine of 1600 l. to the King for accepting such a Bull; for which Fine process issued against this *David* his successor, 15 E. 3. who is discharged thereof, because neither heir, executor, nor manucaptor for him, nor held any lands from him; his executors, heir, manucaptors, and temporal Lands being only liable to this Fine, not the temporalities of the Archbishoprick, p. 277, 278.

James

The Fourth Table.

Learned *James Usber*, 13 Car. 1. p. 77, 86, 171, 174, 189, 248.
Aques: *Bernardus* Archbishop thereof, 12 H. 6. one of K. H. 6. his Ambassadors and Orators sent to the Council of *Basil*, p. 147.
Garfis Archbishop dying intestate, his goods were challenged, sued for by the Pope, 400, 401.
Auxiensis: Archbishop *Girardus*, 1 R. 1. one of his Admirals of his Fleet to the Holy Land, p. 106.

B.

Bacon: *Bernardus* Bishop of it, 1 R. 1. one of his Admirals of his Fleet to the Holy Land, p. 106.
John, one of K. H. 6. his Ambassadors to the Council of *Basil*, p. 147.
Bath and Wells, Bishop found 1 man at arms to defend *wight* Island, p. 212.
Robert, a Commissioner 17 H. 1. to hear and determine Grievances, p. 14.
Thomas, 1 E. 4. exempted from personal attendance in Parliament, by reason of age and infirmity, p. 35. Keeper of the Great Seal 22 H. 6. 323, 325, 326.
John, a Commissioner in Parliament among others, 5 E. 2. p. 40.
Ralph, 4 E. 3. his probate of a Will under Seal certified into Chancery for a *Bristol* Merchant, to restore his goods seized at *Bordeaux* in *France* as dying intestate, p. 232.
Bordeaux Archbishop in *Vascony*, King H. 3. his Writ to him for excommunicating his Provost there without his license, and against his prerogative, all his Bayliffs being exempt from ordinary Jurisdiction, and commanding him to absolve him, p. 404. his reprehension of him for not rather excommunicating those who spoiled and abused the Religious in his Abbey of *Silura*, *Ibid*.
King *Edw.* 3. his Writ to the Dean and Chapter of *Bordeaux* to prohibit vexatious suits in their Courts to the grievance of his Subjects, and to bury those who were slain, prohibiting also the Archbishops Official to hold plea of a Debt in his Ecclesiastical, belonging to his Temporal Court, p. 405, 407.

C.

Canterbury Archbishops: high contests between them and the Archbishops of *York*, about carrying up their Crosses in one anothers Provinces; when summoned by Writ to Parliaments, or the Kings Council, to their hindrance; the Kings Writs, Order therein, p. 271, 409, 410. Their Courts, and Regulations of them, 234, 237. Have no Jurisdiction in the Kings Court, or to visit his Free-Chappels, p. 11, 405. resisted in their visitations of the University of *Oxford*; King R. 2. & H. 4. their Decrees for their visitation thereof ratified in Parliament, 376, 368. Their Jurisdiction over the Bishops in *Ireland*, 321a.
Anselm Archbishop his Appeal to *Rome*, p. 238.
Thomas Becket: an arch-traytor to K. H. 2. his Letter to Pope *Alexander* the 3. opposeth the Constitutions of the Parliamentary Council at *Clarendon* against his Oath; excommunicated all observers, favourers, exactors, counsellors, ayders of them; he absolves all Bishops from their Oath to observe them, because they prohibited appeals to *Rome* without the Kings special license, p. 238. his Canonization for a Saint, *Marry*, 360.
Theobald, the Popes Legat, his Appeal to *Rome*, and

opposition against King *Stephen* and his son *Eustace*, p. 238.
Hubert, his Constitutions in the Council of *London* against marrying without banns first published, p. 234.
Robert, subscribes *Carta Mercatoria*, 31 E. 1. p. 25, 26. excommunicates the Prior of *St. Oswalds* the Kings Free-Chappel, for opposing his Visitation; refuseth to absolve him upon the Kings Writ; had his temporalities seized for it; his Vicar General commanded to absolve the Prior, for his delay to do it, 404. K E. 2. his Writ to him, touching his prorogation, resummons of the Parl. his offence at some words in it, whereupon a second Writ of *inveary* rather than command issued to him, leaving the day of its resummons to his discretion, 40, 41. his Statutes to reform his Courts, 237.
Water Reynolds: a Synod at *Lambeth* under him; imposing a Tax of one farthing in every pound on the Clergy, for the maintenance of the publick *Hebrew* Lecturer in *Oxford* University, p. 168. another at *London* under him prohibiting Marriages without first asking banns, 234. A Writ to him to prorogue the Parliament, and resummon his Clergy to it at the day to which it was prorogued, 43.
Simon Megham his Constitutions in a Council at *Lambeth* against marrying without banns first published, p. 234. a Writ to him concerning the revocation of a Parliament summoned, 44.
John de Stretford, his Statutes for regulating the Arches p. 237. his Constitutions in a Council at *London* against Bishops, Archdeacons, Officials, Marshals, and other their Officers exacted fees for Ordinations, admissions, inductions to benefices, &c. 233, 234. against marrying without banns first asked, 234. The Master of the Rolls sworn in his and others presence, 49.
Simon Islip, his Constitutions for reforming his Courts, p. 236.
Simon Sudbury, Chancellor to King R. 2. p. 199. Pope *Gregory* the 11. his Bull to him and the Bishop of *London*, reprehending them for their negligence, sloathfulness in watching over, feeding & preserving their flocks from wolves, for not suppressing *Wickliffe* and his followers Doctrines; to publish his Bulls against his Conclusions, condemned by him as erroneous and heretical; Their faint proceedings therein, *Wickliffes* appearance, justification of himself before them, his dismissal, being countenanced by the Citizens of *London* and orders, p. 222, 223, to 226.
William Courtney: his Council at *Oxford*, condemning *Wickliffes* Conclusions as erroneous, heretical; his Prohibitions to the Scholars to defend or handle them in the Schools or Pulpit; contemned by the Chancellor of *Oxford*, who set up *Wickliffes* disciples to preach in defence of them, p. 225, 244, 281, 395, 396. whereupon he excited King *Richard* the 2d. as DEFENDER OF THE CATHOLICK FAITH, to issue many Patents, Writs, Commissions, against *Wickliffes* Conclusions, Followers, Books, as *Lollards*, to seize, suppress, imprison, punish them; who yet notwithstanding multiplied, and were generally embraced by the majority of all sorts of people; 224, to 237. 273, 363, to 368. 395, to 400. procured a forged Act against the *Lollards*, to which the Commons never assented, repealed upon their Petition, 395. Prescribed an Oath to the Judges, Advocates of his Courts, and augmented their fees by his own Ordinances, 237.

Thom. ad

Thomas Arundel, his Statutes concerning the Officers, Advocates, Fees of his Courts, p. 237. his Constitutions in a Conventicle at *Oxford* (consisting of Monks and Canonists for the most part) against all Scholars, others suspected to maintain *Wickliffs* opinions, or his followers; or kept or read their Books, Translations of any Texts of Scripture; his persecutions of them; whose followers multiplied, and their Books, Conclusions were generally believed, preached, defended not only in *England*, but *Bohemia*, *Germany*, *Hungary*, and other parts, as Orthodox, notwithstanding the Archbishops, Kings, Popes declarations, and Council of *Constans* decrees against them; and ordering his bones to be digged up, burnt, and Books too, as heretical, 172, 173, 226, 227, to 231, 395, 396. Popes Legate, his gift to *Oriel* Colledge, 371.

Henry Chicheley, his Ordinance concerning his Advocates, Proctors, Courts reformation, p. 237. his Ordinance concerning Graduates in the Universities, 168, 169, 170.

John Stafford, Chancellor to K. H. 6. subscribes his Patents for Precedency to his Nobles, p. 323, 325, 327. Popes Legate, 325.

William Warham, his Ordinance for the number of Advocates, Proctors, and regulation of his Courts, 237.

Matthew Parker, his *Antiquitates Ecclesie Brit.* concerning the Archbishops Courts and Jurisdiction, p. 237. See p. 125, 130, 168, 238, 248, 367.

Edmund Grindal, an Appeal to his Court of Arches against the Bishop of *Lisols*, by *William Wilson* elected Rector of *Lincoln* Colledge in the University of *Oxford*, for refusing to admit him; complained of by the Chancellor and University, as a breach of their priviledges; and thereupon referred by Queen *Elizabeth* to special Delegates to examine and determine, p. 164, to 167.

Cassal Archbishops in Ireland: *Richard O-Median* openly accused in a Parliament there, by the Bishop of *Lismore*, of 30. Articles very treasonable and scandalous, p. 313.

Caucensis in Vascony, excommunicated K. E. 3: his Captains and Souldiers for taking his Castle of *Be-laico*, p. 401.

Chichester; *John* his re-summout upon the Parliaments prorogation, p. 41.

William Read, a Commissioner in Parliament to settle the differences between the Chancellor, Doctors of Divinity and Masters of *Oxford* University; and the Doctors, Batchelors of the Canon and Civil Law, p. 358, 360.

Adam Molins, Keeper of the Privy Seal to K. H. 6. subscribed his Patens of Precedency, p. 327.

Reginald Peacock, one of *Wickliffs* Disciples, p. 227.

Clon in Ireland; *Adam Pory* Bishop, a difference between him and another Bishop in Parliament about uniting their Bishopricks, p. 313.

Constans Bishop in Normandy, by reason of the Wars with *France*, refused to admit K. E. 3. his Clerk, presents his own Clerk to *St. Mary* Castle Church in *Genesey* by his Proctor; whereupon the King orders the profits thereof to be sequestred till his Clerk should be admitted to it, p. 388, 389. the Kings Prohibition, that none of the Islanders be drawn into his Ecclesiastical Court for things belonging to his Temporal Courts there, p. 206.

Covenry and Litchfield, his case misquoted, p. 221.

Walter (de Langton) subscribes *Charita Mercatoria* 31 E. 1. as a witness, p. 26.

Roger (Northburgh) a Commissioner to examine the differences between the Scholars in *Oxford*, p. 346.

William (Boothe) K. H. 6. his license (during his life only) for him and his Officials to cite notorious Adulterers and Fornicators inhabiting in *Cheshire* and *Chester*, out of the said County and City to any other place in his Diocess; by reason of their power there, that they durst not proceed against them, notwithstanding his former Writs of Prohibition to them, p. 239, 240.

D.

St. Davids (Menevensis) in Wales; *Tho. (Beck)* one of the Kings Council; a Petition to settle a Rent of 30 s. a year, and 10 years arrears thereof to him, for want of a distresse, p. 18. his unjust Excommunication and Interdict fulminated against the Bayliff and Tenants of *John de Emyas* without hearing or citation, ordered to be superseded by the Kings Writ, and the persons released if imprisoned upon his significavit, 404, 405.

John (Thoresby) Chancellor to K. E. 3. p. 198.

Adam (Houghton) a Commissioner in Parliament to settle the differences between the Chancellor, Doctors of Divinity in *Oxford*, and Doctors and Batchelors of the Canon and Civil Law, p. 358, 360.

Dublin Archbishops in Ireland: the Dean and Chapter questioned and fined in Parliament, for electing an Archbishop without the Kings precedent license, p. 320. the Archbishops contest with the Archbishop of *Ardmachi* about Cross-bearing, and the Kings Writs not to hinder him to bear up his Cross in his Province, and in *Dublin*, 271, 409, 410.

Lord Chief Justice of Ireland, his strange Usurpations against his Oath, duty, upon the Kings Prerogative, Temporal Courts, Jurisdiction, and Citizens of *Dublins* Liberties in sundry particulars; the Kings Writs to him to reform them; and a Nufance to the River of *Aveneliff*; and Port of *Dublin*, to the hindrance of Navigation and Fishing, p. 250, 251. a Writ to him, concerning the Law, Custome of Bastardy in *England*, in case of children born before Marriage consummate, and to observe it in *Ireland*, 253, 254.

Alexander Archbishop of it, present at the Parliament at *Kilkenny*, p. 267. the Irish Rebels who burne a Priest in a Church in his Robes, condemn the Popes and his Excommunications, 269, 270. Treasurer of *Ireland*, procures a pardon for sundry false Writs and Acquittances inserted into his Accounts as Treasurer, in deceit of the King, 286.

John authorized by the Kings Patens to constitute perpetual Vicars in all Benefices, Prebendaries belonging to his Bishoprick, of the Kings patronage, because the Cure of souls was generally neglected in them, the Vicars to reside perpetually on them, and endow them with a competent portion of Tithes and other profits, reserving the patronage of the Vicaridges to him and his successors, and the King and his heirs, during the vacancy of the Archbishoprick, 294, 295.

A Suit for damages in *Affise* between the Archbishop of *Dublin*, and Bishop of *Ossory*, p. 322.

Durham; *Anthony (Beak)* who had possession of the Isle of *Mun*, summoned to shew cause why he should not restore it to K. E. 1. the King resumes it into his hands, 203.

Richard de Buis Bishop of *Durham*, a Commissioner to examine and settle the differences in the University of *Oxford*, 346.

Richard

The Fourth Table.

Richard de Marisco, his Constitutions against Marriages without publishing the banns first, 234.
Robert (Stichil) K. H. 3. his Prohibition to him against citing the Inhabitants of *Newcastle* to remote places from time to time, to answer Articles and take Oaths against their wills, to their great impoverishing and vexation, 240.
Thomas Hasterly, 198. a Commission of Array to defend the Sea-coasts, Ports, erect Beacons and keep Watches, issued to him, 135.
Lawrence Bobl, exempted from personal attendance in Parliaments for three years, to follow his private affairs, 35.

E.

Ely; *Thomas (Arundel)* a Commissioner in Parliament to settle the differences between the Chancellor, Doctors of Divinity, and Doctors and Bachelors of the Canon and Civil Law in the University of *Oxford*, p. 358, 360.
Erech-dunen, in *Ireland* elect, his Suit with the Archbishop of *Tuam* for his Temporalities, pretended to be annexed to his Archbishoprick, 322.
Exon, *Thomas Brantingham* exempted from coming to Parliaments and Councils by reason of his great age, 34. Treasurer to *K. R. 2.* 199.
Dr. John Prideaux, 174.

G.

Glasco in *Scotland*, *Robert* imprisoned in chains for his Treason and Rebellion against *K. Edw. 1.* by his command, p. 385.

H.

Hereford; *Peter (de Equibank)* a Commissioner of *K. H. 3.* to treat about the demolishing part of the Monastery of *Regula*, as a nuisance to the Castle, p. 61.
Richard de Swinfield, *K. E. 1.* his Prohibition to him to exact Procurations from Parish Churches in his Visitations, against the usage of other Bishops, p. 402.
John (Trefaus) his intended proceedings against *Walter Brax*, and others of *Wichliff's* Disciples, who privily and openly maintained and preached his Conclusions, (condemned by the Archbishop and Bishops) before himself and other Doctors in the Cathedral at *Hereford*, with Commission to apprehend, imprison all those who should attempt to hinder his proceeding with force, in examining and punishing them, or hold Conventicles, p. 227, 228.

K.

Kerliel Bishoprick, erected by *K. H. 1.* the Bishops fear in Parliaments mistaken by the *Medus*, p. 3.
Thomas de Veteri Ponte, his election rejected by *K. H. 3.* though he could take no exceptions to his person, because the Prior and Covent of *Kerliffe* presumed to elect him before his license for a new election, and Letter to elect the Prior of *Newburgh* came to their hands, which he took as a high contempt and derogation to his Royal Dignity, Prerogative, and ordered an Appeal to the Archbishop thereupon against his consecration, 320, 321.
Walter (Marlabe) his purchase of a Mannor from a Baron to it, p. 132.

Silvester his successor sued by the Baron for it, he procured a protection to stop the Suit from the King, which protection in his absence was revoked by another Writ, with a Non-obstante, p. 133.

L.

Landaff, the Tithes of all Affairs, Iron, and extra-parochial Tithes in the Forest of *Dean*, granted to their Bishops, and to the Chantry of *Nuland*, p. 220.
Lexovie in *France*; *Philip* Episc. one of *K. H. 6.* his Embassadors to the Council of *Basil*, p. 147.
Lismric: a Suit between this Bishop and the Bishop of *Waterford* for a Mannor, p. 322.
Lincoln: *Robert Groffthead*, his true and sharp censure of Pope *Innocent's* Bull with Non-obstantes, p. 131, *K. H. 3.* his Writs of Prohibition to him and his Officials, against his new Inquisitions and Oaths concerning the incontinency and manners of his Subjects, 240.
Henry (de Burghes) Chancellor to *K. E. 3.* obtains a pardon for *Sir John Bourne*, committed by the Barons of the Exchequer for an high affront to the King and Court, in bringing a Popes Notary to make an Instrument of a Judgement in it against the Kings Clerk, to vex him in the Ecclesiastical Courts, p. 58, 59.
John Symul Bishop, excommunicated and interdicted the Town of *Oxford* for murdering some of the Scholars and Clerks in it; absolved them upon their composition with the University, p. 155, 157.
John (Bokeingham) his Patent from *K. R. 2.* for exemption from Parliaments by reason of his great age and infirmity, p. 34.
Richard Fleming, by the Popes command; decreed, digged up and burnt the bones of *John Wickliff*, and cast the ashes of them into the next River, to delete his memory, p. 366.
William (Alnewikes) subscribes three Patents of Precedency, as a witness with others, An. 22 & 28 *H. 6.* p. 325, 325.
Thomas Cooper, refusing to admit *William Wilson* who pretended to be duly elected Rector of *Lincoln* Colledge, is prosecuted upon his Appeal before the Archbishop of *Canterbury*: The Chancellor and University of *Oxford* complain thereof to Queen *Elizabeth*, as a breach of their privilege on his behalf, and obtain a Commission of Delegates to hear the business and preserve their Liberties, being within his Diocese, p. 164, to 167.
Lismore in *Ireland*; his complaint to *K. H. 3.* of an illegal Writ of Entry against the Laws and custom of such Writs in *England*, brought against him by the Bishop of *Waterford*; and the Kings Writ thereupon to supersede and revoke it, and all proceedings thereon, p. 255, 256.
John Gese; exhibited 30. Articles of High Treason and great misdemeanors in the Parliament of *Ireland*, against the Archbishop of *Cassil*, p. 313. held the Bishoprick of *Waterford* with *Lismore*, *ibid.* a Suit thereupon between the Bishops about the Lands, and this union, p. 322.
London: Tithes of the Kings Venison in his Forest in *Essex* granted to the Bishops thereof, and Church of *St. Paul*, by *K. John* and *H. 3.* p. 220.
Richard de Gravesend; the *Londoners* petition to King *E. 1.* in Parliament, against the manifold vexations, Grievances, undue and burdensome Exactions of his Officials and Ministers of the Church, by which they

M m m

extorted

The Fourth Table.

extorted more from the people than all Law Courts, for which they prayed speedy remedy, lest the people should be destroyed in secret; The Kings answer to it, p. 233.

Rafe Stafford, a witness to K. E. 3. his Charter, p. 198.

William (Cautey) Pope Gregory the 11. his Bulls to the Archbishop of *Canterbury* and him, against *Wickliff* and his Conclusions, checking them for their supinenesse in watching over their flocks, &c. and his proceedings thereon; p. 222, 223, 225, 226, &c. See *Canterbury*. One of K. E. 3. his Commissioners in Parliament to settle the differences between the Divines and Canonists in *Oxford*, p. 358, 360.

Richard, his Commissary indicted for excessive Fees for probate of Wills, p. 401.

Robert Gilbert, one of K. H. 6. his Embassadors to the Council of *Basil*, p. 147.

Thomas Keng, a witness to a Charter, p. 199.

John Ebmer, one of *Queen Elizabeths* Delegates in a case of complaints and Appeal by the University of *Oxford*, against *Wisons* Appeal to the Archbishop against the Bishop of *Lincoln*, for not admitting him Rector of *Lincoln* Colledge, p. 164, to 167.

William, a Privy Counsellor, present and assenting to the King and Councils Order for settling the differences about the Jurisdiction, Decrees of the Admiralty and Courts at *Westminster*, Febr. 1632. p. 100.

M.

Midden Bishop in *Ireland*; Chief Justice there, a Writ to him and others, to demolish the Armes, Emblems of *Robert de Veer* Marquess of *Dublin* upon his attainder, formerly there used instead of the Kings, p. 67, 68.

N.

Nidrosia Archbishop in *Norway*; consecrated the Bishops of *Sodor* and the Isles, formerly subject to him for some time, p. 205.

Norwich: *Walser de Susefeld*, the Popes Bull to him with a Non-obstante, to exact a great illegal Tax from the English Clergy, without the Kings, Nobles, and their assents; protests against it, p. 130.

Simon de Winton; K. H. 3. his Writ of Summons to him, dated but 26. dayes before the Parliament, p. 10.

William Bateman; prosecuted and fined 10000 marks, for violating the Priviledges of King *Cautes* Charter, confirmed by *William* the Conqueror, granted to the Abby of *St. Edmonds*, p. 7, 220, 401. a Commissioner to inquire of and settle the Scholars differences in *Oxford*, 346.

Henry, his impeachment in Parliament for miscarriages in the Wars, as the Kings and Popes General, p. 91.

Thomas, a witness to K. H. 6. his Charter of Precedency, p. 323.

O.

Orcades Island, subject formerly to the Archbishop of *Nidrosia*, p. 201.

Offey; an Assise between the Bishop and Archbishop of *Dublin*, p. 322, 2. E. 3. the Lord *Arnold Power*

convicted before him of heretic, imprisoned thereon, p. 266.

Alexander, Treasurer of *Ireland*, allowed 6. men at Armes, and 12. Archers for his retinue, at the Kings cost and pay, p. 306.

Richard, one of the Kings Commissioners of Inquiry touching the good Government and defence of *Ireland*; the Writs issued to him and them, p. 309, 310, 311.

John Bale; See Table 1. in his Name:

R.

Rochester: *John (Lowe)* one of K. H. 6. his Embassadors to the Council of *Basil*, p. 147.

Thomas Savage, constituted Tutor to Prince *Edward*, and President of his Council, by K. E. 4. by his Parent, p. 45, 46.

S.

Sarum: found 5. men at Armes to defend *Wight*, p. 212.

Richard Price, his Synodal Constitutions for Banes to be published before marriages, p. 234.

Ralph Engham, one of K. E. 3. his Commissioners in Parliament to settle the differences between the Divines, Canonists and Civilians in *Oxford*, p. 358, 360.

William Ayscote, a witness to three Patents of K. H. 6. for Precedency, p. 325, 327.

John Jewel, his eminent learning, defence of the Protestant Religion, maintained by *John Wickliff*, p. 171.

Sodor in the Isle of *Man*, subject to the Archbishop of *Nidros*, but since to the Archbishops of *York*; united to that Province by Act of Parliament, p. 205, 385. *Reimundus* and *Mark* first, and *John* a Monk second Bishop thereof, 205, 385. *Mark* Bishop thereof seized, imprisoned by K. E. 1. for his Treason and Rebellion, *ibid*.

T.

Tuam Archbishop in *Ireland*; a Suit between him and the Bishop elect of *Erech-shumen*, for his Temporalities; pretended to be annexed to his Archbishoprick, p. 322.

V.

Vasconis in *Vascony*; K. H. 3. his Letter to him concerning demolishing part of the Monastery of *Rogula*, p. 61.

W.

Waterford; 17. Chief Justice of *Ireland*, the Statutes of *Westm*: 1. *Gloucesters* of Merchants; and *Westm*. 2. sent into *Ireland* to him by K. E. 1. to be there proclaimed and observed, p. 258.

John Gese, Bishop of it and *Lismore*, his Articles of impeachment in Parliament against the Archbishop of *Cassal*, p. 313. a Suit between the Bishops of *Waterford* and *Lismore*, p. 322.

Wichester, winton; *Henry* Popes Legate an intruder, first introduced Appeals to *Rome* in *England*, p. 238.

Adomar; The Barons Letter to the Pope against his restitution, sealed with some of their Seals in the name of the Commonalty of *England*, p. 9. A composition

The Fifth Table.

posicion between him and the Commonalty of *Souhampton*, 195.

John de Pontifue, a Commissioner to him and others by K. E. 1. to examine and redress all publike grievances, p. 14.

The Charters, Patents of King *William Rufus*, H. 1. *Stephen*, *Edward 3.* *Rich. 2.* and *Edw. 4.* granted successively to *John de Stratford*, *William Wickham*, *William de Edyngton* and their successors, of *St. Giles Fair* in *Winchester*, and the strangelong-lasting exorbitant Fair, Court of Pipewders, and extravagant illegal Jurisdiction claimed, exercised by the Bishops and their ministers during that Fair, p. 191, to 200. Franchises granted to the University of *Oxford* prejudicial to the Bishop of *Winchester* to be considered of, 269.

William Wickham, his Register indicted for many exactions in probate of Wills, p. 401.

Henry Beaufort, Cardinal of *Eusebins*, Legate to Pope *Martyn* the 5. a Crossado granted against the *Bohemians* under his Conduct, because leavened with *Wickliffes* doctrines, p. 366. Of the Kings Council, 421.

Wigorn, Worcester: The Bishop found 1. man at arms for defence of the Isle of *Wight* in times of warre. and danger, p. 212.

Walter de Cantilupo, his Synodal Constitutions against mariages without banes published, p. 234.

Godfry Giffard, one of K. H. 3. his Council in ordering the reformation and abbreviation of the Great Roll in the Exchequer, p. 54.

Walter Reynaud, Chancellor to E. 2. and one of his Commissioners to prorogue the Parliament, p. 40.

Wolstan, by reason of age, and attending the Anniversary of K. E. 2. at *Gloucester*, exempted by E. 3. his Patent from personal attendance in Parliaments and Councils, p. 336.

Yorke, Ebor. Their Jurisdiction over the Bishops of

Sodor, p. 205, 365. Contests about carrying his Croffe in the Province of *Cantenbury* when summoned to Parliaments, and Kings order to carry it up there p. 271, 401. The Kings Writ for that Archbishop to visit *Queen Hall* in *Oxford* as a Hall only, without interruption, 228.

Wilfrid, the first who appealed from *England* to *Rome*, his all success therein, and exile, p. 238.

Walter Giffard, one of K. H. 3. his Council in reforming, and abbreviating the Great Roll in the Exchequer, p. 54.

Thomas de Corbridge his case, and seizure of his Temporalties for obeying the Popes provision before the Kings Writs, in contering a Prebendary, p. 401.

William de Menton: K. E. 2. and his Councils Writ to him, to suppress his Officials delays, vexations, excommunications, delays, for adultery, fornication, and other pretended crimes, to their undoing, upon their petitions to him and his Council, p. 241.

John de Thwrsby, his Provincial Constitutions against mariages, without first publishing the banes, excommunicating both the parties married, and Priests marrying them, &c. p. 234, 235.

Alexander Nevill Archbishop thereof, summoned by Proclamation to answer his impeachment in Parliament, arraigned of High Treason, Writs to inquire of, and seise his goods, chattels, lands, &c. p. 26, 27, 28.

Henry Poge, indicted together with his Sequestrators for exactions in taking excessive fees for proving Wills, and Letters of Administration, p. 401.

William Hoode, exempted by E. 4. his Patent from personal attendance in Parliaments and Councils by reason of his corporal infirmities and sicknesse, p. 34, 35.

John Kemp, 19 H. 6. a Romish Cardinal, of the Kings Council, p. 221.

The 5. TABLE, of Popes, their Legates, Nuncios, Cardinals, Collectors in England and Ireland, and what concerns them.

Popes: King *Edward* the 3d and his Parliaments resolution to oppose the Pope with all their power, if he issued process for the Homage, Rent of *England* and *Ireland*, granted him by King *Johns* Charter, which they declared to be void, p. 13. Complaints of the King, kingdoms *Grassbald*, *Mapden Park*, *Matthew Westminster*, *Rishanger*, against their detestable *Non-obstanes* in their Bulls, subverting all Privileges, Charters, Justice, Faith, Oaths, rights, and mutual confidence, p. 129, 130, 131, 132. The Privileges of their Legates, and matters concerning them, p. 145: ought to send no Legate, Nuncio, Agent into *England* or *Ireland*, unless he be King specially desired them; their Oath not to consent or accept any thing to the prejudice of the King, kingdom, or rights of the Crown, &c. 145, 146. Their impious absolutions from Oaths, 145. Appeals to *Rome* without the Kings special license; with their Bulls, Exemptions, against the Privileges of the University of *Oxford* granted by our Kings, opposed by the University, King, Parliament, and set aside; 159, 160, 161, 162. Popes Usurpations on the Kings and others

rights, with the Acts against them, 240, 242, 243, 244, 248, 316, 372, 373, 405, 422. The Parliaments Petition against Popes Provisions; as prejudicial to the Universities, Clergy, Church of *England*, 163, 164, 168, 169, 170, 241, 242, 243, 367. *Wickliff* and his followers Conclusions against Popes usurped authority, excommunications, errors, abuses generally received, asserted in the University of *Oxford*, *England*, *Bohemia*, and other parts; notwithstanding the Popes Bulls, Bishops Councils, admonitions of, proceedings, and Kings Writs against them, 171, 172, 173, 222, 228, 363, to 408. 236, 237, 369, 345, to 400. Popes impious Policy in making Canons and Constitutions against *Commendoes*, *Pluralities*, *Non-residence*, mariages without certain degree, irregularities, &c. only to gain money by Dispensations with them, denied to none, 236. Sir *John Bourne* imprisoned by the Barons of the Exchequer, for bringing a Popes publike Notary thither, 58, 59. Popes Notaries admitted to make, attest Records by Popes, Bishops, in contempt of the Kings Sovereignty, *Epist. Ded.* The Kings of *England*, their Officers, Ministers, Free-Chappels exempt from Bishops excommunications, not only by their Pre-

The Fifth Table.

Prerogative, but special Privilege of the Apostolical See, 61, 62.

Pope Alexander 3. the Barons of *England* Letters to him against Bishop *Admar* his return into *England* to his Bishoprick, p. 9. his Bull to *Ruffand* his Legat with a detestable *Non-obstante*, to extort a Disme, and Obligations from the *English* Clergy; his oppressions, rapines, notwithstanding all oppositions against them, p. 131, 134.

B.

Archbishop *Becket's* Letter to him concerning his opposition of the Articles of *Clarendon*, excommunicating all abettors, favourers, exactors of them whatsoever, absolving the Bishops from their Oaths to observe them, 238.

Boniface 8. his insolent Bulls to *K. E. 1.* concerning his right to the Sovereign Dominion of *Scotland* procured by bribes; opposed, answered by the King, Barons in the Parliament at *Lincoln*, p. 244, 372, 373, 385. Privileges granted by him to the Universities in *France* to the prejudice of *Oxford* University from whence they had their original, 160.

Pope Boniface 9. his Collectors memorable Oath to *King R. 2.* p. 146.

C.

Pope Clement 5. his Decree in the Council of *Vienna*, concerning Universities in *Italy, France, Spain, England*, and publick Professors of *Hebrew, Arabick*, and *Chaldee* in them, more particularly in *Oxford*, p. 168. The *Templars* condemned by him in that Council, their lands though seized on them by Bulls, Charters, taken from them, and ordered to be given to the *Hospitallers*, without sacrifice or injustice, p. 224.

Pope Clement 7. *King Edw. 2.* his Letters, Ambassadors to him, to seize, secure the goods, moneys, persons of some *Florentine* Merchants who farmed his Customs, and ran away with the moneys beyond *Sea*, to his and his Merchants prejudice, and his proceedings thereon in seizing their persons by his Marshal, p. 143, 144.

D.

Pope Eugenius 4. the Council of *Basil* held under him; and *K. H. 6.* his Embassadors or Orators sent sent unto it, p. 147.

E.

Pope Gregory 10. first introduced detestable clauses of *Non-obstantes* against former Bulls, Privileges, out of avarice, to extort Dismes, moneys, Procurations by and for his Legates, Agents, p. 129, 130, 131.

Pope Gregory 11. condemns *Wickliff's* Conclusions against his Papal power, errors, as erroneous and heretical; his Bulls to the University of *Oxford* against them, who doubt, neglect to receive or execution of them, p. 131, 132.

F.

Pope Innocent 3. his Bulls to the Archbishop of *Canterbury*, and Bishop of *London*, to cite, convent, seize *John Wickliffe*, condemn, suppress his Conclusions, Disciples; sharply reprehending them for their negligence therein, and in their pastoral duties; his Bull to *King R. 2.* to assist the Bishops in this business by his temporal power, and their proceedings thereupon, p. 223, to 232, 364, to 369, 395, to 400.

I.

Pope Innocent 4. *K. H. 3.* and his Nobles Profections against his and his Nuncios intolerable extortions, oppressions, *Non-obstantes*, with their subsequent Complaints, oppositions against, his impudent perseverance in them, p. 131, 132. Bishop *Grosbeads* opposition against, censure of his Bulls, *Non-obstantes*, 107. *Mat. westminsters, Rishangers* censure of them, 131. *King H. 3.* justified his *Non-obstantes* by the Popes, 132, 133. his unrighteous avaritious Decree published in *England*, That the goods of all Bishops and Clergymen dying intestate should be converted to his use: opposed by *K. H. 3.* revoked for the scandal and general clamors against it in all places, yet afterwards put in use by some of his successors, 400, 401.

Pope John 22. *King Edw. 2.* his Letters to him on behalf of the Chancellor, Scholars, University of *Oxford*; for the self-same Privileges as *Boniface* the 8. had granted to the University of *Paris*, p. 160, 161.

M.

Pope Marins 5. grants a Crossado against the *Bohemians* for embracing *Wickliff's* Doctrine, under the conduct of *Henry* Bishop of *Winton* his Legate, p. 556.

N.

Pope Urban 6. asserted by *Wickliff's* disciples to be the true Pope nor Vicar of *Peter* on earth, but the son of *Antichrist*; with other positions against his Papal usurped power, p. 398, 399.

Popes Legates, Nuncios, Agents, in England and Ireland.

Henry de Beaufort Bishop of *Winton*, p. 238. *Gualle*, 240. *Otto*, 129. *Ruffand*, 131. *Henry Beaufort*, 236. *Franciscus de Capanno*, Doctor of the Decrees, Popes Collector in *Ireland*; his Oath to *Richard* the 2. p. 146.

Popes, Cardinals Names: *King E. 3.* his Letters to them in behalf of the Chancellor, Scholars, and University of *Oxford*, p. 162, 163, 366. *Henry de Beaufort* Bishop of *Winton*, Cardinal of *Eastburn*, and *Thomas* Archbishop of *Torke*, Cardinal of *St. Sabie*, both of *K. H. the 6th.* his Council at the same time, p. 131, 132.

TABLE

TABLE 6. Of the Names of the Chief Officers of State, Judges in England and Ireland, with the years of the Kings reigns wherein they were constituted, in their series of time, with what relates to them and to their respective Offices, and Lord High Admirals of England, &c. their Patents, and Writs issued to them.

ADMIRALS of Navies, Fleets, in England, &c.

- AN. 1 R. 1. Girardus Auchenor Archiepiscopus, Bernardus Episc. de Bathon, Robertus de Sabul, Ricardus de Casvil, Willielmus de Forz, 109.
- 8 H. 3. Galfredus de Lucy, p. 109.
- 9 H. 3. Richardus Aquillus, ibid.
- 19 H. 3. Petrus de Rudell, p. 109.
- 22 E. 1. Johannes de Botenot, 'Bor. Willielmus de Leyborne, Austral. Miles Hibernicus, Occident. p. 111.
- 10 E. 2. Johannes Perbrun, Bor. Nichilans Croy, 'Bor. p. 109.
- 1 E. 3. Wares. de Valoanis, p. 112.
- 24 E. 3. Robert de Morley, Bor. Johannes de Monte Gomeri, Oc. p. 340.
- 41 E. 3. Radulph. Spignuvel, p. 113.
- 49 E. 3. Willielmus de Nevill, Bor. p. 116.
- 6 R. 2. Johannes de Roches, Occid. WALTERS Fitzpau-
107, Bor. p. 118.
- 12 R. 2. Johannes Holland Comes Huntingon, Bor. p. 82, 118, 119.
- 4 H. 6. Johannes Dux Bedf. p. 85.
- 1 E. 4. Richard Nevill, Com. war. & Sarisb. p. 120.
- 2 E. 4. Will. Nevill, Com. Kantia, ibid.
- 21 E. 4. Rich. Dux Glouc. ibid.
- 1 R. 3. Joh. Howard Dux Norf. p. 121.
- 1 H. 7. Johannes de Veer, Com. Oxon. p. 86, 117.
- 4 H. 8. Edmund Howard, &c. p. 121.
- 5 H. 8. Thomas Lord Howard, ibid.
- 17 H. 8. Henry Duke of Richmond, ibid.
- 28 H. 8. Will. Fitz-william, Com. Southampt. ibid.
- 32 H. 8. John Lord Russell, ibid.
- 34 H. 8. John Dudley Viscount' Bisle, ibid.
- 1 Ed. 6. Thomas Seymour Baron of Dudley, 122.
- 3 E. 6. Johan. Dudley, Com. Warior. 122.
- 1 Mar. Will. Howard Baron Effingham, 122.
- 5 Phil. & Mar. Edw. Clinton Baron Clinton, ibid.
- 27 Eliz. Charles Baron Effingham, &c. ibid.
- 9 Jac. Charles Duke of York, p. 123.
- 17 Jac. George Marquess and Duke of Buckingham, ibid.

Chief Barons of the Exchequer in England.

- An. 12 E. 3. Robert de Sadington, Ch. Bar. p. 4.
- 4 Eliz. Saunders, Ch. B. p. 25.
- 14 Eliz. Sir Christopher Wray Knight, Ch. B. p. 165.
- 9 Car. 1. Sir Humfry Davenport, p. 101.

Of the Exchequer in Ireland.

- An. 21 H. 6. John Cornwallis, Mich. Griffin, p. 408, 409.

High Chamberlains to the King of England.

- 21 E. 1. Petrus de Chantens, his fec, p. 74.
- 49 E. 3. William Lord Latymer, p. 116.

- 10 R. 2. Robert Duke of Ireland, Earl of Gaford, p. 344.
- 22 H. 6. Ralph de Sudeley, Mil. p. 326.
- 25 H. 6. Willielmus Marquess of Suff. 327.
- 2 E. 4. Willielmus de Bello Campo, p. 199.
- 1 H. 7. John de Veer Earl of Oxon, p. 121.
- 9 Car. 1. Philip Earl of Pembroke, p. 100.

Chamberlain of the Kings Household.

- 25 H. 6. James Feys, Mil. p. 327.

Chancellors and Keepers of the Great Seal of England.

- 5 E. 2. Walter Bishop of Worcester, p. 40.
- 3 E. 3. Henry Bishop of Lincoln, p. 59.
- 8 E. 4. Richard Bishop of Durham, p. 346.
- 12 E. 3. Robert de Stretford, Archdeacon of Canterbury, p. 49.
- 14 E. 3. Robert de Bureghber, p. 49.
- 23 E. 3. John Bishop of St. Davids, p. 198.
- 4 R. 2. Simon Sudbury Archbishop of Cant. p. 199.
- 10 R. 2. Michael de la Pole Earl of Suffolke, p. 345.
- 19 H. 6. John Barbon, Episcopus, p. 420.
- 22 H. 6. John Strasford Archbishop of Canterbury, p. 323, 324, 325, 327.
- 9 Car. 1. Thomas Lord Coventry, Cust. M. Sig. p. 100.

Chancellors and Keepers of the Great Seal in Ireland.

- 4 E. 2. Walterus de Thornbury, p. 408.
- 8 E. 2. Richard de Beresford, p. 260.
- 15 E. 3. Robert de Ascheby, p. 273, 276.
- 11 R. 2. Robert de Preston, Mil. Cust. p. 67.

Other Writs issued to the Chancellor and other Officers of Ireland, are usually enrolled without their names.

CONSTABLES of England.

- 10 & 31 E. 1. Humfry de Boun, alias Bobun, Com. Hereford & Essex, his fec, p. 26, 71.
- 22 E. 3. Williel. de Bobun, Comes Norff. p. 72.
- 1 R. 2. Thom. de Wodestoke, Com. Bucks. p. 72.
- 13 R. 2. Thomas Duke of Gloucester, his Judgement in a case of Coar-Arms, between Sir Richard le Scrop, and Sir Robert Grosvenour, ratified in an Appeal from it, p. 62, 63.
- 22 E. 4. Dom. Willielmi Parre, Jacob. Haynton, & Jac. Tyrel, Milites; Viceconstabularii nostri Generales, p. 71, 72.

CONSTABLES of Dover-Castle, and Warden of the Cinque-ports.

- 26 E. 3. Bartholmew de Bureghber, p. 135.
- 6 H. 5. Humfry Duke of Gloucestre, p. 142.

The Sixth Table.

CUSTODES Angliæ, in the Kings absence.

- 17 E. 3. *Edwardus Dux Cornub. & Comes West. Gl.* Regis, p. 148.
- 21 E. 3. *Leonel fil. Regis*, p. 114.
- 18 R. 2. *Edmund Duke of York*, p. 329.
- 7 H. 5. *Henry Duke of Glouc.* p. 413.

CUSTOS Garderobe Regis.

- 17 E. 1. *Willielmus de Luda*, p. 14.

CUSTODES Privati Sigilli Regis.

- 11 E. 3. *Mag. Ricb. de Bynworth*, p. 49.
- 14 E. 3. *Villielmus de Kildesby*, p. 49.
- 4 R. 2. *John Fordeham*, p. 199.
- 22 H. 6. *Thomas Bishop of Bath and Wells*, p. 323.
- 22 H. 6. *Adam Motynes*, p. 326. made Bishop of *Chichester* the same year, 327.
- 9 Car. 1. *The Earl of Manchester*, p. 100.

JUSTICES of all IRELAND, who had the chief Government thereof in ancient times, whose powers, trusts, duties are expressed in their Patents, writs.

- 9 Johan. *Man. Fitz-Henry*, p. 250.
 - 7 H. 3. *Archiepiscopus Dublin*, p. 259, 258.
 - 11 H. 3. *Gu. de Marisco*, p. 232.
 - 12 H. 3. *Richard de Burgo*, p. 232.
 - 18 H. 3. *Jacobus de Aldubel*, p. 156.
 - 19 H. 3. *Sc. Mauricinus Fitz Gerald*, p. 202, 253, 254, 255, 257.
 - 41 H. 3. *Adam de Sole*, p. 256.
 - 13 E. 1. *W. Waterford Episcopus*, p. 258.
 - 4 E. 2. *Johannes Wogan*, p. 408.
 - 8 E. 2. *Theobald de Verdun*, p. 260, 261.
 - 11 E. 2. *Roger de Mortuo mari*, p. 60, 263, 264.
 - 15 E. 2. *Johannes de Brevingham or Bermingham, Com. Londre*, 262, 264.
 - 2 E. 3. *Johannes Darcy de Nevien*, p. 266.
 - 4 E. 3. *Roger Willam Prior of Kilmacanagh*, p. 267.
 - 5 E. 3. *Robert de Wifford*, p. 268.
 - 7 & 8 E. 3. *Anthony Lord Lucy*, p. 267, 270.
 - 11 E. 3. *John Charleton*, p. 271.
 - 15 E. 3. *Idem, & Johannes Morice, Locum-tenens Johannis Darcy, Justic. Hibern.* p. 273, 274, 276, 277.
 - 31 E. 3. *Almaricus de Sancto Amando*, p. 294.
 - 46 E. 3. *Robert de Assheton*, p. 303.
 - 49 E. 3. *William de Wyndesor*, p. 306.
 - 48, 50 E. 3. *Jacobus Botiller Comes Dormund*, p. 305, 306, 307.
 - 14 R. 2. *Johannis de Stanley*, p. 319, 311, 312.
 - 5 H. 4. *James Botiller Earl of Ormond*, p. 312.
 - 9 H. 4. *The same Earl elected Chief Justice*, p. 312.
 - 8 H. 6. *James Botiller E. of Ormond*, p. 313.
- 3 *The Kings Lieutenants in Ireland, whose powers are expressed in the Writs, Patents to them.*
- 8 E. 2. *Theobald le Botiller, Custos Terræ nostræ Hibern.* p. 260.
 - 11 E. 2. *Roger de Mortuo mari, Custos terræ suæ Hiberniæ, & locum nostrum ibidem tenens*, p. 69, 263.
 - 3 H. 5. *John Lord Talbot*, p. 313.

