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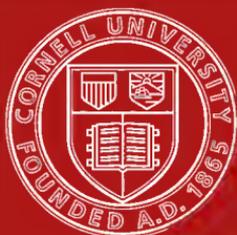
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STAR CHAMBER
CASES

STAR CHAMBER CASES

SHOWING WHAT CASES PROPERLY BELONG TO THE
COGNIZANCE OF THAT COURT

Reprinted from the Edition of

1630 OR 1641



BOSTON
SOULE AND BUGBEE

1881

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UNIVERSITY PRESS:
JOHN WILSON AND SON, CAMBRIDGE.



INTRODUCTION.

THE Court of Star Chamber "is now,"
says Lord Coke, "and of ancient 4th Inst. 65, 66.
time hath been called the Cham-

ber of the Stars, the Star Chamber, the
Starred Chamber, in respect the roof of the
court is garnished with golden stars. In all
records in Latin it is called *camera stellata*."

The Council itself, whether Parliament was
assembled or not, held its sittings in the
"Starred Chamber," situated in the outer-
Palgrave, Au-
thority of the
King's Council,
p. 38.

most quadrangle of the Palace, next the
bank of the river, and consequently easily
accessible to the suitors, and which at length
was permanently appropriated to the use of
the Council. "The Lords sitting in the
Starre Chamber" became a phrase.

Works, Vol. VI.
p. 85, ed. Ellis
& Spedding.

Lord Bacon, in his "History of King Henry VII.," thus writes of the origin, authority, composition, and jurisdiction of this court: "The authority of the Star Chamber, which before subsisted by the ancient common laws of the realm, was confirmed in certain cases by Act of Parliament. This Court is one of the sagest and noblest institutions of this kingdom. For in the distribution of courts of ordinary justice (besides the High Court of Parliament) in which distribution the King's Bench holdeth the pleas of the crown; the Common Place,¹ pleas civil; the Exchequer, pleas concerning the King's revenue; and the Chancery, the Pretorian power for mitigating the rigour of law, in case of extremity, by the conscience of a good man;² there was nevertheless always

3 Hen. VII. cap.
1.; post, p. 15.
Bacon, Max.
XXIII.

Court of Com-
mon Pleas.

¹ It was, before the passing of the Judicature Acts, frequently called Common Bench, as the former is called King's Bench, but its most usual name is Court of Common Pleas.

The Lord Chan-
cellor.

² The High Court of Chancery is presided over by the Lord Chancellor. He mitigates the severity or supplies the defects of the judgments pronounced in the courts of law on weighing the circumstances of the case, or, as Bacon says in the text, "by the conscience of a good man." Among the Romans a like power was given to one of their magistrates,

reserved a high and præ-eminent power to the King's Council in causes that might in example or consequence concern the state of the Commonwealth; which, if they were criminal, the Council used to sit in the chamber called the Star Chamber; if civil, in the White Chamber, or White Hall.¹ And as the Chancery had the Pretorian power for equity, so the Star Chamber had the Censorian² power

Lord Bacon,
History of King
Henry VII.

called Prætor, and the *jus prætorium*, or the decisions given by this magistrate, were distinct from the standing laws of the nation. This is the distinction to which Bacon alludes. *History of King Henry VII.* p. 257, ed. Lumby.

¹ The present House of Lords is situated on the site of the "White Chamber," or "White Hall." The ancient Hall was nearly demolished in the reign of Queen Anne; but on the east side of the present robing chamber are two circular-headed windows with indented mouldings, apparently of the time of Henry II.—PALGRAVE, *Authority of the King's Council*, p. 38 note.

The "White
Chamber."

² Among the Romans an officer called Censor was appointed every five years, and his office was considered the highest dignity in the Republic. Among other functions, the Censors exercised a moral jurisdiction and superintendence which extended itself in time over the whole public and private life of the citizens. We have instances where the Censors punished people for not marrying, for breaking a promise of marriage, for divorce, for bad conduct during marriage, for improper education of children, for extravagance, and for other irregularities of private life. They also punished magistrates for bribery or neglect of duty, and persons who had

Censor.

for offences under the degree of capital.¹ This Court of Star Chamber is compounded of good elements; for it consisteth of four kinds of persons;² counsellors, peers, prelates, and chief judges: it discerneth also principally of four kinds of causes; forces,³ frauds, crimes various of stellionate,⁴ and the

“What Causes properly belong to the Cognizance of the Court.”

committed perjury, or were neglectful of their civil or military duties. Bacon compares the jurisdiction of the Star Chamber to the court of the Roman Censor. *History of King Henry VII.* p. 257, ed. Lumby.

“Court of Criminal Equity.”

¹ In *Attorney-General v. Sillem*, 2 H. & C. 509, Chief Baron Pollock observed: “We have had in this country no Court of Criminal Equity since the Star Chamber was abolished, as Lord Campbell called it, in a case which was tried before him.” *Emperor of Austria v. Day*, 3 De G. F. & J. 239.

Judges.

² That is, by the provisions of the Statute of Henry VII. The first kind was the Lord Chancellor, the Lord Treasurer and the Lord Privy Seal, as Judges; then (2) one Bishop; (3) one Temporal Lord; and (4) the two Chief Justices, or, in their absence, two other Justices.

“Force,” meaning of.

³ The unlawful use of force, as it is explained below, the combination of multitudes for unlawful purposes, and the patronage bestowed by great men and men of influence on such combinations. All the laws which relate to the keeping of a large number of retainers have in view the suppression of illegal outbreaks and faction fights. The Latin explains this by *suppressio turbarum illicitarum*.

“Stellionate.”

⁴ The crimes of “stellionate” are any cozening or counterfeiting of merchandise, any unjust or deceitful gaining, a malicious or fraudulent bereaving another of his money, wares, due provision or bargain. *Cotgrave, Dict. ad voc. Post*, p. 10.

inchoations¹ or middle acts towards crimes capital or heinous not actually committed or perpetrated. But that which was principally aimed at by this act was force, and the two chief supports of force, combinations of multitudes, and maintenance or headship of great persons.”

“It is the most honourable Court,” says Lord Coke, “our Parliament alone excepted, ^{4th Inst. 65.} that is in the Christian world, both in respect of the Judges of the Court and of their honourable proceeding according to their just jurisdiction, and the ancient and just orders of the Court. For the Judges of the same are (as you have heard) the grandees of the ^{Judges of the Court.} realm, the Lord Chancellor, the Lord Treasurer, the Lord President of the King’s Council, the Lord Privy Seal, all the Lords spiritual, temporal, and others of the King’s most honourable Privy Council, and the principal Judges of the realm, and such other lords of Parliament as the King shall name. And it is truly said, *Curia cameræ stellatæ*,

¹ That is, the prompting, aiding, and abetting; the being an accessory before the fact.

si vetustatem spectemus, est antiquissima, si dignitatem honoratissima. This Court, the right institution and ancient order thereof being observed, doth keep all England quiet.”

On the Authority of the King's Council, p. 110.

“Nor was the encomium undeserved,” says Sir Francis Palgrave. “If the Court of Star Chamber was despotic, yet, nevertheless, it afforded a substantial compensation for injuries: the Star Chamber curbed the justice and punished the jailor; vexatious wrongs were easily and fairly redressed; and, except when the Crown was concerned, the inclination of the Court was generally in favour of the poor, the humble, and the oppressed.”

The Reporters, p. 275, 4th ed.

Mr. Wallace thus writes of the jurisdiction of the Star Chamber in describing the original of this reprint: —

Opening Scene of “The Merry Wives of Windsor.”

“When Mr. Justice Shallow, grieved by the ‘disparagements’ of Falstaff, threatened to ‘make a Star Chamber matter of it,’ vowing that ‘if he were twenty Sir John Falstaffs, he should not abuse Robert Shallow, Esquire,’ — who writes himself ‘Armigero,’ — he seems to have apprehended, with judicial exactness, the extraordinary jurisdic-

tion of this tribunal, as presented in the volume before us; slanderous words against a King's Justice being one of the offences specially punished by the Star Chamber, in exercise of a peculiar as distinguished from an ordinary jurisdiction.¹ And the charity of Sir Hugh, the parson, was much better than his law when he supposed that the Council desired "to hear the fear of Got, and not to hear a riot"; unlawful assemblies, routs, *riots*, forgeries, perjuries, coz-oanages, and libellings, being declared in these Reports to be the matters which *properly* belong to the jurisdiction of the Star Chamber."

In the third year of the reign of Henry VII. an Act was passed giving the Court of Star Chamber further authority to punish divers misdemeanours. These are enumerated in the statute: unlawful maintenance, giving of signs and liveries, tokens and retainers, embracery, untrue demeaning of sheriffs in the returns and panels of juries, and great

Jurisdiction of the Star Chamber.

Palgrave, Authority of the King's Council, pp. 97, 104.

Jurisdiction of the Court.

¹ See *post*, p. 33, where a man was punished for this offence.

riots and unlawful assemblies; of which little or nothing, according to the statute, could be *found by inquiry*, that is to say, which the grand juries refused to present,¹ “whereby the policy and good rule of the realm were almost subdued.” The statute was intended to punish offences concerning which the Courts could not inquire by the common law.

Jurisdiction of
the Court.

By the time of Edward III. the jurisdiction of this Court had become so oppressive that various statutes were made to restrain it, as was necessary in a Court where there was no jury and the judicial members whereof were the sole judges alike of *law*, of *fact*, and of penalty. The regulations introduced by the act of Henry VII. were virtually the erection of a Court of Star Chamber on the ruins of the old. The jurisdiction of the Star Chamber was greatly extended in the reign of Henry VIII., and its exercise of criminal jurisdiction rendered it a most odious institution under the succeeding monarchs. It was abolished by the Long

¹ Lord Somers remarked on the Court of Star Chamber, that, whatever its evils, it punished many “offenders too big for ordinary justice.”

Parliament in 1641, when "all that was good and salutary in its jurisdiction" is said to have reverted into the Court of King's Bench.

In Hudson's "Treatise of the Court of Star Chamber," printed in "Collectanea Juridica," Vol. II. p. 1, the reader will find a well written "survey of the Court."¹

Hudson's
Treatise.

