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or mainprise, till the said forfeiture shall be paid. 43 El. c. 2. f. 2, 11.

2. And by the 17 G. 2. c. 38. Any parish officers neglecting to obey any directions of that act, being convicted thereof on oath before two justices, in two calendar months after the offence committed, shall forfeit not exceeding 5l. nor less than 40s. to the poor, by distress. f. 14.

3. And in all actions to be brought in the courts at Westminster, or at the assizes, for the recovery of any sum mispent or taken to their own use by the churchwardens or overseers, the evidence of the parishioners, other than such as receive alms, shall be admitted. 3 W. c. 11. f. 12.

VIII. Indemnity of overseers in the performance of their duty.

1. By the 7 J. c. 5. and 21 J. c. 12. If any action be brought against any overseer, or other person which in his aid, or by his commandment, shall do any thing concerning his office, he may plead the general issue, and if he recovers, he shall have double costs: And such action shall be laid in the proper county, and not elsewhere.

2. And by the 43 El. c. 2. Persons sued for any thing done on that act, may plead the general issue, and have treble damages with costs, and that to be assessed by the same jury or writ to inquire of the damages. f. 19.

Popc. See Popery.

Popery.

104842

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I. *General observations.*

i. **I**T is to be observed in general, that *popish* recusants are liable to all the forfeitures and disabilities, and other inconveniences, to which other recusants are liable; and to many others, to which other recusants are not liable.

For to be a *recusant*, doth not necessarily imply the being a *papist*: But a *recusant* is any person who refuses to go to church, and worship god, after the manner of the church of *England*: A *popish recusant*, is a *papist* who so refuseth: And a *popish recusant convicted*, is a *papist* legally convicted thereof. For the want of attending to which distinction, divers authors who have treated of this subject, have fallen into confusion.

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Journal

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2. There are several statutes made against recusants in *Q. Elizabeth's* reign, and the former part of the reign of *K. James* the first, which are not restrained to popish recusants only; but as there were few or no other recusants but papists at that time, they have regard chiefly to persons of that profession: and therefore they are inserted under 'this title: altho' the words of them do extend, and the act of toleration supposes them to extend, to all non-conformists in general. But the force of them as to protestant dissenters is taken away by that act. But no papist, or popish recusant, shall have any benefit by the act of toleration.

3. The reader will observe from the dates of the several acts, how the penalties have from time to time been enforced and enlarged, upon every fresh attempt against the government; especially at the several periods during *Q. Elizabeth's* reign, after the powder plot in the reign of *K. James* the first, and after the rebellion in 1715. One of the acts particularly, immediately after the powder plot, which will often occur in the following sections; is, in the statutes at large, a well penned act. It is much in the style of *Lord Coke*; strong, and clear: where tho' many words are used, yet none of them can be wanted. And probably it was drawn up by him. It brings the several laws together, which had been enacted on the subjects it treats of; and renders them all useless and dead, as much as if it had repealed them in express words. And it may be a pattern in reducing into one general law, the several statutes which on many heads are now become very numerous, and not a little confused.

4. In perusing this whole title, wherein the laws against papists are brought clearly together in one view, it will occur possibly to remark, that they are many, and perhaps severe. But it ought to be considered withal, how protestants are treated in popish countries; and that the offences intended to be guarded against by these laws, are not the stealing of an ox, or the burning of an house, or any other invasion of private property, but dethroning the prince, and overturning the government.

'Tis true, these laws in the present age have been permitted to sleep in a great measure, and that even at a time when a rebellion was advancing, and a foreign invasion attempted, in favour of a popish prince and government: but they are suffered nevertheless to continue in force; perhaps that it may appear to the enemies of our constitution, that if they are spared, it is not for want of power, but of inclination to punish.

II. Popish supremacy opposed and abolished.

1. Whoever shall affirm, that the king hath not the supreme authority in causes ecclesiastical, shall be excommunicated *ipso facto*, and not restored but by the archbishop on his repentance.
Can. 2.

2. By the statute of the 27 *Ed. 3. f. 1. c. 1.* which is called the statute of provisors; persons suing in a foreign realm, or impeaching judgment given in the king's court, shall incur a *premunire*; that is, shall have a day given to appear in person to

answer to the contempt, and if they come not, they shall be out of the king's protection, their lands and goods shall be forfeited, and their bodies imprisoned, and ransomed at the king's will.

And if any bring into the realm a summons or excommunication against any one executing the statute of provisors, he shall suffer pain of life and member. 13 R. 2. *ft.* 2. *c.* 3.

3. And by the 5 *El.* *c.* 1. If any person shall maintain the authority of the see of *Rome* in this realm, he shall incur a *præmunire* for the first offence, and for the second shall be guilty of high treason. Prosecution to be within a year. And the justices in sessions may enquire thereof, and shall certify the same into the king's bench. *f.* 2, 3, 4, 10, 11.

4. And if any person shall put in practice to absolve or withdraw any subjects from their allegiance, or if any person shall be willingly so absolved or withdrawn; he, his aiders and maintainers shall be guilty of high treason. The trial to be at the assizes, or in the king's bench. 3 *J.* *c.* 4. *f.* 22, 23, 25.

III. Concerning the pope's presentation to benefices.

1. No person by authority from the court of *Rome*, shall disturb any person of holy church, presented or collated by the king or his subjects; on pain of fine and imprisonment. 25 *Ed.* 3. *ft.* 6.

2. None shall take any benefice of an alien, or convey money to him for the farm thereof; on pain of incurring a *præmunire*. 3 R. 2. *c.* 3.

3. No alien shall purchase or occupy a benefice in *England*; on pain of a *præmunire*. 7 R. 2. *c.* 12.

4. He that shall go out of the realm, to procure a benefice, shall be out of the king's protection; and the same shall be void. 12 R. 2. *c.* 15.

5. If any person shall accept a benefice from the pope, he shall be banished for ever, and his lands and goods forfeited. 13 R. 2. *ft.* 2. *c.* 2.

6. No provision of a benefice not vacant, made by the pope, and licensed by the king, shall be available; but persons endeavouring to exclude the incumbent thereby, shall incur a *præmunire*. 7 H. 4. *c.* 8. 3 H. 5. *ft.* 2. *c.* 4.

IV. Bringing bulls and other instruments from Rome.

1. By the statute of the 16 R. 2. *c.* 5. (which is the famous statute called the statute of *præmunire*) If any person shall purchase, or bring into the realm, any bulls or instruments from *Rome*, or elsewhere, they shall incur a *præmunire*; that is to say, they shall be put out of the king's protection; and their lands and goods shall be forfeit to the king; and they shall be attached by their bodies, if they may be found, and brought before the king and his council, there to answer; or else process shall be awarded against them by *præmunire facias* (so called from those words in the writ).

Index

The first part of the work is devoted to a general survey of the subject, and to a discussion of the principles which should govern the selection of a site for a new town. The author then proceeds to a detailed description of the various methods which have been employed in the past, and to a comparison of their respective merits and demerits. He then discusses the various factors which should be taken into account in the selection of a site, and to the various methods which have been employed in the past, and to a comparison of their respective merits and demerits.

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2. But by a subsequent statute, if any person shall get or publish any bull or instrument from *Rome*, he shall be guilty of high treason. And his aiders and comforters shall incur a *præmunire*. And concealing the same shall be misprision of high treason. 13 *El. c. 2. f. 3, 4, 5.* And the justices of the peace may enquire thereof, within a year and day. 23 *El. c. 1. f. 8.*

V. *Popish books and relicks.*

1. If any person shall *have in his custody* any books called antiphoners, missals, grailes, processionals, manuals, legends, pies, portuasses, primers in *latin* and *english* (except those set out by *K. H. 8.*) couchers, journals, ordinals or other books for the service of the church, not set forth by the king; he shall forfeit for the first offence 40 *s.* for the second 4 *l.* and for the third shall be imprisoned at the king's will. And the justices of the peace in their general sessions may hear and determine the same. 3 *Ed. 4 Ed. 6. c. 10.*

2. No person shall *bring from beyond the seas*, nor shall *print, sell, or buy* any popish primers, ladies psalters, manuals, rosaries, popish chatechisms, missals, breviaries, portals, legends, and lives of saints, containing superstitious matter, printed or written in any language whatsoever; nor any other superstitious book printed or written in *english*; on pain of 40 *s.* one third to the king, one third to him who shall sue in any court of record, and one third to the poor of the parish where such books shall be found; and the books to be burned. 3 *J. c. 5. f. 25.*

3. If any person shall *bring into the realm* any agnus dei, crosses, pictures, beads, or such like vain and superstitious things, from the bishop of *Rome*, or any authorized by him to consecrate the same, and offer them to any person to be worn or used; both the bringer and receiver shall incur a *præmunire*: But if the receiver shall in one day's time deliver the same to a justice of the peace, or if such person to whom the same is offered shall carry the bringer before the next justice, or (if he cannot) shall disclose the offender's name and place of abode or resort, to the bishop, or to a justice of the peace, he shall not incur such *præmunire*. And in such case, the justice in 14 days shall signify the same to one of the privy council, on pain of incurring a *præmunire*. 13 *El. c. 2. f. 7, 8, 10.*

4. And two justices of the peace (and mayors and other chief officers in corporations) may *search* the houses and lodgings of every popish recusant convict, or of every person whose wife is a popish recusant convict, for popish books and relicks of popery: and if any altar, pix, beads, pictures, or such like popish relicks, or any popish book, shall be found in their custody, as in the opinion of the said justices, mayor, or other chief officer, shall be thought unmeet for such recusant to have or use, the same shall be presently defaced and burnt, if it be meet to be burned; and if it be a crucifix, or other relick of any price, the same to be defaced at the sessions, and returned to the owner. 3 *J. c. 5. f. 26.*

VI. Foreign education of papists.

1. If any person shall contribute, or send over sea, any money or other relief to any seminary abroad; he shall incur a *præmunire*. 27 *El. c. 2. f. 6.*

2. They who be in seminaries abroad, shall return in six months after proclamation, and conform in two days, before the bishop, or two justices of the peace; otherwise, if they return at all, without submission, they shall be guilty of high treason. 27 *El. c. 2. f. 5.*

3. If any person shall go, or send any person, beyond the seas, to be popishly educated, who shall be there so instructed, or shall send any money or other thing for that purpose; he shall, on conviction before the judges of the king's bench, or of assize, be disabled to be plaintiff in any action, or to be committee of any ward, or executor, or administrator, or capable of any legacy or deed of gift, or to bear any office; and shall forfeit his goods, and shall forfeit his lands during life. But if he shall conform in 6 months after his return, he shall be discharged. 3 *C. c. 2. 1 J. c. 4. f. 6, 7.*

4. Children, not being soldiers, mariners, merchants, or their apprentices or factors, departing the realm, on account of education, or otherwise, without licence from the king, or six of the privy council, shall take no benefit by any gift, conveyance, descent, devise, or otherwise, of any lands or goods, until they conform. 3 *J. c. 5. f. 16.* And persons sending any such child over seas, without licence, shall forfeit 100*l.* to him who shall sue in any court of record. 3 *J. c. 5. f. 16.* 11 & 12 *W. c. 4. f. 6.*

5. No woman, or child under 21, except sailors or factors, shall pass over sea without licence of the king and council; on pain that the officer of the port shall forfeit his office and his goods, the owner of the ship his vessel, and the master his goods and be imprisoned 12 months. 1 *J. c. 4. f. 8.*

6. No person, not bred up by his parents in the popish religion, shall breed up or suffer his children to be bred up in the popish religion; on pain of being disabled to bear any office, and of such children also being disabled to bear any office until they conform. 25 *C. 2. c. 2. f. 8.*

VII. Penalty of perverting others, or being perverted to popery.

If any person shall put in practice to reconcile any subjects to popery, or if any person shall be willingly so reconciled; he, his aiders and maintainers, shall be guilty of high treason. The trial to be at the assizes, or in the king's bench. 3 *J. c. 4. f. 22, 23, 25.*

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CONFIDENTIAL - SECURITY INFORMATION

MEMORANDUM FOR THE DIRECTOR, FBI

FROM: SAC, [illegible]

SUBJECT: [illegible]

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VIII. Jesuits and popish priests.

1. No jesuit or popish priest shall come into or be in the realm, on pain of high treason; unless he conform. 27 *El. c. 2. f. 2, 3, 10.*

2. And if any person shall knowingly receive or relieve any such, he shall be guilty of felony without benefit of clergy. 27 *El. c. 2. f. 4.*

3. And if any person, knowing such jesuit or priest to be in the realm, shall not in 12 days discover the same to a justice of the peace or other higher officer, he shall be fined and imprisoned at the king's pleasure. And if such justice or other officer shall not in 28 days give information thereof to one of the privy council, he shall forfeit 200 marks. 27 *El. c. 2. f. 13.*

4. And a suspected jesuit or popish priest, being lawfully examined, and refusing to answer whether he be a jesuit or popish priest, shall be imprisoned till he make direct and true answer. 35 *El. c. 2. f. 11.*

5. And the person who shall first discover, to any justice of the peace, any person who shall entertain or relieve any jesuit, seminary, or popish priest, within 3 days after the offence; so that by reason of such discovery any offender shall be taken and convicted; such person shall not only be freed from any penalty for such offence, if himself be an offender therein, but shall also have the third part of the forfeitures if they do not exceed 150*l.* and if they do exceed 150*l.* then he shall have 50*l.* 3 *J. c. 5. f. 1.*

6. If any person shall apprehend any popish bishop, priest, or jesuit, and prosecute him till he be convicted of exercising any part of the office or function of a popish bishop, or priest, he shall receive from the sheriff 100*l.* reward. 11 *Et 12 W. c. 4. f. 1, 2.*

7. If any popish bishop, priest, or jesuit, shall exercise any part of the office or function of a popish bishop or priest (except in foreign ministers houses), he shall be adjudged to perpetual imprisonment. 11 *Et 12 W. c. 4. f. 3, 5.*

8. If any person shall contribute, or send over sea, any money or other relief to any jesuit or popish priest; he shall incur a *præmunire.* 27 *El. c. 2. f. 6.*

IX. Saying and bearing mass.

1. If any person shall say or sing mass, he shall forfeit 200 marks, and be imprisoned for a year, and till paid;

And if any person shall wilfully bear mass, he shall forfeit 100 marks, and be imprisoned for a year;

The forfeitures to be one third to the king, one third to the poor, and one third to him who shall sue in any court of record. And if not paid in 3 months after judgment, he shall be committed till he pays, or conforms. And the sessions may determine the same. 23 *El. c. 1. f. 4, 9, 10, 11.*

2. If any popish *bishop, priest, or jesuit* shall say mass, except in foreign ministers houses, he shall be adjudged to perpetual imprisonment. 11 & 12 W. c. 4. f. 3, 5.

3. And the person who shall first discover to any justice of the peace any mass to have been said, and the persons that were present thereat, and the priest that said the same, or any of them, within 3 days after the offence, and by reason of such discovery any offender is taken and convicted; such person shall not only be freed from any penalty for such offence, if himself be an offender therein, but shall also have the third part of the forfeitures, if they do not exceed 150*l.* and if they do exceed 150*l.* then he shall have 50*l.* and after conviction of the offender, he shall have a certificate from the judges, or justices of the peace before whom the conviction shall be, directed to the sheriff or person who shall seize the goods, or levy the forfeiture, commanding him to pay the same. 3 J. c. 5. f. 1.

4. And conveyances made by recusants to evade the penalties for saying or hearing mass, shall be void. 29 El. c. 6. f. 1.

X. Penalties of 12*d.* a Sunday, and 20*l.* a month, for not going to church.

1. All persons, having no lawful or reasonable excuse to be absent, shall resort to their parish church or chapel, or upon reasonable let thereof, to some usual place where divine service shall be performed, according to the liturgy and practice of the church of *England*, upon every *Sunday* and holiday; on pain of punishment by the censures of the church, or of forfeiting to the poor for every offence 1*s.* to be levied by the churchwardens by way of distress. 1 El. c. 2. f. 14, 24. Except dissenters qualified by the act of toleration, who resort to some congregation of religious worship allowed by that act. 1 W. c. 18. f. 2, 16.

And he who is absent from his own parish church, shall be put to prove where he went to church. 1 *Harv.* 13.

And one justice, on proof (in one month after default) by confession, or oath of witness, may call the party before him; and if he shall not make sufficient excuse, and due proof thereof, to the satisfaction of the justice, such justice shall give warrant to the churchwarden to levy 12*d.* to the use of the poor of the parish, for every default, by distress and sale, rendring the overplus. For want of distress, commitment till paid. 3 J. c. 4. f. 27, 28.

2. Every person above the age of 16 years, who shall not repair to some church, chapel, or usual place of common prayer, being convicted thereof before the judges of assize, or justices of the peace in their open quarter sessions, shall forfeit 20*l.* a month, one third to the king, one third to the maintenance of the poor of the parish, and of the houses of correction and of impotent and maimed soldiers, as the lord treasurer, chancellor, and chief baron of the exchequer shall order, and one third to him who shall sue in any court of record. If not paid in 3 months after judgment, he shall be imprisoned till he pay, or conform himself to go to church. 23 El. c. 1. f. 5, 11. 29 El. c. 6. f. 7.

The first part of the paper is devoted to a description of the
 various forms of the plant, and the manner in which they
 are distributed in the different parts of the country. It is
 observed that the plant is most abundant in the lowlands,
 and that it is less common in the highlands. The author
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History

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Note; These two last statutes, by inflicting 20*l.* for a month's absence, dispense not with the forfeiture of 12*d.* on the former statutes for the absence of one *Sunday*; for both may well stand together; and the 12*d.* is immediately forfeited upon the absence of each particular day. 1 *Haw.* 13.

3. And every offender in not repairing to church, being once convicted, shall pay into the exchequer at *Easter* or *Michaelmas* term which shall first happen after the conviction, 20*l.* for every month contained in the indictment; and shall also afterwards, without any other indictment or conviction, pay into the exchequer at every *Easter* and *Michaelmas* term 20*l.* for every month till he conform; except where the king may refuse the same, and take two parts of the lands as hereafter is mentioned. 3 *J. c. 4. f. 8.*

4. And every conviction recorded, shall by the court be certified into the exchequer, and if default shall be made in any part of payment, the king may by process take the goods, and two parts of the lands of the offenders. 3 *J. c. 4. f. 9.*

5. Also the king may refuse the penalty of 20*l.* a month for not coming to church, and in lieu thereof may seize two parts of the offender's lands, and keep them till he conform. 3 *J. c. 4. f. 10, 11.*

6. And where seizure shall be made of two parts of the lands, for the penalty of 20*l.* a month, such two parts shall, according to the extent thereof, go towards payment, but the third part shall not be extended or seized. And when the recusant shall die, and the said penalty not paid, the king shall keep the two parts, until the whole be thereby, or otherwise, paid. 1 *J. c. 4. f. 5.*

7. And if such recusant have not lands of 20 marks a year, or goods worth above 40*l.* and shall not conform in 3 months, being thereto required by the bishop, or a justice of the peace, or the minister, he shall abjure the realm before two justices of the peace or the coroner; who shall enter the same of record, and certify the same at the next assizes. 35 *El. c. 2. f. 8, 9.*

And if he shall refuse to abjure, or not depart, or return, he shall be guilty of felony without benefit of clergy. 35 *El. c. 2. f. 10.*

But married women shall not be obliged to abjure, but they shall be subject to all the other penalties. 35 *El. c. 2. f. 19.*

8. And every person who shall retain in his service, or shall relieve, keep, or harbour in his house any servant, sojourner, or stranger, who shall not repair to church, but shall forbear for a month together, not having reasonable excuse, shall forfeit 10*l.* for every month he shall continue in his house such person so forbearing. And the sessions may hear and determine the same. 3 *J. c. 4. f. 32, 33, 36.*

9. And conveyances made by recusants to evade the penalties for not coming to church, shall be void. 29 *El. c. 6. f. 1.*

10. And the justices in sessions shall have power to enquire, hear, and determine of all recusants and offences for not repairing to church; and shall have power at the sessions where an indictment is taken for such offence, to make proclamation, by which
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it shall be commanded that the body of the offender shall be rendered to the sheriff, bailiff, or gaoler, before the next sessions: And if he shall not appear of record at the next sessions, then upon such default recorded, he shall stand convicted. 3 *J. c. 4. f. 7.*

11. And no indictment or other proceeding against recusants shall be reversed (unless they conform) for any want of form, nor by any thing but by direct traverse to the point of not coming to church. 3 *J. c. 4. f. 16.*

12. But every person who shall usually on *Sundays* have in his house divine service as established by law, and be thereat himself usually present, and shall 4 times a year at least go to the parish church or other common church or chapel, he shall not incur any penalty for not repairing to church. 23 *El. c. 1. f. 12.* And this also shall not extend to protestant dissenters, who resort to some place of religious worship allowed by the act of toleration. 1 *W. c. 18.*

13. And the churchwardens and constables shall (on pain of 20*l.*) present at the quarter sessions once a year, the monthly absence from church of all recusants, and the names and ages of their children above 9 years of age, and the names of their servants. And the presentments shall be entred by the clerk of the peace without fee, on pain of 40*s.* And if the party presented shall be indicted and convicted, such churchwarden or constable shall have a reward of 40*s.* to be levied of the recusant's goods by warrant of the justices in sessions. 3 *J. c. 4. f. 4, 5, 6.*

XI. Registering estates.

1. Every person being a popish recusant, or papist, or educated in the popish religion, or whose parent or parents shall be a papist or papists, or who shall use or profess the popish religion, shall within 6 months after he shall be of the age of 21, take the oaths of the 1 *G. c. 13.* and make the declaration against popery of the 30 *C. 2.* in one of the courts at *Westminster*, or the quarter sessions; or in default thereof, shall within 6 months afterwards, and within 6 months after he shall come into the possession of any lands, register the same; where they lie; who is the possessor of them; what estate he hath in them; the yearly rent, if lett; if lett upon lease, who made it, what rent, what fine; the time when registred; in a parchment book or roll to be kept by the clerk of the peace. 1 *G. f. 2. c. 55. f. 1.*

2. And such lands shall be registred in the county, where the house thereupon stands. 3 *G. c. 18. f. 3.*

3. And his name shall be subscribed to the registry, in the presence of two justices in open sessions, by himself or his lawful attorney (the warrant of attorney to be proved by two witnesses, and entred of record); and two justices shall subscribe their names as witnesses (on pain of 20*l.*) that the entry was duly made. And the clerk of the peace shall, on application made ten days at least before the sessions, enter the same before such sessions; who shall have 3*d.* for every 200 words of the registry and entry of record, and for every copy thereof, and for any one comparing the same with

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The undersigned, being duly sworn, depose and say that the within and foregoing is a true and correct copy of the original of the same as the same appears from the records of the Court of Sessions of the County of ... State of ...

Given under my hand and the seal of the Court of Sessions of the County of ... State of ... this ... day of ... 19...

In testimony whereof, I have hereunto set my hand and the seal of the Court of Sessions of the County of ... State of ... at ... this ... day of ... 19...

Subscribed and sworn to before me this ... day of ... 19...

Notary Public for the County of ... State of ...

with the originals; and 4*d.* for every search. And if he neglect or refuse to do his duty herein, he shall forfeit his office. 1 G.

ft. 2. *c.* 55. *f.* 1.

4. Persons not qualifying, or not registering, or not registering truly, shall forfeit such lands, or the value thereof, two thirds to the king, and one third to him who shall sue for the same at the common law, or in chancery. 1 G. *ft.* 2. *c.* 55. *f.* 1.

5. But no action for any forfeiture for not registering, or for registering fraudulently, shall be brought after two years after the offence committed. 3 G. *c.* 18. *f.* 2.

XII. Inrolling deeds and wills.

1. No manors, lands, tenements, or hereditaments, or any interest therein, or rent or profit thereout, shall pass, alter, or change from any papist, or person professing the popish religion, by any deed or will, except such deed within 6 months after date, and such will within 6 months after the death of the testator, be inrolled in one of the courts of record at *Westminster*, or within the county where they lie, by the *custos rotulorum*, and two justices of the peace, and the clerk of the peace, or two of them at least, whereof the clerk of the peace to be one. 3 G. *c.* 18. *f.* 6.

2. But leases made by papists to protestants, whereon the full yearly value, or the ancient or most accustomed yearly rent or more shall be reserved, need not to be inrolled. 10 G. *c.* 4. *f.* 19.

3. And by the 28 G. 2. *c.* 10. such deeds and wills shall be good, if they be inrolled before *Jan.* 1. 1756, if advantage hath not been taken of the default before *Jan.* 11. 1755. And there is generally the like clause of indemnity in some act of parliament every two or three years.

4. Also no purchase made for full and valuable consideration, by and for the sole benefit of any protestant, shall be avoided for or by reason that any deed or will, thro' which the title is derived, hath not been inrolled; so as no advantage was taken thereof before the purchase, and so as no decree or judgment hath been obtained for want of such inrollment. 28 G. 2. *c.* 10.

XIII. Double taxes.

By the land tax acts, papists and reputed papists, being of 18 years of age, who shall not have taken the oaths of allegiance, supremacy, and abjuration, shall pay double land tax.

XIV. Papists not to come to court.

1. No popish recusant convict shall come into the court or house where the king or his heir apparent shall be (unless commanded by the king or council); on pain of 100*l.* half to the king, and half to him who shall discover and sue for the same in any court of record. 3 J. *c.* 5. *f.* 2.

2. And

2. And if any member of either house of parliament, not having taken the oaths of allegiance and supremacy, and made and subscribed the declaration against popery, shall come into the king's presence, or the court or house where he is (without licence from six of the privy council), he shall suffer as a popish recusant convict, and shall be disabled to hold any office, or to vote in either house of parliament, or to be plaintiff, guardian, executor, administrator, or to take any legacy or gift, and shall forfeit 500*l.* to him who shall sue. 30 C. 2. s. 2. c. 1.

XV. Not to come within ten miles of London.

1. All popish recusants who shall come, dwell, or remain, within the city of *London*, or within ten miles thereof, who shall be indicted or convicted of such recusancy, or who shall forbear going to church to hear divine service for 3 months, shall within ten days after such indictment or conviction, depart from the said city, and ten miles compass of the same; and shall also within the said time deliver up their names to the lord mayor, if they dwell within the city or liberties thereof; and if they dwell in any other county, within ten miles of the city, they shall deliver up their names to the next justice; on pain of 100*l.* half to the king, and half to him who shall sue. 3 J. c. 5. s. 4.

2. And for the better discovering of papists within ten miles of *London*, every justice in the neighbouring counties, shall cause to be arrested and brought before him every such person within the said limits, not being a merchant foreigner, as are or are reputed to be papists (except ambassadors servants), and tender to him the declaration against popery of the 30 C. 2. which if he shall refuse to make and subscribe, and afterwards continue within ten miles of *London*, he shall suffer as a popish recusant convict. The justice to certify such subscription, or refusal, into the king's bench, or to the next quarter sessions. 1 W. c. 9.

XVI. Papists confined to their habitations.

1. Every person above 16 years of age, being a popish recusant, and having any certain place of abode, who being convicted for not repairing to some church, chapel, or usual place of common prayer to hear divine service there, but forbearing the same contrary to law, shall within 40 days next after the conviction (if he be within the realm, and not hindered by imprisonment, by command of the king or council, or by sickness, and in such case in 20 days after the removal of such impediment) repair to his usual dwelling, and shall not remove above five miles from thence, unless he be licensed as is herein after directed, on pain of forfeiting his goods, and also to the king his lands during life, unless they be customary or copyhold, and then to the lord of the manor. 35 El. c. 2. s. 3, 5.

And it seemeth that these shall be computed according to the *English* manner, allowing 1760 yards to a mile, and that the same shall be reckoned not by straight lines, as a bird or arrow may

may fly; but according to the nearest and most usual way. 1 *Haw.*
25.

2. Having repaired to their dwelling, they shall within 20 days notify their coming, and present themselves, and deliver their true names in writing to the minister of the parish and to the constable, and the minister shall enter the same in a book. 35 *El.* c. 2. f. 6.

3. And, after, the minister and constable shall certify the same in writing to the next sessions; and the clerk of the peace shall enter the same in the rolls of the sessions. 35 *El.* c. 2. f. 7.

4. But if such person restrained shall be urged by process, or be bound to appear in any of the king's courts, or be sent for by the council, or be bound to render his body to the sheriff on proclamation, he shall incur no penalty for removing for such purpose. 35 *El.* c. 2. f. 13, 14.

5. Also, popish recusants confined to their habitations by the 35 *El.* may be licensed to remove,

(1) By the king.

(2) By three or more of the privy council, in writing under their hands; who may give licence to such recusant to travel out of the compass of five miles, for such time as shall be contained in the licence, for their travelling, attending, and returning, and without any other cause to be expressed in the licence.

(3) If such recusant shall have necessary occasion or business; then, upon licence in writing under the hands and seals of four of the next justices of the county or place, with the assent in writing of the bishop; or of the lieutenant, or a deputy lieutenant of the county residing therein, under their hands and seals; in which licence shall be specified both the cause of the licence, and the time how long the party licensed shall be absent in travelling, attending, and returning: In such case, the person so licensed may travel about such his necessary business, and for such time as shall be comprised in the licence; he first taking oath before the said four justices, or any of them, that he hath truly informed them of the cause of his journey, and that he shall not make any causeless stay. And such person departing above five miles, not having such licence, and not having taken such oath, shall incur the penalty of the 35 *El.* abovementioned. 3 *J.* c. 5. f. 7.

XVII. Not to inherit, or take by devise.

If any person educated in the popish religion, or professing the same, shall not within six months after he shall be 18 years of age, take the oaths of allegiance and supremacy, and subscribe the declaration of the 30 *C.* 2. in the chancery, king's bench, or quarter sessions, he shall (in respect of himself, but not of his heirs) be incapable to inherit or take any lands, by descent, devise, or limitation; but the next of kin, being a protestant, shall have the same. 11 & 12 *W.* c. 4. f. 4.

XVIII. *Shall not purchase.*

1. Every papist, or person making profession of the popish religion, shall be disabled to purchase any lands, or profits out of the same, in his own name, or in the name of any other to his use, or in trust for him; but the same shall be void. 11 *Ch* 12 *W.* c. 4. *f.* 4.

2. But no sale of any lands for a valuable consideration by any person, being the reputed owner, or in possession of the rents and profits thereof, to be made to and for a protestant purchaser, shall be avoided on any pretence of disability in the act of the 11 *Ch* 12 *W.* c. 4. and of the 1 *J.* c. 4. incurred by any person making such sale, or by or through whom the title shall be derived; unless before such sale, the person intitled to take advantage of such disability, shall have recovered the lands, or given notice of his claim to the purchaser, or entred his claim at the quarter sessions. 3 *G.* c. 18. *f.* 4. But the above statute of the 11 *Ch* 12 *W.* shall continue, that papists shall not purchase. *f.* 5.

XIX. *Shall not present to benefices.*

1. A popish recusant convict shall be disabled to present, or grant any avoidance, to any ecclesiastical living, or nominate to any free school, hospital, or donative. 3 *J.* c. 5. *f.* 18.

2. And whereas by the 1 *W.* c. 15. any two justices who shall know or suspect or shall be informed, that any person is, or is suspected to be a papist, shall tender to him the declaration of the 30 *C.* 2. and if he shall not appear before the said justices, on notice to him given by warrant of the said justices, or left at his usual place of abode, or if he shall refuse to make and subscribe the declaration, they shall certify his name and place of abode at the next sessions to be there recorded by the clerk of the peace; It is enacted by the 1 *W.* c. 26. *f.* 2. that every person so recorded, shall from the time of such record, be disabled to present or nominate to any benefice, free school, hospital, or donative, as fully as if he were a popish recusant convict.

3. And where any person shall be possessed of any right of presentation or nomination as aforesaid, *in trust* for any papist or popish recusant, who shall be convicted or disabled by the 3 *J.* c. 5. or by the 1 *W.* c. 26. such trustee shall be disabled to present or nominate, or to grant any avoidance thereof. 1 *W.* c. 26. *f.* 3.

4. Also, it is further enacted, that every papist, or person making profession of the popish religion (that is, whether convicted by either of the former acts or not) and every child not being a protestant, under the age of 21, of every such papist or person professing the popish religion, and every mortgagee, trustee, or person any ways intrusted, directly or indirectly, by or for any such papist or person professing the popish religion, or such child as aforesaid, whether such trust be declared by writing or not, shall be disabled to present or nominate. 12 *An. B.* 2. c. 14. *f.* 1.

5. And

5. And the chancellor and scholars of the university of *Oxford* shall present and nominate to the same, in the counties of *Oxford, Kent, Middlesex, Suffex, Surrey, Hampshire, Berkshire, Buckinghamshire, Gloucestershire, Worcestershire, Staffordshire, Warwickshire, Wilshire, Somersetshire, Devonshire, Cornwall, Dorsetshire, Herefordshire, Northamptonshire, Pembrokeshire, Caermarthenshire, Brecknockshire, Monmouthshire, Cardiganshire, Montgomeryshire*, the city of *London*, and other cities and towns within the said counties:

And the chancellor and scholars of the university of *Cambridge* shall present and nominate in the counties of *Essex, Hertfordshire, Bedfordshire, Cambridgeshire, Huntingdonshire, Suffolk, Norfolk, Lincolnshire, Rutlandshire, Leicestershire, Derbyshire, Nottinghamshire, Shropshire, Cheshire, Lancashire, Yorkshire, Durham, Northumberland, Cumberland, Westmorland, Radnorshire, Denbighshire, Flintshire, Carnarvonshire, Angleseyshire, Merionethshire, Glamorganshire*, and the cities and towns within the said counties. 3 J. c. 5. f. 19. 20.

6. And if any trustee, mortgagee, or grantee of an avoidance, shall present or nominate to any such living, free school, or hospital, wherof the trust shall be for any recusant convict or disabled, without giving notice in writing to the university, in three months after the avoidance shall happen; he shall forfeit 500*l.* to the university. 1 W. c. 26. f. 4.

7. But the chancellors and scholars shall not present to any such ecclesiastical living, any person who shall then have any other benefice with cure of souls; nor shall the person presented be absent from the same above 60 days in any one year. 1 W. c. 26. f. 5, 6.

8. And every grant of an ecclesiastical living, school, hospital, or donative, by any papist or trustee for him, shall be void, unless made *bona fide* for a full and valuable consideration to a protestant purchaser. And also every *devise* thereof, with intent to secure the benefit thereof to the heirs or family of such papist, shall be void. 11 G. 2. c. 17. f. 5.

XX. Shall not teach school.

If any papist shall keep school, or take upon him the education, or government, or boarding of youth; he shall be adjudged to perpetual imprisonment. 11 G. 2. c. 4. f. 3, 5.

XXI. Disabled as to offices, law, physick.

1. No recusant convict shall practise the common law, as a counsellor, clerk, attorney, or solicitor; nor shall practise the civil law, as advocate or proctor; nor practise physick, nor be an apothecary; nor shall be a judge, minister, clerk, or steward of or in any court, or keep any court, nor shall be register or town clerk, or other minister or officer in any court; nor shall bear any office or charge, as captain, lieutenant, corporal, serjeant, ancient bearer, or other office in camp, troop, band, or company of

foldiers; nor shall be captain, master, governor, or bear any office of charge of or in any ship, castle, or fortress; but be utterly disabled for the same: and every person offending herein, shall forfeit 100*l.* half to the king, and half to him who shall sue. 3 *J. c. 5. f. 8.*

2. And no popish recusant convict, nor any having a wife being a recusant convict, shall exercise any publick office, unless such husband, and his children above 9 years old, and his servants, go to church and conform. 3 *J. c. 5. f. 9.*

XXII. Not to be executor or administrator.

A popish recusant convict shall be disabled to be executor or administrator. 3 *J. c. 5. f. 22.*

XXIII. Not to be guardian.

A popish recusant convict shall not have the custody of any child as guardian: but the wardship shall go to the next of kin not being a recusant, to whom the estate cannot lawfully descend. 3 *J. c. 5. f. 22, 23.*

XXIV. Shall be deemed excommunicate.

1. Every popish recusant convict shall stand and be reputed to all intents and purposes disabled, as a person excommunicated, and as if he had been so denounced by the laws of the realm. 3 *J. c. 5. f. 11.*

2. And on process to the sheriff, for apprehending a popish recusant excommunicated, he may break open a house, or raise the power of the county. 3 *J. c. 4. f. 35.*

XXV. Popish baptism.

Every popish recusant shall within one month next after the birth of any child, cause it to be baptized by a lawful minister in open church; or if it is infirm, to be baptized by a lawful minister; on pain of 100*l.* one third to the king, one third to him who shall sue, and one third to the poor. 3 *J. c. 5. f. 14.*

XXVI. Popish marriage.

1. Every man, being a popish recusant convict, who shall be married otherwise than in some open church or chapel, and otherwise than according to the orders of the church of *England*, by a minister lawfully authorized, shall be utterly disabled and excluded to have any estate of freehold into the lands of his wife, as tenant by the courtesy of *England*: And if she have no lands, he shall forfeit 100*l.* half to the king, and half to him who shall sue. 3 *J. c. 5. f. 13.*

2. And every woman, being a popish recusant convict, who shall be married in other form than as aforesaid, shall be utterly excluded

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RECORDS

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REPORT

Presented to the Board of Directors of the [Company Name] for the year ending [Date]

The following is a summary of the financial results of the [Company Name] for the year ending [Date]. The total revenue was [Amount] and the total expenses were [Amount]. The net profit was [Amount].

Financial Summary

The financial summary for the year ending [Date] is as follows:

Total Revenue	[Amount]
Total Expenses	[Amount]
Net Profit	[Amount]

The net profit for the year ending [Date] was [Amount], which represents an increase of [Percentage] over the previous year.

The increase in net profit is primarily due to the following factors:

1. Increase in sales volume of [Product/Service]

2. Reduction in operating expenses

3. Favorable exchange rates

4. Improved efficiency of operations

5. Tax incentives

6. [Other factors]

The following table shows the breakdown of the net profit:

Operating Profit	[Amount]
Non-Operating Income	[Amount]
Net Profit	[Amount]

The net profit for the year ending [Date] was [Amount], which represents an increase of [Percentage] over the previous year.

The net profit for the year ending [Date] was [Amount], which represents an increase of [Percentage] over the previous year.

excluded and disabled, not only to claim any dower or jointure, but also her widow's estate and frankbank in her husband's customary lands, and be disabled to have any part of his goods. 3 J. c. 5. f. 13.

3. But by the 26 G. 2. c. 33. After March 25. 1754, if they shall be married any where in *England*, other than in a church or publick chapel (unless by special licence from the archbishop of *Canterbury*), or without publication of banns, or licence, the marriage shall be null and void.

XXVII. *Popish burial.*

If any popish recusant, not being excommunicate, shall be buried in any place, other than the church or churchyard, or not according to the ecclesiastical laws; the executors or administrators of every such person so buried, shall forfeit 20*l.* one third to the king, one third to the informer or him who shall sue, and one third to the poor. 3 J. c. 5. f. 15.

XXVIII. *Armour.*

1. Any two justices, who shall know or suspect, or shall be informed, that any person is or is suspected to be a papist, may and shall tender to him the declaration in the act of the 30 C. 2. and if he shall not appear, after notice by warrant under hand and seal given to him, or left at his usual place of abode: or shall not make and subscribe the declaration; he shall be disabled to have or keep in his house or elsewhere, or in the possession of any other to his use, any arms, gunpowder or ammunition, except such weapons as shall be allowed by the sessions for the defence of his house or person. And any two justices may by warrant authorize in the day time any person, with the constable's assistance, to search such person's house for the same, and seize them for the use of the king. And the said justices shall deliver the same in open court at the next sessions for the use aforesaid; where also, they shall certify the name and place of abode of every person so subscribing, or not subscribing. 1 W. c. 15. f. 2, 3, 4.

2. And notwithstanding the taking away such armour, gunpowder, and munition, the said popish recusant shall be charged with the providing and maintaining of horie, and other ordnance, and munition, as other subjects, according to their several abilities. 3 J. c. 5. f. 29.

3. And every such person, not discovering and delivering them up to some justice in ten days after default in not appearing, or not subscribing as aforesaid, or hindring the seizure, shall be committed to gaol by any two justices for three months, and shall forfeit the arms, and pay treble value of them to the king, to be appraised by the justices at the next sessions. 1 W. c. 15. f. 5.

4. And every other person who shall conceal, or knowing thereof, not discover to a justice such arms or ammunition, or shall hinder the seizing thereof, shall be committed to gaol by two justices

justices for three months, and shall forfeit to the king the treble value of the arms. 1 *W. c. 15. f. 6.*

5. And every person who shall discover such arms or ammunition, so as they shall be seized, shall have a reward equal to the value thereof ordered by the sessions out of the goods of the offender, to be levied by distress. 1 *W. c. 15. f. 7.*

XXIX. Horses.

1. Every papist making default in not appearing, or not subscribing (as in the former section concerning armour), shall not have or keep in his possession, or in the possession of any other to his use, or at his disposition, any horse above the value of 5*l.* to be sold. And two justices may authorize any person, with the constable's assistance, to seize all such horses for the king's use. 1 *W. c. 15. f. 9.*

2. And if any person shall conceal, or assist in concealing, any such horse, he shall be committed by warrant of two justices to prison for three months, and shall forfeit to the king treble the value of such horse. 1 *W. c. 15. f. 10.*

XXX. Popish wife.

1. If any married woman, being a popish recusant convict, shall not conform in three months, she shall be committed to prison, by one of the privy council, or by the bishop, if she be a baroness; or, if under that degree, by two justices (1 *Q.*) until she shall conform, unless her husband shall pay to the king for her offence for every month 10*l.* or else the third part of his lands, so long as she shall continue out of prison. 7 *J. c. 6. f. 28.*

2. A wife being a popish recusant convict, her husband not being so, shall forfeit to the king two parts of her jointure and dower, shall not be executrix or administratrix of her husband, nor shall have any share of his goods and chattels. 3 *J. c. 5. f. 10.*

3. But if she hath been married (out of *England*) otherwise than according to the form of the church of *England*, she shall be disabled to claim any dower or jointure, or widow's estate, of her husband's lands; and shall have no part of his goods. 3 *J. c. 5. f. 13.* And if in *England*, the marriage shall be void. 26 *G. 2. c. 33.*

XXXI. Heir of a popish recusant.

If the heir of a popish recusant shall be under 16, at the death of such recusant, and shall after such age become recusant, he shall be charged with the penalties happening him by reason of such his ancestor's recusancy, until such time as he shall conform. 7 *J. c. 4. f. 3. 4.*

Received of the Treasurer of the State of New York
the sum of \$100.00

for the purchase of the bonds of the State of New York
dated the 1st day of January 1900

and the interest thereon to the date of maturity
to wit the 1st day of January 1900

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THE UNITED STATES OF AMERICA
 DISTRICT COURT OF THE DISTRICT OF COLUMBIA
 IN RE: [Illegible Name]
 Debtor.

Chapter 11
 Case No. [Illegible]

IN SENATE
 CONFIRMED
 [Illegible Signature]

APPROVED
 [Illegible Signature]

FILED
 [Illegible Signature]

CLERK OF COURT
 [Illegible Signature]

U.S. DEPARTMENT OF JUSTICE
 OFFICE OF THE CLERK OF COURT
 DISTRICT OF COLUMBIA

XXXII. *Protestant children of papists.*

If any popish parent, in order to the compelling his child being a protestant to change his religion, shall refuse to allow him a fitting maintenance, the lord chancellor may make order therein. 11 & 12 W. c. 4. f. 7.

XXXIII. *Oaths.*

1. By the toleration act, if any person being required by a justice of the peace, shall refuse to take the oaths of allegiance and supremacy, and to make and subscribe the declaration against popery of the 30 C. 2. he shall be committed by the said justice to prison; and, at the next sessions, if he shall again refuse to make and subscribe the said declaration, he shall be deemed and suffer as a popish recusant convict. f. 12.

2. And by the 1 G. 2. c. 13. Two justices may summon any person whom they shall suspect to be disaffected, by writing under their hands and seals to appear before them at a time prefixed, to take the oaths of allegiance, supremacy, and abjuration: which summons shall be served on such person, or left at his dwelling house, or usual place of abode, with one of the family there; and if such person shall neglect or refuse to appear, then, on due proof made upon oath of serving the said summons, they shall certify the same to the next sessions, to be there recorded: And if such person shall neglect or refuse to appear and take the oaths at the said sessions (his name being publickly read at the first meeting of the said sessions), he shall be taken and adjudged a popish recusant convict. And the same shall be from thence certified by the clerk of the peace, into the chancery, or king's bench, to be there recorded. f. 10, 11.

XXXIV. *Minister to present papists.*

Ministers shall present popish recusants to the bishop, every year before June 24. Can. 114.

XXXV. *Recusants conforming.*

1. A recusant conforming shall be discharged of the penalties which he might otherwise sustain in respect of his recusancy. 1 J. c. 4. f. 2.

2. And by the 11 G. 2. c. 17. Papists conforming to the protestant religion, and taking the oaths, and subscribing the declaration of the 30 C. 2 in the chancery, king's bench, or quarter sessions, (to be there recorded,) shall have their estates freed of the disabilities incurred before such conforming. f. 1, 2, 3, 4.

3. And a recusant convicted having conformed, shall at least once a year receive the sacrament in the parish church, on pain of forfeiting for the first year 20 l. for the second 40 l. and for every year after 60 l. half to the king, and half to him who shall sue in the

the courts at *Westminster*, or at the assizes, or sessions. 3 *J. c. 4.*
f. 2, 3.

And at the sessions where an indictment for such offence is taken, the justices shall have power to make proclamation, by which it shall be commanded that the body of the offender shall be rendred to the sheriff, bailiff, or gaoler, before the next sessions; And if he shall not appear of record next sessions, then upon such default recorded, he shall stand convicted. *f. 7.*

And no indictment or other proceeding shall be reversed for want of form, nor by any thing but by direct traverse to the point of not receiving the sacrament. *f. 16.*

But the husband shall not be charged with a penalty for the wife's offence in not receiving the sacrament; nor shall the wife be chargeable for not receiving during her marriage. *f. 40.*

XXXVI. Ecclesiastical jurisdiction.

It is generally provided in the foregoing acts, that nothing therein shall take away or abridge the authority or jurisdiction of ecclesiastical censures.

Note; The oaths and declarations abovementioned, are inserted at large in the title *Oaths*.

Posse comitatus. See Arrest.

Post.

Postmaster's
 oath.

1. **N**O person shall be capable of exercising any employment relating to the post office, or any branch thereof, or be any way concerned in receiving, sorting, or delivering of letters, before he shall have taken the following oath, before a justice of the peace where he resides:

I A. B. do swear, that I will not wittingly, willingly, or knowingly open, detain, or delay any letter or letters, packet or packets, which shall come into my hands, power, or custody, by reason of my employment in or relating to the post office; except by the consent of the person or persons to whom the same is or shall be directed, or by an express warrant in writing under the hand of one of the principal secretaries of state for that purpose; or except in such cases, where the party or parties to whom such letter or letters, packet or packets shall be directed, or who is or are chargeable with the payment of the port or ports thereof, shall refuse or neglect to pay the same, and except such letters or packets, as shall be returned for want of true directions, or when the party or parties to whom the same is or shall be directed, cannot be found: And that I will not any way imbezil any

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... the ... of ...

From ...

Boyle

... the ... of ...

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any such letter or letters, packet or packets, as aforesaid. 9 An. c. 10. f. 41.

And if any person shall do any thing contrary to the said oath, he shall forfeit 20 *l.* and his office. *f.* 40.

2. And persons appointed to measure the post roads, shall be sworn to perform the same, according to the best of their skill and judgment, before a justice of the peace, who shall make a certificate thereof in writing, to be entred in the general post office, without fee. *f.* 12. Measurer's oath.

3. All sums not exceeding 5 *l.* that shall be due from any person for letters, or which shall be received for the carriage of letters without answering the same to the receiver general, shall be recovered before justices of the peace in the same manner as small tithes: And such debt shall be preferable in payment before any debt to any private person. *f.* 30. Money for postage how to be levied.

And the rates or prices for the carriage of letters shall be according to the several rates and sums following:

For every single letter not above 80 miles from the general post office, 3 *d.* Above 80 miles, 4 *d.* And for every letter directed on board, or from on board any ship, 1 *d.* more.

Within the limits of the penny post, 1 *d.* (at putting in, and 1 *d.* at delivery, 4 G. 2. c. 33.)

From *Edinburgh, Dumfries, Dublin*; to *London*. 6 *d.*

From *France, Holland, Hamburg*, 10 *d.*

From *Italy, Sicily, Germany, Switzerland, Denmark, Sweden*, and all parts of the North (thro' *Holland*); and from *New York*, 1 *s.*

From *Italy, Sicily, Turkey*; through *France*, 1 *s.* 3 *d.*

From *Spain, Portugal, Jamaica, Barbadoes, Antegoa, Montserrat, Newis, St. Christophers*, 1 *s.* 6 *d.*

And a double letter shall pay double, and an ounce shall pay four times the price of a single letter. 9 An. c. 10. *f.* 6.

And bills of exchange wrote on the same piece of paper with a letter, and several letters to several persons wrote on the same piece of paper, shall pay as so many distinct letters. 6 G. c. 21. *f.* 51.

And writs or other proceedings at law, inclosed, or writ on the same piece of paper with a letter, shall pay as so many distinct letters. 26 G. 2. c. 13. *f.* 6.

But merchants accounts not exceeding one sheet, bills of exchange, invoices, bills of lading (sent or brought over sea, 6 G. c. 21. *f.* 52.) shall be allowed without rate in the price of the letters. 9 An. c. 10. *f.* 13.

But patterns or samples of goods, or pieces of any thing, tho' not paper, inclosed in a letter, or affixed thereto, if under an ounce weight, shall pay as a double letter. 26 G. 2. c. 13. *f.* 7.

4. And none but the postmaster shall carry letters; on pain of 5 *l.* for every offence, and 100 *l.* a week besides; half to the king, and half (with costs) to him that shall sue in any court of record. 9 An. c. 10. *f.* 17, 19. None but the postmaster to carry letters.

Except letters carried *gratis* by carriers or ship masters with goods, instruments out of any court, and letters sent by friends in their journey, or by a special messenger. 9 *An. c. 10. s. 2.*

Pound-breach. See Distress.

Powder (for the hair). See Excise.

Præmunire.

What it is.

1. **P** RÆMUNIRE is so called from a word in the writ, *Præmunire facias præfatum A. B. quod tunc sit coram nobis, &c.* where *præmunire* is used for *præmonere*, to warn the person to appear. as is directed in the statute of the 27 *Ed. 3. c. 1.* hereafter following 1 *Inst.* 129.

Power of justices of the peace therein.

2. Notwithstanding that *præmunire* is not within the letter of the commission of the peace, yet inasmuch as it is against the peace of the king and of the realm, any justice of the peace may, either on his own knowledge, or the complaint of others, cause any person to be apprehended for such offence; and he may take the examination of the person so apprehended, and the information of all who can give material evidence against him, and put the same in writing; and bind over the witnesses to the king's bench or gaol delivery; and certify his proceedings to the same court to which he shall bind over such informers. 2 *Harw.* 39. *Hale's Pl.* 168.

Impeaching judgments in the king's courts, a præmunire.

3. By the 27 *Ed. 3. c. 1.* called the statute of Provisors, They who shall draw any out of the realm in plea, whereof the cognizance pertaineth to the king's court, or which do sue in any other court, to defeat or impeath the judgments given in the king's court, shall have a day, containing the space of two months, by warning to be made to them, by the sheriffs or other officers, to appear to answer in their proper persons for the contempt: And if they come not at the said day in their proper person to be at the law, they, their procurators, attornies, executors, notaries, and maintainers, shall from that day forth be put out of the king's protection, and their lands, goods, and chattels forfeit to the king, and their bodies wheresoever they may be found shall be taken and imprisoned, and ransomed at the king's will. And upon the same a writ shall be made, to take them by their bodies, and to seize their goods, lands, and possessions, into the king's hands. And if it be returned, that they be not found, they shall be put in exigent, and outlawed.

Suing out foreign process, a præmunire.

4. And by the 16 *R. 2. c. 5.* commonly called the statute of *præmunire*, and to which the several subsequent statutes do refer; both those who pursue, or cause to be pursued, in the court of *Rome*, or elsewhere, any processes or instruments, or other things
whatsoever

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MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

SUBJECT: [Illegible]

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whatsoever which touch the king, against him, his crown and regality, or his realm; and also those who shall bring, receive, notify, or execute them; and their factors and abettors, shall be out of the king's protection; and their lands and tenements, goods and chattels, forfeit to the king; and they shall be attached by their bodies, if they may be found, and brought before the king and his council, there to answer; or process shall be made against them by *præmunire facias*, in manner as it is ordained in other statutes of provisors.

And in these two statutes, as above recited, are contained the pains and penalties of what is called a *præmunire*.

5. And since these acts it hath been adjudged, that a suit in the ecclesiastical court (as for debt) was in case of *præmunire*. And that a person suing in the ecclesiastical court, for the forgery of a will, doth incur the danger of a *præmunire*; because the party grieved might have his remedy by the common law. Also judgment against the defendant was given in a *præmunire*, for suing for tithes in the ecclesiastical court, alledging the same to be severed from the nine parts. 3 *Inst.* 120, 121. But it seemeth, that a suit in that court, for a matter which appears not by the libel it self, but only by the defendant's plea, or other matter subsequent, to be of temporal cognizance, is not within the statute; because it appears not that either the plaintiff or judge knew it to be so.

Suing for temporal matters in the spiritual court, a *præmunire*.

1 *H. 7.* 51, 52.

6. By the 25 *H. 8. c. 20.* Refusing to elect or consecrate the person nominated by the king to a bishoprick, is made a *præmunire*.

Refusing to elect or consecrate a bishop.

7. By the 26 *H. 8. c. 14.* No suffragan shall exercise any jurisdiction, otherwise than by the bishop's commission, on pain of a *præmunire*.

Suffragans exceeding their commission.

8. To delay a suit, on the statute of monopolies, 21 *J. c. 3.* shall be a *præmunire*. *f. 12.*

Delaying a suit on the statute of monopolies.

9. By the 13 *C. 2. c. 1.* To affirm maliciously or advisedly, by speaking or writing, that both or either houses of parliament have a legislative power without the king, is a *præmunire*.

Affirming that the parliament can make laws without the king.

10. By the 31 *C. 2. c. 2.* No subject shall be sent a prisoner out of the realm, on pain of a *præmunire*.

Sending prisoners out of the realm.

11. By the 6 *Ed. 3. c. 7.* If any person shall maliciously and directly by preaching, teaching, or advised speaking affirm, that the pretender hath any right to the crown, or any other person otherwise than as by the acts of parliament, he shall incur a *præmunire*.

Affirming that the pretender hath any right to the crown.

12. The offences above specified are such as do not fall in with the other titles of this book. Other offences incurring a *præmunire*, are inserted under the titles to which they do more properly belong; as in the titles, *Oaths*, *Gunpowder*; and especially in the title *Papery*, under which there are many offences of this kind, occasioned by the papal incroachments from time to time in this kingdom.

Other *præmunires*.

13. The judgment in *præmunire* is, that the defendant shall be from thenceforth out of the king's protection, and his lands and tenements,

Judgment in *præmunire*.

ments,

Præmunire.

ments, goods and chattels forfeited to the king, and that his body shall remain in prison at the king's pleasure. 1 Inst. 129.

Out of the king's protection] So odious was this offence formerly, that a man who was attainted of the same, might have been slain by any one without danger of law: because it was provided by law, that a man might do to him as to the king's enemy, and a man may lawfully kill an enemy: and therefore by the 5 *El. c. 1.* it is enacted, that it shall not be lawful for any one to slay any person attainted in or upon a *præmunire*. 1 Inst. 130.

But he is so far out of the king's protection, that he is disabled to bring an action for any injury whatsoever. And no one, knowing him guilty, can with safety give him aid, comfort, or relief. 1 Inst. 129, 130. 1 *Haw.* 55.

And Mr. *Hawkins* says it has been questioned, whether he hath a right to demand surety of the peace. But *Lambard* and *Dalton*, which are the authorities he cites for it, do incline to think that he hath such right. *Lambard* alledges for it the statute of the 5 *El.* abovementioned; and *Dalton* asserts it without doubting. *Lamb.* 80. *Dait.* 272. 1 *Haw.* 126.

Lands and tenements — forfeited] Yet tenant in tail shall only forfeit lands during life: for albeit the statute of the 16 *R. 2. c. 5.* enacteth, that lands and tenements shall be forfeited, that must be understood of such an estate as he may lawfully forfeit, and that is, during his own life. 1 Inst. 130.

Corruption of blood.

14. Attainder in *præmunire* worketh no corruption of blood. 1 Inst. 391.

Presentment.

A Presentment is that which the grand jury find and present to the court, without any indictment delivered to them; which is afterwards reduced into the form of an indictment, and in nothing else differs from an indictment.

There are other presentments of churchwardens, constables, surveyors of the highways, and justices of the peace; all which may be seen under their proper titles.

Prison and prisoner. See Gaol.

The first of these is the fact that the
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 interdependent. This is due to the
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INTERNATIONAL

The second of these is the fact that
 the world is becoming more and more
 interdependent. This is due to the
 fact that the world is becoming
 more and more interconnected.

Prison-breaking.

IT seemeth that at the common law all prison breaches were felonies, if the party were lawfully in custody for any cause whatsoever. 2 *Haw.* 123.

But by the following statute, which is called the statute *de frangentibus prisonam*, the severity of the common law is moderated; in the explication of which statute, will be contained the whole learning relating to this subject.

The statute is this: *Concerning prisoners which break prison, the king willeth and commandeth, that none that breaketh prison shall have judgment of life or member, for breaking of prison only, except the cause for which he was taken and imprisoned did require such judgment, if he had been convicted thereupon, according to the law and custom of the realm.* 1 *Ed.* 2. ft. 2.

Concerning prisoners which break] Therefore if the prison be broken by a stranger, and not by the prisoner, or by his procurement, this is no felony in the prisoner. *Hale's Pl.* 108.

Which break prison] It seems clear, that any place whatsoever, wherein a person under a lawful arrest for a supposed crime, is restrained of his liberty, whether in the stocks, or street, or in the common gaol, or the house of a constable, or private person, is properly a *prison* within this statute; for imprisonment is nothing else but a restraint of liberty. 2 *Haw.* 124.

And therefore this extendeth as well to a prison in law, as to a prison in deed. 2 *Inst.* 589.

But there must be an actual *breaking*; for if the door be open and he goes out, it is not felony, but a misdemeanor only. 2 *Inst.* 589. 2 *Haw.* 125.

But if the prison be fired without the privity of the prisoner, he may lawfully break it to save his life. *Hale's Pl.* 108.

Also it seems that no breach of prison will amount to felony, unless the prisoner escape. 2 *Haw.* 125.

That none that breaketh prison shall have judgment of life or member] That is, shall be guilty of felony. But nevertheless he is still punishable as for a high misprision, by fine and imprisonment; for it cannot be thought the meaning of the statute, in ordaining that such offences shall not be punished as capital ones, to intend, that they shall not be punished at all. 2 *Haw.* 128.

Nevertheless, by the 3 *Ed.* 1. c. 15. Those who have broken prison are not *baillable* by justices of the peace; and that for two reasons: 1. Because it carries a presumption of guilt. And, 2. Because it is a superadded offence to the former for which they stood committed. 2 *H. H.* 133.

Except the cause for which he was taken and imprisoned, did require such judgment] This is to be intended of a lawful cause; and therefore *false imprisonment* is not within this act. 2 *Inst.* 590.

Imprisonment is a restraint of a man's liberty under the custody of another, by lawful warrant, in deed, or in law. Lawful warrant is, either when the offence appeareth by matter of record, as when the party is taken upon an indictment; or when it doth not appear by matter of record, as when a felony is done, and the offender by a lawful *mittimus* is committed to gaol for the same: But between these two cases there is a great diversity; for in the first case, whether any felony were committed or no, if the offender be taken by force of a *capias*, the warrant is lawful, and if he break prison it is felony, altho' no felony were committed; but in the other case, if no felony be done at all, and yet he is committed to prison for a supposed felony, and break prison, this is no felony, for there is no *cause*. 2 Inst. 590.

So that the cause must be just, and not feigned, for things feigned require no judgment: Thus if a man give another a mortal wound, for which he is committed to prison, and breaketh prison, and the other dieth of the wound within the year, this death hath relation to the stroke; but because relations are but fictions in law, and fictions are not here intended, this prison-breaking is not felony. 2 Inst. 591.

So that the offence for which the party was imprisoned, must be a capital one at the time of the offence, and not become such by a matter subsequent. 2 Harw. 126.

And the cause must be expressed in the *mittimus*, altho' not so certainly as in an indictment, yet with such convenient certainty as it may appear judicially that the offence requireth such judgment; as, not for felony generally, but for felony in stealing such a horse, and the like. 2 Inst. 591.

But if the offence for which the party is committed, be supposed in the *mittimus* to be of such a nature as requires a capital judgment, yet if in the event it be found to be of an inferior nature, and not to require such a judgment, it seems difficult to maintain, that the breaking of the prison or a commitment for it can be felony; for the words of the statute are, *except the cause for which he was taken and imprisoned did require such judgment*; and here it appears, that the offence, which is the cause of his imprisonment, doth not require such a judgment. 2 Harw. 126.

But if a man be committed by lawful warrant, for *suspicion* of felony done, if he break prison, he may be indicted for that escape, albeit the commitment be for suspicion of felony, and yet no judgment can be given against him for suspicion, but for the felony it self, whereof he is suspected. 2 Inst. 592.

And an indictment that such a person *feloniously broke the prison* generally, is not good; but it ought to rehearse the specialty of the matter, that he being imprisoned for such or such a felony, broke the prison. 2 Inst. 591.

But if the party be only arrested for, and in his *mittimus* charged with a crime which doth not require judgment of life or member, as petit larceny, or homicide by self defence or by misadventure, and the offence be in truth no greater than the *mittimus* doth suppose it to be, it is clear, from the express words of the statute, that a breaking of the prison cannot amount to felony, 2 Harw. 126.

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to the fact that the American people are not generally educated in the principles of medicine and surgery, and that the medical profession is not generally educated in the principles of ethics and morality. It is the duty of the medical profession to educate the public in these principles, and to maintain the highest standards of ethics and morality in their own conduct.

The American Medical Association is a national organization of medical professionals, and it is the duty of the Association to represent the interests of the medical profession and the public. The Association should work to improve the quality of medical education and practice, and to promote the highest standards of ethics and morality in the medical profession.

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But if a felony be made by a subsequent statute, and an offender is committed thereupon; if he breaks prison, it is felony. For since all breaches of prison were felonies by the common law, which is restrained by this statute in respect only of imprisonment for offences not capital; when an offence becomes capital, it is as much out of the benefit of the statute, as if it had always been so. *Ha. Pl.* 108. *2 Haw.* 126.

Also it is said, that the party may be arraigned for prison-breaking, before he be convicted of the crime for which he was imprisoned; for that it is not material whether he were guilty of such crime or not; for the words of the statute are, *for which he was taken and imprisoned.* *2 Haw.* 127.

But if he is first indicted and acquitted of the principal felony, he shall not be indicted for the breach of prison afterwards; for it being cleared that he was not guilty of the felony, he is in law as a person never committed for felony, and so his breach of prison is no felony. *1 H. H.* 612.

But the gaoler shall not be punished as a felon for the party's breach of prison, unless he voluntarily consented to it; but it seems to be a negligent escape in the gaoler, for which he may be punished by fine and imprisonment, because there wanted either that due strength in the gaol, or that due vigilance in the gaoler or his officers, that should have prevented it: and if gaolers might not be punished for this as a negligent escape, they would be careless either to secure their prisoners, or to retake them that escape. *1 H. H.* 601.

And therefore if a criminal endeavouring to break the gaol, assault his gaoler, he may be lawfully killed by him in the affray. *1 Haw.* 71.

Indictment for prison-breaking, by escaping from a constable.

THE jurors for our lord the king upon their oath present, that A. C. late of _____ yeoman, constable of our said lord the king in and for the town of _____ in the said county, on the _____ day of _____ in the _____ year of the reign of _____ at _____ within the town and constableness aforesaid, in the county aforesaid, did take and arrest one A. O. late of _____ labourer, on suspicion of having committed a certain felony, in feloniously taking and carrying away one black gelding, the property of _____ of the value of _____ and thereupon he the said A. O. under the custody of him the said A. C. the constable aforesaid, was brought before J. P. esquire, one of the justices of our said lord the king assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors within the said county committed, and he the said J. P. by his warrant directed to the said A. C. and others, did command the said A. C. to carry and convey the said A. O. to the gaol of our said lord the king at _____ in the county aforesaid, there to be safely kept, until he should be lawfully delivered from thence; by
virtue

virtue of which said warrant, he the said A. O. was taken and detained by him the said A. C. and as he the said A. C. was conveying and carrying him the said A. O. to the gaol aforesaid, afterwards, to wit, on the _____ day of _____ in the year aforesaid, he the said A. O. at _____ aforesaid in the county aforesaid, with force and arms, did feloniously break away and escape from and out of the custody of him the said A. C. the constable aforesaid, against the will of him the said A. C. and against the peace of our said lord the king, his crown and dignity.

Indictment for breaking out of gaol.

THE jurors for our lord the king upon their oath present, that A. O. late of _____ in the county aforesaid, labourer, on the _____ day of _____ in the _____ year of the reign of _____ at _____ aforesaid in the county aforesaid, was arrested, imprisoned, and detained, in the gaol of our said lord the king, for a certain felony by him committed, that is to say, for the feloniously taking and carrying away one black gelding, the property of _____ of the value of _____ and that he the said A. O. on the _____ day of _____ in the year aforesaid, with force and arms, the aforesaid gaol of our said lord the king at _____ aforesaid in the county aforesaid feloniously did break, and thereby did escape from and out of the said gaol, against the peace of our said lord the king, his crown and dignity.

Privileged place. See Rescue.

Process.

Process by the commission.

1. **B**Y the commission of the peace, the justices in sessions have power to make and continue processes upon indictments, against the persons indicted, until they can be taken, surrender themselves, or be outlawed.

Process or indictments taken in the tourn.

2. And by the statute of the 1 Ed. 4. c. 2. Indictments and presentments taken in the sheriff's tourn, shall be delivered to the next sessions, who may award process thereupon, in like form as if they had been taken before themselves.

Process by justices out of sessions.

3. And the law also in several cases in express words directs process to be made by justices out of sessions; and in other cases by necessary implication: as where a statute doth give power to justices out of sessions to inquire, hear, and determine, there they may make process to cause the party to come and answer, otherwise they cannot proceed to hear and determine: and this may be either before or after presentment or indictment as the several statutes do require: Before presentment or indictment it is called a warrant; after presentment or indictment it is properly called process. *Dalt. c. 193.*

4. Commonly

Prose

The first part of the book is devoted to a general
 description of the human mind, and its powers
 and faculties. The author shows that the mind
 is not a passive organ, but an active one, and
 that it is capable of receiving impressions
 from the senses, and of forming ideas from
 these impressions. He also shows that the mind
 is capable of reasoning, and of forming
 judgments from the ideas which it receives
 from the senses.

The Principles of Psychology

The second part of the book is devoted to a
 description of the human mind, and its powers
 and faculties. The author shows that the mind
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 from the senses, and of forming ideas from
 these impressions. He also shows that the mind
 is capable of reasoning, and of forming
 judgments from the ideas which it receives
 from the senses.

Psychology

Prose

The first part of the book is devoted to a
 description of the human mind, and its powers
 and faculties. The author shows that the mind
 is not a passive organ, but an active one, and
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 from the senses, and of forming ideas from
 these impressions. He also shows that the mind
 is capable of reasoning, and of forming
 judgments from the ideas which it receives
 from the senses.

The following is a list of the names of the persons who have been
 named in the above report, and who are now residing in the
 city of Lyons, Louisiana, and who are known to the undersigned
 as being the persons who have been named in the above report.
 The names of the persons who have been named in the above report
 are as follows:

1. John A. Lyons
 2. John B. Lyons
 3. John C. Lyons
 4. John D. Lyons
 5. John E. Lyons
 6. John F. Lyons
 7. John G. Lyons
 8. John H. Lyons
 9. John I. Lyons
 10. John J. Lyons
 11. John K. Lyons
 12. John L. Lyons
 13. John M. Lyons
 14. John N. Lyons
 15. John O. Lyons
 16. John P. Lyons
 17. John Q. Lyons
 18. John R. Lyons
 19. John S. Lyons
 20. John T. Lyons
 21. John U. Lyons
 22. John V. Lyons
 23. John W. Lyons
 24. John X. Lyons
 25. John Y. Lyons
 26. John Z. Lyons

4. Commonly an indictment, being but an accusation against a man, is of no force but only to put him to answer unto it. And hereof all process hath the name, because it *proceedeth* or goeth out upon former matter either original or judicial. *Lamb. 519.* Process, what. No need of process, if the party is present.

5. And it seemeth plain, from the nature of the thing, that there can be no need of process, where the defendant is present in court, but only where he is absent. *2 Haw. 281.*

6. The process ought to be in the name of the king. And if it issue from the king's bench, it ought to be under the teste of the chief justice; and if it issue from any other court, there seems to be the same reason, that it ought to be under the teste of the first in the commission. *2 Haw. 283.* To be in the king's name.

7. Upon an indictment in sessions, there must be 15 days between the teste and return of the *venire*, but if the entry be by consent of parties, the *venire* may be returnable *immediate*, and the trial be the same day. *3 Salk. 371.* When returnable.

8. Process on an indictment or appeal of death, is one *capias*, and then an exigent: But in case of any other felony, then by the *25 Ed. 3. c. 14.* two *capias's*, and then an exigent. *Hal. Pl. 209. 2 Haw. 303. Crown Circ. 21.* Process for felony.

9. The ordinary processes upon all indictments of trespass against the peace, or of other offences against penal statutes, not being felony, or a greater offence, are as follows; First, if the offender be absent, a *venire facias*, which is but in nature of a summons to cause the party to appear, shall be awarded, except where other process is directed by some statute. *2 Haw. 283.* Process under felony.

If it appear by the return to such *venire*, that the party hath lands in the county, whereby he may be distrained, the *distress infinite* shall be awarded from time to time, till he do appear; and by force hereof he shall forfeit on every default so much as the sheriff shall return upon him in issues. But if a *nihil* be returned on such a *venire*, then three *capias's*, that is a *capias, alias*, and *pluries* shall issue. *2 Haw. 283.*

Where the inhabitants of a parish are indicted or presented, the process is first a *venire*, then a *distingas*. *Crown Circ. 21.*

10. By the *21 J. c. 4.* by which all popular actions on penal statutes are restrained to their proper counties, the like process in every popular action, bill, plaint, suit, or information, on a penal statute, before the quarter sessions (or higher courts) shall be awarded as in an action of trespass *vi & armis* at the common law. Process on informations.

And consequently, the process in all such suits must be by attachment or *pone per vadios*, and after by *distress infinite*, where by the return the party appears to be sufficient, otherwise by *capias*. *2 Haw. 284.*

11. If a defendant appear to an indictment of felony, and afterwards before issue joined make an escape, either from his bail, or from prison; the common *capias, alias*, and *pluries* shall be awarded against him, unless there had been an *exigent* before, in which case a new exigent shall be awarded. *2 Haw. 285.* Process on an escape.

12. The *exigent* shall not be awarded against *accessaries*, until the principal shall be attainted. *3 Ed. 1. c. 14. 2 Haw. 306.* Process against accessaries.

Process into a
foreign county.

13. By the 8 H. 6. c. 10. *On indictments for treason, felony, or trespass, against persons dwelling in other counties than where the indictment is taken, before any exigent awarded, presently after the first writ of capias awarded and returned, another writ of capias shall be awarded, directed to the sheriff of the county whereof the person indicted was supposed to be conversant by the same indictment, returnable before the same justices or others before whom he is indicted, at a certain day, containing the space of 3 months from the date of the said last writ, where the counties are holden from month to month; and where they are holden from 6 weeks to 6 weeks, he shall have 4 months, until the return of the same writ: by which writ of second capias it shall be commanded to the same sheriff to take the person indicted by his body, if he can be found within his bailiwick, and if he cannot be found within his bailiwick, that the said sheriff shall make proclamation in two counties before the return of the same writ, that he which is so indicted shall appear before the said justices or others, in the county, liberty, or franchise where he is indicted, at the day contained in the said last writ of capias, to answer to the king of the felony, treason, or trespass, whereof he is so indicted: After which second writ of capias so served and returned, if he which is so indicted come not at the day of the same writ of capias returned, the exigent shall be awarded. And every exigent and outlawry otherwise awarded or pronounced shall be void.*

And if any such indictment shall be removed by certiorari, then before the exigent awarded, presently after such first capias returned, another writ of capias shall be directed as before, returnable before the king in his bench.

But this shall not extend to indictments taken in the county of Chester.

Also if any person be indicted of felony or treason, and at the time of the same felony or treason supposed was conversant within the county whereof the indictment maketh mention, the like process shall be made against the person so indicted, as hath formerly been used; that is, without sending process into the other county.

But every person indicted in the form aforesaid, after he is duly acquitted by verdict, shall have an action upon his case, against the procurer of such indictment; and if such procurer be attainted thereof, the plaintiff shall recover treble damages. Which seemeth to be upon account of the distance at which he is supposed to live, from the place where he is indicted, and consequently his extraordinary trouble in that behalf.

Dwelling in other counties] If the defendant be named of B. and late of C. there is no need of any capias to the sheriff of the county where C. lies, because it appears that the defendant is at present conversant at B. But if a defendant be named of no certain place at present, but only late of B. and late of C. and late of D. being all of them in counties different from that wherein the prosecution is commenced, a capias shall go to the sheriff of every one of those counties. 2 Harw. 306.

Shall be void] Not utterly void, but only voidable by writ of error. 2 Harw. 306.

County

CHAPTER I

The first part of the book is devoted to a general survey of the subject. It begins with a definition of the term 'philosophy' and a discussion of its history. The author then proceeds to a consideration of the various branches of philosophy, including metaphysics, ethics, politics, and aesthetics. The second part of the book is devoted to a more detailed examination of the principles of philosophy, and the third part to a discussion of the application of these principles to the various branches of knowledge.

The author's treatment of the subject is both comprehensive and original. He does not merely repeat the opinions of other philosophers, but offers his own views on the nature and scope of philosophy. His arguments are clear and logical, and his language is simple and direct. The book is well adapted for the use of students and teachers alike, and will be found to be a valuable addition to any library.

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County of Chester] But it may be awarded into the counties palatine of Lancaster and Durham; and it seems that it shall be directed to, and returned by the chancellor of Lancaster, or bishop of Durham: And it hath been said, that if he will not return it, the exigent may be awarded as well as if he had returned it; because the court (of the sessions at least) cannot compel him to return it, and the prosecution might be unreasonably delayed, if the proceedings were to be stayed till he should return it. 2 Haw. 305. Hal. Pl. 209, 210.

Mr. Marrow saith, that by the equity of this statute, if a person indicted in one county is imprisoned in another, the justices may award an *habeas corpus* to remove him before themselves. Lamb. 526.

14. Concerning the execution of the process, it is laid down as a general rule, that where ever the king is a party to the suit (as he certainly is to all informations and indictments), the process ought to be executed by the sheriff himself, and not by the bailiff of any franchise, whether it have the clause *non omittas* or not, and whether the defendant be within a franchise or in the county at large, for the king's prerogative shall be preferred to any franchise: But it is said, that this is to be intended only where in the grant of the franchise no mention is made of causes to which the king is a party. 2 Haw. 284. To be executed by the sheriff.

15. And if the party be in an house, if the doors be shut, and the sheriff (having given notice of his process) demand admittance, and the doors be not opened, he may break open the doors and enter to take the offender. 2 H. H. 202. Breaking open doors.

16. But no person, on the lord's day, shall serve or cause to be served any writ, process, warrant, order, or judgment (except in cases of treason, felony, or breach of the peace); but the service thereof shall be void, and the person serving the same shall be liable to answer damages to the party grieved, in the same manner as if he had done it without any writ, process, warrant, order, or judgment at all. 29 C. 2. c. 7. f. 6. Process on a Sunday.

17. It seems to be agreed, that every suit, whether civil or criminal, and also every process in such suit against jurors, ought to be properly continued from day to day, from its commencement to its conclusion, without any the least gap or chasm; and the suffering any such gap or chasm is properly called a *discontinuance*; and the continuing the suit by improper process (as by a *capias* instead of a *distringas*), or by giving the parties an illegal day, is properly called a *miscontinuance*; and if the justices, before whom the matter is depending, do not come on the day to which it is continued, it is said to be *put without day*, and cannot be revived without a re-*summons* or re-attachment. 2 Haw. 298, 300. Process discontinued.

Now process may be discontinued several ways. As, 1. Where the second is not tested on the very same day, on which the first is returnable. 2. Where there is a sessions intervening between the teste and the return of a *capias*, that the defendant may not be imprisoned an unreasonable time. But it is no objection to an *exigent*, that it is not returnable the next sessions, because it must

allow time for five counties to be holden between its teste and return. 3. Where after issue or demurrer, the court gives the party a day to a distant sessions, without making any continuance to that immediately following. 4. Where the sessions to which the suit is continued is adjourned, and the suit is not adjourned accordingly. 5. Where any of the parties are described in any continuance of the suit, whether on the roll, or by process, by a name or addition variant from those in the original, tho' only in one letter. 6. Where a *venire* or *distringas* are issued, without any award on the roll to warrant them. 2 *Haw.* 298, 299.

And it seems generally to be taken as an undoubted principle, That a discontinuance by suffering a total chasm in the proceedings, whether on the roll, or in the process, by not giving a fresh continuance instantly upon the determination of the precedent, shall never be aided by any appearance or pleading over: But it is holden by the greater number of authorities, that if the original be good, and the defendant present in court, he shall be compelled to answer to such original, let the process whereon he came in, or the execution of it, be never so erroneous or defective, so that it never were discontinued; for the end of process is to compel an appearance, and the end being served, and a legal charge appearing against the defendant no way discontinued, the law will not so far regard a slip in the process, as to let the defendant out of court, in order only to have him brought in again in better form. 2 *Haw.* 300.

Process stayed by putting in bail. 18. The processes (as well of *capias* as of outlawry) may be stayed by a *supersedeas* issuing from other justices (out of sessions) testifying that the party hath come before them, and hath found sureties for his appearance to answer to the indictment, or to pay his fine. *Dalt. c.* 193.

And it seemeth that even any one justice may bail persons indicted at the sessions, for any offence under the degree of felony; for that the statutes relating specially to the power of justices in granting bail, do not in this case seem to take away the power, which one justice had before the making of the said statutes. 2 *Haw.* 103.

Process of outlawry. 19. Judgment of outlawry is given by the coroner, at the fifth county court, upon the party's not appearing to the *exigent* (which is a writ commanding the sheriff to cause the defendant (*exigi*) to be demanded from county court to county court, until he be outlawed). And such judgment is entred thus, *Therefore by the judgment of the coroner of our lord the king of the county aforesaid, he is outlawed.* 2 *Haw.* 446.

Meaning of the word outlaw. 20. The word *outlaw* (*utlaghe*) *utlagatus*, is not from the latin *lex*, but from the *saxon laga*, which signifies *law*. And a person outlawed signifies one that is out of the protection of the king, and out of the aid of the law.

A woman outlawed. 21. And a man which is outlawed is called outlawed, but a woman which is outlawed is called waived, and not *utlagata*; for that women are not sworn in leets or tornes, as men which are of the age of 12 or more are; and therefore men may be called *utlagati*, that is, *extra legem positi*, but women are *waiviate*, that

The first part of the report is devoted to a general
 description of the country and its resources. It
 is followed by a detailed account of the
 various industries and occupations of the
 population. The report then proceeds to
 a description of the climate and the
 diseases which are prevalent in the
 country. It concludes with a summary of
 the principal facts and a list of the
 names of the persons who were
 employed in the service of the
 government during the year.

that is, *derelictæ*, left out or not regarded, because they were not sworn to the law: wherein it is to be noted, that of ancient time a man was not said to be within the law, that was not sworn to the law, which is intended of the oath of allegiance in the lect. 1 *Inst.* 122.

And hence it is, that a man under the age of 12 years, cannot be outlawed. 1 *Inst.* 128.

22. Process of outlawry lies in all indictments of treason or felony, and on all returns of a rescous; and also on all indictments of trespasss with force and arms; and it seems probable, that it lies on an indictment of conspiracy, or deceit, or any other crime of a higher nature than a trespasss with force and arms; but not on any indictment for a crime of an inferior nature. And it seems agreed, that it lies not on any action on a statute, unless it be given by such statute, either expressly, as in the case of a *premunire*, or impliedly, as where a recovery is given by an action wherein such process lay before, as on a writ of trespasss for a forcible entry, on the 8 *H. 6. c. 9.* because the statute expressly gives a recovery by such writ, and such process lies in it by the common law. 2 *Harv.* 302, 303.

For what outlawry may be.

23. In every *action personal* wherein any exigent shall be awarded out of any court, one writ of proclamation shall be awarded out of the same court, having day of teste and return as the writ of exigent shall have, directed and delivered of record to the sheriff where the defendant dwells; which writ of proclamation shall contain the effect of the action: And the sheriff shall make one proclamation in the open county court, and another at the general quarter sessions where the defendant dwells, and another a month at least before the *quinto exactus*, by virtue of the said writ of exigent, at or near the most usual door of the church or chapel where the defendant shall be dwelling at the time of the exigent awarded, upon a *Sunday* immediately after divine service. 31 *El. c. 3.*

Outlawry proclaimed at the sessions.

Also, upon issuing any exigent out of any of the king's courts, against any person for a *criminal* matter, before judgment or conviction, there shall also issue a writ of proclamation, bearing the same teste and return, where the person in the record of the proceeding is mentioned to inhabit, according to the form of the 31 *El. c. 3.* which writ of proclamation shall be delivered to the sheriff 3 months before the return of the same. 4 & 5 *W. c. 22. f. 4.*

24. If there are two coroners in a county, or more, one may execute the writ, as in case of an exigent, but the return must be in the name of the coroners. 2 *H. H. 56.*

Return of the outlawry.

And the return of the outlawry must be certain: It must shew where the county court was held, and in what county; and must return the day, and year of the king to every *Exactus*. 2 *H. H. 203.*

And also the sheriff's name and office must be subscribed to the return of the exigent. 2 *H. H. 204.*

25. It is said, that the justices in sessions cannot issue a *capias utlagatum*, but must return the record of the outlawry into the

Capias utlagatum.

king's bench, and there process of *capias utlagatum* shall issue. 2 *H. H.* 52.

But in *T. 10 J.* The opinion of all the court of common pleas was, that if one be outlawed before the justices of the peace on an indictment of felony, they may award a *capias utlagatum*; and so was the opinion of *Periam* chief baron, and all the court of the exchequer: for they that have power to award process of outlawry, have also a power to award a *capias utlagatum*, as incident to their authority and jurisdiction. 12 *Co.* 103.

Consequences of outlawry:

26. If a person be outlawed at the suit of one man, all men shall take advantage of this personal disability. 1 *Inst.* 128.

But such disability abateth not the writ, but only disableth the plaintiff, until he obtain a charter of pardon. 1 *Inst.* 128.

For treason, or felony.

27. Upon outlawry in treason or felony, the offender shall lose and forfeit as much as if he had appeared, and judgment had been given against him, as long as the outlawry is in force. 2 *Harw.* 446.

For an inferior offence.

28. But the outlawry for a misdemeanor, doth not inure as a conviction for the offence, as it doth in cases of treason and felony; but as a conviction of the contempt for not answering, which contempt is therefore punished, not by fine as a conviction for the offence, but by forfeiture of goods and chattels for the contempt. *K. and Tippin, 1 W.* 2 *Salk.* 494.

Goods forfeited from the time of issuing the exigent.

29. The very issuing of the exigent, in case of treason or felony, gives to the king the forfeiture of the goods of the party, from the time of the teile of the writ of exigent: and the forfeiture by the exigent awarded stands, altho' the indictment be quashed, until there be a judgment of reversal on a writ of error; because the king's title being of record, must be avoided by a record. 2 *H. H.* 204, 205.

Lands forfeited from the time of the outlawry.

30. And as the award of the exigent gives the forfeiture of the goods, so the outlawry gives the forfeiture or loss of the lands of the party outlawed, to wit, in case of outlawry of treason his lands are forfeited to the king, of whomsoever they are held; and in case of outlawry of felony, to the lord by escheat, of whom they are immediately holden. 2 *H. H.* 206.

But the outlawry must be first returned.

31. But it must be remembered, that the bare judgment of outlawry by the coroner, without the return thereof of record, is no attainder, nor gives any escheat; but it must be returned by the sheriff, with the writ of *exigi facias*, and the return indorsed. 2 *H. H.* 206. Or else it must be removed by *certiorari*: for the judgment given by the coroner in the county court is not matter of record, that court not being a court of record. 1 *Inst.* 288.

And after inquisition found.

32. And by the outlawry all *personal* chattels are vested in the king by forfeiture; but *real* chattels, or freehold estates are not vested in the king, till after inquisition found. 3 *Salk.* 262.

Whether it is lawful to kill an outlaw.

33. In ancient times no man could have been outlawed but for felony, the punishment whereof was death; and upon this account, an outlawed man was called *woolfiscad*, because he might be put to death by any man, as a wolf that hateful beast might. But in the beginning of the reign of *K. Ed. 3.* it was resolved by

by the judges, for avoiding of inhumanity, and of effusion of christian blood, that it should not be lawful for any man but the sheriff, having lawful warrant, to put to death any man outlawed, tho' it were for felony; and if he did, he should undergo such pain of death, as if he had killed any other man: and so the law continueth to this day. 1 *Inst.* 28.

34. If a man be indicted before justices of the peace, and thereupon outlawed, and is taken and committed to prison, the justices of gaol delivery may award execution of this prisoner; for they are constituted to deliver the gaol. 4 *Inst.* 169. *Hale's Pl.* 158. 2 *H. H.* 35.

Judges of assize may award execution of persons outlawed by the justices of the peace.

35. Where clergy is allowable, it shall be as much allowed to one who is outlawed, as to one who is convicted by verdict or confession. 2 *Haw.* 343.

Clergy in cases of outlawry.

But a statute taking the benefit of clergy from those who shall be found guilty, doth not thereby take it from those who are outlawed. 2 *Haw.* 343.

But by the 3 & 4 *W. c. 9. s. 2.* *If any person be indicted of any offence, for which, by any former statute, he is excluded from clergy, upon conviction; if he shall be outlawed thereupon, he shall not have his clergy.*

By any former statute] Hereby it appears, that this extends not to offences made felonies by statutes subsequent to this statute. 2 *Haw.* 348.

36. Where a person is outlawed, the defendant may shew all the matter and outlawry returned of record, and demand judgment if he shall be answered, because he is out of the law, to sue an action during the time that he is outlawed. 1 *Inst.* 128.

Person outlawed cannot be plaintiff.

37. It seems to be a good challenge of a juror, that he is outlawed, either for a criminal matter, or as some say, in a personal action; but not a principal challenge, but only to the favour, unless the record of the outlawry be produced. 2 *Haw.* 215, 417.

Cannot be a juror.

38. But it seems clear, that outlawry in a personal action is not a good exception against a witness, as it is against a juror. 2 *Haw.* 443.

May be a witness.

39. An outlawed person may make a will, and have executors or administrators. *Cro. El.* 575.

May make a will.

And an executor may reverse the outlawry of the testator, where he was not lawfully outlawed. 1 *Leon.* 325.

40. Outlawry may be reversed several ways; as by procuring a *supersedeas* and delivering it to the sheriff before the *quinto ex-actus*, or by shewing any matter apparent on record which makes the outlawry erroneous, as the want of an original, or the omission of process, or want of form in a writ of proclamation, or a return by a person appearing not to be sheriff, or a variance between the original and exigent or other process, or by a misnomer, or want of addition. 2 *Haw. c.* 50.

Reversing outlawry.

41. And upon a writ of error upon an outlawry in felony, the party outlawed must render himself in custody, and pray the allowance of the writ of error in person: and if the outlawry be reversed, he shall be put to answer the indictment. 2 *H. H.* 209.

In what case the party must appear personally to reverse it.

But by the 4 & 5 *W. c.* 18. one outlawed, except for treason or felony, need not appear in person to reverse an outlawry, but by attorney. 2 *Salk.* 496.

Other kinds of
processs.

42. There is another kind of process out of a court of record, against offenders, called *attachment*, which is generally for contempt; which belongs to title *Attachment*.

The process against *jurors*, may be seen in the title *Jury*.
And the process against *witnesses*, in title *Evidence*.

Forms of process; and first of a *Venire*.

GEORGE the second, by the grace of god, of Great Britain, France, and Ireland, king, defender of the faith, and so forth. To the sheriff of the county of Westmorland, greeting. We command you, that you omit not, by reason of any liberty in your bailiwick, but that you cause A. O. of ——— in your said county, yeoman, to come before our justices assigned to keep our peace, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, at ——— in your said county, on the ——— day of ——— next ensuing; to answer unto us upon certain articles presented against him the said A. O. And have you there then this precept. Witnesses J. P. and K. P. at ——— the ——— day of ——— in the ——— year of our reign.

And upon this *Venire*, if the defendant be returned sufficient, and maketh default, then a *Distringas* shall be awarded, and so the same process infinite, until he come in: But if a *nihil habet* be returned at the first, then after the *Venire*, there shall go out a *Capias*, *Alias*, *Pluries*, and *Exigent*. *Dalt. Sher.* 160.

Form of a *Distringas*.

GEORGE the second, by the grace of god, of Great Britain, France, and Ireland, king, defender of the faith, and so forth. To the sheriff of the county of ——— greeting. We command you, that you omit not, by reason of any liberty in your bailiwick, but that you enter the same, and distrain A. O. of ——— in your county, yeoman, by all his lunds and tenements &c. and that you answer for the issues thereof &c. and that you have his body before our justices assigned [and so on, as before in the *Venire*.]

But if a *nihil* (as hath been said) be returned at the first upon the *Venire facias*; then a *Capias* shall issue, thus:

GEORGE the second, by the grace of god, of Great Britain, France, and Ireland, king, defender of the faith, and so forth: To the sheriff of the county of ——— greeting. We command you, that you omit not, by reason of any liberty in your bailiwick, but that you enter the same, and take A. O. of ——— in your county, yeoman, if he shall be found in your bailiwick, and him cause to be safely kept; so that you have his body before our justices assigned to keep our peace, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, at ——— in your county,

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on the ——— day of ——— next ensuing, to answer unto us concerning divers trespasses, contempts, and offences, of which he is indicted. And have you there then this writ. Witness J. P. and K. P. at ——— the ——— day of ——— in the ——— year of our reign.

At which day A. S. knight, sheriff of the county aforesaid, returned that he is not found in his bailiwick, and he did not come. Therefore it is commanded as before.

Note; The cause why the entry is made, and he did not come, is, because the party may appear voluntarily, and so avoid the attachment or arresting of his body.

The Alias Capias.

GEORGE ——— To the sheriff ——— We command you, as we before command you, that you omit not ——— (as before.)

At which day ——— (as before); and he did not come. Therefore it is commanded to the sheriff, as it hath been often commanded, &c.

The Pluries Capias.

GEORGE &c. To the sheriff &c. We command you, as we have often commanded you, that you omit not (as before.)

At which day A. S. knight, the sheriff aforesaid, returned, that the aforesaid A. O. is not found in his bailiwick, and he did not come. Therefore it is commanded, that you cause to be demanded &c.

The Exigent.

GEORGE &c. To the sheriff &c. greeting. We command you, that you cause A. O. of ——— in your county, yeoman, to be demanded, until, by the law and custom of our kingdom of England, he be outlawed, if he shall not appear; and if he shall appear, that then you take him, and cause him to be safely kept, so that you have his body before our justices assigned to keep our peace, and also to hear and determine divers felonies, trespasses, and other misdemeanors in your said county committed, at the general quarter sessions of the peace of your county next after the feast of ——— next ensuing to be held, wheresoever in the same county it shall happen to be holden, to answer unto us of divers trespasses, contempts, and offences, of which he is indicted. And have you there then this writ. Witness Sir J. P. baronet at ——— in the said county, the ——— day of ——— in the ——— year of our reign.

At which day A. S. knight, sheriff of the county aforesaid, returned, that at the county holden at ——— the ——— day of ——— in the ——— year of the reign of our lord the king that now is, and so at four other counties then next following, there holden, the aforesaid A. O. was demanded, and did not appear. Therefore by the judgment of the coroner of our said lord the king, in the county aforesaid, he was outlawed.

The *Capias Uilagatum*.

GEORGE &c. *To the sheriff &c. greeting. We command you, that you omit not, by reason of any liberty in your county, but that you take A. O. late of ——— in your county, labourer, if he shall be found within your county, and him cause safely to be kept, so that you have his body before the keepers of our peace and our justices assigned to hear and determine divers felonies, trespasses, and other misdemeanors in your county committed, at ——— the ——— day of ——— to stand right in our court before our justices aforesaid, upon a certain outlawry against him the said A. O. promulged, at our suit, for certain felonies (or trespasses) whereof he was convicted the ——— day of ——— And have you then there this writ. Witness &c.*

Profaneness. See Blasphemy.

Prophecies.

IF any person shall advisedly and directly advance, publish, and set forth by writing, printing, singing, or any other open speech or deed, any fond, fantastical, or false prophecy, upon or by the occasion of any arms, fields, beasts, badges, or such other like things accustomed in arms, cognizances, or signets, or upon or by reason of any time, year, or day, name, bloodshed, or war, to the intent thereby to make any rebellion, insurrection, dissention, loss of life, or other disturbance in the realm; and shall be convicted thereof before a judge of assize, or justice of the peace, within six months after the offence committed, he shall for the first offence be imprisoned for a year, and forfeit 10 *l.* and for the second offence, shall be imprisoned for life, and forfeit his goods: half the forfeitures to the king, and half to him who shall sue for them in any court of record. 5 *El. c. 15.*

Mr. Barlow thinks that the carrying of white roses on the tenth of June, comes within the purview of this statute.

Protestant dissenters. See Dissenters.

Publick worship.

Impugners of the rites of the church.

IMpugners of the book of common prayer, of the 39 articles, of the rites and ceremonies of the church of *England*, of the episcopal government of the church, or of the form of ordering and consecrating archbishops and bishops, shall be *ipso facto*

facto excommunicated, and not restored but upon repentance, and publick recantation. *Can.* 4, 5, 6, 7, 8.

2. If any person shall speak unreverently of the sacrament of the lord's supper, he shall suffer imprisonment, and make fine and ransom at the king's will. And three justices (1 Q.) may take information by the oaths of two witnesses; and afterwards, at the sessions, may inquire thereof by the oaths of 12 men upon indictment. And they shall, at the sessions where the offender shall be indicted, direct a writ to the bishop to appear by himself or deputy at the trial. But no person shall be molested, but within three months after the offence committed. 1 *Ed.* 6. c. 1.

Speaking irreverently of the sacrament.

3. All persons, having no lawful or reasonable excuse to be absent, shall resort to their parish church or chapel, or upon reasonable let thereof, to some usual place where divine service shall be performed, according to the liturgy and practice of the church of *England*, upon every *Sunday* and holiday; on pain of punishment by the censures of the church, or of forfeiting 1 s. for every offence to the poor, to be levied by the churchwardens by distress. 1 *El.* c. 2. s. 14, 24. Except dissenters qualified by the act of toleration. 1 *W.* c. 18.

Penalty of 12 d. a *Sunday* for not resorting to church.

And he who is absent from his own parish church, shall be put to prove where he went to church. 1 *Haw.* 13.

And any justice of the peace, on proof unto him made (in one month after default in coming to church on *Sundays*) by confession, or oath of witness, may call the party before him; and if he shall not make a sufficient excuse, and due proof thereof, to the justice's satisfaction, such justice may give warrant to the churchwarden to levy 12 d. to the use of the poor, by distress. For want of distress, commitment till paid. 3 *J.* c. 4. s. 27, 28.

4. Every person above the age of 16 years, who shall not repair to some church, chapel, or usual place of common prayer, being convicted thereof before the judges of assize, or justices in sessions, shall forfeit 20 l. a month, one third to the king, one third to the maintenance of the poor of the parish, and of the houses of correction, and of impotent and maimed soldiers, as the lord treasurer, chancellor, and chief baron of the exchequer shall order, and one third to him who shall sue in any court of record. If not paid in 3 months after judgment, he shall be imprisoned till he pay, or conform himself to go to church. 23 *El.* c. 1. s. 5, 8, 11. 29 *El.* c. 6. s. 7.

Penalty of 20 l. a month, for not resorting to church.

And this penalty of 20 l. a month dispenseth not with the forfeiture of 12 d. a *Sunday*; for both may well stand together; and the 12 d. is immediately forfeited upon the absence of each particular day. 1 *Haw.* 13.

And every offender in not repairing to divine service, having being once convicted (and not conforming) shall pay 20 l. a month into the exchequer, in the term of *Easter* or *Michaelmas* which shall be next after such conviction; and also shall, without any other indictment or conviction, for every month after such conviction, so long as he shall not conform, pay into the exchequer in every *Easter* and *Michaelmas* term, as much as shall then remain unpaid, after such rate of 20 l. a month: And if default shall be made

made in any part of such payment, the king may by process out of the exchequer, seize all the goods, and two parts of the land, of such offender. 29 *El. c. 6. f. 3, 4, 5, 6.* 3 *J. c. 4. f. 8, 9.*

Or the king may refuse the *20 l.* a month, tho' it be duly tendered, and seize two parts of the lands at his option. 3 *J. c. 4. f. 11.*

But copyhold lands are not within these statutes, in respect of the prejudice which would accrue to the lord, by the loss of his services. 1 *Harw. 14.*

And every person who shall usually on *Sundays* have in his house divine service as established by law, and be thereat himself usually present, and shall four times a year go to the parish church or other common church or chapel, shall not incur any penalty for not repairing to church. 23 *El. c. 1. f. 12.*

And this also shall not extend to qualified protestant dissenters. 1 *W. c. 18.*

Penalty for harbouring a recusant.

5. Every person who shall retain in his service, or shall relieve, keep, or harbour in his house any servant, sojourner, or stranger who shall not repair to church, but shall forbear for a month together, not having reasonable excuse, shall forfeit *10 l.* for every month he shall continue in his house such person so forbearing. And the justices in sessions may determine the same. 3 *J. c. 4. f. 32, 33, 36.*

Recusant disabled as to offices.

6. No recusant convict shall practise law or physick, nor shall be judge or minister of any court, or bear any military office by land or sea; and shall forfeit for every offence *100 l.* And shall also be disabled to be executor, administrator, or guardian. 3 *J. c. 5. f. 8, 22.*

Recusant conforming.

7. A recusant conforming himself shall be discharged of all penalties, which he might otherwise sustain by reason of his recusancy. 1 *J. c. 4. f. 2.*

Publick worship in the navy.

8. All commanders, captains, and officers at sea, shall cause the publick worship of almighty god, according to the liturgy of the church of *England*, to be performed in their respective ships: And prayers and preachings by the chaplains shall be performed diligently. 22 *G. 2. c. 33. art. 1.*

Qualification of lecturers.

9. No person shall be received as a lecturer, or allowed to preach or read any lecture or sermon, without licence from the bishop, and assenting to the 39 articles, and reading the common prayer before his first sermon, and on the first lecture day of every month; on pain of three months imprisonment, for every offence, by two justices of the peace on certificate from the bishop of the offence committed. 13 & 14 *C. 2. c. 4. f. 19, 20, 21.*

Disturbers of publick worship.

10. By the 1 *Mar. sess. 2. c. 3.* If any person shall disturb a preacher in his sermon by word or deed, he shall be apprehended and carried before a justice of the peace, who shall commit him to safe custody, and within six days, he and another justice shall examine the fact, and if they find him guilty by two witnesses, or confession, they shall commit him to gaol for three months, and further to the next sessions; and if at the sessions he repents, and is reconciled, he shall be discharged on finding sureties for his good behaviour for a year; if not, he shall be continued in gaol till he does,

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does; saving the ecclesiastical jurisdiction; and he shall not be punished both ways.

And this statute, tho' made in queen *Mary's* reign, extendeth to the divine service now established. *Cod. 372.*

And by the *1 W. c. 18. s. 18.* If any person shall willingly and of purpose, come into any church, chapel, or other congregation permitted by the act of toleration, and disquiet or disturb the same, or misuse any preacher or teacher; he shall, on proof thereof before one justice, by two witnesses, find two sureties to be bound by recognizance in 50*l.* and in default thereof shall be committed till the next sessions, and on conviction there of the said offence, he shall forfeit to the king 20*l.*

But it shall be lawful for all men, as well in churches, chapels, oratories, as other places, to use openly any psalms or prayer taken out of the bible, at any due time, not letting or omitting thereby the service. *2 & 3 Ed. 6. c. 1. s. 7.*

And the court of king's bench refused to grant a *certiorari*, to remove an indictment at the sessions, for a person not behaving himself modestly and reverently at the church, during divine service; which altho' punishable by ecclesiastical censures, yet the court conceived it a proper cause within cognizance of the justices of the peace. *1 Keb. 491.* And this was before the above-mentioned statute of the *1 W. c. 18.*

11. No clergyman shall be arrested in any church or church-yard, whilst he attends to divine service; on pain of the imprisonment of the offender, and ransom at the king's will, and gree to the party arrested. *50 Ed. 3. c. 5. 1 R. 2. c. 15.*

But the arrest notwithstanding, if not on a *Sunday*, is good in law. *Watson 636.*

Arresting a clergyman attending divine service.

Purveyors.

1. Anciently the king's court was supplied with necessaries from the ancient demesnes of the crown; and in respect thereof, the tenants of those lands had many privileges, which they still enjoy: But this method being found to be troublesome and inconvenient, was by degrees disused; and afterwards the king was wont to appoint certain officers to buy-in provisions for his household, who were called purveyors, and claimed many privileges by the prerogative of the crown. *2 Inst. 542. 1 Haw. 114.*

Abuses of purveyors.

2. The several laws which restrained the exorbitancies of these purveyors, make up a pretty large title in the old books; but these laws proving ineffectual to remedy the evil complained of, at length by the statute of the *12 C. 2. c. 24.* purveyance was intirely taken away: By which it is enacted, that no sum of money, or other thing, shall be taken for any provision, carriages, or purveyance for the king:

Purveyance taken away.

And

And that no person, under colour of purveyance, shall take any timber, fuel, cattle, corn, grain, malt, hay, straw, victual, cart, carriage, or other thing, without consent of the owner; nor shall require any to furnish any horses, oxen, or other cattle, carts, ploughs, wains, or other carriages, for the use of the king, or his household, without the owner's consent:

On pain of being committed to gaol, by a justice of the peace and the constable, until the next sessions, to be there indicted; and also of paying to the party treble damages, and treble costs, on an action at law.

Quakers.

SO far as quakers are concerned in the act of toleration, amongst other protestant dissenters, see title **Dissenters**.

For quakers tithes, see title **Tithes**.

For quakers oaths, see title **Oaths**.

Quarentine. See **Plague**.

Rape.

I. What it is.

II. Evidence on an indictment of rape.

III. Punishment of rape.

IV. Principal and accessory.

I. What it is.

Rape, what.

1. **R**APE is, when a man hath carnal knowledge of a woman, by force, and against her will. 2 *Inst.* 180.
1 *Haw.* 108.

Child under 10.

2. Also, if any person shall unlawfully and carnally know, and abuse any woman child, under the age of ten years, whether with her consent or against it, he shall be guilty of felony without benefit of clergy. 18 *El. c.* 7.

Consenting at last.

3. The offence of rape is no way mitigated, by shewing that the woman at last yielded to the violence, if such her consent was forced by fear of death, or of duress. 1 *Haw.* 108.

Ravishing a common strumpet.

4. Also, it is not a sufficient excuse in the ravisher, to prove, that the woman is a common strumpet; for she is still under the protection of the law, and may not be forced. 1 *Haw.* 108.

