


RE 92181



Library
of the
University of Toronto





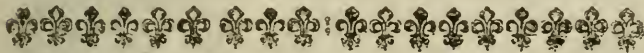
Digitized by the Internet Archive
in 2009 with funding from
University of Toronto

Ordinances made

By

The Right Honourable
Sir *Francis Bacon* Knight, Lord
Verulam, and Vicount of
Saint Albans, being then
Lord Chancellor,

For the better and more re-
gular Administration of Justice in
the *Chancery*, to be daily observed
saving the Prerogative of this
COURT,



LONDON:

Printed for *Mathew Walbanke*, and *Lawrence
Chapman* 1643.

Ordinances made

By

The Right Honourable
The Privy Council, Knights, Bishops,
Barons, and Judges of the Law,
in the first Parliament of King
James the First.

For the better and more
convenient settling of order in
the Church, in the University
of Cambridge, in the City
of London, and in the
County of Middlesex.

Printed by I. Blount, Printer to the King's Highness, at the North-Door of Whitehall.

1603.



Ordinances made by the
 Right Honourable the Lord
 Chancellor, for the better and more re-
 gular Administration of Justice in the
Chancery, to be daily observed saving the
 Prerogative of the Court.



NO Decree shall be reversed, altered, or ex-
 plained, being once under the Great Decrees.
 Seale, but upon bill of Review, and no
 bill of Review shall be admitted except
 it containe either error in Law, ap-
 pearing in the Body of the Decree,
 without farther examination of matters
 in Fact, or some new matter which hath risen in time af-
 ter the Decree, and not any new proofe which might have
 bin used when the Decree was made: Neverthelesse upon
 new proofe, that is comē to light after the Decree made,
 and could not possibly have bin used at the time, when the
 Decree passed, a bill of Review may bee grounded by the
 speciall Lycence of the Court, and not otherwise.

2. In case of miscasting (being a matter demonstrative) a Decree may be explained, and reconciled by an Order, without a bill of Review, not understanding by miscasting any pretended misrating or misvaluing, but onely error in the Auditing or numbring.

3. No Bill of Review shall be admitted, or any other new bill to change matter Decreed, except the Decree bee first obeyed and performed, as if it bee for Land, that the Possession be yielded; if it bee for money, that the money be paid; if it be for Evidences, that the Evidences be brought in, and so in other Cases which stand upon the strength of the Decree alone.

4. But if any Act be Decreed to bee done which extinguisheth the parties Right at the Common Law, As making of assurance or Release, acknowledging satisfaction cancelling of Bonds, or Evidences, and the like, Those parts of the Decree are to bee spared untill the bill of Review be determined. But such sparing is to be warranted by publique Order made in Court.

5. No Bill of Review shall bee put in, except the party that preferres it enter into Recognizance with Sureties for satisfying of Costs and damages for the delay, if it be found against him.

6. No Decrees shall be made upon pretence of Equity, against the expresse provision of an Act of Parliament: nevertheless if the Construction of such Act of Parliament hath for a time gone one way in generall opinion and reputation, and after by a latter Judgement hath bin controlled, then releefe may bee given upon matter of Equity, for Cases arising before the said Judgement, because the Subject was in no default.

7. Imprisonment for breach of a Decree is in nature of an Execu-

Execution, and therefore the custody ought to bee straight, and the party not to have any liberty to goe abroad, but by speciall Lycence of the Lord Chancellor; but no close imprisonment is to be, but by expresse Order for wilfull and extraordinary contempts, and disobedience as hath bin used.

8. In Case of enormous and obstinate disobedience in breach of a Decree, an Injunction is to be granted *Sub pœna* of a summe, and upon *Affidavit*, or other sufficient prooffe of persisting in Contempt, Fines are to bee pronounced by the Lord Chancellor in open Court, and the same to be extracted downe into the hamper if Cause be, by a speciall Order.