- 9 H. 4. *Thomas Earl of Lancaster the Kings son, Lieutenant of Ireland*, 312.
- 7 H. 5. *James Earl of Ormond, Lord Lieutenant*, p. 319, 323. his large Patent thereof, p. 322, 313.
- 21 H. 5. *Jacobus Comes Dormund*, p. 408.
- 29 H. 6. *Dominus de Wikes*, p. 408, 409. *Comes Dormund. Depressus*, p. 408, 409.
- 14 E. 4. *Duke of Bedford, R. Preston his Lieutenant*, p. 315.

Chief Justices, and Justices of both Benches in England, not mentioned in the first Table of Authors, (where you may finde the rest, who have writ any thing concerning the Law.)

- 43 H. 3. *Hugo Bigot Justic. Angl.* 327, 328.
- 44 H. 3. *H. de Bygod*, p. 190.
- 56 H. 3. *Roger de Thurstrey*, his exclamation against *Non-obstantes* in open Court, when first pleaded, p. 122.
- 10 E. 1. *Robert Clifford, Ch. Justice in North-wales*, p. 56.
- 2 E. 2. *Robert de Holland, Justic. estr.* p. 319.
- 3 E. 3. *Galfridus le Scrop*, p. 324.
- 13 E. 3. *Richard de Wilsoughby, Cap. Just.* p. 349, 350.
- 33 E. 3. *Robert de Herle, Robert Belknap*, p. 341.
- 11 R. 2. *Sir Robert Tresilian, Sir Robert Belknap, Sir John Holt, Sir Roger Fullbop, S. John Cary, Sir William Bureh*, attainted in Parliament, p. 27.
- 8 H. 6. *Sir William Chyng, Chief Justice*, p. 314.
- 19 H. 6. *John Hody, Richard Newton, Ch. Just.* p. 420.
- 8 Jac. *Fleming, Walmesly, Warburton*, p. 88, 89.
- 9 Car. 1. *Sir Tho. Richardson, Sir Robert Heath, Sir John Denham, Sir William Jones, Sir Thomas Trewe, Sir James Vernon, Sir George Crooke, Sir James Weston, Sir Robert Bechley, Sir Francis Crawley* & their Subscriptions to the King and Councils Orders concerning Prohibitions to the Admiralty, p. 100, 101. See Mr. Dugdales Chronice Series of them.

Judges in the Admiralty Court.

- 11 H. 4. *Henry Bale*, p. 396, 397.
- 22 E. 4. *William Lacy his Patent*, p. 250.
- 8 Jac. Dr. *Dunne*, p. 98.
- 9 Car. 1. *Sir Henry Martyn*, p. 100, 101.

Chief Justices and Judges in the Kings Courts in Ireland.

- About 30 E. 1. *Richard de Exon, Cap. Just. de Banco*, p. 268.
- 15 E. 3. *Thomas de Montepessulane, Henricus Baggot*, discharged, p. 272.
- 11 H. 4. *John Fitz Adams*, in Banc. p. 314.

Marshals, and Earl Marshals of England.

- 1 H. 2. *Gilbert Stroge*, p. 5.
- 31 H. 3. *Roger le Bigod Com. Norff. & Mariscallus Angliæ*, p. 73.
- 18 E. 1. *Walterus le Marechal Comes Pembroc*, p. 5.
- 23 E. 3. *Thomas Com. Norff.* p. 75.
- 13 R. 2. *Thomas Mowbray, Com. Nottingham*, created first *Earl Marshal*, p. 5, 68.
- 22 E. 4. *Thomas Gray, Miles, Vice-Marecallus noster*, p. 72.
- 9 Car. 1. *Earl of Arundel*, p. 100.

Marshals

The Seventh Table.

Marshals of Ireland.

38 H. 8. Sir *Anthony Saisleger* Knight of the Garter, p. 60.

Masters of the Rolls.

8 E. 3. *Henricus de Cliffe*, p. 49.
 10 E. 3. *Michael de Wash*, *ibid.*
 11 E. 3. *Johannes de Sancto Paulo*, his Oath, and delivery of the Rolls in the Tower to him, *ibid.*
 14 E. 3. *Thomas de Evesham*, his Oath, &c. p. 49.
 24 Eliz. Sir *William Cordell*, p. 164.

Protectors.

1 H. 3. *Will. Marshall Comes Pembroke*, 250.

Senescalli, Stewards of England.

2 E. 4. *Richard Comes Warwick*, his Patent, p. 46.
 17 E. 4. *Henry Duke of Buckingham*, his Patens, p. 47.

Senescalli Hospitii Regii.

31 E. 1. *Walterus de Bello Campo*, p. 26.

9 E. 2. *John de Crumbwell*, p. 417.
 23 E. 2. *John de Grey de Rothesfeld*, p. 198.
 4 R. 2. *Hugo de Segrave*, p. 199.
 13 R. 2. *John de Moles Anns*, p. 345.
 25 H. 6. *Radulphus Botiller*, p. 327.

Treasurers of England.

39 H. 3. *Philip Lovel*, p. 321.
 10 E. 1. R. Abbot of *Westm.*, p. 72.
 4 R. 2. *Thomas Bishop of Exon*, p. 199.
 19 H. 6. *Radulphus Dom. de Cromwell*, p. 420.
 22 H. 6. *Radulphus de Sudbery*, p. 326.
 25 H. 6. *Marmaduke Bishop of Carlisle*, p. 327.
 28 H. 6. *Radulphus Botiller*, p. 327.
 9 Car. 1. *James Earl of Marborough*, p. 109.

Treasurers of Ireland.

8 E. 2. *John de Istep*, p. 180.
 15 E. 3. *Hugo de Burgh*, p. 237.
 18 E. 3. Archbishop of *Dublin*, unfaithfull, p. 286.
 50 E. 3. *Alexander Bishop of Offery*, p. 306.
 17 R. 2. *Richard Prior of St. Johns Jerusalem*, p. 47.

TABLE 7. Of the Names of Princes of Wales, English and other Dukes, Marquesses, Earls, Viscounts, Countesses herein mentioned, and what relates to them: where D. signifies Duke, M. Marquesse, E. Earl, V. Viscount, C. Countesse, usefull for Heralds and others; the year of our Kings wherein they lived being prefixed to them.

A.

Albermarle; 43 H. 3. *William Earl*, p. 317, 318.
 52 H. 3. *Isabella de Fortibus*, Countesse of *Albermarle and Devon*, p. 208, 212, 395.
Arundel; 15 E. 3. *Richard Earl*, p. 30. 11 R. 2. *Edward Earl*, p. 26.
Arbol; 35 & 42 E. 3. *David de Strabols* Earl, p. 197, 302. 35 E. 3. *Katherine Countesse*, p. 297.

B.

Beaumont; 22 H. 6. *John Visc.* p. 223, 227, 226.
Bedford; 4 H. 6. *John D. Admiral*, p. 85. 14 E. 4. *Lieutenant of Ireland*, p. 315.
Bogan; 41 E. 3. *Alice Countesse thereof*, p. 412.
Brabant; 8 E. 2. *J. D.* p. 144.
Buckingham; 15 R. 2. *The Dux Glouc. Dux Buck.* p. 62.
 25 H. 6. *Humphrey then Earl, created Duke of Bucks*, p. 327. 17 E. 4. *Henry D. Senescal. Anglia*, p. 47.
 17 Jac. *George M. & D. Buck. Lord Admiral*, p. 123.

C.

Cambridge; 4 R. 2. *Edmond Earl*, p. 199.
Carlisle Earl, 9 Car. 1. a *Privy Counsellor*, p. 100.
Chester; 14 & 26 E. 3. *Edward fil. Regis Earl*, p. 135, 148.
Clarence; 17 E. 4. *George D. attainted*, p. 47.
Cornwall; 37 H. 3. *Richard Earl*, p. 320. 20 E. 1. *Ed-*

mond E. p. 19. 14 E. 3. *Edward D.* p. 148. 26 E. 3. *Edward Earl*, p. 135.

D.

Derby; 16 E. 3. *Henry de Lancaster created E.* p. 328.
 11 R. 2. *Henry Earl*, p. 26.
Desmond Earl; 7 H. 5. p. 313. 13 H. 6. *James Earl*, exempted from Parliaments, p. 314.
Devon; 40 H. 3. *Baldwin E. Lord of the Isle of Jersey*, p. 208, 211, 212, 395. 40 H. 3. & 4 E. 1. *Isabella Countesse his heir, ibid.* 10 E. 3. *Hugo de Courtenay Earl*, p. 134, 135.
Dormond Earl; 7 E. 3. p. 270. 15 E. 3. *James Botiller created E.* p. 307, 329. 35 E. 3. *Alienor C.* p. 297.
 50 E. 3. *James Botiller E.* Chief Justice of Ireland, p. 306, 307. 5 H. 4. *James Botiller E.* Chief Justice, p. 312. 7 H. 5. *Lieutenant*, p. 211, 313, 408. 9 H. 5. Chief Justice, p. 312. 2 H. 6. *accused in Parliament*, p. 91. 8 H. 6. p. 313. 19 H. 6. *James Botiller E. Deputy to the Lord Wether Lieutenant*, p. 408, 409. 11 H. 6. *Lieutenant, ibid.*
Dorset; 22 H. 6. *Edmond M.* p. 326, 327. 9 Car. 1. *Edward E.* a *Privy Counsellor*, p. 100.

E.

Essex; 10 & 31 E. 1. & 9 E. 2. *Humphrey de Bohun Earl*, p. 26, 71, 317. 13 R. 2. *Thomas Earl*, p. 62.
Exon; 22 H. 6. *John created D. of Exon, his Predecessor*, p. 323, 324, 326.

Faulkland;

The Seventh Table.

F.

Faulkland; 9 Car. 1. Viscount, p. 100.

G.

Gloucester; 9 E. 2. Gilbert de Clare Earl, p. 41. 11 R. 2. Thomas de Wodestoke Du. Constable of England, p. 26, 62, 63, 368, 22 H. 6. Humphry Du. p. 323, 325, 421. 11 B. 4. Richard Du. Admiral, p. 181.
Guien Duke, 11 R. 2. p. 63.

H.

Hereford; 10 & 31 E. 1. & 9 E. 2. Humphrey de Bohun Earl, p. 26, 71, 317. 13 H. 4. Roger Earl, p. 270.
Holland E. 9 Car. 1. p. 100.
Huntingdon; 23 & 26 E. 3. William Earl, p. 135, 198. 12 R. 2. John Holland E. Admiral, p. 82, 118, 119. 19 H. 6. John Earl, p. 420. 1 Mar. E. p. 19.

I.

Ireland; 10 R. 2. Robert de Veer Marq. & Duke, Chamberlain to the King, his new Coat-Arms broken upon his attainder, p. 26, 27, 67, 68, 344.

K.

Kerry; 9 E. 2. Edmund le Botiller created Earl, p. 316.
Kent; 2 E. 4. William Nevil E. Admiral, p. 120.
Kydare; 1 E. 3. p. 266. John Fitz-Thomas created Earl, p. 316.

L.

Leicester; 5 & 9 E. 2. Thomas Earl, p. 41, 317. 26 E. 3. Henry Du. p. 135. 51 E. 3. John created D. p. 329. 11 R. 2. John King of Castel Du. p. 27, 28. 9 H. 4. Thomas Earl, Lieutenant of Ireland, p. 312.
Leicester; Robert B. 14 Eliz. Chancellor of the University of Oxford, p. 156, 164.
Lincoln; 17 E. 1. Henry de Lucy Earl, p. 14. 31 E. 1. Hugo de Lucy Earl, p. 26. 4 & 5 Phil. & Mar. Edward Baron Clinton E. Lord Admiral, p. 122.
Lisle; 34 H. 8. John Dudley Visc. Admiral, p. 121.
Louch; 15 E. 2. John de Bretingham Earl, Justice of Ireland, p. 263, 264.
Lorain Duke, 8 E. 2. p. 144.
Louch Earl, 15 E. 3. p. 322.
Lothia & Lumburgia Earls 8 E. 2. p. 145.

M.

March; 4 E. 3. Roger de Mortimer Earl, p. 20. 35 E. 3. Philippa Countesse, p. 297. 42 E. 3. Esmonde Earl, p. 302.
Earl Marshal; 9 R. 2. Thomas de Mowbray Earl of Nottingham created first Earl Marshal, p. 4, 5, 68, 344, 345. 9 Car. 1. Th. Earl of Arundel, p. 100.
Morison; 12 H. 6. Edmund E. Ambassador to the Council of Basil, p. 146. 9 Car. 1. E. a Privy Counsellor, p. 100.

N.

Norfolk; 37 H. 3. Roger le Bigot E. Marshal of England, p. 73. 11 E. 2. Thomas de Brotherton Earl, p. 43. 12

E. 3. William de Bohun E. Constable of England, p. 72. 35 E. 3. Mary Countesse, p. 297. 22 H. 6. John D. p. 326. 1 R. 3. John D. Admiral, p. 121. 4 H. 8. Thomas Earl of Surrey D. Admiral, *ibid.*
Northampton; 16 E. 3. William created Earl, p. 329. 23 E. 3. William de Bohun E. p. 198. 35 E. 3. Humphrey Earl, p. 296.
Northumberland; 11 & 22 R. 2. Henry de Percy Earl, entaile thereof with the Lands, p. 66, 331. 3 H. 4. the Isle of Man granted to him, p. 204. 6 H. 4. attainted, p. 205. 25 H. 6. Henry Earl, p. 327.
Nottingham; 10 & 11 R. 2. Thomas de Mowbray Earl, Marshal, p. 24, 344. 13 R. 2. his new Crest, p. 68. 17 H. 8. Henry B. Admiral, p. 121. 17 Eliz. Charles Baron of Eslington E. and Admiral, p. 122.

O.

Oxon; 35 E. 3. Thomas Earl, & Maida Countesse, p. 297. 10 & 11 R. 2. Robert de Vesci E. his Chamberlain, created Marquess of Dublin, afterwards Duke of Ireland, his new Crest, Ensigns ordered to be suppressed in Ireland upon his attainder in Parliament, p. 67, 68, 344. 15 H. 6. John Earl, his case, p. 151. 28 H. 6. John E. p. 140. 1 H. 7. John B. Great Chamberlain and Admiral of England, p. 121.

P.

Pembrok; 1 H. 3. William E. Marshal, Protector, his Seal used by K. H. 3. before his own was made, p. 200. 10. Robert Marshal E. p. 253, 254, 35 E. 3. Agnes & Mary de St. Paul Countesses, p. 297. 42 E. 3. John Earl, p. 302. 31 H. 6. Jasper of Hatfield created Earl, p. 421.

R.

Richmond; 9 E. 2. John de Britannia Earl, p. 317. 31 H. 6. Edward of Haddam created Earl, p. 422. 17 H. 8. Henry Duke, Admiral, p. 121.

S.

Sarum; 16 E. 3. William de Monte Acuto Earl, Lord of Man, p. 385. 19 R. 2. William de Monte Acuto E. Warden of the Isle of Wight, p. 208. 22 & 25 H. 6. Richard Earl, p. 326, 327.
Somerset; 36 H. 6. Henry Du. Warden of the Isle of Wight, p. 208. 17 H. 8. Henry Du. Admiral, p. 121.
Southampton; 28 H. 8. William Fitz-Williams Earl, Admiral, p. 121.
Stafford; 35 E. 3. Radulph Earl, p. 297. 22 & 28 H. 6. Humphrey E. p. 323, 325.
Suffolk; 16 E. 3. John de Stafford created Earl, p. 329. 11 R. 2. Michael de la Pole E. his lunnons, attainder, &c. p. 26, 27, 22 & 25 H. 6. William de la Pole E. 323, 325, 327. 28 H. 6. created Duke, his impeachment, p. 17.
Surrey; 4 H. 8. Thomas Earl, Admiral, p. 121.

T.

Tilton; 8 & 10 E. 2. & 2 E. 3. Richard de Burgh Earl, p. 259, 260, 266. 4 E. 3. William Earl, p. 267. sent with an Army into Ireland, p. 270. treacherously slain, *ibid.* 35 E. 3. Lionel the Kings son Earl, p. 298, 299.

Princes

The Eighth Table.

Princes of Wales; 10 E. 1. *Leolin*, p. 56. 26 E. 3. *Edward*, p. 135, 148, 215, 216.
 Warren Countesse, 8 E. 2. her case, p. 19.
 Warwick; 5 E. 2. *Guido de Belle Campo* Earl, p. 41.
 30 E. 3. *Thomas de Belle Campo* E. p. 241. 4 R. 2. *Thomas* E. p. 199. 22 H. 6. *Thomas* E. his Precedency before all other Earls, p. 324, 325. created Duke, p. 225, 226. 28 H. 6. *Richard* created Earl, and

Anne Countesse thereof, entayled, p. 327, 328, 329.
 1 E. 4. *Richard* E. High Steward *pro tempore*, p. 46.
 Admiral, p. 120.

Wentworth Viscount, 9 Car. 1. p. 190.
Wentworth Viscount, 9 Car. 1. p. 190.

T.

Tork, *Edward*, 13 R. 2. *Edward* Duke, *Castell* Regis, p. 129. *Richard* D. slain at *Walsfield*, p. 46, 190. *Jacques* Charles Duke of Tork Admiral, p. 123.

The 8. TABLE, of Surnames and Christian Names of all Barons, Lords, Knights, Esquires, Officers, Commissioners, and other persons Names herein mentioned, not contained in the premised Tables: Those who are Knights have Kt. those whose Cases are cited have Case annexed to them; the Pages to their Names will show when they lived, what they were, what concerns them, and their Cases in point of Law. I have omitted the words de, del, le, prefixed to many of their Names, derived from places, as superfluous, retaining Ap, Fitz, and Seint, as St. Amand, &c. when put before their Names, and referring them to A. F. and St.

A.
Abbe Will. p. 20.
Abraham Henry, his case, p. 334.
Abyndon Rich. p. 216.
Afrith Adam, p. 210.
Aguillon Rob. p. 54. Rich. 109.
Albamarle Galf. p. 217.
Aldeburge Rich. p. 334.
Alexander Wil. p. 259.
Aleyn Henr. p. 54.
Alginus, p. 167.
Amrisbery Th. p. 212.
Annethe John, his case, p.
Annesley John Kt. his case, p. 91. *Hugo*, p. 398.
Ap Henry Jo. p. 217.
Ap Howel David, p. 177.
Asburnham Elyas Kt. his case, p. 91.
Asworth John, p. 227.
Aston John, *Wickliff's* Disciple, p. 215. *Richard*, his Tenure, p. 208, 217. *Thomas*, p. 127.
Astroll Robert, p. 21.
Atbrig John, p. 204.
Atte-Brigge Will. p. 210.
Atte-Hale Henr. p. 211.
Atte-Orchard John, p. 148.
Atte-Stone Will. p. 211.
Atte-Woode Joh. Kt. p. 70. *Peter*, p. 218.
Audely James, de *Helegh*, p. 35, 417. *John*, *Nicholas*, p. 417.
Augerin Bern. his Coat-Armes, p. 69.
Aylesham Robert, p. 359.

Banne John, p. 140.
Bannere Rich. p. 139.
Barington Nich. p. 220.
Barke Will. his case, p. 120.
Barry David, p. 297. *John*, 259. *Tho* Kt. 227.
Barton John, p. 137.
Baskerville Walter, his case, p. 91.
Basset Philip, *Confil. Regis*, p. 54. *Radulf de Drayton*, p. 148.
Bassingbourne Humfr. p. 30.
Basthiler John, p. 29.
Bavout Al. p. 212.
Baylie Walter, p. 166.
Beaknap Rob. Kt. attainted, p. 27.
Beaumont Henr. p. 204. *Tho*, his case, p. 21. *Mr.* *Beaumont*, his case, p. 19.
Bedford Baldwin, Kt. p. 418.
Bedenesfield Nich. p. 302.
Beters Geor. his case, p. 31.
Benburgh Thomas, p. 338.
Bendiges Simon, p. 216, 217.
Bendyn Robert, p. 31.
Bentcumb John, p. 216.
de la Bere Kynard Kt. p. 217.
Bereford Will. p. 20. *Richard*, p. 40.
Berehault Peter, p. 142.
Bermyngham Maur. p. 298. *John*, p. 259, 264. *Will.* p. 267. *Walter*, p. 297.
Bernard and *Richardson's* case, p. 199.
Bernerue Henr. p. 148.
Berton Will. p. 359.
Berwe John, *Armig.* p. 140.
Birch John, p. 367.
Birbete John, p. 398.
Blackbourne Thomas, p. 420.
Blake John, attainted, p. 27.
Blanket Edw. p. 117.
Blayne John, p. 212.
Blind John, p. 182.
Body John, his case, p. 124, 225.
Boban John, de *Midhurst*, p. 297.
Boisguerin John, p. 142.

O o o

Bonesfont

The Eighth Table.

Bonifant Judæus, p. 58.
Bongle David, p. 29.
Boston Christ, p. 402.
Botesford John, p. 40.
Botiller Edm. & Tho. p. 259. Maur. p. 266. Theobald, p. 260.
Boucy Hugh Kt. p. 70.
Boule John, p. 148.
Bourne John Kt. his case, p. 58, 59. Will. p. 40.
Bowyer Robert, William, p. 51.
Boys John, p. 137.
Brabazon Roger, his exemption, p. 37, 39.
Bryembre Nich. Kt. attained, p. 26.
Brent Benedict, p. 367.
Bretton Ad. p. 282.
Brown Roger, p. 258.
Brown John, p. 299.
Briene O. Briene, p. 267.
Brige John, p. 216, 217. Walter, p. 310, 311.
Brighton Tho. p. 398.
Bryde John, p. 140.
Bryde Walter, p. 227.
Bryde Bern. p. 70.
Bryde John, p. 242.
Bromflet Henr. Kt. created *Baron Vels* by writ; his merits, and exemption from Parliaments, p. 36, 37.
Bromie Will. p. 298.
Bromwich John, p. 297, 302.
Bromfete Henr. Kt. p. 147.
Bronns Tho. p. 147.
Brooke Tho. Kt. p. 20.
Brudford Henr. his case, p. 337.
Brundell Edm. p. 137.
Bruyn Rich. p. 139.
Bryan Philip, p. 363.
Bryans John, p. 298.
Bryen Guido Kt. p. 383.
Brynkley Rich. p. 402.
Buckie Tho. p. 166.
Burdays John, p. 142.
Burdon Nich. p. 212.
Burke Rob. p. 26.
Burgbergh Barthol. p. 297.
Burgh Walter, p. 256, 257.
Burk Rich. p. 266. Walter, p. 267.
Burton John, his case, p. 84, 93.
Bury Stephen, p. 148.

C.
Cade Jack, p. 6.
Calne Galfr. p. 232.
Calvus case, p. 94.
Cambrout Will. p. 384, 386.
Camyll, p. 297.
Camoy Hugh, p. 70.
Canoun Hugh, p. 259.
Canstlope Philip, p. 217.
Carleton Will. p. 179.
Carpenter Roger, p. 21.
Caren John, p. 297. Nich. 341.
Carrile John, p. 212.
Carter John Kt. p. 207. Reginald, p. 206. William, 207.
Cary Humfr. p. 76.
Cassellon John, p. 137.
Castlere John, p. 117.
Castro Bernardi John, his case, p. 92.
Cecill Sir Will. Kt. and Baronet, p. 156.

Cergeaux Mich. p. 359.
Cestreford Rich. his case, p. 58.
Changelton Will. p. 70.
Chazucob Rich. p. 148.
Chaucombe John, p. 29.
Chamberleyn Henr. p. 148.
Chaudor John Kt. p. 227.
Chaunt Vines, p. 60.
Checkenballe Alan, p. 217.
Cheddors Rich. his case, p. 20.
Cherinton Will. his case, p. 19.
Cherleton Griffin, p. 298.
Cheruel John, p. 40.
Chillingwod Galfr. p. 216, 217.
Chiffell, p. 54.
Chiffelden Will. p. 398.
Chiffell Hugh Kt. 398.
Clammagen Will. p. 216.
Clare Bogo, his case, p. 18, 19. Rich. p. 259.
Clere Barthol. p. 187. Simon, p. 20, 21. John, p. 210.
Clifford Roger, p. 218, 297, 331. Ludovicus Dom. p. 227.
Clive Cornel, p. 158.
Clifton Gerv. p. 139.
Clivedon John Kt. p. 383. Matthew, *ibid.*
Cobham Henr. p. 220.
Codeford John, p. 361.
Codstone Walter, p. 209.
Coke John Kt. p. 100.
Colevale John Kt. p. 147. Tho. p. 209.
Colledge Thomas, p. 421.
Colney Will. p. 40.
Columbaris Mar. p. 268.
Colyburn Peter, p. 319.
Compton John, p. 209.
Comyn John, p. 268, 297.
Constable John Kt. his case, p. 111.
Constantine Evang. his case, p. 84.
Conte Will. p. 339.
Cooke Tho. created a *Baronet*, p. 218.
Cornwall John, p. 297.
Cornisey Walter, p. 212.
Cosyn Robert, his case, p. 16.
Cotes Will. p. 212.
Gottington Baron, p. 100.
Cotton Roger, p. 60.
Coudry Thomas, p. 29. Peter, p. 212.
Coupland John Kt. *Baronet*, p. 245, 246.
Courtney Richard, p. 372.
Creker James, p. 290.
Cressingham Hugo, p. 179.
Croft Ranulp. his case, p. 148.
Cromwell Radulf Kt. 325, 326, 397.
Croshaw John, p. 297, 302. Ralph, 302.
Culpeper Richard, p. 140.
Culwen William, p. 331.
Cumingebechan Philip, Simon, John, p. 258.
Cusdry John, p. 217.
Carcy Thomas, p. 216.

D.
Dacre Robert, p. 320.
Daffeton Rich. p. 210.
Dale Will. p. 214.
Damme Jo. p. 140.
Danvers Robert, p.
Darbes Rich. Sim. p. 137.

The Eighth Table

Darcy John his case, p. 278.
 Dorell Will. p. 149.
 Deventre Robert, his case, 334.
 David brother to the Pr. of Wales, p. 56.
 David Nich. p. 147.
 Daudale Jo. p. 212.
 Deyrel Ro. p. 137.
 Deen Hen. Knight. p. 30.
 Delfal Ro. p. 361.
 De la Spenser Edw. 297. Hugo his case, p. 20, 26, 219, 220.
 Deneros Wal. Knight. p. 227.
 Derwentware John, his case, p. 332.
 Depanciatris Anth. p. 415.
 Deyncourt Edm. John, William, p. 65, 66.
 Digges case, p. 84.
 Digges Will. his case mistaken, p. 79.
 Dogeland Ro. p. 209, 217.
 Done Barthol. his case, p. 16.
 Donecafre Jo. p. 40.
 Donswyle Rich. p. 292.
 Dormond, p. 322.
 Drayton Rog. his case, p. 19. Simon, his case, p. 30.
 Duffield Rich. p. 209, 210.
 Dunelm. Nich. p. 21.
 Dunne Dr. p. 98.
 Dunham Hervic. his case, p. 332.
 Durand Reyn. p. 40.

E.

Emerton Willielmus, 211.
 Ebot Jo. Knight, his case, p. 12.
 Elbam Willielmus, Knight, his case, p. 91.
 Elyngbam Jo. p. 310, 312.
 Erlee Jo. p. 297.
 Ergad Jo. p. 204.
 Eversley Pct. p. 29.
 Exon Rich. p. 259, 260.
 Eynesford, Jo. Knight, p. 227, 239.
 Fairfax Dan. p. 124, 125.
 Faldeste Jo. p. 70.
 Fax Nich. p. 367.
 Faxons Ant. his case, p. 144.
 Feld Thomas, p. 402.
 Fener Jo. p. 142.
 Ferow Rich. p. 21.
 Ferow de Ferraris Henr. Baro p. 49. John, p. 140.
 Thomas, p. 391. William, 297.
 Fifeide William, a Coat-Arms confirmed to him, p. 70.
 Fitz-Gerold, p. 259. Mauro 255.
 Fitz-Herberts case, 232.
 Fitz-John, p. 259. Mat. 232.
 Fitz-Martyn Rich. p. 317.
 Fitz-Maurice Nich. p. 259.
 Fitz-Risfred Gilb. 201.
 Fitz-Thomas John, his case, p. 259. Maurice, 259.
 Fitz-wain Will. p. 256.
 Fitz-walter Jone, p. 297. Robert, 317.
 Flamvil Will. Knight, his case, p. 34.
 Flemings Baldwin, p. 259. Jakeman, 317.
 Foge John Knight, p. 139, 140.
 Ford John his case, p. 418.
 Forinbutt William, p. 29.

Frembaud Nich. p. 220.
 Fotherbies case, 232.
 Freners Joh. p. 209.
 Frome Will. p. 177.
 Frylande Rob. 209, 211.
 Fulham Adam, 179. Fulham B. 58.
 Fuller Will. 71.
 Furnal Tho. p. 297.
 Fynden Rob. p. 210.
 Gamel Tho. his case, p. 29.
 Ganley Pct. p. 142.
 Garth Tho. p. 40.
 Gakeigne Joh. p. 339.
 Gate Garidge Knight, p. 208.
 Gatecomb Marild, p. 216.
 Gatecra Joh. p. 208, 213, 214.
 De Gaveston Petrus, p. 215, 216.
 Gay Steph. p. 142.
 Gedel Adam, Walter, p. 21.
 Genevile Simon, p. 259.
 Gerdeston Thomas, his case, p. 19.
 Gernoun Nich. p. 297, 302.
 Gibbons Joh. p. 164.
 Gilbert-Simon, p. 210.
 Gille Richard, his case, p. 338.
 Gifilham Will. p. 19.
 Gloucester Richard his case, p. 19.
 Godefre John, p. 356.
 Godison Thom. p. 212.
 Godred Will. p. 415.
 Golefre Nich. p. 301.
 Goldebatre John p. 243.
 Goldington Will. p. 40, 220.
 Goldsmuh Rob. p. 356.
 Gomer John Knight, his case, 298.
 Gorges Rad. p. 215, 216.
 Gower Will. p. 148.
 Gratianus de Bayon, p. 117.
 Graystocke Philippa, p. 66.
 Grey John, 212. Lucia, ibid. de Colmore Knight, p. 398.
 Ralph Baro de Greystocke, p. 331.
 Griest Guido, p. 341.
 Grosvenor Richard, Knight, his great case for a Coat-Arms, p. 62, 63.
 Gyen Robert, p. 117.
 Gyldeford Henry, p. 40, 206. Gyldeford John, 140.
 Gyselham Will. p. 20.

H.

Hachler Leon. Knight, p. 327.
 Hales John, Knight, p. 342.
 Hampton Tho. Custos Insularum Gernsey, &c. p. 386, 387, 388, 389.
 Hampden Edm. p. 137.
 Hanley Joh. his case, p. 91.
 Hannevere David, p. 362.
 Harden Will. p. 220.
 Harneville Jocelin. p. 216.
 Harryngton Jam. Knight, p. 71. John 299.
 Haute Will. p. 139, 140.
 Hauerberge Rob. p. 350.
 Hawe Will. p. 148.
 Hemenbal Henr. p. 212.

Hansfoes

The Eighth Table.

Hensloes case, p. 132.
Hertford Nich. Wickliffes disciple, p. 225, 226, 227.
 Robert, 20.
Hexbal William, p. 139.
Hilary Roger, p. 148.
Hoefe John, p. 209, 210.
Holles Denzel, the Judgement against him reversed in
 Parliament, p. 13, 14.
Holm Gilb. p. 230.
Holmstede Will. p. 170.
Holt John Knight, attained, p. 27.
Horne Rob. p. 139.
Hothum John, p. 259, 260. *Hoboy* John Knight, p.
 398.
Houghton, Serjeant at Law, Judge, 86, 90.
Hudre John, p. 142. William his case mistaken, 124.
Hugh and *Hughs* case, p. 232.
Hunfry Lawe, p. 166.
Hungerford John, p. 389.
Hunmore Will. p. 240.
Huffe Laur. p. 166.
Huntingdon Alan, p. 148.
Hunticombe Wal. p. 202.
Hyllon Regim. Knight, *Wickliffes* Patron, 227.
Hyndman Tho. p. 367, 368.

I.

Janyver Will. p. 410.
Jery Gilcs, p. 29.
Inge Will. p. 219.
Ingham Oliver, p. 400.
De insula (Lisle) *Bartholmew*, p. 211. John, 32, 40,
 209, 210, 217, 211. Robert, his exemption from
 Parliaments, 32. William, 216, 217.
Joce John, p. 333.
John Nich. p. 210.
Johns William his case adjudged in Parliament, p.
 124, 125.
Jones Henry, p. 166.
Jousson Tho. p. 402.
Josfall Adam, p. 210.
Jpston John, p. 202.
Ipswich Taylors case, 129.

K.

Kartel Will. p. 319.
Kendale John, p. 304.
Keynis Robert, p. 212.
Kildesby Will. p. 49.
Kerton Walt. p. 21.
Knot Ralph, p. 30.
Knight John, p. 420.
Kylkeny Wal. p. 320, 321. Will. 29.
Kyngeston John, created a Gent. and Esq; p. 68, 211.
 Jordan his tenure, 217.

L.

Laffidel George, p. 253, 254.
Leghese Hugh, p. 259.
Lambith Will. p. 49.
Langford John, p. 208.
Langford Rich. p. 217.
Langham Robert, p. 398.
Larch John, Prior Hospit. &c. p. 278.
Lardner Philip, p. 329. Rob. 356.
Larcy Walter, p. 250, 259. Thomas, 297.

Lascels William his case, 317, 318.
Latimer Thomas, Bar. p. 227, 228. Will. 14.
Lavender Henr. p. 29.
Lawrence Edmund, p. 297.
Lawrence John, p. 401.
Lawson Richard, his case, 337.
Le Gay Isaac, p. 124.
Lee John, p. 158.
Leame Roger, p. 337.
Leghese Walt. p. 216.
Lenfant Walt. p. 258.
Leighs case, p. 83.
Levanies case, p. 232.
Lewes David, p. 166. John 76.
Leyberne Rob. p. 204.
Lofton John attained, p. 27.
Longespeye Emilia, p. 212.
London City, its case, p. 120, 389, 419, 421.
Lotrel John, p. 163.
Lovel John, p. 401. John, Knight, 338, 397. Will.
 am, Knight, exempt from Parl. p. 36.
Lovetot John, p. 179.
Lowther Will. p. 66.
Luce William, Knight, p. 227.
Luda William, p. 14. *Ludar* William his case
 p. 416.
Lume Ralph, p. 337.
Lycelade Robert, p. 227, 228, 230.
Lyleton John, Knight, his release of Arms, p. 702.

M.

Macgryn Luce, p. 205.
Mahachil Gilbert, p. 204.
Makewell Edraces, p. 241.
Malet Roger, p. 221.
Malure Peter, p. 297.
Maldon William, p. 144.
Male Leane S. p. 208.
Makorini Duncan, p. 203.
Malpas Philip, p. 419.
Mallon Prior, his case of Privilege of Parliament,
 p. 20.
Mandut John, p. 212.
Manson William, p. 139.
Mantranfer Joh. p. 297.
Mandevile Thom. p. 259.
Manesang Peter, p. 400.
Manney Walt. p. 297, 302.
Marre John, p. 363.
Marchal Robert, p. 419.
Marcy Rob. his case, p. 338.
Mareys Middelgander, p. 317.
Marreddis Mar. p. 258.
Martin John, p. 211.
Martel Robert, p. 398.
Martyn Robert, p. 140.
Martyn William Knight, his case, p. 32.
Mascall Nich. p. 385.
Matinslow Donald, Christoph. p. 256.
Mathewsson Will. p. 332.
Maurice Peter, 147.
Merle John, p. 30.
Methyn Adam, p. 364.
Meyvet Mar. p. 361.
Middlehurst Ralph, p. 337.
Melendiarum (Miller) Robert, p. 212.
Moleworth Walter, 220.
Motyns Will. p. 237.

Mout

The Eighth Table.

Monte Gomery John, p. 340.
 Monte Pessilano Thomas, p. 272.
 More Henry, p. 389. Walter, 210.
 Morell John, p. 242.
 Morris Richard, p. 420.
 Morle John, William, p. 297.
 Mortimer Roger de Wygmore, p. 54. Baro, 261.
 Mason Henry, p. 227.
 Mountague, Monte Acuto, Edm. 297. John, Knight,
 229. Thomas, 360, 363.
 Mulcaster Robert Knight, p. 66.
 Murchard, p. 270.
 Murdac John Knight, p. 148. Nicholas, Ib.
 Muxford John, p. 40, 220.
 Mutys Tho. p. 140.

N.

Nash Richard, p. 227.
 Nevil Godfrey, p. 218.
 Newburgh Lord, p. 100.
 Newman Will, p. 216.
 Nichol John, p. 413.
 Notton John, p. 398.
 Notton James, Vic. Southamp. p. 39.
 Novemercale laborer, p. 58.
 Ney William, Kings Attorney, p. 101.
 Odonator William, p. 217.
 Offerbierus Mamorch, & *Rabois* his brother, their
 case, p. 257.
 Oglander Roger, p. 217.
 Ormesby William, p. 40.
 Ormesbored Robert, 232.
 Ormskirk Sir John, p. 393. Thomas, 217.
 Ormond James, p. 53, 60, 322.
 Orpode William, p. 29.
 Otringham Richard, p. 318.
 Overton William, p. 142.
 Oxendon John, p. 140.

Packwode John, p. 355, 363.
 Pagham William, p. 212.
 Papi Hugo, his case, concerning the *Gulph* in *Flan-
 rence*, p. 342.
 Parny, al. Purney Johannis, p. 200.
 Parys Robert, p. 215.
 Parles Hamond, p. 212.
 Parre William, Knight, p. 71.
 Paston John, A. p. 213.
 Pays John, p. 211.
 Peacock Reginald, p. 227.
 Peccbe John, Knight, p. 211, 227. William Knight
 141. Radulph, 142.
 Peltur Walter, 216.
 Percy Henry, 348, 66. William, Knight, 70. Radul-
 phus de Percy, Thomas de Percy Knight, p. 66.
 Peyle Walter, p. 362.
 Peverel Hugo, p. 212.
 Pierpoint John, p. 72.
 Pith Henry versus *Jordan Venour* his case, p. 117.
 De Pis. Robert, p. 211.
 St Bartholmew his case, p. 84.
 Pkyfold William, p. 240.
 Pusheleye Heury, p. 144.

Polerys Reymund, p. 258
 Pompey the Romans Admiral, Neptune, p. 103.
 Poningges Rich. Dom. Poningges, 70.
 Possil John, p. 369.
 Power Arnald, & John, p. 259.
 Pountney Adam, his case, p. 94.
 Power Arnald, Dom. 266. Matthew, 269.
 Purnum Rowland, his case mistaken, p. 76.
 Pympe John, p. 339.
 Pynocke Richard, p. 232.

R.

Radimelde Thomas, p. 70.
 Radulph John, p. 220.
 Rassy Thomas, p. 402.
 Ravenserach Richard, p. 239.
 Raynold John Doctor, p. 174.
 Rede John, p. 410.
 Reuball Richard, p. 367.
 Repingdon Philip, p. 225, 364.
 Retford Robert, p. 40.
 Reydon Robert, p. 72.
 Reynes John, p. 137.
 Richardson and Bernards case, p. 199.
 Ringeborne Richard, p. 212.
 Riffely William, p. 393.
 Rivers Antony, Ba. p. 208.
 Roche David, George, p. 259.
 Rocheford Radulph. Knight, p. 408. Maurice, 259.
 Roches John. Knight, his case, p. 91.
 Rodeney Richard, p. 40.
 Romyn Henry, p. 211.
 Roos Thomas, p. 297. Baro 331. Christianus, 341.
 Ros John his case, 20.
 Ross Robert, p. 225.
 Rule John, p. 117.
 Rupe George, John, Baro, his case, p. 270.
 Russell William, p. 208.
 Ryver John his case against *Coffin*, p. 16. Richard,
 212.

S.

Sakevil Thomas, p. 137
 De Salucis Bonifac, p. 39.
 Sancta Amanda p. 297.
 Sancto Johanne John, p. 14.
 Sancto Martino Roger, p. 212.
 Sancti Nicholans Thomas, p. 140.
 Sancto Paul John, p. 192.
 Sandale John, p. 40.
 Sandwic Ralph, p. 182.
 Sanson Robert, p. 215.
 Sattone Hugh, p. 29.
 Savage John, p. 20. William, 220.
 Scot John, Knight, p. 139, 140.
 Scotre Roger, p. 40.
 Scrop Henry, p. 40, 218. Richard, Knight, his case
 62, 63. William 219.
 Scriver Thomas, p. 142.
 Segrave Nicholas, his case, p. 17. William his case
 401.
 Semtleger Anthony, Knight of the Garter, p. 60.
 Selby Richard, p. 212.
 Seymour John, his case, 334. William, *ibid*.
 Shavefull William, p. 192.
 sbelrey Thomas, p. 70.

The Eighth Table.

Sidors Juan his case, p. 337.
Skidmore John, p. 227. *Walter*, 212.
Skyren Richard, p. 114.
Slawny his case *vers* *Elbridge*, p. 232.
Smethemyk Hameler Esq; p. 70.
Smyth William, p. 166.
Sneyth Henry, p. 298.
Sonds John, Knight, 70; *William*, 298.
Spigurnel Henry, p. 217.
Spikesworth John, his case, 91.
Squiler William, p. 29.
Stafford James, Richard, 297. *Edmond*, 361.
Stanley John, Knight, *William* Knight, *Man Isle* granted to them, p. 205.
Stanton Henry, p. 40.
Stapilton Milo, Knight, p. 140.
Stelton Clement, p. 331.
Steward Nicholas, p. 166.
Stok Roger, p. 212.
Stone Gilbert, p. 361.
Stormy William, p. 70.
Stoyl Henry, his case, p. 29.
Straton *William*, p. 30.
Steward Nicholas, p. 166.
Stury Richard, p. 229.
Swerailson Thomas, p. 114.
Swynerton Ralph, p. 216.
Swynnderby William, p. 277.
Swynnerton John, Knight, his case miscell., p. 75, 76.
Sydelinges *Walter*, p. 297.