The first part of the paper is devoted to a general
 discussion of the subject. It is shown that the
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 the theoretical predictions. The second part of the
 paper is devoted to a detailed description of the
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 devoted to a discussion of the results of the
 experiments. It is shown that the results are in
 agreement with the theoretical predictions. The
 fourth part of the paper is devoted to a
 discussion of the implications of the results. It
 is shown that the results have important
 implications for the theory of the subject.

5. Nor is it any excuse, that she consented after the fact. Consenting after the fact.
 1 *Haw.* 108.

And by the 6 R. 2. c. 6. When any woman is ravished, and afterwards doth consent to the ravisher; they shall both of them be disabled to have any inheritance, dower, or joint seoffment, but the next of blood shall enter. And the next of kin to the woman ravished may have an appeal against the ravisher, notwithstanding such consent; and the defendant shall not be received to wage battel.

6. It is said by Mr. Dalton, that if a woman at the time of the supposed rape do conceive with child by the ravisher, this is no rape; for (he says) a woman cannot conceive except she doth consent. And this he hath from *Stamford*, and *Britton*, and *Finch*. *Dalt.* c. 160. Woman ravished conceiving.

But Mr. *Hawkins* observes, that this opinion seems very questionable; not only because the previous violence is no way extenuated by such a subsequent consent; but also, because if it were necessary to shew, that the woman did not conceive, the offender could not be tried till such time as it might appear whether she did or not; and likewise because the philosophy of this notion may be very well doubted of. 1 *Haw.* 108.

And L. *Hale* says, this opinion in *Dalton* seems to be no law. 1 *H. H.* 731.

II. Evidence on an indictment of rape.

1. The party ravished may give evidence on oath, and is in law a competent witness; but the credibility of her testimony, and how far forth she is to be believed, must be left to the jury, and is more or less credible according to the circumstances of fact that concur in that testimony. The woman's oath. 1 *H. H.* 633.

2. For instance, if the witness be of good fame; if she presently discovered the offence, and made pursuit after the offender; shewed circumstances and signs of the injury, whereof many are of that nature, that only women are the most proper examiners and inspectors; if the place, wherein the fact was done, was remote from people, inhabitants, or passengers; if the offender fled for it: these, and the like, are concurring evidences to give greater probability to her testimony, when proved by others as well as herself. Circumstances in favour of it. 1 *H. H.* 633.

3. But on the other side, if she concealed the injury for any considerable time, after she had opportunity to complain; if the place, where the fact was supposed to be committed, were near to inhabitants or common recourse or passage of passengers, and she made no outcry when the fact was supposed to be done, when and where it is probable she might be heard by others; or if a man prove himself to be in another place, or in other company, at the time she charges him with the fact; or if she is wrong in the description of the place, or swears the fact to be done in a place where it was impossible the man could have access to her at that time, as if the room was locked up, and the key in the custody of another person: these and the like circumstances carry a strong

strong presumption, that her testimony is false or feigned. 1 *H. H.* 633. *Read. Rape.*

Caution.

4. Upon the whole; rape, it is true, is a most detestable crime, and therefore ought severely and impartially to be punished with death: but it must be remembered, that it is an accusation easily to be made, and hard to be proved, and harder to be defended by the party accused, tho' never so innocent: Therefore a wise jury will be cautious upon trials of offences of this nature, that they be not so much transported with indignation at the heinousness of the offence, as to be over hastily carried to the conviction of the person accused thereof, by the confident testimony, sometimes of malicious and false witnesses. 1 *H. H.* 635, 636.

III. Punishment of rape.

Felony without benefit of clergy.

1. Of old time rape was felony, for which the offender was to suffer death: afterwards the offence was made lesser, and the punishment changed from death to the loss of those members whereby he offended; that is to say, it was changed to castration and loss of his eyes, unless she that was ravished, before judgment, demanded him for her husband. 2 *Inst.* 180.

Then, by the statute of the 3 *Ed.* 1. c. 13. it was made a trespass, subjecting the offender to two years imprisonment, and a fine at the king's will; and it was again made felony by the 13 *Ed.* 1. c. 34. and at last by the 18 *El.* c. 7. was excluded from the benefit of clergy.

Pardon.

2. And no charter of pardon shall be allowed for rape, unless the rape be specified therein. 13 *R.* 2. *ft.* 2. c. 1.

And all rapes are excepted out of the general pardon, of the 20 *G.* 2. c. 52.

IV. Principal and accessory.

Persons present and aiding, are principals.

1. Mr. *Hawkins* says, all who are present, and actually assist a man to commit a rape, may be indicted as principal offenders, whether they be men or women. 1 *Haw.* 108.

And so, one woman may be a principal to the ravishment of another.

Not present, accessories.

2. And *L. Hale* says, that by the 18 *El.* c. 7. the principals in rape are ousted of clergy, whether they be principals in the first degree, to wit, he that committed the fact; or principals in the second degree, to wit, present, aiding, and abetting: but accessories, before and after, have their clergy. 1 *H. H.* 633.

INDEX

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SECRET

SECRET

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SECRET

Recognizance.

1. **A** Recognizance is a bond of record, testifying the recognizor to owe a certain sum of money to some other; and the acknowledging of the same is to remain of record; and none can take it but only a judge or officer of record. *Dalt. c. 168.* What it is.

2. And these recognizances, in some cases the justices of the peace are enabled to take by the express words of certain statutes: In what cases it may be taken. But in other cases (as for the peace, and good behaviour, and the like) it is rather in congruity, and by reasonable intendment of law, than by any express authority given them, either by their commission, or by the statute law. *Crom. 125. Dalt. c. 168.*

But wheresoever any statute giveth them power to take a bond of any man, or to bind over any man to appear at the assizes or sessions, or to take sureties for any matter or cause, they may take a recognizance. Yea, wheresoever they have authority given them to cause a man to do a thing; there it seemeth they have in congruity power given them to bind the party by recognizance to do it: and if the party shall refuse to be bound, the justice may send him to gaol. *Dalt. c. 168.*

But he can take no recognizance but only of such matters as concern his office: and if he doth, it seemeth to be void. *Dalt. c. 168.*

3. Every obligation and recognizance, taken by justices of the peace, must be made to *our lord the king*; on pain of imprisonment of any person that shall take it otherwise. *Dalt. c. 168.* The form of it.

It must also contain the name, place of abode, and trade or calling, both of principal and sureties, and the sums in which they are bound. *Barl. Recog.*

And it is most commonly subject to a *condition*, which is either indorsed, or underwritten, or contained within the body of it; upon the performance of which the recognizance shall be void. *id.*

4. When the parties are to enter into recognizance, call them by their names thus: "You *A. B.* acknowledge to owe to our sovereign lord the king, the sum of ——— And you *C. D.* acknowledge to owe to our sovereign lord the king, the sum of ——— To be levied of your respective goods and chattels, lands and tenements, for the use of our said lord the king, his heirs and successors, if default shall be made in the condition following; That is to say, if you the said *A. B.* shall make default in appearing &c." But the parties need not to sign it. *id.* Manner of taking it.

And it is usual for the justices to mark at the foot of the examination, *A. B.* in 40*l.* to appear &c. And from such short note to make out a record afterwards. *id.*

Yet the recognizance is a matter of record presently, so soon as it is taken and acknowledged, altho' it be not made up. *Dalt. c. 168.*

Lord Coke (1 *Inst.* 260.) says, that a record is a memorial of remembrance in rolls of parchment &c. From whence it seemeth that a recognizance ought to be ingrossed on parchment, perhaps for this reason, because parchment is more durable than paper; but since there is no law which prohibits it to be ingrossed on paper, it seemeth that if it shall be on paper only, and not on parchment, it is good in law.

And when it is made up, if the justice shall only subscribe his name, without his seal to it, this is well enough; and that may be in either of these sorts, *Acknowledged before me* J. P. or only to subscribe his name thus, *J. P.* Dalt. c. 176.

How to be certified.

5. The justices shall certify their recognizances for keeping the peace, to the next sessions, that the party may be called; and if he make default, the default shall be recorded, and the recognizance, with the record of the default, shall be sent and certified into the chancery, king's bench, or exchequer. 3 *H. 7. c. 1.*

But in cases of felony, the recognizances are to be certified to the general gaol delivery. 1 & 2 *P. & M. c. 13.*

The conditions of recognizances, in all the variety of cases, are interspersed under their proper titles.

Recognizance with sureties.

Westmorland. **B**E it remembred, that on the _____ day of _____ in the _____ year of the reign of our lord George the second of Great Britain, France, and Ireland, king, defender of the faith, and so forth, A. O. of _____ in the county aforesaid, yeoman, and A. S. of _____ in the county aforesaid, taylor, and B. S. of _____ in the county aforesaid, labourer, personally came before me J. P. esquire, one of the justices of our said lord the king, assigned to keep the peace in the said county, and acknowledged themselves to owe to our said lord the king; that is to say, the said A. O. the sum of 20l. and the said A. S. and B. S. each the sum of 10l. separately, of good and lawful money of Great Britain, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said lord the king, his heirs and successors, if the said A. O. shall make default in the condition hereon indorsed [or, here under written].

Acknowledged before me

J. P.

Recognizance without sureties.

Westmorland. **B**E it remembred, that on the _____ day of _____ in the _____ year of the reign of our lord George the second of Great Britain, France, and Ireland, king, defender of the faith, and so forth, A. O. of _____ in the said county, yeoman, personally came before me J. P. esquire, one of the justices of our said lord the king, assigned to keep the peace in the said county, and acknowledged himself to owe to our said lord the king,

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king, 10l. of good and lawful money of Great Britain, to be made and levied of his goods and chattels, lands and tenements, to the use of our said lord the king, his heirs and successors, if by the said A. O. shall fail in the condition underwritten [or, indorsed].

J. P.

The Condition of the aboveswritten [or, within written] recognizance is such, that if the abovebound A. O. shall ——— Then the said recognizance to be void, or else remain in its force.

Recusants. See Popery, and Publick worship.

Regrater. See Forefaller.

Release. See Surety.

Rent. See Distress.

Rescue.

1. **R**ESCOUS is an ancient French word, coming from *rescourer*, that is, *recuperare*, to recover; and signifies a forcible setting at liberty against law, a person arrested by the process or course of law. 1 *Inst.* 160.

It seems that it is necessary, that the rescuer should have knowledge that the person is under arrest for a criminal offence, if he be in the custody of a private person; but if he be in the custody of an officer, there at his peril he is to take notice of it. 2 *Id.* H. 606.

But it is said, that to rescue a felon taken on a general warrant, to answer what shall be objected against him, no cause being expressed in the warrant, is not felony. 1 *H. H.* 578.

Nor unless a felony hath been really done. *Hale's Pl.* 116.

2. Altho' a *prison breaker* may be arraigned for that offence, before he be arraigned of the crime for which he was imprisoned; tried.

yet he, who *rescues* one imprisoned for felony, cannot, according to the better opinion, be arraigned for such offence as for a felony, till the principal offender be attainted; but he may be immediately proceeded against for a misprison, if the king pleases. 2 *Haw.* 140.

And therefore if the principal die before the attainder, he shall be fined and imprisoned. *Hale's Pl.* 116.

Also if the principal be found not guilty, or guilty of a crime not capital, the rescuer ought to be discharged of felony, but he may be fined for the misdemeanor. 1 *H. H.* 598, 599.

3. An indictment of *rescous*, must set forth the nature and cause of the imprisonment, and the special circumstances of the fact in question. 2 *Haw.* 140.

Punishment.

4. A hindrance of a person to be arrested, that has committed felony, is a misdemeanor, but no felony: But if the party be arrested, and then rescued, if the arrest was for felony, the rescuer is a felon; if for treason, a traitor; if for trespasss, fineable. *Hale's Pl.* 116. 2 *Harr.* 140.

There are also special penalties enacted for rescuing offenders against particular statutes, which belong not to this general title.

Clergy.

5. Altho' the felony for which a man is arrested, be not within clergy; yet the rescuing him is within clergy. 1 *H. H.* 599, 607.

Outlawry.

6. Upon the return of a *rescous*, process of outlawry shall issue. 2 *Harr.* 302.

Indictment for a rescue.

THE jurors for our lord the king upon their oath present, that on the _____ day of _____ in the _____ year of the reign of _____ J. P. squire, one of the justices of our said lord the king, assigned to keep the peace in the said county, and also to bear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, did make, direct, and deliver a warrant or precept in writing, to A. C. of _____ in the said county, yeoman, constable of the town of _____ aforesaid in the county aforesaid; by which said warrant he the said A. C. the constable aforesaid, was commanded to take the body of A. O. late of _____ yeoman, and bring and have him the said A. O. before the said J. P. to be examined by him the said J. P. concerning an assault said to have been committed by him the said A. O. upon A. I. of _____ yeoman: Which said A. C. the constable aforesaid, afterwards, that is to say, on the _____ day of _____ in the year aforesaid, at _____ aforesaid, in the county aforesaid, by virtue of the said warrant, did take and arrest him the said A. O. for the cause aforesaid, and him the said A. O. in his custody by virtue of the said warrant then and there had: And that the said A. O. late of _____ aforesaid, in the county aforesaid, yeoman, and B. O. late of the same, yeoman, well knowing the said A. O. so to be arrested as aforesaid, afterwards, to wit, on the said _____ day of _____ in the year aforesaid, at _____ aforesaid, in the county aforesaid, with force and arms, in and upon the said A. C. the constable aforesaid, then and there being in the peace of god and of our said lord the king, and in the execution of his said office then and there being, did make an assault, and him the said A. C. then and there did beat, wound, and ill treat; and that the said B. O. him the said A. O. out of the custody of the said A. C. and against the will of the said A. C. then and there with force and arms unlawfully did rescue and put him at large to go where he would; and that the said A. O. himself out of the custody of the said A. C. and against the will of the said A. C. then and there with force and arms, unlawfully did rescue, and escape at large, where he would go, in contempt

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Advertisement of Helen Wood

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of our said lord the king and his laws, to the great damage of the said A. C. to the evil example of all others in the like case offending, and against the peace of our said lord the king, his crown and dignity.

Restitution of stolen goods.

THERE are three means of restitution of goods, for the party from whom they were stolen; 1. By appeal of robbery or larceny. 2. By the statute of the 21 H. 8. c. 11. And, 3. By course of the common law. 1 H. H. 538.

1. Upon an appeal of robbery or larceny. If the party were convicted thereupon, restitution of the goods contained in the appeal, was to be made to the appelland; for it is one of the ends of that suit. 1 H. H. 538. Restitution upon an appeal.

And hence it is, that if in an appeal of felony or robbery, the appelland omit any of the goods stolen from him, they are forfeit and confiscate to the king. 1 H. H. 538.

And this appeal must be upon fresh suit; and tho' anciently the law was strict herein, as to the time and manner of the pursuit and apprehending of the felon, yet the law is now more liberal. 1 H. H. 540.

For if the felon be taken by any others, as by the sheriff, yet if the party robbed come within a year after, and give notice of the felony, and enter his appeal, this is a fresh suit, if he used his diligence shortly after the felony to have taken him. 1 H. H. 540.

If a felon waive the goods stolen, without any pursuit after him, those goods are not in law waived, nor forfeit to the king or lord of a franchise; but if he waive them upon a pursuit of him, then they are waived in law, and forfeit to the king or lord of the liberty. 1 H. H. 541.

And this forfeiture is not like a stray, where tho' the lord may seize, yet the party who is the owner may retake them within the year and day; but here the true owner cannot seize his own goods, tho' upon fresh suit within the year and day. 1 H. H. 541.

But yet this is not an absolute loss of the owner's goods, but rather an expedient, settled by law, to drive the owner to convict the felon by prosecuting his appeal; and therefore if he make fresh suit, and prosecute his appeal, and the felon be thereupon convicted or attaint, and the fresh suit be inquired and found, by verdict or inquest of office, he shall have restitution of the goods so waived. 1 H. H. 541.

2. By the statute of 21 H. 8. c. 11. Which statute introduced a new law for restitution; for before this statute there was no restitution upon an indictment, but only upon an appeal: Which said statute enacteth as follows; Restitution by the statute of 21 H. 8.

If any felon do rob or take away any man's money or goods, and thereof be indicted, and arraigned, and found guilty, or otherwise attainted, by reason of evidence given by the party robbed, or owner of the money or goods, or by any other by their procurement; then the party robbed, or owner of the goods, shall be restored to such his money or goods: and as well the justices of gaol delivery, as other justices before whom the felon shall be found guilty, or otherwise attainted, may award a writ of restitution, in like manner as if the felon were attainted on appeal.

Found guilty or otherwise attainted] By this it seems questionable, whether the party be intitled to restitution, upon the defendant's standing mute; in which case he is neither found guilty, nor otherwise attainted. 2 *Harv.* 332.

Or otherwise attainted] If the owner prefers a bill of indictment, which is found, and the felon flies, and is outlawed, the owner shall have restitution; for he gave evidence upon the indictment, which tho' it be not a conviction, is the ground of the outlawry, which is an attainder. 1 *H. H.* 545.

The party robbed, or owner] Therefore if the servant be robbed of the master's money, or his servant by his procurement, give evidence, and convict the felon, the master shall have a writ of restitution, if it appear upon the indictment and evidence, that it was the master's money; for the statute gives restitution to the party robbed, or owner. 1 *H. H.* 542.

Or owner] If the testator is robbed, and the thief is convicted upon the procurement of the executor; such executor shall have restitution: for this being a beneficial law, ought to be construed beneficially, so as to extend to executors and administrators. 3 *Inst.* 242.

Shall be restored] If goods be stolen, and not waived in flight, nor seized by the king's officers, or lord of the manor, nor sold in open market, the owner may take them again, without any writ of restitution, or may bring his action for them; and this, altho' he doth not prosecute the offender. 2 *Harv.* 168. *Kely.* 48.

And by the 31 *El. c.* 12. Where *horses* are stolen, and sold in open market, and the owner claims them again within 6 months, and pays the buyer as much as they cost him, he shall have them again, without prosecution.

But otherwise, if the goods be waived by the felon in his flight, or in case they be not waived, yet if they be seized by the king's officers, or lord of the manor, as suspecting them to be stolen; there the party shall not have restitution, unless the felon be convicted at his prosecution. 2 *Harv.* 168. *Kely.* 49.

And in such case, he shall have no more than what is mentioned in the indictment, tho' other goods were stolen at the same time; and the reason is, because by such omission, the offender might have escaped. *Kely.* 49. 1 *H. H.* 545.

To such his money, or goods] A man stole cattle, and sold them in open market; the sheriff seized the thief and the money, and he was convicted and hanged at the prosecution of the owner of the

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Reflection of Golden Goods

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The results of the investigation show that the reflection of golden goods is a complex phenomenon. It is influenced by a number of factors, including the color of the goods, the texture of the surface, and the angle of incidence of the light. The results also show that the reflection of golden goods is not uniform, and that it varies with the wavelength of the light.

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the cattle, and he had restitution of the money; for tho' the statute gives power to the justices to award restitution of the *money or goods stolen*, and tho' the money in this case was not stolen, yet because it did arise by stealing, it shall be within the equity, tho' not in the very words of the statute. *Noy* 128.

But it hath been a great question, if goods be stolen, and by the thief sold in a market overt, whether the thief being convicted upon the evidence of the party robbed, he shall have restitution upon this statute of the thing sold or not, the buyer not being privy to the felony: But Lord *Hale* argues strongly, that he shall have restitution, notwithstanding the sale in market overt of the goods stolen. 1. Because this act was made to encourage persons robbed, to pursue malefactors, and therefore they have an assurance of restitution; and it would be small encouragement, if a thief by sale in a market overt, which is every day almost in every shop in *London*, should elude it. 2. Because the man that is robbed, is robbed against his will, and cannot help it; but the buyer of stolen goods may chuse whether he will buy, or if he buy, may yet refuse to buy, unless well secured of the property of the goods, or knowing the owner. 1 *H. H.* 542, 3, 4. 2 *Harw.* 170. *Kely.* 48.

In like manner as if the felon were attainted on appeal] And yet, upon this statute, if the offender be convicted upon the evidence of the party robbed, or owner, he shall have restitution, tho' there were no fresh suit, or any inquiry by inquest touching the same; and this is constant practice, tho' in case of an appeal it be otherwise. 1 *H. H.* 545.

Yet if it shall appear to the court, that the party hath been guilty of gross neglect in prosecuting; it seemeth that in such case he shall not be intitled to restitution. 2 *Harw.* 171.

3. *By course of the common law.* If the owner takes his goods again of the offender, to the intent to favour him, or maintain him, this is unlawful, and punishable by fine and imprisonment; but if he take them again without any such intent, it is no offence. *Restitution by the common law.* 1 *H. H.* 546.

But after the felon is convicted, it can be no colour of crime to take his goods again, where he finds them; because he hath pursued the law upon him, and may have his writ of restitution, if he please. 1 *H. H.* 546.

Riot, rout, and unlawful assembly.

- I. *What is a riot, rout, or unlawful assembly.*
- II *How the same may be restrained by a private person.*
- III. *How by a constable, or other peace officer.*
- IV. *How by one justice.*
- V. *How by two justices.*
- VI. *How by process out of chancery.*

I. *What is a riot, rout, or unlawful assembly.*

WHEN three persons or more shall assemble themselves together, with an intent mutually to assist one another, against any who shall oppose them, in the execution of some enterprize of a private nature, with force or violence, against the peace, or to the manifest terror of the people, whether the act intended were of itself lawful or unlawful; If they only meet to such a purpose or intent, altho' they shall after depart of their own accord, without doing any thing, this is an *unlawful assembly* :

If after their first meeting, they shall move forward towards the execution of any such act, whether they put their intended purpose in execution or not; this, according to the general opinion, is a *Rout* :

And if they execute such a thing in deed, then it is a *Riot*. (A.) 1 *Harv.* 155. *Dalt.* c. 136.

Three persons or more] And therefore if the jury do acquit all but two, and find them guilty, the verdict is void, unless they be indicted together with other rioters unknown, because it finds them guilty of an offence, whereof it is impossible that they should be guilty; for there can be no riot, where there are not more persons than two. 2 *Harv.* 441.

And infants under the age of discretion are not persons within this description, punishable as rioters. 1 *Harv.* 159.

Note; In 1 *Harv.* 156, 157, 158, the words *more than three persons* are three times over inserted instead of *three persons or more*; which is only remarked as an instance, that in a variety of matter, it is impossible for the mind of man to be always equally attentive.

Assemble themselves together] It seems agreed, that if a number of persons being met together at a fair, or market, or church ale, or on any other lawful and innocent occasion, happen on a sudden quarrel to fall together by the ears, they are not guilty of a riot, but of a sudden affray only, of which none are guilty but those who

Die Geschichte der Stadt Lindau

Die Stadt Lindau ist eine der schönsten Städte der Welt. Sie liegt auf einer Insel im Bodensee und ist von Wasser umgeben. Die Stadt ist sehr schön und hat eine lange Geschichte. Sie wurde im Jahr 1648 gegründet und ist seitdem eine der wichtigsten Städte der Region. Die Stadt hat eine sehr schöne Landschaft und ist sehr beliebt bei Touristen. Die Stadt hat eine sehr schöne Altstadt und ist sehr schön. Die Stadt hat eine sehr schöne Landschaft und ist sehr beliebt bei Touristen. Die Stadt hat eine sehr schöne Altstadt und ist sehr schön.

Während der Zeit der Napoleonischen Kriege wurde Lindau von den Franzosen besetzt. Die Stadt wurde im Jahr 1805 von den Franzosen eingenommen und wurde als französische Festung ausgebaut. Die Stadt wurde im Jahr 1810 an Preußen übergeben und wurde wieder als preussische Festung ausgebaut. Die Stadt wurde im Jahr 1871 an Bayern übergeben und wurde wieder als bayerische Festung ausgebaut. Die Stadt wurde im Jahr 1918 an die USA übergeben und wurde wieder als amerikanische Festung ausgebaut. Die Stadt wurde im Jahr 1945 von den Amerikanern besetzt und wurde wieder als amerikanische Festung ausgebaut. Die Stadt wurde im Jahr 1948 an die Sowjetunion übergeben und wurde wieder als sowjetische Festung ausgebaut. Die Stadt wurde im Jahr 1990 an die Bundesrepublik Deutschland übergeben und wurde wieder als deutsche Festung ausgebaut. Die Stadt wurde im Jahr 2000 an die Schweiz übergeben und wurde wieder als schweizerische Festung ausgebaut. Die Stadt wurde im Jahr 2010 an die USA übergeben und wurde wieder als amerikanische Festung ausgebaut. Die Stadt wurde im Jahr 2020 an die Schweiz übergeben und wurde wieder als schweizerische Festung ausgebaut.

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who actually engage in it; because the design of their meeting was innocent and lawful, and the subsequent breach of the peace happened unexpectedly, without any previous intention concerning it: Yet it is said, that if persons innocently assembled together, do afterwards upon a dispute happening to arise among them, form themselves into parties, with promises of mutual assistance, and then make an affray, they are guilty of a riot; because upon their confederating together with an intention to break the peace, they may as properly be said to be assembled together for that purpose from the time of such confederacy, as if their first coming together had been on such a design. 1 Harv. 156.

In the execution of some enterprize of a private nature] It seems agreed, that the injury or grievance complained of, and intended to be revenged or remedied by such an assembly, must relate to some private quarrel only; as the inclosing of lauds, in which the inhabitants of a town claim a right of common, or gaining the possession of tenements the title whereof is in dispute, or such like matters relating to the interest or disputes of particular persons, and no way concerning the publick; for wherever the intention of such an assembly is to redress publick grievances, as to pull down all inclosures in general, or reform religion, and the like, it is high treason. 1 Harv. 157.

Against the peace, or to the terror of the people] It seems to be clearly agreed, that in every riot there must be some such circumstances, either of actual force or violence, or at least of an apparent tendency thereto, as are naturally apt to strike a terror into the people; as the shew of armour, threatening speeches, or turbulent gestures; for every such offence must be laid to be done *to the terror of the people*: And from hence it clearly follows, that assemblies at wakes, or other festival times, or meetings for exercise of common sports or diversions, as bull baiting, wrestling, and such like, are not riotous. 1 Harv. 157.

And from the same ground also it seems to follow, that it is possible for three persons or more to assemble together with an intention to execute a wrongful act, and also actually to perform their intended enterprize, without being rioters; as if a man assemble a meet company, to carry away a piece of timber or other thing, whereto he pretends a right, that cannot be carried without a great number, if the number be not more than are needful for such purpose, altho' another man hath better right to the thing so carried away, and that this act be wrong and unlawful; yet it is of it self no riot, except there be withal threatening words used, or other disturbance of the peace. Dalt. c. 137. 1 Harv. 157.

Much more may any person, in a peaceable manner, assemble a meet company, to do any lawful thing, or to remove or cast down any common nuisance: Thus every private man, to whose house or land any nuisance shall be erected, made, or done, may in peaceable manner assemble a meet company, with necessary tools, and may remove, pull, or cast down such nuisance, and that, before any prejudice received thereby; and for that purpose,

if need be, may also enter into the other man's ground. Thus a man erected a wear cross a common river, where people have a common passage with their boats, and divers did assemble, with spades, crowes of iron, and other things necessary to remove the said wear, and make a trench in his land that did erect the wear, to turn the water, so as they might the better take up the said wear, and they did remove the same nuisance; this was holden neither any forcible entry, nor yet any riot. *Dalt. c. 137.*

But in the cases aforesaid, if in removing any such nuisance, the persons so assembled shall use any threatening words (as to say, they will do it tho' they die for it, or such like words) or shall use any other behaviour, in apparent disturbance of the peace, then it seemeth to be a riot; and therefore where there is cause to remove any such nuisance, or to do any like act, it is the safest not to assemble any multitude of people, but only to send one or two persons, or if a greater number, yet no more than are needful, and only with meet tools, to remove, pull, or cast down the same, and that such persons tend their business only, without disturbance of the peace, or threatening speeches. *Dalt. c. 137.*

Whether the act intended were of it self lawful or unlawful] It hath been generally holden, that it is no way material, whether the act intended to be done by such an assembly, be of it self lawful or unlawful; from whence it follows, that if three or more persons assist a man to make a forcible entry into lands, to which one of them has a good right of entry, or if the like number in a violent and tumultuous manner join together in removing a nuisance, or other thing which may lawfully be done in a peaceful manner, they are as properly rioters, as if the act intended to be done by them were never so unlawful. *1 Hawk. 158.*

II. How the same may be restrained by a private person.

By the common law, any private person may lawfully endeavour to suppress a riot, by staying those whom he shall see engaged therein, from executing their purpose, and also by stopping others whom he shall see coming to join them. *1 Hawk. 159.*

III. How by a constable or other peace officer.

By the common law, the sheriff, constable, and other peace officers, may and ought to do all that in them lies, towards the suppressing of a riot, and may command all other persons to assist therein. *1 Hawk. 159.*

IV. How by one justice.

By the *34 Ed. 3. c. 1.* *The justices of the peace shall have power to restrain rioters, and to arrest and chastise them according to their offence; and cause them to be imprisoned and duly punished, according*

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353 JOHN JOSE

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according to the law and custom of the realm, and according to that which to them shall seem best to do, by their discretions and good advisement.

And this statute hath been liberally construed for the advancement of justice; for it hath been resolved, that if a justice find persons riotously assembled, he alone, without staying for his companions, hath not only power to arrest the offenders, and bind them to their good behaviour, or imprison them if they do not offer good bail; but that he may also authorize others to arrest them, by a bare verbal command, without other warrant; and that by force thereof, the persons so commanded may pursue and arrest the offenders, in his absence, as well as presence. Also it is said, that after a riot is over, any one justice may send his warrant, to arrest any person who was concerned in it, and also that he may send him to gaol, till he shall find sureties for his good behaviour. 1 *Harv.* 160.

But it seems to be agreed, that no one justice hath any power by force of this statute, either to record a riot upon his own view, or to take an inquisition thereof after it is over: Also if one justice, proceeding upon this statute, shall arrest an innocent person as a rioter, it seemeth that he is liable to an action of trespass, and that the party arrested may justify the rescuing himself, because no single justice is by this statute made a judge of the said offence. But if a riot shall be committed by persons armed in an unusual manner, contrary to the statute of *Northampton*, 2 Ed. 3. c. 3. and any one justice acting *ex officio*, in pursuance of the said statute, seize the armour, and imprison the offender, and make a record of the whole matter, such a record cannot be traversed, because it is made by one acting in a judicial capacity. And for the same reason, if a justice proceeding on the statute of the 15 R. 2. against forcible entries and detainers, shall upon his own view record a riot, which shall be committed in the making of any such forcible entry or detainer, a riot so recorded cannot be traversed. Also if a justice acting as a judge by any statute whatsoever empowering him so to do, make a record upon his view of a riot committed in his presence, such record shall not be traversed; for the law gives such an uncontrollable credit to all matters of record, made by any judge of record as such, that it will never admit of an averment against the truth thereof. 1 *Harv.* 160.

But if the rioters are above the number of 12, the offence is greatly enhanced, and the power of one justice very much enlarged, by the act commonly called the riot act, 1 G. 3. c. 5. which is required to be read at every quarter sessions and leet: By which it is enacted, That every justice, sheriff, under sheriff, and mayor, shall on notice or knowledge of any unlawful, riotous, and tumultuous assembly of persons to the number of 12 or more, together with such help as he shall command, resort to the place. *f.* 2, 3.

Whereupon he shall, amongst the rioters, or as near to them as he can safely come, with a loud voice command, or cause to be commanded, silence to be, while proclamation is making; and after that, shall openly and with loud voice make or cause to be made proclamation in these words, or like in effect:

Our sovereign lord the king chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of king George for preventing tumults and riotous assemblies: God save the king f. 2.

And if any person shall with force and arms wilfully oppose, hinder, or hurt any person that shall begin or go to make the proclamation, whereby the same shall not be made, he shall be guilty of felony without benefit of clergy. f. 5.

And if any 12 or more of them shall continue together by the space of one hour after such proclamation made, or after such hindrance (having knowledge thereof), they shall be guilty of felony without benefit of clergy. f. 1, 5.

And every justice, sheriff, under sheriff, mayor, high and petty constable, and other peace officer, and every other person of age and ability commanded by them to assist, shall apprehend the offenders, and carry them before a justice, to be proceeded against according to law. And if any rioters be killed or hurt by any the said persons in dispersing or apprehending them, by reason of their resistance, such persons shall be indemnified. f. 3.

Also, if any rioters (altho' under the number of 12, and whether any proclamation be made or not) shall unlawfully and with force demolish or pull down, any church or chapel, or any building for religious worship certified and registred according to the act of toleration, or any dwelling house, barn, stable, or other outhouse, they shall be guilty of felony, without benefit of clergy. f. 4. And any one justice may proceed against them, as against other felons.

And the hundred, city, or town, shall answer the damages thereof, as in cases of robbery. f. 6.

Prosecutions on this act, to be within 12 months after the offence. f. 8.

V. How by two justices.

1. *If any riot, assembly, or rout of people, against the law, be made; the justices, three, or two of them at the least, and the sheriff, or under sheriff, shall come with the power of the county, if need be.* 13 H. 4. c. 7 f. 1.

And the king's liege people, being sufficient to travel, shall be assistant to them, upon reasonable warning, to ride with them in aid to resist such riots, routs, and assemblies; on pain of imprisonment, and to make fine and ransom to the king. 2 H. 5. c. 8. f. 2.

If any riot, assembly, or rout of people, against the law, be made] It is said, that the justices are not only impowered hereby, to raise the power of the county to assist them, in suppressing a riot which shall happen within their own view or hearing, but also that they may safely do it upon a credible information given them of a notorious riot happening at a distance, whether there were any such riot in truth or not; for it may be dangerous for them to stay till

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till they can get certain information of the fact: But they seem to be punishable for alarming the country in this manner, without some such probable ground of their proceeding, as would induce a reasonable man to think it necessary and convenient. 1 *Haw.* 161.

Assembly] It seems clear from hence, that if the justices in going towards the place where they have heard that there is a riot, shall meet persons coming from thence riotously arrayed, they may arrest them for being assembled together in such an unlawful manner, and also make a record thereof; for the statute extends to all other unlawful assemblies whatsoever as well as to riots. 1 *Haw.* 161.

The king's liege people] Except women, clergymen, persons decrepit, and infants under the age of fifteen. 1 *Haw.* 161.

To resist such riots] And also to arrest the rioters, and conduct them to prison. 1 *Haw.* 161.

2. *And shall arrest them.* 13 H. 4. c. 7. s. 1.

And if they shall escape, they may take them on a fresh pursuit; but they cannot at another time award any process against them on the record, but ought to send the record into the king's bench, that process may issue thereon from thence: Yet there seems to be no doubt, but that they may arrest them for their trespass on the aforesaid statute of the 34 *Ed.* 3. in order to compel them to find sureties for their good behaviour. 1 *Haw.* 162.

3. *And the same justices and sheriff, or under sheriff, shall have power to record (B) that which they shall find so done in their presence against the law: by which record the offenders shall be convicted in the same manner and form as is contained in the statute of forcible entries. (C)* 13 H. 4. c. 7. s. 1.

Shall have power to record] And this they may do, whether the offenders be in custody at the same time, or have escaped. 1 *Haw.* 161.

Shall be convicted] And it seemeth to be certain, that the record of a riot, expressly mentioned to have happened within the view of the justices by whom it is recorded, is a conviction of so great authority, that it can no way be traversed, however little ground of truth there might be to affirm, that any riot at all was committed, or however innocent the parties may be of the fact recorded against them. 1 *Haw.* 162.

However it seemeth clear, that if in such a record of a riot it be contained, that the party was guilty therein of a felony, or maim, or rescous, the party shall be concluded thereby as to the riot only, and not as to any of the other matters; because the justices have by this statute a judicial authority over no other offences, except riots, routs, and unlawful assemblies. 1 *Haw.* 162.

And inasmuch as such a record is a final conviction of the parties, as to all such matters as are properly contained in it, it ought to

to be certain both as to the time and place of the offence, and the number of persons concerned therein, and the several kinds of weapons made use of by them, and all other circumstances of the fact; for since the parties are concluded from denying the truth of such a record, and have no other remedy to defend themselves against it, but only by advantage of the insufficiency of what is contained in it, they may justly demand the benefit of excepting to it, if it do not expressly shew, both that they are guilty within the meaning of the statute, and also how far they are guilty, and that the justices have pursued the power given them by the said statutes: and from the same ground it seems also to follow, that such a record may be excepted against, if it do not appear to have been made by the sheriff or under sheriff in concurrence with the justices. 1 *Harv.* 162.

And this record ought to remain with one of the justices, and shall not be left amongst the records of the sessions, it being made out of sessions, and not appointed to be certified thither. *Dalt.* c. 82.

In the same manner and form as is contained in the statute of forcible entries] That is, the statute of the 15 R. 2. c. 2. And hereupon it is said, that the offenders being under the arrest of the justices, and also convicted by a record of their offence, ought immediately to be committed to gaol by the same justices, till they shall make fine and ransom to the king; which can be assessed by no other justices of the peace, except those by whom the record of the offence was made. 1 *Harv.* 162.

And this fine, Mr. Dalton says, the justices shall cause to be estreated into the exchequer, that so it may be levied to the king's use; and then they are to deliver the offenders again. *Dalt.* c. 82.

But Mr. *Harvins* says, that it hath been questioned, whether the justices can safely dismiss the offenders upon their paying such a fine as shall be imposed upon them, without some judgment for their imprisonment as well as fine; because it is enacted by the 2 H. 5. c. 8. that such rioters attainted of great and heinous riots, shall have one whole year's imprisonment at the least, without being let out of prison by bail or mainprize; and that the rioters attainted of petty riots, shall have imprisonment as best shall seem to the king or to his council. 1 *Harv.* 164.

4. And if the offenders be departed before the coming of the said justices and sheriff or under sheriff, the same justices, three, or two of them, shall diligently inquire (D) within a month after such riot, assembly, or rout of people so made, and thereof shall hear and determine according to the law of the land. 13 H. 4. c. 7. f. 1.

The same justices] It is generally said, that any justices of the county may take such an inquiry, whether they dwell near the place where the riot happened, or at a distance, or whether they went to view the riot or not; for the statute ought to be construed as largely as the words will bear, in favour of the justices power in the suppressing of such riots; and therefore those words in the statute that *the same justices shall inquire*, ought to be thus expounded,

The first part of the history of the world is the history of the creation of the world and the life of the first man, Adam. This is the history of the Garden of Eden, the fall of man, and the beginning of the human race. The second part of the history is the history of the patriarchs, from Abraham to Joseph. This is the history of the promises made to the patriarchs and the fulfillment of those promises in the life of Joseph. The third part of the history is the history of the Israelites, from the time of Moses to the time of the kings. This is the history of the Exodus, the giving of the Law, and the building of the Temple. The fourth part of the history is the history of the prophets, from the time of Isaiah to the time of Malachi. This is the history of the messages sent to the people of Israel and the nations of the world. The fifth part of the history is the history of the Messiah, from the time of the birth of Jesus to the time of his death and resurrection. This is the history of the fulfillment of the promises made to the patriarchs and the prophets. The sixth part of the history is the history of the Church, from the time of the birth of the Church to the present day. This is the history of the growth and expansion of the Church and the work of the Holy Spirit in the world.

The history of the world is a long and complex one, and it is not possible to cover it all in a single volume. However, the history of the world is a story of hope and redemption, and it is a story that has inspired and comforted people of all ages and all nations. The history of the world is a story of the love of God for his people and the love of his people for each other. It is a story of the power of God and the power of the human spirit. It is a story of the triumph of good over evil and the promise of a better future for all.

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WILLIAM LLOYD GAYLOR

THE WILLIAM LLOYD GAYLOR FOUNDATION
FOR THE IMPROVEMENT OF THE
LITERATURE OF THE UNITED STATES

ESTABLISHED IN 1902
BY WILLIAM LLOYD GAYLOR
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INCORPORATED IN THE STATE OF NEW YORK
ON JANUARY 15, 1902

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expounded, that the same justices who were before impowered to raise the posse, shall inquire, and that is, any justices in the county. 1 *Haw.* 163.

Shall diligently inquire] That is, by a jury: In order to which, it is enacted by the 19 *H.* 7. c. 13. that the sheriff, on their precept directed to him, shall, on pain of 20*l.* return 24 persons, whereof every of them shall have lands and tenements within the shire, to the yearly value of 20*s.* of charter land or freehold, or 26*s.* 8*d.* of copyhold, or of both, over and above all charges: And he shall return upon every juror in issues, at the first day 20*s.* and at the second 40*s.*

Note; *Charter land* had its name from a particular form in the charter or deed, which ever since the reign of *H.* 8. hath been disused. 1 *Inst.* 6.

Within a month] That is, if they do not make inquiry within a month, they are punishable for the neglect; yet they may inquire after the month: for the lapse of a month doth not determine their authority, but only subjects them to a penalty. 2 *Salk.* 593.

Shall bear and determine according to the law of the land] And therefore they may award process under their own teste, against those who shall be indicted before them of any of the offences abovementioned, according to the form of this statute; and also may award the like process for the trial of a traverse of such an inquisition; and do all other things in relation thereunto, which are of course incident to all courts of record. 1 *Haw.* 163.

And the riot being so found by inquisition, the justices must make a record thereof in writing of such their inquiry or presentment found before them; which record also is to remain with one of the justices. *Dalt.* c. 82.

5. And if the truth cannot be found in the manner as is aforesaid, then within a month then next following, the justices, three, or two of them, and the sheriff or under sheriff, shall certify before the king and his council, all the deed and circumstances thereof; which certificate shall be of like force as the presentment of 12 men; upon which certificate the offenders shall be put to answer, and shall be punished according to the discretion of the king and his council. 13 *H.* 4. c. 7. f. 2.

And if they do traverse the matter so certified, the certificate and traverse shall be sent into the king's bench to be tried. *id.* f. 3.

And if the offence be not found, by reason of any maintenance or embracery of the jurors, then the same justices and sheriff or under sheriff shall in the same certificate certify the names of the maintainers and embracers, with their misdemeanors. 19 *H.* 7. c. 13.

Shall certify] And it seemeth certain, that such certificate, being in nature of an indictment at the common law, ought to comprehend the certainty of time, place, and persons, and other material circumstances, both of the riot and maintenance. 1 *Haw.* 165.

Before the king and his council] It seems clear, by the council being here distinguished both from the chancery and king's bench; that the certificate ought to be made to the privy council board, and not to either of those courts, which in some statutes relating to judicial proceedings are taken for the king's council. 1 *Harw.* 165.

6. *And the said justices and other officers shall execute their offices aforesaid at the king's costs, in going and continuing in doing their said offices, by payment thereof to be made by the sheriff by indentures betwixt the said sheriff and justices, and other officers aforesaid, whereof the sheriff upon his account in the exchequer shall have due allowance.* 2 *H.* 5. c. 8.

In order to the defraying of which, the said statute directs the fines of the offenders to be enlarged; and thereout the sheriff may pay the charges of the said justices; and of the jury, that is, for their diet; and the sheriff's fees, and the like. *Dalt.* c. 82.

7. *And the justices dwelling nighest in the county, where such riot, assembly, or rout shall be, together with the sheriff or under sheriff, shall do execution of the said statute of the 13 H. 4. every one upon pain of 100 l. to the king.* s. 4.

The justices dwelling nighest] Altho' these only are liable to this penalty, yet if any others on notice shall neglect to supply their default, they are fineable at discretion. 1 *Harw.* 166.

But if any justices, who do not dwell nearest to the place, do actually execute the statute, they excuse all the rest. 1 *Harw.* 165.

Dwelling nighest in the county] Therefore if they dwell nighest, but in another county, they are not in danger of this penalty. 1 *Harw.* 165.

Shall do execution of the said statute] That is, in the whole, and not in part only; as by recording a riot, and not committing the parties. 1 *Harw.* 166.

VI. How by process out of chancery.

By the 2 *H.* 5. c. 8. *If default be found in the two justices, sheriff, or under sheriff, then at the instance of the party grieved, a commission shall be issued under the great seal, to inquire as well of the truth of the case for the complainant, as of such default.*

And by the 2 *H.* 5. c. 9. and 8 *H.* 6. c. 14. *Rioters shall be taken by writ and proclamation out of chancery, on suggestion of two justices and the sheriff, of the common fame of such riot.*

A. Indictment for a riot.

Westmorland. **T**HE jurors for our lord the king upon their oath presents, that O. A. late of the parish of _____ in the county of _____ yeoman, B. O. late of the same, yeoman, C. O. late of the same, yeoman, and divers other persons (to the jurors aforesaid as yet unknown) on the _____ day of _____ in the _____ year of the reign of _____ at the parish aforesaid, in the county aforesaid, with force and arms, unlawfully, riotously, and

The first part of the report is a general statement of the
 progress of the work during the year. It is followed by a
 detailed account of the various projects and the results
 achieved. The report concludes with a summary of the
 work done and a statement of the funds available for
 the next year.

The second part of the report is a list of the
 names of the persons who have been elected to the
 various offices of the Society. It also contains a
 list of the names of the persons who have been
 elected to the various committees.

The third part of the report is a list of the
 names of the persons who have been elected to the
 various offices of the Society. It also contains a
 list of the names of the persons who have been
 elected to the various committees.

The fourth part of the report is a list of the
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 various offices of the Society. It also contains a
 list of the names of the persons who have been
 elected to the various committees.

The fifth part of the report is a list of the
 names of the persons who have been elected to the
 various offices of the Society. It also contains a
 list of the names of the persons who have been
 elected to the various committees.

The first of these is the fact that the
 population of the country has increased
 rapidly since the year 1850. This is
 due to a number of causes, the most
 important of which are the discovery
 of gold in California, the opening
 of the Oregon and California routes,
 and the general improvement in the
 means of transportation.

The second fact is that the
 value of the exports of the country
 has increased in a similar manner.
 This is due to the same causes
 mentioned above, and to the
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 value of the exports of the country
 in 1852 was \$100,000,000, and
 in 1853 it was \$150,000,000.
 This shows an increase of 50% in
 the value of the exports of the
 country in one year.

The third fact is that the
 value of the imports of the country
 has also increased in a similar
 manner. This is due to the same
 causes mentioned above, and to
 the general improvement in the
 means of transportation. The
 value of the imports of the country
 in 1852 was \$100,000,000, and
 in 1853 it was \$150,000,000.
 This shows an increase of 50% in
 the value of the imports of the
 country in one year.

and routously did assemble and gather together, to disturb the peace of our said lord the king; and so being then and there assembled and gathered together, in and upon one A. I. in the peace of god and of our said lord the king then and there being, unlawfully, riotously, and routously did make an assault, and him the said A. I. then and there unlawfully, riotously, and routously did beat, wound, and ill treat, and other wrongs to the said A. I. then and there unlawfully, riotously, and routously did; to the great damage of the said A. I. and against the peace of our said lord the king, his crown and dignity.

B. Record of a riot on view.

Westmorland. **B**E it remembred, that on the _____ day of _____ in the _____ year of the reign of _____ We J. P. and K. P. esquires, two of the justices of our said lord the king, assigned to keep the peace in the said county, and A. S. knight, sheriff of the said county, at the complaint an request of A. I. of _____ in the county aforesaid, yeoman, in our proper persons have come to the mansion house of him the said A. I. in _____ aforesaid, and then and there do find A. O. of _____ yeoman, B. O. of _____ yeoman, C. O. of _____ yeoman, and other malefactors and disturbers of the peace of our said lord the king to us unknown, to the number of 11 persons, in a warlike manner arrayed, to wit, with clubs, swords, and guns unlawfully, riotously, and routously assembled, and the same house besetting, many evils against him the said A. I. threatening, to the great disturbance of the peace of our said lord the king, and terror of his people, and against the form of the statute in that case made and provided. And therefore we the aforesaid J. P. K. P. and A. S. the aforesaid A. O. B. O. and C. O. do then and there cause to be arrested, and to the next gaol of our said lord the king in the county aforesaid to be conveyed, by our view and record of the unlawful assembly, riot, and rout aforesaid convicted, there to remain every and each of them respectively, until they shall severally and respectively have paid to our said lord the king the several sum of 10l. each, which we do impose upon them and every of them separately for their said offence. In testimony whereof, to this our present record we do put our seals. Dated at _____ aforesaid, the day and year aforesaid.

C. Commitment of the rioters upon view.

Westmorland. **J**. P. and K. P. esquires, two of the justices of our lord the king, assigned to keep the peace within the said county, and A. S. knight, sheriff of the said county; To the keeper of the gaol of our said lord the king at _____ in the said county, and to his deputy and deputies there, and to every of them, greeting.

Whereas upon complaint made unto us by A. I. of _____ yeoman, we did this present _____ day of _____ go to the house of the said A. I. at _____ aforesaid, and there did see A. O. of _____ yeoman,

yeoman, B. O. of ——— yeoman, C. O. of ——— yeoman, and other malefactors to us unknown, assembled together in an unlawful, routous, and riotous manner, to the terror of the people, and against the peace of our said lord the king, and against the form of the statute in that case made and provided: We do therefore send you, by the bringers hereof, the bodies of the said A. O. B. O. and C. O. convicted of the said riot, rout, and unlawful assembly, by our own view, testimony, and record; commanding you in the name of our said lord the king, to receive them into the said gaol, and them and every of them respectively there safely to keep, until they and every of them shall respectively pay to our said lord the king, the several and respective sum of 10l. each, which we have set and imposed upon them, and each and every of them separately for the said offence. Given under our hands and seals at ——— aforesaid, in the county aforesaid, the day and year aforesaid.

D. Precept to summon a jury.

Westmorland. J. P. and K. P. esquires, two of the justices of our lord the king, assigned to keep the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, To the sheriff of the said county, greeting. On the behalf of our said lord the king we command you, that you cause to come before us at ——— in the county aforesaid, on the ——— day of ——— next ensuing, 24 honest and lawful men of the county aforesaid, every one of which to have lands and tenements within the said county to the yearly value of 20 s. of charter land or freehold, or of 26 s. 8 d. of copyhold, or of both, over and above all charges, to inquire for our said lord the king, and for our indemnity in this behalf, upon their oath, of certain riots, routs, and unlawful assemblies, at ——— in the county aforesaid, lately committed, as it is said; And that you return upon every person so by you to be impanelled 20 s. of issues at the aforesaid day, to be by them respectively forfeited if they shall not appear and be sworn to inquire of the premises at the said time and place. And this you shall in no wise omit, on pain of 20 l. Given under our hands and seals at ——— aforesaid, in the county aforesaid, the ——— day of ——— in the ——— year of the reign of ———.

Jurors oath.

YOU shall true inquiry and presentment make of all such things as shall come before you, concerning a riot, rout, and unlawful assembly said to have been lately committed at ——— in this county; you shall spare no one for favour or affection, nor grieve any one for hatred or ill will, but proceed herein according to the best of your knowledge, and according to the evidence that shall be given to you: So help you god.

The oath which your foreman hath taken on his part, you and every of you shall well and truly observe and keep on your parts: So help you god.

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Articles and Navigation

The Republic of the United States of America

A

Article I

Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 2

The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors in that State.

Section 3

The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six Years; and each Senator shall have the Qualifications requisite for Senators in that State.

Section 4

The Times, Places and Manner of holding the Elections of Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law alter or change in whole or in part the Times, Places or Manner of holding such Elections, provided they do not alter or change the same so as to take away or abridge the Choice of the People.

Section 5

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and the Majority of each shall constitute a Quorum to do Business, but a Majority of all shall be necessary to pass a Bill.

Section 6

The Senators and Representatives shall receive Compensation for their Services, to be ascertained from Time to Time by each House.

Section 7

All Bills for raising Revenue shall originate in the House of Representatives; but the Senate may propose or concur with Amendments as on other Bills.

Section 8

The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States.

Section 9

The Congress shall not grant Titles of Nobility.

Section 10

No State shall enter into any Treaty, Alliance or Confederation; grant Letters of Marque and Reprisal; enter into any War; grant any Title of Nobility; or engage in any War, unless authorized by the Congress, unless actually attacked by Enemies or in imminent Danger of being attacked.

Section 11

The Congress shall have Power to regulate Commerce with foreign Nations, among the several States, and with the Indian Tribes.

Section 12

The Congress shall have Power to borrow Money on the Credit of the United States, to emit Paper Money, to fix the Standard of Weights and Measures, to coin Money, to regulate the Value thereof, and to make such other Laws as may be necessary and proper to carry into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States.

Section 13

The Congress shall have Power to declare and regulate the Punishment of Offenses against the Law of Nations, and to punish the Breach of any Treaty made by the United States.

Section 14

The Congress shall have Power to establish and regulate the Office and Jurisdiction of inferior Courts, such as the Supreme Court.

Section 15

The Congress shall have Power to constitute Tribunals, and to constitute and regulate the Office and Jurisdiction of inferior Courts, such as the Supreme Court.

Section 16

The Congress shall have Power to constitute and regulate the Office and Jurisdiction of inferior Courts, such as the Supreme Court.

Section 17

The Congress shall have Power to constitute and regulate the Office and Jurisdiction of inferior Courts, such as the Supreme Court.

Section 18

The Congress shall have Power to constitute and regulate the Office and Jurisdiction of inferior Courts, such as the Supreme Court.

Section 19

The Congress shall have Power to constitute and regulate the Office and Jurisdiction of inferior Courts, such as the Supreme Court.

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Articles and Navigation

B

Article II

Section 1

The executive Power shall be vested in a President of the United States, who shall hold his Office for four Years, and until his Successor be chosen; and he shall be elected by the Electors in each State.

Section 2

The President shall have the Power to grant Reprieves and Pardons for Offenses against the Law of the United States, except in Cases of Impeachment.

Section 3

The President shall have the Power to make Treaties, provided two thirds of the Senators present concur.

Section 4

The President shall have the Power to nominate and to receive Ambassadors and other public Ministers; he shall have the Power to nominate and to receive Judges of the Supreme Court, Judges of the inferior Courts, and all other Officers of the United States, whose Appointments are in his Power; he shall have the Power to grant Commissions and to receive the Oath of Office.

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The inquisition, indictment or presentment of the jury.

Westmorland. **A**N inquisition for our lord the king, indented and taken at _____ in the county aforesaid, the _____ day of _____ in the _____ year of the reign of _____ by the oath of _____ honest and lawful men of the county aforesaid, before J. P. and K. P. esquires, justices of our said lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, who say upon their oath aforesaid, that A. O. of _____ yeoman, B. O. of _____ yeoman, C. O. of _____ yeoman, together with other malefactors and disturbers of the peace of our said lord the king, to the jurors aforesaid as yet unknown, on the _____ day of _____ now last past, at _____ aforesaid, in the county aforesaid, with force and arms, to wit, with clubs, swords, and guns, unlawfully, routously, and riotously did assemble, to disturb the peace of our said lord the king; and so being then and there assembled and gathered together, the mansion house of A. I. yeoman, at _____ aforesaid, unlawfully, routously, and riotously did enter, and in and upon him the said A. I. then and there unlawfully, routously, and riotously did make an assault, and him the said A. I. then and there unlawfully, routously, and riotously did beat, wound, and ill treat, in disturbance of the peace of our said lord the king, and to the terror of his people, and against the form of the statute in such case made and provided.

We whose names are hereunto set, the abovesaid jurors, do find this inquisition true;

We the justices abovesaid do hereby impose the fines here under written, on the abovesaid offenders;

A. B.
C. D. &c.

A. O. 20 l.
B. O. 20 l.
C. O. 20 l.

Rivers and navigation.

BY the 8 G. 2. c. 20. If any person shall wilfully or maliciously pluck up, throw down, or otherwise destroy any lock, sluice, floodgate, or other works on any navigable river, erected by authority of parliament; he shall be guilty of felony without benefit of clergy: And the hundred shall answer damages, not exceeding 20 l. Destroying locks and sluices.

Filling up havens.

2. And by the 19 G. 2. c. 22. If any person acting as master of a ship, shall cast out, or there shall be cast out, of any vessel being within any haven, road, channel, or navigable river, any ballast, or rubbish, but only on the land where the tide never comes; any one justice near the place, may summon the master or owner, or other person acting as such, against whom the information shall be made, or issue his warrant to bring him before him; and upon due proof made, either by confession of the party offending, or on view of such justice, on oath of one witness, that any ballast or rubbish hath been cast out, the master, or person acting as such, shall be adjudged the offender, and shall forfeit not above 5 *l.* nor under 50 *s.* half to the informer, and half to the poor of the parish or place where such conviction shall be pronounced: To be levied by distress of the goods of the person so convicted, or of the ship or tackle; and the same, if not redeemed in 5 days, to be sold, rendering the overplus if any be, after demand in writing, charges of distress and sale being first deducted. For want of sufficient distress, to be committed to gaol or to the house of correction where the conviction shall be, for two months, or till payment of the penalties, or so much thereof for which the commitment shall be.

And as soon as any vessel shall be sunk, stranded, or run ashore, in any harbour, channel, or navigable river, or be brought in, or be there in a shattered condition, and permitted to remain there, and the owner or master shall begin to take down, or carry away any of the rigging or tackle, or if there shall not be any person to take care of such vessel; any one justice for the county or place, or near which such fact shall happen, shall on information thereof summon the owner, or other person having or pretending to have the command thereof, or issue his warrant to bring him before him; and on conviction shall issue his warrant for seizing and removing such vessel, and also the rigging, and tackle thereof, in such manner as he shall order and direct; if such person shall not within 5 days give satisfactory security to the justice, to clear the harbour of such vessel, and of all wreck and parts thereof, and pay the charges of seizing, removing, and disposing of the vessel and furniture, then the justice shall cause the hulk and tackle to be sold, and with the money pay the charges of clearing the place where the vessel shall lie, and of seizing, removing, and selling the same, rendering the overplus to the owner of the manor where the same shall happen.

Stealing goods on a navigable river.

3. By the 24 G. 2. c. 45. All persons who shall feloniously steal any goods of the value of 40 *s.* in any ship, boat, or vessel, on any navigable river, or in any port of entry or discharge, or from any wharf or key, or shall be present and aiding therein, shall be excluded from the benefit of clergy.

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Robbery.

I. *What it is.*

II. *Widening of highways to prevent robberies.*

III. *Affaulting with intent to rob.*

IV. *Levying hue and cry on a robbery committed.*

V. *Hundred when liable to answer damages.*

VI. *Manner of bringing the action against the hundred.*

VII. *Damages how to be levied and applied.*

VIII. *Reward for apprehending a robber.*

IX. *Pardon for discovering an accomplice.*

X. *Principal and accessory in robbery.*

XI. *Punishment of robbery.*

XII. *What shall be done with the goods of which a person is robbed.*

I. *What it is.*

1. **T**HERE are two kinds of robbery; from the *person*, and from the *house*: It is the former of these that is treated of under this title; the latter, *viz.* robbery from the house, belongeth to the titles **Larceny** and **Burglary**.

2. Robbery, Lord Coke says, is derived from the *French de la robe*, both because they bereave the true man of his robes, and also for that his money is taken by them from some part of his garment, or robes about his person. But in truth the word seemeth to be much ancients than the introduction of the *French* into our language; and probably was deduced unto us through the channel of *Saxony* or *Denmark*. *Robber*, in the *Saxon* is *reofere*; in the *Low Dutch*, *roover*; in the *Danish*, *roffiere*; by a transmutation of the letters *b*, *f*, and *v*, frequent in all kindred languages. The *Gottick* translation of the gospels useth *biraubodetun* to signify they robbed, from *birauban*, to *rob*; which being stripped of the prefix augmentative is *rauban*. The *Saxons* expressed the same by *bereafodon*, which we still preserve when we say they bereaved: and in the northern parts of *England*, the words *robbing* and *reaving* are still used promiscuously to signify rapine and plunder; and when the violent winds do strip a house of its thatch or covering, it is called *reaving*.

3. Robbery is a felony by the common law, committed by a violent assault upon the person of another, by putting him in fear, and taking

taking from his person, his money or other goods, of any value whatsoever. 3 Inst. 68.

From his person] Taking a thing in a man's presence, is in law a taking from the person. *Hale's Pl.* 73. *Str.* 1015. *K.* against *Francis* and others.

Thus, if one take or drive my cattle out of my pasture, in my presence, this is robbery, if he make an assault upon me, or put me in fear. *Hale's Pl.* 73.

II. Widening of highways to prevent robberies.

Wood near high-
v. 215.

Highways leading from one market town to another, shall be enlarged, so that there be neither dyke, tree, nor bush, except ashes or great trees, whereby a man may lurk to do hurt, within 200 foot of each side. And if by default of the lord, that will not avoid the dyke, underwood, or bushes, any robberies be done, the lord shall be answerable for the felony; and if murder be done, the lord shall make a fine at the king's pleasure. And if a park be taken from the highway, it shall be set at 200 foot distance; or else a fence shall be made, so as offenders may not pass nor return to do evil. 13 *Ed.* 1. *f.* 2. *c.* 5.

It is observable, that when this act was made, the country was fuller of wood than it is at present.

III. Assaulting with intent to rob.

Assaulting with
intent to rob.

1. If any person shall with any offensive weapon assault, or by menaces, or in any forcible or violent manner, demand any money or goods, with a felonious intent to rob him, he shall be guilty of felony, and be transported for 7 years. 7 *G.* 2. *c.* 21.

Killing a person
intending to rob.

2. If any person be indicted, or appealed, for killing any person attempting to rob, he shall be acquitted. 24 *H.* 8. *c.* 5.

IV. Levying hue and cry on a robbery committed.

Hue and cry.

Immediately upon robberies committed, fresh suit shall be made from town to town, and from county to county. 13 *Ed.* 1. *f.* 2. *c.* 1.

V. Hundred when liable to answer damages.

Hundred shall
answer.

1. The hundred where the offence was committed, shall be answerable for the robberies, and for the damages, if the offender be not taken. 13 *Ed.* 1. *f.* 2. *c.* 2. 28 *Ed.* 3. *c.* 11.

Hundred neglect-
ing hue and cry,
shall contribute.

2. But such hundred may recover back half the damages, from any other hundred where fresh suit after hue and cry shall not be made. 27 *El.* *c.* 13. *f.* 2.

Hundred not an-
swerable, if a
robber is appre-
hended.

3. But the hundred shall not be chargeable, if one robber be apprehended in 40 days from the publication in the gazette; as is hereafter mentioned. 8 *G.* 2. *c.* 16. *f.* 3.

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4. Also, a new highway changed for an ancient one, without a writ of *ad quod damnum*, and an inquisition found thereon, is said to be not such a highway, in which the inhabitants are bound to watch, nor to make amends for a robbery therein committed.

Nor for a robbery in a new highway.

1 *Haw.* 202.

5. Likewise if any person, which shall travel upon the lord's day, shall be then robbed, the hundred shall not be liable: nevertheless they shall make hue and cry, on pain of forfeiting to the king as much as might have been recovered against the hundred, if the robbery had not been on the lord's day. 29 *G. 2. c. 7.*

Nor if on the lord's day.

f. 5.

Which shall travel] *M. 7 G. Testmaker* against the hundred of *Edmington*. The plaintiff lived a mile from the church, and going thither with his lady in his coach upon a *Sunday*, was robbed; and brought his action against the hundred, and recovered; for the statute extends only to the case of *travelling*: but *Pratt Ch. J.* said, if they had been going to make visits, it might have been otherwise. *Str.* 406.

6. Also, if any man be robbed in his house, the hundred shall not be charged therewith, whether it were done by day or night; because every man's house is his castle, which he ought to defend; and if any one is robbed in his house, it shall be esteemed his own fault. *Dalt. c. 84.*

Nor if it be in an house.

7. Also, a robbery done in the night, shall not charge the hundred; but yet if it be in the day time, or there be so much day light as that one may see a man's face, so that the robber may be known, tho' it be before the sun rising, or after the sun setting, the hundred shall answer for it. *Dalt. c. 84.*

Nor if it be in the night.

8. By the 22 *G. 2. c. 24.* No person shall recover against the hundred, more than the value of 200*l.* unless the persons robbed, shall at the time of the robbery be together in company, and be in number two at the least, to attest the truth of his or their being so robbed.

In what case there must be two in company.

9. And by the yearly land tax acts, no receiver general, or any of his agents employed for carrying any money on account of the said tax, shall maintain an action against the hundred for being robbed, unless the persons carrying such money, be together in company, and be in number three at the least.

In what case three in company.

VI. Manner of bringing the action against the hundred.

In order to make the hundred liable, these things following must be done:

1. *The person robbed shall, with as much convenient speed as may be, give notice thereof, unto some of the inhabitants near the place.* Notice to the inhabitants
27 *El. c. 13. f. 11.*

And tho' that place, where notice is given, be in another hundred or county, yet it is good enough; for a stranger may not know the confines of the hundred or county: and that hundred where notice is given must make hue and cry, and by that means

the hundred where the robbery was committed will soon know thereof. *Cro. Ca.* 41, 379. 3 *Salk.* 184.

Notice to a constable.

2. *He shall also give notice, with as much convenient speed as may be, to a constable of the hundred, that is, the high constable, or to a constable of some place near; or leave notice in writing at his house, describing therein the felon, and the time and place of the robbery.* 8 G. 2. c. 16. s. 1.

M. 16 G. 2. *Ball* against the hundred of *Wymerfley*. Upon a case made at the affizes, it was stated, that soon after six in the morning, the plaintiff was robbed at two miles and a half distance from *Northampton*, and the highwayman cut his bridle and stirrups, threw them into a ditch, and turned his horse loose; that the plaintiff recovered them, remounted, rode through a village called *Cotton*, where he gave no notice, met three men on the road whom he informed of the robbery, and arrived at *Northampton* by seven o'clock, and gave notice to an innkeeper there, from whence he went to *Rotberthorpe*, three miles off, where the high constable lived, and between 8 and 9 gave notice. And whether this notice was sufficient to maintain the action, was the question. And the court on argument held it to be good notice, for the high constable is the properest person to go to, and it is not required that he go to the next constable. It appears the plaintiff lost no time, considering the circumstances he was in; and *Rotberthorpe* is not at such a distance, but that it may come within the meaning of the word *near*. So the plaintiff had judgment. *Str.* 1170.

And every constable, to whom such notice shall be given, and every high and petty constable within the hundred, as soon as the same shall come to his knowledge, by the party robbed, or by any to whom such notice hath been given, shall with the utmost expedition make and cause to be made fresh suit and hue and cry after the felons, on pain of 5 *l.* with costs, half to the king, and half to him who shall sue. 8 G. 2. c. 16. s. 11, 12. Note; the penalty here is but small; but as the not pursuing hue and cry was also an offence at common law, the offender may be indicted at the common law, and thereupon fined and imprisoned.

Notice in the gazette.

3. The party robbed shall also, within 20 days, cause notice to be given in the gazette (A) describing therein the felon, and the time and place of the robbery, and the goods and effects whereof he was robbed. 8 G. 2. c. 16. s. 1.

To be examined on oath.

4. *He shall also be examined on oath (B), within 20 days next before the action brought, before a justice in or near the hundred, whether he knows any of the robbers: and if he confesses that he does, he shall before the action brought, be bound over by the said justices to prosecute.* 27 El. c. 13. s. 11.

He shall also be examined] That is, the party robbed, who is to bring the action, shall be examined. But here note a diversity. *T.* 2 *Car.* *Raymund* and hundred of *Oking*. The servant was robbed of his master's goods, and the servant made oath before a justice, and the master brought the action against the hundred. By the court; The action well lies for the master; and the servant's oath is sufficient, for it was properly in his notice, that he

was

The first part of the document is a list of names and titles, including:

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 3. The Hon. Mr. Justice ...

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The first of these is the
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 number of
 seats on
 the
 council
 from
 five to
 seven.

This decision
 was reached
 after a
 long
 and
 arduous
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 of
 consultation
 with
 all
 members
 of the
 council
 and
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 It is
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In addition,
 the
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Finally,
 the
 council
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 decided
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 investigate
 the
 possibility
 of
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 to
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 the
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 of
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 community.
 This
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 first
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 towards
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 organized
 and
 effective
 representation.

These
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 are
 a
 reflection
 of
 the
 council's
 commitment
 to
 transparency
 and
 accountability.
 We
 believe
 that
 these
 changes
 will
 lead
 to
 a
 more
 effective
 and
 representative
 body.
 We
 welcome
 your
 feedback
 and
 suggestions.
 Thank
 you.

was robbed, and did not know any of the robbers, and the master knows it not that he was robbed, or who were the persons, but by report of his servant; and it would be inconvenient, if the master should not bring the action, but the servant only; for the servant might release, or compound, or discontinue the suit, and so the master should have the loss by his fallhood: therefore the master shall bring the action, and have his servant who was robbed, to be his witness. *Cro. Car.* 37.

Within 20 days next before] And the time of making such oath must be laid in the declaration, for that is traversable. *3 Salk.* 184.

Before a justice] And if the justice shall refuse upon his request, to examine him, an action will lie against the justice; because he doth not act therein as a judge of record, but as a minister appointed for the examination by the statute. *Cro. Car.* 211.

Whether he knows any of the robbers] *H. 19 G. 2. William King* against the hundred of *Bishop's Sutton*. In an action brought against the hundred, the oath proved was, that he had *good reason to suspect* the fact was done by *Robert Gibbs* and *William Langford*, both of such a parish. And a doubt arising at the assizes, whether this was sufficient or not, a case was made, and twice argued at the bar. And upon the second argument, the court were of opinion, that the examination did not maintain the action. The oath required is a condition precedent, and for the sake of the hundred, and to prevent screening the offenders. There is a great deal of difference between *suspecting* and *knowing*: a man who *knows* the offender may purposely stop at the word *suspect*; to avoid being bound to prosecute: and though it would be equivocating, yet it would hardly be perjury assignable; it being only a suppression of part of the truth. He should have said, *I suspect them to be the men, but I do not know it*. It will be dangerous to let them go out of the words of the act; and therefore the plaintiff failed in the action, and paid the costs of a non-suit. *Str.* 1247.

5. Also before the action be commenced, he shall go before the chief clerk, or secondary, or the filazer of the county, or the clerk of the pleas of that court wherein such action is intended to be brought, or their deputies, or before the sheriff of the county, and enter into 100*l.* bond, to the high constable, with two sufficient sureties, to pay him costs, if he (the prosecutor) shall be cast. And no greater fee shall be taken for the bond, than 5*s.* above the stamp. *8 G. 2. c. 16. s. 1, 2.*

6. If bond is taken before the sheriff, he shall immediately certify the same in writing, to the respective officer abovementioned; which certificate the person robbed shall deliver to such officer before the action is brought: and he shall pay not more than 2*s.* 6*d.* fee to the sheriff for making such certificate, nor more than 2*s.* 6*d.* to the officer for receiving and filing the same. And the bond shall be delivered to the high constable. *gratis.* *8 G. 2. c. 16. s. 2.*

7. All this being done, and 40 days being expired from the day of the publication in the gazette (for if one of the offenders

Bond to pay costs.

Bond to be certified.

Time of bringing the action.

is apprehended within that time, the action will not lie, 8 G. 2. c. 16. f. 3.); and also a whole year not being expired from the time of the robbery committed (for if a year is expired, in such case also the action will not lie, by the 27 El. c. 13. f. 9.) But all these things being regularly and duly performed, then the action may be brought.

Process to be served on the high constable.

8. And the process shall be served on the high constable only; who shall cause publick notice thereof to be given in one of the principal market towns on the next market day; and if there is no market town in the hundred, then in some parish church within the hundred, on the next Sunday, immediately after divine service. He shall also enter appearance, and defend the action, as he shall be advised. 8 G. 2. c. 16. f. 4.

Inhabitants may be witnesses.

9. On the trial; any inhabitant may be a witness for the hundred. 8 G. 2. c. 16. f. 15.

VII. Damages how to be levied and applied.

Writ of execution to be shewn to two justices.

1. If the plaintiff recover, the sheriff shall shew the writ of execution to two justices (1 Q.) in or near the hundred. 27 El. c. 13. f. 5. 8 G. 2. c. 16. f. 4.

And the high constable's charge.

2. The high constable also shall cause his attorney's bill to be taxed by the proper officer, and shall give in to the said justices an account thereof, and of his other expences in defending the action, and make due proof of the same upon oath, to the satisfaction of the said justices. 8 G. 2. c. 16. f. 4.

Taxation.

3. The said two justices shall thereupon cause a taxation to be made, and levied in 30 days, upon every division within the hundred, by the constables, by distress and sale. 8 G. 2. c. 16. f. 4, 10.

Payment.

4. And the constables shall in ten days pay the same to the sheriff, and the sheriff shall pay the same without fee to the plaintiff for his costs and damages, and to the high constable for his expences. 8 G. 2. c. 16. f. 4, 5.

High constable to be reimbursed, if the plaintiff is cast.

5. The high constable shall in like manner, if he recovers against the plaintiff, be reimbursed his expences which shall be over and above the costs to be taxed, and also such costs taxed as he shall not be able to recover, by reason of the insolvency of the plaintiff and of his sureties; which shall be paid in ten days to the said two justices, or one of them, who shall upon request deliver over the same to the high constable. 8 G. 2. c. 16. f. 7, 8.

Return of the writ.

6. And the sheriff shall not be obliged to return the writ of execution, till after 60 days from the time it shall be delivered to him; that there may be time for the taxation, assessment, and collecting the money. 8 G. 2. c. 16. f. 6.

VIII. Reward for apprehending a robber.

10 l. by the hundred.

1. Any person or persons apprehending a felon, whereby the hundred becomes indemnified, shall have 10 l. reward paid by the hundred; the same to be ascertained, levied, and paid, by two justices

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Section 2: ...

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The following is a list of the names of the persons who have been
 appointed to the various offices of the Board of Education for the
 year ending June 30, 1908. The names are given in the order in
 which they were appointed, and the date of their appointment is
 given in parentheses. The names of the persons who have been
 reappointed are given in italics. The names of the persons who
 have been appointed to the office of Superintendent of Schools are
 given in bold type. The names of the persons who have been
 appointed to the office of Assistant Superintendent of Schools are
 given in regular type. The names of the persons who have been
 appointed to the office of Director of Schools are given in regular
 type. The names of the persons who have been appointed to the
 office of Inspector of Schools are given in regular type. The
 names of the persons who have been appointed to the office of
 Inspector of Buildings are given in regular type. The names of
 the persons who have been appointed to the office of Inspector of
 Accounts are given in regular type. The names of the persons who
 have been appointed to the office of Inspector of Contracts are
 given in regular type. The names of the persons who have been
 appointed to the office of Inspector of Purchases are given in
 regular type. The names of the persons who have been appointed
 to the office of Inspector of Disbursements are given in regular
 type. The names of the persons who have been appointed to the
 office of Inspector of Receipts are given in regular type. The
 names of the persons who have been appointed to the office of
 Inspector of the Public Library are given in regular type. The
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 names of the persons who have been appointed to the office of
 Inspector of the Public Education are given in regular type. The
 names of the persons who have been appointed to the office of
 Inspector of the Public Administration are given in regular type.

Justices (1 *Q.*) in or near the hundred, in such proportions as they shall think reasonable, within the hundred. 8 G. 2. c. 16. f. 9.

2. And moreover, every person who shall apprehend a highwayman, and prosecute him till he be convicted of any robbery committed in or upon any highway, passage, field, or open place, shall have from the sheriff of the county where the robbery and conviction was made and done, without paying any fee for the same, the sum of 40*l.* within one month after such conviction and demand thereof made, by tendering a certificate to the sheriff, under the hand of the judge, certifying the conviction of such felon for a robbery done within the county of the said sheriff, and also that such felon was taken by the person claiming the reward. 4 *W.* c. 8. f. 2.

40*l.* by the king.

For which certificate shall be paid, for writing and drawing thereof, 5*s.* and no more. 6 G. c. 23. f. 8.

And if any dispute shall arise between the persons apprehending, touching their right to the reward, the judge shall by the said certificate direct it to be paid unto and amongst the parties claiming, in such proportions as to him shall seem just and reasonable. And if the sheriff shall make default of payment, he shall forfeit double, with treble costs. 4 *W.* c. 8. f. 2.

And the streets of *London* and *Westminster*, and of other cities, towns, and places, shall be deemed highways as to this matter. 6 G. c. 23. f. 8.

3. And as a further reward, such person shall have moreover the horse, furniture, and arms, money, or other goods of the robber, that shall be taken with him, notwithstanding the right of the king, or lord of the manor, or of the person lending or letting the same to hire: but saving the right of them from whom they may have been feloniously taken. 4 *W.* c. 8. f. 6.

And the goods taken with the highwayman.

4. And if a person is killed in endeavouring to apprehend such highwayman, the sheriff shall pay the like sum of 40*l.* without fee, under the like penalty, to the executors or administrators of the person killed; immediately, upon certificate delivered to him under the hand and seal of the judge of assize for the county where the fact was done, or the two next justices, of such person being so killed: Which certificate, the said judge, or justices, upon proof before them made, shall give immediately without fee. 4 *W.* c. 8. f. 3.

Person killed in apprehending a highwayman.

5. And the sheriff shall have the said rewards allowed to him in his accounts. 4 *W.* c. 8. f. 4.

Sheriff to be allowed thereward in his accounts.

IX. Pardon for discovering accomplices.

If any person, being out of prison, shall commit any robbery, and afterwards discover two or more persons, who shall commit any robbery, so as two or more be convicted; he shall have the king's pardon for all robberies he shall have committed before such discovery; which pardon shall be likewise a bar against any appeal for such robbery. 1 *W.* c. 8. f. 7.

Pardon for discovering accomplices.

X. *Principal and accessory in robbery.*

Accessory.

All that come in company to rob, are principals, tho' one only actually do it. *Hale's Pl. 72.*

XI. *Punishment of robbery.*

Clergy.

1. Robbery is generally excluded from the benefit of clergy. *3 Inst. 68. 2 Haw. 351—357. 2 H. H. c. 48.*

Pardon.

2. And by the 20 G. 2. c. 52. Robbery is excepted out of the general pardon.

Navy.

3. By the 22 G. 2. c. 33. Robbery in the navy shall be punished with death, or otherwise, as a court martial, on consideration of circumstances, shall find meet.

Restitution of
goods taken by
robbery.

XII. *What shall be done with the goods of which a person is robbed.*

1. If the person robbed doth not prosecute the robber; if his goods are waived in flight, or seized by the king's officers, or lord of the manor, he shall not have them restored. *Kely. 49.*

2. But if they are not waived in flight, nor seized by the king's officers, or lord of the manor, he may take his goods again wherever he finds them, without the formality of restitution being awarded, if they be not sold in open market; and this also, altho' he doth not prosecute the robber. *Kely. 48.*

3. But if he shall prosecute the robber to conviction; he shall have restitution, altho' they have been waived, and seized, and even sold in open market. *Kely. 48.*

A. Notice in the gazette, before the action brought against the hundred.

NOTICE is hereby given (pursuant to an act of parliament made in the eighth year of the reign of his present majesty king George the second, intituled, An act for the amendment of the law relating to actions on the statute of hue and cry) that A. J. of _____ in the county of _____ gentleman, on _____ the _____ day of _____ now last past, between the hours of eight and nine in the forenoon of the same day, was overtaken and robbed by two persons, in the highway between _____ and _____ in the county of _____ one of them being a tall thin man, marked on the face with the small pox, and having on a brown riding coat, and mounted on a black mare; the other a middle sized man, wearing his own hair of a light brown colour, and riding on a grey gelding; which persons took from him the said A. J. ten guineas in gold, seven shillings in silver, an halfpenny, and a silver watch, and then made off.

B. Examination

Journal of the Proceedings of the

General Assembly of the Synod of the

Presbyterian Church in the United States

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B. Examination of the person robbed, before the action brought.

Westmorland. **T**HE examination of A. I. of _____ in the county aforesaid, yeoman, taken on oath before me J. P. esquire, one of his majesty's justices of the peace for the said county, dwelling in [or, near to] the hundred of _____ within the said county, the _____ day of _____ in the _____ year of the reign of _____

Who saith, that on Monday the _____ day of this present month of _____ between the hours of two and three in the afternoon of the same day, at or near a place called _____ he was assaulted in the highway there leading from _____ to _____ by two horsemen, whereof one was a tall lusty man, wearing a black wig, and a blue grey coat, mounted on a bay gelding about fifteen hands high, with a black mane and tail, and star in his forehead; and the other a middle sized man, of a swarthy complexion, having a large scar on his left cheek, having on a dark brown riding coat, and mounted on a black gelding; and by them robbed in the highway aforesaid, of the sum of _____ in money, one silver watch of the value of 4l. and one pocket book: And that he the said A. I. at the time of the said robbery committed, did not know, nor yet doth know, either of the said persons who committed the same: And that he is since informed, that the said highway and place where he was so robbed as aforesaid, are in the parish of _____ and within the hundred of _____ in the said county.

*Taken, made, and signed the day
and year above written,*

A. I.

Before me

J. P.

Rout. See Riot.

Rum. See Excise.

Run goods. See Excise.

Sabbath. See Lord's Day.

Sail cloth.

BY the 9 G. 2. c. 37. (which by the 24 G. 2. c. 52. hath continuance to Dec. 25. 1757, &c.) every maker of British sail cloth, shall stamp his name and place of abode in words at length on every piece; on pain of 10 l. on conviction by the oath of one witness before one justice: And if any person shall wilfully obliterate

Sail cloth.

obliterate the stamp, or stamp another person's name and place of abode, and not his own, he shall forfeit 5*l.* (and by the 4 G 2. c. 27. 10*l.*) to the informer; by distress, by warrant of two justices.

Sacraments. See Publick worship.

Sacrilege. See Larceny, Burglary.

Salmon. See Game.

Salt. See Excise.

Sanctuary.

BY the 21 J. c. 28. s. 7. No sanctuary, or privilege of sanctuary, shall be admitted or allowed in any case.

Scavengers.

THE justices in any city or market town (not having already provision made for them therein by any former law), at their general or quarter sessions, may appoint scavengers for cleaning the streets, and may order the repairing such streets therein as they shall judge necessary; and for defraying the charges thereof, an assessment not exceeding 6*d.* in the pound for one year, may be made, levied, and collected as by their order in such sessions they shall appoint; which, being allowed under their hands and seals, may (if not paid in 8 days after demand) be levied by their warrant by distress, rendering the overplus, after deducting the charges of making, keeping, and selling such distress. 1 G. s. 2. c. 52. s. 9. 9 G. c. 18. s. 3.

There are several acts which direct the paving and cleansing the streets in *London* and *Westminster*, and within the bills of mortality, which not being of general concern, are only mentioned in this place; to wit,

22 G. 2. c. 12.

22 & 23 C. 2. c. 17.

2 W. sess. 2. c. 8.

8 & 9 W. c. 37.

TABLE

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Schoolmasters.

1. **N**ONE shall teach school, unless allowed by the bishop, on pain of the censures of the church: And curates desirous to teach, shall be licensed before others, except where there is a publick school founded. *Can. 77, 78.* Licence of schoolmasters.
2. How far schoolmasters, being protestant dissenters, are exempted, as such, from the penalties inflicted by the laws for teaching school without licence, is treated of under the title **Dissenters.** Dissenters teaching without licence.
3. If any papist shall keep school, or take upon him the education, or government, or boarding of youth, he shall be adjudged to perpetual imprisonment. *11 & 12 W. c. 4. f. 3.* Papist teaching school.
4. Where a schoolmaster, in correcting his scholar, happens to occasion his death; if in such correction he is so barbarous as to exceed all bounds of moderation, he is at least guilty of manslaughter; and if he make use of an instrument improper for correction, and apparently endangering the scholar's life, as an iron bar, a sword, or kick him to the ground, and then stamp on his belly, and kill him, he is guilty of murder. *1 Harw. 73, 74.* Schoolmaster by correction killing his scholar.

Seamen.

FOR apprentices to the sea service, see title **Apprentices.**

1. No listed seaman shall be taken out of his majesty's service, by any process, other than for some criminal matter, unless affidavit be first made, that the debt or damage amounts to *20 l.* *1 G. 2. ff. 2. c. 14. f. 15.* In what cases they may be arrested.

But the plaintiff may, on notice first given to the defendant, enter a common appearance, and proceed to judgment and out-lawry, and have execution other than against his body. *f. 16.*

2. No court martial may punish or try any offence committed by any seaman in his majesty's service, which shall not be committed on the main sea, or in great rivers beneath the bridges, or in a haven or creek within the jurisdiction of the admiralty; except in the case of spies, or of mutiny and desertion, or disobedience, or of offences committed on land in foreign countries. *22 G. 2. c. 33. f. 40.* What offences the court martial may punish.

3. Seamen who have been employed in the king's service since the accession of King George the second, and not deserted, may set up and exercise such trades as they are apt for, in any town or place in *Great Britain or Ireland*, without molestation (except in *Oxford or Cambridge*); and if any person is sued thereupon, and the plaintiff is cast, such person shall have double costs. *22 G. 2. c. 44.* Where they may exercise trades.

Convicted of
swearing.

4. A seaman, instead of being committed to the house of correction, for default of paying the penalty for swearing, shall be put in the stocks for one hour for every single offence, and for any number of offences of which he shall be convicted at one and the same time, two hours. 19 G. 2. c. 21. s. 5.

In what case not
to be deemed
vagrants.

5. A seaman having a testimonial under the hand and seal of a justice of the peace, setting forth the time and place of landing, and the place to which he is to pass, and limiting the time of his passage, shall not be deemed a vagrant, while he continues in the direct way, and within the time limited. 17 G. 2. c. 5. s. 3.

In what case not
to gain settle-
ments by notice.

6. No seaman employed in his majesty's service, shall have any settlement in any parish, port town, or other town, by delivery and publication of a notice in writing, unless it be after his dismissal out of his majesty's service. 3 W. c. 11.

Making disturb-
ance in the
yards.

7. The treasurer, controller, surveyor, clerk of the acts, or any of the commissioners of the navy, may punish seamen and others, making disturbances in the yards or offices, and may bind them to the good behaviour, and to appear at the next assizes, or general quarter sessions, to be prosecuted for such offence. 1 G. fl. 2. c. 25. s. 1, 2.

Seamen in the
merchants
service.

8. Concerning seamen in the merchants service, it is enacted by the 2 G. 2. c. 36. (which by the last continuance 23 G. 2. c. 26. is of force to March 25. 1764, &c.) No master of a ship shall proceed on a voyage, without agreement in writing with each mariner (apprentices excepted), to be signed by such mariner, for wages; on pain of 5*l.* for each mariner, on conviction before one justice by the oath of one witness, to be levied by distress; for want of distress, to be committed till paid. s. 1, 2.

And if the mariner *deserts* after he hath signed the agreement, he shall forfeit the wages due to him at the time of deserting; and on application from the master, owner, or commander of the ship, such justice may cause him to be apprehended, and if he shall refuse to proceed on the voyage, without sufficient reason to the satisfaction of the justice, the said justice shall commit him to the house of correction, there to be kept to hard labour, not exceeding 30 days, nor less than 14 days. s. 3, 4.

And if any seaman absent himself from his ship without leave, he shall forfeit for every day's absence two days pay to *Greenwich* hospital, to be deducted by the master out of his wages; the same to be entered in a book, and signed by the master and two officers of the ship; and the same to be paid over to the officer who collects the 6*d.* a month deducted out of seamens wages for the said hospital. s. 5, 9.

And if any seaman not entering into the king's service, shall leave his ship before he hath a discharge in writing, he shall forfeit one month's pay, in like manner. s. 6.

And the master shall pay the seaman's wages, if demanded, in 30 days after the ship is entered at the custom house, or at the time of discharge, which shall first happen, deducting out of such wages the aforesaid forfeitures; on pain of 20*s.* to such seaman, to be recovered in like manner as his wages. s. 7.

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The following table gives the values of the constants in the above formulae for the various materials used in the experiments.

TABLE I

Material	Modulus of Elasticity (E)	Poisson's Ratio (ν)	Yield Point (σ _y)	Ultimate Tensile Strength (σ _u)
Steel	29,000,000	0.28	30,000	60,000
Aluminum	10,000,000	0.33	10,000	20,000
Copper	16,000,000	0.36	15,000	30,000
Cast Iron	25,000,000	0.21	25,000	50,000
Brass	15,000,000	0.34	15,000	30,000
Lead	5,000,000	0.44	5,000	10,000
Concrete	3,000,000	0.15	3,000	6,000
Timber	1,000,000	0.25	1,000	2,000
Glass	16,000,000	0.22	16,000	32,000
Rubber	0.5	0.45	0.5	1.0

Note; The law relating to the recovery of such wages, so far as provision is made for the same by any act of parliament, is treated of, under title *Servants*.

Search Warrant.

ALTHO' it is not unusual for justices to grant general warrants, to search all suspected places for stolen goods, and there is a precedent in *Dalton* requiring the constable to search *all such suspected places as he and the party complaining shall think convenient*; yet such practice is generally condemned by the best authorities.

Thus Lord *Hale*, in his pleas of the crown, says, a general warrant to search for felons or stolen goods, is not good. *H. Pl.* 93.

Mr. *Hawkins* says, I do not find any good authority, that a justice can justify sending a general warrant, to search all suspected houses in general for stolen goods: because such warrant seems to be illegal in the very face of it; for it would be extremely hard, to leave it to the discretion of a common officer, to arrest what persons, and search what houses he thinks fit; and if a justice cannot legally grant a blank warrant for the arrest of a single person, leaving it to the party to fill it up, surely he cannot grant such a general warrant, which might have the effect of an hundred blank warrants. *2 Haw.* 82, 84.

Again, Lord *Hale*, in his history of the pleas of the crown, expresseth himself thus; I do take it, that a general warrant to search in all suspected places is not good; but only to search in such particular places, where the party assigns before the justice his suspicion, and the probable cause thereof; for these warrants are judicial acts, and must be granted upon examination of the fact. *2 H. H.* 150.

And therefore, he says, he takes it that those general warrants dormant, which are many times made before any felony committed, are not justifiable, for it makes the party to be in effect the judge; and therefore searches made by pretence of such general warrants, give no more power to the officer or party, than what they may do by law without them. *2 H. H.* 150.

Likewise, upon a *bare surmise*, a justice cannot make a warrant to break any man's house, to search for a felon, or for stolen goods; for the justices being created by act of parliament, have no such authority granted to them by any act of parliament; and it would be full of inconvenience, that it should be in the power of any justice of the peace, being a judge of record, upon a bare suggestion to break the house of any person, of what state, quality, or degree soever, either in the day or night, upon such surmises. *4 Inst.* 177.

But in case of a complaint, and oath made, of goods stolen, and that the party suspects the goods are in such a house, and shews the cause of his suspicion; the justice may grant a warrant to search in those suspected places mentioned in his warrant, and to attach the goods, and the party in whose custody they are found, and bring them before him, or some other justice, to give an account how he came by them, and further to abide such order as to law shall appertain. 2 *H. H.* 113, 150.

But in that case, Lord *Hale* says, it is convenient, that such warrant do require the search to be made in the day time; and tho' I will not affirm (says he) that they are unlawful without such restriction, yet they are very inconvenient without it; for many times under pretence of searches made in the night, robberies and burglaries have been committed, and at best it creates great disturbance. 2 *H. H.* 150.

But in case not of probable suspicion only, but of positive proof, it is right to execute the warrant in the night time, lest the offenders and goods also be gone before morning. *Barl. Search War.*

Furthermore, such warrant ought to be directed to the constable, or other publick officer, and not to any private person; tho' it is fit the party complaining should be present and assistant, because he knows his goods. 2 *H. H.* 150.

So much for *granting* a search warrant; Next touching the *execution* of it.

Whether the stolen goods are in the suspected house or not, the officer and his assistants in the day time may enter, the doors being open, to make search, and it is justifiable by this warrant. 2 *H. H.* 151.

If the door be shut, and upon demand it be refused to be opened by them within, if the stolen goods be in the house, the officer may break open the door. 2 *H. H.* 151.

If the goods be not in the house, yet it seems the officer is excused, that breaks open the door to search, because he searched by warrant, and could not know whether the goods were there, till search made; but it seems the party that made the suggestion is punishable in such case; for as to him the breaking of the door is *in eventum* lawful or unlawful, to wit, lawful if the goods are there, unlawful if not there. 2 *H. H.* 151.

On the *return* of the warrant executed, the justice hath these things to do;

As touching the *goods* brought before him, if it appear they were not stolen, they are to be restored to the possessor; if it appear they were stolen, they are not to be delivered to the proprietor, but deposited in the hand of the sheriff or constable, to the end the party robbed may proceed, by indicting and convicting the offender, to have restitution. 2 *H. H.* 151.

As touching the *party* that had the custody of the goods; if they were not stolen, then he is to be discharged; if stolen, but not by him, but by another that sold or delivered them to him, if it appear that he was ignorant that they were stolen, he may be discharged as an offender, and bound over to give evidence as
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Search Warrant.

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a witness against him that sold them; if it appear he was knowing they were stolen, he must be committed or bound over to answer the felony. 2 H. H. 152.

Form of a search warrant.

Westmorland. } To the constable of ———.

— **W**HEREAS it appear to me J. P. esquire, one of the justices of our lord the king, assigned to keep the peace in the said county, by the information on oath of A. I. of ——— in the county aforesaid, yeoman, that the following goods, to wit, ——— have within ~~two~~ days last past, by some person or persons unknown, been feloniously taken, stolen, and carried away, out of the house of the said A. I. at ——— aforesaid, in the county aforesaid; and that the said A. I. hath probable cause to suspect, and doth suspect, that the said goods, or part thereof, are concealed in the dwelling house of A. O. of ——— in the said county, yeoman: These are therefore, in the name of our said lord the king, to authorize and require you, with necessary and proper assistants, to enter in the day time into the said house of the said A. O. at ——— aforesaid, in the county aforesaid, and there diligently to search for the said goods; and if the same, or any part thereof, shall be found upon such search, that you bring the goods so found, and also the body of the said A. O. before me, or some other of the justices of our said lord the king, assigned to keep the peace in the county aforesaid, to be disposed of and dealt withal according to law. Given under my hand and seal at ——— in the said county, the ——— day of ——— in the ——— year of the reign of ———.

Self defence. See Homicide.

Self murder. See Homicide.

Servants.

Under this title are also comprehended labourers, journeymen, artificers, and other workmen.

Concerning the settlement of servants, see title **POOR**.

I. *Who may be compelled to serve, and for what term.*

II. *Rating of wages.*

III. *Time of working for labourers.*

VOL. II.

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IV. *Working*

IV. Working in harvest.

V. Leaving work unfinished.

VI. Testimonial.

VII. Servant fleeing into another shire.

VIII. Servant assaulting his master.

IX. How far the master is allowed to beat his servant.

X. How far the master may beat another in defence of his servant, or the servant in defence of his master.

XI. Servants firing houses.

XII. Servant stealing his master's goods.

XIII. Disputes between silk masters and their workmen.

XIV. Disputes between clothiers and their workmen.

XV. Disputes between masters and servants in the woollen, linen, fustian, cotton, and iron manufactures, by several statutes.

XVI. Disputes between masters and their workmen in the leathern manufactures, by the 13 G. 2. c. 8.

XVII. Disputes between masters and their workmen in the making of hats, or in the woollen, linen, fustian, cotton, iron, leather, furr, bemp, flax, mohair, or silken manufactures, by the 22 G. 2. c. 27.

XVIII. Disputes between masters and their workmen in the manufacture of clocks and watches, by the 27 G. 2. c. 7.

XIX. Disputes between masters and servants in husbandry, artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers, by the 20 G. 2. c. 19.

XX. Shipmasters and their seamen.

XXI. Taylors and their workmen within the bills.

XXII. Shoemakers and their workmen within the bills.

XXIII. How far the master is answerable for the servant.

I. Who may be compelled to serve, and for what term.

1. **N**O person shall retain, or be retained, to work for any less term than one whole year, in any of the crafts of clothiers, woollen cloth weavers, tuckers, fullers, clothworkers, shermen, dyers, hosiers, taylors, shoemakers, tanners, pewterers, bakers, brewers, glovers, cutlers, smiths, farriers, curriers, saddlers, spurriers, turners, cappers, hatmakers or feltmakers, bowyers, fletchers, arrow head makers, butchers, cooks, or millers. Who compellable to serve in trades.

5 El. c. 4. s. 3.

And every person unmarried, and every married person being under the age of 30 years, and having been brought up in any of the said trades, or that hath used any of them by the space of 3 years or more; and not having an estate of inheritance or for life of 40 s. a year, nor worth 10 l. in goods, and so allowed by two justices of the county where he hath most commonly inhabited for one year, under their hands and seals, or by the mayor of a town corporate and two aldermen, or (if there are no aldermen) two discreet burgeses; nor being retained with any person in husbandry, nor in any the aforesaid trades; nor being lawfully retained in houthold, or in any office with any nobleman, gentleman, or other according to law; nor having a convenient farm or other holding in tillage; — shall during the time that he shall be so unmarried, or under the said age of 30 years, on request made by any person using the art or mistery wherein the said person hath been exercised, be retained and serve, on pain as hereafter followeth. *s. 11.*

And no person which shall retain any servant, shall put away his said servant, and no person retained according to this statute shall depart before the end of his term, unless it be for some reasonable cause, to be allowed before one justice or mayor to whom the party grieved shall complain: And no master shall put away any such servant at the end of his term, nor shall any such servant depart at the end of his term without one quarter's warning, on pain hereafter ensuing. *s. 5, 6.*

2. Every person between the age of 12 and 60, not being lawfully retained, nor apprentice with any fisherman or mariner haunting the seas; nor being in service with any kidder or carrier of corn, grain, or meal for provision of the city of London; nor with any husbandman in husbandry; nor in any city, town corporate, or market town, in any the arts limited by this statute to have apprentices; nor being retained by the year, or half year at least; for getting, melting, fining, working, trying, making of any silver, tin, lead, iron, copper, stone, sea coal, stone coal, moor coal, or cherk coal; nor being occupied in the making of glafs; nor being a gentleman born, nor being a student or scholar in any of the universities, or school; nor having an estate of inheritance, or for term of life, of 40 s. a year; nor worth 10 l. in goods; nor having a father or mother then living, or other ancestors, whose heir apparent he is, having lands of 10 l. a year, or goods worth 40 l.; nor being a necessary or convenient officer

or servant lawfully retained as aforesaid; nor having a convenient farm or holding, whereon to employ his labour; nor being otherwise lawfully retained according to the true meaning of this statute, — shall be compelled to be retained to serve in husbandry by the year, with any person that keepeth husbandry, and will require any such person so to serve, within the same shire where he shall be so required. 5 *El. c. 4. f. 7.*

And if any person, after he hath retained any servant, shall put him away before the end of his term, unless it be for some reasonable cause, to be allowed as is aforesaid; or shall put him away at the end of his term, without a quarter's warning; unless he can prove by two witnesses such reasonable cause, or such quarter's warning, before the judges of assize, justices of the peace in sessions, or the mayor and two aldermen (or two discreet burgessees if there are no aldermen) in corporations, — he shall forfeit 40*s.* *f. 8.*

Penalties.

3. And if any servant retained according to this statute shall depart from his service before the end of his term, unless it be for some reasonable cause to be allowed as aforesaid, or at the end of his term depart without a quarter's warning before two witnesses; or if any person bound to serve in husbandry or other arts above remembred, by the year or otherwise, do on request refuse to serve for the wages to be limited, by this statute; or promise to serve, and do not serve, — then, on complaint and conviction before two justices, or mayor and two aldermen (or two discreet burgessees where there are no aldermen) he shall be committed to ward until he shall be bound to serve and continue for the wages that shall be then limited; and to be discharged upon his delivery, without any fee to the gaoler. 5 *El. c. 4. f. 9.*

And the forfeitures not otherwise appointed by this act, shall be half to the king, and half to him that shall sue in any of the king's courts of record, or before the justices of oyer and terminer, or before any other justices before remembred; and the said justices, or two of them (1 *Q.*) and the said mayors or other head officers, shall have power to hear and determine all offences against this statute, as well upon indictment in the sessions of the peace, as upon information, action of debt, or bill of complaint; and shall yearly in *Michae'mos* term estreat the forfeitures into the exchequer, in like manner as other estreats. *f. 39.*

And all fines and forfeitures which shall arise by reason of any offences in this act, within any city or town corporate, shall be levied by such person as shall be appointed by the mayor or other head officer, to the use of the same city or town corporate, as other fines and forfeitures by the charter. *f. 45.*

Women compellable to serve.

4. Two justices (or the mayor or other head officer of a town corporate, and two aldermen, or two discreet burgessees if there be no aldermen) may appoint any such woman as is of the age of 12 years, and under 40, and unmarried, and forth of service, as they shall think meet, to serve, or be retained to serve by the year, or by the week or day, for such wages, and in such reasonable sort and manner as they shall think meet; and if any such woman shall refuse so to serve, they may commit her to ward, until

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and the full dependence on him as a scholar.

It is a pity that the author has not given more of the details of his own life, and that he has not given more of the details of the life of his father.

The book is a very interesting one, and it is a pity that the author has not given more of the details of his own life, and that he has not given more of the details of the life of his father.

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REVIEWS

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until she shall be bounden to serve as is aforesaid. 5 *El. c. 4. f. 24.*

And if a woman who is a servant shall marry, yet she must serve out her time, and her husband cannot take her out of her master's service. *Dalt. c. 58. Wood 89.*

5. If a person retain a servant generally, without expressing any time, the law shall construe it to be for one year, for that retainer is according to law. 2 *Litt. 42.* Retainer to be for a year.

And if a man retaineth another, except the retainer be according to the statute, it seemeth to be void; unless it be by indenture, and then being by deed, he is bound by his covenant. *Dalt. Old Ed. c. 31.*

6. By the retainer, the servant is in service presently by the law, altho' he cometh not into his master's service indeed. *Dalt. c. 58.* Retainer is the beginning of service.

7. If a servant be within age, his agreement with his master to his disadvantage shall not prejudice him. *Dalt. c. 58.* Infant hiring.

8. If a married man and his wife do bind themselves to serve, they shall be compelled to serve according to their covenant or agreement. *Dalt. c. 58.* Married person hiring.

9. If a servant retained for a year, happen within the time of his service to fall sick, or to be hurt or disabled by the act of god, or in doing his master's business; yet the master must not therefore put such servant away, nor abate any part of his wages for such time. *Dalt. c. 58.* Servant falling sick.

II. Rating of Wages.

1. The justices of every shire, riding, and liberty, or the more part of them, being then resident within the same, and the sheriff if he conveniently may, and every mayor and other head officer within any city or town corporate, wherein is any justice of the peace within the limits of the said city or town corporate, and of the said corporation, shall yearly at *Easter* sessions, or within 6 weeks next after, assemble, and call unto them such discreet and grave persons as they shall think meet, and having respect to the plenty or scarcity of the time, and other circumstances, shall have authority to limit, rate, and appoint the wages as well of such the said artificers, handicraftsmen, husbandmen, or any other labourer, servant, or workman, whose wages in time past have been by any law or statute rated and appointed, as also the wages of all other labourers, artificers, workmen, or apprentices of husbandry, which have not been rated, as they shall think meet by their discretions, to be rated, limited, or appointed by the year, or by the day, week, month, or otherwise, with meat and drink, or without meat and drink, and what wages every workman or labourer shall take by the great, for mowing, reaping, or threshing of corn and grain, or for mowing or making of hay, or for ditching, paving, railing, or hedging, by the rod, perch, lugg, yard, pole, rope, or foot, and for any other kind of reasonable labour or service. 5 *El. c. 4. f. 15.* Rating wages.

And by the 17. c. 6. The justices, or the more part of them, residing in any riding, liberty, or division, where the sessions are severally kept, shall have power to rate the wages within such division, as if the same were done in the general sessions for the county. *f. 5.*

And by the same statute of 17. c. 6. The said act of 5 *El.* shall extend to the rating of wages of all labourers, weavers, spinners, and workmen or workwomen whatsoever, either working by the day, week, month, year, or taking any work by the great or otherwise. *f. 3.*

But no clothier being a justice of the peace in any precinct or liberty, shall be a rater of wages for the making of cloth; and if there be not above two justices in such precinct, but such as are clothiers, the wages shall be rated by the major part of the common council of such precinct, and such justices (if any there be) as are not clothiers. *id. f. 9.*

And if any justice residing within the county, or mayor, shall be absent at the rating of wages, and not hindered by sickness or other lawful cause, to be allowed by the justices then assembled for rating of wages, upon the oath and affidavit of some credible person, he shall forfeit to the king 10*l.* to be recovered in the sessions or other court of record, by indictment or otherwise. 5 *El.* c. 4. *f. 17.*

And the justices shall yearly, between *Sep.* 29. and *Dec.* 25. and between *March* 25. and *June* 24. make special and diligent enquiry of the good execution of this statute, and punish defaulters; and shall have for every day that they sit about the execution thereof (not exceeding 3 days at a time) 5*s.* each, out of the forfeitures due to the king. *f. 37, 38.*

Rates to be proclaimed.