9. In Case of a Decree made for the possession of Land, a Writ of Execution goeth forth, and if that bee disobeyed, then Procelle of contempt according to the course of the Court against the person to Commission of Rebellion, and then a Serjeant at Armes by speciall warrant, and in case the Serjeant at Armes cannot finde him, or bee resisted upon the coming in of the party, and his commitment; if hee persist in disobedience, an Injunction is to bee granted for the Possession, and in Case that also bee disobeyed, then a Commission to put him in possession.

10. Where the partie is committed for breach of a Decree, he is not to be enlarged untill the Decree bee fully performed in all things which are to bee done presently. But if there be other parts of the decree to be performed at dayes, or times to come, then he may bee enlarged by Order of Court upon Recognizance, with Sureties to be put in for the performance *de futuro*, otherwise not.

11. Where Causes come to hearing in Court, no Decree bindeth any person who was not served with *Proces ad audiendum Iudicium*, according to the course of the Court, or did appeare in person in Court. No

12. No Decree bindeth any that cometh in *Bona fide*, by conveyance from the Defendant before the Bill exhibited; and is made no party, neither by Bill nor Order: But where he comes in *pendente lite*, and while the Suite is in full prosecution, and without any colour of allowance or privity of the Court, there regularly the Decree bindeth, but if there were any intermission of Suite, or the Court made acquainted with the conveyance, the Court is to give order upon the speciall matter according to justice.

13. Where Causes are dismissed upon full hearing, and the dismissal signed by the Lord Chancellor, such Causes shall not be retayned againe, nor new Bill admitted, except it be upon new matter, like to the Case of the bill of review.

14. In Case of other dismissions, which are not upon hearing of the Cause, if any new Bill be brought, the dismissal is to be pleaded, and after reference and report of the contents of both Suites and consideration taken of the causes of the former dismissal, the Court shall rule the retaying or dismissing of the new Bill according to Justice, and the nature of the Case.

15. All Suites grounded upon Wills, nuncupative, Leases paroll, or upon long Leases, that tend to the defacing of the Kings Tenures, for the stablishing of perpetuities, or grounded upon Remainders put into the Crowne, to defeate Purchasors, or for Brocage or rewards to make Marriages, or for bargaines at play and Wagers, or for bargaines, for Offices contrary to the Statute, of 2. *Edm.* 6. or for contracts upon Usury, or Symony, are regularly to be dismissed upon motion, if they bee the sole effect of the Bill, and if there be no speciall circumstances to move the Court to allow than a proceeding, and all Suites under the valew of ten pounds, are regularly to be dismissed.

16. Dismissions are properly to be prayed, and had either upon hearing, or upon Plea unto the Bill when the Cause comes first into the Court: But dismissions are not to be prayed after the parties have bin at charges of examination, except it be upon speciall cause.

17. If the Plaintiffe discontinue by prosecution, after all the Defendants have answered, above the space of one whole Terme, the Cause is to be dismissed of course without any motion: but after Replication put in, no Cause is to be dismissed without motion and order of the Court.

18. Double vexation is not to be admitted, but if the party Sue for the same Cause at Common Law, and in *Chancery*, hee is to have a day given to make his election where hee will proceed, and in default of such election to be dismissed.

19. Where Causes are removed by speciall *Certiorari* upon a Bill, conteyning matter of Equity, the Plaintiffe is upon receipt of his Writ to put in Bond to prove his suggestion within foureteene dayes after the Receipt, which if hee doe not prove, then upon Certificate from either of the examiners presented to the Lord Chancellor, the Cause shall be dismissed with costs, and a *Procedendo* to be granted.