Tamworth John, p. 389.
Talboys William his case, p. 20, 422.
Taylor Hugh, p. 212. *Richard*, 337. *William*, 202.
The Master of the Temple his case, p. 17.
Thaksted Lucas, p. 58.
Thoresby John, his case mistaken, p. 19.
Thorns Alexander, p. 21. *Richard*, 216. *Sir William*, his case, p. 38.
Tibbot John, p. 297.
Tryngbam John, p. 137.
Todeworth William, p. 359.
Tomlinson Theodor *vers* *Philips*, his case mistaken, p. 75, 76, 77.
Tooker *vers* *Loane* his case, p. 232.
Tooley James *vers* *Lewers* his case mistaken, p. 79, 76, 77, 83.
Tressant John, p. 319.
Tressant *Warin*, p. 210.
Trenyanards case, p. 16.
Trusset John, Knight, 227. *William*, 219.
Trymenel John, Knight, *Nicholas*, *Thomas*, p. 148.
Tyrel James, Knight, 71.

De Valentia Adam, p. 20. *William*, 145.
Wainwright Thomas, p. 114.
Venour Jordan, his case, p. 217.
Vernon Richard, p. 302.
Vesse *Peters*, p. 406.

Vesey William, his case, p. 259.
Viket John, p. 389.
Underhill Thomas, p. 168.
Uncle Hugh, p. 30.
Urry Robert, p. 209.
Uske Thomas attainted, p. 37.
Utlaw Roger, p. 273.

Wakefield William, p. 359.
Walden Simon, p. 374.
Waleys Philip, p. 462.
Wallington John, p. 71.
Walwine John, p. 219. *Thomas*, 227.
Walls John, his case, p. 16.
Walter Richard, p. 142.
Walham John, p. 66.
Warblington Thomas, p. 212.
Ward George, p. 71.
Warine Fulke, Knight, p. 262.
Warner John, p. 139.
Waston William, p. 220.
Watring Thomas, p. 29.
Wedens William, p. 120.
Welle Bartholmew, p. 24. *John*, his case, 24.
Wells William his case, p. 91.
Wessfaling Herbert, p. 166.
White Richard, Prior of *Jerusalem* in *Ireland*, p. 309.
Whittington Oliver, p. 166.
Whittem Aldinc, his case, p. 338.
Wickliffe John. See Table, I.
Widwell Richard, Knight, p. 151.
Wigmore Roger, p. 227.
Wilford Thomas, Knight, p. 60.
Wilson Thomas, p. 454, to 167. *William* his Case and Appeal, 164, to 167.
Wileby Maurice, p. 212.
Willoughby Robert, Knight, 40.
Windebank Francis, Secretary of State, p. 100.
Winterton William, p. 298.
Wode John, p. 217.
Wodeville Thomas his case, p. 417.
Wogan John, p. 297. *Thomas*, 288. *Walter*, 259.
woldeboef. *William*, John, p. 209.
Wythe John, created *Clavencius*, p. 64.
Wyke Richard, p. 177.
Wyncheles William, his case, p. 333.
Wynston Richard, p. 222.
Wynresbull Beatrice, p. 212.
Wyte Roger, p. 209.
Wysard William, p. 385.
wyuld John, p. 211, 217. *William*, 211.

Telverton William, Knight, 140.
Zenche William, p. 297, 302.

TABLE

TABLE 9. Of particular Counties, Cities, Churches, Chappels, Towns, Rivers, Parks, Forests, and other places herein mentioned, Alphabetically digested, except those in the former Tables, and those referred to the 10.

A.

A Berconwey, p. 57.
 Alton Burnell, p. 57.
 Aldenham Town, p. 132.
 Almain Merchants, p. 23.
 Alwyck Castle, p. 345.
 Alwford, p. 195.
 Andover Liberty, p. 29.
 Anglesey, p. 36.
 Apuldercombe Beacon, p. 199.
 Aquitain Merchants, &c. p. 23, 44, 106, 107, 108, 109, 110, 111, 121, 406.
 Archmurdogan Mannor, p. 256.
 Athens, p. 167.
 Athepewe Beacon, p. 210.
 Atherton Church, p. 209, 211.
 Avencliff Aqua in Hibernia, obstructions to Fishings Navigation in it to be removed, p. 351, 252.
 Aven River, anciently Navigable between Bath and Bristol; Petitions in Parliament and Commissions to widen, remove all obstructions in it, to make it freely Navigable, p. 382, 383, 384. to which add Rot. 39 E. 3. pars 1. dor. 30.
 Aureney Isle, See Table 10.
 Ayverholm Boscus, p. 247.

B.

Balydoil, a Parliament held there, p. 304.
 Barneshope, p. 79.
 St. Bartholomew Hospital Glose, p. 408.
 Basingstoke Liberty, p. 29.
 Bath, a special Assize of Novel Discessis held there, p. 344. See Assize before the Court of Common Pleas.
 Baynards Castle London, p. 187.
 Bayes, p. 110, 127.
 Belaioco Castle, p. 407.
 Belvere, p. 382.
 Berks Com. Forests, p. 219.
 Bertedone Beacon, p. 209.
 Bertelmeworth Beacon, p. 210.
 Berwick, p. 93.
 Billingsgate, Customs paid there, p. 105.
 Blavio, p. 111.
 Bohemia, embraced Wickliff's Doctrine, a Crusade against them for it, p. 173, 366.
 Bolton in Com. Westmerl. p. 182.
 Bononia University, p. 168.
 St. Bothe, Boston, p. 382, 402, 403.
 Brabant, p. 23.
 Bradewode, p. 246.
 Brendwode, p. 246.
 Bretyng Church, p. 210.
 Brest Castle, p. 211.
 Briggford Church, p. 39.
 Briggeworth, the Kings Free-Chappel, p. 406.
 Briggewater, p. 79.
 Bristol, p. 84, 217, 232, 332, 382, 383.
 Britain, p. 23.
 Brodehill, p. 139.

Brygheston Church, p. 211.
 Burdegall, Burdeaux, p. 94, 111, 399, 400, 407, 410.
 Burgo, p. 111.

C.

Caleys, p. 94, 137.
 Cambridge County, p. 382. Town, p. 374. University, See Table 10.
 Can, p. 237.
 Carby, p. 301.
 Carisbrooke Castle, p. 208, to 218, 395.
 Carliol, Calile, Karleok, p. 301, 224, 345.
 Carnesford Mannor, p. 246, 247.
 Cauborn Church, p. 211.
 Chalke, p. 212.
 Chancery-lane, p. 186.
 Chapelstold Mannor in Ireland, p. 273.
 Cheapside, p. 95, 96, 97, 100.
 Chester, p. 240, 251, 312.
 Chichester, p. 345.
 Chinon, p. 106.
 Chipham, p. 212.
 Christ-Church Liberty, p. 29.
 Cinqueports, See Table 10.
 Clarendon, p. 150, 238, 249.
 Clerkenwell, p. 333.
 Cleve, p. 336.
 Coghull Mannor, p. 246.
 Colerworth Castle, Honour, p. 66, 204.
 Colchester, p. 32.
 Condiaco, p. 405.
 Cork in Ireland, p. 410, 411.
 Cornwall, its Stanneries, p. 174, 205. in Devonshire, p. 219.
 Crabbewode, p. 195.
 Cracfergus Castle in Ireland, p. 256, 311.
 Crosswayt, p. 246.
 Curbrigg, p. 195.

D.

Danwick, p. 76, 77.
 Dene Forest, p. 229.
 Devon County, Deafforestation, 219. its Stanneries, p. 174, 175.
 Dingmarsh, p. 138.
 Dolindolan, p. 57.
 Domerham, p. 212.
 Donewick, p. 152, 153.
 Dover Castle, p. 110, 153.
 Droghedab in Ireland, p. 229, 322.
 Dublin City in Ireland, p. 60, 61, 222, 249, 255, 262, 322.
 Dunestre, p. 382.

Eastmedine, p. 209.
 East-smithfield, p. 182.
 Ely, p. 152, 219.
 Emedone,

The Ninth Table.

Emedone, a Beacon there, p. 210.
Essex County, Beacons where to be kept in it, p. 136,
 317. Forest, Tithes of Venison, p. 220.
Essex Forest, p. 221.
Essex Forest, p. 219.
Essex, p. 79, 86.
Eye, p. 221.

F.

Fallewsey Hundred, p. 30.
Farnedon in Essex, a Beacon there, p. 136.
Feknam, p. 219.
Feytbelonde, a Beacon there, p. 210.
Femer-Lane, p. 186.
Fithewe street, p. 139.
Flanders, p. 23.
Flete Water and Bridge, its obstructions, Nafuance to be removed, and made Navigable as formerly, p. 179, 187.
Florence in Italy, *Guelfs and Gibelines*, p. 342.
Fobbyng in Essex, a Beacon there, p. 136.
France, p. 23, 105.
Freshwater Liberty, p. 210.

G.

Galtres Forest, Tithes of Venison, p. 220.
Garond River, p. 111.
Gatecombe Church, p. 211.
Gerebrok Castle, p. 387.
Germany, embrace *Wickliff's Doctrins*, p. 366.
Genevy, See Table 10.
Geribell, a Beacon there, p. 210.
St. Giles hill, *Winton Fair*, p. 191, to 195.
Gloucestershire, Forests, Deafforestations, p. 219. Sewers, p. 382. *St. Oswald the Kings Free-Chappel*, p. 404.
Godswall Church, p. 217.
Gravesend in Kent, a Beacon there, p. 136.
Greenwich, p. 382.
Grimsby, p. 108, 382.

H.

Haddley, p. 40.
Hale Mannor, p. 395.
Hamstede, a Beacon there, p. 210.
Harset, p. 93, 97.
Hastings, and its Free-Chappel, p. 108, 211, 152, 405, 406.
Havedburgh, a Beacon there, p. 210.
Hedgebury, p. 212.
Hekinton Church, p. 59.
St. Helen, its Beacon, p. 209.
Herefordshire, p. 221.
Herewellston Hundred, p. 212.
Hertepoll Beacon, p. 210.
Hertsbery, p. 57.
Hetdene, a Beacon there, p. 210.
Hebbwige, p. 32.
High-gate, p. 186.
Le Huis Beacon, p. 209.
Hogge, p. 105.
Holborn-bridge, p. 186, 189.
Holdernesse, p. 382.
Holeburgh Beacon, p. 210.
Holland, p. 382.
Hoe in Kent, a Beacon there, p. 136.

Hoveden, p. 382.
Humber, p. 382.
Hungary, embraced *Wickliff's Doctrins*, a Croysado against them for it, p. 366.
Huntingdon, p. 382.
Hwsete, p. 195.

I.

Jernemuth, p. 84, 111, 152, 153, 154.
Jersey, See Table 10.
Inglewood Forest, p. 220.
Johannis Baptists Hospital, spud Glouc. p. 405.
Islington, p. 95.
Iwelcester, K. E. 3. his Patent to them, for all County Courts, Assises, Oyers and Terminer in the County of *Somerset* to be held there, for its relief, p. 343, 344.

K.

Karry-macgriffia Castle, Mannor in *Ireland*, p. 316.
Kent, its Beacons, Sewers, &c. 135, 136, 138, 139, 381, 382.
Kesteven, p. 382.
Kildare Liberty, p. 322.
Kilkenny, p. 259.
Kilmurds Mannor in Ireland, p. 256.
Kingbrigg, p. 195.
Kingston upon Hull, its case, p. 11. Sewers, p. 382.
Kirkby Mannor in Kent, p. 246.
Knaresburgh Forest Perambulation, p. 219.
Knewstee, p. 382.
Knoctgrassan Church in Ireland, p. 322.
Kynegyme Winton, p. 192.

L.

Lagen in Ireland, p. 310, 311.
Lambeth, p. 168, 234, 237, 382.
Lancashire, and *Lancaster*, p. 22, 202.
Levensone Beacon, p. 210.
Lancastons Charters for all Assises, and Oyer and Terminer to be held there only, for *Cornwall*, p. 344.
Lenne, p. 114.
Leodiam, p. 105.
Lewis, p. 345.
Leycester Forests, p. 219, 226. Honour, p. 30.
Lincoln Colledge Oxon. p. 165, 166. *Lincoln City*, 29, 42, 372, 373.
Lincolnsire, Sewers, p. 385, 382.
Liffemore in Ireland, p. 249.
London, See Table 10. the Mayors New Oath, p. 380.
Lowhedone Beacon, p. 210.
Lusburgh Beacon, p. 210.
Luffshobon, p. 308.
Lyndestey Sewers, p. 381, 382.
Lynved Mannor, p. 246, 247.
Lyre, p. 211.

M.

Madrid, p. 97.
Maldon, exempted from sending Burgesles for some years, p. 32.
Malmisbury, p. 212.
Manesbryggs, p. 195.
St. Martins le Grand London, its Sanctuary, exemption from the Mayor, Sheriffs of *London*, and case, concern concerning it, p. 419, to 422.

St. Maries

The Ninth Table.

St. *Maries Church Oxon*, and Congregation House there for the University, p. 369, to 372, 356.

- St. *Mary Ebor*, p. 49.
- St. *Matthew alias Maloes*, p. 110, 142.
- Medway River*, p. 188.
- Meriton Culy*, p. 148.
- Midden*, in Ireland, p. 310, 311.
- Middlegender Mareys*, p. 317, 318.
- Middlesex County*, Sewers, p. 182, 382.
- Momon* in Ireland, p. 310, 311.
- Monte St. Michael*, p. 206.
- Morholm Mannor*, p. 246, 247.
- Mortelaks*, p. 49.
- Motha Mannor* in Ireland, p. 256.

N.

- Navarre Merchants*, p. 23.
- Nettesdale*, p. 219.
- Newburgh*, p. 395.
- Newcastle upon Tyne*, p. 33, 240, 342, 343.
- Newchurch*, p. 139, 211.
- New Forest*, p. 29, 208.
- Newland*, p. 220.
- Newport*, p. 211.
- New Temple London*, p. 187.
- Nivella*, p. 105.
- Norfolk Sewers*, p. 382.
- Normandy*, p. 240.
- Northampton*, p. 180.
- Northon Forest*, p. 220.
- Northumberland*, p. 33, 382.
- Northyre*, p. 120.
- Norway*, p. 201, 202, 205, 384.
- Nottingham*, p. 150, 219. Sewers, p. 382.
- Nyton*, p. 211.

O.

- Odibam & Porcester Liberty*, p. 29.
- Oleron Isle*, Laws, p. 81, 82, 91, to 96, 103, 106, to 120, 125, 133, 175, 199, 249.
- Oriall Colledge Oxon*, p. 227, 369, &c.
- St. Oswald*, p. 404.
- St. Oswin's Chappel*, p. 167.
- Oterbourne*, p. 195.
- Oxford Borough*, 347, to 352, 368, 374. University, See Table 10.
- Oxfordshire*, p. 368.

P.

- Paris Garden*, p. 415.
- Paris University*, p. 94, 97, 167, 168.
- Parkwest Forest*, p. 215.
- Pauls*: London, p. 220.
- Pembroke*, p. 152.
- Peterburgh*, p. 30.
- Peveck Honour*, p. 30.
- Pintokestone Bridge and Beacon*, p. 209.
- Portpolbrig*, p. 186.
- Portugal Merchants*, p. 23, 308.
- Prague University*, its defence of *Wickliff*, p. 226.

Q.

- Queenborough*, p. 114.
- Queen-hall Oxon*, p. 228.

R.

- Randon Castle*, p. 279.
- Raveney*, p. 405.
- Redmersdone Beacon*, p. 209.
- Regula Castle, Monastery*, p. 61.
- Rhoan*, p. 105.
- Ritmerfeld*, p. 246, 247.
- Rodbrige*, p. 195.
- Rokesburgh*, p. 337.
- Rome*, its University, p. 168.
- Romeney-marsh*, p. 139, 382.
- Romey*, p. 195.
- Roscoman Castle*, p. 279.
- Rocheland, or Rocheland Castle*, p. 55, 56, 57.
- Rotirburgh Beacon*, p. 209.
- Rudbriggs Liberty*, p. 29.
- Rumenal*, p. 153.
- Rye Beacon*, p. 210.
- Ryngwode Liberty*, p. 29.

S.

- Salamanca University*, p. 168.
- Salop*, p. 56. Forests, 219, 220.
- Salus Salmonis Mannor*, p. 273.
- Sandham Beacon*, p. 209.
- Sandwich*, p. 153.
- New Sarum*, p. 84.
- Schaldeflet Church*, p. 211.
- Schene Hundred, Beacon*, p. 209.
- Schidhambrige*, p. 209, 210.
- Schirpenorde Beacon*, p. 210.
- Shalford*, p. 212.
- Shepey Isle*, its Beacon, p. 136, 137. its Court for the Cinqueports, p. 109, 152, 153.
- Shoo-lane*, p. 186.
- Shonbery in Essex*, its Beacon, p. 136.
- Smerdone Beacon*, p. 209.
- Snowdon*, p. 56.
- Somerset Sewers*, p. 382, 383. County Court, Assises, &c. p. 343, 344.
- Southwerk*, p. 76, 182, 184.
- Spamton Forest*, p. 220.
- Stafford Forests*, p. 219, 220, 382.
- Staundene Beacon*, p. 209.
- St. Stephens Chappel*, p. 405.
- Stobbrige*, p. 195.
- Stratton Church*, p. 402.
- Suffolk Sewers*, p. 382.
- Survey*, p. 182, 382.
- Suffex*, p. 345. its Sewers, p. 382.
- Suchampton*, p. 193, 194, 195.

T.

- Temple-bar*, p. 186.
- Thames River*, p. 76, 136, 137, 184, 382, 415.
- Thorneby Beacon*, p. 210.
- Tilbury in Essex*, its Beacon, p. 136.
- Torrington*, exempt from sending Burgeses to Parliaments, p. 33.
- Totenhall Chappel*, p. 406.
- Tower of London*, the Records how long kept there, and Tower, House there for them, p. 38, 48, to 52.
- Tratoneisdale*, p. 402.
- Trent River*, p. 218, 382.
- Trinity House in Barton*, p. 218.
- Tyburn*, p. 186.

u.
Ulveston Mannor in Com. *Lanc.* p. 246.
Ulster, Ulton, p. 279, 280, 310, 311, 366.
Uriel, p. 310, 311.

w.
Wakfield, p. 46.
Wales, its Marches, p. 176.
Walingford, p. 197.
Waplyng, p. 182.
Warham Hundred, p. 212.
Warton Mannor, p. 246, 247.
Waterford, p. 255, 314.
Wells, p. 79.
Werche Hundred, p. 139.
Werpynham Mannor, Beacon, p. 208, 209.
Westbury, p. 212.
Westmedine Hundred, Beacon, p. 210.
Westmerland, p. 246.
Westminster, See Table 10.

Whitfield Mannor, p. 209.
St. Wilburghs Wood, p. 221.
Wiltis County, p. 212, 219, 383.
Winton, p. 209. a Fair there, 192, to 199.
Wirdet Beacon, p. 209.
Wittenberge, p. 91.
Wodestoke, p. 15.
Wodistone Beacon, p. 209.
Worcester, p. 57.
Wyghtbergh Beacon, p. 210.
Wyght Isle, See Table 10. Liberty, p. 29.
Wynandermere Island, p. 246.
Wyndesore, p. 59, 60.
Wypplingham Church, p. 211.
Wyrd Beacon, p. 210.
Wytedich Beacon, p. 209.

T.

Tarnesford Beacon, p. 209.
Tendall River, its Conservators, p. 188.
Tork, Ebor. p. 12, 49, 155, 382.

TABLE 10. Of the principal Matters, Cases of Law, Jurisdiction of Courts, Charters, Patents, Records, Statutes, and their Expositions; Councils, Parliaments, affairs of England, Ireland, Scotland, the Principality of Wales, Universities of Oxford and Cambridge, City of London, County Palatines of Chester, &c. Isles of Man, Gernesey, Jersey, Serke, Aureney, Wight, and all particulars concerning them, their Government, Defence, in times of Peace and Warre; the Principal Subjects of the Fourth Institutes, and Additional Records to them.

A.

Abbots and Priors not holding of the King in *Capite* or Knight-service, but in *Frankalmoigne*, exempt by special Patents from summons to Parliaments and Great Councils, though frequently summoned to them formerly, p. 33, 34, 334, 335. *Tithes of Assarts, Iron, Venison* killed in forests, granted to them by our Kings and others, p. 220, 221. See Table 3.
Absent Members departing from Parliament without licence, to return, or others to be elected in their places, p. 3. 40.
Absent Lords summoned to Parliaments fined, at what rate; an excessive fine in *Ireland* mitigated by the King, p. 3. 270.
Absolution of penitent sinners, common to every Priest, not the Popes prerogative, p. 224. from *Excommunications*, 240, 241, 404. See *Excommunication*.
Acts of Parliament: The Authors mistakes concerning some in Print, not of Record, p. 38, 39.
Adjournment of difficult cases into Parliament, the *Moderate* mistake therein, p. 3, 43, 44. *Adjournment of Parliaments*; See *Parliaments*.
Administrators not compellable by Ordinaries, by Bonds or Sentence, to distribute interrates goods to pious uses, or divide them amongst their friends, p. 107, 331, 222. See *Interlates goods*.
Admirals of England; their antiquity, Names, Patents, Jurisdiction in the *British* Seas, and Foreign coasts, See Table 6. Title *Admirals*. The *Roman* Admirals jurisdiction in the *British* and other Seas, Islands in them, the same with their God *Neptunes*, p. 103, 104.

The *Commons* Petitions against the Admirals & their Deputies encroachment of Jurisdiction of *Contracts, Covenants, Regrators, houses broken open, goods taken away*, extorted fees, imprisonments against Law, *Wreck, Deadlands, Woods, and other Merchandises exported without paying Customs*; Of *Gorges, wares, Kyddles* in Rivers navigable within the Counties; of all manner of *Victuals* coming out of the Sea; of Artificers, Labourers Wages living near the Sea, holding personal Pleas of Debt, Trespass, and all other things, and taking Inquests of Nuisances, Offences done within the Body of the Counties of the Realm, the Precincts of Franchises of Lords, Cities and Corporations, to the prejudice of the King, Lords of Franchises, Corporations, the Common Law, and peoples great oppression; without the least mention of holding pleas of Obligations, *Contracts, Charter-parts, Trespasses, or other matters* between Merchants, Mariners made or done beyond the Seas out of the Realm; with the Kings respective Answers to, and Acts made upon them, An. 13 R. 2. c. 3. 15 R. 2. c. 5. An. 17 R. 2. An. 2 H. 4. c. 11. An. 4 H. 4. & An. 11 H. 4. Their true genuine exposition, vindication, against the *Modern* misconstructions of them, p. 75, to 104. That the Admirals of England had Jurisdiction of all Obligations, *Charter-parts, Contracts, Covenants, Freights, Trespasses* and other things between Merchants, Mariners, Masters of Ships, made, done not only upon the main Sea, but in all foreign parts within the Kings Dominions, and without them, and were to judge them in a summary way, according to the *Laws of Oleron*, of Merchants

chants, and other Sea-Laws, not by the Common Law, and that by the expresse Petition of the Commons, An. 4 H. 4. & 11 H. 4. the words of *Carta Mercatoria*, 31 E. 1. the Statute Staple, and other Acts in favour of Merchants; the Laws of *Oleron*, the expresse Ordinances of King *Edward 1.* and his Nobles, ratified by King *Edw. 3.* without the least Prohibition, both before 13 R. 2. c. 3. and since that Act till *Mich. 7 Jacobi*, being 219 years after 13 R. 2. never till then adjudged to extend to such foreign cases. That the Common Law Courts never claimed Jurisdiction of, nor granted any Prohibitions to the Admiralty til then for foreign Contracts; 75, 103, 111, 112, 114, 115. and that by late-invented, illegal, injurious fictions, to deprive the Admiralty of its ancient legal Jurisdiction, to Merchants, Mariners great vexation, prejudice, not to prevent a failer of Justice, as is suggested, p. 92, to 104. That the Prohibitions, Indictments cited for suits in the Admiralty, extend only to things done within the body of Counties, against the Statutes of 13 & 15 R. 2. & 2 H. 4. not to foreign Contracts, &c. out of the Realm, 75, 76, 77, 83, 84. That the case of *Richard Tooley* against *John Lewis*, Hil. 36 H. 8. is quite mistaken by Sir *Ed. Cook*, and the Prohibition thereon granted not grounded upon a foreign Contract, but other reasons, 75, 76, 77. *Theodor Tomlinsons* pretended Prohibition to the Admiralty upon a foreign Contract, Hil. 2 Jac. and Sir *John Swinerton*, *Mich. 3 Jacobi*, not found in the Records cited, nor in any printed Reports, or Abridgements, 95, 96. *William Dickens* and *Rowland Purnant* his Prohibition not grounded on a forraign Contract, 95, 96. *Leghs* case, M. 7 Jac. C.B. the first Prohibition granted upon a foreign Contract to the Admiralty, since the Statute of 13 R. 2. and that by Sir *Ed. Cook* when Lord Chief Justice of the Common Pleas, against the expresse words, intent of the Statute, upon his mistake of *Tooleys* case; 83, 84, 90. *Serjeant Houghian*, Justice *Walmesly*, and *Warburton*, acknowledged the Admirals Jurisdiction in foreign Contracts, as not belonging, nor prejudicial to the Common Law, nor against the Statutes of 13 & 15 R. 2. or 2 H. 4. Proved by the Agreement of the Judges of the Common Laws, and Dr. *Dunne* Judge of the Admiralty, An. 1575. p. 98, 99. By the Articles, Propositions for settling the differences about Prohibitions to, and Jurisdiction of the Admiralty, between the Judges thereof and the Kings Courts at *Westminster*, ratified by King *Charles the 1.* with 23. Lords of his Privy Council, subscribed by all his 12. Judges, and Mr. *Noy* his Attorney General, 100, 101. By the *Late usurpers Ordinances*, 125. And by the unanimous Judgement of the Lords House after solemn Argument at their Barre, 15 May 1645. in the Case of *William Johns*, *Isaack le Gay*, and *Daniel Fairfax*, 123, 124. agreed in *Body* and *Clinch* his Case, Hil. 22 Car. 1. 124, 125. The *Black-book* of the Admiralty, its authority; the Admiral Lawes, Inquisitions recorded in it concerning excessive freights, wages of Seamen, invading the Admirals Priviledges by other Courts, and concerning the Lawes of *Oleron* in several cases, 108, 111, 114, 115, to 119, 120. The Act of 32 H. 8. c. 14. gives the Admiralty Jurisdiction, consular in cases of freights made within the Land, Realm, 121, 122. The *British* Seas part of the Realm of *England*, and under our Kings Dominion: and the Clause of 13 R. 2. c. 5. That the Admirals and their Deputies do not meddle with anything DONE WITHIN THE REALM, BUT ONLY OF

THINGS DONE UPON THE SEA, is a saving of the Admirals Jurisdiction for things done upon the Sea, which else had been abrogated by the first clause, *shall not meddle with any thing done within the Realm*, 86, to 90. Our *Saxon, Danish, Norman, English* Kings Sea Lawes concerning their Admirals Jurisdiction, power to empresse Ships, Seamen for defence of the Seas, and other services, &c. 81, 82, 91, to 96. 103, to 122, 126, 133, 175, 199, 249. Our Kings Claims, Right of Sovereign Jurisdiction in and over the *British* Seas, See Table 2. in their respective reigns, & p. 86, 87, 88, 123, to 127.

Adultery; *fornication*, none of the Kings Barons, Officers, Subjects to be cited into ecclesiastical Courts for them, without special license, Prohibitions against such Citations and inquiries of them upon Oath, 240, 241.

Mr. *Agars* pages of his *Abridgement of Placita coram Rege* in the Office of Receipt in the *Exchequer*, usually quoted by Sir *Edward Cooke*, for the Roll it self; See *Epistle to the Reader*, and p. 401.

Age and infirmity, a good cause to exempt not only Archbishops, Bishops, Barons, Abbots and Members of the Lords house from personal attendance in Parliaments, but likewise to discharge Members of the Commons house, and to elect others in their places, p. 32, 34, 35, 36, 37, 336.

Aldermanni in the Saxons time, the same with *Ewals* and *Barons*, not Commons, p. 6, 7, 8.

Aldermen of *London*, p. 180, 181, 184, 187, 379, 381. *Alienations* without license, fines for them, abolished, p. 151.

Alien Merchants; the Priviledge granted them by *Carta Mercatoria*, Ann. 31 E. 1. and Subsidies payable by them to the King for them, 23, to 26. *Protections*, *Safe Conduits* granted to them, proceedings in cases of breaches, depredations of them, and their ships, goods, wrecks, *secundum Legem Mercatoriam*, &c. 24, 73, 110, 111, 112, 113, 141, to 443, 153, 154. Not to collect the Kings Customes, 268. *Irish men alieni*, till endorsed by the Kings special grace 257, 258. and *Welshmen*, 342.

Ambassadors, Legates Office, Duty, Priviledges, p. 145, 146. King *Henry the 6.* his Embassadors sent to the Council of *Basil*, upon what accounts, 147. King *Johns* Ambassadors and Ambassy to *Admirallus Murmilinus* a grosse slander, 15.

Amerciaments not imposed as they ought, inquirable for the King, p. 152.

Antichrists Doctrines, excommunications, practises, p. 222, 226.

Appeals from the Admiralty to the King and his Delegates in marine causes, p. 79, 96, 123, 124, 125, 238, 402, 403. From one Ecclesiastical Court unto another, 237, 238. From the Marshal and Court of Chivalry to the King and his Delegates in cases of Arms, 5, 62, 63, 238, 404. Against Excommunications of the Kings Officers without his privity, 61, 62, 63, 238, 404. Of the King to the Archbishop and others, against Archbishops, Bishops undue elections, without or against his licence, &c. 61, 62, 320, 321. To *Rome* prohibited, without the Kings special license, 238. Archbishop *Wilfrid* the first who appealed to *Rome*, his ill success therein, p. 238. First introduced by *Theobald* Archbishop of *Canterbury*, the Popes Legate, 16 *Steph. Regis*, *ibid.* To *Rome* opposed, punished, 19, 51. From the Visitor of *Lincoln* Colledge *Oxon*, to the Archbishop, and from him to *Qu. Elizabeth* and her Delegates, to preserve the

the Universities Privileges, 164, to 167. Appeals in Criminal causes adjourned out of Ireland into England, 229. Appeals of High Treason, and Lords Appellants in Parliaments, 26, 27. An Appeal for conspiring the death of King Edw. 2. by Howell a Welshman with Roger de Mortimer, discontinued, and why, 342.

Nolimus autem quod tu, &c. aut Apprenticium, seu aliquis alius homo ad legem aequaliter sit electus, inserted into the Writ, of Summons to Parliament, Cl. An. 5 H. 4. pars 2. m. 4. 25 die Augusti. Sir Ed. Cooks mistake therein, *Walsingham* justified against him, p. 12, 13, 14.

Archbishops of *Canterburys*, *York*, *Ardmaghs*, and *Dublin* contests about carrying up their Crosses in one anothers Provinces, when summoned to Parliaments and Great Councils; the Kings Writs to settle their differences; p. 271, 409, 410. King R. 2. and Henry 4. their Decree for the Archbishop of *Canterbury* his Visitation of the University of *Oxford*; after many contests concerning it, they set aside the Popes Bull to the contrary, 367, 368. he hath no Jurisdiction in the Kings Court, or Free-Chappels, 18, 19, 404. His Preaching and Prayer in Parliaments, p. 5. His Court of *Archb.*, *Audience*, *Prærogative*, other Courts: sundry Decrees of Archbishops for the reformation of the Advocates, Judges, Proctors, and fees in them, 236, 237, 238. Their Ancient Decrees and Constitutions against marriages without first asking *Banes* thrice in the Church, 234, 235, 236, 237. Canons, Constitutions, Petitions in Parliament against the manifold extortions of Archbishops, Bishops, Archdeacons, their Officials, Deanes, Marshals and other Officers for Letters of Orders, Certificates, Admissions to, Procurations for Churches, which they do not actually visit, for Institutions, Inductions, Probates of Wills, Letters of Administration, &c. p. 232, 233, 234. Indictments against them for such extortions, 401. That every Archbishop, Bishop upon the abolishing of the usurped Jurisdiction of the Bishop of *Rome* in *England*, *Ireland*, and every Archdeacon, Commissary, Official were enjoined to issue, execute all their processes in the Kings name, right alone, like other Temporal Courts, as derived from and under them, by expresse Acts, p. 221, 222, 316.

Arms, *Coat-Arms*, Appeals, suits concerning them, grants and releases of *Armes* by Deeds enrolled in Chancery, p. 62, 63, to 68. *Arms*, *Crests*, *Ensigns*, granted by our Kings to Noble men, Knights, Esquires, Gentlemen and others, 63, 64, 67, 68, 69, 70. revoked upon attainders of High Treason in Parliament, 67, 68. *Arms* usurped without right, prohibited, demolished at Musters by Proclamation, p. 64. *Edmond Deyncourt* his Case concerning granting his *Arms*, Name and Lands to others, to perpetuate his Name, mistaken by Sir *Edm. Cooke* and others, p. 65, 66, 70, 71.

King of *Armes*, *Clarencieux* his Patent of Creation, with his Fees, 64, 65.

Law of *Armes*, in cases of Prisoners taken in Warres, breaking their parols, faith, and not paying their ransoms, p. 245, 338, 339.

Army summoned against the *Welsh*, p. 56. *Army Pleas* before the Constable and Marshal of the Kings host, and his Officers, for misdemeanours and other things, p. 337, 338, 339.

Armor, Swords, Bucklers, and other weapons prohibited to be worn by any within the City or Suburbs of

London, to the disturbance of the publike Peace, p. 181, 378, 379.

An Arabick Lecture settled in the University of *Oxford*, p. 168.

Araying, mustering of men for defence, safeguard of the Realm in times of danger or invasion in several Counties; in the Isles of *Wight*, *Jersey*, *Gernsey*, &c. according to their lands and estates, p. 56, 128, 134, to 141. 209, to 214. 387, 390. See *Cinque-ports*, *Mariners*, *Ships*.

Assays of Forests, Tithes paid of them, p. 226.

Assise of bread, beer, victuals, wine, weights, measures, and Inquisitions concerning them, p. 26, 179, 180, 189, 377, 378, 382.

Assise of Cloth inquired of, dispensed with, p. 25, 153.

Assises, *Gaole-deliveries*, *County-Courts* granted by our Kings Patents, Charters out of special favour, or for particular losses, to be held at *Launceston* for *Cornwall*, and *Iwelcester* for *Somersetshire*, and not elsewhere, p. 343, 344, 345.

Assises of *Novel disseisin*, *Moridancester* in *Ireland*, p. 263, 264, 265, 322.

Atblone Castle in *Ireland*, p. 279.

Assistants to the Lords House who, their Writs, numbers, persons variable at the Kings pleasure, p. 4, 10, 11.

Attainders in Parliament, and proceedings thereupon, p. 26, 27, 67, 68.

Attorney Generals of the King and Queen Speakers of the Commons House, p. 11. Attorney General of the Queen in *Ireland* to levy her *Queen-gold* there, p. 318.

Avene River, navigable anciently between *Bath* and *Bristol*; Petitions to enlarge and remove the obstructions in it, hindring Navigation, p. 382, 383, 384.

Aweney Isle, with others, p. 205, 206, 207, 386, &c.

Aurum Regina, an ancient Prerogative due to our Queen Consorts both in *England* and *Ireland*. Sir *Edward Cooke* mistake therein; Lands extended for it, p. 307, to 311.

Ayde, to marry the Kings eldest daughter; exemption from it claimed by those of the Isle of *Wight*, by reason of their charges in defence thereof, p. 214, 215.

Azure in *Armes*, p. 62, 63, 67, 68, 69.

B.

Baccallari of the Canon, Civil Law and Decretals; contests between them, the Doctors of the Canon, Civil Law, and Bachelors, Doctors of Divinity, Chancellor, Proctors, and Regent Masters of the University of *Oxford*, concerning their exercises, degrees, settlement thereof by the Kings Commissioners in Parliament, p. 71, 72, 163, 169, 358, to 363.

Bakers attached for sale bread wanting Assise in *Dublin*, p. 251. in *London*, p. 180, 238, 379.

Banerets, created by our Kings for extraordinary Services, with Annuities or Lands conferred on them to maintain their state of a Baneret, p. 218, 245, 246, 247.

Banes to be thrice published openly in the Church before every marriage, both by several ancient Canons Constitutions of our Archbishops and Bishops in their Convocations, by several Acts of Parliament, the Rubricks of all our Books of Common Prayer, before the solemnization of marriage, and the late Act of Uniformity and Common Prayer, 14 Car. 2.

The Tenth Table.

- e. 2.** All Licences, dispensations to marry without *Panes*, illegal, void in Law, subversive to all those **Canons**, Acts, the form of Matrimony in the Books of Common Prayer, scandalous, yea destructive to many persons, families, an high encroachment of Regal Authority and the rights of the Crown; fit to be redressed, p. 234, to 238.
- Banishment** of all *Disshemen*, except such as put in good security for their good behaviours, out of the Universities of *Oxford*, *Cambridge*, *England*, the reasons thereof are expressed in the Acts and Petitions in Parliament, p. 156, 319. Of all Common Women and Harlots out of the Universities of *Oxford* and *Cambridge*, 374. Of seditious Scholars and disturbers of the Universities Peace, Government, by the Chancellor of *Oxford* by virtue of the Kings Charters and Patents to the University, 351, 352, 254. A Prohibition against such *Banished Schollars* Appeals to *Rome* against the Chancellor of the University, 354. Of Thieves out of *Ireland*, p. 250. Of Sea-men, p. 106.
- Barons of Cinque-pors**, when first summoned to Parliaments; the grosse mistakes of *Modus tenendi Parliamentum*, concerning their wages, calls in Parliament, p. 2, 3. and duplicate of their returns when elected, p. 5, 6. Their Courts held at *Shipw* before the Kings Justices, 152, 153. Their Petition in Parliament concerning their Charters and Liberties, 8 E. 2. p. 154. Writs to them upon several occasions, 154, 347, 346. King *Henry 3.* his memorable Writ to them concerning the Barons Wars, &c. 154, 155.
- Barons of the Court of Exchequer**, when first introduced, when called Assistants to the Lords House by Writ, p. 4, 10, 11. *Baron Thorpe* Speaker of the Commons Houe whiles *Baron*, his case, p. 12. Writs issued to them, Petitions in Parliament referred to them upon several occasions, p. 54, 57, 58. They administer an Oath to the Lord Mayor and Citizens of *London*, 54, 55. Ought to hold no Common Pleas before them in the Court of *Exchequer* in *England* or *Ireland* against *Magna Charta*, c. 11. p. 55, 283, 290.
- Barons of Parliament in England**, their *Knights-fee* and *reliefs* to the King for them uncertain, before settled by *Magna Charta*, (not by *Modus tenendi Parliamentum*) p. 4. Our ancient Kings before and since the Conquest, till the reign of King *H. 3.* held Parliaments with their Barons, Earls, Prelates, without any Knights, Burgesses, Citizens; but never with the Commons alone, without the Barons, Earls, Prelates p. 6, 7, 8, 9. See *Parliament*.
- Barons of Parliament**, when and how much fined for absence from Parliament when summoned; the *Modus* mistake therein, p. 3, 270.
- All greater Barons holding by *Barony*, or so many Knights fees as were reputed to amount to a *Barony*, ought to be summoned by Writs to Parliament, and were thereby Barons by Inheritance; others who held not by *Barony* or *Knights-service*, were not bound to be constantly summoned, no more than Abbots or Priors, who held by *Frankalmoigne*, not by *Barony* or *Knights-service*, p. 28.
- Sir *Henry Bonifet* and his heirs males created *Barons of Vesty* by a special Clause in his Writ of summons, p. 28, 46.
- The Abbot of *Travestote* and his successors created *Spiritual Barons* and Lords of Parliament, p. 28.
- The Barons Letter to Pope *Boniface* the 8. concerning the Kings Sovereign Dominion over *Scotland*, To Pope *Alexander 3.* against *Adomars* restitution to *Winchester*, in the name of all the Barons, and Commonalty of *England*, p. 8, 9. The Commons never sat with them in Parliament in one House, as is pretended, p. 8, 9, 10, 17.
- What fees those who hold by *Barony*, or part of a *Barony*, ought to pay to the *Marshal* when they do their homage to the King, p. 74, 75.
- Barons**, Earls Priviledges for their Vallets, or Pages to carry their swords within *London* in their Lords presence, p. 376.
- Barons of Ireland**, how created, p. 316. King *John*, *Henry 3.* and other Kings Writs to them, concerning the Lawes, Government of *Ireland*, p. 249, 250, 256.
- Baronies**: the Head Seat of them ought not to be assigned to their Wives for their Dowry, p. 254.
- Barlardy**, how to be tried, certified in *England* and *Ireland*, 253, 254.
- Bath**, and what concerns it, See Table 9.
- Battle** unduly joyned in an Appeal, p. 259.
- Bayle**, Judgement given against the Bayle in the Admiralty, when the Principal Defendant became a Bankrupt, and died, p. 123, 124.
- Beacons** where, how, and by whom to be erected, watched in *Essex*, *Ken*, *Ile of Wight*, *Cornwall*, *Caleys*, and other places in times of war or danger; Records, Writs concerning them, p. 134, to 141, 209, 210.
- Beads** of the University of *Oxford*, p. 368.
- Benefices** to be conferred on Graduates in the Universities for their encouragement, p. 164, 168, to 170.
- Pluralities of *Benefices* in one person, & Non residence, prohibited by sundry Councils, Canons, Decrees, as most scandalous, pernicious to the Church, not to rectifie the abuses thereof, but for Popes and Bishops only to gain money for dispensations against them, 236.
- Benefices**, Bishopricks, &c. in *Ireland* not to be conferred on any meer *Bishp*, p. 295, 296. Those who had benefices there, and resided not on them, ordered to contribute to the maintenance of the Wars, p. 307, 308.
- Black Book** of the Admiralty its Authority, and of the Black and Red Books in the *Exchequer*, p. 106, 108, 111, 112, 114, to 119, 120.
- Blasphemers** of the Name of *Jesus Christ* commanded by King *Henry* the Third to be attached, punished for it, p. 53.
- Bowar Castle**, p. 279.
- Books** pretended to be Heretical inquired after, and seized by the Kings Writs and Commissioners, how to be licensed, p. 229, 230, 396, 397, 399, 366.
- Brokers** of the Kings Justices and other Officers in *Ireland* for their own luche prohibited, their great oppressions to the people, and prejudice to the King, p. 288, 294.
- Bribery**, Sir *William Thorpe*, his Condemnation and Judgement for taking bribes, against his Oath, p. 338. inquired of, p. 153, 394.
- Brothels** in *London* and its Suburbs; murders and mischiefs done in them, p. 180.
- Burgesses** of Parliament, their returns, wages, expenses what, and when settled; the *Modus* mistakes therein, p. 2, 3.
- Burnings** of Suburbs in times of Warr to preserve a City, lawfull, justifiable, nor punishable by the Law of Arms, p. 60, 61, 271.
- Butlerage**: Records concerning this duty, when and how to be levied, p. 26. R r r Cc

C.

Caleys: Recognizances before the Mayor of the Staple there, not executory in England but by Act of Parliament, p. 94. Acts for Beacons, Watches, and repairing the Post there, p. 137, 141.