F. F. HEARD.

BOSTON, December, 1881.

¹ "This Treatise was compiled by William Hudson of Gray's Inn, Esquire, one very much practised and of great experience in the Star Chamber." — 4 Burr. 2553.

STAR-CHAMBER C A S E S.

Shewing

WHAT CAUSES PRO-
PERLY BELONG TO THE
COGNIZANCE OF THAT
C O U R T.

Collected for the most part out of Mr.
CROMPTON, his Booke, entituled
The Jurisdiction of divers Courts.



L O N D O N,
Printed for JOHN GROVE at Furniuals
Inne Gate. 1630.



The Preamble, explaining the
caufes properly belonging to the
Cognizance of the *Starchamber*, viz.
Vnlawfull Affsemblies, Routs, Riots, Forgeries,
Periuries, Cozenages, Libelling, and other
like mifdemeynors not eſpecially provided
for by the *Statutes*.



AN *Vnlawfull Affembly* is the meeting of three or more persons together, with force to commit ſome unlawfull act, and abiding ſtill, not endeavoring the execution thereof, as to affault or beat any perſon, or to enter into his Houſe or Land, &c. *Weſt part 2. Symbol. tractat. Indictments Sectio 6. Lambert in his Eirenarch.* ſaith of it thus: An unlawfull affembly is the company of three perſons (or more) gathered together to doe any unlawfull act although they doe it not in deed. So ſaith *Kitchin fol. 20.*

Rout is originally a French word ſignifying a Company or flocke. It ſignifieth in our

Vnlawfull Affsemblies.

Rout.

mon Law an Affsembly of three persons, or more going about forceably to commit an vnlawfull act, but yet doe it not. *West part. 2. Symbol. Tractat. Indictments. Sect. 65. Lambert* thus writeth of it; A Rout is the same which the *Germanes* yet call (*Rot*) meaning a Band or great Company of men gathered together, and going about to execute, or executing indeed any Riot or vnlawfull Act. And (saith *Marrow*) it is said properly of the multitude that assemble themselves in such disorderly sort for their common quarrels. As if the Inhabitants of a Township doe assemble to pull downe a hedge or pale, to haue Common where they ought to haue none, or to beate a man that hath done them some publike offence or displeasure. But the *Stat. of 18. Ed. 3. cap. 1.* which giueth Process of Outlawry against such, as bring routs into the presence of Iustices, or in affray of the people; and the *Stat. of Anno R. 2. cap. 6.* that speaketh of riding in great Routs to make entry into lands, to beat others, and to take their wiues, &c. do seeme to vnderstand it more largely.

And it is a Rout whether they put their purpose in execution or not, if so be that they goe, ride or moue forward after their meeting. *Br. titulo Riot. ca. 5.* So as it seemeth, a Rout should be a speciall kinde of vnlawfull Affsembly. And the disorderly fact committed

ted generally by any vnlawfull Affembly: Howfoeuer it be, two things be common both to Rout, Riot, and vnlawfull Affembly; the one that three perfons at the leaft, bee gathered together; for fo it is commonly taken at this day, as I haue learned: the other that they being together, doe breed disturbance of the Peace, either by fignification of fpeech, fhew of Armour, turbulent gecture, or actuall and exprefse violence, fo that either the peaceable fort of men bee vnquieted and feared by the fact, or the lighter fort & bufie bodie emboldened by the example. Thus farre M. *Lamb.* in whom you may read much more to this purpofe worth the reading.

A Ryot is the forcible doing of an vnlaw- Ryots.
full act by three or more perfons affembled together for that purpofe. *West. part. 2. Symbol. tractat. Indictments Sectio 65. Kitchin fol. 19.* giueth thefe examples of Ryots, the breach of inclofures, or of banckes, or Conduits, Parks, Ponds, Houfes, Barnes, the burning of ftacks of Corne. And M^r. *Lambert* in his *Eirenarcha* vfeth thefe examples, to beat a man, to enter forcibly vpon a poffeffion.

The *Statutes* that concerne thefe matters are thefe following, *Anno 2. Edw. 3. cap. 3.* commonly called the *Stat. of Northampton.*

Anno 2. R. 2. Stat. 1. cap. 6.

Anno 13. H. 4. cap. 7.

Anno

Anno 2. H. 5. cap. 8. & 9.

Anno 8. H. 6. cap. 14.

Anno 11. H. 7. cap. 7.

Anno 19. H. 7. cap. 13.

Anno 1. Mar. Parl. 1. cap. 12.

Anno 2. R. 2. Stat. primo cap. 7.

Anno 17. R. 2. cap. 8.

The Civilians call it *Cœtum, vel Turbam*, which we call an unlawfull affembly, defining it in these words: *Turba est quæ consistit ex multitudine hominum ad mali cujusquam perpetrati-
nem congregatorum*; and this multitude must be of fiftene, or tenne at the least. *Prætor de vi bono rapt. §. 1. Et Barthol. ibidem.* Howbeit, the Constitutions and Customes of divers Countries doe restraine this to a lesser number: as to foure in Burgundy, *Chassaneus de Consuetud. Burgum rubri* 13. §. 6. And it is a private offence to any person, & lyeth *civiliter ad duplum* only, within the compas of the first yeare: and *ad simplum* afterwards for any thing lost, or other harme incidently befalling; or *in quadruplum*, for any thing taken away by any of the tumult. But it is also punished criminally, as a publike offence done to the Commonwealth, and against the peace. And first if the force be done without armes, it is called *vis privata*, and punished by the third part of his goods that causeth it, and by infamy that depriveth him of all possibility

sibility either to become a Senatour, or a Decurian, or a Iudge, or other Honourable person, or Officer. If it be with armes, then it is termed *vis publica*, and is punished in the intention no lesse than in the effect, *per deportationem*, that is, perpetuall banishment, if he be a freeman; or by death, if slaughter be committed: If he be a servant, then by death simply. The Saxons punish it at this day *per fastigationem, vel manus amputationem*. But three things here be accessarily incident. First, that the force raised be greater than may be resisted by him against whom it is intended, without other helpe. Next, that the force be *vis armata*, that is, *quæ fit adhibitis armis*: the third, that there be *dolus*, that is, a pretended malice, or setled intention to harme. *Gayl. de pace Pub. lib. 1. cap. 7.*

The reason why the intention in this case is reputed an effect, is because it is reckoned *inter atrociora delicta*: In the which, for the extraordinary regard of the publike estate, *conatus perinde atque effectus punitur*. *Gayl. ubi supra cap. 13.*

Forgery is a falshood committed in or about some writing or Deed: as if a man write or signe a false Testament, or falsely set down therein some Legacie, or trust in himselfe; or if he make a false Deed, or Accompt, or other Instrument; or if he bribe or corrupt

B

a Iudge

a Iudge, or doe raze, change, or corrupt any writing, to the defrauding of another man, or doe convey, remove, or take away, suppress, conceale, or falsely signe a Testament, or counterfeit another mans hand in writing, or counterfeit the hands of Magistrates, and Certificates, Testimonials, or Licenses in their names, or corrupt or fuborne false witnesses, or make false accompt or reckoning. *West. part. 2. Symbol. tractat. Indictments, Sect. 60.* I finde three Statutes against this offence.

Anno 1. H. 5. cap. 3. repealed by *Anno El. cap. 14.*

Anno 7. H. 5. cap. 3.

Anno 5. Eliz. cap. 14.

Forgery, is that which the Civilians call *Crimen falsi*, or at the least one part thereof: For by them *Crimen falsi* is extended as well to false measures, or weights, to false accusations, and conspiracies, (as we call them) *ad partus suppositos*, and such like, as to forging of writings, or Deeds. That which wee call Forgery, they terme *falsitatem scriptorum*, which is committed by as many wayes as are above expressed in the example of definition set downe by *West.*

Pæna falsi, aut quasi falsi, id est, ejus delicti quod ex Senatus consulto, aut interpretat' prudent. pro falso habetur, est deportatio, & omnium bonorum

bonorum publicatio, in liberis, in servis ultimum supplicium: Sed hodie hæc est pœna arbitraria, & pro qualitate delicti, aut extenditur ad ultimum supplicium, aut remittitur usque ad manus amputationem, vel relegationem temporal. *Wesemb. in parat. de crimine falsi.* But for the diversity of punishments in this case, according to the diversity of the offence in these latter times, See *Dantrowderius* in his criminall practice, *cap. 122.*

Perjury is a lye confirmed by oath. *West.* Perjury. *part. 2. Symbol. tractat. Indictments Sect. 28. Mendacium juramento firmatum, Iul. Clar. perjur.* This perjury that is punishable in the Starre-chamber, as I have heard learned men say, is such as is committed in some of the Kings Courts of Record. For if it be an extrajudiciall perjury, or committed in a Court Christian, or any inferiour or base Court, it is rather punishable by Ecclesiasticall penance. Such perjury as is commonly punished in the Starchamber, is corrected by some arbitrary censure; as fometime by fine to his Majesty, fometime by pillory, fometime by whipping, fometime by losse of an eare or eares, sometimes by imprisonment, and sometimes by more of these punishments joyned together, according to the quality of the offence, or of the person: touching perjuries, looke these Statutes:

Anno 3. Ed. 1. cap. 37.

Anno 5. E. 3. cap. 6.

Anno 11. H. 6. cap. 5.

Anno 15. H. 6. cap. 5.

Anno 18. H. 6. cap. 4. & cap. 14.

Anno 1. R. 3. cap. 4.

Anno 11. H. 7. cap. 15. 21. 23. 24. & 25.

Anno 1. H. 8. cap. 1.

Anno 23. H. 8. cap. 3.

Anno 26. H. 8. cap. 4.

Anno 5. El. cap. 9.

We have perjury committed in England by one meanes, which in other Nations is unknowne: And that is by the Iury or Enquest, that breake their oathes in giving up their verdict. In which case there lyeth a Writ of attaint against them, whereby they are summoned to appeare in the Kings Bench at a certaine day, and there being convict of perjury, are according to the ancient Law of England to undergoe a most ignominious punishment: as you may reade in *Glanvil. li. 2. cap. 19.* and *Breton cap. 53. & cap. 100.* and *Fortescue cap. 26.* And that is to have their Medowes cared, their Houfes broken down, their Woods burned up, their Lands and Tenements forfeited to the King, and (as it may be gathered out of *Fitzherb. Nat. Br.* in the Writ of Attaints, *fol. 195.* their bodies to be committed to prison during the Kings plea-

pleasure, but wee see no example of this in these daies, but rather in lieu of this, some of these punishments formerly expressed.