20. No Injunction of any nature shall be granted, re- Injunction
vived, dissolved, or stayed upon any private Petition.

21. No Injunction to stay Suites at the Law shall be granted upon priority of Suite onely, or upon surmise of the plaintifes Bill onely, but upon matter confessed in the Defendants answer, or matter of Record, or writing plainly appearing, or when the Defendant is in contempt for not answering, or that the Debt desired to be stayed

stayed appeareth to be old, and hath slept long, or the Creditor, or the Debtor hath beene dead some good time before the Suite brought.

22. Where the Defendant appears not, but sits an Attachment; or when hee doth appeare and departs without Answer, and is under Attachment, for not answering; or when he takes Oath; he cannot answer without sight of Evidences in the Country, or where after Answer hee sues at Common Law by Attourny, and absents himselfe beyond Sea: In these Cases an Injunction is to be granted for the stay of all Suites at the Common Law, untill the party Answer or appeare in person in Court, and the Court give further order: But neverthelesse upon Answer put in, if there bee no motion made the same Terme, or the next generall Scale after the Terme, to continue the Injunction in regard of the insufficiency of the Answer put in, or in regard of the matter confessed in the Answer. Then the Injunction to dye and dissolve without any speciall Order.

23. In the Case aforesaid, where an Injunction is to be granted for stay of Suites at the Common Law, if the like Suite be in the *Chancery*, either by *Scire facias*, or privilege or *English bill*, then the Suite is to be stayed by Order of the Court, as it is in other Courts by Injunction, for that the Court cannot enjoyne it selfe.

24. Where an Injunction hath beene obtayned for stay of Suites, and no prosecution is had for the space of three Termes, the Injunction is to fall of it selfe without further motion.

25. Where a Bill comes in after an Arrest at the Common Law for a Debt, no Injunction shall be granted without bringing the principall mony into Court, except there
appeare

appeare in the Defendants Answer, or by sight of writings, plaine matter tending to discharge the Debt in Equity. But if an Injunction be awarded and disobeyed, in that Case no mony shall bee brought in, or deposited in regard of the contempt.

26. Injunctions for Possession are not to bee granted before a Decree, but where the Possession hath continued by the space of three yeares, before the Bill exhibited, and upon the same Title; and not upon any Title by Lease, or otherwise determined.

27. In Case where the Defendants sits all the processe of Contempt, and cannot bee found by the Serjeant at Arms, or resist the Serjeant, or makes relieue, a Sequestration shall bee granted of the Land in question, and if the Defendant render not himselfe within the yeare, then an Injunction for the Possession.

28. Injunctions against felling of Timber, ploughing up of ancient pastures, or for the maintayning of Inclosures, or the like, shall be granted according to the circumstances of the Case; but not in case where the Defendant upon his Answer claimeth an Estate of Inheritance except it bee where hee claimeth the Land in trust, or upon some other speciall ground.

29. No Sequestration shall bee granted but of Lands, Sequestration of Leases, or Goods in question, and not of any other Lands or Goods, not conteyned in the Suites.

30. Where a Decree is made for Rent to bee paid out of Land, or a summe of mony to bee levied out of the profits of Land, there a Sequestration of the same Lands being in the Defendants hands may be granted.

31. Where the Decrees of the provinciall Counsell, or of the Court of *Requests*, or the Queenes Court, are by continuancy or other meanes interrupted: There the Court of *Chancery* upon a Bill preferred for Corroborations of the same Jurisdictions, Decrees, and Sentences shall give remedy.

32. Where any Cause comes to hearing that hath beene formerly Decreed, in any other of the Kings Courts of Justice at *Westminster*, such Decree shall bee first read, and then to proceed to the rest of the Evidence on both sides.

Suites after
Judgment.

33. Suites after Judgement may bee admitted according to the ancient Custome of the *Chancery*; and the late Royall Decision of his Majesty, of Record after solemne and great deliberation: But in such Suites it is Ordered, that Bond bee put in with good Sureties to prove the suggestions of the Bill.

34. Decrees upon Suites brought after Judgement shall containe no words, to make voyd or weaken the Judgement, but shall onely correct the corrupt Conscience of the party, and rule him to make restitution; or performe other Acts, according to the equity of the Cause.