Cambridge University: the Charters, Patents, Records, in the Tower of London granted to it by our Kings, which principally concern its Privileges, Government, Chancellors, Scholars, p. 159, 372, to 377. Pretended to be founded by King Sebert, by *Nicholaus Cantilopus*, and *John Gaim*, who are feaught with Fables, p. 174. It is placed after the University of Oxford, as inferior to it in antiquity and eminency; in above 50 Parliament Rollis and Acts of Parliament, p. 155, 156, 161, 164, 174. In the very Act of An. 13 Eliz. no. 25. which incorporates the Universities of Oxford and Cambridge in perpetuity, and confirms all the Charters, Liberties, Privileges granted to either of them, by any of our ancient Kings, p. 156, to 159. In King Edw. the 1. his Writs of Summons of Lawyers out of both Universities to the Parliament of Lincoln concerning the Defence of his Sovereign Dominion over the Realm of Scotland, p. 372, 373, 374. In the Kings Writs *ad Jura Regia* in defence of the Rights of his Crown against the Popes Usurpations, p. 353. In the Parliament of King R. 2. against admitting *Apostate Freers* to degrees within the Universities of Oxford and Cambridge, 365. In the Patent of King H. 4. for advancing Graduates in both Universities to benefices for their encouragement, 241, 242. In the Provincial Constitutions of *Tho. Arundel* Archbishop of Canterbury, Anno 1408. p. 366. and of *Henry Chicheley* Archbishop of Canterbury for the Promotion of Graduates to Benefices in both Universities, Ann. 1421. p. 168, 169, 170. And in the General Council of Vienna under Pope Clement the 5. Ann. 1310. wherein Oxford only is constituted the sole University for England, Scotland, Ireland and Wales, wherein Hebrew, Arabick, and Chaldee Lecturers and Professors should be erected and maintained by the King and Clergy, without the least mention of Cambridge, 166. That not one Scholar of the University of Cambridge, but many in Oxford, maintained, preached, justified by writing and disputations the Orthodox Conclusions, Doctrines of *John Wickliff* against the Pope and his Clergy, in the reigns of Edw. 3. R. 2. H. 4. 5. & 6. (though many of Cambridge afterwards suffered Martyrdom for defence thereof under H. 8. and Queen Mary) p. 172, 173, 222, to 228, 230, 232, 364, 366. All the Patents, Liberties, Privileges granted by our Kings to the University of Cambridge, were only such, as they had formerly granted in the first place to the University of Oxford, p. 374, 375, 376.

Canon Law: That the Pope can make no Canons nor Decretals to bind any Christians, p. 398. Bachelors, Doctors and Students of it, 163. See *Baccallarii* before. No Canons ought to be made, but by the Kings royal assent; and binde not the Subjects, unless by common consent in Parliament, p. 221, 222. or ratified by the Law of the Land and Kings Prerogative, 228, 396, 399.

Capons, fat and lean, at what price to be sold in London and its Suburbs, by Petition, Ordinance made in Parliament, p. 277.

No Cardinal, or other Officer of Rome, ought to receive

the Ecclesiastical fruits of any Benefice or Prebendary in England, unless they reside thereon, or be employed in the affairs of the Realm, for a reasonable cause allowed by the Lords, p. 216. What and how many Cardinals the University of Oxford hath produced, p. 171.

Carpenters impressed for the Kings ships, buildings, works, p. 127, 128.

Carta Mercatoria, of Privileges granted by King Ed. 1. to forraign Merchants; and the Tonnage, Poudage, Customs then granted by them to the King and his successors for the same, p. 23, to 26.

Carta Foresta, See Forests.

Castles of Warre for publike defence, ought not to be assigned to any Countesse or Woman in Dowry after her husbands decease in England or Ireland, and ought by Law to be resumed, if assigned, p. 256, 257. To be fortified, victualled, maintained for publike safety against Enemies, Rebels in times of danger, warre, p. 202, 204, 208, 212, 213, 214, 216, 217, 279, 307, 308, 313, 387, 390, 392.

The ill guarding of Castles in Ireland, and Captains receiving pay for more Soldiers then they kept, the greatest cause of the rebellions, wars, losses in Ireland, p. 279, 280, 298, 299, 301, 307, 308, 313.

Castle gard, not to be payd for Castles taken by the Enemy, or abated, p. 282. In *Gernsey*, p. 387.

One Canowry, Prebendary, or Ecclesiastical dignity with cure, in any Cathedral, Collegiate, and Conventual Churches; but not two, which are incompatible, to be held by Graduates in the Universities of Oxford and Cambridge, by K.H. 4. his grant, by the gift of the respective Patrons, or graces, provisions from the Pope, p. 241.

Catholic Christian Faith; the Kings of England in their Patents, Writs, professed themselves the Principal Zealous Defenders thereof by office as Kings, within their Realms, and opposers, suppressers of all Errors, Heresies contrary to it, (not the Pope or Bishops) long before the Pope conferred the Title of Defender of the Faith on K. H. 8. p. 224, 227, 230, 364, 395, 396, 397.

Certificates of the State of Ireland by the Kings Officers untrue; to the great prejudice of the King and his Subjects, p. 289, 290. The makers of such false Certificates to be severely punished, *ibid.* Certificates of Officers in Irelands defaults, oppressions, to be made to the King and Council in England, 293, 294. trial by the Marshals Certificates for Knights service done out of the Realm, p. 94. Of the Admiral into the Chancery of ships arrested for the Kings service, 108.

The Chamberlains fees, p. 74.

Chamberlain of the Exchequer in Dublin, p. 270, 274, 275.

Champerry in Ireland, notwithstanding the Statutes, p. 290.

Chancellors of England, their Antiquity, Succession, Office: See Table 6.

Chancellor of Ireland, Writs directed to him concerning his Office, trust, power, p. 259, 260, 261, 264, to 269, 274, 275, 276, 277, 280, 283, 284, 285, 292, 294, 298, 299, 300, 305, 306, 314, 408.

Chancellor of the Exchequer, p. 55, 277.

Chancellors of the Universities; See Oxford and Cambridge.

Chancery Court: its Antiquity, p. 48. Always open, from whence none ought to depart without relief: *Epis.*

The Tent Table.

- Epist. Ded.* 2. A Court of Record, p. 13, 18. Extracts of Records out of it, p. 30. Writs issuing out of and returned into it, p. 265, 273, 291.
- The Court of Chancery in Ireland, 256, 265, 285, 314.
- Chafes*, p. 218, 219.
- Chester* County Palatine, City, and what concerns them, p. 151, 240, 355.
- Court of Chivalry before the Constable, Marshal, and cases of Arms relating to it, p. 62, to 82.
- The Churches of England, Ireland, and *Vasconies* just Liberties carefully preserved by our Kings, not their pretended ones, intrenching on the rights of the Crown, *Epist. Ded.* & p. 53, 147, 240, 241, 278, 287, 406, 407.
- Cinque-ports*, Records, Writs, matters concerning them, their privileges, Barons summons to Parliaments, wages; and mistakes concerning them rectified, p. 2, 3, 5, 83, 152, 345, 346.
- Cistercian* Monks exempt from procurations, yet demanded, p. 129.
- Clerk of the Market in England, his Office, Records, Inquisitions concerning Weights, Measures, &c. p. 198, 381. Their extortions, abuses in Ireland, p. 293.
- A Clerk for the Musters and wages of Soldiers in Ireland, p. 285.
- Coker*, p. 285.
- Coales*, Sea-coals, the burning of them punished, suppressed, as a great nuisance, annoyance, by corrupting the air of the City, complained against in Parliament by the inhabitants of *Southwark*, *Wapping*, *Est-Smithfield*, others, p. 181, 182.
- Collectors of the Kings Customs who were aliens, their frauds, p. 143, 144, 268.
- Commissions for Beakens and Arrayes, p. 134, to 141. See *Arrayes*, *Beacons*.
- Commissions to sell the Kings decayed Woods, and rent out wastes in Forests, p. 219. What illegal, p. 396, 397, 398.
- Common in Forests, p. 200.
- Common Pleas Court, its settlement in Ireland, p. 52. No Common Pleas to be held in the Exchequer in England or Ireland, p. 55, 56, 283, 290.
- Commons, Commons House in Parliament, and what else concerns them, See *Parliament*.
- The Commons Journal a Record only to one intent, p. 17.
- Common Law. See *Admiralty*, *Law*.
- Concealments of Traytors goods, the Kings rights, &c. inquired of, p. 17, 386, 390, 391, 392.
- Conquest, lands gained by it granted by K. H. 4. p. 204. See p. 300.
- Constable of England, and proceedings before him, p. 59, to 74.
- Connacht* in Ireland, p. 279, 280.
- Conservators of Truces, p. 141, 142, &c.
- Conventicles, Confederacies of Graduates, Doctors of the Canon and Civil Law, against the Peace, Quiet of the University of *Oxford*, and of Hereticks, Schismaticks, Lollards, and *wickliffs* followers prohibited by the Kings Patents, p. 125, 126, 162, 227, 228, 229, 230, 231, 362, 362, 366, 367.
- Cork*, a Case concerning its Merchants, p. 314.
- Corn*, its exportation out of Ireland prohibited, p. 258. licensed, p. 265, 304.
- Corners*, p. 281, 193.
- Councils and Synods herein cited: Of *Basil*, Embassadors sent to it, p. 146, 147. Of *Cassil* in Ireland, p. 249. Of *Constans*, p. 147, 231. Of *Durham*, p. 234. Of *Lambeth*, under *Walter Raynard*, p. 168. under *Simon Mepham*, p. 234. Of *London*, under Archbishop *Theobald*, p. 238. under *Hubert*, p. 234. under *Walter Reynolds*, p. 234. under *John Stretford*, p. 233, 234. Of *Lyons* in France, under Pope *Innocent* the 4. p. 130. Of *Nice*, under *Constantine* the Great, p. 107. Of *Oxon*, under *William Courtney*, and under Archbishop *Arundel*, p. 112, 173. Of *Salzw*, p. 234. Of *Vienna*, under Pope *Clement* the 5. wherein the General Universities for *Italy*, *France*, *Spain*, *England*, *Scotland*, *Ireland*, *Wales*, were ratified, p. 168. wherein the Order of the *Templars* was totally suppressed, and their Lands taken from them, p. 224. Of *Wester*, p. 234. Of *Yorke*, p. 234.
- Council of the King in England in and out of Parliament, p. 45, 46. The Council Board, and things relating to them, p. 26, 39, 260, 254, 261, 264, 265, 267, 273, 278, 281, 287, 293, 296, 297, 298, 305, 306.
- The Kings Council in Ireland, and matters referred, or relating to them, p. 274, 287, 288, 289, 300.
- Council of the North suppressed, p. 178.
- County Court, its antiquity, jurisdiction, how, where, when to be kept, p. 189, 190.
- Cow* far, her price, p. 377.
- Cowards* and fugitives in Warre their punishment, p. 104, 105, 127, 128.
- Crown* Pleas where, and by whom to be held, p. 153, 192.
- Coyage* of all Gold and Silver found in Mines in Ireland, to be at *Dublin*, p. 308.
- Customs* old, new, great, small, Charters and Records concerning them, p. 23, to 27. Contrrollers of them, p. 285.
- Customs* in Ireland, p. 302, 304.

D.

- Danegelds* for defence of the Sea, p. 87.
- Deafforestations of Forests, p. 218, 219.
- Debts of the King how to be levied in Ireland, and not released, respited at the Officers pleasure, p. 273, 275, 276, 278, 280, 283, 291.
- Deceits of the Kings Officers, p. 274, 280, to 885, 292, 293.
- Defaults inquired of, p. 153.
- Defender of the Christian and Catholick faith used in our Kings Writs, Patents, before the Title given to K. H. 8. by the Pope, p. 229, 230. See *Catholick faith*, and Table 2. in R. 2.
- Delays of Justice expedited, p. 39.
- Delegates upon Appeals from the Admiralty, p. 79, 124, 125, 402, 403. From the Constable and Court of Chivalry, p. 62, 63. From the Chancellor and University of *Oxford*, p. 164, to 167. See *Appeals*.
- Demorage, p. 116.
- Denmark* received the Reformed Religion from England, p. 173.
- Depredations, complained, inquired of, proceeded in according to the Law of Merchants, p. 24, margin, 73, 112, 113, 142, 153, 340, 341, 342, 393.
- Hughle Despensers*; the Kings proceedings against him for striking in Parliament, p. 20. Inquisitions of his and his Officers abuses, extortions, as Keeper of the Kings Forests on this side *Trent*, p. 219, 220.
- Devon*, a Commission of array, and for erecting of Beacons issued to it, p. 134. See *Stanneries*.
- Dispensations to marry without publishing banns thrice in the Church, against many Canons, Statutes, the Book

The Tenth Table.

Book of Common Prayer; voyd in Law, mischievous, destructive to many persons, families, and in high encroachment of royal authority, p. 234, 235, 236, 237. To eat Flesh on Fish dayes warrantable only by Statutes, 236. Of the King with penal Statutes for publike good advancement of Trade, &c. voyd in Law, though backed with a *Non obstante aliquo Statuto*, &c. p. 128, 129, 236. Popes and Prelates dispense with their own Canons, Constitutions against *Pluralities*, *Commendaes*, *Non-residence*, marrying within their prohibited degrees, irregularities of Clergy-men, &c. only to get money by them, without reforming the abuses, p. 129, 130, 236.

Distresses excessive and against Law prohibited, p. 278, 283, 292. to be taken according to the Common Law, p. 315. During Parliaments, p. 18.

Doffors of the Canon, Civil Law, Decretals, and Divinity, and matters relating to them, p. 146, 163, 164, 165, 166, 169, 358, to 363.

Dowers, not to be of the Head of any Barony, Castles of War, or homages, services for the Wars, p. 256, 257. reassigned, when against Law, *ibid*.

Dowagers in Ireland summoned to defend their Lands there, according to the value of them, p. 297.

Durham County Palatine, Records concerning it, p. 151, 152. A Commission to the Bishop thereof to array men, erect Bekins, and keep watch on the Sea coasts in time of warr, p. 235.

E.

Ecclesiastical Courts, Officers, and matters belonging to them, p. 221, to 243, 395, to 408. ought to derive their power only from our Kings Sovereign Ecclesiastical Authority; to be held in his name, right as Ione, like temporal Courts, and all their proccesse to issue in his name, 221, 222, 316, 318. Their extortions, vexations, illegal Citations, Excommunications, Usurpations on the rights of the Crown, and Subjects Liberties, complained of, restrained by Prohibitions, Indictments, p. 224, 226, 231, 232, to 242, 250, 251, 402, 406, 407.

King *Ed. 1.* excommunicated with Bells and Candles by a Priest in *Scotland*, his Judgement in the Court Marshal for it, p. 378.

EGYPT, p. 89.

Elections of Knight, Citizens, Barons of Ports, Burgesses of Parliament, and their returns, p. 2, 3, 5, 6, 10, 11, 12. *Elections* unduly made or returned, complained of to, rectified by the King, and such as he appointed in ancient times, not by a Committee of Priviledges of the Commons House, p. 31. The *Elections* of Infants under the age of 21 years to be Members of Parliament, voyd in Law, *ibid*. Our Kings prerogative in the *Elections* of Archbishops, Bishops, Abbots, both in *England* and *Ireland*. None to be elected without their precedent licenses to *Elect*; their *Elections* void, rejected, without such precedent licenses, and the Electors finable for electing, 310, 321, 131. The *Election* of the Rector of *Lincoln* Colledge, an Appeal thereupon, 164, 165, &c. Acts for *Elections* of Members of Parliament in *Ireland*, p. 315.

Ely, its Royal Franchises, Records concerning it, p. 152.

Enemies goods inquired of for the King, p. 153.

England, its Crown, Kings, Realm, free and exempt from the beginning of the world from all Imperial, Pappal foreign power whatsoever, in all things concern-

ing its Regality, and immediately subject to none but God, *Ensl. Dred catoy. Irelands, Scotlands*, Mans subjection to it; their Kings, Nobles homages to our Kings thereof, as to their Superiour Lords, in former ages, p. 243, 244, 245, 248, 249, 250, 201, 202, 303, 384, 385. Superiour Lords of the Seas invitioning and annexed to them, which are part of the Realm, p. 86, 87, 88, 104, to 124. Our Kings care to preserve the Rights of the Crown of *England*, according to their Oathes, duties; Writs issued for that end, p. 53, 54, 145, 146, 155, 228, 229, 238, 240, 250, 251, 320, 321, 354, 357, 372, 373, 391, 392, 393, 402, 405, 407, 419, 420.

Ensigns and *Banners* of Subjects, erected, used in the field against Enemies to the King, dishonor, prohibited, defaced, p. 67, 68.

Errors in Judgements in *Ireland* how to be redressed there, and in *England*, p. 286, 287, 313, 314, 322.

Error in Parl. reversing a Judgment in the Kings Bench against *Denzel Holles*, Esq (now Lord *Holles*) Sir *John Elliot*, others; The Lords sole Judges therein, p. 12. Sir *Edward Coles* grosse mistake, that it was *Error*, because the Commons agreed not with the Lords in the Judgement against *John* Earl of *Saum*: when as it was adjudged in Parliament to be no *Error*, and the Judgement confirmed, p. 13, 14.

Escheats, inquired of, p. 152, 391. granted, 246.

Esauage done out of the Realm, tried by the Marshals Certificate, p. 94. Not to be distrained for Lands wasted or seized by the Enemies in *Ireland*, p. 302, 303.

Exchange of the Kings money without the Kings license, punishable, p. 153.

Exchequer Courts in *England* and *Ireland*, its antiquity, Jurisdiction, Proceedings, Ordinances for writing the Great Roll; for its regulation; what pleas are to be held in it; Of oppressions, abuses, extortions in collecting the Kings debts, and all Officers Accounts therein, p. 52, to 60, 255, 265, 266, 268, 270, 271, 272, 273, to 287, 288, 290, 291, 292, 302, 303, 310, 316. Writs to the Treasurer and Barons of the Exchequer for levying *Queen-gold* in *Ireland*, 319. The Exchequer in *Dublin* robbed by one of the Chamberlains, who was condemned for it, but his execution respited, 322. The Statute of *Rotland*, An. 10 E. 1. concerning the Exchequer, no Statute, Ordinance, nor Writ extant in any Record, but a mere imposture, 55, 56, 57.

Excommunications: the Original Jurisdiction of such Censures vested only in our Kings, not Bishops and their Officers, p. 221. Our Kings by their Ecclesiastical Sovereign Authority, granted power for certain years to the Chancellors of the Universities of *Oxford* and *Cambridge* by their Patents (though Laymen) to excommunicate Schollers of the University & Townsmen under their Jurisdiction with the greater Excommunication, for temporal Offences and Contempts, to certifie their Excommunications immediately into the Chancery, like Bishops, and sue out *Capias Excommunicatumus* upon such Certificates, p. 238, 239, 357, 375, 376. The like Patent granted to *Richard de Ravenherch*, so long as he should continue Archdeacon of *Lincoln*, and then to cease, 239. And to the Provost of *St. Johns* of *Beverley*, to Excommunicate, and certifie his Excommunications of all those who refused to pay their Thraives due to his house, p. 357. *Excommunications* of any of the Kings Tenants, Barons, Servants, Ministers, for adul-

The Tenth Table.

tery, fornication, or other offences, without our Kings special license, an high invasion of the ancient Customes of the Realm, and rights of the Crown, sworn to by all the Earles, Nobles, Archbishop *Becket* himself, and all other Bishops, Abbots, Priors, in the Parliamentary Council of *Clarendon*, Anno 1154. p. 222, 240. Writs of our Kings issued to Archbishops, Bishops, and other Ecclesiastical persons, not to *vex*, *excommunicate*, or *interdict* any of their Officers, Ministers, Servants, Chaplains of their Free-Chapels, without their license or privy, and to absolve them forthwith if Excommunicated or interdicted; and against vexatious Citations of their Subjects to remote places, 240, 241, 404, 405, 407. That no Writ of *Capias Excommunicatum* issued in Ireland before King *H. 2.* his Patent to the Chief Justice of Ireland to issue forth *Capias Excommunicatum* against such as the Bishops shall certify to have continued excommunicated 40 dayes, untill they shall satisfie the Church both of the injury and contempt done unto it, as was used in England, 253. Persons contracting and solemnizing Mariages without *Banes* thrice asking, and the Priest who maries them are to be *excommunicated*, by the Bishops Canons, 234, 235. That none ought to be *excommunicated* or vexed with Ecclesiastical Censures for Temporal matters, but only for the cause of God, p. 224. That the King ought to imprison none for continuing excommunicated, unless his excommunication and continuance therein be proved to be lawfull by the Word of God, p. 226. That none ought to give over preaching Gods Word, or hearing the word of God preached, for any *excommunication* denounced against them by the Pope or Popish Prelates, p. 226. That *excommunications* denounced to hinder men to hear Gods Word, are Antichristian, not Christian, *ibid.* That none ought to be *excommunicated*, but out of Charity, for the good of his soul, *ibid.* That the *Excommunications* of the Pope or Bishops bind not, where God binds not, p. 399.

Executors to be all sued, not one alone, p. 76. Upon probate of a Will in England shall recover goods of the Testator seised on in France, upon pretext the party died intestate, p. 232. Complaints of, and judgments for extortions for probate of Wills, &c. p. 232, 233, 401.

An *Exemplification* of the Statute of 6 R. 2. c. 2 under the Great Seal, of the same authority with the Statute, p. 411.

Exemptions of Burroughs from electing, sending Burgesses to Parliament, (by reason of poverty, warres, other occasions) temporary, and perpetual, p. 31, 32, 33, 37. Of Abbots, Archbishops, Bishops, Barons, Earls, and others, from personal attendance in Parliaments and Great Councils, by reason of age, infirmity, and other publike employments, p. 32, to 37, 336. Of Abbots, Priors not holding by Barony, or Knight-service, p. 33, 34, 335. *Exemptions*, discharges of Coronors, and other Officers for the same causes, p. 32. From Tallages by Land and Sea, p. 87.

Expenses and fees of Knights, Citizens, Burgesses coming to Parliaments, and Writs to levy them, p. 23, 24, 28, 29, 30, 31. Of *Irishmen* sent to a Council of England, p. 305.

Extracts of Amerciaments before the Kings, Justice, Courts, returned into the Exchequer, p. 215.

Extortions, extorted Fees of Sheriffs and other Officers, and publike grievances, inquired of, punished,

p. 14, 15, 30, 174, 200, 219, 220, 232, to 235, 284, 285, 288, 293, 294, 394, 401.

F.

Fairs, Marchant Strangers freedom in them, p. 24. Court of Pipowders incident to them, p. 130. The long Fair on St. Giles Hill at *Winchester* belonging to the Bishop thereof, the strange exorbitant Court of Pipowders, and powers during its continuance, p. 191, to 199.

False Certificates, and *false suggestions* of the State of Ireland to its prejudice, p. 289, 290.

Fees of the Constable of England, p. 70, 289, 290. Of the Chamberlain Marshal, and other Officers, p. 74, 75, 200. Of Escheators, 282. Of Officers in Ireland, 265. Extorted excessive Fees of Sheriffs, Escheators, Marshals, Ecclesiastical and other Officers in England and Ireland, complained, inquired of, regulated, punished; See *Extortions*.

Fenter-lane paviage, p. 186.

Fifteenths granted for defence of the Realm, p. 87.

Fines for absence from Parliaments, what, and when imposed, excessive mitigated, p. 3, 270. For not wearing Robes in Parliaments, p. 3. *Fines* imposed on Delinquents in Parliaments, on *Bristol*, 500l. p. 330. Extorted *Fines*, 200, 292.

Fines and ransoms of Malefactors, Rebels in Ireland, when restored to the Kings peace, p. 249, 268, 282, 294, 306, 412, 413.

First-fruits, *Annates*, *Tenents*, complaints against them, when, and by whom introduced, p. 59. From whom collected by the Pope, Exemptions from them, p. 146.

Fish; impositions on all sorts brought to London, to repair the walls thereof, p. 186.

Fishing in the *Irish* or *Scottish* Seas without the Kings prohibited to strangers, p. 120, 123.

Fishmongers in London, indicted for forestalling, and other offences; their composition with the King, and pardon for the same, p. 179, 180.

Flanders, p. 23, 105, 153.

Flete River formerly navigable, its nuisances inquired of, removed, to be made navigable again to *Holborn bridge*, p. 186, 187.

Forests: Records concerning them, their Regards, Perambulations, Deafforestation, Assarts, Common in them, Grants of Tithes of Venison and other things in them, punishment of extorted fees, abuses by their Officers, p. 42, 215, 217, 218, to 222.

Forfeitures of Lands, goods for Treason & other offences, p. 27, 28, 73, 104, 105, 108, 204, 205, 264, 295, 299, 307, 370, 386, 387, 392, 393. Of Victuals for excessive prizes and abuse, p. 377.

Forswallers, *Regrators*, to be inquired of and punished, 129, 179, 180, 337.

France, matters concerning it, p. 23, 42, 50, 60, 92, 93, 94, 105, 106, 107, 110, 111, 112, 113, 114, 133, 134, 135, 136, 137, to 140, 147, 153, 169, 168, 386, 387, 388.

Free Chappels of the King exempt from Archiepiscopal and Episcopal Jurisdiction, to be visited by the Kings special Visitors, p. 243, 404, 405, 406. *St. Maryns le Grand* in London, the Kings Free Chappel, its Sanctuary, and exemption from the Mayor and Sheriffs of London, p. 419, 420, 421.

Friers Preachers procure Bulls to exempt themselves from the Chancellors of *Oxford* and *Cambridge* Jurisdiction;

S ff

diſtion;

The Tenth Table.

dition, complained against in Parliament, and ordered to renounce them, p. 161, 162. *Apostatus* from their order not to receive any degrees in the Universities against the Rules of their order, p. 265. *Friscobaldi* Merchants, farmers of the Kings Customs; run away with the monies beyond the Seas; Letters to the Pope and other foreign Princes to seize them and their goods, p. 143, 144. *Fugitives* from the warrs without license, or to the Enemies in times of war, forfeit life, lands, goods, p. 73, 104, 105, 108, 127, 128, 386, 390. With the Kings monies, how prosecuted, 143, 144.

G.

Geese fat, how to be sold in London, p. 377. *Genesey, Jersey, Aweny, Serke* Islands, Records concerning them, their Governours and Government, p. 205, to 208. 386, to 394. Justices *Itinerans*, and *Affises* held in them, p. 206. Their Petitions in Parliament, and answers to them, 206. Their Customs, Lawes, *ibid.* Their fidelity to the Crown of England; the confirmation of their Liberties, and Exemptions, priviledges granted them by K. H. 3. R. 2. & Ed. 4. p. 206, 207. A Writ to seize the lands of some of those Isles who relinquished them in time of war with the French, went into France, and returned when the truce was made, as forfeited for this treason. p. 386, 390. *Gerebroke* Castle in *Genesey* fortified by the King for the safety of the Inhabitants, to be victualled and guarded by them, p. 387. The Kings rents to be paid in good money, not in base French coyn, of lesse value than formerly, p. 387. A Proclamation prohibiting any to export any victuals, arms, ammunition out of the Isles, during the wars with France. The possessions, livings of all aliens of France in them seized during the wars, except such as resided in the Isles, and continued faithfull to the King, 308. The Bishop of *Constans* Clerk sequestred, till he admitted the Kings presented to St. *Maries* of the Castle, whom he refused to admit by reason of the wars, p. 388, 389. An Inquisition to inquire of the differences between the Governour and Inhabitants of the Isles, of such who sent, transported victuals, arms, or monies to the enemy, during the wars, or absented themselves from the Islands without the Governours license, or sent their wives or children out of them, or levied war in the Islands against the Government or Kings Officers; or oppressed the Inhabitants. To view the Castles and ammunition in them, and inquire of all goods, victuals taken, embezilled out of them, and to report ail to the next Parliament, or the Kings Council, and bind all parties complaining to appear there to prosecute their complaints, 389, 390. Commissions to inquire of all those inhabitants in the Isles who had unduly usurped the Kings lands, tenements, rents, reversions, profits, belonging, forfeited or escheared to him, or rights of his Crown, or hunted in his Parks, Warrens, 392, 393. That the Inhabitants, and all who made any profit by Merchandise in the said Isles should contribute to their defence, p. 392. The Jurates of *Jerseys* usurpation of causes of war, and of Lawes, customs, suits not belonging to them or their predecessors; their disobedience to the Kings former commands, and his Prohibition not to proceed in such causes for the future, p. 392. A *Quo Warranto* against the usurpations of certain Liberties by Lords of Mannors in *Genesey* and *Jersey*; the Customs of

the Lords of Mannors in them, p. 393. Bills of complaint to the Kings Council for false imprisonments and misdemeanour therein in England, dismissed, because Juries of the Island cannot appear before the Kings Justices in England, and the busynesses of the Islands are triable only by the Customs of the Isles, not Common Law, p. 393. The Depredations of those of *Genesey* upon a Merchant of *Genesey*, inquired of, p. 393. That they shall not pay Custom as Strangers but as Natives, p. 206, 207. Prohibitions to draw them before the Bishop of *Constans* for things belonging to the Kings Courts, p. 206. Escheats there, p. 226, 391. Writs to inquire of the true value in these Isles, p. 206.

Graduates in the Universities, provisions of benefices for them, p. 163, 164, 168, 169. *Grants of Arms, Crests, Ensigns, Honors, Precedencie, Baneriships, Exemptions, Lands, Offices, Annuities* by our Kings, See *Arms, Banerets, Exemption, Precedency, & Table 6, 7.* *Grievances* inquired of; one chief end of Parliaments to redresse them, p. 14, 15. 292, 293. See *Extortians, Inquisitions.* *Green-wax* in Ireland its abuse, p. 283. *Guelphs* and *Gibelines*, their war in *Fiorence*: the case of one of them whose house was spoiled, residing in England, p. 342.

H.

Haddockes, Halsewaxfish, Herrings, an imposition on them and other sorts of Fish for London, p. 186. *Hebrew Lecturer* in Oxford, the Clergies contribution to him, p. 168. *Heralds*; their Antiquity, Use, Office, p. 64. *Clarencieux* King at Arms his Patent, Fee, p. 64, 65. *Heresies, Errors*, the causes of them and their increase by Popes Provisions, p. 164. Reputed *Heresie, & Heretics* how proceeded against by our Kings, Popes, and Popish Prelates, p. 172, 173, 222, to 228, 229, 230, 231, 333, to 368, 395, to 398. The Statute of 5 R. 2. c. 5. against *Heresie* never assented to by the Commons, but procured by the Prelates; and revoked upon the Commons Petition the next Parliament, p. 395. *Heresilia*, mistaken by Sir Edw. Cooke for *Heresia*, what it signifies, p. 73. *De Hereticis Lex*, p. 73. *High Commission* Court abolished by Act of Parliament, p. 222. *Hoblers, Archers*, and men at arms to be found for defence of the Realm, p. 228, 229, 342. See *Army.* *Homage of Barons*, and those who hold by Barony, what fees they paid when they did their homage, 74, 75. Of 8 Kings to *Edgar*, 86. Of the Kings of *Man* for the Isle of *Man* to the Kings of England, 201, 202. Of the Kings of *Scotland* to our Kings of England, as Superior Lords of *Scotland*, 75, 243, 244. &c. Of those who held of *Karabrook* Castle by Knights service, p. 216, 217. *Honor*, See King. *Hospitals* Visitation by the Kings Commissions, 243, 404, 405. Advowsons of them, p. 205. *Hospitallers* of St. *John* of *Jerusalem*, the *Templers* lands when suppressed conferred on them, p. 224. Their House at *Chernewell*. Their lands and liberties made them proud. K. H. 3. his intent to resume them, p. 1331. Their Prior in *Ireland*; p. 278, 285, 309, 310, 311.

Hue

The Tenth Table.

Hue and Cry to be made in *Ireland* after **Kernes**, **Murderers**, **Robbers**, and other **Malefactors**, according to the Statute of *Winton*, p. 289.

Hundred Court; its **Antiquity**, **Jurisdiction**, when, and how to be kept, p. 193, 189.

Hustings in London, **Errors** in it how to be redressed, p. 178, 179. The goods of the party who brings a **Writ of Error** to reverse any **Judgement** given in it, to be secured, left made away in the mean time, to defraud the plaintiff, 378.

I.

De Jactis, Lex Rhodia: Of goods cast over-board out of a ship in a storm or leak to save the rest, the party whose goods are cast over-board, shall have a contribution from the owners out of the goods saved, p. 109, 106.

Jersey Isle, and what concerns it. See *Guernsey*.

Jews: the Courts assigned for their Government, p. 188. A suit of a Clerk of the Court of Exchequer against a Jew, for saying, *He falsified the Records of the King*, and judgement against him, p. 58. A suit for not acquitting one of debts to Jews for lands purchased, liable to them, p. 317. The Chancellor of *Oxford* had confusions of complaints between Scholars and Jews, p. 414. Their high contempt in throwing down and breaking the **Crucifix** carried before the Chancellor and Scholars of *Oxford* in their solemn procession, in contempt of Christ; for which the bodies and goods of the *Oxford* Jews were seized by the Kings Writs, till they built an high marble **Crosse** in the place where this contempt was done, adorned with the Images of Christ, and of the Virgin *Mary* with Christ in her lap curiously gilt, and delivered a portable silver **Crosse** decently gilt, with a long staff, to the Proctor, of the University, to be carried before them in future processions, p. 414. The King might give all the Chattels of Jews decaying to whom he pleased, unless the next heir would make a fine for them, p. 414.

Images of the Crucifix, blessed Virgin, and other Saints not to be worshipped; that it is sin and idolatry to worship them; that God doth no miracles by them; that those who go in pilgrimage, or set up Tapers before them, are accursed, p. 398. That Images of the sacred Trinity are unlawful to be carved, 398, 399. Popish Images of the Virgin *Mary* and Christ in her lap, and of the **Crucifix** publicly erected, 414.

Impositions, p. 23, 24, 25, 26. Of **Portage**, **Murage**, **Parriage**, for *London*, p. 184, to 187.

Imprisonment, for a Contempt, in serving a Citation of the Archbishops in the Kings Palace, p. 19. For serving a Citation in the Courts of Chancery upon an Appeal to *Rome*, p. 19. For bringing a Papal Nunciate into the Court of Exchequer to record the proceedings in a case there pending, to draw a Parson of a Church into the Ecclesiastical Court, 8, 59. Of such as refuse to obey the Commissioners of Array, 136, 138, 140. For excommunicating the King in *Scotland* with Bells and Candles, 339. Of **Rebellious Mariners**, and such as desert the Fleet without license, p. 101, 127, 128, 340. or commit murder upon the seas, 423. for not vailing to the Kings ships, p. 108. and other Offenders there specified. **Illegal** and **unlawful** imprisonments by Admirals and their Officers complained against in Parliament, 80, 83, 118. Of *Oxford* Jews for an high contempt, 414. Of **Kernes**, **thieves**, **mur-**

ders, &c. in *Ireland*, 295. Of exporters of **Victuals**, **Arms**, and **Ammunitions** out of the *Isles of Guernsey, Jersey*, &c. during the wars with *France*, 388, 389, 390. For breach of the Peace, 382. **False imprisonments** against *Magna Carta*, &c. in *Ireland*, complained of, and petitioned to be redressed, 283, 284, 285, 292. **Indisements** for excessive Fees for probate of Wills, &c. 401.

Indisements in the Admiralty for offences, See **Depredations**, & p. 106, 171, 340, 341.

Indulgences, not grantable by Popes or Bishops, and those who trust in them are accursed, p. 398.

Infants elections under 21 years, voyd, p. 31.

Infirmitie perpetual and of old age, good causes to elect other Members that are healthy in their places; to exempt Abbots, Archbishops, Bishops, Barons from personal attendance in Parliaments, and Great Councils; and to discharge others from serving in Assizes, as Coroners, Vetererers, or other Officers, and elect others in their rooms; p. 33, to 39, 336. See **Exemptions**.

Inquiries of Aulnagers and their Deputies about, p. 327.

Inquests concerning publick grievances, exactions, abuses of the Kings Judges, Justices, Officers in *England* and *Ireland*, defects in **Spawning of Ditches**, **Navigable Rivers**, **Sewers**, &c. p. 30, 200, 337, 381, to 394, 219, 200, 293. See **Exortions**, **Sewers**. Of **Depredations**, p. 112, 113, 142, 339, 393. See **Depredations**. Of Admirals and their Officers encroachments against Law, for things done on the Land, within the bodies of Councils, 82, 83. Of encroachments upon the Admirals Jurisdiction, 114, 115. Of **Breakers of Truces** and safe conducts, 143, 144. Of **Weights and Measures**, 199, 200, 381, 382. Of ill and putrified Wine, and excessive prizes of **Victuals**, 181, 182, 382. Of publick **Nuisances** in *London* and the Universities, 182, 183, 187, 349, 350, 351, 380. Of **Breakers**, disturbers of the peace of the Universities, 351, to 359, 372. Of **invasions**, **usurpers**, concealers of the Kings rights, **Escheats**, **Lands**, **Rents**, **Royalties**, &c. in *Guernsey*, *Jersey*, and malefactors in his Parks, **Warens** there, 388, 389, 390, 391, 392. Concerning **Escheats**, **Lands**, (see **Escheats** and **Escheators**).

Interdict of Oxford Town, for the **Townsmen** murdering the Scholars there, p. 258, 359. None of the Kings Barons, Tenants, Officers, to be **interdicted** without his privy, and license, 245. **Compounded** not to be executed, p. 404, 405.

Intestate goods anciently belonged to the King and Lords of Mannors in *England*, the **Marches of Wales**, and **Galesaigns**, by Law and Custom, p. 223, 177, 178. Archbishops, Bishops, and other Ordinaries have no legal power to compel Administrators to make any distribution or dividend of them, or to give them to pious uses, by bonds, or censures, by several adjudged cases, 232. Popes claimed the goods of all Bishops and other Clergymen dying intestate, as belonging to them, notwithstanding the reversal of **Pope Innocent** the 4th. his Decree by King *Mary* the 3d. in *England*, and clamour against it as scandalous in most other Realms, as proceeding from excessive covetousness, 400, 401.