2. By the aforesaid act of 5 *El.* the rates were to be certified into the chancery; but by the 17. c. 6. they need not to be certified into the chancery, but shall be kept amongst the records of the county or town corporate. *f. 8.*

And after the said rates are made and ingrossed in parchment, under the hands and seals of the persons having authority to rate the same, the sheriff, or mayor, may cause proclamation thereof to be made, in so many places as to them shall seem convenient; and every person shall be bound to observe the same. *id. f. 6.*

Giving more than is rated.

3. If any person upon the proclamation published, shall directly or indirectly, retain or keep any servant, workman, or labourer, or shall give any more or greater wages, or other commodity, than shall be so appointed in the said proclamation; he shall on conviction before any of the justices or other head officers above remembred, be imprisoned for ten days without bail, and shall forfeit 5*l.* half to the king, and half to him that shall sue before the said justices in their sessions. 5 *El.* c. 4. *f. 18.*

But yet masters may reward a well deserving servant, over and above his wages, according as he shall deserve, so it be not by way of promise or agreement upon his retainer. *Dalt. c. 58.*

Taking more.

4. And every person that shall be so retained and take wages contrary to the said statute of the 5 *El.* or to the said proclamation, and shall be thereof convicted before the justices aforesaid,

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On ne peut pas dire que l'Etat ait le monopole de la justice. Il n'y a pas de justice d'Etat, mais il y a des juges d'Etat.

Le droit est une science sociale, et non une science abstraite. Il faut donc l'étudier dans son contexte social et historique.

La justice est un idéal, mais elle est aussi une réalité. Elle se réalise dans la vie sociale à travers les institutions juridiques.

Le droit est une science qui évolue avec le temps et les circonstances. Elle doit donc être flexible et adaptable.

La justice est un bien commun, et elle doit être accessible à tous. Elle ne doit pas être réservée à une élite.

Le droit est une science qui sert l'intérêt général. Elle doit donc être guidée par des principes éthiques et sociaux.

La justice est un idéal qui doit guider l'action politique. Elle est le fondement d'une société juste et équitable.

Le droit est une science qui doit être enseignée et pratiquée. Elle est essentielle à la vie d'une société.

La justice est un idéal qui doit être poursuivi sans cesse. Elle est le but de toute action humaine.

Le droit est une science qui doit être appliquée avec sagesse et équité. Elle est le pilier d'une société civilisée.

La justice est un idéal qui doit être incarné dans les lois et les institutions. Elle est le reflet d'une société juste.

Le droit est une science qui doit être enseignée avec rigueur et précision. Elle est le langage de la justice.

La justice est un idéal qui doit être défendu avec courage et conviction. Elle est le cœur d'une société humaine.

Le droit est une science qui doit être étudiée avec intérêt et curiosité. Elle est le trésor d'une civilisation.

La justice est un idéal qui doit être recherché avec persévérance et détermination. Elle est le chemin d'une société meilleure.

Le droit est une science qui doit être pratiquée avec honneur et dignité. Elle est le symbole d'une société respectueuse.

or any two of them, or before the mayor or other head officers aforesaid, he shall be imprisoned for 21 days without bail. 5 *El.* c. 4. *f.* 19.

5. And every retainer, promise, gift, or payment of wages, or other thing, contrary to the said act, and every writing and bond to be made for that purpose, shall be void. 5 *El.* c. 4. *f.* 23.

6. If any clothier, or other, shall refuse to pay so much wages to their weavers, spinsters, workmen, or workwomen, as shall be rated; and be convicted thereof by confession, or oath of two witnesses, at the assizes, or sessions, or before any two justices (1 *Q.*); he shall forfeit 10 *s.* to the party grieved, to be levied by distress and sale. 1 *J.* c. 6. *f.* 7.

7. *M.* 1 *An.* *Q.* and *Gouche*. An order was made by the justices for payment of wages, for work and labour in husbandry: The exception was, That it did not appear to be statute wages; and such only are within their jurisdiction. By the court; Tho' the statute gives them a power only to set the rate for wages, and not to order payment; yet grafting hereupon, they have also taken upon them to order payment, and the courts of law are indulgent in remedies for wages, and therefore they would intend it such wages as were within the statute, unless the contrary appear upon the face of the order. 2 *Salk.* 441.

And in the case of *K. and Gregory*, 2 *Salk.* 484. There was an order to pay 40 *s.* for wages generally; and because it was not laid for wages in husbandry, it was moved to quash it, for that the justices can only settle wages in husbandry: But by the court; We will intend it for such wages, since the contrary does not appear.

But in the case of *K. and Helling*, *M.* 3 *G.* There was an indictment for not paying servants wages, reciting an order of two justices, whereby it appeared, that 9 *l.* was due, which the defendant refused to pay, having had notice of the order. It was moved to quash the indictment, because it doth not set out the labour of the servant, and is only generally for wages; the justices have only jurisdiction in case of husbandry; and the order ought to shew, that this was a matter within their jurisdiction. By *Eyre J.* the practice is, if an order be for paying wages, it is supposed to be such as the justices have power over. But *Parker Ch. J.* and *Pratt J.* were of another opinion. And in the next term following the indictment was quashed. *Str.* 8.

And in the case of *K. and Cleg*, *M.* 8 *G.* It was said by *Forstescue J.* that in the case of servants wages, although jurisdiction is given only in husbandry, yet orders have been held good, where it did not appear that the service was in husbandry; for the court said they would intend it so, unless the contrary appeared. But by *Pratt Ch. J.* This was always wondered at, and in my lord *Parker's* time it was actually contradicted in the case of *K. and Helling*. *Str.* 475.

In *Bycraft's* case, 5 *Mod.* 140. A justice made an order for payment of a *freeman's* wages; but in an action brought against him, the plaintiff recovered 30 *l.* damages.

M. 8 An. 2. and Cecil. An order upon a master to pay wages in husbandry, was quashed, because it was made upon the servant's oath, which is against law, and no power given in the statute to admit such oath as evidence. *L. Raym. 1305.*

But by other statutes hereafter following, such oath is allowed as evidence; but upon this statute it was not necessary, because in order to intitle the servant to wages, he needed not to prove how much his master had agreed to pay him, for that was fixed by the justices, but only how long he had served, and then the wages followed of course; and this might be proved by many others as well as by himself.

III. Time of working for labourers.

All artificers and labourers, being hired for wages, by the day, or week, shall betwixt the midst of *March* and *September*, be and continue at their work, from 5 in the morning till after 7 at night (except in the time of breakfast, dinner, or drinking, which shall not exceed two hours and an half in a day, that is to say, at every drinking one half hour, for his dinner one hour, and for his sleep, when he is allowed to sleep, that is, from the midst of *May* to the midst of *August*, half an hour at the most, and at every breakfast one half hour :) And all the said artificers and labourers, between the midst of *September* and the midst of *March*, shall be and continue at their work, from the spring of the day in the morning, until night, except it be in the time afore appointed for breakfast and dinner; on pain to forfeit 1 *d.* for every hour's absence, to be deducted out of his wages. *5 El. c. 4. s. 12.*

IV. Working in harvest.

1. In the time of hay or corn harvest, the justices of the peace, and every of them, and also the constable or other head officer of every township, upon request, and for avoiding of the loss of any corn, grain, or hay, shall cause all such artificers and persons as be meet to labour, by the discretions of the said justices or constables, or other head officers, or by any of them, to serve by the day, for the mowing, reaping, shearing, getting, or inning of corn, grain, and hay, according to the skill and quality of the person; and that none of the said persons shall refuse to do, on pain to suffer imprisonment in the stocks, by the space of two days and one night: And the constable of the town, or other head officer, on complaint to him made, shall set him in the stocks accordingly, on pain of 40 *s.* half to the king, and half to him that shall sue in the sessions, or other court of record; and if it is in a town corporate, then to the use of such town, as other fines by the charter. *5 El. c. 4. s. 22.*

Provided, that all persons of the counties where they have accustomed to go into other shires for harvest work, and having at that time no harvest work sufficient in the same town or county where they dwelt in the winter last past, bringing with them a testimonial under the hand and seal of one justice of the shire, or

The first part of the document is a letter from the Stationer to the printer, dated the 10th of the month. It contains the following text:

I have the honor to receive your letter of the 10th inst. in relation to the printing of the book, and in answer to inform you that the same has been ordered to be printed in the most expeditious manner possible.

I am, Sir, your obedient servant,

J. B. Stationer

The second part of the document is a letter from the printer to the Stationer, dated the 15th of the month. It contains the following text:

I have the honor to receive your letter of the 15th inst. in relation to the printing of the book, and in answer to inform you that the same has been ordered to be printed in the most expeditious manner possible.

I am, Sir, your obedient servant,

J. C. Printer

STATIONER

The third part of the document is a letter from the Stationer to the printer, dated the 20th of the month. It contains the following text:

I have the honor to receive your letter of the 20th inst. in relation to the printing of the book, and in answer to inform you that the same has been ordered to be printed in the most expeditious manner possible.

I am, Sir, your obedient servant,

J. B. Stationer

The fourth part of the document is a letter from the printer to the Stationer, dated the 25th of the month. It contains the following text:

I have the honor to receive your letter of the 25th inst. in relation to the printing of the book, and in answer to inform you that the same has been ordered to be printed in the most expeditious manner possible.

I am, Sir, your obedient servant,

J. C. Printer

It is a common mistake to suppose that the only way to get a good result is to work hard. In fact, the most important thing is to work smart. This means that you should know what you are doing and why you are doing it. You should also know when to stop and when to take a break. Working smart means that you are getting the most out of every minute you spend on your work.

Another important thing is to stay organized. This means that you should have a plan for what you want to do and when you want to do it. You should also have a list of things that you need to do and a way to keep track of them. Staying organized means that you are always on top of your work and that you can do it in the most efficient way possible.

1. Planning your work

The first step in planning your work is to know what you want to do. This means that you should have a clear goal in mind and a plan for how to achieve it. You should also know what resources you need and when you need them. Once you have a plan, you should stick to it as much as possible. This means that you should not get distracted by other things that you might want to do. You should also make sure that you are taking breaks and that you are not overworking yourself.

It is also important to know when to stop. Working too hard can be bad for your health and your productivity. You should know when to take a break and when to stop working for the day. This means that you should not be afraid to say "no" to extra work if you are already busy. You should also make sure that you are getting enough sleep and that you are eating well.

2. Staying organized

Staying organized is a key to getting your work done. This means that you should have a plan for what you want to do and when you want to do it. You should also have a list of things that you need to do and a way to keep track of them. Staying organized means that you are always on top of your work and that you can do it in the most efficient way possible.

other head officer of the town or place that they come from, testifying the same, for which he shall pay not above 1 *d.* (other than such persons as shall be retained in service) may repair, in harvest of hay or corn, into any other county or place for the only mowing, reaping, and getting of hay, corn, or grain, and for the only working of harvest works, as they might have done before the making of this act. *f.* 23.

2. And by the 13 & 14 C. 2. c. 12. A person may go abroad to work in harvest, carrying with him a certificate from the minister and one churchwarden or overseer, that he hath a dwelling house or place in which he inhabits, and hath left wife and children, or some of them there (or otherwise as his condition shall require) and declaring him an inhabitant there. *f.* 3.

And by the vagrant act of the 17 G. 2. Persons carrying with them such certificate, shall not be liable to be apprehended as vagrants.

V. Leaving work unfinished.

Every artificer and labourer, that shall be lawfully retained in and for the building or repairing of any church, house, ship, mill, or other piece of work taken in great, in task, or in gross, or that shall take upon him to make or finish any such work, shall continue and not depart from the same, unless it be for not paying of his wages or hire agreed on, or otherwise lawfully taken or appointed to serve the king, or for other lawful cause, or without licence of the master or owner of the work, or of him that hath the charge thereof, before the finishing of the said work, on pain of imprisonment for a month without bail or mainprize, and the forfeiture of 5 *l.* to the party from whom he shall so depart, for the which the said party may have his action of debt in any of the king's courts of record, over and besides such ordinary costs and damages as may or ought to be recovered by the common laws, for such offence. 5 *El.* c. 4. *f.* 13.

And no other artificer or labourer, retained in any service, to work for the king, or any other person, shall depart from his said majesty, or from such other person, until the work be finished, if the person so retaining the artificer or labourer so long will have him, and pay him his wages; on pain of imprisonment for one month. *f.* 14.

VI. Testimonial.

None of the said persons retained in husbandry, or in any the arts above remembred, after the time of his retainer expired, shall depart forth of one city, town, or parish, to another; nor out of the lathe, rape, wapentake, or hundred; nor out of the county where he last served, to serve in any other city, town corporate, lathe, rape, wapentake, hundred, or county; unless he have a testimonial under the seal of the said city or town corporate, or of the constable or other head officer, and of two other honest householders of the city, town, or parish where he last served: Which testimonial shall be in this form,

Memorandum,

Memorandum, That A. B. late servant to C. D. of E. husbandman, or taylor, &c. in the said county, is licensed to depart from his said master, and is at his liberty to serve elsewhere, according to the statute in that case made and provided. In witness whereof, &c. Dated the day, month, year, and place, &c. of the making thereof:

Which testimonial shall be delivered to the said servant, and also registred by the minister of the parish where the master dwells, taking 2*d.* for the same. 5 *El. c. 4. f. 10*

And no person that shall depart out of a service, shall be retained or accepted into any other service, without shewing (before his retainer) such testimonial, to the chief officer of the town corporate, and in every other town and place, to the constable, curate, churchwarden, or other head officer; on pain that every such servant so departing without such testimonial, shall be imprisoned till he procure one; which if he cannot do in 21 days, he shall be whipped and used as a vagabond, according to the laws in such case provided; and every person retaining such servant, without shewing such testimonial, shall forfeit 5*l.* half to the king, and half to him that shall sue in the sessions or other court of record; and if any such person be taken with a counterfeit testimonial, then to be whipped as a vagabond. *f. 11.*

By the common law, if a man retained another man's servant, not knowing that he was retained with him, this ignorance excused him of the offence; but now the master may, and must take notice, whether he hath a testimonial or no; otherwise, if he hath no testimonial, such master is liable by this statute to the penalty of 5*l.* *Dr. & St. 149.*

And it were to be wished, that this good law concerning the testimonial were enforced and put in due execution; the want whereof is the only adequate cause of the excessive dearness and insolence of servants which is now so universally complained of; because it renders all rating of wages utterly vain and ineffectual; for if the wages are limited in one shire, the effect of that is no more than driving the servants into another shire where the wages are not rated: which can only be prevented by a general concurrence in not suffering them to depart, or not receiving them, without such licence or testimonial.

VII. Servant fleeing into another shire.

If any servant of husbandry, or of any art, science, or occupation aforesaid, flee into another shire, it shall be lawful for the justices of the peace, and the said mayors or other head officers being justices of the peace, to issue writs of *capias*, directed to the sheriffs of the counties, or other head officers of the places whither he shall flee, to take his body, returnable before them at what time shall please them; so that if they come by such process, they be put in prison till they shall find sufficient surety well and honestly to serve their masters. 5 *El. c. 4. f. 47.*

And by the 24 G. 2. c. 55. If a justice shall issue a warrant against such person, and he shall escape into another shire; the constable or other person, on having the warrant indorsed by a justice in such other shire, may arrest him there, and carry him before a justice in such other shire, if the offence is bailable, to find bail, or else shall carry him back before a justice in the shire from whence the warrant did first issue.

VIII. *Servant assaulting his master.*

If any servant, workman, or labourer, shall wilfully or maliciously make an assault or affray upon his master or mistress, or upon any other having charge or oversight of such servant or labourer, or over the work wherein he is hired to work, and shall be thereof convicted before any two justices, or other head officer aforesaid, by confession, or oath of two witnesses, he shall be imprisoned for a year, or less, by the discretion of two justices out of a town corporate, and in a town-corporate of the mayor or other head officer with two others of the discreetest persons of the same corporation: And if the offence shall require further punishment, then to receive such other open punishment so as it extend not to life or limb, as the justices in sessions, or the mayor or other head officer, and six or four at least of the discreetest persons of the corporation, shall think convenient for the quality of the offence. 5 *El. c. 4. s. 21.*

IX. *How far the master is allowed to beat his servant.*

The master is allowed by law, with moderation to chastise his servant. *Dalt. c. 58.*

And where a master, in correcting his servant, happens to occasion his death, it shall be deemed homicide by misadventure; yet if in his correction he be so barbarous, as to exceed all bounds of moderation, and thereby occasion the servant's death, it is manslaughter at the least; and if he make use of an instrument improper for correction, and apparently indangering the servant's life, as an iron bar, or sword, or kick him to the ground, and then stamp on his belly and kill him, it is murder. 1 *Harw. 73, 74.*

And if the servant shall depart out of his master's service, and the master happen after to lay hold of him, yet the master in this case may not beat or forcibly compel his said servant against his will to return or tarry with him, or do his service; but either he must complain to the justices, for his servant's departure, or he may have an action of covenant against his servant. *Dalt. c. 121.*

X. How far the master may beat another in defence of his servant, or the servant in defence of his master.

According to some opinions, a master shall not forfeit a recognisance of the peace, for beating another in defence of his servant, nor the servant for beating another in defence of his master. 1 *Haw.* 131.

But in the case of *Leeward and Bafiler, M. 7 W.* It was held by the court, that a servant may justify an assault in defence of his master, but not a master in defence of his servant; because he might have an action for the loss of his service. 1 *Salk.* 407.

XI. Servants firing houses.

If any menial or other servant, thro' negligence or carelessness, shall fire or cause to be fired any dwelling house or out house, and be convicted thereof by oath of one witness, before two justices, he shall forfeit 100*l.* to the churchwardens, to be distributed amongst the sufferers by such fire; and if he shall not pay the same immediately, on demand of the churchwardens, he shall be committed by the said justices to some workhouse or house of correction for 18 months, there to be kept to hard labour. 6 *An. c.* 31. *f.* 3.

XII. Servant stealing his master's goods.

By the 21 *H. 8. c.* 7. *If any servant to whom any goods shall by his master or mistress be delivered to be kept, shall go away therewith, to the intent to steal the same; or, being in his master or mistress's service, without his or her assent, shall imbezil or otherwise convert the same to his own use, with like purpose to steal it, if the same be of the value of 40 s. or above, he shall be guilty of felony; but this not to extend to any apprentice, or any person within the age of 18 years.*

By his master or mistress] If the master's wife deliver goods of the master, to the servant to keep, and he goes away with them, it seems this is within the statute, for he hath them by delivery of his mistress; and the master's wife is as well his mistress, as if she were sole. 1 *H. H.* 668.

Be delivered to be kept] This statute was introductive of a new law, when the goods were actually *delivered* to the servant that goes away with them; for where there is such a delivery, it could not at the common law be a felony. 1 *H. H.* 667.

But yet a servant may be guilty of felony at common law, if he *take* the goods of his master feloniously, nay, tho' they be goods under his charge, as a shepherd, butler, and the like; and for this he may be indicted at this day as a felony at common law: and of this felony at common law an apprentice, or servant under the age of 18 years, may be guilty, and indicted thereof at common law. 1 *H. H.* 667.

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter.

It is the policy of this office to issue such orders as may be necessary to carry out the provisions of the law.

Very respectfully,
Your obedient servant,
[Signature]

The enclosed copy of the report of the committee on the subject of the proposed amendment to the constitution of this State is herewith transmitted to you for your consideration.

Enclosure

I am, Sir, very respectfully,
Your obedient servant,
[Signature]

In witness whereof, I have hereunto set my hand and the seal of the office of the Secretary of State at Albany, this 15th day of [Month], 1881.

Very respectfully,
Your obedient servant,
[Signature]

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above matter.

And therefore tho' this statute exempt an apprentice or servant under 18, from the pain of felony enacted *de novo* by this statute, namely, where goods are actually delivered to him, yet it leaves him in the same condition as to any felony at common law, as if he were not excepted; and therefore if a butler or shepherd, under the age of 18 years, or if an apprentice take away his master's goods feloniously, without an actual delivery, tho' they are under the value of 40*s.* he is indictable of felony at common law. 1 *H. H.* 667, 668.

If a man delivers to his servant the key of his chamber door, and the servant taketh away his master's goods in the chamber (above the value of 12*d.*) this is felony at the common law, for the goods were *not delivered*. *Dalt. c.* 155.

If a man appoints his servant to take and carry corn to market, and to take his horse to carry the same upon, and the servant goeth away with the corn or horse; this is felony in the servant, if the goods he so goeth away with, be all to the value of 40*s.* *Dalt. c.* 155.

But if the servant wastefully consumeth the goods, and returneth again to his master, this is no felony. *Dalt. c.* 155.

If the master deliver an obligation to his servant, to receive the money thereby due, and the servant receive the money, and goeth away with the same, with intent to steal it; this is no offence within this statute, because he had not the money of the delivery of his master. 3 *Inst.* 105.

So if the master deliver to his servant wares or merchandizes to sell, and he selleth the same, and goeth away with the money as before, this is no offence within this statute for the cause aforesaid. 3 *Inst.* 105.

So if the servant receiveth above 40*s.* of his master's rents, and run away therewith, it is no felony; for the statute is, where the master delivereth it to keep. *Dalt. c.* 155.

But it is held, that if the master deliver to the servant 20*l.* in silver, to change it into gold at the goldsmith's, or leather to make shoes, and he run away with the gold or shoes, it is felony. 1 *H. H.* 668.

Shall be guilty of felony] But not without benefit of clergy. But by the 12 *An. ft.* 1. *c.* 7. Every person who shall steal goods to the value of 40*s.* out of any dwelling house, altho' it be not broken open, shall be guilty of felony without benefit of clergy: But this not to extend to apprentices under 15 years of age.

And in *Josua Cornwall's* case, *M.* 4 *G.* 2. it was adjudged, that a servant may be guilty of burglary with respect to his master's goods, although he did not break and enter, nor take, nor carry the goods away. Which was thus: The servant in the night opened the street door, and let in the thief, and shewed him the side board, from whence he took the plate; then the servant opened the door, and let him out, but did not go out with him, but went to bed. Upon the trial it was doubted, whether this was burglary in the servant, he not going out with the other; wherefore it was ordered to be found specially. And afterwards at a meeting

meeting of all the judges at *Serjeants-Inn*, they were all of opinion that it was burglary in both. And upon report of this opinion the next sessions, the defendant was executed. *Str.* 881.

XIII. Disputes between silkmasters and their workmen.

1. By the 13 & 14 C. 2. c. 15 Every silk winder and doubler, who shall unjustly, or deceitfully and falsely purloin, imbezil, pawn, sell, or detain any part of silk delivered to them to wind or double, in every such case, as well the winder or journeyman so offending, as the buyer and receiver thereof, being lawfully convicted, by confession, or oath of one witness, before one justice (or mayor), shall render to the party grieved such satisfaction for his damage and loss and charges, as the justice shall order. *f.* 6.

But no more damages shall be given, than the party grieved shall prove he is damaged, and hath expended; and if the party shall not be able, or do not make recompence in 14 days after conviction, he shall for the first offence be apprehended and whipped, or set in the stocks where the offence was committed, or in some market town near, in the said county; and for the second offence, to incur the like, or such further punishment by whipping or being put in the stocks, as such justice shall think convenient. *f.* 7.

2. And by the 20 C. 2. c. 6. If any silk winder or doubler shall be found faulty, in unjustly, deceitfully, or falsely purloining, imbezilling, pawning, selling, or detaining any silk committed to his trust; any justice, or mayor, shall immediately on conviction by confession, or oath of one witness, commit him to prison or house of correction, till satisfaction be given to the party wronged, or punishment inflicted as by the 13 & 14 C. 2. is appointed.

3. And by the 8 & 9 W. c. 36. Every person that shall embezil, pawn, sell, or detain any silk delivered to him to be wrought, or after it is wrought up, and also the receiver and buyer thereof, or such as take the same to pawn, shall be subject to all the penalties of the 13 & 14 C. 2. c. 15. and the 20 C. 2. c. 6.

XIV. Disputes between clothiers and their workmen.

1. By the 4 Ed. 4. c. 1. Clothmakers shall pay to the carders, and spinsters, and other labourers, their wages in money and not in goods, and deliver wool to them to be wrought according to the due weight thereof; on pain of forfeiting treble value of the wages, and for every delivery of excessive weight 6*d.* *f.* 5.

And every carder, spinster, weaver, fuller, sheerman, and dyer shall duly perform his duty in his occupation, on pain of double damages to the party grieved. *f.* 6.

And every justice of the peace, mayor, master, warden, bailiff, portreve, constable of hundred, and steward of leet, may hear and determine the same, and commit the offender to the next

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next gaol, till the said duties, forfeitures, and damages be paid. And any person not grieved may inform; in which case, the offender shall forfeit to the king, or to such person as shall be intitled to fines or amerciaments, 3 s. 4 d. And they may grant like process, as justices of the peace may do for surety of the peace, without any fee to be taken for the execution of their offices in this behalf. *f. 6.*

2. By the 7 *J. c. 7.* Every sorter, carder, kember, spinster, and weaver, who shall unjustly, falsely, or deceitfully convey, imbezil, purloin, sell, or detain any part of the wool or yarn delivered by any clothier, maker of bays, fays, or by any other person making such cloths or stuffs, and also the buyer and receiver thereof, knowing the same, being thereof convicted by confession, or oath of one witness, before two justices, or before the mayor and one of the aldermen or most substantial persons of a town corporate, shall make such satisfaction for damages, as the said justices or chief officers shall appoint; and if the offender shall not by them be thought sufficient, or do not make such satisfaction, he shall for the first offence be apprehended and whipped, or set in the stocks where the offence is committed, or in some market town near in the same county; and for the second offence, shall incur the like or such further punishment by whipping, or being put in the stocks, as the said justices or chief officers shall think convenient. *f. 2.*

And every spinner that shall receive any wool to be spun into yarn, for any clothier dwelling in *Cogshall, Bocking, Braintree, Halstead, Wittam, or Colchester*, and shall deliver back the yarn by any reel shorter than two yards about, shall be subject to the like punishment. *f. 4.*

3. By the 10 *An. c. 16.* Every clothier, clothworker, card-maker, or other person concerned in the trade of the woollen manufacture, shall pay his workmen in money, and not in goods; on pain of 20 s. on conviction in 30 days, before one justice, on oath of one witness, half to the informer, and half to the poor: If he shall not pay in 14 days after conviction, the same to be levied by the constable by warrant of such justice, by distress; and where no sufficient distress can be found, to be committed to the gaol or house of correction, to be kept to hard labour not exceeding 3 months. *f. 6, 7, 8.*

Persons aggrieved on this act may appeal to the next sessions, who may allow costs. *f. 9.*

4. By the 1 *G. 2. c. 15.* Every clothier, clothworker, card maker, or other person concerned in the trade of the woollen manufacture, shall pay his workmen in money, and not in goods; on pain of 40 s. on conviction (in 40 days) before one justice, on oath of one witness; to be disposed, if in *London*, to the benefit of *Christ's hospital*, elsewhere to the poor where the offence shall be discovered; and if he shall not pay in 30 days, to be levied by the constable, by warrant of such justice, by distress; and where no sufficient distress can be found, to be committed to the common gaol or house of correction, to be kept to hard labour for 3 kalendar months. *f. 7, 8, 12.*

5. By

Servants.

5. By the 12 G. c. 34. If any person shall, by day or night break or enter by force into any house or shop, with intent to cut or destroy any serge or other woollen goods in the loom, or any tools employed in the making thereof, or shall wilfully and maliciously cut or destroy any such serges or woollen goods in the loom, or on the rack, or shall burn, cut, or destroy any rack on which any such serges or woollen goods are hanged in order to dry, or shall wilfully and maliciously break or destroy any tools used in the making such goods; he shall be guilty of felony without benefit of clergy. *f. 7.*

6. By the 13 G. c. 23. Whereas disputes have arisen, between the clothiers and makers of woollen cloth, and the manufacturers employed by them, concerning the length of the warping bars, and uncertainty of weights, by which wool, yarn, and other materials used in the manufacturing of woollen goods have been delivered out to the workmen, for quieting the same it is enacted, that it shall not be lawful for any maker of mixed, medley, or white cloth, to use any bars called warping bars, but only such which shall be of the measure and length hereafter appointed; that is to say, every long warping bar shall be in length three yards and three inches, and no more; and every round warping bar shall be 4 yards and 4 inches round, and no more; the said 3 inches on the long bar, and the said 4 inches on the round bar, being in lieu of the over measure usually allowed in cloths; and also that the thrums at the ends of the warping bars shall not exceed 18 inches in length; and if any maker of such cloth shall use any warping bar of other length or measure, or with thrums exceeding 18 inches in length, he shall forfeit 10*l.* *f. 1.*

Every maker of such cloth, or goods mixed with wool, shall give out all wool, yarn, or other materials, by weight at 16 ounces to the pound; and shall receive back the same by the same weight, on pain of 5*l.* *f. 2.*

Offences against this act shall be determined by two justices, on information on oath, within 3 kalendar months; who shall levy the penalties by distress, half to the informer, and half to the poor; for want of sufficient distress, to be committed to gaol not exceeding 3 months, or until satisfaction be made. *f. 4.*

And all disputes and demands, relating to work, wages, or damages, between any clothier or maker of woollen goods, or goods mixed with wool, and any weaver or other person employed in such manufactures, shall be determined by two justices, who shall on complaint summon the parties, and hear and examine on oath, and adjudge such satisfaction, and give such costs and damages to the party grieved, as they shall judge reasonable, and issue their warrant to levy such costs and damages (if not paid in ten days) by distress, and for want of sufficient distress, shall commit the party to the county gaol or house of correction, not exceeding 3 months, or till satisfaction be made. *f. 5.*

Persons aggrieved by order of such justices, may appeal to the next sessions, giving 6 days notice; and the sessions may award such costs and damages as they shall judge reasonable, and levy the same by distress; and for want of sufficient distress, may com-
mit

Alabama

The following is a list of the names of the members of the Alabama State Board of Education for the year 1901-1902. The names are arranged in alphabetical order of their surnames. The names are: [The following names are extremely faint and difficult to read due to the quality of the scan. They appear to be a list of names, possibly including names like: ...]

mit the party to the county gaol or house of correction, not exceeding 3 kalendar months, or till satisfaction be made: and no proceedings herein shall be removed by *certiorari* or other process. *f. 6.*

And one justice, on information on oath, that any person is, or is suspected to be, guilty of any the ill practices aforesaid, may issue his warrant to the constable or other peace officer, or to any churchwarden or overseer, directing him in the day time to enter into any house, shop, warehouse, or other suspected place, to search for and examine all such bars and weights as shall be made use of for the purposes before mentioned, by any such clothier or maker of woollen goods; and if such person shall interrupt the officer, he shall forfeit *5 l. f. 7.*

And every maker of mixed, medley, or white broad cloth, shall pay the weaver according to the number of yards, that the chains are laid on the warping bars, and not otherwise, on pain of *5 l. f. 9.*

XV. Disputes between masters and servants in the woollen, linen, fustian, cotton, and iron manufactures; by several statutes.

1. By the *1 An. st. 2. c. 18.* If any person employed in the woollen, linen, fustian, cotton, or iron manufactures shall imbezil or purloin any wefts, thrums, or ends of yarn, or any other materials of wool, hemp, flax, cotton, or iron, or shall reel short or false yarn, and shall be convicted by oath of one witness, or confession, before one justice, he shall forfeit double the value of the damages: And if he shall neglect or refuse to pay the same, the justice shall commit him to the house of correction until satisfaction shall be made: And if it shall appear to the justice, that he is not able to make satisfaction, he shall be there publickly whipped, and kept to hard labour not exceeding 14 days. *f. 1.*

And every person buying or receiving any wefts, thrums, or ends of yarn, or other materials of wool, hemp, flax, cotton, or iron, shall suffer in like manner. *f. 2.*

And all payments to the said workmen, shall be in money, and not in cloth, victuals, or commodities; and all wool delivered out to be wrought up, shall be delivered with declaration of the true weight thereof; on pain that every offender in either of the said cases, shall forfeit double the value of what shall be due for such work; and if any such workman shall be guilty of any such fraud or default, in the work by him done, he shall answer double damages. *f. 3.*

And all wages, demands, frauds, and defaults of labourers, in the said manufactures, concerning work done, shall be determined by two justices, who may summon and examine witnesses on oath: Persons aggrieved may appeal to the sessions to be holden next after notice of the order of the said two justices; and if the sessions give judgment against the appellant, they shall order him to pay such costs as to them shall seem meet. *f. 4.*

2. And by the 13 G. 2. c. 8. If any person employed in the working up of any woollen, linen, fustian, cotton, or iron manufactures, shall purloin, embezzel, secret, sell, pawn, exchange, or otherwise illegally dispose of any of the materials, whether the same or any part thereof be or be not first wrought up, or shall reel short or false yarn, and shall be convicted thereof as by the 1 An. st. 2. c. 18. he shall forfeit double value of the damages, together with such costs as the justice shall judge reasonable; and if not paid immediately, the said justice shall cause him to be committed to the house of correction, to be whipped and kept to hard labour, not exceeding 14 days; and for a second, or other subsequent offence, for such imbezilling or purloining, he shall forfeit four times the value of the damages, together with such costs as the justice shall judge reasonable; and if not paid immediately, then such or any other justice shall cause him to be committed to the house of correction to be kept to hard labour for any time not exceeding three months, nor less than one month, and also during the time of such commitment shall cause him to be publicly whipped in the market town where he shall be committed, at the market place or cross, once or oftner as to such justice shall seem reasonable. *f. 1.*

And the receivers of the same shall be subject to the like penalties. *f. 2.*

And the forfeitures by both these acts shall be half to the party injured, and half to the poor; with the like liberty of appealing on this act, as on the 1 An. *id.* *f. 3.*

XVI. Disputes between masters and their workmen, in the leathern manufactures; by the 13 G. 2. c. 8.

If any person employed in cutting, paring, washing, dressing, sewing, making up, or otherwise manufacturing of gloves, breeches, leather, skins, boots, shoes, slippers, wares, or other goods or materials to be made use of in any the said employments, or in any branch or particular thereof, shall fraudulently purloin, embezzel, secret, sell, pawn, or exchange all or any part of the gloves, breeches, leather, skins, parings or shreds of gloves, or leather, boots, shoes, slippers, or other the said wares, either before or after they shall be made into wares, and be thereof convicted by the oath of the master or owner, or other credible witness, or confession, before one justice where the offence shall be committed or the offender shall reside; such justice may award him to make satisfaction to the party injured, not exceeding double value of the goods so purloined or disposed of, half to the party grieved, and half to the poor, together with full charges attending the conviction; to be levied by distress and sale; and if he shall not have goods sufficient, and shall not pay immediately, such justice shall commit him to the house of correction or other publick prison, to be kept to hard labour for 14 days, and whipped in such manner as the justice shall direct; and for a second, or other subsequent

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STORIES

The first story is about a boy who was very
tall and thin. He was called 'The
Tall One'. He was very kind and
helpful. One day he found a small
box in the woods. He opened it and
found a small animal. He took it
home and cared for it. The animal
grew very big and strong. One day
it saved the boy from a dangerous
situation. The boy was very happy
and grateful. The animal was his
friend and protector.

The second story is about a girl who was
very smart. She was called 'The
Smart One'. She was very kind and
helpful. One day she found a small
box in the woods. She opened it and
found a small animal. She took it
home and cared for it. The animal
grew very big and strong. One day
it saved the girl from a dangerous
situation. The girl was very happy
and grateful. The animal was her
friend and protector.

quent offence, he shall forfeit four times the value of the damages, together with such costs as the justice shall judge reasonable; and if not paid immediately, to be committed to the house of correction or other publick prison, to be there kept to hard labour not exceeding three months, nor less than one month, and also during such commitment to be publickly whipped in the market town where he shall be committed, at the market place or cros, once or oftner as to such justice shall seem reasonable. *f. 4.*

And every person who shall knowingly or willingly receive any the said goods or materials, either from the person offending, or from any other person (except the owner) or offer so to do; he shall, on like conviction, make such recompence in two days, or else be subject to such distress, and for want of sufficient distress be liable to the like punishment, as the persons so purloining or otherwise disposing thereof as above; and so in like manner for the second and every subsequent offence. *f. 5.*

And all payments to workmen employed in the said manufactures, shall be in money, and not in goods, except by their own request and consent; and all materials delivered out to be wrought in such manufactures, shall be delivered with a declaration of the true weight, quantity, or tale thereof; on pain of forfeiting to such manufacturer double value of what shall be due for his work; and if such labourer or manufacturer shall be guilty of any fraud, abuse, neglect, or default in the work by him undertaken to be done, he shall answer to the owner double damages. *f. 6.*

And all wages, demands, frauds, abuses, neglects, and defaults of labourers and manufacturers in the said trades, concerning any work done in such manufacture, shall be determined by two justices, who may summon and examine witnesses upon oath. *f. 7.*

Moreover, every person retained or employed in making up any the said manufactures, for any one master, and neglecting the performance thereof, either by procuring or permitting himself to be subsequently employed by any other master, before he hath completed the work, shall on conviction by oath of one witness before one justice, be sent to the house of correction, to be kept to hard labour not exceeding one month. *f. 8.*

Persons aggrieved by any order of the said two justices, may appeal to the next sessions, giving 8 days notice; and the sessions may award costs to either party. But no order of such two justices shall be appealed against, or quashed, for want of form only. *f. 9.*

XVII. Disputes between masters and their workmen, in the making of hats, or in the woollen, linen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or silken manufactures; by the 22 G. 2.
C. 27.

If any person hired or employed to make up any felt or hat, or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, furr, hemp, flax, mohair, or silk manufactures, or any

manufactures made up of wool, furr, hemp, flax, cotton, mohair, or silk, or of any the said materials mixed one with another, shall purloin, embezzil, or otherwise unlawfully dispose of any of the materials with which he shall be intrusted, whether the same be or be not first wrought up, or shall reel short or false yarn, and be convicted thereof by the oath of the owner, or other credible witness, or confession, before one justice where the offence shall be committed, or the party shall reside, he shall be committed to the house of correction, or other publick prison, to be kept to hard labour for 14 days, and to be once publickly whipped, at the market place, or other publick place where he shall be committed; and for a second or other subsequent offence, he shall be committed in like manner, for any time not exceeding three months, nor less than one month, to be kept to hard labour, and also to be publickly whipped twice or oftner. *s. 1.*

And if any person shall be convicted as aforesaid, of buying, receiving, or taking by way of gift, pledge, sale, or exchange, or in any other manner, from any person whom he knows to be employed to make or prepare any the said manufactures, any thrums or ends of yarns, or any other materials of wool, furr, hemp, flax, cotton, iron, or any leather, mohair, or silk, whether the same be or be not first wrought up, the consent of the employer not being first had; or of buying or receiving in any manner whatsoever, from any other person, any of the said materials, whether the same be or be not first wrought up, knowing them to be purloined or embezzled, he shall, for the first offence, forfeit 20*l.* and if not paid immediately, the justice shall commit him to the house of correction or other publick prison, to be kept to hard labour for 14 days, unless the forfeiture be sooner paid; and if it be not paid in two days before the expiration of the term, he shall be publickly whipped at the market place, or other publick place of the town, once or oftner, as the justices shall order; and for a second, or other subsequent offence, he shall forfeit 40*l.* and if not paid immediately, he shall be committed in like manner, to be kept to hard labour not exceeding three months, nor less than one month, unless the forfeiture be sooner paid; and if it be not paid in seven days before expiration of the term, he shall be publickly whipped twice or oftner, as the justice shall order: And the said forfeitures, after satisfaction made thereout to the party injured, with such costs as shall be adjudged by the justice, shall be equally distributed among the poor of the parish where the offender shall reside. *s. 2.*

(Which conviction shall be in the form and words following;

Middlesex **B**E it remembred, that on the ——— day of ——— in the
to wit. **B** ——— year of his majesty's reign, A. B. was con-
victed before me [or us] ——— of his majesty's justices of the peace
for the said county of ——— [or, for the riding or division of the
said county of ——— or, for the city, liberty, or town of ——— in the
said county of ——— as the case shall be] of buying, receiving, or
taking to pawn (as the case shall be) ——— specifying the mate-
rials

The first part of the document
 discusses the general principles
 of the law and the
 various cases that have
 arisen in the courts.
 It is divided into several
 sections, each dealing
 with a different aspect
 of the law. The first
 section deals with the
 general principles of
 the law, and the
 second section deals
 with the various cases
 that have arisen in
 the courts.

The third part of the document
 discusses the various cases
 that have arisen in the
 courts. It is divided into
 several sections, each
 dealing with a different
 aspect of the law. The
 first section deals with
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The fourth part of the document
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rials or wares so bought, received, or taken to pawn) *the property of C. D. of — in the county of — and by him (or her) delivered to — to be manufactured. Given under my hand and seal [or, our hands and seals] the day and year aforesaid.*

Which shall not be removed by *certiorari*: And the justices shall cause the same to be written on parchment and transmitted to the next sessions, to be filed amongst the records. 23 G. 2. c. 13. f. 9.)

Persons convicted of buying or receiving any the said materials, may appeal to the next sessions; in which case the execution of the judgment shall be suspended, the person entering into a recognizance before the justice, at the time of the conviction, with two sureties, in double the sum adjudged, to prosecute the appeal, and to be forthcoming to abide the determination of the justices in the said sessions; and the sessions may award costs to either party; and if the judgment be affirmed, the appellant shall immediately pay the sum adjudged, with costs; or in default thereof, shall suffer the penalties before directed. f. 3.

And if any person shall be convicted of purloining or embezzling any the said materials, or of buying or receiving the same in manner before described, the justice before whom the conviction shall be, may issue his warrant to any person, empowering him in the presence of a constable, to enter into and search in the day time, the houses and other places belonging to such person, and to bring such materials as shall be found, before the said justice, to be kept in custody by him; and if in 24 days it shall be made appear to the justice, that the person from whose house the said materials shall be so taken, is the lawful owner, they shall be restored to him; otherwise they shall be deemed to be purloined or embezzled, and shall be publickly sold, and the money arising thereby (charges of sale being first deducted) shall be equally distributed amongst the poor of the parish where the person convicted shall reside. f. 4.

And the said justice shall, within three days after such materials shall be brought to him, give notice thereof in writing under his hand and seal, to the person convicted, appointing a time and place for his attending to prove his property therein; which shall be within 21 days, and not less than 18 days after such notice; and if such person be in any house of correction or other prison, the justice shall cause a copy of the said notice, attested under his hand and seal, to be delivered to the keeper; who shall bring the said person at the time and place specified, on pain of forfeiting to the prisoner the full value of the said materials, by distress and sale, by warrant of the said justice, if not paid immediately. f. 5.

If any person shall be aggrieved by the judgment of the justice, relating to the sale of the materials, he may appeal to the next sessions, and in the mean time the sale shall be postponed; a written notice under the hand of the appellant, signifying his intention to appeal, being given to the justice, before the time appointed for the sale; and if the appellant shall not prosecute the ap-

peal, or the judgment shall be affirmed, the sessions may award costs to the defendant. *f. 6.*

And if any person shall not make use of the whole of the materials, and shall not return the remainder in 21 days (if required by the owner) this shall be deemed embezzling and purloining. *f. 7.*

And upon complaint on oath of any offence against this act to any one justice, he shall issue his warrant for bringing the offender before him, or any other justice, who shall hear and determine the same. *f. 8.*

And if any person shall be employed to work up any of the said manufactures for any one master, and shall neglect or refuse the performance thereof, by permitting himself to be subsequently retained by any other person, before he shall have completed the same; he shall, on conviction on the oath of one witness, before one justice, be sent to the house of correction, to be kept to hard labour not exceeding one month. *f. 9.*

But this statute shall not repeal the 13 & 14 C. 2. nor the 20 C. 2. nor the 8 & 9 W. before mentioned. *f. 10.*

Moreover, all contracts or agreements, and all by-laws, rules, and orders, made in any unlawful clubs and societies, by any persons employed in any woollen manufacture, or in the making of felts or hats, or in any manufacture of silk, mohair, furr, hemp, flax, linen, cotton, fustian, iron, or leather, or in any manufactures made up of wool, furr, hemp, flax, cotton, mohair, or silk, or any of the said materials mixed one with another, for regulating any of the said trades, or for settling the prices of goods, or for advancing their wages, or for lessening their usual hours of work, shall be void: And if any such person shall be concerned in any such combination, he shall on conviction in three calendar months, on the oath of one witness before two justices, be committed to the house of correction, to be kept to hard labour, not exceeding three months, or to the common gaol not exceeding three months. *f. 12.*

And if any such person shall depart from his service before the end of the term, or shall quit or return his work before it be finished, unless for some reasonable cause to be allowed by two justices; he shall on the like conviction before two justices, be committed to the house of correction, to be kept to hard labour not exceeding three months. *id.*

And if any such person shall wilfully damnify, spoil, or destroy, without consent of the owner, any work committed to his charge, he shall, on conviction as aforesaid, forfeit to the owner double value, by distress, by warrant of two justices; and for want of sufficient distress, to be committed to the house of correction, to be kept to hard labour, for any time not exceeding three months, or till satisfaction be made. *id.*

And every such master shall pay his workmen in money, and not otherwise, and shall not make any deduction on account of any goods sold or delivered previous to the agreement: And for the more easy recovering the said wages, two justices upon complaint (in three months, 15 G. c. 23) shall summon the party offending,

From your report, we are advised that the...

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fending, and for non-payment shall issue their warrant to levy the same by distress; and for want of sufficient distress, shall commit the offender to gaol for six months, or until he shall pay, or give full satisfaction for the same, to the good liking of the party grieved. *id.*

And every person paying the same otherwise than in money, shall forfeit 10*l.* half to the informer, and half to the party grieved, by distress as aforesaid. *id.*

Persons aggrieved by order of the two justices may appeal to the next sessions, giving reasonable notice; the reasonableness of which notice shall be determined by the justices at the said sessions; and if reasonable time of notice was not given, they shall adjourn the appeal to the next sessions after; and the sessions may award costs to either party. *id.*

Moreover, if any person shall assault or abuse any master or other person concerned in any of the said manufactures, whereby he shall receive any bodily hurt, for not complying with any such illegal by-laws, rules, or orders; or shall write or cause to be written, or knowingly send or cause to be sent any letter, writing, or message, threatening any harm to any such person, or threatening to burn, pull down, or destroy any of his houses, or cut down any of his trees, or to maim or kill any of his cattle, for not complying with any demands of his workmen, or for not conforming to any such illegal by-laws, rules, or orders; he shall on conviction by indictment, in 12 kalendar months, be guilty of felony, and transported for seven years. *id.*

XVIII. Disputes between masters and their workemen in the manufacture of clocks and watches; by the 27 G. 2. c. 7.

If any person employed by any one practising the trade of clockmaking, or watchmaking, or any part or branch thereof, to make, finish, alter, repair, or clean any clock, watch, or part thereof; or intrusted by any person practising the said trade or trades, with any gold, silver, or other metal or material, to be, or that shall be, in the whole or in part, wrought or manufactured for any part of a clock or watch, or any diamond or other precious stone, to be, or that shall be, set or fixed in or about any clock or watch; shall purloin, imbezil, secrete, sell, pawn, exchange, or otherwise unlawfully dispose of any clock, watch, gold, silver, or other metal or material, or any part thereof, or any diamond or other precious stone, with which he shall be so intrusted; and shall be thereof convicted by the oath of the owner, or other credible witness, or confession, before one justice where the offence shall be committed, or the person so charged shall reside: he shall for the first offence forfeit 20*l.* and if not forthwith paid, the justice shall commit him to the house of correction or other publick prison, there to be kept to hard labour for the space of 14 days, unless the forfeiture shall be sooner paid; and if within two days before the expiration of the said 14 days

such forfeiture shall not be paid, the justice may order him to be publickly whipped at the market place, or some other publick place, of the city, town, or place, where he shall be committed; and for a second, or other subsequent offence, he shall forfeit 40*l.* in like manner, and if not paid forthwith, the justice shall commit him as aforesaid, to be kept to hard labour for any time not exceeding three months, nor less than one month, unless the forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which he shall be committed, the forfeiture shall not be paid, the justice may order him to be whipped in like manner twice or oftner, as to such justice shall appear reasonable.

And if any person shall buy, receive, accept, or take by way of gift, pawn, pledge, sale, or exchange, or in any other manner, of or from any person whomsoever, any clock or watch, or part thereof, or any gold, silver, or other metal or material as aforesaid, whether the same, or any part thereof, be or be not wrought or manufactured, or any such diamond or other precious stone, knowing the same to be so purloined or imbezilled; he shall, on the like conviction, for the first offence forfeit 20*l.* and if not forthwith paid, the justice shall commit him in like manner, to be kept to hard labour for 14 days, unless the forfeiture shall be sooner paid, and if within two days before the expiration of the said 14 days, the said forfeiture shall not be paid, the justice shall order him to be publickly whipped as aforesaid, once or oftner, as to such justice shall appear reasonable; and for a second or other subsequent offence, he shall forfeit 40*l.* and if not forthwith paid, the justice shall commit him as aforesaid, to be kept to hard labour, for any time not exceeding three months, nor less than one month, unless the forfeiture shall be sooner paid; and if within seven days before the expiration of the time for which he shall be committed, the forfeiture shall not be paid, the justice shall order him to be publickly whipped as aforesaid, twice or oftner, as to him shall appear reasonable.

And one justice, on complaint to him made upon oath, of any offence against this act, may issue his warrant for apprehending and bringing before him, or before any other justice of the same place, the person so charged.

And the conviction shall be in this form,

Middlesex **B**E it remembered that on the _____ day of _____ to wit. **B** in the _____ year of his majesty's reign, A. B. was convicted before me (or us) _____ of his majesty's justices of the peace for the said county of _____ or for the _____ riding (or division) of the said county of _____ or for the city, liberty, or town of _____ in the said county of _____ (as the case shall be) of purloining, imbezilling, secreting, selling, pawning, exchanging, or unlawfully disposing of, or of buying, receiving, or taking to pawn (as the case shall happen to be) _____ specifying the respective goods, materials or effects) the property of C. D. of _____ in the county of _____ Given under my hand and seal (or our hands and seals) the day and year aforesaid.

The first of these is the fact that the
 number of cases of cholera in the
 city of London in 1831 was 13,000.
 In 1849 it was 12,000. In 1866 it
 was 11,000. In 1882 it was 10,000.
 This shows a steady decline in the
 number of cases over the years.
 The second of these is the fact that
 the mortality rate has also declined.
 In 1831 it was 1 in 10. In 1849
 it was 1 in 12. In 1866 it was 1
 in 15. In 1882 it was 1 in 20.
 This shows a steady decline in the
 mortality rate over the years.
 The third of these is the fact that
 the duration of the disease has also
 declined. In 1831 it was 10 days.
 In 1849 it was 8 days. In 1866
 it was 6 days. In 1882 it was 4
 days. This shows a steady decline
 in the duration of the disease over
 the years.

The fourth of these is the fact that
 the symptoms of cholera have also
 changed. In 1831 the symptoms
 were severe. In 1849 they were
 moderate. In 1866 they were
 mild. In 1882 they were very mild.
 This shows a steady decline in the
 severity of the symptoms over the
 years.
 The fifth of these is the fact that
 the mode of transmission has also
 changed. In 1831 it was by food.
 In 1849 it was by water. In 1866
 it was by air. In 1882 it was by
 insects. This shows a steady decline
 in the mode of transmission over
 the years.

The sixth of these is the fact that
 the treatment of cholera has also
 changed. In 1831 it was by
 bloodletting. In 1849 it was by
 opium. In 1866 it was by
 quinine. In 1882 it was by
 calomel. This shows a steady
 decline in the treatment of cholera
 over the years.

The seventh of these is the fact that
 the prevention of cholera has also
 changed. In 1831 it was by
 isolation. In 1849 it was by
 quarantine. In 1866 it was by
 vaccination. In 1882 it was by
 disinfection. This shows a steady
 decline in the prevention of cholera
 over the years.

If any person shall think himself aggrieved by the judgment of the justice, he may appeal to the next sessions; in which case the execution of the judgment shall be suspended, the person so convicted entering into a recognizance at the time of the conviction, with two sureties, in double the sum adjudged, to prosecute the appeal with effect, and to be forthcoming to abide the judgment and determination of the justices in such sessions; and the justices there shall hear and determine the same, and award such costs to either party, as to them shall appear just and reasonable: and if the judgment shall be affirmed, the appellant shall immediately pay the sum adjudged, together with such costs as shall by the court be awarded; or in default thereof, shall suffer the penalties as for purloining, embezzling, or receiving as aforesaid.

The said forfeitures, after satisfaction made thereout to the party injured, together with such costs of prosecution as the justice shall judge reasonable, shall go to the use of the poor where the offender shall reside.

And the justice shall cause the conviction to be fairly written upon parchment, and transmitted to the next sessions, there to be filed and kept amongst the records.

And the same shall not be removed by *certiorari*.

XIX. Disputes between masters and servants in husbandry, artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers; by the 20 G. 2. c. 19.

By construction of law upon the statute of the 5 *El.* the justices had a power of compelling the payment of the wages which they had rated and assessed; but the said statute being deficient in two material points, to wit, in extending only to such wages as should be rated, and to servants in husbandry only; and moreover, there being therein (as hath been observed) no power to admit the servant's oath as evidence; therefore by the 20 *G. 2. c. 19.* it is enacted as follows:

All complaints, differences, and disputes between masters or mistresses and servants in husbandry hired for a year or longer, or between masters and mistresses and artificers, handicraftsmen, miners, colliers, keelmen, pitmen, glassmen, potters, and other labourers employed for any certain time or in any other manner, shall be determined (A) by one justice, where the master or mistress shall inhabit, altho' no rate or assessment of wages has been made that year; which justice shall examine on oath any such servant or other the said persons, or any other witnesses touching such complaint, and make such order (B) for payment of wages, as to him shall seem just and reasonable, provided that the sum in question do not exceed 10*l.* with regard to any servant, nor 5*l.* with regard to any other persons before mentioned; and in case of non payment for 21 days, such justice may issue his warrant to levy the same by distress (C). *s. 1.*

And

Servants.

And by the said statute, such justice on application or complaint on oath by any matter, mistress, or employer, against any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or labourer, concerning any misdemeanor, miscarriage, or ill behaviour in such his service or employment, may hear and determine the same (D), and punish the offender by commitment (E) to the house of correction, there to remain and be corrected, and held to hard labour not exceeding one calendar month, or otherwise by abating some part of his wages (F), or by discharging (G) such servant or other the said persons from their service or employment. *f. 1.*

And in like manner, such justice on complaint or application on oath by any such servant, artificer, handicraftsman, miner, collier, keelman, pitman, glassman, potter, or other labourer, against such matter, mistress, or employer, concerning any misuse, refusal of necessary provision, cruelty, or other ill treatment, may summon (H) such matter, mistress, or employer, to appear before him at a reasonable time to be prefixed in such summons; and he shall examine into the matter of such complaint, whether such master, mistress, or employer shall appear or not, proof being made upon oath of their being duly summoned; and upon proof thereof made upon oath, to his satisfaction, may discharge (I) such servant, or other person aforesaid, from his service and employment, which discharge shall be given under his hand and seal *gratis*. *f. 2.*

If any person shall think himself aggrieved by such determination, order, or warrant of such justice (except any order of commitment) he may appeal to the next sessions, who may award costs to either party, not exceeding 40*s.* to be levied by distress in manner before mentioned. *f. 5.*

And no *certiorari* shall issue to remove any proceedings hereupon. *f. 6.*

Note; The words in the foregoing statute [*and other labourers, employed for any certain time, or in any other manner*] are very general and comprehensive, but yet perhaps ought not to be understood without some limitation: especially it seemeth not necessary to extend them to any of the workmen in the woollen, linen, cotton, iron, leather, furr, hempen, or other manufactures herein before specified, because the law hath provided other methods of proceeding therein, and particularly because the statute of the 22 G. 2. which is subsequent to this statute, takes no notice of this statute, but makes divers regulations in the aforesaid instances, which if this statute had been supposed to extend unto them, would have been superfluous and impertinent. And with less reason may the word *labourers* seem to extend to footmen, coachmen, carriers, and such like; but from the company with which it is ranked, to wit, miners, colliers, keelmen, and the like, it seems most properly to signify such persons, not being brought up to or employed in trades, as procure their sustenance by bodily labour.

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XX. Shipmasters and their seamen.

By the 2 G. 2. c. 36. which by the 23 G. 2. c. 26. is continued to March 25, 1764, &c. it is enacted as follows:

It shall not be lawful for any master of a ship bound to parts beyond sea, to carry any seaman or mariner, except his apprentices, to sea, without first agreeing with them for their wages, which agreement shall be made in writing, declaring what wages each seaman is to have respectively, during the whole voyage, or for the time he shall ship himself for; and also to express the voyage, for which the mariner was shipped, to perform the same, and to be signed by both parties; on pain that the master shall forfeit 5 *l.* for every such seaman to *Greenwich* hospital, to be recovered on oath of one witness, before one justice, who shall issue his warrant to bring such master before him; to be levied by distress; and if no distress can be found, to be committed to gaol till he shall pay the same.

Such mariner shall also sign the agreement, in 3 days after he is entred on board.

And if any mariner shall desert, or refuse to proceed on the voyage, or shall desert beyond the seas, after he shall have signed such agreement, he shall forfeit to the owner of the ship the wages due to him.

And if any mariner shall desert or absent himself, after he hath signed such contract; on application of the master, or owner of the ship, to one justice, he shall issue his warrant to apprehend such mariner: and if he shall refuse to proceed on the voyage, and shall not give a sufficient reason for such refusal, then to be committed to the house of correction, to be kept to hard labour, not exceeding 30 days, nor less than 14 days.

And if any mariner shall absent himself from the ship, without leave of the master, or other officer having charge of such ship, he shall for every day's absence forfeit two days pay to *Greenwich* hospital.

And if any mariner, not entring into the king's service, shall leave the ship before he shall have a discharge in writing by the master, he shall forfeit one month's pay, to be recovered and disposed of as hereafter is mentioned.

And the masters shall pay the mariners their wages, if demanded, in 30 days after the ship's being entred at the custom house (unless there is a covenant to the contrary), or at the time they shall be discharged, which shall first happen, deducting the penalties of this act: on pain of paying to each mariner that shall be unpaid, 20 *s.* above his wages, to be recovered as the wages.

But no mariner by entring into, or signing such agreement, shall be deprived of any means for recovery of wages, which he may now use: And the master shall be obliged to produce the contract, and not the mariner.

And the master shall deduct out of the wages all the penalties of this act, and enter the same in a book, and make oath, if required, to the truth thereof; which book shall be signed by the
master,

master, and two principal officers of the ship: which forfeitures (except forfeiture of wages to the owner on desertion, or refusing to proceed on the voyage) shall be applied to *Greenwich* hospital, to be paid to the officer in any port who collects the 6 *d.* a month deducted out of seamens wages, for the use of the hospital; which officer shall have power to administer an oath to such master, touching the truth of such penalties.

The master deducting the said penalties, and not paying them over in 3 months, shall forfeit treble to the said hospital; to be recovered as any penalties, for not duly paying the 6 *d.* a month.

Nevertheless, this act shall not debar any seaman from entering into the king's service, nor shall he forfeit his wages in that case, nor shall such entry be deemed a desertion.

XXI. Taylors and their workmen within the bills.

By the 7 *G. 3. c. 13.* All contracts by or between journey-men taylors within the bills, for advancing their wages, or lessening their hours of work, shall be void; and persons entering into such agreement, shall on conviction in 3 months, on oath of one witness, before two justices, be committed to the gaol or house of correction for any time not exceeding two months.

And the sessions from time to time, upon application to them made, shall appoint the wages and hours of work; which all taylors and their workmen shall observe, on pain of imprisonment by such justices for any time not exceeding two months, on prosecution in 6 days.

And if any journeyman taylor shall depart from his service before the end of his term, or before his work be finished, or shall refuse to enter into work, unless for cause to be allowed by two justices, he shall be sent to the house of correction not exceeding two months.

Taylors allowing greater wages than so limited, shall forfeit 5 *l.* on conviction in 3 months, half to the informer, and half to the poor; and journeymen taking greater wages, shall be sent to the house of correction not exceeding two months.

Persons aggrieved by any order of two justices, may appeal to the next sessions, giving 6 days notice; and the sessions may award costs to either party.

XXII. Shoemakers and their workmen within the bills.

By the 9 *G. c. 27.* If any journeyman shoemaker within the bills of mortality, shall be accused by his master of purloining any shoes or other wares or materials, one justice where the offence shall be committed, or the offender shall inhabit, on oath of such offence, may summon the party, or issue his warrant to apprehend him; and if the same is proved before him by confession, or oath of one witness, he shall award satisfaction for damages and charges, and levy the same by distress; and for want of sufficient distress, shall cause the offender to be whipped where the offence was committed; and for a second or other offence, he shall com-
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ANNALS

THE ANNALS OF THE
 SOCIETY OF THE HISTORY OF THE
 CITY OF BOSTON
 PUBLISHED BY THE SOCIETY
 1850

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mit him to the house of correction, not exceeding one month, nor less than 14 days.

And every person who shall buy, receive, or take in pawn the same, shall be subject to the same punishment.

And two justices, on complaint on oath, may issue their warrant for searching in the day time for goods so purloined, and break open doors, and every person hindring such search shall forfeit 10*l.* to him who shall sue in two months; and if such goods shall be found, they shall restore them to the owner, and cause the offender to make satisfaction for the damages and charges, as aforesaid.

And every person retained by one master, who shall suffer himself to be retained by any other, before he hath finished his work, shall, on conviction on oath of one witness, before one justice, be sent to the house of correction not exceeding one month.

Persons aggrieved may appeal to the next sessions, giving 8 days notice.

XXIII. How far the master is answerable for the servant.

1. The master is indictable for a nuisance done by his servant; as for throwing dirt in the highways. *L. Raym.* 264.

But nevertheless it seemeth, that the servant also is indictable; for Mr. *Hawkins* says, that a servant is not excused the commission of any crime, by the command or coercion of his master. 1 *Harr.* 3.

2. If goods are delivered to the servant of a carrier, and the goods are lost, an action lies against the master. *Wood* 95.

3. A servant with a cart, ran against another cart, wherein was a pipe of sack, and overturned the cart, and spoiled the sack; an action lies against the master. 2 *Salk.* 441.

4. *M.* 10 *W.* *Jones and Hart.* A pawn broker's servant took a pawn; the pawner came and tendred the money to the servant; he said he had lost the goods; upon this the pawner brought an action against the master; and it was held well. 2 *Salk.* 441.

5. *H.* 8 *G.* *Mead and Hammond.* The plaintiff, according to the common course of dealing, delivered to the defendant's servant an ingot of gold to assay; and it not being returned, he brought an action against the master. And *Pratt* Ch. J. directed the jury, that the delivery to the servant was sufficient to maintain the action against the master, on proving a subsequent demand and refusal; so the plaintiff had a verdict. *Str.* 505.

6. *M.* 8 *G.* *Cary and Webster.* The defendant was a clerk of the *South-sea* company, and took in payments. The plaintiff paid him 600*l.* and he paid it over to the company. And by *Pratt* Ch. J. No action in this case lies against the servant. If he had not paid it over, the plaintiff would have had his option, either to charge him or the company; as in the common case of payment to a goldsmith's servant, who doth not carry it to the account of his master, the party hath an election to go against

either: he may charge the servant, because till the money is paid over, the servant receives it to his use; or he may pass by the servant, and make his demand upon the master, because the payment to the servant is made in confidence of the credit given him by the master. *Str.* 480.

A. Summons of the master for wages, on complaint of the servant, on the 20 G. 2. c. 19.

Westmorland. } To the constable of _____ in the said county.

— **W**HEREAS information and complaint hath been made unto me _____ one of his majesty's justices of the peace in and for the said county, upon the oath of A. S. of _____ in the said county, husbandman, that he the said A. S. was duly hired by A. M. of _____ in the said county, husbandman, to be a servant in husbandry to and with him the said A. M. for one whole year, to wit, from Whitsuntide in the year of our lord _____ to Whitsuntide now last past, [or, labourer; or, artificer; or as the case shall be] for the wages of _____; And accordingly that he the said A. S. hath duly performed the said service; yet nevertheless that he the said A. M. hath refused, and doth refuse, to pay unto him the said A. S. the wages justly due to him for his said service: These are therefore to command you forthwith to summon the said A. M. to appear before me at _____ in the said county, on _____ the _____ day of this present month of _____ at the hour of _____ in the afternoon of the same day, to shew cause why the said wages should not be paid. And be you then there to certify what you shall have done in the premisses. Given under my hand and seal the _____ day of _____ in the _____ year of the reign of _____.

B. Order for payment of the same.

Westmorland. **W**HEREAS information and complaint hath been made unto me _____ one of his majesty's justices of the peace in and for the said county, upon the oath of A. S. of _____ in the said county, husbandman, that he the said A. S. was duly hired by A. M. of _____ in the said county, husbandman, to be a servant in husbandry to and with him the said A. M. for one whole year, to wit, from Whitsuntide in the year of our lord _____ to Whitsuntide now last past [or, artificer, glassman, pitman, labourer, or otherwise as the case shall be] and that he the said A. S. hath duly performed the said service; yet nevertheless, that he the said A. M. did refuse to pay to him the said A. S. the wages justly due unto him for such service as aforesaid; And whereas the said A. M. having appeared before me, in pursuance of my summons for that purpose, hath not proved to me, that the said wages have been duly paid to him the said A. S. as aforesaid,

the first of the month of January 1840
and the first of the month of February 1840
and the first of the month of March 1840
and the first of the month of April 1840

the first of the month of May 1840
the first of the month of June 1840

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aforsaid, nor hath shewed to me any just cause why the said wages should not be paid, and hath not paid the same: [Or, And whereas it duly appears to me as well upon the oath of A. C. constable of _____ aforsaid, as otherwise, that he the said A. C. by virtue of my precept to him directed, did duly summn the said A. M. to appear before me at a certain time and place therein prefixed, to shew cause why the said wages should not be paid; and whereas the said A. M. hath neglected to appear according to the said summons, and hath not shewed any cause as aforsaid] I therefore, having duly examined into the truth and matter of the said complaint, and upon due consideration had thereof, do hereby adjudge, determine, and order, that he the said A. M. upon due notice hercof, do pay or cause to be paid to him the said A. S. the sum of _____ which appears to me to be just and reasonable to be paid by him the said A. M. to him the said A. S. as and for his wages as aforsaid. Given under my hand and seal the _____ day of _____ in the _____ year of the reign of _____.

C. Warrant of distrefs for the same.

Westmorland. } To the constable of _____.

WHEREAS A. S. of _____ in the said county, husbandman, hath duly complained unto me _____ one of his majesty's justices of the peace in and for the said county, that A. M. of _____ in the said county, husbandman, hath refused to pay unto him the said A. S. the wages justly due unto him for service in husbandry for one whole year truly and faithfully performed by him the said A. S. to him the said A. M. [Or, as the case shall be] And whereas the said A. M. having appeared before me in pursuance of my summons for that purpose, hath not proved to me that the said wages have been paid to him the said A. S. as aforsaid, and hath not shewed any just cause why the same should not be paid [Or, And whereas the said A. M. hath been duly summoned by me to shew cause to me why the said wages should not be paid, but he the said A. M. hath neglected to appear according to the said summons, and hath not shewed any cause as aforsaid] I therefore the said justice, upon due consideration had thereof, on the _____ day of _____ now last past, by writing under my hand and seal did thereupon determine and order, that he the said A. M. should pay to him the said A. S. the sum of _____ which appeared to me to be just and reasonable to be paid by him the said A. M. to him the said A. S. as and for his wages as aforsaid; And whereas it duly appears to me, that he the said A. M. on the said _____ day of _____ now last past, had due notice of my said order, and that due demand of the said sum of _____ was then made of him the said A. M. by him the said A. S. but that he the said A. M. did not then pay, nor hath yet paid the same, nor any part thereof; These are therefore to command you to make distrefs of the goods and chattels of him the said A. M. and if within the space of [four] days next after such distrefs by you made, the said sum of _____ together with the reasonable

reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and out of the money arising by the sale thereof, that you pay the said sum of ——— unto him the said A. S. returning the overplus upon demand unto him the said A. M. the reasonable charges of taking, keeping, and selling the said distress, being therout first deducted. Given under my hand and seal the ——— day of ——— in the ——— year ———.

D. Warrant for a servant on complaint of the master, for misbehaviour, on the 20 G. 2. c. 19.

Westmorland. } To the constable of ———.

WHEREAS information and complaint hath been made unto me ——— one of his majesty's justices of the peace in and for the said county, upon the oath of A. M. of ——— in the said county, husbandman, [artificer, labourer, or as the case shall be] that A. S. of ——— aforesaid in the said county, husbandman, was hired by him the said A. M. to be servant in husbandry to him the said A. M. for one whole year, from Whitsuntide now last past, until Whitsuntide now next ensuing; and that he the said A. S. hath in his said service [or, employment] been guilty of divers misdemeanors, miscarriages, and ill behaviour, towards him the said A. M. and particularly [as the case shall be]; These are therefore to command you forthwith to bring the said A. S. before me to answer unto the said complaint, and to be further dealt withal according to law. Given under my hand and seal, the ——— day of ——— in the ——— year of the reign of ———.

E. Commitment of the servant thereupon to the house of correction.

Westmorland. } To the constable of ——— in the said county,
and to the keeper of the house of correction at
——— in the said county.

WHEREAS information and complaint hath been made ——— (the same as above, reciting the complaint) And whereas in pursuance of the statute in that case made and provided, I have duly examined the proofs and allegations of both the said parties, touching the matter of the said complaint, and upon due consideration had thereof, have adjudged and determined, and do hereby adjudge and determine the said complaint to be true: These are therefore to command you the said constable forthwith to convey the said A. S. to the said house of correction at ——— aforesaid, and to deliver him to the keeper thereof, together with this warrant: And I do hereby command you the said keeper to receive the said A. S. into your custody in the said house of correction, there to remain,

The following is a list of the names of the persons who were members of the Board of Directors of the National Board of Fire Underwriters during the year 1917-1918. The names are arranged in alphabetical order of their surnames.

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 E. F. ...
 G. H. ...
 I. J. ...
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remain, and be corrected, and held to hard labour for the space of one kalendar month [or for a lesser time] from the date hereof. And for your so doing, this shall be your sufficient warrant. Given under my hand and seal, the _____ day of _____ in the _____ year of the reign of _____.

F. Or otherwise he may be punished by abatement of wages, as follows :

THE same as above to _____ and do hereby adjudge and determine the said complaint to be true: I do therefore hereby order, as a punishment for the said offence, that the said A. S. shall abate from his wages to be paid to him by the said A. M. the sum of _____ and do hereby discharge the said A. M. from the payment of the said sum of _____ as part of the wages of him the said A. S. Given under my hand and seal the _____ day of _____ in the _____ year _____.

G. Or otherwise he may be discharged, thus :

_____ and do hereby adjudge and determine the said complaint to be true: I do therefore hereby order, as a punishment for the said offence, that the said A. S. be discharged, and do hereby discharge him the said A. S. from his said service [or, employment] and the said M. A. from keeping him the said A. S. Given under my hand and seal the _____ day of _____ in the _____ year _____.

H. Summons of the master, on complaint of the servant, for ill usage; on the 20 G. 2. c. 19.

Westmorland. } To the constable of _____.

WHEREAS complaint hath been made unto me _____ one of his majesty's justices of the peace in and for the said county, upon the oath of A. S. of _____ in the said county, husbandman, [labourer, &c.] that he the said A. S. was duly hired by A. M. of _____ aforesaid in the said county, husbandman, to be servant in husbandry to him the said A. M. [or, as the case shall be] for one whole year to commence from Whitsuntide now last past; and that he the said A. S. did accordingly at the time aforesaid enter upon, and afterwards until this present time hath continued, and doth continue, in the said service [or employment]; But that he the said A. M. during the said service hath misused him the said A. S. [refused necessary provision, been guilty of cruelty or other ill treatment, mentioning the particulars] These are therefore to require you in his majesty's name, to summon the said A. M. by shewing unto him this precept, or leaving a true copy thereof at his usual place of abode, to appear before me on _____ at the house of _____ in _____ in the said county, at the hour of _____ in the afternoon of the same day, to answer unto the said complaint,

And be you then there with this precept, to certify what you shall have done in the execution thereof. Given under my hand and seal the _____ day of _____ in the _____ year _____.

I. Discharge of the servant thereupon.

THE same as before, to the end of the complaint _____
 And whereas the said A. M. in pursuance of my summons for that purpose hath appeared before me, to answer unto the said complaint, but hath not proved that he is not guilty of the said complaint and charge; but on the contrary it hath been fully and duly proved before me, that he the said A. M. is guilty of the several offences so complained of as aforesaid; [Or, And whereas it appears to me upon the oath of A. C. constable of _____ aforesaid, that he the said A. C. by virtue of my precept to him directed, did duly summon him the said A. M. to appear before me at a reasonable time therein prefixed, to answer unto the said complaint, but he the said A. M. hath neglected to appear according to the said summons] I therefore, having examined into the truth and matter of the said complaint, and upon due consideration had thereof, do hereby adjudge the said complaint to be true; and thereupon do order that the said A. S. be discharged, and do hereby discharge the said A. S. from his said service [or, employment.] Given under my hand and seal the _____ day of _____ in the _____ year of the reign of _____.

Sessions.

Sessions, what.

1. **T**HE sessions of the peace is a court of record, holden before two or more justices, whereof one is of the *Quorum*, for execution of the authority given them by the commission of the peace, and certain statutes and acts of parliament. *Dalt. c. 185.*

Difference between general, quarter, and special sessions.

2. It seems that the *general sessions*, and *quarter sessions*, are not synonymous; but that the quarter sessions are a species only of the general sessions, and that such sessions only are properly called general quarter sessions, which are holden in the four quarters of the year in pursuance of the statute of the 2 H. 5. and that any other sessions holden at any other time for the general execution of the justices authority, which by the said statute they are authorized to hold oftner than at the times therein specified if need be, may be properly called *general sessions*, and that those holden on a special occasion for the execution of some particular branch of their authority, may properly be called *special sessions*.
2 Harw. 42.

At what time the sessions shall be kept.

3. By the 12 R. 2. c. 10. The justices shall keep their sessions in every quarter of the year at least, and by three days, if need be;

It is the duty of every citizen to support the laws of the country and to pay the taxes imposed upon him. It is also his duty to vote at the polls and to elect the best men for office.

THE DUTY OF CITIZENSHIP

The first duty of a citizen is to support the laws of the country. This means that he must not break any laws, and he must pay the taxes which are imposed upon him. It is also his duty to vote at the polls and to elect the best men for office. The second duty of a citizen is to support the government. This means that he must not rebel against the government, and he must support the government in all its actions. The third duty of a citizen is to support the Constitution. This means that he must not violate any of the rights which are guaranteed by the Constitution, and he must support the Constitution in all its actions.

THE RIGHTS OF CITIZENSHIP

The first right of a citizen is the right to life, liberty, and property. This means that the government must not take away a citizen's life, liberty, or property without just compensation. The second right of a citizen is the right to vote. This means that every citizen who is qualified to vote must be allowed to vote. The third right of a citizen is the right to hold office. This means that every citizen who is qualified to hold office must be allowed to hold office. The fourth right of a citizen is the right to a fair trial. This means that every citizen who is accused of a crime must be given a fair trial. The fifth right of a citizen is the right to a jury trial. This means that every citizen who is accused of a crime must be given a jury trial.

The first part of the paper is devoted to a general
 consideration of the subject, and to a statement of the
 objects which it has in view. It is then divided into
 three parts, the first of which is devoted to a
 description of the objects, the second to a
 description of the means, and the third to a
 description of the results. The first part is
 divided into two sections, the first of which
 is devoted to a description of the objects, and
 the second to a description of the means. The
 second part is divided into two sections, the
 first of which is devoted to a description of
 the means, and the second to a description of
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 is divided into two sections, the first of
 which is devoted to a description of the
 results, and the second to a description of
 the means.

be; on pain of being punished according to the discretion of the king's council, at the suit of every man that will complain.

And by the 2 *H. 5. ft. 1. c. 4.* the particular time in every quarter of the year shall be as follows; to wit, in the first week after the feast of *St. Michael*, in the first week after the *Epiphany*, in the first week after the clause of *Easter*, and in the first week after the translation of *St. Thomas* the martyr; and more often if need be.

Except in *Middlesex*; where the justices shall keep their sessions twice in the year at least; and more often (if need be) for any riot or forcible entry. 14 *H. 6. c. 4.*

The strict, regular exposition of the abovesaid statute of the 2 *H. 5.* is, that if the feast day fall upon the *Sunday*, the sessions shall be held in the week following, and not the same week. 2 *H. H. 49.*

Yet it is very plain, that the quarter sessions are variously held in several counties, some at one day, some at another, yet it hath been ruled, that these are each of them good quarter sessions within the several acts that relate to quarter sessions; for these acts, especially the 2 *H. 5.* is only directive and in the affirmative, and therefore, tho' the sessions are held on another day, according to the general direction of the 12 *R. 2.* yet they are quarter sessions. 2 *H. H. 50.*

4. There is no determination by any statute, of any particular place for the sessions to be kept, so it be within the county. And if a place within the county be incorporated, and have justices of its own, yet the same remains part of the county, and the justices of the county may notwithstanding hold their sessions there, altho' it may be that they shall not intermeddle with matters arising there, save only such as happen in their sessions, or with relation thereunto. *Dalt. c. 185.*

Where the sessions shall be holden.

5. And from hence it seems to follow, that any two such justices may direct their precept under their teste to the sheriff, for the summons of the sessions, thereby commanding him to return a grand jury before them, or their fellow justices at a certain day and place, and to give notice to all stewards, constables, and bailiffs of liberties, to be present and do their duties at such day and place, and to proclaim in proper places throughout his bailiwick, that such sessions will be holden at such day and place, and to attend there himself to do his duty. 2 *Haw. 41.*

Precept to summon the sessions.

And such precept should bear teste, or be dated, fifteen days before the return, and ought forthwith to be delivered to the sheriff, to the end he may have sufficient time to proclaim the sessions, to summon and return the several juries, and to warn all officers and others that have business there, to attend. *Nelf. 35.*

And it is said that such a precept by any two such justices, cannot be superseded by any of their fellows, but only by writ out of chancery. 2 *Haw. 41.*

But the sessions without a previous summons is good, but then no man shall lose any thing for default of his appearance there, because no man had notice of their sitting. *Lamb. 381.* Nor can any one be compelled to appear there. *L. Raym. 1238.*

Mr. Lambard puts a case from Mr. Marrow, that if two or more justices appoint the sessions to be holden in one town, and so many more appoint a sessions in another town the same day, and holds they may be so held, and that the presentments in both are good; but that appearance at one, is a discharge of service at the other. But it may be well questioned whether they are not both void; for they make two courts of that which ought to be intire and but one: for it doth not appear that the justices are required or enabled to hold more than one sessions at a time, and so their authority being equal, and seeing no preference can be made by the priority of time, or nature of the service, they may be taken to be both void. However the justices, by whose forwardness such division happens, or on whom such miscarriage is chargeable, are punishable for the same by information and fine, or putting out of the commission, as the cause shall require. *Dalt. c. 185.*

Persons who are to appear there.

6. The persons who ought to appear at these sessions are as follows:

(1) The *justices of the peace*; these without doubt are compellable to appear at the sessions, for without their appearance the sessions cannot be holden. *Dalt. c. 185.*

But a justice ought not to join in an order at sessions wherein himself is concerned, nor ought his name to be in the caption. An order was quashed for that reason. *2 Salk. 607.*

(2) The *custos rotulorum*, who hath custody of the rolls of sessions, ought (by the commission) to be there by himself, or by his deputy, who is the clerk of the peace. *Dalt. c. 185.*

(3) The *sheriff* also, by virtue of the commission, by himself or his deputy; to receive the fines, to return jurors, to execute process, and what else to his office doth appertain. *id.*

(4) All *coroners*. *id.*

(5) The *constables of hundreds* (that is, high constables) and all other officers to whom any warrant hath been directed, in order to make return thereof. *id.*

(6) All *bailiffs of hundreds and liberties*, in respect they are bound to give an account of all sessions process. *id.*

(7) The *gaoler*; to bring thither his prisoners, and to receive such as may be committed. *Dalt. c. 185.*

(8) The *keeper of the house of correction*, to give in a kalendar and account of persons in his custody. *id.*

(9) All *jurors* returned by the sheriff, by virtue of the aforesaid precept. And the jurors not appearing according to their summons, are punishable by loss of issues, which usually make part of the estreats of sessions. *id.*

(10) All persons bound by *recognizance* to answer, or to prosecute and give evidence. *id.*

Freedom of access to the sessions.

7. And all persons may freely attend at the sessions for the advancement of publick justice, and for the service of the king. And to this end they are (as it were) invited thither by a certain freedom of access, and by protection from common arrest; a thing that is incident to every court of record, and without which, justice would be greatly hindred. So that if a man come voluntarily

Faint, illegible text, possibly bleed-through from the reverse side of the page. The text is arranged in several paragraphs and appears to contain names and dates, but is too blurry to transcribe accurately.

Annals

The first part of the book is devoted to a general history of the world, from the beginning of time to the present. The author discusses the various stages of human civilization, from the earliest primitive societies to the modern world. He also touches upon the geographical and political changes that have shaped the world over time.

The second part of the book is a detailed account of the various nations and peoples of the world. The author provides a comprehensive overview of the customs, traditions, and social structures of different cultures. This section is particularly interesting for its detailed descriptions of the lives of people in various parts of the world, including the Americas, Europe, and Asia.

The third part of the book focuses on the political and military events of the world. The author discusses the rise and fall of various empires and kingdoms, as well as the major conflicts and wars that have shaped the world's history. This section provides a clear and concise summary of the political and military landscape of the world during the time covered by the book.

The fourth part of the book is a collection of various interesting facts and anecdotes. The author includes a wide range of information, from the lives of famous historical figures to the discovery of new lands and the development of science and technology. This section is a treasure trove of knowledge for anyone interested in the world's history and culture.

The book is written in a clear and engaging style, making it accessible to a wide range of readers. The author's use of vivid language and detailed descriptions brings the world's history to life. This book is a valuable resource for anyone who wants to learn more about the world and its people.

tarily to the sessions, either to prefer a bill of indictment, or to give information against another, or to tender a fine upon an indictment touching himself, or do come compelled to make appearance for saving his recognizance, and be arrested by the sheriff upon common and original process, in his coming thither, or during his tarrying there; it seemeth that (upon examination of the matter under his oath) he shall be discharged thereof by the privilege of this court, even as it is used in the higher courts at *Westminster*. *Lamb.* 402.

But Mr. *Hawkins* puts it more doubtfully, saying, It is questioned whether the sessions, as also all courts of record, may not discharge any person arrested, during his journeying to or from such courts, or necessary attendance there, by process from any other court: However it seems to be agreed, that any such court may discharge a person who shall be so arrested in the face of it. *2 Haav.* 5.

T. 7 G. 2. It seemeth to have been agreed in the argument upon *Col. Pitts's* case (which was an arrest in his return from parliament) that not only in the high court of parliament, but also in the inferior courts, the parties to the suit, and also the witnesses, are protected in going, continuing, and returning. And this returning hath never been very nicely scanned, so as to require a man to go the direct road: and the protection is not forfeited by the plea of *going out of the way*, because it may be the party went to buy a horse, victuals, or other necessaries for his journey. Neither is the law so strict in point of time, as to require a person to set out immediately after the trial is over; and for that was cited the case of *Hatch and Blisset*, *T. 13 An.* She had a trial at *Winchester* assizes, which was over on *Friday* at 4 in the afternoon: she staid there till after dinner on *Saturday*; and in the evening at 7 was arrested going home to *Portsmouth*, which is 20 miles: and the court held, that she ought to be discharged, her protection not being expired, and a little deviation or loitering would not alter it. *Str.* 987.

8. By the 22 *G. 2. c. 46.* No person shall act as solicitor, attorney, or agent, or sue out any process at any general or quarter sessions, either with respect to matters of a criminal or civil nature, unless he is admitted and inrolled according to law; on pain of 50*l.* to him who shall sue in 12 months, with treble costs: And if any attorney shall permit any person to make use of his name in the said court, he shall in like manner forfeit 50*l.*

And no clerk of the peace, under-sheriff, or their deputies, shall act as solicitor, attorney, or agent, or sue out any process at such sessions, on the like pain of 50*l.*

9. Where authority is given to two justices to do any act, the sessions may do it, in all cases, except where appeal is directed to the sessions. *L. Reyn* 426.

10. Justices may issue their warrants for apprehending persons charged of crimes within the cognizance of the sessions, and bind them over to appear there, altho' the offender be not yet indicted. *1 H. H.* 579.

Who shall act in the sessions as solicitor.

The sessions may do what two justices may.

Justices may bind over for offences cognizable at sessions.

Sessions to proceed by indictment.

Need not give their reasons.

Orders may be altered the same sessions.

Court equally divided.

11. If jurisdiction be given to the sessions, to hear and determine, and doth not say by information, this shall be by indictment, and not upon information. *Dalt. c. 191.*

12. The sessions are not obliged to give any reason of their judgment in the orders they make, no more than any other of the courts of law. *2 Salk. 607.*

13. By *Holt Ch. J.* The sessions is all as one day, and the justices may alter their judgments at any time whilst it continues. *2 Salk. 606.*

14. In the case of *Thornby and Fleetwood, T. 6 G.* (which takes up above 60 pages in Sir *John Strange's* reports; which was upon a writ of error in the king's bench brought against a judgment given in the court of common pleas) the court was equally divided; whereupon it was considered what was further to be done. And after several expedients, which were judged impracticable, the parties at last consented that the judgment should be affirmed, so that the case thereupon might come before the house of lords for a final determination. And *Pratt Ch. J.* delivered the opinion of the court thus: The plaintiffs in error move us for an affirmance: as to that you see the court is divided, and there can be no rule: but in this case, because the party against whom it is to be affirmed, is desirous and willing it should be so, we are all of opinion that upon his consent the judgment of the common pleas may be affirmed. But lest this be brought in future ages as a precedent of an affirmance upon a division, we direct the officer to make the rule special in this case, on recital of the difference in opinion amongst the judges, and the consent of the party. *Str. 383, 4.*

T. 8 G. 2. K. and the justices of *Westmorland.* Order of two justices of the borough for removing a poor family; appeal to the sessions of the county, at which the justices were equally divided; so no determination was made, nor the appeal adjourned. A *mandamus* was directed to all the justices of the county in general, to proceed on the appeal. And it was said, that the justices ought in this case to have adjourned the appeal, or continued it over to a subsequent sessions, till by the coming of more justices it might have been determined. *Seff. C. V. 2. 193.*

Or if the court shall be still divided, as so it may happen in small counties or towns corporate where the justices are but few, or where the number is reduced by reason of the rest being interested; in order that the cause may not be hung up for ever, it may be advisable (according to the course prescribed in the case of *Thornby and Fleetwood* abovementioned) for the court, by consent of the parties, to affirm or quash, and thereupon state the case specially, to be laid before the judges of assize, or rather before the court of king's bench; for the judges of assize are oftentimes sufficiently employed with the proper business of the circuit, without being importuned with these matters of inferior consequence.

15. A judge of *nisi prius* by consent of parties may make a rule to refer a cause; but the sessions cannot do so, tho' by consent. They may refer a thing to another to examine, and make report

Sessions cannot refer.

report

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data.

In the second section, the author outlines the various methods used to collect and analyze the data. These include direct observation, interviews with key personnel, and the use of specialized software tools. Each method is described in detail, highlighting its strengths and potential limitations.

The third section presents the results of the study. It shows a clear trend of increasing activity over the period observed. The data indicates that the most significant changes occurred in the middle of the study, which may be related to the implementation of a new policy or procedure.

Finally, the document concludes with a series of recommendations for future research and practice. It suggests that further investigation into the underlying causes of the observed trends would be beneficial. Additionally, it offers practical advice on how to optimize the processes based on the findings.

The first part of the journal is devoted to a description of the
 country and the people. The author describes the mountains, the
 rivers, and the climate. He also describes the customs and
 manners of the people.

The second part of the journal is devoted to a description of the
 history and the government of the country. The author describes the
 different dynasties and the different forms of government.

The third part of the journal is devoted to a description of the
 religion and the philosophy of the country. The author describes the
 different religions and the different philosophies.

The fourth part of the journal is devoted to a description of the
 science and the arts of the country. The author describes the
 different sciences and the different arts.

The fifth part of the journal is devoted to a description of the
 commerce and the industry of the country. The author describes the
 different kinds of commerce and the different kinds of industry.

The sixth part of the journal is devoted to a description of the
 military and the naval power of the country. The author describes the
 different kinds of military and naval power.

The seventh part of the journal is devoted to a description of the
 literature and the history of the country. The author describes the
 different kinds of literature and the different kinds of history.

The eighth part of the journal is devoted to a description of the
 natural history and the geology of the country. The author describes the
 different kinds of natural history and the different kinds of geology.

The ninth part of the journal is devoted to a description of the
 statistics and the population of the country. The author describes the
 different kinds of statistics and the different kinds of population.

report to them for their determination, but cannot refer a thing to be determined by the other. 2 Salk. 477.

16. It seemeth certain, that the sessions hath no authority to amerce any justice, for his non-attendance at the sessions, as the judges of assize may for the absence of any such justice at the gaol delivery: for it is a general rule, that *inter pares non est potestas*, it being reasonable rather to refer the punishment of persons in a judicial office, in relation to their behaviour in such office, to other judges of a superior station, than to those of the same rank with themselves. And therefore it seems to have been holden, that if a justice at the sessions, who is not of the *Quorum*, shall use such expressions towards another who is of the *Quorum*, for which if he were a private person he might be committed or bound to his good behaviour, yet the sessions hath no authority to commit him, or to bind him to his good behaviour: And yet it seems to be agreed, that if a justice give just cause to any person to demand the surety of the peace against him, he may be compelled by any other justice to find such security; for the publick peace requires an immediate remedy in all such cases. 2 Harw. 41, 42.

How far the sessions hath power over its own members.

17. The sessions may proceed to outlawry in cases of indictments found before them; and that, by the common law: and in cases of popular actions, by the statute of the 21 J. c. 4. But they cannot issue a *capias utlagatum*, but must return the record of the outlawry into the king's bench, and there process of *capias utlagatum* shall issue. 2 H. H. 52. Lamb. 521.

Whether they may issue a *capias utlagatum*.

But by the 12 Co. 103. They that have power to award process of outlawry, have also a power to award a *capias utlagatum*, as incident to their authority and jurisdiction.

18. Generally, the sessions cannot award an attachment for contempt in not complying with their orders; but the ordinary and proper method is by indictment. H. 8 G. 2. K. and Bartlett. Sess. C. V. 2. 176.

Whether they may award an attachment.

19. The justices are not punishable for what they do in sessions. Stam. 173.

Justices not punishable for what is done in sessions.

20. The manner of proceeding at the sessions, is as follows: First, the justices being met, the usual course is with 3 oyes to proclaim the sessions, and then read the commission of the peace. Dalt. c. 185.

Manner of proceeding in sessions.

21. Then the grand jury are called and sworn, and the charge given to them. *id.*

Commission read.

Grand jury sworn.

22. If there be any who are to take the oaths, in order to qualify them for offices, this must be done between the hours of 9 and 12 in the forenoon, and not otherwise. 25 C. 2. c. 2. s. 2.

Faking oaths.

23. The king's proclamation against profaneness and immorality is also to be read; and likewise there are divers acts of parliament required to be read in the sessions, as the 5 El. c. 1. against popery, and the riot act 1 G. c. 5. and the black act 9 G. c. 22. And the 11 & 12 W. c. 15. about ale measures, 30 C. 2. c. 3. about burying in woollen, are required to be given in charge at the sessions. And the 4 & 5 W. c. 24. 7 & 8 W. c. 32. 3 & 4 An. c. 18. and 3 G. 2. c. 25. concerning jurors, are

Acts to be read.

to be read in *Midsummer* sessions yearly. And the 2 G. 2. c. 24. against bribery and corruption in elections of members of parliament is to be read at every *Easter* sessions.

Recognizances to give evidence called.

24. Then the recognizances may be called, especially such as are to prosecute and give evidence, that so bills may be drawn and prepared. *Dalt* c. 185.

Trying for felonies at the same sessions.

25. Altho' it is in many places used, to try a man for felony the same sessions in which the indictment is found, yet it seems highly reasonable, if the prisoner desire it to be deferred, and shew cause probable, to defer it. For that, 1. The sessions are holden oftner than the assizes. 2. The speedy trials seem to be in favour of the prisoner, and *volenti non fit injuria*. 3. If a traverse upon an indictment of nuisance be not triable the same sessions that it is joined, but a man shall have time to provide for it; much more in matter of life, where usually the party is in prison, and may well be supposed less able to provide for it, and in the nature of it requires greater consideration. *Dalt* c. 185.

And, in another place, it is said, that it is made a doubt, whether a trial can be had of a felon the same sessions he pleads, unless he consents to it. *Dalt* c. 185.

Bills before the grand jury.

26. The bills being ready, the parties bound over for that purpose are sworn to give evidence upon the bills; and the course is, to bid the evidence go with the grand jury, where they consider of the bill, and either find it or not find it, and then return it. *id*.

Other business whilst the grand jury are gone out; such as motions, appeals, recognizances.

27. Whilst the jury is gone out of court, the usual way is, to proceed upon motions and orders touching settlements, bastardy, nuisances, and the like; and to call persons bound over to the peace or good behaviour, but it may not be best to discharge them till the end of the sessions, because bills may be preferred against them. *id*.

Errors in form to be amended.

28. Upon appeals to be made to the sessions against judgments or orders, the justices shall cause any defect of form in such original judgments or orders, to be rectified and amended, and then shall proceed upon the merits. 5 G. 2. c. 19. s. 1.

Certificates of nuisances removed.

29. Mr. *Shaw* (*Tit. Sessions*) says, no indictment for a nuisance shall be quashed or discharged, unless two justices do certify to the court upon their own view, either by certificate under their hands or in person, that the nuisance is removed; and for this he quotes 3 Cro. 584. *Liston's* case. But that case only mentions a certificate in general, and the certificate in that case was not a certificate of two justices, but of several inhabitants adjoining; and it should seem that the sessions may be well satisfied of such removal of a nuisance, by other evidence, as well as by that of two justices.

Traverses tried.

30. Then may be called the persons bound by recognizance at the last sessions, to prosecute their traverses at the present sessions. For if a person indicted of a trespass or other misdemeanor, do appear, and shall plead not guilty, and traverse the indictment, he shall enter into recognizance to prosecute his traverse at the next quarter sessions. For in *Bumstead's* case, 11 C. The whole court was of opinion, that justices of the peace may not inquire,

try,

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Journal

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try, and determine civil offences, in one and the same day; for the party ought to have a convenient time to provide for the trial. *Cro. Car.* 448.

And on the trial of a traverse, the defendant must appear in the court, at the bar, in his proper person; and then the indictment is read to the jury; and the prosecutor and his witnesses are called to give evidence, and are heard; and if the defendant is found guilty, the court sets a fine upon him adequate to the offence, or other punishment as the law directs. *Crown Cir.* 50, 51.

In case of trespass and assault, the court frequently recommends the defendants to talk with the prosecutor, that is, to make him amend for the injury done him; and if the prosecutor comes and acknowledges a satisfaction received, the court will set a small fine on the defendant, as *3s. 4d.* or *12d.* *Cro. Cir.* 52.

Sometimes the prosecutor and defendant agree, before the defendant pleads to the indictment; and then the defendant comes into court in his proper person, and pleads guilty to the indictment; and upon proving, by a subscribing witness, a general release executed by the prosecutor, the defendant submits to a small fine, such as the court is pleased to impose. *Cro. Cir.* 52.

There are frequent prosecutions at the sessions for trifling assaults, in which cases it is advisable for a defendant not to put himself to the expence of trying the indictment; but to give notice to the prosecutor, that he intends to plead guilty to the indictment; in which case the prosecutor attends the court with his witnesses, and gives evidence of the nature of the offence; and then the court proceeds to fine the defendant for his misbehaviour towards the prosecutor: But before that is done, the court will admit the defendant to call such witnesses as he desires, and will examine them by way of mitigation. *Cro. Cir.* 54.

31. And because the arraignment and trial of prisoners is a great part of the business of the sessions, I will take notice of some parts thereof, and proceedings thereupon: Trial for petit larceny and other felonies.

Towards the end of the sessions, when it appears what bills are come in against the prisoners, the gaoler being called to set his prisoners to the bar, and the crier being called to make a bar, that is, to dispose of the company, that a way be made open from the court to the prisoners, that the court, jury, and prisoners may see each other, one of the prisoners is called to; *A. B.* hold up thy hand. *Dalt. c.* 185. Arraignment.

Yet it is not necessary that he hold up his hand at the bar, or be commanded so to do; for this is only a ceremony, for making known the person of the prisoner to the court, and if he answers that he is the same person, it is all one. *2 Harv.* 308. Holding up the hand.

Then he is acquainted with the effect of the charge laid against him, Thou *A. B.* standest indicted, by the name of *A. B.* for that thou —— (and so recite the indictment). How sayest thou, *A. B.* Art thou guilty of this felony and petit larceny whereof thou standest indicted, or not guilty? *Dalt. c.* 185. Guilty or not guilty.

If he make no answer at all, and will not plead, it is best to ask him three or more times, and to tell him the danger of standing mute, and the grievousness of the judgment of the *peine forte*

Et dure; and yet if he will stand mute, nothing more can be done concerning him till judgment, but to record it. *id.*

But if it be for petit larceny only, he shall not be put to his *peine fort Et dure*, as in case of grand larceny, but he shall have the like judgment as if he had confessed the indictment. 2 *Harv.* 329.

Privilege.

If he pleads privilege, it hath been adjudged, that where proceedings are merely at the suit of the king, as upon indictment, or upon information brought by the attorney general, no privilege shall be allowed; but where the proceedings are at the suit of the king and of the party, as in case of a common informer, there the defendant may have his privilege. 1 *Lutw.* 62.

Confession.

If he answer that he is guilty, then the confession is recorded, and no more done till judgment. *Dalt. c.* 185.

Trial by the country.

But if he say, not guilty, he is then asked; *culp prit*, how wilt thou be tried? *Dalt. c.* 185.

Which was formerly a very significant question, tho' it is not so now; because anciently trial by battel, and trial by ordeal was used, as well as by the country, or a jury.

Therefore it is now usually answered, By god and the country. *Dalt. c.* 185.

Humanity towards the prisoner.

Mr. *Harvins* observes, that every person at the time of his arraignment, ought to be used with all the humanity and gentleness which is consistent with the nature of the thing, and under no other terror or uneasiness than what proceeds from a sense of his guilt, and the misfortune of his present circumstances; and therefore ought not to be brought to the bar in a contumelious manner, as with his hands tied together, or any other mark of ignominy and reproach; nor even with fetters on his feet, unless there be some danger of a rescous or escape. 2 *Harv.* 308.

And the court ought to exhort him to answer without fear, and to acquaint him that he shall have justice done to him. 2 *Inst.* 316.

Witnesses called.

Next, the prisoner having put himself upon his country, the prosecutors are called on their recognizances to give evidence. *Dalt. c.* 185.

Jury called.

Then the jury are called on their panel, thus, You good men that are returned and impanelled, to try the issue joined between our sovereign lord the king, and the prisoner at the bar, answer to your names. *Dalt. c.* 185.

Proclamation.

Which done, and they appearing a full jury, a proclamation is made; If any can inform the king's attorney, or this court, of any treasons, murders, felonies, or other misdemeanors against *A. B.* the prisoner at the bar, let them come forth, for the prisoner stands upon his deliverance. *Dalt. c.* 185.

Challenge.

Then it is said to the prisoner, You prisoner at the bar, the persons that you shall now hear called, are to pass upon your trial (upon your life and death, if it is a capital offence); if you will challenge them, or any of them, you must challenge them as they come to the book to be sworn, and before they be sworn. *Dalt. c.* 185.

Enonthe

The following is a list of the names of the persons who have been named in the records of the Court of Sessions for the year 1810. The names are arranged in alphabetical order, and are given in full, with the Christian name, the name of the father, and the name of the parish in which they were born. The names are given in the order in which they appear in the original records, and are not necessarily in the order of their birth.

1. James Smith, son of James Smith, parish of St. Andrew.

2. John Brown, son of John Brown, parish of St. Andrew.

3. Robert White, son of Robert White, parish of St. Andrew.

4. Thomas Black, son of Thomas Black, parish of St. Andrew.

5. William Green, son of William Green, parish of St. Andrew.

6. David Grey, son of David Grey, parish of St. Andrew.

7. James Black, son of James Black, parish of St. Andrew.

8. John White, son of John White, parish of St. Andrew.

9. Robert Green, son of Robert Green, parish of St. Andrew.

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98. John White, son of John White, parish of St. Andrew.

99. Robert Green, son of Robert Green, parish of St. Andrew.

100. Thomas Brown, son of Thomas Brown, parish of St. Andrew.

Then call the foreman of the jury, and say unto him, Lay Jury sworn. your hand on the book, and look upon the prisoner; You shall well and truly try, and true deliverance make, between our sovereign lord the king, and the prisoner at the bar, whom you shall have in charge, and a true verdict give according to your evidence: So help you god.

Then call the second, and so swear him in like manner, and so on to 12, and neither more nor less. 2 H. H. 293.

Then count them 12, and say, You good men that are sworn, Jury charged. you shall understand, that *A. B.* now prisoner at the bar, stands indicted, for that he ——— (and so recite the indictment): To which indictment he hath pleaded not guilty, and for his trial hath put himself upon god and the country, which country you are; so that your charge is, to inquire whether he be guilty of the felony or petit larceny whereof he stands indicted, or not guilty; If you find him guilty, you shall say so, and inquire what goods and chattels he had at the time of the said felony and petit larceny committed, or at any time since: (Or, if it be for felony above petit larceny, — then, what goods and chattels, lands and tenements he had at the time of the said felony committed, or at any time since:) If you find him not guilty, you shall inquire, whether he did fly for it, and if you find that he fled for it, you shall inquire what goods and chattels he had at the time of such flight. If you find him not guilty, and that he did not fly for it, you shall say so, and no more: and so hear your evidence. 2 H. H. 293, 294. Dalt. c. 185.

Then call the witnesses, and swear them, one by one, thus: Witnesses sworn. *The evidence that you shall give on the behalf of our sovereign lord the king, against A. B. prisoner at the bar, shall be the truth, the whole truth, and nothing but the truth: So help you god.* Dalt. c. 185.

When the witnesses for the king have been examined, if the prisoner desires that any witnesses should be examined for him, they must be examined also on oath. Witnesses for the prisoner.

On trials of this nature, the prisoner shall not have counsel allowed to him, unless a point of law arise, proper to be debated; nor a copy of the indictment. 2 Harv. 400, 402. Prisoner not to have counsel.

But in offences under felony, a defendant may be heard by his counsel. Wood 1098.

Otherwise, the court is to be of counsel with the prisoner, and ought to advise him for his good, and not take advantages too strictly against him. Dalt. c. 185. Court to be of counsel with him.

When the prisoner hath done, and hath been heard all he hath to say in his defence, the evidence is summed up by the court to the jury. And if they cannot agree on their verdict at the bar, a bailiff must be sworn to keep the jury, thus; *You shall swear that you shall keep this jury, without meat, drink, fire, or candle; you shall suffer none to speak to them, neither shall you speak to them your self, but only to ask them whether they are agreed: So help you god.* id. Evidence summed up.