Orders



Orders, and the Office of the *REGISTERS.*

35. **T**He *Registers* are to bee sworne, as hath bin lately Ordered.

36. If any Order shall bee made, and the Court not informed of the last materiall Order formerly made, no benefit shall bee taken by such Order: as granted by abuse, and surreption, and to that end the *Registers* ought duely to mention the former Order in the later.

37. No Order shall bee explained upon any private Petition but in Court as they are made, and the *Register* is to set downe the Orders as they were pronounced by the Court, truely at his perill, without troubling the Lord Chancellor by any private attending of him to explaine his meaning: and if any explanation bee desired, it is to bee done by publique motion, where the other party may be heard.

38. No draught of any Order shall bee delivered by the *Register* to either party without keeping a Coppy by him, to the end that if the Order bee not entered, neverthelesse the Court may bee informed what was formerly done, and not put to new trouble and hearing; and to the end also that knowledge of Orders be nor

kept backe too long from either party, but may presently appeare at the Office.

39. Where a Lease hath bene debated upon hearing of both parties, and Opinion hath bene delivered by the Court, and neverthelesse the cause referred to Treaty, the *Registers* are not to omit the Opinion of the Court, in drawing of the Order of Reference, except the Court doth specially declare that it bee entered without any Opinion either way; in which case neverthelesse the *Registers* are out of their short note, to draw up some more full remembrance of that that passed in Court, to informe the Court if the cause come backe and cannot be agreed.

40. The *Registers* upon sending of their Draught unto the Counsell of the parties, are not to respect the interlineations, or alterations of the said Counsell (be the said counsell never so great) further, then to put them in remembrance of that which was truely delivered in Court; and so to conceive the Order upon their Oath, and duty without any further respect.

41. The *Registers* are to bee carefull in the penning and drawing up of Decrees, and speciall matters of difficulty and weight, and therefore when they present the same to the Lord Chancellor, they ought to give him understanding which are those Decrees of weight, that they may bee read and reviewed before his Lordship signe them.

42. The Decrees granted at the *Rolls*, are to bee presented to his Lordship, with the Orders whereupon they are drawne, within two or three daies after every Terme.

43. Injunctions for possession, or for stay of Suites
after

after Verdict are to be presented to his Lordship, together with the Orders whereupon they goe forth, that his Lordship may take consideration of the Order before hee signe them.

44. Where any Order upon the speciall nature of the case shall bee made against any of these generall Rules, there the *Register* shall plainly and expressly set downe the particulars, Reasons, and Grounds moving the Court to vary from the generall rule.

45. No Reference upon a Demurrer, or question touching the jurisdiction of the Court, shall bee made to the Masters of the *Chancery*: but such Demurrers shall bee heard and ruled in Court, or by the Lord Chancellor himselfe. References

46. No Order shall bee made for the confirming or ratifying of any Report without day first given, by the space of a sevenight at the least, to speake to it in Court.

47. No Reference shall bee made to any Masters of the Court, or any other Commissioners to heare and determine where the cause is gone so farre as to examination of Witnesses, except it bee in speciall Cases of parties neare in blood, or of extreme poverty, or by consent and generall Reference of the estate of Cause, except it bee by consent of the parties to bee sparingly granted.

48. No report shall be respected in Court, which exceedeth the warrant of Reference.

49. The Masters of the Court are required not to certifye the state of any cause, as if they would make breviate of the Evidence on both sides, which doth little ease

the Court, but with some Opinion, or otherwise in case they thinke it too doubtfull to give Opinion, and therefore make such speciall Certificate, the cause is to goe on to a judiciall Hearing without respect had to the same.