This by the Civill Law is a branch of *crimen falsi*, and therefore is censured as before is set downe in *Forgery*, howbeit the best Civilians be of opinion, that it hath not any ordinary punishment, but *juxta arbitrium Iudicis*, *Fachin de contro. Juris, lib. 1. ca. 14.* yet other effects doe follow of it, as *Iulius Clarus* mentioneth. *Perjurium*, first it is questionable, whether that he that is *perjurus* be *infamis infamia Juris* or not, and the common opinion is negative, yet with this distinction, *super juramento assertorio* hee is not: *Sed si promiserit cum juramento aliquid de futuro, & illud non fecerit, ex tali perjurio fit infamis infamia Juris; Item Clericus propter perjurium potest privari dignitate obtenta non tamen privatur ipso jure; Et hæc est communis opinio, Clericus tamen perjurus, si instituat in aliquo beneficio non valet institutio ipso iure; Et hæc est communis opinio, Clericus tamen periurus; incidit etiam perjurus circa pacta, vel transactiones in pœnas Legis 41. Col. de transactione: viz. nõ solũ infamatur verumetiã actione privatur restituta pœna qua pactis probatur inserta & rerum proprietate careat & emolumento, quod ex pactione, vel transactione illa fuerit consecutione. Præterea perjurus repellitur ab agendo etiam à testificando: Si tamen juramentum lici-*

tum fuerit non temerit non temerarium & illicitum.

Excusatur tamen perjurus a pœna perjuriÿ diversis modis, & inprimis, si ostendit se sine dolo fuisse pejurum.

Secundo propter difficultatem juramenti observandi. Tertio si tale perjuriû nulli alij sit detrimentosum.

Cozenage.

Romani solebant eos punire qui per nomen Principis perjuri erant, nos quidem eos qui per nomen Dei perjuri sunt.

Cozenage is an offence, whereby any thing is done guilfully in or out of contracts, which cannot fitly bee termed by any speciall name, *West. part 2. Symbol. tract. Indictments Sectio 68.*

This is by the Civilians called *Stellionatus*, à *Stellione, quod est lacertæ genus quo nullum animal homini invidet fraudulentius, Plinius libr. 3. cap. 10.*

The punishment of this is Arbitrary as in our Realme, so likewise by the Civill Law, as appeareth by the twentieth title of the 47. booke of the Digests, and *Wesenbecius* parat. upon the same.

Libellers be oftentime dealt with in Star-chamber, as offenders not sufficiently provided for by the Lawes otherwise, wherefore it is not amisse here to define a Libell: *Famosus Libellus est non modo si dissimulato, vel ficto authoris*

authoris nomine edatur, verumetiam si expresso.

But then what is the difference betweene an injurie in writing, and a Libell? For *iniuria* is either *realis quæ re infligitur, ut per verbera, aut verbalis quæ verbo vel scripto* or *personalis quæ personæ infligitur ut per verbera vel cruciatum.* An iniury in writing.

The difference therefore betweene a written injury and a Libell is, *quia famosus libellus ad infamiam pertinet, hoc est impingit delictum aliquod notabile, injuria fit contumeliæ causa, etiam absq̃ infamiæ nota, ut si quis luscus, spurius, claudus, alioue contumelioso nomine appelletur & traducatur.*

The rest of the misdemeanors punishable in this Court cannot bee comprized under any certaine title but this, for that the most part be such as receive no speciall punishment, by either the common or Statute Law. And these in the Civill Law are called *crimina extraordinaria quia extra ordine puniuntur, unde certæ nullæ pænæ existunt; Sed arbitrio iudicis committuntur.* Of these you may read many in the 47. booke of the Digests, *titulo 11.* and in *Wesensbecius* upon the same. But which they bee with us appeareth in some sort by these cafes, that M. *Crompton* hath in this treatise following fet downe *de facto* to have beene censured heretofore in this Honourable Court.

The



The Court of *Starre-chamber*,
and matters before the
Kings Counsell.

Set forth in *French* by M. Crompton in his
Booke entituled, *The Iurisdiction*
of divers Courts.

THe Court of *Starr-chamber* is
a High Court, held be-
fore the King, and his
Counsell, and others. And
those that be fued there bee
called by a *Subpœna* to ap-
peare before the King and his Councell, at the
day mentioned in the writ. At the which day
if he make default, then upon oath taken that
the party was served with the *Subpœna*, there
shall issue out an Atachment, upon the
which if he be taken and doe appeare, he shall
be committed to the *Fleet*, by the discretion
of the Court. If hee bee not taken nor yeeld
himselſe, there shall then issue out a Procla-
mation of Rebellion, with Commandement
to apprehend him, and to have his body be-
C fore

fore the King, and his Counsell at the day set downe in the writ. At the which if he appeare he shall be committed to the *Fleet*. But if hee appeare *gratis* upon the Proclamation or upon the Attachment the contempt will not be so heynous, if hee have any reasonable excuse. And upon his default of appearance upon the Proclamation there shall goe out a Commission of Rebellion which appeareth hereafter in this treatise.

Note that if the partie doe *gratis* yeeld himselfe upon Proclamation hee shall bee bound by Obligation to the King before the Master of the Office of this Court to appeare at everie Session of the Lords untill he be discharged.

Note that the *Stat. Anno 3. H. 7. cap. 1.* giveth that the Chancellor, and the Lord of the privy seale, calling to them two Lords, the one spirituall the other temporall of the Kings Counsell, and the chiefe Iudges, may examine Riotts and maintenances, &c. And none is Iudge of this but the Chācellor, Treaſuror, or Lord Privy Seale, or two of them: the other shall be Assistants and not Iudges. *Ad quod concordant omnes Iusticiarij*; And the same is to be said of the Statute concerning the reverſing of errours in the Exchequer Chamber by the Chancellor and Treaſuror, calling to them two Iudges *ſed in primo caſu Iuſticiarij*

Maintenances.

Iusticiary tenent it to be an error, If the Chancellor, Treasuror, &c. doe not call the Iudges, and doe by their Iudgments, because the *Stat.* so limiteth, 8 *H.* 7. 13. *Commentar.* 393.

An Abbot releaseth his right in twelve Acres of Land to a Purveyor of the King for extremity done to the Abbot by taking of his goods, *viz. Beeves: & consilio Regis*, it was awarded that the Release was void by reason of that extremity, 28. *Affises* 39. appertaineth to the Common Law; *Ideo quære.*

A release made by extremity.

Note that *Knivet* Iustice saith that one who had reported in the Country that there were warres beyond Sea: so that none could passe by Sea that yeare, whereupon the price of Woolfels were sold at a lesse rate. And he for that cause was constrained to come before the Kings Counsell, and fined to the King, 43. pounds *Affise* 38.

Falfe reports.

If any man make a suggestion to the King himselfe which is false, by meanes whereof any man be turned to damage or losse, he that maketh this false suggestion shall be brought with his suggestion before the Chancellor, Treasurer, and his great Counsell, and there shall find suerty to prove his suggestion. And if he that made the suggestion or cōplaint cannot prove his intention against the Defendant by proces of Law; he shall be imprisoned, and shall so remaine untill hee have made gree

Falfe suggestion to the King.

to the party for the damages, and for the slander that he hath borne by that occasion, and shall afterward be fined and ranomed to the King 37. *Ed. 3. cap. 18.* 38. *Edw. 3. cap. 9.*

Vntrue suggestion.

When men are compelled to come before the Kings Counsell by writs founded upon an untrue suggestion, the Chancellor after the suggestion is found untrue, shall have power to award damages at his discretion to him that is so unjustly troubled, 17. *R. 2. ca. 6.* And by these two *stat.* it seemeth that the Counsell of the King heard causes long before the *stat. 3. H. 7. ca. 1.* But some write that they had not authority before the *Stat.* to heare heynous misdemeanors, &c. But by this statute the contrarie appeareth, and by the case 43. *lib. Affise 38. supra & ut: vide 13. Ed. 4. ca. 9.*

An Affize was awarded for damages for the plaint: upon certificate of the Bishop that the Tenant was a Bastard; where the Parliament had sent a Writ to the Iustices of Affize to cease, and yet they proceeded *ut supr.* whereupon the Chancellour reversed this judgement before the Counsell, and fetled it in the same plight it was in upon the Certificate, &c. and sendeth it backe to the Iustices of Affize, who proceeded and gave judgement for the plaint: because the Bishop had certified the Tenant to be a Bastard, and had

had no regard to the reverfall before the Counsell, for that is no plea where judgement may be reverfed. *Quod nota, & sic vide*, that they had no respect to the maner of 13. *Ed. 3. 14.*

The Chancellour and Treasuror of England for the time being, and the Keeper of the Kings privy Seale, or two of them, calling to them a Bishop, and a Temporall Lord and the two Chiefe Iustices of the Kings Bench and Common Pleas, or two other Iustices in their steads, upon Bill or Information to the Chancellor for the King, or any other, against any person for unlawfull maintenance, giving of liveries, signes, or tokens, and retainers by Indenture, promises, or other writings, or otherwise for embraceries of the Kings subjects, deceitfull behaviour of Sheriffes, in making pannells or untrue returns, for taking of money for Iurors, for great Ryots, and unlawfull assemblies, have authority to call before them by Writ, or privie Seale, the said misdoers, and to punish them according to their demerits, as if they had beene committed by the Common Law. *3. H. 7. cap. 1.*

The Chancellor, Treasuror of England, and President of the Kings Counsell, attending upon his person for the time being, and the Keeper of the Kings privie Seale, or two

- Misbehaviours mentioned in the Stat. an. 3. H. 7.
- of them, calling to them a Bishop and a Temporall Lord of the Kings Counsell, and the two Chiefe Iustices of the Kings Bench and Common Pleas, or other two Iustices in their places, upon Bill of Information to be given to the Chancellour of England, Treaferer, President of the Counsell, or Keeper of the privie Seale, for any misdemeour mentioned in the Statut. 3. *H. 7. cap. 1.* have power to call before them by a Letter under the privie Seale, such misdoers, and to examine them, and such as they shall finde defective, to punish according to the Statute, and all other Statutes made heretofore, even as if they were convict by the Common Law: 21. *H. 8. cap. 20.* they may punish the taking of women under the age of sixteene yeares from their parents against their wills, and contract marriage with them, against 4. & 5. *Phil. & Mar. cap. 18.*
- Taking of women under the age of 16 yeares.
- Forgery. They may punish a forger of false Deeds, *per 5. Ed. 1. ca. 14.*
- False tokens and messages. They may punish those that obtaine goods and chattells of any other by false tokens and messages counterfeited in other mens names, by 33. *H. 8.* he shall bee set on the Pillory, or have other corporall punishment, other than of death, as the Court shall award where he is convict.
- They may punish perjury, by 5. *Ed. 1. ca. 9.*
and

and subornation of perjury, *ibid.*

They may punish spreaders of false newes, and false messages of Noblemen and other against the Statut. *anno* 12. *R.* 2. *cap.* 11. 2. *R.* 2. *cap.* 5. *Vide Parlm.* the case of the Duke of Buck. and the Lord of Daburganie.