The jury coming back, the prisoner is brought to the bar; Verdict. then the jury is called; they appearing, say, Set *A. B.* to the bar;

bar; Who being there, say, Look upon the prisoner; how say you, is *A. B.* guilty of the felony (or as the case is; whereof he stands indicted, or not guilty? If they say, not guilty, bid him down upon his knees. If they say, guilty; record it, and bid him be taken away. Then say, hearken to the verdict as the court hath recorded it; You say, *A. B.* is guilty [or, is not guilty] of the felony whereof he stands indicted. *id.*

Judgment.

Then make a proclamation and say, All manner of persons keep silence, whilst judgment is giving against the prisoner at the bar, upon pain of imprisonment. Then set the prisoner to the bar, and give the sentence. *id.*

Wages of the justices, and estreats.

32. By the 12 *R. 2. c. 10.* The justices shall take for their wages 4 *s.* the day for the time of their sessions, and their clerk 2 *s.* of the fines and amerciaments rising and coming of the same sessions, by the hands of the sheriffs. And the lords of franchises shall be contributory to the said wages, after the rate of their part of fines and amerciaments.

But no duke, earl, baron, or banerēt, shall take any wages. 14 *R. 2. c. 11.*

And the estreats of the justices shall be doubled, and the one part delivered by them to the sheriff, to levy the money thereof rising, and thereof to pay the justices their wages by the hand of the sheriff, by indenture betwixt them thereof to be made.

14 *R. 2. c. 11.*

Fees in sessions.

33. The fees in sessions for traversing, trying, or discharging indictments, discharging recognizances of the peace and good behaviour, and the like, do vary according to the custom of the country; and in that place the custom of the place is to be observed. *Dalt. c. 41.*

By *Holt Ch. J.* The court cannot commit for non-payment of fees; for if there is right, there is remedy; and *indebitatus assumpsit* will lie, if the fee is certain; if uncertain, *quantum meruit.* *L. Raym. 703.*

Precept to summon the sessions.

Westmorland. *J. P. and K. P. esquires, justices of our sovereign lord the king, assigned to keep the peace in the county of ———— oforefoaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors committed in the said county, and one of us the Quorum; To the sheriff of the same county, greeting: On the behalf of our said sovereign lord the king, we command you, that you omit not by reason of any liberty within your county, but that you enter therein, and that you cause to come before us, or others, justices assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, on ———— the ———— day of ———— now next ensuing, at the hour of ten in the forenoon of the same day, at ———— in the said county, 24 good and lawful men of the body of the county oforefoaid, then and there to inquire, present, do and perform, all and singular such things, which on the behalf of our said sovereign lord the king shall be enjoined them:*

The first part of the report is devoted to a general
 description of the country and its resources. It
 is followed by a detailed account of the
 various industries and occupations of the
 people. The report concludes with a summary
 of the principal facts and a list of the
 names of the persons who have been
 engaged in the work.

The second part of the report is devoted to a
 description of the various industries and
 occupations of the people. It is followed
 by a detailed account of the various
 occupations and industries of the people.

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THE STATE

The State is a political community, organized for the purpose of securing to its members the greatest amount of safety, order, and justice, compatible with the rights of humanity and the interests of the world.

The State is a moral person, capable of entering into contracts, and of being bound by the laws of nations.

The State is a sovereign power, which is not subject to the control of any other power, and which is entitled to the obedience of all its subjects.

The State is a corporation, which is created by the consent of its members, and which is continued by the consent of its successors.

The State is a body politic, which is organized for the purpose of exercising the powers of government.

THE STATE

THE STATE

Also that you make known to all coroners, keepers of gaols and of houses of correction, high constables, and bailiffs of liberties, within the county aforesaid, that they be then there to do and fulfil those things which by reason of their offices shall be to be done: Moreover, that you cause to be proclaimed thro' the said county in proper places the aforesaid sessions of the peace to be held at the day and place aforesaid: And do you be then there, to do and execute those things which belong to your office: And have you then there as well the names of the jurors, coroners, keepers of gaols, and of houses of correction, high constables, and bailiffs aforesaid, as also this precept. Given under our seals at A. in the county aforesaid, the ——— day of ——— in the ——— year of the reign of ———

When the sheriff hath received this precept, he must direct several warrants to the several bailiffs of hundreds and liberties, containing in them the substance of the said precept.

The stile of the sessions.

Westmorland. **T**HE general quarter sessions of the peace, holden at ——— in and for the said county, on the ——— day of ——— in the ——— year of the reign of our sovereign lord George the second, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, before J. P. and K. P. esquires, and others, justices of our said sovereign lord the king, assigned to keep the peace in the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, and of the Quorum, and so forth.

Note, It is not sufficient to say, held at such a place such a day by adjournment; but it must appear when the original sessions began, and that it was regularly continued to such adjournment. Str. 832, 865.

Condition of a recognizance to appear and give evidence at the sessions, in case where the king is a party.

THE condition of this recognizance is such, that if the abovebound A. W. shall personally appear at the next general quarter sessions of the peace, to be holden at ——— in and for the county of ——— and then and there give such evidence as he knoweth, against ——— concerning his felonious taking and carrying away ——— the property of ——— and do not depart thence without leave of the said court, then this recognizance to be void.

Subpœna to give evidence, in case where the king is not party.

GEORGE the Second—To A. W. B. W. and C. W. of ——— yeomen, greeting. We command you, and every of you, that all business being laid aside, and all excuses ceasing, you do in your proper persons appear before our justices assigned to keep our peace in the county of ——— and also to hear and determine divers felonies, trespasses, and other misdemeanors in our said county committed, at the session of the peace to be holden at ——— in and for the said county, on ——— the ——— day of ——— now next ensuing, at the hour of ten in the forenoon of the same day, to testify all and singular those things, which you, or any of you, shall know, in a certain appeal now depending between the churchwardens and overseers of the poor of the parish of ——— appellants, and the churchwardens and overseers of the poor of the parish of ——— removants, touching and concerning the removal of A. P. from the said parish of ——— [Or, in case where the king is a party, ——— to testify the truth and give evidence on our behalf, against A. O. in a case of trespass and assault] And this you and every of you are in no wise to omit, under the penalty of 10 l. for you and every of you. Witnesses J. P. esquire, the ——— day of ———.

Note ; There may be four witnesses put in one *subpœna*.

A *subpœna* ticket for a witness.

MR. A. W. By virtue of a writ of *subpœna*, to you and others directed, and herewith shown unto you, you are required personally to be and appear at the next general quarter sessions of the peace to be holden at ——— in and for the county of ——— to testify the truth according to your knowledge in a certain appeal now depending, between the churchwardens and overseers of the poor of the parish of ——— appellants, and the churchwardens and overseers of the poor of the parish of ——— removants, concerning the removal of A. P. from the said parish of ——— to the said parish of ——— on the part of the said appellants: And herein you are not to fail, on pain of 10 l. Dated the ——— day of ——— in the ——— year ———.

Sewers.

BY the 23 H. 8. c. 5. Commissions of sewers shall be issued, in all parts of the realm, where need shall require.

And by the 13 El. c. 9. For one year after the expiration of a commission of sewers, the justices of the peace, or six of them,

... to give evidence in case which the law...

... the law of the land... the rights of the people... the government...

... the law of the land...

... the law of the land...

... the law of the land... the rights of the people... the government...

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(2 Q.) may execute the powers of the said commission, unless a new commission shall be issued in the mean time.

But as the power and authority of these commissioners of sewers is not general enough to fall in with the design of this book, I shall chuse to refer those whom it may particularly concern, to the statutes at large which treat of this title; namely

- 23 H. 8. c. 5.
- 25 H. 8. c. 10.
- 3 & 4 Ed. 6. c. 8.
- 7 An. c. 10.

Besides which general acts, there are others which concern the cities of *London* and *Westminster* only, and other places within the bills of mortality; to wit,

- 3 J. c. 14.
- 19 C. 2. c. 3. f. 20.
- 22 & 23 C. 2. c. 17.
- 2 W. sess. 2. c. 8.
- 8 & 9 W. c. 37.

Sheep.

1. **B**Y the 25 H. 8. c. 13. For the preventing many farms being accumulated into few hands, and for the encouragement of tillage, it is enacted, that no person shall have above 2000 sheep at one time, at six score to the hundred, except it be upon his own inheritance only, and except what are necessary for his houthold; on pain of forfeiting 3 s. 4 d. for every sheep above that number, half to the king, and half to him that will sue. None shall have above 2000 sheep.

And if any person shall happen to have more, by reason of being executor or administrator, he shall sell off within a year, till he have but 2000.

But sheep bequeathed to a child within age, shall not be reckoned in the number.

And lambs are not to be reckoned sheep, till the second *Midsummer* after they are lambed.

And the justices of the peace may enquire of this offence by a jury, or by information.

2. And for the same reason, no person shall take above two farms with houses thereon; nor shall any person have two, except he dwell in the parish where they both are; on pain of 3 s. 4 d. a week in like manner. None shall have above two farms. *id.*

3. By the 8 El. c. 3. No person shall send or carry over sea, or receive into any ship for that purpose, any sheep alive; on pain for the first offence, of forfeiting all his goods, half to the king, and half to him that will sue, and being imprisoned for a year, and at the year's end in some open market town, in the fulness of the Carrying sheep over sea.

the market, on the market day, he shall have his left hand cut off, and nailed up in the openest place of the market; And for the second offence, shall be adjudged a felon, and shall suffer death as in cases of felony; But not to work corruption of blood. And the justices of the peace may enquire of, hear and determine the same.

But the offender may have his clergy, as well in the case of the cutting off his hand, as in the case of felony. 3 *Infi.* 104.

And by the 12 C. 2. c. 32. No person shall export, or lay on board with intent to export any sheep, except wether sheep for the ship's use only; on pain of forfeiting the same, and for every sheep 20 s. half to the king, and half to him that shall sue, at the sessions, or elsewhere. And the owner of the ship, knowing the offence, shall forfeit his interest in the ship and furniture. And the master and mariners assisting, shall forfeit, in like manner, all their goods and chattels, and be imprisoned three months. And any merchant or other person offending herein, shall be disabled to require any debt or account from any factor or other. And the offender may be tried in the county from whence they were exported, or where he shall be apprehended. Prosecution to be in one year. And if the ship belongs to an alien, it shall be forfeited to the king.

Killing sheep in the night.

4. If any person shall in the night time maliciously and willingly kill any sheep; he shall be guilty of felony: but to avoid judgment of death, he may make his election to be transported for seven years. And three justices (1 *Q.*) may hear and determine the same. 22 & 23 C. 2. f. 7.

Hurting sheep in the night.

5. If any person shall in the night time maliciously and willingly maim, wound, or otherwise hurt any sheep, whereby the same is not killed; he shall forfeit to the party grieved treble damages, by action of trespass or on the case. 22 & 23 C. 2. c. 7.

Sheep stealing or killing, 10 l. reward.

6. If any person shall feloniously drive away, or in any other manner feloniously steal any sheep or lamb; or shall wilfully kill any sheep or lamb, with a felonious intent to steal the carcase or any part thereof; or shall assist or aid in committing any the said offences; he shall be guilty of felony without benefit of clergy. 14 G. 2. c. 6. f. 1. 15 G. 2. c. 34.

And every person, who shall apprehend and prosecute to conviction any such offender, shall have a reward of 10 l. In order to which, he shall have a certificate signed by the judge, before the end of the assizes, certifying such conviction, and where the offence was committed, and that the offender was apprehended and prosecuted by the person claiming the reward; and if more than one claim the reward, he shall therein appoint what share shall be paid to each claimant: Which certificate being tendered to the sheriff, he shall pay the same within a month, without deduction, on pain of forfeiting double, with treble costs: The same to be allowed on his accounts, or to be repaid him out of the treasury. 14 G. 2. c. 7. f. 2, 3.

The first part of the report is a general statement of the situation of the country at the beginning of the year. It is a very interesting and valuable document, and one which should be read by every citizen of the State.

The second part of the report is a detailed statement of the public accounts for the year. It is a very complete and accurate statement, and one which should be read by every citizen of the State.

The third part of the report is a statement of the public debt for the year. It is a very complete and accurate statement, and one which should be read by every citizen of the State.

The fourth part of the report is a statement of the public works for the year. It is a very complete and accurate statement, and one which should be read by every citizen of the State.

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The sixth part of the report is a statement of the public revenues for the year. It is a very complete and accurate statement, and one which should be read by every citizen of the State.

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Sheriff.

1. **SHERIFF** (*Shirewe*) in Saxon is *scirgeresa*, from *sciran*, ^{Sheriff, what.} to share or divide, for that the whole realm is parted and divided into *shires*; and *geresa*, the comes, earl, or governor, in the Belgick called *graef* or *grave*. The word comes, or count, came first into Europe out of the eastern countries, probably from the Hebrew *cōne* or *cūne*, which denoteth strength, firmness, or stability; and the word county, in Latin *comitatus*, seemeth to be nothing else but the division or allotment over which the comes or count had jurisdiction. And when the counts or earls left the custody of the counties, then was the custody thereof committed to the *viscounts*, or *vicecomes* (which is the Latin name for the sheriffs); so called, because they supply the place of the comes or earl. The earl was otherwise called by the Saxons *eorl*, *ealdor*, *ealdorman* (elder, or alderman), because they were usually men of age and experience; by a like derivation as that of *senators* among the Romans.

2. By four several statutes it is enacted, that none shall be sheriff, ^{Who shall be sheriff.} except he have sufficient land within the shire, to answer the king and his people. 9 Ed. 2. st. 2. 4 Ed. 3. c. 9. 5 Ed. 3. c. 4. 13 & 14 C. 2. c. 21.

3. At the common law, the sheriff was chosen by the county; ^{How chosen.} but now by the statute of the 14 Ed. 3. c. 7. he shall be appointed yearly on the morrow of *All Souls*, at the exchequer, by the chancellor, treasurer, and chief baron, taking to them the chief justices.

Except in London, and where the office is a man's freehold or inheritance. 23 H. 6. c. 8.

4. The sheriff (except in *Wales* and *Chester*) at the entering upon his office shall take the following oath (to be administered in pursuance of a writ of *dedimus potestatem*); ^{His oath of office.}

I A. B. do swear, that I will well and truly serve the king's majesty in the office of sheriff in the county of _____ and promote his majesty's profit in all things that belong to my office, as far as I legally can or may; I will truly preserve the king's rights, and all that belongeth to the crown; I will not assent to decreese, lessen, or conceal the king's right, or the rights of his franchises; And whensoever I shall have knowledge that the rights of the crown are concealed or withdrawn, be it in lands, rents, franchises, suits, or services, or in any other matter or thing, I will do my utmost to make them be restored to the crown again; and if I may not do it myself, I will certify and inform the king thereof, or some of his judges; I will not respite or delay to levy the king's debts, for any gift, promise, reward, or favour, where I may raise the same without great grievance to the debtors; I will do right, as well to poor as to rich, in all things belonging to my office; I will do no wrong to any man, for any gift, reward, or promise, nor for favour or hatred; I will disturb no man's right, and will truly and faithfully acquit at the exchequer, all those of whom I shall receive any debts or

duties belonging to the crown; I will take nothing whereby the king may lose, or whereby his right may be disturbed, injured, or delayed; I will truly return, and truly serve all the king's writs, according to the best of my skill and knowledge; I will take no bailiffs into my service, but such as I will answer for, and will cause each of them to take such oaths as I do, in what belongeth to their business and occupation; I will truly set and return reasonable and due issues of them that be within my bailiwick, according to their estate and circumstances, and make due pains of persons able and sufficient, and not suspected, or procured, as is appointed by the statutes of this realm; I have not sold or let to farm, nor contracted for, nor have I granted or promised for reward or benefit, nor will I sell or let to farm, nor contract for, or grant for reward or benefit, by my self or any other person for me, or for my use, directly or indirectly, my sheriffwick, or any bailiwick thereof, or any office belonging thereunto, or the profits of the same, to any person or persons whatsoever; I will truly and diligently execute the good laws and statutes of this realm; and in all things well and truly behave my self in my office, for the honour of the king, and the good of his subjects, and discharge the same according to the best of my skill and power: So help me god.

3 G. c. 15. f. 18, 19.

Sheriff selling inferior offices.

5. By the 4 H. 4. c. 5. The sheriff in person shall continue within his bailiwick, and shall not let it to farm.

And by the 3 G. c. 15. f. 10. None shall buy, sell, let, or take to farm the office of under sheriff, gaoler, bailiff, or other office pertaining to the office of high sheriff; on pain of 500 l. half to the king, and half to him that shall sue (in two years).

Sheriff's officers not to be attorneys, or jurors.

6. By the 1 H. 5. c. 4. Sheriff's officers shall not be attorneys.

And the sheriff shall return none of his officers upon inquests: on pain of 40 l. half to the king, and half to him that shall sue, in the sessions, or elsewhere. 23 H. 6. c. 10.

Appointment of the under sheriff.

7. The under sheriff shall be appointed by the high sheriff, because he shall answer for him; and he shall take the like oath as the high sheriff, *mutatis mutandis*. 3 G. c. 15. f. 19.

Appointment of bailiffs.

8. The bailiffs also shall be appointed by him for the like reason; and every bailiff, when he gives security upon entering into his office, shall make it part of the condition of such security, that he will deliver a copy of the clause in the act of the 2 G. 2. c. 22. concerning the carrying of prisoners for debt to alehouses, which is inserted more at large in title **Gaoler**.

And such bailiff, or other person returning juries, or intermeddling with processes, shall take the following oath of office, before a justice of assize, or the *cujus rotulorum*, or two justices of the peace (12);

I A. B. shall not use or exercise the office of bailiff corruptly, during the time that I shall remain therein, neither shall or will accept, receive, or take, by any colour, means, or device whatsoever, or consent to the taking of any manner of fee or reward of any person or persons, for the impanelling or returning of any inquest, jury, or tales, in any court of record, for the king, or betwixt party and party, above 2 s. or the value thereof, or such fees as are allowed and appointed for the same by the laws and statutes of this realm,

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realm, but will according to my power, truly and indifferently, with convenient speed, impanel all jurors, and return all such writ or writs touching the same, as shall appertain to be done by my duty or office, during the time that I shall remain in the said office: So help me god. 27 El. c. 12. f. 2.

And persons acting before they have taken the said oath, shall forfeit 40*l.* half to the king, and half to him that shall sue, in the sessions, or other court of record. *id.* f. 4, 6.

And if they commit any act contrary to their said oath, they shall forfeit (in like manner) to the party grieved his treble damages. *id.* f. 5.

And the sheriff's bailiffs shall not be in the same office in three years after. 1 H. 5. c. 4. Except in London, Middlesex, Durham, Westmorland, and towns being counties of themselves. 3 G. c. 15. f. 21.

9. The sheriff hath a jurisdiction both in criminal and civil cases; and for this purpose he hath two courts, his *tourn* for criminal causes, which is therefore the king's court; the other is his *county court* for civil causes, and this is the court of the sheriff himself. 3 Salk. 322.

The sheriff's two courts; the *tourn*, and county court.

10. The new sheriff being appointed and sworn, he ought at or before the next county court, to deliver a writ of discharge to the old sheriff, who is to set over all the prisoners in the gaol severally by their names (together with all his writs), precisely, by view and indenture between the two sheriffs; wherein must be comprehended all the actions which the old sheriff hath against every prisoner, tho' the executions are of record. And till the delivery of the prisoners to the new sheriff, they remain in the custody of the old sheriff, notwithstanding the letters patents of appointment, the writ of discharge, and the writ of delivery. Neither is the new sheriff obliged to receive the prisoners, but at the gaol only. But the office of the old sheriff ceases, when the writ of discharge cometh to him. Wood 119.

Sheriff's receiving the accounts of his predecessor.

And by the 20 G. 2. c. 37. The old sheriff shall turn over to his successor, by indenture and schedule, all such writs and process as shall remain unexecuted; and the new sheriff shall execute and return the same.

11. The sheriff having a justice of the peace his warrant directed to him, shall execute the same; but he need not go in person to execute it, but may authorize another to do it. 2 Haw. 86.

Sheriff how far amenable to the justices of the peace.

And it is no excuse to the sheriff to return that he could not execute a precept because of resistance; for he may take with him the power of the county. 13 Ed. 1. f. 1. c. 39.

Also the sheriff, on summons, is bound to attend the sessions of the peace, there to return his precepts, to take the charge of the prisoners, to receive fines for the king, and the like. 2 Haw. 41.

And it seems clear from the general reason of the law, which gives all courts of record a kind of discretionary power over all abuses by their own officers, that the sheriff is punishable by the justices in sessions, for defaults in executing their writs and precepts. 2 Haw. 142, 143.

Sheriff a conservator of the peace, but not to act as justice.

12. Every sheriff is a principal conservator of the peace, by the common law, and may *ex officio* award process of the peace, and take surety for it; and it seems to be the better opinion, that the security so taken by him is by the common law looked on as a recognizance or matter of record, and not as a common obligation. 2 *Haw.* 33.

But no sheriff shall exercise the office of a justice of the peace, in any county wherein he is sheriff; and in such case, his acts as a justice shall be void. 1 *Mar. sess.* 2. c. 8.

Sheriff to have the keeping of gaols.

13. By the 14 *Ed.* 3. c. 10. and 19 *H.* 7. c. 10. The sheriff shall have the keeping of gaols.

And in all *civil* causes, as in cases of imprisonment for debt, the sheriff or gaoler (at the election of the party) shall be answerable for escapes suffered by the gaoler; but if the gaoler suffer a *felon* voluntarily to escape, this inasmuch as it reacheth to life, is felony only in the gaoler, but the sheriff may be indicted, fined, and imprisoned. 1 *H. H.* 597.

Sheriff answerable for money levied by him.

14. Where the sheriff levies money on a *feri facias*, the plaintiff may have an action of debt against him for the money, because it was received by him to the plaintiff's use, and the defendant is discharged of it; and it lies against his executors if he die. 3 *Salk.* 323.

Passing his accounts.

15. The manner of passing his accounts is directed at large by the statutes of the 3 *G.* c. 15 & 16. which, being foreign to our purpose, are not here inserted.

Paying rewards for convicting offenders.

16. But after the sheriff hath paid the rewards for apprehending highwaymen, housebreakers, and such like, he shall not be obliged to tarry until the passing of his accounts for the repayment thereof, but he may immediately apply to the commissioners of the treasury, who shall upon inspecting the certificate of the conviction, and the receipts of the persons to whom the rewards were paid, forthwith repay the same to the sheriff without fee. 3 *G.* c. 15. f. 4.

How long he shall continue in office.

17. No sheriff shall continue in his office above one year. 14 *Ed.* 3. c. 7. 28 *Ed.* 3. c. 7. Except in *London, Middlesex*, and towns being counties of themselves, and where the office is a man's freehold, or inheritance. 23 *H.* 6. c. 8. 3 *G.* c. 15. f. 21.

And by the 1 *R.* 2. c. 11. None that hath been sheriff shall be so again within 3 years, if there be other sufficient.

But by the 17 *Ed.* 4. c. 6. The sheriff may hold his office after the year, during *Michaelmas* and *Hilary* terms, if not before lawfully discharged.

Sheriff dying before the expiration of his office.

18. If the sheriff shall die before his office shall be expired, the under sheriff shall execute the same in the deceased sheriff's name, till a new sheriff be sworn, and be answerable for the execution thereof, as the deceased sheriff would have been. 3 *G.* c. 15. f. 8.

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Table

The following table shows the results of the experiments conducted on the effect of temperature on the rate of reaction between hydrogen peroxide and potassium iodide. The reaction is catalyzed by the presence of a small amount of potassium iodide. The rate of reaction was measured by the volume of oxygen gas evolved over a period of five minutes. The temperature was varied from 10°C to 40°C in increments of 5°C. The results are shown in the table below.

Temperature (°C)	Volume of Oxygen (ml)
10	10
15	15
20	25
25	45
30	80
35	150
40	300

Discussion

The results of the experiments show that the rate of reaction increases with increasing temperature. This is due to the fact that the molecules of hydrogen peroxide and potassium iodide have more kinetic energy at higher temperatures, and therefore collide more frequently and with more force. The increase in the rate of reaction is exponential, as shown by the graph of the logarithm of the rate of reaction against the reciprocal of the absolute temperature. The graph is a straight line, which indicates that the reaction follows the Arrhenius equation. The activation energy of the reaction can be determined from the slope of the line. The activation energy is found to be 50 kJ/mol.

Ships.

1. **I**F any owner of, or captain, master, mariner, or other officer belonging to any ship, shall wilfully cast away, burn, or otherwise destroy the ship of which he is owner, or unto which he belongeth, or in any wise direct or procure the same to be done; with intent to prejudice any person that shall underwrite any policy of insurance thereon, or any merchant that shall load goods thereon; he shall be guilty of felony without benefit of clergy. 11 G. c. 29. s. 6. Wilfully destroying.

And if it is committed within the body of a county, it shall be tried there; if on the high seas, it shall be tried as in cases of piracy. s. 7.

And by the 20 G. 2. c. 52. The said offence is excepted out of the general pardon.

2. By the 12 An. st. 2. c. 18. and 26 G. 2. c. 19. If any person shall plunder any ship in distress, or wilfully do any thing tending to the immediate loss of such ship; he shall be guilty of felony without benefit of clergy. Plundering or destroying a ship in distress.

3. All persons who shall feloniously steal any goods of the value of 40s. in any ship, boat, or vessel, on any navigable river, or in any port of entry or discharge, or from any wharf or key, or shall be present and assisting therein; he shall be guilty of felony without benefit of clergy. 24 G. 2. c. 45. Stealing goods from on ship-board.

Shoemakers.

THE shoemakers duty in the true making of shoes, is inserted in the title *Leather*.

Differences between shoemakers and their workmen, are treated of under the title *Servants*.

Silks.

THE duties on silks and calicoes, being under the same regulations with the duties on printed linens, the law concerning them is inserted under the article of *linen cloth* in the title *Excise*.

Concerning servants and other workmen in the silken manufactures, see title *Servants*.

1. No person shall exercise the trade of a silk thrower, unless he hath served 7 years apprenticeship; on pain of 40s. a month, Silk thrower.

half to the king, and half to him that shall sue in any court of record, or at the assizes, or quarter sessions of the peace. 13 & 14 C. 2. c. 15. § 2.

Alamodes and lutestrings.

2. By the 9 & 10 W. c. 43. No foreign silks, called alamodes or lutestrings, shall be imported, but in the port of London, on notice first given to the commissioners of the customs, and licence had from them. § 1.

And if they be imported elsewhere, or without such notice and licence, and the duties paid, they shall be forfeited, or the value thereof, and be sold and exported again; and the offender so importing, and also the receiver, and person offering to sell the same, shall forfeit 500*l.* § 3.

And the commissioners shall cause them to be marked and sealed. § 2.

And if any person shall counterfeit the custom house seal, or seal of the lutestring company; he shall forfeit 500*l.* and be set in the pillory two hours. § 5.

And any person who shall buy or sell or have in his custody any alamodes or lutestrings, sealed or marked with a counterfeit seal or mark, shall forfeit the same and 500*l.* § 5.

And any person authorized by writ of assistance under the seal of the exchequer, or with a constable or other publick officer, inhabiting near the place, with a warrant from a justice of the peace, and in the day time, may enter any house, shop, cellar, warehouse, or other place, to search for and seize any alamodes or lutestrings imported contrary to this act, or not sealed or marked, or marked with a counterfeit mark or seal, and in case of resistance may break open doors, chests, trunks, and other package; and every justice shall grant such warrant to any credible person, making oath that he hath reason to suspect or believe, that there are some of the said silks so fraudulently imported, or not sealed and marked, or sealed or marked with a counterfeit seal or mark in the place or places where he intends to search. § 5.

And all officers belonging to the customs, sheriffs, mayors, bailiffs, constables, and other officers, shall be aiding in the execution hereof. § 6.

(But none but customhouse officers, or persons deputed by the lutestring company, and having writs of assistance from the exchequer, shall seize lutestrings or alamodes within the bills of mortality. 5 An. c. 20. § 3.)

The said penalties shall be two thirds to the king, and one third to him that shall seize or sue in any court of record. § 9.

Skins. See Leather.

The first of the year was a very cold one
and the snow lay on the ground for several weeks.

The second of the year was a very warm one
and the snow melted away in a few days.

The third of the year was a very cold one
and the snow lay on the ground for several weeks.

The fourth of the year was a very warm one
and the snow melted away in a few days.

The fifth of the year was a very cold one
and the snow lay on the ground for several weeks.

The sixth of the year was a very warm one
and the snow melted away in a few days.

The seventh of the year was a very cold one
and the snow lay on the ground for several weeks.

The eighth of the year was a very warm one
and the snow melted away in a few days.

The ninth of the year was a very cold one
and the snow lay on the ground for several weeks.

The tenth of the year was a very warm one
and the snow melted away in a few days.

The eleventh of the year was a very cold one
and the snow lay on the ground for several weeks.

The twelfth of the year was a very warm one
and the snow melted away in a few days.

The thirteenth of the year was a very cold one
and the snow lay on the ground for several weeks.

The fourteenth of the year was a very warm one
and the snow melted away in a few days.

The fifteenth of the year was a very cold one
and the snow lay on the ground for several weeks.

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Slander.

I Do not find it any where clearly settled, how far slander, or scandalous words, are cognizable before justices of the peace, by reason of the different circumstances in matters of so indeterminate a nature; for the same words, when spoken of different persons, and even of the same person with a different emphasis and manner of delivering them, may receive a very different interpretation.

In general, it seemeth that words which directly tend to a breach of the peace, as if one man challenge another, are cognizable before justices of the peace, for which the party may be bound to the good behaviour, and even indicted. 2 *Salk.* 698. 1 *Krb.* 931.

But if they do not tend directly to a breach of the king's peace, but are matters only of private slander between party and party, which do no way affect the publick administration of justice, as in case where the common people are wont to call one another knaves, and rogues, and whores, and thieves; I do not find it asserted by any good authority, that justices of the peace have any jurisdiction at all in such matters; but the proper remedy seems to be in one of these two ways, either by a prosecution in the spiritual court, or by an action upon the case at common law.

In the former case, it is provided by the statute of *Circumspecte agatis*, 13 *Ed.* 1. and also by the statute of the 9 *Ed.* 2. c. 4. that in matters of defamation, no prohibition shall lie to the spiritual court from the courts temporal: But *Bp. Gibson* says, that in order to secure causes of defamation in the spiritual court, against prohibitions, they must have these two incidents; 1. That they concern matters merely spiritual. 2. That they concern mere spiritual matter only, and not mixt with any matter determinable at common law. And the prosecution in this court must be only for the punishment of sin, and the welfare of the soul; for the party cannot sue there for amends or damages. *Co.* 1070.

But the remedy in such case (as hath been said) must be by action in the courts temporal, if the words will bear it: But it seems very difficult, for the reasons above mentioned, to define what words are actionable, and what not. The most general rule seems to be, that words are then most properly actionable, when they are spoken of a person in relation to his profession or calling, and not when spoken at large without any such particular application.

And by the 21 *J. c.* 16. Actions upon the case for slanderous words, shall be brought within two years after the words spoken, and not after: and if the jury find the damages under 40*s.* the plaintiff shall have no more costs than damages.

But if the words spoken are not in themselves actionable, and damages are given to the plaintiff for a consequential loss only, there the plaintiff may have larger costs. And the distinction is

this : The statute expressly mentions actions of *slander* ; but if the words are such, as give the party an action in respect of the special damage resulting therefrom, and are not in themselves actionable, it is not properly an action of slander, but a special action on the case ; and therefore is not within this statute. *E. 12 G. 2. Bass and Hickford. Andr. 375.*

M. 17 G. 2. Underwood and Parks. In an action for words, the defendant pleaded *not guilty*, and offered to prove the words to be true, in mitigation of damages : But *Lee Ch. J.* refused to admit the same, saying, that at a meeting of all the judges upon a case that arose in the common pleas, a large majority of them had determined, not to allow it for the future, but that it should be *pleaded*, whereby the plaintiff might be prepared to defend himself, as well as to prove the speaking of the words. *Str. 1200.*

Finally, there is one species of slander, of which the law takes a more especial notice ; and that is, when it relates to the great men of the realm : Concerning whom, it is enacted by the *3 Ed. 1. c. 34. 2 R. 2. st. 1. c. 5. and 12 R. 2. c. 11. that none shall tell or publish any false news or tales, whereby discord, or occasion of discord or slander may grow, between the king and his people, or the great men of the realm ; and that none shall devise, speak, or tell any false news or lies, of any prelates, lords, judges, or other great men of the realm, whereof any discord or slander may arise ; on pain of imprisonment, until he hath brought into court the first author of the tale ; and if he cannot find the author, he shall be punished by advice of the council.*

Publish any false news or tales] But this extends only to extrajudicial slanders ; for if a man charge them in due course of law, altho' the charge be false, yet there will lie no action *de scandalis magnatum*, neither at common law, nor by these statutes. *2 Inst. 228.*

Smugglers. See *Excise.*

Snares. See *Game.*

Snuff. See *Tobacco.*

Sodomy. See *Buggery.*

Soldiers.

FOR soldiers inlisting into foreign service, see title *Foreign Service.*

The ancient military order was, when the king was to be served with soldiers for his war, a knight or esquire of the county, that had revenues, farmers, and tenants, would covenant with the king by indenture inrolled in the exchequer, to serve the king for such

The first of these is the fact that the
 government has been successful in
 securing the support of the
 people in the most important
 of its measures. This is a
 very important fact, and it
 shows that the government is
 acting in the interests of the
 people. It also shows that the
 people are willing to support
 the government in its efforts
 to improve the country. This
 is a very encouraging sign, and
 it shows that the government
 is doing the right thing.

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 is doing the right thing.

The following information was obtained from the records of the
 Department of the Interior, Bureau of Land Management, on
 the subject of the above captioned matter.

On the 15th day of August, 1954, the Bureau of Land Management
 advised that the above captioned matter was being handled
 by the Bureau of Reclamation.

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such a term with so many men specially named in a list, in his war.

1 *Inst.* 71.

And in consequence hereof, there are many regulations by divers statutes concerning the same; which being now out of use, it is thought sufficient just to mention them; to wit,

18 *H. 6. c. 19.*

7 *H. 7. c. 1.*

3 *H. 8. c. 5.*

2 & 3 *Ed. 6. c. 2.*

4 & 5 *P. & M. c. 3.*

5 *Ed. 6. c. 5.*

But the present regulations concerning the soldiery (the militia excepted) are chiefly contained in the yearly acts against mutiny and desertion; the substance whereof is contained in the following sections.

I. Articles of war.

II. Inlisting soldiers.

III. Muster.

IV. Carriages.

V. Billeting.

VI. To remove in time of elections.

VII. Having wives or children, to be examined as to their settlement.

VIII. Destroying the game.

IX. Sued for debt.

X. Guilty of crimes.

XI. Pay.

XII. Deserting.

XIII. Setting up trades after their discharge.

XIV. Maintenance after their discharge.

XV. Probate of their wills.

I. Articles of war.

The king may form articles of war for better government of the forces, and constitute courts martial, with power to try any crime by such articles of war. 28 *G. 2. c. 4. s. 55.*

But no person shall be adjudged to suffer any punishment extending to life or limb, by the said articles, except for crimes expressed to be so punishable by this act. *s. 56.*

II. Inlisting

II. *Inlisting soldiers.*

When any person shall be inlisted, he shall in four days, but not sooner than 24 hours, be carried before the next justice, or chief magistrate of a town corporate (not being an officer in the army), and before him shall be at liberty to declare his dissent to such inlisting; and on such declaration, and returning the inlisting money, and paying 20*s.* for the charges expended on him, he shall be forthwith discharged, in presence of such magistrate: But if he shall not in 24 hours return and pay such money as aforesaid, he shall be deemed to be inlisted, as if he had given his assent thereto before such magistrate. If he declare that he voluntarily inlisted himself, the justice or chief magistrate shall forthwith certify under his hand, that such person is duly inlisted, setting forth the place of his birth, age, and calling (if known), and that the second and sixth sections of the articles of war against mutiny and desertion were read to him, and that he has taken the oath mentioned in the said articles of war: And if any person so certified as duly inlisted shall refuse to take the said oath of fidelity before such magistrate, the officer from whom he hath received such money, may detain and confine him till he shall take it: And every military officer that shall act contrary hereto, or offend herein, shall incur the like penalty as is by this act inflicted for making a false muster, to be recovered as any penalties by this act are recoverable. *f. 71.*

Which said second and sixth sections of the articles of war are these:

(S E C T. II.)

Art. 1. Whatsoever officer or soldier shall presume to use traitorous or disrespectful words against the sacred person of his majesty, his royal highness the prince of *Wales*, or any of the royal family; if a commissioned officer, he shall be cashiered; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted upon him by the sentence of a court martial.

Art. 2. Any officer or soldier who shall behave himself with contempt or disrespect towards the general, or other commander in chief of our forces, or shall speak words tending to his hurt or dishonour, shall be punished according to the nature of his offence, by the judgment of a court martial.

Art. 3. Any officer or soldier who shall begin, excite, cause or join in any mutiny or sedition, in the troop, company, or regiment, to which he belongs, or in any other troop or company in our service, or on any party, post, detachment, or guard, on any pretence whatsoever, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Art. 4. Any officer, non-commissioned officer, or soldier, who being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same, or coming to the knowledge of any

The first part of the document
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The following table shows the results of the experiments conducted with the various samples of the soluble material. The first column gives the name of the sample, the second column the amount of material used, and the third column the amount of material recovered. The fourth column gives the percentage of material recovered, and the fifth column gives the percentage of material lost.

Sample	Amount used	Amount recovered	Percentage recovered	Percentage lost
Sample 1	100	85	85	15
Sample 2	100	75	75	25
Sample 3	100	65	65	35
Sample 4	100	55	55	45
Sample 5	100	45	45	55
Sample 6	100	35	35	65
Sample 7	100	25	25	75
Sample 8	100	15	15	85
Sample 9	100	5	5	95
Sample 10	100	0	0	100

The results of the experiments show that the amount of material recovered decreases as the amount of material used increases. This is due to the fact that the material is more difficult to handle as the amount used increases. The percentage of material lost increases as the amount of material used increases. This is due to the fact that the material is more difficult to handle as the amount used increases.

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any mutiny, or intended mutiny, does not without delay give information thereof to his commanding officer, shall be punished by a court martial with death, or otherwise, according to the nature of the offence.

Art. 5. Any officer or soldier who shall strike his superior officer, or draw, or offer to draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his office, be inflicted upon him by the sentence of a court martial.

(S E C T. VI.)

Art. 1. All officers and soldiers, who having received pay, or having been duly enlisted in our service, shall be convicted of having deserted the same, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Art. 2. Any non commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop or company, or from any detachment with which he shall be commanded, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

Art. 3. No non commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him, and give notice thereof to the corps in which he last served, he the said officer so offending shall by a court martial be cashiered.

Art. 4. Whatsoever officer or soldier shall be convicted of having advised or persuaded any other officer or soldier to desert our service, shall suffer such punishment as shall be inflicted upon him by the sentence of a court martial.

And the oath mentioned in the said articles of war, is as follows :

I swear to be true to our sovereign lord king George, and to serve him honestly and faithfully, in defence of his person, crown, and dignity, against all his enemies or opposers whatsoever: And to observe and obey his majesty's orders, and the orders of the generals and officers set over me by his majesty.

And the justice's certificate of the whole may be this :

Westmorland. **I** DO hereby certify, that A. S. of the age of _____ years, born at _____ in the county of _____ shoemaker, came this day before me _____ one of his majesty's justices of the peace for the said county of _____ and declared that on the _____ day of _____ now last past, he did voluntarily enlist himself as a private soldier to serve his said majesty

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king George the second, in the regiment of foot commanded by ——— and that he now freely consenteth unto the same: And thereupon I do hereby also certify, that he the said A. S. is duly inlisted as aforesaid; and that the second and sixth sections of the articles of war against mutiny and desertion were also before me read unto him this day, and that he hath also at the same time taken before me the oath mentioned in said articles of war. Given under my hand at ——— in the said county of ——— the ——— day of ———.

But if any person shall receive the inlisting money, knowing it to be such, and shall abscond, or refuse to go before such magistrate, in order to declare his assent or dissent, he shall be deemed to be listed, and may be proceeded against as if he had taken the said oath before such magistrate. 28 G. 2. c. 4. s. 72.

III. Muster.

Every commissary or muster master, upon any muster to be made, shall give convenient notice thereof to the mayor, or other chief officer, of the place where the soldiers are quartered; who shall be present at every such muster: And every muster master neglecting to give such notice, or refusing the assistance of such mayor or other officer, shall forfeit 50 *l.* and his office. And no muster roll shall be allowed, unless signed by such mayor or other officer: But if such mayor or officer shall not attend, or refuse to sign such muster roll, without giving sufficient reason for such his refusal; then the commissary may proceed to muster, and such muster roll shall be allowed, tho' not signed as aforesaid, provided that oath be made before a justice in 48 hours after such muster; and the said muster roll shall be then produced, and examined by the said justice, who shall sign the same, if there appear to be no sufficient objection to it. *s.* 15.

And in *Westminster* and *Southwark*, no muster shall be made, but in presence of two justices (not being officers of the army); unless the justices, on 48 hours notice to six of them, refuse to attend. *s.* 36.

And the commissary or muster master shall make oath (for which no fee shall be taken) before the mayor or chief magistrate attending the muster, if such mayor or chief magistrate be a justice of the peace, or otherwise before a justice in the form following; I *A. B.* do swear, that I saw at the time of making the within muster, such men or horses as are borne, and not respited, on the muster roll, for which men or horses a signed certificate or certificates are not indorsed on the back of the roll, certifying their being absent from the muster, by reason of being employed on some other duty of the regiment, or by being sick, in prison, or furlough, or at grass, or by a signed leave from the colonel or field officer, or officer commanding the regiment, troop, or company:

Which oath the said commissary shall insert and subscribe on the back of the muster roll transmitted by him into the office of the commissary general of the musters. *s.* 18.

And

[Faint, illegible text, likely bleed-through from the reverse side of the page. The text is too light to transcribe accurately.]

... and ...

Main body of the journal entry, containing several paragraphs of text that are mostly illegible due to fading and blurring.

And if any person shall give a false certificate, to excuse any soldier from muster or other service, on pretence of being employed on some other duty of the regiment, or of sickness, being in prison, or on furlough; he shall forfeit 50 *l.* and be cashiered and disabled to hold any military office. And no certificate shall excuse the absence of any soldier, but for the reasons abovementioned, or one of them; and the commissary shall set down on the roll, at the time of taking the muster, the reason of such absence, and by whom certified; and not to set down any such excuse, without view of such certificate. *f. 12.*

And every officer that shall make any false muster of man or horse, and every commissary, muster master, or other officer, who shall wittingly allow or sign the muster roll, wherein any such false muster is contained, or shall take any reward for mustering or signing muster rolls, shall be cashiered and disabled. *f. 13.*

And if any person shall be falsely mustered, or offer himself to be falsely mustered; on proof thereof by oath of two witnesses, before the next justice, and on certificate thereof under the hand of the commissary, or chief magistrate as aforesaid, he shall be committed to the house of correction for ten days: And if any person shall wittingly furnish a horse to be mustered, he shall be forfeited to the informer, if he shall belong to the person furnishing the same; otherwise the offender shall forfeit to the informer 20 *l.* on oath by two witnesses, before the next justice, by distress; and if he shall have no sufficient distress, or shall not pay in four days after conviction, he shall be committed to the common gaol for three months, or be publickly whipped at the discretion of the justice; and the informer, if a soldier, shall be discharged, if he demands it. *f. 16.*

But fictitious names, allowed by his majesty's order upon the muster rolls, for the maintenance of widows of officers who lost their lives in the late war, or during the late rebellion, shall not be construed a false muster. *f. 14.*

IV. Carriages.

For provision of carriages for the forces in their march, or for their arms, cloaths, and accoutrements, any justice of the peace, being duly required thereunto, by an order from his majesty, or the general of his forces, or the master general, or lieutenant general of his majesty's ordnance, shall on such order being brought and shewn unto him, by the quartermaster, adjutant, or other officer of the regiment, troop, or company ordered to march, issue out his warrant to the constables or petty constables of the division, liberty, hundred, or precinct from, through, near, or to which such forces shall be ordered to march; requiring them to make such provision for carriages, with able men to drive the same, as is mentioned in the said warrant; allowing them sufficient time to do the same, that the neighbouring parts may not always bear the burden: And if sufficient carriages cannot be provided within any such liberty, division, or precinct; then the next justice (or justices) of the county, riding, or division;

tion, shall on such order as aforesaid so brought or shewn to him, issue his warrant to the constables or petty constables of such next county, riding, division, or precinct, for the purposes aforesaid, to make up such deficiency. *f. 42.*

Which warrant may be thus :

Westmorland. } To the constable of _____

BY v^rtue of an order from _____ general of his majesty's forces, this day brought and shewn unto me _____ one of his majesty's justices of the peace for the said county, by _____ lieutenant in captain _____'s company of his majesty's regiment of foot, commanded by _____ you are hereby required to provide _____ sufficient carriages, with able men to drive the same, within your constablewick, whereby to remove the arms, cloaths, and accoutrements of the said company on their march from Shap to Kirkby in Kendale in the said county; and with them you are to appear at Shap aforesaid to morrow precisely at five of the clock in the morning. Herein fail you not, as you will answer the contrary at your peril. Given under my hand and seal at _____ in the said county, the _____ day of _____ in the _____ year _____

And the officer, who by virtue of the said warrant, is to demand the carriages of the constable to whom it is directed, shall at the same time pay down to him in hand for the use of the persons who shall provide such carriages and men, the sum of 1 s. for every mile any waggon with five horses shall travel; and 1 s. for every mile any wain with six oxen, or four oxen with two horses shall travel; and 9d. for every mile any cart with four horses shall travel; and so in proportion for less carriages: For which the constable shall give a receipt. *f. 42.*

And such constable, or petty constable, shall appoint such persons having carriages within their respective liberties, as they shall think proper, to provide and furnish such carriages and men. *id.*

And if any military officer shall force any carriage to travel more than one day's journey; or shall not discharge the same in due time for their return home; or shall suffer any soldier or servant (except such as are sick), or any woman, to ride on such carriage; or shall force any constable, by threatnings, to provide saddle horses for themselves or servants; or shall force horses from the owners, by themselves, servants, or soldiers; he shall forfeit 5 l. proof thereof being made on oath before two justices, who shall certify the same to the paymaster general, or other paymaster of the forces, who shall pay the same, according to the order of the said justices under their hands and seals, who shall deduct the same out of the officer's pay. *id.*

And no waggon, wain, cart, or carriage, shall be obliged to carry above twenty hundred weight. *f. 46.*

And if any high or petty constable shall wilfully neglect or refuse to execute such warrants for providing carriages; or if any person

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person appointed by such constable to furnish any carriage and man, shall refuse or neglect to provide the same; or any other person shall wilfully hinder the execution thereof, he shall forfeit not exceeding 40 s. nor less than 20 s. to the poor of the parish where such offence shall be committed; the same to be heard and determined by two justices dwelling in or near the place, who shall cause the penalty to be levied by distress. *f.* 43.

And whereas the sums to be paid to the constables by the officers demanding carriages, are in many cases not sufficient to answer the charge and expence of providing the same to the great burden of the township, or else the persons performing such carriages are grievously oppressed; it is enacted, that the treasurer of the county shall without fee pay unto such constable all reasonable sums by him laid out for carriages, over and above what was or ought to have been paid by the officer requiring such carriages, out of the publick stock, according to such rates and orders as the justices in sessions shall direct, which orders shall be made without fee; regard being had to the season of the year, and the length and condition of the ways: and if the publick stock be not sufficient, the justices in sessions may raise money as for gaols and bridges. *f.* 44, 45.

That is to say, the same shall be paid out of the general county rate, as directed by the 12 G. 2. c. 29.

H. 3 G. K. against *Hunt* and others. The court granted a *mandamus* directed to the justices of the peace, to allow the defendants, being constables, the extraordinary charges in providing carriages on the late expedition into *Scotland*. *Str.* 42, 93.

V. Billeting.

By the 31 C. 2. c. 1. No officer, military or civil, nor any other person whatsoever, shall presume to place, quarter, or billet any soldier, on any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent; and every such subject or inhabitant may refuse to sojourn or quarter any soldier, notwithstanding any command, order, warrant, or billeting whatever. *f.* 54.

But by the mutiny act, The constables and other chief officers and magistrates of cities, towns, villages, and other places, and in their default or absence, any one justice inhabiting in or near such place, and no others, shall and may quarter and billet the officers and soldiers in inns, livery stables, alehouses, victualling houses, and all houses of persons selling brandy, strong waters, cyder, or metheglin, by retail, to be drank in houses (other than the houses of distillers and of shopkeepers, whose principal dealings shall be more in other goods than in brandy or strong waters, and who do not permit tippling in their houses) and no other, and in no private houses whatsoever; nor shall any more billets be ordered, than there are effective soldiers; and if any constable, or such like officer, or magistrate as aforesaid, shall presume to quarter or billet any such officer or soldier in any private house, without the consent of the owner or occupier, such owner or occupier

occupier shall have his remedy at law against such magistrate or officer for damages; and if any military officer shall take upon him to quarter soldiers otherwise than by this act, or shall offer any menace or compulsion, to any mayor, constable, or other civil officer before mentioned, tending to deter and discourage any of them from doing their duty, he shall on conviction before any two of the next justices, by the oath of two witnesses, be *ipso facto* cashiered and disabled to hold any military employment; provided the conviction be affirmed at the next sessions, and a certificate thereof be transmitted to the judge advocate, who shall certify the same to the next court martial. And if any person shall be aggrieved by having more soldiers billeted than in proportion to his neighbours, on complaint thereof to one justice, or if the person so billeting them be a justice, then on complaint to two justices, they may relieve him. *f. 24.*

Note; the clause above recited, relating to shopkeepers, might as well be now omitted out of the act; for that by the 17 G. 2. c. 17. no shopkeepers, as such, are allowed to retail any spirituous liquors, but only those who keep taverns, victualling houses, inns, coffee houses, or alehouses.

But no justice, having any military command, shall be concerned in quartering soldiers under his immediate command; but all things done by him therein shall be void. 28 G. 2. c. 4. *f. 25.*

And if any constable, or other officer, shall neglect his duty in billeting, for the space of two hours, provided sufficient notice hath been given before, of the arrival of the forces; or shall take any reward to excuse any person; or if any person liable shall refuse to receive any soldiers, or to furnish them as required by this act; and be thereof convicted, before one justice, by confession or oath of one witness, he shall forfeit 5 *l.* (or any sum not exceeding 5 *l.* nor less than 40 *s.*) by distress, by warrant of such justice, to be directed to any other constable, or to any overseer of the poor of the said place. *f. 68.*

And if any officer shall take any money of any person, for excusing the quartering of soldiers, he shall be cashiered and incapacitated. *f. 28.*

And if any officer, military or civil, shall quarter any of the wives, children, men, or maid servants of officer or soldier, in any house against the consent of the owner; if he is an officer of the army, he shall on proof made thereof to the commander in chief of the army, or judge advocate, be *ipso facto* cashiered; and if a constable, or other civil officer, he shall forfeit to the party grieved 20 *s.* on proof thereof to the next justice, by distress. *f. 48.*

Officers and soldiers, billeted as aforesaid, shall be received and furnished with diet and small beer, paying for the same as hereafter is mentioned, out of their subsistence money. *f. 26.*

But if any person shall chuse rather to furnish them with candles, vinegar, and salt, and with either small beer or cyder, not exceeding five pints a day, *gratis*, and allow them the use of fire, and the necessary utensils for dressing and eating their meat,
and

To the Honorable the Senate of the United States
in Executive Session
at the City of Washington
the 17th day of March 1861

That the Senate do hereby resolve
That the same be and it be
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and shall give notice thereof to the commanding officer, and shall furnish the same accordingly; in such case, they shall provide their own victuals, and the officers shall pay the sums out of the subsistence money for diet and small beer to such soldiers, and not to the persons on whom they are quartered; except on a march, or recruiting. *f. 27.*

In all places where horse or dragoons shall be quartered, the men and their horses shall be billeted in one and the same house (except in case of necessity); and in no case there shall be less than one man billeted, where there shall be one or two horses, nor less than two men where there shall be four horses, and so in proportion. *f. 29.*

Officers may remove or exchange men or horses, with others quartered in the same town; provided the numbers so exchanged are equal: and the constables, or other officers, shall billet them accordingly. *f. 30.*

Any justice by his warrant, may command any constable or other officer, to give an account in writing of the number of officers and soldiers billeted by them, and also of the names of the persons on whom they are billeted, with the street or place where they dwell, and the signs, if any; that it may appear where they are quartered, the better to prevent abuses in billeting of them. *f. 69.*

In *Westminster* and *Southwark*, the petty constables shall deliver lists on oath at every quarter sessions, of the houses and persons obliged to receive soldiers quartered, and the number billeted in each house; the lists to remain with the clerk of the peace, to be inspected without fee; and the clerk shall deliver copies at 2*d.* a sheet containing 150 words: constables making default shall forfeit 5*l.* to the poor by distress, by warrant of one justice; for want of distress, to be imprisoned not more than three months, nor less than one. *f. 39.*

VI. To remove in time of elections.

On notice from the clerk of the crown, to the secretary at war, of any writ made out for the election of a member to serve in parliament, he shall send orders for removing soldiers two miles or more from the place of election, at least one day before the election, and continue at least one day after the poll taken: But this not to extend to *Westminster*, or other place of residence of the royal family, or fortified places, or any officer or soldier having a right to vote at such election. 8 G. 2. c. 30.

VII. Having wives or children, to be examined as to their settlement.

If any non commission officer or soldier shall have wife, child, or children; two justices may summon him, where he is quartered, to make oath of the place of his last legal settlement; who shall obey such summons, and make oath accordingly: And the justices shall give an attested copy of such affidavit, to be deli-

vered to the commanding officer, to be produced when required. And being summoned again, he shall not take another oath with regard to his settlement, but shall leave a copy of the former. 28 G. 2. c. 4. s. 31.

VIII. Destroying the game.

If any officer or soldier shall, without leave of the lord of the manor under his hand and seal, take or kill any hare, coney, pheasant, partridge, pigeon, or other fowl, poultry, or fish, or his majesty's game, and be convicted thereof on oath of one witness, before one justice; every officer so offending shall forfeit 5 *l.* to the poor; and the commanding officer upon the place, for every offence committed by any soldier under his command, shall forfeit 20 *s.* to be paid and distributed in manner aforesaid. And if, upon conviction by the justices, and demand thereof made by the constable or overseers of the poor, he shall not in two days pay the said penalties, he shall forfeit his commission. s. 49.

IX. Sued for debt.

No volunteer shall be taken out of the service, by any process, other than for some criminal matter, unless for a real debt, or other just cause of action, and unless affidavit be made before a judge of the court, that the original sum due amounts to 10 *l.* a memorandum of which oath shall be indorsed on the process; and if he shall be otherwise arrested, the judge may discharge him, and award costs. s. 66.

But the plaintiff, on notice given in writing of the cause of action to such person, or left at his last place of residence before listing, may file a common appearance, in an action to be brought for any debt, so as to intitle him to proceed therein to judgment and outlawry, and to execution, other than against his body. s. 67.

X. Guilty of crimes.

The king may appoint courts martial, for trial of the offences of soldiers, by the articles of war. s. 55.

And every officer and soldier who shall begin, excite, cause, or join in any mutiny or sedition, or shall not use his utmost endeavours to suppress the same, or shall not give immediate notice thereof to his commanding officer, or shall desert, or list in any other regiment, or shall be found sleeping on his post, or shall leave it before relieved, or shall hold correspondence with the enemy, or strike or use any violence against his superior officer in the execution of his office, or shall disobey his lawful commands, shall suffer death, or such other punishment as a court martial shall inflict. s. 1.

But the trial of offences by a court martial, shall not exempt them from the ordinary process of law. s. 11.

STATION

[The following text is extremely faint and largely illegible. It appears to be a list or report with multiple columns and rows. Some faint words are visible, such as "STATION", "DATE", "TIME", "LOCATION", "REMARKS", "WIND", "TEMPERATURE", "HUMIDITY", "PRESSURE", "SEA STATE", "WAVE PERIOD", "WAVE DIRECTION", "WAVE HEIGHT", "WAVE LENGTH", "WAVE PERIOD", "WAVE DIRECTION", "WAVE HEIGHT", "WAVE LENGTH".]

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And if any officer or soldier shall be accused of any capital crime, or of any violence or offence against the person, estate, or property of any the king's subjects, the commanding officer shall use his utmost endeavour to deliver over such accused person to the civil magistrate; and shall also be aiding to the officers of justice, in seizing and apprehending him, in order to bring him to trial; on pain, on conviction before two justices, by the oaths of two witnesses, of being *ipso facto* cashiered and disabled; provided the conviction be affirmed at the next sessions, and a certificate thereof be transmitted to the judge advocate, who shall certify the same to the next court martial. *f. 60.*

But no person acquitted or convicted of capital offences by the civil magistrate, shall be punished for the same by a court martial, otherwise than by cashiering. *f. 59.*

By the 19 G. 2. c. 21: Soldiers convicted of profane cursing or swearing, and not paying the penalty, shall not be committed to the house of correction as other offenders, but shall be put in the stocks for one hour, for every single offence; and for any number of offences, of which they shall be convicted at one and the same time, two hours.

XI. Pay.

The officer who shall receive the pay or subsistence money, shall immediately upon receipt thereof, give publick notice to all persons keeping inns or other places where soldiers are quartered, to repair to their quarters, at such time as they shall appoint for distribution thereof to the officers and soldiers, which shall be within four days after receipt thereof: And the said innkeepers and others shall be first paid, before any part of the pay be distributed to the officers or soldiers; provided the accounts exceed not for a commission officer of horse under the degree of a captain, for diet and small beer 2 s. a day; nor for a commission officer of dragoons under the degree of a captain 1 s. nor for a commission officer of foot under the degree of a captain 1 s. and for each horse 6 d. nor for one light horseman's diet and hay and straw for his horse 1 s. nor for one dragoon's diet and hay and straw for his horse 1 s. nor for one foot soldier's diet 4 d. And if any officer shall not give such notice, and shall not immediately on producing such account pay the same, on complaint and oath made thereof by two witnesses at the next sessions, the paymaster (on certificate of the justices in such sessions of the sum due, and to whom the same is owing) shall pay the same out of the said officer's arrears, on pain of forfeiting his office, and disability; and if no such arrears be due, the paymaster shall deduct the sums to be paid, pursuant to the justices certificate, out of the next pay of the regiment; and such officer shall for such his offence, or for neglecting to give such notice, be *ipso facto* cashiered. And where it shall happen, that the subsistence money due to any officer or soldier, shall by any accident not be paid, or such officer or soldier shall neglect to pay the same; or where any forces shall be upon their march, so that no subsistence can be remitted to them, or they

shall neglect to pay the same; every such officer shall, before his departure out of his quarters, make up the accounts with every person with whom such soldiers shall have quartered, and sign a certificate thereof, and give the same to the party to whom such money is due, with the name of the regiment, troop, or company to which he shall belong, that the same may be transmitted to the paymaster, who shall immediately pay the same, under pain as is before directed for non-payment of quarters. *f. 35.*

XII. Deserting.

The constable may take up any person reasonably suspected to be a deserter, and carry him before a justice in or near the place, who shall examine such suspected person; and if by his confession, or the oath of one witness, or the knowledge of such justice, he shall be found to be a deserter, the justice shall forthwith cause him to be conveyed to the county gaol, or house of correction (or the *Savoy in London*) and transmit an account thereof to the secretary at war; and the keeper of such gaol or house of correction shall receive the subsistence of such deserter, for his maintenance while he shall be in custody, but shall not be intitled to any fee for his imprisonment. *f. 51.*

But no officer may break open any house to search for deserters, without a justice's warrant; on pain of 20*l.* *f. 54.*

And the justice, before whom he is brought, shall issue his warrant to the collector of the land tax, of the parish or township where such deserter shall be apprehended, for paying out of the land tax money by him collected or to be collected, to the hands of him who shall apprehend, or cause to be apprehended, such deserter, the sum of 20*s.* the same to be allowed on his account. *f. 52.*

And if any person shall knowingly harbour or assist any deserter, he shall forfeit 5*l.* and if any person shall knowingly buy or exchange or otherwise receive any arms, cloaths, or furniture, belonging to the king, from any soldier or deserter, or change the colour thereof, he shall forfeit 5*l.* and on conviction by the oath of one witness, before one justice, the said penalties shall be levied by distress; half the first penalty to be to the informer, by whose means such deserter shall be apprehended; and half the last penalty, to the informer; and half of both, to the officer to whom the deserter did belong: and if such person have not sufficient, or shall not pay the penalty in four days, the justice shall commit him to gaol for three months, or cause him to be publicly whipped. *f. 53.*

And by the 1 *G. 2. c. 47.* If any person (other than enlisted soldiers against whom sufficient remedy is already provided) shall persuade any soldier to desert, he shall on conviction in six months forfeit 40*l.* to the king, or to any other who shall sue for the same in any court at *Westminster*; and if he shall not have goods worth 40*l.* or from the circumstances of the crime it shall be thought proper, the court may award the offender to prison not exceeding six months, and to stand in the pillory one hour.

XIII. *Setting up trades after their discharge.*

All officers, mariners, and foldiers who have been employed in his majesty's service, and not deserted, may set up and exercise such trades as they are apt for, in any town or place within *Great Britain or Ireland*; and if they shall be sued thereupon, they shall have double costs. 22 G. 2. c. 44.

XIV. *Maintenance after their discharge.*

By the 43 *El. c. 3*: Every parish shall be charged with a weekly sum, towards the relief of sick, hurt, and maimed soldiers and mariners, as the justices in sessions shall appoint; so as no parish be rated above 10 *d.* nor under 2 *d.* weekly; and so as the total sum in any county where there shall be above 50 parishes, do not exceed 6 *d.* for every parish.

But as this is left to the discretion of the justices, this is not usually done; but they are left to be provided for by the particular parishes whereunto they do belong, or to the provisions of the royal hospitals of *Greenwich* or *Chelsea* respectively.

With regard to the out-pensioners of *Chelsea* hospital, it is required by the statute of the 28 G. 2. c. 1. that the justices of the peace shall take affidavits of their being alive (or of the time of their deaths respectively) half-yearly, without fee. *f. 2.*

XV. *Probate of their wills.*

The probate of the will, or letters of administration of any common soldier or seaman, who shall be slain or die in the service, shall be exempted from the stamp duties, a certificate being produced from the captain under whom he served at the time of his death, and oath made of the truth thereof, before the proper judge or officer, for which oath no fee shall be taken. 5 *W. c. 21. f. 6.*

Note, there is an act of the 28 G. 2. c. 11. for one year, of somewhat the like import with the annual acts against mutiny and desertion, for the regulation of the marine forces whilst on shore under the direction of the admiralty.

Soap. See *Excise.*

Spirituous liquors. See *Excise.*

Squibs. See *Fireworks.*

Stabbing. See *Homicide.*

Stamps.

Statutes,

1. **T**HE statutes relating to these duties are
- | | |
|----------------------------|----------------------------|
| 5 <i>W. c. 21.</i> | 10 <i>An. c. 26.</i> |
| 6 & 7 <i>W. c. 12.</i> | 12 <i>An. st. 1. c. 2.</i> |
| 9 & 10 <i>W. c. 25.</i> | 12 <i>An. st. 2. c. 9.</i> |
| 9 & 10 <i>W. c. 44.</i> | 5 <i>G. c. 19.</i> |
| 1 <i>An. st. 2. c. 22.</i> | 6 <i>G. c. 21.</i> |
| 8 <i>An. c. 9.</i> | 11 <i>G. c. 8.</i> |
| 9 <i>An. c. 23.</i> | 16 <i>G. 2. c. 26.</i> |
| 10 <i>An. c. 19.</i> | |

Power of the justices in regard to these duties.

2. In one of which statutes (*viz.* 10 *An. c. 19.*) there is a clause which brings all the rest within the jurisdiction of the justices of the peace, and almost the whole law relating to this title; and is as follows:

Two justices of the peace residing near the place, where any pecuniary forfeitures not exceeding twenty pounds on any act touching any the duties under the management of the commissioners of the duties on stamped vellum, parchment, and paper, shall be incurred, or any offence against any of the same acts shall be committed in any wise relating to the same duties, by which any sum of money only may be forfeited, may hear and determine the same; who shall on information or complaint, within a year after seizure made or offence committed, summon the party accused, and witnesses; and may issue warrants for levying the penalties by distress and sale, if not redeemed in six days. 10 *An. c. 19. f. 172.*

And the said justices where they see cause, may mitigate the penalties; the charges being first allowed: and so as they reduce not the penalty to less than double duty, over and above the said charges. *f. 173.*

And no *certiorari* shall supersede the proceedings of the said justices. *f. 174.*

And it is generally provided by the several acts, that the said forfeitures shall be distributed, half to the king, and half to him that shall sue.

Stamps to be several and distinct.

3. Before we come to observe what these duties are, it is proper to premise also another clause, in the act of the 9 & 10 *W. c. 25.* to wit, that since the duties on the several stamp acts are appropriated to different purposes, therefore to distinguish such paper or parchment which is doubly charged from that which is singly charged, there shall be two distinct stamps on the doubly charged. And so likewise by the subsequent statutes, where the paper is trebly charged, there shall be three distinct stamps and not one stamp for the whole. So that in this case, a double six penny stamp, and a twelve penny stamp, are not the same.



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4. The said duties, when brought together from the several acts, The several stamp duties. seem to be as followeth ;

	By 5 <i>W.</i>	By 9 <i>ſ</i>	By 12 <i>A.</i>
(1) For every skin and piece of vellum or parchment, or sheet of paper, on which shall be written any grant, or letters patents under the great seal, or the seal of the dutchy of <i>Lancaſter</i> , or of any honour, dignity, promotion, franchise, liberty or privilege, or exemptions of the ſame (commissions of rebellion in proceſs, and charity briefs excepted) shall be paid _____	c. 21.	c. 25.	c. 9.
(2) Grant from the king of any ſum above 100 <i>l.</i> which shall paſs the great ſeal, or privy ſeal _____	40 <i>s.</i>	40 <i>s.</i>	40 <i>s.</i>
(3) Grant of any office above 50 <i>l.</i> a year _____	40 <i>s.</i>	40 <i>s.</i>	40 <i>s.</i>
(4) Pardon of any crime or forfeiture, warrant of reprieve or relaxation from any fine, corporal puniſhment, or other forfeiture (general circuit or <i>Newgate</i> pardon excepted) _____	40 <i>s.</i>	40 <i>s.</i>	40 <i>s.</i>
(5) Diſpenſation to hold two livings, or any diſpenſation or faculty from the archbiſhop of <i>Canterbury</i> , or maſter of the faculties _____	40 <i>s.</i>	40 <i>s.</i>	40 <i>s.</i>
(6) Admittance of a fellow of the college of phyſicians, or of any attorney, clerk, advocate, proctor, notary, or other officer in any court whatſoever (except annual officers in corporations or inferior courts, whoſe office is under 10 <i>l.</i> a year, in ſalaries, fees, or other perquiſites) _____	40 <i>s.</i>	40 <i>s.</i>	40 <i>s.</i>
(7) Appeal from the court of admiralty, arches, or the prerogative courts _____	40 <i>s.</i>	40 <i>s.</i>	40 <i>s.</i>
(8) Grant of lands in fee, leaſe for years, or other grant or profit (not herein particularly charged) under the great ſeal, or privy ſeal, or ſeal of the exchequer or dutchy of <i>Lancaſter</i> _____	40 <i>s.</i>	40 <i>s.</i>	
(9) Preſentation or donation under the great ſeal, collation, or any preſentation or donation by any patron to any ſpiritual promotion of 10 <i>l.</i> a year in the king's books —	40 <i>s.</i>	40 <i>s.</i>	
(10) Letters patents for charity briefs —	40 <i>s.</i>		
(11) General circuit or <i>Newgate</i> pardon—	40 <i>s.</i>		
(12) Regiſter, entry, teſtimonial, certificate of a degree in the univerſities or inns of court (except the regiſter or entry of a bachelor of arts) _____	40 <i>s.</i>		
(13) Inſtitution, or licence, that ſhall paſs the ſeal of any biſhop, chancellor, or other ordinary, or any eccleſiaſtical court (except licences to ſchoolmaſters and tutors) _____	5 <i>s.</i>	5 <i>s.</i>	5 <i>s.</i>

	5 W.	9 S.	12 A.
	c. 21.	10 W.	fl. 2.
		c. 25.	c. 9.
(14) Letters of mart _____	5 s.	5 s.	5 s.
(15) Exemplification that shall pass the seal of any court _____	5 s.	5 s.	
(16) Licence to schoolmasters and tutors _____	5 s.	5 s.	
(17) Writ of error, <i>certiorari</i> , or appeal (except to the delegates) _____	5 s.	5 s.	
(18) <i>Significavit pro corporis deliberatione</i> —	5 s.	5 s.	
(19) Sentence in the admiral's court, or cinque ports, or any attachment out of the said courts, or relaxation of the attachment—	5 s.	5 s.	
(20) Probate of a will, or letters of administration for any estate above 20 <i>l.</i> value (except of common seamen or soldiers slain or dead in the service) _____	5 s.	5 s.	
(21) Recognizance, statute staple, or statute merchant _____	5 s.	5 s.	
(22) Conveyance, surrender of grants or offices, release, or other deed inrolled of record in any court at <i>Westminster</i> , or any court of record, or by any <i>custos rotulorum</i> , or clerk of the peace _____	5 s.	5 s.	
(23) Writ of covenant for levying of fines _____	5 s.		
(24) Writ of entry for suffering a common recovery _____	5 s.		
(25) Licence for, or certificate of marriage (except the certificate of the marriage of a seaman's widow) _____	5 s.		
(26) Writ of <i>habeas corpus</i> _____	5 s.		
(27) Beneficial warrant or order under the king's sign manual (except for the navy, army, and ordnance) _____	2s.6d.	2s.6d.	2s.6d.
(28) Record of <i>Nisi Prius</i> or <i>Postea</i> _____	2s.6d.	2s.6d.	
(29) Judgment signed by the master of any office, or his deputy or secondary, or by any prothonotary, or his secondary, deputy, or clerk, or other officer in the courts at <i>Westminster</i> _____	2s.6d.	2s.6d.	
(30) Commission issuing out of an ecclesiastical court, not otherwise particularly charged _____	2s.6d.	2s.6d.	
(31) Warrant, monition, or personal decree in any court of admiralty or the cinque ports _____	2s.6d.	2s.6d.	
(32) Transfer of stock in any company (over and above the duty of 2 s. 3 d. by the 10 An. c. 19. and other duties) _____			4s.6d.
(33) Special bail in any court, and appearance thereon _____	1 s.	1 s.	

The first part of the report deals with the general situation of the country and the progress of the war. It is followed by a detailed account of the military operations in the various theaters of war. The report concludes with a summary of the achievements of the armed forces and a forecast for the future.

The military operations in the East have been particularly successful. The forces have advanced steadily and have captured a large number of prisoners and weapons. The progress has been made possible by the superior tactics and the high morale of the troops.

In the West, the situation is more complex. The forces have managed to hold their positions against the enemy's attacks. They have also launched several counter-offensives which have resulted in the recapture of some of the lost territory.

The air force has also played a significant role in the war. It has conducted numerous raids on enemy targets and has inflicted heavy losses on the enemy's aircraft. The navy has also been active, sinking several enemy ships and submarines.

The report also mentions the activities of the resistance movements in the occupied territories. These movements have been successful in disrupting the enemy's supply lines and in carrying out sabotage operations.

In conclusion, the report expresses confidence in the ultimate victory of the allied forces. It emphasizes the importance of maintaining the high morale and the unity of the forces in the face of the enemy's challenges.

(34) Bill, answer, replication, rejoinder, interrogatories, depositions taken by commission, or pleadings in any court of equity — 5 *W.* - 9 *£* 12 *A.*
c. 21. 10 *W.* *fl.* 2.
c. 25. *c.* 9.
1 s. *1 s.*

(35) Admission into any corporation or company, matriculation in the universities, admission into the inns of court — *1 s.* *1 s.*

(36) Indenture (except for parish apprentices) lease, or deed poll, not otherwise charged;

Charter party, policy of assurance, passport, bond, release, contract, or other obligatory instrument, protest, procuration, letter of attorney, or any other notarial act — *6 d.*

Indenture (except for parish apprentices) lease or deed poll, not otherwise charged;

Charter party, policy of assurance, passport, bond, release, contract, or other obligatory instrument, protest, procuration, letter of attorney, or any other notarial act — *6 d.*

Indenture, lease, bond, or any deed not otherwise charged (except bail bonds and assignments thereof, and except indentures of parish apprentices) — *6 d.*

Note; The above treble six penny instruments, being expressed with some confusion, because the same words which are in the 5 *W.* and 9 *£* 10 *W.* are not repeated in the 12 *An.* it is thought necessary to insert them as they stand in the several acts.

(Moreover, by the 10 *An.* *c.* 26. for a policy of assurance, if it be within the bills of mortality, there shall be further paid *2 s.* *4 d.*)

(37) Decree or dismissal in chancery, or other court of equity — *6 d.* *6 d.*

(38) Affidavit (except for burying in woollen, and except before officers of the customs, or justices of the peace, and commissioners for levying any aids or duties) — *6 d.* *6 d.*

(39) Copy of such affidavit to be read or filed in any court — *6 d.* *6 d.*

(40) Original writ (except on which a *capias* issues) *subpœna*, bill of *Middlesex*, *latitat*, writ of *capias*, *quo minus*, *dedimus potestatem*, to take answers, examine witnesses, or appoint guardians, and any other writ, process, or mandate issuing out of any court holding plea, where the debt or damage amounts to 40 *s.* (except writs of covenant for levying of fines, writs of entry for common recoveries, and writs of *habeas corpus*) *6 d.* *6 d.*

(41) Entry

(41) Entry of an action in the courts of 5 *W.* 9 *£* 12 *A.*
 corporations, and other courts, out of which *c.* 21. 10 *W.* *£*. 2.
 no writ, process, or mandate issues, holding *c.* 25. *c.* 9.
 plea, where the debt or damage amounts to
 40 *s.* _____ 6 *d.* 6 *d.*

(42) Common bail in any court, and ap-
 pearance thereon _____ 6 *d.* 6 *d.*

(43) Rule or order in any court at *West-*
minster _____ 6 *d.* 6 *d.*

(44) Copy of such rule or order, or of
 any other record or proceedings in the said
 courts, not otherwise charged _____ 6 *d.* 6 *d.*

(45) Citation or monition in an ecclesiasti-
 cal court, libel, allegation, deposition, an-
 swer, sentence, or final decree, inventory,
 or any copies of them _____ 6 *d.* 6 *d.*

(46) Indenture of parish apprentices — 6 *d.*

(47) Declaration, plea, replication, re-
 joinder, demurrer, or other pleadings in any
 court of law _____ 1 *d.* 1 *d.*

(48) Copy thereof _____ 1 *d.* 1 *d.*

(49) Depositions in chancery, or other
 court of equity (except the paper draughts of
 depositions taken by commissions before they
 are ingrossed) not before charged; copy of
 any bill, answer, plea, demurrer, replication,
 rejoinder, interrogatories, depositions, or
 other proceedings in any court of equity — 1 *d.* 1 *d.*

(50) Copy of a will _____ 1 *d.* 1 *d.*

(Furthermore, besides the duties imposed
 by the three acts abovementioned, there are
 other duties by several other acts, as fol-
 lows:)

(51) For every certificate or debenture for any drawback of
 customs, 8 *d.* by 9 *An.* *c.* 23.

(52) Bill of lading signed for goods to be exported, 4 *d.* by
 9 *An.* *c.* 23.

(53) Wine licence, 4 *s.* by 9 *An.* *c.* 23.

(54) Licence for retailing beer, ale, or other excisable liquors,
 1 *s.* by 9 *An.* *c.* 23.

(55) Surrender of, or admittance to a copyhold, or any grant
 or lease by copy of court roll, or any other copy of the court
 roll of any honour or manor (except the original surrender to the
 use of a will, and the court roll or book wherein the proceedings
 of the court are entred), 2 *s.* 3 *d.* by 10 *An.* *c.* 19.

But this shall not charge any copy of a surrender or admittance
 to a custom right or tenant right estate, not being copyhold.
 12 *An.* *£*. 1. *c.* 2. *f.* 49.

(56) By the 8 *An.* *c.* 9. Over and above the stamp duties upon
 the indenture, there shall be paid by the master, 6 *d.* for every
 20 *s.* of every sum of 50 *l.* or under; and the duty of 1 *s.* for
 every 20 *s.* of every sum above 50 *l.* which shall be given or

The first part of the report deals with the general situation of the country. It is noted that the population is increasing rapidly, and that the land is being cultivated more extensively than in former times. The government is making every effort to improve the roads and to encourage commerce. It is also noted that the climate is becoming more favorable for agriculture, and that the soil is being improved by the use of fertilizers.

The second part of the report deals with the state of the treasury. It is noted that the revenue is increasing, and that the government is able to meet its obligations. It is also noted that the government is making every effort to reduce its expenditures, and that it is successful in doing so.

The third part of the report deals with the state of the education system. It is noted that the number of schools is increasing, and that the quality of the education is improving. It is also noted that the government is making every effort to provide for the education of all children, and that it is successful in doing so.

The fourth part of the report deals with the state of the military. It is noted that the army is being reorganized, and that it is becoming more professional. It is also noted that the government is making every effort to improve the equipment of the army, and that it is successful in doing so.

The fifth part of the report deals with the state of the economy. It is noted that the economy is becoming more diversified, and that it is becoming more stable. It is also noted that the government is making every effort to encourage investment, and that it is successful in doing so.

The sixth part of the report deals with the state of the social system. It is noted that the social system is becoming more just, and that it is becoming more equitable. It is also noted that the government is making every effort to improve the living conditions of the people, and that it is successful in doing so.

The seventh part of the report deals with the state of the foreign relations. It is noted that the country is becoming more independent, and that it is becoming more respected. It is also noted that the government is making every effort to improve its relations with other countries, and that it is successful in doing so.

The eighth part of the report deals with the state of the culture. It is noted that the culture is becoming more modern, and that it is becoming more progressive. It is also noted that the government is making every effort to promote the arts and sciences, and that it is successful in doing so.

The ninth part of the report deals with the state of the environment. It is noted that the environment is becoming more beautiful, and that it is becoming more healthy. It is also noted that the government is making every effort to protect the environment, and that it is successful in doing so.

The tenth part of the report deals with the state of the future. It is noted that the future is bright, and that the country is on the path to progress. It is also noted that the government is making every effort to ensure a bright future for the country, and that it is successful in doing so.

Journal

Journal of the ...

[The following text is extremely faint and illegible due to low contrast and scan quality. It appears to be a multi-page journal entry.]

contracted for, in relation to any clerk, apprentice, or servant (except parish apprentices), and proportionably for greater or lesser sums.

5. But none of these acts shall charge any bills of exchange, accounts, bills of parcels, bills of fees, or any bills or notes (not sealed) for payment of money at sight, or on demand, or at the end of certain days of payment. *5 W. c. 21. f. 5.*

Writings exempted from stamps.

Nor any warrant made by, or recognizance taken before justices of the peace. *6 & 7 W. c. 12. f. 2.*

Nor any warrants or instruments signed by the chief justices in eyre, or by any warden, lieutenant, or other officer of the king's forests or chafes. *10 An. c. 26. f. 74.*

Nor any proceedings of a court martial, which relate to the trial of any common soldier. *6 & 7 W. c. 12. f. 2.*

Nor any orders, decrees, or proceedings before commissioners of the sewers. *6 & 7 W. c. 12. f. 2.*

Nor in the court of stannaries. *id.*

Likewise persons admitted to sue or defend *in forma pauperis* shall not be liable to the stamp duties. *5 W. c. 21. f. 14.*

6. For the management of the stamp duties, the king may appoint commissioners; who shall substitute inferior officers. *5 W. c. 21. f. 7. 9 & 10 W. c. 25. f. 48.*

Officers for the stamp duties.

And with regard to the duties on the several acts before the *8 An.* the said officers, before they shall act, shall take an oath for the due execution of their office, before one or more of the commissioners; and by the said act of the *8 An.* and the subsequent acts, they may take the said oath, with respect to the duties on those acts, before one or more of the commissioners, or a justice of the peace.

7. The commissioners of the treasury shall once a year at least set the prices of stamped parchment and paper; and the commissioners of the stamp duties shall (besides the stamps abovementioned) stamp the said price upon every piece of parchment and paper. *6 & 7 W. c. 12. f. 9.*

Price of the paper to be stamped.

8. By the several acts, the commissioners shall make an allowance for prompt payment, to persons who shall bring parchment or paper to be stamped, or buy the same of them so stamped, the duty whereof shall amount to *10 l.* or upwards, at any one time.

Allowance on prompt payment.

9. If any person shall write on any paper or parchment, before it be duly stamped as by the *5 W.* he shall forfeit *5 l.* (And by the *9 & 10 W.* *5 l.* more.) And an officer offending, shall over and above forfeit his office. And an attorney offending shall be disabled to practise. *5 W. c. 21. f. 11.*

Penalty for writing before stamped.

And if any instrument shall be written by any person (not being a known clerk or officer in respect of his office intitled to write the same) on paper or parchment not duly stamped, there shall be paid over and above the duty the sum of *5 l.* (and by the *10 & 11 W.* *5 l.* more); and the instrument shall not be given in evidence in any court, until both the duty and the said sum shall be paid, and a receipt produced for the same, under the hand of some officer appointed to receive the duties, and until the same shall be stamped. *5 W. c. 21. f. 11.*

And

And by the 9 *An. c. 23*. If any officer of the customs shall sign any debenture not stamped, or if any other person shall write any debenture, bill of lading, or licence by that act charged with the stamp duties, or sign such bill of lading; he shall forfeit 10*l.* with costs: and an officer of the customs offending shall moreover forfeit his office. And there shall be paid for the same, over and above the duties, 5*l.* to the king; and the instrument shall not be available till that be done.

And by the 10 *An. c. 19*. If any the matters required to be stamped by that act, shall be ingrossed on paper not stamped, there shall be paid for the same (over and above the duties) 5*l.* in like manner.

M. 13 G. K. and Reeks. Upon a trial at bar, on an information in nature of a *quo warranto* for the office of burghers of *Christ Church*, the admission of the defendant was produced, and it appeared to be a parchment that had only one stamp, and yet had five admissions entred upon it. And in order to make it good, they had annexed four other parchments, each of which was stamped. And the court held, that would not make it good; and that the proper way would have been, to have paid the four penalties, and to have had four new stamps on the first parchment. And for want of this there was a verdict against this and the other four defendants. *Str. 716*.

Clerk not entering instruments charged with the stamp duties.

10. And to prevent frauds, if any clerk or other officer shall neglect to enter or file any action, plaint, bail, appearance, admission, or other thing in respect whereof any duty is payable, for four months; or shall not file the same before any subsequent proceeding shall be entred; or shall file any such subsequent proceeding before the other shall have been filed as aforesaid; he shall forfeit 20*l.* Except where judgment is entred by confession. 1 *An. st. 2. c. 22. f. 1*.

Writing to be near the stamp.

11. And the writing shall be either upon, or as near as conveniently may be to the stamp; on pain of 10*l.* with full costs. 1 *An. st. 2. c. 22. f. 5*.

The same stamp not to serve twice.

12. If any person shall write any thing, in respect whereof the stamp duties are payable, on any piece of paper or parchment, whereon there shall have been before any writing in respect whereof any duty was payable, before the same hath been again stamped; or shall erase or scrape out any name, sum, date, or other thing, or fraudulently take off any stamp, with intent to use it in any other thing in respect whereof any duty is payable; he shall forfeit in like manner as for writing on paper unstamped, and also 20*l.* with full costs. 1 *An. st. 2. c. 22. f. 2, 3*.

Counterfeiting the stamps.

13. By the several acts, if any person shall counterfeit the stamps, or cause or procure them to be counterfeited, or knowingly sell any paper with such counterfeit stamp; he shall be guilty of felony without benefit of clergy.

Stamp duty on almanacks.

14. For every sheet almanack, for one year or less, printed on one side only, shall be paid 1*d.* by the 9 *An. c. 23*.

For every other almanack for one year, 2*d.* *id.*

And if for more than one year, then 2*d.* a year. *id.*



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But this shall not charge any almanack for more than if it were made for three years only. 9 *An. c. 23. f. 53.*

And all books and pamphlets, serving chiefly to the purpose of an almanack, shall be charged as almanacks. 10 *An. c. 19. f. 175.*

But where an almanack contains more than one sheet, one sheet only need to be stamped. 9 *An. c. 23. f. 26.*

And if any person shall expose to sale any almanack unstamped, he shall forfeit 10*l.* with costs. 9 *An. c. 23. f. 27.*

15. For every journal, mercury, or other publick news paper, shall be paid 1*d.* a sheet, and $\frac{1}{2}$ *d.* for every half sheet. 11 *G. c. 8.* Duty on news papers and pamphlets.

For every pamphlet contained in half a sheet of paper, $\frac{1}{2}$ *d.* 10 *An. c. 19. f. 101.*

Pamphlet larger than half a sheet, not exceeding a whole sheet, for every printed copy thereof, 1*d.* *id.*

Pamphlet above one sheet, and not exceeding 6 sheets in *octavo* or a lesser page, or not exceeding 12 sheets in *quarto*, or 20 sheets in *folio*; for every sheet which shall be contained in one printed copy thereof, 2*s.* *id.*

But news papers printed on a sheet and an half of paper, shall not pay as pamphlets only 3*s.* for each impression. 11 *G. c. 8. f. 13.*

(But nothing herein shall charge any act of parliament, proclamation, order of council, form of prayer, or other act of state, printed votes, school books, books of devotion, daily accounts of imports and exports, nor weekly bills of mortality. 10 *An. c. 19. f. 102.*)

And if any person shall write, print, or expose to sale any such pamphlet or news paper (the said pamphlet exceeding one sheet only excepted) before the paper shall be stamped; he shall forfeit 10*l.* with full costs. 10 *An. c. 19. f. 105.*

And a printed copy of every pamphlet containing more than one sheet, shall (within the bills of mortality) in 6 days after printing be brought to the head office, and the title, number of sheets, and duty shall be entered in a book, and the duty thereupon paid to the receiver general, who shall give a receipt for the same on such printed copy, or the same shall be stamped to denote the payment: Without the bills, it shall be brought in 14 days to some head collector of the stamp duties, who shall enter the title, number of sheets, and duty, which duty shall be thereupon paid to the collector, who shall give a receipt for the same on such printed copy. 10 *An. c. 19. f. 111.*

And if any such pamphlet containing more than one sheet, shall be printed or published, and the duty not paid, and title registered, and one copy stamped where required so to be, within the times above limited; the author, printer, and publisher, and all other persons concerned, shall lose all property therein, and in every copy thereof, and shall also forfeit 20*l.* with full costs. *id.* 112.

And no person shall expose to sale any such pamphlet, without the name and place of abode of some known person, by or for whom

whom it was printed or published, written or printed thereon; on pain of 20*l.* *id.* *f.* 113.

And pamphlets unfold shall be cancelled by the commissioners, and the like number of other sheets stamped *gratis* shall be changed for them. *id.* *f.* 114.

And two justices may hear and determine offences in relation to pamphlets or news papers on this act, in like manner as above is mentioned; and mitigate the penalty, so as they do not reduce it lower than one fourth part, over and above the costs; and where goods of the offender cannot be found, may commit him to prison till paid. *f.* 120.

And by the 16 G. 2. c. 26. If any person shall sell, or expose to sale, any news paper, or any book, pamphlet, or paper, deemed to be a news paper, unstamped; any justice of the peace may commit him (being convicted before him, by confession, or oath of one witness) to the house of correction for any time not exceeding 3 months: And any person may apprehend and carry him before such justice: And on producing a certificate of such conviction, under the hand of such justice (which he shall give without fee), he shall have a reward of 20*s.* to be paid by the receiver general of the stamp duties. *f.* 5.

Duty on advertisements in news papers.

16. For every advertisement in the gazette, or other printed paper, published weekly or oftner, shall be paid 1*s.* 10 *An.* c. 19. *f.* 101.

And the said duty on advertisements shall be paid, within 30 days after the printing or publication, to the receiver general or his deputy, within the bills; and elsewhere to the next adjacent head officer: on pain of treble duty with full costs. *f.* 118.

But this shall not extend to any single advertisement printed by it self. *f.* 102.

Duty on cards and dice.

17. Last of all, it is thought proper to insert here the regulations concerning the duties on cards and dice; they being likewise under the management of the commissioners of the stamp duties; and not of small consideration, since a man may be guilty of offences with respect thereunto, for which he shall lose his life.

(1) By the 10 *An.* c. 19. No playing cards or dice shall be imported. *f.* 167.

(2) For every pack of cards made in *Great Britain*, shall be paid 6*d.* 9 *An.* c. 23.

And for every pair of dice 5*s.* *id.*

(3) And all pieces of ivory, bone, or other matter, made or used for any game or play, with any spots or other marks thereon, to denote any chance, shall be deemed dice. 10 *An.* c. 19. *f.* 168.

(4) All makers of cards or dice, before they begin to make them, shall give notice in writing of the house or place where they intend to make them, to the commissioners of the stamp duties, or their officer next adjacent, on pain of 50*l.* 9 *An.* c. 23. *f.* 41. And also all the cards, dice, materials, and utensils shall be forfeited. 10 *An.* c. 19. *f.* 166.

(5) And the officers may enter any house or place, where cards or dice are made, sold, or exposed to sale, or suspected to be privately

MEMORANDUM

MEMORANDUM FOR THE RECORD

DATE: 11/15/54

TO: SAC, NEW YORK

FROM: SA, NEW YORK

SUBJECT: [Illegible]

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vately made, or into any publick gaming house, room, or place, and there search and see what quantity of cards or dice shall be making, and whether they be stamped; and if the owner or occupier shall refuse entrance or liberty of search, he shall forfeit 10*l.* 10 *An. c. 19. f. 169.*

(6) And if the commissioners be informed, or have cause to suspect, that any person makes cards or dice in a place not entred, on affidavit thereof by the informer before a justice of the peace declaring the grounds of his suspicion; the officer may in the day time, and in the presence of a constable, by warrant of such justice break open the door, or any part of such private place, and enter, and seize all such cards, dice, tools, or materials; and if not replevied in 5 days, they shall be forfeited and sold. 6 *G. c. 21. f. 59.*

(7) And no materials begun to be wrought for cards or dice, shall be removed until they be compleatly made, or the duties paid; on pain of double duty. 10 *An. c. 19. f. 166.*

(8) And no maker of cards or dice shall remove the same from the place of making, until such mark upon the dice, and such seal upon the paper and thread inclosing every pack of cards shall be put thereon, as the commissioners shall appoint; on pain of forfeiting the same, and treble value. 9 *An. c. 23. f. 41.*

(9) And every maker of cards and dice, who shall endeavour to defraud the king by any concealment, shall forfeit 20*l.* 9 *An. c. 23. f. 43.*

(10) The makers of cards and dice shall once in every 28 days make entry upon oath with the proper officer, of all the cards and dice by them made within the said time; on pain of 20*l.* 9 *An. c. 23. f. 42.*

And the card maker shall be obliged at the respective times of entering, to give bond with surety of treble the duty, for payment of the duty in 6 weeks. 6 *G. c. 21. f. 57.*

(11) And the maker of cards and dice shall once in every 6 weeks clear off the duties; on pain of double duty. 9 *An. c. 23. f. 42.*

And if the card maker shall on entry pay down the duty, he shall have the like allowance as for present payment of the stamp duties by the 1 *An. st. 2. c. 22.* (That is, he shall have an abatement after the rate of 6*l. per cent. per annum* for 6 months.) 6 *G. c. 21. f. 58.*

(12) And no cards or dice shall be exposed to sale, or used in play in any publick gaming house, unless the paper and thread inclosing the same shall have been respectively sealed and stamped, and unless one of the cards of each pack shall be also stamped on the spotted side; on pain that every person who shall expose to sale any such cards or dice not stamped, shall forfeit for every such pack, and for every one of such dice, 5*l.* with costs. 10 *An. c. 19. f. 162.*

(13) And by the 6 *G. c. 21.* if any person shall take off the stamp of playing cards (in order to put it on a new pack), or square or new spot any dice which have been played with, or shall inclose any pack of cards in an outside paper which hath been used

Stock of companies.

used before, or shall sell any cards not stamped and inclosed in paper and thread sealed and stamped; he shall forfeit 10*l.* with full costs. *f.* 55.

(14) And if any person shall counterfeit the stamps on cards or dice, or knowingly sell them with a counterfeit stamp; he shall be guilty of felony without benefit of clergy. 10 *An. c.* 19. *f.* 163.

(15) Nevertheless, it shall be lawful to remove cards or dice from the place where they are made, without stamping or paying duty, provided that within a month after they are made, and before they be removed, bond of double the duty be given, that they shall be exported and not relanded. 10 *An. c.* 19. *f.* 170. 5 *G. c.* 19. *f.* 48.

Star. See Bent.

Starch. See Excise.

Stock of the county. See County rate.

Stocks.

IT is said, that every vill, of common right, is bound to provide a pair of stocks. 2 *Haw.* 73.

And the constable, by the common law, may confine offenders in the stocks, by way of security, but not by way of punishment.

But by divers statutes, the stocks is also appointed for the punishment of offenders in sundry cases, after conviction.

Stock of companies.

IF any person shall forge or counterfeit any power or authority to transfer any share of any capital stock of any company established by act of parliament, or to receive the same, or shall forge or counterfeit the name of any proprietor, or person intitled to a dividend, or shall fraudulently demand, or endeavour to have any such share received by virtue of such counterfeit instrument, or shall personate any proprietor of any such share of such stock; he shall be guilty of felony without benefit of clergy. 8 *G. c.* 22. *f.* 1.

Stolen goods. See Search warrant, Restitution.

Stores.



Surety for the peace

Wm. Lloyd Garrison,
New York, Dec. 29, 1841.

Surety for the peace

[The following text is extremely faint and illegible, appearing to be a collection of names or signatures.]

Stores.

1. If any person having the charge or custody of any of the king's armour, ordnance, ammunition, shot, powder, or habiliments of war, or of any victuals provided for victualling the army, shall for lucre or gain, wittingly, advisedly, and of purpose, to hinder his majesty's service, imbezil, purloin, or convey away the same to the value of 20 s. or shall feloniously steal or imbezil any of his majesty's sails, cordage, or any other of his majesty's naval stores, to the like value of 20 s. he shall (on prosecution within a year) be adjudged guilty of felony without benefit of clergy. *31 El. c. 4. 22 C. 2. c. 5.*

2. And any of the principal officers or commissioners of the navy, may issue warrants to search for the same, and punish the offenders by fine not exceeding 20 s. or imprisonment not exceeding one week, the value of the goods not exceeding 20 s. and if the offence requires a higher punishment, may commit him till he find sureties to appear in the exchequer, or other court where the king shall question him for the same, within one year, on process duly served for that purpose on such offender. *1 G. 3. c. 25. f. 3.*

3. And every person who shall counterfeit the hand of any officer of the navy, to any paper whereby his majesty's naval treasure may be disposed of, or knowingly produce the same, he may be bound over by the said officers and commissioners, or any of them, until he find surety to appear at the next assizes or quarter sessions, to be there proceeded against according to law. *1 G. 3. c. 25. f. 6.*

4. No person, other than persons authorized by contracting with his majesty's officers, shall make any stores of war or naval stores with the king's mark, that is, cordage of 3 inches and upwards with a white thread laid the contrary way, or any smaller cordage with a twine in lieu of white thread laid the contrary way, or any canvass with a blue streak in the middle, or any other stores with the broad arrow; on pain of forfeiting the same, and 200 l. with costs (on conviction at the assizes or sessions, *17 G. 2. c. 40. f. 10, 11.*) half to the king, and half to the informer. *9 G. 3. c. 41.*

And such person in whose custody such goods or stores so marked (or any timber, thick stuff, or plank, marked with the broad arrow, *9 G. c. 8. f. 3.*) shall be found, shall forfeit the same and 200 l. with costs in like manner, and be imprisoned till paid, unless he shall upon trial produce a certificate from three principal officers of the navy, expressing the quantity, and on what occasion he came by them. *9 G. 3. c. 41.*

But the judge or justices may mitigate the penalty as they shall see cause, and may commit the offender to gaol till payment, or may punish him corporally by causing him to be publicly whip-

Surety for the peace.

ped, or committed to some publick workhouse to be kept to hard labour for 6 months or a less time. 9 G. c. 8. s. 4.

Pardon.

5. Imbezilling or purloining of armour, stores, naval provisions, and other habiliments of war, are excepted out of the general pardon of the 20 G. 2. c. 52.

Subornation. See Perjury.

Sunday. See Lord's day.

Surety for the peace.

OUT of the Latin word *pax*, the Normans formed their *paix*, and we (out of that) out *peace*. Lamb. 5.

Surety for the peace is the acknowledging a recognizance, or bond, to the king, taken by a competent judge of record, for the keeping the peace. *Dalt. c. 116.*

And this surety of the peace, every justice of the peace may take and command, by a two fold authority: 1. As a minister, commanded thereto by a higher authority: as when a writ of *supplicavit*, directed out of the chancery or king's bench, is delivered to him. 2. As a judge, and by virtue of his office, derived from his commission. *Dalt. c. 116.*

Concerning which I will shew,

- I. For what cause surety of the peace shall be granted.
- II. At whose request it shall be granted.
- III. Against whom it shall be granted.
- IV. In what manner it shall be granted.
- V. How the peace warrant may be superseded.
- VI. How the peace warrant shall be executed.
- VII. What ought to be, the form of a recognizance for the peace.
- VIII. How such recognizance shall be certified.
- IX. How such recognizance may be forfeited.
- X. How the recognizance being forfeited shall be proceeded on.
- XI. How such recognizance may be discharged.

Charity for the Poor

THE BOARD OF CHARITY COMMISSIONERS
FOR THE DISTRICT OF

Charity for the Poor

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WARRANTS FOR THE DEATH

I For what cause Justice of the Peace shall be required

1. If the commission of the Peace, or any Justice of the Peace, shall be required to issue a warrant for the death of any person, he shall not do so unless he is satisfied that the same is necessary for the public safety, or for the preservation of the peace, or for the prevention of some other mischief, or for the execution of any law, or for the apprehension of any person who is suspected to have committed some offence against the law.

2. If the Justice of the Peace shall be required to issue a warrant for the death of any person, he shall not do so unless he is satisfied that the same is necessary for the public safety, or for the preservation of the peace, or for the prevention of some other mischief, or for the execution of any law, or for the apprehension of any person who is suspected to have committed some offence against the law.

3. If the Justice of the Peace shall be required to issue a warrant for the death of any person, he shall not do so unless he is satisfied that the same is necessary for the public safety, or for the preservation of the peace, or for the prevention of some other mischief, or for the execution of any law, or for the apprehension of any person who is suspected to have committed some offence against the law.

4. If the Justice of the Peace shall be required to issue a warrant for the death of any person, he shall not do so unless he is satisfied that the same is necessary for the public safety, or for the preservation of the peace, or for the prevention of some other mischief, or for the execution of any law, or for the apprehension of any person who is suspected to have committed some offence against the law.

5. If the Justice of the Peace shall be required to issue a warrant for the death of any person, he shall not do so unless he is satisfied that the same is necessary for the public safety, or for the preservation of the peace, or for the prevention of some other mischief, or for the execution of any law, or for the apprehension of any person who is suspected to have committed some offence against the law.

6. If the Justice of the Peace shall be required to issue a warrant for the death of any person, he shall not do so unless he is satisfied that the same is necessary for the public safety, or for the preservation of the peace, or for the prevention of some other mischief, or for the execution of any law, or for the apprehension of any person who is suspected to have committed some offence against the law.

1. For what cause surety of the peace shall be granted.

1. By the commission of the peace, one or more justices have power to cause to come before them, all those who to any of the king's people concerning their bodies, or the firing of their houses, have used threats, to find sufficient security for the peace or their good behaviour towards the king and his people; and if they shall refuse to find such security, to cause them in the king's prisons to be safely kept, until they shall find such security.

2. Upon which Mr. Hawkins observes, that it seemeth clear, that wherever a person has just cause to fear, that another will burn his house, or do him a corporal hurt, as by killing or beating him, or that he will procure others to do him such mischief, he may demand the surety of the peace against such person, and that every justice of the peace is bound to grant it, upon the party's giving him satisfaction upon oath, that he is actually under such fear, and that he has just cause to be so, by reason of the other's having threatened to beat him, or lain in wait for that purpose; and that he doth not require it out of malice, or for vexation.

1 *Haw.* 127.

3. Also it seems the better opinion, that he who is threatned to be imprisoned by another, has a right to demand the surety of the peace; for every unlawful imprisonment is an assault and wrong to the person of a man. And the objection, that one wrongfully imprisoned may recover damages in an action, and therefore needs not the surety of the peace, is as strong in the case of battery as imprisonment; and yet there is no doubt, but that one threatned to be beaten, may demand the surety of the peace. 1 *Haw.* 127.

4. But if the justice shall perceive that surety is demanded merely of malice, or for vexation only, without any just cause of fear, it seemeth he may safely deny it. As in common experience we find it, that where a person shall upon a just cause come and crave the peace against another, and hath it granted to him; when such other person shall come before the justice, he likewise will crave the peace against the former, and will perhaps surmise some cause; but yet will nevertheless be content to surcease his suit and demand, so as the other will relinquish to have the peace against him: Here the justice shall do well not to be too forward in granting the peace thus required by the latter, but to persuade him, and to shew him the danger of his oath which he is to take; but yet if he will not be persuaded, but will take his oath, that he is in fear, where indeed he neither doth fear, nor hath cause to fear, this oath shall discharge the justice, and the fault shall remain on such complainant. *Dalt.* c. 116.

5. Also, if a man will require the peace, because he is at variance, or in suit with his neighbour, it shall not be granted. *Dalt.* c. 116.

6. Also, Mr. Lambard says, he takes it to be somewhat clear, that a justice may not by the commission award a precept of the peace,

peace, in behalf of a man that will require it, because he feareth that he will do harm to his *servants* or *cattle*. Lamb. 83.

And Mr. *Dalton* says, where a man is in fear that another will hurt his servants, or his cattle, or other goods, this surety of the peace shall not be granted by the justice. But in this case *Fitzherbert* saith, the party may have a special writ out of the chancery directed to the sheriff, that he shall cause such person to find surety, that he shall do no hurt or damage to the other man in his body, or to his servants or goods; and if he will not find surety, that then he shall arrest and detain him in prison until he shall find surety. *Dalt. c. 116.*

And the reason why a man may not have sureties of the peace against another, for that he feareth he will do harm to his *servants*, seemeth to be, because it should be the *servant's* fear in such case, and not the *master's*; and the servant's own oath before the justice is necessary. And as to his *goods*, it seemeth clear, that no sureties of the peace ought to be granted in that case; for the recognizance of the peace when taken, is only that the party shall keep the peace towards the king and all his liege people.

But Mr. *Dalton* says, that if a man shall threaten to hurt his *wife*, or *child*, he thinks he may crave the peace at the justice's hands, by the words of the commission, and that the justice ought to grant it. *Dalt. c. 116.*

7. Note also, the surety of the peace shall not be granted, but where there is a fear of some present or future danger, and not merely for a battery or trespass that is past, or for any breach of the peace that is past; for this surety of the peace is only for the security of such as are in fear: But the party wronged may punish the offender by indictment; and the justice, if he see cause, may bind over the assayer. *Dalt. c. 116.* That is, he may bind him over to answer unto the indictment.

II. At whose request it shall be granted.

1. As to this, Mr. *Hawkins* says, It seems to be agreed at this doy, that all persons whatsoever, under the king's protection, being of *sane memory*, whether they be natural and good subjects, or *aliens*, or *excommunicate*, or attainted of *treason*, have a right to demand surety of the peace. And it is certain, a *wife* may demand it against her husband threatening to beat her outrageously, and that a *husband* also may have it against his wife. 1 *Harw.* 126. *Crom.* 118.