50. Matters of accompt unlesse it bee in very weighty causes are not fit for the Court, but to bee prepared by reference, with this difference nevertheless, that the cause comes first to a hearing, and upon the entrance into a hearing, they may receive some direction, and be turned over to have the accompts considered, except both parties before a hearing doe consent to a reference of the examination of the accompts, to make it more ready for a hearing.

51. The like course to bee taken for the examination of Court *Rolls*, upon Customes and Coppies, which shall not bee referred to any one Master, but to two Masters at the least.

52. No Reference to bee made of the insufficiency of an answer, without shewing of some particular point of the defect, and not upon surmize of the insufficiency in generall.

53. Where a trust is confessed by the Defendants Answer, there needeth no further Hearing of the Cause, but a Reference presently to be made of the Accompt, and so to goe on to a hearing of the Accompts.

Suites in
Court.
Bills, De-
murrers,
Answers,
Pleadings,
and Cop-
pies.

54. In all Suites where it shall appeare upon the hearing of the Cause, that the Plaintiffe had not *Probabilem causam litigandi* he shall pay unto the Defendant, his utmost colts to be assessed by the Court.

55. If any Bill answers Replication, or Rejoynder, shall be found of an immoderate length, both the party and
the

the Councell under whose hand it passeth shall be fined.

56. If there bee containd in any Bill, Answer, or other pleadings interrogatory, any matter libellous, or slanderous against any that is not party to the Suite, or against such as are parties to the Suite, upon matters, impertinent, or in derogation of the settled authorities of any of his Majesties Courts, such Bills, Answers, Pleadings, or Interrogatories shall be taken of the fyle and suppressed, and the parties severally punished by Commitment or ignominy, as shall bee thought fit for the abuse of the Court, and the Councillors at Law, who have set their hands shall likewise receive reproofe or punishment if cause be.

57. Demurrers and Pleas which tend to discharge the Suite shall be heard, first upon every day of Orders, that the Subject may know whether hee shall need further attendance or no.

58. A Demurrer is properly upon matter defective, contained in the Bill it selfe, and no forrayne matter, but a Plea is of forrayne matter to discharge or stay the Suite, as that the cause hath beene formerly dismissed, or that the Plaintife is Out-lawed, or Excommunicated, or there is an other Bill depending for the same cause or the like, and such Plea may bee put in without Oath, in case where the matter of the Plea appears upon Record; but if it bee any thing that doth not appeare upon Record, the Plea must be upon oath.

59. No Plea of Out-lawry shall bee allowed without pleading the Record *Sub pede sigilli*, nor plea of Excommunication without the Seale of the Ordinary.

60. Where any Suite appeareth upon the Bill, to bee of the natures which are regularly to be dismissed according

to the fifteenth Ordinance, such matter is to bee set forth by way of demurrer.

61. Where an Answer shall bee certified insufficient, the Defendant is to pay costs, and if a second answer be returned insufficient, in the points before certified insufficient, then double costs, and upon the third treble costs, and upon the fourth *Quadruple* costs, and then to be committed also untill he hath made a perfect answer, and to bee examined upon interrogatives touching the points defective in his answer, but if any answer bee certified sufficient, the Plaintiffe is to pay costs.

62. No insufficient answer can bee taken hold of after Replication put in, because it is admitted sufficient by the Replication.

63. An Answer to a matter charged as the Defendants owne fact, must be direct without saying it is to his remembrance, or as he beleeveth; if it bee laid downe within seven yeares before, and if the Defendant deny the fact, hee must traverse it directly, and not by way of negative pregnant, as if a fact be laid to bee done with diverse circumstances, the Defendant may not traverse it literally as it is Law in the Bill; but must traverse the point of Substance: So if he bee charged with the receipt of one hundred pounds, hee must traverse that hee hath not received a hundred pounds, or any part thereof, and if hee have received part, hee must set forth what part.

64. If a hearing be prayed upon Bill and Answer, the answer must be admitted to be true in all points, and a decree ought to be made, but upon hearing the answer read in court.