They may and doe punish notable deceit and fraudulent detaining in this Court, and cofenages.

They may asseffe a greater fine than is asseffed by the Iustices of Peace upon Indictments in the County, as it fell out in the case of Sir *John Conway*, and *Lodovick Grevill*, for that the said *L.* assaulted the said Sir *John*, and strucke him to the ground at Temple-barre, with a cudgell called a bastinado, for which he made fine in this Court C. l. and more about the 27. of *Eliz.* though he were indicted in the Country for the same assault, and fined before the Iustices of Peace there, or found surety for the same fine.

A woman great with childe, which was suspected of incontineny without cause, was commanded to be whipped in Bride-well, London, by the Masters there, and because she fell to travell before her time, &c. they were for this fined in this Court at a great summe: And by order of the Court it was awarded that they should pay a certaine sum to the said woman, about the 31 of *Eliz.* See the

Perjury and subornation of perjury. Spreaders of false newes, and false messages of Noblemen. upon the Stat. 2. *R.* 2. c. 5. is grounded Scand. magnat. Fraudulent detainings.

Fines upon Indictments.

Whipping a woman with childe suspected of incontinen-
cie.

the proceedings there concerning this matter in the yeare aforefaid, fet downe more at large.

Notorious deceit in taking of beafts.

A man tooke the beafts of another, but not felloniously, and held them as his owne in the deceit of the buyer: This falshood may be punished here, if it be a notorious deceit as it seemeth, for he may have an action upon the case, *Br.* 85. *lib. Aff.* 8.

Deceit in an execution of a writ of *Elegit*.

A man hath an *Elegit*, and the Creditor causeth the Iury to finde that the debtor hath more land than indeed hee hath, infomuch as the Creditor hath all the Land in execution: there he hath no remedy to difanull the execution by the Common Law, because he hath the Land by Record, *viz.* by the verdict of the Iury: *vide* action upon the case, *Br.* 81. 27. *lib. aff.* 73. that he cannot have remedy of this falshood, but it seemeth that he shall bee punished in this Court of Starchamber: for this dealing is a procurement to the Iury to be forsworne, and no attaint lyeth, for it is but an Enquest of Office.

An Attourney acknowledged a *Stat.* in an other mans name without authority, he shall have an action upon the case, *Bro. title of fines*, 54. for hee hath no remedy to defeat this by the Common Law, 19. *H.* 6. 44. It may bee ordered here that it shall bee difanulled by the party to whom it is acknowledged if hee
be

be privie to the fallhood and deceit.

A fine was taken by *dedimus potest.* in Kent of a femme covert who died before Ea-
 After Terme next following, and the fine was
 entred in *Hillarie* Terme before and the
 Queenes silver entred the same Terme also,
 this fine was held good, and yet the party,
viz. the husband which caused the fine to bee
 fo entred, was called by Bill into the Starre-
 chamber to answer to his deceit, but yet the
 fine was ingrossed by the Court *Dyer fol. 220.*
 and this was the case of *Carrell* the yonger of
 the Inner Temple. Master *Fleetwood* the Re-
 corder of *London* was assaulted by one of
 the Queenes house as hee was going to *West-*
minster, in the terme time, who gave him di-
 verse wounds, for which hee was fined in this
 Court, and put out of the *Queenes* service.

A fine taken of
 a femme covert
 and fallfly en-
 tred.

The Earle of *Arundel*, *viz.* sonne to the
 Duke of *Norfolke*, was vpon the Sea to have
 passed over without licence of the Queene, &
 he was fined at a great summe in this Court
 of Starre-Chamber, *circa 30. Eliz. Regin. vide*
stat. 5. R. 2. that none should goe over sea
 without licence of the King.

The Earle of
Arundell was
 vpon the sea to
 passe over with-
 out licence.

Note that one tooke upon him to view or
 survey Gentlemens Armes in the Countrey,
 as if he had been an Herald, and had counter-
 feited a seale of the same Office. And he was
 fined in the Starre-Chamber, because he had

Surveying of
 Gentlemens
 armes, and
 counterfeiting
 the Heralds
 seale.

D

gotten

gotten money of the Queenes subjects by his falshood, 27. *Eliz. vel circa.*

Taking of money to favour *Lod. Grevill* suspected of being accessary to murder.

Divers of the County of *Middlesex* had taken money to favour *Lod. Grevill* prisoner in the Tower for suspicion of being accessary to murder if they should bee returned upon his deliverance, and of this they were convicted by good prooffe. And they were fined in this Court to great fines, and three of them did weare papers from the Fleet to *Westminster* Hall, and there also, and backe againe to the Fleet, 31. *Eliz. vide fines for contempts, Fitz. lib. Assisarum* 43. where one that tooke five markes for being sworne to deliver a thiefe which was committed and indicted of felony for the King.

A Iustice of Peace refusing to take the peace of one that offered fuerie to him for the peace

A Iustice of Peace was put out of Commission by order of this Court, for because that he refused to take the Peace of one who came to him, and offered him fuerie for the Peace, because that the Iustice which did award the warrant was not his friend, for which reason he refused to goe before him to be bound to the peace, *Lamb. fol.*

A forraigne plea put in upon false oath.

A man put in a forraigne plea in *London* upon his oath which was false, for the which he was sued here in this Court, for perjury, and the case heard there, 30. *Eliz.*

In

In the Case of *Draiton Basset* in *Staffordshire* If Iustices neglect the apprehension of Riotors.
circa 22. Eliz. some Iustices which dwelt near unto the place where the Riot was, were called into this Court by proces, and fined, and it was upon the Stat. of 17. *R. 2. ca. 8.* which is, that the Sheriffe, and others the Kings Officers, shall apprehend Riottors, which affemble themselves together in outragious manner. And note, that this Riot there, was notorious: for there were a great number that were assembled in the Manour house of *Draiton Basset*, and held it forcibly.

Thomas Worsley was seized in the right of his wife, of divers lands in Lancaster, *circa 16. Elizab.* both of them being within age, *viz.* the husband within fixteene yeares, and the wife of thirteene yeares. One *W.* caused a *Dedimus potestat.* by the procurement of one *B.* which should have the land to be procured to Sir *H. T.* and others to take cognizance of the said Husband and Wife, of the said lands, both of them being within age, *ut supra*, as also plainly appeared to the Commissioners. And one *A. K.* and Sister of the said *Katherine*, and next heire unto her, did exhibite a Bill in this Court of Starr-Chamber in her owne name, *viz.* in the name of *A. versus* and him that was of the Covin for the purchasing, and also against

Covin.
 Touching the acknowledging of a fine by persons under yeares.

the said Sir *H. T.* and the other Commiffioners. And thereupon the said matter found, the said *W.* was fined to a great fumme, and likewise *B.* and Sir *H. T.* & *fuit factum hoc circa 28. Eliz.* as *Worsley* himfelfe did tell mee. And this fine was alfo in a Writ of Errour in the Kings Bench brought by the husband being of full age, and his wife being within age, reverfed *circa 30. Eliz.* and adiudged to bee void, as well againft the husband as againft the wife : and the husband entered prefently, and execution did not ceafe during the life of the husband : and this *Worsley* himfelfe did tell me likewise, who was the husband. *Et 32. H. 6. 31.* is that if a maryed wife elope, & goe away from her husband, and lives in adultery, and leuieth a fine as a fingle woman, if the husband enter, the fine is defeated, or avoided, as wel againft the wife as againft the husband *vide Carrels Cafe* in the Common Pleas, & *vide* the Booke of Entries, *fo. 278.* that the Iudgment in a writ of Error to reverfe a fine, is, *Consideratum est quod pedes finium præd. a filiis finium, extrahantur & cancellantur.* Then in *Worsleys Cafe supra*, if the fine fhall be cancelled againft the wife, it cannot be of force againft the husband.

Note that the Iury of *London* which acquitted Sir *Nicholas Throgmorton* Knight *circa primo Mariæ Reginae* of high Treason, becaufe that
the

the matter was thought to be proved sufficiently against him, were called in the Starre-chamber in October, 1544. and eight of them were fined there at great summes, every one of them at five hundred pounds at the least, and awarded also backe againe to prison, there to remaine untill further order were taken for their punishment, and the other foure were released of their imprisonment, because they submitted themselves and acknowledged that they had offended, not considering the truth of the matter, *ut patet per Hollingshead fo: 1759 vide* eleven of a Iury which did acquite one *Hodye* of Felony before *Sir Roger Manwood* Chiefe Baron in his Circuit in Somersetsshire against apparent evidence: they were fined in *Star-chamber*, and did weare papers in Westminster hall, *circa 22. Eliz.* the which my selfe-faw.

Note that one *G* writes his Letter to a Iuror to appeare betweene *L.* and *C. D.* and to doe his conscience, and he was fined at twenty pounds here, because he had nothing to doe in the matter, *circa 27. Eliz.* Here note, that no man ought to meddle in any matter depending in suite, where hee hath nothing to doe.