Upon which Master *Crompton* observeth, that if the wife in such case cannot find sureties, she shall be committed; and so, says he, a man may be rid of a shrew. *Crom.* 118.

2. And Mr. *Dalton* says, an *infant* under the age of 14 years, may demand this surety, and it shall be granted him. *Dalt. c. 117.*

3. But as to a person of *non sane memory*, Mr. *Dalton* says, this surety shall neither be granted against him nor to him upon his own request; but yet if there shall be cause, the justice ought to provide for his safety. *Dalt. c. 117.*

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THE HISTORY OF THE

The first part of the history of the world is the history of the human race. It is a story of struggle and progress, of triumph and defeat. It is a story of the human mind, of its power and its limitations. It is a story of the human heart, of its joys and its sorrows. It is a story of the human spirit, of its hopes and its dreams. It is a story of the human race, of its past and its future.

The second part of the history of the world is the history of the human mind. It is a story of discovery and invention, of knowledge and wisdom. It is a story of the human intellect, of its power and its limitations. It is a story of the human spirit, of its hopes and its dreams. It is a story of the human race, of its past and its future.

III. *Against whom it shall be granted.*

There seems to be no doubt, but that it ought, upon a just cause of complaint, to be granted by any justice of the peace, against any person whatsoever, under the degree of nobility, being of sane memory, whether he be a magistrate or private person, and whether he be of full age, or under age. But infants and femes covert ought to find security by their friends, and not to be bound themselves. And the safest way of proceeding against a *peer*, is by complaint to the court of chancery or king's bench. 1 *Haw.* 127.

IV. *In what manner it shall be granted.*

1. It seemeth certain, that if the person to be bound be in the presence of the justice, he may be immediately committed, unless he offer sureties; and from hence it follows *a fortiori*, that he may be commanded by word of mouth to find sureties, and committed for his disobedience: But it is said, that if he be absent, he cannot be committed without a warrant from some justice in order to find sureties, and that such warrant ought to be under seal, and to shew the cause for which it is granted, and at whose suit (that the party may provide his sureties), and that it may be directed to any indifferent person. 1 *Haw.* 128.

2. The justice may make the warrant, to bring the party before himself or some other justice, or he may make it to bring the party before himself only; for he that maketh the warrant for the most part hath the best knowledge of the matter, and therefore he is the fittest to do justice in the case. 5 *Co.* 59.

3. As to the granting process of the peace or good behaviour, out of the chancery or king's bench, it is enacted by the 21 *J. c.* 8. that it shall not be granted but upon motion in open court, and declaration in writing and upon oath, to be exhibited by the party desiring such process, of the causes for which such process shall be granted; the motion and declaration to be mentioned on the back of the writ. And if it shall afterwards appear, that the causes are untrue, the court may order costs to the party grieved, and commit the offender till paid.

V. *How the peace warrant may be superseded.*

1. It is said, that if one who fears that the surety of the peace will be demanded against him, find sureties before any justice of the same county, either before or after a warrant is issued against him, he may have a *superfedeas* from such justice, which shall discharge him from arrest from any other justice, at the suit of the same party, for whose security he has given such surety. 1 *Haw.* 129.

2. In which *superfedeas* it is not necessary to name either the sureties, or the sums in which they are bound; but yet it is the better form to express them both. *Dalt. c.* 118.

Surety for the peace.

3. Also, it is said, that an appearance upon a recognizance for the peace may be superfeded, by finding sureties in the chancery or king's bench, and purchasing a writ testifying the same; but this practice having been often abused, it is enacted by the 21 J. c. 8. that no writs of *superfedas* shall be granted out of the chancery or king's bench, but upon motion in open court, and on such sufficient sureties as shall appear on oath to the court, to be assessed in the subsidy book at 5 *l.* lands, or 10 *l.* goods, and unless it shall also first appear to the court, that the process of the peace or good behaviour is prosecuted against him, desiring such *superfedas bona fide* by some party grieved in that court, out of which the *superfedas* is desired to be awarded. 1 *Harw.* 129.

VI. How the peace warrant shall be executed.

1. It can be executed only by the persons to whom it is directed, or some of them, unless it be directed to the sheriff, who may either by parol, or by precept in writing, authorize an officer sworn and known, to serve it, but cannot empower any other person without a precept in writing. 1 *Harw.* 128.

2. It seems generally agreed, that where a person authorized by warrant of a justice of the peace to compel a man, who is sheltered in an house, to find sureties for the peace or good behaviour, is denied quietly to enter into it, he may justify breaking open the doors, in order to take him; but he must first signify to those in the house the cause of his coming, and request them to give him admittance. 2 *Harw.* 86.

3. If the warrant specially direct that the party shall be brought before the justice who made it, the officer ought not to carry him before any other; but if the warrant be general, to bring him before any justice of such place, the officer has the election to bring him before what justice he pleaseth, and may carry him to prison for refusing to find surety before such justice. 1 *Harw.* 128.

4. And if the party is carried before another justice, and not before him who issued the warrant, such other justice must take the surety, and bind him by recognizance in all points as the form of the precept doth require. And thereupon such other justice, having so taken surety of the peace, may and ought upon request, to make his *superfedas* to all officers, and to all other justices of the same county; and thereby the said party shall be discharged from finding other surety, and from any other arrest for the same cause. But by such *superfedas*, the other justice cannot discharge the warrant of the first justice, until the party be bound indeed, nor give any other day to the party to appear. *Dalt. c.* 118.

5. If the warrant be in the common form, requiring the officer to cause the party complained of to come before the justice to find sufficient surety, and if he shall refuse so to do, to convey him immediately to prison, without expecting any further warrant, until he shall willingly do the same, the officer who serves it, before he makes any arrest, ought first to require the party to go with him, and find sureties according to the purport of the warrant; but upon refusal to do either, that is, either to go before

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the purpose may be proposed by either party in the absence
of the other, and the proceeding will continue as usual. In
the absence of either party, the court will proceed as if
the party were present, and will make such orders as may
be just and proper in the circumstances. In the absence of
both parties, the court will proceed as if they were present,
and will make such orders as may be just and proper in the
circumstances. In the absence of one party, the court will
proceed as if he were present, and will make such orders as
may be just and proper in the circumstances.

THE COURT WILL PROCEED AS IF THE PARTY WERE PRESENT.

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THE STATE

And the justice of the law is to be maintained in every case. The law is the same for all, and it is the duty of every citizen to obey it. The law is the foundation of our society, and it is the duty of every citizen to uphold it.

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fore the justice, or to find sureties, he may carry him to the gaol by force of the same warrant, without more. 1 *Harv.* 128. *Dalt. c.* 118.

And yet the constable, or officer, may bring him in that case before the justice; and if he refuses there to give sureties, he may commit him without any further warrant or *mittimus*. 2 *H. H.* 112.

Nevertheless, notwithstanding these great authorities, it may not be convenient for the justice, to leave so much to the constable's judgment, as to determine what shall or shall not be deemed a refusal to find such sureties; for that the constable is constituted a judge in such case by no law. And much less doth it seem advisable, to require in the warrant, as is usual, that the constable shall carry the party to gaol, if he shall refuse to find sufficient sureties; for it doth not appear, how the constable can any way be deemed a competent judge of that; for it is certain, that he cannot administer an oath to such sureties, or others, whereby to inform himself of such sufficiency.

6. If the officer do arrest the party, and do not carry him before the justice to find sureties; or upon the refusal of the party, if the officer shall arrest him, and do not carry him to the gaol, in both these cases the officer is punishable by the justices for this neglect, by indictment and fine at their sessions: And also the party arrested may have his action of false imprisonment for the arrest; for where the officer doth not pursue the effect of his warrant, his warrant will not excuse him of that which he hath done. *Dalt. c.* 118.

7. When the party cometh before the justice, he must offer sureties, or else the justice may commit him; for the justice needeth not to demand surety of him. *Dalt. c.* 118, 169.

8. If the justice was deceived in the sufficiency of the sureties, he or any other justice may afterwards compel the party to find and put in other sufficient sureties, and may take a new recognizance for the same. *Dalt. c.* 116, 119.

9. But if the sureties die, the party principal shall not be compelled to find new sureties. *Dalt. c.* 119. Because their executors or administrators are liable.

10. Also if a man, that was bound to keep the peace, hath broken his bond, the justices ought of discretion to bind him anew. *Lamb.* 78.

But not until he be thereof convicted by due course of law; for before conviction, he standeth indifferent, whether he hath forfeited his recognizance or not. *Crom.* 125.

VII. What ought to be the form of a recognizance for the peace.

1. The recognizance which the justice takes for the keeping of the peace, is rather of congruity, than by any express authority given either by the common law, or by statute. *Dalt. c.* 168.

2. If it is taken in pursuance of a writ of *supplicavit*, it must be wholly governed by the directions of such writ: But if it be

Surety for the peace.

taken before a justice, upon a complaint below, it seems that it may be regulated by the discretion of such justice, both as to the number and sufficiency of the sureties, and the largeness of the sum, and the continuance of the time for which the party shall be bound. And it hath been said, that a recognizance to keep the peace as to any person, for a year, or for life, or without expressing any certain time (in which case it shall be intended for life), or without fixing any time or place for the party's appearance, or without binding him to keep the peace against all the king's people in general, is good. 1 *Haw.* 129.

3. However it seems to be the safest way, to bind the party to appear at the next sessions of the peace, and in the mean time to keep the peace as to the king and all his liege people, especially as to the party, according to the common form of precedents. 1 *Haw.* 129.

VIII. How such recognizance shall be certified.

If it be taken by force of a writ of *supplicavit*, it needs not be certified till the justice receive a writ of *certiorari* to that purpose. But if it be taken upon a complaint below, it must be certified, sent, or brought to the next sessions, by force of the statute of the 3 *H.* 7. c. 1. that the party so bound may be called. 1 *Haw.* 130.

IX. How such recognizance may be forfeited.

1. There are divers things which may be done against the peace, and divers offences for which an indictment against the peace will lie; and yet the committing or doing such offence or act shall be no forfeiture of the recognizance for the peace: for that the act that shall cause a forfeiture of such recognizance must be done or intended unto the *person* as is aforesaid, or in terror of the people. Therefore to enter into lands, where he ought to bring his action; or to disseise another of his lands; or to enter into lands or tenements with force, being without offer of violence to any man's person, and without publick terror; or to do a trespass in another man's corn or grass; or to take away another man's goods wrongfully, so it be not from his person; or to steal another man's horse, or other goods feloniously, being not from his person: All these, and the like, are breaches of the peace, and yet these will make no breach of this recognizance, nor breach of the peace within the meaning of the commission of the peace. *Dalt.* c. 121.

2. More particularly; The recognizance is forfeited, if the party make default of appearance, and the same default shall be recorded. 3 *H.* 7. c. 1.

However, if the party have any excuse for his not appearing, it seems that the sessions is not bound peremptorily to record his default, but may equitably consider of the reasonableness of such excuse. 1 *Haw.* 130.

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And Mr. Dalton says, in case of the sickness of the party, so that he cannot appear, he has known that the justices upon due proof thereof have forbore to certify or record such forfeiture or default; and that they have taken sureties for the peace of some friends of his present in court, until the next sessions; for that the principal intent of the recognizance was but the preservation of the peace. But he queries how this is warrantable by their oath. *Dalt. c. 120.*

3. Also, there is no doubt, but that it may be forfeited by any actual violence to the person of another, whether it be done by the party himself, or by others thro' his procurement; as manslaughter, rape, robbery, unlawful imprisonment, and the like. *1 Hawk. 130.*

4. Also it hath been holden, that it may be forfeited by any treason against the king's person, and also by any unlawful assembly in terror of the people, and even by words directly tending to a breach of the peace, as by challenging one to fight, or in his presence threatening to beat him. *1 Hawk. 130.*

Otherwise it is if the party be absent; and yet if the party so bound shall threaten to kill or beat a person who is absent, and after shall lie in wait for him to kill or beat him, this is a forfeiture of the recognizance. *Dalt. c. 121.*

5. However, it seems that it shall not be forfeited by bare words of heat and choler, as the calling a man knave, teller of lies, rascal, or drunkard; for tho' such words may provoke a choleric man to break the peace, yet they do not directly challenge him to it, nor does it appear that the speaker designed to carry his resentment any farther: And it hath been said, that even a recognizance for the good behaviour shall not be forfeited for such words; from whence it follows *a fortiori*, that a recognizance for the peace shall not. *1 Hawk. 130.*

6. Also, there are some actual assaults on the person of another, which do not amount to a forfeiture of such recognizance; as if an officer, having a warrant against one who will not suffer himself to be arrested, beat or wound him in the attempt to take him; or if a parent in a reasonable manner chastise his child; or a master his servant, being actually in his service at the time; or a schoolmaster his scholar; or a gaoler his prisoner; or even a husband his wife, as some say; or if one confine a friend who is mad, and bind and beat him, in such a manner as is proper in his circumstances; or if a man force a sword from one who offers to kill another therewith; or if a man gently lay his hands upon another, and thereby stay him from inciting a dog against a third person; or if a man beat another (without wounding him, or throwing at him a dangerous weapon) who wrongfully endeavours with violence to dispossess him of his land or goods, or the goods of another delivered to him to be kept, and will not desist upon his laying his hands gently on him, and disturbing him; or if a man beat, or as some say, wound, or maim one who makes an assault upon his person, or that of his wife, parent, child, or master, especially if it appear that he did all he could to avoid fighting before he gave the wound; or if a man fight with, or beat

beat one who attempts to kill any stranger; or if a man even threaten to kill one, who puts him in fear of death, in such a place where he cannot safely fly from him; or if one imprison those whom he sees fighting, till the heat is over. 1 *Haw.* 130, 131.

X. How the recognizance being forfeited shall be proceeded on.

It is said, that the justices cannot in any case proceed against the party, for a forfeiture of his recognizance, either in respect of his not appearing, or breaking the peace; but that the recognizance it self, with the record of default of appearance, ought to be removed into some of the courts at *Westminster*, who shall proceed by *scire facias* upon such recognizance: And so it ought to be, if it be presented by the jury, or great inquest, that the party hath forfeited his recognizance, by breach of the peace. 1 *Haw.* 130. *Dalt. Old Ed. c. 70.*

XI. How such recognizance may be discharged.

1. He who is bound to the peace, and to appear at a certain day, must appear at that day, and record his appearance, altho' he who craved the peace cometh not to desire that it may be continued; otherwise the recognizance cannot be discharged. *Dalt. c. 120.*

2. If the recognizance be made to keep the peace generally, without any time or day limited, it shall be construed to be during the party's life; and this the justice may do upon reasonable cause: but if such surety be so taken, during the offender's life, neither the king, nor the justice, nor the party, can release or discharge it: And therefore the justice must be well advised, how he granteth such surety. *Dalt. c. 119, 120.*

3. But it seems to be agreed, that it may be discharged by the death or demise of the king in whose reign it was taken, or of the principal party who was bound thereby, if it were not forfeited before. 1 *Haw.* 129.

4. Also, it hath been holden, that it may be discharged by the release of the party at whose complaint it was taken, being certified together with it; but this may justly be questioned, because the recognizance is not to the subject but to the king; and consequently cannot be discharged by the subject, who is not a party to it: however, such a release will be a good inducement to the court, to which such a recognizance shall be certified, to discharge it. 1 *Haw.* 129.

5. And if a man be bound to keep the peace towards the king and all his people, but not towards any person certain, and to appear at such a sessions, the court at that sessions may make proclamation, that if any man can shew cause, why the peace granted against such a one shall be continued, he shall speak; and if no person cometh to demand the peace against him, or to shew cause why it should be continued, then the court may discharge him.

But

The first of these is the fact that the world is becoming more and more united. The second is the fact that the world is becoming more and more peaceful.

The third of these is the fact that the world is becoming more and more democratic.

The fourth of these is the fact that the world is becoming more and more just.

THE FUTURE OF THE WORLD

The fifth of these is the fact that the world is becoming more and more prosperous.

The sixth of these is the fact that the world is becoming more and more free.

The seventh of these is the fact that the world is becoming more and more united.

The eighth of these is the fact that the world is becoming more and more peaceful.

The ninth of these is the fact that the world is becoming more and more democratic.

It is a well known fact that the peace of the world is not only a matter of international law, but also of the moral and political character of the nations. The present day, therefore, is a time when the nations are called upon to show their true character and to stand for the principles of justice and equity. It is the duty of every nation to contribute to the maintenance of the peace and to the promotion of the welfare of the world.

The nations of the world are now united in a common cause, and it is the duty of every nation to stand for the principles of justice and equity. It is the duty of every nation to contribute to the maintenance of the peace and to the promotion of the welfare of the world.

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Security for the good government

A security for the good government is a matter of the highest importance. It is the duty of every nation to stand for the principles of justice and equity. It is the duty of every nation to contribute to the maintenance of the peace and to the promotion of the welfare of the world.

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But if a man be bound as aforesaid, and especially to keep the peace towards a certain person, there tho' such person cometh not to desire the peace may be continued, yet the court by their discretion may bind him over till the next session, and that may be to keep the peace against that person only if they shall think good; for it may be that the person who first craved the peace is sick, or otherwise letted, so as he cannot come to that session to demand the continuance of the peace further. *Dalt. c. 120.*

6. Also it is certain, that such a recognizance cannot be pardoned or released by the king, before it is broken; because the subject hath a kind of interest in it; but being forfeited, then the king, and no other, may release and pardon the forfeiture. *1 Harw. 129.*

7. And it is said, that the sureties are not discharged by their death; but that their executors or administrators (as hath been said) do continue bound. *1 Harw. 129. Dalt. c. 120.*

8. Likewise, if the party be imprisoned for default of sureties, and after, he that demanded the peace against him happen to die; it seemeth the justice may make his liberate or warrant for the delivery of such prisoner, for after such death, there seemeth no cause to continue the other in prison. Also, any justice may, upon the offer of such prisoner, take surety of him for the peace, and may thereupon deliver him. *Dalt. c. 118.*

Surety for the good behaviour.

A MAN may be compelled to find sureties, both for the good behaviour, and for the peace; and yet the good behaviour includeth the peace: and he that is bound to the good behaviour, is therein also bound to the peace. *Dalt. c. 122.*

This surety for the good behaviour being of near affinity to surety for the peace, both as to the manner in which it is to be taken, superseded, and discharged, it seemeth not to require a particular consideration, save only as to these two points;

I. For what misbehaviour it is to be required.

II. For what it shall be forfeited.

I. For what misbehaviour it is to be required.

1. It doth not appear, that the conservators of the peace at common law had any power as touching the *good behaviour*, further than as it had a relation to the *peace*; and not as it is contradistinguished from it. And it seemeth, that the power which the justices of the peace do exercise at this day, in relation thereunto, doth solely depend upon the commission of the peace, and the statute of the 34 *Ed. 3. c. 1.* (Except in some special instances wherein the power of binding to the good behaviour is given to them by particular statutes, which pertain not to this general title.)

2. The

Surety for the good behaviour.

2. The words in the commission are these: *We have assigned you, jointly and severally, and every one of you, our justices to keep our peace—and to cause to come before you, or any of you, all those who to any one or more of our people, concerning their bodies, or the firing their houses, have used threats, to find sufficient security for the peace, or their good behaviour, towards us and our people; and if they shall refuse to find such security, then them in our prisons, until they shall find such security, to cause to be safely kept.*

3. The statute of the 34 Ed. 3. c. 1. as to this matter runs thus: *In every county shall be assigned for the keeping of the peace, one lord, and with him three or four of the most worthy in the county, with some learned in the law; and they shall have power to restrain the offenders, rioters, and all other barators, and to pursue, arrest, take, and chastise them according to their trespass or offence; and to cause them to be imprisoned and duly punished, according to the law and customs of the realm, and according to that which to them shall seem best to do by their discretions and good advisement; and also to inform them, and to inquire of all those that have been pillors and robbers in the parts beyond the sea, and be now come again, and go wandring, and will not labour as they were wont in times past; and to take and arrest all those that they may find by indictment, or by suspicion, and to put them in prison; and to take of all them that be not of good fame, where they shall be found, sufficient surety and mainprize of their good behaviour towards the king and his people, and the other duty to punish, to the intent that the people be not by such rioters or rebels troubled nor endamaged, nor the peace elemished, nor merchants nor other passing by the highways of the realm disturbed, nor put in the peril which may happen of such offenders.*

4. This statute seems to have had in view chiefly the disorders to which the country was then liable, from great numbers of disbanded soldiers, who having served abroad in the wars of that victorious king, were grown strangers to industry, and were rather inclined to live upon rapine and spoil. *Barl. 524.*

5. But whatever the natural and obvious sense of it may be, when compared with the history and circumstances of those times, it is certain that it hath been carried much farther by construction, and the purport of it hath been extended by degrees, until at length there is scarcely any other statute, which hath received such a largeness of interpretation.

And that I may proceed with clearness in a matter so essential to the office of a justice of the peace, I will set down the several expositions which have been given of this statute from time to time, by learned men; and then raise such observations thereupon, as the subject will naturally suggest.

6. The first unfolding of the sense of this statute which hath occurred, was in the case of Sir Richard Croftes and Sir Richard Corbet, in the second year of the reign of king Hen. 7. wherein it was resolved by all the judges for that purpose assembled, that he who is bound to the good behaviour, ought not to do any thing which shall be cause of breach of the peace, or to put the people in fear, dread, or trouble; and so shall be intended of all things which

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and change. From the first settlers to the present day, the nation has evolved through various stages of development. The early years were marked by exploration and the establishment of colonies. The American Revolution led to the birth of a new nation, and the subsequent years saw the expansion of territory and the growth of industry. The Civil War was a pivotal moment in the nation's history, leading to the abolition of slavery and the strengthening of the federal government. The late 19th and early 20th centuries were characterized by rapid industrialization and the rise of a new middle class. The Great Depression of the 1930s led to significant government intervention in the economy. The mid-20th century saw the United States emerge as a global superpower, with the Cold War shaping international relations. The latter part of the 20th century was marked by social movements and a focus on civil rights. The 21st century has brought new challenges, including technological advancement and global climate change.

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which concern the peace: But not in misdoing of other things, which touch not the peace. Yet a diversity was observed, between a breach of the peace, and a breach of the good behaviour; for the peace is not broken without an affray or battery, but the good behaviour may be forfeited by the number of people a man has, and by their harness, or weapons, and the like, altho' they break not the peace. 2 H. 7. 2.

7. The second instance, and upon which much stress hath been laid, was in the 13th year of the same king. In trespass of assault; battery, and imprisonment, at *D.* the defendant saith, that one *Alice B.* had a house in the same town, and kept there suspicious people, to wit, of common bawdry, and that the plaintiff oftentimes resorted to the same house suspiciously, with women of bad fame and name, whereby the constable of the same town required the defendant to aid him to arrest the plaintiff, to find surety of his good behaviour: whereby the defendant came with the said constable at the hour of 12 in the night, and him found suspiciously in the same place; whereupon he took him, and put him in ward: And it was holden by all the justices to be a good justification; for they said, that it is lawful for every constable to take suspected persons, which wake in the night, and sleep in the day, or that keep suspicious company. 13 H. 7. 10.

8. In the next place, Sir *Anthony Fitzberbert*, who lived in the reign of K. *Hen.* 8. saith, that it seemeth that one justice may, by the commission, issue a warrant against a person to find surety of the good behaviour, by his discretion, as well as two justices may; and the words of the statute of the 34 *Ed.* 3. are to the same effect: Otherwise, he says, damage may happen to some of the king's subjects, if the party be not attached, before that two justices have made the precept; yet (he says) the common usage is, to make such precept of the good behaviour in the name of two justices, and it is good to observe this direction. *Fitzb.* 7. *Crom.* 122.

9. In the next place, it is proper to take notice of a case adjudged in the court of king's bench, in the 30th of *Q. Eliz.* reported by *L. Coke*, 4 *Inst.* 181. which was thus: At a sessions at *Bridgewater*, in the county of *Somerset*, one *William King* with sureties was bound by recognizance to appear at the next general sessions of the peace in the same county; and in the mean time to be of the good behaviour towards the queen and all her people. And after, at the next sessions, *William King* appeared, and was indicted for slanderous words spoken since his binding, to wit, for saying at one time to *Edward Kyrton*, esquire, *Thou art a peltier, thou art a liar, and hast told my lord lyes.* And he was further indicted, that since the said recognizance, *the close of one John Wich with force and arms he broke and entred, and the cattle of the said John depasturing in the said close unlawfully vexed and chased.* And afterwards at another time he said to the said *Kyrton*, *thou art a drunken knave.* Which indictment was removed into the king's bench. And hereupon it was debated divers times both at the bar and the bench, whether admitting all that is contained in the indictment to be true, any thing therein was in judgment

of law a breach of the said recognizance. And it was resolved, that neither any of the words, nor the trespasss, were any breach of the good behaviour, for that none of them did tend immediately to the breach of the peace; for tho' the said words *thou art a liar, thou art a drunken knave*, are provocations, yet they tend not immediately to the breach of the peace; as if *William King* had challenged *Kyrton* to fight with him, or had threatned to beat or wound him, or the like; these tend immediately to the breach of the peace, and therefore are breaches of the recognizance of the good behaviour. And this diversity (*Lord Coke* says) was justly collected upon the coherence and context of the statute of the 34 *Ed.* 3. whereby justices are assigned for keeping of the peace, and to restrain the offenders, rioters, and all other barators, and to chastise them according to their trespasss and offence; and to inquire of pillors and robbers in the parts beyond the seas, and be now come again, and go wandring and will not labour: And thus much for the punishment of offences against the peace after they be done. Then followeth an expresse authority given to the justices, for prevention of such offences before they be done, namely, *and to take of all them that be not of good fame* (that is, that be defamed and justly suspected that they intend to break the peace) *where they shall be found, sufficient surety and mainprize of their good behaviour towards the king and his people* (which must concern the king's peace, as is also provided by the words subsequent) *to the intent that the people be not by such rioters troubled or endamaged, nor the peace blemished, nor merchants nor other passing by the highways disturbed, nor put in the peril that may happen of such offenders.* And as for the trespasss; altho' every wrongful trespasss is by force and arms, and against the peace, yet these are not taken to be such as shall make a breach of the good behaviour.

10. After this, *Mr. Lambard*, who wrote towards the beginning of the reign of *K. James I.* saith thus: Surety of the good abearing is of great affinity with that of the peace; as being provided for preservation of the peace, as that other is; for in the commission of the peace, they are both conveyed under one tract of speech, against such as threaten to hurt mens bodies, or fire their houses: which things (he says) are now commonly prevented by surety of the peace only.

And in the 2 *H.* 7. 2. (above recited) the surety of the good abearing is set forth to rest in this point chiefly, that a man do nothing that may be cause of a breach of the peace; and that it doth not consist in the observation of things that concern not the peace; and that it should differ from surety of the peace in this, that where the peace is not broken without an affray, or battery, or such like, this surety may be broken by the number of a man's company, or by his or their weapons or harness.

And herewithal (he says) do also agree certain precedents in the king's bench.

But all this notwithstanding, he thinks that a man may reasonably affirm, that the surety of good abearing should not be restrained to so narrow bounds.

The first part of the book is devoted to a general survey of the history of the world from the beginning of time to the present. The author discusses the various civilizations that have arisen and the factors that have influenced their development. He also touches upon the scientific discoveries of the past and the progress of human knowledge.

In the second part of the book, the author deals with the political and social changes that have shaped the modern world. He examines the rise of the nation-state, the emergence of democracy, and the impact of the Industrial Revolution. The author also discusses the challenges of the modern age, such as the threat of nuclear war and the environmental crisis.

The third part of the book is devoted to a detailed analysis of the current global situation. The author discusses the role of the United States in the world, the challenges of the Third World, and the prospects for a more peaceful and just international order. He also touches upon the cultural and intellectual movements of the present.

The book concludes with a chapter on the future of humanity. The author discusses the possibilities of space exploration, the development of artificial intelligence, and the potential for a new era of human progress. He ends with a hopeful message about the future of our species and our planet.

In proof of which, he proceeds to comment on the abovementioned statute of the 34 *Ed.* 3. enabling the keepers of the peace to take of all them that be not of good fame, where they shall be found, sufficient surety and mainprize of their good abearing, towards the king and his people: So that if a man be defamed, he may by virtue hereof, be bound to his good behaviour at the discretion of the justices. Now the doubt resteth in this; to understand concerning what matters this defamation must be: and this (he thinks) may be partly gathered out of the said statute; for after it hath first given power to the wardens of the peace to arrest and chastise offenders (that is to say, against the peace, rioters, and barators) then it willeth them to inquire of such as having been robbers beyond the sea, were come over hither, and would not labour as they were wont; and lastly, it authorizeth them, to take surety of the good behaviour of such as be defamed, namely, for any of those former offences; for so it standeth well together that they shall both punish such as have already so offended, and shall also provide, that others shall not likewise offend.

But he says, the further this bond of the good abearing doth extend, the more regard there ought to be taken in the awarding of it; and therefore (says he) altho' the justices have power to grant it, either by their own discretion or upon the complaint of others, even as they may that of the peace, yet I wish rather, that they do not command it but only upon sufficient cause seen to themselves, or upon the complaint of other very honest and credible persons.

And then, being about to set forth the form of a warrant, and of a recognizance for the good behaviour, he says,——And here, forasmuch as one justice alone, and out of sessions, may both by the first clause of the commission, and also by the opinion of *Fitzherbert*, grant this surety of the good abearing (altho' the common practice be, that two such justices do join in that doing, whereof also *Fitzherbert* hath very good liking) I will not stick to set forth the common forms as well of the precept as of the recognizance for the same, wherein if I shall use the names of two justices, you must take that to be done according to the common fashion, and not of any necessity in law. For as I would more gladly use the assistance of a fellow justice in this behalf, if I may conveniently have it; so if that may not be gotten, I would not greatly fear, when good cause shall require, to undertake the thing my self alone.

And besides this, he says, you may see admitted by the opinion of the court, 13 *H.* 7. that if a man in the night season, haunt a house that is suspected for bawdry, or use suspicious company, then may the constable arrest him to find surety for his good abearing; for bawdry is not merely a spiritual offence, but mixed, and sounding somewhat against the peace of the land.

And therefore (says he) it shall not be amiss at this day, in my slender opinion, to grant surety of the good abearing, against him that is suspected to have begotten a bastard child, to the end that he may be forthcoming when it shall be born; for otherwise there will be no putative father found, when the justices shall
after

Surety for the good behaviour.

after the birth come to take order for his punishment. *Lamb.* 115.

—119.

11. In the next place, Mr. *Pulton*, who lived about the same time with *Lambard*, writeth thus; The surety of the good abearing is ordained for the preservation of the peace, and it doth differ in nothing from that of the peace, but that there is more difficulty in the performance of it, and the party bound may sooner slide into the peril and danger of it. The surety of good abearing is most commonly granted in open sessions, or by two or three justices; or, upon a *supplicavit*, and great cause shewed and proved, it is granted in the chancery or king's bench. And tho' one justice alone may grant it if he will, yet it is seldom done so, unless it be to prevent some great, sudden, and imminent enormity or danger. The surety of the peace is most times taken at the request of one for the preservation of the peace chiefly against one. But the surety of the good abearing is oftentimes granted at the suit of divers, and those must be men of credit, and to provide for the safety of many; for the effect and purport thereof is, that the party bound shall demean himself well in his port, behaviour, and company, and do nothing that may be the cause of breach of the peace, or in putting the people in fear or trouble: And it is chiefly granted against common barrators, common rioters, common quarrellors, common peace breakers, and persons greatly defamed for resorting to houses suspected to maintain incontinency or adultery, and against those that be generally feared to be robbers or spoilers of the king's people, or which do endamage, disturb, trouble, or put in peril passengers by the way. *Pult.* 18.

12. Afterwards Mr. *Dalton*, who wrote towards the latter end of King *James* the first his reign, says, The surety of the good behaviour is of great affinity with that of the peace, and is provided chiefly for the preservation of the peace; and that it is most commonly granted either in the open sessions, or by two or three justices out of sessions. Yet by the words of the commission, as also by the common opinion of the learned, one justice alone, out of sessions, may grant this surety of the good behaviour. But this is not usual, unless it be to prevent some great and sudden danger; especially against a man that is of any good estate, carriage or report. And it shall be good discretion in the justices, that they do not grant it, but either upon sufficient cause seen to themselves, or upon the suit and complaint of others, and the same very honest and credible persons. *Dalt. c.* 123.

13. In the next place, Mr. *Hawkins*, who wrote in the reign of *K. George* the first, saith thus: There seem to have been some opinions, that the statute, speaking of those that be *not of good fame*, means only such as are defamed, and justly suspected, that they intend to break the peace, and that it doth not any way extend to those who are guilty of other misbehaviours not relating to the peace. But this seems much too narrow a construction; since the abovementioned expression of persons of *evil fame*, in common understanding, as properly includes persons of scandalous behaviour, in other respects, as those who by their quarrelsome behaviour

THE HISTORY OF THE

The first part of the history of the world is the history of the creation of the world and the life of the first man, Adam. This is the story of the Garden of Eden, the fall of man, and the beginning of the human race. It is a story of sin and redemption, of the promise of a savior and the fulfillment of that promise in the person of Jesus Christ. The second part of the history of the world is the history of the nations and the empires of the world. It is a story of the rise and fall of great powers, of the spread of the Christian faith, and of the ultimate triumph of good over evil. The third part of the history of the world is the history of the church and the life of the saints. It is a story of the growth of the church, of the lives of the great men and women of the church, and of the ultimate destiny of the church and the world.

The fourth part of the history of the world is the history of the present and the future. It is a story of the current events of the world, of the challenges we face, and of the hope we have for the future. It is a story of the ultimate triumph of the Kingdom of God and the eternal life of the saints. The fifth part of the history of the world is the history of the end of the world and the final judgment. It is a story of the ultimate destiny of the world and the final judgment of all men and women. It is a story of the ultimate triumph of the Kingdom of God and the eternal life of the saints.

The sixth part of the history of the world is the history of the life of the saints and the lives of the great men and women of the church. It is a story of the lives of the great men and women of the church, of their struggles, their triumphs, and their ultimate destiny. It is a story of the lives of the great men and women of the church, of their struggles, their triumphs, and their ultimate destiny. The seventh part of the history of the world is the history of the lives of the great men and women of the church. It is a story of the lives of the great men and women of the church, of their struggles, their triumphs, and their ultimate destiny. It is a story of the lives of the great men and women of the church, of their struggles, their triumphs, and their ultimate destiny.

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behaviour give just suspicion of their readiness to break the peace; and accordingly it seems always to have been the better opinion, that a man may be bound to his good behaviour for many causes of scandal, which give him a bad fame, as being contrary to good manners only; as for haunting bawdy houses with women of bad fame; or for keeping bad women in his own house; or for speaking words of contempt of an inferior magistrate, as a justice of the peace, or mayor, tho' he be not then in the actual execution of his office; or of an inferior officer of justice, as a constable, and such like, being in the actual execution of his office.

However it seems the better opinion, that no one ought to be bound to the good behaviour, for any rash, quarrelsome, or unmannerly words, unless they either directly tend to a breach of the peace, or to scandalize the government, by abusing those who are intrusted by it with the administration of justice, or to deter an officer from doing his duty; and therefore it seems, that he who barely calls another rogue, or rascal, or teller of lies, or drunkard, ought not for such cause to be bound to the good behaviour.

However, says he, I cannot find any certain precise rules, for the direction of the magistrate in this respect; and therefore am inclined to think, that he has a discretionary power to take such surety of all those whom he shall have just cause to suspect to be dangerous, quarrelsome, or scandalous; as of those who sleep in the day, and go abroad in the night; and of such as keep suspicious company; and of such as are generally suspected to be robbers, and the like; and of eves droppers; and common drunkards; and all other persons, whose misbehaviour may reasonably be intended to bring them within the meaning of the statute, as persons of evil fame, who, being described by an expression of so great latitude, seem in a great measure to be left to the judgment of the magistrate. But if he commit one for want of sureties, he must shew the cause with convenient certainty. 1 *Haw.* 132.

14. And thus the sense of the statute hath been extended, not only to offences immediately relating to the peace, but to divers misbehaviours not directly tending to a breach of the peace; inasmuch as it is become difficult to define how far it shall extend, and where it shall stop.

Mr. *Dalton*, in order to determine the same with some kind of certainty, hath (notwithstanding his opinion as abovementioned) inserted a number of instances, wherein sureties of the good behaviour may be granted; and they are these that follow:

- (1) Against rioters.
- (2) Barators.
- (3) Common quarrellors, and common breakers of the peace.
- (4) Such as lie in wait to rob, or shall be suspected to lie in wait to rob, or shall assault, or attempt to rob another, or shall put passengers in fear or peril; or shall be generally suspected to be robbers by the highway.
- (5) Such as are like to commit murder, homicide, or other grievances, to any of the king's subjects in their bodies.

(6) Such as shall practise to poison another: one instance of which may be the poisoning their food; thus Mr. *Dalton* granted the good behaviour against one who had bought ratbane, and mingled it with corn, and then cast it amongst his neighbour's fowls, whereby most of them died.

(7) Such as in the presence or hearing of the justice, shall misbehave himself in some outrageous manner of force or fraud.

(8) Such as are greatly defamed for resorting to houses suspected to maintain adultery, or incontinency.

(9) Maintainers of houses commonly suspected to be houses of common bawdry.

(10) Common whoremongers and common whores; for bawdry is an offence temporal as well as spiritual, and is against the peace of the land.

(11) Night walkers, that shall eves-drop mens houses, or shall cast mens gates, carts, or the like, into ponds, or commit other outrages and misdemeanors in the night, or shall be suspected to be pilferers, or otherwise like to disturb the peace, or that be persons of ill behaviour, or of evil fame or report generally, or that shall keep company with any such, or with any other suspicious person in the night.

(12) Suspected persons who live idly, and yet fare well, or are well apparelled, having nothing whereon to live; unless upon examination they shall give a good account of such their living.

(13) Common gamesters, especially if they have not whereon to live.

(14) Such as raise hue and cry without cause.

(15) Libellers.

(16) Putative father of a bastard child.

(17) Such as persuade or procure the putative father to run away, or the mother to be conveyed away, whereby she leaveth her child to the charge of the town.

(18) Such as abuse a justice's warrant, or shall abuse him or the constable in executing their office. Nay, it seemeth (he says) that he who shall use words of contempt, or contrary to good manners, against a justice of the peace, tho' it be not at such a time as he is executing his office, yet he shall be bound to his good behaviour.

(19) Such as charge another before a justice with felony, riot, or forcible entry, and yet will not prosecute or give evidence.

(20) In general, whatsoever act or thing is of it self a misbehaviour, is cause sufficient to bind such an offender to the good behaviour. *Dalt. c. 124.*

To which others have added other instances: As,

(21) Forcible entry. 1 *Hawv.* 124.

(22) Mr. *Hawkins* says, that he hath heard it agreed in the court of king's bench, that a writing full of obscene ribaldry, without any kind of reflection upon any one, is not punishable at all by any prosecution at common law; yet it seems, he says, that the author may be bound to his good behaviour, as a scandalous person of evil fame. 1 *Hawv.* 195.

THE HISTORY OF THE KINGDOM OF GREAT BRITAIN

In the year 1701, the late King William the Third, having been some time confined in bed, was seized with a violent fever, which he died of on the eighth day of September, in the sixth year of his Majesty's reign.

At the death of the late King, the Crown devolved upon the late Queen Anne, who was the second daughter of the late King James the Second, by his second wife, the late Duchess of Orleans.

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Survey for the good in his power

The first thing that I observed in my survey of the world was
 that all men were created equal in reason and ability. It was
 not until I had seen the different nations and their customs
 that I began to understand the true state of human nature.
 I found that the same principles of justice and equity were
 common to all, though the laws and customs varied. The
 most striking thing was the universal desire for peace and
 happiness. I saw that the greatest source of misery was
 the inequality of property and the power it gave to the
 few over the many. I concluded that the only way to
 improve the human condition was to establish a government
 based on the consent of the governed, where the laws were
 made for the benefit of all and not for the private interest
 of any one man or family. I saw that the rights of
 property were sacred and inviolable, and that the
 government was instituted to protect these rights. I
 concluded that the most important duty of a citizen was to
 obey the laws of his country, and to support a government
 that was just and equitable. I saw that the true
 greatness of a nation was not measured by the number of
 soldiers or the extent of its territory, but by the wisdom
 and justice of its laws, and the happiness of its people.
 I concluded that the only way to achieve these things was
 to have a government that was based on the principles of
 justice and equity, and that was accountable to the people.
 I saw that the most important thing was to have a
 government that was based on the consent of the governed,
 and that the laws were made for the benefit of all.
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 condition was to have a government that was based on
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 was to have a government that was based on the
 principles of justice and equity, and that was
 accountable to the people.

(23) A man did beat a woman in *W.ſtmiſterball*, and he was bound to the good behaviour; and ſo (ſays *Mr. Crompton*) he may be bound to the peace or good behaviour, where he ſtriketh a perſon in the preſence of the juſtices in ſeſſions. *Crom.* 124.

(24) A man was bound to the good behaviour by the court of king's bench, for aſſaulting and threatenng a perſon coſt, that he could not attend the court in a ſuit there, without great coſt. And ſo it ſeemeth that it may be done, where one cometh to the ſeſſions about a traverse to be tried there, or to prefer a bill of indictment, if he be aſſaulted or threatennd. *Crom.* 125.

15. I have omitted to make any remarks in the progreſs of theſe authorities, being willing to exhibit them together in one view; I proceed now to take notice of ſuch obſervations as do occur upon the whole.

First, It appears from hence, that the univerſal praſtice of one juſtice binding to the good behaviour, is but of a modern date; altho' the law for it is the ſame now, that it was near 400 years ago: and that it was a long time doubted, whether one juſtice alone could require ſureties of the good behaviour. But here a diſtinction ought to be made, between the power given by the commiſſion of the peace, and the power given by the abovementioned ſtatute: As to the commiſſion, there ſeemeth to be no foundation for any doubt, but that thereby one juſtice alone may require ſuch ſureties; for the words are expreſs, *we have aſſigned you, jointly and ſeverally, and every one of you*; but then that extends only to two inſtances, namely, to *the threatenng of a perſon concerning his body, or the firing of his houſe*. As to the ſtatute, the doubt ſeems to have ariſen upon this; in that having appointed who ſhall be aſſigned for juſtices, it then directeth, that *They ſhall have power to reſtrain offenders*; and it is holden, as *Mr. Lambard* hath obſerved, that if no power be expreſly given by any ſtatute to any one juſtice alone, he cannot otherwiſe compel the obſervation thereof, than by the help of his fellow juſtices. And *Mr. Hawkins* ſpeaking hereof in the caſe of riots, ſays, that if one juſtice alone, proceeding upon this ſtatute, ſhall arreſt an innocent perſon as a rioter, it ſeemeth that he is liable to an action of treſpaſs, and that the party arreſted may juſtify the reſcuing of himſelf; becauſe no one ſingle juſtice is by this ſtatute made a judge of the ſaid offence: Yet nevertheleſs, he ſays, by a favourable conſtruction which this ſtatute hath received for the advancement of juſtice, it hath been reſolved, that any one juſtice, upon this ſtatute, *if he finds the perſons riotouſly aſſembled*, may, without ſtaying for his companions, arreſt the offenders, and bind them to their good behaviour.

Secondly, It ſeemeth from what hath been rehearſed, that the words, *not of good fame*, were generally underſtood for a long time, to refer to ſuch offences only, as have a relation to the peace, and not to other things which concern not the peace.

Thirdly, That one great in-let to the larger, and at length almoſt unlimited interpretation of the words, was the caſe above-mentioned 13 *H.* 7. wherein it was adjudged to be lawful to arreſt a man for the good behaviour, for frequenting a ſuſpected bawdy houſe,

house, with women of bad fame. And this is the reason which Mr. Dalton gives for many of his instances above specified, namely, that they are more properly against the peace, than this same case of avowtry.

Fourthly, That when once the gap was opened for the admission of other offences not immediately relating to the peace, they flowed in and multiplied. Thus, in the case of bastardy, having some affinity with the other of frequenting bawdy houses, Mr. Lambard thought, that with equal reason, the reputed father of a bastard child might be bound to the good behaviour; and in a few years after, Mr. Dalton delivers it absolutely, that he may be so bound.

Fifthly, That therefore the natural and received sense of any statute ought not to be departed from without extreme necessity; for that one concession will make way for another, and the latter will plead for the same right of admission as the former.

Sixthly, That notwithstanding the aforesaid instances given by Mr. Dalton and others, it may not be safe in all cases to rely upon every one of them without distinction; not only because it is almost impossible for any two cases to be exactly alike in all their circumstances, but also because in fact divers of them at different times have been adjudged otherwise, and others of them have not prevailed without much difficulty and contradiction in the courts above, and perhaps were at length admitted rather from the conveniency and reasonableness of the thing itself, and from an indulgence usually allowed to those gentlemen who serve their country without gain, and oftentimes with much trouble, than from any clear, positive, and express power given to them by the commission, or by the said statute.

Seventhly, That notwithstanding all which hath been said, perhaps the case before recited, concerning the frequenting of a suspected bawdy house, will not wholly support the weight which so many authors have laid upon it. For the question, whether a justice of the peace had cognizance of the offence, by virtue of the commission of the peace, or of the statute of the 34 Ed. 3. was no part of the dispute; for it was an arrest by the constable *ex officio*, as a conservator of the peace at common law, and without any warrant from a magistrate: And the question was not, whether the constable might require sureties for the good behaviour, as a thing different from sureties for the peace, but whether in that case he could arrest at all or not.

And if the authority of this case shall be abated, several of the abovementioned instances will abate in proportion.

Eighthly, It is to be observed, that others of the abovesaid instances, were established upon matters originally determined in the court of king's bench, and Mr. Crompton himself doth refer to the authority and practice of that court in several instances. *Crom. 120.* But it doth by no means follow from what the justices of the court of king's bench may do, that justices of the peace may do the like; for their authority is circumscribed and limited by their commission and the statute law.

Security for the good of the world

And this is the way to be secure in the world. It is not by force, but by the power of truth. Truth is the only power that can overcome evil.

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Curry for the Good in India

The first step in the preparation of this curry is to select the finest quality of spices available. It is essential to use fresh turmeric, cumin, and coriander, as these are the key ingredients that give the curry its distinctive flavor. The spices should be ground to a fine powder and then mixed together in a bowl. The next step is to heat a small amount of oil in a pan and then add the spice mixture. This will allow the spices to bloom and release their essential oils. Once the spices are fragrant, the next step is to add the main ingredients of the curry, such as onions, tomatoes, and lentils. These should be cooked until they are soft and tender. Finally, the curry should be served with a dollop of yogurt and a garnish of fresh coriander leaves.

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The third step in the preparation of this curry is to select the finest quality of spices available. It is essential to use fresh turmeric, cumin, and coriander, as these are the key ingredients that give the curry its distinctive flavor. The spices should be ground to a fine powder and then mixed together in a bowl. The next step is to heat a small amount of oil in a pan and then add the spice mixture. This will allow the spices to bloom and release their essential oils. Once the spices are fragrant, the next step is to add the main ingredients of the curry, such as onions, tomatoes, and lentils. These should be cooked until they are soft and tender. Finally, the curry should be served with a dollop of yogurt and a garnish of fresh coriander leaves.

The fourth step in the preparation of this curry is to select the finest quality of spices available. It is essential to use fresh turmeric, cumin, and coriander, as these are the key ingredients that give the curry its distinctive flavor. The spices should be ground to a fine powder and then mixed together in a bowl. The next step is to heat a small amount of oil in a pan and then add the spice mixture. This will allow the spices to bloom and release their essential oils. Once the spices are fragrant, the next step is to add the main ingredients of the curry, such as onions, tomatoes, and lentils. These should be cooked until they are soft and tender. Finally, the curry should be served with a dollop of yogurt and a garnish of fresh coriander leaves.

The fifth step in the preparation of this curry is to select the finest quality of spices available. It is essential to use fresh turmeric, cumin, and coriander, as these are the key ingredients that give the curry its distinctive flavor. The spices should be ground to a fine powder and then mixed together in a bowl. The next step is to heat a small amount of oil in a pan and then add the spice mixture. This will allow the spices to bloom and release their essential oils. Once the spices are fragrant, the next step is to add the main ingredients of the curry, such as onions, tomatoes, and lentils. These should be cooked until they are soft and tender. Finally, the curry should be served with a dollop of yogurt and a garnish of fresh coriander leaves.

Ninthly, That it will perhaps abate some other of the foregoing instances, if we attend to this consideration; that there is a great difference between what the justices in sessions may do, after conviction by a jury, for an offence committed, and what a single justice out of the sessions may do, before an offence is committed, and to prevent the same from being committed; or what a single justice may do, upon a summary conviction before him, for an offence, as directed by some special act of parliament. The truth is, binding to the good behaviour was a discretionary judgment at the common law, given by a court of record, for an offence at the suit of the king, after a common law conviction by verdict of twelve men. Trial by his peers is the *Englishman's* birthright by the great charter, and cannot be taken away but by an authority equal to that which established it, that is, by act of parliament; and therefore where an act gives a summary conviction before a justice of the peace, and inflicts a punishment upon such conviction, such statute must be pursued both as to the conviction and punishment: And it seemeth incongruous, that a justice of the peace shall have power to bind a man to the good behaviour, for an offence which he himself hath no power to hear and determine; for that is, in effect, giving judgment, and awarding execution, when it doth not, and cannot legally appear to him, that the person is guilty.

Tenthly, That therefore upon the whole it may be proper to conclude, that the magistrate in this article of the good behaviour, cannot exercise too much caution and good advisement; that in matters which the law hath left indefinite, it is better to fall short of, than to exceed his commission and authority; that to bind a man to the good behaviour upon the statute for *evil fame* in general, may not always be with safety; not only because upon an action brought it may be hard to prove such evil fame, but also because in fact it is not always true, for many a good man hath been evil spoken of: That altho' in some cases, a justice of the peace may have a *discretionary* power (as Mr. *Hawkins* expresseth it), yet he must remember withal, that it is a *legal* discretion, as Mr. *Barlow* terms it, in which in favour of liberty great tenderness is to be used; or, as Lord *Coke* hath defined it, discretion is a knowledge or understanding to discern between truth and falshood, between right and wrong, between shadows and substance, between equity and colourable glosses and pretences, and not to do according to our wills and private affections; and such discretion ought to be limited and bounded with the rules of reason, law, and justice.

5 Co. 100. 10 Co. 140.

II. For what it shall be forfeited.

1. This hath been handled in part as it fell in with the former section: And agreeably to the doctrine there laid down, Mr. *Dalton* says, that he who is bound to the good behaviour ought to demean himself well in his carriage and in his company, not doing any thing which shall be a cause of breach of the peace, or to put the people in fear, dread, or trouble; and so shall be intended of

Surety for the good behaviour.

all things which concern the peace, but not in misdoing of other things which touch not the pence. *Dalt. c. 122.*

2. And Mr. *Hawkins* saith, It hath been laid down as a general rule, that whatever will be a good cause to bind a man to his good behaviour, will forfeit a recognizance for it; but this hath since been denied, and indeed seems by no means to be maintainable, because the statute in ordering persons of evil fame to be bound in this manner, seems in many places chiefly to regard the prevention of that mischief which they may justly be suspected to be likely to do; and in that respect requires them to secure the publick from that danger which may probably be apprehended from their future behaviour, whether any actual crime can be proved upon them or not; and it would be extremely hard in such cases to make persons forfeit their recognizance, who yet may justly be compellable to give one, as those who keep suspicious company, or those who spend much money idly, without having any visible means of getting it honestly, or those who lie under a general suspicion of being rogues, and the like. *1 Haw. 132, 133.*

3. However it seems that such a recognizance shall not only be forfeited for such actual breaches of the peace, for which a recognizance for the peace may be forfeited, but also for some others, for which such a recognizance cannot be forfeited; as for going armed with great numbers, to the terror of the people, or speaking words tending to sedition; and also for all such actual misbehaviours which are intended to be prevented by such a recognizance, but not for barely giving cause of suspicion of what perhaps may never actually happen. *1 Haw. 133.*

Warrant for the peace, or good behaviour, in the king's majesty's name.

Westmorland. **G**EORGE the second, by the grace of god, of Great Britain, France, and Ireland, king, defender of the faith, and so forth: To our sheriff of the county of Westmorland, to the constable of the hundred of _____ in the said county, to the petty constables of the town of _____ in the said county, and to all and singular our bailiffs and other ministers in the said county, as well within liberties as without, greeting.

Forasmuch as A. I. of _____ in the said county, yeoman, hath personally come before Sir George Dalston, baronet, one of our justices assigned to keep the peace within the said county, and hath taken a corporal oath, that he the said A. I. is afraid that A. O. of _____ in the said county, yeoman, will beat [wound, maim, or kill] him the said A. I. and hath therewithal prayed surety of the peace against him the said A. O. [Or, if for the good behaviour, _____ hath taken a corporal oath, that A. O. of _____ in the said county, yeoman, hath threatened to beat him the said A. I. or, to burn the house of him the said A. I. and hath therewithal prayed surety of the good behaviour against him the said A. O.] Therefore we command and charge you, jointly and severally, that immediately upon the receipt hereof you bring the said A. O. before the said Sir

George

REPORT ON THE GOOD PRACTICES

The following table shows the results of the survey conducted in the year 1950. The data is presented in a tabular form, with the first column representing the different categories of practices, and the second column representing the number of instances observed. The total number of instances is 100.

Category	Number of Instances
Category 1	15
Category 2	25
Category 3	30
Category 4	10
Category 5	10
Category 6	10

The data indicates that the most common practice observed was Category 3, with 30 instances. Category 2 followed with 25 instances, while Category 1 had 15 instances. Categories 4, 5, and 6 each had 10 instances.

The following table shows the results of the survey conducted in the year 1951. The data is presented in a tabular form, with the first column representing the different categories of practices, and the second column representing the number of instances observed. The total number of instances is 100.

Category	Number of Instances
Category 1	15
Category 2	25
Category 3	30
Category 4	10
Category 5	10
Category 6	10

The data indicates that the most common practice observed was Category 3, with 30 instances. Category 2 followed with 25 instances, while Category 1 had 15 instances. Categories 4, 5, and 6 each had 10 instances.

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George Dalston, to find sufficient surety and mainprife, as well for his personal appearance at the next general quarter sessions of our peace, to be holden at Appleby, or elsewhere, in and for the said county, as also for our peace in the mean time to be kept towards us and all our liege people, and chiefly towards the said A. I. that is to say, that he the said A. O. shall not do, nor by any means procure or cause to be done, any of the said evils, to any of our said people, and especially to the said A. I. [Or, if for the good behaviour, — as also for his good behaviour in the mean time, towards us and all our liege people, and especially towards him the said A. I.] Witness the said Sir George Dalston at Smardale in the said county, the ——— day of ——— in the ——— year of our reign.

If the justice shall think fit that he shall be carried immediately to gaol, for default of sureties, without being brought before him, or any other justice, this clause may be inserted, viz. ——— and especially towards him the said A. I. And if he the said A. O. shall refuse so to do, that then immediately, without expecting any further warrant, you him safely convey, or cause to be safely conveyed, to our common gaol in the said county (or, to the house of correction at ——— in the said county), there to remain until he shall willingly do the same: So that he may be before our said justices at the said next general quarter sessions of our peace, then and there to answer unto us for his contempt in this behalf. And see that you certify your doings in the premisses, to our said justices at the said sessions, bringing then thither this precept with you.

Warrant for the peace, or good behaviour, in the name of the justice himself.

Westmorland. **S**IR William Fleming, baronet, one of the justices of our lord the king assigned to keep the peace within the said county, To the sheriff of the said county, to the high constable of ——— in the said county, to the petty constables of ——— in the said county, and to all other the ministers and officers of our said lord the king, within the said county, and to every of them, greeting.

Erasmuch as A. I. of ——— in the said county, yeoman, hath personally come before me, and hath taken a corporal oath, that he the said A. I. is afraid that A. O. of ——— in the said county, yeoman, will beat him (wound, maim, kill, or do to him some bodily hurt) and hath therefore prayed surety of the peace against him the said A. O. [Or, if for the good behaviour, That A. O. of ——— in the said county, yeoman, hath threatened to do some bodily hurt to him the said A. I. or, to burn the house of him the said A. I. and hath therefore prayed surety of the good behaviour against him the said A. O.] These are therefore on the behalf, and in the name of our said lord the king, to command you jointly and severally, that immediately upon the receipt h. r. of you bring the said A. O. before me, to find surety as well for his personal appearance at the next general quarter sessions of the peace to be holden at Kirkby in Kendale in and for the said county, as also for his keeping the peace [Or,

Surety.

for his being of the good behaviour] in the mean time towards the king and all his liege people, and chiefly towards the said A. I. Given under my seal at Ridale in the said county, the _____ day of _____ in the _____ year of the reign of our said lord George the second, of Great Britain, France, and Ireland, king.

Or the warrant may be directed to any of these officers above-named, particularly; or to any other indifferent person or persons, as followeth :

Another warrant for the peace, or good behaviour.

Westmorland. } To the constables of the town of _____ in the said county, and to either of them.

FORASMUCH as A. I. the wife of B. I. of your said town, labourer, hath required sureties of the peace [or, of the good behaviour] before me Daniel Wilson, esquire, one of the justices of our lord the king assigned to keep the peace within the said county, against A. O. of your said town, butcher, and withal hath taken her corporal oath before me, that she requireth the same not for any private malice, hatred, or evil will, but simply that she is afraid that he the said A. O. will do to her some bodily mischief [or as the case shall be : And if it is for the good behaviour, then add, _____ and that he the said A. O. hath threatned to do some bodily mischief to her the said A. I. or to burn her houses] These are therefore in the name of our said lord the king to charge and command you, that immediately upon sight hereof, you or one of you do bring the said A. O. before me to find sufficient sureties, as well for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, as also that he the said A. O. shall in the mean time keep the peace [Or, be of the good behaviour] as well towards our said lord the king, as towards all his liege people, and especially towards the said A. I. Dated at Dallam Tower in the said county, the _____ day of _____ in the _____ year of the reign of our said lord George the second, of Great Britain, France, and Ireland, king, defender of the faith, and so forth.

Another warrant for the peace, or good behaviour.

Westmorland. } To the constable of _____ in the said county.

FORASMUCH as A. I. of _____ aforesaid in the county aforesaid, yeoman, hath personally come before me Thomas Shepherd, esquire, one of the justices of our lord the king assigned to keep the peace within the said county, and hath taken his corporal oath, that A. O. of _____ aforesaid in the county aforesaid, yeoman, hath assaulted, beaten, and wounded him the said A. I. and farther hath threatned him concerning his body, insomuch that he the said A. I. is afraid that the said A. O. will beat, wound, maim, or kill him the said A. I. or do to him some other bodily harm; and thereupon

The first part of the book is a history of the
 of the world, from the beginning of time
 to the present day. It is written in a
 simple and plain style, and is
 intended for the use of schools and
 families. The author has endeavored
 to make it as interesting as possible,

and to give a true and accurate
 account of the various events
 which have happened in the
 world. The second part of the
 book is a description of the
 different parts of the world, and
 the customs and manners of the
 various nations. It is written in a
 similar style to the first part, and
 is also intended for the use of
 schools and families.

WILLIAM THE FIRST, KING OF ENGLAND

William the First, King of England,
 was born in the year 1027, at
 the castle of Falaise, in Normandy.
 He was the son of Rollo, Duke of
 Normandy, and Emma, daughter of
 King Ethelred of England. He
 succeeded to the throne of Normandy
 in the year 1041, and in the year
 1066 he invaded England, and
 defeated King Harold Godwinson at
 the battle of Hastings. He then
 became King of England, and reigned
 for 36 years. He was a great
 warrior, and a successful conqueror.
 He added to his kingdom the
 counties of Devon, Cornwall, and
 Herefordshire. He also built the
 White Tower, and the Tower of
 London. He died in the year 1087,
 and was buried in the church of
 St. Etheldreda, at Exeter.

thereupon be the said A. I. hath prayed security of the peace, [or, of the good behaviour] to be had or granted to him against the said A. O. These are therefore to require you in the name of our said lord the king, immediately upon the sight hereof to bring the said A. O. before me, to find sufficient sureties for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, then and there to answer the premisses, and in the mean time that he the said A. O. keep the peace, [or, shall be of the good behaviour,] towards our said lord the king, and all his liege people, and especially towards the said A. I. Given under my hand and seal at Kirkby in Kendale in the said county, the _____ day of _____ in the _____ year of the reign of our said lord George the second, of Great Britain, France, and Ireland, king.

Note; The warrants above set forth, so far as they concern the good behaviour, are framed upon the clause in the commission, empowering one justice to bind to the good behaviour certain offenders therein mentioned. The following warrant for the good behaviour simply, as contradistinguished from the peace, is formed on the statute of the 34 Ed. 3. so often abovementioned.

Warrant for the good behaviour, on the 34 Ed. 3.
c. 1. from Lambard and Dalton.

Westmorland. **W**illiams Winder, esquire, and Richard Honeywood, esquire, justices of our lord the king, assigned to keep the peace within the said county, To the sheriff of the said county, to the constable of the hundred of _____ in the said county, to the petty constables of the town of _____ in the said county, and to all and singular bailiffs, constables, and other officers of our said lord the king, as well within liberties as without, in the same county, greeting.

Forasmuch as we are given to understand, by the information, testimony, and complaint of many credible persons, that A. O. of _____ in the county aforesaid, gentleman, and B. O. of the same, yeoman, are not of good name and fame, nor of honest conversation, but evil doers, rioters, barrators, and disturbers of the peace of our said lord the king, so that murder, homicide, strifes, discords, and other grievances and damages amongst the lieges of our said lord the king concerning their bodies are likely to arise thereby; Therefore on the behalf of our said lord the king, we command you, and every of you, that you omit not by reason of any liberty within the county aforesaid, but that you attach, or one of you do attach the aforesaid A. O. and B. O. so that you have them before us or others our fellows, justices of our said lord the king assigned to keep the peace within the county aforesaid, as soon as they can be taken [or, before the justices of our said lord the king, assigned to keep the peace within the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, at the next general quarter sessions of the peace to be holden in and for the said county] to find then before us (or the said justices) sufficient

sufficient surety and mainprise for their good behaviour towards our said lord the king, and all his people, according to the form of the statute in such case made and provided. And this you shall in no wise omit, on the peril that shall ensue thereon. And have you before us, or before the said justices [at the sessions aforesaid] this precept. Given under our seals at Dufton in the county aforesaid, the _____ day of _____ in the _____ year of the reign of our said lord _____.

Recognizance for the peace or good behaviour.

Westmorland. **B**E it remembred, that on the _____ day of _____ in the _____ year of the reign of our lord George the second, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, A. O. of _____ in the county aforesaid, yeoman, A. S. of the same place, yeoman, and B. S. of the same place, yeoman, came before me Thomas Carleton, esquire, one of the justices of our said lord the king, assigned to keep the peace within the said county, and acknowledged themselves to owe to our said lord the king, to wit, the said A. O. the sum of 20l. the said A. S. the sum of 10l. and the said B. S. the sum of 10l. of good and lawful money of Great Britain, to be respectively made and levied of their several goods and chattels, lands and tenements, to the use of our said lord the king, his heirs and successors, if he the said A. O. shall fail in performing the condition indorsed [or underwritten].

Acknowledged before me

Thomas Carleton.

The condition of this recognizance is such, that if the within bounden [or, above bounden] A. O. shall personally appear at the next general quarter sessions of the peace to be holden in and for the county aforesaid, to do and receive what shall then and there be enjoined him by the court, and in the mean time shall keep the peace, [or, be of the good behaviour, or, shall keep the peace and be of the good behaviour] towards the king and all his liege people, and especially towards A. I. of _____ in the said county, yeoman; Then the said recognizance shall be void, or else remain in its force.

Mittimus for want of sureties.

Westmorland. { To the constable of _____ and to the keeper
of _____ in the said county.

WHEREAS A. O. of _____ in the said county, yeoman, is now brought before me John Dalton, esquire, one of the justices of our lord the king assigned to keep the peace in and for the said county, requiring him to find sufficient sureties to be bound with him in a recognizance for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, and in the mean time to keep the peace [or, be of the good behaviour] towards our said lord the king, and all his liege people, and especially towards A. I. of _____ in the said county, yeoman; and

whereas

The following table shows the results of the experiments conducted during the year 1875. The first column contains the names of the experiments, the second column the dates, and the third column the results. The experiments were conducted in the order in which they are listed in the table.

Experiment	Date	Result
Experiment 1	Jan 1	Success
Experiment 2	Jan 5	Failure
Experiment 3	Jan 10	Success
Experiment 4	Jan 15	Success
Experiment 5	Jan 20	Success
Experiment 6	Jan 25	Success
Experiment 7	Jan 30	Success
Experiment 8	Feb 5	Success
Experiment 9	Feb 10	Success
Experiment 10	Feb 15	Success
Experiment 11	Feb 20	Success
Experiment 12	Feb 25	Success
Experiment 13	Feb 30	Success
Experiment 14	Mar 5	Success
Experiment 15	Mar 10	Success
Experiment 16	Mar 15	Success
Experiment 17	Mar 20	Success
Experiment 18	Mar 25	Success
Experiment 19	Mar 30	Success
Experiment 20	Apr 5	Success
Experiment 21	Apr 10	Success
Experiment 22	Apr 15	Success
Experiment 23	Apr 20	Success
Experiment 24	Apr 25	Success
Experiment 25	Apr 30	Success
Experiment 26	May 5	Success
Experiment 27	May 10	Success
Experiment 28	May 15	Success
Experiment 29	May 20	Success
Experiment 30	May 25	Success
Experiment 31	May 30	Success
Experiment 32	Jun 5	Success
Experiment 33	Jun 10	Success
Experiment 34	Jun 15	Success
Experiment 35	Jun 20	Success
Experiment 36	Jun 25	Success
Experiment 37	Jun 30	Success
Experiment 38	Jul 5	Success
Experiment 39	Jul 10	Success
Experiment 40	Jul 15	Success
Experiment 41	Jul 20	Success
Experiment 42	Jul 25	Success
Experiment 43	Jul 30	Success
Experiment 44	Aug 5	Success
Experiment 45	Aug 10	Success
Experiment 46	Aug 15	Success
Experiment 47	Aug 20	Success
Experiment 48	Aug 25	Success
Experiment 49	Aug 30	Success
Experiment 50	Sep 5	Success
Experiment 51	Sep 10	Success
Experiment 52	Sep 15	Success
Experiment 53	Sep 20	Success
Experiment 54	Sep 25	Success
Experiment 55	Sep 30	Success
Experiment 56	Oct 5	Success
Experiment 57	Oct 10	Success
Experiment 58	Oct 15	Success
Experiment 59	Oct 20	Success
Experiment 60	Oct 25	Success
Experiment 61	Oct 30	Success
Experiment 62	Nov 5	Success
Experiment 63	Nov 10	Success
Experiment 64	Nov 15	Success
Experiment 65	Nov 20	Success
Experiment 66	Nov 25	Success
Experiment 67	Nov 30	Success
Experiment 68	Dec 5	Success
Experiment 69	Dec 10	Success
Experiment 70	Dec 15	Success
Experiment 71	Dec 20	Success
Experiment 72	Dec 25	Success
Experiment 73	Dec 30	Success

Index

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whereas he the said A. O. hath refused and doth now refuse before me to find such sureties: These are therefore in the name of our said lord the king, to command you the said constable, forthwith to convey the said A. O. to the common gaol of our said lord the king [or, to the house of correction] at ——— in the said county, and to deliver him to the keeper thereof there, together with this precept: And I do, in the name of our said lord the king, hereby command you the said keeper, to receive the said A. O. into your custody in the said gaol [or, house of correction] and him there safely to keep, until he shall find such sureties as aforesaid. Given under my hand and seal, at Acorn Bank in the said county, the ——— day of ——— in the ——— year of the reign of our said lord George the second of Great Britain, France, and Ireland, king.

The form of a *superfedeas*.

Westmorland. **R** OGER Wilson, esquire, one of the justices of our lord the king, assigned to keep the peace within the county aforesaid, To the sheriff, bailiff, constables, and other the faithful ministers and subjects of our said lord the king within the said county, and to every of them, greeting.

Forasmuch as A. O. of ——— in the said county, yeoman, hath personally come before me at Casterton in the said county, and hath found sufficient surety, that is to say, A. S. of ——— yeoman, and B. S. of ——— yeoman, either of the which hath undertaken for the said A. O. under the pain of 20l. and he the said A. O. hath undertaken for himself under the pain of 40l. that he the said A. O. shall personally appear at the next general quarter sessions of the peace to be holden in and for the said county, then and there to do and receive what shall be enjoined him by the said court, and in the mean time shall well and truly keep the peace [or, be of the good behaviour] towards our said lord the king, and all his liege people, and specially towards A. I. of ——— yeoman; Therefore on the behalf of our said lord the king I do command you, and every of you, that you utterly forbear and surcease to arrest, take, imprison, or otherwise by any means for the said cause to molest the said A. O. and if you have, for the said occasion, and for none other, taken or imprisoned him the said A. O. that then him you deliver, or cause to be delivered and set at liberty, without further delay. Given at Casterton aforesaid, in the county aforesaid, under my seal, this ——— day of ——— in the ——— year of the reign of ———

This *superfedeas* may be also in the name of the king, under the teste of the justice, thus;

G EORGE the second by the grace of god &c. To the sheriff &c. greeting: Forasmuch as A. O. hath come before Edward Wilson, esquire, one of our justices assigned to keep the peace within our said county, and hath found &c. We therefore command you, and every of you, that ye forbear &c. Witness the said Edward Wilson

Wilson at Dallam Tower in the county aforesaid, the ——— day of ——— in the ——— year of our reign.

Release of the surety for the peace, or good behaviour.

Westmorland. **B**E it remembred, that on the ——— day of ——— in the ——— year of ——— the aforesaid A. I. hath come before me the said Fletcher Fleming, esquire, and freely remised and released, as much as in him lieth, the aforesaid security of the peace [or, of the good behavior] by him prayed before me against the abovenamed A. O. In witness whereof, I the said Fletcher Fleming have herunto set my seal. Given &c.

This is to be written under the recognizance; and if the justice only sign, without sealing it, it is well enough, especially where the recognizance is without seal.

Or, the release may be by it self, thus:

Westmorland: **B**E it remembred, that A. I. of ——— in the ——— said county, yeoman, on the ——— day of ——— in the ——— year of the reign of ——— came before me William Tatham, esquire, one of the justices of our lord the king, assigned to keep the peace within the said county, at Askham in the said county, and there remised and freely released to A. O. of ——— in the said county, yeoman, the surety of the peace [or, good behaviour] by him the said A. I. before me prayed against the said A. O. Given &c.

Or, if it is before another justice, then say, ——— the surety of the peace [or, good behaviour] which he has against A. O. of ——— in the said county, yeoman. Given &c.

But note, that none of these releases will discharge the recognizance, or the appearance of the party bound thereby; but that he must appear according to the condition of the recognizance, for the safeguard of his recognizance.

Liberate to discharge one committed for want of sureties.

Westmorland. **S**Tanwix Nevinson, esquire, one of the justices of our lord the king, assigned to keep the peace in the county aforesaid, To the keeper of his majesty's gaol at ——— in the said county, greeting.

Forasmuch as A. O. in the prison of our said lord the king, in your custody now being, at the suit of A. I. of ——— in the said county, yeoman, for the want of his finding sufficient sureties for his personal appearance at the next general quarter sessions of the peace to be holden in and for the said county, and for his keeping the peace

peace [or, being of the good behaviour] in the mean time, towards our said lord the king, and all his liege people, and especially towards the said A. I. hath found before me sufficient sureties, to wit, A. S. of ——— yeoman, and B. S. of ——— yeoman, either of which hath undertaken for the said A. O. under the pain of 20*l*. and he the said A. O. hath undertaken for himself under the pain of 40*l*. that he the said A. O. shall and will personally appear at the next general quarter sessions of the peace to be holden in and for the said county, and shall well and truly keep the peace [or, be of the good behaviour] in the mean time, towards our said lord the king, and all his liege people, and especially towards the said A. I. Therefore on the behalf of our said lord the king I do command you, that if the said A. O. do remain in the said gaol, for the said cause, and for none other, then you forbear to grieve or detain him any longer, but that you deliver him thence, and suffer him to go at large, and that, upon the pain that will fall thereon. Given under my seal, at Newby Hall in the said county, the ——— day of ——— in the ——— year of the reign of our said lord George the second, of Great Britain, France, and Ireland, king.

Surgeons. See Physicians.

Suspicion. See Arrest, Warrant.

Swans. See Game.

Swearing.

1. **B**Y the canons of the church, If any offend their brethren by swearing, the churchwardens shall present them; and such notorious offenders shall not be admitted to the holy communion, till they be reformed. *Can.* 109.

Punishment in the spiritual court.

And by the statute of the 19 G. 2. c. 21. It is enacted as follows:

2. If any person shall profanely curse or swear, and be thereof convicted on confession, or oath of one witness, before one justice (or mayor), he shall forfeit as follows: That is to say,

Every day labourer, common soldier or common seaman, 1*s*.

Every other person, under the degree of a gentleman, 2*s*.

And every person of or above the degree of a gentleman, 5*s*.

And for a second offence after conviction, double; and for every other offence after a second conviction, treble. *f.* 1.

Which said penalties shall go to the poor of the parish where the offence was committed. *f.* 10.

3. If such person shall curse or swear in the presence and hearing of a justice (or mayor); he shall convict him without other proof. *f.* 2.

Swearing in presence of a justice.

4. If in the presence and hearing of a constable, if he is known to such constable, the said constable shall seize and carry him

In presence of a constable.

him

him forthwith before the *next* justice (or mayor of a town corporate), who shall convict him upon the oath of such constable;

If he is *known* to such constable, he shall speedily make information before some justice (or mayor) in order that he may be convicted. *f. 3.*

In presence of
any other.

5. So that the constable, if it is in his hearing, is required to prosecute; but any other person also may prosecute, if he pleases.

Commitment on
not paying the
penalty.

6. And such justice (or mayor) shall immediately on such information on the oath of any constable, or of any other person, cause the offender to appear before him; and on proof of such information, convict him: and if he shall not immediately pay down the penalty, or give security to the satisfaction of such justice (or mayor); he may commit him to the house of correction, to be kept to hard labour for ten days. *f. 4.*

On not paying
the charges.

7. Also the charges of the information and conviction, shall be paid by the offender, if able, over and above the penalties; which charges shall be ascertained by such justice (or mayor). *f. 11.*

But for the information, summons, and conviction, no more shall be paid to the justice's clerk, than 1*s.* *f. 15.*

And if he shall not immediately pay such charges, or give security to the satisfaction of such justice (or mayor); he may commit him to the house of correction, to be kept to hard labour for six days, over and above such time for which he may be committed for non-payment of the penalties; and in such case, no charges of information and conviction shall be paid by any person. *f. 11.*

Soldier or sea-
man.

8. But if such soldier or seaman shall not so pay or secure the penalty, and also the costs of the information, summons, and conviction; he shall, instead of being committed to the house of correction; be ordered to be publickly set in the stocks for one hour for every single offence, and for any number of offences whereof he shall be convicted at one and the same time two hours. *f. 5.*

Form of the
conviction.

9. The conviction shall be in the words and form following;

Be it remembred, that on the ——— day of ——— in the ——— year of his majesty's reign, A. B. was convicted before me (one of his majesty's justices of the peace for the county, riding, division, or liberty aforesaid; or before me ——— mayor of the city or town of ——— within the county of ———) of swearing one or more profane oath or oaths, or of cursing one or more profane curse or curses. Given under my hand and seal the day and year aforesaid. f. 8.

Certiorari.

10. Which conviction shall not be removed by *certiorari*. *f. 9.*

Conviction to be
filed.

11. And the justice (or mayor) shall cause the conviction to be fairly wrote over upon parchment, and returned to the next general or quarter sessions, to be filed by the clerk of the peace, and kept amongst the records. *f. 9.*

the first section of the act, which is the most important, is that which relates to the power of the courts to issue writs of habeas corpus. It is provided that the courts shall have power to issue such writs in all cases where the person is detained in custody, and that the writ shall be granted unless it appears that the detention is lawful.

The second section of the act relates to the power of the courts to issue writs of certiorari. It is provided that the courts shall have power to issue such writs in all cases where the inferior court has exceeded its jurisdiction, or where the proceedings are illegal, or where the law is applied in an erroneous manner.

The third section of the act relates to the power of the courts to issue writs of prohibition. It is provided that the courts shall have power to issue such writs in all cases where the inferior court has exceeded its jurisdiction, or where the proceedings are illegal, or where the law is applied in an erroneous manner.

The fourth section of the act relates to the power of the courts to issue writs of mandamus. It is provided that the courts shall have power to issue such writs in all cases where the inferior court has exceeded its jurisdiction, or where the proceedings are illegal, or where the law is applied in an erroneous manner.

The fifth section of the act relates to the power of the courts to issue writs of quo warranto. It is provided that the courts shall have power to issue such writs in all cases where the inferior court has exceeded its jurisdiction, or where the proceedings are illegal, or where the law is applied in an erroneous manner.

The sixth section of the act relates to the power of the courts to issue writs of habeas corpus ad testificandum. It is provided that the courts shall have power to issue such writs in all cases where the person is detained in custody, and that the writ shall be granted unless it appears that the detention is lawful.

The seventh section of the act relates to the power of the courts to issue writs of habeas corpus ad liberandum. It is provided that the courts shall have power to issue such writs in all cases where the person is detained in custody, and that the writ shall be granted unless it appears that the detention is lawful.

The eighth section of the act relates to the power of the courts to issue writs of habeas corpus ad satisfaciendum. It is provided that the courts shall have power to issue such writs in all cases where the person is detained in custody, and that the writ shall be granted unless it appears that the detention is lawful.

The ninth section of the act relates to the power of the courts to issue writs of habeas corpus ad revocandum. It is provided that the courts shall have power to issue such writs in all cases where the person is detained in custody, and that the writ shall be granted unless it appears that the detention is lawful.

The tenth section of the act relates to the power of the courts to issue writs of habeas corpus ad restituendum. It is provided that the courts shall have power to issue such writs in all cases where the person is detained in custody, and that the writ shall be granted unless it appears that the detention is lawful.

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12. If any justice (or mayor) shall omit his duty, in the execution of this act, he shall forfeit 5 *l.* half to the poor where he shall reside, and half to him that shall sue in any court of record. *f.* 6. Penalty on a justice omitting his duty.

13. Constable omitting his duty, shall on conviction, on oath of one witness; before one justice (or mayor), forfeit 40 *s.* to be levied by distress, half to the informer, and half to the poor; and if he have not sufficient goods whereon to levy, such justice (or mayor) may commit him to the house of correction, to be kept to hard labour for one month. *f.* 7. Penalty on the constable.

14. And this act shall be publickly read four times in the year, in all churches and chapels, by the minister, immediately after morning or evening prayer, on the *Sundays* next after *Mar. 25. June 24. Sep. 29. and Dec. 25.* on pain of 5 *l.* for every offence, to be levied by distress, by warrant of a justice (or mayor). *f.* 14. Act to be read in the church.

15. But no person shall be prosecuted for any offence against this act, unless it be within 8 days after the offence committed. *f.* 13. Limitation of actions.

16. By the 22 *G. 2. c. 33.* Persons belonging to his majesty's Navy, ships of war, guilty of profane oaths or curses, shall incur such punishment as a court martial shall impose.

Information.

Westmorland. **T**HE information of A. I. of _____ in the county aforesaid, yeoman, made on oath this _____ day of _____ in the _____ year of the reign of _____ before me J. P. esquire, one of his majesty's justices of the peace for the said county: Who saith,

That on _____ the _____ day of _____ now last past, at _____ in the parish of _____ in the county aforesaid, he heard A. O. of _____ in the said county, yeoman, swear one profane oath [or, curse one profane curse] in these words, to wit, &c.

Summons.

Westmorland } To the constable of _____

WHEREAS information hath this day been made before me J. P. esquire, one of his majesty's justices of the peace for the said county, upon the oath of A. I. of _____ yeoman, that on _____ the _____ day of this present month of _____ he heard A. O. of _____ in the said county, yeoman, at _____ in the parish of _____ in the said county, swear one profane oath [or, curse one profane curse] These are therefore to command you to cause the said A. O. forthwith to appear before me to answer the premises, and to be further dealt withal according to law. Given under my hand and seal, at _____ in the said county, the _____ day of _____ in the _____ year of _____

Commitment.

Westmorland. } To the constable of _____ in the said county,
 and to the keeper of the house of correction at
 _____ in the said county.

WHEREAS A. O. of _____ in the said county, day labourer, is and stands convicted this day, before me _____ one of his majesty's justices of the peace for the said county, of swearing one profane oath, on the _____ day of this present month of _____ at _____ in the parish of _____ in the said county, whereby he hath forfeited the sum of 1 s. to the poor of the said parish of _____ And whereas the said A. O. hath refused and doth refuse to pay down the said sum of 1 s. for the use of the poor aforesaid, and also hath refused, and doth refuse to give satisfactory security to pay the same; These are therefore to require you the said constable to convey the said A. O. to the house of correction at _____ aforesaid, and to deliver him to the keeper thereof together with this warrant: And I do hereby command you the said keeper to receive him the said A. O. into your custody in the said house of correction, and there to detain and keep him to hard labour for the space of ten days. And for so doing this shall be your sufficient warrant. Given under my hand and seal at _____ in the said county, the _____ day of _____ in the _____ year of the reign of _____

If he also refuseth to pay the charges, these words may be added _____ satisfactory security to pay the same; And whereas the said A. O. hath likewise refused and doth refuse to pay the sum of 1 s. which I have settled and ascertained as and for the charges of the proceedings against him touching the premises, and hath refused and doth refuse to give satisfactory security to pay the same: These are therefore to require you _____ for the space of 16 days _____

Sweets. See Excise.

Tanners. See Leather.

Taylor's. See Buttons.

Tea. See Excise.

Tenant. See Distress.

Journal

Monday, June 1st
 Left New York for
 Philadelphia
 Arrived at 10 AM
 Stayed at the
 Hotel...
 Tuesday, June 2nd
 Visited the
 University of
 Pennsylvania
 Spent the day
 in the library
 and the
 museum
 Wednesday, June 3rd
 Left Philadelphia
 for
 Lancaster
 Arrived at 5 PM
 Stayed at the
 Hotel...
 Thursday, June 4th
 Visited the
 Lancaster
 Academy
 Spent the day
 in the
 school
 Friday, June 5th
 Left Lancaster
 for
 York
 Arrived at 10 AM
 Stayed at the
 Hotel...
 Saturday, June 6th
 Visited the
 York
 Academy
 Spent the day
 in the
 school
 Sunday, June 7th
 Left York
 for
 Harrisburg
 Arrived at 10 AM
 Stayed at the
 Hotel...

Total
 100
 100
 100

Journal

Journal of the ...

Journal of the ...

Table

Table of contents ...

Thames.

CONCERNING regulations of the navigation on the river of *Thames*, the same being not general, it shall be sufficient only to mention the several acts touching the same; *viz.*

2 & 3 P. & M. c. 16.	2 G. 2. c. 26.
1 F. c. 16.	4 G. 2. c. 24.
6 & 7 W. c. 16.	5 G. 2. c. 20.
11 & 12 W. c. 21.	6 G. 2. c. 29.
4 An. c. 13.	10 G. 2. c. 31.
9 An. c. 26.	24 G. 2. c. 8.

Chest. See Larceny.

Chestbote. See Felony.

Threatning. See Surety.

Tiles.

EVERY person using the occupation of making tile, shall make it good, seasonable, and sufficient, and well whited and anealed. And the earth whereof it shall be made, shall be digged and cast up before the first of *November*, and stirred and turned before the first of *February*, and not wrought before the first of *March*; and before it be put to making of tile, shall be truly wrought and tried from stones; and the veins called malin or marle, and chalk, shall be severed from the earth whereof the tile is made: And plain tile shall be 10 $\frac{1}{2}$ inches long, 6 $\frac{1}{4}$ broad, and half an inch and half a quarter thick; roof tile or cress-tile, 13 inches long, half an inch and half a quarter thick, with convenient deepness; gutter tile and cover tile, 10 $\frac{1}{2}$ inches long, with convenient thickness, breadth and deepness. And if any person set to sale any tile made contrary to this ordinance, he shall forfeit to the buyer double value, and make fine and ransom at the king's will. And every person that seeleth himself grieved, and will sue, may have an action of debt against the offender. And the plaintiff in every such action may recover his costs. And the justices of the peace, and every of them, may hear and determine by their discretions, as well by examination as otherwise, offences against this ordinance, as well at the king's suit as the party's who shall be grieved. And if it appear to the justices, or any of them, that any person hath offended herein, then the same justices shall assess upon the offender no less fine than for every 1000 of plain tile 5 s. for every 100 of roof tile 6 s. 8 d. for every 100 of corner tile or gutter tile 2 s. And the said justices may call before them persons having knowledge in making

of tile, to search and examine the digging, turning, parting, making, whiting, and anealing. And no person shall put to sale any tile before it be searched, on pain of forfeiting the same. And if the searchers find any defaulters, they shall present them at the next sessions; which presentment shall be as effectual as that of 12 men. And the searcher shall have of the tile maker for his labour, for every 1000 plain tile searched 1*d.* for every 100 roof tile an half penny, and for every 100 of corner tile and gutter tile a farthing. Searcher making default shall forfeit 10*s.* to the king: And the justices may hear and determine the defaults of the searchers, in like manner as of the tile makers. 17 *Ed. 4. c. 4.*

¶ *Cin.* See *Pewter.*

Tithes.

- I. Of small tithes due from any person.*
- II. Of great and small tithes and other church rates and payments, due from quakers only.*
- III. Of contempts for tithes in the spiritual court.*

I Of small tithes due from any person.

THE books in general do confound the acts of the 7 & 8 *W. c. 6.* concerning small tithes only, due from any person whatsoever (whether quaker or not being no way material); and the 7 & 8 *W. c. 34.* and 1 *G. β. 2. c. 6.* concerning quakers tithes only, great and small, and their other church dues. Nevertheless, the acts are intirely distinct in themselves, and the method of proceeding in the one case and in the other is different in almost every instance. I have therefore taken care to extricate them out of this confusion, by inserting them separately, and by drawing distinct forms upon each, according to the different methods of proceeding.

For what tithes. 1. And first, as to the small tithe act, 7 & 8 *W. c. 6.*—In this case, the prosecution must be for small tithes only, or compositions for the same; or for offerings, oblations, or obventions: and not otherwise. *f. 1.*

And they must not amount to above 40*s.* a year from any one person. *id.*

And they must have become due within two years next before the complaint. *f. 6.*

And they must not be in *London*, nor in any place where the tithes are otherwise settled by act of parliament. *f. 5.*

And they must not have been begun to be sued for in the exchequer, or ecclesiastical court. *f. 14.*

In the first part of the work the author discusses the general principles of the theory of the magnetism of the earth. He shows that the magnetic force of the earth is not uniform over the surface, and that it varies in intensity and direction. He also discusses the magnetic declination and the magnetic inclination, and shows how they vary with latitude and longitude. He concludes that the magnetic force of the earth is due to a magnetic fluid which is distributed in the interior of the globe.

THE THEORY OF THE MAGNETISM OF THE EARTH

INDEX

THEORY OF THE MAGNETISM OF THE EARTH. Part I. General Principles. Chapter I. Of the Nature of the Magnetic Force of the Earth. Chapter II. Of the Magnetic Declination. Chapter III. Of the Magnetic Inclination. Chapter IV. Of the Variation of the Magnetic Force of the Earth with Latitude and Longitude. Chapter V. Of the Cause of the Magnetic Force of the Earth.

THEORY OF THE MAGNETISM OF THE EARTH. Part II. Particular Properties. Chapter VI. Of the Magnetic Force of the Earth at Different Places. Chapter VII. Of the Magnetic Force of the Earth at Different Times. Chapter VIII. Of the Magnetic Force of the Earth at Different Seasons. Chapter IX. Of the Magnetic Force of the Earth at Different Hours. Chapter X. Of the Magnetic Force of the Earth at Different Days.

THEORY OF THE MAGNETISM OF THE EARTH. Part III. Concluding Remarks. Chapter XI. Of the Use of the Theory of the Magnetism of the Earth in Navigation. Chapter XII. Of the Use of the Theory of the Magnetism of the Earth in Astronomy. Chapter XIII. Of the Use of the Theory of the Magnetism of the Earth in Geodesy. Chapter XIV. Of the Use of the Theory of the Magnetism of the Earth in Meteorology. Chapter XV. Of the Use of the Theory of the Magnetism of the Earth in Agriculture.

Article

100

Section

1. And it is hereby ordained that in the government of the land of the North West Territory, the following shall be done: That the said Territory shall be divided into counties, and that the boundaries of the counties shall be as follows: *(faded text)*

2. And it is hereby ordained that the said counties shall be called *(faded text)*

3. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

4. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

5. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

6. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

7. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

8. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

9. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

10. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

11. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

12. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

13. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

14. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

15. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

16. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

17. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

18. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

19. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

20. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

21. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

22. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

23. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

24. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

25. And it is hereby ordained that the said counties shall be governed by the following provisions: *(faded text)*

2. Of these demand must be first be made. *f. 1.* Demand.
 3. And if any person shall fail in the payment of the same, by Complaint.
 the space of 20 days after such demand; the person to whom the
 same shall be due, may make complaint in writing to two justices
 of the peace, neither of whom is patron of the church or chapel,
 nor interested in the tithes. *f. 1.*

H. 6 G. K. and Furness. Order for non-payment of small tithes
 was quashed, because said only upon complaint generally, and the
 statute requires the complaint to be in writing. *Str. 264.*

4. Whereupon the said justices shall summon in writing under Summons.
 their hands and seals, by reasonable warning, every person against
 whom such complaint shall be made. *f. 2.*

5. And after appearance, or default of appearance (the warn- Hearing.
 ing or summons being proved upon oath), the said justices shall
 proceed to hear and determine the complaint. *f. 2.*

6. And if on hearing the same, any person shall insist on a Pleading a
 prescription, composition, *modus decimandi*, agreement, or title, modus.
 whereby he ought to be freed from payment, and deliver the
 same in writing to the justices, subscribed by him, and shall then
 give the party complaining security to the satisfaction of the ju-
 stices, to pay all such costs and damages, as upon a trial at law
 shall be given against him; in that case, the justices shall forbear
 to give judgment. *f. 8.*

7. Otherwise, they shall in writing under their hands and seals, Adjudication
 adjudge the case; and give such compensation, as they shall judge
 to be just and reasonable; and also such costs and charges, not ex-
 ceeding 10*s.* as upon the merits of the cause shall appear just.

Also they may give costs, not exceeding 10*s.* to the party pro-
 secuted, if they shall find the complaint to be false and vexatious.
f. 12.

8. Of which adjudication notice shall be given to the party Demand.
 complained of. *f. 3.*

9. And if any person shall refuse or neglect by the space of ten Distress and sale,
 days after such notice given, to pay or satisfy such sum adjudged;
 the constables and churchwardens, or one of them, shall by war-
 rant under the hands and seals of the said justices, distrain his goods,
 and after detaining them three days (if the money, together with
 reasonable charges for making and detaining the distress, be not
 paid in the mean time) shall publickly sell the same, and pay to
 the party complaining the sum adjudged, retaining to themselves
 such reasonable charges for making and keeping the distress, as the
 said justices shall think fit. *f. 3.*

But by the 27 G. 2. c. 20. The distress shall be detained not less
 than four days, nor more than eight; and the officers may deduct
 the charges not only of making and keeping the distress, but also of
 the sale: but then the justices cannot by the said act of the 27 G. 2.
 adjust the quantum of the charges of sale, as they may by this act
 the charges of making and keeping the distress.

10. And if any person against whom judgment shall be ob- Distress out of
 tained, shall remove out of the county before the sum shall be the county.
 levied; the justices who made the judgment, or one of them,
 shall certify the same under hand and seal, to any justice of such

other county, who shall by his warrant order the same to be levied in like manner. *f. 10.*

Appeal.

11. Any person aggrieved by the judgment of the two justices, may appeal to the next sessions; and if they confirm the judgment, they shall decree the same by order of sessions, and give costs against the appellant, to be levied by distress, as to them shall seem just and reasonable. *f. 7.*

Certiorari.

12. And no proceedings herein shall be removed by *certiorari*, or otherwise; unless the title of such tithes, oblations, or obventions shall be in question. *f. 7.*

Adjudication to be recorded.

13. Finally, Every person who shall obtain any judgment, or against whom any such judgment shall be obtained, shall cause the same to be inrolled at the next sessions; for which the clerk of the peace shall have 1 s. *f. 9.*

II. Of great or small tithes, and other church rates and payments, due from quakers only.

For what tithes and dues.

1. This is upon the acts of the 7 & 8 W. c. 34. and 1 G. *st. c. 6.*—And the prosecution in this case may be, for any tithes or church rates, or any customary or other rights, dues, or payments belonging to any church or chapel, which of right by law and custom ought to be paid for the stipend or maintenance of any minister or curate officiating in any church or chapel.

Provided that the same do not exceed the value of 10 l.—But no time is limited, within which the same shall become due.

Complaint.

2. And where any quaker shall refuse to pay or compound for the same, any parson, vicar, curate, farmer, or proprietor of such tithes, or any churchwarden or chapelwarden, or other person who ought to have, receive, or collect, any such tithes, rates, dues, or payments, may make complaint to any two justices, other than such as is patron of the church or chapel, or any way interested in the tithes.

Note; here is no number of days limited, between the time of refusal and the complaint; nor is it hereby required that such complaint shall be in writing.

Summons.

3. Upon which complaint the said justices shall summon in writing, under their hands and seals, by reasonable warning, such quaker.

Hearing.

4. And after appearance, or on default of appearance (the warning or summons being proved before them upon oath), they may proceed to examine on oath the truth of the complaint, and to ascertain and state what is due and payable.

Adjudication.

5. And by order under their hands and seals, they may direct and appoint the payment thereof; so as the sum ordered (as is aforesaid) do not exceed 10 l. And also such costs and charges, as they shall think reasonable, not exceeding 10 s.

Distress and sale.

6. And on refusal to pay, it shall be lawful for any one of the two next justices, by warrant under his hand and seal, to levy the same by distress and sale, rendering the overplus, the necessary charges of distraining being thereout first deducted and allowed by the said justices; unless it be in the case of appeal,

and

mitted to the next gaol, till he shall have found sufficient sureties by recognizance or otherwise, to perform the said definitive sentence and judgment. *s. 4.*

Complaint for small tithes; on the 7 & 8 *W. c. 6.*

TO J. P. and K. P. esquires, two of his majesty's justices of the peace in and for the county of _____ A. I. of _____ in the said county, clerk, humbly complaineth,

That he the said complainant did by the space of 20 days and upwards before the day of the date hereof, demand of A. O. of _____ in the parish of _____ in the county aforesaid, yeoman, the small tithes, offerings, oblations, and obventions, justly become due within two years now last past, from him the said A. O. unto him the said complainant, to the value of 4*l.* and that he the said A. O. did upon the said demand refuse, and doth yet refuse, to pay or compound for, and hath not paid or compounded for the same, or any part thereof: The said complainant therefore prayeth such redress in the premisses, as to you shall seem meet, and as to the law doth appertain. Signed the _____ day of _____ in the _____ year of _____.

A. I.

Summons for small tithes; on the 7 & 8 *W. c. 6.*

Westmorland. } To the constable of _____.

WHEREAS complaint in writing hath been made unto us _____ two of his majesty's justices of the peace for the said county, by A. I. of _____ in the said county, clerk, that A. O. of _____ in the parish of _____ in the said county, yeoman, hath for above the space of 20 days before the time of the said complaint so made unto us as aforesaid, refused to compound for, or to pay unto him the said A. I. and hath not yet compounded for, nor paid, the small tithes, offerings, oblations, and obventions, justly due from him the said A. O. to him the said A. I. These are therefore to command you forthwith, upon sight hereof, to summon the said A. O. to appear before us at the house of _____ in _____ in the said county, on Saturday the _____ day of this present month of _____ at the hour of _____ in the forenoon of the same day, to answer unto the said complaint. And be you then there to certify what you shall have done in the premisses. Given under our hands and seals, at _____ in the said county, the _____ day of _____ in the _____ year of _____.

Order for payment of small tithes; on the 7 & 8
W. c. 6.

Westmorland. **W**HEREAS complaint in writing hath been made unto us _____ two of his majesty's justices of the peace for the said county, by A. I. vicar of the parish _____

mixed as the best soil, will be still, have found without doubt by long use, or by nature, to be the best of any, and is the most common and useful of all soils.

CHAPTER THE SECOND

THE first is that the soil is to be divided into three parts, the first is that which is called the soil of the field, the second is that which is called the soil of the garden, and the third is that which is called the soil of the house.

The soil of the field is that which is most common, and is the most useful of all soils, it is the soil which is found in the most part of the country, and is the soil which is most commonly used for the raising of corn, and other such like things.

The soil of the garden is that which is most rich, and is the most useful of all soils, it is the soil which is found in the most part of the garden, and is the soil which is most commonly used for the raising of such like things, as flowers, and such like things.

The soil of the house is that which is most soft, and is the most useful of all soils, it is the soil which is found in the most part of the house, and is the soil which is most commonly used for the raising of such like things, as the soil of the house.

CHAPTER THE THIRD

OF THE SOILS WHICH ARE TO BE USED IN THE GARDEN

VTHE first is that the soil is to be divided into three parts, the first is that which is called the soil of the field, the second is that which is called the soil of the garden, and the third is that which is called the soil of the house.

The soil of the field is that which is most common, and is the most useful of all soils, it is the soil which is found in the most part of the country, and is the soil which is most commonly used for the raising of corn, and other such like things.

The soil of the garden is that which is most rich, and is the most useful of all soils, it is the soil which is found in the most part of the garden, and is the soil which is most commonly used for the raising of such like things, as flowers, and such like things.

CHAPTER THE FOURTH

OF THE SOILS WHICH ARE TO BE USED IN THE HOUSE

THE first is that the soil is to be divided into three parts, the first is that which is called the soil of the field, the second is that which is called the soil of the garden, and the third is that which is called the soil of the house.

The first part of the book is devoted to a general history of the world, from the beginning of time to the present day. It is written in a simple and plain style, and is intended for the use of the young. The second part of the book is a history of the British Empire, from the reign of King James I. to the present day. It is written in a more detailed and interesting style, and is intended for the use of the adult. The third part of the book is a history of the American Republics, from the time of their discovery to the present day. It is written in a simple and plain style, and is intended for the use of the young.

The fourth part of the book is a history of the French Republic, from the time of its establishment to the present day. It is written in a simple and plain style, and is intended for the use of the young. The fifth part of the book is a history of the Spanish Republic, from the time of its establishment to the present day. It is written in a simple and plain style, and is intended for the use of the young.

W
 The sixth part of the book is a history of the Italian Republic, from the time of its establishment to the present day. It is written in a simple and plain style, and is intended for the use of the young. The seventh part of the book is a history of the Dutch Republic, from the time of its establishment to the present day. It is written in a simple and plain style, and is intended for the use of the young. The eighth part of the book is a history of the Prussian Republic, from the time of its establishment to the present day. It is written in a simple and plain style, and is intended for the use of the young.

parish of _____ in the said county, that A. O. of _____ in the said parish of _____ in the county aforesaid, yeoman, did refuse for the space of 20 days next before the time of the said complaint so made unto us as aforesaid, to pay or compound for his small tithes, offerings, oblations, and obventions, arising in the said parish of _____ and due to him the said A. I. We therefore the said justices, being neither of us patron of the parish church of _____ aforesaid, nor any ways interested in any of the said tithes, offerings, oblations, or obventions, having duly summoned the said A. O. before us, and having duly examined the truth and justice of the said complaint upon oath, do find that there is justly due from the said A. O. to the said A. I. the sum of 4*l.* being the value of the said tithes, offerings, oblations, and obventions, become due within two years last past; and do therefore adjudge and order the aforesaid A. O. to pay or cause to be paid unto the said A. I. the aforesaid sum of 4*l.* and also the sum of 10*s.* for the costs and charges of the said A. I. in prosecuting the said A. O. for the recovery of his said just dues. Given under our hands and seals at _____ in the said county, the _____ day of _____ in the _____ year of the reign of _____.

Distress for small tithes; on the 7 & 8 *W. c.* 6.

Westmorland. { To the constable of _____ in the said county,
and to the churchwardens of the parish of
_____ in the said county, and to every of
them.

WHEREAS upon the complaint in writing of A. I. vicar of the parish of _____ aforesaid, in the county aforesaid, A. O. of _____ in the said parish in the county aforesaid, yeoman, hath been duly summoned to appear before us _____ two of his majesty's justices of the peace for the said county, to be examined for the non-payment of his small tithes, offerings, oblations, and obventions, due unto the said A. I. And whereas we the said justices, being neither of us patron of the parish church of _____ aforesaid, nor any way interested in any of the said tithes, offerings, oblations, or obventions, have duly examined the truth and justice of the said complaint, and have ordered him the said A. O. to pay unto the said A. I. the sum of 4*l.* being the value of the small tithes, offerings, oblations, and obventions become due from him the said A. O. to him the said A. I. within two years next before the said complaint so made unto us as aforesaid, together with the sum of 10*s.* for the costs and charges of the said A. I. for the recovery of his said just dues; making in the whole the sum of 4*l.* 10*s.* And whereas it appeareth unto us the said justices, that the said A. O. had due notice of our said order for the space of ten days and upwards before the day of the date hereof, but hath refused to pay, and hath not yet paid the said sum of 4*l.* 10*s.* nor any part thereof: These are therefore to command you, jointly and severally, that you, or some, or one of you, do forthwith distrain the goods and chattels of the said A. O. and in case the said sum

of 4l. 10s. together with your reasonable charges of making and detaining the said distress, be not paid or tendred to be paid by him the said A. O. in [four] days next after such distress made, that then you do make publick sale of the said goods and chattels so distressed as aforesaid, and out of the money arising from such sale, that you pay or cause to be paid unto him the said A. I. the said sum of 4l. 10s. and thereout also deduct and detain your reasonable charges of making, keeping and selling the said distress; and if any overplus shall remain, after such payment and deduction as aforesaid, that then you do render the same unto him the said A. O. upon demand. Given under our hands and seals at _____ in the said county, the _____ day of _____ in the _____ year _____.

Summons of a quaker for tithes; on the 7 & 8 W. c. 34. and 1 G. st. 2. c. 6.

Westmorland. { To the constable of _____ in the said county.

WHEREAS A. I. clerk, rector of the parish church of _____ in the said county, hath complained unto us J. P. and K. P. esquires, two of his majesty's justices of the peace for the said county, that A. O. of _____ in the parish of _____ aforesaid, in the county aforesaid, yeoman, being a person commonly called a quaker, hath refused to pay unto him the said A. I. or to compound for the tithes, and other rights, dues, and payments belonging to the church of _____ aforesaid, and justly due to him the said A. I. from him the said A. O. These are therefore to require you forthwith to summon the said A. O. to appear before us at the house of _____ in _____ in the said county, on Saturday the _____ day of this present month of _____ at the hour of _____ in the forenoon of the same day, to answer unto the said complaint. And be you then there to certify what you shall have done in the premises. Given under our hands and seals at _____ in the said county, the _____ day of _____ in the _____ year of the reign of _____.

Order for quakers tithes; on the 7 & 8 W. c. 34. and 1 G. st. 2. c. 6.