Ireland: our Kings ancient Titles, Rights to, and **Hieroglyphs**, Records concerning it; its Parliaments, Laws, Church, Prelates, Nobles, Officers, Government, defence against Rebels, rectifying abuses of all Officers, and all matters that concern it, p. 3, 11, 50, 52, 60, 121, 120, 121, 122, 127, 143, 144, 246;

146, 160, 219, 248, to 322, 408, to 414. The Popes pretended Title to it, refused, p. 248. King Henry the 2d. his Conquest, and the general submission of their Archbishops, Bishops, Clergy, Petty Kings to him; his establishment of the Doctrine, and Ecclesiastical Laws of England in it, in a Council at *Cassil*: and of the English Lawes, Customs, in a Parliamentary Council at *Lissemore*, which they gratefully received, and submitted to, 249. K. Henry 2. sent not the *Modus tenendi Parliamentum* thither, no Parliament held there according to it, 6, 7, 249. Prince John made King thereof by H. 2. his Father in a Parliament at *Orton*, 249. He arrives at *Dublin*, Anno 12. of his reign, where 20 Petty Kings of Ireland out of fear do homage and swear fealty to him, 249. His Charter to them, and their Oath to observe the Lawes of England, 252. He establisheth the Lawes, Customs of England and Sheriffs in it, makes John Gray Bishop of *Norwich*, Justice of it; and the coyn thereof of the same weight, form with the English, *ibid*. His Patents to his Justices, Barons for Writs of Right; *Morduncestre*, *Novel disseisin*, *De Fugitivis & Nativis*, & *de diversis faciendis inter duas villas*, except Baronies, to run there as in England, 250. To banish Theeves from thence, and proceed again their receivers according to the Lawes of England; *ibid*. The Liberties granted them by Hen. 2. and K. John, confirmed to them and their heirs by K. H. 3. 250. The Archbishop of *Dublin* encroachments in his Ecclesiastical Courts, when Chief Justice, against his Duty, Oath, upon the rights of the Kings Crown, and Liberties of the Citizens of *Dublin*, the Kings Writ to him reprehending him, and to reform them, 250, 251. his Writ to remove obstructions and Mills, to the Nulance of the City of *Dublin*, and hindrance of fishing and navigation, *ibid*: His Grant of *Capias Excommunicatum* to the Archbishops and Bishops of Ireland against such who continued excommunicated 40 dayes, according to the usage in England, 252. His Procl. for observing the Lawes in K. Johns Charter, which they swore to observe, 152, 254. The Parliaments of England consult and order the affairs of Ireland, 252, 253. Writs for free commerce between England and Ireland, as common one to another, 253. The Statutes of *Merton* sent into Ireland under the Kings Great Seal to be there observed, especially in cases of Bastardy, and redisseisin, 253, 254. Only such Irish as were faithful to our Kings enjoyed the benefit of the English Lawes, not others 254, 255. Ayd of men at arms prayed of them by K. H. 3. against the K. of *Castell*, who intended to invade *Gascoigne* with a great Army, p. 255. He confers Ireland on his son Pr. Edward, *ibid*. A Writ of *Entry* issued out of the Chancery there contrary to the Lawes of England, nulled, 255, 256. Dower there of Castles and Services of war against the Law of England reversed, and new Dower assigned, 276, 277. The Irish petition K. E. 1. that they might use the Lawes of England; a Parliament of the English ordered to be there called, to examin and certifie, whether it would nor be prejudicial to the King and them to grant their petition, 257. Special Patents to endenize *Irishmen*, and enable them to use the English Lawes, 258, 259. The Statutes of *Westm.* 1. *Gloucester*, for Merchants, and *Westm.* 2. sent over into Ireland by K. E. 1. to be there observed, 258. Appeals in criminal cases adjourned out of Ireland into England, 259. The first Parliament in Ireland after that of K. H. 2. was held at *Kilkenny*, An. 3. E. 2. the

Statutes made in it, 259. Another Parliament held at *Kildare* the same year, *ibid*. King Ed. 2. sent John *Hotham* into Ireland about some affairs specially touching him and his Realm, to appoint an able Lieutenant thereof to preserve its peace, whilst the Earl of *Ulster*, *Verdun* his Justice, and *Edward le Botiller* repaired to his Parliament in England with horse and arms, to aid, & to treat with him, the Prelats and Nobles of the Realm upon the foresaid business concerning England, Ireland, and other arduous affairs, 259, 260, 261. Those of Ireland petition, that a Parliament might be held there once a year, to rectifie the differences of the punishments of the English and Irish for burnings and murders, for which the Irish procured pardons from the Justice for money, to the ruine of the English, and Church of Ireland: That no such pardons might be granted to them but in Parliament, for which they should pay 100*l*. See. 306. For which end the Archbishops, Bishops, Abbots, Priors, Earls, Barons, and Commonalty of Ireland were ordered to be summoned by the Kings Writ, to consult thereof, and to give their advice what remedy was best; and whether granting pardons only in Parliament would prevent the mischiefs; whereupon a Parliament was summoned that year at *Dublin*, which resolved nothing concerning this particular, 261, 262, 263. No annual Parliament granted to them, as Sir *Edward Cooke* mistakes, 259. their next Parliament being at *Kilkenny*, 17. E. 2. 263*l*. Ordered in the Parliament in England; That all Irish admitted or to be admitted to the benefit of the Law of England, should in cases of Felony be tried by the Law used in England, p. 263. Errors in *Assises* of *Novel disseisin* and *Morduncestre* during *Mortimers* Lieutenanty to be rectified there: all insufficient Officers there placed by him whilst Lieutenant to be removed, and others put in their places, 263, 264. Ordinances of *Edw.* 2. made at *Nottingham* by assent of his Council for the good government of Ireland: That neither the Justice, nor any other Officer in Ireland, during his office, should purchase any Lands or Tenements within the bounds of his Bayliwick, without the Kings special license, under pain of forfeiting them to the King and his heirs; saving to the Chief Lords their due and accustomed services: That neither the Justice, nor any other officer, should take victuals or any other thing from any man without his consent, except in case of necessity for the common profit of the Realm, by advise of the greatest part of the Council there, and by Writ out of the Chancery there, or out of the Chancery in England: That they should arrest no ships nor goods of Merchant strangers or Natives, but that they might freely carry Corn, other victuals or merchandise out of Ireland, into England and Wales, giving sufficient surety not to carry them to the Kings Enemies in Scotland or elsewhere. That if any after did the contrary, he should pay double damages to the party grieved, and likewise be fined to the King: That those who were committed to prison by Judgement of the Court or suit of the party, should pay only 4*d*. fee to the Marshal, who should be grievously punished if he exacted more, 264, 265. That no pardon should be granted for the death of a man or any other felony, or to any indicted or accused of felony, under the seal of Ireland, without a special command under some of the Seals of England, except only of felonies made before the date of this Ordinance, and that by advise of the Kings Council in Ireland, for his honor, and the peace

The Tenth Table.

peace of the people there, 265. That no Writ original pleadable at the Common Law shall be received by any Officers, but under the Great Seal of *Ireland*, nor any other process made but under the Seal of the Exchequer in *Ireland* of matters belonging to it: That no Assise of *Novel disseisin* by Writs or Letters shall be delayed or adjourned before the Justice, but in the County where he should be present, and remain in the same County; which Ordinances were proclaimed in *Ireland*, 264, 265, 266. An. 20 E. 2. a Parliament held at *Kilkenney*: another Parliament held there, An. 1 E. 3: to compose the differences between the *Irish* Lord, who wasted one anothers Lands, 266. An. 2 E. 3. A Parliament was held at *Dublin*, its proceedings, *ibid*. The same year the *Irish* petitioned the King that it might be enacted, *That all Irishmen that would, might use the English Laws, without purchasing any special Characters*: which the King referred to the consideration of the next Parliament in *Ireland*, *ibid*. An. 3 E. 3. a Parliament was held at *Dublin*, the proceedings in it, 266, 267. An. 4 E. 3. a Parliament was held at *Kilkenney*. An. 5 E. 3. a Parliament was ordained at *Dublin*, 267. Ordinances made by K. Ed. 3. Anno 5. of his reign, by advise of his Counsil, for the quiet, ease, and good government of his people in *Ireland*, 267, 268. His Writ to his Justice there to observe the *Laws of England* in recovering of Wardships, against the Custom used in *Ireland*, upon a Petition in Parl. 268, 269. The *Irish* Rebels contemn the Popes and Archbishop of *Dublins* excommunications for burning Churches, and a Priest with the body of our Lord, 269, 270. This King by advise of his Parliament intended to passe with an Army into *Ireland* to subdue the Rebels, which ended in a Commission to treat with their chief Captains, and a promise of pardon to them upon their future obedience and loyalty, 270. An. 7 E. 3. a Parliament was held at *Dublin*, by whose advise the Lord *Darcy* Chief Justice, marched against *Cracfeigns* with an army, to avenge the murder of the Earl of *Ulster* there inhumanly slain, 270. *George Rupe* fined 200 marks for absence from two Parliaments there, remitted upon petition of his heir to 10 l. 3 s, 270. Lords who appeared not in their Parliament Robes forfeited five pounds, 3. The Citizens of *Dublin* abated half their fee-farm rent issuing out of the suburbs of the City, which they burnt, to preserve the City from the *Scots* Rebels, 60, 61, 272. An. 11 E. 3. a Parliament was held at *Dublin*, where the Archbishop and Citizens of *Dublin* prohibited the Archbishop of *Ardmagh*, Primate of all *Ireland*, to carry up his Crosse; whereupon the King issued out Writs to them, that he should wear up his Crosse without resistance, 271, 409, 410. An. 15 E. 3. the King revokes all gifts and grants of lands, liberties, rents, goods, pardons, determinations of debts and accounts made by him or his father, to any person whatsoever in *Ireland*; the ill effects thereof, almost to the losse of *Ireland*, 271, 272, 273, 275. A General Parliament summoned about it, the great divisions in it between those who were *English* by birth, and *English* by blood: upon which division the Nobility and Gentry of the Land appointed a New Parliament at *Kilkenney*, to which the Kings Officers would not assent, nor repair. They send Embassadors to the King with certain Quarries, Articles against his Officers, for not garding, repairing, manning his Castles, ill managing his revenues, not paying his sol-

diers, &c. a large petition of their manifold miscarriages, grievances, to the prejudice of the King and oppression of his Subjects, 272, 278, to 286. He thereupon commanded strict inquisitions to be made of the number of his Officers in *Ireland*, their fees, department, misdemeanors, sufficiency and insufficiency, especially of his Treasurer and those of his Exchequer to be returned to him, turning some of them, and two of his Judges out of their places, and regulated the abuses, extravagances of his Exchequer, &c. 272, 273, 288. He commanded all *Englishmen* having no lands, possessions in *England*, though married, and having lands only in *Ireland*, to be removed out of their offices, and only such who had rents, lands in *England* to be put in their places, as likely to serve him better than the other. He requires a perfect list of all his Treasurers of *Ireland*, and of all gifts, rewards given by them, and to what Officers, and for what causes, 274. The Treasurer charged by him for making Sheriffs and other officers every year so oft as he pleased by Commissions out of the Exchequer, and nominating other persons to extort monies from them to his own use; to discharge them of these offices, and preferring the most insufficient persons to them, in deceit of the King, and to the great damage of the people of those parts; commanded him to chuse no officers; but only with the advise of the Chief Justice and Chancellor, p. 274, 275. He was likewise charged for respiting debts, protoguing the levying of them at his pleasure, after the time they should be levied, whereby they were oft times lost, to the Kings great prejudice, which he commanded him not to do for the future, without the Justices and Chancellors advise. That he without the advise of the Chamberlains of the Exchequer, received divers sums of the Kings money in his Chamber, out of the Receipt of the Exchequer, writ the issuing of them out secretly, and then caused them to be entred by the Chamberlains in the receipt of the Exchequer, against the Judgement ordained in this case, for the probable deceit of the King, which he prohibited for the future; That he gave rewards of the Kings monies so oft as he pleased, to the sum of 5 l. without any account, &c. p. 275. He required a distinct particular Certificate from his Lieutenant, Justice, and other Officers in *Ireland*, what gifts or grants of Lands; Tenements, Rents they had seized into his hands, upon his promised resumptions of them, and required an account to be given him of all summs of money given by any Treasurer since his Coronation, p. 275, 277. He excepts the lands given to *John Darcy* senior, out of the Patent of Resumption, p. 276. He commands his Justice, Lieutenant, Chancellor, to survey and reform his Treasury in *Ireland*, to redresse all abuses in it to the Kings prejudice, and to certify him of the carriage of all his Ministers in it so often as they shall think meet, 276. The temporalties of the Archbishop of *Ardmagh* discharged from the fine imposed on his predecessor, for Clauses in his provision to it by the Popes Bull, in derogation of the Kings prerogative, 278. His Writ for correcting Errors in Records, Process, Judgements given in *Ireland* in the Parliaments there, without coming into *England*, 286. His Ordinance for redressing the abuses of his Officers, the ease of his people, and defence of the Marches of *Ireland* against the *Irish* Rebels & Kerns, 288, 287, to 294. That the Church

The Tenth Table.

of Ireland shall enjoy all her Liberties entirely : That the affairs of the King and of that Land, especially the weightiest, should be handled, discussed, determined by the Prelates, Nobles, and other discreet men of the Kings Council there, and by his Council, Prelates, Nobles, others in Parliaments, according to justice, Law, Custom, reason ; That all Brokers of the Justice and other Officers in Ireland, to the prejudice of the people, the Kings dishonor, and those Officers private lucre, should be suppressed for the future : That no purveyance should be made but according to Law, nor in the fees of the Church without their assent, p. 287, 288, 289. That all Murders, Rebellions of *Kerns*, *Idelmen*, Malefactors in the Marches, should be suppressed, punished, without taking any fines of them, to the Justices use, and satisfaction made to the parties out of their goods : That Hue and Cry shall be made after them by Justices of the Peace, their persons imprisoned, till they made fine and ransom to the King according to their offences : That no general Charters of pardon of Murders, Felonies, and other offences, should be granted by the Chief Justice to any, but only in Parliaments or Councils, with consideration of the quality of the persons and their several offences : That no false Certificates concerning the State and peace of Ireland shall be made, as formerly, to his and his peoples prejudice, by any of the Kings Council, under great penalties, 268, 289, 290. That no marriages, private leagues, exchanges, or nursing of Children shall be made between the *Irish* and those of the Marches, whereby discoveries of the Kings proceedings have been given by Spies to the *Irish* Rebels, which caused infinite destructions : that the Justices shall inquire of, punish all such offences : That the Maior, Constables of the Staple of Ireland, shall hold no pleas of any things, but such as concern the Staple : That no Officers, nor Clerks of any Courts shall maintain any Pleas against the Statutes of *Chemperty*, without incurring the penalties thereof : That no Common Plea shall be held in the Exchequer, 283, 290, 314. That to prevent all false suggestions of those in Ireland, endeavouring to blast the fame or opinion of good Officers, and other persons there, as well by Bill as suggestions, to their scandal, (by which the affairs of the Land are frequently hindered) for the future all such Bills and suggestions shall be put into writing under the Seal of the Chancellor of England, to be transmitted to the Justice, Chancellor and Treasurer of Ireland for the time being in the presence of their accusers, who shall be remitted into Ireland : that they shall diligently inquire the truth of such Bills and suggestions ; and if they suggest falsehoods, or lyes, they shall be duly punished, that their punishment may be an example for others to abstain from such things, 290, 291. That no Truce shall be made there, unlesse universal, p. 283. That in Peaces made between the *English* and *Irish*, wherein it is commonly expressed, damages and due satisfaction shall be given to the parties injured by Depredations, and their goods restored, this clause hath been generally neglected, to the great damage of the *English*, through the Justices negligences, that punctual Justice, and plenty satisfaction shall be given to those who suffer wrong, 291. That the Justice of Ireland, or his Commissioners if he cannot attend it, shall once every year or oftner, inquire what Debts

of the King have been levyed every year and not paid into the Exchequer, for the discharge of those who paid them : and if the same debt hath been sundry times paid to the Sheriff, that he shall make restitution to the party, or his executors : That those Debtors of the King who have paid their Debts and are acquitted in the Great Rolls of the Exchequer, but not in the Remembrancers, (whereby they are grievously distressed for them by new proesse, and forced to come to the Remembrancers office, there to plead or pay the debt again) upon shewing their discharge in the Great Roll, shall presently be discharged in the Remembrancers roll, under a severe penalty, p. 291. That whereas some Justices in Ireland by Writs, Precepts, Bills, without indictments, presentments or due proesse, arrested, imprisoned divers *Irish*, as well great men as lesser persons in obscure prisons, detaining them in iron chains untill they had made fines and ransoms with them, their Counsellors and Brokers : That from thenceforth none should be imprisoned without indictment and due proesse, against the form of the Great Charter, other Statutes & the Common Law, and if any were, the Council should redresse it upon complaint, 292. That the Justice of Ireland, with one of the nearest Prelates and Earls, the Chancellor, Treasurer, and others of the skillfullest Justices of the Bench and Barons should annually, diligently inquire by the Oath of honest and lawfull men, as well Clerks and Knights, as others, of all Officers, (except those in Judicial places) how they demeaned themselves in their offices, what justice, or injuries, oppressions, grievances, damages they did to the King or his people, as well in the Country as in their places, by colour of their office, or Kings Commissions issued to them : whether they perverted justice by gifts, or oppressed any, and of all other Officers, which occasioned the Kings losse, prejudice, or his peoples injury, grievance, and certify him and his Council in England what they found, under their Seals without delay : That such Officers should answer as well to him as his people at the end of the year, and after their removal, for all their excesses to his and his peoples prejudice, at the suit of those who were injured, according to the Law, Custom of Ireland, 292, 293. That all dissensions, quarrels between those *English* born in Ireland, and those born in England living under one Law, should be suppressed, and reconciled by the Justice, Chancellor, Treasurer, and such Prelates, Nobles as they should call to their assistance, 293. That the Justice associating to him the Bishop or Earl of the place, or some other Noble men, should inquire of all abuses, oppressions, extortions, misdemeanors in all places by the farmers of the Clerk of the Market in Ireland, their abuses in sealing or conniving at Measures for times past and to come, against the Statute, punish them according to the Law and Custom of Ireland, and certify him and his Council in England of their names, offences, extortions, oppressions, grievances under their seals, p. 293, 294. All which Ordinances were afterward confirmed by King Richard the 2d. 294. His Commission to the Justice of Ireland to receive all *Irish* and other Rebels to his peace, and grant them special, not general pardons for any homicide, felony, robbery, theft, or any other crime or trespass there committed by them, with the advise of his Chancellor and Treasurer, and to admit them to fines and ransoms,

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The Tenth Table.

according to Law, and the Customs of the place. He authorized the Archbishop of *Dublin* to erect perpetual Vicaridges in all Parochial Churches, Prebendaries, and other Dignities annexed to his Church of *Dublin*, and held of the King, their Rectors being *Non-residents*, neglecting, omitting the Cure of Souls, divine worship, hospitality, and other works of piety, and to endow them with a competent proportion of greater and small Tithes, and other profits, reserving the advowsons of the said Benefices to the Archbishop and his successors, the See being full, and to the King and his heirs during the vacancy, 294, 295. The Kings Officers in *Ireland* after Truces or Peace made with the *Irish* Enemies or Rebels, for money suffered them to enjoy the *English* mens lands, Spoyle, seized by them during the wars; and if the *English* offered to out them of the possession during the Truce or Peace, they caused them to be apprehended, imprisoned, and put grievous fines and ransoms on them; by reason whereof they durst not re-enter into or purchase their own lands, which remained in the hands of their Enemies, against which they prayed remedy, 283. That no Truce or peace be made with the *Irish* Rebels, but with this limitation, that all lands taken from the King or his *English* Subjects by them, shall be restored, *ibid.* His Proclamation, that no mere *Irishman*, Clerk or Layman, being his Enemies, should be made a Mayor, Bayliff, or other Officer, in any Cities, Boroughs, Towns, Vills, Castles, or other places in *Ireland*; nor a Prebend or Canon in any Cathedral Church within his Dominions, or a Minister in any Church subject to the King; and that no Archbishop, Bishop, Abbot, Prior, or any other of the Kings Lieges, under the forfeiture of all he could forfeit, should by reason of affinity, consanguinity, or other cause, receive any meer *Irishmen* to any Canonry, or other Ecclesiastical benefice among the *English*, but conferre them only upon *Englishmen* when they became voyd, or others who were loyal and obedient to the King; by reason of which Proclamation many *Irishmen* who were never enemies to the King, but faithfully and inflexibly continued faithful to him, were excluded from all Ecclesiastical benefices and promotions; the King upon their petition declared them to be out of the intencion of his said Proclamation, capable of such benefices and promotions without molestation, so long as they behaved themselves loyally towards him and his, 295, 296. All the Earls, Nobles, Gentry, Dowagers, Abbots, Priors, Clergy-men who had Lands, Officers, Dower, or Ecclesiastical preferments in *Ireland*, but lived in *England*, summoned to the Kings Council 35 E. 3. for the defence of *Ireland*, and to repair thither in person, or others in their stead if unable, with men of arms proportionable to their estates with *Lionel* his son Earl of *Ulton*, whom he sent thither with forces against the Rebels, under pain of forfeiting their lands: their absence from thence, and not providing men at arms there answerable to their estates to defend them, being the chief cause of the *Irish* rebellions and all losses there: their residence there the best means to secure it against the *Irish*, 296, to 303. The same confirmed in Parliament by *Rich. 2.* upon the Petition of those in *Ireland*, 307, 308. yet afterwards some procured special dispensations to the contrary, 305: Escuage prohibited to be levied in *Ireland* for lands wasted or seized by the Rebels, 302, 303: New Customs, Imposts in *Ireland* opposed by the major part of the Par-

liament there, yet drawn into an Act by the practise of the Lieutenant and minor part: suspended, and the practise examined upon complaint, 303, 304, *Irish* Parliaments of what Members they consisted, 304. A Parliament at *Kilkenny* and *Baleadoyl*, granted the King 5000*l.* in ayde of his wars expenses, which the King commanded to be levied, 304. Licences to export Corn out of *Ireland* into *England*, notwithstanding former restraints, 304. Writs to levy the expenses of Citizens and Burgeses in *Ireland* sent by them into *England* to a Council there held, 305. *James* Earl of *Ormond* his Parent of Justice of *Ireland* with a fee of 500*l.* out of the Exchequer there, who was to find 20 men at arms with himself, with horses and close arms, during his Commission. His power to receive Rebels unto the Kings peace, and to grant them pardons under the Kings Seal, with advise of the Chancellor, Treasurer; to supervise all inferior officers, to remove all insufficient and dishonest ones, and put others in their places, to do Justice to all according to Law; except the treasons, felonies, and other offences of Prelates, Earls, the Judgement or pardon whereof the King wholly reserved to himself, 305, 306, 307. The Bishop of *Oserry* made Treasurer of *Ireland*, had 6. men at arms, and 12 archers allowed him on the Kings wages, 366. That all those who had Castles, Lands, Rents, Offices, Benefices, Possessions in *Ireland*, should repair to, and defend them, or send men to guard them against the Rebels, 307, 308. A Petition and grant in Parliament, An. 3 R. 2. That every Lord in *Ireland* might digg mines of gold and silver, or other metals in his own soyl, convert it into Plate, Coyn or Vessels, and coyn it at *Dublin*; saving the seldniety of the King and his heirs for the coinage, without exporting it as Bullion, except by the Kings command or special license into *England*, under pain of forfeiting it, 308. That the Merchants of *Portugal* and *Lisbon* might freely trade with Wines and other Merchandize into *Ireland*, freely abide there, and return from thence, and the *Irish* freely trade thither with all sorts of Merchandizes, for the profit of the King and relief of *Ireland*, 308. K. R. 2. his Writ to summon a Parliament in *Ireland* for the good government, defence, preservation thereof, and for a necessary aid for and towards his expenses in the Wars, p. 309. His Patents issued to the Bishop of *Oserry* and others, to inquire of the state, losses, abuses, corruptions, frauds of his Officers in *Monon. Lagen. Midden. Uriel* and *Ulton*, to search all Records in the Exchequer for that purpose so oft as they pleased; for repairing, victualing the Castle of *Errickfergus*, and araying men for its defence, 309, 310, 311, 312. An. 3 H. 4. a Parliament held at *Dublin*. An. 5 H. 4. another Parliament held there, what was acted in it. An. 7 H. 4. a Parliament begun at *Dublin*, which ended at *Trim*. An. 9 H. 4. a Parliament held at *Dublin* under *James* Earl of *Ormond* chofest Justice of *Ireland*; what was done in it; another Parliament the same year kept at *Kilkenny* under *Thomas* Earl of *Lancaster*. An. 11 H. 4. a Parliament at *Dublin* for 3. weeks. An. 14 H. 4. another Parliament held there which lasted 15 dayes, 312. The *Irish* Rebels usually burned, destroyed, wasted the *English* Quarters during Parliaments, *ibid.* An. 3 H. 5. a Parliament sate at *Dublin* 6. weeks, and then was removed to *Trim* where it sate 11 dayes, and granted a Subsidy of 400*l.* 7 H. 5. a Parliament was summoned at *Dublin*, which continued

The Tenth Table.

nued 16 days, and then was prorogued till after St. Andrews day, 312, 313. Three hundred marks aid granted in it, and then adjourned till the Monday after St. Ambrose day: At which time the Archbishop of Cassal was accused by the Bishop of Liffemore upon 30 Articles of High Treason, and vile scandalous misdemeanors; debates also arose between other Irish Prelates, 313. An. 1 & 2 H. 6. the Irish Scholars resorting to the Universities of Oxford and Cambridge (some only excepted) were banished the Universities for the multitudes of murders, rapes, robberies, riots, misdemeanors committed by them, 313. A Petition to the Parliament of England, concerning the certifying of an Erroneous Judgement given in the Parliament of Ireland, 313, 314. Parliaments held in Ireland: An. 7. & 18 H. 6. Acts made in them, 314. An. 23 H. 6. a Patent granted to James Earl of Desmond for coming in person to any Parliament or Great Council in Ireland, for his great pains and diligence in preserving the rights of the King in the 4. Counties of *Watersford, Corke, Limerick, and Kerry*, and Kings loyal Subjects in them, against the Irish Enemies, Rebels, & by reason of the great distance of those Counties from the places where Parliaments were usually kept, p. 314, 315. A special license granted James E. of Ormond to be absent from *Irel.* for certain years, without incurring the forfeitures forementioned in the Stat. of R. 2. and other Ordinances, 315. Parliaments there held, Acts made in them during the reigns of H. 6. Ed. 4. H. 7 & 8. Philip and Mary, Queen Elizabeth, and King James, concerning Ireland, the Privileges, Elections, Acts, Members of Parliament, Protections, Distresses, Purveyance, absence of Officers, Processes of the Exchequer, against holding Common Pleas in it. Accounts, Great Officers to hold their places only during the Kings pleasure, Residence of all persons on their benches in Ireland, under pain of forfeiting the moiety of the profits. For abolishing the Power of the Bishop of Rome therein, and his Provisions. That every Archbishop, Bishop, Archdeacon, Commissary, and Official shall exercise their Jurisdiction only in the Kings name; Acts for the Kings Supremacy in and over all Ecclesiastical persons, causes, as well as Temporal, collected and printed by Mr. Richard Bolton in the Statutes of Ireland, p. 315, 316. A Parliament held there reversed for 3. reasons, 315. An Act, that no Parliament be holden in Ireland, untill the Acts be certified into England. An Act declaring the effect of Poynings Act. An Act declaring how it shall be expounded, 11 Elizabeth. An Act authorizing Statutes to be made notwithstanding Poynings Act. Sundry other Acts concerning Poynings Act, and the manner of passing Acts there, p. 315. An Act against Proctors of the Clergy (or Convocation) to be Members of Parliament. Acts concerning the Irish, Scots, making of *Aqua vita*, *ibid.* The manner of our Kings creating Earls, Viscounts, Barons in Ireland, particularly of *Edmund le Botiller*, Earl of Kerry, of *John Fitz-Thomas* Earl of Kildare, and of *James Botiller* Earl of Ormond, 316-317. The duty of *Queen-gold* levied for the *Queen's Consort* in Ireland by the Kings Writ, by her Clerk and Attorney General there, 319, 320: The Kings Prerogative in the Elections of Archbishops, Bishops in Ireland by his licenses to elect, by confirming or rejecting persons elected; by rejecting all elections made before or without his licenses to elect, and to punish the electors; their care to preserve this pre-

rogative both in Ireland and England, 320, 321. The Archb. of *Canterbury* his ancient Jurisdiction over, and consecration of the Bishops in Ireland, 321. Records in the Office of the Exchequer *Coram Rege* concerning Ireland, Sir *Edward Cookes* misquotations of them, 321, 322. The Custom concerning the division of Testators and Intestate goods in Ireland, 321. Concerning Writs of Error brought upon Erroneous Judgements in Ireland, *Quo warrantos* against Liberties there claimed, and other matters, 322. Supernumerary Judges of the Kings Bench in *Dublin* discharged by Writ, 408. The Chief Baron there unjustly removed, restored by the Kings Writ, and the intruder removed, 308, 309. The Kings Writ to the City of *Burdeaux* who seized the goods of the Merchants of *Corke*, upon a suggestion they refused to do Justice to one of *Burdeaux*, concerning certain remenets in *Corke* to restore them, 410, 411. K. Ed. 3. his Writ to his Officers to certify him the true state of Ireland, 412. K. H. 5. his large Patent to James Earl of Ormonds, to preserve the Peace, Laws, and Customs of Ireland, to punish all delinquents against the King and them according to their demerit; to summon, hold Parliaments and Councils there in the Kings name, when there shall be need, in most convenient places for the good of the people; to summon the Nobles and others to them by Writs, to make Statutes, Ordinances in them for the good Government of the Land; to continue, prorogue, adjourn them from place to place, and dissolve them: for ordaining, doing, executing all other things concerning the said Parliaments and Councils, as have been reasonably done, or accustomed in former times. To make Proclamations, that all who held any Annuity, Lands, fees there of the Kings or his predecessors gifts, shall upon his summons perform their services, in marching with him against the Rebels when duly required, or else to fine them. To grant pardons of Treasons, murders, felonies to all who shall sue for them, and come to the Kings peace, under the Seal of Ireland. To suppress, fight with, punish and destroy all Enemies, Rebels, Irish or English, who shall hostilely invade or destroy in a warlike manner any of the Kings Lands or Subjects there; to dispose of all Englishmens Lands taken by the Rebels for default of their defence of them, and the Lands of all Rebels gained by Conquest, to such loyal Subjects and their heirs as he should think fit, for a reasonable annual rent. To supervise all his Officers in Ireland, remove those who were unprofitable, and put profitable ones in their places, the Chancellor and Treasurer only excepted. To take sufficient and necessary provisions for his household Ministers, and carriages likewise, as well within as without Liberties, (except the fees of the Church) for his money, according to several Statutes of Purveyances formerly made; to do and ordain all other things for the good Government, preservation of the said Land, and recovering of the Kings rights therein, 412, 413. Ships from Ireland and the West parts of England in the War against France, commanded by an Irishman, III. Admirals of England Admirals of Ireland, 121, 122, 123. Writs for Ships of War and Mariners out of Ireland, 127. *Friscovaldi* Merchants Receivers of the Kings Customs in Ireland, 143. The Oath of the Popes Agents and Collectors in Ireland to the King, 145, 146. Oxford appointed a General University for Ireland, &c. 168. Writs to the Justices of Ireland concerning Safe-

The Tenth Table.

Safe Conducts, a Knights fee, Cranocks of Corn and an Annuity in *Ireland* granted to *Riginald K of Man*, to defend the Seas, 201, 202. concerning some *Irish* seizures of the Ships, goods, and imprisoning the agents of that Isle, 385, 386. *K. Richard 2.* his voyage to, return from *Ireland*, 229. Some *Irish* Scholars slain in *Oxford* by the *French*, 246. *Robert de Veer D. of Ireland*, his Seals, Ensigns there used to the Kings dishonor in the field against Enemies, Rebels, instead of the Kings, totally removed, defaced, 67, 68. *Pope Alexander 3.* his Bulls to the Clergy of *Ireland*, to collect a *Dism*, with a *Non obstante* to any former Letters or Indulgences, p. 138.

Judges may and ought to deliver their opinions concerning Priviledges of Parliaments, when the Lords demand it: and when they came judicially before them in their respective Courts, p. 16. In cases of Members elections upon Actions brought for false returns, *ibid.* Assistants to the Lo ds house, p. 10, 11. All of them subscribed King *Charles* the 1. and his Councils Propositions touching the Admirals Jurisdicions in forraign Contratts beyond the Seas, and against granting Prohibitions in such cases, p. 100, 101. See *Admiral*, & Table 6.

Judges of the *Common Law* complained against by the Judges of the Admiralty, for abridging, encroaching upon their ancient Jurisdiction and Proceedings according to Marine, Merchants Law and Custom, p. 98, 100, 101, 122, 123.

Judicature in Parliaments in whom it resides, p. 16, 17. See *Parliaments*.

Juries summoned from one County cannot take notice of what is done in another County, p. 92, 93. Cannot be summoned from forraign parts, or out of *Jersey* into *England*, *ibid.* &c. p. 293. See *Inquests*.

Justice: Its definition by Divines and others, p. 97. an excellent vertue, by which Kings prosper, Princes reign, govern, the policy and publike good are maintained, supported; a vertue more pleasing to God than any carnal affection; to which every King is obliged by his Coronation Oath, p. 47. Kings no real Kings who deny to do justice, p. 133. No failer of justice ought to be: Inhibitions to the Admiralty in cases of Contratts, Charterparts made beyond the Seas in cases of Merchants or Mariners, to prevent a failer of Justice; an untrue surmise, to retard, yea cause a failer of Justice, 96, 101, 103. To be denied, deferred to no man, p. 96 To be speedily done to Mariners and Merchants from day to day, according to the Law of Merchants and *Oleron*, p. 24, 102, 103, 107, 193, 194. To be administered to all according to Law and the Custom of the Country, 152, 254, 268, 269, 282, 285, 286, 288, 293, 421. Merchants to be distrained, proceeded against for Contratts beyond the Seas, or in *England* by the Bishop of *Winchesters* Justices, Officers, during *St. Giles Fair*, p. 193, to 196.

Justices assigned for the Jewes. See *Jewes*.

Justices of *Trailbaston*, p. 150.

Justices of *Assise* and *Nisi Prius*, their antiquity, authority, institution, &c. 147, 148. confined by Letters Patents, Acts of Parliament to hold their Assises, Oyers and Terminers in some Counties at some certain place, not elsewhere, p. 343, 344, 345. Their Oath approved by Parliament, p. 18. See *Oath*.

Justices of *Chesler*, p. 151, 319, 345.

Justices in *Eyre*, their Antiquity, Institution, Jurisdiction, use, p. 150.

Justices of *Goat*, *Activity*, *Inquiry*, *Oyer* and *Terminer*, their

Antiquity, Jurisdiction; *Oath*, p. 145, 331, 332, 422. A Commission of *Oyer* and *Terminer* superseded, because not an enormous *Trespasse*, p. 148. or not proper for them, p. 341.

Justices of *North* and *South wailes*, p. 176, 177. Of *Ireland*, See *Ireland*, & Table 6.

Justices of the Peace, their Antiquity, Authority, Commissions; in use in forraign Countries, p. 148, 149, 150. To enquire of Admirals encroachments, p. 78. To apprehend Murderers, Robbers, Kerns, and make Hue and Cry after them, p. 289.

K.

Kent, p. 136, 137, to 140, 316. See *Beacons*.

Kernes, *Idiemen*, how to be proceeded against, 289, 268.

Key in *Ireland* infested by *Irish* Enemies, p. 314.

Kildare Liberty, p. 322. Its Earls Creation, p. 316.

Our **KING S** principal Defenders of the Churches just Libertie, act of Popes, Prelates own usurpations or oppressions, vexations of their Subjects, under that Notion: Defenders of the *Christian*, *Catholic* faith within their Dominions; oppugners of Errors, Heresies, Hereticks who oppole it, p. 33, 225, to 228, 230, 287, 364, 365, 395, 396, 397, 401, 400, 404, 405, 406, 407. See *Catholic* and *Christian* faith, *Church*, *Conventicles*, *Excommunication*, *Heretic*, *Hereticks* before. How necessary the virtue of Justice is for their prosperity, safety, establishment of their Thrones, and Subjects welfare, p. 47. See *Justice*, *Epistle Dedicatory*. Their care to preserve the rights of their Crowns, Kingdoms, Lawes, Prerogatives, against all Imperial, Papal, Prelatical, other Usurpations, and hostile invasions, according to their Oath, *Epist. Ded.* p. 53, 55, 134, to 140, 147, 148, 162, 203, 210, 212, 213, 221, 238, 239, 240, 349, 320, 321, 401, 402, 404, 407: See *Prohibitions*. Their ancient Sovereign Dominion over the Kingdoms, Kings of *Scotland*, *Ireland*, *Man*: in the *British* Seas surrounding them. See *Homage*, *Scotland*, *Ireland*, *Man*, *Admiralty*, *Sea*, and Table 2. in their Lives. All Archbishops, Bishops, Archdeacons, other Ecclesiastical Officers, Courts, ought to be held, Proesse issued in the Kings name only, being derived from, under him in *England* and *Ireland*, p. 221, 222, 316. Our Kings care to preserve Records, with the reasons thereof, *Epist. Ded.* p. 48, 49, 50, 51. The fountain of honor, may create new Dignities, Orders of Nobility, Knighthood, give Arms, Crests to whom he pleaseth, to ennoble them, who had none before: and Precedency to Dukes, Earls, Viscounts, others of the same degree, p. 28, 62, to 70, 245, 316, 317, 323, to 330. May exempt poor Burroughs from sending Burgesses, Abbots, Priors, who held not in *Capite* or Knight service, from coming to Parliaments, though their predecessors did: and Archbishops, Bishops, Earls, Barons from coming Personally to Parliaments or Great Councils during their lives by reason of age, sickness, other occasions, p. 31, to 37, 335, 336. See *Exemption*. May alter the form of Writs of Summons to Parliaments, according to the varieties of occasions for which they are summoned; and summon them to meet within 40 dayes upon extraordinary occasions, p. 10, 12, 13: The head, beginning, end of Parliaments, p. 37. That the King and Kingdom are bound to destroy the Traytors thereof, and defend them from Popes and Papal Enemies, p.

The Tenth Table.

226. Their Ecclesiastical Supremacy over all Ecclesiastical persons, causes, Courts, Excommunications, Interdicts, Proceedings, p. 225, 226, 316. See *Ecclesiastical Courts, Excommunications, Elections of Bishops*. Their right, Prerogative of coining Monies, Tynne, Exchanges, in Gold and Silver Mines, p. 174, 175, 308. Their Prerogative to arrest, impresse ships for warr, defence of the Realm, cartiages, Mariners of all sorts, to array men according to their estates, to erect Beakens, keep watch, wards on the Sea-coast, in times of warr, danger, p. 85, 270, 284, 298, to 300. 307, 308, 309, 311, 312, 314, 387, 388, 389, 392, 393, 419, 420. See *Array, Beakens*. To presse all sorts of Artificers for buildings, and Miners for his Mines, 127, 128, 345, 346. To grant to particular Towns, Corporations, that all Justices of Assise, Oyer, Terminer, Gaol-delivery, &c. shall keep their Assises and Sessions there, but no where else within particular Counties, p. 343, 344. To make, discharge Officers, Judges, Ministers of all sorts, especially of such as are unfaithfull, insufficient, unnecessary, oppressive, or injurious to their Subjects, p. 40, 43, 64, 84, 85, 120, 121, 122, 260, 264, 272, 273, 274, 275, 276, 277, 280, 281, 282, 290, 293, 307, 310, 340, 341, 394, 408, 412, 413. The King and Parliament may lawfully take away the Temporalities of Ecclesiastical persons, habitually abusing them against the good ends for which they were conferred on them, in *Wickliffe*, our Parliaments, and the Council of *Vienna's* Judgements, p. 224. The Kings Palace, places where he lodges privileged from Archbishops, Bishops Citations, and all arrests, but only by his Marshal, p. 18, 19. Their Prerogative over *Jewes*, and their estates, See *Jewes, Prerogative*, and the 2. Table in their lives.

Kings Bench-Court: Its Jurisdiction, Chief Justices Judge, p. 47, 48.

Knights-fers, of what value, p. 3. To make an Earl, Baron and their reliefs, uncertain, against the *Modus forgeri*, p. 4. All who had x. l. a year lands distrained to be Knights, p. 53.

Knights of Shires, their respective wages, what persons they ought to be, p. 2, 3, 5, 12, 13, 15, 28, 29, 30, 31, 32, 315. Complaints of undue returns of Knights for Parliament anciently, to the King, not the Commons, p. 31. A notorious trespass upon the Lands, Tenants, Goods, Servants of one of the Knights of the Shire of *Northumberland* whilst sitting in Parliament inquired of, the parties guilty to be arrested, punished by the King and his Council as they should think fit, p. 231, 232. Refused to be elected by those of *Northumberland*, because their County was so wasted by the *Scots*, they could not pay their wages, p. 33.

Knights Bachelors created, with an annuity to maintain their state, p. 218, 245.

Knights Templars suppressed, their Manors, Lands given to the *Hospitaliers* by Pope *Clement 5.* and the Council of *Vienna*, p. 224.

L

Lampres, an imposition on them for *London*, p. 186.

Lancaster, a Commission to the Duke to array men, erect Beakens, keep watch and ward on the Sea-coasts in the Duchy of *Lancaster*, p. 135. Many Burroughs

in *Lancashire* elected, returned no Burgesses to Parliaments, by reason of their poverty, and inability to pay their wages, in the reigns of *Edw. 3. R. 2. H. 4. 5, 6. & Edw. 2.* p. 32, 33.

Lancetton, its Charter for all Assises, Oyers and Terminers for the County of *Cornwall* to be held there only, p. 244.

Law of Arms, p. 338, 339.

Law Common of England, the chief support of the Kings Crown, Prerogative, Subjects Lives, Liberties, Properties, the Peace, Government of the Kingdom: Its study, exercises to be supported, all abuses in its practise rectified, *Epistle Ded.* Hath no Jurisdiction but of things done within the Realm, not of Treasons, Murders, Felonies, Trespases, Contracts, Charter-parties between Merchants, Mariners, made or done out of the Realm beyond the Seas, but by late illegal fictions, p. 77, to 104. 122, to 126, 342. See *Admiralty*. The *Common and Statute Law of England* settled in *Ireland* by *H. 2. King John*, *Ed. 1. & 2. R. 2.* p. 249, to 264. See *Ireland*, and Table 2. Imprisonments of persons without Indictment, presentment, legal proccesse, and turning men out of their free-holds, sending of persons indicted in *Ireland* of supposed Felonies, Trespases done there, to answer the same before the King in *England*, are against the *Common Law*, as well as the *Great Charter*, which confirms it, p. 281, 282, 284, 285, to 292. *Common Law Pleas*, p. 29, 52, 55, 290.

Law Canon, Civil, Ecclesiastical, p. 221, 222, 263, 326, 358, to 362.

Law Martial or Military, when, where to be used, its proceedings, Pleas in the Army, p. 59, 60, 61, 126, 337, 338, 339, 379.

Law of Merchants, by which Merchants, Mariners ought to be judged in matters, contracts that concern them in a speedy manner from day to day, p. 24, 25, 81, 83, 91, 95, 102, 103, 119, 123, 126, 125, 194, 199.

Laws of Oleron, and of the Sea, their antiquity, authority; Merchants, Mariners to be judged by them, p. 81, 82, 83, 85, 91, 95, 102, 103, 104, 105, 106, 108, 109, to 122, 124, 125, 126, 133, 175, 194. Approved by Parliament, p. 85.

Laws of the Almain, Bavarians, Burgundians, Charles the Great, of the Frisians, Ripuarians, Sicilians, concerning the keeping of the publike Peace, and Justices of the Peace, p. 149.

Legates and Legers, Writers of them, p. 141, 143, 144, 145, 147. See *Ambassadors*.

Leet Court, its Antiquity, Jurisdiction, p. 189, 190.

Leiger-books, their authority, p. 115.

Limitation of Writs in Ireland, p. 250.

Lincoln Colledge in Oxford, *William Wilson* appeal against the Bishop of *Lincoln* to the Archbishop, for refusing to admit him to the Rectorship thereof upon his election: the Universities appeal against it to *Qu. Elizabeth*, her Commission thereupon, to preserve their Priviledges, p. 164, to 168.

Lincoln City, a Writ to them to pay their Citizens expenses elected for Parliament; their agreement for them before they went, p. 29. Parliament at *Lincoln* concerning the Superiority of our Kings over *Scotland*, with their Letters to the Pope to vindicate it, and the Perambulation of Forests, it lasted but 20. dayes, all which they dispatched within that space, p. 42, 372, 373.

Liveries of lands taken away, p. 50, 51.

Locality,

The Tenth Table.

Locality, inseparable from every Contract, promise, transient action, which must be made, done in some certain place, as well as Treason, Murder, Trespass, or other Local actions, and cannot without falshood, absurdity, be said to be made, done, acted in any other place, or County, then where really done, p. 90, to 98; 342. See *Place*.

Lodemorege, Demorege, determined by the Laws of *Oleron*, p. 119.

Lollards, Wickliff's disciples, (so nick-named by Popish Prelates;) proceedings, Writs, to suppress them, yet they multiplied, p. 226, 227, 229, 230, 367, 396, 397, 398. See *Wickliff Table 8. & Herefie*.

LONDON CITY: had no Mayor nor Sheriffs before the first year of King *Richard 1.* nor Charter to elect a Mayor, before the 14th. year of King *John*: (Therefore the *Modus, &c.* which mentions the Mayor, Sheriffs of *London*, and Writs Customarily issuing to them to elect Citizens for Parliaments, must be compiled long after,) p. 2. *Roger de Draiton* Treasurer to the Earl of *Cornwall*, coming to the Parliament, assaulted, slain, others of his menial servants abused, beaten, wounded in *London* streets, where they walked without swords or other arms in the day time, by certain Malefactors, many standing by, without resisting or apprehending them, to the Kings dishonor and contempt. His Commission thereupon to discover, apprehend the Malefactors and their abettors, p. 19, 20. The new Oath prescribed by *K. Henry 3.* administered to the new Elected Mayor, when he came to be sworn, and was approved by the King, and to all Citizens of *London*, p. 54, 55. The Records kept in the Tower of *London*, 48, 49, 50, 51. *K. H. 3.* his Letter to the Mayor and Commonalty of *London* concerning the Barons Wars, and his bringing in some foreign forces against them for his defence, not their harm, p. 154, 155. Its Antiquity, Wards, Courts, Offices, Charters, Records concerning them, p. 178, 179, &c. The Fishmongers of *London* indicted for forestalling Fish, enhancing their prises, and other abuses by King *Ed. 1.* for which they paid 500 marks composition to procure a pardon, 179, 180. His Writ to the Sheriffs to punish the abuses of Bakers, Malters, Milners in the City, and of those Malefactors, disturbers of the peace who went armed, and did beat, abuse others in the night, and to punish them so, as to strike terror into others, 180. King *Edward the 2d.* his Writ to the Mayor, Sheriffs against suffering Common Brothel houses of receipt by Harlots within the City, Suburbs, wherein divers murders, robberies were committed, to the disgrace, scandal of the City, and danger of many resorting to it; to reform this abuse, to his and their own honors, & security of those honest men who resorted to it, 180. *K. Edw. 3.* his Writ to the Mayor, Sheriffs and Aldermen, who promised him to keep, guard the City in safety and peace when he marched into *Scotland*; for that they suffered many Malefactors of the City and other foreigners confederating together to have unlawful meetings and Conventicles, to go armed in the City as well by day as by night, to beat, wound, maim divers persons, to seize their money, goods; and to imprison others privately, till they made fines and ransoms at their pleasure, extorted great sums of money by threats, fear of death; and other duresies; and doing other mischiefes from day to day, to his dishonor and contempt, the disturbance of his peace, and terror of his people; commanding them

safely and securely to guard the City, and to suppress, punish these malefactors; and if they would not, or could not, to certify him and his Council thereof under their Common Seal, who from thenceforth would take speedy remedy therein, 180, 181. His sharp reprehensive Writ to the Mayor and Sheriffs of *London*, for suffering bread, wine, bear, all sorts of victuals to be sold in the City at over-dear rates; and not supervising, reforming the defects in weights and measures, which every Mayor took a corporal Oath to do, yet none of them had hitherto performed his Oath as he ought, to the great scandal of the Mayors, and damage of the Inhabitants of the City, as also of those who resorted to it: commanding them under pain of forfeiting all they could forfeit to him, that calling all the Aldermen and other Commons of the City together, they should set such a price on the victuals aforesaid, having respect to what was first paid for them, and so correct the measures and weights, that their sellers should receive not excessive but reasonable gain, and that the inhabitants and others resorting to the City might feel the benefit thereof, and of their reformation of weights and measures. Giving this Charge to the Mayor, And that your Oath as Mayor may remain inviolated, do you chastise and punish all from time to time who do against right, and do, reform all other things which you shall know to be repugnant to the good Government of the said City and suburbs; that by your diligence exhibited in this behalf the City may be reduced to its due state, and such excessive regrateurs wholly taken away. And that you publicly proclaim all and singular the premises in the foresaid City and suburbs in the accustomed places. But if they shall not appoint a speedy remedy for all these excesses, that then they should complain thereof to him and his Council, and we in your defect will cause remedy to be applied to these excesses without delay, p. 181. King *Edw. 1.* his Proclamation against Brewers, Diers, and others burning Sea-coal in and about *London*, upon complaint of the Prelates, Nobles, others resorting to it for the Common good, as corrupting the air. An inquisition to punish all such who violated the Proclamation by fines, ransoms, and demolishing their for-naces, p. 182, 183. His Patent for a Charitable Collection throughout *England* for the repair of *London* bridge, which was much decayed and ready to fall, together with an ayde, impost on every carriage and person passing over the bridge, towards its repair, p. 183, 184. An imposition on several sorts of victuals, merchandizes brought by land or water to the City for the scowring of the ditches, and repairing the walls thereof, p. 184, 185, 186. For the building of a new Tower on the wall, and paving of sundry streets, p. 186. A Petition in Parliament for the scowring of *Fleet* River, and making it navigable with boats and vessels to *Holborn* bridge as formerly. A Commission to the Mayor of *London* and others to survey and effect it, p. 186, 187. The Mayor of *London* Conservator of the River of *Thames* by Charter, p. 188. The Citizens of *London* not to be constrained to go out of the City to any War by the Patent of *K. E. 3.* p. 188. Found 300 men for the defence of the Isle of *Wight* in time of warre, p. 212. That the goods of all those may be secured, who bring Writs of Error to reverse Judgements given in the Hustings, lest they should sell or convey them away, to defraud the Plaintiff,

The Tenth Table.