One writes to a Iuror to appeare and to doe his conscience.

One *Smith* of the County of Somerset Esq. was fined in the Court for slanderous words, which he had spoken of one *Sir Iohn Young* K^t,

Slanderous words against a Knight.

which touched his life, which the said *Smith* could not prove, and hee was committed and gave great damages to the Knight, *vid.* 38. *Ed.* 3. *ca.* 9. *ut supra.* And yet he may have an Action of the Case at the Common Law.

A false endeavor to prove a man to be a Traytor.

One *L. O.* of Kent was punished in the Court for falsely going about to prove one that was his Cousin or Brother, to be a Traitor; And for this he was adjudged to ride about Westminsterhall with his face to the horse-taile, *circa* 27. *Eliz.* as I heard.

A false procurement, of a man to be indicted of Murder.

Note that one *S.* of the County of Lancaster for falsely procuring one to be indicted for the death of another, was fined in this Court to a great summe, *circa* 31. *Eliz.*

Divers were set on Pillory in Cheapside in Lond. *circa* 36. *H.* 8. for cutting out the tongues of certaine living beastes, and for barking of certaine fruit trees and burning of a Farme maliciously of one *Greshams*, *et vide* the stat. of 37. *H.* 8. *ca.* now that hee shall pay vnto the party treble Damages and shall forfeite ten pound to the King for fine in the said cases, fauing that the burning of a Farme maliciously was made felony 37. *H.* 8. but this was repealed. 1. *E.* 6. *ca.* 12.

Certaine procured themselves to be carried into an house of a Iustice, to be examined of Felony vpon purpose to serue a Writ.

One had an Attachment out of the Chancery against a Iustice of Peace, because hee would not stand to an order made there *viz.* because he wold not yeeld the possession of a house

house to him which purchased the writ : and it was devised (as a meane, the sooner to come to the possession of the said house) that certaine persons should have a warrant speciall from the Sherife to execute the same writte, and should come to the said house vnder colour to be examined upon suspition, & when they came there with the Constable and diuers others attending upon them to bring them before the Iustice of Peace to be examined, *ut supra*.

The Constable who was privie to this device as the Iustice thought, knockt at the doore, and presently the said persons rusht into the house suddenly with force, against the will of the servant, having no weapon about them, but their daggers under their cloakes : and when they were in the house, they kept it with force two dayes. Whereupon the Iustice exhibited his Bil in this Court against the said persons, and against others that were supposed to be advisors or privie unto it, and after some of them put in their Answers there, the party did agree to the suite of the Defendant.

For by such a device a man may be murdered and robbed in his owne house, as if men should come in the night to search for a Felon upon a false Hue and Cry : and therefore this device is very dangerous, and it seemeth by
such

fuch an attachment he cannot breake the houle becaufe it was the fuite of the party : and againe if he might enter forcibly, yet notwithstanding hee ought not to abide there, & keep it forcibly, and therefore it was wrong from the beginning.

Lords of Parliament.

If a Lord of the Parliament be fued in this Court, the Chancellor fhall write unto him, giving him notice of the fame fuite, and requiring him at a certaine day to answer to the faid Bill. At which day if he appeare not, yet notwithstanding no Attachment fhall go forth as there fhall againft other Subiects under their eftate. *Quere* if hee fhall make his Answer upon his Honour, as they doe in the tryall of a Peere of the Realme of Treafon or Felony, or upon his oath.

Quere.

Noble women ;
difparaging
themfelues by
Mariage.

If a Ducheffe, or Counteffe, or Wife of any Lord of the Parliament, bee maryed to a Knight, and be fued in this Court, a common *Subpœna* fhall goe forth againft him and his wife, by the name of *A. B.* and *B.* his wife, without naming her in the Writ by the name of Honor which ſhe had before; for ſhe hath loſt this name by the Law, *Quod vide nomen dignitatis.* *Br.* 31. 69. Witnes *Lady Dame Powers*, who maryed *M^r. Haward*, and the Ducheffe of Suffolke, that maryed *Adrian Stokes.* *Dyer* 79.

If a Ducheffe, or Counteffe, or Wife of
any

any Lord of the Parliament after the death of her husband be impleaded in this Court, or in the Chancery, the Plaintiffe cannot sue a *Subpœna* against her, but the Chancellor shall write unto her as the use is unto their husbands. *Quære hoc, & vide 35. H. 6. Subp. fo. 20* *Subpœna* against a Lord which the Sheriffe durst not arest upon a *Supplicavit of Peace*.

Noble mens
Widowes.

Vpon an Arraignment of Treason or Felonie of the said *Noblewomen* as well maryed as sngle, they shall be tryed by Peeres of the Realme. *20. H. 6. ca. 9, & Stanf. 153.* And before the Statute aforesaid it was doubted in this case how they should be tryed.

Noble women
in case of Treason
and how to
be tryed.

If a man speake slanderous words of Noblemen, *Quære* if hee shall haue an Action upon the Stat. *de Scandal. Magnat.* but the Defendant shall be punished in this Court.

Slanderous
words of noble-
women, which
stat. a. 2. R. ca. 5.

A Knight of the County of Northumberland was fined in a great summe in the Starr-Chamber, because hee permitted a feditious Booke called *Martin Marprelate* to be printed in his house, *32. Eliz.*

Suffering a fe-
ditious booke
to be printed in
his house.

One writes to a Iustice of the Peace to send him his warrant with a blanke, to put in one that hee would atach upon suspition of Fe-

Iustice sendeth
his Warrant
with a blanke.

E

lonie,

lonie, and fo the Iuffice did, and becaufe hee
fent his warrant with a Blanke to put in the
name of one hee knew not, neyther the mat-
ter, before the making of his Warrant, hee
was fined in this Court *circa* 30. *Eliz.* and it
was one Sir *I. R.*

The



The forme of a Writ or Com-
mission of REBELLION, where the
party after Proclamation to yeeld
himselſe *ſub pœna legiantiœ ſi non com-
paraverit coram Conſilio, &c. eſt*
ut ſequitur.

CAROLVS Dei gratia Angliœ, Scotiœ,
Franciœ & Hiberniœ Rex fidei Defenſor,
&c. Dilectis ſibi G. C. W. L. A. S. & F. G.
ſalutem: Quia G. F. & I. R. quibus per publicas
Proclamationes per Vice-com' Comitatus noſtri
Derb: in diverſis locis ejuſdem Comitatus virtute
Brevis noſtri eodem Vic' directi ex parte fact' præ-
ceptum fuit quod ijdem G. F. & I. R. ſub pœna le-
giant' ſuarũ coram Nobis & Conſilio noſtro apud
Westm. ad certam diem dicto Brevi noſtro content'
personaliter comparav': Mandato noſtro in ea parte
parere manifeſtè contempſerunt. Ideo vobis tribus,
duobus, vel uni veſtrum mandamus, quod præſat'
G. F. & I. R. ubicunq' inventi fuerint infra re-
gnum noſtrum Angl' tanquam rebelles & legis
noſtri contemptores atachiatis, vel atachiari facia-
tis, Ita quod eos habeatis vel haberi faciatis coram
E 2 *Nobis*

Nobis & dicto Consilio nostro apud Westm. in Crastino Animarum prox. futur. ad respondend' super his quæ sibi objicientur tunc ibidem & ad faciend' ulterius & recipiend' quod per Nos & dictum Consilium nostrū consideratum fuerit in hac parte, & hoc nullatenus omittatis, Damus enim vobis & singulis Majoribus, Vice-Com', Ballivis, Constabulariis, & aliis Officiariis, Ministris, & subditis nostris quibuscunque tam infra libertat' quam extra tenere præsent' firmiter in mandat' quod vobis & cuilibet vestrum in executionem præmissorum sint intend' & assistent' in omnibus diligent' prout decet.

In cujus rei testimonium has Literas nostras fieri fecimus patentes. Teste Me-ipso apud Westm. 23. die Maij, Anno Regni nostri, &c. Vide Tit. Chancery forme de Commifs. Rebell.

*A false returne of a Knight
of the Shire.*

Brunker Sherife of Wilts was fued by an information of perjury in this Court at the fuit of the Queene for a false returne made of Sir. *I. T.* to be a Knight of the Parliament for the said County, whereas indeed one *P.*
was

was chosen by the greater number of free tenants in the said County, in deceit of the County and of all the Realme, and it appeared by examination that *Brunker* was not sworne to execute his office, notwithstanding that, a *Dedimus potestatem* was directed to one Lord to giue him his oath, who dissuaded him from it, for the difficulty of the Articles; And this matter by graue resolution and honourable and great assembly of the Noblemen was ordered against *Brunker*, viz. for contempt of the ancient Law, *scilicet*, That euery Sherife in the beginning of his office shall sweare, which the said *B.* did not, wherefore he shall pay vnto the King 100 pound beside imprisonment for fīue weekes, and moreouer 100 pound adiudged to the King according to the *stat. 8. H. 6. ca. 7.* for the false returne, and also a yeares imprisonment without bayle or main-prize. And *Hide* the Cōmissioner appointed to receiue the oath, was fined at twenty markes, besides a fortnights imprisonment, and also *B.* and *P.* were bound by recognizance to stand to the arbitrement of foure Noble-men, for the hundred pounds due vnto *P.* But *Sir I. S.* was bound in 300. pounds to *Brun.* for to save him harmles for his returne, *Dyer* 168.

Suing in a Bishops Court for things belonging to the Kings Court (*aut alibi*) is interpreted by the common Lawyers to signifie the Bishops court, but it ought to be taken for the place where the Pope resideth as *Auignon* in France or such other place of his abode.

If a Ryot cannot be found afore Iustices &c.

The King and his Counsell.

The Statute of 16. *R. 2. cap. 5.* gives, that if any sue in the Court of Rome, or any where else where it is taken to be the Bishops Court or other Court, 47. *Old Nat. Brev. 147.* for any thing which appertaines to the Kings Court, he shal incurre the penaltie of the said Statute, and the partie grieved may sue the Offender before the King and his Counsell, by Attachment, or by Writ of Premunire against the party, or may sue against him *In Custodia Mariscalli in Banco Regis*, by Bill. 36. *H. 6. 5.* Action upon the Statute, *Br. 372. Ri. 3. 17.* But a man may sue in the Kings Court as many matters as he will without perill.