Westmorland. **W**HEREAS complaint hath been made unto us _____ two of his majesty's justices of the peace for the said county, by A. I. vicar of the parish of _____ in the said county, that A. O. of the parish of _____ aforesaid in the county aforesaid, being a person commonly called a quaker, hath refused to pay to, or to compound with him the said A. I. for his tithes, and other rights, dues, and payments, belonging to the church of _____ aforesaid, and justly due unto him the said A. I. We therefore the said justices, being neither of us patron of the parish church of _____ aforesaid, nor any way interested in any of the said tithes, rights, dues, or other payments, having duly summoned the said A. O. before us, and having also duly examined the
truth

The first part of the report is devoted to a general
 description of the country and its resources. It
 is followed by a detailed account of the
 various industries and occupations of the
 population. The report concludes with a
 summary of the principal facts and a
 list of the principal places in the
 country.

The second part of the report is devoted to a
 description of the various industries and
 occupations of the population. It is
 followed by a detailed account of the
 various occupations and industries of the
 population. The report concludes with a
 summary of the principal facts and a
 list of the principal places in the
 country.

The third part of the report is devoted to a
 description of the various occupations and
 industries of the population. It is
 followed by a detailed account of the
 various occupations and industries of the
 population. The report concludes with a
 summary of the principal facts and a
 list of the principal places in the
 country.

The fourth part of the report is devoted to a
 description of the various occupations and
 industries of the population. It is
 followed by a detailed account of the
 various occupations and industries of the
 population. The report concludes with a
 summary of the principal facts and a
 list of the principal places in the
 country.

The fifth part of the report is devoted to a
 description of the various occupations and
 industries of the population. It is
 followed by a detailed account of the
 various occupations and industries of the
 population. The report concludes with a
 summary of the principal facts and a
 list of the principal places in the
 country.

The first part of the report is a general statement of the
 work done during the year. It is followed by a detailed
 account of the various projects and the progress made
 on each. The report concludes with a summary of the
 results and a statement of the conclusions reached.

The second part of the report is a detailed account of the
 various projects and the progress made on each. It
 includes a description of the objectives of each project,
 the methods used, and the results obtained.

Work was done on a number of projects during the year.
 The first project was a study of the effect of temperature
 on the rate of reaction between hydrogen peroxide and
 potassium iodide. The results showed that the rate of
 reaction increased with increasing temperature. This
 was expected, since the rate of reaction is known to
 increase with increasing temperature. The second project
 was a study of the effect of concentration on the rate
 of reaction between hydrogen peroxide and potassium
 iodide. The results showed that the rate of reaction
 increased with increasing concentration. This was also
 expected, since the rate of reaction is known to
 increase with increasing concentration. The third project
 was a study of the effect of catalyst on the rate of
 reaction between hydrogen peroxide and potassium
 iodide. The results showed that the rate of reaction
 increased with increasing concentration of catalyst. This
 was also expected, since the rate of reaction is known
 to increase with increasing concentration of catalyst.

truth of the said complaint upon oath, do find that there is justly due for the same from the said A. O. to him the said A. I. the sum of 10l. and do order and appoint the aforesaid A. O. to pay or cause to be paid unto him the said A. I. the aforesaid sum of 10l. And we do also order and appoint the aforesaid A. O. to pay or cause to be paid unto him the said A. I. the further sum of 10s. for such costs and charges concerning the premisses as upon the merits of the cause do appear to us just and reasonable. Given under our hands and seals at ——— in the said county, the ——— day of ——— in the ——— year of the reign of ———.

Distress for quakers tithes; on the 7 & 8 W. c. 34.
and 1 G. st. 2. c. 6.

Westmorland. } To the constable of ———.

WHEREAS upon the complaint of A. I. vicar of the parish church of ——— in the said county, A. O. of ——— in the parish aforesaid, in the county aforesaid, yeoman, being a person commonly called a quaker, hath been duly summoned to appear before J. P. and K. P. esquires, two of his majesty's justices of the peace in and for the said county, to be examined for non-payment of his tithes, and other rights, dues, and payments, belonging to the church of ——— aforesaid, and due unto him the said A. I. from him the said A. O. And whereas the said justices, upon examination thereof, have ordered him the said A. O. by writing under their hands and seals, to pay unto the said A. I. the sum of 10l. for such his tithes, and other rights, dues, and payments as aforesaid, and moreover the sum of 10s. for the charges of him the said A. I. in recovering the same, making in the whole the sum of 10l. 10s. And whereas it appeareth unto me J. P. esquire, being one of the said justices, and also being one of the two next justices to the parish church of ——— aforesaid, in the county aforesaid, not being patron of the said church, nor any way interested in any of the said tithes, or other rights, dues, or payments, that the said A. O. hath had due notice of the said order, but hath refused, and doth refuse to pay, and hath not paid, the said sum of 10l. 10s. nor any part thereof: These are therefore to authorize and command you, that you do forthwith levy the aforesaid sum of 10l. 10s. by distress and sale of the goods and chattels of him the said A. O. and out of the money arising from such sale, that you do pay or cause to be paid unto him the said A. I. the said sum of 10l. 10s. and thereout also deduct your necessary charges of distraining. And if any overplus shall remain, after such payment and deduction as aforesaid, that you do render the same unto him the said A. O. Given under my hand and seal at ——— in the said county, the ——— day of ——— in the ——— year of the reign of ———.

Tobacco.

Concerning the exporting of tobacco pipe clay,
See *Woollen Manufacture*.

Planting tobacco.

1. **N**O person shall plant any tobacco; on pain of forfeiting the same, or the value thereof, or 40 s. for every rod or pole of ground planted with it, half to the king, and half to him that shall sue in any court of record. 12 C. 2. c. 34. s. 1. And besides the said penalty, he shall moreover forfeit 10 l. for every rod or pole; one third to the king, one third to the poor, and one third to him that shall sue in like manner. 15 C. 2. c. 7. s. 18.

And by the said act of the 15 C. 2. c. 7. (which by the 5 G. c. 11. is continued along with the act of tonnage and poundage of the 12 C. 2. c. 4.) the justices shall a month before every sessions, issue their warrants to all high and petty constables, to search what tobacco is planted, cured, or made, and by whom; and to make presentment in writing on oath at the next sessions, of the names of such persons as have planted, cured, or made any tobacco, and what quantity of land is or was planted, and who are the tenants or occupiers thereof (who shall also be deemed the planters). s. 2.

Which presentment shall be filed by the clerk of the peace in open sessions; and after such filing, shall be a sufficient conviction in law of the persons presented, unless such person presented (having notice given to him of the presentment by delivery of a copy thereof to him, or leaving such copy at his usual place of abode in the presence of one witness, ten days before the next quarter sessions) shall at the next sessions after such notice, traverse the presentment, and find sureties for prosecuting and trying such traverse at the quarter sessions next after such traverse entered or made. s. 3.

And all constables, bailiffs, and other publick officers, shall within 14 days after warrant from two justices, calling to their assistance whom they shall find necessary, pluck up, burn, consume, tear in pieces, and utterly destroy all tobacco seed, plant, and leaf planted, sowed, or growing in any field or ground. s. 4.

And if any tobacco shall be suffered to grow, or be consumed in seed, plant, or leaf, by the space of 14 days after receipt of such warrant by the said constables or other officers; they shall for every offence forfeit 5 s. for every rod, perch, or pole of ground planted with tobacco, and so proportionably for a greater or lesser quantity, half to the king, and half to him that shall sue. s. 5.

And if any shall refuse or neglect to assist the constable, he shall on conviction before two justices, forfeit 5 s. to be levied by warrant of the said justices by distress; and if no distress can

can be found, to be committed to the common gaol for one week.

f. 6.

And if any person shall resist the constable or other person in the due execution hereof, he shall, on conviction before two justices, forfeit 5 *l.* by warrant of the said justices by distress; and if no distress can be found, to be committed to the common gaol for three months. f. 7.

But nothing herein shall hinder planting the same in gardens for physick or chirurgery, so as the quantity planted exceed not half a pole of ground. 12 C. 2. c. 34. f. 4. 22 & 23 C. 2. c. 26. f. 9.

2. Every person who shall cut any walnut, hop, sycomore, or other leaves, or any other herbs, plants, or materials (not being tobacco leaves or plants), or shall colour or cure any such, to make the same resemble tobacco; or shall sell the same mixed or unmixed for tobacco,—shall forfeit 5 *s.* a pound, half to the king, (charges of the prosecution first deducted) and half with full costs to him who shall sue. 1 G. 2. c. 46. f. 1.

And every person who shall make, mix, or colour any snuff, with oker, umber, or other colouring, except water tinged with Venetian red only; or shall mix with snuff, any fustick or yellow-ebony, touchwood, or other wood, or any dirt, sand, or small tobacco sifted from tobacco,—shall forfeit the same, and 3 *l.* for every pound weight, half to the king, and half to him that shall sue. 1 G. 2. c. 46. f. 7. 5 G. c. 11. f. 22.

And all such leaves and other materials, and all engines, utensils, and tools for working the same, may be searched for and seized, by warrant of three commissioners of the treasury or of the customs. 1 G. 2. c. 46. f. 3.

But no house or warehouse shall be opened to search for or seize the same, but at seasonable hours, and not without a special warrant from two justices of the peace. f. 4.

And the said materials or engines found and seized within six miles of any port, shall be brought to the next customhouse warehouse; and if at a greater distance from any port, shall be secured by order of two justices at the king's charge, till the cause of such seizure shall be determined at the next, or at farthest the second quarter sessions after seizure; and the same, after condemnation or recovery by judgment of such sessions, shall be openly burned or destroyed by order of the same, at his majesty's charge.

f. 4.

And any servant employed in manufacturing or selling such leaves or materials, shall on conviction before two justices, by oath of one witness, be committed to the common gaol or house of correction, to be kept to hard labour not exceeding six months.

f. 5.

3. By the 24 G. 2. c. 41. and the 26 G. 2. c. 13. No tobacco, or stalks, exceeding 24 *lb.* weight, nor any snuff exceeding 10 *lb.* shall be conveyed by land; unless, if it is unmanufactured tobacco, a certificate be first had from the officers at the port of importation, together with the importer's oath thereto, that the duties were paid or secured at the importation, and when, and in what vessel it was imported;

imported; and if the person applying for the certificate be a *purchaser from the importer*, then on his oath, attesting the marks and numbers of the identical hogsheds purchased, or out of which the tobacco was taken, and from whom purchased, and when; and if he be a *second purchaser*, then on his oath in like manner, provided that if it is an entire hogshed, the name of the seller may be omitted in such certificate.

And if it is *tobacco stalks or snuff, or other manufactured tobacco*, then not without a certificate and oath of the *importer* being first had, that such stalks were stripped, or snuff or other manufactured tobacco was made from one or more hogsheds, for which the duties were paid or secured at the importation; and if the person applying for the certificate be a *purchaser*, he shall make oath that such stalks were stripped, or such snuff or other manufactured tobacco was made from one or more hogsheds, which had been delivered and received according to the directions of the said act of the 24. G. 2.

And before any such tobacco, or stalks, or snuff, shall be removed by land, the proprietor or his agent shall insert on the back of the certificate, the package, with the marks and numbers set thereon, and the weight of each species of goods contained in each package, and the place from whence, and to which they are to be carried, and by whom, or the inn from whence, and to whom consigned; and shall subscribe his name, and make oath to the truth thereof; and the certificate shall express the number of days it shall continue in force, and shall accompany the goods; and upon its arrival, the owner of the goods shall deliver it to the chief officer of the customs; and if there be none such, then to the officers of excise, who shall examine the same with the goods, and if they agree, the goods may be taken away by the owner, and the officer shall thereupon enter such certificate in a book for that purpose, and transmit an account thereof to the officer appointed by the treasury for keeping such accounts.

And if any tobacco, or stalks, exceeding 24 *lb.* or snuff exceeding 10 *lb.* shall be found removing by land from the port of importation, without having one or other of the certificates before directed; the same, together with the packages, horses, and carriages shall be forfeited; and the carrier shall besides be committed to the county gaol for one month by one justice where the offence shall be committed, or the offender shall be found.

And any officer of the customs or excise may seize the same, and prosecute; and the proof that the same had been removed with a proper certificate, and that the duties had been paid or secured, shall be on the claimer, and not on the officer.

And no tobacco or stalks exceeding 24 *lb.* nor snuff exceeding 10 *lb.* which shall have been *carried coastwise*, from the port of importation to any other place, shall be removed from thence by land, without a certificate from the officers of the port to which they were carried coastwise, that it appears to them by the entries of the certificates in their books which came with the goods from the place of importation, that the duties were paid, and also in what vessel they were brought, and when, and also that the person

The undersigned, being the owners of the premises...

do hereby certify that the above is a true and correct copy of the...

as the same appears from the records of the office of the...

of the County of ... State of ...

Witness my hand and seal of office this ... day of ... 19...

Notary Public for the State of ...

son applying to them for the same, had made oath to the truth thereof; and before such goods shall be removed by land, the proprietor or his agent shall insert on the back of the certificate, the names of each package, with the marks and numbers thereon, and the weight of each species in each package, and the place from and to which they are to be carried, and the name of the person to whom sent, and shall subscribe his name, and make oath to the truth thereof: And if any such goods shall be found removing without such certificate, or if it appear that such certificate is forged; the goods, package, horses, and carriages shall be forfeited, and the carrier shall also forfeit 10 *l.* and be committed to the county gaol for one month, by one justice where the offence shall be committed, or the offender shall be found. *f.* 22.

And no tobacco or stalks exceeding 24 *lb.* nor snuff exceeding 10 *lb.* shall be conveyed by land, unless the package be marked on the outside, with the respective words *tobacco*, *tobacco stalks*, or *snuff*, in letters not less than three inches in length; on pain of forfeiture of the same, with the package, and 1 *s.* a pound to be paid by the owner. *f.* 23.

The said penalties to be half to the king, and half to him that shall sue in any of the courts at *Westminster*. *f.* 33.

Toll. See *Miller*.

Torn.

1. **T**HE sheriff's torn is the king's court of record, holden Torn, what. before the sheriff, for redressing of common grievances within the county. 2 *Harv.* 55.

2. And sofarasmuch as the sheriff did go in circuit twice every year, throughout every hundred within the county, it was called *tour*, or *tourn*, which signifieth a circuit or perambulation. *2 Inst.* 70.

3. By the 31 *Ed.* 3. *f.* 1. *c.* 15. The sheriff shall make his turn yearly, once within a month after *Easter*, and another time within a month after *Michaelmas*; and if he holds it in other manner, he shall lose his turn for the time; that is, the court so holden for that time shall be void, and the sheriff shall lose the profits thereof. *2 Inst.* 71.

And he shall keep his turn no where but in due place and accustomed. 9 *H.* 3. *c.* 35.

4. Peers, clergymen, and tenants in ancient demesne, are privileged from appearing at the torn. 52 *H.* 3. *c.* 10.

Also they that have hundreds of their own shall not be bound to appear at the turn, but in the bailiwicks where they be dwelling. 52 *H.* 3. *c.* 10.

But all other persons, being above the age of 12 years, are bound to attend at such courts, in order to make inquiry of all common

common grievances, and also to give security to the publick for their good behaviour, by taking an oath to be faithful to the king, and to observe his laws, and also by incorporating themselves into some free pledge or tithing, which formerly signified a certain number of families living together in the same precinct, the masters whereof were every one of them mutually bound for each other, and punishable for the default of any member of any such family, in not appearing to answer for himself on any accusation made against him. *2 Harw. 55.*

Jurors in the torn.

5. No bailiff, or other officer, shall return or impanel any person upon an inquisition in the torn, but such as be of good name and fame, and have 20*s.* a year freehold within the shire, or 26*s.* 8*d.* customary or copyhold; on pain of 40*s.* and the sheriff other 40*s.* half to the king, and half to him that will sue: and an indictment otherwise taken shall be void. *1 R. 3. c. 4.*

But if the party except not to it upon his arraignment, he is concluded by that omission. *2 H. H. 70.*

And the jury shall put their seals to their inquisitions. *13 Ed. 1. c. 13.*

Indictments to be indented.

6. And indictments in the torn shall be by roll indented, one part to remain with the indictors, and the other with him that taketh the inquest. *1 Ed. 3. c. 17.*

Distress and sale.

7. It seems to be settled at this day, that a distress is incident of common right to every fine and amercement in the torn; and that the offender's goods may be distrained in any lands within the precinct of the court, or in the highway; and that the goods distrained may be sold. But the bailiff must have a special warrant to make distress. *2 Harw. 60, 61.*

Or the fine may be recovered by action of debt. *2 Harw. 61.*

Within what time offences are cognizable in the torn.

8. But no offence is cognizable in the torn, unless it arise since the holding of the last court. *2 Harw. 66.*

Traverse.

9. It seems to be agreed, that a presentment in the torn, of any offence within the jurisdiction of the court, being neither capital, nor concerning any freehold, subjects the party to a fine or amercement, without any traverse. *2 Harw. 71.*

Indictment to be certified to the sessions.

10. By the *magna charta*, *c. 17.* The sheriff is restrained in his torn, from hearing and determining indictments of felonies; yet the sheriffs did commonly make out process or precepts in nature of *capias* to arrest the parties; but by the *1 Ed. 4. c. 2.* their power of making out process upon these indictments is taken away, as well in cases of indictments of felony as other misdemeanors within their cognizance, but they are to deliver all such indictments and presentments to the next sessions, who are to make out process thereupon, and hear and determine them. *2 H. H. 71.*

And the estreats of the fines thereupon shall be enrolled, and by indenture be delivered to the sheriff, to the use of him that was sheriff at the time of the indictment so taken in the torn as aforesaid. *1 Ed. 4. c. 2.*

Constables chosen in the torn.

11. The constables of common right are to be chosen and sworn in the torn or leet. *2 Harw. 62.*

The first part of the report is devoted to a general survey of the country, and to a description of the principal features of the landscape. The second part is devoted to a description of the principal features of the climate, and to a description of the principal features of the soil.

The third part is devoted to a description of the principal features of the vegetation, and to a description of the principal features of the animal life. The fourth part is devoted to a description of the principal features of the human population, and to a description of the principal features of the human industry.

The fifth part is devoted to a description of the principal features of the human government, and to a description of the principal features of the human religion. The sixth part is devoted to a description of the principal features of the human art, and to a description of the principal features of the human science.

The seventh part is devoted to a description of the principal features of the human literature, and to a description of the principal features of the human music. The eighth part is devoted to a description of the principal features of the human painting, and to a description of the principal features of the human sculpture.

The ninth part is devoted to a description of the principal features of the human architecture, and to a description of the principal features of the human engineering. The tenth part is devoted to a description of the principal features of the human agriculture, and to a description of the principal features of the human commerce.

The eleventh part is devoted to a description of the principal features of the human industry, and to a description of the principal features of the human science. The twelfth part is devoted to a description of the principal features of the human art, and to a description of the principal features of the human science.

General and Special Instructions

General Instructions

1. The first and primary duty of the...
 2. The second duty is to...
 3. The third duty is to...
 4. The fourth duty is to...
 5. The fifth duty is to...
 6. The sixth duty is to...
 7. The seventh duty is to...
 8. The eighth duty is to...
 9. The ninth duty is to...
 10. The tenth duty is to...
 11. The eleventh duty is to...
 12. The twelfth duty is to...
 13. The thirteenth duty is to...
 14. The fourteenth duty is to...
 15. The fifteenth duty is to...
 16. The sixteenth duty is to...
 17. The seventeenth duty is to...
 18. The eighteenth duty is to...
 19. The nineteenth duty is to...
 20. The twentieth duty is to...

Trades. See Apprentices.

Transportation.

1. **W**HERE any person shall be convicted of grand or petit larceny, or any felonious stealing or taking of money or goods, within the benefit of clergy, and liable only to burning in the hand or whipping (except persons convicted for receiving or buying stolen goods, knowing them to be stolen) the court before whom he shall be convicted, or any subsequent court held with like authority, instead of ordering him to be burnt in the hand or whipt, may order him to be sent as soon as conveniently may be, to some of his majesty's plantations in *America*, for seven years; and shall have power to convey, transfer, and make over such offender, by order of court, to the use of any person who shall contract for the performance of such transportation, to him and his assigns, for seven years. 4 G. c. 11. f. 1. 6 G. c. 23. f. 1.

For felonies
within clergy.

2. And where any offender shall be convicted of any crime, for which he is excluded the benefit of clergy, and the king shall be pleased to extend mercy to him, on condition of transportation to any part of *America*, and such intention of mercy be signified by a principal secretary of state, it shall be lawful for any court having proper authority, to allow such offender the benefit of a pardon under the great seal, and to order the like transfer and conveyance, to any person (who will contract for the performance of such transportation) and to his assigns, of such offender, as also of any person convicted of receiving or buying stolen goods knowing them to be stolen, for the term of 14 years, in case such condition of transportation be general, or else for such other term as shall be made part of such condition. 4 G. c. 11. f. 1.

For felonies
without benefit
of clergy.

3. Every such person, to whom any such court shall order the offender to be transferred or conveyed, before he shall be delivered over to him or his assigns to be transported, shall contract with such person as shall be ordered by the court, and give sufficient security to the satisfaction of such court, that he will transport, or cause to be transported effectually, such offender, to such of his majesty's plantations in *America* as shall be ordered by the court, and procure an authentic certificate from the governor, or the chief custom house officer of the place (which they shall give without fee) of the landing of such offender (death and casualties of the sea excepted), and that the said offender shall not be suffered to return from the said place to any part of *Great Britain* or *Ireland*, by the wilful default of such person so contracting, or of his assigns. 4 G. c. 11. f. 3.

Contract for
transportation.

4. The court may appoint, if they think fit, two or more justices where the offender shall be convicted, who shall have power to contract with any person for performance of the transportation; and may order the like security, and cause the felons to be deli-

Persons impow-
ered to contract.

vered by the gaoler to the person contracting, or his assigns; which contracts and security shall be certified by the justices who shall make and take the same, to the next court held with like authority for the place where the felon was convicted, to be filed and kept amongst the records of such court. 6 G. c. 23. f. 2.

Bond for transportation.

5. And all securities for transportation shall be by bond in the name of the clerk of the peace, who shall (by such suit as the justices in sessions shall direct) prosecute such bond in his own name, and be paid such costs as he shall sustain in such suit for the penalty of such bond, or otherwise howsoever by reason thereof, out of the publick stock by the treasurer; and all money recovered on such bond, shall be to the use of the county or place, and be paid to the treasurer, and be part of the publick stock. 6 G. c. 23. f. 4.

Conveying to the port.

6. The person so contracting, and to whom any felon shall be delivered to be transported, or any person directed by the said justices (impowered to contract as aforesaid), or their assigns, may in such manner as they think fit, carry and secure the felon, in and thro' any county, toward the sea port; and if any person shall rescue such felon, or assist him in escaping, he shall be guilty of felony without benefit of clergy. 6 G. c. 23. f. 5.

Charges of transportation.

7. All charges in and about making the contracts, taking securities, and conveying of felons in order to be transported, shall be born by the county or place for which the court was held; and the treasurer shall, by order of the justices in sessions, pay the same to such persons as shall be employed for the purposes aforesaid. 6 G. c. 23. f. 3.

Escaping from on shipboard.

8. If any person shall assist any felon to attempt his escape, from any boat or vessel carrying felons for transportation, he shall (being prosecuted within a year) be guilty of felony, and transported for seven years. 16 G. 2. c. 31. f. 3, 4.

Persons transporting themselves voluntarily.

9. Where any person of the age of 15, and under 21, shall be willing to be transported, and to enter into any service in any of his majesty's plantations in *America*, it shall be lawful for any merchant or other, to contract with him for such service, not exceeding eight years; provided such person come before the lord mayor or a justice of the peace, if the contract be in *London*, or before two justices if elsewhere, and before him or them acknowledge such consent, and sign the contract in his or their presence, and with his or their approbation. And then it shall be lawful for such merchant or other, to transport such person, and keep him according to the contract: Which said contract, and approbation of such magistrate or magistrates, with the tenor of such contract, shall be certified by such magistrate or magistrates to the next sessions, to be registred by the clerk of the peace without fee. 4 G. c. 11. f. 5.

Returning from transportation.

10. And if any offender so ordered to be transported, shall return into *Great Britain* or *Ireland*, before the end of his term, he shall be liable to be punished as a person attainted of felony without benefit of clergy, and execution shall be awarded against him accordingly. 4 G. c. 11. f. 2.

The first part of the document is a list of names and titles, including
 and other members of the family of the present day. Some
 names are followed by their respective titles or positions.
 The list continues with several more names, some of which are
 followed by dates or specific references. The text is somewhat
 faded and difficult to read in many places, but the general
 structure appears to be a formal record or list of individuals.
 The names are arranged in a somewhat chronological or hierarchical
 order, though the exact nature of the list is not entirely clear.
 There are several lines of text that are mostly illegible due to
 fading and the quality of the scan. The overall appearance is that
 of an old, handwritten or printed document, possibly a genealogical
 record or a list of officials.

11. And by the 16 G. 2. c. 15. If any felon or other offender, ordered for transportation, or having agreed to transport himself on certain conditions either for life or any number of years, shall be afterwards at large in any part of *Great Britain*, without some lawful cause, before the expiration of the term; he shall be guilty of felony without benefit of clergy. *f. 1.*

Being at large after order or agreement for transportation.

And he may be tried at the assizes of the county or liberty where he shall be apprehended, or from whence he was ordered to be transported; and the clerk of assize, and clerk of the peace, where such orders of transportation shall be made, shall, at the request of the prosecutor, or any other in the king's behalf, certify a transcript briefly and in a few words, containing the effect and tenor of every indictment and conviction of such felon, and of the *order and contract* for transportation, to the judges where he shall be indicted (not taking for the same above 2 s. 6 d.) which certificate being produced in court shall be a sufficient proof that such person hath been convicted and ordered to be transported. 6 G. c. 23. *f. 6, 7.* 16 G. 2. c. 15. *f. 2.*

[*Order and contract*] So it is in the original record; but in Mr. *Hawkins's* edition of the statutes, it is *order or contract*, which may induce a mistake: for as the words *order or contract* do imply, that a person may be convicted upon a certificate either of the one, or of the other, it may happen in such case that an innocent person shall be condemned; for if a *contract* for transportation shall be certified only, and not the *order* for transportation, it is possible there may never have been any such order, and then such contract, being without the party's own consent or knowledge, and without any order to support it, is void.

12. And whoever shall discover, apprehend, and prosecute to conviction of felony without benefit of clergy, any such offender, shall be intitled to a reward of 20 *l.* and shall have the like certificate, and like payments made, without fee, as any persons may be intitled to for the apprehending, prosecuting, and convicting of highwaymen. 16 G. 2. c. 15. *f. 3.*

Reward for apprehending such person.

13. But the king may at any time pardon and dispense with the transportation, and allow of the offender's return, he paying to his proprietor such sum as shall be adjudged reasonable by any two justices of the peace within the province where such proprietor dwells. And where the offender shall have served his term, such service shall have the effect of a pardon. 4 G. c. 11. *f. 2.*

Pardon.

Traverse.

1. **T**Raverse took its name from the *French de traverse*, which is no other than *de transverso* in *Latin*, signifying, *on the other side*; because as the indictment on the one side chargeth the party, so he on the other side cometh in to discharge himself. *Lamb. 540.*

Traverse, whence.

Traverse, what. 2. To traverse an indictment then, is to take issue upon the chief matter thereof; which is the same as if one shall say, *to make contradiction, or to deny the point of the indictment*: As in a presentment against a person for a highway overflowed with water, for default of scouring a ditch, which he, and they whose estate he hath in certain lands there, have used to scour or cleanse; such person may traverse either the matter, to wit, that there is no highway there, or that the ditch is sufficiently scoured; or otherwise, he may traverse the cause, to wit, that he hath not that land, or that he and they whose estate he hath have not used to scour the ditch. *Lamb. 541.*

Form of a traverse. 3. And forasmuch as in the record of one traverse, there is at once discovered, the style of the sessions, the indictment, the process to answer, the traverse it self, the verdict, and judgment thereupon, the process of execution, the yielding of the parties, and the assessment of their fines, so that it alone may serve instead of all, it is judged requisite to insert the same as follows:

(Style of the sessions.)

Somerfet. **H**ERETOFORE, to wit, at the sessions of the peace held at Bridgewater in the county aforesaid, on the Tuesday next before the feast of St. Matthew the apostle, in the _____ year of the reign of _____ by the grace of god, of Great Britain, France, and Ireland, king, defender of the faith, and so forth, before J. P. and K. P. esquires, and others their associates, justices of our said lord the king, assigned to keep the peace in the county aforesaid, as also to hear and determine divers felonies, trespasses, and other misdemeanors in the same county committed, by the oath of twelve jurors it is presented, that John Long of _____ R. M. of _____ and T. L. of _____ with divers others unknown, evil doers and disturbers of the peace of our said lord the king, in a warlike manner arrayed, joined and assembled, on the _____ day of _____ in the night of the same day, in the year aforesaid, with force and arms, to wit, with swords, staves, clubs, guns, and other arms, as well offensive as defensive, at _____ the close of one W. Willet (called B.) unlawfully, riotously, and routously broke and entered, and eight waggon loads of hay, to the value of _____ then and there being, of the goods and chattels of the said W. W. then and there unjustly and unlawfully took and carried away, against the peace of our said lord the king, and against the form of the statute in that case made and provided: Whereupon it was commanded to the sheriff, that he should not omit, &c. but cause them to come to answer. And afterwards, to wit, on the Tuesday aforesaid next before the feast of St. Matthew the apostle, in the year aforesaid, before the aforesaid justices, came the aforesaid J. L. R. M. and T. L. in their proper persons, and having had the hearing of the indictment aforesaid, severally say, that they are thereof not guilty, and of this they put themselves upon the country; and Adam Martin, who for our lord the king in this behalf professes, in like manner &c. Therefore let there come thereupon a jury before the justices of our said lord the king, assigned to keep the peace in the county aforesaid, and also to hear and determine &c. at the sessions of the peace at Welles &c. on the Tuesday next after the

(The indictment.)

(Process to answer.)

(Traverse.)

(Jury.)

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned matter. I have the pleasure to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours obedient servant,
 J. H. Erhardt

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned matter. I have the pleasure to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
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Epiphany of our lord then next to be holden, And who &c. To recognize &c. Because as well &c. The same day is given as well (Day given.) to the aforesaid A. M. who prosecutes &c. as to the aforesaid J. L. R. M. and T. L. &c. To which sessions of the peace holden at W. aforesaid in the county aforesaid, on the aforesaid day &c. before ——— and their associates, justices of our said lord the king, assigned to keep the peace in the county aforesaid, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the same county committed, came as well the aforesaid A. M. who prosecutes &c. as the aforesaid J. L. R. M. and T. L. in their proper persons. And the jurors aforesaid, by the sheriff of the county (Verdict.) aforesaid for this impanelled, and demanded, to wit, A. B. C. D. &c. likewise did come, who to say the truth concerning the premises being tried and sworn, say upon their oath, that the aforesaid J. L. R. M. and T. L. are guilty, and every of them is guilty, of the trespass, contempt, and riot aforesaid, in the indictment aforesaid above specified, in manner and form as against them is above supposed. Therefore it is considered by the court, that the aforesaid (Judgment.) J. L. R. M. and T. L. be taken to satisfy our lord the king of their fines, by occasion of the trespass, contempt, and riot aforesaid. Which J. L. R. M. and T. L. then and there present in court, (Process of execution.) prayed that they to a fine with our said lord the king, by the occasion aforesaid, may be admitted; and thereof they put themselves severally upon the mercy of our lord the king. And the fine of the same J. L. (Fine assessed.) by the justices aforesaid is assessed, at 3l. 6s. 8d. and the fine of the same R. M. is assessed at 20s. and the fine of the same T. L. is assessed at 5l. of good and lawful money of Great Britain, to the use and behoof of our said lord the king. Lamb. 543.

4. Every defendant indicted for a misdemeanor, should give full eight days notice of trial to the prosecutor, before the assizes, if the trial is to be there; if at the sessions, it is usual to give two or three days notice. Cr. Circ. 20, 48. Notice of trial.

Treason.

1. **T**REASON, according to Lord Coke, is derived from *trahere*, to betray; and *trahison*, by contraction *treason*, is the betraying it self. Meaning of the word treason. 3 Inst. 4.

Treason, generally spoken, is intended, not of petit treason, but of high treason only. 1 H. H. 316.

2. Notwithstanding that treason and misprision of treason are not within the letter of the commission of the peace, yet inasmuch as they are against the peace of the king, and of the realm, any justice of the peace may, either upon his own knowledge, or the complaint of others, cause any person to be apprehended for any such offence. And such justice may take the examination of the person so apprehended, and the information of all those who Power of justices of the peace therein.

can give any material evidence against him, and put the same in writing; and also bind over such who are able to give any such evidence, to the king's bench, or gaol delivery, and certify his proceedings to such court. 2 *Harv.* 39. *Hal. Pl.* 168. 1 *H. H.* 372.

Bill.

3. And having committed the offender (for he is by no meansailable by justices of the peace, 3 *Ed.* 1. c. 15. 2 *Harv.* 99.) it may be advisable for him to send an account immediately of all the particulars, to a secretary of state.

Treason by the
25 Ed. 3.

4. By the statute of the 25 *Ed.* 3. §. 5. c. 2. (which Lord *Hale* calls a *sacred act*; and Lord *Coke* an *excellent act*, and the king who made it a *blessed king*, and the parliament a *blessed parliament*;) All treasons which had been uncertain before, were settled. Which act, by the 1 *Mar. sess.* 1. c. 1. is reinforced, and again made the only standard of treason; and all statutes, between the said statutes of the 25 *Ed.* 3. and 1 *Mar.* which made any offences high or petit treason, or misprision of treason, are abrogated; so that no offence is at this day to be esteemed high treason, unless it be either declared to be such by the said statute of the 25 *Ed.* 3. or made such by some statute since the 1 *Mar.*

And therefore I shall first consider such offences as are high treason within the said statute of the 25 *Ed.* 3. and then such as are made treason by statutes subsequent to the said statute of the 1 *Mar.*

The words of the statute of the 25 *Ed.* 3. as to this matter, are as follows:

*Whereas divers opinions have been before this time, in what case treason shall be laid, and in what not; the king, at the request of the lords and commons, hath made a declaration in the manner as hereafter followeth; that is to say, When a man doth compass or imagine the death of our lord the king, or of our lady his queen, or of their eldest son and heir; or if a man do violate the king's companion (that his, his wife, 3 *Inst.* 9.) or the king's eldest daughter unmarried, or the wife of the king's eldest son and heir; or if a man do levy war against our lord the king in his realm, or be adherent to the king's enemies in his realm, giving to them aid and comfort in the realm, or elsewhere; and thereof be probably (proveablement, proveably) attainted of open deed, by the people of their condition. And if a man counterfeit the king's great or privy seal, or his money; and if a man bring false money into the realm, counterfeit to the money of England, knowing the mowry to be false; and if a man slay the chancellor, treasurer, or the king's justices of the one bench or the other, justices in eyre, or justices of assize, and all other justices assigned to hear and determine, being in their places, doing their offices.*

And by the statute of the 1 *Mar. sess.* 1. c. 1. (which Lord *Hale* calls another excellent law) *No act, deed, or offence being by act of parliament made treason, by words, writing, ciphering, deeds, or otherwise whatsoever, shall be adjudged to be treason, but only such as be declared by the said statute of the 25 Ed. 3. And this*

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 This system is based on the
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 and is designed to
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this (he says) at one blow laid flat all the numerous treasons at any time enacted since the 25 *Ed. 3.* 1 *H. H.* 308.

Of open deed] Lord *Coke* (3 *Inst.* 14, 140.) seems to be of opinion, upon the said act of the 25 *Ed. 3.* that bare words are not a sufficient overt act, or open deed, whereby to convict a person of treason; but that they are misprision of treason only. So also Lord *Hale* (1 *H. H.* 111, 118. and elsewhere throughout) seemeth to think, that words, unless put into writing, are not regularly an overt act. But Mr. *Hawkins* (1 *Haw.* 39.) argues the contrary, and amongst other reasons for his opinion, he observes, that to charge a man with speaking treason is unquestionably actionable, which could not be, if no words could amount to treason: also, that as in case of felony, he who by command or persuasion induceth another to commit felony, is an accessory in felony, so he who does the same in treason is a principal traitor (there being no accessories in treason, but all being principals); and yet such person doth no act but by words.

And it has been the constant practice, ever since the revolution at least, where a person by treasonable discourses hath manifested a design to murder or depose the king, to convict him upon such evidence. And in *Lorwick's* case, *Holt* Ch. J. declared, that express words were not necessary to convict a man of high treason; but if from the tenor of his discourse the jury is satisfied he was engaged in a design against the king's life, this is sufficient to convict the prisoner. *Read. Treas.* 146.

5. Offences made treason since the 1 *Mar.* are as follows:

(1) With regard to the *pretender*—By the 6 *An. c. 7.* If any person shall by writing or printing affirm, that the pretender hath any right to the crown, or any other person otherwise than according to act of parliament, he shall be guilty of high treason. And if any person shall by preaching, teaching, or advised speaking affirm the same, he shall incur a *præmunire*.

But no person shall be prosecuted for words, unless oath be made thereof before a justice in 3 days; and the prosecution be within 3 months; and the conviction on the oath of two witnesses.

And by the 13 *W. c. 3.* If any person shall hold any correspondence with the pretender, or any person employed by him, or shall remit any money to his use, he shall be guilty of high treason. And by the 17 *G. 2. c. 39.* This is extended to the pretender's sons.

(2) Offences in relation to the coin, are made treason by many statutes; which are treated of in title **Coin**.

(3) Also there are many offences made treason, with regard to the popish usurped jurisdiction; which are treated of under title **Popery**.

6. In high treason, as hath been said before, there are no accessories, but all are principals; and therefore whatsoever act or consent will make a man accessory to a felony before the act done, the same will make him a principal in case of high treason. 3 *Inst.*

9. 21.

Treasons
the 2 *Mar.*

JUSTICE

Accessories in
high treason.

Prosecution to be
in 3 years.

7. By the 7 *W. c. 3.* No persons shall be prosecuted for high treason, but within 3 years after the offence committed; except in the case of designing to assassinate the king's person.

Trial to be the
next term.

8. And by the 31 *C. 2. c. 2.* Persons committed for high treason, shall be indicted the next term, or next assize; otherwise they shall be let to bail, unless it appear to the court, upon oath, that the witnesses for the king could not be produced in that time; and in such case, they shall be indicted the second term or assize, or else discharged.

Copy of the indictment.

9. Persons indicted for high treason whereby corruption of blood shall be made, or for misprision of such treason (except for counterfeiting the coin, the great seal, privy seal, privy signet, or sign manual) shall have a copy of the indictment (but not the names of the witnesses) delivered to them 5 days before trial. 7 *W. c. 3.*

Copy of the panel.

10. And they shall have copies of the panel of the jurors delivered to them, two days before trial. 7 *W. c. 3.*

Process for witnesses.

11. And shall have process of court to compel their witnesses to appear. 7 *W. c. 3.*

List of the witnesses.

12. And moreover, after the death of the person pretending to be king of *England* by the name of *James* the third, when a person is indicted for high treason, or misprision of treason, both a copy of the indictment, and lists of the jurors, and also of the witnesses, shall be delivered to the party indicted, ten days before the trial. 7 *An. c. 21. s. 11.*

Or

13. And such persons shall have two such counsel as they shall desire assigned them by the court, who shall have access to them at reasonable times. 7 *W. c. 3.*

Likewise persons impeached by the house of commons, of high treason whereby corruption of blood shall be made, shall be admitted to make their full defence by two counsel, who shall be assigned for that purpose, in like manner as upon indictments and other prosecutions. 20 *G. 2. c. 30.*

Witnesses sworn.

14. And they shall be allowed to make their defence by witnesses on oath. 7 *W. c. 3.*

Two witnesses.

15. And they shall not be attainted but on the oath of two witnesses, either both of them to the same overt act, or one of them to one, and the other of them to another overt act of the same treason; unless they shall confess, or stand mute, or refuse to plead, or challenge peremptorily above 35 of the jury. 7 *W. c. 3.*

Judgment.

16. The judgment for high treason (not relating to the coin) is, That he shall be carried back to the place from whence he came, and from thence to be drawn to the place of execution, and be there hanged by the neck, and cut down alive, and that his entrails be taken out, and burnt before his face, and his head cut off, and his body divided into four quarters, and his head and quarters disposed of at the king's pleasure. 2 *Harv. 443.*

The judgment of a woman for high treason, is to be drawn and burnt. 3 *Iust. 211.*

1818
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The first part of the book is devoted to a general history of the world, from the beginning of time to the present day. The author discusses the various ages of the world, and the progress of human civilization. He also touches upon the different religions and philosophies that have shaped the human mind. The second part of the book is a detailed account of the history of the British Empire, from its early beginnings to its present extent. The author describes the various conquests and expansions of the empire, and the role of the British in the world. The third part of the book is a history of the United States, from its declaration of independence to the present. The author discusses the various events and figures that have shaped the American nation, and the role of the United States in the world. The fourth part of the book is a history of the French Revolution, from its beginning to its end. The author describes the various events and figures that have shaped the French Revolution, and the role of the French in the world. The fifth part of the book is a history of the Napoleonic Wars, from their beginning to their end. The author describes the various events and figures that have shaped the Napoleonic Wars, and the role of Napoleon in the world. The sixth part of the book is a history of the Restoration, from its beginning to its end. The author describes the various events and figures that have shaped the Restoration, and the role of the Restoration in the world. The seventh part of the book is a history of the 19th century, from its beginning to its end. The author describes the various events and figures that have shaped the 19th century, and the role of the 19th century in the world. The eighth part of the book is a history of the 20th century, from its beginning to its end. The author describes the various events and figures that have shaped the 20th century, and the role of the 20th century in the world. The ninth part of the book is a history of the future, from its beginning to its end. The author describes the various events and figures that have shaped the future, and the role of the future in the world. The tenth part of the book is a history of the world, from its beginning to its end. The author describes the various events and figures that have shaped the world, and the role of the world in the world.

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17. In the first instance a proper notice of the meeting should be given to the members of the society.

General Principles

It is the duty of every member to attend the meetings of the society and to contribute towards the support of the same.

The members should be diligent in their attendance and should not be absent without a sufficient excuse.

It is also the duty of every member to contribute towards the support of the society in proportion to his or her means.

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17. In the said judgment is implied forfeiture of lands and goods to the king, loss of dower, and corruption of blood. Forfeiture.

3 *Inst.* 211.

But after the death of the pretender (and of his eldest and every other son, 17 G. 2. c. 39. s. 3.) no attainder for treason shall disinherit or prejudice any heir or other person, other than the offender during his life. 7 *An. c.* 21. s. 10.

Petit treason.

1. Moreover, there is another manner of treason, when a servant slayeth his master, or a wife her husband; or when a man secular or religious slayeth his prelate, to whom he oweth faith and obedience. 25 *Ed.* 3. s. 5. c. 2. Petit treason, what.

High treason is against the king, petit treason against the subjects. 3 *Inst.* 20.

2. No person shall be convicted of petit treason, but on the oath of two witnesses, or confession. 1 *Ed.* 6. c. 12. s. 22. Two witnesses.

3. The judgment against a man for petit treason is, that he shall be drawn to the place of execution, and there hanged by the neck till he be dead: The judgment against a woman is, that she shall be drawn to the place of execution, and there burnt. Judgment.
2 *Haw.* 444.

4. The consequence of attainder, is, forfeiture of lands (to the lord of the fee), and of goods; loss of dower; and corruption of blood. 2 *Haw.* c. 49. Forfeiture.

5. Altho' there can be no accessaries in high treason, yet in petit treason there may be accessaries both before and after. Accessory.
3 *Inst.* 21.

And accessaries before the fact are ousted of clergy, by several statutes; but accessaries after the fact have their clergy in all cases of petit treason, for no statute takes it from them. 2 *H. H.* 342.

Misprision of treason.

1. Misprision cometh of the French word *mespris*, which properly signifieth neglect or contempt: And misprision of treason, in legal understanding, signifieth, when one knoweth of any treason, tho' no party or consenter to it, yet conceals it, and doth not reveal it in convenient time. 3 *Inst.* 36. 1 *H. H.* 371. Misprision, what

2. The judgment of misprision of treason is, to be imprisoned during life, to forfeit all his goods for ever, and the profits of his lands during life. 3 *Inst.* 36. Judgment.

3. Every man therefore that knoweth a treason, ought with all speed to reveal it to the king, his privy council, or other magistrate. *H. Pl.* 127. Caution.

4. But it seemeth that misprision of petit treason is not subject to the judgment of misprision of high treason, but only is punishable by fine and imprisonment, as in the case of misprision of felony. 1 *H. H.* 375. Misprision of petit treason.

Treasure found.

Treasure trove,
what.

1. **T**REASURE trove, or treasure found, is *where any gold or silver, in coin, plate, or bullion, hath been of ancient time hidden, wheresoever it be found, whereof no person can prove any property, it doth belong to the king, or to some other by the king's grant, or prescription.* 3 Inst. 132.

Gold or silver] For if it be of any other metal, it is no treasure; and if it be no treasure, it belongs not to the king, for it must be *treasure trove.* 3 Inst. 132.

Wheresoever it be found] Whether it be of ancient time hidden in the ground, or in the roof or walls, or other part of a castle, house, building, ruins, or elsewhere, so as the owner cannot be known. 3 Inst. 132.

Belong to the king] The reason whereof is a rule of the common law, that such goods whereof no person can claim any property, belong to the king; as wrecks, strays, and the like. 3 Inst. 132.

Taking treasure
trove, not
felony.

2. Larceny cannot be committed of such things whereof no man hath any determinate property, tho' the things themselves are capable of property, as of treasure trove, or wreck till seized; tho' he that hath them in point of franchise, may have a special action against him that takes them. 1 H. H. 510.

But finable.

3. The punishment for concealment of treasure trove, is by fine and imprisonment. 3 Inst. 133.

The coroner may
inquire thereof.

4. And it belongeth to the coroner to inquire thereof. 3 Inst. 133.

Concerning which it is enacted by the 4 Ed. 1. st. 2. that a coroner, being certified by the king's bailiffs, or other honest men of the country, shall go to the places where treasure is said to be found. And it is farther enacted in the same statute, that the coroner ought to inquire of treasure that is found, who were the finders, and likewise who is suspected thereof; and that may be well perceived, where one liveth riotously, haunting taverns, and hath done so of long time; hereupon he may be attached for this suspicion, by 4, or 6, or more pledges, if he may be found.

Also the sheriff
in his torn.

5. Also it seems to be agreed, that all seizures of treasure trove, belonging to the king, may be inquired of in the sheriff's torn: But it seems questionable, whether a prescription in a court leet to inquire of such seizure belonging to the lord of it, being a subject, be good or not, since it is against the general rule of the law, for the leet to take cognizance of trespasses done to the private damage of the lord, because that would make him his own judge. 2 Harv. 67.

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Articles

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Witness my hand and seal this ... day of ...
 1665

Treasurer.

1. **T**HE treasurers shall be persons resident in the county or division, and shall be appointed by the justices at their general or quarter sessions; first giving sufficient security to be accountable for the money which shall be paid to them in pursuance of this act (for the levying of county rates), and to pay such sums as shall be ordered by the justices in sessions, and for the due and faithful execution of the trusts reposed in them. 12 G. 2. c. 29. *f. 6.* Treasurer how chosen.
2. And they may continue the treasurer from time to time in his office, and remove him at their pleasure, and appoint another in his place; and may allow him a salary not exceeding 20*l.* a year, to be paid out of the county rates. 12 G. 2. c. 29. *f. 11.* Continuance in his office; and his salary.
3. And that the treasurers may be the better amenable to the court of king's bench, with regard to the payment of the money for relief of the prisoners of the *King's Bench* and *Marshalsea* prisons, Every person who shall be elected treasurer of any county, shall in 30 days after his election transmit his name and place of abode to the clerk of the crown in the court of king's bench, to be by him entred or registred, for which entry no fee shall be taken: And if such treasurer shall neglect or refuse so to do, then upon the report of the said clerk of the crown, the said court may make a rule upon him, requiring his performance; which shall be enforced as other rules of the said court, at the charge of such treasurer. 11 G. 2. c. 20. His election to be certified into the king's bench.
4. And the treasurer shall keep books of entries of the several sums by him received and paid; and shall deliver in a true and exact account upon oath if required of his receipts and disbursements, distinguishing the particular uses to which the several sums have been applied, to the justices at every general or quarter sessions, and shall lay before them the proper vouchers for the same: Which accounts and vouchers, shall be deposited with the clerk of the peace, to be kept amongst the records, to be inspected by any of the justices without fee. 12 G. 2. c. 29. *f. 7, 8.* His accounts.
5. And the discharge of the justices, by their order at their general or quarter sessions, shall be a sufficient release and discharge to such treasurer. 12 G. 2. c. 29. *f. 9.* And discharge.

Trees. See Wood.

Trespas. See Justice of the peace.

Trial. See Jury, Sessions.

Trophy money. See Militia.

Turnips.

Turnips.

IF any person shall steal and take away, or maliciously pull up and destroy any turnips growing, or being in any grounds belonging to any person, and be convicted thereof (within 30 days) by confession, or oath of one witness, before one justice; he shall for the first offence pay to the owner such satisfaction for the damage, and within such time, as the justice shall appoint; and shall also pay down, upon conviction, to the overseers for the use of the poor, such sum not exceeding 10*s.* as the justice shall think fit; and if he shall not make such recompence and payment, the justice may either commit him to the house of correction for any time not exceeding one month, or order him to be whipt by the constable: And being convicted of a second offence, he shall be committed to the house of correction for 3 months. 23 G. 2. c. 26. s. 13, 14.

Turnpikes. See Highways.

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 introduction of the subject, and to a description of
 the various methods which have been employed
 for the purpose of determining the true nature
 of the matter in question. The second part
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 which have been made, and the results which
 have been obtained. The third part is
 devoted to a discussion of the various
 theories which have been advanced, and to
 a comparison of the results of the
 experiments with the predictions of these
 theories. The fourth part contains a
 summary of the results, and a few
 concluding remarks.

By J. D. [Name]

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Vagrants.

THIS title consisteth chiefly of the statute of the 17 G. 2. c. 5. commonly called the vagrant act; but in the progress thereof, the other statutes relating to vagrants are inserted in the places where they properly fall in.

- I. *Idle and disorderly persons.*
- II. *Rogues and vagabonds.*
- III. *Incorrigible rogues.*
- IV. *Apprehending.*
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- XIII. *Scottish vagrants.*
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- XXII. *Exception of special franchises.*

I. *Idle and disorderly persons.*

By the 7 J. c. 4. Idle and disorderly persons shall be sent to the house of correction; and by the 17 G. 2. c. 5. idle and disorderly persons are thus described: (1) All persons who threaten to run away, and leave their wives or children to the parish. (2) All persons who shall unlawfully return to the parish or place from

from whence they have been legally removed by order of two justices, without bringing a certificate from the parish or place whereunto they belong. (3) All persons who not having wherewith to maintain themselves, live idle without employment, and refuse to work for the usual and common wages given to other labourers in the like work, in the parishes or places where they are. (4) All persons going about from door to door, or placing themselves in streets, highways, or passages, to beg or gather alms in the parishes or places where they dwell—All these shall be deemed idle and disorderly persons. And it shall be lawful for one justice to commit such offenders (being thereof convicted before him, by his own view, or confession, or oath of one witness) to the house of correction, to be kept to hard labour not exceeding one month. And any person may apprehend, and carry before a justice, any such persons going about from door to door, or placing themselves in streets, highways, or passages to beg alms in the parishes or places where they dwell; and if they shall resist, or escape from the person apprehending them, they shall be punished as rogues and vagabonds. And the said justice, by warrant under his hand and seal, may order (A) any overseer where such offender shall be apprehended, to pay 5 s. to any person in such parish or place so apprehending them, for every offender so apprehended; to be allowed in his accounts, on producing the justice's order, and the person's receipt to whom it was paid: And if the overseer shall neglect or refuse to pay the same, the said justice on oath thereof, may by his warrant order the same to be levied by distress and sale of his goods, and in such case he shall not be allowed the same in his accounts. *§. 1.*

Note; This is another, and a quite different reward, from that which is given hereafter for apprehending rogues and vagabonds; the latter being 10 s. and this but 5 s. the latter paid by the county, but this paid by the parish, as a punishment for suffering their poor to beg, altho' within their own parish; for if they beg out of their parish, they incur a further degree of guilt, becoming thereby rogues and vagabonds.

II. Rogues and vagabonds.

An infant under the age of 7 years, shall not be said to be a rogue and vagabond; but shall be removed to its place of settlement, as other poor persons not vagrants. *Black. 276.*

But persons who shall be deemed rogues and vagabonds, are by the 17 G. 2. c. 5. these that follow:

(1) All persons going about as patent gatherers, or gatherers of alms, under pretences of loss by fire, or other casualty.

(2) Persons going about as collectors for prisons, gaols, or hospitals.

(3) Fencers.

(4) Bearwards.

(5) Common players of interludes, and all persons who shall for hire, gain, or reward, act, represent, or perform, or cause to be acted, represented, or performed, any interlude, tragedy, comedy,

The first part of the book is devoted to a general history of the world, from the beginning of time to the present day. The author discusses the various ages of the world, and the different nations and empires that have arisen and fallen. He also touches upon the progress of science and the arts, and the state of the human mind in different ages.

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medy, opera, play, farce, or other entertainment of the stage, or any part therein, not being authorized by law.

(6) Minstrels.

But this shall not prejudice the heirs or assigns of *John Dutton* of *Dutton*; late of the county of *Chester*, esquire, their heirs or assigns, concerning the liberty, privilege, or inheritance, which they, their heirs or assigns now lawfully use, or ought to use within the county of *Chester*, by reason of any ancient charters of any kings of this land, or by reason of any prescription, or lawful usage, or title whatsoever.

And this exception is as ancient as the vagrant act of the 39 *El.* (now repealed).

And in the 43 *El. c. 9.* which continued the said act of the 39 *El.* the above clause was continued only for one year, except before the end of the said year, the said *John Dutton*, or his heirs, should procure the lords chief justices and lord chief baron, or two of them, on hearing his allegations and proofs, to make certificate into the chancery, to be there inrolled, that the said *John Dutton*, or his heirs, ought lawfully (if no statute against rogues or beggars had been made) by charter, tenure, or prescription, to have such liberty of licensing of minstrels, as he claimeth and useth.

And in the 1 *J. c. 25.* the same clause was continued without limitation; so that it is probable such proof had then been made as is abovementioned.

And the history of the matter is this: *Randal Blandeville*, Earl of *Chester*, was about the end of the reign of *K. Rich.* the first, suddenly besieged by the *Welsh*, in the castle of *Ruthelent* in *Flintshire*; whereupon he presently sends to his constable of *Cheeshire*, one *Roger Lacy*, to hasten, with what force he could, to his relief. It happened to be on *Midsummer-day*, and a great fair then held at *Chester*. Whereupon *Roger* immediately got together a great lawless mob of fiddlers, players, cobblers, &c. and marches immediately towards the earl; and the *Welsh* perceiving a great multitude approaching, raised the siege and fled. The earl being thus freed, comes back with his constable to *Chester*; and in memory of this service, by a charter grants to *Roger Lacy* and his heirs, power over all the fiddlers, lechers, whores, and shoemakers in *Chester*. About the latter end of the reign of *King John*, or beginning of *K. Hen. 3.* *Roger Lacy* being dead, his son *John* by deed, granted to one *Hugh Dutton* his steward, and to his heirs, the rule and authority over all the lechers and whores in all *Cheeshire*, in these words; *Sciant presentes & futuri, quod ego Johannes Constabularius Cestriæ, dedi & concessi, & hac presenti charta mea confirmavi Hugoni de Dutton & hæredibus suis, magistratum omnium leccatorum & meretricum totius Cestriæ, sic ut liberius illum magistratum teneo de comite, salvo jure meo mihi & hæredibus meis.* Under which grant by ancient custom, the heirs of *Dutton* claim and enjoy a privilege and authority over all the common fiddlers and minstrels in *Chester*, and in all *Cheeshire* to this day, and in memory thereof, keep a yearly court at *Chester* on *Midsummer-day*, being *Chester fair*, and in a solemn manner ride
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attended thro' the city to St. *John Baptist's* church, with all the fiddlers of the county playing before the lord of *Dutton*, and then at the court renew their licences yearly; and none ought to use the trade or employment of a minstrel or fiddler, either within the city or county, but by an order and licence of that court. *Sh.* 360.

(7) Jugglers.

(8) All persons pretending to be gypsies, or wandering in the habit or form of *Egyptians*.

And by the 1 & 2 P. & M. c. 4. If any person shall bring into the realm any persons calling themselves, or commonly called *Egyptians*; he shall forfeit 40 *l.* half to the king, and half to him that shall sue. And if any of the said persons called *Egyptians*, so brought into the realm, shall continue within the same for one month, he shall (on conviction in the county where he was apprehended) be adjudged guilty of felony without benefit of clergy, and shall not be tried by a jury *per medietatem linguæ*. But this not to extend to any child not above 13 years of age; nor to charge any person as accessory to the said felony.

And by the 5 *El.* c. 20. Every person (tho' not brought from beyond sea) who shall be found in any company of vagabonds, commonly called, or calling themselves *Egyptians*, or counterfeiting, transforming, or disguising themselves by their apparel, speech, or other behaviour like unto them, and shall continue in the same at one time, or at several times, by the space of one month, shall on conviction in the county where he was apprehended, be adjudged guilty of felony without benefit of clergy, and shall not be tried by a jury *per medietatem linguæ*. But this not to extend to any child within 14 years of age.

(9) Or pretending to have skill in physiognomy, palmestry, or like crafty science, or to tell fortunes.

(10) Or using any subtil craft to deceive and impose on any of his majesty's subjects.

(11) Or playing or betting at any unlawful games or plays.

(12) All persons who run away, and leave their wives or children, whereby they become chargeable to any parish or place.

(13) All petty chapmen, and pedlars, wandering abroad, not being duly licensed, or otherwise authorized by law.

(14) All persons wandering abroad, and lodging in alehouses, barns, outhouses, or in the open air, not giving a good account of themselves.

(15) All persons wandering abroad and begging, pretending to be soldiers, mariners, or seafaring men.

But this shall not extend to soldiers wanting subsistence, having lawful certificates from their officers, or the secretary at war; or to mariners or seafaring men licensed by some testimonial or writing under the hand and seal of some justice of the peace, setting down the time and place of their landing or discharge, and the place to which they are to pass, and the names of the chief towns or places thro' which they are to pass, and limiting the time of their passage, while they continue in the direct way to the place to which they are to pass, and during the time so limited.

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Introduction

The first part of the book is devoted to a general introduction to the subject. It discusses the importance of the study and the scope of the work. The author also mentions the sources of the material and the method of the investigation.

The second part of the book is devoted to a detailed description of the objects of the study. It discusses the properties and characteristics of the objects and the methods of their identification.

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Which exception hath a reference to the statute of the 39 *El.* c. 17. which is as follows :

All idle and wandring soldiery or mariners, or idle persons which shall be wandring as soldiery and mariners, shall settle themselves in some service, labour, or other lawful course of life, without wandring, or otherwise repair to the places where they were born, or to their dwelling places if they have any, and there remain, betaking themselves to some lawful trade or course of life ; on pain to be reputed as felons, and to suffer as in case of felony without benefit of clergy. *f. 2.*

And every idle and wandring foldier or mariner, which coming from his captain from the seas, or from beyond the sea, shall not have a testimonial under the hand of a justice of the peace of or near the place where he landed, setting down therein the place and time when and where he landed, and the place of his dwelling or birth, unto which he is to pass, and a convenient time therein limited for his passage, or having such testimonial, shall wilfully exceed the time therein limited, above 14 days ; and also as well every such idle and wandring soldier or mariner, as every other idle person wandring as soldier or mariner, which shall forge or counterfeit any such testimonial, or have with him any such testimonial forged or counterfeited, knowing the same to be counterfeited or forged ; in all these cases, every such act or acts to be felony without benefit of clergy. *f. 3.*

And the justices of assize, and justices of the peace in sessions, may hear and determine all such offences, and execute the offenders convicted before them, as in cases of felony is accustomed ; except some honest person valued at the last subsidy to 10*l.* in goods, or 40*s.* in lands, or else some honest freeholder, as by the said justices shall be allowed, will be contented before such justices to take such offender into his service for one whole year, and then before the said justices will be bound by recognizance of 10*l.* if he keep not the said person for one whole year, and bring him to the next sessions for the peace and gaol delivery next ensuing after the said year ; and if any such person retained depart within the year, without the licence of him that so retained him, he shall be guilty of felony without benefit of clergy. *f. 4.*

But if any such idle and wandring person shall fall sick by the way, so that by reason of his weakness he cannot travel to his journey's end within the time limited in his testimonial, he shall not be within the danger of this statute, so as he settle himself in some lawful course of life as aforesaid, to repair as aforesaid to the place where he was born or was last abiding, within convenient time after the recovery of his sickness, and there remain as aforesaid. *f. 5.*

And if any such soldier or mariner coming from the seas, shall not at the time of his landing, or in his travel to the place whereunto he is to repair, going the direct way [have wherewithal to maintain himself in his journey], he may resort to some justice next adjoining to the place of landing or way, and make known unto him his poverty ; who upon perfect notice thereof had, may license (B) him to pass the next and direct way to the place where

where he is to repair, and to limit him so much time only, as shall be necessary for his travel thither; and in such case, pursuing the form of such licence, he may for his necessary relief in his travel, ask and take the relief that any person shall willingly give him. *f. 7.*

Note; the above words [*have wherewithal to maintain himself in his journey*] are inserted in order to make up the sense, the statute being evidently imperfect without some such like words; and the parliament roll itself in this place is in like manner imperfect: and yet this is the sole clause in any act of parliament, by which power is given to a justice of the peace to license any person to beg; and of which such evil use is often made by profligate persons, in counterfeiting such licences, and thereby abusing the country.

Lord *Coke*, upon this statute, speaking of the preventing of persons from wandering without passes, or with the same counterfeited, observes thereupon, that this excellent work (as he calls it) of preventing them from wandering abroad without lawful licences, is without question feasible; for upon the making of the said statute, and a good space after, whilst the justices and other officers were diligent and industrious, there was not a rogue to be seen in any part of *England*; but when the justices and others became remiss, rogues swarmed again. *2 Inst. 729.*

But, in truth, the great mischief seemeth to be, the suffering these persons to wander at all: Such persons, above all others, ought to be conveyed immediately from their place of landing or discharge, to their place of settlement, at the publick charge, for three reasons; 1. Because, if they be sailors, they may be useful at the ports where they belong. 2. Because otherwise, whether they be soldiers or sailors, they become initiated into the trade of begging, which they are never after willing to leave. 3. Because being for the most part able and lusty, they are most likely to do mischief in the country.

(16) Or pretending to go to work in harvest.

But this shall not extend to any person going abroad to work at any lawful work in the time of harvest, so as he carry with him a certificate signed by the minister and one of the churchwardens or overseers where he shall inhabit, declaring that he hath a dwelling house or place there.

Which exception hath reference to a clause in the statute of the 13 & 14 C. 2. c. 12. concerning settlements, by which 40 days inhabitancy made a settlement; whereby it is enacted, that it shall be lawful for any person to go into any county, parish, or place, to work in time of harvest, or at any time to work at any other work, so that he carry with him a certificate from the minister of the parish, and one churchwarden and one overseer, that he hath a dwelling house or place in which he inhabiteth, and hath left wife and children, or some of them there (or otherwise as the condition of such person requireth) and is declared an inhabitant there; and in such case, if he shall not return when his work is finished, or shall fall sick or impotent, it shall not be accounted a settlement,

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(17) And all other persons, wandering abroad and begging— shall be deemed rogues and vagabonds.

III. Incurrible rogues.

By the 17 G. 2. c. 5. Incurrible rogues are thus described:

(1) All end gatherers offending against the statute of the 13 G. being convicted of such offence.

By which act of the 13 G. c. 23. s. 8. The offence is this; *viz.* The collecting, buying, receiving, or carrying any ends of yarn, wefts, thrums, short yarn, or other refuse of cloth, drugges, or other woollen goods; and the punishment of such persons is, in order to prevent their committing abuses, by such practices, in the woollen manufacture.

(2) All persons apprehended as rogues and vagabonds, and escaped from the persons apprehending them, or refusing to go before a justice, or to be examined on oath before such justice, or refusing to be conveyed by such pass as is herein after directed, or knowingly giving a false account of themselves on such examination, after warning given them of their punishment.

(3) All rogues or vagabonds who shall break or escape out of any house of correction, before the expiration of the term for which they were committed or ordered to be confined by this act.

(4) All persons who after having been punished as rogues and vagabonds, and discharged, shall again commit any of the said offences:— All these shall be deemed incurrible rogues. s. 4.

IV. Apprehending rogues.

If any person shall be found offending against this act, the constable shall apprehend him, and convey or cause him to be conveyed to a justice of the peace. 17 G. 2. c. 5. s. 5.

And any other person may apprehend him, and carry him to the constable, or to a justice. *id.*

V. Reward for apprehending.

If any person, not being a constable, shall apprehend any such rogue or vagabond, and shall deliver him to a constable, or convey him to a justice; or if any constable shall so apprehend and convey him, it shall be lawful for such justice to reward him, by making an order (C) under hand and seal, upon the high constable, to pay 10s. to the person so apprehending him, within one week after demand, and producing such order, and on his giving a receipt for the same; which shall be allowed by the treasurer to such high constable, on passing his accounts, and delivering such order and receipt, and also his own receipt for the same to such treasurer; the treasurer also to be allowed the same in his accounts, on producing the said vouchers; and in towns corporate, and other places, where there are no high constables, such petty constables shall pay or retain such reward, and be allowed the same in their accounts, on producing the like vouchers. And

if any high constable, or where there is none, such petty constable, shall refuse or neglect to pay such reward on demand, such justice by his warrant may levy the sum of 20*s.* by distress and sale of his goods, and thereout allow the said reward, and such other recompence for his trouble, loss of time, and expences, as the said justice shall think fit; the overplus to be returned on demand. 17 G. 2. c. 5. *s.* 5.

VI. Penalty for not apprehending.

If the constable shall refuse or neglect, to use his best endeavours, to apprehend or convey to some justice such offender; or if any other person, being charged by any justice so to do, shall refuse or neglect to use his best endeavours to apprehend and deliver to the constable, or to carry such offender before some justice, where no constable can be found; he shall, being convicted thereof on view, or oath of one witness, before one justice, forfeit 10*s.* to the poor, by distress. 17 G. 2. c. 5. *s.* 5.

VII. Privy search.

The justices, or two of them, shall four times a year at least, or oftner (if need be) meet in their respective divisions, and by their warrant (D) command the constables of every hundred, parish, town, and hamlet, who shall be assisted with sufficient men, to make a general privy search in one night, for the apprehending of rogues and vagabonds; and every justice shall also, on receiving information that rogues and vagabonds are in any place within his jurisdiction, issue his warrant to the constable to search for and apprehend such rogues and vagabonds, and such as they shall find upon such search, they shall cause to be brought before a justice. 17 G. 2. c. 5. *s.* 6.

And by the 25 G. 2. c. 36. Two justices, in case any person apprehended upon a general privy search, or by a special warrant, shall be charged before them with being a rogue and vagabond, or an idle and disorderly person, or with suspicion of felony (altho' no direct proof be then made thereof) may examine such person on oath, as to his settlement, and means of livelihood; and the substance of such examination shall be put in writing, and signed by such person, and by the justices, and be transmitted to the next sessions to be filed; and if such person shall not shew, that he has a lawful way of getting his livelihood, or shall not procure some responsible housekeeper to appear to his character, and to give security (if required) for his future appearance at some other day to be fixed for that purpose, the justices may commit him to some prison or house of correction, for any time not exceeding six days; and in the mean time order the overseers of the poor, to advertise in some publick paper, a description of his person, and any thing that shall be found on him, or in his custody, and which he shall be suspected not to have come honestly by, and the place of his commitment, and the time and place appointed for

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CHAPTER V

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for his re-examination; and if no accusation shall be then laid against him, he shall be discharged, or otherwise dealt with according to law. *f. 12.*

But by the shortness of the time limited for advertising him, this seems chiefly calculated for the places within the bills of mortality.

VIII. Examination.

Where any rogues or vagabonds, apprehended by any constable, or such other person as aforesaid, shall be brought before a justice, he shall inform himself by the examination (E) upon oath of the person apprehended, or of any other person, of the condition and circumstances of the person so apprehended, and of the parish or place where he was last legally settled; the substance of which shall be put into writing, and be signed by the person or persons so examined; and the justice shall likewise sign the same, and transmit it to the next sessions, there to be filed and kept on record. *17 G. 2. c. 5. f. 7.*

IX. Whipping or imprisonment.

And such justice shall order such person so apprehended, to be publickly whipt (F) by the constable, petty constable, or some other person, to be appointed by such constable or petty constable, of the parish or place, where such person was apprehended; or shall order him to be sent to the house of correction (G) till the next sessions, or for any less time, as such justice shall think proper. *17 G. 2. c. 5. f. 7.*

X. Further punishment.

And where any offender against this act shall be committed to the house of correction till the next sessions, and the justices at such sessions shall on examination of the circumstances of the case adjudge such person a rogue or vagabond, or an incorrigible rogue; they may order such rogue or vagabond to be detained in the house of correction, to hard labour for any further time not exceeding six months, and such incorrigible rogue for any further term not exceeding two years, nor less than six months; and during his confinement, to be whipped in such manner, and at such times and places, as they shall think fit; and such person may, if the sessions think convenient, afterwards be sent away by a pass; and if such person, being a male, is above the age of 12 years, the court may, before he is discharged from the house of correction, send him to be employed in his majesty's service by sea or land; and if such incorrigible rogue, so ordered by the sessions to be detained in the house of correction, shall break out or make his escape, or shall offend again in like manner, he shall be guilty of felony, and be transported for seven years. *17 G. 2. c. 5. f. 9.*

And by the 13 & 14 C. 2. c. 12. The justices in sessions may transport such rogues, vagabonds, and sturdy beggars, as shall be duly convicted, and adjudged to be incorrigible. *f.* 23.

And by the 17 G. 2. c. 5. If the child of any vagrant, above the age of seven years, shall be committed to the house of correction, the justices in sessions, if they see convenient, at any time before such child be discharged, may order such child to be placed out as a servant or apprentice, to any person who is willing to take such child, till such child shall be of the age of 21 years, or for a less time: And if any offender, who was found wandering with such child, shall be again found with the same child which was so placed out, he shall be deemed an incorrigible rogue. *f.* 24.

And where any vagrants have been committed to the house of correction till the next sessions, if on examination of such persons no place can be found, to which they may be conveyed, the sessions shall order them to be detained and employed in the house of correction, until they can provide for themselves, or until the justices in sessions can place them in some lawful calling, as servants, apprentices, soldiers, mariners, or otherwise, either within this realm, or in the plantations in *America*. *f.* 28.

XI. Conveying.

After such whipping or confinement, the justice may, if he thinks convenient, by a pass (H. I.) under hand and seal, cause him to be conveyed to the place of his last legal settlement; but if it cannot be found, then to the place of his birth; or if he be under the age of 14 years, and have any father or mother living, then to the place of the abode of such father or mother, there to be delivered to some churchwarden or overseer. 17 G. 2. c. 5. *f.* 7.

And the justice shall make a duplicate of the pass and examination, and sign the same; and shall afterwards transmit the duplicate of the pass, annexed to the examination, to the next sessions, there to be filed and kept on record; and shall annex the duplicate of the examination to the pass, and send it with the same; and the said pass, examination, and duplicate thereof, shall and may be read in any court of record as evidence. *f.* 8.

And the justice who shall make the pass, shall with the pass cause likewise to be delivered to the constable a note or certificate (K) ascertaining how they are to be conveyed, by horse, cart, or on foot, and what allowance such constable is to have for conveying them. *f.* 10.

And the constable who shall receive such pass and certificate, shall convey the person according to the direction of the pass, the next direct way to the place where he is ordered to be sent, if it be in the same county, riding, division, corporation, or franchise; if not, he shall deliver the said person to the constable of the first town, parish, or place, in the next county, riding, division, corporation, or franchise, in the direct way to the place whither he is to be conveyed, together with the pass and duplicate

The first part of the book is devoted to a general
 introduction of the subject, and to a description of
 the various kinds of plants which are found in
 the different parts of the world. The author
 then proceeds to a detailed description of the
 anatomy of the human body, and to a
 description of the various diseases which
 are known to affect it. The book is
 written in a clear and concise style, and
 is well adapted for the use of students
 of medicine.

PLANTAE

The second part of the book is devoted to a
 description of the various kinds of plants
 which are found in the different parts of
 the world. The author describes the
 various kinds of trees, shrubs, and
 herbs, and their uses. He also describes
 the various kinds of fruits, and the
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cate of the examination, taking his receipt for the same. And such constable shall without delay apply to some justice in the same county or division, who shall make the like certificate, and deliver it to such constable, who shall with all speed convey such person unto the first parish, town, or place in the next county or division, in the direct way to the place to which he is to be conveyed. And so from one county or division to another, till they come to the place to which such person is sent. And the constable, who shall deliver such person to the churchwarden or other person ordered to receive him, shall at the same time deliver the said pass, with the duplicate of the examination, taking their receipt for the same. *f. 11.*

And any justice before whom a vagrant shall be carried, may order him to be searched, and his bundles to be inspected by the constable or other officer in his presence; and if it shall appear that such vagrant shall be found to have sufficient wherewithal to pay for his passage, either in whole or in part, the justice shall order so much of the money to be paid, or other effects found upon such vagrant to be sold, and employed towards the expence of taking up and passing such vagrant, returning the overplus, after deducting the charges of such sale. *f. 12.*

And the justices in sessions shall limit what rates and allowances, by the mile, or otherwise, shall be made, for conveying or maintaining rogues, vagabonds, or incorrigible rogues; and make such other orders for the more regular proceeding therein, as they shall think proper. *f. 16.*

And if any petty constable shall bring to any high constable such certificate as aforesaid, together with a receipt or note from the constable to whom the person was delivered, the said high constable shall pay the rates ascertained by such certificate, taking the petty constable's receipt; the high constable to be allowed the same by the treasurer on passing his accounts, on his delivering up such certificate and receipt, and giving his own receipt for the same to such treasurer; the same to be allowed the treasurer in his accounts, on his delivering up the vouchers aforesaid. And if the high constable shall refuse or neglect to pay the same on demand, it shall be lawful for one justice, by his warrant, to levy double the sum by distress, and thereout to allow the petty constable the sum ascertained by the certificate, and such other recompence for his trouble, loss of time, and expences, as the justice shall think fit; the overplus to be returned to the high constable on demand. And in cities, towns corporate, and other places where there is no high constable, the petty constable shall be allowed what he shall so pay pursuant to such certificate, in his accounts, on delivering up such vouchers: Or if any matter of a house of correction shall deliver such certificate and receipt to the treasurer, the treasurer shall pay the same to him, taking his receipt for the same, and be allowed the same in his accounts, on delivering up such vouchers. *f. 17.*

And by the 26 G. 2. c. 34. Where the high constable hath not money in his hands sufficient to answer the said expences, the treasurer shall pay the same to such petty constable, on his

producing the certificate, and such other vouchers as aforesaid. *f. 2.*

And if any petty constable, or governor of any house of correction, shall counterfeit any such certificate or receipt, or knowingly permit any alteration to be made therein; he shall forfeit 50*l.* And if he shall not convey, or cause to be conveyed, such vagrants, or not deliver them to the proper person; or if any constable shall refuse to receive any such person, or to give such receipt, he shall forfeit 20*l.* by distress and sale by warrant of the justices in sessions, where the offence shall be committed; half to the informer, and half to the treasurer, to be applied by him as part of the publick stock; returning the overplus upon demand, charges of distress being first satisfied. 17 G. 2. c. 5. *f. 18.*

XII. What to be done with at the place to which he is sent.

The parish or place to which any rogue, vagabond, or incorrigible rogue shall be conveyed, shall employ in work, or place in some workhouse or almshouse, the person so conveyed, until he shall betake himself to some service or other employment: And if he shall refuse to work, or not betake himself to some service or other employment, the overseers may cause him to be carried to some justice, to be sent to the house of correction, there to be kept to hard labour. 17 G. 2. c. 5. *f. 19.*

But if the churchwarden or other person who shall receive any person so sent, shall think the examination to be false, he may carry the person so sent before a justice, who if he see cause, may commit such person to the house of correction till the next sessions; and the justices there, if they see cause, may deal with such person as an incorrigible rogue: But the person so sent, shall not be removed from the place to which sent, but by order of two justices, in the same manner as other poor persons are removed to the place of their settlement. *f. 11.*

XIII. Scottish vagrants. (L.)

The constable of any parish or place, within the counties of Cumberland, Northumberland, Durham, or town of Berwick, shall on any person being so delivered to him by a pass and examination, whose place of legal settlement is in Scotland, deliver the examination to the clerk of the peace, to be kept amongst the records; and convey such person with the pass, into the next adjoining shire, stewartry, or place, in that part of the united kingdom, and deliver him to some constable or other officer of the next parish, district, or place within the said shire, stewartry, or place, taking his receipt for him; and such officer shall receive such person, and give such receipt, and dispose of him according to law. And if any such vagrant, after being so conveyed into Scotland, shall be found wandering, begging, or misbehaving himself in England, he shall be deemed an incorrigible rogue. 17 G. 2. c. 5. *f. 13.*

The first part of the report is devoted to a general
 statement of the condition of the country at the
 beginning of the year. It is then divided into
 three parts, the first of which is devoted to a
 description of the general state of the country,
 the second to a description of the state of the
 different branches of industry, and the third to
 a description of the state of the different
 branches of commerce.

The second part of the report is devoted to a
 description of the state of the different branches
 of industry.

The first of these branches is agriculture, which
 is the basis of the country. It is then divided
 into three parts, the first of which is devoted
 to a description of the state of the different
 branches of agriculture, the second to a
 description of the state of the different
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 description of the state of the different
 branches of stock raising.

The third part of the report is devoted to a
 description of the state of the different branches
 of commerce.

The first of these branches is the trade with
 the different parts of the world. It is then
 divided into three parts, the first of which is
 devoted to a description of the state of the
 different branches of foreign trade, the second
 to a description of the state of the different
 branches of inland trade, and the third to a
 description of the state of the different
 branches of coast trade.

Journal

18th July 1864

Left at 10 AM for the station. The morning was very hot and the sun was shining brightly. We arrived at the station at 11 AM and found a large number of people waiting for the train. The train was very crowded and we had to stand for most of the journey. The scenery was very beautiful and we saw many interesting places. We arrived at our destination at 4 PM and found a large number of people waiting for us. We were very tired but very happy to be home.

19th July 1864

Spent the day at home. The weather was very hot and the sun was shining brightly. I went to the garden and worked for a few hours. I also went to the shop and bought some things. I was very busy but very happy.

XIV. Irish vagrants. (M.)

Every master of a vessel bound for *Ireland*, the *Iles of Man*, *Jersey*, *Guernsey*, or *Scilly*, shall on warrant to him directed, under the hand and seal of a justice of the place where such vessel shall lie (N.), take on board such vagrant as shall be expressed in the warrant, and convey him to such place; and for the charges thereof, the constable who serves him with the warrant, shall pay him such rate by the head, as the justices in sessions shall appoint; and such master shall on the back of the warrant sign a receipt for the money so paid, and also for the vagrant so delivered. Which warrant so indorsed shall be produced to the justice who signed and sealed the same, and upon his allowance thereof, under his hand, the money so paid shall be repaid by the county, as other money for conveying vagrants. And such master neglecting or refusing to transport such vagrants, or to indorse such receipt, shall forfeit 5*l.* to the poor of the parish or place where the offence shall be committed, to be levied by distress and sale of the ship, or any goods within the same, by warrant of one justice, returning the overplus on demand, after the penalty and charges of the same are satisfied. 17 G. 2. c. 5. s. 14.

But no master shall be compelled to take on board more than one vagrant, for every 20 tons burden. s. 15.

XV. Lunatick vagrants.

Whereas there are sometimes persons, who by lunacy or otherwise, are furiously mad, or so far disordered in their senses, that they may be dangerous to be permitted to go abroad, it shall be lawful for two justices where such person shall be found, by their warrant (O.) directed to the constables, churchwardens, and overseers, or some of them, to cause such person to be apprehended, and kept safely locked up in some secure place within the county, or precinct, as such justices shall appoint; and, if such justices find it necessary, to be there chained, if the settlement of such person be within such county or precinct; and if not, then to be sent to the place of his last legal settlement by a pass, *mutatis mutandis*, and shall be locked up or chained, by warrant of two justices of the place to which he is sent: And the reasonable charges of removing, and of keeping, maintaining and curing such person, during such restraint (which shall be during such time only as such lunacy or madness shall continue) shall be paid, such charges being first proved upon oath, by order of two justices (P.) directing the churchwardens or overseers where any goods, chattels, lands, or tenements of such person shall be, to seize and sell so much of the goods and chattels, or receive so much of the annual rents of the lands and tenements, as is necessary to pay the same; and to account for what is so seized, sold, or received, to the next sessions: But if such person hath not an estate to pay the same, over and above what shall be sufficient to maintain his family, then such charges shall be paid by the parish, town, or place, to

which such person belongs, by order of two justices, directed to the churchwardens and overseers for that purpose. 17 G. 2. c. 5. s. 20.

But this shall not extend to restrain the king's prerogative, or power of the lord chancellor, or the chancellor of the county palatine of *Lancaster*, or the chamberlain of the county palatine of *Chester*, concerning such lunaticks; or to restrain or prevent any friend or relation of such lunaticks, from taking them under their own care and protection. s. 21.

XVI. Penalty of lodging vagrants.

If any person shall knowingly permit any rogue, vagabond, or incorrigible rogue, to lodge or take shelter in his house, barn, or other outhouse or building, and shall not apprehend and carry him before a justice, or give notice to the constable so to do; and shall be convicted thereof by confession, or oath of one witness, before one justice; he shall forfeit not exceeding 40 s. nor less than 10 s. half to the informer, and half to the poor, by distress and sale. And if any charge shall be brought on any parish or place, by means of such offence, the same shall be answered to the said parish or place by such offender, and be levied by distress and sale of his goods as aforesaid; and if sufficient distress cannot be found, such offender shall be committed to the house of correction by the justice, for any time not exceeding one month. 17 G. 2. c. 5. s. 23.

XVII. Children born in vagrancy.

Whereas women wandring and begging are often delivered of children, in parishes and places to which they do not belong, whereby they become chargeable to the same, it is enacted, that where any such woman shall be so delivered, and become chargeable, the churchwardens or overseers may detain such woman in their custody, until they can safely convey her to a justice; who shall examine her, and commit her to the house of correction until the next sessions, who may, if they see convenient, order her to be publickly whipped, and detained in the house of correction for any further time not exceeding six months. And upon application by the churchwardens and overseers of the place where she was so delivered, the justices at such sessions shall order the treasurer to pay them such a sum, as shall be adjudged a reasonable satisfaction for the charges such place has been put to on such woman's account. And if such woman shall be detained and conveyed to a justice as aforesaid, the child of which she is delivered, if a bastard, shall not be settled in the place where so born, nor be sent thither for want of other settlement, by a pass, by virtue of this act; but the settlement of such woman shall be deemed the settlement of such child. 17 G. 2. c. 5. s. 25.

And that it may appear, that the overseers have done what was incumbent upon them, in order to avoid such settlement, it is requisite for the justice (as he ought to do in all other cases wherein

The first part of the report is devoted to a general
 description of the country and its resources. It
 is followed by a detailed account of the
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The second part of the report is devoted to a
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he acteth as judge) to make a record (Q.) of the whole proceedings before him; which record (as it seemeth) will be the proper evidence in such case, if the settlement shall afterwards be contested.

XVIII. General penalty for hindring the execution of the vagrant act.

If any constable, or other officer, or governor of any house of correction, shall be defective in his duty, in any case for which no punishment is herein before particularly provided; or if any person shall hinder the execution of this act; or shall rescue any person apprehended or passing from place to place by virtue thereof; or shall be advising, aiding, or assisting to his escape; and shall be thereof convicted, on oath of one witness, before one justice, he shall forfeit not exceeding 5 *l.* nor under 10 *s.* to the poor, by distress; and if sufficient distress cannot be found, to be committed to the house of correction, to be kept to hard labour, not exceeding two months. 17 G. 2. c. 5. f. 22.

XIX. Charges of maintaining and conveying vagrants.

To defray the expences of apprehending, conveying, and maintaining rogues, vagabonds, and incorrigible rogues, and defraying all other expences necessary for the execution of this act, not herein before provided for, the justices in sessions may cause such sums as shall be necessary, to be raised in the same manner as the general county rate. 17 G. 2. c. 5. f. 33.

XX. Appeal.

Any person aggrieved by any act of any justice out of sessions, in or concerning the execution of this act, may appeal to the next general or quarter sessions of the county, riding, liberty, or division, giving reasonable notice thereof; whose order thereupon shall be final. 17 G. 2. c. 5. f. 26.

XXI. Treble costs.

Persons sued for any thing done in the execution of this act, may plead the general issue; and if they recover, shall have treble costs. 17 G. 2. c. 5. f. 34.

XXII. Exception of special franchises.

In all cities and towns, where by virtue of special acts of parliament, the charge of passing vagrants is to be defrayed in other manner than is by this act directed; or where such vagrants, by virtue of special statutes, are to be apprehended and conveyed by any person or officer, other than those named in this act, the same shall not be altered hereby: And persons conveyed in London, shall

shall not be delivered in any other precinct within the city, but in the next county. 17 G. 2. c. 5. s. 27.

A. Order upon the overseer to pay 5s. for apprehending a person begging in his own parish.

Westmorland. } To the overseers of the poor of the parish of _____ in the said county.

WHEREAS it duly appears unto me John Moore, esquire, one of his majesty's justices of the peace in and for the said county, that A. O. of _____ in the parish of _____ in the said county, an idle and disorderly person, did on the _____ day of _____ go about from door to door [or, place himself in the streets, highways, and passages] in the said parish, to beg and gather alms there; and was then and there apprehended in the said parish of _____ by A. A. an inhabitant of the said parish, and was by him brought before me in order to be dealt withal according to law: I do hereby order you, or some, or one of you, to pay unto the said A. A. the sum of 5 s. on demand, as a reward for apprehending the said A. O. he producing and delivering to you this order, and giving to you a receipt for the said sum. Given under my hand and seal, at Grimethill in the said county, the _____ day of _____ in the _____ year of the reign of _____

B. Mariner's licence to pass unapprehended.

Westmorland. } To all constables and others whom it may concern.

WHEREAS it appeareth unto me George Stephenson, esquire, one of his majesty's justices of the peace for the said county, that A. M. mariner, did on the _____ day of _____ land at _____ in the said county, and that he hath nothing wherewithal to relieve himself, and that his lawful place of abode is at _____ I do hereby license him to pass in _____ days time, through the towns of _____ and _____ in the direct way to _____ aforesaid; and to ask and take such relief in his travel in such direct way as aforesaid as any person shall willingly give him. Given under my hand and seal, at Warcopp in the said county, the _____ day of _____ in the year of our lord _____

C. Order for payment of 10s. for apprehending a vagrant.

Westmorland. } To the high constable of _____

WHEREAS it duly appeareth unto me John Thomson, esquire, one of his majesty's justices of the peace for the said county, that A. R. a rogue and vagabond, was found wandring and begging [or, as the case shall be] in the parish of _____ in the said county; which said A. R. was this day brought before me by A. T.

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D. WILKINSON'S ...

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of _____ yeoman, in order to be dealt withal according to law: I do hereby order you to pay unto the said A. I. as a reward for apprehending and bringing before me the said rogue and vagabond, the sum of 10s. within one week after demand thereof made, upon his producing and delivering to you this order, and giving unto you his receipt for the said sum. Given under my hand and seal, at Brough in the said county, the _____ day of _____

D. Warrant for privy search.

Westmorland } To the high constable of *Lonsdale Ward* within the
said county.

AT a meeting of the justices of our lord the king assigned to keep the peace within the said county, held at _____ for the division of *Lonsdale Ward* aforesaid, this _____ day of _____ in the _____ year of the reign of _____ by us _____ esquires, two of the said justices, assembled at the said meeting, being resident, living, and dwelling within the said division:

We do hereby command you forthwith to issue your warrants to all the petty constables within your said *Ward*, for the making of a general privy search for rogues and vagabonds, according to the form hereon indorsed. Given under our hands and seals at _____ aforesaid in the county aforesaid, the day and year aforesaid.

The form of the said high constable's warrant.

Westmorland, }
Lonsdale Ward } To the constable of _____

BY virtue of a precept from his majesty's justices of the peace for the said county, acting in and for the said *Ward*, at their special meeting for that purpose assembled, you are hereby required in his said majesty's name, commanding and taking to your assistance sufficient men within your constablewick (who are hereby required to assist you accordingly), to make a general privy search, in the night of the _____ day of _____ throughout your said constablewick, for the finding and apprehending of rogues and vagabonds: And such as you shall so find upon such search, you are to carry forthwith before some of his said majesty's justices of the peace for the said county, to be dealt withal according to law. Herein fail you not. Given under my hand the _____ day of _____ in the year of our lord _____

Edward Cooke, high constable,

E. Examination of a vagrant.

Westmorland. **T**HE examination of A. O. a rogue and vagabond, taken on oath before me _____ one of his majesty's justices of the peace in and for the said county, the _____ day of _____ in the _____ year of the reign of _____

Vagrants.

Who on his oath saith, That he was born at ——— [and so trace out the history of his life, so far forth as to ascertain his legal place of settlement.] A. O.

Taken and signed the day and year above written, before me the abovesaid

†
his mark.

J. P.

F. Warrant to the constable for whipping a vagrant.

Westmorland } To the constable of ———

FORASMUCH as A. O. a rogue and vagabond, was this day found wandering and begging, in the parish of ——— in the said county, not having obtained any legal settlement there, and was thereupon apprehended, and is now brought before me Hugh Robinson, clerk, one of the justices of our lord the king, assigned to keep the peace within the said county, that he may be punished and dealt withal according to law: These are therefore to command you to strip, or cause to be stripped, the said A. O. naked from the middle upwards, and to whip him or cause him to be publicly whipped at the common whipping post in your said parish; and afterwards to remove and convey the said A. O. according to the directions of the pass herewith delivered to you. Given under my hand and seal, at Lowther in the said county, the ——— day of ——— in the ——— year ———

G. Commitment of a vagrant to the house of correction.

Westmorland. } To the constable of ——— in the said county,
and to the keeper of the house of correction at
——— in the said county.

FORASMUCH as A. O. a rogue and vagabond, was this day found wandering and begging in the parish of ——— in the said county, not having obtained any legal settlement there, and was thereupon apprehended, and is now brought before me Richard Burn, clerk, one of the justices of our lord the king, assigned to keep the peace within the said county, that he may be punished and dealt withal according to law: These are therefore to command you the said constable, to carry the said A. O. to the said house of correction, and deliver him to the said keeper thereof, together with this warrant: And I do hereby command you the said keeper to receive the said A. O. into your custody in the said house of correction, and him there safely to keep until the next general quarter sessions of the peace to be holden for the said county: And have you him then there, together with this precept. Given under my hand and seal at Orton in the said county, the ——— day of ——— in the ——— year of the reign of ———

H. Vagrant

and attention to the detail of the work in question...

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Virginia's State Emblem

To the State of Virginia
 the seal of the Commonwealth
 is hereby prescribed

Seal

W
 The seal of the Commonwealth of Virginia shall be as follows: A shield supported by a Native American on the left and a Roman Soldier on the right. Above the shield is a crest consisting of a wreath and a bent arm holding a broadsword. A ribbon scrolls across the shield with the motto 'EUREKA'.

W
 The seal of the Commonwealth of Virginia shall be as follows: A shield supported by a Native American on the left and a Roman Soldier on the right. Above the shield is a crest consisting of a wreath and a bent arm holding a broadsword. A ribbon scrolls across the shield with the motto 'EUREKA'.

W
 The seal of the Commonwealth of Virginia shall be as follows: A shield supported by a Native American on the left and a Roman Soldier on the right. Above the shield is a crest consisting of a wreath and a bent arm holding a broadsword. A ribbon scrolls across the shield with the motto 'EUREKA'.

H. Vagrant pass within the same jurisdiction.

Westmorland { To the constable of _____ in the said county, to receive and convey; and to the churchwardens, chapelwardens, or overseers of the poor of the parish of _____ in the said county, or either of them, to receive and obey.

WHEREAS A. O. was apprehended within the constablewick of _____ aforesaid, in the county aforesaid, as a rogue and vagabond, videlicet, _____ and upon examination of the said A. O. taken before me J. P. esquire, one of his majesty's justices of the peace in and for the said county (which examination is hereunto annexed) it doth appear, that _____ These are therefore to require you the said constable to convey the said A. O. in the next direct way to the said parish of _____ within the said county, and there to deliver him to some churchwarden, chapelwarden, or overseer of the poor of the same parish of _____ to be there provided for according to law. And you the said churchwardens, chapelwardens, and overseers of the poor, are hereby required to receive the said person, and provide for him as aforesaid. Given under my hand and seal the _____ day of _____ in the year of our lord _____

I. Vagrant pass from county to county.

Westmorland { To the constable of _____ in the said county of W. and also to all constables and other officers whom it may concern, to receive and convey; and to the churchwardens, chapelwardens, or overseers of the poor of the parish of _____ in the county of _____ or either of them, to receive and obey.

WHEREAS A. O. was apprehended in the township of _____ aforesaid in the county of W. aforesaid, as a rogue and vagabond, videlicet, _____ and upon examination of the said A. O. taken before me J. P. esquire, one of his majesty's justices of the peace in and for the said county of W. upon oath (which examination is hereunto annexed) it doth appear, that _____ These are therefore to require you the said constable to convey the said A. O. to the town of _____ in the county of _____ that being the first town in the next precinct through which he ought to pass in the direct way to the said parish of _____ in the county of _____ to which he is to be sent, and to deliver him to the constable or other officer of such first town in such next precinct, together with this pass, and the duplicate of the examination of the said A. O. taking his receipt for the same. And the said A. O. is to be thence conveyed on in like manner to the said parish of _____ in the county of _____ there to be delivered to some of the churchwardens or overseers of the poor of the same parish of _____ to be there provided for according to law. And you the said churchwardens, chapelwardens, and overseers of the poor are hereby

herely required to receive the said person, and provide for him as
aforesaid. Given under my hand and seal the _____ day of
_____ in the year of our lord _____.

K. The certificate, according to the directions of
the statute, shall be in the form, or to the
effect following ;

WHEREAS by a pass (reciting the substance or effect of
the said pass) I (or we) do hereby order and direct the said
person (or persons) to be conveyed on foot (or, in a cart, or by horse,
&c.) to the said town, (or parish) of _____ in _____ (or other
place, describing it) in the way to such parish (town, or place, as
the case shall be) in _____ days time; for which the said constable
(&c.) is to be allowed the sum of _____ and no more. Given
under my hand (or our hands) this _____ day, &c.

L. Vagrant pass to Scotland.

Westmorland. { To the constable of _____ in the said county of
W. and also to all constables and other officers
whom it may concern, to receive and convey ;
and to all constables and other officers within
that part of Great Britain called Scotland,
whom it may concern, to receive and obey.

WHEREAS A. O. was apprehended in the town of _____
aforesaid in the county of W. aforesaid, as a rogue and
vagabond, videlicet, _____ and upon examination of the said
A. O. taken before me J. P. esquire, one of his majesty's justices of the
peace in and for the said county of W. upon oath (which examination
is hereunto annexed) it doth appear, that his lawful place of settle-
ment is in that part of Great Britain called Scotland: These are
therefore to require you the said constable of _____ aforesaid in
the county of W. aforesaid, to convey the said A. O. to the town of
_____ in the county of _____ that being the first town in the
next precinct through which he ought to pass in the direct way to
that part of Great Britain called Scotland aforesaid, to which he is
to be sent, and to deliver him to the constable or other officer of such
first town in such next precinct, together with this pass, and the
duplicate of the examination of the said A. O. taking his receipt for
the same. And the said A. O. is to be thence conveyed on in like
manner into the next adjoining shire, stewartry, or place, in that
part of Great Britain called Scotland aforesaid, and is there to be
delivered to some constable or other officer of the next parish, district,
or place within such next adjoining shire, stewartry or place aforesaid,
taking his receipt for the same. And such next officer in that part
of Great Britain called Scotland aforesaid, is hereby required to
receive the said A. O. and give such receipt as aforesaid, and to
dispose of him the said A. O. according to law. Given under my
hand and seal this _____ day of _____ in the year of our
lord _____.

M. Vagrant

MEMORANDUM

1. The Committee on the Organization of the Department of the Interior has the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the proposed reorganization of the Department of the Interior.

2. The Committee has the honor to inform you that the proposed reorganization of the Department of the Interior is being considered by the Department of the Interior.

3. The Committee has the honor to inform you that the proposed reorganization of the Department of the Interior is being considered by the Department of the Interior.

4. The Committee has the honor to inform you that the proposed reorganization of the Department of the Interior is being considered by the Department of the Interior.

5. The Committee has the honor to inform you that the proposed reorganization of the Department of the Interior is being considered by the Department of the Interior.

6. The Committee has the honor to inform you that the proposed reorganization of the Department of the Interior is being considered by the Department of the Interior.

Journal of the ...

... of the ...

W

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M. Vagrant pass to Ireland.

Westmorland. { To the constable of _____ in the said county,
and also to all constables and other officers
whom it may concern, to receive and convey;
and to all other officers of the peace whom it
may concern, to receive and obey.

WHEREAS A. O. was apprehended in the town of _____
in the said county as a rogue and vagabond, videlicet,
_____ and upon examination of the said A. O. taken before me
J. P. esquire, one of his majesty's justices of the peace in and for the
said county upon oath (which examination is herunto annexed) it
doth appear, that the lawful settlement of him the said A. O. is in
the kingdom of Ireland: These are therefore to require you the said
constable of _____ to convey the said A. O. to the town of _____
in the county of _____ that being the first town in the next precinct
through which he ought to pass, in the direct way to the said king-
dom of Ireland, to which he is to be sent, and to deliver him to the
constable or other officer of such first town in such next precinct,
together with this pass and the duplicate of the examination of the
said A. O. taking his receipt for the same. And the said A. O.
is to be thence conveyed on in like manner, until he shall arrive in
the county of _____, and the constable or other officer to whom
he shall be delivered in the said county of _____ is hereby required
to apply to some justice of the peace in and for the said county of _____
for a warrant to the master of any ship or vessel bound for the said
kingdom of Ireland, that shall lie in the said county of _____ to
take on board the said ship or vessel him the said A. O. and convey
him to such place in the said kingdom of Ireland, as such ship or
vessel shall be bound unto. Given under my hand and seal the _____
day of _____ in the year of our lord _____.

N. Warrant to a master of a ship to export a vagrant.

Westmorland. { J. P. esquire, one of the justices of our lord the
king, assigned to keep the peace within the
said county, To A. M. master of the ship called
the _____ of _____ now lying or being at
_____ and bound for _____ in the king-
dom of Ireland, sendeth greeting.

THESE are in the name of our said lord the king to require
you to take on board the said ship, A. O. and B. O.
vagrants, both of them being natives of the kingdom of Ireland
aforesaid, and having no settlement in England, and them to convey
to _____ aforesaid, in the kingdom of Ireland aforesaid, or to such
other place in that kingdom as you shall arrive at; and for the
charges thereof you shall take, and A. C. constable of _____ at
the

the time he shall serve you with this warrant, shall pay, and is hereby required to pay unto you the sum of ——— in the whole, that is, at the rate of ——— head for each of the said warrants so to be delivered unto you, the same being the rate last appointed by the justices of our said lord the king, assigned to keep the peace within the said county, at their general quarter sessions of the peace held in and for the said county. And you are on the back of this warrant, to sign a receipt for the money so paid, and also for the said warrants so delivered unto you. Given under my hand and seal, at ——— in the said county, the ——— day of ——— in the ——— year ———.

O. Warrant to secure a lunatick.

Westmorland. { To the constables, churchwardens, and overseers of the poor of ———

WHEREAS *it hath been proved before us ——— two of the justices of our lord the king, assigned to keep the peace within the said county, upon the oaths of A. W. and B. W. both of the parish of ——— in the county aforesaid, gentlemen, that A. L. late of ——— frequently goeth at large in the said parish of ——— and that he the said A. L. is by lunacy so far disordered in his senses, that he is dangerous to be permitted to go abroad, and that his legal settlement is in the parish of ——— These are therefore to authorize and require you, and every of you, to cause the said A. L. to be apprehended and kept safely locked up in the house of A. K. at ——— in the said county, the said A. K. being willing to keep and entertain him the said A. L. for a reasonable allowance in that behalf, and the said house being a secure place: And the said A. L. is to be kept so locked up only so long as such lunacy or disorder shall continue, and no longer. Given under our hands and seals, at ——— in the said county, the ——— day of ———.*

P. Order to charge the lunatick's estate, with his keeping, maintenance, and cure.

Westmorland. { To the churchwardens and overseers of the poor of the parish of ——— in the said county.

WHEREAS *A. L. late of ——— in the said county, being a person lunatick, and so far disordered in his senses that he was and is dangerous to be permitted to go abroad, hath by warrant under the hands and seals of us ——— two of his majesty's justices of the peace for the said county, been apprehended and safely locked up in the house of A. K. at ——— in the said county, the said house being a secure place for that purpose; And whereas it appears to us, on the oaths of C. W. churchwarden, and O. P. overseer of the poor of the parish of ——— that they the said churchwarden*

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churchwarden and overseer have reasonably expended the sum of _____ in removing the said A. L. to the said house of the said A. K. and in keeping, maintaining, and curing him there: These are therefore to authorize and command you, to seize and sell so much of the goods and chattels, and to receive so much of the annual rents of the lands and tenements of him the said A. L. within your said parish, as shall be necessary to pay the same: And for what shall be so seized, sold, or received by you, you are to account at the next quarter sessions of the peace to be holden for the said county. Given under our hands and seals, at _____ in the said county, the _____ day of _____.

Q. Record to avoid the settlement of a bastard child born in vagrancy.

Westmorland. **B**E it remembered, that on the _____ day of _____ in the _____ year of the reign of our sovereign lord George the second. of Great Britain, France, and Ireland, king, defender of the faith, and so forth, A. B. and C. D. overseers of the poor of the parish of _____ in the said county, at _____ in the said county, do bring unto me _____ one of the justices of our said lord the king, assigned to keep the peace within the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, the body of one A. P. and do complain unto me the justice aforesaid, and give me to be informed, That on the _____ day of _____ in the year aforesaid, at _____ in the parish aforesaid, in the county aforesaid, she the said A. P. was wandering and begging, and that she the said A. P. then and there, to wit, on the said _____ day of _____ at _____ aforesaid, in the parish aforesaid, and county aforesaid, so wandering and begging, was delivered of a (male) child; and that thereby she the said A. P. hath become chargeable, and is now chargeable, to the said parish of _____ and that she the said A. P. had not then, nor yet hath any lawful settlement in the said parish of _____ And thereupon they the said overseers of the poor of the parish aforesaid, do pray of me the justice aforesaid, that for themselves and for the other inhabitants of the parish aforesaid a due remedy may be provided, and that justice may be done in that behalf, according to the form of the statute in that case made. Which complaint, information, and prayer, by me the justice aforesaid being heard, I the said J. P. at _____ aforesaid, in the county aforesaid, on the said _____ day of _____ in the year aforesaid, upon the examination of the said A. P. upon oath by me unto her upon the holy gospels of god administered, and upon other lawful evidence and testimony before me had and made, do find the said complaint and information to be true. And thereupon it is considered by me the justice aforesaid, that she the said A. P. be committed, and is by me committed, to the house of correction at _____ in the county aforesaid, until the next quarter sessions of the peace to be holden within and for the said county. In testimony whereof, I the said J. P. the justice aforesaid,

Warrant.

said, at _____ aforesaid, in the county aforesaid, the _____ day of _____ aforesaid, in the year aforesaid, unto this record do sit my seal.

- Wellum. See Stamps.
 Wenice. See Process.
 Werdia. See Jurors.
 Wersuice. See Excise.
 Wstuallers. See Alehouses.
 Winegar. See Excise.
 Unlawful assembly. See Riot.