65. Where no Councell appears for the Defendant at the hearing, and the Proesse appears to have bin served,
the

the answer of such Defendant is to be read in Court.

66. No new matter is to be conteyned in any Replication, except it be to avoyd matter set forth in the Defendants answer.

67. All Coppies in *Chancery* shall containe of 5. lines in every sheet thereof written orderly and unwaistfully, unto which shall be subscribed the name of the principall Clarke of the Office where it is written, or his Deputy for whom he will answer, for which onely subscription no fee at all shall be taken.

68. All Commissions for examination of Witnesses shall *super inter. inclusis*, onely, and no retorne of Depositions into the Court shall be received, but such onely as shall bee either comprised in one Role, subscribed with the name of the Commissioners, or else in diverse Roles, whereof each one shall bee so subscribed. Commissi-
ons, Exa-
minations,
and Depo-
sitions.

69. If both parties joyne in Commissions, and upon warning given the Defendant bring his Commissioners, but produceth no witnesses, nor ministreth interrogatories, but after seekes a new Commission, the same shall not be granted: but nevertheless upon some extraordinary excuse of the Defendants default, he may have liberty granted by speciall Order to examine his Witnesses in Court upon the former interrogatories, giving the Plaintiffe or his Attourney notice, that hee may examine also if hee will.

70. The Defendant is not to be examined upon interrogatories, except it be in very speciall Cases, by expresse Order of the Court, to sift out some fraud or practice pregnantly appearing to the Court, or otherwise upon offer of the Plaintiffe to be concluded by the answer of the Defendant without any liberty to disprove such an answer, or to impeach him after of perjury.

71. Decrees in other Courts, may bee read upon hearing without the warrant of any speciall Order. But no depositions
C taken

taken in any other Court are to be read but by speciall Order, and regularly the Court granteth no Order for reading of Depositions, except it be between the same parties, and upon the same title and cause of suite.

72. No examination is to be had of the credit of any Witness but by speciall order, which is sparingly to be granted.

73. Witnesses shall not be examined in *perpetuam rei memoriam*, except it be upon the ground of a Bill, first put in and answer thereunto made, and the Defendant, or his Attourney made acquainted with the names of the witnesses that the Plaintiffe would have examined, and so publication to bee of such Witnesses with this restraint nevertheless, that no benefit shall be taken of the Depositions of such Witnesses, in case they may be brought *Viva voce* upon the triall, but onely to be used in case of Death before the triall, or age, or impotency, or absent out of the Realme at the triall.

Ad informandam
Conscientiam
judicis

74. No Witnesses shall bee examined after publication, except it be by consent, or by speciall order *Ad informandam conscientiam judicis*, and then to be brought close sealed up to the Court, to peruse or publish, as the Court shall think good.

Affidavits.

75. No Affidavit shall bee taken or admitted by any Master of the *Chancery*, tending to the prooffe or disprooffe of the Title, or matter in question, or touching the merits of the cause, neither shall any such matter bee colorably inserted in any Affidavit for serving of Proesse.

76. No Affidavit shall be taken against Affidavit, as far as the Masters of the *Chancery* can have knowledge; and if any such bee taken, the latter Affidavit shall not bee used nor read in Court.

77. In case of Contempts granted upon force or ill words, upon serving of Proesse, or upon words of scandall of

of the Court, proved by Affidavit, the party is forthwith to stand committed; but for other Contempts against the Orders or Decrees of the Court an Attachment goes for the first upon Affidavit made, and then the party is to be examined upon Interrogatories, and his examination referred; and if upon his examination he confesse matter of Contempt, hee is to be committed, if not, the adverse party may examine witnesses to prove the Contempt, and therefore if the Contempt appeare, the party is to be committed, but if not, or if the party that pursues the Contempt doe faile in putting in interrogatories, or other prosecution of faile in the proove of the Contempt, then the party charged with the Contempt is to be discharged with good costs.