376, 377. Ordinances of King Edward the 2. and his Parliament for setting certain prizes on all sorts of Carrel, Foul sold in London; their rates observable, p. 377. A Writ and Proclamation to the Mayor of London, that no Citizen nor other repairing so it should bear any sword or other armor, Rings, or bowes to cast stones, bullets, or other hurtfull things, (as many then did) to the disturbance of the peace, the hurt and terror of many: to imprison all who should do the contrary after the Proclamation, till the King declared his further pleasure. Provided it should not extend to the Kings or Queens servants, or to the Valets of Earles and Barons of the Realm carrying his Lords sword in his presence, p. 377, 378, 379. King Edw. 3. his Writ to the Mayor, Sheriff, and Proclamation against Vintners, Taverners selling mixt and corrupt Wines within the City and suburbs, to the scandal of the City, and danger of many mens lives; That all should see their Wine drawn out an intire vessel; and to punish all offenders against the Proclamation, p. 378. His Writ to them to punish the abuses of Bakers, Taverners, Milners, Cooks, Fishmongers, Poulterers, Butchers, Malsters, Meal-men, and others of divers mysteries in the City with corporal punishments, in such manner as might deter others from committing the like offences, to cause these things and his peace to be inviolably observed, p. 378, 379. King E. 3. his command to the Mayor, Sheriff, Aldermen and Commons of the City of London to keep the peace of the City, who thereupon hearing of a difference and tumult between the Fishmongers and Skinners thereof, to pacifie the same, and prevent their fighting, apprehended divers of the Malfactors according to their duty, the rest resisting the said attachment, rescued those the Mayor, Aldermen and Sheriff, had arrested, and Thomas the son of John Hauxsard drawing his sword, laid hands on Andrew Aubrey Mayor of the said City, and running upon him with all his might would have cast him down, and grievously wounded one of the servants of the said City, obeying the said Mayor and Sheriffs, in contempt of the King, the commotion, danger of the City; for which he and John Brewere were presently taken, carried to the Gibell, and being questioned before the said Mayor and Sheriffs upon the premisses were convicted of them by their own confessions; for which cause by the consideration of the Mayor, Sheriff, Aldermen, Commonalty, they were adjudged to death in the said Hall, & beheaded in a street called *Le Chepe*, (without any legal Indictment;) The King upon their Petition to him and his Council in the Tower of London, considering, that if so great a temerity of the said Thomas and John had passed unpunished, it would have given boldnesse to others to commit the like, and that it was very oportunely and well done for the preservation of the peace; being willing to provide for the Mayor, Sheriffs, Aldermen and Commonalties future security, lest they should be prosecuted for it in after-times, approved, ratified as to himself what they had done, by his special Patent; Prohibiting that they or any of them should be prosecuted or grieved in any kinde for the death of the said Thomas or John, or any thing concerning it, by him, his heirs, Justices or Ministers whatsoever, p. 379. K. E. 3. his Ordinance by advice of his Council in Parliament, prohibiting the killing of any great beasts within the City or Suburbs, to prevent the corruption of the ayre by their blood or excrements, but only

at Stratford and Knight-brugge, p. 380. The new Statute, Ordinance made by the Mayor, Aldermen and Commonalty of London for the choise of their Mayor, Aldermen, other Officers every year, and better Government of the City, p. 380. King H. 6. his Patent constituting the Mayor and Aldermen of the said City, those who have been or shall be Mayors, to be Justices of the Peace within the City, to execute all Lawes for the peace and good government thereof, in such sort, as may make it like a City situated upon an Hill, and give an example of Justice and good government to all other Cities, p. 380, 381. The Difference between the Mayor, Aldermen, and City of London, about taking some Malfactors out of the Sanctuary of St. Maryns le Grand, the Kings free-Chappel, the Judgement given therein, that the Mayor, Sheriffs, had no Jurisdiction there, and that the Malfactors should be restored to the Sanctuary, p. 419, 420, 421. A Justice for Merchant Strangers appointed in London, p. 24.

Lords day: Parliaments usually summoned to meet thereon in ancient times (against the mistake of *Modus*, &c.) before R. 2. but not since, p. 4. Lawfull to remove Markets from the *Lords day* to week dayes, without the Kings license, p. 153.

Lords House in Parliament, their Judicature in cases of Writs of Error, Treason, &c. without the Commons, p. 16, 17. The Commons never sat with them as one House, contradicted by the Parliament Rolls cited to prove it, by Sir Ed. Cooke, sundry others, and the Lords Writs of Summons, p. 8, 9, 10. See *Parliament*.

Lombardy Merchants included in *Carta Mercatoria*, An. 31 E. 1. p. 23.

M.

Magna Charta of King John, concerning Parliaments, and summons to them, p. 2. It ascertained the relief of Barons, which before was arbitrary. The *makers* thereof never saw the *Modus*; nor were guided by it therein, p. 4. Its violations by delaying Justice, p. 96, 103. by Imprisonment without indictment, presentment, or legal process, p. 292, 293. by dispossessing men of their Freeholds without legal Trials or Judgements, p. 281, 282. by levying debts on the heirs lands, when the Executors have assets, p. 282. by excessive amerements, p. 284. Illegal Commissions, p. 398. Its Confirmation, p. 142. See *Statutes*.

Makers, their abuses to be reformed, punished. See *London*.

Man Island; Our Saxon Kings ancient Dominion, Title to it: Their Kings Oathes, Homages to *Alured*, *Edwin*, *Edgar*, *K. John*, and *Henry 3.* for it; their Protections to them and the Islanders, p. 202, 203, 384, 385. King *Reginald* threatened to be invaded by the King of *Norway* because he did homage to *K. H. 3.* who writ to the Justice of *Ireland* to assist him, if invaded, p. 201, 202. taken by the *Danes* from *K. Ethelred*, but recovered, subdued by him, p. 383. Held afterward by the *Danes* for some time, p. 385. An Annuity, see, Corn given to *Reginald* to defend the Northern Sea-coasts of *England* and *Ireland*, p. 202. Surrendered to King *Edw. 1.* by the Earl of *Ulster*, who claimed the inheritance thereof, who granted his Protection to the Islanders, p. 202. *K. Ed. 1.* granted it to *John Balliol* King of *Scots* after his homage done to him for *Scotland*, in such

The Tenth Table.

such sort as *Alexander* the last King of *Scots* (whose heir he was) enjoyed it; saving to himself all issues, wards, marriages, fines, amerciaments, arrears of farms, rents during his seisure thereof, and saving to himself and his heirs the consans of all pleas, attachments whatsoever of all his Bayliffs, Ministers, together with the Trespasses, Judgements imposed on *Duncan de Malcoly*, &c. p. 203. who was outlawed and imprisoned in the Tower of *London*; the outlawry was afterwards reversed for error, p. 202, 203. *John de Waldebreff* his claim to it by descent from *William* his Father in Parliament, Anno 3; E. 1. p. 203. King *Edward* 1. resumed it from *Balliol* King of *Scots* and the Bishop of *Durham*, who held it under him, because it appeared by Records, that many of the Kings of *England* enjoyed it, p. 203. King *Ed.* 2. granted the Custody thereof to *Henry de Bello monte*, who 2. years after commanded it to be delivered to *Matthias*; he commanded all his Bayliffs, Officers, Subjects, to treat the inhabitants kindly, and do them no harm in going, coming or staying, because they had continued loyal to him, p. 204. his expences in defence thereof against the *Scots* allowed in the Exchequer, *ibid.* About 7 E. 2. the *Isl.* was taken by the *Scots*; but retaken from them by *John Edward* a potent man of the *Isl.*; who fled with his family into *Ireland*: but the next year took, restored it to the Kings hands, defended it with many of his own men; whereupon the King writ to his Officers in *Ireland* to pay their expences; and to allow a competent maintenance to him, his family and men to defend it, p. 204. An. 10 E. 2. the Custody thereof was granted to *John Abridge* during pleasure, p. 204. Infested by the *Scots* the Kings and their enemies, An. 15 E. 3. they purchased a truce for them and all trading to them from *England*, *Ireland*, and *Wales* for 300 mark for one year, part of which money, and goods to make up the rest, with their messengers and ships sent to the *Scots*, were seized by the *Irish*, and carried prisoners into *Ireland*; the Kings writ for their enlargement, and restitution of their monies, goods, ships, p. 385, 386. *William de Monte Acute* was then Lord thereof, and this Truce made with his assent, *ibid.* This *Island* was afterwards parcel of the possession of *William le Scap* Knight, by whose Conquest and Atrairder it came into the possession of King *H.* 4. who granted it, with the *Castle*, *Peal*, *Dominion*, all *Isles* and *Dominions* thereto belonging, with the *Advowsons*, *Patronages* of the *Bishoprick*, and all *Abbies*, *Priories*, *Hospitals*, *Churches*, &c. in them, under the *Terture* therein expressed, to *Henry Piercy* Earl of *Northumberland*, and his heirs; who being soon after attained of *Treason*; 6 die *Maii* An. 6 H. 4. in Parliament, the King An. 7. granted the same to Sir *John de Standley* and his heirs to hold by his *Liegehomage*, rendering 2. falcons to him and his heirs on the day of their *Coronations*, p. 205, 206. The *Chronicle* of *Man* writes, the *Bishop* of *Soder* in the *Isle* of *Man* was anciently subject to the *Bishops* of *Nidros* in *Norway*; but since it came into King *Johns* *Dominion*, to the *Archbishops* of *York*, to whose *Province* it was united by Act of Parliament, 33 H. 8. p. 205. The two first *Bishops* thereof *Monks*, their names, p. 205, 385. *Mark* *Bishop* thereof for his *Treason* was taken and imprisoned in chains by King *Edw.* 1. for confederating with the *Scottish* *Bishops*, *Rebels* against him, p. 385. An *Almes* called *Peticular* granted to a poor *Scholar* and his successors by King

Henry the 4. and his predecessors, to keep a *School* there, p. 205.
Mackerel: Imposition on, and Customs of them in *Jersey*, p. 185, 206.
Manucaptors who, not to be against the King, p. 266.
Marches in *Ireland*, p. 268.
Marriages without asking bannes first, prohibited by the *Bishops* *Canons*, *Constitutions*, several *Acts* of *Parliament*, all *Books* of *Common Prayer*, old, new; all *Licenses* to the contrary void in *Law*; subversive of all *Canons*, *Acts* to the contrary, and *Common Prayer Books*, destructive to many persons, families, p. 232, to 238. See *Bannes*. Of *Wards*, taken away, p. 150, 151, 203. *Canons* of *Popes*, *Prelates* prohibiting *marriages* within degrees of consanguinity, affinity, &c. not repugnant to *Scripture*, made only to gain monies, power to themselves, over *Kings*, others, by dispensations, nor to be observed, p. 236. *Marriages* between the *Irish* enemies and *English* prohibited, p. 290.
Marshals of *England*, of *Ireland*. See *Table 6*. The first *Earl Marshal*, p. 4, 5. The *Antiquity*, *Court*, *Jurisdiction*, *Fees* of the *Marshal of England*, p. 59, 74, 75, 93, 94. *Treasons* and things done beyond the *Seas* concerning matters of *War*, triable before him, not by the *Common Law*, p. 91, 92.
Marshal of the *Exchequer*, his office, duty, fee, p. 71, 72, 284.
Marshal of the *Kingshouse*, and *Marshalsea*, their *Fees*, *Jurisdctions*, *Usurpations*, *Complaints*, *Acts* against them, p. 74, to 79, 80, 339. The limits of the *Verge*, *ibid.*
Marshal of the *Kings Army*, Pleas held before him and others, p. 93, 94, 285, 337, 338, 339. His *Roll*, p. 57.
Marshal of the *Bishop* of *Wynton* during *St. Giles Fair*, p. 192, 193, 194, 199.
Martial Law. See *Law*.
Mayhem, p. 78, 261.
Mayors of *London* and other *Corporations* when they began; *Writs* for expences issued to them, p. 2, 3, 6, 23, 102. Of *Dublin*, p. 60, 252. Of the *Staple*, p. 94, 175, 290. Of *Wynton*, his power suspended during *St. Gyles Fair*, p. 192, to 198. Of *Oxford*, p. 347, 348, 352. See *Oxford*.
Measures, *Weights*, to be one and the same throughout *England*, p. 24. *Records*, *Inquisitions* concerning it, them, their gaging, sealing by *Clerks* of the *Market*, others; their abuses complained of, ordered to be reformed, p. 153, 180, 181, 199, 200, 293, 294. The *Vicechancellors* of *Oxford* and *Cambridge* are to supervise, correct the *Measures*, *Weights*, therein, by the several *Records* cited, p. 159. The *Bishop* of *Winchester* and his *Officers* in *Winchester* during *St. Giles Fair* there, to weigh all things sold, to try, correct all *Seals*, *Measures*, p. 195, 196. *Admirals* not to do it on land, p. 82.
Medietas Lingua, trial by it in cases of *Merchant Strangers*, by *Carta Mercatoria*, p. 24.
Carta Mercatoria, An. 31 E. 1. made to *Merchant Strangers*; their grant of *Customs*, *Tonnage*, *Poundage* to him for it, at large recited, p. 23; to 26.
Merchants, *Merchandize*; great *Priviledges* granted to them, p. 23, to 26, 90, 107. Their causes, suits concerning *Contracts*, *Merchandizes*, *Fraights* to be judged, tried speedily by the *Law* of *Merchants*, *Oleron*, and of the *Sea*, not by the *Common Law*, 23, 102, 193, 194, 175. See *Law of Merchants*, of *Oleron*; *Proceedings* concerning them in *St. Gyles Fair* at *Winchester*.

The Tenth Table.

chester, 92, 99. Statutes made for the speedy recovery of their Debts, Policies of assurance, as peculiar to them different from the Common Law, p. 102. Protections, Safe-Conducts granted to them; Depredations of their goods by Sea or Land, inquired of, punished, righted according to the Law of Merchants, p. 24. Margin. p. 73, 142, 340. See *Depredations, Frisobaldi*. Free Commerce of Merchants, Merchandises between *England and Ireland*, p. 253, 265, and those of *Portugal and Ireland*, p. 265, 308. Complaints against their exporting Silver and Gold out of *Ireland* for their singular profit, p. 308. Merchants resorting to the Iles of *Guernsey, Jersey, &c.* and gaining by their Merchandise, to contribute to their defence in times of warr, p. 392. What Tolls, Customes they anciently paid in King *Ethelreds* reign, 104, 105. See *Admiralty, Customs*. Merchandise obstructed by Monopolies, *Non-obstantes* against Law, 128.

Markets false, to the hurt of neighbour Markets, or adulterous, not granted by our Kings, to be suppressed by Sheriffs, p. 53. Not to be removed from one day to another, except Lords dayes, without the Kings special licence, p. 153. All Markets to cease in *Winchester*, other places near it, during *St. Gils Fair* there, p. 195, 196, 197.

Miners: their abuses in *London* to be reformed. See *London*.

Mines of Gold and Silver in *Ireland, England*, that every Lord may digg them in his own soil, convert them to Plate or Coin, saving, paying the King for the coinage thereof, p. 308. Of Tinne in *Cornwall, Devon*, and what concerns them, or its preemption, coinage, &c. p. 174, 175. *Tithes* granted of *Mines*, p. 220. See *Tithes*.

Miners impressed to work in the Kings *Mines*, p. 127.

Modus tenendi Parliamentum its antiquity, authority asserted by *Sir Ed. Cooke*, (who never saw nor heard of it, till he was Speaker of Parliament, 39 *Eliz.*) proved to be a meer novel imposture of no Antiquity, authority, compiled about the end of King *H. 6.* his reign; fraught with many mistakes, absurdities; and that by sundry passages in it, and other evidences, p. 1, to 11. 249.

Monasteries adjoining to the Kings Castles, of Gods Temple, made Towers of *Babylon* by the Enemies, demolished in part, p. 61. Their suppression in *England*, and granting away their lands by Parliaments, confirmed, assented to by Popes, so Sacriledge, p. 224.

Monks of *St. Benedicts* and others, not getting their livings by labour of their hands, are not only Apostates from their order, but from Christs discipline; Monks not instituted by Christ, but the Pope, by whom their Orders are confirmed, p. 226. Their turbulency in *Oxford, Cambridge*, by reason of Popes Bulls of exemption purchased by them, till set aside, p. 161, 162. See *Cisterciacs, Friars, & Table 2*.

Money, false, clipped, exchanges thereof, inquired of at *Shepwy*, &c. p. 153, 389. altered, abused by the *K. of France*, not to be received for the Kings rents, duties in *Guernsey, Jersey*, or other Islands, but good money, 387. exported by Merchants for private lucre, 308. The Popes Collectors Oath, not to export any plate of money out of *England or Ireland* for the Popes *Petence*, or other duty, or for Cardinals or other Popish Prelates, in Plate or otherwise, nor by Bills of Exchange, without the Kings or his Counsils special licence, 146. That the money of the Realm ought not to be sent to the Court of *Rome, Avinion*, or

to any other place for the Pope or Cardinals use, unless they can prove it due by Gods word; else it should be rapine of a ravenous wolf, as our Saviour affirms, not of Christ, p. 226. *Monies* in *England and Ireland* made of one weight, fashion by King *John*, p. 249.

Monopolies, supported by illegal *Non-obstantes*, p. 128. King *James* his Proclamation, and Judgements in Law against them, p. 129. To which adde *Cookes 3 Instit.* p. 154.

Mortdauncester Writ, in *Ireland*, from what time limited, p. 250.

Murage, granted to repair the walls of *London*, p. 184, to 186.

Murders, Manslaughters, Murderers, inquired of, arraigned; how proceeded against, and by what Lawes; special not general Pardons, except in Parliament, granted them in *Ireland*, with certain limitations, for the publike peace, fines, ransoms, after-Rebellions, p. 261, 262, 263, 267, 289, 294, 301, 306, 307. See *Ireland*. In great Rivers, p. 98.

Musters, p. 312. See *array* before.

N.

A Navy to be set forth annually, the Lawes of *K. Ethelred* concerning it, p. 104, 105. The *Navy* of King *R. 1.* his Lawes to govern it, p. 106, 107. Of King *Ed. 1.* against *France*, p. 110, 111. Of King *Ed. 3.* for defence of the Realm, &c. and securing the state thereof, p. 113, 114. Of King *Charles 1. & 2.* p. 123, 125, 126. Our Kings Prerogative, and their Admirals Commissions to impress Ships of War, Mariners, &c. for their Navy, and defence of the Seas, Realm against Enemies, to make Lawes for the good government of their Navies, Fleets, Mariners wages in them, p. 85, 126, 127, 343, 346. See *Admiralty, Ships, Wages*.

Neptune the Roman Admirals Embleme, his Jurisdiction, p. 103, 104.

New Customs levied by land or water, to be enquired of, the levyers of them punished, p. 153.

Scandalous News, false suggestions against the Kings faithful Officers in *Ireland*, how to be proceeded in and punished, p. 290, 291.

Nobility true, wherein it consists, p. 330.

Non-obstantes, first introduced by Pope *Gregory 10.* into *England* in his Bulls, *Anno 1240.* p. 129, 130. Opposed, complained against by King *H. 3.* by all his Nobles and Universality of *England*, in the Council of *Lyon*, to Pope *Innocent 4.* as an intolerable grievance, to carry on Popes illegal exactions, oppressions, and subvert all Priviledges, Justice, p. 130. A detestable infamous adjection, clause, yet pursued, practised by this Pope *Innocent* in his Bulls, violating the Religion of an Oath; enervating, subverting, nulling all ancient Customs, Bulls, Lawes, Charters, Priviledges, Statutes, Justice; polluting the purity of Christian Religion; dissolving, disturbing all confidence, faith, sociable conversation, and peace between man and man; abounding with absurdities of inconsistency, audaciousness, procreancy, shamefulness, lying, deceit; yet used by him, *Anno 3.* other Popes since, p. 130, 131. *Robert Grossetest* Bishop of *Lincoln*, *Adamwark Park*, *Matthew Westminster*, and *Rishangers* sharp censures of them, through *Monks*, p. 131, 132, 133. King *Henry 3.* inserted *Non-obstantes* into some of his Patents in the later end of his reign, in imitation of Popes; for which he is sharply

The Tenth Table.

sharply reprehended by the premised Historians, the Master of *St. Johns of Jerusalem*, and others, p. 132, 133. *Roger de Thurkesby* a Judge, his notable exclamation against them in open Court, when first there produced, pleaded, p. 132. Condemned by sundry Acts of Parliament, Judgements of the Judges, and King *James* his Proclamation; declared null, void as to all Charters, Acts of exemption from Subsidies, Taxes, Assessments, or other publick Aydes, made or to be made, by the Statute of 19 *Car. 2. c. 8.* p. 128, 129. yet continued to support, gratific Monopolists, Projectors, Engrossers, and elude penal Statutes for the promoting of Trade, publick Manufactures, and the publick good, p. 128, 129. See *Monopolies*.

Non-residence of Ministers, condemned by several Canons, Constitutions, Acts, not to reform, but for Popes, Bishops, Masters of Faculties to gain money by dispensing with this gross abuse, against Gods Word, the promise of Ministers at their Ordinations, Institutions, to the starving of their peoples souls, bodies, p. 236. Vicars instituted in *Ireland* in Churches annexed to Prebendaries, &c. because they were Non-residents, against their duties, to the prejudice of their peoples souls, p. 294, 295. Non-resident Ecclesiastical persons to be deprived, p. 399. Not to be dispensed with in *Ireland*, they, others living in *England*, enjoined to contribute to the defence thereof, p. 296, to 302, 307, 308, 309. See *Residence*.

Normandy, p. 83, 84.

Notaries publick of the Pope, Emperor, their attesting Instruments, Contracts in *England*, an encroachment on the Kings Prerogative, Courts, Officers, introduced, procured by Archbishops, Bishops, and their Officers, petitioned against, *Epist. Ded.* & p. 58, 59. yet made use of by Bishops, p. 361.

Nurses of Irish among the English prohibited, p. 262, 289, 290.

Nuisances, in not cleansing Streets, killing of great Beasts, &c. in *Oxford*, *London*, and other Towns, which infected the air, endangered the health of the people, inquired of, reformed, p. 182, 187, 349, 350, 351, 380, 415. In Rivers to the hindrance of Navigation, or destruction of Fish redressed; See *Sewers*, *Inquisition*.

O.

Oath of the Judges, Barons of the Exchequer, Justices of Assize, &c. of Record in the Clause, though not in the Parliament or Statute Roll, p. 18. made by the King, with the assent of the Greatmen, and proclaimed by his Writs 7 *Maii An 20 E. 3.* after approved, confirmed by the Commons in the Parliament of 20 *E. 3.* and other subsequent Parliaments, p. 38. Sir *William Thorpe* condemned in Parliament for breaking it, by taking Bribes, *ibid.* The Oath prescribed by King *Ed. 1. & Ed. 2.* to their Counsellors, Judges, p. 38. Oath of our Kings at their Coronation, to defend the Rights of their Crown, Kingdom, frequently mentioned in their Writs, Prohibitions, p. 351. Of the Popes Legates, Collectors, to our Kings, when admitted into *England* or *Ireland*, p. 145, 146. Of Officers of the King, and other Subjects, to their power to maintain all Rights, Privileges, Jurisdictions belonging or united to the Imperial Crown of this Realm, p. 127, 251. Of the Master of the Rolls, p. 49. All Oaths, and the Religion of them, subverted by Nonobstantors, p. 129,

130. All Graduates of the University of *Oxford*, when they take their degrees, take a solemn corporal Oath, inviolably to observe, defend and maintain all Statutes, Priviledges, Customs, Liberties of the University, p. 165. Of the Mayor of *London*, and Citizens to King *Henry 3.* p. 54, 55. His usual Oath to correct all false weights, measures, victuals, commonly violated by all Mayors, observed by none, p. 181. Of Juries of Inquests, p. 192, 214. See *Inquests*. Of the Bishop of *Winchesters* Coroner at *St. Giles Fair*, to do all things belonging to the Office of a Coroner, as well within the Fair as seven miles or leagues without it, and to be intendent to his Justice, p. 195. *Richard Stuy* his Oath to *K. R. 2.* not to maintain the opinions of the Lollards for the future, p. 229. All the Archbishops, Bishops, Nobles Oaths, to observe the Statutes, ancient Customs, Priviledges of the King, Kingdom, in the Parliamentary Council at *Clarendon*. Perfidiously broken by Archbishop *Becket*, who impiously absolved all the Bishops from it, yea excommunicated all those who kept their Oaths, or maintained, favoured these Statutes, Customs, Priviledges, p. 240. Of the Archbishops of *Canterbury*, made by, prescribed to the Judges, Advocates, Officers of their Courts, by their own usurped Authority, p. 237. Of the 8. Kings to King *Edgar*, who rowed his Barge up the River *Dee*, to be assistant and faithfull to him and his Empire both by Land and Sea, p. 86. The Oath of the Irish Clergy, Nobility, Commons, to be obedient to King *H. 2.* and to observe the English Laws there established by him, p. 243, 252. Of Sheriffs, Escheators, Bayliffs, and other Officers in *Ireland*, p. 283. Oath of the priers of Purveyours taken for the King, p. 228. Prohibitions to inhibit Bishops or their officers to make inquiries of Adultery, &c. upon Oath in their Visitations, Courts, p. 240. Oath publickly taken by the Popes Legates, Collectors, to our Kings in publick, secretly and execrably dispensed with for their lucret, p. 145.

Oblata Rolls, p. 54.

Obligations made, dated in particular places beyond the Seas, not suable in the Kings Courts at *Westminster* by the Common Law: no more than Treasons, felonies done out of the Realm, p. 90, to 97, 342.

Officers of the Courts of Wards and Offices *post mortem* abolished by the Statutes of *An. 12 & 13 Car. 2.* p. 150, 151. & p. 66. Complaints of the frauds, abuses, corruptions, extortions, misdemeanours of the Kings Officers in *Ireland*; the removal of unfit, insufficient, ill ones; Orders to reform their future abuses, p. 264, 275, to 280, 287, to 294. See *Ireland*. Their fees there, p. 265, 281. See *Admiral*, *Constable*, *Escheator*, *Extortions*, *Fees*, *Marshals*, *Clerks of the Merche*, *Sheriffs*, *Stanneries*, and Table 6.

Officials: their Extortions, vexations, citations, excommunications, abuses, complained of, &c. Canons, indictments against them, 233, 240, 241, 401. See *Excommunications*.

Oleron Isle Laws; See Table 9. *Glorus*, and here *Latres of Oleron*.

Ordinances of Parliament, the same with Acts of Parliament, had the three-fold assent, proved against Sir *Edward Coches* mistake by sundry Acts, &c. p. 13, 14, 308, 377. The difference between them in one Parl. Roll, that a new temporary Law concerning apparel, which they might alter or reject the next Parliament, was an Ordinance; but an Act absolute, perpetual, p. 13, 14. The Kings answers to the Commissions;

The Tenth Table.

mons Petitions, entred only in the Parliament, nor Statute Roll, were by some called *Ordinances*, though the Lords consented to them, because not entred in the Statute Rolls as Acts, *ibid.*

Ordinances, Orders of the King and his Council out of Parliament, Of K. H. 1. and Rich. 1. concerning Sea-men, the Government of their Fleets, Mariners, p. 106, 107. 370, 371. Of K. H. 3. concerning the Pipe Roll, and regulating the Court of Exchequer, p. 53, 54, 57, 58. Of K. E. 1. concerning the excessive prices of Victuals in London, p. 46. The Kings Order concerning Hackneyes, Hackney-men between *Suthwerke* and *Dover*, *ibid.* Of King E. 2. and his Council for regulating abuses, and the better Government of Ireland, 264, 265. Of K. E. 3. and his Council to the same effect, 279, 294, 300. Of King Rich. 2. and his Parliament for Ireland, 107, 308. Of King Ed. 1. and his Nobles at *Hastings*, concerning his Navy, Sea-men, Admirals Jurisdiction of Contracts made beyond the Seas, &c. 109, 110, 111, 114. Of King R. 2. and his Council for *Beakyns*, *Watches* on the Sea-coasts and elsewhere in *Essex* and *Kent*, 136, 137. Of K. Edw. 1. and his Parliament concerning Justices of *Traubaston*, 150. Of K. E. 3. and his Parliament concerning the Freers, Graduates in the Universities, 161, 162. Of the University of *Oxford* concerning Batchelors of Law and their exercises, 163, 361. Of the Bishops and Kings Commissioners by Parliament for reconciling the differences between the Regent Masters and others of the University of *Oxford*, and the Batchelors, Doctors of the Canon, Civil Law, and Decretals, p. 358, to 362. Of *Henry Chicheley* Archbishop of *Canterbury*, for the promoting of Graduates in the Universities to Benefices and Ecclesiastical dignities, 168, 170. of some of our Archbishops for regulating their Courts, Officers, 237, 238.

Ordinaries, cannot compell Administrators to divide, distribute Intestates goods to pious or other uses, p. 231, 232. Their Extortions, See *Ecclesiastical Laws, Extortions.*

Oriel Colledge in *Oxford*, p. 227, 369, &c.

Oufre le main, p. 151.

Oufre le Mere, p. 87, 88.

O X F O R D University: its *Antiquity*, and those who write concerning it, p. 167, 168, 171, 172. Founded by *Aruvagus* (as some write) about *Anno Christi* 70. Regulated by *St. German* about *An. 440*. Re-founded by our famous learned *K. Alfred* (by the advice of Abbot *Neot*) who annually assigned part of his revenues for the Scholars there assembled, p. 167, 168. Abbot *Ingalphus* sent a Scholar to it in *Edward* the *Confessors* reign. *Matthew Paris* his Encomiums of it, and intercession for it to H. 3. against the Bishop of *Lincolns* proceedings, who endeavoured to enervate the Scholars Liberties, against their ancient and approved Statutes. King H. 3: his care of it, who in his Great Parliament, *An. 41.* made an record between them. The second *School*, yea the *Foundation of the Church*, emulous of, equal to *Paris*, if not exceeding it; wherein *Albinus* (*Alguinus*) the Scholar of *Beda*; a *Briton*, was the first Reader, Tutor, p. 167, 168. Pope *Clement* 5. and the *General Council of Vienna*, *An. 1320.* constituted it the sole University for *England, Scotland, Ireland, Wales*, without the least mention of *Cambridge*; ordaining, that *Catholick* men skillfull in the *Hebrew, Arabick,* and *Chaldee* Languages, should teach and read them in it by the King of *Englands* appointment; and that

all the Prelates, Monasteries, Chapters, Convents, Colledges, exempt or not exempt, and Rectors of Churches, should allow them competent stipends; which was settled accordingly in a Synod at *Lambeth* *An. 1332.* p. 16. A Chronological Catalogue of Records in the *Tower* which concern its Privileges, Liberties, Exemptions, Government, Chancellors, Scholars, Graduates. Excises, Dissentions, the Peace, Safety of the University in general, p. 155, to 177. 345, to 374. Ranked, placed before the University of *Cambridge*, when both are named, conjoynd, as the most ancient, eminent, in above 51 Parliament Rolls and Acts of Parliament, and in the Act of 13 *Eliz* concerning the several Corporations of the Universities of *Oxford* and *Cambridge*, and confirmation of all *Charters, Liberties, Priviledges* granted to either of them by her or her Predecessors Kings of *England*, p. 155, to 159. 164, 372, 373, 374. Also *An. 28* King *Edw. 1.* in his Writ of Summons of 4. or 5. of the discreetest, best learned Scholars of the University of *Oxford* in the written Law, but of two only out of *Cambridge*, to the Parliament at *Lincoln*, to treat with him and his Council concerning his and his Predecessors Superiority over the Realm of *Scotland*, and to draw up a Letter in answer to Pope *Boniface* the 8. his Bull, Letter to him in favour of the *Scots*, which they sent accordingly, p. 372, 373, 374. In King *Edward* 3. his Writs of *Ad Fura Regia*, in defence of the rights of his Crown against Popes Usurpations thereon, p. 343. In King R. 2. his Patent to both Universities, upon the Petition of the Freers Preachers, not to admit any Apostates of their Order imprisoned by them, to the degree of a Doctor of Divinity in the Universities of *Oxford* or *Cambridge*, against the Rights, Statutes of their Order, p. 365, 766. In the Patent of K. H. 4. for advancing Graduates residing in the Universities of *Oxford* and *Cambridge* to Ecclesiastical benefices and preferments, p. 241, 242. In the Provincial Constitutions of *Tho. Arundel* Archbishop of *Canterbury* in a full Convocation of the Clergy of his Province, *An. 1409.* against keeping or reading any Books of *Wickliff* or his Scholars in the Schools, or Colledges, unless they were approved at least by 12. persons of the Universities of *Oxford* or *Cambridge*, appointed by them for that purpose, p. 366. In two Ordinances of *Henry Chicheley* and the Clergy of his Province in a Convocation held in *Pauls London*, *Anno 1421.* for the promotion of Graduates in the Universities of *Oxford* and *Cambridge*, upon their complaint, and the Commons Petition in Parliament, p. 168, 170, 164. The Act for incorporating the Universities of *Oxford* & *Cambridge*, *An 13 Eliz.* here printed, p. 156, 157, 158. The principal Records which concern it, (many of them of H. 3. *Eliz.* printed at large in the 2. and 3. Tomes of my *Exact Chronological Vindication*, where you may peruse them.) p. 359. K. *Edw. 3.* his Letters to Pope *John* 22. on the behalf of the University of *Oxford*, as being the Noble Jewel which adorned both the Realm and Church of *England*, for the exaltation of the Church, the consolidation, augmentation of the *Catholick* faith; It increased with continual successions of learned men, and flourished from ancient times, spreading its branches like a fruitfull Vine round about, which did plentifully minister cups of wholesome doctrine to the thirsty sons of the Church, and made glad the whole house of God from the Cellar of Vertues. That he would grant the same

The Tenth Table.

same Privileges to the Graduates thereof, as Pope Boniface the 8. did to the Graduates of Paris in France; that all those who had obtained the Degree of Master therein in any faculty, might in all lands set up Lectures thereof, and continue them at their own pleasure, without the *præiudicium* of a new examination or approbation, or there reiterating their degree or grace: The rather, because by the tradition of ancient Authors, the Gallican University drew its original beginning from England, and such an Apostolical privilege would redound to the prejudice of the University of Oxford, if it should not concur with the Universities of France in Liberties and Scholastick Acts, p. 160. His Letter on behalf of *John Lutterel* Doctor of Divinity, Chancellor of the University of Oxford, to the same Pope upon this occasion, p. 168, 169. The Freers Preachers residing in Oxford procured Bulls to exempt themselves from the Chancellor of the Universities Jurisdiction, who by our Kings Charters had the consans of all sorts of Trespasses within the Town and Suburbs thereof committed by the Scholars or Clerks of the said Town, except of murder or mayhem, and ought to maintain, keep the Peace there as the Kings Minister, as he and his predecessors in that office had usually done: they refusing to be questioned by the Chancellor for any Trespasses there committed by them, pretending they ought to be free from the Chancellors Jurisdiction by those Papal Privileges. Upon complaint whereof King E. 2. resolving these Bulls ought not to encroach upon his temporal Jurisdiction, especially in the preservation of his peace, which could not be diminished or null'd by Papal privileges, commanded the present Chancellor, and those who succeeded him, that they should proceed to take consans of, punish their Trespasses, and preserve the Peace, as hitherto they had done, p. 161. After which these Freers both in the Universities of Oxford and Cambridge, procuring new Bulls and exemptions from their Chancellors, contrary to the Kings Charters to them, upon the Chancellors Petitions to E. 3. in Parliament An. 40. after full hearing of both Parties, the Freers were ordered to renounce and suspend the Execution of their Bulls, and not to prosecute them in the Court of Rome in general or special against the Universities, or any person of them, p. 161, 162. The Universities Order, that none of the said Freers should receive into their Order any Scholars of the University within the age of 18 years, revoked by the Kings order, *ibid* King E. 3. his Letter to *Guillardus* a Cardinal, Archdeacon of Oxford, and other Cardinals who disquieted the Scholars of Oxon with various proccesse, concerning their rights and Customs which they till then enjoyed in the University, to supersede his suits and vexations of them, or refer the differences to the Bishops of the Realm to decide, p. 162, 163. He Prohibits all unlawfull Conventicles, Meetings, Confederacies in the University, exempting the Bachelors and Doctors of the Canon and Civil Law out of it to meet there to treat and consult of what concerned their Professions, affairs; Provided the Chancellor, Proctors, and other Officers of the University, should be no wayes disturbed in the execution of their offices according to the Statutes, Customs of the University, nor his Peace disturbed by colour of this license, p. 163. The Petition of the Commons in Parliament, 3 H. 5. for the Scholars of the Universities of Oxford and Cambridge, formerly flourishing, abounding with Doctors of

Divinity, of the Canon and Civil Law, and other interiour degrees, to the great comfort, profit of the Church, and all Christian people of England; but now extremely impoverish'd by Popes provisions of Ecclesiastical preferments and benefices to strangers, the Scholars being left unadvanced; whereby Errors, Heresies encreas'd against God and Man amongst the Common people, the Universities put into high lamentation, desolation, and disinheritance of their spiritual sons and profitable Students, to the discomfort, prejudice of Holy Church, extinction of the Christian faith, and ill example of other Realms, if hasty remedy were not provided against it; which they pray the King by the sage counsel of his Lords Spiritual and Temporal to provide in this Parliament; which the King promised to redresse, p. 164. The Petition and Appeal of the University of Oxford against *William Wilsons* appeal to the Archbishop of Canterbury, against the Bishop of Lincoln, for refusing to admit him to the Rectorship of Lincoln Colledge, to the infringement of the Privileges of the University, and of the solemn corporal Oath which every Graduate takes when he receives his degree, upon the Evangelists, to observe the Statutes, Privileges, Customs and Liberties of the University, and that they will not by counsel, ayde nor favour, countenance any person opposing any Statutes, or other rights, liberties, privileges of the said University, but as much as in them is inviolably observe, and likewise defend them. Queen Elizabeths Commission to Delegates thereupon to examine the busines; being unwilling the privileges, immunities and exemptions of her said University should be violated in any thing, or diminished, infringed by any authority, or pretext; but to protect and defend them to her power, p. 164, to 167. The Ordinances of *Henry Chicheley* Archbishop of Canterbury in Convocation, for advancing of Graduates in the University of Oxford, &c. to benefices after their approbation, his subsequent confirmation of the, p. 168, 169, 170. What multitudes of learned men this University hath produced in all ages by the Testimony of *John Bale* Bishop of Ossory, a Cambridge Scholar, and of *John Puseau*, who hath made a Catalogue of the Cardinals, Archbishops, Bishops, and dignified Clergy men educated in it, p. 171. It educated and brought forth *John Wickliff*, with many others of his disciples, who first openly in that age opposed by Preaching, Writing, Disputations, the Popes usurped Authority, and the Errors, Corruptions, Idolatry, Superstitions of the Court, Church of Rome, their Prelates, Clergy, and Monkish Orders; taught, propagated that true Christian Orthodox Religion we now publicly profess; and propagated it not only throughout England, but Bohemia, France, Denmark, Germany, and other Countries, by their writings, p. 171, to 174. 222, to 231. 363, to 368, 395, to 400. The Chancellor and most of the University favour *Wickliff* and his disciples, and were in great doubt, whether to receive Pope Gregory his Bull sent to them with honor, & proceed against him, or reject it with disgrace, p. 222, &c. Their publike Letter, Testimony of *Wickliff*s profound learning, pious conversation, diligent labors, travels to promote the Gospel, and profit of the Church, sealed with their Common Seal and dated in their Congregation house, Octob. 1. 1406. p. 230, 231, 367. Not one of the University of Cambridge, but many of Oxford maintained *Wickliff*s Orthodox Conclusions

against the Popes Usurpations, Errors of the Roman Church, in Ed. 3. R. 2. H. 4. or 5th reigns, p. 225, 227. *John Rugge* Chancellor of the University set up those who were his followers to preach, defend his Conclusions in the University of *Oxford*, in stead of such as should refute them, against the Archbishops Injunction to him, p. 225. K. R. 2. his Writ to the Chancellor of the University to summon all the Doctors in it, to examine *Wickliff's* Book intituled *Triologus*, and to certify him and his Council of the Errors and Heresies contained in it, p. 229, 230. His Writ to him to inquire of *Richard Lyblade*, and all others in the University who were reputed *Lollards*, or persons infected with heretical pravity, and to remove, expel them out of the University like scabbed sheep which infected the flock, and to bring those who were rebellious before him and his Council from time to time, that they might be punished in such sort as they should deem best, p. 230. Archbishop *Arundel* and his Convocations complaint of the University of *Oxford's* general infection with *Lollards*; Commanding that the Warden of every Colledge, and Principal of every Hall, should once a moneth at least, diligently inquire, whether any member thereof did maintain any question or opinion contrary to the Catholick faith, or were defamed, suspected thereof, and effectually to cause him to desist for the future, else to suspend or expell him the house, and declare him *ipso facto* excommunicated with the greater excommunication. And if he be a Doctor, Master or Bachelor, to suspend him from his degree; or under Graduate, not to admit him to any degree, &c. p. 172, 173. Seditions, Quarrels in the University betweca the Scholars of *Aquitain* and *Ireland*, wherein some *Irish* were slain: between the Scholars of the *North* and *South*, An. 8 E. 3. which the Chancellor and Proctors could not appease, who petitioned the King in Parliament to suppress and punish them; who granted a Commission to 3 Bishops to examine the business, suppress the discords, and admonish those who were guilty to reform, else he would severely punish them; to preserve the Universities peace, by which the Christian faith was propagated, the Realm and Inhabitants thereof many wayes adorned with learning and knowledge, p. 346, 347. His Patent to the Mayor and Bayliffs of *Oxford*, to assist the Vicechancellor and Proctors in arresting, punishing those mutinous, rebellious Scholars who disturbed its peace; and likewise to the Sheriffs of *Oxford* and *Berkshire*, to make Proclamation, That no Scholar or others coming to the Universities, should come armed, or bring, or cause to be brought any arms with them, under pain of imprisonment, and losse of their arms, and to certify their names, that they might be punished according to their demerits, p. 347, 348. His Writ to the Chancellor and Proctors, reprehending them for remitting divers penalties, punishments formerly imposed on the seditious Scholars, against the Statutes, Priviledges of the University, and their Oath, whereby they and other Malefactors were encouraged; and in his name to prohibit all Scholars and their servants within the Town or suburbs, to bring thither or retain any arms there publicly or privately, and diligently to search after and seise such arms; and to punish all who offended after such Proclamation, without sparing any one, according to the Priviledges and Statutes of the University, and their Oath; or else he would punish them accordingly, p. 348, 349. This Kings Commission to

the Chancellor to prohibit the killing of any great Cattel within the walls of *Oxford*, or any filth to be layd in the streets, lanes, or suburbs thereof, which corrupted the Air, impaired, endangered the health of the Scholars, Inhabitants, Great men, Nobles, and others resorting thither; and to cleanse, keep them clean from all filth, dung for the future: the proceedings, Writs to the Sheriff, Mayor and Bayliffs of the Town of *Oxford*, to proclaim that no great beasts be killed within the walls, and to cleanse, pave the streets, lanes in the Town and Suburbs from all filth, dung, Hoggs, and other nufances, p. 349, 350, 351. His Patents to the Chancellor, Vicechancellor, Mayor, and Bayliffs of *Oxford*, to inquire of and certify the names of all such rebellious Scholars formerly banished thence who returned thither, confederated with other Scholars, Laymen, out of ancient hatred, and justification of their former insolencies, and took occasions to stir up new mutinies, or wandred abroad in the Country doing mischief, which the Chancellor could not suppress; that they might be exemplarily punished, to preserve the peace of the University, Scholars, by whom the Catholike faith was declared, and the Church of God, especially the *English*, was enlightened and corroborated, p. 351, 352. His Writ of *Ad Jura Regia* issued amongst others to the Chancellor of the Universities of *Oxford* and *Cambridge* to defend the rights of his Crown, and not to execute any of the Popes proccesse in derogation thereof, p. 353. His Prohibition to all Archbishops, Bishops, Ecclesiastical Persons, Judges, Officers, Notaries not to execute any proccesse or mandates from the Court of *Rome*, or any other Court, issued or to be issued to them, against the Chancellor of *Oxford*, upon the Appeal of some Scholars (banished the University by him for their seditions) to the Pope, to his vexation, against the Priviledges granted to the University and Chancellor by our Kings Charters; and to revoke whatever they had done to the contrary, p. 353, 354. The Scholars of the University and their Servants assembling together, terrifying, hindring the Justices assigned to punish some Felonies and Trespasses in the Town, so as they could not execute their Commission: the Chancellor (to whose office, duty it belonged) being unable to punish them for it, without the Kings assistance; he issued a Commission to the Bishop of *Chichester*, to inquire of those who were guilty of this riot, and punish them according to their merits, and excesses, as the Law required; that the King himself might not be necessitated to do it; having respect to the Liberties and Priviledges of the University, p. 354, 355. The Townsmens insurrections against the Scholars, who murdered many of them, An. 30 E. 3. and spoiled their goods, are interdicted for it by the Bishop of *Lincoln*. The Mayor and Commonalties composition with the Chancellor and Scholars for this injury, and great offence, their Indenture Bonds to them, that the Mayor for the time being, the Bayliff, Aldermen, and all such who were sworn to the Promise within the Town and Suburbs, should personally be present at an Anniversary Masse (unless any of them were specially dispensed with by the Chancellor for a reasonable cause) to be said in *St. Maries* Church, on the feast of the Virgin *Scholastica*, for the souls of the Scholars slain by them, under pain of forfeiting 100. marks every year they should neglect to be present at, or procure such Masse to be said, ratified by King *Edward*, Pat.