If a Riot bee found before Iustices of the Peace upon inquisition made, then the Iustices of Peace and the Sherife or under-Sherife shal certifie before the King and his Counsell all the acts and circumstances of the Ryot, which shal be of the same force that the presentment by twelue men should have bene, and those which are convicted shal be punished, according to the discretion of the King, and his Counsell. 13. *H. 4. ca. 7.* and notwithstanding, this matter may be certified in the Kings bench aswell as before the King, and his Counsell, as Iustice *Southcot* said, and note that the certificate ought to be certaine in all points, because that it is in the nature of an Inditement.

If one speake slanderous words of an Arch-
 bishop or Bishop, hee may sue in the Starre-
 Chamber to have him punished, or hee may
 have an Action upon the Statute *de Scandalo*
magnatum, as appeared in *Sands* his Case Bi-
 shop of *Yorke*, in the Starre-chamber be-
 tweene him and one *Stapleton* Knight.

Slanderous
 words of an
 Archbishop or
 Bishop.

An. 2. R. ca. 5.
 & *12. ejusdem*
ca. 11.

One spoke of my Lord *Dyer* Chiefe Ju-
 stice of the Common Pleas that he was a cor-
 rupt Iudge, for which he was convicted in this
 Court, and adjudged to stand upon the Pillo-
 rie, *vide Statut. de scandal. magnatum*, in the
 which the Iudges of the Law are mentioned,
 and surely this man was a very grave, reverend
 and upright Iudge by the generall report of
 all men, and by this report greatly abused.

If one say of
 the Kings Ju-
 stice, that hee
 is corrupt.

One had cast abroad slanderous Libells of
 one that was Bishop of *C. circa 20. Reginae.*
 and was punished in this Court.

Slanderous Li-
 bels of a Bi-
 shop.

The King himselfe is by intendment alwaies
 present here in person, for the *Subpæna* that
 goes out to warne any to appeare in this
 Court is *Coram nobis & Consilio nostro.* And al-
 though the King come not thither, yet being
 that his Counsell is there, it is intended that
 the King himselfe is there; And that which his
 Counsell doth here is adjudged in Law as the
 Kings deed himselfe, for they speake with his
 mouth.

The Prince is
 alwaies inten-
 ded to bee pre-
 sent in the
 Court of
 Starre-cham-
 ber.

If

Question of
the Constable.

If strife or debate be whether a suit to be tryed by battell shall be before the Constable, or Marshall, or by the Common Law the said Constable and Marshall commanding them to surcease untill it bee decided by the Kings Counsell, which of them shall have cognizance of the matter, 13. *H. 2. cap. 2.*

The kings
counsell the
Iudge between
Iurisdiction.

Note where the Statute *de scandal. magnatum*, in print, speaketh of false messages, the Record of the Tower is, false Messengers, *viz.* false lyes, and this also appeareth by the Writ which is founded upon the Statute.

Slanderous
words against
the king.

One *O.* which had spoken slanderous and horrible words against Queene *Mary*, was indited, for the words of the inditement being that he had spoken them against the forme of of divers Statutes without mentioning of any in particular, and without saying, *unde scandalum in Regno inter Reg. & magnat. vel populum suum oriri poterit*: and hee was convicted of these words upon his arraignment, and had Iudgement to be imprisoned, and to be fined at the Kings pleasure untill hee had found his author, according to the Statute of *Westminster* the 1. *Ca. 34.* for hee could not have punishment according to the first and second of Queene *Mary*, because that the time was past, and that is that he shall bee imprisoned untill he produce him unto the Court, who was the first Author of the words, and not according to

to the advise or arbiterment of the Counsell; for it is when the slander toucheth the Noble men, and great Officers mentioned in the Statute of 2. & 12. R. 2. and not the King, for he is an exempt person, and not implied within the words (*les hauls & grands homes ou nobles*) &c. *Dyer*. 155. And it seemeth that the offence might have bin examined in the Starre-chamber, and punished there aswell as any where else.

One brings an Action of forging of false deeds against a Lord, no Action will lye against him for it, while the suit is depending vpon the Statute *de scandal. magnatum*. For it rests in doubt, whether the defendant be guilty or not, *Dyer, fol. 285*. And by the the same reason he cannot sue the plaintiffe, in the Starre-chamber depending the suit in this matter.

An action of Forgery brought against a Lord.

James Tavernor being a Copiholder of the Lord *Cromwells* of his Mannor of *Northelton* in *Norfolke* made a custumary in Latin of the said Manor in Parchment, with eleven Labels and Seales, of his owne and other Tenants of the Mannor, inserting into it divers very false Customes tending apparantly to the disinheriting of the said Lord, and pretending by the said tittle of the Custumary to bee collected, renewed and set by the consent of all the freeholders of the said Mannor being in number

The making of a false custumary of a Mannor.

ber 100, at the least, and allowed and permitted by the Lord of the Mannor, & *jure*, conclusion, *in cujus rei testimonium*, the 11 whose names were subscribed, had put their seales the day and yeare abovesaid, but no day nor yeare appeared in the title, and no consent of all the Tenants, nor allowance of the Lord had indeed, and the seales were very strange, for upon every seale, there was a great square feale ingraven about with *Northelton*. And the particular feale lesse within that, by the which as it seemeth the intent was to prove the consent or allowance of the Lord, with the consent & agreement of al the tenants, & this was proved to be done wittingly, subtilly, falsly, and to the intent, and by *Taverner*. If this be a Forgery punishable by the Statute *de An. quinto Reginae Eliz.* this being done in *Anno 9, Reginae Eliz.* it was doubted and referred by the Lo: to the consideration of all the Iudges *quorum opiniones pro maiore parte* were reported by the two Chiefe Iustices, that it was a Forgery or counterfetting, punishable by the open and shamefull penance contained in the Statute which speaketh expressly of a writing sealed, as this was, and to the intent to benefit themselves and to dis-inherite the Lord, and accordingly Iudgement and decree was pronounced that terme in solemne presence the Lord Keeper being absent by reason hee
was

was not well; And for the execution of double costs and damages recovered by the taxation of the Court, it was doubted what manner and forme of proces should be made, and after conference had upon it betweene all the Iustices of both Benches, and the chiefe Baron, it was agreed, That an English Writt should be made and directed to the Sheriffe of *Norfolke*, rehearing the conviction, and the Statute for the leavying of the said costs, and of the goods, chattels and profits of the sayd Land of the said *T.* and to bring in the mony into the Star-chamber, the writt to be sealed with the great Seale, and the Teste or Witnes to the *Queene* her selfe as is usuall in the like writs as goe out of the Chancery.

After this Conference and judgement in the Star-chamber, the *Queene* pardoneth the execution of the corporall punishment, whether this bee good without obtaining release of the party. Also *quæ intention. stat. 5. Regin. Eliz. ca. 14.* Note the preamble vehemently penned for the increasng of the punishment for Forgery, and also the body of the Statute, That is to say, that the party grieved shall recover double costs and damages, and that the offender shall suffer upon the Pillory the corporall penance; and also shall forfeit to the King the profits of his land, but the plaintife to be first satisfied, &c.

Also if the offender hath once satisfied the corporall punishment, hee shall not bee eft-soones impeached.

Also if the offender bee once convict, the plaintife cannot release nor discontinue the punishment, &c. but onely costs and damages &c. *Et postea scilicet termino Mich. prox.* it was holden by *Wray* chiefe Iustice, *Sanders* chiefe Baron, *Harper* and *Manwood* Iustices, *Barham*, and *Gerrard* Attorney, that the *Queene* might pardon the corporall punishment, which trencht to the common example, but *Dyer*, *Mounson*, and *Southcot* held the contrarie, *Dyer* 322.

Strangers robbed on the Sea.

A Merchant stranger that is robbed upon the Sea by English men, may complaine by bill in the Starre chamber for it, if so bee that the King whom the Merchant is subject unto, be in amity with the King of *England*, *vide stat. 37. Eliz. 3. statute staple, ca. 13.* that he that sueth before the King, and his Counsell ought to prove that he which tooke him, and robbed him, *fuit etiam sub obedientia Regis, vel de amicitia Dom. Regis sive Principis quærent. tempore spoliationis, & non inimicus Regis sive principis quærentis quia si fuerit inimicus quum cæpit bona, tunc nō est spoliatio nec depredatio sed legalis captio prout quil. inimicus capit super unum & alterum. Et hæc fuit opinio Iusticiar' in Camera Scaccar' ad hoc per Cancellarium Angl. vocat. 2. R. 3.* Note that

that the said Statute doth not speake that they shall be examined before the Counsell, and yet the same booke is *ut supr. vide* 31. H. 6. cap. 4. that this matter may bee examined in the Chancery.

Vide if an enemy take a ship from an Englishman, and another Englishman taketh it from him againe, the first from which it was taken, hath no remedy if he cannot *ante occasum* of the same day as it was adjudged as *Vauisor* said *Bar. Fets.* 9. 7. 3. 4. but hee that tooke it from the enemy shall retaine it as a thing gotten by battell, and neither the King nor the Admirall shall have share. *ibid.*

An enemy taketh a ship from an Englishman, and another Englishman taketh it againe from the enemy.

Vide the Statut. 27. *Eliz. ca.* 4. the authority of the Court of Starchamber serveth against them which make frandulent convaiances to defraud purchasfers &c. By the which it appeareth that this Court shall punish such an offence aswell as it may be punished by the said Statute in another Court, And such a Clause is in 5. *Eliz. ca.* 10. concerning puryry.

Fraudulent conveyances.

Note by *Catlin* Chiefe Iustice of England in the Starchamber before all the Queenes Counsell that if an Infant or married wife or other, levy a fine upon a grant and render in tayle or for life, the husband dies, the wife nor the Infant shall have a Writ of errorr during the nonage because that he is the Tenant of the land himselfe, and againe he cannot

A fine levied by an Infant or married wife.

not have a Writte againſt himſelfe, and ſo in this caſe the Infant is without remedy *quod nota*, great miſchiefe. *H. Anno. 15.*

Perjury voluntarily committed in the kings Bench.