Wages. See Servants.

Warrant.

FOR a warrant to search for stolen goods, see Search Warrant.

If a justice see a felony or other breach of the peace committed in his presence, he may in his own person apprehend the felon; and so he may by word command any person to apprehend him, and such command is a good warrant without writing: But if the same be done in his absence, then he must issue his warrant in writing. 2 H. H. 86.

Concerning which we will shew,

- I. For what causes it may be granted.
- II. What is to be done previous to the granting of it.
- III. How far it is grantable on suspicion.
- IV. The form of it.

I. For what causes it may be granted.

There seems to be no doubt, but that a warrant may be lawfully granted by any justice, for treason, felony, or *præmunire*, or any other offence against the peace: Also it seems clear, that wherever a statute gives to any one justice a jurisdiction over any offence, or a power to require any person to do a certain thing ordained by such statute, it impliedly gives a power to every such justice

L'ÉTAT DE LA FRANCE
 LE 15 JANVIER 1871
 LE PRÉSIDENT DE LA RÉPUBLIQUE
 LE GÉNÉRAL DE BRUNO
 LE GÉNÉRAL DE BRUNO
 LE GÉNÉRAL DE BRUNO

LE GÉNÉRAL DE BRUNO

LE GÉNÉRAL DE BRUNO

Le général de Bruno, chef de l'armée française, a été nommé par le président de la République le 15 janvier 1871. Il a été chargé de la défense de Paris et de la région parisienne. Le général de Bruno a été nommé par le président de la République le 15 janvier 1871. Il a été chargé de la défense de Paris et de la région parisienne. Le général de Bruno a été nommé par le président de la République le 15 janvier 1871. Il a été chargé de la défense de Paris et de la région parisienne.

INSTITUTION

The following are the names of the members of the institution...

1. Mr. John Doe

2. Mr. James Smith

3. Mr. Robert Brown

4. Mr. William Jones

5. Mr. Thomas White

6. Mr. Charles Black

7. Mr. Henry Green

8. Mr. George Grey

9. Mr. Richard Black

10. Mr. Benjamin White

The following are the names of the members of the institution...

11. Mr. Daniel Brown

12. Mr. Edward White

13. Mr. Joseph Black

14. Mr. Matthew Green

15. Mr. Samuel Grey

16. Mr. Andrew White

17. Mr. Robert Black

18. Mr. Thomas Green

19. Mr. Charles White

20. Mr. Henry Black

The following are the names of the members of the institution...

21. Mr. George White

22. Mr. William Black

23. Mr. James Green

24. Mr. Robert White

25. Mr. Thomas Black

26. Mr. Charles Green

27. Mr. Henry White

28. Mr. George Black

29. Mr. William Green

30. Mr. James White

The following are the names of the members of the institution...

31. Mr. Robert Black

32. Mr. Thomas White

33. Mr. Charles Green

34. Mr. Henry Black

35. Mr. George White

36. Mr. William Black

37. Mr. James Green

38. Mr. Robert White

39. Mr. Thomas Black

40. Mr. Charles Green

justice to make out a warrant to bring before him any person accused of such offence, or compellable to do the thing ordained by such statute; for it cannot but be intended, that a statute giving a person jurisdiction over an offence, doth mean also to give him the power incident to all courts, of compelling the party to come before him. 2 *Haw.* 84.

But in cases where the king is no party, or where no corporal punishment is appointed, as in cases for servants wages, and the like, it seemeth that a *summons* is the more proper process; and for default of appearance the justice may proceed: and so indeed oftentimes it is directed by special statutes.

II. What is to be done previous to the granting of it.

It is convenient, tho' not always necessary, that the party who demands the warrant be first examined on oath, touching the whole matter whereupon the warrant is demanded, and that examination put into writing. 1 *H. H.* 582. 2 *H. H.* 111.

Or at least it is safe to bind him over to give evidence; left afterwards when the offender shall be apprehended, or shall surrender himself, the party that procured the warrant be gone. *Dalt. c.* 169.

III. How far it is grantable on suspicion.

Lord *Hale* proves at large, contrary to the opinion of Lord *Coke* (4 *Inst.* 177.) that a justice hath power to issue a warrant to apprehend a person suspected of felony, before he is indicted; and that, tho' the original suspicion be not in himself, but in the party that prays his warrant. 2 *H. H.* 107—110.

For the justices are judges of the reasonableness of the suspicion, and when they have examined the party accusing, touching the reasons of his suspicion, if they find the causes of suspicion to be reasonable, it is now become the justices suspicion as well as theirs. 2 *H. H.* 80.

And in another place speaking of this opinion of Lord *Coke*, he delivers himself seemingly with a kind of warmth not usual to him: I think, says he, the law is not so, and the constant practice in all cases hath obtained against it, and it would be pernicious to the kingdom if it should be as Lord *Coke* delivers it; for malefactors would escape unexamined and undiscovered, for a man may have a probable and strong presumption of the guilt of a person, whom yet he cannot positively swear to be guilty. 1 *H. H.* 579.

Mr. *Hawkins* likewise seems to be of the same opinion against Lord *Coke*, but delivereth himself with his wonted caution and candour: It seems probable, he says, that the practice of justices of the peace in relation to this matter, is now become a law, and that a justice may justify the granting of a warrant for the arrest of any person, upon strong grounds of suspicion, for a felony or other misdemeanor, before any indictment hath been found against him; yet inasmuch as justices claim this power rather by connivance, than any express warrant of law, and since the undue execution of

it may prove so highly prejudicial to the reputation as well as the liberty of the party, a justice cannot well be too tender in his proceedings of this kind, and seems to be punishable not only at the suit of the king, but also of the party grieved, if he grant any such warrant groundlessly and maliciously, without such a probable cause as might induce a candid and impartial man to suspect the party to be guilty. 2 *Haw.* 85.

But a general warrant, upon a complaint of a robbery, to apprehend *all persons suspected*, and to bring them before a justice, hath been ruled void; and false imprisonment lies against him that issues such a warrant. 1 *H. H.* 580. 2 *H. H.* 112.

IV. The form of it.

1. Mr. Dalton says, the warrant is the better, if it bear date of the place where it was made. *Dalt. c.* 169.

And Lord Hale says, the place, tho' it must be alledged in pleading, need not be expressed in the warrant. 2 *H. H.* 111.

And Mr. Hawkins says, It is safe, but perhaps not necessary, in the body of the warrant to shew the place where it was made; yet it seems necessary to set forth the county in the margin at least, if it be not set forth in the body. 2 *Haw.* 85.

2. It may be directed to the sheriff, bailiff, constable, or to any indifferent person by name who is no officer; for the justice may authorize any one to be his officer, whom he pleases to make such; yet it is most advisable to direct it to the constable of the precinct wherein it is to be executed, for that no other constable, and *a fortiori* no private person, is compellable to serve it. 2 *Haw.* 85. *Dalt. c.* 169. 2 *H. H.* 110.

But in the case of an act of parliament, it is said, that if the act directeth that a justice shall grant a warrant, and doth not say to whom it shall be directed, by consequence of law it must be directed to the constable, and it cannot be directed to the sheriff, unless such power is given in the act. *L. Raym.* 1192. 2 *Salk.* 381.

3. The warrant may be stiled in divers manners: As, 1. In the name of the king; and yet the teste must be under the name of the justice that grants it out. Or, 2. It may be stiled and made only in the name of the justice. Or, 3. It may be made without any such stile, and only under the teste of the justice, or only subscribed by him. As followeth:

In the king's majesty's name.

Westmorland. **G**EORGE the second, by the grace of god, of Great Britain, France, and Ireland, king, defender of the faith, and so forth; To our sheriff of the county of _____ to the high constables of the hundred of _____ in the same county, and to the petty constables of the town of _____ in the same county, and to all and singular our bailiffs and ministers in the same county, as well within liberties, as without, greeting:

DECLARATION

I, the undersigned, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the Court of Sessions for the County of ...

Witness my hand and seal this ... day of ... 18...

Attest my hand and seal this ... day of ... 18...

Done at the Court of Sessions for the County of ... this ... day of ... 18...

Witness my hand and seal this ... day of ... 18...

I, the undersigned, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the Court of Sessions for the County of ...

Forasmuch as A. I. of ——— hath come before J. P. esquire, one of our justices assigned to keep our peace within the said county, and hath &c.

(Concluding it in the justice's name, as thus;) *Witness the said J. P. at ——— the ——— day of ———.*

Note, That wherefoever the warrant is made in the king's name, there it ought to be directed to all ministers as well within liberties as without, for that the king is made a party: And so it may be done in all other warrants, especially for felony, or for the peace or the good behaviour, because it is the service of the king. *Dalt. c. 174.*

Or thus, in the name of the justice himself;

Westmorland. J. P. esquire, one of the justices of our lord the king, assigned to keep the peace within the said county; To the sheriff of the said county, to the bailiff or constables of the hundred of ——— within the said county, to the petty constables of the town of ——— within the said hundred and county, and to all other the ministers and officers of our said lord the king within the said county, and to every of them, greeting:

Forasmuch as &c. Given under my hand and seal the ——— day of &c. Dalt. c. 174.

4. Regularly, the warrant, especially if it be for the peace or good behaviour, or the like, where sureties are to be found or required, ought to contain the special cause and matter, whereupon it is granted, to the intent that the party upon whom it is to be served, may provide his sureties ready, and take them with him to the justice to be bound for him; but if the warrant be for treason, murder, or felony, or other capital offence, or for great conspiracies, rebellious assemblies, or the like, it needs not contain any special cause, but there the warrant of the justice may be to bring the party before him, to make answer to such things or matters generally, as shall be objected against him on the king's behalf. *Dalt. c. 169. 2 Harw. 85. 2 H. H. 111.*

But Mr. Lambard says, every warrant made by a justice of the peace ought to comprehend the special matter upon which it proceedeth; even as all the king's writs do bear their proper cause in their mouth with them: And as for the form that is commonly used, *to answer to such things as shall be objected*, and such like, they were not fetched out of the old learned precedents, but lately brought in by such as either knew not, or cared not, what they writ. *Lamb. 87.*

5. The warrant ought regularly to mention the name of the party to be attached, and must not be left in generals, or with blanks to be filled up by the party afterwards. *2 H. H. 114. Dalt. c. 169.*

6. The warrant may issue to bring the party before the justice who granted the warrant specially, and then the officer is bound to bring him before the same justice; but if the warrant be

to bring him before any justice, then it is in the election of the officer to bring him before what justice of the county he thinks fit, and not in the election of the prisoner. 1 H. H. 582. 2 H. H. 112.

7. It ought to set forth the year and day wherein it is made, that in an action brought upon an arrest by virtue of it, it may appear to have been prior to such arrest; and also, in case where a statute directeth the prosecution to be within such a time, that it may appear, that the prosecution is commenced within such time limited: Likewise, where a penalty is given to the poor of the parish where the offence shall be committed, or the like, it ought to specify the place where the offence was committed. 2 Haw. 85.

8. Finally, it ought to be under the hand and seal of the justice who makes it out. 2 Haw. 85.

The execution of a warrant belongs to title Arrest.

Watch.

Watch and ward.

WATCHING is properly intended of the night, and warding for the day time. *Dalt. c. 104.*

Watches are of three kinds:

By the statute of Winchester.

1. That which is appointed by the statute of *Winchester, c. 4.* and is enforced by the *5 H. 4. c. 3.* which is, *That from Ascension day to Michaelmas, in every city 6 men shall keep watch at every gate, in every borough 12 men, every town 6 or 4 according to the number of the inhabitants, and shall watch the town continually all night, from the sun setting to the sun rising.* 13 Ed. 1. ft. 2. c. 4.

This watch is to be set by the constable, and their power is this: *If any stranger do pass by them, he shall be arrested until morning, and if no suspicion be found he shall go quit; and if they find cause of suspicion, they shall forthwith deliver him to the sheriff, until he be acquitted in due manner. And if they will not obey the arrest, they shall levy hue and cry upon them.* id.

Inhabitants] It hath been resolved, that a stranger, who is not an inhabitant, cannot hereby be compelled to keep watch. 2 Haw. 80.

Deliver him to the sheriff] That is, to the common gaol. 2 H. H. 96.

By the constable.

2. But this watch only extends between *Ascension day* and *Michaelmas*; but there is another watch that may be kept by the constable *ex officio*, which may extend to other times; as by the *5 Ed. 3. c. 14.* for night walkers, and persons suspicious by night or day. 2 H. H. 97.

And altho' a constable is not bound to any precise time for this kind of watch, nor punishable if he omit it, barely for the omission,

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sion, if he be ready upon occasion to do his office when required in these cases; yet it is in his power to hold such watches, as often as he pleases, and it is convenient and justifiable: and herein the watchmen are the ministers and assistants of the constable, and are under the same protection with him, and may act as he doth. 2 H. H. 97.

Yea it is holden, that every private person may by the common law arrest any suspicious night walker, and detain him till he give a good account of himself. 2 Harv. 80.

3. There is also another kind of watch, which is by authority of the justices of the peace, which also may be held at other times than the above statute of the 13 Ed. 1. appoints; and the watch thus appointed hath the same power as either of the former: And this seems to be within the power of any one justice, by the first assignment in the commission; but the safer way, and more usual is, by order of sessions. Lamb. 186. 2 H. H. 97. Dalt. c. 104.

By the justices,

4. It seems to be agreed, that every inhabitant is bound to keep watch in his turn, or to find another. 2 Harv. 80.

Who shall watch.

But they are not compellable to watch at the will of the constable, but only when their turn cometh; which was the ancient custom at common law. Dalt. c. 104.

And the watching and warding ought to be by men able of body, and sufficiently weaponed. Dalt. c. 104.

And therefore a woman required to watch, may procure one to watch for her. Comb. 243.

5. If a watchman take any one for suspicion of felony, he may inquire of his good name and fame, and if he finds him to be of good name and fame, he may let him go, without being guilty of an escape. Dalt. c. 159.

Persons taken by watchmen.

And if a person will not obey the arrest of the watchmen, they may levy hue and cry upon him, that he may be taken; or else they may justify to beat him, for that he resisteth the peace and justice of the realm; and may also set him in the stocks for the same until the morning. Dalt. c. 104.

And the watchmen may deliver such persons to the constable, or may convey them to a justice, to be examined, and to be bound over or committed, until they be acquitted in due manner. Dalt. c. 104.

6. A watchman hath a double protection of the law: 1. As an assistant to the constable, when the constable is present or in the watch; for so every man who is assisting to the constable in the execution of his office, hath the same protection that the law gives the constable. 2. Purely as a watchman set by order of law; and the law takes notice of his authority *sub eo nomine*, and therefore killing of a watchman in execution of his office, is murder. 2 H. H. 98. 3 Inst. 52. 9 Co. 66.

Indemnity of watchmen.

And if a watchman be killed in endeavouring to apprehend a burglar, his executors shall be intitled to 40 l. reward. 5 An. c. 31. f. 2.

7. If any person refuse to watch in his turn, at the commandment of the constable, he may present the default at the assizes or sessions, Punishment for not watching.

sessions, or may complain thereof to any justice of the peace, who may bind the offender to the good behaviour, and so over to the next sessions. *Dalt. c. 104.* And there he may be indicted. 2 *Haw. 80.*

But here it is to be noted, that in *Cro. El. 204.* which Mr. *Dalton* cites for his authority in this matter, it is not said, that the justice may bind him to the good behaviour, but only thus, ——— that he may inflict punishment upon the refuser.

Warrant for the keeping of watch.

Westmorland. } To the constable of the hundred of ——— in
the said county.

AT a general quarter sessions of the peace holden at ——— in and for the said county, before us ——— esquires, justices of our lord the king, assigned to keep the peace within the said county, and also to hear and determine divers felonies, trespasses, and other misdemeanors in the said county committed, You are hereby required forthwith to issue your warrants to the several petty constables within your said hundred, that they do cause watch to be kept by night, and ward by day, with able men, within and throughout their respective constablewicks, from the ——— day of ——— now next ensuing, unto the ——— day of ——— then next following; and that they do apprehend or cause to be apprehended all rogues, vagabonds, and other wandring, idle, and disorderly persons, and carry them before some of his majesty's justices of the peace in and for the said county, to be examined and further dealt withal according to law. Given under our hands and seals, the day and year first abovewritten.

Commitment of a person apprehended by the watch.

Westmorland. } To the constable of ——— and to the keeper
of the house of correction at ———

WHEREAS A. O. was this day brought before me J. P. Esquire, one of the justices of our lord the king, assigned to keep the peace within the said county, the said A. O. having been taken last night by the watch set by the constable of ——— and charged with wandring abroad at unseasonable times of the night, and also with other disorderly behaviour, and not now giving a good account of himself before me: These are to require you the said constable of ——— to convey the said A. O. to the said house of correction at ——— aforesaid, and to deliver him to the keeper thereof, together with this warrant. And I do hereby require you the said keeper of the house of correction aforesaid, to receive the said A. O. into your custody in the said house of correction, and him there safely to keep until the next general quarter sessions of the peace to be holden in and for the said county, allowing unto him in the mean time such maintenance as he shall deserve by his labour; and have you him then there, together with this precept. Given under my
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Geography and Statistics

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 conditions of the region. The paper concludes
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 list of references.

band and seal, at _____ in the said county, the _____ day of _____ in the _____ year of the reign of _____

Indictment for not watching.

THE jurors for our lord the king upon their oath present, that A. O. of _____ in the said county, yeoman, on the _____ day of _____ in the _____ year of the reign of _____ and long before, and always after unto the day of the taking of this inquisition, was, and yet is, an inhabitant of the town of _____ aforesaid, in the county aforesaid, and that the said A. O. then and there, to wit, on the said _____ day of _____ in the year aforesaid, at _____ aforesaid, in the county aforesaid, was duly summoned in his turn to watch with the constable of _____ aforesaid, in the night of the same day; nevertheless the said A. O. his duty in that behalf not regarding, did not watch in the said night of the same day, in the year aforesaid, nor in any part of the said night, with the said constable at _____ aforesaid in the county aforesaid, but did then and there utterly refuse so to do, and wilfully and obstinately therein did make default; in contempt of our said lord the king, and of his laws, and against the peace of our said lord the king, his crown and dignity.

Watchmaking. See Servants.

Watermen. See Thames.

Weights and measures.

THE particular weights and measures of different sorts of goods, may be seen under their respective titles: and what is treated of here, is touching weights and measures in general.

- I. Of the different kinds of weights and measures.
- II. Standard of weights and measures to be kept in market towns.
- III. Mayors and other officers to seal and regulate measures.
- IV. Punishment of mayors and other officers for omitting their duty.

I. Of the different kinds of weights and measures.

Divers weights.

1. Notwithstanding the many statutes which have enacted, that there shall be but one weight and one measure, throughout the realm, there always have been, and still are two kinds of weights used in *England*, and both warrantable; the one by law, and the other by custom; but they are for several sorts of wares or commodities: for there is *troy weight*, and *averdupois*. *Dalt. c. 112.*

Troy weight.

2. *Troy weight* is by law; and thereby are weighed silk, gold, silver, pearl, and precious stones. And this hath to the pound 12 ounces. *Dalt. c. 112.*

Averdupois weight.

3. *Averdupois* (which in *French* is as much as to say to have full weight) is by custom, yet confirmed by statute; and thereby are weighed all kind of grocery wares, drugs, butter, cheese, flesh, wax, pitch, tar, tallow, wool, hemp, flax, iron, steel, lead, and all other commodities which bear the name of garble, and whereof issueth a refuse or waste; (and also bread, by the 8 *An. c. 18.*) And this hath to the pound 16 ounces; and 12 pounds over are allowed to every hundred. *Dalt. c. 112.*

Divers measures.

4. And no less do the measures also differ in different places. Thus Mr. *Dalton* observes, that the bushel of corn in one place is greater than in another; and it seems, he says, that the custom of the place is to be observed: Yet he makes a *query* upon it, because it is contrary to the great charter, and divers other statutes; and custom or prescription against a statute seemeth not good. *Dalt. c. 112.*

II. Standard of weights and measures to be kept in market towns.

Standard to be kept in market towns, at which all may weigh.

In every city, borough, and market town, a common balance shall be, with common weights sealed, and according to the standard of the exchequer, upon the common costs of such city, borough, or market town, in the keeping of the mayor, or constable; on pain of 10 *l.* for such city making default, borough 5 *l.* and market town 40 *s.*

At which balance all the inhabitants may freely weigh without any thing paying; taking nevertheless of foreigners, for every draught within the weight of 40 *lb.* a farthing, and for every draught betwixt 40 *lb.* and 100 *lb.* an half penny, and for every draught betwixt 100 *lb.* and 1000 *lb.* a penny.

And justices of the peace, mayors, bailiffs, and stewards of franchises may enquire of offenders against this ordinance, and do execution of them that be found faulty. 8 *H. 6. c. 5.*

11 *H. 7. c. 4.*

THE STATE OF TEXAS, COUNTY OF DALLAS.

I, the undersigned, being a competent juror in and for the County of Dallas, State of Texas, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the County of Dallas, State of Texas, to-wit:

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III. Mayors and other officers to seal and regulate measures.

1. The clerk of the market, and where there is none, the mayor, or head officer, or other person having benefit of the market, shall cause to be sealed all measures duly gauged, by the standard which he shall have out of the exchequer. 22 C. 2. c. 12. f. 4. Measures to be sealed.

2. For which he shall be paid, 1*d.* for the sealing and marking of a bushel, an halfpenny for a peck or half peck, and a farthing for a gallon, pottle, quart, pint, or half pint. 22 C. 2. c. 8. f. 4. Fee for the same.

3. And whosoever shall sell by any other weight, measure, or yard, not according to the standard, or keep any such whereby any thing is bought or sold, shall forfeit 5*s.* on conviction before one justice, or mayor, on oath of one witness; to be levied by the churchwardens and overseers, or some of them, to the use of the poor, by distress. In default of distress, imprisonment till paid. 16 C. c. 19. f. 2. Penalty of using any other.

But water measure (*viz.* 5 pecks to the bushel, *Dalt. c. 112.*) in sea port towns shall continue as usual. *id. f. 1.* Except in the measuring of corn and salt. 22 C. 2. c. 8. f. 2.

4. And the mayors, and other head officers in market towns, shall twice a year or oftner cause all weights and measures within the same, to be brought before them, and examined; and such as they find defective, to be broken and burnt; and the offender shall forfeit to the mayor or other officer, for the first time, 6*s.* 8*d.* for the second time 13*s.* 4*d.* and the third time 20*s.* and be set on the pillory: Weights to be examined.

And two justices (1 *Q.*) may hear and determine these offences, as well by examination as by inquiry, and set fines and amerciaments, and make process thereupon, as if they were indicted before them for breaking of the king's peace. 11 H. 7. c. 4.

5. Also, the constable shall search, if any persons use any other measure than according to the standard; or shall strike in any other manner, than even by the wood or brim; or shall sell or buy by a measure unsealed; and if he find any unsealed measure, he shall break the same, and shall present the offenders at the next private or quarterly sessions. 22 C. 2. c. 8. f. 6. Constables to search.

IV. Punishment of mayors and other officers for omitting their duty.

1. If any mayor, lord of the liberty, or other person authorized to mark or seal measures, shall neglect or refuse, being required; to seal or mark any bushel, half bushel, or peck duly gauged; he shall forfeit for the first offence 5*l.* and for every other offence 10*l.* on conviction by presentment or indictment at the county sessions; half to the prosecutor, and half to the poor; to be levied by distress; and for default of distress, to be imprisoned by Penalty of refusing to seal.

by warrant of the said justices till payment be made. 22 C. 2. c. 8. f. 3, 4.

Penalty on taking more than is due for sealing.

2. Or if he shall take more than one penny for the sealing and marking of a bushel, or more than a halfpenny for a half bushel or peck, or more than a farthing for a gallon, pottle, quart, pint, or half pint; he shall forfeit 5*s.* to the poor, on conviction before one justice, by the oath of one witness; to be levied by the churchwardens or overseers, by distress; in default of distress, imprisonment till paid. 22 C. 2. c. 8. f. 4.

Penalty of suffering other measures.

3. And if any mayor or other head officer, shall suffer any other measure to be used than according to the standard, and sealed; he shall forfeit 5*l.* half to the prosecutor, and half to the poor, on conviction by presentment or indictment at the county sessions, by distress: for default of distress, to be imprisoned by warrant of the justices till paid. 22 C. 2. c. 8. f. 3.

General penalty for neglect of duty.

4. And generally, by the 16 C. c. 19. f. 5. If any mayor, or other officer, or any lords of liberties or their agents, shall receive any fines or fees, other than are allowed by statute or custom; or shall take any fee for the marking, signing, or examination of any weights or measures, which have been formerly marked or sealed; or shall impose any fine without a due and legal trial of the offence; or shall otherwise misdemean himself in the execution of his office; he shall forfeit to the poor for the first offence 5*l.* for the second 10*l.* and for the third and every other offence 20*l.* on conviction before one justice, on the oath of one witness; to be levied by the churchwardens or overseers by distress: for want of distress, imprisonment till paid. 16 C. c. 19. f. 5.

Acts to be given in charge.

5. And all justices of the peace, constables, and other officers shall see the acts abovementioned of the 22 C. 2. c. 8. and 22 C. 23 C. 2. c. 12. put in due execution; and the justices of assize, and of the sessions, shall press the same in their charges to the grand juries. 8 An. c. 18. f. 12.

But after all, notwithstanding the punishments aforesaid, appointed by statute, for selling by false weights and measures; yet the same is also an offence at the common law, and consequently may be punished by indictment, fine, and imprisonment.

Wife.

Woman marrying pending an action.

1. *T.* 2 G. 2. King and his wife against Jones. The plaintiff Jones declared against Judith Parnell, upon several promises. She by the name of Judith King appears by attorney, and pleads *non assumpsit*. And after a verdict for the plaintiff, she and Edward King bring a writ of error, and assign for error, that she has appeared and pleaded as a feme sole, whereas at the time of her appearance and plea she was married to the said Edward King. But by the court, This is to abate the plaintiff's writ by the act of the defendant, which was never allowed; we must

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The first part of the paper is devoted to a general
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must take it, that at the time of bringing the action the defendant was a feme sole, because they pretend to carry it back no farther than the appearance. And plaintiffs would be in a fine condition, if after they have arrested a woman, she shall be allowed to overthrow their proceedings by a subsequent marriage. And the judgment was affirmed. *Str.* 811.

2. A wife, or feme covert, is so much favoured in respect of that power and authority which her husband has over her, that she shall not suffer any punishment for committing a bare theft, in company with, or by coercion of her husband. *1 Harv. 2.* Committing offences with her husband.

But if she commit a theft of her own voluntary act, or by the bare command of her husband; or be guilty of treason, murder, or robbery, in company with, or by coercion of her husband, she is punishable as much as if she were sole, because of the odiousness and dangerous consequence of these crimes. *1 Harv. 2. 1 H. H. 47. Dalt. c. 157.*

And the coercion of the husband is only a presumption till the contrary appear; for if upon the evidence it can clearly appear, that the wife was not drawn to it by the husband, but that she was the principal actor and inciter of it, she seems to be guilty as well as the husband. *1 H. H. 516.*

3. A wife shall not be deemed accessory to a felony for receiving her husband who has been guilty of it; as her husband shall be for receiving her: because she is under the power of her husband, and she is bound to receive him. *1 Harv. 2. 1 H. H. 47.* Accessory in receiving her husband.

4. But a wife may be indicted together with her husband, and condemned to the pillory with him for keeping a bawdy house; for this is an offence as to the government of the house, in which the wife has a principal share; and also such an offence as may generally be presumed to be managed by the intrigues of her sex. *1 Harv. 2.* Keeping a bawdy house.

5. And generally, a married woman shall answer as much as if she were sole, for any offence not capital, against the common law or statute; and if it be of such a nature that it may be committed by her alone, without the concurrence of the husband, she may be punished for it without the husband, by way of indictment; which being a proceeding grounded merely on the breach of the law, the husband shall not be included in it for an offence to which he is no way privy. But if a wife incur the forfeiture of a penal statute, the husband may be made a party to an action or information for the same (as he may generally to any suit for a cause of action given by his wife), and shall be liable to answer what shall be recovered thereupon. *1 Harv. 3.* Wife to suffer corporally; but the husband to pay the forfeiture.

6. If a wife willingly leave her husband, and go away, and continue with her advouterer, she shall be barred for ever of action to demand her dower. *13 Ed. 1. st. 1. c. 34.* Eloping.

M. 12 G. Morris and Martin. Action for meat and other things provided for the defendant's wife. The defendant proved she went away from him with an adulterer. *Raymond Ch. J.* held, that the husband should not be charged for necessaries for her, tho'

tho' the plaintiff who provided for her had no notice; and he said, Ch. J. *Holt* always ruled it so. *Str.* 647.

T. 12 G. Mainwaring and Sands. In an action against the husband for a laced head sold to the wife, it was proved, that the wife lived from her husband in adultery, and that she told the plaintiff she had a husband, but that signified nothing, for she would pay him her self. *Raymond* Cn. J. held the defendant not chargeable, and said he should have ruled it so, if there had been no actual notice, which only strengthened the case. *Str.* 706.

T. 4 G. 2. Child and Hardyman. Action for linen sold to the defendant's wife. Upon *non assumpsit*, the delivery was proved. And the defendant proved that she had lived in a very lewd manner; one Mr. *Nott* frequently coming to her at her husband's house, and they were locked up together in a bed-chamber; and other indecencies passed between them. And it was also proved, that she several times went to the house of this *Nott*, a gentleman in *Wiltshire*, who lived within 3 miles of the defendant's house. It did not appear farther, than that he disliked her going and staying at Mr. *Nott's*. But under these circumstances, the husband and wife continued to live together. Afterwards, she went away from him, and went to *Marlborough*, where she resided for some time; but after the leaving her husband's house, it did not appear that she ever saw Mr. *Nott*, or lived in a lewd manner. After some time, she sent *Lucas* an attorney to her husband, to desire that he would receive her again; the husband told him, that if she came again, she should never sit at the upper end of his table, nor have the government of the children, but should live in a garret. Then *Lucas* proposed to him, to make her an allowance, and proposed about 80 or 100*l.* a year, he being worth about 5 or 600*l.* a year. But that was not complied with; and afterwards she came to *London*, and bought the linen to the amount of 53*l.* By *Raymond* Ch. J. If a woman elopes from her husband, tho' she does not go away with an adulterer, or in an adulterous manner; the tradesman trusts her at his peril, and the husband is not bound. And this hath been so adjudged in 2 or 3 cases. Indeed if he refuse to receive her again, from that time it may be an answer to the elopement. In this case he doth not absolutely refuse to receive her again; but that she should neither sit at his table, nor have any government of the children, but should be kept in a garret; and she deserved no better usage. And the plaintiff was nonsuit. *Str.* 875.

M. 18 G. 2. Bolton and Prentice. In *assumpsit* for goods sold and delivered to the defendant's wife, the case appeared to be, that the defendant and his wife had formerly lodged at the plaintiff's house, and the plaintiff furnished her with goods; and the defendant finding the plaintiff had helped her to pawn her watch, and suspecting he confederated with her, left the lodgings, after paying the plaintiff his bill, and forbidding him ever trusting her again. After this the defendant and his wife cohabited together for a year; when, without any cause appearing, he left her, locked up her cloaths, and upon her finding him out, refused to admit

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admit her, and struck her, and declared he would not maintain her, or pay any body that did. In this distress, she borrowed cloaths of her friends, and applied to the plaintiff, who furnished her with necessaries according to the defendant's degree; which the defendant refusing to pay for, this action was brought; and upon trial the jury found for the plaintiff. Upon motion for a new trial, the court held the verdict was right; for whilst they were at the plaintiff's, there was a particular reason for the particular prohibition; yet the causeless turning her away destitute afterwards, gave her the general credit again: and if a husband should be allowed, under the notion of a particular prohibition, to destroy her obtaining credit in one place, he may in the same manner prevent it with all people she is acquainted with. He appears to be a wrong doer, and therefore has no right to prohibit any body. They distinguished this case from the case of *Manby and Scott*, 1 Sid. 109. for there the wife was guilty of the first wrong in eloping. *Str.* 1214.

7. Of women carried away (*viz.* violently, or against their wills, 2 *Inst.* 435.) with the goods of their husbands, the king shall have the suit for the goods so taken away. 13 *Ed.* 1. *ff.* 1. c. 34. That is, it shall be felony. And so, if any man takes another man's wife, with her husband's goods, against the husband's will, this is also felony. *Dalt.* c. 157.

Carrying her away with the husband's goods.

8. But a wife herself cannot feloniously take her husband's goods; and tho' she so takes her husband's goods, and deliver them to a stranger, yet it is no felony in the stranger. *H. Pl.* 65. 1 *Haw.* 93.

Wife taking the husband's goods.

9. A married woman, by her own act (but not in respect of what is done by others at her command, because all such commands of hers are void) may commit a forcible entry or detainer; and upon the justice's view of the force, she shall be imprisoned therefore, and she may be fined in such case: but such fine set upon the wife, shall not be levied upon the husband; for the husband shall never be charged for the act or default of his wife, but when he is made a party to the action, and judgment given against him and his wife. *Dalt.* c. 126. 9 *Co.* 72. 11 *Co.* 61.

Guilty of forcible entry.

10. Likewise if she shall commit any riot, or do any trespass or other wrong, she is punishable for it; and for a trespass done by the wife, or for a scandal published by her, the action lieth against both the husband and wife, and there the husband is chargeable to the damages or fine, because he is party to the action and judgment: but if a wife without her husband be indicted of a trespass, riot, or any other wrong, there the wife shall answer, and be party to the judgment only; and in such case, the fine set upon the wife shall not be levied upon the husband; yet after the husband's death, such damages or fines shall then be levied of the wife herself; and as for imprisonment, or other corporal pain, it shall be inflicted upon the wife only, and not upon the husband for his wife's act or default. *Dalt.* c. 139.

Guilty of slander, trespass, or default.

M. 19 *G.* 2. *Finch* and his wife against *Duddin* and his wife. In an action for a battery of the plaintiff's wife by the defendant's wife, there was judgment for the plaintiffs, and the wife of the defendant

defendant

defendant was only taken in execution. She moved to be discharged, but upon affidavits of endeavours to take the husband, and it not appearing there was any design to screen him, the court refused it, on the authority of *Pitt and Meller*. *Str.* 1237.

Which case of *Pitt and Meller*, *T.* 15 *G.* 2. was thus: In trover against both, and judgment and execution against both; the wife petitioned to be discharged out of custody; which the court refused, unless it could be shewn, that there was fraud and collusion between the plaintiff and the husband, to keep her there. *Str.* 1167.

M. 10 *G.* *Tarrant and Mawr.* The wife libelled in the spiritual court for calling her whore, and there being proceedings likewise for defamation against her by the other, the two husbands enter into an agreement to stay proceedings on both sides; and upon one of the wives going on, the husband moved for a prohibition; but it was denied: for by the court, the suit is by the wife, to recover her fame, and it is not in the power of the husband to restrain her. *Str.* 576.

Receiving stolen goods.

11. If a woman receive stolen goods into her house, knowing them so to be; or shall lock them up in her chest or chamber, her husband not knowing thereof; if her husband, so soon as he knoweth thereof, do forthwith forsake his house, and her company, and make his abode elsewhere, he shall not be charged for her offence; whereas otherwise, the law will impute the fault to him, and not to her. *Dalt. c.* 157.

Guilty of conspiracy with her husband.

12. A prosecution for conspiracy is not maintainable against a husband and wife only; because they are esteemed but as one person in law, and are presumed to have but one will. *1 Haw.* 192.

Woman servant marrying.

13. If a woman who is a servant shall marry, yet she must serve out her time, and the husband cannot take her out of her master's service. *Dalt. c.* 58.

Wife hiring to be a servant.

14. Also if a married man and his wife do bind themselves to serve, they shall be compelled to serve, according to their covenant or agreement. *Dalt. c.* 58.

Killing her husband, petty treason.

15. If the wife maliciously kill her husband, it is petty treason; but if the husband maliciously kill his wife, it is but murder. *Dalt. c.* 142.

Evidence for or against her husband.

16. Husband and wife cannot be witnesses for one another; nor regularly against one another. *2 Haw.* 431.

But a wife may demand surety of the peace against her husband threatening to beat her outrageously, and a husband also may have it against his wife. *1 Haw.* 127.

And in other criminal cases, the wife may be a witness against her husband, where she is the party grieved; but not in civil cases. *Dalt. c.* 164.

Cannot be bound by recognizance.

17. A wife cannot be bound herself by recognizance, but her sureties only. *Dalt. c.* 117.

WEST INDIES

- I. The history of the discovery of the Indies by Christopher Columbus
- II. The first voyage of Columbus to the Indies
- III. The second voyage of Columbus to the Indies
- IV. The third voyage of Columbus to the Indies
- V. The fourth voyage of Columbus to the Indies
- VI. The fifth voyage of Columbus to the Indies
- VII. The sixth voyage of Columbus to the Indies
- VIII. The seventh voyage of Columbus to the Indies
- IX. The eighth voyage of Columbus to the Indies
- X. The ninth voyage of Columbus to the Indies

I. The history of the discovery of the Indies by Christopher Columbus

COLUMBUS discovered the Indies in 1492, and his discovery was the first step towards the opening of a new world to the Europeans. He sailed from Spain in August 1492, and after a long and dangerous voyage, he reached the island of San Salvador in the month of September. He then sailed on to other islands, and at length discovered the continent of America. His discovery was a great event in the history of the world, and it led to the discovery of many other parts of the world. Columbus's voyage was the first of a series of voyages of discovery, and it was the beginning of a new era in the history of the world. The discovery of the Indies led to the opening of a new world to the Europeans, and it led to the discovery of many other parts of the world. Columbus's voyage was the first of a series of voyages of discovery, and it was the beginning of a new era in the history of the world.

Windows.

- I. First meeting of the commissioners, for the issuing precepts to return assessors.
- II. Second meeting; charge to the assessors, with the manner of laying the assessment.
- III. Third meeting; signing the assessment, with warrant to collect.
- IV. Fourth meeting; the appeal.
- V. Collecting
- VI. Collector paying to the receiver.
- VII. Receiver paying into the exchequer.
- VIII. Duplicates to be transmitted into the exchequer.
- IX. General penalty on officers not doing their duty.
- X. Indemnity of officers in doing their duty.

I. First meeting of the commissioners, for the issuing precepts to return assessors.

1. **C**ommissioners of the land tax shall be commissioners for the duties on houses and windows. 20 G. 2. c. 3. f. 6. Commissioners of these duties,

But no commissioner of the land tax shall act as commissioner of these duties, unless duly qualified, (that is, unless he be taxed at 100 l. a year in the county or division, except certain counties in Wales, as by the land tax acts) on pain of 20 l. to be levied as other penalties by this act. 21 G. 2. c. 10. f. 3.

But they shall not be obliged to take the oaths, and subscribe the declaration, and receive the sacrament, as directed by the 25 C. 2. c. 2. as other persons qualifying for offices; but only to take the oaths of allegiance, supremacy, and abjuration, as by the land tax acts. 20 G. 2. c. 3. f. 27.

2. Which said commissioners shall meet yearly, at the most usual place of meeting, at such time as shall be appointed for the first general meeting of the commissioners of the land tax, or on such other day as they shall think proper, before April 30. yearly. 20 G. 2. c. 3. f. 6. Time and place of meeting.

3. And at such first meeting, they may agree to subdivide themselves and the other commissioners not then present, in such manner as to them shall seem meet. *id.* f. 6. Subdividing.

4. Also, at such first meeting, they or the major part of them then present, shall direct their several or joint precepts (A) to such inhabitants, and such number of them as they shall think most convenient, to be presentors and assessors, requiring them to appear

appear before the said commissioners, at such time and place as they shall appoint, not exceeding ten days. 20 G. 2. c. 3. f. 6.

Affessors in towns corporate. 5. But no person in a city, borough, or town corporate, shall be compelled to be an assessor or collector out of the limits thereof. 20 G. 2. c. 3. f. 18.

Collectors to return their last collection bills. 6. And the last collectors shall cause a copy of the assessments given to them, and of the collection made by them, to be fairly written and signed by them, but with such alterations therein as shall be necessary, by reason of any new houses erected, or the number of windows in any house increased; or by reason of the change of inhabitants or occupiers of any house, or otherwise, or a true duplicate thereof, signed as aforesaid, to be delivered to three or more commissioners yearly, within ten days after their first meeting. 20 G. 2. c. 3. f. 8.

So that it may be most proper to direct the precept for the last collectors to be assessors.

Affessors to take the oaths. 7. And every assessor, before he acts, shall take the oaths required by the 1 W. c. 18. before three commissioners. 20 G. 2. c. 3. f. 6.

Which oaths are the oaths of allegiance and supremacy.

But quakers, instead of such oaths, shall be allowed to make and subscribe the declaration of fidelity, prescribed by the said act of the 1 W. c. 18. 20 G. 2. c. 42. f. 4.

Affessors refusing. 8. Assessors refusing to take the oaths, or their offices, shall forfeit 5*l.* 20 G. 2. c. 42. f. 2. by distress and sale, as by the 20 G. 2. c. 3.

II. Second meeting; charge to the assessors, with the manner of laying the assessment.

Charge to the assessors. 1. The commissioners shall openly read, or cause to be read to the assessors, the several rates and duties, and openly declare the effect of their charge unto them, and how they ought to make their assessments. 20 G. 2. c. 3. f. 6.

Duty on houses. 2. That is to say, For every dwelling house inhabited, shall be paid yearly 2*s.* 20 G. 2. c. 3. f. 2.

Duty on windows. 3. And for every window or light in every dwelling house, containing 10, 11, 12, 13, or 14 windows or lights, shall be paid moreover the yearly sum of 6*d.* and for every window or light in every dwelling house as aforesaid, containing 15, 16, 17, 18, or 19 windows, the yearly sum of 9*d.* each; and for every window or light in every dwelling house as aforesaid, containing 20 windows or lights, and upwards, the yearly sum of 1*s.* each. 20 G. 2. c. 3. f. 3.

Unto what windows the same shall extend. 4. And every kitchen, scullery, buttery, pantry, larder, wash-house, laundry, bakehouse, brewhouse, and lodging room, belonging to or occupied with any dwelling house, whether joined to it or not, shall be deemed part thereof, and the windows therein charged accordingly. 21 G. 2. c. 10. f. 1.

the first time that I have seen a man of your kind
in the city of London. I have never seen a man
of your kind before.

I have never seen a man of your kind before.
I have never seen a man of your kind before.
I have never seen a man of your kind before.

I have never seen a man of your kind before.
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I have never seen a man of your kind before.

Also sky lights, and windows or lights in staircases, garrets, cellars, passages, and in all other parts of dwelling houses, to what use soever applied, shall be charged. *f. 2.*

5. And where several windows are fixed in one frame; if the partition or division between them is of the breadth of 12 inches, the window on each side of the partition shall be deemed a distinct window. *20 G. 2. c. 3. f. 38.* Several windows in one frame.

6. And all windows in frames which shall give light into more rooms than one, shall be charged as so many separate windows, as there are rooms inlightened thereby. *20 G. 2. c. 3. f. 38.* Window inlightning two rooms.

7. And no windows or lights shall be deemed to be stopped up, unless it be done effectually with stone or brick; or plaister upon lath, or upon any other material commonly used to plaister upon, or with the same kind of materials whereof the outside of the house doth chiefly consist. *21 G. 2. c. 10. f. 11.* Windows stopped up.

But this not extend to windows stopped up with any materials, before the year 1746. *f. 12.*

And if any occupier shall open any windows, after the assessments are settled, and warrants for collecting signed, without notice in writing to the surveyor, he shall forfeit *20 s.* *20 G. 2. c. 3. f. 39.* by distress and sale, *f. 28.* half of which fine shall go to the informer. *21 G. 2. c. 10. f. 15.*

8. Where a house shall be inhabited by two or more persons or families, it shall pay as if it was inhabited by one person or family only. *20 G. 2. c. 3. f. 31.* Two families in one house.

9. Where any dwelling house is let in different apartments to several persons, and the landlord of such house pays other taxes and parish rates for the same; such landlord shall be deemed the occupier of such dwelling house, and be charged with the duties for the same, as one entire house. *20 G. 2. c. 3. f. 35.* House let in different apartments.

10. And the rates shall be charged only upon the inhabitants or occupiers, and not on the landlord who let or demised the same. *20 G. 2. c. 3. f. 5.* Rates to be charged on the inhabitants.

11. Parents and guardians of infants, on default of payment by such infants, shall be liable; and may be proceeded against as other persons making default. *id. f. 15.* Infants how chargeable.

12. Each distinct chamber in a college or hall in the universities, shall pay as if it were an entire house paying to church and poor. *id. f. 32.* Colleges.

13. Every edifice in the inns of court or chancery, being severally in the occupation of any person, shall pay for every window or light; but shall not pay the *2 s.* duty on houses. *20 G. 2. c. 3. f. 33.* *21 G. 2. c. 10. f. 18, 19.* Inns of courts.

14. Such dwelling houses only, where the occupier, by reason of poverty only, is exempted from the usual taxes to church and poor; shall be exempted from the duties; and that only in such cases where the dwelling houses so occupied are cottages, not containing above nine windows in the whole. *20 G. 2. c. 3. f. 29.* Cottages.

15. But every house whereof the keeping only is committed or left to a person or servant who pays not to church and poor, Houses left to servants.

poor, shall pay as if inhabited by the occupier or tenant. *id.*
f. 33.

Obstructing the assessor. 16. And if any person shall wilfully obstruct or molest any assessor in the execution of his duty, he shall forfeit 5*l.* to be levied as the rates and duties. 21 G. 2. c. 10. *f. 14.*

Assessors to assess themselves. 17. And the assessors shall assess themselves and the commissioners, as other persons are assessed. 21 G. 2. c. 10. *f. 16.*

Day for bringing in the assessments. 18. And the commissioners shall then and there prefix a day for the persons to appear before them, and bring in their assessments in writing under their hands; setting forth therein the names and surnames of the several occupiers or inhabitants of each respective dwelling house chargeable, the number of windows or lights, and the several sums they ought to pay. 20 G. 2. c. 3. *f. 6.*

Which day shall be on or before *June 4.* yearly. *f. 7. (B.)*

III. Third meeting; signing the assessment, with warrant to collect.

Assessment delivered in. 1. The assessors appearing at the day appointed, shall deliver in their assessments, to be verified upon their oaths, and not otherwise. 20 G. 2. c. 3. *f. 6.*

Returning the names of collectors. 2. And shall then return the names of two or more able and sufficient persons to be collectors, for whom the parish or place shall be answerable. 20 G. 2. c. 3. *f. 6.*

Signing the assessment. 3. At which time also, three or more of the commissioners shall set their hands to the assessments, testifying their allowance thereof. 20 G. 2. c. 3. *f. 9.*

Note; It is not necessary by the words of the act that the same shall be sealed.

Appointing collectors. 4. And they shall also appoint two of the persons named in the assessment, or any two others whom they shall think able and responsible, to be collectors. *id. (C.)*

Warrant to collect. 5. Also on delivery and return of the assessments, three or more commissioners shall, at least ten days before the rates shall become due, issue their warrants or estreats under their hands and seals, to the collectors, for the speedy collecting and levying the same, as they shall become due and payable. *id. f. 7.*

And they shall forthwith deliver the assessment so allowed of, to the collectors. *f. 9.*

Collector refusing to act. 6. Collectors refusing to take their offices, shall forfeit 5*l.* 20 G. 2. c. 42. *f. 2.* by distress and sale, as by the 20 G. 2. c. 3.

Appointing the time for appeal. 7. Then three or more commissioners shall also give the collectors notice when and where the appeals of any persons who shall think themselves over-rated, may be heard and determined. *id. f. 12.*

And all appeals which shall be made between *Mar. 25.* and *Aug. 20.* yearly, shall be heard and determined by the commissioners upon such days as shall be by them appointed between *Aug. 20.* and *Sep. 15.* And all such other appeals as shall be made

WINDMILL

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made between Sep. 29. and Jan. 20. yearly, shall be heard and determined upon such other days as shall be appointed between Jan. 20. and Feb. 10. 21 G. 2. c. 10. s. 7.

8. And where the commissioners shall have omitted to execute the powers to them given, within the time, and according to the manner above prescribed, two or more of them may meet, and execute the same at any other times, as there shall be occasion. 20 G. 2. c. 42. s. 1.

Remedy where the commissioners have omitted their duty.

9. At this third meeting likewise comes in the business of the surveyors, who shall be appointed by the king, or three commissioners of the treasury; who shall appoint them such salaries as they shall think reasonable. 20 G. 2. c. 3. s. 30, 42, 43.

Surveyors to examine and survey.

And they shall have power to examine the assessments, before they are signed and allowed by the commissioners; and at seasonable times, with a constable, to view and examine whether there be any more windows than are assessed, and to pass for that purpose thro' any house, to go into any court, yard, or backside thereunto belonging, and externally to view the windows which cannot be conveniently seen or numbred without going thro' such house: and this they may do twice a year. *id.* s. 30.

And the constables, and other his majesty's officers, shall be assisting; and shall also obey and execute the warrants of the commissioners to them directed. *id.* s. 22.

And if any person shall wilfully obstruct or molest any surveyor in the execution of his duty, he shall forfeit 5 l. to be levied as the rates and duties. 21 G. 2. c. 10. s. 14.

IV. Fourth meeting; the appeal.

1. Every collector shall, within ten days after notice from the commissioners of the time and place of appeal, cause publick notice to be given in every parish church or chapel within his district, immediately after divine service, on the lord's day (if any such divine service shall be performed there within that time) of the time and place so appointed by the commissioners for hearing and determining appeals: And shall also, on the same day, cause the like notices to be fixed in writing on the door of such church or chapel. 20 G. 2. c. 3. s. 12.

Notice of the appeal day to be given in the church.

2. And after the rates are signed and allowed by the commissioners, if the surveyor finds on his survey, that any houses or lights have been omitted, or are under-rated, he shall certify the same in writing under his hand, by way of surcharge, on or before Aug. 10. and Jan. 10. yearly, to any three or more commissioners, in order to have such omission or under rate certified in the assessment. 20 G. 2. c. 3. s. 37. 21 G. 2. c. 10. s. 6.

Surveyor to give in his surcharge.

And he shall also leave a written notice at the dwelling house of every occupier so surcharged, that he intends to charge them for such number of windows or lights as are charged in such certificate. 21 G. 2. c. 10. s. 6.

3. And every person intending to appeal shall give at least ten days notice thereof in writing to the surveyor, or to one or more of the assessors. 21 G. 2. c. 10. s. 8.

Notice of appeal.

- Assessment not to be altered but on a general appeal day. Surveyor may be present.
4. And no assessment shall be altered or diminished, except only on hearing the appeal, upon a general appeal day. 21 G. 2. c. 10. f. 5.
5. And the surveyor, assessors, and appellants may be present during the time of hearing and determining the appeal, unless they misbehave. 21 G. 2. c. 10. f. 8.
- Commissioner interested to withdraw.
6. And in case of any controversy arising between the commissioners concerning the assessments, the commissioners that shall be concerned therein shall have no voice, but shall withdraw during the debate, until it be determined by the rest of the commissioners. 20 G. 2. c. 3. f. 21.
- Surveyor to make oath that he gave notice.
7. The surveyor appearing to make good his surcharge, shall make oath that a written notice was left at the dwelling houses of the several occupiers so surcharged, that he intended so to surcharge them. 21 G. 2. c. 10. f. 6.
- The parties to be examined on oath.
8. At the appeal, the commissioners shall examine the parties complaining, upon oath, concerning their number of windows or lights. 20 G. 2. c. 3. f. 12.
- And they shall not make any abatement of the charge or surcharge, unless it appear upon oath, that such person is over rated. 21 G. 2. c. 10. f. 8.
- How far the appeal determined shall be final.
9. Appeals determined shall be final: Except that if the surveyor or appellant shall then declare himself dissatisfied with the determination of the commissioners, they shall, at such person's request, state specially and sign the case upon which the question arose, together with their determination thereupon, and cause the same to be delivered to the party, to be by him transmitted to one of the judges; who shall with all convenient speed return an answer, with his opinion subscribed; according to which, the assessment shall be altered or confirmed; provided that the determination of the commissioners shall stand, with respect to the payments which shall be due precedent to the opinion upon the case certified by the judge. 21 G. 2. c. 10. f. 9, 10.

V. Collecting.

- Collector to make demand.
1. The collectors shall make demand of the parties chargeable, or at the places of their last abode, within ten days after the duties shall become due and payable. 20 G. 2. c. 3. f. 7.
- And give receipts.
2. And on payment thereof, they shall give acquittances *gratis*; which shall be a full discharge to the person paying the same. *id.*
- May distrain.
3. And if any person shall refuse to pay to the collector on demand, he may distrain such person by his goods; and shall keep the distress four days at the owner's cost; and if not paid in the said four days, then the distress shall be appraised by two inhabitants; and then sold by the officer; the overplus (if any) over and above the charges of taking and keeping the distress, to be immediately restored to the owner. *id.* f. 11.

And where any refusal, neglect, or resistance shall be made, it shall be lawful by warrant of three commissioners to break open

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MEMORANDUM FOR THE RECORD

DATE: [Illegible]

TO: [Illegible]

FROM: [Illegible]

SUBJECT: [Illegible]

[Illegible text]

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open any house in the day time, calling in the constable to assist. *id.*

4. And if sufficient distress cannot be found, three commissioners by their warrant may commit any person who shall refuse or neglect to pay for 20 days after demand, to the common gaol, until payment shall be made. 20 G. 2. c. 3. f. 11. Commitment for want of distress.

5. Arrears may be levied by the commissioners in the same manner as the rates and duties. 21 G. 2. c. 10. f. 17. Levying arrears.

6. Where the occupier removes without paying the rates, the commissioners are to transmit a certificate thereof, to the commissioners where the person resides; who shall cause the same to be levied and paid to the collectors of the place from whence the person did remove. 20 G. 2. c. 3. f. 41. Occupier removing.

VI. Collector paying to the receiver.

1. The collectors shall pay in the money received, within ten days after receipt thereof, to the receiver general or his deputy, at such place as the commissioners shall appoint. 20 G. 2. c. 3. Collector to pay to the receiver.

f. 7.

Provided that the collectors shall not be obliged to travel above ten miles from their habitations, to pay the money collected.

f. 24.

2. Which receiver general shall give acquittances *gratis*; which shall be a full discharge to the collectors. 20 G. 2. c. 3. f. 21. Receiver to give acquittances.

3. And the said receiver general shall give notice of his appointment of a deputy (which appointment shall be under hand and seal) unto three or more commissioners, within 20 days after their first meeting, and within 20 days after the death or removal of any deputy. 20 G. 2. c. 3. f. 23. Deputy receiver.

4. Every collector shall have 3 d. in the pound, for what money he shall pay to the receiver general. *id.* f. 11. Collector to have 3 d. a pound.

5. And if the collector shall neglect or refuse to pay the money by him received, at the time appointed, three or more commissioners may imprison his person, and seize and secure his estate as well freehold as copyhold, and all other estate both real and personal to him belonging, or which shall come to his heirs, executors, or administrators: Which commissioners may appoint a time for a general meeting of the commissioners, giving publick notice thereof ten days before; and the commissioners at such general meeting may sell such estates, or any part of them, for payment. 20 G. 2. c. 3. f. 16. Collector failing.

And if there be any arrear, by reason of the failure of a collector for whom the parish or place is answerable, three commissioners may cause it to be re assessed in such parish or place. *id.*

f. 34.

6. And the collectors shall deliver a schedule of arrears to the receiver general, to be by him returned into the exchequer, that process against the defaulters may be issued from thence. 20 G. 2. c. 3. f. 21. Returning arrears into the exchequer.

The receiver general returning any persons in arrear who have paid, shall forfeit double damages to the party, and double the sum to the the king. *f. 25.*

And no receiver shall return any person in arrear in his accounts, unless such account be passed in the exchequer, within two years after the end of the year for which such rate shall be payable, but the same shall be a debt on him and his securities. *f. 26.*

VII. Receiver paying into the exchequer.

Times of paying into the exchequer.

1. The receiver general shall pay the sum received into the exchequer, by four quarterly payments (*viz.* June 24. Sep. 29. Dec. 25. and Mar. 25,) or in 40 days after the respective quarterly pay days; on pain of 500 *l.* to him who shall sue. 20 G. 2. c. 3. *f. 10.*

Receiver's allowance.

2. And he shall have an allowance of 2 *d.* in the pound, for the money he shall pay into the exchequer. *f. 11.*

VIII. Duplicates to be transmitted into the exchequer.

Transmitting the duplicates.

The commissioners shall cause true duplicates of the assessments to be made out, within 3 months at farthest after March 25. yearly; the appeals being first heard and determined. Such duplicates to be made for the same hundreds, wards, parishes, or places, for which distinct duplicates are and have been usually made out for the land tax; and the names and surnames of the assessors and collectors respectively shall be inserted therein. 20 G. 2. c. 3. *f. 10.*

One of which duplicates shall be delivered to the receiver general, and another transmitted into the office of the king's remembrancer in the exchequer; for which the proper officers shall give acquittances *gratis.* *id.*

And the commissioners clerks shall not have the 1 *d.* $\frac{1}{2}$ in the pound, until this be done. *f. 11.*

IX. General penalty on officers not doing their duty.

Penalty on the surveyor.

1. If any surveyor shall knowingly, thro' favour or malice, under rate or over rate, or omit to charge any person liable, or shall be guilty of any corrupt or illegal practice in the execution of his office; he shall forfeit 100 *l.* and his office. 20 G. 2. c. 3. *f. 10.*

On the assessor.

2. Assessor guilty of concealment or favour in assessing, shall forfeit not exceeding 5 *l.* nor under 40 *s.* *id.* *f. 6.*

On the collector.

3. Collector gathering by a rate not signed and allowed by the commissioners; or receiving rates from persons not charged therewith; or collecting from any person more than he is charged, and not paying the whole sum collected; or fraudulently altering any rate after being signed by the commissioners, shall forfeit 20 *l.* *id.* *f. 36.* by distrefs. *f. 28.*

4. And

The first of these is the fact that the...
the second is the fact that the...
the third is the fact that the...

The fourth is the fact that the...
the fifth is the fact that the...
the sixth is the fact that the...

The seventh is the fact that the...
the eighth is the fact that the...
the ninth is the fact that the...

The tenth is the fact that the...
the eleventh is the fact that the...
the twelfth is the fact that the...

The thirteenth is the fact that the...
the fourteenth is the fact that the...
the fifteenth is the fact that the...

The sixteenth is the fact that the...
the seventeenth is the fact that the...
the eighteenth is the fact that the...

The nineteenth is the fact that the...
the twentieth is the fact that the...
the twenty-first is the fact that the...

4. And generally; If any assessor, collector, or other person appointed by the commissioners, shall wilfully neglect or refuse to perform his duty, three commissioners may fine him not exceeding 20*l.* nor under 5*l.* to be levied by distress, and charged amongst the rates to the receiver general. *id. f. 21.* On others.

5. And the penalties and forfeitures, for which no other way of levying is prescribed, shall be levied by warrant of three commissioners by distress, rendering the overplus, after deducting reasonable charges for distraining. *id. f. 28.* General method of levying the penalties.

X. *Indemnity of officers in doing their duty.*

Persons sued for any thing done in the execution hereof, may plead the general issue, and have treble costs. 20*G. 2. c. 3. f. 66.* 21*G. 2. c. 10. f. 29.* Treble costs.

A. Precept to the high constables to return assessors.

Westmorland } To Henry Holme, gentleman, high constable of the West Ward within the said county.

WE the commissioners of the duties upon houses and windows for the said county, whose names are hereunto set, and seals affixed, do hereby require you forthwith upon the receipt hereof, to issue out your warrants to all the petty constables within your said Ward, according to the form hereupon indorsed. Given under our hands and seals the _____ day of _____ in the _____ year _____

The form of the said warrant to be indorsed.

Westmorland } To the constable of _____
West Ward }

BY virtue of a precept from the commissioners of the duties upon houses and windows for the said county to me directed, you are hereby required forthwith to give notice to the last collectors of the said duties within your constablewick, that they and every of them do personally appear before the said commissioners at _____ on _____ the _____ day of _____ at the hour of _____ in the forenoon of the same day, in order to be appointed assessors of the said duties for this present year, and at the same time to receive their charge, how and in what manner to make their assessments, and otherwise how to proceed in the execution of their said office. And be you then there to certify what you shall have done in the execution hereof. Given under my hand the _____ day of _____ in the year of our lord _____

Henry Holme, high constable.

B. Appointment of assessors, with their charge.

Westmorland. **W**E the commissioners of the duties upon houses and windows for the said county, whose names are hereunto set and seals affixed, do hereby nominate and appoint _____ to be assessors of the said duties within the township of _____ in the county aforesaid. And we do hereby require you the said assessors, to make your assessment for the same, according to the proportions of the last assessment for the said duties within your said township; but with such alterations therein as shall be necessary by reason of any new houses erected, or the number of windows in any house increased, or the removal and change of the inhabitants, or otherwise. And your said assessment you are to make out in writing, setting forth therein the names of the several occupiers or inhabitants, the number of windows or lights, and the sum which they ought to pay; and sign the same; and deliver the same to us upon oath at _____ in the county aforesaid, on _____ the _____ day of _____ in the forenoon of the same day. At which time and place you are also hereby required to return unto us the names of two or more able and sufficient inhabitants within your said township, to be collectors of the said assessment; and in the mean time to give notice unto them, that they do also then and there appear, to receive their appointment, nomination, and charge. Given under our hands and seals the _____ day of _____ in the year of our lord _____

C. Appointment and charge of the collectors, with warrant to collect.

Westmorland. **W**E the commissioners of the duties upon houses and windows for the said county, whose names are hereunto set and seals affixed, do hereby nominate and appoint _____ to be collectors of the said duties for the township of _____ in the said county, for this present year, and do hereby empower them to demand, collect, and receive the same. And you the said collectors are hereby required, within ten days after your receipt hereof, to cause publick notice to be given in the church or chapel immediately after divine service on the lord's day, and to cause the like notice in writing to be affixed on the door of such church or chapel, that all appeals against the assessment for the said duties will be heard and determined by the said commissioners at _____. And if any person shall neglect or refuse to pay the same unto you upon demand, you are hereby required forthwith to give notice unto us thereof, that such further proceedings may be had therein, as to law doth appertain. And the same when collected, you are hereby required to pay unto the receiver general or his deputy, at the times and places hereafter following; that is to say, _____ deducting out of the last payment thereof, 3d. for every pound by you collected, for your trouble in collecting and giving receipts. Given under our hands and seals the _____ day of _____ in the year of our lord _____

Account of the ...

W ...

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The first part of the document is a letter from the Secretary of the Board of Education to the Board of Trustees of the University of the State of New York. The letter is dated January 10, 1892, and is addressed to the Board of Trustees of the University of the State of New York, Albany. The letter is signed by the Secretary of the Board of Education, John C. De Witt.

The letter contains the following text:

Sir: I have the honor to acknowledge the receipt of your letter of the 7th inst. in relation to the proposed amendment to the Constitution of the State of New York, which provides for the establishment of a Board of Education for the State of New York.

I have the honor to inform you that the Board of Education has considered the proposed amendment and has decided to recommend its adoption. The Board of Education believes that the proposed amendment is in the best interests of the State of New York and that it will result in the establishment of a more efficient and economical system of education for the State.

I have the honor to enclose herewith a copy of the report of the Board of Education on the proposed amendment, which you will find of interest. I am, Sir, very respectfully, your obedient servant,

John C. De Witt, Secretary of the Board of Education.

The second part of the document is a report of the Board of Education on the proposed amendment to the Constitution of the State of New York. The report is dated January 10, 1892, and is addressed to the Board of Trustees of the University of the State of New York, Albany. The report is signed by the Secretary of the Board of Education, John C. De Witt.

The report contains the following text:

The Board of Education has considered the proposed amendment to the Constitution of the State of New York, which provides for the establishment of a Board of Education for the State of New York. The Board of Education believes that the proposed amendment is in the best interests of the State of New York and that it will result in the establishment of a more efficient and economical system of education for the State.

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I am, Sir, very respectfully, your obedient servant,

John C. De Witt, Secretary of the Board of Education.

Wine.

1. **N**O wine (except of the growth of *Tuscany, Turkey,* or *the Levant*) shall be imported in flasks, bottles, or vessels, less than 25 gallons; on pain of forfeiting the same, or the value; half to the king, and half to him that shall seize or sue by the laws of excise, or in the courts at *Westminster*. 1 G. 2. *f. 2. c. 17. f. 7, 8.* In vessels of what size to be imported.

2. No wine shall be brought forth of *France*, but in *English* shipping, on pain of forfeiture. 5 *El. c. 5. f. 11.* To be imported in English shipping.

And the justices in sessions may determine offences against this act, by indictment or information. *f. 30.*

3. The king may issue commissions to license persons to sell wine by retail, to be drank as well within the house or other place of the party as without. 12 *C. 2. c. 25. f. 2.* Licence for retailing.

Which they may do for 21 years, or under, for a yearly rent, but no fine. *f. 3.*

And no person, not being so authorized, shall retail wine; on pain of 5 *l.* half to the king, and half to him that shall sue in any court of record. 12 *C. 2. c. 25. f. 1.*

4. The lord chancellor, lord treasurer, lord president, lord privy seal, and the two chief justices, or any three of them, shall yearly between *Nov. 20.* and *Dec. 31.* set the prices of wines sold in gross; so that proclamation be made thereof in term time in the court of chancery, or in the town where they shall be sold; and if any person shall offend against the said assessment, he shall forfeit for every vessel 40 *s.* half to the king, and half to the mayor if in a town corporate; and if not, to him that shall sue. 28 *H. 8. c. 14. f. 2, 3.* 37 *H. 8. c. 23. f. 2.* 12 *C. 2. c. 25. f. 13.* Setting the prices of wines.

And the justices of the peace, and mayors, may hear and determine the defaults of such offenders, and punish them by imprisonment, or otherwise, by their discretions. 28 *H. 8. c. 14. f. 4.*

And by the 37 *H. 8. c. 23.* If any person shall refuse to sell at the prices limited, the mayor and recorder and two ancient aldermen in *London*, being no vintners; and the mayor, aldermen, and other head officers elsewhere, or any two of them, whereof the mayor or chief alderman to be one, may enter and sell the same to the owner's use. *f. 3.*

5. No person selling wine shall mix wines together, nor with any other thing; on pain that the seller in gross shall forfeit 100 *l.* and the retailer 50 *l.* half to the king, and half to him that shall sue in any court of record. 12 *C. 2. c. 25. f. 11.* Adulterating wines.

6. By the 5 *An. c. 27.* 231 cubical inches shall be a wine gallon, 63 gallons a hoghead, 126 gallons a butt or pipe, and 252 gallons a ton. *f. 17.* Wine measure.

Wine. See Excise.

Witchcraft.

Witchcraft.

Witchcraft abolished.

1. **BY** the 9 G. 2. c. 5. No prosecution, suit, or proceeding, shall be commenced or carried on against any person for witchcraft, sorcery, enchantment, or conjuration, or for charging another with any such offence, in any court whatsoever.

f. 3.

Pretending to witchcraft.

2. But if any person shall pretend to exercise or use any kind of witchcraft, sorcery, enchantment, or conjuration; or undertake to tell fortunes; or pretend from his skill or knowledge in any occult or crafty science, to discover where, or in what manner, any goods or chattels, supposed to have been stolen or lost, may be found; every person so offending, being convicted on indictment or information, shall suffer imprisonment for a year without bail or mainprize, and once in every quarter of the said year, in some market town of the proper county, upon the market day there, stand openly on the pillory for one hour, and also shall (if the court by which such judgment shall be given shall think fit) be obliged to give sureties for his good behaviour, in such sum, and for such time, as the said court shall judge proper, according to the circumstances of the offence, and in such case shall be further imprisoned until such sureties be given. f. 4.

Witnesses. See Evidence.

Women.

Concerning women considered as *wives*, or *femes covert*; see title **Wife**.

Concerning women having two husbands, or men two wives; see title **Polygamy**.

Concerning the ravishment of women, see title **Rape**.

For clandestine marriages, and counterfeiting marriage licences and registers; see title **Marriage**.

Carnally knowing a female child under ten.

1. **I**F any person shall unlawfully and carnally know and abuse any woman child under the age of ten years, he shall be guilty of felony without benefit of clergy. 18 *El. c. 7*.

Taking a woman by force.

2. None shall take by force any maiden within age (that is, the age of 12 years, being the age of consent to marriage, 2 *Inff. 182.*) by her own consent nor without; nor any wife or maiden of full age, nor any other woman against her will; on pain of imprisonment for two years, and after, fine at the king's will.

3 *Ed. 1. c. 13*.

Forcing her to become bound.

3. If any person take by force, or otherwise, any woman sole, having any substance of lands, tenements, or moveable goods, and inforce her before she be set at liberty, to bind her self to

him

Advertisement

I have the honor to acknowledge the receipt of your letter of the 10th inst. in relation to the above mentioned subject. I have the pleasure to inform you that the same has been forwarded to the proper authorities for their consideration. I am, Sir, very respectfully,
 Yours obedient servant,
 J. M. [Name]

Advertisement for [illegible]

Advertisement

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 Yours obedient servant,
 J. M. [Name]

MEMORANDUM

TO : [Illegible]

FROM : [Illegible]

SUBJECT : [Illegible]

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Very truly yours,
 [Illegible Signature]

him by statute or obligation ; such bond shall be void. 31 H. 6.

c. 9.

4. Whereas women, as well maidens, as widows, and wives, having substances, some in goods moveable, and some in lands and tenements, and some being heirs apparent unto their ancestors, for the lucre of such substances, are oftentimes taken by misdoers, contrary to their will, and after married to such misdoers, or to other by their assent, or defiled,—it is enacted, that what person that taketh any woman so against her will unlawfully, that is to say, maid, widow, or wife, that such taking, procuring, and abetting to the same, and also receiving wittingly the same woman so taken against her will, and knowing the same, be felony ; and that such misdoers, takers, and procurators to the same, and receitors, knowing the said offence, shall be adjudged as principal felons. 3 H. 7. c. 2. And by the 39 El. c. 9. Benefit of clergy is taken away from the principals, procurers, and accessaries before.

The offence commonly called stealing an heiress.

Upon the face of which said statute of the 3 H. 7. these things are required to make the offence felony ; 1. That the maid, wife, or widow, have lands, or tenements, or moveable goods, or be an heir apparent. 2. That she be taken away against her will. 3. That the taking was for lucre. And 4. That she be married to the misdoer, or to some other by his consent ; or be defiled (that is, carnally known.) For if these concur not, and be so laid in the indictment, the misdoer is not a felon within this statute, but otherwise to be punished. 3 Inst. 61. 1 Harv. 110.

The said act makes not only the takers, but the procurers, and abettors of the felony, and receivers of the woman wittingly, knowing the same, to be all principal felons ; the like whereof Lord Coke says he hath not found in any other statute that he remembers. But by a construction of the common law, they that receive the misdoers, and not the woman, are accessaries only. 3 Inst. 61, 62.

But those who are only privy to the marriage, but no way parties to the forcible taking away, or consenting thereto, are not within the statute. 1 Harv. 110.

It is no manner of excuse, that the woman at first was taken away with her own consent ; because if she afterwards refuse to continue with the offender, and be forced against her will, she may from that time as properly be said to be taken against her will, as if she had never given any consent at all ; for till the force was put upon her, she was in her own power. 1 Harv. 110.

Also, it is not material, whether a woman so taken contrary to her will, be at last married or defiled with her own consent, or not ; if she were under the force at the time. 1 Harv. 110.

In *Fulwood's case*, M. 13 C. it was resolved, that the woman taken away and married, may be sworn and give evidence against the offender, who so took and married her, tho' she be his wife *de facto*. 1 H. H. 661.

5. If any person above the age of 14 years, shall unlawfully take or convey, or cause to be taken or conveyed, any maid or woman child unmarried, being within the age of 16 years, out

Taking a woman under 16.

of

of the possession and against the will of her father, or mother, or guardian; he shall suffer two years imprisonment, or pay such fine as shall be assessed by the court, half to the king, and half to the parties grieved. 4 & 5 P. & M. c. 8. s. 3.

H. 15 G. 2. K. against *Cornforth* and others. The court granted an information against the defendants, for taking away a natural daughter under 16, under the care of her putative father; being of opinion it was within this statute. *Str.* 1162.

And if any person shall so take away, or cause to be taken away, and deflower, any such maid or woman child; or shall against the will or knowledge of the father, or if he is dead, of the mother having tuition of such child, contract matrimony with her by letters, messages, or otherwise; he shall be imprisoned for five years, or pay such fine as shall be assessed by the court, half to the king, and half to the parties grieved. s. 3.

And if any woman child or maiden, being above the age of 12 years, and under 16, shall consent or agree to such person so making such contract of matrimony; the next of kin to her shall have, hold, and enjoy her lands during her life. s. 6.

But by the 26 G. 2. c. 33. No suit shall be had in any ecclesiastical court, in order to compel a celebration of marriage *in facie ecclesie*, by reason of any contract of matrimony whatsoever, whether *per verba de presenti*, or *per verba de futuro*. And the marriage of any person under the age of 21, without the consent of parents or guardians, shall be null and void.

Appeal by a woman. 6. In an appeal by a woman, the appellee cannot wage battel, but must put himself upon his country. 2 *Harw.* 427.

Peereffes how to be tried. 7. Peereffes shall be tried as peers, for treason or felony. 20 H. 6. c. 9.

Woman standing mute. 8. Women upon standing mute, are liable to *pain fort & dure*, as men are. 2 *Harw.* 331.

Benefit of clergy. 9. A woman being convicted for an offence, for which a man may have his clergy, shall suffer the same punishment as a man should suffer, that has the benefit of his clergy allowed; that is, shall be burnt in the hand, and further kept in prison as the court shall think fit, not exceeding one year. 3 *W.* c. 9.

But she shall have the benefit of the said statute but once. 4 & 5 *W.* c. 24. s. 13.

Judgment in treason and felony. 10. The judgment against a woman, in case of high treason is, not the same as against a man traitor, to be hanged, cut down alive, have the bowels taken out, and the body quartered; but to be drawn to the place of execution, and there burned:

And this also is the judgment against a woman, in case of petit treason; whereas the judgment against a man for petit treason is, that he shall be hanged:

But in case of felony, the judgment is the same against both man and woman, to be hanged by the neck till dead. 2 *Harw.* 444.

Plea of pregnancy. 11. It is clear, that if a woman quick with child be condemned either for treason or felony, she may alledge her being with child in order to get the execution respited, and thereupon the sheriff shall be commanded to take her into a private room, and to impanel

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panel a jury of matrons to try and examine, whether she be quick with child or not; and if they find her quick with child, the execution shall be respited till her delivery. But it is agreed, that a woman cannot demand such respite of execution, by reason of her being quick with child, more than once. 2 *Haw.* 464:

12. Women are not obliged to appear at the torn or leet. *Attending the torn and leet.*
2 *Haw.* 57.

13. Mr. *Hawkins* seems to be of opinion, that a custom of Serving the office of constable by turns, is good; *vice of constable.* and that when it comes to the turn of a woman inhabitant, she must procure one to serve for her. 2 *Haw.* 63.

Wood.

1. **I**T is proper to insert here in the first place, a clause in the statute of the 13 *Ed.* 1. *st.* 1. *c.* 46. both upon its own account, and its being referred to afterwards by subsequent statutes; *wiz.* *Where sometime it chaunceth, that one having a right to approve, doth then levy a dyke or an hedge, and some by night, or at another season, when they suppose not to be espied, do overthrow the hedge or dyke, and it cannot be known by verdict of the assize or jury, who did overthrow the hedge or dyke, and men of the towns near will not indict such as be guilty of the fact; the towns near adjoining shall be distrained to levy the hedge or dyke at their own cost, and to yield damages.* Pulling down hedges of ground improved.

And by the 3 & 4 *Ed.* 6. *c.* 3. *Such person as shall bring an assize hereupon, and have judgment to recover, shall have his damages trebled by the judgment of the court.* *l.* 4.

One having a right to approve] Forasmuch as the lord ought to divide the parts of the common improved, by the hedge, ditch, or other defence; now this clause provideth, that if persons unknown, either in the night or otherwise, so secretly prostrate the ditches, hedges, or other fences, as the lord cannot know against whom to bring his assize or other action; and the men of the towns next adjoining thereunto round about do not indict the misdoers of the fact, those next towns round about shall be distrained to make the hedge or ditch at their own cost, and yield damages to the lord. 2 *Inst.* 476.

Indict] That is, indict him at the king's suit, either of a riot, force, or trespass: But here it is demanded, what time have the next towns round about adjoining to indict the misdoers, seeing here is no time appointed; and the answer is, that seeing no time is appointed, the law doth appoint (as in many cases it doth) a year and a day for the indicting of the misdoers; and by the indictment the lord shall know against whom to bring his action. 2 *Inst.* 476.

The towns near adjoining shall be distrained to levy the hedge or dyke, at their own cost, and to yield damages] If the bordering towns do not within a year and a day indict the misdoers, then shall the lord or other party grieved bring his action upon this branch, against the towns bordering round about the town wherein the fact was done, and judgment shall be given, that they shall at their proper costs make the ditch or hedge, and yield damages; and after judgment given, they shall be distrained to make the hedge or ditch. 2 *Inst.* 477.

Cutting down woods wherein there is common of pasture.

2. By the 35 H. 8. c. 17. intituled, *The bill for the preservation of woods*, No person who shall have any woods or underwoods wherein others have common of pasture, shall cut down the same, until the fourth part thereof shall be set out and fenced by the lord with the assent of the major part of the tenants; and if they cannot agree, then two justices being thereunto appointed by the more number of the justices of the shire in their quarter sessions, shall set out the same. *f.* 7.

Burning coal wood; barking fruit trees.

3. If any person shall maliciously, willingly, and unlawfully burn, or cause to be burned, any heap of wood prepared, cut and felled, for making of coals, billets, or talwood; or bark any apple trees, pear trees, or other fruit trees; he shall forfeit to the party grieved treble damages by action of trespass at the common law, and also 10*l.* to the king. 37 H. 8. c. 6. *f.* 4.

Robbing orchards; breaking hedges; pulling up fruit trees; spoiling wood growing.

4. Every person who shall rob any orchards or gardens; or break or cut any hedge, pails, rails, or fence; or dig, or pull up, or take up any fruit tree or trees in any orchard, garden, or elsewhere, to the intent to take and carry the same away; or shall cut or spoil any woods or underwoods, poles, or trees standing (the same not being felony by the laws of this realm); every such person, his procurers and receivers, knowing the same, being thereof convicted by confession, or oath of one witness, before one justice (or mayor), shall give to the party such recompence and satisfaction for damages, and within such time, as the said justice shall appoint; and the same to be only for the first fault: And if such offender shall be thought by the justice not able, or do not make such recompence, then he shall commit him to the constable where the offence shall be committed, or the party apprehended, to be whipped. And for every such offence for which the offender shall be estfoons committed in form afore limited, the person so offending to receive the said punishment of whipping. 43 *El.* c. 7. *f.* 1.

And if the constable shall not by himself, or some other execute upon the offender the said punishment, the justice may commit him to the common gaol till he comply. *f.* 2.

Note, that *robbing of orchards* doth not seem to be comprehended in any other statute, so that the punishment thereof is restrained to this statute: But the other offences abovementioned are further punishable by other statutes hereafter following:

The same not being felony by the laws of this realm] The distinction in which case seemeth to be this; If they be any way annexed to the freehold, as trees growing, or apples growing upon the trees, then the taking and carrying them away is not felony, but only

The first part of the paper is a list of names of persons who have been admitted to the office of Justice of the Peace for the County of Middlesex, in the year 1788. The names are as follows: John Smith, James Brown, Robert White, Thomas Green, William Black, Richard Grey, Henry Gold, George Silver, Benjamin Copper, and Daniel Lead.

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The first part of the paper is devoted to a general
 description of the country and its resources. It
 is found that the soil is fertile and the climate
 is temperate. The principal occupations of the
 inhabitants are agriculture and stock raising.
 The principal crops are wheat, corn, and
 cotton. The principal stock raised is
 cattle and sheep. The principal towns are
 New York, Philadelphia, and Baltimore.
 The principal exports are wheat, corn, and
 cotton. The principal imports are sugar,
 molasses, and rum. The principal
 manufactures are flour, iron, and
 cloth. The principal articles of
 commerce are sugar, molasses, and
 rum. The principal articles of
 consumption are sugar, molasses, and
 rum. The principal articles of
 export are sugar, molasses, and
 rum. The principal articles of
 import are sugar, molasses, and
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 consumption are sugar, molasses, and
 rum. The principal articles of
 export are sugar, molasses, and
 rum. The principal articles of
 import are sugar, molasses, and
 rum. The principal articles of
 consumption are sugar, molasses, and
 rum.

only a trespass, for a man cannot steal part of the freehold; but if they be severed from the freehold, as wood cut, or apples gathered from the trees, then the taking of them is not a trespass only, but felony.

5. By the 15 C. 2. c. 2. The constable may apprehend, or Hedge breakings and other wood stolen. cause to be apprehended, every person he shall suspect having or carrying any burden of any kind of wood, underwood, poles, or young trees, or bark, or bast of any trees, or any gates, stiles, posts, pales, rails, or hedgewood, broom or furze; — And by warrant of one justice (A) directed to any officer, such officer shall have power to enter into and search the houses, outhouses, yards, gardens, or other places belonging to the houses of every person they shall suspect to have any kind of wood, underwood, poles, or young trees, or bark, or bast of any trees, or any gates, stiles, posts, pales, rails, or hedge wood, broom or furze; and where they shall find any such, to apprehend the persons suspected for cutting and taking the same; And as well those apprehended carrying, as those in whose houses or other places the same shall be found, to carry before one justice. And if such person do not then and there give a good account how he came by the same, such as shall satisfy the said justice; or else shall not in some convenient time to be set by the said justice, produce the party of whom he bought the same, or some credible witness to depose upon oath such sale thereof, he shall be convicted of cutting and spoiling the same, and punished as by the said act of the 43 *El.* and further by this act:

That is to say, he shall for the first offence give the owner such recompence or satisfaction (B) for damages, and within such time, as the justice shall appoint; and over and above pay down presently to the overseers for the use of the poor, such sum not exceeding 10*s.* as the justice shall think meet; and if he do not make such recompence, and also pay the said sum to the poor, the said justice shall commit him (C) to the house of correction not exceeding one month, or to be whipped (D) by the constable. And if he shall again commit the said offence, and be thereof convicted as before, he shall be sent to the house of correction for one month, and be there kept to hard labour. And if he shall again commit the said offence, and be thereof convicted as before, he shall be deemed an incorrigible rogue.

But no person shall be punished by this act, unless he be questioned in six weeks after the offence committed.

6. And by the said act of the 15 C. 2. c. 2. Whosoever shall Buying of stolen wood. buy any burdens of wood, or any poles or sticks of wood, or any other the premises, which may be justly suspected to have been stolen or unlawfully come by; one justice (on complaint in six weeks as aforesaid after the offence committed) may examine the matter on oath; and if he shall find that the same was bought of a person who might justly be suspected to have stolen or unlawfully come by the same, and that the same was stolen or unlawfully come by, he may award the party who bought the same to pay treble value (E) to him from whom it was unlawfully taken; and in default of present payment; may issue his warrant to levy the same

Destroying wood
growing, or the
inclosures there-
of.

by distress (F), and in default of distress, to commit the party to gaol at his own charge, there to remain one month without bail.

7. If any person shall either by day or night, cut, take, destroy, break, throw down, bark, pluck up, burn, deface, spoil, or carry away, any wood springs, trees, poles, wood, tops of trees, under woods or coppice woods, thorns or quicksets, without the consent of the owner, or of the person chiefly intrusted with the care and custody thereof; or shall break open, throw down, level, or destroy any hedges, gates, posts, stiles, railing, walls, fences, dikes, ditches, banks, or other inclosure thereof; the owner may have such satisfaction and recompence from the inhabitants of the parishes, towns, hamlets, villages, or places, joining on such wood springs or wood grounds, and recover such damages against such place or places, and in the same manner and form as by the (above recited) act of the 13 *Ed. 1. st. 1. c. 46.* Unless the offender, by such parishes or places, be convicted in six months. 6 *G. c. 16. s. 1.*—This is to be understood, if the offender is not known.

But if the offender is known, then it is enacted as follows; *viz.* If any person shall in a riotous, open, tumultuous, or in a secret or clandestine manner, forcibly or wrongfully and maliciously, and without consent of the owner, or person chiefly intrusted with the care thereof, cut down, destroy, break, bark, throw down, burn, take, deface, spoil, or carry away, any wood, or springs of wood, underwood, or coppice wood; or break open, throw down, level, or destroy any hedges, gates, posts, stiles, rails, fences, ditches, banks, or inclosures of such woods, woody grounds, coppices, plantations, timber trees, fruit trees, or other trees, thorns, or quicksets; Two justices, or the justices in sessions, on complaint made by any inhabitant of such parish or place, or by the owner of the wood, or by any other, may cause the offender to be apprehended, and hear and determine the offence; and on conviction, shall commit (G) the offender to the house of correction to hard labour for three months, and where there is no house of correction, then to the prison for four months, and shall also order the offender to be publicly whipped by the master of such house of correction once a month, during such three months, if it is in a borough; or in the market town where such house of correction stands, or in the next market town next adjacent to such house of correction, on the market day, between the hours of eleven and two. And where there is no house of correction, the said justices shall order him to be whipt by the common hangman once a month, during such four months, on the market day of such borough, or on the market day of some town, between the hours of eleven and two. 1 *G. st. 2. c. 48. s. 2.* 6 *G. c. 16. s. 2.*

And before he shall be discharged, he shall find sufficient sureties for his good behaviour for two years. 1 *G. st. 2. c. 48. s. 3.*

Destroying plan-
tations, or
throwing down
inclosures in the
night.

8. By the 22 & 23 *C. 2. c. 7.* If any person shall in the night time, maliciously, unlawfully, and willingly destroy any plantations of trees, or throw down any inclosures; he shall forfeit to the party grieved, treble damages. *s. 5.*

The first part of the book is devoted to a general history of the world, from the beginning of time to the present day. The author discusses the various civilizations that have flourished on the earth, and the progress of human knowledge and industry. He also touches upon the political and social changes that have shaped the modern world.

The second part of the book is a detailed account of the history of the United States, from its early settlement to the present. The author describes the struggles of the colonies for independence, the formation of the Constitution, and the growth of the nation. He also discusses the various wars and conflicts that have marked the country's history, and the progress of its science, literature, and art.

The third part of the book is a history of the world from the year 1800 to the present. The author discusses the various revolutions and wars that have shaped the modern world, and the progress of human knowledge and industry. He also touches upon the political and social changes that have shaped the modern world.

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The first part of the report
 deals with the general
 situation of the country
 and the progress of
 the various branches
 of the service. It
 is followed by a
 detailed account of
 the operations of
 the different
 departments during
 the year. The
 report concludes
 with a summary
 of the results
 achieved and
 the measures
 proposed for
 the future.

And three justices (1 Q.) may enquire thereof, in six months, as well by a jury, as by examination of witnesses on oath, or by any lawful ways, which to them shall seem meet. *f. 6, 7.*

9. If any person shall maliciously set on fire, or burn, or cause to be burnt, any wood, underwood, or coppice, or any part thereof; he shall be guilty of felony. *1 G. 2. c. 48. f. 4.* Setting fire to wood.

10. By the 9 G. 2. c. 22. commonly called the Black act, (which by the 24 G. 2. c. 57. hath continuance to Sep. 1. 1757, &c.) If any person shall unlawfully and maliciously cut down, or otherwise destroy any trees planted in any avenue, or growing in any garden, orchard; or plantation, for ornament, shelter, or profit; or set fire to any stack of wood; or forcibly rescue any person in custody for any the said offences; or by promise or reward procure any to join him therein; he shall be guilty of felony without benefit of clergy. And the hundred shall answer damages. Destroying trees, or burning wood. by the Black act

Which said act is inserted more at large in the title of that name.

11. By the 1 & 2 P. & M. c. 5. No person shall carry any wood out of the realm, on pain that the owner of the ship shall forfeit the ship and tackle; the owner of the wood, double value of the wood; and the master and mariners all their goods, and be imprisoned for a year. *f. 2.* Exporting wood,

And if any person shall carry any wood to any ship, to be transported; the owners, masters, and mariners, shall forfeit in like manner. *f. 3.*

And if any person shall obtain of the king a licence to transport wood, and shall carry more than is contained in his licence; he shall forfeit treble value, and be imprisoned for a year. *f. 4.*

And they which have licence, shall lade all at one place certain; on pain of forfeiting all their goods and chattels. *f. 5.*

The said forfeitures to be half to king, and half to him that shall sue in any court of record: Moreover, all and singular justices of the peace, within three years after any offence committed, may hear and determine the same by a jury. *f. 6.*

A. Warrant to search for stolen wood; on the
15 C. 2. c. 2.

Westmorland. } To the constable of _____.

WHEREAS A. I. of _____ yeoman, hath this day made oath before me J. P. esquire, one of his majesty's justices of the peace for the said county, that divers quantities of wood, within the space of six weeks last past, have been cut, taken, and carried away off and from his lands at _____ in the said county [or as the case shall be]; and that he hath just cause to suspect, and doth suspect, that the said wood, or part thereof, is concealed in the houses, out-bouss, yards, gardens, or other places belonging to such houses, of A. O. of _____ yeoman, at _____ aforesaid; These are there-
P p 2 fire

fore to require you to enter into, and search the said houses, outhouses, yards, gardens, or other places belonging to such houses of him the said A. O. at _____ aforesaid; and if on such search you shall there find any such wood, that then you apprehend the person in whose house, outhouse, or other place it shall be found, and bring him before me, or some other of his majesty's justices of the peace for the said county, that such proceedings may be had thereupon, as to law doth appertain. Given under my hand and seal at _____ in the said county, the _____ day of _____ in the _____ year _____

B. Order for satisfaction to the owner; on the

15 C. 2. c. 2.

Westmorland. **W**HEREAS A. I. of _____ in the said county, yeoman, on the _____ day of _____ now last past, did make oath before me J. P. esquire, one of his majesty's justices of the peace for the said county, that on or since the _____ day of _____ now last past, a certain quantity of wood, the property of him the said A. I. at _____ in the parish of _____ in the county aforesaid, was cut and spoiled, and from thence taken and carried away; and that he had just cause to suspect, and did suspect, that A. O. of _____ in the said county, yeoman, did cut, spoil, take, and carry away the same; And whereas the said A. O. was on the _____ day of _____ now last past, apprehended by A. C. constable of _____ in the said county, carrying wood suspected to be stolen by him the said A. O. [Or, whereas a certain quantity of wood, suspected to be stolen, was this day, by virtue of my warrant for that purpose directed to the constable of _____ in the said county, found in the house [or other place] of the said A. O. at _____ aforesaid] And whereas the said A. O. being now brought before me, hath not given to me any satisfactory account how he came by the said wood, nor can produce the party of whom he bought the same, nor any credible witness to testify upon oath the sale thereof; therefore the said A. O. is convicted by me of cutting, spoiling, taking, and carrying away the said wood; And whereas also it is duly proved before me, that A. I. of _____ aforesaid, yeoman, was and is the owner of the said wood, and that the said offence was committed at _____ aforesaid, in the parish of _____ in the said county, I do therefore hereby order and appoint the said A. O. within the space of _____ days now next ensuing, to pay unto the said A. I. the sum of _____ in recompence and satisfaction for damages done unto him the said A. I. by him the said A. O. in cutting, spoiling, taking and carrying away the said wood; and I do also hereby order the said A. O. within the space of _____ days now next ensuing as aforesaid, to pay to the overseers of the poor of the parish of _____ aforesaid, for the use of the poor of the said parish, the sum of 10s. for his said offence. Given under my hand and seal, at _____ in the said county, the _____ day of _____

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W

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Continuation of the report for the year 1881
The following is a list of the names of the persons who have been admitted to the office of the Secretary of the Board of Education during the year 1881.

W
W. A. ...
W. B. ...
W. C. ...
W. D. ...
W. E. ...
W. F. ...
W. G. ...
W. H. ...
W. I. ...
W. J. ...
W. K. ...
W. L. ...
W. M. ...
W. N. ...
W. O. ...
W. P. ...
W. Q. ...
W. R. ...
W. S. ...
W. T. ...
W. U. ...
W. V. ...
W. W. ...
W. X. ...
W. Y. ...
W. Z. ...

W. A. ...
W. B. ...
W. C. ...
W. D. ...
W. E. ...
W. F. ...
W. G. ...
W. H. ...
W. I. ...
W. J. ...
W. K. ...
W. L. ...
W. M. ...
W. N. ...
W. O. ...
W. P. ...
W. Q. ...
W. R. ...
W. S. ...
W. T. ...
W. U. ...
W. V. ...
W. W. ...
W. X. ...
W. Y. ...
W. Z. ...

C. Commitment thereupon for non-payment.

Westmorland. } To the constable of _____ and to the keeper
of the house of correction at _____ in the
said county.

WHEREAS A. I. of _____ in the said county, yeoman,
on the _____ day of _____ now last past, did make oath
before me J. P. esquire, one of his majesty's justices of the peace for
the said county, that within the space of six days then last past, a
certain quantity of wood, the property of him the said A. I. at
_____ in the parish of _____ in the county aforesaid, was cut and
spoiled, and from thence taken and carried away; and that he had
just cause to suspect, and did suspect, that A. O. of _____ in the
said county, yeoman, did cut, spoil, take, and carry away the same;
And whereas the said A. O. was on the _____ day of _____
now last past, apprehended by A. C. constable of _____ in the said
county, carrying wood suspected to be stolen by him the said A. O.
[Or, whereas a certain quantity of wood, suspected to be stolen, was
on the _____ day of _____ now last past, by virtue of my war-
rant for that purpose directed to the constable of _____ in the said
county, found in the house (or other place) of the said A. O. at
_____ aforesaid;] And whereas the said A. O. on the _____
day of _____ now last past, having been brought before me, did not
and could not give to me any satisfactory account how he came by the
said wood, nor could produce the party of whom he bought the same,
nor any credible witness to testify upon oath the sale thereof, and
thereupon was by me convicted of cutting and spoiling the said
wood, and ordered to pay to the said A. I. the owner of the
said wood, the sum of _____ within _____ days then next
ensuing, in recompence and satisfaction for damages, and also the
sum of 10 s. to the overseers of the poor of the parish of _____
aforesaid where the said offence was committed, for the use of the
poor of the said parish; And whereas it appears to me, that the
said several sums have been duly demanded of him the said A. O.
but that he the said A. O. hath refused, and doth refuse to pay,
and hath not yet paid the same, nor any part thereof: I do therefore
hereby require you the said constable of _____ aforesaid, to convey
the said A. O. to the said house of correction at _____ aforesaid,
and to deliver him to the keeper thereof, together with this warrant:
And I do hereby command you the said keeper to receive him into your
custody in the said house of correction, and there to detain him for the
space of _____ days from the day of the date hereof. Herein fail
you not. Given under my hand and seal, at _____ in the said
county, the _____ day of _____ in the _____ year _____

D. If instead of being sent to the house of correction, he is
ordered to be whipt, then say, _____ I do therefore hereby command
you the said constable forthwith to receive the said A. O. into your
custody, and to strip him naked from the middle upwards, and whip
him until his body be bloody.

E. Order for the buyer of stolen wood, to pay treble damages; on the 15 C. 2. c. 2.

Westmorland. **W**HEREAS it hath been duly proved before me ——— esquire, one of his majesty's justices of the peace for the said county, that A. O. of ——— yeoman, did within the space of six weeks now last past, buy several burdens of wood, of B. O. of ——— yeoman, and that he the said B. O. is justly suspected to have stolen the same from A. I. of ——— yeoman, and that the said wood, at the time when the said A. O. so bought the same, was of the value of 10s. I do therefore hereby order that the said A. O. do forthwith pay unto the said A. I. the sum of 30s. the same being treble value of the said wood so by him bought as aforesaid. Given under my hand and seal, at ——— in the said county, the ——— day of ——— in the ——— year of the reign of ———

F. Warrant of distress for non-payment of the same.

Westmorland. { ——— Here recite the order ——— Then say,
 { And whereas the said A. O. hath not paid to the said A. I. the aforesaid sum of 30s. nor any part thereof; This are therefore to command you to levy the said sum of ——— upon the goods and chattels of the said A. O. by distress and sale thereof, and forthwith to pay the same unto the said A. I. Given &c.

G. Commitment for destroying trees; on the
 1 G. 2. c. 48. and 6 G. c. 16.

Westmorland. { To the constable of ——— and to the keeper of
 { the house of correction at ——— in the said county.

FORASMUCH as A. O. of ——— in the county aforesaid, yeoman, is this day duly convicted before us ——— esquires, two of his majesty's justices of the peace for the said county, for that he the said A. O. on the ——— day of ——— now last past, at ——— aforesaid, in the county aforesaid, did wrongfully and maliciously cut down two ash trees [or as the case shall be] the property of A. I. of ——— yeoman, without the consent of him the said A. I. the owner thereof, or of any other person chiefly intrusted with the care and custody thereof; We do therefore hereby command you the said constable to convey the said A. O. to the said house of correction at ——— aforesaid, in the county aforesaid, and to deliver him to the keeper thereof, together with this precept. And we do also hereby require you the said keeper of the said house of correction, to receive him the said A. O. into your custody in the said house of correction, and him there keep to hard labour, for the space of three months now next ensuing, and until he shall find sufficient sureties for his good behaviour for two years: And we do likewise hereby order you the said keeper of the said house of correction, publickly to whip him the said
 A. O.

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THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
1925

STUDY OF THE NATURE OF THE SOLID STATE

1. The first part of the study is devoted to a general survey of the solid state, including a discussion of the various types of crystals and the nature of the forces which hold them together. The second part is devoted to a study of the properties of crystals, including a discussion of the various types of defects and the nature of the forces which hold them together. The third part is devoted to a study of the properties of crystals, including a discussion of the various types of defects and the nature of the forces which hold them together.

A. O. once in every month during the said three months, in the market town of _____ in the said county, on the market day there, between the hours of eleven and two. And for so doing, this shall be your sufficient warrant. Given under our hands and seals, at _____ in the said county, the _____ day of _____ in the _____ year _____

Wool. See Woollen manufacture.

Woollen manufacture.

Concerning differences between clothiers and their servants or workmen, see title *Servants*.

I have nothing to do under this title, but to reduce it into some kind of order, out of the confusion of above an hundred statutes; for, to the honour either of the laws, or of the people, there hath not occurred in all the books, one adjudged case, throughout this extensive title. In truth, it is not the industrious labourer, but the idle and profligate, that doth create most trouble in the courts of law.

After having first premised, that in almost all the laws hereafter specified under this title, it is enacted, that if any person shall be sued for any thing done in putting them in execution, he may plead the general issue, and have treble costs; I shall reduce these statutes for the encouragement of the woollen manufacture, under the following heads:

- I. I shall premise some statutes which are not general enough to be treated of more at large.
- II. Concerning the winding of wool by the seller.
- III. Laws to prevent the exportation of wool from Great Britain, and of wool and woollen cloth from Ireland; and therein also of fuller's earth.
- IV. Concerning cards for manufacūring of wool.
- V. Concerning the deceitful working of woollen cloth.
- VI. Concerning the fulling of cloth.
- VII. Concerning the searching of cloth, and therein of the length, breadth, and weight thereof.
- VIII. Concerning the dying of cloth.
- IX. Concerning tenters, and the stretching of cloth.
- X. Concerning the dressing of cloth.
- XI. Concerning mixed or medley broad cloth in particular.

XII. Concerning the Yorkshire manufacture in particular.

XIII. Concerning burying of the dead in woollen cloth.

XIV. Against importation of woollen cloth.

XV. Encouragement of the exportation of woollen manufactures.

I. Statutes not general enough to be treated of more at large.

7 Ed. 4. c. 1. Worsted weavers in *Norwich* and *Norfolk*.

12 H. 7. c. 1. Worsted, says, and stamins in *Norfolk*.

5 H. 8. c. 2. White straits in *Devon*.

6 H. 8. c. 8. Straits in *Devon*.

14 & 15 H. 8. c. 3. Worsteds in *Yarmouth* and *Linn*.

14 & 15 H. 8. c. 11. Veses in *Suffolk*.

25 H. 8. c. 18. Clothiers in *Worcestershire*.

33 H. 8. c. 3. Folding of cloths in *North Wales*.

33 H. 8. c. 16. Worsted yarn in *Norfolk*.

1 Ed. 6. c. 6. Worsted yarn in *Norfolk*.

5 & 6 Ed. 6. c. 24. Hats, dornecks, and coverlets in *Norwich* and *Norfolk*.

1 & 2 P. & M. c. 14. Ruffels fattens, fattens reverses, and fustians of *Naples*, in *Norwich*.

2 & 3 P. & M. c. 13. An act for the inhabitants of *Hallifax* to buy wools.

1 El. c. 14. Woollen cloths in divers towns in the county of *Essex*.

8 El. c. 7. Drapers, cottoners, and frizers of *Shrewsbury*.

14 El. c. 12. Drapers, cottoners, and frizers of *Shrewsbury*.

35 El. c. 10. *Devonshire* kerseys or dozens.

13 & 14 C. 2. c. 5. Stuffs in *Norfolk* and *Norwich*.

13 & 14 C. 2. c. 22. Bay making in the *Dutch Bay-hall* at *Colchester*.

22 & 23 C. 2. c. 8. *Kidderminster* stuffs.

1 G. 2. c. 41. Bay making in *Colchester*.

9 G. c. 9. An act for the better qualifying the manufacturers of stuffs and yarn in the city of *Norwich*, and liberties thereof, to bear offices of magistracy in the said city, and for regulating elections of such officers.

3 G. 2. c. 8. Regulating elections in *Norwich*.

II. Concerning the winding of wool by the seller.

1. No man shall make any inwinding within the fleece, at the rolling up of his wool; nor put in the same, locks, pelt wool, tar, stones, sand, earth, grafs, nor any dirt; and if he do, the party grieved may bring his action at common law of trespass and deceit.

2 H. 6. c. 22.

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2. No person shall wind any fleece not sufficiently washed, except in counties where they do not use to wash sheep; nor shall wind within any fleece, clay, lead, stones, sand, tails, deceitful locks, cot, cals, comber, lamb's wool, or any other thing whereby the fleece may be the more weighty, to the deceit and loss of the buyer, (except where fleeces are sold by number, and not by weight;) on pain that the feller shall forfeit 6*d.* a fleece, half to the king, and half to him that shall sue. 23 *H. 8. c. 17.*

III. Laws to prevent the exportation of wool from Great Britain, and of wool and woollen cloth from Ireland; and therein also of fuller's earth.

1. To avoid frequent repetitions under this head, it may be proper to premise (once for all) these things following: Several things premised.

(1) Notwithstanding the limitation of actions by the prosecutor in the following sections, to one year after the offence committed; yet by a general clause 9 & 10 *W. c. 40.* The king may cause persons guilty of exporting wool, woolfells, fuller's earth, or scouring clay, to be prosecuted at any time in three years. *f. 9.*

(2) That all actions, suits, and informations upon any act for preventing exportation of wool, wool fells, wool flocks, mortlings, shorlings, worsted, bay or woollen yarn, cruels, or wool slightly manufactured, or mattrasses or beds stuffed with combed wool, or wool fit for combing, fuller's earth, fulling clay, tobacco pipe clay, or any other scouring earth or clay, from *Great Britain or Ireland*; or for preventing the exportation from *Ireland* into foreign parts, of cloth, ferges, bays, kerseys, frizes, druggets, shalloons, stuffs, cloth ferges, or any other drapery made of or mixed with wool, manufactured in *Ireland*,—may be entred and prosecuted (except as is herein after otherwise expressed) in any court of record at *Westminster*, or in the court of exchequer in *Scotland*, or at the quarter sessions of the peace, or before any two justices out of sessions in a summary way, or in *Ireland* by any law relating to the revenue. And if the property be claimed by any person, the proof shall lie upon him, and not on the officer or feizer. 12 *G. 2. c. 21. f. 18.*

Which clause hath enlarged this article very much; by bringing in all those statutes, with which the justices before had nothing to do.