The Tenth Table.

31 E. 3. whereupon their Interdict was released, p. 355, 356, 357. His grant to the Chancellor for 5. years to excommunicate offenders under his Jurisdiction with the greater Excommunication, to certify their excommunications immediately into the Chancery, and sue out *Capias Excommunicatum* against them, p. 357. His confirmation of the Ordinances made by 5. Bishops by his Commission and Order in Parliament, to compromise and settle the differences between the Chancellor, Doctors and Masters of Divinity, and Doctors, Bachelors of the Canon, Civil Law and Decretals, and their exercises, for the Universities future peace, p. 357, to 362. His Protection to the Canonists and Civilians during this controversy, and their attendance about it, p. 362. The Chancellor put into Commission of the Peace with others within the Town, who were not to meddle with any thing, whereof the Chancellor alone by vertue of the Liberties granted him by our Kings had Jurisdiction, p. 362. Some Regent and other Masters of the University absented themselves from a Congregation of the University out of malice or peevishness, *An. 15 E. 3.* in which degrees, graces, dispensations were granted to some persons they disliked, according to the Statutes, Priviledges of the University: they and their confederates afterwards opposed them, making a faction about it in the University; the King thereupon issued a Commission to pacifie, determine it, and if they could not do it, then to certify him under their Seals in Chancery the names of those who opposed their reconciliation, that he might consider what was further to be done for their just punishment, p. 365. King R. 2. his Commission to the Chancellor and Proctors of the University, present and to come, to inquire in all Colledges, Halls, and elsewhere, of all who openly held, preached, maintained, favoured any of *Wickliffs*, *William Repingtons*, *Nicholas Herfords*, or *John Assons* Conclusions, or the like, to apprehend, banish them from the University, and seise all Books, Writings, wherein such opinions were maintained, p. 364. A great discord arising between the *Welsh* Scholars in the University, (who were always unquiet, with whom the *Southern* Scholars sided) and those of the *North*, the Chancellor was deposed, and a new elected in his place; (Mr. *Nicholas Brizzewell*) which controversy being then appeased, it began again the next year, and grew to such an height, that they appointed a field battel between them; which the Duke of *Gloucester* prevented, pacified with little damage: for which many *Welshmen* were banished the University, and compelled as they departed out of the gates to make offers, kisses of reconciliation to those of the *North*, p. 365. The *Freers* Predicants petition, that none of their Order who turned Apostates, and had been imprisoned by them, should receive the degree of a Doctor of Divinity in the Universities of *Oxford* or *Cambridge*; which the King ordered by his Patent accordingly, p. 363. Archbishop *Arundel* and his Convocations Constitutions, That no Book should be read or taught in the Schooles of *Oxford* or *Cambridge*, nor any Translation of any Scripture or Scriptures, unless approved by 12. specially appointed by each University, and by him afterwards; and for inquiring after, examining, punishing all Scholars, Doctors, Graduates, and others who held any of *Wickliffs* opinions, condemned as erroneous or heretical, p. 386, 387. The Chancellor and

Scholars oppose the Archbishops visitations of them, and procured a Bull from the Pope to be exempted from them, specially in favour of *Wickliffs* disciples: The Appeal against this Bull; which K. R. 2. upon full hearing, ordered them upon the faith and allegiance they bare to him, and under pain of forfeiting all the Liberties, Priviledges formerly granted to them, and all other things they could forfeit, not to execute, or to presume to claim or receive any benefit of exemption by it, but perpetually to renounce them: which the Chancellor refusing to do, resigned his office, p. 367. K. R. 2. his Decree, and H. 4. his Act in Parliament for the Archbishops future visitation of them, under pain of forfeiting all their Liberties, Franchises, Priviledges, and seising them into the hands of the King and his heirs, in case of the Chancellor or others refusing his visitation, p. 367, 368. The Appeals and Indictments of Criminal Offences, Treason, Felony or Mayhem; committed by any Scholars of the University of *Oxford* within the Town or County, not to be tried before any of the Kings Justices, nor by any Jurates of the County, but before the Steward of the University, and a Jury of those under their command, and their servants to be returned by the Bedle, under pain of 200 l. granted by King *Henry* the 4th. his Charter to them. The Petitions of the Townsmen of *Oxford*, and of the Knights, Esquires, Gentlemen, and others of the Counties of *Oxford* and *Berks* against this Patent and Priviledge, as derogatory to the rights of the Crown, contrary to common right and the Law of the Land: the Kings answer, reference thereupon in Parliament, with the issue, p. 368, 369. The Composition made between the Provost and Scholars of *Oriel* Colledge, and the Chancellor and Scholars of the University, concerning the Congregation house where they anciently met in Congregations, adjoining to *St. Maryes*, with K. H. 4. his confirmation of it, p. 369, to 372. His Commission to the Chancellor, or his Commissary and others, to inquire of those who brake, disturbed the peace of the University, *An. 11 H. 4.* and to certify their names to him and his Council, that they might be exemplarily punished, p. 372. K. H. 3. his Writ for banishing all common women out of *Oxford*, & *Edw. 3.* his Writ to banish them out of *Cambridge* from time to time, upon the Chancellors or his Vicegerents intimation, p. 374. All Priviledges, Franchises, Liberties granted by our Kings to the University or Chancellors of *Cambridge*, were originally and in the first place granted to the University and Chancellors of *Oxford*, as the most ancient, eminent, p. 376.

Oxford Town, a Parliament held at it, where H. 2. made his Son *John* King of *Ireland*, p. 249. Councils held in it. See *Councils*. Writs, Patents issued to the Mayor and Bayliff thereof. See *Oxford University*. Their Interdict, and subsequent composition with the University, for murdering and plundering divers Schollars in it, p. 355, 356, 357. Their subordination to the Chancellor of the University, and Oath to him, in sundry particulars mentioned in the Records cited, p. 159.

Oz far; the best in *London* by King *Eward* the 1. his Ordinance made in Parliament *An. 8.* to be sold for 16 s. if fatted without grain; for 20 s. if with grain, p. 377.

County

County Palatines, how erected, and where, p. 28, 151, 152.

Pardons, general or special, to Irish and other Rebels, how, by whom, and in what manner to be granted in and out of Parliaments. See Ireland, p. 59, 195.

Paris University derived from the English; the Privileges granted it by Pope Boniface the 8. The chief University for France: Oxford University equal to, yea excelled it, p. 162, 167, 168.

Parks, hunting in them enquired of, p. 391.

Parliaments: how, where, when, and how often held in Ireland. See Ireland. *Modus tenendi Parliamentum* magnified by Sir Edw. Cook; a meer novel Imposition, fraught with absurdities, p. 1, to 12. The word *Parliamentum*; when first mentioned, used in any Histories or Records to signify a Parliament or Great Council of State, not before 28 H. 3. p. 2. stiled *Concilium*, *Consilium magnum*, *Commune Consilium*, *Procerum Conventus*, *Concilium Regni*, *Conventus Sapientium*, *Colloquium generale* in all Histories, Records, Law-books before that time, p. 4, 8, 9, 150, 238, 240, 249. The *Modus* never useth any of them, but *Parliamentum* only, p. 2. Its summons and re-summons in extraordinary cases may be within the space of 40 days, though usually it ought to precede it 40 dayes or more, p. 2, 10, 41. Barons of the Cinqueports, Burgesses, Citizens, Knights of Counties, for ought appears by Histories or Records, not summoned to Parliaments before An. 49 H. 3. p. 2, 3, 5, 6, 10, 150, 238, 240, 241, 249, 252. The Kings absence from Parliaments p. 6. No Parliament ever held, called, sate, proceeded before or since the Conquest in England or Ireland according to the forged *Modus tenendi Parliamentum*, as all Histories, Records attest; neither is there the least mention in any of them of this *Modus*, Sir Edward Cooke being the first who mentioned, applauds it, in his Epistle to his 9th Reports, Anno 1613. p. 6, 7. The Calling of the Members and fining them for absence, when introduced, used, the *Modus* mistake therein, p. 3. How Bishops sit in Parliament, the *Modus* mistake thereof, p. 3. Usually summoned in ancient times to meet on the Lords day, p. 4, 42, 253. The Writs of Summons various, altered and alterable by our Kings according to the various occasions, causes of their summons, without any Act of Parliament, p. 12, 13. Difficult Cases adjourned into it, the *Modus* grosse mistake in the manner of desiding them, p. 5. Preaching to the Parliament by the Archbishop, and prayers for the King, *ibid.* Ancient Parliamentary and Great Common Councils of the Realm held by the King; Bishops, Abbots, Priors, Earls and Barons, without any Commons, Knights, Citizens, Burgesses, before 49 H. 3. but never by the King and Commons alone without them, as the *Modus* grossly affirms, p. 6, 7, 8, 150, 183, 189, 190, 238, 248, 250, 252, 253. The King the head, beginning, end of the Parl. p. 37. The Lords and Commons never sate together in one House, as Sir Edw. Cooke affirms: The Records, Parliament Rolls he cites, with others, and the Writs of the Lords summons directly contradict it, only they sometimes conferred with them, p. 9, 10, 23. When the Commons first had a Speaker, and where they sate, p. 9, 10. Who are summoned by Writ to be Assistants to the Lords in Parliament, variable at the Kings pleasure, p. 9, 10, 11.

Parliament Rolls of no certain breadth, length, as the *Modus* tancieth, nor any such Verbes written on any of them as Sir Edward Cooke relates, p. 7, 10, Clerks and other Officers of Parliament, not so many or such as the *Modus* forgeth, p. 7, 8. Barons of the Exchequer, Kings Attornies, Solicitors, Masters of the Rolls, and persons called Assistants to the Lords House from the Commons House, before any new Members elected in their places, have and may be remanded, and Speakers of the Commons, p. 11. Old age, incurable sickness or infirmities, good causes to discharge Members of the Commons house, as well as Speakers, and elect others able to serve and attend in their places; p. 11, 12, 13, 32, to 38. to exempt Archbishops, Bishops, Abbots, Earls, Viscounts, Barons from personal attendance in Parliaments or Great Councils, during life, and to appear only by their Proctors, *ibid.* See *Exemption*. Freedom of Speech in debates in Parliaments an essential privilege, none to be confined for it out of Parliament; *Strowdes* Act concerning it a general Law, voted so by both houses; the Judgement against Sir John Elliot, Mr. Holles, and others in the Kings Bench contrary to it, reversed by Writ of Error in Parliament, p. 12. Apprentices, and other practising Lawyers prohibited to be elected Members of Parliament, as well as Sheriffs, 6 H. 4. That called *Indoctum Parliamentum*, wherein they were excluded, p. 13. Ordinances, Acts of Parliament both one, used promiscuously in hundreds of printed Acts and Parliament Rolls, and have the three fold assent, p. 13, 14, 302. Receivers, Triers of Petitions in Parliaments, when instituted, p. 14. That by the Law, Custom of Parliaments, they ought not to end till all Petitions in them be discussed, ended; a clear mistake, contradicted by Parliament Rolls, and experience, *ibid.* The Principal end of calling Parliaments, is to redresse publike grievances: the people invited to complain of them and the King, Officers, p. 14, 15. It is no Law nor Custom of Parliament, in cases of Taxes or new Projectr, to consult with their Counties before they grant them, as Sir Edward affirms, but the quite contrary, proved by their Writs returns, presidents in all ages, p. 15, 16. Where, when, and in what cases the Judges may give their Opinions, Judgement concerning matters, privileges, as well as of Acts of Parliament, p. 16, 17. No Error that the Lords gave Judgement in case of Treason of the Earl of Salisbury without the Commons, but the Judgement resolved, confirmed as most legal notwithstanding, p. 16, 17. Priviledge of Parliament in the cases of the *Master of the Temple*, *Bogo de Clare*, and *John de Thoresby*, mistaken by Sir Edward, rectified, p. 18, 19. No breach of Priviledge to serve a *Subpœna* on a Member of either house, by the Commons Votes, p. 19. Breach of Priviledge by assaulting, wounding, murdering any Lords or Members servants coming with them to the Parliament, prosecuted by the King, p. 19, 20, 422. by one Members assaulting, reviling, striking, or killing another, prosecuted at the Kings suit, p. 20. It extends only to their coming to, stay at, and return from Parliaments, p. 20, 21, 43. By arresting, detaining the horses or harness of a Member returning from Parliament in his way homewards, p. 20, 21. Prorogation, adjourning of Parliaments, p. 212, 213. by Writs, before and without meeting together, p. 21, 22, 23, 36, 40, 41, 42, 43, 44. See *Ireland*. Subsidies, Aydes, by whom first, and how to be granted in

The Tenth Table.

in Parliament; the agreement of the Lords, (stiled *Indemnitee des Communes*) concerning it, p. 22, 23. That the Lords by themselves, without the King, and the Commons by themselves, may lawfully Treat of the Affairs of the Realm and Ayde: That neither the Lords nor Commons shall make any Report to the King of any debates concerning Aydes, till both Houses be agreed; and then the Report of the grant to be made by the mouth of the Commons Speaker. This freedom of Parliaments to continue against all former violations, p. 23. Writs of Summons of absent Members and others appealed, impeached of Treason or other offences, to appear in Parliament, p. 26, 27. To inquire of, and seize the Lands, goods, of persons attainted in Parliament, *ibid.* Barons of Parliament who, how created by Writs of Summons, p. 28. Spiritual Lords creation by Patent legal, *ibid.* Undue returns of Knights elected, anciently complained of and redressed by the King and his referrees, p. 31. See *Elections*. Exemptions of Burroughs from electing or sending Burgesses to Parliament perpetual, or temporary; Of Priors, Abbots in perpetuity; Of Bishops and Temporal Lords for life: when and where good in Law, p. 31, to 37. See *Exemptions*. Acts of Parliament not entred, enrolled in the Parliament, Statute Rolls, Sir *Edw.* mistakes concerning Acts not printed, p. 38, 39. Parliaments revoked when summoned, before they met, p. 39, 44. Persons departing from Parliament without license, re-summoned; New to be elected in their places, if they refuse to come, p. 40, 41. Ancient Parliaments short, late very few dayes, weeks, yet dispatched great weighty busineses, then dissolved, presidents of it, p. 42, 43, 312, 316. The mischiefs of long lasting Parliaments to the Subjects, p. 43. Expenses of Barons of Cinque-ports, and other Members of the Commons, how much, when, by whom levied. See *Barons of Cinque-ports*, *Expenses*, *Knights*, *Writers of the Antiquity*, *Proceedings of our Parliaments*, p. 8, 45. Cases of Advowsons determined before the King and Council in Parl. without more delayes, p. 49. The Lords Judgement in Parliament upon mature advice concerning the Statutes of 13. & 15 R. 2 and the Jurisdiction of the Admiralty in forraign Contracts, p. 123, 124. Complaints, Acts, Judgements in Parliaments against *Non obstantees*, p. 128, 132. Parliaments and their Acts nulled by illegal *Non-obstantees*, p. 131. The differences between the Bishop of *Lincoln* and Scholars of *Oxford*, and between the Doctors, Masters of Divinity, Canonists and Civilians, heard, settled in Parliament, p. 161, 162, 167, 355, to 362. The Commons Petition in Parliament for the Universities and *English* Clergy, impoverished by Popes Provisions of Benefices and Ecclesiastical preferments to aliens; with the Kings, Lords answers to it, p. 163, 164. The King and Lords declation in Parliament, how, when Hundred Courts, Turns, Wapentakes, should be held, p. 189, 190. Contests in Parliament between the King and Lords concerning *Magna Carta*, Forests, Deafforestation, &c. p. 42, 219, 221. Monasteries dissolved, their Lands, & the Templars disposed of to others by Parliaments, without Sacriledge, p. 214. *J. Wickliff's* Articles propounded to the Parliament against the Popes Usurpations, for the defence, welfare of King and kingdom, p. 225, 226. The Act of 5 R. 2. c. 5. pretended to be made by the whole Parliament against *Lollards*, when made, enrolled by the Bishops alone, without the Commons consent, repealed the next Parlia-

ment upon their Petition, upon that account; yet proceeded on afterwards, p. 395, 398. Petitions in Parliament against the extortions of Ecclesiastical Courts, Officers, p. 232, 233. Justices in Eyre settled by Parliamentary Great Councils, p. 150. Petitions in Parliament against the Admirals, Marshals usurpations, with their Answers, and Acts made thereon, p. 78, to 83. Attainder of Treason in Parl. their Lands forfeited given away, p. 27, 67, 204, 205. Petitions from *Gernsey*, *Jersey*, and others in Parliament, with their answer; Complaints, Inquisitions from thence to be returned to, and heard in Parliament, p. 14, 203, 206, 394. Petitions in Parliament referred to the Treasurer, Barons, and others for whom they were proper to examin, determine, p. 58. Writs of Privy Seal issued by Authority of Parliament, p. 240. Forcible riots, trespasses upon the servants, lands, goods in the Country of Members sitting in Parliament, inquired of by Juries, before Commissioners, then certified to the King and his Council (not to a Committee of Priviledges) to be punished, p. 331, 332, 333. Petitions in Parliaments of *England* by those in *Ireland*, for the recovery of Wardships, and Writs issued thereon, p. 268. A Proclamation for free carriage of Provisions to *Bristol* by land and water without hindrance, where the Parliament was to be held, p. 333, 334. Exemptions from Dims granted by Parl. p. 335. Records of proclaiming, and exemplifications of Act. of Parl. executions of Judgements, Prohibitions of Jufts, and of coming with, or bearing arms, spears, swords, during Parliaments, & proceedings of Parliament, &c. p. 336, 337. The Great Parliamentary Council held at *Clarendon*, the proceedings in it for defence of the ancient Customs and Priviledges of the Realm, against the Popes, Prelates encroachments, p. 190, 238, 240. at *Bristol*, p. 333. at *Alton Burnel*, p. 252. at *Gloucester*, p. 252. at *Karliol*, p. 42. at *Lincoln*, p. 180. at *London*, p. 22, 80, 152, 156, 180. at *Marlebridge*, at *Merton*, 49, 102, 273. at *Northampton* and *Nottingham*, p. 150, 204. at *Oxford*, 249. at *Roteland*, none held there, as is supposed, 56, 57. at *Sarum*, no Commons in it, p. 8. At *Westminster*, p. 42, 188, 252. at *Wyndeshores*, p. 150. at *Wynon*, p. 210. See *Ireland*, *Statutes*. A Parliament there revoked, p. 311. Ordinances in Parliament against burning of Sea-coals, killing of Great beasts, and Nufances in *London*, p. 100, 182, 376, 377, 382. See *Ordinances*. Patrons of Benefices, p. 169, 170. Patronages, Advowsons of the Bishoprick of *Sodor*, Abbots, Priors, Churches, Vicars, Hospitals, Chapels, Chanteries, and all other Ecclesiastical benefices in *Man*, given away in fee by the King, p. 205. In the Isle of *Wight*, p. 71. Of new created Vicaridges to whom reserved, 169, 170. See p. 295, 296. Peace, Justices of it; our Kings care and others to preserve the publike Peace, especially in the University of *Oxford*, *London*, *Ireland*, and reconcile all differences in them, p. 148, 149, 150, 293, 343. See *Oxford*, *London*, *Ireland*. No Peace to be made with the Enemies, Rebels in *Ireland*, except universal, and that they restore all Lands taken from the Crown, or *English* during the warr, p. 283. *Pembroke* County Palatine, p. 152, 266, 293. Petitions in Parliament, how and by whom received, See *Parliament*; & p. 14, 308, 309, 313, 327, 328. Perambulations of Forests, p. 42, 218, 119. See *Forrests*. Perjuries, Oaths dispensed with for money by Popes. See *Oaths*, *Popes*. Z z z Pillory,

The Tenib Table.

Pillory erected in *Dublin* by the Archbishop against Law, p. 251.

Powder Courts their Jurisdiction, the Extravagant one of the Bishop of *Wynton* during St. *Giles* Fair, against *Magna Carta*, and the Subjects Liberties, p. 190, to 200.

Pipe Office Roll, p. 54.

Places, Counties, where Actions at Law are to be brought, where they cannot be tried in any Counties, p. 90, to 99, 342, 410, 411, 413. See *Locality*. Traversable by Law, p. 91, 92, to 97.

Placita Corona: by whom to be held, p. 152, 153, 190. Held by the Bishop of *Winchesters* Justices during St. *Giles* Fair, as amply as by the Kings, as well by Appeal as otherwise within the Fairs precincts, 195. Granted to the Chancellor of *Oxford* University, petitioned against in Parliament, p. 368, 369.

Pluralities of Benefices, Commendacs, prohibited by sundry Councils, Canons, Constitutions; not to reform their impious, detestable abuses, but to gain monies to Popes, others, to dispense with, continue them by *Non-obstantes*, p. 231, 132, 236. Of Officers in *Ireland* prohibited, p. 280, 281.

Pontage, Murage to repair *London-bridge*, Walls, p. 183, to 187.

Popes Bulls, Citations, Dispensations, Excommunications, Exemptions, opposed, nullified by our Kings, Parliaments, the University of *Oxford*, *Wickliff*, others, p. 15, 17, 49, 58, 59, 130, 131, 132, 145, 146, 154, 161, 162, 171, 172, 173, 222, 240, 269, 270, 276, 367, 368, 398, 399, 401. *Epist. Ded.* Our Popish Prelates durst not oppose their usurpations at any time for fear of incurring their displeasures, and losse of their preferments, or very coldly, *Epist. Ded.* p. 170 361. Approved, ratified the suppression of the *Templars* Order by the Council of *Vienna*, of Monasteries, and dispositions, grants of their lands to others by our Parliaments, as no sacrilegious action, p. 222. Their detestable unchristian dispensations with *Oaths, Pluralities, Non-residence, Commendacs, &c.* against their own *Canons, Constitutions, Decrees, General Councils*, their nulling, revoking their own or Predecessors Bulls, Grants of Priviledges, Exemptions, by new ones fraught with *Non-obstantes* to them, for filthy lucre, and advancement of their own usurped Primacy, p. 128, to 133, 145, 236. See Table 5. & *Non-obstantes*. All mankind without Christ, have no power to ordain, that *Peter* and all *Popes* his pretended *successors* should domineer politically over the world; That the *Roman* Pontiff may be lawfully reprehended, accused by his Subjects, though Laymen; That he never really binds or looseth, but when he conforms himself to the Law of Christ; That every Priest rightly ordained, hath as sufficient power to administer all Sacraments, and to absolve any penitent sinners, as the Pope, p. 224. That the King or Kingdom are not obliged to any Pope, Primate, or See, unless it be first proved by Scripture they ought to obey them in obedience to Christ; else all such obedience as is not done to Christ, is done to Antichrist; That the Pope is more bound to the Emperor, than he to the Pope; That his Excommunications to hinder others to preach or hear the Word of God, are Antichristian, p. 226. That Pope *Urban* the 6. and his Predecessors were not St. *Peters* Viceregents, but the sons of Antichrist; neither was there any true Pope since the time of St. *Silvester*; That the Pope can grant no Indulgences, and all who confide in such indulgences, are accursed.

That he can make no Canons, Decretals, Constitutions, and that they bind none if made, to observe them. That no Rector, Vicar, Prelate is or ought to be excused from Residence on his benefices by reason of his attendance on the Pope, in his service; Their Pomp in great horses, jewels, rich vestments, delicate diet, censured, which they ought with Christs disciples to renounce, and go on foot, p. 398, 399. The Kings, Crown of *England*, never in subjection to the Popes power, but immediately to God and to none other, in all things touching his regality, *Epist. Ded.* His usurped Jurisdiction abolished by Acts of Parliament in *Ireland*, p. 316. His Legates, Collectors Oath to our Kings, not to act any thing to the prejudice of their Crowns, Kingdoms, &c. p. 145, 146. Their Grants of priviledges to Universities, p. 160, 168 To the *Freers* Preachers in them, p. 101, 102. Popes, & Church of *Rome* not infallible, but declared by our Kings, Parliaments, to be fallible, erroneous, yea Treasonable, unrighteous, pernicious, destructive to the Kings Crown, Kingdom, Laws, Regality of *England*, in all Doctrines, Canons, Practises, to support, advance their own pretended Sovereign Papal Jurisdiction, lucre, interest, *Epist. Ded.* p. 29, 130, 131, 132, 398. Popes Provisions of benefices, and Ecclesiastical preferments in *England*, Acts, with the Petition of the Commons in Parliament against them, as impoverishing, discouraging, diminishing the Number of Scholars, Graduates in our Universities, undoing the *English* Clergy, Church, & the principal occasion of Heresies, Errors, Schismes, p. 163, 164. An Act against them in *Ireland*, p. 316. *Pramunies* against the procurers, prosecutor of them, p. 401. The Archbishop of *Ardmab*, *walter Fox*, put to a fine of 1000*l.* by K. E. 2. for receiving the Popes Provision to prefer him to it, having Clauses prejudicial to his Crown, which he publicly renounced, before his Temporalties were restored, p. 277, 278. Popes refuse to expunge, correct the grosse ridiculous false Legends, Miracles, in the lives of their Saints, though notorious Impositions, Forgeries, Lies, because their Priests, Monks have so long preached, cried them up for truths for gain, the deluded Common people so long believed them, and their Church; Popes should be disproved to be infallible, if now exploded, p. 416. See Table 6. & *Prohibitiones*.

Poverty of Counties, Burroughs, unable to pay Knights, Burgeses expenses; a good cause to excuse, exempt, discharge them from sending Burgeses to Parliament, p. 32, 33.

Prayers for the King, kingdom, by the Archbishop, Clergy, enjoyned to be made by them at the Commons request in Parliament, p. 5. None to be made to Saints departed, p. 399.

Precedency, Patents thereof granted by our Kings to Dukes, Earls, Viscounts, others, and to whom, p. 323, to 391, 422. See Table 7.

Pramunies, for serving Popes Citations, Provisions, other offences, p. 401.

Preaching by the Archbishop at the beginning of Parliaments, p. 5. No Minister ought to desist from preaching, or people from hearing Gods Word preached, by reason of any Papal or other excommunications to hinder them from it, p. 226. All Rectors, Vicars, ought to reside on their benefices, preach Gods word and administer Sacraments to the people, else deprived, and others put in their places, p. 399. Ought not to transfer those duties to others for hire, *ibid.*

Prerogative of the King to create, grant *New Barons, Honors*,

The Tenth Table.

Honors, Dignities, Coat-Arms, Crests, Precedency amongst Nobles, Exemptions from Parliaments, &c. p. 28, 31, to 37, 66, to 72, 223, &c. To alter the Custom of *Vascony* for descent, and partition of Testators goods by his Parent, p. 399. Of the *Irish* Custom to recover Wardships, p. 258, 259. To excommunicate and certify excommunications immediately to the Chancery. See *Excommunication, Oxford*. They cannot alter, dispense with the Law or Statute for publick good of the Subjects by *Non-obstantes*, p. 128, 129, 236. In enemies goods, and Treasure Trove, p. 104, 105, 153. See *Non-obstante*, & *Epist. Dedicatory*.

Priests lawfully ordained, have as great power to administer all Sacraments, and absolve all penitent sinners, as Popes; God never constituted the Masse, nor them to say it, p. 224, 226. A Priest in his vestments, and Hostia in his hand, burnt in a Church by the *Irish* Rebels, who condemn the Popes Bull of excommunication for it, p. 269, 270. Priests who have received Orders ought all to preach to the people, though they have no benefice, 399. Their pretended Privilege, to exempt their persons, goods, possessions from the Judgement, Jurisdiction of all Lay-persons Judicature, for any crimes; which only belongs to Archbishops, Bishops, and their Commissaries in *Vascony*: An inquisition of its usage there, p. 406. Marrying without Banes first asked, excommunicated, p. 334.

Prelates over-much pride in horses, jewels, vestments, delicate diet, condemned, p. 399.

President of the Kings Council; Of the Princes Council, his Patent, p. 47, 48. Of the Council in the North, p. 172. Of the Court of the *Marches*, and *Wales*, p. 178.

Princes Oaths dispensed with for money, by Popes, p. 236.

Prisage, not to be taken of Merchant strangers, others exempted from it, Records concerning it, p. 25, 26, 154.

Prisoners of warre breaking their faith for their ransoms, returns, if not paid by a day, how to be proceeded against, p. 338, 339. Their ransoms belong to those who take them, *ibid.* & p. 245. In the Tower of London, p. 203, 422. See *Imprisonment*, *Magna Charta*.

Priviledge of Parliament, See *Parliament*. (40 dayes in *Ireland* allowed for going and coming by Act of their Parliament, because of the danger by *Irish* Rebels, p. 315.) Of Clerks of the Chancery, p. 51. Of the Kings Palace Court, from Citations, arrests, by any but the Marshal, p. 19. Priviledges granted by our Kings to *Oxford*, the *Cinque-ports*, *Cambridge*, *London*, *Man*, *Guernsey*, *Jersey*, *Ireland*, &c. See these Titles.

Proclamations of Acts, Ordinances, Orders, Writs of the King, Parliament, King and his Council, p. 26, 27, 63, 64, 336, 337, 385, 386. See *London*, *Universities of Oxford*, *Cambridge*, *Ireland*, *Array*, *Beacons*, *Forests*, *Stanneries*, *Sewers*.

Proctors, sufficient, of Abbots, Archbishops, Bishops, Noble men exempted from personal attendance in Parliaments and Councils by special Patents, to appear in their steads, p. 34, to 37, 336. Proctors of the Clergy in Convocation, no Members of the Parliaments of *England* or *Ireland*, p. 315.

Proctors of the Universities. See *Oxford*, *Cambridge*. Of persons summoned to appear before the Kings Council, or in Parliament, p. 297, 298, 390. Of the Archbishops Courts, their number, abuses regulated,

p. 237. Of Civilians, and others appearing before Commissioners, Delegates, p. 165, 166, 359, 360. **Procurations** to Archbishops, Bishops, Archdeacons, other Visitors due only when they actually visit, from those Churches only they visit in person, not others, or poor Churches by their own Canons, Constitutions, p. 233, 234. Not anciently received, payd, due to Archbishops, Bishops, from any Parochial Churches when they visited, but only from Cathedral, Collegiate Churches and Religious houses. King *E. 1.* his Prohibition not to extort them from Parish Churches against this ancient Custom in his reign, p. 402. Exactd by Popes Legates against his Bulls from the *Cistercians*, exempted from them, opposed, p. 129, 130. To be taken in meat, not monies, at the parties election, *ibid.*

Prohibitions: none granted to the Admiralty before or since the Stat. of 13 & 15 R. 2. to stay their proceedings on Contracts, Charter-parties between Merchants, Mariners made beyond the Seas, till *Mich. 7 Jac. Lees* case, by Sir *Ed.* when Chief Justice, being 219 years after R. 2. and that upon his mistaken report of *Tooles* case, p. 83, 84, 90. His presidents to the contrary, are only of Contracts made, things done in the bodies of Counties within the Realm, p. 75, 84, 85. or meer misreports, mistakes of cases not extant in the Records, he cites, or any Reports, Law-books of those times; p. 75, 76, &c. To Ecclesiastical Courts, Persons, against excommunicating the Kings Barons, Officers, Servants, Chaplains of his Free Chappels for executing their Offices, resisting Visitations of his Free Chappels, without his previous license; with mandates to absolve them, if excommunicated: against Inquisitions upon Oath in their Visitations concerning Adultery, Fornications, and other crimes, to the prejudice of their subjects, p. 240, 241, 239, 240, 404, 405. Against vexatious citations of their subjects to remote or unusual places, and unjust censures inflicted on them for not appearing, or other causes, p. 240, 241, 404, 405. Against banished Scholars of *Oxford* Citations, Processes from *Rome* upon Appeals against the Chancellor of *Oxford*, p. 354. Against Ordinaries compelling Administrators, to make distribution of Intestates goods to such persons, or pious uses as they shall prescribe, p. 131, 132. Against their holding Pleas of matters which concern not Marriage, Testaments, and things belonging to the Kings Temporal Courts, p. 206, 250, 251, 401, 407. Against selling Ships or Timber to the Kings enemies, p. 153. against exporting Corn, victuals, arms, ammunition, money to the Kings enemies, or elsewhere, p. 389, 390, 394, 395. See *Viduals* and *Treasure*. Against usurping the Kings Rights, rents, escheats; or Jurisdiction of Pleas, Causes, Franchises belonging to the King, p. 53, 206, to 389, 392. To the President, Council of the *Marches of Wales*, and of the North, p. 278. To the Court of Exchequer, against holding any Common Pleas, unless for persons therein priviledged, p. 55, 56, 213, 290, 316. Against Popes Citations, p. 190, 354, 400, 401.

Protections to forraign Merchants, those of *Man*, *Sancho*, *Merchants*, *redewndo*. Inquisitions after the infringers of them, p. 24, 25, 87, 142, 201, 202, 362. None to be given in *Ireland*, except by the King, or Lords of Royal Franchises, p. 315, 316.

Purveyors inquired of, p. 152.

Purveyance, **Purveyors** of the King, others of victuals, corn, cariages,

The Tenth Table.

carriages, complained against, to be taken only in cases of necessity, and paid for; punished, proceeded against in *Ireland*, p. 265, 280, 284, 288, 289, 316, 413. None to be made in the Churches fees without their consent, and payment, p. 284, 288, 289, 413.

Q.

Quarvera Abbot, his Commission of Array, and to erect Beakens, p. 136.

Quare Impedit in *Iteland* by the King, p. 342.

Queen-gold, See *Aurum Reginae*.

Quo warranto, against Liberties encroached without grant from the King, p. 342, 393.

Ad Quod dampnum, p. 175.

R.

Ransomes, Fines extorted by duress complained against, prohibited, p. 121, 283: For crimes, misdemeanors, defaults, p. 58, 262, 310, 413. See *Fines*. *Ransoms* in *Ireland* not to be taken in Cowes, but money, p. 267.

Readers, *Readings* in the Iones of Court, and Chancery, to be supported, encouraged, why, *Epist. Ded.* and *To the Reader*.

Rebels in Ireland: their insolencies, murders, robberies, &c. the causes of their boldness, successes; when, how, and by whom received to the Kings peace, fined, or pardoned by special or general pardons; See *Ireland*, *Pardons*.

Receivers of Petitions in Parliament; when, who, by whom appointed, p. 14, 52.

Receivers of the Kings Farms, rents, revenues, when to pay, account for them in the Exchequer in *England*, *Ireland*, p. 53, 64, 280, 292. See *Ireland*, *Sheriffs*.

Recordari facias, p. 18, 52.

Records, in *French*, *English*, as well as *Latin*, p. 17, 18. Of *England*, *Scotland*, how long, where, by whom kept in the Tower of *London*; our Kings care to preserve, kalendar them, repair the House, Tower where kept; how transferred from one Master of the Rolls to another; his Oath concerning them; their great concernment to our Kings, kingdoms, all sorts of Persons, Corporations in them, in respect of their Lands, Honors, Liberties, Franchises, Titles, Laws, Trade, Parliamentary Acts, Priviledges, Proceedings, Government, Defence in times of War, Peace, and Publike Negotiations, p. 46, to 52. *Epist. Ded.* The great neglect of studying, perusing them for publick benefit, as well as private, by *Lawyers*, others, *ibid.* and *Epist. to the Reader*. *Sir Edward Cooke* his manifold misquotations, mistakes of them, and *Dyer*, p. 416, to 422, & elsewhere; See Table 1. *Cook*. Chronological Epitomes, quotations of those in the Tower and Exchequer not cited at large, concerning Depredations, p. 73. Arresting, impressing Ships, Mariners, Archers, Carpenters, Hoblers, Miners, for publick defence, or the Kings special service, p. 127, 128. Justices of Peace and their Commissions, p. 149, 150. *Chester*, *Durham*, *Ely*, p. 152. *Cinquaports*, 154, 345, 346. The Universities of *Oxford* and *Cambridge*, p. 159, &c. The Stanneries in *Cornwall*, *Devon*, p. 174, 175. The Principality of *Wales*; p. 176, 177. *London*; p. 184. Clerk of the Market, Measures, Weights, p. 199, 200, 388: Commissioners of Sewers, p. 200, 201, 381, 382. *Gernesey*, *Jersey*, &c. p. 206, 207. *Wight* Island, p. 208, to

219. Forests, their Regards, Deafforestations, &c. p. 218, 219, 220. Appeals from the Admiralty and Court of Chivalry, p. 238, 402. Visiting the Kings Free Chappels, Hospitals, and other Foundations, p. 243, 244, 245. Concerning *Ireland* at large, p. 149, to 323, 408, to 414. Prohibitions and *Præmunires Coram Rege*, p. 401, 402. Parliamentary matters, proceedings, p. 336, 337.

Courts of Record which, p. 17, 18.

Red Book of the Exchequer, its authority there, p. 71, 115.

Redississin, to be proceeded on in *Ireland*, as in *England*, p. 244.

Registers of Bishops indicted for extorted fees for probate of Wills, p. 401.

Regrators of Victuals to be suppressed, punished, p. 78, 129, 179, 182. and that in Armies by the Marshal, p. 337, 338.

Reliefs of Earls, Barons uncertain, arbitrary at the Kings pleasure, before settled by *Magna Charta*, c. 2. not by the forged *Modus*, p. 4.

Religion. See *Christian Religion*, *Kings*.

Remembrancers Office, Roll in the Exchequer; his abuse in issuing proceffe against those discharged in the great Roll to their oppression, provided against, p. 291, 292, 316.

Requests Court, Novel, illegally; usurping Jurisdiction suppressed, p. 52.

Masters of Requests, derived from Receivers of Petitions in Parliament, p. 52.

Residence of Bishops, Rectors, Curates, and other Ecclesiastical persons with cure on their benefices, prescribed by sundry Councils, Canons, Popes Constitutions, for the instruction of their peoples souls, relief of the poor, &c. neglected, dispensed with for money, as if their people had no souls, p. 236, 268, 294, 295, 316. No Minister is excused from personal residence on his Benefice, by remaining in the service of any Bishop, Archbishop, or Pope; That those who do not officiate nor administer the Sacraments, are to be removed as unworthy, yea dissipaters of the goods of the Church, and others instituted in their places, p. 399. That they ought to go on foot, with staves in their hands, to preach the Gospel, as the Apostles did, not to ride on stately horses, nor use so many jewels, precious vestments, and delicate dinners, as *Wickliff*s Disciples taught, p. 289. See *Non-Residence*. Of Ecclesiastical persons in *Ireland*, under pain to forfeit the moiety of their livings for the maintenance of the wars, without any dispensation; p. 316. Of all Officers in *Ireland* upon their offices, *ibid.* Those who have lands in *Ireland*, enjoyed to reside in person with competent forces to defend them, under pain of forfeiting them, and other penalties, p. 298, to 302, 307, 308, 310.

Rescuffe punished, 193, 313.

Resumptions, Revocations of all Lands, Rents, Offices Accounts in *Ireland* (some few excepted) by K. E. 3, made by himself or his Father, the effects thereof, and proceedings therein, 271, 272, to 288.

Returns of Writs permitted to none without the Kings Warrant, p. 53.

Rivers navigable, where within the Admirals Jurisdiction, where not, p. 78, 112. Wears, Kiddles in them hindring Navigation, redressed by Commissioners of Sewers, p. 200, 381, 382. the Admiral cannot enquire of them out of the file of the high Sea, p. 82.

Robberyes, Robbers by Sea; See *Depredations*: how and by whom to be punished, how to be proceeded against

against or pardoned in Ireland. See *Ireland, Pardons*, & p. 267, 289, 294, 301.

Roll, the Great one in the Pipe Office abbreviated, regulated by K. H. 3. and his Council, p. 53, 54. Of the Pipe and Remembrancer, p. 291, 292. *Rolls* raised by Clerks of the Market, to defraud the King of his amerciaments and fines for false measures, p. 293. Masters of the *Rolls*. See Table 6.