78. They that are in Contempt, specially so far as Proclamation of Rebellion, are not to be here, neither in that Suite, nor any other, except the Court of speciall Grace suspend the contempt.

79. Imprisonment upon Contempt for matters past, may be discharged of grace after sufficient punishment, or otherwise dispensed with. But if the Imprisonment be for not performance of any Order of the Court, in force they ought not to be discharged except they first obey, but the Contempt may be suspended for a time.

80. Injunctions, Sequestrations, Dismissions, Reteyners, ^{Petitions.} upon Dismissions, or finall Orders, are not to be granted upon Petitions.

81. No former Order made in Court is to be altered, crossed, or explained upon any Petition, but such Orders may be stayed upon Petition for a small stay, untill the matter may be moved in Court.

82. No Commission for examination of Witnesses shall be discharged, nor no examinations or depositions shall be suppressed

pressed upon Petition, except it be upon point of course of the Court first referred to the Clarke, and Certi fiate thereupon.

83. No Demur shall be over-ruled upon Petition.

No *Scire fac.* shall be awarded upon Recognizances not enrolled, nor upon Recognizances inrolled, unlesse it be upon examination of the Record with the Writ, nor no Recognizance shall be enrolled after the yeare except it bee upon speciall Order from the Lord Chancellor.

85. No writ of *Exeat Regnum*, prohibition consultation, Statute of *Northampton*, *Certiorari* speciall, or *Procedendo* speciall, or *Certiorari* or *Procedendo* generall more then one in the same cause; *Habeas Corpus*, or *Corpus cum causa vi laica removend*, or restitution thereupon *De coronatore et viridario eligendo* in case of a moving *De Homine repleg. Assiz.* or speciall Patent, *Inde ballia amovend* *Certiorari super presentationibus fact. coram commissariis Seward*, or *ad quod dampnum* shall passe without warrant under the Lord Chancellors hand, and signed by him, save such Writs as *Ad quod dampnum*, as shall be signed by Master Attourney.

86. Writs of Priviledge are to be reduced to a better Rule, both for the number of persons that shall be priviledged, and for the case of the priviledge: and as for the number, it shall be set downe by *Schedule*: for the case it is to be understood, that besides parties priviledged as attendants upon the Court, Sutors and Witnesses are onely to have priviledge, *eundo, redeundo, et morando*, for their necessary attendance, and not otherwise; and that such Writ of priviledge dischargeth onely an Arrest upon the first Proccesse, but yet where at such times to necessary attendance the party is taken in execution, it is a Contempt to the Court, and accordingly to be punished.

87. No *Supplicavit* for the good behaviour shall be granted, but upon Articles grounded upon the Oath of two at the least,

least, or Certificate of any one Justice of Assize, or two Justices of the Peace with *Affidavit*, that it is their hands, or by Order of the *Star Chamber*, or *Chancery*, or other of the Kings Courts.

88. No Recognizance of the good behaviour, and the peace taken in the Country, and certified into the Petty-bagge shall be filled in the year without Warrant from the Lord Chancellor.

89. Writs of *Ne exeat regnum* are properly to be granted according to the suggestion of the Writ, in respect of attempts prejudicial to the King and State, in which case the Lord Chancellor will grant them upon prayer of any the principall Secretaries without cause shewing, or upon such information as his Lordship shall thinke of weight. But ocherwise also they may be granted according to the practice of long time used in case of enterlopers, in Trade, great Bankrupts, in whose estate many Subjects are interessed, or other cases that concerne multitudes, if the Kings Subjects also in case of Duells and diverse others.

90. All Writs, Certificates, and whatsoever other Proccesse *Ret. coram Rege in Canc.* shall be brought into the Chappell of the *Rolls*, within convenient time after the returne thereof, and shall be there filed upon their proper files and bundles as they ought to bee, except the Depositions of Witrnesses, which may remaine with any of the sixe Clarkes by the space of one year next after the cause shall be determined, by Decree; or otherwise be dismissed.