(3) And if the prosecution is in any court of record at *Westminster*, for any of these offences, in or before the statute of the 10 & 11 *W. c. 10.* a *capias* shall issue after the first process, specifying the sum of the penalty sued for; and such person shall give good bail to the officer serving the process, to appear to answer to the prosecution; and at the time of appearance shall give bail in court, to pay the penalties if convicted, or yield his body to prison. *f. 20.*

And if any person shall be in prison for want of bail, for exportation of wool or wool fells (or for aiding or abetting the same, 12 *G. 2. c. 21. f. 27.*) and shall refuse to appear or plead to a declaration

claration or information to be delivered to him or to the gaoler, by the space of one term, judgment shall be entred against him by default; and if judgment be so obtained against him by default, (or by verdict, or otherwise), and he pay not in three months the sum recovered, the court shall order him to be transported for seven years. 4 G. c. 11. f. 6.

(4) And to prevent collusive seizures, or fraudulent agreements to evade the penalties, None but officers of the customs, excise, or salt, except the officers of the guard ships hereafter mentioned, shall enter informations of seizure of wool or woollen goods; which shall be prosecuted in their, or in the attorney general's name, and not otherwise. 12 G. 2. c. 21. f. 14, 15.

And if such officer make any such collusive seizure, or fraudulent agreement, he shall forfeit 200*l.* and be disqualified for any office in the revenue; and the owner making such agreement with him, shall forfeit treble value; to him who shall sue in the courts at *Westminster, Dublin, or Edinburgh.* *id.* f. 16.

But if any person concerned in such fraudulent seizure or agreement, shall first (in three months) discover his offence to the commissioners of the customs, so that one accomplice be convicted; he shall be discharged of the penalties, and shall have the whole money recovered on the conviction (the charges first deducted). f. 17.

And if any person shall oppose or hinder any the said officers, or their assistants, in seizing any the goods before mentioned; or if any person armed, or disguised, shall attempt to rescue any the said goods seized; he shall be transported for seven years. f. 26.

And moreover, if any person offer a bribe to any officer for connivance; he shall forfeit 300*l.* to him who shall sue in any court of record at *Westminster.* f. 25.

(5) On condemnation of any wool, or other goods abovementioned, the commissioners of the customs respectively shall cause them to be publickly sold to the best bidder, where they shall think proper; and out of the produce of such sale, shall cause the charges of condemnation and sale to be paid, and the remainder to such person who shall seize, inform, or sue. 12 G. 2. c. 21. f. 20.

But if the officers shall receive information from any person, whereby any seizure is made, or any prosecution effected; such informer shall have half of what shall be recovered. f. 21.

And if any person convicted in the penalty of 3*s.* a pound (hereafter mentioned) be not able to pay; the commissioners may cause 1*s.* a pound to be paid to the informer or prosecutor, by the receiver of the revenue. f. 22.

And for the prosecutor's further encouragement, by the 19 G. 2. c. 34, hereafter following, If on an information for seizure of wool (during the continuance of the said act) a verdict is found for the claimer; yet if the judge shall certify upon the record, that there was probable cause of seizure, the claimer shall have no costs. f. 16.

2. By the 13 & 14 C. 2. c. 18. The exportation of wool was made felony; but this was repealed by the 7 & 8 W. c. 28. and the preamble to the repealing clause sets forth, that by the severity of the penalty, the prosecution of offenders had not been

[The text on this page is extremely faint and illegible due to significant fading and noise. It appears to be a dense block of text, possibly a list or a series of entries, but the individual words and sentences cannot be discerned.]

been so effectually put in execution. But it doth not appear, why a reward for the informer or prosecutor was not thought of at that time.

3. By the 12 C. 2. c. 32. No person shall export, nor pack or load upon any horse, cart, or carriage, nor lay on board, with intent to export, any wool, wool fells, mortlings, shorlings, or any yarn made of wool, or any wool flocks, or any fuller's earth, or fulling clay; on pain of forfeiting the same, and that every offender shall forfeit moreover 3 s. for every pound weight thereof. *f. 1, 3.*

Pecuniary and other penalties and forfeitures.

(By the 7 & 8 W. c. 28. which, by the way, is a confused and ill penned act, another penalty is appointed, to wit, the forfeiture of such goods, and treble value, with treble costs; so that it seemeth, the offender may be prosecuted either for the wool and 3 s. a pound, or for treble value with treble costs.)

And the owner of the ship, knowing the offence, shall forfeit all his interest in the ship and furniture. 12 C. 2. c. 32. *f. 3. 7 & 8 W. c. 28. f. 8.*

And the master and mariners, knowing the offence, and assisting thereunto, shall forfeit all their goods and chattels, and be imprisoned three months. 12 C. 2. c. 32. *f. 3.*

And by the 6 G. c. 21. If the master, purser, or other person taking charge of the ship shall suffer any of the said goods, or any tobacco pipe clay, to be taken in from shore, to be carried beyond sea, he shall besides any former penalties, be imprisoned six months. *f. 32.*

But if any master, mate, or mariner, shall in six months give an account to the commissioners of the customs, of such ship, and goods, and offenders, so as any may be convicted; he shall be indemnified, and shall have moreover three fourths of the penalties recovered, clear of charges, and the king shall have the other fourth, charges deducted. 12 G. 2. c. 21. *f. 23.*

And any merchant, or other person, offending herein, shall be disabled to require any debt or account belonging to him from any factor or other. 12 C. 2. c. 32. *f. 4.*

And the said offences may be tried either in the county where the goods were packed, loaden, or laid aboard, or where the offender is apprehended. 12 C. 2. c. 32. *f. 5.*

And the ship, if an alien, or person not inhabiting in *England*, be the owner or part owner thereof, shall be forfeited to the king. 12 C. 2. c. 32. *f. 9.*

And all persons aiding or assisting therein, being convicted in one year, shall suffer three months imprisonment. 7 & 8 W. c. 28. *f. 10, 11.* Provided, that the first three persons, who have been aiding or assisting (not being owners or part owners thereof) who shall inform any justice of the peace of such offence, whereby the penalties may be recovered, shall not suffer such penalty. *f. 11.*

And moreover, all such exportation shall be deemed a publick nuisance. 13 & 14 C. 2. c. 18. *f. 11.*

4. And no coverlids, waddings, or other manufactures, slightly wrought, so as they may be reduced to wool again; or matrasses or beds stuffed with combed wool, or wool fit for combing, shall be

Exporting wool slightly wrought.

be

be exported from *Great Britain* or *Ireland*; on the like pain as for exporting wool. 12 G. 2. c. 21. f. 9.

Exporting fuller's earth in the name of tobacco pipe clay.

5. And whereas fuller's earth, or fulling clay, is exported under colour of tobacco pipe clay, therefore no tobacco pipe clay shall be exported, on pain of 3 s. a pound. 13 & 14 C. 2. c. 18. f. 8.

Exporting fuller's earth into Ireland.

6. Nor shall any fuller's earth, or scouring clay, be exported into *Ireland*; on pain of 1 s. a pound. 9 & 10 W. c. 40. f. 2.

Exporting wool to Jersey, Guernsey, &c.

7. Nevertheless, wool may be exported from *Southampton*, to *Jersey*, *Guernsey*, *Sark*, and *Alderney*, for the sole use of the inhabitants there; so as the person shipping the same deliver to the customer of the port, a writing under the seal of the governor of the island, or his deputy, setting forth that such person is authorized to export thither such a quantity, and that he hath entred into bond to land it there; and so as it exceed not in one year to *Jersey* 4000 tods, *Guernsey* 2000, *Alderney* 400, and *Sark* 400; every tod not exceeding 32 pounds. 12 C. 2. c. 32. f. 12, 13, 14. 1 W. c. 32. f. 14.

Packing of wool.

8. And no wool, wool fells, mortlings, shorlings, wool flocks, worsted, bay or woollen yarn, shall be packed up in any box, barrel, cask, case, chest, or any other package, but only in packs of leather or packcloth; on which shall be marked on the outside the words WOOL or YARN, in large letters not less than three inches long: on pain of forfeiting the same, and the package, and 3 s. for every pound weight, to be paid by the owner or packer. 12 G. 2. c. 21. f. 10.

To be carried only by day.

9. And no wool, wool fells, mortlings, shorlings, woollen yarn, wool flocks, fuller's earth, fulling clay, or tobacco pipe clay, shall be carried by land, but in the day timely only, namely, from *Mar. 1.* to *Sep. 29.* between four in the morning, and eight at night; and from *Sep. 29.* to *Mar. 1.* between seven in the morning, and five at night: on pain of forfeiting the same or the value. 13 & 14 C. 2. c. 18. f. 9.

Carrying wool from port to port, or by land near the coast.

10. Every owner of wool, who shall carry, or cause to be carried any wool (wool fells, mortlings, shorlings, yarn made of wool, wool flocks, fuller's earth, fulling clay, or tobacco pipe clay, 5 G. c. 11. f. 14.) to any port or place on the sea coast, with intention to convey the same to any other port or place on the coast, from whence the same may be carried off to foreign parts; shall first cause an entry thereof to be made at the port, from whence it is intended to be conveyed, containing the weight, mark, and number, before he carry the same within five miles of such port: on pain of forfeiting the same, and also the horses, carts, and other carriages; and also of suffering and forfeiting, as by the other laws in force against the exportation of wool. 1 W. c. 32. f. 2.—But this shall not hinder any person from carrying his wool home from the place of shearing, tho' it be within five miles of the sea; provided that in ten days after shearing, and before he remove the wool, he do under his hand certify to the next officer of the customs, the true number of fleeces, and where it is housed; and do not remove the same, without certifying to such officer, under his hand, his intention so to do, three days before. 1 W. c. 32. f. 3.

And

THE HISTORY OF THE

The first part of the history of the world is the history of the human race. It is a story of struggle and progress, of triumph and defeat. It is a story of the human mind, of its power and its limitations. It is a story of the human heart, of its joys and its sorrows. It is a story of the human spirit, of its hopes and its dreams.

The second part of the history of the world is the history of the human race in its various forms. It is a story of the different peoples and nations of the world, of their customs and their beliefs. It is a story of the different languages and literatures of the world, of their beauty and their power. It is a story of the different arts and sciences of the world, of their achievements and their failures.

The third part of the history of the world is the history of the human race in its various ages. It is a story of the different eras of human history, of their characteristics and their significance. It is a story of the different civilizations of the world, of their rise and their fall. It is a story of the different religions of the world, of their teachings and their practices.

The fourth part of the history of the world is the history of the human race in its various countries. It is a story of the different nations of the world, of their geography and their climate. It is a story of the different cultures of the world, of their values and their traditions. It is a story of the different peoples of the world, of their lives and their struggles.

The fifth part of the history of the world is the history of the human race in its various times. It is a story of the different periods of human history, of their events and their consequences. It is a story of the different wars of the world, of their causes and their effects. It is a story of the different revolutions of the world, of their ideals and their outcomes.

The sixth part of the history of the world is the history of the human race in its various places. It is a story of the different regions of the world, of their landscapes and their resources. It is a story of the different cities of the world, of their growth and their decline. It is a story of the different countries of the world, of their politics and their economics.

The seventh part of the history of the world is the history of the human race in its various forms of government. It is a story of the different systems of human organization, of their strengths and their weaknesses. It is a story of the different forms of human authority, of their legitimacy and their power. It is a story of the different ways of human cooperation, of their efficiency and their justice.

The eighth part of the history of the world is the history of the human race in its various forms of knowledge. It is a story of the different ways of human learning, of their methods and their results. It is a story of the different fields of human inquiry, of their discoveries and their questions. It is a story of the different forms of human wisdom, of their insights and their applications.

The ninth part of the history of the world is the history of the human race in its various forms of art. It is a story of the different ways of human expression, of their beauty and their meaning. It is a story of the different forms of human creativity, of their inspiration and their execution. It is a story of the different ways of human enjoyment, of their pleasures and their pains.

The tenth part of the history of the world is the history of the human race in its various forms of love. It is a story of the different ways of human affection, of their warmth and their strength. It is a story of the different forms of human connection, of their intimacy and their trust. It is a story of the different ways of human fulfillment, of their happiness and their peace.

And no wool, wool fells, mortlings, shorlings; wool flocks, worsted, bay or woollen yarn, worsted yarn, cruels, or wool slightly manufactured, shall be put on board any vessel, to be carried coastwise, or from one port to another in *Great Britain* or *Ireland*, without notice given to the officers of the port, and bond given for the landing thereof, and a licence taken from such officers for so doing; on pain of forfeiting the same, with the vessel and furniture; and the bond to be sued, if a certificate of landing the goods is not brought in six months. 12 G. 2. c. 12. f. 11.

And to prevent collusive landing, none of the said goods, carried coastwise, shall be landed but in presence of the officers, and at the proper quays; on pain of forfeiting the same, or the value, and 3 s. for every pound, to be paid by the owner. *id. f. 13.*

And all cocquets for carrying wool from any port, shall be written on paper, and not parchment (to prevent erasing), and signed by three officers of the port; and all certificates of landing the same again in any other port, shall be signed in like manner: And all such wool, both at shipping and landing, shall be weighed in the presence of the said officers; and the weight, marks, and number of such wool so shipped and landed, shall be expressed both in cocquet and certificate. 1 W. c. 32. f. 4.

And a register shall be kept at the custom house, *London*, of all the wool sent from port to port in this kingdom, the weight, number, ship, master's name, owner's name, and to whom consigned; for the use of the commissioners. 1 W. c. 32. f. 11.

And officers not observing the directions of this act, shall be deemed abettors of the exportation. *id. f. 5.*

In Kent and Suffex: Every owner of wool, within 10 miles of the sea, shall give an account in writing, in three days after shearing, of his number of fleeces, and where lodged, to the next officer of the customs; and the like notice, before he remove any part thereof, of the number of fleeces and weight, and the name and abode of the person to whom it is disposed, and the place whither intended to be carried; and shall take a certificate from the officer who first entred the same (paying 6 d.); on pain of forfeiting the wool, and also 3 s. for every pound thereof, as if it had been actually exported. 9 & 10 W. c. 40. f. 3.—And no person within 15 miles of the sea, in the said counties, shall buy any wool, before he enters into bond to the king, with sureties, that all the wool he shall buy, shall not be sold by him to any person within 15 miles of the sea; and if any wool be found carrying towards the sea side, in the said counties, unless it be first entred, and security given, it shall be forfeited, and the offender shall also forfeit 3 s. a pound. *id. f. 4.*—And no wool removed from the place where it was first lodged after shearing, within ten miles, shall be lodged, after the first removing, within 15 miles of the sea in the said counties; on pain of forfeiting all such wool, if found; but if carried away, the owner shall forfeit 3 s. a pound. *id. f. 5.*—And every person that shall lay any wool within 15 miles of the sea, and not entred as aforesaid, all such wool shall be seized and forfeited; and every person claiming the same (upon such seizure) shall give surety in the exchequer,

quer, if he shall be cast upon trial, to pay treble costs, over and above the said penalties. *id.* f. 6.

And no wool, wool fells, mortlings, shorlings, woollen yarn, wool flocks, fuller's earth, or scouring clay, shall be loaden on any horse or carriage, or carried by land, within 15 miles of the coast, but between sun rising and sun setting; on pain of forfeiting the same, and the horses and carriages. *id.* f. 8.

Hundred to forfeit treble value.

11. And the hundred next adjoining to the sea coasts, out of or thro' which the same is carried or exported, shall forfeit 20*l.* if the wool so carried out or exported shall be under the value of 10*l.* but if of greater value, then treble the value thereof, with treble costs; to be sued for within a year. 7 & 8 *W. c.* 28. f. 8. 12.

The execution to be against any two of the inhabitants; and the sessions shall make an assessment to reimburse them, as in cases of robbery. f. 9.

And any person compounding with the hundred for less, shall be imprisoned five years, and another person may prosecute. f. 13.

And the owner of the wool, or of any other the commodities aforesaid, and every person aiding in carrying or exporting any of them out of the kingdom, shall answer such treble value to the said inhabitants, as also treble costs; to be recovered by them in the name of the clerk of the peace, in any court of record at *Westminster.* f. 10.

Riotous exportation.

12. By the 19 *G. 2. c.* 34. which hath continuance for seven years, &c. If any persons armed, to the number of three or more, shall be assembled to assist in the illegal exportation of wool, or in the carrying of wool in order to exportation, or in rescuing the same after seizure, or in rescuing an offender herein, or preventing his being apprehended, or shall be aiding in any the premises; or if any person shall have his face disguised when passing with such wool, or shall forcibly hinder or assault any officer in seizing the same, or dangerously wound any such in attempting to go on board any vessel, or shoot at or wound him when on board in execution of his office,—he shall be guilty of felony without benefit of clergy.

And if information, subscribed, and on oath, be made hereof before a justice of the peace; he shall forthwith certify the same under hand and seal, and return the information to a secretary of state, who shall lay the same before the king in council; and the king thereon may make order, in two successive gazettes, for the offender to surrender in 40 days to some justice of the peace (who shall thereon commit him): The same order to be sent to the sheriff; who shall in 14 days after receipt, cause it to be proclaimed, between the hours of 10 and 12, on the market days, in two market towns near to the place where the offence was committed, and a copy thereof to be affixed in some publick place in such market towns. And if he shall not surrender, or escape after surrender, he shall likewise be guilty of felony without benefit of clergy.

But if he shall be taken before the time of surrender, he shall have a legal trial.

And

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And if after the time of surrender, any person shall knowingly harbour him, he shall, on prosecution within a year, be guilty of felony, and be transported for seven years.

And if any officer in seizing the wool, or endeavouring to apprehend offenders, be beaten or killed, or the wool seized be rescued, the hundred shall answer damages, as in cases of robbery, not exceeding 40 *l.* for any beating, nor 200 *l.* for loss of the wool; and shall pay 100 *l.* to the executor or administrator of such person killed: Provided that notice of the offence be given to, or left at the house of some constable near the place, as speedily as conveniently may be, describing the offender, time, and place; and also, in four days, to two inhabitants near; and in eight days, oath be made before a justice, whether he knows the offender, and if he does, entering into recognizance to prosecute; and in 20 days, like notice be given in the gazette; and 100 *l.* bond, with two sureties, be given before the sheriff, to the high constable, to pay costs, if cast; and provided, that an offender is not convicted in six months; and that the action be commenced within a year.

And if any person shall be maimed or grievously wounded in apprehending such offender, he shall have moreover a further reward of 50 *l.* to be paid by the commissioners of the customs or excise.

And the executors or administrators of such person killed, shall have from them 100 *l.* over and above what is paid by the hundred.

And if any person shall take an offender advertised, and not surrendered, and bring him before a justice of the king's bench, or justice of the peace for *London* or *Middlesex*, (to be by them committed to *Newgate*), he shall receive 500 *l.* reward, from the said commissioners.

And an offender, not outlawed, apprehending an outlawed accomplice, shall have a pardon, and also the reward.

And an offender, not outlawed, convicting two accomplices not outlawed, shall have a pardon, and 50 *l.* for each.

13. By the 26 *G.* 2. *c.* 11. It shall be lawful for any person, to export from any port in *Ireland*; any wool, or woollen or bay yarn, wool fells, shortlings, mortlings, wool flocks, and worsted yarn, to any port in *Great Britain*.

Exporting wool out of *Ireland* in particular.

But no person shall export, or load, or ship, with intent to export, any wool, wool fells, shortlings, mortlings, or any woollen cloth or manufacture, out of *Ireland*, except it be into *Great Britain*; on pain of forfeiting the same, and the ship, and also 500 *l.* and the master, mariners, and others assisting, 40 *l.* 10 *£* 11 *W.* *c.* 10. *f.* 1, 2.

But the first three persons, not being owners or part owners, who have been aiding in exporting the same, that shall inform any justice of the peace, whereby the penalties may be recovered; shall be freed from all penalties for the same. 3 *G.* *c.* 21. *f.* 5.

And bond of double value of the goods shall be given to the officers of the customs, for every ship exporting the same, that they shall be landed in *Great Britain*. 10 *£* 11 *W.* *c.* 10. *f.* 5.

And

And no wool, or any of the said goods, shall be brought into *Great Britain* from *Ireland*, but in ships of the built of *Great Britain* or *Ireland*; on pain of forfeiting the goods, or the value, together with the ship and furniture. 12 G. 2. c. 21. f. 6.

And to prevent collusive landing, none of the said goods imported from *Ireland*, shall be landed but in presence of the officers, and at the proper quays; on pain of forfeiting the same, or the value, and 3 s. for every pound, to be paid by the owner. *id.* f. 13.

And the commissioners of the customs in *Ireland*, shall every six months transmit to the commissioners of the customs in *England*, an account of wool exported, from whence, the quantity and weight, by whom, in what ship, where consigned, names of the persons in *England* signing certificates of landing the same, with the dates of such certificates, and where landed, and the quantity and weight contained in the certificates: Which certificates shall not be obliterated or interlined, and shall be written on paper and not parchment. 7 & 8 W. c. 28. f. 6, 7.

And a register shall be kept at the custom house, *London*, of all the wool imported from *Ireland*, the weight, number, ship, master's name, owner's name, and to whom consigned; for the use of the commissioners. 1 W. c. 32. f. 11.

Guard ships.

14. The commissioners of the admiralty shall appoint 2 fifth rate ships, 2 sixth rates, and 8 armed sloops, constantly to cruise on the coasts, particularly between the north of *Ireland* and *Scotland*, with orders to seize all ships exporting wool to foreign parts. And all wool, and vessels so seized shall be forfeited, and the wool lodged in the king's warehouse till condemned; and then the same after 21 days (together with the vessels so condemned) shall be sold by inch of candle, notice being first given at the custom house of the port where lodged, and on the *Royal Exchange* at *London*; one fourth of the produce to the commander, one fourth to the officers, one fourth to the mariners, and one fourth to the king (charges of prosecution and condemnation being first paid out of the king's part.) And the commander neglecting his duty herein, shall forfeit his wages, and office, and be imprisoned six months. 10 & 11 W. c. 10. f. 16, 17, 18.

And they shall also appoint 3 sixth rate ships, and 8 or more armed sloops, to cruise on the *British* and *Irish* coasts, with orders for seizing all ships wherein any woollen manufactures are exported from *Ireland*; which ships and goods shall be forfeited, one fourth to the commander, one fourth to the officers, one fourth to the mariners, and one fourth to the king, the charges being first paid out of the king's part. But if the seizure was at the information of any person, such informer shall have a fifth part, and the residue be distributed as above. 5 G. 2. c. 21. f. 1, 2, 3.

Exporting wool or woollen manufactures, from America.

15. No wool, or woollen manufactures, shall be exported from any of the *American* colonies, on the like pain as from *Ireland*. 10 & 11 W. c. 10. f. 19.

Insuring wool to be landed in foreign parts.

16. Persons insuring wool, and other the said goods, to be landed in foreign parts, and also persons agreeing to pay the money for such insuring, shall forfeit 500 l. to him who shall sue in any court

court of record at *Westminster*, in the name of an officer of the customs, excise, or salt, or of the attorney general. 12 G. 2. c. 21. s. 29, 30, 32.

And the insurer informing shall be discharged of his own penalty; and shall have the forfeiture of the other party; and shall also keep the insurance money paid to him: And the insured informing shall receive back his insurance money if paid; and if not paid, shall be indemnified from paying it; and shall be discharged of his own penalty; and shall have the forfeiture of the other party. *id.* s. 31.

And all insurances of wool, and woollen goods, and other the goods before mentioned, shall be void. *id.* s. 33.

IV. Concerning cards for the manufacturing of wool.

No foreign wool cards, or card wyre, shall be imported, or used; nor shall any wyre be taken out of old cards, and put into new leather and boards, nor any cards made thereof be put to sale; on pain of forfeiting the same, or the value thereof if the same be not seized, half to the king, and half to him that shall seize or sue for the same in any court of record at *Westminster*, or within the county, city, or town corporate, where the offence shall be committed. 13 & 14 C. 2. c. 19.

V. Concerning the deceitful working of woollen cloth.

1. No person shall put any hair, flocks, thrums, or yarn of lamb's wool, or other deceivable thing in any woollen cloth, on pain of forfeiting the same; and the person procuring such deceitful thing for that purpose, shall likewise forfeit the same; half to the finder, and half to the poor. 43 El. c. 10. s. 2, 12.

2. But in the case of *broad* cloth, by the 21 J. c. 18. the abovesaid penalty is mitigated; which enacteth, that no person shall put any flocks, noiles, thrums, hair, or other deceivable thing, in any broad cloth; on pain of 5 l. (and no greater penalty) to the poor. s. 3.

And for the better discovery thereof, two justices, on information of any one of his knowledge or suspicion of such offence, may grant their warrant to call before them any person that shall in their discretions be thought fit to discover any such offence, and examine them on oath; and if it be found, by two witnesses, or confession, they shall certify the same under their hands and seals to the churchwardens and overseers; who shall upon such certificate, and by warrant of such justices, levy the penalty by distress: in default of distress, to be committed to gaol till paid. s. 4, 5.

And the searchers shall set upon the same the word [*faulty*]; and no person shall search the same again, on pain of 5 l. to the party grieved, who shall sue for the same by bill, plaint, or information, at the sessions. 21 J. c. 18. s. 7.

3. No clothier shall use, or cause to be used, any ends of yarn, wests, or other refuse of cloths, druggets, or other woollen goods, or goods mixed with wool (flocks and pinions only ex-

cepted), by working the same up again into any sort of goods; on pain of 5 *l.* on conviction before two justices on information on oath, in three months after the offence; to be levied by distress; half to the informer, and half to the poor: for want of distress, to be committed to gaol not exceeding three months, or until satisfaction be made. But persons aggrieved may appeal to the next sessions, giving six days notice in writing; who may order costs and damages, and levy the same by distress, by their order or warrant; for want of distress, may commit the party to gaol, or to the house of correction not exceeding three kalendar months, or until satisfaction shall be made. And no *certiorari* shall lie on this act. 13 G. c. 23. *f.* 3, 4, 6.

And if any person shall be found collecting, buying, or carrying, in any bag or other convenience, any such ends of yarn, wefts, thrums, short yarn, or other refuse of cloth, druggot, or other woollen goods, or goods mixed with wool (flocks and pinions only excepted); the constable may, by warrant of one justice, search such person, bag, or convenience, and if any the same be found, he shall carry the offender before a justice of the peace, and on conviction before him, by confession, or oath of one witness, he shall be deemed an incorrigible rogue, and liable to be punished as such. 13 G. c. 23. *f.* 8. 17 G. 2. c. 5. *f.* 4.

VI. Concerning the fulling of cloth.

Every fuller, in his craft and occupation of fulling, rowing, or tayfeling of cloth, shall use tayfels, and no cards, deceitfully impairing the said cloth, on pain to yield to the party grieved his double damage: And every justice of the peace, mayor, master, warden, bailiff, portreve, constable of hundred, and steward of leet in their respective liberties, may hear and determine the same, and commit the offender to the next gaol till payment. And also any person not grieved may make information to any such justice, mayor, master, warden, bailiff, portreve, or steward; in which case the offender shall forfeit to the king, or to such person as shall be intitled to fines or amercements within their jurisdiction, 3*s.* 4*d.* and they may make process against the party in like manner as justices of the peace may do for sureties of the peace, without any fee to be taken for the execution of their offices in this behalf. 4 Ed. 4. c. 1. *f.* 6.

And no cloth, not fulled, shall be exported; on pain of forfeiting the same, half to the king, and half to him that will sue. 7 Ed. 4. c. 3.

The laws for preventing the exportation of fuller's earth, have been treated of under the article concerning the exportation of wool.

VII. Concerning the searching of cloth, and therein of the length, breadth, and weight thereof.

Yard and inch. 1. For the measuring of cloth, the statutes do generally provide, that the yard shall consist of a standard yard, and the breadth of a man's thumb besides; or 37 inches in the whole.

Journal

The first day of the month was spent in the
 city of New York, where we arrived at
 the Hotel de New York at 10 o'clock.
 The weather was very pleasant and
 the city very beautiful. We spent the
 day in the city, visiting the various
 points of interest. In the evening
 we went to the opera and enjoyed
 it very much. The next day we
 went to the city of New York and
 spent the day in the city. We
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The second day of the month was spent
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 much.

The third day of the month was spent
 in the city of New York, where we
 arrived at the Hotel de New York
 at 10 o'clock. The weather was
 very pleasant and the city very
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 much.

2. In every parish and hamlet where cloaths are made, two justices (and in corporations, the mayor, together with one justice of the shire next adjoining) shall once a year, or oftner, call before them, by precept or otherwise, 2, 4, 6, 8, or more, of the most honest, discreet, and able men of such place, and appoint them overseers for a year, or six months, or shorter time; and shall take them sworn, and bound in recognizance of 40 l. each, to do their best endeavour by all lawful ways and means to see the statutes observed relating to the regulation of cloth. 3 & 4 Ed. 6. c. 2. f. 9. 39 El. c. 20. f. 4. 43 El. c. 10. f. 7.

Overseers of cloth.

And any person, without reasonable excuse, refusing to be overseer, shall forfeit 5 l. half to the king, and half to such justices; and to remain in ward of the sheriff, till paid or secured. 39 El. c. 20. f. 5.

3. And the said overseers, or two of them, shall once a month at least, or so often as need shall require, go into the houses and rooms where the cloth shall be, and search, and try the same, by water, weight, or any other way. 39 El. c. 20. f. 4.

Overseers to search.

And if any shall withhold cloth, or deny search; he shall, on conviction thereof at the sessions, forfeit for the first offence 10 l. for the second 20 l. for the third, being convicted by verdict and two witnesses, he shall stand upon the pillory in the next market town. 39 El. c. 20. f. 5.

Which said forfeitures shall be, one third to the overseers, one third to the king; and one third to the poor, as the sessions shall appoint. *id.* f. 9.

4. And by the 4 J. c. 2. (which is a judicious act, as are many in that king's reign) the severall sorts of cloth shall be in length and breadth at the water, when thoroughly wet, and in weight when scoured, thicked, milled, and fully dried, as followeth:

	Yards long	Quarters broad	Pounds weight
Long coloured broad cloth	30 to 34	6 $\frac{1}{2}$	86
Long Worcester	30 to 33	7	78
Long plunkets, azures, blues, and long whites	29 to 32	6 $\frac{1}{2}$	80
Sorting cloths with a blue felvedge	23 to 26	6	64
Fine short Suffolks	23 to 26	6 $\frac{1}{2}$	64
Handiwarps	29 to 32	7	76
Broad plunkets, azures, blues, and other broad coloured	26 to 28	6 $\frac{1}{2}$	68
Coloured short	23 to 25	6 $\frac{1}{2}$	66
Half pieces of the same, called dozens, in proportion.			
Broad listd whites and reds	26 to 28	6 $\frac{1}{2}$	64
Narrow listd whites	26 to 28	6 $\frac{1}{2}$	61
Narrow listd reds	26 to 28	6 $\frac{1}{2}$	60
Fine cloth with plain lists	29 to 32	6 $\frac{1}{2}$	72
Cloths having stopd lists	30 to 33	7	78
Broads called Tauntons, Bridgewater, and Dunsters	12 to 13	7	30
Narrow, ditto	24 to 25	4	30
Half cloth in proportion.			

	Yards long	Quarters broad	Pounds weight
Devonshire kersey ^s , called dozens—	12 to 13	—	— 13
Check kerseys, straights, and plain greys	—	—	—
Ordinary penistones, or forest whites	17 to 18	— 4	— 24
Sorting penistones	12 to 13	— 5 $\frac{1}{2}$	— 28
Kerseys called washers, or wash whites, half thicked	13 to 14	— 6 $\frac{1}{2}$	— 35
The same quarter thicked	—	—	—
	17 to 18	—	— 17
	18 to 19	—	— 17

Allowance in weight, for dying, dressing, rowing, and shearing, shall be made, in broad cloth four pounds, long cloth five pounds, and so in proportion. 4 *J. c. 2. f. 13.*

And no liquid shall be used for increase of weight, on pain of 40*s.* half to the king, and half to the buyer that shall sue. *id. f. 12.*

Maker's seal.

5. And the maker, before sale, shall set his seal of lead to the same, containing the length, and weight, to be tried by the water. 39 *El. c. 20. f. 3.*

Overseer's seal.

6. And the overseer shall fix a seal of lead to the cloth, containing the length and weight, with this word [searched]. 39 *El. c. 20. f. 6.*

And he shall, on the penalty of his recognizance, set his christian and surname upon his seal; and no seal otherwise shall be good. 21 *J. c. 18. f. 11.*

And cloth, sealed by the overseers, shall not be again tried but by the buyer. 4 *J. c. 2. f. 22.*

And if they shall find any false seal or mark, or the cloths to be stretched, they shall present the defaults at the next sessions. 39 *El. c. 20. f. 5.*

And if any person shall set any seal to cloth, or take any seal away without warrant; he shall, on conviction thereof at such sessions, for the first offence forfeit 10*l.* for the second 20*l.* and the pillory: The said forfeitures to be one third to the overseers, one third to the king, and one third to the poor, as the sessions shall appoint. 39 *El. c. 20. f. 9.*

Cloth sold unsealed.

7. And if any cloth be offered to be sold unsealed, the overseers shall seize it, and present the same to the justices at the next sessions. 39 *El. c. 20. f. 4.*

Cloths deficient in length, breadth, or weight.

8. And for every of the said cloths abovenamed, which shall be of less length than the seal doth import, shall be forfeited 6*s.* 8*d.* a yard, besides abatement of the price for what is wanting. 4 *J. c. 2. f. 20.*

For every yard of the said cloths sold, above the length, shall be forfeited 10*s.* *id. f. 17.*

For the same wanting breadth throughout, shall be forfeited 20*s.* wanting for half the length 10*s.* under half 5*s.* *id. f. 19.*

And for every pound wanting above two pounds in weight, shall be forfeited 10*s.* *id. f. 18.*

Distribution of forfeitures.

9. And by the 21 *J. c. 18. f. 12.* All penalties and forfeitures whatsoever, for want of length, breadth, and weight, by this or any former act, shall be distributed into three equal parts; one third to the overseers and searchers finding and certifying the default,

WATERWORKS

Year	Quantity	Value
1871	1000	1000
1872	1200	1200
1873	1500	1500
1874	1800	1800
1875	2000	2000
1876	2200	2200
1877	2500	2500
1878	2800	2800
1879	3000	3000
1880	3200	3200

The following table shows the quantity of water used in the city of New York, from 1871 to 1880. The quantity is given in millions of gallons, and the value is given in dollars. The quantity of water used has increased steadily from 1000 million gallons in 1871 to 3200 million gallons in 1880. The value of the water has also increased steadily from \$1000 in 1871 to \$3200 in 1880.

The increase in the quantity of water used is due to the growth of the city and the increase in the number of buildings and houses. The increase in the value of the water is due to the increase in the price of water.

The following table shows the quantity of water used in the city of New York, from 1881 to 1890. The quantity is given in millions of gallons, and the value is given in dollars. The quantity of water used has increased steadily from 3500 million gallons in 1881 to 4500 million gallons in 1890. The value of the water has also increased steadily from \$3500 in 1881 to \$4500 in 1890.

The increase in the quantity of water used is due to the growth of the city and the increase in the number of buildings and houses. The increase in the value of the water is due to the increase in the price of water.

The following table shows the quantity of water used in the city of New York, from 1891 to 1900. The quantity is given in millions of gallons, and the value is given in dollars. The quantity of water used has increased steadily from 5000 million gallons in 1891 to 6000 million gallons in 1900. The value of the water has also increased steadily from \$5000 in 1891 to \$6000 in 1900.

The increase in the quantity of water used is due to the growth of the city and the increase in the number of buildings and houses. The increase in the value of the water is due to the increase in the price of water.

The following table shows the quantity of water used in the city of New York, from 1901 to 1910. The quantity is given in millions of gallons, and the value is given in dollars. The quantity of water used has increased steadily from 7000 million gallons in 1901 to 8000 million gallons in 1910. The value of the water has also increased steadily from \$7000 in 1901 to \$8000 in 1910.

fault, to be recovered by them in sessions, by action of debt, bill, plaint, or information, and two thirds to the poor, by distress.

10. Measure and weight of cloths by former acts, not altered by the 4 *J. c. 2.* seem to be as follows:

Measure and weight of other cloths.

By the 3 *J. c. 16.* Ordinary kersey shall not exceed 24 yards in length, and shall weigh one pound and three ounces a yard: Sorting kersey shall not exceed 24 yards in length, and shall weigh one pound three ounces and a half a yard: On pain of 5 *s.* for every yard above, and 2 *s.* for every pound wanting (to be levied and distributed in like manner.)

By the 3 *J. c. 17.* No penalty shall be, for want of a seal on *Wells* cottons; and they shall not be searched or tried but by the buyer.

By the 8 *El. c. 12.* Frizes and rugs shall be from 35 to 37 yards long, three quarters of a yard within a nail broad, and 44 pounds weight: (On pain of 20 *s.* for offending in length or breadth, by 5 *Ed. 6. c. 6. f. 25.* And for every pound wanting, above four pounds, 5 *s.* by 4 *Ed. 5 P. & M. c. 5. f. 15.*)

Moreover, by the 7 *J. c. 16.* Cogware, Kendals, coarse cottons, and Carptmeals, made in *Cumberland, Westmorland,* or in *Carptmeale, Hawkesbed,* and *Broughton in Lancashire,* whereof the dozen shall not exceed the price of 13 *s. 4 d.* shall not be searched nor sealed, but may be made in such sort as may best please the buyer.

VIII. Concerning the dying of cloth.

1. For the encouragement of dressing and dying of cloth, no person shall export any white woollen broad cloth, until he have paid duty of 5 *s.* for every such cloth; on pain of forfeiting the same, or the value thereof, half to the king, and half to him that shall seize, inform, or sue. 6 *An. c. 8.*

2. No wool shall be boiled with gauls, bark of trees, or sawdust, to be converted into broad cloth or kersey; on pain of forfeiting the same, or the value thereof, half to the king, and half to him that shall sue. 5 *Ed. 6. c. 6. f. 52.*

3. No person shall dye any wool to be converted into cloth, called ruffets, musters, marbles, greys, roys, and such like colours, or into hats or caps; unless it be perfectly woaded, boiled, and maddered: on pain of 40 *s.* for so much thereof as will serve for the making of every such cloth; half to the king, and half to the overseer who shall discover and sue in any court of record, or before the justices of peace. And if the overseer will not sue in half a year, then the said moiety to any other person who will sue in another half year. 3 *Ed. 4 Ed. 6. c. 2. f. 5, 10, 11.*

4. No person shall dye with brasel, to make a false colour in cloth or wool, hats, or caps; on pain of 20 *s.* in like manner. 3 *Ed. 4 Ed. 6. c. 2. f. 5.*

5. No person shall dye any woollen cloths, as browns, blues, pewks, tawnies, or violets; except the same be perfectly boiled, greined, or maddered upon the woad, and shot with good cork or orchal; on pain of 20 *s.* in like manner. 3 *Ed. 4 Ed. 6. c. 2. f. 4.*

6. By the 13 G. c. 24. If any person shall dye any bays, or other woollen goods, for mather blacks, and not being dyed throughout with woad, indico, and mather only; he shall (being convicted thereof in 40 days) forfeit for every long *Bocking* bays containing 70 yards, 44 s. *Colchester* or short bays of 35 yards 22 s. and so in proportion. If the penalty is above 5 l. it shall be recovered in the courts at *Westminster*; if under 5 l. before two justices (not interested) by oath of one witness, half to the informer, and half to the company of dyers, if in *London*; if out of *London*, the whole to the informer and prosecutor. And if the penalties under 5 l. are not paid in 20 days after conviction, then to be levied by the constable by warrant of such justices by distress; for want of distress, to be committed to the house of correction, to be kept to hard labour not exceeding three months. But persons aggrieved by the justices may appeal to the next sessions, who may allow costs. And the said mathered blacks shall be marked with a red rose and a blue rose; and if any person counterfeit the same, he shall forfeit 4 l. in like manner.

And if any person shall dye for *woaded* black any woollen goods, the same not being woaded, he shall forfeit in like manner for every cloth of 44 yards 40 s. bays of 70 yards 30 s. *Colchester* or short bays of 35 yards 12 s. perpetuana or stuff 4 s. and so in proportion. And the said woaded blacks shall be marked with a blue rose only: And if any person shall counterfeit the same, he shall forfeit 4 l. in like manner.

And if any person shall use logwood in dying blue, he shall forfeit in like manner for cloth of 44 yards 40 s. *Bocking* bays of 70 yards 22 s. *Colchester* or short bays of 35 yards 12 s. perpetuana or stuff of 24 yards 4 s. and for other woollen goods in proportion.

And the dyers within *London* shall be subject to the inspection of the company;—out of the limits thereof, the quarter sessions may appoint searchers; who may (with the constable's assistance) search in the day time; and persons refusing such search shall forfeit 10 l. in like manner.

IX. Concerning tenters, and the stretching of cloth.

Tenter.

1. No person shall have or use any tenter, with a lower bar, pin, ring, or other engine or device; any wrinch, ring head, growm, rope, or other engine, to stretch any rough and unwrought woollen cloth: on pain of 20 l. half to the king, and half to him that shall sue. 43 *El. c. 10. s. 2.*

Stretching.

2. No person shall stretch (or sell the same stretched) any wrought woollen broad cloth above one yard in length, and half a quarter in breadth; or half cloth above half a yard in length, and half a quarter in breadth; or kersey, cotton, dozen, peni-stone, frize, rugg, above half a yard in length, and one nail in breadth; on pain of forfeiting the same, half to the overseer or informer, and half to the poor. 43 *El. c. 10. s. 3, 12.*

Sealing off tenters.

3. If any person shall feloniously cut and take, steal, or carry away, any cloth or other woollen manufacture from the rack or tenter in the night time, he shall be guilty of felony without benefit of clergy. 22 *G. 2. c. 5. s. 3.* But

But because it is often difficult to prove the owner's property in the cloth, therefore by the 15 G. 2. c. 27. it is enacted, that if any cloth or woollen goods on the tenters, or woollen yarn or wool left out to dry, shall be stolen in the night, any justice on complaint made in ten days by the owner, may issue his warrant to any peace officer, in the day time to enter into, and search the houses, outhouses, yards, gardens, or other places belonging to the houses of every person whom such owner shall upon his oath declare to such justice he suspects to have stolen, taken away, or received the same; and if the officer shall find any such goods which from the oath of such person he shall have reason to suspect to be stolen, he shall apprehend the person in whose custody or possession the same shall be found, and carry him before a justice; and if he shall not give a satisfactory account how he came by the same, or in a convenient time to be set by the justice produce the party of whom he had the same, or a credible witness to depose on oath his property therein, he shall be convicted of stealing such goods; and shall for the first offence forfeit to the owner treble value, and in default of payment thereof in the time appointed by such justice, he shall issue his warrant to levy the same by distress and sale; and in default of distress, shall commit him to the common gaol where he shall be apprehended, for three months, or till paid; for the second offence, treble value, and six months imprisonment; for the third offence, such justice shall commit him to the assizes, and if he shall be there convicted in like manner, he shall be guilty of felony, and transported for seven years. But persons aggrieved (except on the third conviction) may appeal to the next general quarter sessions, whose order therein shall be final. But nevertheless, this shall not alter any former law in force, for stealing or receiving such cloth, or goods, except where the proof is laid on the offender.

X. Concerning the dressing of cloth.

1. No woollen cloth shall be exported, till it be barbed, rowed, and shorn; on pain of forfeiting the same, half to the king, and half to him that will sue. 3 H. 7. c. 11.

2. No person shall use iron cards, or pickards, in rowing of cloth; on pain of forfeiting the cards, and 20 s. half to the king, and half to the overseer who shall discover and sue in any court of record, or before the justices of the peace. And if the overseer will not sue in half a year, then the said moiety to any other person who will sue in another half year. 3 & 4 Ed. 6. c. 2. s. 7, 10, 11.

3. No person shall put any flocks, chalk, flour, or starch, or other deceivable thing on cloth; on pain of 40 s. in like manner. 3 & 4 Ed. 6. c. 2. s. 6.

4. There shall be no rowing or raising of cloth, with oil, greafe, or any liquid, but only on the edge of the shears with semet or oils; on pain of 13 s. 4 d. half to the king, and half to the buyer that shall sue. 4 J. c. 2. s. 10.

5. There shall be no cutting of wool from the backsides of cloth, but with shears only; on like pain of 13 s. 4 d. 4 J. c. 2. s. 11.

6. No liquid shall be used on the side of cloth, to make it look better than the midst; on like pain of 13 s. 4 d. 4 J. c. 2. f. 12.
7. The sides shall not be raised, fulled, rowed, or shorn, better than the middle; on like pain of 13 s. 4 d. 4 J. c. 2. f. 10.
8. No person shall press cloth with a hot press; on pain of forfeiting the same, or the value, half to the king, and half to him that shall sue. 5 & 6 Ed. 6. c. 6. f. 52.
9. And pressing of cloth with hot boards shall be punished with like forfeiture, as pressing it with a hot press. 21 J. c. 18. f. 11.

XI. Concerning mixed or medley broad cloth in particular.

Mixed or medley broad cloth. It is provided by the 10 An. c. 16. and 1 G. st. 2. c. 15. that nothing therein shall extend to any cloth made in *Yorkshire*; By which acts it is also further provided as follows:

Fulling miller to measure. The fulling miller shall take an oath before a justice dwelling near such mill, that he will well and truly perform the measuring all mixed or medley broad cloth fulled at his mill.

And seal. In order to which, he shall have a table 12 foot long, and three foot broad, whereon the cloth shall be doubled and laid plain, with the length of a yard marked thereon; on which he shall measure the same, when fulled and wet; and shall fix and rivet at the head end thereof, a seal of lead (to be furnished by the clothier), which shall be marked with a crown on the rivet: on which seal he shall stamp his name, and the length and breadth of the cloth; for which he shall have one penny.

And enter the same. He shall also enter in a book, the marks, sort, number, length, and breadth thereof.

And if he shall refuse to take such oath, or to fix such seal, or to make such entry; he shall, on conviction in 40 days, before one justice not interested, on oath of witnesses, forfeit 20 l. to the poor of the parish or place, charges of conviction first deducted. If not paid in 30 days after conviction, to be levied by distress. For want of distress, to be committed to gaol or house of correction, to be kept to hard labour for three kalendar months. Persons aggrieved may appeal to the next sessions, who may allow costs.

And if any person shall take off, deface, counterfeit, or alter, such seal, or add any other; he shall, in like manner, forfeit 20 l.

And no person shall expose to sale any mixed or medley broad cloth, before it be so sealed; on pain of forfeiting one sixth part of the cloth, to the poor, in like manner: or, if it is in *London*, to the benefit of *Christ's* hospital.

If the buyer is not satisfied with the measure, he may have it measured again in the water, in eight days after delivery, giving two days notice to the seller or his factor: In which case, each party shall chuse a measurer; and if those two disagree, they may chuse a third: and if he shall refuse, it shall be measured, if in *London*, by the keeper of *Blackwell-hall*, who shall be sworn before a justice to measure it truly: if not in *London*, then if the two measurers disagree, or appoint not a third person, the chief magistrate shall appoint and swear one.

The first part of the paper is devoted to a discussion of the
 general principles of the theory of the structure of the
 crystal lattice. It is shown that the structure of the
 crystal lattice is determined by the arrangement of the
 atoms in space. The arrangement of the atoms in space
 is determined by the forces between the atoms. The
 forces between the atoms are determined by the
 electronic structure of the atoms. The electronic
 structure of the atoms is determined by the
 arrangement of the electrons in the atoms. The
 arrangement of the electrons in the atoms is
 determined by the forces between the electrons.

The second part of the paper is devoted to a discussion of the
 specific properties of the crystal lattice. It is shown that
 the specific properties of the crystal lattice are
 determined by the structure of the crystal lattice.

The third part of the paper is devoted to a discussion of the
 experimental methods for the determination of the
 structure of the crystal lattice. It is shown that the
 structure of the crystal lattice can be determined by
 the measurement of the diffraction of X-rays. The
 diffraction of X-rays is determined by the structure
 of the crystal lattice. The structure of the crystal
 lattice is determined by the arrangement of the atoms
 in space. The arrangement of the atoms in space is
 determined by the forces between the atoms. The
 forces between the atoms are determined by the
 electronic structure of the atoms. The electronic
 structure of the atoms is determined by the
 arrangement of the electrons in the atoms. The
 arrangement of the electrons in the atoms is
 determined by the forces between the electrons.

The fourth part of the paper is devoted to a discussion of the
 applications of the theory of the structure of the
 crystal lattice. It is shown that the theory of the
 structure of the crystal lattice has many applications
 in physics and chemistry. The applications of the
 theory of the structure of the crystal lattice are
 determined by the structure of the crystal lattice.

The fifth part of the paper is devoted to a discussion of the
 future of the theory of the structure of the
 crystal lattice. It is shown that the theory of the
 structure of the crystal lattice is still in its
 infancy. The future of the theory of the structure
 of the crystal lattice is determined by the
 progress of the theory of the structure of the
 crystal lattice.

But if the seller doth not then appear, or doth not then appoint a measurer, the keeper of *Blackwell hall* shall proceed to measure it.

And the measurer shall be paid by the buyer *6 d.* for each piece. And he shall make a certificate of the true measure thereof.

And if on such his measuring there appear a less quantity in length, or in the greatest part of the breadth, than is mentioned in the seal, the owner or seller shall forfeit the sixth part of the value of such cloth; to be paid by the buyer, and deducted out of the price, on the measurer's making such certificate, and making oath thereof before a justice, of which the justice shall give him a certificate. The same to be repaid by the fulling miller.

And the said certificate shall in ten days be filed with the clerk of the peace, for which he shall have *1 s.* which certificate so filed, shall be a sufficient conviction. And an attested copy of such certificate (for which the clerk of the peace shall likewise have *1 s.*) shall be a sufficient authority to the owner or seller, to demand of the milman the forfeitures deducted out of the price. Which if he shall refuse to pay, it shall be levied by distress, by warrant of one justice; and for want of distress, to be committed to gaol or house of correction for three months.

And by the *13 G. c. 23.* Every owner of tenters for mixed or Tenters. medley broad cloth, in the counties of *Gloucester, Wilts, and Somerset,* shall measure the tenter, and mark in figures the length of yards, beginning at number *1,* and so continuing to the end, upon the top bar, and on the fore-side thereof; on pain of *5 l.* on conviction before two justices, on information on oath, in 3 months after the offence; to be levied by distress, half to the informer, and half to the poor: for want of distress, to be committed to gaol not exceeding three months, or until satisfaction be made.

And the justices of the said counties, at *Easter* sessions yearly, Inspectors. shall chuse inspectors; who, before they enter upon their office, shall take this oath; *I A. B. do swear, that I will well and truly execute the office of an inspector of mixed or medley woollen broad cloth within this county, according to the laws and statutes of this realm, and according to the best of my skill and knowledge: So help me god.*

And they shall inspect the mills, shops, houses, and tenter grounds of persons concerned in milling and manufaturing mixed or medley woollen broad cloth; and shall measure the cloth on the tenter; and such inspector shall stamp his name on a lead seal, to be furnished by the maker of the cloth, and affix the same on the head end of such cloth, and shall register in a book the clothier's, milman's, or other person's name, and the number, length, and breadth, of every such cloth; and shall at every quarter sessions give in a copy of such register, with an account of forfeitures levied.

The milman sending home such cloth before inspected, shall forfeit *40 s.* in like manner.

Persons refusing entrance to the inspector, shall forfeit *10 l.* in like manner.

And the inspector acting against his oath, shall forfeit *20 l.* in like manner.

And the said justices shall allow a salary to each inspector, not exceeding 30*l.* a year: for the raising of which, every maker shall pay to the inspector 2*d.* for every such cloth, before they are sent from the mill; who shall pay the same, every 3 months or oftner, to the county treasurer, to be applied by the sessions towards such salaries.

XII. Concerning the Yorkshire manufacture in particular.

1. We come next to consider the *Yorkshire* manufacture, the great support of the inhabitants of the barren mountains in the North, in taking off large quantities of their coarse wool. During the late war, this manufacture did draw also much wool out of *Scotland*, which in times of peace finds some other vent; perhaps into *France*; which it cannot so well do, during a *French* war. So that contrary to the maxims of commerce, the Northern counties flourish most in time of war; because wool then may be sold for near three times the price that it bears in time of peace. It were to be wished, that some method might be found effectual, to preserve unto us that valuable branch of the *British* commerce, and to prevent foreigners from forestalling us in that trade, of which we furnish the necessary materials.

2. Divers acts of parliament have been obtained, at the expense of the clothiers, for the regulation and encouragement of this manufacture.

These acts are in all six: five of which relate all to the same subject; each succeeding act explaining the former. And the other act stands alone by it self.

The substance of the said five acts, when brought together, seemeth to be as follows:

In the first place, as the punishments, and the methods of inflicting them, are not the same on the said several acts, it is proper, in order to avoid frequent repetitions, to premise the several penalties on the several acts distinctly; that so, when the reader shall observe what act createth any of the following offences, he may by casting his eye backward, see presently the general method of prosecution upon that act. And, in the progress, where there is any particular punishment directed for any particular offence, it is thought proper to annex that punishment to that particular offence.

(1) 7 *An. c.* 13. The penalties on this act must be inflicted in 21 days after the offence is committed or discovered; on conviction before one justice (not being a dealer in the woollen manufacture) on the oath of one witness; if not paid in seven days, to be levied by the constable by warrant of distress from such justice; and to be distributed, half to the informer, and half to the poor of the township or place. For want of distress, to be committed to the house of correction or gaol, to be kept to hard labour not exceeding one month. But an appeal lies to the next sessions, who may allow costs. 7 *An. c.* 13. *f.* 5, 6, 8. 1 *G. B.* 2. *c.* 15. *f.* 16.

(2) 1 *G. B.* 2. *c.* 15. The same.

(3) 11 *G.*

Yorkshire manufacture.

Penalties.

(3) 11 G. c. 24. Information of all offences on this act shall be given on oath in 20 days after the offence is discovered; and the conviction to be before one justice (not being a dealer in the woollen manufacture) on the oath of one witness (notice of the charge being first given to the party); If not paid in ten days after notice given of the conviction, at the offender's last place of abode, and he do not appeal, the same to be levied by the constable by warrant of distress from such justice: To be distributed, half to the informer, and half to the poor. For want of distress, to be committed to the house of correction to be kept to hard labour for six months. But an appeal (on giving ten days notice to the informer) lies to the next sessions, who may allow costs. *f.* 18, 19.

(4) 7 G. 2. c. 25. All informations of offences on this act, shall be made in five days after discovery of the offence, and not otherwise. The conviction to be before one justice (not being a dealer in the woollen manufacture) on oath of one witness. If not paid in ten days after notice given of the conviction at the offender's last place of abode, and he do not appeal, the same to be levied by the constable, by warrant of distress from any such justice: To be distributed, half to the informer, and half to the treasurer towards the searchers salaries, and other expences of carrying these acts into execution. For want of distress, to be committed to the house of correction to hard labour not exceeding one month. But an appeal (on giving ten days notice to the informer) lies to the next sessions, who may allow costs. 7 G. 2. c. 25. *f.* 2, 13, 16, 14 G. 2. c. 35. *f.* 11.

(5) 14 G. 2. c. 35. The same.

3. The clothier shall, at the time of making the cloth, weave or sew into the head of it, in letters at length, his name and place of abode; on pain that if he shall offer the same to sale so unmarked, he shall forfeit 5 *l.* for each piece. 11 G. 2. c. 24. *f.* 8. Maker's mark.

And if any person shall counterfeit or alter such mark, before it is sold; the offender, and also the person in whose custody it is found, shall forfeit 5 *l.* *id.*

4. The fulling miller shall not full in one stock at one time, more than one whole broad cloth; on pain of 20 *s.* 7 An. c. 13. *f.* 4. Fulling.

5. And every person within 14 days after he is employed in the office of a fulling miller, shall make oath before a justice, that he will well and truly perform the measuring and stamping of the cloth full'd at his mill: which justice shall give him a certificate of such oath being taken. Which if he shall omit to do, he shall forfeit 5 *l.* 14 G. 2. c. 35. *f.* 5. 11 G. c. 24. *f.* 4. Fulling miller to measure and seal.

6. And moreover, the justices (not being dealers in woollen cloth) may at *Easter* sessions yearly, appoint other persons to be measurers or searchers at the said mills, who follow or have been brought up there in making or dressing woollen broad cloth; and may appoint them salaries, not exceeding 25 *l.* a year. And on such searcher's death, or incapacity, one such justice, dwelling near, may appoint another till *Easter* sessions, to be there confirmed, or another appointed. 14 G. 2. c. 35. *f.* 1, 2. Searchers to be appointed.

7. Which said measurer or searcher shall make the like oath before a justice, that he will well and truly perform the measuring and Searcher's oath.

and stamping of the said cloth : which justice shall give him a certificate of such oath being taken. 14 G. 2. c. 35. f. 5.

Searcher to measure.

8. The said measurer or searcher, so stationed at the fulling mill, shall together with the said milman, measure all the whole cloths and ends there milled, such as are streamed or washed in the goit or mill stream, within six, and not sooner than four hours after ; such as are not streamed and washed, shall be measured in four hours after they come out of the stock. 14 G. 2. c. 35. f. 3.

Length and breadth.

9. And the length and breadth thereof shall be as follows : Every woollen broad cloth, whether it be an end or half cloth, or a long or whole cloth, being well scoured and fully milled, shall be five quarters and an half broad within the lists, in the water, being fully wet ; and the half cloth shall be not above 24 yards long, and the whole cloth not above 48 yards long. 11 G. c. 24. f. 1.

And if any whole or half cloth shall, when milled, and having so laid four hours, be under one yard and $13\frac{1}{2}$ inches broad, for above one fifth part of the length thereof ; the maker shall forfeit for the first inch 2s. 6d. for the second 5s. and for every other inch 15s. half to the informer, and half to the treasurer, charges of prosecution and conviction first deducted. 14 G. 2. c. 35. f. 8.

And whole thick kerseys, whole thick plains, huggabags, or broken quilled kerseys, shall be not under 18 yards long, and $3\frac{1}{2}$ quarters broad, when wet : on pain that the person offering the same to sale contrary hereto, shall forfeit for every inch wanting in breadth, and every half yard wanting in length 20s. 1 G. f. 2. c. 15. f. 15.

Sealing after it is measured.

10. And the milman shall affix a seal (to be furnished by the clothier) at one end ; and the measurer another at the other end ; and shall rivet the same ; and shall each stamp his name, or part of it, on the seal or rivet, and the length and breadth in figures. 14 G. 2. c. 35. f. 6.

Penalty of taking away before measuring and sealing.

11. And if the maker take away his cloth from the mill, before it be measured and stamped, he shall, on conviction on the oath of such milman, or measurer, forfeit 20s. 14 G. 2. c. 35. f. 4.

Or if he offer the same to sale unsealed, he shall forfeit 5l. for each piece. 11 G. c. 24. f. 8.

Entry to be made after measuring and sealing.

12. And immediately, the searcher shall enter in a book to be provided by the treasurer, and kept at the mill, the maker's name and dwelling, the colour, sort, length, and breadth. 14 G. 2. c. 35. f. 6.

Pay for measuring and sealing.

13. For which measuring and sealing, the owner shall pay to the milman 4d. for every whole or long cloth, and 2d. for every end or half cloth ; three fourths to go to the treasurer towards the searchers salaries and other uses of the acts, and one fourth to the milman. 14 G. 2. c. 35. f. 6.

And when the expences of the acts shall be discharged, the justices in *Easter* sessions may make order for increasing or diminishing the duties for measuring and sealing ; so as they never exceed 4d. for a whole, and 2d. for a half cloth. *id.* f. 19.

Penalty on the fulling miller.

14. Generally, the fulling miller omitting his duty, shall forfeit 5l. 11 G. 2. c. 24. f. 5.

On counterfeit-
ing the seal.

15. And if any person shall counterfeit or alter the seal, he shall forfeit 5l. 11 G. c. 24. f. 4.

16. If

16. If the owner shall, in four hours after the cloth is brought home, find on measuring the same, that it is of less length, or of less breadth, for above one fifth part of the length, than is expressed by the stamp, and shall, before it is offered to sale, make oath thereof before such justice; then the milman and searcher, being convicted by such oath, shall jointly forfeit for the first inch in breadth or half yard in length falling short of the stamp 5*s.* and for every other inch in breadth and half yard in length 10*s.* half to the informer, and half to the treasurer (charges of prosecution first deducted). And the treasurer may deduct the measurer's penalty out of his salary. 14 G. 2. c. 35. f. 11, 12.

On wrong measuring.

17. And the justices (not dealing in cloth) shall at *Easter* sessions yearly, appoint other searchers, who follow or have been brought up there in the trade of making or dressing woollen broad cloth; and allow each a salary not exceeding 15*l.* a year; who shall make oath, that they will well and truly execute the office of searchers of broad woollen cloth, according to the laws of the realm, and to the best of their knowledge. 11 G. c. 24. f. 12. 7 G. 2. c. 25. f. 14.

Other searchers to be chosen.

18. And they may search (more especially when required under the hand of any such justice), and measure suspected cloth; and persons hindring, shall forfeit 10*l.* 11 G. c. 24. f. 13.

Who shall search and measure.

But they shall not search cloth packed for exportation, provided the merchant or packer shall swear before a justice, that it was, when demanded to be produced, dressed or packed up to be sent away. 14 G. 2. c. 35. f. 15.

And if such searcher act against his oath, he shall forfeit 20*l.* 11 G. c. 24. f. 14.

19. And if any buyer shall suspect the cloth to want length or breadth, he may in 14 days after delivery, put it in water four hours, and cause it to be measured by a sworn searcher; and if found less in length or breadth than is marked on the seals, the seller shall forfeit 20*s.* 7 G. 2. c. 25. f. 2.

Buyer may measure again.

But it is provided afterwards in the same act, that no more than 10*s.* shall be forfeited for the first inch wanting in breadth, and 15*s.* for the second, and 20*s.* for every other inch. f. 4.

And that white broads shall not forfeit for want of breadth, after put in hot water or other liquors to be dyed. f. 5.

20. And the offender may, in five days after notice of the offence, view the cloth; and if the buyer refuse, the prosecution shall cease. 7 G. 2. c. 25. f. 3.

Seller may view it.

21. And by a former act it is provided, that the seller's penalty shall be repaid by the milman; and on refusal, to be levied by distress; and that the buyer may in three days return it to the seller, who shall pay back the price and charges (to be ascertained on oath before a justice); and on refusal, to be distrained of. 11 G. c. 24. f. 5, 7.

Milman to answer over for wrong measure.

22. Cloths damaged and shortned by accident, shall by a searcher be measured and sealed again. 14 G. 2. c. 35. f. 10.

Cloths damaged to be measured again.

23. The owners of tenters shall mark, on the fore side of the top bar, in figures, the length of yards on each tenter; beginning with number 1, and so on; on pain of 5*l.* 11 G. c. 24. f. 11.

Tenters.

24. And

- Stretching. 24. And if any person shall stretch any such cloth more than one yard in 20 in length, or more than one inch in a quarter of a yard in breadth, and so in proportion, beyond the Measure on the seal; he shall forfeit 20*s.* for every half yard in length, and inch in breadth. 7 G. 2. c. 25. *f.* 12.
- Cards in dressing. 25. Cards with wire or other metal shall not be used in dressing cloth, on pain of 50*l.* 11 G. c. 24. *f.* 18.
- Stretching in dressing. 26. And the cloth dresser stretching the merchant's cloth, or altering the seals, shall repay to him the penalties. 11 G. c. 24. *f.* 16.
- Dresser's stamp. 27. And he shall dress the same in all parts alike; and shall at the head end affix and rivet a seal of lead, and stamp thereon his name at length; on pain of 5*l.* 11 G. c. 24. *f.* 10.

What hath been said may suffice for a general view of so perplexed a matter, as must be necessarily supposed in five pretty long acts of parliament, all unrepealed, and every subsequent act explaining and altering the former: A more exact knowledge of any particular, must be laboured for in the acts themselves.

The act which stands alone, is concerning narrow woollen cloths only, not being white kerseys, nor half thick; and is as follows:

- Narrows. 28. The justices in *Easter* sessions yearly shall appoint searchers, such as have served apprenticeships to the trade of making narrow cloth, or have exercised such trade three years; and appoint them salaries: Who shall be sworn before a justice, well and truly to execute the office of searching such narrow woollen cloth. And in case of the death or sickness or other disability of a searcher; one justice, living near, may appoint another till the next sessions, to be there confirmed, or another appointed. 11 G. 2. c. 28. *f.* 3, 4.

Which said cloth may be made of what length and breadth the maker shall think fit. *f.* 13.

And he shall weave or set in the head of every piece, the first letters of his name; on pain, on conviction in one month, of forfeiting 20*s.* *f.* 1.

And the same shall be measured when wet at the mill, both by the milman and the searcher, who shall measure it down the middle for the length, and within the lifts for the breadth. *f.* 1.

And the milman shall rivet at one end a seal of lead, to be furnished by the clothier, and shall stamp his name thereon at length, and the length and breadth in figures: And the searcher shall also affix a seal of lead at the other end, with his name, with the length and breadth in like manner. *f.* 1.

And they both shall keep books, wherein they shall enter the day and year when milled, the name and place of abode of the owner, and the length and breadth; and shall suffer the buyer to inspect the same. *f.* 1.

The miller, or searcher offending herein, shall, on conviction in eight days after the cloth is removed from the mill, forfeit 5*l.* *f.* 1, 2.

And if any person shall counterfeit the seal or mark, he shall (on conviction in one month) forfeit 40*s.* *f.* 7.

And a sum not exceeding 3*d.* for each cloth, shall be paid by the owner before it is carried from the mill, to such person as the justices

Alcohol in medicine

Alcohol is a powerful solvent and is used in many medicinal preparations. It is also a stimulant and is used in small doses to excite the system. In large doses it acts as a narcotic and is used to relieve pain and induce sleep. It is also used as a preservative for medicinal preparations.

The medicinal uses of alcohol are numerous. It is used in the preparation of tinctures, extracts, and solutions. It is also used as a vehicle for the administration of other drugs. In the treatment of certain diseases, such as cholera and dysentery, alcohol is used to maintain the patient's strength and to prevent dehydration.

Alcohol is also used in the treatment of certain mental diseases. It is used to relieve the symptoms of anxiety and depression. In the treatment of alcoholism, alcohol is used to induce vomiting and to relieve the symptoms of withdrawal.

The medicinal uses of alcohol are numerous and it is an important part of the physician's armamentarium. It is used in the treatment of many diseases and it is also used as a preservative for medicinal preparations.

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justices at *Easter* sessions shall appoint, to pay the searchers salaries, and other expences of the act: And the person so appointed may detain the cloth at the mill till paid; and if not paid in eight days after demand, such person may sell the same, and detain the money, rendring the overplus on demand. *f. 8, 9.*

And the owner shall measure the cloth when brought from the mill, before it is set on the tenter; and if it is less than the stamp, or by lying wet is become less, he shall carry it to the millman and searcher to be restamped, on pain of 5 *s.* on conviction in one month after the offence. *f. 5.*

The owner may stretch the same one inch in a yard in length, and two inches in every three quarters in breadth, and so in proportion: but if any person stretch it further, he shall forfeit for the first half yard in length, or first inch in breadth overstretched 10 *s.* and for every other half yard in length, or half inch in breadth 20 *s.* *f. 6.*

The conviction to be before one justice, not being a dealer in cloth, on oath of one witness, reasonable notice being first given to the person accused. *f. 10.*

The forfeitures (if not paid in ten days after notice of the conviction given at the offender's last place of abode, and if he shall not appeal) to be levied by the constable by warrant of a justice by distress, rendring the overplus on demand, charges of distress and sale being first deducted: To be distributed (after deducting the charges of conviction) half to the informer, and half to the treasurer for the expences of carrying the act into execution: For want of distress, to be committed to the house of correction to hard labour for one month. *f. 10.*

Persons aggrieved may appeal to the next quarter sessions to be held after 14 days from the conviction, giving ten days notice to the informer. And the justices there, may award costs. *f. 12.*

XIII. Concerning burying of the dead in woollen cloth.

1. By the 30 C. 2. c. 3. (which is required to be given in charge at the assizes and sessions) no corps of any person (except those who shall die of the plague) shall be buried in any shirt, shift, sheet, or shroud, or any thing whatsoever made or mingled with flax, hemp, silk, hair, gold, or silver, or in any stuff or thing, other than what is made of sheep's wool only, or be put into any coffin lined or faced with any sort of cloth or stuff, or any other thing whatsoever, that is made of any material, but sheep's wool only. *f. 3, 9, 10.*

2. And the ministers shall take an exact account, and keep a register book, to be provided at the charge of the parish, and make a true entry therein of all persons buried in their respective parishes or precincts, or in such common burial places as their respective parishioners are usually buried. *f. 4, 7.*

3. Within eight days after the interment, some relation of the party deceased, or other credible person, shall cause an affidavit (A) in writing to be made under the hands and seals of two or more credible witnesses, setting forth that such deceased person

was not put in, wrapt, or wound up, or buried, in any shirt, shift, sheet, or shroud, made or mingled with flax, hemp, silk, hair, gold, or silver, or other than what is made of sheep's wool only, or in any coffin lined or faced with any cloth, stuff, or any other thing whatsoever, made or mingled with flax, hemp, silk, hair, gold, or silver, or any other material but sheep's wool only : And shall bring the same, and make oath thereof, before the mayor, or a justice of the peace, or master of chancery [and if no justice shall reside or be to be found in the parish where the party is interred, then to any parson, vicar, or curate, in any other parish within the county, 32 C. 2. c. 1.] who shall administer the oath, and attest the same under their hands upon such affidavit, *gratis.* *f.* 4, 5.

4. And shall (within eight days as aforesaid) bring the same so signed and attested, to the minister; who shall enter the same in the register. *f.* 4, 7.

5. And if no relation of the party buried, or other person, shall bring such affidavit, as aforesaid, Then the goods and chattels of the party deceased shall be liable to the forfeiture of 5 *l.* to be levied by distress, by warrant of the chief magistrate in any town corporate, or of any justice of the peace : Or in default thereof, by like distress of the goods of the person in whose house the party died; or of any that had a hand in putting such person into any shirt, shift, sheet, shroud, or coffin, or did order or dispose the doing thereof; and in case such person were a servant and died in the family of his or her master or mistress, the same shall be levied on the goods of such master or mistress; and if such person died in the family of his or her father or mother, then the same shall be levied on the goods of his or her father or mother : Which said forfeiture shall be levied, paid, and allowed out of the estate of the said deceased person, before any statute, judgment, debt, legacy, or other duty whatsoever. *f.* 4.

6. And in such case, where no affidavit shall be brought in eight days as aforesaid, to the minister where the party was buried, he shall forthwith give, or cause notice (B) thereof to be given in writing under his hand, to the churchwardens or overseers; on pain of 5 *l.* with full costs (provided the suit be commenced in six months), one fourth to the king, two fourths to the poor where such person offending dwells, and one fourth to him that shall inform and sue. *f.* 5, 6.

And moreover, where no such affidavit shall be brought to him within such time, he shall enter a memorial thereof in the said registry, against the name of the party interred, and of the time when he certified the same to the churchwardens or overseers. *f.* 7.

7. The said churchwardens or overseers shall within eight days after such notice (on like pain as the minister) repair to the chief magistrate, if such party was buried in a town corporate, or else to a justice of the peace : Which said justice or magistrate, on certificate from such minister, shall (on the like pain) forthwith grant a warrant (C) for the levying of the said forfeiture on the goods of the parties before mentioned, rendering the overplus

The first part of the inquiry is to determine the nature of the
 matter which is the subject of the inquiry. This is done by
 observing the properties of the matter, and by comparing them
 with the properties of known matters. The next part is to
 determine the causes of the properties of the matter. This is
 done by observing the effects of the matter, and by comparing
 them with the effects of known causes. The third part is to
 determine the laws which govern the matter. This is done by
 observing the regularity of the matter, and by comparing it
 with the regularity of known laws. The fourth part is to
 determine the uses of the matter. This is done by observing
 the utility of the matter, and by comparing it with the utility
 of known uses.

The second part of the inquiry is to determine the nature of the
 forces which act upon the matter. This is done by observing
 the effects of the forces, and by comparing them with the effects
 of known forces. The next part is to determine the laws which
 govern the forces. This is done by observing the regularity of
 the forces, and by comparing it with the regularity of known
 laws. The third part is to determine the uses of the forces. This
 is done by observing the utility of the forces, and by comparing
 it with the utility of known uses.

The third part of the inquiry is to determine the nature of the
 motions which are produced by the forces. This is done by
 observing the effects of the motions, and by comparing them with
 the effects of known motions. The next part is to determine
 the laws which govern the motions. This is done by observing
 the regularity of the motions, and by comparing it with the
 regularity of known laws. The third part is to determine the
 uses of the motions. This is done by observing the utility of
 the motions, and by comparing it with the utility of known
 uses.

The fourth part of the inquiry is to determine the nature of the
 changes which are produced by the motions. This is done by
 observing the effects of the changes, and by comparing them with
 the effects of known changes. The next part is to determine
 the laws which govern the changes. This is done by observing
 the regularity of the changes, and by comparing it with the
 regularity of known laws. The third part is to determine the
 uses of the changes. This is done by observing the utility of
 the changes, and by comparing it with the utility of known
 uses.

Geological Survey

The following is a list of the principal geological features of the region, as determined by the field work of the Survey during the past season. The list is arranged in alphabetical order, and includes all the principal features which have been observed and described by the Surveyors.

The first of these features is the *Great Valley*, which is a broad, fertile plain, bounded on the north and east by the *Blue Ridge*, and on the south and west by the *Allegheny Mountains*. The *Great Valley* is a part of the *Allegheny Plateau*, and is a part of the *Allegheny Basin*.

The second of these features is the *Blue Ridge*, which is a long, narrow mountain range, extending from the north to the south, and forming a natural barrier between the *Great Valley* and the *Allegheny Mountains*. The *Blue Ridge* is a part of the *Allegheny Plateau*, and is a part of the *Allegheny Basin*.

The third of these features is the *Allegheny Mountains*, which are a range of mountains, extending from the north to the south, and forming a natural barrier between the *Allegheny Plateau* and the *Allegheny Basin*. The *Allegheny Mountains* are a part of the *Allegheny Plateau*, and are a part of the *Allegheny Basin*.

The fourth of these features is the *Allegheny Plateau*, which is a broad, fertile plain, bounded on the north and east by the *Blue Ridge*, and on the south and west by the *Allegheny Mountains*. The *Allegheny Plateau* is a part of the *Allegheny Basin*, and is a part of the *Allegheny Basin*.

The fifth of these features is the *Allegheny Basin*, which is a broad, fertile plain, bounded on the north and east by the *Blue Ridge*, and on the south and west by the *Allegheny Mountains*. The *Allegheny Basin* is a part of the *Allegheny Basin*, and is a part of the *Allegheny Basin*.

The sixth of these features is the *Allegheny River*, which is a long, narrow river, extending from the north to the south, and forming a natural barrier between the *Allegheny Plateau* and the *Allegheny Basin*. The *Allegheny River* is a part of the *Allegheny Basin*, and is a part of the *Allegheny Basin*.

The seventh of these features is the *Allegheny Mountains*, which are a range of mountains, extending from the north to the south, and forming a natural barrier between the *Allegheny Plateau* and the *Allegheny Basin*. The *Allegheny Mountains* are a part of the *Allegheny Plateau*, and are a part of the *Allegheny Basin*.

The eighth of these features is the *Allegheny Plateau*, which is a broad, fertile plain, bounded on the north and east by the *Blue Ridge*, and on the south and west by the *Allegheny Mountains*. The *Allegheny Plateau* is a part of the *Allegheny Basin*, and is a part of the *Allegheny Basin*.

The ninth of these features is the *Allegheny Basin*, which is a broad, fertile plain, bounded on the north and east by the *Blue Ridge*, and on the south and west by the *Allegheny Mountains*. The *Allegheny Basin* is a part of the *Allegheny Basin*, and is a part of the *Allegheny Basin*.

plus all reasonable charges being first deducted; half of which shall be to the poor, and half to the informer. *f. 5.*

8. And when the overseers shall account, they shall give an account of the name and quality of every person interred within their parish from the time of their former account, and of such certificate as came to their hands from such minister, and of their levying the penalties, and of their disposal thereof; on pain of 5 *l.* to be levied by distress, by warrant of the justices, or two of them, to whom they shall account. And no overseers account shall be allowed, until they shall have therein accounted for the burials as aforesaid. *f. 8.*

XIV. Against importation of woollen cloth.

No foreign woollen cloth shall be imported, on pain of forfeiture, and further punishment at the king's will. *11 Ed. 3. c. 3. 4 Ed. 4. c. 1. f. 7.*

XV. Encouragement of the exportation of woollen manufactures.

Woollen manufactures shall be exported custom free. *11 & 12 W. c. 20.*

A. Affidavit for burying in woollen.

Westmorland. **B**E it remembered, that on the _____ day of _____ A. W. of _____ yeoman, and B. W. of _____ yeoman, being two credible persons, do make oath, That A. D. late of _____ in the parish of _____ in the county aforesaid, on the _____ day of this present month of _____ was not put in, wrapt or wound up, or buried in any skirt, skift, sheet, or shroud, made or mingled with flax, hemp, silk, hair, gold, or silver, or other than what is made of sheep's wool only, or in any coffin lined or faced with any cloth, stuff, or any other thing whatsoever made or mingled with flax, hemp, silk, hair, gold, or silver, or any other material but sheeps wool only.

A. W.

B. W.

Sworn before me, being one of his majesty's justices of the peace for the said county [or, vicar of _____ in the said county, there being no justice of the peace residing (or to be found) in the said parish of _____] the day and year aforesaid;

J. P.

Woollen manufacture.

B. The minister's notice of affidavit of burying in woollen not being brought.

Westmorland. } To the churchwardens and overseers of the poor
of the parish of _____ in the said county.

I A. M. minister of the parish of _____ aforesaid, in the county aforesaid, do hereby give you notice, that on the _____ day of _____ the body of A. D. was buried within the said parish, and that no person whatsoever hath brought to me any affidavit pursuant to the statute made for burying in woollen. Witness my hand the _____ day of _____.

C. Warrant to levy the penalty for not burying in woollen.

Westmorland. } To the constable of _____.

W H E R E A S it duly appears to me _____ one of his majesty's justices of the peace for the said county, that A. D. late of _____ deceased, on the _____ day of _____ was buried within the parish of _____ in the county aforesaid, and that no affidavit hath been brought within eight days afterwards to the minister of the said parish that the said A. D. was buried in no other materials but sheep's wool only, pursuant to the statute in that case made; [and whereas it also duly appeareth unto me, that he the said A. D. had no goods and chattels at the time of his death as aforesaid, and that he the said A. D. did die in the house of A. O. of _____ yeoman, at _____ aforesaid, in the county aforesaid; Or, that A. O. of _____ yeoman, had a hand in, or did order and dispose, the putting the said A. D. deceased in a shirt, shift, sheet, shroud; or coffin, contrary to the form of the statute aforesaid; or, that A. M. of _____ yeoman, at the time of the death of him the said A. D. was master of him the said A. D. and that he the said A. D. servant to the said A. M. did die in the house of him the said A. M. at _____ aforesaid; or, that A. F. of _____ yeoman, was father to the said A. D. and that he the said A. D. did die in the family of him the said A. F.] These are therefore to command you forthwith to levy the sum of 5*l.* by distress and sale of the goods and chattels which he the said A. D. had at the time of his death [Or, of the goods and chattels of him the said A. O.] rendering the overplus to _____ your reasonable charges being first deducted: One moiety of which said sum of 5*l.* you shall pay to the overseers for the use of the poor of the said parish where he the said A. D. was buried, and the other moiety to A. I. of _____ yeoman, who informed me of the said offence, and did sue for the said forfeiture. Herein fail you not. Given under my hand and seal at _____ in the county aforesaid, the _____ day of _____ in the _____ year of the reign of _____.

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To the... of...
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LETTERS

W

The first letter is from Mr. W. J. ...
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Wreck.

1. **W**RECK of the sea, in legal understanding, is applied Wreck, what. to such goods, as after shipwreck at sea, are by the sea cast upon the land; and therefore the jurisdiction thereof pertaineth not to the lord admiral, but to the common law. *2 Inst. 167.*

2. None of those goods which are called *jetsam* (from being Jetjam, flotjam, cast into the sea while the ship is in danger, and after perisheth) & lagan or those called *flotsam* (from floating upon the sea after shipwreck) or those called *lagan* or *ligan* (goods thrown overboard before the shipwreck, which sink to the bottom of the sea) are to be esteemed wreck, so long as they remain upon the sea, and are not cast upon the land by the sea; but if any of them are cast upon the land by the sea, they are wreck. *Wood 367.*

3. Also, by the *3 Ed. 1. c. 4.* *Where a man, a dog, or cat* Living creature *escape quick out of the ship, the ship or any thing therein shall not* escaping. *be adjudged wreck of the sea.*

A man, a dog, or a cat] Which statute being but declaratory of the common law, these three instances are only put for examples; for besides these two kinds of beasts, all other beasts, fowls, and other living things are understood, whereby the property of the goods may be known. *2 Inst. 167, 168.*

Escape quick out of the ship] If a ship be ready to perish, and all the men therein (for the safeguard of their lives) leave the ship, and after, the forsaken ship perisheth; if any of the men be saved and come to land, the goods are not lost. *2 Inst. 167.*

4. By the *17 Ed. 2.* *The king shall have wreck of the sea* To whom the *throughout the realm.* wreck be- longeth.

And the cause wherefore originally wreck was given to the crown, stood upon two main maxims of the common law. 1. That the property of all goods whatsoever must be in some person. 2. That such goods as no subject can claim any property in, do belong to the king by his prerogative. *2 Inst. 167.*

5. The taking of goods whereof no one had a property at the Seizing wreck time, is not felony; and therefore he who takes away a wreck, not felony. before it is seized by the person who has a right thereto, is not guilty of felony, and shall only be punished by fine, or the like. *1 Haw. 93, 94.* That is to say, he is not guilty of felony by the common law; but it is otherwise by the statutes here following.

6. To preserve ships stranded, or in distress, from being plun- Assisting ships in distress. dred by the country people, it is enacted by the *12 An. st. 2. c. 18.* and the *26 G. 2. c. 19.* as follows: (Which said act of the *12 An.* is required to be read in the church four times a year, in all sea port towns, and on the coast.)

The justice of the peace, mayor, bailiff, collector of the customs, or chief constable, who shall be nearest to where any ship shall be stranded or cast away, shall forthwith give publick notice

for a meeting to be held as soon as possible, of the sheriff or his deputy, the justices of the peace, mayors, coroners, and commissioners of the land tax, or any five of them, who shall employ proper persons for saving the same; and shall command the constables nearest to the sea coasts, to call together as many men as shall be thought necessary, to assist. And also the officers of excise shall be proper officers to put these acts in execution. And within the cinque ports, the lord warden of the cinque ports, the lieutenant of *Dover castle*, the deputy warden of the cinque ports, the judge official, and commissary of the court of admiralty of the cinque ports, shall put the same in execution there.

And any justice of the peace, in the absence of the high sheriff, may take sufficient power of the county.

And they may command all ships at anchor near, to assist; and if the officer of such ship shall refuse or neglect, he shall forfeit 100*l.* with costs, to the officer of the ship in distress.

And to prevent confusion, and contradictory orders, the persons assembled to save any vessel or goods as aforesaid, shall conform in the first place to the orders of the master or other officer or owner, or persons employed by them; and for want of their presence or directions, then to the orders of the officers of the customs, next to those of the officers of excise, then of the sheriff or his deputy, then of a justice of the peace, then of a mayor, then of the coroner, then of a commissioner of the land tax, then of a chief constable, then of a petty constable; and any person acting contrary to such orders, shall forfeit not exceeding 5*l.* to be levied by warrant of one justice, and in case of non-payment, to be committed to the house of correction, not exceeding three months.

And every such sheriff, justice, mayor, coroner, lord of a manor, under sheriff, or commissioner of the land tax, shall have 4*s.* a day during his attendance, out of the goods saved:

And if any Person, not impowered as above, shall endeavour to enter on board such vessel, or shall deface the marks of the goods; he shall within 20 days make double satisfaction to the party grieved, at the discretion of the two next justices; or in default thereof, shall be sent by them to the next house of correction, to be kept to hard labour for 12 months.

And if any persons not employed by the master or owner, shall in the absence of persons employed by them, save any vessel or goods, and cause them to be carried for the benefit of the owners into port, or any near adjoining custom house, or place of safe custody, immediately giving notice thereof to a justice, magistrate, custom house or excise officer; they shall be intitled to a reasonable reward for the same, to be adjusted by three neighbouring justices, which may be recovered by action at law: Or the same may be adjusted by the officers abovementioned. And if the said salvage (and the charges of 4*s.* a day as abovementioned) shall not be paid in 40 days after the services performed, the officer of the customs concerned in the salvage, may borrow or raise so much money as shall pay the same, upon a bill or bills of sale, under his hand and seal, of the vessel, or cargo,

The first part of the report is devoted to a general
 description of the country and its resources. It
 is followed by a detailed account of the
 various industries and occupations of the
 people. The third part of the report
 contains a list of the principal towns and
 villages of the country. The fourth part
 contains a list of the principal rivers and
 streams of the country. The fifth part
 contains a list of the principal mountains
 and hills of the country. The sixth part
 contains a list of the principal lakes and
 ponds of the country. The seventh part
 contains a list of the principal forests
 and woods of the country. The eighth
 part contains a list of the principal
 minerals and metals of the country. The
 ninth part contains a list of the principal
 plants and animals of the country. The
 tenth part contains a list of the principal
 birds and insects of the country. The
 eleventh part contains a list of the principal
 fishes and aquatic animals of the country.

cargo, or part thereof; redeemable nevertheless on payment of the principal, and interest at 4 *per cent.*

And more generally, by another clause it is enacted, that all persons who shall act or be employed in preserving any such vessel or cargo, shall be paid a reasonable salvage, to be adjusted by three neighbouring justices as abovementioned.

And if any person shall be assaulted, beaten, and wounded, in the exercise of his duty in the salvage of any vessel or goods, the offender, on conviction by indictment at the assizes or sessions, shall be transported for seven years. And such persons molesting the preservation of the ship may be repelled by force.

And if any person shall plunder, steal, take away, or destroy any goods belonging to such ship in distress, or which shall be wrecked or stranded (whether any living creature be on board or not) or any tackle, provision, or part of such ship; or shall beat or wound, with intent to kill, or otherwise wilfully obstruct the escape of any person endeavouring to save his life from such ship, or the wreck thereof; or shall put out any false light, with intent to bring any vessel into danger; he shall be guilty of felony without benefit of clergy. Provided that when goods of small value shall be stranded or cast on shore, and stolen without circumstances of cruelty, outrage, or violence; the offenders may be prosecuted for petit larceny only.

And if any person shall make any hole in any such ship in distress, or steal any pump belonging thereto, or wilfully do any thing tending to the immediate loss of such ship, he shall be guilty of felony without benefit of clergy.

And if oath be made before a magistrate, of any such plunder or theft, or of the breaking of any such ship, and the examination in writing thereupon taken be delivered to the clerk of the peace, he shall cause the offender to be forthwith prosecuted for the same, either in the county where the fact shall be committed, or in any county next adjoining, in which adjoining county any indictment may be laid by any other prosecutor; and if the fact be committed in *Wales*, then the prosecution shall or may be carried on in the next adjoining *English* county; and the necessary charges of such prosecution shall be paid by the treasurer of the county where the fact shall be committed, as the justices in sessions shall order: and if the clerk of the peace shall neglect his duty herein, he shall forfeit 100 *l.* to him who shall sue.

And one justice, upon information on oath, of any part of the cargo or effects of any vessel lost or stranded near the coasts, being unlawfully conveyed, or concealed, or of some reasonable cause of suspicion thereof, may issue his warrant for searching as in other cases of stolen goods: And if the same be found in any house or other place, or in the possession of any person not legally authorised to have the same; and the owner or occupier, or person in whose possession the same shall be found, shall not immediately upon demand deliver the same; such justice, on proof of such refusal, shall commit him to the common gaol for six months or till he shall have paid treble value thereof.

And

And if any person shall offer to sale any such goods unlawfully taken away, or reasonably suspected so to have been, the person to whom they are offered, or any officer of the customs or excise, or constable, may seize the same; and shall, with all convenient speed, carry the same, or give notice thereof, to one justice; and if such person shall not in ten days make out his property therein, to the satisfaction of the justice, they shall be delivered over to the rightful owner, on payment of a reasonable reward (to be ascertained by the justice) to the seizer; and the justice may commit such offender to the common gaol for six months, or till he shall have paid treble value. And if any person shall discover to any justice, magistrate, custom house or excise officer, where any such goods are wrongfully bought, sold, or concealed, he shall be intitled to a reasonable reward, to be adjusted as the salvage.

And the officer of the customs who shall act in preserving any vessel or cargo, shall, as soon as conveniently may be, cause or procure all persons belonging to the vessel, and others who can give an account thereof, to be examined on oath before a justice, as to the name or description of the vessel, the names of the master and owners, and of the places from or to which the vessel was bound, and the occasion of the distress; which examination the justice shall take in writing, and shall deliver a copy thereof to the said officer of the customs, who shall forthwith transmit the same to the secretary of the admiralty, who shall publish the same in the next *London* gazette, or so much thereof as shall be necessary for the information of the persons interested or concerned therein.

And if no person shall appear to claim the goods saved, the officer of the customs shall apply to three of the nearest justices, who shall put him, or some other responsible person in possession, taking an account in writing of the goods, to be signed by the said officer; and if they be not claimed in a year, they shall be sold (and if perishable, shall be forthwith sold) and the money returned to the exchequer, till claimed by the owner.

But this shall not prejudice the right of any lords of manors, or others, lawfully claiming wreck, or goods *flutsam, jutsam, or lagan*.

C O N C L U S I O N.

HAVING thus finished the work proposed; it may be requisite, upon the whole, to subjoin one single reflection, which will occur to every reader, in perusing almost every one of the larger titles of this book; and that is, concerning the possibility and expediency of reforming the statute law. The statutes at large, from the very nature of the thing, have in process of time become very cumbersome, and very intricate. They are

The first of these is the fact that the
 government has been successful in
 maintaining a high level of
 economic growth. This has been
 achieved through a combination of
 factors, including a strong
 industrial base, a highly skilled
 workforce, and a stable political
 environment. The government has
 also been successful in
 maintaining a low level of
 inflation, which has helped to
 maintain the value of the
 currency. This has been
 achieved through a combination of
 factors, including a tight
 monetary policy and a strong
 fiscal policy. The government has
 also been successful in
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 social stability, which has helped
 to maintain the country's
 economic growth. This has been
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 stable political environment.

W O R L D W I D E

The third of these is the fact that
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 inflation, which has helped to
 maintain the value of the
 currency. This has been
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 factors, including a tight
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 fiscal policy.

not to be purchased but for a larger sum of money, nor to be understood without a greater expence of time, than a wife man would often chuse to employ in that way.

The course to be taken in that matter seems to be this :

First, actually to repeal all those statutes, and parts of statutes, which are *virtually repealed* by subsequent contradictory statutes.

Secondly, to repeal all those statutes which are *obsolete*, and grown out of use, by the alteration of times and circumstances.

Thirdly, to repeal all those statutes, which being neither contradicted by subsequent statutes, nor become obsolete, yet are rendered *useless* by subsequent statutes enacting the same things over again, with alterations and amendments.

Fourthly, to repeal, or alter, all those statutes which are *frivolous*; that is, which possibly cannot, or probably never will be executed: such as those which appoint an offender to be whipped by the hands of the common hangman, where perhaps there is no such officer; or which prohibit an offence under a very small penalty, to be recovered in the courts at *Westminster*, where the reward will not countervail the expence of recovering it.

Fifthly, to omit all those statutes, which although enacted to be publick statutes, yet are only of *private concern*; such as those for bridges in particular places, or paving the streets in such a market town; and the like.

Sixthly, as to the rest, to lay all the statutes, and clauses of statutes together, which relate to the same subject, and out of the whole to compose one, two, or more uniform and consistent statutes; and then to repeal all those other, as workmen destroy the scaffolding when they have erected the building.

I know but of one material objection, against this method of proceeding; and that is, that the law being now for the most part well settled upon the statutes, notwithstanding their acknowledged disorder and confusion, this would tend to unsettle all again, by breaking the connexion which there is between one statute and another, and one part of a statute and another, altering the words and phrases, and after all perhaps not much mending the matter, since it is possible that the new statutes may be as liable to objections as the former were.

But this is an argument, not so much against the thing it self, as against the manner in which it may be executed. As to breaking the connexion, it is certain that for the most part there is no connexion; and where there is, that may easily be preserved: And it ought to be laid down as an invariable rule, to retain as much as possible the identical words and sentences of the former statutes; only rejecting what is superfluous, inserting the clear law as it now stands, and putting the same into a form more regular, concise, and easy. And this seemeth no way impossible to be done, by any person of a tolerable understanding, endowed only with a clear head, and much patience.

E R R A T A.

The reader is desired with his pen to correct the following *errata*, most of which do affect the sense; other smaller mistakes are left to the reader's candour.

V O L. I.

- Page 21. line 43. for *ch. 31.* read *ch. 13.*
 P. 37. l. 32. for *in parish,* r. in the parish.
 P. 45. l. 2. for *year are,* r. year, they are.
 P. 62. l. 18. for *parishoners,* r. parishioners.
 P. 90. l. 39. for *made,* r. named.
 P. 94. l. 12. for *of man,* r. of a man.
 P. 103. l. 17. for *yeoman,* r. yeomen.
 P. 106. l. 9. for *without,* r. within.
 P. 191. l. 44. for *precedent,* r. a precedent.
 P. 193. l. 24. for *pull of,* r. pull off.
 P. 232. l. 17. for *goods,* r. good.
 P. 292. l. 29. for *rates,* r. rights.
 P. 330. l. 15. for 2 G. 2. r. 1 G. 2.
 P. 358. l. 10. for f. 11. r. f. 10.
 P. 374. l. 48. for f. 16, 27. r. f. 16, 17.
 P. 450. l. 24. for *can no,* r. can be no.
 P. 485. l. 10. for *tade,* r. take.
 P. 487. l. 17. for *of king,* r. of the king.
 P. 489. l. 21. for *other,* r. their.
 P. 496. l. 17. for *in an river,* r. in any river.
 P. 497. l. 32. for *can,* r. shall.
 P. 539. l. 20. for *by plaintiff,* r. by the plaintiff.
 P. 560. l. 29. for *in,* r. to.
 P. 566. l. 20. for *and,* r. an.

V O L. II.

- P. 20. l. 1. for *must first,* r. must be first.
 P. 40. l. 26. for *no textend,* r. not extend.
 P. 65. in the margin, blot out the words *The value.*
 P. 69. l. 35. for *ages if 21,* r. ages of 21.
 P. 117. l. 27. for *be,* r. be.
 P. 124. l. 16. for *ar,* r. or.
 P. 219. l. 8. for *the,* r. he.
 P. 250. l. 32. for *an,* r. and.
 P. 261. l. 18. for *whither,* r. whether.
 P. 301. l. 26. for *townwips,* r. townships.

If there be more *errata* occurring in pages subsequent to these here numbred, as also in the *introduction*, which the author's distance hath rendred impossible for him to point out, the reader is prayed to correct them according to his candour.

F. R. A. T. A.

The report is given in full, and will be found in the
following pages, and will do well to be read by
all those who are interested in the subject.

REPORT

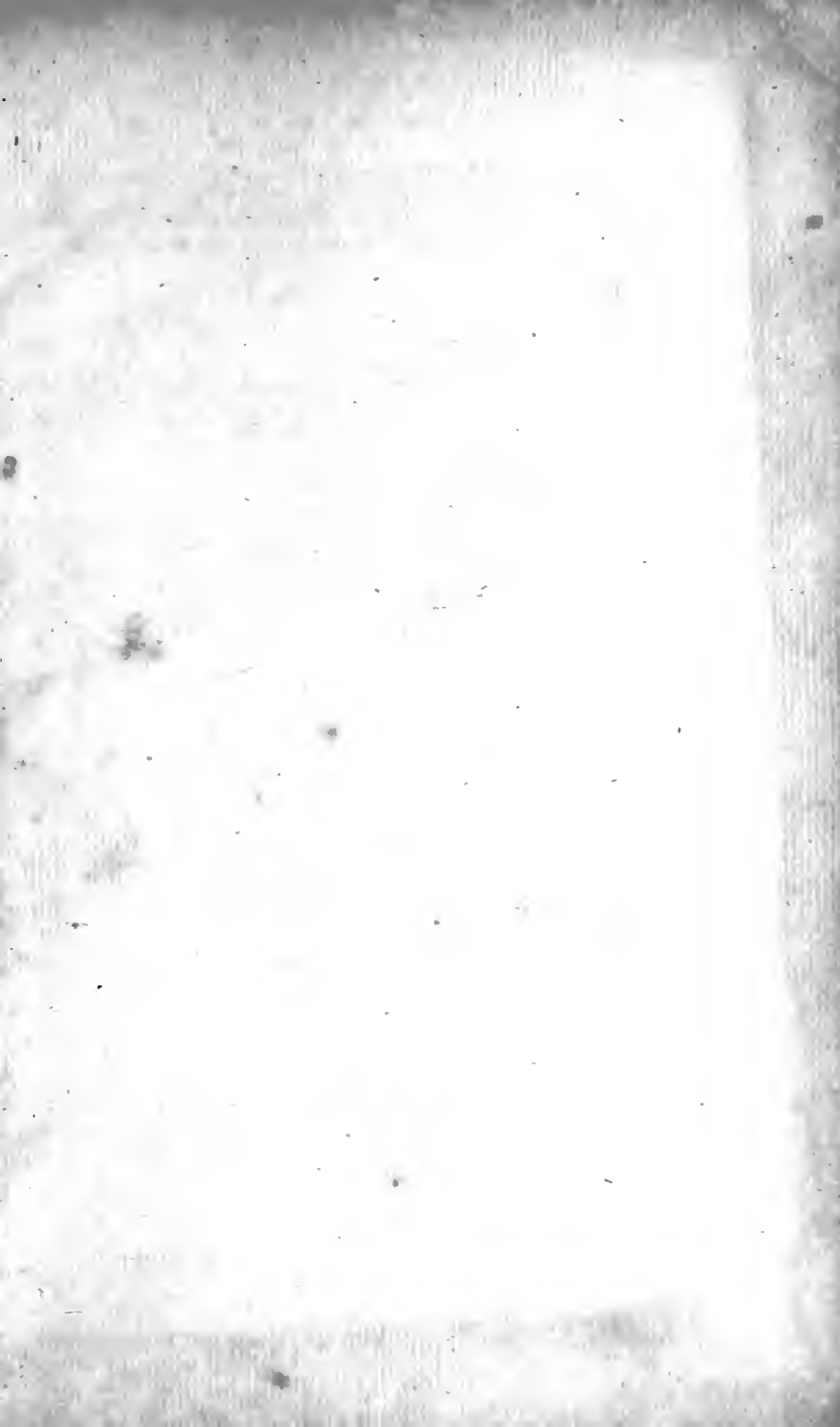
1. The first part of the report is devoted to a general
description of the country, and to a statement of the
resources which it possesses. It is found that the
country is well situated for the purpose of
commerce, and that it possesses a large
quantity of valuable minerals, and a
large number of fertile acres of land.
2. The second part of the report is devoted to a
description of the principal towns and cities,
and to a statement of the commerce which
is carried on in each of them. It is found
that the principal towns and cities are
well situated for the purpose of commerce,
and that they possess a large quantity of
valuable minerals, and a large number of
fertile acres of land.

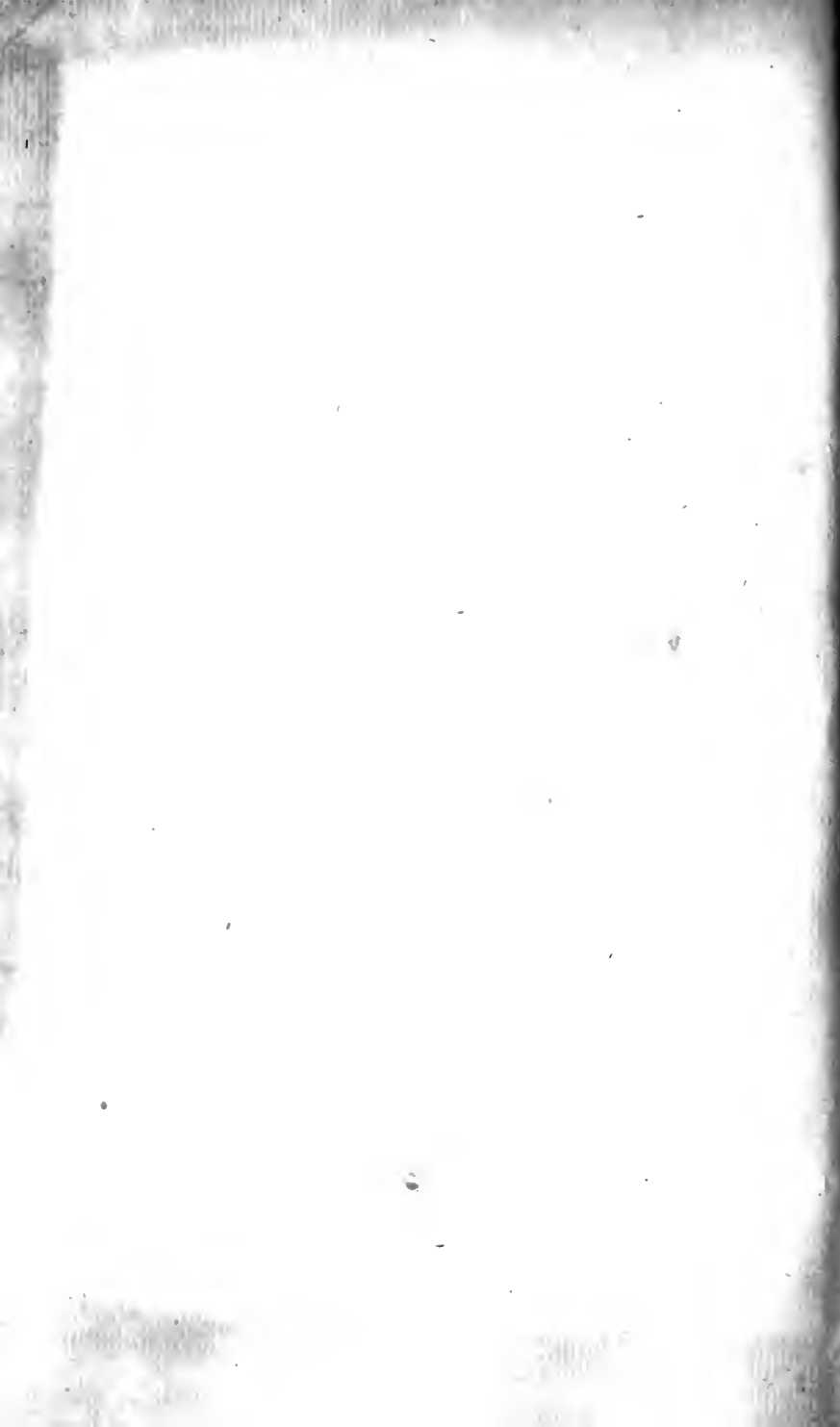
REPORT

3. The third part of the report is devoted to a
description of the principal rivers and streams,
and to a statement of the commerce which
is carried on in each of them. It is found
that the principal rivers and streams are
well situated for the purpose of commerce,
and that they possess a large quantity of
valuable minerals, and a large number of
fertile acres of land.

It is found that the country is well situated for the purpose of commerce, and that it possesses a large quantity of valuable minerals, and a large number of fertile acres of land.













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