Rome, No money of the Realm to be sent thither, p. 226. No Appeals thither, without the Kings special license, p. 238, 240. The ill success of *Wilfred*, who first appealed to it: when such Appeals began to be frequent, p. 238. See *Appeals*. Her intollerable avarice, rapine, & Non-obstantes, &c. p. 129, to 132. See *Popes*, and Table 5.

Roman Dominion over Britain, the British Seas, their Admirals Jurisdiction in them, p. 103, 104.

Rumney Marsh, Commissions of Sewers concerning it, p. 382. See *Sewers*.

S.

Sacraments, all administered by every Ordained Priest, as well as by the Pope, p. 224. Rectors, Vicars, who do not personally administer them, to be deprived, p. 399. The Bread and Wine not transubstantiated in substance into Christs very Body and Blood by its consecration; neither can their accidents subsist without their substance, by Gods absolute power, p. 226. A Priest burnt with it in his hand in a Church by the Irish Rebels, who concern the Popes Excommunication for it, p. 269, 270.

Sacrilege, none for Kings, Lords, Parliaments, Councils, to take away the Temporalties of Abbots, Monks, Templers, and other Ecclesiastical persons habitually abusing, perverting them, p. 224.

Safe conducts granted by our Kings by Land and Sea to forroign Kings, Ambassadors, Legates, Merchants, others: the infringers of them punished, p. 87, 201, 204. See *Protections, Truces, Depredations*.

Saints departed not to be prayed to, p. 399.

Sanctuary of *St. Maryns le Grand*: Malefactors taken thence by force by the Mayor and Sheriffs of London, ordered to be restored, p. 419, to 422. Of *Beoverly* and *Westminster*, p. 421.

Scabini Judges, p. 104.

Scotland: Records concerning its Kings, Kingdoms Subjection, Homages, Oaths of Fealty to the Kings of England, as their superiour Lords: of their frequent perjurious violatons of them, Rebellions, Invasions, Expeditions against them, and what else concerns them, p. 33, 48, 50, 60, 61, 74, 94, 127, 134, 140, 181, 182, 243, 244, 271, 315. Their King taken Prisoner in Battel by *John Copland*, who was made a Baneret for it, and had lands conferred on him in lieu of his Ransom by K. E. 3. to whom he delivered him Prisoner, p. 245, 246. No Strangers to Fish in the *Scottish* Seas without our Kings special License: p. 123. *Scottish* Bishops imprisoned in chains by K. E. 1. for their perjuries, rebellions, treasons against him, p. 385.

School in Man: what Books to be read in the University Schools, p. 336, 395.

The *SEAS*: a Part of the Realm of England united to it, p. 86, 87, 88, 103, &c. Our *Saxon, Danish, Norman, English* Kings Sovereign Jurisdiction in the *British, Irish* Seas; Obligated to preserve, secure them against Pirates, Enemies: Their Fleets, Navies, Ayds, Ton-

nage, Poundage granted in Parliaments for that end: Strangers not to Fish in them, without their License: The Lawes of *Ovevon* and others to regulate them: Ships who refused to strike sail, or vail unto their *Admiral Ship* or his Lieutenants at his command, to be taken for Enemies, and the ships, goods confiscated, the Mariners imprisoned, though after they appear to be the Kings Friends, p. 86, to 127. Their *Admirals* Names, Commissions, Jurisdiction in them, to arrest, presse Ships of War, Masters, Mariners, for their defence against Enemies, &c. See Table 6. *Admirals, Admiralty, Cinque ports, Ships, Warre*; & p. 78, to 89. 104, 108, 110, 111, 114, 127, 128, 128, 154.

Sea coasts, guarded, watches, Beakers erected on them in time of war, danger, p. 104, 106. See *Array, Beakers, Warre, Watches*.

Sea-coal, not to be burnt in Forraces about, near, in London or its suburbs, as corrupting the air with its smoke, p. 182, 183.

Seals of the electors, Sheriffs set to the Indentures, returns of Barons, Burgeses, Citizens, Knights elected for Parliament, p. 5, 6. Of all or some Earls; Barons to their Letter to the Pope in the name of the Universality of England, no proof both houses then late together, p. 7, 8, 9. What Writs ought to be sealed only with the Great Seal, what with the Exchequer Seal in England, Ireland: the fees for sealing them, p. 265, 280, 285, 286, 288, 290, 291. Warrants to issue Writs, Patents, Commissions under the Great Seal, *per ipsum Regem auctoritate Parliamenti*, p. 37, 327, 381. *Per ipsum Regem & Consilium in Parlamento*, p. 148. *Per breve de Privato Sigillo & auctoritate Parliamenti*, p. 242, 324, 326, 329. *Concessum est, de assensu Prælatorum existentium in Parlamento*; to confirm a reference made to them in Parliament by the King and Lords, p. 339. *Per ipsum Regem & Consilium*, p. 44, 46, 47, 64, 136, 214, 228, 230, 266, 268, 270, 275, 287, 294, 295, 307, 311, 340, 341, 344, 347, 348, 352, 378, 392, 395, 401, 403. *Per ipsum Regem*, p. 44, 135, 204, 216, 260, 270, 271, 274, 275, 296, 299, 300, 307, 311, 317, 346, 387, 388, 406, 409. *Per ipsum Regem & per petitionem de Consilio*, p. 262, 263, 296. *Per ipsum Regem & Magnum Consilium*, p. 305. *Per Consilium*, p. 134, 147, 277, 306, 312, 342, 350, 351, 355, 388, 410, 411, 413. *Per Petitionem de Consilio*, 202, 263, 269, 270, 271, 296. *Per la Petition baillee & signee de per le conseil*, p. 400. *Per breve de privato Sigillo*, p. 34, 35, 36, 63, 68, 69, 85, 186, 215, 240, 247, 258, 264, 315, 324, 326, 328, 336, 343, 355, 356, 372, 375, 376, 408. King H. 3. An. 1. sealed Patents with the Popes Legates Seal, and *William* Earl Marshalls Guardian of him and his Realm, before he had a Seal of his own, p. 250. The Universities of *Oxford & Cambridge* Common Seals, p. 156, 170, 231, 370. Probate of Wills under the Bishops Seal, p. 232. The Bishops Ordinance for settling the differences between the Doctors, Masters of Divinity in *Oxford*, by Order of the King and Parliament sealed with their Seals, p. 358. The Deed, Agreement, Obligations between the University and Town of *Oxford*, after the Scholars slaughter, under both their Common Seals, p. 356, 357. All Ecclesiastical Judges Proccesse, ought to issue in the Kings name under his Seal, as proccesse at the Common Law in England, Ireland, not their own, p. 221, 222, 318. Chancellors, Keepers of the Kings Great and Privy Seal in England and Ireland. See

The Tenth Table.

Table 6. A Statute exemplified under the Great Seal, p. 411, 412.

Seditious, Diffentions in the University of Oxford, Writs to compole them; imprisonment, banishment of the Seditious Scholars, p. 161, to 167. 346, to 368, 372. See *Oxford University, Banishment*. To be compromised in *Ireland*, p. 293. See *Ireland*.

Sergeants at Arms, p. 278.

Sergeants at Law, p. 4. None anciently were, or ought to be called to this state and degree, but only those who had been double or single *Readers* at least, in the Innes of Court; and had publicly evidenced their eminent skill, knowledge in the Law, by their learned Readings, Arguments, Exercises, above those who were not *Readers*, demeriting their advancement to this degree, and judicial places in the Kings Courts. A Custom for necessary to be now renewed, for the encouragement of all future *Readers*, and support of the Study, exercises of the Law in all Innes of Court, which else will soon be discontinued, dissolved and come to ruine. See *Epist. to the Reader*, and *Mr. Dugdales Chronica Series*.

Serke Isla. See *Garnesey*, &c.

Services of Knights performed in the Wart, an Ordinance concerning them for their ease in the Exchequer, p. 58.

Sewers; Commissions, Records concerning them, p. 200, 201, 381, to 385.

Shy Island: Pleas for the Cinque-ports held there, p. 152, 153, 154.

Sheriffs: Writs against them by Knights of Shires for their expenses, p. 31. Fined 5. marks a peece by K. H. 3. in person sitting in the Exchequer, for not detraing every man who had xl. lands a year, to take the Order of Knighthood, or to pray respice to do it, as he commanded them, p. 53. His charge then given them, especially to preserve all the rights of his Crown against Fairs, Liberties, Franchises, returns of Writs, &c. without warrant or Charters; Not to farm their *Hundreds, wapentakes, Baylives* for gain, but to such who will treat the people with Justice: To maintain all the Church Liberties; to attach all who should blaspheme the name of Jesus Christ, presently to answer at such a day, place as the King should prescribe: That no Villain should be distrained for his Lords debt, if the Lord had sufficient distresse. To redresse Lords oppression of their Tenants if they could, or else to certifie the King thereof. To appear and pay in the Kings monies due for Fines, Amerciaments, farms, other debts into the Exchequer, to appear there in *Othavis S. Mich*, or else to be amerced higher and higher every day they made default, and at last put to a ransom, p. 53. The Charge given to Sheriffs concerning the Kings debts in the great Roll of the Pipe, and profits of their Counties, their appoals, and accounts thereupon, p. 54. Their Seals to the returns of Knights of Shires Indentures, p. 5. Inquiries of their exortions in levying more monies in their Counties for Knights expenses, than they amounted to, p. 30. Their false returns of Knights elected for Counties, petitioned against, p. 31. Writs for Knights expenses issued to, returned by them, p. 29, 30, 31. To pro-rogue, resummon Parliaments, and Members departing from them without license, to elect others if they refuse to come, and to revoke Parliaments summoned before they met, p. 31, 43, 44. How, and by whom so be elected in *Ireland*, the abuses therein, p. 267, 275, 276. Their abuses, exortions, misdemeanors

in *Ireland* complained of; orders to redresse them, p. 183, 184, to 293. Writs to the Sheriff of Oxford to assist the Chancellor to seise rebellious, seditious Scholars, to remove Nufances, 348, 350. Writs issued jointly to the Mayor and Sheriffs of London upon several occasions, p. 180, 188, 376, 377, 378. 380.

Ships impressed, returned into the Chancery by the Admirals certificate, forfeited by breacing the arrest, upon indictment, and conviction thereof, p. 108. wilfully hurt or destroyed in the Kings service how to be punished, and the owners repaired, p. 104. Of Enemies how to be seised, used, p. 105. Seised with their goods for not veyling to the Kings Admiral or Deputy on the Sea, upon notice given them to veyl, p. 108. Arrested for the Defence of the Kingdom, Seas, carriages, transportations of Victuals, Soldiers, p. 78, 85, 104, 105, 113, 127, 128, 152. See *Admiral, Navy*. Of Merchants pillaged on the Sea, against Safe-conducts, Protections, inquired after, the goods restored, and offenders punished, p. 142, 340, 341, 397. See *Depravations, Pirates, Merchants*. Sold to the Enemy or Timber to build them against the Kings Proclamation, inquired of, punished, p. 153. Wrecked, See *Wreck*. Of the French taken, destroyed, seised by the English without the Kings command, p. 110, 111. Of Man seised, ordered to be restored, p. 385, 386.

Ships of all sorts, an imposition on them to repair London Walls, Ditch, p. 185.

Shinners of London and Fishmengers quarrel, sedition, p. 379.

Soldiers. See *Army, Array, Hablers, Emjurers*.

Speakers of the House of Commons. See *Parliament, Subsidies*.

Spices: An imposition on them to repair London Walls, p. 185.

Stanneries in Cornwall, Devon; the abuses in the Court regulated by Parliament, p. 174, 179.

Staple: Mayor, Constable of the Staple, how to treat Merchant Strangers, to determine their causes speedily from day to day by the Law of Merchants, p. 24, 175, 193, 194. To meddle only with things, suits, belonging to the Staple, not common Law, p. 290. Recognizances taken before them at *Calvers*, could not be executed in *England* without a special Act, p. 94. See p. 175.

Statutes, cited, applied to several particulars explained, false detected: *Magna Charta* of King John, p. 2.

K. H. 3.

Of *Magna Charta* An. 9 H. 3. its confirmation, p. 42. Cap. 1. p. 53, 287. 406. cap. 2. p. 4. cap. 7. p. 256, 257. See *London*. cap. 8. p. 282. cap. 9. p. 78, 253, 254. cap. 11. p. 52, 55, 56, 283, 290, 316. cap. 12. p. 250, 265. cap. 14. p. 284. cap. 17. p. 153, 195. cap. 18. p. 292. cap. 19. p. 284, 288. cap. 21. p. 284. cap. 23. See *Sewers* p. 381, 382. cap. 25. p. 199, 200, 381. cap. 29. p. 91, 181, 280, 281, 283, 292, 385, 386, 396, 397, 398. cap. 30. p. 73. cap. 35. p. 189, 190.

Charter of the Forest, An. 9 H. 3. p. 42, 218, 229.

Of *Merton* An. 20 H. 3. Sent into *Ireland* to be there observed, cap. 3. p. 254. cap. 9. of *Bastardy*, p. 253, 254.

Of *Marlbridge* An. 52 H. 3. a. 30. The Town of Sheriffs, first made in Parliament at *Westm*. An. 43 H. 3. p. 189, 190. cap. 29. p. 255, 256.

K. Ed. 1.

Of *Westm*. 1. Anno 3 E. 1. Of *Gloucester*, An. 6 E. 1. The Statutes of Merchants at *Antw* *Burnell*, An. 11.

The Tenth Table.

O: Merchants, An. 13 E. 1. and of *Westm.* 2. An. 13 E. 1. sent altogether by the King that year to the Justice of Ireland, to be there proclaimed and observed, p. 258.

Of *Westminster* 1, An. 3 E. 1. c. 1. p. 284, 288, 289. cap. 2. p. 406. cap. 3. p. 289. cap. 10. p. 267. cap. 25. p. 290.

Of *Gloucester*, An. 6 E. 1. p. 258. cap. 15. p. 181, 378.

Of *Roteland*, pretended to be a Statute made there, An. 10 E. 1. Printed in *Totle*, others, and asserted by Sir *Edw. Co.* to be a Statute; no Statute at all, nor Ordinance made that or any other year at *Roteland* in *wales*, (nor *England*;) being extant in no Statute, Patent, Clause, or other Roll in the Tower: The later clause thereof against holding Common Pleas in the Exchequer, was a private Writ that year to the Treasurer and Barons of the Exchequer, nor to hold a Plea of Debt brought there by *Robert Talsite* against *John de la Mare* and his Wife, dated *apud Tlangernon* (not *Roteland*) 14 die *Septembris*; without any of those additional Clauses patched to the beginning of it by *Totle* and others, p. 55, 56, 57.

Of *Aiton Burnell*, An. 11 E. 1. made in favour of Merchants, for expeditious executions, levies of their debts, p. 102, 258.

Of *Circumspecte agatis*, styled, printed as a Statute in *Totle* and our Statute Books as made An. 13 E. 1. no Statute, Ordinance, Writ of the Kings extant in any record of that year, or other of this King: but a Writ made by the Bishops without the King, p. 55.

Of *Westminster* 2. An. 13 E. 1. cap. 25 & 48. p. 102, 103. cap. 29. p. 148. cap. 37. p. 32, 37, 38. cap. 38. p. 12, 42, 74, 75. cap. 51. p. 103.

Of *Winchester*, An. 13 E. 1. concerning Watches, &c. c. 1, 2, 3, 4. p. 362. See *Peace, Watches*; cap. 6. of Weapons, Arms, p. 209. See *Array, Ireland*.

Of Merchants, An. 13 E. 1. p. 102, 258.

Of *Confirmatio Cartarum*, & *Articuli super Chartas*, An. 28 E. 1. p. 42. c. 9. p. 32.

K. E. 2.

De *Militibus*, An. 1 E. 2. no Statute, Ordinance, but Writ to the Sheriff, p. 53, 55.

Of *Exilium Hugonis le Despencer*, An. 15 E. 2. p. 17, 236.

His Statutes made in *Ireland*, p. 315.

K. E. 3.

His Statutes, Ordinances made in *Ireland*; See *Ireland, Ordinances*, & p. 315. Of 10 E. 3. c. 2, 3. p. 128. Of 14 E. 3. c. 5. p. 5. Of 25 E. 3. c. 7. Stat. 2. of those born beyond the Sea, p. 88. Stat. 6. of Provision and *Premunire*, p. 164. 401. Of 27 E. 3. of the Staple, c. 7, 17, 19, 20. for speedy trials by Law of Merchants, & *medietatem lingue*, p. 24, 91, 102, 128, 193, 194, 290. See *Staple*. Of 36 E. 3. c. 15. p. 17. Of 38 E. 3. Stat. 3. c. 1. p. 164. Of 42 E. 3. c. 3, 7. p. 128. c. 10. p. 88.

K. R. 2.

Of An. 1 R. 2. 7. p. 88. c. 11. p. 128. Of 5 R. 2. c. 4. p. 3. c. 5. repealed, because never assented to by the Commons, p. 395, 398. See *Lollards, Parliament*. Of 6 R. 2. cap. 2. p. 93, 94. exemplified under the Great Seal, p. 411. Of 13 R. 2. c. 2. p. 71, 72. Of 13 R. 2. c. 5. & 15 R. 2. c. 3. The Petitions against the Admirals Jurisdiction, whereon they were grounded; the encroachments mentioned in them only within the Realm upon the Land: never meant, nor intended of foreign Contracts, Char-

ter-parts, &c. made beyond the Seas on shore; proved p. 75, to 125. See *Admiralty, Prohibitions*. Of 14 R. 2. c. 10. p. 128. Of 16 R. 2. c. 5. Provisions and *Premunire*, p. 164, 401. Of 17 R. 2. c. 3. p. 128.

K. H. 4.

Of 1 H. 4. cap. 13, p. 138. of 2 H. 4. cap. 4. p. 222, cap. 11. against the Admirals encroachments, with the Petitions whereon it was grounded, p. 74, 78, 79, 83, to 94. cap. 23. Concerning the Marshal of the Kings house his encroachments, the Petitions whereon founded, p. 79, to 82. Of 4 H. 4. c. 20, 32. p. 128. of 6 H. 4. cap. 1. p. 222. of 7 H. 4. c. 8, 9. p. 128, 222. c. 14. p. 5. of 13 H. 4. c. 5. p. 128.

K. H. 5.

Of An. 1 H. 5. rot. Parl. nu. 15, 22. p. 128. of 2 H. 5. nu. 19. p. 16, 17, of 3 H. 5. c. 4. p. 108, 420.

K. H. 6.

Of 1 H. 6. c. 3. 2 H. 6. c. 8. for banishing *Mish* Scholars out of our Universities, p. 156, 313. Of 3 H. 6. cap. 4. p. 128, 222. of 8 H. 6. c. 1. p. 222. c. 7. p. 5, 6. c. 18, 21. p. 128. of 20 H. 6. c. 1. p. 120. of 21 H. 6. c. 13. p. 222. of 23 H. 6. c. 8. p. 128. c. 15. p. 5, 6. of 27 H. 6. c. 2. p. 128. of 32 H. 6. c. 5. p. 128. See his Statutes made in *Ireland*, p. 315, 316.

K. E. 4.

Of 5 E. 4. c. 6. in *Ireland*, p. 120, 315.

K. H. 7.

Of 1 H. 7. c. 16. p. 128. of 4 H. 7. c. 24. p. 28. His Statutes in *Ireland*, p. 315, 316.

K. H. 8.

Of 3 H. 8. c. 11. p. 156. of 4 H. 8. c. 8. The Act for *Richard Strode* a general Act for all Members freedom of speech in Parliaments, p. 12. Of 7 H. 8. c. 2. p. 128. c. 7. p. 174. of 21 H. 8. c. 13. p. 128. c. 16. p. 156. of 24 H. 8. c. 1. p. 174. c. 12. p. 222. of 25 H. 8. c. 19, 21. of 26 H. 8. c. 1, 3, 10, 14, 15. of 28 H. 8. c. 7, 10, 11, 16. p. 91. & p. 222, 334. cap. 13. p. 174. of 31 H. 8. c. 8, 9, 10, 13, 14. of 32 H. 8. c. 12, 15, 24, 26, 38. p. 222. c. 4. p. 91. c. 46. p. 150. of 33 H. 8. c. 22. p. 150. c. 23. p. 91. c. 31. p. 222. of 34 & 35 H. 8. c. 1, 15, 17, 19. of 35 H. 8. c. 1, 3, 5, 16. p. 222. c. 2. p. 88, 91. of 37 H. 8. c. 6, 12, 17. p. 222. His Statutes in *Ireland*, p. 315, 316.

K. E. 6.

Of 1 *Edw.* 6. c. 1, 2, 12. of 2 & 3 E. 6. c. 1, 13, 21, 36. p. 222, 235. c. 24. p. 92. of 3 & 4 E. 6. c. 7, 11, 12. p. 222. c. 23. p. 174. of 5 & 6 E. 6. c. 13, 3, 4. p. 222, 337. c. 12. p. 335. of 7 E. 6. c. 5. p. 156. c. 12. p. 174.

Phil. & Mary,

Of 2 & 3 *Phil. & Mary*, c. 8. p. 222. c. 23. p. 174. of 3 & 4 *Phil. & Mary*, c. 10, 11. p. 174.

Qu. Eliz.

Of 1 *Eliz.* c. 1, 2, 4. p. 222, 235. c. 20. p. 174. Of 5 *Eliz.* c. 1. p. 122. cap. 18. p. 174. of 13 *Eliz.* c. 2. p. 122. c. 12. p. 89. c. 24. p. 174. & nu. 23. Concerning the incorporation of the Universities of *Oxford* and *Cambridge*, never printed before, p. 164, to 168. of 18 *Eliz.* c. 22. p. 174. Of 23 *Eliz.* c. 2. p. 89. c. 15. p. 174. of 27 *Eliz.* c. 2. p. 89. c. 7. p. 236. c. 11. p. 88. c. 29. p. 174. of 29 *Eliz.* c. 8. of 31 *Eliz.* c. 15. of 35 *Eliz.* c. 11. of 39 *Eliz.* c. 27. p. 174. Of 43 *Eliz.* c. 12. p. 100. c. 18. p. 174. Her Statutes in *Ireland*, p. 315, 316.

K. James,

R. James.

Of 1 Jac. c. 2. *Epist. Ded.* of 3 Jac. c. 5. p. 15. c. 25. p. 174. of 7 Jac. c. 6. p. 174. of 21 Jac. c. 3. p. 128. c. 33. p. 174. His Statutes in Ireland, p. 315, 316.

K. Charles I.

Of 1 Car. I. c. 6. of 3 Car. 2. c. 6. of 16 Car. I. c. 3. p. 174. of 13 Car. I. c. 10. p. 52, 175, 454. c. 15. p. 174. c. 16. p. 219. c. 19. p. 200.

K. CHARLES 2.

Of 12 Car. 2. c. 6. p. 201. c. 24. p. 151. of 13 Car. 2. c. 7. p. 151. c. 9. p. 125. Of 14 Car. 2. c. 174. p. 23, 102. c. 14. p. 235. Of 15 Car. 2. c. 11. p. 174. Of 17 Car. 2. c. 11. p. 174.

Study, Students, Readers of the Common Law to be encouraged, supported, why, *Ep. Ded.* and to the *Readers. Subsidies*, how and by whom to be propounded, debated, granted in Parliament, when agreed, to be signified, presented to the King by the mouth of the Speaker of the Commons House, p. 22, 23.

Suburbs burnt in warre, to preserve the City, p. 60, 61. *Supremacy of the King* in, over all Ecclesiastical persons, causes. See *King, Prerogative, Epistle Dedicatory, Prohibitions*: Popes usurped, pretended *Supremacy* opposed, refuted. *Epist. Ded.* See *Pope*, and Table 5. *Swans*, Kings *Swanhart*, p. 418.

T.

Tallies, Counter-Tallies, in the Exchequer, p. 57.

Talwood, imposition on it for London, 156.

Taxes. See *Subsidies, Parliament*.

Temporalities of Abbots, Monasteries, Hospitallers, other Clergy-men abusing, perverting them, lawfully seized, granted to others, without sacrilege, by Kings, Parliaments, Councils, Popes, p. 224

Templers suppressed in the Council of Vienna, most of their lands given to the Hospitallers, p. 224. Master of the Temple's case, p. 18.

Tenures in Capite, and by Knights service abolished, with their consequences, by the Statutes of 12, & 13 Car. 2. p. 150, 151. By Knight service, held of *Carisbrok Castle* in the Isle of Wight, p. 208, to 213, 216, to 218.

Thames, its Conservators, p. 188. Its banks to be cleansed from filth on both sides; what filth to be cast into it, and where, p. 415. Commissions of Sewers concerning it, p. 382. Beakens, Watches to guard it, p. 136.

Thieves of Beversly, 375.

Tinners, Tinne. See *Stanneries*.

Tithes of Affirs, Mines, Venison in Forests, not due by Law, granted by special Charters to Abbots, Bishops, others, p. 220, 221.

Tolls in Fairs, Markets, p. 194, 195. *Londoners* exempt from them by Charter, by land and sea, p. 87.

Tonnage and Poundage granted by Merchants strangers, to King E. 1. for his *Carta Mercatoria* to them, p. 25. by Parliament for safeguard and defence of the sea, p. 87, 120, to 125.

Tornes of Sheriffs, when to be kept, p. 189, 190.

Tower of London, how long, where, why the Records of England and Scotland have been there kept, and by whom. See *Records*. Prisoners sent to it. See *Prisoners*.

Trailbaston Justices, p. 150.

Traverses of the place, County, where Contracts, Transitory Actions are lay'd by fiction onely, against truth, right, to gain jurisdiction legal; ought to be admitted in the Courts at *Westminster*, as well as in ca-

ses of Treason, Murder, Felony, in Actions, Prohibitions against the Admiralty, and other inferior Courts, p. 94, to 99, 199.

Treason, Appeals, Impeachments, Judgements, confiscations of Lands, Goods, for it in Parliament, p. 26, 27, 33, 67, 88, 204. In *Ireland* punishable in England by special Act, if not before, p. 91, 282. In forein Parts tryable onely by the Constable, Marshalls, Parliament; not in the Courts at *Westminster*, unless by late Acts, p. 91, 342. For Subjects to sell Ships, or timber to build them, out of the Kingdoms, against the Kings Prohibition, p. 153. To send Victuals, arms, money to the Kings enemies, or remove into their quarters in times of war, or adhere to them during the war, though they return again in times of Truce, for which their Lands, Goods are forfeited to the King, p. 386, 389, 390.

Treasure trove belongs to, and inquired of for the King, p. 153, 190.

Treasurers in England and Ireland. See Table 6. *John Gray Bishop of Norwich* made Treasurer of Ireland Anno 12 *John. Regis*, (there casually omitted, p. 349.) The abuses, corruptions of the Treasurers of *Ireland* complained against, inquired of, rectified, See *Ireland*.

Trials per medietatem lingua introduced by *Carta Mercatoria* An. 31 E. 3. p. 24. Trials in case of Merchant strangers by and before whom. *ibid* Of Treasons, offences committed, Obligations, Contracts made beyond the Seas, by and before whom, p. 90, to 95, 193, 194, 342. Not triable by the Common Law in England, *ibid*. Of things done in two Counties, or part on land, part on sea, not triable by the Common Law; nor things done in one County triable in another, p. 92, 341, 342. Of Escuage done out of the Realm by the Marshalls Certificate, p. 94.

Triers of Petitions in Parliament, p. 14.

Truce with the Scots, and *Earl of Flanders*, Commissioners to see them kept, inquired of, and to punish the infringers of them by depredations, &c. by sea or land, p. 141, 142, 340. See *Depredations, Admiralty*. With France, p. 386, 389, 390. Between the Scots and Islanders of *Man*, p. 385. Writers of them, and Leagues, p. 145. None to be made in *Ireland* with the *Irish* Rebels, Enemies, except universal, and on condition to restore all Lands taken from the King, or the English during the Warr, with the goods plundered, or value of them, p. 267, 268, 282, 283, 293.

V.

Venison: Tithes of it by special grants to Abbots, Bishops, others in Forests, p. 220, 221.

Verderers of Forests, exemptions from being elected, p. 32, 37. Discharged by reason of age or infirmity, *ibid*.

Vicars perpetual endowed in Churches annexed to Prebendaries, &c. with competent maintenance, by reason of the Non-residence of the Prebends on them, p. 294, 295. Their duty, p. 399.

Victuals, their excessive prices in London complained of, ordered to be regulated by the Mayor, set prices imposed on them, Cattel, fowl, p. 180, 181, 377, 378. Inquired of by Admirals, p. 116. Prohibitions against the exportation of Corn, Victuals to the enemies in times of Warr, p. 308, 387, 389, 390. To be freely carried to *Bristol* for the Townsmen and Parliament there summoned, p. 333. No purveyance of them

The Tenth Table.

them to be made in *Ireland*, but according to the Statutes, and paying for them, nor yet in the Churches fees, without their consent. See *Prævariance, Ireland*.

Viège of the Court, and Marshal of the Kings Households Jurisdiction, how far it extends, p. 74, 339.

View of Frankpledge, none to exercise it without the Kings special grant, p. 53, 215.

Villains in Ireland called *Betages*, admitted to the *Englisch* Law, not to forfeit their goods, chaucels, persons or issue, by the attainder of their Lords, p. 263.

Visitacion of the Kings Free Chappels, Hospitals, Colledges, Schools, by his own Commissioners, exempt from all other Visitors, p. 243, 404, 405, 406. Of the University of *Oxford* by the Archbishop of *Cambrwy* after much opposition settled by King R. 2. & H. 4. by Act of Parli. p. 367, 368. Of *Queen Hall* (now *Queens Colledge in Oxford*) by the Archbishop of *Torke*, p. 228, 229, 368. Of Archbishops, Bishops, Archdeacons Officials: Canons, Constitutions, Prohibitions against exacting, receiving Procurations from Churches not personally visited by them, or poor Churches, inquiries upon Oath 233, 234, 402.

Visitation printed Articles, Oaths to present upon them, exacting money from Churchwardens for presentment on them, for allowing Ministers Letters of Orders every Visitation, new illegal devices, extortions, p. 234.

Universities general for *England, Ireland, Wales, France, Italy, Germany*, and reading *Arabicke, Chaldee, Hebrew* Lectures in them, appointed in the Council of *Vienne*, p. 168. Of *Oxford*, and *Cambridge*. See these Titles.

Utlarics in England, for murders done beyond the Seas, reversed as erroneous, p. 91, 203, 342.

Unlawful persons in Ireland, not to be received in any Guildable, p. 268.

W,

Wages excessive of Seamen (not of other Artificers) regulated by the Admiral, p. 82, 110, 115.

Waifs and Strays in *St. Giles Fair*, p. 185.

Wales: Records concerning its Principality, Judges, Law, and what else belongs to it or its Princes, p. 176, 177. The Presidents Court of the Marches, retained, p. 178. The Custom concerning Intestates goods in its Marches, p. 177, 178.

Wapentakes, not to be let to farm, p. 53. when, how to be kept, p. 189, 190.

wards Court, Wardships, and their consequences, taken away by the Statutes of 12, & 13 Car. 2. p. 150, 151. *wards* fined for marrying without license, *ibid*.

Wardships in *Ireland* to be recovered as in *England*, not according to the *Irish* custome, p. 268, 269. The Kings presentment to a Church in *Ireland* by reason of *Wardship*, p. 322.

warre: lawfull in War to fire the Suburbs of a City, and seise Provisions to victual it, to preserve the City it self from the enemies; to demolish Monasteries, Churches adjoining to Forts, Castles, giving reparation afterwards. (without the Popes or Bishops assents in ~~such cases~~) to prevent the Enemies fortifying of them to the hazard or losse of the Forts, Castles, p. 60, 61, 270. Arrayes of men, according to their respective abilities, to find men at Arms, Archers, Hoblens, Beakens, Watches by Land near the Sea-coasts, enjoyned in times of war, danger, p. 56, 128, 134, to 141, 209, to 215, 288, 289, 297, to 302,

307, 308, 387, 390. To improve Ships of War, Mariners, Ships for carriages, all sorts of men to increase the Navy, to defend the Seas, and to exercise Martial law in Armies, Navyes, p. 59, 60, 87, 89, 104, 105, 108, 110, 111, 113, 114, 123, 124, 127, 128, 347, 148. See *Admiral, Cinqueports, Navy, Ships, Marshal*.

Fugitives from the Army, Navy, or their Captains, in times of war, without license, or from the Kings quarters to the Enemies, to be punished with forfeiture of their Ships, Estates, Lands, Lives; p. 17, 104, 105, 109, 126, 127, 386, 389, 390. The heirs of those slain in the wars in the Kings service, or company of their Lords, to pay no reliefs: to enjoy both their Lands, Chattels, though they dyed intestate, p. 105, 106.

Warrens, hunting in the Kings inquired of, p. 341.

wastes in Castles, Houses, Lands, seised by the Kings Officers in *Ireland*, complained of, p. 280, 281.

Watches at Beakens on the Sea-coasts, &c. in times of war, danger, enjoyned according to usage, renew. See *Array, Beakens, War, Essex, Kent, Wight Isle*.

Wearers, Kidels in Rivers navigable inquired of, removed by Commissioners of Sewers; not by the Admiral, if out of the file of the Sea; p. 82, 381, 382, 383, 384, See *Warre, Sewers*.

weights, Measures, to be but one throughout all *England*, and how to weigh with them; p. 24, 199, 295. To be sealed, examined, defects in them inquired of, punished by the Clerks of the Market, the Maior of *London* by his oath, &c. yet neglected, p. 181, 182, 191, 192, 381. Admirals have no jurisdiction to inquire of their defects within the Realm, p. 82. The Chancellors of both Universities to rectifie, reform them in *Qxford* and *Cambridge*. See the Records, p. 159.

Westminster, its Courts, Founder, Antiquity, Priviledge, Parliaments there held, p. 188.

Wesse Scholars expelled the University of *Oxford* for their sedition, p. 365.

Wight Island, anciently belonged to the Earls of *Devon*; descended to *Isabella* Countesse of *Albemarle*, as daughter and heir to the Earl; sold by her to King *Edw. 1.* for Twenty thousand marks; the Guatidians of it and of *Carisbrooke* Castle under our Kings, p. 208, 215. Mannors, Lands held of the Honor, Castle of *Carisbrooke*, and by what services in Peace, War, p. 208, to 212. 216, 217. Writs to array all the Inhabitants in it, to erect watches, Beakens in times of War, danger, and in what places, p. 209, to 212. What men at arms the Rectors of Churches in it ought to find in times of warre, p. 110, 211. What the King, Bishops, Abbots, others, and the City of *London* in *England*, p. 212. Knights fees belonging to the Castle of *Carisbrooke*, p. 216, 217. The Isle, Castle, &c. granted to *Peter de Gaveston*, and *Margaret* his wife, and the heirs of their two bodies, by *K. E. 2.* soon after revoked, and granted to his Son Prince *Edward* and his heirs Kings of *England*, with all Advowsons of Churches, Religious Houses, Hospitals, Wrecks, &c. all sorts of Courts, Franchises, Forfeitures, Fines, Ransoms, of his Tenants, &c. p. 215, 216. The Forest, Warrens, Officers, Bayliwicks in it, with their values, p. 217, 218. Their claim from exemption of *Aydes* to marry the Kings eldest daughter, by reason of other extraordinary services, p. 214, 215. An Inquisition of all extortions, oppressions of the Kings Officers, others in it, p. 394, 295. Of lands alienated in it without license, p. 395. Exporting Victuals prohibited in times of War, *ibid*.

The Tenth Table.

The annual value of the Lands rents, &c. *ibid.* the Privileges of *Newburgh*, and tenure of the Manor of *Hale*, p. 395. A License for the Archbishop of the Chappel of *St. Trinity* in *Barton* to purchase Lands, *ibid.* The Fines set by the Justices in *Eyre* belonged not to the King, before he purchased it, but to the Lord of the Isle; and that it had no Coroners, p. 208.

Wills: Complaints of *Ordinaries* extortions in Parliaments for probate of them; Indictments tot, Constitutions, Acts against such extortions, yet still continued, encreased by them, p. 232, 233, 234, 401. Probate of a Will in *England* intitles the Executor to the Testators Merchandize in *France*, p. 232.

Winton: *St. Giles* his extraordinary Fair; The Bishop of *Winton* extravagant Court of Pipowders, Tent, Justices, Officers, Coroners, Powers over the Mayor, City, Citizens, other Lords Franchises, Tolls, forfeitures, distresses, proceedings during its continuance even beyond the bounds of the Fair, p. 191, to 200.

Wreck at Sea; *K. Rich. I.* his Law concerning it in favour of Merchants and Mariners, p. 107. The Admirals have no Jurisdiction of it when cast on shore, p. 78, 80. Granted to the Prince and his heirs Kings of *England* in the Isle of *Wight*; its annual value there, p. 217, 218.

Writers of Admirals. Sea-laws, p. 104, 109, 133. Of Legates, Leagues, Truces, p. 145. Of English Par-

liaments, p. 44, 45. Of the Universities of *Oxford*, *Cambridge*, their Antiquity. *Writers*, p. 168, to 175. Of Appeals in Ecclesiastical Courts, p. 238. Of *Ireland*, p. 248.

Writs of Summons to Parliament, for election of Knights, &c. alterable, altered by our Kings and their Councils from time to time, according to their various occasions, without Act of Parliament, against *Sir E. Co.* mistake, p. 12, 13. See *Parliaments*. For Expences, wages of Burgesses, Citizens, Knights of Shires, when begun, their forms, returns of them, p. 1, 2, 3, 29, 30. Mandatory, and remediall, where they run, where not, p. 94. What Writs King *John* by his Charter ordered to run and be used in *Ireland*, p. 250. All original Writs to issue under the Great Seal in *Ireland*, as in *England*; Writs proper for the Exchequer, under the Exchequer Seal; what to be paid in *Ireland* for the Seal. See *Seals*, *Fees*. None to have returns of them but by special grant, p. 53. The execution of them in *Newcastle upon Tyne*, by whom, p. 343.

Y.

Torke: a Prohibition upon their Petition against the Archbishops Officers venacious Citations and Excommunications, p. 240; 241.

Reader,

TO avoid thy censurable Censure in making so many Tables to this Volume, and exceeding the brevity of an Index, in many Titles, especially in the Tenth Table, which Tables cost me more pains than the compiling of it, I did it upon these Accounts. First, For thy readier finding of all Persons, things contained under each head, sooner found in a particular than general Table, though never so exactly composed. Secondly, To adde some illustration in an Historical method, to the Lives, Acts of our Kings, Prelates, Popes, Officers of State, Earls, Nobles. Thirdly, To gratifie Heralds, in separating what relate to their Profession principally, in the 6. 7. and 8. Tables, from what relates not to it. Fourthly, That those who understand not the Latin or French Records here cited as *rolled*, which concern Parliaments, Exemptions, the Admiralty, the Universities of *Oxford* and *Cambridge*, *London City*, the Isles of *Man*, *Gernsey*, *Jersey*, *Wight*, Ecclesiastical Courts, and the Kingdom of *Ireland*, may read the History and Contents of them, in my Chronological Abridgements of them, when they have cause to make use of them; as Great Officers of State and others may likewise do upon all emergent occasions, who have no leisure to peruse the Records at large. — Jamque opus exegi.

DEO GRATIAS.

F I N I S.



An omitted Record, inserted.

CAP. 64. Of the *Ile of Man*, p. 203, l. 24. [after *him*, and before *it appears*,] this Commission of King *Edw. 1.* to hear and determine all Complaints of the Inhabitants of the *Ile* against his Officers, or any other, and to do them full and speedy Justice, according to the Custom of the *Iland*, should have been inserted; which evidenceth, he reserved the Sovereign Dominion of it to himself, as he did of *Scotland*, notwithstanding the premised possession thereof granted to *Balliol*.

REX Dilectis & fidelibus suis Nicholao de Segrave seniori, Osberto de Spaldington, & Johanni de Suthewell, salutem. Sciatis, quod Assignavimus vos Justiciar: nostros ad querelas omnium et singulorum de *Insula de Man* se conqueri volentium, de quibuscumque transgressionibus et injuriis eis per quoscumque, tam Ballivos et Ministros nostros, quam alios in prædicta *Insula* illatis, audiend. et terminand. et ad plenam et celèrem justiciam partibus inde faciend. secundum legem et consuetudinem partium illarum. Et ideo vobis mandamus, quod ad certos dies & loca quos, &c. in *Insula* prædicta querelas illas audiatis & terminetis in forma prædicta; facturi, &c. Salvis, &c. Mandavimus enim Custodi nostro *Insulæ* prædictæ, quod ad certos, &c. in *Insula* prædicta venire fac. coram vobis tot & tales, &c. In cujus, &c. Teste Rege apud Berewyk xv. die Julii.

Pat: 20 Edw. 1
m. 7. dorso,
De Querel.
hominum In-
sulæ de Man
audiend. &
terminand.

E R R A T A.

Readers, Be pleased to correct these following Errataes and Omissions at the Presse; which seldom escapes without any, or more than these.

In the Pages overhead, for p. 31, read 23. for p. 34, read 24. for p. 32, read 34.

In the Margin, p. 30. l. 8. after *E. 3.* adde, *Cl. 15 E. 3. pars 1. dorso. 42. p. 32. l. 42. after, &c. adde, Pat. 6 R. 2. pars 2. m. 26. p. 40. l. 1. Ed. 1. r. Ed. 2. p. 62. l. 1. for A. 3. r. 2. p. 71. l. 27. r. Constabular. p. 159. l. 24. for cap. 16. r. 13. l. 25. for c. 15. r. 13. p. 229. l. 4. adde, *Ypadig. Neustr. p. 147, 148. p. 287. l. 9. for 2. r. 1. p. 322. l. 2: for 2. r. 2. p. 383. l. 14. against Avo* in the Text, adde, *Pat. 39 E. 3. pars 1. dorso. 30. p. 384. l. 16. H. 1. r. E. 1. p. 404. l. 8. 1000. r. 1006.**

In the Text, p. 3. l. 37. for *x* marks, *r. pounds*; p. 4, l. 53. 120. r. 128. p. 5. l. 47. r. *Communitatis*; l. 51. for 22, r. 23. p. 8. l. 51. r. *consulerunt*; p. 21. l. 51. for 32, r. 23. for mem. 10, r. 13. l. 52. dorso. 17, r. 25. l. 53. dorso. 12. r. 25, 26. p. 22. l. 4. for m. 2, r. 3. p. 55. l. 33. after p. adde, & 103, 104, 113, 114. *Stat. de Roteland*; p. 56. l. 17, r. *inform*; p. 69. l. 4. for *Ricardo, r. Bernardo*; p. 77. l. 24. c. 2, r. c. 13. p. 89. l. 17. an, r. any; p. 91. l. 29. for *Michi r. Hill. l. 24. for 25, r. 10. p. 129. l. 17. after 89, adde, 3 Instit. p. 150. l. 2. r. E. 4. p. 154. l. 29, r. from prisage*; p. 159. l. 32. for m. 8, r. 6. p. 189. l. 13, r. *Lambard*; p. 221. l. 27, for p. 304, r. plac. 10. p. 224. l. 22, r. r. *politice*; p. 234. l. 46, r. R. 2. pars 2. m. 3. f. 20. p. 342. l. 23. for *eis, r. ei*; p. 363. l. 1, for grounds, r. *graces*; p. 401. l. 16, for 26, r. 16 R. 2.

In the 10. Table, Tit. *Gafile-gard*, l. 2. for 282, r. 280.



77