91. All Injunctions shall be inrolled, or the Transcript filed, to the end that if occasion be, the Court may take order to award Writs of *Scire fac.* thereupon, as in ancient time hath bene used.

92. All dayes given by the Court to Sheriffes to returne their Writs, or bring their Prisoners upon Writs of privilege,

or otherwise betweene party and party shall be filed, either in the Registers Office, or in the Petty-bagge respectively, and all Recognizances taken to the Kings use, or unto the Court, shall be duely inrolled in convenient time, with the Clarkes of the inrollment, and Calendars made of them, and the Calendars every Michaelmas Terme to be presented to the Lord Chancellor.

93. In case of Suites upon the Commissions for charitable uses to avoyd charge, there shall need no Bill, but onely exceptions to the Decree, and answer forthwith to bee made thereunto; and thereupon, and upon sight of the Inquisition, and the Decree brought unto the Lord Chancellor by the Clarke of the Petty-bagge, his Lordship upon perusall thereof will give order under his hand for an absolute Decree to bee drawne up.

94. Upon Suite for the Commission of *Sewards*, the names of those that are desired to be Commissioners are to be preferred to the Lord Chancellor in writing; then his Lordship will send the names of some Privy Countellor, Lievtenant of the Shiere, Justices of Assize, being resident in the parts for which the Commission is prayed to consider of them, that they be not put in for private respects, and upon the returne of such Opinion his Lordship will further order for the Commission to passe.

95. No new Commission of *Sewards*, shall bee granted whiles the first is in force, except it be upon discovery of abuse, or fault in the first Commissioners, or otherwise upon some great or weighty ground.

96. No Petition of Bankerupt shall be granted but upon Petition first exhibi.ed to the Lord Chancellor, together with names presented, of which his Lordship will take consideration, and alwaies single some learned in the Law with the rest, yet so as care bee taken that the same parties bee not too often used in Commissions, and likewise care is to bee taken that
Bond

Bond with good suretie be entred into in 200. pound at least to prove him a Bankrupt.

97. No-Commission of Delegates in any case of weight shall bee awarded, but upon Petition preferred to the Lord Chancellor, who will name the Commissioners himselfe, to the end they may bee persons of convenient quality, having regard to the weight of the cause, and the dignity of the Court from whom the appeale is.

98. Any man shall bee admitted to defend in *Forma pauperis* upon oath, but for Plaintiffes they are ordinarily to bee referred to the Court, of Requests, or to the provinciall Councells, if the case arise in the jurisdictions, or to some Gentlemen in the Country, except it bee in some speciall cases of commiseration or potency of the adverse party.

99. Licenses to collect for losses for fire or water, are not to be granted, but upon good Certificate, and not for decayes of surety-ship or debt, or any other casualties whatsoever, and they are rarely to be renewed, and they be to be directed unto the County where the losse did arise, if it were by fire, and the Counties that abut upon it as the case shall require, and if it were by Sea, then unto the County where the Port is, from whence the Ship went, and to some Counties adjoyning.

100. No exemplification shall bee made of Letters Patent (*Inter alia*) with omission of the generall words, nor of Records made voyd, or cancelled, nor of the Decrees of this Court, not enrolled, nor of depositions by parcell, nor of depositions in Court, to which the hand of the examiner is not subscribed, nor of Records of the Court not being enrolled or filed, nor of Records of any other Court, before the same bee duely certified to this Court, and orderly filed here, nor of any Records upon the sight

right and examination of any Cobby in Paper, but upon
 right and examination of the Originall.

101. And because time and experience may disco-
 ver some of these Rules to bee inconvenient, and some
 other to bee fit to bee added : therefore his Lordship
 intendeth in any such Case from time to time to publish
 any such Revocations or Additions.

FINIS.