If perjury be voluntarily committed in the Kings Bench by any witneſſe or prooſe upon a ſuggeſtion for a prohibition there to be granted, againſt an Eccleſiaſticall Iudge, according to the ſtatut of 2. *et. 3. Eliz. 6. cap. 13.* where the party is ſtayed of his Writ of conſultation, whether it might be examined and puniſhed in the Star-chamber was a great queſtiō, and upon this all the Juſtices were aſſembled together at Sergeants Inn & peruſed the ſtat. of 3. *H. 7. ca. 20. et 11. H. 7. ca. 25.* and the *proviſo* for the Star-chamber, in the end of the Act of 5. *Eliz. ca. 9.* and it ſeemed unto them that the ſaid perjury was not examinable nor to be puniſhed in this Court of Star-chamber, for. 3. *H. 7. ca. 1.* doth not provide any puniſhment for perjury no more then it doth for murder, and before 5. *Eliz.* there was no puniſhment for perjury by common Law but an attaynt, *Dyer. 242.*

Perjury.

Vide my booke of Juſtice of Peace amongſt the Articles touching matters Eccleſiaſticall, for perjury diuers caſes which are printed there.

Perjury in Chancery.

A man committeth perjury in the Chancery and thereupon a bill is exhibited and concluded *contra formam ſtatuti. 5. Eliz.* And it was doubted

doubted whether that the defendant should plead not guilty or not, and whether he should be sworne to his plea, and also answer to interrogatories as in the Star-chamber, & it was held that he should not, by *Catlin, Dyer, Sanders,* and *Whiddon*, except that the Chancellor have absolute authority, and hath used to examine perjuries before. 5. *Eliz. ca. 9.* For then it is reserved by the *prouiso* of the said Statute aswell as for the Star-chamber, and if the Chancellour will examine perjury committed there, *ut potest* by the said Statute, this shall bee done by Latine Bill and pleaded in Latine, and issue shall be ioyned and tryed in the Kings bench, *ut solet*, in the like cases 288. *Dyer.*

Memorandum, that in the great case of Forgery, touching the Will of Sir *I.* it was moved for a doubt, *viz.* that if one that writeth the Will of a man that lyeth mortally sicke, insert a clause or article in the Will, when the Testator is speechlesse, and without memory, nor did command him afore to put in this article or clause, whether this shall be a forging of a Will, and punishable by the Statute, 5. *Eliz. cap. 9.* or no. And it was agreed and resolved upon the better opinion there, that it was not the meaning of the makers of the said Law, *Dier. 288.* Note that the forging of a Testament by the which any Lease for
Forgery of a Will.
 yeares

yeares is conceived, shall bee punished by 5. *Eliz. cap.* 14. by this word writing, onely. And yet no mention is made of any Testament: but of a Will concerning Franktenement or inheritance. And it was doubted whether perjury committed in an Ecclesiasticall Court *circa probationem test'*, may be punished in the Starchamber, by reason of the proviso in the Starchamber there. 302.

A man having a Lease for 20 yeares writeth 30 in the Indenture.

A man hath a Lease for twenty yeares, and maketh this in the Indenture thirty yeares, this is no forgery of the said Lease, because that it was a good Deed, and not forged at the beginning. And yet notwithstanding the said Lease is now voyd: the first Case is so taken in the Starchamber: and for the other case see my Lord *Dier* 26. that striking out, and maculation, and blotting of words, although it bee not in a materiall place, as in the substance of words contained in the Indenture, defeats or difanulls the Indenture. And this was in the case of the Lease made by Indenture by *A. Quære.*

Maculation or blotting of words.

Protection against Purveyors.

Note, *Fitz. nat. br.* 30. that it appeareth by the Register 289. that all persons spirituall may sue out a protection for themselves and their goods, and their Farmors of their lands, and for their goods there that they shall not be taken by the Kings promotors, nor their cariages or cattells taken by any of the Kings Ser-

Servants: and it appeareth by the same protection, that King *Edward* in the 14 yeare of his reigne, by especiall Statute granted this priviledge to the Clergy, that he tooke them into his protection, and their goods and cariages: And they may have a speciall Commission directed to certaine persons, to arrest such Purveyors or servants, to bring them before the Kings Counsell, there to answer their missefance in this Case.

If a Iurie doe forswear themselves in Court Baron amongst the free Tenants, upon a bill put into the court, they shal be punished here, for no attaint will lye in a base Court: But if error be committed in such a Court, the party shall have a Writ of false judgment. But the Copiholder of a Mannour (if false judgement bee given against him) shall not have a Writ of false judgement, but shall sue unto the Lord of the Mannour by petition. *Nat. Br.* for a false verdict given against such a Copiholder, he may sue in the Star Chamber.

Jurors forswearing themselves in a Court Baron.

A man may sue a Bill (as it seemeth) in the Star Chamber upon the Statute of buying of Titles, 32. *H. 8. cap. 9.* for the King to have the forfeiture of the said Statute, and although the Statute aforesaid giveth the forfeiture of the one moiety to the King, and the other to the party, yet notwithstanding if the King first commence his suit for all, eve-

Buying titles.

rie one is barred as in other penall Statutes, which give the moiety to the King, and the other moiety to any other that will sue for it, *ut patet* 3. *H.* 7. for the last *vide Brunkers Cafe, ut supra.*

A man found an Ideot before the Escheators.

Although a man bee found to be an Ideot before the Escheators or Sheriffe by inquisition, yet notwithstanding hee may come by himselfe, or by his friends before the Kings Counsell, and pray to bee examined before them whether he be an Ideot; or he may sue a Writ of the Chancery directed to certaine persons, to bring him before the Kings Counsell to be examined. And if he bee found no Ideot before them, then that which is found before the Escheators or Sherife availeth not.

Vnlawfull maintenance.

Note that 3. *H.* 7. *cap.* 1. faith that the Lords in this Court shall heare and determine unlawfull maintenances, &c. *Et ideo*, what shall be said Maintenance, and what not, *vide* my booke of Iustice of Peace, *eodem titulo.*

If a man take upon him to maintaine, and yet doe not.

If a man take upon him to maintaine and, yet doe not maintaine in deed, he is punishable, *Li. aff.* 30. *Dier* 95. A man tooke mony to give a verdict, although he gave no verdict yet notwithstanding he shall be fined *Dier* 95. *Fitz. nat. br.* 171. 21. *H.* 6. 2.

Maintenance.

If I grant to *B.* that if my Tenant for life die in my life time, that *B.* shall have the land for twenty yeares: In this case *B.* may maintaine,

taine, 9. *H.* 6. 64. and yet this is but a possibility by *Strange*, and there is a Cafe vouched to this purpose. *Commentar. fo.*

Every one which hath interest in the re-^{Maintenance.}version or remainder, may maintaine, and that with his owne money, *Maint. Br.* 53. 136. And so may he that hath an use in Law or in conscience. As if an obligation bee made to my use, I may maintaine, & *vide* the Cafe 15. *H.* 7. 2. where one was indebted to mee, and others indebted to him, and he assigned his bond to me in satisfaction of my debt, and I in this case may spend of my owne money in this suit, as appeareth there, 37. *H.* 6. 13. where one buyeth an Obligation made unto another, and it was held void in Law, and also in the Chancery, because the party had not *quid pro quo*, for it is a thing in action, and therefore if he bring an action upon this bond in the Obligees name, this seemeth maintenance, because he hath no interest.

The Statute aforefaid of 3. *H.* 7. *cap.* 1. speaketh moreover of the giving of Liveries, that if a man take a Livery, and doe not use it, yet he shall be punished for it, 5. *H.* 7. 18. *per Hussyey*, & 6. *H.* 7. *per Wood* accordingly *quære* the Statute aforefaid speaketh of Retainers by Deed to promise without Deed, for Retainers *vide* 8. *Ed.* 4. *fol.* 2.

Item, the said Statute speaketh of Embracery.^{Embracery.}

cers, who shall be said an Embracer, *vide* my Booke of Iustice of Peace, *titulo*, Maintenance, Embracery, Champertie, &c.

Embracery.

Note that a *Decies tantum* will not lye against an Embracer, if he embrace and doth not take money, for he must take money and embrace. Also where this action is maintainable, *Fitz. Nat. Br.* 171. *Issue* 100. 37. *H.* 6. 31.

If a man take mony, or buyeth lands for lesse than it is worth, for to embrace or to give a verdict, it is all one, &c. *Decies tantum Fitz: nat.* 9. 41. *E.* 3.

Iurors tooke money after they had given their verdict, without any covenant aforehand, whereof they were convicted by verdict, and every one was fined at a noble. This Case is out of the Statute of *Decies tantum*, 39. *lib. aff.* 19. and so it shall be punished in this Court, because that they have power to punish Iurors which take money, as it appeareth by the Statute of 3. *H.* 7. *cap.* 1. *supr.*

A Lawyer which taketh money to embrace Iurors shall bee punished by the Statute of 6. *Ed.* 4. 5. *Decies tantum. Fitz. nat. br.* 171. and yet notwithstanding for taking of money to give in evidence, shall not bee punished. It seemeth that embracers shall bee punished which take money, and labour the Iurors to passe the one way, or the other, although the
Iurors

Iurors give up their verdict as they should doe.

Note that Iurors which take money, and are attainted shall not be put in Affize, Iuries or Enquests, but shall be sent to prison, and moreover punished at the Kings pleasure, 5. *Edw. 3. ca. 5.* Note that this Statute was made long time before the statute of *Decies tantum* which was made in 34. *Ed. 3. ca. 8.* And this statute of 34. *Ed. 3.* giveth no imprisonment, but where a Iuror or Embracer hath not sufficient to make recompence.

Iurors which take money.

The said Statute of 3. *H. 7.* speaketh also of the untrue demeanour of Sheriffes in impanelling of Iuries, and in untrue returnes: concerning false returnes, see *Bronkers case supra* in this title, & *vide* the Statute of 23. *H. 6. ca. 10.* for Sheriffe, for extortion, and taking of mony; And *vide* the title of Sheriffes in my Iustice of Peace.

Vntrue returnes of Sheriffes.

Item, the said Statute speaketh of Ryotts, and see the title of Ryots and Routs in my Iustice of Peace.

Ryots, &c.

Item, by the said Statute of 3. *H. 7.* it appeareth, the Lords shall punish taking of money in Iurors or Imbracers, although the partie might have beene punished by Statutes that have beene made.

Taking of money in Iurors. Embraceries.

If a man maintaine another whilest the plea is depending *pro parte Reg.* hee shall bee punished

Maintenance.

nished in the Starre-chamber. For every Champarty implyeth a maintenance, *vide* 32. *H. 8. ca.*

If a man exhibite a Bill against 2, and pray to have proces against them, but the plaintife ferveth but one of them: If the defendant have a commiffion to take their answer, and the Commiffioners take their answer, and the plaintife doth not joyne in the Commiffion, here hee shall loofe the benefit of examining the defendant upon interrogatories, and therefore fee that is good, that the plaintife joyne in the commiffions to the intent that hee may exhibite interrogatories. *Vigilantibus & non dormientibus subveniunt leges.*

Entring into a
houfe and ca-
rying away of
writings.

Trespaffe for entring into his houfe, and carrying away of writings, and the defendant pleads not guilty, the enqueft faith that the defendant came into the houfe of the plaintife when the plaintife was not there, and faid unto the plaintifes wife, that hee bad that shee fhould deliver the faid writings unto him, which she did, whereupon *Higham* awarded that the defendant fhould be imprifoned, and that he fhould not bee releafed untill hee had redelivered the faid writings unto him; And damages were affeffed becaufe he came with a false message, Trespass-ship 240. 34. *Ed. 1. vide* the statute of 33. *H. 8. ca. 1.* how one fhould be punished there for getting of money

ney, or by a false message, or counterfeit Letters or tokens. See *Worsley* his case *eodem titulo*, vide 1. R. 2. ca. 4. How Lords or Noblemen shall be punished that maintaine quarrels in the Country or any where else.

A Merchant Stranger which came into *England* by the Kings safe conduct did deliver certaine Merchandize to one of the Kings subjects at *South.* to cary, who opened the packet, and took things out, whereupon the Forreiner exhibited a Bill in the Starre-chamber before the Kings Counsell there, whether this were Felony or no. It was referred to the Iustices, and held to be felony, and so the Iustices certified the Chancellor, and the Kings Counsell. And it seemeth by the booke that a Merchant shall not loose the Mercandizes, because hee comes hither with the Kings safe conduct, *ut supra*, 13. Ed. 4. 9. And it is said there that it was adjudged that notwithstanding the statute which giveth that the safe conduct shall be enrolled, and the number of the Marryners, and the name of the ship, That where safe conduct is, and hath not his due circumstances according to this, yet it shall be allowed, for Aliens say that they are not bound to know our statutes for they come by reason of the Kings privy Seale upon his safe conduct: And if that should not be sufficient then should they be deceived; and yet notwithstanding

A Carrier opening packs committed to him not to be opened.

Safe conduct to Merchant strangers.

withstanding some say that the statute made for forfeiture of Merchandize bindeth Merchant strangers aswell as Denizens. *vide Foggassa* his case, *Coment fol. 1.* It is held by the Chancellor in the first case, that a Merchant stranger which comes by safe conduct is not bound to sue by the Law of the Land, to try a thing by twelve men, but that it shall bee determined according to the Law of nature, in the Chancery: And by this it appeareth that the Court of Star-chamber was before 5. *H. 7. ca. 1.*

Collusion upon
bond to save
a faulty harme-
lesse.

Note that one *Grevile* was bound with one *Halc*, and for the debt of the said *H.* in an hundred pound to one *Dawby* a Merchant for the payment of 50. pound, at a certaine day, and *H.* was bound to *Grevile* by obligation to save him harmlesse against *D. H.* payeth the money, 50 pound at the day or within three dayes after, and his bond given him, in the which *G.* and *H.* were bound to *D.* *G.* being neither sued nor damnified by this debt practised with one *P.* that *G.* should bring an action upon the said obligation against the said *H.*: and then it was agreed, that *P.* should appeare as *H.* his Attourney, and confesse the action without any ordinary rule of the Court to answer: The plaintifes Attourney pleadeth unto him, *non sum informatus*, and upon this *G.* had *H.* in execution, and *H.* sheweth

eth this matter to the Court, whereupon a *vacat* was made of the Iudgement, and *H* enlarged, and *P* committed to the Fleet, and to stand upon the Pillory. And *G* was bound to the Queene in a Recognizance of two hundred pounds to appeare in the Common Pleas. And this devise and lewd practife was made and devised betwixt *G* and *P* to stoppe or discharge a debt, in the which the said *G* was bound unto the said *H*. *Dyer fo. 331*. Note that this order that *P* should stand upon the Pillory was ordered by the Court of Starre-Chamber as it seemeth.

Note, *Dyer fol. 249*. faith that an order and decree was made in the Star-Chamber, 2. *H. 4. 8.* by the devise of divers Iustices there being, *viz.* both the Chiefe Iustices of both the Benches, *Fitzherb.* and *Spillins* Iustices, that by the Law such a prisoner as is in execution in the Fleet for debt shall not have his liberty within the prison, nor without with the Keeper, but shall bee kept very straitly in Ward, and an Injunction of this was sent to all the Keepers of the prisons in *London* to observe the said Order and Decree upon paine of an hundred pound, and so see the authority of the Court that by good discretion it may order things, although they be not mentioned in the statute of 3. *H. 7. ca. 1.*

A Prisoner in execution for debt must be straitly kept.

H

R. A.

An Item for
Shoriffes.

R. A. was attainted of disseisin with force whereupon an exigent went out, which Writ the Sheriffe returneth: And that the King sent unto him the Writ under his seale, that he had pardoned the trespassse and imprisonment, and commanded that hee should not be endamaged for this cause: so that hee had nothing by reason of this commandement, and returneth the Kings Writ; And because this Writ should have beene sent to the Iustices, and they ought to have commanded the Sheriffe to surcease (for a Sheriffe cannot surcease by reason of any Writ in the Law, but by warrant out of the place from whence hee had his commandement) The Sheriffe was amerced, and a new exigent awarded, 14. *E.* 3. *titulo* of *Vicount Fits* 89. As touching that the said privy seale ought to have beene sent to the Iustices, *vide* 4. *E.* 4. 14.

A Sheriffe having a Writ of Attachment *Coram Domina Regina & consilio in Camera stellata apud Westm.* 15. *Pasche ad respondend. dict. Dominæ Reginæ & consilio suo de quodam contemptu, & ad faciend. & recipiend. ulterius, &c.* arrested the party, and tooke bond of him, indorsed with this condition, *viz.* that if hee shall personally appeare before the *Queenes* Majestie, and her Counsell at *Westminster* 15. *Pasche*, and then and there shall answer

swer a contempt by him made against the *Queene* and her Counsell; then if these words, *viz.* (and then and there shall answer) seem to be an addition more thē is in the statute, 23. *H. 6. ca. 10. garr. Ideo vide*, whether it be void or not. It was demurred upon in Law, and by the opinion of *Dyer* and *Windham*, the obligation is good enough, for it amounteth to as much as to say (then and there to answer to a contempt, &c.) which had been good, and by this obligation no profit accreweth to the Sheriffe or to any other person but onely to answer to the King, &c. which was the intent of the Statute of 23. *H. 6. sed Mede contra*, and iudgement was given, *Mich. 22. & 23. Eliz. per Dyer 364.*

Memorandum, quod patet 34. H. 6. rotulo 37. in banco Regis, That one *Vernay* which was in execution in the Fleet for debt unto the King and another procured themselves fraudulently to be indited of felony, to the intent to defraud their creditors of their debts, and procured themselves to be removed out of the Fleet by a *Corpus cum causa, &c.* directed to the Warden of the Fleet to be committed to the Marshalsey; and these executions were returned into the Kings Bench, whereupon the King being informed of this intent of the prisoners, and of divers of their such fraudulent practices to deceive their creditors by

Men that being in prison for debt fraudulently procure themselves to be indited.

this procurement to bee indited of felony, and to be arraigned upon it, and to confesse the felony, and to betake themselves to their Clergy, to the intent to be out of the power of Temporall Lawes, and afterwards by meanes to make their purgation, and bee discharged: The King by his Privy Seale directed unto the Iustices of the Kings Bench, commanded them to surcease the arraignment of him untill they had heard further commandement from him and his Counsell, *Dier* 245. *vide* 1. *H.* 7. 7. One was arrested in London upon a plaint which was not at the Common Law, afterwards the defendant was indited in the Kings Bench of trespassse, and was removed thither by *habeas corpus* out of London, and because he could not appeare by Attorney in the Kings Bench, but in proper person, he was not sent backe, which was held cleerly suspicious; and yet hee was dismissed out of London, for he acknowledged the trespassse, and was committed to the Marshalsey, and afterwards hee found surety for fine to the King, and was discharged, 14. *H.* 7. 7. printed by *Covin* shall not be allowed, 6. *Ed.* 4. 4. One was in execution for the partie for damages, recouered in redisseisin, and afterwards attainted by outlawry of felony, and pardoned for it, who was againe in execution for the party, and yet notwithstanding

ding once he was in some sort discharged, because that when the Kings interest and of a common person concur together in an entire thing as in the body, &c. the King shall be preferred; but if he had beene found guilty, and had his Clergy, he should be delivered into his former estate, *I. Illingworth* and *Markham*: And the reason is, because that in this case hee is out of the Court, and discharged of this; but in the case of redisseisin *ut supra*, he abideth alwayes in the keeping of the Court, 6. *E.* 4. *vide* 24. *E.* 3. 12. & 6. *H.* 4. 8. *vide* 4. *E.* 4. 9.

If a man make a proclamation without priviledge or custome, he shall be fined and committed, and so was Sir *I. K.* of North. which caused proclamations to be made in divers Townes, that every one to whom *I. S.* was indebted should come unto him to the which *I. S.* was executour, and that they should be paid, and he was committed for this, and fined, *Proclamation Brooks* 10. 22. *H.* 8. and this matter shall bee examined in this Court.

A man having
neither privi-
ledge nor cu-
stome to make
Proclamation.

F I N I S.
